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PROCEEDINGS AND DEBATES OF THE 93^{d} CONGRESS, FIRST SESSION

SENATE—*Thursday, January 18, 1973*

The Senate met at 12 o'clock meridian and was called to order by the President pro tempore (Mr. EASTLAND).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Lord God, whom our fathers revered as sovereign over men and nations, we their sons offer to Thee our praise and thanksgiving for Thy guiding hand which has brought us to this hour. Grant to us reconciling grace and good will toward all men.

"From war's alarms, from deadly pestilence,
Be Thy strong arm our ever sure defense;
Thy true religion in our hearts increase,
Thy bounteous goodness, nourish us in peace."
—DONALD C. ROBERTS.

Rule over this body for the welfare of the Nation and Thy glory.

In the Redeemer's name we pray. Amen.

EXECUTIVE REPORTS OF COMMITTEES SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of January 16, 1973, the following favorable reports of nominations were submitted during the adjournment of the Senate:

On January 16, 1973:

By Mr. THURMOND, from the Committee on Armed Services:

Elliot L. Richardson, of Massachusetts, to be Secretary of Defense.

By Mr. TOWER, from the Committee on Armed Services:

William P. Clements, Jr., of Texas, to be a Deputy Secretary of Defense.

By Mr. HARRY F. BYRD, JR., from the Committee on Armed Services:

James R. Schlesinger, of Virginia, to be Director of Central Intelligence.

On January 17, 1973:

By Mr. TALMADGE, from the Committee on Finance:

Frank C. Carlucci, of Pennsylvania, to be Under Secretary of Health, Education, and Welfare.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, January 16, 1973, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE—ENROLLED JOINT RESOLUTION SIGNED

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled joint resolution (H.J. Res. 1) extending the time within which the President may transmit the budget message and the Economic Report to the Congress and extending the time within which the Joint Economic Committee shall file its report.

The enrolled joint resolution was subsequently signed by the President pro tempore.

ATTENDANCE OF A SENATOR

Hon. JAMES B. PEARSON, a Senator from the State of Kansas, attended the session of the Senate today.

ADMINISTRATION OF OATH

Mr. SCOTT of Pennsylvania. Mr. President, I ask unanimous consent, at this time, that the oath of office may be administered to the distinguished senior Senator-elect from Kansas (Mr. PEARSON).

The PRESIDENT pro tempore. Without objection, it is so ordered.

Since the certificate of election of Senator-elect JAMES B. PEARSON of Kansas has already been received and placed on file and printed in the RECORD on January 3, 1973, the Chair will now administer the oath of office to Senator-elect PEARSON, if he will present himself at the desk for that purpose.

The Senator, escorted by Mr. SCOTT of Pennsylvania, advanced to the desk of the President pro tempore; the oath prescribed by law was administered to him by the President pro tempore; and he subscribed to the oath in the Official Oath Book.

[Applause, Senators rising.]

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON SATURDAY, JANUARY 20, AND ORDER FOR ADJOURNMENT FROM SATURDAY TO TUESDAY, JANUARY 23, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, following the recognition of the two leaders or their designees on Saturday next, that there be a period for the transaction of routine morning business not to extend beyond 10:45 a.m., with statements therein limited to 3 minutes; and that at the conclusion of the aforesaid period for the transaction of routine morning business, the Senate stand in adjournment until 12 o'clock meridian on Tuesday next.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, am I now recognized as the designee of the distinguished majority leader under the 5-minute standing rule?

The PRESIDENT pro tempore. Yes.

ORDER FOR RECOGNITION OF SENATOR BENTSEN TODAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, at the conclusion of legislative business—not morning business—today, the distinguished Senator from Texas (Mr. BENTSEN) be recognized for not to exceed 15 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

VIETNAM

Mr. ROBERT C. BYRD. Mr. President, a report from Saigon, published on the front page of today's Washington Post, is deeply disturbing.

In this report, Peter Osnos, quoting "reliable South Vietnamese sources," claims that President Thieu has given his Province chiefs wide latitude to make political arrests after the cease-fire, and has empowered them to "shoot troublemakers on the spot."

Although we have no way of judging how reliable the "reliable" South Vietnamese sources are, past history of political repression on both sides of the DMZ gives some credence to the report.

It is tragic that after more than a

decade of U.S. involvement in South Vietnam, 50,000 Americans dead, 300,000 wounded, hundreds in prisoner-of-war camps and missing in action, to say nothing of the hundreds of billions of dollars expended, the Chief Executive of the country for which we have been trying to gain self-determination, should use such totalitarian methods of silencing political opposition.

It is my earnest hope that the reports to which I refer are ill-founded, but if they turn out to be true, it is time for us to do some hard thinking about our post-peace policy in South Vietnam.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON TUESDAY, JANUARY 23, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, on Tuesday next, immediately following the recognition of the two leaders or their designees, and the execution of any special orders for the recognition of Senators that may be entered prior thereto, there be a period for the transaction of routine morning business for not to exceed 45 minutes, with statements therein limited to 5 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The PRESIDENT pro tempore. The minority leader is now recognized.

FACTS AND NONFACTS—KOREA

Mr. SCOTT of Pennsylvania. Mr. President, every now and then there is a tendency to rewrite history. The way it goes, someone will recall something that did not happen. Then it is picked up by two or three people with influence on public opinion who assert that, yes, the nonfact was a fact and it did happen. Then, eventually, someone comes along and says, "As everyone knows" such and such a thing happened.

Thus the fact is erased from the record and the nonfact is substituted.

I should like to mention an instance of that on a recent Agronsky and company program. Two participants made the statement that before going into the Korean war President Truman—and I want to make the point here that I support what President Truman did—had consulted widely with the Congress and with Government officials at various echelons.

The story is promptly picked up by Tom Wicker of the Times who elaborates on it a bit and asserts it as a fact. Then it appears in Time magazine to the extent of alleging that President Truman even consulted down to the third echelons of government before he went into the Korean war.

Now, Mr. President, what actually happened was—and I was there as a young Representative on the floor of the House of Representatives—there were only three Members present on the floor. I looked at the CONGRESSIONAL RECORD of that day this morning and the RECORD does not show this, because a great deal of the business that was transacted in the morning hour that day between 12 o'clock and 12:30 was later inserted between the majority leader's announcement and statements by Representative FULTON and myself.

At 12:30 p.m. that day, there were present on the floor only three Members of Congress. The rest were down in the restroom or elsewhere. There were two members of my party and one member from the other. At that point, the then majority leader, McCormack, read a long statement by the President announcing for the first time, without any prior announcement to the people of America, that he had ordered the deployment of U.S. forces into Korea and elsewhere in the Far East for the purpose of repelling Communist aggression.

Representative FULTON rose to say, "What does this mean?" And his comment is in the RECORD.

I rose to say that whatever it meant, I was prepared to support my Government and I believed that all others would feel the same way in whatever action was necessary by this country to repel such aggression.

The history of those times was that Mr. McCormack and probably Speaker Rayburn and one or two other leaders from the Senate side had been advised very early in the morning of the President's intention.

This business of third echelon people being consulted refers obviously to the fact that with the aggression of North Korea, the Defense Department and the State Department collated all the information they could get and made it available to the President. President Truman acted decisively; he acted firmly.

As the only two members of our party on the floor, we immediately rallied behind him and gave him our support. We did not indulge in talk of dissent; we did not seek to make politics of it.

Before this nonfact becomes embedded in history—it is perfectly clear from the RECORD that that announcement fell like a bombshell on the American people. There was the element of surprise.

I have talked to members of the press who were there at the time and they confirm my recollection, and Members of Congress who were here at the time will confirm my recollection. President Truman did firmly what he had to do, and in my judgment what he did was right. But what is wrong is for the television commentators and certain newspapers and magazine commentators, perhaps because they were not here, perhaps because they do not remember, perhaps because they did not research it, to rewrite history. Whatever the reason, before this nonfact gets any further, let us nail it. I suggest that they read the RECORD of June 27, 1950, and thereafter.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the Senator from Oklahoma (Mr. BELLMON) is recognized for not to exceed 15 minutes.

(The remarks of Senator BELLMON when he introduced S. 437 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

FORCED BUSING OF MEMPHIS SCHOOLCHILDREN TO BEGIN NEXT WEEK

Mr. BROCK. Mr. President, next week schoolchildren in Memphis will begin a difficult and unfortunate chapter in their lives.

On that day forced busing, ordered by a Federal court, will take effect in Memphis. It is being done against the will of the people, in spite of the strong objections of public officials at all levels, and most importantly against the best interests of the children of Memphis and the quality of the education they receive.

The tremendous tolerance and forebearance of the people of our State, and others under similar coercion, is a testament to their respect for the law and this Nation. Such faith is a fragile and precious thing. Ultimately it must be rewarded by a solution to the problem, but until it is, frustration and impatience grows daily.

We have fought in the courts, and lost. We have passed prohibitory legislation, but it has not worked. The President, who feels so very deeply on this subject, has expressed his concern, and lent his support, to no avail. We have considered the issuance of an executive order by the President, halting the imposition of this program, only to be told that such an order, in the face of a Federal court decision, would have no effect.

It has been a long, disheartening struggle, and it now appears that nothing can stop the buses from rolling next week. I pray it will be in a setting of peace out of concern for innocent young people.

But I shall not abandon the legal fight. I am going to press with all the vigor at my command for the adoption of a constitutional amendment to end forced busing once and for all. I have reintroduced such a measure in the Senate, and shall not rest until the Senate accepts its constitutional and representative responsibility.

Can there be any doubt that this is the will of the people? Can there be any doubt that, put to a vote, it would be supported overwhelmingly? I think not.

Senators are elected to represent the people. I, for one, intend to do so.

It is my great regret that no proposal is going to take effect in time to prevent Wednesday's sadness in Memphis. Now, we must fight to stop the abuse at the earliest possible moment. The constitutional amendment will do that, and public and private citizens alike must unite to bring it about.

No school administrator can do his real job when he must consider transportation as his first priority. No community can concentrate on quality education when it is embroiled in this kind of controversy. No child ever got a good education on a bus.

We must get off the bus and back on the right track—to good schools for black and white, rich and poor.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. Hathaway). Under the previous order, the Senator from Alabama (Mr. Allen) is recognized for not to exceed 15 minutes.

(The remarks Senator Allen made when he introduced S. 416, the Equal Educational Opportunities Act, are printed in the Record under Statements on Introduced Bills and Joint Resolutions.)

The PRESIDING OFFICER. The Senator from Connecticut (Mr. Ribicoff) is recognized.

(The remarks Senator Ribicoff made when he introduced S. 423, to provide for a separate Cabinet level Department of Health, are printed in the Record under Statements on Introduced Bills and Joint Resolutions.)

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senator from Oregon (Mr. Hatfield) is to be recognized for not to exceed 15 minutes.

Mr. SCOTT of Pennsylvania. Mr. President, I ask unanimous consent that the Senator from Oregon yield to me for a colloquy with the majority leader without the time being taken from his 15 minutes.

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, I ask unanimous consent that I be permitted to yield to the distinguished Republican leader half of the time I have been allotted under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCOTT of Pennsylvania. Mr. President, I thank the distinguished majority whip for his generosity.

RESUMPTION OF TOP LEVEL PARIS PEACE TALKS

Mr. SCOTT of Pennsylvania. Mr. President, I rise because there is good news. I am very happy to call to the attention of the Senate a fact concerning language approved by both the United States and North Vietnam.

A bulletin from the Associated Press ticker reads as follows:

> Key Biscayne, Fla.—The Florida White House and Hanoi jointly announced today that top-level Paris peace talks will be resumed Tuesday "for the purpose of completing the text of an agreement."
>
> Emphasizing that he was reading language approved by both the United States and North Vietnam, Press Secretary Ronald L. Ziegler said:
>
> "Dr. Henry Kissinger will resume private negotiations with special adviser Le Duc Tho and Minister Xuan Thuy on Jan. 23, 1973, for the purpose of completing the text of an agreement."
>
> Ziegler indicated Kissinger would leave Washington Monday for Paris and said he could not predict how long the envoy might remain there.
>
> Asked if this would be the final meeting of Kissinger and Tho, Ziegler said, "The announcement will have to speak for itself."

I believe that the language used there, "completing the text of an agreement," is of unusual importance. This is the furthest that any of these announcements have gone. The fact that it is a joint announcement from Hanoi and the United States indicates that something very serious—and something that we hope will prove to be imminent—is going on.

I am glad to make the announcement, and I yield now to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, I knew nothing about this until I was leaving the Chamber, at which time I encountered the distinguished Republican leader. He showed me a copy of the bulletin containing the information which he has just read to the Senate.

May I say that I am glad in this 12th winter of our discontent, we have reached the point where the prospects are looking up and up. As the distinguished Republican leader has indicated, this is a joint announcement from both North Vietnam and the United States.

I wish to reiterate the quote which the distinguished Senator from Pennsylvania used. It is "for the purpose of completing the text of an agreement."

This is good news. I hope that this time it will go through, that this war will be ended, that an agreement will be reached, that all U.S. forces will be withdrawn from all of Indochina, that Laos will have a chance once again to resume its independent sovereignty under the leadership of its King, Souphanouvong, and that once again Cambodia will become a neutral haven.

I would expressly hope, as I have done many times before, that Prince Norodim Sihanouk would be returned from Peking to take over Phnom Penh, because he is the only one, in my opinion, who can bring peace and neutrality to Cambodia.

Evidently it would appear on the basis of this report that this agreement has at least been acceded to in part by the Vietcong, the so-called National Liberation Front, and the Vietnamese Governmen in Saigon.

I join the distinguished Republican leader in expressing the hope that I know is dear to his heart also, that this sad struggle, this mistaken war in which we have been engaged for 12 years, is drawing to a close, and that we may learn something from this and never again be involved in an Indochinese war.

Mr. SCOTT of Pennsylvania. Mr. President, in response to what the distinguished majority leader has said, I say, "Please, Lord, never, never again."

The item from the United Press International ticker reads:

> This is the first time that the Presidential spokesman has ever used the term "Agreement" in discussing the secret peace negotiations that go back to Aug. 4, 1969.

While I have not done so before, I would now strongly plead with my colleagues for some temperament and some restraint so that nothing said in or out of this Chamber would imperil the situation which appears to be moving toward a conclusion.

I hope that no one will seek any publicity for the sake of publicity, that no one will seek an advantage for the sake of an advantage and that all of us, in a spirit of patriotic obligation to those who fight, to those who wait in a prisoner of war camp, and to those who are missing in action who may yet be accounted for and to all of those in the country who cry out for an end to the war in Vietnam, will at least now give the negotiators a chance to carry out without interference and without the kind of speculation which would imperil the negotiations. I hope that we will give them a chance to arrive at a peaceful and just settlement.

Mr. MANSFIELD. Mr. President, if the Senator would yield further, may I say that I have been very proud of the attitude of the Senate since Dr. Kissinger left this country 2 weeks ago this coming Sunday to resume the negotiations and talks with Le Duc Tho. I think the Senate on both sides of the aisle has acted with remarkable restraint.

I would point out that as far as the Democrats in this body are concerned, we are prepared to do our best to see that these negotiations are carried to a fruitful conclusion and that an agreement is finally reached. The distinguished Republican leader may be glad to know that this pledge will be kept because what we want first is peace and then we want out. That is what we want, that is what the Senate wants, and that is what the American people want.

Mr. SCOTT of Pennsylvania. I thank the distinguished majority leader. He always meets an occasion with patriotism and responsibility. I thank him for his assurance from his side of the aisle. I can give the same assurance from this side of the aisle. The members of the Republican Party will join with the Democratic Party in the recognition that we are, first of all, Americans, and that our country's future is best guaranteed by a joinder of forces, by a common unity, and by a determination to see that whatever can be done will be done to bring to an end this most dreadful of all wars.

The PRESIDING OFFICER. The time allotted to the majority leader has expired.

Mr. MANSFIELD. Mr. President, will the Senator from West Virginia yield me 1 minute?

Mr. ROBERT C. BYRD. I yield 3 minutes to the able majority leader.

Mr. MANSFIELD. With apologies to the Senator from Oregon.

EXECUTIVE PRIVILEGE—THE STENNIS-NELSON RESOLUTION

Mr. MANSFIELD. Mr. President, on January 16 I inserted in the Record phase 1 which comprised a set of resolutions which were adopted by the Democratic Conference on Thursday, January 11, 1973. Those resolutions had to do with priority in considering legislation, a resolution on open hearings, and the refusal of Cabinet and other executive officials to testify before Senate committees.

At this time, Mr. President, I ask that phase 2 in the resolutions, deliberations, and considerations of the Senate Democrats in conference be printed in the Record, and that will include the resolution of the Senate Democratic Policy Committee as approved by the conference this morning in relation to executive privilege and also the comments made by the leadership on the Stennis-Nelson resolution, which was the resolution pertaining to the question of executive privilege.

There being no objection, the items were ordered to be printed in the Record, as follows:

Resolution of Senate Democratic Policy Committee—Re Executive Privilege

Whereas, The Senate must be fully informed of the facts and premises upon which proposed actions of the government are based if the Senate is to exercise its constitutional responsibility in enacting the law and appropriating the funds of this government, and

Whereas, The refusals in the past of Cabinet officers and other officials of the Executive Branch of the government to testify and inform the Senate when requested by its Committees have constituted a grevious erosion of the checks and balances prescribed in the Constitution, and

Whereas, The Executive Branch has asserted that the refusal to testify before Senate Committees is based upon the notion of privileged communications between the President and the officials requested to testify, and

Whereas, The Senate Democratic Policy Committee is charged by the Majority Conference of the Senate to recommend proposals for correcting these deficiencies, Be It Therefore

Resolved, That all such proposed witnesses appear; that all questions propounded by Senate Committees be answered unless the President expressly pleads in writing that he has requested the witness to refuse to answer specific questions dealing with a specific matter because the President desires to invoke executive privilege, in which event it shall then be a question of fact for the Committee to decide as to whether or not the plea of executive privilege is well taken. If not well taken, the witness shall be ordered to answer the question or questions; and Be It Further

Resolved, That when any Committee upholds or denies the invocation of executive privilege, it shall within ten days file with the Senate a resolution together with a report and record of its proceedings bearing on such claim of executive privilege, and the Senate shall take such action as it deems proper on disposition of said resolution.

Comments on the Stennis-Nelson Resolution by Senator Mike Mansfield

Before putting the Stennis-Nelson resolution on Executive Privilege before the Conference, I wish to set out the background on this measure as well as my own position.

Senator Stennis first made his proposal at the last Conference, as a floor amendment to the Policy Committee's Draft Resolution on the Confirmation of Executive appointees. I opposed its adoption at that time and in those circumstances. I did so not on the merits of Senator Stennis' proposal but because I thought the question of Executive Privilege should have prior consideration in the Policy Committee and in connection therewith, the comments of Senator Ervin who is a recognized legal authority on the subject.

I was concerned, too, that adding Executive Privilege to the Committee's resolution would confuse two separate but related issues. The first issue arises from what is, in my judgment, the absolute Constitutional obligation of Executive appointees "to appear and testify" when summoned by duly constituted Committees of the Senate and the right of the Senate to insist upon recognition of that obligation as a condition for confirmation. That idea and only that idea was incorporated into the resolution which the Policy Committee proposed and the Conference finally adopted last week.

The second issue is the doctrine of Executive Privilege. I regard that as in a gray area of the Constitution. Whatever the validity of the doctrine, it seems to me that the plea of Executive Privilege ought not to be made, in any event, by any Senate-confirmed appointee until *after* he has appeared before a Committee and then not in a sweeping fashion but only in response to specific questions of the Committee.

That is what the Stennis-Nelson resolution, as I understand it, is all about. It is a way of facing up to the question of when to accept and when to reject the plea of Executive Privilege, as it may be made by a Senate-confirmed appointee *after* he has clearly accepted his obligation "to appear and testify," as a condition of confirmation.

The Stennis-Nelson resolution was considered by the Policy Committee and after hearing from Senator Ervin, the resolution was adopted unanimously.

I intend to support, as is, the adoption of the Stennis-Nelson resolution by the Conference. It would be my hope, however, that Members would be extremely wary of interpreting it as applying to the President's most intimate advisors. I have in mind advisors such as Mr. Kissinger, Mr. Ehrlichman and others of that kind who are chosen by the President directly and who are paid for out of appropriations for the White House staff, who have no departmental responsibilities and who are not subject to Senate confirmation. In interpretations to date, it seems to me that the press has tended to bring these people within the scope of the Stennis-Nelson resolution. It would be diversionary and dangerous, in my judgment, for the Democratic Conference to insist on doing the same.

In the first place, I believe any President is entitled to have a few intimate advisors on the basis of absolute confidentiality who are not subject to Senate confirmation. The Senate, in my judgment, should respect that confidentiality at least while the advisors remain in the close counseling relationship with the President. If the number of such White House advisors is growing excessively, as appears to be the case, there are ways to curb the growth. As I promised the Conference at the last meeting, the Policy Committee is also going to look into that question and, if warranted, a resolution will be offered to curb Presidential appointments not subject to Senate confirmation. But that is not the same question as Executive Privilege and I would hope that we can keep the two separate.

It seems to me, if the matter of Executive Privilege does come to a Court test, as may well be the case, the Senate will be on much sounder ground if we do not insist that we have a right to be privy to everything that Mr. Kissinger may whisper into the President's ear. We will be on much sounder ground if we insist, for example, that a sweeping interpretation of Executive Privilege by a Secretary of State to the extent that he will not even respond to reasonable summons from a Committee is not Constitutionally permissible whereas the same may not hold in the case of a Mr. Kissinger, or a Mr. Rostow or a Mr. Bundy.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the first three nominations on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF COMMERCE

The second assistant legislative clerk read the nomination of Frederick B. Dent, of South Carolina, to be Secretary of Commerce.

Mr. THURMOND. Mr. President, since we are considering the nomination of Mr. Fred Dent to be Secretary of Commerce, I ask unanimous consent that my remarks before the Commerce Committee last week be inserted in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

Statement by Senator Strom Thurmond Before the Commerce Committee Reference Hon. Frederick B. Dent, January 12, 1973

Mr. Chairman, it is indeed a pleasure for me to appear here today on behalf of the nomination of a fellow South Carolinian to be Secretary of Commerce. I of course share the pride of the people in my state in having one of our distinguished citizens named to the President's Cabinet. In addition, I am particularly pleased that a man of Fred Dent's nature has been chosen by the President. I have known Fred Dent personally for a number of years, and know firsthand of the outstanding character and ability he brings to this post.

Fred Dent is a textile executive whose career is characterized by the respect he enjoys from his peers throughout the Nation. Although Mayfair Mills, which he serves as president, is by no means a giant in the field, Fred Dent was President of the American Textile Manufacturers Institute for 1967–68, and in 1971 he was selected "Man of the Year" by the Textile Section of the New York Board of Trade. He is also a member of the Labor Management Labor Textile Advisory Committee and serves as Trustee and Treasurer of the Institute of Textile Technology.

Mr. Chairman, in addition to his affiliations with the textile industry, Fred Dent has also served in numerous positions representing a broad spectrum of commercial interests. He is a member of the Commerce Department's International Business Advisory Committee, the National Industrial Pollution Control Council, and the Business Council. He is a Director of General Electric, the Crompton Company, Scott Paper Company and South Carolina National Bank and a Trustee of Mutual Life Insurance Company of New York.

In addition to his numerous business affiliations, Fred Dent has shown an active interest in public affairs on both the local and national level. He serves as a member of the President's Commission on the All Volunteer Army, and is Chairman of the Spartanburg County Planning and Development Commission in South Carolina. He also serves as a Trustee of Spartanburg Day School.

Fred Dent is married to the former Mildred Harrison and they are the parents of five children. He attended St. Paul's and Yale, graduating with a B.A. degree. He served in the Pacific Theater in World War II as an Ensign in the U.S. Naval Reserve.

Mr. Chairman, this biography certainly attests to Fred Dent's ability, his achievements, and his broad experience and interests. It does not, however, give an adequate picture of the man, for he possesses important qualities which are difficult to measure by reference to Committees and Boards of Directors. He is a courteous and considerate man. He is a man who cares about his community. His principles are above reproach. His concern for his community and mankind are well known. He is a man of achievement and success, but more than that, he is a man of character, capacity and dedication. He is not only a true scholar, but is a modest gentleman.

In closing, Mr. Chairman, I consider it an honor and a privilege to present Mr. Fred Dent to you. I believe him to be highly qualified in every respect for the position of Secretary of Commerce. His nomination by the President is a tribute to him, and I am confident that his tenure as Secretary of Commerce will make a significant contribution to the United States government.

We were delighted in South Carolina that he saw fit to come South. We hope more Yankees of his caliber and stripe will do likewise. Thank you.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

DEPARTMENT OF TRANSPORTATION

The second assistant legislative clerk proceeded to read sundry nominations in the Department of Transportation.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that communications which I have received pertaining to the willingness of the nominees to appear before the appropriate committees be incorporated at this point in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

U.S. Senate,
Committee on Commerce,
Washington, D.C., January 18, 1973.

MEMORANDUM

To Senator Mansfield.
From Senator Magnuson.

In connection with the nominations of Claude S. Brinegar as Secretary of Transportation and Egil Krogh, as Undersecretary, I am enclosing for your information copies of letters by the nominees confirming their willingness to appear and testify before the Committee upon request.

During the nomination hearing of Frederick B. Dent as Secretary of Commerce, the Committee received similar assurance from Mr. Dent.

Claude S. Brinegar,
Rolling Hills, Calif., January 17, 1973.

Hon. Warren G. Magnuson,
Chairman, Committee on Commerce, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: I refer to the Committee's request for a statement from me as to my willingness to appear and testify before duly constituted Committees of the Congress in response to Committee requests. You may be assured that I will appear and testify whenever such a Committee indicates that a personal appearance by me is necessary to the Committee's consideration of any matter before it.

I would hope, of course, that the date of an appearance will be mutually agreeable, so that I may have adequate time for preparation. I would also assume that, as has been the custom in the past, the Committees will consider accepting as witnesses in my stead other Presidential appointees in the Department in circumstances where those appointees are more intimately informed concerning the subject matter of a particular hearing.

Sincerely,

Claude S. Brinegar.

Egil Krogh, Jr.,
Washington, D.C. January 17, 1973.

Hon. Warren G. Magnuson,
Chairman, Committee on Commerce, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: I refer to the Committee's request for a statement from me as to my willingness to appear and testify before duly consituted Committees of the Congress in response to Committee requests. You may be assured that I will appear and testify whenever such a Committee indicates that a personal appearance by me is necessary to the Committee's consideration of any matter before it.

I would hope, of course, that the date of an appearance will be mutually agreeable, so that I may have adequate time for preparation. I would also assume that, as has been the custom in the past, the Committees will consider accepting as witnesses in my stead other Presidential appointees in the Department in circumstances where those appointees are more intimately informed concerning the subject matter of a particular hearing.

Sincerely,

Egil Krogh, Jr.

EXECUTIVE REPORT OF A COMMITTEE

As in executive session, the following favorable report of a nomination was submitted:

By Mr. JACKSON, from the Committee on Interior and Insular Affairs:

John C. Whitaker, of Maryland, to be Under Secretary of the Interior.

DEPARTMENT OF THE INTERIOR

Mr. MANSFIELD. Mr. President, I send to the desk the nomination of John C. Whitaker, of Maryland, to be Under Secretary of the Interior. I understand that he has indicated his willingness to appear before the Committee on Interior and Insular Affairs. That assurance was given by the distinguished chairman of that committee, the Senator from Washington (Mr. Jackson), and I ask that the Senate proceed to the consideration of that nomination.

The PRESIDING OFFICER. The clerk will report the nomination.

The second assistant legislative clerk read the nomination of John C. Whitaker, of Maryland, to be Under Secretary of the Interior.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. MANSFIELD. I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE RESOLUTION 20—RESOLUTION INCREASING THE MEMBERSHIP OF THE SPECIAL COMMITTEE ON AGING

Mr. MANSFIELD. Mr. President, I send to the desk a resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The assistant legislative clerk read the resolution (S. Res. 20), which was considered and agreed to, as follows:

S. Res. 20

Resolved, That the Special Committee on Aging, established by S. Res. 33, Eighty-seventh Congress, agreed to on February 13, 1961, as amended and supplemented, shall hereafter consist of twenty-two members, thirteen of whom shall be appointed from the majority party and nine of whom shall be appointed from the minority party.

The PRESIDING OFFICER. Pursuant to Senate Resolution 20 and on behalf of the Vice President, the Chair appoints the Senator from Rhode Island (Mr. Pell) to the Special Committee on Aging.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, for purposes of seniority among the majority party membership of the Committee on Aging, Senator Pell be given seniority immediately following Senator Hartke. The committee should read as follows: Mr. Church, chairman, Mr. Williams, Mr. Bible, Mr. Randolph, Mr. Muskie, Mr. Moss, Mr. Kennedy, Mr. Mondale, Mr. Hartke, Mr. Pell, Mr. Eagleton, Mr. Tunney, Mr. Chiles.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE RESOLUTION 12—MEMBERSHIP ON THE SELECT COMMITTEE ON SMALL BUSINESS—RECONSIDERATION AND AMENDMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the adoption of Senate Resolution 12, as agreed to on January 4, 1973, and as modified on January 9, 1973, and January 11, 1973, be reconsidered and amended as follows: the name of Mr. Pell be stricken from the list of names of the membership on the Select Committee on Small Business; and that the resolution as thus modified and amended be agreed to.

The amended resolution reads as follows:

Senate Resolution 12

Resolved, That the following shall constitute the majority party's membership on the standing committees, and the Select Committee on Small Business of the Senate for the Ninety-third Congress:

Committee on Aeronautical and Space Sciences: Mr. Moss (Chairman), Mr. Magnuson, Mr. Symington, Mr. Stennis, Mr. Cannon, Mr. Abourezk, Mr. Haskell.

Committee on Agriculture and Forestry: Mr. Talmadge (Chairman), Mr. Eastland, Mr. McGovern, Mr. Allen, Mr. Humphrey, Mr. Huddleston, Mr. Clark.

Committee on Appropriations: Mr. McClellan (Chairman), Mr. Magnuson, Mr. Stennis, Mr. Pastore, Mr. Bible, Mr. Byrd of West Virginia, Mr. McGee, Mr. Mansfield, Mr. Proxmire, Mr. Montoya, Mr. Inouye, Mr. Hollings, Mr. Bayh, Mr. Eagleton, Mr. Chiles.

Committee on Armed Services: Mr. Stennis (Chairman), Mr. Symington, Mr. Jackson, Mr. Ervin, Mr. Cannon, Mr. McIntyre, Mr. Byrd of Virginia, Mr. Hughes, Mr. Nunn.

Committee on Banking, Housing and Urban Affairs: Mr. Sparkman (Chairman), Mr. Proxmire, Mr. Williams, Mr. McIntyre, Mr. Cranston, Mr. Stevenson, Mr. Johnston, Mr. Hathaway, Mr. Biden.

Committee on Commerce: Mr. Magnuson (Chairman), Mr. Pastore, Mr. Hartke, Mr. Hart, Mr. Cannon, Mr. Long, Mr. Moss, Mr. Hollings, Mr. Inouye, Mr. Tunney, Mr. Stevenson.

Committee on Finance: Mr. Long (Chairman), Mr. Talmadge, Mr. Hartke, Mr. Fulbright, Mr. Ribicoff, Mr. Byrd of Virginia, Mr. Nelson, Mr. Mondale, Mr. Gravel, Mr. Bentsen.

Committee on Foreign Relations: Mr. Fulbright (Chairman), Mr. Sparkman, Mr. Mansfield, Mr. Church, Mr. Symington, Mr. Pell, Mr. McGee, Mr. Muskie, Mr. McGovern, Mr. Humphrey.

Committee on Government Operations: Mr. Ervin (Chairman), Mr. McClellan, Mr. Jackson, Mr. Muskie, Mr. Ribicoff, Mr. Metcalf, Mr. Allen, Mr. Chiles, Mr. Nunn, Mr. Huddleston.

Committee on Interior and Insular Affairs: Mr. Jackson (Chairman), Mr. Bible, Mr. Church, Mr. Metcalf, Mr. Johnston, Mr. Abourezk, Mr. Haskell.

Committee on the Judiciary: Mr. Eastland (Chairman), Mr. McClellan, Mr. Ervin, Mr. Hart, Mr. Kennedy, Mr. Bayh, Mr. Burdick, Mr. Byrd of West Virginia, Mr. Tunney.

Committee on Labor and Public Welfare: Mr. Williams (Chairman), Mr. Randolph, Mr. Pell, Mr. Kennedy, Mr. Nelson, Mr. Mondale, Mr. Eagleton, Mr. Cranston, Mr. Hughes, Mr. Hathaway.

Committee on Public Works: Mr. Randolph (Chairman), Mr. Muskie, Mr. Montoya, Mr. Gravel, Mr. Bentsen, Mr. Burdick, Mr. Clark, Mr. Biden.

Committee on Rules and Administration: Mr. Cannon (Chairman), Mr. Pell, Mr. Byrd of West Virginia, Mr. Allen, Mr. Williams.

Committee on Post Office and Civil Service: Mr. McGee (Chairman), Mr. Randolph, Mr. Burdick, Mr. Hollings, Mr. Moss.

Committee on the District of Columbia: Mr. Eagleton (Chairman), Mr. Inouye, Mr. Stevenson, Mr. Tunney.

Committee on Veterans Affairs: Mr. Hartke (Chairman), Mr. Talmadge, Mr. Randolph, Mr. Hughes, Mr. Cranston.

Select Committee on Small Business: Mr. Bible (Chairman), Mr. Sparkman, Mr. Nelson, Mr. McIntyre, Mr. Nunn, Mr. Johnston, Mr. Hathaway, Mr. Abourezk, Mr. Haskell.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. I thank the Senator from Oregon for his patience.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. HATFIELD. Mr. President, may I inquire as to the time situation I am under?

The PRESIDING OFFICER. The Senator has 15 minutes.

PRIVILEGE OF THE FLOOR

Mr. HATFIELD. Mr. President, I ask unanimous consent that Keith Kennedy, of my staff, be permitted to be present in the Chamber during my speech and immediately thereafter.

The PRESIDING OFFICER. Without objection, it is so ordered.

FREEDOM OF INFORMATION LEGISLATION

Mr. HATFIELD. Mr. President, Thomas Jefferson one said that—

> The basis of our government being the opinion of the people, the very first object should be to keep that right. . . . Were it left to me to decide whether we should have a government without newspapers, or newspapers without government, I should not hesitate a moment to prefer the latter.

For some time I have been concerned that Jefferson's admonition may have been forgotten. In 1966, Ms. Annette Buchanan, a reporter for an Oregon student newspaper, was called upon to divulge the identities of unnamed persons referred to in a story about marihuana use among students. She refused to disclose this information, pleading a protection against such disclosure under the first amendment guarantee of a free press.

But the Oregon Supreme Court found that the first amendment did not afford such protection, and ordered Ms. Buchanan to comply with the subpena. This ruling prompted the Oregon Legislature to consider legislation to protect newsmen from forced disclosure in both the 1967 and 1971 sessions. Although these earlier efforts failed, the legislature will be considering similar legislation in the 1973 session, and I certainly support that action.

The ramifications of this issue have now spread beyond Oregon, for in recent months the press throughout the Nation has been subjected to frequent judicial interference with its news-gathering and reporting activities that threatens our constitutional right to a free press. Since the Supreme Court's decision in Branzburg against Hayes, which involved circumstances very similar to those in the Buchanan case, several newsmen across the country have gone to jail for contempt of court after refusing to disclose their confidential sources and information, and more are facing similar action. This need never have happened, and the legislation I will introduce today need not have been necessary. For nearly 200 years the first amendment's guarantee of a free press has protected the free flow of information vital to a democracy. But now the courts have seen fit to issue subpenas and harsh contempt of court rulings against newsmen, and this has endangered the people's "right to know."

This right to know, implicit in the guarantees of the first amendment, means that the people must have access to a wide range of information, not just the official pronouncements and press releases of Government. The Founding Fathers, keenly aware of the abuse of power, never envisioned a government so unmindful of its own self-interest that it would freely disseminate information detailing its failures as well as its successes. James Madison put it succinctly:

> The truth is that all men having power ought to be mistrusted.

The task of reporting to the people what their Government is doing to them, for them, and in their name was therefore reserved for a free press, protected from Government interference and control by the first amendment.

Free from interference, the press is able to provide us with information on what is happening in all levels of Government, from the White House to the county courthouse. It is important to remember that what is at stake here is not just the rights of a few large newspapers or wire services, but also of the small dailies and weeklies throughout the country. We are not only talking about the rights of the Nicholas Von Hoffmans and the James J. Kilpatricks of journalism, but also about the rights of the city hall reporter, providing us with information about the conduct of our local government. Indeed, the protection of these rights may be more important to small newspapers and local broadcast stations, since they lack the legal and financial resources to combat a flurry of subpenas. If they are forced out of business because of high court costs, our supply of information will be limited further. Without the information uncovered by diligent reporters, or supplied them by confidential sources, we would only have the unchallenged assertions of public officials themselves, making it virtually impossible for us to make informed judgments placing blame where it belongs, giving credit where it is due.

Mr. President, later on, I shall ask unanimous consent to have some very important documents relating to the bill printed in the RECORD, but at this time I should like to refer to an excellent editorial written by L. R. Zimmerman, editor of the Cottage Grove, Oreg., Sentinel. He points out succinctly:

> We are concerned about the pressure because once the long standing walls which have protected press freedom since our constitution was written begin to crumble there will be no stopping the fall. If the courts and the government once get their foot into the door of controlling the press the control will filter down rapidly to the smallest of governmental bodies and then that is when the small community will really feel the pinch.

Our right to know does not merely extend to the relationship between the press and the Government, however. The press reports on the entire society, its truth and its sham, its beauty and its ugliness. Without such knowledge about all aspects of society, the people cannot respond in a rational and principled way. Newsmen's efforts to penetrate the suspicion and hostility of protest and underground groups will be impeded if these groups feel that anything newsmen learn will be subject to forced disclosure. Any disruption of the already tenuous channels of communication between alienated segments of our society is a loss which we cannot afford.

In its Branzburg ruling, the Supreme Court was unable to accept the argument, according to Justice White, that:

> The public interest in possible future news about crime from undisclosed, unverified sources must take precedence over the public interest in pursuing and prosecuting those crimes reported to the press by informants.

But the Court overlooks the fact that it is highly unlikely the public will even hear very much about criminal activity if press informants "dry up" for fear of forced dsclosure. Surely the ends of justice are better served if all the people, not just law enforcement agencies and judges, have access to information on criminal activity. Certainly they are better served if that information points to corruption and malfeasance by those officials themselves.

As Justice Stewart said in his ringing dissent to the Court's Branzburg decision:

> The Court . . . invites state and federal authorities to undermine the historic independence of the press by attempting to annex the journalistic profession as an investigative army of the government. Not only will this decision impair the performance of the press' constitutionally protected functions, but it will, I am convinced, in the long run, harm rather than help the administration of justice.

Thomas Jefferson urged his countrymen to:

> Let no more be heard of the mischief of man, but bind him down with the chains of the Constitution.

Those chains have not yet been broken, but some of the links are weakening under the strain that judicial interference has put upon our right to a free press.

Our democracy is not distinguished from totalitarianism by our technological achievements or our material affluence. Totalitarian regimes will eventually catch up in these areas. Our greatest triumph is our commitment to the right of free speech and a free press, freedoms which no totalitarian regime can afford to grant its people, and freedoms which we cannot afford to lose.

I am therefore introducing today, with my distinguished colleagues Senators MANSFIELD, YOUNG, METCALF, and COOK as cosponsors, a bill to protect newsmen from forced disclosure of their confidential sources and information, except when a newsman is the defendant in a libel action. I have made this one qualification to an absolute privilege to prevent a newsman from attributing allegedly defamatory information to a "reliable source," and the using that source in his defense without identifying him.

It has been argued that this qualification will expose newsmen to court action from irate public officials whose record has been criticized by the press, and in that court action the newsmen's confidential source will be disclosed. I do not believe that will happen, if my understanding of two court rulings is correct. In New York Times against Sullivan, the Supreme Court ruled that public officials can make recovery for a defamatory falsehood only if the same is published with actual malice. And in Cervantes against Time, Inc., a case on appeal from the eighth circuit court of appeals, it was held that a newsman's confidential sources need not be identified to a plaintiff in a libel suit absent a concrete demonstration that the identification will lead to persuasive evidence on the issue of malice.

Beyond this one exception to an absolute privilege, I feel that further qualifications will erode the basic intent of the bill and subject the press to continued judicial interference. To rescind the privilege on the grounds of "overriding national interest," for example, makes the integrity of the privilege fluctuate along with the vagaries of partisan politics. I doubt very much that it was in the overriding national interest to send Earl Caldwell to jail for withholding information on the activities of the Black Panthers.

Nor would it be wise to allow rescission of the privilege if the information is not readily obtainable from other sources. It would be dangerous to make the press an investigative arm of the government, doing what law enforcement agencies do not have the capability or the desire to do.

I offer this bill in the belief that an informed public is the backbone of our democracy. It is not an attempt to grant newsmen a special status exempting them from the demands of justice. It is an effort to protect our constitutional right to a wide-open and robust dissemination of ideas and information. For nearly 200 years, the press has served us well in providing us with the information we need to be good citizens. Its unbridled voice is as vital today as in 1776.

Mr. President, I now ask unanimous consent to have various newspaper articles printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Oregonian, Dec. 26, 1972]

SERIOUS TROUBLE—NATION'S PRESS PUT IN JEOPARDY BY COURT ORDERS TO OPEN FILES

(By William F. Thomas)

It will come as no surprise to you that the press is in serious trouble with the courts. Our people are going to jail and, perhaps even more serious in the long view, some elements of the press already are avoiding the kind of story that might cause them trouble.

The question, of course, is why. Why this confrontation with the courts on issues so occasional lapses, it is true—for a couple of hundred years?

You have heard many answers in recent months, references to the Constitution, to hallowed tradition, to the appropriate utterances of the great and famous, to the public weal.

Many of these have been eloquent and penetrating and true but, judging from some of our mail and from public statements by a variety of spokesmen, qualified and unqualified, they do not seem to have answered all of the questions.

One reason seems to be that we have not always explained ourselves in less than abstract terms.

When we're asked, "How come you guys don't have to obey the judge just like everybody else?" we often come back with the basic that they have been accepted—with Constitution, which is valid, but not altogether convincing, since the other side is always citing the Constitution too.

So. Why are we so special? And how do you answer that question without the risk of sanctimony?

One way to begin might be to admit to some imperfection. As all the world knows anyway, we have potted some beauties. So pomposity, with which we often seem afflicted, ill becomes us and deflects attention from our cause.

And we do have a cause, and by we I mean all journalists, print and electronic, newspaper and magazine. Warts and all, we are your only avenue of information, for all practical purposes, except agencies and people directly involved in whatever it is you want information about.

If you want to know what the governor did today—without us—you will have to listen to the governor himself, and his friends and opponents.

Without us, if you want to know what happened in city council, you will have press releases from parties involved.

If you want to know what happened in the courtroom—without us—you must rely on the judge to explain and evaluate his own actions, and each attorney to do the same—providing the judge will permit you to hear anything at all.

And so it goes. With all our faults, it's hard to visualize an American public that would knowingly permit the stifling of the press, whose main purpose is to inform it, however imperfectly, and leave itself in the position of making judgments based on information by press release.

I exaggerate, of course, but not so much as you might think.

Let me give you a few specifics, true specifics.

Some years ago the Times published a prize-winning series of stories on zoning practices which attempted, with considerable success, to shed some light on the way in which land intended for one purpose got to be used for quite another purpose.

The original source was a very prominent lawyer, angered by what he considered the chicanery he was forced to engage in to do business in this field.

However, he was not angry enough to forget that he had to continue to do business with the public officials who caused his anguish, so he would not permit use of his name or even the publication of specifics which would tend to identify him.

But he provided enough information, under our guarantee that he would never be publicly identified, to lead to other sources and—after several years of hard work—to the series itself.

This, more or less, is the pattern followed in other such stories, in the Times, in other newspapers, in the electronic media.

Which leads us back to the judge. Because he is now insisting that we publicly identify such sources when he decides this is in the interest of the court and even, as has happened, in the interest of a grand jury investigation.

Well, this is fine for the judge and for the grand jury, but it's hell on wheels for us, and thus for you.

Even if some of us go to jail to protect sources, and you have seen that happen, we soon are not going to have any.

It doesn't take a cynic to figure out that few potential sources will take a chance on a newsman's continued willingness to go to jail to protect his anonymity. Jail, after all, is not a fun experience.

If you think the fears of our potential sources are unreal, let me cite another specific.

The principal source in another Times series, this time outside the city, was a man of courage who permitted himself to be publicly quoted and provided facts and figures.

Two convictions of public officials resulted from those stories, and a shakeup in procedures of a public agency which spends millions of your dollars.

Our source, however, was fired by the

agency's directors after 27 years on the job, and got his job back only after more than two years of litigation and considerable publicity resulting in public pressure.

Another example: After literally years of trying to find a businessman willing to tell in detail how he did business with a public agency, we persuaded one to do so as a public service. Anonymously, of course, for he wanted to continue to be a businessman.

Two weeks ago, long after this story was published, he called me and asked if these stories about the judges and newsman's sources meant he faced the danger of retroactive identification. He was serious, and he was afraid.

Do you think this respectable man, and others like him and others not so respectable, will ever tell what they know to a newspaper again?

And if they don't, do you think that you will ever hear through any other avenue what it is that they have to tell you.

Until last week, the Times had been backed against the wall from an entirely unexpected direction. The Watergate case confronted us with a demand that we turn over to the defense attorney everything we possess—notes, memos, tape recordings, everything—having anything at all to do with an interview with the chief prosecution witness. Such an order only months ago would have been unthinkable.

If we had lots our appeals—and today's Supreme Court has already made clear its contempt for the rights of the press—we and all the media would have become a grab bag for every attorney in every conceivable kind of case.

Give us all you've got that has anything to do with our client or his opponent, they would be able to say—even though they may not have the foggiest notion what we have in our files or, indeed, whether we have anything at all.

And it wouldn't be long, obviously, before there would be little in our files pertaining to anything, for nobody in his right mind would thenceforth communicate with us except by press release.

The Watergate case was resolved unexpectedly when the confidential source we were protecting requested that we release his tape recordings in his own best interest, but the issues raised here are sure to confront us again.

So this business of getting at our sources works in many ways, but they all have the same result: We lose our sources, we spend an awful lot of time in court—not to mention money—and we would be less than human if we did not begin to get cautious. And all of this means there are an increasing number of things you are not likely to hear about in the future.

Even large, successful newspapers are tempted now to squint carefully at stories with danger flags sticking out all over them, stories in the public interest.

The trouble is, these would include the kind of stories that won two of the Times' Pulitzer prizes in the past five years. At the time of the riots, can you imagine the people of Watts talking frankly with us about their troubles with the police, or educators talking candidly about the schools there, to mention only a few, if they knew we might be forced to publicly identify them?

The same goes for the many businessmen and public officials who provided the leads for stories on the city commissions which resulted in indictments, convictions and—we hope—some changes in attitudes and procedures there.

If it's tough for the big papers, imagine what it must be like for the smaller ones. The Times in the past four years has fought 30 subpoenas involving either our people or our information, and staved off some 50 other attempts to obtain our materials.

We have been through the appellate procedures many times and all the way to the Supreme Court twice. We have spent well in excess of $100,000, and the rate of such spending is rising sharply. One of our reporters is in jail, another was jailed briefly two weeks ago, and the chances against others meeting the same fate are not good.

How many small newspapers or magazines or radio or TV stations do you think have the resources or the will to put up this kind of fight? Most don't even have legal staffs, and few have great financial resources, and it is to their credit that more of them don't simply lie down and play dead.

How did we get into this terrible fix?

Well, you can get as many explanations as you ask for. Some blame the newspapers themselves. Sensationalism, and lack of sensitivity for the rights of defendants, they say, brought our plight upon ourselves.

A grain of truth here, of course, but this scenario falls down in some important aspects. For one thing, newspapers have been steadily heading in the direction of less sensationalism, not more. For another, many of the cases in which we find ourselves in the most trouble have more to do with the use of our information to help the defendant or the prosecution than with punishing us for hurting either one.

In other words, many of our problems stem from attempts to force the press to serve as an agent of the judge, the prosecution or the defense.

So the complicated issue of fair trial, under whose name all of these restrictions started building, is of doubtful application to many of them.

Others seeking the cause of our dilemma blame the judges, as public officials whose awesome powers have brought to some god-complex, leading them to run their public institutions by their own rules at the expense of the rights of public and press. A grain of truth here, too, but again some troubling factors.

For instance, the powers of judges have not been substantially redefined, or enlarged, except by their own decisions, yet it has been only in recent years that they seized this bit in their teeth.

Another thing. Many of the judges involved in the kind of case we're talking about are good judges, decent men, motivated by understandable intentions with which we can sympathize. Not all of them, but many.

So how did we get from there to here?

I think it's possible that in the beginning we just drifted here, undramatic as that sounds, scarcely noticing that we had started on a route that could take us over the cliff.

[From the Cottage Grove, Oreg., Sentinel, Dec. 28, 1972]

FREEDOM OF THE PRESS

Three newsmen have been jailed and numerous others are being threatened with the same treatment if they refuse to turn over material to courts that they obtained in writing exclusive "expose type" stories.

It is hard to say what has brought about this sudden rash of pressure by the courts and the government to interfere with the working newsman. Since the beginning of our country freedom of the press guaranteed by the First Amendment of our Constitution, has been one of the most cherished freedoms and now suddenly many judges and some members of the Nixon Administration are acting like they are above the constitution of our land.

Probably one of the most misunderstood things about freedom of the press is that it does not involve "only the press as such." As the Los Angeles Times recently pointed out, "Freedom of the press belongs not to the press but to the public. By protecting the press, the First Amendment protects the people's right to know. Without that right, the people become not the masters of their government but its servants. The First Amendment became the First Amendment because the founders of this republic wanted to protect the nation from that fate."

We do not believe the press needs any special privileges and we do not believe the First Amendment guarantees any such thing. We do believe that "an absolutely free press" without any pressure from the judicial or executive branches of our government must be maintained if the people are going to be guaranteed their right to know what is going on.

The squabble which has landed several newsmen in jail recently involves whether or not material relating to stories and interviews must be turned over to the courts even though it is not used by the newsman. Journalists generally defend their position in these cases by saying if they are forced to release such material a number of their news sources will "dry up." Investigative reporting will become almost impossible and our government will be able to operate a bit more freely because the public will not be as well informed because of the new fear that will have been created.

Naturally this general defense is not a likely one for the smaller newspaper because we don't have an "investigative" reporter as such. A small community doens't often turn up the big story so why should we be concerned about the recent pressure being placed on the big boys?

We are concerned about the pressure because once the long standing walls which have protected press freedom since our constitution was written begin to crumble there will be no stopping the fall. If the courts and the government once get their foot into the door of controlling the press the control will filter down rapidly to the smallest of governmental bodies and then that is when the small community will really feel the pinch.

As a newspaper we do not begin to face the number of federal controls placed on the broadcast media—radio and television. And, now the Nixon Administration is suggesting that these controls over the broadcast media should be stiffened even further. The present administration is talking about stiffer controls to make sure that the broadcast media presents a "fair" picture to the public. The only problem with this approach is that administration appointed people are going to make the decision as to whether the broadcast media have been fair so what does this do to a radio or television station that is critical of the administration? It is too early to tell but if more rigid controls are approved it could well cause some stations to withhold criticism for fear they might lose their license when it comes up for renewal.

Since the recent jailing of newsmen in the country many members of Congress, includin Senator Mark Hatfield of Oregon, have indicated a great concern about the pressure now being placed on the First Amendment. There is an indication that a "shield law" or "freedom of information" law may well be considered and hopefully passed by the new Congress which convenes in January. The same situation is involved in Oregon. Journalists in the state are presently putting together a freedom of information bill which they hope the State Legislature will approve when it convenes after the first of the year. We hope that both of these laws on the state and national level will be approved.

As we said earlier, we do not favor special laws to protect the press. All we favor are laws which will protect the people because they are the ones who benefit from a free press and suffer when the press is not free.—Irz.

[From the World (Coos Bay, Oreg.) Jan 15, 1973]

"OTHER ROLE" OF THE PRESS

Sen. Mark O. Hatfield is among those U.S. senators who are concerned with the threat against the free press in America. The senator is proposing legislation which will guarantee newsmen privilege from disclosure of certain information and sources of information.

Once such legislation is passed, it remains to be seen if President Nixon will accept it. The President has a way of ignoring the Congress and the votes of Congress; not only in war but in domestic matters as well.

The New York chapter of Sigma Delta Chi, the national journalism society, recently asked President Nixon to stop interfering with the press, George Bookman, president of the New York chapter, charged in a telegram to Nixon that the administration "has done nothing to protect the rights of professional journalism. Indeed, if anything, it has encouraged interference with professional journalism."

Elsewhere recently a resolution passed by the Overseas Press Club says "We respectfully request that the administration and others in government defend the rights of working journalists as they are embodied in the 1st Amendment to the Constitution and which you are duty bound to enforce."

But Nixon has not, nor is likely, to come forward in defense of the 1st Amendment and the press. We have seen in the past where he has sent his vice president on missions of attacks against the press. Nixon himself often remains away from press scrutiny and away from public scrutiny in turn.

We support legislation, both federal and state, to insure the continuance of a free, unmolested press.

We also support efforts, however slight at the moment, for a reformed press; one that shows more courtesy, more forethought, more responsibility in its job. Jack Anderson's column last year charging Sen. Thomas Eagleton with certain things which later proved erroneous serves as an example of a news media which too often stands ready to record half-truths in a blind rush to beat the competition; to "scoop" the other guy.

It is increasingly difficult nowadays to remain objective and without emotion in covering the news. The improved coverage of news has, itself, served to bring issues and people closer together than ever before, and reporters are drawn ever nearer those issues and those people involved in today's controversial developments. It behooves the news media to re-examine its role and to strive more than ever before for honesty, objectivity and courtesy.

[From the Oregon Journal Dec. 7, 1972]

PUBLIC REAL LOSER IF FREE FLOW OF INFORMATION CURTAILED

(By Donald Sterling)

Has the time come when Oregon should adopt a law to protect writers and broadcasters from being forced by a government official to reveal the sources of confidential information?

I have come around to thinking so, and the proposal met with general agreement, at least in principle, from several Oregon newspaper reporters and editors who met in Portland at the call of the Oregon Newspaper Publishers Association last week.

The argument for a so-called shield law for newsmen is that it is in the public interest to assure as free a flow of information as possible. The "don't tell who told you, but . . ." kind of confidence is common currency which we all use regularly, in ordinary conversation as well as in the news gathering business.

Needless to say, when a professional newsman publishes this kind of information, he has an obligation to his readers to be as sure as possible that it is accurate. The best practice is to confirm it independently. But an experienced newsman can do this, and the "informed source," while anonymous, can be a helpful provider of information to the public.

But in the past few years, in various parts of the country at both the state and federal levels, there has been an alarming increase in the practice of prosecutors and grand juries to subpoena newsmen, with their notes and film, and demand that they reveal their sources.

Sometimes, this has been done as part of a perfectly legitimate attempt at law enforcement—and I'll come back to that subject later in this article.

But sometimes the prosecutor either is unable or too lazy to dig up the same information the reporter has found. Or he is acting out of pique: The reporter's stories have revealed lawbreaking which the prosecutor ought to have prevented, so the prosecutor goes after the reporter instead of the lawbreaker.

John Oakes, the editor of the New York Times' editorial page, when he was in Portland last week, went even further. He sees the subpoenas as a repressive attempt by government officials, up to and including members of the Nixon administration, to harass and undermine public confidence in their natural monitors and critics, the press.

Whatever the reasons for them, excessive use of subpoenas against newsmen has a number of unfortunate effects from the public's point of view:

For one, the news sources tend to dry up. The person who knows of wrongdoing but who fears reprisals if he is known to have revealed it decides not to talk. And so the wrongdoing is likely to go on.

For another, the reporter is likely to stop digging. He always has the dramatic choice of refusing to reveal his source and going to jail, as has happened in recent weeks in the widely publicized cases of reporters Peter Bridge in Newark and William Farr in Los Angeles. But reporters, believe it or not, are human, and no more eager to go to prison than anyone else.

Even if it never comes to this kind of showdown, the very possibility of a subpoena can have a damaging effect on a newspaper's ability to serve its readers. An editor in an Eastern city with a large black population told me that he had been visited by his paper's two black photographers, who said that if any more of their pictures were subpoenaed, they would quit. If it became known that they were, in effect, working as extensions of the city's police force, it would simply not be safe for them to travel in the black neighborhoods where the paper sometimes assigned them.

In the past, many Oregon editors have said they have felt no need for a law to protect them from this kind of harassment, and for all I know many of them still do. Oregon still is a relatively free and open state.

But it can happen here, and in fact it has—significantly, not against an employe of an established newspaper, but against a college newspaper editor who was in a relatively weak position to defend herself. Annette Buchanan, then managing editor of the Daily Emerald at the University of Oregon, wrote an article in the Emerald in 1966 in which seven anonymous persons described what they claimed to know of marijuana smoking on the university campus.

This was regarded as news back in 1966, and the reaction of the then district attorney of Lane County was not to make his own investigation but to call Miss Buchanan before a grand jury and demand that she identify her sources. This she refused to do.

Some newsmen believed, and some still do that the freedom of the press guarantee in the United States and state constitutions implies the right to protect their sources, since the right to print and speak isn't worth much unless there is something worthwhile to say.

But when Annette Buchanan's case reached the Oregon Supreme Court, the court held unanimously in 1968 that there is nothing inherent in the freedom-of-the-press guarantees of either the federal or Oregon constitutions which permits a newsman to refuse to reveal his sources. The United States Supreme Court said the same thing, but only by the narrow margin of 5 to 4, in a decision involving three other reporters which was announced last June 29.

But both the state and federal supreme courts, in their opinions, specifically invited legislators, if they wish, to provide by statute the newsman's privilege which the judges failed to find in the constitution.

There is nothing unusual about this. Oregon's statutes, for example, find that it is in the public interest to prohibit a court, under at least some circumstances, from compelling testimony about the communications that pass between a remarkably varied list of persons: Husband and wife, lawyer and client, priest and penitent, physician and patient, a public official and official communications in his office, stenographer and employer, professional nurse and patient, certified psychologist and client, and certified school employee and student. Without approval of the legislature, the courts have added another: Police officer and his confidential informer or stool pigeon.

The federal courts recognize a similar but not identical list.

So the principle is well established that under certain circumstances public officials ought to be restrained from forcing someone to testify about his sources of information. The question remains whether newsmen ought to be added to those who shelter under this umbrella; and for the reasons given above, I think they should.

But that still leaves another highly important and complicated question: How sweeping should that protection be?

Some newsmen believe that it should be an absolute protection; that they should never under any circumstances be required to reveal their sources. Any qualified privilege, they argue, is no privilege at all, since a nervous source would not talk if he thought that the newsman might give him away under some unpredictable future circumstances.

But on this I disagree, and so do many other newsmen.

In the first place, we in the news gathering business are citizens, with the same duty any other ciitzen has to assist in the law enforcement which protects the liberties of all of us.

In the second place, the guarantees of freedom of speech and freedom of the press were not written into the First Amendment for the benefit exclusively of the publishers who own giant rotary printing presses, or broadcasters with high-powered stations, or of the newsmen who are on their payrolls. They were written, as the Oregon Supreme Court said in its opinion in the Buchanan case, to apply even to "a shaggy nonconformist who wishes only to write out his message and nail it to a tree." The opinion was written by Alfred T. Goodwin, now a federal court of appeals judge but at one time in his life a reporter for the Eugene Register-Guard, and Ted Goodwin put the case very well.

He pointed also to a third pitfall in writing a shield law, and that is that if you try to define a special class of newsmen who are entitled to its protections, you are inviting the government to define who is entitled to be considered to be a newsman at all, and in that direction lies that most dangerous threat to a free press and to freedom for all, government licensing.

For all of these reasons, it is better to write a law which is qualified, not absolute, and which applies not just to professional newsmen, but to any citizen who is exercising his right to print or speak freely.

It probably can be done. After considerable study, agreement to support one of the several newsmen's privilege bills which have been introduced in Congress has been reached by authorized representatives of the American Society of Newspaper Editors, Associated Press Managing Editors Association, National Press Photographers Association, Radio-Television News Directors Association and Sigma Delta Chi professional journalism society.

The chief sponsor of the bill is Rep. Charles W. Whalen Jr., R-Ohio, who calls it the Free Flow of Information Act. These are its main provisions:

It would apply to "a person connected with or employed by the news media or press, or who is independently engaged in gathering information for publication or broadcast." This appears to extend its protection to any citizen.

It would apply to proceedings before any federal body, legislative, executive or judicial.

It would grant a right to refuse to reveal one's source of information. But this protection could be lifted if a federal district court should find affirmatively, after a hearing, that the person seeking the information has shown that "(1) there is probable cause to believe that the person from whom the information is sought has information which is clearly relevant to a specific probable violation of law; (2) has demonstrated that the information sought cannot be obtained by alternative means; and (3) has demonstrated a compelling and overriding national interest in the information."

There would be another exception saying that no one could use the law as a shield against a libel action. In other words, a reporter could not write that "according to a reliable source, Jones beats his wife," without identifying him, as evidence to defend against a libel action brought by Jones.

Even if Congress did pass a shield law, it would apply only to federal courts and other federal bodies, and there still would be a need for a similar state law in Oregon. Eighteen other states already have one.

The Oregon Newspaper Publishers Association presently is canvassing editors and broadcasters in Oregon to see whether there is consensus on supporting such a bill in the 1973 Oregon Legislature.

But like so many other things, this is too important a matter to be left to legislators and newsmen alone. All citizens have a stake in assuring that the press is both free and responsible. Now is the time to give thought to a shield law.

[From the Oregon Statesman, Jan. 6, 1973]

U.S. PUBLIC'S ACCESS TO INFORMATION THREATENED

The American public's access to information is being threatened by a combination of two forces.

The U.S. Supreme Court in a recent tough-line decision, has required newspapermen to reveal their sources of information. Judges have begun abandoning their traditional common sense approach to permitting newsmen a certain measure of discretion in shielding their sources and have begun throwing members of the news media into jail.

In addition, the Nixon Administration is continuing to restrict access of information to the public through the press. President Nixon has refused to face public questioning through the press. He hasn't held a news conference since Oct. 5.

The Nixon Administration has been streamlined since the election to weed out those who aren't likely to follow the Administration line. The President has even denied access to the White House to the Washington Post which has criticized his policies.

The Nixon Administration will seek legislation requiring TV stations to stay "attuned to community views" or lose their licenses, with a federal agency deciding who is "attuned" and who isn't.

The Statesman has traditionally opposed special protective legislation for newsmen. For one thing, normally a newsman should be willing to reveal his sources to the police or the courts—unless such would be a direct violation of a confidence. For another, if a newsman is automatically granted the right to keep his sources secret, such a shield could protect the unscrupulous as well as the honest reporter.

So the Statesman has preferred to rely upon the First Amendment Constitutional guarantee of freedom of the press and the good sense of the judiciary in recognizing a reporter's need to respect confidences if he's ever to get any more, as ample protection.

But as Chief Justice John Marshall declared, "The Constitution is what the Supreme Court says it is." And the current Supreme Court has ruled that newspapermen must reveal the sources of their information to the authorities when so ordered regardless of circumstances.

This will dry up important sources of the public's information from inside government and about public issues. Coupled with the Nixon Administration's barriers to newsgathering, the balance of power has swung heavily away from the public's right to know and towards government's ability to jam the normal sources through which the people learn more than what government sees fit to tell them.

Government ceases to be the servant of the public and becomes its master when it controls, either through coercion or regulation, the sources of information. It is time for a re-evaluation. Special legislation may be needed to restore the public's side of the balance of power.

[From the Oregonian, Jan. 2, 1973]

FIRST AMENDMENT PROVIDES DIMINISHED PROTECTION

(By Robert Notson)

Over many years there has existed concern regarding efforts and potential threats to force newspapermen to divulge the confidential sources of information on which exposes had been published. As a result, "shield" laws have been enacted in some 18 states, giving reporters varying degrees of privilege approximating that afforded clergymen, physicians, lawyers and the like.

Meanwhile, punishment of editors and reporters for maintaining such confidence was rare and, in Oregon, nonexistent. It was generally believed by Oregon newspapermen that the First Amendment put a protective cloak over them in such matters and many district attorneys and judges shared the idea. And then, there was always the influence of the newspaper when a judge or district attorney came up for election.

The well-known Annette Buchanan case in 1966 stirred interest for the need of legislation. As a result, presentations were made to House Judiciary committees of the Legislature at the 1967 and 1971 sessions. Both proposals died in committee essentially because of a lack of a united front among newspapermen.

Initially, nearly all of us were cool to legislation, feeling that it was better not to ask the Legislature for any favors in the nature of class legislation. When the Oregon Supreme Court passed on the Buchanan case, however, it made two findings:

(1) That nothing in the law or Constitution afforded newsmen any special protection against being forced to divulge confidential sources and (2) that such a privilege could only properly be created by legislative action, not by judicial fiat.

This altered matters. To many of us it seemed that the protection we believed we had enjoyed for years was suddenly swept away, and we stood naked before the courts. Worse yet, the lower courts had been instructed not to afford or create any such protection.

However, some newspapermen continued their reluctance toward legislation. They still believed that they could handle matters locally on a case-by-case basis. It was pointed out that the Buchanan case was the first in over 100 years—in Oregon—in which an editor was punished for refusing to break confidences. At least some did not think this record justified undue concern or legislation.

A few reporters declared robustly that they would simply defy court orders to testify and "go to jail," if necessary. Others cautioned that this would place newsmen in the guise of defying the courts and the law at a time when we were urging others not to take law into their own hands.

In 1970 there was a sudden wave of subpoenas to newsmen which developed out of riots and student disorders, especially antiwar demonstrations. This produced a national uproar, and the attorney general quashed many of these, causing the indignation to fade. Then came the Caldwell case in San Francisco and the holding of the court that public policy under the First Amendment dictated that newsmen be forced to divulge confidences only if the testimony could not be otherwise obtained or if a compelling public reason had been demonstrated.

Other judges began following this dictum, and it appeared that judicially endorsed remedies were on the way. These hopes were dashed by the U.S. Supreme Court when it held quite bluntly that the First Amendment afforded no privilege to a newspaperman over any other citizen.

A whole procession of cases has followed of which the Bridge case in New Jersey, the Farr case in Los Angeles and the Lawrence case in Washington have been outstanding examples. These reporters were jailed on contempt orders. There are lesser cases, some still pending. Both newsmen and legislators have suddenly become aware that a substantial issue exists, including the potential intimidation of newsmen and newspapers not to investigate—not to publish. Also, confidential sources could be dried up.

The debate turns on the First Amendment, which states that "Congress shall make no law . . . abridging the freedom . . . of the press."

The argument of the press has been that, if a free press is to be maintained, both the right to gather and print the news, without impairment, must be protected. Protection of confidential sources must be insured or they will be choked off and the public will lose access to information of possible wrongdoing.

Legal sources have responded that newsmen, like any other citizens, must come forward with information to aid administration of justice.

The issue, from the newsmen's viewpoint, was pointed up by Justice Potter Stewart in a strong dissent which came down with the Supreme Court's decision on the Caldwell case last June 29. The court majority upheld the proposition that a reporter, in the absence of legislation, had no immunity from subpoena by a grand jury to testify regarding confidential sources.

Stewart commented:

"The court thus invites state and federal authorities to undermine the historic independence of the press by attempting to annex the journalistic profession as an investigative arm of government. Not only will this decision impair performance of the press' constitutionally protected functions, but it will, I am convinced, in the long run harm rather than help the administration of justice."

Justice Stewart added: "The right to gather news implies, in turn, a right to a confidential relationship between a reporter and his source."

[From the Oregonian, Jan. 8, 1973]

Jailed Reporter No Hero—Just Convinced American Freedom of Press Not Personal, But Public, Prerogative

(By Harlan Draeger)

Joe Weiler is no hero. He's just a reporter, doing his job of getting facts to the public.

Nowadays, he discovered, that can get you into a lot of trouble.

Weiler almost landed in jail because he refused to tell Tennessee lawmakers the source of stories about child abuse in a mental hospital.

He's lucky at that. Some of his fellow newsmen have been placed behind bars recently for the same reason. Others probably are headed there.

Weiler is a member of a rapidly growing club—reporters either jailed or threatened with jail because they won't reveal confidential sources.

The issue is only one of several creating a serious clash between the rights of government and those of a free press.

The irony, says Weiler, is that most Americans don't realize their stake in the outcome.

"I would say that the public is now not aware, and generally not in favor, of giving these rights to newsmen.

"But these really are rights for them. This is protection, not for the newsmen, but for the public."

Weiler is restating the operating creed of any good reporter—that, in going after a story, he represents all citizens.

In Tennessee, the citizens did sense that Weiler was acting in their interests and rallied to his support.

The results: He is a free man today. And the legislature is virtually certain to pass a law shielding reporters from revealing their sources.

On many other fronts, however, journalists are losing the battle over confidential news sources. For six months, they have reeled under the spreading impact of a U.S. Supreme Court decision that deeply undercut their position.

The broad issue is whether government is trampling on the guarantee of "freedom of the press" built into the U.S. Constitution.

Not so lofty, but more to the point, is the practical question of getting vital news before the public.

Reporters know from long experience that a good story, especially about official corruption, nearly always begins with an inside tip. Yet such informants often insist on not being identified for fear of losing their jobs or other reprisals.

Can a free press function effectively without confidential information? Weiler, a serious-minded young reporter for the Memphis Commercial Appeal, says no.

"Without it, we couldn't possibly have a truly strong, investigative, hard-hitting newspaper," he said.

"People couldn't find out things they have to find out about their government and other institutions. If you can't get at the heart of government through your own sources, then you have to rely on sources the government provides. You are reduced to printing handouts. And without a strong, free press you can't have a strong democracy."

High-sounding phrases, perhaps. But Weiler's own experience gives them meaning. Here is his story—a case-history on the issue of reporter's "privilege."

Early last summer, the Commercial Appeal received reports of widespread child abuse at a state mental hospital outside Memphis. The sources seemed reliable but asked that their names be kept secret.

"Once we thought we could prove it, we went to the hospital administration," said Weiler. "They confirmed it was true. There were numerous cases of child abuse. Eight persons already had been fired. None of this had been made public."

Weiler's first story on the hospital scandal broke in July. One more employe was fired. More than a dozen others were reprimanded and suspended.

In September, with rumors of further irregularities flying, a state senate committee began an investigation. Weiler was called as a witness on the second day of the hearing.

"They wanted my sources, all my notes and any information I had concerning child abuse at the hospital," Weiler said. "I refused to provide it."

The 26-year-old reporter was questioned on and off for two days. On the first day, he appeared without a lawyer. He remembers it well:

"I was scared. The committee members had stated publicly their main purpose was getting the sources and the newsmen so they could stop the publicity.

"They said we were creating a disturbance at the hospital and we were responsible for the continued uproar out there by publishing these stories. We felt the problem wasn't the uproar being created but child abuse."

Weiler returned with a lawyer and his editors for the second day of questioning. The newspaper's lawyer offered a compromise, agreeing to turn over information if he could determine what would be withheld to protect the sources.

The lawmakers wanted no part of the deal. In a unanimous vote, the committee gave Weiler 30 days to show why he should not be held in contempt. His prospect was anywhere from 10 days to six months in jail.

"It had come down to a show of force between their rights and our rights," he said.

"Yet if we had not run the story, and if the confidential sources had not been willing to talk to us, then the people and the senate itself would never have known of the child abuse."

Weiler's paper, other newspapers, radio and television stations took up his cause. "Child abuse became a major story in Tennessee."

Before Weiler took the witness stand, a radio newsman had divulged the source of a parallel story on the hospital. "That didn't help my case any," he said. But Weiler said he was certain of his position when the radio man's identified source was fired immediately.

Finally, the public pressure began to tell.

The mood of the committee changed so that it no longer wanted to hold (contempt) hearings," said Weiler. "Several members already had prepared bills to shield newsmen."

Tennessee's lieutenant governor and others asked the state attorney general to rule whether the committee still was in existence after the Nov. 7 election. The attorney general said no, and Joe Weiler was home free.

"It was a political ploy and a method to evade holding the hearings," said Weiler. "It was fairly obvious we had been able to make our point."

At least half a dozen "free flow of information" bills now are waiting to be introduced next month in the Tennessee legislature. Weiler said there is "no doubt" one will pass since a poll showed 90 per cent support.

Weiler thinks his troubles date back to June 29 and the Supreme Court's decision in the so-called Caldwell case. In three simultaneous rulings, the court held that the First Amendment gives newsmen no right to conceal the identity of their sources from a grand jury.

"We are asked . . . to grant newsmen a testimonial privilege that other citizens do not enjoy," said Justice Byron R. White, who wrote the majority opinion in the 5-4 decision. "This we decline to do."

In a dissent, Justice Potter Stewart said the court was inviting authorities to "annex the journalistic profession as an investigative arm of the government."

All three cases decided by the Supreme Court involved grand jury investigations of alleged criminal activities. Earl Caldwell, a New York Times reporter, had refused to identify his sources on a story about the Black Panthers. So had Paul Pappas, a New Bedford (Mass.) television reporter. Paul Branzburg, formerly of the Louisville Courier-Journal, had refused to disclose the sources of a story about a drug-manufacturing ring.

Weiler says the Caldwell decision opened the gates for a widespread assault on freedom of the press.

"I think these are actions the legislatures, courts and grand juries have been wanting to take for a long time," he said.

"They thought they had the authority, only the courts hadn't upheld their position. As soon as the pendulum started to swing with the Caldwell decision, they immediately took it as a signal and rushed ahead."

In a way, Weiler is sorry his case didn't go to the Supreme Court because it dealt with the actions of a legislative body—not a grand jury. "I think we would have won an important victory," he said.

Like many journalists, Weiler is starting to add up the growing number of reporters facing jail over the same issue. "There's a fantastic progression," he said, "including cases all over the country most people never heard of."

Some reporters in trouble recently:

William Farr, 38, of Los Angeles, who was found in contempt for refusing to reveal the source for a story about the Charles Manson trial. Farr has been in jail more than a month—longer than any newsmen refusing to identify his sources.

John F. Lawrence, chief of the Los Angeles Times' Washington Bureau, who was jailed for two hours Dec. 19 for refusing to surrender taped interviews with a key witness in the Watergate bugging case. Lawrence later gave up the tapes with the consent of the witness.

Peter Bridge, of Newark, N.J., who recently served 20 days in jail for contempt after refusing to answer grand jury questions going beyond what he had written.

Harry Thornton, a Chattanooga (Tenn.) TV personality, who was jailed several hours for refusing to reveal the name of a phone caller who said he was a member of a grand jury.

Last month, Weiler gave a talk at the University of Southern California and visited Farr in jail. Commenting on the trial judge's statement that Farr was intent on being a "martyr," he said:

"I guarantee that Bill Farr has no interest in being a martyr. He simply feels he has to stand up for this. The job was just thrust on him."

In its latest troubles, the press has developed new defenders, such as Sen. Lowell Weicker Jr. (R-Conn.), who plans to ask Congress to protect newsmen from revealing sources except in trials involving major crimes or national security.

Gov.-elect Daniel Walker of Illinois said he would push for a stronger "shield" law. Illinois is one of 18 states with laws protecting newsmen from being forced to disclose sources. But its law is limited by a provision allowing a court to order disclosure if all other sources have been exhausted and the information is "essential to the protection of the public interest." (Oregon has no shield law, but one likely will be introduced at this session of the legislature.)

By and large, says Joe Weiler, the American public does not recognize the growing threat to the press—and to themselves.

"In Tennessee they do now because it's been brought home to them," he said.

[KATU Broadcast]

Newsman's Shield

December 4, 1972.

Newspaper reporter Bill Farr remains in a Los Angeles jail today because he refused to divulge the source of information he received about the Charles Manson murder trial. Mr. Farr is the second newsman to spend time behind bars in recent weeks over the issue of confidential news sources.

The rationale for the constitutional guarantee of a free press simply stated, is that the public must have access to information about the public's business. If elected officials are dishonest or incompetent, the obligation of the news media is to bring that information to the public's attention. If politicians or the courts are allowed to censor the media, they build a wall of secrecy behind which they may hide their own errors and transgressions.

Most newsmen believe protection of news sources is essential to the conduct of a free press. If the reporter is compelled to divulge his sources of information, he becomes little more than an investigative arm of government; an agent of politicians who may not deserve public confidence.

Television, too, believes an effective legal shield is necessary to protect newsmen from political and judicial retribution. We urge the Oregon legislature to enact such a law, and suggest the following guidelines: The law provide qualified protection for newsmen, that is, establish a court of last resort that could be convened when all other information sources are exhausted. If the government could then prove the information they seek is of a crucial public importance, the newsmen would be directed to testify. Thus the shield law would take into account the newsman's obligations of citizenship, as well as the constitutional guarantee of freedom in his profession.

Mr. **MANSFIELD**. Mr. President, will the distinguished Senator from Oregon yield?

Mr. **HATFIELD**. I am happy to yield to the Senator from Montana.

Mr. **MANSFIELD**. I think that what the distinguished Senator has just said throughout his excellent speech, and especially in his last paragraph, is something which we should all note.

I have been somewhat concerned by a number of recent court actions, extending from coast to coast, as they affect newsmen and their rights as guaranteed under the Constitution, which the distinguished Senator has emphasized.

I do not believe that any branch of the Government, be it the executive, the legislative, or the judicial, should ever lose sight of the first amendment to the Constitution, around which the distinguished Senator is making his case today. Nor should we ever fear to repeat what it says, because repetition may well serve to drive its real meaning home.

It is my belief that in recent years the first amendment has been violated more often than is understood by the people of the Nation or the officials of the Nation's Government.

The first amendment reads:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably—

And I emphasize the word "peaceably"—

> To assemble, and to petition the Government for a redress of grievances.

Mr. President, this is probably the most remarkable of all amendments to the Constitution. It certainly is a great addition to the greatest document ever wrought by the hand of man—to wit, the Constitution of the United States of America.

All I want to say is that I am delighted to serve under the leadership of the distinguished Senator from Oregon in being a cosponsor of this proposal, and I would hope that action would not be too long delayed. If matters continue unchecked in this direction the end result will have a most adverse effect on the concept of a free press as it has arisen in our society.

I am delighted to join the Senator in this effort to stem the tide and protect the right of a free and independent press.

Mr. **HATFIELD**. Mr. President, I want to express my gratitude to the distinguished majority leader for his cosponsorship of this bill and for his generous comments.

ORDER OF BUSINESS

The **PRESIDING OFFICER**. Under the previous order, the Senator from New York (Mr. Buckley) is recognized for not to exceed 15 minutes.

THE ENERGY CRISIS

Mr. **BUCKLEY**. Mr. President, as a participant in the Senate's national fuels and energy study, it has been my privilege to attend a series of hearings and briefings which has served to sharpen my own understanding of the scope and long-term implications of what has come to be called our "energy crisis."

The facts now publicly available ought to speak for themselves. We are faced with a chronic and growing shortage of environmentally compatible domestic fuels which for the next 10 to 15 years will make us uncomfortably dependent on foreign sources in order to meet up to 25 percent and more of our projected energy needs by the year 1985.

The economic and security implications of these facts are serious enough. But I fear that if the full dimensions of the energy crisis are not understood by the public, we may find ourselves making the wrong policy decisions. Only a fully informed public will assure full support for the measures best designed to meet the energy crisis and assure our country of continuing supplies of reasonably priced fuels on a basis that will not place a catastrophic strain on our balances of payments or jeopardize our national security.

We are beginning to experience actual shortages in gas deliveries in various parts of the country. For the first time in many decades, our oil fields are producing at 100 percent of capacity while we are running short of fuel oil in various parts of the country. Yet I suspect that too many Americans may be writing off current congressional concerns as "scare talk" designed to justify special-interest legislation at the expense of the consuming public. To speak candidly, Mr. President, I believe this reaction may be encouraged by the fact that the current energy study is being conducted under the auspices of the Interior Committee which is traditionally associated with oil- and gas-producing States.

Let us remember that for over a decade, the citizens of our Northeastern States—myself included—have felt that they have been required, through the imposition of oil import quotas, to pay excessively high prices for petroleum products in order to maintain an artificial level of prices for the benefit of producers in our Southern and Western States. They have felt, as I do, that the security considerations advanced as an excuse for the original imposition of quotas were spurious. I recognize that the situation we face today is materially different from that which existed a decade or so ago. It has now become far more difficult and costly to find new oil. We no longer have a standby production capacity, and recent developments on the international scene threaten to create a dependence on foreign sources of energy which could prove dangerous. Consequently, I am persuaded that some mechanism to encourage the rapid discovery of new indigenous reserves of oil and gas is justified until such time as we can develop the necessary cushion in our domestic energy resources.

It is not my purpose today, however, to discuss the security aspects of the energy crisis. Rather, I wish to address myself to an examination of the interests of my constituents as consumers of energy. In recent years, New Yorkers have had more than their share of brownouts and shortages. Today there are areas of New York State where for the first time natural gas is now being rationed among pipeline customers. It is clear that New Yorkers and all other American consumers of energy have an interest in the outcome of the current national fuels and energy study which is every bit as immediate and every bit as urgent as that of the energy-producing States.

One thing which I hope will emerge from this study is a better understanding of where the consumer's interest really lies; for it seems clear from the evidence to date that we are witnessing a classic example of the harm done to the *ultimate* interests of the consumer by an excessive zeal in attempting to protect him, through Government intervention, from the hazards of the marketplace.

Perhaps the most objective summary of the U.S. energy problem I have read was published in a recent issue of the very scholarly British Petroleum Press Service. From their vantage point 3,500 miles from our east coast, this is what the authors had to say:

> Natural gas is in many ways the key to the U.S. energy problem, creating an imbalance because of the interchangeability of fuels in four of the major energy markets and the ease by which they could convert to gas. Its rapid growth over the last twenty years or so has been stimulated by artificially low prices, controlled by the Federal Power Commission on behalf of Congress. This might have been justified at a time when natural gas was virtually a by-product of oil exploration and production but hardly when demand had risen so high that gas was supplying about one-third of the total energy market, second only to oil. The result of low prices has been to discourage exploration for new reserves, which have shrunk to only twelve years' supply at current production rates. . . .

The article concludes that—

> Because of apparently unlimited supplies of indigenous fuels, energy in the U.S.A. has always been cheap: indeed, a major factor in the nation's economic growth and prosperity. More recently however it is apparent that energy has been too cheap, leading to a certain degree of waste but more importantly to a lack of incentive in developing new resources to meet the very demand that low prices have created. The U.S.A. faces not so much an energy crises as a shortage of cheap energy, caused by price distortions and a lack of understanding that environmental improvements must ultimately be paid for by the consumer.

Clearly, an important contributor to our present energy crisis was the decision of the Federal Power Commission a decade or so ago to regulate the wellhead price of gas delivered to interstate pipelines. This interference with market forces resulted in an diversion of risk capital from exploration to other investment opportunities, and of newly discovered gas into intrastate uses. At the same time, it created a rapidly expanding market for gas which resulted in the displacement of a substantial part of the market for oil and coal. Oil and coal could not compete with the lower cost of regulated gas. On a B.t.u. basis, gas has been selling for about one-half the price of oil, despite its superiority as a fuel. Thus the regulation of the wellhead price of gas has not only resulted in the rapid depletion of existing reserves, it has diverted too much of our natural gas away from its best use, and has destroyed the incentive to develop new gas for delivery into interstate pipelines.

This contention is amply supported by the statistics. In 1971, for example, there were 437 exploratory wells completed as gas discoveries in the United States as against 822 such discoveries in 1956, the year the FPC first proposed to control wellhead prices for gas. In 1971, 9.4 trillion cubic feet of gas were added to our national reserves as against 24.7 trillion cubic feet of gas in 1956.

The experience in the Permian Basin after 1965, when the FPC first moved to impose area controls on gas producers, offers a classic example of how FPC policies have served to channel new gas into intrastate markets with a consequent loss to interstate markets. Mr. President, I ask unanimous consent to have printed in the Record a table of figures showing how new gas found in the Permian Basin from 1966 through the first half of 1970 was committed.

There being no objection, the table was ordered to be printed in the Record, as follows:

NEW GAS COMMITMENTS IN THE PERMIAN BASIN, 1966-70

Year	Percent committed to intrastate market	Percent committed to interstate market	Total commitments
1966	16.3	83.7	178.0 BCF
1967	21.8	78.2	77.2 BCF
1968	87.2	12.8	156.1 BCF
1969	83.3	16.7	175.8 BCF
1970 (6 mos.)	90.9	9.1	113.4 BCF

Source: From FPC data.

Mr. BUCKLEY. Mr. President, what the figures tell us is that while, in 1966, 83.7 percent of new Permian Basin gas was sold to interstate pipelines, by the end of the first 6 months of 1970 the proportion of new gas being committed to interstate as opposed to intrastate markets had been reversed. In the first 6 months of 1970, 90.9 percent of new Permian Basin gas was being sold to intrastate consumers while only 9.1 percent was connected to interstate pipelines. Interestingly enough, the most dramatic change in the pattern of gas commitment took place in 1968 following a Supreme Court decision affirming the FPC's Permian Basin area rate decision.

In plain English, what all these statistics add up to is that when gas producers compare their increasing costs of exploring for and producing new gas to the regulated price at which they are allowed by the FPC to sell it, they tend to conclude that the possible rewards simply do not justify the investment of risk funds to find new gas for commitment to the interstate market. One does not have to be a Ph. D. in economics to understand why, under existing policy, the domestic oil and gas industry has not been moving mountains for the privilege of providing east coast consumers with a premium fuel at regulated prices.

Let us examine some of the realities of present and future supply which have resulted from Federal regulation.

Since the FPC began regulating the wellhead price of gas in a widespread basis, we have witnessed a rapid depletion of existing reserves from a 20-year supply in 1963 to less than an 11-year supply in 1971. Since 1968, our Nation has consumed approximately twice as much natural gas as it has discovered and added to present reserves.

According to testimony given at the energy study hearings last week by Chairman John N. Nassikas of the Federal Power Commission, the FPC's Bureau of Natural Gas has projected, on the basis of currrent rates of discovery:

> An annual gas short fall of domestic supply to anticipated demand [that] will range from about 10 [trillion cubic feet] in 1980 to about 18 Tcf in 1990.

To meet this excess of demand over supply, we will have to rely on five principal supplemental sources of gas. These are, first, pipeline imports—largely from Canada, including Alaskan gas transported by pipeline through Canada; second, liquified natural gas imports; third, gas derived from coal; fourth, synthetic natural gas derived from liquid hydrocarbons; and fifth, natural gas discovered in the United States above and beyond the rates of discovery projected on the basis of current policy. According to Mr. Nassikas, the first three supplementary sources "could reduce the annual projected gas deficit to about 10 Tcf in 1980 and 18 Tcf by 1990." These deficits, it should be noted, amount to approximately 27 percent of the 1980 demand and 37 percent of the 1990 demand.

What, then, are the alternatives facing the consumer interested in long-term supplies of energy at the most reasonable cost? There are three major alternatives available within the time frame of the next 10 to 15 years:

First. We can adopt conservation measures that will force a reduction in projected demand to meet the projected supply. While I believe, Mr. President, that it is highly important that we develop effective measures to encourage the conservation of energy, I think most of our colleagues would agree that it would be politically and economically unrealistic to believe that we could enforce measures so stringent as to achieve really dramatic short-term reductions in demand.

Second. We can meet the excess demand for gas by redirecting that demand to alternative fuels, such as oil, coal, and uranium. Given the fact, however, that natural gas is expected to meet approximately one-third of our total energy needs, any major diversion of demand to these other fuels would only serve to aggravate the supply and environmental problems which will be associated with each of them well into the 1980's.

Third. This leaves us with the third major alternative. We can take steps designed to accelerate the development of the supplementary sources of gas which I have already listed; to wit, pipeline imports, LNG imports, gas from coal, gas from liquid hydrocarbons, and an acceleration of the rate of discovery of new natural gas. Although we will undoubtedly have to encourage less waste in our use of energy, and although we should encourage some shift from the use of gas to other fuels, our major hope lies in finding new sources of our most desirable fuel.

The next question to be asked is which of these supplementary sources offers the consumer the best hope of meeting his projected needs at the lowest cost? Let us examine each in turn; but, first, by way of a bench mark, let us recall the current costs of regulated natural gas. In 1970, the average well-head price of gas subject to FPC regulation was about 18 cents per Mcf, and it is in the vicinity of 20 cents now. The transported city gate price of that gas at New York City is about 51 to 52 cents. By the time the gas reaches the individual household, about another $1.18 for distribution costs, and so forth, will have been added.

First. Pipeline imports: The quantity of Canadian gas which will be available for importation into the United States is, of course, highly dependent on Canada's own energy policies and on the rate at which Canada's exportable reserves can be increased. These are not factors over which American policymakers have any direct control. With respect to Alaskan gas, even if huge reserves are discovered on the Arctic Slope, it will take years before a pipeline can be completed from the fields to the border between Canada and the lower 48; and because of the enormous projected cost of such a pipeline—between $3 to $5 billion—it is estimated that the cost of delivering pipeline gas from the Alaskan Arctic to the U.S. border would range upwards from 90 cents to $1.40 per Mcf. Thus there is little reason to believe that we can improve on the FPC's admittedly optimistic estimate that by 1985, net pipeline imports could satisfy as much as 4.8 percent of projected demand; and to the extent that these imports consist of Alaskan gas, the price will be several times higher than the current city gate price for U.S. pipeline gas in New York City.

Second. LNG imports: The cost of delivering Algerian LNG to the East Coast has been estimated at from 84 to 91 cents per Mcf. The estimated cost to produce and deliver a thousand cubic feet of gas under the proposals now being explored with the U.S.S.R. range from $1.25 to $1.50—over two or three times the delivered price of domestic gas at New York City.

Third. Gas from coal: Based on an application filed with the FPC, the estimated cost of a commercial project to produced gas from coal, mined in the four corners region of New Mexico, is $1.21 per Mcf.—a "wellhead" price over twice the delivered price of natural gas at New York City.

Fourth. Synthetic natural gas produced from liquid hydrocarbons: Based on applications filed with the FPC, the cost of synthetic gas is estimated to range from $1.10 to $1.80 per Mcf.—two to more than three times the delivered price of natural gas at New York City.

Fifth. Natural gas discovered in the United States above and beyond current rates of discovery: There is no doubt that the gas is there to be discovered. The U.S. Geological Survey estimates that 2,100 trillion cubic feet of natural gas, recoverable under present technology, remain to be discovered within the United States, including the Outer Continental Shelf. This represents almost a hundred year supply at the 1971 rate of consumption. Estimates may vary as to how much of this potential may be available at costs comparable to those of alternative fuels, but it is safe to conclude that much domestic gas remains to be discovered if the industry is allowed the incentives to go out and find it.

The question to be asked, therefore, is what action is best designed to stimulate a resumption of large scale exploration for new gas for interstate markets, and what will be the probable effect of this action on the consumer? Only when we have the answers can we make a judgment as to which of the supplemental sources of gas offers the consumer the best prospect for meeting his future demands at a reasonable price.

Economists have concluded that if the wellhead price of new domestic gas is deregulated, domestic exploration and development will experience a substantial surge. The extent to which new gas supplies, free from continued price regulation, would be elastic to price is subject to debate as is any economic assessment of the future. I am nevertheless confident that supply would be responsive to price. I am also confident that so long as new gas remains regulated at the wellhead, as it is today, we may expect the supply-demand gap to continue to expand.

I take this position because I believe that our basic near- and intermediate-term efforts to provide gas for American consumers should be centered around stepped-up domestic production. It is the least costly of the alternatives.

These conclusions are supported by the testimony of administration witnesses at the energy study hearings last week, who clearly stated that potential U.S. gas reserves were sufficiently high to warrant stepped-up production under economic conditions conducive to development. They are also supported by a growing host of academic economists, and the press. The Washington Post, Fortune, Barron's, the Wall Street Journal, bank studies and other analyses, not to mention the industry's own calculations, all point to the need to stimulate domestic gas production by freeing the wellhead prices of new gas.

Such a policy will serve an additional purpose, and that is to provide a disincentive to waste. It will favor residential and commercial overuses which may be less related to human needs. In other words, some industries now relying on low-cost natural gas will probably switch to other fuels, thereby conserving gas, once the price of natural gas raises to a level at which other fuels such as oil and coal can compete with it.

But even though gas prices would rise under such a policy of deregulation, they would not rise as quickly as they would under a policy which discouraged conventional natural gas production and encouraged the development of the more costly supplemental sources.

Further, even with the freeing up of new gas at the wellhead, the burden on consumers would not constitute a shock effect. Residential and commercial consumers in particular would be paying perhaps as little as 5 percent a year more for their gas. This is because the higher priced new gas would be rolled in with the cheaper old gas that consumers are now burning, and which would continue to be produced under existing long-term contracts.

Based on all the facts, Mr. President, I think the conclusion is inescapable that the best interests of the energy consuming citizens of this country will best be served by freeing newly discovered gas to find its own level.

We have paid a very high price for our overzealous attempt to protect the consumer against the operations of the marketplace. I hope we will learn from this experience the ancient lesson that the one sure way to create a shortage in a given commodity is to try to hold its price below the level which justifies its production. There are certain economic laws which even the U.S. Congress cannot legislate out of existence.

QUORUM CALL

Mr. BUCKLEY. Mr. President, I suggest the absence of a quorum.

Mr. ROBERT C. BYRD. Mr. President, will the Senator withhold that suggestion?

Mr. BUCKLEY. I withhold the suggestion.

Mr. ROBERT C. BYRD. Mr. President, how much time did the Senator have remaining?

The PRESIDING OFFICER. About 30 seconds.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum and I ask that it be charged against my time under the order.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, did I use all my time allotted to me for the quorum?

The PRESIDING OFFICER. The Senator has.

Mr. ROBERT C. BYRD. I thank the Presiding Officer.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senator from New York (Mr. Javits) is recognized for not to exceed 15 minutes.

(The remarks made by Senator Javits when he introduced S. 440, the War Powers Act, are printed in the Record under Statements on Introduced Bills and Joint Resolutions.)

(The remarks of Mr. Case on the introduction of S. 445 and S. 446, dealing with executive agreements, are printed in the Record under Statements on Introduced Bills and Joint Resolutions.)

The PRESIDING OFFICER (Mr. Domenici). Under the previous order, the distinguished Senator from Virginia (Mr. Harry F. Byrd, Jr.) is now recognized for not to exceed 15 minutes.

THE PANAMA CANAL

Mr. HARRY F. BYRD, JR. Mr. President, I note that this week the United Nations Security Council, over strong U.S. objections, voted to meet in Panama City on March 15–21, to discuss Latin American issues and particularly the status of the Panama Canal.

The American Ambassador to the United Nations, Mr. George Bush, characterized the United Nations' action as an attempt to pressure the United States into renegotiating the Panama Canal Treaty while bilateral negotiations are still underway between the United States and Panama.

Mr. President, as one member of the Senate who consistently has supported the United Nations, I would resent any attempt on the part of the United Nations to inject itself into this matter of a treaty between the United States and Panama.

The treaty with Panama was consummated in 1903, and it gave the United States control of the international waterway in perpetuity. An effort is being made by the Panamanian Government, and now apparently by the United Nations, to coerce the United States into changing that treaty.

Several years ago, during the term of President Johnson, an effort was made to renegotiate this treaty, and it was renegotiated; but then it had to come before the Senate for ratification, and the opposition in the Senate was such that the administration decided to let the matter die.

I was one of the Senators who took a strong position against giving up American rights in the Panama Canal, I certainly am strongly opposed to any effort on the part of the United Nations to try to force the United States to change the treaty of 1903 with the Panamanian Government.

I commend Ambassador Bush for the strong position he took in the United Nations on this question. I hope that the administration will be very careful in their discussions with the Panamanian Government as to any commitments they may seek to make to Panama in regard to changing this treaty.

If it comes back to the Senate in the form that it did under the Johnson administration, so far as the senior Senator from Virginia is concerned, I expect to oppose it.

The action of Ambassador Bush at the United Nations this week gives me considerable hope that in making any concessions to Panama, they will be of a relatively minor nature and will not give up guaranteed American rights to the Panama Canal.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. FANNIN). Under the previous order, there will now be a period for the transaction of routine morning business, for not to exceed 1 hour, with statements therein limited to 5 minutes each.

UNION CAMP DONATES DISMAL SWAMP LAND

Mr. HARRY F. BYRD, JR. Mr. President, the Union Camp Corp. has announced the donation of nearly 50,000 acres in the Great Dismal Swamp to the Nature Conservancy, a nonprofit land conservation organization.

This generous act will contribute materially to the preservation of the historic, scenic, and recreational potential of the Dismal Swamp, which is located in southeastern Virginia and northeastern North Carolina.

The appraised value of the property donated by Union Camp is $12.6 million, but its actual value cannot be measured in purely financial terms. The Dismal Swamp is one of the last remaining wilderness on the eastern seaboard; parts of it once were owned by George Washington and Patrick Henry. It is rich in historic association and in potential as a wilderness area accessible to millions of Americans.

I salute Union Camp for its action. The corporation, which is headquartered in Wayne, N.J., has major facilities in Richmond and Franklin, in my own State of Virginia. It has long played an important part in the economy of the State.

During the last Congress, I was a sponsor of S. 2441, a bill which authorized a feasibility study of means of preserving Dismal Swamp. This legislation became Public Law 92–478.

I hope that the legislation which we approved in 1972 will lead to conservation of this historic swamp area. Certainly the cause of conservation has been greatly advanced by the action of the Union Camp Corp.

WORLD BANK LOAN TO ZAMBIA TO AID IN DEVELOPMENT OF TOBACCO

Mr. THURMOND. Mr. President, agriculture is an important area of our national life, and the farm problem and the farmer deserve our attention.

I have been a farmer all my life, studied agriculture in college, and taught agriculture along with other subjects in the schools of South Carolina. I know the problems confronting our farmers and am sympathetic to them.

Mr. President, we need to aid our farmers and should not be a party to any policies which are detrimental to them. One particular incident illustrates the complications our farmers must face.

On Tuesday, January 16, 1973, the International Bank for Reconstruction and Development, also known as the World Bank, approved an $11.5-million loan to Zambia. Known as the integrated family farming project, this loan will aid in the development of their maize and tobacco crops.

Mr. President, when I heard rumors of this proposed loan, I contacted the White House and the U.S. representative on the governing board of the World Bank. I am pleased that our country did not support this loan, and regret that the other nations saw fit to disregard the interests of America's tobacco farmers. The World Bank, and President McNamara in particular, subordinated the interests of our farmers to the interests of farmers in Zambia.

Mr. President, I am specifically concerned about the effect of this loan on our own tobacco growers. We export over $550 million of tobacco per year, and this export is of great importance to our economy. Now, our farmers must compete on the foreign market with tobacco from Zambia, which this loan will encourage. It does not make sense to aid foreign countries in the development of agricultural crops where such crops will compete with the crops of our own farmers on the foreign markets.

Mr. President, I oppose the outlay of America's tax dollars when such money is used in callous disregard of the welfare of our farm population.

A WELCOME TO THE INAUGURATION OF PRESIDENT NIXON

Mr. DOMENICI. Mr. President, we will soon be witness to one of the great traditions of this country—the inauguration of the President of the United States. This ceremonial event brings people from around the world to our Nation's Capital. They come from diverse backgrounds; and they are the people who make this country great. Our country was founded upon diversity and now it is drawing its strength and its freedom from that same force. The people of my great State, the State of New Mexico, are contributors to that diversity—people such as its former Governor Tom Bolack, a life-long conservationist; people such as Les Davis, a prominent national agricultural community figure; and people like Mrs. Tillie Simion who has been involved in the governmental processes all her life; and Angel Collado, editor of New Mexico's leading Spanish language newspaper. These are a few of the several hundred New Mexicans who have traveled 2,000 miles to be here in the Nation's Capitol today. All of them contribute to making New Mexico a strong and good State, and because of them, New Mexico contributes to making our Nation great. I would like to welcome them and all Americans from across the land who have come here to witness the inauguration of President Richard M. Nixon. They are all a vital part of this great tradition.

LOUIS W. BALLARD

Mr. DOMENICI. Mr. President, I would like to take this opportunity to recognize one of New Mexico's fine Indian citizens, Louis Ballard. Mr. Ballard is a descendant of Cherokee and Quapaw chiefs and has recently been named the recipient of the Indian Achievement Award for 1972. Because he is the first New Mexican to receive this award, I am extremely pleased to call attention to some of his outstanding achievements. He is a noted musician-composer and is the first musician to receive this award. He was appointed chairman of the music department of the Institute of American Indian Arts of 1962. In 1968, he became a national curriculum specialist for the Bureau of Indian Affairs, with the task of bringing music into the lives of 400,000 Indian children in 300 Indian schools from Florida to Alaska. He will be receiving the award here in the Nation's Capitol on Sunday. I believe Mr. Ballard serves as a fine example of the self-determination that is being displayed by other Indian people across the country. He, and others like him, are able to preserve the culture, religion, and tradition of the Indian people, yet he is a vital participant in the mainstream of America. I praise his efforts as representative of the thousands of Indian people in America.

MR. HAROLD WILSON, OF GREAT BRITAIN, CANCELS AMERICAN LECTURE TOUR

Mr. HASKELL. Mr. President, I have in my hand a letter from Mr. Mitchell, chancellor of the University of Denver, in which he calls my attention to the fact that Harold Wilson, head of the Labor Party of Great Britain, has canceled a lecture tour "owing to international situation and following American bombing of Vietnam."

I ask unanimous consent that the letter be placed in the RECORD because I believe it illustrates the far-reaching effects of the administration's unfortunate action.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNIVERSITY OF DENVER,
Denver, Colo., January 4, 1973.
Hon. FLOYD HASKELL,
Englewood, Colo.

DEAR FLOYD: We have just received the following message from Harold Wilson:

"Deeply regret to say I am obligated to cancel next week American lecture tour owing to international situation and following American bombing Vietnam."

It is distressing after much effort and weeks of careful preparation to receive this word, which of course cancels in turn our dinner at Phipps House on January 10. You will wish to know, however, that Mr. Wilson has had conveyed to us by telephone his feelings while reemphasizing the political liabilities of a visit to the United States at this point in time.

Sincerely,

MAURICE B. MITCHELL.

ECONOMIC AND POLITICAL OBSERVATIONS ON VISIT TO CHINA—SPEECH BY LAURENCE W. LEVINE

Mr. HASKELL. Mr. President, I call the attention of Senators to a speech given yesterday at the Georgetown Club, Washington, D.C., by Mr. Laurence Levine, who is a graduate of Harvard Law School and was a member of the Harvard defense studies program with Dr. Kissinger. Mr. Levine's speech of yesterday is very informative on the history of relations, or lack of relations with China. Mr. Levine was instrumental in having the United States resume relations with China.

I ask unanimous consent that the speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ECONOMIC AND POLITICAL OBSERVATIONS ON VISIT TO CHINA

The privilege of speaking here today is only surpassed by the pleasure it gives me. I want to talk to you today openly, frankly and practically. This Club of which I am familiar because I've been here many times over the years, has some of the most influential members of the community as members and you are part of the decision making apparatus of our nation.

You may have read my articles on China published in East Europe Magazine in 1971 prior to the President's visit and if you haven't, they are in book form (U.S.-China Relations, published December 15, 1972 by Robert Speller & Sons, New York). The first of the articles in question were actually written as a Memo in September, 1969 after I had returned from London on business and had talked at length with people closely associated with the People's Republic of China. The Memo was written for a man in the White House, Murray Chotiner, then General Counsel for the office of the Special Representative for Trade Negotiations. In 1970 he became Special Counsel to the President.

I am going into these details because just as I thought it was important in 1969 that a new President change and renew relations with our historical friends—I believe now that there must be a continuous exchange of people from both sides and I believe that you who occupy many important positions in the country and will continue to do so—must create a decent rapport between the two countries—China and the United States.

It is my belief that if we had had a dialogue with China—if we had realized in 1949 that a nation of 800 million people with thousands of years of a great culture had just finished 15 years of torture, devastation and war—and that it was none of our business to interfere in any way in which she could rebuild herself—even Communism—and that China needed peace—we might not have had a Korea or Vietnam. I may be wrong, but I believe it.

Everyone in China is a guest of the Government and treated as such. You don't go in. You are invited in. Don't forget that. China today for the first time in 500 years is governing herself and Westerners who once ran the country are welcome, and they are invited.

Nobody in the United States is an expert on China and nobody will be an expert in our lifetime. We may have had experts before and during World War II—and I say "may" guardedly, because if we had experts, the result of the last 20 years would not have occurred. An expert is defined by me as a person who was born with 3 hands so he could always say "on the other hand". Hindsight is worth only 20–20—but I think it is fairly obvious that we have made such a mess of our policy in all administrations since World War II in Asia that it is better, with respect to China that we start with a clean slate.

Until 1949 there was no China. There was a huge mass of land, divided up and in chaos. Millions starved to death yearly. Those who lived did not live. They existed if they were lucky. There were, of course, a few wealthy Chinese and Westerners, and a small middle class—but it was a society that was devoid of care for the human being generally. And, there was no organization, purpose or self-respect. The Chinese were not equal with the Western World and were not equal with themselves.

The people of the United States are and were very sympathetic to the problems of China and we did for a time try to help, although our economic depression of the 1930's made that difficult.

United States policy since Pearl Harbor was to keep China in World War II against Japan and Chiang Kai-shek was the chosen instrument. In 1944, as the War was ending, the United States Government sent a mission to China. It was a United States Army observer group and called the "Dixie Commission" and it spent 7 months in China. It had 17 Army men and 2 Foreign Service officers. Their reports were scrupulously accurate on the problems of China, and they reported on the Communist forces, organization and intentions. There is no question that they were loyal and honorable Americans, devoted to their country's best interests. Not only were their reports not listened to, but most of them were accused of being "pro-Red" in the post-World War II chaos and many lost their jobs.

We have had 30 years of war in Asia fanned in part by the Soviet Union, a country as I explained to the Chinese that cannot even feed itself and which has the highest rate of alcoholism in the world.

I wouldn't, as an American citizen, exchange places with anyone. Our country is unequalled in the world and I'm proud to be part of it. I am not proud of how we have run things since 1927 in Asia and irrespective of what party was in office.

The professional and business people that provide the jobs and pay the taxes and have the common old-fashioned American sense, do not speak up or go into Government except rarely. And, our Congress does not concentrate on the many matters such as this.

I advocated in my book that the President appoint a good friend of his or a group—someone close to him, to follow China and I advocated in 1969 that a Trade Group be appointed first because trade always precedes politics. The traders can talk to one another even if the politicians cannot. And, I advocated a Special Joint Committee of Congress to follow China. We ought to do these 2 steps immediately.

I want to talk to you first about trade.

My book states:

"China needs to build up light industries to supply her own market and raise the living standards of her own people. Eventually she can supply these goods to other countries in the Far East. To help pay for this foreign trade and investment, she has raw materials and agricultural products.

"America is not only the most suitable country to assist this economic development of China; she is also the only country fully able to participate.

"For all these reasons there must not and cannot be any conflict, estrangement or misunderstanding between the Chinese people and America."

Who do you think said that! Well, Mao said that to John Stewart Service on March 13, 1945. It is in my book and it is taken from Service's book, "The Amerasia Papers" published in 1971.

We missed out from 1950–1971. China bought her first generation of equipment from the Soviet Union in 1950. It was both paid off and outmoded by 1970.

China is ready for her second generation of equipment. But, if a few people in the city don't get on the ball, we are going to lose out. Last week all the newspapers carried a story issued by the Department of Commerce stating that China trade is one way—that China sold $136 million worth of goods to the United States and only bought $17 million.

How do you think the Chinese feel when they see that? Especially after they ordered $200 million in Boeing jets!! The President ought to muzzle whoever is doing that. I think it's probably unintentional, but who knows—maybe someone in the Department of Commerce does not want the U.S.-China trade. If any event, the story is inaccurate.

Attached to my speech is a letter I wrote to the New York Times on China Trade. It doesn't come from teaching at a university, or reading a book. It comes from talking to the Chinese.

China's trade is based on "equality and mutual benefit." There's no magic to that. The Chinese want (a) the tariffs reduced, (b) the seizure of the Bank of China funds which are small, settled. And, of course, they want the Vietnam War ended—as we all do. When those 3 things happen, I think large trade will begin.

"Chinese exports are $2.1 billion and her imports $2 billion, which is relatively small. But Chinese intelligence and drive will be a force, now that she is self-sufficient in food—to expand into areas of technology in much the same way that the United States, when first founded, developed its Western granaries first and then its modern industry.

"This development will be kindled by China's natural ambition and the fear of a modern industrialized Soviet Union at her border.

"These Chinese must know that until the United States Congress takes the steps to end the political discrimination of the tariffs on Chinese goods, which the Chinese resent, and takes action on Chinese assets seized during the Korean War—that she cannot either open her Bank of China here or really trade with us as if nothing happened.

"China, I believe, uses trade as a political lever to reward and punish. Japan is now being rewarded as we were to a certain extent."

I suggest the Secretary of Commerce, Mr. Dent, encourage putting together a team to visit China as an "Icebreaker Mission" as the

British did in 1953. I explain this "Icebreaker Mission" in my book.

I want to talk to you now about history.

At each place I visited, the procedure was the same. We all sat down and talked, drank tea and smoked cigarettes, exchanging pleasantries about both countries and people. Then I would tour the plant or farm. Then we returned for "suggestions and criticism"—none of which I had. The only suggestion I ever made was that they publish at the Canton Trade Fair each day for the Westerners—a one page summary of the news since Westerners are without knowledge of what is occurring. I think that suggestion will be followed.

My most interesting discussion was on the Korean War. One evening after dinner in a small city at the Liberation Guest House, the group of us sat talking. Some of the academicians and so-called China Watchers say the Chinese are circumspect. I have always found them most direct and if we would learn to follow their statements, we would avoid a lot of trouble. They said to me that they didn't expect me to agree with all they said—and they might not agree with all I said—but that friends always don't agree—and we should talk in a relaxed friendly manner. We did.

I was interested in their knowing that I thought that the Korean War was a war started by Russia and that most intelligent people in the United States knew that. I explained that originally we were told it was started by China and that was nonsense just as it was nonsense that the Chinese were supplying the narcotics of the world.

They replied as follows, and I want to give it verbatim. I took notes and they suggested I do so.

"When our people were liberated in 1949 and our government took over, there were no roads connecting a city, no railroads, electric plants, sewage plants, water plants, hospitals, generators, etc., working in China. We lost 700,000 people in the city of Shanghai alone of starvation in 1949; the country was in chaos. In 1950, less than a year later, we were just getting organized and were in very bad shape. Do you know what we did in the middle of June 1950? The decree for demobilizing our army was signed that month. We sent all our troops back home with rice on their backs. We had to start rebuilding a destroyed nation.

"Do you know, Mr. Levine, who the most surprised people in the world were, when the Korean situation occurred? I replied, "China was."

They said, "Do you, Mr. Levine, think that a country that wants to start a war would demobilize its army 10 days before that war starts?" I replied, "No."

Then they went on. "Chou En-lai and our other leaders made statements all during the summer that the Chinese people cannot sit back if the United States crosses the 38th parallel. The statements also were circulated to all foreign Embassies. The statements stated that Americans should not come near the Yalu River. Do you know why that is so important?" I replied, "Yes."

They replied, "All the electricity for Manchuria—which is the Chinese State on the north of the Yalu is supplied from generators on the North Korean side of the Yalu. How would you Americans feel if 100,000 foreign troops were invading Canada and were on the Canadian side of Niagara Falls?" I replied, "We would probably feel the same way the Chinese did."

Now let's look at the Chinese statements.

The Chinese told me that their demobilization order was signed on or about June 19–24, 1950 and that nobody intending a war would do that. War started on June 25th. In August, 1950, Chou En-lai told the U.N.:

"Korea is China's neighbor . . . The Chinese people cannot but be concerned about the solution of the Korean War . . . It must and can be settled."

On September 25, 1950 and again later, China made statements that the United States should not advance to the Yalu.

On October 2, 1950 China said in a statement sent to 22 foreign embassies and relayed to the State Department:

"Should United States troops invade North Korea—China would be forced to enter the war." (Note that date, October 2, 1950).

On September 27, 1950 President Truman sent a directive to General MacArthur—approved by both the USC and JCS. It is important to note that General Marshall became Secretary of Defense on September 21st.

MacArthur could conduct operations over the 38th Parallel:

"If there had been no entry into North Korea by Russian or Chinese Communist forces, no announcement of intended entry, nor a threat to counter our operations militarily in North Korea."

Truman's memoirs mention this on page 360.[1] This statement was sent to MacArthur one week before Chou En-lai's October 2nd statement.

On October 15, 1950 MacArthur assured Truman at Wake Island that the Chinese would not intervene. I quote you from Truman's Memoirs which he autographed for me (p. 365) attached. Truman says MacArthur said:

"He also informed me that the Chinese Communists would not attack . . . He repeated that the Korean conflict was won and that there was little possibility of the Chinese Communists coming in." He repeated to a larger group (see p. 366 of Truman's Memoirs) . . . "We shook hands . . ."

President Truman then returned and addressed the United Nations in the San Francisco Opera House on October 19, 1950 where he lambasted the Russians—not the Chinese:

"If the Soviet Union really wants peace—it can prove it—and could have proved it on any day since last June 25 by joining the rest of the U.N. in calling upon the North Koreans to lay down their arms "at once" . . . China was not mentioned.

So, Harry S Truman left to meet MacArthur on October 13, 1950. He announced his trip on October 9th.

Do you know why he went? Chou En-lai's statement about what China would do if U.S. troops crossing the 38th parallel was relayed to the State Department on October 3rd.

The JCS message of September 25th was a direct order to MacArthur not to cross the 38th parallel if there was any intention of Chinese intervention.

By October 9th Truman did not like what his political smell told him. He flew 10,000 miles to make sure he got his message across—"don't cross that parallel if China has any intention of coming in."

The Chou statement of October 9th raised a flag in a good political head:

"The Peiping reports of threatened intervention in Korea were another reason for my desire to confer with General MacArthur."

MacArthur still insisted on October 15th at Wake Island that there was no possibility of Chinese intervention. MacArthur had on October 19, 1950 entered Pyongyang, the capital of North Korea.

As Truman stated on page 373 of his Memoirs:

"The Chinese prisoners stated that their units had crossed the Yalu on October 16th, only one day after General MacArthur had assured me on Wake Island . . . that he did not expect them to do that . . ."

The New York Times December 27, 1972 review on Harry Truman states on page 48:

". . . strategists differ as to what prompted the (intervention) . . . but on October 25th the Chinese did enter the conflict."

The Chinese did not enter on October 25th. Truman says they entered on October 16th. They actually entered on October 12, 1950.

Now what happened between September 21st and October 1st, 1950. First, General Marshall was appointed Secretary of Defense. Secondly, the President through the JCS said no crossing of the 38th parallel if any intention of Chinese intervention. Thirdly, Cho En-lai makes a statement on October 2, 1950 that China would enter the war.

MacArthur as late as October 15th told Truman the Chinese won't intervene.

Truman flies to Wake Island to make sure MacArthur understands policy—a local war—no war with China. That trip comes after Chou's statement of October 2nd.

I think it's high time we released all the documents on the Korean War so both our peoples know what happened. All three parties are now dead. MacArthur, Truman and on the Chinese side, Lin Piao.[2]

CONCLUSION

1. I was both fascinated and overwhelmed both by the progress China has made since it became independent 22 years ago and by the friendship offered to me and the American people. We forget that in 1950 China had just ended 13 years of war with Japan and internally was a vast wasteland. Today, it is an agricultural nation not only feeding itself but exporting food and other commodities.

The only shortage is wheat and that is because of the drought last year. The Chinese have a mission in life. I don't think it is war. It's to rebuild China. Let's keep that in mind. While they have done well—they know they have a long way to go.

2. The Chinese people seem well fed and clothed. Considering the history of China over the last 500 years (spelled out in my book, "U.S.-China Relations"), it is a pleasure to see this. The Chinese are the first to admit that they are in the beginning stages. The food is simple as is the clothing—but they have it and everyone gets it and it's good.

3. Housing is adequate. By Western standards, it is not elegant, but by the standards of what China used to have, it's fine. And it will get better each year.

4. The Chinese for the first time in a long time are in control of China and have the pride that goes with running your own country.

5. The Chinese are gracious and want to restore the friendship between our two people. This I found everywhere I went. They admire the American people and know their history. And I think they are sincere about it.

6. China has her own problems. She has the Soviet Union on her border and I believe we can assume from the Lin Piao episode that there is internal dissension. The United States Government has to start moving immediately to appoint a Trade Commission to visit China as the British did in 1953. The Chinese, I think, want very much to do a lot of business with us and we should be a big trading partner with her provided we can settle the Vietnam War, straighten out the tariffs and straighten out the seized asset problem. We seem to have done it with Russia. We certainly can do it with China.

7. Congress which was so bamboozled in the 1960's by the Chiang Lobby in this city, and which Lobby prevented an objective appraisal of American interests in Asia in the

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[1] The exact cables not in Truman's memoirs are published in Chapter 9 of "The Morning Deluge" by Hansuejin.

[2] For instance, President Truman states in his Memoirs that on August 3, 1950 he sent Averill Harriman to discuss the Far Eastern situation and "for reasons of brevity and for national security, I have omitted portions of Harriman's Memoranda." It would be interesting to see that Memoranda.

1950–70 era, must have at least one or two standing committees thoroughly familiar on a day to day basis with China and American policy towards China. I stated this in my 1971 article and if you read my book, it is spelled out.

8. Congress and the President must take steps to begin removing the impositions of the Trade Agreements Extension Act which withdrew favored nation treatment to China and the President should start negotiating through the Trade Commission I suggested on the foreign claims and the seizing of the foreign assets of China in the United States and of our own assets in China. The Bank of China, I believe, wants to open up an office here, but cannot do so until that matter is cleared up. We ought to initiate those negotiations tomorrow morning.

9. China's development, I think, will be kindled by her natural motivation and extreme intelligence and the fear also of a modern Soviet Union at her border. China is now entering stage 2 of her development. It will require better plants and machinery.

10. Our policy towards China should be the same as our policy towards Japan has been for 20 years and we should encourage the three countries—China, Japan, United States—to be friendly and to work with one another. I personally think that China's overtures to Japan now are good, but I want to make sure that the Japanese do not get any special advantages because I think we are in at least as good a position as they are.

Lastly, I would urge that all of these steps be taken quickly because time is working against us. The present leaders of China, as I state in my book, are all in their 70's. Despite all the mistakes that we both have made, they know that there is a basic fondness by American people for the Chinese people and vice versa. We don't know who the next Chinese leaders will be and I suggest that we think very carefully about that. We know whom we are dealing with now—men whom I think respect the United States.

PEACE IN VIETNAM

Mr. STENNIS. Mr. President, I am not privy to the details of the peace negotiations now being conducted with North Vietnam, but it appears from press reports that the Government of South Vietnam is considering draft peace proposals, and may have some objections.

I am fully cognizant of the sacrifices the South Vietnamese people have made in their long struggle. But, at the same time, as we all know, the United States has carried the military burden of this longest war in our history for 8 years, and the economic burden for far longer. Thousands of young Americans have given their lives in this cause. Our sacrifices, in many ways, have been unparalleled. A peace agreement at this time may not be all that we want, much less all that the South Vietnamese want. But it is time to close ranks and agree to a settlement.

As one who has opposed all legislative amendments that demand an end to American participation in the war after a given time, including amendments to appropriation bills cutting off funds for the conduct of the war by American forces, I want to make it clear that I do not think this is the time for the Government of South Vietnam to be an obstacle to peace. The South Vietnamese Government must realize that there are limits to what the American people are willing to do.

The South Vietnamese will need economic and military aid in the coming years, and I expect to be able to support reasonable programs of this type. However, the South Vietnamese can jeopardize American support for such programs if they emerge now as the obstacle to peace in Southeast Asia.

The crucial element now is now particular legal clauses in a document but rather the maintenance of unity between our two countries.

ORDER FOR RECOGNITION OF SENATORS MUSKIE AND TALMADGE ON TUESDAY, JANUARY 23, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Tuesday next, following the recognition of the two leaders or their designees under the standing order, the distinguished Senator from Maine (Mr. MUSKIE) be recognized for not to exceed 15 minutes, and that he be followed by the distinguished Senator from Georgia (Mr. TALMADGE) for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEAVE OF ABSENCE

Mr. ROBERT C. BYRD. Mr. President, in accordance with paragraph 1, rule V of the Standing Rules of the Senate, I have been asked by the able senior Senator from Indiana (Mr. HARTKE) to request unanimous consent that he be granted a leave of absence from the Senate for the next week, if need be, due to the serious illness of his mother.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nomination of Frank C. Carlucci.

There being no objection, the Senate proceeded to consider executive business.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

The PRESIDING OFFICER. The clerk will state the nomination.

The second assistant legislative clerk read the nomination of Frank C. Carlucci, of Pennsylvania, to be Under Secretary of Health, Education, and Welfare.

Mr. ROBERT C. BYRD. Mr. President, at the hearing on the confirmation of Mr. Carlucci before the Senate Committee on Finance the following colloquy occurred between the distinguished chairman of that committee (Mr. LONG) and the nominee, Mr. Carlucci:

The CHAIRMAN. Mr. Carlucci, can the committee expect to have you available for testimony at hearings that we may call during the time that you are in office with respect to matters coming within your jurisdiction?

Mr. CARLUCCI. I can foresee no reason why I would not be available to the committee when it wished, subject only to scheduling requirements, of course.

The PRESIDING OFFICER. The question is on the confirmation.

Without objection, the nomination is confirmed.

Mr. GRIFFIN. Mr. President, I ask that the President be immediately notified of the confirmation of the nomination.

The PRESIDING OFFICER. Without objection, the President will be so notified.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON OVEROBLIGATION OF AN APPROPRIATION

A letter from the Secretary of Health, Education, and Welfare, reporting, pursuant to law, on an overobligation of an appropriation, Department of Health, Education, and Welfare (with accompanying papers); to the Committee on Appropriations.

TEMPORARY PROMOTION OF NAVY ENSIGNS AND MARINE CORPS SECOND LIEUTENANTS

A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend title 10, United States Code, to provide for the temporary promotion of ensigns of the Navy and second lieutenants of the Marine Corps, to provide that these appointments may be made by the President alone, and for other purposes (with an accompanying paper); to the Committee on Armed Services.

REPORT OF DEPARTMENT OF DEFENSE PROCUREMENT FROM SMALL AND OTHER BUSINESS FIRMS

A letter from the Acting Assistant Secretary of Defense (Installations and Logistics), transmitting, pursuant to law, a report of Defense procurement from small and other business firms for July–October 1972 (with an accompanying report); to the Committee on Banking, Currency and Urban Affairs.

GAS SUPPLIES OF INTERSTATE NATURAL GAS PIPELINE COMPANIES, 1971

A letter from the Chairman, Federal Power Commission, transmitting, for the information of the Senate, a publication entitled "The Gas Supplies of Interstate Natural Gas Pipeline Companies, 1971 (with an accompanying publication); to the Committee on Commerce.

Report on Health Consequences of Smoking

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report on the health consequences of smoking, dated January 1973 (with an accompanying report); to the Committee on Commerce.

1972 Financial and Statistical Report of the District of Columbia Government

A letter from the Commissioner, District of Columbia Government, transmitting, pursuant to law, the 1972 Financial and Statistical Report of the District of Columbia (with an accompanying report); to the Committee on the District of Columbia.

International Agreements Other Than Treaties

A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, international agreements other than treaties entered into by the United States (with accompanying papers); to the Committee on Foreign Relations.

Reports of Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on development of a nationwide criminal data exchange system—need to determine cost and improve reporting, Department of Justice, dated January 16, 1972 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on opportunities to improve the model cities program in Kansas City and St. Louis, Mo., and New Orleans, La., Department of Housing and Urban Development, dated January 16, 1973 (with an accompanying report); to the Committee on Government Operations.

Report Entitled "Lake Tahoe—A Special Place"

A letter from the Secretary of the Interior, transmitting pursuant to law, the report "Lake Tahoe—A Special Place," dated January 1973 (with an accompanying report); to the Committee on Interior and Insular Affairs.

Third Preference and Sixth Preference Classifications for Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting temporary admission into the United States of certain aliens (with accompanying papers); to the Committee on the Judiciary.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

Two resolutions of the Legislature of the Commonwealth of Massachusetts; to the Committee on Foreign Relations:

"Resolutions Memorializing the Congress of the United States for Complete U.S. Withdrawal From Southeast Asia

"Whereas, The bombing of the people and territory of Vietnam and Southeast Asia is a wrongful and immoral escalation of our role in the Indochina war; and

"Whereas, Continued bombing in Vietnam and Southeast Asia is a flagrant and direct violation of the declared policy of the Nixon Administration to end the war; and

"Whereas, The national interest would be best served by an negotiated agreement for prisoner release and by the immediate and complete withdrawal of all material and armed forces—land, sea and air—in and over all of Southeast Asia; and

"Whereas, It is within the scope and authority of Congressional power and responsibility to cut all funds from the military budget for military expenditures in Southeast Asia; now, therefore, be it

"*Resolved,* That the Massachusetts Senate respectfully urges the Congress of the United States to prepare at once legislation designated to accomplish the aforesaid objective and requests the President of the United States to expedite the implementation of such action; and be it further

"*Resolved,* That copies of these resolutions be transmitted by the Senate Clerk and Parliamentarian to the President of the United States, to the presiding officer of each branch of Congress and to each member thereof from the Commonwealth.

"Senate, adopted, January 8, 1973."

"Resolutions Condemning the Invasion of South Vietnam and the Escalation of the Vietnam War by North Vietnam

"Whereas, the government of the United States is being urged to withdraw all its troops and war-related materiel from Southeast Asia; and

"Whereas, the government of North Vietnam bears the responsibility for the full-scale invasion of South Vietnam which prompted United States involvement in Southeast Asia; and

"Whereas, the government of North Vietnam has continued to introduce its troops and war-related materiel into South Vietnam; therefore, be it

"*Resolved,* That the Massachusetts Senate herewith urgently requests the government of North Vietnam to immediately withdraw all communist troops from territory in Southeast Asia not encompassed by the boundaries of North Vietnam, and to release all American prisoners of war; and be it further

"*Resolved,* That the Massachusetts Senate hereby condemns the invasion of South Vietnam by North Vietnam and the escalation of the war by North Vietnam; and be it further

"*Resolved,* That copies of these resolutions be transmitted forthwith by the Senate Clerk and Parliamentarian to the President of the United States, to the presiding officer of each branch of the Congress and each member thereof from the Commonwealth and copies of these same resolutions be sent by the Senate Clerk and Parliamentarian to the President of North Vietnam and to the Chief American Negotiator at the Paris Peace talks.

"Senate, adopted January 9, 1973."

A resolution of the Guam Legislature; to the Committee on Interior and Insular Affairs:

"Resolution No. 667

"Relative to commending the Honorable Antonio B. Won Pat upon his election as Guam's first non-voting delegate to the United States Congress and declaring the election of Guam's representative in Congress as one of the milestones in Guam's attainment of local self-government.

"*Be it resolved by the Legislature of the Territory of Guam:*

"Whereas, the territory of Guam was ceded to the United States as a result of the Treaty of Paris of December 10, 1898, which ended the Spanish-American War; and

"Whereas, the island of Guam was administered by the United States Navy for almost fifty years, its indigenous people having the status of nationals of the United States; and

"Whereas, the Organic Act of Guam enacted by the United States Congress in 1950 established civil government on Guam and bestowed American citizenship upon its inhabitants, the Congress of the United States thus granting the people of Guam a substantial measure of self-government; and

"Whereas, another milestone in the territory's constitutional development was achieved in 1968, with the passage by the United States Congress of the Elected Governorship Bill for Guam, which resulted in the election of Guam's first elected Governor and Lt. Governor in November of 1970; and

"Whereas, H.R. 3237 enacted by the 92nd Congress of the United States in 1971 extended representation to the territory of Guam in the United States House of Representatives; and

"Whereas, Honorable Antonio B. Won Pat was elected in November of 1972 to hold the prestigious office of Guam's first non-voting delegate to the House of Representatives; and

"Whereas, the members of this Legislature recognize that the cornerstone of our democratic system of government is the concept of self-government in which the people determine their own form of government; and

"Whereas, it is the consensus of this Legislature that the people of Guam desire closer ties with their fellow citizens in the American Mainland and that, having gained a voice in the halls of the United States Congress, Guam has made substantial and undeniable progress toward the attainment of this goal; and

"Whereas, the people of Guam who now enjoy this measure of self-determination and self-government consider any requirements for periodic reports to foreign powers or the United Nations relative to their political, economic, and social status as an intrusion and infringement on their dignity and rights as a self-governing people; now therefore be it

"*Resolved,* that the Eleventh Guam Legislature on behalf of the people of Guam does hereby commend the Honorable Antonio B. Won Pat upon his election in November of 1972 as Guam's first elected Non-Voting Delegate to the United States Congress; and be it further

"*Resolved,* that the Eleventh Guam Legislature on behalf of the people of Guam does hereby declare any requirement for making periodic reports to any foreign power or to the United Nations on its political, economic and social status to be an infringement on Guam's present level of self-rule and demeaning to the people of Guam and does hereby assert that any such requirement should therefore be terminated forthwith; and be it further

"*Resolved,* that the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to the Honorable Antonio B. Won Pat, to the Secretary of the Interior, to the Secretary of State, to the Speaker of the House of Representatives, to the President of the Senate, to the Chairman, House Committee on Interior and Insular Affairs, to the Chairman, Senate Committee on Interior and Insular Affairs and to the Governor of Guam.

"Duly and regularly adopted on the 17th day of November, 1972."

A concurrent resolution of the Legislature of the State of Oklahoma; ordered to lie on the table:

"Enrolled House Concurrent Resolution No. 1003

"A concurrent resolution relating to the life and achievements of the Honorable Harry S. Truman, thirty-third President of the United States, relating his many significant contributions to America and to the world as a stateman, scholar and public servant; commending his life as an example to be followed by all who aspire to contribute to the well-being of mankind; and directing distribution

"Whereas, on December 26, 1972, the Supreme Ruler of the Universe did call forth his loyal and dedicated servant Harry S. Truman, statesman, scholar, dedicated public official, and Thirty-third President of these United States; and

"Whereas, it is fitting that Oklahoma, the Nation and the world pause in recognition of the life and many accomplishments of "Mr. Citizen," to the end that his achievements might be fittingly memoralized and serve as an example for all who aspire to contribute to the well-being of mankind; and

"Whereas, President Harry S. Truman was born in Lamar, Missouri, on May 8, 1884, and grew to young manhood working on his family's farm, from which he entered military service in World War I; and

"Whereas, Mr. Truman received his initial military training in his sister state of Oklahoma, at the Fort Sill Field Artillery School in 1917, becoming a First Lieutenant and seeing action in the Vosges. Meuse-Argonne and St. Mihiel campaigns, being honorably discharged with the rank of major in 1919; and

"Whereas, Mr. Truman maintained his active connection with the military, holding the rank of Colonel in the Army Reserve throughout his public career; and

"Whereas, Harry S. Truman first entered upon public service as a County Judge in Jackson County, Missouri, eventually being chosen Presiding Judge of that Court, and later attaining election to the United States Senate in 1934 and 1940; and

"Whereas, Senator Truman was chosen as the Vice Presidential candidate of the Democratic Party in 1944 and was elected to serve with President Franklin Delano Roosevelt in that year; and

"Whereas, barely one year later, on April 12, 1945, following the untimely demise of President Roosevelt, Vice President Truman succeeded to the Presidency, where it became his immediate and burdensome responsibility to steer the American ship of state as well as the free world through a period marked by the disruption of a World War, and the beginning of the 'Cold War'; and

"Whereas, President Truman, by his forthright stands in defense of Greece and Turkey, by the promulgation of the Truman Doctrine, by his early and fervent support of the Marshall Plan for the rebuilding of Europe, and by his support of the North Atlantic Treaty Organization, did demonstrate to all the strength and resoluteness of the free world in the face of Communist aggression; and

"Whereas, winning the 1948 Presidential election in the face of overwhelming odds and despite the predictions of all pollsters, he proceeded to direct and guide the greatest bipartisan program for the rebuilding of a war-torn world that this or any other nation has ever witnessed; and

"Whereas, his contributions included the formation of the Economic Recovery Administration, the naming of General Dwight D. Eisenhower as Supreme Allied Commander in Europe, the creation of the Office of Defense Mobilization, the dispatching of United States aid to Korea under the auspices of the United Nations which he had helped formalize, and the direction of the 'Berlin Airlift' in 1948; and

"Whereas, on the domestic front, President Truman established a higher minimum wage, increased social security benefits for all Americans, promoted more federal aid to insure adequate housing standards and more decent housing units for all our citizens, instituted controls over materials and prices until inflationary tendencies caused by the war were banished, and drafted the first version of national health insurance coverage for the United States;

"Whereas, although he retired to Independence, Missouri, to write his memoirs in 1952, the policies and programs he set in motion continue to bear his distinctive stamp in American foreign policy as well as internal social and economic programs fully two decades after his Presidency; and

"Whereas, in spite of all his accomplishments, he insisted throughout his public career that he was merely a 'common man,' and hoped only to be judged as one who, when the responsibility was passed to him, would accept it and do the best he could, for in his own words, 'The buck stops here'; and

"Whereas, it is clear to the rest of the world the President Harry S. Truman was indeed an uncommon man, as any man would have to be to lead a great nation through what his own *Memoirs* called the *Year of Decisions*, and the *Years of Trial and Hope;* and

"Whereas, with the passing of Harry S. Truman, each of us has lost not only a great leader and an inspiring public servant, but a great friend and a true human being, and every man is himself diminished by the loss.

"Now, therefore, be it resolved by the House of Representatives of the 1st session of the 34th Oklahoma Legislature, the Senate concurring therein:

"Section 1. That the life and achievements of President Harry S. Truman be and hereby are memorialized as an example for all who aspire to contribute to the well-being of mankind.

"Section 2. That this Resolution be spread in full upon the pages of the House and Senate Journals of the 1st Session of the 34th Oklahoma Legislature.

"Section 3. That duly authenticated copies of this Resolution, following consideration and enrollment, be prepared for and sent to Mrs. Harry S. Truman; Mrs. Margaret Truman Daniel; President Richard M. Nixon; Honorable Carl Albert, Speaker of the U.S. House of Representatives; Honorable Spiro T. Agnew, Vice President of the United States and President of the U.S. Senate; and to the Harry S. Truman Library in Independence, Missouri.

"Adopted by the House of Representatives the 9th day of January, 1973.

"Adopted by the Senate the 10th day of January, 1973."

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. SPARKMAN, from the Committee on Banking, Housing and Urban Affairs:

S. 421. An original bill to provide that appointments to the office of Director of the Cost of Living Council shall be subject to confirmation by the Senate (Rept. No. 93–1).

Mr. SPARKMAN. Mr. President, from the Committee on Banking, Housing and Urban Affairs, I report favorably the bill (S. 421) to amend the Economic Stabilization Act of 1970 to provide that appointments to the office of Director of the Cost of Living Council shall be subject to confirmation by the Senate, and I submit a report thereon. I ask unanimous consent that the report be printed.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. TALMADGE, from the Committee on Agriculture and Forestry:

William W. Erwin, of Indiana, to be an Assistant Secretary of Agriculture.

By Mr. CURTIS, from the Committee on Agriculture and Forestry:

Clayton Yeutter, of Nebraska, to be an Assistant Secretary of Agriculture.

By Mr. BELLMON, from the Committee on Agriculture and Forestry:

John A. Knebel, of Virginia, to be General Counsel of the Department of Agriculture.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. TOWER (for himself, Mr. Beall, Mr. Bennett, Mr. Bentsen, Mr. Bible, Mr. Church, Mr. Domenici, Mr. Dominick, Mr. Fannin, Mr. Goldwater, Mr. Gravel, Mr. Muskie, Mr. Stevens, Mr. Thurmond, and Mr. Percy)

S. 414. A bill to provide increased job training opportunities for people with limited English-speaking ability by establishing a coordinated manpower training program, a teacher training program for instructors of bilingual job training, and a capability to increase the development of instructional materials and methods for bilingual job training. Referred to the Committee on Labor and Public Welfare.

By Mr. GOLDWATER:

S. 415. A bill for the relief of Jack and Barbara Collins. Referred to the Committee on the Judiciary.

By Mr. ALLEN (for himself, Mr. Baker, Mr. Buckley, Mr. Cannon, Mr. Helms, Mr. Scott of Virginia, Mr. Sparkman, Mr. Stennis, Mr. Talmadge, Mr. Thurmond, and Mr. Tower):

S. 416. A bill to further the achievement of equal educational opportunities. Referred to the Committee on Labor and Public Welfare.

By Mr. SCOTT of Pennsylvania:

S. 417. A bill to amend the act of June 28, 1948, to provide for the addition of certain property in Philadelphia, Pa., to Independence National Historical Park. Referred to the Committee on Interior and Insular Affairs.

By Mr. BELLMON:

S. 418. A bill to amend the Consolidated Farm and Rural Development Act of 1972. Referred to the Committee on Agriculture and Forestry.

By Mr. PEARSON:

S. 419. A bill to establish a National Energy Resources Advisory Board. Referred to the Committee on Commerce.

By Mr. SPARKMAN:

S. 420. A bill to designate the University College library, the University of Alabama in Birmingham, Ala., as a depository of Government publications. Referred to the Committee on Rules and Administration.

By Mr. SPARKMAN (from the Committee on Banking, Housing and Urban Affairs):

S. 421. An original bill to provide that appointments to the Cost of Living Council shall be subject to confirmation by the Senate. Ordered to be placed on the calendar.

By Mr. HATFIELD:

S. 422. A bill to authorize the issuance of twenty-five dollar gold pieces bearing the seal or symbol of the American Revolution Bicentennial Commission. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. RIBICOFF (for himself, Mr. Kennedy, Mr. Magnuson, Mr. McIntyre, Mr. Stevens, Mr. Hathaway, Mr. Nelson, Mr. Cannon, Mr. McGovern, Mr. Humphrey, Mr. Stevenson, Mr. McGee, Mr. Abourezk, Mr. Mondale, Mr. Randolph, Mr. Williams, Mr. Pastore, Mr. Chiles, Mr. Hart, Mr. Pell, Mr. Cranston, Mr. Hughes, Mr. Talmadge, and Mr. Muskie):

S. 423. A bill to establish a Department of Health. Referred simultaneously to the Committee on Government Operations and the Committee on Labor and Public Welfare by unanimous consent; and when reported by one committee, the bill be referred to the other.

By Mr. JACKSON (for himself, Mr. Metcalf, Mr. Pastore, Mr. Bennett, Mr. Moss, Mr. Church, Mr. Gurney, Mr. Inouye, Mr. Humphrey, Mr. Tunney, and Mr. Haskell):

S. 424. A bill to provide for the management, protection, and development of the national resource lands, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. JACKSON (for himself, Mr. Mansfield, Mr. Metcalf, Mr. Moss and Mr. Buckley):

S. 425. A bill to provide for the cooperation between the Secretary of the Interior and the States with respect to the regulation of surface mining operations, and the acquisition and reclamation of abandoned mines, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. ROBERT C. BYRD (for Mr. Magnuson) (for himself, Mr. Tunney, and Mr. Hart):

S. 426. A bill to regulate interstate Commerce by requiring premarket testing of new chemical substances and to provide for screening of the results of such testing prior to commercial production, to require testing of certain existing chemical substances, to authorize the regulation of the use and distribution of chemical substances, and for other purposes. Referred to the Committee on Commerce.

By Mr. KENNEDY (for himself, Mr. Randolph, Mr. Williams, Mr. Javits, Mr. Beall, Mr. Cranston, Mr. Hathaway, Mr. Mondale, Mr. Pell, Mr. Schweiker, and Mr. Taft):

S. 427. A bill to provide for the extension of the Developmental Disabilities Services and Facilities Construction Act. Referred to the Committee on Labor and Public Welfare.

By Mr. ABOUREZK:

S. 428. A bill for the relief of Ernesto Espino. Referred to the Committee on the Judiciary.

By Mr. ROBERT C. BYRD for Mr. Magnuson) (for himself and Mr. Kennedy):

S. 429. A bill entitled the "Children's Dental Health Act of 1973." Referred to the Committee on Labor and Public Welfare.

By Mr. HARTKE:

S. 430. A bill to amend the Internal Revenue Code of 1954. Referred to the Committee on Finance.

S. 431. A bill to amend titles I, IV, X, XIV, and XVI of the Social Security Act to prevent recipients of assistance under programs established pursuant to such titles from having the amount of such assistance reduced because of increases in the monthly insurance benefits payable to them under title II of such act. Referred to the Committee on Finance.

By Mr. ROBERT C. BYRD (for Mr. Magnuson):

S. 432. A bill for the relief of Quy Thi Thu Pham. Referred to the Committee on the Judiciary.

By Mr. ROBERT C. BYRD (for Mr. Magnuson) (for himself, Mr. Hart, and Mr. Tunney):

S. 433. A bill to assure that the public is provided with an adequate quantity of safe drinking water, and for other purposes. Referred to the Committee on Commerce.

By Mr. HARTKE:

S. 434. A bill entitled "The Foreign Investment and Technology Export Control Act of 1973;" and

S. 435. A bill to promote full employment, restore a diversified production base, to promote orderly world marketing and the long-run growth of foreign trade. Referred to the Committee on Finance.

S. 436. A bill to provide for the coverage under medicare of dental care, eye care, dentures, eyeglasses, and hearing aids. Referred to the Committee on Finance.

By Mr. BELLMON:

S. 437. A bill to amend the Export Administration Act of 1969, as amended. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. HARTKE:

S. 438. A bill to amend the Social Security Act to provide coverage for out-of-hospital prescription drugs under medicare. Referred to the Committee on Finance.

S. 439. A bill to amend the U.S. Tariff Code. Referred to the Committee on Finance.

By Mr. JAVITS (for himself, Mr. Stennis, Mr. Eagleton, Mr. Bentsen, Mr. Taft, Mr. Abourezk, Mr. Baker, Mr. Bayh, Mr. Bible, Mr. Biden, Mr. Brock, Mr. Brooke, Mr. Burdick, Mr. Harry F. Byrd, Jr., Mr. Robert C. Byrd, Mr. Case, Mr. Chiles, Mr. Clark, Mr. Cook, Mr. Cranston, Mr. Fong, Mr. Hart, Mr. Haskell, Mr. Hatfield, Mr. Hathaway, Mr. Huddleston, Mr. Hughes, Mr. Humphrey, Mr. Inouye, Mr. Kennedy, Mr. Magnuson, Mr. Mansfield, Mr. Mathias, Mr. McGovern, Mr. Metcalf, Mr. Mondale, Mr. Moss, Mr. Muskie, Mr. Nelson, Mr. Nunn, Mr. Packwood, Mr. Pell, Mr. Percy, Mr. Proxmire, Mr. Randolph, Mr. Ribicoff, Mr. Roth, Mr. Schweiker, Mr. Scott of Pennsylvania, Mr. Stafford, Mr. Stevens, Mr. Stevenson, Mr. Symington, Mr. Talmadge, Mr. Tunney, Mr. Weicker, Mr. Williams, and Mr. Young):

S. 440. A bill to make rules governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress. Referred to the Committee on Foreign Relations.

By Mr. HARTKE:

S. 441. A bill to amend the Tariff Act of 1930. Referred to the Committee on Finance.

S. 442. A bill to establish a Foreign Trade and Investment Commission, and to amend the adjustment assistance provisions of the Trade Expansion Act of 1962. Referred to the Committee on Finance.

S. 443. A bill to establish a Foreign Trade and Investment Commission, to amend the Antidumping Act of 1921 and to amend the counteravailing duty law. Referred to the Committee on Finance.

By Mr. HARTKE (for himself, Mr. Hansen, Mr. Baker, Mr. Beall, Mr. Dominick, Mr. Eastland, Mr. Fannin, Mr. Goldwater, Mr. Gurney, Mr. Hruska, Mr. McClure, Mr. Packwood, Mr. Scott of Virginia, Mr. Sparkman, Mr. Thurmond, and Mr. Young):

S. 444. A bill to amend the Social Security Act to provide for medical, hospital and dental care through a system of voluntary health insurance including protection against the catastrophic expenses of illness, financed in whole for low-income groups through issuance of certificates, and in part for all other persons through allowance of tax credits; and to provide effective utilization of available financial resources, health manpower, and facilities. Referred to the Committee on Finance.

By Mr. CASE:

S. 445. A bill to cut off funds for the implementation of the Azores base agreement with Portugal until that agreement is submitted to the Senate as a treaty. Referred to the Committee on Foreign Relations.

S. 446. A bill to require all agreements with foreign governments for U.S. military bases abroad be submitted to the Senate as treaties. Referred to the Committee on Foreign Relations.

By Mr. HARTKE:

S. 447. A bill to require reporting of certain data bearing on foreign trade and to require the clear labeling of foreign imports. Referred to the Committee on Government Operations.

By Mr. BUCKLEY:

S. 448. A bill to amend title 45, United States Code, in order to provide that a State may act in the case of labor disputes involving a railroad industry primarily engaged in intrastate operations and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. DOMINICK:

S. 449. A bill to amend the Wild and Scenic Rivers Act of 1968 (82 Stat. 906) by designating a portion of the Colorado River, Colo., for study as a potential addition to the National Wild and Scenic Rivers system. Referred to the Committee on Interior and Insular Affairs.

By Mr. HUGHES (for himself, Mr. Abourezk, Mr. Clark, Mr. Cranston, Mr. Hart, Mr. Hatfield, Mr. Huddleston, Mr. Mansfield, Mr. McGovern, Mr. Metcalf, Mr. Mondale, Mr. Pell, Mr. Stevenson, Mr. Tunney, and Mr. Williams):

S. 450. A bill to require the public disclosure of certain information relating to U.S. military activities in Southeast Asia. Referred to the Committee on Armed Services.

By Mr. HATFIELD (for himself, Mr. Mansfield, Mr. McGovern, Mr. Young, Mr. Cook, and Mr. Metcalf):

S. 451. A bill to amend title 18, United States Code, to provide for a privilege against disclosure of information and the sources of information obtained by persons in the communications media. Referred to the Committee on the Judiciary.

By Mr. HART (for himself, Mr. Griffin, Mr. Mondale, Mr. Humphrey, Mr. Proxmire, Mr. Nelson, Mr. Percy, Mr. Stevenson, Mr. Saxbe, Mr. Taft, Mr. Hartke, and Mr. Bayh):

S. 452. A bill to designate certain lands in the Isle Royale National Park in Michigan as wilderness, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. MOSS:

S. 453. A bill to establish a National Minerals Processing Institute for research investigation, information, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

S. 454. A bill to establish a corporation for the development of new energy sources, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

S. 455. A bill to amend the Federal Aviation Act of 1958 to provide a definition for inclusive tour charters, and for other purposes. Referred to the Committee on Commerce.

S. 456. A bill to amend the Internal Revenue Code of 1954 to tax cigarettes on the basis of their tar content, and for other purposes. Referred to the Committee on Finance.

By Mr. MOSS (for himself, Mr. Mansfield, and Mr. Metcalf):

S. 457. A bill to amend the act of June 21, 1949 (81 Stat. 116, 30 U.S.C. 54) enlarging the liability for damages to stock raising and other homesteads by mining activities. Referred to the Committee on Interior and Insular Affairs.

By Mr. JAVITS (for himself, Mr. Williams, Mr. Kennedy, Mr. Brooke, Mr. Burdick, Mr. Cranston, Mr. Hartke, Mr. Hughes, Mr. Humphrey, Mr. McGee, Mr. Metcalf, Mr. Pastore, Mr. Percy, Mr. Ribicoff, Mr. Schweiker, Mr. Stevens, Mr. Stevenson, Mr. Taft, Mr. Tower, Mr. Tunney, Mr. Moss, Mr. Pell, Mr. Randolph, and Mr. Dole):

S. 458. A bill to provide for the humane care, treatment, habilitation and protection of the mentally retarded in residential facilities through the establishment of strick quality operation and control standards and the support of the implementation of such standards by Federal assistance, to establish States plans which requires a survey of need for assistance to residential facilities to enable them to be in compliance with such standards, seek to minimize inappropriate admissions to residential facilities and develop strategies which stimulate the development of regional and community programs for the mentally retarded which include the integration of such residential facilities, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. TALMADGE (for himself and Mr. Aiken):

S. 459. A bill to require the Secretary of Agriculture to carry out a Rural Environmental Assistance Program. Referred to the Committee on Agriculture and Forestry.

By Mr. RIBICOFF (for himself and Mr. Schweiker):

S. 460. A bill to revise and restate certain functions and duties of the Comptroller General of the United States; to change the name of the General Accounting Office to "Office of the Comptroller General of the United States," and for other purposes. Referred to the Committee on Government Operations.

By Mr. BENTSEN:

S. 461. A bill for the relief of Shirley Ramkissoon.

S. 462. A bill for the relief of J. B. Riddle.

S. 463. A bill for the relief of Swiff-Train Company.

S. 464. A bill for the relief of Guido Bellanca.

S. 465. A bill for the relief of Guillermo Teodore Ardid-Borraz. Referred to the Committee on the Judiciary.

By Mr. MOSS:

S. 466. A bill to designate the High Uintas Wilderness in Ashley and Wasatch National Forests, in the State of Utah. Referred to the Committee on Interior and Insular Affairs.

By Mr. RANDOLPH (for himself, Mr. Montoya, Mr. Muskie, and Mr. Burdick):

S. 467. A bill to extend the Public Works and Economic Development Act of 1965, as amended, for 1 year, and for other purposes. Referred to the Committee on Public Works.

By Mr. THURMOND:

S. 468. A bill to provide an income tax credit for certain expenses incurred in furnishing or obtaining a higher education (including postsecondary trade and vocational schools). Referred to the Committee on Finance.

By Mr. METCALF (for himself and Mr. Mansfield):

S. 469. A bill for the relief of Solomon Simtob. Referred to the Committee on the Judiciary.

By Mr. WILLIAMS (for himself, Mr. Bennett, and Mr. Tower):

S. 470. A bill to amend the Securities Exchange Act of 1934 to regulate the transactions of members of national securities exchanges, to amend the Investment Company Act of 1940 and the Investment Advisers Act of 1940 to define certain duties of persons subject to such acts, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. CHURCH (for himself and Mr. Magnuson):

S. 471. A bill to encourage State and local governments to reform their real property tax systems so as to decrease the real property tax burden of low and moderate income individuals who have attained age 65. Referred to the Committee on Finance.

By Mr KENNEDY (for himself, Mr. Stevens, Mr. Bible, Mr. Eagleton, Mr. Gravel, Mr. Hart, Mr. Hughes, Mr. Humphrey, Mr. Magnuson, Mr. Moss, Mr. Muskie, and Mr. Williams):

S. 472. A bill to amend title 13, United States Code, to establish within the Bureau of the Census a Voter Registration Administration to carry out a program of financial assistance to encourage and assist the States and local governments in registering voters. Referred to the Committee on Post Office and Civil Service.

By Mr. McGEE (for himself, Mr. Mansfield, Mr. Scott of Pennsylvania, Mr. Bellmon, Mr. Bennett, Mr. Brooke, Mr. Case, Mr. Church, Mr. Fong, Mr. Hathaway, Mr. Hughes, Mr. Humphrey, Mr. Javits, Mr. McGovern, Mr. Metcalf, Mr. Moss, Mr. Muskie, Mr. Taft, and Mr. Pell):

S.J. Res. 21. A joint resolution to create an Atlantic Union delegation. Referred to the Committee on Foreign Relations.

By Mr. MOSS:

S.J. Res. 22. A joint resolution to authorize the President of the United States to proclaim the full week before Christmas each year as "National Postal Workers Week." Referred to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Mr. Stevenson, Mr. Ribicoff, Mr. McIntyre, Mr. Pell, Mr. Javits, Mr. Hathaway, Mr. Aiken, Mr. Brooke, Mr. Muskie, Mr. Williams, Mr. Case, Mr. Stafford, Mr. Cotton, Mr. Weicker, Mr. Symington, Mr. McGovern, Mr. Clark, Mr. Burdick, Mr. Mondale, Mr. Nelson, Mr. Bayh, Mr. Proxmire, Mr. Abourezk, Mr. Pastore, Mr. Humphrey, Mr. Hughes, Mr. Hart, Mr. Moss, and Mr. Percy):

S.J. Res. 23. A joint resolution to authorize the emergency importation of oil into the United States. Referred to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND RESOLUTIONS

By Mr. TOWER (for himself, Mr. Beall, Mr. Bennett, Mr. Bentsen, Mr. Bible, Mr. Church, Mr. Domenici, Mr. Dominick, Mr. Fannin, Mr. Goldwater, Mr. Gravel, Mr. Muskie, Mr. Stevens, Mr. Thurmond, and Mr. Percy):

S. 414. A bill to provide increased job training opportunities for people with limited English-speaking ability by establishing a coordinated manpower training program, a teacher training program for instructors of bilingual job training, and a capability to increase the development of instructional materials and methods for bilingual job training. Referred to the Committee on Labor and Public Welfare.

Mr. TOWER. Mr. President, on behalf of myself and Mr. Dominick, Mr. Beall, Mr. Bennett, Mr. Bentsen, Mr. Bible, Mr. Church, Mr. Domenici, Mr. Goldwater, Mr. Gravel, Mr. Muskie, Mr. Stevens, Mr. Thurmond, Mr. Fannin, and Mr. Percy, I am today introducing the Bilingual Job Training Act of 1973.

I introduced this legislation late in the 92d Congress, and since that time it has received encouraging support from all over the country.

The need for this kind of legislation becomes more apparent every day. The Federal Government has, for more than a decade, provided a variety of manpower training services extending from the Manpower Development and Training Act programs for institutional and on-the-job training components to the programs within the basic tenets of the community action philosophy of the antipoverty program, and to the more private industry-government cooperative venture envisioned in the JOBS program. Some of these programs have produced satisfactory results in terms of providing basic skills to the disadvantaged so that they may be able to become more productive members of our society. Still other programs have for the most part failed to achieve their basic objectives.

In reviewing these programs it has become quite clear that their success in terms of meeting the needs of individuals with limited English-speaking ability has been restricted to a large degree by their basic inability to confront the language problem and the secondary effects that such a problem has on the manpower programs, ther participants, and potential participants.

In counseling, job referral, institutional training, and many other basic ingredients of existing manpower programs, individuals with limited English ability are penalized simply because their primary language is not the primary language of the majority of our citizens. Whether this penalty is imposed in a conscious or unconscious manner does nothing to dispute the fact that a major vacuum exists in our overall strategy in meeting the needs of a large proportion of our economically disadvantaged citizens.

A recent evaluation report on the effects of existing manpower training services on Mexican-Americans in the southwestern part of the United States documents the inability of these programs to adequately meet the needs of the Spanish-speaking American. The report concludes that the failure of many of these programs and their supporting institutions to take into consideration the particular needs of the Spanish-speaking American also has the effect of delimiting his confidence in government programs and naturally, therefore, his individual desires in seeking out this type of government assistance.

A number of vocational training institutions in my State of Texas have successfully launched programs with the goal of providing skills for persons with Spanish-speaking backgrounds. However, almost without exception, the programs are limited to a preliminary basic education program, perhaps followed by a prevocational program.

These programs are aimed at developing enough English language ability to allow the participants to be trained in conventional English language courses, or at best such English language courses supplemented in Spanish. Thus, the participant who is interested in job training is forced into a holding pattern before he is even able to enroll in the training he may desperately need and desire. Naturally, the psychological and economic factors involved result in a high dropout rate.

Job training opportunities are specifically provided in Texas and throughout the southwestern part of the United States by Operation SER, Jobs for Progress, Inc. Through contracts primarily with the Department of Labor, Operation SER has been the most successful program of its kind in providing job opportunities in attractive fields for individuals with Spanish-speaking backgrounds.

I have visited with the leaders of SER

from the cities in Texas where they have ongoing programs and have been very much impressed with their sincerity and ability to obtain results. In fact, the report commissioned by the Department of Labor that I had earlier alluded to in these remarks noted that of all the existing manpower programs, SER has had the most positive impact with the Spanish-speaking communities across the country.

The legislation I am today proposing is intended to draw upon these public and private efforts in order to achieve full employment opportunity for the bilingual American. It is intended to fill a void in our national manpower and employment policies. There is an urgent need for the Congress and the executive branch to give due recognition to this problem and authorize an appropriate remedy to fill this void.

While this legislation would provide assistance for all groups in our society whose primary language is not English, my major concern as a U.S. Senator representing Texas is with our Spanish-speaking population. It should be noted that the average median income of Spanish-speaking families is nearly $3,000 below the average for the rest of our population. In addition, one cannot disregard the fact that the unemployment rate among Spanish-speaking Americans is above the national average, or the fact that approximately one out of every five adults of Spanish origin has completed less than 5 years of schooling compared with only one out of 25 for all others.

The Bilingual Job Training Act of 1973 will provide a measure of the necessary assistance needed to close the statistical gap. Further, it will allow the participant to utilize his cultural experience rather than sacrifice it. Americans of Spanish-speaking origin are singularly uninterested in welfare programs or any other program that fails to take into consideration his or her cultural background and heritage. Programs aimed at meeting the specific problems of employment opportunity would be welcomed by the Spanish-speaking community as a sign that the Federal Government is truly interested in removing the vestiges of second-class citizenry.

The Bilingual Job Training Act is constructed in a manner so that all types of individuals, institutions and organizations may participate. It is flexible in its approach because this type of training is still in its developmental stage with no one set approach preferable to any other. More importantly, the program in my mind should be flexible in order to pay special attention to the individual trainee rather than to a particular method.

BILINGUAL TRAINING GRANTS

Part B of the legislation provides for assistance to States, local educational institutions, and certain private nonprofit organizations to enable them to conduct bilingual training programs primarily in a language other than English. This is the major section of the bill and would receive 65 percent of the funds appropriated.

TEACHER TRAINING

Part C would provide grants to State and educational institutions so that they could provide training for teachers and related educational personnel to enable them to participate in bilingual job training programs. It would also provide inservice and development programs to improve the qualifications of those persons participating in the programs. In my research on this overall problem, I found that this type of training was greatly needed and was not being given enough priority by the Federal Government to have a significant impact.

INSTRUCTIONAL MATERIAL

Part D is intended to provide for the development of instructional materials such as textbooks and audiovisual materials. I believe that this type of research and development is very important if this manpower training effort is to keep up with our complex and changing technology and occupational needs.

Mr. President, this legislation represents an investment in the future of many of our citizens who, through no fault of their own, suffer from a lack of real employment opportunities. At the same time, an effective manpower program directed at the bilingual American will have the effect of reducing welfare dependency and increasing our economic output.

Mr. President, it is my hope that Congress will give this legislation its very careful consideration in the early part of the 93d Congress. I ask unanimous consent that the full text of this measure be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 414

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—BILINGUAL JOB TRAINING

PART A—GENERAL PROVISIONS

SHORT TITLE

SEC. 101. This act may be cited as the Bilingual Job Training Act of 1973.

CONGRESSIONAL STATEMENT OF FINDINGS AND PURPOSE

SEC. 102. The Congress hereby finds that one of the most acute problems in the United States is that which involves millions of citizens, both children and adults, whose efforts to profit from job training is severely restricted by their limited English-speaking ability because they come from environments where the dominant language is other than English; that these persons are therefore unable to help to fill the critical need for more and better trained personnel in many vital occupational categories; and that such persons are unable to make their maximum contribution to the Nation's economy and must, in fact, suffer the hardships of unemployment or underemployment. The Congress further finds that there is a critical shortage of instructors possessing both the job knowledge and skills and the dual language capabilities required for adequate instruction of such language-handicapped persons, and a corresponding shortage of instructional materials and of instructional methods and techniques suitable for such instruction.

It is therefore the purpose of this Act to provide for the conduct of job training programs in the combined languages of English and of the person's dominant language and, further, to provide for the development of skilled instructors and of instructional materials and techniques for bilingual job training.

AUTHORIZATION OF APPROPRIATIONS

SEC. 103. There are hereby authorized to be appropriated $20,000,000 for the fiscal year ending June 30, 1974, $40,000,000 for the fiscal year ending June 30, 1975, and $60,000,000 for the fiscal year ending June 30, 1976, for the purpose of making grants in accordance with the provisions of parts B, C, and D of this Act: *Provided*, That 65 per centum shall be for grants pursuant to part B of this Act, 25 per centum shall be for grants pursuant to part C of this Act, and 10 per centum shall be for grants pursuant to part D of this Act.

DEFINITIONS

SEC. 104. For the purpose of this Act—

(a) The term "job training" means training or retraining which is given in schools or classes (including field or laboratory work and remedial or related academic and technical instruction incident thereto) under public supervision and control or under contract with a State board or local education agency or is conducted as part of a program designed to prepare individuals for gainful employment as semiskilled or skilled workers or technicians or subprofessionals in recognized occupations and in new and emerging occupations, but excluding any program to prepare individuals for employment in occupations which the Commission of Education determines, and specifies by regulation, to be generally considered professional which requires a baccalaureate or higher degree; such term includes guidance and counseling (either individually or through group instruction) in connection with such training or for the purpose of facilitating occupational choices; instruction related to the occupation or occupations to which the students are in training or instruction necessary for students to benefit from such training; the training of persons engaged as, or preparing to become teachers in a job training program; travel of students and job training personnel while engaged in a training program; and the acquisition, maintenance, and repair of instructional supplies, aids, and equipment, but such term does not include the construction, acquisition, or initial equipment of buildings or the acquisition or rental of land.

(b) The term "Secretary" means the Secretary of Labor.

(c) The term "State" includes, in addition to the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(d) The term "local educational agency" means a board of education or other legally constituted local school authority having administrative control and direction of public elementary or secondary schools in a city, county, township, school district, or political subdivision in a State, or any other public educational institution or agency having administrative control and direction of an educational program.

(e) The term "high school" does not include any grade beyond grade 12.

(f) The term "post-secondary educational institution" means an institution legally authorized to provide postsecondary education within a State for persons sixteen years of age or older who have graduated from or left elementary or secondary school.

(g) The term "private vocational training institution" means a business or trade school, or technical institute or other technical or vocational school, in any State, which (1) admits as regular students only persons who have completed or left elementary or secondary school and who have the ability to benefit from the training offered by such institution, and (2) is legally authorized to provide, and provides within that State, a program of training designed to fit individuals for useful employment in recognized occupations.

GENERAL RESPONSIBILITIES OF THE SECRETARY OF LABOR

SEC. 105. The Secretary shall, in addition to the specific responsibilities imposed by this Act, (1) develop and disseminate accurate information on the status of bilingual job training in all parts of the Nation, (2) evaluate the impact of such bilingual job training on the shortages of well-trained personnel, the unemployment or underemployment of persons of limited English-speaking ability and the ability of such persons to contribute fully to the Nation's economy, and (3) report his findings annually to the Congress.

PART B—STATE BILINGUAL JOB TRAINING PROGRAMS

AUTHORIZATION OF GRANTS

SEC. 106. From the sums made available for grants under this part pursuant to section 103, the Secretary is authorized to make grants to States, local educational agencies, post-secondary educational institutions, private vocational training institutions, or to such nonprofit organizations especially created to serve a group whose language as commonly used is other than English, in supplying training and employment in recognized occupations and new and emerging occupations, to assist them in conducting bilingual job training programs for persons of all ages in all communities of the States which are designed to insure that job training programs are available to all individuals who desire and need such bilingual job training.

USE OF FEDERAL FUNDS

SEC. 107. Grants under this part may be used, in accordance with applications approved under section 108, for the following purposes:

(a) Bilingual job training programs for high school students which are designed to prepare them for entry into a work situation upon graduation from high school.

(b) Bilingual job training programs for persons who have completed or left elementary or secondary school and who are available for training by a post-secondary educational institution.

(c) Bilingual job training programs for persons who have already entered the labor market and who desire or need training or retraining to achieve year-round employment, adjust to changing manpower needs, expand their range of skills, or advance in employment.

(d) Training allowances for participants in bilingual job training programs subject to the same conditions and limitations as those set forth in section 2583 of the Manpower Development and Training Act of 1962 as amended by the Manpower Act of 1965.

APPLICATIONS FOR GRANTS AND CONDITIONS FOR APPROVAL

SEC. 108. (a) A grant under this part may be made to State Boards of Vocational Education upon application to the Secretary at such time or times, in such manner, and containing or accompanied by such information as the Secretary deems necessary. Such applications shall—

(1) provide that the activities and services for which assistance under this title is sought will be administered by or under the supervision of the State Board for Vocational Education;

(2) set forth a program for carrying out the purposes set forth in section 107 and provide for such methods of administration as are necessary for the proper and efficient operation of the program

(3) set forth a program of such size, scope, and design as will make a substantial step toward achieving the purpose of this Act;

(4) set forth policies and procedures which assure an equitable distribution of funds for the purposes stated in section 107 and among the various potential applicant agencies within the State;

(5) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this title; and

(6) provide for making an annual report and such other reports in such form, and containing such information, as the Secretary may reasonably require to carry out his functions under this Act and to determine the extent to which funds provided under this part have been effective in improving the training opportunities of persons in the area served, and for keeping records and for according such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports.

(b) A grant under this part may be made directly to a local educational agency or agencies, or to post-secondary educational institutions, or to private vocational training institutions, or to such nonprofit organizations especially created to serve a group whose language as commonly used is other than English, in supplying training and employment in recognized occupations and new and emerging occupations, upon application to the Secretary at such time or times as the Secretary deems necessary, but only if and when the agency of this State which serves the State Board of Vocational Education approves such application in advance. Such application shall conform to the same requirements as those listed under subsection (a) above.

(c) Amendments of applications shall, except as the Secretary may otherwise provide by or pursuant to regulations, be subject to approval in the same manner as original applications.

PAYMENTS

SEC. 109. (a) The Secretary shall pay to each applicant which has an application approved under this part an amount equal to the total sums expended by the applicant under the application for the purposes set forth therein.

(b) Payments under this part may be made in installments and in advance or by way of reimbursement, with necessary adjustments on account of overpayment or underpayment.

PART C—TEACHER TRAINING PROGRAM

AUTHORIZATION OF GRANTS

SEC. 110. From the sums made available for grants under this part pursuant to section 103, the Secretary is authorized to make grants to States or directly to educational institutions, either public or private, to assist them in conducting training for instructors of bilingual job training programs.

USE OF FEDERAL FUNDS

SEC. 111. Grants under this part may be used for the following purposes:

(a) Providing preservice training designed to prepare persons to participate in bilingual job training programs as instructors, aides, or other ancillary education personnel such as counselors, and inservice and development programs designed to enable such persons to continue to improve their qualifications while participating in such programs.

(b) Fellowships or traineeships for persons engaged in such preservice or inservice training.

APPLICATIONS FOR GRANTS AND CONDITIONS FOR APPROVAL

SEC. 112. (a) A grant under this part may be made upon application to the Secretary at such time or times, in such manner, and containing or accompanied by such information as the Secretary deems necessary. Such application shall contain—

(1) a description of the nature, duration, purpose, and plan of the proposed training program;

(2) full information as to the capabilities of the applicant institution to teach the job-skills content of the programs for which persons are being trained, including a listing of the job training courses offered by that institution together with the indication of approval by State agencies and/or accreditation by regional or national accrediting associations;

(3) the qualifications of the principal staff who will be responsible for the training including, specifically, information to show that such principal staff is qualified to teach in the language other than English to be used in the bilingual job training program for which the persons are being trained;

(4) a statement of the minimum qualifications of persons to be enrolled in the training program, a description of the processes to be used in the selection of persons to be trained, and the amounts of fellowships or traineeships to be granted to the persons enrolled;

(5) a justification of the amount of grant funds requested; and

(6) such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this title.

(b) The Secretary may approve applications for grants under this part only if—

(1) the applications meet the requirements set forth in subsection (a);

(2) the Secretary determines that bilingual job training programs requiring the services of the persons to be trained have been or will be actually conducted in the State or States being served and that enrollees will be selected from or for such programs; and

(3) the Secretary determines that the applicant institution actually has on-going job training programs in the field for which persons are being trained; and that the applicant institution can provide instructors with adequate language capabilities in the language other than English to be used in the bilingual job training program for which the persons are being trained.

(c) Amendments of applications shall, except as the Secretary may otherwise provide by or pursuant to regulations, be subject to approval in the same manner as original applications.

PAYMENTS

SEC. 113. (a) The Secretary shall pay to each applicant which has an application approved under this part an amount equal to the total sums expended by the applicant under the applications for the purposes set forth therein.

(b) Payments under this part may be made in installments and in advance or by way of reimbursement, with necessary adjustments on account of overpayment or underpayment.

PART D—DEVELOPMENT OF INSTRUCTIONAL MATERIALS, METHODS, AND TECHNIQUES

AUTHORIZATION OF GRANTS

SEC. 114. From the sums made available for grants under this part pursuant to section 103, the Secretary is authorized to make grants to States, to educational institutions, either public or private, or to other organizations, either profit or nonprofit, to assist them in developing instructional material, methods, or techniques for bilingual job training.

USE OF FEDERAL FUNDS

SEC. 115. Grants under this part may be used for—

(a) research in bilingual job training;

(b) training programs designed to familiarize State agencies and training institutions with research findings and successful pilot and demonstration projects in bilingual job training;

(c) experimental, developmental, and pilot programs and projects designed to test the effectiveness of research findings; and

(d) demonstration and dissemination projects.

APPLICATIONS FOR GRANTS AND CONDITIONS FOR APPROVAL

SEC. 116. (a) A grant under this part may be made upon application to the Secretary at such time or times, in such manner, and containing or accompanied by such information as the Secretary deems necessary. Such applications shall contain—

(1) a description of the nature, duration, purpose, and plan of the project;

(2) the qualifications of the principal staff who will be responsible for the project;

(3) a justification of the amount of grant funds requested; and

(4) such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant.

(b) The Secretary may approve applications for grants under this part only if—

(1) the application meets the requirements set forth in subsection (a);

(2) the program set forth in the application is consistent with criteria established by the Secretary (where feasible, in cooperation with the State educational agency) for the purpose of achieving equitable distribution of assistance under this part within each State.

(c) Amendments of applications shall, except as the Secretary may otherwise provide by or pursuant to regulations, be subject to approval in the same manner as original applications.

PAYMENTS

SEC. 117. (a) The Secretary shall pay to each applicant which has an application approved under this part an amount equal to the total sums expended by the applicant under the application for the purposes set forth therein.

(b) Payments under this part may be made in installments and in advance or by way of reimbursement, with necessary adjustments on account of overpayment or underpayment.

Mr. DOMINICK. Mr. President, I am delighted to join my distinguished colleague, Senator JOHN TOWER, today in introducing the Bilingual Job Training Act of 1973. I associate myself completely with the introductory remarks made by Senator TOWER. I am especially pleased at the broad support we have received from our colleagues on both sides of the aisle.

If we are to achieve equal employment opportunities, it is essential that our national manpower policy recognize the unique need of citizens whose primary language is not English. For example, Spanish-speaking Americans cannot be assisted by Government training programs unless those programs recognize the cultural background of these people. Existing manpower training programs do not recognize the circumstances affecting groups of American people in this particular situation.

There are some exceptions to the foregoing statement. In September 1972 issue of Manpower, the official monthly journal of the Manpower Administration, U.S. Department of Labor, Gloria Stevenson in an article entitled "The Job Corps Learns Spanish," reports that:

> During the past two years, the Job Corps has geared four of its national centers to serve the Spanish-speaking, set up three new centers in or near barrios, established a program to serve Puerto Rican youth from New York City, upped its proportion of Spanish-speaking staff members, developed guidelines for bilingual instruction and cultural awareness programs, and strengthened its Spanish language recruitment activities.
>
> During the past two years, in short, the Job Corps has become far more responsive to the unique needs of disadvantaged Spanish-speaking youth.
>
> Spanish-speaking young people—and this term is used here to describe youth descended from Spanish-speaking cultures; they may actually speak English, Spanish, or both—have been enrolling in the Job Corps since it was established in 1965. For several reasons, however, this residential program offering basic education and vocational training to disadvantaged 16 to 21 year-old youth seldom met the needs of Hispanos.
>
> The Job Corps, like most of the Nation's programs and institutions, was developed by and for English-speaking Americans. No program was established for Spanish-speaking youth, and the only centers specifically designated to serve them were five in Puerto Rico, three of which were closed in 1969. Most other centers were ill-prepared for Spanish-speaking participants, and some actually turned away those who could speak no English.

In the same publication appears an excellent article entitled "A Chance To Be," by Patricia Marshall, which describes the outstanding program of Operation SER. If other programs were as effective as Operation SER I fully believe that the numbers on our welfare rolls would be drastically reduced.

I ask unanimous consent that his article be printed in full at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DOMINICK. Mr. President, the bill we introduce today will offer a flexible approach to the problems of bilingual training by allowing participants to make use of their cultural experiences rather than sacrificing them. It would provide for assistance to State and local educational institutions for training of teachers and related educational personnel to participate in bilingual job training programs and provide for development of instructional materials to insure that such training will keep pace with complex and changing technology and occupational needs. The estimated cost for the first year is $20 million.

I shall urge my colleagues on the Labor and Public Welfare Committee to hold hearings on this bill at the earliest opportunity.

EXHIBIT 1

A CHANCE TO BE—OPERATION SER OFFERS ARRAY OF SERVICES IN 29 COMMUNITIES

(By Patricia Marshall)

Mexican Americans living on the East side of San Jose, Calif., call their part of town "Sal Si Puedes." It means: "Get out if you can."

What they are trying to escape is their own poverty. The East side, which is largely Mexican American, has the worst housing, the lowest incomes, and the highest unemployment in San Jose. Large numbers of its residents have severe educational deficiencies and inadequate urban work skills. Problems in English language usage are widespread. This is especially true of the many families who worked as farm laborers until orchards and farmlands in Santa Clara County were taken over by industry, suburban sprawls of single-family homes, and agribusinesses run with labor-saving machinery.

Illiteracy—both in Spanish and English, as they say on the East side—is common.

Operation SER also is in San Jose's eastern sector. This is the local office of a national manpower effort directed by and for Spanish-speaking Americans. SER's name has an encouraging sound to people in the barrios—the Mexican American neighborhoods. In Spanish, "ser" is the verb "to be." Used as an acronym, the letters are spelled out as Service, Employment, and Redevelopment.

More importantly, SER offices in 29 cities offer disadvantaged Spanish Americans a host of vital services which open up pathways to education and employment. All SER offices have a bilingual staff, and all build programs around certain basic services: Counseling, vocational training, and employment assistance. Typically, local SER's also offer basic adult education and preparation for a high school equivalency certificate. A great many now are adopting English as a second language training.

But there is no national formula for SER. Instead, it shapes programs around local needs and resources.

TIES WITH PUBLIC AGENCIES

In each State, SER has an informal working agreement with the State employment service. It also works closely with other public and private agencies. These relationships serve the dual purpose of connecting Spanish-speaking communities to help that is locally available and sensitizing old-line agencies to the special needs of the Spanish-speaking.

In San Jose, SER considers its education classes one of the most important aids it has to offer people on the East side. A firm base of education is vital, this SER has found, for the hard-core unemployed to survive in the job mainstream. Without it, such persons cannot function either in vocational training or at work. Today's jobs in San Jose are sophisticated. They are in electronics, auto plants, and other durable goods manufacturing. The local economy no longer rests largely on food processing plants and similar agriculture-based industries on which many low-skilled and poorly educated Chicanos used to depend for a living.

People going into SER training in San Jose first go through orientation and counseling sessions. Then they are placed in either educational classes or vocational training.

San Jose's SER offers education on a number of levels: First, English as a second language training for persons with poor English skills; next, adult education, which is basic English and mathematics supplemented by a number of electives—driver education, naturalization information for permanent U.S. residents who are not citizens, consumer education, and information on medical clinics and other community resources. At the third educational level are studies leading to a high school equivalency certificate.

When people complete their educational classes, they are ready for the next critical step. SER helps them get a job, enter vocational training (a functional level of ninth grade is required for such training), or go to college.

A downtown office has a staff of job development and placement specialists. They keep tabs on employer needs throughout the city and county and line up job openings for all trainees. A number of large employers, such as Westinghouse and Travelers Insurance, regularly seek job applicants from SER.

The staff also serves monthly about 150 "walk-ins"—most of them Mexican American, and all of them people who simply want help finding a job. In addition, staff recruiters seek out people in the barrios who need work and match them with job openings on file at SER.

Those who opt for SER vocational training (including people who do not first require educational classwork) choose from one of three skills—welding, bilingual secretary, and accounting clerk. All are skills in demand in the San Jose area.

SER continues counseling and other supportive help during training, then finds jobs for its graduates. Once at work these persons are followed up by SER counselors at regular intervals for a year. During these followups, counselors help to iron out problems that might hurt a worker's chances of staying on the job.

For persons who choose college, SER provides information on schools and sources of financial aid. Most of the college-bound enter California State University in San Jose or go to one of the many other nearby schools in the California State system.

San Jose's SER is the only one in the Nation operating a live-in center for school dropouts. Funded with a $170,000 Model Cities grant, the center houses young men from 16 to 20 years old who have little to show for the years they were in school. Many who dropped out in the 11th grade, for example, function at only a fifth grade level.

They are poor. About 40 percent come to the center needing shoes and other ordinary articles of clothing. They come from troubled backgrounds. Nearly two-thirds are referred to the center by the California Youth Authority.

The center offers a stable environment where youth can build a constructive self-image, learn to rein in antisocial behavior, and work toward a high school equivalency certificate in individually programed studies. Half of each resident's monthly $60 stipend is put in the bank to give him financial security when he leaves the center for college or a job.

Such services from SER help San Jose Eastsiders overcome personal obstacles standing between them and good jobs. But not all employment problems of Mexican Americans are born in the barrio. There are many institutional blocks to jobs, and SER works hard to remove them. The San Jose SER helped spur the adoption of a Santa Clara plan for equal employment opportunity in federally assisted construction in the area and also helped get an affirmative action plan for minority employment from the city.

OFFICES OPEN IN TWENTY-NINE CITIES

SER takes much of the credit for opening up county employment as well. It was instrumental in getting county adoption of an equal employment policy which aims to correct the disparity between the number of Chicanos on the county payroll (6½ percent before the policy went into effect) and the number of Chicanos in the county (about 20 percent). To underwrite its plan, the county hired a former SER staff member to be director of minority recruitment.

The 29 cities with local SER offices—10 of them opened last spring and still are in early stages of programing—are located in the West and Southwest and as far East as Detroit. After shaping program plans to fit their community situations, local SER's are funded by Jobs for Progress, Inc., the national office of SER located in Los Angeles. This is a nonprofit corporation set up by two large Mexican American organizations—the League of United Latin American Citizens (LULAC) and the American G.I. Forum.

Jobs for Progress contracts with the U.S. Department of Labor's Manpower Administration for most SER funds. In the 1971–72 fiscal year, funding for SER regular programs from this source totaled $9.5 million. In addition, the Manpower Administration funded Project Detour, a pretrial intervention program for first-time offenders operated by the San Antonio SER, at $500,000 for 18 months. The regional Manpower Administration also funded a SER-operated New Careers program in Los Angeles County for $500,000.

Small amounts of program funds come from other Federal sources, including a $100,000 grant last fiscal year from the U.S. Office of Economic Opportunity for a SER office in Washington, D.C. to serve as a liaison between SER and all Federal agencies.

As a national manpower effort for Spanish-speaking Americans, SER has come a long way since 1965, when it was born as a job placement service for people in the Houston and Corpus Christi barrios. At that time, Department of Defense officials noticed that not many Chicanos were applying for jobs in plants with Government contracts. They suggested to LULAC that it let the Mexican American community know that jobs were available and that Government contractors had a legal obligation to provide equal employment opportunity.

The first SER offices, like those of today, were located in the heart of the barrios. Manned by bilingual volunteers, these offices soon were swamped with job applicants.

One notable result of this small-scale effort was a decision by the Manpower Administration and the Office of Economic Opportunity to fund SER jointly as an experimental and demonstration project. Still small in scale—funding was about $400,000 to cover 2 years—SER began serving a larger geographic area. Moreover, SER was no longer just a volunteer placement effort. It was now in the manpower business—a program planner, administrator, recruiter, and counselor for low-income people.

SER's success as an experimental project led to its growth and present status as a major effort to draw the Spanish-speaking into the Nation's employment mainstream. It has become, as one Chicano described SER in its early days, "a dynamic engine of change" for Spanish-speaking people.

By now SER has piled up a great amount of expertise in manpower. It has blended its intimate knowledge of the language, culture, and outlook of people in low-income Spanish-speaking communities with manpower program technology and has discovered what works in the barricade what doesn't work—and why.

Its role is not an easy one. As a bridge between two cultures—the Angelo and the Spanish—SER is in the middle. But local SER directors, like Jose Martinez in San Jose, have learned how to function effectively from this position.

STAFF UNDERSTANDS

"SER is one of the few places in the city that consistently has maintained good relations both with poor people and the establishment," Martinez says, "It is hard to keep the respect of both camps. But our staff understands how the system operates. They know its deficiencies and the pressures on it. And, of course, we understand our own people very well.

"We let both segments of the community know our position—and what we can deliver. In working with employers, for example, we present our ideas and point of view. When we find that an employer has set up requirements that are not job-related, we try to change these. But often an employer's requirements are valid, and we don't try to do away with those requirements. We ask him to help us bring our people to this.

"We have never gone to businessmen asking that they do us a favor by hiring some Mexican Americans. And we have never tried to force an employer to open his doors to some Mexican Americans who were not qualified.

"We want our people to be as qualified for their jobs as the people working next to them. If they aren't, an employer who hires only a few as a token, their fellow workers will resent them, and we will have accomplished nothing."

In Corpus Christi, SER director John Bilano has a similar point of view. "Basically, we're here to serve the employers," Bilano says. "Without him, there are no jobs. We don't find jobs for individuals—we can't sell every individual to every employer. We find jobs for people. There's a difference."

Last year the Corpus Christi SER placed more than a thousand people directly on jobs without training. This year it is putting more emphasis on training before placement, but still is trying to place 100 nontrainees a month.

Skill training at this SER also is closely tied to employer needs. For example, before starting a course in air-conditioning and refrigeration mechanics—a skill much in demand in this part of the country—SER staff went to a local refrigeration firm and enlisted its help in developing a job-related curriculum. Del Mar Technical Institute, using this course of studies, does the mechanics' training under contract with SER.

A similar arrangement was worked out for SER welder training. SER graduate welders find a ready market for their skills at IHC Holland-Le Tourneau Marine Corporation at Port Ingleside. The firm, which is building giant platforms for offshore oil drilling, needs 260 welders for each rig. However, its welders must pass American Bureau of Shipping tests. SER training focuses on test requirements—and on the jobs at Holland-Le Tourneau, where regular welders get up to $4.00 an hour plus fringe benefits. To facilitate SER training, the company contributed much of the needed equipment.

John Bilano likes to put such accomplishments in perspective. "Remember, $1.25 an hour is still the minimum wage in Texas for many occupations. A job paying $1.60 an hour is a good job here. A job paying as much as $2.50 an hour is a breakthrough for many Mexican Americans—they haven't had jobs like that before. At $3.30 and above, you're out of the world in our part of town."

BARRIO LOCATION HELPS

In SER's part of town, houses are old and small. Many badly need repair. There are no sidewalks or gutters along the streets; instead, there are reed-filled, open ditches with standing water and mosquitoes. Still, along with the evident poverty there are signs that people are trying to create a better environment. There are canaries singing from cages hung on little front porches and there is hibiscus putting forth blossoms.

Bilano knows that it takes more than a barrio location to make a manpower program relevant to barrio people. But the location helps.

Sensitivity helps, too. "Most of SER's staff was raised in some barrio," Bilano says. "We understand the adults who come to SER for help. Many of them feel they have nowhere else to go. SER is their last hope. But if we demean them in any way, or if there is any hostility shown toward them, they will leave no matter how badly they need us."

Nor do young people face any communication gaps at SER. As for those who are school dropouts, Bilano himself was one. He got his high school equivalency certificate in the Navy, and under the G.I. bill went to Texas A. and I. University where he got a master's degree in administration. He has been a local school teacher and director of Federal programs for the school district.

Bilano says the Mexican American school dropout rate runs about 80 percent in the area. "You might think that those who graduate could get decent jobs," he said. "They are the elite. But they also are unskilled. Very few took any vocational courses in high school because they were too busy just getting through the required subjects. Then, when they graduate, they have to compete for jobs with dropouts. And when you compete with dropouts, wages drop."

In addition to its courses in welding and air-conditioning and refrigeration mechanics, the Corpus Christi SER offers a course in auto mechanics and on-the-job training in 13 occupations at the U.S. Army Aeronautical Depot Maintenance Center (ARADMAC). Its offerings at ARADMAC include training as printer, upholsterer, machinist, spray painter, and aircraft sheetmetal worker, with SER paying trainee stipends. Since ARADMAC is committed to train but not to hire when the training ends, SER is responsible for placing graduates in jobs or in regular apprenticeship programs in the city.

SER plans to add legal secretary training and placement to its list of offerings. Other opportunities at SER stem from its use by large U.S. firms seeking to hire Spanish-speaking employees. This year SER recruited workers for Dupont, United Airlines, the U.S. Food and Drug Administration, the Federal Bureau of Investigation, and the National Opinion Research Center. It also recruited students for Humble Oil and Refining Company's summer jobs program and for Harvard University.

The Corpus Christi SER recently discontinued its adult basic education classes, which were run by the school system, because they did not produce results to satisfy Bilano.

"The schools did not worry about the finished product and blamed the students when the students failed to learn," Bilano said. "Our view is that the students are there because they have a problem. It's up to the teacher to teach them. If the students fail to learn, it's not they who must go—it's the teacher. The teaching must be on a performance basis." Bilano says that in the future he hopes to offer adult basic education under SER administration. Until then, persons needing adult education are referred to a learning center run by the Corpus Christi Manpower Area Planning Council.

Moving North with SER to Tucson, one finds that basic education, high school equivalency instruction, and English as second language classes have an important place in trainees' preparation for work. Of the 118 persons now enrolled in the Tucson SER programs, 70 percent have a functional level from fifth to seventh grade. This does not reflect a failure on the trainees' part to go higher in school, however, because 70 percent attended nine or more grades.

"DIFFERENT WAY OF THINKING"

Nearly a third of the trainees had little English capability when they came to SER. To meet their needs, SER runs two English as a second language (ESL) classes under the direction of Mrs. Graciela Revilla, who has taught the subject for 26 years in this country and in Cuba and has developed teaching materials with a manpower and job-oriented slant.

"We teach not only language, but culture and a different way of thinking and functioning," Mrs. Revilla says. "But these are proud people, and we emphasize that we are not asking them to renounce their identity. Instead, they are adding to their knowledge."

The SER center is located in the heart of Tucson's poverty. Around it are little frame and adobe homes, some of them with goats and chickens in their front yards. Downtown Tucson is visible on the horizon, but it seems very far away. In this location, SER finds that many people come in who are looking for work rather than training. Nearly 20 persons are placed directly in jobs each month.

Three Arizona State Employment Service specialists are stationed at SER to do placements for trainees and walk-ins. They use a microfilm job reader to get daily job listings from Phoenix of all openings listed with the employment service anywhere in the State. These specialists also check the eligibility of persons entering SER training classes.

SER training—other than ESL—is provided by contractors. The Saguaro Trade School has some of the trainees in its 24-week air-conditioning and refrigeration mechanics' course. The Tucson Skill Center has others in its 12-week nurse aides' training and in a 14-week course to train ward clerks.

According to SER director Ernest Urias, Hughes Aircraft plans to start on-the-job training of electronics assemblers in October and wants SER to do its employee recruitment and pre-job orientation. Entry wages will be $3.02 an hour, with 20 persons to be hired each month for the next 14 months.

A second SER in Arizona is located in Glendale, on the fringes of Phoenix. It serves people in a suburban barrio and also reaches out to people living in little towns like El Mirage and Surprise.

The Glendale SER offers many routes to well-paid, steady jobs. It contracts with the Maricopa County Skills Center and with private technical schools to train workers in meatcutting, refrigeration mechanics, medical secretarial services, computer technology, cosmetology, and other skills. In the construction trades, it has a pre-apprenticeship program at the skills center which is linked with apprenticeship opportunities available through the Phoenix Urban League.

Other opportunities are available through SER referral to business firms which prefer to do their own training. Mountain Bell Telephone Company, for example, has hired 25 Mexican Americans through SER and trained them as construction linemen or operators.

Like other SER's across the country, the one in Glendale emphasizes training and placements in occupations that are "nontraditional" in the Spanish-speaking community. Glendale director Jess Moreno points out that SER is making breakthroughs for Chicanos in occupations where workers are in demand. Rapid growth in the Phoenix area is creating a great need for construction workers, he reports, and there are a number of new clinics and hospitals going up which will need medical secretaries. Farmwork and cannery work—traditional Chicano employment—are not enjoying such a boom.

At the national SER office in Los Angeles, Jobs for Progress, Inc., measures the progress local SER's make—or fail to make—by comparing data on their performance with national and local goals.

PLACEMENT MEASURED

"Among the many items we measure is trainee placement," reports Robert Cuellar, the national SER's deputy director for planning, evaluation, and management information systems. "At no time do we allow placements to get below 75 percent of completions at any SER office. If placements go below that, we have an identifiable problem and we act on it.

"We measure retention rates of trainees after they have been on the job 1 month, 3 months, and again after 6 months. Our rate is now over 80 percent for persons who have worked 6 months.

"We measure the dropout rate of trainees. Nationally, this is now about 11 percent.

"We also know that on the average, former SER trainees gained more than $3,000 in wages on their first job over their earnings when they came to SER."

In addition to evaluating and monitoring local projects, Jobs for Progress provides training and technical assistance to these SER's and does program-oriented research.

It is a businesslike system with a social goal. Richardo Zazueta, national SER director, says it also represents the first time the Spanish-speaking have learned to use "the system" in their on behalf.

"Today the Spanish-speaking must achieve equity in the society if they are to survive," Zazueta says.

"We remember the truth of the Spanish saying: 'Camarón que se duerme se lo lleva la corriente.'"

It means: The shrimp that sleeps get carried away with the current.

By Mr. GOLDWATER:

S. 415. A bill for the relief of Jack and Barbara Collins. Referred to the Committee on the Judiciary.

HOW A TAXPAYER CAN LOSE HIS REFUND BECAUSE OF TAXES HE NEVER OWED

Mr. GOLDWATER. Mr. President, I am introducing a private relief bill today to overturn a shocking injustice which has been caused to an Arizona family because of a technicality in the tax laws. I am offering this measure not only to provide some small degree of vindication to the family which has suffered so much, but to highlight the tragic situations that can occur under the existing tax structure in the hope that the Congress might be alerted to enacting a general amendment to the tax laws which will prevent this from ever occurring again.

Mr. President, the situation which I am going to describe is one where a successful businessman literally lost his business, was evicted from his home, and was compelled to leave the country in the course of a tax claim which the Internal Revenue Service brought against him. It is a case where the taxpayer was eventually found to owe the Government nothing at all, but actually to have overpaid his taxes by several thousands of dollars. However, after suffering great humiliation and the total disruption of his own and his family's normal life, the taxpayer was told that he cannot receive a refund because of a technicality in the law.

What happened, as I have been told it by third parties, is this. In early 1966, the Internal Revenue Service began an audit of the personal income tax return of Mr. and Mrs. Jack Collins of Phoenix, Ariz. During the latter part of 1965, before a formal tax deficiency was asserted, word had already began to get around the community that Government agents were making inquiries regarding the taxpayer's alleged tax debts. Then, when the Government did initiate its claims, it also filed liens of record against various properties owned by the taxpayer. As a result of this combination of events, the financial condition of Mr. Collins became extremely distressed.

Indeed, Mr. President, I am informed by an accountant, who was aware of Mr. Collins' situation at the time, that the filing of these liens totally cut off all of Mr. Collins' borrowing ability, making it impossible for him to earn a living. In fact, Mr. Collins' credit picture suffered so enormously that his accountant of that date, the person who was in possession of records which were necessary to the defense of Mr. Collins' tax case, refused to release any of these records or to cooperate in his defense until arrangements would be made to pay the amounts previously due him and to compensate him for the additional work that would be required to defend the case. This inability to obtain credit even from his personal accountant at a time when he was daily suffering the loss of family properties and during which he was evicted from his home by foreclosure, left Mr. Collins without any opportunity to earn a living in some way that he knew how and compelled him to leave the

United States and start over again in another country in order to support his wife and family.

Incredibly enough, once Mr. Collins, through great personal initiative and labors, had rebuilt himself to the point where he could return to the United States and appeal the huge tax claims against him, the Internal Revenue Service discovered, and I quote from their own report:

> Based on additional information submitted during an Appellate hearing in 1971, it was redetermined that the taxpayer's unpaid liability is zero.

Imagine, Mr. President, that after having assessed claims against Mr. Collins covering 4 tax years, 1960, 1961, 1962, and 1963, totaling $144,832 plus interest, the Government suddenly discovered that it had been wrong all the time and Mr. Collins never owned the Government one single penny. In fact, again quoting from the Government report:

> It was redetermined that there was an overassessment for 1962 and 1963 of $1,279.44 and $3,056.35, respectively.

In other words, the Government actually owed Mr. Collins more than $4,300 for the tax years involved.

But what do you suppose happened? The Government said it could not pay the refund because there is no authority in the law permitting a refund after the expiration of such a long number of years.

Mr. President, that this kind of treatment of an individual citizen can occur is simply incredible to me and should not be permitted to happen under our form of Government. Here a man and his family have lost their entire business and holdings, lost their home, and literally were forced to leave the country after a false tax assessment and then, when it turns out the assessment was wrong, they are told they are not entitled under our laws to receive a refund of the excess taxes that they have paid to their Government. The refund was initially filed on time, and the only reason it was not paid back is the fact the Government held it up for several years pending the outcome of the erroneous overassessment. Nevertheless, even though the delay resulted from the Government's own action, there is no way this family can be refunded the money it truly overpaid.

Mr. President, since it takes a special law to change this, I am introducing one today. In doing so, I am hopeful the full Congress will recognize the need for changing the tax laws by a general amendment so that no other citizen will ever find himself in this unfortunate condition.

By Mr. ALLEN (for himself, Mr. BAKER, Mr. BUCKLEY, Mr. CANNON, Mr. HELMS, Mr. SCOTT of Virginia, Mr. SPARKMAN, Mr. STENNIS, Mr. TALMADGE, Mr. THURMOND, and Mr. TOWER):

S. 416. A bill to further the achievement of equal educational opportunities. Referred to the Committee on Labor and Public Welfare.

EDUCATIONAL OPPORTUNITIES ACT OF 1973

Mr. ALLEN. Mr. President, I introduce for appropriate reference, on behalf of myself, Mr. BAKER, Mr. BUCKLEY, Mr. CANNON, Mr. HELMS, Mr. SCOTT of Virginia, Mr. SPARKMAN, Mr. STENNIS, Mr. TALMADGE, Mr. THURMOND, and Mr. TOWER, a bill designed to further the achievement of equal educational opportunities. If this language sounds familiar, it is. It is the title of the Equal Educational Opportunities Act of 1972 (H.R. 13915, 92d Congress), killed by a Senate filibuster during the waning days of the last Congress. The bill is identical to H.R. 13915 as it passed the House. The reasons for reintroducing it are closely related to the reasons why it was killed by filibuster.

Briefly, the main thrust of the bill is to authorize Federal Courts and the Attorney General of the United States to eliminate de facto segregated schools, and secondarily to provide statutory criteria for the formulation of remedies applicable to both de jure and de facto segregation cases. The bill creates a statutory cause of action for denial of equal educational opportunities where de facto segregation exists as distinguished from causes of action based on the constitutional ground of denial of equal protection of the laws where school segregation has been declared de jure.

I might add parenthetically, the distinction has been made so often here on the floor of the Senate that so-called de jure segregation is of the type said to exist in Alabama and other Southern States, whereas de facto segregation is the segregation said to exist in areas outside the South that come about by circuitous patterns of residence, and that has been protected and fostered and defended and encouraged by rulings of the Supreme Court and by actions of the Congress.

If I may judge from past actions, the liberal Members of Congress may never agree to let Federal judges desegregate schools in their own States. So, prospects of passage of this bill are perhaps indeed slim.

Mr. President, it is a fact that beginning with the enactment of the Civil Rights Act of 1964 and up until the present time, a liberal faction in Congress has time and again combined successfully to defeat congressional efforts to permit Federal Courts and the Attorney General of the United States to desegregate de facto segregated public schools located in areas outside of the South.

They have said, in effect, that Federal courts and the Executive may do what they please to eliminate segregation in southern schools, but that the Attorney General of the United States and U.S. district court judges must keep their hands out of the de facto segregated school mess in their own school systems.

The validity of this charge can be demonstrated. It will be recalled that in title IV of the Civil Rights Act of 1964 the term "desegregation" is defined as follows:

> Desegregation means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin, but desegregation shall not mean the assignment of students to public schools in order to overcome *racial imbalance*. (Emphasis supplied.)

The term "racial imbalance" has a commonsense meaning and connotation—everyone knows what it means. Nevertheless, certain members of the liberal faction sought to create a "legislative history" by which "racial balance" was transformed into a cryptic term meaning "de facto segregation."

Even the U.S. Supreme Court went along with this charade.

I say even the U.S. Supreme Court, but certainly the U.S. Supreme Court went along with this charade.

In construing title VI of the 1964 Civil Rights Act, which prohibits transportation of students to achieve a racial balance, Chief Justice Burger stated:

> The legislative history of Title VI indicates that Congress was concerned that the Act might be read as creating a right of action under the Fourteenth Amendment in the situation of so-called *'de facto segregation,'* where imbalance exists in the schools but with no showing that this was brought about by discriminatory action of state authorities.

In other words, protecting de facto segregation and saying Congress was not trying to reach that in this enactment.

(*Swann v. Charlotte-Mecklenburg Board of Education*, 402 U.S. 1, 17–18, (1971). Emphasis added.)

Mr. President, in subsequent congressional efforts to limit the use of Federal funds to compel massive busing and cross busing of students in all sections of the Nation, the probusing liberal faction in Congress insisted on qualifying the limitations by inserting the term "to achieve racial balance" or the term, "except as required by the Constitution." The purpose of such qualification was to exclude interference by Federal Courts and the Federal Executive in de facto segregated school problems. They torpedoed the Whitten amendments by this device and in the last session of Congress they succeeded in torpedoing many of the provisions of the Emergency School Aid Act Public Law 92–318) which were intended to provide a measure of relief from Court orders which required massive busing and cross busing in all regions of the Nation. Of course, the same probusing faction killed the Equal Educational Opportunities Act in the last session of Congress by filibustering it to death.

Some of the very Senators who have decried the use of filibustering by other Senators were in the forefront of the filibuster which resulted in killing the Equal Educational Opportunities Act in the last session.

But the duplicity does not end with the liberal faction making it clear that the 14th amendment does not protect against de facto segregation. It goes further—de facto school segregation is cloaked with congressional approval. In every instance where the term "racial balance" has been inserted in desegregation laws, it is used as a term meaning de facto segregation. The legal effect is to make it clear that Congress does not approve of Federal intervention to eliminate de facto segregation.

Mr. President, I want to digress for a moment to explore the implications of legislation by which Congress provides that the U.S. Constitution is not offended by de facto segregated schools. The Supreme Court has acknowledged that Congress has made it clear that civil rights legislation must not be construed by the Court so as to create a cause of action for elimination of de facto segregation in schools on either statutory or constitutional grounds. In this and in similar cases, Congress has exercised its constitutional powers under the 14th amendment to say what rights are excluded from protection of the amendment and what rights Congress will enforce by statute.

Yet, we are constantly treated to a barrage of arguments that Congress may only expand the protections of the 14th amendment and may not, in any way, restrict the rights to be protected. The paradox is that the liberal faction which promotes this position turns right around and supports legislation to exclude geographically dictated segregation from protection of the amendment.

Mr. President, the lame justification offered by liberals in opposition to Federal intervention in de facto school segregation in their own States is that it is the cause of segregation that really matters and not the effects of segregated education. Thus, we hear from one side of the mouths of liberal Januses loud denunciations of any suggestion that Congress has the power to legislate even the outer limits to discretionary equity power of Federal judges to require excessive busing and cross busing in the formulation of desegregation decrees in the South. Out of the other side of these same mouths, we hear a firm insistence that Congress has not only the power, but also a duty and a responsibility to prevent Federal courts and the Federal executive from messing around with de facto segregated schools in their own States.

The argument is reduced to a simple, cynical proposition: Grossly segregated schools in States outside the South are constitutional and lawful, as recognized by laws of Congress, but any deviation from precise racial ratios in schools in the South is unlawful. Consequently, it is argued, Federal judges should have unlimited discretionary power to eliminate segregated schools in the South by any means they may choose and without limitation on the exercise of their discretion.

Mr. President, this bill, if enacted, will demolish the dual standards which have been erected on the artificial de facto-de jure distinction by creating a statutory cause of action in de facto segregation situations. The term "segregation" is defined in language intended to reach de facto school segregation. The definition reads:

> The term "segregation" means the operation of a school system in which students *are wholly or substantially separated* among the schools of an educational agency on the basis of race, color, sex, or national origin or within a school on the basis of race, color, or national origin. (Emphasis supplied.)

This definition encompasses racially imbalanced schools without regard to the causes of the imbalance. In addition, "deliberate segregation" is made unlawful and a ground for instituting action in U.S. district courts for the denial of equal educational opportunities as distinguished from constitutional causes of action applicable in the South. The meaning of the term "deliberate segregation" is made clear when it is recalled that Federal courts have frequently held that segregated schools which are condoned by school officials when it is within their power to eliminate them, constitute "deliberate segregation." Thus de facto segregation is "deliberate segregation" and de facto segregation is the prime target of the bill. The bill vests jurisdiction in U.S. district courts and it authorizes the Attorney General of the United States to intervene in or to institute on his own initiative actions for denial of equal education opportunities resulting from de facto segregation. It must be obvious that these provisions are not designed for use in the South where U.S. district courts and the Attorney General are already empowered to desegregate schools.

Mr. President, the liberal position on this issue was expressed quite clearly by the distinguished Senator from New York (Mr. JAVITS). In the course of the successful effort to kill the bill by filibuster, the following explanation was offered in debate on October 6, 1972. As I read excerpts from the CONGRESSIONAL RECORD, I trust that Senators will bear in mind that the term "racial balance" means de facto segregation according to rulings of the Supreme Court.

To keep the distinction in mind, I will add the term "de facto segregation" in instances where the terms "racial imbalance" and "racial balance" are used.

I quote now from the argument of the distinguished Senator from New York relating to where they have segregation in the public schools. I will read from his argument:

> Mr. President, finally, I should like to deal with the question of the so-called racial balance. . . . (*de facto* segregation)
>
> Racial imbalance (*de facto* segregation) is nothing which the United States can redress. Indeed, the two very conservative Judges on the Supreme Court, reading literally the words of the Higher Education Act which deal with racial balance, (*de facto* segregation) have refused to implement that section of the Higher Education Act which froze the proceedings in desegregation cases on the ground that they do not involve racial balance (*de facto* segregation) at all. Racial balance (*de facto* segregation) is an educational concept which relates only to those in charge of education—to wit, State authorities—and has no relation whatever to the power of the Federal Government.
>
> I have said that many times on this floor, and I repeat it, that there is nothing we can or should do about racial balance (*de facto* segregation). That is up to the States in charge of education. . . .

Nothing is being done by States outside the South to do away with de facto segregation:

> I repeat, racial balance (*de facto* segregation) is irrelevant. If one wishes to express it in legal terms, that is *de facto* segregation which the courts, and the law, and the decrees entered in the U.S. Courts do not reach and cannot reach. . . .
>
> No one asks for that, and no U.S. court can or should do it.

Mr. President, I think that expresses the liberal position very well indeed; but for the sake of emphasis, let me read this paragraph again:

> I repeat, racial balance (*de facto* segregation) is irrelevant. If one wishes to express it in legal terms, that is *de facto* segregation which the courts, and the law, and the decrees entered in the U.S. Courts do not reach and cannot reach. . . .

We have come to a sad state of affairs if only de jure desegregation, the southern-type segregation, is the only type segregation that this Congress is empowered to reach.

Mr. President, one result of the liberal success in refusing to accept restrictions on Federal judges in formulating desegregation decrees, and in preventing Federal interference in de facto school segregation cases, is that a considerable number of U.S. district court judges, in many jurisdictions outside of the South have simply resorted to the expedient of making findings that de facto school segregation is in fact de jure segregation. The consequence of a finding of de jure segregation is that Federal court judges are then free to use every desegregation device, including massive busing and cross busing—not to eliminate de facto segregation—but to eliminate de jure segregation in schools. Thus, the perverse obstinacy on the part of liberals has brought down upon the hapless parents and schoolchildren in States outside of the South the same excessive busing and cross busing decrees heretofore imposed only in the South. In short, by the magic of a judicial finding, de facto segregation may easily be transformed into de jure segregation, and the gates are immediately thrown open to abuses of judicial discretion in formulating desegregation decrees.

Mr. President, I believe that the reign of duplicity, double talk, double standards, and hypocrisy is fast coming to an end. I have reintroduced the Equal Educational Opportunities Act for the primary purpose of affording the liberal faction another opportunity to accept responsibility for providing equal educational opportunities for black children in their segregated schools, without regard to the cause of segregation.

At the very least, I trust that the liberals will understand that the very modest limitations in this bill placed on the equity power of Federal judges to order massive busing and cross busing are applicable in their own States. Thus, they will have the opportunity to protect their own constituents from excessive busing and cross busing and at the same time provide equal educational opportunities by statute for all children now locked into their de facto segregated schools.

Mr. President, I have not the faintest idea that the Senate Committee on Labor and Public Welfare will favorably report this or any other bill which authorizes intervention by Federal courts and the Federal executive in segregated schools in States outside the South. For this reason, I plan to introduce a Uniform Criteria Act which is aimed specifically at the problem of limiting abuses of power by Federal judges in the formulation of desegregation decrees.

By Mr. SCOTT of Pennsylvania:

S. 417. A bill to amend the act of June 28, 1948, to provide for the addition of certain property in Philadelphia, Pa., to Independence National Historical Park. Referred to the Committee on Interior and Insular Affairs.

Mr. SCOTT of Pennsylvania. Mr. President, the Congress has a long and very creditable record in support of the Independence National Historical Park in Philadelphia. Since its creation in 1948, many subsequent acts of Congress have been approved, all directed toward acquiring additional historical property for the enhancement of the Independence Hall area.

Today I am introducing legislation providing for the addition of certain property in the vicinity of Second and Walnut Streets, behind Philadelphia's famed Bookbinder's Restaurant. The bill authorizes the Secretary of the Interior to acquire approximately 1½ acres of land for use as a public parking facility for visitors to Independence National Historical Park. It is anticipated that no more than $1.2 million will be necessary to acquire this additional property.

In 1971, nearly 2½ million people came to Independence Park, some 80 percent of whom arrived by private car. The area in which the parking facility will be located is currently the site of one of the Nation's most ambitious and careful redevelopment efforts. Society Hill, as it is known, borders on the Delaware River waterfront and extends several blocks west toward the center of town. When the rebuilding effort is complete, the area will be populated by thousands of visitors and residents patronizing the many planned restaurants, shops, museums, hotels, and places of entertainment.

My own involvement in this redevelopment effort is one of which I am most proud. Several years ago, I assisted the city of Philadelphia in obtaining funds for an underground commuter tunnel which will bring visitors within several blocks of the Independence Park area.

President Nixon recently approved my bill allowing a planned waterfront community along the Delaware River at Penn's Landing, in addition to my bill authorizing an increased expenditure for the acquisition of several buildings in the historical area. I am also pleased to have assisted the city in securing a Federal commitment to pay its full share for a "cover" over Interstate 95, along the Delaware River, beneath Penn's Landing. All of these efforts will enhance the beauty and the value of one of Philadelphia's most attractive assets—its waterfront community.

The bill I am introducing today has two purposes. First, it authorizes the Government's acquisition of the property for a parking facility for over 500 motor vehicles, with the facility itself being maintained by the city of Philadelphia. Second, the authorization for the acquisition of this new property is increased by $1.15 million.

Mr. President, with our Nation's bicentennial observance coming upon us, I expect Philadelphia to be the focal point for a great deal of activity. As such, the Independence Park area must be able to meet the challenge. The enactment of this bill will be a step toward that goal. I urge its speedy consideration.

By Mr. BELLMON:

S. 418. A bill to amend the Consolidated Farm and Rural Development Act of 1972. Referred to the Committee on Agriculture and Forestry.

REINSTATEMENT OF EMERGENCY LOAN PROGRAM, FARMERS HOME ADMINISTRATION

Mr. BELLMON. Mr. President, I am introducing today a bill to reinstate the emergency loan program of the Farmers Home Administration of the U.S. Department of Agriculture.

Last summer the Congress passed legislation to broaden our emergency assistance programs in response to the destruction and damage caused by Hurricane Agnes and the Rapid City, S. Dak., flood. The major change was to increase the amount of the disaster loan which could be forgiven to $5,000 with an interest rate on the remaining principal of 1 percent per annum.

When this matter was considered by the Senate Committee on Agriculture and Forestry, there was some uneasiness on the part of the committee members over the size of the forgiveness amount. The committee felt that farmers who suffered natural disasters were entitled to the same treatment from their Government as other citizens received. The committee provided basically that under the emergency loan programs carried out by the Farmers Home Administration the amount of the loan cancellation authorized should not exceed 50 percent of the original principal on loans of less than $10,000 and not more than $5,000 on loans of $10,000 or more. Further, the committee felt that interest rates charged should be those established by the Secretary of the Treasury under the Disaster Relief Act of 1970.

However, the committee also felt very strongly that the cancellation amount and interest rate charges on loans made by FHA under its authority should not be any different than the same benefits applicable to disaster loans made by the Small Business Administration. Therefore, the committee approved provisions requiring that disaster loan borrowers from FHA should receive the same cancellation and interest rate benefits as provided to borrowers under SBA's disaster loan program.

In late December of last year, the administration announced the termination of the FHA emergency loan program primarily, as the press release stated, "to counteract inflationary pressures and to adhere to $250 billion Federal budget." One important element in this decision appears to be that it was felt the cost of the FHA emergency loan program was increasing at too rapid a rate because of the congressional changes in the program.

Mr. President, I have long been a supporter of the emergency loan concept. It is my firm belief, as both a legislator and a farmer, that there is a vital need for such emergency assistance. However, I was disappointed in the action of Congress last year in providing for cancellation of up to $5,000 of every emergency loan. It has been my experience that such Government giveaways are an open invitation to abuse. There is a real need for assistance of a more substantial and responsible nature. Because of the large financial resources required to operate profitably a modern-day family farm many farmers are, so to speak, "at the end of their credit rope." When hit by a natural disaster, they must have a source of emergency credit. My bill would provide just that, by means of fully repayable loans and not handouts.

The bill I am introducing would reinstate the emergency loan program of the Farmers Home Administration by, basically, eliminating the cancellation feature of the present law and setting the interest rate at 5 percent per annum. This would make real estate type loans repayable over a 40-year period and operating loans over a 12-year period. The precipitous manner in which the present emergency loan program as terminated demands that Congress take immediate action. I would hope that if this bill is enacted into law the administration would promptly reimplement the emergency loan program of FHA.

Mr. President, I send the bill to the desk for referral to the appropriate committee, and ask unanimous consent that the text of the bill be printed in full in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 418

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Sec. 324 (7 U.S.C. 1964) is hereby amended by deleting the figure "3" in the first sentence and substituting therefor the figure "5".

SEC. 2. Sec. 328 (7 U.S.C. ——) is hereby amended by striking subparagraph (a)(1) and renumbering the following subparagraphs.

SEC. 3. Sec 328 (b) and (c) are hereby repealed and the subsequent subsections (d) and (e) are relettered (b) and (c).

By Mr. PEARSON:

S. 419. A bill to establish a National Energy Resources Advisory Board. Referred to the Committee on Commerce.

WE MUST HAVE A NATIONAL ENERGY POLICY

Mr. PEARSON. Mr. President, in the past few weeks, people in my State of Kansas and throughout the Midwest learned through firsthand experience what an energy shortage means in terms of personal hardship and discomfort. Thirty schools were closed in Wichita, large industries were forced to reduce heat in their plants due to inadequate supplies of fuel, and other services were affected. For these people, the energy crisis has begun. If we do not act and act soon to establish a national energy policy, these past weeks may only be the beginning of a long and serious energy crisis for the entire Nation.

Experts on energy production and use now forecast a deepening energy problem through the remainder of this decade and into the next. Yet, in a nation which uses one-third of the entire world's energy production, we do not have an agency at the Federal level of Government responsible for formulating recommendations for a comprehensive national energy policy. The purpose of the legislation I introduce today is to provide the Government of the United States with that badly needed agency.

Let us examine the basic elements of this national energy problem in our high technology, high consumption society. According to one survey—

> Domestic energy demand forecasts show a 3.5 percent compounded annual growth rate between 1970 and the year 2000. This represents a threefold increase in energy consumption.

While our demand for energy will continue to increase, our supply of energy-producing resources is fixed. We are utilizing fossil fuels faster than we can discover new sources. We know that at some point in time, we will run out of the fuels we now utilize to meet our energy needs. The crucial question which now remains unanswered is, When will this occur?

We do know that some fuel resources will be exhausted before others. We know that, for economic and ecological reasons, some are more desirable than others. And finally, we know that some will be available in the United States for the foreseeable future while others will not.

The final basic factor to bear in mind is that both our utilization of power and our production of it constitute a complex interrelated system. One element of the system affects all others—we have, in effect, a power production and consumption matrix. In other words, if one energy resource becomes scarce or more expensive, demand for other resources will increase and their depletion will be hastened. Therefore, we must consider the effects on all energy resources as we establish policies for the utilization of the one.

I believe that an examination of our supply of energy resources will indicate why we need to establish a national energy policy. Let us see what is available and what is likely to be available in the future and measure that against our ever-increasing demand for energy. It must be noted at the outset that projects both on the supply and demand sides are not precise. The uncertainties of future mineral discoveries and technological innovations added to the complexities of the energy matrix itself leave room for wide variations in projections of future need and energy supply.

Coal is the main fuel supply for electric power and it continues to be our most abundant domestic fossil fuel with an estimated 390 billion tons available to us under current technical and economic conditions. But surveys indicate that the supply of coal will be exhausted in three to four centuries at current rates of consumption. Of course, consumption may well increase leading to a more rapid depletion of this vital fuel.

We must also recognize two other problems with our heavy utilization of coal as an energy producing fuel. First, as we exhaust the coal seams which are relatively easy to reach and begin to mine more inaccessible deposits, the costs of this fuel may increase. This will have adverse economic impact on our economy for both manufacturers with a large electric power component in their processes and for individual consumers of electricity.

Second, with our increasing recognition of the dangers of air and water pollution, coal may become a less desirable energy resource from an ecological point of view. It is relatively unclean in terms of sulfur emissions. In addition, mining techniques available to us now yield a great deal of water pollution not to mention the ugly scars and ecological damage of strip mining.

We find then, that coal, our most abundant fossil fuel, creates some problems. Perhaps additional research and technological innovation will overcome some of the present problems involved in our heavy reliance on coal, but one point is certain. At some time in the not-too-distant future, our reserves of coal will be exhausted, and before that time comes, our less abundant fuels may well have been used up.

Natural gas is a fuel in high demand and in increasingly short supply. Demand for natural gas tripled in the past 20 years largely because it is a clean and efficient fuel. It supplies approximately one-third of the U.S. energy requirements. But one FPC official estimated that the natural gas supply in the United States will be exhausted by the turn of the century.

Already, gas shortages have begun to occur in my own State of Kansas where some new industries can no longer be assured of a supply of gas in the southeastern part of the State while a number of farmers in the Southwest cannot get gas to run their vital irrigation pumps. The tragic irony of this situation is that some of our largest gas deposits are located near Kansas.

There may be technical developments or new gas sources such as the Alaskan North Slope deposits which will yield adequate supplies of gas. Gasification of coal, for example, a process in which coal is converted into gas, offers one means of supplementing our supply of natural gas, but it also represents a dilemma. If we turn coal into gas, we, of course, deplete our coal supplies at a more rapid rate. But at this time their availability is uncertain. It may well not match the rising demand for this most desirable energy producing fuel.

Petroleum is now the world's key energy resource. Our consumption is increasing at a faster rate than can be supplied by domestic production. Consumption is expected to grow at 4 percent per year. In 1900 the United States obtained 89 percent of its energy from coal and 8 percent from oil. But now, about 43 percent of our energy is derived from oil and 20 percent from coal.

Estimating the availability of oil presents extremely complex problems. Some have estimated that American oil fields, including the new Alaskan find, now have about a 30 to 35 year supply remaining at current consumption levels. In addition, we are exploring new fields, especially offshore, and developing our ability to extract oil from oil shale. But these sources are not ready to come on stream.

Recently, we have increased the oil import quotas and the Interior Department approved the construction of an Alaskan pipeline. While oil exploration is underway around the world from the frozen north to the ocean bottoms, we simply do not know how much is available, where it is located, and what problems its extraction and use may involve.

In addition to uncertainty about available supplies, we are hard pressed to predict demand. Consumption patterns may shift or technologies may change. For example, automobiles are by far the largest consumers of petroleum products. It is possible that we may decrease our dependence on individual passenger cars to move people and rely on forms of transportation which require less oil. Or, automakers may develop new power plans which use fuel more efficiently. A combination of both is possible, even likely.

In any case, our demand for oil will be determined by factors of consumption and technology which we cannot predict at present.

The most recently developed energy resource available to us now is the power of the atom. But that too is not available in unlimited quantities. There is a limited supply of uranium-235, the fuel used by most nuclear reactors. Some have estimated that if our present-day nuclear reactors were used to produce future requirements of electricity, we would use up all uranium-235 available to us in 20 to 30 years.

To be sure, the efficiency of nuclear reactors is improving and breeder reactors promise to provide a means of stretching out our limited supply of uranium. But the future of new reactor technology is uncertain. There are serious ecological and safety problems involved with the use of nuclear energy. And as an energy resource, it will primarily be restricted to producing electricity for some time to come.

The remaining energy resource is an old standby, hydroelectric power. In 1970, hydroelectric plants provided about 16 percent of the electricity we used. By the year 2000, with the increased use of nuclear power sources, hydroelectric power will account for only 5 percent with five-sixths of that west of the Mississippi.

Used for centuries, water power is an important element in our energy matrix. We may be able to augment our hydroelectric power supply by utilizing the power of the ocean tides, but there are few adequate sites in the United States for tidal power stations given our present state of technology.

For the present, we have exhausted the list of energy resources available to us. Others such as geothermal energy, solar power, controlled thermonuclear fusion, fuel cells, and magnetohydrodynamics, are on the drawing boards and in early stages of development. But their technological and environmental futures are still uncertain. It is most difficult to calculate costs, hazards, and development leadtimes with any accuracy at this time.

Other energy sources may be created from the minds of creative scientists, we do not know at this time, but it is apparent that unless we develop new sources of energy or change our energy consumption patterns, we shall, at some time in the future, exhaust our finite energy resources. It is also clear that we need to plan carefully to conserve our remaining fuels and plan for their replacement with a new generation of energy resources.

We need also to examine the political side of this issue. The United States imports large quantities of energy fuels from abroad. It gets oil from Latin America, Africa, and the Middle East. But it is readily apparent that this Nation cannot afford to become dependent on a foreign source for a basic element of its economy. And that is precisely what may happen in the case of fuels if our domestic supplies become exhausted.

It is not necessary to belabor this point. It is obvious at the same time it is vital. Nations have gone to war over energy resources and have lost wars because not enough fuel was available. We cannot allow our Nation to become dependent on foreign fuel.

With the completion of this brief survey of the components of what some have labeled an energy crisis, we must see where we are to understand what we must do.

We return to two basic facts. The energy resources which now supply the power to run our Nation are finite; their supply is limited. New technologies and developments may change this fact, but we cannot depend on it entirely. Our consumption of energy will continue to increase for the foreseeable future and, furthermore, looking to the poor nations just beginning to develop high energy consuming economies, world energy use will probably rise sharply.

Second, our pattern of energy utilization is a complex matrix with each component on the demand-and-supply sides affecting every other component. As we run short of one fuel or develop a new source, the availability and cost of all other sources are affected.

Given these two basic facts, it is readily apparent that if this Nation is to prevent an energy problem from becoming an energy crisis, we need to establish a national energy resources policy. Our current system of allocating scarce fuel resources is not adequate to prevent future dislocations of great magnitude.

At present, 61 uncoordinated Federal agencies, commissions, and committees of Congress oversee our energy resources in one way or the other.

But this question is too important to be left to the chaos of regulation by bodies created to supervise the energy problems of the past.

Mr. President, we must act now. The energy crisis can be foreseen and forestalled if we act rationally and plan our energy utilization with both availability of supplies and composition of demand. Failure to act rationally and plan now will lead to unavoidable problems in the not too distant future.

With these factors in mind, I introduce today a bill entitled the National Energy Resources Advisory Board Act. The Board created by this act would advise the President and the Congress on the best uses of our scarce energy resources. I am convinced that only careful, comprehensive planning on the national level can prevent a full-scale energy crisis in the future.

The National Energy Resources Advisory Board shall make a full, complete, and continuing investigation of the current and prospective fuel and energy resources and requirements of the United States and present the probable future alternative procedures and methods for meeting anticipated requirements consistent with achieving national goals. It shall submit each year a report to the President and the Congress recommending specific legislative action with regard to coordination of effective and reasonable policies to assure reliable and efficient sources of fuel and energy adequate for balanced economy, a clean environment, and the national security. It shall also report on the extent of investments by public and private enterprise for the maintenance of reliable, efficient, and adequate sources of energy and fuel, including the adequacy of such investments to provide a clean environment.

This National Energy Resources Advisory Board, as proposed in this bill, would have broad authority and powers to conduct its hearings and investigations. It would be composed of nine members appointed by the President by and with the advice and consent of the Senate from among individuals who by virtue of their service, experience, or education are especially qualified to serve on the Board.

This Board, with its broad mandate to study and evaluate our national energy requirements, is, I must emphasize, an advisory board. It cannot, and should not, be an all powerful agency charged with formulating a national energy policy. That power must be exercised by the President and the Congress.

It can, however, be an agency which gathers and evaluates all of the information needed to make recommendations to the President and the Congress about the best ways to utilize our scarce energy resources. At present, we have no such national body. At present, we are heading inexorably toward a national energy crisis with no comprehensive means for determining how it can be prevented.

We are faced with a complex problem which will plague our Nation for generations. If we fail to act now, if we fail to marshal our capacity to plan for efficient energy utilization and to inquire into new ways to produce and utilize energy, we shall fail ourselves and our children and their children. We shall be responsible for creating an energy crisis from an energy problem.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 419

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be known as the National Energy Resources Advisory Board Act.

ESTABLISHMENT OF BOARD

SEC. 2. (a) There is hereby established, as an independent agency in the executive branch, a National Energy Resources Advisory Board (hereinafter referred to as the "Board").

(b) The Board shall be composed of nine members to be appointed by the President by and with the advice and consent of the Senate from among individuals who by virtue of their service, experience, or education are especially qualified to serve on the Board. The members shall select a Chairman and a Vice Chairman from among their membership. The terms of office of each member of the Board shall be six years except that—

(1) the members first appointed shall serve, as designated by the President, three for a term of two years, three for a term of four years, and three for a term of six years;

(2) any member appointed to fill a vacancy shall serve for the remainder of the term for which his predecessor was appointed; and

(3) a member shall be eligible for reappointment for one additional term.

(c) Any vacancy in the Board shall not affect its powers and five members of the Board shall constitute a quorum except that the Chairman may prescribe a lesser number to constitute a quorum for the purpose of conducting hearings.

(d) Members should be chosen from persons who are representative of the fields associated and concerned with fuel and energy use and production, including consumers. Not more than five members of the Board shall be members of the same political party.

ADMINISTRATIVE POWERS

SEC. 3. (a) In order to carry out the provisions of this Act, the Board is authorized to—

(1) appoint and fix the compensation of personnel of the Board in accordance with the provisions of title 5, United States Code;

(2) appoint an administrator to act as executive officer of the Board and compensate such administrator at a rate not to exceed that provided for GS–18 in title 5 of the United States Code;

(3) make, promulgate, issue, rescind, and amend rules and regulations as may be necessary to carry out the functions vested in the Board and delegate authority to any officer or employee;

(4) employ experts and consultants in accordance with section 3109 of title 5, United States Code;

(5) appoint one or more advisory committees composed of such private citizens and officials of Federal, State, and local governments as it deems desirable, to advise it with respect to its functions under this Act;

(6) utilize, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, and local public agencies with or without reimbursement therefor;

(7) accept voluntary and uncompensated service, notwithstanding the provisions of section 3676 of the Revised Statutes, March 3, 1905;

(8) accept unconditional gifts or donations of services money, or property, real, personal, or mixed, tangible, or intangible;

(9) take such actions as may be required for the accomplishment of the objectives of the Board; and

(1) make contracts with public or private nonprofit entities to conduct studies related to the purposes of this Act.

(b) Upon request made by the Board, each Federal agency is authorized and directed to make its services, equipment, personnel, facilities, and information (including suggestions, estimates, and statistics) available to the greatest practicable extent consistent with other laws to the Board in the performance of its functions with or without reimbursement.

(c) Each member of a committee appointed pursuant to clause (4) of subsection (a) of this section who is not an officer or employee of the Federal Government shall be compensated at the rate prescribed for GS-18 under section 5332 of title 5, United States Code, for each day he is engaged in the actual performance of his duties (including traveltime)as a member of a committee. All members shall be reimbursed for travel, subsistence, and necessary expenses incurred in the performance of their duties.

(d) (1) The Board or any duly authorized subcommittee or member thereof may, for the purposes of carrying out the provisions of this Act, hold such hearings, sit and act at such times and places, administer such oaths, and require by subpena or otherwise the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as the Board or such subcommittee or member may deem advisable. Any member of the Board may administer oaths or affirmations to witnesses appearing before the Board or before such subcommittee or member. Subpenas may be issued under the signature of the Chairman or any duly designated member of the Board, and may be served by any person designated by the Chairman or such member.

(2) In the case of contumacy or refusal to obey a subpena issued under paragraph (1) by any person who resides, is found, or transacts business within the jurisdiction of any district court of the United States, such court, upon application made by the Attorney General of the United States the request of the Chairman of the Board, shall have jurisdiction to issue to such person an order requiring such person to appear before the Board of a subcommittee or member thereof, there to produce evidence if so ordered, or there to give testimony touching the matter under inquiry. Any failure of such person to obey any such order of the court may be punished by the court as a contempt thereof.

COMPENSATION

Sec. 4. (a) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(59) Chairman, National Energy Resources Advisory Board."

(b) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(95) Members, National Energy Resources Advisory Board (4)."

FUNCTIONS

Sec. 5. (a) It shall be the function of the Board to—

(1) make a full, complete, and continuing investigation (including the holding of public hearings in appropriate parts of the United States) of the current and prospective fuel and energy resources and requirements of the United States and the present and probable future alternative procedures and methods for meeting anticipated requirements, consistent with achieving national goals, including high priorities, national security, and environmental protection;

(2) gather data and information and develop analytical techniques for use in the management, conservation, use, and development of energy resources; and

(3) submit not later than July 1 of each year, to the President and to the Congress, a report—

(A) recommending specific legislative action with regard to coordination of effective and reasonable policies to assure reliable and efficient sources of fuel and energy adequate for a balanced economy, a clean environment, and the national security; and

(B) on the extent of investments by public and private enterprise for the maintenance of reliable, efficient, and adequate sources of energy and fuel, including the adequacy of such investments to provide a clean environment.

(b) In conducting inquiries and compiling the report required under section 5, the Board shall consider—

(1) the proved and predicted availabilities of our national fuel and energy resources in all forms and factors pertinent thereto, as well as worldwide trends in consumption and supply;

(2) projected national requirements for the utilization of these resources for energy production and other purposes, both to meet short-range needs and to provide for long-term future demands;

(3) the interests of the consuming public, including the availability in all regions of the country of an adequate supply of energy and fuel at reasonable prices and including the maintenance of a sound competitive structure in the supply and distribution of energy and fuel to both industry and the public;

(4) technological developments affecting energy and fuel production, distribution, transportation, or transmission, in progress and in prospect, including desirable areas for further exploration and technological research, development, and demonstration;

(5) the environmental effects of energy production;

(6) the effect upon the public and private sectors of the economy of any recommendations made under this Act, and of existing governmental programs and policies now in effect;

(7) the effect of any recommendations made pursuant to this Act on economic concentrations in industry, particularly as those recommendations may affect small business enterprises engaged in the production, processing, and distribution of energy and fuel; and

(8) governmental programs and policies now in operation, their effect upon segments of the fuel and energy industries, and their impact upon related and competing sources of energy and fuel and their interaction with other governmental goals, objectives, and programs.

APPROPRIATIONS

Sec. 6. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

By Mr. HATFIELD:

S. 422. A bill to authorize the issuance of $25 gold pieces bearing the seal or symbol of the American Revolution Bicentennial Commission. Referred to the Committee on Banking, Housing and Urban Affairs.

AMERICAN REVOLUTION BICENTENNIAL COMMISSION GOLD COINS

Mr. HATFIELD. Mr. President, I am pleased today to introduce legislation which would authorize the Secretary of the Treasury to issue a $25 gold coin in recognition of the 200th anniversary of the American Revolution.

As I indicated in remarks to the Senate on Tuesday of this week, the United States is virtually unique among the world's democracies and economic giants in disallowing its people the right to freely participate in the gold market. Since our Government will not pay claims against it in gold and there are no reserve requirements on our currency, there can be little economic justification for maintaining this prohibition any longer.

The gold coin which I propose will thus have a dual objective: To honor our bicentennial, and to take an important step toward the relief of our citizens from unfair restrictions against the private ownership of gold.

Mr. President, I ask unanimous consent that the text of my bill be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 422

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) notwithstanding any other provision of law, the Secretary of the Treasury shall coin in such quantity as he determines to be sufficient to meet the demands of qualified purchasers as provided in subsection (b), but in no case more than 60,000,000 twenty-five dollar gold pieces, each of which shall contain two parts gold and one part such other metal or alloy as the Secretary determines to be appropriate. Each such gold piece shall bear the seal or symbol of the American Revolution Bicentennial Commission and such other emblems, devices, and inscriptions as the Secretary of the Treasury deems appropriate.

(b) The twenty-five dollar gold pieces coined pursuant to this Act shall be offered for sale to the general public, and the Secretary is authorized, by regulation, to limit the number of gold pieces which any one person may purchase.

(c) The twenty-five dollar gold pieces coined and issued pursuant to this Act shall be legal tender for all debts, public and private, public charges, taxes, duties, and dues.

By Mr. RIBICOFF (for himself, Mr. Kennedy, Mr. Magnuson, Mr. McIntyre, Mr. Stevens, Mr. Hathaway, Mr. Nelson, Mr. Cannon, Mr. McGovern, Mr. Humphrey, Mr. Stevenson, Mr. McGee, Mr. Abourezk, Mr. Mondale, Mr. Randolph, Mr. Williams, Mr. Pastore, Mr. Chiles, Mr. Hart, Mr. Pell, Mr. Cranston, Mr. Hughes, Mr. Talmadge, and Mr. Muskie):

S. 423. A bill to establish a Department of Health. Referred simultaneously to the Committee on Government Operations and the Committee on Labor and Public Welfare by unanimous consent; and when reported by one committee, the bill be referred to the other.

Mr. RIBICOFF. Mr. President, today I am introducing legislation to create a separate, Cabinet-level Department of Health and establish coordinated long-term planning of Federal health policy. The new Department would assume all the health responsibilities of the present Department of Health, Education, and Welfare as well as other health programs now scattered among 23 Federal departments and agencies.

This legislation is especially critical as Congress comes to grips with the problem of national health insurance. It is one thing to pass a bill establishing a national health insurance program. But it is quite another thing to implement such legislation. All too often Congress establishes a new program only to ignore the procedural and administrative steps necessary to put that program into effect.

Any form of national health insurance will require substantial expenditures of Federal funds and thousands of new employees. We need to move carefully in this area, not only to insure that adequate health care is available as a matter of right to all Americans but also to guarantee that we develop the structure and institutions necessary to provide this care efficiently and effectively.

Whether or not health insurance legislation passes in this session of Congress or not, there is a great need to coordinate our Federal health policies. Just recently I released a GAO report which highlighted the failure of government at all levels to coordinate hospital construction, thereby causing medical facilities to be built where they are not needed and not fully utilized. Bad planning results directly in higher prices to the consumer of health care who must absorb the cost of unused beds and underutilized special services.

The Department of Health, Education, and Welfare as presently structured is not equal to the task of bringing order to our health policy chaos.

Since its establishment by President Eisenhower in 1953, the Department of Health, Education, and Welfare has grown into a bureaucracy of 110,000 employees with an overall budget of nearly $80 billion, one-third of the entire Federal budget. Over 300 categorical grant programs are operated by the Department including 40 separate Federal health grant programs. HEW will spend over $18 billion in fiscal 1973 on medical and health-related activities.

There is no indication that HEW's growth is slowing. The Department's budget is rising at an annual rate of 14 percent—nearly twice the average rate of increase in the total Federal budget.

HEW, as presently structured, is unwieldy, unmanageable, and therefore unresponsive to both the executive and the legislative branches. No Secretary can know what is going on in such a huge department, much less maintain control of the operation and policymaking apparatus of such a bureaucracy.

As a former Secretary of Health, Education, and Welfare, I am convinced that health policy can be more rationally developed and the health programs of our Nation better handled if they are placed under the jurisdiction of one agency of manageable size, a Department of Health. At present a sizable portion of the $25 billion we are spending throughout the Federal Government for medical and health related activities is being lost through inefficiency, lack of coordination, and overlapping of programs.

As a result of the scattering of programs and the lack of a centralized health policy mechanism, the only place in the Federal Government where health priorities can be set is in the Office of Management and Budget when the budget is being developed. Major policy decisions affecting the Federal Government's health policy should be made by experts in the health field, not by OMB employees who cannot be expected to formulate national health priorities, much less understand the intricacies and interrelationships of the myriad health programs now in existence.

The lack of coordination of medical programs at the Federal level has concerned me for some time. In 1968 my Government Operations Subcommittee on Executive Reorganization held hearings on the Federal role in health.

The subcommittee found that Federal health programs are run by a cumbersome, disjointed bureaucracy with agencies, whose priorities are not related to health, making decisions that affect the health of the population. Interagency coordination was found to be a hit-and-miss proposition. Most agencies have little understanding of similar programs in other agencies or act as if they are unaware that such programs exist.

One of the most basic findings of the subcommittee was that there is no national health policy to guide Federal health programs and expenditures. No central body or group exists within the executive branch that is responsible for developing Federal health policy and evaluating Federal performance in light of that policy.

HEW's response to my 1968 letter of inquiry regarding implementation and formulation of national health policy supported the subcommittee's findings by noting:

> Up to and including the present (1968) there has never been a formulation of national health policy, as such. In addition, no specific mechanism has been set up to carry out this function. As a consequence, the national health policy is a more or less amorphous set of health goals, which are derived by various means and groups within the Federal structure.

The situation has changed little since that time.

President Nixon has recognized the need to reorganize the Department of Health, Education, and Welfare as part of a major restructuring of the executive branch. His proposals deserve our careful examination since such far-reaching and long-term recommendations do not come before us very often.

Under the President's proposals however, HEW would expand into an even larger agency, the Department of Human Resources. This department would add many programs from the Departments of Labor, Agriculture, Housing and Urban Development, and OEO to the already overextended Department of Health, Education, and Welfare. The President has in fact already tried to implement his legislative recommendations on an administrative basis by appointing the Secretary of Health, Education and Welfare as his Counselor for Human Resources.

I believe we should examine alternatives to the President's reorganization proposal. In that spirit I introduced legislation in April 1971 to create a separate Department of Education. Today, in the same spirit, I am introducing a bill to create a Department of Health.

This bill is not complicated. First, it establishes a separate Department of Health to serve as a focal point within the Federal Government for defining health policy and administering Federal health programs.

The new cabinet-level department would be administered by a Secretary of Health appointed by the President, with the advice and consent of the Senate.

The Secretary would be responsible for all health programs now administered by the Secretary of Health, Education and Welfare, including medicare and medicaid, and any new program of national health insurance.

In addition the President would be empowered to transfer additional functions to the new Department within 180 days if the Director of the Office of Management and Budget determines that the function relates to health matters.

This legislation would transfer to the new Department of Health all HEW programs. Other programs would be transferred only upon recommendation. I do not envision the transfer of such programs as the Veterans Administration's Department of Medicine and Surgery. Senator CRANSTON and I have talked about this issue and we agree that the VA programs can best operate as they presently do—under VA direction.

This legislation would also establish a 19-member National Advisory Commission on Health Planning composed of persons qualified to assess the health programs of the United States including practicing physicians, scientists, medical experts and consumers. Nine members would be appointed by the President, five members by the President pro tempore of the Senate and five members by the Speaker of the House.

The Commission would be directed to conduct a study of the various programs and activities of the Department of Health and submit a study to the President and Congress within a year with recommendations for an effective structure for the Department.

More significantly the Commission would conduct a year-long study of the various health-related programs of each agency of the Federal Government outside HEW and would submit an evaluation of these programs and recommendations regarding which programs should be transferred to the new department.

In addition to these studies, the Commission would conduct a 2-year study and submit to Congress and the President a detailed national health plan for meeting current and future health needs for the United States for the next 10 years.

This national health goals plan would be the first attempt made by the Federal Government to coordinate and plan in order to meet the health care needs of the Nation. It is an indispensable first step toward enactment of a major national health insurance plan.

The national health goals plan would set forth national goals and priorities for making comprehensive health care and treatment available at reasonable cost to every person in the United States. The plan would provide for the effective coordination and application of all health-related activities at the regional, State and local levels and provide for encouraging cooperative efforts among governmental and nongovernmental agencies concerned with health services, facilities, and manpower.

An appropriation of $5 million would be authorized for the Commission to carry out its functions.

The uncertain status of health in the Federal Government must be ended. Responsibilities should be focused in one department and health policy must be developed and coordinated by those who are knowledgeable in the health field. This legislation will move us toward that goal.

I ask unanimous consent that the bill be simultaneously referred to the Committee on Government Operations and the Committee on Labor and Public Welfare, and when it has been reported from one committee it be referred to the other committee.

The PRESIDING OFFICER (Mr. HATHAWAY). Without objection, it is so ordered. The bill will be received and so referred.

Mr. RIBICOFF. Mr. President, I ask unanimous consent that a description of the bill together with certain statistical data be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Description of Department of Health Bill

1. Creation of Cabinet-level Department of Health with Secretary appointed by President.

(Effective date of bill is 90 days after enactment or sooner if President so promulgates in Federal Register.)

(a) All health related activities in HEW would be immediately transferred to the new Department.

(b) Within 180 days of enactment the President could transfer health-related programs in other agencies to HEW if OMB finds them to be health-related.

2. The bill simultaneously creates a 19-member National Advisory Commission on Health Planning, five appointed by Senate President pro tem, five by House Speaker, and nine by President (four of which have to be consumers.)

(a) Commission makes one-year study of programs in new Department and recommends plans for more efficient management structure of Department.

(b) Commission simultaneously makes one-year study of various health-related programs throughout government and recommends which programs should be transferred to the Secretary.

(c) Commission simultaneously makes two-years study of current and future health needs of the nation and submits to Congress and President a national health plan for next ten years setting forth

(1) national goals and priorities for making comprehensive high quality health care or treatment available at reasonable cost to any person in U.S.

(2) recommendations for action to carry out the plan

(3) encourage coordination among governmental and nongovernmental groups connected with health services.

Commission is authorized $5 million.

Statistical Data on Health

OVERALL FEDERAL GOVERNMENT

Federal government health effort in fiscal 1973 is $25 billion scattered throughout 23 departments and agencies. Only coordination, if any, is through OMB which does not have health expertise.

HEW OVERALL

Overall HEW budget in fiscal 1973 is $79 billion—one third of the entire Federal budget.

HEW budget growing at annual rate of 14%—nearly twice the average rate of increase in the total federal budget.

HEW has 108,000 employees.

HEW administers 250 categorical grant programs.

Congress, not knowing what programs exist in HEW adds more programs constantly but provides no appropriations. Thus, an "expectations gap" is growing. In 1964 the difference between HEW authorizations was $200 million. In the current year the gap is $6 billion. And by the close of the current session of Congress the gap may be $9 billion.

HEW HEALTH

Health budget in HEW is $18 billion ($13.5 billion for Medicare and Medicaid and $4.5 billion for other health programs).

Over 40 separate federal health grant programs exist in HEW.

57,500 employees are involved in HEW health-related activities, 8,300 of which are involved in Medicare.

Mr. KENNEDY. Mr. President, I have joined in the introduction of the legislation which has been outlined by the distinguished Senator from Connecticut (Mr. RIBICOFF). He possesses unique background and experience as the former Secretary of Health, Education, and Welfare. No one in the Senate has been more concerned about problems of the health of the American people than has the Senator from Connecticut. Since he left that job he has seen what all of us have noticed, and that is the tremendous growth in the number of health programs, the tremendous increase in cost—$100 million by 1974 and $200 million by 1980, so that at the present rate it would be three times the national defense budget if the present trend continues. There is no indication from the administration that we will get a handle on the health question unless we pass the Health Security Act.

This bill is to create a Department of Health as a Cabinet level department of the Government. I believe it long, tragically long, overdue.

Now as you know, this country is in the throes of a desperately serious health-care crisis. This crisis is one of the quality of health care, it is one of the cost of health care and it is one of the availability of health care. In short, far too many Americans are not getting the care they need and the care to which, as citizens of this great Nation, they should be entitled. And one of the reasons for this is that the administration of health services in this country is totally inefficient.

Almost every major industrialized country in the world today has either a separate, self-contained department of health or a department which combines just health and welfare. Only America combines the responsibility of health, education, and welfare into a single department.

Today HEW is unmanageable. It now has over 100,000 employees in sections and agencies and offices spread miles apart; and almost 60,000 of these employees are somehow involved in health programs. However, health has consistently been given short shrift as contrasted to education and welfare programs.

In 1960, HEW had 100 programs. Now it has at least 300 separate programs in seven competing agencies. In 1971, the Social Security Administration obtained 72.1 percent of the Department's revenues, NIH got 2.6 percent, HSMHA got 2.6 percent, FDA got 0.14 percent, and the environmental health services, 0.28 percent. I personally do not think that this represents a big enough share of the cake for health and I am also convinced that even the slice that health did get was not distributed as equitably and as sensibly as it should have been.

The reason for this is that the health care system in this country has grown in a totally haphazard way. One program has been piled on top of the others over the years with no overall effort to ensure rationality, with no coherent overview, no binding philosophy, no strategy of development.

It is obvious that the bureaucratic and geographic entanglements and discrepancies within the health services can only detract from the efficient administration of health care in this country. How much better could all Americans be treated if all health programs were the responsibility of just one organization.

Over the last 6 years, there have been several reorganizations of HEW. In 1967, in 1968, and again in 1971 the services of the Department were rearranged, desks were moved, people shifted their files along corridors, up and down floors, carpets changed offices, new titles were stuck on doors. And with what result? Absolutely none, so far as the improvement of health care administration was concerned. The only effect was to further lower the morale and efficiency of the dedicated civil servants who are desperately trying to cope with the bureaucratic tentacles that are HEW today.

And there are no grounds to hope that the administration's new proposals for reorganization in this year, 1973, will have any better effect. How demoralizing it must be to have virtually all of the key health positions at HEW vacant at the present time.

I have recited again and again the defects in our Nation's health care system—the fact that in this country, as in no other industrialized nation, health care today is the privilege of the rich, not the right of all; the enormous, indeed catastrophic escalation of health care costs; the utter inadequacy of the private health insurance carriers—organizations dedicated to profit, not to healing—at providing protection for our citizens; the total inability of medicare and medicaid to protect the elderly and the poor against financial ruin in case of accident or illness; the drastic shortages of doctors, dentists, and nurses over huge sections of the country, particularly in rural areas and in the inner cities—the list of defects is, unfortunately, endless.

Now not all of these shortcomings would instantly be made good by setting up a separate Department of Health; as you know, Mr. President, there are several other reforms, such as national health insurance and health maintenance organizations support legislation which I consider vital changes if this Nation's health is to be improved. But what is also, to my mind, quite certain, is that without the comprehensive rationalization that can be provided only by regrouping all health programs under one single department, none of the other reforms that we are able to introduce will function as well as they should. Obviously we should not further dilute the Government's ability to effectively administer health programs by making HEW substantially bigger as the President proposes when he suggests the creation of a Department of Human Resources.

In this country today there is no such thing as a government spokesman for health. In Mr. Nixon's new cabinet there is no man who regards himself responsible for this country's sick, who considers it his overall duty to lower the appalling incidence of infant mortality in this Nation, who recognizes that his job, no one else's—and all of his job, not just part of it, is to insure that America develops and develops now a system of health care as good or better than those which have existed for years in most of the world's industrialized countries and which should also have existed here, a system of health care of which we can justly be proud, rather than one we are forced to be ashamed of. Until we have such a man, a man who does not need to play off in his own mind and heart the competing interests of welfare and education against those of health, until then we cannot even hope for the health care that we all deserve. That is why, Mr. President, this bill is so essential.

Mr. President, as was the case last year, I understand that this bill will be referred to the Government Operations Committee and to the Senate Labor Committee. I want to announce at this point that, as chairman of the Health Subcommittee of the Labor Committee, I consider this bill to be of the highest importance.

And I plan to arrange for public hearings on this bill in the very near future. The purpose of the hearings will be to develop a complete public record regarding the need for a Department of Health and to make whatever changes may be necessary as a result of the testimony which will be taken. After that, I intend to work as hard as I can to assure that the full Senate has an opportunity to vote on the bill.

Finally, Mr. President, I want to briefly take time to draw my colleagues' attention to one specific concern which was raised by some groups and individuals and particularly brought to my attention by Senator CRANSTON at the time the bill was introduced in the 92d Congress. There was concern that certain provisions in the bill could lead to a radical restructuring of the health and medical programs of the Veterans' Administration. I do not believe that such a concern is valid, nor was it intended or ever envisioned that any VA health program would be transferred to the new Department of Health.

The important point is that I for one certainly did not intend for any provision of this bill to propose the dismemberment of the VA medical care system. And the hearings which my subcommittee will hold will provide an ample opportunity for all of those who are concerned in this respect to come before the committee and to testify to that concern. If on the basis of that testimony the committee decides that the bill should be clarified in that regard, it will be clarified.

Mr. President, this is an excellent bill. I again want to pay tribute to my friend and colleague, ABE RIBICOFF, who is its principal sponsor. We believe this bill will pass in this Congress.

By Mr. JACKSON (for himself, Mr. METCALF, Mr. PASTORE, Mr. BENNETT, Mr. MOSS, Mr. CHURCH, Mr. GURNEY, Mr. INOUYE, Mr. HUMPHREY, Mr. TUNNEY, and Mr. HASKELL):

S. 424. A bill to provide for the management, protection, and development of the national resource lands, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

NATIONAL RESOURCE LANDS MANAGEMENT ACT OF 1973

Mr. JACKSON. Mr. President, I introduce for myself and several of my colleagues, the National Resource Lands Management Act of 1973.

The purpose of the National Resource Lands Management Act of 1973 is to provide the first comprehensive statement of congressional goals, objectives, and management guidelines for the use and management of 450 million acres of federally owned lands administered by the Bureau of Land Management in the Department of the Interior. This measure designates these lands as "national resource lands" in order to signify their importance to the Nation's natural resource base.

The bill establishes as national policy the need to preserve and protect the quality of the national resource lands and their numerous values to assure their continued enjoyment by present and future generations. It emphasizes throughout the importance of nonquantifiable as well as quantifiable values to the national interest by providing numerous assurances that scientific, scenic, recreational, historical, and archeological values; natural areas, and fish and wildlife habitats will be afforded ample protection and significant consideration in the national resource land management process.

Mr. President, various entities within the Federal Government have attempted to develop the planning and management capabilities necessary to protect the public domain and insure its continued enjoyment by present and future generations. However, their efforts have frequently been impeded by the vast number of outmoded public land laws which developed over a period in American history when disposal and development of the public domain was the dominant theme. In 1964, Congress recognized a need to review and reassess the body of law governing the public lands. Thus, on September 19, 1964, the Public Land Law Review Commission was created by enactment of Public Law 88–606. In establishing the Commission, Congress expressed its view that—

> Because the public land laws of the United States have developed over a long period of years through a series of Acts of Congress which are not fully correlated with each other and because those laws, or some of them, may be inadequate to meet the current and future needs of the American people and because administration of the public lands and the laws relating thereto has been divided among several agencies of the Federal Government, it is necessary to have a comprehensive review of those laws and the rules and regulations promulgated thereunder and to determine whether and to what extent revisions thereof are necessary.

After 5 years of extensive investigations, the Commission completed its review and submitted its final report to Congress on June 20, 1970. The report contains 137 specific recommendations designed to improve the Federal Government's custodianship of the public domain lands. Principal among these recommendations is the Commission's view that—

> The policy of large-scale disposal of public lands reflected by the majority of statutes in force today (should) be revised and that future disposal should be of only those lands that will achieve maximum benefit for the general public in non-Federal ownership, while retaining in Federal ownership those whose values must be preserved so that they may be used and enjoyed by all Americans.

In addition, the Commission emphasized a need to develop "a clear set of goals for the management and use of public lands, particularly for lands administered by the Bureau of Land Management." The Commission's report stated specifically that—

> A congressional statement of policy goals and objectives for the management and use of pulbic lands is needed to give focus and direction to the planning process.

Support for this view is widespread. During the 92d Congress, the Committee on Interior and Insular Affairs considered four different measures concerning management policy for the public domain lands, including one proposal submitted by the administration. Testimony received throughout 3 days of hearings on these measures consistently emphasized the need for a basic organic act to provide the Bureau of Land Management with the kind of management authority it needs to successfully administer and protect the public domain lands.

With the urging of the President and the support of a majority of its members, the committee favorably reported S. 2401, the National Resource Lands Management Act of 1972, to the Senate last September. However, the heavy schedule of business on the floor prevented the Senate from acting on this measure during the 92d Congress.

Mr. President, I urge that the 93d Congress give early and favorable consideration to the National Resource Lands Management Act of 1973. In so doing, we will fulfill a long-standing need to improve our ability to manage and protect the environment and to insure that our valuable and unique natural resources will be available for the use and enjoyment of generations to come.

Mr. President, I ask unanimous consent that a summary of the major provisions and the text of the National Resource Lands Management Act of 1973 be printed at this point in the RECORD.

There being no objection, the summary and bill were ordered to be printed in the RECORD, as follows:

MAJOR PROVISIONS OF THE NATIONAL RESOURCE LANDS MANAGEMENT ACT OF 1973

Goals, Objectives and Guidelines: The measure directs that the national resource lands be managed under principles of multiple use and sustained yield in a manner which will protect the environmental quality of the lands to assure their continued value for present and future generations.

The bill directs the Secretary of the Interior to inventory the national resource lands and to develop and maintain comprehensive land use plans for them. These inventories and plans would provide the basis for land management and would give priority to identification and protection of areas of critical environmental concern. The Secretary would be directed to coordinate the inventory, planning and management of the national resource lands with resource data and land use plans for State and private lands such as would be developed under the Land Use Policy and Planning Assistance Act of 1972 (S. 632), which passed the Senate on September 19, 1972, but died in the House, and has been reintroduced in the 93d Congress as S. 268.

The National Resource Lands Management Act of 1973 contains guidelines for the Secretary to follow in developing land use plans and in managing the national resource lands in accordance with such plans. Guidelines established by the act include requirements that the land use plans (1) be developed using a systematic interdisciplinary approach to achieve integrated consideration of physical, biological, economic, and social sciences; (2) consider the requirements of State or Federal pollution control laws; and (3) weigh long-term benefits against more immediate local or individual benefits.

Further provisions also include requirements for land reclamation where surface disturbance will occur; and authority to suspend uses which lead to violations of environmental protection laws. Management programs must consider environmental, recreational, scenic and resource values. They must also be designed to assure payment of fair market value by users of national resource lands.

Transfer out of Federal Ownership: The measure recognizes that while most of the national resource lands will remain in Federal ownership, some lands may be more valuable for use in non-Federal ownership. It authorizes transfers out of Federal ownership only if the Secretary, after preparation of the land use plan, determines that disposal of the land will not cause needless degradation of environment and (1) that the tract is isolated and difficult to manage, or (2) having been acquired for a specific purpose is no longer required for any federal purpose, or (3) disposal of the tract will serve important public objectives which cannot be achieved prudently and feasibly on land other than national resource lands and which outweigh all public objectives and values. All sales would be at fair market value and would be conducted by competitive bidding, with minor exceptions.

Annual reports of disposals would be furnished to the Congress. With limited exceptions, all minerals would be reserved to the United States. Sales would be required to conform with State and local land use plans and zoning.

Management Authority: The bill provides specific authority to enforce regulations adopted for the purpose of protecting national resource lands. At the present time the Bureau of Land Management is the only Federal land management agency that does not have such authority. Further provisions authorize the Secretary to acquire lands needed for proper management of the national resource lands, including lands needed to provide access by the public to those lands. All acquisitions would have to be consistent with the land use plans. To facilitate land acquisitions and exchanges, the bill provides for payment of cash to equalize values of the lands exchanged.

Intergovernmental Coordination and Public Participation: The bill further directs the Secretary to establish procedures and make provision for participation by Federal, State and local government agencies and the general public in formulation of standards and guidelines used in the preparation of land use plans and in land management actions.

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Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Resource Lands Management Act of 1973".

SEC. 2. DEFINITIONS.—As used in this Act:

(a) "The Secretary" means the Secretary of the Interior.

(b) "National resource lands" means all lands and interests in lands (including the renewable and nonrenewable resources thereof) now or hereafter administered by the Secretary through the Bureau of Land Management, except the Outer Continental Shelf.

(c) "Multiple use" means the management of the national resource lands and their various quantifiable and nonquantifiable resource values so that they are utilized in the combination that will best meet the present and future needs of the American people; making the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; the use of some land for less than all of the resources; a combination of resource uses that take into account the long-term needs of future generations for recreation, scenic values and nonrenewable resources and the achievement of diversity and balance for renewable resources; and harmonious and coordinated management of the various resources without permanent impairment of the quality of the land or the environment, with consideration being given to the relative values of the resources and to the ecological relationships involved and not necessarily to the combination of uses that will give the greatest economic return or the greatest unit output.

(d) "Sustained yield" means the achievement and maintenance in perpetuity of a high-level annual or regular periodic output of the various renewable resources of land without permanent impairment of the quality of the land or its environmental values.

(e) "Areas of critical environmental concern" means areas within the national resource lands where uncontrolled use or development could result in irreversible damage to important historic, cultural, or scenic values, or natural systems or processes, or life and safety as a result of natural hazards.

SEC. 3. DECLARATION OF POLICY.—(a) Congress hereby declares that—

(1) the national resource lands are a vital national asset containing a wide variety of natural resource values;

(2) sound ecological management of these lands is vital to maintenance of a livable environment and essential to the well-being of the American people; and

(3) the national interest will best be served by retaining the national resource lands in Federal ownership unless, as a result of the land use planning process provided for in this Act, the Secretary determines that disposal of particular tracts of national resource lands will achieve a greater benefit for the general public than the retention thereof and is consistent with the purposes, terms, and conditions of this Act.

(b) Congress hereby directs that the Secretary shall manage the national resource lands under principles of multiple use and sustained yield in a manner which will, using all practicable means and measures, protect the environmental quality of such lands to assure their continued value for present and future generations; protect the quality of scientific, scenic, historical, and archeological values; preserve and protect certain areas in their natural condition; provide habitat for fish and wildlife; provide for outdoor recreation; balance various demands on such lands; assure payment of fair market value by users of such lands; and provide maximum opportunity for the public to participate in decisionmaking concerning such lands.

SEC. 4. INVENTORY.—The Secretary shall prepare and maintain on a continuing basis an inventory of all national resource lands, and their resource and other values (including outdoor recreation and scenic values) giving priority to areas of critical environmental concern. This inventory shall reflect changes in conditions and in identifications of resource and other values. Such inventory shall include identification of boundaries for all units of the national resource lands. The Secretary shall provide adequate and appropriate means of public identification of such boundaries, including signs and maps. Wherever possible data from such inventory shall be made available to State and local governments for purposes of planning and regulating the uses of non-Federal lands in proximity to national resource lands.

SEC. 5. LAND USE PLANS.—(a) The Secretary shall with public participation develop, maintain, and, when appropriate, revise land use plans for the national resource lands consistent with the terms and conditions of this Act and coordinated so far as he finds feasible and proper, or as may be required by the enactment of a National Land Use Policy or other law, with the land use plans, including the statewide outdoor recreation plans developed under the Act of September 3, 1964 (78 Stat. 901), of State and local governments and other Federal agencies.

(b) In the development and maintenance of land use plans, the Secretary shall:

(1) use a systematic interdisciplinary approach to achieve integrated consideration of physical, biological, economic, and social sciences;

(2) give priority to the designation of areas of critical environmental concern;

(3) rely, to the extent it is available, on the inventory of the national resource lands, their resources, and other values.

(4) consider all present and potential uses of the lands;

(5) consider the relative scarcity of the values involved and the availability of alternative means, materials, techniques, and sites for realization of those values;

(6) weigh long-term public benefits, including those of outdoor recreation and scenic values, against short-term local or individual benefits; and

(7) consider the requirements of applicable pollution control laws including State or Federal air or water quality standards and implementation plans.

(c) Any classification of national resource lands in effect on the date of enactment of this Act is subject to review in the land use planning process and such lands are subject to inclusion in land use plans pursuant to this section.

Sec. 6. Management.—(a) The Secretary shall manage the national resource lands in accordance with the policies and procedures of this Act and with any land use plans developed pursuant to section 5 of this Act which he has prepared except to the extent that other applicable law provides otherwise. Such management shall include:

(1) requiring land reclamation as a condition of use, and requiring performance bonds guaranteeing such reclamation of any person permitted to engage in extractive or other activity likely to entail significant disturbance to or alteration of the land;

(2) inserting in permits, licenses, or other authorizations to use, occupy, or develop the national resource lands provision authorizing revocation or suspension upon violation of any regulations issued by the Secretary under this Act or upon violation of any applicable State or Federal air or water quality standard and implementation plans; and

(3) the prompt development of regulations for the protection of areas of critical environmental concern.

Sec. 7. Sale of Land.—(a) Except as otherwise provided by law, and subject to the requirements of section 3 of this Act, the Secretary is authorized to sell national resource lands. The national resource lands may be sold only if the Secretary, in accordance with the guidelines he has established for sale of national resource lands and after preparation pursuant to section 5 of this Act of a land use plan which includes any tract of such lands identified for sale, determines that the sale of such tract will not cause needless degradation of the environment; and that—

(1) such tract is isolated land difficult to manage as part of the national resource lands and is not suitable for management by another Federal agency; or

(2) having been acquired for a specific purpose, such tract is no longer required for that or any other Federal purpose; or

(3) sale of such tract will serve important public objectives which cannot be achieved prudently and feasibly on land other than national resource lands and which outweigh all public objectives and values, including recreation and scenic values, which would be served by maintaining such tract in Federal ownership.

(b) Sales of national resource lands under this Act shall be at not less than the appraised fair market value.

(c) The Secretary shall determine and establish the size of tracts to be sold on the basis of the land use capabilities and development requirements of the lands.

(d) Sales of land under this Act shall be conducted under competitive bidding procedures to be established by the Secretary, except that where he determines it necessary and proper (1) to assure fair distribution among purchasers of national resource lands, or (2) to recognize equitable considerations or public policies, including but not limited to a preference right to users, he is authorized to sell national resource lands without competitive bidding, or with modified competitive bidding.

(e) Until the Secretary has accepted an offer to purchase, he may refuse to accept any offer or may withdraw any land from sale under this Act when he determines that consummation of the sale would not be in the public interest.

(f) Not later than 120 days after the close of each fiscal year the Secretary shall report to Congress all sales or exchanges of national resource lands and their related resources conducted by him during such fiscal year together with the reasons therefor.

Sec. 8. Conditions in Conveyances.—(a) All conveyances of title issued by the Secretary under this Act shall reserve to the United States all minerals in the lands, together with the right to prospect for, mine, and remove the minerals under applicable law and such regulations as the Secretary may prescribe: *Provided,* That, where prospecting, mining, or removing minerals reserved to the United States would interfere with or preclude the appropriate use or development of such lands, the Secretary may enter into covenants which provide that such activities shall not be pursued for a specified period or, where necessary, convey minerals in the conveyance of title.

(b) The Secretary shall insert in any patent or other documents of conveyance the issues under this Act such terms, covenants, and conditions as he deems necessary to insure proper land use, environmental integrity, and protection of the public interest. In the event any area which the Secretary has indentified as an area of critical environmental concern is conveyed out of Federal ownership, the Secretary shall provide for the continued protection of such area in the patent or other document of conveyance: The Secretary shall not make sales of land under this Act which would not be in conformity with State and local land use plans, programs, zoning, and regulations. At least ninety days prior to offering land for sale under this Act, the Secretary shall notify the Governor of the State within which such land is located and the head of the governing body of any political subdivision of the State having zoning or other land use regulatory jurisdiction in the geographical area within which such land is located, in order to afford the appropriate body the opportunity of zoning or otherwise regulating, or changing or amending existing zoning or other regulations concerning, the use of such land prior to such sale.

Sec. 9. Acquisition of Land.—(a) The Secretary is authorized to acquire by purchase, exchange, donation, or otherwise lands or interests therein needed for the management of the national resource lands including, but not limited to, lands needed to provide access by the general public to national resource lands. Such acquisitions shall be consistent with such land use plans as may apply to the area involved.

(b) Purchase designed primarily to provide outdoor recreation opportunities shall be made by the Secretary with funds appropriated from the Land and Water Conservation Fund.

(c) In exercising the exchange authority granted by subsection (a) of this section, the Secretary map accept title to any non-Federal land or interests therein and in exchange therefor he may convey to the grantor of such land or interests any national resource lands or interests therein which, under the terms and conditions of this Act, he finds proper for transfer out of Federal ownership and which are located in the same State as the non-Federal land to be acquired. The values of the lands so exchanged either shall be equal, or if they are not equal, the value shall be equalized by the payment of money to the grantor or to the Secretary as the circumstances require. When a land use plan which is applicable to any tract which is to be included in a proposed exchange under this Act has been prepared, such exchange shall be consistent with such plan.

(d) Lands acquired by exchange under this section within the boundaries of the national forest system may be transferred to the Secretary of Agriculture for administration as a part of, and in accordance with laws, rules, and regulations applicable to, the national forest system.

Sec. 10. Use of Lands.—The use, occupancy, or development of any portion of the national resource lands contrary to any regulation of the Secretary issued pursuant to and in conformity with this Act or contrary to any order issued pursuant to any such regulations is unlawful and prohibited.

Sec. 11. Enforcement Authority.—(a) Violations of regulations which may be adopted for the purpose of protecting the national resource lands, other public property, and the public health, safety, and welfare and are identified in said regulations by the Secretary as being subject to the sanctions provided for by this section shall be deemed to be a misdemeanor and shall be punishable by a fine of not more than $1,000 or imprisonment for not more than one year, or both. Any person charged with the violation of such regulations may be tried and sentenced by any United States commissioner or magistrate designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions as provided for in section 3401 of title 18, United States Code.

(b) At the request of the Secretary, the Attorney General may institute a civil action in a district court of the United States or in a district court of the United States territory for an injunction or other appropriate order to prevent any person from utilizing the national resource lands in violation of regulations issued under this Act.

(c) The Secretary may designate and authorize employees as special officers who may make arrests or serve citations for acts committed on the national resource lands which are in violation of regulations identified pursuant to subsection (a) of this section.

(d) Upon the sworn information by a competent person, any United States commissioner, magistrate, or court of competent jurisdiction may issue process for the arrest of any person charged with the violation of law or the designated regulations. Nothing herein shall be construed as preventing the arrest by any officer of the United States, without process, of any person taken in the act of violating the law or the designated regulations.

Sec. 12. State's Rights Not Curtailed.—(a) Nothing in this Act shall be construed as a limitation upon any State criminal statute, nor on the police power of the respective States.

(b) Nothing in this Act shall be construed to derogate the authority of a local police officer in the performance of his duties.

Sec. 13. Federal Rights Not Curtailed.—Nothing in this Act shall be construed as limiting or restricting the power and authority of the United States, or—

(a) as affecting in any way any law governing appropriations or use of, or Federal right to, water on national resource lands;

(b) as expanding or diminishing Federal or State jurisdiction, responsibility, interests, or rights in water resources development or control;

(c) as displacing, superseding, limiting, or modifying any interstate compact or the jurisdiction or responsibility of any legally established joint or common agency of two or more States or of two or more States and the Federal Government;

(d) as superseding, modifying, or repealing, except as specifically set forth in this Act, existing laws applicable to the various Federal agencies which are authorized to develop or participate in the development of water resources or to exercise licensing or *regulatory* functions in relation thereof; or

(e) as modifying the terms of any interstate compact.

Sec. 14. Valid Existing Rights—All actions by the Secretary under this Act shall be subject to valid existing rights. The Secretary shall not impair or diminish any valid existing rights except under due process and upon payment of just compensation.

Sec. 15. Public Participation.—(a) In exercising his authorities under this Act, the Secretary, by regulation, shall establish procedures, including public hearings where appropriate, to give the Federal, State, and local governments and the public adequate notice and an opportunity to comment upon the formulation of standards and criteria in the preparation and execution of plans and programs and in the management of the national resource lands.

SEC. 16. RULES AND REGULATIONS.—(a) The Secretary is authorized to promulgate such rules and regulations as he deems necessary to carry out the purposes of this Act. The promulgation of such rules and regulations shall be governed by the Administrative Procedure Act (5 U.S.C. 553).

(b) Such rules and regulations shall include:

(1) criteria and standards for the preparation and execution of plans and programs for, and for the management, sale, conveyance, and acquisition of, national resource lands which shall embody all pertinent factors including, but not limited to environmental, recreational, scenic, and resource values, and;

(2) procedures including public hearings, to give the Federal, State, and local governments and the public adequate notice and opportunity to comment upon such rules and regulations and significant actions of the Secretary of the Interior or any agency under his jurisdiction thereof concerning the national resource lands.

SEC. 17. APPROPRIATIONS.—There is hereby authorized to be appropriated such sums as are necessary to carry out the purposes of this Act.

SEC. 18. DIRECTOR.—Appointments made on or after the date of the enactment of this Act to the Office of the Director of the Bureau of Land Management, within the Department of the Interior, shall be made by the President, by and with the advice and consent of the Senate. The Director shall have a broad background and experience in public land and natural resource management.

By Mr. JACKSON (for himself, Mr. MANSFIELD, Mr. METCALF, Mr. MOSS, and Mr. BUCKLEY):

S. 425. A bill to provide for the cooperation between the Secretary of the Interior and the States with respect to the regulation of surface mining operations, and the acquisition and reclamation of abandoned mines, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

SURFACE MINING RECLAMATION ACT OF 1973

Mr. JACKSON. Mr. President, I introduce for appropriate reference the Surface Mining Reclamation Act of 1973, a bill to establish an environmentally strong and administratively realistic program for the regulation of surface mining activities and the reclamation of mined lands.

Over the past year and a half surface mining has become a national issue and its regulation a national priority. Unregulated surface mining activities have imposed large social and environmental costs on the public at large in many areas of the country in the form of unreclaimed lands, water pollution, erosion, floods, slope failures, loss of fish and wildlife resources, and a decline in natural beauty. Uncontrolled surface mining in many regions has effected a stark, unjustifiable, and intolerable degradation in the quality of life in local communities. These are costs which the Nation cannot continue to tolerate.

Mr. President, the measure I introduce today attempts to provide realistic procedures and methods to counteract the environmental abuses of surface mining. The proposal also embodies the recognition that surface mining is a vitally important activity and that the Nation's dependence on its products—for steel, electrical energy, synthetic gas, and liquids—places significant constraints on the formulation of Federal and State surface mining and reclamation policies.

A WORKING DOCUMENT TO BE CONSIDERED IN EARLY HEARINGS

The Surface Mining Reclamation Act of 1973 is not a polished, final form legislative proposal. Instead, I regard it as a "working document" to enable the Senate to begin the lawmaking process on surface mining which the Nation properly and expectantly awaits.

Congress is already acquainted with the issues. Last year, the House passed one surface mining and reclamation proposal (H.R. 6482); the Senate Committee on Interior and Insular Affairs reported another (S. 630), and I introduced a third in the form of an amendment in the nature of a substitute to S. 630. The bill I introduce today is virtually identical to that amendment. Lengthy hearings have already been held. In field trips and field hearings, the Mining, Minerals, and Fuels Subcommittee of the Senate Interior Committee heard the voices of those who will feel the full force of surface mining legislation—the individual mine operators upon whom rests the final responsibility for meeting the procedural and substantive requirements of the legislation; reclamation experts who must render the landscape whole again; mineworkers who depend upon the activities regulated by the legislation for their livelihood; local citizens who must live upon the land mining had disturbed; and consumers who depend upon the produce of the mining.

Upon this legacy of work left by the 92d Congress, this Congress should be able to proceed expeditiously in considering surface mining legislation. I, certainly, will do everything I can to insure early enactment of a surface mining and reclamation law. The full committee of the Senate Interior Committee should hold hearings in the latter part of February. As most of the issues have already been drawn, in these hearings I hope the committee can obtain as much information and hard data as possible so that it will be fully aware of all the impacts—environmental, social, and economic—of any and all provisions of the proposal it will subsequently develop and report to the Senate. From the hearings, I hope the committee can move quickly into markup and report a proposal in the spring.

Mr. President, the bill I propose today, as the amendment I introduced late in the 92d Congress, refines policies and concepts developed by the Subcommittee on Minerals, Materials, and Fuels in its work on S. 630 last year. This is true, for example, of those portions of the bill which: First, place the initial and primary responsibility for surface mining control with the States, subject to Federal review and right of preemption if necessary to achieve the requirements of the act; second, establish a $100 million mined lands reclamation fund; and third, apply the requirements of the act to both coal and all other commercial surface mining operations.

The Surface Mining Reclamation Act of 1973 also embodies new policies which were not part of the measure reported by the committee in the 92d Congress. These include:

Providing procedural safeguards to guarantee public notice, and insure the right of public participation.

Placing the burden of proof on the applicant for a surface mining permit to prove he can reclaim the land to socially useful purposes without permanent degradation of the environment and without imposing social costs on society generally.

Providing new tough performance standards which set in qualitative terms the objectives which must be achieved at all stages of the surface mining process and in reclaiming the land.

Requiring an in-depth study to determine the environmental, social, and economic impacts—both positive and negative—of imposing on a national or regional basis outright prohibitions or quantitative prohibitions in the form of slope degree limitations.

Placing administration and enforcement of the act in a new office in the Department of Interior and avoiding conflicts of interest by prohibiting the Office from performing any coal or other mineral "developmental" or "promotional" functions.

Applying the requirements of the act to TVA and other public corporations, agencies, or publicly owned utilities.

Applying the requirements of the act to Federal and Indian lands.

Requiring the consent of the surface owner or a bond sufficient to indemnify him for any damages before a surface mining permit will be granted.

Authorizing reclamation research and demonstration projects.

Protecting parks, public areas, streams, and lakes.

Permitting special exemptions by the President if necessary to deal with national emergency situations.

Insuring that electrical powerplants are not arbitrarily shut down.

Providing a preference right in reclamation contracts for operators and individuals whose operations or employment has been adversely affected by the act.

OBJECTIVES OF SURFACE MINING LEGISLATION

I repeat: The proposal I introduce today is to be regarded as a working document. It has not been the subject of hearings; the administration has not commented upon it; the committee has not considered it. It is, however, important to set forth the general objectives which I believe a sound Federal policy for surface mining operations must achieve.

First, surface mining operations must be prohibited in any area where the damages are irreparable, or where full reclamation of the lands involved is physically impossible.

Second, a uniform basis of Federal requirements applicable throughout the country which will establish a national standard for control of surface mining and thereby mitigate the economic inequities which occur when State regulatory efforts are widely divergent; and which will also protect the broader national interests where States are unable or unwilling to act effectively to control surface mining operations.

Third, the social and environmental costs associated with surface mining operations must be internalized and paid for by the operator as costs which are properly chargeable to the mining and should not be imposed upon present and future generations of society.

Fourth, surface mining operations which are necessary to provide the energy and mineral resources essential to the economic and material well-being of our society must be accompanied by the highest practicable degree of reclamation, which will return the disturbed lands to a condition capable of supporting the possible diversity of uses which are of equal or greater social value than the original uses.

Fifth, the statutory framework, the governmental institutions, and the regulatory structure established to implement the policy must reflect, with the greatest degree of certainty possible, the standards which are to be met, and must also be designed to insure fairness, due process, and flexibility to cope with the unique conditions that are presented in different regions of the country.

CONSTRAINTS ON FEDERAL ACTION

Almost as important as the objectives to be achieved by a sound Federal policy are the constraints on the Federal Government's constitutional authority to develop and implement such a policy. The major limitations which must be recognized in regard to development of a surface mining policy are very real and deserve careful consideration.

First, the Nation is dependent on the energy and mineral products produced in surface mining operations.

At the present time 20 percent of the total energy consumed in the United States is supplied by coal, and half of all the coal is obtained by surface mining. Furthermore, coal supplies the fuel for over half of our electric power production. Surface-minded coal already represents a disproportionately large share of the coal used for electrical generation and the greatest proportion of new surface mining of coal—especially in the West—will be connected with new electric generation capacity. At the same time, the Nation faces serious and growing constraints upon each of the other energy sources for electric power generation which will be practicable at least for the next two decades—hydroelectric, nuclear, gas, or oil. As a result, critical electrical energy shortages already loom as major public crises in a number of regions of the country.

The energy situation is coupled with the national dependence upon supplies of other minerals which are substantially obtained from surface mining, such as copper, phosphate, iron, sand and gravel, stone, clay, and metallurgical coal. The impacts of outright bans, or of arbitrary and inflexible standards which constitute effective bans, upon existing or imminent mining operations could have serious and lasting consequences which were never intended and which, in some instances, may be intolerable.

The problems presented, and the limitations which our dependency upon the products of surface mining impose on policy options are not simply economic. Particularly in the next few years, in the transitional period, they involve our capability to deliver vital social services such as electrical power for homes and schools, materials for transportation systems, and other necessary public requirements.

Second, beyond our physical dependence upon resources now produced in surface mining operations, sudden transitions in regulation, in technology, in mining methods, and in locating new operations in other regions of the country will have severe economic and social repercussions for many industries and communities which are now economically dependent upon surface mining. It is not honest to pretend that all of the jobs lost when surface mines are banned or made economically infeasible by adoption of a new Federal policy will quickly and painlessly be replaced by jobs in other regions or in other lines of work. History shows that regional socioeconomic systems are not that flexible. Transitions are difficult. Jobs will be lost. Mining operations will be closed and creditors may suffer.

It is clear that some dislocations must be sustained if the generally agreed upon objectives of a Federal policy are ever to be implemented and achieved. And it must be recognized that the economic, employment, and social dislocations which major policy changes will impose upon many of the people of coal producing regions are not inconsequential, even when weighed against the short- and long-range environmental benefits to be gained.

Third, the great dissimilarities among the types of mining methods, the equipment used, the physical and chemical properties of the soils encountered, and the climates of the different mining areas of the country make it difficult to develop procedures and specific standards for reclamation which will be generally appropriate. Specifications on slope limitations which may be the minimum necessary to insure stability in some soils will prove to be unnecessarily restrictive, arbitrary, and totally unreasonable in others. Restriction on drainage accumulations which might be suitable in a wet climate may actually reduce the chances for successful revegetation in a drier region. What constitutes the best standard or requirement for earthmoving, revegetation, and water quality control is tremendously variable, and is dependent upon the area, the specific site and the method of operation employed. Insuring the use of the best practices in each situation can only be achieved by establishing goals and performance standards for reclamation and providing enough discretion and latitude to tailor the specific methods to the specific needs to obtain the policy objectives desired.

Fourth, the primary role of the States in regulating and controlling activities within their borders which involve extensive use of State police power authority and major land use planning decisions which will shape the future of the State must be preserved. Surface mining is a form of land use and its regulation and control must be considered within the context of the broad demands and competing requirements upon the State's land resources.

In a constitutional sense, the primary authority and responsibility for the control of surface mining resides in the State. In an administrative sense, the success of effective surface mining control programs will depend on responsible and competent implementation by the States on a day-to-day basis, and in an institutional framework in which the role of surface mining can be evaluated and balanced against other activities subject to State administration, control, and decision.

Whenever possible, therefore, the Federal role should be only a supportive role, assisting the States in establishing and implementing effective programs and providing for those national concerns which cannot be handled at the level of State government.

This review of constraints on Federal action which must be considered in connection with the development and adoption of a Federal surface mining policy is not intended as an argument to move slowly or to defer adoption of a policy and strong Federal legislation. They are, however, constraints which must be considered and dealt with in a purposeful and intelligent manner.

INTERAGENCY STUDY OF SLOPE LIMITATIONS

I have stated on numerous occasions that an interagency, multidiscipline study which would draw together and analyze diverse and scattered data on surface mining and its effects is needed to understand these constraints and to fully realize their magnitude. Therefore, in section 215 of the amendment I introduced last year, the Chairman of the Council on Environmental Quality was directed to lead a task force of representatives from those agencies possessing relevant expertise in a study of the various types of slope limitations on surface mining which have been suggested by witnesses, or are being employed in State laws or by public agencies such as the Tennessee Valley Authority, or were incorporated in last year's House-passed bill. The study was to consider all the environmental, social, and economic effects—both beneficial and adverse—of imposing such limitations. The study requirement was based on the belief that, before we can adopt slope limitations, we must know if they make sense. And if they do, we must know what are the adverse effects of such limitations so that we can discover and employ means to minimize those effects.

On November 2, 1972, I wrote to Mr. Russell Train, Chairman of the Council on Environmental Quality, and asked him to undertake direction of the study even though we had not provided him with the statutory mandate or funding to do so. He gracefully accepted. A study group, composed of representatives of the Council on Environmental Quality;

the Departments of the Interior, Agriculture, and Commerce; the Environmental Protection Agency; the Federal Power Commission; the Atomic Energy Commission; the Tennessee Valley Authority; and the Appalachian Regional Commission, has now been at work for over 2 months. I have been assured by Chairman Train that substantial results *will* be available by mid or late February and be presented in the Senate Interior Committee hearings on my proposal. This study will hopefully provide a good deal of the information which I have suggested we must seek in the committee hearings. Once the results of the study have been exposed to the criticism of the mining industry, the environmentalists, and the general public in the hearings, it will provide a good foundation upon which to judge and refine the "working document" I am introducing today.

Mr. President, I ask unanimous consent that my letter to Mr. Train of November 2, 1972, be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NOVEMBER 2, 1972.

Hon. RUSSELL E. TRAIN,
Chairman, Council on Environmental Quality, Washington, D.C.

DEAR CHAIRMAN TRAIN: As you know, the 92nd Congress devoted a great deal of time and effort towards the development of Federal legislation to regulate surface mining activities and to minimize the effects of these activities on the environment. Unfortunately, Congress did not take final action on pending measures to regulate surface mining prior to adjournment of the 92nd Congress.

As Chairman of the Senate Interior and Insular Affairs Committee, I intend to make every effort to see that strong and effective legislation is developed to deal with the adverse environmental and social consequences of surface mining activities early in the next session of the Congress.

While a great deal is currently known about the adverse environmental impacts of many surface and underground mining practices, very little is known about the transitional problems and the short and long term economic consequences of the various surface mining regulatory proposals which have been advanced. For example, many of the bills introduced in the 92nd Congress proposed various forms of prohibition and "slope" degree limitations on surface mining and reclamation activities. To a major extent, the debate over Federal surface mining legislation has narrowed to the question of what the impact of imposing various forms of slope degree limitations would be in terms of improving the quality of the environment, as well as in terms of the future availability of mineral and coal production to meet essential national requirements for energy and materials. The ultimate effects that the proposed bans and slope degree restrictions might have on the availability of mineable coal reserves, on environmental improvement, on electrical power reliability, and on the social and economic conditions of local communities have not been clearly defined by the testimony received in Congressional hearings or in information currently available from the Federal agencies. In my view, this is extremely unfortunate. Detailed information on these and other questions is needed to enable the Congress to develop a regulatory framework which will protect the environment and serve the interests of the public.

As you may know, on October 6, 1972, I introduced an amendment in the nature of a substitute (Amendment No. 1713) to S. 630, the Surface Mining Reclamation Act of 1972. Section 217 of my amendment authorized and directed the Council on Environmental Quality to conduct a detailed study of the impacts—social, economic, and environmental—of imposing bans and prohibiting surface mining through the use of slope limitations. I am enclosing a copy of the amendment, together with my introductory remarks for your ready reference.

In order to explore and better understand the extent of current knowledge, the availability of information and the state of the art of regulating surface mining activities I request that the Council organize an interagency task force to explore these subjects in anticipation of further congressional action on surface mining legislation. In view of the limited time available, I do not anticipate that the task force would be able to develop the detailed and precise information contemplated in section 217. I do, however, feel that a very important purpose would be served if the task force and the Council could identify existing sources of data and review the state of knowledge of mining technology and reclamation and provide the Committee with tentative answers to the questions set forth in section 217 of my amendment.

I would appreciate it if this report were available to the Committee no later than February 1, 1973.

Sincerely yours,

HENRY M. JACKSON,
Chairman.

MAJOR PROVISIONS

Mr. JACKSON. Mr. President, the bill I propose today is designed to achieve the objectives which I feel Federal surface mining and reclamation must achieve. It is also designed to approach rationally the very real constraints which do exist.

The Surface Mining Reclamation Act of 1973 draws heavily upon subcommittee work in the 92d Congress, S. 630 and other Federal surface mining legislative proposals, and the provisions of the better State laws, such as that of Pennsylvania, and reflects further analysis of issues raised by experts on surface mining in industry, environmental groups, Federal agencies, and State regulatory agencies.

The major provisions of my bill are as follows:

First, the Secretary of the Interior is authorized and directed to promulgate regulations covering surface mining of coal within 90 days of the date of enactment and for all other minerals subject to the act within 12 months of the date of enactment. Appropriate administrative procedures including public notice, public hearings, and administrative and judicial review are provided for.

Second, a new office of the Department of the Interior, which must remain separate from the Department's promotional and developmental responsibilities regarding minerals, is established to administer the act.

Third, each State is required to promulgate and implement a State program for the regulation and control of surface mining which meets the requirements of the act and which provides for the establishment and enforcement of permit systems for surface mining and reclamation operations for coal and for other minerals. Procedures for Federal review and approval are provided including review by other Federal agencies and public hearings if requested.

Fourth, if a State fails to submit a State program covering surface mining of coal within 12 months of the promulgation of Federal regulations covering coal or a program covering surface mining of other minerals within 12 months of the promulgation of Federal regulations covering other minerals, or if a State fails to enforce an approved State program, the Secretary is authorized to promulgate and implement a Federal program for the regulation of surface mining within that State, and to enforce the Federal program.

Fifth, a moratorium is imposed on opening new surface mining operations for coal or significantly increasing existing operations until a State program has been approved as meeting the requirements of this act and a permit is obtained from the State. The Secretary is provided latitude, however, to approve new or expanded operations in certain instances where critical public services such as providing needed electrical power are involved.

The moratorium is designed to prevent new starts or accelerated operations until such time as the State assumes responsibility for a strong, properly staffed regulatory program which, at a minimum, meets the requirements of this act. The moratorium also serves as an incentive for the surface mining industry to support early development of State programs which meet the act's requirements.

Sixth, applicants for permits for surface mining operations are required to prepare a reclamation plan to accompany permit applications. The application must set forth in detail the methods which will be used to reclaim the mined area and meet the requirements of the act. Applicants are also required to post a performance bond adequate to insure the completion of the reclamation. Public notice of applications is required and the reclamation plan and other information must be made available to the public. A public hearing is required on an application if it is requested by persons having a valid legal interest, and the right of appeal of the regulatory authority's decision to a court of competent jurisdiction is granted.

The burden of proof in determining ability to reclaim surface mined areas in a manner that meets the requirements of the act is placed upon the permit applicant.

Seventh, release of all or part of a performance bond is contingent upon the regulatory authority's finding that reclamation has been accomplished in compliance with the act.

Eighth, the regulations which are promulgated by a State or by the Secretary must, at a minimum, require every permittee to meet certain criteria and performance standards in reclaiming the surface mining area. Principally, he must return all surface areas to a condition at least fully capable of supporting the uses which it was capable of supporting prior to any mining. Other criteria cover soil stability, preventing erosion, revegetation, protection of offsite areas, protection of the quality of surface and ground waters, handling of debris, use of explosives, and other aspects of the mining and reclamation process.

In general, grading to approximate original contour is required. Latitude is given to cover those situations in which the regulatory authority determines some other type of reclamation would be preferable to improve the utility of the reclaimed lands or because of unique circumstances at the site. Prior to the consideration of any exceptions to the general performance standard the Reclamation Plan and its justification must be presented in detail by the applicant and approved by the regulatory authority in the permit application review process.

Ninth, a modified set of criteria are provided in section 212(c) to recognize the kinds of operations, such as some open pit mines and rock quarries, in which large amounts of mineral resources other than coal are removed from a relatively small area over an extended period of time and where all of the reclamation criteria and standards are physically impracticable or impossible of achievement. These alternative criteria would only apply where there is no domestic alternative source of an essential resource which can be mined by other than the open-pit method. The best possible reclamation would, however, be required and public health and safety and air and water quality would be protected.

Tenth, the Secretary is authorized to make grants to the States to assist in a program of identifying and designating specific areas of the State as unsuitable for surface mining operations.

Eleventh, the Council on Environmental Quality is authorized and directed to conduct a detailed study—which I have noted has already been initiated—of the impacts—social, economic, and environmental—of imposing general bans or slope degree limitations on surface mining and reclamation operations. The purpose of the study is to develop information necessary to achieve a knowledgeable understanding of the effects—both positive and negative—of imposing bans and prohibiting surface mining through the use of arbitrary slope limitations.

Twelfth, an "Abandoned Mine Reclamation Fund" is created in the Treasury with an initial appropriations authorization of $100 million. The Secretary is authorized to acquire, by purchase or donation, lands or interest in lands which have been affected by abandoned surface mining operations and not reclaimed. He is authorized to reclaim the lands and dispose of them pursuant to the provisions of the Surplus Property Act and to return the proceeds to the Fund. The Secretary is also empowered to make grants to the States for the purpose of acquiring and reclaiming abandoned surface-mined lands.

Numerous changes have been suggested by Senator FANNIN, other Members of the Senate, and various groups to which I have circulated the draft bill. However, rather than attempting to incorporate even the most meritorious of the proposed changes at this time, I have suggested that, as my bill is only a "working document," submission of the proposed amendments in the February hearings would guarantee their full consideration. The few differences between the bill I introduce today and my amendment of last year are to simply clean up the text or clarify meaning.

Mr. President, we face the challenge of successfully regulating surface mining if we are ever to deal simultaneously and effectively with two of our most critical problems: Our so-called energy crisis and "environmental crisis." I believe the bill I introduce today is a first step toward accepting and meeting that challenge.

I ask unanimous consent that the Surface Mining Reclamation Act of 1973, together with a section-by-section analysis, be printed at this point in the RECORD for the information of Members of the Senate.

There being no objection, the bill and analysis were ordered to be printed in the RECORD, as follows:

S. 425

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Surface Mining Reclamation Act of 1973".

TITLE I—STATEMENT OF FINDINGS AND POLICY

SEC. 101. The Congress finds and declares that—

(1) extraction of minerals by mining operations is a significant and essential activity which contribues to the economic, social, and material well-being of the Nation;

(2) many unregulated mining operations result in disturbances of surface areas that burden and adversely affect commerce and the public welfare by destroying or diminishing the utility of land for commercial, industrial, residential, recreational, agricultural, and forestry purposes, by causing erosion and landslides, by contributing to floods, by polluting the water, by destroying fish and wildlife habitat, by impairing natural beauty, by damaging the property of citizens, by creating hazards dangerous to life and property, by degrading the quality of life in local communities, and by counteracting governmental programs and efforts to conserve soil, water, and other natural resources;

(3) effective regulation of mining operations by the States and by the Federal Government in accordance with the requirements of this Act is an appropriate and necessary means to prevent the adverse social, economic, and environmental effects of mining operations; and

(4) because of the diversity of terrain, climate, biologic, chemical, and other physical conditions in areas subject to mining operations, the primary governmental responsibility for developing, authorizing, issuing, and enforcing regulations for surface mining and reclamation operations subject to this Act should rest with the States in the proper exercise of their police power authority.

SEC. 102. It is the purpose of this Act to establish a nationwide program to prevent the adverse effects to society and the environment resulting from surface mining operations; to assure that surface mining operations are so conducted as to prevent lasting degradation to land and waters; to assure that adequate measures are undertaken to reclaim surface areas as contemporaneously as possible with the surface mining operations; to assist the States in developing and implementing such a program; and, wherever necessary, to exercise the full reach of Federal constitutional powers to insure the protection of the public interest through the effective control of surface mining operations.

TITLE II—EXISTING AND PROSPECTIVE SURFACE MINING AND RECLAMATION OPERATIONS

SEC. 201. GRANT OF AUTHORITY PROMULGATION OF FEDERAL REGULATIONS.—(a) Within ninety days after the date of enactment of this Act, the Secretary, in accordance with the requirements and the procedures of this Act, shall develop and publish in the Federal Register regulations covering surface mining and reclamation operations for coal, and shall set forth in reasonable detail those actions which a State must take to develop a State Program and otherwise meet the requirements of this Act.

(b) Not later than twelve calendar months following the date of the enactment of this Act, the Secretary, in accordance with the requirements of this Act and procedures set forth in this section, shall develop and publish in the Federal Register regulations covering surface mining and reclamation operations for other minerals, and shall set forth in reasonable detail those actions which a State must take to develop a State Program and otherwise meet the requirements of this Act.

(c) Such regulations for coal and for other minerals shall not become effective until the Secretary has first published the proposed regulations in the Federal Register and afforded interested persons and State and local governments a period of not less than thirty days after publication to submit written comments. Except as provided in subsection (d) of this section, the Secretary shall, upon the expiration of such period and after consideration of all written comments and relevant matter presented, promulgate the regulations with such modifications as he may deem appropriate.

(d) On or before the last day of any period fixed for the submission of written comments under subsection (c) of this section, any interested person or any State and local government may file with the Secretary written objections to a proposed regulation, stating the grounds therefor and requesting a public hearing by the Secretary on such objections. Within fifteen days after the period for filing such objections has expired, the Secretary shall publish in the Federal Register a notice specfiying the proposed regulation to which objections have been filed and for which a public hearing has been requested, and the date (which date shall be no later than thirty days after the date of publication of the notice pursuant to this subsection), time, and place of such public hearing wherein statements concerning the proposed regulation and objections thereto shall be received. To the extent possible, hearings pursuant to this section shall be held in the States and regions affected.

(e) Within sixty days after completion of any hearings, the Secretary shall issue a report setting forth his findings of fact and views on such objections and shall promulgate the regulations with such modifications as may be required. The regulations shall be effective thirty days after their publication in the Federal Register.

(f) The Administrative Procedure Act shall be applicable to the administration of this Act: *Provided,* That whenever procedures provided for in this Act are in conflict with the Administrative Procedure Act, the provisions of this Act shall prevail.

SEC. 202. OFFICE OF LAND USE POLICY, RECLAMATION, AND ENFORCEMENT.—(a) There is hereby established in the Department of the Interior the Office of Land Use Policy, Reclamation, and Enforcement.

(b) The Office shall have a Director who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate provided for level V of the Executive Schedule pay rates (5 U.S.C. 5315), and such other employees as may be required. The Director shall have the responsibilities provided for under this Act and such duties and responsibilities as the Secretary of the Interior may assign. Employees of the Office shall be recruited on the basis of their professional competence and capacity to administer objectively the provisions of this Act. Employees may be recruited from the United States Geological Survey, the Bureau of Mines, the Bureau of Land Management, and other departments and agencies of the Federal Government which have expertise pertinent to the responsibilities of the Office. No existing legal authority in the Department of the Interior which has as its purpose promoting the development or use of coal or other mineral resources, shall be transferred to the Office.

(c) The Secretary, acting through the Office, shall—

(1) administer the State grant-in-aid program for the development of State programs for surface mining and reclamation operations provided for in title IV of this Act;

(2) administer the grant-in-aid program to the States for the purchase and reclamation of abandoned and unreclaimed mined areas pursuant to title III of this Act;

(3) administer the grant-in-aid programs to the States for the development of State land use planning processes and the designation of land areas unsuitable for surface mining operations pursuant to section 215 of this Act;

(4) administer the surface mining and reclamation research and demonstration project authority provided for in section 404 of this Act;

(5) develop and administer any Federal programs for surface mining and reclamation operations which may be required pursuant to this title and review State programs for surface mining and reclamation operations pursuant to this title;

(6) consult with other agencies of the Federal Government having expertise in the control and reclamation of surface mining operations or responsibilities for the administration of land use planning assistance programs and assist States, local governments, and other eligible agencies in the coordination of such programs;

(7) maintain a continuing study of the land resources of the United States and their use;

(8) cooperate with the States in the development of standard methods and classifications for the collection of land use data and in the establishment of effective procedures for the exchange and dissemination of land use data;

(9) develop and maintain a Federal Land Use Information and Data Center and make the information maintained at the Data Center available to the public and to Federal, regional, State, and local agencies conducting or concerned with land use planning and agencies concerned with surface mining and reclamation operations;

(10) assist the States in the development of State Programs for surface mining and reclamation operations and State land use planning processes which meet the requirements of this Act and, at the same time, reflect local requirements and local environmental conditions; and

(11) assist the States in developing objective scientific criteria and appropriate procedures and institutions for determining those areas of a State to be designated unsuitable for all or certain types of mining and for development of the State land use planning process pursuant to section—.

SEC. 203. SURFACE MINING OPERATIONS NOT SUBJECT TO THIS ACT.—(a) The provisions of this Act shall not apply to any of the following activities:

(1) foundation excavations for the purpose of constructing buildings and other structures;

(2) excavations by an agency of Federal, State, or local government or its authorized contractors for highway and railroad cuts and for the purpose of providing fill, sand, gravel, and other materials for use in connection with any public project if the Federal, State, or local government requires reclamation of the area affected;

(3) the extraction of minerals by a landowner for his own noncommercial use from land owned or leased by him;

(4) the extraction of minerals for commercial purposes and the removal of overburden in total amounts of less than one thousand tons in any one location (which may not exceed two acres) in any one calendar year;

(5) the extraction of minerals for the purpose of taking samples for quality testing, for assaying, or other purposes associated with mineral exploration in amounts of less than two hundred and forty tons in any one location (which may not exceed one acre);

(6) archeological excavations; and

(7) such other surface mining operations which the Secretary determines to be of an infrequent nature and which involve only minor surface disturbances.

(b) In promulgating regulations to implement this section the Secretary shall consider the nature of the class, type, or types of activities involved; their magnitude (in tons and acres); their potential for adverse environmental impact; and whether the class, type, or types of activities are already subject to an existing regulatory system by State or local government or an agency of the Federal Government.

SEC. 204. STATE AUTHORITY; STATE PROGRAMS.—(a) A State, to be eligible to receive financial assistance provided for under titles III and IV of this Act and to be eligible to assume full control over surface mining and reclamation operations on lands within such State, shall—

(1) have appropriate legal authority under State law to regulate surface mining and reclamation operations in accordance with the requirements of this Act;

(2) provide sanctions under State law for violations of State laws, regulations, or conditions of permits concerning surface mining and reclamation operations which meet the requirements of this Act, such sanctions to include civil and criminal actions, forfeiture of bonds, withholding of permits, and the issuance of cease and desist orders by the State regulatory authority or its inspectors;

(3) have available sufficient administrative and technical personnel, adequate interdisciplinary expertise, and sufficient financial resources to enable the State to regulate surface mining and reclamation operations in accordance with the requirements of this Act; and

(4) submit to the Secretary for approval in accordance with the requirements of this Act—

(A) a State program which provides for the effective implementation, maintenance, and enforcement of a permit system for the regulation of surface mining and reclamation operations for coal on lands within such State; and

(B) a State program which provides for the effective implementation, maintenance, and enforcement of a permit system for the regulation of surface mining and reclamation operations for other minerals on lands within such State.

(b) The Secretary shall not approve any State program submitted by a State pursuant to this section until:

(1) he has solicited the views of the Administrator of the Environmental Protection Agency, the Secretary of Agriculture, and the heads of other Federal agencies concerned with or having special expertise pertinent to the proposed State Program; and

(2) he has provided an opportunity for a public hearing on the State Program within the State.

(c) The Secretary shall, within four calendar months following the submission of any State Program, approve or disapprove such State Program or any portion thereof. The Secretary shall approve a State Program if he determines that the State Program meets the requirements of this Act.

(d) If the Secretary disapproves any proposed State Program, he shall notify the State in writing of his decision and set forth in detail the reasons therefor. The State shall have sixty days in which to resubmit a revised State Program.

SEC. 205. FEDERAL PROGRAMS.—(a) The Secretary shall prepare and, subject to the provisions of this section, promulgate and implement a Federal Program for a State if such State:

(1) fails to submit a State Program covering surface mining and reclamation operations for coal within twelve months of the promulgation of the Federal regulations for such operations;

(2) fails to submit a State Program for surface mining and reclamation operations for other minerals within twelve months of the promulgation of Federal regulations for such operations;

(3) fails to resubmit an acceptable State Program within sixty days of disapproval of a proposed State Program: *Provided*, That the Secretary shall not implement a Federal Program prior to the expiration of the initial period allowed for submission of a State Program as provided for in clauses (1) and (2) of this subsection; or

(4) fails to enforce its approved State Program as provided for in this Act.

Promulgation and implementation of a Federal Program vests the Secretary with the full authority provided for in this Act for the regulation and control of surface mining and reclamation operations taking place on lands within any State not in compliance with this Act. After promulgation and implementation of a Federal Program the Secretary shall be the regulatory authority. In promulgating and implementing a Federal Program for a particular State the Secretary shall take into consideration the nature of that State's terrain, climate, biological, chemical, and other relevant physical conditions.

(b) Prior to promulgation and implementation of any proposed Federal Program, the Secretary shall give adequate public notice and hold a public hearing in the affected State.

(c) Permits issued pursuant to an approved State Program shall be valid but reviewable under a Federal Program. Immediately following promulgation of a Federal Program, the Secretary shall undertake to review such permits to determine that the requirements of this Act are not violated. If the Secretary determines any permit to have been granted contrary to the requirements of this Act, he shall so advise the permittee and provide him a reasonable opportunity for submission of a new application and reasonable time to conform ongoing surface mining and reclamation operations to the requirements of the Federal Program.

(d)(1) If a State submits a proposed State Program to the Secretary after a Federal Program has been promulgated and implemented pursuant to this section, and if the Secretary approves the State Program, the Federal Program shall cease to be effective within thirty days after such approval.

(2) Whenever a Federal Program is promulgated for a State pursuant to this Act, any statutes or regulations of such State which are in effect to regulate surface mining and reclamation operations subject to

this Act shall, insofar as they interfere with the achievement of the purposes and the requirements of this Act and the Federal Program, be preempted and superseded by the Federal Program.

Sec. 206. Moratorium on Surface Mining Operations for Coal Pending State Compliance.—After the date of enactment of this Act, no person shall open or develop any new or previously mined and abandoned site for surface mining operations for coal on lands within any State, and no person shall significantly increase or accelerate existing surface mining operations for coal on lands within any State unless such person has first obtained a permit issued by the State regulatory authority pursuant to a State Program approved in accordance with the provisions of this Act: *Provided*, That the Secretary may approve such new or expanded surface mining operations if he finds: (1) that such operations are the only practicable source of a coal supply to support initial or continued operation of a thermal electric powerplant, metallurgical process, or other activity impressed with a public interest and having regional or national importance; and (2) firm plans for, and substantial legal and financial commitments in, such operations were made prior to the date of enactment of this Act; and (3) the provisions for reclamation to be done in connection with such operations offer very reasonable assurance that such reclamation can be made compatible with the requirements of this Act.

Sec. 207. Permits.—(a) After the expiration of the twelve-calendar-month period following the date of promulgation of the Federal regulations no person shall engage in or carry out on lands within any State any surface mining operations for coal, unless such person has first obtained a permit issued by such State pursuant to an approved State Program or by the Secretary pursuant to a Federal Program.

(b) On and after the expiration of the twenty-four-calendar-month period following the date of the enactment of this Act, no person shall engage in or carry out on lands within any State any surface mining operations for other minerals, unless such person has first obtained a permit issued by such State pursuant to an approved State Program or by the Secretary pursuant to a Federal Program.

(c) The term of any permit for surface mining and reclamation operations issued pursuant to this Act shall not exceed five years and shall carry with it a right of renewal if the permittee can demonstrate compliance with the requirements of the approved State Program or a Federal Program for the State within which the operations are conducted and the capability to implement the Reclamation Plan applicable to the operations covered by the permit. Prior to approving the renewal of any permit the regulatory authority shall review the permit and the surface mining and reclamation operations and may require such new conditions and requirements as are necessary to reflect changing circumstances.

(d) A permit shall terminate if the permittee has not commenced actual mineral production on the surface mining and reclamation operations covered by such permit within three years of the issuance of the permit.

Sec. 208. Permit Application Requirements: Information, Performance Bond, Insurance, and Reclamation Plans.—(a) Each application for a permit under a State Program or Federal Program pursuant to the provisions of this Act shall include as a minimum the following information—

(1) the names and addresses of (A) the permit applicant; (B) every legal owner of the property (surface and mineral) to be mined; (C) the holders of any leasehold interest in the property; (D) any purchaser of the property under a real estate contract; (E) the operator if he is a person different from the applicant; and (F) if any of these are business entities other than a single proprietor, the names and addresses of the principals, officers and resident agent;

(2) the names and addresses of the owners of all surface area within five hundred feet of any part of the proposed site of the surface mining and reclamation operations;

(3) a statement of any current or previous mining permits in the State held by the applicant and the permit numbers;

(4) the names and addresses of every officer, partner, director, or person performing a similar function;

(5) a statement of whether the applicant, any subsidiary, affiliate, or persons controlled by or under common control with the applicant, has ever held a Federal or State mining permit which has been suspended or revoked or has ever had a mining bond or similar security deposited in lieu of bond forfeited;

(6) such maps and topographical information, including the location of underground mining activities in the area, as the regulatory authority may require;

(7) a copy of the applicant's advertisement of the ownership, location, and boundaries of the proposed site of the surface mining and reclamation operations, such advertisement shall be placed in a newspaper of general circulation in the locality of the proposed site at least once a week for four successive weeks; and

(8) such other information as the regulatory authority may require.

(b) Each applicant for a permit shall file with the regulatory authority as part of the permit application a performance bond on a form prescribed and furnished by the regulatory authority, payable to the United States or to the State and conditioned upon the faithful compliance with the requirements of this Act. The amount of the bond required for each permit shall equal the estimated costs of reclamation by a third party: *Provided*, That the amount of each bond may be adjusted if it is determined to be inadequate.

(c) Each applicant for a permit shall be required to submit to the regulatory authority as part of the permit application a certificate issued by an insurance company authorized to do business in the United States certifying that the applicant has a public liability insurance policy in force for the surface mining and reclamation operations for which such permit is sought, or evidence that the applicant has satisfied other State or Federal self-insurance requirements. Such policy shall provide for personal injury and property damage protection in an amount adequate to compensate any persons damaged as a result of surface mining and reclamation operations and entitled to compensation under the applicable provisions of State law. Such policy shall be for the term of the permit plus not less than eighteen months thereafter.

(d) Each applicant for a permit shall be required to submit to the regulatory authority as part of the permit application a Reclamation Plan which shall meet the requirements of this Act.

Sec. 209. Permit Application Approval Procedures.—(a) The regulatory authority shall notify the applicant for a permit within a period of time established by law or regulation whether the application has been approved or disapproved. If approved, the permit shall be issued. If the application is disapproved, specific reasons therefor must be set forth in the notification. Within thirty days after the applicant is notified that the permit or any portion thereof has been denied, the applicant may request a hearing on the reasons for said disapproval. A hearing shall be held, within thirty days of the request. Within thirty days after the hearing the regulatory authority shall issue and furnish the applicant the written decision of the regulatory authority granting or denying the permit in whole or in part and stating the reasons therefor.

(b) Each applicant for a permit shall have the responsibility of demonstrating to the satisfaction of the regulatory authority that reclamation as required pursuant to this Act can and will be accomplished under the Reclamation Plan contained in the permit application.

(c) Any person having a valid legal interest which will be affected by the proposed surface mining and reclamation operations or any Federal, State, or local governmental agency having responsibilities affected by the proposed operations shall have the right to file written objections to any permit application within thirty days after the last publication of the advertisement pursuant to clause 208(a)(7). If written objections are filed, the regulatory authority shall hold a public hearing in the locality of the proposed surface mining and reclamation operations within thirty days of the receipt of such objections and after appropriate notice and publication of the date, time, and location of such hearing.

(d) A person having a valid legal interest which will be affected by the proposed surface mining and reclamation operations who has participated in the administrative procedures as an applicant, protestant, or objector, and who is aggrieved by the decision of the regulatory authority shall have the right of appeal for review by a court of competent jurisdiction in accordance with State or Federal law.

Sec. 210. Release of Performance Bonds.—(a) The permittee may file a request with the regulatory authority for the release of the performance bond.

(b) The regulatory authority may release in whole or in part said bond if the authority is satisfied that reclamation covered by the bond or portion thereof has been accomplished as required by this Act: *Provided, however*, That—

(1) no bond shall be fully released until all reclamation requirements of this Act are fully met, and

(2) an inspection and evaluation of the affected surface mining and reclamation operations is made by the regulatory authority or its authorized representative prior to the release.

(c) If the regulatory authority disapproves the application for release of the bond or portion thereof, the authority shall notify the permittee, in writing, stating the reasons for disapproval and recommending corrective actions necessary to secure said release. The permittee shall be afforded a reasonable period of time to take such corrective actions.

(d) If requested by any person having a valid legal interest which will be affected by the failure of the permittee to have complied with the requirements of this Act, the regulatory authority shall, within 30 days after appropriate public notice, hold a public hearing on the surface mining and reclamation operations covered by a performance bond. Such hearing shall be held after the release of 50 per centum or more and prior to the release of 90 per centum of such bond.

Sec. 211. Revision and Revocation of Permits.—(a) Once granted a permit may not be revoked unless: (1) the regulatory authority gives the permittee prior notice of violation of the provisions of the permit, the State program or Federal program, or this Act and affords a reasonable period of time of not less than fifteen days or more than one year within which to take corrective action; and (2) the regulatory authority determines, after a public hearing, if requested by the permittee, that the permittee remains in violation. The regulatory authority shall issue and furnish the permittee a written decision either affirming or rescinding the revocation and stating the reasons therefor.

(b)(1) During the term of the permit the permittee may submit an application, together with a revised reclamation plan, to the regulatory autohrity for a revision of the permit.

(2) An application for a revision of a permit shall not be approved unless the regulatory authority is fully satisfied that reclamation as required pursuant to this Act can and shall be accomplished under the revised reclamation plan. The revision shall be approved or disapproved within a period of time established by the State or Federal program. The regulatory authority shall establish guidelines for a determination of the scale or extent of a revision request for which all permit application information requirements and procedures, including notice and hearings, shall apply: *Provided*, That any revisions which propose a substantial change in the intended future use of the land or significant alterations in the reclamation plan shall, at a minimum, be subject to notice and hearing requirements.

(3) Any extensions to the area covered by the permit except incidental boundary revisions must be made by application for a new permit.

(c) No transfer, assignment or sale of the rights granted under any permit issued pursuant to this Act shall be made without the written approval of the regulatory authority.

Sec. 212. Criteria for Surface Mining and Reclamation Operations.—(a) Each Reclamation Plan submitted as a part of a permit application pursuant to an approved State Program or a Federal Program under the provisions of this Act shall include a statement of:

(1) the condition of the land to be covered by the permit prior to any mining including:

(A) the uses existing at the time of the application and, if the land has a history of previous mining, the uses which preceded any mining;

(B) the capability of the land prior to any mining to support a variety of uses giving consideration to soil and foundation characteristics, topography, and vegetative cover;

(2) the use which is proposed to be made of the land following reclamation, including a discussion of the utility and capacity of the reclaimed land to support a variety of alternative uses;

(3) the engineering techniques proposed to be used and a description of the major equipment; a plan for the control of surface water drainage and of water accumulation; a plan for backfilling, soil stabilization, and compacting, grading, and revegetation; an estimate of the cost per acre of the reclamation, including a statement as to how the permittee plans to comply with the requirements set out in subsection (b) of this section;

(4) the steps to be taken to insure that the surface mining and reclamation operations comply with all applicable air and water quality laws and regulations and any applicable health and safety standards;

(5) the consideration which has been given to insuring that the Reclamation Plan is consistent with local, physical, environmental, and climatological conditions and current mining and reclamation technologies;

(6) the consideration which has been given to insuring the maximum effective recovery of the mineral resource;

(7) a time schedule for the completion of all stages of reclamation;

(8) the consideration which has been given to making the surface mining and reclamation operations consistent with all applicable State and local land use plans and programs and zoning and other land use laws, ordinances, and regulations;

(9) all lands, interests in lands, or options on such interests held by the applicant or pending bids on interests in lands by the applicant, which lands are contiguous to the area to be covered by the permit: *Provided*, That any information required by this section which is not on public file pursuant to State law shall be held in confidence by the regulatory authority; and

(10) the results of test borings which the applicant has made at the area to be covered by the permit, including the location of subsurface water, and an analysis of the chemical properties including acid forming properties of the mineral and overburden: *Provided*, That this information shall not be publicly disclosed by the regulatory authority.

(b) Each State program and each Federal program shall include regulations which at a minimum require each permittee to:

(1) return all surface areas to a condition at least fully capable of supporting the uses which they were capable of supporting prior to any mining, which condition, however, shall not present any hazard to public health or safety;

(2) insure that backfilling, compacting, and grading shall be accomplished to achieve the approximate original contour of the land with all highwalls, spoil piles, and depressions eliminated: *Provided*, That alternative grading plans, including terracing, retention of stable highways or spoilbanks, or water impoundments may be permitted when they (i) are specifically proposed in the reclamation plan for the purpose of achieving an environmentally sound condition and a desirable use for the reclaimed area, and (ii) are approved by the regulatory authority in advance of mining pursuant to the approval of the permit;

(3) insure that any highwalls, terraces, and spoil remaining at the conclusion of reclamation are stable, taking into consideration all of the physical, climatological, and other characteristics of the site;

(4) stabilize and protect all surface areas affected by the mining and reclamation operations to prevent immediate and permanent erosion and attendant air and water pollution, such stabilization and reclamation to include soil compaction, where advisable, and establishment of a stable and self-regenerating vegetative cover which, where advisable, shall be comprised of native vegetation;

(5) segregate and preserve topsoil and use the best available other soil material from the mining cycle to cover spoil material unless the permit applicant provides evidence in the reclamation plan sufficient to satisfy the regulatory authority that another method of soil conservation would be superior for revegetation purposes;

(6) insure that offsite areas are protected from slides or damage occurring during the surface mining and reclamation operations and that no part of the operations or waste accumulations are located outside the permit area, and that any damage is contained within the permit area;

(7) maintain the quality of water in surface and ground water systems both during and after surface mining and reclamation operations by:

(A) avoiding acid mine drainage by (i) preventing or retaining drainage from acid producing deposits, or (ii) treating drainage to acceptable standards of acidity and iron content before releasing it to water courses;

(B) conducting surface mining operations so as to minimize the contribution of silt to runoff from the disturbed area;

(C) casing, sealing, or otherwise managing boreholes, shafts, and wells to prevent acid drainage to ground and surface waters; and

(D) such other actions as the regulatory authority may prescribe;

(8) insure the control of surface operations incident to underground mining for the purpose of protecting the surface area, controlling mine refuse, and providing for the proper sealing of shafts, tunnels, and entryways and the filling of exploratory holes no longer necessary for mining;

(9) insure that all debris, acid forming materials, toxic materials, or materials constituting a fire hazard are treated or disposed of in a manner designed to prevent contamination of ground or surface waters;

(10) insure that explosives are used only in accordance with existing State and Federal law and the regulations promulgated by the regulatory authority which, at a minimum, shall provide for:

(A) sufficient notice to local governments and individuals which would be affected by the use of such explosives;

(B) specific procedures for the protection of dwellings, other buildings and property; and

(C) specific limitations based upon the physical conditions of the site, so as to prevent injury to persons and damage to property outside of the permit area, including underground mining operations in the same vicinity;

(11) insure that all reclamation efforts proceed in an environmentally sound manner and as contemporaneously as possible with the surface mining operations; and

(12) meet such other criteria as are necessary to achieve reclamation in accordance with the purposes of this Act, taking into consideration the physical, climatological, and other characteristics of the site, and to insure the maximum effective recovery of the mineral resources.

(c) With respect to surface mining operations for other minerals in which (1) the amount of mineral removed is very large in proportion to the surface area distributed; and (2) the surface mining operations take place on the same site for an extended period of time; and (3) there is no practicable method to return the area to conditions approximating original contour; and (4) there is no practicable alternative domestic source of the mineral resource, the regulatory authority may propose and the Secretary may promulgate alternative regulations to those provided for in clauses (1), (2), (4), and (5) of subsection 212(b) for reclamation which, at a minimum, will:

(1) insure that all remaining slopes of highwalls and spoil will be permanently stable;

(2) insure that water and air quality standards applicable to the area to be covered by a permit will be observed;

(3) insure that public health and safety will be protected; and

(4) provide for the maximum practicable reclamation of the area to be covered by a permit to minimize adverse environmental impacts of the mining and to optimize the social, ecological, and environmental utility of the area.

Sec. 213. Inspections.—(a) The Secretary shall cause to be made such inspections of any surface mining and reclamation operations as are necessary to evaluate the administration of State Programs, or to develop or enforce any Federal Program, and for such purposes authorized representatives of the Secretary shall have a reasonable right of entry to any surface mining and reclamation operations.

(b) For the purpose of developing or assisting in the development, administration, and enforcement of any State or Federal Program under this Act or in the administration and enforcement of any permit under this Act, or of determining whether any person is in violation of any requirement of this Act—

(1) the regulatory authority shall require each permittee to (A) establish and maintain appropriate records, (B) make reports, (C) install, use, and maintain any necessary monitoring equipment, and (D) provide such other information relative to surface mining and reclamation operations as the regulatory

authority deems reasonable and necessary; and

(2) the authorized representatives of the regulatory authority, upon presentation of appropriate credentials (A) shall have a right of entry to, upon or through any surface mining and reclamation operations or any premises in which any records required to be maintained under paragraph (1) of this subsection are located; and (B) may at reasonable times have access to and copy any records, inspect any monitoring equipment or method of operation required under this Act.

(c) The inspections by the regulatory authority shall (i) occur on an irregular basis averaging not less than one inspection per month for the surface mining and reclamation operations for coal covered by each permit and biannually for surface mining and reclamation operations for other minerals covered by each permit; (ii) occur without prior notice to the permittee or his agents or employees; and (iii) include the filing of inspection reports adequate to carry out the purposes of this Act.

(d) Permits issued under State Programs or Federal Programs and the permittees' Reclamation Plans shall be filed on public record with appropriate officials in each county or other appropriate subdivision of the State in which surface mining and reclamation operations under such permits will be conducted.

(e) Each permittee shall conspicuously maintain at the entrances to the surface mining and reclamation operations a clearly visible sign which sets forth the name, business address, and phone number of the permittee and the permit number of the permit which covers such operations.

(f) Any records, reports, or information obtained under this section by the regulatory authority which are not within the exceptions of the Freedom of Information Act (5 U.S.C. 552) shall be available to the public.

SEC. 214. FEDERAL ENFORCEMENT.—(a) Whenever, on the basis of any information available to him, the Secretary finds that any person is in violation of any requirement of this Act or any permit condition required by this Act, the Secretary shall notify the State regulatory authority in the State in which such violation exists. If such State authority fails within ten days after notification to take appropriate action to cause said violation to be corrected or to show good cause for such failure, the Secretary shall issue an order requiring such person to comply with the provision or permit condition.

(b) When, on the basis of Federal inspection, the Secretary determines that any person is in violation of any requirement of this Act or any permit condition required by this Act, the Secretary or his inspectors may immediately order a cessation of surface mining and reclamation operations or the portion thereof relevant to the violation and provide such person a reasonable time to correct the violation: *Provided*, That such person shall be entitled to a hearing concerning such an order of cessation within three days of the issuance of the order. If such person shall fail to obey the order so issued, the Secretary shall immediately institute civil or criminal actions in accordance with this Act.

(c) Whenever the Secretary finds that violations of an approved State Program appear to result from a failure of the State to enforce such State Program effectively, he shall so notify the State. If the Secretary finds that such failure extends beyond the thirtieth day after such notice, he shall give public notice of such finding. During the period beginning with such public notice and ending when such State satisfies the Secretary that it will enforce such State Program, the Secretary shall enforce any permit condition required under this Act with respect to any person by issuing an order to comply with such permit condition or by bringing a civil or criminal action, or both, pursuant to this section.

(d) Any order issued under this section shall take effect immediately. A copy of any order issued under this section shall be sent to the State regulatory authority in the State in which the violation occurs. Each order shall set forth with reasonable specificity the nature of the violation and establish a reasonable time for compliance taking into account the seriousness of the violation, any irreparable harmful effects upon the environment, and any good faith efforts to comply with applicable requirements. In any case in which an order or notice under this section is issued to a corporation, a copy of such order shall be issued to appropriate corporate officers.

(e) At the request of the Secretary, the Attorney General may institute a civil action in a district court of the United States for a restraining order or injunction or other appropriate remedy to enforce the purposes and the provisions of this Act.

(f)(1) If any person shall fail to comply with any Federal Program, any provision of this Act, or any permit condition required by this Act, for a period of fifteen days after notice of such failure, such person shall be liable for a civil penalty of not more than $1,000 for each and every day of the continuance of such failure. The Secretary may assess and collect any such penalty.

(2) Any person who knowingly and willfully violates a Federal Program, any provision of this Act, or any permit condition required by this Act, or makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this Act or who knowingly and willfully falsifies, tampers with, or knowingly and willfully renders inaccurate any monitoring device or method required to be maintained under this Act, shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than six months, or by both.

(g) Wherever a corporation or other entity violates a Federal Program any provision of this Act, or any permit condition required by this Act; any director, officer, or agent of such corporation or entity who authorized, ordered, or carried out such violation shall be subject to the same fines or imprisonment as provided for under subsection (f) of this section.

(h) The penalties prescribed in this section shall be in addition to any other remedies afforded by this Act or by any other law or regulation.

SEC. 215. DESIGNATION OF LAND AREAS UNSUITABLE FOR SURFACE MINING.—(a)(1) The Secretary is authorized to make annual grants to each State for the purpose of assisting in the development of a State land use planning process capable of making objective decisions based upon competent and scientifically sound data and information as to which, if any, land areas of a State are unsuitable for all or certain types of surface mining operations.

(2) An area may be designated unsuitable for all or certain types of surface mining operations if—

(A) reclamation pursuant to the requirements of this Act is not physically or economically possible;

(B) surface mining operations or other major uses in a particular area would be incompatible with Federal, State, or local plans to achieve essential government objectives; or

(C) the area is an area of critical environmental concern.

(3) To be eligible for grants under this section a State must demonstrate it has developed or is developing a land use planning process which includes—

(A) a State land use planning and coordination agency;

(B) a data base and an inventory system which will permit proper evaluation of the capacity of different land areas of the State to support and permit reclamation of surface mining operations;

(C) a method or methods for implementing land use planning decisions concerning surface mining operations; and

(D) proper notice, opportunities for public participation, and measures to protect the legal interests of affected property owners in all aspects of the State planning process.

(4) Grants made pursuant to this section shall not exceed 80 per centum of the cost of developing and managing a State land use planning process in the first and second years and 60 per centum thereafter.

(5) In making grants pursuant to this section the Secretary shall consider the present and projected levels of surface mining operations, the need for areawide planning, and the size of the State.

(6) For each fiscal year following the enactment of this Act, there are authorized to be appropriated to the Secretary for grants to the States not more than $25,000,000 annually to carry out the purposes of this section.

(7) For purposes of this section the term "areas of critical environmental concern" means an area on lands within any State where uncontrolled or unplanned development—mining, or otherwise—could result in irreversible damage to important historic, cultural, environmental or esthetic values, or natural systems or processes, which are of more than local significance, or could unreasonably endanger life and property as a result of natural hazards of more than local significance.

(b) The Secretary is authorized and directed to conduct a review of the Federal lands and to determine, pursuant to the criteria set forth in clause (2) of subsection (a) of this section, whether there are areas on Federal lands which are unsuitable for all or certain types of surface mining operations. When the Secretary determines an area on Federal lands to be unsuitable for all or certain types of surface mining operations he may withdraw such area or he may condition any mineral leasing or mineral entries in a manner so as to limit surface mining operations on such area.

(c) No permit application shall be approved for surface mining operations—

(1) on any land which is within one hundred feet of primary or secondary roads or lakes, streams, or tidal waters to which the public has access and use; or

(2) if the surface mining operations will adversely affect any publicly owned park unless screening and other measures, approved jointly by the regulatory authority and the Federal, State, or local agency with jurisdiction over the park, are used, and the permit application shall so provide.

SEC. 216. FEDERAL LANDS AND INDIAN LANDS.—(a) The Secretary shall promulgate and implement a Federal Lands Program which shall be applicable to all surface mining and reclamation operations taking place pursuant to any Federal law on any Federal lands and Indian lands. The Federal Lands Program shall, at a minimum, incorporate all of the requirements of this Act and shall take into consideration the diverse physical, climatological, and other unique characteristics of the Federal and Indian lands in question.

(b) The requirements of this Act and the Federal Lands Program shall be incorporated by reference or otherwise in any Federal mineral lease, permit, or contract issued by the Secretary which may involve surface mining and reclamation operations. Incorporation of such requirements shall not, however, limit in any way the authority of the Secretary to subsequently issue new regulations, revise the Federal Lands Program to deal with changing conditions or changed technology, and to require the lease, permit, or contract holder to conform any surface mining and reclamation operations to the requirements of this Act and the regulations issued pursuant to this Act.

(c) The Secretary may enter into agreements with a State or with a number of States to provide for a joint Federal-State Program covering a permit or permits for surface mining and reclamation operations on land areas which contain lands within any State and Federal and Indian lands which are interspersed or checkerboarded and which should, for conservation and administrative purposes, be regulated as a single management unit. To implement a joint Federal-State program the Secretary may enter into agreements with the States, may delegate authority to the States, or may accept a delegation of authority from the States for the purpose of avoiding duality of administration of a single permit for surface mining and reclamation operations.

(d) Except as specifically provided in subsection (c) this section shall not be construed as authorizing the Secretary to delegate to the States any authority or jurisdiction to regulate or administer surface mining and reclamation operations or other activities taking place on the Federal lands or Indian lands or to delegate to the States trustee responsibilities toward Indians and Indian lands.

Sec. 217. Study of Slope Limitations.—(a) The Chairman of the Council on Environmental Quality is directed to conduct and to coordinate an in depth, interagency study to determine the advisability and the impacts of imposing, or failing to impose, for regional or nationwide application specific slope limitations as a means of regulating surface mining and reclamation operations for coal. The Secretaries of the Departments of the Interior, Agriculture, and Commerce, the Administrator of the Environmental Protection Agency, and the Chairman of the Federal Power Commission with the assistance of the heads of such other Federal agencies of State governments as the Chairman of the Council on Environmental Quality deems necessary or appropriate, shall participate in the study.

(b) The Chairman shall, at a minimum, examine in detail the impacts of imposing—

(1) a prohibition on the permanent disposition of spoil on slopes with a grade exceeding ten, fourteen, and eighteen degrees from the horizontal;

(2) a total prohibition of surface mining operations on slopes with a grade exceeding twenty, twenty-six, thirty-two, and thirty-eight degrees from the horizontal;

(3) a total prohibition upon all surface mining operations, or specific types of surface mining operations such as auger or contour mining; and

(4) a requirement that the steepest contour of the highwall after terracing shall not exceed a slope with a grade of twenty-five, thirty-five, and forty-five degrees from the horizontal.

(c) In assessing the impact of imposing the limitations and prohibitions set forth in clauses (1) through (4) of subsection (b) and with respect to each of the specified slope grade limitations contained therein, the Chairman shall determine the probable effect of each on—

(1) the total available domestic supply of coal resources which could be mined with existing technology and projected new technologies:

(A) by using underground and surface mining operations, and

(B) by using underground mining operations only;

(2) electrical power production system reliability and electrical powerplant coal supply in each of the regions of the country used by the Federal Power Commission in projecting supply and demand for electrical power;

(3) other major sectors of the economy using coal such as the metallurgical industry; and

(4) employment, local tax base, and levels of local government services in States and counties in which currently exist substantial surface mining operations.

(d) In studying the impact of imposing each of the limitations and prohibitions set forth in subsection (b) the Chairman shall also determine the impact of the proposed constraints on—

(1) improving the environment of the regions affected;

(2) improving the living conditions in the regions affected;

(3) improving water quality; and

(4) reducing the external social and environmental costs associated with surface mining operations.

(e) The study, together with specific legislative recommendations, shall be submitted to the President and the Congress no later than one year from the date of enactment of this Act.

(f) A second study of the impact of the prohibitions and limitations set forth in subsection (b), and the potential impacts thereof set forth in subsections (c) and (d), as applied to surface mining and reclamation operations for other minerals shall be conducted in the manner prescribed in subsection (b). Such study, together with legislative recommendations, shall be submitted to the President and the Congress not later than two years from the date of enactment of this Act.

(g) The Chairman of the Council on Environmental Quality is authorized to utilize independent consultants and contractors to undertake studies and to develop any background information or supplemental reports necessary to the preparation of the studies required by this section.

(h) There are hereby authorized to be appropriated to the Council on Environmental Quality $2,000,000 for the purposes set forth in this section.

Sec. 218. Public Agencies, Public Utilities, and Public Corporations.—Any agency, unit or instrumentality of Federal, State, or local government, including any publicly owned utility or publicly owned corporation of Federal, State, or local government, which proposes to engage in surface mining operations which are subject to the requirements of this Act shall comply with the provisions of title II of this Act.

TITLE III—ABANDONED AND UNRECLAIMED MINED AREAS

Sec. 301. Abandoned Mine Reclamation Fund.—(a) There is hereby created in the Treasury of the United States a fund to be known as the Abandoned Mine Reclamation Fund.

(b) There is authorized to be appropriated to the Fund initially the sum of $100,000,000 and such other sums as the Congress may thereafter authorize to be appropriated.

(c) The following other moneys shall be deposited in the Fund—

(1) moneys derived from the sale, lease, or rental of land reclaimed pursuant to this title;

(2) moneys derived from any user charge imposed on or for land reclaimed pursuant to this title, after expenditures for maintenance have been deducted; and

(3) miscellaneous receipts accruing to the Secretary through the administration of this Act which are not otherwise encumbered.

(d) Moneys in the Fund subject to annual appropriation by the Congress, may be expended by the Secretary for the purposes of this title.

Sec. 302. Acquisition and Reclamation of Abandoned and Unreclaimed Mined Areas.—(a) The Congress hereby declares that the acquisition of any interest in land or mineral rights in order to construct, operate, or manage reclamation facilities and projects constitutes acquisition for a public use or purpose, notwithstanding that the Secretary plans to hold the interest in land or mineral rights so acquired as an open space or for recreation, or to resell the land following completion of the reclamation facility or project.

(b) The Secretary may acquire by purchase, donation, or otherwise, land or any interest therein which has been affected by surface mining operations prior to the enactment of this Act and has not been returned to productive or useful purposes. Prior to making any acquisition of land under this section, the Secretary shall make a thorough study with respect to those tracts of land which are available for acquisition under this section and based upon those findings he shall select lands for purchase according to the priorities established in subsection (i). Title to all lands or interests therein acquired shall be taken in the name of the United States, but no deed shall be accepted or purchase price paid until the validity of the title is approved by the Attorney General. The price paid for land under this section shall take into account the unrestored condition of the land.

(c) For the purposes of this title, when the Secretary seeks to acquire an interest in land or mineral right and cannot negotiate an agreement with the person holding title to such interest or right he shall request the Attorney General to file a condemnation suit and take such interest or right, following a tender of just compensation as awarded by a jury to such persons: *Provided, however,* That when the Secretary determines that time is of the essence because of the likelihood of continuing or increasingly harmful effects upon the environment which would substantially increase the cost or magnitude of reclamation or of continuing or increasingly serious threats to life, safety, or health, or to property, the Secretary may take such interest or rights immediately upon payment by the United States either to such person or into a court of competent jurisdiction of such amount as the Secretary shall estimate to be the fair market value of such interest or rights; except that the Secretary shall also pay to such person any further amount that may be subsequently awarded by a jury, with interest from the date of the taking.

(d) For the purposes of this title, when the Secretary takes action to acquire an interest in land or mineral rights and cannot determine which person or persons hold title to such interest or rights, the Secretary shall request the Attorney General to file a condemnation suit, and give notice, and may take such interest or rights immediately upon payment into court of such amount as the Secretary shall estimate to be the fair market value of such interest or rights. If a person or persons establish title to such interest or rights within six years from the time of their taking, the court shall transfer the payment to such person or persons and the Secretary shall pay any further amount that may be agreed to pursuant to negotiations or awarded by a jury subsequent to the time of taking. If no person or persons establish title to the interest or rights within six years from the time of such taking, the payment shall revert to the Secretary and be deposited in the Fund.

(e) States are encouraged to acquire abandoned and unreclaimed mined lands within their boundaries and to donate such lands to the Secretary to be reclaimed under appropriate Federal regulations. The Secretary is authorized to make grants on a matching basis to States in such amounts as he deems appropriate for the purpose of carrying out the provisions of this title but in no event shall any grant exceed 90 per centum of the cost of acquisition of the lands for which the grant is made. When a State has made any such land available to the Federal Government under this title, such State shall have a preference right to purchase such lands after reclamation at fair market value less the State portion of the original acquisition price.

(f) The Secretary shall prepare specifications for the reclamation of lands acquired under this title. In preparing specifications, the Secretary shall utilize the specialized knowledge or experience of any Federal department or agency which can assist him in the development or implementation of the reclamation program required under this title.

(g) The Secretary shall reclaim the lands acquired under this title in accordance with the specifications prepared therefor pursuant to subsection (f) of this section as moneys become available to the Fund.

(h) Administration of all lands reclaimed under this title shall be in the Secretary until disposed of by him as set forth in this title.

(i) In selecting lands to be acquired pursuant to this title and in formulating regulations for the making of grants to the States to acquire lands pursuant to this title, the Secretary shall give priority (1) to lands which, in their unreclaimed state, he deems to have the greatest adverse effect on the environment or constitute the greatest threat to life, health, or safety and (2) to lands which he deems suitable for public recreational use. The Secretary shall direct that the latter lands, once acquired, shall be reclaimed and put to use for recreational purposes. Revenue derived from such lands, once reclaimed and put to recreational use, shall be used first to insure proper maintenance of such lands and facilities thereon, and any remaining moneys shall be deposited in the Fund.

(j) Where land reclaimed pursuant to this title is deemed to be suitable for industrial, commercial, residential, or private recreational development, the Secretary may sell such land pursuant to the provisions of the Surplus Property Act of 1949, as amended.

(k) The Secretary shall hold a public hearing, with the appropriate notice, in the county or counties or the appropriate subdivisions of the State in which lands acquired to be reclaimed pursuant to this title are located. The hearing shall be held at a time which shall afford local citizens and governments the maximum opportunity to participate in the decision concerning the use of the lands once reclaimed.

TITLE IV—ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS

SEC. 401. DEFINITIONS.—For the purpose of this Act, the term—

(1) "Secretary" means the Secretary of the Interior;

(2) "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, and Guam;

(3) "Office" means the Office of Land Use Policy, Reclamation, and Enforcement established pursuant to section 202;

(4) "commerce" means trade, traffic, commerce, transportation, transmission, or communication among the several States, or between a State and any other place outside thereof, or between points in the same State which directly or indirectly affect interstate commerce;

(5) "surface mining operations" means—

(A) activities conducted on the surface of lands in connection with a surface mine or surface operations incident to an underground mine, the products of which enter commerce or the operations of which directly or indirectly affect commerce. Such activities include excavation for the purpose of obtaining coal or other minerals, by contour, strip, auger or open pit mining, dredging, quarrying, in situ distillation or retorting and leaching; and the cleaning, concentrating, or other processing or preparation (excluding refining and smeltering), and loading for interstate commerce of crude minerals at or near the mine site. Such activities do not include the extraction of minerals in a liquid or gaseous state by means of wells or pipes unless the process includes in situ distillation or retorting; and

(B) the areas upon which such activities occur or where such activities disturb the natural land surface. Such areas shall also include land affected by mineral exploration operations which substantially disturb the natural land surface, and any adjacent land the use of which is incidental to any such activities, all lands affected by the construction of new roads or the improvement or use of existing roads to gain access to the site of such activities and for haulage, and excavations, workings, impoundments, dams, ventilation shafts, entryways, refuse banks, dumps, stockpiles, overburden piles, spoil banks, culm banks, tailings, holes or depressions, repair areas, storage areas, processing areas, shipping areas and other areas upon which are sited structures, facilities, or other property or materials on the surface, resulting from or incident to such activities.

(6) "surface mining and reclamation operations" means surface mining operations and all activities necessary and incident to the reclamation of such operations;

(7) "lands within any State" or "lands within such State" means all lands within a State other than Federal lands and Indian lands;

(8) "Federal lands" means any land owned by the United States without regard to how the United States acquired ownership of the land and without regard to the agency having responsibility for management thereof, except Indian lands;

(9) "Indian lands" means all lands included within Indian reservations, or lands held by the United States in trust for Indians, including restricted allotted lands over which the Secretary exercises supervisory control;

(10) "State Program" means a program established by a State pursuant to section 204 to regulate surface mining and reclamation operations for coal or for other minerals, whichever is relevant, on lands within a State in accord with the requirements of this Act and regulations issued by the Secretary pursuant to this Act;

(11) "Federal Program" means a program established by the Secretary pursuant to section 205 to regulate surface mining and reclamation operations for coal or for other minerals, whichever is relevant, on lands within a State in accordance with the requirements of this Act;

(12) "Federal Lands Program" means a program established by the Secretary pursuant to section 216 to regulate surface mining and reclamation operations on Federal lands and Indian lands;

(13) "Reclamation Plan" means a plan submitted by an applicant for a permit under a State Program or Federal Program which sets forth a plan for reclamation of the proposed surface mining operations pursuant to section 212;

(14) "State regulatory authority" means the department or agency in each State which has primary responsibility at the State level for administering this Act;

(15) "regulatory authority" means the State regulatory authority where the State is administering this Act under an approved State Program or the Secretary where the Secretary is administering this Act under a Federal Program;

(16) "person" means an individual, partnership, association, society, joint stock company, firm, company, corporation, or other business organization;

(17) "permit" means a permit to conduct surface mining and reclamation operations issued by the State regulatory authority pursuant to a State Program or by the Secretary pursuant to a Federal Program;

(18) "permit applicant" or "applicant" means a person applying for a permit;

(19) "permittee" means a person *holding* a permit;

(20) "Fund" means the Abandoned Mine Reclamation Fund established pursuant to section 301;

(21) "other minerals" means clay, stone, sand, gravel, metalliferous and nonmetalliferous ores, and any other solid material or substance of commercial value excavated in solid form from natural deposits on or in the earth, exclusive of coal and those minerals which occur naturally in liquid or gaseous form;

(22) "backfilling to approximate original contour" means that part of the reclamation process achieved by grading from a point at or above the top of the highwall to a point at or below the toe of the spoil bank in which the maximum slope shall not exceed the original average slope from the horizontal by more than five degrees, and no depressions capable of collecting water shall be permitted except where the retention of water is determined by the regulatory authority to be required or desirable for reclamation purposes; and

(23) "terracing" means grading to the extent necessary to insure that the steepest contour of any remaining highwall is permanently stable and will not erode, and grading to the extent necessary to insure that the table portion of the restored area shall not have depressions which hold water, except where the retention of water is determined by the regulatory authority to be required or desirable for reclamation purposes.

SEC. 402. ADVISORY COMMITTEES.—(a) The Secretary shall appoint a National Advisory Committee for surface mining and reclamation operations for coal and a National Advisory Committee for surface mining and reclamation operations for other minerals. Each Advisory Committee shall consist of not more than seven members and shall have a balanced representation of Federal, State, and local officials, and persons qualified by experience or affiliation to present the viewpoint of operators of surface mining operations, of consumers, and of conservation and other public interest groups, to advise him in carrying out the provisions of this Act. The Secretary shall designate the chairman of each Advisory Committee.

(b) Members of each Advisory Committee other than employees of Federal, State, and local governments, while performing Advisory Committee business, shall be entitled to receive compensation at rates fixed by the Secretary, but not exceed $100 per day, including traveltime. While serving away from their homes or regular places of business, members may be paid travel expenses and per diem in lieu of subsistence at rates authorized by section 5703 of title 5, United States Code, for persons intermittently employed.

SEC. 403. GRANTS TO THE STATES.—(a) The Secretary is authorized to make annual grants to any State for the purpose of assisting such State in developing, administering, and enforcing State Programs under this Act: *Provided*, That such grants shall not exceed 80 per centum of the total costs incurred during the first year; 70 per centum of the total costs incurred during the second and third years; and 60 per centum each year thereafter.

(b) The Secretary is authorized to cooperate with and provide assistance to any State for the purpose of assisting it in the development, administration, and enforcement of its State Programs. Such cooperation and assistance shall include—

(1) technical assistance and training, including provision of necessary curricular and instruction materials, in the development, administration, and enforcement of the State Programs; and

(2) assistance in preparing and maintaining a continuing inventory of information on surface mining and reclamation operations for each State for the purposes of evaluating the effectiveness of the State Programs. Such assistance shall include all Federal departments and agencies making available data relevant to surface mining and reclamation operations and to the development, administration, and enforcement of State Programs concerning such operations.

SEC. 404. RESEARCH AND DEMONSTRATION PROJECTS.—(a) The Secretary is authorized to conduct and promote the coordination and acceleration of research, studies, surveys, experiments, and training in carrying out the provisions of this Act. In conducting the activities authorized by this section, the Secretary may enter into contracts with, and make grants to qualified institutions, agencies, organizations, and persons.

(b) The Secretary is authorized to enter into contracts with, and make grants to, the States and their political subdivisions, and other public institutions, agencies, organizations, and persons to carry out demonstration projects involving the reclamation of lands which have been disturbed by surface mining operations. Such demonstration projects may include the use of solid and liquid residues from sewage treatment processes.

(c) There are authorized to be appropriated to the Secretary $5,000,000 annually for the purposes of this section.

SEC. 405. ANNUAL REPORT.—The Secretary shall submit annually to the President and the Congress a report concerning activities conducted by him, the Federal Government, and the States pursuant to this Act. Among other matters, the Secretary shall include in such report recommendations for additional administrative or legislative action as he deems necessary and desirable to accomplish the purposes of this Act.

SEC. 406. AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary for administration of this Act and for the purposes of section 403 for the first fiscal year after the enactment of this Act, the sum of $10,000,000; for each of the next two succeeding fiscal years, the sum of $20,000,000; and $30,000,000 for each fiscal year thereafter.

SEC. 407. TEMPORARY SUSPENSION.—(a) The President of the United States is hereby authorized to suspend for a period not to exceed ninety days any requirement of this Act concerning surface mining and reclamation operations when he determines it necessary to do so because of (i) a national emergency, (ii) a critical national or regional electrical power shortage, or (iii) a critical national fuels or mineral shortage.

(b) Any action by the President pursuant to subsection (a) shall be based upon findings and recommendations of the Director of the Office of Emergency Preparedness. In preparing findings and recommendations for the President, the Director shall solicit the views of the Secretary of the Interior, the Chairman of the Council on Environmental Quality, and the Chairman of the Federal Power Commission.

(c) Any action taken by the President pursuant to this section shall be followed by a report to the Congress within five days on the nature of the emergency, the action taken, and any legislative recommendations he may deem necessary.

SEC. 408. OTHER FEDERAL LAWS.—(a) Nothing in this Act shall be construed as superseding, amending, modifying, or repealing existing State or Federal law relating to mine health and safety, and air and water quality.

(b) Nothing in this Act shall affect in any way the authority of the Secretary or the heads of other Federal agencies under other provisions of law to include in any lease, license, permit, contract, or other instrument such conditions as may be appropriate to regulate surface mining and reclamation operations on lands under their jurisdiction.

(c) To the greatest extent practicable each Federal agency shall cooperate with the Secretary and the States in carrying out the provisions of this Act.

SEC. 409. STATE LAWS.—(a) No State law or regulation in effect on the date of enactment of this Act, or which may become effective thereafter, shall be superseded by any provision of this Act or any regulation issued pursuant thereto, except insofar as such State law or regulation is inconsistent with the provisions of this Act.

(b) Any provision of any State law or regulation in effect upon the date of enactment of this Act, or which may become effective thereafter, which provides for more stringent land use and environmental controls and regulations of surface mining and reclamation operations than do the provisions of this Act or any regulation issued pursuant thereto shall not be construed to be inconsistent with this Act. Any provision of any State law or regulation in effect on the date of enactment of this Act, or which may become effective thereafter, which provides for the control and regulation of surface mining and reclamation operations for which no provision is contained in this Act shall not be construed to be inconsistent with this Act.

SEC. 410. PROTECTION OF THE SURFACE OWNER.—In those instances in which the surface owner is not the owner of the mineral estate proposed to be mined by surface mining operations the application for a permit shall include the following:

(a) the written consent of, or a waiver by, the owner or owners of the surface lands involved to enter and commence surface mining operations on such land, or, in lieu thereof,

(b) the execution of a bond or undertaking to the United States or the State, whichever is applicable, for the use and benefit of the surface owner or owners of the land, to secure the payment of any damages to the surface estate, to the crops, or to the tangible improvements of the surface owner as may be determined by the parties involved or as determined and fixed in an action brought against the permittee or upon the bond in a court of competent jurisdiction. This bond is in addition to the performance bond required for reclamation by this Act.

SEC. 411. (a) In the award of contracts for the reclamation of abandoned and unreclaimed mined areas pursuant to title III and for research and demonstration projects pursuant to section 404 of this Act the Secretary shall develop regulations which will accord a preference to surface mining operators who can demonstrate that their surface mining operations, despite good-faith efforts to comply with the requirements of this Act, have been adversely affected by the regulation of surface mining and reclamation operations pursuant to this Act.

(b) Contracts awarded pursuant to this section shall require the contractor to afford an employment preference to individuals whose employment has been adversely affected by this Act.

SEC. 412. SEVERABILITY.—If any provision of this Act or the applicability thereof to any person or circumstance is held invalid, the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected thereby.

SECTION-BY-SECTION ANALYSIS OF SURFACE MINING RECLAMATION ACT OF 1973

TITLE I—STATEMENT OF FINDINGS AND PURPOSE

Section 101

This section declares, as Congressional findings that the surface mining of coal and other minerals is a significant activity which contributes to our Nation's economic, social, and material well-being. It serves as a significant source of employment and supplies crucial fuels to meet potentially critical energy shortages, materials for critical metallurgical process, materials for transportation and communication systems, and other necessary public requirements. At the same time surface mining has numerous adverse economic, environmental, and social effects. It destroys or diminishes the utility of land for commercial, industrial, residential, recreational, agricultural, and forestry purposes. It contributes to floods, pollutes the water, destroys fish and wildlife habitat, impairs natural beauty, damages property, degrades the quality of life in local communities, and counteracts governmental programs to conserve soil, water, and other natural resources.

This section concludes, as a Congressional Finding, that effective regulation and in some areas prohibition of surface mining is necessary and appropriate to preserve the benefits, but eliminate the adverse effects of surface mining. A further finding is that such regulation is initially the responsibility of the States. As discussed in the analysis of section 204, the States are better equipped to handle the regulation of surface mining because of their knowledge of and sensitivity to the great diversity of terrain, climate, biologic, chemical and other physical conditions of, and the needs and aspirations of the local citizens and governments in areas where surface mining occurs. Secondly, the States possess the police power, the land use planning authority which is required for a truly effective surface mining regulatory program.

Section 102

However, as section 102 establishes, in its statement of purpose of the Act a nationwide program of regulation of surface mining operations is required and if and when a State manifests a lack of desire or inability to participate in that program and to meet the requirements of the Act, the Federal Government is to exercise the full reach of Federal constitutional powers to insure the effectiveness of that program. The purpose of the program is to prevent the adverse effects to society and the environment resulting from surface mining, to assure no lasting degradation of land and waters from such mining, and to assure that reclamation as required by the Act is undertaken as contemporaneously as possible with the mining.

TITLE II—EXISTING AND PROSPECTIVE SURFACE MINING AND RECLAMATION OPERATIONS

Sec. 201. Grant or Authority: Promulgation of Federal Regulations

This section places authority for the administration of this Act with the Secretary of the Interior. The Secretary's initial responsibilities are to prepare and publish, within 90 days, regulations concerning surface mining and reclamation operations for coal and a detailed description of actions to be taken by a State to develop a State Program to regulate such operations for coal. Within one year, regulations concerning operations for "other minerals" (defined in section 401) and a detailed description of State actions necessary to develop a State Program to regulate such operations for other minerals are to be proposed.

This Act differs from the measure adopted by the House in the 92d Congress in that it requires regulation of surface mining operations for not only coal, but other minerals as well. The surface mining of coal has received more national attention and does constitute the most immediate environmental problem. Yet, in many areas of the country, sand and gravel operations, copper mining, phosphate mining, and other surface mining operations impose serious social and environmental costs which also require regulation. To address only coal in Federal legislation could effectively delay consideration of, and action on, the many problems associated with the surface mining of other minerals.

This section also provides procedures for public notice of the proposed regulations and for public hearings, with adequate notice, to be held in the affected States and regions on any proposed regulation to which objections have been filed prior to final promulgation of the regulations.

Throughout the Act are provisions which insure due process—due process not only for surface mine operators, but also for State and local governments, surface owners, persons with valid legal interests, and local citizens. Due process is insured through numerous reporting and notice provisions, burden of proof provisions, public hearing provisions, and administrative and judicial review provisions. The Administrative Procedure Act (APA) is to be applicable to the administration of the Act. However, in several instances, the provisions of the Act depart from or are more specific than the APA. In such cases, the provisions of the Act will prevail.

Sec. 202. Office of Land Use Policy, Reclamation and Enforcement

To insure administration of the program by an independent agency with neither a resource development (the promotion of mining, marketing, or use of minerals) or resource preservation (pollution control, wilderness or wildlife management) bias or mission, this section establishes the Office of Land Use Policy, Reclamation, and Enforcement in the Department of the Interior. This Office will be separate from any of the Department's existing bureaus or agencies. It is intended that the Office exercise independent and objective judgment in implementing the Act.

To insure sufficient authority to administer the Act, the Office will have a Director to be compensated at the rate provided for in level V of the Executive Pay Schedule. Officers and employees of the Office are to be recruited on the basis of their professional competence and capacity to administer the Act objectively. The Act specifically states that there cannot be transferred to the Office any existing legal authority in the Department of the Interior, which has as its purpose, promoting the development or use of coal or other minerals.

The duties of the Secretary, acting through the Office, include: administering the various grant-in-aid programs provided in the Act; administering research and development projects provided in the Act; reviewing State Programs for surface mining and reclamation operations, developing and administering any Federal Programs for surface mining and reclamation operations for States which do not have or are not enforcing State Programs; maintaining a study of and a Data Center or land resources, land use planning, and surface mining and reclamation operations; cooperating with States in dissemination of relevant data and in standardized methods of collecting and classifying such data; and providing technical assistance to the States to enable them to undertake responsibilities provided for in the Act.

It has been argued by some that the Environmental Protection Agency (EPA) should administer any Federal surface mining proposal. However, after careful analysis EPA was rejected as the administering agency in favor of the Office for the following reasons:

(1) As noted in the discussion of Title I, surface mining is an activity critical to the nation's and many local communities' material, economic, and social well-being. Yet, this activity also inflicts heavy environmental and social costs on both the national and local levels. Any regulation of this activity must, of necessity, involve a careful weighing and balancing of social and economic as well as environmental costs and benefits.

The most useful existing mechanism for such a weighing and balancing procedure has been identified by both the Executive Branch and the courts to be the environmental impact statement required by the National Environmental Policy Act of 1969 (P.L. 91-190). However, EPA has been made largely exempt from the environmental impact statement requirement by subsection 511(c) of the Federal Water Pollution Control Act Amendments of 1972.

(2) A prime consideration of this amendment is due process for all concerned parties. Due process, in this case, means wide public participation. The impact statement made decisionmaking open and visible. However, EPA's exemption means that were EPA to write the regulations and administer the Act, decisionmaking need never be exposed to public scrutiny. As some have noted, this could mean that crucial decisions might be made not by EPA at all, but by the Office of Management and Budget.

(3) A proper weighing and balancing of costs and benefits—a careful concern with environmental quality as well as with employment, community stability, and national energy and economic needs—cannot be achieved by a mission-oriented agency. To insure fairness, an agency which is devoted entirely to either developmental or environmental advocacy should not administer the Act. EPA is certainly mission-oriented and certainly has a mandate for environmental advocacy.

(4) The Office, unlike EPA, is in major respects a land use planning agency. A single-minded regulatory program, with its inherent incremental decisionmaking and without a land use planning capability will prove inadequate to the purposes of the Act. Effective regulation of surface mining activities is not possible without long range planning. As recognized in section 215 of the Act, surface mining regulation requires that long term decisions be made as to the uses of the land resource and the development or conservation of our mineral and other natural resources. Regulatory considerations should not be limited to simply determining whether a mineral can be mined and reclamation can be achieved successfully. Also considered should be the uses of the land after reclamation and whether the proposed uses meet State and local needs. EPA has on such land use planning or resource management experience, capability, or expertise.

In fact, in administering its pollution control programs, it has, at times, demonstrated a disdain for proper land use policy by creating incentives to polluters to locate on undeveloped or rural lands. As a recent Interior Committee National Fuels and Energy Study report demonstrated, these incentives helped to create the Four Corners situation . . . huge power complexes and extensive strip mining operations are being located on undeveloped land in the Southwest in part because the coal is located there, but also to avoid Federal and State air quality standards in the Los Angeles region.

On the other hand through the United States Geological Survey, the Bureau of Land Management, and other agencies, the Department of the Interior does have the nucleus of a land use planning and resource management capability.

(5) As the requirements of the Act are applied to the Federal and Indian lands and new authority is provided to insure careful regulation of surface mining and reclamation operations on Federal and Indian lands. EPA has no jurisdiction over such lands or over mining on such lands. To avoid divided administration of the Act, good public policy suggests lodging the entire program in an independent office in the Department of the Interior.

(6) Finally, as legislation recently proposed by the Administration to exempt the water quality permit program from NEPA and as the explanatory language on subsection 511 (c) of the conference report on the Federal Water Pollution Control Act Amendments for 1972 suggest, the Environmental Protection Agency is already administratively overburdened. Whereas the new Office of Regional Planning at the Department of the Interior is already geared up to accept additional land use planning and resource management responsibilities.

For these reasons, an independent office in the Interior Department was chosen as the best entity to administer the Act.

Sec. 203. Surface mining operations not subject to the act

This section provides specific exemptions for certain types of activities which might otherwise be construed to fall within the definition of "surface mining operations" and thus be subject to the Act. Activities specifically excluded are (1) those which should not be included because the scope of their impact is so minor; (2) those which have a few characteristics common to surface mining but which are primarily for other useful and, in some cases, public purposes; and (3) those which do not present the environmental or social costs which regulation under the Act would internalize. Neither the House-passed measure nor the committee-reported bill in the 92d Congress provided this exemption. However, it is apparent that Federal legislation should not, because of ambiguity, address local conditions and the actions of individuals which have no national, State, or regional significance or which present no important questions of Federal or State policy. This exemption is similar to, and in some ways patterned after, the exemption in the Nation's toughest state surface mining law: the Pennsylvania law.

The exempted activities include:

Foundation excavations in construction of buildings and other structures;

Highway and railroad cuts and other excavations for public projects where the Federal, State or local government requires reclamation of the affected areas;

The excavation of minerals by a landowner for his own noncommercial use from land owned or leased by him;

The extraction of minerals or the removal of overburden for commercial purposes in amounts of less than one thousand tons in any one location (of not more than two acres) in any one calendar year—the so-called "pick and shovel" operation;

The extraction of minerals for exploratory, assaying, and quality testing purposes in amounts of less than 240 tons in any location (of not more than one acre); and

Archeological excavations.

The Secretary may identify other activities not subject to the Act and issue regulations further defining the exempted activities taking into consideration their magnitude (in tons and acres), their potential environmental impact, and whether the class, type, or types of activity are already subject to existing Federal, State, or local regulatory systems. In identifying and defining other exempted activities, the Secretary is expected to follow a rule of common sense. The purpose of the Act is to insure that social and environmental costs of surface mining are internalized by reclamation. Any activity which inflicts significant costs and which should be accompanied by reclamation should, of course, not be exempted. On the other hand, individual, non-commercial, extremely localized, activities which do not cause environmental damage should be exempted not only to insure fairness but also to relieve the administrative burden of the regulatory authorities so that the authorities can concentrate on those activities which truly require careful regulation.

Section 204. State authority; State programs

This section establishes the four prerequisites for any State to obtain financial assistance and to assume full responsibility for all regulation of surface mining and reclamation operations within the State. The State is required to:

Have appropriate legal authority to regulate surface mining and reclamation operations in accord with the Act's requirements;

Provide sanctions, including civil and criminal sanctions, bond forfeitures, and cease and desist orders for violations of State laws, regulations or permit conditions concerning surface mining and reclamation operations which meet the requirements of the Act;

Have sufficient personnel, interdisciplinary expertise and financial resources to enable the States to regulate surface mining and reclamation operations in accord with the Act's requirements; and

Submit to the Secretary for his approval a State Program for the effective implementation and enforcement of a permit system for surface mining and reclamation operations for coal and a second State Program for other minerals, both of which meet the requirements of the Act.

The section also provides time periods and procedures for the Secretary's approval or disapproval of State Programs and for revisions and resubmittals of disapproved State programs. Prior to approving a State Program, the Secretary is directed to hold a public hearing within the State and solicit the views of the Administrator of the Environmental Protection Agency, the Secretary of Agriculture, and the heads of other Federal agencies with relevant expertise.

The final subsection of this section requires the Secretary, when he disapproves a State Program, to notify the affected State and allow the State sixty days to resubmit a revised Program. The notification is to be in writing and is to contain the reasons for disapproval. It is intended that the Secretary's modification be very specific. Only with such specificity will a State know how best to revise its State Program so it will meet with the Secretary's approval.

Sec. 205. Federal programs

This section provides for Federal regulation of surface mining and reclamation operations in any State which proves unwilling or unable to do the job itself. In accord with the purposes and findings in Title I, Federal regulation is to occur only if a particular State wishes to forego or fails to assume primary responsibility for regulating surface mining operations within its boundaries.

The section directs the Secretary to prepare, promulgate, and implement a Federal Program covering surface mining and reclamation operations for either coal or other minerals for any State which (a) fails to submit a State Program for coal or a State Program for other minerals within twelve months of the promulgation of the relevant Federal regulations, (b) fails to resubmit an acceptable revised State Program after the Secretary's disapproval of the original submission, or (c) fails to enforce its approved State Programs.

The Secretary becomes the regulatory authority with full regulatory powers when he promulgates a Federal Program. In preparing and implementing a Federal Program, the Secretary is directed to take into account the affected State's terrain, climate, and other physical conditions. A public hearing must be held in the affected State prior to promulgation of the Federal Program. All State permits remain valid after promulgation of a Federal Program; however, the Secretary is directed to undertake a review of such permits and where such permits fail to meet the requirements of the Act, to afford the permittee reasonable time to conform his operations with those requirements or to submit a new permit application.

The section also provides procedures and timetables for the lifting of the Federal Program in any State when a new State Program receives the Secretary's approval.

The assumption of regulatory authority over surface mining operations in any State by the Secretary through promulagtion of a Federal Program for that State is regarded as a "last resort" measure. It is certainly preferable that the State regulate such operations through State Programs which meet the requirements of the Act. The assumption is that the States, in good faith, will develop such State Programs and make full use of their police powers to implement the Programs. However, if they fail to do so, the purpose of the Act and this section in particular is to insure that the full reach of the Federal constitutional powers will be exercised to achieve the purposes of the Act.

Sec. 206. Moratorium on surface mining operations for coal pending State compliance

This section provides a moratorium on new starts, or the reopening of abandoned mines, or the acceleration of existing activities in or for the surface mining of coal until permits for the surface mining and reclamation of coal are obtained under an approved State Program.

Neither the House-passed measure nor the Committee-reported bill had a comparable provision.

The moratorium has three principal purposes. First, as discussed in the analysis of section 201, although the Act covers the surface mining of all minerals, the surface mining of coal is the most immediate and pressing problem. The severity of the environmental and social costs imposed by the unregulated surface mining of coal is not disputed. Therefore, one purpose of the moratorium is to insure that these costs are not multiplied by new and accelerated operations before the State Programs, provided for in the Act, to regulate surface mining and reclamation operations for coal can take effect.

Second, in the case of a number of Federal laws requiring State regulation of an activity and, in case of a State's failure to regulate, Federal regulation of the same activity, many States have opted for Federal regulation. Although there are valid reasons, particularly financial (let the Federal government "foot the bill"), for the State's decisions to choose Federal regulation, such Federal regulation often works a disservice to all concerned. Federal regulation can never adequately reflect the unique physical, social, and economic conditions of each State, each region, and each locality. Also, Federal regulation is by nature more arbitrary and less flexible. State regulation is favored in the Act precisely because it can and should embody this flexibility and sensitivity to local conditions. Therefore, by the requirement that it be lifted only by an approved State Program, the moratorium serves as an incentive to the States to take the initiative to exercise State responsibility and assure State, rather than Federal, regulation.

Third, the moratorium also serves as an incentive to surface mine operators to support, rather than block, efforts to develop effective State Programs which meet the requirements of the Act.

This moratorium is a tough measure to insure compliance with the Act. However, in recognition of the importance of the moratorium, a carefully worded proviso is included. Two problems with a moratorium have been identified: the problem of assuring a smooth transition, and the problem of avoiding a single-minded sledge-hammer approach in which innocent parties' needs and legitimate expectations concerning essential public services may be defeated. The proviso is designed to correct these problems.

The proviso provides that the Secretary may waive the moratorium for specific operations when he determines that all of the following conditions exist: (1) the operations provide the only practicable source of coal to support regionally or nationally important power generation, metallurgical processing, or other essential activities impressed with a public interest, *and* (2) firm plans and substantial financial and legal commitments were made in and for such operations prior to the enactment of the Act *and* (3) the provisions for reclamation in conjunction with such operations offer every reasonable assurance that such reclamation will be made compatible with the Act's requirements.

Sec. 207 Permits

This section provides a timetable for obtaining permits to conduct surface mining and reclamation operations pursuant to the Act from either the State regulatory authority under a State Program for coal or a State Program for other minerals or the Secretary under a Federal Program for coal or a Federal Program for other minerals. (Hereafter, the words "regulatory authority" will be used to mean the State regulatory authority where the State is administering the Act under either of the two State Programs or the Secretary where the Secretary is administering the Act under either of the two Federal Programs. Furthermore, "State Program" will be used to mean either the State Program for coal or the State Program for other minerals, whichever is relevant, and "Federal Program" will be used to mean either a Federal Program for coal or a Federal Program for other minerals, whichever is relevant.)

Under this section, no person can engage in surface mining operations of coal without a valid permit under an approved State Program or a Federal Program beginning one year from the date of enactment of the Act. Permits for surfacing mining operations for other minerals are required beginning two years after enactment. These deadlines are to provide that States with a reasonable period of time after the Secretary promulgates his regulations to prepare their State Programs. (Federal regulation for coal are due three months after enactment, while Federal regulations for other minerals are due one year after enactment.) Of course, this timetable is partially qualified by the Section 206 moratorium on the surface mining of coal.

Permits are to run for no more than five years and can be renewed, subject to any new conditions or requirements reflecting changing circumstances which the regulatory authority may apply, if the permittee demonstrates compliance with the requirements of an approved State or Federal Program and with his Reclamation Plan (see Sections 208 and 212). The intent of this provision is to avoid the extremes of a too short or a too long permit period. One-year permits tend to limit meaningful public participation because the permit applicant need not disclose to the public any but his most immediate intentions. One-year periods also work against good regulation in that they unnecessarily burden the regulatory authority with paperwork and, worse, they tend to create an atmosphere of incremental decisionmaking without a full understanding of the long-term implications of short-term permit approvals. On the other hand, long-term permits can foreclose public participation during the critical period when mining and reclamation operations are conducted and can bind the regulatory authority, the permittee, and the public with quickly outdated reclamation standards and techniques. The five-year maximum was chosen not simply because it is a "happy medium," but also because it is the standard time period for reclamation performance bonds.

To assure that no one will be locked into outdated reclamation requirements because of the potential situation in which permits are taken out and renewed without operations being undertaken, this section provides that permits will terminate if permittees have not begun actual mineral production within three years of the issuance of the permits.

Sec. 208 Permit application requirements; Information, performance bond, insurance, reclamation plans

Section 208 describes the four principal submissions necessary to obtain a permit for surface mining and reclamation operations for coal or other minerals under a State Program or a Federal Program: (1) administrative information; (2) a performance bond; (3) a certificate of public liability insurance; and (4) a Reclamation Plan.

Administrative information includes names and addresses of the applicant and its officers, of any property owners or holders of leasehold interest in the property to be mined, and of owners of all surface areas within five hundred feet of the proposed mining and reclamation site; statement of any permits held or bonds posted by the applicant which have been suspended or revoked; maps and topographical information; and a copy of the applicant's advertisement in the local newspaper (which must appear at least once a week for four successive weeks). This last requirement insures public notice, particularly to local governments and citizens, so as to insure a meaningful hearing on the permit application, as required in section 209.

The performance bond must be in an amount sufficient to allow the regulatory authority to contract for all necessary and required reclamation operations by a third-party contractor when and if the permittee defaults on the bond. A proviso establishes that a bond may be adjusted upward at any time if, as a result of experience or changed circumstances, it is determined to be inadequate.

The applicant must submit either a certificate issued by an insurance company certifying that he has a public liability insurance policy for the proposed surface mining and reclamation operations or appropriate evidence that he has satisfied other State or Federal self-insurance requirements which meet the requirements of the regulations promulgated pursuant to the Act.

Finally, the most important submission which an applicant must make is the Reclamation Plan. The Reclamation Plan must establish that reclamation of all affected lands in a manner which will fully meet the detailed requirements set forth in section 212 can and will be accomplished.

Sec. 209. Permit application approval procedures

This section establishes the procedures for obtaining a permit for surface mining or reclamation operations for coal or other minerals under a State Program or Federal Program. It provides (1) time limits for initial approval or disapproval of the permit application by the regulatory authority; (2) a hearing upon the request of an applicant if the permit is disapproved and a time limit thereafter for final approval or disapproval; (3) a public hearing prior to the initial approval or disapproval if written objections are filed by persons having a valid legal interest which will be affected by the proposed surface mining and reclamation operations or Federal, State or local government agencies having responsibilities affected by such operations; and (4) a right of appeal for review by a court of competent jurisdiction for such persons if they participated in the application procedures.

These procedures are designed to insure that the "due process" discussed in the analysis of section 201 is provided to all interested parties: permit, applicants, Federal, State, and local governments, surface owners, and persons with "valid legal interest." Rather than dictate one single national standard of "valid legal interest," the definition is life to the courts. It is hoped that the courts, situated in the region where the proposed operations would occur, will be more sensitive to local conditions and situations in developing that definition. The words "court of competent jurisdiction" also were not lightly chosen. Some have contended that Federal courts should be granted exclusive jurisdiction in order to obtain uniform interpretation of the law and to avoid immediate local pressures—be they developmental or environmental. However, more persuasive were the arguments for allowing State courts to hear suits under the Act, in instances where state law and a state program is involved. Avoidance of burdening too greatly the Federal courts and utilization of the State courts greater knowledge of local conditions and situations were the principal reasons for the decision to use the words "court of competent jurisdiction."

Subsection (d) of this section makes it clear that the burden of proof that reclamation which meets the requirements of the Act can and will be accomplished lies not with the Secretary of the State regulatory authority but with the permit applicant. Two important concerns dictate placing the burden of proof on the permit applicant. First, the applicant either already possesses or is in the best position to obtain any and all information necessary to meet the burden of proof. Secondly, to place the burden of proof upon the regulatory agency would only frustrate the purposes of the Act. Such a step would administratively and financially burden the regulatory authority and could foster either endless delays in processing permit applications or pro forma approval of applicants.

Sec. 210. Release of performance bonds

This section establishes the procedures for release of the performance bond. No bond can be fully released until all reclamation requirements are met and an authorized representative of the regulatory authority inspects the surface mining and reclamation operations covered by the bond. A hearing is also provided for when a request is made by any person having a valid legal interest which would be affected by the failure of the permittee to have complied with the requirements of the act. The hearing must be scheduled in a manner so as not to unduly burden the permittee with continous hearings when a bond is released in phases, but so as to insure public participation before so much of the bond is released as to make forfeiture of the remainder, rather than full accomplishment of reclamation, inviting. Therefore, the section requires that the hearing be held after 50 percent but before 90 percent of the bond is released.

Sec. 211. Revision and revocation of permits

This section describes procedures and time limits for revision and revocation of permits for surface mining and reclamation operations for coal or other minerals by the regulatory authority.

Requests for revisions of a permit can be made by the permittee. The regulatory authority is to establish guidelines for the scale or extent of a revision request for which all permit application information and procedural requirements, including notice and hearing, will apply. However, (1) any revisions which purpose a substantial change in the intended future use of the land (such as from a residential development to a shopping complex) or significant alterations in the Reclamation Plan (e.g., changes in treatment of surface and ground water) must, at a minimum, be subject to the section 210 notice and hearing requirements, and (2) any extensions to the area covered by the permit, other than incidental boundary revisions (such as additional footage to permit the better siting of an access road), may be accomplished only through application for new permits, not through revision applications.

Revocation procedures include written notice detailing the reasons for revocation, a reasonable time for the permittee to take corrective action, and a hearing, if requested by the permittee. It should be noted that violations of permit conditions, the State Program, or the Federal Program are sufficient to invoke revocation. Consistent with the "due process" concern throughout the Act, revocation is regarded as a last resort, after cease-and-desist orders and other procedures have failed. Minor failures to meet the requirements of the Act, which do not and will not result in any serious adverse environmental, economic, and social impacts should not be cause for revocation. Permits should be revoked only for clear violations which have such impacts.

Finally, no transfer, assignment, or sale of the rights granted under a permit may be made without the written approval of the regulatory authority.

Sec. 212. Criteria for surface mining and reclamation operations

Section 212 is the principal statement of the criteria which would be required to be met by surface mining and reclamation operations. It consists of two sets of requirements. Subsection (a) enumerates the information which, as a minimum, would be required to be set forth in any Reclamation Plan submitted as part of an application for a surface mining permit. Subsection (b) enumerates the minimum requirements which would be required to be placed upon any permittee by regulations promulgated pursuant to this measure.

212(a). This subsection is intended to enumerate the minimum items of information which would be required to be set forth in any Reclamation Plan submitted by an applicant for a permit to conduct surface mining operations. A Reclamation Plan is required by Subsection 208(d) as part of the permit application. The plan is the basis by which the State regulatory authority, or the Secretary in those States which may be under a Federal program, determines the feasibility and adequacy of reclamation which is proposed to be done by the applicant under the terms of his permit. It also provides the before, that information provided in the Reclamation Plan be adequate to judge the probable final results of the surface mining and reclamation proposed in the application. The following specific items of information are enumerated.

212(a)(1). A description of the condition of the land area which will be effected by the proposed mining and reclamation must be provided. This description is intended to include general topography, vegetative cover, and cultural development. If the area has been previously mined, the description should cover both the uses of the land existing at the time of the application and those which existed prior to any mining at the site. The description must also include an evaluation of the capability of the site to support a variety of uses prior to any mining disturbance. This description should give consideration to soil and foundation characteristics, topography, and vegetative cover.

The description is to serve as a benchmark against which the adequacy of reclamation and the degradation resulting from the proposed mining may be measured. It is important that the potential utility which the land had for a variety of uses be the benchmark rather than any single, possibly low value, use which by circumstances may have existed at the time mining began.

212(a)(2). A similar description is also required of the use to which the land affected by the proposed mining is to be put following reclamation and its capacity to support a variety of alternative uses. The comparison of this description with that required by 212(a)(1) will provide an evaluation of the net impact which the proposed mining and reclamation will have upon the usefulness of the area affected.

212(a)(3). This section requires a general statement of the techniques and equipment which will be used in the mining and reclamation operations. This should be a complete statement adequate to insure that the reclamation proposed to be accomplished is capable of achievement and that the requirements set forth in subsection 212(b) and any regulations promulgated pursuant to that subsection can be complied with.

A cost estimate for the reclamation is also required as a basis for review of the adequacy of the performance bond required by Sec. 208(b).

212(a)(4). The techniques and procedures which will be used by the applicant to insure compliance with all applicable air and water quality laws and regulations must be described in sufficient detail to permit an evaluation of their adequacy and probable effectiveness.

212(a)(5). It is probable that a number of surface mining and reclamation operations, particularly those in the same general locality, will be similar in terms of general problems and technologies. The purpose of this requirement is to insure that Reclamation Plans do not become stereotyped and ignore the unique conditions of specific sites. The Reclamation Plan must set forth a description of the particluar considerations which have been given to the conditions found at each site; for example the effect of precipitation, temperatures, wind, and soil characteristics upon revegetation at the site. Furthermore, there must be a statement of the consideration which has been given to new or alternative reclamation technologies.

212(a)(6). There must be a discussion of the potential recovery of the mineral resources of the site to be mined. To the extent that any portion of the resource will not be recovered, the reasons and justification for non-recovery shall be set forth.

212(a)(7). A time schedule for the completion of the reclamation which is being proposed is to be provided.

212(a)(8). A statement is required demonstrating that the permittee has considered all applicable State and local land use plans, zoning laws, ordinances, and regulations and that the Reclamation Plan is consistent with them.

212(a)(9). A disclosure to the regulatory authority of all rights and interests in lands held by the applicant which are contiguous to the lands covered by the permit application is required. The purpose of this disclosure is to provide the regulatory authority with information on the prospective long-term plans of the applicant in the immediate vicinity. The act would not require public disclosure of this information, however, it does not preclude State law from requiring disclosure of part or all of it.

212(a)(10). A disclosure to the regulatory authority of the results of test borings made by the applicant in the area covered by the permit and the results of chemical analyses of the coal or other minerals and overburden is required. This information is essential for the critical evaluation of the adequacy of the Reclamation Plan by the regulatory authority. Because of its proprietory nature, it is not to be publicly disclosed.

212(b). This subsection sets forth the minimum criteria which must be required by State or Federal Programs regulating surface mining and reclamation operations for coal or other minerals.

212(b)(1). The basic criteria for reclamation is to require all surface areas to be returned to a condition at least fully capable of supporting the uses which they were capable of supporting prior to any mining. In other words, the original utility of the site for a variety of purposes is to be maintained or enhanced. Regardless of the prior condition, the reclaimed area shall not be left in a condition which presents a hazard to public health or safety.

212(b)(2). Reclamation shall require backfilling, compacting and grading to the approximate original contour of the land with all highwalls, spoil piles and depressions eliminated. Alternative grading plans may be proposed as a part of a permit application and may be approved by the regulatory authority in advance of the initiation of mining if they would achieve environmentally sound conditions and desirable uses of the reclaimed area.

This provision of latitude for alternatives to "approximate original contour" reclamation recognizes that in many situations other reclamation objectives may be more desirable from an environmental as well as other standpoints. For example, in areas of meager rainfall grading to provide accumulations of runoff might be the only means of establishing revegetation and might actually result in increased productivity of the area. Although the latitude to approve such alternatives is granted to the regulatory authority, the remaining criteria must be met by the alternative and the procedures for approval of permit applications provide for public scrutiny of the proposal prior to initiation of mining.

212(b)(3). Regardless of the type of reclamation which is proposed (i.e., approximate original contour or alternative such as terracing), all highwalls, terraces, and spoil remaining at the conclusion of reclamation must be stable and remain stable. The requirements for a permanently stable condition, of course, will vary depending upon the characteristics of the materials, the slope, the climate, and the treatments such as compaction and revegetation, proposed.

212(b)(4). All areas affected by the mining and reclamation operations shall be stabilized by means of compaction where advisable and by means of vegetation which will insure prevention of erosion both immediately after the reclamation is completed and permanently in the long term. A stable and self-regenerative vegetative cover is to be established. Whenever possible native vegetation is to be employed.

It is recognized that there are situations (such as heavy clay soils) in which compaction of surface soils may be inadvisable or detrimental to the success of revegetation and should not be required. It is similarly recognized that in some situations non-native species of vegetation may be required to achieve successful revegetation or they may be preferable to native species for environmental, productive, or esthetic reasons and should be permitted.

212(b)(5). The soil to be removed from the mined area is required to be segregated and preserved so that topsoil and other desirable strata will be available to be used for reclamation purposes.

212(b)(6). Offsite areas must be protected from damages caused by slides which might occur during mining and reclamation operations. Furthermore, all waste accumulations and damages must be contained within the permit area. This provision not only serves to protect landowners not associated with the mining, it also insures that the permit will encompass an area which covers the entire mining activity, including the storage or disposal of spoil and waste. Therefore, the entire activity will be subject to all of the terms of the permit.

212(b)(7). The quality of surface and groundwaters in the area is to be maintained both during and after the term of the mining and reclamation operations. Specifically:

(A) Acid mine drainage must be prevented from entering surface and groundwater sources by preventing the contact of water with acid forming materials, retaining acid waters, or treating acid waters to acceptable standards of acidity and iron content before releasing them to water courses. Whichever means are adopted, the Reclamation Plan must provide for continuation of the protection after the completion of reclamation for so long as may be required.

(B) During the course of mining and reclamation activities at the site, regulations shall insure that effective practices are observed which will minimize the contribution of silt to runoff from the disturbed area. It should be noted that this provision recognized the practical impossibility of preventing any silt runoff during earth moving operations. Reclamation standards require, however, that remaining reclaimed surfaces be graded and otherwise protected to prevent further erosion.

(C) Bore holes, shafts, and wells are to be appropriately treated to prevent acid mine waters from draining out of them or into groundwater bodies by means of them.

(D) The regulatory authority may prescribe other practices or methods to protect water quality.

212(b)(8) Wherever underground mining involves surface operations, regulations must provide for the protection of the surface area involved.

212(b)(9) The disposal of debris from mining and reclamation operations must be done in a manner which will prevent contamination of surface or ground waters.

212(b)(10) Explosives are to be used in conformance with existing State and Federal law. As a minimum, surface mining reclamations shall provide for:

(A) sufficient notice to local government and to individuals in the locality to provide for warning and if necessary for protective measures to avoid injury or property damage from blasting;

(B) procedures for protection of buildings and property in the locality from the effects of blasting;

(C) specific limitations upon the sites and timing of charges, the types of explosives, or other factors which are necessary to protect persons and property in the locality including underground mining operations which might be effected.

212(b)(11) Reclamation efforts are to proceed as contemporaneously as possible with the mining both to avoid the situation where large unreclaimed areas would be permitted to exist for the duration of adjacent mining operations and to provide experience with the results of reclamation procedures and opportunity for improvements as the work progresses.

212(b)(12) Such other regulations may be promulgated as are found to be necessary to achieve the objectives of the measure particularly to insure that where surface disturbance is sustained, the maximum effective recovery of the mineral resource is achieved.

Sec. 212(c) The purpose of this subsection is to recognize that there are types of surface mining which result in disturbances which are for all practical purposes impossible to reclaim in accordance with the requirements of this Act. An example of such mining situations are quarries in which relatively little overburden is removed from a small surface area and then sizeable quantities of stone are removed over extended time periods, often decades. The result of such operations is a large pit without available materials for backfilling and grading. The extent of surface disturbed by operations of this nature, however, is exceedingly limited in comparison to more conventional strip mining operations.

This subsection establishes special reclamation criteria for surface mining operations for minerals other than coal which meet the following qualifications:

(1) The quantity of material removed in the mining operation is very large in proportion to the surface area disturbed (*i.e.*, the excavation is deep).

(2) The mining operation at the site has an extended life. In other words, the mine resembles an industrial site which remains in operation for many years and is a dependable economic activity in the area.

(3) There is no practicable method to return the area to conditions approximating original contour. If such reclamation is possible, of course, it would be required regardless of the nature of the operation.

(4) Finally, there must be no practicable domestic alternative source of the mineral resource. It is not the purpose of this subsection to perpetuate destructive mining operations where preferable methods are available or where the same mineral can be obtained by more acceptable means elsewhere.

The alternative regulations which are promulgated for surface mining operations which meet all of the above qualifications must at a minimum result in stable surfaces including highwalls and spoil, meet applicable air and water quality standards, protect public health and safety, and require the maximum practicable reclamation of the area in question.

Sec. 213. Inspections

This section establishes the minimum informational requirements which a permittee must fulfill—either through reporting, monitoring, or affording rights of entry to the regulatory authority's inspectors—once a permit is granted.

First, the section directs the Secretary of the Interior to make whatever inspections are necessary to evaluate the administration of State Programs or to develop and enforce any Federal Program. The section provides that authorized representatives of the Secretary are to have a reasonable right of entry to permittee's operations. "Reasonable" is to be interpreted so as not to overly burden the permittee but also provide the inspectors with the best possible opportunities to evaluate the operations in relation to the requirements of the Act.

Second, to insure that the requirements of this Act are met, the regulatory authority must require the permittee to keep records, make reports, install and maintain monitoring equipment, and provide other necessary information which will assist the authority to carry out the purposes of the Act. For example, the permittee might be required to report periodically on acres mined; acres reclaimed; deviations, if any, from the Reclamation Plan and, in particular, its schedule, etc.

Third, the section establishes the right of entry to and inspections of the suface mining and reclamation operations, premises where records are kept, and the records themselves by the regulatory authority. The inspections are to occur on an irregular basis averaging not less than one per month for coal operations and biannually for other mineral operations. They must be conducted without prior notice and inspection reports must be filed upon their conclusion. The "irregular basis" and "without prior notice" requirements are to insure that the permittee is not capable of making merely "cosmetic" or momentary changes in an operation which otherwise would not meet the requirements of the Act because he has been forewarned of an inspection. Inspections are the heart of any regulatory program and when they become either too "friendly" or too "infrequent" the regulatory program inevitably suffers a loss of effectiveness.

Fourth, permits and permittees' Reclamation Plans must be filed on public record with appropriate officials in each county or other appropriate subdivision of the State in which the operations covered by the permits will be conducted. The purpose of this provision is to insure readily accessible information to concerned citizens and affected local governments so that their participation, as provided for throughout the Act will be meaningful and effective.

Finally, each permittee is required to conspicuously maintain at the entrances to his operations a clearly visible sign showing his name, business address, and phone number and his permit number. The purpose of this provision is identical to the one directly above.

Sec. 214. Federal enforcement

This section outlines the Federal sanctions under a Federal program or for violations of the Act under a State Program.

The first two subsections provide for administrative steps for violations of the Act's requirements. When a violation by any person is discovered by Federal inspection, the Secretary or his inspectors may issue an immediate cease and desist order and hold a hearing within three days of the issuance of the order if the person requests it. If a violation is suggested by information other than by inspections, the Secretary notifies the State regulatory authority and allows the State ten days to take appropriate action. If the State fails to take such action the Secretary is to issue an order requiring the person to correct the violation.

Subsection (c) provides for Federal enforcement when the Secretary determines violations of an approved State Program are so widespread as to indicate a failure of the State to enforce its Program. Time limits are provided for the State to take corrective action. A public hearing is also required before Federal enforcement would occur. Under Federal enforcement, the Secretary must enforce all permit conditions required under the Act either by issuing an order for compliance or bringing a civil or criminal action. Of course if the State's unwillingness to enforce its Program continues for any length of time, the Secretary is expected to promulgate and implement a Federal Program pursuant to section 205 rather than to enforce those aspects of the State Program and those requirements of permits issued under the State Program which are required by the Act.

Subsection (d) describes in greater detail the contents of any order issued by the Secretary.

Subsection (e) provides for the institution of civil action for retraining orders, injunctions, or other appropriate remedies, by the Attorney General, at the request of the Secretary of the Interior.

Subsection (f) provides for a civil penalty to be assessed against any person, who fifteen days after notice, continues to fail to comply with the requirements of the Act. The penalty must not exceed $1000 per day. It also provides for a criminal penalty for anyone who knowingly or willfully violates the requirements of the Act. The criminal penalty is to consist of a fine of not more than $10,000 or imprisonment for not more than six months or both.

Subsection (g) provides for application of this section's penalties when the person in violation is a corporation or other entity.

Subsection (h) states that this section's penalties are in addition to any other remedies afforded by the Act or any other law or regulation.

Sec. 215. Designation of land areas unsuitable for surface mining

As discussed in the analysis of section 202, no regulatory program can be truly effective unless it is conducted on a solid base of planning. As surface mining and reclamation operations are so intimately associated with the land resource, the proper planning base for regulation of such operations is land use planning. Therefore, section 215 mandates that each State develop a land use planning process upon which to anchor State Programs to control surface mining and reclamation operations.

In subsection (a) the Secretary is authorized to make annual grants of not more than $25,000,000 to the States to assist them in developing State land use planning processes which will determine which, if any, land areas are unsuitable for all or certain types of surface mining operations. The grants must not exceed 80 per cent of the cost of developing and managing State land use planning processes for the first two years and 60 percent thereafter. Grant funds for the development of State land use planning processes are to be distributed on the basis of the Secretary's appraisal of the present and projected levels of surface mining operations in, the need for areawide planning by, and the size of each State.

Areas may be designated unsuitable for surface mining operations pursuant to a State land use planning process if (1) reclamation as required by the Act is either physically or economically impossible; (2) surface mining operations or other major uses in a particular area would be incompatible with Federal, State, or local plans to achieve essential governmental objectives; or (3) the area is an area of critical environmental concern. "Areas of critical environmental concern" are defined as areas where uncontrolled or unplanned development—mining or otherwise—could result in irreversible damage to important historic, cultural, environmental or esthetic values, or natural systems or processes, which are of more than local significance, or could unreasonably endanger life and property as a result of natural hazards of more than local significance.

Subsection (b) directs the Secretary to review Federal lands to determine whether there are areas on those lands which are unsuitable for all or certain types of surface mining operations. The Secretary may withdraw such areas or he may condition mineral leasing or mineral entries so as to limit surface mining operations on such areas. It is intended that this subsection apply to the fullest extent possible to areas already subject to vested mining rights. However, designation is even more important as a "due process" means of forewarning surface mine operators as to whether they can mine those areas or under what conditions they will be able to mine those areas. This provides the operators with more lead time in planning their operations than they would have if they were first confronted with a bar to mining or conditions on mining at the time their rights otherwise would vest.

Subsection (c) provides a measure of protection to areas of critical significance to the public. First, it provides that no mining is to be conducted *within 100 feet of* primary or secondary roads or lakes, streams, and tidal waters which enjoy public access or use. Of course, the regulatory authority must further define "roads", "lakes", "streams", and "tidal waters". It is recognized that, in certain circumstances, surface mine operators have moved and substantially improved secondary roads. It is intended that the regulatory authority will have the flexibility, on a case by case basis, to enter into agreements with permit applicants to undertake such actions.

Second, this subsection bars surface mining operations which will adversely affect publicly-owned parks unless screening or other measures are jointly agreed to by the State regulatory authority or the Secretary and the Federal, State, or local agency with jurisdiction over the park and are made a condition in the permit.

Sec. 216. Federal land and Indians lands

This section requires the Federal government to "put its own house in order" at the same time that, through this legislation, it places tough requirements on the States.

The Secretary of the Interior is required to promulgate and implement a Federal Lands Program applicable to all surface mining and reclamation operations taking place pursuant to any Federal law on any Federal land and Indian lands. The Federal Lands Program must, at a minimum, simultaneously incorporate all of the Act requirements and also reflect the diversity of various Federal and Indian lands. Thus, the requirements of the Act and the Federal Lands Program are to be incorporated in all Federal mineral leases, permits, or contracts issued by the Secretary involving surface mining and reclamation operations. In short, the Federal Lands Programs would operate in the same manner as State Programs or Federal Programs would operate under the Act.

Subsection (c) of this section provides for joint Federal-State Programs covering permits on land areas which contain State, Indian, and Federal lands either interspersed or checker-boarded within the scope of a single permit or more than one permit for essentially a single operation and which, for conservation and administrative purposes, should be regulated as single management units. The purpose of this provision is to alleviate a significant problem in Western mining. Where Federal and non-Federal lands are checker-boarded, mining operators often find themselves working under two separate permits, two separate bonds, and two entirely different regulatory systems—Federal and State. The joint Federal-State Programs should allow the operator to conduct his operations under a single regulatory system. In order to implement joint Federal-State Programs the Secretary is authorized to enter into agreements with the States, to delegate authority to the States, or to accept a delegation of authority from the States. Except as provided in this subsection, the Secretary is not to delegate to the States his primary authority or jurisdiction to regulate or administer mining or other activities on the Federal lands and Indian lands or to delegate his trustee responsibilities toward Indians and Indian lands.

Sec. 217. Study of slope limitations

This section directs the Chairman of the Council on Environmental Quality to conduct two detailed interagency studies of impacts—social, economic, and environmental—of imposing general bans or slope degree limitations on surface mining operations for coal and other minerals. The purpose of these studies is to develop information necessary to achieve even a rudimentary understanding of the effects—positive and negative—of imposing, or failing to impose, bans or specific slope limitations for regional or nationwide application.

The measure adopted by the House in the 92d Congress does contain several specific slope limitations. After careful consideration of such limitations, it was concluded that no one knew or could adequately guage the potential impacts of applying such inflexible limitations, as the House bill would have, on a nationwide basis. Such arbitrary limitations do not take into account the full diversity of terrain, climate, geography, and other physical and chemical conditions which bear upon mining operations on slopes in various sections of the country. Knowledge of how these limitations would work, given this diversity, is essential. Furthermore, virtually no consideration has been given to the economic and social impacts of such limitations. Therefore, these studies are mandated in order to gain an understanding of such impacts. As the participation of several different Federal departments with pertinent expertise is necessary, the studies are placed in the Executive Office of the President.

Directed to participate in the studies with the Chairman of the CEQ are the Secretaries of the Interior, Agriculture, and Commerce, the Administrator of the Environmental Protection Agency, the Chairman of the Federal Power Commission and such other heads of Federal agencies and agencies of State governments as the Chairman.

Slope limitations which will be studied include prohibitions on the permanent disposition of spoil on slopes with grades of various degrees from the horizontal, a total prohibition of surface mining operations on slopes with grades of various degrees from the horizontal, a total prohibition upon all surface mining operations or specific types of operations such as augur or contour mining, and requirements that the steepest contours of the highways after terracing cannot exceed slopes with grades of various degrees from the horizontal.

The impacts to be studied include the full range of economic effects (effects upon energy supply, metallurgical processes, etc.), social effects (effects on employment, local tax bases, level of local government services, improvements in living conditions, and the quality of life) and environmental effects.

The study of slope limitations on surface mining operations for coal must be submitted to the President and Congress within one year of the date of enactment of the Act. The deadline for the study for other minerals is two years from enactment.

A sum of $2,000,000 is authorized to be appropriated to the CEQ to conduct the studies.

Sec. 218. Public agencies, public utilities, and public corporations

This section, unlike the House-passed measure or the committee-reported bill in the 92d Congress, applies the requirements contained in the Act to public corporations, public agencies, and publicly owned utilities, including, for example, the Tennessee Valley Authority.

TITLE III—ABANDONED AND UNRECLAIMED MINED AREAS

Whereas title II deals with existing or future surface mining operations, title III is addressed to the correction of the worst effects of previous surface mining operations. The increasing national awareness of the need for surface mining regulation has been based upon observation of the past adverse impacts of surface mining. Therefore, to fully correct the adverse effects of surface mining, the Act must be addressed not only to future operations, but to past operations as well. The past surface mining which presents the greatest reclamation problem and to which this title is directed is that associated with lands which were never adequately reclaimed and are now abandoned.

Sec. 301. Abandoned mine reclamation fund

There is created in section 301 an "Abandoned Mine Reclamation Fund." Lodged in the Treasury, the Fund will have an initial appropriations authorization of $100 million. In addition, the Fund will be augmented by moneys derived from the sale, lease, or rental of land reclaimed pursuant to section 302, from any user charge imposed on or for land reclaimed pursuant to section 302, and miscellaneous receipts accruing to the Secretary through the administration of the Act which are not otherwise encumbered.

Sec. 302. Acquisition and reclamation of abandoned and unreclaimed mined areas

This section authorizes the Secretary to use the moneys of the Fund to reclaim abandoned land which has been subjected to the worst ravages of past surface mining activities or has suffered subsidence from past underground mining activities.

Subsection (a) establishes that acquisition of any interest in land or mineral rights for reclamation purposes is a public use or purpose, even if the Secretary plans to hold the reclaimed land as open space or for recreation or to resell it.

Subsection (b) authorizes the Secretary to acquire abandoned and unreclaimed land or any interest therein by purchase, donation or otherwise. Prior to making any acquisition, the Secretary is required to make a thorough study of the available tracts. Based upon the study, the Secretary is to select lands for purchase according to the priorities of subsection (i).

Subsection (c) and (d) establish the procedures for condemnation of abandoned and unreclaimed land for land for which title cannot be established. Immediate taking procedures are authorized when the Secretary determines that time is of the essence because of the likelihood of continuing or increasingly harmful effects upon the environment which would substantially increase the cost or magnitude of reclamation or of continuing or increasingly serious threats to life, safety, or health or to property.

Subsection (e) encourages the States to acquire abandoned and unreclaimed mined lands and donate those lands to the Secretary to be reclaimed pursuant to this title. The encouragement is in the form of grants to the States not to exceed 90 percent of the cost of acquisition of the lands to be acquired. The States are also to have a preference right to purchase the lands they have donated to the Secretary, once they are reclaimed, at fair market value (less the State's portion of the original acquisition price). The States are invited to participate in title III for the same reasons they are given the primary regulatory role in the Act they are more sensitive to local conditions and local needs. Thus, presumably their selection of lands to be acquired would more closely approximate the wishes and priorities of local citizens and governments.

Subsection (f) requires the Secretary, with the assistance of other Federal departments and agencies, to prepare specifications for the reclamation of lands acquired under this title. And subsection (g) requires the Secretary to follow those specifications in reclaiming land with moneys from the fund.

Subsection (h) places administrative responsibility for lands reclaimed under this title with the Secretary until he disposes of the lands.

Subsection (i) establishes the priorities for purchasing and reclaiming abandoned and unreclaimed lands under this title. Priority is to be given (1) to lands which the Secretary believes to have the greatest adverse effect on the environment or constitute the greatest threat to life, health, or safety, and (2) to lands which he finds suitable for public recreational use. The latter lands, once reclaimed must be put to use for recreational purposes.

Where reclaimed land is found by the Secretary to be suitable for industrial, commercial, residential or private recreational development, the Secretary is authorized to sell such land pursuant to the provisions of the Surplus Property Act of 1949, as amended.

Subsection (k) requires the Secretary to hold hearings in the areas in which lands acquired to be reclaimed are located. The hearings are to be held at a time which will give local citizens and governments the maximum opportunity to participate in the decision concerning the use of the lands once reclaimed. These subsections are self-explanatory. Subsection (k) is of particular importance in that the Secretary should take great pains to insure that reclamation is accomplished in a manner that is compatible with the wishes of local citizens and governments. Direct input of local citizens and governments is necessary to insure this as the Federal Government is too many levels removed to simply divine such wishes without such an input.

TITLE IV—ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS

Sec. 401—Definitions

This section contains twenty-three definitions. Of importance to this analysis are "surface mining operations", "lands within any State", "other minerals", "backfilling to approximate contour", and "terracing".

"Surface mining operations" is so defined to include not only traditionally regarded surface mining activities but also surface operations incident to underground mining. Activities included are excavation to obtain coal or other minerals, by contour, strip, augur, or open pit mining, dredging, quarrying, in situ distillation or restoring and leeching; and the cleaning, concentrating, or other processing or preparation (excluding refining and sheltering), and loading for interstate commerce of crude minerals at or near the mine site. Activities not included (other than those excluded by section 203) are the extraction of minerals in a liquid or gaseous state by means of wells or pipes unless the process includes in situ distillation or retorting. "Surface mining operations" also includes all areas (1) upon which occur surface mining activities and surface activities incident to underground mining, or (2) where such activities disturb the natural land surface. It also includes all roads, facilities structures, property, and materials on the surface resulting from or incident to such activities.

"Land within any State" is so defined and used throughout the Act so as to insure that the States, through their State Programs, will not assert any additional authority over Federal lands or Indian lands, other than that authority delegated to them by the Secretary in developing joint Federal-State Programs pursuant to subsection 216(c).

"Other minerals" for which the Secretary must promulgate regulations and the States must develop State programs is defined to include clay, stone, sand, gravel, metalliferous and nonmetalliferous ores, and any other solid material or substance of commercial value excavated in solid form from natural deposits on or in the earth, exclusive of coal and those minerals which occur naturally in liquid or gaseous form.

"Backfilling to approximate contour" is defined so as to give a five degree leeway from the original average slope and so as to bar depressions capable of collecting water except where retention of water is determined by the regulatory authority to be required or desirable for reclamation purposes.

"Terracing" is defined to mean grading to the extent necessary to insure that (1) the steepest contour of any remaining highwall will be permanently stable and will not erode and (2) the table portion of the restored area will have no depressions which hold water, except where water retention is determined by the regulatory authority to be required or desirable for reclamation purposes.

Sec. 402. Advisory committees

This section establishes two National Advisory Committees for surface mining and reclamation operations, one for coal and the other for other minerals. Each Committee will have seven members appointed by the Secretary. The membership should be balanced among Federal, State, and local officials, consumers, and representatives of conservation or other public interest groups.

Sec. 403. Grants to the States

This section contains the administrative provisions for the principal grant program to the States under the Act, the grant program to assist the States to develop, administer and enforce State Programs for the surface mining and reclamation of coal and of other minerals. The grants are not to exceed 80 percent of the total costs incurred during the first year, 70 percent in the second and third years, and 60 percent each year thereafter

The section also directs the Secretary to render training, curriculum, surface mining and reclamation operations inventorying, and technical assistance to the States. All Federal agencies are to make relevant data available to the States.

Sec. 404. Research and demonstration projects

This section authorizes to be appropriated $5,000,000 annually to the Secretary for purposes of conducting and promoting, through contracts or grants, the coordination and acceleration of research, studies, survey, experiments, and training in carrying out the purposes of the Act. In addition, the funds are to be used to contract with or make grants to States and their subdivisions, other public organizations, and persons to carry out demonstration projects for reclaiming lands which have been disturbed by surface mining operations.

Sec. 405. Annual report

The Secretary must report annually to the President and Congress concerning activities conducted by him, the Federal Government, and the States pursuant to the act, and any recommendations he may have for additional administrative or legislative action.

Sec. 406. Authorization of appropriations

Authorized for appropriations for administration of the amendment and for section 403's grants to States is $1,000,000 for the first fiscal year after enactment of the Act; $20,000,000 for the next two succeeding fiscal years, and $30,000,000 for each fiscal year thereafter.

Sec. 407. Temporary suspension

This section grants a critically important authority to the President to temporarily suspend the operations of the Act under emergency conditions. The temporary suspension would be for ninety days. The emergency conditions are a national emergency, a critical national or regional electrical power shortage, or a critical national fuels or mineral shortage.

The President is to make the suspension based upon the findings and recommendations of the Director of the Office of Emergency Preparedness. The Director must solicit the views of the Secretary of the Interior, the Chairman of the Council on Environmental Quality, and the Chairman of the Federal Power Commission.

Any suspension must be followed by a report to the Congress within five days of the suspension order. Congress will then be in a position to take whatever remedial long-term action appears necessary.

Sec. 408. Other Federal laws

This section contains the standard savings clauses concerning existing State or Federal mine health and safety, and air and water quality laws, and the mining responsibilities of the Secretary and heads of other Federal agencies for lands under their jurisdiction.

Sec. 409. State laws

This section contains the standards savings clauses protecting the States' rights to have or develop laws and regulations providing more stringent or different controls of surface mining and reclamation operations.

Sec. 410. Protection of the surface owner

Where the surface owner is not the owner of the mineral estate he is provided the following protection:

(1) The applicant of the permit must include in his application the written consent of, or a waiver by, the owner or owners of the surface lands to be mined; or

(2) The applicant must execute a bond or an undertaking to the United States or the State, whichever is applicable, to secure the payment to the surface owner or owners of any damages to the surface estate, crops, or tangible improvements of the surface owner or owners. This bond is in addition to the performance bond required by the act.

This provision is of special importance in those States where the broad form deeds, often signed before the technology of surface mining existed, have been interpreted to give the mineral rights owners complete rights to fully destroy the surface and thus deprive the surface owner of any use of his property. It is also of particular importance in the State of Montana where the owner of the mineral estate is given the right to condemn the surface estate for mining purposes.

Sec. 411. Preference for persons adversely affected by the act

This section requires the Secretary to develop regulations which will accord a preference in the award of contracts for reclamation pursuant to title III and demonstration projects pursuant to section 404 to surface mining operators and individuals who have been adversely affected by the operation of the Act. The purpose of this section is to alleviate any social dislocations and costs which occur as a result of the application of the Act. In many sections of the country, surface mining operations are of critical importance to the economic and material well being of local communities. Thus any dampening effect the Act may have on such operations may work hardships on local economies and employment. This provision should mitigate those hardships and also insure that the skills and equipment developed and used in surface mining will not be ignored in or lost to the reclamation efforts.

Sec. 412. Severability

This section contains the standards severability clause.

By Mr. ROBERT C. BYRD (for Mr. MAGNUSON) (for himself, Mr. TUNNEY, and Mr. HART):

S. 426. A bill to regulate interstate Commerce by requiring premarket testing of new chemical substances and to provide for screening of the results of such testing prior to commercial production, to require testing of certain existing chemical substances, to authorize the regulation of the use and distribution of chemical substances, and for other purposes. Referred to the Committee on Commerce.

TOXIC SUBSTANCES CONTROL ACT OF 1973

Mr. ROBERT C. BYRD. Mr. President, on behalf of the distinguished senior Senator from Washington (Mr. MAGNUSON), I introduce a bill, and I ask unanimous consent that a statement prepared by him in connection with the bill together with the bill itself be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR MAGNUSON

Mr. President, I am pleased, together with Senator Tunney, to reintroduce the Toxic Substances Control Act. The initial legislation had its genesis in the 92nd Congress. The Committee on Commerce held extensive hearings on the original proposal as well as an amendment which suggested substantial changes to that bill. The final product of the Committee and the Senate represented what I thought was an extremely workable regulatory system. The House of Representatives disagreed, however, and there was no time in the last session to reach agreement. The bill I introduce today is virtually identical to the bill passed by the Senate last year.

The "consumer pollution" crisis is no less acute today than it was two years ago. Thus, the worth of this legislation has not diminished. If anything, its need is even more acute.

The detergent story is an excellent case in point. Approximately 30 years ago, synthetic detergents were developed as a substitute cleaning agent for soap. A primary ingredient of the first detergents was phosphates which were, and still are, used to soften hard water during the washing process. Approximately 10 years ago, it was realized that phosphates in detergents were causing substantial problems in certain bodies of water in this country through the stimulation of the growth of algae, a process called eutrophication.

As a substitute for phosphates, many detergent makers switched to a substance called NTA a few years ago. Yet, NTA is not without problems either. On September 15th, 1971, the Surgeon General warned that NTA in detergents could present substantial health problems in that the substance enhances the availability and toxicity of heavy metals such as mercury or cadmium.

To avoid both phosphates and NTA, many detergent manufacturers then turned to different materials which cleaned by increasing the causticity of the detergent. Thus, the threat of a direct health hazard was presented. Currently, synthetic detergent makers have abandoned the use of NTA and have returned, for the most part, to phosphates.

The entire history of the detergents problem is characterized by a lack of information as to environmental and public health effects of synthetic detergents as well as a lack of regulatory control when action might have been taken. For example, if we had known what phosphates would do to the Great Lakes at the time phosphate detergents were introduced thirty years ago, I seriously doubt that our headlong rush to synthetic phosphate detergents would have been tolerated. There was substantial testimony at the Committee on Commerce hearings that plain ordinary soap is every bit as effective as synthetic detergents in many areas of the country. Consequently, the use of phosphates, or any synthetic detergent for that matter, is needless in many areas. It is also safe to assume that the detergents industry was probably willing to introduce NTA on a massive scale with many of the environmental and public health questions unanswered. Following the disclosure of the hazards, the use of NTA was voluntarily curbed, but there is no assurance that the willingness of the detergent makers will continue or that other substitutes yet to be developed will be free from undue environmental threat.

The startling aspect of the detergents problem is that throughout the entire scenario, the Federal Government has been without one shred of authority to regulate the composition of detergents because of their environmental threat or to require testing of the manufacturers.

Other environmentally damaging chemicals have likewise escaped regulatory attention. The problems associated with PCBs, mercury and other heavy metals, and a variety of other synthetic organic compounds would fall within the regulatory framework envisioned by this legislation.

Nearly 250,000 new chemical compounds are developed each year. A few hundred will find their way into the marketplace and subsequently into the environment. It is certainly possible, if not an assurable fact, that some of these new compounds will turn out to be another NTA or another mercury. Without this legislation, I fear that we may subject ourselves to environmental threats that would never be permitted if we had full knowledge of the effect of a substance prior to its introduction.

The primary feature of the bill is that new chemical substances must be tested prior to commercial production and that the results of those tests must be submitted to the Environmental Protection Agency at least ninety days in advance of such production. The ninety-day period could be extended for an additional ninety days for good cause shown. Some have suggested that a premarket screening mechanism of this type is unwarranted and that the manufacturer of the chemical ought to check his own test results with no regulatory review by EPA prior to commercial production. While most manufacturers would discharge this duty in a conscientious manner, there are obviously others who would not. We would think it ill-advised for a law school graduate to correct and grade his own bar examination and for would-be drivers to correct and grade their drivers license examinations. The situation seems analogous here, especially where the threat of widespread harm is so great.

As the legislation passed the House last year, premarket screening was provided only for those chemical substances which the Administrator found were likely to pose substantial danger to health or the environment. As EPA could not predict whether a new unknown substance might be likely to pose substantial dangers, there would be no chance of regulatory review of test data for those substances prior to commercial production. Thus the very real possibility would exist that the dangers of a new susbtance would become manifest before the Environmental Protection Agency would have knowledge of those dangers and could react to restrict the substance's use or distribution. This legislation deals with that problem by requiring premarket screening of all new chemicals unless exempted by EPA because of no unreasonable risk.

Briefly, the other features of the bill are as follows:

1. The Environmental Protection Agency would specify those existing chemical substances which there is reason to believe might present unreasonable threats. Those specified would be tested and the results furnished to EPA.

2. The Environmental Protection Agency would have the authority to regulate toxic substances in a variety of ways, including the authority to restrict use or distribution, to seek the seizure of chemical susbtances creating imminent hazards in court and to order such other actions as is necessary to protect man and the environment.

3. Manufacturers and processors of chemical substances would be required to maintain records and reports to enable EPA to properly determine hazards.

4. Citizens would be authorized to bring suits to enjoin violations and to require the performance of mandatory duties of the Administrator.

As the Committee on Commerce held extensive hearings and executive sessions on the proposed legislation in the last Congress, the spade work has been largely completed. Thus, I would hope that the Senate could move quickly and that this legislation will become law before the environment is burdened with yet another insult with which it cannot cope.

S. 426

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Toxic Substances Control Act of 1973".

DECLARATION OF POLICY

SEC. 2. (a) The Congress finds that—

(1) man and the environment are being exposed to a large number of chemical substances each year;

(2) among the many chemical substances constantly being developed and produced are some which may pose an unreasonable threat to human health or the environment; and

(3) the effective regulation of interstate commerce in such chemical substances necessitates the regulation of transactions in such chemical substances in intrastate commerce as well.

(b) It is the policy of the United States that—

(1) new chemical substances and hazardous or potentially hazardous existing chemical substances should be adequately tested with respect to their safety to man and the environment and that such testing should be the responsibility of those who produce such chemicals;

(2) adequate authority should exist to restrict the distribution and use of chemical substances found to pose an unreasonable threat to human health or the environment, and to seize chemical substances that pose imminent hazards;

(3) authority over chemical substances should be exercised in such a manner as not to unduly impede technological innovation while fulfilling the primary purpose of this Act to assure that such innovation and commerce in such chemical susbtances does not pose an unreasonable threat to human health or the environment; and

(4) as set forth herein, citizens should be encouraged to participate in carrying out the purposes of this title.

DEFINITIONS

SEC. 3. As used in this title the term—

(1) "Administrator" means the Administrator of the Environmental Protection Agency;

(2) "Chemical substance" means any organic or inorganic substance of a particular molecular identity, or any uncombined chemical radical or element;

(3) "New chemical substance" means any chemical substance which is first produced in commercial quantities after the effective date of any regulation promulgated pursuant to section 4 of this Act which is applicable to such substance;

(4) "Existing chemical substance" means any chemical substance which has been produced in commercial quantities before the effective date of any regulation promulgated pursuant to section 4 of this Act which is applicable to such substance;

(5) "Manufacturer" means any person engaged in the production or manufacture of chemical substances for purposes of sale or distribution in commercial quantities, or an importer thereof;

(6) "Processor" means any person engaged in the preparation of a chemical substance for distribution or use either in the form in which it is received or as part of another product, as defined by regulations of the Administrator;

(7) "Restrict the use or distribution" means to prescribe the amount sold to given types of processors, or to limit the type of processor to whom a substance may be sold, or to prescribe the amount which may be utilized by a given type of processor, or to limit the sale or the manner in which a substance may be used, handled, labeled, or disposed of by any person, including self-monitoring requirements for manufacturers and processors to insure that the chemical substance being manufactured or processed is of reasonably consistent composition, and such restriction on use or distribution may be applied on a geographic basis and may include a total ban;

(8) "Byproduct" means a chemical substance produced as a result of the production, manufacture, processing, use, or disposal of some other chemical substance.

(9) "Environment" includes water, air, land, all living things therein, and the interrelationships which exist among these;

(10) "Protect health and the environment" means protect against any unreasonable threat to human health or the environment resulting from any chemical reaction of a chemical substance taking into account the benefits of the chemical substance as compared to the risks to human health or the environment;

(11) "District courts of the United States", which courts shall have jurisdiction over actions arising under this title, includes the District Court of Guam, the District Court of the Virgin Islands, the District Court of the Canal Zone, and in the case of American Samoa and the Trust Territory of the Pacific Islands, the District Court of the United States for the District of Hawaii;

(12) "Intermediate chemical substance" means any chemical substance to the extent that such substance is converted chemically or used as a catalyst in the manufacture of other chemical substances subject to this Act;

(13) "Test protocol" means a standardized procedure for performing tests as required by this title pursuant to regulations promulgated by the Administrator, the results of which will provide a basis for judging the effects of a chemical substance on human health or the environment; and

(14) "Laboratory reagent" means any chemical substance produced, distributed, or used for scientific experimentation or chemical research or analysis.

TEST STANDARDS

Sec. 4. (a) Within one year after enactment of this Act and from time to time thereafter, the Administrator shall issue proposed regulations (i) for such test protocols for various chemical substances or classes of chemical substances and (ii) for the results that must be achieved therefrom, as are necessary to protect health and environment. Such regulations shall apply to all chemical substances which are produced in commercial quantities, except that the Administrator shall not propose regulations for those chemical substances or classes of chemical substances which (1) in his judgment, are of no unreasonable environmental or public health threat, or (2) are more efficiently controlled through the regulation of their components. To the extent feasible, such regulations shall indicate the use or distribution of a chemical substance which will be permitted upon and only upon the attainment of specified test results.

(b) In making the finding required under subsection (a), the Administrator shall consider all relevant factors, including—

(1) the effects of the chemical substance on health and the magnitude of human exposure;

(2) the effects of the chemical substance on the environment and the magnitude of environmental exposure;

(3) any benefit of the chemical substance and the availability of less hazardous substances for any use or distribution of such substances;

(4) the extent to which the test protocol is reasonably predictive of the potential adverse effects of the chemical substances on health or the environment; and

(5) any data concerning the safety of the chemical substance which may affect the requirements of the test protocol.

(c) Such test protocols may include tests for carcinogenesis, teratogenesis, mutagenesis, persistence, the cumulative properties of the substance, the synergistic properties of the substance and other types of hazards, and epidemiological studies of the effects of the chemical substance.

(d) The Administrator shall specify in the proposed regulations the date on which such regulations shall take effect, except that such regulations shall take effect as soon as feasible, allowing sufficient time for the execution and reporting of required test as may be required by sections 5 and 6 of this Act.

PREMARKET SCREENING OF NEW CHEMICAL SUBSTANCES

Sec. 5. (a) After the effective date of initial regulations promulgated pursuant to section 4 of this Act any manufacturer of a new chemical substance to which such regulations are applicable shall submit to the Administrator, at least ninety days in advance of the commercial production of such substance, the test data developed in accordance with the regulations issued pursuant to section 4 of this Act for the intended use or distribution of such substance. Subject to section 6 of this Act, the Administrator shall promptly publish in the Federal Register the identity of such chemical substance, the use or distribution intended, and a statement of the availability of test data. Any subsequent manufacturer of a new chemical substance for which test data have been furnished to the Administrator under this subsection or any subsequent manufacturer of a new chemical substance falling within a class of chemical substances specified in regulations promulgated under section 4 of this Act for which test data have been furnished to the Administrator, shall not be required to furnish test data which are duplicative of data submitted previously by another manufacturer, except such new chemical substances shall not be commercially produced prior to commercial production of the chemical substance for which test data were furnished under this subsection. Any chemical substance or member of a class of chemical substances or any manufacturer or processor thereof referred to under the preceding sentence shall be subject to all other provisions of this Act.

(b) If warranted by data or the absence of data available to him, the Administrator may propose by regulation to restrict the use or distribution of any such substance in accordance with section 7 of this Act. If such regulation is proposed prior to the expiration of the ninety-day period referred to in subsection (a) of this section such proposed restrictions on use or distribution shall apply, pending the outcome of administrative proceedings on such proposal, to any subsequent commercial production of such new chemical substance as if such proposed regulation were final. After such regulation is proposed, the Administrator may refer it to a committee referred to in section 12(c) of this Act. The Administrator shall refer such proposal to such committee if requested by any interested party.

(c) The Administrator may extend the date after which a new chemical substance may be commercially produced under this Act for any particular use or uses beyond ninety days from the submission of test data required by section 4 of this Act for an additional period, not to exceed ninety days, for good cause shown. Subject to section 16 of this Act, notice of such extension and the reasons therefor shall be published in the Federal Register and shall constitute a final action subject to judicial review in accordance with section 24(d) of this Act.

(d) Nothing in this section shall be construed to prohibit the Administrator from restricting the use or distribution of any such new chemical substance pursuant to section 7 of this Act after commercial production of such substance has begun or to take action against any substance which is found to be an imminent hazard pursuant to section 8 of this Act.

(e) Whenever a manufacturer of a new chemical substance proposes to commercially produce such substance for a use or distribution with respect to which the Administrator has not received test data for such use or distribution pursuant to subsection (a) of this section, the manufacturer shall be required to follow the procedures of this section before such substance may be commercially produced for such use or distribution. The requirements of the preceding sentence shall apply notwithstanding the fact that the Administrator may previously have screened such substance for other use or distribution without objection.

EXISTING CHEMICAL SUBSTANCES

Sec. 6. (a) The Administrator shall issue, within one year after the enactment of this Act and from time to time thereafter, proposed regulations specifying those existing chemical substances or classes of existing substances, the manufacture, processing, distribution, use, or disposal of which there is reason to believe may pose an unreasonable threat to human health or the environment. Concurrently with each proposal to specify such existing chemical substance, the Administrator shall propose regulations under section 4 of this Act, if he has not previously done so, which are applicable to each existing chemical substance so specified. On or before the effective date of any applicable regulations under section 4 of this Act any manufacturer of an existing chemical substance shall furnish the test data developed in accordance with such regulations to the Administrator. Subject to section 16 of this Act, the Administrator shall, upon receipt of such test data from a manufacturer, promptly publish in the Federal Register the identity of such existing chemical substance, the uses to which the substance is put, and a statement of the availability of test data.

(b) Manufacturers of existing chemical substances for which testing is required under subsection (a) of this section shall not be required to submit test data which would duplicate applicable test data submitted previously by other manufacturers. Such chemical substances and the manufacturers thereof shall be subject to all other provisions of this Act.

(c) Whenever a manufacturer of an existing chemical substance proposes to commercially produce such substance for use or distribution to which a regulation under section 4 of this Act is applicable and with respect to which the Administrator has not received test data for such use or distribution pursuant to subsection (a), the manufacturer shall be required to follow the procedures of this section notwithstanding the fact that no objection has been raised to other uses. Whenever a manufacturer of an existing chemical substance proposes to commercially produce such substance for a new use following the effective date of a regulation under section 4 of this Act applicable to such use, the manufacturer shall be required to follow the procedures of section 5 of this Act before such substance may be commercially produced for such use or distribution.

RESTRICTIONS ON USE OR DISTRIBUTION

Sec. 7. (a) If warranted by data available to him, or in the absence of acceptable test data required under sections 5 or 6 of this Act, the Administrator may propose by regulation (1) to restrict the use or distribution of any chemical substance to the extent necesary to protect health and the environment; (2) to require that any or all persons engaged in the distribution of the chemical substance so regulated give notification to purchasers or other recipients of the substance of such restrictions in such form and manner as the Administrator determines is necessary to protect health and the environment including labeling requirements on such chemical substances or products containing such substances with appropriate warning provisions and directions for use and disposal; and (3) to require such other action as may be necessary to carry out such restrictions including recalling such product or substance from the market.

(b) In issuing such regulations the Administrator shall consider all relevant factors including—

(1) the effects of the substance on human *health;*

(2) the effect of the substance on the environment;

(3) the benefits of the substance for various uses;

(4) the normal circumstances of use;

(5) the degree to which the substance is released to the environment;

(6) the magnitude of exposure to humans and the environment to the substance; and

(7) the availability of less hazardous substitutes.

The Administrator shall specify in the order the date on which it shall take effect, which shall be as soon as feasible. To the extent possible, the manufacturer shall be responsible for supplying all necessary information for the Administrator to make findings under this subsection. All data relevant to the Administrator's findings shall be available to the public in accordance with section 16 of this act.

(c) Whenever the Administrator has good cause to believe that a particular manufacturer or processor is producing or processing a chemical substance not in compliance with a particular restriction on the use or distribution requiring reasonably consistent composition of such chemical substance—

(1) he may require such manufacturer or processor to submit a description of the relevant quality control procedures followed in the manufacturing or processing of such chemical substance; and

(2) if he thereafter determines that such noncompliance is attributable to the inadequacy of the manufacturer's or processor's control procedures, he may, after notice and *opportunity for* hearing pursuant to section 554 of title 5, United States Code order the manufacturer to revise such quality control procedures to the extent necessary to remedy such inadequacy.

IMMINENT HAZARD

SEC. 8. (a) An imminent hazard shall be considered to exist when the evidence is sufficent to show that the manufacture, processing, distribution, use, or disposal of a chemical substance will result in serious damage to human health or the environment prior to the completion of an administrative hearing or other formal proceeding held pursuant to this Act:

(b) If the Administrator has reason to believe that an imminent hazard exists he may petition an appropriate district court of the United States, or he may request the Attorney General to do so, to restrain the uses or distribution of the chemical substance responsible for the hazard, or to require that stocks of such substances be recalled by the manufacturer, wholesalers, retailers, or other distributors. The Administrator shall simultaneously, if he has not done so, propose any regulation which may be warranted under section 7 of this Act.

SEIZURE

SEC. 9. (a) Any chemical substance or article containing such chemical substance which the Administrator finds (1) is manufactured, processed, distributed, used, or disposed of in violation of sections 4 or 7 of this Act and (2) of itself constitutes an imminent hazard shall be liable to be proceeded against by the Administrator or the Attorney General on libel of information and condemned in any district court of the United States within the jurisdiction of which the chemical substance or article containing such chemical substance is found. Such substance shall be liable to seizure by process pursuant to the libel, and the procedure in cases under this section shall conform, as nearly as may be, to the procedure in admiralty.

(b) Any substance condemned under this section shall, after entry of the decree, be disposed of by destruction or sale as the court may, in accordance with the provisions of this section, direct and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the Treasury of the United States; but such substance shall not be sold under such decree contrary to the provisions of this title or the laws of the jurisdiction in which sold: *Provided*, That after entry of the decree and upon the payment of the costs of such proceedings and the execution of a good and sufficient bond conditioned that such substance shall not be sold or disposed of contrary to the provisions of this Act or the laws of any State or territory in which sold, the court may by order direct that such substance be delivered to the owner thereof to be destroyed or brought into compliance with the provisions of this title under the supervision of an officer or employee duly designated by the Administrator, and the expenses of such supervision shall be paid by the person obtaining release of the article under bond.

(c) When a decree of condemnation is entered against the article, court costs and fees, and storage and other property expenses, shall be awarded against the person, if any, intervening as claimant of the article.

REPORTS

SEC. 10. (a) The Administrator shall require all manufacturers of chemical substances or, where appropriate, processors to submit reports to him annually and at such more frequent times as he may reasonably require containing any or all of the following—

(1) the names of any or all chemical substances produced, imported, or processed in commercial quantities by the manufacturer or processor thereof;

(2) the chemical identity and molecular structure of such substances insofar as is known;

(3) the categories of use of each such substance, insofar as they are known to him or are reasonably ascertainble by him;

(4) reasonable estimates of the amounts of each substance produced or processed for each such category of use; and

(5) a description of the byproducts, if any, resulting from the production of each such substance, and, insofar as they are known to him or are reasonably ascertainble by him, from the processing, use, or disposal thereof. The Administrator may, by regulation, exempt manufacturers or processors from all or part of the requirements of this section if he finds that such reports are not necessary to carry out the purposes of this act.

(b) Whenever the Administrator determines that such action would be necessary to allow him to carry out his responsibilities and authorities under this act, he may be publishing a notice in the Federal Register invite and afford all interested persons an opportunity to provide in writing information respecting the human health or environmental effects of a chemical substance.

EXEMPTIONS AND RELATIONSHIP TO OTHER LAWS

SEC. 11. (a) This act shall not apply to—

(1) Pesticides and chemical substances used in such pesticides, except that if a chemical substance which constitutes such a poison or such an ingredient is or may be used for any non-pesticidal purpose which is not regulated by the Federal Insecticide, Fungicide, and Rodenticide Act, this act shall apply to such other uses;

(2) foods, drugs, devices, and cosmetics subject to the Federal Food, Drug, and Cosmetic Act, as amended, foods subject to the Federal Meat Inspection Act, the Egg Products Inspection Act, and the Poultry Products Inspection Act, and chemical substances used therein, except that if such an item or substance is or may be used for any purpose which is not regulated by such Acts this Act shall apply to such other uses;

(3) any source material, special nuclear material, or byproduct material as defined in the Atomic Energy Act of 1954, as amended, and regulations issued pursuant thereto by the Atomic Energy Commission;

(4) except as otherwise provided for in title II of this Act, the transportation of hazardous materials insofar as it is regulated by the Secretary of the Department of Transportation;

(5) except for section 10 of this Act, intermediate chemical substances, unless the Administrator finds that such chemical substances cannot be sufficiently regulated by the Clean Air Act, as amended, or the Federal Water Pollution Control Act, as amended, to the extent necessary to protect health and the environment;

(6) except for section 10 of this Act; any other chemical substance that the Administrator finds can be regulated more effectively by the Clean Air Act, as amended, or the Federal Water Pollution Control Act, as amended, to the extent necessary to protect health and the environment;

(7) laboratory reagents, except those which there is reason to believe the manufacture, processing, distribution, use, or disposal of which may produce an unreasonable threat to human health or the environment;

(8) tobacco and tobacco products; and

(9) any extraction of any mineral deposit covered by the mining or mineral leasing laws of the United States, unless the Administrator finds by regulation, that such extraction of such mineral deposit poses an unreasonable threat to human health or the environment which cannot be effectively regulated under any other provision of law.

(b) To the extent that such chemical substances are subject to regulation by other Federal laws, including the Occupational Safety and Health Act of 1970 and the Federal Hazardous Substances Act, as amended, the Administrator shall not regulate the use or distribution of a new or existing chemical substance on the basis of any possible hazard to employees in their place of employment, or the hazard directly to consumers resulting from the personal use, enjoyment, or consumption of marketed products which contain or might contain the substance.

(c) If it appears to the Administrator that any such substance may pose a hazard when transported, or when used on or in food or as a drug or cosmetic, or may be a hazard to employees in their place of employment, or may pose a hazard directly to consumers resulting from the personal use, enjoyment, or consumption of marketed products which contain or might contain the substance, he shall transmit any data received from manufacturers or processors or data otherwise in his possession which is relevant to such hazards to the Federal department or agency with authority to take legal action if a hazard is found to exist.

(d) The Administrator shall coordinate actions taken under this Act with actions taken to implement the Federal Water Pollution Control Act and the Clean Air Act, and shall, where appropriate, use the authorities contained in such Acts to regulate chemical substances.

(e) The Administrator shall consult and coordinate with the Secretary of Health, Education, and Welfare and the heads of other appropriate Federal agencies in administering the provisions of this Act. The Administrator shall report annually to the Congress on actions taken to coordinate with other Federal agencies and actions taken to coordinate the authority under this Act with the authority granted under other Acts referred to in this section.

(f) This Act shall not be construed as superseding or impairing the provisions of any other law or treaty of the United States.

CHEMICAL SUBSTANCES BOARD

SEC. 11. (a) There shall be established in the Environmental Protection Agency a Chemical Substances Board (hereinafter referred to as the "Board") consisting of twelve scientifically qualified members. The Administrator shall appoint members of the Board from a list of individuals recommended to him by the National Academy of Sciences, except that the Secretary of Health, Education, and Welfare shall appoint one member of the Board from whatever source he desires. Such Board shall include qualified scientists not more than one-third of which represent the chemical industry. None of the members of such Board, other than chemical industry representatives, shall have any significant economic interest in the chemical industry. Members of the Board shall serve one term of four years, except that one-half of the members initially appointed shall serve one term of two years. Thereafter, one-half of the members of the Board shall be appointed every two years. Members of the Board shall not be reappointed for consecutive terms. One of the members shall be designated by the Administrator to serve as Chairman of the Board.

(b) The National Academy of Sciences, in consultation with the Board, shall maintain a list of qualified scientists, to assist in carrying out the provisions of this section. Such scientists may also be utilized as consultants to the Chemical Substances Board.

(c) Except as provided in section 5(b) of this Act, before proposing any regulations under sections 4, 6, or 7 of this Act, the Administrator shall refer his proposed action and the available evidence to a committee selected by the Administrator from members of the Board and the list of consultants to the Board, except that the Secretary of Health, Education, and Welfare may appoint one member of such committee from whatever source he desires. Concurrently with such referral, the Administrator shall publish in the Federal Register a notice of the referral identifying the proposed action. Such committee shall include qualified scientists not more than one-third of which represent the chemical industry. None of the members of such committee shall have a significant economic interest in the manufacturing, processing, distribution, or sale of any chemical substance which may, directly or indirectly, be affected by the proposed action. The committee shall conduct an independent scientific review of the proposed action and shall report its views and reasons therefor in writing to the Administrator, within a reasonable time, not to exceed forty-five days as specified by the Administrator. Such time may be extended an additional forty-five days if the Administrator determines the extension necessary and such committee has made a good faith effort to report its views and reasons therefor within the initial forty-five day period. All such views shall be given due consideration by the Administrator. If the committee fails to report within the specified time, the Administrator may proceed to take action under this Act. Subject to section 16 of this Act, all proceedings and deliberations of such committees and their reports and reasons therefor shall be public record. The report of the committee and any dissenting views shall be considered as part of the record in any proceeding taken with respect to the Administrator's action.

(d) The Administrator may, at his discretion, also request the Board to convene a committee to consider other actions proposed to be taken under this Act. In such case all provisions of this section shall apply.

(e) The Administrator is authorized to reimburse the National Academy of Sciences for expenses incurred in carrying out this section.

(f) Members of the Board or committees who are not regular full-time employees of the United States shall, while serving on business of the Board or committee, be entitled to compensation at rates fixed by the Administrator, but not exceeding the daily rate applicable at the time of such service to grade GS-18 of the classified civil service, including traveltime; and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

RESEARCH

SEC. 13. The Administrator is authorized to conduct such research and monitoring as is necessary to carry out his functions under this Act. Such research and monitoring may be undertaken to determine proper test protocols and results to be obtained therefrom under section 14 of this Act, determinations of what existing chemical substances might present unreasonable hazards under section 6 of this Act, and such monitoring of chemical substances in man and in the environment as is otherwise necessary to carry out the purposes of this Act. In addition, research may be undertaken to confirm the results of tests required by this Act. To the extent possible, such research and monitoring shall not duplicate the efforts of other Federal agencies or the research required of manufacturers under this Act. In order to carry out the provisions of this section, the Administrator is authorized to make contracts and grants for such research and monitoring. The Administrator may construct research laboratories for the purposes of this Act (A) after fully utilizing the personnel, facilities, and other technical support available in other Federal agencies, (B) when authorized by the Congress to plan, design, and construct such laboratories, and (C) subject to the appropriation of funds for this purpose by the Congress.

ADMINISTRATIVE INSPECTIONS AND WARRANTS

SEC. 14. (a) (1) For the purpose of inspecting, copying, and verifying the correctness of records, reports, or other documents required to be kept or made under this Act and otherwise facilitating the carrying out of his function under this Act, the Administrator is authorized, in accordance with this section, to enter any factory, warehouse, or other premises in which chemical substances are maintained, including retail establishments, and to conduct administrative inspections thereof.

(2) Such entries and inspections shall be carried out through officers or employees (hereinafter referred to as "inspectors") designated by the Administrator. Any such inspector, upon stating his purpose and presenting to the owner, operator, or agent in charge of such premises (A) appropriate credentials and (B) his administrative inspection warrant or a written notice of his other inspection authority, shall have the right to enter such premises and conduct such inspection at reasonable times.

(3) Except when the owner, operator, or agent in charge of such premises so consents in writing, no inspection authorized by this section shall extend to—

(A) financial data;

(B) sales data other than shipment data;

(C) pricing data;

(D) personnel data;

(E) research data (other than data required by this title); or

(F) process technology other than that related to chemical composition or the industrial use of a chemical substance.

(b) A warrant under this section shall not be required for entries and administrative inspections (including seizures of chemical substances or products containing chemical substances manufactured in violation of regulations issued under this act)—

(1) conducted with the consent of the owner, operator, or agent in charge of such premises; or

(2) in any other situation where a warrant is not constitutionally required.

(c) Issuance and execution of administrative inspection warrants shall be as follows:

(1) Any judge of the United States or of a State court of record, or any United States magistrate, may, within his territorial jurisdiction, and upon proper oath or affirmation showing probable cause, issue warrants for the purpose of conducting administrative inspections authorized by this title, and seizures of property appropriate to such inspections. For the purposes of this subsection the term "probable cause" means a valid public interest in the effective enforcement of this title or regulations thereunder sufficient to justify administrative inspections of the area, premises, building, or contents thereof, in the circumstances specified in the application for the warrant.

(2) A warrant shall be issued only upon an affidavit of an officer or employee having knowledge of the facts alleged, sworn to before the judge or magistrate and establishing of the facts alleged, sworn to before the judge or magistrate and establishing the grounds for issuing the warrant. If the judge or magistrate is satisfied that grounds for the application exist or that there is probable cause to believe they exist, he shall issue a warrant identifying the area, premises, or building, to be inspected, the purpose of such inspection, and, where appropriate, the types of property to be inspected, if any. The warrant shall identify the items of types of property to be seized, if any. The warrant shall be directed to a person authorized under subsection (a) (2) of this section to execute it. The warrant shall state the grounds for its issuance and the name of the person or persons whose affidavit has been taken in support thereof. It shall command the person to whom it is directed to inspect the area, premises, or building, identified for the purpose specified, and, where appropriate, shall direct the seizure of the property. The warrant shall direct that it be served during normal business hours. It shall designate the judge or magistrate to whom it shall be returned.

(3) A warrant issued pursuant to this section must be executed and returned within ten days of its date unless, upon a showing by the United States of a need therefor, the judge or magistrate allows additional time in the warrant. If property is seized pursuant to a warrant, the person executing the warrant shall give to the person from whom or from whose premises the property was taken a copy of the warrant and a receipt for the property taken or shall leave the copy and receipt at the place from which the property was taken. The return of the warrant shall be made promptly and shall be accompanied by a written inventory of any property taken. The inventory shall be made in the presence of the person executing the warrant and of the person from whose possession or premises the property was taken, if they are present, or in the presence of at least one credible person other than the person making such inventory, and shall be verified by the person executing the warrant. The judge or magistrate, upon request, shall deliver a copy of the inventory to the person from whom or from whose premises the property was taken and to the applicant for the warrant.

(4) The judge or magistrate who has issued a warrant under this section shall attach to the warrant a copy of the return and all

papers filed in connection therewith and shall file them with the clerk of the district court of the United States for the judicial district in which the inspection was made.

EXPORTS AND IMPORTS

SEC. 15. (a) Notwithstanding any other provision of this Act, no chemical substance shall be deemed in violation of this Act when intended solely for export to any foreign nation except that (1) test data which would be required to be submitted under section 54 or 65 of this title if such substance were produced for domestic use, shall be submitted to the Administrator in accordance with such sections; (2) such chemical substance shall be subject to the reporting requirements of section 10 of this Act, and (3) no chemical substance may be exported if the Administrator by regulation finds that the chemical substance as exported and used will, directly or indirectly, pose an unreasonable threat to the human health of persons within the United States or the environment of the United States.

(b) If submittal of test data is required for a chemical substance under sections 54 or 55 of this Act, or restrictions on use or distribution have been imposed for a chemical substance under section 76 of this Act, the Administrator, subject to section 16 of this Act, shall furnish to the governments of the foreign nations to which such chemical substance may be exported (1) a notice of the availability of the data submitted to the Administrator under sections 51 or 56 of this Act concerning such chemical substance, (2) any restrictions on use or distribution of such chemical substance that have been imposed or proposed by the Administrator under section 6 of this Act and (3) any court order issued under section 8 of this Act.

(c) The Secretary of the Treasury shall refuse entry into the United States of any chemical substance or article containing such substance offered for entry if it fails to conform with regulations promulgated under this act. If a chemical substance or article is refused entry, the Secretary of the Treasury shall refuse delivery to the consignee and shall cause the disposal or storage of any substance or article refused delivery which has not been exported by the consignee within three months from the date or receipt of notice of such refusal under such regulations as the Secretary of the Treasury may prescribe, except that the Secretary of the Treasury may deliver to the consignee such substance or article pending examination and decision in the matter on execution of bond for the amount of the full invoice value of such substance or article, together with the duty thereon, and on refusal to return such substance or article for any cause to the custody of the Secretary of the Treasury, when demanded, for the purpose of excluding them from the country, or for any other purpose, said consignee shall forfeit the full amount of said bond. All charges for storage, cartage, and labor on substances or articles which are refused admission or delivery under this section shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against any future importation made by such owner or consignee.

(d) The Secretary of the Treasury, in consultation with the Administrator, shall issue regulations for the enforcement of subsection (c) of this section.

CONFIDENTIALITY

SEC. 16. (a) Copies of any communications, documents, reports, or other information received or sent by the Administrator under this Act shall be made available to the public upon identifiable request, and at reasonable cost unless such information may not be publicly released under the terms of subsection (b) of this section.

(b)(1) The Administrator or any officer or employee of the Environmental Protection Agency or the Chemical Substances Board or committees established under section 12 of this Act, shall not disclose any information which concerns or relates to a trade secret referred to in section 1905 of title 18, United States Code, except that such information may be disclosed by the Administrator—

(A) to other Federal government departments, agencies, and officials for official use, upon request, and with reasonable need for such information;

(B) to committees of Congress having jurisdiction over the subject matter to which the information relates;

(C) in any judicial proceeding under a court order formulated to preserve the confidentiality of such information without impairing the proceeding;

(D) if relevant in any proceeding under this title, except that such disclosure shall preserve the confidentiality to the extent possible without impairing the proceeding; and

(E) to the public in order to protect their health, after notice and opportunity for comment in writing or for discussion in closed session within fifteen days by the manufacturer of any product to which the information appertains (if the delay resulting from such notice and opportunity for comment would not be detrimental to the public health).

In no event shall the names or other means of identification of injured persons be made without their express written consent.

(2) Nothing contained in this section shall be deemed to require the release of any information described by subsection (b) of section 552, title 5, United States Code, or which is otherwise protected by law from disclosure to the public.

(c) Any communication from a person to the Administrator or any other employee of the Environmental Protection Agency concerning a matter presently under consideration in a rulemaking or adjudicative proceeding in the Environmental Protection Agency shall be made a part of the public file of that proceeding unless it is a communication entitled to protection under subsection (b) of this section.

PROHIBITED ACTS

SEC. 17. The following acts and the causing thereof are prohibited—

(1) the failure to comply with any final regulation or order issued by the Administrator or the Secretary of the Treasury pursuant to this title;

(2) the failure or refusal to provide information as required by sections 5, 6, or 10 of this Act;

(3) the manufacture, processing, sale, distribution, or importation into the United States of a chemical substance whenever such manufacture, processing, sale, distribution, or importation is known to be or should have been known to be for a use in violation of regulations promulgated under section 4 or 7 of this Act, and the use, including disposal, of any such substance when such use or disposal is known or should have been known to be in violation of such regulations; and

(4) the failure of any person who purchases or receives a chemical substance and who is required to be given notice of restrictions on use or distribution of such substance pursuant to paragraph (2) of section 7(a) of this Act to comply with such restrictions on use or distribution.

PENALTIES AND REMEDIES

SEC. 18. (a) Any person willfully violating section 17 of this Act shall on conviction be fined not more than $25,000 for each day of violation or imprisoned for not more than one year, or both.

(b)(1) Any person not willfully violating section 17 of this Act shall be liable to the United States for a civil penalty of a sum which is not more than $25,000 for each day of violation, to be assessed by the Administrator after notice and opportunity for an adjudicative hearing conducted in accordance with section 554 of title 5, United States Code, and after he has considered the nature, circumstances, and extent of such violation, the practicability of compliance with the provisions violated, and any good-faith efforts to comply with such provisions.

(2) Upon failure of the offending party to pay the civil penalty, the Administrator may commence an action in the appropriate district court of the United States for such relief as may be appropriate or request the Attorney General commence such an action.

(c) The Attorney General or the Administrator may bring an action in the appropriate district court of the United States for equitable relief to redress a violation by any person of any provision of section 17 of this Act, and the district courts of the United States shall have jurisdiction to grant such relief as the equities of the case may require.

CITIZEN CIVIL ACTIONS

SEC. 19. (a) Except as provided in subsection (b) of this section, any person may commence a civil action for injunctive relief on his own behalf, whenever such action constitutes a case or controversy—

(1) against any person (including (i) the United States, and (ii) any other governmental instrumentality or agency to the extent permitted by the eleventh amendment to the Constitution) who is alleged to be in violation of any regulation or order promulgated under section 4 or 7 of this Act, or

(2) against the Administrator where there is alleged a failure of the Administrator to perform any act or duty under this act which is not discretionary with the Administrator. Any action brought against the Administrator under this paragraph shall be brought in the District Court of the District of Columbia.

The district courts shall have jurisdiction over suits brought under this section, without regard to the amount in controversy or the citizenship of the parties.

(b) No civil action may be commenced—

(1) under subsection (a)(1) of this section—

(A) prior to sixty days after the plaintiff has given notice of the violation (i) to the Administrator, and (ii) to any alleged violator of the regulation or order, or

(B) if the Administrator or Attorney General has commenced and is diligently prosecuting a civil action in a court of the United States to require compliance with the regulation or order, but in any such action any person may intervene as a matter of right.

(2) under subsection (a)(2) of this section prior to sixty days after the plaintiff has given notice of such action to the Administrator. Notice under this subsection shall be given in such manner as the Administrator shall prescribe by regulation.

(c) In any action under this section, the Administrator or the Attorney General, if not a party, may intervene as a matter of right.

(d) The court, in issuing any final order in any action brought pursuant to subsection (a) of this section, may award costs of litigation (including reasonable attorney and expert witness fees) to any party, whenever the court determines such an award is appropriate.

(e) Nothing in this section shall restrict any right which any person (or class of persons) may have under any statute or common law to seek enforcement of any regulation or order or to seek any other relief.

(f) For purposes of this section, the term "person" means an individual, corporation, partnership, association, State, municipality, or political subdivision of a State.

(g) When any actions brought under this subsection involving the same defendant and the same issues of violations are pending in two or more jurisdictions, such pending proceedings, upon application of the defendant reasonably made to the court of one such jurisdiction, may, if the court in its discretion so decides, be consolidated for trial by order of such court, and tried in (1) any district selected by the defendant where one of such proceedings is pending; or (2) a district agreed upon by stipulation between the parties. If no order for consolidation is so made within a reasonable time, the defendant may apply to the court of one such jurisdiction, and such court (after giving all parties reasonable notice and opportunity to be heard) may by order, unless good cause to the contrary is shown, specify a district of reasonable proximity to the applicant's principal place of business in which all such pending proceedings shall be consolidated for trial and tried. Such order of consolidation shall not apply so as to require the removal of any case the date for trial of which has been fixed. The court granting such order shall give prompt notification thereby to the other courts having jurisdiction of the cases covered thereby.

ENVIRONMENTAL PREDICTION AND ASSESSMENT

SEC. 20. The Environmental Protection Agency shall, in cooperation with the Council on Environmental Quality and other Federal agencies, develop the necessary personnel and information resources to assess the environmental consequences of the introduction of new chemical substances into the environment.

COOPERATION OF FEDERAL AGENCIES

SEC. 21. Upon request by the Administrator, each Federal agency is authorized—

(a) to make its services, personnel, and facilities available with or without reimbursement to the greatest practicable extent within its capability to the Administrator to assist him in the performance of his functions; and

(b) to furnish to the Administrator such information, data, estimates, and statistics, and to allow the Administrator access to all information in its possession, as the Administrator may reasonably determine to be necessary for the performance of his functions as provided by this Act.

HEALTH AND ENVIRONMENT DATA

SEC. 22. The Council on Environmental Quality, in consultation with the Administrator, the Secretary of Health, Education, and Welfare, the Secretary of Commerce, and the heads of other appropriate Federal, State, and local departments or agencies, the scientific community, and the chemical industry, shall coordinate a study of the feasibility of establishing (1) a standard classification system for chemical compounds and related substances, and (2) a standard means for storing and for obtaining rapid access to information respecting such materials.

STATE REGULATIONS

SEC. 23. (a) Nothing in this title shall affect the authority of any State or local government to impose more stringent restrictions on the use or distribution of any chemical substances, or to establish and enforce more stringent standards for test protocols for various classes and uses of chemical substances, and for the results that must be achieved therefrom, to protect human health or the environment, except that—(1) if the Administrator issues a final regulation under section 7 of this act restricting the use or distribution of a chemical substance a State or local government may not enforce any such restriction of its own for purposes similar to this title after the effective date of such regulation, other than a total ban on use or distribution; and (2) if the Administrator issues a final regulation under section 4 of this Act a State or local government may not enforce any standards for test protocols and the result to be achieved therefrom after the effective date of such regulation.

(b) The Administrator may by regulation, upon the petition of any State or local government or at his own initiative, exempt State and local governments from the prohibitions of subsection (a) of this section or from the prohibitions contained in any other Federal law administered by the Environmental Protection Agency against the regulation by State or local governments of the manufacture, use, or distribution of chemical substances with respect to a chemical substance if such exemption will not, through difficulties in marketing, distribution or other factors, result in placing an unreasonable burden upon commerce.

REGULATIONS, PROCEDURE, AND JUDICIAL REVIEW

SEC. 24. (a) At his own initiative, or upon the petition of any person, the Administrator is authorized to issue regulations to carry out the purposes of this title and to amend or rescind such regulations at any time.

(b) The Administrator shall publish any regulations proposed under this title in the Federal Register at least sixty days prior to the time when such regulations shall become final. The Administrator shall also publish in the Federal Register a notice of all petitions received under subsection (a) and, if such petition is denied, his reasons therefore. Such notice shall identify the purpose of the petition and include a statement of the availability of any data submitted in support of such petition. If any person adversely affected by a proposed regulation files objections and requests a public hearing within forty-five days of the date of publication of the proposed regulation, the Administrator shall grant such request. If such public hearing is held, final regulations shall not be promulgated by the Administrator until after the conclusion of such hearing. All public hearings authorized by this subsection shall consist of the oral and written presentation of data or arguments in accordance with such conditions or limitations as the Administrator may make applicable thereto.

(c) Proposed and final regulations issued under this Act shall set forth findings of fact on which the regulations are based and the relationship of such findings to the regulations issued.

(d) Any judicial review of final regulations promulgated under this title and final actions under section 54(c) of this Act shall be in accordance with sections 701–706 of title 5, United States Code, except that (1) with respect to regulations promulgated under section 4, 6, or 7 of this Act, the findings of the Administrator as to the facts shall be sustained if based upon substantial evidence on the record considered as a whole, and (2) with respect to relief pending review, no stay of an agency action may be granted unless the reviewing court determines that the party seeking such stay (a) is likely to prevail on the merits in the review proceeding and (b) will suffer irreparable harm pending such proceeding.

(e) Except as expressly modified by the provisions of this section, the provisions of the Administrative Procedures Act (5 U.S.C. 551 et seq.), shall apply to proceedings conducted by the Administrator under this Act.

(f) If the party seeking judicial review applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court either (1) that the information is material and was not available at the time of the proceeding before the Administrator or (2) that failure to include such evidence in the proceeding was an arbitrary or capricious act of the Administrator, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Administrator, and to be adduced upon the hearing, in such manner and upon such terms and conditions as to the court may deem proper. The Administrator may modify his findings as to the facts, or make new findings, by reason of the additional evidence so taken, and he shall file with the court such modified or new findings, and his recommendation, if any, for the modification or setting aside of his original order, with the return of such additional evidence.

NATIONAL SECURITY WAIVER

SEC. 25. The Administrator may waive compliance with the provisions of this Act, in whole or in part, upon receiving information from the Secretary of Defense that such waiver is in the interest of national security. Upon the issuance of such a waiver, the Administrator shall publish in the Federal Register a notice that the waiver was granted for good cause shown by the Secretary of Defense in the interest of national security, unless the Administrator has been requested by the Secretary of Defense to omit such publication because the publication would be contrary to the interests of national security.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 26. (a) There is hereby authorized to be appropriated such sums as may be necessary, but not to exceed $6,300,000, $10,400,000, and $9,600,000 for the fiscal years ending on June 30, 1974, June 30, 1975, and June 30, 1976, respectively, for the purposes and administration of this Act. No part of the funds so authorized to be appropriated shall be used to plan, design, or construct any research laboratories unless specifically authorized by the Congress by law.

(b) To help defray the expenses of implementing the provisions of this title, the Administrator may by regulation require the payment of a reasonable fee from the manufacturer of each chemical substance for which test data has been submitted under this Act.

By Mr. KENNEDY (for himself, Mr. RANDOLPH, Mr. WILLIAMS, Mr. JAVITS, Mr. BEALL, Mr. CRANSTON, Mr. HATHAWAY, Mr. MONDALE, Mr. PELL, Mr. SCHWEIKER, and Mr. TAFT):

S. 427. A bill to provide for the extension of the Developmental Disabilities Services and Facilities Construction Act. Referred to the Committee on Labor and Public Welfare.

DEVELOPMENTAL DISABILITIES SERVICES AND FACILITIES CONSTRUCTION ACT EXTENSION

Mr. KENNEDY. Mr. President, I introduce on behalf of myself and Senators RANDOLPH, WILLIAMS, JAVITS, BEALL, CRANSTON, HATHAWAY, MONDALE, PELL, SCHWEIKER, and TAFT, a bill to extend the Developmental Disabilities Services and Facilities, Construction Act for 3 more years. I wish to thank the distinguished Senator from West Virginia, Senator JENNINGS RANDOLPH, chairman of the Senate Subcommittee on the Handicapped, for giving me the opportunity to chair the upcoming hearings on this legislation. The developmentally disabled are the children and adults in our society whose severe handicaps originate in childhood and continue in some measure throughout adult life. The mentally retarded form the largest group of the developmentally disabled. More than 6 million Americans are afflicted with this condition.

Our society has been slow to recognize its obligations to the developmentally disabled. The Federal Government's first acknowledgment of its responsibilities came in 1935 when the Social Security Act created the crippled children's program within the Children's Bureau. Except for income maintenance programs providing benefits to mentally retarded persons after their 18th birthday, the only other expression of Federal responsibility in this area was the Vocational Rehabilitation Act of 1943. It provided job counseling and placement for the mentally retarded. In his first year in office, President Kennedy called attention to the long neglected programs of both the mentally retarded and the mentally ill. He established a President's Panel on Mental Retardation. Two significant pieces of Federal legislation grew out of the recommendations of that Panel in 1963: First, Public Law 88–156 launched a special Federal program of comprehensive maternity and infant care projects aimed at high-risk mothers. It also authorized grants to the States for comprehensive planning in the field of mental retardation. Second, the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 launched the first major Federal program for the construction of Federal facilities for the mentally retarded and the mentally ill.

The last major legislative advance in this area was the Developmental Disabilities Act of 1970. This bill enlarged the focus of the Federal effort from a sole concentration on the mentally retarded to encompass all those who are developmentally disabled; which includes victims of cerebral palsy, epilepsy, and similar disabilities attributable to neurological impairments. This legislation also significantly expanded the role of the States in the planning and implementation of comprehensive programs of services for the developmentally disabled. The bill was hailed by professionals who felt it would make a truly comprehensive program possible for the first time in the Nation's history.

On November 16, 1971, President Nixon pledged "continuing expansion" of Federal spending in the area of developmental disabilities. He asked the American people to join him in a commitment to two major national goals: First, to reduce by half, the occurrence of mental retardation in the United States before the end of this century. And second, to enable one-third of the more than 200,000 retarded persons in public institutions to return to useful lives in the community. The President eloquently said:

> Beyond any question, the effort is worth making. For at the present rate of occurrence, more than 4 million of the 142 million children whom demographers estimate will be born in America between now and the year 2000 will grow up retarded. Their future is in our hands.

The President's words, when viewed against enactment of the developmental disabilities legislation in 1970, raised the hopes not only of the developmentally disabled, but of their families and friends, of the health professionals and volunteer workers associated with them. It seemed that our society, which had shunned and ignored the developmentally disabled for so long, was finally ready to cope compassionately with their problems.

How disheartening it is to look back now on the President's actions since his November 16 statement. In spite of authorizations of $60 million for fiscal year 1971, $105 million for fiscal year 1972, and $130 million for fiscal year 1973, the President's annual appropriations requests for those 3 years were $36 million, $40 million, and $44 million. As in so many other areas of the health field, the President's refusal to fully implement the authority contained in the Developmental Disabilities Act of 1970 has effectively vitiated the effectiveness of the program. Now almost 3 years after its historic enactment, that legislation has still not been given a chance to do the job.

On other occasions, the President has been asking the Congress to expand the role of States in the development and implementation of health programs. The President has made services integration a prime goal of the Department of Health, Education, and Welfare. The thrust of the Development Disabilities Act was to expand the role of the States in the development and implementation of comprehensive services programs and to coordinate the various State and local efforts in this area. Yet, in spite of the fact that the legislation was responsive to Presidential priorities, it fared no better than any of the other health programs in HEW. States, for example, have received far less money than they requested in order to carry out their programs for the developmentally disabled. New York State in fiscal year 1972, received $1.4 million out of budget requests for $70 million. Massachusetts requested $6 million in fiscal year 1971, but received $246,000.

Senator Javits is today introducing his, "bill of rights for the mentally retarded." This bill will focus on the establishment of standards for residential facilities for the mentally retarded. It will be considered by the Senate Subcommittee on the Handicapped together with the developmental disabilities legislation. The two bills are complimentary and together represent a comprehensive approach to meeting the problems of the developmentally disabled.

Mr. President, the bill my colleagues and I are introducing today will extend all of the provisions of the 1970 Developmental Disabilities Act for 3 more years. We expect to hold hearings to determine ways to improve that authority. But unless the President is fully willing to implement it, it will not solve the problems. It is easy to find compassionate things to say about the plight of the developmentally disabled; it is more difficult to act compassionately. It is my hope that the executive and legislative branches can set aside their political differences and reflect a new dedication to solving the problems confronting the developmentally disabled.

By Mr. MAGNUSON (for himself and Mr. Kennedy):

S. 429. A bill entitled the "Children's Dental Health Act of 1973." Referred to the Committee on Labor and Public Welfare.

Mr. ROBERT C. BYRD. Mr. President, on behalf of the distinguished senior Senator from Washington (Mr. Magnuson), I introduce a bill and I ask unanimous consent that a statement prepared by him in connection with the bill together with the bill itself be printed in the Record at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR MAGNUSON

Mr. President, I introduce for myself and the Senator from Massachusetts (Mr. Kennedy) a bill entitled "The Children's Dental Health Act".

This legislation is, for all practical purposes, identical to a bill of the same title which I introduced in the 92nd Congress and which was passed by the Senate by a vote of 88–1 in December, 1971. Regrettably, the House failed to act on that bill prior to the adjournment of the last Congress. However, I am now very hopeful that the House will act expeditiously and favorably on this proposal early in this session.

During hearings held in the last Congress by the Senate Health Subcommittee, strong support was expressed for The Children's Dental Health Act by the American Dental Association, the National Dental Association, the American Dental Hygienists Association, the American Society of Dentistry of Children and the American Academy of Pediatrics. This bill has also been formally endorsed by the American Medical Association.

Mr. President, the legislation we are introducing here today would authorize appropriations totaling $142 million to be expended during fiscal years 1973, 1974, and 1975. $50 million would be authorized for pilot projects providing preventive, corrective and follow-up dental care to approximately a half million low-income children. $9 million would be authorized for matching grants to communities or public schools wishing to fluoridate their drinking water. $57 million would be authorized to expand and intensify the training of auxiliary dental personnel. And, $26 million would be authorized for programs to train dentists and dental students in the full and effective management of dental auxiliary teams.

Perhaps the most compelling reason for enacting this legislation is presented by the alarming lack of dental care now available to America's children, particularly those in low-income families.

By age 2, half of this country's children have decayed teeth. By the time he enters school, the average child has three decayed teeth and by his fifteenth year, he has eleven decayed, missing or filled teeth. And, more often than not, those are eleven decayed or missing—rather than filled—teeth since over half of all children have never been to a dentist and that proportion is even higher among children in rural areas. But, by far, the greatest need is among children from low-income families—the very children who would be served by the pilot projects proposed in this legislation—for almost 70 percent of them have never received a dentist's care.

The consequences of this neglect of children's dental health are indeed serious. An unpublished report written in 1970 by the staff of the Division of Dental Health in the Bureau of Health Manpower noted that "More than 20 million persons have lost all their teeth and another 25 million have lost half or more," and "Only six persons in every

1,000 possess a full complement of sound teeth."

The needless economic cost of this neglect was documented in that same report which stated:

"Much, if not most, of the nearly $4 billion spent annually by Americans for dental care goes to correct conditions which need never have developed at all or which could have been arrested at an earlier stage at considerably less cost in money and professional time."

In view of the paucity of dental care now available to children in low-income families and the serious consequences of that neglect, the need for the pilot projects proposed in this legislation is clear.

Beyond the immediate needs of low-income children, however, lies the broader question of the entire nation's dental health. Population growth and growing public awareness of the importance of dental health both point toward a rising demand in the future for dental care. Add to those factors the very real possibility that a national health insurance program, including coverage for dental care, will be implemented and projections of future demand escalate sharply.

Obviously, we must continue Federal efforts to increase the number of dentists. However, we must also recognize that we now have approximately 20,000 fewer dentists than even present demands require and that the long length of time required to train new dentists makes it highly unlikely that we will be able to fulfill the nation's expanding requirements simply by turning out more dentists.

Satisfying the rising demand for dental care will require our emphasizing preventive measures so that expensive corrective care can be minimized, training more auxiliaries so that dentists' productivity can be maximized, and successfully combining dentists and auxiliaries into an efficient dental care delivery system. At this point, then, I would like to briefly outline how The Children's Dental Health Act would touch directly upon each of these factors.

Prevention. Although community water fluoridation has long been recognized by public health officials and dentists as a safe, effective method of preventing dental disease, the 1969 census showed that the majority of Americans are still drinking unfluoridated water. The $9 million authorized in this bill for matching grants would permit as many as 4200 communities with 27 million residents to initiate water fluoridation if they so desired. The decision to seek these matching grants for water treatment would, however, be made entirely at the local level.

Auxiliary Training. The value of dental auxiliaries is widely acknowledged. One study, for example, has demonstrated that a dentist can increase his productivity by up to 225 percent by using four auxiliaries. Despite that kind of evidence, however, we are training far too few auxiliaries to meet even current demands let alone future requirements. The expansion of auxiliary training efforts that would be made possible by The Children's Dental Health Act would go far towards closing this gap. In the absence of such an expanded training effort, the nation will be short by approximately 23,500 technicians, 25,000 hygienists and 137,000 assistants by 1980, according to estimates made by the American Dental Association.

Delivery. As the title implies, an "auxiliary" cannot function independently of a dentist. Consequently, as we increase the number of auxiliaries, it is imperative that we also expand programs to train dentists and dental students to manage their own auxiliary teams. This bill would authorize $26 million for that purpose.

In closing, let me reiterate the hope that the House will act promptly and favorably on this proposal and that it will also once more receive the Senate's approval.

S. 429

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Children's Dental Health Act of 1973".

SEC. 2. The Public Health Service Act is amended by adding at the end thereof the following new title:

"TITLE XI—DENTAL HEALTH PROJECTS

"GRANTS FOR PROJECTS FOR DENTAL CARE FOR CHILDREN

"SEC. 1101. (a) There are authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1973; $15,000,000 for the fiscal year ending June 30, 1974; and $30,000,000 for the fiscal year ending June 30, 1975; which shall be used by the Secretary to make grants to the health agency of any State (or political subdivision thereof) or to any other public or nonprofit private agency, organization, or institution to pay for part of the cost of the carrying out (on a planned and systematic basis) by such agency, organization, or institution, of one or more comprehensive projects for dental care and services for children of preschool and school age. Any such project shall include such comprehensive corrective, followup and preventive services (including dental health education), and treatment as may be required under regulations of the Secretary.

"(b) Grants under this section shall not be utilized to provide or pay for dental care and services for children unless such children are determined (in accordance with regulations of the Secretary) to be (A) from low-income families, or (B) unable, for other reasons beyond their control, to obtain such care and services.

"(c) Grants under this section may be utilized for the conduct of research, demonstrations, or experimentation carried on with a view of developing new methods for (A) the prevention, diagnosis, or treatment of dental problems, (B) the payment of dental care and services, or (C) the utilization of dental health care personnel with various levels of training; except that not more than 10 per centum of any grant under this section shall be so utilized.

"(d) In making grants under this section, the Secretary shall accord priority to projects designed to provide dental care and preventive services for children of preschool age and school age children who are in the first five grades of school.

"GRANTS FOR WATER TREATMENT PROGRAMS

"SEC. 1102. (a) There are hereby authorized to be appropriated $2,000,000 for the fiscal year ending June 30, 1973; $3,000,000 for the fiscal year ending June 30, 1974; and $4,000,000 for the fiscal year ending June 30, 1975; which shall be used by the Secretary to make grants to States, political subdivisions of States, and other public or nonprofit private agencies, organizations, and institutions to assist them in initiating, in communities or in public elementary or secondary schools, water treatment programs designed to reduce the incidence of oral disease or dental defects among residents of such communities or the students in such schools (as the case may be).

"(b) Grants under this section may be utilized for (but are not limited to) the purchase and installation of water treatment equipment.

"(c) Grants under this section shall not exceed—

"(1) 80 per centum of the cost of the treatment program with respect to which such grant under this section is made in the case of any grant under section 1101; and

"(2) 66⅔ per centum of the cost of the treatment program with respect to which such grant is made in the case of any other grant.

"GRANTS TO TRAIN AUXILIARY DENTAL PERSONNEL

"SEC. 1103. There are hereby authorized to be appropriated $12,000,000 for the fiscal year ending June 30, 1973; $20,000,000 for the fiscal year ending June 30, 1974; and $25,000,000 for the fiscal year ending June 30, 1975; which shall be used by the Secretary to make grants to public and nonprofit private institutions to assist them in establishing and carrying out programs to educate and train persons for careers as auxiliary dental personnel with special emphasis on the education and training of veterans of the Armed Forces who have received experience and training in dental auxiliary functions.

"PROJECTS TO PROMOTE EFFECTIVE USE OF AUXILIARY DENTAL PERSONNEL

"SEC. 1104. (a) There are hereby authorized to be appropriated $6,000,000 for the fiscal year ending June 30, 1973; $10,000,000 for the fiscal year ending June 30, 1974; and $10,000,000 for the fiscal year ending June 30, 1975; which shall be used by the Secretary to make grants and enter into contracts (without regard to section 3648 of the Revised Statutes, 31 U.S.C. 539) under section (c) and to make grants to dental schools, and to other public or nonprofit private agencies, organizations, and institutions, and to enter into contracts (without regard to section 3648 of the Revised Statutes, 31 U.S.C. 529 with individuals, agencies, organizations, and institutions, for projects described in subsection (b),

"(b) Grants and contracts under this section may be made or entered into for projects for—

"(1) planning, establishing, demonstrating, or supporting programs to teach dental students and dentists the efficient and effective utilization of dental auxiliaries and the management and supervision of total dental health teams (including, but not limited to, teams consisting of various types of auxiliary dental personnel who are trained in carrying out expanded functions or procedures which do not require the knowledge and skill of the dentist), with special emphasis on the employment and utilization of veterans of the armed forces who have received experience and training in dental auxiliary functions;

"(2) demonstration and experimentation of ways to organize dental health services to achieve maximum effectiveness in the use of auxiliary dental personnel, which projects take into account such factors as patient acceptance, quality of care, and cost of services; and

"(3) planning, establishing, demonstrating, or supporting field training programs for dental students and auxiliary dental personnel in which dental care and preventive services are provided by such persons under professional supervision in areas characterized by low family incomes or shortage of and need for dental services.

"(c) The Secretary is authorized to utilize sums appropriated pursuant to subsection (a) to make grants to dental schools and to other public or nonprofit private agencies, organizations, and institutions, and to enter into contracts with individuals, agencies, organizations, and institutions for special projects related to investigation and demonstration of ways of providing incentives for developing or establishing dental facilities or services in areas or communities in a State determined by the appropriate State health authority in such State to have a shortage of and need for dentists.

"DENTAL ADVISORY COMMITTEE

"SEC. 1105. (a) The President shall appoint a Dental Advisory Committee consisting of seven members, four of whom shall be selected from the dental profession and three from the general public. Members shall be apponted from among persons who, by virtue of their training, experience, and background are exceptionally qualified to appraise the programs established by this title. The Secretary shall be an ex officio member of the Committee.

"(b)(1) Members shall be appointed for six-year terms, except that of the members first appointed three shall be appointed for two years, two shall be appointed for four years, and two shall be appointed for a term of six years as designated by the President at the time of appointment. The members shall select their own chairman.

"(2) Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall serve only for the remainder of such term. Members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office.

"(3) The Dental Advisory Committee shall advise the Secretary in regard to the reports required under section 1006, in regard to programs established under this title, and in regard to activities carried on by the Department of Health, Education, and Welfare related to dental health, dental manpower, or dental training and services, and shall serve as a reviewing body for grants made pursuant to this title, where such review is deemed necessary by the Secretary.

"(4) Members of the Dental Advisory Committee who are not officers or employees of the United States shall receive compensation at rates not to exceed the daily rate prescribed for GS-18 under section 5332, title 5, United States Code, for each day they are engaged in the actual performance of their duties, including traveltime, and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703, title 5, United States Code, for persons in Government service employed intermittently.

"(5) The Secretary shall make available to the Dental Advisory Committee such staff, information, and other assistance as it may require to carry out its activities.

"(6) The Secretary, after consultation with the Dental Advisory Committee, shall promulgate such rules and regulations as are necessary to carry out the purposes of this title.

"REPORT

"SEC. 1106. (a) The Secretary shall submit a report to the Congress not later than January 31 of each year on the progress of the implementation and administration of the programs established under this title.

"(b) The Secretary shall submit to the Congress a report containing his recommendations concerning the need and feasibility of a comprehensive national dental health program for children within ninety days before the end of the fiscal year ending June 30, 1975."

SEC. 3. Section 1902(a)(10) of title XIX of the Social Security Act is amended by adding at the end thereof the following: "and except that services described in paragraph (10) of section 1905(a) may be made available to individuals or groups of individuals under age eighteen without making available such services of the same amount, duration, and scope to individuals of any other ages;".

SEC. 4. (a) Section 1 of the Public Health Service Act is amended to read as follows:

"SECTION 1. Titles I to XI, inclusive, of this Act may be cited as the 'Public Health Service Act'."

(b) The Act of July 1, 1944 (58 Stat. 682), as amended, is further amended by renumbering title XI (as in effect prior to the enactment of this Act) as title XII, and by renumbering sections 1101 through 1114 (as in effect prior to the enactment of this Act), as sections 1201 through 1214, respectively.

SEC. 5. Section 602 of the Federal Food, Drug, and Cosmetic Act is amended by adding at the end thereof the following new subsection:

"(g)(1) If it is a dentifrice and (A) because of its nature, composition, or packaging it involves a potential risk to consumers including but not limited to its potential sensitizing, allergenic, or abrasive character or (B) because of any foreseeable handling, storage, or use by individuals it presents such a potential risk; then such dentifrice shall bear adequate cautionary labeling (such labeling shall be conspicuous and shall include first-aid information if appropriate). Whenever the Secretary finds any dentifrice or class of dentifrices to be subject to this subsection and in his judgment a declaration to that effect will reduce the potential risk to the consumer, he may by regulation declare such dentifrice or class thereof to be subject to such provision and may in such regulation specify the content of such cautionary information, the appropriate type size to be used for such warning, its placement on labels and may in pursuance of the objective of this subsection require the submission of the quantitative formula for such dentifrice or class thereof by the manufacturers of such dentifrice.

"(2) If it is a dentifrice and its labeling fails to bear cautionary information in the manner prescribed in clause (1) of this subsection.".

SEC. 6. Section 201 of the Federal Food, Drug, and Cosmetic Act is amended by adding at the end thereof the following new subsection:

"(y) The term 'dentifrice' means any cosmetic, drug, or other article recommended, suggested, or indicated for use by humans in the cure, mitigation, treatment, or prevention of diseases of the teeth or for cleansing or beautifying teeth.".

SEC. 7. Title V of the Lead-Based Paint Poisoning Prevention Act is amended by adding at the end thereof the following new section:

"AUTHORITY TO MAKE GRANTS TO STATE AGENCIES IN CERTAIN CASES

"SEC. 504. Notwithstanding any other provision of this Act, grants under sections 101 and 201 may be made to an agency of State government in any case where State government provides direct services to citizens in local communities or where units of general local government within the State are prevented by State law from implementing or receiving such grants or from expending such grants in accordance with their intended purpose; and in any case the term 'local' when used in section 101 or 201 with respect to any program shall be deemed to read 'State'."

By Mr. HARTKE:

S. 431. A bill to amend titles I, IV, X, XIV, and XVI of the Social Security Act to prevent recipients of assistance under programs established pursuant to such titles from having the amount of such assistance reduced because of increases in the monthly insurance benefits payable to them under title II of such act. Referred to the Committee on Finance.

Mr. HARTKE. Mr. President, today I introduce legislation which is part of the unfinished business of the 92d Congress. In essence, it provides that any increase in social security retirement benefits made after June 1, 1972, shall not be considered in determining a person's need for public assistance nor the amount of aid that person shall receive.

When this proposal is enacted into law, it will assure that increases in social security benefits provided by the Congress last year for the purpose of raising the standard of living of the Nation's elderly would in fact be available to them as increased monthly income. It would provide increased assistance to persons receiving Federal old-age assistance, aid and services to needy families with children, aid to the blind, and aid to the disabled.

Mr. President, since the enactment of the Social Security Act in 1935, Congress has acted many times to provide increases in social security benefits. These increases have been provided to assure that those who are retired, disabled, or dependents of deceased workers have enough money in their monthly checks to enable them to live better lives and clothe themselves in a proper manner.

After the passage of the 20 percent benefits increase last year, many older Americans were startled to find that they actually got no increase whatsoever. In fact, many lost their eligibility for other welfare programs—such as medicaid and public housing—thus actually suffering from the social security increase.

To understand the reason for this, one need only examine the relationship between the social security program and the old-age assistance program. When a person applies for aid under the latter program, a dollar amount based upon his total need is established—let us say $100 a month. Then available resources are ascertained—regular contributions from relatives, insurance, pensions, and other forms of fixed and regularly received income. Social security payments, whether received because of retirement or disability are classed as available resources with the exception of the first $15.50 of monthly social security income. Since public assistance is only intended as supplementary help—help provided in addition to available resources—social security payments are used to reduce the amount of public assistance grants.

Therefore, a person who has an established need of $100 a month according to public assistance standards, and who receives the minimum social security payment of $84.50 a month, $15.50 of which is ignored, will only receive a $31 public assistance grant. Increasing that person's social security benefits by 5, 10, or 20 percent will not provide one cent of benefit to that individual. Each increase in social security benefits will bring about a corresponding decrease in public assistance grants. The person intended by Congress to be benefited by the social security increase will not benefit at all.

The Hartke bill will correct this inequitable situation and assure that increases in social security payments provided by the Congress since last June will actually improve the living standards of elderly and disabled persons.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD at this point.

There being no objection, the bill was

ordered to be printed in the Record, as follows:

S. 431

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 2(a)(10)(A) of the Social Security Act is amended by inserting "(I)" immediately after "(i)", by striking out "(ii)" and inserting in lieu thereof "(II)", and by adding immediately before the semicolon at the end thereof the following: ", and (ii) the State agency may, prior to June 1, 1972, and on and after such date shall, in the case of any individual who for any month is entitled to a monthly insurance benefit under section 202 or 223, disregard any increase in such monthly insurance benefit which resulted from provisions of law enacted after June 1, 1972, providing increases in the schedule of benefits under either such section with respect to one or more categories or beneficiaries under title II, if for the month (or any portion thereof) in which the Act containing such provisions of law was enacted such individual was a recipient of old-age assistance under the State plan".

(b) Section 402(a)(7) of such Act is amended by striking out the word "and" at the end of clause (B) thereof, and by adding immediately before the semicolon at the end thereof the following: ", and (D) the State agency may, prior to January 1, 1973, and on and after such date shall, in the case of any individual who for any month is entitled to a monthly insurance benefit under section 202 or 223, disregard any increase in such monthly insurance benefit which resulted from provisions of law enacted after June 1, 1972, providing increases in the schedule of benefits under either such section with respect to one or more categories of beneficiaries under title II, if for the month (or any portion thereof) in which the Act containing such provision of law was enacted such individual was a recipient of aid to families with dependent children under the State plan".

(c) Section 1002(a)(8) of such Act is amended by striking out the word "and" at the end of clause (B) thereof, and by inserting immediately before the semicolon at the end thereof the following: ", and (D) the State agency may, prior to January 1, 1973, and on and after such date shall, in the case of any individual who for any month is entitled to a monthly insurance benefit under section 202 or 223, disregard any increase in such monthly insurance benefit which resulted from provisions of law enacted after June 1, 1972, providing increases in the schedule of benefits under either such section with respect to one or more categories of beneficiaries under title II, if for the month (or any portion thereof) in which the Act containing such provision of law was enacted such individual was a recipient of aid to the blind under the State plan".

(d) Section 1402(a)(8) of such Act is amended by striking out the word "and" at the end of clause (B) thereof and by inserting immediately before the semicolon at the end thereof the following: ", and (D) the State agency may, prior to January 1, 1973 and on and after such date shall, in the case of any individual who for any month is entitled to a monthly insurance benefit under section 202 or 223, disregard any increase in such monthly insurance benefit which resulted from provisions of law enacted after June 1, 1972, providing increases in the schedule of benefits under either such section with respect to one or more categories of beneficiaries under title II, if for the month (or any portion thereof) in which the Act containing such provision of law was enacted, such individual was a recipient of aid to the permanently and totally disabled under the State plan."

(e) Section 1602(a)(14) of such Act is amended by striking out the word "and" at the end of subparagraph (C) thereof, by striking out the semicolon at the end of subparagraph (D) thereof and inserting in lieu of such semicolon a comma followed by "and," and by adding at the end thereof the following new subparagraph.

"(E) the State agency may, prior to January 1, 1973, and on and after such date shall, in the case of any individual who for any month is entitled to a monthly insurance benefit under section 202 or 223, disregard any increase in such monthly insurance benefit which resulted from provisions of law enacted after June 1, 1972, providing increases in the schedule of benefits under either such section with respect to one or more categories of beneficiaries under title II, if for the month (or any portion thereof) in which the Act containing such provision of law was enacted, such individual was a recipient of aid to the aged, blind, or disabled under the State plan;".

Sec. 2. The amendments made by this Act shall be effective with respect to the calendar quarter (commencing January 1, April 1, July 1, or October 1) in which this Act is enacted and with respect to all subsequent calendar quarters.

By Mr. ROBERT C. BYRD (for Mr. Magnuson) (for himself, Mr. Hart, and Mr. Tunney) :

S. 433. A bill to assure that the public is provided with an adequate quantity of safe drinking water, and for other purposes. Referred to the Committee on Commerce.

Mr. ROBERT C. BYRD. Mr. President, on behalf of the distinguished senior Senator from Washington (Mr. Magnuson), I introduced a bill and I ask unanimous consent that a statement prepared by him in connection with the bill together with the bill itself be printed at this point in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR MAGNUSON

Mr. President, the need for abundant supplies of high quality drinking water is one of the most basic necessities of life. Without it, human life would be impossible to sustain.

Perhaps because of its importance, we seem to take drinking water for granted. If it comes out of the tap, we presume it to be harmless. Yet, the evidence is mounting that this assumption is not always valid.

In mid-1970, what is now the Division Water Supply Programs of the Environmental Protection Agency completed a comprehensive study of drinking water supply systems in this country. The results of that study should eliminate any over-confidence that might exist with respect to public water supply systems. The study revealed that approximately 8 million people in this country are served water that is potentially dangerous in that it fails to meet mandatory standards set by the Federal Government with respect to interstate carrier systems. In most cases, the deficient systems were smaller systems serving smaller communities.

Seventy-nine percent of the systems checked had no sanitary survey by regulatory official in the year preceeding the study, with only 64% having had a sanitary survey in the preceeding 3 years. Ninety percent failed to meet the biological surveillance criteria of the current drinking water standards for interstate carriers, with 85% failing to take the minimum number of samples over a given period of time.

In addition to evidence of improper operation, the number of disease outbreaks in the past is grim evidence that a great deal more needs to be done. For example, during the period from 1961 to 1970 there were at least 128 known outbreaks of disease or poisoning attributed to drinking water. Several of these outbreaks are indicative of the calamity that can occur when a drinking water system goes bad. In 1965 an epidemic struck 18,000 people in Riverside, California. In 1968, 30% of the residents of Angola, New York, contracted gastroenteritis due to a malfunction in that city's drinking water disinfectant system. In 1969, 60% of the Holy Cross football team contacted infectious hepatitis as the result of an improperly installed drinking water distribution system.

Without doubt, a good part of the problem is explainable by the low level of funding that the States are able to devote to drinking water programs. Whatever the causes, it has been impossible for the states to properly monitor and police the drinking water systems within their jurisdiction. The Environmental Protection Agency has estimated that the States should be spending approximately three times the money they now spend to do a proper job of administering state drinking water programs. And the outlook is not good. As new demands are being placed on State governments to devote resources to water pollution clean-up and other programs, there is increasing pressure to do so at the expense of drinking water programs. While water pollution cleanup is an obvious first order necessity, it is unfortunate that similar priorities have not been attached to State drinking water supply programs.

Briefly, the legislation contains the following features:

1. The Environmental Protection Agency would establish minimum Federal drinking water standards prescribing maximum limits for contaminants as well as standards for the operation and maintenance of drinking water systems. Surveillance, monitoring, site selection, and construction standards for public water supply systems would also be established to assure safe dependable drinking water.
2. EPA would recommend standards to assure esthetically pleasing drinking water.
3. The States would be primarily responsible for enforcing the standards with Federal enforcement only if the States fail to act or in cases of imminent hazard.
4. A National Drinking Water Council would be established to advise EPA on scientific and engineering matters.
5. EPA would conduct and promote research, technical assistance, and training of personnel for water supply occupations.
6. EPA would conduct a rural water survey within 2 years of enactment with recommendations to Congress for further action.
7. A grant program would be established for special study and demonstration projects with respect to new water supply technology.
8. As a primary deficiency in drinking water programs is a lack of funding on the part of the States, a program of grants would be established to defray the costs of operating State programs.
9. Finally, the legislation contains a citizen suit provision which authorizes injunctive suits against violators of primary drinking water standards and against the Administrator for failing to perform mandatory duties.

The legislation is identical to the bill that passed the Senate in the waning days of the 92nd Congress. Similar legislation was pending in the House of Representatives at the time of adjournment. As most of the basic groundwork has been laid for this legislation, I would hope that the Congress could proceed quickly to deal with what I feel is one of the more important consumer and environmental issues of the day.

S. 433

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Safe Drinking Water Act of 1973".

DECLARATION OF POLICY

SEC. 2. (a) The Congress finds—

(1) that increasing quantities and types of chemicals, bacteria, viruses, toxic metals, and other contaminants are entering the public water systems that serve as sources which supply the Nation with water for drinking many of which are either not detected or removed by established water testing and treatment methods and which are consumed by or come in contact with the public, thereby presenting hazards or potential hazards to the public health;

(2) that the public should be provided with adequate quantities of water that is safe for drinking and other human uses;

(3) that the sale and shipment of contaminents of drinking water or products made through the use or production of such contaminants through interstate commerce present a danger to the public from consuming water containing such contaminants;

(4) that the Federal Government has the responsibility of establishing minimum national drinking water standards for all public water systems and to encourage State and local governments to establish equivalent or more stringent standards; and

(5) that State and local governments are in need of Federal assistance in assuring the quality of water required for drinking and other human uses, and to that end the Federal Government should supply technical assistance, research and development information, monitoring, and testing information, assistance for the planning and implementation of comprehensive State drinking water programs, assistance for the development and demonstration of new or improved methods of making water safe for drinking, and assistance for the training of individuals involved in the management and safe operation of our Nation's public water supply systems.

DEFINITIONS

SEC. 3. As used in this Act—

(1) The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) The term "Agency" means the Environmental Protection Agency.

(3) The term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

(4) The term "municipality" means a city, town, borough, county, parish, district, or other public body created by or pursuant to State law and having jurisdiction over the supply of water to the public, and an Indian tribe or an authorized Indian tribal organization.

(5) The term "person" includes a State or political subdivision thereof, municipality, corporation, partnership, association, private or public nonprofit institution, or an individual.

(6) The term "public water system" means—

(A) any system which provides drinking water, including bottled drinking water, (i) to ten or more premises not owned or controlled by the supplier of water or (ii) to forty or more individuals receiving such drinking water from a system not serving travelers in interstate commerce;

(B) any system which provides drinking water to carriers serving travelers in interstate commerce;

(C) any system which provides drinking water to facilities or establishments serving travelers in interstate commerce, except that the Administrator may by regulation exempt any such system or class of such systems if he determines that such exemption will not result in any unreasonable threat to public health; and

(D) any other system or class of systems which provides drinking water if the Administrator determines by regulation that such system or class of systems may pose an unreasonable threat to public health.

(7) The term "supplier of water" means any person who controls, owns or operates a public water system.

(8) The term "Council" means the National Drinking Water Council, established under section 7 of this Act.

(9) The term "contaminant" means any physical, chemical, biological, radiological, or other substance or matter which may cause or transmit infectious disease, chemical poisoning, chronic disease, or other impairment to man, or which may have any other deleterious effect on the public health.

(10) The term "bottled drinking water" means water for human consumption sold in a closed container.

NATIONAL DRINKING WATER STANDARDS

SEC. 4. (a) The Administrator shall, after consultation with the Secretary of Health, Education, and Welfare, (A) issue initial proposed regulations prescribing national primary drinking water standards within one hundred and eighty days after the date of enactment of this Act and (B) issue initial proposed regulations prescribing national secondary drinking water standards within one hundred and eighty days after the date of such enactment. The Administrator shall specify in such proposed regulations the date on which such regulations shall take effect, which shall be as soon as is practicable.

(b)(1) National primary drinking water standards, as described under subsection (a) of this section, shall be drinking water standards and programs, the attainment and maintenance of which, are requisite to reasonably protect the public health, except that the Administration shall not prescribe the addition of any substance other than for the purpose of treating contaminants. Such standards—

(A) shall prescribe the maximum permissible levels for any contaminants which may exist in any public water system in the United States which may cause or transmit disease, chemical poisoning, or other impairments to man, allowing adequate margins of safety;

(B) may apply to any feature of the water supply system including, but not limited to, the treatment, storage, and distribution facilities;

(C) shall include requirements for the adequate operation, maintenance, surveillance, and monitoring of water quality adequate to assure a dependable supply of drinking water which meets the requirements of subparagraph (A); and

(D) shall include requirements for construction and site selection of public water system facilities to protect such facilities from floods and other natural disasters.

(2) National secondary drinking water standards, as described under subsection (a) of this section, shall specify the level of quality of drinking water the attainment and maintenance of which is requisite to reasonably assure aesthetically adequate drinking water. Such standards may apply to any constituent of drinking water (A) which may affect the taste, odor, or appearance of such water, or (B) which may otherwise be necessary to assure aesthetically adequate drinking water.

(3) In establishing or revising standards under this section, the Administrator shall take into consideration the views and recommendations of the Council established pursuant to section 7 of this Act.

(c) The Administrator shall publish simultaneously with the issuance of any proposed national primary or national secondary drinking water standard under this section—

(1) Such criteria and information as, in his judgment, are necessary to accurately reflect the nature and extent of all identifiable effects on public health or welfare which may be expected from the presence of the contaminant which is the object of such proposed drinking water standards.

(2) Information and data on drinking water treatment methods and technology for the control of the contaminant which is the object of such proposed drinking water standard. Such information and data shall apply to each feature of the water supply system at which control of the contaminant may be exercised including, but not limited to, treatment, storage, and distribution facilities and the adequate construction, maintenance, and operation thereof. Such information and data shall include the costs of such treatment and the effectiveness of such treatment in controlling such contaminant.

(d) The Administrator shall, at least every three years, review the adequacy of any national primary or secondary drinking water standard under subsection (a) of this section and the criteria, information, and data published under subsection (c) of this section. The Administrator shall publish his findings in the Federal Register.

ENFORCEMENT OF STANDARDS

SEC. 5. (a) For the purposes of this Act, a State will be considered to have primary enforcement responsibility during any period for which the Administrator has approved a plan in accordance with section 11(d) of this Act and such plan is not being unreasonably deviated from to any significant extent by such State. If any such State has primary enforcement responsibility, the Administrator shall monitor the activities of such State only to the extent necessary to determine if such plan is being unreasonably deviated from to any significant extent. To the maximum extent practicable, any such monitoring shall not duplicate the activities of such State.

(b)(1) Whenever, on the basis of information available to him, the Administrator finds during a period in which a State has primary enforcement responsibility under subsection (a) of this section that any public water system in such State does not comply with any national primary drinking water standard he shall so notify the State in which such water system is operating. If the Administrator finds that such failure to comply with such standard extends beyond the thirtieth day after such notification he shall give public notice of such failure to comply with such standard and the extent of the dangers posed and shall, if appropriate remedial action has not been taken to prevent any unreasonable endangerment to public health, (i) commence an action under section 16 of this Act, or request the Attorney General to do so, or (ii) issue an order in accordance with subsection (d) of this section.

(2) Whenever, on the basis of information available to him, the Administrator finds during a period in which a State does not have primary enforcement responsibility under subsection (a) of this section, that a public water system in such State does not comply with any national primary drinking water standard he shall give public notice of such finding and the extent of the dangers posed, and shall, if appropriate remedial action will not be taken to prevent any unreasonable endangerment to public health, (i) commence an action under section 16 of this Act, or request the Attorney General to do so, or (ii) issue an order in accordance with subsection (d) of this section.

(c) Whenever, on the basis of information available to him, the Administrator finds that any public water system in a State does not comply with any national secondary drinking water standards, he shall notify such State and request such State to take appropriate remedial action. If, after a reasonable time following such notification, the Administrator finds that such State has not taken remedial action, he shall give public notification of such finding in a manner suitable to inform users of such public water system of such violation.

(d) (1) Any order issued under subsection (b) of this section shall specify such relief as may be appropriate to prevent any unreasonable endangerment to public health. Such relief may include an order requiring the person responsible for the violation which results in the order to cease such violation, to notify customers of such violation in accordance with section 11(d)(8) of this Act, or to furnish emergency supplies of drinking water.

(2) Any order under this subsection shall be issued only after notice and opportunity for a hearing in accordance with section 554 of title 5, United States Code.

IMMINENT HAZARDS

SEC. 6. (a) An imminent hazard shall be considered to exist when there is reason to believe that a constituent of the drinking water of a public water system will result in a serious risk to health prior to the conclusion of an administrative hearing or other formal proceeding held pursuant to this Act and that a State or local authority or the supplier of water has not acted to eliminate such risk.

(b) If an imminent hazard exists, the Administrator may petition an appropriate district court of the United States, or he may request the Attorney General to do so, to order such action as is necessary to eliminate the imminent hazard. The Administrator shall simultaneously, if he has not previously done so, propose any regulation which might be necessary under section 4 of this Act, or he may commence an action under section 16 of this Act.

NATIONAL DRINKING WATER COUNCIL

SEC. 7. (a) There shall be established in the Environmental Protection Agency a National Drinking Water Council consisting of fifteen scientifically qualified members. The Administrator shall appoint members of the board from a list of individuals recommended to him by the National Academy of Sciences or from such other sources as he deems advisable. Such Council shall include qualified scientists none of which shall have any economic interest in the supply of drinking water and not more than one-third of which shall have any responsibility for the regulation of drinking water. Each member of such Council shall hold office for a term of three years, except that—

(1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term;

(2) the terms of the members first taking office shall expire as follows—(i) five shall expire three years after the date of enactment of this Act, (ii) five shall expire two years after such date, and (iii) five shall expire one year after such date, as designated by the Administrator at the time of appointment; and

(3) the members of such Council shall be eligible for reappointment.

(b) The National Academy of Sciences shall maintain a list of qualified scientists to assist the Administrator in appointing members to such Council.

(c) Such Council shall advise, consult with, and make recommendations to the Administrator on matters relating to the scientific review of data, including engineering data, relating to the activities of the Agency under this Act. Such Council shall, upon the request of the Administrator, review any proposed action of the Administrator and shall report its views and reasons therefor in writing to the Administrator within a reasonable time, as specified by the Administrator. All proceedings and deliberations of such Council and their reports and reasons therefor shall be public record. The report of the Council and any dissenting views shall be considered as part of the record in any proceeding taken with respect to the Administrator's action.

(c) The Administrator is authorized to reimburse the National Academy of Sciences for expenses incurred in carrying out this section.

(d) Members of such Council who are not regular full-time employees of the United States shall, while serving on business of the Council, be entitled to compensation at rates fixed by the Administrator, but not exceeding the daily rate applicable at the time of such service to grade GS—18 of the Classified Civil Service, including traveltime; and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence as authorized by section 5701 of title 5, United States Code, for persons in the Government service employed intermittently.

RESEARCH, TECHNICAL ASSISTANCE, INFORMATION, TRAINING OF PERSONNEL

SEC. 8. (a) The Administrator shall conduct and promote the coordination of research, studies, and investigations and render financial, technical, and other assistance to appropriate public agencies, institutions, water supply utilities, and individuals in the conduct of research, studies, and investigations relating to the causes, diagnosis, treatment, control, and prevention of diseases and impairments of man resulting directly or indirectly from contaminants in drinking water, or to the provision of an adequate quality and quantity of safe drinking water. Such research, studies, or investigations may include, but shall not be limited to, the development of—

(1) new and improved methods to identify and measure the existence of contaminants in drinking water and to identify the source of such contaminants;

(2) new and improved methods to identify and measure the health effects of contaminants in drinking water;

(3) new and improved methods of treating water to prepare it for drinking, to improve the efficiency of water treatment and to remove contaminants from the water; and

(4) new and improved methods for providing adequate quantities of safe water for drinking to the public, including improvements in water purification and distribution, and methods of assessing the health related hazards of other characteristics of drinking water supplies.

(b) In carrying out this Act, the Administrator is authorized to—

(1) collect and make available information pertaining to research and investigations, with respect to providing adequate quality and quantity of safe drinking water together with appropriate recommendations in connection therewith;

(2) make available research facilities of the Agency to appropriate public agencies, institutions, water supply utilities, and individuals engaged in studies and research relating to water supply; and

(3) make grants to, and contracts with, any State or other public agency, educational institution, water supply utility, any other organization, and individuals in accordance with procedures prescribed by the Administrator, under which he may pay all or a part of the costs (as may be determined by the Administrator) of any project or activity which is designed—

(A) to develop, expand, or carry out a program (which may combine training, education, and employment) for training persons for occupations involving the management and safe operation aspects of providing safe drinking water; and

(B) to train instructors and supervisory personnel to train or supervise persons in occupations involving the management and safe operation aspects of providing safe drinking water.

(c) There is hereby authorized to be appropriated to carry out the provisions of this section $14,000,000 for the fiscal year ending June 30, 1974; $23,000,000 for the fiscal year ending June 30, 1975; and $31,000,000 for the fiscal year ending June 30, 1976. Sums appropriated pursuant to this section shall remain available for obligation through the close of the following fiscal year.

RURAL WATER SURVEY

SEC. 9. (a) The Administrator shall (after consultation with the Secretary of Agriculture and the several States) enter into arrangements with public or private entities as may be appropriate to conduct a survey of the quantity, quality, and availability or rural drinking water supplies. Such survey shall include, but not be limited to, the consideration of the number of residents in each rural area—

(1) presently being inadequately served by a public or private drinking water supply system, or by an individual home drinking water supply system;

(2) presently having inadequate access to or no access to drinking water; and

(3) who, due to the absence of inadequacy of a drinking water supply system, are exposed to an increased health hazard.

(b) Such survey shall be completed within two years of the date of enactment of this Act and a final report thereon submitted, not later than six months after the completion of such survey, to the President for transmittal to the Congress. Such report shall include recommendations for improving rural water supplies.

(c) There is hereby authorized to be appropriated to carry out the provisions of this section $1,000,000 for the fiscal year ending June 30, 1974; $2,000,000 for the fiscal year ending June 30, 1975; and $1,000,000 for the fiscal year ending June 30, 1976.

SPECIAL STUDY AND DEMONSTRATION PROJECT GRANTS

SEC. 10. (a) The Administrator is authorized to make grants to appropriate public and private agencies, institutions, water supply utilities, and individuals for the purposes of—

(1) assisting in the development and demonstration of any project which will demonstrate a new or improved method, approach, or technology for providing a safe supply of drinking water to the public in both urban and rural areas of the Nation; and

(2) assisting in the development and demonstration of any project which will investigate and demonstrate the health implications involved in the reclamation, recycling, and reuse of waste waters for drinking and related uses or which will demonstrate processes and methods for the safe and esthetic preparation of such waters.

(b) Grants made by the Administrator under this section shall not—

(1) exceed 66⅔ per centum of the total cost of construction of any facility and 75 per centum of any other costs, as determined by the Administrator;

(2) be made for any project involving the construction or modification of any facility in any public water system in a State unless such project has been approved by the State agency charged with the responsibility for safety of drinking water; and

(3) be made for any project unless the Administrator determines, after consulting the Council, that such project will serve a useful purpose relating to the development and demonstration of new or improved tech-

niques, methods, or technologies for the provision of safe water to the public for drinking or other useful purposes.

(c) Nothing in this section shall affect the authority of the Administrator to make grants for Alaska village safe water and pollution elimination or control demonstration projects under section 113 of the Federal Water Pollution Control Act (86 Stat. 832).

(d) For the purposes of this section there is hereby authorized to be appropriated $2,000,000 for the fiscal year ending June 30, 1974; $5,000,000 for the fiscal year ending June 30, 1975; and $10,000,000 for the fiscal year ending June 30, 1976.

STATE DRINKING WATER SUPPLY PROGRAM GRANTS

SEC. 11. (a) There is hereby authorized to be appropriated $8,000,000 for the fiscal year ending June 30, 1974; $15,000,000 for the fiscal year ending June 30, 1975; and $21,300,000 for the fiscal year ending June 30, 1976 for grants to the States to assist them in establishing and maintaining adequate programs to assure the safety of public drinking water under this section.

(b) From the sums available pursuant to subsection (a) for any fiscal year the Administrator shall from time to time make payments to the several States, in accordance with regulations, on the basis of (1) the population, (2) the financial needs, and (3) the extent of the actual or potential water supply problem, except that any such payment shall not be greater than an amount equal to two-thirds of the cost of any such State program.

(c) The Administrator shall pay to each State an amount equal to its allotment under subsection (b) for the purposes of defraying the cost of carrying out its State plan approved under subsection (d) of this section, including the cost of training personnel for State and local public water supply work and the cost of administering the State plan. Such payments shall not be made if such plan has not been approved by the Administrator.

(d) The Administrator shall approve any plan for establishing and maintaining a program to assure the safety of public drinking water which is submitted by the State, if such plan—

(1) provides for the formal adoption by the State of drinking water standards which are no less stringent than the national primary drinking water standards prescribed under section 4 of this Act;

(2) provides for the adoption by the State of appropriate regulations and procedures for the implementation and enforcement of such State standards;

(3) provides for administration or for the supervision of administration of the plan by the State agency charged with the responsibility for the safety of drinking water;

(4) sets forth the plans, policies, and procedures to be followed in carrying out the State plan;

(5) provides for such accounting, budgeting, and other fiscal methods and procedures as are necessary for the proper and efficient administration of the plan;

(6) provides that the appropriate State agency will make annual reports, or such more frequent reports as the Administrator may reasonably require, in such form and containing such information as he may require;

(7) provides for the establishment of an emergency plan of action for each public water system within the State for use in case of an emergency affecting the safety of the treated drinking water or the effective operation of the treatment facility, including provision for emergency reserves or alternate sources of water suitable for drinking and culinary purposes; and

(8) provides for the implementation of a standards violation notification procedure, whereby any supplier of water found to be in violation of any Federal or State drinking water standard will be required to so notify its customers, in transmitting water bills or through other appropriate means, of the nature and extent and possible health effects of such violation and the remedial measures which will be taken to correct the problem.

(e) If a State plan has been approved, and the Administrator subsequently finds that such plan is being unreasonably deviated from to any significant extent, the Administrator is authorized to terminate any further payments under this section to such State.

(f) Any approval or disapproval of a State plan under subsection (d) of this section, or termination of payments under subsection (e) of this section, shall be in accordance with and subject to the procedures and judicial review provisions of section 12 of this Act.

(g) For the purposes of determining whether any State plan approved under subsection (d) of this section is being unreasonably deviated from to any significant extent, the Administrator shall cause to be made, at least once every three years, a complete audit of such State's water supply programs.

REGULATIONS, PROCEDURE, AND JUDICIAL REVIEW

SEC. 12. (a) At his own initiative, or upon the petition of any person, the Administrator is authorized to issue regulations to carry out the purposes of this Act and to amend or rescind such regulations at any time.

(b) The Administrator shall publish any regulations proposed under this Act, or proposals to amend or rescind such regulations, and his justification therefor in the Federal Register at least sixty days prior to the time when such regulations shall become final. The Administrator shall also publish in the Federal Register a notice of all petitions received under subsection (a) and, if such petition is denied, his reasons therefor. Such notice shall identify the purpose of the petition and include a statement of the availability of any data submitted in support of such petition. If any person adversely affected by a proposed regulation files objections and requests a public hearing within forty-five days of the date of publication of the proposed regulation, the Administrator shall grant such request. If such public hearing is held, final regulations shall not be promulgated by the Administrator until after the conclusion of such hearing. All public hearings authorized by this subsection shall consist of the oral and written presentation of data, views, or arguments in accordance with such conditions or limitations as the Administrator may make applicable thereto.

(c) Proposed and final regulations issued under this Act shall set forth findings of fact on which the regulations are based and the relationship of such findings to the regulations issued.

(d) Any judicial review of final regulations promulgated under this Act shall be in accordance with section 701–706 of title 5, United States Code, except that, with respect to relief pending review, no stay of an Agency action may be granted unless the reviewing court determines that the party seeking such stay (a) is likely to prevail on the merits in the review proceeding and (b) will suffer irreparable harm pending such proceeding.

(e) Except as expressly modified by the provisions of this section, the provisions of the Administrative Procedures Act (5 U.S.C. 551 et seq.) Chapter 5, of title 5 of the United States Code, shall apply to proceedings conducted by the Administrator under this Act.

(f) If the party seeking judicial review applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court either (1) that the information is material and was not available at the time of the proceeding before the Administrator or (2) that failure to include such evidence in the proceeding was an arbitrary or capricious act of the Administrator, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Administrator, and to be adduced upon the hearing, in such manner and upon such terms and conditions as the court may deem proper. The Administrator may modify his findings as to the facts, or make new findings, by reason of the additional evidence so taken, and he shall file with the court such modified or new findings, and his recommendation, if any, for the modification or setting aside of his original order, with the return of such additional evidence.

RECORDS

SEC. 13. (a) Every supplier of water who is subject to a standard prescribed under section 4 or grantee shall establish and maintain such records, make such reports, and provide such information as the Administrator shall reasonably require to assist him in establishing standard and regulations under this Act and in determining whether such person has acted or is acting in compliance with this Act. Suppliers of water and others subject to State enforcement under section 4(c) of this Act shall submit such reports and make available such records and information to the appropriate State agency for inclusion in State reports required under section 11(d)(6) of this Act.

(b) Any officer or employee duly designated by the Administrator, upon presenting appropriate credentials and a written notice of inspection authority to any supplier of water subject to a standard prescribed under section 4 of this Act or any grantee (or person in charge of any of its property), is authorized to enter any establishment or facility or other property of such person in order to determine whether such supplier or grantee has acted or is acting in compliance with this Act, including for this purpose, inspection, at reasonable times, of records, files, papers, processes, controls, and facilities, or in order to test any feature of a public water system, including its raw water source. Each inspection shall be commenced and completed with reasonable promptness and the supplier or grantee notified of the results of such inspection.

(c) For purposes of this section, the term "grantee" means any person who receives financial assistance under this Act.

STATE REGULATIONS

SEC. 14. Nothing in this Act shall affect the authority of any State or local government to establish drinking water standards or to make other requirements for purposes similar to those contained in this Act, except that any such standards or requirements shall not be less stringent than the requirements of this Act or regulations thereunder.

PROHIBITED ACTS

SEC. 15. The following acts and the causing thereof are prohibited:

(1) The failure to comply with any final regulation issued by the Administrator pursuant to this Act, except that noncompliance with a national secondary drinking water standard under section 4(b) of this Act is not prohibited;

(2) The failure or refusal to establish and maintain records, make reports, and provide information as required under section 13(a) of this Act;

(3) The refusal to allow entry and inspection of establishments, facilities, or other property pursuant to section 13(b) of this Act; or

(4) The failure of any person to comply

with any order issued under section 5(d) of this Act.

PENALTIES AND REMEDIES

SEC. 16. (a) Any person willfully violating section 15 of this Act shall on conviction be fined not more than $15,000 for each day of violation or imprisoned for not more than one year, or both.

(b)(1) Any person not willfully violating section 15 of this Act shall be liable to the United States for a civil penalty of a sum which is not more than $10,000 for each day of violation, to be assessed by the Administrator after notice and opportunity for an adjudicative hearing conducted in accordance with section 554 of title 5, United States Code, and after he has considered the nature, circumstances, and extent of such violation, the practicability of compliance with the provisions violated, and any good-faith efforts to comply with such provisions.

(2) Upon failure of the offending party to pay the civil penalty, the Administrator may commence an action in an appropriate district court of the United States for such relief as may be appropriate or request the Attorney General to commence such an action.

(c) The Attorney General or the Administrator may bring an action in the appropriate district court of the United States for equitable relief to redress a violation by any person of any provision of section 15 of this Act, and the district courts of the United States shall have jurisdiction to grant such relief as the equities of the case may require.

CITIZEN CIVIL ACTION

SEC. 17. (a) Except as provided in subsection (b) of this section, any person may commence a civil action for injunctive relief on his own behalf, whenever such action constitutes a case or controversy—

(1) against any person (including (i) the United States, and (ii) any other governmental instrumentality or agency to the extent permitted by the eleventh amendment to the Constitution) who is alleged to be in violation of any national primary drinking water standard promulgated under section 4 of this Act, or

(2) against the Administrator where there is alleged a failure of the Administrator to perform any act or duty under this Act which is not discretionary with the Administrator. Any action brought against the Administrator under this paragraph shall be brought in the District Court of the District of Columbia.

The district courts shall have jurisdiction over suits brought under this section, without regard to the amount in controversy or the citizenship of the parties.

(b) No civil action may be commenced—

(1) under subsection (a)(1) of this section—

(A) prior to sixty days after the plaintiff has given notice of the violation (i) to the Administrator, (ii) to any alleged violator of such standard and (iii) to the State in which the violation occurs,

(B) if the Administrator, the Attorney General, or the State has commenced and is diligently prosecuting a civil action in a court of the United States to require compliance with such standard, but in any such action any person may intervene as a matter of right.

(2) under subsection (a)(2) of this section prior to sixty days after the plaintiff has given notice of such action to the Administrator. Notice under this subsection shall be given in such manner as the Administrator shall prescribe by regulation.

(c) In any action under this section, the Administrator or the Attorney General, if not a party, may intervene as a matter of right.

(d) The court, in issuing any final order in any action brought pursuant to subsection (a) of this section, may award costs of litigation (including reasonable attorney and expert witness fees) to any party whenever the court determines such an award is appropriate.

(e) Nothing in this section shall restrict any right which any person (or class of persons) may have under any statute or common law to seek enforcement of any national primary drinking water standard or to seek any other relief.

CONFIDENTIALITY

SEC. 18. (a) Copies of (1) any communications, documents, reports, or other information received or sent by the Administrator or (2) the results of any drinking water quality analyses or other information pertaining to drinking water quality possessed by the Administrator shall be made available to the public upon identifiable request, and at reasonable cost unless such information may not be publicly released under the terms of subsection (b) of this section.

(b)(1) The Administrator or any officer or employee of the Agency or the Council established under section 7 of this Act shall not disclose any information which concerns or relates to a trade secret referred to in section 1905 of title 18, United States Code, except that such information may be disclosed by the Administrator—

(A) to other Federal government departments, agencies, and officials for official use, upon request, and with reasonable need for such information;

(B) to committees of Congress having jurisdiction over the subject matter to which the information relates;

(C) in any judicial proceeding under a court order formulated to preserve the confidentiality of such information without impairing the proceeding;

(D) if relevant in any proceeding under this Act, except that such disclosure shall preserve the confidentiality to the extent possible without impairing the proceeding; and

(E) to the public in order to protect their health, after notice and opportunity for comment in writing or for discussion in closed session within fifteen days by the person to which the information appertains (if the delay resulting from such notice and opportunity for comment would not be detrimental to the public health).

In no event shall the names or other means of identification of injured persons be made public without their express written consent.

(2) Nothing contained in this section shall be deemed to require the release of any information described by subsection (b) of section 552, title 5, United States Code, or which is otherwise protected by law from disclosure to the public.

(c) Any communication from a person to the Administrator or any other employee of the Environmental Protection Agency concerning a matter presently under consideration in a rulemaking or adjudicative proceeding in the Environmental Protection Agency shall be made a part of the public file of that proceeding unless it is communication entitled to protection under subsection (b) of this section.

FEDERAL FACILITIES

SEC. 19. (a) Except as provided for in subsection (b) of this section, each Federal department or agency having jurisdiction over any building, installation, or other property, which is or will be served by a federally owned or maintained public water system, shall comply with all national primary drinking water standards prescribed under section 4 of this Act and shall, to the maximum extent practicable, comply with any national secondary drinking water standard prescribed under such section.

(b) The Administrator may waive compliance with the requirements of subsection (a) of this section, in whole or in part, upon receiving information from the Secretary of Defense or from the Secretary of the Department in which the United States Coast Guard is operating that such waiver is in the interest of national security. Upon the issuance of such a waiver, the Administrator shall publish in the Federal Register a notice that the waiver was granted for good cause shown by the Secretary of Defense or by the Secretary of the Department in which the United States Coast Guard is operating, in the interest of national security, unless the Administrator has been requested by the applicable Secretary to omit such *publication* because it would be contrary to the interests of national security.

RELATIONSHIP TO OTHER LAWS

SEC. 20. The authority of the Secretary of Health, Education, and Welfare to regulate bottled drinking water under the Federal, Food, Drug, and Cosmetic Act (21 U.S.C. 321, et seq.) shall be repealed on the effective date of initial national primary drinking water standards pertaining to bottled drinking water under section 4 of this Act.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 21. In addition to the authorizations contained in sections 8, 9, 10, and 11, there are hereby authorized to be appropriated such sums as may be necessary, but not to exceed $8,000,000, $11,000,000 and $13,000,000 for the fiscal years ending on June 30, 1974, June 30, 1975, and June 30, 1976, respectively, for the purposes and administration of the Act.

By Mr. HARTKE:

S. 436. A bill to provide for the coverage under medicare of dental care, eye care, dentures, eyeglasses, and hearing aids. Referred to the Committee on Finance.

Mr. HARTKE. Mr. President, I am introducing today a bill which would bring under the supplementary medical insurance program for the aged, the areas of eye, hearing, and dental care. It will include the provision of eyeglasses, hearing aids, and dentures where they are needed, as well as the necessary attendant examinations and treatment of other conditions related to these.

Under the supplementary medical insurance program for the aged, popularly known as part B of medicare, individuals are enrolled for monthly premiums. Benefits provided cover, in the language of the law, "medical and other health services." These are defined explicitly under section 1861(s), and they include among other things the services of physicians, X-ray and laboratory tests, rental of wheelchairs and hospital beds, and so on.

But there are also some important exclusions to the items for which the separate trust fund for this program—the "Federal Supplementary Medical Insurance Trust Fund," to use the full name—will pay. Under "exclusions" are listed specifically three areas of health care of very considerable importance to the elderly. Indeed, these three areas of affliction are all, by testimony of the Public Health Service, more common in those over 65 than in any other age group. These are the areas of eye, hearing, and dental care. Yet, *although* their incidence is more frequent in the elderly, the elderly receive in proportion to these problems, less care than other groups. The reason is plain—and it is the same reason which was pervasive when we adopted the part B program. That is simply that the costs are beyond the means of millions of those who are social security beneficiaries.

Let us look for a moment at the latest available statistics on the needs which my bill would care for. Among those in the age range 25 to 44 the mean number of filled teeth is highest—averaging about eight per person. But for those over 65—and under 80—that average drops to about five. At the same time, the number of missing teeth increases from about eight to 19. These figures apply, of course, only to those in all ages who retain some of their own teeth.

A survey of dental visits conducted during a 1-year period of 1963–64, shows that persons 25 to 44 go to the dentist more than twice as often as those over 65, even though it is apparent that the need is greater in the elderly. Part of the reason for less frequent visits, however, *is that* the elderly are most often those who have lost all their teeth—the survey estimates that 60 percent of those over 65 are in that category of the "edentulous." Many of these, and I am sure we all know some of them, are entirely without dentures and, because they can manage only soft foods, their general health is often impaired to some extent. Many others have a need for denture repairs or replacement of badly fitting dentures, but because of their income limitations, go without seeing a dentist for these corrections.

That this is true is shown not only by the reduced number of dental visits among the elderly, but also by the much lower number of dental visits by those with low incomes. For persons with family incomes of $7,000 per year the incidence of visits to the dentist is more than twice that of persons with family incomes below $4,000. There is no need, in view of the common knowledge we have acquired in recent years as to the income status of the elderly, to cite statistics on that score; it is well known that the largest low-income group in the Nation is composed of the elderly, many of whom try to exist on nothing more than their social security income.

One more survey in the dental series deals with periodontal disease, which is the commonest cause of tooth loss when left unattended. Let me quote from the report, which discusses the proportion of the population with periodontal disease or gingivitis which affects the gums and ultimately destroys the teeth.

> Although at ages 19–24 years, for example, 70.9 percent of men and 63.2 percent of women already had either gingivitis or destructive disease, by ages 75–79 years the group with disease *included* as many 93.7 percent of men and 80.1 percent of women.
>
> The increase in severity with age was even more striking, with destructive disease far more likely to be encountered in older persons than in younger ones. Among both men and women 18–24 years of age who had periodontal disease, only about 15 percent had periodontitis. By ages 75–79, however, the percentage with obvious pocket formation had risen to 64.0 and 60.4 respectively.

These figures, it might be noted, apply only to those who still have some remaining teeth, not to those who have current dentures or denture needs.

A second area of need covered by my bill is that of eye care. Again, the basic facts are the same: it is the elderly who are in the greatest need because they have the greatest sight impairment, but because of their limited income, they are far more likely to live with their disability rather than have it properly cared for to make their latter years as enjoyable as they might be. Again, data from the National Health Survey of 1963–65 reveals the facts.

Here the survey is quite specific:

> About 56 percent of all cases of visual impairments were among persons with a family income of less than $4,000. The high prevalence of visual defects among persons in the lower income groups was influenced by the older age composition of these population groups.

An accompanying chart shows that at the time of the survey 24.4 percent of those over 65 had incomes below $3,000 and another 12 percent were under $4,000. At the same time, the over-65-age group comprised nearly half—46.4 percent—of all those with visual impairment. I quote again:

> The number of visually impaired persons per 1,000 population increased sharply with age. From a rate of 0.6 among young people under 25, the rate of severe visual impairments increased to 97.5 among persons 75 years and older. The corresponding rate for other visual impairments were from 6.9 to 77.4 and 131.3.

As may be judged from this wording, the study makes a distinction between "severe visual impairments" and "other visual impairments." The "severe" impairments mean that glasses will not give sufficient help to allow reading of ordinary newspaper print. In this group, more than 55 percent of those affected over 65 years of age have some degree of limitation of their activities as a result. In the Nation as a whole, there are an estimated 1,342,000 with the "severe" impairment, an average rate of 6.6 per 1,000 of the population; but as the citation shows, this jumps to 23.6 per thousand in the 65 to 74 age bracket and nearly 1 in 10 are among those over 75.

The leading cause of severe impairment among the elderly is the presence of cataracts, which is more than three times as frequent as in those under 65. In fact—and this figure may be surprising—nearly 40 percent of all visual impairments among those over 65 are due to cataracts. This, of course, is a condition which can be relieved by surgery at the proper stage, and such surgery is covered under the law as in any other surgery.

But—and this is an important part of the problem—it is obvious that a cataract must be diagnosed before it can be treated by surgery or otherwise. And at this point, the law leaves the expense of a diagnostic visit to the individual, without coverage under part B, as I am proposing. Specifically excluded in section 1862a7—are:

> Procedures performed during the course of any eye examination to determine the refractive state of the eyes.

As well as exclusion of expenses for:

> Eyeglasses or eye examinations for the purpose of prescribing, fitting or changing eyeglasses.

The result is obvious: thousands of the elderly whose vision is impaired by cataracts do not know they have them and are thus barred from the treatment by surgery which the law provides. This is a situation which cries out for change. Providing the opportunity for the elderly to visit an ophthalmologist, or an optometrist under part B medicare would lead to the discovery and treatment of uncounted cases of cataract now undetected.

Quite unrelated to the problem of the patient in need of eye care, or at least of most importance from another viewpoint, is that of the present evasion of the law, which I am told by those in the profession, takes place on a fairly extensive scale. Some of the more sophisticated among those under medicare, or perhaps even more responsible for the situation are some in the ophthalmology profession, now secure eyeglasses at the expense of medicare by means of subterfuge. I have no notion how widespread the practice is, but I am sure that any doctor of ophthalmology will tell you that there are some who provide the excluded services but list their work as in the area of pathology and hence eligible for reimbursement because their claim states the patient has received eligible treatment for disease of the eye. Certainly it is understandable that a doctor in this field has a little difficulty making the distinction between diagnosing and treating a patient who comes to him with cataracts or glaucoma and prescribing glasses which will help the condition even though a refractory examination is outside the law's care provisions.

The third area in which my bill removes the present exclusion is that of hearing impairment. Actually, the rate of hearing impairment is considerably greater than that of visual impairment, although I venture that most people seeing so many more eyeglasses than hearing aids in use, would be much surprised to know that fact. Whereas there are an estimated 5,390,000 persons in the Nation with eye problems at least severe enough to make them unable even with glasses to recognize a friend walking on the other side of the street, more than 8½ million have their own or a family member's account in answering the health survey questions—"deafness or serious trouble hearing with one or both ears." The incidence per 1,000 of the population is, respectively, 28.8 for "all visual impairments" as defined and described earlier, and 45.7 for hearing impairments.

Again, the burden of this disability falls heaviest on the elderly. Indeed, in comparison to the rest of the population, this is an even greater problem for them, as the figures attest. Among those under 25 years of age, the incidence of hearing impairment is only 9.5 per 1,000, but among those over 75 the figure is more than 33 times as great, 317.2 per 1,000 or nearly a third of all persons in that age bracket. The rate for those in the 65 to 74 bracket is less, but still more than 17 times the rate for the young, or 162.1 per 1,000. And again, there seems to be some statistical significance to the income factors:

> Among persons under 65 years of age, those with a family income of less than $3,000 had a relatively high rate of hearing impairment.

For persons with higher incomes, there were only slight differences between the rates of hearing loss—Among older persons, the rate of hearing impairment decreased steadily from 242.5 per 1,000 persons with a family income of less than $3,000 to 173.3 per 1,000 with a family income of $7,000 to $9,999.

There is little need to say more; the argument and the circumstances are all but identical with those concerning dental and eye care. Why should we retain the present exclusions in the medicare law? The only reason I can suggest is the one which time after time pulls up short our good intentions for increasing the national well-being—unless it is considered "essential" to our Military Establishment, no matter how minor its claim to necessity—and that is the cost.

Mr. President, the cost of the Hartke proposal is estimated to be $750 million. For that money, we would be able to provide immeasurable assistance to the more than 4 million older people who are hard of hearing, to the 700,000 or so who suffer from visual impairments and to the uncounted tens of thousands in need of dental care. I ask unanimous consent that the text of my bill be printed at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 436

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Social Security Act be amended as follows:

SECTION 1. (a) Section 1861(r)(2) of the Social Security Act is amended by striking out "but only with respect to (A) surgery related to the jaw or any structure contiguous to the jaw or (B) the reduction of any fracture of the jaw or any facial bone".

(b) Section 1861(s)(8) of such Act is amended (1) by inserting "(A)" immediately after "(8)", and (2) by striking out "(other than dental)", and (3) by adding thereunder the following new subparagraph:

"(B) dentures, eyeglasses, hearing aids, and other prosthetic devices relating to the oral cavity, jaw, eyes, or ears, including replacement thereof; and".

(c)(1) Section (a)(7) of such Act is amended to read as follows:

"(7) where such expenses are for routine physical checkups, or immunizations;".

(2) Section 1862(a) of such Act is further amended (A) by inserting "or" at the end of paragraph (11) thereof, (B) by striking out paragraph (12) thereof, and (C) by redesignating paragraph (13) hereof as paragraph (12).

(d) The amendments made by the preceding provisions of this section shall apply with respect to services furnished after the month which follows the month in which this Act is enacted.

(e)(1) Section 1861(r) of the Social Security Act is amended (A) by striking out "or" at the end of clause (2), and (B) by inserting immediately before the period at the end thereof the following: ", or (4) a doctor of optometry, but only for purposes of sections 1861(s)(1) and 1861(s)(2)(A) and only with respect to functions which he is legally authorized to perform as such by the State in which he performs them".

(2) Section 1862(a) of such Act (as amended by subsection (c) of this section) is further amended (A) by striking out the period at the end of paragraph (12) (as redesignated by paragraph (2) of such subsection (c)) and inserting in lieu of such period "; or", and (B) by adding after such paragraph (12) the following new paragraph:

"(13) where such expenses constitute charges with respect to the referral of an individual to a physician (as defined in section 1861(r)(1)) by a doctor of optometry arising out of procedure in connection with the diagnosis or detection of eye diseases."

By Mr. BELLMON:

S. 437. A bill to amend the Export Administration Act of 1969, as amended. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. BELLMON. Mr. President, late last year Senator TALMADGE, chairman of the Agriculture Committee, requested a delegation of that committee, headed by the distinguished Senator from Minnesota (Mr. HUMPHREY), to visit the Soviet Union to examine conditions which led to the record sale of American grain to the U.S.S.R. This trip was successfully completed, and the report to Congress is being prepared. I believe the information gained will be of major benefit to the committee and to Congress as we undertake to develop lasting trade relations with the U.S.S.R.

On this trip, Senator HUMPHREY and I were accompanied by Mrs. Humphrey, Representative HENRY S. REUSS (Wisconsin); Mr. Dan Spiegel, of Senator HUMPHREY's staff; Mr. Carl Kettler, of my staff; Dr. John P. Hardt, Senior Specialist in Soviet Economics, Congressional Reference Service, Library of Congress, and a team of newsmen from Minnesota.

Mr. President, it is not too often that a Member feels sufficiently moved in these Chambers, where we frequently witness heated confrontations and not infrequently displays of partisanship, to heap praise upon a colleague of the other party. But based upon our experiences together in Russia, I believe Senator HUBERT HUMPHREY deserves such an accolade.

Throughout our long series of meetings with officials of the government of the Soviet Union, Senator HUMPHREY presented our country's position in a clear and firm yet friendly manner which made our discussions open, informative, and positive. The international stature which he enjoys, as a distinguished Member of this body and a former Vice President of the United States, opened doors in the Russian Government which would otherwise have remained closed.

In addition, Senator HUMPHREY's personal understandings of agriculture and international trade enabled our group to gain from the Soviets considerable knowledge which will be helpful to the committee and to Congress as we undertake to establish meaningful and mutually beneficial trade relations. I believe Senator HUMPHREY performed a great service to our country and for Congress, and I commend him for his skillful and resourceful leadership. Also I thank his charming wife, Muriel, and him for being pleasant traveling companions.

Mr. President, I returned from the Soviet Union convinced that the sale of American grain to Russia was a transaction of great mutual benefit to both countries. The fact is that the Soviets needed grain to sustain and to improve the diet of their people by maintaining and expanding their livestock enterprises during a period of reduced Russian farm production. It is also true that had the price of American grain been substantially higher than the levels prevailing when the purchases were made or had difficult trade barriers existed, the Russian officials might very well have adopted a policy of "belt tightening." They could simply have required the use of the limited amount of grain produced in the Soviet Union for human food and reduced the production of livestock products. As it was, they chose to have both meat and bread for their people by buying large amounts of American grain.

Mr. President, in spite of its mutual benefits, there were some aspects of the transaction which trouble me deeply. Primarily I am concerned that the private American grain traders who do business with representatives of a closed society and a central government, such as exists in Russia, are at a distinct disadvantage. The same is true with the U.S. Government officials who administer the export subsidy program.

I make this assertion for the reason that the Russian grain buyers came to the United States knowing full well of their own poor crop conditions through their access to nonpublic information gathered from their collective farm system. They also had full knowledge, through freely available reports, of the crop conditions and grain supply available throughout the world, especially in this country.

On the other hand, because of the restrictions placed upon American and other efforts to gather crop reporting information in the Soviet Union, our officials and our grain traders were virtually uninformed as to the Soviet crop situation. Therefore, negotiations leading to the grain sales were not held between individuals who were equally informed, but rather in circumstances when one side knew all there was to know and the other side had only half the picture.

When the matter was presented by Senator HUMPHREY and me to the Russian officials, they chuckled about the situation and reminded us that we had not learned the lesson that Canadian and Australian Governments and grain producers have learned. In those grain exporting countries, government has established a central marketing agency through which foreign purchasers must deal. This enables the governments, the exporters, and the producers of those countries to know precisely the kinds and amounts of grain being purchased by foreign buyers at any given time.

By contrast, under our system, the Russian grain buyers were and are able to come here, approach our private grain exporting companies secretly and individually to make their deals without other companies, Government officials, or grain producers having any knowledge of what was transpiring. Therefore, the grain growers have no way of knowing the true demand for their products at harvest time, when most sales are made.

Also, our Government officials who administer the grain export program have no way of knowing the true size of the world demand and therefore are unable to anticipate the real need for export subsidies.

Mr. President, there is no point in

looking backward and making recriminations for what happened last year.

Members of the Senate may remember a saying attributed to Confucius, which, broadly interpreted says:

> That if an individual makes a fool of you once, damn him; if you let him make a fool of you twice, damn yourself.

In effect, by taking advantage of a weakness in our laws, the Russians made a fool of American grain growers, grain dealers, and Government officials in 1972. I believe we must take action, now, to keep the same thing from happening in the future. At the same time, we must avoid erecting trade barriers which might discourage future sales.

For this reason, I am today introducing a measure intended to accomplish this objective. The bill is brief and I ask unanimous consent that it be printed in full in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BELLMON. The purpose of this legislation is to require grain buyers, representing foreign countries which limit free access to information, to make public their intention to purchase American commodities in advance of the time these sales are actually made. In this way, American graingrowers, grain traders, and Government officials will know what is going on at the time these trades are made.

Under the present system, this knowledge is not available until long after the deals have been made and the contracts have been signed.

Mr. President, the purpose of this legislation is not to limit in any way exports of American grain: rather it is to make certain when export contracts are entered into that negotiators on both sides of the table will be equally informed so far as possible. Let me say again that I feel the 1972 grain sales to Russia were in the best interests of both countries and that they were handled as honorably and as intelligently as possible under the conditions that existed at that time. But many of our graingrowers sold too soon and at too low a price because they had no way of knowing the level of demand for their products.

When criticized for the way the Russian traders pretended to desire to purchase feed grain at the same time they were actually buying wheat, a Russian official said:

> Well, what would you have done? Certainly you would not have bought ads in the newspapers to tell the world that your crop was short and that you needed to purchase bread grains in large amounts. You Americans wanted to sell grain; we wanted to buy; we did as you would have done by handling the deal in the way that was best for us.

One cannot criticize the Russians for opting in this matter. They are as eager for saving money and making a good buy as anyone else.

Mr. President, I do not criticize the Russians, nor do I criticize those Americans who handled this transaction. I am deeply convinced, however, that the Congress needs to take immediate steps to change the ground rules so that in the future Americans involved in transactions of this kind will go to the negotiating table with as much knowledge as the representatives of other governments. American grain growers and those who represent the industry can trade well and wisely but only if they are as well informed as their opposite numbers. This bill will go a long way toward accomplishing this objective without erecting unnecessary barriers to future international trade and without basically altering the private grain marketing and producing industry which has served our country long and well.

Mr. BROCK. Mr. President, will the Senator yield?

Mr. BELLMON. I yield.

Mr. BROCK. Mr. President, I thank the Senator for yielding. I congratulate the Senator on his remarks and the effort he is making. I believe it is an effort that will bear fruit.

EXHIBIT 1

S. 437

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Export Administration Act of 1969, as amended, is amended by adding the following at the end of Section 4(e):

"*Provided*, That the Secretary of Agriculture shall promulgate such rules and regulations as may be necessary to assure that a license be obtained by the exporter prior to sale of any agricultural commodity produced in the United States, its territories and possessions, to any country which denies U.S. citizens or employees or agents of the United States Department of Agriculture freedom to gather information relating to crop conditions in agricultural producing areas of such country. Such a license shall be granted upon publication by the Secretary of pertinent information regarding the proposed sale in the Federal Register and upon notification of appropriate news media. The pertinent information shall include, but not be limited to, the kind and amount of commodity to be exported. Publication and notification shall occur as soon as practicable after the receipt of application by the Secretary but no less than seven days prior to the consummation of the sale of the agricultural commodity to be exported."

By Mr. HARTKE:

S. 438. A bill to amend the Social Security Act to provide coverage for out-of-hospital prescription drugs under medicare. Referred to the Committee on Finance.

Mr. HARTKE. Mr. President, today I introduce the most important piece of social security legislation which will come before the 93d Congress. When enacter, it will provide medicare coverage for out-of-hospital prescription medicines which are needed to combat the chronic diseases of the aged.

This Hartke proposal is identical to the one which passed the Senate last year after receiving the approval of the Senate Finance Committee. It is similar to proposals which I have put forward over the past several years in that it provides medicare coverage for drugs used in instances of chronic diseases. It is this approach which the Finance Committee adopted last year, and it is this approach which made it possible for the Senate to go on record in overwhelming support of the need to add prescription drug coverage to the medicare program.

Mr. President, millions of older Americans will benefit from this legislation, and yet its cost is only $700 million yearly. That is a very small price to pay in order to make it possible for the elderly to get the medicines they so badly need. Prescription drugs represent the largest single personal health expenditure the aged are now required to make out of their own resources. A HEW Department Task Force on prescription drugs, a special committee of nongovernmental drug experts, and the 1971 Advisory Council on Social Security all recommended that prescription drugs be covered under medicare. Drug coverage as provided in the Hartke bill will provide protection for those who need it most—that is, to those who have recurring costs because of a chronic ailment. The economic problem of the aged in relation to drug costs is not the occasional acute illness, but the problem of a continuing drain of $10, $15, and $20 a month for these maintenance drugs.

The Hartke approach provides coverage for those drugs necessary for the treatment of diabetes, high blood pressure, chronic cardiovascular disease, chronic respiratory disease, chronic kidney disease, arthritis, gout, rhumatism, tuberculosis, glaucoma, thyroid disease, and cancer.

The cost of living is rising steadily, but the incomes of the aged are relatively fixed. We can provide a major benefit to the Nation's elderly by covering out-of-hospital prescription drugs under medicare.

Mr. President, I ask unanimous consent that the text of the Hartke bill be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 438

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Social Security Act be amended as follows:

SECTION 1. (a) (1) Section 1861 of the Social Security Act is amended by adding after subsection (z) thereof (as added by section 234(f) of this Act) the following new subsection:

"(z–1) (1) The term 'covered drugs' means those drugs appearing on the list specified in paragraph (2) of this subsection.

"(2) (A) Subject to the provisions of subparagraph (C), the Secretary shall, with the advice of the Expert Committee on Drug Coverage established by section 1868, establish and publish a list of those drugs for which payment may be made subject to the conditions of section 1812(a) (4) under part A of this title. The Secretary shall distribute such list on a current basis to practitioners licensed by law to prescribe and administer drugs or to dispense drugs and shall make such other distribution as in his judgment will promote the purposes of this title. He shall from time to time (but at least once a year) review such list, and shall revise it or issue supplements thereto, as he may find necessary, so as to maintain insofar as practicable currency in the contents thereof and shall publish and distribute such revisions in accordance with the preceding sentence.

"(B) Each drug appearing on the list established under subparagraph (A) shall be designated by its established name and with respect to each such drug, the Secretary may include such other information as he finds necessary to promote the purposes of this subsection and section 1919.

"(C) A drug shall not appear on the list established under subparagraph (A) unless—

"(i) such drug is lawfully available for dispensing or administration to humans; and

"(ii) it is determined by the Secretary, with the advice of the Expert Committee on Drug Coverage to be useful in the treatment of diabetes, high blood pressure, chronic cardiovascular, respiratory, or kidney diseases or conditions, arthritis, gout, rheumatism, tuberculosis, glaucoma, thyroid disease, or cancer.

"(D) For purposes of this subsection—

"(i) the term 'drug' means a drug as defined in section 201 of the Federal Food, Drug, and Cosmetic Act (including those specified in section 351 of the Public Health Service Act) and

"(ii) the term 'established name' shall have the meaning assigned to such term by section 502(e) (2) of the Federal Food, Drug, and Cosmetic Act."

(2) Section 1861(t) of such Act is amended by inserting after "subsection (m)(5)" the following: "or subsection z–1)".

(b) Section 1812(a) of such Act is amended by—

(1) striking out "and" at the end of paragraph (2);

(2) striking out the period at the end and inserting in lieu thereof: "; and"; and

(3) adding at the end the following new paragraph:

"(4) covered drugs furnished to such individual but not when furnished to him while he is an inpatient in a hospital."

(c) Section 1813 of such Act is amended by adding at the end the following subsection:

"(c)(1) The amount payable for a covered drug furnished an individual shall be reduced by an amount equal to the copayment determined under paragraph (2), or, if less, the charges imposed with respect to such individual for such covered drug, except that, if the customary charges for such covered drug are greater than the charges so imposed, such customary charges shall be considered to be the charges so imposed.

"(2) The copayment specified in paragraph (1) shall be $2.00 the first time any particular prescription is filled and $1.00 each time a prescription is refilled."

(d) Title XVIII of the Social Security Act is amended by adding after section 1818 of such Act (as added by section 202 of this Act) the following new subsections:

"PAYMENT FOR COVERED DRUGS; CONDITIONS AND LIMITATIONS ON SUCH PAYMENT

"SEC. 1819. (a)(1) The amount paid to any provider of drugs with respect to covered drugs for which payment may be made under this part shall, subject to the provisions of this section and section 1813(c), be the reasonable drug charge with respect to such drugs.

"(2)(A) The 'reasonable drug charge' for a covered drug shall be the acquisition allowance plus a dispensing allowance.

"(B) The Secretary shall by regulations establish the method or methods for determining the acquisition allowance of a covered drug, giving consideration to the cost to providers of drugs of acquiring the drug by its established name. If the source from which any covered drug is available charges different prices therefor to different classes or types of providers, or if a class of providers may reasonably obtain such drug from only certain types of sources, the Secretary may, in establishing the acquisition allowance, take into account these differences.

"(C) The Secretary shall by regulations establish the methods for determining a dispensing allowance for a covered drug, giving consideration to such factors as cost of overhead, professional services, and a fair profit. He may provide different dispensing allowances for different classes of providers.

"(b) Payment for covered drugs furnished to an individual may be made only to a dispenser of drugs eligible therefor under subsection (c) and only if—

"(1) written request, signed by such individual, except in cases in which the Secretary finds it impracticable for the individual to do so, is filed for such payment in such form, in such manner, within such time, and by such person or persons as the Secretary may by regulation prescribe; and

"(2) a written prescription, signed by a physician, was filed with such provider of drugs; except that (pursuant to such regulations as the Secretary may prescribe) no payment may be made for a covered drug—

"(3) if it is prescribed in an unusual quantity; or

"(4) if it fails to meet such requirements as to quality and standards of manufacture as the Secretary may prescribe; or

"(5) it fails to meet such specifications as to dosage form as the Secretary may require.

"(c) For purposes of subsection (a), a provider of drugs shall be eligible for payment if—

"(1) he is licensed or authorized pursuant to state law to dispense drugs to humans;

"(2) he agrees to comply with such rules and regulations as the Secretary may issue with respect to—

"(A) submission of bills at such frequency and on such forms as may be prescribed in such rules and regualtions;

"(B) availability for audit of his records relating to drugs and prescriptions;

"(C) the maintenance and retention of such records relating to the cost of drugs as may be specified in such rules and regulations;

"(3) he meets such other conditions relating to health and safety as the Secretary may find necessary;

"(4) he agrees not to charge any individual for a drug for which such individual is entitled to have payment made under this part an amount in excess of the customary charge at which such dispenser of drugs sells or offers such drug to the public at the time such drug is furnished to such individual."

(e) Title XVIII of the Social Security Act is further amended by adding after section 1867 of such Act the following new section:

"FORMULARY COMMITTEE

"SEC. 1868. (a)(1) There is hereby established, within the Department of Health, Education, and Welfare, a Formulary Committee, a majority of whose members shall be physicians and which shall consist of the Commissioner of Food and Drugs and of four individuals (not otherwise in the regular full-time employ of the Federal Government) who are of recognized professional standing and distinction in the fields of medicine, pharmacology, and pharmacy, to be appointed by the Secretary without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. The Chairman of the Committee shall be elected, from the appointed members thereof, by majority vote of the members of the Committee for a term of one year. A member may succeed himself as Chairman.

"(2) Each appointed member of the Formulary Committee shall hold office for a term of five years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and except that the terms of office of the members first taking office shall expire, as designated by the Secretary at the time of appointment, one at the end of the first year, one at the end of the second year, one at the end of the third year, and one at the end of the fourth year. A member shall not be eligible to serve continuously for more than two terms.

"(b) Appointed members of the Formulary Committee, while attending meetings or conferences thereof or otherwise serving on business of the Committee, shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per day, including traveltime, and while so serving away from their homes or regular places of business they may be allowed travel expenses, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"(c)(1) The Formulary Committee is authorized to engage such technical assistance as may be required to carry out its functions, and the Secretary shall, in addition, make available to the Formulary Committee such secretarial, clerical, and other assistance as the Formulary Committee may require to carry out its functions.

"(2) The Secretary shall furnish to the Formulary Committee such office space, materials, and equipment as may be necessary for the Formulary Committee to carry out its functions.

"(d)(1) The Formulary Committee shall compile, publish, and make available a Formulary of the United States (hereinafter in this title referred to as the 'Formulary').

"(2) The Formulary Committee shall periodically revise the Formulary and the listing of drugs so as to maintain currency in the contents thereof.

"(3) The Formulary shall contain an alphabetically arranged listing, by established name, of those drugs and biologicals that shall be deemed qualified drugs for purposes of the benefits provided under section 1812(a)(4).

"(4) Publish and disseminate at least once each calendar year among physicians, pharmacists, and other interested persons, in accordance with directives of the Secretary, (i) an alphabetical list naming each drug or biological by its established name and such other information as the Secretary deems necessary, (ii) an indexed representative listing of such trade or other names by which each such drug or biological is commonly known, together with the maximum allowable cost for various qualities, strengths, or dosage forms thereof, together with the names of the supplier of such drugs upon which the maximum allowable cost is based, (iii) a supplemental list or lists, arranged by diagnostic, prophylactic, therapeutic, or other classifications, of the drugs included in the Formulary, and (iv) information (including conditions of use required in the interest of rational drug therapy) which will promote the safe and effective use, under professional supervision, of the drugs listed in the Formulary.

"(5) The Formulary Committee shall exclude from the Formulary any drugs which the Formulary Committee determines are not necessary for proper patient care, taking into account other drugs that are available from the Formulary.

"(e)(1) In considering whether a particular drug shall be included in the Formulary, the Formulary Committee is authorized to obtain (upon request therefor) any record pertaining to the characteristics of such drug which is available to any other department, agency, or instrumentality of the Federal Government, and, as a condition of such inclusion, to require suppliers of drugs to make available to the Committee information (including information to be obtained through testing) relating to such drug. If any such record or information (or any information contained in such record) is of a confidential nature, the Formulary Committee shall exercise utmost care in preserving the confidentiality of such record or information and shall limit its usage thereof to the proper exercise of such authority.

"(2) The Formulary Committee shall establish such procedures, as may be necessary to determine the propriety of the inclusion or exclusion in the Formulary, of any drug, including such data and testing as it may require of a proponent of the listing of a drug in the Formulary.

"(f)(1) The Formulary Committee, prior to making a final determination to remove from listing in the Formulary any drug which would otherwise be included therein, shall afford a reasonable opportunity for a hearing on the matter to any person engaged in manufacturing, preparing, propagating, compounding, or processing such product who shows reasonable grounds for such a hearing. Any person adversely affected by the final decision of the Formulary Committee may obtain judicial review in accordance with the procedures specified in section 505(h) of the Federal Food, Drug, and Cosmetic Act.

"(2) Any person engaged in the manufacture, preparation, propagation, compounding, or processing of any drug not included in the Formulary which such person believes to possess the requisites to entitle such drug to be included in the Formulary, may petition for inclusion of such drug and, if such petition is denied by the Formulary Committee, shall, upon request therefor, showing reasonable grounds for a hearing, be afforded a hearing on the matter. The final decision of the Formulary Committee shall, if adverse to such person, be subject to judicial review in accordance with the procedures specified in section 505(h) of the Federal Food, Drug, and Cosmetic Act.

"(g) Drugs and biologicals shall be determined to be qualified drugs only if they can legally be obtained by the user only pursuant to a prescription of a physician; except that the Formulary Committee may include certain drugs and biologicals not requiring such a prescription if it determines such drugs or biologicals to be of a lifesaving nature.

"(h) In the interest of orderly, economical, and equitable administration of the benefits provided under section 1812(a)(4), the Formulary Committee may, by regulation, provide that a drug or biological otherwise regarded as being a qualified drug shall not be so regarded when prescribed in unusual quantities."

(i) The heading of part A of title XVIII of such Act is amended by striking out "INSURANCE" and inserting in lieu thereof "INSURANCE AND DRUG".

(j) Section 1811 of such Act (as amended by section 201(a)(2) of this Act) is further amended by inserting after "services" the following: "and the cost of covered drugs".

(k) Section 1814(c) of such Act is amended by—

(1) adding at the end of the heading the following: "or Federal Provider of Drugs";

(2) inserting "(1)" after "(c)"; and

(3) adding at the end the following new paragraph:

"(2) No payment may be made under this part to any Federal provider of drugs (as provided for in section 1819), except a provider of drugs which the Secretary determines is dispensing drugs to the public generally as a community institution or agency; and no such payment may be made to any provider of drugs for any drug which such provider is obligated by a law of, or a contract with, the United States to render at public expense."

(l) Section 1815 of such Act is amended by—

(1) adding at the end of the heading the following: "and Providers of Drugs";

(2) adding after "provider of services with respect to the services furnished by it": ", and each provider of drugs with respect to drugs,";

(3) inserting after "provider of services" the second time it appears "and the provider of drugs, as the case may be,".

(m) Section 1861(r) of such Act (as amended by other provisions of this Act) is further amended by adding at the end thereof the following new sentence: "For purposes of section 1819, such term includes any such doctor only with respect to drugs he is legally authorized to prescribe by the State in which he prescribes such drugs."

(n) Section 1869(c) of such Act is amended by inserting after "provider of services" the following: "or any person dissatisfied with any determination by the Secretary that he is not a provider of drugs eligible for payment under this title,".

(o)(1) Section 1870(a) of such Act is amended by—

(A) inserting ", provider of drugs," after "provider of services"; and

(B) inserting "or drugs" after "items or services".

(2) Section 1870(b) of such Act is amended by—

(A) inserting ", or provider of drugs," after "provider of services" each time it appears;

(B) inserting "or drugs" after "items or services"; and

(C) adding at the end of pargraph (2) the following: "any payment has been made under section 1819 to a provider of drugs for drugs furnished an individual,".

(3) Section 1870(d) of such Act is amended by inserting: ", or provider of drugs," after "provider of services".

(p) The heading of section 226 of such Act is amended by striking out "INSURANCE" and inserting in lieu thereof "INSURANCE AND DRUG".

(q) Section 226(b)(1) of such Act (as amended by section 201(b) of this Act) is further amended by—

(1) striking out "(as such terms are defined" and inserting in lieu thereof the following: "and for covered drugs (as such terms are defined"; and

(2) inserting ", and (C) no such payment may be made for covered drugs furnished before July 1, 1972; and" immediately before the semicolon at the end thereof.

(r) Section 21(a) of the Railroad Retirement Act of 1937 is amended by—

(A) striking out "and" which follows "extended care services,"; and

(B) striking out "post-hospital home health services" and inserting in lieu thereof "post hospital home health services, and covered drugs".

(s) Section 21(e) of the Railroad Retirement Act of 1937 is amended by inserting after "services" the first time it appears "(other than covered drugs)".

"MAXIMUM ALLOWANCE COST FOR QUALIFIED DRUGS

"Sec. 1869. (a) For purposes of this part, the term 'maximum allowable cost' means the following:

"(1) When used with respect to a prescription legend drug, such term means the lesser of—

"(A) the amount determined by the Formulary Committee, in accordance with subsection (b) of this section, plus a reasonable fee determined in accordance with subsection (c) of this section, or

"(B) the actual, usual, or customary charge at the price at which it is generally available to establishments dispensing drugs.

"(2) In considering (for purposes of the maximum allowable cost for any drug) the various sources from which and the varying prices at which such drug is generally available, there shall not be taken into account the price of any drug which is not included in the Formulary.

"(3) Whenever an amount or amounts at which a qualified drug is generally available for sale to the ultimate dispensers thereof vary significantly among the various regions of the United States or among such ultimate dispensers, the Formulary Committee may determine a separate amount or amounts with respect to such drug for various regions or for various classes of its ultimate dispensers.

"(c)(1) Any licensed pharmacy, which is a provider of services for purposes of this part, shall, in a form prescribed by the Secretary, file with an intermediary or other agency designated by the Secretary, a statement of a fee for the purpose of establishing the maximum allowable cost as defined in (a) above. Such fee shall include such costs, including the costs of professional services and a fair profit, which are reasonably related to the provision of pharmaceutical service rendered to persons entitled to receive benefits under this part.

"(2) Any licensed pharmacy shall, except for subsection (a)(1)(B) above, be reimbursed, in addition to any amounts provided for in subsection (b) above, the amount of the fee filed in (1) above, except that no fee shall exceed the largest fee filed by 90 per centum of such licensed pharmacies.

"(3) The Secretary shall, in addition to statements required pursuant to paragraph (2), require a form and at a time suitable to him financial or other data to justify recognition of any fee (A) which amount falls between the fiftieth and ninetieth percentile of all fees filed by participating pharmacies, or (B) in any case where a participating licensed pharmacy has, in the preceding four calendar quarters, been among the highest 20 per centum by prescription volume of all pharmacies participating in the program.

"(4) Where no fee statement or other information required by the Secretary has been filed by a licensed pharmacy otherwise qualified and participating in the program, fees to which such pharmacies may be entitled shall be limited to the amount of the lowest fee filed by any licensed pharmacy described in paragraph (1) above.".

(i) Section 1861(t) of the Social Security Act is amended—

(1) by inserting ", or as are approved by the Formulary Committee" after "for use in such hospital"; and

(2) by adding at the end thereof the following new sentence: "The term 'qualified drug' means a drug or biological which (1) can be self-administered, (2) is furnished pursuant to a physician's prescription or a physician's certification that it is a lifesaving drug which is medically required by such individual when not an inpatient in a hospital or extended care facility, (3) is included by strength and dosage forms among the drugs and biologicals approved by the Formulary Committee, (4) is dispensed (except as provided by section 1814(j)) by a pharmacist from a licensed pharmacy, and (5) which is generally available for sale to establishments dispensing drugs in an amount or amounts equal to or lesser than the amount or amounts established by the Formulary Committee pursuant to section 1820(b)."

(j) Section 1861(u) of the Social Security Act (as amended by section 227(d)(1) of this Act) is further amended by striking out "or home health agency" and inserting in lieu thereof "home health agency, or licensed pharmacy".

(k) Section 1861(v) of the Social Security Act (as amended by sections 227(c), 223(b), 251(c), and 221(c)(4) of this Act) is further amended—

(1) by striking out 'The reasonable cost" in the first sentence of paragraph (1) and inserting in lieu thereof "Except as provided in paragraph (1), the reasonable cost"; and

(2) by adding at the end thereof the following new paragraph:

"(7)(A) With respect to any qualified drug, the maximum allowable cost shall be an amount determined in accordance with section 1820 of this Act."

(l) Section 1861 of the Social Security Act is further amended by adding at the end thereof the following new subsection:

"LICENSED PHARMACY

"(Z–1) The term 'licensed pharmacy' (with respect to any qualified drug) means a pharmacy, or other establishment providing community pharmaceutical services, which is licensed as such under the laws of the State in which such drug is provided or otherwise dispensed in accordance with this title."

(m) (1) The first sentence of section 1866 (a) (2) (A) of the Social Security Act is amended by striking out "and (ii)" and inserting in lieu thereof the following: "(ii) the amount of any copayment required pursuant to section 1813(a) (4), and (iii)".

(2) The second sentence of section 1866 (a) (2) (A) of such Act is amended by striking out "clause (ii)" and inserting in lieu thereof "clause (iii)".

(n) The amendments made by this section shall apply with respect to items and services furnished on and after the 1st day of January 1974.

By Mr. JAVITS (for himself, Mr. Stennis, Mr. Eagleton, Mr. Bentsen, Mr. Taft, Mr. Abourezk, Mr. Baker, Mr. Bayh, Mr. Bible, Mr. Biden, Mr. Brock, Mr. Brooke, Mr. Burdick, Mr. Harry F. Byrd, Jr., Mr. Robert C. Byrd, Mr. Case, Mr. Chiles, Mr. Clark, Mr. Cook, Mr. Cranston, Mr. Fong, Mr. Hart, Mr. Haskell, Mr. Hatfield, Mr. Hathaway, Mr. Huddleston, Mr. Hughes, Mr. Humphrey, Mr. Inouye, Mr. Kennedy, Mr. Magnuson, Mr. Mansfield, Mr. Mathias, Mr. McGovern, Mr. Metcalf, Mr. Mondale, Mr. Moss, Mr. Muskie, Mr. Nelson, Mr. Nunn, Mr. Packwood, Mr. Pell, Mr. Percy, Mr. Randolph, Mr. Proxmire, Mr. Ribicoff, Mr. Roth, Mr. Schweiker, Mr. Scott of Pennsylvania, Mr. Stafford, Mr. Stevens, Mr. Stevenson, Mr. Symington, Mr. Talmadge, Mr. Tunney, Mr. Weicker, Mr. Williams, and Mr. Young):

S. 440. A bill to make rules governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress. Referred to the Committee on Foreign Relations.

WAR POWERS ACT

Mr. JAVITS. Mr. President, I send to the desk for myself and 57 other Senators the War Powers Act, and I ask that it be received and appropriately referred.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

Mr. JAVITS. Mr. President, I ask unanimous consent that at the conclusion of my remarks the statements on the bill prepared to be made by Senators Eagleton, Muskie, and Chiles may be printed in the Record. Senator Eagleton has made a major contribution to the War Powers Act and is a principal cosponsor. He intended to participate in a colloquy, but is unable to be here. I am nonetheless pleased to place his statement in the Record, for his views on this issue are noteworthy. Senator Stennis had also intended to speak today on the reintroduction of the War Powers Act, but due to the extreme press of other business, he has had to postpone his statement until next week. We all look forward to hearing his statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, on behalf of myself, Senators Stennis, Democrat, of Mississippi, Eagleton, Democrat of Missouri, Bentsen, Democrat, of Texas, Taft, Republician of Ohio, and 53 additional cosponsors who have joined with us, I introduce the War Powers Act—a measure which, in our judgment, establishes practical and well-considered procedures to assure a proper role for the Congress according to the Constitution with respect to committing the Nation to war. The legislation introduced today is identical to the bill passed by the Senate on April 13, 1972, by a vote of 68 to 16. It is particularly significant that both the majority leader and the minority leader have joined in cosponsoring this bill, I am also very pleased to note that among its sponsors is the deputy leader of the Democratic side, Senator Robert C. Byrd of West Virginia.

As the new session begins, the Nation is watching to see if the 93d Congress will face up to the vital issue of the assertion of its constitutional authority and responsibility with respect to the making of war. It is in this context that I introduce this bill today.

While the War Powers Act is not—and cannot be under existing circumstances—another effort to legislate an end to the Vietnam war—it is a war already in liquidation—and the current hostilities are exempted from retroactive applicability, it is a bill to end the practice of Presidential war and thus to prevent future Vietnams. It is an effort to learn from the lessons of the last tragic decade of war which has cost our Nation so heavily in blood, treasure, and morale. The War Powers Act would assure that any future decision to commit the United States to any warmaking must be shared in by the Congress to be lawful.

No legislation can guarantee national wisdom, but the fundamental premise of the Constitution, with its deliberate system of checks and balances and separation of powers, is that important decisions must be national decisions, shared in by the people's representatives in Congress as well as the President. By enumerating the war powers of Congress so explicity and extensively in article I, section 8, the framers of the Constitution took special care to assure the Congress of a concurring role in any measures that would commit the Nation to war. Modern practice, culminating the Vietnam war and the result of a long history of Executive action employing the warmaking power which weaves in and out of our national history, has upset the balance of the Constitution in this respect.

The central core of the War Powers Act is contained in sections 3 and 5 of the bill. Section 3 consists of four clauses which define the conditions of circumstances under which, in the absence of a congressional declaration of war, the Armed Forces of the United States "may be introduced in hostilities, or in situations where imminent involvement in hostilities is clearly indicated by the circumstances."

The first three categories are codifications of the emergency powers of the President, as intended by the Founding Fathers and as confirmed by subsequent historical practice and judicial precedent. Thus, subsections (1), (2), and (3) of section 3 delineate by statute the implied power of the President in his concurrent role as Commander in Chief.

Subsection (4) of section 3 is perhaps the most significant; while subsections (1), (2), and (3) codify emergency powers which are inherent in the independent constitutional authority of the President as Commander in Chief, subsection (4) deals with the delegation by the Congress of additional authorities which would accrue to the President as a result of statutory action by the Congress, and which he does not, or would not, possess in the absence of such statutory action. Thus, subsection (4) regulates and defines the undertaking of a "national commitment."

Section 5 provides that actions taken under the provisions of section 3 "shall not be sustained beyond 30 days from the date of the introduction of such Armed Forces in hostilities or in any such situation unless—"the continued use of such Armed Forces in hostilities or in such situation has been authorized in specific legislation enacted for that purpose by the Congress and pursuant to the provisions thereof."

Section 5 resolves the modern dilemma of reconciling the need of speedy and emergency action by the President in this age of instantaneous communications and of intercontinental ballistic missiles with the urgent necessity for Congress to exercise its constitutional mandate and duty with respect to the great questions of war and peace.

A detailed, section-by-section explanation of the entire bill is contained in my speech of March 29, 1972, which initiated the Senate debate on the War Powers Act. I ask unanimous consent that the text of that speech, along with the text of the War Powers Act, be printed in the Record at the conclusion of my remarks. I ask unanimous consent that the report of the Foreign Relations Committee on the War Powers Act, dated February 9, 1972, also be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. JAVITS. Our experience of the last 5 years or more has demonstrated how much harder it is to get out of an undeclared war than it is to get into one. In dealing with this situation, Congress has been forced back onto relying solely on its power over appropriations. We have seen how difficult and unsatisfactory it is for Congress to try to get a meaningful hold on the Vietnam war through the funds cutoff route.

Yet there are a group of pundits, historians, and commentators who would have us fly directly in the fact of this tortuous experience and confine ourselves to the funds cutoff route. Those who would so advise us are either too timid or to conservative to try institutional reform. They would have us face the presidential war power so often used as a fine tuned, subtle, and decisive instrument with a clumsy, blunt, and obsolescent tool. The fund cutoff remedy is there now and will be there when the war powers bill becomes law. It can then be an excellent sanction, but it is not a substitute.

The obvious lesson for Congress is to devise ways to bring to bear its extensive, policy powers respecting war at the outset, so that it is not left to fumble later in an after-the-fact attempt to use its appropriations power. This is what the War Powers Act seeks to do.

If James Madison had pressed his point on September 7, 1787, during the debate in the Constitutional Convention, we might not be faced with our current agonizing dilemma. Madison proposed then that two-thirds of the Senate be authorized to make treaties of peace without the concurrence of the President.

> The President He said: would necessarily derive so much power and importance from a state of war that he might be tempted, if authorized, to impede a treaty of peace.

However, Madison withdrew his proposal without putting it to a vote.

It is not clear whether Madison was speaking seriously or facetiously. It is clear, however, that Presidents have tended to see their role, as Commander in Chief conducting a war, as the decisive power of the Presidency. President Nixon articulated this view very precisely, when he said last April:

> Each of us in his way tries to leave (the Presidency) with as much respect and with as much strength in the world as he possibly can—that is his responsibility—and to do it the best way that he possibly can. . . . But if the United States at this time leaves Vietnam and allows a Communist takeover, the office of President of the United States will lose respect and I am not going to let that happen.

The effort embodied in the War Powers Act is the fulcrum, in my judgment, of the broader attempt of the Congress to redress the dangerous constitutional imbalance which has developed in the relationship between the President and the Congress. Unless Congress succeeds in reasserting its war powers I do not think it can succeed in reasserting its powers of the purse which have grown so weak in comparison with the executive branch.

The publicists and the lawyers of the Presidency have been busy for years now in advancing a new constitutional doctrine. According to this novel doctrine the President has inherent powers, in his role as Commander in Chief, to override any other powers conferred anywhere else in the Constitution.

We have reached a point where proponents of the Presidency seem to be claiming that the power of the Commander in Chief is what he himself defines it to be in any given circumstance. This is the challenge that must be met by the Congress. If this challenge is not met successfully by the Congress, I do not see how it can prevent the further erosion of its powers and jeopardize freedom itself.

Most Senators are already familiar with the War Powers Act. It was the subject of extensive, and indeed historic, hearings before the Foreign Relations Committee in 1971. The printed record of those hearings constitutes the most comprehensive inquiry into this vital constitutional issue in our Nation's history. The bill was subjected to further intense scrutiny in a major Senate debate which lasted from March 29 to April 13, 1972, when the Senate voted 68 to 16 to adopt the legislation.

In view of the action of the Senate in 1972, and the number of cosponsors who have joined in reintroducing the War Powers Act today, I am hopeful that the Senate will again pass this historic measure.

The sponsors of the War Powers Act are hopeful that this year the bill will be considered on its merits in the House of Representatives, where it has not yet received full committee hearings or been accorded a debate and a vote on the floor of the House. In 1972, the House of Representatives passed a bill principally sponsored by Representative ZABLOCKI seeking advance notice from the President and requiring a full report in instances involving the use of the Armed Forces in hostilities without specific prior authorization by the Congress. This bill essentially accepted the notice provisions of the War Powers Act, but went no further. In the ensuing conference between the Senate and House, the conferees could find no common ground, as the House measure completely eliminated the Senate principle of joint control by the President and the Congress of the war-making power. In this endeavor, above all others, the House and the Senate should be partners in a common cause to protect the viability of the Congress as a coequal branch of Government under our constitutional system.

Mr. President, I do take heart from the fact that the new bill introduced this year by Representative ZABLOCKI contains some significant new elements bringing it closer to the Senate bill. For one thing, it provides for further consideration of the President's actions by Congress.

For another thing, it seeks to specify and define the emergency situations in which the President is empowered to use the Armed Forces without a declaration of war. I am encouraged by these new provisions in the Zablocki bill. They give evidence that the House of Representatives, and the leaders on this vital issue in that Chamber, have not frozen their thinking on war powers. I look forward to a further convergence of views.

Mr. President, the Congress itself is on trial in the eyes of the people and the War Powers Act is a decisive test. The issue addressed by the War Powers Act is a fundamental constitutional issue. It rejects the premise that the issue of "presidential war" can be handled by making distinctions between "good" Presidents and "bad" Presidents. We could never arrive at an agreed criteria for making such judgments and there is no way such distinctions could be applied to presidential wars on an ad hoc basis.

The need is for legislation which will assure congressional involvement at the outset of all wars. Our constitutional system requires a confidence that the Congress will act as responsibly as any President in the national interest. Even more significantly, it assumes that the national interest can best be defined and acted upon when both the President and the Congress are required to come to an understanding as to what is the national interest.

The War Powers Act embodies practical and well-conceived procedures to implement the constitutional war powers of Congress in a manner which fully meets the requirements of national security in the modern world.

Mr. President, I yield to the Senator from New Jersey.

Mr. CASE. Mr. President, I thank the Senator from New York for yielding to me and also for his reintroduction of this bill. I believe that I am a cosponsor of the measure. If not, I would like to be listed as a cosponsor.

Mr. JAVITS. The Senator from New Jersey is a cosponsor.

Mr. CASE. The only thing I want to emphasize at this time with relation to this question is something that the Senator from New York has already mentioned. Of course it is implicit in his whole action. And that is that in this area not only is the President limited by the appropriations authority of the Congress, but in addition to that, he is limited by the specific language of the Constitution. And this was meant to be different from the older establishment relationship of the Parliament and the King.

It was pointed out by Abraham Lincoln in a letter to his great friend, William Herndon, that it was this power of the kings to involve their countries in war that our Constitution understood to be the most oppressive of all kingly oppressions. The Founding Fathers resolved to frame the Constitution so that no man could keep that power for himself.

It is more than just the exercise of our power to withhold appropriations that is involved. We have in addition to the authority of Parliament at that point the specific authority of the Constitution in regard to a declaration of war. And this was meant to be additional and beyond our constitutional authority, far beyond anything that applied under the King's system of Parliament and the King.

Mr. JAVITS. Mr. President, I thank the Senator from New Jersey very much for calling our attention to this very important point, which even precedes the adoption of our own Constitution.

Mr. CASE. Mr. President, I yield now to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. PERCY. Mr. President, the question of congressional responsibility for the combat use of U.S. Armed Forces was fully explored during the last session. By an overwhelming vote of 68 to 16, the Senate passed S. 2956 to define the relative roles of the executive and legislature in warmaking. Unfortunately, S. 2956, which enjoyed broad public support, did not become law.

The reintroduction of this bill today offers a chance to complete the task. I was a cosponsor of S. 2956 and I am cosponsoring its resubmission this session.

I remain deeply concerned about the question of under what circumstances and by whose decision the Armed Forces can be committed to combat. In 1970 I submitted a resolution (S. 409) declaring it to be the sense of the Senate that the President should not use the Armed Forces for any combat activity abroad without the express consent of Congress. The only exception would be an instance where the use of our forces would be necessary, pending congressional approval, to respond to a clear and direct attack upon the United States, its territories or possessions, or upon U.S. forces lawfully deployed pursuant to a treaty or other specific congressional authorization.

A number of other bills and resolutions were also introduced in both Houses and extensive and orderly consideration was given to this issue during the last session, both in committee hearings and in floor debate. It should not be necessary to retrace all of the historical precedents and other aspects of this question, but it is useful to restate some of the major points which justify support for the bill resubmitted today.

There is no question that the framers of the Constitution meant to give Congress the power to initiate hostilities. They made only one exception, empowering the President, as Commander in Chief, to repel sudden attacks. However, the Constitution does not specify whether, under what circumstances, or by whose decision the Armed Forces can be sent into battle when Congress has not declared war and there has been no sudden attack on the Nation.

Many examples have been cited from our history attesting to Congress' primary responsibility in the initiation of military actions. At the same time, many examples have also been given where in practice the Executive has ignored Congress' role. Particularly since the turn of the century, Presidents have used military force more freely, moving troops in support of foreign policy decisions and in reply to particular situations. More recently, questions about the division of powers and Congress' prerogatives have been raised most strongly in connection with the sending of U.S. troops into the Dominican Republic and Vietnam.

The question of congressional responsibility in warmaking has become a major issue in the country and—as we in Congress well know—the American people are determined that there shall be no future undeclared wars initiated by Presidents and prosecuted without wide public support. Since a President cannot effectively prosecute a war without congressional support and popular approval, adherence to the provisions of the War Powers Act could save Presidents from undertaking military adventures contrary to the wishes and interests of the American people. Moreover, legislation of this type can be a deterrent to impulsive, ill-considered actions which may involve the Nation in undesirable wars of no direct consequence to our national security.

As I made clear last session, this legislation is in no way a reflection on President Nixon, who inherited a major American war and has consistently reduced American involvement in that war. Had this legislation been enacted in 1960, President Nixon might never have had the conduct of the Vietnam war thrust upon him, because the United States might not have committed troops to combat in that war.

I should also like to reaffirm that this bill is a bipartisan, nonideological attempt by many Members of this body to delineate the executive-legislative relationship. It is not a liberal initiative, and it is not a conservative initiative. The distinguished senior Senator from New York has correctly characterized the bill as landmark legislation.

On the occasion of the resubmission of the War Powers Act, I would like to commend the Senator from New York (Mr. JAVITS), the Senator from Mississippi (Mr. STENNIS), the Senator from Missouri (Mr. EAGLETON), the Senator from Texas (Mr. BENTSEN), and the Senator from Ohio (Mr. TAFT), all of whom have made important contributions to this legislation and to the debate on its merits. I would also like to recall the work of the former Senator from Virginia, Mr. Spong, who participated so effectively in the hearings on S. 2056 last year.

Following are excerpts from a speech I made on this subject in this Chamber on April 5, 1972:

> There is no question that the framers of the Constitution meant to give Congress the power to initiate hostilities. They made only one exception, empowering the President, as Commander in Chief, to repel sudden attacks.
>
> At the Constitutional Convention, during the debate on war-making powers, James Madison of Virginia and Elbridge Gerry of Massachusetts challenged the phrase "to make war" which had been the focus of discussion. They moved to change the phrase from "make war" to "declare war," contending that this would leave to the President the power to repel sudden attacks. This motion was agreed to by a vote of 8 to 1.
>
> The Constitution ultimately named the President as Commander in Chief of the Army and Navy, and empowered him to make treaties with the advice and consent of Congress. To Congress was allocated the power to levy taxes for the common defense, to declare war, to raise and support armies, to provide and maintain a navy, and to make rules for the government and regulations of the land and naval forces.
>
> When, at the Convention, Pierce Butler of South Carolina had suggested that the war-making power could be safely vested in the President, Mr. Gerry replied that he never expected to hear in a republic a motion to authorize the Executive alone to declare war. As I have mentioned, the Madison-Gerry motion was adopted, limiting the war-initiating power of the President to repelling sudden attacks.
>
> But that is the limit of the Constitution's mandate in regard to war-making powers. Nowhere does the Constitution specify whether, under what circumstances, or by whose decision can the Armed Forces be sent into battle when Congress has not declared war and there has been no sudden attack on the Nation.
>
> At the beginning of our constitutional history, the primary responsibility of Congress in the initiation of war was frequently proclaimed and upheld. President Adams, in 1798, concerned about French threats to American shipping, waited until Congress provided the authority to move. Alexander Hamilton had advised the administration, in a letter to Secretary of War James McHenry, as follows:
>
> "In so delicate a case, in one which involves so important a consequence as that of war, my opinion is that no doubtful authority ought to be exercised by the President.
>
> In 1801, in his opinion on the Amelia case, Chief Justice John Marshall stated that the "whole powers of war" were vested in Congress.
>
> That same year, Tripoli declared war on the United States when the United States refused to pay tribute in exchange for safe passage of American ships. President Jefferson moved ships to the Mediterranean with orders limiting them to self-defense and the defense of other American ships. He told the Congress that he felt obligated to take only defensive actions because he was "unauthorized by the Constitution, without the sanction of Congress, to go beyond the line of defense."
>
> During a dispute with Spain in 1805, President Jefferson renounced the use of force, saying that he thought it was his duty to await congressional authority "considering that Congress alone is constitutionally invested with the power to changing our position from peace to war."
>
> In equally unequivocal statements, President Monroe and Secretaries of State John Quincy Adams and Daniel Webster, stated that the initiation of war is a prerogative of Congress. President Monroe wrote:
>
> "The Executive has no right to compromise the nation in any question of war."
>
> Adams wrote that under the Constitution "the ultimate decision" belongs to Congress. Webster states:
>
> "I have to say that the war-making power rests entirely with Congress and that the President can authorize belligerent operations only in the cases expressly provided for by the Constitution and the laws. By these no power is given to the Executive to oppose an attack by one independent nation on the possessions of another."
>
> In 1846, when President Polk moved troops into *territory disputed* between this country and Mexico, resulting in hostilities, Congress reluctantly declared war after the fact. Later, when the House of Representatives was resolving to thank Zachary Taylor, the victorious general, an amendment to the resolution stated that the war "was unnecessarily and unconstitutionally begun by the President of the United States." Former President John Quincy Adams, then a Member of the House, and future President Abraham Lincoln voted for the amendment which was adopted by a vote of 85 to 81, but later dropped.
>
> In 1857, Secretary of State Lewis Cass, responding to a British request to send ships in support of an expedition to China, wrote to the British Foreign Office as follows:
>
> "Under the Constitution of the United States, the executive branch of the Government is not the war-making power. The exercise of that great attribute of sovereignty is vested in Congress, and the President has no authority to order aggressive hostilities to be undertaken."
>
> President Buchanan made the point as forcefully when he asked Congress for authority to protect transit across Panama in 1858. In his message to the Congress on December 6 of that year, he said:
>
> "The executive government of this country in its intercourse with foreign nations is limited to diplomacy alone. When this fails it can go no further. It cannot legitimately resort to force without authority of Congress, except in resisting and repelling hostile attacks."
>
> In 1900, President McKinley sent thousands of American troops to suppress the Boxer Rebellion in China and to rescue Western nationals in Peking. Although he was accused of acting without congressional authority, Congress had already adjourned and, because it was an election year, there was

no interest in returning for a special session.

In 1911, President William Howard Taft sent troops to the Mexican border, but conceded that only Congress could authorize sending troops across the border. In a message to Congress, President Taft said:

"The assumption of the press that I contemplate intervention on Mexican soil to protect American lives or property is of course gratuitous, because I certainly doubt whether I have such authority under any circumstances, and if I had I would not exercise it without express Congressional approval."

Since the turn of the century, Presidents have used military force more freely, moving troops in support of foreign policy decisions and in reply to particular situations. Thus, an incursion was made into Mexico in pursuit of the bandit, Pancho Villa, in 1917. President Wilson sent marines to fight in Haiti and Santo Domingo. President Truman sent hundreds of thousands of troops to fight in Korea. All these actions were taken by the Executive without congressional authority. They negate the concept, central to the Constitution, that our government requires a balance of powers within a system of checks and balances.

Of course, questions about the division of powers and the Congress' prerogatives have been raised most strongly in connection with the sending of U.S. troops into the Dominican Republic and Vietnam. Until Congress passed the Gulf of Tonkin resolution, the use of American troops in combat in Vietnam was totally without congressional approval. For this reason, more than any other, the question of congressional responsibility for war making has become a major issue in the country. As most of us in Congress well know, the American people are determined that there shall be no future undeclared wars initiated by presidents and prosecuted without wide public support. The people insist that Congress measure up to its constitutional role, and this legislation seeks to do just that—to clarify the Congressional role so that this Congress and future Congresses will do their duty.

Legislation of this type can be a deterrent to impulsive, ill-considered actions which may involve the Nation in undesirable wars which are of no direct consequence to our national security. There would be quick Congressional accord when a military action is obviously necessary to the Nation's security. Certainly the authority of presidents to respond to instant threats would in no way be impaired.

The distinguished journalist and student of world affairs, Roscoe Drummond, has written: "One thing the whole nation has learned from the Korean and Vietnam wars is that the United States armed forces must never be used in combat abroad without advance and explicit authorization by Congress except in case of direct attack. No president should ever make that decision by himself—never again. That is why it is urgent that Congress soon recover its full constitutional power to decide if, when, and under what circumstances the U.S. shall go to war."

Referring to my own Senate Resolution 409 which, like the pending bill, seeks to affirm Congressional responsibility in war making, Mr. Drummond wrote: "This is no radical proposal. It is simply bringing practice into conformity with the Constitution. . . . Now is the moment to put this principle and this policy into practice."

Now is surely the moment, although I think all will agree that ten years ago would have been an even better moment for the enactment of legislation to protect the Nation from unnecessary, undesirable wars.

Mr. JAVITS. I am very grateful to my colleague. I thank him very much. He has emphasized one point which is critical to me: If the President—our President, for whose reelection I worked, as did the Senator from New Jersey and the Senator from Illinois—does understand us clearly, then he will lend us his assistance in fashioning what should be the proper methodology to deal with what is obviously a vacant place in the Constitution; and that would be the most desirable result.

Mr. PERCY. I concur.

Mr. JAVITS. I thank the Senator.

EXHIBIT 1

THE WAR POWERS ACT: WHAT IT MEANS

(Remarks by Senator JAVITS, March 29, 1972)

The War Powers Bill (S. 2956) is one of the most important pieces of legislation in the national security field that has come before the Senate in this century. The bill's various sections are carefully interrelated and interdependent. As the Senator who probably has had the longest experience with the evolution of the bill, I will concentrate my remarks on an explanation of the bill and how it is intended to work, and I shall try to dispel the allegations which have been made against it by the State Department and other critics.

I shall begin by dealing with the constitutionality of S. 2956, as well as its historical background and then proceed to a detailed explanation of the bill.

In this connection we should begin with the words of the Constitution itself because from what many critics of S. 2956 have said, it almost seems as if they have neglected to read what the Constitution in fact does say about the war powers.

WAR POWERS OF CONGRESS

Article I, Section 8 of the Constitution enumerates the war powers of Congress. The list of these powers is both detailed and comprehensive:

—"provide for the common defense"

—"to define and punish . . . offences against the law of nations"

—"to declare war"

—"to raise and support armies"

—"to make rules for the government and regulation of the land and naval forces"

—"to provide for calling forth the militia to execute the laws . . . and repel invasions"

—"to provide for organizing, arming, and disciplining, the militia, and for governing such part of them as may be employed in the service of the United States."

The powers of Congress which I have just listed are extensive and specific, but the Founding Fathers went even further to buttress the power of Congress in this field. They did this by concluding Article I, Section 8 with an all-inclusive power—the "necessary and proper" clause, which empowers Congress:

"to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and *all other powers vested by this constitution in the government of the United States, or in any department or officer thereof.*" (italic added)

THE PRESIDENT AS COMMANDER IN CHIEF

And, compared with the war powers of Congress so specifically enumerated in the Constitution, let us examine the war powers actually granted to the President in the Constitution. These powers at best can be described as sparse and cryptic. Article II, Section 1 states: "The executive power shall be vested in a president of the United States of America."

Article II, Section 2, states, without further elaboration:

"The President shall be Commander in Chief of the army and navy of the United States, and of the militia of the several states, when called into the actual service of the United States."

It would be useful at this point to take a look at the "legislative history" of the Commander-in-Chief concept as it is used in the Constitution. There was no doubt in the minds of the drafters of the Constitution about who would be the first President of the United States. George Washington was elected unanimously to the office less than 2 years after completion of the Constitutional Convention. Twelve years earlier, in June 1775, the Continental Congress had appointed George Washington to be "Commander-in-Chief" of the colonial forces. Washington held this post as Commander-in-Chief until his formal resignation and return of his commission in December 1783. He was the only Commander-in-Chief the United States had ever had when in 1787 the Constitution was drafted and the phrase "Commander-in-Chief" written into it.

Clearly, the drafters of the Constitution had the experience of the Continental Congress with George Washington in mind when they designated the President as "Commander-in-Chief" in Article II, Section 2. Thus, the "legislative history" of the constitutional concept of a Commander-in-Chief was the relationship of George Washington as colonial Commander-in-Chief to the Continental Congress.

That relationship is clearly defined in the Commission as Commander-in-Chief which was given to Washington on June 19, 1775, and which was formally returned by him to the Continental Congress on December 23, 1783.

I would like to quote the final clause of this Commander-in-Chief's Commission, because it establishes the relationship of the Congress to the Commander-in-Chief in unmistakable terms:

"And you are to regulate your conduct in every respect by the rules and discipline of war (as herewith given you) and punctually to observe and follow such orders and directions from time to time as you shall receive from this or a future Congress of the said United Colonies or a committee of Congress for that purpose appointed."

THE PRESIDENT'S EXPANDING POWERS

I have dwelt at some length on this question of the Congress' war powers, and the relationship of those powers to the President's function as Commander-in-Chief, because critics of the War Powers Bill so often choose to ignore what the Constitution says. Moreover, out of the sparse and cryptic language of Article II, Section 2 of the Constitution there has grown up an extraordinarily overblown doctrine of so-called Commander-in-Chief powers. The outer limits of this doctrine are cited as a barrier against even the exercise by Congress of its own clearly enumerated war powers. For instance, in his testimony before the Senate Foreign Relations Committee, Secretary of State Rogers approvingly quotes the following assertion of the Truman Administration; ". . . the President, as Commander-in-Chief of the Armed Forces of the United States, has full control over the use thereof."

To this ever-expanding doctrine of exclusive Commander-in-Chief power, Secretary Rogers added a new dimension of his own, in telling the Foreign Relations Committee:

"I would think that his powers as Commander-in-Chief would authorize him to take whatever action he felt necessary to try to protect the safety and the lives of our prisoners of war."

Presumably this could include authority on his own to invade North Vietnam, Laos, Cambodia and perhaps even the People's Republic of China. I doubt that there are many Americans who would go this far even to agree with Secretary Rogers.

HISTORICAL AND CONSTITUTIONAL PERSPECTIVES OF THE WAR POWERS BILL

The constitutional aspects of the War Powers Bill were investigated in a most authoritative way in the hearings conducted by the Foreign Relations Committee. The record of those hearings is already coming to be recognized as the most comprehensive and authoritative examination in existence of the constitutional war powers issues. Law schools from all around the Nation are writing in for copies. I commend the hearings to all Senators interested in this subject.

The question has been asked, quite rightly, why—after all these years—do we need a war powers bill now? It is clear that the Administration opposes any legislation in the war powers field and is apparently quite happy with the present situation. Secretary Rogers said that the War Powers Bill: ". . . reflects an approach not consistent with our constitutional tradition." The Secretary further felt that the "respective roles and capabilities" of the Executive and the Congress should be "left to the political process."

It is the failure of this approach which necessitates a war powers bill. The golden days of Senator Vandenberg have been obliterated by the Vietnam war.

The constitutional imbalance, which has reached such dangerous proportions and which is the prime factor behind this bill, is a recent development growing out of the last few decades. The United States emerged from World War II as the dominant world power—a role alien to all our previous national experience. The unique challenges arising from this new role were such that we slipped into a practice which ran counter to the genius of our Constitution and the underlying structure of our political system. This practice has concentrated the essential war power in the institution of the Presidency and left Congress little more than an appropriations and confirmatory role. It has proved to be a most costly failure which has dangerously strained the fabric of our whole society.

Throughout our history it has been recognized that the essential conduct of foreign policy was a prerogative of the President. But until the United States emerged from World War II as the dominant power of the world, the President's foreign policy portfolio was a relatively modest one, evolving only slowly in our history from the traditions established by President George Washington's admonition to beware of "foreign entanglements."

The Founding Fathers were deeply distrustful of "standing armies." At the time of the ratification of the Constitution, the United States Army consisted of a total of 719 officers and men. On the eve of the Civil War it was only 28,000 and in 1890 it was only 38,000. Even in 1915, the Army numbered less than 175,000. However, since 1951 the size of our "standing" armed forces rarely has dipped below 3,000,000 men. These forces under the President's command are equipped with nuclear weapons and submarines, intercontinental missiles, supersonic jets and they are deployed all over the world. A budget of more than $83 billion has been requested to support these forces in FY 1973.

It is the convergence of the President's role of conducting the foreign policy with his role as Commander-in-Chief of the most potent "standing army" the world has ever seen that has tilted the relationship between the President and Congress so far out of balance in the war powers field. It is this convergence which has created the new situation requiring countervailing action by Congress to restore the Constitutional balance.

EXPLANATION OF THE BILL

It is important to note that the provisions of this bill govern the use of the Armed Forces: *"In the absence of a declaration of war by the Congress."* In this bill we are dealing with *undeclared wars*—wars which have come to be called Presidential wars because the constitutional process of obtaining Congressional authorization has been short-circuited.

Undeclared wars are not a new phenomenon in our history. Our Armed Forces have been introduced in hostilities many more times in the absence of a declaration of war than have been pursuant to a declaration of war. The key problem for the Congress and our Nation, particularly in contemporary circumstances, is undeclared war, or Presidential war, as epitomized by Vietnam. It is to this urgent, contemporary problem that S. 2956 addresses itself.

Section 1 of the bill contains its short title—the "War Powers Act."

Section 2 is a self-explanatory short statement of "Purpose and Policy," stressing its intention to ". . . insure that the collective judgment of both the Congress and the President will apply to the introduction of the Armed Forces of the United States in hostilities, or in situations where imminent involvement in hostilities is clearly indicated by the circumstances . . ."

Section 3 (along with Section 5) is the core of the bill. Section 3 consists of four clauses which define the conditions or circumstances under which, in the absence of a Congressional declaration of war, the Armed Forces of the United States "may be introduced in hostilities, or in situations where imminent involvement in hostilities is clearly indicated by the circumstances."

The first three categories are codifications of the emergency powers of the President, as intended by the Founding Fathers and as confirmed by subsequent historical practice and judicial precedent. Thus, subsections (1), (2), and (3) of Section 3 delineate by statute the implied power of the President in his concurrent role as Commander-in-Chief.

The authority of Congress to make this statutory delineation is contained in the enumerated war powers of Congress in Article I, Section 8 of the Constitution, which I cited at the outset. Most importantly, the authority of Congress to make this statutory delineation is contained in the final clause of Article I, Section 8, granting to Congress the authority:

"To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof."

REPELLING ARMED ATTACK ON THE UNITED STATES

Subsection (1) of Section 3 confirms the emergency authority of the Commander-in-Chief to:

"repel an armed attack upon the United States, its territories and possessions; to take necessary and appropriate retaliatory actions in the event of such an attack; and to forestall the direct and imminent threat of such an attack;"

It should be noted that this subsection authorizes the President not only to repel an attack upon the United States and to retaliate but also *"to forestall the direct and imminent threat of such an attack."* The inclusion of these words grants a crucial element of judgment and discretion to the President. While it was thought by some that the power to "forestall" was inherent in the power to "repel," it was decided to expressly include the forestalling power to avoid any ambiguity domestically or in the eyes of any potential aggressor. Its inclusion belies the allegation of critics that the bill is "inflexible."

Nonetheless, while the President clearly must apply his discretion and judgment to the implementation of this authority, it is by no means a "blank check." For the President to take forestalling action, the threat of attack must be "direct and imminent." Moreover, he must justify his judgment on this point under the mandatory reporting provisions contained in Section 4. But, and this is the point to be emphasized, the judgment is his.

REPELLING ATTACK ON U.S. ARMED FORCES

Subsection (2) further defines the emergency power of the President:

"to repel an armed attack against the Armed Forces of the United States located outside of the United States, its territories and possessions, and to forestall the direct and imminent threat of such an attack;"

The authority contained in this subsection recognizes the right, and duty, of the Commander-in-Chief to protect his troops. Like subsection (1) it includes the authority to forestall a direct and imminent threat of attack, as well as to repel an attack. Clearly, just as the President would not have to wait until the bombs actually started landing on our soil to act against an attack upon the United States, similarly our forces would not have to wait until enemy bullets and mortars hit before they could react.

Nonetheless, it will be noted that the power to repel attacks upon the Armed Forces located outside the United States is less comprehensive in one respect than the power to repel attacks upon the United States itself. While the subsection contains the authority to repel and forestall, it does not include the separate and broader power to retaliate.

There are good reasons for this. First, it should be emphasized that the President could of course take retaliatory action if an attack upon our Armed Forces abroad was leading to an attack upon the United States. And he could do this respecting our NATO forces as part of his forestalling powers relating to an attack upon the United States. Nonetheless, the wording of this provision is meant to retain safeguards against wider embroilment resulting from incidental attacks upon U.S. Forces, or attacks resulting from provocative actions by local U.S. commanders. Thus, for instance, an attack upon a Marine Guard at our Embassy in Nepal would not trigger an authority to retaliate by seizing the country. Likewise, for instance, a sneak attack on security guards at one of our airbases in Thailand would not trigger an authority to retaliate by launching search and destroy missions into Northern Laos.

PROTECTING U.S. CITIZENS ABROAD

Subsection (3) codifies that the authority of the President to rescue United States citizens and nationals abroad—and this would include foreign soil as ships or planes on or over the high seas. By defining the circumstance and procedures to be followed, this subsection is a conscious movement away from some of the excesses of nineteenth century gunboat diplomacy. The language of this subsection is as follows:

"to protect while evacuating citizens and nationals of the United States, as rapidly as possible, from any country in which such citizens and nationals are present with the express or tacit consent of the government of such country and are being subjected to a direct and imminent threat to their lives, either sponsored by such government or beyond the power of such government to control; but the President shall make every effort to terminate such a threat without using the Armed Forces of the United States, and shall, where possible, obtain the consent of the government of such country before using the Armed Forces of the United States to protect citizens and nationals of the United States being evacuated from such country;"

NATIONAL COMMITMENTS

Subsection (3) is perhaps the most significant part of the bill. For, while subsections (1), (2), and (3) codify emergency powers which are inherent in the independent constitutional authority of the President as Commander-in-Chief, Section 3(4) deals with the delegation by the Congress of additional authorities which would accrue to the President as a result of statutory action by the Congress and which he does not, or would not, possess in the absence of such statutory action.

The language of Section 3(4) reads as follows: pursuant to specific statutory authorization, but authority to introduce the Armed Forces of the United States in hostilities or in any such situation shall not be inferred (A) from any provision of law hereafter enacted, including any provision contained in any appropriation Act, unless such provision specifically authorizes the introduction of such Armed Forces in hostilities or in such situation and specifically exempts the introduction of such Armed Forces from compliance with the provisions of this Act, or (B) from any treaty hereafter ratified unless such treaty is implemented by legislation *specifically* authorizing the introduction of the Armed Forces of the United States in hostilities or in such situation and specifically exempting the introduction of such Armed Forces from compliance with the provisions of this Act. Specific statutory authorization is required for the assignment of members of the Armed Forces of the United States to command, coordinate, participate in the movement of, or accompany the regular or irregular military forces of any foreign country or government when such Armed Forces are engaged, or there exists an imminent threat that such forces will become engaged, in hostilities. No treaty in force at the time of the enactment of this Act shall be construed as specific statutory authorization for, or a specific exemption permitting, the introduction of the Armed Forces of the United States in hostilities or in any such situation, within the meaning of this clause (4); and no provision of law in force at the time of the enactment of this Act shall be so construed unless such provision specifically authorizes the introduction of such Armed Forces in hostilities or in any such situation.

The key phrase in this subsection is contained in its initial five words: "pursuant to specific statutory authorization." The rest of the subsection is an explanation, elaboration and definition of the meaning (for the purposes of the bill) of the words "pursuant to specific statutory authorization." In an important sense, this subsection gives legislative effect to S. Res. 85, the National Commitments Resolution adopted by the Senate on June 25, 1969 by a vote of 70 to 16 which states "that a national commitment by the United States to a foreign power necessarily and exclusively results from affirmative action taken by the executive and legislative branches of the United States Government through means of a treaty, convention, or other legislative instrumentality specifically intended to give effect to such a commitment."

The significance of subsection (4) is multiple. First, it establishes a mechanism by which the President and the Congress *together* can act to meet any contingency which the nation might face.

There is no way to legislate national wisdom but subsection (4) does provide important protection to the American people by requiring that the Congress as well as the President must participate in the critical decision to authorize the use of the Armed Forces of the United States in hostilities, other than hostilities arising from such "defensive" emergencies as an attack upon the United States, our Armed Forces abroad, or upon U.S. citizens abroad in defined circumstances. It provides as much flexibility in the national security field as the wit and ingenuity of the President and Congress may be jointly capable of constructing.

Subsection (4) places a big responsibility upon the President as well as the Congress. The initiative in generating "specific statutory authorization" to meet contingencies and developing crises may in most instances come from the President. As the conductor of foreign policy, with all the information and intelligence resources at his command, it will be incumbent upon him to present the case to the Congress and the nation.

There is a clear precedent for the action anticipated in subsection (4)—the "area resolution." Over the past two decades, the Congress and the President have had considerable experience with area resolutions—some of it good and some quite unsatisfactory. In its mark-up of the War Powers Bill, the Foreign Relations Committee considered this experience carefully in approving the language of subsection 3 (4). The intent of the final clause of subsection (4) is to uphold the validity of three area resolutions currently on the statute books. These are: the "Formosa Resolution" (H.J. Res. 159 of January 29, 1955); the "Middle East Resolution" (H.J. Res. 117 of March 9, 1957, as amended); and the "Cuban Resolution" (S.J. Res. 230 of October 3, 1962).

The best known—and most controversial—of the area resolutions, the Tonkin Gulf Resolution (H.J. Res. 1145 of August 10, 1964), was repealed as of January 12, 1971.

The question may be asked: what is to guard against the passage of another resolution of the Tonkin Gulf type?

The answer is that any future area resolutions, to qualify under this bill as a grant of authority to introduce the armed forces in hostilities or in situations where imminent involvement in hostilities is clearly indicated by the circumstances, must meet certain carefully drawn criteria—as spelled out in the language of subsection (4). The pertinent language is:

> ". . . unless such provision specifically authorizes the introduction of such Armed Forces in hostilities or in such situation and specifically exempts the introduction of such Armed Forces from compliance with the provisions of this Act. . ."

In other words, any future area resolution must be a specific grant of authority which would contain a direct reference to the Bill now under discussion. The phrase "exempts . . . from compliance with the provisions of this Act" is included to insure that the precise intention of the grant of authority is clearly established with reference to the War Powers Bill. The exemption could of course establish other procedures—or it could reaffirm all, or part, of the provisions of S. 2956. The bill thus allows for as much flexibility with respect to handling of any developing crisis or sudden emergency as the Congress and the President may jointly deem prudent.

Clearly, both the President and the Congress will have much to do, following the passage of this Bill. First, Congress will have to review closely the three area resolutions which are left standing by the provision of subsection (4). Legislation to terminate those resolutions has already been introduced.

As a first step in the mental attitude of partnership which will be brought about by this Bill, the Administration should review the world situation carefully and take the initiative in coming to the Congress with recommendations respecting the existing area resolutions—as well as recommendations for any new ones which the President may feel are needed for our national security.

As regards the three existing area resolutions which continue to qualify under subsection (4), the Nixon Administration, in another context, has said it did not rely on the resolutions and has taken the following position:

> ". . . as a functional matter, [the area] Resolutions have no continuing significance in the foreign policy formulation process, and it is for Congress to determine whether they should be terminated or simply allowed to fade away."

With the new situation that would follow the adoption of the War Powers Bill, a new approach would be required of the Executive.

At this point, I should draw attention to the fact that requests for new authority, pursuant to subsection (4), do *not* qualify for the "Congressional Priority Provisions" contained in Section 7. However, it is contemplated that Congressional consideration of new subsection (4) grants of authority can generally be undertaken in the absence of an imminent threat or emergency in a deliberative way, including committee hearings. The point here is to obviate a repetition of the unfortunate experience of the Congress with the Tonkin Gulf Resolution, which it was later realized went through the Congress without enough inquiry in the respective Committees and in the related floor debate, for it was confirmatory not plenary; and more a gesture of solidarity with the President than a decision on war by the Congress.

RENEWING CLOSE CONSULTATION

Not only must the Congress be prepared to play its role in the war powers area with wisdom and foresight—but with great responsibility.

And, an important new responsibility is also placed on the Executive branch. Last minute "crunches" can be avoided by a renewal of the earlier practice of continuing close consultation between the Executive branch and the relevant committees of Congress. The Executive will be obliged to make the Congress, again its partner in shaping the broad, basic national security and foreign policy of the Nation well in advance of the exercise of the war power.

CONGRESSIONAL AUTHORITY AND PRESIDENTIAL FLEXIBILITY

Some have argued that seeking Congressional authority to use the Armed Forces with respect to developing crisis situations would deprive the President of flexibility—or introduce ambiguity—in the conduct of foreign policy during crisis situations. It is said that the President would have to "telegraph his punches" and thus remove surprise from his diplomatic arsenal.

This charge does not stand up under scrutiny. First, the President would not be compelled or obliged to use the Armed Forces just because the Congress granted him the authority to do so. This could be made clear to the entire world through the public media facilities at the President's command, as well as through the diplomatic channels at his command.

Moreover, it is just not true, as some critics of the bill have alleged, that the passage of this legislation would inhibit the President's capacity to move elements of the fleet anywhere on the High Seas. To give a specific example, there is nothing in the bill which would have affected the President's decision to move elements of the Sixth Fleet into the eastern Mediterranean during the recent Jordanian crisis. The right of United States naval forces to operate freely anywhere in international waters would not be abridged by this bill. Moreover, the capacity of our armed forces to rescue U.S. citizens stranded or threatened on the high seas would not be restricted by the bill.

An important provision of Subsection (4) is contained in its first qualifying clause (A). As stated in the Committee Report, the purpose of this clause is to overrule the Orlando vs. Laird decision of the Second Circuit Court, which held that passage of defense appropriations bills, and extension of the Selective Service Act, constituted implied Congressional authorization for the Vietnam war.

TREATIES

One of the most far-reaching aspects of Subsection (4) is its provisions respecting treaties. Throughout the past two decades there has been continuing confusion, debate and controversy respecting a crucial phrase that is standard in our Nation's collective and bilateral security treaties; that phrase is that implemention of such treaties, as to involvement of U.S. forces in hostilities, will be in accordance with the "constitutional processes" of the signatories.

In an important sense, Subsection (4) defines "constitutional processes" for the first time, as it relates to treaty implementation by the United States. The definition of "constitutional processes" respecting treaty implementation is both negative and positive.

Subsection (4) makes a finding in law that no U.S. security treaties can be considered self-executing in their own terms. With respect to existing treaties the bill states:

"No treaty in force at the time of the enactment of this Act shall be construed as specific statutory authorization for, or a specific exemption permitting, the introduction of the Armed Forces of the United States in hostilities or in any such situation . . ."

Additionally, the Subsection states that authorization for introducing the armed forces in hostilities shall not be inferred:

". . . from any treaty hereafter ratified unless such treaty is implemented by legislation specifically authorizing the introduction of the Armed Forces of the United States in hostilities or in such situation and specifically exempting the introduction of such Armed Forces from compliance with the provisions of this Act."

It is important to bear in mind that these negative findings with respect to treaties must be considered in conjunction with the authority of the President in Subsections (1), (2) and (3). The authority contained in those Subsections is in no way abridged or diminished by the negative findings on treaties *per se*.

Moreover, as the language of the Subsection makes clear, the bill envisages the adoption of treaty implementation legislation, as deemed appropriate and desirably by the Congress and the President. Such implementing legislation would constitute the authority "pursuant to specific statutory authorization" called for by Subsection (4).

There are two principal reasons for including these provisions with respect to our collective and bilateral security treaties. First, is to ensure that both Houses of Congress must be affirmatively involved in any decision of the United States to engage in hostilities pursuant to a treaty. Treaties are ratified by and with the consent of the Senate. But the war powers of Congress in Article I, Section 8 of the Constitution are vested in both Houses of Congress and not in the Senate (and President) alone. A decision to make war must be a national decision. Consequently, to be truly a national decision, and, most importantly, to be consonant with the Constitution it must be a decision involving the President and both Houses of Congress.

Second, the negative findings with respect to treaties is important so as to remove the possibility of a future issue of bitter contention such as arose with respect to the SEATO Treaty and the Vietnam war.

Treaties are not self-executing. They do not contain authority within the meaning of Section 3(4) to go to war. Thus, by requiring statutory action, in the form of implementing legislation or an area resolution of the familiar type, the War Powers Bill performs the important function of defining that elusive and controversial phrase—"constitutional processes"—which is contained in our security treaties.

Subsection (4) contains one additional important provision. It states:

"Specific statutory authorization is required for the assignment of members of the Armed Forces of the United States to command, coordinate, participate in the movement of, or accompany the regular or irregular military forces of any foreign country or government when such forces are engaged, or there exists an imminent threat that such forces will become engaged, in hostilities."

As explained in the Committee report, the purpose of this provision is "to prevent secret, unauthorized military support activities." Senators conversant with the major debates of the past five years will recognize that this provision is designed to prevent a repetition of many of the most controversial and regrettable actions of the past two administrations in Indochina. For, we know that the ever deepening ground combat involvement of the United States in South Vietnam began with the assignment of U.S. "advisors" to accompany South Vietnamese units on combat patrols. Soon, such U.S. advisors were authorized to shoot, first in self-defense, and later, without restriction. And, in Laos, secretly and without Congressional authorization, U.S. "advisors"—frequently members of the Armed Forces on "loan" to the CIA—have been deeply engaged in the war in northern Laos.

We now have the anomalous situation in Cambodia where, despite legislative prohibitions against the introduction of U.S. advisors, we find that Cambodian forces are being trained in South Vietnam and then are accompanied back to Cambodia by members of the U.S. Armed Forces who have been training them but who are now designated as members of the military equipment delivery team. So far, I am not aware of any actions by U.S. forces in Cambodia which would violate the provision of the War Powers Bill which I am now discussing. However, the press is full of reports that communist forces are active around Phnom Penh and may soon launch an attack on the capital city itself. In such circumstances, one is concerned whether the so-called military equipment delivery teams, whose members have been training the Cambodians a few miles across the border, are likely to become involved in combat actions of the sort this provision of the War Powers Bill is designed to prevent unless there is specific statutory authorization to do so.

The situation in Cambodia is, of course, a hypothetical one in the context of this bill which does not apply to the ongoing hostilities in Indochina. Nonetheless, it points up the weakness of some of the previous Congressional efforts to achieve similar *ad hoc* restrictions through what I would call the appropriations route. Here, we find that semantic dexterity on the part of the Pentagon has created a loop-hole which gets around the best intent of Congress. One can well question the Pentagon's insistence that it is not defying the statutory ban contained in H.R. 19911—the Cooper-Church amendment which states:

"none of the funds authorized or appropriated pursuant to this or any other Act may be used to finance the introduction of United States ground combat troops into Cambodia, *or to provide United States advisers to or for Cambodian military forces in Cambodia.*"

CONGRESSIONAL AUTHORITY FOR PRESIDENTIAL WARS

The approach taken in the War Powers Bill reverses the situation by placing the burden on the Executive to come to Congress for specific authority. The sponsors of the Bill believe that this provision will provide an important national safeguard against creeping involvement in future Vietnam-style wars. The danger of U.S. involvement in wars over the next decade at least would appear to be greater as regards small, "limited" brushfire, undeclared wars of obscure beginnings—such as the ones which have wracked Southeast Asia for the past several decades—than the danger of a big conventional war.

The State Department has raised the charge that this provision of S. 2956 would require the disbandment of NATO's unified command. I believe this to be a faulty and distorted reading of the legislation. It is certainly a reading which is in direct contradiction of the legislative purpose of the authors and sponsors of the Bill, and in normal operation it contradicts the plain text of the Bill. However, should any legitimate doubts persist on this point, following the Senate debate, the Senate could pass a specific statutory authorization for members of the Armed Forces of the United States to continue to participate fully in the NATO unified command. I would be glad to sponsor and introduce myself a joint resolution to this effect, if it should be considered desirable. Hence, it is important that we guard against any weakening of this important provision by irrelevancies which would reopen the flood gate to future Vietnams.

Section 4 of S. 2956 requires the President to report "promptly" in writing to both Houses of Congress any use of the Armed Forces covered by Section 3 of the Bill. The provisions of this section are clear and simple. In his report to Congress, the President is required to include "a full account of the circumstances under which . . . [he has acted], . . . the estimated scope of such hostilities or situation, and the consistency of the introduction of such forces in such hostilities or situation with the provisions of section 3 of this Act."

In addition, the President is required to make periodic, additional reports so long as the Armed Forces are engaged in circumstances governed by section 3. Such additional reports shall be submitted at least every six months.

It will be noted that the President is required to report "promptly." This word has been used in preference to "immediately" or a possible specific time limit such as 24 hours. The important thing is that the report must be prompt but it must also be comprehensive. It might take a few days for the Executive branch to assemble all the facts and reports from the field, as well as to assemble the various intelligence reports and, most importantly, to prepare an informed judgment on the "estimated scope of such hostilities."

What we are looking for here is a full and accurate report of events, combined with an authoritative statement by the President of his judgment about the direction in which the situation is likely to develop. The Congress can act intelligently and responsibly only when it has the necessary information at hand. We cannot allow a repetition of the experience we had with respect to the Tonkin Gulf Resolution, where we later learned that we were provided with incomplete, even misleading and inaccurate, reports of what had actually occurred.

It is important to bear in mind that the reporting requirements of the Bill apply independently of the provisions of Sections 5, 6 and 7. There are several reasons for this, despite the fact that there inevitably will be a close *de facto* operational connection between the President's report under Section 4 and the subsequent actions of Congress under Sections 5, 6 and 7.

First, it should be clear that the President's mandatory report is not to be considered a request for an extension of authority as might be granted subsequently under Section 5. Such a request can only be introduced by a member of Congress.

Second, it is entirely possible that even a majority of the actions taken under the President's direction pursuant to Section 3 will be short-lived, one-shot actions completed well within the thirty day time period, and thus requiring no extension in time of the authority spelled out in Section 3.

THIRTY-DAY AUTHORIZATION PERIOD

The Committee Report characterizes Section 5 as "the heart and core of the Bill." Taken in conjunction with Section 3 it is just that. It is the crucial embodiment of Congressional authority in the war powers field, based on the mandate of Congress enumerated so comprehensively in Article I, Section 8 of the Constitution. Section 5 rests squarely and securely on the words, meaning and intent of Section 8, Article I and thus represents, in an historic sense, a restoration of the constitutional balance which has been distorted by the practice of recent decades.

Section 5 provides that actions taken under the provisions of Section 3 ". . . shall not be sustained beyond thirty days from the date of the introduction of such Armed Forces in hostilities or in any such situation unless the continued use thereof in such hostilities or in such situation has been authorized in specific legislation enacted for that purpose by the Congress and pursuant to the provisions thereof."

Section 5 resolves the modern dilemma of reconciilng the need of speedy and emergency action by the President in this age of instantaneous communications and of intercontinental ballistic missiles with the urgent necessity for Congress to exercise its constitutional mandate and duty with respect to the great questions of war and peace.

The choice of thirty days, in a sense, is arbitrary. However, it clearly appears to be an optimal length of time with respect to balancing two vital considerations. First, it is an important objective of this Bill to bring the Congress, in the exercise of its constitutional war powers, into any situation involving U.S. forces in hostilities at an early enough moment so that its (Congress') actions can be meaningful and decisive in terms of a national decision respecting the carrying on of war. Second, recognizing the need for emergency action, and the crucial need of Congress to act with sufficient deliberation and to act on the basis of full information, thirty days is a time period which strikes a balance enabling Congress to act meaningfully as well as independently.

It should be noted further, that the thirty day provision can be extended as Congress sees fit—or it can be foreshortened under Section 6. The way the Bill is constructed, however, the burden for obtaining an extension under Section 5 vests on the President. He must obtain specific, affirmative, statutory action by the Congress in this respect. On the other hand, the burden for any effort to foreshorten the the thirty day period rests with the Congress, which would have to pass an act or joint resolution to do so. Any such measures to foreshorten the thirty day period would have to reckon with the possibility of a Presidential veto, as his signature is required, unless there is sufficient Congressional support to override a veto with a two-thirds majority.

The issue has been raised, quite properly, as to what would happen if our forces were still engaged in hot combat at the end of the thirtieth day—and there had been no Congressional extension of the thirty day time limit.

The answer is that the President, in his capacity as Commander-in-Chief and in accordance with his duty as Commander-in-Chief to protect his troops, would not be required or expected to order the troops, to lay down their arms.

The President would, however, be under statutory compulsion to begin to disengage in full good faith to meet the thirty-day time limited. He would be under the injunction placed upon him by the Constitution, which requires of the President that: "he shall take care that the laws be faithfully executed."

The thirty-day provision contained in Section 5 thus assumes that the President will act according to law. No other assumption is possible unless we are to discard our whole constitutional system. So long as the President is acting in good faith in acting to disengage, there would be no constitutional confrontation over fighting by our forces after the thirty-day period (or any other period established by statute).

Section 6 of the bill establishes that Congress may, through statutory action, foreshorten the thirty-day provisions of Section 5. Clearly, such action could only happen in most extraordinary circumstances wherein a President might act in blatant opposition to the national will or the national interest.

ANTIFILIBUSTER SAFEGUARD

Section 7 is an important provision of the bill which establishes strict procedures to assure priority Congressional action to extend, or foreshorten, the thirty-day time period as provided in Sections 5 and 6. The provisions of Section 7 are included to remove the possibility that action in this regard could be prevented or delayed through filibuster or committee pigeon-holing.

It is important to note again that requests for authority under Subsection (4) of Section 3 would not qualify for the priority consideration procedures established in Section 7. In other words, a Presidential request for an area resolution of the type contemplated in Section 3, Subsection (4) would not trigger the provisions of Section 7. Such requests would be considered by Congress under normal procedures. Section 7 would apply only with respect to measures which would extend (or foreshorten) measures already previously made statutory under Section 3.

To give an example, the Tonkin Gulf Resolution could not have been shoved through the Congress under the priority consideration procedures of Section 7. On the other hand, hypothetically, if United States Armed Forces were fighting in Mexico, pursuant to specific statutory authorization under Section 3, to resist an invasion by the Soviet Union or Cuba, a resolution to extend the thirty-day authorization period would qualify for the priority consideration procedures, if sponsored or cosponsored by one-third of the membership of the House in which it was introduced.

Finally, it should be noted that an important measure of flexibility has nonetheless been retained in Section 7. Its strict, almost instant, provisions can be modified in any particular instance by a majority vote of the members of the House in which it is being considered. This is the meaning of the phrase "unless such House shall otherwise determine by yeas and nays." The significance of this "escape clause" is that in situations which clearly do not constitute a national emergency, the Congress can proceed as it may decide to, upon majority vote.

Section 8 contains a standard separability clause which simply provides that if any provision of the bill should be held invalid, this would not effect the validity of the rest of the bill.

Section 9 provides that:

"This Act shall take effect on the date of its enactment but shall not apply to hostilities in which the Armed Forces of the United States are involved on the effective date of this Act."

The purpose of this section is very clear and straightforward. The bill is not intended to apply retroactively to the Vietnam War should that war still be in progress when this act becomes effective. I am confident that the wisdom of this decision will be evident to most Senators.

CONCLUSION

The real question—and the State Department admits it—is, independently of Congress, "to what extent the President has the power to use the armed forces by virtue of his role as Chief Executive, as Commander-in-Chief, and in the conduct of foreign relations." In practice, the question has been answered over the past several decades, in effect, by no limits being placed on this alleged power of the Commander-in-Chief so that the President has been able to commit the people to extended war. All he has asked from Congress is that it provide the money and the men he wants to pursue his policies. But this was almost the doctrine of Charles II or Louis XVI—not that any American President so intends it, but he is driven to it by some awful logic if this claim of power by the Executive is acquiesced in by Congress and the Nation as valid under the Constitution. It is not valid if the Congress chooses to exercise its power under the "necessary and proper" clause to define by law the President's and its own role is going to war. And when the President's authority is so defined, as it will be if this War Powers bill becomes law, then the issue of authority is determined in an authoritative way, and, I have little doubt, will be carried out to the best of his ability in good faith by any American President.

EXHIBIT 2

S. 440

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "War Powers Act".

PURPOSE AND POLICY

SEC. 2. It is the purpose of this Act to fulfill the intent of the framers of the Constitution of the United States and insure that the collective judgment of both the Congress and the President will apply to the introduction of the Armed Forces of the United States in hostilities, or in situations where imminent involvement in hostilities is clearly indicated by the circumstances, and to the continued use of such forces in hostilities or in such situations. Under article I, section 8, of the Constitution, it is specifically provided that the Congress shall have the power to make all laws necessary and proper for carrying into execution, not only its own powers but also all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof. At the same time, this Act is not intended to encroach upon the recognized powers of the President, as Commander in Chief and Chief Executive, to conduct hostilities authorized by the Congress, to respond to attacks or the imminent threat of attacks upon the United States, including its territories and possessions, to repel attacks or forestall the imminent threat of attacks against the Armed Forces of the United States, and, under proper circumstances, to rescue endangered citizens and nationals of the United States located in foreign countries.

EMERGENCY USE OF THE ARMED FORCES

SEC. 3. In the absence of a declaration of war by the Congress, the Armed Forces of the United States may be introduced in hostilities, or in situations where imminent involvement in hostilities is clearly indicated by the circumstances, only—

(1) to repel an armed attack upon the United States, its territories and possessions; to take necessary and appropriate retaliatory actions in the event of such an attack; and to forestall the direct and imminent threat of such an attack;

(2) to repel an armed attack against the Armed Forces of the United States located outside of the United States, its territories and possessions, and to forestall the direct and imminent threat of such an attack;

(3) to protect while evacuating citizens and nationals of the United States, as rapidly as possible, from (A) any situation on the high seas involving a direct and imminent threat to the lives of such citizens and nationals, or (B) any country in which such citizens and nationals are present with the express or tacit consent of the government of such country and are being subjected to a direct and imminent threat to their lives, either sponsored by such government or beyond the power of such government to control; but the President shall make every effort to terminate such a threat without using the Armed Forces of the United States,

and shall, where possible, obtain the consent of the government of such country before using the Armed Forces of the United States to protect citizens and nationals of the United States being evacuated from such country; or

(4) pursuant to specific statutory authorization, but authority to introduce the Armed Forces of the United States in hostilities or in any such situation shall not be inferred (A) from any provision of law hereafter enacted, including any provision contained in any appropriation Act, unless such provision specifically authorizes the introduction of such Armed Forces in hostilities or in such situation and specifically exempts the introduction of such Armed Forces from compliance with the provisions of this Act, or (B) from any treaty hereafter ratified unless such treaty is implemented by legislation specifically authorizing the introduction of the Armed Forces of the United States in hostilities or in such situation and specifically exempting the introduction of such Armed Forces from compliance with the provisions of this Act. Specific statutory authorization is required for the assignment of members of the Armed Forces of the United States to command, coordinate, participate in the movement of, or accompany the regular or irregular military forces of any foreign country or government when such Armed Forces are engaged, or there exists an imminent threat that such forces will become engaged, in hostilities. No treaty in force at the time of the enactment of this Act shall be construed as specific statutory authorization for, or a specific exemption permitting, the introduction of the Armed Forces of the United States in hostilities or in any such situation, within the meaning of this clause (4); and no provision of law in force at the time of the enactment of this Act shall be so construed unless such provision specifically authorizes the introduction of such Armed Forces in hostilities or in any such situation.

REPORTS

SEC. 4. The introduction of the Armed Forces of the United States in hostilities, or in any situation where imminent involvement in hostilities is clearly indicated by the circumstances, under any of the conditions described in section 3 of this Act shall be reported promptly in writing by the President to the Speaker of the House of Representatives and the President of the Senate, together with a full account of the circumstances under which such Armed Forces were introduced in such hostilities or in such situation, the estimated scope of such hostilities or situation, and the consistency of the introduction of such forces in such hostilities or situation with the provisions of section 3 of this Act. Whenever Armed Forces of the United States are engaged in hostilities or in any such situation outside of the United States, its territories and possessions, the President shall, so long as such Armed Forces continue to be engaged in such hostilities or in such situation, report to the Congress periodically on the status of such hostilities or situation as well as the scope and expected duration of such hostilities or situation, but in no event shall he report to the Congress less often than every six months.

THIRTY-DAY AUTHORIZATION PERIOD

SEC. 5. The use of the Armed Forces of the United States in hostilities, or in any situation where imminent involvement in hostilities is clearly indicated by the circumstances, under any of the conditions described in section 3 of this Act shall not be sustained beyond thirty days from the date of the introduction of such Armed Forces in hostilities or in any such situation unless (1) the President determines and certifies to the Congress in writing that unavoidable military necessity respecting the safety of Armed Forces of the United States engaged pursuant to section 3(1) or 3(2) of this Act requires the continued use of such Armed Forces in the course of bringing about a prompt disengagement from such hostilities; or (2) Congress is physically unable to meet as a result of an armed attack upon the United States; or (3) the continued use of such Armed Forces in such hostilities or in such situation has been authorized in specific legislation enacted for that purpose by the Congress and pursuant to the provisions thereof.

TERMINATION WITHIN 30-DAY PERIOD

SEC. 6. The use of the Armed Forces of the United States in hostilities, or in any situation where imminent involvement in hostilities is clearly indicated by the circumstances, under any of the conditions described in section 3 of this Act may be terminated prior to the thirty-day period specified in section 5 of this Act by an Act or joint resolution of Congress, except in a case where the President has determined and certified to the Congress in writing that unavoidable military necessity respecting the safety of Armed Forces of the United States engaged pursuant to section 3(1) or 3(2) of this Act requires the continued use of such Armed Forces in the course of bringing about a prompt disengagement from such hostilities.

CONGRESSIONAL PRIORITY PROVISIONS

SEC. 7. (a) Any bill or joint resolution authorizing a continuation of the use of the Armed Forces of the United States in hostilities, or in any situation where imminent involvement in hostilities is clearly indicated by the circumstances, under any of the conditions described in section 3 of this Act, or any bill or joint resolution terminating the use of Armed Forces of the United States in hostilities, as provided in section 6 of this Act, shall, if sponsored or cosponsored by one-third of the Members of the House of Congress in which it is introduced, be considered reported to the floor of such House no later than one day following its introduction unless the Members of such House otherwise determine by yeas and nays. Any such bill or joint resolution, after having been passed by the House of Congress in which it originated, shall be considered reported to the floor of the other House of Congress within one day after it has been passed by the House in which it originated and sent to the other House, unless the Members of the other House shall otherwise determine by yeas and nays.

(b) Any bill or joint resolution reported to the floor pursuant to subsection (a) or when placed directly on the calendar shall immediately become the pending business of the House in which such bill or joint resolution is reported or placed directly on the calendar, and shall be voted upon within three days after it has been reported or placed directly on the calendar, as the case may be, unless such House shall otherwise determine by yeas and nays.

SEPARABILITY CLAUSE

SEC. 8. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of such provision to any other person or circumstance shall not be affected thereby.

EFFECTIVE DATE AND APPLICABILITY

SEC. 9. This Act shall take effect on the date of its enactment but shall not apply to hostilities in which the Armed Forces of the United States are involved on the effective date of this Act. Nothing in section 3(4) of this Act shall be construed to require any further specific statutory authorization to permit members of the Armed Forces of the United States to participate jointly with members of the armed forces of one or more foreign countries in the headquarters operations of high-level military commands which were established prior to the date of enactment of this Act and pursuant to the United Nations Charter or any treaty ratified by the United States prior to such date.

EXHIBIT 3

WAR POWERS

The Committee on Foreign Relations, to which was referred the bill (S. 2956), to make rules governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

WHAT THE BILL PROVIDES

The purpose of the war powers bill, as set forth in its statement of "purpose and policy," is to fulfill—not to alter, amend, or adjust—the intent of the framers of the United States Constitution in order to insure that the collective judgment of both the Congress and the President will be brought to bear in decisions involving the introduction of the Armed Forces of the United States in hostilities or in situations where imminent involvement in hostilities is indicated by circumstances. The constitutional basis for this bill is found in Article 1, Section 8, of the Constitution, which enumerates the war powers of Congress, including the power to declare war and to make rules for the Government and regulation of the Armed Forces, and further specifies that Congress shall have the power "to make all laws necessary and proper for carrying into execution" not only its own powers but also "all other powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof."

The essential purpose of the bill, therefore, is to reconfirm and to define with precision the constitutional authority of Congress to exercise its constitutional war powers with respect to "undeclared" wars and the way in which this authority relates to the constitutional responsibilities of the President as Commander-in-Chief. The bill is in no way intended to encroach upon, alter or detract from the constitutional powers of the President, in his capacity as Commander-in-Chief, to conduct hostilities authorized by Congress, to repel attacks or the imminent threat of attacks upon the United States or its armed forces, and to rescue endangered American citizens and nationals in foreign countries.

Section 3 of the bill defines the emergency conditions in which, in the absence of a declaration of war by Congress, the Armed Forces of the United States may be introduced in hostilities, or in situations where imminent involvement in hostilities is indicated by circumstances.

The conditions under which the President may make such emergency use of the armed forces, defined with a view to reconciling modern conditions of warfare and politics with the intent of the framers of the Constitution, are as follows:

(1) to repel an armed attack upon the United States, its territories and possessions; to take necessary and appropriate retaliatory actions in the event of such an attack; and to forestall the direct and imminent threat of such an attack;

(2) to repel an *armed attack* against the Armed Forces of the United States located outside of the United States, its territories and possessions, and to forestall the direct and imminent threat of such an attack;

(3) to protect while evacuating citizens and nationals of the United States, as rapidly as possible, from any country in which such citizens and nationals are present with the express or tacit consent of the government of such country and are being subjected to a direct and imminent threat to their lives, either sponsored by such government or beyond the power of such government to control; but the President shall make every effort to terminate such a threat without using the Armed Forces of the United States,

and shall, where possible obtain the consent of the government of such country before using the Armed Forces of the United States to protect citizens and nationals of the United States being evacuated from such country; or

(4) pursuant to specific statutory authorization, but authority to introduce the Armed Forces of the United States in hostilities or in any such situation shall not be inferred (A) from any provisions of law hereafter enacted, including any provision contained in any appropriation Act, unless such provision specifically authorizes the introduction of such Armed Forces in hostilities or in such situation and specifically exempts the introduction of such Armed Forces from compliance with the provisions of this Act, or (B) from any treaty hereafter ratified unless such treaty is implemented by legislation specifically authorizing the introduction of the Armed Forces of the United States in hostilities or in such situation and specifically exempting the introduction of such Armed Forces from compliance with the provisions of this Act. Specific statutory authorization is required for the assignment of members of the Armed Forces of the United States to command, coordinate, participate in the movement of, or accompany the regular or irregular military forces of any foreign country or government when such Armed Forces are engaged. or there exists an imminent threat that such forces will become engaged, in hostilities. No treaty in force at the time of the enactment of this Act shall be construed as specific statutory authorization for. or a specific exemption permitting, the introduction of the Armed Forces of the United States in hostilities or in any such situation, within the meaning of this clause (4); and no provision of law in force at the time of the enactment of this Act shall be so construed unless such provision specifically authorizes the introduction of such Armed Forces in hostilities or in any such situation.

The designation of conditions for the emergency use of the armed forces spelled out in Section 3 is the result of a concerted effort on the part of the Committee and the principal sponsors of the "War Powers Act" to make ample provision for the exigencies of modern warfare and international politics but to do so in such a way as to fulfill the intent of the Constitution, particularly with reference to war powers of Congress.

Senator Javits, the initial sponsor of war powers legislation, in testimony before the Committee explained the rationale for the proposed legislation as follows:

My cosponsors and I regard this bill as basic national legislation. It is legislation essential to our security and well being. It is legislation in the interest of the President as well as the Congress. . . . We live in an age of undeclared war, which has meant Presidential war. Prolonged engagement in undeclared, Presidential war has created a most dangerous imbalance in our Constitutional system of checks and balances. . . [The bill] is rooted in the words and the spirit of the Constitution. It uses the clauses of Article I, Section 8 to restore the balance which has been upset by the historical disenthronement of that power over war which the framers of the Constitution regarded as the keystone of the whole Article of Congressional power—the exclusive authority of Congress to "declare war"; the power to change the nation from a state of peace to a state of war.

In testimony before the Committee. Senator Stennis, Chairman of the Armed Services Committee, stated: ". . . . I believe that all of the bills and resolutions so far introduced are important chiefly because they attempt to delineate between those circumstances in which the President can first act unilaterally and those in which prior authority by Congress is required before armed forces can be used."

Section 3 of the bill makes these crucial delineations. Subsections (1), (2) and (3) are codifications of the President's Commander-in-Chief power to "repel sudden attacks" and protect U.S. nationals whose lives are endangered abroad—powers based on established precedent and which the Constitutional Convention intended to give to the President, as evidenced by Madison's notation about "leaving to the Executive the power to repel sudden attacks." Subsection (4) of Section 3 of the bill is a crucial provision of the legislation, requiring that all other use of the Armed Forces in hostilities, or situations where hostilities are clearly imminent, must be "pursuant to specific statutory authorization."

With these two criteria in mind—modern conditions of warfare and world politics on the one hand and the intent of the framers of the Constitution on the other—it was judged appropriate to allow emergency use of the armed forces by the President (under Subsections 1 and 2 of Section 3) not only to respond to an attack upon the United States or its armed forces but also to "forestall the direct and imminent threat of such an attack." In allowing of emergency action to forestall the direct and imminent threat of an attack the majority of the Committee accepted the view expressed in testimony before the Committee by Alexander M. Bickel, Professor of Law, Yale University, that the authority involved is "a reactive not a self-starting affirmative power. . . ." As Professor Bickel put it:

The "sudden attack" concept of the framers of the Constitution denotes a power to act in emergencies in order to guard against the threat of attack, as well as against the attack itself, when the threat arises, for example, in such circumstances as those of the Cuban missile crisis of 1962. So long as it is understood that this is a reactive, not a self-starting affirmative power, I have no trouble agreeing that it is vested in the President by the Constitution, that it provides flexibility, and that Congress cannot take it away.[1]

One of the most important provisions of the bill is Subsection (4) of Section 3. This subsection sets forth the criteria, by means of which the Congress can "pursuant to specific statutory authorization" give the President advance authority to take emergency action. Authority which might be granted in advance to the President under Subsection (4) differs from the authority which the President has in Subsections (1), (2) and (3). The emergency authorities specified in the first three subsections of Section 3 are recognized to be authority which the President enjoys in his independent Constitutional office as President/Commander-in-Chief. In codifying this independent emergency authority of the President, the Congress is exercising its own Constitutional power: "To make all laws which shall be necessary and proper for carrying into execution . . . all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

It was judged important to specify (in Subsection 4 of Section 3) that authority to use the armed forces is not to be inferred from any provision of law, including appropriations, unless such authority is explicitly provided. It has been argued—and at least one lower court decision has held [2]—that appropriations for military operations constitute implied approval of an act of war in which the President may be engaged and, therefore, served as authorization for its continuation. The Committee and the sponsors reject this view, believing that the "approval" implied by an appropriation for a war-making operation already underway is admixed with the unwillingness to withhold the material support required from our forces in the field once they are engaged, rather than a freely given expression of consent. As Senator Eagleton noted:

"Appropriations bills should be rejected as a means of authorizing or sustaining hostilities. Unless they are, our entire constitutional system of carefully conceived checks and balances is turned on its head."

In the words of a noteworthy article published in the June 1968 edition of the Harvard Law Review:

The more blatant the *fait accompli* which forces Congress' hand, the less should exercise of its power of appropriation be taken as "consent" to the action. Even where there is no *fait accompli*, if the power over appropriations had been thought a sufficient safeguard against presidential war making it becomes difficult to understand why the framers were so concerned about withholding the war power from the Executive in the first place." [3]

It was thought essential to specify (in Subsection 4 of Section 3), that no treaty, existing or future, may be construed as authorizing use of the armed forces without implementing legislation. The treaty-making power has been held not to extend "so far as to authorize what the Constitution forbids." [4] This limitation is properly construed in the Committee's view, as preventing the President and the Senate from exercising by treaty a power vested elsewhere by the Constitution. The President and the Senate could not, for instance, use the treaty power to abridge the Bill of Rights; nor, in the Committee's view, can a treaty be used to abridge the war-declaring power, which is vested not in the Senate alone but in both Houses of Congress. The framers of the Constitution considered and rejected the possibility of vesting in the Senate alone the power to declare war. That power was deliberately vested in the Congress as a whole; a decision to initiate war must be made by both the Senate and the House of Representatives and cannot, therefore, be made by treaty. None of our existing treaties in any case require automatic military action.

It is also specified in Subsection (4) that specific statutory authorization is required for the assignment of members of the Armed Forces of the United States to participate in combat-related military activities of the regular or irregular forces of any foreign country—the purpose here being to prevent secret, unauthorized military support activities.

Section 4 of the bill specifies that any emergency use of the armed forces shall be reported promptly in writing by the President to the Speaker of the House of Representatives and the President of the Senate, together with a full account of the circumstances and authority under which action was being taken and its projected scope. The President would be further required to make periodic reports on any military action outside of the United States, and in no event less often than every six months. This section of the bill parallels approximately the reporting requirement spelled out in H.J. Res. 1, adopted by the House of Representatives on August 2, 1971.

In his testimony before the Committee, Senator Eagleton made the point forcefully concerning the need for reporting:

For Congress to pay more than pious lip service to its war making role, it must not only pass a strong war powers bill, but also must be willing to demand, receive and act upon relevant information it needs to exercise the most solemn of its constitutional responsibilities—making the final decision that takes this country to war.

The heart and core of the bill—the provision which will give substance and weight to the Congressional war power—is Section 5, which provides that the use of the armed

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Footnotes at end of article.

forces under any of the emergency conditions spelled out in Section 3 shall not be sustained for a period beyond thirty days unless Congress adopts legislation specifically authorizing the continued use of the armed forces. The intended effect of Section 5 is to impose a prior and unalterable restriction on the emergency use of the armed forces by the President. Emergency use of the armed forces by the President—under Section 3—would be undertaken with full knowledge on his part that the operation could be continued beyond a thirty-day period only with the specific authorization of Congress. The President would thereby stand forewarned against any emergency use of the armed forces that did not conform with the law and that he did not feel confident would command the support of majorities of both Houses of Congress.

Section 6 complements the restriction spelled out in Section 5 by specifying that Congress may terminate a military operation prior to the end of the thirty-day period by act or joint resolution.

Section 7 spells out mandatory procedures for expeditious action within the Committees and on the floor of both Houses of Congress with respect to any legislation authorizing a continuation of the use of the armed forces beyond the thirty-day period of the President's emergency powers or beyond a period authorized by Congress under Section 3 (4). The purpose of this section is to eliminate the risk of dilatory tactics to prevent or delay a Congressional decision with respect to the use of the armed forces. However, the accelerated procedures would not apply to advance requests for authorizations under Subsection (4) of Section 3 of the bill.

Section 8 contains a separability clause, specifying that, if any provision of the bill should be held invalid, the remainder would not be affected thereby.

Section 9 specifies that the bill would take effect on the date of its enactment but would not apply to hostilities in which the Armed Forces of the United States were involved prior thereto. The effect of this provision would be to exempt current military operations in Indochina from the application of the war powers bill.

BACKGROUND AND COMMITTEE ACTION

On June 15, 1970, Senator Javits introduced the first war powers bill (S. 3964) with the cosponsorship of Senator Dole; and on February 10, 1971, he reintroduced a revised version as S. 731 with the cosponsorship of Senators Mathias, Pell and Spong. War powers bill were subsequently introduced on January 27, 1971 by Senator Taft; on March 1, 1971 by Senator Eagleton; on May 11, 1971 by Senator Stennis; and on May 15, 1971, by Senator Bentsen. All of these bills, except that introduced by Sentaor Taft, contained the requirement of advance Congressional authorization for the commitment of the armed forces to hostilities by the President, except in certain designated emergencies, in the event of which the President would be authorized to commit the armed forces to combat for a period not to exceed thirty days unless explicitly authorized by Congress.

The immediate legislative origin of the war powers bills is the disappointing experience with the Gulf of Tonkin Resolution adopted in 1964 and the Vietnam war which ensued, as well as the failure of the Executive to heed the National Commitments Resolution of 1969 and to give Congress any deliberative part in actions undertaken by United States Armed Forces in hostilities in Laos and Cambodia. Really, the experience of the Gulf of Tonkin Resolution and the Commitments Resolution are two sides of the same coin. The first involves the war powers in allegedly carrying out a commitment." The other concerns the manner of undertaking of a "commitment" itself. Recent Presidents have relied upon dubious historical precedents and expansive interpretations of the President's authority as Commander-in-Chief to justify both the initiation and perpetuation of foreign military activities without the consent—in some instances without even the knowledge—of Congress. The Gulf of Tonkin Resolution was treated by the Johnson Administration alternately as the "functional equivalent" of a declaration of war and as a mere ceremonial gesture of the Congress. As President Johnson put it in a press conference, "We stated then, and we repeat now, we did not think the resolution was necessary to do what we did and what we are doing."[5]

The Commitment Resolution, adopted by the Senate in June 1969 by a vote of 70 to 16, expressed the sense of the Senate that ". . . a national commitment by the United States to a foreign power necessarily and exclusively results from affirmative action taken by the executive and legislative branches of the United States Government. . . ." The War Powers Act deals with the consequences of a relevant commitment and establishes in Section 3(4) that an operable commitment can only be established "pursuant to specific statutory authorization." If the Senate's Commitments Resolution were observed by the Executive, and if the War Powers bill is enacted, the Congress would have, with the President, joint control of the key to the back and front doors of the corridor leading to war in the modern day.

The purpose of the National Commitments Resolution, as the Committee commented in its Report of April 16, 1969, was "not to alter the Constitution but to restore it." The resolution was understood by the Committee as essentially ". . . an invitation to the executive to reconsider its excesses, and to the legislature to reconsider its omissions, in the making of foreign policy, and, in the light of such reconsideration, to bring their foreign policy practices back into compliance with that division of responsibilities envisoned by the Constitution and sanctioned by over a century of usage." The Committee also held the view at that time that no further legislative enactment was required, that, indeed, ". . . all that is required is the restoration of constitutional procedures which have been permitted to atrophy."[6]

Much to the Committee's disappointment, the executive has chosen not to accept the "invitation" conveved in the National Commitments Resolution. The executive—not just the present Administration but its recent predecessors as well—has chosen to ignore Congressional expressions of constitutional principle which do not carry the force of law.

Following upon the adoption of the National Commitments Resolution it was hoped that the then newly installed Nixon Administration would take a view different from that of its predecessor. That hope has not been realized. The commitment of American military forces to Cambodia in 1970, and to Laos in 1971, without the consent or even the knowledge of Congress, showed that, like its predecessor, the present Administration believes the President may initiate foreign military actions without reference to the authority of the Congress.

All of the bills introduced, except that of Senator Taft, contained the requirement of advance Congressional authorization for the commitment of the armed forces to hostilities by the President, except in certain designated emergencies, in the event of which the President would be authorized to commit the armed forces to combat for a period not to exceed thirty days unless explicitly authorized by Congress.

Following upon extensive hearings before the Committee, Senators Javits, Stennis, Eagleton, and Spong joined in introducing a synthesized joint bill, S. 2956, on December 6, 1971 and were joined by Senators Taft and Bentsen. It is this bill, representing a synthesis of the major provisions of the prior separate bills offered by the co-sponsors, which the Committee herewith favorably reports with only minor amendments and technical revisions.

Between March 8, 1971 and October 6, 1971, the Committee conducted an historic series of public hearings on the Javits, Eagleton, Stennis and Taft bills before the Committee. The hearings began with testimony from a number of leading scholars and academic authorities on the formation of the Constitution and the early period of our nation's history. These early hearings, combined with the later testimony of eminent contemporary legal scholars, were important in establishing the constitutionality of the war powers legislation before the Committee. Several close advisors of the previous two Presidents testified as to the desirability and workability of the proposed legislation viewed from the perspective of their own experience as Presidential advisors. In this regard, the Committee was particularly impressed with McGeorge Bundy's testimony stating: "I think the essential processes of the Cuban missile crisis would not have been sharply affected by this resolution or this bill or this kind of procedure."

The Committee heard testimony in public session by a total of 24 witnesses, including the Secretary of State speaking for the Administration, 10 Senators, 2 Congressmen, and a number of distinguished historians and legal scholars. Significant additional material and opinion were inserted in the record.

Speaking in favor either of specific bills or the general concept of war powers legislation were the following in chronological order:

(1) Henry Steele Commager, Professor of History, Amherst College.

(2) Richard B. Morris, Professor of History, Columbia University.

(3) Alfred H. Kelly, Professor of History, Wayne State University.

(4) Claiborne Pell, U.S. Senator from Rhode Island.

(5) Jacob K. Javits, U.S. Senator from New York.

(6) Thomas F. Eagleton, U.S. Senator from Missouri.

(7) Alpheus T. Mason, Professor of Political Science, Princeton University.

(8) Robert Taft, Jr., U.S. Senator from Ohio.

(9) Charles McC. Mathias, U.S. Senator from Maryland.

(10) Paul Findley, U.S. Congressman from Ohio.

(11) Frank Horton, U.S. Congressman from New York.

(12) McGeorge Bundy, President, Ford Foundation.

(13) George Reedy, former Press Secretary to President Johnson.

(14) Alexander M. Bickel, Professor of Law, Yale University.

(15) Lloyd M. Bentsen, U.S. Senator from Texas.

(16) William D. Rogers, Arnold & Porter, Washington, D.C.

(17) William B. Spong, Jr., U.S. Senator from Virginia.

(13) John Stennis, U.S. Senator from Mississippi.

(19) Lawton Chiles, U.S. Senator from Florida.

(20) Arthur J. Goldberg, Esq., former U.S. Ambassador to the United Nations.

Speaking in opposition to the war powers legislation were the following also in chronological order:

(1) Barry Goldwater, U.S. Senator from Arizona.

(2) John Norton Moore, Professor of Law, University of Virginia.

(3) William P. Rogers, Secretary of State.

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(4) George Ball, Lehman Bros. International, New York.

Those supporting war powers legislation emphasized the intent of the framers of the Constitution and the importance of the Congressional war power for a system of government based on the separation of powers and checks and balances. Those testifying against the war powers legislation cited historical instances in which the President has used the armed forces without the consent of Congress and the necessity of rapid action under the conditions of the nuclear age. Meeting in executive session, the Committee marked up S. 2956 on December 7, 1971, adopting clarifying and perfecting amendments. On the same day, by unanimous vote, the Committee ordered the bill reported favorably to the Senate.

COMMITTEE COMMENTS

As Justice Harlan once observed:

> We are accustomed to speak of the Bill of Rights and the Fourteenth Amendment as the principal guarantees of personal liberty. Yet it would surely be shallow not to recognize that the structure of our political system accounts no less for the free society we have. The Founding Fathers, said Justice Harlan, "staked their faith that liberty would prosper in the new nation not primarily upon declarations of individual rights but upon the kind of government the Union was to have." "No view of the Bill of Rights or interpretation of any of its provisions," the Justice warned, "which fails to take due account of [federalism and separation of powers] can be considered constitutionally sound.[7]

The Committee concurs in the view expressed by Justice Harlan: that when checks and balances are disrupted in one area of our public policy, all others are affected, and so also are the basic rights of the citizen. As Professor Alpheus Thomas Mason said in his testimony before the Committee, "Separation of powers in war making, constitutionally shared by Congress and the President, has all but vanished. The President is in complete, unqualified control."[8] In the Committee's view, as in the view of the framers of our Constitution, "complete, unqualified control" in one area poses the danger, if not indeed the inevitability, of "complete, unqualified control" over all other areas of our national life.

Advocates of Presidential power point out that the President is a responsible, elected official, the only official indeed who is elected by all of the people. The President's accountability cannot be gainsaid, but of and by itself it is dangerously insufficient. As Madison wrote in *Federalist 51*, "A dependence on the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions."[9]

Despite instances of executive "usurpation" of power, more often unintentional than deliberate, and an even greater number of instances of failure on the part of the Congress to defend and exercise its prerogatives, the major cause of the unhinging of the checks and balances of our political system has been the impact of three decades of almost uninterrupted crisis in foreign policy. In time of emergency there is a natural, powerful tendency to fall in line behind the leadership of the President. When the nation is thought to be in danger, it seems to most people irresponsible, capricious, or even unpatriotic to question the President's word as to the need for action of one kind or another. Secretary of State Acheson summed up this state of mind cogently when he advised the Senate in 1951 that it ought not to quibble over President Truman's claim of authority to station American troops primarily in Europe. Acheson said, "We are in a position in the world today where the argument as to who has the power to do this, that, or the other thing, is not exactly what is called for from America in this very critical hour."[10]

Experience has shown that counsel of this nature is not meant to be taken quite literally: it is not meant to suggest that it does not matter where the power of decision lies, but rather that the power should be left with the President exclusively and Congress ought not to interfere. Similarly, Executive branch lawyers have fallen into the habit of telling us that the Constitution is vague about the division of foreign policy and war powers and that questions as to "who has the power to do this, that, or the other thing" are best left to be resolved according to the requirements of the moment—according, as Mr. Katzenbach put it, to "the instinct of the nation and its leaders for political responsibility. . . ."[11] Or, as Mr. Justice Rehnquist put it when he was Assistant Attorney General,

> The Framers here, as elsewhere in the Constitution, painted with a broad brush, and it has been left to nearly two hundred years of interpretation by each of the three coordinate branches of the National Government to define with somewhat more precision the line separating that which the President may do alone from that which he may do only with the assent of Congress.[12]

In practice, the advocates of the "broad brush" have something more precise in mind: they want the President to be left unencumbered to use the armed forces and contract foreign obligations essentially as he sees fit, drawing Congress into the decision-making process insofar as he finds it useful and convenient.

The Committee does not contest the need of "flexibility," nor of adaptability, in our political process in order to accommodate to modern conditions. The Committee does, however, contest the view which holds that the price of adaptability is the repudiation of constitutional precept. The notion of a "living" Constitution ceases to make sense when it is taken as license for nullifying the Constitution's intent—or at least some part of it. The real issue, in the Committee's view, to which the war powers bill purports to address itself, is whether our constitutional process can be reconciled with the requirements of the nuclear age. The Committee believes that it can, that indeed, even as written in 1787, the Constitution made adequate provision for response to a genuine emergency with whatever speed might be required. No responsible citizen questions the right—or even the duty—of the President to take immediate action against a sudden attack, or imminent threat of an attack, upon the United States or its armed forces. What the Committee does contest is that expansive view of Executive prerogative which holds that the President may use the armed forces at will, even in conditions falling short of a genuine national emergency, and that he may sustain that use for as long as he, and he alone, sees fit. Such unrestricted Presidential control of the armed forces is neither necessary or wise in our nuclear age, reconcilable with the Constitution, nor tolerable in a free society.

Far from having been made obsolete by the necessity for dealing with fast-moving events in the nuclear age, the checks and balances of our Constitution have become, in the Committee's view, more essential than ever. Disposing as he does of a vast arsenal of nuclear weapons, ballistic missiles and an enormous number of variety of lesser weapons, the President of the United States has acquired something close to absolute power over the life and death of hundreds of millions of people all over the world. As Alexander Hamilton, even though an advocate of strong executive authority, warned in *Federalist 75:*

> The history of human conduct does not warrant that exalted opinion of human virtue which would make it wise in a nation to commit interests of so delicate and momentous a kind as those which concern its intercourse with the rest of the world to the sole disposal of a magistrate created and circumstanced as would be the President of the United States.[13]

A. THE INTENT OF THE FRAMERS

Whatever else they may have painted with a "broad brush," the framers of the American Constitution were neither uncertain nor ambiguous about where they wished to vest the authority to initiate war. The Founding Fathers had been much dismayed by the power of the British Crown to commit Great Britain—and its American colonies—to war. They were also fearful of the danger of large standing armies and of the possible defiance of civilian authority by military leaders. In order to alleviate the threat of militarism and of the possible resurgence of monarchical tendencies in the new Republic, the Article I, Section 8 the framers vested the authority to initiate war in the legislature, and in the legislature alone, and established the framework for tight Congressional control over the military establishment.

The absence of extended debate over the war powers in the Constitutional Convention attests to the near unanimity of the Founding Fathers as to where that authority was meant to be placed. There was some discussion as to whether the war power should be vested in the Congress as a whole or only the Senate, but only one delegate, Pierce Butler of South Carolina, favored vesting the war power in the President.

The Constitutional Convention at first proposed to give Congress the power to "make" war but changed this to "declare" war, not, however, because it was desired to enlarge Presidential power but in order to permit the President to take action to repel sudden attacks. Madison's notes on the proceedings of the Convention report the change of wording as follows: "Mr. Madison and Mr. Gerry *moved* to insert 'declare,' striking out *'make'* war; leaving to the Executive the power to repel sudden attacks."[14] It is noteworthy that the delegates who spoke on this change of wording all expressed concern with the possbile enlargement of Presidential power. Elbridge Gerry, for example, declared that he "never expected to hear in a republic a motion to enpower the Executive talons to declare war." George Mason firmly expressed himself as "against giving the power of war to the Executive," on the ground that he was "not safely to be trusted with it."

A closely related concern of the framers was to make it more difficult to start a war than to stop one. It was essentially for this reason that the power to authorize hostilities was vested in the Congress rather than in the President as successor to the British Crown. It was also for this reason that the war power was vested in the two Houses of the Congress rather than in the Senate alone. As Oliver Ellsworth told his fellow delegates, it "should be more easy to get out of war, than into it"; and as George Mason said, he was "for clogging rather than facilitating war; but for facilitating peace."[15]

The division of authority intended by the framers was explicit: the Congress was to "declare"—that is, to authorize the initiation of—war. The President, as Commander-in-Chief, was to respond to sudden attacks and to conduct a war once it had started and command the armed forces once they were committed to action. The powers of the President as Commander-in-Chief were explained by Alexander Hamilton in *Federalist 69*:

> The President is to be commander in chief of the army and navy of the United States. In this respect his authority would be nominally the same with that of the king of Great Britain, but in substance much inferior to it. It would amount to nothing more than the supreme command and direction of the military and naval forces, as

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Footnotes at end of article.

first General and Admiral of the Confederacy, while that of the British king extends to the *declaring* of war and to the *raising* and *regulating* of fleets and armies—all which, by the Constitution under consideration, would appertain to the legislature.[16]

Or as Jefferson put it in a letter to Madison in 1789:

> We have already given in example one effectual check to the Dog of war by transferring the power of letting him loose from the Executive to the Legislative body, from those who are to spend to those who are to pay.[17]

The Supreme Court has also declared that the power to initiate war is one which rests solely with the Congress. In the "Prize Cases" of 1862 the Supreme Court said:

> By the Constitution, Congress alone has the power to declare a national or foreign war . . . The Constitution confers on the President the whole Executive power. . . . He is Commander-in-Chief of the Army and Navy of the United States. . . . He has no power to initiate or declare a war either against a foreign nation or a domestic state.[18]

In the early years of the Republic, Presidents acknowledged and carefully respected the war power of Congress. President Madison, for example, who had been one of the principal interpreters through his writings in the *Federalist Papers*, sent a message to Congress on June 1, 1812, in which, after recounting the depredations of British ships on American commerce on the Atlantic, he referred the matter to Congress in these words:

> Whether the United States shall continue passive under these progressive usurpations and these accumulating wrongs, or opposing force to force in defense of their national rights, shall commit a just cause into the hands of the Almighty disposer of events, avoiding all connections which might entangle it in the contents or views of other powers, and preserving a constant readiness to concur in an honorable reestablishment of peace and friendship, is a solemn question which the Constitution wisely confides to the legislative department of the Government.[19]

The Monroe Doctrine has been erroneously cited as an early precedent for use of the armed forces by the President acting on his own authority. In keeping with the intent of the framers of the Constitution, President Monroe made the appropriate distinction between a statement of policy and the authority to carry it out. When in 1824 the Government of Colombia inquired as to what action the United States might take under the Monroe Doctrine to repel certain European intervention in the Latin American Republics, Secretary of State John Quincy Adams replied:

> With respect to the question, "in what manner the Government of the United States intends to resist on its part any interference of the Holy Alliance for the purpose of subjugating the new republics or interfering in their political forms" you understand that by the Constitution of the United States, the ultimate decision of this question belongs to the Legislative Department of the Government.[20]

President Buchanan, to cite another example, acknowledged the war power of Congress quite explicitly in his message to Congress of December 6, 1858:

> The Executive government of this country in its intercourse with foreign nations is limited to the employment of diplomacy alone. When this fails it can proceed no further. It cannot legitimately resort to force without the direct authority of Congress, except in resisting and repelling hostile attacks.[21]

Daniel Webster, who served as Secretary of State during the early 1850's, was also a distinguished constitutional lawyer. On July 14, 1851, during his tenure as Secretary of State, he wrote as follows:

> In the first place, I have to say that the war-making power in this Government rests entirely in Congress; and that the President can authorize belligerent operations only in the cases expressly provided for the Constitution and the laws.[22]

During the course of the nineteenth century it became accepted practice, if not strict constitutional doctrine, for Presidents acting on their own authority to use the armed forces for such limited purposes as the suppression of piracy and the slave trade, for "hot pursuit" of criminals across borders, and for the protection of American lives and property in places abroad where local government was not functioning effectively. An informal, operative distinction came to be accepted between the use of the armed forces for limited, minor or essentially non-political purposes and the use of the armed forces for "acts of war" in the sense of large-scale military operations against sovereign states. In the former category, custom and usage gave a certain informal sanction to unauthorized Presidential action; in the latter, involving full-scale warfare, no President was to claim the right to act without Congressional authorization until the twentieth century.

Nor indeed was it contended by any President until recent years that, because *declarations* of war might be obsolete, so also was the authority of Congress to authorize—or refuse to authorize—the initiation of war. Even if it be granted, as perhaps it must, that the formal declaration of war is no longer a useful instrument in international politics, this is to say no more than that a particular form in which the Congress exercised its constitutional authority in the past is no longer appropriate.

As Richard B. Morris, Gouvereur Morris Professor of History at Columbia University, said in his testimony before the Committee—after citing the provisions of the Constitution relating to Congress's power to declare war and "raise and support armies," the authority of the President as commander-in-chief, and the limitation of appropriations of money for the support of armies to a maximum of two years—

> * * * it is a fair inference from the debates on ratification and from the learned analysis offered by the *Federalist* papers that the war-making power of the President was little more than the power to defend against imminent invasion when Congress was not in session.[23]

It is also of great importance to note that the residual legislative authority over the entire domain of foreign policy—not just the war power—was placed in Congress by the Constitution. Members of Congress have themselves perhaps underestimated the authority vested in them by the "necessary and proper" clause of Article I, Section 8, of the Constitution. That clause entrusts the Congress to make all laws "necessary and proper for carrying into execution" not only its own powers but "all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof." Strictly interpreted, the "necessary and proper" clause entrusts the Congress not only to "carry into execution" its own constitutional war power, but also, should it be thought necessary, to define and codify the powers of the government as a whole, including those of the President as its principal officer.

B. THE GROWTH OF PRESIDENTIAL POWER

Prior to the Second World War Presidential use of the armed forces without Congressional authorization was confined for the most part to the Western Hemisphere, primarily to Mexico and the Caribbean. President McKinley's participation in the Boxer expedition in China in 1900 was a noteworthy exception. Only since the Second World War have American Presidents claimed, and exercised, the power to commit the armed forces to full-scale and extended warfare overseas. The kind of foreign military intervention we have witnessed in the last quarter century is, in the words of Henry Steel Commager, Professor Emeritus of History, Amherst College, "if not wholly unprecedented, clearly a departure from a long and deeply-rooted tradition."[24]

Professor Alexander Bickel of the Yale Law School made the same point in his testimony before the Committee:

> * * * the decisions discussed as early as 1964, made in the first half of 1965, and executed thereafter, to commit the moral and material resources of this Nation to full-scale war in Vietnam seem to me to mark the farthest, and really an unprecedented, extension of Presidential power. Certainly the power of the President in matters of war and peace has grown steadily for over a century The decisions of 1965 may have differed only in degree from earlier stages in this process of growth. But there comes a point when a difference of degree achieves the magnitude of a difference in kind. The decisions of 1965 amounted to an all but explicit transfer of the power to declare war from Congress, where the Constitution lodged it, to the President, on whom the framers explicitly refused to confer it.[25]

The transfer from Congress to the executive of the actual power—as distinguished from the constitutional authority—to initiate war has been one of the most remarkable developments in the constitutional history of the United States. For this change Congress as well as the Executive bears a heavy burden of responsibility.

When President Truman committed the armed forces to Korea in 1950 without Congressional authorization, scarcely a voice of dissent was raised in Congress. Senator Watkins of Utah challenged the President's authority to commit the country to war without consulting the Congress, even in compliance with a resolution of the United Nations Security Council, and said that, if he were President, he ". . . would have sent a message to the Congress of the United States setting forth the situation and asking for authority to go ahead and do whatever was necessary to protect the situation."[26] Senator Taft also challenged President Truman's action but not until January 1951. "The President," he said, "simply usurped authority, in violation of the laws and the Constitution, when he sent troops to Korea to carry out the resolution of the United Nations in an undeclared war."[27]

The isolated voices of Watkins and Taft were ineffectual against the accelerating tide of growing executive power. Secretary of State Acheson virtually threw down the gauntlet to Congress—although few at that time were disposed to pick it up—when he testified before the Committee on Foreign Relations and Armed Services Committee in 1951 in support of President Truman's plan to station six divisions of American soldiers in Europe He said on that occasion:

> Not only has the President the authority to use the Armed Forces in carrying out the broad foreign policy of the United States and implementing treaties, but it is equally clear that this authority may not be interfered with by the Congress in the exercise of powers which it has under the Constitution.[28]

In the course of the Vietnam war, the Johnson Administration reconfirmed the executive's claim to unilateral authority in the use of the armed forces. In his now famous testimony of August 1967, Under Secretary of State Katzenbach contended that the Gulf of Tonkin Resolution was "as broad an authorization for the use of armed forces for a purpose as any declaration of war so-called could be in terms of our internal constitutional process."[29] In fact, the Johnson Administration went farther.

Whereas Mr. Katzenbach at least claimed the existence of legislative authority, the

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President himself contended that no such authority was required. Speaking of the Gulf of Tonkin Resolution in his news conference of August 18, 1967, President Johnson said,

> We stated then, and we repeat now, we did not think the resolution was necessary to do what we did and what we're doing. But we thought it was desirable and we thought if we were going to ask them [Congress] to stay the whole route and if we expected them to be there on the landing we ought to ask them to be there on the takeoff.[30]

Making the same claim in more formal language the Legal Advisor to the Department of State had written in March 1966.

> There can be no question in present circumstances of the President's authority to commit U.S. forces to the defense of South Vietnam. The grant of authority to the President in Article II of the Constitution extends to the actions of the United States currently undertaken in Vietnam.[31]

The attitude of the present Administration will be explored in greater detail in Subsection C below. It suffices here to point out that the Nixon Administration has shown that its conception of the war power differs in no important respect from that of its predecessor. It could hardly be otherwise, one suspects, if only because the accumulation of precedents of unauthorized Presidential use of the armed forces seems to have had a spurious self-legitimizing effect. A President can hardly be blamed if, coming into office, he supposes himself to be properly vested with all of the powers exercised by his predecessor, however, improperly exercised. A President can hardly be blamed if under such circumstances, he regards an effort by Congress to reassert powers which it has long neglected to exercise as an attempt to infringe upon his own powers.

All of which is by way of making the point that it is far more difficult to reassert a power which has been permitted to atrophy than to defend one which has been habitually used. The Congress accordingly bears a heavy responsibility for its passive acquiescence in the unwarranted expansion of Presidential power. As the late Justice Robert H. Jackson pointed out in his concurring opinion in *Youngstown* v. *Sawyer*, there is a "zone of twilight" between the discrete areas of Presidential and Congressional power. Politics, like nature, abhors a vacuum. When Congress created a vacuum by failing to defend and exercise its powers, the President inevitably hastened to fill it. As Justice Jackson commented, "Congressional inertia, indifference or quiescence may sometimes, at least as a practical matter, enable, if not invite, measures on independent Presidential responsibility. . . ."[32]

To assert power is not, however, to legitimize it. As a Supreme Court Justice of the last century commented: "An unconstitutional act is not a law, it confers no rights, it imposes no duties, it affords no protection, it creates no office; it is, in legal contemplation, as inoperative as though it had never been passed."[33] The same principle must apply to action by the executive.

C. THE EXECUTIVE VIEW

The Nixon Administration has shown that it shares the expansive view of the President's power as Commander-in-Chief held by preceding Administrations.

The commitment of American military forces to Cambodia in 1970, and to Laos in 1971, demonstrated the present Administration's determination to initiate new foreign military actions solely on its own authority.

In its public statements as well as in its foreign military operations the Nixon Administration has indicated its belief that the President is at liberty to commit the armed forces substantially as he sees fit. In its comments of March 10, 1969, on the then-pending National Commitments Resolution, the Department of State made the following assertion:

> As Commander-in-Chief, the President has the sole authority to command our Armed Forces, whether they are within or outside the United States. And, although reasonable men may differ as to the circumstances in which he should do so, the President has the constitutional power to send U.S. military forces abroad without specific congressional approval.[34]

The same assumptions of executive warmaking authority were expressed in the Department of State's comments of March 12, 1970, regarding the proposal then before the Foreign Relations Committee for repeal of the Formosa, Cuba, Middle East, and Tonkin resolutions. Declining either to advocate or to oppose such action, the State Department took the position that ". . . the Administration is not depending on any of these resolutions as legal or constitutional authority for its present conduct of foreign relations, or its contingency plans." More specifically, as to the war in Indochina, the State Department asserted that ". . . this Administration has not relied on or referred to the Tonkin Gulf resolution of August 10, 1964, as support for its Vietnam policy."

On January 12, 1971, President Nixon signed into law a bill which, among other things, repealed the Gulf of Tonkin Resolution. The repeal of that Resolution quite naturally raises the question as to the authority the Administration believes it is acting under its continuing prosecution of the war in Indochina. The Administration, so far as is known to the Committee, has not addressed itself to that question. The repealer went largely unnoticed, apparently because it was thought to be inconsequential.

The President himself has said little on the subject. Asked in a press conference on April 29, 1971, for his opinion of the pending war powers bill, the President replied, ". . . I believe that limiting the President's war powers, whoever is President of the United States, would be a very great mistake." The President went on to say: "We live in times when situations can change so fast internationally that to wait until the Senate acts before a President can act might be that we acted too late."[35]

In its official comments on the war powers bills the Administration placed primary emphasis on historical precedents and the need for speedy action as the basis of its opposition to the bills. As with the previous Administration, emphasis was also placed on what the Executive regards as the imprecision of the Constitution, the need of Presidential flexibility, and the desirability, as expressed in Assistant Secretary Abshire's letter of May 1971, of some sort of undefined "common perspective" between the two branches of Government.

In his definitive presentation of the Administration's views on war powers legislation, presented to the Committee on May 14, 1971, Secretary of State Rogers gave evidence of holding the impression that the war powers bills purported to alter the Constitution. "Any attempt to change it," he said, "should be subjected to long and full consideration of all aspects of the problem."[36] The notion that Congress was somehow undertaking to change the Constitution by asserting its own war powers is one which also bemused the Johnson Administration.

Now, as on previous occasions, the Committee reconfirms its own conviction that, far from purporting to alter the Constitution in any way, the bill herewith reported is designed to restore constitutional practices which have been permitted to atrophy and, as a matter of necessity and propriety under Article 1 of Section 8, "to carry into execution" both the war powers of Congress and those of the President in his capacity as an "Officer" of the Government of the United States.

In his statement before the Committee, Secretary Rogers said he opposed war powers legislation because, in his view, it would attempt to fix in detail, or "freeze," the allocation of power between the President and Congress, and because such legislation would "narrow the power given the President by the Constitution." The exercise of the war powers, the Secretary emphasized, was consigned to the "political process" in a constitutional system "founded on the assumption of cooperation rather than conflict."[37]

The Committee is obliged to contest the Secretary's argument in all its major specifications. First of all, far from attempting to "freeze" the allocation of war powers between the President and Congress, the bill, through the emergency procedures spelled out in Section 3, allows of action by the President under almost any conceivable genuine national emergency, so much so, in fact, that some members of the Committee have expressed apprehension that Section 3 may go too far in the President's direction.

Second, as already noted, the bill would in no respect, "narrow the power given the President by the Constitution;" it does indeed purport to delineate Presidential power, but only because that power in recent practice has extended far beyond the confines of the Constitution.

Third, the Committee reiterates its view that the Constitution is not at all imprecise in allocating the war powers; on the contrary, the Constitution was quite specific in giving Congress the authority to initiate war and in giving the President the authority, as Commander-in-Chief, to respond to an emergency and to command the armed forces once a conflict is underway. In brief, the Constitution gave Congress the authority to initiate war and the President the authority to conduct it.

However, as Senator Spong wrote in a law review article which was included in the Committee hearing record, "The United States has only declared war five times in its history. So what is presently in need of definition is whether the Constitution mandates a role for Congress in the making of decisions to commit military forces without a declaration of war."[38] Sen. Spong and other members of the Committee believe that it does.

There has grown up in recent decades a conception of what is required for a "strong Presidency" which the Committee finds disturbing. According to this school of thought, a "strong President" is not one who strengthens and upholds our constitutional system as a whole but one who accumulates and retains as much power as possible in the Presidential office itself. This outlook appears to have been an important factor in influencing recent Presidents to claim authority as Commander-in-Chief far exceeding the specifications and intent of the Constitution. It appears too to have been a factor in encouraging Executive branch officials to invoke dubious past instances of foreign military operations undertaken by the President without Congressional approval—as if one act of usurpation legitimized another. A leading American historian, Thomas A. Bailey has written:

> The bare fact that a President was a strong one, or a domineering one, does not necessarily mean that he was a great one or even a good one. The crucial questions arise: Was he strong in the right direction? Was he a dignified, fair, constitutional ruler, serving the ends of democracy in a democratic and ethical manner?[39]

CONCLUSION

In the perspective of Amercian history since World War II, the war powers bill must

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Footnotes at end of article.

be perceived as necessary legislation which should not have been necessary. It would not have been necessary if Congress had defended and exercised its responsibility in matters of war and peace and so prevented the Executive from expanding its power in that "zone of twilight" of which Justice Jackson spoke.

The framers of the Constitution vested the war power in the Congress not primarly because they felt confident that the legislature would necessarily exercise it more wisely but because they expected the legislature to exercise it more *sparingly* than it had been exercised by the Crown, or would be likely to be exercised by the President as successor to the Crown. The framers, it would appear, were concerned with the way in which war would be initiated in making certain that it would not be intiated easily, capriciously, or often.

The provision of the Constitution giving the warmaking power to Congress, was dictated, as I understand it, by the following reasons. Kings had always been involving and impoverishing their people in wars, pretending generally, if not always, that the good of the people was the object. This, our Convention undertook to be the most oppressive of all Kingly oppressions; and they resolved to so frame the Constitution that no one man should hold the power of bringing this oppression upon us.

Whether and to what degree we might have avoided the war in which we are now still engaged is an issue outside of the scope of this Report. It is mentioned here only in connection with the Committee's general belief that, in the long run, even the best conceived legislation for the reassertion of Congressional prerogative will not in and of itself prove sufficient to the maintenance of constitutional democracy in America. As Professor Kelly observed, war and peace in the American constitutional system and in the American value system are separate and distinct; and as Tocqueville observed, war breeds dictatorship. Strongly though it endorses the bill herewith reported, the Committee does not deceive itself that this bill, if enacted, will of itself restore checks and balances in matters of the war power. If the country is to be continually at war, or in crisis, or on the verge of war, or in small-scale, partial or surrogate war, the force of events must lead inevitably toward Executive domination despite any legislative roadblocks that may be placed in the Executive's way. During the Constitutional Convention, James Madison, often regarded as "father of the Constitution," at one point moved to authorize two-thirds of the Senate to make treaties of peace without the concurrence of the President. Although his motion was withdrawn, his argument for introducing it is instructive. "The President," he said, "would necessarily derive so much power and importance from a state of war that he might be tempted, if authorized, to impede a treaty of peace."

Pending more fundamental decisions, the Congress, in the Committee's view, can take no more useful and needed step toward the restoration of constitutional balance than to enact legislation to confirm and codify the intent of the framers of the Constitution with respect to the war power. The President, as Professor Bickel and as Mr. George Reedy, formerly of the White House staff, pointed out in testimony before the Committee, is in many respects a remote and almost royal figure, shielded from direct personal participation in the adversary politics of democracy. "Under the American system," as one political scientist points out, "the Executive is virtually *prevented* from engaging in public debate on policy by the institutional setting of his office; under the British system he is expected and, in fact, *compelled* to engage continually in it."[40] The processes through which the President reaches decisions are largely personal and private, beyond the reach of direct institutional accountability.

Congress, on the other hand, makes its decisions almost entirely in the open and under public scrutiny. The President is subject to quadrennial plebiscite, but Congress provides the American people with points of access through which they can hold their Government to day-to-day account and thereby participate in it. Inefficient and short-sighted though it sometimes is, Congress provides the only feasible means under the American constitutional system of drawing the President, at least indirectly, into the adversary processes of democracy. The Executive branch is endowed with organizational discipline and legions of experts, but Congressmen and Senators have a unique asset when it comes to playing an effective, democratic role in the making of foreign policy: the power to speak and act frely from an independent political base.

The point the Committee wishes to stress is not that the President—the one now in office or any other—is an untrustworthy person but that all men wielding power must, in the interest of freedom, be treated with a certain mistrust. "Confidence," said Jefferson, "is everywhere the parent of despotism—free government is founded in jealously; . . . it is jealously and not confidence which prescribes limited constitutions to bind down those we are obliged to trust with power . . . In questions of power, then, let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution. . . ."[41]

The Committee believes that the adoption of the war powers bill would help materially to restore the confidence of the American people in the processes of their government, particularly as they relate to the vital and overriding questions of war and peace. As Senator Stennis, a principal cosponsor of the bill reported favorably by the Committee, said in his testimony: ". . . I believe the overriding issue is that we must insure that this country never again go to war without the moral sanction of the American people. This is important both in principle and as practical politics. Vietnam has shown us that in trying to fight a war without the clear-cut prior support of the American people we not only risk military ineffectiveness but we also strain the very structure of the Republic."

FOOTNOTES

[1] "War Powers Legislation," *Hearings Before the Committee on Foreign Relations,* U.S. Senate, 92d Congress, 1st Session. (Washington: U.S. Govt. Printing Office, 1972), p. 553.

[2] *Orlando* v. *Laird,* 317 F. Supp. 1013 (E.D. N.Y. 1970), affd. 443 F. 2d 1039 (2d Cir. 1971), *cert. den. sub nom Orlando and Caplan* v. *Laird,* 40 Law Week 3166 (1971).

[3] Harvard Law Review, June 1968. Reproduced in *Documents Relating to the War Power of Congress, the President's Authority as Commander-in-Chief and the War in Indochina,* 91st Congress, 2d Session, compiled by Senate Foreign Relations Committee (Washington: U.S. Govt. Printing Office, 1970), p. 68.

[4] *Geofroy* v. *Riggs,* 133 U.S. 258, 267 (1890).

[5] "Foreign Relations Committee on the National Commitments Resolution." *Reproduced in Documents Relating to the War Power of the Congress, the President's Authority as Commander-in-Chief, and the War in Indochina,* 91st Congress, 2nd Session, compiled by the Senate Foreign Relations Committee (Washington: Government Printing Office, 1970), p. 24.

[6] "National Commitments," Report of Committee on Foreign Relations to accompany S. Res. 85, 91st Cong., 1st Sess., (Washington: U.S. Govt. Printing Office, 1969), pp. 30, 32.

[7] Excerpts from remarks to the American Bar Center, Chicago, Illinois, August 13, 1913, In 49 A.B.A.J. 943 (1963).

[8] "War Powers," Hearings, p. 254.

[9] *The Federalist,* Henry Cabot Lodge, editor (New York and London: C. P. Putnam Sons, 1908), p. 323.

[10] Assignment of Ground Forces of the United States to Duty in the European Area," *Hearing by Committees on Foreign Relations and Armed Services,* U.S. Senate, 82d Congress, 1st Session, on S. Con. Res. 8, Feb. 1–28, 1951 (Washington: U.S. Govt. Printing Office, 1951), pp. 92–93.

[11] "National Commitments" Hearings, pp. 72–73.

[12] Statement by William H. Rehnquist, Assistant Attorney General, Office of Legal Counsel, on the "President's Constitutional Authority to Order the Attack on the Cambodian Sanctuaries," *Documents Relating to the War Power of Congress,* p. 176.

[13] *The Federalist,* pp. 467–468.

[14] *The Records of the Federal Convention of 1787,* 4 volumes (Max Farrand, editor, New Haven and London: Yale University Press, 1966), vol. 2, p. 318.

[15] Summarized by Richard B. Morris, Gouverneur Morris Professor of History, Columbia University, in a statement before the Foreign Relations Committee, March 9, 1971, "War Powers" Hearings, p. 80.

[16] *The Federalist,* pp. 430–431.

[17] *The Papers of Thomas Jefferson,* 17 volumes (Julian P. Boyd, ed., Princeton: Princeton University Press, 1955), vol. 15, p. 397.

[18] 67 USC 635 (1862).

[19] *A compilation of the Messages and Papers of the Presidents,* 10 volumes (James Richardson, ed., Washington: Govt. Printing Office, 1917), vol. 2, pp. 489–490.

[20] John Quincy Adams to Don Jose Maria Salazar, August 6, 1824, quoted in *The Record of American Diplomacy,* third edition (Ruhl J. Bartlett, ed., New York: Alfred A. Knopf, 1954), p. 185.

[21] *A compilation of the Messages and Papers of the Presidents* (New York: Bureau of National Literature, Inc., 1917), vol. 7. p. 3047.

[22] A letter from Daniel Webster to Mr. Severance, July 4, 1851, in *The Writings and Papers of Daniel Webster,* vol. 14, p. 440.

[23] "War Powers" Hearings, p. 81.

[24] "War Powers" Hearings, p. 8.

[25] *Ibid.,* pp. 551–552.

[26] *Congressional Record,* 81st Congress, second session, vol. 96, pt. 7, Senate, June 27, 1950, pp. 9229–9233.

[27] *Congressional Record,* 82d Congress, first session, vol. 97, pt. 1, Senate, January 5, 1951, p. 37.

[28] "Assignment of Ground Forces of the United States to Duty in the European Area," pp. 92–93.

[29] "National Commitments" Hearings, p. 24.

[30] *New York Times,* August 19, 1967, p. 10.

[31] Leonard C. Meeker, "The Legality of U.S. Participation in the Defense of Vietnam," *The Department of State Bulletin,* March 28, 1966, p. 484.

[32] Justice Robert H. Jackson concurring in *Youngstown Sheet and Tube Co.* v. *Sawyer,* 343 U.S. 579 (1952).

[33] Justice Field in *Norton* v. *Shelby County,* 118 U.S. 425 (1886).

[34] "National Commitments" Hearings, p. 25.

[35] *New York Times,* April 30, 1971, p. 18.

[36] "War Powers," p. 486.

[37] "War Powers," p. 498.

[38] William B. Spong, Jr., "Can Balance Be Restored in the Constitutional War Powers of the President and Congress?", *Univ. of Richmond Law Review* Vol. 6, No. 1, Fall 1971, p. 10.

[39] Thomas A. Bailey, *Presidential Greatness* (New York: Appleton-Century, 1966), p. 227.

[40] Alexander J. Groth, "Britain and America: Some Requisites of Executive Leadership Compared," *Political Science Quarterly,* June 1970, p. 218.

[41] Quoted in A. T. Mason, *Free Government in the Making.* (New York: Oxford University Press, 1965), p. 371.

ADDITIONAL VIEWS OF SENATOR FULBRIGHT

Although the bill herewith reported is an excellent one, which I would far rather have enacted in its present form than not have enacted at all, it seems to me that the bill could be improved by two specific alterations.

The first problem lies with Section 3 which catalogues the various conditions under which the President would be permitted to make emergency use of the armed forces. These conditions, in my view, go too far in the direction of Executive prerogative, especially in allowing the President to take action not only to "repel an armed attack" but also to "forestall the direct and imminent threat of such an attack" on the United States or its armed forces abroad. The danger here is that these provisions could be construed as sanctioning a preemptive, or first strike, attack solely on the President's own judgment. Should the President initiate such a preemptive attack, the thirty-day limitation provided for in Sections 5 and 6 of the bill *might prove* to be ineffective, or indeed irrelevant, as Congressional checks on the President. The provisions authorizing the President to "forestall the direct and imminent threat" of an attack could also be used to justify actions such as the Cambodia intervention of 1970 and the Laos intervention of 1971, both of which were explained as being necessary to forestall attacks on American forces.

In their memorandum on war powers legislation the Lawyers Committee on American Policy Toward Vietnam reminded the Foreign Relations Committee that the classical language used to describe the basic power of the Commander-in-Chief to engage in hostilities in the absence of Congressional authorization is as follows: "to repel a sudden attack against the United States, its territories and possessions." This language is much more restrictive than that contained in paragraphs 1 and 2 of Section 3 of the Committee bill, which, in their extensiveness, may have the unintended effect of giving away more power than they withhold. In the view of the Lawyers Committee, the extension of the President's power to use the armed forces to "forestall" an attack before it takes place may well go beyond the President's constitutional authority. Besides a "sudden attack" on United States territory, the only other circumstances identified by the Lawyers Committee as warranting unauthorized Presidential use of the Armed Forces are an attack on the Armed Forces of the United States stationed outside of the country and an imminent threat to the lives of American citizens abroad, the latter of which would justify only a brief military operation for purposes of evacuation.

The bill appears to me to deal satisfactorily in paragraph 3 of Section 3 with the matter of protecting the lives of Americans abroad; it goes too far in paragraph 2, however, in allowing of discretionary Presidential action to "forestall the direct and imminent threat" of an attack on the territory or Armed Forces of the United States. Accordingly, the Senate may see merit in substituting for paragraphs 1 and 2 of Section 3 of the bill the following, more restrictive conditions for Presidential use of the Armed Forces in the absence of Congressional authorization suggested by the Lawyers Committee:

(1) "repel a sudden attack against the United States, its territories, and possessions;

(2) "repel a sudden attack against the Armed Forces of the United States on the high seas or lawfully stationed on foreign territory."

Although I consider the Lawyers Committee's language preferable to paragraphs 1 and 2 of Section 3 of the Committee bill, I am inclined toward an even simpler, more abbreviated provision allowing of emergency use of the armed forces by the President. In practice, it is exceedingly difficult, as the Committee has found, to draw us a list of emergency conditions for Presidential use of the Armed Forces which does not become so long and extensive a catalogue as to constitute a *de facto* grant of expanded Presidential authority. The list of conditions spelled out in Section 3 of the bill is, in my opinion, about as precise and comprehensive a list as can be devised, and its purpose, I fully recognize, is not to expand Presidential power but to restrict it to the categories listed, and, even within those categories, to be exercised for a period not to exceed thirty days. Nevertheless, I am apprehensive that the very comprehensiveness and precision of the contingencies listed in Section 3 may be drawn upon by future Presidents to explain or justify military initiatives which would otherwise be difficult to explain or justify. A future President might, for instance, cite "secret" or "classified" data to justify almost any conceivable foreign military initiative as essential to "forestall the direct and imminent threat" of an attack on the United States or its Armed Forces abroad.

For these reasons I am much inclined toward a simple substitute for paragraphs 1, 2 and 3 of Section 3 of the bill, in which it would simply be recognized that the President, under certain emergency conditions, may find it absolutely essential to use the Armed Forces without or prior to Congressional authorization. This approach too has its dangers, allowing as it would of irresponsible or extravagant interpretation, but at least it would place the burden of responsibility squarely upon the President, where it belongs, and it would also of course be restricted by the thirty-day limitation specified in Sections 5 and 6 of the bill.

Under the language of paragraphs (1), (2) and (3) of the bill the Executive could cite fairly specific authority for the widest possible range of military initiatives. Under the simpler, more general language I propose, the President would remain free to act but without the prop of specific authorization; he would have to act entirely on his own responsibility, with no advance assurance of Congressional support. A prudent and conscientious President under these circumstances, would hesitate to take action that he did not feel confident he could defend to the Congress. He would remain accountable to Congress for his action to a greater extent than he would if he had specific authorizing language to fall back upon. Congress, for its part, would retain its uncompromised right to pass judgment upon any military initiative taken without its advance approval. Confronted with the need to explain and win approval for any use of the Armed Forces on the specific merits of the case at hand, a wise President would think carefully before acting; he might even go so far as to consult with members of Congress as well as with his personal advisers before committing the Armed Forces to emergency action. For these reasons, it appears to me that a general, unspecified authority for making emergency use of the Armed Forces, though superficially a broad grant of power, would in practice be more restrictive and inhibiting than the specific grants of emergency power spelled out in paragraphs (1), (2) and (3) of Section 3 of the bill.

A related consideration, called to the attention of the Committee by the Federation of American Scientists, is the danger of a President, on his own authority, escalating conventional hostilities into a nuclear war. The United States has not, like the People's Republic of China, announced that it will never make first use of nuclear weapons. Accordingly, the Federation of American Scientists proposes that Congress require the President to secure its consent before using nuclear weapons except in response to their use or irrevocable launch by an adversary. So enormous is the significance of nuclear war that the conversion of any conventional conflict into a nuclear conflict cannot realistically be considered a mere change of tactics in a continuing conflict. In effect, the introduction of nuclear weapons would constitute the beginning of a whole new war. This being the case, I concur wholly with the Federation of American Scientists that Congress must retain control over the conventional or nuclear character of a war.

In order to meet these various contingencies, I propose, in lieu of the introductory clause and paragraphs 1, 2 and 3 of Section 3 of the bill—the provisions spelling out Presidential emergency use of the Armed Forces—the following substitute:

SEC. 3. In the absence of a declaration of war by the Congress, the Armed Forces of the United States may be employed by the President only—

(1) to respond to any act or situation that endangers the United States, its territories or possessions, or its citizens or nationals when the necessity to respond to such act or situation in his judgment constitutes a national emergency of such a nature as does not permit advance Congressional authorization to employ such forces; but the President may not under any circumstances use nuclear weapons first without the prior, explicit authorization of the Congress; or.

Paragraph 4 of Section 3 of the Committee bill, spelling out the conditions for use of the Armed Forces "pursuant to specific statutory authorization," seems to me to be well and carefully drafted in its present form. I recommend its retention as paragraph 2 of a revised Section 3.

Another problem arises with respect to Section 9 of the bill, which states that the bill would "not apply to hostilities in which the Armed Forces of the United States are involved on the effective date of this Act." The effect of this provision would be of course the exemption of the current war in Indochina from the application of the bill. I understand quite well the importance of keeping the controversial matter of Vietnam separate from the general issue of the war powers, but I should not wish to resolve this difficulty by going so far as to give negative or implicit sanction to the continuation of the war in Indochina. My own view is that the war in which we are now engaged is unconstitutional as well as unwise. I would not wish, even by indirection, to have it suggested in a major piece of legislation that this war warrants exemption from rules of legality which would be applied to future wars. As the Committee Report correctly points out, the war powers bill is not an attempt to alter the Constitution but a reassertion and codification of the war powers provisions of the Constitution. To exempt any war from the bill's provisions is, in effect, to exempt it from the Constitution. In order to deal with this problem I propose the following substitute for Section 9 of the bill, dealing with its effective date and applicability:

SEC. 9. This Act shall take effect on the date of its enactment. The preceding sentence, however, shall not be deemed in any manner to confer upon the President any authority to use the Armed Forces of the United States not otherwise conferred upon the President under the Constitution or other provision of law.

J. W. FULBRIGHT.

INDIVIDUAL VIEWS OF SENATOR JOHN SHERMAN COOPER

I submit my individual views in order to join with others in a deserved tribute to Senator Javits for his leadership and magnificent work in developing and presenting to the Senate the historic legislation embodied in S. 2956. As the Report so properly states, much credit should go to other members of the Senate, whom the Report names, who have submitted bills and their views upon the purpose of S. 2956 "to make rules governing the use of the armed forces of the United States in the absence of a declaration of war by the Congress". And, as the Report states, great credit is due Senators Stennis, Spong, and Eagleton for their active participation with Senator Javits in the final development of the bill.

I desire also to raise some questions about the provisions of the bill and about one theme of the Report, excellent and comprehensive as it is.

Senator Javits and his co-workers have done a remarkable and invaluable work in codifying the constitutional powers of the President and the Congress respecting the engagement of the armed forces of the United States in war. Assisted by the testimony and views of eminent constitutional authorities, S. 2956 may be the most authoritative and incisive delineation of these powers.

Despite my support of the bill, I have difficulty with Sections 5 and 6 which read as follows:

THIRTY-DAY AUTHORIZATION PERIOD

> Sec. 5. The use of the Armed Forces of the United States in hostilities, or in any situation where imminent involvement in hostilities is clearly indicated by the circumstances, under any of the conditions described in section 3 of this Act shall not be sustained beyond thirty days from the date of the introduction of such Armed Forces in hostilities or in any such situation unless the continued use thereof in such hostilities or in such situation has been authorized in specific legislation enacted for that purpose by the Congress and pursuant to the provisions thereof.

TERMINATION WITHIN 30-DAY PERIOD

> Sec. 6. The use of the Armed Forces of the United States in hostilities, or in any situation where imminent involvement in hostilities is clearly indicated by the circumstances, under any of the conditions described in section 3 of this Act may be terminated prior to the thirty-day period specified in section 5 of this Act by an Act or joint resolution of Congress.

The Committee Report, quoting the late Justice Robert H. Jackson's concurring opinion in *Youngstown Sheet and Tube Company* v. *Sawyer*, 343, U.S. 579, states there is a "zone of twilight" between the distinct areas of Presidential and Congressional war powers. I believe this statement, reinforced by many authorities, to be correct and that it is impossible to determine in every case the exact limits of the President's power to engage the armed forces of the United States in hostilities.

For this reason I doubt that the Congress has the authority to limit the exercise of Presidential authority to an exact term, such as the "30 days" prescribed by Sections 5 and 6 of the bill. If the President's exercise of authority is constitutional under Article II, Section 2 of the Constitution, that is—

> The President shall be Commander in Chief of the Army and Navy of the United States and of the Militia of the several States, when called into the actual service of the United States—

I do not believe S. 2956—a statute—could prevail over his constitutional authority if he should determine that a period of time longer than 30 days would be necessary to carry out his responsibility as Commander-in-Chief of the armed forces of the United States to protect the armed forces, and the security of our country. My study of the powers of the Congress to limit the action of the President of the United States indicates that the denial of funds by the Congress is its only certain powers.

On this issue, Professor Alexander Bickel of the Yale University Law School, in his excellent testimony stated:

> I am open to questions, Mr. Chairman, naturally, concerning specific provisions in the bills the committee has under consideration. I will say in general only—on the one hand—that I don't think the President can be deprived of his power to respond to an imminent threat of attack—as well as to the attack itself—on the United States or on troops of the United States lawfully stationed wherever they may be, nor I believe can he be deprived of the power to continue to see to the safety of our troops once they are engaged, even if a statutory 30-day period has expired. In these respects, the Javits and Eagleton bills raise constitutional problems, if one can call them that, which are, however, soluble I believe by simple redrafting. I do think that Congress can govern absolutely, absolutely, the deployment of our forces outside our borders and that Congress should undertake to review and revise present dispositions. In this fashion, the eventuality of an attack or threat of attack against our forces can be indirectly provided for.
>
> On the other hand, I think that a generalized, prospective delegation by Congress to the President of the power to go to war in aid of our allies pursuant to treaty commitments gives away more of its own power than Congress may constitutionally give away by so broad a delegation—or at any rate, a delegation which it is possible to construe all too broadly. In this respect, I would favor amendment of the Javits bill.

When S. 2956 was under final consideration in the Senate Foreign Relations Committee, it was agreed that members who desired to offer amendments would do so in the Senate when the bill became the pending business. I propose three amendments which I believe would strengthen the purposes its sponsor intended.

The first amendment I suggest is that the language "by statute, or concurrent resolution of both Houses of Congress, specifically authorizing the use of the armed forces of the United States", should be incorporated in Section 3(4). This language supports the National Commitments Resolution, S. Res. 85, which was passed by the Senate on June 25, 1969, by a vote of 78–16, and the purpose of the bill.

The second amendment I propose is based upon the position that the War Powers Act should take force immediately upon enactment. I therefore suggest that Section 9 should be amended to provide only that "This Act shall take effect on the date of its enactment". If the bill states correctly the separate constitutional powers of the Executive and the Congress, it should apply to the hostilities in which the United States is now engaged in Southeast Asia.

The third amendment would propose a procedure by which the Congress would be called into session to consider the use of the armed forces of the United States in hostilities. This procedure would require that the Congress meet promptly to consider situations which involve the use of United States forces in hostilities, or could involve the use of United States forces in hostilities. I have stated above that there is a constitutional question as to whether the Congress can limit action by the Executive to 30 days, or any period of time, except by the denial of funds, but the requirement by law for a prompt meeting and consideration by the Congress of any involvement in hostilities is the power and the duty of the Congress. (A proposed procedure for calling Congress into session in the form of a joint resolution will be found at the conclusion of my individual views.)

Although I question the constitutionality of Sections 5 and 6, S. 2956 would express by legislative enactment the position of the Congress that action beyond 30 days should not be undertaken without resort to the Congress for further authority. It would have the value of inhibiting military action which did not clearly represent the exercise of the constitutional authority of the President.

There is another issue to which I would like to direct attention. Section 3 of the bill states that the bill applies to all treaties "in force at the time of the enactment of this Act". This is of great importance because it is in the provisions of these treaties that the United States is most likely to become involved militarily, not only for the defense and for the security of the United States but for the defense of other countries.

I support this provision, but I consider it important that the words "constitutional processes" used in existing and in any future bilateral or multilateral defense treaties to which the United States may become a party, be interpreted in S. 2956 to affirmatively require that the engagement of United States forces in hostilities beyond the emergency authority of the Executive shall not be undertaken without the approval of the Congress. This is the purpose of the first amendment which I have discussed above in this statement.

Existing post-World War II defense treaties are under attack today, and I think it proper to recall the background and events under which they were entered into following World War II, and to state that at the time they had practically unanimous support of the Congress, the news media, and the people.

The collapse of Nazi Germany brought the Soviet armies into Eastern Europe at the close of World War II. The Communist coup in Czechoslovakia in 1948, the fall of Nationalist China, the attack upon South Korea and the possibility of a thrust from Communist China toward Southeast Asia, caused great concern in the United States, Europe and Southeast Asian countries as to their security and led to the negotiation of the treaties. There were 8 of these treaties and they included 43 nations. Among them are NATO, SEATO, ANZUS, Inter-American, and bilateral treaties with Japan, Korea, the Philippines and Nationalist China.

While these treaties differ in certain respects—particularly NATO, which recites that an attack upon a vast area defined by the treaty shall be considered an attack upon all the parties—they are similar in substance. Typical is the language of the SEATO Treaty, which provides in Article I, Section 1, that:

> Each Party recognizes that aggression by means of armed attack in the treaty area against any of the Parties * * * would endanger its own peace and safety, and agrees that it will in that event act to meet the common danger in accordance with its constitutional process.

The term "constitutional processes" is not defined in the treaties. And the reports of the committees and the debates in the Congress on its meaning show disagreement, without definition. It was not settled whether the requirement of "constitutional processes" meant that the President, acting as Commander-in-Chief, could commit the forces of the United States to the military assistance of another treaty party, or meant that the President should consult with the Congress to determine jointly whether the commitment of military forces was essential to the security of the United States as well as that of other parties to the treaty and that the Executive would not commit our forces until the Congress had given its approval, either by a declaration of war or by a joint resolution.

During the Senate's consideration of the Korean Defense treaty in 1954, several Senators, including myself, but particularly Senator John Stennis and former Senator Watkins of Utah, insisted that the proper interpretation of the term "constitutional processes" as used in that treaty required the authorization of the Congress. There was no authoritative answer. I support such an interpretation.

The record of the hearing before the Senate Foreign Relations Committee and the debates in the Senate disclose that all of these treaties were approved by the Senate Foreign Relations Committee and the Senate with little opposition and without precisely determining the interpretation of "constitutional processes" and the commitment of the United States. Resolutions approved by Congress—some implementing certain of these treaties—uniformly provided to the Executive broad powers to involve the armed forces of the United States in hostilities, whether in the administrations of Presidents Truman, Eisenhower, Kennedy or Johnson. President Eisenhower was particularly insistent upon Congressional approval for military movements that might have involved the United States in a war. He was supported by Secretary of State John Foster Dulles who stated, in response to Committee inquiries, that the Executive would seek approval by the Congress for any such involvement. No involvement in war occurred during the Administration of President Eisenhower.

In fact, reservations offered in Committee and on the Senate floor during the consideration of several of these treaties, and amendments offered to Executive resolutions—Formosa, Middle East, Berlin, Cuba, and Tonkin Gulf—to prohibit the use of the armed forces of the United States without Congressional approval were consistently opposed and rejected in the Foreign Relations Committee and in the Senate.

I present these facts because I do not concur in one underlying theme of the Committee's report—which was never discussed in Committee and never voted on—that the Executive has taken from the Congress its powers. The record, if studied, discloses that the Congress, particularly since World War II, has not only acceded to but has supported Executive resolutions requesting Congressional authority to use the armed forces of the United States, if necessary, in hostilities.

These are settled facts of history. We can change our course but we cannot revise and rewrite history.

Now the wheel has turned and, for several years, the Senate Foreign Relations Committee, the Senate, and many in the House of Representatives have been seeking to define the Constitutional basis for the appropriate powers of the Executive and the Congress. In this respect, tragic as it has been, the war in Vietnam has had a profound influence

The "War Powers Act" of Senator Javits and his colleagues is a landmark legislation. It will do much to define the situations that could result in the engagement of United States forces in hostilities, and to limit involvement. No one can foresee all the ways in which this country might become involved in war. But this bill is a significant advance, and it serves to emphasize once again that one of the purposes that the framers of the Constitution had in mind when they constructed the system of checks and balances for the Legislative and Executive branches was to make it difficult for the United States to enter into war. With the advent of the use of nuclear weapons, hostilities could quickly lead to a nuclear exchange—a consequence that can bring an end to civilization as we know it. The War Powers Act for these reasons, is all the more important as it addresses the necessity to implement the provisions of the Constitution which were written to forestall entry of the United States into war except after full and considered judgment by the Executive and the Congress and only when vital United States interests are at stake.

John Sherman Cooper.

Joint Resolution

Regarding the use of the Armed Forces of the United States in hostilities in the absence of a declaration of war by the Congress.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever, in the absence of a declaration of war by the Congress, the President uses the Armed Forces of the United States in armed hostilities in any foreign country or whenever he believes that circumstances exist that make the use of such Armed Forces in a foreign country imminent, he shall immediately notify the Congress, if the Congress is in session, or shall immediately notify the President pro tempore and the majority and minority leaders of the Senate and the Speaker and the majority and minority leaders of the House of Representatives, if the Congress is not in session, of the use or imminent use of such Armed Forces, as the case may be.

Sec. 2. Whenever the Congress has been notified by the President, or whenever the Congress has been convened under section 3 of this joint resolution after notification to those officers of the Congress referred to in the first section of this joint resolution, both Houses of the Congress shall proceed immediately to the consideration of the question of whether the Congress shall authorize the use of the Armed Forces of the United States and the expenditure of funds for purposes relating to those hostilities or imminent hostilities regarding which the Congress (or its officers) has been notified.

Sec. 3. Whenever the President pro tempore of the Senate and the Speaker of the House of Representatives receive notification from the President under the first section of this joint resolution and the Congress is not in session at the time of such notification, they shall (1) have authority to reconvene the Senate and the House of Representatives, respectively, for consideration of the question referred to in section 2 of this joint resolution, and (2) reconvene such Houses, after notice to all Members of Congress, not later than twenty-four hours after the President has notified the President pro tempore and the Speaker of the House of Representatives under the first section of this joint resolution.

Sec. 4. Sections 2 and 3 of this joint resolution are enacted by Congress—

(1) as an exercise of the rule-making power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, and they supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

Mr. EAGLETON. I am pleased and honored to join again with Senators Javits and Stennis in introducing this important legislation.

The sponsors of the War Powers Act are joined together in a purpose which transcends partisan and ideological lines. We have of course, been motivated by the tragedy of our involvement in Vietnam—an involvement that has never received the unqualified support of the American people. While each of us has his own view as to how to end that involvement, we share the common belief that our experience in Vietnam has exposed a breakdown in the institutions of our Government. Most importantly, we are concerned that Congress has failed to assert its constitutional mandate to decide whether America goes to war.

Much has transpired since this body last considered the War Powers Act of 1972—passing that Act on April 13, 1972 by an overwhelming 68 to 16 vote.

After elevating the hopes of the American people with the now famous peace-is-at-hand statement in October, President Nixon conducted one of the most brutal bombardments in the history of aerial warfare over Hanoi and Haiphong in December. I am sure that the President made his decision because he felt that it was in the best interest of the country. But even now, after the bombing has been halted, the President has refused to come to the American people to explain why such action was necessary. If decisions of such moment as to involve war and peace are made in secrecy and kept from the arena of public opinion, the democratic process will be undermined.

The air bombardment of North Vietnam has made Americans more aware than ever of the dangers of permitting a single man to retain excessive power. But as American citizens have turned to Congress for action, they have become even more frustrated as they realize that our system of checks and balances has, to a significant degree, been compromised.

The President's recent announcement that bombing would be halted above the DMZ and the various news reports that a negotiated settlement is near have given us new cause to be hopeful. If we are again disappointed, however, and if the President again decides that military escalation is necessary, the burden for ending this long and tragic war would belong to the Congress of the United States.

But because we in Congress have forfeited our responsibility to decide by a simple majority vote the geographic limitations and the duration of our involvement in Indochina, we now must end that involvement by a two-thirds majority to override the expected Presidential veto. Congress must be involved at the outset in the decisions that could lead our Nation to war, not after our troops have been committed. That is what the War Powers Act is intended to accomplish.

Congress has failed in the past to assert its constitutional war powers because, quite frankly, the individual members of this body have preferred to avoid the more difficult questions facing our Nation. The temptation for those of us in political life to avoid such decisions is a natural tendency that cannot be condoned but must be considered as we seek to improve the institutions that guard us against human weakness. What we ask today is that this Congress establish a procedure which will obligate its Members to fulfill their responsibilities in making the most awesome decision that our Nation must face—the decision to go to war.

The history of the drafting of this legislation represents an exceptional chronology of Congress growing awareness of its own powers—an awareness that has brought us today on the brink of serious constitutional confrontation with the Executive in a variety of areas.

The Zablocki bill which passed the

House of Representatives by unanimous consent on August 2, 1971, was the very first war powers measure considered by Congress. This bill, introduced as a Joint Resolution expressed the sense of Congress that whenever feasible the President should seek appropriate congressional consultations before involving the Armed Forces of the United States in armed conflict. This somewhat timid approach would have ceded to the President powers of discretion which he does not possess today even in the absence of specific war powers legislation. Congressman ZABLOCKI's effort in 1970 did indicate, however, that the House of Representatives recognized the erosion of the congressional war power.

My distinguished colleague from New York (Mr. JAVITS) deserves great credit for introducing the first war powers bill in the U.S. Senate in June 1970. Senator JAVITS' bill provided a vehicle for Members of Congress and prominent constitutional scholars to discuss the parameters of congressional authority.

In February 1971, Senator JAVITS submitted a revised and superior version of his war powers legislation of the previous year. This bill was designed to make rules respecting military hostilities in the absence of a declaration of war. In this bill, Senator JAVITS introduced for the first time the concept of placing a quantifiable limitation on the authority of the President to act in certain emergency situations spelled out in the bill.

The justification for establishing a 30-day period—within which the Congress must act to authorize the President to continue his use of forces in an emergency—is still applicable in the bill we introduce today. While recognizing the authority of the Commander in Chief to take emergency action—to repel an attack on the United States, or on U.S. Forces stationed abroad, or to rescue under carefully circumscribed conditions American citizens in foreign countries—we establish a procedure whereby Congress must be immediately notified of the emergency circumstances that justify the commitment of American Forces.

By placing a 30-day limitation on the President's emergency authority we recognize that a defensive emergency action can develop the offensive character of war. If Congress is to be involved in the decision to pursue, define, or, alternatively, to reject that war, it must be notified immediately of any emergency and convene to determine, first, whether such action was legitimate in the first instance, and second, if continued action of a retaliatory nature is either necessary or prudent.

In a recent New York Times article entitled "Making War, Not Love," Tom Wicker has the following to say about the War Powers Act:

> The so-called War Powers Act now pending, for example, would require a President who had sent the Marines to the Dominican Republic or the B-52's to Hanoi to report to Congress within thirty days and to ask for its approval. This would give the President thirty days of war-making license not now specified in the Constitution. Worse, it wraps the President in the flag, gives him the initiative as a Commander in Chief who has acted in what he will surely call the national interest, and puts the onus on Congress to declare that he was wrong and ought not to have done it.

This interpretation of our bill is inaccurate. The President is required to report promptly to Congress if he commits American forces in an emergency action. Congress in addition can act before 30 days if it wishes to remove the authority granted by the emergency provisions of the bill. This action can be taken with or without a report from the President.

Some critics seem to deny the President any emergency authority whatsoever to repel attacks. While it is true that the measure we introduce today would grant the President authority he does not now technically have under the Constitution—to repel attacks on American forces legally stationed abroad and to rescue American citizens who are threatened in foreign countries—I submit that these two carefully specified authorizations of power are simply a logical and necessary extension of the Commander in Chief's authority to repel attacks. This authority, which is clearly established in the legislative history of the Constitutional Convention, has been accepted throughout our history by both the legislative and judicial branches of our Government.

I would ask the critics of this approach if they would deny the President the authority to act expeditiously in an emergency to defend our forces stationed abroad or to rescue American citizens in a foreign country. I do not believe such a denial is either warranted or desired. I do believe, however, that Congress must carefully control this authority.

In March 1971 I introduced Senate Joint Resolution 59, a joint resolution for the purpose of defining the constitutional rules of Congress and the executive in war-making. This resolution adopted the format of Senator JAVITS' bill to the extent that it established certain emergency situations in which the President could act without prior congressional approval. Authority to continue action under these situations would be limited to 30 days, the limit proposed by Senator JAVITS.

But my bill modified the codification of these situations to carefully delineate and tighten the President's emergency powers. Senate Joint Resolution 59, for instance, excluded the proposal offered by some that the President could act to protect American property overseas in case of emergency. I did not feel that the risk of a larger war was justified in the absence of any threat on human life. I simply could not see granting the President authority to commit American forces to protect American business enterprises under threat of expropriation.

In addition, my resolution questioned a basic premise of post World War II foreign policy—that our treaty commitments are self-executing. The power to declare war was assigned to both houses of Congress. Treaties are, of course, ratified only by the Senate and cannot represent even an implicit American commitment to wage war at the discretion of the Commander in Chief alone.

Our treaties are also to be implemented only in accordance with the constitutional processes of the signatory nations. The constitutional processes of the United States specify that Congress—not the President—has the authority to declare war.

Prior war powers proposals were unclear as to whether appropriations measures could be interpreted as legitimate congressional authorization for the continuance of hostilities. Senate Joint Resolution 59 took the position that appropriations measures could not imply such authorization. This contention has become increasingly obvious as some Members of Congress attempt to end our involvement in Vietnam.

We now need a two-thirds majority to override a presidential veto to cut off funds for military activity in Indochina. This factor clearly gives the Commander in Chief power that was not intended by the Founding Fathers. The President theoretically could wage war with impunity while confidently challenging each House to attempt to muster a two-thirds of its membership in order to stop him. Such a situation is not only extremely dangerous; it in effect turns our carefully devised system of checks and balances on its head.

Senate Joint Resolution 59 also went further in defining the areas in which affirmative congressional action would be necessary. It defined "hostilities" as including the deployment of U.S. forces outside the United States under circumstances where an imminent involvement in combat activities is a reasonable possibility. It also included the assignment of U.S. soldiers to accompany, command, coordinate, or participate in the movement of regular or irregular armed forces of any foreign country when such forces are engaged in any form of combat activity.

There was well-founded precedent for such limitations. In the absence of limiting congressional legislation, presidential power to move Armed Forces of the United States in international waters and to station them on territory of our allies has generally been accepted, except where such action could reasonably be expected to lead to hostilities. Only once has this principle flagrantly been abused. In 1846, after the annexation of Texas, President James Polk ordered American troops to enter the disputed territory between the Nueces and Rio Grande Rivers. Hostilities immediately broke out and Congress thereafter declared war against Mexico. However, some 18 months later, the House of Representatives concluded that the President had unconstitutionally begun the war and, in effect, Polk was justly censured.

Presidential power to move the Armed Forces of the United States is not, and should not, be viewed as extending to place American men in situations where combat is almost inevitable.

And, as Vietnam has illustrated, limited deployments of U.S. military advisers to countries where combat activities are in progress or could be expected to commence shortly has become increasingly more dangerous in an era when "brushfire" wars and guerrilla warfare are becoming even more common.

Senate Joint Resolution 59 added new ingredients to the by now raging debate over the war powers of Congress and the President. Never before had the Congress of the United States undertaken such a detailed examination of its own constitutional prerogatives.

I am proud to say that the concepts encompassed by my resolution—first considered to be a too-strict, too-energetic approach to Congress' war powers—were adopted by the Foreign Relations Committee and were included with the excellent provisions of Senator JAVITS' bill to make up the bill passed by the Senate on April 13, 1972.

No historical analysis of war powers legislation would be complete without a discussion of the outstanding contribution made by the distinguished chairman of the Armed Services Committee, Senator JOHN STENNIS. Senator STENNIS has not only submitted his own excellent resolution to define the war powers of Congress and the President, he has participated for more than 20 years in the effort to assure that the prerogatives of Congress are protected.

An example of Senator STENNIS' great concern that Congress not abrogate its responsibilities in the warmaking area was his careful questioning in 1954 of Senator Wiley of the Foreign Relations Committee, who managed the Mutual Defense Treaty between the United States and Korea. During that colloquy, Senator STENNIS made clear that the phrase "constitutional processes" should be interpreted to mean that Congress alone would have to make the decision to implement the warmaking provisions of the treaty.

Senator STENNIS has been consistent in the view that he has held concerning the Congress' war powers and in his strict constructionist view of the Constitution. It is difficult today for advocates of a strong executive who supported Presidents Franklin D. Roosevelt, Harry S Truman, and John F. Kennedy to concede that, in the area of war powers, strict constructionism always was the proper approach. We now realize after going through the trauma of our experience in Vietnam, however, that men like Senator JOHN STENNIS were correct in their untiring efforts to assure that Congress uphold its constitutional responsibilities.

Presidents have alleged a long list of powers to justify the commitment of American Forces in Indochina. The Gulf of Tonkin Resolution, the SEATO Treaty, congressional appropriations, and the powers of the Commander in Chief have all been cited at various times as legal authority for our presence in Vietnam.

President Nixon has, however, in statements attributed to him and to his administration, relied almost exclusively on the powers of the Commander in Chief. Such a reliance, of course, does not in any way necessitate the involvement of the Congress of the United States. If this claim of power is allowed to stand without challenge, Congress will continue to lose its powers by attrition and our Constitution will undergo a major restructuring.

Alexander Hamilton, our most eloquent defender of increased executive power at the Constitutional Convention, gave his interpretation of the powers of the Commander in Chief in Federalist Paper No. 69:

> . . . would amount to nothing more than the supreme command and direction of the military and naval forces, as first general and admiral of the Confederacy; while that of the British King extends to the declaring of war and to the raising and regulating of fleets and armies—all which by the Constitution under consideration, would appertain to the legislature.

This body must implement the provisions of the Constitution as described by Alexander Hamilton and James Madison in their Federalist Papers and as interpreted by a number of benchmark Supreme Court decisions. To do this we will have to use the authority assigned to Congress to make all laws necessary and proper to carry out the provisions of the Constitution. The War Powers Bill we submit to this body today is intended to do just that.

It is unfortunate that we in Congress, and Americans in general, have a tendency to overlook serious situations until they erupt into crisis. There should be little doubt that the gradual erosion of congressional war powers has grown to crisis proportions. If we fail to act now after the horrors of Vietnam have so clearly exposed the danger of individual war-making, we may never again see the questions of war and peace being decided by the sobering and deliberative processes inherent in the concept of collective judgment.

I ask this body to consider this legislation in an expeditious but thorough manner so that we can act quickly to restore balance within our system.

Mr. MUSKIE. Mr. President, I am pleased today to cosponsor the war powers bill. I do so for two reasons. In the first place, the bill commends itself on its own merits. But more importantly, the bill is a first step toward reforming the role of the President in the making of U.S. foreign policy.

First, as to the bill itself. The earliest draft of the bill was introduced by Senator JACOB JAVITS of New York during the 92d Congress. He deserves the thanks of the Senate and the Nation. Other Senators introduced similar proposals. The Foreign Relations Committee conducted a long and serious study of the bills. It heard a number of distinguished witnesses. With only a few exceptions, the witnesses before the committee supported the need for legislation of this type, to redress the imbalance in the warmaking power between President and Congress. Then, after extensive discussion within the committee itself, we voted the bill out unanimously.

The committee report summarized the purpose and effect of the bill this way. The bill, according to the report, requires "advance congressional authorization for the commitment of the Armed Forces to hostilities, by the President, except in certain designated emergencies, in the event of which the President would be authorized to commit the Armed Forces to combat for a period of not to exceed 30 days unless explicitly authorized by Congress—Senate Report 92–606, page 7.

The bill thus confirms the President's right and duty to act quickly in specifically defined emergencies. He may, and must, defend the Nation, its Armed Forces or its citizens, when they are truly threatened. This statement of unilateral Presidential authority, most agree, accommodates our historical experience and the constitutional balance of power.

Beyond that, the legislation engages Congress in all decisions which would commit us to hostilities. The legislature must act, or the President's hand is stayed. And Congress is compelled to speak directly. It may not weasel. It may not avoid the issue, as it has in the past, and there can be no argument as to whether Congress has spoken—whether appropriations, resolutions, and treaties have authorized the President to fight a war.

The bill further requires that when the President seeks the congressional authorization required by the act, and after such authorization is given, he must make full reports to the Congress on the situation. This would be an important step forward in improving the flow of information to the Congress on issues of war and peace.

I, therefore, consider the bill to be a long overdue effort by the Congress to regulate the exercise of the war power of the Nation.

The Constitution, of course, provides that Congress is to declare war and carry out other vital functions related to our Armed Forces. The President is the Commander in Chief. The exercise of the war powers is thus a matter for collective judgment, wisdom, and responsibility.

But recent decades have witnessed an increasing preemption of the war power to the Presidency. In part because of congressional failure to assume its full constitutional responsibilities; in part because of the quite natural willingness of Presidents to gather the reins of power; in part, because of the nature of the age in which we live, Presidents have caused, and Congress has tolerated, the commitment of this Nation to foreign hostilities.

With this legislation, Congress is attempting to write and end to that chapter of our experience and to start anew. In doing so, Congress is carrying out—for the first time in history—its duty to enact such legislation as is necessary and proper to the discharge of its war-declaring power and the President's Commander in Chief responsibilities.

It is not altering the Constitution. It is implementing it. No reallocation of function or duty is involved, only the ordering and regulating of the cooperative powers of these two vital constituent elements of our Government. By this legislation Congress is saying that war—if this Nation is to commit itself to war again—will be the joint responsibility of both elected organs of the National Government, both the Congress and the President. The day of unilateral Presidential war will at last have come to a close.

It is for this reason that I support the bill. I do not think it is the last word; indeed, as I have said, it is only a first effort toward the implementation of such sharing of constitutional responsibilities. And I am convinced that if Congress is indeed to take up the new tasks it is legislating for itself in this bill, Congress had best consider quite promptly what measures are necessary to reform itself. There are a host of things we must do to strengthen this body if we are truly to join hands with the President and carry out our constitutional warmaking responsibilities: improved committee staffing, improved organization of foreign affairs legislation, improved consultation within the Congress, and so forth. We are in some ways inadequate to the task at the moment. Therefore, I hope we can quickly turn to congressional reform. It would be wrong and misleading to the Nation to declare Congress a part in the making of war, and yet refuse to undertake the reforms which are necessary if we are to carry out that function as well as we should.

I am convinced that with a modernized Congress, prepared to shoulder these responsibilities, and with an Executive ready to cooperate with Congress, the Nation will be better off. I am fearful, however, that the present administration is not prepared to cooperate. Secretary of State Rogers was one of the few witnesses who counseled against the bill before the committee. In the Cambodian and Laos invasions, in the Bay of Bengal, and elsewhere, President Nixon has seemed intent on preserving, protecting, and enhancing for himself a unilateral extension of personal power including the war powers and all the lesser powers over foreign policy, with little regard to Congress, the public, or the foreign affairs professionals. I believe this trend is a national danger, which must be corrected.

This leads me to my second and broader reason for supporting the legislation. There has been a steady White House preemption of foreign policy in this century, and not just in matters verging toward hostilities. The White House is more and more drawing all major foreign policy issues into itself.

The trend did not begin with the Nixon administration. Matters began to go awry during World War II. The wartime grasp on foreign affairs in the White House was carried forward through the postwar crises. President Truman ignored the Congress in Korea, John Foster Dulles created the structure of security treaties with little attention to Capitol Hill—except for senatorial ratification and congressional appropriation. The tendency toward more and more White House monopolization of our foreign affairs continued through the administrations of President Kennedy and President Johnson—highlighted by their habit of unilateral decisions in Vietnam.

President Nixon has brought the process of Presidential monopolization of foreign affairs to a real culmination. The ceremonial trappings, the trips, and the personalized rhetoric are its symbols.

The consequences of this White House preemption of foreign affairs are palpable:

Deliberations on anything of importance confined to a small circle;

Inefficient Presidential preoccupation with the details of foreign policy, to the detriment of Presidential leadership on domestic affairs;

Immunization of foreign affairs questions from congressional debate—except on trade, or during the debates over aid and military appropriations when the Congress must expend almost all its foreign affairs energies;

Increased anger that Congress cannot question the real makers of foreign policy—particularly the President's Assistant for National Security Affairs—because of Executive privilege claims, although surely the Constitution provided that a dialog between the Congress and those making our foreign policy should take place;

The demoralization of the Department of State and the Foreign Service—witness Secretary Rogers' exclusion from the meeting with Mao;

Delight in surprise diplomacy, which dramatizes the personality of whoever happens to be in the White House, but dismays allies, unnerves the rest of the world, and makes it hard to argue that we have a coherent policy, a steadiness of purpose, or a capacity for restrained commitment;

Increasing White House secrecy about foreign policy; and

A sense of moral certainty within the White House circle which makes it difficult to distinguish between honest debate and disloyalty—or between political advantage and national interest.

This is the temper of monarchs. It is not the way to conduct the foreign relations of the United States.

The war powers bill I take to be one step in the path back toward a better balanced, more democratic, less imperial conception of the role of the Presidency.

We must, I am convinced, begin that return journey. We must depersonalize our foreign relations. There is a coherence to U.S. policy which is above the accident of our domestic politics and the circumstances of election victories. It should be our purpose to demonstrate this to the world.

We must restore the professional service to its rightful role of advice and operation. The State Department must be made to work effectively.

Congress has a vital role to play, in consultation with the executive branch. Ways must be found to bring the serious minds in the Congress to bear on foreign affairs in a creative and constructive fashion, with hearings, advice, and a constant challenge to participation.

We have a duty to the Nation. It is our task to provide more information, earlier and fuller debate, narrower claims of executive privilege and the opening of the miles of secret file drawers to the scrutiny of the press and of the public.

All these measures, and others, are necessary to reform the role of the President, and bring our foreign affairs more closely into line with the original constitutional scheme and our historic experiences. The Constitution did not contemplate that the White House should act like the Court of Versailles or the participants at the Congress of Vienna. This is a democracy, in its foreign relations and in its domestic business. As we act like a royal court, so we depart from our essential genius. We must return. The war powers bill is a first step.

Mr. CHILES. Mr. President, I am delighted to join with my distinguished colleagues in introducing this bill to make rules governing the use of the Armed Forces in the absence of a declaration of war. I think it is significant that the Senate passed this measure last session and I would like to take this opportunity to recognize the key role Senator STENNIS played in working out a bill which was able to pass in the spring of 1972 by a vote of 69 to 16.

During the last Congress I offered testimony before the Senate Committee on Foreign Relations expressing my deep interest in setting some kind of ground rules to reiterate and elaborate upon our Constitution's command that the Nation's forces be committed to war only by decision of Congress. I felt that the abdication of these constitutional responsibilities contributed to the power shift from the Congress to the Presidency. Lawful powers of Congress have been consistently given up by that branch in recent years and thrust upon the Presidency simply because Congress has not been willing to carry the responsibility of exercising those powers itself. Power has not been usurped by the Presidency as much as it has been given up by the Congress. By giving up its constitutional responsibilities the Congress has helped create a belief that the demands of the nuclear age are such that the Constitution is obsolete and problems of foreign affairs and warmaking must necessarily be left to the President. And I do not believe that to be true.

We need only look at our involvement in Southeast Asia to see that we are losing our sense of constitutional balance between a strong and independent Congress and the Executive. One of our most serious mistakes concerning the Vietnam situation was to allow one man to bear the burden for policymaking and control. The inaction of the Congress resulted in a situation where responsibility for military commitment was not shared between the Congress and the President; where no opportunity for national debate or public forum existed; and where four individual men and their administrations decided foreign involvement policy instead of the President with the deliberative will of the people expressed through the Congress. We must now show that we have learned a painful lesson from the Vietnam conflict. Defining the President's warmaking powers is one way to avoid a similar tragedy in the future.

In my testimony back in 1971 I urged legislation that would give a detailed explication of the war powers of Congress and the President and specifically cite rules and procedures that ought to be followed in circumstances where hostilities are to be initiated without congressional declaration of war. I later cosponsored S. 2956 and am pleased to add my name to the bill offered today.

I believe a reaffirmation of faith in the doctrine of separation of powers and checks and balances entails a simultaneous reaffirmation of faith in the people themselves. Conditions in the modern world do not render obsolete the devices built into our Constitution by the framers to avoid tyranny—neither do these conditions impel us to give the President additional authority. What these conditions do encourage, however, is a concerted effort to reestablish constitutional balance and reassert congressional responsibility.

Mr. Justice Jackson's words capsulize my thoughts on this subject:

> With all its defects, delays and inconveniencies, men have discovered no technique for long preserving free government except that the executive be under the law, and that the law be made by parliamentary deliberations.

The War Powers Act is an effort to fulfill—not alter, amend, or adjust—the intent of the framers of the Constitution in order to insure that the collective judgment of both the Congress and the President will be brought to bear in decisions involving the introduction of the Armed Forces of the United States in hostilities or in situations where imminent involvement in hostilities is indicated by circumstances.

I believe the Congress has learned from the Korean and Southeast Asian experiences that it must design a new means to insure its own exercise of the war powers reserved to it in article I, section 8, of the Constitution. This bill is designed to do that. No one man can be expected to bear the burden of committing this Nation to war with only tacit authorization of the legislature. And no Congress can constitutionally allow one man to exercise war powers—powers given to the Congress in the Constitution.

COSPONSORSHIP OF THE WAR POWERS ACT

Mr. NUNN. Mr. President, in my opinion, the framers of the Constitution, in article I, section 8, clearly placed this country's war declaration powers in the Congress. The duty of implementing this power was placed upon the President in his capacity as Commander in Chief—article II, section 2.

Without being critical of this administration or any previous administrations, I feel that this Nation will survive as a democratic institution only so long as the checks and balances created by the framers are scrupulously followed by the executive and judiciary branches, as well as this legislative branch. The power utilized by the President in committing our troops in undeclared wars, without specific congressional approval, except under emergency circumstances, tends to disrupt the delicate balance between our three branches of Government. The proposed War Powers Act is intended, not to take away any Presidential power, but merely to clarify and reassert the congressional prerogative to declare war or authorize military action in undeclared conflicts. Since I feel that a strong legislative branch is essential to the well-being of our Nation, I support legislation implementing this goal.

To avoid the disunity that has in the recent past split this country down the middle, it is essential that American troops, except in emergencies, be committed to combat only with the joint concurrence of the President and the Congress.

Even the most diligent effort ever put forth by Congress to end the war, the so-called end-the-war amendment which cuts off funds for the Vietnam war, shows on its face the great frustration Congress experiences in trying to end, as opposed to prevent, an undeclared war, even if such a resolution were passed.

The war powers bill would not in any way deal with our present dilemma in Vietnam, but would help prevent these undeclared wars in the future, or in the alternative, assure the backing of the legislative branch for necessary military action. Mr. President, I am pleased to cosponsor this bill.

SUPPORT OF THE WAR POWERS ACT

Mr. HUMPHREY. Mr. President, I wish to announce my firm support of the War Powers Act being introduced today by the Senator from New York (Mr. JAVITS).

I commend the Senator from New York for his leadership on this important measure. His tireless efforts in perfecting this legislation and in gathering bipartisan support for it deserve our thanks.

The War Powers Act is being introduced at an important juncture in our history. Hopefully, the war which initially caused the Congress to reexamine the war powers of the President is at last coming to an end. And with the termination of the war has come a needed critical evaluation of the relationship between the legislative and executive branches of Government—not only in the foreign policy field, but in the area of domestic issues.

The War Powers Act is precedent setting. It is designed to regulate by statute for the first time the conduct of the shared executive and legislative power with respect to war and the entry into war. I believe that the War Powers Act would enable the Government of the United States to react responsibly and democratically in times of crisis.

Mr. President, there are many lessons to be learned from our involvement in Vietnam. And one of them is that the genius of our system of Government is undone when power is shifted beyond the tolerance allowed by the Constitution.

James Madison wrote in the Federalist, No. 47, that—

> The accumulation of all powers, legislative, executive, and judicial in the same hands, whether of one, a few or many, whether hereditary, self-appointed, or elective may justly be pronounced the very definition of tyranny.

We are living at a time when Chief Executives have accumulated power in unprecedented amounts in the name of "greater efficiency," in the name of "national emergency," in the name of "greater executive authority," in the name of "speed and quick reaction."

The words of James Madison written nearly 200 years ago seem to vanish when the President takes charge, alerts a nation to danger, and then acts. Unfortunately, there are those in our Republic who believe that his actions though taken in the national interest may not always be in the national interest, that actions taken in haste often need deliberation and that Presidential actions require the consent of the people's representatives assembled in Congress.

It is clear that what is needed for now and for the future are not blanket restrictions of Presidential authority, but definitions which explain and clarify the constitutional limits of Presidential power. We are in the midst of a constitutional crisis. To solve this crisis will mean that the powers of the President and the powers of the Congress do not need to be reshaped—or altered. Rather, they must be redefined and then respected by each branch of Government.

I believe that the War Powers Act is an important instrument to deal with this constitutional crisis in the area of foreign policy.

Still needed is a Joint Congressional Committee on National Security to oversee the entire scope of executive branch national security policies. I introduced legislation creating such a committee in the last session of Congress and will introduce it again in the coming weeks.

Critics of the War Powers Act and of a reassertion of congressional authority in domestic and foreign policy areas often tell us that Congress is lethargic—its actions are too slow to meet the modern needs for immediate response and it does not have enough information to act. I do not agree with this thesis.

First of all, if consulted and provided with information, Congress can and has acted in haste. Second, the avoidance of deliberation which underlies the assumption in greatly expanded Executive warmaking authority needs to be questioned. The history of American foreign policy since the end of the Second World War is full of examples of Presidential initiatives taken without congressional approval or consultation which were detrimental to our national interests. Speed in responding to a belligerent act by a foreign country or initiating a military action against another nation cannot be a substitute for rational policy judgment and approval by the Congress. The risk of loss of life and the tremendous expenditure of funds not to mention the foreign policy implications of a military response demand that the Congress share in this responsibility.

Third, those who shout loudest that the Congress lacks the necessary information to make sound judgments and share in executive branch warmaking authority are often the very same people who continually devise ways to deny the Congress the information it needs.

I think that the American public must understand that when a President takes powers unknown to him—as this and other Presidents have tried to do—he must take those powers from somewhere. And that somewhere is the Congress of the United States.

Some people compare the doctrine of shared power between Presidents and Congresses to the swing of a pendulum. They say that we need not worry when it moves nearer to the Executive, because someday it will retrace its route in favor of the Congress. The great problem with this analogy is that the balance of power is set forth in our Constitution. This great document allows some shifting back and forth. But it sets outer limits for the pendulum's movements. It is these outer limits which have been ignored by Presidents in their accretion of warmaking authority.

And it is these same outer limits that the War Powers Act seeks to define, and in some needed ways, to restrict.

Mr. ROTH. Mr. President, I am pleased to join so many of my distinguished colleagues in cosponsoring the War Powers Act, particularly the junior Senator from Mississippi, the senior Senator from New York, and the junior Senator from Missouri who have been so instrumental in shaping this legislation. During the last session, I had joined Senator STENNIS in introducing one of the original war powers measures, because I believed it was vital that Congress assert its constitutional authority in this area. The essential features of our bill were incorporated in the legislation being offered today, legislation that we debated extensively last spring and passed by a vote of 68 to 16.

After carefully evaluating all the arguments—both pro and con—I became more and more convinced that this legislation is vitally needed and will strengthen our democratic institutions without in any way jeopardizing our national security.

Increasingly there is a feeling in this country that the system of checks and balances between Congress and the Executive has been eroded. More and more, the executive branch appears to be able not just to determine the framework within which interaction on policy takes place, but has come to assume legislative functions as well. This trend is not simply the result of Executive over-initiative, but is also a consequence of the failure of Congress to discharge its constitutional responsibilities on many important issues and decisions. Perhaps this is no where more evident than on the vital issues of war and peace.

The War Powers Act, by providing a sharper definition of the respective war powers of the Congress and the Executive and by establishing clear procedures whereby Congress must give its authority to any protracted use of U.S. Armed Forces, will insure that Congress faces up its responsibility for policymaking in this area.

As statute, the war powers legislation can in no way infringe upon the constitutional powers of the President as Commander in Chief of the Armed Forces. It is evident that such powers presume that the President should be able to respond immediately in any serious emergency threatening the national security or the lives of American citizens. This need for quick response and flexibility, implied in the Constitution and derived from good commonsense, is incorporated in this legislation, particularly in sections 2 and 3.

It should be just as evident that the use of the Armed Forces in a situation that is not a clear direct threat to our national security or which requires an extended engagement in hostilities implies a need for a policy decision, requiring the judgment of Congress. Surely the war powers invested by the Constitution in Congress, as the sole body with the power to declare war, demands that Congress give its authority to any such use of the Armed Forces.

I have no doubt that should the vital national interests of the United States be threatened, the President and Congress would not hesitate to act together to protect those interests. But if a President were to ask for authority to use the Armed Forces and the Congress refused to give such authority, it would suggest to me that there must be very serious reservations as to whether armed force was prudent or necessary. In such a case, certainly the collective judgment of 535 Members of Congress should have as much weight as the individual judgment of the President.

Finally, Mr. President, our most recent experience with war has demonstrated how very important it is that the people know that if we engage in hostilities, it reflects the combined wisdom and judgment of both the President and a majority of the elected Representatives in Congress that we should do so. Of course, had we had the war powers legislation in 1965 and had our involvement followed a recourse to that legislation, it would not mean that there would be no controversy on how or when to get out. But, I doubt that we would have today so many recriminations for getting in or the belief, in many quarters, that our involvement was not just ill advised, but also illegal.

I believe that there is a strong current of public opinion that the Congress ought to reassert its authority with respect to war powers. It is ingrained in the American political tradition not to invest such powers in one man, nor indeed in one branch, but that they be subjected to a system of checks and balances. We have a responsibility and it is time for us to face up to that responsibility. The American people expect and deserve no less from us.

WAR POWERS ACT

Mr. BENTSEN. Mr. President, during the 92d Congress a number of bills were introduced seeking to reaffirm the Congress' authority to participate in the formulation of U.S. foreign policy. Some of those bills were specifically directed at restoring the rightful role of Congress in committing U.S. troops abroad. I was one of those sponsoring such legislation, and I am pleased to be a cosponsor of the so-called war powers bill introduced today by my distinguished colleague, the Senator from New York.

We are all aware of the erosion of the balance of powers within our Government. There are those who would try to say that the balance of powers is really not an efficient form of Government; but I would quote the comments of Justice Brandeis when he said that the Convention of 1787 really was not striving for the most efficient form of Government, but by setting up the three branches of Government was trying to insure that we would not have an arbitrary exercise of power.

This has been the subject of considerable discussion of late and indeed of recrimination. But let me point out that it is not entirely the fault of the Executive. Congress, to a large degree, has not only stood silently by and watched its powers erode; it has also actually given its authority away and acquiesced in various Executive actions tending toward usurpation of congressional prerogatives. The Gulf of Tonkin Resolution and our present involvement in Vietnam are examples which leap immediately and tragically to mind.

We must now repair this erosion of the delicate executive-legislative balance in order to restore respect for the very institution of government. It is not just the balance of power that is vital to our survival as a democracy; we must restore a balance of trust. There will be and there should be disagreement between the President and the Congress but there need not be distrust.

The fact that a policy is carried out in secrecy and remoteness does not necessarily insure its success. The public business must be conducted in an atmosphere of mutual respect and confidence that will in turn inspire the respect and confidence of every citizen.

If we are going to understand why a decision was made then it is necessary that we know the rationale and the logic that went into making that decision. I believe one of the most powerful disciplines we can have on a Cabinet officer is the understanding that he will be called before an appropriate congressional committee to explain why he made that decision. It is that kind of discipline that insures that those decisions will always be made in the public interest.

As a step toward restoring the people's shaken confidence in its representative institutions, I suggest that Congress assume its responsibility to the electorate and indicate that we are prepared to meet our constitutional obligations in the formulation of foreign and domestic policy. We will not leave vital decisionmaking solely to the Executive, whether through default, inefficiency, lack of will or Executive usurpation.

There are those who have said if we had been faced with the issue of war or no war in South Vietnam, the Senate, Congress would have gone along. That may be the case, but what the War Powers measure would do would be to say that the Senate, Congress must face that issue squarely; that a Member will not be able to waffle his position; that he will have to bite the bullet and decide if he is voting for America's sons to go to war or not. The founders of this country came here with the idea that no one man, no matter how wise or benevolent he might be, could decide whether or not his son went to war, that this must be the collective judgment of the representatives of the people.

When Congress exercises its rightful powers and meets its full responsibilities, when it insists on full deliberation and sharing in decisions—that is, if the proper constitutional procedures are followed—the democratic process is strengthened. We must not allow a growing lack of confidence in the institutions of democratic government to call into question the viability of these institutions. We have a fundamental obligation: To keep our Government strong and make our Nation whole again.

It is imperative that we insure that responsibility for future foreign policy decisions be shared. Democratic government "derives its just powers from the consent of the governed."

It is a question of communication between the executive branch, between Cabinet officers and Congress if we are to make the system viable. If the people do not know what the decisions are or what the processes of decisionmaking are, then that executive is not held accountable. The momentous decisions of war and peace must be made by the elected representatives of the people.

This proposed legislation does not challenge the President's authority as Commander in Chief nor his constitutional right to conduct the war in the way he sees fit. It does not intend to tie the President's hands for we realize that there are circumstances under which a President may have to respond in defense without explicit congressional approval, and this bill so provides.

But the Congress would be negligent of its own constitutional responsibilities if it relegated to one man the decision to send our sons to war. What confronts us is one of the most significant questions to emerge from the continuing debate over the Indochina conflict: The question of who decides when and where America goes to war. There is little question that Congress is vested with the sole right to initiate war. This is clearly spelled out in article 1, section 8 of the Constitution. We must never again permit an extended commitment of American lives to be made unless the representatives of the people explicitly authorize it.

Assumption of congressional responsibility is a burden we must pick up again for without it the institutions of government will remain in disrepute. The democratic process is at stake. It cannot thrive under a strong executive with a weak legislature any more than it can thrive when the executive falters and the legislature *dominates*. The constitutionally guaranteed balance between the Executive and legislative branches in the making of foreign policy is delicate and we must make special efforts to strengthen it, thereby reaffirming the belief of the American people and the world in the efficacy of our particular form of government.

Assumption of our responsibility in the foreign policymaking process is a burden we in Congress must pick up again. I believe Congress has awakened to the dangers inherent in the current imbalance between the executive and the legislative branches and I am convinced that the "war powers" bill is a much-needed and long overdue step toward rectifying that imbalance.

By Mr. HARTKE (for himself, Mr. HANSEN, Mr. BAKER, Mr. BEALL, Mr. DOMINICK, Mr. EASTLAND, Mr. FANNIN, Mr. GOLDWATER, Mr. GURNEY, Mr. HRUSKA, Mr. MCCLURE, Mr. PACKWOOD, Mr. SCOTT of Virginia, Mr. SPARKMAN, Mr. THURMOND, and Mr. YOUNG):

S. 444. A bill to amend the Social Security Act to provide for medical, hospital, and dental care through a system of voluntary health insurance including protection against the catastrophic expenses of illness, financed in whole for low-income groups through issuance of certificates, and in part for all other persons through allowance of tax credits; and to provide effective utilization of available financial resources, health manpower, and facilities. Referred to the Committee on Finance.

HEALTH CARE INSURANCE ACT OF 1973

Mr. HARTKE. Mr. President, it is no secret that the health care system of this country is not operating effectively. A number of things are wrong with it.

Health care grows more expensive year by year, and at a rate that outstrips the rest of the economy. Worse yet, the costs of health care have already outstripped the ability of millions of Americans to pay for them.

The Nation depends heavily on health insurance. But the policies sold in the marketplace range from the good to the atrocious in their capacity to cushion the costs of illness. Premiums rise inexorably, and even the affluent can be wiped out financially by a severe, enduring illness.

We are short of health manpower. There are rural areas of Indiana—and indeed, rural areas in every State—where the people are unable to attract a single doctor. There are cities where a physician willing to practice in a slum is nearly impossible to find.

We have areas in which too many hospitals, with too many empty beds, seek to serve too few people. But we also have areas in which the hospitals are so overcrowded that the patients are being treated in beds placed in the hallways.

Meanwhile, we inform one another that health care is a right, not a privilege; that quality health care should be available to everyone, regardless of his ability to pay for it; that the inability to pay for care should not stand between the patient and the health care system.

We do, indeed, have problems. The question is, How do we go about solving them?

A number of suggested solutions directed either at some particular aspect of the problem or, in other cases, at solving all problems with a single piece of legislation have been introduced in the Senate over the years.

I accept, Mr. President, the sincerity and concern of Senators who believe that the only way to make national health insurance work is to relegate our present system to the junk pile and start anew, but I doubt the wisdom of that approach.

The estimate I have seen of the cost of one such measure works out to roughly one-third of the present Federal budget. Even setting aside cost, we are much better off if we tackle the separate components in the complicated health equation on a one-by-one basis, rifle-shooting at each problem rather than scattergunning at the whole array of problems.

In any case, Mr. President, we must rank highest on the list of priorities for improving our health care system the priority of financing. The finest health personnel and facilities in the world are worthless if people cannot afford to pay for them.

It is on this basis that I am today introducing with Senator HANSEN a national health insurance bill which directs itself primarily to the problem of how Americans are to pay for the health care they require.

This measure—called medicredit—was first introduced in the 91st Congress. In an improved version, it was reintroduced in the 92d, and sponsored by 174 Members of the House and Senate.

Its benefits have again been broadened this year, and there is little doubt in my mind that, once again, medicredit will be the most broadly and widely supported health insurance bill before Congress.

Medicredit is based on the assumption that the people of this country can be roughly divided into three categories, in terms of their relative abilities to buy comprehensive health insurance.

First, there are those who simply cannot afford it.

Second, there are those who can afford to pay a part of it.

And third, there are those who can afford to pay all, or most of it.

Thus the problem is approached from the standpoint that the cost of care should be no barrier to anyone's ability to receive it; but that those who can pay for part of it without undue hardship should pay what they can reasonably afford.

For the poor, the Government would provide the individual or head of the family with a certificate with which to pay for basic comprehensive health coverage. That coverage would be a two-part insurance package: hospital care and physicians' services, wherever rendered. In other words, the Government would pay 100 percent of the premium.

For those in the second two categories, the Government would provide scaled participation, ranging from 99 to 10 percent—favoring the lower-income groups, naturally—in the payment of premiums for basic coverage.

A table of these allowable percentages is included in the bill.

The extent of the Government's participation would be determined by the individual's income tax liability in a given year. Those with whom the Government would be sharing the cost of the premium could either elect between a credit against their income tax, or a certificate. As for the carrier, as defined in the bill, he would present the certificates he had received in payment or premiums to the Federal Government for redemption.

To participate in this program, a carrier would be required to qualify under

State law, provide certain basic and catastrophic coverage, make coverage available regardless of pre-existing health conditions, and guarantee annual renewal. An assigned risk insurance pool among carriers would be used as appropriate.

A qualified policy would offer comprehensive insurance against the ordinary and catastrophic expenses of illness. I shall say more about the catastrophic features of this bill a little later.

Basic benefits each year would be: 60 days in a hospital—or in a skilled nursing facility, on a 2 days for 1 basis—all medical or surgical services, diagnostic, therapeutic, and preventive, whether in or out of the hospital; all hospital emergency or outpatient services; and home health services.

Also provided would be comprehensive dental care for children and emergency dental care for all. Preventive care would be stressed—physical examinations, well-baby care, inoculations, and X-ray and laboratory work within or without the hospital.

These basic benefits are subject to a $50 deductible per hospital stay per person; and 20-percent copayment of family expenses—with a single, $100 ceiling for each of the following:

First, medical and surgical care;

Second, emergency room, outpatient and home health care; and

Third, dental care.

So much for the basic coverage that would be provided under medicredit.

Earlier, Mr. President, I said that I would deal with the subject of catastrophic illness protection at greater length. To me, one of the most important features of medicredit is its catastrophic illness feature.

I have been appalled, as have most of us, by the medical horror stories that have been brought to our attention. Hardly a week passes without news of yet another family pauperized by catastrophic illness.

Only the very rich can withstand the financial burden of these illnesses. And few Americans are very rich.

Under medicredit, the tragedy of catastrophic illness would no longer be worsened by the threat—or the actuality—of financial catastrophe. No American family would ever again face the prospect of losing its savings, or its home, or its solvency because of health or medical bills.

The point at which a hospital or medical bill represents a financial catastrophe will vary according to each family's income. Accordingly, catastrophic benefits will be subject to a deductible based on the family's taxable income—that is, the income remaining after all tax deductions and personal exemptions. The deductible would be 10 percent of taxable income, but reduced by any amounts paid by the family toward its basic benefits.

Catastrophic benefits would be:

All expenses in excess of the basic coverage, including hospital, extended-care facilities up to 120 days, in-patient drugs, blood, prosthetic appliances, other specified services including physicians, and psychiatric care without limit.

We may be powerless to prevent serious, enduring illnesses, but we are not powerless to prevent the wiping out of a family's savings, the loss of a family home, the reduction of a family to bankruptcy. Medicredit's catastrophic illness protection is a long overdue floor of protection for every American family against the crippling costs of extended illness.

The bill also creates a health insurance advisory board. Eleven members, including the Secretary of Health, Education, and Welfare and the Commissioner of Internal Revenue, would be appointed by the President, with the approval of the Senate. A majority of the Board members would be practicing physicians, and other members would be selected by reason of their education, training, or experience.

It would be the responsibility of the Board to establish minimum qualifications for carriers and to develop programs, after consultation with carriers, providers, and consumers, to maintain quality health care and effective use of financial resources, health manpower, and facilities. The Board would be required to report annually to the President and to Congress.

Medicredit would replace medicaid, Mr. President, and that is all to the good. Some States presently offer adequate medical benefits under medicaid, others offer substandard medical care, and at least two States do not even participate in the program for their poor citizens. Furthermore, many State Governors have been claiming that medicaid—also known as title XIX of the Social Security Act—is bankrupting their respective States.

Thus medicredit would have the effect of replacing a costly program, standardizing benefits in every State of the Union, and guaranteeing to the poor of every State an adequate level of health care, since the voucher system to which I referred earlier clearly provides that the Federal Government would totally finance the cost of the basic, stated set of benefits I have described—and do so for the citizens of every one of our States.

Mr. President, medicredit will revolutionize the standard of American health care. I ask unanimous consent that the text of the bill be printed in the RECORD at the conclusion of my remarks.

Mr. President, the first year cost of the Health Care Insurance Act will be approximately $12.1 billion, although the Department of Health, Education, and Welfare last year estimated the cost to be only $6.3 billion in new money. This is a modest expenditure to make to assure that all Americans have access to quality health care.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 444

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Health Care Insurance Act of 1973".

FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. (a) The Congress finds:

(1) that the resources of many individuals are inadequate to meet the expenses of major illness;

(2) that private health insurance coverage is an appropriate mechanism for insuring against such expenses in that through competition incentives are provided for the lowering of health care costs, the introduction of innovations in the delivery of health care, and the maintenance of quality health care;

(3) that such coverage for all persons is a desirable national objective;

(4) that health insurance should be made available to all residents regardless of previous medical history; and

(5) that it is in the public interest to provide Government assistance and encouragement to individuals who seek the protection of insuring against the expenses of illness.

(b) The purpose of this Act is to make it possible for every individual to obtain comprehensive health care insurance of his choice, including coverage for hospital, medical and dental services, to protect against ordinary and catastrophic expenses of illness regardless of prior medical history and on a guaranteed renewable basis.

VOLUNTARY HEALTH CARE INSURANCE FINANCED IN WHOLE OR IN PART BY INCOME TAX CREDITS OR INSURANCE CERTIFICATE REDEMPTIONS

SEC. 3. The Social Security Act is amended by adding after title XIX the following new title:

"TITLE XX—FEDERAL FINANCING OF VOLUNTARY HEALTH INSURANCE

"PART A—HEALTH CARE INSURANCE

"Sec. 2001. Establishment of the benefit program.
"Sec. 2002. Beneficiaries.
"Sec. 2003. Certificates for health care insurance for the low-income group.
"Sec. 2004. Tax credits for health care insurance.
"Sec. 2005. Allowable premium.
"Sec. 2006. Registration number required.
"Sec. 2007. Health care insurance certificate of entitlement.
"Sec. 2008. Qualified health care insurance policy.
"Sec. 2009. Coverage for Hospital, Medical and Dental Care.
"Sec. 2010. Catastrophic Expense Coverage.
"Sec. 2011. Hospital, Medical, Dental, and other Services Defined.

"PART B—MISCELLANEOUS PROVISIONS

"Sec. 2020. Establishment of Health Insurance Advisory Board.
"Sec. 2021. Duties of Advisory Board.
"Sec. 2022. Qualification of carriers.
"Sec. 2023. Prohibition against any Federal interference.
"Sec. 2024. Federal Health Insurance Redemption Fund.
"Sec. 2025. Participation by States.
"Sec. 2026. Public Information.

"PART A—HEALTH CARE INSURANCE

"ESTABLISHMENT OF THE BENEFIT PROGRAM

"SEC. 2001. (a) FOR THE LOW-INCOME GROUP.—For the purpose of providing assistance on behalf of individuals and their dependents whose income and resources are insufficient to meet the expenses of necessary hospital, medical and dental services, there is hereby established a program of comprehensive hospital, medical and dental benefits (including protection against catastrophic expenses of illness) for any eligible beneficiary and his dependents meeting the requirements of sections 2002 and 2003, through the issuance of health insurance certificates of entitlement (section 2007), in full payment of allowable premium (section 2005) on a qualified health care insurance policy or plan of his choice (section 2008).

"(b) FOR ALL OTHER PERSONS.—Further, for the purpose of making it possible for every individual to obtain comprehensive health care insurance of his choice (including protection against catastrophic expenses of illness), there is hereby established for any eligible beneficiary and his dependents, who on the basis of individual or family income do not qualify under subsection (a) for full payment under this title of the cost of allowable premium, a program of Federal income tax credits and issuance of health insurance certificates of entitlement which operate to reduce the cost to such individuals for protection under a qualified health care insurance policy or plan of his choice (section 2008). Alternatively, an eligible beneficiary who qualifies under subsection (a) can elect to qualify under this subsection.

"(c) Health insurance certificates of entitlement shall be redeemable by the carrier through payment from the Federal Health Insurance Redemption Fund established in section 2024.

"BENEFICIARIES

"SEC. 2002. (a) Benefits under this title shall be provided for all persons who are residents of the United States and who qualify as 'eligible beneficiaries' or 'dependent beneficiaries'.

"(b) Eligible beneficiaries for this purpose shall include:

"(1) A husband and wife, both under age 65, living together; and

"(2) Any person, under age 65, other than a married person living with his or her spouse where both are under age 65, who is not a dependent beneficiary (as defined in subsection (c)).

"(c) A dependent beneficiary shall be any child or stepchild of an eligible beneficiary who, during the base year of such eligible beneficiary, receives more than 50 percent of his support from such eligible beneficiary, and at the close of such taxable year has not attained the age of twenty-one, or, if he is a full-time student, has not attained the age of twenty-three.

"CERTIFICATES FOR HEALTH CARE INSURANCE FOR THE LOW-INCOME GROUP

"SEC. 2003. Every individual who is an eligible beneficiary under section 2002, whose income results in no individual income tax liability under the Internal Revenue Code during his base year (as defined in section 2004(e)(1)), whose dependent beneficiaries have no such tax liability for any taxable year which ends during his base year, and who is not eligible to receive military medical care, shall be eligible to receive a health insurance certificate of entitlement (as defined in section 2007) which certificate shall be applicable in full payment of allowable premiums for a qualified health care insurance policy or plan described in section 2008. Such policy or plan shall provide protection to such eligible beneficiary and his dependent beneficiaries, if any, for a benefit year (as defined in section 2004(e)(2)), against the expenses of health care, including catastrophic expenses of illness, as set forth in sections 2009 and 2010. Benefits claimed under this provision shall not be claimed under any other program financed in whole or in part by the Federal Government.

"TAX CREDITS FOR HEALTH CARE INSURANCE

"SEC. 2004. (a) Every individual who is an eligible beneficiary under section 2002, and is not eligible for the special provisions for the low-income group in section 2003, and who is not eligible to receive military medical care, shall be allowed at his election—

"(1) a credit against his income tax liability under the Internal Revenue Code for his taxable year which ends in his benefit year, or

"(2) a health insurance certificate of entitlement (as defined in section 2007) acceptable by a qualified carrier in payment toward premium under a qualified health care insurance policy or plan.

Benefits claimed under this provision shall not be claimed under any other program financed in whole or in part by the Federal Government.

"(b) The amount of credit against tax or the value to be assigned to the health insurance certificate of entitlement for any year shall be the sum of the following:

"(1) The allowable premium (as defined in section 2005) paid for basic coverage for his benefit year, multiplied by the applicable percentage factor (as determined under subsection (f)), and

"(2) 100 percent of the allowable premium paid for the catastrophic expenses coverage for his benefit year.

The credit or assigned value of the certificate of entitlement shall be determined annually, based on the individual Federal income tax liabilities of the eligible beneficiary and his dependent beneficiaries, if any, in a base year (as defined in subsection (e)(1)) and shall be applied in payment of premium for the benefit year (as defined in subsection (e)(2)).

"(c) If an eligible beneficiary's payment to a carrier (by certificate of entitlement and other form of payment) for coverage for his benefit year should result in an overpayment of premium by the eligible beneficiary, such overpayment shall be recoverable by the eligible beneficiary from the carrier.

"(d) If an individual's credit against tax under this section exceeds his income tax liability for his taxable year in which such credit is applicable, he may claim such excess as though he had made an overpayment of income tax.

"(e) For the purposes of this title—

"(1) a base year of an eligible beneficiary shall be any taxable year in respect to which his applicable percentage factor for computing his credit against tax or his certificate of entitlement is determined, and

"(2) the benefit year of an eligible beneficiary shall be the twelve-month period beginning immediately after the close of his base year.

"(f) The applicable percentage factor referred to in subsection (b)(1), based on Federal income tax liability of the eligible beneficiary and his dependent beneficiaries in a base year and made applicable in the computation of credit against his Federal income tax liability in his benefit year, shall be determined from the following table:

"Percentage of Allowable Basic Coverage Premium Credited Against Income Tax or Used for a Certificate of Entitlement

Income tax liability in base year:	*Percentage factor*
$0	100
$1 to $10	99
$11 to $20	98
$21 to $30	97
$31 to $40	96
$41 to $50	95
$51 to $60	94
$61 to $70	93
$71 to $80	92
$81 to $90	91
$91 to $100	90
$101 to $110	89
$111 to $120	88
$121 to $130	87
$131 to $140	86
$141 to $150	85
$151 to $160	84
$161 to $170	83
$171 to $180	82
$181 to $190	81
$191 to $200	80
$201 to $210	79
$211 to $220	78
$221 to $230	77
$231 to $240	76
$241 to $250	75
$251 to $260	74
$261 to $270	73
$271 to $280	72
$281 to $290	71
$291 to $300	70
$301 to $310	69
$311 to $320	68
$321 to $330	67
$331 to $340	66
$341 to $350	65
$351 to $360	64
$361 to $370	63
$371 to $380	62
$381 to $390	61
$391 to $400	60
$401 to $410	59
$411 to $420	58
$421 to $430	57
$431 to $440	56
$441 to $450	55
$451 to $460	54
$461 to $470	53
$471 to $480	52
$481 to $490	51
$491 to $500	50
$501 to $510	49
$511 to $520	48
$521 to $530	47
$531 to $540	46
$541 to $550	45
$551 to $560	44
$561 to $570	43
$571 to $580	42
$581 to $590	41
$591 to $600	40
$601 to $610	39
$611 to $620	38
$621 to $630	37
$631 to $640	36
$641 to $650	35
$651 to $660	34
$661 to $670	33
$671 to $680	32
$681 to $690	31
$691 to $700	30
$701 to $710	29
$711 to $720	28
$721 to $730	27
$731 to $740	26
$741 to $750	25
$751 to $760	24
$761 to $770	23
$771 to $780	22
$781 to $790	21
$791 to $800	20
$801 to $810	19
$811 to $820	18
$821 to $830	17
$831 to $840	16
$841 to $850	15
$851 to $860	14
$861 to $870	13
$871 to $880	12
$881 to $890	11
$891 or over	10

"ALLOWABLE PREMIUM

"SEC. 2005. (a) The allowable premium which under section 2004 shall be taken into account in the determination of credit against tax or in the assignment of value to a health insurance certificate of entitlement (as defined in section 2007) shall be that portion of the aggregate amount of premiums paid by an eligible beneficiary for one or more qualified health care insurance policies or plans providing coverage for such eligible beneficiary and his dependent beneficiaries during a benefit year (as defined in section 2004 (e)) that represents the premium required for a qualified health care insurance policy or plan. Allowable premium shall be separately determined with respect to basic coverage and catastrophic coverage.

"(b) Aggregate amounts of premium on more than one qualified health care insurance policy shall be allowable only to the extent that such combination of policies does not provide duplicate coverage of health care costs for an eligible or dependent beneficiary.

"(c) If a qualified health care insurance policy or plan provides coverage for an individual not entitled to benefits under this title, then in determining the aggregate amount of premiums there shall be included only that portion of the premium for such policy which bears the same ratio to the amount of the premium as the number of eligible and dependent beneficiaries of such policy bears to the total number of beneficiaries of such policy.

"(d) Hospital insurance taxes payable under sections 1401(b), 3101(b), 3111(b), 3201, 3211, and 3221 of the Internal Revenue Code of 1954 shall not be deemed to be allowable premiums.

"(e) Any eligible beneficiary may include as allowable premium 80 per centum of the amounts contributed by his employer for coverage of such eligible beneficiary and his dependent beneficiaries under that portion of a health care insurance policy or plan which meets the requirements of a qualified health care insurance policy or plan (as defined in section 2008).

"REGISTRATION NUMBER REQUIRED

"SEC. 2006. An individual who elects to take the credit under section 2004 for a taxable year with respect to premiums paid for a qualified health care insurance policy or plan shall, under regulations prescribed by the Secretary or his delegate, affix to his income tax return the registration number of the carrier which has provided the qualified health care insurance policy or plan.

"HEALTH CARE INSURANCE CERTIFICATE OF ENTITLEMENT

"SEC. 2007. (a) A health insurance certificate of entitlement means a certificate issued by the Secretary to an eligible beneficiary to apply toward payment of premium on a qualified health care insurance policy or plan, which may be redeemed only as provided in subsection (c).

"(b) Any individual eligible for a health insurance certificate of entitlement in full payment of allowable premium, or in part payment of such premium by election of such certificate in lieu of an income tax credit (as provided in section 2004), shall make application therefor to the Secretary. Such application shall be filed in such place and on such form and contain such information as the Secretary may by regulations prescribe, including:

"(1) The name, address, date of birth, social security number, and marital status of the applicant and the spouse of the applicant, if any.

"(2) The name, address, date of birth, social security number, marital status, and relationship to the applicant of each of the dependents of the applicant for whom coverage is claimed.

"(3) The gross income and Federal income tax liability of the applicant, his spouse, and the dependents named in the application for the base year and the place where each filed his last income tax return.

"(c) The Secretary shall issue regulations which shall provide for the redemption of health insurance certificates of entitlement which have been certified to have been accepted by an insurance carrier in full or part payment for a qualified health care insurance policy or plan.

"QUALIFIED HEALTH CARE INSURANCE POLICY

"SEC. 2008. (a) A qualified health care insurance policy or plan shall be a contractual agreement specifying benefits under a program offered by a carrier qualified under section 2022, which carrier and program have been registered by the State insurance department or by such other agency as may be authorized by the State, and which provides basic institutional, medical and dental coverage as described in section 2009 and catastrophic expense coverage as described in section 2010.

"(b) Each such qualified health care insurance policy or plan shall be noncancellable and guaranteed renewable so long as the carrier continues to offer to the public one or more qualified health care insurance policies or plans, and shall provide protection against the expenses of health care without regard to any preexisting conditions, and shall provide for payment under this title of usual and customary charges for services covered under the policy or plan.

"COVERAGE FOR HOSPITAL, MEDICAL AND DENTAL CARE

"SEC. 2009. A qualified health care insurance policy or plan shall provide protection against the expenses of institutional, medical and dental care, as defined in section 2011. Such policy or plan shall cover the basic benefits set forth in subsections (a) to (f), subject to deductibles and coinsurance provided in subsection (g), and catastrophic expense benefits set forth in section 2010, to include:

"(a) Inpatient care in a hospital or skilled nursing facility during a 12-month policy or plan period for a combined total of 60 days of inpatient care in a hospital or skilled nursing facility, counting each day of care in a skilled nursing facility as one-half day for the purpose of the 60-day limit, to be provided as basic coverage under this section (all additional days of inpatient care in a hospital and up to 30 additional days in a skilled nursing facility to be provided as catastrophic expense coverage under section 2010).

"(b) Any emergency or outpatient services customarily provided by a hospital on an outpatient basis.

"(c) Any medical care provided by or under the direction of a doctor of medicine or a doctor of osteopathy, including diagnostic, therapeutic and preventive medical services, regardless of where such services are provided.

"(d) All home health services during the policy or plan period provided to an individual under the care of a physician in the place of residence used as such individual's home.

"(e) Dental care provided by a doctor of dentistry for diagnosis, therapy and treatment of children from two through six years of age; and emergency dental services and oral surgery for all persons. Provided, however, beginning on the first day of the calendar year following enactment, the maximum age at which children shall be entitled to dental care as provided in this subsection shall be increased to include children through age seven, and such maximum age shall be further increased by one additional year at the beginning of each succeeding calendar year until dental care so provided shall be made available to all children who have not reached eighteen years of age at the commencement of coverage under a policy or plan term under this title.

"(f) Ambulance service.

"(g) *Deductibles and Co-insurance.* Expenses incurred by an eligible beneficiary and his dependent beneficiaries during each policy or plan period for basic benefits as provided in this section shall be subject to deductibles and coinsurance as follows:

"(1) $50 for each stay in a hospital or skilled nursing facility. (A stay for this purpose shall be any continuous period as an inpatient in a hospital and/or skilled nursing facility commencing during such policy or plan period, except that a stay shall not be deemed to be interrupted by reason of an absence from the hospital and skilled nursing facility for any period of less than 15 days.)

"(2) 20% coinsurance on expenses incurred during a 12-month policy or plan period by an eligible beneficiary and his dependent beneficiaries for

"(A) The first $500 of charges for hospital emergency room or outpatient services, ambulance services, and home health services as provided in subsections (b), (d), and (f);

"(B) The first $500 of charges for medical services as provided in subsection (c); and

"(C) The first $500 of charges for dental services as provided in subsection (e).

"CATASTROPHIC EXPENSE COVERAGE

"SEC. 2010. In addition to the basic coverage provided in section 2009, a qualified health care insurance policy or plan shall, subject to the deductible in subsection (d), provide coverage against the catastrophic expenses of illness consisting of—

"(a) Any inpatient care in a hospital and up to 30 days of care in a skilled nursing facility during the policy plan or period, after utilization of the 60 days of care provided under section 2009(a).

"(b) Blood and plasma furnished in connection with outpatient medical services, except for the first three pints furnished to an individual in a 12-month policy or plan period. Provided, however, that any blood or plasma so furnished shall not be in lieu of any blood or plasma furnished as inpatient hospital services described in section 2011(a).

"(C) Prosthetic aids based on medical need, as ordered by a physician.

"(d) *Deductible.* Benefits payable under subsection (a) shall be subject to a deductible of—

"(1) an amount representing 10 percent of the combined taxable income of the eligible and dependent beneficiaries, reduced by—

"(2) the total of deductibles and coinsurance incurred under the basic coverage as provided in section 2009(g).

Taxable income for this purpose shall be taxable income as defined in section 63 of the Internal Revenue Code of 1954, as amended, and the combined taxable income to be taken into account shall be the aggregate of the taxable incomes of the eligible and dependent beneficiaries, if any, in the base year.

"HOSPITAL, MEDICAL, DENTAL, AND OTHER SERVICES DEFINED

"SEC. 2011. For the purposes of the provisions of coverage in Section 2009 and 2010—

"(a) Inpatient care in a hospital shall mean all inpatient services customarily furnished and charged for by a hospital, including a general, psychiatric and tuberculosis hospital, except for convenience items such as telephone and television, including (but not limited to):

"(1) bed and board and nursing services,

"(2) drugs, oxygen, blood and plasma (except for the first three pints furnished in the 12-month policy period), biologicals, supplies, appliances, and equipment furnished by and used in the hospital,

"(3) use of the hospital facilities ordinarily furnished for the care and treatment of inpatients, including the surgery or delivery room, recovery room, intensive care units, coronary care units, rehabilitation care units, and supplies,

"(4) care for pregnancy or any of its complications, and

"(5) psychiatric care.

"(b) Inpatient care in a skilled nursing facility shall mean all inpatient services customarily furnished and charged for by a skilled nursing facility, including (but not limited to):

"(1) bed and board and nursing services,

"(2) physical, occupational, or speech therapy, and

"(3) such drugs, biologicals, supplies, appliances, and equipment, furnished for use in the skilled nursing facility, as are ordinarily furnished by such facility for the care and treatment of inpatients.

"(c) Emergency and outpatient services shall mean all services customarily provided by a hospital on an outpatient basis and billed for by the hospital, including (but not limited to):

"(1) outpatient diagnostic services, such as X-rays, electrocardiograms, laboratory tests, and other medically recognized diagnostic tests,

"(2) use of operating, cystoscopic, and cast rooms and their supplies, and

"(3) use of emergency room and supplies when needed for medical and surgical emergencies.

"(d) Medical care shall mean all medical services (including diagnostic, therapeutic, and preventive) provided by or under the direction of a doctor of medicine or a doctor of osteopathy, regardless of where such services are provided, including (but not limited to):

"(1) diagnosis or treatment of illness or injury,

"(2) psychiatric care,

"(3) well-baby care,

"(4) inoculations and immunizations of infants and adults against communicable diseases,

"(5) physical examinations,

"(6) diagnostic X-ray and laboratory *services,*

"(7) radiation therapy,

"(8) consultation,

"(9) services for pregnancy and complications of pregnancy, including prenatal, obstetrical, and post partum care, and

"(10) anesthesiology services.

Cosmetic surgery shall not be included as medical care for the purpose of this provision, except when related to defects, burns, and scars due to injuries and illness.

"(e) Home health services shall mean all items and services furnished to an individual who is under the care of a physician under a plan established and periodically reviewed by a physician, which items and services are provided on a visiting basis in a place of residence used as such individual's home, including:

"(1) part-time or intermittent nursing care provided by or under the supervision of a registered professional nurse,

"(2) physical, occupational, or speech therapy,

"(3) medical supplies (other than drugs and biologicals), and the use of medical appliances, while under such a plan.

"(f) Dental care (for children as provided in section 2009(e)) shall mean all services prescribed by a doctor of dentistry as preventive, diagnostic, therapeutic, services, excluding, however, orthodontics and cosmetic surgery, except when furnished in connection with covered dental services. Emergency dental service shall mean the control of bleeding in life-hazardous oral conditions, relief of severe pain through immediate palliative treatment only, treatment of injuries to the teeth and supporting tissue, and initial treatment for elimination of major acute infection of the oral cavity. Oral surgery shall mean surgery related to the jaw or any structure contiguous to the jaw, or the reduction of any fracture of the jaw or any facial bone.

"PART B—MISCELLANEOUS PROVISIONS

"ESTABLISHMENT OF HEALTH INSURANCE ADVISORY BOARD

"SEC. 2020. There is hereby created a Health Insurance Advisory Board (hereinafter referred to as the 'Board') which shall consist of eleven persons including the Secretary of Health, Education, and Welfare and the Commissioner of Internal Revenue. The remaining members, not otherwise in the employ of the United States, shall be appointed by the President, with the advice and consent of the Senate, without regard to the provisions of title 5, United States Code, governing appointment in the competitive service. The Secretary of Health, Education, and Welfare shall serve as Chairman. The appointed members of the Board shall be selected from persons who are specifically qualified to serve on such Board by virtue of their education, training, or experience, and shall include at least six persons who are practicing doctors of medicine or osteopathy and at least one person who is a practicing doctor of dentistry, and the remaining members of the Board shall be members of the general public. Each of the appointed members shall be appointed for a term of four years except that, when appointments are first made, three shall be appointed for terms of two years, three for terms of three years, and three for terms of four years, and except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term. The Secretary of Health, Education, and Welfare may appoint such special advisory professional or technical personnel or committees as may be needed to carry out the purposes of this title. Members of the Board and other personnel or members of any advisory or technical committee, while attending meetings or conferences thereof or otherwise serving on business of the Board or of a committee, shall be entitled to receive compensation at rates fixed by the Secretary of Health, Education, and Welfare, but not exceeding $100 per day, including traveltime, and while so serving away from their business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently. The Board shall meet as frequently as the Chairman deems necessary but not less than once annually. Upon request of four or more members, it shall be the duty of the Chairman to call a meeting of the Board.

"DUTIES OF ADVISORY BOARD

"SEC. 2021. The Health Insurance Advisory Board shall:

"(a) Prescribe such regulations as may be necessary to carry out the purposes and provisions of this title,

"(b) Establish minimum Federal standards for the use of State insurance departments in determining whether an insurance company and plan are qualified under this title,

"(c) In consultation with carriers, providers of services, and consumers, plan and develop programs whose purposes are to provide for maintaining the quality of medical care, and the effective utilization of available financial resources, health manpower, and facilities, through utilization review, peer review, and other means which provide for the participation of the insurance carriers and the providers of services,

"(d) Review the effectiveness of the tax credit program and file, by December 31 of each year, with the President and the Congress an annual report:

"(1) on the operation and status of the program during the past fiscal year and on its expected operation during the current and next two fiscal years, with

"(2) any recommendations for changes in the law designed to improve the effectiveness of the program.

The Board is authorized to request from any department, agency (or independent instrumentality of the Government), any information it determines is necessary to carry out its functions under this title, and each such department, agency, or independent instrumentality is authorized to cooperate with the Board and, to the extent permitted by law, to furnish such information to the Board upon request made by the Chairman.

"QUALIFICATION OF CARRIERS

"SEC. 2022. (a) The State insurance department or other agency designated by the State shall determine the qualification of each carrier which plans to offer a qualified health care insurance policy or plan to residents of that State, and, when a carrier is determined to be qualified to offer such a policy or plan, shall issue to said carrier a registration number.

"(b) A qualified carrier may be a voluntary association, corporation, partnership, or other nongovernmental organization which is lawfully engaged in providing, paying for, or reimbursing the cost of health services under individual or group insurance policies, plans, or contracts, medical or hospital service agreements, membership or subscription contracts, or similar arrangements, in consideration of premiums or other periodic charges payable to the carrier, including a health benefits plan duly sponsored or underwritten by an employee organization.

"(c) A carrier offering a qualified health care insurance policy in any State shall participate in an assigned-risk pool which may be established in such State by the State insurance department or by such agency as may be authorized by the State. The carrier shall accept from the pool such risks under this program as may be assigned to it.

"(d) Each qualified carrier offering basic coverage, as provided in section 2009, shall also offer catastrophic expense coverage as provided in section 2010, and shall determine the premium for each separately.

"(e) Each carrier shall provide two enrollment periods in each year for the purchase of a qualified health care insurance policy or plan, one during the month of November for the purchase of coverage to become effective January 1 immediately following, and the other during the month of May for the purchase of coverage to become effective July 1 immediately following. Except, however, that an individual, upon becoming an eligible beneficiary within the meaning of section 2022(b), may within 30 days thereafter purchase a qualified health care insurance policy or plan to provide coverage commencing on the first day of the calendar month immediately following the date of purchase; and, further, that an eligible beneficiary who at the time of purchase is already covered by a qualified health care insurance policy or plan may at any time purchase a new qualified health care insurance policy or plan to provide for continuation of such qualified coverage without interruption.

"PROHIBITION AGAINST ANY FEDERAL INTERFERENCE

"SEC. 2023. Nothing in this title shall be construed to authorize any Federal officer or employee to exercise any supervision or control over the practice of medicine or the manner in which medical services are provided, or over the practice of dentistry or the manner in which dental services are provided, or over the selection, tenure, or compensation of any officer or employee or any institution, agency, or person providing health services; or to exercise any supervision or control over the administration or operation of any such institution, agency, or person.

"FEDERAL HEALTH INSURANCE REDEMPTION FUND

"SEC. 2024. (a) There is hereby created on the books of the Treasury of the United States a trust fund to be known as the "Federal Health Insurance Redemption Fund" (hereinafter referred to as the "fund"). The fund shall consist of such amounts as may be deposited in, or appropriated to, it as provided in this part.

"(b) There is authorized to be appropriated, from time to time out of moneys in the Treasury not otherwise appropriated, to the fund an amount equal to the aggregate amount of premiums paid under this title through the redemption of health insurance certificates issued pursuant to sections 2003 and 2004. Sums authorized to be appropriated pursuant to this section shall be considered premiums payable under this part and deposited in such fund. Such certificates upon presentation to the Secretary of Health, Education, and Welfare shall be redeemed through payments from the fund.

"PARTICIPATION BY STATES

"SEC. 2025. The Secretary of Health, Education, and Welfare shall, at the request of a State, enter into an agreement with such State pursuant to which all beneficiaries eligible under this title and who are eligible for participation under the program established under title XIX of this Act in effect in that State may subscribe to a qualified health care insurance policy or plan."

"PUBLIC INFORMATION

"SEC. 2026. The Secretary shall provide for a continuing program of public education on the importance and need for individual and family protection against the expenses of illness and the provision of federal assistance under this Act for obtaining such protection, using such methods of communication, including the development and dissemination of information through schools, public agencies, and public and private organizations, as he deems appropriate.

INCOME TAX AMENDMENTS

SEC. 4. Part IV of subchapter A of chapter I of subtitle A of the Internal Revenue Code of 1954 (relating to credits against tax) is amended by redesignating section 42 as section 43, and by inserting after section 41 the following section:

"COST OF HEALTH CARE INSURANCE PREMIUMS

"SEC. 42. There shall be allowed as a credit against tax imposed by this subtitle allowable premiums paid for the cost of a qualified health care insurance policy or plan to the extent provided in section 2004 of the Social Security Act."

SEC. 5. Part VII of subchapter B of chapter 1 of subtitle A of the Internal Revenue Code of 1954 is hereby amended by adding a new subsection (g) to section 213, as follows:

"(g) If an individual elects to take the credit against tax provided in section 42 for any taxable year with respect to premiums paid in such year for a qualified health care insurance policy or plan, such premiums paid shall not be a basis for deduction under this section."

SEC. 6. Part IX of subchapter B of chapter 1 of subtitle A of the Internal Revenue Code of 1954 (relating to items not deductible) is hereby amended by adding after section 279 the following new section:

"LIMITATIONS ON DEDUCTIONS FOR EXPENDITURES FOR EMPLOYEE HEALTH CARE

"SEC. 280. (a) Except as provided in subsection (b), no deductions shall be allowed for one-half of any amount otherwise allowable as a deduction for the taxable year under section 162, 212, or 404 for any amount paid or incurred by the taxpayer for health care of any employee of the taxpayer or of any dependent or relative of such employee.

"(b) The limitations of subsection (a) shall not apply for any portion of any taxable year during which the taxpayer has in force a qualified employee health care insurance policy or plan covering all his employees except for those engaged in purely casual or temporary employment which satisfies all the requirements of section 2008 of the Social Security Act."

STATE PAYMENT OF DEDUCTIBLES AND CO-INSURANCE FOR THE POOR AND DISABLED

SEC. 7. (a) Section 1902 (a) of the Social Security Act defining mandatory requirements of a State plan under title XIX is amended by adding at the end thereof, the following new paragraph:

"(32) provide for payment on behalf of each individual or family which is eligible for cash assistance pursuant to titles I, X, XIV, and XVI, or part A of title IV, of the amount of any deductible or co-insurance expense incurred by such individual or family in connection with institutional, dental or medical services rendered to any member of such family as benefits to which such member was entitled under title XX, as added to the Social Security Act by the Health Care Insurance Act of 1973.

(b) Section 1905 (a) of the Social Security Act defining "medical assistance" for which Federal payments may be made under section 1903 is amended by—

(1) redesignating paragraph (17) as paragraph (18); and

(2) inserting after paragraph (16) the following new paragraph:

"(17) amounts paid on behalf of individuals or families for deductions and co-insurance incurred under title XX; and"

SEC. 8. The amendments made by sections 2 through 7 shall become effective for benefit years beginning after December 31, 1972.

HEALTH CARE INSURANCE: TO HELP ANSWER A NEED

Mr. HANSEN. Mr. President, I am pleased to introduce the Health Care Insurance Act of 1973, better known as "medicredit."

I was a principal sponsor of this legislation in the 92d Congress, and I am introducing it today along with a number of my colleagues in the Senate and a substantial number of Members in the House. The distinguished Senator from Indiana (Mr. HARTKE) is joining me today in the introduction of this bill and serves as the principal sponsor in the 93d Congress.

Medicredit is aimed at several specific problems which face us in our goal of providing quality medical care for all people:

First, it would provide a mechanism under which persons too poor to pay for their own health insurance would be provided with comprehensive protection.

Second, it would protect all Americans against the cost of a serious accident or long-term illness—a so-called medical catastrophe.

Third, it would provide a measure of assistance to everyone in providing health insurance—the amount of Federal assistance to be based on the individual's need.

Medicredit is not an attempt to destroy or restructure a medical care system that provides most Americans with the highest quality medical care in the world. Rather, it acknowledges that this high level of care is not available to everyone.

It recognizes that a large percentage of Americans have health insurance, that medicare gives a significant measure of protection to persons over 65, and that medicaid has not adequately provided for the health care needs of the poor.

Under medicredit, there would be no change in the medicare program. Medicredit would provide for persons under 65. Medicredit would not disturb the many employer-employee group health plans which have been negotiated at the bargaining table in virtually every industry.

It would not destroy the health insurance industry, as would other legislation; and it would not require a tremendous Federal bureaucracy to administer the program.

Medicredit would do many positive things to help solve the problems of delivering health care.

Let me list some of them.

First. Preventive care: Medicredit would help keep people well because it would require that insurance policies provide for well-baby care, dental care for children, immunization and inoculation, psychiatric care and counseling, and physical exams for both children and adults. The present health care system in this country has been criticized as being "sickness oriented." It certainly is true that we want health insurance to help pay the doctor and hospital bills when we are sick, but many health insurance policies now cover the benefits I have just listed. Under medicredit all participating policies would have to provide these same benefits as a minimum.

Second. Catastrophic insurance: Due primarily to the increased cost of hospital care, which the American Hospital Association has just indicated now exceeds $100 per day in the average American hospital, there is a possibility that a long, serious illness or a bad or disabling accident could result in medical bills in the thousands of dollars or even tens of thousands of dollars. Hospital costs are generally 60 to 70 percent labor costs, and the salaries of previously underpaid workers in the health field are just beginning to catch up. The result has been an increase in hospital costs. Also there are new lifesaving techniques and devices which are costly to purchase and maintain. Under medicredit, every family and individual would be protected against the costs of a long, serious hospitalization. There is no ceiling on the benefits under medicredit. It would pay hospital care as well as the bills for the physician and surgeon.

Third. Avoiding hospitalization: It has been said that the existence of hospital insurance is an incentive for a person to be hospitalized. Perhaps this is so. Under medicredit however, care in less expensive settings would be covered as well as hospital care. For example laboratory and X-ray bills would be paid whether the work was done in or out of a hospital. Surgery would be covered whether it was in a hospital on an inpatient basis, in a hospital on an outpatient basis, or even in some of the new ambulatory surgical facilities, sometimes known as surgicenters.

Under the basic portion of the medicredit benefits, each participating family or individual would be entitled to 2 days in an extended care facility in lieu of 1 day's coverage in a hospital. I am pleased that in the new 93d Congress version of medicredit, home health care is now included as a benefit when ordered by a physician. This might be the services of a visiting nurse or it might be something of a therapeutic nature.

Fourth. Choice for the patient: Under medicredit the patient would have a choice of physician or dentist. He would be free to change doctors, to seek consultations, and to see specialists of his choice. The individual could enroll in a Blue Cross/Blue Shield plan which offers the required benefits or with a private insurance company whose policies offer the required basic and catastrophic benefits. If the individual so wishes, he may enroll in a prepaid plan such as the well-known Kaiser Foundation plan on the west coast and elsewhere. The patient can select a doctor in solo practice, group practice or in a clinic. The choice is entirely up to the patient.

Fifth. Assistance based on need: Certainly one of the most attractive and sensible parts of medicredit is that it would not pay for health insurance for those people who are able to afford it or whose employers are providing such insurance, although there is a built-in incentive for the employer-employee plans to continue. As I have indicated, the poor would have the same comprehensive benefits as everyone else, and their policies would be paid for by the Federal Government. Rather than abruptly ending benefits when individual or family income reaches a certain level, medicredit phases down the Federal benefits as the individual or family income rises.

The amount of Federal assistance is based on the amount of income taxes paid by the family.

While we all recognize there are some inequities in the present tax system, it is nevertheless an excellent barometer of the ability to pay. If there is a fault in using the amount of income taxes owed as a measure of family economic status, it is not the fault of medicredit but instead resultant upon the imperfections in the present tax laws.

I would like to emphasize the fact that benefits under medicredit must be broad in order to enable the individual to receive comprehensive health care. The basic benefits would include 60 days of hospital care or 120 days in an extended care facility. Following a deductible—based on income—hospital benefits would be provided for the catastrohic illness without limit.

Hospital services would include all care customarily provided in a hospital, including bed, board and nursing services; drugs and oxygen; blood and plasma—after the first three pints—biologicals and supplies; appliances and equipment furnished by the hospital; surgery or delivery room; recovery room; intensive care or coronary care unit; rehabilitation unit; care for pregnancy or any of its complications and psychiatric care.

Inpatient extended care facility services cover all care customarily provided in an extended care facility, including bed, board and nursing services; physical, occupational or speech therapy; and drugs, biologicals, supplies, appliances and equipment furnished by the extended care facility.

It is worthy of special note that only medicredit, among the more than one dozen health insurance plans presented in the last Congress, makes no distinction between physical and mental illness. Mental illness is covered under medicredit; psychiatric care and counseling are covered; hospitalization for psychiatric illness is covered.

I would be remiss if I did not mention the fact that medicredit is a product of many ideas, but the primary impetus came from the American Medical Association.

I am pleased that this organization of physicians has taken the lead in presenting a piece of legislation such as medicredit. The wide range of psychiatric benefits provided under this bill bespeaks the physician's desire to treat illness—physical or mental—without discrimination.

It is also important to realize that no one piece of legislation will solve all of the problems that face us in the health field. Many of the problems are not subject to legislation. How can we—as much as we might want to—legislate effectively to prevent automobile accidents due to careless or drunken driving?

How can we legislate against heart attacks which are caused by too much eating or drinking, too little exercise and too much tension? How do we legislate and prevent deaths from an overdose of drugs?

Some will use statistics to try and show that the health care in this country is inferior. We should not be interested in these statistics; rather, we should be interested in doing something about the problem. We will not improve the mortality rate for slum children until we improve housing, sanitation, health education and pollution. There are many programs of the AMA, other private groups and the government to educate the public about proper nutrition and exercise, drug abuse and similar problems which are added to our statistics. But we have not yet found out how to reach the individual citizen and inspire him to take better care of himself.

I believe that medicredit is definitely a step in the right direction toward the enactment of health insurance legislation which will be equitable for all. I am hopeful that Congress will enact reasonable health care legislation during this 93d session, and I strongly urge consideration of this proposal.

Mr. President, I ask unanimous consent to place in the RECORD at this point a brief summary of the Health Care Insurance Act of 1973, followed by statements made by Dr. Russell Roth, Congressman JOEL BROYHILL, and myself at the press conference on medicredit held today prior to the introduction of this legislation:

There being no objection, the material was ordered to be printed in the RECORD. as follows:

HEALTH CARE INSURANCE ASSISTANCE ACT OF 1973—MEDICREDIT—A PROPOSAL FOR FEDERAL FINANCING OF HEALTH INSURANCE

Medicredit would: (1) pay the full cost of health insurance for those *too poor* to buy their own; (2) help those who can afford to *pay a part*—if not all—of their health insurance premium (the less they can afford to pay, the more the Government would help out); and (3) see to it that no American would have to bankrupt himself because of a long-lasting, catastrophic illness.

(This bill addresses itself only to *financial* health care; other legislation and programs involve medical manpower supply and distribution, the method of delivering care, and other problems such as environment, health education, and peer review.)

ANALYSIS

Federal contribution

The Government would pay 100% of the premium for low-income beneficiaries (an individual and his dependents whose combined income for a taxable year would not give rise to any income tax liability). For others, the Government would provide scaled participation ranging between 99% and 10%, favoring lower-income persons, in the payment of premiums for basic coverage. For all persons the Government would pay in full the premium for catastrophic expenses. A table of allowable percentages for related income tax liabilities is included in the bill.

The extent of Government participation would be determined with reference to federal income tax liability of any individual in a particular year.

Incentives are contained in the bill to encourage the continuation of group coverage.

Health insurance certificates; income tax credits

A beneficiary eligible for full payment of premium by the federal Government would be entitled to a certificate acceptable by carriers for health care insurance for himself and his dependents. Eligible beneficiaries with whom the Government would be sharing the cost of premium could elect between a credit against income tax or a certificate. The carrier, as defined in the bill, would present certificates received in payment of premium to the federal Government for redemption.

Qualification of participating carriers

To participate in the plan, a carrier would have to qualify under state law, provide basic and catastrophic coverage, make coverage available without pre-existing health conditions, and guarantee annual renewal. An assigned risk insurance pool among carriers would be utilized as appropriate.

There would be open enrollment for individuals upon becoming newly eligible under the program, or to continue coverage without interruption. In other cases there would be two 30-day general enrollment periods each year during which qualified coverage might be purchased.

Health insurance coverage

A qualified policy would offer comprehensive insurance against the ordinary and catastrophic expenses of illness (which would include all physicians and hospital services). As *basic* benefits in a 12-month period: 60 days in a hospital (or in a skilled nursing facility, on a two days for one basis); all medical and surgical services (diagnostic, therapeutic, and preventive) in or out of the hospital; any hospital emergency or outpatient services and home health services. Also, comprehensive dental care for children and emergency dental care for all. As *catastrophic* benefits: any hospital days in excess of the 60 basic days, and up to 30 additional skilled nursing facility days; outpatient blood (inpatient blood is a basic benefit); and prosthetic appliances.

Deductibles and copayments

Basic benefits will be subject to a $50 deductible per hospital stay; and 20% copayment on the first $500 of expenses of the family for each of the following three categories: (1) medical and surgical care; (2) emergency room, outpatient, and home health care; and (3) dental care.

Catastrophic benefits will be subject to a deductible based on the family's taxable income, that is, income remaining after all tax deductions and personal exemptions. The catastrophic deductible will be 10% of such taxable income. reduced by any deductibles and copayments paid by the family toward its basic benefits.

Families under federal cash assistance programs will be eligible for payment by the State of any deductibles or copayment.

Health insurance advisory board

A health insurance advisory board of eleven members, including the Secretary of HEW and the Commissioner of Internal Revenue, would be appointed by the President, with Senate approval. A majority of the Board would be practicing physicians, and other members would be qualified by virtue of education, training, or experience. The Board would establish minimum qualifications for carriers, and in consultation with carriers, providers and consumers, would develop programs designed to maintain the quality of health care and the effective utilization of available financial rėsources, health manpower, and facilities. It would report annually to the President and Congress.

STATEMENT BY RUSSELL B. ROTH, M.D., PRESIDENT-ELECT, AMERICAN MEDICAL ASSOCIATION

The 1973 Medicredit proposal for national health insurance is a new and expanded version of the Bill introduced in Congress during the 91st and 92nd sessions.

Hallmark of the Medicraft concept is its flexibility. Each version has been modified and altered to keep pace with the changing needs of our people. You may be assured that we will continue to be flexible and offer suggestions for future improvements as they become apparent. We consider Medicredit a base upon which to build.

Major additions to the new Bill include dental care for children, emergency dental care for all ages, and home health services. Still included in this Bill is comprehensive insurance against the ordinary expenses of illness plus catastrophic coverage.

The AMA estimated the cost to the Federal government of last year's version of Medicredit at $12.1 billion, although HEW set the figure at $6.3 billion. The newest version of Medicredit, which will be introduced today, should cost about the same amount as its predecessor—despite the benefits that have been added—because of slight modifications in the deductible and coinsurance features.

We feel Medicredit '73 offers the greatest amount of benefits at the lowest possible cost.

STATEMENT BY REPRESENTATIVE JOEL T. BROYHILL

"Medicredit is based on the principle of tax credits to help finance the purchase of high quality health insurance for everyone. The lower an individual or family's income, the greater the government's financial assistance. For those Americans who pay little or no income tax, the government would pay all of their health insurance premium. As income tax liability goes up, the extent of the government's assistance decreases. But to encourage all Americans to buy health insurance, *some* government assistance would be given to *all* taxpayers.

"To qualify under the Medicredit program, health insurance plans would have to be comprehensive and offer minimum standard benefits. All Americans would qualify for full coverage to protect against the expenses of catastrophic illness.

"Medicredit would stress preventive care. A qualified health insurance plan would include coverage for the costs of physical examination, well baby care, inoculations, X-ray and laboratory services in and out of the hospital, dental care for children, home health services, and psychiatric care without limit.

"Medicredit is designed to distribute the high costs of medical care fairly, on the basis of each American's ability to pay.

"In my opinion, Medicredit, unlike some other national health insurance proposals, will provide high quality care to all Americans without creating an unwieldy and unresponsive federal health bureaucracy."

STATEMENT BY SENATOR CLIFF HANSEN

Medicredit is designed to solve the most immediate and most pressing problems of the nation's health care system. It does not pretend to make the system perfect in one fell swoop by attempting to establish a great monolithic federal health bureaucracy.

This is what Medicredit will accomplish:

It will unlock the financial doors that bar many Americans from high quality medical care.

It will bring uniformity to the various types of health insurance plans now being offered to the general public.

It will assure every American that he will not be wiped out financially by a catastrophic illness or injury.

It will stress preventive care—annual check-ups, out-of-hospital diagnostic services, well baby care, dental care for children, and home health services.

It will provide psychiatric care without limit.

It will preserve your freedom to select the doctor and the hospital of your choice, and in the health care setting you believe best for you and your family.

Its cost will be shared fairly on the basis of each American's ability to pay.

I am confident that Medicredit can provide high quality care to all Americans and at a price the nation can afford.

By Mr. CASE:

S. 445. A bill to cut off funds for the implementation of the Azores base agreement with Portugal until that agreement is submitted to the Senate as a treaty. Referred to the Committee on Foreign Relations.

S. 446. A bill to require all agreements with foreign governments for U.S. military bases abroad to be submitted to the Senate as treaties. Referred to the Committee on Foreign Relations.

Mr. CASE. Mr. President, I am today reintroducing two amendments on executive agreements which passed the Senate last year but then were rejected in conference by the House.

Because no compromise could be worked out in the Senate-House conference, the 1972 Foreign Military Assistance Act died, and military aid programs have been funded the last 2 months under a stopgap continuing resolution. This continuing resolution expires on February 28, so the Senate will presumably soon be voting on a new foreign aid bill.

Despite the unacceptability of my executive agreement amendments to the House conferees, I intend to ask the Foreign Relations Committee again to include them in the foreign aid bill. I strongly believe that the continued abuse of executive agreements by the executive branch to be a sufficiently important issue to warrant my persistence and Senate persistence in reasserting our constitutional responsibility.

My first amendment would cut off all funds to implement the December 1971 executive agreement with Portugal for the use of American military bases in the Azores. Under this pact, the United States promised to provide Portugal with $436 million in assistance and credits in return for the stationing of American military forces in the Azores. Congress was not informed of the agreement until after it was concluded, and the Senate was never asked to give its approval. The Senate obviously felt that it should not have been bypassed on this important matter, for by a 50-to-6 vote on March 3, 1972, it approved my resolution calling on the President to submit the Azores agreement to the Senate as a treaty. When the administration refused to heed this sense of the Senate resolution, I introduced a further amendment which would have cut off all funds for implementing the Azores agreement until it had been submitted to the Senate as a treaty. The Senate approved this amendment 41 to 36 on June 19, 1972, as part of the foreign military aid bill, as I have already indicated.

My second amendment would require—speaking in general terms as to foreign governments—that in the future all agreements with foreign governments for the establishment or the renewal of American military bases overseas would have to be submitted to the Senate as treaties, or no U.S. Government funds could be spent to implement those agreements. This amendment would insure that we would not again be faced with a fait accompli—as we were in the Azores case—and then told by the executive branch that the Senate must go along because the agreement was already in force. If my amendment becomes law, foreign governments will quickly realize that agreements with the United States for the stationing of American troops in their countries will not be valid until the Senate has given its advice and consent.

This second amendment also was approved by the Senate as part of last year's foreign aid bill. Although it deals specifically with executive agreements concerning foreign military bases, it in no way suggests that this is the only kind of executive agreement that should be submitted to the Senate as treaties.

Since the Constitution requires Senate approval of all treaties and nowhere mentions executive agreements, it should not be necessary for me to introduce legislation reaffirming the need for Senate approval. But unfortunately, under the last six Presidents the practice has grown increasingly common for the executive branch, completely on its own, to enter into pacts with foreign governments which vitally affect the security of the United States. When this occurred three decades ago with destroyers for bases and lend lease, I supported President Roosevelt's goal of strengthening the democracies against Nazi Germany, without careful consideration of the constitutionality of the methods he used. But faced with more recent executive agreements which permitted without Senate approval the basing of American troops in Spain, American funding of Korean and Thai mercenaries in Vietnam, and a contingency plan for possible U.S. intervention in Thailand, I came to see the great dangers inherent in permitting the President—any President—unilaterally to tie the United States into far-reaching commitments.

Our Founding Fathers saw this same danger when they wrote into the Constitution the requirement for Senate approval of all treaties. This was one of the checks and balances they considered indispensable in preventing any one branch of the Government—no matter how wise—from usurping the functions of the other two. They did not foresee that the treaty provision of the Constitution would be circumvented by the use of executive agreements, as it has been so regularly in recent years. They probably would be shocked to know that the executive branch has gotten into the habit of deciding, for reasons of its own, which agreements with foreign countries should be treaties and which should be executive agreements. And in this decision process, the executive branch has consistently left for Senate approval comparatively unimportant matters such as copyrights, tariffs. civil aviation, and industrial design. Questions that touch on our national security have usually been taken care of with the stroke of a diplomat's pen as executive agreements—and hence immune from congressional scrutiny.

The sending of American troops overseas is an extremely critical matter and one that unquestionably should be closely reviewed by Congress. Even in peacetime, American soldiers abroad can lead the United States into a commitment toward the host country. Ultimately, such a commitment can bring our country into war.

From a practical point of view, Congress must scrutinize agreements of this sort if it is to play any meaningful role in our foreign policy. And from a constitutional point of view, the Senate is required to give its approval to these agreements as treaties.

If the Senate does not insist on carrying out its constitutional responsibility, we will only have ourselves to blame for our own impotence.

True, Congress has largely abdicated its powers to a strong Executive in the foreign policy field, but there seems to be a widespread recognition—especially in the Senate but also in the House—that the balance must be restored. Perhaps we needed the shock of Vietnam to make us recognize the wisdom of our Founding Fathers in placing the congressional check on unlimited Presidential powers. In any case, the Senate last year passed the Javits-Stennis bill to clearly limit and define the President's war-making powers. And on several occasions, the Senate voted in favor of my proposals to limit the abuses of executive agreements.

The Senate cannot and should not conduct relations with foreign governments. But we can use the constitutional powers granted to us—backed up, if necessary, by the power of the purse—to insure that we play a meaningful part in the conduct of our country's foreign policy.

As I emphasized in my colloquy with the Senator from New York earlier this afternoon, we are not relying just on the power of the purse, that ancient historical weapon; we do have that power available, but in addition we have the specific mandate of the Constitution in regard to the necessity for congressional declaration of war and in regard to Senate confirmation of treaties.

There is no way the Congress can compel the executive branch to submit important agreements as treaties. But Congress does not have to vote any money to pay for the cost of implementing those agreements.

The fact remains that the constitutionally mandated balance between Congress and the Executive will not be restored until Congress takes forceful action to restore it.

Mr. President, I ask unanimous consent that an October 16, 1972, Washington Post editorial which explains the parliamentary situation at the end of last session be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

The Senate Takes the Aid Bill Hostage

The Senate has taken the military aid bill hostage to an initiative meant to reclaim from the President a congressional prerogative that should never have been allowed to erode in the first place. Mr. Nixon had asked $2.3 billion in military aid. Both houses authorized lesser sums; the Senate added two Clifford Case amendments, the first requiring the President to submit the rightfully controversial Azores base agreement as a treaty, the second compelling him to submit all future base agreements as treaties. The amendments reflect the modest concensus the Senate has achieved in its years-long effort to regain some of its war-related constitutional rights from a succession of power-happy Chief Executives.

So determined is President Nixon to clutch every wisp of Executive foreign-policy authority, however, that he enlisted docile Democrats and loyal Republicans in the House to fight the Senate off. The proprietary interest of the House Foreign Affairs Committee in its own aid bill—aid is the only substantive item it handles all year long—may also have firmed up its position. We note that mutual esteem does not exactly flourish between the highly publicized, independent-minded Senate Foreign Relations Committee and the often-overlooked, politically cautious Foreign Affairs Committee of the House.

In conference, the Senate reluctantly compromised, offering to drop the Azores provision altogether and to treat future base agreements not as treaties fit only for Senate ratification but as agreements subject to House as well as Senate majority approval. Appalled at even this limited prospect of exercising independent judgment, House conferees drew back yet another step; in their counter-offer they asked in effect merely that the President obey the existing law requiring him to inform Congress of Executive agreements with foreign states. Senate conferees, evidently not thinking it necessary to pay a price for a presidential pledge to obey the law, turned the counter-offer down. And there, with no agreement on its policy amendments, the aid bill sits.

Mr. Case and the Senate majority supporting him haven't won. But to defeat the Case amendments, the President has been willing to lose or at least to put at severe risk several hundred million dollars worth of foreign military aid. Military aid is a program which Mr. Nixon has repeatedly declared crucial to the "Nixon Doctrine"—the idea that American allies should rely for their defense on their own manpower but American supplies. Unless the deadlock over policy is broken, there will likely be invoked an emergency financing procedure that would make available "only" about $1.5 billion for military aid; Mr. Nixon had asked $2.3 billion. This reduction would be regarded by many of the President's Senate adversaries as something of a compensation for their loss on the policy amendment.

It remains the case that congressional attempts to gain a larger institutional role in foreign policy have fared poorly. The House seems unable to focus on the matter, the Senate to impose its will. The most conceivable changes which the election could make in the composition of Congress might as easily strengthen the Nixon position on this issue as weaken it. If and as the sting of Vietnam goes out of public life, stimulus for a righting of the congressional-Executive balance may further fade. The Senate's war power bill, designed to clarify the guidelines for Executive consultation with Congress on the taking of military action abroad, is practically the last rampart; a characteristically weaker version has gone through the House. It would be a national misfortune if the opportunity were lost to make the necessary institutional changes to reduce the possibilities of presidential actions leading to involvements of the sort that carried us, by a series of seemingly innocuous steps, into the war in Vietnam.

Mr. CASE. Mr. President, I also ask unanimous consent that the two amendments be considered by the Senate as separate bills and that their texts be printed in the Record.

There being no objection, the bills were ordered to be printed in the Record, as follows:

S. 445

A bill to cut off funds for the implementation of the Azores base agreement with Portugal until that agreement is submitted to the Senate as a treaty

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That commencing thirty days after the date of enactment of this Act, no funds may be obligated or expended to carry out the agreement signed by the United States with Portugal, relating to the use by the United States of military bases in the Azores, until the agreement, with respect to which the obligation or expenditure is to be made, is submitted to the Senate as a treaty for its advice and consent.

S. 446

A bill to require all agreements with foreign governments for United States military bases abroad be submitted to the Senate as treaties

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no funds may be obligated or expended to carry out any agreement entered into, on or after the date of enactment of this Act, between the United States Government and the government of any foreign country (1) providing for the establishment of a military installation in that country at which units of the Armed Forces of the United States are to be assigned to duty, or (2) revising or extending the provisions of any such agreement, unless such agreement is submitted to the Senate for its advice and consent and unless the Senate gives its advice and consent to such agreement. Nothing in this Act shall be construed as authorizing the President to enter into any agreement relating to any other matter, with or without the advice and consent of the Senate.

Mr. JAVITS. Mr. President, I think the initiative respecting executive agreements is a critically important one. Here too, is an area which has been utilized extensively. The whole thing now has gotten to the point where major foreign policy commitments and moves come to us almost at the choice of the Executive as treaties or executive agreements, notwithstanding that their concern far more than providing for Marine guards at a given embassy, which was originally the idea of the working of this practice, and other minor matters, which should not necessarily come before the Senate as a subject for executive agreements. This is a question of degree.

But the Senator from New Jersey is to be highly commended for endeavoring to deal with this particular area which our investigations through the subcommittee dealing with American commitments abroad and deployments of our tremendous forces in many parts of the world have indicated represents again a very important abdication of power by Congress.

I thank my colleague from New Jersey for the privilege of joining him.

Mr. CASE. I appreciate very much indeed the remarks of the Senator from New York and his collaboration in this matter.

Mr. HARRY F. BYRD, JR. Mr. President, the Senator from New Jersey has raised a most important point. I agree with him that the Senate needs to come to grips with the question of executive agreements dealing with military forces, and executive agreements dealing with foreign nations which have the effect of making the United States vulnerable to the possibility of use of our Armed Forces in various sections of the world.

I think this is an extremely important subject. The Senator from New Jersey has pressed this issue for several years and I have supported most of his endeavors.

I have not been willing to go as far as voting to eliminate appropriations for agreements which have already been made, mainly the one with Portugal with regard to the Azores, the Spanish bases agreement, and the agreement with Bahrain. But I am in agreement with the Senator from New Jersey that the Senate should take firm steps in regard to subsequent agreements which are not submitted to the Senate in the form of a treaty.

During confirmation hearings on the new Secretary of Defense, Mr. Elliot Richardson, I queried him at some length to get his thinking on this question of treaties versus executive agreements, especially where the stationing of American military personnel is concerned. I might say it was difficult to pin down the new Secretary of Defense on this question. If I had to sum up his views, I would say he is not in agreement with the senior Senator from New Jersey or the senior Senator from Virginia in regard to the necessity of doing something about this matter. As Secretary of Defense, he will play an important role in negotiating agreements.

But the point the Senator from New Jersey has been making, and the point the Senator from Virginia now makes, is that the agreements, once negotiated—and both of us recognize they must be negotiated by the executive branch—should come to the Senate in the form of a treaty for ratification or rejection.

Mr. CASE. I want to thank my colleague from Virginia for his statement. I understand his position fully. On the basis of the constitutional authority of the Senate in these matters, we are fully in agreement. I am gratified that my amendment on future executive agreements has his support.

Mr. HARRY F. BYRD, JR. I thank the distinguished Senator from New Jersey.

By Mr. BUCKLEY:

S. 448. A bill to amend title 45, United States Code, in order to provide that a State may act in the case of labor disputes involving a railroad industry primarily engaged in intrastate operations and for other purposes. Referred to the Committee on Labor and Public Welfare.

Mr. BUCKLEY. Mr. President, I introduce for appropriate reference a bill to amend the Railway Labor Act to provide that a State is not precluded in the case of a labor dispute affecting a carrier which is primarily engaged in intrastate commerce from invoking its own procedures and remedies for the settlement of such a labor dispute.

The amendment gives the State the option to first invoke and exhaust the procedures for the settlement of labor disputes contained in the Railway Labor Act but the State is not obligated to exercise the option.

This legislation was prompted by the existence of a strike affecting an intra- which has done great injury to hundreds state carrier, the Long Island Railroad, of thousands of New Yorkers since November 30, and as to which the State of New York has been powerless to act.

The reason for this is that the Railway Labor Act has been interpreted by the Supreme Court as having preempted the field, thus stripping the States of their ability to invoke their own remedies and procedures to resolve labor disputes involving intrastate carriers.

Mr. President, my legislation will return to the States the power to handle their own internal labor problems in a manner best suited to the needs of their own people.

Happily, the emergency which first prompted this legislation has now been resolved, thanks to the effective mediation efforts of the Secretary of Labor designate, Mr. Peter Brennan. That emergency, however can recur on Long Island in 90 days' time. Similar emergencies drastically affecting the public convenience can also concur in other States which have intrastate carriers. I therefore urge that this legislation be given immediate consideration.

By Mr. DOMINICK:

S. 449. A bill to amend the Wild and Scenic Rivers Act of 1968 (82 Stat. 906) by designating a portion of the Colorado River, Colorado, for study as a potential addition to the National Wild and Scenic Rivers system. Referred to the Committee on Interior and Insular Affairs.

Mr. DOMINICK. Mr. President, the bill I am introducing today for appropriate reference would amend the Wild and Scenic Rivers Act by designating a portion of the Colorado River in Colorado for study as a potential addition to the National Wild and Scenic Rivers system. The provisions of this bill are similar to the provisions of a bill which I introduced on October 13, 1972, during the closing days of the 92d Congress.

This bill would authorize a study of a 12.5-mile segment of the river with a report to be made to the President and Congress within 1 year with its recommendations regarding suitability for protective classification under the Wild and Scenic Rivers Act.

As all of my colleagues are aware, the purpose of the Wild and Scenic Rivers Act is to help preserve some of the most valuable natural resources this country possesses—our remaining rivers which have not yet been encroached upon by man. Section 2 of the act sets out its policy:

> Certain selected rivers of the nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations. The Congress declares that the established national policy of dam and other construction at appropriate sections of the rivers of the United States needs to be complemented by a policy that would preserve other selected rivers or sections thereof in their free-flowing condition to protect the water quality of such rivers and to fulfill other vital national conservation purposes.

Mr. President, I support this policy fully, and believe the portion of the Colorado River which would be studied under this bill meets the criteria set out in the act. The 12.5 mile segment flows free and essentially undisturbed between Loma, Colo., and the Colorado-Utah border.

The river flows through highly scenic Ruby Canyon in a remote area of western Colorado. The narrow cut, varying from one-quarter to three-quarters of a mile, made by the river through the north edge of the Uncompahgre Uplift, reveals interesting geologic formulations. The canyon's steep walls expose several sedimentary beds laid down during the Triassic and Jurassic Ages. These colorful formations are dominated by sandstone, with some black metamorphic rock outcroppings. There are several interesting and scenic side canyons. One of these, Horsethief Canyon, which was a favorite hideout for cattle rustlers, is of interesting local historical significance. Another, Rattlesnake Canyon, contains several large natural arch formations.

The area is rich in wildlife. The river and its surrounding area provide excellent habitat for deer, elk, coyotes, bobcats, Chukka partridge, Canadian geese, and wild ducks. Although there is a stretch of Denver and Rio Grande railroad track, and one small unimproved access road, most of the canyon is accessible only by footpath or boat. Excellent opportunities exist for canoeing, kayaking, rubber raft float trips, camping, bicycling, photography, and canyon hiking. For white water enthusiasts, the Black Rock Rapids offer an exciting challenge. By raft, the float trip through the canyon to Westwater, Utah, can be made in one day during high water, and 2 days during low water. Since about 80 percent of the land along the river is currently administered by the Bureau of Land Management, classification under the Wild and Scenic Rivers Act would have minimal impact on private ownership. However, the rights which vest as a result of private ownership are recognized under the provisions of the Wild and Scenic Rivers Act.

Mr. President, a large portion of this country's water resources are found in Colorado. Colorado is the only State in the continental United States into which no appreciable water flows. Snowbanks high in the Colorado Rockies form the headwaters of all its rivers and streams which then flow downward through the mountains and out across its borders. Several of our major river systems originate in Colorado—the Colorado, the Rio Grande, the Arkansas and the Platte. These rivers and their tributaries pass through some of the most beautiful and unspoiled areas in the United States. Yet, at present not a single mile of river in Colorado is included in the Wild and Scenic Rivers System. Senator Moss has introduced S. 30, which would designate a segment of the Colorado River in Utah as a part of the National Wild Rivers System. I am hopeful that these bills will be considered and reported from committee at the first opportunity so that this stretch of the Colorado River joining Colorado and Utah will remain protected.

I am reviewing other stretches of rivers in Colorado for possible inclusion under the Wild and Scenic Rivers Act and intend to introduce additional legislation when that review is completed.

Mr. President, I would be delighted if the study authorized by this bill results in the designation of a small portion of the upper Colorado River for preservation under the Wild and Scenic Rivers Act.

Mr. President, I ask unanimous consent that the language of my bill be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 449

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended by adding at the end thereof the following:

"(28) Colorado River, Colorado: The segment from the Colorado-Utah boundary line to a point 12.5 miles upstream near the town of Loma, Colorado."

SEC. 2. The study authorized by this Act shall be conducted in accordance with the provisions of the Wild and Scenic Rivers Act: *Provided*, That such study shall be completed and submitted to the President and the Congress no later than one year from the date of enactment of this Act.

By Mr. HUGHES (for himself, Mr. ABOUREZK, Mr. CLARK, Mr. CRANSTON, Mr. HART, Mr. HATFIELD, Mr. HUDDLESTON, Mr. MANSFIELD, Mr. MCGOVERN, Mr. METCALF, Mr. MONDALE, Mr. PELL, Mr. STEVENSON, Mr. TUNNEY, and Mr. WILLIAMS):

S. 450. A bill to require the public disclosure of certain information relating to U.S. military activities in Southeast Asia. Referred to the Committee on Armed Services.

AIR WAR DISCLOSURE ACT

Mr. HUGHES. Mr. President, I am today introducing, for myself and 12 of my colleagues, a modified version of the Air War Disclosure Act which I first presented to the Senate last spring. This legislation, if approved, would provide the American people with regular and consistent information on the extent of our military involvement in Southeast Asia.

At the present moment we do not know how much longer the United States will be conducting air operations and suffering casualties in this troubled region of the world. We all hope and pray that peace comes quickly.

But even if the long-sought peace comes soon, I believe that this legislation will still be needed. First, American people deserve the historical facts on the nature and extent of our air activities so that they can help in evaluating the effectiveness of the bombing campaigns over the years.

Second, we need a guarantee of information in case we begin to be involved in renewed air activities in Southeast Asia or in case Americans continue to be killed or wounded in hostilities there. I am thinking in particular of the danger to Americans in Laos and Cambodia if a cease-fire in Vietnam is not accompanied by a simultaneous one in those countries. Furthermore, I want to be sure that we know when and if the thousands of Americans now in Thailand become involved in the growing insurgency there.

In other words, Mr. President, we need a full disclosure of what has happened in this war and a public warning signal in case we start slipping into "another Vietnam."

So long as the war continues, the American people deserve to be told the facts. The old yardsticks of U.S. troop strength in Vietnam and the weekly death toll there are no longer meaningful, especially since about three times as many Americans are now stationed in Thailand and off the coast of Vietnam as in Vietnam itself. Instead of incomplete dribbles of data—or the complete blackout imposed last month—we need regular and consistent reports.

At the present time, the only unclassified information on the air war consists of monthly figures on U.S. air sorties inside South Vietnam. Monthly bomb tonnages for all of Indochina are available only after persistent calls to the Pentagon, rather than from periodic news releases. U.S. casualty figures in Laos and Cambodia are hidden in the total Southeast Asia figures rather than being identified regularly when they occur.

Still classified are the figures on air strikes in Laos, Cambodia, and North Vietnam—both sorties and tonnages. Even the data for the early years of the war are still labeled "secret"—long after they could be of any conceivable benefit to our opponents.

For several months I have been trying to get the Defense Department to remove the classification from this information so that we all would have a monthly measure of the air war.

In hearings last year before the Armed Services Committee, I asked the Defense Department: Since enemy intelligence is assumed to know the level of bombing, what reason is there for continuing to keep these figures classified?

The official answer was:

> The enemy may be developing precise data concerning our air activity in SEA through his own system. But public release of such information would tend only to fill the gaps and eliminate errors in the enemy's system and we do not believe it prudent to provide confirmation and validation to the enemy. This policy applies as well to after-the-fact discussions of specific numbers of aircraft, sortie rates in specific target areas, and other specific or air tactics. The disclosure of this detailed information would enable the enemy to confirm trends, patterns and capabilities and would greatly aid enemy air defense planners.

I find that answer difficult to accept, Mr. President. Information on years prior to 1973 certainly can have no bearing on enemy defense planners now. And as for current data, I wonder if the daily announcements out of Saigon—such as "350 missions yesterday against targets in North Vietnam just above the DMZ" or "20 B-52 missions near Kontum"—might not be far more valuable to the other side than monthly figures for each country. The trouble with the daily figures is that they are not comprehensive or complete. Only monthly figures would provide the necessary yardstick without jeopardizing the men involved in these activities.

I would have preferred that this matter of declassification be settled without resort to legislation, but so far the Defense Department remains unmoved.

I am also hopeful that Secretary Elliot Richardson will look favorably on this request for information. In his confirmation hearings before the Armed Services Committee he was open-minded in the following colloquy with me.

> Senator HUGHES. Mr. Secretary, I proposed legislation requiring the declassification of certain information on U.S. military activities in Indochina. Do you believe the American people have the right to know the monthly figures on U.S. air sorties, the bomb tonnages that are dropped, and the casualties for each separate country of Southeast Asia? Now certainly the people of those countries know what is happening to them. The people of North Vietnam know what happened in Hanoi and Haiphong. The embassies of the other nations of the world have informed their own people what we have been doing there but we, the American people, have no information relative to what we have been doing there.
>
> Do you believe we have the right to know?
>
> Secretary RICHARDSON. In general, Senator Hughes, I certainly do believe in the right to know. I believe that the American people should be kept as fully informed as possible.
>
> As I said earlier in answer to a question by the Chairman, I believe that our ability to obtain public support for needed levels of military expenditure is going to depend upon public understanding and knowledge.
>
> This committee has had available to it pretty much as it required it information about what we have been doing and I am not in a good enough position at the moment to know what are the considerations that have been behind any restriction on publication of information to be able to say that as Secretary of Defense I would make more available than has been made available.
>
> This committee itself has seen where the line is drawn, and I, if it has not been given out there must be some reasons for it that I don't fully know but would want to know more about it.

I might add, Mr. President, that no issue of executive privilege is involved here since the information in question is already furnished to the Congress. But until we strip away the "secret" label, we cannot discuss the significance of these figures and what they reveal.

Monthly data will enable us to judge by how much the war is winding down or heating up and whether it is shifting from one area to another. Breakdowns by country are also necessary if we are to judge whether existing legislative restrictions on U.S. involvement and commitments are being observed.

What I propose, Mr. President, is a law declaring that certain information now given the Congress is unnecessarily classified and that public disclosure would not be harmful to the national defense or foreign relations of the United States. The law would then direct the President to remove the security classification from this information back through 1965 and to begin regular monthly disclosure of the number of aerial combat sorties conducted by U.S. aircraft against targets in North Vietnam, South Vietnam, Laos, Cambodia, and Thailand as well as the tonnage of munitions expended in each country. Disclosure of monthly casualty figures for U.S. personnel in each country would also be required.

In order to provide a timelag necessary to insure that no tactical benefit will accrue to our opponents, the law would declare that figures need not be released until 10 days following the end of each month.

Mr. President, if we are to assure the accountability of the executive branch to the Congress and to the people, we need to have these figures available for scrutiny and debate. We can no longer rely on assurances and on statistics conveniently cloaked in secrecy.

If we are to make informed and intelligent decisions on how to end this war and how to avoid another one, we need to know the facts.

I hope that this Air War Disclosure Act will receive prompt and favorable consideration by the Senate.

Mr. President, I ask unanimous consent that the text of this bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 450

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the sense of the Congress that the classification imposed on certain information reported to the Congress is unnecessary and that public disclosure thereof would not be harmful to the national defense or foreign relations of the United States. Accordingly, the President shall, within 30 days after the date of enactment of this Act, take such steps as may be necessary to remove the security classification from, and publicly disclose (1) the number of aerial attack sorties conducted each calendar month after December 31, 1964, through the end of the calendar month immediately prior to the month in which this Act is enacted by United States aircraft against targets in each of the following countries: the Republic of Vietnam, the Democratic Republic of Vietnam, Laos, Cambodia, and Thailand, (2) the tonnage of munitions expended in each such country in each such calendar month, and (3) the number of American personnel killed and wounded in hostile and non-hostile incidents in each such country in each such calendar month. Beginning on the tenth day of the calendar month following the month in which this Act is enacted, and not later than the tenth day of each calendar month, thereafter, the President shall publicly disclose (1) the number of aerial attack sorties conducted by United States aircraft during the preceding calendar month in each of the countries named above, (2) the tonnage of munitions expended in each such country in each such calendar month, and (3) the number of American personnel killed and wounded in hostile and non-hostile incidents in each such country in each such calendar month.

By Mr. HART (for himself, Mr. GRIFFIN, Mr. MONDALE, Mr. HUMPHREY, Mr. PROXMIRE, Mr. NELSON, Mr. PERCY, Mr. STEVENSON, Mr. SAXBE, Mr. TAFT, Mr. HARTKE, and Mr. BAYH):

S. 452. A bill to designate certain lands in the Isle Royale National Park in Michigan as wilderness, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

ISLE ROYALE NATIONAL PARK: PRESERVATION OF A UNIQUE WILDERNESS AREA

Mr. HART. Mr President, for myself and my colleague, the junior Senator from Michigan (Mr. GRIFFIN), I introduce a bill to designate portions of Isle Royale National Park for preservation as wilderness. We are delighted to be joined in the sponsorship of this conservation measure by the Senators from Minnesota (Mr. MONDALE and Mr. HUMPHREY), the Senators from Wisconsin (Mr. PROXMIRE and Mr. NELSON), the Senators from Illinois (Mr. PERCY and Mr. STEVENSON), the Senators from Indiana (Mr. HARTKE and Mr. BAYH) and the Senators from Ohio (Mr. SAXBE and Mr. TAFT)—the entire delegation of Senators from the Great Lake States.

PURPOSE OF ISLE ROYALE NATIONAL PARK

Mr. President, Isle Royale National Park is one of the outstanding natural places in North America. Situated in Lake Superior, its very character as a series of islands adds the extra dimension of remoteness and insularity to its outstanding natural and ecological values.

In the early 1930's, the Department of the Interior undertook a series of studies of Isle Royale to determine its scientific values and to gather knowledge about its natural features. One of the earliest experts to make field studies of the values of Isle Royale for the National Park Service was Dr. Adolph Murie, the renowned ecologist. In his report in 1935, he concluded:

> Isle Royale is practically uninhabited and untouched. The element of pure wilderness which it contains is rare and worth the best care. True wilderness is more marvelous (and harder to retain) than the grandiose, spectacular features of our outstanding parks. It alone labels Isle Royale as of park calibre.
>
> Isle Royale could either be developed as a populous summer resort or left in a wilderness state, buffeted by all the elements of nature—wind, lightning, lightning fires, beetles, and storm waves—as is the past. Since there are many favorable areas in northern Michigan and other lake states which can serve the summer resorters, the island need not be used for this purpose. Furthermore, summer resort development would ruin most of the features of the island which we hope to maintain. Isle Royale today is a wilderness unit; to develop it would be gross misuse.

Throughout all of the early Government survey reports, this same theme was emphasized: That Isle Royale's most significant value to the American people lies in its character as an undeveloped wilderness. In a later 1935 report to the Director of the National Park Service, four park service officials found:

> The statements that the island is particularly valuable as an example of the north-central fauna and flora is not correct. It really has more significance than that. Isle Royale is an isolated land mass significant in the studies of the dispersal of plants and animals and the movement of plants and animals from one land mass to another. Furthermore, because of its position between the boreal and southern life zones, it forms a particularly unique place of study for the ecologist . . . there are few places where one can better study the life history of a bog or of the marginal vegetation to interior fresh water lakes. Note should be made of the large number of moose on the island, evidence of which was observed everywhere. Particularly convincing of the biological values was the experience of the committee as it came to the shore of Lake Richie where an old bull moose was found feeding shoulder high in water and a cow and her calf were seen moving along the shore line. Such scenes are available to any visitor to the island without serious disturbances of the animals.

As a matter of policy, this committee of National Park Service officials, including the Assistant Director, the Chief Forester and the Chief Architect, concluded:

> It is essential that the wild character of this island be maintained and all plans should keep this objective in view.

They emphasized, again and again, the crucial need not to "spoil the vital wilderness character."

From these broad studies of the values of the island, attention was turned to planning for its administration as a national park. On this subject, another 1935 Park Service report said:

> The island with all its charming wilderness and intriguing possibilities as a wilderness park is no less delicate itself than the complex faunal setup which first drew national attention. Any plan for its future use must be predicated on careful studies which will inhibit heavy pressure from being placed on most of the island area. Probably whatever developments are permitted can best be in one or two of the better harbors and then be concentrated in small areas at these locations. The island will be useful and appeal only to the type of people who love the isolation and wilderness retreat which can be found on Isle Royale. Probably, therefore, the number of people who visit the island each year will be quite small and will not require large or highly developed facilities for their use. Situated as Isle Royale is it offers a wilderness retreat for certain types of people which cannot be duplicated in the United States, the opportunity to preserve yet use this wilderness tract will be inversely proportional to the permitted development.

Dr. Murie gave the same advice:

> To administer Isle Royale as a wilderness area, it is important to secure a personnel which has a feeling for wilderness and an understanding of wilderness values otherwise the desire to be doing something to the area will be hard to curb. The administrators should be told that their success and achievements will be measured, not by projects accomplished, but by projects sidetracked. In the management of a wilderness

area, we must somehow depart from the 20th Century tempo of activity.

Based on these early studies and plans, officials of the National Park Service drafted a summary analysis of Isle Royale National Park, and they concluded:

> The comparative isolation and physical characteristics of Isle Royale have combined to prevent continued exploitation or settlement. Because of the island's size and unusual biota, this absence of development results in the most important insular wilderness in the continental United States. This wilderness characteristic is the island's most important single value.

A NATIONAL WILDERNESS PARK

Mr. President, Isle Royale was established as a national park for the central purpose of preserving its most significant value, its value as wilderness. In the years since the park was established, the park has, by and large, been managed and protected in keeping with this high purpose. Yet, with all of our parks, we know that their great popularity as recreational resources is attracting more and more use, leading to pressures for more and more facilities and developments. As the earliest Park Service reports predicted, Isle Royale is increasingly in danger of the kind of slow erosion by which a true wilderness becomes a summer resort, and the "vital wilderness character" is diluted and ultimately lost. We must take every precaution to hold fast to the wilderness value for which this national park was established.

In passing the Wilderness Act in 1964, and applying it to national park areas, the Congress has provided a mechanism which can help to prevent erosion of the wilderness values of our parklands. The framers of the Wilderness Act recognized that the very idea of a national park is, in large part, the idea of wilderness, but they recognized, too that wilderness values would be lost unless the park administators could be backed up by strong measures for the sure protection of the wilderness itself.

ORIGIN OF WILDERNESS PROPOSAL

As directed by the Wilderness Act, the National Park Service completed a study of the wilderness potential of Isle Royale National Park, including public hearings on the subject which were held in Michigan early in 1967. After some delay, the Department of the Interior submitted to Congress its official proposal for designating portions of Isle Royale as wilderness, recommending that approximately 120,588 acres receive this strong statutory protection. Excluded by this first proposal were more than 13,000 acres, spotted all around the island in nonwilderness exclusions ranging up to 6,000 acres in one unit.

The question of securing the preservation of wilderness on Isle Royale has, from the start, engaged a great deal of citizen interest in Michigan. When the National Park Service proposal was released, conservation groups in northern Michigan got together to analyze the plan carefully. They found it seriously deficient, and felt that most of the 13,000 acres of exclusions were not justifiable.

On the basis of their deep concern, these citizen groups worked together to conduct their own studies, including detailed field studies and surveys on the island. Involved in this coalition effort have been such groups as the Off-The-Beaten-Pathfinders, of Houghton, Mich., the Save the Lake Superior Shoreline Association, the Soo Ecology Club, of Sault Ste. Marie, Mich., the Mackinac Chapter of the Sierra Club, the Michigan United Conservation Clubs, and many individuals, including members of the leading national conservation groups. Field studies on the island involved these groups, as well as other individuals intimately familiar with the park, including ecologists and other scientists from Northern Michigan University, the University of Michigan, and Michigan State University.

A Sierra Club task force made a number of special survey trips to the island, and the national Council and staff experts of the Wilderness Society made a thorough reconnaissance of the entire area. All of these efforts were coordinated by the Northern Michigan Wilderness Coalition, an independent coalition of citizen groups throughout the Upper Peninsula and northern Lower Peninsula of Michigan. Special recognition should go to Mrs. John Clark, Mr. Fred Rydholm, Mr. and Mrs. Robert Hanson, Dr. John Tanton, Roger Harbin, Dr. Virginia Prentice, Miss Lucinda Thomson, and Mr. Tom Bailey for the detailed work they contributed to this effort.

Ultimately, this coalition of conservationists and sportsmen, motivated by their concern for this wilderness area, developed their own "citizen alternative proposal" for wilderness designation in Isle Royale National Park. Their proposal appeared to be superior to the plan recommended by the Department of the Interior. Officials of the State of Michigan reached the same conclusion, and Gov. William Milliken, his Natural Areas Advisory Council and our Department of Natural Resources have all endorsed the "citizen alternative proposal." Senator GRIFFIN and I first introduced legislation to implement that proposal late in 1971, as S. 2539.

PRINCIPLES OF WILDERNESS DECISIONS

Behind support for the citizen alternative proposal lies basic agreement on two fundamental principles: First, that the great significance of Isle Royale, the very reason for its designation as a national park, is its "vital wilderness character." Thus, the burden of proof for any exclusion from full wilderness protection should fall on those who advocate that exclusion. Second, we question the policies on which most of the large National Park Service exclusions were based, policies which do not seem directly related either to the Wilderness Act or to the physical circumstances of Isle Royale. At stake here is the future management of a very special, internationally significant island, and in this setting policies about excluding "wilderness thresholds" and "non-wilderness enclaves" do not gibe with that higher purpose.

OFFICIAL PROPOSAL REVISED

Last May 5, the Senate Subcommittee on Public Lands held hearings on S. 2539. The Department of the Interior submitted a report urging that its 120,588-acre proposal be adopted, not our larger one. Among other things, they said their proposal was,

> Based upon a balanced wilderness plan for Isle Royale National Park which provides for a realistic variety of recreational and park management needs.

I will simply leave it for the record to compare that conclusion with the spirit of the earlier National Park Service that,

> It is essential that the wild character of this island be maintained and all plans should keep this objective in view.

The subcommittee brought to a focus the policy issues which differentiated the citizen proposal from the larger exclusions in the Park Service plan. As a result of clarifications of some of these matters, the Committee directed the Department of the Interior to revise its recommendations to conform to the Wilderness Act.

This process was considerably delayed, to the point that the revised recommendations only were submitted to the Congress last October, too late, for final action by the committee. It is important to note, however, that the National Park Service plan was greatly revised. The "nonwilderness enclaves" were dropped, and most of the "wilderness threshold" areas were removed, allowing some 9,000 acres to be added to the earlier recommended wilderness area. In its revised proposal, the National Park Service recommends that 129,573 acres be designated as wilderness.

This is, of course, a significant improvement in the proposal, for which I certainly want to commend the Department of the Interior, and particularly Assistant Secretary Nathaniel Reed and his staff.

FURTHER REVISION NEEDED

Now the question is: Is the revised Park Service proposal acceptable, or are further additions to the wilderness in order? Once again, as they have obtained the revised plan and studied it, the Michigan citizens' coalition has applied its two basic criteria. First, is there a specific and necessary justification for each remaining exclusion from wilderness? Second, do the policies behind the remaining exclusions conform to the requirements of the law and the needs of this wilderness park?

On the basis of their further studies and discussion of the revised proposal, these groups have now told us that the revised official proposal, as welcome as it is, is still not adequate. On the basis of the refinements in policy which resulted from the May 5 hearings, these groups have made some necessary revisions in their own "citizen alternative plan," but they continue to feel it is superior to the Park Service plan.

The National Park Service revised plan is nothing more, thus far, than a map and an acreage total. Looking at the map, we find very large exclusions at several points which do not appear to have justification in terms of the nature of the land involved or in the existing or planned development of the national park. Thus, Senator GRIFFIN and I and our cosponsors are introducing a bill today which again embodies the citizen alternative proposal.

DESCRIPTION OF HART-GRIFFIN BILL

Mr. President, the bill we are introducing today is essentially the same as S. 2539, our bill in the last Congress. However, there have been several minor changes in the citizen proposal and in the text of the bill, which I want to specify.

First, the language of the bill has been improved, particularly in section 1, where provision is made for designating certain small tracts of land which will be part of the wilderness, but only when present nonconforming improvements have been removed. In addition, the number of tracts subject to this procedure has been reduced. It developed at the May 5 hearings that "existing private rights" can be included within a wilderness boundary, inasmuch as section 4(c) of the Wilderness Act makes the restrictive provisions of that Act applicable "subject to existing private rights." Thus, we have included directly within the wilderness proposal those small tracts which temporarily contain private rights, such as small cottages. These existed prior to establishment of the park, and the private owners hold life-tenure rights to continue the use of their cottages. These tracts can be included directly as part of the designated wilderness, with the full understanding that the private rights and uses which exist shall continue until they terminate.

Second, we have included directly in this bill, in section 4, provision for adding a small group of islands to the national park. The Gull Islands presently lie just outside the park, and are administered as vacant public domain by the Bureau of Land Management. They are, however, a part of the Isle Royale archipelago, and should be part of the park. Last year, I introduced an amendment to accomplish this, and I have now simply incorporated that language into this bill.

Mr. President, I have endeavored to give here a basic outline of the background and present situation of this important wilderness legislation. It is our hope that this matter will receive prompt attention in the Committee on Interior and Insular Affairs.

By Mr. MOSS:

S. 453. A bill to establish a National Minerals Processing Institute for research investigation, information and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. MOSS. Mr. President, there are severe problems facing extractive metallurgy in the years ahead. Needed metals must be produced with less environmental damage. We must find new and better processes. New and better technology would improve metal yields and clean up environmental pollution problems.

According to a report of the National Materials Advisory Board issued in August of 1972, the United States lags behind other industrial nations in the development and utilization of new and improved processes for metallurgical extractions.

I therefore introduce today, a bill to establish a National Minerals Processing Institute as a joint venture of industry, Government, and the universities with an aim toward the most efficient utilization and conservation of ores, and the replacement of obsolete mineral extraction facilities with new technologies under proper constraints for protection of the environment.

By Mr. MOSS:

S. 454. A bill to establish a corporation for the development of new energy sources, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

ENERGY SOURCES CORPORATION

Mr. MOSS. Mr. President, I have had the opportunity of participating in the hearings pursuant to Senate Resolution 45 for the last 2 years and I am deeply concerned about the direction this country is taking in its attempts to develop an energy policy.

Critical decisions are facing us which can no longer be pushed under the rug or made the object of continuous study.

Over the years, the deficit in this country's energy trade has steadily risen. By every count, future petroleum demand and supply indicate a greatly accelerated dependence of U.S. petroleum imports from the Middle East.

Decisions must be made, and now, on a vast array of energy problems touching almost every facet of our national concern.

The present posture of our domestic production is dismal. We have tremendous reserves but we have utterly failed to plan ahead and put forth the necessary incentives for exploration or to develop additional refinery capabilities. Of necessity, we must depend on foreign energy sources for the short-term haul.

In the long haul, we must take appropriate steps in the Congress to secure the American position in energy supplies. In my view, this means simply protecting our flank against the vagaries of foreign supply. We can shore up our chances for a continuing domestic supply of oil and gas by providing an appropriate climate for exploration, development, and the construction of adequate refinery facilities. We can educate the consumer in ways of conservation of energy resources, and industry and Government together can begin making adequate sums of money available for research and development to enhance our own capabilities in new energy sources and in energy substitution and recycling efforts.

I offer a bill today which is aimed at enhancing our capabilities in the area of commercial development of new energy sources, a joint Government-industry corporation to seek the accelerated development of new, exotic energy sources.

It is high time we galvanize ourselves to act rather than simply react to a situation when it has reached crisis proportions. We simply must accelerate our efforts before it is too late. This bill represents an effort in that direction.

By Mr. MOSS:

S. 455. A bill to amend the Federal Aviation Act of 1958 to provide a definition for inclusive tour charters and for other purposes. Referred to the Committee on Commerce.

AIRLINE TOUR CHARTERS

Mr. MOSS. Mr. President, I introduce for appropriate reference a bill to amend the Federal Aviation Act of 1958 to provide a definition for inclusive tour charters. During last Congress, the Aviation Subcommittee of the Senate Commerce Committee held several days of hearings on restrictions on single-stop inclusive tour charters. The thrust of the legislation which I introduce today would eliminate most of those restrictions. Although the Civil Aeronautics Board has moved to reduce the burdens on air carriers, the regulations are still somewhat restrictive and require that additional legislative scrutiny be paid to the problem.

One-stop inclusive tour charters could increase traffic volume for the airline industry, increase use of resorts, and provide a method of low-cost vacation travel for the American people. One-stop inclusive tour charters provide for an economic boost for the entire tourism industry.

The air carriers, both scheduled and charter operators, have long felt that if the restrictions on their activities on inclusive tour charters were relaxed, better public service could be provided. The European experience is most noteworthy. Almost 9 million northern Europeans enjoy Mediterranean vacations each year. This is due solely to the availability of low-cost, packaged vacations. There is no reason to suppose that a similar boom would not occur here, were the opportunity to present itself.

Mr. President, I ask unanimous consent that the text of the legislation appear at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 455

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Aviation Act of 1958, as amended, is further amended as follows:

(1) Paragraphs (20) through (36) of section 101 are renumbered as paragraphs (21) through (37), respectively, and a new paragraph (20) is added to read as follows:

"(20) 'Inclusive tour charter trip' means a charter trip which combines air transportation, pursuant to a contract between an air carrier or foreign air carrier and a person authorized by the Board to sell inclusive tours, and land arrangements at one or more points of destination, sold to members of the public at a price which is no less than the just and reasonable fare for charter air transportation plus a compensatory charge for land arrangements, and subject to such other requirements not inconsistent herewith as the Board shall by regulation prescribe: *Provided,* That nothing in this Act shall be construed to prohibit an air carrier from controlling, being controlled by, or being under common control with a person authorized by the Board to sell inclusive tours."

(2) Renumbered paragraph (35) of section 101 is revised to read as follows:

"(35) 'Supplemental air transportation' means charter trips, including inclusive tour charter trips, in air transportation rendered pursuant to a certificate of public convenience and necessity issued pursuant to section 401(d)(3) of this Act."

(3) Section 402(f) is amended to read as follows:

"(f) Any permit issued under the provisions of this section may, after notice and hearing, be altered, modified, amended, suspended, canceled, or revoked by the Board whenever it finds such action to be in the public interest. Any interested person may file with the Board a protest or memorandum in support of or in opposition to the alteration, modification, amendment, suspension, cancelation or revocation of a permit. Whenever the Board finds that the government or aeronautical authorities of any foreign country have refused to permit, or have imposed arbitrary or unreasonable restrictions or limitations upon, the performance of foreign air transportation by an air carrier pursuant to its certificate, or have discriminated between classes of air carriers, the Board may, with or without prior notice and without hearing, suspend or modify any permit issued under this section to any foreign air carrier authorizing foreign air transportation between such foreign country and the United States for the period that such prohibition or restrictions by the foreign country remain in effect."

(4) Section 1102 is amended by deleting the period at the end thereof and adding the following: ": *Provided further*, That no new or amended agreement between the United States and any foreign country relating to air transport rights shall be concluded by the Government of the United States which is inconsistent with, or would restrict the exercise of, the authority of the Board under section 402(f) of this Act."

By Mr. MOSS:

S. 456. A bill to amend the Internal Revenue Code of 1954 to tax cigarettes on the basis of their tar content, and for other purposes. Referred to the Committee on Finance.

CIGARETTE TAR TAX ACT

Mr. MOSS. Mr. President, I am today introducing the Cigarette Tar Tax Act, a bill to amend the Internal Revenue Code of 1954 to tax cigarettes on the basis of their tar content, and for other purposes.

Five years ago, the late Senator from New York, Mr. Kennedy, and the Senator from West Virginia (Mr. RANDOLPH), offered in the Senate legislation setting the tax rate of cigarettes on the basis of tar and nicotine.

The Public Health Service had just issued its authoritative report on tar and nicotine, and although the report did not specify the exact role which each of the many constituents of tar plays in the disease process, the report did conclude that the lower the tar and nicotine, the less the risk of disease caused by cigarette smoking. The Federal Trade Commission subsequently recommended that tar and nicotine content be displayed in cigarette advertising and the cigarette industry has agreed to this proposal.

Nevertheless, a high number of cigarette brands remain in the middle and upper end of the tar and nicotine spectrum. Surely at this time, when we talk of imposing differential taxes on leaded and unleaded gasolines, and harnessing the tax schedules to the national fight against pollution, we should be prepared to move in a similar manner on this problem of personal health.

Recently, the city of New York instituted an incentive tax on tar and nicotine. This tax charges more for cigarettes which bring increased needs of health care. The heavy cigarette smoker of high tar and nicotine cigarettes is the one who demands hospitalization. A higher premium is thus established for financing needed municipal services. A proposal of this sort in a limited area, however, cannot completely succeed unless a uniformity exists, as would be the case if the tax were applied nationally.

As we increase the taxes on those cigarettes which provide the greatest hazard to health, we must also decrease the financial incentives to those who grow tobacco and manufacture cigarettes. For this reason I have included in the Cigarette Tar Tax Act several sections which come to grips directly with the problem.

The Government must change the economic and social benefits accruing to the tobacco economy. We must support every conceivable method to deter the growing, processing, and consumption of the product by education, economic incentives, and appeals to commonsense.

The other sections of the Cigarette Tar Tax Act provides for the establishment of a Commission on Tobacco Adjustment Assistance to prepare, within 18 months, a comprehensive analysis and recommendations for appropriate action necessary to provide assistance to those who will be adversely affected by the elimination of tobacco subsidies and the decrease in tobacco consumption. I hope my colleagues from tobacco States will join with me in this constructive plan to assist the tobacco farmer, the exporter, and the State and local governments. I would also imagine Senators with significant agricultural constituencies would be particularly supportive of this effort to prepare the agricultural economy for the eventual elimination of support coincident with the reduction in use of the product.

Perhaps medical concern about cholesterol and fatty acids may lead to similar problems of decreasing use and reductions in subsidies in the dairy industry. I hope we can learn from our past experiences with the SST, with tobacco and with other pending issues, that long-range planning is far more satisfactory than are last minute contingency plans.

Members of the Commission on Tobacco Adjustment Assistance would be tobacco growers, manufacturers of tobacco products, other segments of the economy seriously affected by the reduction in the use of tobacco, and State and local governments. The Commission would report to the Congress and the President within 18 months of enactment, making recommendations for legislation and administrative action necessary to eliminate or substantially to reduce the hardships to persons affected by decreasing tobacco consumption and elimination of subsidies.

Finally, the Cigarette Tar Tax Act would remove that great inconsistency of American life—tax support for tobacco crops, inspection, and overseas sales. How can we as a Nation continue to put tax money in this lethal commodity? These are questions which I have posed before and I will continue to pose in hearings before the appropriate legislative committee. The letters of outrage will continue to pour in, as long as we continue our policy of pouring tax dollars into tobacco, while we warn our citizens of the dangers of disease from its use.

Mr. President, I ask unanimous consent that the text of the Cigarette Tar Tax Act be printed in the RECORD following my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 456

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Cigarette Tar Tax Act".

SEC. 2. (a) Section 5701(b) of the Internal Revenue Code of 1954 (relating to tax on cigarettes) is amended to read as follows:

"(b) CIGARETTES.—On cigarettes, manufactured in or imported into the United States, there shall be imposed the following taxes:

"(1) SMALL CIGARETTES.—On cigarettes, weighing not more than 3 pounds per thousand, the tax shall be determined under the following table:

"If the tar content thereof is—	The tax per thousand cigarettes shall be—
10 mg. or less	$4
More than 10 mg. but not more than 15 mg	7
More than 15 mg. but not more than 20 mg	10
More than 20 mg	15

"(2) LARGE CIGARETTES.—

"(A) IN GENERAL.—On cigarettes weighing more than 3 pounds per thousand, the tax per thousand shall be 2.1 times the tax prescribed by paragraph (1).

"(B) SPECIAL RULE FOR LONG CIGARETTES.—On long cigarettes (as described in subparagraph (A)) which are more than 6½ inches long, the tax per thousand shall be determined under paragraph (1), counting each 2¾ inches, or fraction thereof, of the length of each as one cigarette.

"(3) DETERMINATION OF TAR CONTENT.—

"(A) TESTING BY FEDERAL TRADE COMMISSION.—The Federal Trade Commission shall from time to time (but not less often than once each calendar year) test each brand of cigarettes manufactured in or imported into the United States for the tar content of cigarettes of such brand. The conditions, methods, and procedures for conducting such tests shall be prescribed by (and may be changed by) the Commission by regulations issued by it for purposes of this paragraph. Until such time as such regulations are first issued, the conditions, methods, and procedures for conducting such tests shall be those approved by the Commission for formal testing which are in effect on the date of the enactment of the Cigarette Tar Tax Act.

"(B) CERTIFICATION TO SECRETARY.—At least once each calendar year, the Chairman of the Federal Trade Commission shall certify to the Secretary or his delegate, on the basis of the tests conducted pursuant to subparagraph (A), the tar content of each brand of cigarettes manufactured in or imported into the United States. The tar content of a brand of cigarettes as contained in such certification shall, for purposes of applying paragraphs (1) and (2), be the tar content of cigarettes of such brand for the period beginning with the day after such certification is made with respect to such brand and ending with the day on which the next certification is made with respect to such brand."

(b) The amendment made by subsection (a) shall take effect on the first day of the first calendar quarter which begins more than 30 days after the date of the enactment of this Act, except that, with respect to the authority of the Federal Trade Commission to issue regulations for purposes of sections 5701(b)(3) of the Internal Revenue Code of 1954 (as added by subsection (a)), such amendment shall take effect on the date of the enactment of this Act.

Sec. 3. (a) There is established a commission to be known as the Commission on Tobacco Adjustment Assistance (hereafter in this section referred to as the "Commission").

(b) The Commission shall consist of 15 members to be appointed by the President. The members of the Commission shall include representatives—

(1) growers of tobacco,

(2) manufacturers of cigarettes, cigars, and other tobacco products,

(3) other segments of the economy seriously affected by the elimination or substantial reduction of the use of cigarettes, cigars, and other tobacco products and

(4) State and local governments.

Not more than three members of the Commission may be officers or employees of the Federal Government.

(c) The President shall appoint one of the members of the Commission to serve as Chairman and one to serve as Vice Chairman.

(d) Seven members of the Commission shall constitute a quorum and a vacancy in the Commission shall not affect its powers.

(e) It shall be the purpose and duty of the Commission to make a full and complete study of—

(1) the probable effect of the increases in the taxes imposed under section 5701 of the Internal Revenue Code of 1954 and of the termination of price supports for tobacco in achieving the elimination or substantial reduction of the use of cigarettes, cigars, and other tobacco products;

(2) the economic hardships which will result from the elimination or substantial reduction of the use of cigarettes, cigars, and other tobacco products to—

(A) growers of tobacco,

(B) manufacturers of cigarettes, cigars, and tobacco products,

(C) other segments of the economy directly affected; and

(3) the economic hardship to State and local governments caused by the reduction in revenues resulting from the elimination or substantial reduction of the use of cigarettes, cigars, and other tobacco products. The Commission may include in such study such other matters as it deems advisable which relate to the effect on the economy of the elimination or substantial reduction of the use of cigarettes, cigars, and other tobacco products.

(f) The Commission shall, within 18 months after the date of the enactment of this Act, report to the President and to the Congress—

(1) the results of the study conducted by it pursuant to subsection (e), and

(2) its recommendations for legislation and administrative action necessary to eliminate or substantially reduce the use of cigarettes, cigars, and other tobacco products, and to provide assistance to persons described in subsection (e)(2) and to State and local governments in adjusting to such elimination or substantial reduction.

(g) Members of the Commission shall serve without compensation but shall be allowed travel expenses, including per diem in lieu of subsistence as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(h) The Commission is authorized—

(1) to appoint and fix the compensation of such personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates; and

(2) to obtain the services of experts and consultants, in accordance with the provisions of section 3109 of title 5, United States Code, at rates for individuals not to exceed $100 per day.

(1) The Commission is authorized to request from any department, agency, or independent instrumentality of the Government any information and assistance it deems necessary to carry out its purpose under this section; and each such department, agency, and instrumentality is authorized to cooperate with the Commission and, to the extent permitted by law, to furnish such information and assistance to the Commission upon request made by the Chairman or any other member when acting as Chairman.

(j) The Commission shall cease to exist 60 days after the date of the submission of its report under subsection (f).

(k) There are hereby authorized to be appropriated $1,000,000 in each fiscal year to carry out the provisions of this section.

Sec. 4. (a) Section 106 of the Agricultural Act of 1949, as amended, is amended by adding at the end thereof a new clause as follows: "(d)(1) The level at which price support may be made available for the 1974, 1975 and 1976 crops of tobacco shall be subject to the following limitations:

"(A) The 1974 crop of any kind of tobacco may not be supported at any level greater than 75 per centum of the level at which the 1970 crop of such tobacco was supported.

"(B) The 1975 crop of any kind of tobacco may not be supported at any level greater than 50 per centum of the level at which the 1970 crop of such tobacco was supported.

"(C) The 1976 crop of any kind of tobacco may not be supported at any level greater than 25 per centum of the level at which the 1970 crop of such tobacco was supported.

"(2) Price support shall not be made available for the 1977 and subsequent crops of tobacco."

(b) Notwithstanding any other provisions of law, marketing quotas, marketing penalties, acreage-poundage quotas, and acreage allotments for tobacco shall be ineffective with respect to the 1977 and subsequent crops of tobacco.

Sec. 5. (a) Section 4 of the Tobacco Inspection Act (7 U.S.C. 511c) is amended by striking out the following: ": *Provided*, That in no event shall charges be in excess of the cost of said samples, illustrations, and service so rendered".

(b) Section 5 of such Act (7 U.S.C. 511d) is amended by striking out the seventh sentence thereof.

(c) The last paragraph of section 6 of such Act (7 U.S.C. 511e) is amended by striking out the period at the end of such paragraph and inserting in lieu thereof a semicolon and the following: "but all of the cost of providing services under this section shall be borne by the persons requesting such services."

Sec. 6. Title I of the Agricultural Trade Development and Assistance Act of 1954 is amended by adding at the end thereof a new section as follows:

"Sec. 111. Notwithstanding any other provision of law (1) no subsidy or other incentive payment shall be made, directly or indirectly, under the provisions of this Act to any person for the export or sale of tobacco or any tobacco product, and (2) no funds may be expended for the purpose of advertising or otherwise promoting the sale of tobacco in any foreign country."

Sec. 7. Section 5(f) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714c(f)) is amended by striking out the period at the end of such section and inserting in lieu thereof a comma and the following: "except that nothing herein shall be construed to authorize the payment of any subsidy for the export of tobacco from the United States."

By Mr. MOSS (for himself, Mr. Mansfield, and Mr. Metcalf):

S. 457. A bill to amend the act of June 21, 1949 (81 Stat. 116, 30 U.S.C. 54) enlarging the liability for damages to stockraising and other homesteads by mining activities. Referred to the Committee on Interior and Insular Affairs.

LIABILITY FOR DAMAGES BY MINING ACTIVITIES

Mr. MOSS. Mr President, one of the most pressing problems facing us in the West with the intensified interest in coal development is the situation where the surface of the land is privately owned and the mineral has been retained by the Federal Government.

Over the years, and under these circumstances, efforts to enlarge the liability for damages to stockraising and other homesteads. In 1949, the Congress enlarged the liability to require the mineral leasee to pay the homesteader for the value of the surface for grazing.

In present-day mining operations, stripmining methods not only destroy the surface for grazing, but may permanently destroy the entire surface value of the land for any constructive purpose.

The bill is intended to meet that situation. I am joined by Senator Mansfield and Senator Metcalf in introducing this bill.

By Mr. JAVITS (for himself, Mr. Williams, Mr. Kennedy, Mr. Brooke, Mr. Burdick, Mr. Cranston, Mr. Hartke, Mr. Hughes, Mr. Humphrey, Mr. McGee, Mr. Metcalf, Mr. Pastore, Mr. Percy, Mr. Ribicoff, Mr. Schweiker, Mr. Stevens, Mr. Stevenson, Mr. Taft, Mr. Tower, Mr. Tunney, Mr. Moss, Mr. Pell, Mr. Randolph, and Mr. Dole):

S. 458. A bill to provide for the humane care, treatment, habilitation and protection of the mentally retarded in residential facilities through the establishment of strict quality operation and control standards and the support of the implementation of such standards by Federal assistance, to establish State plans which require a survey of need for assistance to residential facilities to enable them to be in compliance with such standards, seek to minimize inappropriate admissions to residential facilities and develop strategies which stimulate the development of regional and community programs for the mentally retarded which include the integration of such residential facilities, and for other purposes. Referred to the Committee on Labor and Public Welfare.

BILL OF RIGHTS FOR MENTALLY RETARDED

Mr. JAVITS. Mr. President, I introduce on behalf of myself and Senators Williams, Kennedy, Pell, Brooke, Burdick, Cranston, Dole, Hartke, Hum-

PHREY, McGEE, PASTORE, PERCY, RIBICOFF, SCHWEIKER, STEVENS, STEVENSON, TOWER, TAFT, HUGHES, MOSS, and TUNNEY, the "Bill of Rights for the Mentally Retarded," which is essentially the same as the bill I introduced in the 92d Congress. A companion bill will again be introduced in the House by Representatives HASTINGS and MURPHY, and I am confident it will have broad bipartisan support, as it did in the 92d Congress when it had more than 50 cosponsors.

I ask unanimous consent that the comments of need and praise for the legislation by various interested professional organizations be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. JAVITS. Mr. President, I believe the suggestions which have been brought to my attention regarding the standards, the relationship of the bill with the existing Developmental Disabilities Act and voluntary standards continuation should be determined by the Labor and Public Welfare Committee, of which I am ranking minority member, during its hearings and executive consideration of the measure. I am very hopeful of prompt committee consideration of my "Bill of Rights for the Mentally Retarded" and the extension of the expiring "Developmental Disabilities Services and Facilities Construction Act," introduced today by Senator KENNEDY—and of which I am a cosponsor. Thus, by hearings on both measures, we will assure a complimentary approach, targeting in on the problems of the mentally retarded and other developmentally disabled.

At the request of Governor Rockefeller of New York, I urged special Federal crisis intervention to assist New York State in improving the distressing situation at Willowbrook in New York and other mental retardation programs within the State. I personally viewed the tragedy of Willowbrook and resolved to overcome the dehumanizing conditions. I pledged myself to the introduction of a Bill of Rights for the Mentally Retarded, utilizing standards developed by committees representing all the disciplines and interests that must be involved in providing fully adequate programs for the mentally retarded, under the leadership of the Accreditation Council for Facilities for the Mentally Retarded.

Since that time, the parents of mentally retarded children and a concerned public anxiously awaited the report on the New York State mental retardation program. I regret to say that it failed to provide urgently needed Federal leadership in response to the crisis at Willowbrook State School and the plight of all the mentally retarded.

No one could have personally experienced Willowbrook—where many were left to vegetate without sufficiently well trained staff to care for them and receiving substandard care, totally inadequate to respond to their basic health and hygiene needs—and not expect an immediate and effective Federal response. Unfortunately, there was no clear cut HEW recommendation or support for effectuating this goal. I believe the Federal Government has an obligation to implement and honor the commitment to provide humane care and treatment to the institutionalized mentally retarded and to deemphasize long-term institutionalization.

Mr. President, I ask unanimous consent that in order for all interested parties to have the benefit of the previously mentioned recommendations that the full text of the letters from which these comments have been prepared and other letters of comment, the full text of the bill, and the section-by-section analysis prepared by the Library of Congress Congressional Research Service be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. JAVITS. Mr. President, also to continue to focus public attention on all matters involving the mentally retarded and other developmentally disabled, the decision of which is of special importance, I ask unanimous consent that the portion of my introductory remarks on June 28, 1972, entitled "Discussion of Issues" be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. JAVITS. Mr. President, we must finally, at this point in time, accept the responsibility that is ours. Ours, not only as legislators, but as citizens in this country that has at its roots the political doctrine of equal rights for all people. We must now act to insure these basic rights to the mentally retarded, and that is why I have again introduced the "Bill of Rights for the Mentally Retarded."

EXHIBIT 1

COMMENTS ON "BILL OF RIGHTS FOR THE MENTALLY RETARDED"

National Association for Retarded Children: "The proposed bill addresses itself to one of the really critical issues facing states in serving the needs of the mentally retarded today. I am in complete agreement with the philosophy expressed in this proposed legislation."

Accreditation Council of Facilities for the Mentally Retarded: "The Accreditation Council wholeheartedly supports the Senator's objective of improving the services provided mentally retarded persons."

New York State Association for Retarded Children: "I think the concept of the bill is superb."

Association for Children with Retarded Mental Development: "We have examined the Bill in its entirety and find it to be an outstanding document covering every aspect of the need for continuity of care and concern of the rights of the mentally retarded."

Federation of Parent's Organizations for the New York State Mental Institutions: "This bill is the best one I've ever seen. I hope I can be of some help in seeing that it becomes the law of the land."

Citizens Action Committee for the Handicapped: "If this Bill could become a reality, it would usher in a 'new world' for the retarded. It includes everything those of us who have been fighting for change and for a restructuring of existing systems of service, would have included were we to write our own 'Bill of Rights'."

AFL–CIO: " . . . the bill represents a major step forward toward the goal of fully protecting the rights of millions of handicapped citizens of whom the mentally retarded are the most vulnerable."

New York State Department of Mental Hygiene: "I am very much in accord with the intent of Senator Javits' Bill of Rights for the Mentally Retarded, and with its excellent provisions for providing better services for our retarded citizens."

United Cerebral Palsy Associations, Inc.: "The 'Bill of Rights for the Mentally Retarded', which you sent me, would be a lasting landmark in the restoration of full citizenship for the mentally retarded of our country."

Illinois Department of Mental Health: "As a superintendent of a 2,700 bed facility serving the mentally retarded of all ages and all handicapping conditions, may I state that this is the most exciting, promising, encouraging and all-encompassing proposal that has ever been made."

The Joseph P. Kennedy, Jr. Foundation: "I have read your bill on the Bill of Rights for the Mentally Retarded and am very impressed. Congratulations for working so quickly and with such expertise in such a sad and difficult area."

Joint Commission on Accreditation of Hospitals: "Your strong and sincere interest in the welfare of the mentally retarded is well demonstrated by your conception of this legislative proposal. All of us on the staff, as well as the members of the Accreditation Council for Facilities for the Mentally Retarded and the Board of Commissioners of the Joint Commission, support your objective wholeheartedly."

Association for the Help of Retarded Children: "I would like to assure you of my complete support of this fine legislation."

EXHIBIT 2

LETTERS COMMENTING ON "BILL OF RIGHTS FOR MENTALLY RETARDED"

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, OFFICE OF EDUCATION,

May 12, 1972.

To: Mr. Jay Cutler, Minority Staff Counsel, New Senate Office.

From: Edwin W. Martin, Associate Commissioner, Bureau of Education for the Handicapped.

Subject: Bill of Rights for the Mentally Retarded.

Thank you for the opportunity to review the proposed legislation to establish and implement a bill of rights for retarded children. The attached comments were developed by my staff. I thought you might be interested.

As you know, we have been quite concerned about the problems of children in institutions for the mentally retarded. Jim Moss, on my staff, was with the Federal team which visited Willowbrook. After that, he made a visit to the Rosewood State Hospital in Maryland. We are going to spend more time visiting these places in order to get a better understanding of the problem. This is going to become a special concern and priority item for this office.

We have in mind developing technical assistance and training programs to help improve the skills of professionals and other personnel in such institutions. We find that people managing educational and rehabilitation programs are not always up to date on what can and should be done. We will also be continuing our efforts to create more community programs so that these children will not have to be sent to such facilities.

The process of reconstructing the lives of institutionalized children will be difficult, and costly. It will take time. Your bill of rights is a good beginning.

Department of Health, Education, and Welfare, Office of Education,
April 28, 1972.

To: Dr. Edwin W. Martin, Jr., Associate Commissioner, BEH.
From: R. Paul Thompson, Policy and Procedures Officer, ASB.
Subject: Bill of Rights for the Mentally Retarded.

The "Bill of Rights for the Mentally Retarded" (Mr. Javits, April 10, 1972) is a very comprehensive piece of legislation which provides humane care, treatment, and protection of the mentally retarded in residential facilities, and for the development of regional, and community programs for the mentally retarded which include the integration of such residential facilities. There is evidence of considerable expertise in the writing of the bill. In general, it is a carefully worded document, establishing strict standards for residential services, leaving little to chance or imagination with the exception of the educational component. Observations are as follows:

TITLE XI

Part A—State Strategy Planning: Provides for a review of all existing State plans concerned with providing services and programs for the mentally retarded. Emphasizes coordination of existing facilities. Provides not to exceed $300,000 per institution to cover costs of administering and operating demonstration facilities and training programs for MR.

Part B—Delivery of Mental Retardation Programs and Services: Requires development of a State plan, which includes the designation of a State planning and advisory council. I would recommend that membership on this council must include the State Director of Special Education and State Administrator of the PL 89-313 program. (See Sec. 1103(2))

Part C—Standards for Residential Facilities for the Mentally Retarded: Detailed and adequate. No suggestions.

Sec. 1124. Significant—"No individual whose needs cannot be met by the facility shall be admitted to it."

Sec. 1126.—Excellent—"The residential facility shall admit only residents who have had a comprehensive evaluation . . . by an appropriately constituted interdisciplinary team."

Sec. 1127(c). Significant—"There shall be a regular, at least annual, joint review of the status of each resident by all relevant personnel . . ."

Sec. 1132. Provides regulations concerning staff training, and inservice training for employees who have not achieved the desired level of competence. Specifies use of modern educational media equipment and development of working relations with nearby colleges and universities.

Sec. 1155(a). Specifies living components or groups or residents.

Sec. 1155(b). Indicates that residents who are mobile nonambulatory, deaf, blind, epileptic, and so forth, shall be integrated with peers of comparable social and intellectual development *and shall not be segregated on the basis of their handicaps.* This seems idealistic but not necessarily practical in all cases, i.e., persons who are deaf probably should not be placed with residents who are blind, since communication barriers could easily arise.

Chapter 3—Professional and Special Programs and Services

Sec. 1159. Specifies that individuals providing professional and special programs and services to residents include those in education; library services; music, art, dance and other activity therapies; occupational therapy; and vocational rehabilitation. I would suggest the addition of "Vocational Education and Vocational Habilitation (as contrasted to vocational rehabilitation).

Sec. 1163. Concentrates on educational services, indicating that such services, "defined as deliberate attempts to facilitate the intellectual, sensorimotor, and affective development of the individual shall be available to all residents regardless of chronological age, degree of retardation, or accompanying disabilities or handicaps." Could more clearly state that not only will such services be made available, but that all residents, to the maximum extent possible, *be enrolled or included,* in such programs.

Sec. 1166 Deals with Library Services. Very adequate.

Subchapter IX—Physical and Occupational Therapy Services. Specifies that physical and occupational therapy be provided, or made available to residents on a continuing basis, as needed. Very adequate.

Subchapter X—Psychological Services. Provides for both direct and indirect psychological services. Appropriate and seem to be comprehensive.

Subchapter XI—Recreation Services. Specifies quite complete recreational services for each resident, which includes a variety of activities such as outings, performances in dramatic or musical productions, camping, team and lead-up activities, individual and dual sports, hobbies, etc. Specifies provision of "opportunities to use leisure time in activities of the resident's own choosing in an informal setting under minimal supervision." This subchapter appears to be excellent.

Subchapter XIII—Social Services. Specifies that social services shall be available to residents and their families, and shall so be provided, directly and indirectly. Comprehensive.

Subchapter XIV—Speech Pathology and Audiology Services. Well designed; there seem to be no problems with this subchapter.

Subchapter XV—Vocational Rehabilitation Services. This subchapter could be reviewed critically to determine if all necessary aspects of a comprehensive vocational education and/or career education program are included. Seems oriented principally to *rehabilitation* rather than *habilitation* or initiatory training. ("... services which includes the establishment, maintenance, and implementation of those programs that will ensure the optimal *development or restoration* of each resident, physically, psychologically, socially, and vocationally.")

Chapter 5—Research

This chapter charges the administration and the staff to encourage research activity. This chapter might be strengthened to assure that research activities are in fact conducted, and that funds are made available for such studies. The apparent permissiveness of this chapter could result in no research being conducted.

Chapter 8—Definitions

Significant definition—"Resident" means the general term used in the standards to refer to an individual who receives service from a residential facility, *whether or not such individual is actually in residence in the facility.*" However, a residential facility may use the term "resident" to refer only to those individuals actually in residence, and may thus distinguish between resident and nonresident recipients of its services.

Summary Statement

This is a most significant piece of legislation, designed to ensure quality services to the mentally retarded. It is particularly strong in the medical health, social services, therapy, and residential living services. Areas possibly needing strengthening include the educational, vocational educational and research components.

Mr. Robert Gettings, of the National Association of Coordinators of State Programs for Mental Retardation, has indicated to me that he feels the bill exceeds the necessary detail for a law. His preference, which apparently reflects the thinking of many in his association, would be to have a less restrictive and comprehensive law, with the minute details being spelled out in policy statements, regulations, etc. Such statements would lend themselves more readily to changes as might be dictated by time and place.

Association for Children With Retarded Mental Development, Inc.,
New York, N.Y., May 8, 1972.

Senator Jacob K. Javits,
New York, N.Y.

Dear Senator Javits: Please accept our thanks for sending us a copy of your "Bill of Rights for the Mentally Retarded."

At your request we are going to review this proposed legislation and if we have any recommendations we will communicate them to Mr. J. Cutler.

Of course, we will also alert our membership and all interested friends and professionals in the field about your bill. May we suggest that at the time you feel we can be of additional help in ensuring adoption of your bill, would you alert us and I am sure we can get many people to use their good offices for this purpose? All of us recognize the unquestionable need for the Federal Government to adopt a stance which will guarantee the elimination of conditions which treat our children in an inhuman way. We are with you in this, all the way.

Ida Rappaport,
Executive Director.

Association for Children With Retarded Mental Development, Inc.,
New York, N.Y., May 31, 1972.

Mr. Jay Cutler,
Minority Counsel to the Senate Health Subcommittee, New Senate Office Building, Washington, D.C.

Dear Mr. Cutler: Early last month we received a copy of a proposed "Bill of Rights for the Mentally Retarded," to be introduced by Senator Javits. We have examined the Bill in its entirety and find it to be an outstanding document covering every aspect of the need for continuity of care and concern of the rights of the mentally retarded.

In the covering letter you encouraged comments and suggestions on this proposed legislation. We wish to offer some recommendations which do not alter in any way the intent of the "Bill of Rights," but we hope you will accept them in the friendly spirit in which they are being offered. Inasmuch as there are a number of comments, we thought it would be appropriate to list them on a separate sheet relating specifically to the sections of the Bill directly involved.

Please understand that we do not intend to be the ultimate experts on all phases of this kind of legislation and so, perhaps some of our suggestions may not be completely appropriate from everybody's viewpoint. But, you invited us and we are taking the liberty of advising you to the best of our experience and ability.

Sincerely yours,
Harry Kamish,
Director, Public and Human Relations.

Association for Children With Retarded Mental Development, Inc.
New York, N.Y., May 31, 1972.

Comments and Suggestions on Senator Jacob K. Javits' "Bill of Rights for the Mentally Retarded"

INTRODUCTION UNDER SUBHEAD "A BILL"

Include in the first sentence, "to provide for the humane care . . ." *education and training.*

In same Introduction following "seek to minimize inappropriate admissions . . ." and to *maximize necessary admissions.*

At the end of same Section, following "integration and such facilities . . ." *which provide for a full spectrum of necessary services to the mentally retarded in facilities conducted and administered by public and voluntary agencies.*

PART B, PAGE 8, LINE 6

Specific provision should be made for the inclusion of parents of the mentally retarded in the membership of a planning and advisory council.

PAGE 11, LINE 19–20

Again, provision should be made for the specific inclusion of parents on the National Advisory Council.

PAGE 12, LINE 2

Parents should be definitely specified as the consumers of such services.

PAGE 12, LINE 5–14

The Council should be required to make on-the-spot surveys on examinations and facilities.

CHAPTER 1, PAGE 13

Line 6.—Sec. 1110 (a) to read "the ultimate aim of the *residential facility for the mentally retarded "hereinafter to be called the 'facility'* shall be to foster those behaviors that maximize the human qualities of the resident increase the *adaptability and development . . .*"

"(b)"—this section relating to the principle of normalization should be clarified beyond the professional terms used with specifics.

"SEC. 1111." We have been grappling for years with the development of names for such facilities which would eliminate "mentally retarded" in its title. Up to the present, the best we could come up with are euphemisms. We believe, any effort to avoid retardation as a descriptive term is an illusion.

CHAPTER 1, PAGE 13, LINE 20

Residents—additionally be referred to as clients and trainees.

CHAPTER 1, PAGE 14, LINE 13

"(c)"—The words normal activities should be changed to *activities suitable to their capabilities.*

LINE 16

"(e)"—There should be a more specific definition of the responsible agencies and population of the community.

PAGE 15, LINE 19

"(6)"—Sheltered employment in regular industry, among non-retarded workers, from our experience, is not realizable goal. Sheltered employment, as we know it, refers to work opportunities provided for the trainable mentally retarded person who, while not having the development necessary for competitive industry, can still function in a work training and work activities environment. Of course, in exceptional cases some persons in this category may be able to hold down jobs in gainful employment, but this is not generally the case. We find, for example, a growing accretion in our own workshops of those who can function and perform to the best of their ability in a sheltered setting but would find it difficult to perform in outside industry.

PAGE 18, LINE 12

"(3)"—Provision to be made specifically for trusteeships for residents described in this Section. New York State has developed good guidelines in this respect.

PAGE 25, LINE 14

"Sec. 1122."—Parents should be included specifically as participants.

PAGE 25, LINE 17

"(1)"—Parents and surrogates of residents should be specifically included on the policy making or governing Board.

PAGE 25, LINE 22

"(2)"—We recommend that all facilities have governing Boards.

PAGE 27, LINE 16

"(13)"—A mechanism for advocacy for all residents should be specifically spelled out.

PAGE 29, LINE 22

"(d)"—Why the emphasis on admission as temporary . . . especially, in view of the fact that severely and profoundly retarded clients require permanent placement.

PAGE 33, LINE 19

"(1)"—Recommend that autopsies be performed only with the permission of the next of kin or legal guardian.

PAGE 36, LINE 7

"(d)"—Recommend psychological assessment be a necessary part of all personnel applications, not only "where indicated" . . . full knowledge of all personnel is desirable.

PAGE 37, LINE 7

"Sec. 1132" (a)—Add after first word on Line 7 "employment . . . add the following words and *paid prevailing rates when providing such services.*

PAGE 37, LINE 15

"(4)"—Recommend this line read, "are adequately reimbursed."

PAGE 42, LINE 11

"(e)—The word non-retarded in the context of this Section is unrealistic. Anyone familiar with the rhythm of life of the mentally retarded must recognize the special needs of this population and the ways in which they can enjoy their lives to the utmost of their capabilities. To attempt to cast this in a form where it "shall resemble the cultural norm" for chronological-age peers who are non-retarded is reaching very far.

PAGE 45, LINE 8

"(n)"—It is recommended that requirement be included that reports be made regularly to facility heads on incidences of use of restraint.

PAGE 46, LINE 15

"(p)"—Recommend that this sub-section have an addition as follows, "all use of chemical restraint shall be approved by appropriate facility supervisors under the direct orders of a physician.

PAGE 51, LINE 21

"(d)"—Recommend after the first two, words, "effective procedures . . ." *consistent with State, municipal, and/or other local regulations.*

PAGE 53, LINE 1

"(2)"—Recommend facility staff discuss clothing needs and problems with parents or guardians wherever feasible.

PAGE 58, LINE 6

Recommend addition of a sub-section (f)—facility staff shall periodically discuss with parents or guardian of residents all living unit problems."

PAGE 100, LINE 23

"Sec. 1167."—Recommend that all members of the medical staff be qualified as medically competent to perform duties in the following sub-sections 1, 2, and 3.

While provision is made for the regularizing of staff-resident relationships, it is recommended that explicit provision be made for parent-guardian relationships with the facility's staff. There should be defined the avenues of approach to staff on various levels and also provision for periodic discussions of resident problems with those in the family who relate immediately to such residents.

ASSOCIATION FOR THE HELP OF RETARDED CHILDREN,
New York, N.Y., June 12, 1972.
Mr. JAY CUTLER,
Minority Counsel to the Senate Health Subcommittee, Washington, D.C.

DEAR MR. CUTLER: I have reviewed Senator Javits' "Bill of Rights for the Mentally Retarded," and I would like to assure you of my complete support of this fine legislation. Please advise me when it is introduced so that I can inform our members.

Sincerely,

I. JOSEPH HARRIS,
Executive Director.

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,
Washington, D.C., June 2, 1972.
Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: I am replying to your letter inviting comments on your proposed "bill of rights for the mentally retarded." The mentally retarded are a neglected minority which rarely receive the treatment which other citizens take for granted. It is essential that the rights of these too often forgotten Americans be protected.

Although the AFL–CIO may not be in full agreement with every provision of your bill, in general, the bill represents a major step forward toward the goal of fully protecting the rights of millions of handicapped citizens of whom the mentally retarded are the most vulnerable. Your bill will do much to stimulate informed public debate and action to guarantee the rights of these innocent victims of heredity, disease and accidents.

Sincerely,

KENNETH YOUNG,
Assistant Director,
Department of Legislation.

DIXON-STATE SCHOOL,
Dixon, Ill., May 18, 1972.
Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: Mr. T. K. Taylor of the Accreditation Council for Facilities for the Mentally Retarded, has generously shared with us a copy of your proposed Bill of Rights for the Mentally Retarded.

As a superintendent of a 2,700 bed facility serving the mentally retarded of all ages and all handicapping conditions, may I state that this is the most exciting, promising, encouraging and all-encompassing proposal that has ever been made. You are obviously well acquainted with the tremendous needs and problems that exist in the field of residential care for the mentally retarded. Your proposal will do much to "provide for the humane care, treatment, habilitation and protection of the mentally retarded in residential facilities."

I, my colleagues, and the parents of our residents can only hope and, indeed, pray that your proposed Bill be enacted and implemented in the very near future.

We are, indeed, most grateful.

Sincerely,

DAVID EDELSON,
Superintendent.

DEPARTMENT OF MENTAL HYGIENE,
Albany, N.Y., May 9, 1972.
Mr. JAY CUTLER,
Minority Counsel, Senate Health Subcommittee, Washington, D.C.

DEAR MR. CUTLER: Senator Javits asked me in his May 1 letter to comment on his revised "Bill of Rights for the Mentally Retarded" which he plans to introduce this month.

I understand that you have already had an opportunity to exchange ideas on this bill last Friday with Fred Grunberg, our Deputy Commissioner for Mental Retardation and Children's Services.

I certainly appreciate Senator Javits' efforts to provide Federal legislation to increase the quality of residential care for the retarded and to stimulate the development of community services which will integrate residential care. However, I am apprehensive about the impact of the Bill on the Developmental Disabilities Act.

Although the level of funding does not reflect the importance of the Developmental Disabilities Act, this legislation also stimulates the Statewide plans for comprehensive community services for the developmentally disabled, including the mentally retarded.

Both have similar purposes and both include the mentally retarded in their target group. I would anticipate not only duplication, but also conflict in having two Councils in each state, as well as the National level, both developing plans and policies for services for the retarded.

I am very much in accord with the intent of Senator Javits' "Bill of Rights for the Mentally Retarded", and with its excellent provisions for providing better services for our retarded citizens. However, I do feel that the effectiveness of both the Bill and the Developmental Disabilities Act would be increased if some mechanism were developed for integrating and coordinating the two.

Thank you for giving me the opportunity to comment on Senator Javits' much-needed Bill. Please call either me or Dr. Grunberg if we can be of further help.

Sincerely yours,

ALAN D. MILLER, M.D.,
Commissioner.

FEDERATION OF PARENTS ORGANIZATIONS FOR THE NEW YORK STATE
MENTAL INSTITUTIONS,
New York, N.Y., June 6, 1972.

Mr. JAY CUTLER,
Minority Counsel to the Senate Health Subcommittee, Washington, D.C.

DEAR JAY: Here are some comments on Senator Javits' bill.

On the whole, except for the minimal amount of money envisioned to help do the job, this bill is the best one I've ever seen. I hope I can be of some help in seeing that it becomes the law of the land.

Sincerely,

MAX SCHNEIER,
Chairman.

FEDERATION OF PARENTS ORGANIZATIONS OF THE NEW YORK STATE
MENTAL INSTITUTIONS,
New York, N.Y., June 5, 1972.

Senator JACOB JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: I have reviewed your bill in the U.S. Senate regarding the mentally retarded. I find your bill excellent and very far reaching. There are some points of confusion and perhaps a slight degree of disagreement. The areas follow:

Page 6, lines 19 and 22 . . . These sums are very low and would not cure the ills of the New York State Institutions.

Page 7, line 12 . . . Talks about "such sums as are necessary' but it is my opinion that "such sums" will not materialize unless explicitly appropriated.

Page 8, line 4 . . . One-third consumer representation would not be enough for effective counter control.

Page 8, lines 20 and 21 . . . Who will support the community services? State or the Federal Government?

Page 9, Line 5 . . . If the Federal Government pays 75%, that would be excellent! But previous sections of the bill indicate a much lower percentage ($30,000,000.)

Page 10, lines 15 and 19 . . . Sounds great! A real prod to action.

Page 12, line 3 . . . Why will the Federal Advisory body be mostly consumers, and the state body be mostly providers?

The standards which are described in the remainder of the bill are excellent. In order for New York State to meet these standards, it will have to "shuffle" the deck of their program and redeal it—It would mean a total change! My only concern is that this may not be enforced, especially if only $30,000,000 is appropriated.

I heartily endorse this bill and would like to testify on its behalf, if that is possible.

Thanks again for all of your efforts on behalf of the retarded. I hope that the same will be done for the mentally ill.

Sincerely yours,

MAX SCHNEIDER,
Chairman.

THE JOHN F. KENNEDY INSTITUTE FOR HABILITATION OF THE MENTALLY AND PHYSICALLY HANDICAPPED CHILD
Baltimore, Md., May 9, 1972.

Mr. JAY CUTLER,
Minority Counsel to the Senate Health Subcommittee, Washington, D.C.

DEAR MR. CUTLER: I recently received a letter from Senator Javits and a copy of the Bill which outlines the provision of humane care, treatment, habilitation, and the protection of the mentally retarded in residential facilities.

I was extremely impressed by the scope of this Bill. Such a comprehensive, obviously well-searched Bill for updating of our residential facilities is, of course, long overdue. I certainly should like to compliment you and the staff who were responsible for compending such an encompassing Bill.

I should like to make several comments about this Bill, after reading it several times and with some experience in the field. I should hope that my comments and criticisms are taken in a truly constructive sense.

In the preamble of the Bill, it is very clearly suggested that efforts should be made to "seek to minimize inappropriate admissions to residential facilities". It is my feeling that much of what is alluded to in this Bill would be geared to the educably retarded individual. As you are aware, most institutions in this country that deal with the retarded have many inappropriate admissions in which I would include the educably retarded. It is my feeling that small units for these individuals would be most functional for them if they were organized within the respective communities.

On Page 15 of the Bill, it is mentioned that residents should be integrated to the greatest possible extent with the general population. Attendance in classes or programs within regular schools, attending places of worship, using community resources for swimming and bowling, and so on, as well as shopping in stores and gainful employment are all things that I would think would be most apropos to the educably retarded. In addition, on Page 28, in the subchapter entitled number III, there are regulations as to admission and release. Once again, I was unable to find any wording that might dissuade the admission of the mildly retarded to an institution.

I have said all this because I feel that most institutions, many of which are good, spend most of their efforts, both from the service standpoint and professionally, to the habilitation of the mildly retarded. These are the people that need it the least. I think with a minimum of professional guidance and good residential facilities within the community these people can be habilitated with ease.

I, therefore, would concern myself more with the moderately and severely retarded. I think that all of the services and professional input that has been described in this Bill should be guided towards the diagnosis, management, and habilitation of these individuals.

The description of the goals of the professionals working with the retarded in this Bill is truly outstanding. My one concern is as follows: when so many different professionals are working with the retarded, oftentimes sight is lost of the goal, and various services that should have been applied are not. I should like to suggest to you an alternative. After a resident has been known to the staff for some time, perhaps one month, a total habilitation conference could be held. This might set forth the goals for that individual. At this time, perhaps one or two major managers could be named for that individual. For example, a cerebral palsied patient who is retarded might benefit from (1) education, (2) physical therapy, and (3) vocational training. If these services then have the responsibility or are the main manager for that resident, they may assume the responsibility of having under services for that resident whenever it seems appropriate, such as hearing and speech, religion, social services, and so on. It has been my experience that with many different disciplines concerned with a resident, oftentimes very little is accomplished unless there is a major manager or two.

I should also like to suggest that residential facilities for the retarded make every effort to share facilities. I feel best qualified to comment on the professional services aspects. I am convinced that a resident of a residential facility would get much better diagnostic service if he had a complicated problem, if this were to be done in a hospital setting, for example, which had great expertise in the metabolic and/or anatomic diagnosis of a particular problem. This would prevent the installation of costly equipment and so on in many institutions. The investigation period may last for only a few days at which time the individual would reassume his residency in the institution from whence he came. All information that was gained at the consultation unit could be made available to the institution. In this fashion, I truly believe that the costs for diagnosis could be kept down and probably the reliability of the tests would be greater.

On page 24, line 19, (H) number with convulsive disorders, grouped by level of seizure control. I think it would be more meaningful, particularly for research purposes, to have that sentence read "number with convulsive disorders, grouped by level of seizure control, and type of seizure".

On page 77, line 10, General anesthesia facilities for dental care shall be available I would disagree with this concept. I am concerned about major dental and medical surgical activities occurring in any institution that does not have a good operating room, cardiac massage unit, cardiac arrest unit, including anesthetist available. I think we are asking for trouble if general anesthesia is to be encouraged in facilities that do not have excellent medical backup. What would one do if there was a cardiac arrest? Would the appropriate drugs and personnel, including any surgeons, be on hand? Once again, I think that you should consider making arrangements for any major dental or medical and/or surgical services for your residents at well-equipped, established hospital and/or dental units.

In the nursing section, particularly page 110, line 17, which states "formulating the policies governing the research in the facility", I would suggest that nursing might take part in governing research policies, but certainly in consultation with others in the unit. It seems to me that the best research in any facility is done by those who have the most expertise, whether they are nurses, physicians, or psychologists.

On page 115, line 9, (C), I wonder whether the sentence should not begin with noting rather than nothing.

The section on Subchapter VIII—Pharmacy Services, beginning on page 112, is indeed very comprehensive. I should like to make a plea, however, in your regulations for including a sentence or two on the safety packaging of medications that are given to the families of the residents or residents themselves. (Poison Prevention Packaging Act of 1970) I think that younger residents of institutions may be readily exposed to various medications if left in drawers or on top of desks of older residents. Unless these are safety-packaged, I would be concerned about the possibility of accidental poisonings amongst residents who did not know the consequences of their actions.

Finally, let me say how happy I am to see such explicit and comprehensive regulations on the horizon. I should be happy to help in any way. Please feel free to call upon me at any time if I can offer you any further assistance.

Sincerely,
Robert H. A. Haslam, M.D.,
Director.

Joint Commission on
Accreditation of Hospitals,
Chicago, Ill., May 31, 1972.

Mr. Jay Cutler,
New Senate Office Building,
Washington, D.C.

Dear Mr. Cutler: I want to share with you my report to the Councilors concerning our discussion on Senator Javits' bill, which is item (3) in the enclosed memo.

It was very nice to have a chance to talk with you, and I hope that we will be able to keep in touch as this matter progresses.

Sincerely,
Ken Crosby,
Kenneth G. Crosby, Ed. D.
Program Director.

Memorandum No. 63

To: Councilors.
From: Kenneth G. Crosby, Ed. D., Program Director.
Subjects: (1) Memorandum of Agreement, (2) June 19–20 Council Meeting, (3) Javits' Bill.
Date: May 31, 1972.

(1) The Memorandum of Agreement approved by the Joint Conference Committee and by the Board of Commissioners has been sent to the chief executive officers of Council Member Organizations with the enclosed letter. A copy of the Memorandum and other materials was sent you earlier with the Minutes of the Joint Conference Committee Meeting.

(2) The preliminary agenda for the June 19–20 meeting is enclosed. The meeting will begin at 9:00 A.M. on Monday, June 19, and from the length of the agenda I would expect it to last all day on Tuesday. Councilors should plan accordingly. Reservations for arrival Sunday, June 18, have been made at the Sheraton-Chicago for all Councilors. If there is any change in your arrival plans, please let us know at once, so that we will not have to pay for unused rooms.

(3) A copy of Dr. Porterfield's letter to Mr. Jay Cutler of Senator Javits' staff was sent you earlier. During our interview with Mr. Cutler on May 26, Dr. Shotick and I attempted to make the following points:

1. The Accreditation Council wholeheartedly supports the Senator's objective of improving the services provided mentally retarded persons, which is also the Council's goal.

2. AC/FMR believes that there is great value in the voluntary accreditation approach to setting standards and assessing compliance with them, especially when this approach is supported by government.

3. In order to be an effective means of improving services, standards have to be continually reviewed and revised in the light of increased knowledge, changing practice, and experience with their application and implementation. The Council's standards are expected to need revision soon, and they should not, therefore, be written into law. Whatever body sets standards must have the flexibility to change them.

4. As a voluntary agency that includes both provider and consumer representation, the Accreditations Council has the requisite flexibility to change both standards and organizational participation in standard-setting, in response to changing needs. The Council will consider next month the membership application of five additional organizations. The Accreditation Council's purview, moreover, is not limited to public residential facilities, but includes private facilities and non-residential community programs, and this broader perspective enhances the Council's capability to develop effective standards for public residential facilities.

5. The Accreditation Council recognizes the need for governmental overseeing of programs expending governmental funds. Rather than creating, in a National Advisory Council on Standards for Residential Facilities for the Mentally Retarded, yet another government agency, especially one that replaces an already-functioning voluntary body, however, consideration should be given to assigning this overseeing role to an existing group, such as the National Advisory Council on Services and Facilities for the Developmentally Disabled.

6. As important as standard-setting in improving services is the assessment of compliance with Standards. For effective results, this should not be left to the diverse means that might be employed by the fifty states. Since assessment of compliance necessarily involves interpretation and judgment in respect to the standards that have been set, and since feedback from assessment of compliance is essential for the continued improvement of standards, the dual, complementary functions of standard-setting and compliance-assessment should not be separated. Such separation would weaken the capacity to perform each function effectively.

7. The laudable intent of Senator Javits' bill can be achieved more effectively by encouraging facilities to comply with standards set and assessed by an independent, voluntary, national organization composed of both providers and consumers, which is what AC/FMR is. Certifiability of a facility for participation in the financial provisions of the bill should be presumed to exist if the facility is accredited by AC/FMR.

Joint Commission on
Accreditation of Hospitals,
Chicago, Ill., May 18, 1972.

Senator Jacob K. Javits,
U.S. Senate, New Senate Office Building,
Washington, D.C.
Attention: Mr. Jay Cutler

Dear Senator Javits: Since receipt on May 3 of a copy of your proposed Bill of Rights for the Mentally Retarded, the draft has been examined with meticulous care, particularly by the staff of the Accreditation Council for Facilities for the Mentally Retarded. I report now on the conclusions drawn from this review for your consideration.

Your strong and sincere interest in the welfare of the mentally retarded is well demonstrated by your conception of this legislative proposal. All of us on the staff, as well as the members of the Accreditation Council for Facilities for the Mentally Retarded and the Board of Commissioners of the Joint Commission, support your objective wholeheartedly. The following comments are directed only at a consideration of the means by which this objective may be met.

There is, of course, a basic difference in approach. It is the position of the Joint Commission and of this Accreditation Council that there is great inherent value in the voluntary approach. When this is recognized and supported by government, the highest potential is created. For government to replace voluntary effort is no particular gain. We are attempting to instill the capability and the will for self-reliance in the mentally retarded. We should do no less for all of our citizens.

(1) The proposed National Advisory Council to the Secretary (Sec. 1108) essentially replaces the Accreditation Council for Facilities for the Mentally Retarded. This voluntary body was created in 1969 after three years of organizing negotiation, feasibility trials, and developmental effort. That it has been worth the effort is evidenced by the cooperative total commitment of five national organizations representing both professional and consumer interests to produce residential standards and, in the very near future, standards for community programs. Each of the signatory organizations contributes support, as does the Joint Commission and as will the institutions and programs to receive services. Government has provided substantial support in the form of grants. The gains and losses resulting in conversion to a federal operation must be carefully assessed. Without attempting to offer this assessment at this moment, it is our view that the losses would be greater. To mention only one point, the organizations participating in standard-setting would be relatively fixed by statute. The organizations which should participate may change from time to time—several others have presently applied for membership on the Accreditation Council—and the flexibility of an indedepent, national, voluntary body is requisite to making appropriate changes.

(2) Sections 1110 through 1197 identify, with a few minor variations, the present standards of the Accreditation Council. If standards are to be effective in improving services to the retarded, they must not be static, as they tend to be in statute, but must change in response to increased knowledge, improved practice, and experience with their application and implementation. These present standards of the Council are now being field-tested. Some standards have already been found to be unclear and in need of revision. Further experience can be expected to identify more needed changes. Again the flexibility of a voluntary body is requisite to effective results.

(3) The draft bill is silent on any program to evaluate institutional conformance to the standards. A chore, as critical as the derivation of the standards themselves, is the creation of a perceptive evaluation tool which can measure conformance, test the validity of the standards themselves, and offer a consultative mechanism for improvements in institutional performance. A proper accreditation program does more than categorize from time to time. It also offers a motivational force for change. Presumably the Secretary would find it necessary to utilize the services of state agencies for this phase. We submit that the Accreditation Council is closer by years

to the effective implementation of this activity on an equitable national basis.

(4) Sections 1101 through 1107 do provide the kind of incentive and support which can facilitate early improvement in the condition of the mentally retarded. Were it geared to the program of the Accreditation Council for Facilities for the Mentally Retarded (or any comparable organization determined by the Secretary), it would be directed more effectively toward its objective. However, rather than a total delegation as was provided in the Medicare Act, certifiability of a facility for federal support should be *presumed* (rather than *deemed*, as in the Medicare Act) to exist if the facility is accredited by the Joint Commission on Accreditation of Hospitals through its Accreditation Council for Facilities for the Mentally Retarded. This would permit a reexamination or a resurvey or both at the instigation of the Secretary where substantial challenge has been made and, when indicated, a withdrawal of certification. This leaves the work in voluntary hands, the final decision for federal aid in federal hands. By this device, the constitutionality of the legislation is better assured.

(5) There does not appear to be a Section 1109.

The staff, the Accreditation Council, the Board of Commissioners, and all of the participating national organizations stand ready to be of help to you in any further consideration of this legislation. Again may we compliment you on your empathy with this too often forgotten segment of our population. We are very grateful for this opportunity to comment on your plans.

Sincerely,
JOHN D. PORTERFIELD, M.D., *Director*.

THE JOSEPH P. KENNEDY, JR. FOUNDATION,
Washington, D.C., May 25, 1972.

Senator JACOB JAVITS,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR JAVITS: I have read your bill on the Bill of Rights for the Mentally Retarded and am very impressed. Congratulations for working so quickly and with such expertise in such a sad and difficult area.

I have attached a memo prepared by me and Dr. Cooke, our Scientific Advisor to the Kennedy Foundation. Let me know if we can help further.

Sincerely,
EUNICE KENNEDY SHRIVER.

MEMORANDUM TO SENATOR JAVITS

The purpose is excellent and the proposals are certainly very worthwhile. Title XI, which is supported residential facilities, includes the development of some state strategies, including review of existing plans and the like. In addition, a relatively small amount of money, $300,000 per institution, is authorized to study the administration and financing of such programs.

There seems to be a priority for the institutions which are the worst, and this would seem on the surface to be very reasonable, but unfortunately, it could lead to some horrendous places simply being patched up rather than completely abandoned. The National Advisory Council on Standards for the Mentally Retarded is obviously a good idea if it has some authority; otherwise, it will simply be another group that writes out the standards which no one is able to follow because they don't have any money.

We have very serious concerns about this bill of rights since it provides some money for residential services, but absolutely none for the enormous job of providing services for individuals who do not get into institutions. The best way to improve state institutions is to reduce the case load. The best way to do that is to provide much more money for noninstitutional activities so that patients in the institutions may be discharged and new patients will not be admitted because there will be community activities for them.

The section on integration of the patients with the community is very worthwhile and there are six points which are emphasized that the community should be used rather than the institution. The only trouble is that a good deal of money is required for these community activities and I do not see that at all in the authorization.

In Section 1160 on page 69 is listed the need for programs and services which provide for comprehensive diagnosis and evaluation, design and implementation of an individualized rehabilitation program, regular review, freedom of movement and an array of services that allows each resident to develop to his maximum potential. All of these are very worthwhile but it is fair to say that many institutions cannot mount and will never be able to mount adequate comprehensive diagnosis and evaluation because there is a shortage of physicians and particularly a shortage of people who want to be pinned down to a remote institution. Every effort should be made to have such services provided by excellent groups in the community, particularly university-affiliated facilities. A mention should be made in this legislation that these resources exist and should be used on a regional basis as much as possible for the kind of consultation and diagnostic evaluation that is spoken to in other parts of the legislation.

Again, much of the material in regard to nursing services, library services and the like speak to the large institution and after reading this legislation,. one would get the feeling that the biggest place can provide the best program. We believe that this has not been shown to be the case and in the legislative history of this bill, it must be stressed that the great bulk of the services should be directly provided within the institution and worked out with the community and not that every effort be made to bring the residents into the institution on a full time basis.

Section XI on Recreation Services is excellent. The distinction between Recreation and Physical Education Services and Rehabilitation Services is important as illustrated in your bill. Both the personnel and the goals are quite different and should be so recognized.

ROBERT F. COOKE, M.D.,
EUNICE KENNEDY SHRIVER.

NATIONAL ASSOCIATION FOR RETARDED CHILDREN,
Arlington, Tex., May 15, 1972.

Mr. JAY CUTLER,
Minority Counsel to the Senate Health Subcommittee, New Senate Office Building, Washington, D.C.

DEAR MR. CUTLER: I am responding to Senator Javits letter to me of May 1 requesting a review of the proposed "Bill of Rights for the Mentally Retarded." I have had an opportunity to study this Bill with much interest, and I hope that the following comments may be of interest to you.

My first reaction is one of admiration for Senator Javits obvious concern for the welfare of retarded persons living in state institutions. The proposed Bill addresses itself to one of the really critical issues facing states in serving the needs of the mentally retarded today. I am in complete agreement with the philosophy expressed in this proposed legislation.

Although I am in general agreement with the standards included in Part C, I have some serious question that these standards should be incorporated in law. Those of us who developed the accreditation standards for residential facilities for the mentally retarded strongly felt the standards should remain flexible and should continually reflect changing knowledge and philosophy regarding services for the mentally retarded. The following quotation from the Standards Manual makes this position explicit: "The *Standards for Residential Facilities for the Mentally Retarded* are to be subject to continuous review and revision, in order to maintain currency with the best thinking and with changing knowledge and practice in the field, and in order to keep them clear, comprehensive, and challenging." The spirit of the Bill could be better served, I feel, by insisting compliance with the Accreditation Council for Facilities for the Mentally Retarded, rather than by stipulating specific standards. A second alternative might be to include the Standards, as outlined in Part C, in regulations rather than in the Bill itself.

Turning now to specific aspects of the Bill, I feel there is some danger that the emphasis on "optimum safety" of living quarters mentioned in lines 13 and 14 on page 3, may permit the establishment of, or justification for, a highly controlled, sterile, and developmentally inappropriate environment. Historically, we have seen concern for safety used as a rationalization for neglecting the developmental needs of individual residents. Perhaps the statement could include the intent that safety considerations should not be overly restrictive and should take into account the need for freedom to explore and the freedom to sustain the normal minor injuries associated with child development.

I fear that the statement made at the bottom of page 3 that "residential facilities should be small, home-like units. . . ." may be overly limiting, in that the statement might be interpreted to prevent innovative environmental modifications designed to facilitate the training of retarded persons. It might be possible to incorporate the language on page 61 of the Bill which states "the interior design of living units shall simulate the functional arrangements of a home to encourage a personalized atmosphere for small groups of residents, *unless it has been demonstrated that another arrangement is more effective in maximizing the human qualities of the specific residents being served.*" (Underlining mine.)

In reviewing the proposed composition of the "National Advisory Council on Standards for Residential Facilities for the Mentally Retarded," I note that the members of the Council are selected from those agencies currently represented in the Accreditation Council for Facilities for the Mentally Retarded. Since this Council has been considering the possible inclusion of additional organizations, I wonder whether it might not be more appropriate to indicate that members shall be selected from the agencies represented on the Accreditation Council for Facilities for the Mentally Retarded, rather than limit membership to the specific agencies currently comprising the Accreditation Council.

I hope these comments are helpful. If I can be of any additional assistance, I hope you will not hesitate to contact me again.

With all best wishes.

Sincerely,
PHILIP ROOS, Ph. D.
Executive Director.

NATIONAL ASSOCIATION OF SUPERINTENDENT OF PUBLIC RESIDENTIAL FACILITIES,
Lansing, Mich., May 9, 1972.

Hon. JACOB K. JAVITS,
U.S. Senate Committee on Labor and Public Welfare, Washington, D.C.

DEAR SENATOR JAVITS: I reviewed the "Bill of Rights for the Mentally Retarded" and have contacted Jay Cutler of your staff.

As Chairman of the National Association of Superintendents of Public Residential Facilities, I would like to take this opportunity to say our entire organization wishes you success in your endeavor to alleviate the highly unsatisfactory conditions that exist in so many of America's institutions for the retarded. We look to you as a champion, not only of the rights of the retarded but others who have made the field of Mental Retardation a career.

Sincerely yours,

David Rosen,
Chairman.

New York State Association for
Retarded Children, Inc.,
New York, N.Y., May 31, 1972.
Mr. Jay Cutler,
Committee on Labor and Public Welfare, New Senate Office Building, Washington, D.C.

Dear Jay: I have examined very carefully the proposed bill by Senator Javits to provide for human rights of mentally retarded especially in the institutions.

I think the concept of the bill is superb as, indeed, are most of its terms. May I make some special comments on the bill itself.

Page 21 of the first version. Under subchapter III, section 1124 the statement is made "No individual whose needs cannot be met by facilities shall be admitted to it." I do not, however, see any alternatives to this in the bill itself. I think there must be some provision for this, other than the confusing and almost inoperable developmental disabilities services act (91–517).

Page 22. Section 1126(a) The statement is made "The residential facilities shall admit only residents who have had comprehensive evaluation . . ." There is no provision for who will give this evaluation.

Page 26. Section 1129(d) The statement is made *"except in an emergency* (italics mine) transfer shall be made with prior consent and order of resident or his guardian." I think the term *except in emergency* should be eliminated.

No transfers should be made without prior knowledge and not "ordinarily the consent", but absolute consent and this should be an informed consent.

Page 27. Section 1130, subsection (a): "In event of any unusual occurrences including serious illness and accidents, impending death, etc., resident's next of kin, etc., shall be notified, etc." I think this should state "Should be notified within 24 hours".

Page 31. Section 1132: "(a) Residents shall not be involved in the care, training or supervision unless they (4) are reimbursed". This should state "are reimbursed in accordance with minimal federal wage laws".

Page 37. Section 1140, Subsection "(h) Residents shall be permitted personal possessions".—should read—Shall be permitted and encouraged to have personal possessions.

These may seem minor changes, but my experience with "Developmental Disabilities" makes me very wary to imprecise language.

Now, one other matter, Jay. We in the field of mental retardation think the Developmental Disabilities Services Act an abortion. It is imprecise in language and, while opening the door to unrelated handicaps, shuts it on the mentally retarded.

The whole concept of throwing all handicaps together is, perhaps, well intentioned, but misguided. Our whole experience for over 100 years is that where the mentally retarded are in a mix with other handicaps for services, the mentally retarded end up with the short end of the stick.

The N.Y. State Association for Retarded Children calls on our senior senator to undertake a revision of this law in 1973 and go back to serving the retarded. The physically handicapped, without mental retardation have numerous laws for their protection and service. The retarded have this only.

I am ready to meet with you to help draft new legislation. We feel it is a must.

Sincerely,

Joseph T. Weingold,
Executive Director.

United Cerebral Palsy
Association, Inc.,
New York, N.Y., May 16, 1972.
Hon. Jacob K. Javits,
U.S. Senate,
Washington, D.C.

Dear Senator Javits: The "Bill of Rights for the Mentally Retarded," which you sent me, would be a lasting landmark in the restoration of full citizenship for the mentally retarded of our country. The emphasis placed on efforts to locate facilities that prepare a person to achieve normalization within the content of their family and community is excellent. A special dislike of mine is covered by the improved terminology for facilities and residents (Section 1111) and location of facilities, etc. (Sections 1112, 1113 and 1114). I resist regularly the tendency to call Palsy a "disease" or an "affliction," and those attending centers as "patients," etc.

No effort shall be made to comment on those subchapters about medical or related professional standards and requirements. I lack the qualifications to do so. It is noted that the major part of the standards follow those adopted by the Accreditation Council for the Facilities for the Mentally Retarded, which was chaired by Dr. Elsie Helsel who heads our Washington office. The method for transforming their exceptionally fine report into an Act of Congress does raise a few questions.

Although the data requirements of Section 1121(7) are not limitations, I suggest the desirability of including a category for those with multiple handicaps, or to require appropriate cross-references for the identity of this group. The specialized needs of the multiple handicapped is recognized in Sections 1140(e), 1150(i) and 1157(e). In this connection, would not "or multiple handicapped" in place of "and so forth" more clearly set forth the intent of Section 1155(b) at line 12?

While in accord with the concept and objective of Section 1132, I have concern about the practical results. The desirable requirement of 1132(b)(2) could become a deterrent to moving a resident out of "training situations." The attitude, I fear, would be why not hire a non-resident if the wage of a resident must be "at the legally required wage level." The need would appear to be for a pay incentive system that would enable a resident to progress from "training situations" to a position or performance level that would result in a full wage level. Whether Section 1132(b) (1) and (2) will accomplish the desired goal seems doubtful to me.

A major thrust of the Bill for residential-type and community related facilities appears to be defeated by application of this Act to existing facilities. As much as the need exists for changes and improvements in existing "institutional prisons," they would have to be moved and rebuilt entirely to begin to meet the full concept expressed in the Bill. In this regard the Bill appears to undertake two inconsistent objectives. In so doing the basic philosophy and essential goals will have to be excepted away with each grant in one way or another because nearly all existing facilities were constructed to provide diametrically different objectives. How any amount of grants can make it possible to provide "a personally satisfying life within the residential environment" (Section 1101(b)(4) in most existing structures consistent with the Bill's standards and objectives escapes me.

My own State (Mississippi) is a glaring example of what is still occurring. The legislature funded last month the construction of a $5,000,000, 500-bed multi-story "mastaba to madness." This "monster-structure" will be located at Oxford, Mississippi, and (according to the State official under whose jurisdiction it would have operated) will be obsolete and overflowing before the foundation is laid.

My thoughts concerning this aspect of the Bill are to involved to detail here. For this reason that I have talked with Mr. Jay Cutler and have arranged to come to Washington on May 23, 1971, to explore other means of accomplishing the desired results while avoiding the obvious weakness of the present duality.

Sincerely,

George J. Schweizer, Jr.,
President.

United Cerebral Palsy,
Associations, Inc.
New York, N.Y., May 24, 1972.
Mr. Jay Cutler,
Counsel, Minority Staff, Committee on Labor and Public Welfare, New Senate Office Building, Washington, D. C.

Dear Jay: It was sheer job meeting you at long last. I guess the world is filled with beautiful people whose paths never cross. Fortunately ours did.

As Mr. George Schweizer, President of UCPA and I indicated in our meeting with you on May 23rd, we applauded what Senator Javits is attempting to do for the retarded and other developmentally disabled who must reside in our public institutions.

Although we are sympathetic to the problems of the states in operating such systems—old buildings, inadequate budgets, and insufficient staff, we agree with the Senator that we can no longer tolerate the conditions such systems impose. We can no longer accept rational reasons for why we cannot provide decent places to live and appropriate programs for our severely handicapped citizens.

Appropriate services for this group must be available not as a charitable gift—but as a constitutional right. Miracles must happen. Conditions must change!

Fortunately several forces are impacting on the problem of improvement of care in institutions. Each in its own way will be helpful:

Accreditation of residential facilities by the Accreditation Council for Facilities for the Mentally Retarded, a consortium of voluntary agencies with priority concerns for quality care. The actual accreditation of facilities for the mentally retarded is just starting. Development of standards and survey procedures is a complicated process. We are now open for business and we have high hopes;

Litigation in the courts in Alabama, New York, Georgia, South Carolina, Missouri and Massachusetts;

Developmental Disabilities Act Planning and Advisory Councils which with consumer involvement are drafting and implementing total state plans for the developmentally disabled including alternatives to institutional care;

The mood of the professional and lay community which will no longer tolerate warehousing conditions for human beings.

Our concerns with the Senator's proposed bill, which we were pleased to be asked to comment on, are primarily:

(1) Standards Problems—by creating a new National Advisory Committee, the bill would in essence create two groups of standard setters—the members of the Accreditation Council and the National Advisory Council. We also have a concern with getting locked into standards which are minimal and which we are trying to strengthen as quickly as it is pragmatically possible.

(2) Survey Problem—as the bill is presently written with states having the responsibility for surveying institutions in order to determine compliance, there is an unacceptable conflict of interest. States operate the institutional systems. States should not be

judging whether or not they are doing a good job in operating the institutional system.

(3) Accreditation Process—those of us who have been working for six years to develop standards and procedures for accreditating institutions for the mentally retarded feel that as the bill is presently written it would weaken or liquidate the accreditation process.

It is my understanding that we have come to an accommodation on these concerns in the following manner.

(1) By changing the language on Page 11, Section 1108 to establish a National Advisory Council which will consist of representatives of agencies as represented on the Accreditation Council. (These are presently AAMD, APA, CEC, NARC, and UCPA). However, the Accreditation Council is considering enlarging this group. The Secretary would have responsibility for naming the agencies whose representatives are to serve on the National Advisory Council. The individual agencies would have responsibility for naming the specific councilors. In this way the same group of individuals would be serving as the National Advisory Council that are presently serving as Councilors on the Accreditation Council. Unless these two groups of individuals are identical, we could see mass confusion in the proliferation of standards which might not be compatible.

As I explained to you the Accreditation Council has made provision for the continuous revising and strengthening of standards. This process needs to have flexibility and not be locked into law. The bill language should therefore indicate that the standards in the bill are minimal and states will be expected to comply with additional standards approved by the Accreditation Council for Facilities for the Mentally Retarded.

(2) On Page 5, Section 1101 by adding language that says states in conjunction with the Accreditation Council will survey institutions for compliance. You might want to consider assigning this survey process entirely to the survey teams from the Accreditation Council. Surveyors would be performing two functions. They would be looking for the states for situations which should be improved in order to bring the services into compliance. Wearing another hat they would be deciding whether an institution was presently complying with enough of the standards in order to get the Seal of Accreditation.

One problem which we did not have an opportunity to discuss at our meeting was the problem posed by Page 8, line 1, State Advisory Councils. These Councils would seem to duplicate the efforts of the present Developmentally Disabilities Planning and Advisory Councils which are already functioning and which have one-third consumers.

Granted that such Councils are having "growing pains", from my own experience in the State of Ohio where I serve as Chairman of such a Council, I can assure you that we are moving very rapidly into the development of community alternatives for institutional care. We are putting in place a Protective Service-Case Management System which will be an entry point for all candidates for residential care, institutional or community. We also have built into that system a resource which we feel is absolutely essential if we are going to move in the direction of community based residential facilities, namely a protective services system.

I have enclosed a copy of the Ohio Law and a copy of a speech given in Minnesota describing the System. I have also enclosed a copy of my letter to Congressman Ryan commenting on a bill which he plans to introduce. The Mentally Disabled Protection Act.

On behalf of United Cerebral Palsy I should like to thank you again for being so generous with your time in meeting with Mr. Schweizer and myself. If we can be of help in any further way, please call.

Sincerely,

ELSIE D. HELSEL, Ph. D.,
Washington Representative.

UNITED CEREBRAL
PALSY ASSOCIATIONS, INC.,
New York, N.Y., January 12, 1973.

Mr. JAY CUTLER,
Counsel, Minority Staff, Committee on Labor and Public Welfare, Washington, D.C.

DEAR JAY: Attached are some suggested changes for S. 3759 "Bill of Rights for the Mentally Retarded."

First off of course I would be a lot happier if you would say this was a "Bill of Rights for the Mentally Retarded and Other Developmentally Disabled."

The enclosed changes do the following things:

(1) Make some minor additions and changes in the language.

(2) Utilize the State DDA Planning and Advisory Council as the "State Planning and Advisory Council" so that efforts are coordinated and not duplicated.

(3) Utilize the Accreditation Council for Facilities for the Mentally Retarded in much the same way that JCAH is used in the Medicare program so that there is not duplication of effort in the promulgation of standards and the determination of compliance.

Following our meeting on January 11th I called Dr. Kenneth Crosby who drafted the language concerned with standards and determination of compliance. He will be forwarding to you a letter including the same language so that you have an official communication from the Accreditation Council.

If you have any questions or if we can help in any further way please call. My home phone in Athens, Ohio is (614) 593–8775. My Washington office number is 638–6169.

Warmest personal wishes,

ELSIE D. HELSEL, Ph. D.,
Washington Representative.

CHANGES FOR S. 3759

Section 1101. (a), Line 15–16—Delete (Page 5): "which shall be done in cooperation with the National Advisory Council on Standards for Residential Facilities for the Mentally Retarded established under section 1109 of this Act,"

Section 1101. (a), Insert after line 26. (Page 5): "Surveys to determine the compliance of facilities with the standards established under part C of this title shall be conducted by the national accrediting body for such facilities, the Accreditation Council for Facilities for the Mentally Retarded of the Joint Commission on Accreditation of Hospitals."

Section 1103, "State Plans", Suggested Change (Page 7): "(a) Any State desiring to receive a grant under this title submit a plan to the Secretary:

"(1) setting forth as one of its priority goals the improvement of residential services;

"(2) setting forth a strategy and a schedule for compliance with standards under part C;

"(3) having in operation a properly constituted developmental disabilities planning and advisory council with duties and responsibility as set forth in section 134 of the Developmental Disabilities Act;

"(4) assuring reasonable state financial participation . . . ;

"(5) setting forth a schedule of costs . . . ;

"(6) designating how placement . . . ;

Section 1103 (2), Suggested Change To Read (Page 8): "designating the State developmental disabilities planning and advisory council as the planning and advisory body.

Section 1106. Add after point (c) (Page 11): "(d) A facility shall be deemed to meet the standards promulgated under part C of this title if it is accredited by the national accrediting body for such facilities, the Accreditation Council for Facilities for the Mentally Retarded of the Joint Commission on Accreditation of Hospitals, provided that the Secretary may cause an independent survey of compliance with the standards to be made in any facilities surveyed by the Accreditation Council whenever he finds such an independent survey to be necessary to validate the findings of the Accreditation Council survey.

Re: Section 1108.—"Alternative Programs of Care (Page 11):

As you know the Accreditation Council is also developing standards for community programs. If these community programs are residential programs they should meet the same standards as are established in your bill under part C. Otherwise as we create alternatives to institutional care in the community they may be no better, or even worse, then our present institutions. The recent experience in Pennsylvania confirms this fear. You should know that the present standards were drafted in such a way that they would be appropriate for any residential facility of any size. A group of operators of small group homes in California reviewed the standards in order to give the Council assurance that the standards would be applicable to small facilities.

Suggested Change for Section 1108.—"Alternative Programs of Care:

"Community resources and community living situations for the mentally retarded receiving grants under this section shall comply with the applicable standards established by the national accrediting body for such programs, the Accreditation Council for Facilities for the Mentally Retarded of the Joint Commission on Accreditation of Hospitals. A program shall be deemed to be in compliance with such standards if it is accredited by the Accreditation Council for Facilities for the Mentally Retarded of the Joint Commission on Accreditation of Hospitals, provided that the Secretary may cause an independent survey of compliance to be made of any programs surveyed by the Accreditation Council whenever he finds such an independent survey to be necessary to validate the findings of the Accreditation Council survey.

Section 1109. (Page 12), Delete "National Advisory Council on Standards for Residential Facilities for the Mentally Retarded"

Replace with "Revision of Standards and the following material:

"(a) The Secretary shall seek and receive the advice of the national accrediting body for facilities and programs for the mentally retarded, the Accreditation Council for Facilities for the Mentally Retarded of the Joint Commission on Accreditation of Hospitals, in respect to (1) recommendation for any changes, revisions, modifications, or impovements in the standards established under part C of this title, (2) any regulations promulgated or proposed to be promulgated by him in the implementation of the standards established under part C of this title, provided that nothing herein shall limit the authority of the Secretary to seek and receive advice and respect to the above matters from any source he deems appropriate.

SUGGESTED CHANGES FOR S. 3759

Version submitted June 28, 1972.

Re: Page 3, Line 5: We have learned in Ohio that having legal guardians is just not enough protection for incompetent individuals whether they reside in State institutions or in the community. We have therefore set up a statewide Protective Advocacy System under law.

Suggested Change for Line 5: (5) a protective advocacy service including but not limited to guardianship should be available for both adults who are incompetent because of the severity of their mental retardation and minors who are deprived of parental guardianship, prior to their admission to a residential facility and, also, for each of who are in residential facilities at the date of the enactment of this Act;

Section 1101. (a), Line 4, Suggested Change (Page 5): "In order to assist the States in bringing existing residential facilities into compliance with standards under part C of this Act, the Secretary shall make grants to the several states who have an approved developmental disabilities plan meeting the following criteria:

(1) setting forth as one of its priority goals the improvement of residential services;

(2) setting forth a strategy and a schedule for working toward compliance with the standards in part C;

(3) setting forth strategies which minimize inappropriate placement particularly through the provision of alternative programs of care;

(4) setting forth strategies for the coordination and integration of existing residential facilities with existing and future regional and community mental retardation programs and services;

(5) providing for the study of administive relationships, including the identification of legal, economic, social, and other barriers to compliance with standards established under part C of this Act;

(6) providing for the financing of programs and services from both public and private sources among Federal, State and local governments in the field of mental retardation with recommendation for improvement, the Secretary may make grants to such applicants and upon such terms and conditions as he shall by regulations prescribe.

National Rehabilitation
Training Institute, Inc.,
August 29, 1972.

Hon. Jacob K. Javits,
U.S. Senate, Committee on Labor and Public Welfare, Washington, D.C.

Dear Senator Javits: Thank you for your letter of July 26, 1972, accompanying your "Bill of Rights for the Mentally Retarded" (S. 3759).

Upon review of the Bill, I was most impressed by its comprehensiveness, and by its unmistakable manifestation of concern for the plight of the mentally retarded. The Bill clearly represents a carefully developed legislative document, and I am pleased to know that it has the bi-partisan support of twenty-five senators.

I shall be most happy to encourage its support by the membership of the National Rehabilitation Training Institute, and have already communicated my support for the legislation to Senator Bayh and Congressman Jacobs.

With best wishes,
Sincerely,

——— ———.

New York State Association
for Retarded Children, Inc.,
Gloversville, N.Y., December 28, 1972.

Senator Jacob K. Javits,
U.S. Senate,
Washington, D.C.

Dear Senator Javits: Thank you for sending us a copy of your Bill, "Bill of Rights for the Mentally Retarded." This is certainly an important step in correcting the intolerable conditions that exist in institutions for the mentally retarded.

Unfortunately, large institutions for the retarded are, at this time, a necessary evil. However, I am firmly convinced that many current residents of institutions could be better served in community settings.

Borderline institutionalized retardates who are capable of assuming sophisticated responsibilities (cooking, marketing, banking, etc.) which are necessary to function in society can be trained in halfway houses and rehabilitation centers. Moderately retarded can be served in Hostels and selected profoundly retardates in community based nursing homes (capacity 15–16).

The positive results that can be achieved when retarded persons of all levels reside in enlightened communities are outstanding. I have witnessed a high school student teach an autistic retarded young woman how to speak, a college student spend hours socializing with and teaching certain basic skills to a profoundly retarded woman and the drastic positive change that occurs in persons who have been institutionalized for many years and are now living in a community. I have found that when the community is exposed to persons who are retarded in a positive way obtaining community support such as described above is surprisingly easy.

Because of the above I was most interested in those parts of the Bill which discussed community alternatives to institutions. I am hopeful that the three sections where community programs are mentioned (Page 8, "The Library of Congress, Congressional Research Service. Bill of Rights for the Mentally Retarded—Section-by-Section Analysis") could be developed further.

Your Bill provides a major solution to the immediate needs of institutions. However, since institutions are not the final answer, your Bill can be looked on as a temporary Bill of Rights for the Mentally Retarded until such time as it is feasible to institute a national program whose goal is to return to the community all unnecessary institutionalized persons who are retarded. At that time, we can institute the real solution by providing legislation for community based programs for the retarded.

Please keep me informed as to the progress of your Bill of Rights as I think it is excellent in concept and if passed will benefit the mentally retarded a great deal.

Very truly yours,
Paul Nigra, *Executive Director.*

Joint Commission, Accreditation
Council for Facilities for the
Mentally Retarded,
Chicago, Ill., January 12, 1973.

Mr. Jay Cutler,
Minority Counsel, Senate Health Subcommittee, Washington, D.C.

Re: Senator Javits' "Bill of Rights for Mentally Retarded"

Dear Mr. Cutler: As you know, this Accreditation Council wholeheartedly supports Senator Javits' objective of improving the services provided mentally retarded persons; the improvement of services to the retarded is, indeed, this Council's whole reason for being. The Council is pleased, therefore, that the "Bill of Rights for the Mentally Retarded" is to be reintroduced in the current session of the Congress. Anticipating this possibility, the Council discussed, at its last meeting, how its own activities could further most effectively achievement of the bill's intent.

The Council continues to believe that, while the right of mentally retarded citizens to adequate treatment and habilitation should be expressly stated in statute, detailed standards (such as the Council's) for the operation of habilitation programs and facilities should not be incorporated into law. You are aware of the reasons for the Council's conclusion, and it, in turn, understands the reasons for your position that it is desirable to put the Council's current standards into law. You should know, however, that last November the Council adopted several additions to and changes in its standards for residential facilities. The need for these additions and changes had been revealed during surveys of facilities to determine their compliance with the standards, and this points up again the fact that standard setting and compliance assessment are inseparable aspects of a single process.

If standards are to remain effective instruments for the improvement of services, they must be continuously subject to review and revision on the basis of survey experience. Similarly, assessment of compliance with standards necessarily involves interpretation and judgment based upon an intimate knowledge of how the standards have been developed and of their fundamental intent, plus ready access to the means of effecting modifications when these are necessary for the achievement of that intent. To be specific, surveys of several facilities indicated that a number of the Council's standards were not understood by the facilities in the way that was necessary to achieve their intent. This information was immediately fed back to the Council, and the standards were modified forthwith so as to express their intent more clearly. Again, surveys revealed lacunae in the standards, in that the surveyors observed practices that they knew to be inconsistent with the Council's conception of an adequate program, but that were not explicitly mentioned in the standards. This intelligence, too, was presented to the Council, and the gaps in the standards were immediately filled. The conclusion is clear: the dual, complimentary functions of standard setting and compliance assessment cannot be separated without weakening the capacity to perform each function effectively.

Just as the Bill (and the Council) holds the promulgation of nation-wide standards to be necessary for the effective improvement of services, so is a uniform method of compliance assessment essential for optimal results. Even if state-conducted surveys of state-operated facilities did not represent a fundamental conflict of interest, an accurate assessment of compliance with uniform national standards could not be achieved with the diverse methods, judgments, and interpretations that might be employed by the fifty states. Such surveys can best be done by an independent national body representing both the providers and the consumers of services for the retarded, which is exactly what this Accreditation Council is.

In the light of these considerations, the Council suggests that Senator Javits' bill might be strengthened by making the following changes in Section 3:

(1) Delete the words "which shall be done in cooperation with the National Advisory Council on Standards for Residential Facilities for the Mentally Retarded established under section 1109 of this Act" from Sec. 1101(a) of Part A of Title XI of the Public Health Service Act, and insert at the end of Sec. 1101(a) the following: "Surveys to determine the compliance of facilities with the standards established under part C of this title shall be conducted by the national accrediting body for such facilities, the Accreditation Council for Facilities for the Mentally Retarded of the Joint Commission on Accreditation of Hospitals."

(2) Add the following paragraph to Sec. 1106 of Title XI of the Public Health Service Act: "(d) A facility shall be deemed to meet the standards promulgated under part C of this title if it is accredited by the national accrediting body for such facilities, the Accreditation Council for Facilities for the Mentally Retarded of the Joint Commission on Accreditation of Hospitals, provided that the Secretary may cause an independent survey of compliance with the standards to be made in any facility surveyed by the Accreditation Council whenever he finds such an independent survey to be necessary to validate the findings of the Accreditation Council survey."

(3) Delete the title "National Advisory Council on Standards for Residential Facilities for the Mentally Retarded" and Sec. 1109 of Title XI of the Public Health Service Act,

and replace this material with the following: "Revision of Standards. Sec. 1109. The secretary shall seek and receive the advice of the national accrediting body for facilities and programs for the mentally retarded, the Accreditation Council for Facilities for the Mentally Retarded of the Joint Commission on Accreditation of Hospitals, in respect to (1) recommendations for any changes, revisions, modifications, or improvements in the standards established under part C of this title, (2) any regulations promulgated or proposed to be promulgated by him in the implementation of the standards established under part C of this title, provided that nothing herein shall limit the authority of the Secretary to seek and receive advice in respect to the above matters from any source he deems appropriate."

The Council shares, as you know, the Senator's objectives of discouraging inappropriate admission to institutions and encouraging the exploration of alternatives to institutional care. As you also know, however, there is a great deal of concern among both providers and consumers regarding the establishment of alternatives to institutional care that may be no better—or even worse—than the institutions, unless relevant standards are met. The Council, indeed, has seen clear justification for this concern during the surveys it has conducted: residents have been placed in living situations that are even less desirable than the institution from which they came.

For the past two years the Council has been engaged in the development of standards for community agencies serving the retarded. As was the case with the standards for residential facilities, the development of these standards has involved the participation of administrators, practitioners, researchers, and consumers, representing a wide cross-section of the population concerned with programs for the mentally retarded and developmentally disabled. These national standards are currently being field tested by representative agencies, and they are expected to be adopted by the Council and published later this year. With this accomplishment the Council will have made available standards for all facilities and programs serving the retarded and developmentally disabled, and this wider purview and perspective, of course, will enhance the Council's ability to maintain effective standards for each segment of the field.

In the light of the foregoing, the Council suggests that Senator Javits' bill might be strengthened further by adding the following to Section 3:

(4) Add the following paragraph to Sec. 1108, "Alternative Programs of Care," of Title XI of the Public Health Service Act: "Community resources and community living situations for the mentally retarded receiving grants under this section shall comply with the applicable standards established by the national accrediting body for such programs, the Accreditation Council for Facilities for the Mentally Retarded of the Joint Commission on Accreditation of Hospitals. A program shall be deemed to be in compliance with such standards if it is accredited by the Accreditation Council for Facilities for the Mentally Retarded of the Joint Commission on Accreditation of Hospitals, provided that the Secretary may cause an independent survey of compliance to be made of any program surveyed by the Accreditation Council whenever he finds such an independent survey to be necessary to validate the findings of the Accreditation Council survey."

This Accreditation Council represents, as you know, a partnership of providers and consumers, brought together for the sole and express purpose of improving services to the mentally retarded. The Council is, of course, highly gratified that its first efforts in this endeavor—its standards for residential facilities for the mentally retarded—have received the acceptance indicated by their incorporation in Senator Javits' bill. The Council trusts that its subsequent and future efforts will be equally successful. Further indication of the Council's success is the fact that for additional national organizations concerned with programs for the retarded and developmentally disabled have applied and been approved for membership in the Council: the American Academy of Pediatrics, American Nurses' Association, American Psychological Association, and National Association of Private Residential Facilities for the Mentally Retarded. The participation of these organizations will, of course, further enhance the Council's ability to serve our mentally retarded citizens.

Sincerely,

KENNETH G. CROSBY, Ed.D.,
Program Director.

S. 458

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be known as the "Bill of Rights for the Mentally Retarded".

SEC. 2. (a) The Congress finds that—

(1) there are more than two hundred thousand mentally retarded persons in the United States currently living in publicly and privately operated residential facilities for the mentally retarded;

(2) the prime purpose of residential services for the mentally retarded is to protect and nurture the mental, physical, emotional, and social development of each individual requiring responsible full-time services and to provide those experiences which will enable the individual (A) to develop his physical, intellectual, and social capabilities to the fullest extent possible; (B) to develop emotional maturity commensurate with social and intellectual growth; (C) whenever possible, to develop skills, habits, and attitudes essential for return to contemporary society; and (D) to live a personally satisfying life within the residential environment for whatever period he may need to remain there;

(3) the basic obligation of residential services is to assure to the mentally retarded the same constitutional rights and guarantees as every other American citizen;

(4) voluntary and involuntary admissions to a residential facility should be based on sound professional considerations that include a comprehensive assessment of mental ability, physical health, and adaptive behavior which demonstrate a handicap sufficiently severe to justify placement;

(5) legal guardians should be appointed for both adults who are incompetent because of the severity of their mental retardation and minors who are deprived of parental guardianship, prior to their admission to a residential facility and, also, for each such individual who is in residential facilities at the date of enactment of this Act;

(6) residential facilities for the mentally retarded should provide a warm, stimulating setting devoid of dehumanizing conditions, the living quarters should be designed for optimum safety and to insure the provision of basic needs, including the right of privacy, and the location of the residential facility should where appropriate be within the community served and provide for normal contacts within the community life;

(7) the protection of the human dignity, the integrity and the life, of the mentally retarded must be realized as the first consideration in research and planning for the mentally retarded; and

(8) residential facilities should consist of small, homelike units located within, coordinated with, and integrated into existing community living situations and although the demand for resources to build these new facilities may seem to conflict with the demand for resources to upgrade the old ones to humane care, treatment and protection standards, the two objectives are equally necessary.

(b) The purpose of this Act is to establish standards which assure the humane care, treatment, habilitation, and protection of the mentally retarded in residential facilities and improve the system for the provision of services to the mentally retarded through the encouragement of and support for the planning and development of strategies to implement such standards, minimize inappropriate admissions to residential facilities and stimulate the development of regional and community programs integrating such residential facilities which conform to such standards. It is the further purpose of this Act to encourage and support planning and development of strategies which survey and analyze residential facilities and their compliance with the standards established under title XII of the Public Health Service Act and stimulate regional and community programs and services for the mentally retarded which integrate such residential facilities.

AMENDMENT TO PUBLIC HEALTH SERVICE ACT

SEC. 3. The Public Health Service Act is amended by inserting after title XI the following new title:

"TITLE XI—SUPPORT OF RESIDENTIAL FACILITIES FOR THE MENTALLY RETARDED

"PART A—STATE STRATEGY PLANNING

"SEC. 1201. (a) In order to assist the States in comprehensive surveys and analyses of the cost of bringing existing residential facilities into compliance with the standards established under part C of this title, review existing State plans concerned with providing services and programs for the mentally retarded and develop strategies which include implementation and monitoring mechanisms which minimize inappropriate placement in residential facilities particularly through the provision of alternative programs of care and coordinate and integrate existing residential facilities with existing and future regional and community mental retardation programs and services, which shall be done in cooperation with the National Advisory Council on Standards for Residential Facilities for the Mentally Retarded established under section 1209 of this Act, and to study administrative relationships, including the identification of legal, economic, social and other barriers to compliance with the standards established under part C of this Act and financing of programs and services from both public and private sources among Federal, State, and local governments in the field of mental retardation with recommendations for improvement, the Secretary may make grants, to such applicants and upon such terms and conditions as he shall by regulations prescribe.

"(b) In order to assist the States in improving existing residential facilities for the mentally retarded so as to contribute more effectively in providing the resident with experiences which will enable such individual (1) to develop his physical, intellectual, and social capabilities to the fullest extent possible; (2) to develop emotional maturity commensurate with social and intellectual growth; (3) whenever possible, to develop skills, habits, and attitudes essential for return to contemporary society; and (4) to live a personally satisfying life within the residential environment and to otherwise conform to the standards established under part C of this title, the Secretary may, in accordance with the provisions of this part, make grants, not to exceed $300,000 per institution, to cover costs of administering and operating demonstration facilities and training programs to render services in the care of mentally retarded persons in residential facilities and reduce excess residential facility population, which shall be evaluated for effectiveness in improving residential care for the mentally retarded.

"(c) For the purpose of making grants under section (a) of this part there are authorized to be appropriated $15,000,000 for the fiscal year ending June 30, 1974 and for each of the next two succeeding fiscal years and for the purpose of making grants under section (b) of this part there are authorized to be appropriated $15,000,000 for the fiscal year ending June 30, 1974, and for each of the next two succeeding fiscal years.

"PART B—DELIVERY OF MENTAL RETARDATION PROGRAMS AND SERVICES

"GRANTS TO ASSIST INSTITUTIONS FOR THE MENTALLY RETARDED

"SEC. 1202. (a) For the purpose of assisting States in meeting the expenses, directly or indirectly, for bringing publicly operated facilities and publicly assisted facilities into conformity with the standards established under part C of this title, which seek to assure the humane care, protection, habilitation, and treatment of the mentally retarded in residential facilities, there are authorized to be appropriated such sums as are necessary to enable the Secretary to make grants under this title.

"(b) In considering applications for such grants, the Secretary shall give priority to those applicants whose publicly operated residential facility or publicly assisted facilities are in the greatest need of assistance to comply with such standards.

"STATE PLANS

"SEC. 1203. (a) Any State desiring to receive a grant under this title shall submit a plan to the Secretary:

"(1) setting forth a schedule for compliance with the standards established under part C of this title for each facility for which assistance is requested;

"(2) designating a State planning and advisory council, which shall include representatives of local agencies and nongovernmental organizations concerned with services for mentally retarded persons and at least one-third of the membership of such council shall consist of representatives of consumers of such services from publicly operated and publicly assisted residential facilities for the mentally retarded;

"(3) assuring reasonable State financial participation in the cost of carrying out the plan to comply with the standards set forth in this title and how the residential facility for the mentally retarded will complement and augment rather than duplicate or replace other community services for the mentally retarded or meet the requirements of part C of this title;

"(4) setting forth a schedule of costs to achieve compliance with the standards established under part C of this title; and

"(5) designating how placement in residential facilities shall be minimized through alternative regional and community programs and services for the mentally retarded.

"(b) The Secretary shall approve a plan which sets forth a reasonable time for compliance with the standards established under this title, and he shall not finally disapprove a plan except after reasonable notice and opportunity for a hearing to such State.

"AMOUNT OF GRANTS; PAYMENTS

"SEC. 1204. (a) The total of the grants with respect to any project under this part may not exceed 75 per centum of the necessary cost thereof as determined by the Secretary.

"(b) Payments of grants under this part shall be made in advance or by way of reimbursement, and on such conditions as the Secretary may determine.

"MAINTENANCE OF EFFORT

"SEC. 1205. Applications for grants under this part may be approved by the Secretary only if the application contains or is supported by reasonable assurances that the grants will not result in any decrease in the level of State, local, and other non-Federal funds for services for mentally retarded which would (except for such grant) be available to the applicant, but that such grants will be used to supplement, and, to the extent practicable, to increase the level of such funds.

"WITHHOLDING OF GRANTS

"SEC. 1206. (a) Whenever the Secretary, after an opportunity for a hearing on the record finds—

"(1) that there has been a failure to comply substantially with any requirement set forth in the plan of that State approved under section 1103; or

"(2) that in the operation of any program assisted under this title there is a failure to comply substantially with any applicable provision of this title;

the Secretary shall notify such State of his findings and that no further payments may be made to such State under this Act for any project connected with the program until he is satisfied that there is no longer any such failure to comply, or that the noncompliance will be promptly corrected.

"(b) In any case where a State has received a grant under section 1202 and has not complied with the standards of this title within a reasonable period of time prescribed by the Secretary, such State shall not be eligible for any further Federal funds on behalf of any individual who is a resident of any public or private residential facility for the retarded which does not meet the standards set forth in part C of this title. The funds to which any individual would otherwise be entitled to have paid on his behalf to any vendor of residential services, public or private, shall be reserved for him and administered by the Social Security Administration in the same manner as benefits under title II of the Social Security Act would be administered on his behalf were he entitled to same.

"(c) Five years after the date of enactment of this Act, no residential facility for the mentally retarded shall be eligible to receive payments either directly or indirectly under any Federal law, unless such facility meets the standards promulgated under part C of this title.

"EXTENSION OF TIME TO MEET STANDARDS

"SEC. 1207. Where in any fiscal year the appropriation for grants under section 1202 does not meet the amount authorized, the Secretary may extend the time for recipients of such grants and other residential facilties for the mentally retarded to meet the standards established by this Act.

"ALTERNATIVE PROGRAMS OF CARE

"SEC. 1208. (a) The Secretary is authorized to make grants to any public or private nonprofit agency, organization or institution to meet the costs of development, improvement, extension, or expansion of community resources and community living situations for the mentally retarded other than living-in residential facilities for the mentally retarded.

"(b) Applications for grants under this section shall contain such information and be in such form as the Secretary may prescribe.

"(c) In considering applications for grants under this section the Secretary shall give priority to those applicants whose proposal he determines are of special significance because they demonstrate new or relatively effective or efficient methods of delivery of services to the mentally retarded.

"(d) There are authorized to be appropriated to carry out the purpose of this section such sums as may be necessary for the fiscal year ending June 30, 1974 for each of the next two succeeding fiscal years.

"(e) Each recipient of a grant under this title shall keep such records as the Secretary may prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such grant, the total cost of the project or undertaking in connection with which such grant is made or used, the amount of that portion of the cost of the project or undertaking supplied by other sources, and such records as will facilitate an effective audit.

"(f) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination of any books, documents, papers, and records of the recipient of any grant under this title which are pertinent to such grant."

"NATIONAL ADVISORY COUNCIL ON STANDARDS FOR RESIDENTIAL FACILITIES FOR THE MENTALLY RETARDED

"SEC. 1209. (a) Effective ninety days after the date of enactment of this Act, there is hereby established a National Advisory Council on Standards for Residential Facilities for the Mentally Retarded (hereinafter referred to as the 'Council'), which shall consist of fifteen members, not otherwise in the regular full-time employ of the United States, to be appointed by the Secretary without regard to the provisions of title 5, United States Code, governing appointments in the competitive civil service. The Secretary shall from time to time designate one of the members of the Council to serve as Chairman thereof. The members of the Council shall be selected from representatives of the American Association on Mental Deficiency, the American Psychiatric Association, the Council for Exceptional Children, the National Association for Retarded Children, the United Cerebral Palsy Association, consumers (for example, parents of the mentally retarded) of services from publicly operated and publicly assisted residential facilities for the mentally retarded, and leaders in the fields of service to the mentally retarded, including a representative of the National Association of Coordinators of State Programs for the Mentally Retarded, of the National Association of Superintendents of Public Residential Facilities for the mentally retarded, and other persons (for example, parents of the mentally retarded) in organizations representing consumers of such services. A majority of the Council shall be representative of the interests of consumers of such services.

"(b) It shall be the duty and function of the Council to (1) advise the Secretary with respect to any regulations promulgated or proposed to be promulgated by him in the implementation of the standards established under part C of this Act, (2) study and evaluate such standards authorized by this Act through site visits and other appropriate methods with a view of determining their effectiveness in carrying out the purposes for which they were established, and (3) based upon site visits or other studies, evaluations or reviews recommend to the Secretary any changes, revisions, modifications, or improvements in the standards established under part C of this Act.

"(c) Members of the Council, while attending meetings or conferences thereof or otherwise serving on the business of the Council, including site visits shall be entitled to receive compensation at rates fixed by the Secretary, but at rates not exceeding the daily equivalent of the rate provided for GS-18 of the General Schedule for each day of such service (including traveltime), and, while so serving away from their homes or regular places of business, they may be allowed travel expenses, including diem in lieu of subsistence, as authorized by section 5702 of title 5, United States Code, for persons in the Government service employed intermittently."

"Part C—Standards for Residential Facilities for the Mentally Retarded

"Chapter 1.—ADMINISTRATIVE POLICIES AND PRACTICES

"Subchapter I—Philosophy, Location and Organization

"Sec. 1210. (a) The ultimate aim of the facility shall be to foster those behaviors that maximize the human qualities of the resident, increase the complexity of his behavior, and enhance his ability to cope with his environment.

"(b) The facility shall accept and implement the principle or normalization, defined as the use of means that are as culturally normative as possible to elicit and maintain behavior that is as culturally normative as possible, taking into account local and subcultural differences.

"Sec. 1211. (a) The names of facilities, the labels applied to their users, and the way these users are interpreted to the public should be appropriate to their purposes and programs and services should not emphasize 'mental retardation' or 'deviancy'.

"(b) Residents should not be referred to as 'patient' except in a hospital-medical context; as 'kids' or 'children' if they are adults; or as 'inmates'.

"Sec. 1212. (a) The facility should be located within, and conveniently accessible to, the population served, so as to have access to necessary generic community services.

"(b) The facility should not be isolated from society or community by factors such as:

"(1) difficulty of access, due to distance or lack of public transportation;

"(2) architectural features;

"(3) socio-cultural or psychological features; and

"(4) rules, regulations, customs, and habits.

"(c) Protection devices (such as fences and security windows), where necessary, should be inconspicuous, and should preserve as normal an environmental appearance as possible, so as to permit the pursuit of normal activities.

"(d) The facility should be in scale with the community in which it is located.

"(e) The facility and the surrounding community should be encouraged to share their services and resources on a reciprocal basis.

"(f) The community in which the facility is located should be capable of meeting the needs of the facility's residents for generic and specialized services.

"(g) The community in which the facility is located should be capable of absorbing, and encouraged to absorb, into its cultural life those residents capable of participation in that life.

"(h) The facility shall have available a current description directory of community resources.

"Sec. 1213. (a) Residents should be integrated to the greatest possible extent with the general population. To this end, generic and specialized community services, rather than facility services, should be used extensively or, if possible, completely. For example, the residents should—

"(1) attend (special) classes or programs in regular schools;

"(2) attend religious instruction and worship in the community;

"(3) utilize medical, dental, and all other professional services located in the community;

"(4) use community rather than facility recreation resources, such as bowling alleys, swimming pools, movies, and gymnasia;

"(5) shop in community stores, rather than in facility stores and canteens; and

"(6) work in as integrated a fashion as possible: sheltered employment should be in regular industry, and among nonretarded workers; sheltered workshops should be in the community; and work that must be on the campus of the facility should afford maximal contact with nonretarded persons.

There shall be evidence of professional and public education to facilitate the integration of residents, as outlined above.

"(b) The facility should be divided into groupings of program and residence units, based upon a rational plan to meet the needs of the residents and fulfill the purposes of the facility.

"Sec. 1214. The facility shall make every attempt to move residents from—

"(1) more to less structured living;

"(2) larger to smaller facilities;

"(3) larger living units to smaller living units;

"(4) group to individual residence;

"(5) dependent to independent living; and

"(6) segregated to integrated living.

"Subchapter II—General Policies and Practices

"Sec. 1215. (a) The facility shall have a written outline of the philosophy, objectives, and goals it is striving to achieve, that is available for distribution to staff, consumer representatives, and the interested public, and that shall include but need not be limited to:

"(1) its role in the State comprehensive program for the mentally retarded;

"(2) its concept of the rights of its residents;

"(3) its goals for its residents;

"(4) its concept of its relationship to the parents of its residents, or to their surrogates;

"(5) its concept of its relationship to the community, zone, or region from which its residents come;

"(6) its concept of its responsibility (through research, training, and education) for improving methods, understanding, and support for the mental retardation field;

"(7) the facility shall have a plan for evaluation and modification to maintain;

"(A) the consistency of its philosophy, objectives, and goals with advancements in knowledge and professional practices; and

"(B) the consistency of its practices with its philosophy, objectives, and goals.

"(b) The facility shall have a manual on policies and procedures, describing the current methods, forms, processes, and sequence of events being followed to achieve its objectives and goals.

"(c) The facility shall have a written statement of policies and procedures concerning the rights of residents that—

"(1) assure the civil rights of all residents;

"(2) are in accordance with general and special rights of the mentally retarded as defined by the Secretary in accordance with section 2 of this Act; and

"(3) define the means of making legal counsel available to residents for the protection of their rights.

"Sec. 1216. (a) The facility shall have a written statement of policies and procedures that protect the financial interests of residents and that provide for—

"(1) determining the financial benefits for which the resident is eligible;

"(2) assuring that the resident receive the funds for incidentals and for special needs (such as specialized equipment) that are due him under public and private financial support programs; and

"(3) when large sums accrue to the resident, providing for counseling of the resident concerning their use, and for appropriate protection of such funds.

"(b) Procedures in the major operating units of the facility shall be described in manuals that are current, relevant, available, and followed.

"(c) The facility shall have a summary of the laws and regulations relevant to mental retardation and to the function of the facility.

"(d) The facility shall have a plan for a continuing management audit to insure compliance with State laws and regulations and the effective implementation of its stated policies and procedures.

"Sec. 1217. (a) A public facility shall have documents that describe the statutory basis of its existence, and describe the administrative framework of the governmental department in which it operates.

"(b) A private facility shall have documents that include its charter, its constitution and bylaws, and its State license.

"Sec. 1218. (a) The governing body of the facility shall exercise general direction and shall establish policies concerning the operation of the facility and the welfare of the individuals served.

"(b) The governing body shall establish appropriate qualifications of education, experience, personal factors, and skills for the chief executive officer. The chief executive officer shall have had training and experience in the administration of human services. The chief executive officer shall have administrative ability, leadership ability, and an understanding of mental retardation. Where the chief executive officer is required also to have had training in a professional service discipline, such training shall be in a discipline appropriate to the facility's program.

"(c) The governing body shall employ a chief executive officer so qualified, and shall delegate to him authority and responsibility for the management of the affairs of the facility in accordance with established policies.

"(d) The chief executive officer shall—

"(1) designate an individual to act for him in his absence;

"(2) make arrangements so that some one individual is responsible for the administrative direction of the facility at all times;

"(3) when an assistant chief executive officer is employed, the qualifications required for this position shall be in compliance with those stated above for the chief executive officer; and

"(4) there shall be on the premises of the facility at all times a person designated by the chief executive officer, or the person acting for him, to be responsible for the supervision of the facility.

"Sec. 1219. (a) The facility shall be administered and operated in accordance with sound management principles.

"(b) The type of administrative organization of the facility shall be appropriate to the program needs of its residents.

"(c) The facility shall have a table of organization that shows the governance and administrative pattern of the facility.

"(d) The table of organization shall show the major operating programs of the facility, with staff divisions, the administrative personnel in charge of the programs and divisions, and their lines of authority, responsibility, and communication.

"(e) The organization shall provide for the judicious delegation of administrative authority and responsibility among qualified members of the staff, in order to distribute the administrative load of the facility and to accelerate its operating efficiency.

"(f) The organization shall be such that problems requiring ongoing decisionmaking regarding the welfare of the resident are handled primarily by personnel on the lowest level competent to resolve the problem.

"(g) The organization shall provide for the utilization of staff with different levels of training by using those with more adequate training to supervise and train those with lesser training.

"(h) The organization shall provide effective channels of communication in all directions.

"(i) The facility shall have a plan for improving the quality of staff and services that shows how the staff functions by programmatic responsibilities in establishing and maintaining standards of quality for services to residents. The plan shall show how the facility's organizational structure enables the following functions:

"(1) determination of standards for quality of services to the residents;

"(2) establishment of qualifications for personnel;

"(3) recruitment of qualified personnel;

"(4) initiation of preservice and inservice training and staff development programs;

"(5) work with administrators, supervisors, and staff of the administrative units of the facility to secure and assign qualified personnel to such units;

"(6) annual evaluation of staff performance;

"(7) continuous evaluation of program effectiveness; and

"(8) development and conduct of appropriate research activities.

"Sec. 1220. (a) The administration of the facility shall provide for effective staff and resident participation and communication. Staff meetings shall be regularly held. Standing committees appropriate to the facility, such as records, safety, human rights, utilization review, research review, and infection and sanitation, shall meet regularly. Committees shall include resident participation, whenever appropriate. Committees shall include the participation of direct-care staff, whenever appropriate.

"(b) Minutes and reports of staff meetings, and of standing and ad hoc committee meetings shall include records of recommendations and their implementation, and shall be kept and filed. Summaries of the minutes and reports of staff and committee meetings shall be distributed to participants and to appropriate staff members. Various forms of communication (such as meetings, minutes of meetings, directives, and bulletins) shall be utilized to foster understanding among the staff, among the residents, between staff and residents, and between facility, community, and family.

"Sec. 1221. The facility shall designate a percentage of its operating budget for self-renewal purposes, such as:

"(1) development of operational data records;

"(2) research on its own programs;

"(3) evaluation by qualified persons who are not part of the facility;

"(4) elicitation of feedback from consumers of the facility's services, or from their representatives;

"(5) staff education;

"(6) the findings generated by the foregoing activities shall be actively and broadly disseminated to:

"(A) all members of the facility's staff;

"(B) consumer representatives, when appropriate;

"(7) the facility shall have a continuing system for collecting and recording accurate data that describe its population, in such form as to permit data retrieval and usage for description, programing of services, and research. Such data shall include, but need not be limited to:

"(A) number by age-groups, sex, and race;

"(B) number grouped by levels of retardation (profound, severe, moderate, mild, and borderline), according to the American Association and Mental Deficiency Manual on Terminology and Classification in Mental Retardation;

"(C) number grouped by levels of adaptive behavior, according to the American Association on Mental Deficiency classification;

"(D) number with physical disabilities;

"(E) number ambulatory and nonambulatory (mobile and nonmobile);

"(F) number with sensory defects;

"(G) number with oral and other communication handicaps; and

"(H) number with convulsive disorders, grouped by level of seizure control.

"Sec. 1221. The facility shall have a description of services for residents that is available to the public and that includes information such as:

"(1) groups served;

"(2) limitations concerning age, length of residence, or type or degree of handicap;

"(3) the plan for grouping residents into program and living units;

"(4) preadmission and admission services;

"(5) diagnosis and evaluation services;

"(6) means for individual programing of residents in accordance with need;

"(7) means for implementation of programs for residents, through clearly designated responsibility;

"(8) the therapeutic and developmental environment provided the residents; and

"(9) release and follow-up services and procedures.

"Sec. 1222. The facility shall provide for meaningful and extensive consumer-representative and public participation, by the following means:

"(1) the policymaking or governing board (if any) shall include consumers or their representatives (for example, parents), interested citizens, and relevantly qualified professionals presumed to be free of conflicts of interest;

"(2) when a facility does not have a governing board its policymaking authority shall actively seek advice from an advisory body composed as described above;

"(3) the facility shall actively elicit feedback from those consumers of its services (and their representatives) who are not members of the aforementioned governing or advisory bodies;

"(4) there shall be an active program of ready, open, and honest communication with the public. In structuring visits to the facility by persons not directly concerned with a resident, however, steps shall be taken both to encourage visiting and to consider the sensibilities and privacy of the residents. Undignified displays or exhibitions of residents shall be avoided, and normal sensibility shall be exercised in speaking about a resident;

"(5) personnel shall be permitted to communicate their views about a resident and his needs and program to his relatives. Personnel shall be trained to properly and competently assume this responsibility;

"(6) the facility shall maintain active means of keeping residents' families or surrogates informed of activities related to the residents that may be of interest to them;

"(7) communications to the facility from residents' relatives shall be promptly and appropriately handled and answered;

"(8) close relatives shall be permitted to visit at any reasonable hour, and without prior notice. Steps shall be taken, however, so that the privacy and rights of the other residents are not infringed by this practice;

"(9) parents and other visitors shall be encouraged to visit the living units, with due regard for privacy. There shall be facilities for visiting that provide privacy in the living unit (but not special rooms used solely for visiting);

"(10) parents shall be permitted to visit all parts of the facility that provide services to residents;

"(11) frequent and informal visits home shall be encouraged, and the regulations of the facility shall encourage rather than inhibit such visitations;

"(12) there shall be an active citizens' volunteer program; and

"(13) the facility shall acknowledge the need for, and encourage the implementation of, advocacy for all residents.

"Sec. 1223. A public education and information program should be established that utilizes all communication media, and all service, religious, and civic groups, and so forth, to develop attitudes of understanding and acceptance of mentally retarded persons, in all aspects of community living.

"Subchapter III—Admission and Release

"Sec. 1224. No individual whose needs cannot be met by the facility shall be admitted to it. The number admitted as residents to the facility shall not exceed—

"(1) its rated capacity; and

"(2) its provisions for adequate programing.

"Sec. 1225. (a) The laws, regulations, and procedures concerning admission, readmission, and release shall be summarized and available for distribution. Admission and release procedures shall—

"(1) encourage voluntary admission, upon application of parent or guardian or self;

"(2) give equal priority to persons of comparable need, whether application is voluntary or by a court;

"(3) facilitate emergency, partial, and short-term residential care, where feasible; and

"(4) utilize the maximum feasible amount of voluntariness in each individual case.

"(b) The determination of legal incompetence shall be separate from the determination of the need for residential services, and admission to the facility shall not automatically imply legal incompetence.

"Sec. 1226. (a) The residential facility shall admit only residents who have had a comprehensive evaluation, covering physical, emotional, social, and cognitive factors, conducted by an appropriately constituted interdisciplinary team.

"(b) Initially, service need shall be defined without regard to the actual availability of the desirable options. All available and applicable programs of care, treatment, and training shall be investigated and weighed, and the deliberations and findings recorded. Admission to the residential facility shall occur only when it is determined to be the optimal available plan. Where admission is not the optimal measure, but must nevertheless be recommended or implemented, its inappropriateness shall be clearly acknowledged and plans shall be initiated for the continued and active exploration of alternatives.

"(c) The intended primary beneficiary of the admission shall be clearly specified as—

"(1) the resident

"(2) his family

"(3) his community;

"(4) society; and

"(5) several of the above.

"(d) All admissions to the residential facility shall be considered temporary, and when appropriate admissions shall be time-limited. Parents or guardians shall be counseled, prior to admission, on the relative advantages and disadvantages and the temporary nature of residential services in the facility. Prior to admission, parents or guardians shall, and the prospective resident should, have visited the facility and the living unit in which the prospective resident is likely to be placed.

"Sec. 1227. (a) A medical evaluation by a licensed physician shall be made within one week of the resident's admission. Upon admission, residents should be placed in their program groups, and they should be isolated only upon medical orders issued for specific reasons.

"(b) Within the period of one month after admission there shall be:

"(1) a review and updating of the preadmission evaluation

"(2) a prognosis that can be used for programing and placement;

"(3) a comprehensive evaluation and individual program plan, made by an interdisciplinary team;

"(4) direct-care personnel shall participate in the aforementioned activities;

"(5) the results of the evaluation shall be recorded in the resident's unit record;

"(6) an interpretation of the evaluation, in action terms, shall be made to:

"(A) the direct-care personnel responsible for carrying out the resident's program;

"(B) the special services staff responsible for carrying out the resident's program; and

"(C) the resident's parents or their surrogates.

"(c) There shall be a regular, at least annual, joint review of the status of each resident by all relevant personnel, including personnel in the living unit, with program recommendations for implementation. This review shall include—

"(1) consideration of the advisability of continued residence and alternative programs;

"(2) at the time of the resident's attaining majority, or if he becomes emancipated prior thereto:

"(A) the resident's need for remaining in the facility;

"(B) the need for guardianship of the resident;

"(C) the exercise of the resident's civil and legal rights;

"(3) The results of these reviews shall be:

"(A) recorded in the resident's unit record;

"(B) made available to relevant personnel;

"(C) interpeted to the resident's parents or surrogates;

"(D) intepreted to the resident, when appropriate; and

"(4) parents or their surrogates shall be involved in planning and decisionmaking.

"SEC. 1228. A physical inspection for signs of injury or disease should be made in accordance with procedures established by the facility:

"(A) within twenty-four hours prior to a resident's leaving the facility for vacation, placement, or other temporary or permanent release; and

"(B) within twenty-four hours following a resident's return to the facility from such absence.

"SEC. 1229. (a) At the time of permanent release or transfer, there shall be recorded a summary of findings, progress, and plans.

"(b) Planning for release shall include provision for appropriate services, including protective supervision and other followup services, in the resident's new environment. Procedures shall be established so that—

"(1) parents or guardians who request the release of a resident are counseled concerning the advantages and disadvantages of such release; and

"(2) the court or other appropriate authorities are notified when a resident's release might endanger either the individual or society.

"(c) When a resident is transferred to another facility there shall be—

"(1) written evidence that the reason for the transfer is the welfare of the resident; and

"(2) a transfer process that shall insure that the receiving facility will meet the needs of the resident.

"(d) Except in an emergency, transfer shall be made only with the prior knowledge, and ordinarily the consent, of the resident and his guardian.

"SEC. 1230. (a) In the event of any unusual occurrence, including serious illness or accident, impending death, or death, the resident's next of kin, or the person who functions in that capacity (a guardian or citizen advocate) shall be notified promptly and in a compassionate manner. When appropriate, the wishes and needs of the resident, and of the next of kin, concerning religious matters shall be determined and, insofar as possible, fulfilled.

"(b) When death occurs:

"(1) with the permission of the next of kin or legal guardian, an autopsy shall be performed;

"(2) such autopsy shall be performed by a qualified physician, so selected as to be free of any conflict of interest or loyalty;

"(3) the family shall be told of the autopsy findings, if they so desire; and

"(4) the facility shall render as much assistance as possible in making arrangements for dignified religious services and burial, unless contraindicated by the wishes of the family.

"(c) The coroner or medical examiner shall be notified of deaths, in accordance with state law.

"Subchapter IV—Personnel Policies

"SEC. 1231. (a) Adequate personnel services shall be provided by means appropriate to the size of the facility. If the size of the facility warrants a personnel director, he shall have had several years of progressively more responsible experience or training in personnel administration, and demonstrated competence in this area.

"(b) The facility's current personnel policies and practices shall be described in writing;

"(1) The hiring, assignment, and promotion of employees shall be based on their qualifications and abilities, without regard to sex, race, color, creed, age, irrelevant disability, marital status, ethnic or national origin, or membership in an organization.

"(2) Written job descriptions shall be available for all positions.

"(3) Licensures, certification, or standards such as are required in community practice shall be required for all comparable positions in the facility:

"(4) Ethical standards of professional conduct, as developed by professional societies, shall be recognized as applying in the facility.

"(5) There shall be a planned program for career development and advancement for all categories of personnel.

"(6) There shall be an authorized procedure, consistent with due process, for suspension and/or dismissal of an employee for cause.

"(7) Methods of improving the welfare and security of employees shall include:

"(A) a merit system or its equivalent;

"(B) a salary schedule covering all positions;

"(C) effective grievance procedures;

"(D) provisions for vacations, holidays, and sick leave;

"(E) provisions for health insurance and retirement;

"(F) provisions for employee organizations;

"(G) opportunities for continuing educational experiences, including educational leave; and

"(H) provisions for recognizing outstanding contributions to the facility.

"(c) A statement of the facility's personnel policies and practices shall be available to all its employees.

"(d) All personnel shall be initially screened to determine if they are capable of fulfilling the specific job requirements. All personnel shall be medically determined to be free of communicable and infectious diseases at the time of employment and annually thereafter. All personnel should have a medical examination at the time of employment and annually thereafter. Where indicated, psychological assessment should be included at the time of employment and annually thereafter.

"(e) The performance of each employee shall be evaluated regularly and periodically, and at least annually. Each such evaluation shall be—

"(1) reviewed with the employee; and

"(2) recorded in the employee's personnel record.

"(f) Written policy shall prohibit mistreatment, neglect, or abuse of residents. Alleged violations shall be reported immediately, and there shall be evidence that—

"(1) all alleged violations are thoroughly investigated;

"(2) the results of such investigation are reported to the chief executive officer, or his designated representative, within twenty-four hours of the report of the incident; and

"(3) appropriate sanctions are invoked when the allegation is substantiated.

"SEC. 1232. (a) Staffing shall be sufficient so that the facility is not dependent upon the use of residents or volunteers for productive services. There shall be a written policy to protect residents from exploitation when they are engaged in productive work. A current, written policy shall encourage that residents be trained for productive, paid employment. Residents shall not be involved in the care (feeding, clothing, bathing), training, or supervision of other residents unless they—

"(1) have been specifically trained in the necessary skills;

"(2) have the humane judgment required by those activities;

"(3) are adequately supervised; and

"(4) are reimbursed.

"(b) Residents who function at the level of staff in occupational or training activities shall—

"(1) have the right to enjoy the same privileges as staff; and

"(2) be paid at the legally required wage level when employed in other than training situations.

"(c) Appropriate to the size and nature of the facility, there shall be a staff training program that includes:

"(1) orientation for all new employees, to acquaint them with the philosophy, organization, program, practices, and goals of the facility;

"(2) induction training for each new employee, so that his skills in working with the residents are increased;

"(3) inservice training for employees who have not achieved the desired level of competence, and opportunities for continuous inservice training to update and improve the skills and competencies of all employees;

"(4) supervisory and management training for all employees in, or candidates for, supervisory positions;

"(5) provisions shall be made for all staff members to improve their competencies, through means such as—

"(A) attending staff meetings;

"(B) undertaking seminars, conferences, workshops, and institutes;

"(C) attending college and university courses;

"(D) visiting other facilities;

"(E) participation in professional organizations;

"(F) conducting research;

"(G) publishing studies;

"(H) access to consultants;

"(I) access to current literature, including books, monographs, and journals relevant to mental retardation;

"(6) interdisciplinary training programs shall be stressed;

"(7) the ongoing staff development program should include provision for educating staff members as research consumers.

"(8) where appropriate to the size and nature of the facility, there shall be an individual designated to be responsible for staff development and training, and such individual should have—

"(A) at least a master's degree in one of the major disciplines relevant to mental retardation;

"(B) a thorough knowledge of the nature of mental retardation and associated disabilities, and the current goals, programs, and practices in this field;

"(C) a knowledge of the educational process;

"(D) an appropriate combination of academic training and relevant experience;

"(E) demonstrated competence in organizing and directing staff training programs; and

"(9) appropriate to the size and nature of the facility, there should be adequate, modern educational media equipment for the conduct of an inservice training program, such as: overhead, filmstrip, motion picture, and slide projectors; screens; models and charts; and video tape systems.

"(d) Working relations should be established between the facility and nearby colleges and universities for the following purposes:

"(1) making credit courses, seminars, and workshops available to the facility's staff;

"(2) using facility resources for training and research by colleges and universities; and

"(3) exchanging of staff between the facility and the colleges and universities for teaching, research, and consultation.

"Chapter 2.—RESIDENT LIVING

"Subchapter I—Staff-Resident Relationships and Activities

"SEC. 1240. (a) The primary responsibility of the living unit staff shall be to devote their attention to the care and development of the residents as follows:

"(1) each resident shall receive appreciable and appropriate attention each day from the staff in the living unit;

"(2) living unit personnel shall train residents in activities of daily living and in the development of self-help and social skills;

"(3) living unit personnel shall be responsible for the development and maintenance of a warm, family- or home-like environment that is conducive to the achievement of optimal development by the resident;

"(4) appropriate provisions shall be made to ensure that the efforts of the staff are not diverted from these responsibilities by excessive housekeeping and clerical duties, or other non-resident-care activities; and

"(5) the objective in staffing each living unit should be to maintain reasonable stability in the assignment of staff, thereby permitting the development of a consistent inter-personal relationship between each resident and one or two staff members.

"(b) Members of the living unit staff from all shifts shall participate with an interdisciplinary team in appropriate referral, planning, initiation, coordination, implementation, followthrough, monitoring, and evaluation activities relative to the care and development of the resident.

"(c) There shall be specific evaluation and program plans for each resident that are—

"(1) available to direct care staff in each living unit; and

"(2) reviewed by a member or members of the interdisciplinary program team at least monthly, with documentation of such review entered in the resident's record.

"(d) Activity schedules for each resident shall be available to direct care staff and shall be implemented daily as follows:

"(1) such schedules shall not permit 'dead time' of unscheduled activity of more than one hour continuous duration; and

"(2) such schedules shall allow for individual or group free activities, with appropriate materials, as specified by the program team.

"(e) The rhythm of life in the living unit shall resemble the cultural norm for the residents' nonretarded age peers, unless a departure from this rhythm is justified on the basis of maximizing the residents' human qualities. Residents shall be assigned responsibilities in the living unit commensurate with their interests, abilities, and developmental plans, in order to enhance feelings of self-respect and to develop skills of independent living. Multiple-handicapped and nonambulatory residents shall—

"(1) spend a major portion of their waking day out of bed;

"(2) spend a portion of their waking day out of their bedroom areas;

"(3) have planned daily activity and exercise periods; and

"(4) be rendered mobile by various methods and devices.

"(f) All residents shall have planned periods out of doors on a year-round basis. Residents should be instructed in how to use, and, except as contraindicated for individual residents by their program plan, should be given opportunity for, freedom of movement—

"(1) within the facility's ground; and

"(2) without the facility's grounds.

Birthdays and special events should be individually observed.

Provisions shall be made for heterosexual interaction appropriate to the residents' developmental levels.

"(g) Residents' views and opinions on matters concerning them should be elicited and given consideration in defining the processes and structures that affect them.

"(h) Residents should be instructed in the free and unsupervised use of communication processes. Except as denied individual residents by team action, for cause, this should typically include—

"(1) having access to telephones for incoming and local outgoing calls;

"(2) having free access to pay telephones, or the equivalent, for outgoing long distance calls;

"(3) opening their own mail and packages, and generally doing so without direct surveillance; and

"(4) not having their outgoing mail read by staff, unless requested by the resident.

"(i) Residents shall be permitted personal possessions, such as toys, books, pictures, games, radios, arts and crafts materials, religious articles, toiletries, jewelry, and letters.

"(j) Regulations shall permit normalized and normalizing possession and use of money by residents for work payment and property administration, as for example, in performing cash and check transactions, and in buying clothing and other items, as readily as other citizens. In accordance with their developmental level—

"(1) allowances or opportunities to earn money shall be available to residents; and

"(2) residents shall be trained in the value and use of money.

"(k) There shall be provision for prompt recognition and appropriate management of behavioral problems in the living unit. There shall be a written statement of policies and procedures for the control and discipline of residents that is—

"(1) directed to the goal of maximizing the growth and development of the residents;

"(2) available in each living unit; and

"(3) available to parents or guardians.

"(l) Residents shall participate, as appropriate, in the formulation of such policies and procedures. Corporal punishment shall not be permitted. Residents shall not discipline other residents, except as part of an organized self-government program that is conducted in accordance with written policy.

"(m) Seclusion, defined as the placement of a resident alone in a locked room, shall not be employed.

"(n) Except as provided in subsection (p), physical restraint shall be employed only when absolutely necessary to protect the resident from injury to himself or to others, and restraint shall not be employed as punishment, for the convenience of staff, or as a substitute for program. The facility shall have a written policy that defines the uses of restraint, the staff members who may authorize its use, and a mechanism for monitoring and controlling its use. Orders for restraints shall not be in force for longer than twelve hours. A resident placed in restraint shall be checked at least every thirty minutes by staff trained in the use of restraints, and a record of such checks shall be kept. Mechanical restraints shall be designed and used so as not to cause physical injury to the resident, and so as to cause the least possible discomfort. Opportunity for motion and exercise shall be provided for a period of not less than ten minutes during each two hours in which restraint is employed. Totally enclosed cribs and barred enclosures shall be considered restraints.

"(o) Mechanical supports used in normative situations to achieve proper body position and balance shall not be considered to be restraints, but shall be designed and applied—

"(1) under the supervision of a qualified professional person; and

"(2) so as to reflect concern for principles of good body alinement, concern for circulation, and allowance for change of position.

"(p) Chemical restraint shall not be used excessively, as punishment, for the convenience of staff, as a substitute for program, or in quantities that interfere with a resident's habilitation program.

"(q) Behavior modification programs involving the use of time-out devices or the use of noxious or aversive stimuli shall be:

"(1) reviewed and approved by the facility's research review and human rights committees;

"(2) conducted only with the consent of the affected resident's parents or surrogates;

"(3) described in written plans that are kept on file in the facility;

"(4) restraints employed as time-out devices shall be applied for only very brief periods, only during conditioning sessions, and only in the presence of the trainer; and

"(5) removal from a situation for time-out purposes shall not be for more than one hour, and this procedure shall be used only during the conditioning program, and only under the supervision of the trainer.

"Subchapter II—Food Services

"SEC. 1241. (a) Food services shall recognize and provide for the physiological, emotional, religious, and cultural needs of each resident, through provision of a planned, nutritionally adequate diet. There shall be a written statement of goals, policies, and procedures that—

"(1) governs all food service and nutrition activities;

"(2) is prepared by, or with the assistance of, a nutritionist or dietitian;

"(3) is reviewed periodically, as necessary, by the nutritionist or dietitian;

"(4) is in compliance with State and local regulations;

"(5) is consistent with the facility's goals and policies; and

"(6) is distributed to facility personnel.

"(b) When food services are not directed by a nutritionist or dietitian, regular, planned, and frequent consultation with a nutritionist or dietitian should be available. Records of consultations and recommendations shall be maintained by the facility and by the consultant. An evaluation procedure shall be established to determine the extent of implementation of the consultant's recommendations.

"(c) A nourishing, well-balanced diet, consistent with local customs, shall be provided all residents. Modified diets shall be—

"(1) prescribed by the resident's program team, with a record of the prescription kept on file;

"(2) planned, prepared, and served by persons who have received adequate instruction; and

"(3) periodically reviewed and adjusted as needed.

"(d) Dietary practices in keeping with the religious requirements of residents' faith groups should be observed at the request of parents or guardians. Denial of a nutritionally adequate diet shall not be used as a punishment. At least three meals shall be served daily, at regular times, with—

"(1) not more than a fourteen-hour span between a substantial evening meal and breakfast of the following day, and

"(2) not less than ten hours between breakfast and the evening meal of the same day.

"(e) Resident's mealtimes shall be comparable to those normally obtaining in the community. Provision should be made for between meal and before bedtime snacks, in keeping with the total daily needs of each resident. Food shall be served—

"(1) as soon as possible after preparation, in order to conserve nutritive value;

"(2) in an attractive manner;

"(3) in appropriate quantity;

"(4) at appropriate temperature;

"(5) in a form consistent with the developmental level of the resident; and

"(6) with appropriate utensils.

When food is transported, it shall be done in a manner that maintains proper temperature, protects the food from contamination and spoilage, and insures the preservation of nutritive value.

"(f) All residents, including the mobile nonambulatory, shall eat or be fed in dinning rooms, except where contraindicated for health reasons, or by decision of the team responsible for the resident's program. Table service shall be provided for all who can and will eat at a table, including residents in wheelchairs. Dining areas shall—

"(1) be equipped with tables having smooth, impervious tops or clean table coverings may be used;

"(2) be equipped with tables, chairs, eating utensils, and dishes designed to meet the developmental needs of each resident;

"(3) promote a pleasant and home-like environment that is attractively furnished and decorated, and is of good acoustical quality; and

"(4) be designed to stimulate maximum self-development, social interaction, comfort, and pleasure.

"(g) Dining arrangements shall be based upon a rational plan to meet the needs of the residents and the requirements of their programs. Dining and serving arrangements should provide for a variety of eating experiences (for example, cafeteria and family style), and, when appropriate, for the opportunity to make food selections with guidance. Unless justified on the basis of meeting the program needs of the particular residents being served, dining tables should seat small groups of residents (typically four to six at a table), preferably including both sexes.

"(h) Dining rooms shall be adequately supervised and staffed for the direction of self-help eating procedures, and to assure that each resident receives an adequate amount and variety of food. Staff members should be encouraged to eat with those residents who have semi-independent or independent eating skills. For residents not able to get to dining areas, food service practices shall permit and encourage maximum self-help, and shall promote social interaction and enjoyable experiences.

"SEC. 1242. (a) Residents shall be provided with systematic training to develop appropriate eating skills, utilizing adaptive equipment where it serves the developmental process.

"(b) Residents with special eating disabilities shall be provided with an interdisciplinary approach to the diagnosis and remediation of their problems, consistent with their developmental needs.

"(c) Direct-care staff shall be trained in and shall utilize proper feeding techniques. Residents shall eat in an upright position. Residents shall eat in a manner consistent with their developmental needs (for example, infants should be fed in arms, as appropriate). Residents shall be fed at a leisurely rate, and the time allowed for eating shall be such as to permit adequate nutrition, to promote the development of self-feeding abilities, to encourage socialization, and to provide a pleasant mealtime experience.

"(d) Effective procedures for cleaning all equipment and all areas shall be followed consistently. Handwashing facilities, including hot and cold water, soap, and paper towels, shall be provided adjacent to work areas.

"Subchapter III—Clothing

"SEC. 1245. (a) Each resident shall have an adequate allowance of neat, clean, fashionable, and seasonable clothing.

"(b) Each resident shall have his own clothing, which is, when necessary, properly (inconspicuously) marked with his name, and he shall use this clothing. Such clothing shall make it possible for residents to go out of doors in inclement weather, to go for trips or visits appropriately dressed, and to make a normal appearance in the community.

"(c) Nonambulatory residents shall be dressed daily in their own clothing, including shoes, unless contraindicated in written medical orders.

"(d) Washable clothing shall be designated for multi-handicapped residents being trained in self-help skills, in accordance with individual needs.

"(e) Clothing for incontinent residents, shall be designed to foster comfortable sitting, crawling and/or walking, and toilet training.

"(f) A current inventory should be kept of each resident's personal and clothing items.

"(g) Residents shall be trained and encouraged to:

"(1) select and purchase their own clothing as independently as possible, preferably utilizing community stores;

"(2) select their daily clothing;

"(3) dress themselves;

"(4) change their clothes to suit the activities in which they engage; and

"(5) maintain (launder, clean, mend) their clothing as independently as possible.

"SEC. 1246. Storage space for clothing to which the resident has access shall be provided. Ample closet and drawer space shall be provided for each resident. Such space shall be accessible to all, including those in wheelchairs.

"SEC. 1247. The person responsible for the facility's resident-clothing program shall be trained or experienced in the selection, purchase, and maintenance of clothing, including the design of clothing for the handicapped.

"Subchapter IV—Health, Hygiene, and Grooming

"SEC. 1250. (a) Residents shall be trained to exercise maximum independence in health, hygiene, and grooming practices, including bathing, brushing teeth, shampooing, combing and brushing hair, shaving, and caring for toenails and fingernails.

"(b) Each resident shall be assisted in learning normal grooming practices with individual toilet articles that are appropriately available to that resident.

"(c) Teeth shall be brushed daily, with an effective dentifrice. Individual brushes shall be properly marked, used, and stored. Dental care practices should encourage the use of newer dental equipment, such as electric toothbrushes and water picks, as prescribed.

"(d) Residents shall be regularly scheduled for hair cutting and styling, in an individualized, normalized manner, by trained personnel.

"(e) For residents who require such assistance, cutting of toenails and fingernails by trained personnel shall be scheduled at regular intervals.

"(f) Each resident shall have a shower or tub bath at least daily, unless medically contraindicated. Residents' bathing shall be conducted at the most independent level possible. Residents' bathing shall be conducted with due regard for privacy. Individual washcloths and towels shall be used. A bacteriostatic soap shall be used, unless otherwise prescribed.

"(g) Female residents shall be helped to attain maximum independence in caring for menstrual needs. Menstrual supplies shall be of the same quality and diversity available to to all women.

"(h) Every resident who does not eliminate appropriately and independently shall be engaged in a toilet training program. The facility's training program shall be applied systematically and regularly. Appropriate dietary adaptations shall be made to promote normal evacuation and urination. The program shall comprise a hierarchy of procedures leading from incontinence to independent toileting. Records shall be kept of the progress of each resident receiving toilet training. Appropriate equipment shall be provided for toilet training, including equipment appropriate for the multiply handicapped. Residents who are incontinent shall be immediately bathed or cleansed, upon voiding or soiling, unless specifically contraindicated by the training program in which they are enrolled, and all soiled items shall be changed. Persons shall wash their hands after handling an incontinent resident.

"(i) Each living unit shall have a properly adapted drinking unit. Residents shall be taught to use such units. Those residents who cannot be so taught shall be given the proper daily amount of fluid at appropriate intervals adequate to prevent dehydration. There shall be a drinking unit accessible to, and usable by, residents in wheelchairs. Special cups and noncollapsible straws shall be available when needed by the multiple handicapped. If the drinking unit employs cups, only single-use, disposable types shall be used.

"(j) Procedures shall be established for:

"(1) monthly weighing of residents, with greater frequency for those with special needs;

"(2) quarterly measurement of height, until the age of maximum growth:

"(3) maintenance of weight and height records; and

"(4) every effort shall be made to assure that residents maintain normal weights.

"(k) Policies and procedures for the care of residents with infections and contagious diseases shall conform to State and local health department regulations.

"(l) Orders prescribing bed rest or prohibiting residents from being taken out-of-doors shall be reviewed by a physician at least every three days.

"(m) Provisions shall be made to furnish and maintain in good repair, and to encourage the use of, dentures, eyeglasses, hearing aids, braces, and so forth, prescribed by appropriate specialists.

"Subchapter V—Grouping and Organization of Living Units

"SEC. 1255. (a) Living unit components or groupings shall be small enough to insure the development of meaningful interpersonal relationships among residents and *between* residents and staff. The resident-living unit (self-contained unit including sleeping, dining, and activity areas) should provide for not more than sixteen residents. Any deviation from this size should be justified on the basis of meeting the program needs of the specific residents being served. To maximize development, residents should be grouped within the living unit into program groups of not more than eight. Any deviation from this size should be justified on the basis of meeting the program needs of the specific residents being served.

"(b) Residential units or complexes should house both male and female residents to the extent that this conforms to the prevailing cultural norms. Residents of grossly different ages, developmental levels, and social needs shall not be housed in close physical or social proximity, unless such housing is planned to promote the growth and development of all those housed together. Residents who are mobile-non-ambulatory, deaf, blind, epileptic, and so forth, shall be integrated with peers of comparable social and intellectual development, and shall not be segregated on the basis of their handicaps.

"(c) The living unit shall not be a self-contained program unit, and living unit activities shall be coordinated with recreation, *educational*, and habilitative activities in which residents engage outside the living unit, unless contraindicated by the specific program needs of the particular residents being served. Each program group should be assigned a specific person, who has responsibility for providing an organized, developmental program of physical care, training, and recreation.

"(d) Residents shall be allowed free use of all living areas within the living unit, with due regard for privacy and personal possessions. Each resident shall have access to a quiet, private area where he can withdraw from the group when not specifically engaged in structured activities.

"(e) Outdoor active play or recreation areas shall be readily accessible to all living units.

"Subchapter VI—Resident-Living Staff

"SEC. 1256. (a) There shall be sufficient, appropriately qualified, and adequately trained personnel to conduct the resident-living program, in accordance with the standards specified in this document. Resident-living personnel shall be administratively responsible to a person whose training and experience is appropriate to the program. The title applied to the individuals who directly interact with residents in the living units should be appropriate to the kind of residents with whom they work and the kind of interaction in which they engage. The personnel who staff the living units may be referred to by a variety of terms, such as attendants, child care workers, or cottage parents. The term 'psychiatric aid' may be appropriate for a unit serving the emotionally disturbed, but not for a cottage of well-adjusted children. The title of "child care worker" may be appropriate for a nursery school group, but not for an adult unit. Nurses' aides are appropriate for units serving sick residents but not well ones.

"(b) The attire of resident-living personnel should be appropriate to the program of the unit in which they work, and consistent with attire worn in the community.

"(c) When resident-living units are organized as recommended in subchapter V, and designed as stipulated in subchapter VII, the staff-resident ratios for twenty-four-hour, seven-day coverage of such units by resident-living personnel, or for equivalent coverage, should be as follows:

"(1) for medical and surgical units, and for units including infants, children (to puberty), adolescents requiring considerable adult guidance and supervision, severely and profoundly retarded, moderately and severely physically handicapped, and residents who are aggressive, assaultive, or security risks, or who manifest severely hyperactive or psychotic-like behavior—

"(A) first shift, 1 to 4;

"(B) second shift, 1 to 4;

"(C) third shift, 1 to 8; and

"(D) overall ratio (allowing for a five-day workweek plus holiday, vacation, and sick time), 1 to 1;

"(2) for units serving moderately retarded adolescents and adults requiring habit training—

"(A) first shift, 1 to 8;

"(B) second shift, 1 to 4;

"(C) third shift, 1 to 8; and

"(D) overall ratio, 1 to 1.25;

"(3) for units serving residents in vocational training programs and adults who work in sheltered employment situations—

"(A) first shift, 1 to 16;

"(B) second shift, 1 to 8;

"(C) third shift, 1 to 16; and

"(D) overall ratio, 1 to 2.5.

"(d) Regardless of the organization or design of resident-living units, the overall staff-resident ratios should be as stipualted above. Regardless of the organization or design of resident-living units, the overall staff-resident ratios for the categories defined above shall not be less than 1 to 2, 1 to 2.5, and 1 to 5, respectively.

"Subchapter VII—Design and Equipage of Living Units

"SEC. 1257. (a) The design, construction, and furnishing of resident-living units shall be—

"(1) appropriate for the fostering of personal and social development;

"(2) appropriate to the program;

"(3) flexible enough to accommodate variations in program to meet changing needs of residents; and

"(4) such as to minimize noise and permit communication at normal conversation levels.

"(b) The interior design of living units shall simulate the functional arrangements of a home to encourage a personalized atmosphere for small groups of residents, unless it has been demonstrated that another arrangement is more effective in maximizing the human qualities of the specific residents being served. There shall be a minimum of eighty square feet of living, dining, or activity space for each resident. This space shall be arranged to permit residents to participate in different kinds of activities, both in groups and singly. Furniture and furnishings shall be safe, appropriate, comfortable, and home-like.

"(c) Bedrooms shall:

"(1) be on or above street grade level;

"(2) be outside rooms;

"(3) accommodate from one to four residents;

"(4) provide at least sixty square feet per resident in multiple sleeping rooms, and not less than eighty square feet in single rooms.

"(5) partitions defining each bedroom shall extend from floor to ceiling;

"(6) doors to bedrooms—

"(A) should not have vision panels;

"(B) should not be lockable, except where residents may lock their own bedroom doors, as consistent with their program;

"(7) there shall be provision for residents to mount pictures on bedroom walls (for example by means of pegboard or cork strips), and to have flowers, artwork, and other decorations;

"(8) each resident shall be provided with—

"(A) a separate bed of proper size and height for the convenience of the resident;

"(B) a clean, comfortable mattress;

"(C) bedding appropriate for weather and climate;

"(9) each resident shall be provided with—

"(A) appropriate individual furniture, such as a chest of drawers, a table or desk, and an individual closet with clothes racks and shelves accessible to the resident;

"(B) a place of his own for personal play equipment and individually prescribed prosthetic equipment; and

"(10) space shall be provided for equipment for daily out-of-bed activity for all residents not yet mobile, except those who have a short-term illness, or those very few for whom out-of-bed activity is a threat to life.

"(d) Suitable storage shall be provided for personal possessions, such as toys, books, pictures, games, radios, arts and crafts materials, toiletries, jewelry, letters, and other articles and equipment, so that they are accessible to the residents for their use. Storage areas shall be available for off-season personal belongings, clothing, and luggage.

"(e) Toilet areas, clothes closets, and other facilities shall be located and equipped so as to facilitate training toward maximum self-help by residents, including the severely and profoundly retarded and the multiple handicapped as follows:

"(1) water closets, showers, bathtubs, and lavatories shall approximate normal patterns found in homes, unless specifically contraindicated by program needs;

"(2) toilets, bathtubs, and showers shall provide for individual privacy (with partitions and doors), unless specifically contraindicated by program needs;

"(3) water closets and bathing and toileting appliances shall be equipped for use by the physically handicapped;

"(4) there shall be at least one water closet of appropriate size for each six residents;

"(A) at least one water closet in each living unit shall be accessible to residents in wheelchairs;

"(B) each water closet shall be equipped with a toilet seat;

"(C) toilet tissue shall be readily accessible at each water closet;

"(5) there shall be at least one lavatory for each six residents and one lavatory shall be accessible to and usable by residents in wheelchairs;

"(6) there shall be at least one tub or shower for each eight resident;

"(7) there shall be individual racks or other drying space for washcloths and towels; and

"(8) larger, tilted mirrors shall be available to residents in wheelchairs.

"(f) Provisions for the safety, sanitation, and comfort of the residents shall comply with the following requirements:

"(1) each habitable room shall have direct outside ventilation by means of windows, louvers, air conditioning, or mechanical ventilation horizontally and vertically;

"(2) each habitable room shall have at least one window, and the window space in each habitable room should be at least one-eighth (12½ per centum) of the floor space;

"(A) each resident unit of eight shall have at least one glazed area low enough so that a child in normal day activities has horizontal visual access to the out-of-doors;

"(B) the type of glass or other glazing material used shall be appropriate to the safety needs of the residents of the unit;

"(3) floors shall provide a resilient, comfortable, attractive, nonabrasive, and slip-resistant surface. Carpeting used in units serving residents who crawl or creep shall be nonabrasive;

"(4) temperature and humidity shall be maintained within a normal comfort range by heating, air conditioning, or other means. The heating apparatus employed shall not constitute a burn hazard to the residents;

"(5) the temperature of the hot water at all taps to which residents have access shall be controlled, by the use of thermostatically controlled mixing valves or by other means, so that it does not exceed 110 degrees Fahrenheit. Mixing valves shall be equipped with safety alarms that provide both auditory and visual signals of valve failure;

"(6) emergency lighting of stairs and exits, with automatic switches, shall be provided in units housing more than fifteen residents;

"(7) there shall be adequate clean linen and dirty linen storage areas for each living unit. Dirty linen and laundry shall be removed from the living unit daily; and

"(8) laundry and trash chutes are discouraged, but if installed, such chutes shall comply with regulations prescribed by the Secretary.

"Chapter 3.—PROFESSIONAL AND SPECIAL PROGRAMS AND SERVICES

"SUBCHAPTER I—INTRODUCTION

"SEC. 1258. (a) In addition to the resident-living services detailed in section 2, residents shall be provided with the professional and special programs and services detailed in this section, in accordance with their needs for such programs and services.

"(b) The professional and special programs and services detailed herein may be provided by programs maintained or personnel employed by the residential facility, or by formal arrangements between the facility and other agencies or persons, whereby the latter will provide such programs and services to the facility's residents as needed.

"(c) In accordance with the normalization principle, all professional services to the retarded should be rendered in the community, whenever possible, rather than in a residential facility, and where rendered in a residential facility, such services must be at least comparable to those provided the nonretarded in the community.

"(d) Programs and services provided by the facility, or to the facility by agencies outside it, or by persons not employed by it, shall meet the standards for quality of service as stated in this section. The facility shall require that services provided its residents meet the standards for quality of services as stated in this section, and all contracts for the provision of such services shall stipulate that these standards will be met.

"SEC. 1159. (a) Individuals providing professional and special programs and services to residents may be identified with the following professions, disciplines, or areas of service:

"(1) audiology;

"(2) dentistry (including services rendered by licensed dentists, licensed dental hygienists, and dental assistants);

"(3) education;

"(4) food and nutrition (including services rendered by dietitians and nutritionists);

"(5) library services;

"(6) medicine (including services rendered by licensed physicians, whether doctors of medicine or doctors of osteopathy, licensed podiatrists, and licensed optometrists);

"(7) music, art, dance, and other activity therapies;

"(8) nursing;

"(9) occupational therapy;

"(10) pharmacy;

"(11) physical therapy;

"(12) psychology;

"(13) recreation;

"(14) religion (including services rendered by clergy and religious educators);

"(15) social work;

"(16) speech pathology;

"(17) vocational rehabilitation counseling; and

"(18) volunteer services.

"(b) Interdisciplinary teams for evaluating the resident's needs, planning and individualized habilitation program to meet identified needs, and periodically reviewing the resident's response to his program and revising the program accordingly, shall be constituted of persons drawn from, or representing, such of the aforementioned professions, disciplines, or service areas as are relevant in each particular case.

"(c) Since many identical or similar services or functions may competently be rendered by individuals of different professions, the Standards in the following subsections shall be interpreted to mean that necessary services are to be provided in efficient and competent fashion, without regard to the professional identifications of the persons providing them, unless only members of a single profession are qualified or legally authorized to perform the stated service. Services listed under the duties of one profession may, therefore, be rendered by members of other professions who are equipped by training and experience to do so.

"(d) Regardless of the means by which the facility makes professional services available to its residents, there shall be evidence that members of professional disciplines work together in cooperative, coordinated, interdisciplinary fashion to achieve the objectives of the facility.

"SEC. 1160. Programs and services and the pattern of staff organization and function within the facility shall be focused upon serving the individual needs of residents and should provide for—

"(1) comprehensive diagnosis and evaluation of each resident as a basis for planning programing and management;

"(2) design and implementation of an individualized habilitation program to effectively meet the needs of each resident;

"(3) regular review, evaluation, and revision, as necessary, of each individual's habilitation program;

"(4) freedom of movement of individual residents from one level of achievement to another, within the facility and also out of the facility, through training, habilitation, and placement; and

"(5) an array of those services that will enable each resident to develop to his maximum potential.

"SUBCHAPTER II—DENTAL SERVICES

"SEC. 1261. (a) Dental services shall be provided all residents in order to maximize their general health by—

"(1) maintaining an optimal level of daily oral health, through preventive measures; and

"(2) correcting existing oral diseases,

"(b) Dental services shall be rendered—

"(1) directly, through personal contact with all residents by dentists, dental hygienists, dental assistants, dental health educators, and oral hygiene aides, as appropriate to the size of the facility; and

"(2) indirectly, through contact between dental staff and other personnel caring for the residents, in order to maintain their optimal oral health.

"(c) Dental services available to the facility should include—

"(1) dental exaluation and diagnosis;

"(2) dental treatment;

"(3) comprehensive preventive dentistry programs;

"(4) education and training in the maintenance of oral health;

"(5) participation, as appropriate, by dentists and dental hygienists in the continuing evaluation of individual residents by interdisciplinary teams, to initiate, monitor and follow up individualized habilitation programs;

"(6) consultation with, or relating to—

"(A) residents;

"(B) families of residents;

"(C) other facility service and personnel;

"(7) participation on appropriate facility committees; and

"(8) planning and conducting dental research; cooperating in interdisciplinary research; and interpreting, disseminating, and implementing applicable research findings.

"(d) Comprehensive diagnostic services for all residents shall include—

"(1) a complete extra and intraoral examination, utilizing all diagnostic aids necessary to properly evaluate the resident's oral condition, within a period of one month following admission;

"(2) provision for adequate consultation in dentistry and other fields, so as to properly evaluate the ability of the patient to accept the treatment plan that results from the diagnosis; and

"(3) a recall system that will assure that each resident is reexamined at specified intervals in accordance with his needs, but at least annually.

"(e) Comprehensive treatment services for all residents shall include—

"(1) provision for dental treatment, including the dental specialities of pedodontics, orthodontics, periodontics, prosthodontics, endodontics, oral surgery, and oral medicine as indicated; and

"(2) provision for emergency treatment on a twenty-four-hour, seven-days-a-week basis, by a qualified dentist.

"(f) Comprehensive preventive dentistry programs should include—

"(1) fluoridation of the facility's water supply;

"(2) topical and systemic fluoride therapy as prescribed by the dentist;

"(3) periodic oral prophylaxis, by a dentist or dental hygienist, for each resident;

"(4) provisions for daily oral care, as prescribed by a dentist or dental hygienist, including:

"(A) Toothbrushing and toothbrushing aids, such as disclosing wafers;

"(B) tooth flossing;

"(C) irrigation;

"(D) proper maintenance of oral hygiene equipment;

"(E) monitoring the program to assure its effectiveness; and

"(5) provision, wherever possible, of diets in a form that stimulates chewing and improvement of oral health.

"(g) Education and training in the maintenance of oral health shall include:

"(1) continuing inservice training of living-unit personnel in providing proper daily oral health care for residents;

"(2) providing dental health education to direct-care personnel;

"(3) a dental hygiene program that includes:

"(A) discovery, development, and utilization of specialized teaching techniques that are effective for individual residents;

"(B) imparting information regarding nutrition and diet control measures to residents and staff;

"(C) instruction of classroom teachers and/or students in proper oral hygiene methods;

"(D) motivation of teachers and students to promote and maintain good oral hygiene;

"(E) instruction of residents in living units in proper oral hygiene methods; and

"(4) instruction of parents or surrogates in the maintenance of proper oral hygiene, where appropriate (as in the case of facilities having day programs, or in the case of residents leaving the facility).

"(h) A permanent dental record shall be maintained for each resident. A summary dental progress report shall be entered in the resident's unit record at stated intervals. A copy of the permanent dental record shall be provided a facility to which a resident is transferred.

"(i) When the facility has its own dental staff, there should be a manual that states the philosophy of the dental service and describes all dental procedures and policies. There shall be a formal arrangement for providing qualified and adequate dental services to the facility, including care for dental emergencies on a twenty-four hour, seven-days-a-week basis. A dentist, fully licensed to practice in the State in which the facility is located, shall be designated to be responsible for maintaining standards of professional and ethical practice in the rendering of dental services to the facility. Where appropriate, the facility should, in addition, have available to it, and should utilize, the program-development consultation services of a qualified dentist who has experience in the field of dentistry for the retarded.

"(j) There shall be available sufficient, appropriately qualified dental personnel, and necessary supporting staff, to carry out the dental services program. All dentists providing services to the facility shall be fully licensed to practice in the State in which the facility is located. All dental hygienists providing services to the facility shall be licensed to practice in the State in which the facility is located. Dental assistants should be certified by the American Dental Assistants Association, or should be enrolled in a program leading to certification. Dental health educators shall have a thorough knowledge of—

"(1) dental health; and

"(2) teaching methods.

"(k) Oral hygiene aides, who may supplement and promote the proper daily oral care of residents, through actual participation and development of new methods in the tooth-brushing program, or in the dissemination of oral hygiene information, should be—

"(1) thoroughly trained in current concepts and procedures of oral care; and

"(2) trained to recognize abnormal oral conditions.

"(l) Supporting staff should include, as appropriate to the program—

"(1) receptionists;

"(2) clerical personnel to maintain current dental records;

"(3) dental laboratory technicians certified by the Dental Laboratory Association;

"(4) escort aides; and

"(5) janitorial or housekeeping personnel.

"(m) All dentists providing service to the facility shall adhere to the code of ethics published by the American Dental Association.

"SEC. 1162. (a) Appropriate to the size of the facility, a continuing education program shall be provided that is designed to maintain and improve the skills and knowledge of its professional dental personnel, through means such as—

"(1) preceptor or other orientation programs;

"(2) participation in seminars, workshops, conferences, institutes, or college or university courses, to the extent of at least sixty clock hours annually for each dental professional, in accordance with the standards of the American Dental Association and its component societies;

"(3) study leave;

"(4) participation in the activities of professional organizations that have as their goals the furtherance of expertise in the treatment of the handicapped;

"(5) access to adequate library resources, including current and relevant books and journals in dentistry, dental hygiene, dental assisting, and mental retardation;

"(6) encouragement of dentists to qualify themselves for staff privileges in hospitals; and

"(7) sharing of information concerning dentistry in its relationship with mental retardation, as by publication.

"(b) To enrich and stimulate the facility's dental program, and to facilitate its integration with community services, the facility should affiliate with, and provide educational experiences for the dental-career students of, dental schools, universities, colleges, technical schools, and hospitals, whenever the best interests of the facility's residents are thereby served.

"(c) There shall be adequate space, facilities, and equipment to meet the professional, educational, and administrative needs of the dental service. General anesthesia facilities for dental care shall be available. The services of a dental laboratory certified by the Dental Laboratory Association shall be available. Appropriate dental consultation shall be employed in the planning, design, and equipage of new dental facilities, and in the modification of existing facilities. All dental facilities shall be free of architectural barriers for physically handicapped residents.

"SUBCHAPTER III—EDUCATIONAL SERVICES

"SEC. 1163. (a) Educational services, defined as deliberate attempts to facilitate the intellectual, sensorimotor, and affective development of the individual, shall be available to all residents, regardless of chronological age, degree of retardation, or accompanying disabilities or handicaps. There shall be a written statement of educational objectives that are consistent with the facility's philosophy and goals. The principle that learning begins at birth shall be recognized, and the expertise of early childhood educators shall be integrated into the interdisciplinary evaluation and programing for residents.

"(b) Educational services available to the facility should include—

"(1) establishment and implementation of individual educational programs providing:

"(A) continuous evaluation and assessment of the individual;

"(B) programing for the individual;

"(C) instruction of individuals and groups;

"(D) evaluation and improvement of instructional programs and procedures;

"(2) participation in program development services, including those relating to:

"(A) resident habilitation;

"(B) staff training;

"(C) community activities;

"(3) consultation with, or relating to:

"(A) other programs for residents and staff;

"(B) parents of residents;

"(C) administration and operation of the facility;

"(D) the community served by the facility; and

"(4) research relating to educational programs, procedures, and techniques; and the interpretation, dissemination, and application of applicable research findings.

"(c) Where appropriate, an educator shall be a member of the interdisciplinary teams or groups concerned with—

"(1) the total programing of each resident; and

"(2) the planning and development of the facility's programs for residents.

"(d) Individual educational evaluations of residents shall:

"(1) commence with the admission of the resident;

"(2) be conducted at least annually;

"(3) be based upon the use of empirically reliable and valid instruments, whenever such tools are available;

"(4) provide the basis for prescribing an appropriate program of learning experiences for the resident;

"(5) provide the basis for revising the individual prescription as needed;

"(6) the reporting and dissemination of evaluation results shall be done in such a manner as to—

"(A) render the content of the report meaningful and useful to its intended recipient and user; and

"(B) promptly provide information useful to staff working directly with the resident.

"(e) There shall be written educational objectives for each resident that are—

"(1) based upon complete and relevant diagnostic and prognostic data;

"(2) stated in specific behavioral terms that permit the progress of the individual to be assessed; and

"(3) adequate for the implementation, continuing assessment, and revision, as necessary, of an individually prescribed program.

"(f) There shall be evidence of educational activities designed to meet the educational objectives set for every resident. There shall be a functional educational record for each resident, maintained by, and available to, the educator.

"(g) There shall be appropriate programs to implement the facility's educational objectives. Wherever local resources permit and the needs of the resident are served, residents should attend educational programs in the community. Educable and trainable residents shall be provided an educational program of a quality not less than that provided by public school programs for comparable pupils, as regards:

"(1) physical facilities;

"(2) qualifications of personnel;

"(3) length of the school day;

"(4) length of school year;

"(5) class size;

"(6) provision of instructional materials and supplies; and

"(7) availability of evaluative and other ancillary services.

"(h) Educational programs shall be provided severely and profoundly retarded residents, and all other residents for whom educational provisions may not be required by State laws, irrespective of age or ability.

"(i) Appropriate educational programs shall be provided residents with hearing, vision, perceptual, or motor impairments, in cooperation with appropriate staff.

"(j) Educational programs should include opportunities for physical education, health education, music education, and art education, in accordance with the needs of the residents being served.

"(k) A full range of instructional materials and media shall be readily accessible to the educational staff of the facility.

"(l) Educational programs shall provide coeducational experiences. Learning activities in the classroom shall be coordinated with activities of daily living in the living units and with other programs of the facility and the community. The facility shall seek reciprocal services to and from the community, within the bounds of legality and propriety. An educational program operated by a facility shall seek consultation from educational agencies not directly associated with the facility.

"SEC. 1164. (a) There shall be available sufficient, appropriately qualified eduational personnel, and necessary supporting staff, to carry out the educational programs. Delivery of educational services shall be the responsibility of a person who is eligible for—

"(1) certification as a special educator of the mentally retarded; and

"(2) the credential required for a comparable supervisory or administrative position in the community.

"(b) Teachers shall be provided aides or assistants, as needed. The facility's educators shall adhere to a code of ethics prescribed by the Secretary. Appropriate to the nature and size of the facility, there shall be an ongoing program for staff development specifically designed for educators. Staff members shall be encouraged to participate actively in professional organizations related to their responsibilities.

"(c) To enrich and stimulate the facility's educational program, and to facilitate its integration with community services, opportunities for internships, student teaching, and practicum experiences should be made available, in cooperation with university teacher-training programs, whenever the best interests of the residents are thereby served.

"SUBCHAPTER IV—FOOD AND NUTRITION SERVICES

"SEC. 1265. (a) Food and nutrition services shall be provided in order to—

"(1) insure optimal nutritional status of each resident, thereby enhancing his physical, emotional, and social well-being; and

"(2) provide a nutritionally adequate diet, in a form consistent with developmental level, to meet the dietary needs of each resident.

"(b) There shall be a written statement of policies and procedures that—

"(1) describes the implementation of the stated objectives of the food and nutrition services;

(2) governs the functions and programs of the food and nutrition services;

"(3) is formulated and periodically reviewed by professional nutrition personnel;

"(4) is prepared in consultation with other professional staff;

"(5) is consistent with the facility's goals and policies;

"(6) is distributed and interpreted to all facility personnel; and

"(7) complies with State and local regulations.

"(c) Whenever appropriate, the following services should be provided—

"(1) initial and periodic evaluation of the nutritional status of each resident, including—

"(A) determination of dietary requirements and assessments of intake and adequacy through—

"(i) dietary interview;

"(ii) clinical evaluation;

"(iii) biochemical assessment;

"(B) assessment of food service practices;

"(C) assessment of feeding practices, capabilities, and potential;

"(2) maintenance of a continuing and periodically reviewed nutrition record for each resident;

"(3) incorporation of recommendations drawn from the nutrition evaluation into the total management plans for the resident;

"(4) periodic review of implementation of recommendations and of need for modification;

"(5) participation in the continuing interdisciplinary evaluation of individual residents, for the purposes of initiation, monitoring, and followup of individualized habilitation programs;

"(6) provision of—

"(A) counseling services to the individual resident;

"(B) reciprocal consultation services with facility staff and students;

"(C) counseling service to residents' families or their surrogates;

"(D) nutrition education, on a continuing basis, for residents, families or surrogates, staff, and students, and development of such programs in coordination with various education programs within the facility and the community;

"(7) coordination of nutrition programs between the facility and the community, including—

"(A) development of awareness of available programs in nutrition;

"(B) development of needed nutrition programs;

"(C) encouragement of participation of professionals and students in nutrition programs for the mentally retarded; and

"(8) development, coordination, and direction of nutrition research, as well as cooperation in interdisciplinary research.

"(d) Food services shall include—

"(1) menu planning;

"(2) initiating food orders or requisitions;

"(3) establishing specifications for food purchases, and insuring that such specifications are met;

"(4) storing and handling of food;

"(5) food preparation;

"(6) food serving;

"(7) maintaining sanitary standards in compliance with State and local regulations; and

"(8) orientation, training, and supervision of food service personnel.

"(e) The food and nutrition needs of residents shall be met in accordance with the recommended dietary allowances of the food and nutrition board of the national research council, adjusted for age, sex, activity, and disability, through a nourishing, well-balanced diet. The total food intake of the residents should be evaluated, including food consumed outside of as well as within the facility.

"(f) Menus shall be planned to meet the needs of the residents in accordance with subsection (e). Menus shall be written in advance. The daily menu shall be posted in food preparation areas. When changes in the menu are necessary, substitutions should be noted and should provide equal nutritive values. Menus shall provide a sufficient variety of foods served in adequate amounts at each meal, and shall be: (1) Different for the same days of each week; (2) Adjusted for seasonal changes. Records of menus as served shall be filed and maintained for at least thirty days. At least a one-week supply of staple foods and a two-day supply of perishable foods shall be maintained on the premises. Records of food purchased for preparation shall be filed and maintained for at least thirty days. A file of tested recipes adjusted to appropriate yield should be maintained.

"(g) Foods shall be prepared by methods that—

"(1) conserve nutritive value;

"(2) enhance flavor; and

"(3) enhance appearance.

"(h) Food shall be prepared, stored, and distributed in a manner that assures a high quality of sanitation. Effective procedures for cleaning all equipment and work areas shall be followed consistently. Dishwashing and panwashing shall be carried out in compliance with State and local health codes. Handwashing facilities, including hot and cold water, soap, and paper towels, shall be provided adjacent to work area.

"(i) When food is transported, it shall be done in a manner that maintains proper temperature, protects the food from contamination and spoilage, and insures the preservation of nutritive value. Food storage procedures shall meet State and local regulations. Dry or staple food items shall be stored at least twelve inches above the floor, in a ventilated room not subject to sewage or waste water backflow, or contamination by condensation, leakage, rodents, or vermin. Perishable foods shall be stored at the proper temperatures to preserve nutritive values. Food served to residents and not consumed shall be discarded.

"(j) There shall be a sufficient number of competent personnel to fulfill the objectives of the food and nutrition services, including—

"(1) nutritionists or dietitians;

"(2) other food service personnel;

"(3) clerical personnel;

"(4) depending upon the size and scope of the facility, food and nutrition services shall be directed by one of the following—

"(A) a dietitian who is eligible for membership in the American Dietetic Association, and preferably eligible for registration by the association, or a nutritionist who has a master's degree in foods, nutrition, or public health nutrition, who is eligible for membership in the American Dietetic Association, and preferably eligible for registration by the association, and who, unless employed by a facility that also employs a dietitian, has had experience in institutional food management;

"(B) a food service manager who has a bachelor's degree in foods, nutrition, or a related field, and who receives consultation from a dietary consultant;

"(C) a responsible person who has had training and experience in meal management and service, and who receives consultation from a dietary consultant; and

"(D) the person responsible for food and nutrition services should have had training or experience in providing services to the mentally retarded, and should be sensitive to their needs;

"(5) the dietary consultant shall—

"(A) be eligible for membership in the American Dietetic Association, and preferably eligible for registration by the association;

"(B) serve on a regularly scheduled and frequent basis when no full-time dietitian is available; and

"(6) every person engaged in the preparation and serving of food in the facility shall have a valid food handler's permit, as required by State or local regulations. No person who is afflicted with a disease in a communicable stage, or who is a carrier of a communicable disease, or who has an open wound, shall work in any food service operation. Every person engaged in the preparation and serving of food in the facility shall annually be medically determined to be free of any disease in a communicable stage. All dietitians and nutritionists shall adhere to the code of ethics of the American Dietetic Association.

"(k) Appropriate to the size of the facility, an ongoing service training program shall be conducted that is designed to improve and maintain the skills of its food and nutrition services staff, through means such as—

"(1) seminars, workshops, conferences, and institutes;

"(2) college and university courses;

"(3) participation in professional organizations;

"(4) participation in interdisciplinary groups;

"(5) visitations to other facilities; and

"(6) access to adequate library resources, including current and relevant books and journals in nutrition and mental retardation.

"(l) Opportunities should be provided, in cooperation with university and other training programs, for students to obtain practical experience, under appropriate supervision, whenever the best interests of the residents are thereby served.

"(m) There shall be adequate space, facilities, and equipment to fulfill the professional, educational, administrative, operational, and research needs of the food and nutrition services. Dining areas and facilities for food storage, preparation, and distribution shall be—

"(1) designed in cooperation with a dietitian and, when appropriate, with assistance from a qualified food service and equipment consultant;

"(2) adequate for the storage and preservation of food;

"(3) in compliance with State and local sanitation and other requirements;

"(4) adequate for the preparation and serving of food; and

"(5) adequate for sanitary storage for all dishes and equipment.

"Subchapter V—Library Services

"SEC. 1266. (a) Library services, which include the location, acquisition, organization, utilization, retrieval, and delivery of materials in a variety of media, shall be available to the facility, in order to support and strengthen its total habilitation program by providing complete and integrated multimedia information services to both staff and residents. Library services shall make available to the facility the resources of local, regional, State, and National library systems and networks. Library services shall be available to all residents, regardless of chronological age, degree of retardation, level of communication skills, or accompanying disabilities or handicaps.

"(b) Library services to residents shall be rendered—

"(1) directly, through personal contact between library staff and residents;

"(2) indirectly, through contact between librarians and other persons working with the residents, designed to—

"(A) maintain an atmosphere that recognizes the rights of the resident to access to information and to personal use of library materials appropriate to his level of development in communication skills or to his desire to confrom to peer groups; and

"(B) enhance interpersonal relationships between direct-care workers and residents, through the mutual enjoyment of written, recorded, or oral literature appropriate to the resident's level of development and preference.

"(c) Library services available to residents should include—

"(1) assistance in team evaluation and assessment of the individual's level of development in communication skills, such as listening, comprehension, reading, and ability to respond to stimuli in a wide range and variety of media;

"(2) provision of informational, recreational, and educational materials appropriate to individual residents at all stages of development in communication skills, including media to stimulate sensory development, both in the library and in the living unit. Such materials should include, but need not be limited to—

"(A) books, including picture, juvenile, adult, high interest-low vocabulary, large print, and talking books;

"(B) magazines, including juvenile, adult pictorial, and magazines on talking books;

"(C) newspapers;

"(D) audiovisual media, including films, filmstrips, slides, video tapes, audio tapes, and records and appropriate equipment;

"(E) graphics;

"(F) experiant materials, such as manipulative materials, toys and games, realia, and animals;

"(3) development of programs for individual or group enjoyment, for development of communication skills, for encouragement and satisfaction of natural human curiosity about anything, including sex and the facts of life, and for general enhancement of self-image. These programs should include, but need not be limited to—

"(A) storytelling, with listener participation through games or other activities;

"(B) reading aloud, including 'reading' pictures;

"(C) film or filmstrip programs;

"(D) listening to recorded media;

"(E) media discussion groups;

"(F) library clubs;

"(G) touching, browsing, exploring, or naming sensory stimuli;

"(H) creative writing, including group composition through dictation, tape recording, etc.;

"(I) puppetry, including the making of puppets;

"(J) creative dramatics;

"(4) opportunities to visit, and make use of, community library services and facilities in the same manner, and on the same terms, as any resident of the community;

"(5) referral services to the community library most convenient to place of residence or employment, when the resident leaves the facility; and

"(6) active participation in, and encouragement of, library programs related to the educational and habilitative services of the facility, including the supplementation, support, and reinforcement of school programs.

"(d) Librarians providing service to residents should act as advocates on their behalf if facility policies or community library policies interfere with the retarded person's freedom to read materials of his own choosing or if they deny or abrogate his right to information or access to library services of any kind, in accordance with the Library Bill of Rights adopted by the American Library Association.

"(e) Library services to staff should include—

"(1) selection, acquisition, organization, classification, cataloging, procurement through interlibrary loan, and dissemination of informational, educational, and instructional library materials and audiovisual equipment;

"(2) provision of reference and bibliographic materials and services, literature searches, bibliography compilation, indexing and abstracting services, and other guides to the literature relevant to mental retardation;

"(3) acquisition of material for evaluation for purchase;

"(4) provision of a current awareness program to alert staff to new materials and developments in their fields;

"(5) orientation to library services and functions, including continuing instruction and assistance in the use of informational sources, and participation in general orientation to the facility;

"(6) provision of written and oral translation services; and

"(7) cooperation in inservice training programs by working with subject specialists and by recommending, providing or producing materials in various media.

"(f) Library services to the facility may include—

"(1) provision of informational materials about the facility and mental retardation in general, through an organized collection of resources;

"(2) assistance with such public relation functions as preparing brochures, program statements, annual reports, writing news releases and feature stories, and offering editorial and research assistance to staff preparing professional books and papers; and

"(3) assistance in preparing grant applications and report writing.

"(g) When library services are provided in the facility—

"(1) there shall be a written statement of objectives that make possible a well-conceived, comprehensive, long-range program of library development, consistent with the overall goals of the facility, adapted to the needs and aptitudes of the residents, and designed to be modified as the program of the facility changes;

"(2) there shall be a separate budget, adequate to carry out the program in accordance with stated goals and objectives;

"(3) library services shall be placed within the organizational structure of the facility in such a way as to be available to, and maximally utilized by, all relevant services and programs;

"(4) there shall be written policies covering the library's day-to-day activities, and the coordination of these activities with those of other services of the facility and with related activities in the community;

"(5) there shall be available sufficient, appropriately qualified staff, and necessary supporting personnel, to carry out the program in accordance with stated goals and objectives;

"(6) a qualified librarian shall be responsible for all library services. Where the level of need for services does not require the full-time employment of a professional librarian, coverage may be through the use of consultant service or supervisory personnel, through the pooling of resources and the sharing of services by two or more facilities in a geographic area, or through service supplied through a regional library system;

"(7) the librarian shall participate, when appropriate, in the interdisciplinary planning, development, and evaluation of facility programs;

"(8) the librarian should coordinate the purchasing of all print and nonprint materials for the facility, and act as the facility's informed agent in initiating the purchase of print and nonprint materials, and the library should serve as clearing house for such holdings;

"(9) librarians should participate in—

"(A) educating appropriate members of the community, concerning the library needs of residents;

"(B) planning, with community librarians, the utilization of library resources to optimize resident adjustment;

"(C) developing appropriate expectancies and attitudes within community libraries that residents will use;

"(10) appropriate relationships with other libraries and community agencies shall be established to more effectively accomplish the library's service functions;

"(11) appropriate to the size of the facility, there should be a staff development program designed to maintain and improve the skills of library services staff through means such as—

"(A) staff meetings and inservice training;

"(B) seminars, workshops, conferences, and institutes;

"(C) college and university courses;

"(D) professional organizations;

"(E) participation in interdisciplinary groups;

"(F) visits to other facilities;

"(G) access to relevant professional literature;

"(12) whenever appropriate, the library should provide training for beginning librarians, further the orientation and training of library assistants, technicians, or volunteers, and serve as a training center for library institutes or workshops;

"(13) library services should be located so as to be convenient and accessible to all users;

"(14) all library functions should be integrated within a centralized location, whenever this does not act as a barrier to accessibility for any group;

"(15) space, physical facilities, and equipment shall be adequate to carry out the program, and shall comply with the standards for library services in health care institutions published by the Association of Hospital and Institution Libraries of the American Library Association;

"(16) the hours during which the library is open should meet the requirements of the majority of the library's users, and should be as generous as possible; and

"(17) users of library services shall participate in the planning and evaluation of library programs, by means such as advisory committees.

"(h) If library services are provided outside the facility, there shall be a formal agreement that stipulates lines of communication, areas of responsibility, and kinds of service.

"(i) The individual responsible for maintaining standards of professional and ethical practice in the rendering of library services to the facility—

"(1) shall have a master's degree in library science from a school accredited by the American Library Association; and

"(2) should have preparation in a field relevant to work with the mentally retarded.

"(j) Individuals rendering library services, including librarians, media specialists, library and media technicians, supportive staff, and volunteers, shall have qualifications appropriate to their responsibilities and duties.

"Subchapter VI—Medical Services

"SEC. 1167. (a) Medical services shall be provided in order to—

"(1) achieve and maintain an optimal level of general health for each resident;

"(2) maximize normal function and prevent disability; and

"(3) facilitate the optimal development of each resident.

"(b) Medical services shall be rendered—

"(1) directly, through personal contact between physicians and residents; and

"(2) indirectly, through contact between physicians and other persons working with the residents, which is designed to maintain an environment that recognizes and meets the health, hygiene, sanitary, and nutritional needs of the residents.

"(c) Medical services available to the residential facility should include—

"(1) evaluation and diagnosis;

"(2) treatment;

"(3) program development services, including those relating to—

"(A) resident habilitation;

"(B) staff training;

"(C) community participation;

"(4) consultation with, or relating to—

"(A) residents;

"(B) families of residents;

"(C) the administration and operation of the facility;

"(5) medical and ancillary staff training; and

"(6) preventive health services for residents and staff.

"(d) The services of medical and surgical hospitals that are accredited by the Joint Commission on Accreditation of Hospitals shall be available to residents. Only pathology, clinical laboratory, and radiologic services that meet the hospital accreditation standards of the Joint Commission on Accreditation of Hospitals shall be utilized. Electroencephalographic services shall be available as necessary. There shall be evidence, such as may be provided by a record of the deliberations of a utilization review committee, that such hospital and laboratory services are utilized in accordance with proper professional standards.

"(e) Physicians shall participate when appropriate—

"(1) the continuing interdisciplinary evaluation of individual residents, for the purposes of initiation, monitoring, and followup of individualized habilitation programs;

"(2) the development for each resident of a detailed, written statement of—

"(A) case management goals, encompassing the areas of physical and mental health, education, and functional and social competence; and

"(B) a management plan detailing the various habilitation or rehabilitation modalities that are to be applied in order to achieve the specified goals, with clear designation of responsibility for implementation.

"(f) The management plan shall ordinarily include, but not necessarily be limited to—

"(1) the resident's day-to-day activity program;

"(2) physical rehabilitation to prevent and correct deformity, to enhance mobility, and to facilitate training in self-help skills;

"(3) provision for adaptive equipment necessary to the rehabilitation plan;

"(4) an educational program;

"(5) a vocational and occupational program;

"(6) stated intervals for review of the management plan; and

"(7) short- and long-term goals, including criteria for release.

"(g) Statement of treatment goals and management plans shall be reviewed and updated—

"(1) as needed, but at least annually; and

"(2) to insure continuing appropriateness of the goals, consistency of management methods with the goals, and the achievement of progress toward the goals.

"(h) Special attention shall be given those residents who, without active intervention, are at risk of further loss of function, by means that include—

"(1) early diagnosis of disease;

"(2) prompt treatment in the early stages of disease;

"(3) limitation of disability by arresting the disease process;

"(4) prevention of complications and sequelae; and

"(5) rehabilitation services to raise the affected individual to his greatest possible level of function, in spite of his handicap, by maximizing the use of his remaining capabilities.

"(i) Preventive health services to residents shall include—

"(1) means for the prompt detection and referral of health problems, through adequate medical surveillance, periodic inspection, and regular medical examination;

"(2) annual physical examinations, that include—

"(A) examination of vision and hearing;

"(B) routine screening laboratory examinations, as determined by the physician, and special studies when the index of suspicion is high;

"(3) maintenance of a graphic record of height and weight for each resident, in a form that permits ready reference to standardized norms;

"(4) immunizations, using as a guide the recommendations of the United States Public Health Service Advisory Committee on Immunization Practices and of the Committee on the Control of Infectious diseases of the American Academy of Pediatrics;

"(5) tuberculosis control, in accordance with the recommendations of the American College of Chest Physicians and/or the section on diseases of the chest of the American Academy of Pediatrics, as appropriate to the facility's population; and

"(6) reporting of communicable diseases and infections in accordance with law.

"(j) Preventive health services to staff shall include—

"(1) preemployment physical examinations; and

"(2) surveys for the detection and prevention of communicable diseases.

"(k) There shall be a formal arrangement for qualified medical care for the facility, including care for medical emergencies on a twenty-four-hour, seven-day-a-week basis. A prysician, fully licensed to practice medicine in the State in which the facility is located, shall be designated to be responsible for—

"(1) maintaining standards of professional and ethical practice in the rendering of medical services in the facility; and

"(2) maintaining the general health conditions and practices of the facility and/or system of health services.

Each resident shall have a personal (primary) physician, who maintains familiarity with his state of health and with conditions within the residential living unit that bear on his health. Qualfied medical specialists of recognized professional ability shall be—

"(1) available for a broad range of specialized care and consultation; and

"(2) appropriately used.

"(l) Appropriate to the size of the facility, an ongoing inservice training program shall be conducted that is designed to maintain and improve the medical skills of its physicians and their knowledge of developmental disabilities, through methods such as staff seminars, outside speakers, attendance at professional medical meetings, and informational exchanges with universities and teaching hospitals.

"(m) There shall be adequate space, facilities, and equipment to fulfill the professional, educational, and administrative needs of the medical service.

"Subchapter VII—Nursing Services

"SEC. 1268. (a) Residents shall be provided with nursing services, in accordance with their needs, in order to—

"(1) develop and maintain an environment that will meet their total health needs;

"(2) foster optimal health;

"(3) encourage maximum self-care and independence; and

"(4) provide skilled nursing care as needed.

"(b) There shall be a written statement of nursing philosophy and objectives that are consistent with the purpose of the facility and that given direction to the nursing program. Nursing personnel shall be responsible for the formulation, review, and revision of the philosophy and objectives. The philosophy and objectives shall be—

"(1) distributed to all nursing personnel; and

"(2) made available and interpreted to all other personnel.

"(c) Nursing services should be provided through—

"(1) direct nursing intervention;

"(2) instruction and supervision of facility staff rendering nursing care;

"(3) supporting, counseling, and teaching the resident, his family, and his direct-care staff, at the facility or in the home;

"(4) consultation and followthrough in the interest of the resident; and

"(5) participation on appropriate facility committees.

"(d) Nursing services to residents shall include, when appropriate—

"(1) professional nurse participation in—

"(A) the preadmission evaluation study and plan;

"(B) the evaluation study, program design, and placement of the resident at the time of admission to the facility;

"(C) the periodic reevaluation of the type, extent, and quality of services and programing;

"(D) the development of discharge plans;

"(E) the referral to appropriate community resources;

"(2) services directed toward the promotion of health, including—

"(A) observation and assessment of the developmental function of the resident, within his environment;

"(B) training in habits of personal hygiene;

"(C) family life and sex education;

"(D) safety education;

"(E) control of communicable diseases and infections, through—

"(i) identification and assessment;

"(ii) reporting to medical authority;

"(iii) implementation of appropriate protective and preventive measures;

"(F) development of a written plan for nursing action, in relation to the total habilitation program;

"(G) modifications of the nursing plan, in terms of the resident's daily needs, at least annually for adults and more frequently for children, in accordance with developmental changes;

"(3) participation in the prevention of disability for all residents, with special attention to those residents who exhibit the lowest level of functional development, including—

"(A) nursing assessment of the functional level of development;

"(B) development, implementation, and coordination of a plan to maintain and encourage optimal level of function, with written provision for direct and indirect nursing intervention; and

"(4) planned, intensive nursing care for every resident who is medically determined to be acutely ill.

"(e) A professional nurse shall participate, as appropriate, in the planning and implementation of training of facility personnel. Direct-care personnel shall be trained in—

"(1) detecting signs of illness or dysfunction that warrant medical or nursing intervention;

"(2) basic skills required to meet the health needs and problems of the residents; and

"(3) first aid in the presence of accident or illness.

"(f) Qualified nurses shall be encouraged to become involved in—

"(1) initiating, conducting, and evaluating nursing research;

"(2) evaluating and applying relevant research findings for the benefit of residents;

"(3) formulating the policies governing research in the facility; and

"(4) serving as resource persons to schools of nursing, and to public health nursing and related agencies.

"(g) There shall be available sufficient, appropriately qualified nursing staff, which may include currently licensed practical nurses and other supporting personnel, to carry out the various nursing service activities. A registered professional nurse shall be designated as being responsible for maintaining standards of professional, legal, and ethical practice in the delivery of nursing services according to the needs of the residents. The individual responsible for the delivery of nursing services—

"(1) should have at least a master's degree in nursing; and

"(2) shall have knowledge and experience in the field of developmental disabilities.

"(h) Nursing service personnel at all levels of experience and competence shall be—

"(1) assigned responsibilities in accordance with their qualifications;

"(2) delegated authority commensurate with their responsibility; and

"(3) provided appropriate professional nursing supervision.

"(i) Organized nursing services and professional nurse practitioners should have recourse to qualified and appropriate consultation as needed. All professional nurses shall be familiar with, and adhere to, the code of ethics published by the American Nurses' Association.

"(j) Appropriate to the size of the facility, there shall be an educational program designed to enhance the clinical competencies and the knowledge of developmental disabilities of its professional nursing staff, through means such as—

"(1) staff meetings and inservice training;

"(2) seminars, workshops, conferences, and institutes;

"(3) college and university courses;

"(4) participation in professional organizations;

"(5) participation in interdisciplinary groups;

"(6) visits to other facilities; and

"(7) access to relevant professional literature.

"(k) To enrich and stimulate the facility's nursing program, and to facilitate its integration and community services, educational experiences for students of all types of professional and vocational nursing schools shall be encouraged and defined by a contractual agreement, whenever the best interests of the residents are thereby served.

"(l) There shall be adequate space, facilities, and equipment to fulfill the professional, educational, and administrative needs of the nursing service. Professional nursing consultation shall be included in the design and modification of areas and facilities that will be used by the ill and the physically handicapped.

"Subchapter VIII—Pharmacy Services

"Sec. 1269. (a) In order to contribute to improved resident care and to promote optimal response to drug therapy by the residents, through the full utilization of the knowledge and skills of the pharmacist, pharmacy services shall be provided under the direction of a qualified pharmacist. There shall be a formal arrangement for qualified pharmacy services, including provision for emergency service, by means appropriate to the facility. Such means may include the services of a pharmacist in a local community or hospital pharmacy that meet the standards listed herein, as well as the operation of its own pharmacy by the facility. There shall be a current pharmacy manual that—

"(1) includes policies and procedures, and defines the functions and responsibilities relating to pharmacy services; and

"(2) is revised annually to keep abreast of current developments in services and management techniques.

"(b) There shall be a formulary system, approved by the responsible physician and pharmacist, and by other appropriate facility staff. Copies of the facility's formulary and of the American Hospital Formulary Service shall be located and available, as appropriate to the facility.

"(c) Upon admission of the resident, a medication history of prescription and nonprescription drugs used shall be obtained, preferably by the pharmacist, and this information shall be entered in the resident's record for the information of the staff. The pharmacist shall—

"(1) receive the original, or a direct copy, of the physician's drug treatment order;

"(2) review the drug regimen, and any changes, for potential adverse reactions, allergies, interactions, contraindications, rationality, and laboratory test modifications, and advise the physician of any recommended changes, with reasons and with an alternate drug regimen;

"(3) maintain for each resident an individual record of all medications (prescription and nonprescription) dispensed, including quantities and frequency of refills;

"(4) participate, as appropriate, in the continuing interdisciplinary evaluation of individual residents, for the purposes of initiation, monitoring, and followup of individualized habilitation programs;

"(5) participate in any of the following activities that are undertaken in the facility:

"(A) drug research;

"(B) drug utilization review;

"(C) infection and communicable disease committee;

"(D) safety committee;

"(E) patient care incident review; and

"(6) establish quality specifications for drug purchases, and insure that they are met.

"(d) The pharmacist should—

"(1) prepare a drug treatment plan, as prescribed by the attending physician, for inclusion in the resident's record and for use by the staff, that includes—

"(A) the drug product, dosage form, route of administration, and time of administration, including, when appropriate, the time with respect to meals, other drugs, and activities;

"(B) a schedule of laboratory tests necessary to detect adverse reactions;

"(C) nothing of any potential adverse reactions for the staff's information;

"(2) regularly review the record of each resident on medication, and have contact with selected residents with potential problems, noting in the residents' records and reporting to physicians any observations of response to drug therapy, and of adverse reactions and over or underutilization of drugs;

"(3) provide instructions and counseling on the correct use of his drugs, as prescribed by the attending physician, to each resident on home visit and discharge, and/or to his parents;

"(4) provide education and counseling to residents in independent living units on the correct use of their drugs, as prescribed by the attending physician, and on the results expected from correct use and from over or underuse;

"(5) participate in programs for sex education and drug abuse education;

"(6) provide information on the resident's drug regimen to the receiving facility pharmacist, when the resident is transferred, and, with the approval of the resident or his guardian, to the resident's community pharmacist, his private physician, and/or the community mental retardation service when the resident is discharged from the facility, so as to insure continuity of care;

"(7) participate in inservice education programs for professional and direct-care staff;

"(8) orient and teach students in pharmacy and other professions, regarding pharmacy's services to the residents and regarding drugs and their uses; and

"(9) participate in public education and informational programs on mental retardation.

"(e) Where appropriate to the facility, there shall be a pharmacy and therapeutics committee, that includes one or more pharmacists, to develop policy on drug usage in the facility, and to develop and maintain a current formulary. This committee shall meet not less than once every three months. Minutes of the committee meetings shall be kept on file.

"(f) Written policies and procedures that govern the safe administration and handling of all drugs shall be developed by the responsible pharmacist, physician, nurse, and other professional staff, as appropriate to the facility. The compounding, packaging, labeling, and dispensing of drugs, including samples and investigational drugs, shall be done by the pharmacist, or under his direct supervision, with proper controls and records. Each drug shall be identified up to the point of administration. Procedures shall be established for obtaining drugs when the pharmacy is closed.

"(g) The unit dose or individual prescription system of drug distribution should be used. Wherever possible, drugs that require dosage measurement shall be dispensed by the pharmacist in a form ready to be administered to the patient.

"(h) There shall be a written policy regarding the administration of all drugs used by the residents, including those not specifically prescribed by the attending practitioner. There shall be a written policy regarding the routine of drug administration, including standardization of abbreviations indicating dose schedules. Medications shall not be used by any resident other than the one for whom they were issued. Only appropriately trained staff shall be allowed to administer drugs.

"(i) There shall be a written policy governing the self-administration of drugs, whether prescribed or not.

"(j) Drugs shall be stored under proper conditions of sanitation, temperature, light, moisture, ventilation, segregation, and security. All drugs shall be kept under lock and key except when authorized personnel are in attendance. The security requirements of Federal and State laws shall be satisfied in storerooms, pharmacies, and living units. Poisons, drugs used externally, and drugs taken internally shall be stored on separate shelves or in separate cabinets, at all locations. Medications that are stored in a refrigerator containing things other than drugs shall be kept in a separate compartment with proper security. A perpetual inventory shall be maintained of each narcotic drug in the pharmacy, and in each unit in which such drugs are kept, and inventory records shall show the quantities of receipts and issues and the person to whom issued or administered. If there is a drug storeroom separate from the pharmacy, there shall be a perpetual inventory of receipts and issues of all drugs by such storeroom.

"(k) The pharmacist should review the drugs in each living unit monthly, and should remove outdated and deteriorated drugs and drugs not being used. Discontinued and outdated drugs, and containers with worn, illegible, or missing labels, shall be returned to the pharmacy for proper disposition.

"(l) There shall be automatic stop orders on all drugs. There shall be a drug recall procedure that can be readily implemented. Medication errors and drug reactions shall be recorded and reported immediately to the practitioner who ordered the drug. There shall be a procedure for reporting adverse drug reactions to the Federal Food and Drug Administration. The pharmacist shall be responsible for the storage and dispensing of investigational drugs. The pharmacist shall provide the residential staff with pharmacological and other necessary information on investigational drugs, including dosage form, dosage range, storage, adverse reactions, usage, and contraindications.

"(m) There shall be an emergency kit—

"(1) readily available to each living unit; and

"(2) constituted so as to be appropriate to the needs of its residents.

"(n) Pharmacy services shall be—

"(1) directed by a professionally competent and legally qualified pharmacist who is a graduate of a school of pharmacy accredited by the American Council of Pharmaceutical Education, or its equivalent, and who serves on a full-time or part-time basis, as the activity of the service requires;

"(2) staffed by a sufficient number of competent personnel, consistent with the facility's needs, and including—

"(A) pharmacists necessary to provide comprehensive pharmacy services;

"(B) technicians and clerical personnel to relieve the pharmacist of nonprofessional and clerical duties;

"(3) pharmacists should have had training and/or experience in providing services to the mentally retarded, and should be sensitive to their needs; and

"(4) all pharmacists shall be familiar with, and adhere to, the code of ethics of the American Pharmaceutical Association.

"(o) Appropriate to the size of the facility, there should be a staff development program, designed to maintain and improve the skills of its pharmacy staff through means such as—

"(1) staff meetings and inservice training;

"(2) seminars, workshops, conferences, and institutes;

"(3) college and university courses;

"(4) participation in professional organizations;

"(5) participation in interdisciplinary groups;

"(6) visits to other facilities; and

"(7) access to relevant professional literature.

"(p) The pharmacy serving the facility shall—

"(1) have sufficient space for necessary compounding, dispensing, labeling, and packaging functions;

"(2) have the equipment necessary for compounding, dispensing, issuing, storing, and administrative functions;

"(3) be clean and orderly; and

"(4) contain current pharmaceutical reference material to provide adequate information concerning drugs.

"(q) Space for the storage of drugs in the storeroom, pharmacy, and living units shall be sufficient to prevent crowding of the drugs. There shall be adequate drug preparation areas, that are—

"(1) properly secured;

"(2) well lighted; and

"(3) located so that personnel will not be interrupted when handling drugs.

(r) If the facility operates its own pharmacy, there should be—

"(1) an office for the pharmacist; and

"(2) a private area for instructing and counseling residents and/or parents on the correct use of drugs.

"Subchapter IX—Physical and Occupational Therapy Services

"SEC. 1270. (a) Although this subsection combines standards for physical and occupational therapy, each is a discrete service that complements the other in a manner similar to their relationships with all other health and medically related services. Both services, therefore, shall be provided, or made available to, residents on a continuing basis, as needed. Physical and occupational therapy services shall be provided in order to—

"(1) prevent abnormal development and further disability;

"(2) facilitate the optimal development of each resident; and

"(3) enable the resident to be a contributing and participating member of the community in which he resides.

The facility shall have a written statement of its physical therapy and occupational therapy objectives for its residents, consistent with—

"(1) the needs of the residents;

"(2) currently accepted physical therapy and occupational therapy theories, principles, and goals;

"(3) the philosophy and goals of the facility; and

"(4) the services and resources provided.

Physical and occupational therapy services shall be provided—

"(1) directly, through personal contact between therapists and residents;

"(2) indirectly, through contact between therapists and other persons involved with the residents to:

"(A) create and maintain an atmosphere that recognizes the physical and psychosocial needs of residents and is conducive to the development and maintenance of optimal physical and psychosocial functioning;

"(B) maximize the effectiveness of all programs for residents, through the application of knowledge concerning the development and maintenance of motor performance and behaviors; and

"(C) implement programs for the improvement of physical and psychosocial functioning in all environmental settings.

Physical and occupational therapists shall have a responsibility for organizing and implementing programs to achieve physical and occupational therapy goals throughout the resident's daily activities.

"(b) Physical and occupational therapy services available to the facility should include—

"(1) screening and evaluation of residents;

"(2) therapy with individuals and groups;

"(3) program development services, including those relating to;

"(A) resident habilitation;

"(B) inservice training of professional, direct-care, and other staff;

"(C) community participation;

"(4) consultation with, or relating to—

"(A) residents;

"(B) families of residents;

"(C) medical, dental, psychological, educational, nursing, and other services;

"(D) the administration and operation of the facility;

"(E) the community served by the facility;

"(5) training of therapy staff;

"(6) training of physical and occupational therapy graduate and/or undergraduate students, interns, supportive staff, and volunteer workers;

"(7) assessment of program effectiveness; and

"(8) conduct of, or participation in, research, and dissemination and appropriate application of research findings.

"(c) Therapists should screen residents, in order to—

"(1) determine the characteristics of the facility's population;

"(2) identify resident needs and establish program priorities; and

"(3) determine the administrative, budgetary, and personnel requirements of the service.

"(d) Evaluation of individual residents by physical and occupational therapists should include—

"(1) observing and testing performance and motivation in sensorimotor, perceptual, behavioral, and self-care activities;

(2) assessment and analysis of findings, to determine level of function and to identify deviations from accepted norms;

"(3) providing information for interdisciplinary staff use, in determining diagnosis, functional capacities, prognosis, and management goals; and

"(4) physical and occupational therapists shall participate, when appropriate, in the continuing interdisciplinary evaluation of individual residents, for the purposes of initiation, monitoring, and followup of individualized habilitation programs.

"(e) Physical therapy and occupational therapy staff shall provide treatment-training programs that are designed to—

"(1) preserve and improve abilities for independent function, such as range of motion, strength, tolerance, coordination, and activities of daily living;

"(2) prevent, insofar as possible, irreducible or progressive disabilities, through means such as the use of orthotic and prosthetic appliances, assistive and adaptive devices, positioning, behavior adaptations, and sensory stimulation;

"(3) the therapist shall function closely with the resident's primary physician and with other medical specialists;

"(4) treatment-training progress shall be—

"(A) recorded regularly;

"(B) evaluated periodically; and

"(C) used as the basis for continuation or change of the resident's program.

"(f) Evaluation results; treatment objectives, plans, and procedures; and continuing observations of treatment progress shall be—

"(1) recorded accurately, summarized meaningfully, and communicated effectively;

"(2) effectively used in evaluating progress; and

"(3) included in the resident's unit record.

"(g) Consumers and their representatives, including residents, families, other disciplines, and community groups, shall be utilized in the planning and evaluation of physical therapy and occupational therapy services. There shall be available sufficient, appropriately qualified staff, and supporting personnel, to carry out the various physical and occupational therapy services, in accordance with stated goals and objectives. Physical and occupational therapists shall be—

"(1) graduates of a curriculum accredited by the Council on Medical Education of the American Medical Association in collaboration with the American Physical Therapy Association or the American Occupational Therapy Association;

"(2) if a physical therapist, eligible to practice in the State in which the facility is located; and

"(3) if an occupational therapist, eligible for registration by the American Occupational Therapy Association.

"(h) A physical therapist and an occupational therapist shall be designated as being responsible for maintaining standards of professional and ethical practice in the rendering of their respective therapy services in the facility. Each such therapist shall be qualified as in subsection (g) and, in addition, shall—

"(1) have had three years of professional experience, two years of which should have been in working with mentally retarded persons;

"(2) have demonstrated competence in administration and supervision, as appropriate to the facility's program; and

"(3) preferably have a master's degree, in an area related to the program.

"(i) Therapy assistants shall—

"(1) be certified by the American Occupational Therapy Association or be graduates *of* a program accredited by the American Physical Therapy Association; and

"(2) work under the supervision of a qualified therapist.

"(j) Therapy aides shall—

and that is conducive to the development

"(1) be provided specific inservice training; and

"(2) work under the supervision of a qualified therapist or therapy assistant.

"(k) Physical and occupational therapy personnel shall be—

"(1) assigned responsibilities in accordance with their qualifications;

"(2) delegated authority commensurate with their responsibilities; and

"(3) provided appropriate professional direction and consultation.

"(l) Physical and occupational therapy personnel shall be familiar with, and adhere to, the Code of Ethics and standards of practice promulgated by their respective professional organizations, the American Physical Therapy Association or the American Occupational Therapy Association.

"(m) Physical Therapy and occupational therapy services operated by a facility shall seek consultation, at periodic intervals, from experts in physical therapy and occupational therapy who are not directly associated with the facility. Appropriate to the nature and size of the facility and to the physical and occupational therapy services, there shall be a staff development program that is designed to maintain and improve the skills of physical and occupational therapy personnel, through methods such as—

"(1) regular staff meetings;

"(2) an organized inservice training program in physical and occupational therapy;

"(3) visits to and from the staff of other facilities and programs;

"(4) participation in interdisciplinary meetings;

"(5) provision for financial assistance and time for attendance at professional conferences;

"(6) provisions for encouraging continuing education, including educational leave, financial assistance, and accommodation work schedules;

"(7) career ladders and other incentives to staff recruitment and development;

"(8) workshops and seminars;

"(9) consultations with specialists; and

"(10) access to adequate library resources which include current and relevant books and journals in physical and occupational therapy, mental retardation, and related professions and fields.

"(n) Space facilities, equipment, supplies, and resources shall be adequate for providing efficient and effective physical and occupational therapy services including, but not necessarily limited to—

"(1) facilities for conducting administrative aspects of the program;

"(2) facilities for conducting screenings and evaluations;

"(3) facilities for providing treatment and training for individuals and groups;

"(4) such other space, staff, and services as are essential to support and maintain effective programs; and

"(5) appropriate physical and occupational therapy consultation shall be employed in the design, modification, and equipage of all physical and occupational therapy areas and facilities required to meet the specific goals of physical and occupational therapy services.

"Subchapter X—Psychological Services

"SEC. 1271. (a) Psychological services shall be provided, in order to facilitate, through the application of psychological principles, techniques, and skills, the optimal development of each resident. Psychological services shall be rendered

"(1) directly through personal contact between psychologists and residents;

"(2) indirectly, through contact between psychologists and other persons involved with the residents, designed to—

"(A) maintain an atmosphere that recognizes the psychological needs of residents and maintenance of constructive interpersonal relationships; and

"(B) maximize the effectiveness of all programs for residents, through the application of knowledge concerning the understanding and change of behavior.

"(b) Psychological services available to the residential facility should include—

"(1) evaluation and assessment of individuals and programs;

"(2) therapy with individuals and groups;

"(3) program development services, including those relating to:

"(A) resident habilitation;

"(B) staff training;

"(D) resident, staff, and community motivation;

"(4) consultation with, or relating to—

"(A) residents;

"(B) parents of residents;

"(C) the administration and operation of the facility;

"(D) the community served by the facility;

"(5) psychology staff training; and

"(6) conduct of research, consultation on research design, and dissemination of research findings.

"(c) Psychologists shall participate, when appropriate, in the continuing interdisciplinary evaluation of individual residents, for the purposes of initiation, monitoring, and followup of individualized habilitation programs—

"(1) psychologists shall conduct evaluations necessary to—

"(A) meet legal requirements;

"(B) meet research needs; and

"(C) provide data for biostatistical reporting;

"(2) methods of data collection employed in evaluation and assessment shall include, as appropriate—

"(A) standardized tests and techniques;

"(B) observations in natural and experimental settings, using standardized or generally accepted techniques;

"(C) interviews with—

"(i) the resident (or prospective resident);

"(ii) members of the resident's family and other informants; and

"(D) review of all pertinent records, including the comparison of current and previous status;

"(3) collation, analysis, and interpretation of data shall—

"(A) be performed in accordance with standards generally acceptable in professional psychology;

"(B) provide, as appropriate, both intra- and interindividual comparisons, by reference to normative data; and

"(C) utilize appropriate equipment, which is made available for the purpose;

"(4) the reporting and dissemination of evaluation results shall be done in such a manner as to—

"(A) render the content of the report meaningful and useful to its intended recipient and user;

"(B) enhance clinical understanding of the individual;

"(C) promptly provide information useful to staff working directly with the resident;

"(D) facilitate use of data for research and professional education;

"(E) facilitate use of data for statistical reporting; and

"(F) maintain accepted standards of confidentiality;

"(5) there shall be developed and maintained for each resident a continuing evaluation record that is frequently updated and that includes, but is not limited to, psychometric data.

"(d) Psychologists shall participate, when appropriate, in the development of written, detailed, specific, and individualized habilitation program plans that—

"(1) provide for periodic review, followup, and updating;

"(2) are designed to maximize each resident's development and acquisition of—

"(A) perceptual skills;

"(B) sensorimotor skills;

"(C) self-help skills;

"(D) communication skills;

"(E) social skills;

"(F) self direction;

"(G) emotional stability;

"(H) effective use of time (including leisure time);

"(I) basic knowledge;

"(J) vocational-occupational skills; and

"(K) socio-economic values relevant to the community in which he lives.

"(e) Psychologists should provide individual, and/or groups of, residents with therapy designed to develop, modify, and maintain behavior and attitudes that are rewarding and effective in meeting the demands of their intrapersonal and interpersonal situations. Psychologists should provide consultation and training services to program staff concerning:

"(1) principles and methods of understanding and changing behavior, to the end of devising maximally effective programs for residents;

"(2) principles and methods of individual and program evaluation, for the purposes of assessing resident response to programs and of measuring program effectiveness;

"(3) psychologists should participate in the development of incentive systems designed to maximize motivation and to optimize, by means of provision for feedback, performance, and learning on the part of—

"(A) residents enrolled in habilitation programs;

"(B) staff engaged in resident habilitation programs; and

"(C) personnel involved in resident habilitation resources in the community.

"(f) Psychologists should provide assistance and/or consultation relative to—

"(1) developing and conducting evaluations designed to select and maintain appropriate and effective staff;

"(2) developing job analyses;

"(3) psychological problems of staff, including the making of appropriate referrals;

"(4) data concerning staff, and reports of evaluations of staff, shall—

"(A) be provided in appropriate form, and only to clearly appropriate supervisory staff;

"(B) enable data to be used for classification and reporting purposes;

"(C) enable data to be used for research purposes; and

"(D) maintain acceptable standards of confidentiality.

"(g) Psychologists should participate in—

"(1) educating appropriate members of the community, concerning the domiciliary, vocational, and recreational needs of residents who return to the community;

"(2) planning with community officials the adaptation of domiciliary, vocational, and recreational resources, to optimize resident adjustments; and

"(3) developing appropriate expectancies and attitudes within the community into which residents go.

"(h) There shall be available sufficient, appropriately qualified staff, and necessary supporting personnel, to carry out the various psychological service activities, in accordance with the needs of the following functions:

"(1) psychological services to residents, including evaluation, consultation, therapy, and program development;

"(2) administration and supervision of psychological services;

"(3) staff training;

"(4) research;

"(5) the facility should have available to it the services of at least one doctoral-level psychologist who is—

"(A) a diplomate of the American Board of Professional Psychology, or is licensed or certified by a State examining board, or is certified by a voluntary board established by a State Psychological Association;

"(B) knowledgeable and experienced in the area of mental retardation;

"(6) a psychologist, qualified as specified in subsection (h) (5) shall be designated as being responsible for maintaining standards of professional and ethical practice in the rendering of psychological services in the facility;

"(7) all psychologists providing service to the facility shall—

"(A) possess the educational and experiential qualifications required for membership in the American Psychological Association;

"(B) have demonstrated knowledge in the area of mental retardation;

"(8) all psychological technicians, assistants, and clerks employed by the facility shall work under the direct supervision of a psychologist who is qualified as specified in subsection (h) (8);

"(9) all members of the psychological services staff shall have and be familiar with, the Ethical Standards of Psychologists and the Casebook on Ethical Standards of Psychologists, published by the American Psychological Association, and all shall adhere to the ethical standards stated therein;

"(A) all new psychology service employees shall receive this material, and be familiarized with it, as a part of their orientation; and

"(B) the application of the ethical standards to practice with the mentally retarded in residential facilities shall be emphasized.

"(i) Appropriate to the size of the facility, an ongoing inservice training program shall be conducted that is designed to maintain and improve the skills of its psychology staff, through methods such as—

"(1) staff seminars;

"(2) outside speakers;

"(3) visits to and from the staff of other facilities;

"(4) attendance at conferences;

"(5) participation in interdisciplinary groups;

"(6) informational exchanges with universities, teaching hospitals, community mental health and mental retardation centers, and other community resources; and

"(7) adequate library resources, including current and relevant books and journals in psychology and mental retardation shall be available.

"(j) The training of interns and graduate students in psychology shall be encouraged, and appropriate supervision shall be provided. There shall be appropriate space and equipment for psychological services, including—

"(1) offices for professional and clerical staff;

"(2) testing and observation rooms;

"(3) interviewing, counseling, and training/treating rooms;

"(4) play therapy rooms;

"(5) access to conference rooms; and

"(6) access to research and data analysis facilities.

"Subchapter XI—Recreation Services

"Sec. 1272. (a) Recreation services should provide each resident with a program of activities that—

"(1) promotes physical and mental health;

"(2) promotes optimal sensorimotor, cognitive, affective, and social development;

"(3) encourages movement from dependent to independent and interdependent functioning; and

"(4) provides for the enjoyable use of leisure time.

"(b) The facility shall have a written statement of its recreation objectives for residents, consistent with—

"(1) the needs of its residents;

"(2) currently accepted recreation principles and goals;

"(3) the philosophy and goals of the facility; and

"(4) the services and resources the facility offers.

"(c) Recreation services available to the residential facility should include—

"(1) recreation activities for the residents;

"(2) recreation counseling;

"(3) individual and group instruction of residents in creation skills, to achieve maximum proficiency and develop leadership potential;

"(4) therapeutic recreation;

"(5) education and consultation; and

"(6) research and evaluation.

"(d) Recreation activities available to the residents should include, as appropriate to the size and location of the facility, and as adapted to the needs of the residents being served—

"(1) excursions, outings, and other trips to familiarize the residents with community facilities;

"(2) spectator activities, such as movies, television, sports events, and theater;

"(3) participation in music, drama, and dance, such as rhythmics, folk dancing, community sings, group music sessions in the living units, performance in music or dramatic productions, performance in choral or instrumental groups, and informal listening to records or tapes;

"(4) outdoor and nature experiences, including activities such as camping, hiking, and gardening;

"(5) team sports and lead-up activities;

"(6) individual and dual sports, such as bowling, archery, badminton, horseshoes, miniature golf, bicycling, and shuffleboard;

"(7) hobbies, such as collecting, photography, model building, woodworking (including use of power tools) cooking, and sewing;

"(8) social activities, such as clubs, special interest and discussion groups, social dancing, cookouts, parties, and games;

"(9) service clubs and organizations, such as leaders clubs, Scouting, 4-H, Junior Red Cross, Junior Chamber of Commerce, Hi-Y, Tri-Hi-Y, resident councils, and senior citizens clubs:

"(10) aquatics, including waterplay, swimming, and boating;

"(11) arts and crafts, including a wide range of activities from simple to complex, from reproductive to creative, and consistent with activities found in the community;

"(12) physical fitness activities designed to develop efficient cardiovascular and cardiorespiratory functions, strength, endurance, power, coordination, and agility, sufficient for both usual and extra demands;

"(13) library services for reading, listening, and viewing, such as looking at books, listening to records and tapes, and viewing film strips and slides;

"(14) celebration of special events, such as holidays and field days;

"(15) winter activities, including snow sculpture, snowplay, games and sports;

"(16) opportunities to use leisure time in activities of the resident's own choosing in an informal setting under minimal supervision, such as a 'drop-in center';

"(17) frequent coeducational experiences, to promote acceptable social behavior and enjoyment of social relationships; and

"(18) activities for the nonambulatory, including the mobile and nonmobile.

"(e) Maximum use should be made of all community recreation resources. Recreation counseling should be a continuous process that provides for—

"(1) modification of resident's recreation behaviors;

"(2) guidance to residents on how to find, reach, and utilize community recreation resources;

"(3) family counseling in relation to recreation activities; and

"(4) interpretation of residents' needs and abilities to community agencies.

"(f) Therapeutic recreation, defined as purposive intervention, through recreation activities, to modify, ameliorate, or reinforce specific physical, emotional, or social behaviors, should include, as appropriate—

"(1) participation on an interdisciplinary team, to identify the habilitation needs and goals of the resident;

"(2) determination of appropriate recreation intervention, to achieve the stated habilitation goals;

"(3) a written plan for implementing the therapeutic recreation objectives, consistent with the recommendations of the evaluation team; and

"(4) evaluation of the effectiveness of such interventions, and subsequent redefinition of the resident's habilitation needs and goals.

"(g) Education and consultation services should include—

"(1) provision of stimulation, leadership, and assistance with recreation activities, conducted by the direct-care staff;

"(2) staff training and development;

"(3) orientation and training of volunteers;

"(4) training of interns and students in recreation;

"(5) consultation to community agencies and organizations, to stimulate the development and improvement of recreation services for the retarded; and

"(6) public education and information, to encourage acceptance of the retarded in recreation activities.

"(h) Recreational services shall be coordinated with other services and programs provided the residents, in order to make fullest possible use of the facility's resources and to maximize benefits to the residents. Activities in health, music, art, and physical education shall be coordinated with recreation activities relevant to these areas.

"(i) Records concerning residents should include—

"(1) periodic surveys of their recreation interests;

"(2) periodic surveys of their attitudes and opinions regarding recreation services;

"(3) the extent and level of each resident's participation in the activities program;

"(4) progress reports, as appropriate;

"(5) reports on relationships among peers, and between residents and staff; and

"(6) evaluations conducted by personnel at all levels and, where appropriate, by staff from other services.

"(j) Established procedures for evaluating and researching the effectiveness of recreation services, in relation to stated purposes, goals, and objectives, should include—

"(1) utilization of adequate records concerning residents' interests, attitudes, opinions, participations, and achievements;

"(2) time schedules for evaluation that are appropriate to the service or program being evaluated;

"(3) provision for using evaluation results in program planning and development;

"(4) provision for disseminating evaluation results in professional journals and in public education and information programs; and

"(5) encouragement of recreation staff to initiate, conduct, and participate in research studies, under the supervision of qualified personnel.

"(k) There shall be sufficient, appropriately qualified recreation staff, and necessary supporting staff, to carry out the various recreation services in accordance with stated goals and objectives.

"(1) Scheduling of staff shall provide—

"(A) coverage on evenings, weekends, and holidays; and

"(B) additional coverage during periods of peak activity.

"(2) Recreation personnel shall be—

"(A) assigned responsibilities in accordance with their qualifications;

"(B) delegated authority commensurate with their responsibility; and

"(C) provided appropriate professional recreation supervision.

"(3) Personnel conducting activities in recreation program areas should possess the following minimum educational and experiential qualifications:

"(A) a bachelor's degree in recreation, or in a specialty area, such as art, music, or physical education; or

"(B) an associate degree in recreation and one year of experience in recreation; or

"(C) a high school diploma, or an equivalency certificate; and two years of experience in recreation, or one year of experience in recreation plus completion of comprehensive inservice training in recreation; or

"(D) demonstrated proficiency and experience in conducting activities in one or more program areas.

"(4) Personnel performing recreation counseling or therapeutic recreation functions should possess the following minimum education and experiential qualifications, and should be eligible for registration with the National Therapeutic Recreation Society at the Therapeutic Recreation Specialist level:

"(A) a master's degree in therapeutic recreation and one year of experience in a recreation program serving disabled persons; or

"(B) a master's degree in recreation and two years of experience in a recreation program serving disabled persons; or

"(C) a bachelor's degree in recreation and three years of experience in a recreation program serving disabled persons; or

"(D) a combination of education and experience in recreation serving disabled persons that totals six years.

"(5) Education and consultation functions in recreation should be conducted by staff members, in accordance with their education, experience, and role in the recreation program.

"(l) Appropriate to the size of the recreation program, there shall be a staff development program that provides opportunities for professional development, including—

"(1) regular staff meetings;

"(2) an organized inservice training program in recreation;

"(3) access to professional journals, books, and other literature in the fields of recreation, therapeutic recreation, rehabilitation, special education, and other allied professions;

"(4) provisions for financial assistance and time for attendance at professional conferences and meetings;

"(5) procedures for encouraging continuing education, including educational leaves, direct financial assistance, and rearrangement of work schedules;

"(6) provision for workshops and seminars relating to recreation, planned by the recreation and other professional and administrative staff; and

"(7) provision for staff consultation with specialists, as needed, to improve recreation services to residents.

"(m) Recreation areas and facilities shall be designed and constructed or modified so as to—

"(1) permit all recreation services to be carried out to the fullest possible extent in pleasant and functional surroundings;

"(2) be easily accessible to all residents, regardless of their disabilities;

"(3) appropriate recreation consultation shall be employed in the design or modification of all recreation areas and facilities;

"(4) toilet facilities, appropriately equipped in accordance with the needs of the residents, should be easily accessible from recreation areas; and

"(5) appropriate and necessary maintenance services shall be provided for all recreation areas and facilities.

"(n) Indoor recreation facilities should include, as appropriate to the facility—

"(1) a multipurpose room;

"(2) a quiet browsing room;

"(3) access to a gymnasium;

"(4) access to an auditorium;

"(5) access to suitable library facilities;

"(6) access to kitchen facilities;

"(7) adequate and convenient space for storage of supplies and large and small equipment; and

"(8) adequate office space for the recreation staff.

"(o) Outdoor recreation facilities should include, as appropriate to the facility—

"(1) access to a hard-top, all-weather-surface area;

"(2) access to gardening and nature activity areas;

"(3) access to adequately equipped recreation areas; and

"(4) the facility's residents should have, as appropriate and feasible, access to year-round swimming and aquatic facilities.

"(p) Adequate transportation services for recreation programs shall be provided. Recreation equipment and supplies in sufficient quantity and variety shall be provided to carry out the stated objectives of the activities programs. Toys, games, and equipment shall be—

"(1) selected on the basis of suitability, safety, durability, and multiplicity of use; and

"(2) adapted as necessary to the special needs of the residents.

"(q) If a music therapy program is provided, it should include—

"(1) participation by the music therapist, when appropriate, on an interdisciplinary evaluation team to identify the resident's needs and ways of meeting them;

"(2) determination of music therapy goals for the resident and development of a written plan for achieving them;

"(3) periodic progress reports, reevaluations, and program changes, as indicated;

"(4) direction by a therapist eligible for registration with the National Association for Music Therapy; and

"(5) appropriate space, facilities, and equipment, with special consideration of the acoustical characteristics of rooms used for performing and listening.

"Subchapter XII—Religious Services

"SEC. 1273. (a) Religious services shall be made available to residents, in accordance with their needs, desires, capabilities, and in accordance with their basic right to freedom of religion, in order to—

"(1) develop and enhance their dignity;

"(2) provide for the most meaningful and relevant practice of their religion; and

"(3) provide spiritual programs designed to aid their development and growth as persons.

"(b) Implementation of religious services should utilize community resources, whenever and wherever this is possible and in the best interests of the residents. The objectives of the facility's religious services for its residents shall be directed toward full integration into, and membership in, their faith, and should include—

"(1) upholding the dignity and worth of the individual;

"(2) building moral and ethical standards of behavior;

"(3) preparing for religious growth in their faith groups;

"(4) establishing healthy self, world, and God concepts;

"(5) establishing constructive value systems;

"(6) giving direction toward greater personal maturity;

"(7) strengthening interpersonal relationships; and

"(8) contributing to growth in personal adequacy and happiness.

"(c) Religious services shall be made available to all residents, regardless of their degree of retardation. Participation in religious programs shall be voluntary, in accordance with the wishes of the resident, if he expresses them, or with the wishes of his parent or guardian.

"(d) Religious services to residents should include—

"(1) worship opportunities, sacraments, and religious rites, according to the needs and abilities of the residents and consonant with the practices of their respective faiths;

"(2) religious education programs geared to the needs and abilities of the residents;

"(3) observation of dietary practices in keeping with the religious requirements of residents' faith groups;

"(4) observation of religious holidays and holy days in keeping with the religious requirements of residents' faith groups;

"(5) pastoral counseling, both individual and group, to residents and their families;

"(6) pastoral visits to residents, with special emphasis on the care of the troubled, the sick and the dying;

"(7) pastoral consultation with person concerned with the residents welfare; and

"(8) referral and communication between religious workers in the facility and in the community.

"(e) Those who serve the religious needs of the residents, including clergy, religious educators, and volunteers, should whenever possible—

"(1) assert and safeguard the full human and civil rights of the residents;

"(2) participate, as appropriate, in team and other interdisciplinary planning regarding programs for individual residents, as well as in facility-wide or community programs;

"(3) keep appropriate record of significant religious events in the lives of each resident;

"(4) participate in training programs for facility personnel, inluding orientation of direct-care personnel in how they may help to further the religious programs for residents;

"(5) participate in training programs for community clergy, theological students, and others;

"(6) become involved with community clergy, and with religious and other groups, in their concerns for the spiritual care of the retarded;

"(7) promote public understanding and acceptance of the retarded; and

"(8) participate in their own faith group meetings, as required to maintain their standing.

"(f) There shall be available sufficient, appropriately qualified personnel, which may include clergy or religious leaders, religious educators, volunteers, and clerical and supporting personnel, to carry out the various religious programs—

"(1) religious services to residents shall be under the direction of a person who, in keeping with the size and nature of the facility, may be one of the following:

"(A) a chaplain certified for work with the mentally retarded by a recognized certifying agency;

"(B) a clergyman or religious leader in good standing in his religious body;

"(C) a religious educator; or

"(D) a responsible person, who secures the services of qualified persons in carrying out the worship and education aspects of the program;

"(2) chaplains serving residential facilities for the retarded, on a full- or part-time basis, should—

"(A) be clergymen or religious leaders in good standing in their religious bodies; or

"(B) be endorsed or assigned by their recognized religious bodies; and

"(C) have B.A. and B.D. degrees, or their equivalents; and

"(D) be certified for work with the mentally retarded by a recognized certifying agency;

"(3) professional religious educators serving residential facilities for the retarded, on a full- or part-time basis, should—

"(A) be endorsed or assigned by their recognized religious bodies; or

"(B) have a bachelor's degree, or its equivalent; and

"(C) be certified for work with the mentally retarded by a recognized certifying agency;

"(4) nonprofessional religious services personnel, including volunteers, should—

"(A) be screened for ability to perform their assigned duties;

"(B) be oriented to, and trained for, their assignments; and

"(C) be provided ongoing supervision by a clergyman, religious leader, or religious educator of the respective faith.

"(g) Appropriate to the size of the facility, there shall be an educational program designed to enhance the competencies of religious services personnel, through means such as:

"(1) staff meetings and inservice training;

"(2) seminars, workshops, conferences, and institutes;

"(3) college and university courses;

"(4) participation in professional organizations;

"(5) participation in interdisciplinary groups;

"(6) visits to other facilities;

"(7) access to relevant professional literature; and

"(8) religious services personnel should have access to qualified and appropriate consultation, as needed.

"(h) Religious services personnel should be encouraged, when possible, to involve themselves in activities such as—

"(1) offering clinical pastoral education programs;

"(2) providing educational experiences for students;

"(3) developing innovative religious education materials;

"(4) developing innovative worship services;

"(5) conducting specific research and development projects; and

"(6) exploring and expanding citizen advocacy programs.

"(i) Residents shall have access to places appropriate for worship and religious education that are adequate to meet the needs of all. Religious services personnel shall be provided with office and other space, equipment, and supplies adequate to carry out an effective program.

"Subchapter XIII—Social Services

SEC. 1274. (a) Social services shall be available to all residents and their families, in order to foster and facilitate—

"(1) maximum personal and social development of the resident;

"(2) positive family functioning; and

"(3) effective and satisfying social and community relationships.

"(b) Social services shall be provided, directly and indirectly, to—

"(1) the resident;

"(2) his family;

"(3) individuals or groups who represent different aspects of the social environment of the resident; and

"(4) the community.

"(c) Consumers and their representatives, including residents, families, other disciplines, and community groups, shall participate in the planning and evaluation of social service programs. Social services, as part of an interdisciplinary spectrum of services, shall be provided through the use of social work methods directed toward—

"(1) maximizing the social functioning of the resident;

"(2) enhancing the coping capacity of his family;

"(3) modifying environmental influences leading to, or aggravating, mental retardation;

"(4) increasing public understanding and acceptance of mental retardation and its associated problems;

"(5) creating a favorable climate to assist each retarded person to achieve as nearly normal living as is possible for him;

"(6) asserting and safeguarding the human and civil rights of the retarded and their families; and

"(7) fostering the human dignity and personal worth of each resident.

"(d) Social services available to the facility should include, as appropriate—

"(1) preadmission evaluation and counseling, with referral to, and use of, other community resources, as appropriate;

"(2) psychosocial assessment of the individual resident and his environment, as a basis for formulating an individual treatment plan;

"(3) implementation of an individual social work treatment plan for the resident and his family;

"(4) planning for community placement, discharge, and followup;

"(5) participation in policy and program development within the facility in relation to—

"(A) the residents' psychosocial needs and development;

"(B) serving the families of the resident;

"(C) use of community supportive and habilitative services;

"(D) staff training and development;

"(6) consultation with, or in relation to—

"(A) programs offered by other disciplines;

"(B) administration and operation of the facility;

"(C) agencies and individuals in the community served by the facility;

"(7) collaboration with other service delivery systems in planning and implementing programs for residents; and

"(8) participation in social work and interdisciplinary program evaluation and research.

"(e) During the evaluation process, which may or may not lead to admission, the resident and his family should be helped by social workers to—

"(1) know the rights and services to which they are entitled, including the means of directing their appeals to the proper sources;

"(2) obtain advocacy on their behalf if rights and services are denied them; and

"(3) consider alternative services, based on the retarded person's status and salient family and community factors, and make a responsible choice as to whether and when residential placement is indicated.

"(f) During the preadmission process, the resident and his family should be helped by social workers to—

"(1) cope with problems of separation inherent in placement;

"(2) initiate planning for the resident's return to his family and/or community;

"(3) begin involving themselves as partners with the residential facility staff in developing a treatment/habilitation plan;

"(4) become oriented to the practices and procedures of the facility; and

"(5) share information about themselves that will provide the facility's staff with maximum understanding of their situation, so that effective services can be delivered.

"(g) Social workers shall participate, when appropriate, in the continuing interdisciplinary evaluation of individual residents for the purposes of initiation, monitoring, and followup of individualized habilitation programs.

"(h) During the retarded person's admission to, and residence in, the facility, or while he is receiving services from the facility, social workers shall provide liaison between him, the facility, the family, and the community, so as to:

"(1) help the resident to—

"(A) cope with problems accompanying separation from family and community;

"(B) learn the roles and use the resources that will enable him to maximize his development;

"(C) participate in programs, in accordance with his individual treatment plan, that will maximize his ability for independent living, in or out of the residential facility;

"(2) help the staff to—

"(A) individualize and understand the needs of the resident and his family in relation to each other;

"(B) understand social factors in the resident's day-to-day behavior, including staff-resident relationships;

"(C) prepare the resident for changes in his living situations;

"(3) help the family to develop constructive and personally meaningful ways to support the resident's experience in the facility through—

"(A) counseling concerned with problems associated with changes in family structure and functioning;

"(B) utilization of the family's and the resident's own strengths and resources;

"(C) referral to specific services, as appropriate; and

"(4) help the family to participate in planning for the resident's return to home or other community placement.

"(i) After the resident leaves the facility, social workers shall provide systematic followup, including—

"(1) counseling with the resident;

"(2) counseling with family, employers, and other persons significant to the resident's adjustment in the community; and

"(3) referral to appropriate community agencies.

"(j) Social services shall help to integrate residential and other community services, through—

"(1) providing liaison between the residential facility and the community;

"(2) providing consultation to community agencies to facilitate the identification of needed resources for the retarded and his family;

"(3) interpreting the residential facility and its program to relevant sectors of the community;

"(4) collaborating with other disciplines to help the community develop appropriate resources; and

"(5) involvement with social policy issues that affect the retarded.

"(k) Social services shall develop and maintain comprehensive, current records, useful for its own programs and those of other services. There shall be available sufficient, appropriately qualified staff and necessary supporting personnel to carry out the various social service activities.

"(1) The facility should have available to it a social worker who—

"(A) has a master's or doctoral degree from an accredited school of social work;

"(B) has had three years of post-master's experience in the field of social welfare;

"(C) meets the educational and experiential qualifications for certification by the Academy of Certified Social Workers; and

"(D) is knowledgeable and experienced in mental retardation.

"(2) A social worker having the qualifications specified in subsection (k) (1) shall be designated as being responsible for maintaining standards of professional practice in the rendering of social services to the facility, and for staff development.

"(3) Social workers providing service to the facility shall—

"(A) have a master's degree from an accredited school of social work; or

"(B) meet the educational qualifications required for full membership in the National

Association of Social Workers and shall have had three years of experience in the field of social welfare.

"(4) Social work assistants or aides employed by the facility shall work under the supervision of a social worker having the qualifications specified in subsection (k) (3).

"(5) Social service personnel, at all levels of experience and competence, shall be—

"(A) assigned responsibilities in accordance with their qualifications;

"(B) delegated authority commensurate with their responsibilities; and

"(C) provided appropriate professional social work supervision.

"(6) A full-time supervisor should be responsible for the direct supervision of not more than six staff members, plus related activities.

"(7) All social service personnel shall be familiar with, and adhere to, the code of ethics of the National Association of Social Workers.

"(l) Appropriate to the size of the facility's social service program, an ongoing program of staff development shall be provided to improve the skills of the social work staff through such means as—

"(1) inservice training;

"(2) affiliation with schools of social work;

"(3) staff consultation with specialists, as needed, to improve social services to residents;

"(4) conference attendance, and other educational opportunities and forms of professional exchange; and

"(5) career ladders and other incentives to staff recruitment and development.

"(m) Space, facilities, equipment, supplies, and resources shall be adequate for providing effective social services, including—

"(1) offices for social service and clerical staff;

"(2) private interviewing rooms;

"(3) rooms suitable for conferences and group activities;

"(4) dictating and transcribing equipment;

"(5) telephone service;

"(6) travel provisions;

"(7) provision for recordkeeping and information retrieval; and

"(8) library services.

"Subchapter XIV—Speech Pathology and Audiology Services

"SEC. 1275. (a) Speech pathology and audiology services shall be available, in order to—

"(1) maximize the communication skills of all residents; and

"(2) provide for the evaluation, counseling, treatment, and rehabilitation of those residents with speech, hearing and/or language handicaps.

"(b) The specific goals of speech pathology and audiology services shall be—

"(1) appropriate to the needs of the residents served;

"(2) consistent with the philosophy and goals of the facility;

"(3) consistent with the services and resources offered by the facility; and

"(4) known to, and coordinated with, other services provided by the facility.

"(c) Speech pathology and audiology services shall be rendered through—

"(1) direct contact between speech pathologists and audiologists and residents;

"(2) participation with administrative personnel in designing and maintaining social and physical environments that maximize the communication development of the residents; and

"(3) working with other personnel, such as teachers and direct-care staff, in implementing communication improvement programs in environmental settings.

"(d) Speech pathology and audiology services available to the facility shall include, as appropriate—

"(1) audiometric screening of—

"(A) all new residents;

"(B) children under the age of ten, at annual intervals;

"(C) other residents at regular intervals;

"(D) any resident referred;

"(2) speech and language screening of—

"(A) all new residents;

"(B) children under the age of ten at annual intervals;

"(C) all residents, as needed;

"(3) comprehensive audiological assessment of residents, as indicated by screening results, to include tests of pure-tone air and bone conduction, speech audiometry, and other procedures, as necessary, and to include assessment of the use of visual cues;

"(4) assessment of the use of amplification;

"(5) provision for procurement, maintenance; and replacement of hearing aids, as specified by a qualified audiologist;

"(6) comprehensive speech and language evaluation of residents, as indicated by screening results, including appraisal of articulation, voice, rhythm, and language;

"(7) participation in the continuing interdisciplinary evaluation of individual residents for purposes of initiation, monitoring, and followup of individualized habilitation programs;

"(8) treatment services, interpreted as an extension of the evaluation process, that include—

"(A) direct counseling with residents;

"(B) speech and language development and stimulation through daily living activities;

"(C) consultation with classroom teachers for speech improvement and speech education activities;

"(D) direct contact with residents to carry on programs designed to meet individual needs in comprehension (for example, speech reading, auditory training, and hearing aid utilization) as well as expression (for example, improvement in articulation, voice, rhythm, and language);

"(E) collaboration with appropriate educators and librarians to develop specialized programs for developing the communication skills of multiple handicapped residents, such as the deaf retarded and the cerebral palsied;

"(9) consultation with administrative staff regarding the planning of environments that facilitate communication development among residents in—

"(A) living areas;

"(B) dining areas;

"(C) educational areas;

"(D) other areas, where relevant;

"(10) participation in inservice training programs for direct-care and other staff;

"(11) training of speech pathology and audiology staff;

"(12) training of speech pathology and audiology graduate and/or undergraduate students, interns, supportive staff, and volunteer workers;

"(13) consultation with, or relating to—

"(A) residents (for example, self-referral);

"(B) parents of residents;

"(C) medical (octological, pediatric, and so forth), dental psychological, educational and other services;

"(D) the administration and operation of the facility;

"(E) the community served by the facility; and

"(14) program evaluation and research.

"(e) Comprehensive evaluations in speech pathology and audiology shall consider the total person and his environment. Such evaluations should—

"(1) present a complete appraisal of the resident's communication skills;

"(2) evidence concern for, and evaluation of, conditions extending beyond observed speech, language, and hearing defects;

"(3) consider factors in the history and environment relevant to the origins and maintenance of the disability;

"(4) consider the effect of the disability upon the individual and the adjustments he makes to the problem as he perceives it; and

"(5) consider the reaction of the resident's family, associates, and peers to the speech and/or hearing problem.

"(f) Evaluation and assessment results shall be reported accurately and systematically, and in such manner as to—

"(1) define the problem to provide a basis for formulating treatment objectives and procedures;

"(2) render the report meaningful and useful to its intended recipient and user;

"(3) where appropriate, provide information useful to other staff working directly with the resident;

"(4) conform to acceptable professional standards, provide for intraindividual and interindividual comparisons, and facilitate the use of data for research and professional education; and

"(5) provide evaluative and summary reports for inclusion in the resident's unit record.

"(g) Treatment objectives, plans, and procedures shall—

"(1) be based upon adequate evaluation and assessment;

"(2) be based upon a clear rationale;

"(3) reflect consideration of the objectives of the resident's total habilitation program;

"(4) be stated in terms that permit the progress of the individual to be assessed;

"(5) provide for periodic evaluation of the resident's response to treatment and of treatment effectiveness;

"(6) provide for revision of objectives and procedures as indicated; and

"(7) provide for assistance or consultation when necessary.

"(h) Continuing observations of treatment progress shall be—

"(1) recorded accurately, summarized meaningfully, and communicated effectively; and

"(2) effectively utilized in evaluating progress.

"(i) There shall be established procedures for evaluating and researching the effectiveness of speech pathology and audiology services, including—

"(1) utilization of adequate records concerning residents' response and progress;

"(2) time schedules for evaluation that are appropriate to the service being evaluated;

"(3) provision for using evaluation results in program planning and development;

"(4) encouragement of speech pathology and audiology staff to participate in research activities; and

"(5) provision for dissemination of research results in professional journals.

"(j) There shall be available sufficient, appropriately qualified staff, and necessary supporting personnel, to carry out the various speech pathology and audiology services, in accordance with stated goals and objectives—

"(1) A speech pathologist or audiologist, who is qualified as specified in paragraph (2) of this subsection, and who, in addition, has had at least three years of professional experience, shall be designated as being responsible for maintaining standards of professional and ethical practice in the rendering of speech pathology and audiology services in the facility.

"(2) Staff who assume independent responsibilities for clinical services shall possess the educational and experiential qualifications required for a Certificate of Clinical Competence issued by the American Speech and Hearing Association (ASHA) in the area (speech pathology or audiology) in which they provide services.

"(3) Staff not qualified for ASHA certification shall be provided adequate, direct, active, and continuing supervision by staff qualified for certification in the area in which supervision is rendered.

"(A) Supervising staff shall be responsible for the services rendered by uncertified staff under their supervision.

"(B) Adequate, direct, and continuing supervision shall be provided nonprofessionals, volunteers, or other supportive personnel utilized in providing clinical services.

"(4) Students in training and staff fulfilling experience requirements for ASHA certification shall receive direct supervision, in accordance with the requirements of the American Boards of Examiners in Speech Pathology and Audiology.

"(5) All speech pathology and audiology staff shall be familiar with, and adhere to, the code of ethics published by the American Speech and Hearing Association.

"(k) Appropriate to the nature and size of the facility and to the speech pathology and audiology service, there shall be a staff development program that is designed to maintain and improve the skills of speech pathology and audiology staff, through methods such as—

"(1) regular staff meetings;

"(2) an organized inservice training program in speech pathology and audiology;

"(3) visits to and from the staff of other facilities and programs;

"(4) participation in interdisciplinary meetings;

"(5) provision for financial assistance and time for attendance at professional conferences;

"(6) provisions for encouraging continuing education, including educational leave, financial assistance, and accommodation of work schedules;

"(7) workshops and seminars;

"(8) consultations with specialists; and

"(9) access to adequate library resources, which include current and relevant books and journals in speech pathology and audiology, mental retardation, and related professions and fields.

"(l) Space, facilities, equipment, and supplies shall be adequate for providing efficient and effective speech pathology and audiology services, in accordance with stated objectives, including—

"(1) adequate and convenient evaluation, treatment, counseling, and waiting rooms;

"(2) specially constructed and sound-treated suites for audiological services, meeting U.S.A.S.I. standards;

"(3) design and location such as to be easily accessible to all residents, regardless of disability;

"(4) specialized equipment needed by the speech pathologist;

"(5) specialized equipment needed by the audiologist, including an audiometer, with provisions for sound field audiometry, and equipment capable of performing at least the following procedures: hearing screening, pure-tone air and bone conduction with contralateral masking, speech audiometry, site-of-lesion battery, nonorganic hearing loss battery, and hearing aid evaluation;

"(6) provisions for adequate maintenance of all areas, facilities, and equipment, including—

"(A) electroacoustic calibration of audiometers at regular, at least quarterly, intervals;

"(B) calibration logs on all audiometers; and

"(7) appropriate speech pathology and audiology consultation shall be employed in the design, modification, and equipage of all speech pathology and audiology areas and facilities.

"Subchapter XV—Vocational Rehabilitation Services

"SEC. 1276. (a) The facility shall provide all its residents with habilitation or rehabilitation services, which includes the establishment, maintenance, and implementation of those programs that will ensure the optimal development or restoration of each resident, physically, psychologically, socially, and vocationally—

"(1) The facility shall have a written, public statement of its rehabilitation objectives for its residents, consistent with—

"(A) the needs of its residents;

"(B) currently accepted rehabilitation principles and goals;

"(C) the facility's philosophy and goals; and

"(D) the services and resources the facility offers.

"(2) While the habilitation/rehabilitation concept and process embrace all efforts to achieve the optimal development of each resident, specific habilitation/rehabilitation services shall focus on the maximum achievement of—

"(A) self-help skills;

"(B) social competence, including communications skills;

"(C) vocational competence; and

"(D) independent living.

"(b) The ultimate objective of vocational rehabilitation services shall be to assist every resident to move as far as he can along the continuum from vocational afunction to remunerative employment and entry into the mainstream of society as an independent citizen and worker. Vocational rehabilitation services shall be rendered—

"(1) directly, through personnel contact between vocational rehabilitation personnel and residents; and

"(2) indirectly, through contact between vocational rehabilitation personnel and other persons working with the residents, designed to enhance and facilitate the development and maintenance of a rehabilitative environment.

"(c) Vocational rehabilitation services available to the residents, in accordance with their needs, shall include—

"(1) vocational evaluation;

"(2) the formulation of written vocational objectives for each resident;

"(3) the formulation of a written plan to achieve the stated objectives;

"(4) implementation of the vocational plan through—

"(A) individual counseling;

"(B) prevocational programs;

"(C) vocational training;

"(D) vocational placement;

"(E) referral to appropriate sources for other services; and

"(F) followup.

"(d) Vocational evaluation of each resident shall—

"(1) be initiated within one month after admission to the facility;

"(2) arise out of a written comprehensive interdisciplinary evaluation (medical, psychological, social, and educational) that generates data relevant to vocational objectives and goals, such as information concerning—

"(A) aptitudes and abilities;

"(B) self-help and independent living skills;

"(C) interests;

"(D) self and vocational perception;

"(E) sensorimotor coordination;

"(F) communication skills;

"(G) current social adjustment;

"(H) educational history; and

"(I) vocational and avocational history;

"(3) be adequate for the formulation of vocational goals and of a detailed plan for the achievement of such goals;

"(4) be adequate for the assessment of current vocational status and for the prediction of possible future status; and

"(5) provide for periodic, but at least semiannual, reevaluation, consistent with the progress of the resident toward the stated goals.

"(e) The written vocational plan for each resident shall—

"(1) be consistent with the vocational evaluation;

"(2) specify the program to be undertaken to achieve his vocational objectives;

"(3) indicate the order in which the program is to be undertaken;

"(4) provide for the implementation of the evaluation team's recommendations; and

"(5) assign the responsibility to carry out the plan.

"(f) The resident shall be fully involved in his vocational evaluation, and in the formulation of his program plan. Prevocational services shall contribute to the development of work readiness in the resident, and shall provide—

"(1) vocationally relevant academic instruction;

"(2) instruction in the self-help and social skills necessary for vocational success;

"(3) instruction and practice in the social skills necessary for maximally independent functioning in the community, such as travel, handling of money, and use of community resources;

"(4) an orientation to the world of work;

"(5) development of work attitudes needed for vocational success;

"(6) rotated exploration and try-out of job tasks;

"(7) continuous evaluation of vocational potential; and

"(8) any necessary supportive services, including physical and mental restoration.

"(g) Vocational training programs shall meet all applicable legal requirements, and shall be provided through means such as:

"(1) work training stations;

"(2) work activity centers;

"(3) transitional sheltered workshops;

"(4) work-study programs;

"(5) on-the-job training;

"(6) trade training, in the classroom or on the job;

"(7) vocational training programs shall—

"(A) provide for an evaluation of training progress at least every three months;

"(B) make maximum use of job training resources—

"(i) within the facility;

"(ii) within the community;

"(8) facilities conducting vocational training programs shall have vocational training personnel assigned, in such numbers and for such times as are necessary and appropriate to the situation, to supervise the training in each training area; and

"(9) written, detailed training guides and curricula shall be available for all vocational training areas.

"(h) Job placement services shall assist the individual to enter into appropriate kinds of employment, such as:

"(1) competitive, remunerative employment;

"(2) trade training programs;

"(3) transitional or extended sheltered workshops;

"(4) sheltered employment;

"(5) homebound employment;

"(6) homemaker; and

"(7) in conjunction with job placement services, the individual shall be provided assistance related to off-the-job needs, activities, and resources, such as—

"(A) living arrangements;

"(B) social and recreation activities;

"(C) medical services;

"(D) educational resources;

"(E) religious activities;

"(F) transportation;

"(G) legal affairs;

"(H) financial affairs; and

"(I) counseling.

"(i) Systematic follow-up services shall be provided that—

"(1) continue to be available to the individual for at least one year following placement;

"(2) involve contact with—

"(A) the individual;

"(B) the individual's family or family-substitute; and

"(C) The individual's employer, if appropriate;

"(3) generate data concerning vocational outcomes to evaluate and improve the effectiveness of vocational rehabilitation programs.

"(j) There shall be a clearly designated person or team responsible for the implementation, evaluation, and revision of the facility's vocational rehabilitation program.

"(1) There shall be available to each resident in a vocational rehabilitation program a counselor who is responsible for seeing that the resident's vocational rehabilitation program is effectively carried out.

"(2) A vocational rehabilitation counselor shall—

"(A) have a master's degree in rehabilitation counseling, or a master's degree in a related area plus training and skill in the vocational rehabilitation process; or

"(B) have a bachelor's degree and work under the direct supervision of a person qualified as in (A).

"(3) Vocational rehabilitation personnel providing training to residents in vocational areas shall be—

"(A) vocational instructors certified by the appropriate State agency; or

"(B) tradesmen who have attained at least journeyman status.

"(k) Appropriate to the nature and size of the facility, provisions shall be made for vocational rehabilitation staff development, through such means as—

"(1) inservice training;

"(2) short-term workshops;

"(3) seminars;

"(4) attendance at conferences; and

"(5) visits to other facilities.

"(l) Every facility that has a vocational rehabilitation program shall seek to establish working relationships with public and private rehabilitation agencies in the community. Each facility should have working relationships with university training programs in rehabilitation, including provision for—

"(1) research opportunities;

"(2) practicum experiences;

"(3) internships; and

"(4) consultation.

"Subchapter XVI—Volunteer Services

"Sec. 1277. (a) Volunteer services shall be provided in order to enhance opportunities for the fullest realization of the potential of each resident by—

"(1) increasing the amount, and improving the quality, of services and programs; and

"(2) facilitating positive relationships between the facility and the community which it serves.

"(b) The facility shall have a written statement of the goals and objectives of its volunteer services program that are—

"(1) appropriate to the needs of the residents;

"(2) consistent with the philosophy and goals of the facility;

"(3) developed in collaboration with the facility's staff;

"(4) specific and measurable; and

"(5) continuously assessed and periodically revised.

"(c) Volunteers shall provide services, which may be direct or indirect, that are based on resident needs, staff requests, and volunteer skills, and that enhance programs, develop social competence, and build self-esteem—

"(1) volunteer services shall supplement, but shall not be used in lieu of, the services of paid employees;

"(2) volunteer participation shall comply with State laws, such as those relating to labor and insurance;

"(3) volunteer participation shall be open to persons of both sexes, and of all ages, races, creeds, and national origins; and

"(4) volunteer services shall be available to all residents, regardless of age, ability, or handicaps.

"(d) Direct services provided to residents by volunteers, as appropriate to the facility's program and in cooperation with its staff, may include, but are not limited to—

"(1) physical, occupational, and music therapy assistance;

"(2) psychological testing assistance;

"(3) behavior modification and programed instruction assistance;

"(4) teacher or classroom assistance;

"(5) religious instruction;

"(6) recreation and leisure time activities;

"(7) social skills development;

"(8) library services;

"(9) nursing services;

"(10) transportation and escort assistance;

"(11) visits, vacations, and trips;

"(12) job and home finding; and

"(13) citizen advocacy.

"(e) Indirect services provided by volunteers, as appropriate to the facility's program and in cooperation with its staff, may include, but are not limited to—

"(1) conducting tours;

"(2) clerical and laboratory assistance;

"(3) gift shop and canteen operation;

"(4) public relations and community education; and

"(5) contributions.

"(f) Volunteer services staff should provide the following services—

"(1) to the facility's staff—

"(A) orientation in the need for, and philosophy of, volunteer services;

"(B) identification of how and where volunteers can be utilized; and

"(C) assistance in developing training for volunteers;

"(2) to the volunteers—

"(A) orientation, training, and placement;

"(B) opportunities to participate in planning and evaluating their experiences; and

"(C) appropriate recognition of their services and contributions.

"(g) Volunteer services staff functions shall include—

"(1) development and implementation of a plan for recruitment, selection, deployment, orientation, training, supervision, evaluation, recognition, advancement, and separation of volunteers;

"(2) development in collaboration with appropriate staff, of job descriptions for volunteers;

"(3) maintenance of complete and accurate records, including, not now necessarily limited to—

"(A) hours of volunteer service rendered;

"(B) individuals and organizations providing services;

"(C) materials and moneys received; and

"(D) operational budget.

"(h) The staff members responsible for facility programs utilizing volunteers shall be responsible for providing such volunteers with on-the-job training, supervision, and consultation.

"(i) The cooperation and involvement of staff and community, which is essential to a successful volunteer services program, should be achieved by means as—

"(1) a standing staff committee on volunteer services, to foster communications and cooperation, to evaluate and coordinate existing programs, and to stimulate new programs;

"(2) a volunteer services advisory committee, composed of representatives of appropriate community organizations;

"(3) encouragement of, and involvement with, parents groups;

"(4) collaboration with appropriate agencies and community groups; and

"(5) recruiting volunteers representative of the community served by the facility, in respect of age, sex, socioeconomic, religious, racial, and ethnic groups.

"(j) There shall be available sufficient, appropriately qualified staff, and necessary supporting personnel, to carry out the volunteer services program, in accordance with stated goals and objectives.

"(1) A facility staff member shall be designated to be responsible and accountable for volunteer services—

"(A) where the size of the facility and scope of the program warrant, the person responsible for volunteer services shall devote full time to this area;

"(B) volunteer services shall be organized with the administrative structure of the facility in such a way as to be available to, and maximally utilized by, all relevant services and programs; therefore, the staff member responsible for volunteer services should report to an individual with facility-wide administrative responsibility; and

"(C) the staff member responsible for volunteer services should have the same relationship to volunteers as a personnel officer has to paid employees.

"(2) The staff member responsible for volunteer services shall have—

"(A) the necessary interpersonal, consultative, leadership, and organizational and administrative skills and abilities;

"(B) demonstrated ability to identify, mobilize, and deploy volunteer resources to meet the needs of residents;

"(C) knowledge of community organization;

"(D) knowledge of current practices and concepts in mental retardation; and

"(E) training and/or experience in organizing and administering volunteer services, as appropriate to the nature and size of the facility, and preferably—

"(i) a baccalaureate degree in a behavioral science; and

"(ii) three years of experience in volunteer services or related area.

"(k) Appropriate to the size of the facility, there should be a staff development program designed to maintain and improve the skills of volunteer services staff, through means such as—

"(1) seminars, workshops, and conferences;

"(2) college and university courses;

"(3) participation in professional organizations;

"(4) participation in interdisciplinary groups;

"(5) visits to other facilities; and

"(6) access to relevant professional literature.

"(l) There shall be adequate and accessible space, facilities, equipment, and supplies for providing efficient and effective volunteer services. If a canteen is operated by the facility, it shall—

"(1) be operated for the benefit of the residents;

"(2) be open to residents, staff, families, and visitors, without segregation by space or hours of use, so as to facilitate interaction;

"(3) provide opportunities for residents to purchase items for their personal needs;

"(4) provide opportunities for the training of residents; and

"(5) be operated so that any profits derived are utilized for the benefit of residents.

"Chapter 4.—RECORDS

"Subchapter I—Maintenance of Residents' Records

"Sec. 1278. (a) A record shall be maintained for each resident that is adequate for—

"(1) planning and continuous evaluating of the resident's habilitation program;

"(2) providing a means of communication among all persons contributing to the resident's habilitation program;

"(3) furnishing documentary evidence of the resident's progress and of his response to his habilitation program;

"(4) serving as a basis for review, study, and evaluation of the overall programs provided by the facility for its residents;

"(5) protecting the legal rights of the residents, facility, and staff; and

"(6) providing data for use in research and education.

"(b) All information pertinent to the above-stated purposes shall be incorporated in the resident's record, in sufficient detail to enable those persons involved in the resident's program to provide effective, continuing services. All entries in the resident's record shall be—

"(1) legible;

"(2) dated; and

"(3) authenticated by the signature and identification of the individual making the entry.

"(c) Symbols and abbreviations may be used in record entries only if they are in a list approved by the facility's chief executive officer and a legend is provided to explain them. Diagnoses should be recorded in full and without the use of symbols or abbreviations.

"Subchapter II—Content of Records

"SEC. 1279. (a) The following information should be obtained and entered in the resident's record at the time of admission to the facility:

"(1) name, date of admission, date of birth, place of birth, citizenship status, marital status, and social security number;

"(2) father's name and birthplace, mother's maiden name and birthplace, and parents' marital status;

"(3) name and address of parents, legal guardian, and/or next of kin;

"(4) sex, race, height, weight, color of hair, color of eyes, identifying marks, and recent photograph;

"(5) reason for admission or referral problem;

"(6) type and legal status of admission;

"(7) legal competency status;

"(8) language spoken or understood;

"(9) sources of support, including social security, veterans' benefits, and insurance;

"(10) provisions for clothing and other personal needs;

"(11) information relevant to religious affiliation;

"(12) report(s) of the preadmission evaluations(s); and

"(13) reports of previous histories and evaluations.

"(b) Within the period of one month after admission there shall be entered in the resident's record—

"(1) a report of the review and updating of the preadmission evaluation;

"(2) a statement of prognosis that can be used for programing and placement;

"(3) a comprehensive evaluation and individual program plan, designed by an interdisciplinary team; and

"(4) a diagnosis based on the American Association on Mental Deficiency (AAMD) Manual on Terminology and Classification in Mental Retardation and, where necessary, the Diagnostic and Statistical Manual of Mental Disorders, second edition (DSM–II), published by the American Psychiatric Association.

"(c) Records during residence should include—

"(1) reports of accidents, seizures, illnesses, and treatments thereof, and immunizations;

"(2) record of all periods of restraint, with justification and authorization for each;

"(3) report of regular, at least annual, review and evaluation of the program, developmental progress, and status of each resident;

"(4) observations of the resident's response to his program, recorded with sufficient frequency to enable evaluation of its efficacy;

"(5) record of significant behavior incidents;

"(6) record of family visits and contacts;

"(7) record of attendance and leaves;

"(8) correspondence;

"(9) periodic updating of the information recorded at the time of admission; and

"(10) appropriate authorizations and consents.

"(d) At the time of discharge from the facility, a discharge summary shall be prepared that should—

"(1) include a brief recapitulation of findings, events, and progress during residence, diagnosis, prognosis, and recommendations and arrangements for future programing;

"(2) be completed and entered in the resident's record within seven days following discharge; and

"(3) with the written consent of the resident or his guardian, be copied and sent to the individual or agency who will be responsible for future programing of the resident.

"(e) In the event of death—

"(1) a copy of the death certificate should be placed in the residents' record; and

"(2) when a necropsy is performed, provisional anatomic diagnoses should be recorded within seventy-two hours, where feasible, and the complete protocol should be made part of the record within three months.

"Subchapter III—Confidentiality of Records

"SEC. 1180. (a) All information contained in a resident's records, including information contained in an automated data bank, shall be considered privileged and confidential—

"(1) the record is the property of the facility, whose responsibility it is to secure the information against loss, defacement, tampering, or use by unauthorized persons;

"(2) the record may be removed from the facility's jurisdiction and safekeeping only in accordance with a court order, subpena, or statute;

"(3) there shall be written policies governing access to, duplication of, and dissemination of information from the record; and

"(4) written consent of the resident or his guardian shall be required for the release of information to persons not otherwise authorized to receive it.

"Subchapter IV—Central Record Service

"SEC. 1281. (a) The facility shall maintain an organized central record service for the collection and dissemination of information regarding residents. A centralized or decentralized system of record keeping may be used, in accordance with the needs of the facility—

"(1) there shall be a unit record that contains all information pertaining to an individual resident for all admissions to the facility;

"(2) where particular professional services require the maintenance of separate records, a summary of the information contained therein shall be entered in the unit record at stated intervals;

"(3) records shall be readily accessible to authorized personnel;

"(4) where a centralized system is used, appropriate records shall also be available in the resident-living units; and

"(5) a periodic review of the content of the records should be made by—

"(A) record personnel, to assure that they are current and complete; and

"(B) a committee of appropriate staff, including the record librarian, to assure that they meet the standards set forth in section 1278;

"(6) there shall be a master alphabetical index of all residents admitted to the facility; and

"(7) records shall be retained for the period of time specified by the facility, but at least for the period of time consistent with the statute of limitations of the State in which the facility is located.

"Subchapter V—Statistical Records

"SEC. 1282. (a) While the type and amount of statistical information will depend upon the facility's particular needs, such information should include at least the following:

"(1) number of residents by age groups, sex, race, and place of residence;

"(2) number of residents by level of retardation, according to the AAMD classification;

"(3) number of residents by level of adaptive behavior, according to the AAMD classification;

"(4) number of residents with physical disabilities;

"(5) number of residents who are ambulatory and nonambulatory (mobile and nonmobile);

"(6) number of residents with sensory defects;

"(7) number of residents with oral and other communication handicaps;

"(8) number of residents with convulsive disorders, grouped by level of seizure control;

"(9) number of residents by etiological diagnoses, according to the AAMD, and, where necessary, the DSM–II classifications;

"(10) movement of residents into, out of, and within the facility; and

"(11) length of stay.

"(b) Data shall be reported to appropriate Federal and other agencies as requested.

Subchapter VI—Records Personnel

SEC. 1283. (a) There shall be available sufficient, appropriately qualified staff, and necessary supporting personnel, to facilitate the accurate processing, checking, indexing, filing, and prompt retrieval of records and record data.

(b) The record system should be supervised, on a full- or part-time basis, according to the needs of the facility, by an individual who—

"(1) is a registered record librarian; or

"(2) is an accredited record technician; or

"(3) has demonstrated competence and experience in administering and supervising the maintenance and use of records and reports.

"(c) Record personnel should—

"(1) be involved in educational programs relative to their activities, including orientation, on-the-job training, and regular in-service education programs; and

"(2) participate in workshops, institutes, or correspondence education courses available outside the facility.

"(d) There shall be adequate space, facilities, equipment, and supplies for providing efficient and effective record services.

"Chapter 5.—RESEARCH

"Subchapter I—Encouragement of Research

"SEC. 1284. (a) Recognizing that the understanding, prevention, and amelioration of mental retardation ultimately depends upon knowledge gained through research, the administration and staff of the facility (and, in the case of public facilities, the appropriate governmental agency) shall encourage research activity.

"(1) opportunities and resources should be made available to members of the staff who are equipped by interest and training to conduct applied and/or basic research. Research resources and/or necessary research assistance should be made available to all staff members who have identified researchable problems related to the programs for which they are responsible;

"(2) research by qualified investigators who are not staff members of the facilities shall be encouraged. There shall be a written policy concerning the conduct of research in the facility by investigators who are not staff members. Outside researchers shall fulfill the same obligations relative to staff information and feedback as do facility staff members. Consideration should be given to the assignment of a facility staff member to each research project conducted by outside investigators; and

"(3) where feasible, there shall be ongoing, cooperative programs of research and research training with colleges, universities, and research agencies.

"(b) The administration of the facility shall make provision for the design and conduct, or the supervision, of research that will objectively evaluate the effectiveness of program components and contribute to informed decisionmaking in the facility.

"Subchapter II—Review of Research Proposals

"SEC. 1185. (a) An interdisciplinary research committee shall review all proposed studies to insure—

"(1) adequacy of research design; and

"(2) implementation of ethical standards in the design.

"(b) Facility staff members shall be consulted regarding the planning of research and the utilization of research findings in their areas of competence and interest.

"Subchapter III—Conduct of Research

"SEC. 1286. (a) The facility shall follow, and comply with, the appended Statement on the Use of Human Subjects for Research of the American Association on Mental Deficiency, and with the statement of assurance on research involving human subjects required by the United States Department of Health, Education, and Welfare for projects supported by that Agency.

"(b) Investigators and others directly involved in the research shall—

"(1) adhere to the ethical standards of their professions concerning the conduct of research; and

"(2) have access to the record of informed consent.

"Subchapter IV—Reporting Research Results

"Sec. 1287. (a) The principal investigator of each research project shall be responsible for communicating to the staff of the facility the purpose, nature, outcome, and possible practical or theoretical implications of the research. Copies of the reports resulting from research projects shall be maintained in the facility.

"(b) Where research findings are made public, care shall be taken to assure the anonymity of individual residents and parents.

"(c) Clearly defined mechanisms shall exist for informing staff members of new research findings that have applicability to the programs and administration of the facility. There shall be evidence that currently applicable research results are being implemented in the facility's programs.

"Chapter 6.—SAFETY AND SANITATION

"Subchapter I—Safety

"SEC. 1288. (a) The requirements of the Secretary shall be met, with specific reference to the following—

"(1) provision of adequate and alternate exits and exit doors;

"(2) provision of exit ramps, with nonskid surface and slope not exceeding one foot in twelve; and

"(3) provision of handrails on stairways.

"(b) There shall be records that document strict compliance with the regulations of the state or local fire safety authority that has primary jurisdiction over the facility—

"(1) aisles and exits shall be free from all encumbrances and floors shall be uncluttered;

"(2) flammable materials shall be properly stored and safeguarded;

"(3) attics and basements shall be kept orderly and free of rubbish; and

"(4) there shall be records of periodic fire safety inspections and reports.

"(c) There shall be a written staff organization plan and detailed, written procedures, which are clearly communicated to, and periodically reviewed with, staff, for meeting all potential emergencies and disasters pertinent to the area, such as fire, severe weather, and missing persons.

"(1) The plans and procedures should include—

"(A) plans for the assignment of personnel to specific tasks and responsibilities;

"(B) instructions relating to the use of alarm systems and signals;

"(C) information concerning methods of fire containment;

"(D) systems for notification of appropriate persons;

"(E) information concerning the location of firefighting equipment; and

"(F) specification of evacuation routes and procedures.

"(2) the plans and procedures shall be posted at suitable locations through the facility.

"(d) Evacuation drills shall be held at least quarterly, for each shift of facility personnel and under varied conditions, in order to—

"(1) insure that all personnel on all shifts are trained to perform assigned tasks;

"(2) insure that all personnel on all shifts are familiar with the use of the firefighting equipment in the facility;

"(3) evaluate the effectiveness of disaster plans and procedures;

"(4) evacuation drills shall include actual evacuation of residents to safe areas during at least one drill each year, on each shift. There shall be special provisions for the evacuation of the physically handicapped, such as fire chutes and mattress loops with poles; and

"(5) there shall be a written, filed report and evaluation of each evacuation drill.

"(e) An active safety program shall be maintained by a multidisciplinary safety committee that investigates all accidents and makes recommendations for prevention. Records of the activities of the safety committee shall be kept. There shall be adequate safety shields on the moving parts of all dumb waiters, elevators, and other machinery, as provided for in applicable standards and codes.

"(f) All buildings and outdoor recreation facilities constructed after 1971 shall be accessible to, and usable by, the nonambulatory and shall meet standards of the Secretary for making buildings accessible to, and usable by, the physically handicapped—

"(1) all existing buildings and outdoor recreation facilities shall be modified so as to conform to the above standards by December 31, 1976; and

"(2) existing facilities shall provide—

"(A) entrance ramps wide enough for wheelchairs, not exceeding a rise of one foot in twelve, with nonslip surfaces, and with rails on both sides;

"(B) doorways and corridors wide enough for wheelchairs; and

"(C) grab bars in toilet and bathing facilities.

"(g) Paint used in the facility shall be lead free. Old paint or plaster containing lead shall have been removed, or covered in such manner that it is not accessible to residents.

"(h) Appropriate provisions shall be made for emergency auxiliary heat by means of alternate sources of electric power, alternate fuels, and/or standby equipment.

"Subchapter II—Sanitation

"SEC. 1289. (a) There shall be records that document strict compliance with the sanitation, health, and environmental safety codes of the State or local authorities having primary jurisdiction over the facility. Written reports of inspections by State or local health authorities, and records of action taken on their recommendations, shall be kept on file at the facility.

"(b) The holding, transferring, and disposal of waste and garbage shall be done in a manner that will not create a nuisance, nor permit the transmission of disease, nor create a breeding place for insects or rodents—

"(1) waste that is not disposed of by mechanical means shall be—

"(A) kept in leakproof, nonabsorbent containers with close-fitting covers; and

"(B) disposed of daily.

"(2) containers shall be thoroughly cleaned inside and out, each time they are emptied; and

"(3) impervious plastic liners should be used.

"(c) Handwashing facilities shall be available in, or immediately adjacent to—

"(1) bathrooms;

"(2) toilet rooms;

"(3) sleeping areas; and

"(4) kitchens.

"(d) There shall be adequate insect screens on all windows and doors, where needed and adequate janitorial equipment and storage space in each unit of the facility.

Chapter 7.—ADMINISTRATIVE SUPPORT SERVICES

"Subchapter I—Functions, Personnel, and Facilities

"SEC. 1290. (a) Adequate, modern administrative support shall be provided to efficiently meet the needs of, and contribute to, program services for residents, and to facilitate attainment of the goals and objectives of the facility. Such support shall make available a variety of resources, which may include, but need not be limited to, the following kinds of services; clerical, communication, dietary, financial, housekeeping, laundry, personnel, physical plant, records, safety and security, and supply and purchasing.

"(b) Administrative support functions should be directed by a qualified administrator, trained and experienced to provide skilled and efficient coordination of these services, to adequately meet the facility's program objectives. In larger facilities, provision may be made for both executive direction, via a chief executive officer (superintendent, director, and so forth), and administration of support services (via a business manager, and so forth). In smaller facilities, a single person may provide both program direction and administration of support services—

"(1) the administrator of support services should—

"(A) have at least a baccalaureate degree and three years of experience in a responsible and relevant administrative position; or

"(B) have completed formal graduate education in health administration or its equivalent.

"(2) all administrative support personnel shall have sufficient understanding and appreciation of the nature and behavior of the mentally retarded resident, to assure that each employee's work and his relations to the residents contribute positively to their welfare.

"(c) There shall be adequate office space, facilities, equipment, and supplies for the efficient conduct of all administrative support functions.

"Subchapter II—Fiscal Affairs

"SEC. 1291. (a) Funds shall be budgeted and spent in accordance with the principles and procedures of program budgeting.

"(1) the budget requests submitted by the facility shall—

"(A) adequately reflect the program needs of the residents, as developed by program staff; and

"(B) be adequately documented and interpreted.

"(2) budget preparation shall be the product of team management;

"(3) budget preparation and implementation shall include active participation of professional team members;

"(4) budget development shall include incorporation of effectiveness measures; and

"(5) there shall be sufficient latitude to permit rebudgeting of funds in response to changing program needs, and in accordance with the principles and procedures of program budgeting.

"(b) Individuals acting on the facility's budget requests (board members, State budget officials, members of appropriations committees, and so forth) should have firsthand knowledge of its operation and needs, obtained by regular visitation and observation of its programs.

"(c) Budget performance reports shall be prepared at appropriate intervals and submitted to those individuals participating in budgeting and management responsibilities.

"(d) Funds for community (that is, nonresidential) programs and services shall not be included in computing the per capita (that is, per resident) cost of operation. The per capita expenditure for residential services, divided by the cost of living index for the State or area, should compare favorably with the same ratio for the Nation as a whole, that is, come within 90 per centum of the Nation as a whole or, preferably, exceed 100 per centum. Maintenance expenditures should be at least the same as would be required by age peers in the community.

"(e) There shall be a formal system of internal control in handling the fiscal affairs of the facility. The facility shall have an adequate 'responsibility' accounting system.

"(f) A full audit of the facility's fiscal activities shall be performed regularly, preferably annually, by a qualified accountant independent of the facility.

"(g) Fiscal reports shall be prepared and communicated to the facility's public at least annually.

"(h) Facilities charging for services shall have a written schedule of rates and charge policies, which shall be available to all concerned.

"(i) Where the size of the facility's operation warrants a fiscal officer, he shall have appropriate training and experience in accounting and auditing. Sufficient accountants, account clerks, and clerk-typists shall be provided to assure maximum support to the efforts of personnel directly involved in services to resident.

"Subchapter III—Purchase, Supply, and Property Control

"SEC. 1292. (a) There shall be written purchasing policies regarding authority and approvals for supplies, services, and equipment.

"(b) There shall be adequate documentation of the purchasing process, including, where appropriate, requisitions, bids from a number of suppliers, purchase orders, and receiving reports.

"(c) The inventory control system and stockroom operation shall be adequate for—

"(1) receiving supplies;

"(2) issuing supplies as needed in programs;

"(3) maintaining necessary stock level;

"(4) establishing responsibility for stocks; and

"(5) there shall be appropriate storage facilities for all supplies and surplus equipment

"(d) Where the size of the facility's operation warrants, the person responsible for directing purchase, supply, and property control should have had several years of progressively more responsible experience in these fields, and/or related training. There shall be sufficient trained and experienced personnel to accomplish the necessary purchase, supply, and property control functions.

"Subchapter IV—Communications

"SEC. 1293. (a) There shall be adequate communication service, including adequate telephone service, whenever residents are in the facility.

"(b) The communication system shall assure—

"(1) prompt contact of on-duty personnel; and

"(2) prompt notification of responsible personnel in the event of emergency.

"Subchapter V—Engineering and Maintenance

"SEC. 1294. (a) The facility shall have an appropriate and written preventive maintenance program.

"(b) Where the size of the facility warrants, engineering and maintenance shall be directed by an engineer who—

"(1) has had at least three years of progressively more responsible experience in institutional engineering and maintenance;

"(2) is licensed or certificated, as appropriate to the nature of the facility; and

"(3) there shall be sufficient trained and experienced personnel to accomplish the required engineering and maintenance functions.

"Subchapter IV—Housekeeping Services

"SEC. 1295. Appropriate to the size and nature of the facility, the person responsible for directing housekeeping services should have had—

"(1) several years of progressively more responsible experience in this field, and/or related training;

"(2) formal training in short courses or vocational schools; and

"(3) experience and training in supervision and management.

"Subchapter VII—Laundry Services

"SEC. 1296. (a) Laundry services shall be managed so that—

"(1) daily clothing and linen needs are met without delay; and

"(2) there is minimum loss and damage to clothing.

"(b) Appropriate to the size and nature of the facility, the person responsible for directing laundry services should have had several years of progressively more responsible experience in this field, and/or related training. The person responsible for directing laundry service shall have the ability to supervise residents who work in the laundry.

"Chapter 8.—DEFINITIONS

"SEC. 1297. As used in this part the term—

"(1) 'Advocacy' means that which is done by an advocate.

"(2) 'Advocate' means an individual, whether a professional employed by a private or public agency, or a volunteer (a citizen advocate), who acts on behalf of a resident to secure both the services that the resident requires and the exercise of his full human and legal rights.

"(3) 'Ambulatory' means able to walk independently, without assistance.

"(4) 'Chief executive officer' means the individual appointed by the governing body of a facility to act in its behalf in the overall management of the facility. Job titles may include, but are not limited to, superintendent, director, and administrator.

"(5) 'Developmental disabilities' means disabilities that originate in childhood, are expected to continue indefinitely, constitute a substantial handicap to the affected individual, and are attributable to mental retardation, cerebral palsy, epilepsy, or other neurological condition closely related to, or requiring treatment similar to that required by, mental retardation.

"(6) 'Direct-care staff' means individuals who conduct the resident-living program; resident-living staff.

"(7) 'Facility' means a residential facility for the mentally retarded.

"(8) 'Generic services' means services offered or available to the general public, as distinguished from specialized services intended only for the mentally retarded.

"(9) 'Governing board' means a group of individuals that constitutes the governing body of a facility; one form of a governing body. A governing board may be called a board of trustees, board of directors, or board of governors.

"(10) 'Governing body' means the policy-making authority, whether an individual or a group, that exercises general direction over the affairs of a facility and establishes policies concerning its operation and the welfare of the individuals it serves.

"(11) 'Guardian' means an individual who has legal control and management of the person, or of the property or estate, or of both the person and the property, of a resident. A natural guardian is a parent lawfully in control of the person of his minor child; natural guardianship terminates when the child attains his majority. A legal guardian is one appointed by a court. A guardian of the person is one appointed to see that the resident has proper care and protective supervision in keeping with his needs. A guardian of the property is one appointed to see that the financial affairs of the resident are handled in his best interests. A guardian ad litem is one appointed to represent a resident in a particular legal proceeding, without control over either the resident's person or his estate. A public guardian is a public official empowered to accept court appointment as a legal guardian. A testamentary guardian is one designated by the last will and testament of a natural guardian.

"(12) 'Legal incompetence' means the legal determination that a resident is unable to exercise his full civil and legal rights, and that a guardian is required.

"(13) 'Living unit' means a resident-living unit that includes sleeping, dining, and activity areas.

"(14) 'Mobile nonambulatory' means unable to walk independently or without assistance, but able to move from place to place with the use of devices such as walkers, crutches, wheel chairs, wheeled platforms, and so forth.

"(15) 'Nonambulatory' means unable to walk independently, without assistance.

"(16) 'Nonmobile' means unable to move from place to place.

"(17) 'Normalization principle' means the principle of letting the mentally retarded 'obtain an existence as close to the normal as possible,' making available to them 'patterns and conditions of everyday life which are as close as possible to the norms and patterns of the mainstream of society.' Specifically, 'the use of means that are as culturally normative as possible to elicit and maintain behavior that is as culturally normative as possible.'

"(18) 'Public financial support programs' include, but are not limited to, services for crippled children; aid to the disabled, old age, survivors, and disability insurance, and other benefits available under the Social Security Act; and benefits administered by the Veterans' Administration.

"(19) 'Resident' means the general term used in the standards to refer to an individual who receives service from a residential facility, whether or not such individual is actually in residence in the facility. The term thus includes individuals who are being considered for residence in a facility, individuals who were formerly in residence in a facility, and individual who are receiving services other than domiciliary from a facility. (A residential facility, on the other hand, may use the term 'resident' to refer only to those individuals actually in residence, and may thus distinguish between resident and nonresident recipients of its services.)

"(20) 'Resident-living' means pertaining to residential or domiciliary services provided by a facility.

"(21) 'Residential facility' means a facility that provides twenty-four-hour programing services, including residential or domiciliary services, directed to enhancing the health, welfare, and development of individuals classified as mentally retarded. While the facility must provide twenty-four-hour programing for residents, in accordance with their needs, it need not itself operate any programs or services other than residential or domiciliary.

"(22) 'Rhythm of life' means relating to the normalization principle, under which making available to the mentally retarded 'patterns and conditions of everyday life which are as close as possible to the norms and patterns of the mainstream of society' means providing a normal rhythm of the day (in respect to arising, getting dressed, participating in play and work activities, eating meals, retiring, and so forth), normal rhythm of the week (differentiation of daily activities and schedules), and normal rhythm of the year.

"(23) 'Surrogate' means an individual who functions in lieu of a resident's parents or family.

"(24) 'Time out' means time out from positive reinforcement. A behavior modification procedure in which, contingent upon the emission of undesired behavior, the resident is removed from the situation in which positive reinforcement is available.".

SEC. 4. (a) Section 1 of the Public Health Service Act is amended by striking out "titles I to X" and inserting in lieu thereof "titles I, II, and XII".

(b) The Act of July 1, 1944 (58 Stat. 682) is further amended by renumbering title XI (as in effect prior to the date of enactment of this Act) as title XII and by renumbering sections 1101 through 1114 (as in effect prior to such date) and references thereto sections 1201 through 1214 respectively.

SECTION-BY-SECTION ANALYSIS

(By Congressional Research Service, Library of Congress)

BILL OF RIGHTS FOR THE MENTALLY RETARDED

The opening section of the bill states the overall general aims of the bill—to provide for the humane care, treatment, habilitation and protection of the mentally retarded in residential facilities through the establishment of strict quality operation and control standards and the support of the implementation of such standards by Federal assistance; to establish State plans requiring a survey of need for assistance to facilities to enable them to be in compliance with such standards, seek to minimize inappropriate admission to residential facilities and develop strategies to stimulate the development of regional and community programs for the mentally retarded which include the integration of such residential facilities.

Sec. 2 of the bill presents the findings of the Congress concerning the mentally retarded in the United States and the care that is provided them in residential facilities. These findings are concerned with such matters as:

(1) the numbers of mentally retarded currently living in residential facilities for the retarded,

(2) the prime purpose of residential services,

(3) the basic obligation of residential services,

(4) the considerations on which admissions to a residential facility should be based,

(5) the importance of legal guardians for both adult and minor residents of institutions,

(6) the need for residential facilities to be humane and safe, to provide basic human needs, and to be located in the community served and provide normal contacts within the community life,

(7) the realization that the first consideration in research and planning for the retarded must be the protection of the human dignity, the integrity and the life of the mentally retarded, and

(8) the necessity for both an upgrading of existing facilities for the retarded and the establishment of new, small, homelike units integrated into community living situations

Part (b) of Sec. 2 states that the purpose of the Act is to establish standards for the operation of residential facilities, to improve the provision of services to the retarded by encouraging and supporting the planning and development of strategies to implement these standards, to minimize inappropriate admissions to residential facilities, and to stimulate the development of regional and community programs integrating the facilities conforming to these standards. A further purpose of the Act is to encourage and support planning and development of strategies to survey and analyze residential facilities and their compliance with the standards established under the Act and to stimulate regional and community programs and services for the retarded which integrate such residential facilities.

TITLE XI OF THE PUBLIC HEALTH SERVICE ACT—SUPPORT OF RESIDENTIAL FACILITIES FOR THE MENTALLY RETARDED

Sec. 3 of the bill creates a new title XI in the Public Health Service Act entitled Support of Residential Facilities for the Mentally Retarded.

Part A—State Strategy Planning

Part A of this title, entitled "State Strategy Planning" authorizes two programs of grants, each totalling $15 million a year for fiscal year 1973 and the next two succeeding fiscal years.

The first program of grants, described in sec. 1101(a), will be used to help the States conduct comprehensive surveys and analyses of the cost of bringing existing residential facilities into compliance with the standards established under this Act, to review State plans and develop strategies including implementation and monitoring mechanisms to fulfill the overall stated purposes of the Act, such as to minimize inappropriate placement in residential facilities particularly by providing alternative programs of care, and to coordinate and integrate existing residential facilities with existing and future regional and community mental retardation programs and services. The bill provides that this be done in cooperation with the National Advisory Council on Standards for Residential Facilities for the Mentally Retarded which is established by a later section of the Act, section 1109. This first grant program will also be used to study administrative relationships, including the identification of legal, economic, social, and other barriers to compliance with the standards established under this Act, as well as the involvement of public and private sources in programs and services for the mentally retarded, with recommendations for improvement.

The second program of grants, described in section 1101(b), will be used to assist the States in improving the services provided by existing residential facilities for the mentally retarded. These grants will not exceed $300,000 per institution and will cover costs of administering and operating demonstration facilities and training programs. These grants awards will be evaluated for effectiveness in improving residential care for the mentally retarded.

Part B—Delivery of Mental Retardation Programs and Services

Part B of the new title is entitled "Delivery of Mental Retardation Programs and Services". Section 1102 of this part authorizes such sums as are necessary in grants to assist the States in meeting direct and indirect expenses for bringing residential facilities into conformity with the standards established under this Act. Priority in awarding these grants will be given to those applicants whose facilities are in the greatest need of assistance.

A State desiring to receive a grant must submit a plan:

(1) setting forth a schedule for compliance with the established standards for each facility;

(2) designating a State planning and advisory council, with a membership drawn from local agencies and nongovernmental organizations concerned with services for the mentally retarded, and with at least one-third representing consumers of such services;

(3) assuring reasonable State financial participation in the cost of carrying out the plan and how the facility will complement and augment rather than duplicate or replace other community services for the retarded;

(4) setting forth a schedule of costs to achieve compliance with the standards;

(5) designating how placement in residential facilities will be minimized through alternative regional and community programs and services.

Sec. 1103(b) provides for approval of plans which set forth a reasonable time for compliance and provides that plans will not be disapproved without reasonable notice and opportunity for a hearing.

Sec. 1104 provides that individual project grants will not exceed 75 percent of the cost of the project and that payments will be made in advance or by reimbursement.

Sec. 1105 assures maintenance of effort by the States; that is, that grants to the States will not result in any decrease in the level of already existing funds, but will be used to supplement and increase the level of such funds.

Sec. 1106 establishes procedures for the withholding of grants if there has been a failure to comply with the State plan or if any program assisted fails to comply with any applicable provisions of the Act. Payments will be withheld until the Secretary is satisfied that there is no longer any failure to comply or that the noncompliance will be promptly corrected. When a State has received a grant under sec. 1102 and has not complied with the standards of the Act within a reasonable period of time, that State will not be eligible for any further funds on behalf of any person who is a resident of any residential facility for the retarded which does not meet the standards described in part C of the title. The section provides that any funds to which a person would otherwise be entitled to have paid on his behalf to a residential facility will be reserved for him and administered by the Social Security Administration in the same manner as benefits under title II of the Social Security Act would be administered on his behalf if he were entitled to them. Five years after the enactment of this Act, no residential facility that does not comply to the standards established by this Act will be eligible to receive any direct or indirect payments under any Federal law.

Sec. 1107 provides for an extension of time for grantees and other residential facilities for the retarded to meet the established standards if appropriations for grants under sec. 1102 do not meet authorizations.

Section 1108 authorizes such sums as may be necessary for three years beginning in fiscal year 1973 for a program of grants to public or private nonprofit agencies, organizations, or institutions to meet the costs of development, improvement, extension, or expansion of community resources and community living situations for the mentally retarded other than living-in residential facilities for the mentally retarded. The section authorizes the Secretary to prescribe regulations describing the applications that will be used to apply for grants, and directs the Secretary to give priority to those applicants whose proposals he determines are of special significance because they demonstrate new or relatively effective or efficient methods of delivery of services to the mentally retarded.

Sec. 1109 provides for the establishment of a fifteen-member National Advisory Council on Standards for Residential Facilities for the Mentally Retarded. Members will be appointed from representatives of professional and voluntary organizations concerned with the mentally retarded, consumers of services from residential facilities for the retarded (for example, parents of the mentally retarded), and leaders in the fields of service to the mentally retarded. A majority of the membership will represent the interests of consumers of services.

The Council will advise the Secretary on regulations implementing standards, will study and evaluate such standards through site visits and other methods to determine their effectiveness, and will recommend any changes or improvements in the standards.

Council members will be compensated.

Part C—Standards for Mental Retardation Facilities for the Mentally Retarded

The major proportion of the bill is contained in Part C, which is entitled "Standards for Residential Facilities for the Mentally Retarded" and which consists of a comprehensive and detailed description of the standards a residential facility for the mentally retarded must comply with in order to qualify for assistance under this Act, and eventually, for assistance and funds under any Federal program. This part is divided into eight chapters and each chapter is broken down into subchapter.

Chapter 1—Administrative policies and practices

The first subchapter of Chapter I describes the standards for the philosophy under which a residential facility should operate, and the standards under which such a facility should be located and operated. These standards stress the fostering of humanization of mentally retarded residents and the importance of providing as normal an atmosphere as possible. The standards demphasize the use of institutional terms in dealing with the retarded and their problems. Under these standards, the residential facility will be integrated into the community and the general population as much as possible. The residents will use community resources such as schools, religious facilities, medical and other professional services, recreation facilities, stores, and employment facilities as extensively as possible. The facility will be designed and operated to help residents to move from structured, dehumanized, institutional living to a less structured, more individualized, and independent life. Facilities will emphasize groupings of program and residential units designed to meet residents' needs and integrated into, instead of segregated from, community life.

The second subchapter of Chapter I outlines general policies and practices under which a residential facility shall operate. It requires a facility to have generally available a written outline of the philosophy, objectives, and goals it is striving to achieve. The facility will also have a manual of policies and procedures describing what it is doing to achieve its objectives and goals. In addition, a statement of policies and procedures concerning the rights of residents will be required.

The facility is required to have a statement of policies and procedures that protect the financial interests of residents, manuals describing procedures in the major operating units of the facility, a summary of laws and regulations relevant to mental retardation and to the function of the facility, and a plan for a continuing management audit.

Public facilities will have documents describing their statutory basis of existence and the administration of the governmental department in which they operate. Private facilities will have documentation, including charters, constitutions and bylaws, and State licenses.

This subchapter describes the general duties of the governing body of a facility and the responsibilities of the chief executive officer and other persons responsible for the operation of the facility.

The subchapter also describes the general overall management, organization, and administration of the facility, including such matters as delegation of authority and responsibility, decisionmaking, proper utilization of staff, and effective channels of communications. There will be a plan for improvement of staff and services.

There will be provisions for effective staff and resident participation and communication, including use of staff meetings and standing committees. The facility will use a percentage of operating budget for self-renewal purposes. The findings of these activities will be disseminated to staff and consumer representatives. There will be a system of collection and recording of data describing the population of the facility.

The facility will have a publicly available description of services for residents. The facility will provide, by various means, for meaningful and extensive participation in the policymaking and operation of the facility by consumer representatives and the public.

The facility will establish an extensive public education and information program to develop understanding and acceptance of the mentally retarded in all aspects of community living.

Subchapter III of Chapter I describes standards for admission and release of mentally retarded residents of facilities. These provide that only those who can be helped by the facility's programs will be admitted, and that numbers of admissions will not exceed the facility's capacity and provisions for adequate programming.

Laws, regulations, and procedures for admission, readmission, and release will be summarized and available for distribution. The matter of legal incompetence will be separate from the matter of the need for residential services, and admission to a facility will not automatically imply legal incompetence.

Before admission, a resident must have a complete physical, emotional, social and cognitive evaluation. Service need for each resident will be defined without regard to the actual availability of all the desirable options. A retarded person will be admitted to a facility only when it can be determined that this would be the best measure for him. When admission is not the best idea, but cannot be avoided, this must be acknowledged clearly and plans must be made to explore alternatives. The primary beneficiary of the admission to a facility must be clearly specified as the resident, his family, his community, society, and several of these. All admissions are to be regarded as temporary.

A medical evaluation by a physician will be made within a week of admission. Provision is made for continuing and regular evaluations of the resident and his progress in the facility.

Provision is made for physical inspection of the resident for signs of injury or disease prior to and following temporary or permanent release from the facility. Procedures are described for reporting on the resident's status at the time of permanent release or transfer from the facility.

In the event of serious illness or accident, impending death, or death, provision is made for informing next of kin or guardian, and the following of the wishes of that person concerning religious matters. In case of death of a resident, provision is made for autopsy, with permission, for suitable religious services and burial, if wished, and for informing coroner or medical examiner, in accordance with law.

Subchapter IV of Chapter I outlines the personnel policies a resident facility for the mentally retarded must follow in order to comply with this law. It provides for a personnel director if warranted, for a written description of current personnel policies and practices to be available to all employees and for initial screening and regular evaluation of all personnel.

The subchapter provides that staffing should be sufficient so that the facility is not dependent upon residents or volunteers for the performance of productive services. It describes procedures under which residents can be involved in such services. The subchapter describes procedures for the establishment of an appropriate staff training program and the qualifications of the person responsible for this program. Also described are provisions for creating relations with nearby colleges and universities for advanced training of the facility's staff, for the use of facility resources for training and research by the colleges and universities, and for exchange of staff between the facility and the colleges and universities.

Chapter II—Resident living

The first subchapter of Chapter II describes staff-resident relationships and activities. Staff of the facility's living units will devote their attention to the care and development of residents in the atmosphere of the living units as follows:

(1) by providing sufficient attention to each resident each day;

(2) by training residents in activities of daily living and in development of self-help and social skills;

(3) by proviidng a warm, family-or home-like environment;

(4) by not being diverted by housekeeping, clerical, and other nonresident-care activities; and

(5) by maintaining stability and consistent interpersonal relationships.

Living unit staff will participate with an interdisciplinary team in the overall care and development of the resident. Provision is made for evaluation and program plans for each resident to be available to living unit staff and to be reviewed regularly by the interdisciplinary team.

Activity schedules for each resident free of "dead time" of more than one hour and allowing for individual and group free activities will be available to living unit staff and implemented daily. Life in the living unit will resemble as much as is possible the cultural norm of nonretarded age peers. Residents will be assigned responsibilities in the living unit, and an effort will be made to enhance self-respect and to develop independent living skills. Provision must be made for appropriate out-of-bed and bedroom activities for multiple handicapped and nonambulatory residents. Residents will have planned periods of time out doors and will be instructed on how to use freedom of movement both within and without the facility's grounds. Special events, such as birthdays, will be observed and provisions will be made for appropriate heterosexual interaction. Residents' view and opinions on matters concerning them will be elicited and considered. They will be instructed in the use of and will have appropriate access to communication processes, such as telephones and mail. They will be permitted appropriate personal possessions and the possession and the use of money.

There will be provision for the recognition and management of behavioral problems in the living unit. There will be a written statement of appropriate policies and procedures for the control and discipline of residents. Corporal punishment will not be permitted and residents will not discipline other residents, except as part of an organized self-government program. Seclusion in a locked room will not be employed. Physical restraint will be used only when necessary to protect the resident from injury to himself or to others, and not for punishment, convenience of the staff, or as a substitute for program. Policies for the use of restraint will be in writing and will follow certain guidelines. Procedures are described for the appropriate use of mechanical supports, chemical restraints, and behavior modification programs.

The second subchapter of Chapter II describes the standards for food services in the resident facility. It provides that food services meet the needs of each resident and be professionally planned and nutritionally adequate. It provides for a written statement of goals, policies, and procedures of the facility's food service. A qualified nutritionist or dietitian will be employed or consulted regularly. The standards require that well-balanced meals be served to residents three times a day at appropriate intervals in dining rooms which are suitably designed and equipped. The food service of the facility, like all other services, must be designed and operated to meet the needs of the residents. Suitable supervision and systematic training in the development of appropriate eating skills will be provided. Provision must be made for cleaning equipment and for handwashing facilities.

Subchapter III of the second Chapter is concerned with provisions for clothing of the residents. Each resident will be provided an adequate supply of clothing comparable to the clothing worn in the community. Provision is made for the supplying of appropriate clothing to residents with special needs, such as the multiply handicapped, the nonambulatory, and the incontinent. Residents will be trained and encouraged to choose their own clothing, select their daily clothing, dress themselves, and maintain their clothing as independently as possible.

Subchapter IV describes provisions for the health, hygiene, and grooming of residents. Residents will be trained to become as independent as possible in these matters of personal care, such as daily bathing, brushing teeth, etc. Staff assistance will be provided where appropriate, such as helping female residents in caring for menstrual needs, or in providing toilet training where needed.

Each living unit will have a properly adapted drinking unit and residents will be taught the proper use of such units.

Procedures will be established for regular weighing and height measurement of residents and for the maintenance of suitable records. Care of infections and contagious diseases will conform to State and local health regulations. A physician will review regularly all orders prescribing bed rest and prohibition of outdoor activities. Such devices as dentures, eyeglasses, hearing aids, and braces will be furnished and maintained by appropriate specialists.

Subchapter V describes standards for grouping and organization of living units. These living units will be small enough to insure proper development of interpersonal relationships among residents and between residents and staff. A single unit, including sleeping, dining, and activity areas, should provide for the housing of not more than sixteen residents, and program groups within the unit should not exceed eight.

Any deviation from either of these two size limitations would have to be justified on the basis of meeting program needs of the residents.

Residential units should house both male and female residents insofar as this conforms to prevailing cultural norms. Residents of widely varying ages, developmental levels, and social needs will not be housed together unless this is planned to promote growth and development. Residents will not be segregated solely on the basis of their handicaps. The living unit is not intended to be a self-contained program unit, but should be coordinated with activities residents engage in outside the living unit. Residents will be allowed free use of all living areas within the living unit, with due regard to privacy and personal possessions. A resident will have access to a private area where he can withdraw when not engaged in structured activities. Outdoor play and recreation areas will be accessible to all living units.

Subchapter VI of Chapter II defines the policies and practices of the resident-living staff. It stipulates staff-resident ratios for each of the three shifts in a twenty-four day and for each type of living unit in the facility, so that there is adequate coverage of residents twenty-four hours a day, seven days a week.

Subchapter VII outlines standards for design and equipage of living units, so that they are appropriate for the fostering of personal and social development, appropriate to the program, flexible enough to accommodate variations in program to meet changing needs, and such as to minimize noise and permit communication at normal conversation levels. The interior design of living units will simulate the functional arrangements of a home. The subchapter provides standards for minimum space requirements, and for the design and equipage of bedrooms, storage facilities, and toilet areas. It describes provisions for the safety, sanitation, and comfort of the residents by ventilation, temperature and humidity control, temperature of hot water, emergency lighting, and supply of clean linen.

Chapter 3—Professional and special programs and services

This chapter outlines in great detail the various types of professional services that will be available to residents of a qualified residential facility for the mentally retarded. These professional and special programs and services will be provided in accordance with the residents' needs. They may be provided by programs within the facility or by arrangements between the facility and other agencies or persons. In order to promote normalization, all professional services will be rendered whenever possible in the community. The programs and services will meet standards for quality of service. Individuals providing the programs and services will be identified with appropriate professions, disciplines, or areas of service. Interdisciplinary teams for evaluating needs, planning individualized habilitation programs, and periodically reviewing residents' response to programs and revising programs accordingly, will be made up of persons drawn from or representing the revelant professions, disciplines, or service areas.

The standards in the subchapters describing each type of service are to be interpreted to mean that necessary services are to be provided efficiently and competently, without regard to the professional identifications of the persons providing them, unless only members of a single profession are qualified or legally authorized to perform the stated service. Therefore, services listed under the duties of one profession may be rendered by members of other professions who are equipped by training and experience to do so. Members of professional disciplines must work together in cooperative, coordinated, interdisciplinary fashion to achieve the objectives of the facility.

Programs and services and the pattern of staff organization and function within the facility will be focused upon serving the individual needs of residents and provide the following:

(1) comprehensive diagnosis and evaluation of each resident;

(2) design and implementation of an individualized habilitation program to meet the needs of each resident;

(3) regular review, evaluation, and revision, of each individual program as necessary;

(4) freedom of movement of individuals from one level of achievement to another as is warranted; and

(5) an array of those services that will enable each resident to develop to his maximum potential.

Each of the subchapters in Chapter 3 describes a specific type of service. Each subchapter describes the purposes for which the service is provided, describes the types of services that will be available, describes provisions for diagnosis and evaluation, defines qualifications of education experience with the mentally retarded, and professional certification of the personnel supervising and providing the services, and describes the physical necessities of space, equipment, and facilities for providing the services. The specific services are as follows:

(1) Dental Services,
(2) Educational Services,
(3) Food and Nutrition Services,
(4) Library Services,
(5) Medical Services,
(6) Nursing Services,
(7) Pharmacy Services,
(8) Physical and Occupational Therapy Services,
(9) Phychological Services,
(10) Recreation Services,
(11) Religious Services,
(12) Social Services,
(13) Speech Pathology and Audiology Services,
(14) Vocational Rehabilitation Services, and
(15) Volunteer Services.

Chapter 4—Records

The first subchapter provides for the maintenance of adequate records for each resident. These records will be used to:

(1) plan and evaluate each resident's habilitation program;

(2) provide a means of communication among all persons contributing to each habilitation program;

(3) furnish evidence of the resident's progress and response to program;

(4) serve as a basis for review, study, and evaluation of the overall programs provided by the facility;

(5) protect the legal rights of the resident, facility, and staff; and

(6) provide data for use in research and education.

All records will be sufficiently detailed to meet these needs and will be legible, dated, and authenticated.

The second subchapter lists types of information that will be included in the content of each resident's record, and provides that certain items be recorded at time of admission, within one month after admission, during residence, at the time of discharge from the facility, and in the case of death.

The third subchapter describes procedures that will be followed to assure confidentiality of records.

The fourth subchapter provides for the maintenance of an organized central record service for the collection and dissemination of information regarding residents.

Subchapter 5 describes the types of statistical records that will be kept by the resident facility and provides that statistical data will be reported to appropriate Federal and other agencies as requested.

The sixth subchapter describes standards for sufficiently qualified records personnel, supervised by a qualified individual, and provided with adequate space, facilities, equipment, and supplies.

Chapter 5—Research

This chapter provides standards for the encouragement of research, review of research proposals, conduct of research, and the reporting of research results.

Chapter 6—Safety and Sanitation

The first subchapter describes safety requirements for resident facilities for the mentally retarded. There is provision for adequate exit doors and ramps, and for handrails on stairways. There must be documentation of compliance with State and local fire safety regulations. Each facility must have plans and procedures known to, and reviewed with, staff, for meeting potential emergencies and disasters. Evacuation drills will be held quarterly. Each facility will maintain an adequate active safety program. All buildings and facilities will be designed and constructed to be accessible to the physically handicapped and the nonambulatory. Paint used in the facility will be lead free and provision must be made for emergency auxiliary sources of heat.

The subchapter on sanitation requires each facility to have documentation on compliance with sanitation, health, and environmental safety codes of State or local authorities. It requires adequate procedures for the holding, transferring, and disposal of waste and garbage. It provides for the availability of handwashing facilities and for the provision of insect screens where needed and for adequate janitorial equipment and storage space in each unit of the facility.

Chapter 7—Administration Support Services

The chapter describes standards for the provision of adequate, modern administrative support to meet the needs of, and contribute to, program services for residents, and to facilitate attainment of the goals and objectives of the facility. It provides for a qualified administrator to supervise these services and for adequate office space, facilities, equipment, and supplies. The specific administrative services for which standards are described are:

(1) Fiscal affairs,
(2) Purchase, supply, and property control,
(3) Communication service,
(4) Housekeeping services, and
(5) Laundry services.

Chapter 8—Definitions

This chapter defines the following terms used in the bill:

(1) Advocacy,
(2) Advocate,
(3) Ambulatory,
(4) Chief executive officer,
(5) Developmental disabilities,
(6) Direct-care staff,
(7) Facility,
(8) Generic services,
(9) Governing board,
(10) Governing body,
(11) Guardian,
(12) Legal incompetence,
(13) Living unit,
(14) Mobile nonambulatory,
(15) Nonambulatory,
(16) Nonmobile,
(17) Normalization principle,
(18) Public financial support programs,
(19) Resident,
(20) Resident-Living,
(21) Residential facility,
(22) Rhythm of life,
(23) Surrogate, and
(24) Time out.

Sec. 4 of the bill amends the Public Health Service Act to provide for the insertion of this new title XI.

EDWARD R. KLEBE,
Education and Public Welfare Division.

EXHIBIT 3

DISCUSSION OF ISSUES

Thus, this legislation establishes strict standards for residential facilities for the mentally retarded—the fruition of a partnership of governmental agencies, of professional organizations of practitioners in the field, and of consumer representatives, working together in the interest of improving services to the mentally retarded—and, at the same time, stimulates States to establish plans for regional and community programs for the mentally retarded and minimize admissions to institutional residential facilities while providing funds for alternative programs of community care.

Our country's mentally retarded are much like the aged—they have done no harm, yet they are treated as burdensome problems, rather than with the love they deserve as human beings. Our society looks at youth, mobility, activity, and quickness of thought as being of the utmost importance in our day-to-day lives. When a person cannot have these qualities, he should not be shunned, disrespected, denigrated, and ignored. For the institutionalized mentally retarded, this is most assuredly true. Once a resident in the institution, the mentally retarded individual is generally looked upon as "put-away," no longer a bother to the society as a whole. How can we, the richest country in the world, treat innocent human beings in such an inhumane fashion? It is our responsibility as legislators to mandate the necessary authority to help alleviate the horrifying prevailing conditions that exist in these institutions, and to seek alternative solutions to institutionalizaion, more beneficial to the retarded individual, his family, and society.

The residential environment of the retarded individual is a supremely significant component in his development. If the residential setting is warm, devoid of dehumanizing conditions, the individual has a much greater opportunity to develop to his full capacity. It is often thought that in comparison to an individual with normal development, a person with slow development of intelligence has a greater number of failures and consequently is more dependent on his environment. If the environment is a poor one, as those in so many of our institutions are, or the professional individuals within it are unwilling to understand the handicapped child, or lack the much needed patience, then the child's readiness for failure must logically, but tragically be increased and the positive aspects of his behavior are not reinforced. Let me seize on this point. Almost all mentally retarded individuals can develop and learn something, only it takes them longer and puts greater demands upon the environment than it does with nonretarded persons. We must not only understand these realities, but accept them and be willing to act on them if we truly want to effect responsible humane legislation for the mentally retarded.

Within the past 10 years, the average cost per capita per day per resident has gone from $4.64 to $11.62. The number of institutions has increased 76 percent between 1960 and 1970 from 108 in 1960 to 190 in 1970. An estimated 117,327 persons were employed full time in public institutions in 1970. This is more than double the number employed ten years ago; however, the overwhelming majority are attendants, matrons and maintenance employees. Only about 11 percent of these are teachers and nurses. Fewer than 2 percent of all institution personnel are classified as psychiatrists, psychologists and social workers. The turnover of the personnel within the institutions takes away from the resident any real possibility of continuity of care, which could be most beneficial to continued progress and development. A survey of the 26 institutions in the 16 Southeastern States showed that, on the average, 20 percent are replaced in a year. In two of the 26 institutions, fully 50 percent of the attendants were replaced in 1 year.

A large part of the reason for the inadequate qualifications of attendants and for their high turnover rate is undoubtedly the low status they are accorded and the base pay they receive. Among the majority of the 26 institutions just mentioned, the maximum possible salary for attendants was more than $1,000 below the median income of the families in the county in which the institutions were located.

As I have stated previously, I have been in close contact with many groups who are involved with the provision of services to the mentally retarded. I have come to understand that although there is unanimous support for those goals which my bill seeks to accomplish, the best methodology is an issue about which reasonable people differ. There has been reasonable concern expressed about the impact of some of the provisions of this bill on the Developmental Disabilities Act. I recognize the issue and am most sympathetic to the more generic developmental disability concept to benefit the mentally retarded. I do not intend this measure to foreclose our options to more tightly tie into the act when the committee considers that bill.

In regard to the retention of the voluntary approach to standards, this bill meets the issue by setting standards in law, but permits the very same groups that developed the standards to be established as a National Advisory Council to recommend revisions and improvements to the standards for effective regulatory action.

I do not intend by law to lock into concrete either standards that cannot be improved and modified nor provide the most efficient and effective oversight of such standards in the best interests of the mentally retarded.

This bill shows the way for prompt action to accomplish objectives which provide for the common good of the mentally retarded which I know all share. It would keep all our options open, as the experts in mental retardation testify how to best achieve this goal.

Mr. TAFT. Mr. President, I am happy to cosponsor this much needed piece of legislation—a bill of rights for the mentally retarded. I have long supported and worked for legislation to protect the rights of the mentally retarded. The very first bill I introduced during my first term in the Ohio Legislature in 1955 was in behalf of these unfortunate people.

For too long, many of the mentally retarded have been inappropriately institutionalized in inadequate facilities and forgotten by society. This bill which I am cosponsoring today, would establish standards to assure humane care, treatment, habilitation, and protection of the mentally retarded in residential facilities and improve the system for the deliverance of services.

Every human life has meaning and value and this bill represents a major step forward in giving that meaning and value to the mentally retarded. I offer my support and assistance for its speedy passage.

Mr. RIBICOFF. Mr. President, today I am joining with Senators WILLIAMS, JAVITS, and other Senators in reintroducing a bill of rights for the mentally retarded.

Too often the problems of the mentally retarded are hidden behind locked doors. Rather than attempting to face head on the problem of caring for the retarded we have chosen to ignore those who are less fortunate. As a result the mentally retarded population often must endure dehumanized and primitive conditions at a time when modern medicine and health care have made rapid strides forward.

It appears that the 93d Congress will be coming to grips with an increasing amount of health legislation. We must be careful to assure that the mentally retarded receive adequate attention. Last year we took some significant steps in this area. The Finance Committee, of which I am a member, developed legislation—now enacted into law—which provides medicaid coverage for the cost of caring for impoverished children in mental hospitals.

By taking this step we began the process of establishing rights for the retarded. Now it is time to pass comprehensive legislation to set out the rights of those afflicted with mental retardation.

This legislation we are introducing today would significantly improve the environment of retarded individuals, allowing them to live in a warm and personalized setting that allows them to develop to the full extent of their potential.

The legislation would authorize $15 million each year for 3 years to assist the States in conducting comprehensive surveys and analyses of the cost of bringing residential facilities into compliance with the standards established, in reviewing existing State plans, and in developing strategies to fulfill the overall purposes of the act.

The bill would also authorize $45 million over 3 years to assist the States by demonstration grants in improving the services provided by existing residential facilities for the mentally retarded.

In addition, moneys would be made available to assist nonprofit institutions to develop, improve, extend, or expand community resources and community living situations for the mentally retarded as alternatives to institutionalized care. Priority would be given to those applicants whose proposals the Secretary determines are of special significance because they demonstrate new or relatively effective or efficient methods of delivery of services to the mentally retarded.

This provision is similar to the proposal I made earlier this year to set up demonstrations and pilot projects to test innovative new programs and facilities to care for the aged.

The bill also establishes "Standards for Residential Facilities for the Mentally Retarded" which would set forth a comprehensive and detailed description of the requirements with which a residential facility for the mentally retarded must comply in order to qualify for assistance under this act, and eventually for assistance and funds under any Federal program.

Such sums as are necessary would be authorized to assist the States in meeting direct and indirect expenses for bringing residential facilities into conformance with the standards established under this act.

Five years after enactment, a residential facility that does not comply with the standards established will not be eligible to receive any direct or indirect payments under any Federal law on behalf of an individual resident.

This landmark legislation would establish strict standards of care, treatment and protection of the mentally retarded in residential facilities, and would authorize funding for existing institutions to come into compliance with these standards. Also authorized are pilot projects to provide new methods of caring for those who are now institutionalized.

More than 200,000 mentally retarded individuals live their lives in residential institutions. Many of these people receive adequate care. Connecticut, for example, has led the way in providing comprehensive high-quality care for the retarded. Its institutions and standards are models which should be followed by other States and the Federal Government. Thousands of mental patients in other States live in snakepit conditions. The recent disclosures of subhuman conditions at the Willowbrook Institution in New York dramatically illustrate the neglect that the institutionalized retarded population suffers. Tragically, there are "Willowbrooks" all across this Nation.

As the mentally retarded population grows—and it is increasing by the birth of 120,000 retarded infants a year—the institutions to care for them must be expanded and improved. The Federal and State Governments must play a larger and more effective role in aiding private and public institutions who care for the mentally infirm.

By Mr. TALMADGE (for himself and Mr. Aiken):

S. 459. A bill to require the Secretary of Agriculture to carry out a rural environmental assistance program. Referred to the Committee on Agriculture and Forestry.

A BILL TO CONSERVE THE IRREPLACEABLE LAND FOR FUTURE GENERATIONS

Mr. TALMADGE. Mr. President, I am pleased to join today with my distinguished colleague from Vermont (Mr. Aiken) in introducing a bill that seeks to preserve the rural environmental assistance program, formerly known as the ACP program.

The ACP program was begun in 1936 to provide that the Federal Government pay a share of the total cost borne by the farmer in instituting practices that conserve soil and water resources.

It has been effective in preventing soil erosion and has helped prevent the pollution of our streams with debris and sedimentation.

Since this program began, it has succeeded in providing 2,000,000 water storage reservoirs, controlled water erosion on 114 million acres of land, and through various practices has conserved another 94 million acres of land. The farmers have paid up to 70 percent of these costs that benefit the entire Nation.

My colleagues will recall that this Congress appropriated $225.5 million for this program last year. On September 29, the Department of Agriculture announced that it would initially release $140 million of this amount, holding out the prospect that more would be released.

However, on December 26, USDA announced that this program would be terminated. On that same day, in Brooks County in my home State of Georgia, USDA was announcing the availability of the REAP program to county farmers. Obviously, someone's signals were crossed, and this is a clear indication that the decision to terminate the REAP program was not made at the Department of Agriculture.

The effect of the legislation introduced today by my colleague from Vermont and I, would be to make only one simple change in existing law. Under the present law, the Secretary of Agriculture is authorized to carry out the REAP program. This legislation would require the Secretary to carry out the program to the full extent of the moneys appropriated by Congress for this purpose.

Mr. President, I ask that a copy of the proposed legislation be included in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 459

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of Section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) is amended by striking out the words "shall have power to" and inserting in lieu thereof the word "shall", and by striking out the phrase "in amounts determined by the Secretary to be fair and reasonable in connection with the effectuation of such purposes", and inserting in lieu thereof the phrase "in an aggregate amount equal to the sums appropriated therefor."

By Mr. RIBICOFF (for himself and Mr. Schweiker):

S. 460. A bill to revise and restate certain functions and duties of the Comptroller General of the United States; to change the name of the General Accounting Office to "Office of the Comptroller General of the United States," and for other purposes. Referred to the Committee on Government Operations.

AN IMPROVED GAO

Mr. RIBICOFF. Mr. President, I introduce the Budget and Accounting Improvement Act of 1973 for appropriate reference.

There is broad agreement that the 93d Congress must assert greater authority over the operations of the executive branch. But the exercise of this authority must be accompanied by greater responsibility in the legislative process. If the Congress is to be an equal partner with the executive branch in our Government, it must have the necessary information on which to make sound policy judgments. Too often we do not have the facts we need to evaluate properly important legislation.

The dilemma of most Members was aptly described by Senator Schweiker, when he said:

> The pressures of time are so great for Senators and Congressmen that it is often impossible for us to go into much detail. How can a legislator meet his responsibilities to his constituents when it comes to voting on a $20 billion bill, if he does not know what is in it?

With a Federal budget of $250 billion and thousands of programs in more than 150 departments and agencies, it is obvious that the 535 Members of Congress cannot personally review every program or analyze in detail every legislative proposal. We need help to carry out these responsibilities.

The purpose of my bill is to broaden and strengthen the role of the General Accounting Office in assisting the Congress to legislate more effectively. It is an outgrowth of hearings held in 1969 by the Subcommittee on Executive Reorganization on the capability of GAO to analyze and audit Federal programs.

The bill amends the Budget and Accounting Act of 1921 by assigning significant new responsibilities to GAO, which is renamed the Office of the Comptroller General of the United States. It is identical to S. 4432, in the 91st Congress, which passed the Senate unanimously.

The bill has three principal parts. First, the Comptroller General is authorized to conduct studies of pending legislation and alternative proposals at the request of either House of Congress, a committee, or an individual Member of Congress. These studies will evaluate the long-term costs and benefits of each proposal, the analysis used in justifying them, and the validity of the supporting data.

Second, the Comptroller General is required to report annually, and at other appropriate times, on the status of major Federal research, development, and procurement programs in both the defense and civilian sectors. These reports will keep the Congress informed of the current cost estimates, changes in costs or specifications, and time, schedules of multimillion-dollar weapons systems, construction projects, and other Government contracts.

Third, the bill provides several new tools for the Office of the Comptroller General to carry out its upgraded functions. These include—augmented staff, elimination of outmoded statutory auditing procedures, access to department and agency records, subpena power over the records of Government contractors, and the right to bring suit in cases where the Comptroller General differs with the Attorney General on the legality of the Federal action.

I have added a provision to the bill in that title 8 enables the GAO to audit the records of nonappropriated fund activities throughout the executive branch. I introduced this measure, as a separate bill, S. 2782, December 2, 1971, as part of the corrective actions proposed by the Senate Permanent Subcommittee on Investigations following the 3-year inquiry into open mess systems, post exchanges and other nonappropriated fund activities in the Republic of Vietnam and elsewhere. The GAO should have this authority, for, while nonappropriated funds are not in fact approved by the Congress, these activities are nontheless sanctioned and sponsored and to a large extent subsidized by the Congress through appropriated moneys. If the GAO is to have all the tools required to carry out the congressional mandate of auditing Federal programs, it must have the right to examine the records of nonappropriated fund activities. It is worth noting that nonappropriated fund activities are not limited to the Department of Defense. I am advised that virtually every Federal department has nonappropriated fund programs of one kind or another.

A brief summary of the bill follows:

Title 1. Grants the Comptroller General authority to—

First, analyze legislation before Congress at the request of Members;

Second, audit periodically Federal research, development, construction, and procurement programs; and

Third, employ additional personnel to carry out his new responsibilities.

Title 2. Redesignates the General Accounting Office the "Office of the Comptroller General of the United States," renames the Assistant Comptroller General the "Deputy Comptroller General" and established two new positions of Assistant Comptroller General.

Titles 3 and 4. Amend the audit requirements for Government corporations and revolving funds to specify that they be audited only once every 3 years, rather than every year.

Title 5. Authorizes the Comptroller General to pay experts and consultants at the rate of level II on the executive pay scale. The highest rate GAO can now pay is GS-18.

Title 6. Grants GAO subpena power over the records of contractors it is otherwise entitled to review and provides for the enforcement of subpenas.

Title 7. Provides that where the Comptroller General and the Attorney General differ as to the legality of a certain Federal expenditure, the Comptroller General may bring suit in court, unless Congress disapproves such action, to represent his own position and seek a resolution of the dispute.

Title 8. Provides for the review by the GAO of nonappropriated fund activities within the executive branch of the Government.

GAO's reports have resulted in the saving of millions of dollars and in the reform of many Federal programs. However, these reports frequently are issued long after the event in question has occurred. I believe that the GAO can be more useful by focusing on current legislative proposals as well, so that Congress can select the most effective program alternatives.

This bill will put GAO at the service of Congress in the legislative process. Its reviews and reports will provide the material on which to make better informed decisions on the issues before us. As a result, the quality of the work of Congress will be improved and vital public confidence in Congress will be enhanced.

By Mr. MOSS:

S. 466. A bill to designate the High Uintas Wilderness in Ashley and Wasatch National Forests, in the State of Utah. Referred to the Committee on Interior and Insular Affairs.

HIGH UINTAS WILDERNESS

Mr. MOSS. Mr. President, I am today introducing a bill to designate a region in northeastern Utah of supreme beauty and great national worth as the High Uintas Wilderness. The area so designated would encompass portions of both the Wasatch National Forest and the Ashley National Forest long noted for outstanding wilderness qualities.

As one of the cosponsors of the 1964 Wilderness Act, and a participant in the continuing review of areas proposed for addition to the national wilderness preservation system under the provisions of that act, I am delighted to seek congressional approval for placing the High Uintas within the system.

The proposal is based on a review of the High Uintas primitive area conducted in accordance with the procedures set forth in the Wilderness Act. The Secretary of Agriculture submitted his report recommending establishment of the High Uintas Wilderness on December 30, 1968, and President Johnson sent his recommendations on this to Congress on January 17, 1969, shortly before he left office.

The President proposed, however, that the Secretary of the Interior be allowed to complete investigations as to the relationship of the Uinta River drainage to planning for the ultimate phase of the central Utah project, before any wilderness is established. It was essential that this provision be honored, since Utah is dependent upon the full development of all of its available water resources if we are to continue to grow and prosper. We cannot afford to lock up any area which has a potential of helping supply water to meet our expanding needs.

Now, however, these important water investigations have been completed and we know what areas in the High Uintas are required for implementation of the ultimate phase of the central Utah project. The time has come when we can move with assurance to establish a wilderness area.

The bill I am introducing sets boundaries for the establishment of a High Uintas Wilderness Area of 319,538 acres. This is about 3,464 acres less than the 322,998 acres recommended originally by the Forest Service. The small excluded area, known as unit D, is located in the southeastern corner of the proposed wilderness area.

Its exclusion will permit construction of a feeder canal to divert flows of the Uinta River as part of the potential Ute Indian unit of the ultimate phase, central Utah project. Furthermore, the bill authorizes the Secretary of the Interior to continue to operate and maintain existing facilities of the central Utah project within the designated area and conduct hydrologic and climatological programs necessary to the project while minimizing the impact of such activities on the wilderness character of the areas affected.

The Governor of Utah has advocated the establishment of the High Uintas Wilderness Hearings in Utah revealed broad popular support for designation of these lands as wilderness. The area proposed for wilderness now is somewhat larger than the present primitive area.

Mr. President, the High Uintas meets the criteria set forth in the Wilderness Act as "an area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain." Its preservation is distinctly in keeping with the spirit that led to realization of a national wilderness system. I hope that the 93d Congress will give this resource that unique form of protection.

By Mr. RANDOLPH (for himself, Mr. MONTOYA, Mr. MUSKIE, and Mr. BURDICK):

S. 467. A bill to extend the Public Works and Economic Development Act of 1965, as amended, for 1 year, and for other purposes. Referred to the Committee on Public Works.

Mr. RANDOLPH. Mr. President, since 1965, the programs carried out under Public Works and Economic Development Act have been benefiting millions of Americans in communities throughout the United States. They have permitted these communities to establish their own programs for economic improvement, and assistance has been provided in building badly needed public works facilities to make communities better places in which to live as well as more attractive to economic expansion.

Two years ago the Senate Public Works Committee began examining all economic development programs. We wished to know how they have functioned and what changes are required. From our inquiries grew the belief that there was a need for revision of our present efforts so that they would apply more effectively on a nationwide basis rather than only in those areas which suffer from economic hardship. Legislation was introduced last year, but its consideration was not completed in time for final action by the Congress. This program is now before the 93d Congress.

While a new program is being developed, we obviously cannot permit the existing effort to collapse. Last fall, Mr. President, the Congress passed legislation continuing the existing programs of the Economic Development Administration for 1 year, with some modifications. Regrettably, the President vetoed this bill following the adjournment of Congress in October. The consequences of his action would force the discontinuance of economic development programs at the end of the current fiscal year if prior to that time the Congress is unable to act on legislation establishing a new program.

As I observed in a Senate hearing yesterday on the nomination of Mr. Caspar Weinberger to be Secretary of Health, Education, and Welfare, the executive branch is bent on killing legislative intent and the EDA veto was another example of this practice.

I have received regular reports that the administration intends to abandon all economic development programs. In fact, I am told that EDA employees are already beginning to receive notice that their employment will be terminated.

Obviously, Mr. President, this is not a good situation, particularly in the many communities that have benefited from economic development programs.

Mr. President, at its first meeting of the year, held this morning, the Committee on Public Works agreed that we should once again propose legislation to extend the activities of the Economic Development Administration for 1 year. Accordingly I introduce such a bill with the cosponsorship of Senators MUSKIE, MONTOYA, and BURDICK.

The committee has agreed to hold 1 day of hearings on this bill to obtain testimony from representatives of the administration. It will be valuable to know the position of the administration before the bill is reported from the committee. It is my intention that the hearing be held as soon as possible so that this measure can be expedited.

My State of West Virginia has been deeply involved with the Economic Development Administration. Many areas of my State have benefited from this program and, in fact, a regional office of the agency is located at Huntington, W. Va., and from there serves a number of States. There is considerable concern in Huntington with the administration's plans to close this office. Congressional passage of the bill I introduce today will provide the leverage we need to persuade the administration that the economic development offices throughout the United States should remain functional.

Another important feature of this bill is the continuation of the moratorium on redesignating counties as eligible for assistance under the act. The moratorium expired last year, but this legislation reimposes it. Under redesignation, 300 areas throughout the United States, including 13 counties in West Virginia, were declared no longer eligible for participation in economic development programs. I believe it to be fair and equitable that all designated areas continue to receive benefits from Economic Development Administration activities, because of their need and because of the likelihood that the Congress will revise the total economic development program in the very near future.

Mr. President, this is a very short bill in terms of words, but its impact is widespread. It is a matter of great and continuing concern to the Committee on Public Works that economic development programs, responsive to the needs of all the people, be carried out under the sponsorship of the Federal Government. Enactment of this bill will permit these programs to continue while a comprehensive examination is made of their impact and new legislation is developed.

Mr. President, Senator BAKER very much wanted to be with me at this time, for we wanted to hold a colloquy on the introduction of this bill. However, I notice that he cannot be in the Chamber at this moment, and as the Senate may soon adjourn for the day, I ask unanimous consent that his statement be printed in the RECORD immediately following my own.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR BAKER

Mr. President, the programs initiated under the Public Works and Economic Development Act have made a valuable contribution in depressed and high unemployment areas of the country—as have those of the Appalachian Regional Commission, another important program initiated by this Committee in 1965—and I consider that there is a continued need for this type assistance. However, the policies to carry out these objectives, and the future organization of this effort, is less clear.

The Public Works Committee is very much interested in reviewing the whole approach of the Act, and in considering alternative programs and institutional structures. The simple one-year extension introduced by the Chairman today is not the final legislative effort in this area by the Committee, and I very much desire, as I am sure do other members of the Committee, that we explore alternatives—not only those represented by the bill introduced earlier this year S. 232, but also the President's reorganization and revenue sharing proposals, the Rural Development Act of 1972, and other new ideas.

Introduction of the extension bill today will, I hope, serve to elicit the more specific proposals of the Administration, which may well be forthcoming in the budget and other messages to the Congress, and will provide an opportunity for the Administration to present its views. I point out in this respect that the Public Works Committee has not ordered the bill reported, nor is the bill introduced today the same as that vetoed by the President at the close of last session.

We do have a cooperative and constructive chairman, and a Committee which has been largely non-partisan in the past. I may say that it was at my request that this proposed extension not be acted on immediately by the Committee—but that the bill be introduced and at least one day of hearings be held, for the specific purpose of receiving the Administration's comments, proposals and ideas. I wanted also, of course, our new Committee members—particularly Senator McClure, the ranking minority member of the Economic Development Subcommittee—to have an opportunity to consider this important area of our jurisdiction.

With this explanation of my position, which I believe is shared by the minority and perhaps other members, I thank the Chairman for his usual courtesy and the opportunity to join in this discussion.

By Mr. THURMOND:

S. 468. A bill to provide an income tax credit for certain expenses incurred in furnishing or obtaining a higher education—including postsecondary trade and vocational schools. Referred to the Committee on Finance.

TUITION TAX CREDITS FOR HIGHER EDUCATION

Mr. THURMOND. Mr. President, in the 91st Congress, I introduced legislation that would provide a tax credit against individual income for certain expenses incurred at an institution of higher learning. The Senate has recognized the rising problem and has passed similar legislation three times. Unfortunately, the House of Representatives has consistently refused to accept the Senate's solution to this matter maintaing the argument that the great loss of tax revenues made the proposals unsatisfactory.

Today I am introducing a bill which is intended to help families in the low- and middle-income groups provide advanced or vocational education for their chilren. The cost of obtaining a higher education is skyrocketing, and we in the Congress must accept the challenge of assisting as many as desire to obtain a more complete education.

Mr. President, this bill would allow parents a maximum credit of $350 per dependent attending a college, postsecondary trade or vocational school. The credit would be computed on the basis of 100 percent of the first $200 of qualifying expenditures including tuition, fees, books, supplies, and equipment, and 50 percent of the next $300. No additional credit will be available for expenses that exceed $500.

My bill defines an institution of higher education to include a recognized "business or trade school, technical institution or other technical or vocational school" providing postsecondary vocational or technical education.

Because my proposal is aimed at helping the low- to middle-income groups, the available credit begins to gradually phase out as the family's income exceeds $18,000 a year.

Mr. President, I am convinced that my formula is a reasonable one. It allows the maximum credit for the first $200 of expenses, but no credit for expenses exceeding $500; and also provides for a termination of the credit when the family income reaches $36,000. This bill will have the dual effect of decreasing the tax revenue loss and encouraging children of families in the low- to middle-income groups to obtain advanced or specialized education.

Mr. President, I request that this bill be appropriately referred and ask unanimous consent that it be printed in the CONGRESSIONAL RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 468

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits allowable) is amended by renumbering section 42 as 43, and by inserting after section 41 the following new section:

"SEC. 42. Expenses of higher education.

"(a) General Rule.—There shall be allowed to an individual, as a credit against the tax imposed by this chapter for the taxable year, an amount, determined under subsection (b), of the expenses of higher education paid by him during the taxable year to one or more institutions of higher education in providing an education above the twelfth grade for himself or for any other individual.

"(b) Limitations.—

"(1) Amount per individual.—The credit under subsection (a) for expenses of higher education of any individual paid during the taxable year shall be an amount equal to the sum of—

"(A) 100 percent of so much of such expenses as does not exceed $200, and

"(B) 50 percent of so much of such expenses as exceeds $200 but does not exceed $500.

"(2) Proration of credit where more than one taxpayer pays expenses.—If expenses of higher education of an individual are paid by more than one taxpayer during the taxable year, the credit allowable to each such taxpayer under subsection (a) shall be the same portion of the credit determined under paragraph (1) which the amount of expenses of higher education of such individual paid by the taxpayer during the taxable year is of the total amount of expenses of higher education of such individual paid by all taxpayers during the taxable year.

"(3) Reduction of credit.—The credit under subsection (a) for expenses of higher education of any individual paid during the taxable year, as determined under paragraphs (1) and (2) of this subsection, shall be reduced by an amount equal to 2 percent of the amount by which the adjusted gross income of the taxpayer for the taxable year exceeds $18,000.

"(c) Definitions.—For the purposes of this section—

"(1) Expenses of higher education.—The term 'expenses of higher education' means—

"(A) tuition and fees required for the enrollment or attendance of a student at a level above the twelfth grade at an institution of higher education and

"(B) fees, books, supplies, and equipment required for courses of instruction above the twelfth grade at an institution of higher education.

Such term does not include any amount paid, directly or indirectly, for meals, lodging, or similar personal, living, or family expenses. In the event an amount paid for tuition or fees includes an amount for meals, lodging, or similar expenses which is not separately stated, the portion of such amount which is attributable to meals, lodging, or similar expenses shall be determined under regulations prescribed by the Secretary or his delegate.

"(2) Institution of higher education.—The term 'institution of higher education' means—

"(A) an educational institution (as defined in section 151(e)(4))—

"(i) which regularly offers education at a level above the twelfth grade; and

"(ii) contributions to or for the use of which constitute charitable contributions within the meaning of section 170(c); or

"(B) a business or trade school, or technical institution or other technical or vocational school in any State, which (i) is legally authorized to provide, and provides within that State, a program of postsecondary vocational or technical education designed to fit individuals for useful employment in recognized occupations; and (ii) is accredited by a nationally recognized accrediting agency or association listed by the United States Commissioner of Education; and (iii) has been in existence for 2 years or has been specially accredited by the Commissioner as an institution meeting the other requirements of this subparagraph.

"(3) State.—The term 'State' includes, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"(d) Special Rules.—

"(1) Adjustment for certain scholarships and veterans' benefits.—The amounts otherwise taken into account under subsection (a) as expenses of higher education of any individual during any period shall be reduced (before the application of subsection (b)) by any amounts received by such individual during such period as—

"(A) a scholarship or fellowship grant (within the meaning of section 117(a)(1)) which under section 117 is not includible in gross income, and

"(B) education and training allowance under chapter 33 of title 38 of the United States Code or educational assistance allowance under chapter 35 of such title.

"(2) Noncredit and recreational, etc., courses.—Amounts paid for expenses of higher education of any individual shall be taken into account under subsection (a)—

"(A) in the case of an individual who is a candidate for a baccalaureate or higher degree, only to the extent such expenses are attributable to courses of instruction for which credit is allowed toward a baccalaureate or higher degree, and

"(B) in the case of an individual who is not a candidate for a baccalaureate or higher degree, only to the extent such expenses are attributable to courses of instruction necessary to fulfill requirements for the attainment of a predetermined and identified educational, professional, or vocational objective.

"(3) Application with other credits.—The credit allowed by subsection (a) to the taxpayer shall not exceed the amount of the tax imposed on the taxpayer for the taxable year by this chapter, reduced by the sum of the credits allowable under this subpart (other than under this section and section 31).

"(3) Disallowance of Expenses as Deduction.—No deduction shall be allowed under section 162 (relating to trade or business expenses) for any expense of higher education which (after the application of subsection (b)) is taken into account in determining the amount of any credit allowed under subsection (a). The preceding sentence shall not apply to the expenses of higher education of any taxpayer who, under regulations prescribed by the Secretary or his delegate, elects not to apply the provisions of this section with respect to such expenses for the taxable year.

"(f) Regulations.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the provisions of this section."

(b) The table of sections for such subpart A is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 42. Expenses of higher education.

"Sec. 43. Overpayments of tax."

(c) The amendments made by this Act shall apply to taxable years beginning after December 31, 1973.

By Mr. WILLIAMS (for himself, Mr. BENNETT, and Mr. TOWER):

S. 470. A bill to amend the Securities Exchange Act of 1934 to regulate the transactions of members of national securities exchanges, to amend the Investment Company Act of 1940 and the Investment Advisers Act of 1940 to define certain duties of persons subject to such acts, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

THE SECURITIES ACT OF 1973

Mr. WILLIAMS. Mr. President, on behalf of Senators BENNETT, TOWER, and myself, I am reintroducing a bill dealing with the question of "institutional membership" and other vexing problems which are currently facing the securities industry. This bill represents a bipartisan approach to problems which require congressional resolution if the industry is to move forward with the development of a central market system that will adequately serve the future needs of public investors.

I am particularly pleased that Senators BENNETT and TOWER have joined me in cosponsoring this bill. Over the years that we have worked together on the Banking Committee, Senators BENNETT, TOWER, and I have cooperated in the resolution of many difficult issues in a manner that was fair to all competing interests. I hope that our joint efforts on this occasion will be equally productive.

The problem called "institutional membership"—more properly the question of the combination of brokerage and money management—is a complex one. The proposals put forth thus far to resolve the problem have served mainly to exacerbate the controversy. As the Department of Justice pointed out, the SEC proposal is not only unjustified but the procedures being followed by the SEC are not authorized by the statute.

The absence of congressional resolution of the question seems likely to impede for a long time our progress toward a more efficient and responsive market structure. I believe that, in this bill, we have found a formula which resolves the conflicting positions of different segments of the industry, and does it in a way which will assure adequate brokerage service in the future for both individual and institutional investors.

Essentially, this bill will prohibit any member of a stock exchange from effecting any transactions for any institutional account which it manages. An institution would not be prohibited from having a subsidiary or affiliate which was an exchange member, but it would not be able to do any of its portfolio business through that member. Similarly, a stock exchange member could manage or advise pension funds, mutual funds or other institutions, but it would not be able to do any of the brokerage business for those institutions. These prohibitions would eliminate competitive unfairness between different groups of money managers and would remove some of the most serious conflicts of interest.

A substantial number of institutions have obtained memberships on regional stock exchanges for the purpose of reducing the excessive commission costs levied on their beneficiaries under the present fixed commission rates. In recognition of the interests of those beneficiaries, institutions which presently have affiliated stock exchange members will be permitted to continue doing business through those affiliates as long as fixed rates are maintained on transactions larger than $100,000. Under the schedule presently envisioned by the SEC and the New York Stock Exchange, fixed commission above the level should be eliminated within a 12- to 18-month period.

Also, in order to provide an adequate transition period for stock exchange members which presently do a substantial amount of brokerage business for managed institutional accounts, they would be allowed an additional 2 years to phase out such business. They will be permitted to do up to 20 percent of their business with managed institutional accounts during the first year after the end of fixed rates on large transactions, and up to 10 percent during the second year. Thereafter, the full prohibition will become applicable to all firms.

The second question to which this bill addresses itself is the manner in which institutional research should be paid for under competitive commission rates. At present, much of that research is paid for with "soft" commission dollars available under fixed rates. The fear has been expressed that under competitive commission rates, institutional managers would not be able to pay brokers for research services because of their obligation to seek out the firm offering the lowest commission rate for the execution of the order. I do not believe that the law presently prohibits such payments, provided they are properly disclosed and represent compensation for valuable services to the fund. However, it is important that we set this question to rest, so that it does not impede progress toward a fully competitive rate structure.

This bill therefore contains provisions permitting fund managers to pay higher commissions on portfolio transactions for the purpose of obtaining research which they determine to be of value to the fund beneficiaries. Full disclosure of any such payments will be required to insure that this permission is not used to mask reciprocal practices or otherwise divert fund assets.

Finally, the bill addresses problems relating to the sale of management companies which have advisory contracts with mutual funds.

This problem was not considered by the Congress when it enacted the 1970 amendments to the Investment Company Act. Under court decisions at that time, there was no legal bar to the sale of a mutual fund management company, provided no unfair burdens were imposed on the fund shareholders. However, the 1971 decision of the Second Circuit Court of Appeals in the case of Rosenfeld against Black—the "Lazard" case—created uncertainty as to when a management company could be sold at a profit without incurring liability to fund shareholders.

Last June, I introduced a bill, at the request of the SEC, which would have permitted such sales under certain conditions and which was designed to protect mutual fund shareholders. One section of that legislation provided that, for 5 years, none of the managed funds could have any officer or director who had any interest in the management company. Representatives of the mutual fund industry have urged that this is an unduly harsh restriction, and could result in additional costs to the funds, because of the need to hire new people not connected with the management company.

Accordingly, this bill modifies the original SEC proposal by requiring that for 3 years after the sale of a management company at least 75 percent of the directors of the managed funds would have to consist of persons having no interest in the management company. It would also, of course, contain the other provisions in the original bill designed to prevent overreaching or imposition of additional burdens on fund shareholders. This bill reaffirms the understanding of the Congress at the time it considered the 1970 amendments, that the sale of a management company is legally permissible provided no unfair burdens are imposed on the fund shareholders. I believe this bill contains the provisions necessary to protect fund shareholders against such impositions.

Mr. President, I hope that this bill will receive broad support from all segments of the industry and the investing public, and that it will form the basis of constructive and forward-looking securities legislation in 1973.

Mr. BENNETT. Mr. President, I join with the Senator from New Jersey in sponsoring this legislative proposal because I hope it will bring about the resolution of some major problems which have confronted the securities industry for several years. These include: First, the proper relationship between the brokerage business and money management; second, the proper relationship between research and brokerage commissions; and third, the sale of management companies which have contracts with investment companies.

On June 23, 1970, I sponsored legislation intended to bring the issue of stock exchange membership of institutions not primarily engaged in the brokerage business before the Congress for a decision. Nearly 3 years have passed, and Congress has not yet taken any official action on this problem other than hearings and studies.

I realize that this is a complex issue which had to be considered fully before a decision could be reached by the Congress, but in my opinion there is certainly no reason for further delay. We have now had several studies and hearings which presented an opportunity for all points of view to be expressed. This proposal takes into account all of the opposing views and is an attempt to work out the differences on the three major issues which I have mentioned. I believe it represents a good faith effort and a significant step in the resolution of these issues. There are particularly strong feelings on the issue of national securities exchange members trading for affiliated accounts and managed institutional accounts because the future structure of securities markets as well as individual firms will be greatly affected by the relationship permitted. Regardless of how difficult it may be, I believe it is the responsibility of Congress to determine the relationship that will best serve the public. We should also do what we can to make it possible for those firms which are adversely affected by our decision to readjust their operations to meet the new pattern which we establish.

The Securities and Exchange Commission along with other interested parties has been involved in the development of this proposal which we introduce today. This, however, does not mean that the Commission agrees with all of its provisions. I am not sure that anyone agrees with all of its provisions. One of the issues on which there is a difference is the degree to which a brokerage firm may affect transactions for nonaffiliated institutional accounts. This proposal would not permit any such transactions after a transitional period if the member firm has the power to make day-to-day investment decisions even though some other person may have ultimate responsibility for such investment decisions.

It is my understanding that the SEC would prefer to make a determination on transactions for managed institutional accounts on the basis of control by the brokerage firm over the account as shown by the facts in each case. Just how much actual difference there is between these two positions is not clear at this point.

Another point of difference is that this proposal completely separates the brokerage business from institutional money management. The Commission's proposed rule requires that members of securities exchanges do at least 80 percent of the value of their transactions with nonaffiliated persons, thus permitting some combination of money management and brokerage business. Again, it is difficult to determine how much difference there is between this proposal and the position of the Securities and Exchange Commission. The Commission indicated in its statement on the future structure of the securities markets in February of last year that it could not make the determination that money management and brokerage business should be completely separated. The report stated that Congress authorized this relationship and has permitted it to continue. It concluded:

> We therefore believe that the conflict of interest problem which is inherent in the combination of money management and brokerage is a matter to be resolved by Congress. Only that body should decide whether or not this potential conflict can continue to be dealt with in the same manner as other conflicts mentioned above, by a combination of disclosure and enforcement of fiduciary obligations, or whether it is sufficiently troublesome to require separation of the two functions.

Mr. President, although the Securities and Exchange Commission recommended a congressional decision, they have not sat idly by to let present problems continue unchallenged. These issues have been so important the Commission felt they must, in addition, take whatever administrative action possible. They have proceeded on the basis that they have sufficient authority to act on the exchange membership issue even though that authority has been seriously challenged. Having been criticized for not acting aggressively enough in the past, it is only natural that the Commission would take action to discharge their responsibilities in this respect, since the question of authority is not settled. At the same time, the Commission has recommended legislation on the issues contained in this bill and I feel sure they will do all they can to assist in the enactment of appropriate legislation.

Mr. President, it is apparent to me that the solution of these major problems can only come about through congressional action. While differences of opinion may exist, we must work out solutions at the earliest possible date. It is my hope that the introduction of this bill at this time will make it possible for us to resolve these issues early in the session.

By Mr. CHURCH (for himself and Mr. Magnuson):

S. 471. A bill to encourage State and local governments to reform their real property tax systems so as to decrease the real property tax burden of low- and moderate-income individuals who have attained age 65. Referred to the Committee on Finance.

EMERGENCY PROPERTY TAX RELIEF ACT

Mr. CHURCH. Mr. President, on behalf of the Senator from Washington (Mr. Magnuson) and myself, I introduce for appropriate reference the "Emergency Property Tax Relief Act."

Many elderly homeowners now find themselves financially paralyzed by escalating property taxes.

Since January 1969 property taxes have increased by 36 percent, nearly twice the rise in the overall cost of living. All in all, they are now at an alltime record high of more than $41 billion.

In many communities throughout our Nation, this tax bite has doubled—and in some cases tripled—during the past decade. And older Americans have been harder hit than any other age group in our society.

Aged homeowners pay, on the average, about 8.1 percent of their incomes for real estate taxes. In sharp contrast, the typical urban family of four turns over only 3.4 percent of its family income to the local tax assessor.

A recent study by the Advisory Commission on Intergovernmental Relations shows that aged homeowners living on less than $2,000 a year pay almost 16 percent of their meager incomes for this regressive tax. Perhaps even more startling, more than 1 out of every 5 elderly homeowners—or approximately 1.3 million aged households—fall within this category.

Large numbers are compelled to liquidate their assets to continue to live in their own homes. Many are also forced to subsist in abject poverty, because the never ending spiral continues to be unchecked.

Quite frequently, a desperately needed social security increase is obliterated in a matter of months because of a steep rise in the property tax assessment.

Low- and moderate-income renters also feel the squeeze from high property taxes, because the landlord may shift the lions share of this burden to them.

Assuming that 25 percent of gross rent constitutes property tax, nearly 70 percent of all aged renters living on less than $5,000—or more than 1.9 million households headed by a person age 65 or older—pay the equivalent of 8.75 percent or more of their incomes for property tax.

The bill I introduce now—the Emergency Property Tax Relief Act—is designed to protect elderly homeowners and tenants from being saddled with these extraordinary tax burdens. Briefly stated, this measure would make Federal financial assistance available to States which establish "circuit breaker" systems for property owners and renters aged 65 or older.

The "circuit breaker" would come into operation automatically whenever the property tax becomes excessive in relation to income, thereby shielding the elderly homeowner and tenant from a tax overload situation. A "tier" or "step" system would be built into the formula to direct the relief to persons in greatest need.

In the case of elderly homeowners living on $3,000 or less, relief would be available whenever the property tax exceeds 4 percent of the household income. Thereafter, the "circuit breaker" threshold would be increased by 1 percent for each $1,000 of family income until it eventually reaches 7 percent for persons in the $5,001 to $6,000 income category.

For renters, relief would be available provided two conditions are met:

First. Their gross rent exceeds 25 percent of their household income; and

Second. Their total household income is not greater than $6,000.

Many older Americans now have the greatest portion of their net worth tied up in their homes. At the same time they usually have little in the form of liquid assets.

As a consequence, protection from extraordinary property tax burdens—whether directly or indirectly in the form of higher rents—is crucial for the elderly.

The Emergency Property Tax Relief Act would not only help to provide this protection in a timely fashion, but it also has numerous other advantages as well.

First, it can help to restore a long overdue element of economic justice to the property tax system by assuring that the elderly poor would not be saddled with an onerous tax bill.

Second, a "circuit breaker" approach can provide the most effective relief for the amount of money spent. This is because the relief is targeted at persons in greatest need—the low- and moderate-income aged.

Third, a circuit breaker system can provide direct protection and without cumbersome procedures. For example, as soon as the property tax bill arrives, an elderly homeowner may file a statement and receive a credit, refund, or rebate.

Rising property taxes now affect millions of older Americans throughout our Nation—whether they live in congested cities or sparsely populated rural areas. This problem has now reached crisis proportions and demands immediate attention.

For these reasons, I strongly urge early and favorable consideration of the Emergency Property Tax Relief Act.

Mr. President, I ask unanimous consent that the text of this bill be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 471

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. Short Title.

This Act may be cited as the "Emergency Property Tax Relief Act".

Sec. 2. Definitions.

For purposes of this Act—

(1) The term "jurisdiction" means a State, a political subdivision of a State, and the District of Columbia.

(2) Secretary.—The term "Secretary" means the Secretary of the Treasury.

(3) Personal income tax.—The term "personal income tax" means a tax imposed by a jurisdiction on the income of individuals.

(4) Real property tax.—The term "real property tax" means an ad valorem tax imposed by a jurisdiction on real property.

(5) Qualifying head of household.—The term "qualifying head of household" means an individual—

(A) who has attained age 65, and

(B) provides more than 50 percent of the support household which is his principal residence.

Sec. 3. Reimbursement to jurisdictions providing real property tax relief to low and moderate income older individuals.

(a) Entitlement to Reimbursement.—If the Secretary determines that a jurisdiction has established a qualifying real property tax relief program which meets the requirements of subsection (b), he shall reimburse such jurisdiction for one-half of the qualifying revenue losses attributable to such program (as determined under subsection (c)) sustained by it during each fiscal year.

(b) Qualifying Real Property Tax Relief Program.—For purposes of this section—

(1) In general.—The term "qualifying real property tax relief program" means a program established by law of a jurisdiction which provides for eligible households a credit against a personal income tax or real property tax imposed by the jurisdiction, or a rebate or other cash payment in lieu of such a credit.

(2) Eligible household.—The term "eligible household" means a household of a qualifying head of household if the direct tax burden or indirect tax burden, as the case may be, of such household exceeds the applicable amount determined under the following table:

If the household income is:	And the direct tax burden exceeds:	Or the indirect tax burden exceeds:
$3,000 or less	4 percent of household income	25 percent of household income
Over $3,000 but not over $4,000	$120, plus 5 percent of household income over $3,000	25 percent of household income
Over $4,000 but not over $5,000	$170, plus 6 percent of household income over $4,000	25 percent of household income
Over $5,000 but not over $6,000	$230, plus 7 percent of household income over $5,000	25 percent of household income

(3) Household income.—The term "household income" means the aggregate annual income of all individuals occupying the same household as their principal residence. For purposes of this paragraph, the term "income" means net income from whatever source derived and without regard to whether it is subject to the Federal individual income or the personal income tax of the jurisdiction in which the recipient resides.

(4) Direct tax burden.—The term "direct tax burden" means the amount of real property taxes imposed on the real property occupied as his principal residence by a qualifying head of household if such real property is owned, and such taxes are paid, by him or another member of the household.

(5) Indirect tax burden.—The term "indirect tax burden" means the amount of rent paid for occupancy of real property occupied as his principal residence by a qualifying head of household, if such rent is paid by him or another member of the household.

(c) Qualifying Revenue Losses.—For purposes of this section, the qualifying revenue losses attributable to a qualifying real property tax relief program sustained by a jurisdiction during a fiscal year is the sum of—

(1) the credits allowed during the fiscal year with respect to eligible households against a personal income tax or real property tax imposed by the jurisdiction, and

(2) the rebates and other cash payments made during the fiscal year with respect to eligible households under such program, but, with respect to any eligible household, only to the extent the amount of credit, rebate, or other payment does not exceed $500, in the case of an eligible household which has a direct tax burden, or $300, in the case of an eligible household which has an indirect tax burden.

Sec. 4. Administration.

(a) Application, Etc.—

(1) A jurisdiction which desires to qualify for payments under this Act shall make an application therefor at such time, in such manner, and containing such information as the Secretary shall prescribe by regulations. Payments may be made to a jurisdiction only if its application is approved by the Secretary. The Secretary may not finally disapprove any application submitted under this Act, or any modification thereof, without first affording the jurisdiction submitting the application reasonable notice and opportunity for a hearing.

(2) Whenever the Secretary, after reasonable notice and opportunity for a hearing to a jurisdiction which has had an application approved under paragraph (1), finds that such jurisdiction no longer has a qualifying property tax relief program, he shall notify such jurisdiction that it will not be eligible to receive payments under this Act until he is satisfied that the jurisdiction has a qualifying property tax relief program.

(b) Judicial Review.—

(1) If any jurisdiction is dissatisfied with the Secretary's final action with respect to the approval of its application submitted under subsection (a)(1) or with his final action under subsection (a)(2), such jurisdiction may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which the jurisdiction is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

(2) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(3) The court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(c) Payment.—Payment of the amount to which a jurisdiction is entitled for a fiscal year shall be made at such time after the close of the fiscal year as the Secretary shall prescribe by regulations.

(d) Fiscal Year.—For purposes of determining eligibility for, and the amount of, payments to a jurisdiction under this Act, any reference in this Act to "fiscal year" shall be considered to be a reference to the annual accounting period of such jurisdiction.

(e) Regulations and Guidelines.—The Secretary shall prescribe such regulations as may be necessary to carry out this Act and such guidelines as may be necessary to enable jurisdictions to apply for and qualify for payments under this Act.

(f) This Act is not to be construed to discourage States from establishing a qualifying real property tax relief program which provides credits, rebates, or payments benefiting eligible households in excess of the qualifying limitations established under this Act.

Sec. 5. Appropriations.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Sec. 6. Effective date.

Payments may be made under this Act with respect to fiscal years beginning on or after January 1, 1974.

By Mr. KENNEDY (for himself, Mr. Stevens, Mr. Bible, Mr. Eagleton, Mr. Gravel, Mr. Hart, Mr. Hughes, Mr. Humphrey, Mr. Magnuson, Mr. Moss, Mr. Muskie, and Mr. Williams):

S. 472. A bill to amend title 13, United States Code, to establish within the Bureau of the Census a Voter Registration Administration to carry out a program of financial assistance to encourage and assist the States and local governments in registering voters. Referred to the Committee on Post Office and Civil Service.

VOTER REGISTRATION ASSISTANCE ACT OF 1973

Mr. KENNEDY. Mr. President, on behalf of the distinguished senior Senator from Alaska, Mr. Stevens, and Senators Bible, Eagleton, Gravel, Hart, Hughes, Humphrey, Magnuson, Moss, Muskie, Williams, and myself, I send to the desk of the Senate for appropriate reference the Voter Registration Assistance Act of 1973. The purpose of this bill is to establish an effective program of Federal financial assistance to State and local governments in carrying out their existing voter registration programs, and to provide specific financial incentives to encourage State and local governments to modernize their registration procedures.

The bill contains four major features:

First, the bill is based on the principle of a voluntary, not mandatory, program of Federal assistance to State and local jurisdictions in the area of voter registration. No State or local government will be compelled to take any action under this bill, but those who wish to take advantage of its financial assistance provisions will be able to do so.

Second, the bill establishes a number of types of Federal grants available to State and local governments:

Grants to pay up to 10 cents per eligible voter to defray the cost of existing voter registration programs.

Grants to pay up to 50 percent of the cost of new programs to expand voter registration, such as deputy registrars, mobile registrars, door-to-door canvasses, and additional locations and extended hours for registration. The maximum grant to any jurisdiction under this category is 10 cents per eligible voter.

Grants to plan computerized registration systems. The maximum grant here is one-half cent per eligible voter or $15,000, whichever is greater.

Grants to pay the full cost of registration-by-mail programs.

Grants and technical assistance for the prevention and control of fraud.

Third, the new program will be administered by a bipartisan Voter Registration Administration created in the Census Bureau. The Director of the Census is authorized to carry out the program until the new administration is established.

Fourth, the bill contains a 3-year, $135 million authorization for the program, providing $45,000,000 each year for the next 3 fiscal years.

Of all the figures to come out of the 1972 presidential election last November, perhaps the most distressing is the current estimate that only 56 percent of those who were eligible to vote actually went to the polls on election day. If these preliminary figures are correct, then it appears that the percentage of the voter turnout in 1972 was five points lower even than in the low-turnout year of 1968, itself one of the lowest voter turnouts in any presidential election in this century and the lowest turnout since 1948.

We do not have to look far to find the reason. Again and again, in recent years, we have learned that registration is the villian, and 1972 is no exception.

For a nation that likes to call itself the greatest democracy in the history of the world, the system of voter registration in modern America is a national scandal, a blight on our most basic political process. Incredible as it may seem, of all the fundamental rights that Americans hold dear, the way we exercise the right to vote is the one we have neglected most.

Time and again, we have fought to extend the franchise, in order to insure that every citizen has the right to share in the political life of the Nation through participation at the polls. The 15th amendment, adopted in 1870, guaranteed the vote to citizens regardless of their race. The 19th amendment, adopted in 1920, extended the franchise to women. The 24th amendment, adopted in 1964, abolished the poll tax. And the 26th amendment, adopted in 1971, extended the vote to 18-year-olds. All these constitutional milestones are monuments to our continuing concern.

But after every milestone, we always rested on our laurels. We left the job half done. For millions of Americans, the right to vote was a thing they could admire, but never use.

The reason is clear. For generations—indeed, throughout the 20th century—every American who sought to exercise his right to vote has had to run a gauntlet of arbitrary, unfair, and obsolete requirements of voter registration. Confronted by such requirements, millions of potential voters fall by the wayside at each election, and millions more refuse to even try.

And when I say millions, I mean millions. Take the figures for presidential elections, the elections in which Americans traditionally, have had the strongest incentive to participate. In the election of 1960, 39 million eligible voters failed to go to the polls. In 1964, the figure climbed to 43 million. In 1968, it rose to 47 million. And in 1972, if the estimates are accurate, there were 62 million Americans who did not vote.

If any single figure has come to symbolize the crisis of voter turnout in America, it is these millions of lost voters—62 million in 1972. Of the 139 million potential voters in the presidential election last year, only 77 million—or 56 percent—actually went to the polls, the lowest turnout since 1948. Sixty-two million people stayed home, at a time when President Nixon was receiving 47 million votes and Senator McGovern was receiving 29 million votes.

The voting record of America becomes even more dismal when we compare it to the record of other Western democracies. In 1970 in Britain, 71 percent of the eligible voters went to the polls, and they called it one of the lowest turnouts in British history. In recent elections in other European nations, the turnout has been even higher—74 percent in Canada, 77 percent in France, and 91 percent in West Germany, to name but three.

We know that the situation has not always been this way in the United States. Throughout the latter half of the 19th century, voter turnout in our Presidential elections consistently ranged in the neighborhood of 70 to 80 percent. Twice, it exceeded 80 percent. Only once did it drop as "low" as 70 percent.

Since 1900, however, we have not seen even the 70 percent level again. Eight times in this century—including 1972, the first time since 1948—the turnout has fallen below 60 percent. Twice it fell below 50 percent. Clearly, in spite of the enormous progress that the 20th century has brought us in so many other areas, we have moved backward in the crucial area of voter participation.

The cause is not far too seek. Study after study in recent years has demonstrated that the heart of the problem is our archaic system of voter registration. It is no accident that the sharp decline in voter turnout at the beginning of the 20th century coincided with the advent of voter registration legislation.

As historians have shown, the present pattern of voter registration in virtually every State is a legacy of the wave of electoral reform that swept America at the turn of the century. In many States, registration was adopted as a means to end widespread voting frauds and other abuses that marred elections in city after city across the Nation. In others, registration was adopted for the darker purpose of discouraging minorities and other ethnic groups from going to the polls, especially black citizens in the South.

Today, in spite of the enormous progress we have made in so many other areas of public life, we are still using voter registration methods which were, perhaps, sophisticated at the turn of the century, but which are generations out of date today.

In almost every other sphere in which government now operates—at the Federal, State, or local level—it uses the tools of the modern world, especially in the area of communications with the people. But if governments collected taxes the way they register voters today, they would be so bankrupt that revenue-sharing could never bail them out. Why is it that Americans pay their taxes by mail, when they still have to register to vote by methods as obsolete as the Pony Express or the model T?

To paraphrase the famous epigram of Justice Oliver Wendell Holmes, it is revolting to have no better reason for a rule of law than the fact that it was laid down in the time of William McKinley. It is still more revolting if the grounds upon which it was laid down have vanished long since, and the rule simply persists from blind imitation of the past.

There is ample evidence that reform in voter registration is the key to improvement in voter turnout. The figure I have cited—56 percent voter participation in 1972—does not tell the whole story. In fact, according to preliminary Census data, of the Americans who were registered to vote in 1972, fully 87 percent went to the polls and cast their ballots on election day.

Put another way, of the 62 million citizens who stayed home on election day in 1972, the vast majority were not registered to vote. They could not have voted, even if they had wanted to. Only a small percentage of those who stayed home on election day were registered to vote.

This is the real lesson for the future. Americans who register are Americans who vote. If our goal is to bring America to the polls, the place to start is with voter registration.

Again and again, in recent years, detailed studies have demonstrated that the principal factor in the crisis over voter turnout is voter registration, not voter apathy. An extensive study of voting behavior in 104 cities in the 1960 election concluded that registration requirements are a more effective deterrent to voting than anything that normally operates to deter citizens from voting, once they have registered. According to the study, 80 percent of those who have failed to vote in 1960 were disfranchised by the burden of existing registration requirements.

Similar studies on the 1968 election also concluded that the most significant impediment to the exercise of the franchise is the registration requirement. For example, the report of the Freedom To Vote Task Force, published in 1969, found that registration systems posed the most serious single impediment to full participation in the Nation's elections. And, in Texas, a recent study concluded that for every additional month the registration books stay open before election day, an additional 2.7 percent of the population would be registered.

Equally significant is the report last year by the League of Women Voters, entitled "Administrative Obstacles to Voting." The report, issued in the spring of 1972, was based on a study of election practices in hundreds of communities across the Nation during the fall elections of 1971. The report condemns in unmistakable terms the enormous burden that our present system of registration imposes on citizens throughout the country.

In part, of course, the dramatically higher voter turnout in foreign countries is a result of the fact that the United States stands virtually alone among the democratic nations of the world in tolerating a passive role of government in registration, and in basing registration primarily on the initiative of the individual rather than on Government action.

Thus, in Britain, registration officials prepare annual voting lists in each election district, using mail and door-to-door canvass methods.

In Canada, registration officials prepare ad hoc voting lists before each Federal election by making a door-to-door canvass in each polling subdivision in urban areas—cities or towns with a population of 5,000 or more—during a 6-day period 7 weeks before the election, with a final revision of the list taking place 2½ weeks before election day. A modified procedure is used for rural areas. Before the June 1968 election, for example, 81,000 Canadian officials registered 11 million citizens—98 percent of the eligible voters—at a cost of approximately $7.5 million, or slightly less than 69 cents a voter. If this Canadian experience could be extrapolated to the United States, the cost of a similar registration canvass would be approximately $100 million.

But in large part, the higher voter turnout in nations like Britain and Canada is also due to the unreasonable burdens that our "individual initiative" system imposes on citizens attempting to register. Instead of an "individual initiative" system, our system might more appropriately be called a "law of the jungle" or a "survival of the fittest" system.

In State after State, we see the chaos and complexity and confusion in our present registration system. Wherever we look, we find that registration is an obstacle course for the voter, instead of the easy path to the polls it ought to be.

The defects of the present system are not confined to any State or geographic region. They go by names like early closing deadlines, unreasonable purges of voting rolls, unfair re-registration requirements, inaccessible registration offices, and lack of absentee registration. The burdens are almost endless:

In some States, registration closes months before the election. A recent study cited 15 States in which the registration books closed more than a month before the election. Often, the closing date is much earlier. Such early closing deadlines serve no legitimate administrative purpose. In 1968 in Idaho, for example, the registration books were closed only two days before the election, and 72 percent of the eligible voters cast their ballots on election day.

In many of the Nation's cities and counties, there is no real local registration office. The only place a citizen can register to vote is at city hall or at the central downtown office of the board of elections.

In other cities, the problem is even worse. The only place to register may be the county courthouse outside the city limits.

In thousands of rural areas, registration means a long and time-consuming journey into town.

For millions of residents in communities like these, the inconvenience of a trip downtown or out of town or into town is an insurmountable barrier to registration. Often, the expense of the trip or the loss of income or time away from the job is sufficient by itself to inhibit registration—in effect, a tax that denies the right to vote as surely as the outlawed poll tax used to do.

For millions of the Nation's elderly, disabled, or sick—those who simply do not have the physical ability to travel to the registration office to register in person—the lack of any effective procedure for absentee registration means that they are denied the right to vote at all.

And, those who find their way to the registration office often learn that their problems have just begun. Often, the office is open only an hour or two a day, or a day or two a week. Sometimes, it may be necessary to make an appointment in advance. Other times, the registrar simply shuts the office early, if no applicants arrive that day. In still other cases, all but the most determined voters give up the face of the endless lines and waiting periods they find inside the door of the registration office.

Such examples are legion. The ones I have cited could be multiplied many times over. They are found in almost every State. But they are enough, I think, to identify the problem and to demonstrate the need for early and effective action by Congress.

And, as in so many other situations, the burden of our complex and capricious registration system weighs especially heavily on disadvantaged groups in our society.

Only 66 percent of the Nation's black citizens were registered in 1968, while the figure was 76 percent for the white population.

Only 53 percent of those in families with incomes of less than $3,000 were registered in 1968, while 82 percent of those in families with incomes between $10,000 and $15,000 were registered.

Only 69 percent of the Nation's manual workers were registered to vote, while 83 percent of the Nation's white collar workers were registered.

Only 49 percent of those with a formal education of 1 to 4 years were registered in 1968, while 87 percent of those with a college degree were registered.

The preliminary Census data for 1972 indicate that essentially the same pattern was followed last November, with two additional groups at a serious disadvantage—18 to 21 year olds, only about 40 percent of whom went to the polls, and Mexican-Americans, of whom only about 30 percent voted.

Clearly, on the basis of statistics like these, the burden of our present registration system falls most heavily on the poor, the black, the less-educated, the blue collar worker, the young, and the Spanish speaking.

But it is not just the disadvantaged who are caught by the existing system. The chaos and the defects of the system are not confined to any single population group or geographic region. They trap us all—the businessman in his office, the housewife in her suburb, the worker in his factory, the doctor in his clinic. Rarely, in fact, has any movement for reform so clearly cut across all political, economic, social, and geographic lines.

Left to individual State action, the comprehensive reforms we need will never happen. Registration is a national problem, and it demands a national solution. Without legislation at the Federal level, the inertia of nearly a century of past and present practice will continue, and we shall lose this timely and fertile opportunity to make government more responsive to the people.

Now, with the passions of an election year behind us, Congress has the opportunity to breathe new life into the political process in America. There is perhaps no more important step we can now take to make our democracy responsive to all the people. If we act to end the morass of voter registration, we can revitalize all our public institutions and build a stronger nation to meet the many difficult challenges we face at home and overseas.

Thanks to the leadership of Senator Gale McGee and the Senate Post Office Committee in the Senate, and of Congressman Charles Wilson and his Postal Subcommittee in the House, Congress has already compiled an outstanding record of bipartisan support for reform, and I am confident that the 93d Congress will enact the measures we need, and end the shame of America's lost voters.

Mr. President, I ask unanimous consent that the text of the bill may be printed in the Record, together with the following additional materials: Table I, giving a State by State summary of the voter turnout in the November 1972 Presidential election; table II, giving a summary of voter turnout in Presidential elections in the United States since 1824; table III, giving a summary of voter turnout in recent elections in certain foreign democratic nations; and the 1972 report of the League of Women Voters Education Fund, entitled "Administrative Obstacles to Voting."

There being no objection, the bill and material were ordered to be printed in the Record, as follows:

S. 472

A bill to amend title 13, United States Code, to establish within the Bureau of the Census a Voter Registration Administration to carry out a program of financial assistance to encourage and assist the States and local governments in registered voters

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Voter Registration Assistance Act of 1973".

Sec. 2. (a) Title 13, United States Code, is amended by adding at the end thereof the following new chapter:

"Chapter 11—VOTER REGISTRATION

"Sec.
"401. Definitions
"402. Establishment of Voter Registration Administration
"403. Functions of the Administration
"404. Grants to defray costs of voter registration
"405. Grants to increase voter registration activities
"406. Grants to modernize voter registration
"407. Grants for voter registration by mail
"408. Technical assistance and fraud prevention
"409. Applications for grants
"410. Regulations
"411. Authorization of Appropriations

"§ 401. DEFINITIONS

"As used in this chapter—

"(1) 'Administration' means the Voter Registration Administration;

"(2) 'State' means each State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States; and

"(3) 'grant' means grant, contract, or other appropriate financial arrangement.

"§ 402. ESTABLISHMENT OF VOTER REGISTRATION ADMINISTRATION

"(a) There is established within the Bureau of the Census, Department of Commerce, the Voter Registration Administration, hereafter referred to in this chapter as 'Administration.'

"(b) The Administration shall consist of an Administrator and two Associate Administrators, who shall be appointed by the President, by and with the advice and consent of the Senate. The Administrator and Associate Administrators shall serve for terms of four years each, and may continue in office until a successor is qualified. An individual appointed to fill a vacancy shall serve the remainder of the term to which his predecessor was appointed. The Associate Administrators shall not be members of the same political party.

"(c) Except as otherwise provided, the Director of the Bureau of the Census, until such time as the members of the Administration are appointed, is authorized to exercise the duties and powers of the Administration created and established by this chapter.

"§ 403. Functions of the Administration

"(a) The Administration shall—

"(1) make grants, in accord with the provisions of this chapter, upon the request of State and local officials, to States and political subdivisions thereof to carry out programs of voter registration;

"(2) collect, analyze, and arrange for the publication and sale by the Government Printing Office of information concerning elections in the United States;

"(3) obtain such facilities and supplies, and appoint and fix the pay of such officers and employees, as may be necessary to carry out the purpose of this chapter;

"(4) provide technical assistance, upon their request, to officials of States and political subdivisions thereof concerning voter registration;

"(5) prepare and submit to the President and the Congress on March 31 following each biennial general Federal election a report on the activities of the Administration and on voter registration procedures in the States and political subdivisions thereof, including recommendations for such additional legislation as may be appropriate; and

"(6) take such other actions as it deems necessary and proper to carry out its functions under this chapter.

"(b) The Administration shall not publish or disclose any information which permits the identification of individual voters.

"§ 404. Grants To Defray Costs of Voter Registration Activities

The Administration is authorized to make grants to any State or political subdivision thereof for the purpose of carrying out voter registration activities. A grant made under this section shall not be in excess of 10 cents for each eligible voter in the State or political subdivision receiving the grant.

"§ 405. Grants To Increase Voter Registration

"(a) The Administration is authorized to make grants to any State or political subdivision thereof to establish and carry out programs to increase the number of registered voters. Such a program may include—

"(1) expanded registration hours and locations;

"(2) mobile registration facilities;

"(3) employment of deputy registrars;

"(4) door-to-door canvass procedures;

"(5) absentee registration procedures;

"(6) reregistration programs;

"(7) public information activities; and

"(8) other activities designed to increase voter registration and approved by the Administration.

"(b) A grant made under this subsection shall be equal to 50 percent of the fair and reasonable cost, as determined by the Administration, of establishing and carrying out such a program. A grant made under this section shall not be in excess of 10 cents for each eligible voter in the State or political subdivision receiving the grant.

"§ 406. Grants To Modernize Voter Registration

The Administration is authorized to make grants to any State or political subdivision thereof for planning, evaluating, and designing the use of electronic data processing or other appropriate procedures to modernize voter registration. A grant made under this section shall not be in excess of one-half cent for each eligible voter in the State or subdivision receiving the grant, or $15,000, whichever is greater.

"§ 407. Grants for Voter Registration by Mail

"The Administration is authorized to make grants to any State or political subdivision thereof to carry out a program of voter registration by mail. A grant made under this section shall be equal to the fair and reasonable cost, as determined by the Administration, of establishing and operating a registration-by-mail system. Forms available for registration by mail shall conform to such regulations as the Administration may prescribe, including the use of bilingual forms where appropriate. Such forms shall be widely available for distribution in post offices and other public locations and for distribution by private individuals and organizations.

"§ 408. Technical Assistance and Fraud Prevention

"The Administration is authorized to provide technical assistance, including assistance in developing programs for the prevention and control of fraud, to any State or political subdivision thereof for improving voter registration and voter participation. Such assistance shall be made available at the request of states and political subdivisions thereof, to the extent practicable and consistent with the provisions of this chapter.

"§ 409. Applications for Grants

"Grants authorized by section 404, 405, 406, or 407 of this chapter may be made only upon application to the Administration at such time or times and containing such information as the Administration may prescribe. The Administration shall provide an explanation of the grant programs authorized by this chapter to State or local election officials, and shall offer to prepare, upon request, applications for such grants. No application shall be approved unless it—

"(a) demonstrates, to the satisfaction of the Administration, that the applicant has primary responsibility for registering voters within its jurisdiction;

"(b) sets forth the authority for the grant under this chapter;

"(c) provides such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this chapter, and provides for making available to the Administration, for purposes of audit and examination, books, documents, papers, and records related to any funds received under this chapter; and

"(d) provides for making such reports, in such form and containing such information, as the Administration may reasonably require to carry out its functions under this chapter, for keeping such records, and for affording such access thereto as the Administration may find necessary to assure the correctness and verification of such reports.

"§ 410. Regulations

"The Administration is authorized to issue such rules and regulations as may be necessary or appropriate to carry out the provisions of this chapter.

"§ 411. Authorization of Appropriations

"For the purpose of carrying out the provisions of this chapter, there is authorized to be appropriated the sum of $45,000,000 for the fiscal year ending June 30, 1974, and for each of the two succeeding fiscal years."

(b) The table of chapters of title 13, United States Code, is amended by adding at the end thereof the following:

"II Voter Registration................ 401".

Sec. 203. Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following:

"(132) Administrator and Associate Administrators (2), Voter Registration Administration, Bureau of the Census."

TABLE I.—VOTER TURNOUT BY STATE IN THE 1972 U.S. PRESIDENTIAL ELECTION

State	Eligible voters [1]	Actual voters [2]	Voter turnout
Alabama	2,274,000	1,006,000	44.2
Alaska	200,000	95,000	47.5
Arizona	1,239,000	623,000	50.3
Arkansas	1,310,000	621,000	47.4
California	13,945,000	7,765,000	55.7
Colorado	1,558,000	949,000	60.9
Connecticut	2,106,000	1,384,000	65.7
Delaware	371,000	236,000	63.6
District of Columbia	518,000	164,000	31.7
Florida	5,105,000	2,576,000	50.5
Georgia	3,104,000	1,172,000	37.8
Hawaii	531,000	270,000	50.8
Idaho	479,000	310,000	64.7
Illinois	7,542,000	4,704,000	62.4
Indiana	3,509,000	2,128,000	60.6
Iowa	1,909,000	1,225,000	64.2
Kansas	1,541,000	916,000	59.4
Kentucky	2,206,000	1,067,000	48.4
Louisiana	2,339,000	1,051,000	44.9
Maine	666,000	417,000	62.6
Maryland	2,688,000	1,354,000	50.4
Massachusetts	3,955,000	2,458,000	62.1
Michigan	5,874,000	3,487,000	59.4
Minnesota	2,560,000	1,738,000	67.9
Mississippi	1,430,000	646,000	46.0
Missouri	3,266,000	1,856,000	56.8
Montana	460,000	318,000	69.1
Nebraska	1,022,000	576,000	56.4
Nevada	348,000	182,000	52.3
New Hampshire	521,000	334,000	64.1
New Jersey	5,025,000	2,992,000	59.5
New Mexico	636,000	386,000	60.7
New York	12,773,000	7,157,000	56.0
North Carolina	3,463,000	1,506,000	43.5
North Dakota	402,000	281,000	69.9
Ohio	7,185,000	4,087,000	56.9
Oklahoma	1,812,000	1,030,000	56.8
Oregon	1,500,000	922,000	61.5
Pennsylvania	8,161,000	4,589,000	56.2
Rhode Island	673,000	416,000	61.8
South Carolina	1,706,000	672,000	39.4
South Dakota	434,000	307,000	70.7
Tennessee	2,713,000	1,201,000	44.3
Texas	7,681,000	3,461,000	45.1
Utah	689,000	478,000	69.4
Vermont	309,000	187,000	60.5
Virginia	3,197,000	1,447,000	45.3
Washington	2,371,000	1,470,000	62.0
West Virginia	1,182,000	762,000	64.5
Wisconsin	2,955,000	1,851,000	62.6
Wyoming	225,000	146,000	64.9
Total	139,642,000	77,684,000	55.6

[1] Source: Bureau of the Census, Current Population Reports, "Projections of the Population of Voting Age for States: November 1972", series P-25, No. 479 (March 1972), table 2.

[2] Source: Certified vote totals in the 1972 election, as published in the New York Times, Dec. 20, 1972, p. 28; Dec. 24 1972, p. 26. Figures rounded to nearest thousand.

TABLE II.—VOTER TURNOUT IN U.S. PRESIDENTIAL ELECTIONS, 1824-1972

[In percent]

Election	Turnout	Election	Turnout
1824	26.9	1900	73.2
1828	57.6	1904	65.2
1832	55.4	1908	65.4
1836	57.8	1912	58.8
1840	80.2	1916	61.6
1844	78.9	1920	49.2
1848	72.7	1924	48.9
1852	69.6	1928	56.9
1856	78.9	1932	56.9
1860	81.2	1936	61.0
1864	73.8	1940	62.5
1868	78.1	1944	55.9
1872	71.3	1948	53.0
1876	81.8	1952	63.3
1880	79.4	1956	60.6
1884	77.5	1960	64.0
1888	79.3	1964	61.8
1892	74.7	1968	60.6
1896	79.3	1972	55.6

TABLE III.—VOTER TURNOUT IN RECENT GENERAL ELECTIONS IN FOREIGN NATIONS

Nation	Election	Turnout (percent)	Comment
Australia	Dec. 2, 1972	97	Compulsory registration and voting.
Canada	Oct. 30, 1972	74	
France	June 2, 1969	77	
West Germany	Nov. 19, 1972	91	
Italy	May 7-8, 1972	93	Compulsory voting.
Netherlands	Nov. 29, 1972	83	Do.
New Zealand	Nov. 25, 1972	90	Compulsory registration.
Great Britain	June 18, 1970	71	
Ireland	June 18, 1969	75	

Administrative Obstacles to Voting

(A report of the Election System Project, the League of Women Voters Education Fund.)

PREFACE

The need for election reform through *federal legislation* has been documented and endorsed by several committees of national prominence. Most notable is the report of the President's Commission on Registration and Voting Participation[1] and the reports of the Freedom to Vote Task Force.[2] A forthcoming report of the National Municipal League will focus on the need for *legislatively enacted election reform*. A model state election code also is being developed by the National Municipal League and will be available to state legislatures for their consideration.[3]

In addition to changes in election laws, there is a need for changes in *administrative practices* of local and state election officials. (For the purposes of this study, administrative practices refers to the standards, procedures and structures set up to implement state election laws.) The main purpose of this report then is to document the need for administrative changes and to draw attention to the numerous administrative obstacles which confront all Americans as they seek to implement their right to vote.

The basis for this report is a study undertaken by the League of Women Voters Education Fund (LWVEF) with the assistance of a grant from the Ford Foundation. The administrative practices of election officials in 251 communities were documented through the efforts of over 3,000 League volunteers during the fall election period of 1971.[4]

All types of communities were included in this study; those where problems of registration and voting were likely to be found in the extreme as well as those where the problems were less visible. In general, the information was collected from at least one large city, a suburb, an independent small town, and a rural area in every State. To supplement the League effort, information from some areas of the rural South was collected by local organizations associated with the Voter Education Project. This sample of communities encompassed approximately 40 million people or one-fifth of the total population of the United States.

Data were collected through three methods: (1) recording official registration and voting procedures, (2) interviewing government and election board personnel to determine attitudes and practices, and (3) observing citizen experiences at both registration and polling places. Information also was collected on state administrative practices with regard to elections by some state Leagues of Women Voters.

It should be noted that observations of registration and polling places were made during the period of the 1971 fall elections. This means that administrative behavior was observed in a non-presidential election year in which various types of contests, some considerably more important and appealing than others, were at stake. This factor tends to mute the findings and conclusions drawn from the study. It is reasonable to conclude then that the findings contained in this report might be an understatement of the problems citizens experience when participating in presidential elections.

It is also important to review the findings within the framework of the Constitutionally-guaranteed right to vote of every eligible citizen. This means that although some figures pertaining to a given administrative obstacle to voting may be less than 50%, the finding may nevertheless be highly significant to the extent that it indicates that thousands or hundreds of thousands of citizens are possibly being disenfranchised.

Within this context, then, the study documents the fact that the current system of registration and voting functions inefficiently for citizens throughout the United States. Both supportive evidence and specific recommendations for administrative changes are included in this report.

A LOOK AT THE PRESENT SYSTEM

During the next six months, much public attention will focus on the principal candidates and issues of the November presidential election. It is doubtful, however, that very much concern will be given to the electoral process itself—that system of registration and voting procedures Americans must use in order to express their choice on the candidates.

Most citizens show little interest in the process not because they dismiss its importance but simply because they do not recognize the extent to which the current election system impairs the right of all Americans to engage in self-government. The public generally believes that the system has worked well for them in the past and that it will work well for the 140 million Americans of voting age in 1972.

Regrettably, the present election system has not worked well. It still bears the mark of forces which originally gave it birth at the turn of the century: fear of the then-widespread corruption and fraud at the polls and a desire to control the voting participation of millions of European immigrants who threatened the political status quo. Although these particular forces have largely ceased to exist, the system remains saddled with many unnecessarily restrictive laws and exclusionary procedures. It has become an administrative maze in which many of the abuses it was designed to prevent can, in fact, be more easily hidden and through which the average citizen must painstakingly grope in order to exercise his fundamental right to the franchise.

Fear of fraud is often advanced in opposition to proposed reforms of the present election system. It could be argued, however. that such abuses are a function of community mores and will exist in some communities no matter what election procedures are established. More noteworthy, it would seem, is the fraud perpetuated on the American people by a system which excludes millions of eligible voters from the electoral process in the name of preventing a few dishonestly-cast votes.

Indeed, the system works poorly for *all* Americans. In the case of minorities, the poor, the uneducated and the aged, who are unable to meet its complicated requirements easily, the system naturally imposes more heavily than it does on the average mainstream American. These groups can be even further excluded from the electoral process by the arbitrary and uneven application of administrative procedures which, while legal, can be manipulated to serve the political advantage or philosophy of those who control them.

Such misuse of administrative practices is not new to the institutional life of our society. What is notable about the established election system is the extent to which, barring misuse of any kind, it denies the rights and infringes on the convenience of hundreds of thousands of Americans regardless of their racial or economic background.

In the presidential election of 1968, 73 million Americans or approximately 60% of the total population of voting age actually voted for a candidate of their choice; 47 million or approximately 40% *did not* cast a ballot. Compared with other democratic countries, this voting rate of American citizens is embarrassingly low. For example, the rate at which voters in Italy have participated in elections in the last 10 years has regularly approached 90%. Canada records a voting rate of approximately 75% to 80%, and in the last 25 years, West German citizens have voted at rates which range between 78% and 87%.

It is the contention of this report that millions of American citizens fail to vote not because they are disinterested but because they are disenfranchised by the present election system. Ironically moreover, many of them lose their right to vote not because they are poor, black, uneducated or uninterested, but because they are part of the mainstream of American society. Moving to a better neighborhood, accepting a company transfer, going to college, getting married, serving their country and exercising other rights, freedoms and obligations to their country too often has had the effect of denying citizens their right to vote.

Undoubtedly, the present election system will continue to disenfranchise millions of Americans of every economic and social background unless improvements are made at both the administrative and legislative levels.

THE POWER OF THE LOCAL OFFICIAL UNDER CURRENT ELECTION LAWS

To what extent can electoral reform occur within the context of existing law? To what degree do current state election laws affect the administrative behavior of election officials?

In a few areas of registration and voting, the law is specific. Residency requirements and closing dates for registration are examples. Although the capacity of administrators and local officials to act independently is considerably limited in these instances, they *can* determine the impact of these laws by the vigor with which they make these requirements known and encourage citizens to meet them.

Most of the laws concerning registration and voting, however, are not specific. In many cases, the law only establishes broad minimum requirements, thereby leaving a great deal of discretion to local officials. For instance, the law may require that a central registration office be located in each city of the state but not specify how clearly that office shall be identified. In fact, 52% of approximately 300 registration places observed in this study were *not* clearly identified. Again, the law may state that registration lists must be available to the public but it often does not stipulate the mechanisms for making the lists available. For instance, there was a financial charge for the registration list in 55% of the communities and authorization for access to the list was required in 38% of the cases.

Local officials may be even more powerful where the law is merely permissive. State statutes frequently allow, but do not require, the following: precinct registration, Saturday and/or evening registration hours, and the authorization of deputy registrars. Data from the community study show that in these areas local officials frequently do not use these statutory powers to reach citizens.

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[1] Report published in 1963.

[2] Two reports issued in 1971 by this commission of the Democratic National Committee; "Report of the Freedom to Vote Task Force of the Democratic National Committee" and "That All May Vote".

[3] Developed under a two year grant from the Ford Foundation, the model state election codes will be published in the spring of 1973.

[4] A modified version of the comprehensive survey on which this report is based was conducted by League volunteers in an additional 600 communities. The purpose of this Mini-Survey was to verify the validity of the comprehensive survey sample.

In 29% of the communities where deputy registrars were allowed, election officials failed to use this method to reach citizens. While only 10 states[5] expressly forbid evening and Saturday registration, 77% of the communities studied had *no* Saturday registration and 75% had *no* evening registration in non-election months.[6] Even during the heat of an election period, i.e. the 30 days prior to the closing of registration, 38% of the communities provided *no additional hours* for registration. The data clearly suggest, then, that local officials have in many cases failed to use the tools allowed but not mandated by law to make registration and voting easier and more accessible for all citizens.

In addition to their influence in areas where the law is stated in broad or permissive terms local officials are able to influence the electoral process in matters where the law is silent. Although the law may neither require, suggest nor forbid it, an election official might provide information to citizens concerning the election, might conduct extensive training programs for all poll workers, and might provide bilingual clerks where needed. While such initiative would remove many obstacles to voting, local officials have seldom acted in these areas: only 11% of the local officials included in this study published a voter information guide; 28% provided no training for poll workers; and in approximately 30% of the registration places where bilingual assistance was needed, local officials failed to provide this service. Election officials clearly have the power to make registration and voting procedures easier for citizens but this study has found that, by and large, they don't use it.

To a large extent, local officials retain their discretionary powers by default. The community study found that the state authority charged with responsibility for administering the state election code most often counted it as one of several other major functions of his or her office. In most states, reports from local officials to the state authority are generally required just after elections and contain little else than the total number of people registered and voting in a given jurisdiction and the results of the latest election. Though many states issue guidelines to local election officials, few state administrative mechanisms have been set up to monitor or enforce compliance with the guidelines. In short, state election administrators have little knowledge or control and exert practically no leadership over local election officials and the manner in which they administer the state election code. It is little wonder then that the local election official can, and often does, become the chief policymaker for all local, state and national elections held within his jurisdiction.

TABLE A.—DISTRIBUTION OF RESEARCH COMMUNITIES ACCORDING TO POPULATION SIZE BY ADDITIONAL TIME AVAILABLE FOR REGISTRATION DURING AN ELECTION MONTH (MONTH PRIOR TO CLOSING OF REGISTRATION)

	Total communities		Additional hours election month			Additional Saturdays[1]			Additional evenings[1]			Additional evening hours[2]		
	Number	Percent	Percent	Yes	No	Percent	Yes	No	Percent	Yes	No	Percent	<10 hrs.	>10 hrs
Population size	N=200	100	100	62	38	100	70	30	100	83	17	100	52	49
Greater than 1,000,000	4	2	100	[3](1)	(3)	100	(4)	----	100	(2)	(2)	100	(4)	----
500,000 to 1,000,000	13	6	100	62	38	100	63	37	100	89	11	100	57	42
250,000 to 500,000	21	10	100	41	59	100	75	25	100	77	23	100	----	100
100,000 to 250,000	33	16	100	68	32	100	90	10	100	70	30	100	36	64
50,000 to 100,000	27	13	100	73	27	100	55	45	100	86	14	100	44	57
25,000 to 50,000	42	20	100	66	34	100	75	25	100	90	10	100	56	44
10,000 to 25,000	46	22	100	60	40	100	67	33	100	93	7	100	61	39
Less than 10,000	22	11	100	56	44	100	44	56	100	60	40	100	83	17

[1] Refers only to those places reporting some additional hours of registration during an election month.

[2] Refers only to those places reporting some additional evening hours of registration during an election month.

[3] Refers to actual number rather than percentages.

TABLE B.—DISTRIBUTION OF POLLING PLACES OBSERVED ACCORDING TO TYPE BY USE OF VOTING MACHINES, FREQUENCY OF MACHINE BREAKDOWNS AND DURATION OF BREAKDOWNS

	Polling places observed		Voting machines used			Voting machine breakdowns, at least one reported (percent)	Minutes out of order			
Variable	Number	Percent	Percent	Yes	No		Percent	Less than 30 minutes	30 minutes to 2 hours	More than 2 hours
Type of polling place	N=484	100	100	74	32	12	100	71	24	5
Ethnic white—Under $5,000	37	8	100	70	31	8	100	67	33	----
Ethnic white—$5,000-$10,000	60	12	100	67	34	5	100	80	----	20
Ethnic white—Over $10,000	47	10	100	62	39	6	100	100	----	----
Nonethnic white—Under $5,000	57	12	100	68	33	5	100	83	17	----
Nonethnic White—$5,000-$10,000	67	14	100	69	30	16	100	85	15	----
Nonethnic White—Over $10,000	70	14	100	71	29	20	100	46	15	8
Spanish speaking—Under $5,000	22	5	100	56	34	18	100	100	----	----
Spanish speaking—$5,000-$10,000	15	3	100	79	21	13	100	50	50	----
Spanish speaking—Over $10,000	3	1	100	[1](3)	----	[1](3)	100	[1](3)	----	----
Black—Under $5,000	51	11	100	82	18	14	100	20	60	20
Black—$5,000-$10,000	43	9	100	87	13	12	100	33	67	----
Black—Over $10,000	13	3	100	50	50	23	100	100	----	----

[1] Refers to actual number rather than percentages.

PERCEPTIONS AND ATTITUDES OF LOCAL OFFICIALS AND CITIZEN GROUP REPRESENTATIVES

The perceptions and attitudes of officials and community leaders are important to an examination of election systems for several reasons. First, they are frequently reflected in administrative behavior and in evaluations of that behavior. In many cases, they also indicate the willingness or unwillingness of community leadership to undertake needed administrative and legislative reform. Where opinions are backed by the power of an office or the resources of an organization, they take on added importance. Finally, such attitudinal data often show how different groups perceive community problems and the extent to which they are sensitive to citizen needs.

Perception of registration and voting problems

Long lines, short office hours, inaccessible registration and polling places, and registration periods remote from the date of election are common experiences to many Americans.

Interviews with local officials who hold the authority, responsibility and power to alleviate these problems show that they are generally insensitive to them. For instance, less than one-fourth of election officials held that the following were problems in their communities:

Residency requirements.

Complex registration procedures.

Complex absentee voting procedures.

Inconvenient registration hours.

Distant and inconvenient places of registration.

Complicated voting procedures, i.e. use of voting machines and paper ballots.

Inconvenient hours of polling.

Positioning candidate names on the ballot.

Insuring the proper functioning of voting machines.

On the other hand, most persons representing voting rights groups viewed all of these as serious problems in their communities.

Attitudes toward legislative and administrative reforms

Although the need for legislative action to reform the electoral process has been documented and endorsed by several committees of national prominence (see page 1), the League of Women Voters Education Fund community study shows that local election officials are reluctant to support many legislative changes and to assume the responsibility for administering reforms. For instance, support by local election officials dipped to less than a majority in regard to the following:

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[5] Includes North Dakota with no statewide registration and New Hampshire and Vermont where a checklist system is used.

[6] For the purposes of this study "evening hours" pertain to the hours after 5:00 p.m.

Carrying out door-to-door registration by government officials.

Updating registration lists monthly for public review.

Requiring at least 16 hours of training for election officials.

Extending voting hours from 7 a.m. to 9 p.m.

Conducting elections on a non-work day.

Publishing voter education materials at least 30 days prior to an election.

Placing local election officials under state merit systems.

In short, election officials seem to view the government as a passive participant in the electoral process with no responsibility for reaching out to citizens. They apparently believe that the initiative lies entirely with the citizen. This would seem to suggest at least one reason why 47 million Americans didn't vote in 1968. The issue clearly goes beyond the generally accepted explanation of voter apathy. Viewed from another perspective, the question arises that if the government can find a citizen to tax him or draft him into military service, is it not reasonable to assume that the government can find that same citizen to enroll him as an eligible voter and include him in the active electorate?

TABLE C.—NUMBER AND PERCENT OF ORGANIZATIONAL REPRESENTATIVES BY POSITION WHO AGREE THAT SELECTED REGISTRATION AND ELECTION PRACTICES ARE BASICALLY GOOD IDEAS

[In percent]

	Election officials		Voluntary organization							Range	
	CCoEO	CCiEO	LWV	NZACP	LCP	YG	PCC	CAL	MG	Low	High
Statement N [1]=	158	86	220	120	166	62	206	150	62		
A. Door-to-door registration should be carried out by local government officials in order to get all eligible citizens on the voter registration lists[2]	31	23	50	69	58	82	25	47	60	23	82
B. Voter registration should not be closed sooner than 30 days before any election	76	73	92	88	89	87	87	83	91	73	92
C. Residency requirements for voting in local elections should not exceed 60 days	61	49	74	81	77	84	65	53	73	49	84
D. Each county should require at least 16 hours of instruction for election officials	46	47	64	83	72	85	48	70	85	46	85
E. On election day, polling places should open from at least 7 a.m. to 9 p.m.	25	34	77	73	69	92	63	60	94	25	94
F. All elections should be held on a nonwork day	29	20	35	41	33	46	18	18	47	18	47
G. 30 days before each election election, officials should send each registered voter a voter information guide	23	24	62	66	46	65	32	44	75	23	75

[1] N refers to the number of respondents for the 1st statement. All percents computed on actual N's but sample sizes not reported in this table.

[2] Not all data from the original interviews are included in this table.

Note: Positions are identified as follows: CCoEO—Chief county election official, CCiEO—Chief city election official, LWV—League of Women Voters, NAACP—National Association for Advancement of Colored People, LCP—Labor council president, YG—Youth groups, PCC—Chamber of commerce president, CAL—American Legion commander, MG—Nonblack minority groups.

TABLE D.—NUMBER AND PERCENT OF ORGANIZATIONAL REPRESENTATIVES BY POSITION WHO BELIEVE THAT SELECTED REGISTRATION AND ELECTION CONDITIONS EXIST IN THEIR COMMUNITY

[In percent]

	Election officials		Voluntary organization							Range	
	CCoEO	CCiEO	LWV	NAACP	LCP	YG	PCC	CAL	MG		
Statement	N [1]=158	86	220	122	161	61	203	150	61	Low	High
A. Many nonvoters would vote if registration procedures were less complex[2]	11	9	60	57	42	74	22	13	69	9	74
B. Many potential voters become "nonvoters" because absentee voting procedures are too complex	20	16	69	61	41	76	27	16	67	16	76
C. The hours of registration set by the election officials are inconvenient, and many potential voters find it difficult or impossible to register	9	8	59	51	46	64	20	14	70	8	70
D. The polls close so early in the day that many potential voters find it difficult or impossible to get to the polls on time	8	6	39	47	31	54	20	11	64	6	64
E. Places of registration are inconveniently located, and many potential voters find it difficult or impossible to register	9	7	60	53	43	73	22	15	64	7	73
F. Many nonvoters are simply frightened by the complicated procedures of voting	20	12	67	65	48	68	25	17	75	12	75

[1] N refers to the number of respondents for the 1st statement. All percents computed on actual N's but sample sizes not reported in this table.

[2] Not all data from the original interviews are included in this table.

Note: Positions are identified as follows: C.Co.E.O.—Chief county election official, C.Ci.E.O.—Chief city election official, LWV—League of Women Voters, NAACP—National Association for Advancement of Colored People, LCP—Labor council president, YG—Youth groups, PCC—Chamber of Commerce president, CAL—American Legion Commander, MG—Nonblack minority groups.

OBSTACLES TO ORGANIZED CITIZEN INITIATIVE

Since election officials have so often been unwilling to support outreach efforts, citizen groups have for many years attempted to fill this void through a variety of activities such as: conducting voter registration drives, sponsoring get-out-the-vote campaigns, publishing voter education materials, and providing volunteer staff for mobile registration units. These efforts, however, have all too often been frustrated by the inefficiencies and restrictive practices of the system as indicated by interviews with 584 citizen group representatives.

Approximately 50% of the organizations using registration lists found the lists to be inaccurate, and in half those cases the inaccuracy was reported to be greater than 10%. Lists were available to the public in 96% of the communities, but there was a financial charge for the list in 55% of the communities and authorization was required to use the list in 38% of the cases.

Groups were also frustrated when they attempted to have members deputized to register voters. Approximately one-fourth of the organizations seeking to have members deputized were refused the authorization they requested. Of those organizations which succeeded, 31% reported a limit to the number of deputy registrars allowed and 10% reported a limit to the number of forms a deputy registrar could obtain at any one time, an effective way of limiting the number of citizens registered.

These examples once again illustrate an attitude on the part of many election officials which tends to obstruct rather than encourage the efforts of citizen groups to expand the electorate. The instances cited strongly suggest the need for administrative reforms which would place more responsibility for outreach programs with election officials themselves and which would simplify administrative procedures pertaining to outreach efforts by citizens.

SEEKING TO REGISTER AND VOTE: EXPERIENCES OF THE VOTER

Under the system of voter enrollment and participation currently used in the United States, the individual citizen must take the initiative in order to qualify himself as a voter. The preceding discussion has indicated that the law does not require local election officials to take the initiative and that many are unwilling to employ their numerous powers or fully utilize the efforts of citizen volunteers to reach potential voters.

In this context, the experiences of the individual citizen as he seeks to register and vote are extremely important. If the cost in terms of time, energy, inconvenience or personal pride is too high, the individual may choose not to vote. Considering the all too frequent occurrence of complex forms, unhelpful and poorly trained staff, machine breakdowns, and inconveniently located registration and polling places, it is surprising that so many citizens do vote. That the system functions at all is a tribute to the sheer determination of citizens to overcome these inconveniences and obstacles.

Registration is the first step in the voting process and the most crucial. When people register, they usually vote. In the presidential election of 1968, 89% of those persons who were registered actually voted. Observations of registration places and examination of formally stated registration practices provide some dramatic examples of the problems citizens encounter in trying to register.

The first problem that the citizen is likely to encounter will be finding the registration office. He may well have to travel a considerable distance from his home to a central registration office (except perhaps during the last month of registration for a particular election when he is more likely to find facilities in his neighborhood). In 40% of the communities studied, however, no additional registration places were opened even during these rush months. Since 54% of the registration places were not accessible by convenient public transportation, 24% lacked convenient parking, and 52% were not clearly identified as a registration or elections office, the prospective registrant may well be frustrated before he arrives.

TABLE E.—DISTRIBUTION OF REGISTRATION STAFF BEHAVIOR ACCORDING TO SOCIAL CHARACTERISTICS OF REGISTRANTS

Variables	Total samples observed		Registration staff behavior			Registration staff behavior		
	Number	Percent	Percent	Helpful	Not helpful	Percent	Courteous	Discourteous
Social class [1]	N=209	100	100	48	52	100	62	38
Middle	125	60	100	54	46	100	68	32
Working	53	25	100	42	58	100	58	42
Composite	31	15	100	33	67	100	44	57
Race [1]	N=213	100	100	49	51	100	63	33
White	147	69	100	52	48	100	67	39
Primarily white	46	22	100	52	48	100	61	30
Composite	13	6	100	17	83	100	50	58
Primarily nonwhite	7	3	100	[2] (1)	(6)	100	12	86

[1] These classifications are based upon the judgment of registration observers.

[2] Refers to actual number rather than percentages.

Once he has located the registration office, the prospective registrant may find that it is not open for registration. In 29% of the communities, registration closes more than 30 days prior to an election. Even if he arrives before the registration deadline, the office may be closed since 77% of the communities studied had *no* Saturday registration and 75% of the communities had *no* evening registration during non-election months. While 62% of the communities did have additional registration hours during election month, 30% of these still had no additional Saturday hours and 17% had no additional evening hours.

The persistent citizen who anticipates and copes with the numerous obstacles already mentioned will next find himself confronted with a registration form. If the form is confusing or questions arise concerning his eligibility, he may not find the staff very helpful. Fifty-two percent (52%) of the observers at registration places classified staff as not helpful. Furthermore, in 30% of the places where bilingual staff was needed, it was not found.

There is no way to measure the number of citizens who are discouraged from registering even before they get to the registration office, but observations of 5,750 people attempting to register at approximately 300 registration places showed that 3 out of every 100 qualified people who made the effort and found the registration place still left without being registered.

Casting a ballot at a polling place is the ultimate event in the electoral process for the citizen. Although he has been successfully registered, the potential voter may be frustrated in his attempts to vote. Polling places, though usually located in his precinct, may be poorly marked (as were 38% of the polling places observed) and public transportation and convenient parking may be lacking. Fifty-eight percent (58%) of the places observed lacked convenient public transportation and 11% lacked convenient parking. Since polling places are not opened in the evenings in many states, the potential voter may need to take time from work or rush to the polling place before or after work. If he goes early he may not be able to vote because many polls open later than the hour prescribed by law as happened in 7% of the 484 polls observed. If he goes to the polls following work, he may find that he is refused the right to vote even though he is standing in line at closing time. Such refusals occurred at 19 of the polls observed.

The prospective voter who gets into the polling place will probably confront a poorly trained staff usually selected on the basis of their partisanship. If there are voting machines at his polling place, he may well be delayed in casting a ballot by a machine breakdown since this occurred in one out of every ten places having voting machines. His right to vote may be challenged as were the rights of 419 persons at the observed polls. In the event that he successfully casts a ballot, it must be attributed at least partially to his perseverance.

SUMMARY

In a democratic society, no right is more fundamental than the right of every citizen to vote. Indeed, the vote is the very symbol of democracy. It is the basic unit of our representative form of government; the major vehicle through which the consent of the governed is offered or withheld—the prime means by which the American people can express and effect their will. The right to vote, therefore, necessarily carries with it the right of equal access for every eligible citizen to the formal system of regulations and procedures through which the vote is cast.

In studying the way our current election system is administered, the League of Women Voters Education Fund found that the administrative practices of local election officials and therefore citizens' access to the election system vary greatly from place to place, that many state election officials have not established structures and procedures which would insure uniform interpretation and administration of state election codes throughout each state and that the discretion which most state laws give to local election officials is often exercised in a manner which impedes rather than enhances the citizen's right to vote.

There is an urgent need for administrative reform of our present election system. Citizens must no longer be forced to earn the "privilege" but rather must be insured the *right* to vote. They must demand that the discretion granted to local officials by current state laws be used for the purpose for which it was originally intended; to give election administrators the margin of flexibility they need to assure the access of all citizens to the vote under the varying social, economic and geographic conditions which exist within states.

RECOMMENDATIONS OF THE ELECTION SYSTEMS PROJECT COMMITTEE

An advisory Committee consisting of nationally prominent authorities and experienced practitioners in the fields of voting rights, citizen participation, and elections was convened by the League of Women Voters Education Fund and the National Municipal League to assist them in designing the Election Systems Project. Upon completion of the LWVEF survey, the Committee reviewed its findings and developed the following recommendations regarding elections administration as a practical means of removing unnecessary obstacles to voting. (See p. 3/NML).

Some of the measures recommended may require changes in some state election codes. The purpose of this report, however, has been to identify administrative obstacles and to document the need for eliminating them. It is now up to local and state officials and citizens throughout each state to decide which reforms their own election system requires and to employ whatever means would most effectively achieve them.

Findings: Chief local election officials

The administrative practices of local election officials were found to be diverse throughout the states. Data on their attitudes toward reforms that would extend the franchise as well as their perceptions of the problems citizens might encounter under the present system reflect a tendency to conceive of the vote as a privilege rather than as a right. These findings imply serious discrepancies between the citizen's Constitutional right to the vote and the actual practices which govern its implementation.

Therefore, the Election Systems Project Committee recommends:

That the chief election official of every community comprehensively analyze community conditions and citizen needs by examining the registration rates of every precinct in his jurisdiction and by talking to representatives of various citizen organizations interested and active in issues of registration and voting participation;

That the chief election official of every community go the full limit of his legal powers in order to aggressively extend the right to vote to every eligible citizen. Such a program could include 1) maximum use of out-of-office registration techniques, e.g., use of mobile and other temporary registration units; 2) maximum authorization of qualified deputy registrars on a paid or volunteer basis; 3) the provision of bilingual staff where needed; 4) the publication and widespread dissemination of voter information guides; 5) the expansion of registration and polling place hours; and finally, 6) the use of all these techniques on the basis of voter need as revealed by his precinct analysis and information obtained through his community contacts;

That the chief election official of every community recruit, appoint, and train registration and polling place staff capable of and willing to respond to diverse citizen needs; that he or she further promote the highest standards of professional conduct by providing at least the federal minimum hourly wage to all registration and polling place staff and by selecting staff based on qualifications above and beyond traditional partisanship.

Findings: Chief State election official

The LWVEF study found that although the Secretary of State or State Attorney General is usually charged with general responsibility for administering the state election code, in fact, it is one of many duties of his or her office and therefore its implementation is, with few exceptions, decentralized to the local level. Where regular reports are made to a central state authority, moreover, the survey revealed that they generally contain no more than facts and figures regarding registration and voting rates and occasionally information on the kind of voting system used (automatic voting machines, paper ballots, etc.). Furthermore, where the state authority issues guidelines to local officials it usually provides no mechanism for monitoring or enforcing them.

The community study also found that, in the event that local officials are confused about how to interpret any part of the state election code, they must take the initiative in seeking state counsel. Except when their intervention is specifically requested, state authorities generally take little action to insure uniform and liberal interpretations of state election laws at the local level. Finally, state authorities generally do not monitor the way local officials use the extensive discretionary powers provided by most state election codes.

Therefore, the election systems project committee recommends:

That each state locate responsibility for the implementation of state election laws in a single state official or office and that the uniform interpretation and administration of the election code throughout the state be the sole responsibility of that official or office;

That the state election official establish and issue to every local election official minimum standards and performance guidelines; that the state official also establish a supervisory structure within which he or she can evaluate the performance of local officials under the guidelines and take corrective action where the standards are not being met;

That the state authority conduct mandatory training sessions for local officials which cover both the technical aspects of efficiently managing an election system as well as the local officials' legal obligations to aggressively extend the franchise and protect the voting rights of all citizens;

That both the guidelines and the training sessions be developed within the philosophical context of the vote as a right rather than a privilege;

That the chief state election official through an established supervisory structure and regular training sessions keep local election officials abreast of the most current legal opinions on voting rights and establish reporting procedures that will assure local officials' compliance with the most recent court decisions.

Findings: Organized citizen initiative in registration and voting

Since election officials have so often been unwilling to support outreach efforts, citizen groups have for many years tried to fill the void by initiating registration and voting services which would meet citizens' needs. The data show, however, that their efforts have often been impeded by the inefficient and restrictive practices of local election officials. Interviews with their representatives also show that citizen organizations recognize problems in the current election system that the officials tend to overlook.

Therefore, the election systems project committee recommends:

That citizen organizations add to their present outreach programs an aggressive effort to scrutinize the policies and actions of local election officials during both election and non-election periods;

That citizen organizations demand not only a role in the selection process of the chief local election official in their communities but also adequate representation of their constituencies on local and state boards of election where they exist. Where they do not exist, an effort should be made to create them.

The role of political parties, mass media and educational institutions

Although the LWVEF study did not specifically examine the current role these institutions play in our election system, based on the overall findings and the experiences of Committee members, the following recommendations are offered:

Political parties, because of their vital role in a democratic society have a responsibility to see that responsive and responsible election officials are appointed and elected. They must use their considerable influence to insure that election officials use their discretionary power to aggressively recruit voters and to allocate available resources in a manner that expands the electorate. Political parties should further support all efforts to provide adequate funding for local election officials.

Mass media should direct its enormous capabilities toward both informing the public of its voting rights and increasing the visibility and therefore the public's awareness of the system and administrators through which that right must be exercised. Such efforts might include a regular newspaper column devoted to registration and voting information, e.g., the requirements of the law, location and office hours of local registration and polling places, announcement of deadlines, etc. Reporters should cover not just the election but also the operation of local election systems on election day. Officials should allow reporters access to the polls at any time during the polling process.

High schools and colleges, through their curricular or extracurricular programs, should provide information on the legal and administrative requirements pertaining to the franchise. By this means, not only can the crucial facts be made known, but a new regard for the vote as an undeniable right rather than a privilege might be fostered within every American citizen.

UNIVERSAL VOTER REGISTRATION

Mr. HUMPHREY. Mr. President, I wish to register my strong support of universal voter registration. On August 5, 1971, I introduced the Federal Voter Registration Act which would have enabled citizens to register to vote in Federal elections at the same time they filed their Federal income tax returns. Since that time several fine voter registration bills have been presented to this body.

I am pleased to cosponsor the legislation introduced by Senator KENNEDY today. It combines many of the best ideas in the previous bills as recommended by the Committee on Post Office and Civil Service following its hearings last year. Under this bill, a citizen may register for Federal elections simply through mailing a post card to the appropriate office. State registration laws would not be eliminated but States would be offered incentives to expand and simplify their registration procedures. We should act quickly and favorably on this legislation.

Mr. President, the voter turnout in the United States has consistently been lower than that of any other Western democracy. In recent elections the gap has widened. Only 54.6 percent of the voting age population cast ballots in the 1970 congressional election. Much of this low participation is directly attributable to the procedures which result in the low rate of voter registration. While 80.2 percent of the registered voters cast ballots in 1970, 38.5 million eligible voters were not registered.

The statistics from this past presidential election provide another example of the deficiencies of our present procedures in encouraging voter participation. The U.S. Department of Commerce reports that only 72 percent of those eligible on the basis of age, 98.5 million persons, were reported as registered to vote. Of those registered, 87 percent reported that they voted. A most discouraging statistic is that the proportion of persons of voting age who were not registered was highest for those 18 to 24 years old. Among persons of this age, 41 percent reported that they were not registered as compared to 28 percent unregistered among the population as a whole.

In many areas registration requirements and procedures prevent young people, working people, minorities, and the poor from registering to vote. The location of registration offices, office hours, biased officials, and residency requirements all serve to discourage participation.

One striking illustration of great concern to me is that registration in some Southern States especially covered under the Voting Rights Act is still low. For example, recent studies have identified counties in which the black registration rate is less than two-thirds the white rate. In Alabama, the registration rate for blacks in an estimated 15 percent of the counties is less than two-thirds the white rate; in Louisiana in 20 percent of the counties; in Mississippi in 15 percent of the counties; in North Carolina in 33 percent of the counties; in South Carolina in 26 percent of the counties.

There are many practices in different parts of the South which limit black registration. The Washington research project recently reported the following obstacles:

First. Hours of registration are customarily limited to normal business hours, making it inconvenient for blacks to register.

Second. Registration is usually only possible at the county courthouse, an inconvenient location for many blacks.

Third. The States and counties rarely take action to publicize the need for registration or assume the burden of assuring that residents are registered.

Fourth. Many blacks, especially in rural areas, are still afraid to register; often this fear is reasonable; seldom is it counteracted.

Fifth. In some jurisdictions public officials have interfered with voter registration drives; in others, private persons have done so.

Sixth. In some jurisdictions a purge of the registration rolls has placed a heavier burden on blacks than on whites or has been carried out in a manner which discriminates against blacks.

This report also found that, in some areas those who overcome these obstacles may be forced to repeat the registration process every year.

These voter registration laws are of relatively recent origin. Most States passed them after 1900, and the result was decreased voter participation.

But it is not just the obstacles to black registration in southern States which concern us. Nearly every State can be cited as continuing either intended or accidental impediments to full voter participation. Outside the South, many registration procedures were devised as a means of keeping immigrants and minorities out of the political process.

Twelve midwestern States do not require registration in suburban and rural areas, but do require it in larger cities, where black and minority populations tend to be concentrated.

North Dakota is the only State that has no registration law. Actual voter participation in North Dakota since 1951 has been substantially higher than for the Nation as a whole and election fraud has been virtually nonexistent.

These discriminatory rules and regulations cannot be justified. We must encourage, not discourage, citizen participation in government. The right to vote is the basis of our democracy. We will never become the perfect democracy, but universal voter registration will bring us closer.

By Mr. McGEE (for himself, Mr. MANSFIELD, Mr. SCOTT of Pennsylvania, Mr. BELLMON, Mr. BENNETT, Mr. BROOKE, Mr. CASE, Mr. CHURCH, Mr. FONG, Mr. HATHAWAY, Mr. HUGHES, Mr. HUMPHREY, Mr. JAVITS, Mr. McGOVERN, Mr. METCALF, Mr. MOSS, Mr. MUSKIE, Mr. TAFT, and Mr. PELL):

S.J. Res. 21. A joint resolution to create an Atlantic Union delegation. Referred to the Committee on Foreign Relations.

Mr. McGEE. Mr. President, today 18 of my distinguished colleagues, including the Majority Leader (Mr. MANSFIELD) and the minority leader (Mr. SCOTT), and I are reintroducing a Senate joint resolution calling for a convention of delegates from the United States and the North Atlantic Community to explore the possibility of forming an Atlantic Union.

This same resolution was reported out of the Senate Foreign Relations Committee unanimously during the final days of the 92d Congress and was approved on the floor of the Senate without a dissenting vote. A similar measure was approved by the House Foreign Affairs Committee, but failed reaching the House floor by a single vote in the Rules Committee.

The resolution would create an Atlantic Union delegation from the United States, composed of 18 eminent citizens. Six of the delegates would be appointed by the Speaker of the House, after consultation with the House Committee on Foreign Affairs and the Leadership; six by the President of the Senate, after consultation with the Senate Committee on Foreign Relations and the Leadership; and six by the President of the United States.

The U.S. delegation would be authorized to organize and participate in a convention made up of similar delegations from the North Atlantic parliamentary democracies desiring to join in exploring the feasibility of forming an Atlantic Union. All members of the U.S. delegation would be free from official instructions and free to speak and vote individually at the convention.

It is worth noting, at this point, that during hearings on the resolution in the Senate Foreign Relations Committee last October, neither the State Department nor the Office of Management and Budget offered any objection to the resolution.

I cannot emphasize too strongly the critical need to begin exploring new avenues and approaches to our relationship with the other North Atlantic States. The longer we refrain from the pursuit of this objective, the greater the price we will have to pay in the long run.

It is true that Western European nations are focusing their attention on the strengthening and enlargement of European institutions. However, this process is not one which demands a weakening of our relationship and ties with Europe. This process is a necessary step toward the strengthening of our partnership with Europe.

In recent years, we have come to discover that our social, economic, and political problems are no longer endemic to the nation-state, but supranational in scope. Scientific and technological development is no respecter of national boundaries. Poverty and disease are not confined to national boundaries. Environmental problems associated with air and water pollution can be found in every Western nation.

Further complicating the situation for the United States, as we enter into a new era of uncertain international relationships, has been the erosion of international institutions which have been a key role in what economic, political, and social stability we have had since World War II. The United States continues to be confronted with an international monetary crisis. We have seen the slow deterioration of the NATO alliance, which I might add is a group of sovereign nations banded together to meet the problem of security. Although NATO has been an effective organization against one common problem, a crisis has arisen within the Alliance at a time when a unity of purpose is desperately needed in the future multilateral balanced reduction of forces negotiations with the Warsaw Pact nations. Our international trade position has shifted drastically against our interests.

With the entrance of Great Britain, Ireland, and Denmark into the European Common Market, the economic integration of the Continent has become a virtual reality. Yet, unless the United States initiates a concerted effort into strengthening its economic ties to Western Europe, this Nation could be confronted with an institutional nationalism in the form of the Common Market. The obvious danger inherent in such a potential development is that it could lead to extreme protectionist policies within the Common Market system.

The choice confronting the United States and her NATO allies is whether we will face our social, economic, and political problems individually in a piecemeal fashion as limited by the requirements of the nation-state and even a continental institution such as the European Common Market, or if a common approach is much more practical and feasible. Without supranational institutions to deal with supranational problems, nations cannot expect to continue functioning with any efficiency whatsoever.

Europe is becoming increasingly concerned over the direction of U.S. international policies in future years and with good reason. Fears are beginning to surface and are being eloquently enunciated by many of our European allies. President Georges Pompidou, in an interview with James Reston of the New York Times, which appeared in the December 14, 1972, issues of the Evening Star and Daily News, expressed his desire for high-level consultations to clarify United States-European monetary, trade, and political relations in 1973. In the January 12, 1973, edition of the Washington Post, staff writer Barbara Bright reported that West German Minister of Finance, Helmut Schmidt, proposed a summit meeting of West European and United States leaders. Schmidt noted that:

> We're treating monetary and trade problems much too casually. We need close, day-to-day contact.

Therefore, the time has never been riper for the Congress of the United States to put in motion the machinery necessary to carry out high level, indepth discussions exploring the question of Atlantic union.

This resolution would have us explore the Federal answer to the challenges which face us and explore it by the Federal Convention approach. It would have us look for solutions in the system of Federal Union which our Founding Fathers adopted—a system which has proved effective in the heart of Europe. Again, I emphasize, the time has come for those of us who live in the North Atlantic Community to begin exploring ways in which we may jointly tackle the burgeoning problems which are rapidly becoming too great for any one nation to deal with alone. We are all aware of the regional problems of defense and economics which now confront us. These will become even greater unless new and more efficient political institutions are developed.

We cannot escape the fact that the North Atlantic countries are interdependent in many ways. The great preponderance of all our international trade is among the North Atlantic nations. Economically, our relationship with Western Europe is one of complex interdependence. Witness, for example, the General Agreement on Tariffs and Trade, the Organization for Economic Cooperation and Development, the World Bank, the International Monetary Fund, the enactment of legislation which led to the Kennedy round of drastic tariff reductions.

Yet, in spite of these facts, the Federal answer to our supranational problems, even as promising and time-tested as it is, has not been explored at all with any other nation to date. It is strange that we have not yet done so when we look at our own experience with the alliance system—that is, the Articles of Confederation—and the great strength found in our own Federal system.

I want to emphasize at this point that the proposed Atlantic Convention is merely exploratory in nature. This resolution does not commit anyone to forming or entering into an Atlantic Union Federation or any type of organization or agreement. It commits us and the other participating nations only to exploring the question of Federal Union. The only requirement is that the delegates of the Convention report the findings of the Convention to their respective nations.

There is another issue which I feel this body should take into consideration when this resolution comes up for a vote. That issue centers around the type of world our youth will be facing as they assume the future leadership role of this Nation. I have had the pleasure of serving on the Advisory Board of Youth for Federal Union, an educational group advocating the Atlantic Union approach to dealing with our supranational problems. Youth, America's bellwether of change, has taken up the cause—an indication of increasing public support.

The formation of Youth for Federal Union is representative of the young people's healthy dissatisfaction with past approaches. By tapping into youth power—the 35 million Americans between 15 and 24—we can turn federated union into a reality. Youth has documented its great ability to organize and promote change.

Like our Nation's youth, supporters of Atlantic Union want to broaden man's horizons. Federal Union is not an end in itself, but a necessary beginning to overcome the problems of national rivalries that have plagued the world for centuries.

I want to take this opportunity to laud Youth for Federal Union in their efforts to acquaint the young people of this country with the Atlantic Union concept. I believe their efforts to be extremely constructive and I am confident they will be very successful.

In closing, I would add that the longer we put off the formation of an Atlantic Federal Union, the higher will be the cost of our inaction. We are already paying a large price for not having had the foresight to take steps in the direction of an Atlantic Federal Union. This resolution is a forward-looking measure aimed at exploring the setting up of better institutions for dealing with the wide range of international problems I have discussed in my remarks today. It provides the only effective way of dealing with multinational problems of defense, economics, pollution, and many other problems.

At this point, I ask unanimous consent that Mr. Reston's article appearing in the December 14, 1972 edition of The Evening Star and Daily News, and Barbara Bright's article in the January 12, 1973, edition of the Washington Post, be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Evening Star and Daily News, Dec. 14, 1972]

POMPIDOU ASKS U.S.-EUROPEAN TALKS

(By James Reston)

PARIS.—President Pompidou of France is now in favor of consultations "at the highest level" to clarify U.S.-European monetary, trade and political relations in 1973.

In a private interview at the Elysee Palace, the French president said world politics will be entering a new and difficult phase in 1973, but that the main thing is to get a better political understanding—he emphasized "political"—of the objectives of the United States, the expanded Common Market of Europe, and Japan

His main point seemed to be that all the major nations in 1973 find themselves in a new situation, as they did at the end of World War II.

TIME FOR REAPPRAISAL

The time has come, he said, for a thoughtful reappraisal, not only of money and trade questions which tend to divide nations, but for a little more reflection on the things that unite them.

He said France is pleased to see President Nixon restore better relations with China, and he agreed that President de Gaulle's conversations with Nixon in 1969 had perhaps helped bring about this reconciliation, but this was less significant for France and Europe than Washington's new and improved relations with the Soviet Union.

QUESTION OF MEANING

France also welcomes this, but asks what it means, he said. Europe naturally welcomed new talks between Washington and Moscow on the limitation of strategic weapons and the mutual force reductions, and will participate in the European Security Conference in 1973, but he said there are some fundamental questions about all this.

The Western European nations cannot help asking themselves, he said, whether the United States and the Soviet Union would be tempted to reach agreements between themselves to minimize the influence of Europe, and organize a peace that might be in their own interests, leaving Europe in a secondary position.

Washington and Moscow deny categorically, Pompidou said, that they have any such intention. He said he mentioned it only to illustrate the need for much more consultation between the major powers to avoid unnecessary and even dangerous misunderstandings in the coming year.

It is also essential, Pompidou said, that the major monetary and trading nations of the world begin to think about their common political objectives before they start quarreling about money and commerce.

Pompidou was frank and even blunt about this. He is concerned whether the United States would in fact help it through its difficulties of bringing Britain and other nations into the new expanded European economic community, or whether, worried about the increasing competition of the Common Market, Washington might put barriers in the way of the economic integration of the continent.

[From the Washington Post, Jan. 1, 1973]

GERMAN PROPOSES ATLANTIC SUMMIT

(By Barbara Bright)

Helmut Schmidt, West Germany's minister of finance, proposed yesterday that an Atlantic summit meeting of West European and U.S. leaders be convened after the French elections in March.

He also proposed, in a speech prepared for delivery last night at Newberry College in Newberry, S.C., that an American-European "royal commission" of distinguished and knowledgeable citizens be established to analyze the priorities of economic, monetary and security policies common to the United States and Western Europe.

"The time is ripe," Schmidt said, "for a thorough-going joint analysis and decision" on the interdependence of American and European political, defense, economic and monetary matters.

Schmidt's call for a summit meeting of West European leaders and President Nixon echoed a similar proposal made in December by French President Georges Pompidou.

There had been reports that President Nixon is planning a trip to Europe this spring, but the White House said Wednesday that no plans have been made for such a trip.

Reached by telephone yesterday in South Carolina, Schmidt said he felt it particularly necessary that a standing European-American commission study common economic and trade problems.

"We're treating monetary and trade problems much too casually," he said. "We need close, day-to-day contact."

In recent weeks, West German Chancellor Willy Brandt, Europe's elder statesman Jean Monnet and John J. McCloy, former U.S. high commissioner for Germany, have also called for such a European-American commission. One such group—the Committee of Nine of the North Atlantic Assembly, composed of nine European and American statesmen and parliamentarians—already exists.

Schmidt was invited to Newberry College to receive an honorary doctorate of laws degree.

By Mr. MOSS:

S.J. Res. 22. A joint resolution to authorize the President of the United States to proclaim the full week before Christmas each year as "National Postal Workers Week." Referred to the Committee on the Judiciary.

NATIONAL POSTAL WORKERS WEEK

Mr. MOSS. Mr. President, I have long felt that we should give greater recognition to our postal workers for the herculean job they do in carrying the mail—and particularly for the great efforts they make to deliver on time the increased load of letters, cards and packages which are sent every year for Christmas.

I am therefore today introducing a resolution to authorize the President of the United States to proclaim the full week before Christmas each week as "National Postal Workers Week." I ask that the full text of the resolution, which makes a case for its passage, be carried in the CONGRESSIONAL RECORD following these remarks.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 22

Whereas the United States Postal Service is one of our greatest national resources, serving Americans everywhere on a daily basis; providing a lifeline of communications for the Nation's businesses, families, friends, organized groups and all levels of government; bringing word from the larger cities to our most remote hamlets, and from the hamlets back to the cities; acting as an indispensable handmaiden to our press and publications; disseminating culture, education, religious thinking, scientific advancements, and information on almost all causes for human concern to all of our people;

Whereas this vast responsibility is met

daily by nearly 700,000 dedicated men and women of the Postal Service who carry on a tradition of the mail must go through which stretches back to the founding of our Nation;

Whereas this responsibility is especially arduous and demanding during the Christmas season;

Whereas the fulfillment of this responsibility efficiently and with good spirit has long been known, but given little public recognition, even though it is one of the finest performance of any group of public servants anywhere; and

Whereas such public recognition would give all postal workers greater pride in their work, and the incentive to do even better, and would furthermore, provide a way for the American people to say thank you to postal workers throughout the Nation: Therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the full week before Christmas each year be proclaimed as "National Postal Workers Week."

By Mr. KENNEDY (for himself, Mr. STEVENSON, Mr. RIBICOFF, Mr. MCINTYRE, Mr. PELL, Mr. JAVITS, Mr. HATHAWAY, Mr. AIKEN, Mr. BROOKE, Mr. MUSKIE, Mr. WILLIAMS, Mr. CASE, Mr. STAFFORD, Mr. COTTON, Mr. WEICKER, Mr. SYMINGTON, Mr. MCGOVERN, Mr. CLARK, Mr. BURDICK, Mr. MONDALE, Mr. NELSON, Mr. BAYH, Mr. PROXMIRE, Mr. ABOUREZK, Mr. PASTORE, Mr. HUMPHREY, Mr. HUGHES, Mr. HART, Mr. MOSS, and Mr. PERCY):

S.J. Res. 23. A joint resolution to authorize the emergency importation of oil into the United States. Referred to the Committee on Finance.

Mr. KENNEDY. Mr. President, I am introducing today with the distinguished Senator from Illinois (Mr. STEVENSON) and 28 other cosponsors legislation to suspend home heating oil import restrictions.

These suspensions will apply in all States east of the Rockies, petroleum districts I–IV .

The suspensions apply through April 1, 1974, for home heating oil import restrictions and for 90 days following enactment for all crude oil import restrictions.

An identical joint resolution also is being introduced in the House of Representatives by Congressman JAMES BURKE, Democrat of Massachusetts, and Congressman DAN ROSTENKOWSKI, Democrat of Illinois.

Although I was pleased to see that the pressure on the administration finally has brought action, I am extremely disturbed that we had to wait until the middle of January for such action.

I hope, as do all citizens, that this action will prove sufficient to meet the Nation's needs in the next several months.

Unfortunately, the short period of suspension of the import restriction may prove a major obstacle in easing the current shortage of home heating oil. European refineries traditionally have been reluctant to agree to short-term contracts.

We are in a crisis, a man-made crisis, produced by the administration and the oil companies.

And the situation does not solely affect the Midwest. Traditionally, it has been New England, which consumes 55 percent of the Nation's No. 2 fuel for heating their homes, which has suffered.

This year, we were not the first to feel this shortage. But, the threat of home heaters running out of oil now faces New England residents. A return of cold weather could well mean thousands of New England homes going without heat.

And I do not exaggerate. There are some 2,800 independent fuel dealers in New England. Approximately 300 of them have been told by their suppliers that they will be rationed until the end of the winter. Others have unexpectedly been told they have exceeded last year's monthly level and will be cut back—some as high as 30 to 45 percent of what they had expected.

In the case of Texaco's customers, this came on 24 hours notice. And each one of these local fuel companies supply several thousand homes and schools and factories with No. 2 fuel oil.

I have received numerous telegrams and telephone calls from these fuel oil companies. Tuesday, I met with representatives of these companies, officers of the New England Fuel Institute in Boston. They informed me that the situation is growing ever more critical.

The current crisis was created by the administration's past refusals to open the import valve to permit an adequate supply of home heating oil and crude oil to come into the United States.

Many of us warned the administration in the past that its policy of permitting a few small drops of imports into the country would not prevent the oil shortage we are now experiencing.

The President has had the power with a stroke of the pen to open that valve. All he had to do is sign a proclamation suspending import restrictions.

In telegrams and letters to the administration's oil policymakers and in congressional testimony, I called for that action over the past several years.

Yet the President refused. In September, he refused when there was a shortfall of some 10 million barrels in home heating stocks below the 1971 level. In December, he refused when there was a deficit of some 35 million barrels in home heating oil stocks over a year ago.

Each time, the Office of Emergency Preparedness announced that there would be no shortage. And each failure has meant that fewer and fewer sources of No. 2 oil are to be found anywhere in the world.

The end result is that now we see schools closing their doors in the Midwest. We see small businesses closing up shop. We see homeowners told they cannot be supplied with the fuel they need to heat their homes.

And until yesterday, the most that we heard from the executive branch is that if the warm weather holds up, the crisis will be averted.

For all of the technical powers and scientific competence of this Nation, it is absurd to see the Nation watching the weatherman every evening to determine whether or not we are going to run out of fuel to heat our homes, our hospitals, and our schools.

Yet this administration apparently was gambling, just as it did earlier this year, that the weather will stay warm.

For there has been no factor that could not have been foreseen that would justify permitting oil supplies to run so short that a run of cold weather could produce a national crisis.

The two factors cited recently by the Office of Emergency Preparedness to excuse the current crisis have been known about for over 2 years in one case and 18 months in the other. The Clean Air Act was passed in 1970. Its impact on the appetite of utilities for No. 2 fuel oil was clear over a year ago. Similiarly, if there was any effect from the price freeze on reducing the domestic refinery yield of No. 2 fuel oil, it should have been known more than a year ago. Statistics from the Bureau of Mines also do not substantiate the OEP argument that the price freeze was a major factor.

In any case, there was no excuse 7 months ago, for the administration's failure to take into account these factors before deciding to keep tight restrictions on oil imports.

Nor is this a problem that is coming to the surface for the first time. The oil import quota system is an archaic, regressive, inequitable system whose practical effect has been to keep oil company profits flowing while consumers support those profits by paying high prices and enduring periodic shortages.

In February 1970, the President's Cabinet Task Force on Oil Import Controls issued a study which challenged the national security basis for the system, finding instead that its main impact was to artificially maintain high oil prices.

The study found that the oil import quota system was costing the Nation's consumers $5 billion a year; a sum they expected to rise to nearly $8½ billion by 1980.

That is the system that is still being maintained today. It is a system that has produced the current crisis and it is a system that should be ended.

At the very least, it should be suspended to permit an adequate supply of oil now.

For that reason, the joint resolution which we are introducing today suspends home heating oil import restrictions through April 1, 1974, and crude oil restrictions for the next 90 days.

Mr. President, I ask unanimous consent that the joint resolution be printed immediately following my statement along with statements submitted by Senator STEVENSON.

There being no objection, the joint resolution and statement were ordered to be printed in the RECORD, as follows:

S.J. RES. 23

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds that—

(1) the level of supplies of some heating oil has not been adequate to meet the needs of homes across the nation,

(2) the major cause of the inadequate supply of such oil is the limitation on imports of petroleum and petroleum products established by Presidential Proclamation 3279, as amended, and

(3) a suspension of the provisions of that Proclamation and the provisions of section 232(b) of the Trade Expansion Act of 1962 with respect to petroleum and petroleum products will permit home heating oil to be imported, or produced in adequate quantities by domestic refineries, and thereby relieve the critical shortage of such oil.

SEC. 2. Beginning on the date of enactment of this Resolution, the provisions of Presidential Proclamation No. 3279, as amended, and of section 232(b) of the Trade Expansion Act of 1962 shall not apply to the importation of crude oil or number 2 fuel oil (home heating oil) until the ninety-first day after the date of enactment of this resolution (in the case of crude oil) or April 1, 1974 (in the case of number 2 fuel oil).

STATEMENT BY SENATOR STEVENSON

Mr. President, I join Senator Kennedy today in introducing a Joint Resolution to authorize the emergency importation of oil into the United States.

This year due to a wet and abnormally cold autumn and early winter, the fuel shortage was felt in the Midwest. As the winter wears on, the problems in the Midwest are continuing and intensifying, and from the Midwest that crisis has spread East, West, and even South.

Schools have been closed in many areas, including Denver and Topeka. Many other schools have been or are on the brink of closing, including those in Rockford, Stockton, Wilmette, and Highland Park, Illinois. Factories have been closed in Iowa, Missouri, and other Midwestern states, and I can point to temporary plant closings in Quincy, Effingham, and other Illinois communities.

The corn and soybean crop throughout the Midwest has been late in harvesting and has had an abnormally high moisture content due to the very wet autumn. Farmers and grain elevator operations need fuel to run their grain drying operations. That fuel has been scarce and sometimes non-existent.

The heating supplies of thousands of homes have been threatened. Hospitals and other public buildings have been subject to the threat of a fuel cutoff. And bus companies in Minneapolis, Peoria, and other communities have either already curtailed service or are expected to do so soon.

The immediate reasons for these shortages are many, and these reasons have interacted in a vicious circle. The heavy demand for natural gas for grain drying purposes, as well as early and extreme cold-spells that racked the Midwest, caused natural gas distributors to cut back their service to those customers that were on "interruptible" natural gas service. Under this service, certain customers contract with suppliers to receive natural gas only to a certain point of general natural gas availability. When this point is reached, the customers agree to turn to alternative sources of fuel, such as propane or heating oil.

Such interruptions began occurring in the Midwest early and frequently, especially for those farmers and grain elevator drying operations on interruptible service, but the consumers on this interruptible service quickly began to find that both propane and heating oil were in short supply. The shortages of propane and heating oil, moreover, were affecting regular customers as well as interruptible gas consumers.

The propane shortage to a large degree has been artificial. The Office of Emergency Preparedness has continually stated that there is available propane in the Southwest and elsewhere, but that it is a "transportation shortage"—primarily a rail tank car shortage—which has been causing delays in getting the propane to the Midwest.

That there is a genuine shortage of no. 2 heating oil, however, cannot be denied. In September, the stocks of no. 2 fuel oil were 10 million barrels below the 1971 level, and as of a week ago those stocks were 35 million barrels below the January 1972 level.

In spite of this shortage situation, until yesterday there was little change in the mandatory oil import quota program. On December 18, the Administration announced that the quotas, at least for the first few months of 1973, would be the same as they were in 1972.

In the intervening year, however, the demand for no. 2 oil and other forms of refined crude has increased enormously. Many industries turned from low grade coal to no. 2 oil because of new air emission standards in their community. Similarly, new auto emissions standards have caused an estimated 7% increase in the demand for gasoline. There is also the simple fact that more autos and people increase the demand for gasoline. Faced with this increasing demand for gasoline, and given the much higher profitability of refining gasoline than refining no. 2 oil, oil companies somewhat naturally have been refining somewhat more gasoline and somewhat less no. 2 heating oil. Hence, the real shortage we now face throughout the country.

It would be wrong to blame environmental standards for this crisis, or to be unduly harsh with the oil companies. As the *Washington Post* noted in an excellent editorial last Sunday, "the present level of demand was predictable." Apparently, it was predictable to everyone but those in the Executive Branch. The reserves of fuel oil nationally began to drop significantly last March. By mid-autumn, the stocks were down 13% from last year, while at the same time consumption was 13% higher than last year. Yet in the late summer and early autumn, the Office of Emergency Preparedness was telling Senator McIntyre's Subcommittee that it expected all to be well; it did not foresee a shortage this winter.

And as the shortage continued and developed, the Executive Branch has done virtually nothing. In September and December, minor adjustments were made to increase East Coast terminal imports, but the effects were predictably minimal. I have already mentioned the December 18 action setting imports for this year at the same level as last year. And then there was "the curious step" taken Monday, January 8, of increasing the quota of refined fuel oil that can enter the continental United States from but one refinery, owned by Amerada Hess, in the Virgin Islands. Glossing over but not minimizing the gross favoritism this showed for one company, there are also the factors to be considered that the total amount of oil coming through this refinery is infinitesimally small in comparison to the need, and that much of it would be committed to Hess' customers.

Each of these "actions" was accompanied by a press release heralding the Administration's new action that will end the fuel shortage. But anyone who could read figures was not fooled. All the actions put together had no impact at all on the Midwest, and nationally they had less effect than the proverbial finger in the dike.

On November 10, I wrote Secretary Morton and Director Lincoln to ask for a modification of the Oil Import Regulation in order to allow independent operators in Districts II through IV a quota. This was not to be a part of the present quota, but part of an increased overall quota. I believed this would be fair to the independent oil companies and safeguard against a fuel shortage. My letter received a mere acknowledgement.

On December 21, I wrote the President citing the reasons for the fuel shortage, and called for a temporary end to the oil import quota system. Again, my letter met with a mere acknowledgement. Other Senators in the Midwest and elsewhere wrote the President calling for this same action. Last week the members of the Senate Midwestern Democratic Caucus, myself included, sent a joint letter to the President to the same effect. Many Governors had asked the President to take the same action, including the newly-inaugurated Governor of my own State of Illinois, Daniel Walker.

Finally, after published reports that Senator Kennedy and I would introduce legislation to list the oil import quotas, the President acted. His action will provide much relief, but not enough for this winter or the next.

Independent terminal operators, in Districts II through IV (Illinois is in District II) still will have no crude oil quotas. In addition, the action is inadequate in regard to no. 2 home heating oil. Industry projections show that the fuel supply next year will be much improved—and could well be worse—unless it is a very warm winter. We cannot afford to take that risk. We cannot afford another long period of inaction or ineffective action.

Senator Kennedy and I are therefore introducing legislation today which imposes a complete 90-day suspension of the quotas for the importation of crude oil and a suspension until April 1, 1974, of the quota of no. 2 oil. The one-year plus suspension on no. 2 oil can give the oil industry a chance to store adequate reserves for next winter in order to avert another fuel shortage. This further suspension would also give the President and the Congress more time to resolve the long-range problems associated with the mandatory oil import quota program.

In the long run, the entire mandatory oil import quota program needs to be revised in the context of a broader program to deal with the energy crisis. Secretary of the Interior Morton has already called for major changes in the quota program, if not its end. It is hoped the subject will be discussed in the President's upcoming energy message.

There are other avenues we can be pursuing in the longer run. As to the natural gas shortage, we can continue to pursue and in fact accelerate our research into and developmet of the process of coal gasification. I have long been an advocate of increased funding for coal gasification.

We can also act in this Congress to begin to end the rail car shortage, so that we can bring propane more quickly to the areas of the country that need propane.

But what can be done immediately is to take further action in regard to the oil import quota program. This Resolution provides the vehicle for such action.

Suspending the quotas will not be a panacea. It cannot be expected to solve the energy crisis, and it may not have full effect until somewhat later in the winter, given the time it takes to contract for the oil and the time for transport. There may be quick relief, however, if oil can be obtained from Canada.

The mandatory oil import program is established pursuant to Section 232(b) of the Trade Expansion Act of 1962. That section sets "national security" as the criteria for establishing any quota program, and thus national security was and is the reason given for establishing and continuing oil import quotas.

This rationale was seriously challenged for the Administration's own Cabinet Task Force on Oil Import Control three years ago. The importation of oil from Canada does not threaten our national security. On the contrary, a program established for our national security has caused a national emergency.

The Midwest needs help. The East Coast and New England need help. We can only hope that this whole country will not need help again next year or in the years to come. Let us act quickly.

Mr. RIBICOFF. Mr. President, I am pleased to join with the distinguished Senators from Massachusetts (Mr. Kennedy) and Illinois (Mr. Stevenson) in calling for the immediate suspension of the import quota limitations on No. 2 home heating oil and crude oil.

Last week I received a letter from a fuel oil distributor in Connecticut which sums up the reason for this action:

> We have been notified by our supplier of #2 home heating oil that effective January 1, 1973, a quota system will be initiated limiting the supply of fuel available to us, and of course, to our customers. This quota will be based on our record of purchases during the 1971–72 heating season, making no allowance for the fact that the past winter was one of the mildest on record. Under the present formula, the projected allocation of product available to us during the coming month will approximate 75% of the fuel required by us to serve our customers adequately. If severe winter conditions should prevail, as during the 1969–70 heating year, the percentage of product available, in relation to our requirements, would be substantially less.

Unless Congress acts quickly, many New Englanders will run out of fuel to heat their homes before the winter ends.

In order to solve this recurring problem, I introduced last week with the cosponsorship of the entire New England senatorial delegation the New England States Fuel Oil Act. That bill would allow unlimited imports of No. 2 home heating oil year round into a special fuel district comprised of the six New England States and would remove the present tariff on imported oil thereby providing consumers with adequate supplies of heating oil at reasonable prices.

I am hopeful that Congress will act quickly on my proposal. Until then emergency actions are needed. The legislation we introduce today accomplishes this by suspending the crude oil import quota program for the remainder of this winter and the heating oil program through April 1974.

I ask unanimous consent that several articles be inserted in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

Potter's Oil Service, Inc.,
North Windham, Conn., January 9, 1973.

Hon. Abraham Ribicoff,
U.S. Senator, Old Senate Office Building, Washington, D.C.

Dear Senator Ribicoff: We have been notified by our supplier of #2 home heating oil that effective January 1, 1973, a quota system will be initiated limiting the supply of fuel available to us, and of course, to our customers. This quota will be based on our record of purchases during the 1971–72 heating season, making no allowance for the fact that the past winter was one of the mildest on record. Under the present formula, the projected allocation of product available to us during the coming month will approximate 75% of the fuel required by us to serve our customers adequately. If severe winter conditiitons should prevail, as during the 1969–70 heating year, the percentage of product available, in relation to our requirements, would be substantially less.

We request your assistance in alleviating the situation by lifting import quotas, encouraging the development of new sources of fuel, and investigating any other means of solution that may be feasible.

Yours truly,

Baron F. Bray.

Hon. A. Ribicoff,
Capitol Hill, D.C.:

Kenyon Oil Company, Inc. of Thompson, Connecticut, has been curtailed by 30 percent of its normal heating oil (2 fuel oil) requirements by its principal supplier, Texaco (Curran and Burton). Our company supplies 1500 household, business and municipal accounts, representing more than 6000 individuals in the States of Connecticut and nearby Massachusetts.

We were notified of the reduction of supply on Monday, January 15, 1973. We immediately contacted every known source of supply in the New England area and have been unable to find number 2 fuel oil at any price as of this writing.

We are applying this week for an immediate import quota of number 2 fuel oil, hopefully, to help solve this problem. We estimate our company will be out of fuel oil by January 27. The inability of our company to deliver our customer normal requirements, would result in a disaster for 1500 household, business, and municipal accounts. We beg you to contact the members of the OIAB to lend weight to our plea. Our only other thought was to ask you to contact the military to determine if they could make available any number 2 fuel oil to alleviate this problem.

Our customers and we are in a desperate situation and need your help.

Respectfully submitted.

Francis K. Laforge,
President.

V. Savin Fuel Co.
East Hartford, Conn.

Senator Abraham Ribicoff,
Senate Office Building,
Washington, D.C.:

Dear Abe. By 1–25–73 I will be unable to continue service of heating oil to some 3000 homeowners in the greater Hartford area due to a severe cutback of number 2 oil by my major supplier. It is imperative that you take immediate action to allow additional imports to relieve this situation.

Sincerely,

David Savin,
President.

[From the Hartford (Conn.) Times, Jan. 12, 1973]

Fuel Oil Famine Begins To Hurt State Consumers

(By Noah Gurock)

A substantial shortage of home heating oil is beginning to pinch Connecticut consumers, with independent oil dealers hardest hit as supplies tighten.

The independents—those who do not contract with a major supplier but shop around for the best price—report that they are unable to purchase oil in necessary quantities. Some say they cannot get any oil at all.

Other dealers, who have contracts with a distributor, are feeling the pinch also, with some of the suppliers rationing available fuel to customers.

"We are taking on no additional business," said Walter Brown, who is in charge of Shell Oil's distribution center in Stamford. "We are allocating fuel we do have to existing customers based on last year's purchases."

Independents, both large and small, are being told by Shell that there is no oil available.

A spokesman for Texaco in New York said his company is "allocating" oil to its existing regular customers, but would not say how much Texaco is cutting back. He, too, confirmed that independent companies are not being served.

The same is being reported at other companies.

Dealers who contract with Gulf, Esso and Tenneco-Laurel told The Times today that they are being limited to the amount they have contracted for and that in many cases even this amount is being rationed. Rationing is reported by some dealers to be between 20 and 30 per cent of contracted amounts.

"In normal times," said one executive at Savin Fuel, an Esso dealer, "if your business increases, they give you more. Now they are saying, not another drop."

All described the situation as "bad" or "tight" and one which is going to get worse if the cold weather keeps up.

Meanwhile, U.S. Sen. Abraham Ribicoff (D-Conn.), acting to ease the shortage, has proposed legislation that would remove all restrictions on the import of oil into New England.

Ribicoff said the action would remove a threat of a serious home fuel shortage during a severe winter and would save the consumers in New England about $90 million in costs.

At least one home heating oil industry spokesman has already warned that New England faces a certain shortage this winter—unless the government relaxes its import quotas.

John Buckley, vice president of Northeast Petroleum Industries Inc. in Boston, said yesterday homeowners could be without the fuel by the first of next month unless the quotas are eased.

Importation of home heating oil is now restricted to 45,000 barrels a day for the East Coast, and it must come from the Western Hemisphere. President Nixon lifted that geographical restriction temporarily, however, late last year through April 30.

Nevertheless, Ribicoff said, New England could use up to 90,000 barrels a day of the Number 2 oil and could benefit by importation of oil from Mideastern countries.

[From the Hartford (Conn.) Courant, Jan. 4, 1973]

State Warned of Fuel Crisis

(By Joel Lang)

Connecticut is on the brink of a critical heating fuel shortage, the president of the Connecticut Petroleum Association warned Saturday.

Raymond L. Langfield said only warmer than normal weather or immediate action by the President to raise oil import quotas can keep the already serious supply situation from graduating "into a full-blown consumer supply crisis before the end of January."

Right now, he said, the state should relax its air pollution standards and homeowners should take emergency measures to conserve heat.

Strict new air pollution laws require industries to burn low-sulphur fuel, the same type that has always been used in home oil burners. This year there is just not enough low-sulphur fuel to go around, Langfield said.

To use less fuel, he said, homeowners should draw their drapes, weatherstrip their windows, turn their thermostats down five to eight degrees at night, close off unused rooms and fix leaky hot water faucets.

The real solution to the energy crisis would be for the federal government to raise oil import quotas, he said.

Some smaller oil dealers in Connecticut are being forced out of business because wholesalers don't have enough oil to supply them and their bigger customers at the same time, Langfield noted.

"They're (the small dealers) scraping the bottom of the barrel," he said.

Langfield, whose organization represents independent oil dealers throughout the state, said Tuesday a critical fuel shortage would occur only if the winter became abnormally severe.

That was Tuesday.

Thursday Langfield and independent dealers began getting notices from wholesalers that the amount of oil they could purchase was being reduced. A substantial cold snap with subfreezing temperatures continued to guzzle away fuel supplies.

The Providence Gas Co., in Rhode Island announced Saturday it has told its commercial and industrial customers to stop using gas for production and to reduce heating by 25 per cent.

The order means between 20 and 30 large plants which rely heavily on gas for energy will be forced to close, and 2,000 to 3,000 workers will be idled. The order goes into effect Monday. A gas company spokesman said he hopes it can be lifted by Wednesday or Thursday.

The Connecticut Natural Gas Co., reported earlier this week it has an ample supply of gas because of a new liquid storage tank in Rocky Hill.

Gas and oil shortages have already shut down schools and factories in other parts of the country, particularly the Midwest.

Langfield said the oil shortage has been aggravated by new pollution standards for electrical power plants and less efficient automobile engines.

Electrical plants now burn low-sulphur oil to turn their turbines instead of high-sulphur fuels or coal. The result is a heavily increased demand for the high-grade oil of the kind that is used to heat homes.

Also Langfield said the use of electric power for heating is relatively inefficient because of the energy lost transmitting the power from the plant to the home. It takes four times as much oil for an electric plant to generate enough energy to produce the same heat as an oil burner in a home basement, he said.

Langfield also said automobiles produced since 1970 get much poorer gas mileage than earlier models because of the addition of antipollution devices. The result is that crude oil that might be processed into heating oil is being made into gasoline, he said.

In the long run, Langfield said, more efficient ways must be found to produce energy and care must be taken not to use energy unnecessarily.

But how warm Connecticut stays in the next few weeks depends a great deal on the weather, he said.

DEVELOPMENTAL DISABILITIES SERVICES AND FACILITIES CONSTRUCTION ACT EXTENSION

Mr. TAFT. Mr. President, I am again pleased to be a cosponsor of legislation to extend the Developmental Disabilities Services and Facilities Construction Amendments of 1970. The Developmental Disabilities Act (DDA) is an expansion of the mental retardation legislation of the past decade. This act was intended to serve people who are substantially handicapped.

The substantially handicapped differ from other handicapped because of the severity and multiplicity of their disability. They are not going to grow out of their condition; it will continue their lives long.

Yet where there have been adequate habilitative and supportive programs and services for them, they have clearly showed that they can live productive, useful, purposeful lives in their communities. They need not and should not be written off by society or filed away in the back wards of some institution.

The DDA addressed the problem of serving this group by providing formula grants to States to permit them to plan for and implement services.

This was landmark legislation since it provided for involvement of the consumers of the services or their representatives to work hand in hand with heads of State governments responsible for delivery of human services. By sitting down together on State DDA planning and advisory councils, concerned citizens have been able to plan for services to people cutting across departmental lines, traditional patterns and bureaucratic redtape.

This act has enabled States to experiment in microcosm with the allied services concept of the President. It encourages State and local, voluntary and public agencies to develop new approaches linking up diagnosis, referral, treatment, followup and follow-along. It makes possible the building of new statewide service systems to serve an up-to-now undeserved group.

In Ohio we have put together just such an innovative system with DDA funds mingled with other State funds—a protective service—case management system. This system will not only insure that the developmentally disabled get the services they need but it will assist us in turning around our residential institutional system and permit our developmentally disabled to live in our communities and join the mainstream of life.

Protective services is a new type of program which will require protective service workers with new skills and new types of training. DDA moneys are being channeled to our two Ohio University Affiliate facilities to provide this training—Columbus and Cincinnati.

As this program has gotten underway, gaps in our service program for the developmentally disabled have become glaringly apparent. Some DDA moneys are being used to fill these gaps. DDA moneys are also being used to help other agencies, both public and private, extend or improve ongoing services so they can better serve the developmentally disabled. The act has helped Ohio provide a better life for its substantially handicapped citizens.

I enthusiastically endorse this legislation.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 12

At the request of Mr. Williams, the Senator from Rhode Island (Mr. Pell) was added as a cosponsor of S. 12, the Urban Parkland Heritage Act.

S. 28

At the request of Mr. Moss, the Senator from Utah (Mr. Bennett), the Senator from South Dakota (Mr. McGovern), the Senator from Arizona (Mr. Goldwater), the Senators from Wyoming (Mr. Hansen and Mr. McGee), the Senators from Oregon (Mr. Hatfield and Mr. Packwood), and the Senators from Nevada (Mr. Bible and Mr. Cannon), were added as cosponsors to S. 28, to clarify the relationship of interests of the United States and of the States in the use of the waters of certain streams.

S. 30

At the request of Mr. Moss, the Senator from Colorado (Mr. Dominick) was added as a cosponsor of S. 30, to amend the Wild and Scenic Rivers Act by designating a segment of the Colorado River in the State of Utah as a component of the national wild and scenic rivers system.

S. 37

At the request of Mr. Metcalf, the Senator from Montana (Mr. Mansfield) was added as a cosponsor of S. 37, to amend the Budget and Accounting Act.

S. 176

At the request of Mr. Thurmond, the Senator from Arizona (Mr. Fannin), and the Senator from Florida (Mr. Gurney) were added as cosponsors of S. 176, the World War I Pension Act of 1973.

S. 260

At the request of Mr. Chiles, the name of the Senator from Kentucky (Mr. Huddleston) was added as a cosponsor of S. 260, to provide that meetings of Government agencies and of congressional committees shall be open to the public.

S. 263

At the request of Mr. Moss, the Senators from Nevada (Mr. Bible and Mr. Cannon), the Senator from North Dakota (Mr. Burdick), and the Senator from Colorado (Mr. Dominick) were added as cosponsors of S. 263, to establish mining and mineral research centers, to promote a more adequate national program of mining and minerals research, to supplement the act of December 31, 1970, and for other purposes.

S. 268

Mr. ROBERT C. BYRD. Mr. President, in behalf of Senator Jackson of Washington I ask unanimous consent that at the next printing of the bill, S. 268, to establish a national land use policy, to authorize the Secretary of the Interior to make grants to assist the States to develop and implement State land use programs, to coordinate Federal programs and policies which have a land use impact, to coordinate planning and management of Federal lands and planning and management of adjacent non-Federal lands, and to establish an Office of Land Use Policy Administration in the Department of the Interior, the names of the Senator from Wyoming (Mr. McGee), the Senator from New York (Mr. Javits), and the Senator from Arizona (Mr. Goldwater) be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 335

At the request of Mr. Church, the Senator from North Dakota (Mr. Burdick) and the Senator from West Virginia (Mr. Randolph) were added as cosponsors of S. 335, to promote development and expansion of community schools throughout the United States.

S. 394

At the request of Mr. Humphrey, the Senator from West Virginia (Mr. Byrd), the Senator from Idaho (Mr. Church), the Senator from Florida (Mr. Gurney), the Senator from Indiana (Mr. Hartke), the Senator from Georgia (Mr. Talmadge), and the Senator from South Carolina (Mr. Thurmond) were added as cosponsors of S. 394, to amend the Rural Electrification Act of 1936, as amended, to reaffirm that such funds made available for each fiscal year to carry out the programs provided for in such act be fully obligated in said year, and for other purposes.

At the request of Mr. Robert C. Byrd, for Mr. Humphrey, the name of the Senator from Montana (Mr. Mansfield) and the Senator from North Carolina (Mr. Ervin) were added as cosponsors of S. 394, to amend the Rural Electrification Act, as amended, to reaffirm that such funds made available for each fiscal year to carry out the programs provided for in such act be fully obligated in said year, and for other purposes.

SENATE CONCURRENT RESOLUTION 5—SUBMISSION OF A CONCURRENT RESOLUTION RELATING TO SENATE COMMITTEES

(Referred to the Committee on Rules and Administration.)

SENATE COMMITTEE JURISDICTIONS, FUNCTIONS, AND STAFF RESOURCES

Mr. HUMPHREY. Mr. President, I submit a Senate concurrent resolution that directs the Joint Committee on Congressional Operations to conduct or commission a study of Senate committee jurisdictions, functions, and staff resources. By September 1, 1974, a report with recommendations will be filed.

Mr. President, I believe that there is great need for this study. The various jurisdictions of the Senate committees have not been examined in depth since the 1946 Legislative Reorganization Act. Yet, there have been many changes since the late 1940's. New programs have been added to governmental responsibility; new challenges have been forced upon our governing institutions.

And, all the while there has been little change in the manner in which Congress examines, reviews, and authorizes legislation.

This has meant that jurisdictions over important policy areas now are split among a host of congressional committees. The budget, for example, is examined by over 31 committees and subcommittees. Public welfare programs such as public assistance, food stamps, and public housing, are scrutinized by the House Ways and Means Committee, the Health, Education, and Welfare Appropriations Subcommittees, the Agriculture Committees, the Senate Finance Committee, the House Housing Subcommittee, and the Senate Urban Affairs Subcommittee.

There are other examples of fragmented jurisdictions. Environmental policy is formulated in the Interior Committee, in the Agriculture Committee, and in Public Works. Urban affairs policy is considered by the Finance Committee, the Urban Affairs Subcommittee of Banking and Currency Committee, the Public Works Committee, and the Appropriation Committee. Trade policy is considered by the Agriculture Committee, the Finance Committee, the Foreign Relations Committee, and the Joint Economic Committee.

Functional committee jurisdiction is simply not present.

Clarity of purpose—and resulting control over program expenditures and program policy—is almost impossible to achieve.

The effort I am proposing today would examine the possibility of functionally organizing the committee structure of the Senate to avoid the overlap and fragmentation that now characterizes the legislative process.

It is my judgment that the study should examine the effect of committee jurisdiction on Congress as a policy initiating institution, and what must be done if Congress is to reassert a strong role in policy initiation. Such a study would mean an analysis of committee organization, and the application of new technology and data processing to improving the way committees do their jobs.

It would mean answering such questions as how Congress can best equip itself to monitor efficiently the programs it creates, how Congress can make the best use of technology, information, and the utilization of personnel to perform its constitutional oversight functions, and how we can best organize ourselves to make Congress truly a coequal branch of the Federal Government.

Mr. President, I would hope that the Senate would give prompt consideration to this resolution. I ask unanimous consent that the resolution be printed at this point in the Record.

There being no objection, the concurrent resolution was ordered to be printed in the Record, as follows:

S. Con. Res. 5

Whereas there is a demonstrated need for the Senate of the United States, as one house of the United States Congress, to assert its policymaking and oversight functions; and

Whereas the Committee structure of the United States Senate is so organized as to frustrate the examination, the analysis, and the oversight of governmental policy; and

Whereas, because of the fragmentation of committee jurisdiction and responsibility in the United States Senate, there has been a decrease in clarity of policy purpose and of Congressional control over governmental program operations and expenditures; Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the Joint Committee on Congressional Operations immediately begin or commission an in-depth analysis of the Committee jurisdictions of the United States Senate, taking into account the need to reduce fragmentation of policy and program oversight, the necessity for aligning Committee jurisdiction on the functional purposes of governmental programs, the potential application of new technologies for Committees of the United States Senate, and the requirement that staff personnel and resources be effectively and efficiently allocated among Committees of Congress of the United States. The Joint Committee on Congressional Operations shall make periodic reports to the United States Senate and present final recommendations to the Senate by September 1, 1974; also be it

Resolved, That Expenses of the Joint Committee on Congressional Operations under this concurrent resolution shall be paid from the contingency fund of the Senate upon vouchers approved by the Chairman of the Joint Committee on Congressional Operations.

SENATE RESOLUTION 21—ORIGINAL RESOLUTION REPORTED AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON PUBLIC WORKS

Referred to the Committee on Rules and Administration.

Mr. RANDOLPH, from the Committee on Public Works, reported the following original resolution:

S. Res. 21

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Public Works, or any subcommittee thereof, is authorized from March 1, 1973, through February 28, 1974, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

Sec. 2. The expenses of the committee under this resolution shall not exceed $665,000, of which amount not to exceed $9,000 shall be available for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202 (i) of the Legislative Reorganization Act of 1946, as amended).

Sec. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1974.

Sec. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 22—SUBMISSION OF A RESOLUTION PROPOSING COMMITTEE SESSION RULES CHANGE

(Referred to the Committee on Rules and Administration.)

ANTISECRECY IN SENATE COMMITTEE SESSIONS RULES CHANGE

Mr. HUMPHREY. Mr. President, I submit a resolution to amend the rules of the Senate to require that both hearings and mark-up sessions of Senate Committees be open to the public.

I offer this resolution on behalf of myself and Senator Roth, and Senators Hart and Percy, and the following additional cosponsors: Senators Abourezk, Biden, Brock, Clark, Cook, Cranston, Gurney, Haskell, Hathaway, Hughes, Mondale, Packwood, Stafford, and Tunney.

Our resolution would require, with national security and personal rights exemptions permitted if ordered by majority vote, that all meetings of Senate committees and subcommittees be open to the public.

As Common Cause and others have

pointed out, congressional committees do the public business. To the extent they do it in secrecy, the accountability between elected officials and their constituents is clouded.

I believe this is one of the major reform efforts which should be made early in this Congress. An antisecrecy rule could be adopted as a rules change within each committee, but I have concluded that the adoption of a uniform rule by the Senate as a whole would be the best approach.

The main target of our proposal, of course, is the so-called executive or mark-up session of the subcommittee and committee. In the Senate nearly all such sessions—which are at the crucial stage of the legislative process—are closed to the public. While there may have been convincing reasons for development of closed sessions in earlier years, I believe it is time to recognize that the public has a right to share in the development of legislative policy at every stage.

The benefits of an open-sessions policy can be summarized as follows:

First. Senators, as committee members, will be fully accountable to their constituents at the crucial stage of the legislative process, both as to their leadership within committee and their votes.

Second. An open-sessions procedure will increase public respect for the legislative process and for the Congress as a whole.

Third. The elimination of secrecy will strengthen legislation by making expert points of view available in the crucial moments when a bill is written in final form.

Fourth. Open sessions will increase the influence of the informed public and of public interest groups in open competition with the executive branch and the special interests who now have special access to markup sessions in many cases.

Fifth. Open committee and subcommittee sessions will provide insurance against hidden provisions or poorly drafted ones in legislation reported to the Senate.

Sixth. "Full access to committee sessions will improve the reporting and understanding of legislation by the news media."

Mr. President, I am encouraged by the action, on January 11, of the Senate Democratic caucus. It approved a resolution calling for open hearings and open markup sessions of Senate committees.

The resolution approved in the caucus by the Democratic majority reads:

1. "That the Senate Committees and the Senate should conduct their proceedings in open session in the absence of overriding reasons to the contrary;

2. "That whenever the doors of the Senate or of a Senate Committee are closed, a public explanation of the reasons therefore should be forthcoming, respectively, from the Joint Leadership or the Chairmen of the Committee;"

A third paragraph in the original resolution had exempted markup sessions in committees from the antisecrecy rule, but the Senator from Minnesota moved to strike this section and my motion was approved by the caucus. The paragraph I moved to strike read:

3. "That this resolution is not to be construed as militating against conducting routine procedural business or the marking-up of legislation in Executive Session."

This very firm action by the Caucus, especially the rejection of the specific exemption for mark-up sessions, gives strong impetus to our efforts to secure immediate hearings on the Humphrey-Roth-Hart-Percy antisecrecy rules change resolution and passage early in the session.

Enactment of the rule is still necessary, in my opinion, to provide a uniform, Senate-wide antisecrecy procedure and to specify clearly what exceptions are to be permitted to accommodate national security and personal rights exemptions.

Mr. President, I observe that Senator Mansfield's initiatives toward more open, accountable and responsive decisions within the caucus are unparalleled in the last two decades of the Congress.

In just a few short years, Senator Mansfield has guided the Democratic Caucus to support full information on Steering Committee decisions, full and free majority decision on committee assignments and committee chairmanships, guarantees that Senate conferees will accurately reflect the will of the Senate, and elimination of unnecessary secrecy in committee hearings and markup sessions. I doubt that the country fully realizes the importance of these changes and I want to compliment all my Democratic colleagues on their actions.

Mr. President, this proposal, reinforced by the resolution of the Democratic Conference, deserves immediate consideration. I have discussed this matter with the distinguished Senator from Nevada (Mr. Cannon) who is chairman of the Committee on Rules and Administration. On the basis of that discussion I believe our prospects for hearings to be scheduled in the near future are good.

Mr. President, I ask consent that the text of the resolution be printed in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

S. Res. 22

Resolved, that the Standing Rules of The Senate are amended by adding at the end thereof the following new rule:

"RULE — OPEN MEETINGS OF COMMITTEES AND SUBCOMMITTEES

"All meetings of all Standing, Joint, Special and Select Committees and their subcommittees shall be open to the public, except when the subject matter of the meeting involves the national security, and then only when a motion to meet in executive session shall be adopted by majority vote of the members of such committee who are present at the meeting; and except meetings of any committee or subcommittee in which testimony or evidence presented or considered may tend to defame, degrade or incriminate any person, in which case such testimony or evidence shall be received and considered in executive session, and then only when a motion to meet in executive session shall be adopted by majority vote of the members of such committee who are present at the meeting."

Mr. ROTH. Mr. President, the resolution that the distinguished junior Senator from Minnesota and I, together with the distinguished senior Senators from Illinois and Michigan, are offering today is a simple one, but one which could effect an important reform in the way in which the Senate conducts its business. We are very pleased to have as original cosponsors of this legislation Senators Abourezk, Biden, Brock, Clark, Cook, Cranston, Gurney, Haskell, Hathaway, Hughes, Mondale, Packwood, Stafford, and Tunney.

We seek to add to the rules that govern this body a new rule which would require that all committee meetings—hearings as well as drafting and markup session—be open to the public with only two exceptions. These exceptions—the only ones which we believe are necessary—are that business which involves the national security or which could infringe upon personal privacy by tending to defame the character of an individual may be closed when the members of the committee agree to a closed session by majority vote.

This reform is long overdue. It has unfortunately become almost an established rule of thumb that committee business—except hearings—be held in executive session. Closed committee doors hide from the public a vital part of the legislative process. They also permit abuses contrary to the spirit of democratic government.

Bills may be substantially modified outside the purview of the media and the public. Legislators may assume positions for which they are not accountable to the electorate. While committee business is closed to the public, special interest groups may be able to keep informed on and influence decisions through friends on the committee staff. Finally, secrecy permits the release of selective and biased reports of the committee business through "leaks," which cannot be corroborated for accuracy.

This resolution will close the door on such practices and open the door to the public. And, by making Senators more accountable to the electorate, it should help bridge a growing gap between one of the major challenges to the vitality of our form of government.

Of course, the practice of closed door sessions in the Senate is only one part of the problem that is creating this gap—the problem of excessive secrecy at all levels of government. I hope that one of the major accomplishments of the 93d Congress will be the enactment of legislation to deal with this problem. The place to start is right here in the Senate. Open doors will increase the public's confidence in the Senate and our procedures. And when we open our meetings to the media and the electorate, we will be in a better position to insist upon more open procedures from the rest of the Federal Government as well.

TOXIC SUBSTANCES CONTROL ACT OF 1973—AMENDMENT

AMENDMENT NO. 1

(Ordered to be printed and referred to the Committee on Commerce.)

Mr. ROBERT C. BYRD. Mr. President, on behalf of the distinguished senior Senator from Washington (Mr. Magnuson), I submit an amendment intended to be proposed by him to the bill (S. 426), the Toxic Substances Control Act of 1973.

Mr. President, I ask unanimous consent that a statement prepared by him in connection with the amendment together with the amendment itself be printed at this point in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

Statement By Senator Magnuson

Mr. President, the amendment I submit today to S. 426, the Toxic Substances Control Act, is designed to further protect the consuming public from the dangers that may arise from the very chemical substances regulated by that legislation and by other contaminants as well.

The amendment would establish within the Food and Drug Administration a program for the surveillance of dangerous materials in food. In doing so, FDA would specify by regulation all dangerous materials and the intensive screening procedures that would be followed in order to avoid unreasonable threats to human health. In the event that insufficient knowledge exists to gauge the public health threat, the regulations would specify how that knowledge would be gained.

A dangerous material is defined by the amendment to mean "any material which there is reason to believe might reach toxic levels in significant quantities of food so as to threaten human health". Thus, the amendment would establish a formal procedure whereby the Food and Drug Administration would be required to spell out the procedures it will use to monitor this nation's food supply for contaminants and how scientific gaps as to toxicity and detection methodology, for example, would be filled.

While the Food, Drug and Cosmetic Act contains the mandate to protect against adulterated foods, nothing in that Act gives specific direction as to how surveillance procedures are to be developed or to how research into toxic effects is to proceed. This amendment would give that direction by specifying that level of surveillance which is "required to provide reasonable assurance" that unreasonable threats are not presented.

The ability of the Food and Drug Administration and other agencies of the Federal Government to adequately protect consumers from dangerous materials in foods has been seriously questioned in the recent past. As an example, the presence of mercury in fish and fishery products was controlled by the Food and Drug Administration only after private scientists discovered its presence. Thus, FDA's routine surveillance procedures were incapable of detecting the mercury crisis. Moreover, at hearings of the Subcommittee on the Environment, the Food and Drug Administration indicated that most foods could become contaminated with mercury and other heavy metals under the stress of certain environmental conditions indicating that the mercury crisis may not be restricted to fish. In addition, the recent discoveries of polychlorinated biphenols (PCBs) in poultry products, and botulism in canned foods are indicative of the need to step up our surveillance procedures. In the case of botulism in canned soup, the death of a man prompted the intensive search.

The presence of pesticides in food has also been a subject of concern to consumers. In his book entitled "The Chemical Feast", James S. Turner commented on the extent of FDA enforcement of pesticide tolerances.

"Once set, tolerances are not properly enforced by the FDA. Its stated method for enforcement is to collect samples of products for evaluation of pesticide residues. In 1963, the FDA reported that it expected to inspect 25,000 shipments of produce entering interstate commerce. This figure was admitted to be less than 1% of the total shipments. In 1967, the Agency reported that it had actually conducted only 49,044 inspections between July 1, 1963 and June 30, 1966—significantly fewer than even the modest projection. This record of inspections, covering approximately 0.7% of the total number of shipments, is hardly as reassuring as the FDA's glowing reports sound. With over a 99% chance of going undetected, there is little incentive provided by this program to apply pesticides sparingly."

By requiring the Food and Drug Administration to specify its surveillance procedures by regulation, an opportunity will be presented for concerned scientists and consumers to initiate a higher level of surveillance by petitioning FDA, to offer their comments during the administrative review of the regulations, and to seek review of those regulations in court when they are promulgated. Thus, private citizens will be able to involve themselves in the regulatory process and provide an incentive for EPA to develop proper procedures for surveillance and toxicity research.

For example, Dr. John Wood of the University of Illinois was responsible for the scientific work which first demonstrated conclusively that the innocuous forms of mercury could be converted to the deadly methylmercury by aquatic bacteria. His discovery was made in 1967 and generally fell upon deaf ears even though the discovery was publicized. Dr. Wood testified at hearings on the Subcommittee on the Environment that if this provision had been in effect at that time he would have taken advantage of the provision and petitioned FDA to increase its surveillance based on his scientific work. If he had been successful, the mercury crisis might well have been detected years before it ultimately came to light.

The current responsibility for the surveillance of dangerous materials in food lies not only with the Food and Drug Administration, but with the Department of Agriculture, the Department of Commerce, and a variety of State and local agencies. In promulgating its regulations, the Food and Drug Administration would be expected to consider the efforts made by others in order to avoid duplication. Thus, the responsibility of FDA with respect to the inspection of poultry products, for example, would be to supplement the efforts of the Department of Agriculture to the extent necessary to provide reasonable assurances that dangerous materials in poultry do not constitute an unreasonable threat to human health.

S. 426

Amendments No. 1

Strike out the short title at the beginning of the bill and insert in lieu thereof the following:

"TITLE I—TOXIC SUBSTANCES CONTROL

"Sec. 101. This title may be cited as the 'Toxic Substances Control Act of 1973'."

Renumber sections 2 through 26 as sections 102 through 126, respectively.

Strike out the term "this Act" wherever it appears and insert in lieu thereof "this title".

At the end of the bill add a new title as follows:

TITLE II—SURVEILLANCE FOR DANGEROUS MATERIALS

Sec. 201. This title may be cited as the "Federal Food Inspection Act of 1973".

Sec. 202. Chapter IV of the Federal Food, Drug, and Cosmetic Act is amended by adding at the end thereof a new section as follows:

"Surveillance for Dangerous Materials

"Sec. 410. (a) In order to protect consumers from the dangers of dangerous materials which may be found in food, the Secretary shall initiate and carry out an intensive screening system for the detection of such materials in food.

"(b) As used in this section—

"(1) The term 'dangerous material' means any material which there is reason to believe might reach toxic levels in significant quantities of food so as to threaten human health.

"(2) The term 'intensive screening' means that level of surveillance required to provide reasonable assurance that the presence of dangerous materials in food does not constitute an unreasonable threat to human health. Such surveillance shall consist of sampling and analysis of those foods which there is reason to believe contain dangerous materials in such quantities as to threaten or significantly contribute to the threat to human health. In the case of those dangerous materials for which additional research is necessary to reasonably specify such levels of surveillance, such term also means that level of research which is required to gain reasonably sufficient knowledge to gauge the threat to human health arising from the presence of such dangerous materials in food and any other information necessary to ascertain such levels. To the extent practicable, such research shall utilize data on human exposure which relates to consumption patterns and the accumulative effect on human metabolism.

"(c) Not more than one hundred and eighty days after the date of enactment of this section, the Secretary shall propose regulations specifying all dangerous materials and the intensive screening procedures that he will follow in carrying out this section. The Secretary may modify or amend such regulations at any time after they become final either on his own initiative or on the petition of any interested person. Those adversely affected by any proposed regulation, any proposed modification or amendment, or the denial of any petition for any such modification or amendment may file objections thereto with the Secretary showing reasonable grounds therefor and request a hearing thereon. The Secretary shall afford an opportunity for a hearing on such objections. All hearings conducted pursuant to this section shall consist of the oral and written presentation of data, views, or arguments pursuant to section 553 of title 5 of the United States Code.

"(d) If the Secretary finds that there is a threat to the public health that requires an immediate increase in the level of intensive screening for any hazardous material in food, he may increase the level of such research or testing to such extent he determines necessary without regard to any requirement under this section for previous notice or opportunity for a hearing; but the Secretary shall comply with such requirements as soon as practicable after initiating such increase in the level of intensive screening for the dangerous material in question.

"(e) Analyses performed under this section to determine the presence and amount of dangerous materials in food shall be performed using the best available technology.

"(f) The results of any analyses of research performed under this section shall be available to the public upon request to the Secretary."

NOTICE OF HEARINGS ON BOXCAR SHORTAGE

Mr. HUDDLESTON. Mr. President, the Subcommittee on Agricultural Production, Marketing, and Stabilization of Prices, of the Committee on Agriculture and Forestry, will hold a hearing Thursday, January 25, on the boxcar shortage, which is slowing down the movement of recently harvested grain. The hearing will be in room 324, Russell Office Building, beginning at 10 a.m. Public witnesses will be limited to a 10-minute oral presentation, with the privilege of filing longer statements. Anyone wishing to testify should contact the committee clerk as soon as possible.

NOTICE OF HEARING ON CERTAIN NOMINATIONS

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Thursday, January 25, 1973, at 10:30 a.m. in room 2228, New Senate Office Building, on the following nominations:

Robert G. Dixon, Jr., of Maryland, to be an Assistant Attorney General, vice Roger C. Cramton;

James D. McKevitt, of Colorado, to be an Assistant Attorney General, vice Dallas S. Townsend; and

J. Stanley Pottinger, of California, to be an Assistant Attorney General, vice David L. Norman.

Any persons desiring to offer testimony in regard to these nominations shall, not later than 48 hours prior to such hearing, file in writing with the committee a request to be heard and a statement of their proposed testimony.

NOTICE OF HEARINGS ON PENSION LEGISLATION

Mr. WILLIAMS. Mr. President, I wish to announce that the Subcommittee on Labor will hold hearings on the "Retirement Income Security for Employees Act of 1973" (S. 4), on January 31 and February 1, 1973, at 9:30 a.m., in room 4232 New Senate Office Building. Persons who are interested in testifying at this hearing, or who wish to submit written statements with respect to some, should notify Mr. Mario T. Noto, special counsel, Subcommittee on Labor, room 4230 New Senate Office Building—telephone 225-3656—within 5 days of this announcement.

NOTICE OF HEARINGS ON SECURITY OF OIL AND GAS IMPORTS

Mr. JACKSON. Mr. President, for the information of Members of the Senate, the Senate Interior Committee will continue hearings on the security of oil and gas imports on Monday, January 22, 1973 at 10 a.m. in room 3110 of the Dirksen (New) Senate Office Building.

Witnesses to be heard at that time will be as follows:

At 10 a.m., Department of Defense: Barry J. Shillito, Assistant Secretary of Defense, Installations and Logistics; and Adm. Elmo R. Zumwalt, U.S. Navy, Chief of Navy Operations.

At 2 p.m., State Department: Willis Armstrong, Assistant Secretary of State, Economic Affairs.

ANNOUNCEMENT OF HEARINGS BY DISTRICT COMMITTEE ON NOMINATION OF WALTER E. WASHINGTON TO BE COMMISSIONER-MAYOR OF THE DISTRICT OF COLUMBIA

Mr. MATHIAS. Mr. President, on behalf of the chairman, Senator EAGLETON, and myself, I wish to announce that on Wednesday, January 24, 1973, at 9:30 a.m., in room 6226, New Senate Office Building, the Committee on the District of Columbia will hold a public hearing on the nomination of Walter E. Washington to be Commissioner-Mayor of the District of Columbia.

Persons wishing to testify at this hearing should contact Robert Harris, Staff Director of the District Committee, by the close of business on Monday, January 22, 1973.

ADDITIONAL STATEMENTS

CONGRESS: SERVANT OR EQUALS? A CONSTITUTIONAL QUESTION

Mr. CHURCH. Mr. President, finally, national attention is beginning to focus on Congress—on whether we will move to recapture our constitutional role as a coequal branch of government, or whether we will allow ourselves to submit still further to Presidential domination.

This is a struggle which I welcome, as one who has repeatedly warned of the approaching constitutional crisis between Congress and an ever-more-powerful Executive. Perhaps the most cogent analysis of the problem comes from the National Committee for an Effective Congress.

In the long years of its existence, the NCEC has worked for the goal which its name implies—an effective Congress. Its work has been carried out on a nonpartisan basis. The committee has supported Senators and Congressmen of both political parties. In the elections just over, for example, the NCEC supported four Republicans—Senators BROOKE, CASE, PEARSON, and PERCY—as well as nine Democrats—Senators HUDDLESTON, HATHAWAY, HASKELL, BIDEN, CLARK, ABOUREZK, PELL, METCALF, and MONDALE.

The NCEC's analysis of the problem—and a suggested program to come to grips with it—is spelled out in a letter of January 8 to Members of the House and Senate.

It is a comprehensive document, one which I urge Senators to read. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the document is ordered to be printed in the RECORD, as follows:

NATIONAL COMMITTEE FOR AN EFFECTIVE CONGRESS,
Washington, D.C., January 8, 1972.

DEAR MEMBER OF CONGRESS: It is with the greatest urgency that we write this letter to all members of the Senate and the House of Representatives, of both parties, with whom the NCEC has worked in the past.

The President's shocking resort to all-out bombing in Vietnam has finally forced the question of who in our government has the authority to make war. It has also focused attention on other developments which, in combination, constitute a grave assault on our entire system of government.

We are witnessing a dangerous trend toward an authoritarian Executive regime which, if continued, could destroy effective governmental checks and balances. It is obvious that Congressional compliance in past years has emboldened President Nixon in his thrust toward Constitutional-system busting. A Constitutional crisis is not threatened—it is here.

Patterns with wide-ranging implications are unfolding on four fronts:

(1) *War-making and military operations continue in various parts of the world without reference to the Congress.* Although dectary are powers specifically reserved to the legislative branch, this Administration proceeds alone and in secret, as if the illegal precedent of previous Administrations justified an even more blatant disregard for the Constitution.

The recent assertion by Congress of its prime responsibilities in this crucial area has been met with disdain by the executive. Following a Congressional proscription on funds for para-military ventures in Laos, for example, the Administration defiantly proceeded to spend money for precisely that purpose. In a further display of his contempt for Congress, the President declared when signing P.L. 92-156, the Military Procurement Appropriation, that he would not be bound by Title VI of that law calling for termination of the Vietnam War. It is important to note that the terms of the October 26 Kissinger-Le Duc Tho agreement fell well within the provisions of Title VI, the so-called Mansfield Amendment.

While the President has arrogated the power to make war, Congress remains the sole source of funds for waging war. Now, after assuring the country that "peace is at hand," that disarmament is progressing and armed conflict with China and Russia is improbable, the Administration seeks even larger military appropriations. For the 93rd Congress to appropriate increased monies without first reestablishing its war and military powers would show a reckless disregard for all recent experience and constitute another abdication of both Constitutional and moral responsibility.

(2) *The President's planned restructuring of the executive branch, down-grading the Cabinet and sequestering power inside the White House, would dramatically diminish Congressional controls on the Federal administration.* A plan aimed in the same direction was rejected by Congress last year. Under the President's present reorganization, those vital areas where Congress has always shared policy-making with the executive branch would be placed beyond Congressional reach. Key officials in most cases would no longer be subject to confirmation, nor would they be accessible for consultation or questioning or their performance subject to legislative oversight. While Cabinet officers would retain their limousines, authentic policy-making power would be put in the hands of the President's personal staff, sheltered by "executive immunity."

All this is being done in the name of greater efficiency. In fact, the design reproduces that of the Nixon foreign policy apparatus, where the untouchable Dr. Kissinger commands a personal foreign ministry while the accountable Secretary of State is a ceremonial figure, able to share very little with Congress except frustration. Similar atrophy awaits departments with jurisdiction over natural resources, urban matters, transportation, commerce, health, education and welfare. Broad domestic and economic policy will be directed by a small group of managers, under the dual command of John Ehrlichman and George Schultz who will operate behind the shield of "Special Presidential Assistant." The chain of command will flow through an inner network of assistant secretaries and bureau chiefs picked from the inner circle of White House loyalists. Cabinet officers will have nothing to do with their selection nor exercise any real authority over them. Thus, instead of the accountable "open government" Mr. Nixon promised the American people, the cabinet system will fade and control will be concentrated in an authoritarian President.

(3) *The withholding and impounding of Congressionally appropriated funds represents a studied attempt by the Nixon Administration to kill by attrition what it failed to stop legislatively.* Funds for education, environmental programs, agricultural relief, transportation, housing, to cite just a few examples, have been frozen. At the same time, funds for the Vietnam War and for military procurement flow freely. The executive has arbitrarily ignored the decisions of Congress.

A most glaring example is that of the water pollution control program passed late in 1972. The President lost two rounds on Capitol Hill, first when Congress voted the funds and again when it overrode his veto. His response then was to ignore the Congressional dictum and to mousetrap the money. Faced by continuing usurpation on the part of the Administration, Congress may be driven to use similar pressure tactics, holding back funds that the President seeks, or refusing to vote further borrowing authority to the Treasury. This is the ultimate fiscal weapon, only reluctantly employed. Against a President who wants to kill off the major social programs developed over the past 40 years, however, Congress can play its trump card.

(4) *The Administration is engaged in a heightened campaign to curb information and the communications media and to stifle individual dissent.* The issue is fundamental. As James Madison said, "Public opinion sets bounds to every government and is the real sovereign in every free one." There is no surer or subtler way to coerce a Congressman than to manage the information available to his constituents and control the political climate. The President commands full and immediate access to information and can tell as little or as much as he likes, while the individual member of Congress must largely rely on the uninhibited, informed reporting of a free press.

The Administration has recently stepped up its attack on those publications which look too closely into its closets; it browbeats the offending media, prosecutes reporters, threatens broadcasters who must renew licenses.

Moreover, the flow of official information is more and more restricted and managed. The Public Broadcasting System's public affairs coverage is to be drastically reduced and, at the same time, subjected to greater political influence. The growing mass of communiques provide less and less enlightment. Under the system envisaged, high policy-makers will sit behind the closed doors of executive privilege, just as inaccessible to the press as to the Congress. The President himself has studiously avoided confronting the press, speaking, when he does, from "the top of the mountain" with no question, no dialogue, no discussion allowed.

Along with the intimidation of the media and the restricting of news sources, there is increased invasion of individual citizens' lives with political harassment and trials, wire tapping, electronic surveillance, computerized dossiers, all arrayed against personal privacy and the exercise of civil liberties.

More ominous are recent court decisions limiting the protection of confidential news sources. This shows the Nixon philosophy penetrating the judiciary, historically the champion of the First Amendment. Only Congress is left to wage battle with the Nixon Administration to protect the freedoms of speech, press and information. In this vital area the Congress has as great a stake as in the confrontation over war-making, government spending, and the accountability of the federal establishment.

THE SLIPPAGE OF POWER

The executive's simultaneous advance on four fronts suggests that Mr. Nixon and his technocrats of power are not unmindful of grand designing. But like any expansionist drive, it follows the lines of least resistance, invading Congressional domain and moving into vacuums wherever Congress has failed to exercise its prerogatives. The process started long ago when Congress ceded its shared role in foreign affairs by accepting such devices as the "executive agreement" and acquiescing on any issue where the flag of "national security" was hoisted. This situation deteriorated with Congress' acceptance of expanding executive privilege and other assumed powers which now penetrate all phases of governmental operations.

There have been attempts to explain what motivates legislators to first seek the responsibility of office and then spend much of their official lives trying to escape these responsibilities. Congress' lemming-like behavior reached a new high last October when the House voted to surrender to the President all discretion over spending and budget cuts. It was a shocking display by a body which has spent so much time proclaiming its power over fiscal matters and fighting with the Senate to protect its supremacy. Although the measure was finally rejected, the incident revealed how deeply Congress is infected with a feeling of incapacity, and how strong is the urge to pass the burden of difficult decision to the President. Members feel relieved of personal responsibility, losing themselves in the mass of 435 Representatives and 100 Senators. If there are no funds for schools, housing, transportation, the President can be blamed, and if funds are forthcoming, the Member can always point to a speech, a last minute vote, or his name on an early bill cosponsoring the project. It is a riskless game that frustrates Constitutional intent.

We recognize the need for strong leadership, effective internal organization, and committee specialization in a legislative body. But ultimately the legislator must be held individually responsible and accountable. He cannot fade into the structure.

The reluctance of Members to vote their conscience and to accept personal responsibility has weakened the Congressional system and left a homogenized and docile body. We have seen how so grave an issue as the Vietnam War was obscured and papered over. Votes were taken on isolated, peripheral issues, while a confrontation on the overall policy was avoided. Members have repeatedly approved authorizations and appropriations for Vietnam, claiming they were voting not for the war but for "support of our troops."

No more evasive sophistry can be found than the declaration of a powerful House chairman that a vote for a supplemental military appropriations bill "does not involve a test as to one's basic views as to the war in Vietnam. The question here is that the soldiers are entitled to our support as long as they are there, regardless of our views otherwise." It is upon such tissue of rationalization that Congress has sustained the longest war in our history, underwritten an expeditionary force of over half a million men and spent billions of dollars, without ever approving the underlying policy.

If Congress is passive, failing to exercise its Constitutional prerogatives, refusing to deal with basic issues and making up false ones, it will fall far short of what its responsibility demands, and far short of what the public expects judging from the last election. In such a situation decisions are made by the Executive and his bureaucrats, without public accountability, constitutional restraint, and Congressional deliberation. We have come to this point.

MANDATE TO CONGRESS

The results of the 1972 election show that Congress has the strength, if it has the will, to recover its own influence and reverse the President's rush toward "pharaohistic government." The Congressional potential was greatly reinforced by the unprecedented independence shown by the voters. This was the meaning of the ticket splitting, voter selectivity, absence of coattails, obliterating of party and regional patterns.

If this election has a single message, it is that the American people voted against monolithic government. The voters decisively affirmed the system of checks and balances, exhibiting an intuitive desire to assure restraints on executive power. The mandate to Congress is at least equal to the President's.

This is illustrated by the outcome of the Senate races. Candidates who conducted shoe-string campaigns, who walked their districts and listened, defeated candidates who saturated the media with expensive prepackaged campaigns. Of the 17 Senate candidates backed by the NCEC, 13 won. The four Republicans—Senators Brooke, Case, Pearson, and Percy—piled up huge majorities, running ahead of the President and far in front of the orthodox party conservatives in their states. Winning Democrats endorsed by the NCEC include incumbents Metcalf, Mondale and Pell, and a total of six challenger candidates who surprised the pundits with the vitality and momentum of their campaigns—Abourezk, Biden, Clark, Haskell, Hathaway and Huddleston. In the House, the arithmetic is not so dramatic but the same evidence of public discernment prevailed.

AN ACTION PROGRAM

Congress has the tools to implement its mandate and restore constitutional balance:

(1) *The power of the purse* is the traditional and clearly the most formidable weapon. It can and should be effectively utilized not only to pursue positive goals and to assure that the letter and spirit of Congressional actions are carried out, but also to prevent or restrain executive actions deemed harmful by Congress.

The Vietnam War is the most striking example of how Congress' powers of restraint can be exercised. It remains the over-riding national issue, distorting and obscuring all others. It is now the immediate responsibility of Congress to end our involvement in Southeast Asia. Congress can do so by cutting off funds for Vietnam and future military ventures, by rescinding money obigated for war purposes, by further limiting the Treasury's borrowing authority, and by reducing or suspending other funds requested by the executive branch until Congress' injunctions are heeded. By reasserting its Constitutional controls over government spending and over the use of the armed forces, Congress can begin to challenge the self-generating machinery of war and the military determinism which has so engulfed this period of our national life. These same methods are available to Congress in the fight over impounded funds and to otherwise induce the President to implement positive programs enacted by Congress.

(2) *Congress must begin to restructure its own machinery if it is to effectively exercise its responsibility over taxing and spending in the future.* Members must have knowledge and understanding of the national budg-

et and be able to communicate this to their own constituencies. A beginning was made with the creation last year of a Joint Committee * to review the operation of the budget and recommend means of Congressional control. However, in its deliberations Congress must face certain questions:

(a) The False Bottom Budget—Since the Second World War, the executive has prided itself on hiding from Congress and the people funds for covert intelligence programs of the CIA and other agencies, secret military operations and military assistance programs, and overseas and domestic political activities. The budget has become less an explanation than a diversionary tactic. It is time that Congress demanded a full and intelligible public accounting so that it might judge programs and make future decisions undistorted by executive secrecy. More than one Congressman has thought he was voting for social welfare when he was in fact providing funds for a CIA program.

(b) Responsible spending—Congress now approaches the national budget on a piecemeal basis. To make possible rational evaluation of the executive budget, Congress must develop its own basic budget predicated on its assessment of national priorities and the needs of the people. A Congressional Budget Office, or its equivalent, staffed by experts and provided with modern computer equipment, should be established to assist in the preparation of such an annual legislative budget and to provide Congress expert evaluation of the President's budget in its entirety.

In addition, Congressional reluctance to adequately staff and equip existing committees is nowhere so evident as in this key area. This must be remedied. Such ill-considered economy has crippled legislators' ability to make informed decisions on complex questions requiring detailed technical knowledge. For example, to handle more than $250 billion of Federal expenditures, the staff of the Senate Appropriations Committee numbers 37, and the House 29, including clerical personnel. Meanwhile, the President's Office of Management and Budget numbers 700, supported by battalions of departmental budget officers and banks of computers. It is neither necessary nor possible to match the executive branch staff in numbers, but it is essential that Congress be able to make its own evaluation and develop alternatives.

(c) Just as it should require an end to subterfuge by the Executive, Congress in turn must lift the veil of secrecy which has surrounded its own actions and open the appropriations process to press and public view.

(3) *The Senate's power to confirm or deny Presidential appointments,* with rare exceptions, has come to be treated more as a rubber stamp for executive decisions than as a vital Constitutional responsibility. Greater attention must be given this function, both as a means to check unwarranted executive actions and as a forum for the clear expression of the will of Congress. Confirmation proceedings should include an examination of how the nominee views his or her prospective job, its powers and duties, and, in particular, if and how he intends to fulfill the statutory intent of Congress in administering programs and expanding funds approved by Congress. In addition, Congress will have to decide what important offices, not now covered, should be subject to Senate confirmation. The NCEC recommends that the Director of the OMB, in particular, should be subject to such review.

In the case of foreign policy, military and national security positions, the Senate should require a clear demonstration that Presidential nominees fully recognize and understand all provisions of international law, United Nations directives, and matters relating to aggressive war and war crimes which may affect or govern any of their activities. Further the NCEC recommends that Congress now begin to consider the development of a code of personal responsibility and legal standards of accountability for executive officials acting in the above areas.

(4) *The Congressional oversight and investigatory powers should be vigorously employed* to determine if and how legislative intent is being carried out in the administration of programs and the expenditure of funds approved by the Congress, and to expose incidents of malfeasance. To this end, Congress can and should make greater use of the professional investigators, auditing expertise and technical capabilities of the Government Accounting Office. Above all, Congress must remove a roadblock, increasingly employed by the Executive, by legislation clearly spelling out the proper limits to "executive privilege."

(5) *Congress should appoint a Joint Committee of the House and Senate to undertake a full review of emergency war powers* which Congress itself has conferred by law onto the President—over 275 statutes in the last generation, ranging from controls over peanut acreage to the confiscation of national transportation systems. Many are outdated or potentially dangerous. We have seen, for example, how unpopular, controversial or covert operations have been shrouded from public view under the guise of "national security" or "national emergency." More important, these laws, coupled with the discretionary powers granted the President in numerous other statutes, amount to virtually unlimited power in the hands of an Executive who chooses to abuse them.

(6) Lastly, *Congress must address itself to its own reform.* While the Senate and House may take different approaches to the seniority question, anti-secrecy measures and streamlining of rules, both must take affirmative action to make the process more flexible, more open, more democratic, more responsible. This will greatly help restore public confidence in Congress' ability to cope with its staggering responsibilities.

All of the suggestions we offer deal with the posture and functioning of Congress as a whole. They are not issues of party or personality—Democratic legislators versus a Republican Administration—but go to the heart of the American system. The problems are institutional, and the actions should be bipartisan.

Congress has a mandate from the people, and has the tools to deal with the present crisis. The only question is whether Congress has the necessary will. A failure to act with determination at this time will cause irreparable damage to our Constitutional democracy. Not by revolution, not by usurpation, but by acquiescence. This must not happen.

Sincerely,

Sidney H. Scheuer,
Chairman.
Russell D. Hemenway,
National Director.

ZWEIFEL MINING CLAIMS, CUSTER NATIONAL FOREST

Mr. MANSFIELD. Mr. President, in the past year Montanans have observed with considerable alarm the extensive mining claim activities of Mr. Merle Zweifel, an operator originating in the State of Oklahoma. There has never been any clear explanation of the intent of his extensive operations. Claims have been generally limited to Federal lands, and in recent months field personnel of the Bureau of Land Management and the U.S. Forest Service have been keeping a close eye on his activities.

I have just received a detailed report from the forest supervisor of Custer National Forest, in Montana, giving me a report on his contacts with Mr. Zweifel. Also, Yellowstone County officials have taken action to halt this activity.

Mr. President, I ask unanimous consent that news articles and correspondence I have received from the U.S. Forest Service be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

U.S. Department of Agriculture,
Custer National Forest,
Billings, Mont., January 15, 1973.

Hon. Mike Mansfield,
U.S. Senate,
Washington, D.C.

Dear Senator Mansfield: This replies to your December 7, 1972, letter to Chief McGuire about Mr. Merle Zweifel's mining claims on the Custer National Forest in Eastern Montana.

Mr. Zweifel, to date, has recorded the location of nine hundred seventy-two 160-acre association placer claims on the Ashland Division of the Custer National Forest. However, he has made no surface disturbance and no attempt to contact the Custer to request permission to drive bulldozers on his mining claims to perfect a location.

Attached is Mining Engineer Burleson's most recent reply to Mr. Zweifel. The Custer National Forest does not recognize Mr. Zweifel's claims, and will not allow him to do work on the National Forest except by special use permit with bonding to insure.

On January 3, Yellowstone County Attorney Harold Hanser secured a temporary injunction to prevent further filing of placer mining claims by Mr. Zweifel (Billings Gazette article attached). It is planned that the County Attorneys of Custer, Fallon, Musselshell, Powder River, and Rosebud counties will also seek similar injunctions.

Here again it would appear that this situation demonstrates the need to revise or replace the General Mining Laws of 1872. You are probably aware of the position taken by the Regional Forester of the Northern Region, Forest Service, through Senate SubCommittee testimony here in Billings and other statements, some of which the Majority Leader of the Senate has read into the Congressional Record. We honestly believe new Legislation is needed in the field of minerals to better provide for environmental protection in connection with proper mining activities.

We share with you in your concern of destruction caused by dozer activity on the Custer National Forest, and we do not intend to idly permit such to happen here.

Sincerely,

D. C. MacIntyre,
Forest Supervisor.

Custer National Forest,
Billings, Mont., December 14, 1972.

Mr. Merle I. Zweifel,
Shawnee, Okla.

Dear Mr. Zweifel: The Custer National Forest recognizes the rights and privileges of all qualified persons to enter the Ashland Division for all proper and lawful purposes, including that of prospecting, locating, and developing the mineral resources thereof. I should further like to quote from 43 Code of Federal Regulations dated January 1972,

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*Joint Committee to Review the Operation of the Budget Ceiling and to Recommend Procedures for Insuring Congressional Control over Budgetary Outlay and Receipt Totals.

Part 3830—Location of Mining Claims, Subpart 3831—Rights to Mineral Lands, 3831.1 Manner of initiating rights under locations:

"Rights to mineral lands, owned by the United States, are initiated by prospecting for minerals thereon, and, upon the discovery of mineral, by locating the lands upon which such discovery has been made. A location is made by staking the corners of the claim, posting notice of location thereon and complying with the State laws, regarding the recording of the location in the county recorder's office, discovery work, etc. As supplemental to the United States mining laws there are State statutes relative to location, manner of recording of mining claims, etc., in the State, which should also be observed in the location of mining claims. Information as to State laws can be obtained locally or from State officials."

In my opinion, you have not complied with the requirements of the General Mining Law of 1872 as amended, nor have you complied with the Montana State Mining Law as enumerated above in 3831.1.

From the statements in your letter of November 8, (paragraph 2, page 1 and paragraph 3, page 2) it appears that you have not made a valid discovery. If this is so, then you have acquired no rights to the mining claims that you have recorded in the Powder River County Courthouse.

Concerning the exploration work, which you mention several times in your letter, if you will refer to your copy of the Minerals Resource Management Guidelines of the Northern Region of the Forest Service, on page 4 you will note that a special use permit with the posting of a suitable performance bond to insure compliance with the terms of the permit is required for all work, other than handtools, on a mining claim where the discovery of a valuable mineral deposit cannot be demonstrated.

With this preponderance of evidence, that you have not complied with the State laws nor made a discovery of a valuable mineral deposit as required by Federal law, we cannot recognize your claim as encumbrances to Forest lands.

Should you decide to do exploration work, I would suggest that you submit suitable plans for this work to meet Federal and State mining laws and the Northern Region of the Forest Service guidelines.

Sincerely,

John B. Burleson,
East Zone Mining Engineer.

Court Halts Speculating by Zweifel—Yellowstone County Acts; Others Likely

(By Richard H. Geissler)

Merle I. Zweifel, high-flying prospector and jet-age mineral speculator, was grounded Tuesday in Yellowstone County.

The Shawnee, Okla., operator was halted in Billings by District Court Judge Robert H. Wilson's issuing a temporary injunction preventing further filing of placer mining claims.

And by Wednesday five more southeastern Montana counties hope to halt Zweifel in their respective jurisdictions by filing identical court actions.

Zweifel and company, operating under the motto, "We fly further and stake faster," emblazoned with a soaring jet, has laid claim to thousands of acres of land in Montana, Wyoming and Nevada.

While state and federal authorities in Wyoming and Nevada moved against Zweifel early last year, Tuesday's action was the first move to halt Zweifel in Montana.

Yellowstone County Atty. Harold F. Hanser has been the moving force in Montana to take action against Zweifel. Meeting with county attorneys from Powder River, Custer, Rosebud, Musselshell and Fallon counties in December, Hanser was selected to compile the case and file the action.

With the acceptance of Hanser's complaint and injunction request by the court in Billings, copies of the action were mailed Tuesday night to the five other counties for their own filings.

Federal authorities in Montana—especially the U.S. attorney's office in Billings—had been asked to join or take independent action against Zweifel.

Even though the U.S. attorney's office for the District of Wyoming filed actions last fall against Zweifel, his wife and almost 200 of the "co-locators" (persons who subscribed to Zweifel's prospecting service), the Montana office did not take immediate action.

U.S. Atty. Otis L. Packwood was not available to comment late Tuesday when the county's action was taken.

A spokesman from his office said ". . . we have asked some federal agencies to look into his (Zweifel's) activities, though. But, I cannot say what future actions this office will take . . . you will have to ask Mr. Packwood."

The basic complaint included in all of the actions filed against Zweifel and his company is the validity of legitimate claims.

Under 19th Century mining and exploration laws, a person can file placer claims when certain recoverable minerals are discovered. This does not include coal and oil.

All of the allegations claim Zweifel had failed to actually discover applicable minerals, have assays completed, physically stake boundaries, build monuments and make improvements.

The charges claim he thereby made false and fraudulent claims.

Zweifel lost by default in Wyoming in October when he failed to defend himself against the state's first court action seeking to bar him from filing claims and voiding claims he had already filed.

A permanent injunction was issued against Zweifel in Wyoming because of that action unless "he filed in complete compliance with the law (staking, etc.) . . ."

Wyoming's Atty. Gen. Clarence A. Brimmer said his office was forced to file a second action Dec. 22 to further block Zweifel's filing of claims by enjoining all of the state's clerk and recorders from accepting any of Zweifel's filings.

"He (Zweifel) has continued to inundate clerk and recorders with claims that he purports to have staked out . . . particularly in the Powder River area, Sheridan and Campbell counties," said Brimmer.

Hanser said Tuesday he hoped to avoid having to go through two separate actions like Wyoming by getting a two-way injunction—both against Zweifel and against the Yellowstone clerk and recorder.

As a result, Hanser said, Merrill Klundt, clerk and recorder in Billings, was served with an order Tuesday evening barring him from further accepting any of Zweifel's claims.

Hanser said Zweifel has already filed two claims in Yellowstone County and, "I think he has already claimed almost 20,000 acres in Montana."

Hanser said he took the action against Zweifel in the public interest and to save every individual land owner as well as the state and federal governments the expense of fighting individual "clouded title" cases prompted by Zweifel's claims.

Zweifel has lost a double battle in Nevada where civil action has blocked his operations there and officials then proceeded to file criminal charges.

In Nevada, as in Montana, it is a felony to file false documents with the clerk and recorder. Since Zweifel's claims were ruled false there, he was open to criminal prosecution.

He lost his battle and was convicted and sentenced to six years in prison. According to a Nevada law official, Zweifel flew "into town with his private jet, posted a $50,000 bond in cash and took off . . . it is now pending appeal."

Hanser conceded that a similar law in Montana could cause criminal charges to be filed against Zweifel if his claims were determined to be false.

"I think it would only be speculation now to discuss whether this office would press for criminal charges against Mr. Zweifel," said Hanser.

Zweifel has blamed his defeat in Nevada—and forecast trouble in Montana—on the power of the Peabody Coal Co. and Kennecott Copper.

Several hundred acres on which Zweifel has laid claim also are part of the large coal fields now being opened.

While Zweifel claims his only interest is in recoverable minerals other than coal and oil, he wants the right to "separate minerals intermingled with the coal deposits."

Yet Zweifel's literature aimed at soliciting prospective clients for his locator service talks at lengths of the future of coal in the West and how valuable those lands will become.

Included in the court filing by Hanser were statements from numerous federal and private authorities who claim they could find no physical evidence that Zweifel had complied with requirements to file a claim and some questioned even the existence of economically minable minerals.

FARM PRICE SUPPORTS

Mr. YOUNG. Mr. President, farm price support legislation has always been the victim of considerable press criticism. Much of this I believe is due to a misunderstanding of how the programs operate and why they are necessary. One of the best editorials written on this subject, entitled "Let's Not Be in a Hurry," was published in the Minot Daily News, of Minot, N. Dak., on January 15, 1973. This is one of North Dakota's largest and best daily newspapers.

I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Let's Not Be in a Hurry

Everybody concerned should think twice before climbing on the bandwagon for ending the present system of supply management for wheat in the United States.

Just because the price of wheat has risen in recent months under pressure of abnormally strong demand from abroad, there are those quick to envision arrival of an era when all federal wheat controls will be dropped. It is imagined that the consumer of bread and other wheat products would benefit from unlimited production.

Thinking along this line is pointed up by the fact that present federal wheat legislation expires this year. Some pressure will be brought to free wheat from federal controls and let production, storage and marketing subsidies go out the window.

In the Great Plains region, where the lion's share of the nation's bread-basket lies, there is concern about what will happen. That concern is voiced wherever wheat growers meet. There was concern when the National Association of Wheat Growers met in Seattle recently.

If we read correctly what Eugene Moos of Edwall, Wash., president of the NAWG, was trying to say in Seattle, he feels it would be a mistake to chuck the present program just because flour and bread prices are due to rise in the next several months. Moos is a grower of western white wheat, but it is evident he understands the aims and benefits of the present federal program.

It will be time to consider whether the wheat production industry has outgrown the need for present controls, Moos suggests, whenever and if demand for U.S. wheat abroad becomes great enough and steady enough to be something to count on.

It is sometimes forgotten that our present *wheat program* has in it a built-in structure which has kept U.S. domestic supplies of wheat stabilized from year to year, against the effects of domestic drouth. This stabilizing effect against vagaries of weather in our own country tends to benefit the domestic consumer as much as anyone. Over a period of many years in which this system has operated, it has been possible for the consumer to buy flour or bread at dependably constant prices. In fact the so-called farm subsidy has proved to be a subsidy for the retail shopper, whether the shopper realizes it or not. Bread in this country has been cheaper, and more dependable in price, than in most countries.

What happened in 1972 was an abnormal foreign demand for U.S. wheat brought about by unfavorable wheat-growing weather in Russia, China and Australia. If those countries had achieved the kind of stability in domestic wheat production which has long existed in the U.S., they would not have come running to obtain wheat from our storage bins. If these countries had worked out a system to achieve the old goal of "an ever-normal granary" for domestic purposes, regardless of vagaries in their weather, there would have been no price-boosting drain on U.S. supplies.

Over the years, it has been proved, the U.S. system can protect our consumers from price fluctuations caused by good or poor weather conditions at home. But it does not at this moment give them such protection from drouths or winter-kill in Russia or China, as this year's price surge shows.

It is quite possible that Russia and China may have poor wheat crops again this year, and that they will be entering our market again to buy large quantities. If that happens, the price of flour in the United States, and the prices of wheat products at retail, will remain higher than our consumers would wish to have them. But drouths do not persist forever even in Russia and China. One may be sure that when these countries recover from their present shortages, the demand from abroad will be less.

It would be a shame for U.S. growers and consumers alike to be deprived of a well developed production stabilization program now, on the basis of an upset caused by temporary conditions abroad.

We are of the opinion that if Congress should be so unwise as to throw out the present supply management system for wheat this year, the U.S. consumer soon would find himself paying through the nose at the domestic bread counter. Oh, he might get cheap bread for a couple of years in a row, but he would wind up discovering that a lot of American wheat producers had gone out of business. About that time there might be another crop failure in Russia. Then the world would be back in the old starvation groove, with alternating shortages and gluts in the market which really would affect everybody.

WELFARE REFORM—A DESERTED CHILD

Mr. RIBICOFF. Mr. President, welfare reform, a child deserted by its administration parents, came to an abrupt halt at the close of the last session of Congress. It was the victim of political posturing and misunderstanding on all sides. There is enough blame to go around, but there is no point in dwelling on that theme. Instead, we should concern ourselves with the continuing welfare mess. The fact that the 92nd Congress has ended does not change the fact that the United States is still burdened with a welfare system that is inadequate and inefficient. The need for reform has grown rather than diminished.

James Welsh, of the Washington Star-News, described the history of welfare reform for the January 7, 1973, New York Times Magazine. It perceptively analyzes the political process involved in the 3-year struggle for reform. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WELFARE REFORM: BORN, AUGUST 8, 1969; DIED, OCTOBER 4, 1972

(By James Welsh)

WASHINGTON.—When welfare reform died quietly in the U.S. Senate last Oct. 4, there was little overt mourning.

This was spooky in a sense, for here was legislation born in a high fever of excitement, hailed as the most important social measure since the New Deal, declared by President Nixon and acknowledged by the Congressional Democratic leadership to be the nation's number-one domestic priority. Then again, the end wasn't unexpected. For months before it died, welfare reform, in the shape of the President's Family Assistance Plan, was decidedly a terminal case.

As a political project, welfare reform lasted through the four years of President Nixon's first term before its final demise. Senator Abraham Ribicoff, who spent endless time as honest broker between the Administration and his liberal colleagues trying to work out a compromise, said recently, "At times I felt like Ahab chasing the white whale. This is the most long-running, most arduous single political issue I have ever been connected with in a long political life, and the most disappointing."

The story of that struggle, recounted here, is instructive at very least because welfare goes on even if the reform effort is now in limbo. It lives—populated by 11 million people in the aid-to-families-with-dependent-children (AFDC) category. It is inequitable as ever, susceptible to social explosion. Change will come to it, one way or another, and the shape of that change could very likely disappoint both the liberals and the conservatives who helped engineer the defeat of the Family Assistance Plan.

Perhaps more important, though, the life and death of welfare reform between 1968 and 1972 amounts to a case study of the modern American political process as it tried—and failed—to come to terms with a complex social problem that was increasingly polarizing the American public.

When the Nixon team arrived in Washington four years ago, welfare was a system ripe for overhaul. Two successive Democratic Administrations had done next to nothing about it, and the reason was fairly obvious. Welfare defied tinkering; only radical change could turn it around. Specifically, something had to be done about the central inequity of welfare. It goes only to "dependent" families, while millions of the poor, those in "intact" families, with husband present and working at marginal wages, are ineligible for cash assistance and frequently wind up worse off than people on relief.

Most analyses of this dilemma led directly to the conclusion that the working poor had to be brought into the system, that their wages must be supplemented with public funds. What this meant was a version of the guaranteed-income concept, the negative income tax. In the late Johnson years this kind of thinking had become respectable, but no Democratic President could hope to sell it. Nixon, on the other hand, the man of conservative credentials, enjoyed ideological leeway on the issue.

There was no single "architect" of the Family Assistance Plan, though Harvard's Daniel Patrick Moynihan frequently gets the credit. But Moynihan's role was more that of White House supersalesman, quickly grasping the work in progress, irrepressibly firing off memos to Nixon, telling him in effect that an enlightened welfare-poverty program was the President's best bet for winning over the liberal intellectuals. (When that later failed to happen, it was Moynihan, more than Nixon, who felt betrayed.)

Early 1969 was a time of task forces, of position papers, of computers whirring with social and economic data. Lines of communication were wide open between the Cabinet and White House, and with such top former Democratic Administration staffers as Alice Rivlin, by that time at the Brookings Institution, and Worth Bateman, who had gone to the Urban Institute.

Nixon heard out all sides; then in July he went off on a trip to Rumania, taking the option papers with him. When he returned, his choice was clear, "The whole exercise," recalls Richard Nathan, who in 1969 was assistant budget director and closely involved with formulating the plan, "was a model of Presidential decision-making." But Nathan also looks back: "The problems of welfare were far tougher, and would get tougher still, than we realized at the time."

On Aug. 8, 1969, the President went on national television to announce his plan for ending the "colossal failure" of welfare. "I propose that we abolish the present welfare system and adopt in its place a new family assistance system. Initially, this new system would cost more than welfare. But unlike welfare, it is designed to correct the condition it deals with and thus to lessen the long-range burden." In that one sentence can be seen both the hope and some of the internal contradictions that were to accompany the proposal on its long legislative journey.

The Nixon plan did indeed incorporate the breakaway idea of the negative income tax that could boost incomes of the poorest families, including the working poor, and perhaps build in work incentives all along the line. It also came wrapped in orthodox conservative "workfare" terms. The working poor, of course, would be expected to go on working, and all able-bodied welfare adults, including mothers of school-age children, would be required to get jobs.

For the first time, a minimum income floor would apply nationally—$1,600 a year for a nonworking family of four, paid by the Federal Government. That same $1,600 figure was also used to compute income supplements for the working poor. A family with earnings up to $720 annually would receive a full $1,600 supplement. Any income above $720 would be subject to a "marginal tax rate" of 50 percent: For every two dollars earned above $720, one dollar would be subtracted from the $1,600 Federal supplement. The cutoff income figure—the point at which the supplement disappeared—would be $3,920.

This part of the plan, the Federal part, would effectively buy out the welfare programs of nine Southern states, those then paying a dependent family of four less than $1,600 a year. But there were states—New York, New Jersey, Connecticut among them York, New Jersey, Connecticut among them—paying such a family up to $4,000 a year. The plan's second-tier formula required these states to add funds so that no dependent family lost money. These state payments also would decline as earnings rose, so that for a Northern family, the total marginal tax rate on earnings might go to 67 percent or more. All together, the proposed legislation would cover some 7 million people already on welfare—nearly all women and chidren—and begin subsidizing another 10.8 million men, women, and children, the families of the working poor.

Such was the Family Assistance Plan. It was the product of the kind of economic analysis never before applied to welfare legislation. Within the cost limits—a White House imposed ceiling of $4-billion—the economists and computers had done their work well, perhaps too well. For FAP rode on the strength of some highly visible numbers. And it was to fail in part because of the vulnerability of those numbers.

Consider that $1,600 family income floor. It was twice what a Mississippi family was asked to live on, but in the North, where benefits were higher, it would not result in any increase to a welfare family, and it would soon be derided as abysmally low. Why couldn't it go higher? Because of the working-poor coverage. Adding just $400, bringing the minimum income to a still-low $2,000, and keeping the marginal tax rate on earnings at 50 per cent would extend the outer boundary of working-poor coverage another $800 to $4,720, bring in millions more recipients and add billions to the cost.

Or consider those 10.8 million people in the working-poor category. A tenant farmer, say, might manage to earn $2,720 a year, and his family would qualify for a $600 cash supplement. Put in those individual terms, the idea was beguiling, as well as revolutionary. But it wasn't long before conservative rhetoric had all those 10.8 million people "going on welfare," and FAP "adding millions more to the welfare rolls."

The legislation would have gone nowhere but for Wilbur Mills, who as Chairman of the House Ways and Means Committee, is easily, the most powerful and most effective man in Congress. For the most part a conservative, Mills for months remained coldly suspicious of FAP. In the first week of February, 1970, Mills was bothered by back trouble and went off for a week to Antigun, his first vacation ever outside the country. Characteristically, he took an armload of paperwork along. And at some point under the hot Caribbean sun, he decided FAP might be the best feasible welfare alternative. When he returned he told H.E.W. Under Secretary Jack Veneman: "I've got an open mind on this. Let's go to work."

That they did. John Byrnes, the able ranking Republican on Mills' Ways and Means Committee, became a convert. In early March, Mills and Byrnes pushed the bill through committee. A month later, they marched the legislation onto the House floor. Debate was spirited, with much of the opposition coming from Mills' fellow Southerners, and it carried obvious racial overtones. But at a critical juncture, Mills took the floor to make a salient point: Yes, a disproportionate number of welfare recipients are black, but most of the working poor are white, and live in the South. Curiously, it was an argument that disappeared from subsequent debate. But it helped carry the day on April 16, 1970, when the House passed the Nixon welfare-reform legislation by a vote of 243 to 155.

On the surface, all looked good. If the supposedly narrow-minded House had come through, wasn't the country coming together behind FAP? Wouldn't the more liberal-minded Senate quickly pass the bill? The more sophisticated Washington hands, men such as Moynihan and Veneman, knew better. It was no time at all for euphoria. The nation's welfare-conscious interest groups were in the process of splitting sharply from what, in the main, was the centrist approach of FAP. In the Senate, moreover, there would be no vote until action was completed by the Finance Committee.

A peculiar body, the Senate Finance Committee. It had no Mills, no prodigious student of complex economic issues. Its membership was dominated by small-state conservatives, reflecting decisions of years before when Senate leaders Lyndon Johnson and Everett Dirksen very carefully picked the men who would rule on such matters as taxes and the oil-depletion allowance. Its chairman was Louisiana's Russell Long, a populist of sorts, never afraid to spend money, but a gut conservative on the subject of welfare and people who accepted welfare. His cynicism toward the problem and toward FAP was soon to be revealed in one wry comment: "For all the defects of the present system, the mind of man is always capable of devising something worse."

A far more towering figure was the senior Senator from Delaware, and the committee's ranking Republican, John Williams. A tall, raspy-voiced, courteous countryman, Williams was a Senator of unassailable reputation, the man who had helped root out the Bobby Baker scandal. He had the mind of an auditor, plus the guile and killer instinct of a hunting animal. He was due to retire at the end of 1970, and he felt neglected by the White House; for that and more philosophical reasons, he had quietly decided that his last great contribution in Washington would be to shoot down the Family Assistance Plan.

By the summer of 1970, the Finance Committee public hearings were going full blast. Elliot Richardson had replaced Robert Finch as H.E.W. Secretary and was proving a far abler advocate of the welfare-reform bill. But neither he nor Veneman nor anyone else was a match for Senator Williams.

The Delaware Republican demanded an endless array of figures from H.E.W. They appeared strange at the time, including not only current welfare payments and proposed FAP payments but food stamp and public housing and Medicaid benefits for families of varying incomes in places as far apart as Wilmington, Chicago and Phoenix. Day after day, Richardson had to go over these tables of figures, and at one point Williams shook his head: "I'll admit I'm confused by this whole problem."

But he was confused like a fox. Williams was taking very clever aim at the Administration's boast that it had structured definite work incentives into its plan, and he was able to demonstrate what Nathan refers to as the "welfare trap," a trap that deepens every time a new social program is added for the poor. For if a Northern welfare mother were to go to work, and if, as her earnings rose, her FAP payment went down two-thirds and her food stamps and housing subsidy declined, and Medicaid at some point disappeared, and Social Security and taxes took some more from her pay, her net gain from going to work would be negligible. In some cases she might have to make $7,000 a year before she would be clearly better off than she would be not working at all.

Doggedly, Richardson argued that not all people on welfare enjoyed multiple benefits, the FAP at least got rid of welfare's worst "disincentives." It did no good. The committee conservatives demanded more work incentives. Richardson could not comply, and Williams knew it. The only way to raise work incentives within FAP was to lower the tax rate on earnings, permitting the working poor to keep more of their subsidies as earnings rose. But as with raising the $1,600 minimum, this would greatly expand the working poor coverage and bust the $4 billion cost limit. The hearings, caught in that kind of mathematical taffy pull, went downhill from there.

By now, it was nearly two years since the Nixon team had arrived in Washington with certain perceptions of the welfare problem. Great changes had come since then:

The nation's AFDC caseloads were climbing out of sight. From a 1969 rise of 1 million people, they were on their way to a 1970 increase of 2.3 million. The flat economy was but a marginal cause of this phenomenon. Welfare observers saw as more significant a decided change in social values, with many of the new urban welfare class, cheered on by a new breed of social worker, deciding they would no longer perform society's grubbier jobs. It was an ominous sign, at least to many Congressmen, and it did FAP's chances no good.

General hostility to welfare was also a rising tide, with great racial overtones. Moreover, it ran through the working and middle classes in all parts of the country. Mitchell Ginsberg, former New York City Human Resources Administrator and an indefatigable lobbyist for the FAP approach, tells of speaking to a group of Western state legislators in Utah in mid-1970: "One man came up to me afterward and said, 'Mr. Ginsberg, you explained the plan very well, and I know you're trying to help the poor, but what we mean by welfare reform is taking people off the rolls, not adding more.' I found that kind of reaction everywhere."

Still another tide had yet to crest. All across the liberal spectrum ran great expectations of what might be done for the poor. The President's plan in a sense whetted liberal appetites for a thoroughly generous income-maintenance system. Even those liberals willing to go along with the Nixon plan constantly gave the impression it was a bare beginning, that the $1,600 minimum, once passed, could go galloping upward. It was an assumption that further scared conservatives.

Among the forces playing on the liberals was the dread of what blacks might think. Conspicuous on the scene by the spring and summer of 1970 was George Wiley, the college professor turned chief of the largely black National Welfare Rights Organization. Dashiki-clad, physically commanding, Wiley was a master of diverse Mau-Mau tactics, and his arsenal of weapons included selected groups of welfare mothers who could be deployed to shout down or cry down or stare down any opposition. Wiley and his welfare mothers literally broke up a number of Washington meetings of liberal groups—Common Cause, labor, the churches—that were trying to get together in a unified, positive stance. Privately, the liberals would denounce Wiley and the N.W.R.O. demand of a $5,500 (later raised to $6,500) guaranteed annual income. In public, they tiptoed around him.

Later assessments of Wiley's impact vary widely. To Veneman, it was minimal, "if he had been in favor of FAP, it would have lost votes," he scoffs. But Brooking's Mrs. Rivlin remembers Wiley as making liberal accommodation to the complex reform bill, all but impossible. "I count him as one of the archvillians in the welfare-reform story," she says.

When the Nixon first term began, unemployment was so low as to comprise a manpower shortage. By mid-1970, it was going up steadily, undercutting the assumptions of FAP planners that welfare adults could be put to work in available jobs.

Preliminary research on various income-maintenance formulas indicated that, yes, the working poor would go on working, but that some families would use cash supplements from the Government to search out more attractive jobs than pulling stumps or carrying bedpans. It was a finding that reinforced the fears of cheap-labor employers. The research also led to the conclusion that work incentives tended to diminish once the marginal tax rate on higher earnings passed the 50 per cent mark. Senate Williams must have smiled.

One of the more remarkable things about FAP was that its distribution of more than $1-billion in actual cash to welfare and working-poor families would go disproportionately to the South. But those families were hardly aware of the plan. Nobody organized them. Nobody spoke for them. Some of the more vociferous Northern supporters of Southern civil rights chose to ignore FAP's great pocketbook potential for liberating the Southern poor. Southern farmers, businessmen and local politicians did not ignore it. They were scared to death by it.

"I can't get anybody to iron my shirts" Senator Long shouted at Richardson one day. As the Senate Finance Committee hearings on FAP stretched into the fall of 1970, it had become clear that with few exceptions, the Southern reaction to the legislation turned only on the question of who was going to iron the shirts.

In this atmosphere President Nixon was working hard behind the scenes for his bill. But his welfare rhetoric, turned to that year's Congressional elections, was of the get-the-bums-to-work variety. That did not sit well with liberals. Neither did H.E.W.'s constant whittling down of the plan's details in an attempt to woo a few Finance Committee Republicans away from the awesome influence of Williams. Soon it became apparent that with both liberal and conservative members rebelling, the Senate Finance Committee would not approve FAP.

One chance remained—to get the plan attached on the Senate floor to other legislation coming out of the committee. But such was Long's delaying skill that this chance was not to come until late December, when only a few days were left in the session. By this time the White House was relying on Ribicoff, a Democrat, to manage the floor debate. Ribicoff performed ably, but the odds were against him, with Williams easily blocking, parrying, stalling and playing to every conservative fear.

On Dec. 28, 1970, a frustrated Senate agreed to jettison the welfare-reform plan. That night Moynihan and Ginsberg went out and got drunk.

In retrospect, there is wide agreement that FAP's best chance passed with the end of that 91st Congress, and that to this day, if one person were to be singled out as responsible for killing welfare reform, it would be John Williams. It can also be argued that in the critical 1969–70 period, the posturing of liberals, as well as the skillfulness of conservatives, led to the derailment of the Family Assistance Plan.

The year 1971 was essentially a doldrum time for FAP, though marked by three important developments.

First, President Nixon made clear he was not giving up on reforming the "monstrous, consuming outrage" of welfare. He outlined "six great goals" for the nation, tops among them passage of the Family Assistance Plan.

Second, Mills was once again to prove the strong reed on Capitol Hill, driving the plan through to House passage as part of a massive Social Security bill, H.R. 1. This time around, sensing the House would demand a tougher product, Mills had put his own stamp on the plan. The new FAP proposed to absorb, or "cash out," the rapidly expanding food-stamp program. Instead of $1,600 a year plus food stamps, the four-member-family income floor would be $2,400 a year, with no food stamps. Every bit of FAP's administration would go Federal, and work provisions would be made more restrictive. It would cost $5.5-billion.

And third, in August, 1971, Nixon announced his wage-price freeze and new economic proposals. This had a devastating effect on FAP. For Senator Long, had given the White House a firm promise on early FAP action. Now he could put H.R. 1 aside for Nixon's emergency tax legislation. And as the months went by, pessimism deepened among welfare-reform advocates. Recalls Veneman: "I knew if the issue went well into a Presidential election year, our chances were slim."

When the Finance Committee did resume its closed-door work sessions last January, an episode occurred that once again would set the welfare-reform effort on a new course. Ribicoff, it was obvious by that time, was the pivot for any chance FAP had of passing the Senate; the liberals depended on him, and to the Administration he was, as one H.E.W. staffer put it, "the only horse we had," Earlier, with 22 Senate co-sponsors and backed by a number of big-state Governors, the Connecticut Democrat had introduced a more generous FAP alternative, calling for a $5,000 annual family income floor, rising over a five-year period to the poverty line of $4,000. It was a bargaining position more than anything else. But there, in committee work session, sat Nebraska's Senator Carl Curtis, a strutting right-winger and devotee of the Williams method, brandishing a set of figures he had obtained from H.E.W. They proved, said Curtis, that Ribicoff's $3,000 to $4,000 FAP alternative eventually would put more than 70 million Americans "on welfare."

Ribicoff was furious. Convinced H.E.W. was going behind his back, he publicly assailed Nixon, and announced he was withdrawing his support from key parts of FAP. Ginsberg and other FAP lobbyists were appalled. So was the White House. Nixon called Ribicoff personally. He dispatched Richardson and John Ehrlichman, his chief domestic adviser, to talk to the Senator. He called Moynihan at Harvard, who flew down the same day to add more persuasion.

This flurry of activity had the effect of reassuring Ribicoff. More important, it had shaken all sides into the sobering conclusion that it was high time to bargain seriously. From the White House to Richardson, from at least some of the liberals to Ribicoff, the word was passed: See what you can get. Optimism rose as the H.E.W. team and Ribicoff's staff, working through March and April, proceeded to cut a deal.

The compromise they worked out called for a $2,600 income minimum, annual cost-of-living increases, and a 60 per cent tax on earnings. Welfare benefits in high-paying states would be maintained, the rights of recipients better protected. It would add coverage to several million more of the working poor, add to costs by close to $2-billion. Ribicoff and his allies thought they had done most of the compromising. But it was a bill that might work, and Richardson had high hopes of selling it to the President. By early May Richardson was calling the White House, asking for an appointment with Nixon. He talked to Ehrlichman, who kept stalling. Richardson waited. Then he waited some more.

It was a peculiar time, May of 1972. For one thing, the President was almost wholly occupied with the war and summitry. He had recently returned from China. He was to go to Moscow later that month. Meanwhile, on domestic matters, the White House was no longer a place of mixed views and open access. Moynihan was gone. Nathan was at H.E.W. The Cabinet was suspect, the vigilant Ehrlichman commenting at one point that he was afraid some of them had "gone native."

By May of 1972, while Richardson cooled his heels, the welfare caseload was in the process of leveling off, in part because desperate state governments were learning how to crack down. But public hostility to welfare had not leveled off. It has grown to gale force—most politicians facing election in 1972 knew that.

But there, in May, a pivotal month of a thoroughly bizarre election year, came Senator McGovern, charging through the Democratic primaries with some extraordinary notions of what to do about welfare and poverty.

With Richardson still waiting, Nixon went off to Russia on May 20, not to return until early June. It was during this period that McGovern's $1,000-a-person "demogrant" scheme, outlined months before but largely ignored, came under the most intense national scrutiny. In California, Senator Humphrey was ripping into McGovern's ideas in a series of televised debates. The press, bemused until then by political mechanics, began digging into the issues.

On the evening of May 27, an exasperated television interviewer asked Senator McGovern if he expected the public to accept his $1,000 scheme with no real idea of its cost. "That is exactly right," the Senator replied. Veneman remembers watching the show and thinking: My God, Nixon's got the welfare issue sewed up.

Richardson was not to see the President until June 16. By that time it was clear that, first, McGovern was on his way to the Democratic Presidential nomination and second, Long would keep H.R. 1 until after the Democratic convention. Throughout the H.E.W. hierarchy, the alarm bells were ringing. Said one staffer: "All we heard from the White House in those first weeks of June was how McGovern was vacillating and painting himself in a left-field corner, and that all Nixon had to do was stand pat."

When Nixon did see Richardson, he was confronted with three options: To hold with his own $2,400 plan, which with no liberal support at all had no chance of passing; to go with the Ribicoff $2,600 compromise, which, with White House and liberal backing might pass if it could be maneuvered past the Senate Finance Committee; or to begin dealing with the committee itself, which had come up with its own variation of welfare reform, a plan twice as expensive as FAP but more regressive.

For every argument Richardson offered in favor of going with the Ribicoff compromise, Ehrlichman and his allies had a reply: The President owed Ribicoff, by that time an ally of McGovern, nothing; the President ought not to estrange his "natural friends" on the Finance Committee; with McGovern blundering about on welfare reform, Nixon would be best served by consistent support of his original proposal; even if the President went with Ribicoff, Long probably would filibuster, or some of the liberals would desert Ribicoff. Nixon ended the meeting by saying he'd think it over.

Six days later, on June 22, Nixon told a press conference he would stick with his own $2,400 version of FAP, describing it as "the middle ground." It was a heavy blow. Yet Richardson and Veneman bombarded Ribicoff, Ginsberg and FAP lobbyists with phone calls, telling them the President was assuming but a temporary "tactical" stance, urging them to hold firm.

On June 30, just before recessing, both houses of Congress approved a 20 percent Social Security increase, having lifted this prime election-year goody from H.R. 1 and passing it as separate legislation. With that, Senator Long, having broken promises for a year to take action on H.R. 1, felt completely free to bottle up the rest of the bill, with its welfare reform provisions, for as long as he wanted.

Ginsberg decided, once the Democratic National Convention was settled in early July, that welfare reform was a lost cause. "I knew then," said Ginsberg, "that with McGovern so far out on the subject of welfare, Nixon would rather have the issue than a bill. If a bill had passed, it would have appeared to solve the welfare problem, and that would let McGovern off the hook."

McGovern, of course, had backed off his $1,000-a-person idea, but he never really got himself off the hook. In late August, he did go before the New York Society of Security Analysts with the better plan he had promised. But it was not a better plan at all, simply a $4,000 annual payment to a dependent family of four. No work requirement. No work incentives. He didn't say what would happen if a family earned $4,001. McGovern did promise further details on what to do about the working poor. But nothing came of it, for the Senator's staff had to cope with the same fearsome numbers that bedeviled everybody else trying to cope with income maintenance. A $4,000 income base, with a 50 percent tax on earnings, would have put some 65 million Americans "on welfare" at a cost of tens of billions of dollars. The McGovern staff wrestled with these estimates, then, wisely filed them away.

The game played itself out. The Senate proceedings on welfare reform in early October were more deathwatch than debate. Richardson struggled on, calling the White House, calling Ribicoff.

"I stopped taking his calls in the last days," said Ribicoff. "It grew embarrassing. I never questioned his intent, his determination. But in the Nixon Administration, it had become apparent the Cabinet doesn't amount to a tinker's damn. They're all supplicant's."

The President held firm. So did Ribicoff. So did Long. Hopelessly deadlocked, the Senate killed welfare reform.

The postmortems centered in part on the President's role. Did he really believe in his own creation? "He was never there in the clutch," said Ribicoff bitterly. "I sensed he did not mean what he said about welfare reform." Mills, less harshly, thought the President wanted the plan "but did not exercise the influence he might have." A fair assessment is that Nixon did believe in FAP, accepting it as a straight piece of technical advice. But he was not a true believer, willing to ignore all other factors, or willing to go all the way with a slightly higher-cost version at the price of letting up on his election-year Democratic opponent.

There were the what-if postmortems. On timing: What if Richardson had been able to see Nixon in early May? On tactics: What if H.E.W. had not so conspicuously thrown in its lot with the liberals? Richardson concedes: "What may have doomed the bill is that the public speculation over our discussions with Ribicoff convinced Long he should use every trick to delay the bill. And with the lack of generalship in the Senate, he was able to get his way."

And yet there are many who believe that whatever was done, welfare reform was doomed. To Ehrlichman, any hope for a bill disappeared last year into an "ideological chasm." To Ginsberg, the legislation "lacked a constituency, and that was fatal. If it had been put to referendum, the public would have murdered it."

The welfare problem now is likely to enter an uneasy, possibly extended holding period. Caseloads are likely to grow, to the dismay of conservatives who opposed FAP on at least fiscal grounds. But to the equal dismay of liberals who opposed FAP on humanitarian grounds, the states probably will continue their tougher stance. And whatever Congress does about welfare will likely be along similar conservative lines. It is difficult to believe that anything approaching FAP could get a serious hearing soon. The economists have had their turn for awhile. And Congress, even the redoubtable Mills, is sick of the subject.

Were the President to propose another welfare-reform plan incorporating an income-maintenance system for the poor, who would believe that this time he really believed in it? Were the liberal Democrats to do so, who would listen to them? Income maintenance probably is dead for years, if for no other reason than that George McGovern made it sound so ludicrous.

The real tragedy of FAP is that it came along at a time when the tough-minded were losing their compassion and when the compassionate lost their sense of tough-mindedness. It will take time, and luck, for that gap to begin closing. Until it does, we will have to settle for things as they are.

VIETNAM

Mr. GOLDWATER. Mr. President, there is no secret about my strong feeling against actions and statements by Members of the House and Senate which might in any way interfere with this country's chances of arranging a satisfactory end to the hostilities in Vietnam. I feel very strongly that every Member who suggests that the Congress take over the decisionmaking power in this matter owes it to his country, to his constituents, and to American fighting men, past, and present, to consider carefully how his approach might be interpreted by the enemy negotiators in Paris.

One argument that I hear, Mr. President, is that the administration has previously warned against the kind of loose talk by Members of Congress that might upset its efforts to obtain a cease-fire and the speedy return of American POW's. The claim is that the White House always uses this argument as a device for silencing criticism. And I say such claims make absolutely no sense whatsoever unless you want to assume that the President and Dr. Kissinger and their advisors are seriously seeking a prolongation of the war.

Mr. President, I am plainly sick and tired of hearing demands, especially by the Members of a political party whose leaders got us into this war, that President Nixon end the conflict on their terms. I am sick and tired of all the loose talk about the Congress taking over the conduct of the war and deciding how and when it shall be ended.

Because of this, I believe it is time for those Members of Congress who believe in this approach to put up or shut up. If they want to dictate the terms and the timing for ending the war in Indochina, they should go about it in a legal fashion. By this I mean that if the time has come for Congress to usurp the constitutional powers of the Commander in Chief of the Armed Forces then the time has come for the proponents of this idea to start the machinery for changing the Constitution.

I suggest that rather than attempting to obtain their goal by indirect means such as cutting off funds, I believe the President's critics should confront the issue squarely. If they believe the President of the United States cannot handle the powers entrusted to him by the Constiution; and if they believe that the cumbersome procedures of congressional decisionmaking are to be preferred, then let them try to change the Constitution and settle this prolonged debate once and for all.

Mr. President, I want to make it very clear that I do not favor such a change in our Constitution. I believe giving the Congress responsibility in this area would be nothing short of disaster. However, the way is open for those among us who seem to believe they are endowed with superior judgment and more honorable motives than the executive branch can ever hope to muster.

MONTANA AND THE NATION'S ENERGY CRISIS

Mr. MANSFIELD. Mr. President, the Nation's so-called energy crisis has focused attention on the utilization and development of the vast coal deposits in the upper Missouri region through strip mining. It is quite apparent that the uncontrolled strip mining of these coal deposits is going to proceed unless some action is taken now by all parties concerned.

These fears have been substantiated by reports linked to energy policy sources within the administration. A newsstory in the January 12, 1973, issue of the Washington Evening Star reports that the administration will call for the conversion of a large segment of the Nation's electric power-producing plants from oil-fired to coal-generating units. Apparently the administration feels that the Nation must now rely on the estimated 400 years of known coal reserves as the "only feasible" alternative to oil in the future. These are reserves found in Montana and its neighboring States. I am not convinced that the Nation's energy crisis is truly what the phrase indicates. There may be exceptions. I see no reason to panic. An adequate supply of energy for the future is dependent on a coordinated, well-planned effort, utilizing all possible sources through environmentally sound processes in cooperation with Federal, State, and private interests. Information available indicates that the current situation might be due in part to mismanagement of our oil supplies and overuse of gasoline and too scant attention being given to the conservation of energy. Need I remind my colleagues that it was a similar situation which developed at the beginning of World War II and we now have Appalachia as an example of what can happen without proper planning and thought.

My most immediate interest, of course, is the State of Montana. The situation as it now stands disturbs me greatly. There is far too little information as to what the future will bring. A large utility in Montana in cooperation with outside interests is now in the process of constructing a coal gasification plant in eastern Montana. There are indications that this is only the first of many to be constructed in the Dakota-Montana-Wyoming area. Large coal companies are beginning to develop deposits by strip mining and plan to ship vast amounts of coal to metropolitan areas in the East. Others are pressing for more lease sales on Federal lands.

Paraphrasing two editorials which appeared in the Billings Gazette, a Montana daily newspaper, the purpose of these developments is not to supply the power needs of Montanans. It is to exploit Montana while supplying a stopgap solution to out-of-State concerns. As the Gazette states so strongly, Montana belongs to Montanans—not to the stockholders of large utilities or coal companies.

As a Senator from the State of Montana, I do not want to see the eastern portion of the State permanently scarred and destroyed; nor do I want to see consumers in my State saddled with higher utility bills to finance the corporation's expanded activity. As the situation now stands the only people who will benefit will be the out-of-state interests and I think it is time that we Montanans stand up for Montana. The trend of present thinking in this area is all to controlled by the profit motive.

Mr. President, Appalachia is a much overused term associated with unregulated development of natural resources. Our friends in West Virginia and the surrounding area have suffered tremendously and they are now only beginning to recover. If the voice of experience is of any value, we Montanans have been placed on notice for some time.

I do not pretend to be an expert in mining reclamation or utilities, but I have several thoughts and recommendations which I hope might be useful in reviewing the present situation.

First of all, I believe that we should not panic. There is plenty of time. My most immediate reaction to the current debate over coal development is to support a complete moratorium on all coal development until such time as we can come up with a more reasonable and orderly plan.

What effect will the coal gasification plants have on the water supply in Montana? The north-central power study prepared by the Bureau of Reclamation in cooperation with interested utilities and coal companies suggests that over a 25-year period there will be a sufficient number of coal gasification plants in this area to generate some 50,000 megawatts of electrical power. Should a development of this magnitude ever materialize the water flow diversion would cause an 81-percent reduction in the annual flow of the Yellowstone River. Water use of this magnitude in a semiarid region receiving only 14 inches of annual rainfall will have a tremendous environmental impact. Extreme reduction in river flows and the transfer of water from agricultural to industrial use will drastically alter existing agricultural patterns and rural lifestyles. Water is the most closely guarded treasure we have in our State.

I think the individual landowner is being treated shabbily. Existing law gives the final authority to the holder of the subsurface mineral. During the days of shaft mining this was of little consequence, but strip mining can mean the destruction of a surface which may have provided a livelihood for generations, all to be taken without adequate consideration and compensation.

We must have land reclamation of strip-mined coal areas and consider effects of industrial processes on air and water. Another serious matter, often ignored, is the impact of a vastly expanded population on the human environment and inadequate spacing of industrial plants creates some of the most serious pollution problems.

Again, I wish to stress that I am not convinced that power shortages at the present time are sufficient to permit unregulated development of coal as a major power source. Too little attention is given to preplanning for environmental protection and reclamation. I am greatly concerned about reports that the administration will attempt a reduction in emission standards and encourage strip mining without reclamation requirements in an effort to meet the so-called shortage of accessible fuels. We all have a responsibility to prevent the disaster that I foresee—the U.S. Government, the individual States and the corporate interests.

In my State of Montana I am encouraged by the action being taken within the Montana Legislature. The membership of both the House of Representatives and the Senate indicate a sincere concern. Our new Governor, Tom Judge, has recommended a strong program of control over coal development.

Montana must do several things—first, repeal the eminent domain law which permits large corporations holding subsurface rights to condemn surface ownership. Second, the State must regulate powerplant placement and adopt a severance tax as a means of financing the necessary regulation and enforcement of reclamation laws.

The Federal Government, through its Congress, has taken significant steps in the field of coal mine reclamation. Strong legislation in this area must be given priority in the new 93d Congress. The moratorium on coal mining activity in Montana recommended by the Senate last October is not necessarily binding on the Federal agencies, but it does indicate strong sentiment and places the Federal authorities on notice until such time as the Congress acts. I want to see a strong reclamation bill passed which will provide for the restoration of all surface mine lands to a condition equal to or better than it was at the time the mining was started. In fact, there must be advanced commitments to preplanned reclamation before any mining proceeds. This is not an unreasonable request. This should include the cooperation of scientific authorities who are prepared to offer plans that can be implemented in a manner appropriate to the area. We must have more than roadside reclamation. And there is a requirement for strong Federal enforcement.

In addition to a strong reclamation law, we should permit an outright ban on strip mining in areas which are considered to be fragile and inappropriate for restoration and reclamation. We have such an area in Montana—the Bull Mountains.

Reclamation requirements should apply to all Federal lands and any private development where the coal resource is shipped into interstate commerce. We want a strong uniform policy. Several bills have been introduced and more will be presented on the broad issue and the specifics. Under the leadership of the able chairman of the Senate Interior Committee, Senator Henry Jackson and knowledgable colleagues such as Senators Frank Moss and Lee Metcalf, I am confident that we can give this matter the serious attention it deserves. I think that the energy study now underway within the Interior Committee will give us the perspective on the energy crisis that is necessary.

Coal is not necessarily the only source of power available to our Nation at this time. Recognizing that atomic power generation has been somewhat less successful than anticipated, why has not the Federal Government constructed the large intertie system of Federal and private generating systems along with the installation of additional generating capacity at several of our large Federal projects. This would provide for a more economic use of existing resources.

Why does not the Federal Government and private utilities expand research on improved processes of power generation such as magnetohydrodynamics. The MHD process for generating electricity from coal provides for better utilization of coal, with a limited need for water and reduced air pollution. Unfortunately, a larger portion of the corporate budget is expended to promote increased electric consumption rather than research. It is my hope that the Congress will pursue these matters with vigor.

Lastly, I feel that the private sector—namely the utilities and the coal companies—are approaching this situation with little compassion and regard for the future of this part of our Nation. There must be a full and free discussion of plans for the future. There is a lot of talk about reclamation but little demonstration of their intent. Just exactly what do these grand plans for at site power generators mean? How many plants will there be in the transmission system to large urban centers throughout the Nation? If the project is as large as some predict, reclamation laws will be of little value, the emission of nitrogen oxide and other particulates in the area will make it impossible for anything green to grow. Despite existing pollution control and emission standards, conditions would be far worse than anything experienced in New York City or Los Angeles. The public good and the future well-being of the west must be given prominent consideration in the planning efforts of the utilities.

Montana is one of 50 States. It is deserving of as much attention as any other. The people of the Big Sky Country are willing to do their share. I believe that the consumers of Chicago, Cleveland, New York, and other large metropolitan areas are perfectly willing to give consideration to the people of a State which is making it possible for them to have an adequate electric power supply.

If we cannot have orderly and reasonable development of the vast coal resources in Montana and the West, then there should be no strip mining of coal. I shall not retreat from this position, insofar as Montana is concerned.

Mr. President, I ask unanimous consent that an editorial from the January 14, 1973, Washington Post and a series of letters from my files on the issue of coal development printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

The Artificial Shortage of Fuel Oil

Schools, factories and churches now stand cold and empty throughout the Middle West, for want of fuel to heat them. It would be excessively charitable to attribute this breakdown of the fuel distribution system to cold weather, or to a shortage of oil. Cold snaps are an accustomed part of winter life in the Midwest and, as for fuel, there is no shortage of the oil supply available to this country and its consumers. The real and critical shortages are the shortage of rational public policy, the shortage of foresight in the federal government, and the manifest shortage of common sense.

The distribution breakdown has two essential causes. To please consumers, the government keeps the interstate prices of natural gas so low that producers are increasingly keeping it out of interstate commerce. To please the oil companies, the government severely limits imports and keeps the price high. Grain is rotting in Iowa for want of natural gas to run the dryers, but there is plenty of gas available in Oklahoma. American oil refineries are currently running substantially below capacity for want of crude oil in this country, but there is plenty of crude oil for sale throughout the world and most of it is cheaper than our domestic production.

Our national stocks of heating oil began to drop significantly last March. The White House and its Office of Emergency Planning knew it. They did nothing about it. Meanwhile the consumption of fuel oil was rising at an accelerating rate. The same officials were aware of this rise. By mid-autumn, when stocks are at their annual peak, the nation had 13 per cent less fuel oil on hand than a year earlier. At the same time consumption by coincidence, was running 13 per cent higher than a year earlier.

Patterns of fuel usage are changing rapidly, and the federal government has been unable to change its regulatory policies fast enough to prevent serious breakdowns in supply. Electric utilities, for example, have been unable to develop nuclear power as soon as they had hoped, and environmental standards have limited their use of coal. As a result the utilities are increasingly using light oil to generate electricity and contributing heavily to the new demand. Local shortages tend to chase each other around through the economy. In the areas that are short on natural gas, some industries have begun to switch over to oil and help to drain distributors' tanks.

The present level of demand was predictable. But even now, with the unfilled demand for fuel oil all too evident, American refineries are still operating about 10 per cent below capacity. Our domestic wells cannot supply them with enough crude oil. Foreign oil is the obvious answer, but the United States stringently limits the importation of foreign oil through a system of rigorous quotas. Abolishing the import quotas is not the whole solution to our future energy requirement, obviously. But of all the steps that the White House could take quickly, ending the quota system would be the most effective.

Instead, the White House took the curious step last Monday of hugely increasing the quota of refined fuel oil that can enter the continental United States from the Virgin Islands. There is only one refinery in the Virgin Islands, and it is owned by Amerada Hess. This example of gross favortism, in a matter of great national concern, will hardly strengthen public confidence in the administration's ability to develop a rational and disinterested energy policy. The proper course, in contrast, would have been to expand imports of crude oil as well as refined fuel oil without any limitation of source.

For the past 17 months the price of fuel oil has been held constant by the controls. With the removal of the controls, there are now two possibilities. Either the federal authorities will increase supplies through imports, or the price will go up. A sharp rise in fuel oil prices would be a substantial addition to the inflation that, the administration hopes, is diminishing.

Even if import quotas were lifted tomorrow, the distress in the Midwest would continue for some time. Cold weather and logistical bottlenecks would make it difficult to move supplies quickly to the parts of the country that need them most. Because the White House was inattentive to its responsibilities over the past spring, summer and fall, citizens throughout a wide part of this country are suffering severe disruption in their businesses and discomfort in their private lives this winter. If the White House does not move quickly to expand oil imports, this distress can only spread.

October 20, 1972.

Mr. John J. McGuire,
Chief, U.S. Forest Service, Department of Agriculture, Washington, D.C.

Dear Mr. McGuire: On October 12th, 1972, the Senate considered and agreed to the provisions of Senate Resolution No. 377, indicating the sense of the Senate that an immediate temporary moratorium on Federal coal leasing be enacted within the confines of the State of Montana, and for other purposes.

As a Senator from Montana and as Majority Leader, I wish to take this means of impressing upon you, my firm resolve and that of my colleague, Senator Metcalf, that the executive branch move expeditiously to comply with the intent of Senate Resolution No. 377. It is our intention to closely monitor mineral activities in Montana, to assure that uncontrolled destruction of Montana's land does not take place.

Your close personal attention to this matter would be appreciated.

With best personal wishes, I am,
Sincerely yours,
Mike Mansfield.

U.S. Department of Agriculture,
Washington, D.C., November 2, 1972.
Hon. Mike Mansfield,
U.S. Senate.

Dear Senator Mansfield: This is in reply to your letter of October 20 concerning an immediate temporary moratorium on Federal coal leasing in Montana as provided in Senate Resolution No. 377.

At present there is only one coal lease in existence on National Forest System lands in Montana. It lies within the Beaverhead National Forest. The Custer National Forest has a pending application for a coal prospecting permit. For some time, our Northern Region has refused to act upon new coal prospecting permits and leases on the basis that there are already large areas of Montana subject to Federal, State, and private coal leases. Further, they feel that a prerequisite to further leasing should be a plan for coordinated development consistent with adequate environmental protection and the public interest. The above are primarily public domain lands reserved for National Forests. In these areas, the Secretary of the Interior has the final authority to determine whether coal leasing shall be allowed. We are informed that the Bureau of Land Management's State Director for Montana recently rejected 119 applications for coal prospecting permits in Montana and North Dakota. The basis for the rejections was that there were large areas already under lease, but not in production, and therefore no compelling need exists for further prospecting.

We view Senate Resolution No. 377 as supportive of the determination of the Regional Forester and the Montana State Director not to permit damage to Federal lands in Montana by uncontrolled surface mining for coal.

Sincerely,
John R. McGuire, *Chief.*

October 20, 1972.

Mr. Burton W. Silcock,
Director, Bureau of Land Management, Department of the Interior, Washington, D.C.

Dear Mr. Silcock: On October 12th, 1972, the Senate considered and agreed to the provisions of Senate Resolution #377, indicating the sense of the Senate that an immediate temporary moratorium on Federal coal leasing be enacted within the confines of the State of Montana, and for other purposes.

As a Senator from Montana and as Majority Leader, I wish to take this means of impressing upon you, my firm resolve and that of my colleague, Senator Metcalf, that the executive branch move expeditiously to comply with the intent of Senate Resolution #377. It is our intention to closely monitor mineral activities in Montana, to assure that uncontrolled destruction of Montana's land does not take place.

Your personal attention to this matter would be appreciated.

With best personal wishes, I am
Sincerely yours,
Mike Mansfield.

U.S. Department of the Interior,
Washington, D.C., November 10, 1972.
Hon. Mike Mansfield,
U.S. Senate, Washington, D.C.

Dear Senator Mansfield: In reply to your letter of October 20, 1972, we wish to assure you that the Bureau of Land Management will exercise its full authority and expertise to prevent any uncontrolled destruction of land in Montana, or elsewhere.

The BLM long ago adopted the goal of striving for a blending of resource uses which provide the maximum benefit to the public. To this end also, the Department of the Interior has initiated the Northern Great Plains Resource Program. This undertaking will marshal the expertise of many Federal agencies, as well as five states, in an effort to assure intelligent management of the valuable resources in this area, with full regard to all environmental and social factors.

The BLM has issued almost no coal leases or permits on public or acquired lands in the last 22 months, and we will continue to proceed cautiously. However, the BLM cannot support any resolution aimed at arbitrarily withdrawing any Federal lands from coal mining. Such a withdrawal would prevent leasing in areas where coal is needed for existing production, thereby forcing a shutdown of operating mines or shifting operations to lands not subject to Federal regulations. In addition, much of this low-sulfur coal is presently consumed in electric-utility markets. We do not wish to jeopardize this supply.

The BLM will continue to issue coal leases where (1) no serious adverse environmental impacts will occur, and where either (2) the coal is needed to maintain an existing mining operation, or (3) the coal is needed as a reserve for production in the short term.

Senate Resolution 377 seems to be based upon the premise that existing surface protection regulations and lease stipulations are not adequate to insure proper reclamation after mining. We feel that existing regulations found at 43 CFR 23, 25 CFR 177, 30 CFR 211.19, and terms within the lease itself, provide the necessary tools for assuring proper reclamation and protection of the other natural resources on Federal lands.

Also, the Bureau of Land Management programs strive for compliance with the spirit as well as the letter of the National Environmental Policy Act of 1969. We have developed extensive procedures for analyzing the environmental impacts of BLM actions and are in the process of preparing programmatic environmental impact statements under the terms of the National Environmental Policy Act.

We are convinced that what we need most in today's quest to improve our quality of life is a commitment to cooperate in reaching our common goals. Only with such a commitment can we hope to develop the climate in which conflicting views can be reconciled, and to identify the common ground on which issues can be resolved.

Sincerely yours,

Burt Silcock, *Director*.

October 20, 1972.

Hon. Rogers C. B. Morton,
Secretary, Department of the Interior,
Washington, D.C.

Dear Mr. Secretary: On October 12th, 1972, the Senate considered and agreed to the provisions of Senate Resolution No. 377, indicating the sense of the Senate that an immediate temporary moratorium on Federal coal leasing be enacted within the confines of the State of Montana, and for other purposes.

As a Senator from Montana and as Majority Leader, I wish to take this means of impressing upon you, my firm resolve and that of my colleague, Senator Metcalf, that the executive branch move expeditiously to comply with the intent of Senate Resolution No. 377. It is our intention to closely monitor mineral activities in Montana, to assure that uncontrolled destruction of Montana's land does not take place.

Your close personal attention to this matter would be appreciated.

With best personal wishes, I am

Sincerely yours,

Mike Mansfield.

U.S. Department of the Interior,
Washington, D.C., November 22, 1972.

Hon. Mike Mansfield,
U.S. Senate,
Washington, D.C.

Dear Senator Mansfield: Thank you for your letter of October 20, 1972, relative to Senate Resolution 377.

This Department is committed to managing the public land resources in the public interest. This objective prompted the Department to initiate the Northern Great Plains Resource study. This undertaking will marshall the expertise of appropriate Federal agencies, as well as the five states involved, and will establish proper information exchange with the industrial, academic and public sectors to insure that all pertinent factors are taken into account. We are confident that the effort will produce a base of information suitable for use by decision-makers who must manage the region.

Although the Department has issued no coal leases or permits on the public and acquired lands during the last year and a half, it would be unwise to declare a moratorium on all leasing when there is continuing need for coal, and such a constraint would simply shift operation to private lands which are not subject to Federal regulations. This is a particularly pertinent consideration because of the increasing importance of low-sulfur coal in supplying clean energy. In my view, a better alternative is to proceed cautiously on a case-by-case basis, and this is the course we are presently following. Senate Resolution 377, referred to in your letter, apparently is based on the premise that existing regulations for mined land reclamation are inadequate to insure acceptable environmental protection. I believe that the regulations incorporated in 43 CFR 23, 25 CFR 177 and 30 CFR 211.19, when extended by the kinds of stipulations we are now including in our lease terms, provide the necessary tools for doing a proper job on the Federal and Indian lands. These, plus the extensive procedures the Department has developed for analyzing environmental impacts and insuring compliance with the spirit as well as the letter of the National Environmental Policy Act of 1969, should guarantee environmentally acceptable mining, where mining is required to meet real energy needs.

I am convinced that what we need most in today's quest for high quality of living is a commitment by all to cooperate in reaching that goal. Only with such a commitment can we hope to develop a climate in which conflicting views can be reconciled and proper trade-offs made. You can be assured that we will continue developing the information necessary for proper management of the Northern Great Plains.

Yours sincerely,

Rog Morton,
Secretary of the Interior.

May 19, 1972.

To: Mining Supervisors, Branch of Mining Operations. Through: Chief, Branch of Mining Operations.

From: Chief, Conservation Division.

Subject: Guidelines for reclamation requirements under Section 5 of Federal Coal Leases.

You are all aware of the recent study made of our operations by the General Accounting Office at the request of Senator Metcalf. The study found that our supervision and enforcement of Section 5 of the standard coal lease form was lax in some respects.

One recommendation in the report was that we should issue procedural guidelines for the Mining Supervisors to follow in enforcing the reclamation and environmental requirements of this section of the lease terms.

Even though this subject has been discussed regularly in our periodic supervisor conferences and with most of you individually on numerous occasions over past years, no formal guidelines, as such, have ever been issued. Heretofore, we have considered each case on its own merits and have relied on your individual judgments, due to local and regional topographic, climatic and vegetation differences. Much of the reclamation work done was on a voluntary basis by the lessees or, in some cases, in compliance with requirements of a State. A much smaller amount was carried out at the insistence of the Supervisors in discharging their responsibilities.

Most coal leases now in force contain restoration and surface protection clauses similar to Section 5 which essentially reads as follows:

"Protection of the surface, natural resources and improvements. The lessee agrees to take such reasonable steps as may be needed to prevent operations from unnecesarily: (1) causing or contributing to soil erosion or damaging any forage and timber growth thereon; (2) polluting the waters of springs, streams, wells, or reservoirs; (3) damaging crops, including forage, timber, or improvements of a surface owner; or (4) damaging range improvements whether owned by the United States or by its grazing permittees or lessees; and upon any partial or total relinquishment or the cancellation or expiration of this lease, or at any other time prior thereto when required by the lessor and to the extent deemed necessary by the lessor, to fill any sump holes, ditches and other excavations, remove or cover all debris, and, so far as reasonably possible, restore the surface of the leased land to its former condition, including the removal of structures as and if required. The lessor may prescribe the steps to be taken and restoration to be made with respect to lands of the United States and improvements thereon."

The language of Section 5 clearly gives us the authority to require lessees to reclaim or restore land disturbed by either strip or underground mining operations to its former condition, so far as reasonably possible. This includes contouring spoil and waste piles, revegetating the land, sloping the highwall; cleaning up debris, removing surface structures, properly sealing portals, preventing water pollution, and protecting other natural resources. In short, we feel that Section 5 covers all contingencies that may arise in this area of our responsibility, which in some instances you have been complying with by demanding restoration plans from lessees.

Although 43 CFR 23, issued January 18, 1969, is not applicable to some of our older coal leases, to underground mines, or to surface mining where the surface is not owned by the U.S. Government, we have sufficient authority under Section 5 of the lease terms to require all lessees who are operating, or planning to operate, to submit surface protection plans similar to those required by these surface mining regulations. The plans should be in a narrative form supplemented by adequate maps and should cover at least the following points:

1. Topographical maps showing roads, the areas to be mined, mine projections, waste disposal areas, and spoil piles.
2. Steps to be taken to prevent water and air pollution, to prevent land erosion, and to protect other natural resources.
3. How the lands will be reclaimed, including grading, contouring and sloping of spoil piles and highwalls to prevent public hazards, and for aesthetic purposes.
4. Type of revegetation proposed, and how it will be protected until it can become well established.
5. How the property will be abandoned, including the sealing of portals, removing surface structures and cleaning up the area.
6. How waste and spoil dumps will be reclaimed to prevent potential public hazards and degradation of the lands and waters.

Before approving a reclamation plan under Section 5, you should consult with the land management agencies involved (i.e. BLM, Forest Service, DIA or Tribal Officials) on the adequacy of the surface protection proposals. You should also consult with State agencies where necessary.

Among other things, each of you should instruct coal lessees of their obligations under both Section 5 of the coal lease as well as other appropriate regulations. You should also advise lessees of the type and scope of the plan which must be submitted and approved, prior to commencing any earth disturbing operations. It should also be stressed that reclamation work must be performed as concurrently as possible with mining operations. Furthermore, where an approved reclamation plan is plainly out of date, you should require such a plan to be updated according to the guidelines and suggestions mentioned in this memorandum.

Before the abandonment of leases is approved, onsite inspections must be made to determine whether the land is in a suitable condition for abandonment in accordance with the lease terms and regulations. Where operations have been temporarily suspended, portals should be closed by gates or other suitable barricades to prevent entry into underground mines. From time to time, onsite inspections should be made by Survey engineers as well as the lessees, to determine that no pollution, erosion, fires, or other hazards have developed on the property while operations are temporarily suspended.

As to abandonment of portals, the enclosed drawings developed by Moffitt should be used as a guideline.

Russell G. Wayland.

U.S. Senate,
Washington, D.C., December 5, 1972.

Hon. Rogers C. B. Morton,
Secretary Department of the Interior,
Washington, D.C.

Dear Mr. Secretary: In testimony before the Senate Interior Committee in May of 1972, the Assistant Secretary for Public Land Management stated that the position of the Department of the Interior at that time was to proceed cautiously on the issuance of further coal leases and permits pending an analysis of quantity and quality of coal already under lease and the demand and need for additional coal. In June 1972, at a hearing on Federal Leasing policies, the same Assistant Secretary stated that no exploration permits for coal had been approved and no coal sales had been held for 18 months.

In view of these statements and the present posture of the Department indicated by your letter of 16 November 1972 to the undersigned to proceed with leasing and in order for us to make an analysis of the situation, you are requested to provide us with a list of the outstanding coal leases and permits in the area of the land covered by the Northern Great Plains resource study, showing name of the lessee or permittee and the number of acres chargeable to such lessee or permittee, including acreage under option in each state.

Information is also requested as to the number of pending applications for coal prospecting permits and/or leases, in the area of land covered by the Northern Great Plains resource study, including the name of the applicant and the number of acres of land covered by the application.

Very truly yours,

MIKE MANSFIELD,
U.S. Senate.
LEE METCALF,
U.S. Senate.

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., December 26, 1972.
Hon. MIKE MANSFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MANSFIELD: Your letter of December 4, jointly signed by Senators Metcalf and Moss, suggests the need for a full, frank discussion of issues and actions related to development of coal in the Northern Great Plains. I have asked John W. Larson, Assistant Secretary for Program Policy, to arrange for such a meeting with your staffs.

I know this matter is of great importance to you. I will be glad to discuss it in more detail at your convenience and to offer whatever assistance we can in developing the kind of legislation required for better mining in the future.

Yours sincerely,

ROG,
Secretary of the Interior.

U.S. SENATE,
Washington, D.C., December 13, 1972.
Hon. THOMAS JUDGE,
Governor-Elect, State of Montana,
The Capitol, Helena, Mont.

DEAR GOVERNOR JUDGE: The decision handed down in the U.S. District Court of Montana that the Burlington Northern Sarpy Creek line was a spur or branch and therefore classified as industrial has revealed that there is a hiatus in jurisdiction that creates a difficult and serious situation in need of immediate action on the part of both State and Federal legislative bodies. It is apparent there are not sufficient laws or regulations and enforcement to prohibit unnecessary or unwanted development of coal deposits and related support facilities in Eastern Montana, and give either State or Federal agencies adequate regulatory jurisdiction.

The Montana court determined that Interstate Commerce Commission did not have jurisdiction. We believe that clarification of the definition of an industrial line which carries coal intrastate for developing a commodity is needed. Spurs and branches, as well as extensions, should be subject to regulation either by the ICC or, in the event of intrastate spurs, extensions and branches, regulation by the Public Service Commission.

In our estimation, the State of Montana must repeal the existing law giving the owners of subsurface mining rights the power of eminent domain over the surface owners of agricultural or grazing rights. At the Federal level, we must have the strongest of reclamation laws governing surface mining. In addition, we want a law which will modify the authority of Federal agents in leasing subsurface mining rights so that the holder of the surface rights is given equal consideration.

Predictions of huge generating facilities, extensive surface coal mining, dangerous emissions and disregard for other environmental considerations, such as massive water diversion, project a rather bleak future in Eastern Montana. We do not wish to be associated with such a plan, which is in the name of economic development, affords questionable benefits and possible detriment to the residents of Montana.

We recommend to you as strongly as we can that you take the leadership in bringing about the necessary action at the State level, as rapidly as possible. We intend to do so here in the United States Senate.

Very truly yours,

MIKE MANSFIELD,
United States Senator.
LEE METCALF,
United States Senator.

STATE OF MONTANA,
Helena, Mont., January 3, 1973.
Hon. MIKE MANSFIELD,
U.S. Senate, Office of the Majority Leader,
Washington, D.C.

DEAR SENATOR MANSFIELD: In response to your letter of December 13, I am enclosing a copy of my State of the State address delivered on January 2.

As you will note, the prospect of extensive coal development in Montana concerns me very deeply. I have, therefore, proposed a number of steps that must be taken if we are to ensure that the development is undertaken only if it serves the long-range interests of Montana. I believe the following measures are absolutely essential to achieve this goal:

1. The strongest strip mine reclamation law in the nation;
2. A law to strengthen control over our state's water resources;
3. A power plant siting law, which covers gasification and liquification plants as well as railroad spurs, power lines, and aqueducts;
4. A law increasing the taxes on coal to provide a more just return for exploitation of a non-renewable resource;
5. A law providing for the establishment of a Resource Indemnity Fund to ensure something remains in the state after the non-renewable resources are shipped out.

In addition, I am fully aware of the problems associated with the broadness of Montana's eminent domain statutes and the federal laws relating to the leasing of subsurface mining rights.

Both need modification if we are to ensure some protection for the holders of surface rights, even though the exact nature of the modification raises complex questions.

It was with this in mind that I, some time ago, asked my staff to study Montana's eminent domain provisions and develop alternatives. We hope to have this task accomplished in the near future.

I am, of course, pleased to see action along the same lines being taken at the federal level.

However, I should point out that even with the above changes, the burden of protecting Montana from development, which may be deleterious to our way of life, cannot be borne by Montanans alone. We need resources to enforce whatever laws may be passed to accomplish the research essential to provide guidelines for wise resource decisions. With regard to the latter, Former Governor Anderson has repeatedly asked the Nixon Administration for funds to begin this research. As of yet, nothing of substance has been forthcoming, although the need to get moving becomes more critical each day.

The Northern Great Plains Resource Program has been announced, but apparently no additional funds will be available for new research.

The State Coal Task Force has already developed some research programs with the needs of Montana in mind. In the near future grant applications to fund these programs will be submitted to the appropriate federal agencies. Anything you can do to secure approval for the needed funds will certainly be appreciated.

The problems before us are, I believe, large enough that a concerted effort by government at all levels will be necessary if we are to prevent the "bleak future" you spoke of. You have my assurance that my administration is prepared to make that effort by continuing the leadership role I believe has already been initiated.

Sincerely,

THOMAS L. JUDGE, *Governor.*

U.S. RELATIONS WITH SWEDEN

Mr. CHURCH. Mr. President, the White House has recently displayed petty behavior toward Sweden. Members of the administration have engaged in name calling, the most absurd being that Sweden is an "unfriendly country," and have sought retribution by the tactic of postponing the exchange of high diplomats between the two nations as a snub toward the Palme government

Several decades back, Senator William E. Borah of Idaho and senior member of this distinguished legislative body, challenged our Government to debate openly and freely on all policies. He pointed out in his famous aphorism:

> A good cause is strengthened by opposition, a weak one justly destroyed by it.

Senator Borah's message has more merit today than ever before.

I ask unanimous consent that a January 12 editorial concerning Nixon's rift with Sweden be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

BEHIND THE RIFT WITH SWEDEN

The current diplomatic rift between the United States and Sweden is disturbing in itself and even more disturbing in what it portends for the leadership role which Mr. Nixon would have this country take after the war. Mr. Palme, the Swedish Prime Minister, has a long record of vigorous open opposition to American policy in Vietnam. To protest one of his gestures, Mr. Nixon did not replace the American ambassador who retired from Stockholm last summer. In response to Mr. Palme's latest outburst, an extravagant statement placing the Christmas bombing of Hanoi among the century's worst "atrocities," the President responded even more sharply. There is no record that he attempted to explain to the Swedes the purpose of the latest bombing, any more than he has to Americans. But he did tell Sweden not to replace *its* retiring ambassador. "We might as well face it," a State Department official thoroughly caught up in the Nixon spirit told Newsweek. "We are dealing here with an unfriendly country."

This is, of course, nonsense. That an American diplomat could apparently believe it suggests just how far the Nixon administration has gotten out of touch with the rest of the world. For Sweden is anything but an unfriendly country. It is, in the natural scheme of things, a close friend sharing the deepest associations and values with the United States. It is also, obviously, a country whose leader, along with a substantial portion of its citizenry, happens to disagree with a particular American policy. But the way to cope with a friend's disagreement is, at the least, to get in closer touch, to try to explain, not to react in pique and close off the symbolic channel of communication between nations, the exchange of ambassadors. Passing off political disagreement as an expression of calculated hostility is simply wrong-headed.

Here we introduce a point so obvious as to be almost embarrassing to have to make. It was not Olaf Palme's words that shot almost a score of B–52s out of the skies of North Vietnam during the December raids; it was missiles supplied to Hanoi by the Soviet Union. The two million signatures Mr. Palme is trying to rally for an end-to-the-bombing petitions are not killing South Vietnamese the bullets sent to the Vietcong by the People's Republic of China are. Yet Mr. Nixon keeps his ambassador in Moscow, and Moscow's envoy stays in Washington. As with the Russians, he continues efforts to broaden ties with the Chinese. How can the President countenance this measure of illogic in his policy?

The Swedish attitude—which is, let it be noted, shared in some more or less considerable degree by practically every *friend* the United States has—expresses essentially, we think, the bafflement with which so many people everywhere view the extended and continuing American involvement in Vietnam. The attitude may not arise so much out of compassion for Vietnamese, or hostility to Americans, as out of cold self-interest. Mr. Nixon would like the American stand in Vietnam to be seen by friend and foe as a testament to the United States' devotion to an ally and to its dedication to the principle of national self-determination. But many people in many lands see the American stand as evidence that the United States has lost its balance and undermined its own penchant and capacity for a leading world role. Many foreigners—not all, to be sure—look at the United States and see a nation harshly divided within itself, one whose will and readiness to make good on other international commitments have been put in shadow by its costly and disproportionate involvement in Vietnam. From the viewpoint of their own self-interest, they must necessarily wonder if and how the United States has been changed by the war, and whether it is wise to count on the United States in years ahead.

This is to us the real issue involved in President Nixon's reaction to Olaf Palme. We cannot conceive how it is to the President's or the country's advantage for him to pursue his particular line of response.

WHAT IS AHEAD FOR 1973 IN WORLD AFFAIRS?

Mr. MATHIAS. Mr. President, Ambassador Charles W. Yost, writing in the Washington Post on January 10, 1973, has provided us with some excellent "food for thought" as we plan for the coming year. I highly recommend his enlightened commentary, entitled "What's Ahead for 1973 in World Affairs?" and ask unanimous consent that his article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHAT IS AHEAD FOR 1973 IN WORLD AFFAIRS?

(By Charles W. Yost)

Man is forever trying to control his future or at least foresee it. He rarely succeeds, most of all because he himself is so unpredictable, and often so foolish. A pessimist has said: "What we learn from experience is that we don't learn from experience." A relative optimist remarked: "Experience is what teaches you to recognize a mistake when you make it a second time."

As we look ahead into 1973 and try to calculate what might be accomplished in international affairs by year's end, we may be most of all impressed by the gap between opportunity and contingency between what seems to lie within our grasp and what might so easily slip through our fingers.

The administration no doubt has a rational "game plan," based on its already considerable achievements. It has begun to establish a pragmatic post-cold war relationship with the Soviet Union, concluding an initial strategic arms limitation agreement, encouraging mutually profitable trade arrangements, starting to create on both sides an interlock of vested interest in continued cooperation. It has moreover at last opened a civilized dialogue with the real government of China.

Having tempered some of our more dangerous confrontations with our adversaries, the administration has indicated its intention of proceeding this year to compose some of our potentially destructive differences with our friends, to negotiate for example far-reaching monetary and trade arrangements with Western Europe and Japan. At the same time the opportunity exists to bring them also into more sensible arrangements with the Communist great powers, through the projected European Security Conference and accommodations by Japan with China and with the Soviet Union.

Further progress toward great power accommodation, which now seems so plausible, could still be aborted by attachment on both sides to an antiquated concept of "national honor" that should be as dead as dueling, by confusion about what "national security" will henceforth mean on this "small spaceship earth," by ambivalence between the urge to brandish national power and the elementary prudence a nuclear age demands. These archaic but still respectable passions could prolong the agony of Vietnam. They could turn Salt II into a frantic race to deploy new weapons systems as "bargaining chips." They could disrupt by trade wars our friendship with Western Europe and Japan. They could delude us and other rich nations into ignoring the needs of the two-thirds who are poor until their sickness infects all of us.

All these dire contingencies are, as the new year opens, not reasons for despair or apathy but for sober reflection and precaution. If leaders are all too human in their passions and all too powerful in their instruments, all the more do they need the strict application of the checks and balances which the American constitution, for example, provides. If nations still conceive that "national honor" prevents them from admitting a mistake and that the "balance of power" must always be "titled" in their favor, all the more do they need healthy and strong international organizations both to curb their egotism and to provide effective alternative means for maintaining peace.

Santayana said that those who don't learn from history are condemned to repeat it. However, humanity cannot risk repeating in the last third of the 20th century its appalling mistakes of the first two-thirds. It must learn to control itself and its leaders, to build institutions strong and flexible enough to meet unforeseen contingencies, to seize and not to squander the unparalleled opportunities that technology and civilization now offer.

One might think, therefore, that the great nations of the world had at last "Got religion," woken up to their real interests, decided once and for all to work for a stable international order instead of international anarchy and great power machismo. If one made such a sanguine prediction, however one would have to turn a blind eye to two persistent factors in human affairs: Unforeseen contingencies as human nature, particularly the very human nature of leaders.

Who would have anticipated in September 1929 that within a month great economic depression would have begun, within a year 100 Nazi deputies would have been elected to the Reichstag, within 10 years a second world war would have broken out. Who can tell today what would be the effect on detente and "balance of power" of the death of Mao or Tito, a new outbreak of fighting in the Middle East, a clash of naval or air power arising from some totally unexpected eruption somewhere in the third world?

We have just seen how the whole structure of detente could be put in jeopardy by an American display of all-too human pique and masochism on Vietnam, and emotional confusion between what seemed the national interest a decade ago during the cold war and what is in fact the national interest in the new climate of the 1970's. Similar displays of human fraility, an asperation and brutality must unhappily be expected from time to time from other leaders also holding appallingly destructive power in their hands.

RETIREMENT OF REAR ADM. R. J. PEARSON, MC, U.S. NAVY

Mr. PASTORE. Mr. President, service in the Senate of the United States has its joys and its sorrows. It has its challenges, and one of the greatest challenges and sorrows is the sorrow of the challenge of change.

Treasured associates take their leave from our daily existence and become a part of the history of the Capitol, with a lasting place in the memory of each of us.

So there is a sense of personal loss with the word that Admiral Pearson is retiring. Dr. Pearson is ending his devoted service as—and so I like to call him—the family physician of the Congress of the United States.

In the some 7 years of his dedication there are those of us who owe him a special affection of appreciation as a skilled doctor and concerned friend who has helped us through critical hours.

I am such a debtor to Dr. Pearson.

If I invest a doctor with unusual qualities deserving admiration, it is because I have seen and shared the commitment of my children to the study and practice of medicine.

My son is a physician; one daughter is the wife of a physician serving in his country's uniform; my other daughter, the graduate of a college of nursing.

I cite this only to indicate my awareness of the deep study and sacrifice made by Admiral Pearson, the medical student, to prepare himself for the point where our lives have been in his care.

We can thank God that He puts the doctor's dream and determination into the hearts of men against the hour of our desperate need.

So we express our gratitude to all the centuries of science, to all the teachers who have transmitted their science and skills to the minds and hearts and hands of great individuals like Dr. Pearson.

It was such a doctor's dream that inspired Rufus Pearson through college and medical school, it was the good citizen's dedication that sought service overseas in World War II, and it was the comradeship of those war years that called him to the naval hospital service up to the time of his call to the Capitol.

To his many medals of merit we can add only our humble thanks.

May the days of his retirement be filled with the blessings of health and happiness to him and to all his loved ones; and may he be assured that our praise and prayers will cherish forever the Pearson Period in the Capitol of his country and ours.

HOMEPORTING OF 6TH FLEET IN GREECE

Mr. BROCK. Mr. President, columnist James J. Kilpatrick commented in a recent article on the Navy's decision to homeport a part of the 6th Fleet in Greece. I found his views interesting and ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RAISING THE DOUBLE STANDARD OVER GREECE

(By James J. Kilpatrick)

A House subcommittee filed a bitchy little report two weeks ago, complaining petulantly of the Navy's decision to homeport a part of the Sixth Fleet in Greece. But the thrust of the report wasn't directed at American admirals; it was directed at Greek colonels instead.

The authors of this report agreed that the United States has legitimate military and security interests in Greece, relating both to NATO and to the Middle East. They could not convincingly challenge the Navy's choice of Athens in terms of the city's housing facilities and the like. This was their point:

"The circumstances of that choice indicate that our government is more concerned about obtaining the minor advantages and conveniences of homeporting in Greece (instead of Italy, for example) than about expressing our opposition to the Greek dictatorship through a policy of minimal and cool relations until democracy is restored in that country. The world looks to the United States to stand up for democratic principles and if we shirk that responsibility, we are negating the most important principle on which this country stands."

Members of the subcommittee, headed by Benjamin S. Rosenthal of New York, took a lugubrious view of the present government in Greece. It is not, they believe, "stable." There may be some short-term advantage in the homeporting decision, but "our long-term need is for a stable Greek government which will come through a democratic restoration." The Navy, they insist, should have chosen Naples, Livorno or Taranto instead.

The authors' conclusions, viewed on their merits, have no merit. Whatever else may be said of the government in Greece, like it or not, it is stable. The colonels have been firmly in power for nearly six years. Their opposition is divided, disorganized, and impotent. Restoration of what is euphemistically known as "democratic rule" would invite a return of the chaotic conditions that obtained prior to 1967. If forces of the extreme left wing should gain power, it could well mean a swift end not only to democratic rule, but also to Greek participation in NATO.

By contrast, if "stability" is the desideratum, one may recall that Italy has had 34 governments since World War II.

Never mind the merits. What is baffling to the observer of foreign affairs is the double standard one constantly encounters. Indeed, when it comes to our relations with the rest of the world, we seem to have double standards for double standards.

Surely this is true in the matter of Communist regimes. This past year saw the President of the United States toasting the Communists of China and Russia, and bombing the Communists of North Vietnam. It is equally true of dictatorships. Rosenthal and his colleagues despise the dictatorship in Greece. They never cease to mourn the absence of democracy in Portugal, Rhodesia, and South Africa. But you will not see them standing up for democratic principles in Zambia, Tanzania, and the Sudan.

We see the same double standard in the matter of moral outrage. When U.S. bombs fall on Hanoi, it is barbarism; when Soviet missiles fall on Quang Tri, it is no more than the fortunes of war. The history of the bloody conflict in Vietnam is in part a history of the torture, mutilation and murder imposed by terrorists from the North upon peasants of the South. This part of the history seems to affect congressional liberals not at all.

We ought to weep for the dead of war, whoever they are, however they die. And when it comes to dealing with governments we find distasteful, we ought in charity to give some account to the taste of others.

In some millennium, all nations will be as democratic as the Eighth Congressional District of New York; meanwhile we ought to work with governments as they are. We ought to tolerate Greek colonels, Spanish generals, African despots, and everyone else. After all, they tolerate us—or most nations do—and that in itself is no easy job.

CONGRESS AND INDOCHINA

Mr. CHURCH. Mr. President, I fervently hope that America's active part in the long and tragic Indochina conflict is coming to an end; I also hope that Congress plays a role in finalizing that end by being a party in advising and consenting to the peace agreement. At the same time, I believe that Congress should prohibit by statute the return of any U.S. Armed Forces, whether by land, air, or sea to hostilities in Indochina, unless Congress authorizes explicitly such a role for our military men.

Tom Wicker, the New York Times outstanding columnist, made a similar suggestion in a recent column. He wrote:

> There is no handy device, no quick and easy way to restrict Presidential war powers.

However, Wicker went on:

> Once the war—or at least overt American participation in it—is over, Congress will not be in the position of attacking the Commander in Chief in wartime. Then, one useful precedent might be the Cooper-Church amendment of 1970.

Barring the use of Federal funds to reintroduce American ground forces into Cambodia, Laos, and Thailand. Mr. Wicker notes:

> This strong amendment was passed and accepted by Mr. Nixon only as part of a Cambodian aid package he desperately wanted, and then only *after* the Cambodian invasion that produced it had been concluded. In similar circumstances, there might be a chance for an equally strong prohibition against using appropriated funds for renewing at least the ground war—possibly the air war, too—in Indochina.

I ask unanimous consent that the Wicker column, entitled "Making War, Not Love," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MAKING WAR, NOT LOVE

(By Tom Wicker)

WASHINGTON, January 15.—President Nixon's order for the Christmas carpet-bombing of Hanoi and Haiphong was perhaps the most imperial military decision in American history, although its purpose was diplomatic. It was not taken during a declared war, or in a domestic emergency such as Lincoln had to deal with, or in general consultation with Congress and the United Nations, as was Harry Truman's decision to defend South Korea, or even with the dubious authorization of the Tonkin Gulf Resolution upon which Lyndon Johnson relied. Mr. Nixon's bombing decision apparently was not discussed even with his own Joint Chiefs of Staff.

But it is unlikely that even this horrendous expansion of the so-called "war powers" of the President as Commander in Chief will lead Congress to decisive action to restrict those powers. For the immediate future, Mr. Nixon remains an active Commander in Chief, ordering both military operations and peace negotiations; no Congress is likely to take the risky political step of attacking a President's powers in those circumstances, particularly in view of the new bombing halt.

In the era of nuclear-tipped missiles, moreover, the President must retain the power to act decisively and swiftly in response to threats from abroad. This necessity, plus the President's role as Commander in Chief, makes it most difficult to frame a satisfactory device for restricting his ability to make Presidential war.

The so-called War Powers Act now pending, for example, would require a President who had sent the Marines to the Dominican Republic or the B–52's to Hanoi to report to Congress within thirty days and to ask for its approval. This would give a President thirty days of war-making license not now specified in the Constitution. Worse, it wraps the President in the flag, gives him the initiative as a Commander in Chief who has acted in what he will surely call the national interest, and puts the onus on Congress to declare that he was wrong and ought not to have done it.

Congress will not often be so lion-like—quite the opposite—so the War Powers Act might well become a device for underwriting—not restraining—Presidential acts of war. But Congressional resolutions of policy, another possible device, have almost no teeth; Mr. Nixon, for example, merely shrugs off as not binding on him the Mansfield resolution which declares it national policy that the war in Vietnam should end on a certain date. As for cutting off funds for the war, Mr. Nixon has only to veto any bill that might attempt to do it. After that a two-thirds vote would be required in each house.

The Supreme Court is hardly the answer. If it tried to define Presidential war powers, it would undertake to control the "co-equal" executive branch on the most sensitive questions of national policy. If it actually sought to restrict the Presidency, it might not be able to enforce its decision; or as now constituted, it might even expand the war powers, or confirm Mr. Nixon's view of them. In any case, no Supreme Court is likely to stumble into such a political thicket.

So, as a practical matter, there is no handy device, no quick and easy way to restrict Presidential war powers. But the first necessary step toward that difficult goal surely is an end to the war in Vietnam. While Mr. Nixon is actively functioning as Commander in Chief, while operations proceed, while he can base his actions on the demands of war, while he can clothe his policy in the "national interest," attacking his powers—even, to some extent, his policies—is too much like aiding the enemy; those who do it are even seen to be the enemy by people who consider their President the righteous leader of a peace-loving but mighty nation.

But once the war—or at least overt American participation in it—is over, Congress will not be in the position of attacking the Commander in Chief in wartime. Then, one useful precedent might be the Cooper-Church amendment of 1970, which prohibits the use of any appropriated funds for committing American "ground combat forces" to Laos, Cambodia or Thailand.

This strong amendment was passed and accepted by Mr. Nixon only as part of a Cambodian aid package he desperately wanted, and then only *after* the Cambodian invasion that produced it had been concluded. In similar circumstances, there might be a chance for an equally strong prohibition against using appropriated funds for renewing at least the ground war—possibly the air war, too—in Indochina.

That would not be the answer to the war powers problem, but it would be a first small step toward what is finally going to be needed—a serious revision in Congress, in the press, in the public they are supposed to serve, of the attitude that in national security affairs, the President knows best.

B'NAI B'RITH—ANOTHER GOOD DEED

Mr. RIBICOFF. Mr. President, I invite attention to a particularly worthwhile activity of the John F. Kennedy Lodge of B'nai B'rith, located in the Washington area. As a sponsor of this lodge, I am proud of the group's annual practice of visiting the geriatric wards of St. Elizabeths Hospital during the Christmas season to distribute gifts and good cheer.

The current president of the lodge, Mace Broide, has informed me that he hopes to enlist other B'nai B'rith lodges in this endeavor next year so that this program can be expanded.

I heartily commend the lodge for this humanitarian effort and wish it well in all of its many endeavors.

I ask unanimous consent that a newspaper account of the most recent hospital visit which appeared in the Washington Star-News, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TWENTY FROM B'NAI B'RITH PLAY SANTA FOR ST. ELIZABETHS PATIENTS

(By Eugene L. Meyer)

"How do you like what they got me into, a nice Jewish boy?" mused Max Paglin, former executive director and general counsel of the Federal Communication Commission, who was yesterday, of all things, a Santa Claus.

At 5-feet-6½ and 125 pounds, he said, "I'll be the littlest Santa Claus."

For the fifth year, Paglin and some 20 fellow members of the John F. Kennedy B'nai B'rith Lodge were at St. Elizabeths, the city's mental hospital, to distribute gifts and good cheer to patients at the William W. Godding Division for women.

They visited four wards, three for geriatric patients, most of them suffering simply from old age, and one open ward for younger patients who come and go at will, many of them to outside jobs. Altogether, Godding has 12 wards with 585 women.

The visitors were led by Dr. Leon Konchegul, clinical director of Godding, and head nurse Nancy Coleman through the dimly lit halls smelling faintly of disinfectant.

In each ward, the patients had Polaroid pictures taken with Santa, which each received along with a gift donated by businessmen.

Other gifts had come from Operation Santa Claus, sponsored by the D.C. Mental Health Association. But the source was irrelevant to the patients.

"Merry Christmas to you," Mavis B. greeted a visitor in a geriatric ward. "How are you? Are you a senator? I like Christmas . . . I don't want to tell my age. It makes me look bad."

Another venerable lady, aged 98, explained, "I've been living here for years . . . All my people are in Baltimore."

The woman, Francis C., said she still owns a house in Northwest Washington, which she visits occasionally. "They say I mustn't live alone. I stay here most of the time. I go home sometimes, and the man next door looks out for me . . ." she said.

Other geriatric patients were less lucid. Some were too senile to respond at all. Paglin greeted one such woman, who was sitting in a wheelchair. "Good morning. How are you? I'm Santa Claus. Here's a present for you. I wish you a Merry Christmas. Bye, bye."

There was no response.

Harold Diamond, an Internal Revenue Service lawyer, carried on a two-way conversation of sorts with another patient named Jessie.

"I have a present for you," he said.

"Why do you have a present for me?" she asked.

"Because it's Christmas," he said.

And she said, "What do you have today? I'm the girl. I'm the girl."

"This one was in better shape last year," Paglin said. "Last year, she carried on a long conversation. This year she's deteriorated." And Diamond, the IRS lawyer, reflected, "You're here two hours, and the rest of the time no one cares about these people.

Head nurse Coleman said that the patients look forward to Santa Claus' visit, now an established tradition at the Godding Division. Sy Messite, who began the program in 1968, says B'nai B'rith hopes to cover all of Godding next year. Mrs. Coleman said that so far the annual event has concentrated on the geriatric wards "because they don't have many relatives or visitors."

"It's a very emotionally wringing experience," Paglin said outside the wards. "You feel like a dish rag that's been wrung out."

Hyman Bookbinder, who is Washington representative of the American Jewish Committee, remarked, "There ought to be a compulsory project making every congressman see this place."

Explanied Dr. Konchegul, "A lot of these ladies should be in nursing homes, but they're awfully expensive. They cannot afford it so they come here."

ADDRESS BY SENATOR WEICKER ON NATION'S SPACE PROGRAM

Mr. GOLDWATER. Mr. President, the distinguished junior Senator from Connecticut (Mr. WEICKER) gave a remarkable speech last week before the Ninth Annual Meeting of the American Institute of Aeronautics and Astronautics on the importance of continuing to look forward in our Nation's space program, of keeping our vision and spirit alive, and not lapsing into a mood of self-satisfaction based on past accomplishments. I know of no more important message that we could place before the American people today.

I ask unanimous consent that this significant statement be printed in the RECORD, and I urge all Senators to read it.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SPEECH BY SENATOR LOWELL P. WEICKER, JR. BEFORE THE AMERICAN INSTITUTE OF AERONAUTICS AND ASTRONAUTICS, JANUARY 9, 1973

When the Soviet Union lofted Sputnik into orbit in 1957, Americans reacted with disbelief, admiration and near-paralyzing concern. The United States, so self-assured about its primacy in science, technology and the accomplishment of the impossible, realized in cold shock that the Russians were way ahead of us. It was they who had been the visionaries—the doers. The implications were chilling. Not just in terms of national security but in terms of national spirit. The champ had become fat and flabby.

But that blinking little sphere in space galvanized this nation. It inspired the most intensive national stock-taking in history. We took a new hard look at our national priorities, at our spirit of commitment, at our educational system, at our values. And we reacted. We reacted so vigorously that in ten years, after virtually starting from scratch, we flew our first manned Apollo flight—a 10 orbit mission headed by Capt. Walter Schirra, Jr.

We all agreed that Sputnik had taught us a lesson. Never again would we lapse into such a mood of national self-satisfaction. Yet today, 15 years later, as a dedicated few complete the physical acts ordained by the national commitment of Apollo, the nation is once again out of training and using its energies to master the art of developing "mine-today".

Now America did not become great because each generation lived for itself. We have always believed that a man's reach should exceed his grasp. If we assess our importance in the world community by population we fall short many times over. It is a nation according importance to that which can be achieved by man for man that gives us a strength way beyond our numbers.

The atmosphere of retrenchment, of pulling in horns, of playing it small and safe, seems to be taking over. I am aware of the tremendous pressures for economy; I don't dismiss that problem for a second.

But a country, like a plant or a person, or an institution, must grow or die. In stepping onto the deck of the U.S.S. Ticonderoga after the near-perfect Apollo 17 lunar mission, Captain Eugene Cernan, the mission commander, said just that, and I couldn't agree more.

Yes, I'm concerned over the recently announced White House directed NASA cuts but I'm much more concerned about the leadership of this nation—whether it be presidents, governors, senators, congressmen, state legislators or mayors—playing to our lowest most immediate desires rather than our highest future potential.

Do you know how long it takes to create greatness? Apollo 17 was 15 years in the making and thousands of years in the future will benefit.

Do you know how long it takes to dissipate greatness. Vietnam in 10 years has undone 200 years of building the American image and contributed not one year to the American dream.

I speak of the space program today because that has been my responsibility in the Congress and because the most recent financial cuts affecting the future of this country have been made in that area. But the implications of the cutback and stand-still philosophy go far beyond the space program. I can't accept the image of Uncle Sam perched on a high bookkeeper's stool, hunched over his ledgers and peering at figures through thick-lensed bifocals, paring and whittling this account and that, while the needs of a nation cry for attention and a people huddle around unchallenged to greater performance.

In spite of how long we know it has taken to make the tremendous advances in medicine, in education, in space, we seem to be unaware of, or indifferent to, the reality of lead time required to accomplish important new landmarks for mankind.

Of all administrations that understand this concept of lead time, certainly it should be a Republican Administration drawing heavily as it does from the business community. And if anyone understands the importance of lead time, and research and development funding, it is the business community, which without such innovation and risk courts deficits and early demise.

When we concentrate only on the immediate, we are failing to plant the seeds of the programs and institutions that should be in place and running for those who come after us. It's human nature to focus on the day's problems but fortunately past American leadership has always left open a spot for solving the unknown and beating the impossible—and with no apparent justification for that moment in time.

It isn't easy to inspire people to assume responsibility for the times ahead but then no one ever said the work of America was easy. Too many politicians have led their people to believe that the job of America is over with, that the job is done. They told them that the job of America is done in housing, they told them that the job of America is done in space, they told them that the job of America is done in educational opportunity. Sorry about that. The truth and the excitement is that the job of America is *never* done.

No matter how narrowly most people respond to their self-interest, history has proved that the American people, fully informed as to the facts and convinced of the need for outreaching of action will respond. It's time that the good not the selfishness of humanity was demagogued. Much of the emphasis of the space program lately has been pointed toward earth's benefits of the program.

Fair enough, in a time of lagging interest, it's proper to remind the public of the tangible benefits that have spun out of the space program.

But let's remember one thing: the space program did not set out to find these specific offshoots. They emerged and were seized on as part of the more difficult, almost impossible effort to get to the moon. And so we can cite such accomplishments as the Communications satellites, and the spatial weather-forecasting satellites, indisputably great boons to mankind. But remember, we came upon them on our way to the stars—not by grubbing around in the ledgerbooks.

To get back specifically to the space program, remember this is the fourth go-around on the space budget. Back in 1972, NASA prepared its budget. It was reviewed by the Office of Management & Budget. It went through authorization hearings and appropriation hearings, and then was reviewed and voted on by the Congress. It is after all this attention, and after substantial cuts ensued, that the new edict to withhold spending comes.

NASA says it will make every effort to "continue the essential elements for a balanced and productive space and aeronautics program within tight fiscal terms." I think it's time NASA stopped having words put in their mouth by some four year political hacks in OMB and told people how politics has traded the American scientific future for a "don't disturb sign" on the national door.

Here are a few of the effects:

Responding to the Presidential mandate, NASA has announced the Space Shuttle project will be slowed down. Originally targeted for March, 1978, it will probably be delayed by at least a year.

In space science, work on the High Energy Astronomy Laboratory (HEAO) project is being suspended for the time being.

NASA will phase out its work on communications satellites. I remind you that it was NASA that developed the communications satellite, now such an integral element in worldwide communications, after other government agency and private industry experts had said it couldn't be done.

NASA will discontinue work on nuclear propulsion and will also curtail work on nuclear power research.

The agency is cancelling work on the Quiet Propulsive Lift Short Takeoff and Landing research aircraft (QUESTOL). This involves a vehicle that would be able to take off and land in a very short space and would introduce quiet engines—a vehicle urgently needed for short hop, inter-city transport. And whether the quiet airplane engine would result from this project, it will one day have to come from some source, and because of the research costs involved, it surely will have to come out of another pocket of Uncle Sam.

Some 20% of the money withheld—some call it impounded—effects supporting research and technology across the board. In making these reductions, NASA was compelled to retain those projects which are expected to pay off in the near term future and to make its reductions among those with longer term expectations.

It will take a little time to see what impact the budget curtailment has on the overall spirit and thrust of the space agency.

Earthlings have derived something of immense value quite beyond the satisfaction of making historic advances in science and walking on the once mysterious moon.

Through the space enterprise, man has been able to see from afar the earth he lives on. He has seen with his own eyes the size and contour of his vulnerable little habitat. He's seen the little blue ball and learned that we are one people, occupants of but one dot in the universe. More than any parliament or potentate, these pictures should induce men the world over to regard each other as brothers on a common planet. How do you reckon a revelation like that in terms of price tags? The New Yorker magazine put it this way:

"The view of earth from space turns out to be the right view of earth for this particular moment in our history, when, for the first time, all life on the planet is in jeopardy. Several astronauts have reported that as they looked at the earth they were able by moving a thumb across the line of vision to blot out the earth entirely. From space, we can most vividly see the things we must keep in mind on the earth's surface: that the earth is frail, that the earth is beautiful, that the earth is one."

The concept of moving and rather than sitting tight was most beautifully taught in the Parable of the Talents. In Matthew 25, it is written:

"For the kingdom of heaven is as a man travelling into a far country, who called his own servants, and delivered unto them his goods.

"And unto one he gave five talents, to another two, and to another, one; to every man according to his several abilities; and straightway took his journey.

"Then he that had received the five talents went and traded with the same, and made *them* other five talents.

"And likewise he that *had* received two, he also gained other two.

"But he that had received one went and digged in the earth, and hid his lord's money.

"After a long time the lord of those servants cometh, and reckoneth with them.

"And so he that had received five talents came and brought other five talents, saying, Lord, thou deliveredst unto me five talents: Behold, I have gained beside them five talents more.

"His lord said unto him, Well done, thou good and faithful servant; thou hast been faithful over a few things, I will make thee ruler over many things: enter thou into the joy of thy lord.

"He also that had received two talents came and said, Lord, thou deliveredst unto me two talents: Behold, I have gained two other talents beside them.

"His lord said unto him, Well done, good and faithful servant; thou hast been faithful over a few things, I will make thee ruler over many things: enter thou into the joy of thy lord.

"When it came the turn of the servant who had received one talent, and buried it, he told the lord, 'And I was afraid, and went and hid thy talent in the earth: Lo, there thou hast that is thine.

"The lord, sorely vexed ordered the servant to give that one talent to one who had ten talents, saying, 'For unto every one that hath shall be given, and he shall have abundance; but from him that hath not shall be taken away even that which he hath.'"

And that is essentially the text of my message today.

This is not the time for timidity of spirit or action. It might gain us comfort in our time, but just as surely it would assure distress for our children in their's.

If leadership has gone soft let the American people say loudly they haven't. That is the Sputnik of our time.

NATIONAL WATER COMMISSION REPORT: A THREAT TO IDAHO

Mr. CHURCH. Mr. President, since its publication late last year, the report of the National Water Commission has caused growing concern in Idaho, for its recommendations directly threaten the growth and development of the State.

Recently, the South Idaho Press in Burley summed up the situation in an editorial:

> Idaho water interests on all levels must intervene to oppose the recommendations of the National Water Commission which seeks an end to federal irrigation construction. Not only does the commission recommend withdrawal of Federal participation in irrigation projects, but that new irrigation projects be abandoned as a national policy until the year 2000.

Furthermore, the Commission report appears to move in the direction of recommending transfers of water from Idaho and the Northwest to California and the Southwest. That is intolerable from Idaho's point of view, and a move that I will strongly oppose.

Mr. President, I ask unanimous consent that the editorial from the South Idaho Press be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Water Users Must React

> Idaho water interests on all levels must intervene to oppose the recommendations of the National Water Commission which seeks an end to federal irrigation construction. Not only does the commission recommend withdrawal of federal participation in irrigation project but that new irrigation projects be abandoned as a national policy until the year 2000.
>
> While the 1,122 page report, four years in the making, has been greeted by stunned awe in most quarters, the first reaction in

Idaho was that the bulky report could not be properly reviewed in the 60 to 90 day period stipulated by its authors before Congressional consideration begins. The Idaho Water Resources Board in session in Boise last week issued a plea that the study and consideration period be extended to July, 1973. The commission also asked that public hearings on the report be held over extensive national areas with detailed explanation being provided in all instances. The first such public hearing is scheduled for Spokane, Wash., on Jan. 8.

The report among other more pertinent recommendations urges full charge to water users for water services, realistic interest rates in calculating cost of future projects, elimination of hidden subsidies in all federal water projects, reorganization of federal water management with a review board to judge the value of project proposals, de-authorization of projects authorized more than 10 years ago and not yet constructed, relegation of such agencies as the Bureau of Reclamation and Corps of Army Engineers to management roles of existing projects, and planning roles respectively for each.

The impact of the national study has little or no affect on some states where water use and management does not totally control and precipitate economic activity. To a water state such as Idaho and many other western states, the report could sound the death knell for its future growth. To recommend to Idaho that no more irrigation be developed until the year 2000 would be like telling Texas to cease drilling for oil and abandon all new developments. Whether the Congress will heed the recommendations of the study is pure conjecture at this point. If the recommendations are ever carried out, they could be outright discriminatory in many instances and particularly for Idaho and other irrigation-based states. To tell us not to irrigate more lands is almost like telling us not to breathe any more and just about as ridiculous.

It will be remembered that the National Water Commission originated as a result of the debate on water use. It came out of the 1968 discussions on the proposed water developments in the Colorado River basin projects. Also involved in these debates were the efforts of the Southwest to appropriate Northwest surplus waters and particularly Idaho's affluent Snake with its tremendous replenishment powers. So, it is apparent that Idaho and the West are deeply involved in the findings and recommendations of this voluminous study. And the 1968 moratorium passed by Congress to defer appropriation studies of Snake River waters at the same time are directly related. Can Idaho abandon irrigation expansion and still retain its water resources? This vital and important question is not covered in the NWC report but it must be answered if full effect will ever be given to the findings themselves.

OBSTACLES TO PEACE IN VIETNAM

Mr. MATHIAS. Mr. President, on Sunday, January 7, 1973, the Washington Star-News published an editorial entitled "Vietnam Peace: Is It Now Finally at Hand?" which offers a realistic assessment of the obstacles to peace which still exist in Indochina. I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

VIETNAM PEACE: IS IT NOW FINALLY AT HAND?

Henry Kissinger and North Vietnam's Le Duc Tho will meet secretly tomorrow in Paris, and all the world awaits the outcome of their discussions. It is no exaggeration to say that the fate of nations, of generations yet unborn, hangs in the balance. We—and the North Vietnamese—are at a turning point. There is, must be, a momentum for peace. And yet, as French President Georges Pompidou observed last week, there is no "U.S. desire to make a deal at any price."

Nor do we think the United States will or should make peace at any price. It is desperately important that the North Vietnamese understand this. For if they do not, the war will go on.

The carpet-bombing of Hanoi and Haiphong by B52s we believe to have been a tragic mistake. Should the talks fail—and we have to be prepared for the possibility that they may—then we would oppose the resumption of this sort of warfare. But Hanoi should realize that failure to reach an accord in Paris necessarily will mean the continuation of air and naval strikes south of the 20th parallel, in South Vietnam, Laos and Cambodia.

Nor should the North Vietnamese be misled by the mischievous intervention into the negotiating process of the Democratic caucuses in the House of Representatives and the Senate.

The House Democrats voted 154–75 on Tuesday to cut off all funds for U.S. combat operations in Indochina as soon as American prisoners are returned and arrangements are made for the safe withdrawal of U.S. forces. Senate Democrats voted 36–12 for a similar resolution Thursday. Senate Majority Leader Mike Mansfield has indicated his intention of introducing legislation in the upper house to cut off federal funds for the war if it is not ended by inauguration day, January 20.

In a truly incredible statement, Senate Foreign Relations Committee Chairman J. William Fulbright said the other day that his committee does "not wish to do anything to prejudice" the Kissinger-Tho negotiations but would act "to bring the war to a close" if a settlement is not reached by January 20.

If that statement and the action by the two Democratic caucuses do not "prejudice" the negotiations, it's difficult to see what would. Having read that statement, what would you do if you were a member of the Hanoi politburo perhaps not too familiar with the intricacies of American politics? You would simply spin out the Paris talks until the 20th and wait for Congress to impose an end to the war on your own terms.

So it is important for Hanoi to realize that the resolutions of the Democratic caucuses have no binding effect; that a combination of Republican and Southern Democratic congressmen could still defeat such a rider to any appropriation bill; that if it passed Mr. Nixon could veto it and, even if his veto were overridden, funds have already been appropriated for the fiscal year ending June 30. In short, the only way there can be a speedy and just end to American participation in the Southeast Asian conflict is for both sides to negotiate in good faith and in the spirit of compromise.

In a New Year's speech, South Vietnam's president, Nguyen Van Thieu, said:

"Like Germany and Korea, Vietnam is divided into two regions. The military demarcation line between the two states is also the border between two different social regimes, two ideologies and two different worlds."

Although this in our view is not an inaccurate statement, we wonder if it is one over which it is worth prolonging American participation in the war. For this notion, reflected in Kissinger's December 16 remark that the U.S. wants some "indirect reference" to a commitment by both Vietnams "to live in peace," is one major point which appears to be troubling Hanoi.

The 1954 Geneva accords (which neither the U.S. nor South Vietnam signed) regarded the regimes in both North and South as provisional, with unity to come after national elections. Those elections have never been held and, given the truth of Thieu's statement and the bitter history of the last 19 years, are likely never to be held. The sovereignty of the Saigon regime, like that of Hanoi, rests finally on its ability to maintain itself in power through a combination of political skill and military strength.

Kissinger has made it clear that Saigon has no veto over any settlement which may be reached between Hanoi and Washington, which is as it should be. But the North Vietnamese should understand that, while we are ready to end our own participation in the war, we are not ready to hand them on a diplomatic platter what they have been unable to achieve by force of arms: a Communist regime in South Vietnam.

Neither Hanoi nor Washington has been making euphoric noises recently about the chances of a quick and positive end to tomorrow's talks between Kissinger and Tho. Nobody is talking any more about peace being at hand. And given the skill and duplicity of the North Vietnamese negotiators, perhaps that is as well. Indeed, Pompidou, who has been in touch with both sides throughout the whole business, said the other day that "real, precise difficulties which will be hard to overcome" lie ahead in the talks.

We understand President Nixon's desire to attain a settlement which will bring real peace to the people of Indochina. We understand also the reluctance of the leaders of North Vietnam to sign any document which would sacrifice what they regard as the legitimate aspirations of the Vietnamese people, a cause for which they have fought so hard for more than two decades. And we understand the determination of the people of South Vietnam to maintain their own sovereignty and independence.

Not every problem will yield to reason, and this may be one of those which will not. Successful negotiation of delicate political problems must presume a certain amount of common ground, of agreement on basic issues and fundamental tenets. When this is lacking, it may be the better part of wisdom to grasp the attainable and let tomorrow take care of what is unattainable.

For this reason, we would urge that, if an acceptable and honorable political settlement appears impossible, both parties abandon the search and secure what *is* in their power to achieve: the end, now and forever, of U.S. air and naval attacks against North Vietnam and the withdrawal of the remaining U.S. forces in South Vietnam in return for repatriation of the American prisoners of war.

A simple agreement such as this would not be open to misinterpretation by either side or by the world. It would meet the minimum needs and desires of both the North Vietnamese and the American people.

It would not establish the inviolability of the Demilitarized Zone. It would not compel the withdrawal of North Vietnamese troops from South Vietnamese soil or establish their legality there. It would not address itself to the legitimacy of the regimes in either Saigon or Hanoi. It would neither ensure the survival of the Thieu regime nor guarantee its overthrow. It would dishonor neither the United States nor North Vietnam.

It would say, simply, that the American role in the war was over. It would leave the determination of their own futures to the Vietnamese, Cambodian and Laotian peoples. Each side would be left to place that interpretation it wished on what has transpired these past ten years and more in Indochina. In the end, the historians will decide who was right and who was wrong. They always do.

A TRIBUTE TO FATHER WILLIAM McINNES

Mr. RIBICOFF. Mr. President, last week I had the honor of participating in a testimonial dinner for the outgoing president of Fairfield University, the Reverend William C. McInnes, S.J. The accolades were many—and well-deserved. His work on behalf of higher education, on behalf of the community, and his key role in many worthy causes were all extolled. But to my mind the most eloquent expression of gratitude, and the truest measure of Father McInnes' character, was provided by the Most Reverned Walter W. Curtis, S.T.D., bishop of Bridgeport.

The bishop provided insights into Father McInnes' many contributions to Fairfield University and all the other worthy causes he championed. Bishop Curtis' tribute was an unusually moving one, presented with both wit and deep feeling.

I should like to share these remarks with as many others as possible, therefore, I ask unanimous consent that the text of Bishop Curtis' speech be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS HONORING FATHER MCINNES, S.J., BY THE MOST REVEREND WALTER W. CURTIS, S.T.D., BISHOP OF BRIDGEPORT, JANUARY 13, 1973

Eight and a half years ago a man came to this higher education ground of Bridgeport and Fairfield. He was properly Bostonian but might pass for a Bridgeport south-ender. His bag carried the gown of the university teacher and the cassock of the clergyman. Fr. William C. McInnes, S.J. had arrived to be the sixth president of Fairfield University.

Cassock and gown, presumably both fresh from the cleaners, now are folded again, neatly stacked in a bag destined for San Francisco University. The priest and the university president will leave our town and State for the challenge and the beauty of the city of Saint Francis in the west. Richer for the years of his presence, poorer now in his departure, we shall not get Fr. McInnes out of our system quite as casually as purchasing a one way plane ticket to the west coast. Having taken him to our hearts, we do not want him out of our system. Let his influence remain for he was good for us. We gather to salute, as he leaves us, one who was good for us as a gownman, good for us as a townman, good for us as a clergyman.

THE GOWNMAN

As gownman, Fr. McInnes has been good for higher education in the entire state of Connecticut but more especially among ourselves.

Obviously he has been good for Fairfield University. Previous presidents firmly established the university and achieved for it scholastic recognition and accreditation. With a less dynamic new president, Fairfield University might have become small and stodgy, a fixture in our area but one easily disregarded.

Its sixth president saw to it that Fairfield University took a great leap forward in campus structures and in enrollment and established itself as a feature of life in eastern Fairfield County. It is Monday morning quarterbacking, of course, but it seems to me that Fairfield University needed exactly the kind of president that President McInnes turned out to be: forward looking, action oriented with the ability to establish and to attain goals. Since '64, his university's undergraduate enrollment doubled while its graduate students, also probably twice in number, more than doubled the influence of Fairfield University on professions and careers.

Old grads, and Fairfield University is beginning to have them, who may not have visited the campus in several years would be startled by its new appearance, its campus center, Nyselius Library, Bannow Science Center and its dorms almost springing up as quickly as the trees, indicate that things have been happening under the sixth President.

Fr. McInnes has been good as well for the other institutions of higher learning in this higher education ground of our country, through his visibility in the community and the impact he made he helped give to all of higher education a presence and a good press. By attracting to his own campus many groups and by attaching individuals to Fairfield University in one or another of its university organizations, he helped to make all campuses attractive places to be and work with educational institutions a desirable privilege.

Thus it is fitting that this testimonial dinner of farewell be sponsored by the presidents of Bridgeport Engineering Institute, Housatonic Community College, Sacred Heart University and the University of Bridgeport. Fr. McInnes has been good for all these institutions as well as for Fairfield University.

EDUCATIONAL CHALLENGES OF THE SIXTIES

The sixties, of course, were years of challenge to all institutions of higher learning. If cozy lines had ever separated gownmen from the real world of people and problems, the sixties ended that blissful state. Whether as was true in some cases people and problems burst in on the University calm and broke down the walls of separation, or as was true in others, the university itself opened wide its gates to allow free two way traffic between the gown and the town, the reality was that in this decade universities became involved, to use a greatly overused word.

Two major influences were at work in the lives of men and these could not but have their impact on the campus.

HUMAN DIGNITY

First, there was the awareness among minorities and especially among black persons that their human dignity was not as adequately provided for as that of the majority groups. Education helps bring about self-awareness and as men become more conscious of their dignity and their calling, they become involved more directly in those currents of thought and action that directly influence their lives. Our developed technology, our scientific progress, our advancement in social communication combine both to offer men more leisure and to challenge them to attain their inheritance of intellectual and spiritual culture.

Incredible though it may be to some, human self awareness is still a growing thing. Historically, minority groups in many countries have not been treated with properly human dignity. The sixties brought to a head demands that all human beings be allowed to grow in dignity and to be treated according to their full human worth. When expectations of acceptance and of progress became too acute to defer to another generation for the solution of immediate problems, contemporary urban life and its peoples claimed the headlines in communication media and at times saw battlements manned in enforcement of rights and the seeking of privileges. It would be too facile a judgment to attribute the conflicts of the last ten years to one group of people or to one kind of problem only. In fact, it is not only an American issue. Self awareness of individual worth and dignity has brightened the lives of all the world's deprived even though this has resulted in conflict at times with those who act as though underprivilege is a foreordained status for some of us.

The university as a guardian of individual freedom and right, and subject to the intellectual duty to support human relationships built upon justice could not stand only on the fringes of this movement. There may have been only a few small groups who went as far as open activism but the causes for which these few were active often received favorable hearing by the total university students who saw the correctness of many of the complaints and who tolerated even excesses in the awareness that there had been excesses previously from other directions that had never been protested and confident too that excess would not be the permanent condition of the campus.

Fairfield University was among the colleges that opened out arms and channeled wisdom and determination to life beyond the campus boundary lines. It speaks well of the leadership of Fr. McInnes that with only a minimum of mild and occasional campus upset, he could forthrightly help students both to understand the nature of the problems being faced and the need for a reasoned approach to their solution. As its graduates of the last eight years make their way to positions of influence and responsibility, we shall see, I believe, a continued demonstration of the effectiveness of the intelligent leadership given Fairfield University in those days by its president, although at the time some of those graduates themselves may have been of a different mind.

WAR AND PEACE

Viet Nam and the war notably unsettled the lives of students on the campus as of men and women everywhere. Historians are best able to judge the causes and the justice of war and perhaps to note a time when the balance of events made continued war the unworthy alternative. During wartime, partisans lack the impartiality and the facts to make judgment easy. Campuses were divided as also were towns and homes on the issue of getting out or staying in. Some found it easy to make pronouncements of immorality others were not able to do so. Televised coverage of massed rallies for peace and withdrawal from Viet Nam might have given to some the impression that all college students stood alike in their thinking on this difficult matter. University presidents knew that this was not so. For the most part, the campus allowed itself to be an area for open discussion and debate but the university took no official stand.

It is not any easier for a religiously oriented school than for others to make such judgments. Were Fairfield University a school for professedly Pacifists, its president might easily have issued statements commiting the school to the cause of Pacifism. In its historic understanding of war and peace, Catholic teaching has not learned how to make clear judgments on war although it has preferred to opt for peace. The Second Vatican Council held during these very years, could not find agreement upon the judgment that all war is always wrong although it came very close to saying this is the light of the terrible weapons of destruction available to large nations in this century.

In any event, debates upon the justice or the immorality of the Vietnam war occupied the campus of Fairfield University but found no final solution for unanimous agreement. These were not easy days, and since the issue of peace is not yet settled, they may still not be easy days for the President of any institution of higher learning. From his rocking chair, many, many years in the future, Fr. McInnes may look back and wonder how better he might have handled so unhappy a situation as that of war. From this closeup view, I suspect most every college president would say that he saw no other path to follow. As one who himself served in the military forces of the United States and who suffered in the uncertainties of these last war years, you can be sure that Father McInnes will lead his new university to a re-examination of the problem of world peace and toward building a foundation for lasting harmony among Nations of the world.

All told, Fr. McInnes, as a gownman you have been good for us.

TOWNMAN

Fr. McInnes is a man of letters—in fact 25 of them. To start with there is the ABCD in Bridgeport. Then for almost all the other letters of the alphabet you can find an organization that he belongs to as a member or officer. Thus "E" stands for environment and he is a member of the board of directors of the center for study of environment and man in Hartford; "H" is for hospital and he is a member of the Connecticut Hospital and Educational Facilities Authority in Hartford; "L" is for library—the Pequot Library has him as a member of the executive committee; "M" is for museum and he is a member of the board of directors of the museum of art, science and industry in Bridgeport; "P" is for Peoples Savings Bank of which he is a member of the board of trustees; "S" is for symphony and he is a member of the board of directors of the Bridgeport Symphony; "U" is for United Cerebral Palsy Association in Fairfield County, Inc. where he served as first vice-president.

As the letters are diverse, the interests they represent are equally diverse. They spell out for us the breadth of mind and of heart that San Francisco University is about to acquire.

The gown has always had an impact on the town. Each of the institutions sponsoring this event might be called gown institutions in town situations. Necessarily the administration of such schools becomes involved in town events for educational institutions have much to offer to the civic and political order.

Fr. McInnes has a notable talent for bringing the gown to the town. It is hard to name an area of concern in the social or political arena that has not heard the voice and profited from the ideas of this university president. His was not only the way of words but, to further mangle a cliche, he put his action where his ideas were. Typically it was not enough to discuss the need for development in a community; he was willing to accept a leadership role as the chairman of the board of directors for the Action for Bridgeport Community Development, Inc.

As his membership on the boards of so many organizations indicates, he gave both his name and himself to town interests, cultural, economic, political and ecumenical.

MAN OF IDEAS

Not that Fairfield University's president was merely a man of action. He was a man of many ideas as well. A chronicle of the number of events or meetings at which he has spoken might itself be an adequate subject for a master's dissertation.

At each of these—and I judge this from the many occasions when I have heard Fr. McInnes speak—he had not merely superficial words but challenging ideas to present. By probing the meaning of the event or the task of the group, he would add more depth and more challenge for his listeners. I suspect that the budget of Fairfield University, though I speak here with deference to the trustees of that university who are present, did not have a line item for a speech writer as secretary to the president. If San Francisco University has a little more "give" in its budget, I believe the group here present would support me, Fr. McInnes, in suggesting that your talks, seemingly casually given with the aid of a brief note or outline, be recorded so that your ideas may be presented in more developed and permanent form. I would not belittle you with false flattery as if every statement on every occasion deserved to be preserved for all time. No speaker, no matter how great his staff, ever achieves this. But if quarterbacks are praised for a high completion of forward passes and a batter for even a three out of ten hitting average, your record of successful talks, successful in the challenging idea or penetrating insight presented, warrants this hope that we may look forward to seeing your ideas in print in the years to come.

CLERGYMAN

Fr. McInnes came to us as a Jesuit Priest. One may say of the Jesuits that you either know them or you do not. If you know them, no explanation is needed. If you do not, no explanation is possible. Let me at least try.

In the Roman Catholic Church the Jesuit order, officially entitled the society of Jesus, has an outstanding history. Very many of us look upon the Jesuits as an elite religious group of men. They have had a community sense of dedication and of personal sacrifice which has enabled them to accomplish many things for God's cause that others were not in position to do. Whether brilliant of mind, as many are; whether highly rated professionals, as many also are; the Jesuits as a group have been a credit to our church. As the Bishop of the Diocese of Bridgeport, I have been strengthened by the spiritually strong and intellectually active community of Jesuit Priests and brothers at Fairfield University and preparatory school.

Fr. McInnes is a good Jesuit—and when you have said that, you have said a great deal. His dedication has been single. It has been his cause and not himself that he has forwarded. He had led his brother-Jesuits to a deepening of that good relationship he found present between them and the other clergy of Fairfield County. Beneath the gown of the President, there always was the cassock of the clergyman; the President never forgot that he was a priest. More than once it was the cassock that tempered the gown and often the insight of the gown was passed along by the cassock to the betterment of the lives of others.

Fr. McInnes has been good for the Church in Fairfield County and I refer here not merely to the Roman Catholic Church.

This too is part of our loss.

Fr. McInnes, it is my closing duty in the name of all who are here, and of your countless friends outside this room, to thank you for what you have been to us through these years.

Your university colleagues thank you; as gownman you have been good for us.

Your friends in business, industry and civic service thank you; as townman you have been good for us.

Your friends in all religions thank you; as clergyman you have been good for us.

We all count as a great treasure our friendship with you.

MRS. MATT W. GRAY

Mr. BROCK. Mr. President, I was distressed to learn of the death January 9 of a longtime congressional employee and resident of Tennessee.

Mrs. Matt W. Gray was taken from us after a long illness, but her memory remains fresh and vivid. Dedicated, warm, God-fearing, she was the ideal secretary, the model mother, the faultless wife. I extend my deepest sympathy to her widower, son, and other family and friends, and ask unanimous consent that the following report from the Nashville Tennessean be included at this point.

There being no objection, the report was ordered to be printed in the Record, as follows:

Mrs. Matt W. Gray

Services for Mrs. Matt W. Gray, age 57, 6411 Premier Drive, Nashville, Tennessee, retired secretary to a U.S. Senator and a U.S. Representative were held January 12 at Martin, Tennessee.

James W. Allen, Minister of Brookmeade Church of Christ, officiated. Burial was held at Gardner Cemetery, Martin, Tennessee.

Mrs. Gray died Tuesday, January 9 in Baptist Hospital following an extended illness.

Born in St. Joe, Louisiana she was the former Miss Mattie O'Kelly Walker, daughter of the late J. B. and Mattie O'Kelly Walker. She graduated from high school in Dyersburg, Tennessee.

In 1933 she was married to Joe P. Gray of Martin, Tennessee, a U.S. Army Engineer, who survives, with whom she traveled widely during their married life. They settled in Washington, D.C., in 1946, and Mrs. Gray became secretary for the Arlington, Virginia Church of Christ. In 1958, she was employed as secretary to former U.S. Senator Kenneth B. Keating of New York. In 1959, she became executive secretary to U.S. Representative Richard H. Poff of Virginia. She held this position for six years until her retirement.

She came to Nashville in 1965. She attended Brookmeade Church of Christ, and was a chartered member of Republican Women of Capitol Hill, Washington, D.C.

In addition to her husband, she is survived by a son, Joel P. Gray, Nashville, who is Information Representative for the Governor's Committee on Employment of the Handicapped; two brothers, A. B. Walker, Owensboro, Kentucky and L. D. Walker, Charleston, West Virginia; and a grandaughter, Miss Lisa Gray, Nashville, Tennessee.

THE MULTINATIONAL CORPORATION—A PERCEPTION OF AMERICA

Mr. CHURCH. Mr. President, on Tuesday, January 16, 1973, I delivered an address before the Chicago Council of Foreign Relations entitled "The Multinational Corporation—A Perception of America."

I ask unanimous consent that the text of the address be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

The Multinational Corporation—A Perception of America

In this lecture series you have heard from a number of distinguished Europeans as to how they perceive the United States. You have also heard from William F. Buckley, Jr. as to the way he views the United States. These discussions have covered a broad front. Tonight, I propose to focus on one particular aspect of the American presence abroad which has greatly influenced the way America is perceived.

I refer to the U.S.-owned multinational corporations. These corporations have become increasingly controversial because they are at the center of three great tides of change which are running at the same time but not in the same direction.

INTEGRATION OF THE WORLD ECONOMY

The first great tide is represented by the multinational corporation itself. In the period since World War II, and especially since the late 50's, the magnitude of foreign investment by American-owned corporations has grown in an astonishing manner, outstripped the growth rate of international trade and overall world output. By the end of 1972, according to a Department of Commerce estimate, American corporations will wind up with nearly $107 billion worth of direct foreign investment on their books and probably double that amount in world sales. As Servan-Schreiber put it in his now famous book, "The American Challenge": "The overseas production of U.S. firms rates next in total magnitude only to the gross national product of the United States and the Soviet Union."

Indeed, the most common definition of the multinational corporation is a reflection of this fact, for, these are firms that not only have production facilities abroad, but consciously view these facilities as parts of a worldwide system for central management and planning purposes. They are invested with unique characteristics: They can expand infinitely, stepping over and building behind the tariff walls of the host nation, assuming and shedding nationalities as they see fit. They are the primary vehicles, for better or worse, for transmitting homogenous cultural tastes and preferences. As one observer in Brazil described it:

People get up in the morning and shave with an American razor blade, brush their teeth with American toothpaste, eat a bowl of American corn flakes, drive to work in an American car to an office cooled by an American air-conditioner and return home at night to their children, who are watching "Batman" on an American television set, drinking an American soft drink.

The wife has seen an American film that afternoon, the son's been to a Boy Scout meeting and the daughter wants a hot dog for dinner. Turn on an American radio and it's Frank Sinatra or the Tijuana Brass.

Previously, razor blades, toothpaste, corn flakes, automobiles, air conditioning, television sets and soft drinks were produced in the United States and exported to countries like Brazil. Now, however, American corporations produce many of these items in the host countries.

The American-owned multinational corporations are, accordingly, a significant unifying factor in the world economy. They are perceived, both at home and abroad, as aggressive, inventive and innovating, and as such, I dare say, they embody truly American characteristics.

NATIONALISM

But precisely because they embody these characteristics, and are at the same time transnational in character, they run counter to, and frequently conflict with, another tide which is running high in the world—the rising tide of nationalism. In the post World War II era, dozens of new nations were born in the developing world; and other older nations are in the process of profound internal change in which nationalism has become a rallying cry. In both the developed and developing world, the well-being of people is the primary responsibility of their respective national governments. The nation-state is the core entity in which the great majority of people find their identity and fix their allegiance and it is likely to remain so for a long time to come. Hence, each government must attend to the needs and respond to the felt concerns of its citizen constituents.

What, then, is the role of the states, of traditional political authority, faced with an economic force which refuses to recognize constraints and frontiers? Relations between national political power and multinational economic power are profoundly ambiguous, rather like an erratic love and hate affair. The states need the multinational enterprises because they stimulate local business activity, create jobs and bring in tax revenues. At the same time, the states dislike this anonymous force which, true only to its own aspirations, remains outside their control. Governments want to protect their own national interests against decisions taken elsewhere that can affect the everyday life, the economic climate and even the social stability of their countries.

Early in 1971, Henry Ford II, prince of a multi-national industrial domain, stepped out of 10 Downing Street after lunching with his friend Prime Minister Edward Heath, pointed his finger at Britain and threatened: "Behave yourselves or we will go elsewhere." Nothing could have symbolized more effectively the contest between the emerging might of the multinational corporation and the seeming weakness of the national state.

We can see this contest developing in areas as diverse as South America, the European Economic Community and our own country.

South American countries have been notable for their economic dependence upon a single commodity in earning their way in world markets. In Chile, copper exports provide over 80% of the country's export earnings and a similarly large percentage of the fiscal revenues of the government. In Bolivia, it is tin which provides the mainstay of the economy and in Venezuela it is petroleum. Even in countries with a more diversified export base, such as Argentina, Brazil and Columbia, the fate of a single product, beef in Argentina, coffee in Brazil, and Columbia, still, to a significant degree, controls whether the country has a good or a bad year. Traditionally, foreign companies, primarily American-owned, have been the ones that provided the capital, management, technology and marketing skills which enabled these raw materials to be lifted out of the ground and converted into the everyday products with which we are all so familiar.

The South American countries, however, are no longer content with this condition. In the past 25 years, particularly accelerated in the past decade, they have been going through a profound internal upheaval. Development has become the all-consuming goal in Latin America as well as in other nations in the developing world which captures the imagination and unites otherwise conflicting segments of their society: national entrepreneurs, labor union leaders, students, military officers and churchmen. There has thus emerged a broad consensus in those countries that they must control those sectors of the economy, primarily natural resources, which are the key to their national development. And this determination has, in certain instances, led to conflicts with American-owned companies and the United States Government.

It is not my purpose here to discuss the merits of these disputes. Rather, it is, with a view to the future, to emphasize the need to review past policies in light of the new realities which I have sketched above. The United States, for example, in future years, is likely to be a minerals and fuels deficit country. It will want to have access on a fair and equitable basis to the rich, natural resources of this region. American companies, I am convinced, must devise new modes of doing business abroad in the developing world which ameliorate rather than exacerbate conflicts. We should explore the possibility, as some authorities have proposed, of disaggregating the package of capital, management and technology, so that ownership remains in national hands but marketing and technology are provided on a contract basis by the multinational corporations. If we are to proceed along these lines, or some variation of it, which the Japanese appear to have successfully done, we must then ask whether there is a need for the United States Government to guarantee investments of U.S.-owned multinational corporations; or, does such a guarantee program, instead, inhibit the development of innovative ways of doing business or adapting to the changed circumstances in the developing world.

In Europe the focus is equally acute with respect to a different industrial sector: the high technology area of computers, electronics, and chemicals. The Europeans fear that if control of these sectors is left to American owned multinational corporations, basic management decisions with respect to technological advances will remain outside of their control. The former U.S. Ambassador to the European Economic Community in a recent issue of *Fortune* Magazine has characterized the choice facing the community in the following terms:

The E.C. is weighing two broad choices. The first at heart is discriminatory. It would involve, for example, "Buy European" government-procurement restrictions, or subsidies available only to European-owned companies, along with new inducements to encourage creation of larger and more aggressive purely European firms. Supporters of this French-led policy—and they are many and influential—see it as a way to hurl back "the American challenge." The second policy, favored by the Common Market Commission, consciously eschews restrictions against foreign companies, relying instead on measures that would stimulate European firms to greater efficiency, make them more competitive, and encourage them to market their wares throughout the enlarged Community.

The existence of the American-owned multinational corporations may thus be forcing an accelerated definition of a European personality.

This emphasis upon regional and national identity is not a phenomenon that is peculiar to foreigners. It is clear that we are not immune from the nationalistic reaction so evident in others. Ironically while the European and South American countries fear an American takeover, in America there is a fear that American companies will take leave, transferring capital and jobs. We have failed to deal with critical domestic problems and it should not be surprising that in failing to cope with our domestic ills, important segments of our society see in our external economic involvement a threat to their interests.

Important elements of the American labor movement, for example, fear that multinational corporations export jobs and technology that would otherwise provide employment to American workers. This fear is itself compounded by the poor performance of the United States with respect to achieving a basic objective of U.S. policy, incorporated into American law in the immediate postwar years, the achievement of full employment. According to computations of the Bureau of Labor Statistics which adjust the published rates of other countries to make them comparable to the United States, United States performance in this area was worse than any other major industrialized country of the non-Communist world; for the period 1959 through 1970, the unemployment rate in this country averaged 2.4 times as high as the weighted average rate of six of our major trading partners: Japan, Britain, France, Sweden, West Germany and Italy.

As one high union official put it, "persistently high unemployment obviously intensifies workers' fear that, if they should be displaced by imports or would lose export sales, they would have great difficulty finding new jobs and end up in jobs far inferior to those they have." The concrete manifestation of this fear is protectionist import and restrictive tax measures incorporated in the Burke-Hartke legislation designed to discourage U.S. corporate investment abroad. I do not propose here to argue the merits or demerits of this legislation. I merely note it as symptomatic of the fear on the part of a major segment of American society that they will be the victims of an integrated world economy. This fear must be addressed in a realistic and concrete way by a responsible national political leadership. It is not enough to characterize these fears, as some have done, as those of a benighted, troglodyte sector of American society. Yet we wait, apparently in vain, for corporate leadership to suggest alternatives which avoid the evils of self defeating protectionism and at the same time assure full and satisfying employment of our human resources at home. If the way isn't found to keep the home fires burning, barriers will be raised to the flight of capital and protectionism will prevail.

What we are witnessing, then, is a process in which the global corporation, transcending the reach of any single nation-state, has come to symbolize a threat to the nation's ability to control its own destiny. Because most of these corporations are U.S.-owned, they have come to be perceived by others as the preeminent symbol of American world dominance. Ironically, within the United States, they are, at the same time, increasingly viewed as undermining American economic well-being. The multinational corporation may have set in motion a "counter-revolution" in which individual countries or groups of countries are asserting a determination to affirm their national identity by formulating "nationalist" policies. Whether it is a developing country that now demands control of its own natural resources, its minerals and oil, the EEC countries, fearful of falling behind in the technological race for industrial supremacy, real or imagined, or the United States, itself, seemingly unable to solve a chronic problem of unemployment, each is reacting, in increasingly nationalist terms, to the transnational character of the multinational corporation.

DÉTENTE

But if the issues posed by the emergence of the multi-national corporation as an important factor on the world scene are becoming acute within the non-Communist world, they are equally important in redefining our relationship with the Communist world.

I can remember, in July of 1971, when I had occasion in the company of David Rockefeller, General Gavin and Ambassador Yost, to interview Premier Kosygin at the Kremlin, how skeptical he was about the prospects of increasing trade between our two countries. The Russians were prepared to seriously discuss this subject, he said, but he doubted that the Americans were ready. Cold War politics, he felt, had left a legacy that no American government would soon surmount or disregard. But President Nixon has now visited both the Soviet Union and the People's Republic of China. According to Servan-Schreiber, "Soviet Russia is the new American frontier, ready for massive development by United States enterprise and anxious to cooperate in this great endeavor." The United States has consummated the biggest wheat deal in its history with the Soviet Union; it has discussed with the Russians the investment of billions of dollars of American capital for the development of Siberian gas fields which would permit the eventual export of liquefied gas to the United States in enormous amounts; we have even heard that this enterprise, and others, may be financed in part by floating Russian bonds in Western capital markets; United States firms have opened up discussions with state-owned entities in Communist Poland looking toward the possible formation of joint ventures in which the profits would be divided proportionately according to ownership; and the door has been opened to the People's Republic of China.

The economic opening to the East, however, raises a number of important issues which we shall have to resolve: we will have to strike a balance between the transfer of technology and security considerations; we must rethink and reexamine policies that were devised during the Cold War. Since World War II, the United States has encouraged private investment abroad as an instrument of development, whose ostensible purpose was to thwart and contain Communism. Important tax incentives and insurance guarantees were offered to companies which would invest abroad. I think it is time to question the relevance of these programs in light of the changed circumstances which are likely to prevail in the decade of the 70's and beyond. In the forthcoming inquiry which I shall head, the Senate Foreign Relations Committee plans to study the role of the multinational corporation and its relationship to American foreign policy. Hopefully, we shall stake out guidelines which will help us to avoid a self-defeating retreat into narrow protectionism, while, at the same time, guaranteeing ourselves an economy of full production and employment.

Eight centuries ago a conflict between the temporal might of the state and the spiritual power of the church was epitomized in the struggles between Henry Plantagenet II, prince of another multinational domain, England, France and Aquitaine, and his friend, Thomas Becket, Archbishop of Canterbury. In England, this conflict ended with murder in the cathedral. In the institution of the republic, we found a mechanism for resolving the nascent contest between church and state, enabling both to flourish. Our challenge is to do as well in finding the course of reconciliation between the national interests and the legitimate interests of the emerging multinational corporations in the United States.

LITTLE CIGARS

Mr. MOSS. Mr. President, there has been much publicity of late concerning certain legislation which I intend to introduce to eliminate the broadcast advertising of little cigar products. Apparently, little cigar smoke is being blown through a loophole in the Public Health Cigarette Smoking Act which the Congress enacted in 1970.

A particularly interesting comment was prepared by the editor and publisher of a North Carolina newspaper. I ask unanimous consent that the poem by Wallace Carroll, editor and publisher of the Journal and Sentinel, be printed in the Record.

There being no objection, the poem was ordered to be printed in the Record, as follows:

Just Stick to Gunsmoke

(By Wallace Carroll)

Sen. Frank E. Moss of Utah says he will introduce legislation to ban television advertising of Winchester little cigars.—News item.

Oh, Senator Moss is dreadfully cross,
He's strapped on his gun and mounted his hoss,
For he's going to deliver the land of the free
From those little cigars that they plug on teevee.

Inhalation threatens the nation—
Ring up a quorum, pass legislation.
An absolute ban an absolute "must" is,
Flag down the train and get the Chief Justice.

Bully the networks, just be impartial—
Let's impeach that Thomas R. Marshall.*
Worse than all drugs, even worse than VD
Are those little cigars that they plug on teevee.

Oh, Senator Moss he is leading a posse;
What is he after—Martini and Rossi?
Haig and Haig or Beefeater Gin?
Gay liberation, original sin?
Don't be a fool, it is something far worse,
As everyone knows it's a national curse—
Worse than those dames who take Haley's M.O.
Every night of the week on the Chancellor show;
Worse than the creep who is keeping his wife
Just for rubbing his back every day of his life;
Worse than the mom who takes care of herself
With a slug of the iron she keeps on the shelf;
Worse than the glutton who ate the whole thing,
Worse than the people whose dentures won't cling;
Worse than the joes who take pills for arthritis,
Worse than the schmoes who tout ills like colitis;
Yea, worse than the woes no beholder can flee
Are those little cigars that they plug on teevee.

RULES OF COMMITTEE ON AGRICULTURE AND FORESTRY

Mr. TALMADGE. Mr. President, section 133B of the Legislative Reorganization Act of 1946, as added to by section 130(a) of the Legislative Reorganization Act of 1970, requires the rules of each committee to be published in the Congressional Record not later than March 1 of each year. Accordingly, I ask unanimous consent that the rules of the Committee on Agriculture and Forestry be printed in the Record.

There being no objection, the rules were ordered to be printed in the Record, as follows:

Rules of the Committee on Agriculture and Forestry

1. Regular meetings shall be held on the first and third Wednesday of each month when Congress is in session.

2. Voting by proxy authorized in writing for specific bills or subjects shall be allowed whenever a majority of the Committee is actually present.[1]

3. Five members shall constitute a quorum for the purpose of transacting committee business: Provided, That one member shall constitute a quorum for the purpose of receiving sworn testimony.[1]

ADDRESS BY JOHN H. SHAFFER AT WRIGHT BROTHERS MEMORIAL DINNER

Mr. COTTON. Mr. President, the United States has one of the strongest economies and the highest standard of living of any nation in the world. The lifestyle of our people is the most emulated and the most sought after. Ingredients of the American recipe for leadership of the world community are many. But, the staples of its success have been a devotion to the principles of free enterprise, technological innovation, and the mobility of its people, their goods and their products. Because of these, in no other nation has transportation developed as quickly, as broadly, and as completely, as it has in the United States;

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* Vice President of the United States (1913–21) who said "What this country needs is a good five-cent cigar."

[1] For further restrictions with respect to proxies and quorums in the reporting of measures and recommendations, see section 133(d) of the Legislative Reorganization Act of 1946.

nor has any form of travel so touched the lives of people everywhere as has the airplane.

But the U.S. transportation system, especially its subsystems—air, road, water, and rail—previously evolved as a gigantic tangle of largely unrelated enterprises. Today, however, there is a national purpose and plan to coordinate and to integrate to an optimum degree the various modes. And nowhere in Government is this effort more effectively and efficiently carried out than in the Federal Aviation Administration, promoter of aviation commerce, regulator and guardian of the U.S. airways.

December 17, 1972, marked the 69th anniversary of the Wright Brothers' historic first powered flight. The occasion was celebrated by the 1,600 members and guests of the Aero Club of Washington—a chapter of the National Aeronautic Association—with the presentation to John H. Shaffer, Administrator of the FAA, of our national aviation community's most coveted civilian award—the Wright Memorial Trophy.

In the key role as Administrator during one of the most dynamic periods in aviation history, Jack Shaffer has been in the forefront of many innovative efforts to broaden and strengthen the competitive stance of U.S. commercial and general aviation in world markets. He has spearheaded Federal Aviation efforts in the drive to develop pollutant free and quiet engine techology; and, he has insisted upon, successfully so, the upgrading requisites for aircraft maintenance and pilot training.

For these efforts, the trophy selection committee of the National Aeronautic Association in citing Shaffer's work said the award was made—

> In recognition of his outstanding leadership of the worldwide operations of the Federal Aviation Administration which has greatly enhanced all aspects of U.S. aviation to the benefit and safety of the general public and of all who fly.

Indeed, as President Nixon said in a letter to Mr. Shaffer in regard to this accolade:

> As the first Administrator of FAA to receive this prized recognition, you bring great credit, not just on yourself, but on my Administration. Your effective leadership has contributed to major advances in modernizing our aviation system, in improving safety and in promoting commerce. You have upheld for American Aviation the highest standards of excellence and helped win for it the respect of men and women throughout the world.

Jack Shaffer is a great and good friend of mine. And I take this opportunity to join with the aviation community and all of the general public who are so dependent on this Nation's aviation industry in saluting him for his dedicated service to America. Our country owes a debt of gratitude to men like him who do so much to promote the best interests of the Nation.

If ever there has been a man dedicated to the cause of aviation it is Jack Shaffer. His remarks to the Aero Club in accepting the Wright Trophy should prove to be of interest to all my colleagues in this Congress and to the American public. Therefore, I ask unanimous consent that the text of Mr. John Shaffer's address of December 15, 1972, to the Aero Club of Washington be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

REMARKS BY JOHN H. SHAFFER

I am greatly honored by this signal award, a tribute which I share with the 52,000 dedicated people in FAA whose superb efforts have made this possible. I thank them and I thank you.

The high honor you have bestowed upon me tonight is as flattering as the occasion almost four years ago when I was invited to join the President and serve my country again.

As I listened to those kind things which have been said about me earlier this evening, I took the opportunity to reflect on the wisdom of the decision to re-enter public life. I apparently didn't fully realize at that time that I'd be trading the relative serenity of private enterprise for one of the hot seats in this town. Or that I would be working much harder for less. But with a great sense of satisfaction, none the less.

When I was transitioning (like little Eva on the ice) no one knew, or if they did they didn't bother to warn me that we would soon be up to our hips in law enforcement and security. Nor was I alerted to the fact that the already "restless" controllers were getting more impatient and restless with each passing day. And there was nothing in the job description addressing the imaginary fears of gullible constituents who obviously believe everything that's printed; as a result some of the mail received has more blast than a better bomb.

But it has been an enlightening experience; I've learned how to live with perceived noise decibel groups and even those impatient consumer advocates who think in terms of "instant" solutions to everything.

Oddly, about the time we came aboard every expert's crystal ball suddenly got cloudy. Not a single forecaster in the place predicted the adverse impact that a transitioning economy might have on air transportation.

Let me shift gears for a moment or more appropriately adjust the power setting to a lighter tone for the next subject. My technical training and previous experiences didn't quite prepare me with some new information I will now share with you. Did you know that our commercial SST would leave a trail of wanton destruction all across the face of the Earth? Or that it would cause skin cancer, dislodge glaciers, change the climate, stop cows from producing milk, and make mother minks eat their offspring? Or that the high altitudes would sterilize the pilots and passengers? And conversely, that sonic booms would contribute to the population explosion by keeping people awake all night?

How preposterous! All the pilots I know who fly over 60,000 feet, including a few astronauts who have been to the moon and back, are pretty fertile fellows—judging from the size of their families. Besides who needs noise to inspire parenthood?

According to a Washington columnist whose name escapes me, I'm one of, if not the most traveled men in government. For some obscure reason the fact that I'm frequently "in the system" doing one of the things the job requires and something I've done for 30 years draws its share of attention. On the other hand, the fact my heavy schedule takes me away from home and family rarely rates even a casual mention.

Looking back with all modesty, I can count a number of significant aeronautical milestones we passed during my tour. But I hasten to add that these achievements were the result of the initiative, innovation and teamwork of many talented people in both government and industry. They are in the ranks of the airlines, the professional pilots, the general aviation community, the manufacturers, the military, the Congress, the FAA and the other federal agencies, the airport operators, the aircraft owners—including or rather especially the banks and insurance companies—and among all the users of the national airspace system. Many are in this room tonight.

Sincerely, ladies and gentlemen, I commend your diligence and perseverance in seeking solutions to the complex and difficult problems that continue to impede aviation progress. And if I may say so, I think that together, working in the mutual interest and for the common good, we have accomplished much in this span of four short years.

I am convinced we have a hammerlock on hijacking, thanks to our joint countermeasures. The skies are becoming cleaner and quieter and the airport a better neighbor—all the result of advances in technology and techniques. We are also making enormous strides in automating FAA's multiple services developing facilities, improving flight safety, enhancing aviation careers, truly providing equal opportunity through programs of substance not "tokenism" and we're implementing the concept of a total transportation system.

We are still training more fliers, building more planes, moving more traffic, carrying more payload and investing more capital in all elements of aviation than any other nation in the world. And all of this is happening because of your skills, your energies, your resources and, most importantly, your abiding faith in the future of aviation in all its forms.

Recently I observed to a group of young people that America's fabulous economic and technological power was increasingly turning toward peaceful pursuits; that we were beginning to marshal our forces to conquer hunger, poverty, disease and ignorance at home and abroad; that we were forming a higher partnership with nature, learning how to improve the quality of our environment, not just salvage it.

We are building a new America and this is good, for more than half the men and women of our nation have been born since World War II. Interestingly, many of these young men and women have never ridden a railroad train, an ocean liner or even a cross-country bus. But a great many of them have traveled by air at least once.

The fact is, ladies and gentlemen, we are fast becoming an air oriented society. And whether aviation's detractors and doubters like it or not, we are just in the leading edge of the vast and magnificent real air age in which transportation values are increasingly measured in time not distance—chronography as opposed to geography. Because of aviation an era of social, economic and cultural well-being such as the world has never known lies before us.

So, it is a time for technological renaissance, not curfew. I have no quarrel with the environmentalist and the ecologist. None of us in government or industry do. We all have the same goals. We all want smog free cities and unpolluted rivers, clean air and quiet skies.

But I would remind us all that nothing permanently good will come from holding science and technology at bay; they are the handmaidens of our social, cultural and economic progress. Harnessed to our incomparable free enterprise system, the two *have* made this nation the most knowledgeable as well as the most affluent, while keeping America the home of the free.

I am of the persuasion therefore, that those who complain about technology and its dis-benefits would be on firmer ground if they concerned themselves with devising ways for exploiting science and technology, rather than illogically seeking, by self-deception, the means to stifle either.

As we live it day by day, history in the making seems uncommonly slow, but in retrospect, the time lapse is disturbingly ephemeral. Air travel is a case in point. Commercial aircraft transport speeds, during the first 40 years of flight, edged upward at the rate of about six miles per hour per year. During the following 20 years (half the time span), speeds more than doubled. And in the ten years since (half the time span again), with new generation supersonic aircraft such as Concorde, speeds have tripled.

If history remains precedent, and I'm confident it tracks coherently, the prologue just recited suggests that during the next quarter century air transport speeds will increase by a factor of four—to some 6,000 miles per hour, or Washington to Paris in a little over 30 minutes. And if such travel speeds were available today, the extra time allotted a Henry Kissinger in Paris, for direct political—or social—negotiations, alone is priceless.

Flight time from New York, or Dallas, or from Los Angeles to most any world capital, will require little more than one hour. The aircraft of tomorrow, hydrogen-powered, hypersonic transports and/or nuclear-powered cargo carriers capable of flying in these speed regimes, are already under study. And, parenthetically I might add, such passenger transports with essentially unlimited range and order-of-magnitude increase in efficiency approach the panacea for the environmentalist, the airline operator and the public users alike.

Aviation has realigned the roles and missions of our military services, drastically altered the order of battle. Moreover, the vistas for business and industry are no longer cramped by the constraints of distance. Men, machines and materials are now moved safely and swiftly to routinely meet market demands anywhere on earth. The corporate aircraft component of our general aviation fleet is increasingly becoming the backbone of business communications. Air transportation also provides vital and irreplaceable relief to remote areas stricken by natural disaster and other emergencies. But one of the airplane's most outstanding contributions, and perhaps the least heralded, is the personal and physical sense of freedom it affords.

Our cities are no longer the only focal point for business, culture and entertainment. Air transportation has radically increased the individual's opportunity to choose *where to live*—and just as importantly—*how* to live. It was John Galsworthy who once said, "If you do not think of the future, you cannot have one."

In our vigorous development of ways and means to get people and goods from where they are to where they need to be, not many cities in America have focused sufficient attention on their community air transport needs in the years ahead. Significant improvements in airway facilities, air traffic management, landing systems and terminal areas require a leadtime of at least seven years from preliminary design to fully operational status. Even modest expansion of existing airports, including land acquisition, environmental impact studies, highway easements and construction, sometimes take five to ten years from conceptual planning to commissioning. All-new airport construction programs often require 15 years or more from concept to completion.

Considering the fact we conservatively project that scheduled carrier traffic will reach 800 million passengers in the decade ahead—four times the number carried this year—it's already later than most people think.

We should remind ourselves that although we stand on the threshold of a generation of peace, we face a different battle—a struggle for economic security characterized by increasingly fierce competition for international markets. In the world marketing arena, there are unmistakable signs that the favorable balance of trade contributed by the aerospace industry component over the years—a unique asset and one that probably will not be replaced by any other industry—is slowly eroding. This situation must be reversed.

Despite our bright and expanding economic future, I can't recall a time when this nation has had a more negative attitude toward technological innovation and progress. I find it both curious and distressing that on the one hand there is public impatience with certain deficiencies in aviation, yet on the other there is an unwillingness to support programs and projects designed to overcome those shortcomings.

The flying machine is an integral part of the national transportation system. But it must interface with other systems to achieve a truly intermodal transportation balance. One national challenge then is to develop a formula for efficiently and effectively interconnecting the air mode with the surface in a manner which will produce the greatest public benefit.

And I'm confident we will. For if the proponents of aerospace have learned anything during the past 69 years, it's the simple fact that the only thing permanent in this industry is change.

Technology has contributed immeasurably in making our nation great. And I am absolutely convinced that technology can cure *any* environmental ill at a price we can afford. The real question left for resolution lies in the quid pro quo of national decision and policy.

We must all share the responsibility of determining that the malcontent, the demagogue and the misinformed do not deprive our country of its heritage in the air. America's strength, domestically and internationally, depends in large measure upon the aerospace industry of the United States and the viability and pervasiveness of air transportation.

I am always moved by affairs that bring so many good friends and associates together, such as this one we are attending tonight. (It also gives some of us a chance to do a little hangar flying.) All too often we forget the accomplishments of the past. And we are so embroiled in today's problems that we fail to see the promise of tomorrow. But if we are to have a future, we must plan for it now. Ralph Waldo Emerson said it aptly: "It is impossible to shove out to sea without first standing on the shore."

I have great pride in the FAA organization and a personal satisfaction in its record of performance. And I'm sincerely confident that the agency, which I consider the finest operating agency in all of government, will meet the demands for more of its kind of services in the exciting days ahead.

Truly the best is yet to come. Again, my sincere thanks to all of you for honoring me with the Wright Brothers Memorial Trophy. You have made this the second greatest night of my life.

SURFACE MINING BILL

Mr. MOSS. Mr. President, I have joined with the chairman of the Committee on Interior and Insular Affairs in putting before this body a surface mining bill. I have done so because I pledged that I would do my utmost, as chairman of the Subcommittee on Minerals, Materials, and Fuels, to see that such a bill was passed early in the 93d Congress.

As the chairman has indicated, the bill is a working draft. Indeed, before I left the Interior Committee I raised certain constitutional questions, such as:

First. Does the Federal Government have the authority to, in effect, create zoning requirements for privately owned lands in each of the States, as well as the public domain lands over which the Government has both legislative and proprietary powers?

Second. If a landowner is prohibited from mining by restrictions imposed in the proposed surface mining bills, is he entitled to compensation for the value of the mining property in an inverse condemnation suit?

Third. Can a State impose surface mining protection regulations that affect Federal lands generally; that is, unpatented mining claims and lands encumbered by mineral leases?

Fourth. Does a mining claimant have the right to the full use of his property as long as there is no clear demonstration of interference with right of adjoining landowners or water users?

In my view these and other questions must be resolved before a final decision is made on this legislation.

There are additional refinements necessary in the sections dealing with a definition of reclamation, prohibition of mineral development, the State-Federal relationship. enforcement, and so forth.

I would urge the chairman to hold early and extensive hearings so that a bill can be passed within 90 to 100 days. The intensification of coal development demands it. This winter's cold and the shortage of oil will force a turn to coal development, and appropriate safeguards are essential.

The fundamental structure of the bill is patterned on the bill which the subcommittee drafted during the last session. Many of the amendments which I offered at that time have been incorporated in the bill introduced today. I urge action on this matter at the earliest possible date.

DR. MERLIN DuVAL'S AAMC SPEECH

Mr. KENNEDY. Mr. President, last November the former Assistant Secretary for Health and Scientific Affairs, Dr. Merlin K. DuVal, delivered a superb speech outlining his views of "What Is at Stake in Health Policy." The theme of the speech was that academic health centers may have to surrender part of their traditional independence in order to accept the responsibilities that society has a right to expect from them.

At the time the speech was delivered, Congress had already adjourned. Since that time, Assistant Secretary DuVal has resigned. I take this opportunity to share the full text of Dr. DuVal's valuable remarks with the Senate, and to wish Dr. DuVal the best of luck in his new responsibilities at the University of Arizona.

I ask unanimous consent that Dr. DuVal's remarks be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

What's at Stake in Health Policy

(Presented by Merlin K. DuVal, M.D., before the Annual Meeting of the Association of American Medical Colleges, Miami Beach, Florida, November 3, 1972)

Not until two or three days ago, did it occur to me how presumptuous it was to have selected for my topic this morning "What's at Stake in Health Policy?" To offer such an analysis, one must first ask—what lies ahead? Frankly, I don't know whether anyone knows the answer to that question and, in hindsight, I'm more than a little embarrassed to have implied that I do, because I don't.

Furthermore, I don't have any particular qualifications—beyond those that any of you already have—to consider the question. Like most of you, I have been a medical school faculty member; have worked in the research laboratory; have taken care of patients; and have served on admissions, curriculum and other medical school committees. True, I've had a turn in the dean's office, but I can't call on that for qualifications, either.

Then there's the matter of my sequence on the program. To follow both a Senator and a Congressman—four days before a national election—suggests that I ought to be political. I'll have no trouble resisting that temptation.

What's left, of course, is the challenge of sharing with you, for a few minutes, the view from my particular health-window in Washington. Of course, even that isn't very exclusive. I note, for example, that your program includes two-thirds of those who have occupied the position of Assistant Secretary for Health and Scientific Affairs. One thing I can say, with some confidence, is that as a learning experience this position has no equal. Had the timing been different, it wouldn't be unreasonable to think that Mark Twain had this job in mind when he noted that, "He who swings a cat by the tail, learns things that one can only learn by swinging a cat by the tail."

Several years ago, when I was in surgical training at a hospital in New York City, a senior and very much respected staff member admonished me not to label gastrointestinal hemorrhage as massive simply because the volume of blood loss was large. It was his conviction—many times since confirmed—that the capacity of the body to adapt to blood loss depended as much on the time over which the blood was lost as on its volume. In other words, an organism can't compensate—and will go into shock—if the change in its blood volume proceeds too rapidly.

There are several reasons to believe that all dynamic, living organisms—whether they be biological, social or institutional—may be subject to this same phenomenon; that is, if change occurs too rapidly for them to adapt, their capacity for homeostasis will be overstressed, and they may even lose their capacity to respond. Incidentally, for those of you who have not read it, Toffler's book entitled, "Future Shock" speaks to this question in an especially interesting way.

With this observation as background, then, I am next emboldened to suggest that "What's at Stake in Health Policy" will likely prove to be the resultant of two forces: the rate at which major changes in the health sector have been, and presumably will continue, taking place; and the capacity of our traditional institutions to adapt to those changes.

It is clear that the health-care field today is undergoing tremendous economic, political and technologic change. Although the forces underlying these changes have been at work for nearly a decade, the pace of change is quickening—accelerated by rising expectations and rising costs. The air is heavy with talk of a health care crisis, of national health insurance, of Health Maintenance Organizations, of comprehensive health planning, of consumer participation, of public accountability, and so on.

At the outset, I would acknowledge that such changes do not affect, at least to the same degree, all of the institutions with which this Association is primarily concerned. So too with the corollary—the institutions that make up the AAMC should by no means try to be responsive to all of such changes. But I do suggest that the responses your institutions choose to make, and the choice of changes you choose to respond to, will prove to be critical, even if your jurisdiction is not exclusive.

Any analysis of this issue must start with a sense of perspective. It will be useful, therefore, to touch upon a little of our contemporary history. Ten years ago, the AAMC was a "Dean's Club." Its meetings were more nearly retreats than expositions. The Coggeshall report was still two years away from publication; basic biomedical research was king of our castles; specialization and postgraduate training were continuing their displacement of primary patient care; the university hospital was the distinguishing and exclusive feature of medical education; the span of medical education was still on the increase; medical schools had little or no intercourse with schools of pharmacy and nursing; allied health workers were, for the most part, laboratory technicians.

Your Association was still headquartered in Evanston; it was still conducting teaching institutes; it had little, if any, political impact of its own; vice presidents for health sciences were virtually unknown; (indeed, in some instances, medical school administrative responsibilities were still shared with other responsibilities); and the Association for Academic Health Centers wasn't even at the dream stage.

There is no need to extend this list; I have cited it for purposes of illustration rather than comprehensiveness. Indeed, its purpose was served if it triggered your memories, and served as a reminder that, when one considers the profile of your institutions today it is perfectly apparent that within this ten-year period you have already been subjected to rapid change, and as nearly as anyone can tell, without having sustained any lasting damage.

On the other hand, the fact of your relatively graceful accommodation to the changes implied in that list does not constitute a fair test as regards your future. This is because each of the items I chose to mention was an item that was intrinsic to your own professional lives, and to the vineyards within which you have been toiling. Stated differently, in these instances you enjoyed the right to choose your response, and to be self-determining, in the best sense of the word.

But, there is another list—one that derives from issues that are, in general, extrinsic to your daily concerns. Let me illustrate. Today, many—if not most—of our citizens find that they can no longer meet the cost of a major illness; many can't get access to quality health care; inequities that are traceable both to geographic location and to ethnic, social, cultural and economic background are rampant; unfair discrimination persists; research is insufficiently targeted; there is a deficiency of first-contact physicians; there are too many specialists; one can no longer find his way into, or through, our "non-system;" consumers want to be partners in decision making; there must be increased accountability in the expenditure of funds.

This list, too, is incomplete; but I hardly need to complete it for this audience. You already know its omissions. I would submit that it is this list, and more particularly the institutional responses you choose to the items on it, that represent the real threat to your homeostatic mechanisms. It is possible—maybe even likely, that an incorrect choice of responses to any of the changes that are implied in this list—especially since they are coming so rapidly—could either throw your institutions into shock, or could invite the application of external forces which, no matter how well-intended, might cost you your well-earned professional heritage *of* self-determination.

The privilege of self-determination is one that mature societies have, for years, given over to their institutions and professions. In the case of health, we are allowed the privilege of selecting our students; we design their curricula; monitor their progress; determine who will receive our degree; select those who are subjects for advanced training; and oversee their certification and licensure. Our graduates are free to determine where they will live; who they will serve; how they will limit their practices; with whom they will associate; and what institutions they will join. We are free to conduct our own research; use or discard the products of our investigations; select among our bits of knowledge those that will be forwarded to the next generations, and so forth. To me, this adds up to a lot of freedom—a lot of self-determination.

But I don't have much confidence that this circumstance will long continue to pertain. On the contrary, I suspect that we may see a substantial erosion of professional self-determinism in our health care system of the future. Although physician income will undoubtedly continue to relate to productivity. I would expect increasing regulation of physician fees through national health insurance and other devices. And although physicians may still be allowed to choose their own specialty, and where they want to practice, it seems very likely that national health insurance and educational loans and scholarships will offer incentives, or even disincentives, so powerful as to warp the decision-making process and make some specialties and locations more, or less, attractive than others.

Such programs will have as their objective, of course, the resolution of the problem of getting health services to underserved populations. (Parenthetically, there is a growing feeling among many in this country that, because the public is underwriting the education of health professionals who can later command large incomes, that same public ought to have the right to commandeer, for a time, some of this professional expertise. In this regard, it may be well to recall that the United States today remains one of the few nations in the western hemisphere that does not conscript its physicians for non-military purposes.)

But if these constitute even a small sampling of the restrictions that may lie ahead on professional self-determinism for practicing physicians, they will be only moderate when compared with the controls which could be placed on institutional medicine in view of the climate that surrounds us. Mrs. Anne Somers described this well at a conference held at Michigan State University earlier this year. She said: "Of all the 'communication gaps' in our complex pluralistic society, probably none is greater than that between academic medicine and the general public. Whether the estrangement is any greater than it used to be, or whether it is simply that expectations and demands on both sides have increased so phenomenally, is debatable. What is not debatable is the persistence of a deep-seated mutual distrust, a distrust that could seriously impair both academic medicine and the public health."

As if to illustrate Mrs. Somers' point, consider that the academic health centers have asked for, and received, enormous levels of public support to underwrite the cost of producing physicians and other health workers. Medical schools have received more than a billion dollars since direct Federal aid to medical education began, a few years ago. There is now reason to believe that the quid pro quo is at hand, and the academic health centers may find that they are increasingly obliged to give up part of their traditional independence and accept those responsibilities which society, in turn, may place upon them. Since it has a big stake in the institutions which produce its doctors, the public is now beginning to ask certain questions about the training process itself, questions which only you can answer.

Why does it take so long to train a doctor?

How much does it cost exclusive of research costs?

Must medical schools build such big research empires in order to train good doctors?

Why do we train so many specialists?

Inasmuch as you are now claiming hundreds of millions of the taxpayers dollars every year, you will undoubtedly be held increasingly accountable for them—academic health centers may be denied the op*portunity of* continuing to do their own thing without regard to the needs of society. As I am sure you already know, the Government Accounting Office, the watchdog agency for the Congress, has just asked HEW to start obtaining more detailed reporting from you on the way in which you spend public funds. Since you have also asked that Government meet the full cost of sponsored research programs, the GAO has countered by asking us to identify, separately, the break-out between faculty support for research and instruction.

Equally important, the health care system of the future will be increasingly influenced by changing national priorities. Health care is not the only domestic priority in this nation, and it has become increasingly evident that pumping more money into the health care delivery system and its educational processes may not be the only way to improve the level of health in America.

Already, as part of this new consciousness, public policy-makers have begun to ask a new type of question as, for example: Which is more beneficial to our nation—$100,000 spent to operate a coronary care unit in a hospital, or to purchase health insurance for 150 families? Or to teach young mothers in the ghetto about nutrition? Or to buy more research into low-cost housing? Or to develop a high protein vegetable product? Personally, I don't attempt to defend such questions as being the right questions, but they do typify the trade-off process, or cost/benefit thinking, that newly characterizes modern public policy administrators, politicians, and other public servants.

Three weeks ago, members of my top staff and I, together with the heads of our three health agencies, met with officials of the Office of Management and Budget to review the policies that underlay our budget request for fiscal year 1974. One senior OMB official cut right to the heart of the problem of justifying greater health expenditures amidst growing demands for the Federal dollar when he made this statement, and I quote: "You have got to find some way to justify the return the public is getting from the large investment which has been made in health over the recent years by the Federal Government. In this regard, no one else is at such an increasing disadvantage as is health in competing for scarce funds."

In one sense he is right. We know what $10 million will buy in sewage treatment plants. But how well have we presented our case for investing the same amount in a new institute at NIH? We know how much military hardware $1 million will buy for the Defense Department, because we can measure it. But what does the same amount buy when plowed into special project grants for medical schools? We know how much interstate highway, right down to the foot, $64 million in highway funds will buy. But what are we getting for the $64 million we will spend through the National Center for Health Services Research and Development this year? And what about those training grants at NIH (very much under the microscope this very week)? True, we can describe how they help to build centers of excellence which, in turn, develop superb faculty members who will subsequently train superb physicians. But the public is asking why it should put taxpayers dollars into a training program that will train specialists who can move from research into practices anytime they wish and earn $100,000 a year.

Here, another reminder is in order. When one examines, critically, the reduction in morbidity and mortality that has been achieved in the United States; or the reduction in disability that follows major illness or injury, it becomes apparent, that twentieth century medicine is not a big contributor in the gains. It has been suggested, in fact, that beyond a point, the effect of illness-care produces only marginal gains. While it is true that our infant mortality rates have been declining in the recent years, how much of this improvement can be traced to better health care services and how much derives from a better educated people, adequate sewage disposal, clean water, abundance of nutritious foods, and improved purchasing power among those who need prenatal care? Can we attribute reduced infant mortality figures to the number of dollars we pour into medical research?

The public is asking for more primary care physicians. Will the academic health center provide them? The public is looking at the possible advantages of team care. Can your academic health centers produce health manpower who will work together? The public is demanding more effective health planning to avoid costly duplication. Will you be willing to provide the planners?

A little earlier, I stated that your institutions should not try to be responsive to all of the changes that are implied by the current shift in the public mood. But I added that the responses your institutions do choose to make, and the choice of changes you choose to respond to, could be critical. You are now, by your own petition, a national resource. National resources must, of course, be responsive—not universally responsive—but appropriately responsive.

Before concluding, let me add that you, and this Association, have already done well with some of these problems. You have begun to correct your own unstable fiscal support by having achieved new support through first-dollar funding. You have responded with increased enrollments to the mandates of the Physician Augmentation Program and the Comprehensive Health Manpower Training Act of 1971. You have replicated yourselves by over one-third; you have started to change, substantially, your posture toward the professional education of women, and of students from backgrounds characterized by disadvantage. You have tolerated—even welcomed—radical experiments in your educational process. You have shown increased sensitivity to your communities and you have indicated a willingness to accept community and family medicine into your academic sanctuaries. You have declared your support for an increased effort in favor of targeted research and you have begun to acknowledge that your product—the physician—need not be all things to all people. Finally, you have created, with exceptionally skilled central leadership from your President, John Cooper, a proud, competent and effective voice in the construction of public policy.

But if this compliment makes you comfortable, let me add that you are not yet home free. If you have interpreted my message as strident, rather than urgent, you will have misunderstood. If your reaction to change is to mobilize your defenses, you won't win the game.

What we ask, from within Government, is that you display your leadership—not just superb administration. We ask for reasonable consistency between the goals you select for yourself, and those that are being selected by the society that pays your bills. And if change is upon us, we ask that you accommodate—appropriately—but without sacrificing the institutional integrity and stability that are the hallmarks of a free and productive society.

After all, as we say in Washington, you are the only game in town.

FINANCIAL DISCLOSURE LEGISLATION

Mr. MATHIAS. Mr. President, at the request of the Senator from Illinois (Mr. Stevenson), I ask unanimous consent to have printed in the Record a statement by him relating to financial disclosure legislation.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of Senator Stevenson

I am pleased to join my friend and colleague, the Senator from Maryland (Mr. Mathias) in the introduction of legislation requiring full financial disclosure by Members of Congress and Congressional employees earning $22,000 or more.

At no time in recent memory has the need for this legislation been greater than it is today. Public confidence in the Congress has plummeted, as poll after poll has demonstrated. The citizen is becoming more cynical about politics and politicians, believing that they are more likely to do something to him than something for him. More and more Americans view the Congress not as a responsive institution of self-government or an effective check upon Executive power, but as a giant trading block at which favors are dispensed to the wealthy and powerful, in derogation of the public interest.

What then is to be done? The confidence of a concerned, well-informed public will not be won by empty gestures or pious exhortations; it must be earned and it must be deserved.

I can think of no better way to do that than by prompt passage of this bill and related bills to reform campaign financing and give the public more information about lobbying activities.

On the issue of financial disclosure, what is right coincides with what is necessary. Financial disclosure is right because the voter should have full access, consistent with the national security, to information about Congress and its Members. Financial disclosure is necessary because public confidence in the Congress will be regained only when we act in such a way as to convince the public that we have nothing to hide.

I recognize that there are at least two very good reasons why financial disclosure is not now required. First, we value our privacy; second, we fear that disclosure might encourage mudslinging and irresponsible campaigning. Understandable as these concerns are, they must in my judgment now yield to the public's right to know. Moreover, there is every reason to expect that the public will not be taken in by irresponsible efforts to misuse disclosure information.

Last month the Ad Hoc Committee created by Senator Mathias and myself held three days of hearings on strengthening the Congress. The twenty witnesses—including ten Senators and former Senators—expressed divergent opinions on many of the issues we discussed. On the question of financial disclosure, however, there was no disagreement whatever; every witness who addressed the issue called for early passage of full disclosure legislation.

This is the first in a series of bills growing out of the December hearings. In the weeks that follow, Senator Mathias and I plan to build on the work of Committee by introducing other legislation in furtherance of our common objective: strengthening the Congress.

ADMINISTRATION CUTS BACK ON THE SUPPLEMENTAL FOOD PROGRAM

Mr. HUMPHREY. Mr. President, it is exceptionally distressing to learn that the Nixon administration plans to cut back the funding for the supplemental food program under the Child Nutrition Act.

The reports I have received indicate that the Nixon administration has no intention of spending the $20 million appropriation. In fact, I would be surprised if the administration spends even half this amount.

The supplemental food program serves about 156,497 persons nationally. Information I have indicates that about 11.2 percent of the participants will soon be phased out of the program; actual program operations will be cut by about 50 programs.

Mr. President, a recent article on the administration's action and attitude toward the supplemental food program began by stating:

> A special feeding program intended to give poor infants better nutrition during their critical early months of life appears to be slowly starving to death.

That is exactly what is happening. By impounding these funds the Nixon administration is literally draining the lifeblood of these programs.

Mr. President, I ask unanimous consent that a listing of various programs scheduled for cutback or phaseout, and an article written by Austin Scott, of the Washington Post, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

SUPPLEMENTAL FOOD PROGRAMS SCHEDULED TO CLOSE DOWN

Number of countries/ independent cities	Location	Number of participants	Date scheduled to close
49 programs out of 261 nationally:			
1	1. Philadelphia, Pa	1,036 in July 1972	Jan. 12, 1973.
2	2. St. Louis, Mo	8,227 in July 1972	Feb. 1, 1973.
7	3. Northeast Iowa (Alamakee, Bremer, Chickasaw, Clayton, Fayette, Howard, Winneshiek—all rural).	633 in July 1972	Do.
3	4. Jackson, Clay, and Platte Counties, Mo. (including Kansas City, Mo.).	144 in July 1972	Mar. 1, 1973.
36	5. All other Iowa SFP's equals 36 other counties.	7,566 in July 1972	July 1, 1973.
Total		17,606 in July 1972 out of 156,497 nationally or 11.2 percent.	

SUPPLEMENTAL FOOD PROGRAMS CONTINUING BUT FORCED TO DECREASE LEVEL OF SERVICES

Number of countries/ independent cities	Location	Number of participants	Date scheduled to close
7 programs out of 261 nationally:			
1	1. Jefferson County, Ark	1,353 in July 1972	Now.
1	2. Sumter County, S.C	830 in July 1972	Now.
2	3. Beaufort-Jasper, S.C	1,638 in July 1972	Now.
1	4. Cook County, Ill	4,544 in July 1972	Now.
1	5. San Francisco, Calif	4,992 in July 1972	Now.
1	6. Marin County, Calif	448 in July 1972	
Total		13,850 participants in July 1971 out of 156,497 nationally.	

[From the Washington Post, Jan. 2, 1973]

POOR-BABY FOOD PLAN IS VIEWED AS STARVING

(By Austin Scott)

A special feeding program intended to give poor infants better nutrition during their critical early months of life appears to be slowly starving to death.

As federal programs go, the Supplemental Feeding Program isn't very big. At last count, it served 157,144 of an estimated two million pregnant and nursing mothers whose low incomes mean high health risks for their children.

That count, taken by the Agriculture Department in October, is down from 164,093 last June, and way down from 202,296 in June of 1971.

Despite pleas from existing programs for more funds, USDA said it turned back to the Federal treasury $1.92 million that was budgeted but not spent to provide food for the program in fiscal 1972.

That figure is termed ludicrously low by a number of anti-hunger congressmen and organizations, who said Congress made $20 million more available, but USDA refused to consider spending it. USDA claims Congress never intended for it to spend that $20 million.

While arguments rage over what the $20 million was intended to do, the Office of Economic Opportunity has been cutting back the amount of money it was spending to transport and store the special foods the program uses.

In the spring of 1971, when about 300 supplemental food programs were operating, OEO's Emergency Food and Medical Service (EFMS) was paying more than half of their administrative costs, a recent study said.

But now, it noted, more than a year later, "the most commonly shared plight of existing supplemental food programs is the loss of EFMS funds for administrative costs."

"There should be money somewhere to help," said Mary Graham, program director of EFMS. "We are reaching the people in the rural areas and they do need it. And they (federal officials) take it away as soon as we start to help them. That's telling us nobody cares."

The Children's Foundation a non-profit anti-hunger organization in Washington, found during a study last month that all programs in Iowa are scheduled to close down during the first half of 1973.

Billie Stultz, who conducted the survey, said Iowa's programs cover 16,545 participants, more than 10 per cent of the national total.

The same problems are forcing a cutback in four Missouri counties serving more than 9,000 recipients; in Marin County, Calif.; in Chicago and elsewhere the survey found.

There is food available, Miss Stultz said, but no money for transportation, storage and administrative costs.

"We're floundering," said Marin County community action planner Gail Theller. "We're looking to private foundations and writing USDA about their picking up the tab . . ."

The Supplemental Feeding Program has been around since 1968. In the spring of that year, the Agriculture Department's iron grillwork gates were closed in the face of Poor People's Campaign demonstrators asking for just such a program, among other things.

Several months later, USDA agreed to supply especially nutritious surplus foods—cereals and fruit juices and corn syrup and milk—if the costs of transportation and storage were paid by someone else.

The agreement was similar to one worked out for USDA's surplus food distribution program, and except for a few experimental projects, the special feeding program was used only in conjunction with the food distribution program. Mothers getting food stamps, a far larger number, were generally not eligible, despite recommendations that they be included.

Although EFMS was paying more than half of the local program administrative costs in 1971, local administrators were forced to seek more money from state and county governments and private groups, as the EFMS budget was cut, and its priorities were changed.

The anti-hunger forces blame the Office of Management and Budget's determination to slash federal expenditures, and talk about hurting mothers and infants for the sake of subsidizing giant corporations like Lockheed Aircraft. But they haven't been able to stop EFMS funds from drying up.

Some local administrators say they're now facing a drying up of state, local and private funds.

"There are many more that we could reach—we have a maximum quota of 8,500—but we're afraid to get mothers into the program and then have to drop them," said Des Moines EFMS director Selma Flisher.

"A lot of the people walk a long way to get the food," she added. "This says 'we need this food.' "

"We don't foresee having to close down," said Rubey Johnson of the Sumter County, S.C., program. "It's a matter of robbing Peter to pay Paul, stripping the child care, job training and education programs in order to keep the food program going."

Although in the past month three new communities signed onto the program, the number of people served has been steadily declining.

"We had a lot of those programs going and we tried to stretch (the money) out," said a spokesman for the Kansas City regional office of OEO. "Well now that's gone."

While a lot of it went for surplus food storage and transportation last year, he said, "that is not happening now."

Instead, the Kansas City region earmarked its $626,000 allotment this year primarily for programs to aid the aged.

The money went to state economic opportunity offices on a formula geared to the proportion of poor people—in each state's population.

"They were to work with their state councils on aging," the spokesman said.

The 1970 White House Conference on Food, Nutrition and Health recommended that preschool children should be the first priority in developing nutrition programs, followed by pregnant mothers.

"Evidence at hand is sufficient to document the enhanced risks to mental and physical development from severe malnutrition during the first few years of life," its report said.

"This risk extends into the period of pregnancy if the expectant mother is unable to provide the infant with sufficient nutrients."

U.S. vital statistics "indicate a major shortage of national resources for medical and nutritional support committed to the pregnant woman and the infant," the White House conference report continued.

It then quoted President Nixon as saying "too many mothers and young babies do not receive life-saving care."

Just before the last session of Congress adjourned, Sen. Hubert H. Humphrey (D-Minn.) won passage of a bill providing $20 million for another special feeding program for pregnant and nursing mothers, this one to purchase special vitamin and mineral-enriched foods instead of just extra nutritious surplus foods.

The House-Senate conference committee report on Humphrey's bill said it would set up a pilot program "in a few urban and rural localities" to reach some of Humphreys target of 400,000 children.

While Humphrey repeatedly said his program was intended to supplement the existing program, not replace it, there is some concern that it might make it easier for the existing program to quietly fade away.

"It takes the heat off USDA," said Barbara Bode, president of The Children Foundation, to expand Humphrey's program because it makes them money. Nobody's making money "Commercial business interests will pressure from the other one."

TRIBUTE TO ROBERT L. RICE, OF SALT LAKE CITY

Mr. MOSS. Mr. President, I wish to pay tribute to a distinguished citizen from the State of Utah who is one of our Nation's leaders in the field of physical fitness. Mr. Robert L. Rice, of Salt Lake City, has been an active spokesman for fitness for more than 20 years, and has played a vital role in making Americans aware that physical fitness is an essential aspect of national well-being. Our State is proud that Mr. Rice now serves as a member of the President's Conference on Physical Fitness and Sports.

Mr. Rice is the founder and president of one of the country's most extensive health spa chains. He is also known nationwide as an author and lecturer on the subject of health. Born and raised in Utah, Mr. Rice has remained active in the affairs of his community and his native State. He is known to Utahans as a philanthropist and church leader. He is a member of the Dean's Council at the University of Utah Business School as well as the President's Council at the University. He recently made a generous gift of $1,000,000 to this institution. At a time when our Nation is becoming increasingly aware of the importance of physical fitness, I believe that it is proper that we pay tribute to one of our finest leaders in this area.

U.S. MILITARY SUPPLY SYSTEMS

Mr. McCLELLAN. Mr. President, for more than a year, the Permanent Subcommittee on Investigations, of which I am chairman, has been examining the disposal of surplus and excess war materiel by the armed services and the policies and procedures of the military supply and procurement systems. We have been conducting our inquiry in close cooperation with the Department of Defense. We have investigated carefully certain aspects of the international arms traffic, the policies and procedures which govern the disposal of war materiel declared excess within our military assistance program for our allies, improprieties in the surplus military sales field, and the question of whether the wholesale military supply and procurement systems have developed serious deficiencies and weaknesses in inventory practices and accountability.

We conducted hearings in 1972 which developed evidence that serious problems have occurred within the property disposal system, causing substantial financial losses to the Federal Government. Our hearings, however, also disclosed that corrective actions were swiftly initiated within the Department of Defense. Assistant Secretary of the Army Kenneth BeLieu testified that if improvements in policies and procedures produced an increase of only 1 percent in returns on the original cost of materiel, the Government would benefit annually by additional returns of approximately $50 million in sales of excess and surplus property.

The subcommittee is pleased that significant results of our work with the Defense Department developed quickly, but we found also that our early work in the inquiry disclosed only a portion of a complex and far-reaching case relating to military supply and procurement systems and that there were a number of areas of significant weaknesses that remained to be studied. In keeping with our responsibility to investigate efficiency and economy in the executive branch of the Government, we have continued our inquiry in order to determine how the taxpayers' dollars may best be conserved and augmented through improved procedures.

Mr. President, I wish to report that further significant actions have been taken within the Department of Defense in response to our cooperative effort. I have received a letter from Secretary of Defense Melvin Laird, dated January 15, 1973, a testimonial to the subcommittee's effectiveness in carrying out our duties and responsibilities in relation to conducting investigations of efficiency and economy in the executive branch of the Government.

Secretary Laird states that extensive changes in procedures and regulations for disposal of surplus property already have been made and others have been initiated within the Department of Defense. I quote excerpts from Mr. Laird's letter:

> Before I leave office I would like to express my personal appreciation to you and members of your Subcommittee and staff for the significant improvements we have achieved in our supply systems as a direct result of the comprehensive review of the systems in Europe by your Permanent Subcommittee on Investigations . . .
>
> The scope of your Subcommittee's investigation and the actions which DoD undertook as a result thereof were so far-reaching and comprehensive that I could not possibly detail all the specific remedial steps we have taken; however, I would like to provide you a brief outline of the most significant actions we have taken or are taking on the Subcommittee's findings . . .

The outline of the broad and important changes in policies and procedures which the Department of Defense has undertaken as a result of the subcommittee's work are found in Secretary Laird's letter, which I request be printed in the Record at the conclusion of my remarks.

Mr. President, on behalf of the subcommittee, I wish to express gratification that our efforts are considered effective and substantial by so distinguished a public official as the Secretary of Defense, but more importantly, in my view, we are pleased to know that our work once again has produced important benefits for the Federal Government and, in turn, for the taxpayer.

I ask unanimous consent to have printed in the Record a letter from Secretary of Defense Laird to me, dated January 15, 1973.

There being no objection, the letter was ordered to be printed in the Record, as follows:

The Secretary of Defense,
Washington, D.C., January 15, 1973.

Hon. John L. McClellan,
Chairman, Permanent Subcommittee on Investigations, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: Before I leave office I would like to express my personal appreciation to you and members of your Subcommittee and staff for the significant improvements we have achieved in our supply systems as a direct result of the comprehensive review of the systems in Europe by your Permanent Subcommittee on Investigations. As you will recall, our General Counsel, the Honorable J. Fred Buzhardt and the Under Secretary of the Army, the Honorable Kenneth E. BeLieu testified before your Subcommittee in hearings conducted on July 26, 27 and 28, 1972 on the subject of U.S. Military Supply Systems and the traffic in surplus war materiel. Subsequent to the hearings I was fully briefed on the subject and I requested the Honorable Barry J. Shillito, the Assistant Secretary of the Department of Defense for Installations and Logistics, to review the record of the hearings, and initiate and expedite those actions required to correct the deficiencies in our supply systems and disposal processes disclosed by your Subcommittee.

The scope of your Subcommittee's investigation and the actions which DoD undertook as a result thereof were so far reaching and comprehensive that I could not possibly detail all of the specific remedial steps we have taken; however, I would like to provide you a brief outline of the most significant actions we have taken or are taking on the Subcommittee's findings. I or members of my staff will, of course, be delighted to furnish you additional information on these or any other subjects as you may require, but I believe the following brief review of our major corrective actions will assure you that we have taken aggressive and effective action as a result of your investigation:

a. We have emphasized to the Secretaries of the Military Departments and the Directors of Defense Agencies the necessity for command control, supervision, and surveillance of property disposal and sales operations. Specific subjects and functions which have been emphasized, include command supervision and surveillance; accounting for materiel in-transit between the supply systems and the Property Disposal Offices (PDOs); accounting for, controlling, and assuring the security of materiel in the PDOs; identification, control and demilitarization of Munitions List Items (MLIs); and the investigation of inventory adjustments involving significant dollar values.

b. We have instituted two major reviews of PDOs in the Continental United States. One is by the Assistant Secretary of Defense (Comptroller) who is conducting comprehensive internal audits of five PDOs. The other has been in the form of a series of comprehensive examinations of several PDOs by representatives of the Assistant Secretary of Defense (Installations and Logistics). Since completion of these reviews we have initiated tests in several important areas to determine what changes, if any, should be effected in our current supply, utilization and disposal procedures. The most significant of these are:

(1) A review of our policies and procedures for retention of secondary items, spares and repair parts. This review is primarily focused on maximizing the use of suitable substitutes, retention of onhand stocks for which future demands can be reasonably forecast, retention of insurance-type items, a more careful review of potential inactive items, and the retention of support materiel for items held in contingency reserve or in the hands of friendly foreign countries.

(2) A review of the existing dollar floor for reporting materiel to the Defense Property Disposal Service for screening and utilization by other DoD activities.

c. We are carefully reviewing our policies and procedures concerning the identification and demilitarization of Munitions List Items (MLIs) in an effort to assure that MLIs are identified, controlled and, if required, demilitarized prior to sale. As I am sure you know, the most important factor in this regard is the identification of MLIs. We have not finished this major review but expect to complete it within six months. In the interim, we have:

(1) Emphasized the subject to all Department of Defense activities and have directed that, effective immediately, all items entering PDOs unless otherwise identified will be examined individually by competent technical personnel to assure identification and control of MLIs. Those items identified as MLIs but not requiring demilitarization will be identified and sold under Security Trade Control procedures if appropriate. In this regard, the Assistant Secretary for International Security Affairs is working closely with the Department of State to develop and initiate more effective Security Trade Control policies and procedures.

(2) Directed a temporary modification of our previous policies by expanding the category of "lethal materiel" to include parts, components and accessories directly related thereto which are not commercially available and contribute directly to the lethal nature of the property. All other property which is included in the International Traffic in Arms Regulation will be identified as MLIs and sold under Security Trade Control procedures as appropriate.

d. In addition to the major subjects discussed above, the Military Services have initiated prompt, aggressive and effective action in response to the findings of your investigation. I will not attempt to detail these actions but they include corrective actions with respect to internal organization, personnel, training procedures, surveillance, merchandising and facilities planning.

e. With respect to organization, fragmentation of functions and responsibilities, and other irregularities, deficiencies and conditions which may have had a direct influence on, or perhaps even encouraged improprieties and corrupt practices, the Defense Supply Agency (DSA) was directed some months ago to develop and implement a detailed plan which will provide for the transfer to DSA of all property disposal activities (worldwide) by July 1, 1973. This implementation plan, now in process, provides for the establishment of eight task groups to develop standard procedures for the receipt, processing, reporting, accounting, and transfer or disposal by sale of property determined excess to the needs of DoD activities or DoD supported activities, other Federal Agencies and authorized donees. In addition, when the plan for transfer of all property disposal activities to DSA is completed, we are studying whether and how best to provide from one organization a criminal investigative service to DSA for this, and possibly other associated activities.

I particularly want to commend, and express my appreciation for the efforts of the Chief Counsel of your Subcommittee, Mr. John P. Constandy, whose outstanding ability and dedication have been brought to my attention repeatedly. One of the more important benefits of this investigation has been the enhanced spirit of cooperation between members of the Subcommittee staff and DoD personnel involved. Mr. Constandy has been forthright and open minded, and has impressed responsible DoD personnel at all levels with the vital importance of improving our supply systems and our procedures for surplus property disposal.

I wish to assure the Subcommittee that we are very much concerned about the deficiencies which were revealed during the course of your excellent investigation. We are taking positive corrective actions as rapidly as we can, consistent with sound management practices and personnel resources.

In summation, I would like to again express my appreciation to you and the members of your Subcommittee, and to your fine staff for the outstanding assistance and cooperation that we have received.

Sincerely,

Melvin Laird.

PRICE SUPPORT PROGRAM FOR TOBACCO

Mr. MOSS. Mr. President, I noted the statement of the junior Senator from North Carolina (Mr. Helms) concerning my efforts to terminate the price support program for tobacco. It is somewhat ironic that the distinguished Senator selected the ninth anniversary of the indictment against tobacco released from the Surgeon General's Advisory Committee on Smoking and Health, as the date for his comments.

I would like to correct the assertion of the distinguished Senator that "This matter has been before the Senate on numerous occasions in the past." The fact is that I continue to reintroduce this legislation, but the Committee on Agriculture and Forestry refuses to hold legislative hearings on the tobacco support program. It is hypocrisy for the Government to continue this program in view of conclusive evidence of health hazards caused by this commodity.

HUMPHREY RELEASES WHAT OMB WILL NOT

Mr. HUMPHREY. Mr. President, it has been approximately 3 months since the Humphrey impoundment information amendment became law, and still there is no official response from the Office of Management and Budget as to when a listing of impounded funds will be made.

I find this "Congress and the American people can wait" attitude contemptuous of law. *It certainly* does not recommend itself for an administration which claims there is too much "permissiveness" in our society. I am beginning to believe that President Nixon is right—there is "too much permissiveness in our society," beginning with the administration's "own permissiveness" on the impoundment information law.

It is for that reason, Mr. President, I am today placing a list of the fiscal year 1973 funds withheld from the U.S. Department of Agriculture. The totals impounded from the various agriculture division budgets indicate that more than $1.56 billion is being withheld as of January 4, 1973.

Included in these amounts are the $210 million REAP program, cutbacks in the REA loan program, contingencies of more than $150 *million in* the food stamp program and more than $100 million in withheld funds for rural water and waste disposal projects.

Mr. President, I ask unanimous consent that the list of funds withheld from the Department of Agriculture be printed in the Record.

There being no objection, the list was ordered to be printed in the Record, as follows:

U.S. DEPARTMENT OF AGRICULTURE—SUMMARY OF 1973 FUNDS WITHHELD FROM USE

Agency and account	For contingencies and to meet requirements of the appropriation act	Amounts withheld to meet 1973 outlay limitations	Amounts not currently required to carry out budgeted program levels
Office of Secretary		$500, 000	
Agricultural Research Service:			
Agricultural Research Service (Annual)		8, 048, 000	
Agricultural Research Service (No-Year)		1, 650, 000	$70, 000
Animal and Plant Health Inspection Service (Annual)	$2, 555, 000	2, 046, 000	
Cooperative State Research Service	2, 000, 000	1, 500, 000	
Extension Service	2, 000, 000	3, 000, 000	
Statistical Reporting Service		50, 000	
Economic Research Service		273, 000	
Farmer Cooperative Service		100, 000	
Foreign Agricultural Service: Special Foreign Currency Program			2, 240, 192
Agricultural Stabilization and Conservation Service:			
Rural Environmental Assistance Program		[1] 210, 500, 000	
Dairy and Beekeeper Indemnity Program			2, 500, 000
Water Bank Program		[1] 10, 000, 000	
Commodity Credit Corporation: Administrative Expenses	2, 866, 000		
Federal Crop Insurance Corporation: Federal Crop Insurance Corporation Fund			36, 510, 311
Rural Electrification Administration: Loans		[2] 456, 028, 000	
Farmers Home Administration:			
Agricultural Credit Insurance Fund			28, 401, 571
Rural Water and Waste Disposal Grants		[3] 108, 000, 000	
Rural Housing for Domestic Farm Labor		1, 250, 000	
Mutual and Self-Help Housing			832, 130
Emergency Credit Revolving Fund			150, 147, 000
Self-Help Housing Land Development Fund			852, 700
Salaries and Expenses		500, 000	
Soil Conservation Services:			
Conservation Operations		$5, 000, 000	
Resource Conservation and Development		6, 000, 000	
Watershed Planning		500, 000	
Watershed and Flood Prevention Operations		17, 412, 500	
Great Plains Conservation Program		62, 500	
Agricultural Marketing Service:			
Marketing Services		36, 000	
Payments to States and Possessions		900, 000	
Perishable Agricultural Commodities Act Fund			$10, 423
Food and Nutrition Service:			
Food Stamp Program	$158, 854, 000		
Child Nutrition Programs	2, 342, 000		
Total, U.S. Department of Agriculture (excluding Forest Service)	170, 617, 000	833, 358, 000	221, 564, 327
Forest Service:			
Forest Protection and Utilization (Annual)		21, 720, 000	
Forest Protection and Utilization (No-Year)			615, 000
Construction and Land Acquisition		12, 601, 900	
Youth Conservation Corps			1, 557, 000
Forest Roads and Trails		18, 000, 000	262, 789, 000
Expenses, Brush Disposal			18, 557, 967
Forest Fire Prevention			134, 326
Total, U.S. Department of Agriculture	170, 617, 000	[4] 885, 679, 900	505, 217, 620

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[1] No additional agreements will be entered into after Dec. 22, 1972. Amounts represent the current estimate of unused authorizations.

[2] Amounts represent unused direct loan authorizations. However, $390,000,000 in electric and $89,000,000 in telephone loans have been authorized as insured or guaranteed loans under the Rural Development Act.

[3] Emergency loan applications will not be accepted after Dec. 27, or 60 days after designation (whichever comes later) in secretarially designated disaster areas and will not be accepted after Jan. 15, or 60 days after designation (whichever comes later) in prosidentially designated areas. Additional operating loan funds will be made available to eligible applicants after the application period for emergency loans has expired.

[4] In addition a reduction of $10,000,000 in travel has been prorated to all programs of the Department of Agriculture.

SECRETARY OF DEFENSE ELLIOT RICHARDSON

Mr. MATHIAS. Mr. President, I have followed closely the hearings held by the Committee on Armed Services on the nomination of Elliot Richardson as Secretary of Defense. His nomination by the President and his approval by the Armed Services Committee are most heartening.

The experience he brings to bear on military programs is extensive. He worked on some military questions as assistant to Senator Saltonstall, the distinguished chairman of the Senate Armed Services Committee in the 83d Congress, so he has a perspective of security matters from the legislative point of view. His term of service as Under Secretary of State demonstrated his firm grasp of foreign policy and national security matters. As Secretary of Health, Education, and Welfare, he obtained during the period of his very able leadership, a firsthand understanding of the demands of domestic priorities. It is my expectation that as Secretary of Defense he will better be able to place the questions of domestic and security requirements in proper perspective than perhaps any previous Secretary of Defense.

I note that in his testimony, he repeatedly expressed his willingness to look into all the key questions of national security with an open mind. His predecessor, Secretary Laird, quite properly, following the President's policy, has stated time and time again that our foreign policy and national security policy were in a period of transition. In this regard, Secretary Richardson's expressed willingness to study and hear all points of view on the majority security issues will serve the administration and country well.

Secretary Richardson said that he would do everything possible to assure that the United States has the best trained and best equipped military force in the world. As an important example of what we can expect in the vital area of strategic policy he, in response to questions by Senators BYRD and HUGHES, said that he supported President Nixon's and Dr. Kissinger's often stated approach to strategic negotiations that all relevant factors numbers, megatonnage, technology, deliverable warheads, geography among others, would be considered in any future agreements on nuclear weapons reductions. On practically every question that was addressed to him, he said that he would study the matter with an open mind. We have every reason to expect that Secretary Richardson will assure that our military forces will remain the best and most powerful in the world and that our security policy will contribute to President Nixon's goal of a generation of peace.

I hope that the Senate will act promptly to confirm the appointment of Mr. Richardson as Secretary of Defense.

ENERGY CRISIS AND THE CONSUMER

Mr. MOSS. Mr. President, an article written by the distinguished Senator from Washington (Mr. MAGNUSON) has recently come to my attention. It analyzes the consumer ramifications of the "energy crisis" about to face the Nation.

The article proposes a blueprint for alleviating the Nation's energy difficulties and points out that the "energy crisis" may be exacerbated and used by certain vested interests in an effort to increase greatly consumer prices and to relax environmental controls.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Seattle Post-Intelligencer, Dec. 31, 1972]

ENERGY CRISIS AND THE CONSUMER

(By Senator WARREN G. MAGNUSON)

Civilization cannot exist without energy. Our security as a nation, the strength of our economy, the opportunity for leisure time and freedom from manual labor all require adequate supplies of energy.

But of late there has been much talk of an energy crisis.

What is the nature of this energy crisis? It is not a shortage of resources. The nation has supplies of coal that are sufficient for hundreds of years. There is enough uranium, although likely to be more expensive in the future, to meet demands for the foreseeable future. The supplies of natural gas and oil appear sufficient until at least the next century if improved recovery and better exploration methods are developed. The nation is not running out of basic resources, but there are problems of a different nature.

First, there are short-term capacity difficulties. Some parts of the nation have experienced electric power brownouts and blackouts because transmission systems were inadequate, equipment failed or new power plants were not completed on time. The real problem in the electric utility industry is that it is seeking to double its capacity every 10 years or less. This means that in each 10-year period the industry must build anew what it has constructed over its entire past history.

Each successive doubling becomes ever more difficult because each time the task is twice as large as before. The simple fact is that the industry is feeling growing pains. Its mammoth new plants are far more complex and more likely to break down than the old. It appears that technology was inadequately developed prior to commercial introduction and as a result the electric utilities are in a jam today.

Similar short-term capacity problems have arisen with low-sulfur oil and coal and natural gas.

POLLUTION IS AN URGENT PROBLEM

But the nation faces more than short-term capacity problems. A second increasingly urgent problem is pollution. The environmental impact of energy utilization is enormous. Strip mining for coal is devastating large areas of the nation—soon an area greater than Pennsylvania and West Virginia combined will be ruined. Oil shipments over water last year resulted in more than 10,000 oil spills and the situation promises to become worse as we import more oil and commence shipments from Alaska.

Power plants rank with the automobile as the nation's worst polluter. Air pollution from fossil fuel plants caused over $8 billion in health and property damage last year—over $40 for every man, woman and child in the United States. Nuclear plants, while not a source of air pollution, present problems of their own. Normal operation results in release of radioactive materials into the environment.

Many scientists have warned of the inadequacy of procedures for dealing with nuclear plant emergencies. Concern has been voiced about the possibility of illicit diversion of nuclear materials. The most serious problem, however, is the disposal of radioactive waste products which must be isolated from the environment for thousands of years.

As the nation's appetite for energy expands these pollution problems become more critical. There is a limit to how many pollutants the nation's air, water and land can absorb. When this threshhold has been exceeded, as is the case in many of our urban areas, the real quality of life is jeopardized.

In too many areas water is unfit for use or consumption and the air is too filthy to breathe. If current growth continues and pollution is not abated then man is inviting disaster; he will irreversibly upset the delicate balance of nature upon which all life and progress ultimately depend.

There is a third difficulty which aggravates our energy problem. The nation has a structural and institutional bias which causes the consumption of too much energy, too fast and too wastefully. There is no coherent national energy policy.

Too often energy policy is decided on an ad hoc basis in response to one problem after another, without any adequate consideration of the overall picture. Although oil and gas are often discovered together, federal activities effectively place a floor on oil prices while on the other hand the Federal Power Commission places a much lower ceiling on natural gas prices.

On occasion the Federal Power Commission will adopt practices to promote exploration and development for natural gas, while on the other hand leasing policies by the Department of Interior operate to effectively discourage such activities. Government policy, particularly in regulated industries, often operates to discourage efficiency and innovation and instead encourages political manipulation, economic concentration and secrecy.

NATIONAL GOALS HAVE CHANGED

Many energy programs have remained fundamentally unchanged from the beginning of this century. At that time the primary goal was national industrialization and the conquest of the West. Programs were adopted to encourage maximum production of energy to fuel the nation's developing economy. Today national goals are far different. We are attempting to improve the quality of life and protect the environment. Those earlier policies which served the nation so well must now be redirected to meet today's problems.

The price of energy has not generally reflected its true social costs. It did not include the cost of air and water pollution nor the cost of ravaging the land. Energy was underpriced and consequently energy demand was artificially elevated. To compound the problem, rate structures are promotional in character.

The price per unit declines with greater usage. Customers are thus encouraged to use as much as possible. In addition many utilities spend heavily on advertising. Allowing such expenditures to be passed on to customers is absurd when many areas of the nation are experiencing electricity, oil or gas shortages and when increasing energy production means further environmental degradation.

The nation's energy difficulties stem not from a shortage of natural resources, but from short term capacity problems, pollution difficulties and institutional structural problems that have prevented the development of a coherent national energy policy while establishing a climate that promoted wasteful energy consumption.

In remedying the nation's energy difficulties, we must protect the consumer and guard against windfall profits to powerful vested interests. Some have even suggested that the energy crisis to a large extent came out of the public relations offices of the oil and gas companies.

NATIONAL POLICY NEEDED

There is some truth to this charge. There are frequently ominous warnings of disaster unless a given course of action is undertaken. Many recent institutional ads are designed to panic the public into providing additional "incentives": Increasing gas prices, giving special tax benefits, restricting oil imports, ending price regulation and relaxing environmental controls. The American public should not be fooled into rash actions and approval of all proposals propounded by the energy industries.

What should be done to solve the energy problems? Extensive Senate Commerce Committee studies convince me that the following programs should be undertaken:

First we need bold federal leadership in establishing a coherent national energy policy. Sen. Ernest F. Hollings and I have proposed the creation of a Council on Energy Policy.

This council would collect and analyze energy data, coordinate the energy activities of federal agencies and monitor energy impact statements. It would establish national energy policies that would serve our total society. It would formulate guidelines under which existing agencies would be better able to carry out their assigned tasks. Its mandate would cover all of government as well as reflecting the needs and aspirations of all segments of society.

One of the first tasks of the Council on Energy Policy would be the development of capabilities within the federal government to independently gather data regarding energy resources. At the present time such information is too often solely gathered by the industry and presented to the public and the government in summary form.

Such an arrangement is unsatisfactory when it is to the advantage of the industry to show shortages and declining reserves in order to obtain more favorable government regulation or incentives. The public has the right to expect that the government will develop its own information base so that it can adequately protect consumers and effectively anticipate problems before they develop into a crisis.

Second, it is essential that a farsighted, balanced research and development program be immediately undertaken. There is little doubt that a significant number of promising technical options exist for alleviating the shortage of clean energy.

Many of them would provide relief from the energy-environment crisis we face. New priorities would be established in accord with balance consideration of energy, the quality of our environment, our capability to control the technologies we are developing and our attitudes towards the resources that supply our energy needs.

Because of uncertainties of fuel supply and unforseen technological difficulties or social costs associated with new technologies, it is imperative that a U.S. energy Research and Development program be broad based and flexible. No single technology should dominate our efforts lest we become irrevocably committed to technologies which may one day be judged socially unacceptable.

Such a sound R&D program would provide substantial support for the development of clean, synthetic fuels from coal, for controlled thermal nuclear fission, for geothermal and solar power, for fuel cells and other efficient energy converters, for large storage batteries as well as for nuclear fission which has dominated our R&D effort in the past.

Third, we need to develop effective power plant siting procedures so that the necessary electric power can be produced in a way that is compatible with a sound program of environmental protection. There should be a provision for open, long-range planning and public certification of sites so that needed power plants can be built where they harm us the least. Such legislation would insure minimum damage to the environment and timely construction and operation of major power facilities.

We need to streamline natural gas regulation so that adequate supplies of this clean-burning, essentially pollution-free fuel are available to consumers. To encourage vigorous exploration and development, such proposals as streamlining Federal Power Commission regulatory activities creating an insurance mechanism to reduce the financial risks and share the rewards of exploration efforts, changing government leasing practices to encourage participation by smaller independent producers and establishing a government corporation to explore, develop and market natural gas.

A comprehensive range of incentives should be considered to insure that adequate supplies of natural gas at the most reasonable prices are available to American consumers.

It is time to encourage new, flexible regulatory approaches towards solving these problems. Regulatory bodies which largely determine consumer prices for energy should be broadly representative of the consumer interest. Too often in the past there has been a revolving door *between the regulated* industry and the regulators: this disturbing trend must be brought to a halt.

CONSUMER NEEDS REPRESENTATION

Innovative regulation and government policies can encourage energy conservation which would end wasteful uses of energy that unnecessarily pollute the environment and reduce the true quality of life.

Conservation can be encouraged by developing balanced transportation systems while encouraging better building designs and installation standards, by making beneficial use of waste heat from electric power production and encouraging the structuring of new communities to minimize the need for commuting, which is becoming ever more costly in terms of money, energy and time.

Energy conservation programs would not call upon anyone to sacrifice the quality of his life. Instead it would be committed to securing for all persons the full amenities of a comfortable and healthy climate in which to live.

But the simple reality is that energy is now wasted on inefficient production methods, inadequate insulation, and virtually non-existent mass transportation which would be more than sufficient to upgrade the true quality of life for all citizens.

DEATH OF J. N. HEISKELL, EDITOR OF ARKANSAS GAZETTE

Mr. FULBRIGHT. Mr. President, J. N. Heiskell, editor of the Arkansas Gazette and one of the most remarkable men in the country, died in Little Rock on December 28 at the age of 100.

Under Mr. Heiskell's leadership, the Gazette became one of the Nation's outstanding newspapers. He served as editor for more than 70 years, and was in his office at the Gazette 5 days a week until October 1971.

Mr. Heiskell observed his 100th birthday on November 2. I was privileged to be one of several hundred friends who attended a reception in his honor on that date.

In addition to his long record of service as editor of the Gazette, Mr. Heiskell was for a brief time a Member of the Senate. Sixty years ago—in 1913—he served for 22 days as a Senator from Arkansas, having been appointed to serve until a successor could be elected to finish the unexpired term of Senator Jeff Davis.

Mr. Heiskell later said:

> I am probably the only United States Senator who ever telescoped his maiden oration and farewell address into one speech. Maybe we should have more of that in the Senate.

Following his short stay in Washington, Mr. Heiskell returned to Little Rock where he continued to help build the Gazette into one of our most respected and courageous newspapers.

In 1958, the Gazette won the Pulitzer Prize for public service and executive editor Harry Ashmore won the Pulitzer for editorial writing. That same year, Mr. Heiskell received the Columbia Journalism Award, the distinguished service award of the Syracuse University School of Journalism, and the Elijah Lovejoy Award from Colby College. He was made a fellow of Sigma Delta Chi.

Later awards won by Mr. Heiskell included the University of Missouri Distinguished Service Medal, the John Peter Zenger Freedom of the Press Award from the University of Arizona in 1965, and the Sigma Delta Chi citation for journalistic excellence and editorial integrity.

Mr. Heiskell set forth his journalistic philosophy in accepting the Columbia Award in 1958:

> The supreme goal of the responsible head of a newspaper should be to fulfill the obligations of the trust that has been committed to his hands . . . so let me still borrow words from Saint Paul and say for my associates in the Arkansas Gazette and for myself: We will strive to fight a good fight as long as it is granted us to follow our course. And that we may be saved from accusation by conscience and show ourselves worthy of the respect of our fellow men, we will keep the faith.

I think the editorial comments of the Gazette's rival newspaper in Little Rock, the Arkansas Democrat, provide a fitting tribute to Mr. Heiskell:

> Unlike some newspaper owners, Mr. Heiskell had no interest in accumulating great wealth and making vulgar displays of it. Another thing that set him apart from many of his peers is that he was not an empire-builder, monopolist bent on controlling communications in this or any other area. No one was prouder than he was of the fact that Little Rock is one of the few cities in America that still have two locally-owned, independent daily and Sunday newspapers.

The Democrat editorial continued:

> Last, but maybe most important, he was not a crowd-pleaser. He never hesitated to take the unpopular side when he thought it was the right one.

He was a great humanitarian and a great newspaper editor. He and his newspaper have made a strong imprint on Arkansas and set the standard for the high quality of journalism that has been prevalent in the State.

In addition to his professional attainments, Mr. Heiskell was a man of unusual personal charm. He had a remarkable memory and a lively sense of humor which made him one of the most interesting and entertaining conversationalists that I have ever known. He was a serious student of history in general with a profound and thorough knowledge of the history of Arkansas and the South. I believe that all who knew him well respected his integrity and his devotion to the enlightenment of his fellowman.

Mr. President, I ask unanimous consent that an article about Mr. Heiskell from the Arkansas Gazette of December 29, and an additional editorial from the Arkansas Democrat of December 31 be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

J. N. HEISKELL DIES AT 100; LED PAPER AS EDITOR 70 YEARS

J. N. Heiskell, aged 100, of 6015 Greenwood Road, editor of the Arkansas Gazette, died Thursday.

Mr. Heiskell was hospitalized Wednesday for the second time in a month because of increasing difficulty in breathing. He had returned to his home December 10 after a week-long hospital stay and had spent Christmas with his family.

He was alert Thursday morning and had asked that the morning edition of the Gazette be read to him. Suddenly, there was a loss of pulse rate, and he died about 12:15 p.m. at St. Vincent Infirmary.

The unofficial cause of death was congrestive heart failure caused by a general degeneration of the circulatory system in advanced age.

Mr. Heiskell had led the Gazette to become one of the most honored newspapers in the United States. In 1958, the Gazette became the first newspaper in history to win two Pulitizer Prizes in the same year.

He had served continuously as editor since June 1902, and was president of the company until January 1970, when he became chairman of the Board. From a struggling, obscure country newspaper, the Gazette rose during those years to a position of honor and respect among the great newspapers of the nation.

On November 2, Mr. Heiskell observed his 100th birthday. He greeted hundreds of persons at a reception at the Country Club of Little Rock and received hundreds of messages of congratulations from acquaintances across the nation and from important figures in government and journalism.

An eight-page special section devoted to Mr. Heiskell and his career was prepared by the Gazette staff as a surprise special tribute and appeared in the Gazette the morning of his birthday.

Survivors are his wife, Mrs. Wilhelmina Mann Heiskell of Little Rock; two daughters, Mrs. George Whitfield Cook of Los Angeles and Mrs. Hugh B. Patterson, Jr., of Little Rock; one sister, Mrs. Powell Smith of Knoxville, Tenn., three grandchildren and one great-grandchild.

Funeral will be at 1:30 p.m. Saturday at Trinity Episcopal Cathedral. Pallbearers will be Dr. Henry G. Hollenberg, James A. Penick, Richard C. Butler, Rabbi Ira Sanders, S. J. Beachamp, Judge Edward F. McFaddin, Dr. Robert Watson and Paul Jackson Pickens.

Honorary pallbearers will be members of the XV Club and the Board of Directors of the Little Rock Public Library.

The family requests that contributions be made to the Little Rock Public Library in lieu of flowers.

HIS PHILOSOPHY WAS WIDELY QUOTED

Mr. Heiskell's journalistic philosophy was well known and widely quoted in newspaper circles. As he expressed it in 1958, "Every newspaper must come to judgment and accounting for the course that forms its image and its character. If it is to be more than a mechanical recorder of news; if it is to be a moral and intellectual institution rather than an industry or a property, it must fulfill the measure of its obligation, even though, in the words of St. Paul, it has to endure affliction. It must have a creed and a mission. It must have dedication. It must fight the good fight. Above all else it must keep the faith."

He believed it was part of his responsibility to have a detailed knowledge of his own newspaper, and he conscientiously gave every issue a thorough reading and critical appraisal.

The editorial page, which he regarded as the "conscience" of the newspaper, was always his special domain, but he showed almost as much interest in all the other departments of the Gazette. Until October 1971, he was in his office five days a week, wrote most of the "editorial paragraphs" and an occasional editorial, often made assignments for news and feature articles and offered frequent suggestions to the staff.

Several generations of Gazette reporters remember him as an inflexible grammarian and a stickler for accurate, detailed reporting. He considered it his duty to call errors to the attention of the writer, and was not often inhibited by the fact that some of those writers were not on his payroll.

Friends marveled at his physical stamina, mental alertness, and sharp wit, remarkable for a man of his age.

WINS COLLEGE MEDALS AS DEBATER, ESSAYIST

John Netherland Heiskell was born November 2, 1872, at Rogersville, Tenn., in the home of his maternal grandfather, John Netherland. He grew up at Memphis, where his parents, Judge Carrick White and Eliza Ayre Netherland Heiskell, had established their home shortly after the Civil War.

Even as a boy, he was studious and spent most of his time reading and writing. His first journalistic venture came when he was about 8 years old, when he put out a newspaper containing news items about his large family.

Most of his early education was in a private academy conducted by James C. Jones and at the Sewall School, both at Memphis. At 16, he won a gold medal at the Sewall School for an essay on Shakespeare.

He entered the University of Tennessee at Knoxville in 1890. At the suggestion of one of his professors, he doubled up on his courses and completed his college work in three years. He studied Latin, Greek, French, English, math and physics, the usual classical courses of the period. He distinguished himself as a debater, orator and essayist and received gold medals for each.

The day after his graduation in 1893, he went to work as a reporter for the Knoxville Tribune. He soon became the Tribune's city editor, a title then given to the reporter assigned to local news. He also handled the small telegraph report and read proof on the editorial matter. Later he was city editor of the Knoxville Sentinel, and then went to the Memphis Commercial Appeal, where he soon became the city editor.

He left the Commercial Appeal to work for The Associated Press, first in the Chicago office for one year, and then in the Louisville office for two years. At Louisville, his job was the equivalent of the modern bureau chief.

SIXTEEN HOURS OF WORK ON FIRST DAY AT GAZETTE

In June 1902, he, his father, his brother Fred Heiskell, and Fred W. Allsopp purchased the Arkansas Gazette from W. B. Worthen and others. Mr. Heiskell was named editor of the paper and president of the company, and went to work immediately.

On his first day at the Gazette, he worked all day on news and editorials, and then took over the telegraph desk until midnight, a total of 16 hours.

Fred Heiskell was then private secretary to Gen. Luke E. Wright, governor general of the Philippines, and did not arrive at Little Rock to assume his duties as managing editor of the Gazette until January 1903. Allsopp had been with the Gazette since 1883, and continued in the positions he had held for several years, business manager of the paper and secretary of the company.

The Gazette always had been more powerful than prosperous, and the newcomers found it in a rock-bottom financial condition. The press was obsolete and worn out and had to be replaced immediately, and the rented building on the southwest corner of Markham and Center streets was, as Mr. Heiskell later described it, "just a rat-hole."

The Heiskell brothers introduced many journalistic innovations to the Arkansas press, though some of the old-timers gasped at their seeming extravagance in making expensive improvements not forced by the competition. But the Heiskells wanted to set the pace, not follow the trend, and they wanted to bring the Gazette up to the standards of metropolitan newspapers in other parts of the country.

Some of the things they brought to the Gazette in their first few years were comic strips, then color comics, publication seven days a week instead of the usual six, and publication of society news.

They had many conferences with the business office before they were able to get advertising removed from the upper half of the front page. It took a harder fight and several more years to get the ads off the front page altogether, because the business office resisted throwing away thousands of dollars worth of advertising income merely to gratify the Heiskells' aesthetic tastes.

Their ideas were soon vindicated by circulation figures. When they came to the Gazette, its circulation was less than 6,000, approximately the same as it had been in 1884. Four years later, they needed only 17 more subscribers to double that figure.

Mr. Heiskell's keen sense of humor added zest to the paper, and frequently showed up in his editorials. He wrote most of the Gazette's "editorial paragraphs," the short, pithy comments on the news used in the editorial columns.

Soon after he came to the Gazette, one of his humorous editorials was reprinted by The New York Times and attracted the attention of Arthur Brisbane, then the famous editor of the New York Journal, a Hearst paper. Brisbane offered a job to Mr. Heiskell with the Hearst syndicate on the strength of that editorial, but he had found his niche at the Gazette and turned down the offer with no regrets.

THE PAPER'S CAMPAIGN AGAINST GOVERNOR DAVIS

Mr. Heiskell began his career as the Gazette's editor in the middle of Jeff Davis' campaign for his second term as governor. Mr. Heiskell continued the vigorous opposition to Davis that had been begun by his predecessor, Dickinson Brugman, and became one of his severest critics.

But Davis' colorful campaign rhetoric had more appeal for the voters than the logic of a handful of newspaper editors, and he became Arkansas' first three-term governor.

When it became apparent in the spring of 1906 that the legislature would elect Davis to the United States Senate, Mr. Heiskell wrote an editorial almost eight columns long. It is believed to be the longest editorial ever published by an Arkansas newspaper, and stands today as the best contemporary analysis of Davis' political career.

NAMED TO SENATE TO SUCCEED DAVIS

When Davis died in January of 1913, Governor George W. Donaghey appointed Mr. Heiskell to finish the unexpired term in the Senate. He never had political ambitions, believing office-holding to be incompatible with his responsibilities as an editor, but he accepted the appointment because only two months of the term remained.

He was seated by the Senate on January 9, but served only 22 days. The legislature elected W. M. Kavanaugh to finish Davis' term, and he served from January 31 until March 4, when Joe T. Robinson began the next full term.

Mr. Heiskell addressed the Senate only once, on his last day as a member. He later said, "I am probably the only United States senator who ever telescoped his maiden oration and farewell address into one speech. Maybe we should have more of that in the Senate."

The speech of less than 1,600 words was about equally divided between humorous comment on his brief tenure in the Senate and praise for his state, with reference to her needs. After aluding to the two men who would soon occupy his seat, making four in a little more than two months, he said, "There is senatorial glory enough to go round—if you keep it moving fast enough."

He married Miss Wilhelmina Mann of Little Rock on June 28, 1910. They had two sons, J. N. Heiskell Jr. and Carrick W. Heiskell, and two daughters, Elizabeth Heiskell Cook and Louise Heiskell Patterson. Both sons died in 1943, Carrick Heiskell as a casualty of World War II.

The Gazette moved into its existing building at Third and Louisiana streets in 1908, renting space in it until 1936, when the property was purchased by the company.

The owners of the Gazette—the Heiskells and Allsopp—bought the Arkansas Democrat in 1909, but sold it in 1911. They had no intention of being its permanent owners, believing that it was not good for the community for competing newspapers to be controlled by the same persons. Today, Little Rock is one of the few cities of its size in the nation where the major newspapers are not jointly or absentee owned.

For almost three decades, the Heiskell brothers worked together in the management of the Gazette. Novelist James Street, a Gazette reporter of the 1920s, said of them, "Mr. Fred was our Gunga Din—a better man than we were—and Mr. Ned was our Buddha."

The end of World War II found Mr. Heiskell the only remaining member of the team that had assumed the management of the Gazette in 1902, his brother having died in 1931 and Allsopp in 1946. The son he had hoped would succeed him had not survived the war. A new team was assembled that combined his own long experience with dynamic new leadership.

The key members of the new team were his son-in-law, Hugh B. Patterson Jr., Harry S. Ashmore, and James R. Williamson. Patterson joined the Gazette staff in 1946 as national advertising manager, and was named publisher and secretary of the company in November of 1948. Ashmore came to the Gazette in 1947 as editor of the editorial page, and was subsequently elevated to executive editor. Williamson began in 1950 as business manager, and was later made general manager.

The Gazette stock originally owned by Mr. Heiskell's father had descended to his children and the stock of Allsopp and Fred Heiskell was purchased from their heirs. All the current stockholders are members of Mr. Heiskell's immediate family and the descendants of his sisters.

Two of Mr. Heiskell's grandsons worked under the tutelage of their grandfather at the Gazette. Carrick H. Patterson now is the news editor of the Gazette, and his brother, Ralph B. Patterson, is with Cranford-Johnson-Hunt & Associates, Inc., a Little Rock advertising and public relations firm. The third grandson, George Cook, is a student at the University of Rochester at Rochester, N.Y.

BOLD EDITORIAL STAND ON RACIAL UNREST

The Gazette took a bold liberal stand in the racial unrest that marked the 1950s. Ashmore wrote most of the editorials on the subject, but Mr. Heiskell read and approved them before they were in type. He was neither surprised nor perturbed by Ashmore's liberalism, having been fully aware of it before he hired him. He was, however, sometimes dismayed by Ashmore's tendency to use a comma where a semi-colon was preferred.

The public was conscious of the Gazette's liberalism long before the Supreme Court decision of 1954 by which the doctrine of "separate but equal" educational facilities was knocked down. Passive acceptance of the ruling appeared to be more or less general in Arkansas until September of 1957, when Governor Orval E. Faubus called out the Arkansas National Guard to resist the desegregation of Little Rock Central High School.

Fired by the hope that there might be an alternative to abiding by the Court ruling, many people gave ardent support to Governor Faubus and the segregationist side of the issue.

Ashmore and Patterson, who worked with Mr. Heiskell in formulating the Gazette's editorial policies, made no effort to minimize the risks involved in continuing the liberal viewpoint.

GAZETTE STANDS ALONE DURING SCHOOL CRISIS

Ashmore later described this meeting with Mr. Heiskell:

"He had to realize, I told him, that we would stand alone; the politicians and civic leaders were already running for cover, and the opposition Arkansas Democrat would play it safe and grow fat on our blood."

But he already knew what standing alone would mean, for many times he had taken unpopular stands on highly emotional issues, including a series of racial disorders in the teens and 1920s. His decision was predictable: The Gazette would not back down or compromise its principles, though the stakes were everything he had worked for during most of his adult life.

And indeed, the Gazette did stand virtually alone for months in its advocacy of peaceful acceptance of the Court ruling as the law of the land. During the period of the greatest stress of 1957–58, circulation dropped from 100,000 to 83,000, and some of the small advertisers withdrew their ads. An attempted boycott of Gazette advertisers failed because the major advertisers refused to be intimidated.

The financial loss cannot be estimated with any degree of certainty, since it involved not only business that was withdrawn but also business that simply never materialized, and extra costs occasioned by the conflict.

At one point there was talk that Mr. Heiskell's views did not coincide with Ashmore's and Patterson's, and that they were taking advantage of him. He wanted to publish a full personal endorsement of the Gazette's editorial position, but was talked out of it.

When the controversy was at its peak in 1958, the highest awards the profession can bestow began to arrive, including the coveted Pulitzer Prize. The Gazette received a Pulitzer Prize for public service and Ashmore received one for his editorials. It was the first time in history that the two major Pulitzer Prizes had gone to any newspaper in the same year.

Also in 1958, Mr. Heiskell received the annual award of the Columbia School of Journalism, a medal and citation for distinguished service to journalism awarded by the Syracuse University School of Journalism, and the Elijah Parish Lovejoy Award from Colby College. He was made a fellow of Sigma Delta Chi, and shared with Ashmore and Patterson the Freedom House Award.

Later awards included the University of Missouri School of Journalism Distinguished Service Medal in 1962, the John Peter Zenger Freedom of the Press Award from the University of Arizona in 1965, and the Sigma Delta Chi citation for journalistic excellence and editorial integrity in 1966. He shared with Mrs. David D. Terry the 1971 Brotherhood Award of the National Conference of Christians and Jews.

After the initial shock of the school crisis wore off, the moderate element in the city and state rallied to bring the situation back to normal. As public sentiment leveled off, so did the Gazette's circulation slump, and the paper now is in the most dominant competitive position in its history.

BOOKS AND HISTORY HIS LIFELONG INTEREST

Mr. Heiskell had a lifelong fascination with books and a desire to make them easily available to others. He was one of a small group of persons who worked to establish the Little Rock Public Library, and had served as chairman of its Board of Directors since 1910. He held card No. 1 issued by the library, and a gold replica of it was presented to him in 1970.

He received a citation from the American Library Association in 1957, in recognition of his many years of valuable service to libraries.

The history of Arkansas was his hobby and his principal nonprofessional interest for more than half a century. He collected a large library of material pertaining to Arkansas and its people, purchasing many rare items from dealers and individuals in all parts of the nation and several foreign countries.

His library is regarded as the finest private collection of its kind in existence, and has been used to good advantage by hundreds of persons working on Arkansas subjects. At one time Yale University tried to buy it, but Mr. Heiskell was unwilling to part with it or to allow it to be taken outside Arkansas.

He wanted to give it to the public in such a way as to perpetuate its usefulness and allow the collection to continue to grow. In 1957, he moved the entire library to the Gazette building, transferred title to the Arkansas Gazette Foundation, and opened it to the use of the public. Since it consists largely of primary source materials, it is of interest principally to graduate students and others of high professional qualifications.

He was recognized as the father of city planning at Little Rock. For several years, by Gazette editorials and personal visits, he urged the City Council to provide the means of assuring orderly growth. This eventually resulted in the creation of the first City Planning Commission, by an ordinance passed on March 26, 1928. As its first chairman, Mr. Heiskell arranged for the preparation of Little Rock's first city plan.

He held five honorary doctorates, awarded by Little Rock College in 1929, by Arkansas College in 1934, by the University of Arkansas in 1938, by Colby College in 1958, and by Hendrix College in 1970.

He was an active member of the Inter-American Press Association, American Society of Newspaper Editors, American Newspaper Publishers Association, and Southern Newspaper Publishers Association. His nonprofessional memberships included the Little Rock Club, the Top of the Rock Club, XV, and the Country Club of Little Rock.

[From the Arkansas Democrat, Dec. 31, 1972]

His Title Was Editor

When a man is known as widely and has lived as long as J. N. Heiskell, there is not much new or different that can be said about him.

But on Thursday, a few minutes after having the morning newspaper read to him, Mr. Heiskell's 100-year-old heart stopped beating. So something needs to be said, because his death is a signficant event like the closing of a major street, the demolition of a special building or the damming of an important river.

Since 1904 he has been principal owner and editor of the Arkansas Gazette. Until a few years ago when his age forced him to step into the background, this has meant that the man who determined the newspaper's news and editorial policies also owned the place. This is unusual because major decisions on most large newspapers today are made by boards of directors or corporate managers. It is because this man was both editor and proprietor that his newspaper won many awards. And it is also why the Arkansas Democrat always found the Gazette to be a tough but honorable competitor.

Unlike some newspaper owners, Mr. Heiskell had no interest in accumulating great wealth and making vulgar displays of it. Another thing that set him apart from many of his peers is that he was not an empire-builder, a monopolist bent on controlling communications in this or any other area. No one was prouder than he was of the fact that Little Rock is one of the few cities in America that still have two locally-owned, independent daily and Sunday newspapers.

He was not given to solemn and overlong speeches or articles; in fact, terseness and wit were two of his best-known characteristics. Except for a 22-day fling as an interim U.S. Senator when he was 40 years old, Mr. Heiskell was satisfied merely to observe and comment about passing events, rather than to jump in and try to change their flow, as is the custom today with many journalists. And last, but maybe most important, he was not a crowd-pleaser. He never hesitated to take unpopular side when he thought it was the right one. In fact, there are many who say that occasionally Mr. Heiskell would line up arbitrarily against the establishment just to keep it from becoming too self-satisfied.

These are some of the qualities of the traditional newspaper editor, which is what J. N. Heiskell was and all that he ever wanted to be.

MUSKIE AMENDMENTS TO THE FEDERAL-AID HIGHWAY ACT

Mr. MUSKIE. Mr. President, the 92d Congress failed to enact an extension of the Federal-Aid Highway Act in 1972 because of disagreement between the Senate and the House on use of the highway trust fund moneys for mass transit projects. That failure, however, should not overshadow the historic significance of the Highway Act passed last year by the Senate. By adopting the Cooper-Muskie amendment, this body served notice that the highway trust fund is too narrowly focused to serve today's transportation needs. Had the Senate bill been accepted by the House conferees, cities and States could today be developing alternative forms of transportation with support from highway funds.

When the Senate considered the Cooper-Muskie amendment, it was clear that a more flexible and more sensible transportation policy was a necessary step in the direction of securing for us the benefits of growth without making us its victims. That national growth policy and the national transportation policy, which is one of its critical elements, ought to be one of the principal concerns of the 93d Congress. We must seek ways in which we can all move freely about, without endangering our health, destroying our communities, and wasting our resources in the process.

Today I am proposing three bills to help develop a new and more flexible transportation policy by authorizing new uses for the highway trust fund. These bills will provide for the expenditure of trust funds to reduce traffic congestion in urban areas, to assist in the control of air pollution, and to begin reducing the heavy demands of private automobiles for dwindling petroleum resources. They will be introduced in the Senate later this month.

The first bill will permit highway trust fund support for public transportation projects. It is a revised version of the 1972 Cooper-Muskie amendment, and it represents the cornerstone of a new transportation policy for America. This bill would correct the most glaring flaw in our present policy: a closed circle of Federal funding which perpetuates highway construction as virtually the only solution to transportation problems that most cities and States can afford to choose.

Every year the circle closes tighter as the problems multiply. Whether the transportation problem in question involves moving workers to their jobs, moving goods and people from city to city, or bringing essential services to the rural population, more highways and more cars have become the only answer—even when they are obviously not the right answer. Before it is too late, we should take a hard look at the consequences of this closing circle and decide whether those consequences should be an inevitable part of our future.

The second bill would add to the Highway Safety Act a requirement that States establish programs to inspect each vehicle's auto emission control system. We know that achieving the necessary levels of emission control will be difficult, even when all systems operate effectively. Today, however, it appears that many—if not most—control systems are not working properly; and we know that some garages are disconnecting the devices for their customers. Inspection programs are necessary to curb these practices and to assure the public that the devices are working properly. This inspection program would be funded from the highway trust fund.

The third bill would permit the Secretary of Transportation to utilize as much as 10 percent of annual highway trust fund revenues for emergency programs for the development or improvement of urban areas which are forced, by air quality regulations, to reduce reliance on private motor vehicles. It also would authorize the use of funds from highway building programs in those urban areas with dangerously high air pollution levels to other transportation system improvements. Finally, it would prohibit approval of any new highway construction projects which might cause air pollution levels to exceed the levels considered safe for public health.

In addition to the bills I propose, I look forward to working with the distinguished chairman of the Committee on Public Works (Mr. RANDOLPH) and other committee members on a comprehensive revision of the Highway Act. New legislation, similar to that which the Senate enacted last year, should authorize a special program to focus on the highway needs of urban areas of less than 50,000 population. It should give Governors the program direction authority now given to State highway departments. It should finance the separation of highway-railway grade crossings from the highway trust fund. And, finally, a new bill should give local governments increased authority to make transportation decisions through an allocation formula for regularly apportioned urban system funds.

The automobile has revolutionized life in America, but now, it threatens in many ways to degrade the quality of life in America. Highways and the cars that use them pollute the air and menace our health, transform and degrade the urban environment, inefficiently consume our resources, and distort our transportation priorities.

The Clean Air Amendments of 1970 explicitly excluded considerations of economic and technological feasibility in setting ambient air quality standards, because Congress resolved that protection of the public health was of primary and overriding importance. The deadline for meeting those air quality standards is 1975, less than 3 years from now; but as of today, 67 metropolitan areas have air quality which threatens health due to one or more auto-related air pollutants, and the Environmental Protection Agency has estimated that the annual cost of air pollution in direct damage to health, vegetation, and property amounts to $16 billion.

These costs take the highest toll among the residents of our Nation's great cities, where motor vehicle emissions account for upward of 80 percent of urban air pollution. In Baltimore, for instance, 96 percent of the deadly carbon monoxide emissions are produced by motor vehicles. On streets where urban children live and play, levels of carbon monoxide often exceed 50 parts per million—the maximum health-limits set for the safety of factory workers. Traffic jams often produce levels of over 100 parts per million. Children who live just a few blocks from this Chamber on North Capitol Street often are subject to carbon monoxide levels that poison as much as 5 percent of their blood supply. But these percentages and parts per million are only cold statistics; they mean more when they are expressed in terms of the symptoms they produce. Dullness of thought occurs at carbon monoxide air levels of 10 parts per million; a carbon monoxide content of 5 percent in the blood or exposure to air levels of carbon monoxide of 100 parts per million result in headaches and dizziness; death comes at 1,000 parts per million.

Lest anyone make the mistake of assuming that these excessive urban levels of carbon monoxide are rare, consider that in Chicago the 1-hour standard of 48 parts per million is exceeded 48 times per year, and the 8-hour standard is exceeded 713 times per year; in Washington the 1-hour standard is exceeded 87 times per year, and the 8-hour standard is violated 99 times. And escape to the suburbs is not an answer, even for those who can afford to escape. Current estimates indicate that there will be a 200 to 300 percent increase in carbon monoxide levels in Arlington and Alexandria, Va., over the next 15 years, unless substantial changes are made in available transportation.

It is no wonder, in the face of these statistics, that heart disease, high blood pressure, and respiratory ailments have been found to occur two to three times as frequently among the urban poor than among other segments of the population.

Motor vehicles are also the major source of urban noise, which has been increasing at the alarming rate of nearly one decibel per year. This means that within the next 15 years, the overall noise level in our cities will double if it continues to increase at the present rate. These high noise levels, 60 percent of which is generated by people who live outside the cities, have been found to be a major cause of sleeplessness, tension, and mental distress.

Highways and automobiles have had as destructive an effect on our cities themselves as they have had on the health of the people who live in those cities. Highway construction divides our urban areas with ribbons of concrete—separating people from their jobs and from each other, destroying the integrity of communities, and encouraging suburban sprawl and other questionable land uses. As places of urban and suburban employment have become more and more dispersed, with access to them provided only by highways, more and more workers have been forced to rely on cars to get to their jobs. The available highways have in turn become more congested, forcing us to build more and more roads. We have devoted so much of our living and working space to the automobile that up to 60 percent of the land area in our major cities is required for the circulation and servicing of our cars.

The senseless construction of urban freeways has run roughshod over the real transportation needs of city residents, displacing hundreds of thousands of people and businesses in the process. Often the grandiose plans end in tragic waste for the benefit of no one. Just a few blocks from here, for instance, a portion of the Inner Loop, constructed over the objections of thousands of city residents, is a four-block long, six-lane highway running from nowhere to nowhere. It is now being used as a parking lot for Federal marshals and college students—a concrete symbol of much that is wrong with our transportation planning and priorities.

In the process of destroying the environment, threatening our health and ravaging our cities, highways and automobiles are also helping to lead us to an energy crisis from which there may be no road back. Motor vehicles currently account for 40 percent of all petroleum consumed in the United States, with 55 percent of that share—or 65 billion gallons—devoted to keeping private cars on the road. This luxurious use of motor vehicles to carry, as is so often the case, only one person is a wasteful and inefficient use of valuable, nonrenewable resources.

Automobiles effectively utilize only 5 percent of the potential energy from the fuel they burn; the rest is wasted. Where buses are capable of 110 passenger miles per gallon in urban traffic, cars average only 20 passenger miles per gallon and get as few as 5 to 8 passenger miles per gallon for one person in a large car. In light of an impending energy and fuels crisis, this waste is unacceptable; but as long as automobiles remain our principal mode of urban transportation, that reckless consumption of dwindling supplies of fuel will continue unchecked.

It is clear, then, that Americans are paying a heavy price for the luxury and convenience of private automobile transportation. But many Americans who pay the price get nothing in return. For these Americans, the highway trust fund and the transportation systems it creates rob Peter to pay Paul. In many American cities—including Baltimore, Milwaukee, Richmond, and Columbia, S.C.—nearly one out of every four dwellings have no car. Fifty-seven percent of households with incomes below $3,000 have no cars; 14 percent of those households reporting incomes between $3,000 and $10,000 have no car. Most of the 20 percent of Americans who have no car are poor, handicapped, young or old—people who need mobility the most to gain access to adequate education, health care, job opportunities and other necessities of life. The unemployment of at least one-half of the 1 million jobless handicapped is attributable to a lack of adequate transportation. In five Ohio cities, 54 percent of the households whose head is over 65 have no car, and 42 percent of those households reported a need for transportation beyond any available to them.

These inequities and imbalanced transportation priorities are perpetuated by the highway trust fund, a transportation financing system designed for a time long past. Trust fund moneys are readily available for highway-oriented solutions to transportation problems, often requiring only a minimal amount of State or local matching funds. Federal support for alternative solutions such as mass transit, on the other hand, is limited to a maximum share of 66 percent and often less. The Federal Government spends billions of dollars each year through the trust fund, while the Urban Mass Transit Administration is budgeted at much less. Because funding for highways is thus assured, more and more roads are built. As more roads are built, more vehicles use them; and more user tax revenues pour into the trust fund. This vicious spiral must be controlled if we are to bring order out of our chaotic transportation priorities.

These distorted priorities are the product of conscious government policies and investments of tax dollars. With great ingenuity, productivity, and activity, we have created the present mess. I am convinced that with an equal amount of ingenuity, productivity, and activity, we can reverse it—and create a sensible national transportation policy.

The three bills which I am proposing are the essential first steps in that direction. They will not provide automatically the ingenious new transportation systems we need nor quick public acceptance of mass transportation as a substitute for the luxury and convenience of the private automobile. But the diversion of funds from highways to public transportation must come first, both to signify our willingness to change and to make it financially possible to do so.

These bills will be introduced formally next week. In order, however, for Senators to examine their provisions, I ask unanimous consent that section-by-section analyses and texts of the three bills be printed in the RECORD at this point.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS: HIGHWAY ACT AMENDMENTS TO ALLOW SUPPORT FOR PUBLIC TRANSPORTATION

In Section 1: Subsection (a) broadens the uses of funds authorized for the urban highway systems (paragraph 6) to support any capital projects to improve ground transportation, including rail mass transit facilities and equipment.

Subsection (b) allows use of funds from the Federal-Air primary system, Federal-aid secondary system, the urban extensions of the primary and secondary ssytems, and the Interstate system to support any highway related public transportation improvements, including the purchase of buses but excluding any rail mass transit facilities or equipment.

Subsection (c) is identical to subsection (b) of the existing law requiring that routes and schedules for mass transit systems be developed through the regular urban transportation planning process.

Subsection (d) is designed to avoid any concerns that directives in the Highway Revenue Act or other sections of the Highway Act will be violated by use of highway trust funds for what some may allege to be non-highway purposes. This subsection defines all projects authorized under subsections (a) and (b) as highway projects. It also indicates that the Federal share paid for these projects would be the same as if these projects were regular highway projects (70% for most projects, 90% for projects using Interstate funds).

Subsection (e) revises subsection (c) of the existing law requiring DOT to receive assurances that any public transportation project will have adequate capability to utilize, maintain and operate equipment or facilities received under this section. The present law requires that these assurances be received from the State, which would be inappropriate with the revised procedures necessary to implement the urban system. This subsection is also changed from requiring that the proposed project be utilized fully to require satisfaction that any equipment obtained will be maintained and operated properly.

Subsection (f) prohibits use of equipment acquired with financial assistance under this section for charter, leasing or sightseeing in areas beyond the metropolitan area where the equipment is intended to be used.

Subsection (g) requires that equipment meet emission standards published by EPA under section 202 of the Clean Air Act and that wherever practicable, equipment also meet special criteria for low emission vehicles established in section 212 of the Clean Air Act.

Subsection (h) requires assurances that facilities will be planned to recognize and deal with the special needs of the elderly and the handicapped.

Subsection (i) states the clear Congressional intent that funds available for mass transit through this section are absolutely intended to be in addition to those funds appropriated under the Urban Mass Transportation Act. Substitution of funds derived from the Highway Trust Fund for funds which otherwise could be available under the Mass Transportation Act would be a violation of Congressional intent.

Subsection (j) states that the regular policies and procedures of the Highway Act shall apply to implementation of provisions of this section except where DOT determines that the provisions of the Urban Mass Transportation Act would more appropriately apply.

Subsection (k) prohibits transfer of any funds authorized for the urban highway system for use on any other highway system. The section is designed to prevent state highway departments from transferring funds out of the urban system for use on other highway systems over which they exercise greater domination.

Section 2 changes the title of the particular section in the table of contents to "Public Transportation".

Section 3 authorizes $1 billion annually from the Highway Trust Fund for the urban highway system in fiscal years 1974 and 1975.

A bill to authorize uses of urban highway system funds for public transportation improvements, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. Section 142 of title 23, United States Code, is amended to read as follows:

"SEC. 142. PUBLIC TRANSPORTATION

"(a) To encourage the development, improvement, and use of public mass transportation systems for the transportation of passengers within urbanized areas, so as to increase the efficiency of the Federal-aid systems, sums apportioned in accordance with paragraph (6) of subsection (b) of section 104 of this title shall be available to finance the Federal share of the cost of construction of and acquisition of facilities and equipment for public mass transportation projects. For purposes of this section the term 'public mass transportation' means ground transportation which provides general or special service (excluding school bus, charter, or sightseeing service) to the public on a regular and continuing basis, and includes activities designed to coordinate such service with other transportation. Projects which may be financed under this subsection shall include, but not be limited to, exclusive or preferential bus lanes, highway traffic control devices, passenger loading areas and facilities, including shelters, fringe and transportation corridor parking facilities to serve bus, rail, and other public mass transportation passengers, construction of fixed rail facilities, and for the purchase of passenger equipment, including rolling stock for fixed rail.

"(b) To encourage the development, improvement, and use of public transportation systems for the transportation of passengers in such urban areas and rural areas as may be designated by the State and approved by the Secretary on the basis of local transportation need, so as to increase the traffic, capacity of the Federal-aid system, sums apportioned in accordance with paragraphs (1), (2), (3), and (5) of subsection (b) of section 104 of this title shall be available to finance the Federal share of the costs of projects within their respective systems, for the construction of exclusive or preferential bus lanes, highway traffic control devices, passenger loading areas and facilities, including shelters, fringe and transportation corridor parking facilities to serve bus and other public transportation passengers, and for the purchase of passenger equipment other than rolling stock for fixed rail.

"(c) The establishment of routes and schedules of such public mass transportation systems in urbanized areas shall be based upon a continuing comprehensive transportation planning process carried on in accordance with section 134 of title 23, United States Code.

"(d) For all purposes of this title, a project authorized by subsections (a) and (b) of this section shall be deemed to be a highway project, and the Federal share payable on account of such project shall be that provided in section 120 of this title.

"(e) No project authorized by this section shall be approved unless the Secretary of Transportation is satisfied that public mass transportation systems will have adequate capability to utilize fully the proposed project and to maintain and operate properly any equipment acquired under this section.

"(f) No equipment which is acquired with financial assistance provided by this section shall be available for use in charter, leased, sightseeing, or other service in any area other than the area for which it was acquired.

"(g) In the acquisition of equipment pursuant to subsctions (a) and (b) of this section, the Secretary shall require that such equipment meet the standards prescribed by the Administrator of the Environmental Protection Agency under section 202 of the Clean Air Act, as amended, and shall authorize, wherever practicable, that such equipment meet the special criteria for low-emission vehicles set for in section 212 of the Clean Air Act, as amended.

"(h) The Secretary shall assure that the provisions of subsection (a) of section 16 of the Urban Mass Transportation Act of 1964, as amended, relating to planning and design of mass transportation facilities to meet special needs of the elderly and the handicapped (as defined in subsection (d) thereof) shall apply in carrying out the provisions of this section.

"(i) Funds available for expenditure to carry out the purposes of this section shall be supplementary to and not in substitution for funds authorized and available for obligation pursuant to the Urban Mass Transportation Act of 1964, as amended.

"(j) The provisions of chapters 1, 3 and 5 of title 23 of the United States Code shall apply in carrying out the provisions of this section except with respect to projects within urban areas as to which the Secretary determines the provisions of the Urban Mass Transportation Act of 1964, as amended, are more appropriately applicable."

"(k) No sums apportioned in accordance with paragraph (6) of subsection (b) of section 104 of this title shall be transferred and utilized on any other Federal-aid system than that authorized by subsection (d) of section 103 of this title."

SEC. 2. The table of contents of chapter 1 of title 23 of the United States Code is amended by striking

"142. Urban highway public transportation."

and inserting in lieu thereof:

"142. Public transportation."

SEC. 3. For the purpose of carrying out the provisions of title 23, United States Code, there are hereby authorized to be appropriated for the Federal-aid urban system, out of the Highway Trust Fund, $1,000,000,000 for the fiscal year ending June 30, 1974, and $1,000,000,000 for the fiscal year ending June 30, 1975.

SECTION-BY-SECTION ANALYSIS: HIGHWAY ACT AMENDMENTS TO PROVIDE MOTOR VEHICLE EMISSION PROGRAMS

Subsection (a) requires that after January 1, 1975, no State highway safety programs under Section 402 be approved by the Secretary of the Department of Transportation unless he determines that the State has established an EPA certified program to inspect emission control systems of motor vehicles for 1972 and later model years. Inspection systems must include (1) an examination of the emission control system to assure that it is operating properly and (2) once a system for testing emissions of vehicles in actual use has been developed pursuant to section 207(b) of the Clean Air Act, an in-use test of the operation of emission control system to assure compliance with standards of the Clean Air Act. Failure to approve a State inspection system meeting these requirements would result in application to the State of penalties for failure to implement the Highway Act under Section 402(c). This would result in a reduction of 10 per cent of the State's allocation of highway funds.

Subsection (b) authorizes Federal payment of up to 75% of the cost establishing the auto emissions control inspections system. The Federal share may be increased to 90% if the State combines the emission control inspection system with its safety inspection program. This provision allows those States which maintain their safety inspection programs through private garages to continue to do so, while requiring all States to establish and maintain on their own auto emission inspections programs and encouraging them, through increased matching funds, to combine both of their programs.

Subsection (c) directs that funds be apportioned among the States on the basis of population, but with no State receiving less than one-half of 1% of the total apportionment.

Subsection (d) authorizes $300 million for the program in fiscal 1974 and $400 million in fiscal year 1975 with funds to be appropriated out of the Highway Trust Fund and to remain available until expended.

Subsection (e) requires the Administrator of the Environmental Protection Agency to develop regulations to implement the emission controls inspection program in cooperation with the Secretary of the Department of Transportation.

S. —

A bill to establish and support state inspection programs for auto emission control systems

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Chapter 4 of Title 23, United States Code is amended by adding at the end thereof the following new section:

"SEC. 405. MOTOR VEHICLE INSPECTION PROGRAMS

"(a) After January 1, 1975, the Secretary shall not approve a state highway safety program under section 402 of this Act unless he determines that the state has established a program, certified as adequate by the Administrator of the Environmental Protection Agency, to inspect the auto emission control systems of motor vehicles which have been sold in accordance with certifications granted under the provisions of Section 206 of the Clean Air Act (42 U.S.C. 1857 et seq.), which inspection programs shall include:

"(1) An examination of the emission control system of each motor vehicle licensed to operate in the state, on at least an annual basis, to assure that the emission control system is operating properly, and

"(2) As soon as the Administrator of the Environmental Protection Agency has announced the existence of an in-use motor vehicle emission control inspection system in accordance with the provisions of section 207 (b) of the Clean Air Act, a test of the operation of the emission control system of each motor vehicle licensed to operate in the state, on at least an annual basis, to assure that emissions of that vehicle do not exceed limits required by regulations published in accordance with section 202 of the Clean Air Act.

"(b) Funds authorized to be appropriated to carry out this section shall be used to aid the states in establishing and operating emission control system inspection centers and shall be available to pay up to 75 per centum of the cost to the state of establishing and maintaining such centers, provided, however, that Federal share of the cost of establishing and maintaining such centers may be increased to 90 per centum of the cost to the state where such centers are also used for inspection programs relating to safety, as prescribed in standards published in accordance with section 402 of this Act.

"(c) Sums authorized to be appropriated in accordance with subsection (d) shall be apportioned among the states in the ratio in which the population of each state bears to the total population of all the states, as determined by the latest available Federal census: *Provided, however,* that the annual apportionment of each state shall not be less than one-half of 1 per centum of the total apportionment.

"(d) There are authorized to be appropriated to the Secretary of Transportation for implementation of this section, out of the Highway Trust Fund, $300,000,000 for the fiscal year ending June 30, 1974 and $400,000,000 for the fiscal year ending June 30, 1975. Sums appropriated in accordance with this subsection shall remain available until expended.

"(e) The Administrator of the Environmental Protection Agency, in cooperation with the Secretary of Transportation, shall publish regulations for implementation of the inspection programs required by this section."

SEC. 2. The table of contents of chapter 4 of title 23 of the United States Code is amended by adding at the end thereof:

"405. Motor Vehicle Inspection Programs"

SECTION-BY-SECTION ANALYSIS: HIGHWAY ACT AMENDMENTS TO ALLOW TRANSFER OF FUNDS IN AIR-IMPACTED URBANIZED AREAS FROM HIGHWAY PROGRAMS TO OTHER PROGRAMS TO IMPROVE TRANSPORTATION

Section 1 requires the Secretary of Transportation to withdraw approval of routes on the Interstate System, the Federal-aid Primary System, and the Federal-aid Secondary System where such withdrawal is requested by the Governor and the effected local officers and is for route within an urbanized area which is in an air quality region where the Environmental Protection Agency has indicated that automotive related air pollutants will exceed levels considered safe for public health in 1975 or thereafter. Funds authorized for projects on the withdrawn routes would be reallocated for expenditure as if they were urban highway system funds, thus allowing their use for public transportation improvements. (The effect of this provision would be to allow cities such as Boston, Los Angeles, or Washington, D.C. to use funds originally allocated for highway construction for broader transportation system purposes, at their option, where it is indicated that automotive air pollution poses a threat to public health.)

Section 2 allows the Secretary of Transportation to use up to 10 percent of Highway Trust Fund revenues for any given year ($500–$550 million) to provide emergency assistance for transportation system improvements, as he deems necessary, in areas where the Environmental Protection Agency has indicated that, in 1975 or later, automotive-related air pollution will exceed levels considered safe for public health Funds would be used under terms and conditions applying to the Federal-aid urban system, which allows use of funds for public transportation-related purposes.

Section 3 prohibits the Secretary of Transportation from approving any highway project which the Environmental Protection Agency has stated may result in levels of air pollution in excess of that considered safe for public health.

S. —

A bill to allow use of highway funds for any transportation improvements necessary to avoid air pollution dangerous to public health, and to prohibit highway projects which may create air pollution dangerous to public health.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Subsection (f) of Section 103 of title 23, United States Code, is amended by adding "(1)" immediately following "(f)" and by adding a new paragraph to read as follows:

"(2) (A) The Secretary upon the joint request of a State Governor and the local governments concerned, shall withdraw his approval for any route or portion thereof designated or selected in accordance with the provisions of subsections (b), (c) or (e) of this section and within an urbanized area where he determines that the Administrator of the Environmental Protection Agency has certified or otherwise stated that the air quality region which contains such urbanized area will fail to achieve, by July 1, 1975, levels of air quality necessary for attainment of the primary ambient air quality standard specified for carbon monoxide, nitrogen dioxide, or photochemical oxidants (hydrocarbons) in accordance with Section 109 of the Clean Air Act (42 U.S.C. 1857 et seq.).

"(B) Amounts apportioned to a State for projects on routes or portions thereof for which approval has been withdrawn in accordance with subparagraph (A) shall be transferred to and added to the amounts apportioned to such State under paragraph (6) of subsection (b) of section 104 of title 23, United States Code for the account of the urbanized area from which the withdrawal of the routes or portions thereof was made."

SEC. 2. Subsection (a) of section 104 of title 23, United States Code, is amended by adding "(1)" immediately following "(a)" and by adding a new paragraph to read as follows:

"(2) (A) Whenever an apportionment is made of the sums authorized to be appropriated for expenditure upon the Federal-aid systems, the Secretary shall deduct a sum, in such amount not to exceed 10 per centum of all sums so authorized, as the Secretary deems necessary to provide emergency assistance for transportation system improvements in those air quality regions within a state which the Administrator of the Environmental Protection Agency has certified or otherwise stated will fail to achieve, by July 1, 1975, levels of air quality necessary for attainment of the primary ambient air quality standard specified for carbon monoxide, nitrogen dioxide, or photochemical oxidants (hydrocarbons) in accordance with section 109 of the Clean Air Act.

"(B) Amounts made available to a state in accordance with the provisions of subparagraph (A) of this paragraph shall be transferred to and added to the amounts apportioned to such State under paragraph (6) of subsection (b) of section 104 of title 23, United States Code, for the account of the urbanized area within the air quality region designated by the Secretary to receive the emergency assistance.

SEC. 3. Section 105 of title 23, United States Code is amended by adding at the end thereof a new subsection to read as follows:

"(h)" The Secretary shall not approve any project in accordance with the provisions of this section where he receives a statement from the Administrator of the Environmental Protection Agency that such project may result in a failure to attain any primary ambient air quality standard specified in accordance with section 109 of the Clean Air Act."

NO-FAULT INSURANCE

Mr. BAKER. Mr. President, one of the leading items of business to come before the Senate Commerce Committee this year will be no-fault insurance. The Members of this body will recall that the committee proposal to establish a Federal program of no-fault stirred considerable controversy last year both within the committee and on the floor of the Senate, when the bill was re-referred to the Judiciary Committee for additional study of its impact upon the McCarran-Ferguson Act and its constitutional implications.

Regrettably there has been considerable misunderstanding regarding criticism of the Hart-Magnuson bill. One aspect of that criticism which I find particularly and personally disconcerting has been the tendency to characterize those who oppose the bill as being against the concept of no-fault itself. These same reporters are often guilty of advancing State-by-State successes in the area of no-fault as evidence that Hart-Magnuson should be passed even though the bill would force the abrogation of every one of these existing programs and would stringently limit the ability of the States to develop programs in response to their peculiar needs.

I ask unanimous consent to have printed at this point in the RECORD an article regarding no-fault insurance from the Tampa Tribune-Times of Tampa, Fla., which was recently reprinted in the Maryville-Alcoa Times in my State.

The article points up the success which State legislatures can accomplish when they are allowed to devise and design no-fault programs in response to their own needs. I hope that in the future the proponents of Federal no-fault programs will assist the Members of Congress by measuring the projected impact of their programs against these State undertakings, which I am certain we will see more of this spring.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ALL SIDES HAPPY WITH FLORIDA NO-FAULT INSURANCE LAW

(By Bud Newman)

TALLAHASSEE, FLA., December 20.—On the eve of statewide premium reductions for automobile insurance, spokesmen on all sides of Florida's no-fault insurance law say it works surprisingly well—so far.

"Experts say the Florida no-fault law is the best in the nation," said state Insurance Commissioner Tom O'Malley.

Even the Florida Academy of Trial Lawyers—a bitter opponent of the no-fault concept at the time the legislation was debating it in 1971—has mellowed considerably.

"Now that the thing is in effect, it hasn't been so bad, said Art Kinnerly, an association spokesman. "The trial lawyers have taken the view that maybe we should wait about three years in order to get the statistics."

The insurance companies are also cautious, but some spokesmen say the state's no-fault system is, so far, devoid of any major problems.

Despite the insurance industry's claim of too little time to really know the facts—no-fault coverage began in Florida only last Jan. 1—O'Malley will announce new company-by-company rate cutbacks tomorrow.

Shortly after no-fault went into effect in Florida there was a 15 per cent across-the-board decrease in car insurance rates. O'Malley refuses to hint how much the new cuts will be.

The commissioner said the no-fault law was working "eminently well" and claimed he hadn't seen five compaints about it in the 10 months the law has been on the books.

He said the whole purpose of no-fault is to get claims dollars to the accident victims quickly. However, he said, "we can't assume everything is 100 per cent perfect."

O'Malley said he plans to ask the next legislature to make no major revisions in the original bill—just to tighten up some weaker areas to include more types of vehicles under no-fault coverage.

The basic no-fault concept is very simple: Your own insurance company pays you for damages to your person or property after an accident, regardless of who is at fault legally.

In the past, claims frequently went to court ending up in long arguments over which party was actually at fault and consequently delaying for months or even years needed payments to cover hospital and medical bills. And in accidents involving several cars, the confusion was compounded even more.

The Florida law does not operate quite as simply as the basic concept. Beyond certain maximums in personal injury and property damage, the innocent party in an accident can still sue the guilty party.

And certain types of vehicles—cabs, commercial vehicles and city transit vehicles—do not yet come under no-fault, although legislation will be proposed, next session to include them.

Merrill Grafton, regional vice president for State Farm Insurance at the Winter Haven headquarters, says limited statistics available now "say the law is working the way the legislature intended it to work."

State Farm, which writes about 20 per cent of the auto insurance on private passenger cars in Florida, has long been a backer of no-fault in Florida while strongly opposing a national no-fault plan.

Under Florida's plan, Grafton says, the number of lawsuits should decrease. State Farm is now defending in court a lawsuit challenging the constitutionality of the Florida no-fault law, he said.

Grafton admits he is "anxious to see the legislature leave the (no-fault) law alone" next session.

Prentiss Mitchell, Allstate public affairs manager in St. Petersburg, says that while no-fault is working "extremely well . . . we are not pleased with property damage being part of no-fault."

The problem with property damage coverage is that under certain conditions, the legally innocent party in an accident may not be able to recover his losses. And under other conditions, he said, the law is helping to make garage owners wealthy by taking advantage of car repair situations.

WAR POWERS

Mr. FULBRIGHT. Mr. President, the Senator from Missouri (Mr. EAGLETON) has written a thoughtful guest editorial for the journal Foreign Policy on the subject of war powers. In the editorial, Senator EAGLETON points up the contrast between constitutional precept, which vested the authority to initiate war in Congress, and recent Executive practice, which amounts to an all but complete Presidential takeover of Congress' authority to initiate war. I do not wholly concur with Senator EAGLETON'S interpretation of the significance and validity of the Gulf of Tonkin resolution; I do, however, strongly endorse his overall thesis.

Senator EAGLETON summarizes the provisions of the war powers bill enacted by the Senate last year and goes on to advocate its reenactment.

Mr. President, I ask unanimous consent that Senator EAGLETON'S noteworthy article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHOSE POWER IS WAR POWER?

(By Senator THOMAS F. EAGLETON)

"It should be difficult in a republic to declare war; but not to make peace." These words of Justice Joseph Story in 1833 express a fundamental principle of our Constitution.

Yet in Vietnam, war came easy and peace comes hard. The decisions that committed our nation to war from a miasma of television speeches from the oval office, public chauvinism and congressional acquiescence.

Our route into the Vietnam quagmire is strewn with the debris of false hopes and false assessments, of over-optimism and miscalculation, of poor strategic planning and poor tactical execution—of a disregard for the real national interest of the United States.

And, as I look back on the events that led to Vietnam, I think that there is also another theme—one which forms part of a recurring conflict in American history: the vital question of relations between Congress and the President. In short, who has the power to declare war? Did the institutions established by our Constitution fail us, or were they gradually abandoned over time? Today, as we look forward hopefully to the post-Vietnam era, is the time to examine these vital questions.

The Great Depression and World War II thrust America into a decade of constant crisis. The crises of this period seemed to require an extraordinary concentration of power. Frank D. Roosevelt was well qualified to assume this power, and to consolidate and expand the role of the Executive. Since then, the Executive's power has grown as Congress' role has declined.

The trend toward increased Presidential power might have proceeded uninterrupted but for a minor war in a far-off Asian country which was transformed by Presidential initiative into a major—and unsuccessful—engagement of American forces. The institutions created by our Founding Fathers to filter and check the fallibility of human decision-making had failed.

From 1955 until 1964, as U.S. military involvement in Indochina grew, most of the various U.S. quasi-military activities were not disguised. During this period, there was no effort by a President to seek authorization for his actions. Congress seemed unconcerned with the usurpation of its power, and continued unquestioningly to appropriate funds for the Vietnam war. After all, the conflict was not going too badly. It was not inordinately expensive. And, in line with the new Kennedy doctrine of "flexible response," it constituted an important experiment in limited warmaking and in the training and support of foreign forces to participate in the worldwide struggle against Communist-dominated "wars of national liberation."

Then came the Gulf of Tonkin incident. Again, Congress was not consulted before the response. On the day after the event, the President presented Congress with certain facts regarding the incident and asked Congress for its complete support. Both Houses approved a vaguely worded and ill-defined White House draft which became known as the Gulf of Tonkin Resolution. There were only two dissenting votes in the Senate—those of Wayne Morse and Ernest Gruening.

The resolution stated, in part:

"The Congress approves and supports the determination of the President as Commander in Chief, to *take all necessary* measures to repel any armed attack against the forces of the United States and to prevent further aggression.

"The United States is, therefore, prepared as *the President determines,* to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom.

"This resolution shall expire when the President shall determine that the peace and security of the area is reasonably assured . . . (Italics added.)

Despite anguished protestations in retrospect, I think that Congress should have known what power it was delegating to the President at the time it passed the Tonkin Gulf Resolution. Senator Morse tried desperately to warn Congress that it should not grant the President a broad "predated declaration of war." The record of debate also contains the following colloquy between Senator Fulbright, Chairman of the Foreign Relations Committee and floor manager for the Resolution, and Senator Brewster:

Mr. BREWSTER. My question is whether there is anything in the resolution which would authorize or recommend or approve the landing of large American armies in Vietnam or in China.

Mr. FULBRIGHT. There is nothing in the resolution, as I read it, that contemplates it. I agree with the Senator that that is the last thing we would want to do. *However, the language of the resolution would not prevent it. It would authorize whatever the Commander in Chief feels is necessary. It does not restrain the Executive from doing it. Whether or not that should ever be done is a matter of wisdom under the circumstances that exist at the particular time it is contemplated.* This kind of question should more properly be addressed to the Chairman of the Armed Services Committee. Speaking for my own committee, everyone I have heard has said that the last thing we want to do is become involved in a land war in Asia; that our power is sea and air, and that this is what we hope will deter the Chinese Communists and the North Vietnamese from spreading the war. That is what is contemplated. The resolution does not prohibit that, or any other kind of activity. (Italics supplied.)

Later that day, Senator Fulbright and Senator John Sherman Cooper discussed the meaning of the Resolution:

Mr. COOPER. *Then looking ahead, if the President decided that it was necessary to use such force as could lead to war we will give that authority by this resolution?*

Mr. FULBRIGHT. *That is the way I would interpret it.* If a situation later developed in which we thought the approval should be withdrawn, it could be withdrawn by concurrent resolution. (Italics added.)

In 1964, no member of Congress thought that within a year American planes would be flying daily bomb runs over North Vietnam, or that thousands of American troops would be engaged in "search and destroy" missions in South Vietnam or constructing American base camps throughout that country. Even President Johnson probably had no idea that the limited military operation in South Vietnam would soon blossom into a $30 billion-a-year war.

But faulty vision and political pressures cannot be permitted to minimize the legal significance of the Tonkin Gulf Resolution.

In my judgment, the Resolution—pared of its verbiage and placed in the context of its legislative history—was a broad congressional charter to the President to combat North Vietnamese forces anywhere in the SEATO area. It was an extremely broad delegation of authority in the area of foreign affairs but as the Supreme Court noted in Zemel v. Rusk, 381 U.S. 1, 17 (1963), Congress has always been permitted to grant extensive powers in foreign affairs and to "paint with a brush broader than that it customarily wields in domestic areas." Although the existence of the Tonkin Gulf Resolution did not make the war we have waged in South Vietnam any wiser or any more explicable, it did make it a war authorized by the Congress.

But did the Congress fully comprehend the power it had delegated in the Tonkin Gulf Resolution? Did the individual members understand the burden of responsibility assigned to them by the Constitution when they cast their votes? In the period of introspection that has followed the passage of that Resolution these questions prompted a major effort to reassert the proper relationship between the two branches. Even though I was in my first term, and had not been a member at the time of the Tonkin Resolution, I became involved in that effort.

Some of us in Congress began to take a careful second look at the excessive power of the Presidency. As it became obvious that the power of the Presidency had been abused—and that of Congress neglected—the checks and balances of our adversary system took on a new meaning. Traditional conservatives, even though supporting the President on Vietnam, joined anti-war senators in a coalition, the force of which would advocate a "strict construction" of the Constitution.

The Constitution of the United States was written by men who had experienced the tyranny of a monarch and who clearly understood the danger of placing absolute power at the disposal of a single man. These men sought to create a process by which important decisions would be reached after thorough deliberation. They fully expected that the responsibility for committing the nation to war would be shared—and that Congress, the most representative branch of government, would authorize this important commitment.

Unlike most issues which are dealt with in the Constitution in just one reference, the question of waging war and raising military forces is treated in several places:

Article I, Section 3 gives the Congress power to "declare war," grant "Letters of Marque," order Reprisals, "raise and support Armies," but for no longer than two years at a time, "provide and maintain a Navy," make rules which will regulate and govern the military forces, and provide for organizing the militia and calling it up so that insurrections can be suppressed and invasions repelled.

Article I, Section 10 forbids the states—absent congressional consent—from keeping military forces in time of peace or from engaging "in war, unless actually invaded, or in such imminent danger as will not admit delay."

Article II, Section 2 makes the President "Commander in Chief of the Armed Forces as well as the State Militia, when it is called into service for use by the federal government."

Article IV, Section 4 provides that the central government shall guarantee "a Republican Form of Government" to every state and "shall protect each of them against invasion."

These provisions were specifically designed to show how the roles of Congress, the Executive, and the states would mesh, and to assure that the awesome consequences of war did not flow through chance or mistake. The Founding Fathers set relatively simple ground rules to control what they referred to as "the dogs of war."

First, they drew a distinction between offensive and defensive hostilities. If the United States were attacked, the President would act to repel the attack. Congress could provide the President with a small standing Army and Navy to fulfill his functions as defender of the nation's integrity. The states could maintain militia and Congress could establish procedures under which the President might nationalize them rapidly to meet foreign attacks.

Second, Congress was to decide whether defensive action would be supplemented by offensive action The time lost in this process was considered less important than having the nation's elected representatives express their collective judgment. The Congress was to sanction in advance whatever actions were taken, whether simple repricals, complex military operations or all-out war.

Third, the President's independent role in the warmaking process was limited to the direction of operations. The draftsmen of the Constitution carefully changed the term "make war," which might imply the idea of Congress conducting hostilities, to read "declare war," which carried the connotation of congressional initiation but Presidential direction.

The convention records make clear the delegates' surprise at the possibility of giving the President power to make decisions which might result in offensive military action. One delegate commented that he "never expected to hear in a republic, a motion to empower the Executive alone to declare war."

Even Alexander Hamilton, the foremost defender of centralized Executive power among the Framers of the Constitution, noted in Federalist Paper 75:

"The history of human conduct does not warrant that exalted opinion of human virtue which would make it wise in a nation to commit interests of so delicate and momentous a kind, as those which concern its intercourse with the rest of the world, to the sole disposal of a magistrate created and circumstanced as would be a President of the United States."

True, the Constitution left a gray area of responsibility between the President and Congress—what Justice Jackson called a "twilight zone"—which recent Presidents have fully occupied. Now however, a widely diverse group of senators and representatives has taken the intiative to reassert Congress' share of that twilight zone.

On April 13, 1972, the United States Senate passed the War Powers Act—jointly introduced by Senators Javits, Stennis, Spong and me—by an overwhelming margin of 68 to 16.

The Act specifies those emergency situations in which the President can act to commit forces without the specific prior authorization of Congress. The President is statutorily delegated the authority to repel attacks—or the imminent threat of attacks—upon the United States, its armed forces abroad, or upon U.S. nationals abroad in carefully defined circumstances. The President is prohibited from taking action beyond the limits of the emergency categories without "specific statutory authorization"—language which excludes appropriations measures and treaties as tacit authorization for the engagement of U.S. forces in war.

Those who believe that our postwar treaty commitments are self-executing take considerable issue with the exclusion of treaties as congressional authority to engage forces in hostilities. A careful examination shows clearly, however, that the war powers of Congress cannot be delegated by the treaty ratification process.

The Senate is the only body to act on treaties. It does not possess the power to commit the United States to hostilities without the consent of the House. In fact, Madison noted that the possibility of giving the Senate alone the power to "declare war" was considered—and rejected. Butler of South Carolina reported to his State's Legislature that such a proposal "was objected to as inimical to the genius of the Republic," because it would destroy the necessary balance that the Framers were anxious to preserve.

Appropriations measures are excluded as implied authorization because the "power of the purse" is not a sufficient enforcement mechanism. If the after-the-fact power of denial were the only check available, the President would be free to initiate and sustain hostilities unilaterally. Congress, on the other hand, instead of being able to grant initial authorization by a simple majority, would be placed in the position of either attempting to override a Presidential veto or killing legislation intended to fund the troops in the field. If the war powers of Congress are to have the effect intended by the Constitution, they must be asserted positively. Congress must be assured of involvement in the initial decisions that could lead to war.

Even when the President uses his emergency powers, he would be required under the bill to make a full report to Congress immediately. The President would be required to obtain congressional authority to continue his action beyond 30 days. If Congress does not extend the President's authority he must terminate hostilities unless he certifies in writing to the Congress that continued engagement is required for the protection of U.S. forces involved in "disengagement." Without congressional authority, however, these forces may not be used to continue pursuit of the policy objective for which they were initially deployed.

The most common criticism of the War Powers Act is that it would constrain the President from responding expeditiously to the sudden hazards of the modern world. But, as we emphasized throughout the debate on the War Powers Act, we do not anticipate that the bill would restrain the President in any way from acting vigorously to meet any threat to the security of the United States. The emergency provisions permit the President to take a wide variety of actions in defense of the nation or its citizens and forces stationed abroad.

Many have pointed out that the War Powers Act, in the real world, could not prevent Congress and the President from jointly engaging the country in war unwisely. These critics state that the Gulf of Tonkin Resolution would have passed with or without the Act. This, of course, is entirely possible, but I believe this criticism is based on an excessively ambitious interpretation of what the bill is intended to accomplish. It is not possible to legislate common sense, and no bill can establish a procedure that would assure that all decisions are proper. The Act provides no panacea, but I believe that it can insure that the collective wisdom of the President and the Congress will be brought to bear, as the Constitution provides, when the all-important questions of war and peace are considered.

The present Administration has strongly opposed the War Powers Act as a restraint on Presidential power. This unfortunate position is in direct contrast to the overwhelming nonpartisan support the bill received in the Senate which included affirmative votes by the minority leader and the minority whip. The Secretary of State's testimony before the Senate Foreign Relations Committee was equally unfortunate and reflected an unwillingness to accept the legitimate role of Congress.

Under the threat of a Presidential veto, The House may not act this year, but the War Powers Act already has accomplished a great deal. The President has been put on notice that Congress will be less willing in the future to delegate its war powers. The debate on the Senate floor has reminded members of Congress that they can no longer ignore their constitutional responsibility to decide whether or not America goes to war. If not this year, then in the future, I am confident that Congress will act to translate that awareness into law.

UKRAINIAN INDEPENDENCE DAY

Mr. BUCKLEY. Mr. President, I take this opportunity to acknowledge the bravery of the Ukrainian people, who, on January 22, 1918, declared their independence from Russian domination. Prior to this time, czarist regimes had made many attempts to suppress the Ukrainian desire for independence. Although the new Soviet regime recognized the Ukrainian Republic, their freedom was short lived and; because of severe handicaps, the Ukrainian military was forced to bow to Communist tyranny, a tyranny which continues today. Though this oppression continues, the independent spirit of the Ukrainians is to this day obvious. News reports indicate that Soviet authorities are continuing their relentless efforts to stamp out dissent in the Ukraine and elsewhere in the Soviet Union.

The Ukrainians have remained under Communist domination, but the courageous drive for freedom has not left them. It is this spirit that calls forth so many people to participate in the celebration of Ukrainian Independence Day. And so, it is with great respect, that I extend my appreciation and my prayers to the Ukrainians in their pursuit of freedom.

EDUCATION OF HANDICAPPED CHILDREN

Mr. FULBRIGHT. Mr. President, on December 22, 1972, Dr. Bettye Caldwell, director of the Center for Early Development, in Little Rock, was interviewed on Station KATV, regarding her recent participation in a seminar, held in the Soviet Union, on the education of handicapped children. The interview was very interesting and I think worthy of the attention of Senators.

I ask unanimous consent that the text of the interview be printed in the Record.

There being no objection, the interview was ordered to be printed in the Record, as follows:

INTERVIEW OF DR. BETTYE CALDWELL

Are there any impressions you picked up in the Soviet Union that stands out above all others?

Well, there were many, but I think the outstanding one was the eagerness of the people that I met in Russia to get to know us as Americans in the same way that we had this eagerness to get to know them. They are very friendly people, very sentimental and outgoing and expressive of their feelings. And at first, there was a lot of reserve on both sides. We were maybe a little afraid of one another but three weeks is enough to let some of those barriers break down and by the time we left, the people that I really had a chance to get to. know, and I felt very friendly toward one another, and I felt this was quite a reciprocal feeling. So, that was my outstanding impression.

As far as childhood education goes, any impressions in that regard.

Well, they are very committed to early education. They use the word kindergarten to describe programs for children all the way from 3 to 7. 90% of the children in the Soviet Union, almost 100% they tell me in the big cities, are enrolled in kindergarten programs. And they are not free . . . the parents have to pay approximately 12 rubles a month . . . that would be about 15 American dollars, and the salary, in a family, might be 100 rubles a month, so that tells you something about the condition that the people have that this is an important service as well as the condition of the government. Now, programs for handicapped children, early childhood programs, are completely free. And here is where you really feel the compassion of the people and the dedication. They realize, for example, that a deaf child needs more education, more help and they say the families have to have help in supporting these children, so these programs are totally free.

How did you compare the commitment of the Soviet government to this field, as compared to this country?

Well, it's hard really. You have to realize I'm a '3-week' expert now, but most of the people that have been there before had altered us to the fact that they seem to believe even more deeply in the importance of childhood . . . not just early childhood. They have an elaborate network of programs for children in the 7–10 age range, called the Octoberist's, that's the month of the revolution; from 10–14 they are called Pioneers, and then from 14 up to young adulthood, they have a group called the ———. And every city, every district in Moscow, for example, has headquarters, very lovely buildings . . . nicer than the apartments and really nicer than the schools in some ways, in which the children can come together for these activities, whether it's an interest in space, in stamp collecting, in ballet, in music, every kind of enrichment activity that you could think of, and this is made available through the government, there is no charge for it. So obviously there is a tremendous national commitment to the importance of the childhood years.

Other than just government funding did your trip give you a perspective on our problems in this country in regard to early childhood education?

Well, I think one of the things that impressed me most about the schools was the fact that the children are remarkably happy. They are very, I rarely saw a quarrel, never saw two children get in a fight or an argument, and of course, we went to some of the show places obviously. But if you came to Kramer for example, and you were there 50 minutes, you wouldn't see any either. But if you stayed for hours, the reserve of the children breaks down and the normal behavior begins to appear. When we were in many of these schools, we visited 14 schools altogether, which was very good, and some of them 4 to 6 hours, and you still saw children with a great deal of what we strive for in the way of internal control. One of the things that most puzzled us is how do they get this control, because you see no evidence of punishment of the children at all, and they tell you no physical punishment is ever used in the schools. So, I am very impressed with the fact that even though it seems more regimented than our schools do and I think maybe some American children might rebel or protest at the degree of schedule that they have, the children seem very happy and seem to lead productive lives. That was very impressive.

You indicate, Dr. Caldwell, that in the Soviet Union, supplementary cultural activities are quite common.

Yes. The schools operate a shorter day. An elementary school runs roughly from 9 to 1, and the secondary schools until about 2 or 2:30 and yet they are all open, as our school is at Kramer for the extended day. What happens, when the formal lessons are over, is that the activtites that are arranged for their circle, this is what they're called, whether they are Pioneer or an Octoberist, or what have you, take over. Now in this Palace of Pioneers that we visited in Moscow, I have never been so impressed and at attempts to set up a world, if you will, an environment that really appeals to young children. The section with the children involved in space activities was particularly impressive, and Valentino Tereskous is the unofficial sponsor of this group. She comes in and meets with the children . . . here's someone who has been into space, you know, and has come back and can talk with the children about it. There was an art section, a ballet section, a theatre group was going in another part, a chorus was rehearsing in another section, an international friendship where they wrote to children all over the world, I gave them my daughter's address and hope that she'll have a pen pal from this group. In another section, they had stamp collection, and here was an example where you saw the collective spirit. Instead of each child having a book, the stamps were kept posted on the wall around where every child, in fact, could share the stamps that they had found. Now, apparently a great deal of indoctrination also goes on in these groups. For example, some of them are set up to study the role of Russia in the war, to study the role of the leaders of the revolution and the contributions that they have made. You see pictures of Lenin everywhere . . . in every classroom and in the early childhood classrooms, there's usually a picture of Lenin as a little boy. So, there is a great deal of material just, if you will, infused into the total school curriculum that relates to the objectives of the government and the organization of the Soviet Union that's bound to be a remarkably potent force in cultivating the attitudes that are necessary to perpetuate this regime and the ideas.

In what respect do the Soviets excel where this country, in your opinion, falls short the most?

Well, you know we have a lot of, in our secondary schools . . . not so much in the elementary schools, we seem to have a modest amount of this disaffection. I'll use a colloquialism to describe what I felt. You have the feeling in America now that at a very early age the kids are afraid of being square. The reinforcements of the teachers become less effective and you're not quite cool if you go along with things that are set up. In the children that I saw in Russia, I didn't feel this. You felt that the praise, the enticements, the encouragements are really internalized in some way in a more effective way with the children of Russia. This was one thing. I guess in the Olympic events would tell us that they excel in athletics.

One of the things that we went to was an international skating competition held there and they, again in these Pioneer groups, if you have a child who is skilled in skating, for example, there is a group in which he will be taught the rudiments and be given the opportunity to continue in this, whether it be gymnastics, skating, soccer, what have you. So, I think that the process of selecting children who have outstanding talents and giving them whatever they need to develop those talents is one thing that seems to me to be different in terms of the two countries. I don't think we are a little more hung up on the idea of making certain that the children have the freedom to select for themselves than the Russians are. It seemed to me that they were more likely to say, you have a talent in this, now let's develop it.

Again, we do as much as we can within our framework to develop talent in this country, but I do have the feeling that there's probably directiveness in this in Russia and much less is left to chance.

I don't want to cover plowed ground here, but is there anything that you would tell our legislators, our lawmakers, after your visit that you might not have before?

Well, that's a good question, Mr. Barnes, I hadn't thought of that, I think one thing that very much impressed me, related to their education of the handicapped, it was absolutely gorgeous, that they have some philosophies that differ from ours rather sharply. For example, they are strong believers in separating out every category of the handicapped. For example, they don't just take children who are hard of hearing and send them to one school. There is a school for deaf children and another one for hard of hearing children. They feel that the educational techniques need to be slightly different for these two categories. Well, and then the same is true for blind and partially sighted and orthopedically handicapped and mentally retarded. Well, about the second school that we went to I asked the question, how many are on your waiting list . . . which is a very common question that you might ask in this country, and the director the first time I asked him, was astounded. A waiting list . . . we have no waiting list. We develop programs for the children who need them, and I really became convinced that that was true. That they have an elaborate case-finding network and when they encounter a child with a special problem, they get that child into some kind of corrective program. Now that to me is very impressive and I don't think we have reached that level in our funding of state and federally operated programs in this country.

THE HOUSING PROGRAM

Mr. PERCY. Mr. President, I wish to express again my concern about the administration's recent decision to halt for an indefinite period approval of new construction under the federally assisted housing programs.

In support of my position, I refer to testimony presented last month, December 4 to 7, at the Joint Economic Committee hearings on our housing programs.

In the words of Anthony Downs, senior vice president of the Real Estate Research Corp.:

> The most dramatic and most often repeated myth is that the federal housing subsidy programs as a whole have failed, are disastrously ineffective, or are not working. I believe this is false.

It is true that the 10 witnesses, including Mr. Downs, who appeared before the committee offered a long list of complaints about the design and administration of the programs.

They told the committee that the programs, among other faults, were overly complex and confusing in conception, had failed to help the poorest of the poor, and were mismanaged—occasionally to to the point where well-publicized scandals resulted in legal indictments.

Witness after witness called for improvements in, or wholesale revamping of, the Federal housing effort. But none suggested that we simply shut down the system, without having a new one to take its place.

I am particularly concerned that the homeownership subsidy program—the so-called section 235 program—is affected by the moratorium.

I have been a strong advocate of the principle of homeownership since before I came to the Senate in 1967.

This program, like the others, has faults, but it also has demonstrated virtues which received specific comment from some of the committee witnesses.

Walter L. Smart, executive director of the National Federation of Settlements and Neighborhood Centers said:

> The design of this program, I believe, is excellent.
>
> The major problem is that practically no one knows about the program. In gatherings of sophisticated people who are not related to the housing field, few, if any, know about Section 235. Thus, the target population we are trying to reach with the program knows even less.

According to Lawrence S. Katz, former FHA regional director in Milwaukee, Wis.:

> Small towns, medium sized towns and large cities have seen this housing built and with just a few exceptions, it has been accepted. The housing in most cases cannot be distinguished from housing being built for those who do not need a subsidy.

Philip Brownstein, former Commissioner of the FHA, also praised the section 235 program, but said it needs to be augmented by providing counseling to the home buyers and guarantees that the homes will not shortly need major repairs.

I introduced legislation in the *last* Congress designed to accomplish both those objectives.

I would now like to relate some of the general comments of the committee witnesses that would pertain to the programwide moratorium.

Mayor Roman S. Gribbs of Detroit, whose city was one of those hardest hit by housing scandals said:

> While FHA programs have indeed been mismanaged, I do not wish to suggest for a moment that the programs be abandoned,

Henry Aaron of the Brookings Institution spoke similarly:

> Neither the real shortcomings of existing programs nor the political furor occuring around them justify scrapping them without an adequate alternative,

Mr. Aaron is one of the leading advocates of a system of housing allowances to replace the housing programs.

Mr. Downs said:

> It is unfair to fault housing subsidies for not solving social problems they were not designed to solve.
>
> Moreover, it would be unfortunate if housing subsidy programs were abolished for this failure and no other programs were adopted. That would mean giving up altogether on the problem of concentrated urban property,

While the testimony of builders and developers may be considered somewhat less objective, since it is they who profit—some unduly—from the subsidy programs, nonetheless their comments deserve to be considered.

Stanley Waranch, outgoing president of the National Association of Home Builders testified:

> We firmly believe that the present housing subsidy programs represent the best method designed so far to meet the housing needs of the nation's low and moderate income families.
>
> That is not to say that any of these programs is perfect, or could not stand perfecting changes,

Philip I. Emmer, president of the Emmer Development Corp., in Gainesville, Fla., expressed a similar view:

> On balance, I must conclude that the subsidy programs are good are necessary, but can be substantially improved,

Mr. Katz and Mr. Brownstein also took the position that the programs overall were basically sound and should be continued, though improved.

Mr. Smart called for the creation of a Federal Public Works Administration to undertake directly the construction of public housing.

Elmer B. Staats, Comptroller General of the United States, presented an analysis of the management ills in the housing programs.

Arthur Burns, Chairman of the Board of Governors of the Federal Reserve System, made recommendations for smoothing out the cyclical variations in the supply of housing credit.

In short, none of the 10 distinguished witnesses even faintly hinted that the Federal housing programs should be summarily halted.

We must remember that this Government in 1968 declared a national need for 26 million new and rehabilitated housing units by 1978. Of those, 6 million were to be federally assisted units.

Although housing production since 1968 has increased dramatically, it has not reached a rate that would allow us to come close to meeting those goals.

Now we have a moratorium on assisted units, putting those goals even further out of reach.

The moratorium comes without any assertion by anyone that the need for housing has declined.

George Romney, the outgoing Secretary of Housing and Urban Development, did come close to saying that the Federal programs are superfluous.

"The private conventional housing market has demonstrated its basic capacity to meet the Nation's housing needs," Mr. Romney said.

But the administration is studying Government subsidy programs with the idea in mind of improving them.

I place considerable reliance on the analysis of Mr. Downs, who says it is a myth that the free market system alone can meet national housing needs.

"If having several million households live in dilapidated dwellings is satisfactory, then existing markets can indeed meet national needs adequately," Mr. Downs told the Joint Economic Committee.

"If these conditions are not satisfactory, some type of nonmarket intervention is necessary," he said.

The necessity for reform in Federal housing programs is by now well-documented and undeniable. But to shut down those programs completely, pending new policy decisions, ignores the continuing need for assisted housing. It could prove to be a socially disruptive policy. I trust that cooperation between the executive and legislative branches can help develop a better answer.

OPEN COMMITTEE MEETINGS

Mr. MATHIAS. Mr. President, 110 years ago, Abraham Lincoln declared that our federal system of government was "of the people, by the people, and for the people." Certainly at the national level, the Founding Fathers intended the Congress to be the most representative, responsive, and accountable branch of our Government. In recent years, however, the Congress has fallen from a position of equality with the other branches. As a result, it has lost some of the faith of the people which it has historically held.

The citizens' confidence in Congress has dropped from 64 to 26 percent, and the Congress is now the least respected of the three branches. At stake, however, is not just a popularity contest, but the question of whether or not the Congress will, as the Constitution envisions, wisely decide questions of war and peace, of taxation and appropriations, and of the ordering of our national priorities.

Early in December, Senator ADLAI STEVENSON and I formed an Ad Hoc Committee on Congressional Reform which held hearings on the state of the Congress. We heard witness after witness tell us that Congress has fallen to the status of a third or fourth-class power, and that there is a pressing need for a stronger, more effective Congress.

Yet, perhaps the most impressive fact that emerged from those hearings was the widespread public confidence that Congress can and will regain its historic role in our federal system.

The bill S. 260, which I am happy to cosponsor along with the Senator from Florida, the Senator from Illinois, and many others, is one step toward restoring the Congress as an equal partner in our Government. I am hopeful it will also help regain the faith of the American people in the Congress. This bill provides that all committee meetings should be open—unless they are closed by a specific vote of the committee. If the matters being discussed by the committee include issues of sensitive national security, criminal allegations, or internal staff operations, then the bill provides that it is proper to close the committee session. The bill also provides that a properly edited transcript of the proceedings of closed committees be made public as quickly as possible after the committee session.

What this bill means is that the actions of the Congress will be visible in almost all cases for review by the people. It means that the people can hold Congress accountable for its decisions, and thus, this bill will go a long way toward restoring the Congress as the most responsive and representative branch of Government. The provisions of the bill apply as well to the Federal agencies, and I suggest that its salutary effects will be found to be as welcome to these agencies in the long run as they will be to the Congress.

Mr. President, I am very pleased to be a sponsor of this legislation, I want to congratulate the Senator from Florida for his continued leadership on this issue. I hope that this bill will get very serious and very rapid consideration by the appropriate committees so that the Congress can now move into the bright sunshine of a new day.

THE NEED FOR CONGRESSIONAL REFORM

Mr. PACKWOOD. Mr. President, the current issue of The National Observer contains a most interesting article entitled "What Congress Needs To Do Is Vote, Vote, Vote," written by James Perry.

The article emphasizes the fact that the United States is presently in the midst of a constitutional crisis. It demonstrates that while the President's powers and resources have mushroomed in the past three decades, Congress is "facing nuclear problems with colonial procedures."

But the article points out that the most startling aspect of the demise of Congress is that all Congress must do to reclaim its lost prerogatives is to vote. As Mr. Perry said:

> If the leaders can't lead, Congress can vote to replace them.
>
> If its committee chairmen are crusty with age, it can vote to get new chairmen.
>
> It it can't get the information it needs to make independent judgments, it can vote to buy computers and data-retrieval systems.
>
> If it doesn't have the staff to read what the computers print, it can vote to hire computer-age employees.
>
> If it believes that some members can't vote their convictions because special interests have financed their campaigns, it can vote for public financing of campaigns.
>
> If it believes that lobbyists dictate the terms of some legislation, it can vote to tighten the rules governing the conduct of lobbyists.

If it believes that its own members ought to understand the rules under which Congress is run, it can vote to put those rules on paper, now.

If the press won't pay attention to what the Congress is doing, the Congress can vote to open its meetings and even, heavens above, to allow TV cameras on the floor.

If the Senate can't get on with its business because of filibusters, or the threat of them, the Senate can vote to make filibusters a lot more difficult.

If Congress believes that honesty starts at home, it can vote to make its own Congressional Record honest.

And, finally, if it believes that Presidents have been permitted to fight their own wars, in their own way and at their own leisure, it can vote to stop payments for such Napoleonic adventures.

Or, it could go even further. I could vote for a "war powers bill," such as the one that was introduced by Senator Jacob Javits, passed last year in the Senate by a vote of 68–16, only to die later, as adjournment neared, in conference committee. The bill, soon to be reintroduced, would limit the conditions under which a President could order American troops (or advisers) into combat, and then require the President to seek congressional approval of his decision within 30 days.

The trouble with Congress is that—while it talks about the need to reassert its constitutional prerogatives—it has done very little about it. And very little will be done until Senators and Representatives decide for themselves that they want to take the difficult road of leadership and make the hard decisions that the framers of the Constitution intended Congress to make.

I agree with Mr. Perry that Congress has "probably turned the corner" through the adoption of several long overdue reforms recently. I urge every Senator to read the article so that Congress may become again what it was during the days of Clay, Webster, and Calhoun.

Mr. President, I ask unanimous consent that Mr. Perry's article be printed in the Record and urge every Senator to read it.

There being no objection, the article was ordered to be printed in the Record, as follows:

What Congress Needs To Do Is Vote, Vote, Vote

(By James M. Perry)

You can't take a vacation any more without returning to discover that the nation is up to its ears in a brand-new "crisis." I've been away for five weeks and, sure enough, we have another one—the "Crisis in Congress," Time magazine calls it Apocalyptically, Time says:

"The U.S. is facing a constitutional crisis. That branch of government that most closely represents the people is not yet broken, but it is bent and in danger of snapping."

And Warren Weaver, Jr., in his new book *Both Your Houses: The Truth About Congress*, says:

"The Capitol is a hall of illusions, peopled by the myths that the legislative branch remains proudly co-equal. . . . Clumsy, unresponsive, controlled in large part by its most ordinary members, the national legislature blunders on, facing nuclear problems with colonial procedures, insisting all the while that nothing is wrong. In fact, a great many things are wrong."

Well, Weaver is right. A great many things are very wrong. Congress is about as up-to-date as Kansas City. The "crisis," presumably, is compounded by the presence of Richard Nixon—"The Sullen Emperor," the New York Times has called him—in the White House, a Wizard of Oz, running everything secretly behind the great, whirling, clanking machinery of the Executive Branch.

I am not overly sympathetic with members of Congress whining about usurpation of their powers by the White House. If a woman spends years staggering from bar to bar dripping with diamonds, well, someday somebody is going to heist the goodies. You can't blame the executive for making the legislative rip-off.

SOLUTION IS OBVIOUS

The important thing to remember about this "crisis" is that the solution is so obvious: All Congress has to do is vote.

If the leaders can't lead, Congress can vote to replace them.

If its committee chairmen are crusty with age, it can vote to get new chairmen.

If it can't get the information it needs to make independent judgments, it can vote to buy computers and data-retrieval systems.

If it doesn't have the staff to read what the computers print, it can vote to hire computer-age employes.

If it believes that some members can't vote their convictions because special interests have financed their campaigns, it can vote for public financing of campaigns.

If it believes that lobbyists dictate the terms of some legislation, it can vote to tighten the rules governing the conduct of lobbyists.

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If the press won't pay attention to what the Congress is doing, the Congress can vote to open its meetings and even, heavens above, to allow TV cameras on the floor.

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If Congress believes that honesty starts at home, it can vote to make its own Congressional Record honest.

And, finally, if it believes that Presidents have been permitted to fight their own wars, in their own way and at their own leisure, it can vote to stop payments for such Napoleonic adventures.

Or, it could go even further. It could vote for a "war powers bill," such as the one that was introduced by Senator Jacob Javits, passed last year in the Senate by a vote of 68–16, only to die later, as adjournment neared, in conference committee. The bill, soon to be reintroduced, would limit the conditions under which a President could order American troops (or advisers) into combat, and then require the President to seek congressional approval of his decision within 30 days.

It could vote for such a bill—if only it would. But it won't. It won't, so far, do any of these things and, thus, it is a "crisis" of Congress' own making. It is not an institutional "crises" because the institution stands; it is a problem of leadership and a will to use the institution in ways the Constitution directed.

JOHNSON, KENNEDY RIP-OFFS

It is no use to turn our anger towards the White House, because this President is not alone in specializing in legislative rip-offs. Presidents have been manhandling the Congress ever since we had Presidents, and our most recent Presidents—Johnson and Kennedy—were no exceptions. It is a situation that is built into the system.

It is my own suspicion that we've probably turned the corner, even as we have now discovered how badly the corner needs to be turned. It is fair to say, I think, that the membership in this Congress is more alert, less somnolent; more rebellious, less complacent; more sophisticated, less parochial than it has been in the past.

Modest reforms have been made, and the reform movement is almost certain to continue, probably at an accelerated pace. Beginning this session, as a very minor example, the House will use for the first time a computer-operated electronic voting system, designed by former quarterback Frank Ryan. The first patent for an electric vote recorder, Congressional Quarterly points out, was granted to Thomas Edison more than a century ago. Well, that's progress.

It is a glorious opportunity for the Congress, whose members are always complaining that nobody pays them much attention. Now, they'll get the attention, if for no other reason than that the President seems to have disappeared, which is strange because I thought he'd won a great landslide victory just before I began my vacation.

NIXON'S REORGANIZATIONS

I thought we'd get to meet him again, perhaps on more convivial terms than when we last saw him. But he marched into his Cabinet meeting when the victory was won and told everyone to get their resignations down on paper. Then he began accepting the resignations and changing around people's jobs and reorganizing the Government in the exact way that Congress had said he couldn't.

And then he began bombing North Vietnam back into the Stone Age. It is all very puzzling. Last I heard, "peace was at hand." But Kissinger is back in Paris and perhaps Nixon just forgot, in a moment's irritation, what the game plan really was. Or maybe Kissinger misunderstood. We don't really know, because Nixon won't tell us, and even Secretary of State Rogers, who usually doesn't know, won't talk to us or the Congress.

Nixon does want the Redskins to win the Super Bowl; we do know that. If he loses, watch out. Maybe we'll bomb Miami.

It is easy—oh, it's so easy—to be facetious, but this really is something of a problem. How can the Congress proceed, even in its ancient, clumsy way, if it doesn't know what the people down Pennsylvania Avenue are doing? How can we the people react when no one will tell us what's happening?

Goldwater, among others, tells us to shut up because the President, with all his intelligence resources, knows best. Well, John Kennedy knew best when he foundered in the Bay of Pigs and Lyndon Johnson knew best when he sent ground troops to Vietnam.

What we need most right now, it seems to me, is openness—by the President and by the Congress. It is here that Congress is on such treacherous ground itself because it has long believed it is some kind of club—two clubs, really, the Senate and the House, and never the twain shall meet.

If the Congress really is ready to take on the White House, it could begin by opening its own windows, and let the sunshine in. Let it be. Let it be.

BILINGUAL JOB TRAINING

Mr. PERCY. Mr. President, I am pleased to join Senators Tower and Dominick in their fine endeavor to bring job training opportunities to Americans whose primary language is not English.

In the past decade, our manpower programs have accomplished much that is good. Hundreds of thousands of people have been taught new skills and given the opportunity to make a better life.

However, our manpower programs have not been consistently successful for all of our citizens. For example, a recent study contracted by the Department of Labor found that manpower programs fall far short of the needs of Spanish-speaking Americans because, among other problems, the programs are not *tailored to* the unique language and cultural needs of these citizens.

I have long been a supporter of bilingual education, and I thank Senators TOWER and DOMINICK for bringing bilingualism to job training. Since the enactment of the Bilingual Education Act of 1968, bilingual education has been a fast-growing phenomenon that many educators think will spread to thousands of schools in the next few years. Soon, educational bilingual television series will also be broadcast. Bilingual education has experienced success because, unlike traditional education, it addresses the linguistic and cultural needs of non-English-speaking students.

Bilingual job training, I believe, will be the key to the future success of manpower programs for all our non-English-speaking minorities and, especially, our Spanish-speaking Americans. Like bilingual education, bilingual job training can help the Spanish-speaking trainee bridge two languages and two cultures, while he resolves his own uncertainty in self-concept, his confusion of values, his hesitation and frustration at learning "Americanization," and his intimidation by an Anglo culture that communicates negative feelings about the Latin culture. Most important, through bilingual job training the Spanish-speaking American can learn the skills so that he has a way out of poverty not only on the Anglo's terms but also on his own terms.

It is for the Spanish-speaking Americans of Illinois and all other minorities whose primary language is not English that I am cosponsoring the Bilingual Job Training Act of 1973. In the past I have time and again protested against what I considered as bias in the Federal funding of bilingual education programs against Illinois and the Midwest. However, I was always told that the cause of my grievance was alleged lack of initiative or quality initiatives on the part of Illinois and the Midwest. I therefore want to be on record as among the first to support the Bilingual Job Training Act of 1973 so that Illinois cannot in the future be faulted for any lack of initiative.

SYNERGY III AWARD TO ARTHUR SAMPSON

Mr. BAKER. Mr. President, improvement of the quality of American life is an overriding priority of the Nixon administration, and of the first session of the 93d Congress which has just convened. In this context, I would like to draw your attention to an individual who has played a very important role in insuring that the Federal Government fulfills its responsibilities to the environment during the conduct of its daily business.

Arthur F. Sampson wears two hats as Acting Administrator of the General Services Administration and Commissioner of its Public Buildings Service. As such, he is in a unique position to influence the ways in which the Government can add to or detract from the quality of our environment. Over the past 3 years Mr. Sampson has met this challenge with creative ingenuity, professional management, and dynamic personal leadership.

It did not come as a surprise to me, then, to hear that Mr. Sampson had been the unanimous selection of the Society of American Registered Architects to receive its Synergy III Award, presented annually to the individual who has done most to contribute to the advancement of architecture, the environment, and fine arts. Previous recipients of this award have included Buckminster Fuller and J. Irwin Miller, chairman of the board of Cummins Engine Co.; the Synergy Award had not previously been given to a Federal official.

Perhaps the best way for me to illustrate Mr. Sampson's leadership qualities is to quote from his speech following acceptance of the award on November 19, 1972:

> The development and encouragement of an environmental awareness within the Federal Government is vitally dependent upon an effective environmental design policy and an imperative course of direct concerned actions. The General Services Administration is committed to the fact that its environmental design program will be a positive step in this direction. Such a program will necessarily provide the broad, cohesive framework within which GSA can productively continue to build its systems and management oriented programs, as well as achieve its more important environmental objectives.
>
> These are large and important goals. Neither the General Services Administration, nor any individual organization, public or private, can achieve them by working alone. The public and private forum that is represented here this evening must work together in the attainment of environmental design objectives.
>
> To this end, the General Services Administration is continuing to refine development in many areas which relate directly to you.
>
> We are firmly committed to a program of cultural development. GSA has set aside ½ of 1% of the total construction budget for a specific project-by-project selection of fine arts. Under President Nixon's program of increased emphasis on our cultural heritage, this program now amounts to over $1.5 million, and I have established an Office of Fine Arts and Historic Preservation within GSA's Public Buildings Service to concentrate on this area.
>
> Aided by recent legislation, this office is now moving ahead with a major effort to inventory, evaluate and preserve distinguished Federal artwork, architecture, and property. Our efforts have been rewarded: 1,400 murals, 75 sculptures and 43 buildings have been identified.
>
> Also within the Agency, I have called for a definite commitment to design quality. This, of course, includes the performance of our design professionals. Our responsibility to perform is seriously affected by the selection of competent designers and an evaluation of their product.
>
> The National Public Advisory Panel on Architecture is an important link in the process of design evaluation. This panel of architectural peers provides the architect and the General Services Administration with valuable insight to the optimum design solutions.
>
> My search for design quality and professionalism continues beyond the selection of qualified design teams and the work of the Architectural Advisory Panel through activities on a Presidential Task Force with the Civil Service Commission. We are intensifying our efforts to require professional registration for staff members most responsible for design quality.
>
> We have moved out of the Agency to talk about a concern for environmental quality and now our actions are beginning to feed the fires of that concern. The more we examine, test and evaluate new environmental concepts, the more aware and informed we become. Recommendations of the April 1972 GSA Public Buildings Service Environmental Conference on Building Construction have been translated into reality. Two buildings, one in Saginaw, Michigan, and one in Manchester, New Hampshire, will act as virtual design laboratories to test environmental concepts in areas bounded only by the creativity and ingenuity of the design team. The future of environmental quality becomes brighter as we build the pieces of the problem into a whole of understanding.

It is my sincere hope that the other Members of this Chamber will join with me in congratulating Arthur Sampson on receiving the Synergy III Award, and in saying "Thank you" for a job well done.

JOE KAUFFMAN

Mr. PELL. Mr. President, Dr. Joseph Kauffman, who recently resigned as president of Rhode Island College, was a great asset to the higher education community in my State. He will be sorely missed. A man imaginative in his long-range view and appropriately sensitive to the needs of the present, Dr. Kauffman describes himself as "eclectic," and stresses the need for an open and inquiring atmosphere in an educational institution, where experimentation and reform occur alongside conventional approaches.

During his tenure as president of Rhode Island College, 1968 through 1972, the school made rapid progress, acquiring a new image and gaining stature in the community. Dr. Kauffman articulated a few specific goals, some of which have already been realized, when he said:

> What I wanted to do here . . . I have started and we have made a lot of progress . . . in the size of the place, the diversity of the student body, the community emphasis of almost all of our new programs, and in the feeling of increased respect for the college both outside and inside.

A picture of Rhode Island College in factual terms shows the enrollment up 52 percent, a notable rise in black attendance and faculty, increased flexibility in curriculum, and new urban studies and community service programs. Dr. Kauffman successfully steered Rhode Island College in the dynamic direction of an "inclusive" rather than an "exclusive" college. My congratulations to Dr. Kauffman on his term at Rhode Island College and best wishes to him in his new position as full professor of higher education administration at the University of Wisconsin in Madison.

I ask unanimous consent that a Providence Evening Bulletin tribute to Dr. Kauffman be printed in the RECORD.

There being no objection, the article

was ordered to be printed in the RECORD, as follows:

DR. KAUFFMAN LOOKS BACK AT SUCCESSFUL RIC EFFORT

(By Carol J. Young)

Dr. Joseph F. Kauffman got a rather strong message a few years ago when he had to give some "very distinguished community leaders" directions to the president's house on the Rhode Island College campus.

"The college was underappreciated by the community and the state . . . to the point where some people expressed to me that I might be overqualified for the presidency," he recalled.

"This upset me and I was determined as one of my first priorities to help both those inside and outside the institution to understand the potential of a college such as this," he said.

It didn't take long for Dr. Kauffman to start a face-lifting campaign for RIC. And four and one-half years later it is difficult to find anyone connected directly or indirectly with RIC who does not think he succeeded.

Rhode Island College today has a new self-confidence and a new public image.

At his first convocation in 1968 Dr. Kauffman called RIC an "inclusive, not an exclusive college." He said it was an institution which should brag about how many people it was able to accept, not how many applicants were rejected.

"I find in New England respect tends to be given for exclusivity and I wanted to meet that head on," he said of that first major address.

"I don't think any public institution, certainly not an urban institution, should be in the business of picking winners and leaving to some other agencies the average and the adequate. I think our responsibility is to the whole community and if we do no more than make adequate the competence and the lives of the majority, that is a tremendous contribution," he proclaimed.

Dr. Kauffman added he believes it important that the most talented people be respected and nurtured, "but society cannot survive by cultivating only an elite."

"I think for society to remain open and optimistic the majority of people must see their lives as able to be improved," he said.

Dr. Kauffman, who is resigning Jan. 8, made these observations during a lengthy interview recently during which he talked quietly and often philosophically about his reasons for leaving, his administrative style, his goals for the college and his personal views of education.

It is his view of education—public education—which clearly has governed the changes accomplished during the "Kauffman years" and which favors the new mood and spirit at RIC today.

Dr. Kauffman said he had no specific plan of action when he arrived. "My practice of administration is not manipulative. I don't set goals by myself and push and pull people to reach them," he said.

What he tried to do, he said, was "create a climate in which people could not only disagree with one another but advocate all sorts of audacious ideas for this place without fear of penalty."

Change is apt to come about more easily when people know it is safe to challenge existing practices, he observed. "I found people were perfectly willing to be more flexible in such areas as admissions and curriculum when they learned it was all right with the president," he said.

Among the tangible signs of change has been an increase from a meager 10 or so black undergraduates in 1968 to more than 200 black undergraduates this year; the opening of a part-time undergraduate degree program which now enrolls more than 700 students, including many adults, and a sharp increase in the number of junior college transfers.

Overall the RIC enrollment has increased by 52 per cent since 1968, making it the fastest growing four-year institution in the state.

Along with black students have come more black faculty and staff—from fewer than a dozen black employes in 1968 to 31 employes, including secretaries, administrators and faculty, in 1972. Many are associated with federally-aided, community-based projects.

Accompanying the physical growth has been a change of priorities within the institution. Dr. Kauffman didn't just talk about the need for more financial student aid, about beefing up student counseling services, about creating community service programs. He backed up the goals with money when internal budget decisions were being made, often at the expense of other campus activities.

The late 1960s was a period of undergraduate curriculum reform throughout the nation and Dr. Kauffman is particularly proud of RIC's solution in this area.

"One of the things we have done in the curriculum is to allow both teachers and students to select different styles of learning and teaching without forcing all conservatives to be gung ho innovators or repressing all innovators and making them all be conventional classroom teachers," he said.

"If anything, I'm an eclectic," he mused. "I think one of the greatest values of a college or a university is the role it plays in permitting people to be different.

"So while I have a great deal of respect for the challenger-type faculty member who is a countervailing force, who is an anti-status quo type person, I also have a great deal of respect for the rank and file person who has preserved what we have come to take for granted but which is very, very precious if we were ever to lose it."

In addition to breathing flexibility into the general curriculum, the college has moved into a variety of new programs with a decided urban focus.

Education majors can now specialize in a new urban teaching curriculum; students can now get credit for volunteer community service work; an ethnic heritage project has been launched to prepare curriculum materials and provide in-service training for teachers and a center for economic education, which also works on curriculum and in-service training, has flourished.

RIC is one of the three institutions in the country with a federally-aided, three-pronged approach for encouraging disadvantaged youngsters to go to college. The Talent Search staff identifies poor students in their early school careers who are considered "college potential"; the Upward Bound staff works year-around to prepare high school students for admission to college and a third special services staff provides tutoring and counseling for disadvantaged students after they enter college.

A Bureau of Educational and Social Services also has been set up as the formal link between campus and community. The bureau works to match internal talents and, when possible, funds with the needs of school systems, community organizations and others.

At a recent testimonial dinner, Dr. Kauffman told the campus community that RIC still has "promises to keep."

Asked what he had meant, Dr. Kauffman spoke first of the need to continue the college's commitment to ethnic and racial diversity and secondly of the need to press forward on the move to make RIC a comprehensive institution.

"We have a lot of tensions on this campus among black and white students," he said. "Dealing with that, accepting the fact that there is going to be conflict, being prepared to learn from it, to be involved in it, to agonize with it and not merely turn your back on it, is one thing this college must keep doing," he said.

RIC, known best as the state's major teacher producer, has expanded its offerings in recent years, moving into the field of health education, nursing, social work, medical technology and other science-related areas.

This expansion is important, Dr. Kauffman said.

"If this institution is going to be the only possibility for most students to attend a four-year college, we shouldn't be restricting any of the opportunities for them to obtain a vocationally-applicable result of their education," he said.

Dr. Kauffman's words rang against the walls of his soon-to-be-empty office. He spoke as if he wished his successor were listening.

EDUCATOR'S SUPPORTERS VIEW HIS DEPARTURE AS REGRETTABLE

Supporters of Dr. Joseph F. Kauffman view his departure from the presidency of Rhode Island College as inevitable.

But many say it was prematurely prompted by an insensitive state Board of Regents which waited until his resignation to tell him he was doing a good job and which consistently has exhibited more interest in the management of education than in the goals of education.

Dr. Kauffman does not describe his reasons for leaving in such harsh terms but what he did say appears to lend credibility to the observations of others.

Prior to assuming the presidency in 1968, the 51-year-old administrator held deanships at both Brandeis University and the University of Wisconsin, was associated with two national education organizations and was the first director of training for the Peace Corps.

He is leaving to become a full professor of higher education administration at the University of Wisconsin, Madison campus, a career choice he made after declining to show interest in a half dozen or more serious approaches about other college presidencies during the last year alone.

"What I'm going to is, in some ways, a resspite, in the sense that I am not sure that I will find it completely fulfilling, but it will offer me an opportunity to take all that I have learned both as a student and a practioner in higher education and try to develop teaching and research programs that hopefully will improve the knowledge and art of administering colleges and universities," he said of the new job.

"What I wanted to do here, I have started and we have made a lot of progress . . . in the size of the place, the diversity of the student body, the community emphasis of almost all of our new programs, and in the feeling of increased respect for the college both outside and inside," he said.

"There would be some kind of limit on how long I would spend . . .," he said, letting his voice trail off without finishing the sentence.

He went on, "The role of the presidency as it has developed here doesn't really allow one to be as creative intellectually as I feel the need to be and it often requires one to stifle such aspirations."

"It also requires one to work with and justify to persons who have much less understanding of the whole background of what this institution is doing and where it ought to be going," he said.

He hastened to add that he attributes no malevolence to those individuals, namely members of the state Board of Regents and the commissioner of education and staff, who were making increasing demands on his time as they moved toward cost-effectiveness analysis, long-range master planning, management information systems and internal budget controls.

"I can't get really angry at anything or anyone in the system that is evolving. It is just that some aspects of it I do not regard as fundamentally productive. Some aspects I regard as fads, and some aspects I regard as probably of some use," he said.

Dr. Kauffman was hired by the old Board of Trustees of State Colleges, one of the two state education boards dissolved when the single state Board of Regents was created under the Education Act of 1969.

"I think my own experience, development, interest and talents leave me with some impatience for visiting all over again why we have a college, what is education and justifying what we are doing or what we had approval to do three or four years ago," he said.

Dr. Kauffman said he is willing to develop considerable time and effort on coordination efforts within public higher education, on sharing information, on being monitored and "letting people see that I am not doing anything inappropriate"—all references to his dealings with the regents and the commissioner's office.

"But that has to be accompanied by at least an equal amount of my energies dealing with what I consider to be the intrinsic aspects of education—such things as concern for the development of student talent, human capacities, concern for the aspirations of people which education should nurture," he continued.

"I think effective management is important only insofar as it relates to managing an important enterprise. I find it hard to give it my fidelity as an end in itself," he said.

Dr. Kauffman said the Education Act of 1969 which created a single governing board for all levels of education "is exceedingly difficult to implement", but he added that he has no solution to propose.

"I am not sure that one board can be that informed and knowledgeable and involved with the problems and opportunities in higher education, and at the same time be involved and informed about public broadcasting and educational television and what developments ought to take place there and at the same time be that concerned with special populations and at the same time give leadership to elementary-secondary education and hear all appeals . . . ad infinitum," he said.

"I don't know how one executive officer (a commissioner) can be expected to be informed and advise the board on all such matters," he went on.

He said he does not blame anyone for filling these governing positions but "I think it is impossible to provide the kind of quality of leadership for all of these areas in any kind of equal way. Some things have to be sloughed off just to cope with what appears to be most urgent from day to day," he said.

WILLIAM F. BUCKLEY

Mr. PERCY. Mr. President, there is abroad in the land a walking-talking highly intelligent and sparkling literate dictionary-encyclopedia. His name is William F. Buckley, the brother of the distinguished Senator from New York. For the past several years, his television interview program, "Firing Line," has become more than just a talk show where starlets giggle about their latest movie. On the contrary, the program has offered on a continuing basis simulating and thought-provoking exchanges of ideas, philosophies, and perceptions of and about our country and our world.

The fact that this program has appeared on the public broadcasting network has helped to raise both the quality and the balance of this publicly financed, commercial-free network. Certainly, his program is a model of what public television should be. It is an attempt to inform and entertain the viewing public, but in a manner that sacrificed neither information nor entertainment.

Mr. President, there has been some talk that William F. Buckley is a conservative, or to the right of the political spectrum. I say, so what? He offers his views in an unabashed and forthright manner, and he does not pull his punches. His performance on his show should be measured solely on his ability to make his show what it is today, a popular and immensely enjoyable television program. The question of his politics or his personal predilections is completely inappropriate to any consideration of whether or not his show should be continued or not. Consequently, I was quite concerned over recent reports that his program was going to be canceled from public television for reasons based on considerations other than the quality of the program.

An editorial in the Christian Science Monitor of January 8, 1973, offers some valuable thoughts on this matter. I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Keep Buckley on TV!

We do not always agree with every opinion William Buckley expresses on his controversial program called "Firing Line." But it happens to be one of the more lively, thought-provoking, and sophisticated of public affairs programs to be witnessed on any American television network, and it will be a loss to all of us if what we think is a badly misguided White House policy drives it off the air.

At the present moment it is one of the public affairs programs being driven off the Public Broadcasting network by deliberate White House policy. The administration's intent, announced publicly by Clay Whitehead, has been largely bought by PBS president Henry Loomis; PBS is dropping Mr. Buckley. Mr. Buckley is looking for a commercial network slot and we certainly hope that he finds one if the ax falls finally on the public network. And if the same policy can be made to apply to commercial broadcasting Mr. Buckley will be barred from there as well.

Current administration policy is aimed at ending all controversy on all networks. The White House approach would lead to entertainment and a vehicle for official government policy—nothing more. The prospect is chilling, and dangerous.

Howard K. Smith loves to point out that there are twice as many government propagandists on the public payroll in Washington as there are newsmen trying to find out what the official government press officers are trying to conceal.

Public Broadcasting programming probably was overbalanced on the liberal side. An argument could be made that the impact of the Buckley program was as great as the others combined. There is a case for saying that it needed more balance between liberal and conservative views.

But it's pretty silly for a conservative administration to kill the Buckley program in order to get rid of "Bill Moyers's Journal," "Washington Week in Review," and the views of Sander Vanocur.

We very much hope that we will never have to conclude that even Buckley conservatism is too nonconformist for the Nixon White House.

IMPOUNDED FUNDS NEEDED FOR EMERGENCY RELIEF IN RURAL MISSOURI

Mr. SYMINGTON. Mr. President, we in Missouri join other parts of the Nation in being only too well aware of present and future hardships which have resulted, and will result, from recent administration decisions to terminate programs providing relief for farmers who have suffered heavy losses because of natural disasters.

Last year, southeastern Missouri counties experienced an exceptionally wet fall and winter. Crops in many parts of the State were ruined because they could not be harvested. To add to these losses, areas in western Missouri have suffered two ice storms in the past 6 weeks which destroyed thousands of acres of crops and miles of power lines.

If these hard hit rural Missourians are to continue farming, they will need low-interest-rate loans and cost-sharing programs. These citizens need assistance now and will need loans for planting new crops in the spring.

In order to meet emergencies of this nature over the years, the Congress has authorized and appropriated funds for the Farmers Home Administration, the Rural Electrification Administration, and the rural environmental assistance program. Now these funds are being withheld.

On January 9 the Missouri House of Representatives passed unanimously a resolution which called attention to the impact the weather was having on the livelihood of our State's farmers and appealed to the President to reinstate the disaster relief funds.

On behalf of my colleague, Senator Eagleton, and myself, I ask unanimous consent that the text of this resolution be printed in the Record; also that it be referred for appropriate consideration to the Senate Committee on Agriculture.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Resolution

Whereas, the southeastern area of Missouri has suffered an exceptionally wet fall and winter; and

Whereas, as a result of this weather, unprecedented in our state, greater than fifty per cent of the crops are unharvested or completely ruined, and thousands upon thousands of acres of cotton, soybeans and other major crops which form the mainstay of Missouri's agricultural industry must remain in the fields; and

Whereas, many hundreds of farmers, whose entire livelihoods depend upon the cultivation and timely harvest of these crops, face imminent and inevitable financial ruin as a direct result of this weather, and the repercussive economic hardships imposed upon this area alone will amount to hundreds of millions of dollars; and

Whereas, these circumstances have compelled an urgent appeal to the President of the United States of America for disaster relief funds on behalf of these many farmers who now face this most serious crisis; and

Whereas, the President has frozen funds appropriated by the Congress of the United States of America for the purpose of disaster relief in an attempt to curtail federal spending; and

Whereas, endeavors to minimize deficit spending whenever feasible are certainly understandable and highly commendable; however, the critical situation which compels these sentiments, the well-being of so many people and the backbone of the most important industry of this state, requires immediate reconsideration of the decision to withhold these disaster relief funds;

Now, therefore, be it resolved that the members of the Missouri House of Representatives of the Seventy-seventh General Assembly, First Regular Session, join in urgent appeal to the President of the United States of America, the Honorable Richard M. Nixon, to reinstate the desperately needed funds for the assistance of the farmers of Missouri, the victims of these tragic circumstances; and

Be it further resolved that the House of Representatives notify each member of the Congressional delegation of our state of our appeal, that those members so intimately acquainted with the magnitude of this crisis might join us in our plea; and

Be it further resolved that the Chief Clerk of the House of Representatives be instructed to send suitably inscribed copies of this resolution to the Honorable Richard M. Nixon, President of the United States of America, and to each Missouri member of the Congress of the United States of America.

DEVELOPMENTAL DISABILITIES SERVICES AND CONSTRUCTION ACT EXTENSION

Mr. WILLIAMS. Mr. President, I am pleased to join with other Members of the Senate in introducing legislation extending the Developmental Disabilities Services and Construction Act. In my estimation, this legislation is one of the most advanced vehicles for providing comprehensive services for handicapped individuals.

When this measure was first signed into law on October 30, 1970, it represented a significant expansion of the scope and purposes of the Mental Retardation Facilities and Construction Act of 1963. Developmental disabilities broadened the scope of this program to include not only the mentally retarded but also persons suffering from other developmental disabilities originating in childhood, including cerebral palsy, epilepsy, and other neurological handicapping conditions. The program was fashioned to include support for a full array of service programs, and new authority and responsibility was given to the States for the development of comprehensive planning and programing for services to persons with developmental disabilities.

It is important to understand the intent of this legislation. Developmental disabilities was intended by Congress to establish a partnership of Federal, State, and local government in order to create a broad continuum of community based programs and facilities for the developmentally disabled. It was the purpose of this act to provide a complete mechanism through which the States could pull together, at the level of service delivery, all of the fragmented programs needed to provide integrated care, training, and services for individuals with neurologically handicapping conditions. The goal was not to duplicate existing services, but to deploy funds in a catalytic manner for systematic planning, coordination, and integration of services. Funds under this act are only used to support service delivery when services do not exist or when necessary gaps must be filled to provide comprehensive programing.

I believe I speak for all of my colleagues in saying that there is strong support for this program in the Congress. As an outgrowth of the Mental Retardation Facilities and Construction Act, this legislation was aimed at a target group—those individuals with severe disabilites which originate before the age of 18, which severely affect their development, and which have continued or can be expected to continue indefinitely. Because of the chronic nature of the disability, and its occurrence early in life, individuals so impaired are more likely to have ongoing difficulties throughout the developmental years. Also, they are less likely to have the comfort and support of family, and an income adequate to their needs later in life. Estimates of this population indicate that there may be as many as 3.5 million adults, and 3 to 4 million children, suffering disabilities such as mental retardation, epilepsy, cerebral palsy, childhood psychoses, sensory disorders, infantile autism, and severe mental illness. More than a quarter of this population is institutionalized, and a much higher percentage is ill-served by existing service programs because of their failure to fit into neat categories.

The bill that we are introducing today is a simple extension of the act for 2 years. Hearings by the Subcommittee on the Handicapped will commence on this bill in the very near future, with recommendations to be made at that time for changes in the legislation and necessary additions. I expect that two of the more major changes which will be dwelt on during hearings will be a change in the definition of "developmental disabilities" so that the act may better serve the entire population of severely handicapped individuals at which it is aimed, and an emphasis on provisions which will enable such individuals to be served in the community through community-based programs as an alternative to institutionalization.

Events of the last year, including court cases involving institutionalization and right to treatment, demand strong action to find more normalized modes of care and treatment for this population, and I believe that the committee will focus its full attention on this desperately needed alternative.

WATER POLLUTION CONTROL

Mr. BAKER. Mr. President, late last year I had brought to my attention an article on the subject of the Federal Water Pollution Control Act Amendments of 1972 (Public Law 92–500) written by R. Frank Frazier, president of American Agribusiness Associates, Inc. The article appeared in the October 2, 1972, issue of the journal Feedstuffs.

As a member of the Senate Subcommittee on Air and Water Pollution, I have grown used to widespread resistance from virtually every industrial sector to environmental regulation. It was for this reason that I found Mr. Frazier's article so extraordinary. Mr. Frazier seems to believe that the Congress acted wisely in enacting the 1972 FWPCA Amendments.

It is common for various *industrial* sectors to seek to persuade the public and the Congress that their contribution to the pollution problem is really not very substantial. Yet Mr. Frazier openly states that—

> Not only does agriculture contribute more waste than mineral, industrial or residential sources, but the problem is accentuated by the concentration of wastes that result from the adoption of modern, more efficient methods.

He goes on to accept the challenge to modern agriculture to do its share to assure a quality environment.

I invite the attention of Senators and the attention of industrial polluters to this article. It might well serve as an example to some who come before the Congress to cry wolf on environmental matters. I do not suggest that industries with legitimate problems should not be heard. I do suggest that Mr. Frazier's approach is a remarkable breath of fresh air and one more likely to win his industry a receptive ear in the Congress than is the more usual resistance of industrial polluters who have to be dragged kicking and screaming into modern corporate responsibility.

Mr. President, I ask unanimous consent that the article be printed in the RECORD, together with an associated feature from Feedstuffs magazine entitled "Why Congress Acted."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

1972 FEDERAL WATER POLLUTION ACT: A NEW ECONOMIC PRESSURE ON PRODUCERS, PROCESSORS OF POULTRY AND MEAT

(By R. Frank Frazier, American Agribusiness Associates, Inc., Washington)

(EDITOR'S NOTE: R. Frank Frazier is president of American Agribusiness Associates, a company that provides government relations assistance to agribusiness companies and associations. Prior to his present position, he was president of the National Broiler Council and served as NBC's administrative director for its first 17 years. Mr. Frazier also has served as a marketing specialist for the U.S. Department of Agriculture and held executive positions with six other associations within the poultry industry and agribusiness.)

Tough new federal legislation to rid the nation's waters of pollution by 1985 is now moving rapidly with strong bipartisan support toward final approval by Congress. Reported favorably by a Senate-House conference committee on Sept. 14, it is expected to get quick floor action and, barring a veto by President Nixon, will be enacted prior to November.

Such a law will have tremendous impact on meat and poultry slaughter plants, cattle feedlots and many other phases of agricultural production and processing. For some it will open up exciting new opportunities, but for others it will create unbearable economic pressures. And it is entirely possible that long before 1985, poultry processing plants, for example, will be employing closed loop systems to purify and reuse the same water month after month, thus eliminating the necessity to dispose of large quantities through municipal treatment facilities or directly into rivers or streams. Although such a change may seem farreaching, it is not farfetched. In fact, federal officials regard it as a goal that could become both economically sound and technically feasible.

To accelerate pollution abatement under the new law, Congress is expected to give the Environmental Protection Agency an authorization of $24 billion in federal funds, and in addition has delegated broad enforcement powers to the agency. The law not only spells out what has to be done, but it also sets up a timetable for complying, starting off in low gear with present efforts, accelerating through a series of actions to reach second gear by mid-1977, and moving on into more advanced actions to high gear by mid-1983, and then on into overdrive (maybe) by 1985 to reach the goal of pollution-free water.

As efforts to administer this law get underway, agriculture is certain to come in for priority attention. Not only does agriculture contribute more waste than mineral, industrial or residential sources, but the problem is accentuated by the concentration of wastes that result from the adoption of modern, more efficient methods. Today thousands of cattle are brought together in the relatively small area of a feedlot where runoff often creates serious problems. An up-to-date poultry processing plant, using 7-9 gal. of water per bird, will use a million gallons of potable water daily and about the same amount of waste water has to be disposed of in some manner.

In view of these circumstances, problems of water pollution were being experienced long before Congress became involved with the 1972 Federal Water Pollution Control Act. And a lot of effort and money had gone into correcting them. For example, in 1969 poultry processors spent private funds totalling $4.5 million for water pollution abatement measures and meat packers invested $20 million. While such efforts were helpful, they were hardly considered to be adequate on an industry-wide basis.

Nor had officials of government been asleep at the switch. Traditionally, water pollution came under the control of states and municipalities. Some have had excellent programs, but as public concern over environmental issues intensified in recent years, federal officials came into the picture more prominently. At first they looked upon water quality as a stepchild, and 25 years ago the federal program was hidden away in the basement of the U.S. Public Health Service. Over the years it became a victim of a series of reorganizations as the program was shifted to HEW, then the Department of Interior, later the Water Quality Administration and finally to EPA.

Inconceivable though it may appear today, Congressman Jim Wright of Texas, in comments to the House Public Works Committee in May 1971, said, "In 1956 most public officials had no more interest in this somewhat unglamorous and mundane subject than a hippie has in a barber shop. They avoided it like a flighty filly shying away from a rattlesnake . . . and all we were trying to provide was $50 million to assist hard-pressed communities in cleaning up their waste before it entered the streams of the country. It is ironic . . . the authorization now stands at $1.25 billion for the current fiscal year—25 times as much."

Thus the stage was being set for giving the green light to a tough new federal law backed up by a greatly expanded budget.

The new legislation has two features of paramount importance to agriculture:

One gives EPA the authority, after consultations with industry, to require point sources (firms discharging pollutants into rivers, streams or lakes) to meet certain water quality standards.

The second preempts the former right of states to set minimum standards on the amount of effluents a plant may discharge into the nation's waters. However, states retain the right to invoke standards more stringent than the federal minimum.

TWO-PHASE PROGRAM

The prudent use of effluent standards, as visualized by the architects of the new law, will enable EPA to gradually reduce the amount of pollution going into rivers, streams and lakes by increasingly tightening up on the standard. In this way, instead of trying to correct problems after they occur, as has been true so often in the past, EPA will move into action with a two-phase program to prevent them from ever occurring in the first place.

This would seem to be a common sense approach. But its successful application could have far reaching economic impact on those affected.

The first phase of the clean up effort calls for achieving the "best practical control technology" by July 1, 1977. For poultry processors not using a municipal treatment plant, this would probably mean reducing the quantity of BOD (biochemical oxygen demand—a measure of oxygen needed to decompose waste) in the untreated effluent from about 30 lb. per 1,000 broilers to somewhere in the neighborhood of 1.5 lb.

To evaluate the economic impact of such a standard, USDA in a recent survey of 386 poultry slaughter plants found the 44 plants with no treatment or only primary treatment would need to invest from $1.5 to $4.8 million to upgrade their effluent to the "best practical control technology" standard. The average investment per plant was estimated to range from $35,000 to $109,000. Of the 44 plants, 25 were small with less than 10 million pounds annual live weight slaughter. Their ability to survive might well depend on success in tapping low cost external capital, or their ability to tie into a municipal system. Since these plants represent only about 30% of the volume of federally inspected birds, they would likely be unable to increase their selling price enough to cover the cost of complying with an effluent standard calling for use of the "best practical control technology."

Now, how would the 245 plants included in the USDA survey be affected that dispose of effluent through municipal treatment operations?

Under the new law, the EPA Administrator would not be permitted to approve any grant for publicly-owned treatment works after June 30, 1973, unless assurance is given that industrial users will pay a user fee in proportion to their share of the operational, maintenance and expansion costs. Cities of North Carolina and other states have already invoked user charges ranging from $20 to $80 per 1,000 lb. of BOD, which could add up to nearly $1,000 per month for a medium size poultry plant. More cities can be expected to follow suit as grants are made under the new law. Some have imposed user fees so high that plant management is given an incentive to save money by installing their own treatment facilities. Even if they chose not to do so, they might find it pays to subject the effluent to primary treatment before it leaves the plant. And they may be required to do this anyhow if such effluent would interfere with the operation of the municipal treatment facilities.

Not to be overlooked, of course, is the fact the new law would require many cities to meet higher standards, in as much as secondary treatment becomes mandatory for all municipal wastes by mid-1977. So at that time, phase one of the new effort to clean up the nation's waters is to be completed and the water pollution control is to shift from low to second gear.

Before such a shift can occur, a gigantic task must be completed in less than five years. How will the federal government, in cooperation with states and cities, proceed toward this initial goal?

DEVELOPING GUIDELINES

EPA's first step will be the development of effluent guidelines. Much progress has already been made in this direction, but to make certain the guidelines recommended are realistic and reasonable, EPA within the next seven months will complete a new survey of poultry processors to gather effluent data to upgrade and validate previous technical data and cost information. Later the voluntary effluent guidelines are expected to become mandatory regulations. EPA officials emphasize the fact the effluent guidelines or limitations are to be considered a moving target, starting initially with primary treatment (removal of unsuspended solids), and then to secondary treatment (lagoons, for example) for those who meet the "best practical control" standard.

The second important step in the implementation of the new law requires that an EPA-approved permit be obtained by those discharging polluted water. In some instances these permits are to be obtained from states having EPA-approved programs, and in others directly from EPA. Until new federal effluent guidelines are issued, permits granted by state authorities are subject to a permit veto by EPA.

These permits are not to be on standardized forms, according to EPA officials, but instead are expected to spell out the steps each plant is required to take to comply with the new guidelines and/or regulations. Not only will the permit specify what is to be done, but it is to set forth a timetable for the completion of each step. In this way efforts can be launched promptly, and monitored continuously during the initial water clean-up phase. Consequently, it becomes apparent that those creating a problem of water pollution will not be able to "twiddle their thumbs" until 1977. They could be required under the new law to start immediate corrective action.

By mid-1983 the law would require EPA to initiate the second major phase of the clean up effort, i.e. shift from second into high gear. And plants discharging directly into the nation's waters must apply "the best available technology." Municipalities would be required to adopt more advanced disposal methods.

If we use today's "best available technology" as a criteria, it could become necessary to reduce the BOD level to 0.3 lb. per 1,000 broilers, in contrast to the 1.5 "best practical" level mentioned earlier, or the 30 lb. level for untreated waste water from poultry processing plants. The cost of complying with such a requirement, according to USDA estimates would range from $149,000 to $424,000 per plant, or about 0.64% of the sales dollar. A 1964 study revealed chicken processors had a net income on sales of 0.66% after taxes.

You might argue that what is now considered the "best available technology" could turn out to be quite different from what the EPA administrator would consider the "best available technology" by mid-1983. You may have a point, but the "best available technology" in 1983 will certainly not be less than it is today So an understanding of the tremendous magnitude of the minimum effort required to comply with the new law becomes apparent. Furthermore, new or remodeled plants are expected to be required to meet the "best available technology" standard before being granted a permit. So for some, this standard will be applied long before 1983.

However, before enforcing the 1983 "best available" regulation on the entire industry, a study would be required as to the environmental, technological, economic and social effects that would result. In charge of the study will be a 15-member commission, five each to be appointed by the President, the House and the Senate.

GRANTS

To assist with the implementation of the new law, Congress has authorized $24 billion which is expected to be appropriated over the next 3 years. Of this amount $18 billion is for grants representing the 75% federal share to be made available through EPA to municipalities for the construction of waste treatment and sewage collection systems. Additional funds for constructing water and waste disposal systems are available through the Farmers Home Administration. In the past, federal funds for facilities to reduce water pollution have been available also from the Economic Development Administration and the Department of Housing & Urban Development.

To help hard pressed communities get the money needed for their 25% share of the construction cost of treatment and sewage collection systems, the new law would establish a financing mechanism with an initial authorization of $100 million over the next three years. An additional $800 million in 3% interest loans would be authorized to assist industries meet the new standards. Such loans are to be available to companies through the Small Business Administration And if more money is needed perhaps it can be obtained at the state level from funds provided under the new $30 billion Revenue Sharing Act.

Expenditures of such huge appropriations will rapidly accelerate efforts to rid the nation's waters of pollution. But further impetus in this direction would be given by strict enforcement of provisions of the new law. Before USDA inspectors are made available, a processor can expect to be required to be in compliance with his EPA permit, and the same would likely be true for those who sell products to the military, school lunch or under other federal contracts. As if this were not enough, a company, for a violation of the law, could be faced with citizen suits in addition to a $25,000 a day fine.

Even without these tough penalties, realizing the magnitude of water pollution problems, agribusiness leaders recognize and accept the challenge to put their shoulders to the wheel and play a vitally important role in the water pollution abatement effort.

The first step in this direction is to work with EPA and state officials to help clean up the nation's water. They are anxious to have such cooperation. They need this help to measure up to the new responsibility given them by Congress.

Involved are very able key officials who are reasonable, knowledgeable, dedicated, who are seeking the assistance of industry. It should be given generously, especially at the outset, so the goals of the American people, as reflected through their representatives in Congress, will get off to a good start and therefore become a reality much sooner.

Reference was made earlier to reusing water in processing plants to the point the effluent would be reduced to zero. Whether or not such a goal can be achieved is debatable, but one thing is certain: EPA has been authorized by Congress to increase research efforts on water pollution problems from the 1971 level of $5.7 to about $400 million over the next three years for research, training and information. This money is to be used to demonstrate the feasibility of abating pollution and reducing treatment costs through in-plant measures, by-product recovery, and waste water reuse.

The recent EPA-Gold Kist study at a poultry processing plant in Durham, N.C., pointed up the opportunity for progress. By making certain changes the amount of water used was reduced 30% (from 838,000 to 580,000 gal. daily) and waste discharged into the city sewage system was reduced 65% (from 4,000 to 1,400 lb. of BOD daily).

With research pointing the way, and with effective teamwork between government and industry, rapid progress can and will be made in cleaning up the nation's waters. The springboard to such an achievement may well be the 1972 Federal Water Pollution Act.

Why Congress Acted

Water pollution is continuing to increase:

1. 29% of the U.S. stream and shoreline miles are now (1971 data) polluted. This is an increase over 1970 water pollution, when 27% of the shoreline miles were polluted (CEQ 1972).

2. One-half the nation's drinking supply systems do not meet federal standards. Eight million Americans (5%) served by community water systems drink water with a bacteria content higher than U.S. Public Health Service limits. (CEQ 1972).

3. 40,000 cases of water-borne illness occur every year in the U.S.

4. As of 1968, only 55% of the urban population was receiving adequate waste treatment services (i.e., primary and secondary treatment).

5. 41 million fish were killed by water pollution in 1969 or seven times the number in 1960. (CEQ 1970).

6. Over one-fifth of the nation's shellfish beds have been closed because of pollution (CEQ 1971).

7. The annual commercial harvest of shrimp from coastal areas dropped from over 6.3 million pounds before 1936 to only 10,000 pounds in 1965. (CEQ 1971).

8. 90% of the oil spilled into the earth's water is not spilled but comes from routine activities or oil tankers, refineries, and gasoline filling stations. (CEQ 1971).

9. Soil erosion is the largest single cause of water pollution, exceeding sewage by 500 to 1,000 times.

10. A 1970 Public Health Service report found that 30% of the nation's drinking water contains potentially hazardous amounts of chemicals.

11. Over 90% of U.S. watershed is more than moderately polluted. (CEQ 1971).

12. 34% of the nation's sewage goes untreated and over half of the existing water treatment plants are overloaded.

(Source: Congressional Record Sept 19, 1972, based on information from Sen. Edmund S. Muskie.)

FUEL OIL SHORTAGE

Mr. PELL. Mr. President, New England, including my own State of Rhode Island, is threatened by the most severe fuel oil shortage since the days of rationing during World War II.

The fuel shortage threatens to cripple Rhode Island's economic life and threatens the health and welfare of the people of the State.

According to newspaper reports, 1,500 persons are now out of work, laid off because of shortages of industrial fuels, including natural gas. Major fuel oil dealers serving Rhode Island have informed me their supplies could be exhausted within a week to 10 days unless prompt remedial action is taken.

Yesterday the executive branch gave belated recognition to the fuel crisis in New England and other parts of the country by lifting oil import restrictions through April 30 on home heating oil and increasing import quotas on crude oil for the next year.

The administration's action, however belated, is a welcome action. I hope it will help relieve the acute shortages in New England. However, the fact that this action was taken only after a crisis situation developed, despite the pleadings of many of us from New England, is an admission of the failure of the administration's fuel policies.

Mr. President, we all know from recent studies, reports, and predictions that the entire United States faces a long-term energy and fuel supply problem. We, in New England, are more than familiar with that problem. We have lived for 14 years, since the oil import quota system was imposed by executive order of President Eisenhower, with artificial shortages and high prices. The oil import quota system during these years has been justified by oil interests as the keystone of a national energy policy that would assure our country a continued supply of fuel. What we are seeing now is the total bankruptcy of that policy—a system designed to assure our country of an adequate supply of fuel has failed. The oil import quota system has proved that it is not a solution—but a major part of the problem—because it is the import quota system that is now denying to Rhode Islanders the fuel they need to heat their homes and schools, their offices and factories.

With the power to regulate supplies of fuel oil—a power exercised by the executive branch—goes the responsibility to see that fuel supplies are adequate. The executive branch has failed in that responsibility.

Several months ago, the administration announced a minor and clearly inadequate increase in the oil import quota for New England. At that time, I said I was tired of a system which required New England Members of Congress each year to beg for a few drops of oil and then express gratitude and thanks when the executive branch doled out a few spoonsful of oil.

It is clear to me that it is time for the Congress to act. The executive branch has demonstrably failed in its administration of the fuel supply for the Nation. If the executive branch does not have the fortitude or the will to make a basic change in the oil import system, then we in the Congress must do so.

That is why I have joined Senator RIBICOFF and other New England Senators in cosponsoring the New England States Fuel Act. This act would permit free importation of home heating oil into the New England States, eliminate the tariff on all oil product imports into the United States, and direct the Secretary of State to begin negotiations for creation of a Northeast regional oil area encompassing the six New England States and eastern Canada.

And today, I have joined with Senators KENNEDY and STEVENSON in sponsoring a joint resolution suspending for 90 days the import quotas on crude oil and for 1 year, until April 1, 1974, import quotas on home heating oil.

This proposal goes somewhat beyond the actions announced yesterday by the administration. More importantly, it makes it clear that the Congress will take an increased responsibility in determining the fuel policies of the country.

Mr. President, Rhode Island, New England, and the entire Nation is heavily dependent on reliable supplies of oil products for transportation, for heating, and for power. In establishing oil import restrictions, the Federal Government assumed a direct responsibility for adequate supplies. The people of Rhode Island now are paying the price for the failure of management by the executive branch of our Government. Whether the failure is the result of misjudgment, incompetence, or callousness makes little difference. We can no longer trust in the management of our fuel supplies by the executive branch. The Congress must act.

To indicate to the Senate the seriousness of the fuel situation, I ask unanimous consent that several of the urgent messages I have received from my constituents be printed in the Record.

There being no objection, the messages were ordered to be printed in the Record, as follows:

Providence, R.I.,
January 15, 1973.

Senator Claiborne Pell,
Old Senate Office Building,
Washington, D.C.:

Warren Oil Co. of Providence, R.I., and affiliated company Saint Jean-Viti Oil Co. of West Warwick, R.I., have been curtailed by 30 percent of their normal number 2 fuel oil requirements by their principal supplier Texaco (Curran and Burton). Our company supplies 6.000 household and business accounts representating more than 24,000 individuals in the State of Rhode Island.

We were notified of the reduction of supply on Friday, January 12, 1973, we immediately contacted every known source of supply in the New England area and have been unable to find number 2 fuel oil at any price as of this writing. We are applying this week for an immediate import quota of number 2 fuel oil, hopefully to help solve this problem.

We estimate our companies will be out of oil by Wednesday, January 24th or Thursday, January 25th at the latest. The present inventory of number 2 fuel oil in the Providence Harbor area is critical and from what we can determine the Number 2 fuel oil scheduled to be delivered into this area will not ease the crisis. The inability of our company to deliver our customer's normal requirements would result in a disaster for 6,000 household and business accounts. We beg you to contact members of the Oil Import Board to lean weight to our plea. Our only thought was to ask you to contact the military to determine if they could make available any Number 2 fuel oil in order to alleviate this problem. Our customers and we are in a desperate situation and need your help.

Warren Alpert,
Chairman of the Board.

Pawtucket, R.I.,
January 15, 1973.

Senator Claiborne Pell,
Old Senate Office Building,
Washington, D.C.:

Situation becoming critical concerning home heating oil in Rhode Island. Major oil companies cutting back on supply commitments and unless immediate steps taken expect actual run out at home and industry before month's end. Suggest immediate substantial increase in import quotas and permanent waiving of Western Hemisphere restrictions so that long term overseas contracts can be arranged only immediate action can save disasterous situation.

Robert E. De Blois,
De Blois Oil Co.

Tiverton, R.I.,
January 15, 1973.

Senator Claiborne Pell,
Senate Office Building,
Washington, D.C.:

Subject fuel oil crisis, we as a prime supplier of several thousand heating oil customers will, within hours, be forced to cancel all schools, municipal and industrial heating oil contracts. This will lead to the closing down of many schools, municipal buildings, and factories. Our main supplier is Texaco. Please arrange for them to release additional number two heating oil at once. Please advise at once 401-624-6611.

William W. Humphrey,
Vice President, P. D. Humphrey Oil Co.

Warwick, R.I.,
January 16, 1973.

Hon. Claiborne Pell,
Washington, D.C.:

My company, M. Erickson and Son, Inc., serves 1,875 retail home heating accounts in Rhode Island. We have been notified by our suppliers, Atlantic Refining Co. and North East Petroleum that our supply of number 2 heating oil is in jeopardy. We estimate this critical situation will leave thousands of homes without heat within several days. We request immediate relief.

Malcolm Erickson,
M. Erickson and Son, Inc.

Newport, R.I.,
January 16, 1973.

Senator Claiborne Pell,
Old Senate Office Building,
Washington, D.C.:

My companies, Newport Oil Corporation and Peckham Oil Company serve 6,000 retail home heating accounts in Rhode Island. We have been notified by our supplier, Texaco that our supply of No. 2 heating oil will be cut back 50% beginning immediately. We estimate this critical situation will leave thoustands of homes without heat within a few days; we request immediate relief.

J. T. O'Connell.

Coventry, R.I.,
January 12, 1973.

Senator Claiborne Pell,
Capitol Hill,
Washington, D.C.:

The lack of fuel in Coventry, Rhode Island, is forcing the Star City Glass Company to stop production, thereby causing the lay off of 300 employees. In addition the stoppage will cause financial losses which cannot be recuperated and will affect the production and work in the plant of our customers who are producers of food and beverages. This stoppage is forced on us despite the steps which we have already taken to substantially reduce and minimize the use of fuel this winter.

We request that you assist in all ways possible to make available natural gas, propane, and other fuels so that these losses to productive people and to our corporation can be avoided and so that economic base of your community can be preserved.

Ned Drucker,
President.

Providence, R.I.,
January 16, 1973.

Senator Claiborne Pell,
Capitol Hill,
Washington, D.C.:

Warren Oil Co. of Providence, Rhode Island, has informed me their requirements of number 2 fuel oil have been reduced by Texaco by 30 percent for the month of January and until further notice. Unless this company can find a supply of oil they will be forced to cut off their customers by January 24th or 25th. This action would result in the loss of work for men I represent as Secretary-Treasurer of the International Brotherhood of Teamsters Local 251.

I urge you to do what you can to support this company's petition for assistance.

Alexander J. Hyleck,
Secretary-Treasurer.

FREEDOM OF INFORMATION FOUNDATION PRAISED BY SENATOR SYMINGTON

Mr. SYMINGTON. Mr. President, at a time when many news reporters, editors, and broadcasters are expressing serious apprehensions about the actual freedom of the press, which the Constitution endeavors to preserve, I was gratified to learn of significant movements to expand and strengthen the University of Missouri's Freedom of Information Foundation.

The important objective of this foundation is the preservation of the free flow of information on behalf of the public's right to know. It was founded in 1959 and is the Nation's only agency working exclusively on behalf of that essential principle of a democratic government—a free press.

The appointment by the foundation of a new president—Dr. Dwight E. Sargent, curator of the Nieman Foundation at Harvard University for 8 years—accompanies the FOI expansion.

In addition, the foundation has just announced that a major expansion of the center's educational and research programs has been made possible by financial grants from the American Newspaper Publishers Association, the National Association of Broadcasters, and the three major broadcasting networks, ABC, CBS, and NBC.

The Freedom of Information center at the University of Missouri—Columbia is the world's largest clearing house for information on the public's right to know, and therefore is providing a vital service to the Congress and to the Nation.

STRIP MINING LEGISLATION

Mr. FANNIN. Mr. President, Senator Jackson, chairman of the Interior and Insular Affairs Committee, is to be commended for his leadership and efforts to enact much needed strip mining legislation. His work in the last Congress put him on record as an advocate of early responsible action and I commend him. Senator Jackson, as always, has approached this problem with clarity of mind and steadfast determination.

I know that Chairman Jackson has explained that this bill is only a working draft and that this bill will require revision. I know also that the chairman has an open mind toward necessary changes and will want extensive input and analysis by all interested parties. I look forward to joining my colleague in this most important task of producing a responsible bill that will strike a balance between the essential necessity for production of mineral resources and our commitment to reverse environmental degradation.

It is with regret that I have concluded that I will be unable to endorse and cosponsor Senator Jackson's proposed surface mining reclamation bill, at least in its present form. There is, I believe, an imperative need for legislation to control strip mining for coal in a manner which will assure sound reclamation of the land and still permit our country to make economic use of this vitally important energy resource, and Senator JACKSON's bill could meet this end.

This bill would be applied to mining for all minerals—not just coal—and to all forms of surface mining—not just strip mining. The bill was clearly written with coal strip mining foremost in mind, and even where different provisions have been inserted for other types of mining, this has apparently been done without full comprehension of the enormous differences which can, and generally do, exist between strip mining for coal and open pit mining for iron, copper and the other "hard rock" minerals. The unintended result would, if enacted into law, cause severe and needless hardship to our domestic metal mining industry, perhaps to the point of shutting much of it down. National security, the economy and the social welfare of our citizens mandate that this must not be permitted to happen.

Let me briefly explain what I conceive to be the fundamental differences between strip and pit mining; as you know, Arizona is one of the major copper producing States in the world, and a large part of its production comes from open pit mines. Strip mining for coal involves the removal of overburden to expose a coal bed which itself is relatively shallow, often not more than 5 feet thick, and the recovery of that coal, by mining equipment which steadily advances, in strips, across the bed or along the coal seam. This mining is a very temporary use of the land—the bed is exposed, the coal is removed, and the operations sequentially inch forward, finished with the land behind them. A great many acres of land are strip mined for coal each year and become almost immediately available for reclamation. Thus, the disturbance of strip-mined land need be only temporary.

Open pit mining for hard rock minerals seeks a much different target—in the case of copper, the massive, low-grade porphyry deposits which are rare in themselves and even rarer when located close enough to the earth's surface to be mined by open pits. Unlike coal beds, these deposits are thick—as much as 1,000 feet thick in some instances—and, accordingly, mining the deposits involves substantially the same acreage over many years—50 years is not unusual; 100 years is not unknown—creating great amphitheater-like exacavations. In the time frame of man, if not nature, such mines are more nearly permanent than temporary uses of land, and they do involve a permanent reshaping of the land they occupy.

In short, except that strip mines and the great open pits of the Southwest both recover needed resources from the earth, they could not be more dissimilar—and the dissimilarity pertains as well to the nature of reclamation that, when mining has ended, can reasonably be expected or required of them. The open pits cannot be restored to their original contours or use; nor should they be; nor is it, I believe, the intent of Senator JACKSON's bill to try to impose such a requirement on them. However, there are reclamation measures which we can and must expect from open pit miners; stabilization of waste dumps, and in some instances their contouring to blend with natural scenery, vegetation cover, and freedom from air and water pollution.

Specifically, I am concerned with the draft, in its present form, because it raises serious constitutional questions of taking without due process of law. The draft would, for example, vest the regulatory authority with power to designate private land as unsuitable for surface mining operations even where surface mining operations are in existence at the time of passage of this bill. There are absolutely no procedural due process safeguards against such arbitrary and capricious acts.

Perhaps the most disturbing provision in the draft calls for the regulatory authority to be vested with the unchecked power to determine, in hard rock mineral production, whether there is sufficient supply of a mineral resource, such as copper. Based upon that determination, he could absolutely prevent the production of copper even on private lands with the claim that there is an "alternative source of the mineral resource." Unchecked and unbridled power of this nature would wreck our economic system and endanger our national security.

Chairman JACKSON, I know, has no desire or intention of allowing such consequences and neither do I. I again commend Senator JACKSON for his leadership in pressing for an early bill and I hope that revisions will allow me to join as a cosponsor. Let us get on with the serious responsibility before us.

BILL OF RIGHTS FOR THE MENTALLY RETARDED

Mr. WILLIAMS. Mr. President, last year the Nation was shocked by a WABC-TV program on Willowbrook State School, a residential facility for the mentally retarded. The filming of conditions at this institution provided documented evidence that while conditions in residential institutions have improved, they are still a den of horrors for the residents who must live out their lives there. And although Willowbrook was the only institution examined at the time, there is clear evidence coming out of numerous court cases around the country on right to treatment that conditions are no better in many other large residential facilities.

Most well known of these cases has been Wyatt versus Stickney in the State of Alabama, a case brought on behalf of the State's hospitalized mentally ill patients to receive adequate treatment originally and then broadened to include hospitalized emotionally ill and mentally retarded individuals. When lawyers first went into that case there were three psychiatrists and one psychologist for more than 5,000 patients. Total expenditure per patient per day was $6; total expenditure per patient per day for food was 50 cents. Many of the individuals institutionalized did not need full-time custodial care, but could have lived in half-way houses or with their families with the assistance of support services or vocational training. But such alternatives were not available. The families were thus confronted with keeping the child or adult at home with no support services or having them institutionalized. Despite the heavy psychological burden of this drastic action, many families continue to choose institutionalization as the only available alternative.

Beyond the obvious strain imposed on families by the necessity of this drastic action, the costs of institutionalization for the individual are extremely high. Experts have noted that institutionalization for longer than 6 months or a year without adequate treatment often results in the individual losing his ability to cope with the outside world, often withdrawing from reality, showing signs of deprivation, loss of normal social contact, and overall deterioration. Thus institutionalization for long periods of time ensures that it will become harder and harder to remove an individual from such a custodial environment. Yet, even the most profoundly or severely retarded individual is habilitable, if provided with appropriate services early in life.

Concluding that the conditions in Willowbrook and Wyatt are atypical is tantamount to burying our heads in the sand. Cases have been reported to me which would shock the sensitivities of all of us: in one institution, personnel considered a lobotomy for a boy of 16 who had been an institutional resident all his life because staff was having a difficult time managing the child. In another institution, infants were implanted with intestinal tubes because there were not enough personnel to personally feed these children every day. Largely these conditions exist because of inadequate budgets and personnel to provide full and appropriate services to residents. Yet if we continue to fail to provide the resources to improve these conditions, and unless we eliminate inhumane treatment, we might just as well completely abandon our commitment to serving the residents of these institutions.

There are an estimated 5.6 million individuals who are mentally retarded in this Nation today. Approximately 200,000 of these individuals live in residential institutions. For some of them, institutional and protective care is the only way to provide the constant and insulated treatment they need. It is statistically impossible, however, that all of those who are institutionalized require custodial care and are unable to care for themselves. In fact, the majority of the 200,000 institutional residents are there because there are no alternative methods available presently to provide them treatment.

It is my sincere hope that methods will be developed to return them to the community. Many could do so now, if our communities were equipped to provide them alternate programs of care. Yet whether the residents need protective care or can benefit from services designed to help them lead more independent lives, all have the right to hope. They have the right to the full range of services which will allow them to leave these institutions and return to the community, and they have the right to expect that everything possible will be done to help them do this.

In the Wyatt case, the Federal district court judge found that if the State has institutionalized residents, then it must provide appropriate treatment for those residents. To deny this treatment amounts to incarceration for a crime these residents have never committed. The judge therefore ordered the State of Alabama to hire 300 new employees within 60 days, and set down concrete, measurable standards for treatment of individuals within the institution. These standards include staff-patient ratios, record keeping, and specific standards defining a humane physical and psychological environment.

Once again, we have had to rely on the courts to force us to face up to responsibilities which we have for a long time avoided. Yet to rely entirely on the courts to pursue the rights of handicapped individuals is a derogation of our own responsibility as legislators.

Last year, Leo Lippman, director of services for the mentally retarded and physically handicapped in New York City, wrote in the Bergen County Record:

> We may be on the verge of a new era with respect to society's treatment of the mentally retarded. On the other hand, we may not. Senator Robert Kennedy visited Willowbrook State School in 1965. There was nationwide attention, and there were some ameliorative actions. And yet, when the State of New York faced budget stringencies, it was possible to allow a return of the conditions cited in the recent (Willowbrook) case. Is it possible to change the pattern of treatment of the mentally retarded in the United States to bring it to the level of adequacy and appropriateness exemplified in the Scandinavian countries?

Mr. Lippman concluded yes, but that it would not be easy. He said:

> The essence of changing this pattern is a respect for the dignity and potential of every individual in this society.

I believe that to bring about this change we will have to take drastic steps. It is for this reason that I join Senator JAVITS in reintroducing the bill of rights for the mentally retarded. Basically, this bill does four things. First, it authorizes $15 million per year through 1975 to assist the States in conducting a comprehensive survey of needs and to do an analysis of the cost of bringing institutions into compliance with standards established under this act; $15 million per year through 1975 to assist States in improving services provided by existing residential facilities for the mentally retarded, which is designed to cover costs of administering and operating demonstration facilities and training programs. Second, it authorizes such sums as may be necessary to assist States in bringing residential facilities into compliance with standards established under this act. States must submit a plan setting forth a schedule for compliance for each facility, designating how placement in residential facilities will be minimized through alternative regional and community programs and services, assuring State financial participation, establishing a State Planning and Advisory Council and setting forth a schedule of costs to achieve compliance. Five years later enactment of this act, a residential facility which is not in compliance with standards established under this act will be ineligible to receive any indirect or direct payments under any Federal law. Third, the bill authorizes such sums as may be necessary to assist nonprofit institutions develop, improve and expand community resources and community living situations for the mentally retarded as alternative programs of care. Finally, the bill sets forth "Standards for Residential Facilities for the Mentally Retarded." These standards have been developed by professional and consumer organizations concerned with the care of the mentally retarded, and provide inclusive standards for administrative policies and procedures, resident living, professional and special programs and services, records, research, safety and sanitation, and administrative support services.

In introducing this bill we do not intend to lock into concrete standards which cannot be improved or modified. However, there is a critical need for this Nation to insure that residents of institutions are protected and provided with services which will enable them to become more independent citizens. For those who express reluctance to write into law standards for services and conditions, the response is clear. Standards for facilities for the mentally retarded have existed for many years. Most States have not been able to comply with these standards because of inadequate appropriations for staffing, improvements and services. Last year in my own State of New Jersey, it was estimated that an additional 1,600 employees would have to be hired to bring institutions into compliance with their own standards. Failing to enact standards will not make the problem go away. The institutions will continue to exist, and will continue to provide whatever services they can. Yet past history has demonstrated that conditions will not much improve. I believe there is no other course of action.

I do not believe that large institutions for the mentally retarded provide the most appropriate form of services and treatment. I firmly believe we must create the conditions by which most or all of the residents may be returned to the community through alternate programs of care by providing community programs and services. This bill insures that this process will be undertaken. It stipulates that States in their State plans must designate how placement in residential facilities shall be minimized through alternative regional and community programs and services for the mentally retarded. It specifies in the standards requirements for admission, review and continuing evaluation of residents. It requires the States to develop strategies to minimize inappropriate placement in residential facilities which include implementation and monitoring mechanisms. It provides the necessary money to develop, improve, and expand alternative programs of care in community programs and through community services.

Let me also say to my colleagues that finding alternative programs of care which would enable the mentally retarded to reside in their communities and contribute to the life of this Nation would be less expensive in the long run. It costs 10 times as much to continue a resident in an institution than it would to provide appropriate health, educational, and training services in the community. I believe that these community based services are the goal we must commit ourselves to. I also believe that this bill will provide the mechanisms by which we will reach that goal by insuring that residential facilities meet strict standards for services and treatment, and setting up the necessary mechanisms for reduction of institutional admissions, the elimination of inappropriate admissions, and providing money for the expansion of alternative programs of care. I therefore join Senator JAVITS in reintroducing this bill, and in commending it to to our colleagues.

THE RIGHT OF THE PEOPLE TO KNOW

Mr. SYMINGTON. Mr. President, at a time when many news reporters, editors and broadcasters are expressing serious apprehensions about the actual freedom of the press, which the Constitution endeavors to preserve, I was gratified to read in a news release of significant movements to expand and strengthen the University of Missouri's Freedom of Information Foundation.

The important objective of this foundation is the preservation of the free flow of information on behalf of the public's right to know. It was founded in 1959 and is the Nation's only agency working exclusively on behalf of that essential principle of a democratic government—a free press.

Two events have occurred recently which prompted this news release. The foundation has appointed a new president, Mr. Dwight E. Sargent, curator of the Nieman Foundation at Harvard University for 8 years. At the same time a major expansion of the center's educational and research programs has been made possible by financial grants from the American Newspaper Publishers Association, the National Association of Broadcasters, and the three major broadcasting networks, ABC, CBS, and NBC.

So that the Congress will have available fuller information concerning the Freedom of Information Center at Columbia, the world's largest clearinghouse for information on the public's right to know, I ask unanimous consent that the news release from the University of Missouri at Columbia, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SARGENT HEADS FOI FOUNDATION

COLUMBIA, Mo.—Dwight E. Sargent, curator of the Nieman Foundation at Harvard University for eight years, has been appointed president of the Freedom of Information Foundation at the University of Missouri, Columbia, Dean Roy M. Fisher announced today.

The appointment coincides with a major expansion of FoI Center and the educational and research programs of the Foundation made possible by financial grants from the American Newspaper Publishers Association, the National Association of Broadcasters, and the three major broadcasting networks, ABC, CBS and NBC.

"Since its founding in 1959, the FoI Center has been the nation's only agency working exclusively on a cause whose importance is only now becoming fully appreciated by the American public," Dean Fisher said. "With new financial support and with the leadership of a distinguished newspaper editor, its work on behalf of the public's right to know will enter a new era of even greater productivity and service.

"Nothing is more vital to the health of our democratic society than preserving the free flow of information," Sargent said. "Journalists who write for newspapers and report on radio and television networks are dedicated to this mission.

"In a critical period of journalistic history the Freedom of Information Foundation will use its resources to support a principle that has molded our nation's past and is essential to our nation's future."

Sargent, 55, headed the Nieman program from 1964 to 1972 and previously was editor of the editorial pages of the New York Herald-Tribune and editorial director of the Guy Gannett newspapers of Portland, Me., the Press Herald, the Express, and the Sunday Telegram. He is a former president of the National Conference of Editorial Writers and serves as a trustee of Colby College.

Sargent will hold appointment of associate professor of journalism, and will be responsible for courses in editorial writing and editorial page management.

Dean Fisher explained that the FoI Foundation, a non-profit corporation, will be governed by a national board of trustees composed of persons vitally interested in maintaining strong, independent mass media.

The Foundation will be responsible for research, educational, and public service activities to promote public access to information. The FoI Center, a division of the School of Journalism directed by Professor Paul L. Fisher, will serve as one of the academic and research resources available to the Foundation.

The FoI Foundation will be financed from four major sources: ANPA, NAB, the School of Journalism, and some 1,200 friends and subscribers of the various FoI publications.

Dean Fisher said individual newspapers and broadcasting stations and organizations, such as Sigma Delta Chi and the state and regional press associations, have traditionally helped to support the Center's activities. Such support, he said, will continue to be needed.

Through the years, the FoI Center has supplied some 2,000 persons and organizations annually with data and guidance pertaining to access to information. Its files include thousands of clippings, research reports and other documents on 1,000 subjects ranging from access to government data to the underground press. The Center is believed to be the world's largest clearing house for information on the public's right to know.

The staff of the Center clips materials from 18 major newspapers and more than 500 professional journals, periodicals, and confidential bulletins. Requests for the Center's information and guidance pour in daily by letter and phone from newspapermen, broadcasters, librarians, lawyers, legislators, public officials, students, teachers, business executives, community leaders, and private citizens.

In addition, the Center publishes the "FoI Digest," a bimonthly summary of government and press information policies and problems, the Center "Report," a periodic in-depth study of right-to-know issues, and various opinion and situation papers. Its various research programs are conducted with the help of master's and doctoral students of the School of Journalism.

The Center staff has supplied information to attorneys on many of the current press freedom cases, including litigation over publication of the Pentagon papers. On occasion, such information has been requested by, and supplied to, both sides of a controversy.

HEALTH CARE

Mr. HASKELL. Mr. President, Prof. R. D. Peterson of the department of economics at Colorado State University has written a thought-provoking article about our health care system. Since this is a matter of concern to many of us I ask unanimous consent that his comments be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SOME MISCONCEPTIONS ABOUT MEDICAL-CARE DELIVERY

(By R. D. Peterson)

Our health system has been diagnosed as a crisis by some, a scandal by others. Medical-care prices have risen. Many communities are without a hospital or a physician. Several misconceptions exist about medical-care delivery which need to be examined. Facts rather than opinions are used to shed light on these myths.[1]

WHAT CAUSES HIGH MEDICAL PRICES?

Myth: "The main reason why medical-care prices have risen in that high office fees are charged by physicians who are more concerned with income than with patient welfare.'

Reality: Average yearly physician income is $45,000. While many physicians are concerned about financial security, this concern is due partly to the increase in law suits for alleged wrongdoing. Malpractice insurance rates have doubled recently and are reflected in office-call fees. A few physicians may be interested in higher incomes, but most are hard-working, dedicated professionals who are interested in their patients' health needs. Physicians' fees have been relatively high, but recent increases are only slightly above other prices. The Hospital Daily Service Charges (HDSC) component of the Medical-Care Price Index has risen more than 300 percent since 1958, mostly for two reasons: (1) The minimum wage was applied to hospital employees in 1966 and they must be paid at least $1.60 an hour (rather than 80c as some kitchen help and nurses aids had received). (2) Medicare requires periodic cost justification, and cost-accounting has shown hospital operating costs to be higher than previously calculated. Administrators have increased HDSC to recoup these additional expenses.

PHYSICIANS' INCOMES TOO HIGH?

Myth: 'Although physicians receive more income per year than the ordinary wage earner, their earnings are not inappropriate considering the time and cost involved in going through medical school.'

Reality: Income comparisons between physicians and others are difficult because medical education is subsidized (e.g., low-interest, government loans for medical students and state-supported medical schools are both financed out of tax money). Past high school, the total real cost to become a medical doctor is near $90,000 ($30,000 for schooling and $60,000 in lost income while becoming trained), while a college graduate incurs a $28,000 real cost ($8,000 for school and $20,000 in lost income). Presently, average yearly earnings are $45,000 for a physician but only $12,000 for the bachelor's degree holder. For various occupations, economists have computed total life-time earnings (discounted to present-value terms) on a yearly average basis as a percent of the total real cost of education. The rate of return on 'investment in human capital' is nearly 14 percent for physicians but only 9 percent for college graduates. In a competitive economy, rates of return on investment tend to be equalized. If noncompetitive elements subvert the private enterprise market system, rates will vary among economic activities. Riskier ventures should earn higher rates of return than less risky ones. Yet, while the rate is nearly twice as high for physicians than for college graduates, the risk a physician faces in finding a job and earning income is less than the college graduate. Rates of return are higher for physicians than others due to economic power ('noncompetitive elements') in medicine because of (1) limited physician supply; (2) little or no price competition at minimum fee levels; (3) restricted entry based on specialization of hospital staffs; and (4) the fee-for-service physician's practice.

BEST CARE IN THE WORLD?

Myth: "Our superior medical technology provides U.S. citizens with the best quality medical care on earth."

Reality: Despite scientific advances, the health status for U.S. citizens is inferior to some countries. We pay more per person for health care than in other industrialized countries, and get less per dollar spent. Among industrialized nations, the U.S. ranks 14th in infant mortality, 12th in maternal mortality, 11th life expectancy for females, and 18th for males. We have fewer physicians per 1,000 persons than several other developed nations. England, Germany, New Zealand and Sweden rank above the U.S. healthwise, and all have had national health insurance for many years. Medical care is provided very unevenly to our population. Our social, legal and economic arrangements for distributing medical care neglect the poor, the aged (until Medicare), minority groups and rural persons. It exists partly because these groups receive low incomes and are priced out of the medical-care market. High and rising prices are due partly to the economic power of physicians' groups over the supply of physicians and the capacity pressures placed on hospitals by private health insurers. To alleviate these problems, health economists have suggested prepaid group-practices and national health insurance.

SOCIALIZED MEDICINE?

Myth: "England has 'socialized medicine' with its national health insurance, and so would the U.S. if we adopted a national health insurance program."

Reality: Insurance companies and physicians groups have used words such as "socialistic" to bias our citizens against national health insurance (NHI). Under a real system of socialism, manufacturing plants are owned and operated by the government. For medical care to be "socialized," hospitals and physicians' offices would have to be taken over by government; nurses, hospital administrators and physicians would then become government employees. This arrangement is *not* suggested by current NHI legislation before Congress. Instead, NHI would create a government owned and operated insurance company. Under NHI, workers and employers would be levied payroll taxes, and most medical-care bills would be paid by NHI. If NHI is introduced in the U.S., the crucial problem will not be socialism, but whether three arrangements will continue: (1) fee-for-service physicians' practices; (2) the requirement of hospitalization before health insurance pays for treating an illness; and (3) the legal power held by the medical profession over hospital staff privileges. If these three arrangements persist, then NHI will probably work badly, and may cost more than now.

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[1] Information supporting this article was taken from U.S. Senate Testimony recorded in the eleven-volume, 2,700 page "Health Care Crisis in America, 1971" and economic research supported by Public Health Service grants.

NATIONAL HEALTH INSURANCE COSTLY?

Myth: 'Proposed national health insurance (NHI) legislation, designed to pay for most medical bills for all U. S. residents, would add $75 billion to health spending and cause chaos for our overburdened medical-care system.'

Reality: The Griffiths-Corman-Kennedy NHI bill involves a comprehensive health-coverage plan to pay for most hospital, dental, physician, nursing home, psychiatrist, laboratory, drug, ambulance, X-ray and medical-appliance bills. It would be financed by federal payroll and unearned-income taxes (and general revenues), administered by the U.S. Department of HEW, and serve all residents regardless of contribution to the plan. Payment would not be required from patients when care is provided. NHI stresses prepaid group medical practice and nonprofit medical-service foundations (but physicians and patients wanting the present fee-for-service method could continue it). NHI would institute cost controls for medical-care providers, create health-manpower training programs, establish national medical quality standards and encoruage preventative health measures. NHI is *not* socialized medicine and does not specify injecting huge additional funds into the existing medical-care framework. In 1971, we spent nearly $75 billion on health (40 percent financed by government). NHI largely involves replacing existing expenditures. It is not a proposal to spend an additional $75 billion, only to spend approximately the same amount but through a more efficient framework. NHI could hopefully lead to better quality medical care, delivered to more people, in a less expensive way.

GROUP PRACTICES INEFFICIENT?

Myth: 'Compared to the fee-for-service one-or two-man physician's office, prepaid group practices (PPGP) are inefficient, destroy a patient's ability to choose his physician and do not provide adequate care.'

Reality: The 'fee-for-service' method is assumed to be the only proper economic arrangement for delivering medical care. To visit a one- or two-man physician's office, be diagnosed and treated for an illness, then be charged a fee for that office call is not the only mechanism for providing medical services. Studies indicate that PPGP plans are just as or more efficient than fee-for-service practices. Under PPGP, with federal government aid and advice, a group of citizens in a community can organize a clinic (perhaps with a hospital), employ physicians, nurses and paramedical technicians, and other health facilities. Families who join a PPGP pay a monthly subscription charge. They use all medical services without paying a fee each time they visit a physician or enter a hospital. Studies have shown that PPGP reduce risk and worry for subscribers (so people do not put off seeking medical care), encourage them to practice preventative medicine, and do not lead subscribers to waste physician time or unnecessarily burden a hospital. Physicians are paid a salary (an average of $40,000 for some existing PPGP plans). There would be general and specialist physicians in a PPGP clinic-hospital. Patients have freedom to join and leave a PPGP (in case they moved or found no physician they liked). Existing PPGP plans allow flexibility. A patient can see the same physician (for term conditions such as pregnancy) and preserve the physician-patient relationship.

A NURSING SHORTAGE?

Myth: 'There is a shortage of registered nurses (RNs) in the U.S. because it is so difficult to encourage young women to go into nurses training.'

Reality: A 'shortage' of RNs has been claimed for some time. The Federal government spent more than $100 million since 1955 to subsidize training RNs and many thousands were licensed. While U.S. hospitals have vacancies for more than 25,000 RNs which they cannot fill (mainly special duty nurses), approximately one-third of all RNs under sixty years of age (nearly 300,000 RNs) do not work as nurses. Some are married and do not wish to work; some are employed in other jobs which pay higher salaries. Those who charge a 'shortage of RNs' also suggest that 'the demand for RNs exceeds the supply of RNs.' But such a situation is improbable because, technically, demand equals supply at some price-quantity combination that will clear the market. What these persons really mean to say is that 'the demand for RNs *at the salary currently being paid* exceeds the supply of RNs *who are willing to work for that salary*.' By raising salaries, some inactive RNs would be back into nursing. The so-called 'nursing shortage' then, is not due to the inability to locate RNs who could work; it is due to the unwillingness of the medical industry to pay sufficient salaries, and its inability to induce RNs to remain active once licensed and hired. Low salaries and resulting high turnover for RNs (67 percent each year in an average U.S. hospital) can be understood in this setting. Communities having one hospital, and large cities with several, avoid competing for RNs salary-wise because 'professional ethics' among administrators discourage wage bargaining. Many RNs who want to work as nurses cannot find alternative nursing opportunities because they are immobile (viz., married to men employed in their community so that an RN is only able to accept employment near her home). Many a hospital becomes a 'monopsonist' (i.e., a large buyer of an input who has economic power similar to the control a single seller of a product—a monopolist—has over price) and sets salary levels low in this captive-labor market.

BLUE CROSS EFFICIENT?

Myth: 'Blue Cross health insurance plans distribute medical care equitably to the population, and also help to prevent medical-care costs and prices from rising so much.'

Reality: Blue Cross is a nonprofit organization for financing hospital care. Hospitals created it in the depression to ensure that their bills would be paid. There are 75 Blue Cross units in the U.S., each one independent in providing hospitalization insurance to a specific geographic area. Blue Cross employs 35,000 persons, and finances more than $7 billion in hospitalization each year for 86 million Americans (18 million over 65 who are served because Blue Cross handles Medicare and Medicaid). Through their operations, Blue Cross helps provide hospitals with stable incomes and hospital-supply and drug companies with a stable market. The success of Blue Cross has been challenged recently, however. Blue Cross is allegedly providing less to its subscribers, charging them more, and has priced many low-income persons out of the Blue Cross insurance market. Blue Cross finances only in-patient rather than out-patient hospital care. Since one must be hospitalized to receive Blue Cross benefits, an estimated 20 percent of patients now in hospitals could be treated through other means (such as home care). Some Blue Cross plans have reduced hospitalization coverage by eliminating several benefits previously included. It seems to have been unable to persuade hospitals to adopt stricter cost controls. Under the present arrangement. Blue Cross plans reimburse a hospital for 'reasonable' costs. Yet, such activities as hiring labor lawyers (to prevent unionization of hospital employees), employing public relations men (to create favorable images for bond issues), and purchasing certain medical devices (to enhance hospital prestige) have all been allowed as 'reasonable' cost items for reimbursement.

CONCLUDING REMARKS

Our health crisis results in part (or primarily?) from inefficient organization of the medical-care delivery system. The current system causes inefficiency, and monopoly-type power persists because people are intent on believing the mythology of the present medical syndrome. While this article examines only a few myths, many others exist. In order to deliver quality medical care into the hands of all citizens, rich and poor, black and brown and white, rural and urban, young and old, we must develop some workable means of health delivery, and be willing to organize our medical resources in different ways to be more efficient.

RISING COST OF FOOD

Mr. CURTIS. Mr. President, yesterday, January 16, the Washington, D.C., Evening Star and Daily News carried an editorial calling for a "direct check on prices at the farm level" in order to stem the rising cost of food.

The editorial says that the big trouble with food prices is that—

> Raw farm products, as before, are completely exempt from any kind of guideline application.

It is too bad that in this day of sophisticated economic intelligence a newspaper such as the Evening Star shows such a lack of understanding about the agricultural economy, our food supply, and economic controls.

Certainly, one of the best antidotes to inflation is increased total production and increased productivity per person. The farmers of the country lead the Nation in their increasing productivity per person. If the rest of the economy were as productive as farmers, inflation would be well in hand.

This Nation stands alone in its ability to produce enough food to take care of the poor, feed all of us adequately, still be the world's No. 1 food exporter, and be able to rush to the aid of distressed hungry people in other lands.

Farm food prices have increased in the last year, but the income of farm people is still 20 percent less per person than for nonfarm people. Our citizens get their food for only 16 percent of their take-home pay—and still eat out more and get more built-in coveniences in their food than anywhere else in the world or any other point in time.

If we were to roll back farm food prices, we would be penalizing the most productive part of our economy that has done the most to counteract inflation, and we would be penalizing farm people, whose incomes are 20 percent less than the average for nonfarm people. But far worse, we would be creating scarcities for all consumers at a time when the price of food is sending up signals for farmers to produce still more plentiful supplies.

If we roll back food prices at the farm, then you must have something besides price to ration the available supply. That "something" is rationing. Rationing, short of war, would be one of the most irritating, nonmanageable, unpopular things that could be perpetrated upon the people. Beyond that, it would lead to less production of farm goods, not more.

Again, it is too bad that a newspaper such as the Evening Star does not understand these simple facts of life.

Someone who does understand them is Secretary of Agriculture Earl L. Butz. So that the people might be able to see and reflect on what he said so eloquently on the NBC "Today Show" last week, I wish to insert the following editorial followed by questions and answers from the "Today Show" programs:

There being no objection, the items were ordered to be printed in the Record, as follows:

The Food Gap

Whatever the overall prospect of the "voluntary" Phase Three system to match the anti-inflation effects of the more bureaucratic Phase Two setup, there can be no optimism on one count. This is in the explosive area of food, which last month rose at a fantastic annual rate of 62 percent as a component of the wholesale price index.

It is little comfort that food processing and retailing, under the new phase of the stabilization program, are being kept under the mandatory controls that have been dropped for most of the economy. The big trouble remains that raw farm products, as before, are completely exempt from any kind of guideline application. Increases are just passed through the processing and distribution stages to appear as those horrendous price tags on the supermarket shelves.

The administration is at last showing some worry about the American consumer's runaway food budget, after many months when Agriculture Secretary Butz reacted belligerently to suggestions that some farm prices were getting out of hand. Several measures have been taken to soften the prices of raw farm products by increasing supplies. These involve the removal of import quotas, adjusting subsidy rules to get farmers to plant more acreage, putting stored grain on the market and opening set-aside land for livestock grazing.

These steps are welcome for possible future benefits, even though they are too little and too late to save the consumer from the beating he is taking now at the grocery counter. It will be months before such indirect measures can be expected to have any effect on retail prices. There could be a more immediate benefit from another Phase Three arrangement: The Cost of Living Council will review marketing orders issued by the Agriculture Department, which in the administration of government farm programs has shown its obliviousness to the anti-inflation fight.

President Nixon also has created two more committees—one from the COLC and the other a non-governmental advisory group—to study the food-price problem. With all that, he has not proven his claim that he can or will "check effectively the rising cost of food without damaging the growing prosperity of American farmers."

What is necessary is a direct check on prices at the farm level, despite the objections about complex market forces and fears of shortages, black markets and a need for rationing. The government interferes in the agricultural markets in plenty of other ways, mostly holding down production and propping up prices, and not bothering to coordinate production with its negotiations of massive grain sales to the Soviet Union. With farm income now at a peak, it is time to give the rest of us a break, and incidentally avoid the demolition of public confidence in the stabilization effort.

Transcript: Earl L. Butz, Secretary of Agriculture, Today Show, NBC–TV, January 11, 1973

(Interviewed by Bill Monroe and Irving R. Levine)

We want to talk about food prices now with Secretary of Agriculture Earl Butz, who is also a member of what's being called in Washington the "Super Cabinet." He and a few other cabinet members have been given special status as presidential counselors with assignments that cut across the jurisdiction of other Departments. Secretary Butz is in our Washington Studio with TODAY's Washington editor, Bill Monroe, and NBC correspondent Irving R. Levine who specializes in economic matters. Gentlemen.

Question: Mr. Secretary, before the election you appeared to let out a cheer every time food prices went up on the basis that the farmer needed higher prices. But what about food prices going up more than 5 percent in one month? Are you still cheering?

Secy. Butz: Well, we are all concerned about this rapid increase in food prices last month, Bill, as you well know. I think it's not fair to say that I let out a cheer every time food prices went up. Every time farm prices improved or farm income improved, I cheered.

Question: There is some relationship, is there not?

Secy. Butz: There is some relationship, but let's make this point clear to start with, Bill, that even now farmers only get 40 cents of the consumer's food dollar. The 60 cents goes someplace else, and much of that is for services Mrs. Housewife wants and I think that we ought to chase that 60-cent rabbit sometimes instead of chasing the 40-cent rabbit so hard. We should chase both of them. But Bill, we are concerned about food prices. You know food is an important component in the cost of living index in America and everybody buys food two, three, or four times a week. And I want every food purchaser in America to be kindly disposed to farmers. Our job is to feed them well and feed them economically. And we have taken some overt actions just yesterday, as a matter of fact, after this index came out. We are freeing up the diverted acres for wheat producers; that is, some 15 million more acres that we are bringing back into production for wheat. That will be the spring wheat, and for feed grains, which ultimately are translated into meat and eggs in this country. We are permitting grazing on diverted acres. They will have to take a little reduction in their payment to get the grazing privileges but this is along the line of making more beef available. We are emptying our CCC bins—that's our Commodity Credit Corporation bins—where we have had some feed grains and some wheat stored and we are emptying that just as fast as the transportation situation will absorb it. There is, of course, a shortage of freight cars. We have got to take that into consideration.

Question: In the meantime, for the next several months, is it not a fact that housewives can expect food prices to rise steadily month by month?

Secy. Butz: Well, I don't think they can expect them to rise steadily. There is some indication that they may be a little higher next year than this last year, perhaps three or four percent for the year, and that's a little more than we like to see, of course. On the other hand, let's recognize that food prices are volatile. They don't always stay up as we have seen in the last year. Beef prices hit a high last May. Then they came down for four or five months. And they have gone back up again.

Question: Secretary Butz, the Administration spokesmen, yourself, and others have been saying, well, there are good months and bad months and you have just said that food prices go up and down and yet over the past 6 or 7 months, we have had increases of 5.2 percent, 1.4 percent, 1.8 percent. It has been a steady increase. The figures have been on the upside. Don't you feel that it's time something drastic be done about food prices?

Secy. Butz: Well, I think we have done something drastic here in doing our very best to increase supplies. Now it takes a little while to increase supplies. You can't get a two-year-old steer in much less time than 24 months. It takes about that long. We are trying to do that. But when you say something drastic, Irving, I presume you are talking about price ceilings. Is that what you refer to?

Question: Well, that's one of the things that we talked about.

Secy. Butz: Yes, a lot of people ask, "Why don't you have price ceilings on food products?" And I think there is a very, very valid reason for that. We did have price ceilings on food products in World War II. We had rationing. You had a little red fiber tickets you exchanged for a pound of meat or a pound of sugar as the case may be. We had black markets. We had empty counters. You see, food is a perishable product. When it's in the counter you have to sell it. You can't put it back in the warehouse like you can a refrigerator. Somebody said either you sell it or you smell it. It's a perishable product. And if you want more you can't get more suddenly. It takes another year to get a crop of wheat. We have ample food in this country. Nobody is going hungry. Take beef, as a case, and corn. Beef is a highly desirable food. We are eating twice as much beef per person in America today as we did 20 years ago. We have just so much more purchasing power and so many of us want more beef. This is the basic problem, and we are trying to get more beef.

Question: Well, Mr. Secretary, you speak about the need for increasing the supply. You are releasing certain acreage which the farmers have been paid previously for not using. At the same time we are selling great quantities of wheat and grain to the Soviet Union. Does that make sense?

Secy. Butz: Well, I think it does because, one, we are trying to encourage exports in Agriculture. We are making a contribution this year of nearly $3 billion on the plus side of our balance of payment situation in America, which is negative as you know and it's a serious problem. The feed grains that we are selling to Russia will not result in a shortage of feed grains in this country. We are going to come out of this year with a carryout of approximately 800 million bushels of corn, which is well above the safe side on carryout. In the case of wheat we are going to come out of this marketing year next June 30 with approximately 470 million bushels of wheat, which is just within gunshot of one year's domestic utilization of wheat. We have an adequate supply to safeguard our food supply.

Question: Well, does it make sense to try to improve our balance of payments, which has not, incident*ally*, improved? In fact, it went from a $2 billion deficit to $6 billion in 1972.

Secy. Butz: But Irving, if it had not been for the agricultural exports it might have gone to a deficit of $8 billion.

Question: But even so, is it worth it at the expense of the housewife, at the expense of the food budget?

Secy. Butz: Well, I don't think that this is at the expense of the housewife. After all, as I said, we do have adequate supplies, and we are trying to get to the point where we can bring these reserve acres in agriculture back into production. We have some 60 million acres in reserve and next year, prior to yesterday's announcement, we had plans to bring approximately 20 million acres back into production. Yesterday's announcement brings some more back into production. So I am convinced that we are going to have adequate food supplies in the year ahead. And you say, Will that result in lower prices? It may result in lower unit prices, but I expect our income to our farmers to be improved because of the increased production.

Question: Mr. Secretary, what do you say to George Meany of the AFL/CIO who said yesterday or the day before that in his view the present control system straight-jackets wages but allows an essential part of living costs to go and profits to skyrocket? And he says that the whole thing ought to be made equitable or abandoned.

Secy. Butz: Yes, I read Mr. Meany's statement and I presume that's a valid point of view from where he sits. On the other hand, in the past year the real purchasing power of wages in America has increased. It's been the best increase in several years. And that means, on the average, wages have gone up faster than the cost of living, and we are all delighted to see that and I think that should be clearly put on the record.

Question: His point seems to be that the farmers and the people who make profits are going along faster than the people who make wages, even though they all might be going along at different rates.

Secy. Butz: Well, I presume that may be true, if you take the last two or three months when we had this big increase in farm prices. And let's remember now that much of this increase in farm prices this last month came because of weather conditions in the Midwest. We had this very, very wet fall out there and there are still corn and soybeans in the field. They are harvesting now on frozen ground. This has been a factor in this increase, it seems to me. But if you go back a little further, wages, of course, have gone up substantially faster than food prices have gone up. We started with food prices at a low level when the wage-price freeze came in August 1971, and since then the recovery has been relatively more, but farmers are still not making as much per person as nonfarmers make.

Question: Secretary Butz, aren't you in a sense trying to walk both sides of the road? By that I mean that as Bill Monroe pointed out, you have been telling your constituency, the farmers, that they deserve a higher farm income. At the same time you are part of an Administration that is trying to cut down on government expenditures and we have seen evidence in recent days of your department cutting down on certain programs. How can you reconcile these two attitudes?

Secy. Butz: Yes, this isn't inconsistent or anything even though some people may say it is. Ever since I became Secretary of Agriculture and long before that I have maintained that farmers should get more of their income from the marketplace and get less from government. I want to move American farmers away from dependence on government. Last year we increased the net income of our farmers in America by nearly $3 billion. It was an all-time high. And now the Administration is attempting to reduce the participation of government in agriculture. I think that this is a sound approach and it's supported by many people.

Question: Mr. Secretary, let's get to your "Super Cabinet" status.

Secy. Butz: Let's don't call that "Super Cabinet." We are counselors to the President.

Question: Well, some Cabinet members have been made at least more equal than other Cabinet members in the last few days.

Secy. Butz: I don't feel they are more equal. They have just been given additional responsibility.

Question: Well, you have been made counselor to the President and you have been put in charge of things like resource use, land and minerals, and environment, outdoor recreation, water control, parks and wildlife. Now why wouldn't the Secretary of Interior, who has got a lot to do with all of these things feel a little bit down-graded under these circumstances?

Secy. Butz: Well, I don't think he should because I, too, am a Cabinet member. The function of the Cabinet remains unchanged. We still run our departments. I'm still going to be in charge in Agriculture. The Secretary of Interior in charge there, the Administrator in the Environmental Protection Agency, for example, in charge there. I view these new positions as an attempt to have a focus for coordination, a focus for communication, a focus for decision making in cases of differences of opinion and interests in these various groups. That puts decision making as far back toward the departmental level and the agency level as you can possibly do it and relieves the President and top White House staff of as much responsibility for decision making as can be done.

Question. I gather the way it used to work, the Secretary of Interior, Mr. Morton, for example, if he had a problem and needed to go to the White House, he went to Mr. Erlichman and Mr. Erlichman might or might not go to the President. Under these circumstances there will be certain problems where Mr. Morton will have to go to you and then you will have to go to Mr. Erlichman and Mr. Erlichman would go to the President, so Mr. Morton is down-graded in terms of being farther away from the President.

Secy. Butz. Well, you make it sound complicated, Bill. I think previously we made substantial use of the Domestic Council, and the Domestic Council is still in existence. I view this simply as a mechanism to have a focus for decision making in areas of common interest.

Question. Truly, it gives you more responsibility, Mr. Secretary.

Secy. Butz. Well, I think it does that Irving, and——

Question. But isn't this at the very time that the agricultural situation and food prices require your full attention? You mentioned to me the other day that there are only 24 hours in a day for you to accomplish the things that you have to do and that you are working harder than you ever have before. How are you going to find the time to cope with this serious food problem, with these other responsibilities?

Secy. Butz. Irving, just like you do in the broadcasting business. I have seen you organize your staff when you are sent for a story and you tell your subordinates, "Look, you take care of this, and you take care of this, and report back to me." I have seen you do it.

Question. I have very few subordinates.

Secy. Butz. That's our job here, to organize the staff so you get good, efficient and effective staff work, and you are available for policy.

Question. Mr. Secretary, is Robert Long of the Bank of America in California going to become an Assistant Secretary of Agriculture?

Secy. Butz. Well, Robert Long has been a longtime friend of mine. I regard him very, very highly. He is an extremely capable man and a great agricultural leader.

Question. Has he been offered the job as Assistant Secretary of Agriculture?

Secy. Butz. I havn't seen the morning papers yet, Bill.

Question. Has he accetped the job?

Secy. Butz. I haven't seen what is in the morning papers yet.

Question. You are denying nothing?

Secy. Butz. I am simply saying I haven't read the morning papers yet. I will have a look.

Monroe. Thank you very much, Mr. Secretary, for being with us this morning. Thank you, Irving R. Levine. Now back to Frank in New York.

UKRAINIAN INDEPENDENCE DAY

Mr. WILLIAMS. Mr. President, I wish to join my colleagues in honoring January 22, the 55th anniversary of Ukrainian liberation from Russia and the beginning of a "free and sovereign" State.

Through the nearly 300 years of foreign dominance, the people of the Ukraine continually struggled to be free. When their oppressors became involved in their own revolution in 1918, the Ukrainian patriots seized the opportunity for freeing themselves from this suppression and proclaiming their independence. The Ukrainian people had long awaited this independence, and were well deserving of its advantages and benefits.

However, the next 3 years brought for these proud people great strife and suffering. In addition to the constant invasions by outside forces from all sides of this tiny nation, internal fighting and disorder prevented the anticipated calm and enjoyment of liberation. The Ukrainian National Republic struggled remarkably for peace and serenity, but by late 1920, lost the battle for survival, as the strong and more powerful Russian military forces captured the Republic and divided the nation between Soviet and Polish powers.

Today, Ukraine, the largest "non-Russian" nation in Eastern Europe, is still under Russian rule. For more than 50 years that country has been shut off from the rest of the world, forbidden self-determination and self-control. Her continued desire for independence has the sympathy of all free nations.

It is, therefore, especially appropriate that in honoring the 55th anniversary of Ukrainian independence, we, in the United States, honor the people of the Ukraine and their commitment to a democratic way of life.

SIX DAYS IN CCCP

Mr. HANSEN. Mr. President, it is noteworthy that more and more Americans are visiting Russia and that their visits are helping to educate our people about each other's system of government.

Mr. Byron Hirst, one of Wyoming's outstanding lawyers, visited Russia recently and has been good enough to present his observations in a number of talks in Cheyenne, his home city.

Because I think what Mr. Hirst has to say sheds significant light on the Russian system, I am using this means to call it to the attention of my colleagues and other interested persons.

Mr. President, I ask unanimous consent that Byron Hirst's speech entitled "Six Days in CCCP." be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SIX DAYS IN CCCP

(By Byron Hirst)

The USSR now welcomes visitors from everywhere in the world to show that their materialistic and atheist system provides the greatest good for the greatest number. Ninety per cent of the Soviet Union in fact is closed to visitors, much of what is revealed may not be especially attractive to a U.S. citizen, but, on the other hand, seem utopian to a native of a misgoverned, exploited, impoverished or undeveloped country.

When our plane from Vienna landed about 300 of us entered the Moscow Customs Building. About one-third were promptly processed as Holding Soviet passports or as a part of a pre-processed group. The rest of us eventually found a customs declaration in a language we could understand and formed a long queue. Officials compared us to the photographs on our visas. Magazines and printed matter, including sales brochures carried by businessmen, were inspected with particularity. Magazines even faintly resembling Playboy were confiscated on the spot as pornographic, It seeming to me that the inspectors found it necessary to jointly examine this type of literature before making this important decision. About fifteen minutes extra time were needed for the authorities to pass persons bringing any literature with them.

As this queue slowly moved, new planes arrived, most of them filled with group travelers. Led by an Intourist group leader, these groups immediately were admitted at the front of the line, they having been prescreened at or before arrival.

No Russian travels very far alone. He applies for a trip through his labor union and when a group expedition is organized, he travels under the supervision of an Intourist guide who makes all arrangements and who explains everything. Any Russian traveling alone is suspect and any foreigner who travels alone is a curiosity.

When my wife and I cleared customs, the examination of our own two hand bags being quite perfunctory, an Intourist agent met us, greeted us politely in English, told us we were assigned to the Russia Hotel, called a driver and instructed him in Russian, who then drove us down the same highway TV showed President Nixon traverse a few months ago.

We arrived while the Supreme Soviet was in session, a congress seating members from fifteen republics, 170 ethnic groups and speaking 200 different dialects. They came from 8.6 million square miles covering one-sixth of the earth's surface, an area about 3,000 miles by 6,000 miles and supporting 240 million people. A majority of these 1,500 Soviet members, plus tourists and businessmen holding deluxe reservations from all over the world were lodged at our 3,000 suite hotel, the Russia, located just across Red Square from the Kremlin. We were assigned a two room suite directly opposite the desk of the hall porter, a large smiling Ukrainian who spoke Russian and German and absolutely no English. When I asked her a question she would telephone someone in the lobby and I would tell that one and that one would tell her and I would get the message the same way. It is my conclusion that all Soviets assigned to Intourist and its hotels at least understood and probably spoke some English; however, the authorities were not sure enough of most of them to permit them to carry on conversations with foreigners and so they did not speak any English. Both of our rooms were quite obviously bugged electronically. The accommodations were new, modern and clean. There is one television broadcasting station in Moscow and we received its programs on a black and white set which rendered a barely adequate picture and sound. The programs I saw showed scenes of the countryside accompanied by good classical or traditional music, some showings of economic activities, sports and news.

Tourists have first choice of the best seats at eleven Moscow theaters and two circuses, each presenting a new performance every evening, such as Tchaikovsky's *Swan Lake*, Gounod's opera *Faust*, Chekov's play *The Three Sisters*, Shakespeare's *Anthony and Cleopatra*, Molnar's *Lilliam*, *My Fair Lady*, and, concerts by Russian and foreign artists and orchestras. Modern experimental music, four letter word plays, girly shows, public gambling, pornography, prostitution and other city vices are not permitted in Moscow.

We decided to see the Bolshoi version of *Madam Butterfly* one night and a ballet called *Asel* the next. We walked from our hotel along Red Square, thence past the Parisian style show windows of the GUM department store, thence along several broad avenues among thousands of workers walking to their homes or to the subways, and we to the Bolshoi theater, a beautiful example of paladio architecture, topped by four grand bronze horses and a chariot (the original of which was taken by Napoleon to top his triumph arch in the Louvre Gardens in Paris.) The performances seemed to me to be very good. Our seats were excellent.

At intermissions, champagne, scotch, vodka, caviar, sausages, cheese, bread, fruit and so forth were available in large quantities and at low prices. All theatre attendants were courteous and efficient and accommodating. Most of the crowd appeared to be local residents of Moscow.

When we walked the two miles back to our hotel from the Bolshoi it was late, dark, deserted, silent and absolutely safe.

We later saw throughout Moscow and Leningrad dozens of smaller theaters at which we were told performances by amateurs were in preparation and presentation constantly. These "amateur" theaters provide the talent which finally becomes a part of the professional theater. An amateur must limit his artistic activities to his spare time; when an amateur becomes a professional he is paid a salary as an artist full time. Athletes as well as artists are developed in Russia according to this system.

Intourist also advertised tasting of national food and wines at Moscow restaurants—which we declined, saving our palates for Denmark and Paris.

Intourist also advocated

"tours of Moscow and excursions to its museums and exhibitions.

A visit to the Lenin Museum affords a deep insight into the life and work of the founder of the world's first socialist state.

For closer acquaintance with the latest Soviet progress in industry, agriculture, science, education and public health visit the U.S.S.R. Economic Achievements Exhibition.

Magnificent collections of Russian and foreign representational art can be seen at the Kremlin, the Tretyakov Gallery, the Pushkin Museum of Fine Arts and the Andrei Rublev Museum."

We had been advised of the futility of becoming involved in political, ideological or economic matters in the Soviet because of irreconcileable points of view. So we let it be known that we sympathetically were interested in the arts and the improvement of the lot of the mass of Russians since 1917.

No Russian owns his residence. He is assigned a certain number of square feet of floor space based upon the number of people in his family and at a location assigned by the state. He cannot change his address without making an application to do so, and, he cannot travel very far without a permit. A traveler in Russia must have assigned to him beforehand a hotel or place of residence for every day that he will be in Russia. He must come when his Visa says that he will come and he must leave when his visa says that he will go and he must go by the routes specified ahead of time. Any traveler found without a hotel or without a visa is placed in an in-transit hotel with very limited facilities and he must stay there often for a week or more, until he has been deported or proper arrangements can be made.

Every public building provides a free check room and everyone is expected to use it. The checkroom people appeared to me to take careful note of everyone who checked in and who checked out of every restaurant, theater, museum or other public place.

Anyone who values time must have a car at his disposal at all times in Moscow. At dinner two West Germans trying to sell John Deere products and two Englishmen trying to sell Uniroyal products told us of their experience with transportation.

They had been dropped off at a distant restaurant by an Intourist car. They were told how to get a taxi to return and when they reported at the proper place they found a long queue waiting for assignment of a taxi cab. There were six taxi cabs at the curb but nothing was moving. They spotted a cab coming down the street and ran out and leaped in. The driver said something in Russian and they kept saying Hotel Russia, Hotel Russia and he started ahead. After a few feet, the police were there. It developed that regulations did not permit any taxi cab to leave this point until there were six more and up to that point there had only been five more. This particular cab was supposed to join the end of the queue of cabs. Finally the matter was settled by the policeman fining the cab driver two rubles for driving as far as he did after they got in; then the police walked away and the cab driver drove the foreigners off to the Hotel Russia. If they had shown a deluxe travel folder they could have gone to the head of the queue.

Only workers, urban and rural, populate Russia today. The traditional holders of special privileges, the bourgeoisie are no more. The Soviets try to treat everyone exactly the same. Everyone has the same personal rights and duties as carefully described, interpreted and enforced by the state.

An American must readjust his thinking to comprehend a country where everyone is a government employee. All property, except a few personal effects per individual, is owned by the state and controlled by the state bureaucracy. Every person is employed by government at a fixed salary and legally there can be no commissions, bonuses, profits, dividends or capital gains whatsoever. All workers are entitled to free public health services, paid vacations, sickness insurance and liberal pensions at 60 for men and 55 for women. 35,000,000 Russians are living on pensions. If a Russian plays ball with the state and does his job reasonably well, he has absolute security.

It appeared to me that the Russian bureaucracy enjoys itself, does not establish too high standards of performance for itself, and tolerates a good deal of gold bricking.

No one person makes independent decisions about anything. Policies and permissible commitments are decided by committees and instructions are issued and followed in accordance therewith. Any problem not covered is referred to the committee for instructions. The foreign businessman finds this especially frustrating.

Because of a letter by Stan Hathaway, we were invited by one of his friends to the American Embassy in Moscow. Some of the background in this paper was obtained there. During our conversation at lunch, a man sat behind our host's back making careful notes. By merest chance, we returned to the Russia *Hotel* in the super sized Mercedes of the American Embassy. Thereafter, our Intourist guide in Moscow was an extremely intelligent and personable young woman whose mother was a school teacher, whose husband was an engineer and whose father was an engineer. She was a student of English and hoping to become an official English interpreter. We believe that Intourist was convinced that we wanted to try to understand the Russian system of life and they assigned us this hardheaded young lady with the romantic name, Laura. She took us where we wanted to go and knew what there was to know.

Laura took us to an ancient monastery and fortress which at one time guarded the approaches to Moscow. Sophia's Convent Church obviously was conducting a service as we were leaving. When I indicated that it would be interesting Laura made other suggestions and it seemed that she would lose some brownie points if we went into a church with her so we didn't go. In answer to a direct question she repeated carefully Soviet religious ideology something to this effect. "The Russian state is dedicated to atheistic materialism. However, Soviet citizens have complete religious freedom. No records are kept any place of church membership or non-membership and religion is a matter for personal conviction. Although the exact number is not known, the government reliably estimates that 85% are dedicated atheists and perhaps 15% are not." We both dropped the discussion.

Laura took us through a grand palace made almost entirely of wood and finished by serfs to appear to be made of stone, marble and metal. There was a theater with many of the costumes, marvelous mechanical scenes and scene shifting devices still intact. The noble lord and his guests were seated below the stage to witness the performances and in boxes around the edge. After the performance, the entire platform was raised to make single ballroom floor. All of the actors, actresses, singers, stage hands and some of the audience were serfs trained by this nobleman. During performances, all of the serfs of the estate were permitted to watch from concealed galleries. These serfs became famous for their artistic abilities, their learning from the schooling provided by teachers at the estate and manners and costumes. When Alexander I signed the order freeing the serfs of all Russia, he came to this palace to do so and the desk now is shown where he performed this act. To Laura, I said, doesn't this show that not all of the aristocrats regarded serfs as sub-human? She said that this aristocrat was like all aristocrats and he hated serfs. I suggested that he certainly had their best interests in mind in educating them, and so forth. She responded "He trained them for his own satisfaction, as one trains animals. But he made a mistake, he educated his executioners." The Soviet system is not going to make the same mistake.

The revolution was made by dissident intellectuals. Such deviation now is not tolerated because its dangers have been proven.

The Soviet system of survellience and spying is pervasive and obvious and includes everyone, natives, as well as foreigners. They want all to know that it is in effect and that it is working. There is no privacy in Russia and it isn't intended that there will be any. Not only Laura, but everyone else in Intourist seemed to have in mind when dealing with us exactly what the conversation was we had at the American Embassy with the people there and our subsequent conversations with Intourist people.

At the Embassy the U.S. tourists were estimated at 20,000 in 1970, 30,000 in 1971 and 50,000 in 1972. Laura brought up the subject and said their information was 80,000 U.S. tourists in 1972. For another example, at the Embassy I had inquired about the possibility of some of my White Russian friends returning to Russia. The Embassy said that they no doubt would be killed because six had suffered the death penalty in 1972 who had been foolhardy enough to return. The second night we were at the Bolshoi Theater a pleasant elderly lady sat next to my wife and engaged her in conversation to the effect that she was a White Russian educated in a Romanoff Imperial school. She said she was under an assumed name and had returned to visit her old school and hoped nobody caught her. When we left she tried to get us to join her in her motor vehicle to return us to our hotel. We walked alone. Obviously, if this woman's claims had been true, she certainly would not have said so to perfect strangers.

When we were in Leningrad I encountered Jack Pomeroy who was the contractor who built the steel plant at Atlantic City, Wyoming. We chatted several times about this and that. When I wanted to go to the circus in the evening and could not get a car a voice in the back of the Intourist Room said why don't you talk to your friend Mr. Pomeroy because he is going tonight and he has room enough in his car to take you, I am sure. How they knew I knew Pomeroy, I do not know. Our conversations had been at a snack bar on the fourth floor of the hotel.

On the fourth day, Intourist placed us on a day train to Leningrad. It was not a first class train and our seats were against a blank wall in a car which moved backwards all the way. The journey took nine hours and made eight or ten stops. The only person speaking English on that train that I could find was a member of the Burmese Embassy who was trying to find some Burmese dancers who were supposed to be dancing in Leningrad. I stood at the rear of the car and looked out both windows all the way except when I went on the platforms during stops. The roadway was smooth and this train functioned perfectly although it had a lot of use from being booked full as it was that day.

The passengers obviously were ordinary Russians going about their usual activities. They all recognized me immediately for what I was and they were kind, friendly and helpful to me in obtaining something to eat and showing how to use the facilities of this train. However, communication is elementary with people speaking only Russian. The countryside is as described in the Russian novels, a broad plain intermittently being birch and other forests and meadows and fields. The railroad right-of-way was neat and clean and grazed by various little groups of livestock in charge of persons living along the tracks in huts who also apparently were charged with the responsibility of picking up any litter. Miles and miles of former estates still were fenced in a peculiar sort of concrete precast fencing material. The fields seemed to have been well tilled and I saw a good deal of farm machinery of elementary design. During that entire nine hours I saw only one automobile and only one bus. There were some horses and other animals and about a dozen motorcycles. There really were not in fact any roads for vehicles to travel on, but only pathways that weren't graded and looked as if they would be slippery and impassable for vehicles when wet. In the distance I saw small factories and apparently the people walked several miles to their work and back. The people in the villages were warmly and comfortably dressed although certainly not fashionably. They seemed to be cheerful and looked at the train and the passengers and the loading and unloading with interest. In every village one could detect some attempts at modernization. On the whole, however, the villages, people and countryside seemed to me to be primitive and according to my concept of what the United States must have been early in the seventeenth century.

The food served on the platforms at the stations and at a snack bar in one car several down from ours was plentiful and cheap.

At the Embassy I had been told that they believed that most of Russia was closed to visitors because the Russians were unwilling that its primitive condition be observed generally, progress in many areas having only reached the point of preventing starvation during crop failure, providing education and organization of the population for useful work. Modernization and improvement beyond this simply has not progressed very far throughout most of Russia, and Russians just don't want people to know any more about this than necessary.

When our train stopped at the Leningrad railroad station, an Intourist representative came to my seat, introduced himself, produced a baggage handler and asked me to follow him. The baggage was placed in a car and we got in and were driven to the Leningrad Hotel. This is an ultra-modern building dramatically located on the Baltic and views the winter palace and the beautiful shore line for which Leningrad is famous. Our suite consisted of five or six rooms, all beautifully decorated in Swedish modern, having a view of the Baltic from every room and the activities thereon including the great hydrofoil. The public rooms were beautiful and well staffed. One of the downstairs wings was a nightclub where we spent several evenings listening to a good American style orchestra playing U.S. music in a style somewhere between Stan Kenton and Lawrence Welk. The Leningrad crowd was livelier and happier and included about five per cent young long-haired people. The long hairs were seated far from the dance floor but they were tolerated. The dancing was about what one would expect to witness in Los Angeles or London or Paris and was continuing when we left after midnight.

Vladimir, our Intourist guide in Leningrad was an intelligent young man, a student of English literature, who took up our education where Laura had left off. He seemed to speak and act with a bit more authority than our other Intourist contacts. He insisted to the caretakers of the various museums and places we attended that we were sympathetic Americans and we received the same treatment as anyone, but much sooner. He took us through back streets and old fashioned areas which are not generally on view, I would say, such as to the Dostoevski Museum located in a factory neighborhood where thousands of workers were crowded into ancient living quarters rather closely in juxtaposition.

The Heritage, the Romanoff winter palace in Leningrad, is one of the outstanding exhibitions of artistic achievement in the entire world. The Russian aristocrat spent money grandly and bought the finest paintings from all of Europe and they are now in the Heritage. There one sees dozens of the great masters hanging side by side whereas in the great museums of Paris, London, New York, Vienna one would be lucky to find two or three. There are more French impressionists hung in the Heritage than in all of Paris including the Orangerie; there are more Turners in the Heritage than there are in all of England; there are more of the great Dutch painters in the Heritage than there are in any museum in the world; and, the same applies to the renaissance, Italian and other artists.

Katherine's Palace and Prince Paul's Palace are astounding buildings constructed at enormous expense by foreign architects using the Russian serf as a builder. These two have been almost completely restored after the destruction by Napoleon, the revolution and Hitler. The Russians now feel they can be proud of these achievements because the builders actually were Russian serfs and because they presently have trained workers to imitate or restore what has been destroyed.

Russia is an open plain, without natural boundaries or defenses, which has invited invasion throughout history. By natural selection the Russian people are strong, independent and willful. They are survivors of centuries of intermittant but frequent starvation because of crop failures and occupations by dozens of foreign powers, the last occupation being by Ghengis Khan and his mongol successors for 400 years. Rebellious barons and bandit chiefs fought among themselves and raided their own people for centuries until Ivan The Terrible made a nation. Not until 1721 was Peter The Great able to establish the empire and thereafter the Russian people suffered 300 years of Romanoff domination. People get the kind of government they deserve. The Soviet man is wild and unrestrained by nature and as a people they must be driven to consensus—it is contrary to their nature to seek it. So long as the Romanoffs were tough and ruthless, they ruled. The requirements for the prolitariat are the same and they know it. No signs were apparent to me of any serious threat to the entrenched position of the communist bureaucracy.

In closing, I tip my hat to a final display of the Russian system. We had cleared customs, changed our rubles and were in the center of a crowd of at least 100 standing shoulder to shoulder. A strange man came through the crowd to me, said "Mr. Hirst, please follow me," and led my wife and me alone through visa exit exam and out to the plane to Copenhagen.

PROPOSED CANCELLATION OF THE 1973 RURAL ENVIRONMENTAL ASSISTANCE PROGRAM

Mr. ROBERT C. BYRD. Mr. President, I want to voice my strong objections to the recently announced proposal of the Department of Agriculture to cancel the 1973 rural environmental assistance program—REAP.

Every year for the past several years, for reasons which I fail to understand, REAP or its forerunner, the agricultural conservation program—ACP—has been a favorite "whipping boy" of the Office of Management and Budget in annual efforts to curtail Federal expenditures. Last year, the budget proposed to reduce this program from its 1972 funding level of $195.5 million to $140 million. The House of Representatives passed an agricultural appropriations bill for fiscal year 1973 continuing the program at the $195.5 million level. However, in the Senate Appropriations Subcommittee on Agriculture, of which I am a member, we raised this program to the $225-million level which was the amount finally adopted by the conference committee and enacted into law.

Last fall, Department of Agriculture officials announced that they would only spend $140 million for this program. Then shortly thereafter the Department announced that the program would be discontinued altogether. I believe this was an unwise and shortsighted decision on the part of the Office of Management and Budget. And that, of course, is exactly where the proposal to discontinue this program has always originated. Officials testifying before the Appropriations Committee have confirmed that fact year after year.

The small farms in the State of West Virginia cannot participate in most federally sponsored agricultural programs to their advantage. REAP is the one program which they can and do use. REAP was first authorized in 1936, and since that time, it has made an important contribution toward the improvement of our natural environment by helping to protect million of acres from erosion damage, fostering improvements such as farm ponds, promoting better care of farm forests, and acting to reduce stream pollution from animal wastes, sediment, and other agricultural materials. This program has been the principal channel through which the Federal Government, in the national interest, shared with farmers and ranchers the cost of carrying out approved soil, water, woodland, and wildlife conservation and pollution abatement practices on their land.

Even though Congress has enacted many needed environmental bills in recent years, I feel that this program is the original environmental bill enacted by the Congress, and it has been quietly, but steadily, working to improve our environment since it was first authorized in 1936. I think that certain officials in the Office of Management and Budget, and perhaps even some of our urban public, should realize that this program originated as a national concern over man's relation to his environment and it has operated since its inception to improve it. Much of the interest in pollution, ecology, and preservation of the earth's resources is recent. However, to people who have followed and participated in the REAP and predecessor programs, it is "old stuff."

Despite the recent and deserved emphasis on America's industrial and sewage pollution, every study to date has shown that it is soil runoff, and not the other pollutants, which causes the most water pollution each year. Groundcovers and other plantings established under REAP sponsorship have contributed immeasurably toward preventing further pollution of this Nation's waterways and ocean basins by the world's worst pollutant: soil. It has been established that soil runoff causes a pollution of our streams which is 700 times greater than the worst of our sewage pollution.

While many of our Federal programs are eaten up by the high costs of administration, I think we should be aware that most of the funds appropriated for REAP go into conservation activities, and those funds are matched by the farmers themselves on a basis ranging from 30 to 70 percent. Additionally, the farmers contribute their labor and their time to implement the recommended practices and to subsequently manage them. Over 9,000 county committeemen and 100,000 community committeemen are elected by farmers nationwide in over 3,000 counties and they are the representatives who administer this program on the local level.

In my own State of West Virginia, 10,970 farmers participated in this program in 1971 and received Federal payments of $1,130,000. In 1972, 13,000 farmers participated and received payments of $1,456,000. In 1973 at the reduced level of $140 million which was announced, it is estimated that 10,000 West Virginia farmers would have participated in REAP; and they would have received payments totaling $1,043,000.

Mr. President, in the session of Congress which is now in session, I will do everything I can to have this important program reinstated and to urge the administration to release funds for the 1973 program. As a member of the Agricultural Appropriations Subcommittee, I shall also urge that the advance authorization for this program for 1974 is continued at the 1973 congressionally funded level of $225 million.

Toward this objective, I have sent a telegram to the President of the United States urging release of the 1973 funds. I ask unanimous consent that the text of that telegram be printed in the Record at this point.

There being no objection, the telegram was ordered to be printed in the Record, as follows:

The President
The White House
Washington, D.C.

Dear Mr. President: I wish to urge that the $225 million authorized for the 1973 Rural Environmental Assistance Program be released, and the authorization be included in your F.Y. 1974 Budget for continuation of REAP at the 1973 authorization level.

Since 1936, when this program was first authorized, it has proved to be one of the most effective anti-pollution programs of the Federal Government. It is cost shared and, on the average, matched by the farmer on a one-for-one basis.

Presently, REAP has a major role in meeting the Department of Agriculture's overall resource conservation and environmental responsibilities, and it has directly contributed to assuring that this nation has an adequate supply of clean water and an improved ecological balance.

This is one of the few federally sponsored agricultural programs in which the small farmers of West Virginia can participate. In view of the fact that past history has shown that small farmers in states like West Virginia are not financially able to carry out these important conservation and anti-pollution measures without federal assistance, I urge immediate restoration of REAP."

Sincerely yours,

Robert C. Byrd,
U.S. Senator.

Mr. ROBERT C. BYRD. Mr. President, the Pendleton Times of January 11, 1973, which is published in Pendleton County, W. Va., contained an excellent front page article entitled "Popular Farm Program is Canceled" and an editorial entitled "We Need REAP." I think that both of these articles are timely and include good reasons for continuation of this program. I ask that they be printed in the Record at this point.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Popular Farm Program Is Canceled—Will Hurt Many County Farmers

Acting on orders from White House budget officials, the Agriculture Department has abruptly announced elimination of two popular conservation programs that Congress had earmarked for $235.5 million in spending in 1973.

The surprise cutoff was described as part of a governmentwide crackdown on federal programs that "can be reduced or eliminated without serious economic consequences," in a drive to hold total federal spending in the current budget year to $250 billion.

The major victim of the spending crackdown was the 36-year-old Rural Environmental Assistance Program, or REAP. Under the program, Congress had approved spending $225.5 million in 1973 and the Agriculture Department had allocated part of it—$140 million—for use.

In addition to REAP, officials said they also halted further contracting with farmers, as of December 29, under the year-old Water

Bank Program. New contracting up to $10 million had been planned for that program next year.

REAP, long popular with Congress and farmers, offers land owners annual payments covering part of the cost of installing approved conservation and pollution-control projects. The water bank offered 10-year contracts for protection of wetlands for migratory waterfowl.

Some of the practices included in the REAP program in Pendleton County are providing lime and fertilizer for pasture and meadow land, establishing and improving permanent vegetative cover, developing facilities for livestock water, water impoundment reservoirs, diversion ditches, field drain tile, animal waste storage and management practices, improving stand of forest trees, wildlife conservation practices, and others.

John D. Heavner, chairman of the Pendleton County ASCS county committee, said yesterday that approximately 225 farms participate in the REAP program each year.

Heavner said county farmers received $37,943 in REAP funds last year, and that $27,518 already had been set up for Pendleton County for 1973. A total of $1,043,000 had been earmarked for REAP practices in West Virginia in 1973 prior to the recent termination of the program.

Administration officials have frequently tried to curb REAP's spending, and had proposed complete elimination of the program in 1971. In all past cases, however, farm and congressional pressure had forced at least partial funding of the program.

The Agriculture Department said in a statement that farm income supplements provided by the two cancelled programs aren't necessary because farm income will reach a record level this year.

"In view of this, and because of the general acceptance and profitability of certain (conservation) practices, it is believed farmers will continue to implement a significant number of them without supplemental income from the federal government."

Heavner questioned this statement saying that many farmers likely will suspend the REAP practices and use their funds for more profitable practices.

Heavner said cancellation of the REAP program is a serious blow to the farmers of Pendleton County.

WE NEED REAP

In an effort to hold down government spending, President Nixon has cancelled one of the most popular and helpful agricultural programs available to the small farmer of this nation. On orders from the White House, the Rural Environmental Assistance Program (REAP) was cancelled by the Department of Agriculture two weeks ago.

This program, and its predecessor, the Agricultural Conservation Program (ACP), for 36 years has assisted farmers in projects to retard soil erosion and prevent water pollution through a cost sharing program administered by the Agricultural Stabilization and Conservation Service (ASCS). This is the program which has enabled Pendleton County farmers to build up their farms through the use of lime and fertilizer, the construction of farm ponds, field drain tile, diversion ditches and animal waste storage facilities and utilization of other conservation practices such as stripcropping and planting trees.

These practices have enabled small farmers to make their farms more productive and thus boost their income, and at the same time, they are helping conserve the soil and water for use by future generations.

The REAP program has been highly successful in accomplishing its purpose at minimum cost. Many government programs consume almost as much money in their administration as is used in the accomplishment of the purpose for which they were created. Not so with REAP. It is administered by the ASCS and committees of local farmers elected to direct the program. Almost all the money appropriated for REAP actually is used in the conservation practices which the program is intended to foster.

The announcement by the Agriculture Department that farmers no longer need the program because farm income is at an all-time high is highly misleading. Although farm income may be higher than in the past, it still is lagging far below income in other segments of the economy. If it is necessary to cut a farm program, it is unfortunate that a program like REAP which benefits the small, family size farm gets the axe rather than a program like the feed grain program which primarily benefits the large and wealthey farmers of the midwest.

We believe the REAP program means too much to the small farmer who is struggling to earn a livelihood to give it up without a fight. We suggest that those who agree with us write your congressmen and senators and tell them so. It will only be through the efforts of congress that the program now can be saved.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LAWRENCE SPIVAK—25 YEARS OF "MEET THE PRESS"

Mr. ROBERT C. BYRD. Mr. President, last November, NBC's "Meet the Press," the longest-running program in the history of television, marked its 25th anniversary. And last evening I attended a reception that commemorated the program and honored its producer-regular panel member, Lawrence Spivak.

It is difficult—in fact, it is impossible—to separate the program from its producer. One cannot honor "Meet the Press" without paying a like honor to Mr. Spivak, for it was he who pioneered the press conference of the air.

Mr. Spivak brought "Meet the Press" to radio in 1945, and to television 2 years later. Since that time, it has continually brought public officials and the general public closer together through the broadcast media; and it has made significant contributions to the free flow of information and ideas in our society.

Both the program and its producer deserve all the accolades they have received over the past quarter-century, and Mr. Spivak deserves special praise for making certain that his program has always adhered to the highest principles of American journalism. He has proved to be a most worthy Keeper of the Gates in the field of communications—perhaps because he has spent his entire life in that field.

Before he pioneered the broadcast press conference, Lawrence Spivak pioneered the publishing of paperback books. Perhaps not everyone is aware of the fact that he was the founder and publisher of Ellery Queen's Mystery Magazine and Fantasy and Science Fiction. Of course, he is better known as the editor-publisher of American Mercury.

It was as a promotion for that last magazine that he originally began "Meet the Press." But the almost immediate success of the program convinced him of the news potential of the broadcast media. His work in developing that potential went a long way toward making television a serious news medium.

Mr. President, I very much enjoyed the opportunity last evening to congratulate Mr. Spivak on the 25th anniversary of "Meet the Press," and I want to take this opportunity to publicly extend my congratulations.

ORDER FOR RECOGNITION OF SENATOR ROBERT C. BYRD ON TUESDAY, JANUARY 23, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Tuesday next, immediately following the remarks of the distinguished Senator from Georgia (Mr. TALMADGE), the junior Senator from West Virginia (Mr. ROBERT C. BYRD) be recognized for not to exceed 15 minutes.

THE PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for Saturday is as follows:

The Senate will convene at 10:30 a.m. Following the recognition of the two leaders or their designees under the standing order, there will be a period for the transaction of routine morning business not to extend beyond 10:45 a.m., with statements limited therein to 3 minutes.

At the conclusion of the period for the transaction of routine morning business on Saturday—10:45 a.m.—the Senate will stand in adjournment until 12 o'clock meridian Tuesday next. At the conclusion of the period for the transaction of routine morning business and after adjournment on Saturday, the Senators will gather in a body and proceed to the ceremony marking the inauguration of the President and the Vice President of the United States. The Senate will not reconvene following the inauguration.

Mr. President, on Tuesday next, for the information of Senators, the Senate will convene at 12 o'clock meridian.

Following the remarks of the two leaders or their designees under the standing order, the distinguished Senior Senator from Maine (Mr. MUSKIE) will be recognized for not to exceed 15 minutes, to be followed by the distinguished senior Senator from Georgia (Mr. TALMADGE) for not to exceed 15 minutes, to be followed by the junior Senator from West Virginia (Mr. ROBERT C. BYRD) for not to exceed 15 minutes.

There will then be a period for the transaction of routine morning business for not to exceed 45 minutes with statements limited therein to 5 minutes.

It is intended by the leadership on Tuesday next to call up nominations on the executive calendar, namely those of Mr. Elliot Richardson, Mr. William P. Clements, Jr., and Mr. James R. Schlesinger.

I would anticipate there will be some discussion and possibly a rollcall vote or rollcall votes on one or more of those nominations. I cannot say with absolute assurance that there will be such votes. However, I think it would be well to anticipate them and that Senators schedule their day accordingly.

ADJOURNMENT TO SATURDAY, JANUARY 20, 1973, AT 10:30 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10:30 a.m. Saturday next.

The motion was agreed to; and at 2:48 p.m. the Senate adjourned until Saturday, January 20, 1973, at 10:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 18, 1973:

DEPARTMENT OF COMMERCE

Frederick B. Dent, of South Carolina, to be Secretary of Commerce.

DEPARTMENT OF TRANSPORTATION

Claude S. Brinegar, of California, to be Secretary of Transportation.

Egil Krogh, Jr., of Washington, to be Under Secretary of Transportation.

DEPARTMENT OF THE INTERIOR

John C. Whitaker, of Maryland, to be Under Secretary of the Interior.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Frank C. Carlucci, of Pennsylvania, to be Under Secretary of Health, Education, and Welfare.

HOUSE OF REPRESENTATIVES—*Thursday, January 18, 1973*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Unto Thee, O Lord, do I lift up my soul.—Psalm 25: 1.

O Thou eternal and gracious God, make us receptive to Thy spirit and responsive to Thy love as we seek diligently to find ways to lead our people in the paths of peace and justice and good will.

We acknowledge that at times our efforts to build a better order of life seem so futile and our endeavors so fruitless. Inspire these Representatives with Thy great spirit that they may now and always labor to do that which is good for our Nation, generous for our people, and genuine in establishing peace in our world.

Grant that amid the persistance of perplexing problems we may seek to make Thy will our will, Thy way our way, Thy love our love, and Thy life our life.

In the spirit of Him who is the way, the truth, and the life—we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the amendment of the House to an amendment of the Senate to a joint resolution of the House of the following title:

H.J. Res. 1. Joint resolution extending the time within which the President may transmit the budget message and the Economic Report to the Congress and extending the time within which the Joint Economic Committee shall file its report.

The message also announced that the Vice President, pursuant to Public Law 84-944, appointed Mr. BAKER and Mr. DOMENICI to the Senate Office Building Commission.

The message also announced that the Vice President, pursuant to section 1024 of title 15, United States Code, appointed Mr. SCHWEIKER as a member on the part of the Senate, of the Joint Economic Committee.

The message also announced that the Vice President, pursuant to Public Law 91-510, appointed Mr. TAFT and Mr. WEICKER as members of the Joint Committee on Congressional Operations in lieu of Mr. CASE and Mr. SCHWEIKER, resigned.

ADJOURNMENT UNTIL 10:30 A.M. SATURDAY, JANUARY 20, 1973, AND FROM SATURDAY UNTIL MONDAY, JANUARY 22, 1973

Mr. O'NEILL. Mr. Speaker, I offer a resolution (H. Res. 138) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 138

Resolved, That when the House adjourns on Thursday, January 18, 1973, it stand adjourned until 10:30 a.m., Saturday, January 20, 1973; that upon convening at that hour the House proceed to the east front of the Capitol for the purpose of attending the inaugural ceremonies of the President and Vice President of the United States; and that upon the conclusion of the ceremonies the House stand adjourned until Monday, January 22, 1973.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORITY FOR SPEAKER TO DECLARE RECESS ON MONDAY, JANUARY 22, 1973, TO RECEIVE APOLLO 17 ASTRONAUTS

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that it may be in order at any time on Monday, January 22, 1973, for the Speaker to declare a recess for the purpose of receiving in this Chamber the Apollo 17 astronauts.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute, to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent to proceed for 1 minute for the purpose of asking the distinguished majority leader what the program for the rest of this week will be, if any, and the schedule for next week.

Mr. O'NEILL. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the distinguished majority leader, the gentleman from Massachusetts.

Mr. O'NEILL. Mr. Speaker, I have requested this time for the purpose of making a statement to my colleagues.

Mr. Speaker, I desire to alert my colleagues that when we adjourn today, we will meet on Saturday at 10:30 o'clock. I urge all the Members to be here promptly because the procession for Members of the House will leave in a body promptly at 10:35 a.m., so that the inaugural exercises on the platform at the east front might start precisely at 11 o'clock. There will be no opportunity for Members to join the procession after it leaves the House Chamber.

Members must display their official tickets in order to get a seat on the platform. There are no seats available for former Members on the platform. Therefore, former Members may not join the procession.

The seats to be occupied by Members of the Senate and House of Representatives have no cover and the area is unheated. Members are urged to dress appropriately for the weather.

No children will be allowed upon the platform, and there will be no seats except for Members actually holding tickets for their own seats.

So, if you expect to be in the procession and get a seat on the platform, you must be in the Chamber at 10:30 a.m., on Saturday.

The procession will be headed by the Speaker pro tempore, then the chairmen of committees, and then the other Members in order of seniority.

Following the inaugural ceremonies on the east front, shuttle buses will be available east of the Cannon House Office Building, at First Street and Independence Avenue SE., to take Members and their wives, who have purchased tickets for the inaugural parade, to the parade reviewing stands at the White House. The first buses will depart at 12:30 p.m. and the last will leave at 1:15 p.m., promptly. The buses will also be available to bring Members back to the Capitol after the parade.

When we adjourn today, we will adjourn to meet on Saturday morning at 10:30. I will offer a resolution later in the day that when we adjourn on Saturday we adjourn to meet at 12 o'clock noon on Monday.

May I say to the gentleman from Michigan that if there is any program for next week, it will be announced at the Monday session. At the present time we do not have any definite knowledge of any legislative program.

Mr. GERALD R. FORD. The gentleman from Massachusetts said we will meet on Monday. As I understood it, it was to be Tuesday.

Mr. O'NEILL. No. We have invited the astronauts for Monday.

Mr. GERALD R. FORD. I see.

Mr. O'NEILL. If there is any further program for the week, it will be announced at that time, but at the present time we have no definite plans.

Mr. GERALD R. FORD. Is it the anticipation, if I understood it correctly, that if the Committee on Rules meets and hears the witnesses that are interested in the Bolling-Martin resolution, that if it is approved by the Committee on Rules, it will be brought up next week?

Mr. O'NEILL. There is a great possibility that that could happen, but it will be announced on Monday if it will happen.

DESIGNATION OF SPEAKER PRO TEMPORE ON SATURDAY, JANUARY 20

The **SPEAKER.** The Chair designates the Honorable WRIGHT PATMAN of Texas, to act as Speaker pro tempore on Saturday, January 20, 1973.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule, on January 24, be dispensed with.

The **SPEAKER.** Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

NEW ENGLAND HEATING OIL CRISIS

(Mrs. GRASSO asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Mrs. GRASSO. Mr. Speaker, yesterday President Nixon signed a proclamation which suspends controls on imports of No. 2 heating oil during the January 1 through April 30, 1973, period and establishes the 1973 import program for crude and unfinished oils and finished products into all areas east of the Rocky Mountains.

This action by the President is an inadequate response to the present fuel oil crisis in New England and across the Nation. It is another sad example of a policy of "too little too late."

While this action will relieve a chronic shortage of heating oil for a short time, it will also trigger a price increase that could have been avoided with intelligent planning. Donald Craft, vice president of the New England Fuel Institute and a member of the Connecticut Petroleum Association, said:

> Higher prices could have been avoided if the President had acted last summer when he was so urged by the oil dealers. Now, it is too late to negotiate long-term, lower-priced contracts.

We need a long-range action which would be provided by enactment of a bill I am introducing today.

We need a more enlightened short-term program, which would also be provided by enactment of a resolution I am cosponsoring today.

Mr. Speaker, for years the New England delegation has been beating the drum—a nearly empty home heating oil drum.

For years we have been rewarded with, at best, a few thousand barrels per day.

The predicted heating oil crisis has finally occurred. It is strangling the Midwest and shackling New England with the threat of insufficient No. 2 heating oil supplies to meet the needs of mid and late winter.

As one step in the process of alleviating this crisis, today I am cosponsoring legislation which would temporarily suspend the oil import quota system and allow independent distributors to import sufficient No. 2 home heating oil to meet the increased demand. Specifically, this resolution would suspend the quota on crude oil for 90 days and suspend the quota on No. 2 heating oil until April 1, 1974. To prepare for next winter, fuel oil distributors would then have time to secure adequate supplies for consumers at more reasonable rates.

To help meet the long range situation, I am also introducing today the New England States Fuel Oil Act. This bill, identical to the bill introduced by Senator RIBICOFF and the entire New England delegation in the Senate, would allow the uncontrolled importation of No. 2 home heating oil into the six New England States. A second provision removes the tariff on all oil imports into the United States from non-Communist countries. The third section directs the Secretary of State to enter into negotiations with Canada for the establishment of a "Northeast Regional Oil Area." Within this area—encompassing New England and eastern Canada—all restrictions on trade in oil and oil products would be eliminated.

The present import quota system—with its restrictions on the amount and source of imports—has forced the citizens of New England to pay artificially inflated prices for a product needed for their very survival. The New England winter never considers the available supply of heating oil before sending a chilling "nor 'easter'" over the region. For years the members of the New England Fuel Institute have stated that the present unrealistic level of oil imports leaves little, if any room for an unusually intense and long cold spell. Each year they are told that existing supplies are sufficient,—that is, unless the winter is especially cold.

Those of us in the Congress and the private sector who have pleaded for a change in the import policy have been viewed as alarmists. Yet, last September 19, Robert DeBlois, chairman of the board of the New England Fuel Institute, appeared before the Subcommittee on Small Business of the Senate Banking, Housing and Urban Affairs Committee. He warned the subcommittee:

> Make no mistake about it: a crisis will occur unless imports are substantially increased.

Even the administration's watchdog on the oil import situation was less than optimistic about this winter. In a December 11 interview in U.S. News & World Report, Gen. George A. Lincoln, Director of the Office of Emergency Preparedness and head of the Oil Policy Committee, stated:

> Fuel oil for heating is a matter of real concern. Inventories of heating oil are below normal for this time of the year, and U.S. refineries have not been operating at capacity or turning out as high a proportion of heating oil as they could.

This is exactly what we in New England were saying last June when we asked the President and General Lincoln to increase the level of No. 2 fuel oil imports for independent deepwater terminal operators in District I from 40,000 to 100,000 barrels per day. Finally, the administration responded with a minor increase, including a provision allowing operators to borrow 10 percent of their 1973 quota and apply it to 1972 imports.

Mr. Speaker, it is this discriminatory oil import quota system that has created the desperate situation this winter for the people of New England. Now is the time for us to take legislative action to prepare for future needs, while the winter chill reminds us that our responsibilities remain unmet in this critical area.

THE CAREER AND SERVICE OF RICHARD HELMS, DIRECTOR, CIA

(Mr. MAHON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MAHON. Mr. Speaker, I want to say a word about Richard M. Helms, who is soon to leave his post as Director of the Central Intelligence Agency and become Ambassador to Iran. Earlier this week Mr. Helms made his last appearance before the Defense Subcommittee on Appropriations in his capacity as Director of the CIA.

I have great admiration for Richard Helms. As a member of the House Appropriations Committee I had occasion to be closely associated with the Central Intelligence Agency at the time of its formation in 1947. Since 1947 I have been one of the Members of Congress who has dealt regularly with the funding of the CIA. I have followed the career of Mr. Helms as he has risen through the ranks to the position of Director and as he has served in that capacity since 1966.

Mr. Helms over the years has performed an outstanding service to the Nation. He has worked closely with several administrations. In his capacity as Director since 1966, he has borne a heavy burden of responsibility. He of course has not been charged with the responsibility of making national policy. His duty has been that of providing intelligence information to policymakers in Government.

Before the creation of the CIA, Mr. Helms as a young naval officer served with the Office of Strategic Services in Washington, England, France, and Germany during World War II. Following his discharge in 1946, he went to work as a civilian in the Strategic Service Unit, War Department which was the successor organization to a major part of the Office of Strategic Services. From there he transferred to the Central Intelligence Group, and then to the Central Intelligence Agency when that Agency was established in 1947.

Within 5 years, he became the Deputy to the Deputy Director for Plans under the then Director of Central Intelligence, Gen. Walter Bedell Smith. He was elevated to the position of Deputy Director for Plans by John A. McCone and in 1965 was nominated by President Johnson to be the Deputy Director of Central Intelligence. In 1966 he was confirmed by the Senate as the Director of Central Intelligence.

Mr. Helms' intelligence career typifies excellence in Government. In 1965 the National Civil Service League awarded him the Career Service Award for combining the best characteristics of a strong leader skilled in the complex arts of foreign intelligence operations, an able administrator, and a dedicated career officer devoted to the public service.

I have heard Mr. Helms testify for many hours each year for a number of years. I have been impressed with his ability, objectivity, and sincerity. I have never heard him make a statement which tended to cause me to question his sincerity. He has been totally objective, totally disinclined to color the facts, absolutely reliable in presenting the facts as he saw them. That has been his job and he has done his job superbly. He has left a heritage of excellence for the CIA and the intelligence profession.

Many view foreign intelligence in the context of military operations solely, but it is also essential that we have accurate intelligence to forestall conflict. In March of 1969, President Nixon referred to CIA:

> As one of the great instruments of our government for the preservation of peace, for the avoidance of war, and for the development of a society in which this kind of activity would not be as necessary, if necessary at all.

Mr. Speaker, the responsibility for providing objective facts and detached analysis in these crucial areas is the only way that we can be assured that those individuals responsible for making critical judgments concerning our Nation's security have available to them a basis of knowledge for the action they take or, perhaps more important in some instances, for not taking any action at all.

The heavy burden upon the shoulders of Richard Helms and the Central Intelligence Agency, has not been limited to ferreting out, correctly analyzing, and disseminating information to the appropriate officials. These are not simple tasks in themselves, but no matter how well done, their value is naught unless the information is believed and used by those who have the responsibility to make decisions. Credibility within the Government community is the lifeblood of CIA. Without it, its work is ineffective and its cost is extravagant.

Mr. Speaker, under Mr. Helms' stewardship, credibility has been the trademark at the Central Intelligence Agency. Integrity and objectivity have been the watchwords. Abstinence from any possible policy involvement has been the rule. These were the creeds that brought the professionalism which Mr. Helms has persistently pursued.

At the swearing-in ceremony of Mr. Helms as Director in 1966, President Johnson said:

> Although he (Mr. Helms) has spent more than twenty years in public life attempting to avoid publicity, he has never been able to conceal the fact that he is one of the most trusted and most able and most dedicated professional career men in this Capital. No man has ever come to this high critical office with better qualifications.
>
> I think it was Patrick Henry who said, "The battle is not to the strong alone, it is to the vigilant and to the active and to the brave," and it is to Dick Helms and to the Agency that he will now head that we must look for this vigilance. His own record and the past achievements of his Agency give us full confidence in the future operation of the Central Intelligence Agency with judgment, with intelligence and above all with great public integrity.

Mr. Helms has lived up to these exacting expectations. He will give a full measure of devotion to his new job as Ambassador to Iran, and we will be wishing him well.

Mr. Speaker, under leave granted, I now insert two editorials concerning Mr. Helms' tenure at CIA:

[From the Washington Evening Star,
Dec. 6, 1972]

EXIT RICHARD HELMS

It isn't official yet, but our usually impeccable official sources tell us that Richard M. portant assignment in the Nixon administra- Agency, presumably to take on a new and im- Helms will soon be stepping down after six years as director of the Central Intelligence tion. Whatever his future job may be, he will be sorely missed in the one which he is leaving.

Of the men who have headed the CIA since its inception in 1947, Helms stands out as the one truly professional intelligence expert. His career in the spy business covers a span of 29 years, beginning with a four-year stint with the Office of Strategic Services in World War II. After transferring to the newly-formed CIA, he served as deputy director for plans under General Walter Bedell Smith and John A. McCone, previous CIA heads.

As director, Helms brought a coolness of judgment and great administrative talent to one of the most sensitive and difficult jobs in the federal government. Under his leadership, the performance of the agency, in contrast to past years, has been highly discreet and, to the extent that such things can be judged, effective. It is suggested that his departure from the CIA may have resulted in part from a dispute within the intelligence community regarding the deployment of Russian nuclear missiles. Yet from all the available evidence, his assessment of the world situation—and particularly in Indochina, where the CIA has borne heavy responsibilities—has been remarkably accurate.

The highly essential business of intelligence-gathering, being necessarily secret and to some minds distasteful, requires the kind of public confidence that Helms has been able to provide. As President Johnson remarked at his swearing-in ceremony: "Although he has spent more than 20 years in public life attempting to avoid publicity, he has never been able to conceal the fact that he is one of the most trusted and most able and most dedicted professional career men in this Capital." As director of the CIA, Richard Helms has fully justified that assessment.

[From the Washington Post, Dec. 26, 1972]

THE CHANGE AT CIA

There are such strict limits to what is knowable about the Central Intelligence Agency and its workings that any discussion of Mr. Helms' departure from the directorship and Mr. Schlesinger's appointment to replace him must necessarily rest on a comparatively small store of information. Even so, one or two things are plain. And chief among these is the fact, evident from what is known about the two men themselves, that one highly qualified and eminently capable official is being replaced by another.

Richard Helms has spent most of his professional life in intelligence work, and he has acquired a reputation among those qualified to judge, as a man of great honesty and tough-mindedness. The term "tough-minded" in this connection can only summon forth imaginary zither music for some people and visions of grown men running around endlessly shoving each other under trains. But Mr. Helms—unflappable, personally disinterested, and beyond the reach of political or ideological pressures where his judgment is concerned—earned his reputation for tough-mindedness in an intellectual sense. As Agency Director, he has been far less a public figure or celebrity than some of his predecessors—Allen Dulles, for example, or John McCone—evidently preferring to maintain a certain becoming obscurity. He has worked very eeffctively with some of his overseers on the Hill. And, if the leaked (not by CIA) material, such as the Pentagon Papers, that has been appearing in the press is any guide, he and his Agency have also served their executive branch leaders with some distinction. One gets the impression that from the presumed efficacy of bombing the North Vietnamese to the presumed necessity of responding to very wild surmise of what the Russians were up to in nuclear weapons development, Mr. Helms, has offered a practical, dispassionate and rigorously honest—if not always popular—view.

That the Congress will be pushing for some greater degree of responsiveness from the CIA in the coming session seems pretty certain. And there also is at least a chance that internal bureaucratic difficulties at the Agency will require some managerial rearrangements. In a way, solely because he comes to CIA from outside (not from up the ranks), James Schlesinger may be specially suited to take on both. But he has other qualifications. At the Rand Corporation in California, Mr. Schlesinger did analytic work that gave him more than a passing familiarty with the intelligence estimating business. At the Budget Bureau—as it was then known—in the early days of the Nixon administration he proved himself a very astute, not to say downright cold-eyed, scrutinizer of military budget requests. His brief term at the AEC was notable in several respects. Mr. Schlesinger bucked the pressure of the atomic energy establishment to insist that the AEC take note of and respond to the claims of its ecological critics. And he attempted to push the agency back from its political role toward the more disinterested service role it was meant in the first place to fulfill. He, like Mr. Helms, is demonstrably a man of talent, dedication and impressive intellect. We should have been content to see them stay on in their present jobs. But if Mr. Helms is to leave the Central Intelligence Agency, we think Mr. Schlesinger is a first class choice to replace him.

THE SERVICE TO THE CONGRESS OF ATTENDING PHYSICIAN, DR. RUFUS J. PEARSON

(Mr. MAHON asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MAHON. Mr. Speaker, I wish to take note of the departure from Capitol Hill of Dr. Rufus Judson Pearson, our distinguished attending physician. He has performed a notable service during his tenure at the Capitol. He is not only an outstanding man of medicine; he is a helpful and understanding friend.

All Members of Congress and others who have known "Jud" Pearson will miss his wise and helpful counsel, his warm and gentle manner. Jud Pearson's door was always open to those who sought him out. He counseled generously and wisely. His engaging personality and helpfulness on all occasions were to one and all a good tonic unto themselves.

Jud Pearson exerted a calming influence in this hectic environment. His dedication to excellence of service was also reflected in the daily operations of his excellent staff of assistants and technicians.

I am pleased to count Jud Pearson as my good friend. I know of the esteem in which he is held by others. We are all going to miss him, and we are going to welcome him back to this area at every possible opportunity.

Good luck, Jud. May the Lord's blessings be upon you and yours in your future undertakings in behalf of your fellow man.

CONGRESS ABUSED AGAIN BY EXECUTIVE BRANCH

(Mr. RONCALIO of Wyoming asked and as given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. RONCALIO of Wyoming. Mr. Speaker, the Congress must again regain its control of the lawmaking process. The abuse extends far beyond the veto of legislation and the impoundment of appropriations. The executive department has constructed such impediments to the participation in programs that the intent of the law, even to the amount of funding appropriated for various States, is lost.

I ask my colleagues to review but one instance of the redtape which hinders conscientious State officials.

The director of the Wyoming State government's mental health and mental retardation services wrote to me recently regarding the arbitrary guidelines being imposed by the Special Action Office of the Drug Abuse Prevention Office of the President.

I enter here in the Record some of the pertinent portions of that letter:

> I am greatly concerned about what SAODAP is doing; it has very arbitrarily established a heroin addiction to constitute a single national priority in the battle against drug abuse. I am aware that the report of the Senate Committee on Labor and Public Welfare said the illicit use of heroin is causing the most damage to our society, but the Committee also declared that the abuse of non-narcotic drugs is more wide spread than the abuse of heroin, and the committee said that it is deeply concerned about the need for adequate funding for all types of drug abuse prevention, treatment and rehabilitation programs.
>
> Furthermore, in Public Law 92–255, the Congress spoke consistently to the universe of drug abuse, narcotics and non-narcotics and inferentially to a national strategy which focuses on five distinct groups: experiments, casual or recreational users, involved users, and disfunctional users, as well as the non-using but a risk population, and concluded that prevention and rehabilitation techniques using medical, social welfare, and other community resources must be mobilized with these problems. This is the approach we have taken in Wyoming and we think accurately so, and when we have spoken of drug abuse and drug dependence we have included narcotic and non-narcotic drugs. In our opinion, there is no such thing as a "soft" drug.
>
> The second problem of which I am greatly concerned is the guidelines for developing State Plans. These guidelines are very arbitrary and the States were not consulted in their development. Areas for which we are most concerned relate directly to the composition to the State Advisory Council, to the requirements of maintenance of effort, to the data collection processes and the fact that research has been left totally to the Federal Government.
>
> The third area in which we are concerned is the matter of Federal funding. Public Law 92–255 stipulates that the minimum allowance to *any* State would be $100,000. However, SAODAP has arbitrarily decided that Wyoming would receive only $50,000 because we do not have a highly visible heroin addiction population nor have we had sizable numbers of reported cases of serum hepatitis. It is on that formula, primarily, that SAODAP has established the amount each State is to receive. When I approached Dr. Jaffe of SAODAP with the statement that we do not have large heroin addiction problems in Wyoming, nor do we see the needs for developing methadone clinics at this time, his reply was, "Then I assume you will not receive any money." This arbitrary decision of SAODAP seems to me to be in direct conflict with the intent of Congress.
>
> Those things listed above are brief, but important, because they have destroyed the credibility of the State appointed Drug Abuse Authority, the Governor's Advisory Council on Drug Abuse, and all other persons within the State of Wyoming who have been diligently working in this area for several months.
>
> First of all, the "scare tactics" at the Federal level that experimentation with marihuana and other drugs would result in the legs falling off or something worse did not happen, therefore, we lost the credibility and we have lost our youth.
>
> Secondly, we at the State level have been telling the population of Wyoming for some time that we will receive $100,000 to develop a comprehensive drug abuse plan, including narcotic and non-narcotic drugs, concentrating in the areas of prevention, treatment and rehabilitation. As a result of SAODAP's action we must now go to the people of Wyoming and say, "We are sorry, we will receive only $50,000 and that only narcotic drugs are being considered in the national drug abuse strategy." Thus, our credibility is once again shattered and Wyoming, as too often happens, has been left dangling at the mercy of some very arbitrary Federal bureaucrats.

In addition to the letter from Dr. Munsey, I have also received word from the wife of Wyoming's Governor, Mrs. Bobby Hathaway, who has given freely of her time in many areas, but especially in the area of drug rehabilitation.

I think Dr. Munsey's arguments are advanced by including portions of Mrs. Hathaway's letter of January 12:

> I have worked an untold number of hours on drug abuse problems within the State of Wyoming. I am on the National Board of Advisors to the National Awareness House Program, which should indicate that I am not unfamiliar with this problem.
>
> I have traveled to many different parts of the country assessing different types of programs. The entire Hathaway family was called to Washington, D.C. at the request of the President and were requested to help with the drug problems with their own state. I feel that I have answered the President's request, and then suddenly to have program monies and grant requests refused because we do not have bottom-of-the-barrel heroin addicts or many serum hepatitis cases is an enigma to me.
>
> The confusion in drug abuse programming within the states is a direct result of too many agencies in Washington trying to put their fingers in the pie. How many appointments I have had and how many trips we have made to Denver and to Washington, D.C., trying to get some idea of where the money is and how we get it! Within the last month four people from regional offices in Denver have made appointments with me, and each of these gentlemen has told me a different story each time I have met with them.
>
> My inconvenience and my confusion are not the essential facets of our problem. The essential facets of the problem are the socially alienated youth and young drug abusers and the subsequent social problems which are burdening our state. While the drug abuse problem is probably a bottomless pit, I still cling to the belief that if we can do anything possible in the line of prevention, treatment or rehabilitation, I believe that is worth the effort.

Mr. Speaker, I believe these letters very specifically point out how bureaucrats downtown are making laws and how those actions impede States trying to comply with the law as originally passed by Congress. I believe we have to be alert to this problem and to correct it in every instance. I would hope that any of my colleagues, whose States face similar problems, will join in demanding that all States receive the full allocation under Public Law 92–255 and that the drug program not be limited to heroin, but rather broadly based to include prevention, treatment, and rehabilitation, under guidelines which the States can help determine.

CONTROLLING COMMERCIAL TELEPHONE SOLICITATIONS

(Mr. DOMINICK V. DANIELS asked and was given permission to extend his remarks at this point in the Record.)

Mr. DOMINICK V. DANIELS. Mr. Speaker, one of the major nuisances today to American householders is the commercial solicitor who operates by telephone.

Mr. Speaker, this breed—which seems to have a propensity for operating during the dinner hour—utilize telephone books and call individuals at random peddling quarter acres of swampland in Florida, cemetery lots after a cheerful reminder that one never knows when the grim reaper will strike and other items that the telephone subscriber may or may not have any interest in acquiring.

One of my constituents put it in very basic language to me recently: "Congressman, who needs these guys?" I cannot agree more, who indeed does need these guys?

Perhaps there are individuals who are lonely or take some joy in being solicted over the telephone. To these people I leave them with their pleasure. There are, however, other Americans who do not wish to be disturbed, and my bill is directed to those who do not wish to be disturbed at all hours of the day and night by telephone hucksters.

Mr. Speaker, my bill would require the Federal Communications Commission to promulgate rules under which each telephone subscriber would be asked annually if he desired not to be solicited via the telephone. Lists of such persons would be made available by Ma Bell to telephone solicitors.

Under my bill the FCC would be required to prescribe the specific method by which compliance would be accomplished. They could, for example, require the telephone companies to put an asterisk beside the name of subscribers who do not wish to have their privacy invaded by telephone solicitors.

I have specifically exempted from this bill provisions for churches, bona fide charity organizations, political candidates and organizations, poll takers and debt collection agencies seeking payment for a preexisting debt.

Mr. Speaker, this problem is not one of the cosmic issues of the day, but it is one of the many minor annoyances that 20th-century householders live with. I think that in this small area we can assist householders to be secure in their own homes. I think the thought of fines of up to $1,000 for each offense and jail sentences of up to 30 days for each offense will cause the telephone solicitors to be wary of disturbing those who have no wish to be disturbed.

PRIDE IN PENSACOLA

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, west Florida takes pride that our principal city, Pensacola, is an All-America City finalist. At once one of the oldest and one of the newest and most progressive of Florida cities, Pensacola is a strong candidate to capture one of the 10 All-America City awards. This is a tribute to great city and even more to those who have understood Pensacola's progress and its achievements, and who have effectively presented Pensacola's case.

Pensacola's application for consideration for All-America City status was based on three major projects: The Actions 1976 Program, the Gulf Islands National Seashore, and the Community Central Services Program of United Way. All of these are significant steppingstones to a better tomorrow for Pensacola and its people.

Pensacola's case was fully presented in the presentation speech which Warren Briggs, a very able civic leader and successful businessman, made at the National Municipal League meeting in Minnesota in November. His impressive speech contained this significant summation:

> It is the spirit of our community which prompted our citizens to take action at a crucial time to save our most precious natural resources—43 miles of snow-white beaches. We have now dedicated these beaches to America for all posterity.
>
> It is the spirit of our community which has provided a centralized welfare referral service for our needy citizens and devised a unique method of funding needed programs.
>
> It is the spirit of our community which has helped our citizens to capture the real meaning of the 200th birthday of our country. We have resolved to commemorate the American Revolution Bicentennial in 1976 by achieving goals in a program set for ourselves after thousands of hours of citizen effort involving a complete cross-section of the entire community.

The presentation included other claims to fame for which Pensacola can be justly proud. It spoke of Pensacola's active participation in people-to-people programs, the Ecuadorian Hospital, the help given Chimbote, Peru, following the earthquake there, the trip of young Pensacolans to the Dominican Republic to help in the immunization program, and the student delegation which went to Paris to petition the North Vietnamese to release our prisoners.

It is good to know that this type of work is constantly in progress in Pensacola. These are things of which every citizen of Pensacola can be proud.

Particular mention should be made of the fact that the Pensacola Chamber of Commerce is leading in the fight to have Pensacola designated an All-American city. However, this is just one of the highlights in the long and notable history of the Pensacola chamber. I applaud its leadership and its members for their work in bringing forth the fact that Pensacola is indeed an All-American city.

I was very much impressed with an article by Jackie Brooks in the Pensacola News-Journal on Sunday, January 7, on this subject. It was entitled "Pensacola May Be Honored" and I include it for printing in the RECORD:

ALL-AMERICA CITY FINALIST: PENSACOLA MAY BE HONORED

(By Jackie Brooks)

The ripples set off by the actions of a few citizens often cause waves of nationwide scope—the bad more often than the good.

But if Pensacola and Escambia County capture one of the 10 All-America City awards this year, it will definitely be a tribute to the handful of people who started the first small ripples for the Gulf Islands National Seashore, the Action '76 Goals Program and Community Central Services.

And it will be no less a tribute to those thousands who were infected with the spirit of the few which gradually engulfed the entire community and brought the projects to full tide.

Citizen-initiated action for community betterment is the basis set forth by the National Municipal League and the Saturday Evening Post for the annual competition, held this year in Minneapolis, Minnesota, in connection with the League's National Conference on Government.

Fifteen civic minded citizens, involved in the three projects presented for judging, formed the team which flew to Minneapolis to present this community's story to the 12-man jury last month.

Recommendations from the jury, led by Dr. George Gallup, chairman of the American Institute of Public Opinion, and investigations conducted in the 21 finalist cities will determine the winning communities.

"Pride and prejudice" was the phrase used by Chamber of Commerce President G. Carl Mertins to temper the team's extreme confidence of winning the award. Pride and prejudice aside, all 15 were elated following the presentation by Action '76 Chairman Warren Briggs to the jury.

"We're going to win," has been the rallying cry of the local delegation from the time it was announced that Pensacola was a finalist, through the Minneapolis visit and to the present time.

Chamber of Commerce Manager Don Wylie and the Pensacola Jaycee Coordinator Don Partington put together the team and made all the arrangements for a bid for the award.

Everything was planned down to the last detail, including the display to be set up in the mezzanine of the Radisson Hotel, Beggs' formal presentation, and concise informative answers to questions anticipated from the jury.

Thanks to the careful planning and the determination of each team member, the Pensacola and Escambia County story was presented without a hitch and gained full attention from the distinguished jury.

At the end of 1972, the Seashore has been established and is planning for the millions of visitors expected this summer; the Action '76 Goals Program is complete, with many of the projects recommended already underway or being planned; and Community Central Services is functioning to coordinate public assistance programs with the people who need the services.

The tiny ripples which began these important programs may or may not receive national recognition when the All-America awards are announced in the spring, but the waves of pride in the accomplishments of the community's citizen will flood this section of the county for many years to come.

NATIONAL HUNTING AND FISHING DAY

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. SIKES. Mr. Speaker, it was my pleasure to sponsor legislation in the House last year designating the fourth Saturday of September "National Hunting and Fishing Day." I was joined by 53 Members in the House and, Senator McINTYRE who sponsored the bill in the Senate, was joined by 38 Senators. The legislation passed both the House and Senate unanimously and was signed into law by the President. September 23, 1972, was a day of national celebration in special recognition of more than 55 million hunters and fishermen for their contributions to conservation and outdoor recreation.

Today, Mr. Speaker, I am reintroducing this bill and I want to again welcome and urge our colleagues to join with me in sponsoring this important measure. Congress should recognize the services of the sportsman to the wise use of our natural resources and for their participation in healthful recreation and its encouragement.

Since the turn of the century hunters and fishermen have consistently been in the forefront of every conservation crusade. Our Nation's early conservation leaders, such as Theodore Roosevelt and Gilbert Pinchot, were hunters and fishermen. Outdoorsmen were the first to decry the destruction of America's forests, streams, soils, and wetlands. They were the first because their love of the outdoors had made them aware of the beauty of nature and the necessity of protecting wildlife habitat and scenic grandeurs.

Hunters and fishermen were the first to plead for conservation because they were the ones who were hiking the mountains and fishing the streams. For more than 50 years outdoorsmen carried a lonely crusade to manage our natural resources wisely. They were the ones behind every major conservation action in Washington and State capitals. They created their own publications to warn all Americans of what would happen to the environment.

It is only in very recent years that Americans were awakened to the threats of the destruction of their environment. The news media suddenly popularized ecology and environment. The total American citizenry became aware of the serious need for conservation. This is not news to hunters and fishermen who gladly welcome the public to help with a crusade that outdoorsmen have conducted since 1900. All Americans are needed to join the campaign to use our Nation's resources wisely.

In order to campaign more effectively for their sport and our Nation's environmental needs, hunters and fishermen have formed many national and State organizations. They have led or participated actively in every major conservation crusade. The names of these organizations are familiar to all of you—the National Wildlife Federation, the Izaak Walton League of America, Ducks Unlimited, and many others.

It is important to the spiritual and physical survival of our people that Congress encourage hunters and fishermen and other outdoor sportsmen to continue their conservation crusade and their enjoyment of outdoor recreation. I urge the Congress to honor the hunters and fishermen of America by again adopting my resolution.

ADM. FREEMAN CARY—FLORIDIAN

(Mr. SIKES asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. SIKES. Mr. Speaker, the Florida delegation takes note with special pleasure of the fact that a distinguished son of our State has been designated to serve as the attending physician to the Congress.

Adm. Freeman Cary has been selected to succeed Adm. Rufus Pearson, Jr., who has served with distinction and ability in this important position. Admiral Pearson is a graduate of the University of Florida and was a practicing physician in Jacksonville prior to his return to active naval duty in 1950.

In selecting Admiral Cary to assume the duties of the attending physician to Congress, we have a man eminently qualified for the position and, happily and proudly for the citizens of our State, a man whose legal residence is in Florida.

Admiral Cary was born in La Grange, Ga., and is a graduate of Emory University. He completed his internship, residency, and fellowship in cardiology at Grady Hospital in Atlanta.

But it was to Florida that he went to make his home. Admiral Cary served as clinical professor of medical education at the University of South Florida, and as clinical professor of allied health sciences at Florida Technical University at Orlando, where he now makes his legal residence. He was director of medical education at Orange Memorial Hospital at Orlando and is a past president of the Florida Heart Association.

Those of us who have had the pleasure to know and work with Admiral Cary know him to be a man of the highest personal and professional integrity. With his lovely wife, Sara, he now lives in Kensington, Md.

It is only natural, of course, that we are sorry to see Dr. Pearson leave us. We have come to rely on him and confidently to place our health problems in his care.

But I am certain that the man who now takes his place, Adm. Freeman Cary, will carry on the traditions of the attending physician's office in a most admirable manner. Unquestionably, the health of those who work on Capitol Hill is in good hands.

RED CHINESE GAINING INFLUENCE IN AFRICA

(Mr. FISHER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FISHER. Mr. Speaker, a very revealing article concerning Communist activities in Africa, written by Jack Penn, appeared in the October 28, 1972, issue of Human Events. It contains significant information about guerrilla warfare and economic exploitation by Red powers and how that activity is being used to topple politically shaky African governments.

The article follows:

RED CHINESE GAINING INFLUENCE IN AFRICA

(By Jack Penn) *

JOHANNESBURG, SOUTH AFRICA.—Red China is thrusting a great steel arm deep into Central Africa. This is the Tan-Zam Railroad, stretching 1,100 miles from Dar-es-Salaam in Tanzania on the East Coast to the copper belt in Zambia. Scheduled for completion in 1975, construction is proceeding at such a pace that the track may be completed as early as the end of 1973. It is being financed by China at a cost of $400 million (repayable by Zambia over 30 years, interest free), and constructed by Chinese laborers and technicians.

The railroad is being built despite the fact that adequate rail connections for carrying Zambian ore to ports on both the Atlantic and Indian Oceans already exist, and despite the fact that the World Bank in 1965 and 1967, and Great Britain in 1965, had rejected Zambian requests for aid on the grounds that the project was not economically justified.

It is certain that the justification for the project is political: Zambia wishes to be free of her dependence on ports in the Portuguese provinces of Angola and Mozambique. At the same time, the railroad is symbolic of Red China's new and energetic thrust for influence in Africa, and of the growing threat posed by the Communists powers to Western interests in that continent.

China's activities in Africa must be seen against the background of the present Chinese campaign to become the leader, spokesman and patron of the so-called non-aligned world. The Chinese view is that in this loose grouping Africa occupies the central position. A Chinese Army document states:

"The center of anti-colonial struggle is Africa, the center of struggle between East and West is Africa. At present Africa is the central question in the world."

Africa can also easily be accommodated in the Chinese strategy according to which the "rural areas" the underdeveloped world must promote the revolution against the "cities" the industrialized Western powers and the Soviet Union. Within the African context, the developed South Africa and Rhodesia form the "cities" against the rest of the continent.

POLITICAL INSTABILITY

China would benefit greatly by having access to the vast natural resources of the African continent, and, in particular, to the mineral resources of the relatively developed area of Southern Africa. It is feared that a strong Chinese presence would be able to take advantage of the continuing political unrest and instability of the continent. Even where political stability does exist, in Southern Africa, resistance to Chinese-backed aggression is hampered by the adverse world opinion toward that area.

Tanzania represents China's most important foothold in Africa. China has become a notable participant in Tanzania's economic development, and in addition to financing the Tan-Zam Railroad, has assisted with road construction and the construction of a naval base at Dar-es-Salaam.

Conservatively estimated, there are approximately 20,000 Chinese in Tanzania. While most of these are trained technicians engaged in the construction of the railroad, much of the impact of the Chinese presence is being felt in the defense force. The Tanzanian Army is being trained and expanded by other Chinese who have supplied large consignments of modern military equipment, incuding an anticipated 24 MIG–17 jets.

TANZANIA OVERTURES

In November 1970 a Tanzanian military mission visited China and North Korea and an agreement was reached to the effect that a permanent North Korean military mission would be situated in Tanzania. The mission would cooperate with the training of sections of the Tanzanian Army and would install its own base for "freedom fighters."

In 1971 President Nyerere opened a "school for revolution" at Tabora, which will probably function on the same basis as the mother school in Pyongyang. It is clear that China has decided in this way to utilize North Korea as a subversive tool in the Third World, since this facilitates China's efforts to normalize her international relations.

Because of Zambia's close ties with Tanzania, it is considered by China to be one of the best propositions for further extension of influence. In addition to the construction

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*Dr. Penn is a prominent Johannesburg physician who has made a special study of the African guerrilla movement. He is a trustee of the South Africa Foundation.

of the Zambian portion of the railroad, aid has been concentrated on the construction of two major strategic roads, and the provision and building of three radio transmitters.

Zambia is committed to repay the railroad loan by the purchase of Chinese goods and by the supply of agricultural products for Chinese consumption. This will impose a severe strain on the already struggling Zambian economy, which has been hit by low copper prices (the country's principal source of wealth), and by sharply diminishing agricultural output. (As recently as a year ago, Zambia had to import large quantities of corn from Rhodesia because of food shortages.) Zambia has, moreover, undergone a period of political upheaval, with President Kaunda jailing nearly all his political opposition.

In February of this year, Dr. Kaunda outlawed the five-month-old opposition party, the United Progressives, and ordered the detention of 123 of its backers without trial. Among those seized was the party leader, Dr. Simon Kapepwe, a former Vice President, who had criticized the President for the failure of his domestic policies.

YUGOSLAV AID

It should be pointed out that China is not the only Communist power competing for influence in Zambia. President Kaunda visited Yugoslavia in 1970 and concluded an agreement whereby Yugoslavia would assist Zambia in developing a "peoples army" and would provide Zambia with an efficient air force.

Chinese aid has also been extended to other African countries. Various interest-free development loans have been made to other states, including $80 million to Ethiopia, two $40-million loans to the Sudan, and a $20-million loan to Mauritania.

China has also, by agreement signed in 1971, undertaken to reorganize and arm the army of the Congo (Brazzaville). Military equipment and jets have already been supplied. The Congo has already proclaimed itself a "peoples republic," has adopted Marxist-Leninism as its creed, and in the words of President Ngouabi, has joined the "great world proletariat revolution."

China is particularly well suited to provide the sort of aid needed in Africa; e.g., the provision of technology and training, and even as in the case of the railroad, the actual supply of labor. The Chinese have created a favorable impression by hard work, by frugal living, and by keeping to themselves. In addition, the Chinese can be identified as non-white and perhaps be more easily accepted in anti-colonialist Black Africa than Westerners and even the Russians, who have lately seemed to lose some ground.

U.S.S.R. INFLUENCE WANING

The Soviet Union established herself as the foremost Communist power in Africa in the '60s, but with recent setbacks to her influence in the Sudan and Egypt, the Communist leadership seems to be passing to the Chinese. While Russian priorities in Africa would at present seem to be the consolidation of her positions in the areas adjacent to the Near East, the Mediterranean, the Red Sea and the northern half of the Indian Ocean, indications are that she is actively concerned about the gaining Chinese influence in Central Africa, and the consequent erosion of Russian influence in those countries and with the terrorist movement that are based there.

This may be one of the main reasons for the appearance during the last few years of a considerable standing Soviet naval force in the Indian Ocean. The number of ships in this force is normally about 15, but at times it has grown to 30.

Concern has arisen from uncertainty as to just what the Soviet objectives in the Indian Ocean are. Most observers feel that the Soviets have a number of objectives.

Firstly, they wish to counter the growing Chinese influence in Africa. Another likely objective is the acquisition of Soviet influence along the Indian Ocean littoral. Lawrence Martin, professor of War Studies at the University of London, has said that it is hard to define the exact relationship between a particular level of military presence and consequent political influence, but it does seem that the connection is real and significant. It is made all the more significant by the instability of the area.

The Communist powers have for years made considerable political gains by taking advantage of local crisis situations. Crisis situations have been a feature of Black Africa in the last decade: there have been over 30 military coups d'etat and a series of distressing civil wars, some of which are raging at present. In the 19th Century Turkey was described as the "sick man of Europe"; by comparison, this area is a veritable hospital ward of sick men. Governments have tended to be unstable and of short duration. In other words, conditions are ideal for the spread of Communist influence.

Most important, perhaps, is the Soviet desire to control the flow of Middle Eastern oil to the West. Despite the discovery of oil in the North Sea and in Africa, the dependence of Western countries on oil from the Middle East will certainly grow over the next decade.

Much has been written about the looming energy crisis in the United States. The U.S.A., which has relied largely on its own oil in the past, may have to import half of it by 1980-85. Moscow Radio says pointedly that up to a third of this "will be carried from the Middle East to the United States—but the scale of the national liberation movement of the peoples of Asia and the Middle East is inflicting blows on the predatory plans of the American monopolists." On this point the Soviet position is clear, as is the implication for the United States.

IMPORTANCE OF CAPE

There are only three ways in which that oil can be supplied: through the Suez Canal, by pipeline through politically unstable countries, and around the Cape. The Suez Canal is closed, and there is no immediate prospect of any change in that situation, but even if the canal were to be re-opened, the growing use of modern supertankers would mean that much of the oil would still have to be shipped around the Cape. The importance of the Cape route is emphasized by the fact that yearly over 20,000 ships round the Cape. About half this number are tankers, while more than 5,000 are vessels flying a Communist flag.

The significance of this fact was emphasized recently when, in a report issued as a result of a conference on the Indian Ocean, held under the auspices of the Center for Strategic and International Studies of Georgetown University, the editors summarized their conclusions as follows:

"A recurrent theme of this report has been the fact that the trading pattern of the Indian Ocean area is still primarily external rather than intra-regional. For this reason, much attention has been focused here upon the entrances to the Ocean: from the Pacific, Atlantic and Mediterranean regions. It was noted that several of the littoral states, and particularly those grouped near these vital entrances, are areas threatened with internal unrest and instability.

"The opportunities for Great Power intervention are increased by the fact that the navies of the litorral states, in global terms, are very weak. For all these reasons—a central geographic position, the network of vital trading routes, the number of potential conflicts in and between the littoral states—it would appear that the Indian Ocean is destined to play an important strategic role in future world politics."

It is obvious that South Africa's position on this route as a pro-Western, anti-Communist country is one of great importance. Her ports provide the only suitable bunkering, provisioning, drydock and graving-dock facilities, while the Simonstown Naval Base near Cape Town is the only fully equipped naval base in the South Atlantic-Indian Ocean area, and is, in addition, being developed as a submarine base.

In addition, South Africa is the only African nation with the industrial and technological capacity to maintain a proper servicing of these facilities, a reflection of the fact that nearly half of the entire industrial output of the African continent is produced in South Africa.

No less important is South Africa's concentration of strategic minerals. South Africa produces 70 per cent of the world's gold. She has vast resources of coal and iron ore, and in addition is a major producer of nearly every strategic mineral with the exception of aluminum and petroleum.

Rhodesia and South Africa together possess more than 90 per cent of the world's resources of chrome. It was interesting to note that the United States recently voted to import chrome ore from Rhodesia in violation of a Security Council resolution imposing sanctions on that country, because the United States had become too dependent on Russia for her supplies of this metal. The strategic implications were obvious.

At the same conference mentioned above, Prof. Charles Issawi of Columbia University used a phrase of Nikita Khrushchev to emphasize the strength of South Africa: "You cannot take a camel and a sparrow," said Mr. Khrushchev, "and call them two head of cattle." In Africa, said Prof. Issawi, South Africa is the camel, and the rest are sparrows.

But this strength is only in terms of the African continent, and is dwarfed by the threat posed by the presence of the two Communist superpowers. These powers are aware of the strategic importance of South Africa, the wealth in the country, and the fact that adverse world opinion has rendered it vulnerable in terms of its Western ties.

The element of competition in Africa that exists between the two major Communist powers does little to diminish this threat, and a clear pattern emerges. A "belt" of countries subject to strong Communist influence is forming in Central Africa, which has the effect of isolating the southern region, and which provides an ideal springboard for the various terrorist organizations in their forays to the south.

The professed aim of the terrorist movements is to "liberate" the black peoples of Southern Africa from white rule. They have, of course, not chosen to establish whether these people wish to be "liberated" or not, an assumption which, to say the least, is questionable. Current evidence could not lead anyone to that conclusion.

The African tribes south of the Zambesi have been under European influence for 300 to 400 years. They are therefore Christian by religion, and have the highest standard of literacy on the continent. As their income per capita is also higher, so too is their standard of living. For *precisely this* reason, something in excess of a million blacks from outside South Africa are working in that country—perhaps the only case in history where people have flocked in large numbers to a country in which they are allegedly oppressed.

The guerrillas are essentially tribal Africans who have taken up arms by conviction or by compulsion. To the world, their enemies are the white men in the south. The *truth* is that they are fighting peaceful black men whose main interest is to keep these intruders out. These are the *real* freedom fighters—assisted as they are in this task by Portuguese, Rhodesian and South African whites.

These people regard the guerrillas as a threat, and this hostility is one of the main reasons why the guerrillas have made little headway. The support of the rural inhabitants, which is essential to the success of any revolutionary movement of this nature, is lacking. The guerrillas have only succeeded in forcing the governments of Portugal and Rhodesia to undergo the financially exhausting exercise of mobilizing numbers of troops, both black and white.

GUERRILLA SUPPORTERS

The guerrillas are supported by the military African states who provide them with bases, by the Communist countries mentioned previously who provide weapons and training, by international organizations such as the United Nations and the Organization of African Unity, who confer international legitimacy upon them, and by such Western liberal institutions as, for example, the World Council of Churches, who provide vital financial support for "humanitarian purposes only."

In other words, they currently enjoy the support of that fickle coalition of self-interest and fashion that constitutes "world opinion." Nebulous as this "world opinion" may be, it still exerts a considerable set of pressures on the governments of Southern Africa, and in particular on South Africa.

These pressures have resulted in South Africa being excluded from many international forums, her achievements being disregarded, and her importance in Africa obscured. Some of the criticism of South Africa's policy of separate development for the various races within the country is valid, but it should be noted that South Africa is a society with a unique structure, a unique combination of heterogeneous peoples, and, not surprisingly, it has adopted unique solutions.

The population is not merely split into about 3.7 million whites, two million people of mixed blood or "coloured" and half-a-million Asians, but the Black African population of 14.9 million is itself divided into some nine major language groups, speaking some 260 dialects. It should also be noted that many of these peoples, historically, have been at war with each other. Some of their languages have no more relationship to one another than, say, English and German. It is to provide for this diversity that the policy of separate development was articulated.

The government has repeatedly said that its policy is not one of eternal white supremacy, nor is it based on any myth of racial superiority. It is a policy of giving each of the major tribal groups its independence in its homeland.

While it is often said that there is no allowance made for the dignity, the legitimate political aspirations, the desire for self-government and the fulfillment of the personal ambitions of the blacks, the government contends that its policy of separate development has been designed specifically to cater for these aspirations. They point out that the policy is based on the concept that no racial group should be allowed to dominate another.

There is no doubt that this system, at present, is discriminatory in its working. It is not, however, inherently discriminatory. The appeal of the government's policy lies in providing a way to realize the legitimate political and personal aspirations of the blacks in a peaceful evolutionary way—in a word, of moving away from discrimination.

COMMONWEALTH IDEA

The intention is to create a commonwealth of states, politically independent and economically interdependent. Four homelands have already achieved semiautonomy, including having their own legislative assemblies and control over their internal affairs. It is expected that others will follow soon.

Perhaps the most encouraging aspect about South African society is that over the last few years it has reflected significant and positive change. This may be seen in the diplomatic overtures to Black Africa, the emergence of articulate and independent black leaders, the acceptance in many areas of multi-racial sport, the willingness of the South African government to reconsider its policy of visas towards hostile black politicians like Rep. Charles Diggs (D-Mich.) and others, and the ferment of opinion within South Africa as a whole and within the Afrikaner people in particular. This change was recognized by Mr. Nixon, who in his third statement of United States foreign policy for the 1970s noted that, "South Africa contains within itself the seeds of change."

It would be wrong to think that the threat of communism in Africa has caused concern only in the white-controlled Southern African region. The heads of a number of Francophobe African states, and in particular, President Houphouet Boigny of the Ivory Coast, have expressed deep concern about Chinese activity in Africa.

President Nimeiry of the Sudan recently purged the Communists there, after they had backed an abortive attempted coup. This is one indication of how far the Communist planners were prepared to go in their attempts to gain power in Africa. Tanzania and Zambia, with their current internal and financial problems, are particularly vulnerable to this type of activity.

The whole Indian Ocean region, then, is in a state of flux. Red China, almost unnoticed by the United States, is making a determined and dangerous attempt to assert control over Central Africa.

The Soviet Union, which four years ago had no ships at all in the Indian Ocean, now maintains a sizable fleet, while the permanent U.S. presence consists of two obsolete destroyers and a converted sea-plane tender stationed in the Persian Gulf. The U.S. has shown some signs that she recognizes the nature of the threat; one wonders whether she will appreciate its full implications in time.

CONGRESS MUST REGAIN ITS LOST POWERS

(Mr. REID asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and to include extraneous matter.)

Mr. REID. Mr. Speaker, the power of the Congress to act as a check and a balance upon the Executive is at the lowest ebb in our history. Further, Mr. Speaker, Congress faces no more serious and important challenge than recovering the constitutional powers that have been usurped by the Executive.

I am today proposing legislation which I believe will take a major step toward that goal. It will at least give the Congress the tools that it needs to fully carry out the responsibilities vested in the legislative branch by the Constitution.

Mr. Speaker, I urge my colleagues to join me in what may well be the most important effort to preserve and protect our system of checks and balances, and thereby our free society.

Mr. Speaker, this bill will test whether the will exists in the Congress and the Nation to return to an earlier concept of three separate and coequal branches. If Congress fails to act it could be treated with still greater condescension by the Executive.

My bill breaks new ground. It will create a watchdog which, acting solely for Congress, will assure that the President obtains proper congressional authority for any program or action. The watchdog will be a new Office of Budget and Expenditure Oversight in a reconstituted General Accounting Office empowered with the authority to revoke spending authorizations should the President undertake any action not consistent with the express intent of Congress. Disputes between the Comptroller General and the Executive will be resolved by a concurrent resolution of both Houses. The concurrent resolution does not require Presidential approval.

Equally important, the General Accounting Office will have the power to force the Executive to provide Congress with any information that is "necessary and proper to the discharge of the constitutional responsibilities" of Congress. This includes testimony by members of the executive, official documents, reports and the like and Congress will be the sole determiner as to what information meets that test.

In order to assure that the staff of the GAO are completely independent of the Executive and solely the agents of Congress, the Comptroller will be approved by concurrent resolution upon nomination by the Speaker of the House. His deputy will be similarly appointed upon nomination of the President pro tempore of the Senate. The Director of the Office of Budget and Expenditure Oversight will be nominated by the Comptroller General.

I want to stress that what we are proposing is a new mechanism, but it is not a new concept. It merely gives Congress the tools which will enable it to carry out the functions assigned to it by the Constitution, functions which have been improperly taken over by the Executive.

The U.S. Constitution did not envisage a President with the power to make and enlarge war without congressional mandate.

It did not envisage a President having the authority to set and implement national policy without congressional authority.

It did not envisage a President with the power to pick and choose among congressional programs, implementing some and ignoring others even when passed over the Presidential veto.

Finally, it did not envisage an Executive with the power to arrogantly refuse to provide information that Congress, in its wisdom, has determined to be necessary and proper to the discharge of its legislative responsibilities.

Nor is the effort to recapture usurped authority new. It is clear to me that Congress believed that it was instituting the same reforms that my bill proposes when it enacted the Budget and Accounting Act of 1921.

I am submitting for the RECORD a section-by-section analysis and the full text of my bill:

THE CONGRESSIONAL OVERSIGHT ACT OF 1973—SECTION-BY-SECTION ANALYSIS

Section 1: Entitles act "The Congressional Oversight Act of 1973."

Section 2: Statement of findings and declaration that:

(a) The Constitution vests in Congress sole authority to enact legislation, raise revenues, authorize expenditures, and appropriate moneys;

(b) Congress shall have full access to all information available to the Executive necessary to the discharge of Congress' Constitutional responsibilities;

(c) The Executive is directed by the Constitution to faithfully execute all laws enacted by Congress.

Section 3: Establishes in the General Accounting Office (GAO) an Office of Budget and Expenditure Oversight (OBEO) and directs that it shall oversee the Executive with respect to the following: preparation and administration of the Budget; raising of revenues; expenditure of moneys; preparation and presentation of legislative proposals; implementation of legislative programs enacted by Congress.

Section 4: (a) Declares that the GAO shall be an agency of Congress;

(b) Provides that the Comptroller General and Deputy Comptroller General shall be officers of Congress and shall be appointed by Congress;

(c) Redesignates "Assistant Comptroller General" as "Deputy Comptroller General;"

(d) Shortens the term of the Comptroller General and Deputy Comptroller General from fifteen (15) to five (5) years, makes them eligible for reappointment, and provides for their removal for cause by Congress;

(e) Conforms existing provisions for Comptroller General's pension to the reduction of his term from fifteen years to five years;

(f) Provides that the Director of OBEO shall be appointed by, and may be removed by, Congress;

(g) Requires that the Comptroller General and Deputy Comptroller General serving on the date of enactment shall be subject to appointment by Congress within sixty days thereafter.

Section 5: Directs OBEO to—

(1) Continuously review the fiscal requirements needed to fund existing programs adequately to achieve their legislative purpose;

(2) Within 45 days after the President submits the Budget or any legislative proposal to Congress, submit a written report to Congress evaluating—

(A) the accuracy of its revenue projections;

(B) the adequacy of proposed funding to assure full implementation of legislative programs of Congress;

(C) the need for proposed new programs or reduction of existing programs, and whether such proposals are consistent with the legislative programs of Congress;

(3) Make a full report to Congress at least twice a year on the implementation of legislative programs.

Section 6: (a) Prohibits the Executive from impounding moneys appropriated for any program unless the Comptroller General has first approved the impoundment (except when an impoundment under specific circumstances is expressly authorized by statute);

(b) Establishes criteria and procedures for Comptroller General's approval or disapproval of a proposed impoundment by the Executive prohibiting approval if the impoundment is not consistent with the legislative intent of Congress concerning the program in question;

(c) Permits Congress to override any decision by the Comptroller General concerning impoundment.

Section 7: Requires the head of each department in the Executive to submit to OBEO a duplicate copy of each legislative and budget request submitted by him to the Office of Management and Budget (OMB).

Section 8: Empowers the GAO to issue subpoenas to obtain necessary information.

Section 9: Directs Comptroller General to cut off disbursements from the Treasury for expenditures which he determines are being made for purposes not consistent with the intent of Congress.

Section 10: Maintains all existing functions of the GAO.

Section 11: Authorizes such appropriations as may be necessary to carry out the Act.

H.R. 2408

A bill to implement the constitutional prerogatives and responsibilities of the legislative branch

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "The Congressional Oversight Act of 1973."

Sec. 2. (a) Congress hereby finds and declares that the Constitution of the United States establishes three separate branches of Government and expressly vests in the Congress the sole authority to enact legislation, raise revenues, authorize expenditures, and appropriate moneys on behalf of the United States.

(b) Congress further finds and declares that the legislative branch shall have full, prompt and unimpaired access to any and all information available to the Executive as Congress may deem necessary and proper to the discharge of its constitutional responsibilities.

(c) Congress further finds and declares that the Constitution directs that the Executive shall take care that the laws enacted by Congress shall be faithfully executed.

Sec. 3. In order to assure that the mandates of the Constitution shall be fully and effectively carried out, there is hereby established within the General Accounting Office an Office of Budget and Expenditure Oversight, which shall exercise oversight over the Executive with respect to the preparation and administration of the budget, the raising of revenues, the expenditure of moneys, the preparation and presentation of legislative proposals, and the implementation of legislative programs enacted by Congress, and shall undertake such other responsibilities as Congress may find necessary or desirable to the maintenance of the independence and constitutional prerogatives of the legislative branch and shall by concurrent resolution direct.

Sec. 4. (a) Section 301 of the Budget and Accounting Act, 1921 (31 U.S.C. 41) is amended by inserting after "shall be independent of the executive departments and" the following: "shall be an agency of the Congress,".

(b) Section 302 of the Budget and Accounting Act, 1921 (31 U.S.C. 42) is amended to read as follows:

"Sec. 302. There shall be in the General Accounting Office a Comptroller General of the United States, and a Deputy Comptroller General of the United States, who shall be officers of Congress. The Comptroller General shall be appointed by concurrent resolution of both Houses of Congress upon nomination by the Speaker of the House of Representatives. The Deputy Comptroller shall be appointed by concurrent resolution of both Houses of Congress upon nomination by the President pro tempore of the Senate. The Deputy Comptroller General shall perform such duties as may be assigned to him by the Comptroller General, or during a vacancy in that office, shall act as Comptroller General."

(c) Such Act is amended by striking out "Assistant Comptroller General" wherever it appears and inserting in lieu thereof "Deputy Comptroller General".

(d) Section 303 of such Act (31 U.S.C. 43) is amended by striking out "fifteen" in the first sentence thereof and inserting in lieu thereof "five"; by striking out the second sentence thereof; and by striking out "joint" in the third sentence thereof and inserting in lieu thereof "concurrent".

(e) The second and third paragraphs of such section 303 are each amended by striking out "ten" and inserting in lieu thereof "three".

(f) The Office of Budget and Expenditure Oversight shall have a Director and such other employees as the Comptroller General may deem necessary and appropriate. The director shall be appointed by concurrent resolution of both Houses of Congress upon nomination of the Comptroller General and may be removed by a concurrent resolution of both Houses of Congress.

(g) A person serving as Comptroller General or Deputy Comptroller General on the date of enactment of the Act may continue to serve after the sixtieth day after such date only if within such 60-day period he is reappointed to his office in the manner provided by section 302 of the Budget and Accounting Act, 1921, as amended by this section. Any person so reappointed shall be subject to the method of removal and terms of service provided in such section 302.

Sec. 5. The Office of Budget and Expenditure Oversight, under such rules as the Comptroller General may prescribe, shall—

(1) conduct a continuing review of the fiscal requirements necessary to fund existing programs at levels adequate to achieve their legislative purpose:

(2) analyze the Budget, supplementary budgetary summaries and legislative proposals transmitted by or on behalf of the President to Congress and, within 45 days of the transmittal thereof by the President, submit a written report to the Congress evaluating—

(A) in connection with the Budget or a revenue proposal, the accuracy of revenue projections therein and the adequacy of funding provided thereby to maintain existing and proposed programs in a manner consistent with the intent of Congress;

(B) the extent to which proposed expenditures conform to the legislative programs of Congress and will assure the full implementation of such programs in a manner consistent with the intent of Congress;

(C) the necessity for any legislative proposal which would create a new function, activity or authority or eliminate, restrict, or expand any existing function, activity or authority approved by Congress and the extent to which such proposal is consistent with the legislative programs of the Congress; and

(D) such other aspects of the Budget or Comptroller General may deem desirable and of such a summary or proposal as the appropriate in order that Congress be provided with all information necessary to the discharge of its Constitutional responsibilities; and

(3) submit to Congress from time to time, but no less frequently than twice a year, a full and detailed report on the implementation of legislative programs, the accuracy of budget projections, the adequacy of revenues and such other information as the Comptroller General shall deem necessary or either House of Congress by resolution may request to assist such House in fulfilling its constitutional responsibilities.

Sec. 6. (a) No officer (including the President) or employee of the United States having authority to expend or obligate funds shall impound an appropriation, unless—

(1) prior to impounding such appropriation, such officer or employee transmits to the Comptroller General a proposal to impound such appropriation and the Comptroller General approves such prosopal in accordance with subsection (b), or

(2) such officer or employee is expressly authorized or directed to impound an appropriation in specific circumstances prescribed by statute.

Section 3679 of the Revised Statutes (31 U.S.C. 665) shall not be considered an express authorization or direction to impound an appropriation, for purposes of paragraph (2).

(b) The Comptroller General shall approve a proposal to impound an appropriation only if—

(1) written justification for the proposal to impound has been transmitted to him and to each House of Congress by the person proposing such impounding; and

(2) he determines that such proposal to impound is consistent with the legislative programs of Congress and would not result in the failure of a program adequately to achieve its legislative purpose; and

(3) neither House of Congress has passed a resolution stating its disapproval of such proposal to impound by the end of the thirtieth calendar day of session of Congress after the date on which written justification therefor is transmitted to it.

Any disapproval by the Comptroller General of a proposal to impound an appropriation shall become null if both Houses of Congress subsequently by concurrent resolution state their approval of the impoundment in question.

(c) For purposes of this section, the term "impound an appropriation" means—

(1) to make or authorize expenditures from any appropriation, during the period (if any) specified by Congress by law for expending such appropriation, in an aggregate amount which is less than the full amount appropriated by Congress for the purpose in question, or

(2) to create or authorize obligations under any appropriation, during the period (if any) specified by Congress by law for obligating such appropriation, in an aggregate amount which is less than the full amount appropriated by Congress for the purpose in question.

Sec. 7. In order to enable the Office of Budget and Expenditure Oversight to discharge its responsibilities under this Act, the head of each department and establishment in the Executive shall submit to the Office of Budget and Expenditure Oversight a duplicate copy of all legislative and budgetary requests submitted by him to the Office of Management and Budget pursuant to section 215 of the Budget and Accounting Act, 1921 (31 U.S.C. 23) or any other statute or Executive order.

Sec. 8. In order to fully implement the provisions of this Act and to supplement the mandate provided in section 313 of the Budget and Accounting Act, 1921 (31 U.S.C. 313), the General Accounting Office is authorized to require by subpena or otherwise the attendance and testimony of such witnesses and the production of such documents, books, papers, and correspondence as it may deem necessary for the purpose of carrying out its duties. In case of a disobedience to a subpena the General Accounting Office may invoke the aid of any district court of the United States in requiring the attendance and testimony of witnesses and the production of documents, books, papers, and correspondence under the provisions of this section. Any district court of the United States within the jurisdiction of which an investigation or injury is being conducted by the General Accounting Office may, in the event of neglect or refusal to obey a subpena issued under this section, issue an order requiring the respondent comply with the terms of the subpena. Failure to obey such an order of the court may be punished by such court as a contempt thereof.

Sec. 9. Whenever the Comptroller General shall determine that moneys appropriated by Congress are about to be, are being or have been obligated or expended in a manner or for purposes not consistent with the intent of Congress, he shall revoke all warrants upon which such moneys were disbursed pursuant to section 11 of the Act of July 31, 1894 (31 U.S.C. 76). Any department or establishment affected by such a revocation may request the Comptroller General to reissue new warrants for the disbursement of moneys for specific purposes (as set forth in such request), and the Comptroller General shall reissue the same, except for moneys for the purposes found by the Comptroller General to have been not consistent with intent of Congress. Such new warrants shall not require the signature of the Secretary of the Treasury. The revocation of any warrant shall remain in effect until Congress otherwise directs by concurrent resolution.

Sec. 10. Nothing in this Act shall be construed to limit the duties or functions of the General Accounting Office elsewhere provided by law.

Sec. 11. There is hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

CONGRESSMAN STRATTON INTRODUCES CONGRESSIONAL BUDGETARY CONTROL ACT OF 1973

(Mr. STRATTON asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. STRATTON. Mr. Speaker, I have today introduced legislation designed to give Congress the means necessary to assert our full control over the budget-making processes of the Government. This bill is known as the Congressional Budgetary Control Act of 1973.

As everyone is aware, the issue of budgetary control was first presented forcefully to us in the 92d Congress when President Nixon demanded the authority to hold spending for fiscal 1973 down to a figure of $250 billion in spite of the fact that the total appropriations already enacted by Congress represented something like $6 or $7 million more than that figure. At that time many Members of Congress were hesitant to give such authority to the President, because to do so would mean that he would then have the ability to negate decisions which Congress had taken in establishing specific spending levels for various programs and departments within the Government. And this, it was felt, would represent a significant abdication of our authority, particularly since the power of the purse is regarded as the principal power of Congress.

Nevertheless, many Members of the House recognized that with staggering deficits facing us in this fiscal year as well as in the previous one, there was an especially urgent reason for holding the line on spending, and many of us also recognized that this was something which the people back home were insisting on, too. So we in the House approved the ceiling legislation, if with some qualms, and we also set about at once to establish procedures to allow Congress to get away from its present piecemeal approach to appropriations and move in the direction of establishing a budget ceiling of our own after which we would then make sure that our appropriation bills remained under the ceiling we had set.

Of course, the spending limitation never won approval in the Senate, but the other portion of the bill providing for establishment of a special committee to develop new budgetary controls was adopted. And today we find the problem even more acute as we face a kind of constitutional crisis over the budget because of the President's action in impounding funds appropriated by Congress even though the spending ceiling he had requested was never enacted.

Regardless of how we may feel about the President's actions, however, it is obvious that our most important and urgent job right now is to establish those procedures which can give us the kind of control we ought to have. This kind of control was originally envisioned in the Legislative Reorganization Act of 1946 which directed the development of an annual congressional budget. But over the years that congressional budget somehow never materialized.

Mr. Speaker, the legislation I have introduced today does, I believe, provide for the basic control we need to establish this congressional budget. Basically, my bill would make three major changes in present procedures in dealing with appropriations:

First. It would require that Congress, within 60 days after the submission of the President's own budget, fix an overall spending ceiling of its own for the upcoming fiscal year.

Second. It would bar Congress from passing any appropriation bill which, when its total was added to the sum of all the other appropriation bills already adopted, would exceed that spending ceiling.

Third. It would move the Nation's fiscal year back 6 months to coincide with the calendar year, thereby giving Congress 6 additional months to complete its annual appropriation activities.

The section preventing adoption of any appropriation bill which would put the combined spending total over the congressionally establishing ceilng represents, I believe, the real teeth in this budget control measure.

It provides that if the final spending bill would exceed the overall ceiling, then this bill could not be passed until Congress had either, first, reduced it to fit the ceiling; second, made appropriate reduction in some of the other spending bills already adopted; third, increased the earlier spending ceiling; or fourth, determined on some combination of all three that would bring total appropriations into line with the congressionally mandated ceiling.

It is of great importance, I believe, that we shift the fiscal year to match the calendar year. Our current budget confrontation with the President underscores how completely idiotic it is for us to be making spending decisions for the Government 6 months after the beginning of the period for which those decisions are supposed to be applicable.

For the past 8 or 9 years now Congress has almost never gotten all of its appropriation bills enacted before the July 1 start of the fiscal year. And here we are now, in 1973, moving into the final 5 months of the current fiscal year with two major appropriation bills still not enacted.

Surely the additional demands of setting a spending ceiling and then later adjusting individual appropriation bills to fit that ceiling, which any workable budget control plan must involve, will require even more time and debate than we already encounter. So, to do an orderly job we will need the full year.

Of course it is obvious that even adopting the best budget control procedures in the world will not entirely eliminate the possibility of dispute with the White House over budget matters. But it can go a long way in that direction, because the main source of our trouble is the piecemeal manner in which we now appropriate. The pressures to add "just a teeney, weeney bit more" onto this or that individual appropriation are always enormous, and no one has any idea at the time just how these tiny add-ons are going to throw the total spending figure out of whack. It's like the weightwatcher who is sure that just one more chocolate bar cannot possibly make any difference on tomorrow's scale.

My bill will force Congress to do the tough, unpopular job of making choices and setting priorities. And once we have established our willingness to be as tough as the executive in holding spending down, we will be in a much stronger position to assert our particular formula as against his.

Mr. Speaker, I am well aware that no one has a monopoly of wisdom in such a difficult and complicated matter as this. I certainly claim no special expertise, and I know that many Members have devoted themselves over the past few months to this same question and that many proposals have already been put forward. But I believe my proposal is sound and workable.

One of the problems that beset the earlier attempts under the Legislative Reorganization Act of 1946 to establish a congressional budget was the inability of Congress early in the session to arrive at individual spending limitations for specific departments and programs. It turned out that to do this you really had to go through the full appropriation procedure itself, and that required most of the session; it wasn't something that could be done early.

Under my proposal all we undertake at the start is to set an overall spending ceiling. This ceiling would be determined in part on the basis of Federal anticipated revenues, on what we had spent in the last year, on what major changes might have occurred in our situation since then, and of course on the overall spending figure recommended in the President's own budget. There is no reason why Congress couldn't come up fairly quickly with this kind of determination, especially since it would always be open to amendment later on in the light of any changes that might develop. I propose that we arrive at such a decision within 60 days after the President has submitted his own budget recommendations.

I also provide that the initial recommendations for a budget ceiling figure be made by the same committee we created last year to develop the budget control machinery. I would maintain this body on a permanent basis, rather than allowing it to expire, and would not only have this committee submit its spending ceiling figure to Congress, but would also provide that that recommendation go into effect automatically unless either House of Congress voted it down, rather than permitting the matter to be delayed by protracted floor controversy.

My proposal also requires the committee to advise us at the time it makes the overall spending recommendation just how far this ceiling varies from anticipated Federal revenues for the year, either up or down. In this way we will know at the outset whether we are heading into another year of deficit financing, or are likely to be able to live within our income.

Some members have suggested that a decision should also be made at the same time whether any anticipated deficit be made up by additional taxes or by further increases in the national debt. But I do not feel we can realistically expect this kind of decision to be made within the first 30 or even 60 days of a new Congress, any more than earlier Congresses found it practicable to set a spending ceiling in advance for each individual department and program covered in an appropriation bill. I believe it would be sufficient if the House and Senate were simply made aware of the possibility of having to deal with a deficit, and knowing that we should then be better equipped to proceed from there.

There is one final matter that I recognize has not been touched on in my legislation but which should certainly be included in any bill we ultimately adopt, and that is recognition of the fact that spending is not a matter of appropriations alone. We also have backdoor spending, most recently in the case of the water pollution bill adopted over the President's veto in the last Congress; and we always have money in the pipeline which can be spent during a particular fiscal year, as the distinguished gentleman from Louisiana (Mr. PASSMAN) has often reminded us with regard to foreign aid spending. Thus to do an adequate job in controlling spending we must take into account the amounts of spending anticipated in both of these categories and establish appropriate limits for them as well as for appropriations.

These, Mr. Speaker, are my recommendations in the field of realistic congressional budget control. I hope they will be seriously considered by the special subcommittee which is examining this important matter, and I shall look forward to the opportunity of testifying before that committee in support of these recommendations.

Under leave to extend my remarks I include the text of this legislation:

H.R. 2442

A bill to provide for effective congressional controls over the budget by requiring the establishment and enforcement of a ceiling on appropriations for each fiscal year, the notification to Members of Congress of that ceiling and of the current amounts appropriated, the modification of the fiscal year so that it coincides with the calendar year, and the continuation of the joint committee which was created by the Act of October 27, 1972 as a permanent committee

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Congressional Budgetary Control Act of 1973".

Sec. 2. (a) Within 30 days after the President transmits the budget of the United States Government to Congress for any fiscal year, the joint committee created under section 301 of the Act of October 27, 1972 (Public Law 92–599, 86 Stat. 1324), shall determine and report to Congress a recommended maximum limitation of the aggregate amount to be appropriated for such fiscal year. The report of the joint committee shall indicate whether the appropriations limitation is equal to anticipated Federal revenues for such fiscal year, and if not, by what amount the anticipated revenues vary from that limitation. In determining the recommended limitation the joint committee shall take into consideration such factors as the relevant economic indicators, anticipated Federal revenues, the existing rate of Federal expenditure, and the budget recommendations of the President.

(b) Within 30 days after the joint committee reports to Congress its recommendation under subsection (a), the Congress shall establish, by concurrent resolution, a maximum limitation on the aggregate amount to be appropriated for such fiscal year.

(c) If the Congress does not establish a maximum limitation in conformity with subsection (b), then the recommended limitation under subsection (a) shall be the effective maximum limitation as if established under subsection (b).

Sec. 3. (a) No appropriation legislation shall be in order for consideration by the House of Representatives or the Senate if the sum total of the amount of appropriations already made for a fiscal year plus the amount to be appropriated in such appropriation legislation exceeds the limitation on appropriations established for such fiscal year under subsection (b) or (c) of section 2, unless such appropriation legislation contains—

(1) a rescission of unobligated appropriations for such fiscal year by an amount equal to the amount by which such limitation would be exceeded in the absence of such rescission; or

(2) an amendment to such limitation so that it is equal to the sum total of the amount of appropriations already made for such fiscal year plus the amount to be appropriated in such appropriation legislation.

(b) Subsection (a) of this section is enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be deemed a part of the rules of each House, respectively; and they shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relates to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

Sec. 4. Each edition of the Calendars of the United States House of Representatives, and each edition of the Senate of the United States Calendar of Business, published by the Government Printing Office shall include—

(1) a list indicating the legislative history of each appropriation bill, the fiscal year to which it pertains, and the amount of the appropriation at each stage of its history; and

(2) a compilation indicating the limitation on appropriations established under subsection (b) or (c) of section 2, and indicating the aggregate amount appropriated by each of the following—

(A) appropriation legislation bills passed by—

(i) the House of Representatives,

(ii) the Senate,

(iii) both Houses of the Congress, and

(B) appropriation legislation bills approved by the President.

Sec. 5. (a) Except as provided in subsection (b)(1), the fiscal year of all departments, agencies, and instrumentalities of the United States shall be the calendar year, effective with the second calendar year which begins after the date of enactment of this Act.

(b)(1) Notwithstanding section 201 of the Budget and Accounting Act, 1921 (31 U.S.C. 11), the budget which the President shall transmit for the fiscal year starting July 1 of the calendar year which begins after the date of enactment of this Act shall cover the period beginning July 1 of such year and ending December 31 of the following year.

(2) The Director of the Office of Management and Budget shall conduct a complete investigation and study of the Federal budgetary process, and shall report to Congress his recommendations for administrative and legislative action necessary to provide for an orderly transition of all departments, agencies, and instrumentalities of the United States affected by subsection (a) of this section.

(c) Effective on January 1 of the second calendar year which begins after the date of enactment of this Act, section 237 of the Revised Statutes (31 U.S.C. 1020) is amended—

(1) by striking out ", except accounts of the Sergeant at Arms of the House of Representatives for compensation and mileage of Members and Delegates,", and

(2) by striking out "July" and inserting in lieu thereof "January".

Sec. 6. Section 301 of the Act of October 27, 1972 (Public Law 92-599, 86 Stat. 1324), is amended by striking out subsection (e).

OBSERVATIONS ON THE LIFE AND CAREER OF HON. JAMES A. FARLEY, A GREAT AMERICAN AND A GREAT DEMOCRAT

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, one of our greatest living Americans today is James A. Farley, a former Postmaster General and a former chairman of the Democratic National Committee.

Perhaps we in political life could all gain something by reflecting again on the career and achievements of Jim Farley as one whose political successes were always based on a keen understanding of the thoughts and aspirations of the American people.

In that connection I am happy to bring to the attention of my colleagues an article on Jim Farley that was published in the autumn 1972 issue of Vermont Life.

The article follows:

Living Heritage—Predicting a Bright Future for Vermont

(By Charles T. Morrissey)

Thirty-six years have passed since James A. Farley made his famous prophesy, on the eve of the 1936 presidential election, that Franklin D. Roosevelt would defeat his Republican opponent, Alfred M. Landon, in every state in the nation except two. Those states were Maine and Vermont.

Earlier in that campaign Farley had estimated that Roosevelt would win by a large majority, but he defined a large majority as Roosevelt winning 37 of the 48 states and Gov. Landon carrying eleven. His last-minute prediction that only Maine and Vermont would remain in the Republican column was widely dismissed as extravagant political oratory; Farley was Chairman of the Democratic National Committee, after all, and party leaders are not known to understate their prospects of victory.

For Farley the prediction wasn't easy. He spent the day before Election Day in 1936 compiling confidential reports from all over the nation, and late in the afternoon he told the press what he foresaw as the outcome. Only those two New England strongholds of staunch Republicanism, he announced, would vote their traditional allegiance, Democrats in Maine and Vermont thought they had better chances to win than their national Chairman was willing to concede, and tried to talk Farley out of making his announcement.

"I'll never forget," Farley recalled recently, "when I decided I was going to predict, that I called up the Democrats in the state of Maine and told them about it and also called up Frank Duffy, who was the Democratic leader in Vermont, about what I was going to predict. But Frank always called me James, talked like all Vermonters, very stiff. He said, 'James, I wish you wouldn't *do* that. We have a chance to elect a Democratic governor and if you predict Vermont is going Republican it will hurt us.' And I said 'Frank, it's my job to make a prediction on what I think is going to happen nationally, and I don't think it's going to hurt your state at all insofar as the election of a governor is concerned if the same trend is going along in your state. I've just got to make the prediction that I'm going to.' " Farley added: "He was very much annoyed with me, but I made it nevertheless."

On Election Eve, when the votes were being counted across the nation and the accuracy of Farley's prediction was proving to be amazingly correct, President Roosevelt said he was sorry he had not campaigned in Vermont. "He might have carried it too," Farley insisted later that night to a newspaper reporter.

The next day Roosevelt described Farley's forecast as "the most uncanny prediction in the history of the country." Indeed, when Roosevelt ran again for the Presidency in 1940 and 1944 he always entertained hopes that he might carry Vermont. We know this from reading the diary of Roosevelt's White House assistant, William D. Hassett (a native of Northfield, Vermont), which was published as a book, entitled *Off The Record With F.D.R.*, by the Rutgers University Press in 1958. In fact, Roosevelt remarked the day before his election in 1944 that if he ran for the Presidency often enough he would eventually carry Maine and Vermont. This was not so, of course; Vermonters and their Maine neighbors voted Republican all four times that Roosevelt ran.

Jim Farley, similarly, has always been awed by Vermont's stubbornly Republican political allegiance. In the summer of 1939, after leaving his son, Jimmy, at an overnight camp in New Hampshire, Farley drove through Vermont to met with Roosevelt at the President's family estate in Hyde Park, New York. Farley feigned relief to the President, explaining "I just left Vermont without getting into difficulty." He elaborated with mock seriousness: "You know, ever since Vermont and Maine got out of step with the rest of the country in 1936, I don't like to walk around up there, especially after dark."

Farley's famous words about Maine and Vermont on Election Day in 1936 seems especially pertinent these days because predicting the future has become such a popular pastime. This new mode of research often has several fancy names, some of which are futurism, futurology, futuristics, futurecasting, futures research, prognostics, and prospections. There are now 6,000 members (from 45 countries) in the World Futures Society, and more than eighty American colleges and universities now offer courses about exploring the future. Journals like *The Futurist*, and *Futures*, serve these forecasters, and a special jargon, always a sign of a profession taking itself seriously, has emerged among those who try to predict what lies ahead.

What lies ahead for Vermont? This state has never suffered a lack of prophets who felt they were blessed with a knowledge of the future. Some have been incredibly clairvoyant. Consider Zadock Thompson (1796–1856) of Bridgewater, Vermont, who put himself through the University of Vermont by selling an annual almanac. One year his printer called his attention to the fact that he had omitted to make a weather prediction for July. "Snow about this time," Thompson replied absent-mindedly. You can guess what happened: it *did* snow in Vermont that July, and Thompson earned quite a reputation for prophecy.

On the other hand we shouldn't forget about William Miller and his followers, the Millerites. Miller was a farmer in Poultney, Vermont, who became a Justice of the Peace and a sheriff. He also became a prophet, predicting that the world would end in 1843. The Millerites became pretty excited about this likelihood, putting on white sheets and awaiting Judgment Day by climbing to the hilltops so they would be closer to heaven. Several Vermont towns were disrupted by the frenzy of the Millerites. For example, a town historian in Jamaica later wrote that "farmers neglected their fields, alleging that the world would end before harvest, and crops that had matured were left to waste." The world continued to turn after that anticipated Doomsday, needless to say, and the disappointed Millerites had to slink home sheepishly.

A current prophet has made a prediction as dramatic as Miller's. He is R. C. Gordon ("Doc") Anderson, a seer who lives in Rossville, Georgia, and who claims a dormant volcano will erupt and destroy Vermont. The flames from the flowing lava will leap so high, says Anderson, that Midwesterners will gather along the shore of Lake Michigan to marvel at the fire-red skies over the Green Mountains. All this is forecast in a recent book entitled *Doc Anderson: The Man Who Sees Tomorrow*, by Robert E. Smith. Anderson, a former carnival roustabout, has a reputation for being 95% accurate, Smith asserts.

By golly, there's something to worry about for a while. Vermont may have a bright future, but does the brightness have to come from an erupted volcano? Time will tell.

SOME EDITORIAL COMMENTS FROM THE AMSTERDAM EVENING RECORDER ON THE CURRENT CHAOS IN THE POSTAL SERVICE

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, we in this Chamber, I am sure, have all been reminded by our constituents of the terrific chaos that now exists in the independently operated U.S. Postal Service. Never have I seen a greater crisis of confidence with respect to any basic function of government.

Some of the flavor of these protests and complaints can be gathered from an editorial that appeared in the Amsterdam Evening Recorder on December 20, 1972.

Under leave to extend my remarks I include the text of that editorial:

Nor All Ho-Ho-Ho

Memories of Christmas 1972 will not be entirely of the ho-ho-ho variety. It seems to us that there will be quite a few people who will remember the long lines in front of a single service window in the Amsterdam Post Office. More than a few people who wanted only to buy stamps will remember the 45 minutes or more they spent in the same line with people who were trying to mail packages. And quite a few people will remember their trip to the Post Office on Saturday afternoon, Dec. 16, with an armload of Christmas mailing to accomplish, only to find everything but the front door closed.

We really don't know what the Postal Service is trying to prove. It set out to make a federal department, beset by political pressures, into a business-like, efficient organization to handle, transport and deliver the mails. But a public-be-damned attitude isn't really businesslike, is it? And is it businesslike to decrease the service at the same time you are increasing its cost? Hardly.

What the Postal Service is doing is retrenching. If it continues down this path, one doesn't need a crystal ball to foresee the final result. One need only to look at what happened to the railroad passenger and telegraph services to get the idea.

Perhaps without realizing it, the Postal Service is giving real impetus to competing private enterprise parcel services, and its present direction is certain to speed the coming of the facsimile (by wire) letter.

It seems to us that the public has a real stake in what happens to the Postal Service. If it does not like the mail slowdown, the curtailment of service and increased cost, the public had better make itself heard before it's too late. We hope and trust that the issue is not being clouded by anything less than a 100 per cent performance by local postal workers.

POWERS OF CONGRESS OVER WAR AND PEACE

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, the role of the Congress on issues of war and peace, and the President's powers to engage in warfare in the absence of a congressional declaration of war, remains a matter of great importance and interest. A most thoughtful and comprehensive analysis of this issue by Arthur Schlesinger, Jr., Schweitzer professor of humanities, City University of New York, appeared in a recent issue of Foreign Affairs. The article, entitled "Congress and the Making of American Foreign Policy," follows:

Congress and the Making of American Foreign Policy

(By Arthur Schlesinger, Jr.)

The problem of the control of foreign policy has been a perennial source of anguish for democracies. The idea of popular government hardly seems complete if it fails to embrace questions of war and peace. Yet the effective conduct of foreign affairs appears to demand, as Tocqueville argued long ago, not the qualities peculiar to a democracy but "on the contrary, the perfect use of almost all those in which it is deficient." Steadfastness in a course, efficiency in the execution of policy, patience, secrecy—are not these more likely to proceed from executives than from legislatures? But, if foreign policy becomes the property of the executive, what happens to democratic control? In our own times this issue has acquired special urgency, partly because of the Indochina War, with its aimless persistence and savagery, but more fundamentally, I think, because the invention of nuclear weapons has transformed the power to make war into the power to blow up the world. And for the United States the question of the control of foreign policy is, at least in its constitutional aspect, the question of the distribution of powers between the presidency and the Congress.

II

On December 21, 1936, in the days when the Nine Old Men of the Supreme Court were, it was supposed, hellbent on confining the power of Presidents, the Court, speaking through one of its most conservative justices, conferred rather greater power on Franklin D. Roosevelt than it had denied him when in the previous 18 months it had vetoed such New Deal experiments as the NRA and the AAA. The decision in the case of *U.S. v. Curtiss-Wright Export Corp. et al.* came as a ringing affirmation of inherent and independent presidential authority in foreign affairs.

The case arose because Congress in 1934 had passed a joint resolution authorizing the President to stop the sale of arms to Bolivia and Paraguay, then fighting each other in the Chaco jungles, if, in the presidential judgment, such an embargo would help restore peace. President Roosevelt immediately imposed an embargo by executive proclamation. Subsequently the Curtiss-Wright Corporation was discovered in a conspiracy to violate the embargo. Brought into court, Curtiss-Wright contended that Congress, when it gave discretionary power to the President through the joint resolution, had made an unlawful delegation of its authority. The Federal District Court accepted this argument, pronounced the resolution an "attempted abdication of legislative responsibility" and dismissed the charges. The government then took the case to the Supreme Court.

Chief Justice Charles Evans Hughes, himself a former Secretary of State, assigned the opinion to George Sutherland, a former member of the Senate Foreign Relations Committee. With only the intractable McReynolds dissenting, the Court saw a "fundamental" distinction between the President's power in domestic affairs and his power in foreign affairs. Sutherland found the two classes of power different both in their origin—"the powers of external sovereignty did not depend upon the affirmative grants of the Constitution"—and in their nature. In particular, "participation in the exercise of the power [over foreign policy] is significantly limited. In this vast external realm, with its important, complicated, delicate and manifold problems, the President alone has the power to speak or listen as a representative of the nation. . . . Into the field of negotiation the Senate cannot intrude, and Congress itself is powerless to invade it."

In reversing the lower court and affirming the "very delicate, plenary and exclusive power of the President as the sole organ of the federal government in the field of international relations," the Court concluded that "congressional legislation which is to be made effective through negotiation and inquiry within the international field must often accord to the President a degree of discretion and freedom from statutory restriction which would not be admissible were domestic affairs alone involved."

Several points must be made about this decision. It involved the power over foreign commerce, not the power over war; it did not free the executive from the necessity of acting on congressional authorization; its actual holding was restricted; and its more expansive contentions were in the nature of *obiter dicta*. Still the Court claimed "overwhelming support . . . in the unbroken legislative practice which had prevailed from the inception of the national government to the present day" for delegation to the President in the field of foreign relations; and the decision was the judicial culmination of the long drift of control over foreign policy into the hands of the executive. Certainly for another generation the mood here registered even by an anti-presidential Supreme Court and thereafter strengthened by 30 years of world crisis encouraged a succession of Presidents in the conviction that there were few limits to executive initiative in the making of foreign policy. Now the tide has turned; and, nearly 40 years after the Curtiss-Wright case, the Senate Committee on Foreign Relations is striving to recover for Congress the role in foreign policy that a one-time member of that committee appeared to take away in 1936.

The Constitution itself is cryptic and ambiguous in its allocation of powers affecting foreign policy. Its authors were great men because they knew what they did not know as well as what they knew. *"It is impossible to foresee or define the extent and variety of national exigencies,"* Hamilton wrote with due emphasis in the 23rd Federalist. ". . . . The circumstances that endanger the safety of nations are infinite, and for this reason no constitutional shackles can wisely be imposed on the power to which the care of it is committed." But the rejection of shackles did not mean the rejection of processes and standards; it meant rather the establishment of a system which did not try to solve all problems in advance and would be capable of responding to unforeseen contingencies.

The intentions of the Founding Fathers may be better understood against the background of their own experience. That experience led them to seek more centralization of authority than they had known under the Continental Congress or the Articles of Confederation. So the Constitution in Article II bestowed general executive authority on the President; and, as the Federalist Papers emphasized, the characteristics of such an executive—unity, secrecy, decision, dispatch, superior sources of information—were especially vital to the conduct of foreign affairs. The President was expressly empowered to receive foreign envoys and, with the advice and consent of the Senate, to appoint ambassadors and make treaties. In addition, he was designated Commander in Chief of the armed forces. "Of all the cares or concerns of government," said the Federalist, "the direction of war most peculiarly demands those qualities which distinguish the exercise of power by a single hand."

But experience also led the Founding Fathers to seek less centralization of authority than they had known under the British crown. The presidential prerogative was to fall significantly short of the royal prerogative. Hence the qualification of the treaty power: where the British King could conclude treaties on his own motion, the American President had to win the support of two-thirds of the senators present before a treaty could go into effect. "The one can do alone," said Hamilton, "what the other can do only with the concurrence of a branch of the legislature."

Above all, the Founders were determined to deny the American President what Blackstone had freely conceded to the British King—"the sole prerogative of making war and peace. As *Hamilton* carefully explained in the 69th Federalist, the President's power as Commander in Chief "would be nominally the same with that of the king of Great Britain, but in substance much inferior to it. It would amount to nothing more than the supreme command and direction of the military and naval forces . . . while that of the British king extends to the *declaring* of war and to the *raising* and *regulating* of fleets and armies,——all which, the Constitution under consideration, would appertain to the legislature."

An early draft of the Constitution had even given Congress the power to "make war"; but Madison and Elbridge Gerry persuaded the convention to change this to "declare" in order to leave the executive "the power to repel sudden attacks." While this amendment allowed the President to respond when war was imposed on the nation, it was certainly not understood as giving him the power to initiate hostilities. Hamilton's dry comment on the treaty power would apply all the more forcibly to the war power: "The history of human conduct does not warrant that exalted opinion of human virtue which would make it wise to commit interest of so delicate and momentous a kind, as those which concern its intercourse with the rest of the world, to the sole disposal of a magistrate created and circumstanced as would be a President of the United States." As Madison put it in a letter to Jefferson in 1798: "The constitution supposes, what the History of all Govts demonstrate, that the Ex. is the branch of power most interested in war, & most prone to it. It has accordingly with studied care vested the question of war in the Legisl."

The Constitution conferred other relevant powers on the Congress: the power to make appropriations, to regulate commerce with foreign nations, to raise and maintain the armed forces and make rules for their government and regulation, to control naturalization and immigration, to debate, oversee and investigate. But the allocation of powers could hardly be, in its nature, clear-cut; and particularly in the case of the war power and of the treaty power it was a matter, in Hamilton's phrase, of "joint possession." In these areas the two branches had interwoven responsibilities and competing opportunities. Moreover, each had an undefined residuum of inherent authority on which to draw—the President through the executive power and the constitutional injunction that "he shall take Care that the Laws be faithfully executed," Congress through the constitutional authorization "to make all Laws which shall be necessary and proper for carrying into Execution . . . all . . . Powers vested by this Constitution in the Government of the United States." In addition, the Constitution itself was silent on certain issues of import to the conduct of foreign affairs: among them, the recognition of foreign states, the authority to proclaim neutrality, the role of executive agreements, the control of information essential to intelligent decision. The result, as Edward S. Corwin remarked 40 years ago, was to make of the Constitution "an invitation to struggle for the privilege of directing American foreign policy."

The struggle began in the silences of the Constitution. Thus President Washington turned his constitutional power to receive foreign envoys into the assertion of diplomatic recognition as a prerogative of the executive; by receiving Citizen Genêt, he thereby recognized the revolutionary republic of France. Congress did not, however, abandon interest in recognition policy. In later years members of Congress tried various ways to force on reluctant Presidents the recognition of newly independent Latin American states—Argentina, for example, in 1818 and Cuba in 1898. In still later years Congress sought by concurrent resolution to dissuade Presidents from recognizing the People's Republic of China.

On the control of neutrality, Washington asserted the presidential prerogative by proclaiming American neutrality in the war between France and Britain in 1793. Congress recovered ground by passing a neutrality act of its own next year; and a century and a half later, in the nineteen-thirties, it triumphantly succeeded in imposing mandatory neutrality policies on the resistant Roosevelt administration.

On the control of information, Washington rejected a request from the House of Representatives that he turn over copies of instructions and other papers relating to the Jay Treaty. Though he based his refusal on the narrow ground that the House was not involved in the treaty-making process and that "all the papers affecting the negotiation with Great Britain" had already been laid before the Senate, he established a larger precedent that future Presidents used to deny information to the Senate as well. By 1936 Justice Sutherland could write in the Curtiss-Wright case that the wisdom of Washington's original refusal "has never since been doubted," adding that the success of presidential action in international relations may well depend "upon the nature of the confidential information which he has or may thereafter receive;" this, Sutherland said for the Court, was another proof of "the unwisdom of requiring Congress in this field of governmental power to lay down narrowly definite standards by which the President is to be governed."

But the main battlegrounds lay in the critical areas of "joint possession"—the war power and the treaty power—and the changing contours of the struggle for control are best displayed in relation to these complex and contentious questions.

III

The war power has historically involved a competition between the power of the Congress to authorize war and the power of the President as Commander in Chief. It is important to state the issue with precision. The issue is not the declaration of war in a strict sense. Long before Under Secretary Katzenbach startled the Senate Foreign Relations Committee in 1967 by pronouncing the declaration of war "outmoded," Hamilton had written in the 25th Federalist, "The ceremony of a formal denunciation of war has of late fallen into disuse." One study of European and American wars shows that between 1700 and 1870 hostilities began in 107 cases without declaration of war; in only ten cases was there a declaration of war in advance of hostilities. Though the United States has engaged in a number of armed conflicts in the last two centuries, it has only made five formal declarations of war (of which four—all but the War of 1812—recognized the prior existence of states of war).

The real issue is congressional authorization—whether or not by declaration of war—of the commitment of American forces in circumstances that involve or invite hostilities against foreign states. One aspect of this issue emerged clearly during the undeclared naval war with France in 1798–1801. Mr. Katzenbach injudiciously testified that "President John Adams' use of troops in the Mediterranean" (by which he presumably meant Adams' use of the fleet in the Atlantic) was "criticized at the time as exceeding the power of the Executive acting without the support of a congressional vote." Others, before and since, have cited this conflict as an early precedent in the cause of presidential warmaking. In fact, when trouble with France began, Adams called Congress to meet in special session "to consult and determine on such measure as in their wisdom shall be deemed meet for the safety and welfare of the said United States." In due course, Congress turned more belligerent than the President and in the spring of 1798 passed some 20 laws to encourage Adams to wage the war. Adams' Attorney General described the conflict as "a maritime war *authorized* by both nations," and in 1800 the Supreme Court, called upon to define the conflict, drew a distinction between "perfect" and "imperfect" wars. As it concluded in a unanimous decision, if war "be declared in form, it is called solemn, and is of the perfect kind. . . . But hostilities may subsist between two nations, more confined in its nature and extent; being limited as to places, persons, and things; and this is more properly termed imperfect war. . . . Still . . . it is a war between two nations, though all the members are not authorized to commit hostilities such as in a solemn war."

Both sorts of war, whether solemn or non-solemn, complete or limited, were deemed to require some mode of congressional authorization. When John Marshall assumed leadership of the Court in 1801, he reinforced the point in a second case arising out of the trouble with France. "The Congress," he ruled, "may authorize general hostilities . . . or partial war."

Jefferson similarly acknowledged the congressional right to license hostilities by means short of a declaration of war, while at the same time he affirmed the right of the executive to repel sudden attack. When an American naval schooner was fired on by a Tripolitanian cruiser in the Mediterranean, it repulsed the attack with signal success; but, Jefferson instructed Congress, its commander was "unauthorized by the Constitution, without the sanction of Congress, to go beyond the line of defense," so the enemy vessel, having been "disabled from committing further hostilities, was liberated with its crew." Jefferson went on to ask Congress to consider "whether, by authorizing measures of offense also, they will place our force on an equal footing with that of its adversaries." Again, fearing incursions into Louisiana by the Spanish in Florida in 1805, he declined to broaden defense against sudden attack into defense against the threat of sudden attack and said in a special message: "Considering that Congress alone is constitutionally invested with the power of changing our condition from peace to war, I have thought it my duty to await their authority for using force. . . . The course to be pursued will require the command of means which it belongs to Congress exclusively to yield or to deny."

In this case, Congress chose to deny. But half a dozen years later a more belligerent Congress led a more reluctant President into war. In 1812 Madison, now that he was the executive and the War Hawks of the legislature were demanding hostilities with Britain, may well have reflected ruefully on his argument of 1798 about the supposed greater interest of the executive in war.

When the Seminole Indians were conducting raids into American territory in 1818, President Monroe chose not to consult Congress before ordering General Andrew Jackson to chase the raiding parties back into Spanish Florida, where Jackson was soon fighting Spaniards and hanging Englishmen. But tangling with foreigners was incidental to Jackson's ostensible objective, which was punishing Indians. We would now call the principle on which he and Monroe acted "hot pursuit." Where direct conflict with a foreign state was the issue, Monroe was more cautious. When he promulgated his famous Doctrine, he neither consulted with Congress nor sought its subsequent approval; but, when Colombia requested U.S. protection under the Monroe Doctrine, John Quincy Adams, Monroe's Secretary of State, carefully replied that the Constitution confided "the ultimate decision . . . to the Legislative Department."

Jackson himself as President meticulously respected this point. Though he enlarged the executive power with relish in other areas. on the question of the war-making power he followed not his own example of 1817 but Jefferson's of 1801. Thus in 1831, after ordering an armed vessel to South America to protect American shipping against Argentine raiders, he said, "I submit the case to the consideration of Congress, to the end that they may clothe the Executive with such authority and means as they deem necessary for providing a force adequate to the complete protection of our fellow citizens fishing and trading in these seas." When France persisted in her refusal to pay long-outstanding claims for damage to American shipping during the Napoleonic wars, Jackson, instead of moving on his own, took care to ask Congress for a law "authorizing reprisals upon French property, in case provision shall not be made for the payment of the debt." (Albert Gallatin observed that this "proposed transfer by Congress of its constitutional powers to the Executive, in a case which necessarily embraces the question of war or no war" was "entirely inconsistent with the letter and spirit of our Constitution," and Congress turned Jackson down.) When Texas rebelled against Mexico and sought U.S. recognition as an independent republic, Jackson referred the matter to Congress as a question "probably leading to war" and therefore a proper subject for "previous understanding with that body by whom war can alone be declared and by whom all the provisions for sustaining its perils must be furnished."

Still the executive retained the ability, if he so desired, to contrive a situation that left Congress little choice but to give him a declaration of war. James K. Polk demonstrated this in 1846 when, without congressional authorization, he sent American forces into disputed land where they were attacked by Mexican units who, not unreasonably, considered it Mexican territory. Polk quickly obtained a congressional declaration of war, but many members of Congress had the uneasy feeling that the President had put something over on them. Two years later, with the war still on, the House resolved by a narrow margin that it had been "unnecessarily and unconstitutionally begun by the President of the United States." Perhaps so; but, unlike some later Presidents, Polk did have behind him not just a congressional or U.N. resolution, but a formal declaration of war by the Congress. In any case, this was the situation that provoked Congressman Lincoln of Illinois into his celebrated attack on presidential warmaking:

"Allow the President to invade a neighboring nation, whenever *he* shall deem it necessary to repel an invasion. . . . and you allow him to make war at pleasure. Study to see if you can fix *any limit* to his power in this respect. . . . If, today, he should choose to say he thinks it necessary to invade Canada, to prevent the British from invading us, how could you stop him? You may say to him, 'I see no probability of the British invading us,' but he will say to you, 'Be silent; I see it, if you don't.' "

IV

The prevailing view in the early republic, it has been suggested, was that congressional authorization was clearly required for the commitment of American forces overseas in circumstances that involved or invited hostilities against foreign states. But what if the hostilities contemplated were not against foreign governments but were in protection of American honor, law, lives or property against Indians, slave traders, pirates, smugglers, frontier ruffians or foreign disorder? Early Presidents evidently decided as a practical matter that forms of police action not directed against a sovereign nation did not rise to the dignity of formal congressional concern. These were mostly trivial episodes; and, when Senator Goldwater, with such fugitive engagements in mind, said, "We have only been in five declared wars out of over 150 that we fought," he was stretching the definition of war in a way that could comfort only those who rejoice in portraying the United States as incurably aggressive throughout its history.

Jackson in Florida was an early example; but the commitment of armed force without congressional authorization was by no means confined to North America or to the Western Hemisphere. American naval ships in these years took military action against pirates or refractory natives in places as remote as Sumatra (1832, 1838, 1839), the Fiji Islands (1840, 1855, 1858) and Africa (1820, 1843, 1845, 1850, 1854, 1858, 1859). As early as 1836, John Quincy Adams could write, "However startled we may be at the idea that the Executive Chief Magistrate has the power of involving the nation in war, even without consulting Congress, an experience of fifty years has proved that in numerous cases he has and must have exercised the power."

Adams, who in any case (at least till the Mexican War came along) regarded the power of declaring war as "an Executive act," mistakenly turned over by the Founding Fathers to the Congress, somewhat exaggerated. Still the spreading employment of force overseas by unilateral presidential decision, even if not yet against sovereign governments, was a threat to the congressional monopoly of the war power. In the meantime, the demonstration by Monroe of the unilateral presidential power to propound basic objectives in foreign policy, the demonstration by Polk of the unilateral presidential capacity to confront Congress with faits accomplis, the demonstration by Pierce of the unilateral presidential power to threaten sovereign states (as when he sent Commodore Perry and a naval squadron to open up Japan in 1854)—all these further diminished the congressional voice in the conduct of foreign affairs. Congress continued to fight back, particularly on the question of the war power. It took, for example, special pleasure in rejecting half-a-dozen requests for the authorization of force from the punctilious Buchanan, who believed that "without the authority of Congress the President cannot fire a hostile gun in any case except to repel the attacks of an enemy."

Perhaps it was Buchanan's strict constructionism that led to the drastic expansion of presidential initiative under his successor; for Lincoln may well have delayed the convocation of Congress till ten weeks after Fort Sumter lest rigid constitutionalists on the Hill try to stop him from doing what he deemed necessary to save the life of the nation. In this period of executive grace, he reinforced Sumter, assembled the militia, enlarged the army and navy beyond their authorized strength, called out volunteers for three years' service, disbursed unappropriated moneys, censored the mail, suspended habeas corpus and blockaded the Confederacy—measures which, as he said, "whether strictly legal or not, were ventured upon under what appeared to be a popular demand and a public necessity; trusting then as now that Congress would readily ratify them." He added that it was with deepest regret he thus employed what he vaguely called "the war power;" however, "he could but perform this duty, or surrender the existence of the Government."

No President had ever undertaken such sweeping actions in the absence of congressional authorization. No President had ever confronted Congress with such a massive collection of faits accomplis. Benjamin R. Curtis, who had been one of the two dissenting justices in the Dred Scott case, wrote that Lincoln had established "a military depotism." But Congress gave retroactive consent to Lincoln's program, and two years later the Court in the Prize cases found constitutional substance (narrowly; the vote was 5–4) for his idea of "the war power" by attaching it to his authority as Commander in Chief and to his right to defend the nation against attack. Throughout the war Lincoln continued to exercise wide powers independently of Congress. The Emancipation Proclamation, for example, was a unilateral executive act, pronounced under the war power without reference to Congress. But Lincoln's assertion of the war power took place, it should not be forgotten, in the context of a domestic rebellion and under the color of a most desperate national emergency. There is no suggestion that Lincoln supposed he could use this power in foreign wars without congressional consent.

V

The presidential prerogative has not grown by steady accretion. Nearly every President who has extended the reach of the White House has provoked a reaction toward a more restricted theory of the presidency, even if the reaction never quite cuts presidential power back to its earlier level. When Lincoln expanded presidential initiative, Congress took out its frustrations by harassing him through the Committee on the Conduct of the War, impeaching his successor and eventually establishing a generation of congressional government. In this period of relative military quiescence (there were only 17 instances of American military action abroad in the 20 years after the Civil War as compared to 38 in the 20 years before the war). the locus of conflict shifted from the war power to the treaty power. The Senate's constitutional right to consent to treaties—even though it had long since lost to George Washington its claim for a voice in negotiations and to his successors its power to confirm the appointment of negotiators—turned out to be more solidly embedded in the structure of government than the constitutional right of the Congress to declare war.

In the years after the Civil War the Senate freely exercised its power to rewrite, amend and reject treaties negotiated by the President. Indeed it ratified no important treaty between 1871 and 1898. Writing in 1885, Woodrow Wilson observed that the President was made to approach the Senate "as a servant conferring with a master. . . . It is almost as distinctly dealing with a foreign power as were the negotiations preceding the proposed treaty. It must predispose the Senate to the temper of an overseer." Wilson grimly noted that the treaty-making power had become "the treaty-*marring* power," and a dozen years later John Hay told Henry Adams that he did not believe "another important treaty would ever pass the Senate."

Secretaries of State regarded the assertion of senatorial prerogative as the mindless expression of institutional jealousy. As Secretary of State Richard Olney observed in one case, "The Treaty, in getting itself made by the sole act of the executive, without leave of the Senate first had and obtained, had committed the unpardonable sin. It must be either altogether defeated or so altered as to bear an unmistakable Senate stamp . . . and thus be the means both of humiliating the executive and of showing to the world the greatness of the Senate." Hay regarded the one-third veto as the "original," the "irreparable" mistake of the Constitution, now grown to "monstrous shape," and wrote, "The attitude of the Senate toward public affairs makes all serious negotiations impossible."

Ways had to be found to evade the veto. One was the use of the joint resolution, which required only a majority of the Congress as against two-thirds of the Senate; by such means Texas was annexed in 1845 and Hawaii in 1898. Another was the use of agreements entered into directly by the President with foreign states. The "executive agreement" had the legal force of a treaty; and, though largely confined in the nineteenth century to technical matters, it could be the vehicle of large purposes. It was, for example, the means by which Britain and the United States agreed in the Rush-Bagot accord of 1817 to disarm the Great Lakes and by which the United States in 1898–99 developed the policy of the Open Door in China.

Still, Congress remained in the saddle. As Henry Adams put it in a famous complaint:

> "The Secretary of State exists only to recognize the existence of a world which Congress would rather ignore; of obligations which Congress repudiates whenever it can; of bargains which Congress distrusts and tries to turn to its advantage or to reject. Since the first day the Senate existed, it has always intrigued against the Secretary

of State whenever the Secretary has been obliged to extend his functions beyond the appointment of Consuls in Senators' service."

But, just as executive domination had produced a shift in power over foreign policy toward Congress after the Civil War, so congressional domination was beginning to produce a shift back to the presidency. And, in clamoring for war with Spain, Congress became its own executioner. Writing in 1900, Wilson eloquently portrayed the impact of that war upon the lodgment and exercise of power within the federal system. When foreign affairs dominate the policy of a nation, he said, "its Executive must of necessity be its guide: must utter every initial judgment, take every first step of action, supply the information upon which it is to act, suggest and in large measure control its conduct. The President of the United States is now . . . at the front of affairs, as no president, except Lincoln, has been since the first quarter of the nineteenth century."

VI

Oddly Congress, in its salad years, had not asserted itself on the question of the war power, perhaps because it so generally agreed with the use the executive made on his own motion of American forces abroad. Victory over Spain now made the United States a world power; and in 1900 President McKinley set the tone for the new century by sending 5,000 American troops to China. The pretext was the protection of American lives and property; in fact, the Americans joined an international force, besieged Peking and helped put down the Boxer Rebellion. This was done without reference to Congress and without serious objection from it. The intervention in China, resulting among other things in the exaction of an endemnity from the Chinese government, marked the start of a crucial shift in the use of the armed forces overseas. Where, in the nineteenth century, military force committed without congressional authorization had been typically used in police actions against private groups, now it was beginning to be used against sovereign states. In the next years Theodore Roosevelt and Taft sent American forces into Caribbean countries and, in some cases, even installed provisional governments—all without prior congressional sanction.

In 1912, in an effort to meet the constitutional problem, J. Reuben Clark, the Solicitor of the State Department, offered a distinction between "interposition" and "intervention." Interposition meant simply the insertion of troops to protect lives and property; it implied neutrality toward the government or toward contesting forces within the country; and, since it was a normal exercise of international law, it did not, Clark argued, require congressional approval. Intervention, on the other hand, meant interference in sovereign affairs; it implied an act of war and required congressional authorization.

Whatever merit this distinction might have had in the nineteenth century when the United States was a small power, by the twentieth century a great power could hardly interpose anywhere without intervening in sovereign affairs. On the other hand, it could be argued that the superior force of the United States was now so great relative to the Caribbean states that intrusion, whether interposition or intervention, did not invite the risk of war and therefore did not require congressional consent. Still, whatever the nuances of arguments, limitations were evaporating. The executive was becoming habituated to the unconstrained deployment of American forces around the world, and Congress chose not to say him nay. Though Wilson received retroactive congressional approval for an incursion into Mexico in 1914 and the approval of the Senate for another in 1916, he did not seek congressional authorization when he sent troops to Siberia after the First World War. Congressional resolutions of protest perished in committee.

Theodore Roosevelt and Wilson provoked the predictable reaction. The Senate, reasserting its prerogative, rejected the Versailles Treaty (though when the elder Henry Cabot Lodge claimed in his second reservation that Congress had the "sole power" to "authorize the employment of the military or naval forces," his fellow isolationist William E. Borah called it "a recital which is not true"). By the thirties the Congress, regarding the First World War as the malign consequence of presidential discretion in foreign affairs, imposed a rigid neutrality program on the executive and remained generally indifferent when Germany and Japan set out on courses of aggression. The reassertion of the presidential prerogative in the years since must be understood in part as a criticism of what happened when Congress tried to seize the reins of foreign policy in the years 1919–1939.

The outbreak of war in 1939 found the President restrained both by the neutrality laws and by the balance of power in Congress from doing what he deemed necessary to save the life of the nation. Roosevelt responded, as Lincoln had 80 years before, by pressing to the utmost limits of presidential power. But, though doubtless encouraged by Justice Sutherland and the Curtiss-Wright decision, he did this without grandiose claims of executive authority. When he exchanged American destroyers for British bases in an executive agreement of 1940—Senators Fulbright and Church have both said that Roosevelt "usurped the treaty power of the Senate"—he did not found his action on novel authority claimed as Commander in Chief nor on inherent powers of the presidency but on the construction of laws passed by Congress in 1917 and 1935. Nor did the transaction involve promises of future performance, and Roosevelt's circle of prior consultation included even the Republican candidate for President.

When in 1941 he sent American troops to Greenland and later to Iceland, this was done in agreement with the Danish government in the first case and the government of Iceland in the second; moreover, the defense of Greenland and, less plausibly, Iceland, could be considered as part of hemisphere security. Senator Robert A. Taft declared that Roosevelt had "no legal or constitutional right to send American troops to Iceland" without authority from Congress. Few of his colleagues echoed this protest. The Selective Service Act of 1940 had contained a provision that draftees could not be used outside the Western Hemisphere (except in American possessions); but the younger Lodge, who sponsored this provision, evidently doubted its force and called it "a pious hope."

In instituting a convoy system and issuing the "shoot-at-sight" order to the navy in the North Atlantic, Roosevelt was bringing the nation without congressional authorization into undeclared naval war with Germany. Senator Fulbright has latterly charged that he "circumvented the war powers of the Congress." But the poignant character of Roosevelt's dilemma was made clear when in August 1941 the House of Representatives renewed the Selective Service Act by a single vote. If Congress came that close to disbanding the army at home, how could Roosevelt have reasonably expected congressional support for his forward policy in the North Atlantic? His choice was to go to Congress and risk the fall of Britain to Hitler or to proceed on his own with measures which, "whether strictly legal or not, were ventured upon under what appeared to be a popular demand and a public necessity; trusting then as now that Congress would readily ratify them."

Roosevelt did not, like later Presidents, seek to strip Congress of powers in the name of the inherent authority of the Commander in Chief. The most extraordinary prewar decision—Lend-Lease—was authorized by Congress following intensive and exacting debate. After America entered the war, Roosevelt asked Congress for authority to send military missions to friendly nations. Both Roosevelt and Hull, remembering the fate of Wilson, made elaborate efforts to bring members of Congress from both parties into the discussion of postwar policy through the Advisory Committee on Postwar Foreign Policy and through congressional representation at Bretton Woods, San Francisco and in the delegations to the United Nations. The United Nations Participation Act of 1945 took express care to protect the war powers of Congress.

VII

The towering figure of Franklin Roosevelt, the generally accepted wisdom of his measures of 1940–1941, his undisputed powers as Commander in Chief after Pearl Harbor, the thundering international agreements pronounced at wartime summits of the Big Two or the Big Three—all these factors, combined with the memory of the deplorable congressional performance in foreign affairs during the years between the wars, gave Americans in the postwar years an exalted conception of presidential power. Moreover, Roosevelt's successor, a man much read in American history and of doughty temperament, regarded his office, in the words of his last Secretary of State, as "a sacred and temporary trust, which he was determined to pass on unimpaired by the slightest loss of power or prestige." Dean Acheson himself, though an eminent lawyer, was impatient with what he saw as constitutional hair-splitting and encouraged the President in his stout defense of high prerogative. Nor were they alone. As early as 1945 Senator Vandenberg was asserting that "the President must not be limited in the use of force" in the execution of treaties; and, when Vandenberg asked the retired Chief Justice, Charles Evans Hughes, whether the President could commit troops without congressional approval, Hughes replied, "Our Presidents have used our armed forces repeatedly without authorization by Congress, when they thought the interests of the country required it." It must be added that American historians and political scientists, this writer among them, labored to give the expansive theory of the presidency due historical sanction.

Above all, the uncertainty and danger of the early cold war, with the chronic threat of unanticipated emergency always held to require immediate response, with, above all, the overhanging possibility of nuclear catastrophe, seemed to argue all the more strongly for the centralization of the control over foreign policy, including the use of armed forces, in the presidency. And the availability of great standing armies and navies notably enlarged presidential power; before the Second World War, Presidents (Lincoln excepted) could call on only such limited force as was already in existence.

Where Truman required congressional consent either because of the need for appropriations (the Marshall Plan) or for treaty ratification (NATO), he rallied that support effectively. But he decided not to seek formal congressional approval for the commitment of American forces to hostilities in Korea (though he consulted congressional leaders informally before American troops went into action) lest he diminish the presidential prerogative. This was followed by his decision, also proposed without reference to Congress, to send four divisions to reinforce the American Army in Europe. These initiatives greatly alarmed conservative members of Congress. On January 3, 1951, Congressman Frederic Coudert of New York introduced a resolution declaring it the sense of the Congress that no "additional military forces" could be sent abroad "without the prior authorization of the Congress in each instance." Two days later, in a full-dress speech before the Senate, Taft returned to the argument he had made against Roosevelt ten years earlier. "The President," he said, "simply usurped authority, in violation of the laws and the Constitution, when he sent troops to Korea to carry out the resolution of the United Nations in an undeclared war. . . . I do not believe the President has the power without congressional approval to send troops to one country to defend it against a possible or probable attack by another country."

Tom Connally, the Chairman of the Senate Foreign Relations Committee, responded with a stirring assertion of high prerogative. "The authority of the President as Commander in Chief to send the Armed Forces to any place required by the security interests of the United States," he said, "has often been questioned, but never denied by authoritative opinion." Secretary of State Acheson went even further:

"Not only has the President the authority to use the Armed Forces in carrying out the broad foreign policy of the United States and implementing treaties, but it is equally clear that this authority may not be interfered with by the Congress in the exercise of powers which it has under the Constitution."

Acheson added irritably: "We are in a position in the world today where the argument as to who has the power to do this, that, or the other thing, is not exactly what is called for from America in this very critical hour."

The debate also divided scholars. Henry Steele Commager wrote, "Whatever may be said of the expediency of the Taft-Coudert program, this at least can be said of the principles involved—that they have no support in law or in history." The present writer, with a flourish of historical documentation and, alas, hyperbole, called Taft's statements "demonstrably irresponsible." In reply Professor Corwin, who had studied the constitutional position of the presidency for many years with sardonic concern, pronounced Commager and Schlesinger (with some justice) "high-flying prerogative men" who ascribed to the President "a truly royal prerogative in the field of foreign relations . . . without indicating any correlative legal or constitutional control to which he is answerable."

The Great Debate of 1951 ended inconclusively in the passage of a "sense-of-the-Senate" resolution in which the Senate approved the sending of Truman's four divisions but asserted that no additional ground troops should be sent to Western Europe "without further congressional approval." The administration opposed this ceiling; Senator Nixon of California was among those who voted for it. Where Acheson noted that the resolution was "without force of law" and "had in it a present for everybody." Taft applauded it as "a clear statement by the Senate that it has the right to pass on any question of sending troops to Europe to implement the Atlantic Pact." Both were right; and since no subsequent President has tried to increase the American Army in Europe, the resolution has never been tested.

In areas more clearly dependent on the appropriations power, notably in foreign aid, Congress neither then nor later hesitated to tie up executive programs with all manner of hortatory prescriptions, rigid stipulations and detailed specifications, often against executive desire. In 1948 it forced an additional $400 million in aid to China; in 1950, over strong executive objection, it imposed a mandatory loan to Spain. Nor did it hesitate in 1951–52 to go beyond the administration in using economic aid to encourage not only economic cooperation but political integration in Western Europe. This congressional effort to shape foreign policy through appropriations did not relent in subsequent years; and the greater dependence of foreign policy on appropriations has meant that, in this sector at least, the presidency has lost power to Congress. When Monroe issued the Monroe Doctrine, he did not seek congressional assent, but when Kennedy called for the Alliance for Progress, he was at the mercy of Congress every step along the way.

The postwar argument between the Congress and the presidency spilled over to the treaty power as well. Members of Congress feared that the executive agreement, which had started out (with notable exceptions like Rush-Bagot) as a vehicle on minor matters, was now threatening to supersede the treaty as the means of major commitment. In December 1950, when Prime Minister Attlee came to Washington, a resolution sponsored by, among others, Senator Nixon, declared it the sense of the Senate that the President not only report in full to the Senate on his discussions but refrain from entering into any understandings or agreements. The Secretary of State dismissed this (as President Nixon would today) as "plainly . . . an infringement of the constitutional prerogative of the President to conduct negotiations." Still the resolution received 30 votes. Concern over the abuses of the executive agreement, already set off by hysteria among conservatives about the Yalta records, soon flowed into the movement for the Bricker Amendment.

This Amendment went through a succession of orchestrations; but the pervading theme was that treaties and executive agreements should become effective as internal law only through legislation valid in the absence of a treaty. This would mean not only that a treaty could not authorize what the Constitution forbids but that action by the House of Representatives and, in some cases, by state legislatures might be necessary to give it full effect. One version specifically empowered Congress "to regulate all executive and other agreements with any foreign power or international organization." When moderate conservatives joined with liberals to resist the Amendment, Senator Knowland plucked out the section on executive agreements and offered a bill requiring that all such agreements be transmitted to the Senate within 60 days of their execution. Though the Senate passed this bill in July 1956, the House failed to act. In 1972, when Senator Case of New Jersey, a liberal Republican, revived the Knowland idea, the Senate, with liberals in the lead, passed it almost unanimously, and a liberal Democrat, Senator Pell of Rhode Island, recently remarked that the Bricker Amendment, "if put up today, I think, would be voted overwhelmingly by all of us."

VIII

The congressional protest soon subsided, in part because the election of a Republican President in 1952 seemed to promise a period of executive restraint and congressional influence and in part because Congress, no less than the executive, accepted the presuppositions of the cold war. Moreover, as so often, the acquisition of power altered perspectives. Secretary of State Dulles opposed the Bricker Amendment as strongly as any Democrat; and, while the Eisenhower administration was active in seeking joint resolutions at times of supposed vital decision in foreign affairs, it did so not because it thought Congress had any authority in the premises but because the resolution process, by involving Congress in the takeoff, would incriminate it in a crash-landing (this valuable aerial metaphor had been invented by Harold Stassen in 1946). The resolution process now became a curious ceremony of propitiation in which Presidents yielded no claims and Congress asserted few but which provided an amiable illusion of partnership; it was in domestic terms what someone had said of the Briand-Kellogg Pact—"an international kiss."

Sometimes even members of Congress considered such resolutions superfluous. When President Eisenhower, recalling Truman's omission in 1950, asked in 1955 for a resolution to cover possible American military activity around Formosa, Sam Rayburn, Speaker of the House and presumably an incarnation of the congressional prerogative, said, "If the President had done what is proposed here without consulting the Congress, he would have had no criticism from me." The Formosa Resolution at least contained language by which the President was "authorized to employ the Armed Forces," however lightly the executive regarded that language, but Congress loosened even that pretense of control by adding that he could use these forces "as he deems necessary" in the defense of Formosa and the Pescadores. When Eisenhower sought a Middle East Resolution in 1957, the Senate Foreign Relations Committee this time deleted the idea of congressional authorization. Senator Fulbright even expressed the fear that any resolution might limit the President's power as Commander in Chief to defend the "vital interests" of the nation. And when Eisenhower, in what in retrospect seems a mysterious and, indeed, hazardous mission, sent 14,000 troops to Lebanon the next year, he cited as authority for this action, not at all his own resolution but the now capacious presidential prerogative.

On the other hand, Eisenhower had acknowledged the practical importance of congressional support when in 1954 he yielded to congressional (as well as British) opposition and declined to commit American forces to the relief of Dien Bien Phu. At the same time, however, he reduced the significance of the troop-commitment issue by confiding an increasing share of American foreign operations to an agency presumed beyond the reach of Congress, the Central Intelligence Agency. In the Eisenhower years the CIA became the primary instrument of American intervention overseas, helping to overthrow governments in Iran (1953) and Guatemala (1954), failing to do so in Indonesia (1958), helping to install governments in Egypt (1954) and Laos (1959), organizing an expedition of Cuban refugees against the Castro régime (1960). Congress had no oversight over the CIA. It even lacked regular means of finding out what it was up to. There was a joint congressional committee on atomic energy but none (none to this day) on secret intelligence operations.

The cold war created both a critical environment and an uncritical consensus; and these enabled even a relatively passive President, a "Whig" like Eisenhower, to enlarge the unilateral authority of the executive. Nor did either the President or the Congress see this as a question of usurpation. During the fifties and much of the sixties most of Congress, mesmerized by the supposed need for instant response to constant crisis, overawed by what the Senate Foreign Relations Committee later called "the cult of executive expertise," accepted the "high-flying" theories of the presidential prerogative. In early 1960 Senator John F. Kennedy observed that, however large the congressional role in the formulation of domestic programs, "it is the President alone who must make the major decisions of our foreign policy." As late as 1961, Senator Fulbright contended that "for the existing requirements of American foreign policy we have hobbled the President by too niggardly a grant of power." While he found it "distasteful and dangerous to vest the executive with powers unchecked and unbalanced," the question, he concluded, was "whether we have any choice but to do so." Republicans were no less devoted to the thesis of executive supremacy. "It is a rather interesting thing," Senator Dirksen, then Republican leader, told the Senate in 1967, "—I have run down many legal cases before the Supreme Court—that I have found as yet no delimitation on the power of the Commander in Chief under the Constitution." "I am convinced," said Senator Goldwater, "there is no question that the President can take military action at any time he feels danger for the country or, stretching a point, for its position in the world."

In this state of political and intellectual intimidation, Congress forgot even the claim for consultation and was grateful when the executive bothered to say what it planned to do. ("The distinction between solicitation of advice in advance of a decision and the provision of information in the wake of a decision would seem to be a significant one," the Senate Foreign Relations Committee finally commented in 1969. Pointing out that in the cases of the Cuban missile crisis and the Dominican intervention congressional leaders were informed what was to be done only a few hours before the decisions were carried out, the Committee added dryly, "Such acts of courtesy are always to be welcomed; the Constitution, however, envisages something more.") In this mood, too, Congress acquiesced in national commitment through executive agreement—as, for example, in the case of Spain where the original bases agreement of 1953 was steadily escalated by official pronouncement through the years until the Foreign Relations Committee could conclude in 1969 that the sum of executive declarations was a virtual commitment on the part of the United States to come to the aid of Spain. Senator Fulbright recently remarked a little bitterly, "We get many treaties dealing with postal affairs and so on. Recently, we had an extraordinary treaty dealing with the protection of stolen art objects. These are treaties. But when we put troops and take on commitments in Spain, it is an executive agreement."

The case of Thailand is equally astonishing. In 1962 Secretary of State Rusk and the Thai Foreign Minister expressed in a joint declaration "the firm intention of the United States to aid Thailand . . . in resisting Communist aggression and subversion." While this statement may have been no more than a specification of SEATO obligations, the executive branch thereafter secretly built and used bases and consolidated the Thai commitment in ways that would still be unknown to Congress and the electorate had it not been for the indomitable curiosity of Senator Symington and his Subcommittee on Security Arrangements and Commitments Abroad. The Subcommittee also uncovered interesting transactions involving the executive branch with Ethiopia (1960), Laos (1963) and South Korea (1966). The case of Israel is even more singular. Here a succession of executive declarations through five administrations have produced a virtual commitment without the pretense of a treaty or even an executive agreement.

In this mood also Congress accepted the Americanization of the Vietnam War in 1965. "If this decision was not for Congress under the Constitution," Professor Bickel has well said, "then no decision of any consequence in matters of war and peace is left to Congress." As for the Tonkin Gulf Resolution, though President Johnson liked to flourish it as proof that Congress had indeed made a decision, he himself really did not think, as he later put it, that "the resolution was necessary to do what we did and what we're doing." As he unfolded his view of presidential power in 1966: "There are many, many, who can recommend, advise and sometimes a few of them consent. But there is only one that has been chosen by the American people to decide."

Listing 24 statutes facilitating the fighting in Vietnam, Senator Goldwater said in 1971, "Congress is and has been involved up to its ears with the war in Southeast Asia." The argument that Congress thereby "authorized" the war, especially by voting appropriations, has a certain practical strength up to the point (as Judge Frank Coffin put it in a 1971 decision of the First Circuit Court) where Congress asserts a conflicting claim of authority, which it has not done. But, also as a practical matter, it is rare indeed for parliaments to deny supplies to fighting men, and too much cannot be inferred from the refusal to punish the troops for the sins of those who sent them into the line. It is true that members of the British Parliament voted against supply bills during the American Revolution, but this was before the Reform Acts had created constituencies broad enough to include large numbers of relatives of men in combat. At the height of his opposition to the Mexican War, Congressman Lincoln said, "I have always intended, and still intend, to vote supplies." Still, though Congress has placed restrictions on troop deployment, it had not by the middle of 1972 interposed a decisive obstacle to presidential escalation of the war.

IX

If President Johnson construed the high prerogative more in the eighteenth-century style of the British King than of the executive envisaged by the Constitution, his successor carried the inflation of presidential authority even further. In asserting that his power as the Commander in Chief authorized him to use American ground troops to invade Cambodia, and to do so without reference to or even the knowledge of Congress, President Nixon indulged in presidential warmaking beyond a point that even his boldest predecessors could have dreamed of. Those who had stretched the executive war power in the past had done so in the face of visible and dire threat to national survival: Lincoln confronted by rebellion, Roosevelt by the Third Reich. Each, moreover, had done what he felt he had to do without claiming constitutional sanction for every item of presidential action.

But, in justifying the commitment of American troops to war in a remote and neutral country, Nixon cited no emergency that denied time for congressional action, expressed no doubt about the total legality of his own initiative and showed no desire even for retroactive congressional ratification. All he was doing, he told the Senate Republican leader in June 1970, was fulfilling "the Constitutional duty of the Commander-in-Chief to take actions necessary to protect the lives of United States forces." This was no more, he implied, than the routine employment of presidential power; it required no special congressional assent, not even the fig-leaf, shortly repealed and abandoned, of the Tonkin Gulf Resolution. William Rehnquist of the Department of Justice, himself soon escalated by the President to the Supreme Court, called it "a valid exercise of his constitutional authority as Commander-in-Chief to secure the safety of American forces"—a proposition that might not have deeply moved the Nixon administration had it been advanced by the Presidium to explain why the Red Army was justified in invading a neutral country to secure the safety of Russian forces. "The President's authority to do what he did, in my view," Rehnquist concluded, "must be conceded by even those who read Executive authority narrowly." It was, in fact, challenged by even those who read executive authority broadly.

The government thus committed armed forces to hostilities first in Cambodia, then in Laos and North Vietnam (for the air force remains a part of the armed forces) on the basis of a theory of defensive war so elastic that a President could freely and on his own initiative order armed intervention in any country housing any troops that might in any conceivable circumstance be used in an attack on American troops. If this seemed an extraordinary invasion of the congressional war power, there seemed a comparable invasion of the appropriations power when Henry Kissinger informed Hanoi in secret negotiation that the United States "could give and undertake, a voluntary contribution by the President, that there would be a massive reconstruction program for all of Indochina, in which North Vietnam could share to the extent of several billion dollars."

Congress appeared increasingly impotent in the face of the size and momentum of the postwar institutions of American foreign policy—an institutional array spearheaded by an aggressive presidency and supported by a military and intelligence establishment virtually beyond congressional reach. Indeed, large sections of the electorate were coming to feel that foreign policy had escaped from democratic control and that the institutions would have their way however the voters might vote.

Excess, as usual, invites reaction; and the Senate, with due timidity, reacted. What Versailles had done to the congressional prerogative, Vietnam now did to the presidential prerogative. But Congress did not react by frontal attack on the means by which the President continued the war, though various members of Congress urged this course on their colleagues. The Senate reacted rather by passing in June 1969 by 70–16 the National Commitments Resolution, described by the Senate Foreign Relations Committee as "an invitation to the executive to reconsider its excesses, and to the legislature to reconsider its omissions in the making of foreign policy." Neither invitation was accepted.

The Senate also reacted in April 1972 by passing a War Powers bill, from the workings of which Vietnam was specifically exempted. This bill, conceived and bravely promoted by Senator Javits, has, from some views, substantial defects. Had it been on the statute books in past years, it would surely have prevented Roosevelt from responding to Hitler in the North Atlantic in 1941 and would surely not have prevented Johnson from escalating the war in Vietnam (for Johnson would have received—indeed, did receive—overwhelming congressional support for escalation at every point till the middle of 1968). If passed by the Congress, the bill might be more likely to become a means of inducing formal congressional approval of warlike presidential acts than of preventing such acts. Moreover, the principle on which the bill is based—that the President must carry out the policy directives of Congress in the initiation and prosecution of military hostilities—might itself have bellicose consequences the next time War Hawks dominate the legislative branch. Still the Senate's passage of the bill—especially by the impressive margin of 68–16—might have been expected to have some cautionary influence in reminding the President that Congress in its pathetic way thought it had some voice in the determination of peace and war. It had no such effect. A fortnight after its passage, President Nixon, again without reference to Congress, threw the American Air Force into devastating attacks on North Vietnam.

If there is an imbalance of powers, if Congress has lost authority clearly conferred on it by the Constitution, it can only be said that Congress has done little to correct the situation. Its complaints have been eloquent; its practical action has been slight. Its problem has been less lack of power than lack of will to use the powers it has—the power of appropriation, the power to regulate the size of the armed forces, the power through joint resolutions to shape foreign policy, the power to inform, investigate and censure. As late as the summer of 1972, the Senate, in declining Senator Cooper's amendment to the bill, which proposed to cut off funds for American troops and bombing in four months, relinquished, in the words of *The Washington Post*, "the only opportunity it has ever dared afford itself to make an independent and conclusive judgment on the war."

In the present as in the past, Congress has preferred to renounce responsibility—which is why the presidency has retained power.

"We may say that power to legislate for emergencies belongs in the hands of Congress," said Justice Jackson in the Steel Seizure case, "but only Congress itself can prevent power from slipping through its fingers." The situation today, for all the wails of congressional self-pity, is much the one that Lincoln feared in 1848: "Allow the President to invade a neighboring nation [or, today, a nation on the other side of the world], whenever *he* shall deem it necessary to repel an invasion . . . and you allow him to make war at pleasure. Study to see if you can fix *any limit* to his power in this respect."

X

The Abraham Lincoln who had thus challenged the presidential prerogative of Polk was the same Abraham Lincoln who a dozen years later gave the presidency greater powers over war and peace than ever before, as the Andrew Jackson who showed such deference to Congress in the eighteen-thirties was the same Andrew Jackson who a dozen years earlier had charged without congressional authority into Spanish Florida. This is a critical point in understanding the nature of the issue. For nothing has been more characteristic of the perennial debate than the way in which the same people, in different circumstances and in different points in their lives, have argued both sides of the issue.

Richard M. Nixon had one set of views in 1951 on the question of whether Congress could control troop commitments and executive agreements. By 1971 he had an opposite set of views. Senator Fulbright, moving in the reverse direction has long since repented his belief that the President needs more control over foreign policy. Professor Corwin's "high-flying prerogative men" of 20 years ago have zoomed downward on this question in recent times. Professor Commager has, in effect, accepted the Taft-Coudert case in his testimony in favor of the War Powers bill; and this writer, while remaining skeptical about the War Powers bill, would freely concede that Senator Taft had a much more substantial point than he supposed 20 years ago. But to make that point Senator Taft had to explain away the views of *his* father, the Chief Justice, who had written in 1916 that the President as Commander in Chief "can order the Army and Navy anywhere he will, if the appropriations furnish the means of transportation." And, while the younger Senator Taft has followed his father rather than his grandfather, such heirs of Taft as Goldwater and Rehnquist are today very high-flying prerogative men. For that matter Professor Corwin's own record was not all that immaculate. While he defended the congressional prerogative in 1951, in 1940 he had raised the question "whether the President may, without authorization by Congress, take measures which are technically acts of war in protection of American rights and interests abroad," and replied: "The answer returned both by practice and by judicial doctrine is yes." Even as late as 1949, Corwin described the power "to employ without congressional authorization the armed forces in protection of American rights and interests abroad wherever necessary as "almost unchallenged from the first and occasionally sanctified judicially."

There are several reasons for this chronicle of vacillation. For one thing, the issues involved are ones of genuine intellectual difficulty, about which reasonable men may well find themselves changing their minds. For another, power usually looks more responsible from inside than from outside. For another, general questions often assume different shapes in different lights. It is agreeable to claim constitutionality for policies one supports and agreeable too to stigmatize policies one opposes as unconstitutional. All these reasons tend toward a single conclusion: that the problem we face is not primarily constitutional. It is primarily political. History offers the lawyer or scholar almost any precedent he needs to sustain what he may consider, in a concrete setting, to be wise policy. There is simply no absolute solution to the constitutional issue. This is no doubt why the Supreme Court has been so skittish about pronouncing on the problem. In our long and voluable judicial history, the decisions bearing even marginally on the question can be numbered on the fingers of one hand, and the illumination they provide is, at best, flickering if not dim.

If this is so, we must restrain our national propensity to cast political questions in constitutional terms. Just as in other years we went too far in devising theories of spacious presidential power because we agreed with the way one set of Presidents wanted to use this power, now we are likely to go too far in limiting presidential power because we disagree with the projects of another set of Presidents. We must take care not to convert a passing historical phase into ultimate constitutional truth. Professor Bickel has even suggested that "Congress should prescribe the mission of our troops in the field, in accordance with a foreign and war policy of the United States which it is for Congress to set when it chooses to do so. And Congress should equally review and settle upon an appropriate foreign policy elsewhere than in Vietnam, and reorder the deployment of our forces accordingly." There is no great gain in replacing high-flying presidential men by high-flying congressional men, nor is James Buchanan necessarily the model President.

As the guerrilla war between the presidency and the Congress for control over foreign policy has dragged along through our history, the issue is sometimes put as if one or the other were the safer depository of authority. Congressional judgment, Adolf Berle once argued, "tends to lag behind the facts in an international case to which the President must address himself . . . Defense means seeing trouble in advance and moving to prevent it. The President's estimates of what will happen have usually been better than those of men who do not live with the problems." Senator Goldwater opposed the War Powers bill because, as he said, "I would put more faith in the judgment of the Office of President in the matter of warmaking at this time than I would of Congress." But Senator Fulbright, who in 1961 feared the "localism and parochialism" of Congress, now believes "the collective judgment of the Congress, with all its faults, could be superior to that of one man who makes the final decision, in the executive."

History does not support any general assignment of superior virtue to either branch. In spite of Madison, the Congress is not always a force for restraint (as he himself discovered in 1812) nor the executive always a force for bellicosity. One need go back no further than the Cuban missile crisis to recall, as Robert Kennedy has told us, that the congressional leaders, including Senators Russell and Fulbright, "felt that the President should take more forceful action, a military attack or invasion, and that the blockade was far too weak a response." Those of us who hate the Indochina War may see more hope today in the Congress than in the presidency; just as those who grew up in the days when Congress rejected Versailles and promulgated the neutrality acts saw more hope in the executive. But it would be folly to regard either presidential or congressional wisdom as a permanent condition. Neither branch is infallible, and each needs the other—which is, I guess, the point the Founding Fathers were trying to make.

There is no worse fallacy than to build final answers on transient situations. The questions of the war power and the treaty power are, and must remain, political questions. This is not a zone of clear-cut constitutional prescription. It is rather what Justice Jackson in his brilliant opinion in the Steel Seizure case described as "a zone of twilight in which [the President] and Congress may have concurrent authority, or in which its distribution is uncertain. Therefore, congressional inertia, indifference or quiescence may sometimes, at least as a practical matter, enable, if not invite, measures on independent presidential responsibility. In this area, any actual test of power is likely to depend on the imperatives of events and contemporary imponderables rather than on abstract theories of law."

While the Constitution sets outer limits on both presidential and congressional action, it leaves a wide area of "joint possession." Common sense therefore argues for congressional participation as well as for presidential responsibility in the great decisions of peace and war.

To restore the constitutional balance, it is necessary in this period to rebuke presidential pretensions, as it has been necessary in other periods to rebuke congressional pretensions. Perhaps Tocqueville was not so profound after all (for once) in his theory of the antagonism between democracy and foreign policy. Perhaps Bryce (for once) was more to the point when he argued that the broad masses are capable of assessing national interests and of sustaining consistent policies. So far as judging the ends of policy is concerned, Bryce said, "History shows that [the people] do this at least as wisely as monarchs or oligarchies, or the small groups to whom, in democratic countries, the conduct of foreign relations has been left, and that they have evinced more respect for moral principles."

We are still told about the supposed structural advantages of the executive as portrayed in the Federalist—unity, secrecy, superior sources of information, decision, dispatch. These advantages seem less impressive today than they must have been 180 years ago. Our sprawling executive branch is often disunited and is chronically incapable of secrecy. Its information is no longer manifestly superior and is often manifestly defective. The need for decision and dispatch has been greatly exaggerated; apart from Korea and the Cuban missile crisis, no postwar emergency has demanded instant response. Moreover, there was far more reason for unilateral executive action in times when difficulties of transport and communication could delay the convening of Congress for weeks than there is in our age of the telephone and the jet aircraft. What remains to the President is his command of the institutions of war and his undeniable ability to create situations which make it hard for Congress to reject his request. Here it might be well to recall the warning of the Federalist: "How easy would it be to fabricate pretences of approaching danger."

But in demythologizing the presidency we must take care not to remythologize the Congress. If it is extreme to say that the President can send troops anywhere he pleases without congressional authorization, it is equally extreme to say he cannot do so short of war without congressional authorization (even Senator Taft proposed no limitations on presidential deployment of the navy and air force). In this area, John Norton Moore and Quincy Wright have proposed a test worth careful consideration: that the President must obtain prior congressional authorization in all cases where regular combat units are committed to what may be sustained hostilities or where military intervention will require congressional action, as by appropriations, before it is completed. This would leave the President with independent authority to deploy forces short of war (and, of course, to repel attack), while it would assure congressional authority to limit or prohibit presidential commitment when war impends. But this provision, however attractive, would not have stopped escalation in Vietnam where President Johnson would have had no difficulty in getting the necessary authorization. The War Powers bill, though excessively rigid in its definition of situations where the President is authorized to act and unconvincing in its reliance on a 30-day deadline, contains valuable provisions for presidential reporting to the Congress once hostilities begin. Congressman Jonathan Bingham has proposed a simpler approach, which would avoid the rigidities of the War Powers bill but retain its affirmation of congressional control of undeclared hostilities. Citing the Executive Reorganization Act as a precedent, he would give either house of Congress power to terminate such hostilities by resolution. Some declaration of congressional power in this area would serve as a useful check on Presidents.

As for the treaty power, Senator Case's efforts to bring executive agreements within congressional purview and to induce the executive to submit major agreements in the form of treaties are long overdue. But the notion that executive agreements must be rigorously confined to minor matters and that all important international undertakings must be subject to senatorial veto would bring us back to the frustrations of Olney and Hay. Does anyone seriously suggest that every time a President meets another chief of state their understandings can be extinguished by one-third of the Senate? Would even high-flying congressional men contend that the Monroe Doctrine, the Emancipation Proclamation, the Fourteen Points and the Atlantic Charter were cases of presidential usurpation? And in the period ahead, with the bipolar simplicities of the cold war giving way to the shifting complexities of a multipolar world, the executive simply cannot operate just on the leading strings of Congress. There has to be a middle ground between making the American President a czar and making him a puppet.

Senator Fulbright once distinguished between two kinds of power involved in the shaping of foreign policy—that pertaining to its direction, purpose and philosophy; and that pertaining to the day-to-day conduct of foreign affairs. The former, he suggested, belonged peculiarly to Congress, the latter to the executive. The trouble was that Congress was reversing the order of responsibility. "We have tended to snoop and pry in matters of detail, interfering in the handling of specific problems in specific places which we happen to chance upon. . . . At the same time we have resigned from our responsibility in the shaping of policy and the defining of its purposes, giving away things that are not ours to give: the war power of the Congress, the treaty power of the Senate and the broader advice and consent power." Perhaps it would be well to recall the hope expressed by Senator Vandenberg in 1948 that the habit of senatorial intervention in foreign affairs would not become "too contagious because . . . only in those instances in which the Senate can be sure of a complete command of all the essential information prerequisite to an intelligent decision should it take the terrific chance of muddying the international waters by some sort of premature and ill-advised expression of its advice to the Executive."

XI

Vandenberg was everlastingly right in his emphasis on information; for a flow of information to Congress is indispensable to a wise use of both the war and the treaty powers. And in no regard has Congress, until very recently, been more negligent than in acquiescing in executive denial of information. As Woodrow Wilson said long ago,

"Unless Congress have and use every means of acquainting itself with the acts and the disposition of the administrative agents of the government, the country must be helpless to learn how it is being served; and unless Congress both scrutinize these things and sift them by every form of discussion, the country must remain in embarrassing, crippling ignorance of the very affairs which it is most important that it should understand and direct."

In Wilson's judgment, "The informing function of Congress should be preferred even to its legislative function." The executive has devised no more effective obstacle to the democratic control of foreign policy than the secrecy system which has grown to such appalling proportions since the Second World War.

It is time for Congress to reject the "if-you-only-knew-what-we-knew" pose by which the executive deepens the congressional inferiority complex. Members of Congress, at least those who read *The New York Times*, know more than they think and, in general, would not receive blinding illumination if they read Top Secret documents too. While the executive, through its diplomatic, military and intelligence operatives, has an abundance of short-run information not easily available to Congress, experience shows that this information is seldom essential to long-run judgments. Nor is executive information all that infallible; one has only to recall the theory prevailing in the executive bureaucracy a few years back that Hanoi and the Vietcong were the spearhead of a system of Chinese expansion in Southeast Asia. If the executive "had been subjected more quickly and more closely to the scrutiny of informed public and congressional opinion," Senator McGovern has said. ". . . it may not have fallen prey to its own delusions and fantasies."

And, as former government officials readily concede, there is no reason in most cases why Congress should be denied classified information. Thus George Ball: "I think there is very little information that Congress should ever be denied;" McGeorge Bundy: "I do not believe most of what is highly classified . . . should be kept from responsible members of the Congress at all. Indeed I believe the opposite." Nor should members of Congress be denied the opportunity to interrogate public officials presently shielded from them by the promiscuous invocation of executive privilege. Ball, calling executive privilege "a myth, for I find no constitutional basis for it," contends it should be invoked only when the President makes the decision himself and communicates that decision to Congress. George Reedy would even take the position "that the President has no executive privilege whatever in any public question." This is going a little far. The executive branch must retain the capacity to protect its internal processes of decision, and the President must on occasion assert a power to resist the disclosure of information against what he seriously believes to be the public interest. But Senator Fulbright's bill to restrain the flagrant abuse of executive privilege surely deserves enactment.

If Congress really wants to reclaim lost authority, it can do little more effective than to assure itself a steady and disinterested flow of information about foreign affairs. More than ever, information is the key to power. That is why the MacArthur hearings were so valuable in 1951; why the hearings conducted in recent years by the Senate Foreign Relations Committee under Senator Fulbright's leadership have done more to turn opinion against the Vietnam War than other more tangible weapons in the congressional arsenal. Perhaps the flow of information could be usefully institutionalized—as in Benjamin V. Cohen's proposal for the establishment by Congress of a commission of eight: two from the House, two from the Senate, four from the executive branch, empowered to exchange information and views on critical questions of foreign affairs.

XII

Structural change can effect only limited improvements. The greater hope perhaps lies in increasing sensitivity to the problem of "joint possession" of constitutional powers. Greater awareness of the problem, to which so many for so long were oblivious, has recently led serious men into serious consideration of the issues of constitutional balance. In the future such awareness may both restrain conscientious Presidents and reinvigorate responsible Congresses.

Nor can structural change save us from the exasperations of choice. We must recognize both that our government must operate within constitutional bounds and that, within this spacious area, questions involved in the control of foreign policy are political rather than constitutional. If we do this, we will perhaps stop turning passing necessities, or supposed necessities, into constitutional absolutes. For a self-styled strict constructionist, President Nixon has gone very far indeed in anoiting manifest excesses with the lotion of constitutional sanctity.

In this regard he compares unfavorably with such Presidents as Jefferson, Lincoln and Franklin Roosevelt. Faced with infinitely more genuine emergencies, they had considerably more excuse for expansion of the presidential prerogative. But they did not claim that they were doing nothing more than apply routine presidential authority. Lincoln, particularly, in his troubled justification for the suspension of habeas corpus, said, "Would not the official oath be broken if the government should be overthrown, when it was believed that disregarding the single law would tend to preserve it?" Jefferson put the case more generally:

"To lose our country by a scrupulous adherence to written law, would be lose the law itself, with life, liberty, property and all those who are enjoying them with us; thus absurdly sacrificing the end to the means. . . . The line of discrimination between cases may be difficult; but the good officer is bound to draw it at his own peril, and throw himself on the justice of his country and the rectitude of his motives."

A conscientious President must distinguish between the exception and the rule. Emergency may compel him to abandon the rule in favor of the exception; but he must not pretend—as Jefferson, Lincoln and Roosevelt declined to pretend and as Johnson and Nixon have pretended—that the exception *is* the rule. Rather, like Lincoln in 1860, the executive may at his own peril undertake measures about whose strict legality he may be in doubt, and do so, not under an illusion of constitutional righteousness, but in terms of a popular demand and a public necessity. In the end, he must rest such acts on the assent of Congress, the justice of his country and the rectitude of his motives. Only Presidents who distinguish emergency from normality can both meet emergency and preserve the constitutional order. As Justice Jackson said in the Korematsu case: "The chief restraint upon those who command the physical forces of the country, in the future as in the past, must be their responsibility to the political judgments of their contemporaries and to the moral judgments of history."

PHASE III: NO TIME FOR PERMISSIVENESS

(Mr. MEEDS asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. MEEDS. Mr. Speaker, in announcing his phase III economic policy last week, President Nixon moved from the uncomfortable to the unknown. The decision to abandon administered wages and prices brought cheers, jeers, and crossed fingers.

The success of phase III will depend on how hard, how soon, and how often the Nixon administration cracks down on violators of what are now essentially voluntary guidelines. If phase III fails, then we may inherit the whirlwind of 1969–71: soaring prices and rising unemployment.

DID PHASE II WORK?

Phase II did not "work." It helped. The wage, price, rent, and interest controls were aimed at only one of the Nation's economic difficulties, inflation. Unemployment, the balance of trade, and income distribution were not the focus of the phase I freeze nor the phase II administered controls. During the 15 months of the first two phases, the rate of inflation was slowed from 5 percent to slightly over 3 percent.

To be sure, phase II had some built-in defects. Raw agricultural commodities were exempted, and each trip to the market became a cruel and unusual punishment. There were wide disparities in wage hikes, and many wage raise applications took months to process. In the Pacific Northwest Pay Board foul-ups frustrated meatcutters, electrical workers, and woodworkers.

As an early and persistent advocate of wage, price, and interest rate controls. I believe that phase I and phase II can be labeled a modest success. Food prices have been the glaring exception, and no citizen is happy about devastating medical costs.

PHASE III FADE AWAY

A few days after the Government announced that the December wholesale price index had increased by 1.6 percent and that its food component had advanced 5.2 percent—or a 62-percent annual rise—President Nixon scrapped the Pay Board, junked the Price Commission, and paroled the economy on good behavior. The man who had displayed a lifelong aversion to Government interference in wages and prices showed the American people that the period of August 15, 1971, to January 10, 1973, was only an aberration. Except for processed food, construction, and health care, the new program would be largely voluntary and self-enforcing. He then asked that Congress extend his wage and price control authority to April 30, 1974. The Nation's economists, who have never agreed on anything, offered predictions of success and doom.

In my view, the phase III system has a number of defects that raise serious doubts. Take food prices, for example. The thrust of the administration's efforts will be to increase our commodity supplies by lifting meat import quotas, easing production controls, and perhaps even attempting to eliminate or reduce the farm subsidy programs. The authority for these programs expires on December 31, 1973.

But these steps will take months to show any effect. In the meantime, even the administration admits that food prices will continue to wage a war of attrition against our paychecks. Contained in the President's program is a sleeper that pleases Mr. Clarence Adamy, president of the National Association of Food Chains. This devise will ease what Mr. Adamy terms "harassment of management."

To monitor food prices under phase II, the Internal Revenue Service requires merchants to show how increased costs were responsible for price increases on each item. Eggs cost more because of these costs, bread more because of this factor.

That has been changed. Now the rules allow food dealers to calculate percentage markups on the basis of total sales. The IRS under phase II had opposed this type of practice since it made it almost impossible to track down cost increases for the thousands and thousands of items we find in our modern supermarkets. So how can you enforce a price standard if you cannot find the lack of rationale for it? And phase III still exempts entirely raw agricultural commodities. We should seriously consider a 90-day freeze on food prices.

CONSOLIDATING INADEQUACY

Food prices, wages, and other items were supervised by 4,000 total Federal employees who served on the Pay Board, Price Commission, and Internal Revenue Service. As the functions of the Pay Board and Price Commission are transferred to the Cost of Living Council, the total number will be halved to 2,000. But they will have less to do. Phase II lacked enough players on the field; phase III shrinks the size of the field.

As mentioned before, only processed food, construction, and health care will be subject to the old phase III requirements of obtaining prior approval for wage and price hikes. Under the new setup, the Cost of Living Council will issue guidelines which are supposed to be followed. The guidelines will be targets of not more than a 2.5-percent increase in prices, based on increased costs, and a 5.5-percent boost in wages. Some 800 very large firms will have to report quarterly, and a total of 4,300 will have to keep records. No firm with fewer than 1,000 employees will have to keep records under phase III.

Secretary of the Treasury George Schultz observed that restraint would be obtained because union and management would know that—

> People who don't abide by the program may get clobbered.

That may is a big if. We will have to see what happens. A key difference is that except for the three controlled industries, the Government cannot fine violators. Only the rollback authority remains.

THE PROFIT MARGIN MISTAKE

Phase II's main approach to restraining prices was to limit them to cost increases and also to a company's profit margin. Companies were not permitted to raise their profit margins—by raising prices—above an average of their 2 best fiscal years of the 3 years ending before August 15, 1971.

The hand that picks the consumer's pocket is the new rule on profit margins. An added goody is that companies can also use the profit margin of any fiscal year since August 15, 1971. Since profit margins were big in an expanding economy in 1972, this rule will permit higher prices.

BIG YEAR AT THE BARGAINING TABLE

Five million American workers are involved in labor contracts that expire in 1973. Included are meatcutters, teamsters, electrical workers, postal employees, and auto workers. These are extremely critical contracts, especially so in the auto industry, for this contract is often a pace setter for American labor. Moreover, the unions whose contracts are expiring have a reputation for tough, hard bargaining.

Reviewing the 5.5-percent pay hike guidelines will be the Cost of Living Council's Labor-Management Advisory Council. Appointing this Council was and is essential to making phase III work, since the compliance will rely on labor-management cooperation. But we find that many members of the Council also represent unions or companies with labor contracts that expire in 1973.

RENT FIASCO, "ALLOCATION" LOOPHOLE

Incredibly, the phase III program will totally eliminate any controls of supervision of rent. This will hurt many less-affluent Americans who cannot afford to own their own homes. Worse, the administration has just announced that federally subsidized housing will be cut back severely. Fewer housing units will naturally bring pressure on rents.

Like phase II, the new program is supposed to regulate prices by: First, making them reflect only cost increases; and second, making them conform to a given profit margin. Yet there is a loophole that is open to just about any interpretation. Price hikes above the standard will be permitted if necessary for efficient allocation of resources to maintain adequate levels of supply. How will the Cost of Living Council handle this piece of cotton candy?

BLAME IT ON THE CONGRESS

Mr. Speaker, the President has presented us with a wage and price program that has most of its former teeth pulled. How, may I ask, is it going to function better than phase II's supervised system? At this time we cannot judge the determination of the Cost of Living Council nor its Chairman, Mr. Dunlop. As I have outlined here today, I have grave reservations about lifting controls at a time when prices are still rising and when major labor contracts are expiring.

In his January 11 message to Congress, Mr. Nixon sounded a familiar theme. He said:

> We cannot keep inflation in check unless we keep Government spending in check.

He cautioned:

> The stability of our prices depends on the restraint of the Congress.

Mr. Speaker, I am amazed at the shocking attacks being leveled against Congress. Mr. Nixon and his followers are attacking a Congress that cut Mr. Nixon's overall, total budget each year that he has been in office. We have reduced his four budgets by nearly $20 billion. Yet he blames us for the deficits which he planned and which he created by mismanaging the economy so that fewer revenues were obtained. On top of this, he steadfastly refuses to send us a tax reform program that would close loopholes such as the oil depletion allowance and thus narrow the deficit. Incredible.

So here we have it. Our economy is producing something on the order of $1,050 billion, and only a part of this is spending by the U.S. Congress. Will spending $10 billion less for social programs affect the total picture? Do not kid yourself. Yet we are pressured, scorned, and otherwise abused for not relinquishing our constitutional powers over spending to the President so that he, sitting alone atop Catoctin Mountain, can cut, chop, and determine the spending priorities of the Republic.

I hope and pray that phase III can stem inflation and promote stability. If it does not, then let us not surrender the powers of Congress, and let us not return to the tight money-high interest rate policies which proved so disastrous for our economy in the period 1969–71. No section of the country was hurt more by these policies than Washington State. The success of phase III, as I said previously, depends on how hard, how often, and how soon the administration cracks down on violators. It is no time for permissiveness.

BABY, IT'S COLD OUTSIDE

(Mr. BURKE of Massachusetts asked and was given permission to address the House for 1 minute to revise and extend his remarks and include extraneous matter.)

Mr. BURKE of Massachusetts. Mr. Speaker, today I am happy to file what has already shown itself to be a joint resolution with a proven track record of success. I am referring to legislation to authorize emergency importation of oil into the United States: The suspension for crude oil would extend through the current winter season or 90 days while the suspension for heating oil would remain in effect through next year's winter season or April 1, 1974. I am happy to join my esteemed colleague and senior Senator from Massachusetts, Senator Edward M. Kennedy, and Senator Adlai E. Stevenson from Illinois, as well as my good friend and hard-working colleague on the Ways and Means Committee, Congressman Dan Rostenkowski of Illinois in introducing this legislation. As a matter of fact, the legislation will be introduced today in the Senate, as well as in the House. It would have been introduced yesterday in both Houses had they been in session.

I said in my opening statement that this legislation already has a reputation for producing results. The White House, perhaps sensing the support in Congress for a move such as this, announced a suspension of import ceilings on No. 2 home heating oils for the next 4 months. While this move does not go far enough in tackling the underlying problem behind this year's crisis as well as previous years' crises, it is a step in the right direction and does indicate that the administration is at last taking seriously the fuel crisis facing whole sections of this Nation. No longer can whole sections of this Nation be held hostage to a fuel policy which protects producers at the expense of consumers—producers who have just not kept up with the demand.

The immediate reaction in some quarters upon hearing of this announcement was to ask me whether or not it was now necessary to file the Burke-Kennedy bill. Had not our purpose been achieved and the immediate crisis been met? My answer is "no." What we are being treated to is really more of the same stop and go, stopgap measures that have characterized this Nation's import policies for the past several years. The net result of these stop and go, stopgap policies has been to prevent adequate stockpiling of oil supplies in advance of peak demand periods. Oil distributors have been unable to anticipate or plan ahead to adequately meet the shortages of the winter months. It is because I feel one of the most important features of the Burke-Kennedy joint resolution is its year long moratorium on import quotas for heating oil that I feel the joint resolution is still necessary. It would allow our oil distribution industry to plan ahead for at least a year instead of reacting to crisis situations as they have had to in the past. For the first time, if this resolution were to pass, these distributors would be able to anticipate shortages and be ready for a winter season. The fact of the matter is with the best will in the world the administration's action has come too late to prevent some real inconveniences in the immediate days ahead this winter season. I feel we should prevent this from happening again.

Hardly a day has gone by in the last few weeks when the press has not carried front-page stories relating to the fuel crisis in either the Midwest or the Northeast. Across the Nation, there is a real possibility that supplies of jet aviation fuel are insufficient and already this has had an impact on scheduled flights and departures. Plants have been forced to reduce work weeks and homes have had to cut down on their use of fuel and families shiver a little bit more because of delays in oil deliveries. Has this Nation progressed so far into the age of technology and speed that our citizens are no longer able to feel secure in the knowledge that they will have protection against the winters cold, one of man's most basic needs and concerns from time immemorial?

Mr. Speaker, I feel the legislation I am filing today definitely deserves the title of emergency legislation. I only regret that it took a widespread crisis to bring the fuel shortage which New England has been experiencing for so many years now to the attention of the rest of the Nation. Let us hope that the discomfort and disruption being experienced by people from coast to coast this winter will be the last we hear of this problem, and action will be taken which should have been taken years ago and that our present fuel policies be reconsidered and revamped. I urge my colleagues sharing our sense of urgency to indicate their support for this legislation by cosponsoring it at their earliest convenience. For the need for this legislation is still great indeed. The following is the text of the joint resolution:

H.J. Res. 200

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds that—

(1) the level of supplies of home heating oil has not been adequate to meet the needs of homes across the nation,

(2) the major cause of the inadequate supply of such oil is the limitation on imports of petroleum and petroleum products established by Presidential Proclamation 3279, as amended, and

(3) a suspension of the provisions of that Proclamation and the provisions of section 232(b) of the Trade Expansion Act of 1962 with respect to petroleum and petroleum products will permit home heating oil to be imported, or produced in adequate quantities by domestic refineries, and thereby relieve the critical shortage of such oil.

Sec. 2. Beginning on the date of enactment of this Resolution, the provisions of Presidential Proclamation No. 3279, as amended, and of section 232(b) of the Trade Expansion Act of 1962 shall not apply to the importation of crude oil or number 2 fuel oil (home heating oil) until the ninety-first day after the date of enactment of this resolution (in the case of crude oil) or April 1, 1974 (in the case of number 2 fuel oil).

POLITICAL HEADACHE OF OFFICE OF EDUCATION

(Mrs. GREEN of Oregon asked and was given permission to address the House for 1 minute, to revise and extend her remarks and include extraneous matter.)

Mrs. GREEN of Oregon. Mr. Speaker, in the press recently, there has been much about Howard Hunt and his involvement in the Watergate bugging incident. However, little, if anything, has appeared in the press about his involvement as program director in a sole-source contract funded by the Office of Education on the day after the Watergate incident first broke in the press. The program proposal was entitled "Proposal for More Effective Help From the Federal Government in Assisting Handicapped Children To Become National Assets." First funded at $140,456, through contract modifications and extensions, this multiyear contract has been bucked today to a total cost to OE of $738,548. The latest addition to the contract came on June 21, 1972, when OE's sole-source board approved a $158,600 1-year extension through June 15, 1973. In approving this contract extension, on June 21, the sole-source board overrode a number of key flaws in the contract and in the firm's past performance, in the process electing not to open the lucrative contract to competitive bidding. The purpose of OE's sole-source board, according to then Commissioner Marland, is to cut down on the large number of sole-source contracts given out each year—90 percent according to OE's own figures. This relatively new management device, however, was really not used as intended in this case as in many others.

The beneficiary of this exception given by OE's sole-source board was Rober R. Mullen & Co., a public relations firm located at 1700 Pennsylvania Avenue which allegedly has strong ties to the White House.

Howard Hunt was linked to the break-in and attempted bugging of the Democratic National Headquarters the day before the sole source board reviewed and approved continuation of the $738,548 Mullen contract with OE with Howard Hunt as program director. My information from individuals attending the sole source board meeting is that discussion of the Watergate incident occurred. Part of the discussion that day centered around the Watergate link and the report that while Hunt was working as a $100-a-day consultant to White House aide Charles W. Colson he was also listed as Mullen's project director for the OE contract. It was suggested that approval of this sole source contract could prove to be an embarrassment to the administration. Nevertheless, the continuing contract was funded.

Another report which should have had a bearing on the decision to continue with Mullen, but did not, was an audit report on the same contract by HEW for the period July 1, 1969, to October 31, 1970. Of the $203,979 spent under the early phase of Mullen's contract with OE, the HEW audit agency questioned $34,472. Of the questioned costs, $14,137 represented charges billed to OE but not yet incurred by Mullen as of October 31, 1970, and $20,335 was in excessive overhead costs. In addition, the HEW audit report examined a subcontract Mullen let for the production of a 60-second film. HEW found unreasonable the cost of producing the 36-foot film—$6,500. The report added:

> We viewed the film and the only prop noted was a blackboard although the cost estimated for props was $500.

Part of the contract requires Mullen to produce a number of TV spots publicizing education for the handicapped. The most recent spot, "Campaign '72 Closer Look," will be discussed a bit later.

While the written minutes of the sole source board meeting are cleansed of information on Hunt's connection with the break-in and bugging incident and contain nothing on the HEW audit report, there is mention of one flaw: lack of a proposal to continue the contract. I would like to quote from this section of the minutes because it led directly to the unanimous vote by the sole source board to continue the contract:

> At this point, one man present again asked where the copy of the proposal required by the board's rule was. No one knew. He proposed that the vote on the case be deferred until the board could have an opportunity to review the proposal:

A reasonable and responsible request, it seems to me—

> J. Evans (Acting Deputy Commissioner for Planning, Evaluation, and Management and a member of the board) proposed that the board vote without further review since the facts in the case seemed clear after the oral presentation.

Two days after the sole-source board approved continuation of the contract, the Washington Star carried a story on the political angle and failed to mention the role the sole-source board played in the rubberstamp affair. Marland and Ottina, at the hearings and at our private briefings in March, stressed that the recently created sole-source board would sharply examine proposals and sole source contracts individually to determine whether OE should open the contract to competitive bidding. This was cited as the key method by which OE would seek to cut down on the large percentage—I repeat: 90 percent—of noncompetitive contracts.

A quarterly report submitted by Mullen to OE covering the period September 16 through December 15, 1971, indicates that OE used Hunt to lobby for funds:

> At Dr. Martin's suggestion, Mr. Hunt met with Fred Weintraub of the Council for Exceptional Children to plan a special approach to the White House. This involves inclusion of education for the handicapped children as a highlight of the President's FY 1973 budget message, and careful parallel coordination with congressional referents will be required.

On Hunt's efforts to get Julie Nixon Eisenhower in the TV spot, Mullen's quarterly report adds:

> During the period, Howard Hunt suggested to Mr. William Rhatican of the White House the desirability of creating a *closer look* (the name dubbed Mullen's project) around Mrs. Julie Nixon Eisenhower who is known for her interest in, and graduate studies involving, children. Initial reaction from Mrs. Eisenhower was favorable, and we will continue pursuing the subject with the White House.

The film was produced with Julie, one of a number of films produced by Mullen for TV.

Conclusion:

Hunt did play a key role in this project. In addition, he was a vice president at Mullen. We can presume that Hunt and Mullen's influence at the White House vis-a-vis funds for OE's handicapped budget made it imperative that this Mullen contract be continued on a sole source basis for another year.

From the 2-year study of contracts and grants at the Office of Education, I am persuaded that, at times, the sole source board has been rigorous with the sole source contracts it has reviewed. At many other times, as in this case, it has not. The board is made up of upper level officials within OE, most of them long accustomed to issue sole source contracts. As to the past reputation of a firm, OE has traditionally ignored the character of an organization. As cited in the GAO report of August 16, 1971—

> Need for improving the administration of study and evaluation contracts:
>
> There seemed to be a lack of understanding within the Office of Education concerning what could and should be done when a contractor performed poorly, which caused Office of Education officials to deal inconsistently and ineffectively with problem contractors.

In this case, OE has again asked for its political headache and deserves no sympathy because of the irresponsible manner in which it continues to spend taxpayers' dollars in questionable ways while school districts are desperate for funds to continue basic programs.

As long as Congress abandons its own reponsibility in evaluating and monitoring programs, I might well ask who is going to see that funds are spent in the way Congress intended. It is during such a time that Federal departments and agencies decide they will do exactly as they please. Our studies continue to show that there should be as much public concern over the fast-developing educational-poverty-industrial complex as the military-industrial complex.

THE HONORABLE MELVIN R. LAIRD

(Mr. WAGGONNER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WAGGONNER. Mr. Speaker, I would like to take a few moments to recognize the accomplishments of a former Member of the House who went on to serve his country for 4 years as Secretary of Defense, the Honorable Melvin R. Laird.

January 20 will mark the 47th time that our country has inaugurated a President. It will also bring to a close the 4-year tenure of Mel Laird in the Defense Department. Since he earned his spurs in these vary Halls, I think that it is only fitting that I make a few remarks for the record.

To say that Mel took the Defense helm at a troubled time would be the understatement of this young year. There were difficulties at home as well as overseas but the most critical problem was a lack of confidence and trust in the Defense establishment. The American people were becoming quite cynical toward the Defense Department. But Mel Laird was used to serving the people. It was his constituency that elected him to nine terms in the House and it was to his constituency that Mel was responsive. With his appointment as Secretary of Defense, Mel Laird continued his responsiveness to the American people. So in 1969 when the people had a basic mistrust of the Defense Establishment, the new Secretary of Defense began his term in office by bringing the facts to the people. He opened the communication channels vital to an era of understanding. He has made great strides in this area and I commend him for it.

A very popular phrase recently has been "reordering national priorities." While it is a very broad phrase its meaning is quite specific—more domestic spending and less defense spending. So Mel Laird was given the herculean task of charting a course between Scylla and Charybdis; he had to hold a tight rein on defense spending while keeping our country strategically superior. The bulk of the Defense budget was going to fight the Vietnam war so that's where the new Secretary started. "Vietnamization" became the watchword in the Pentagon. While some may have scoffed initially at the concept, there is no scoffing at the reality that our troop strength in Vietnam has dropped from 545,000 to 23,800. There is no scoffing at the reality that the Defense budget for fiscal year 1968 constituted 44 percent of the Federal budget; in fiscal year 1973 it was 31 percent and for the first time in 20 years we are spending *more on* human resources than we are on defense. The key here is that while defense spending was being curbed, our strategic position in world affairs did not suffer. Again I commend Mel Laird.

While the Vietnam issue was the largest of the dark clouds on the horizon in 1969, a great many other problems weighed heavily on Mel. He had to contend with accelerating inflation, severe manpower shortages, an inequitable selective service system, questionable procurement policies, suspect force readiness, and intolerable living and working conditions for many in the defense population. To realize how complicated his task was you have to look at the environment that prevailed in 1969. Soviet momentum was growing in all fields; there was pressure from all sides to reduce defense spending; manpower was becoming more and more expensive; there was immense political pressure transcending the whole spectrum of defense problems.

To have to face so many complex and vexing matters may have broken a lesser man but Mel Laird attacked these problem areas with the same ferocity and thoroughness that marked his dedicated service in the House. One by one, he analyzed and solved those problems. For this, we all commend Mel Laird.

I know that I speak for all my colleagues when I salute Melvin R. Laird for a job well done and when I wish him good luck and Godspeed.

MAURICE H. THATCHER

(Mr. **PERKINS** asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. **PERKINS**. Mr. Speaker, on Saturday, January 6, the House of Representatives lost its oldest surviving Member; Kentucky, one of its most distinguished sons; and the Nation, an able and patriotic servant.

Maurice H. Thatcher of Kentucky was 102 years of age when death came to him at his home in Washington.

He served in this House for five terms—a decade of service which could have been counted a successful career in its own right. But Maurice Thatcher had already had a distinguished career of public service before he came here—as a county official, as a brilliant attorney, as a builder of the Panama Canal through his membership on the Isthmian Canal Commission from 1910 onwards to its completion and after.

His service in this body long antedated my own, but I remember him well as an energetic, inventive, useful Kentucky Congressman when I was but a boy in law school in Louisville, which was the area he served.

Later, when I came here in 1949, I got to know him well. Although he was already past the allotted three-score years and ten, he was very much in evidence around the Hill, and remained active in the practice of law up until last year.

He came to the Hill to greet some of his old colleagues on Former Members Day just last session.

Mr. Speaker, I include the obituary notices in the Washington Post and in the Evening Star-News be printed at this point in the Record.

[From the Evening Star-News, Jan. 8, 1973]

MAURICE THATCHER DIES; EX-CONGRESSMAN, 102

Former Rep. Maurice H. Thatcher, 102, the only surviving member of the Isthmian Canal Commission and once civil governor of the Panama Canal Zone, died Saturday at his home on 16th Street NW.

Mr. Thatcher also was the oldest surviving former member of Congress. A Republican, he represented the Kentucky district that included Louisville from 1923 to 1933. He was nominated for reelection to the House in 1932 but gave up that nomination to seek his party's nomination for the Senate instead. He failed to win the Senate nomination.

After leaving Congress he practiced law here until about two years ago.

Mr. Thatcher was born in Chicago, but when he was 4 years old his family moved to Butler County, Ky., and settled near Morgantown.

After working as a farmer he was employed by a newspaper and by several county offices. From 1892 until he resigned in 1896 to study law, he was clerk of the Butler County Circuit Court.

KENTUCKY OFFICIAL

He began practicing law in Frankfort, Ky., in 1893 and later that year began serving as assistant attorney general of Kentucky. He moved to Louisville next and from 1901 to 1906 was assistant U.S. attorney for the western district of Kentucky. From 1908 to 1910 he was the state examiner and inspector for Kentucky.

President William Howard Taft appointed Mr. Thatcher to the Isthmian Canal Commission in 1910 and also as head of the department of civil administration of the Canal Zone. The canal opened in 1914. The only bridge over the canal carries his name.

Mr. Thatcher next returned to his law practice in Louisville, where he later served on the board of public safety and as department counsel for Louisville.

While in Congress, Mr. Thatcher was active in supporting legislation providing Canal area improvements. He returned to the Canal Zone on a number of visits, including a 1956 trip and another in 1958 that was held on the 100th anniversary of the birth of Theodore Roosevelt.

Mr. Thatcher also sponsored legislation that expanded the foreign and domestic airmail services, converted Camp Knox, Ky., of World War I into the permanent military post there, created the Mammoth Cave National Park and expanded the Abraham Lincoln Birthplace National Historical Site and the Zachary Taylor National Cemetery.

He also sponsored legislation establishing a free ferry across the Pacific entrance of the Panama Canal and a highway connecting it to the Panama road system.

Mr. Thatcher was the author of legislation in 1928 that established and continued operation of the Gorgas Memorial Laboratory in Panama City. Named for his friend, Col. William C. Gorgas, a pioneer in yellow fever work, the laboratory is prominent in tropical disease research.

Mr. Thatcher served seven terms as president of the District Society of Mayflower Descendants and also was counselor and deputy governor of the General Society of Mayflower Descendants.

His wife, the former Anne Bell Chinn of Frankfort, Ky., died in 1960. At one time she was a member of the governing board of the League of Republican Women of the District.

Services will be held at 1:30 p.m. tomorrow at the Lee Funeral Home, 4th Street and Massachusetts Avenue NW. It is requested that expressions of sympathy be in the form of contributions to the Scottish Rite Foundation, 1733 16th St. NW., for an educational fund.

[From the Washington Post, Jan. 7, 1973]

EX-REP. MAURICE THATCHER, 102, DIES

(By Martin Weil)

Maurice H. Thatcher, who helped supervise construction of the Panama Canal, served five terms as a congressman from Kentucky and practiced law here until he was 100 years old, died here yesterday at 102.

Mr. Thatcher died in his home at 1801 16th St. N.W., where he had been bedridden almost constantly since suffering a fractured thigh on July 15.

From 1910 to 1913, during the period of peak activity, Mr. Thatcher served as one of the seven members of the Isthmian Canal Commission appointed to superintend and carry out the construction of the Panama Canal.

In his four years on the commission, Mr. Thatcher headed the department of civil administration of the Canal Zone, and was known as the Zone's civil governor.

In recent years, he was reported to be the last surviving member of the canal commission, the chairman of which had been Lt. Col. George W. Goethals, the celebrated Army engineer who brought the project to completion in 1914.

When Mr. Thatcher returned to Panama in 1964 at the age of 95 to help mark the canal's 50th anniversary, he was hailed by a local newspaper as the "Grand Old Man of the Panama Canal."

While serving as a Republican congressman from Kentucky from 1923 to 1933, Mr. Thatcher continued to take an interest in the development of the canal and in the welfare of those who built and operated it.

As a member of the Appropriations Committee, he helped make available funds for improvements in the Canal Zone, and for annuities for construction workers and other canal employees.

A ferry across the Pacific entrance of the canal, for which he obtained federal funds was named the Thatcher Ferry. The bridge, dedicated in 1962 on the site of the ferry, was named the Thatcher Ferry Bridge.

In addition, an important highway in the canal area was named for him.

Moreover, it was Mr. Thatcher who is credited with enactment of the measure creating in Panama the Gorgas Memorial Laboratory of the Gorgas Memorial Institute of Tropical and Preventive Medicine.

It is named for William Crawford Gorgas, the Army doctor who helped make possible the construction of the canal by destroying the mosquitoes that carried yellow fever and malaria. Mr. Thatcher and Dr. Gorgas served together on the canal commission.

After closing his congressional career by making an unsuccessful race for the Senate in 1932, Mr. Thatcher went into the private practice of law here in 1933.

On his 99th birthday, although his activity had declined, he was still in practice, with an office in the Investment Building at 15th and K Streets, N.W.

"I don't eat meat," he told an interviewer who was interested in his secrets of longevity. "I eat vegetables, eggs and milk. I don't drink, I don't smoke and I don't drink tea or coffee.

"Of course," he added, "You can't escape meat altogether, meat products creep into a lot of things."

Said Mr. Thatcher, who could still hear well, read without glasses, and make himself heard across a room:

"It's not a religious thing. I just wanted to live what I considered a sound, biological life."

A slender, white-haired man with bushy eyebrows, he said, "I just noticed that the smokers and chewers and drinkers had a hard time quitting when they wanted to.

"I just quit early. I'm a good sleeper, always was, and I still get about eight hours' sleep a night."

Mr. Thatcher was born in Chicago, and grew up in Butler County, in the western part of Kentucky. An official congressional biography said that he "attended public and private schools; engaged in agricultural pursuits; (and) was employed in a newspaper office and in various county offices."

His formal career in public life began at the age of 22 when he was elected clerk of the Butler County Circuit Court. He later studied law, was admitted to the bar in 1898, and became an assistant state attorney general.

After moving to Louisville in 1900, he became an assistant U.S. attorney, and later was named to what has been described as the state's chief appointive office: state inspector and examiner.

In that job, he was credited with saving thousands of dollars for the taxpayers and with bringing about numerous needed reforms. He left it in 1910 to join the Isthmian Canal Commission. After leaving Panama, he held municipal posts in Louisville before being elected to Congress.

In addition to championing measures designed to improve the canal, during his House service Mr. Thatcher was responsible for much other legislation, including that establishing Mammoth Cave National Park in Kentucky.

In later years, when he interested himself increasingly in the writing of poetry, he memorialized the park in verse:

"Caverns immense, wrought thru the endless ages:
  What lessons for the human soul and mind!
The great Lord God, in those arresting pages,
  Hath writ a matchless story for mankind . . .

While in Congress, Mr. Thatcher was also credited with writing legislation for federal appropriations for Braille books and equipment for the nation's blind students.

In later years, besides serving as vice president and general counsel of the Gorgas Institute, Mr. Thatcher maintained contact with his old colleagues by attending meetings here of the Panama Canal Society.

But, as he announced in 1958 at the group's 23d annual meeting, "the ranks are thinning . . ."

Looking back on the occasion of his 99th birthday, he told an interviewer: "I don't lay any claims to a great career. But I've done some useful things. I tried to be useful wherever I was, whatever I did. I've lived a busy and useful life."

His wife, the former Anne Bell Chinn, died in 1960.

THE AMERICAN PEOPLE SUPPORT MORE FEDERAL AID TO EDUCATION

(Mr. PERKINS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PERKINS. Mr. Speaker, the 93d Congress will soon be embroiled in battles over the appropriations for Federal education programs. We will not only have to pass an appropriations bill for this present school year—because of Mr. Nixon's vetoes—but we will also have to begin work soon on the appropriations bill for the next school year.

Before we begin these arduous tasks I thought it would be appropriate to bring to the attention of the House a recent survey conducted by Mr. Louis Harris on the question of which Federal programs ought to receive greater appropriations. This survey, which was conducted last December, found that 66 percent of the people believe that there ought to be increased spending on Federal aid to education and only 27 percent of the people opposed increases in spending for these programs. I believe that this fact is extremely important to us as Representatives of the people: The American people by a more than two to one margin favor increased spending for Federal education programs.

Mr. Speaker, I insert an article which appeared in the Washington Post on the Harris survey at this point in the RECORD.

The article follows:

THE HARRIS SURVEY—MORE DOMESTIC SPENDING IS BACKED

(By Louis Harris)

Despite President Nixon's pledge to put a lid on government spending during his second term, majorities of Americans believe federal outlays should be further increased for programs to curb air and water pollution, aid education and help the poor. Voters favor spending cutbacks, at the same time, on such things as highway construction, farm subsidies and welfare payments.

The public is becoming increasingly selective about its spending priorities in light of the conviction shared by 74 per cent in the nation that federal spending is the single greatest cause of continuing inflation. While the public might want federal spending held in check generally, however, broad, popular constituencies remain in support of specific programs slated to come before the 93d Congress.

Mr. Nixon himself has indicated that a majority source of his problem in keeping spending in check has been a lack of cooperation from Congress, which, of course, will once again be under Democratic control for the next two years. For its part, the Congress has criticized the President and the Executive Branch for encroaching on its fiscal prerogatives. In the contest between the President and Congress over the former's veto and embargo of expenditures to control water pollution, the public backs Congress, 48 to 27 per cent.

A majority opposes any increases in federal spending for research and development of the nation's defense system by 55 to 34 per cent.

The public expressed the view that Congress was right last fall when it overrode a veto of the water pollution control bill by President Nixon and that Mr. Nixon was wrong in holding up part of those appropriations.

Emerging loud and clear from results of this survey is that while the public might want federal spending held in line generally, the heart of the problem is not so much spending as such but rather the priority of values governing where spending is to be trimmed or increased.

Between Dec. 17 and 21, a nationwide cross section of 1,501 households was asked:

If you had to choose, would you rather see increased spending (READ LIST) or no further increase in this area by the federal government?

[In percent]

	Increase spending	Oppose increase	Not sure
To curb air and water pollution	66	27	7
On Federal aid to education	66	27	7
On helping the poor	62	31	7
To help State and local governments	41	51	7
To improve highways	37	50	8
For research and development for defense	34	55	11
For subsidies for farmers	22	69	9
For people on welfare	22	69	9

These results are highly revealing, for they indicate that the public draws a line between some of the sacred cows of congressional appropriations committees of the past—such as highways, defense and agriculture—and programs oriented toward the quality of the environment or social improvements.

SCHOOL FINANCE ACT OF 1973

(Mr. PERKINS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PERKINS. Mr. Speaker, I introduced on January 3 the School Finance Act of 1973, H.R. 16. The purpose of this act is to define precisely the role which the Federal Government is to assume in the area of the financing of elementary and secondary education.

This act is needed today because school districts all across America are in serious financial trouble. Rural, suburban, and urban school districts are all being forced into laying off teachers and into cutting back on the number of days in their school years because of a lack of basic operating money.

I believe that this nationwide problem results from the following facts: Local governments collect only 17 percent of the tax revenue in the country and yet must pay for all local governmental functions including more than one-half of the cost of education, while the Federal Government which collects 64 percent of all tax revenue pays for only 7 percent of the cost of education. This fiscal imbalance is causing enormous strains on local governmental budgets and is the prime reason for the property tax revolt which has been occurring across the country. More than one-half of all school bond issues were defeated last year by the voters because people on the local level have simply reached the limits of their capacity to support the schools from real property taxes.

I am introducing the School Finance Act of 1973 in order to help relieve local property taxes and to bring the Federal Government into full partnership with the States in supporting our elementary and secondary schools.

My bill contains three basic principles. The first principle is that the Federal Government must support at a level of at least $3 billion a year the compensatory education program under title I of the Elementary and Secondary Education Act before any new Federal general aid program can be funded. This provision makes clear that the first responsibility of the Federal Government in the area of elementary and secondary education is to provide sufficient funding for compensatory education programs for educationally deprived children.

The second principle in the bill is that once the Federal Government has fulfilled this responsibility for the educationally disadvantaged then a Federal general aid program can go into effect to improve the quality of education for all children. This new program will provide every school district with a grant of $100 for every school-age child within the district to be used for the establishment of educational programs of high quality. Although during the course of hearings the Committee on Education and Labor or the House may desire to refine this formula, I have included it in my bill in this form in order to emphasize that once there is adequate funding for compensatory education then as many children as possible, whether middle class or poor, should participate in any substantial Federal general aid program.

The third and last principle contained in my bill is that the Federal Government ought to provide larger grants to States undertaking programs to equalize among school districts the expenditure of all State and local funds for education. This provision is meant to encourage the States to implement the Serrano decision.

That decision, handed down by the California State Supreme Court in August of 1971, states that the quality of a child's education cannot depend upon the wealth of the school district in which he lives but rather must depend upon the wealth of the State taken as a whole. The objective of this decision is to avoid the present situation where parents in property-poor school districts are taxing themselves two or three times the rate of parents in property-rich school districts and yet they are raising less than one-half the amount per pupil raised in the richer school districts. This situation results from the fact that the States have allowed school districts to exist which contain a very high level of real property wealth and have not provided for compensating State aid programs for the property-poor school districts.

The School Finance Act will assist States which desire to implement a 5-year plan of equalization of their State and local expenditures. Instead of the $100-per-pupil grant mentioned above, a State can receive $200 per pupil the first year of its plan and increasing amounts every year thereafter up to $600 per pupil in the fifth year. In addition to equalizing expenditures among school districts, the States applying for these larger grants must agree to provide greater State aid for students with greater needs such as the handicapped, the disadvantaged, and vocational students. Greater amounts must also be spent in school districts with higher costs, such as in rural districts with widely scattered populations and in urban districts with highly concentrated populations. Lastly, these States must provide that by the end of their 5-year plans none of their citizens will pay more than 5 percent of their incomes for property taxes.

The U.S. Supreme Court is now in the process of deciding whether to uphold the concept of the Serrano decision. The Court's ruling will obviously have a great impact on any congressional action in this field and my bill may therefore have to be revised at that time to reflect the nature of the ruling. But since we do not know the Court's decision yet I believe that my bill's provisions deal as well as we can now with the issue of equalization.

Mr. Speaker, I believe that the three principles contained in my bill can form a sound basis for a substantial Federal general aid program for elementary and secondary education. The enactment of the School Finance Act will guarantee compensatory education for the educationally disadvantaged, will provide quality education programs for all students, and will assist the States in providing a fairer system of educational expenditures.

Mr. Speaker, I insert at this point in the RECORD a short summary of the School Finance Act and the text of the bill:

SUMMARY OF THE SCHOOL FINANCE ACT OF 1973

The School Finance Act of 1973 would authorize two Federal general aid programs: Basic Grants and Equalization Grants. No grants could be made, however, in any year in which appropriations for Title I of the Elementary and Secondary Education Act did not reach the level of $3 billion.

TITLE I—BASIC GRANTS

Every local school district would be entitled to a basic grant for each of the next five years (fiscal years 1974–1978). This grant would be computed by multiplying the number of school-age children in the district by $100. These Federal funds would have to be used for quality education programs for all children.

TITLE II—EQUALIZATION GRANTS

Instead of participating in the Basic Grant program, a State could decide to receive Equalization Grants for five years. These State grants would be computed by multiplying the number of school-age children in the State by—

$200 per child the first year,
$300 per child the second year,
$400 per child the third year,
$500 per child the fourth year, and
$600 per child the fifth year.

In order to receive these Federal funds which could be used to supplant State and local funds, a State would have to adopt a State plan to equalize State and local expenditures among its school districts by the end of the fifth year. In addition to equalization, this State plan would have to provide for higher expenditures commensurate with their needs for disadvantaged, handicapped, and vocational students and also would have to provide for higher expenditures in school districts with higher costs, such as in rural districts with widely scattered populations and in urban districts with densely concentrated populations. This State plan would also have to provide for the adoption of a State program which would offer a rebate to anyone in the State who paid more than five percent (5%) of his household income for property taxes by the end of the five-year plan.

SUMMARY OF A POSSIBLE GENERAL AID BILL

A trust fund would be created to make payments to local school districts and to States for Basic Grants and for Equalization Grants. No grants could be made, however, until appropriations for Title I of the Elementary and Secondary Education Act reached the level of $3 billion.

TITLE I—BASIC GRANTS

Every local school district is entitled to a basic grant for each of the next five years (fiscal years 1974–1978). This grant is computed by multiplying the number of school-age children in the district by $100.

These Federal funds are to be used as supplementary to State and local funds for quality education programs.

TITLE II—EQUALIZATION GRANTS

Instead of participating in the Basic Grant program, a State can decide to receive Equalization Grants for five years. These State grants are computed by multiplying the number of school-age children in the State by—

$200 per child the first year,
$300 per child the second year,
$400 per child the third year,
$500 per child the fourth year, and
$600 per child the fifth year.

In order to receive these Federal funds which can be used to supplant State and local funds, a State must adopt a State plan to equalize State and local expenditures among its school districts by the end of the fifth year. In addition to equalization, this State plan must provide for higher expenditures commensurate with their needs for disadvantaged, handicapped, and vocational students and also must provide for higher expenditures in school districts with higher costs, such as in rural districts which must provide for extensive busing and in urban districts which have high land costs. This State plan must also provide for the adoption of a State law which would require that no one in the State would have to pay more than five percent (5%) of his household income for property taxes by the end of the five year plan.

MEDICREDIT—A NATIONAL HEALTH INSURANCE PLAN

(Mr. FULTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FULTON. Mr. Speaker, today I introduced H.R. 2222, a three-part approach to providing health insurance protection for all Americans.

The bill contains modifications and improvements on the medicredit bill which I and a large number of my colleagues introduced as H.R. 4960 in the 92d Congress. It was my privilege in that Congress to be associated with what grew to be a total of 174 cosponsors of medicredit.

Mr. Speaker, this bill would do three things:

It would pay the full cost of health insurance for those too poor to buy their own.

It would help those who can afford to pay a part of their health insurance cost. In a fair way, based on a sliding scale, the Government would share in these costs. The less an individual could afford to pay, the more the Federal Government would pay.

Finally, this legislation would insure that no American would have to bankrupt himself because of a catastrophic illness. The bill would pay every American's premium for catastrophic expense coverage.

I continue to be concerned about the devastating effect of catastrophic illness on the American worker and his family. The financial disaster of such illness can economically cripple a family for years; even into the next generation.

This bill goes a long way toward relieving Americans' well-justified anxieties about the threat of such financially ruinous illness. In addition to regular health insurance coverage, it offers a clear picture of just how much a family or individual could expect to be helped in the event of a catastrophic illness. The bill sets out a "financial corridor" for catastrophic coverage, a limitation of liability. This would be a maximum of 10 percent of the combined taxable income of a beneficiary and his dependents.

It would apply after the payment of customary deductibles, which I shall explain in a moment, and the exhaustion of regular health insurance coverage.

Medicredit's coverage would be provided through private health insurance. A choice of enrollment in prepaid groups would be included.

To participate in the program, however, a carrier would have to qualify under State law, provide certain basic coverage, make coverage available without regard to preexisting health conditions, and guarantee annual renewal. The great advantage of such private coverage is the flexibility, choice, and efficiencies it offers to both the individual and the Federal Government.

A qualified policy would offer comprehensive insurance against the ordinary and catastrophic expenses of illness. Preventive care would be stressed. Such things as physical examinations, well-baby care, inoculations, and X-ray, and laboratory work in or out of the hospital would be covered.

Basic benefits in a 12-month period would include 60 days of hospital care or 120 days in an extended care facility. Other basic benefits would provide emergency and out-patient services, and all medical services provided by osteopaths or physicians.

Important additions to this year's bill include basic coverage for home health services, dental care for children, and emergency dental services for all.

The catastrophic protection would pay expenses in excess of the basic coverage, including hospital, extended care, inpatient drugs, blood, prosthetic appliances, and certain specified services, including those of physicians.

Psychiatric care would be covered without limit.

There would be a deductible of $50 per hospital stay, and a requirement for 20 percent coinsurance—to a maximum of $100 per family per year—on medical expenses, emergency or outpatient expenses, and dental services. A beneficiary's maximum coinsurance would be no more than $100 per family per year.

Enrollment would be handled this way: A beneficiary eligible for full payment of premium by the Federal Government—that is, someone with no Federal income tax liability for the year—would be entitled to a certificate acceptable by insurance carriers. The certificate would be for health care insurance coverage for himself and his dependents. The Federal Government would pay all of these health insurance costs.

Beneficiaries with whom the Government would be sharing the premium cost would have a choice. They could elect between a certificate or a credit against income tax.

The Government would pay all of the premium for low-income people—those with no income tax liability. For others, the Government would pay between 10 and 99 percent, based on the family or individual income. The Government would pay everyone's premium for catastrophic expense coverage.

This bill would help equalize some of the tremendous health costs that now burden some families unequally. It would insure that all receive adequate health insurance coverage. Its provisions insure that this could be done efficiently, at a cost that taxpayers can bear.

POWER OF COMMITTEE CHAIRMEN, NOT THEIR SENIORITY, IS THE ISSUE

(Mr. BLACKBURN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BLACKBURN. Mr. Speaker, with the opening of the 93d Congress, we once again direct our attention to the method by which we organize ourselves into committees for the purpose of dealing with specialized legislation and the authority given to chairmen of those committees.

Two years ago, all we could hear were great public demands from some quarters for the end of the seniority system. At that time, I suggested that the seniority of the chairmen should not be an issue, but that the discretionary power we grant the chairmen should be subjected to serious debate and question.

Having served 6 years in the Congress, I have observed the operation of its committees, and I have had the opportunity to follow the tortuous path of legislation from introduction of a measure to its consideration by a subcommittee, then on to the full committee and action on the floor of the House. After this time-consuming process, the measure is sent to the Senate where some changes are usually made, thus necessitating a conference between House spokesmen and Senate spokesmen. Based on this experience and observation of the workings of the Congress, it is my opinion that the current criticism is misdirected.

The true significance of a person acting as a committee chairman does not lie in his actions as presiding officer during committee hearings or during markup sessions. However, as the presiding officer, a chairman can sometimes affect the substantive course of legislation. Nevertheless the real villain in the present operation of the committee is the enormous discretionary power granted to a committee chairman. The complete freedom to abuse this discretionary power—whether for his own personal ends or to serve the ends of his political party and its members—is the area of my concern.

For example, the chairman has the dominant voice in the hiring of committee staff personnel. Thus, these employees many times feel that their primary obligation is to serve the committee chairman rather than to serve the committee as a whole. Oftentimes, committee personnel work in the office of their favored or acquiescent committee member while failing to respond to requests of other members of the committee.

The committee chairman schedules hearings upon bills being considered by the committee. He usually finds time for hearings on those bills which he favors but never finds time for hearings on bills for which he has no personal sympathy. He can delay hearings on vital measures so that he can attach riders not favored by the administration. Thus, the administration may be forced to approve measures necessary for continuing the operation of essential services of government despite the fact that the legislation contains language unpalatable to the administration.

In scheduling hearings, the committee chairman can arrange for full discussion from witnesses favorable to the chairman's own personal feelings. He may relegate those witnesses unfavorable to his views to only a few brief seconds of testimony, thus cutting short the opportunity to fully develop both sides of the question and thereby reducing the effectiveness of their testimony to a bare minimum.

A committee chairman recommends to the Speaker of the House those committee members he—the chairman—wants to serve on conference committees. It is this conference committee which has the responsibility of reconciling differences between House-passed and Senate-passed legislative measures. You can be confident that the chairman finds it more expedient to recommend persons not likely to disagree with his own individual views. Thus, legislation formed after hours or days of debate on the House floor can be completely remolded in conference committee by a strong committee chairman and a handful of his lackeys.

In an effort to achieve certain reforms, I, with a number of my colleagues on the House Banking and Currency Committee, proposed several changes to the rules of our committee. We were successful in making only one change and that was to prohibit proxy voting.

I feel that this has a very salutary effect upon our committee since the chairman can no longer vote the proxies of the absent majority members. However, we lost all of the other proposed reform on a straight party line vote. It is indeed interesting that some of those who most enthusiastically called for reform during the consideration of the Legislative Reorganization Act of 1970 rejected all attempts to control the unbridled power exercised by certain committee chairmen.

All of us will represent approximately 500,000 people after this election. Each of us should have the same responsibility and same authority in determining the flow of legislation and the witnesses who will appear before our respective committees. Unfortunately, we find that certain members' constituency has a more favored position because of the power exercised by a particular member.

Democratic institutions are supposedly based upon the theory that all people should be represented equally. My proposed changes would only help to bring a little more democracy to our legislative processes.

For this reason, I am today introducing a House resolution amending the rules of the House to carry out my suggestion. I hope that the Members of the House will study my resolution and consider joining me in working toward reform.

IT IS TIME TO TERMINATE TUNG NUT PRICE SUPPORTS

(Mr. FINDLEY asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. FINDLEY. Mr. Speaker, several years ago, Bob Stevens of Copley News Service presented me a framed copy of a political cartoon he had drawn. As good political cartoons always do, this one conveys a meaningful and serious message.

The cartoon depicts a contented cow perched on a pedestal and labeled "farm programs." Gathered about the cow are caricatures of several Congressmen. One is feeding the cow a basketful of money. Another fans it in the style befitting royalty. Two are kneeling before the cow and one is saying to the other:

> I dunno . . . it's just always been sacred.

As Bob Stevens so accurately states in this cartoon, we in Congress treat our farm programs as if they are sacred cows. First we create them, and then we continue to appropriate taxpayer dollars to support them without regular scrutiny to determine if they are still needed and beneficial.

Today, I am introducing a bill that could reverse this trend and help one of these "sacred cows" back into a mere mortal bovine. This bill, which has the support of the Department of Agriculture, would phase out the unneeded and costly mandatory price support program for tung nuts.

Many may not know what tung nuts are, much less that we have for years been appropriating taxpayer dollars to subsidize their production.

Tung nuts grow on trees in moderate climates. In the United States production is limited to the Gulf Coast States. These nuts yield an oil that was once popular as a drying agent in paints, lacquers, and varnishes. Before the development of synthetic substitutes, tung oil was an important commodity.

Prior to World War II, the United States was a net importer, largely from China. When Pearl Harbor cut off incoming supplies, tung oil was officially declared a strategic commodity for defense purposes. All available supplies were controlled for use by the military. Although there is a 5-year lag between planting and oil production, output of tung in the United States was greatly expanded but not subsidized.

In the immediate postwar period, an average of 100 million pounds of tung flowed into the United States from China each year, at prices well below American production costs.

As a result, the still expanding U.S. tung industry appealed to Congress for a mandatory support program. Congress granted this request.

All products from Communist China were embargoed in 1950, stopping the heavy flow of tung oil. With supplies available only from South American sources and U.S. producers, the support program worked reasonably well.

Despite serious freeze damage about every third year, U.S. production increased from about 5 million pounds of oil a year during World War II to a peak of 45 million pounds in 1958.

Since 1959, rising production costs, coupled with a succession of freeze damage and hurricane disaster years, have almost destroyed the tung industry in the United States. Most of the tung groves still in existence are well past their prime.

The 1971 tung oil crop was only 100,000 pounds because of serious freeze damage. With favorable weather conditions in 1972, the crop was still only about 4 million pounds.

Tung oil currently is being supported by the Commodity Credit Corporation through loans at $74.74 per ton or 27.6 cents per pound. This is 65 percent of parity, the lowest level permitted by the Agriculture Act of 1949. Last year's support rate was $73.45 per ton or 27.2 cents per pound.

The world price for tung oil is currently between 12 and 13 cents per pound, less than half the loan rate. As has been the case for the past several years, the Commodity Credit Corporation has assumed ownership of the entire 1972 crop by paying the producers the loan rate. As the CCC liquidates its stocks of tung oil, it is unable to recover even half of its costs.

Since the tung oil price support program's inception, it has caused over $12 million in losses to the CCC, at the taxpayers expenses. Since 1967, losses have been running between $1 and $3 million per year.

Tung oil is no longer considered a strategic commodity. The chemical industry has developed substitutes that have reduced the U.S. market from over a hundred million pounds annually to less than 30 million pounds. In addition, tung production in South America has increased sufficiently to supply the needs of Europe and the United States.

Most of the U.S. tung groves have now passed their 11 years of peak production. The owners must now decide whether to replant their groves. If we continue this program, we will encourage them to do so—at the taxpayers' expense.

Clearly, now is the time for Congress to terminate the mandatory support for tung oil through the 4-year phaseout program proposed in this bill.

Passage would clearly establish that farm programs once put into effect by Congress, can be terminated by Congress. If we want to get out from under the costly specter of the "sacred cow" farm programs, this could be a major step in that direction. That sacred cow that we blindly support with annual appropriations could be transformed into a useful critter that helps us build a better society.

MFN FOR RUMANIA

(Mr. FINDLEY asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. FINDLEY. Mr. Speaker, today, with seven of my colleagues, I am introducing the Rumanian Trade Relations Act of 1973. This bill is similar to one which I first introduced in August 1969, and reintroduced in July 1971. Those who have joined with me are all prominent members of the Ways and Means Committee and sponsored similar legislation in the last Congress also. They are: Barber B. Conable, Jr., of New York; James C. Corman, of California; Richard H. Fulton, of Tennessee; Martha W. Griffiths, of Michigan; Joseph E. Karth, of Minnesota; Jerry L. Pettis, of California; and Charles A. Vanik, of Ohio.

All of us feel that irrespective of what happens to general trade legislation in this Congress, Rumania deserves separate and early consideration. It is for this reason that we have introduced this bill so early in the 93d Congress.

On February 9, 1972, in his state of the world message, President Nixon called for Congress to grant most favored-nation tariff treatment to Rumania. Speaking of both Rumania and Yugoslavia, the President said:

> We base our ties with both these countries on mutual respect, independence, and sovereign equality. We share the belief that this should be the basis of relations between nations regardless of divergence or similarity in social, economic, or political systems.
>
> We are supporting legislation to grant Most Favored Nation tariff treatment to Rumania. Our Export-Import Bank credits and Rumania's new membership in GATT will facilitate our economic relations.

On March 23, 1972, Secretary of State William P. Rogers added his Department's support in the following letter to Ways and Means Committee Chairman Wilbur D. Mills:

> The Secretary of State,
> *Washington, D.C., March 23, 1972.*
>
> Hon. Wilbur D. Mills,
> *Chairman, Committee on Ways and Means, House of Representatives.*
>
> Dear Mr. Chairman: I wish to refer to H.R. 10076, a bill to promote the foreign policy and security of the United States by providing authority to negotiate a commercial agreement with Romania, including the granting of MFN (most-favored-nation) tariff treatment in return for equivalent benefits to the United States.
>
> MFN treatment for imports from Romania along with those from other Communist countries (except Yugoslavia) was withdrawn pursuant to Section 5 of the Trade

Agreement Extension Act of 1951 but was restored to Poland in 1960. Section 231 of the Trade Expansion Act of 1962, as amended, provided for mandatory continuation of the prohibition against MFN for those countries not then receiving MFN treatment at the time of the enactment of Subsection (b) of Section 231.

As you will recall, Acting Secretary of State Irwin wrote you on December 14, 1971 that the President would welcome and support legislation giving him the authority to negotiate an MFN agreement with Romania. We therefore support the enactment of H.R. 10076 since it provides discretionary authority to the President to negotiate an agreement to extend MFN tariff treatment to Romania, a country which has repeatedly manifested its determination to pursue an independent foreign policy and one with which it is United States policy to encourage further the development of trade and other relations. U.S. exports to Romania have increased rapidly from $6 million in 1965 to $53 million in 1971, which is almost four times the level of U.S. imports. Further significant expansion of our exports to Romania is likely to depend importantly on Romania's ability to increase its exports to the United States. H.R. 10076 would enable the U.S. to offer Romanian exporters improved access to the U.S. market.

It should be noted that on November 15, 1971 Romania became a party to the General Agreement on Tariffs and Trade (GATT) which is one of the conditions of Section 3 of the bill. The U.S. favored Romanian accession to the GATT but because of Section 231 of the Trade Expansion Act could not grant MFN treatment to Romania and thus could not accept GATT obligations toward Romania. The U.S. therefore invoked GATT Article XXXV so that the GATT does not apply between the United States and Romania. However, in the event that an MFN agreement were concluded with Romania, we would wish also to be able to enter into a trade agreement relationship with Romania under the GATT. It would, therefore, be desirable if the provisions of H.R. 10076 did not require limitations on the duration of agreements that might be difficult to fit into the GATT framework. Accordingly, we would suggest the deletion of provisions (a) and (d) of Section 5 of the bill, the deletion of the proviso to Section 6(a), and the deletion of the second sentence of Section 6(b). The President would have sufficient authority under Section 6(b) of the bill, revised as suggested above, to terminate most-favored-nation treatment as a matter of domestic law, in the event that such action were required by the national interest, while also having sufficient flexibility to select the appropriate means for adjusting our trade agreement obligations.

We note that the bill would provide authority to grant MFN treatment to "one or more of the products of Romania." We understand that this would permit the extension of MFN treatment to all products of Romanian origin as would be required for a trade relationship under the GATT and as is our uniform practice toward countries granted MFN rights.

Since it is not possible at the present time to anticipate with precision the particular benefits and commitments that might be included in a commercial agreement with Romania, it also would be desirable to provide somewhat more discretion for negotiation of an agreement than the bill as introduced appears to contemplate. The Department of State would be pleased to cooperate with the Committee in its consideration of this and other aspects of H.R. 10076.

The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this report.

Sincerely yours,

WILLIAM P. ROGERS.

The bill which I have introduced today has been carefully drafted to meet the suggestions raised in the Secretary of State's letter. The 3-year limitation on the length of the initial agreement has been abandoned, although section 5(a) still provides for "suspension or termination upon reasonable notice." In addition, the provision for granting MFN on a product-by-product basis has been eliminated as being not in accordance with our obligations under the General Agreement on Tariffs and Trade.

The bill would not grant a privileged status to Rumania. Rather, it would permit the President to eliminate the discriminatory high tariffs which presently limit trade, and in their place would substitute tariffs equivalent to those we charge most other countries of the world.

Presently, Rumania's largest trading partner is Russia. Consequently, it can ill afford to disregard Moscow's wishes and desires when to do so might result in severe and crushing economic repercussions. If, on the other hand, Rumania has a trade potential with the United States, it can continue to strike a more independent course which would benefit the U.S. national interests, as well as its own.

Since 1969, Rumania has continued to expand its political, economic, and social contacts with the United States and the Western world. Most recently, in December, Rumania joined Yugoslavia as the only two Communist countries which are members of the International Monetary Fund and the International Bank for Reconstruction and Development. To do so necessitated a commitment of gold to these western international financial institutions. Among other things, it evidences an independent foreign economic policy being pursued by the Rumanians.

Currently, Rumania is negotiating a standard operating agreement with the Overseas Private Investment Corporation under enabling legislation which I supported in the 92d Congress. OPIC guarantees American investments in foreign countries against various business hazards. These negotiations are made possible because of recent changes in Rumania's domestic law to permit foreign investors to retain an equity interest in investments in Rumania of up to 49 percent.

In foreign policy, as in economic policy, Rumania has pursued an independent course.

At the recent Helsinki talks on European security, Rumania demonstrated fierce independence which has characterized its foreign policy for a decade. On the opening day, the Rumania representative made it clear that his country was not participating as a member of any military bloc or social grouping. He insisted that all participating nations must be treated equally and suggested that the conference should adopt this as a fundamental principle of relations among all nations.

Recalling the Soviet-led Warsaw Pact invasion of Czechoslovakia, the Rumanian representative called for the conference to adopt the principle that countries must not interfere in the internal affairs of other sovereign nations. He also called for a declaration of nonuse of force.

Rumania's impact on the conference so far has been quite dramatic and significant—far out of proportion to its small size.

Even in Vietnam, Rumania has been restrained in its support of Hanoi. Rumanian trade with North Vietnam has been quite small, and dwindling for years. It consists only of a minimal amount of nonmilitary goods. No Rumanian ships have called at North Vietnamese ports in official Washington's memory.

All of this, and many other acts of independence, make it appropriate for this Congress to give priority consideration to equal trade status for the Rumanians.

It would be a mistake of historic proportions for the Congress of the United States to force the Rumanians to wait for MFN in the shadow of their big brother in Moscow.

To wait for general trade legislation would show little recognition of the valiant independence already displayed.

To wait would delay once again fulfilling a long-standing commitment by President Nixon to accord Rumania equal tariff treatment.

To wait would be to risk miring down MFN for Rumania in the fight over protectionism which is certain to accompany, and delay, general trade legislation.

In my view, Rumania has waited long enough. Congress should act, early in this session, to accord this small East European country the equitable trade status it deserves.

Text of bill follows:

H.R. 2304

A bill to promote the foreign policy and trade interests of the United States by providing authority to negotiate a commercial agreement with Romania, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Short Title.

This Act may be cited as the "Romania Trade Act of 1973."

SEC. 2. Statement of purposes.

The purposes of this Act are to promote constructive relations with Romania, to contribute to international stability, to promote international trade, to provide a framework helpful to private United States firms conducting business relations with Romania, and to promote the expansion of United States exports.

SEC. 3. Authority to enter into commercial agreements.

The President may enter into a commercial agreement with Romania under this Act whenever he determines that such agreement—

(a) will promote the purposes of this Act, and

(b) is in the national interest.

SEC. 4. Commercial agreement provisions.

A commercial agreement entered into under this Act may include provisions concerning:

(a) arrangements for the promotion of trade between the United States and Romania.

(b) the extension of most-favored-nation treatment with respect to duties or other restrictions on the import of products of the other country;

(c) arrangements for the protection of industrial rights and processes;

(d) arrangements for the settlement of commercial differences and disputes;

(e) arrangements for establishment or expansion of trade and tourist promotion offices, for facilitation of activities of governmental commercial officers, participation in trade fairs and exhibits and the sending of trade missions, and for facilitation of entry and travel of commercial representatives;

(f) such other arrangements of a commercial nature as will promote the purposes of this Act, provided, however, that any commitments undertaken by the United States pursuant to this section shall be consistent with the laws of the United States in effect at the time of entry into force of the commercial agreement.

SEC. 5. Termination provision.

A commercial agreement entered into under this Act shall

(a) be subject to suspension or termination upon reasonable notice;

(b) provide for consultation for the purpose of reviewing the operation of the agreement and relevant aspects of relations between the United States and Romania.

SEC. 6. Extension of benefits of most-favored-nation treatment.

(a) Notwithstanding the provisions of any other law, the President may by proclamation extend most-favored-nation treatment to the products of Romania to carry out a commercial agreement entered into pursuant to this Act.

(b) The President may at any time suspend or terminate, in whole or in part, any proclamation made under this section.

SEC. 7. Relation to other laws.

(a) Any commercial agreement made under this Act shall be deemed a trade agreement for the purposes of Title III of the Trade Expansion Act of 1962 (19 U.S.C. sec. 1901 et seq.)

(b) Section 231 of the Trade Expansion Act of 1962 (19 U.S.C. sec. 1861) is amended by adding at the end thereof the following new subsection:

"(c) Subsection (a) of this section shall not apply to products, whether imported directly or indirectly, of Romania, provided that a proclamation is in effect under section 6(a) of the Romania Trade Act of 1973."

SEC. 8. Reports to Congress.

The President shall report to the Congress on any commercial agreement or amendment thereto entered into under this Act. Such report shall include information regarding negotiations, benefits obtained as a result of the commercial agreement, the text of any such agreement or amendment, and other relevant information relating to commercial relations with Romania.

HELMUT SCHMIDT CALLS FOR STRONGER NATO ALLIANCE

(Mr. FINDLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FINDLEY. Mr. Speaker, today, elsewhere in the CONGRESSIONAL RECORD, Members of both the House and Senate have reintroduced the Atlantic Union resolution. The resolution, which passed the Senate unanimously last year and died in the House Rules Committee on a 5 to 5 tie vote, calls for the appointment of an 18-member delegation of prominent U.S. citizens to meet with similar delegations from Canada and Europe. Their goal would be to formulate a plan for transition to a federal system of government among those nations in order to meet common supranational problems, such as defense, pollution, trade, and monetary policy.

Last week, the West German Minister of Finance, Helmut Schmidt, spoke at Newberry College in Newberry, S.C., and made a related proposal. In addition to calling for a summit meeting of the NATO countries, much as French President Pompidou did some time ago, Minister Schmidt went on to say:

> A useful purpose might also be served by something like an American-European "Royal Commission" consisting of distinguished, experienced and knowledgeable citizens who would meet from time to time in order to analyze the prospective priorities of our common policies.

Minister Schmidt's very excellent speech goes on to outline some of the difficulties which have plagued the Alliance in recent years, and to impress upon his audience just how important it is to solve these mutual problems in such a way as to maintain the cohesiveness and solidarity which has marked American-European relations in the past. I include some of the most important points which Minister Schmidt made:

THE ATLANTIC ALLIANCE AND THE CHALLENGE OF THE FUTURE

(Address by Herr Helmut Schmidt, Federal German Minister of Finance)

This Alliance, which evolved from the lessons of World War II and which was founded on the firm will to prevent new havoc at least in the Atlantic area of the globe, has a proud record to its credit: Member countries have been spared armed conflict on their territory and the rest of the world has been spared the consequences which such conflicts would have had for them.

At the meeting of the North Atlantic Council held in Washington on 10 April 1969 to celebrate the twentieth anniversary of the North Atlantic Treaty Organization, President Nixon called this record very correctly "one of the great achievements of the postwar era".

This achievement has been possible only because Member countries of the Western Alliance were prepared to recognize in both the political and military fields, the rules imposed by the peace-preserving nuclear stalemate, and to accept the responsibilities which result from it. What has been achieved can in the future be secured and maintained again only if and so far as all Members of the Alliance continue to pursue the same policy as they have done so far.

The greatest challenge of the Atlantic Alliance is the task of guarding against the dangers of tension and conflict and at the same time seizing every opportunity for peaceful cooperation between East and West. We shall be able to meet this challenge only if we tackle the problems of peace on the sound basis of security jointly, not only today but also tomorrow. This is the challenge that I wish to speak about now—as a German European and as a convinced advocate of the Atlantic Alliance between Europe and America whose attitude toward this fundamental issue has remained unchanged, regardless of the position in which I served my country in the last twenty years. All along it has been a source of encouragement for me to know that my views were shared by numerous leaders and friends in the Western world, and particularly in the United States.

In analyzing the present situation, it may be trivial to point out that international affairs have started to move. Indeed, the pattern of international relations, above all East-West relations, is beginning to change. The essential fact is that this change does not mean a revolutionary break with old policies. Rather we see an effort to reach agreement on what is amenable to negotiation. In other words: we are witnessing a process in which the interested parties are trying jointly to find a basis for peaceful coexistence. These efforts may one day lead to a new peaceful order on the European continent, but not only there.

This change and the strategic rules which continue to be imposed by the nuclear stalemate between the two world powers provide the background to both the German question and the European question. But it is not a matter of Germany and Europe alone; in fact, a new pattern can be seen to be emerging in the world at large. Already, the bipolar configuration of international relations to which we have grown accustomed is becoming subject to interference from other centers of power which are emerging, such as Japan and the Chinese People's Republic and the European Economic Community (EEC). Even more centers of power may emerge in twenty years' time. Should this be a lasting development towards worldwide multipolarity we all shall have to re-appraise our own roles before long. This applies to the United States of America as well as to Western Europe and it certainly applies to the relations between the United States and Western Europe.

The year 2000 will soon be at hand and already many of our projections and efforts are directed towards this time. The changes which we are witnessing take place in international relations as well as within the nations which are confronted by serious structural problems of their respective society. We are all concerned to seek to avoid economic and political instability. We therefore have to exercise moderation in order to ensure prosperity, to prevent wars, in short: to work for peaceful change. We shall be able to master the tasks before us only if we do not delude ourselves by mistaking ideology for reality.

There has already been considerable change during the last twenty-five years. But whereas one could afford to treat the problems of security, diplomacy, finance, money, trade and politics separately in the past, we are now well aware of the importance of integration and the weight of interdependence. When I say this, I particularly means the relations between Western Europe and the United States of America. There are, no doubt, many interests on both sides of the Atlantic which differ, but they should be the subject of discussion and negotiation. In view of the many other undeniably common interests nothing would be more disastrous than to strain the relations between Western Europe and the United States by emotional reactions or neglect of mutual information.

Nothing should be left undone that can strengthen what unites us. There have been many promising developments to improve communication not only between our Governments, but also between legislators and private groups so that we can always be sure to be supported by the general public in our countries.

With this in mind, President Pompidou in an interview last December suggested an Atlantic summit meeting to give impetus to the pursuit of our common objectives and to the development of our further relations. Consultations at the highest political level could, if properly prepared, indeed help to forestall new differences of opinion at a time when negotiations about economic, monetary and security matters are impending. There are many indications that particularly in the years to come frank communication between the leading statesmen of the Western world, which is not garbled by bureaucratic intervention, would be of vital importance.

A useful purpose might also be served by something like an American-European "Royal Commission' consisting of distinguished, experienced and knowledgeable citizens who would meet from time to time in order to analyze the prospective priorities of our common policies.

Mutual responsibilities also mean that it can be in the interest of neither to apply any kind of shock therapy. There will continue to be minor trade or monetary disputes and differences of well-considered and justified individual interests; but it just will not do for us to get lost in endless disputes over soy beans, potatoes or Arkansas chicken, and thus in the end to undermine the Atlantic Alliance.

Together Europe and America will have to seek a new approach if political practice is to reflect the interdependence of our political, defense, economic and monetary efforts. After the French elections in March, the American President and the German Chancellor being re-elected very recently, the time is ripe for a thorough-going joint analysis and decision. For some this may be a painful experience because we have to get rid of certain routine prejudgments—for instance the misjudgment of the USA being willing to deal with the Communist world power behind the backs of her European Allies and also for instance the misjudgment, that the European Economic Community is so devised as to counter the economic prosperity of the USA.

The record since 1949 does not allow the Members of the Atlantic Alliance to repose on the laurels won by successfully ensuring peace over a period of twenty years. While in the past our aim was to prevent war, we are now jointly called upon to win peace in a rapidly changing world—which is certainly a more difficult but also a more rewarding task.

What, then, is the challenge we are facing?

First, economic unification of Western Europe should—and probably would—be followed by political unification. There is still a long way to go and setbacks cannot be ruled out.

Second, Western European unification cannot and must not be achieved in opposition to the United States; otherwise, Europe and the Atlantic Alliance would come to nought. As long as Western Europe's integration is in progress, Washington will continue to be faced with the problem of having to act as the main guarantor of Western Europe's external security and, thus, of being the Alliance's leading power without impeding the process of unification which otherwise cannot succeed.

Third, the European Community and the United States must establish firm organic links in their economic relations.

Fourth, Western Europe must shoulder its international responsibilities. It cannot do this, however, to the advantage of the Atlantic Alliance and of East/West relations unless spirit and aims of United States and Western European policies are closely coordinated. Their common security policy has shown how closely the Members of the Atlantic Alliance are capable of co-operating in dealing with difficult and frequently controversial questions. The same degree of cooperation must now be achieved in further fields and the necessary machinery must be provided. The most important of these fields are our trade relations, international monetary reform and aid to the Third World.

Fifth, in order to meet the challenge of the future the Atlantic Alliance will have to look increasingly beyond the confines of NATO. For instance, ways and means must be found to develop close co-operation and common policies in all those spheres where Japanese, Western European and United States interests are similarly involved. Future success will depend on solidarity and joint responsibility.

Let me conclude my attempt to draw a profile of the Atlantic Alliance and to describe the challenge which we will have to face by restating, what I said in the beginning:

Our aim is peace. But a peace that is more than the mere absence of war. This must be the aim of all our efforts—on either side of the Atlantic.

TO END THE VIETNAM WAR

(Ms. HOLTZMAN asked and was given permission to address the House for 1 minute, to revise and extend her remarks and include extraneous matter.)

Ms. HOLTZMAN. Mr. Speaker, we are now on the eve of inaugurating the President of the United States. The ceremony reaffirms the democratic and constitutional basis of our society and our right to elect the people who govern us.

At the same time, however, we seem to have lost our way and wandered far from the principles of decency and fairness on which this country was founded and which have made it great. We continue to be involved in a frightening and horrible war in Vietnam.

It is entirely appropriate, therefore, that at the time we inaugurate our President we rededicate ourselves to these fundamental principles. That we announce that this country can no longer participate in or condone this brutal and senseless war any longer.

My constituents have almost unanimously conveyed to me their deepest opposition to the continuation of this war. I know that their feelings are shared by millions of other Americans. We in Congress can no longer hide from our responsibility as representatives of the people of this country to end the war in accordance with their will.

I am hopeful, as all of us are, that a peace will soon be achieved in Vietnam. If it is not, the first order of business after the President's inauguration must be action by Congress—in accordance with its constitutional responsibility—to end the war.

THE HONORABLE JOHN N. IRWIN

(Mr. MAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAYNE. Mr. Speaker, I wish to call the attention of my colleagues to the departure from the Washington scene of a very outstanding and dedicated public servant, the Honorable John N. Irwin II, the outgoing Deputy Secretary of State. He has held that post since July 1, 1972, and prior to that was Under Secretary of State from September 18, 1970, to July 1, 1972. We are fortunate, indeed, that his distinguished services will continue to be available to our country, as President Nixon has nominated him to be our next Ambassador to France.

Mr. Irwin, who carved out a distinguished career as a leading member of the New York City Bar before his Government service, is a native of Keokuk, Iowa, and still owns the family residence there.

He graduated from Princeton University with the A.B. degree in 1937, received the B.C.L. degree in jurisprudence from Oxford in 1937, and was awarded the LL.B. by Fordham University in 1941. He served for 5 years as an officer in the Army during World War II, receiving the Legion of Merit and the Medal of Freedom. Separated from the Army with the rank of colonel in 1946, he resumed the practice of law. In 1950 he became associated with the New York law firm of Patterson, Belknap & Webb, later becoming a partner.

His highly successful law practice has been interrupted from time to time by frequent calls to serve his country. He was Deputy Assistant Secretary of Defense and then Assistant Secretary of Defense for International Security Affairs from 1957 to 1961. He served as U.S. Special Representative for Interoceanic Canal Negotiations from 1965 to 1967, conducting the delicate negotiation of a new draft Panama Canal Treaty. He further served as the President's Special Emissary to Peru in the dispute over Peru's seizure of U.S.-owned oil properties.

John Irwin was again called to serve when named Under Secretary of State on September 18, 1970. He assumed his present title and position of Deputy Secretary of State on July 1, 1972.

Jack Irwin is a man of many and widely diversified talents, well qualified to represent us in France. He has served as chairman of the board of Union Theological Seminary, as chairman of the executive committee of the board of trustees of Princeton University, and as a trustee of the Metropolitan Museum of New York, the New York Zoological Society, the Lawrenceville School, the John Simon Guggenheim Memorial Foundation, and the New York Historical Society. He is a member of the Bar Association of New York, the American Federation of New York State Bar Associations, and the Council on Foreign Relations.

Ambassador-Designate Irwin deserves special tribute for his achievements as chairman of the board of the Foreign Service these last several years. Secretary of State Rogers recently commended him and that board saying they had "steered a delicate and thoughtful course through the problems of personnel reform and employee-management during a time of great change within the Foreign Service; to this process of constructive change [Jack Irwin] has made a distinguished and thoughtful personal contribution."

Iowan Jack Irwin has served with great distinction as Deputy Secretary of State. I am confident he will represent the United States with equal distinction and honor in Paris. Keenly aware of the problems and opportunities in United States-European relations, he has engaged in active and intimate dialog with high officials of France and other Western Europe allies and friends.

Iowans have particular reason to be proud of this renowned native son, but all Americans familiar with his achievements will share our gratitude to Jack Irwin for his continuing outstanding service at the highest levels of government.

THE OMNIBUS JUDGESHIP BILLS

(Mr. HUTCHINSON asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. HUTCHINSON. Mr. Speaker, today I join with the gentleman from New Jersey (Mr. Rodino) in the introduction of two bills, one of which provides for the creation of 11 new circuit judgeships for the U.S. courts of appeals and the other would provide 51 new permant district judgeships for the U.S. district courts. These bills incorporate the recommendations of the Judicial Conference of the United States.

The recommendation that 11 new circuit judgeships be created was made by the Judicial Conference at its October 1972 session. In October 1971, 10 new circuit judgeships were recommended by the Conference and at the October 1972 session one additional judgeship for the sixth circuit was recommended along with 51 additional judgeships for the district courts. The Congress took no action on the recommendations made in 1971 and 1972.

The basis for the recommendations of the Judicial Conference is a systematic and comprehensive statistical study and review of the judicial business of the district courts undertaken by committees of the Judicial Conference with the assistance of the Administrative Office of the U.S. Courts. The study was made in light of the policy adopted by the Conference in 1964 of making a quadrennial survey of the need for additional district and circuit judgeships. Under this policy, the committees of the Conference survey the needs of the district and circuit courts separately and present recommendations separately. Before this policy was adopted by the Conference, it made annual recommendations and numerous bills piled up until the House and Senate Judiciary Committees were ready to act. Now the Judicial Conference makes the study every 4 years and in the interim, considers requests for recommending additional judgeships only on an emergency basis.

The Congress has always acted promptly to fulfill the needs of our Federal courts because the strength of the fiber of this country depends in large part on the quality of the court's work product. Its work product, of course, is justice and additional, qualified, dedicated judgepower is the most important single ingredient to effectively establish and uphold justice. However, the creation of additional judgeships alone will not solve the problems of delay and backlog. The Congress and the judiciary must continue to search for ways to quicken the pace of justice without impairing the quality of judicial output. In the past several years the Congress has attempted to develop innovative ways of assisting the courts in effectively coping with their caseload. Most recently, the Congress established a Commission to Study the Revision of the Federal Court Appellate System (Public Law 92-489, October 1972). The Circuit Court Executive Act (Public Law 91-647, June 1971) is designed to relieve the chief judges of the courts of appeals of administrative burdens that restrict their efficiency. The Federal Judicial Center Act (Public Law 90-219, December 1967) gives the Judiciary a research and development arm. The Judicial Center is presently researching methods to computerize dockets, to reorganize court calendars and to develop screening devices for post-conviction remedy litigation. The Federal Magistrates Act (Public Law 90-578, October 1968) provides the Federal courts with professional judicial officers to help relieve the courts of their minor criminal cases and in screening the post-conviction petitions which annually flood the Federal courts.

The Congress, too, has done much to encourage our citizens to fashion a Federal case out of matters that would have never been brought into a Federal court 10 years ago. Taking a case into Federal court then was a rare event for most lawyers. But the many new Federal laws have given rise to new Federal causes of actions, created new rights and new obligations, which in turn generate diversities and differences of opinion and consequently, more litigation.

Chief Justice Warren Burger, in his report to the American Bar Association last August on the problems of the judiciary, made the following suggestion which, in my opinion, the Congress should give serious consideration. He stated that—

> In recent years, Congress has required every executive agency to prepare an environmental "impact statement" whenever a new highway, a new bridge or other federally funded projects are planned. I suggest, with all deference, that every piece of legislation creating new cases be accompanied by a "court impact statement," prepared by the reporting committee and submitted to the Judiciary Committees of the Congress with an estimate of how many more judges and supporting personnel will be needed to handle the new cases.
>
> This is not to suggest that Congress reject legislation simply because it would increase litigation, but only to suggest that Congress consider the needs of the courts along with the need for new legislation. What we sadly lack at the present time is the ability to plan rationally for the future with regard to the burdens of the courts. It is essential that we do this if our courts are ever to function as they should.

The Congress does not take lightly its constitutional responsibility to establish and maintain inferior Federal courts. The recommendations of the Judicial Conference of the United States as they are incorporated in these bills are given much weight but they are by no means conclusive. The Senate and House Judiciary Committees will thoroughly and judiciously study the workload of these courts, carefully scrutinize the facts and analyze other requests made in the form of other bills which are pending before the committee. I am confident that the Judiciary Committee will begin work on these bills in the near future.

METRIC CONVERSION BILL SETS 10-YEAR TARGET DATE

(Mr. McCLORY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. McCLORY. Mr. Speaker, I am reintroducing today, together with 20 cosponsors, a measure to provide for a systematic conversion throughout our Nation to the metric system of weights and measures.

Mr. Speaker, it should be recalled that the 3-year study conducted by the Bureau of Standards in the Department of Commerce completed in August, 1971, recommended an orderly conversion to the metric system and proposed a 10-year period during which our Nation would change over to the metric system.

Mr. Speaker, we are reminded that the United States and Canada are virtually the only remaining great industrial nations in the world which are not today utilizing the metric system—or—as in the case of Great Britain, Australia, and New Zealand—are not now in the process of effecting such a conversion.

Mr. Speaker, the bill which my colleagues and I are presenting today would establish a 9-member U.S. Metric Conversion Coordinating Commission which would have principal responsibility for guiding and directing an overall program throughout our Nation.

Mr. Speaker, I will not detail the provisions of this measure at this point. Nor do I wish to criticize other proposals directed at the same subject. However, I do want to emphasize that establishing a target date, following which metric would be the sole official system of weights and measures, would appear to provide the kind of impetus that a conversion program requires.

Mr. Speaker, let me simply say this in addition. The British have discovered that converting to the metric system does not import the great economic burdens which had been predicted. I would expect in our case that in the course of converting to the metric system, we would be able to adopt many labor- and cost-saving practices that would benefit our industrial and business communities.

Let me add, that the experience of other countries has demonstrated that to blunder along without any time schedule or target date is the most expensive, most confusing, and the most burdensome approach of all.

Mr. Speaker, it is vital for our Nation to be in step with the rest of the world insofar as applying units of weights and measures. This means substantial adoption of the international metric system. We can benefit in terms of foreign trade, improved international understanding, from the safety and efficiency which results from standardization of units of measure, and by finding new, improved and more economical methods of manufacture which adoption of the metric system can provide.

Mr. Speaker, I am not so vain as to suggest that the measure which my colleagues and I have introduced is incapable of improvement. However, I do suggest that of the measures that have come to my attention the approach that we have adopted is superior to the others. We hope that the House Committee on Science and Astronautics will provide an early hearing on this subject, and that the Congress will adopt at an early date a program that can launch the United

States on the path toward general conversion to the metric system of weights and measures.

INTRODUCTION OF 1973 PENSION BILL

(Mr. SMITH of New York asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SMITH of New York. Mr. Speaker, I am today reintroducing the private pension reform bill of 1973, formally known as the Retirement Income Security for Employees Act of 1973. This bill is identical to the pension reform bill which I introduced last year, and is the House counterpart of the 1973 Williams-Javits proposal (S. 4), in the Senate.

This essential piece of legislation can well be termed the American workers' bill of rights, for it cancels the glaring inequities visited upon many in our Nation's work force, and guarantees our working men and women protection and peace of mind as they look forward to retirement.

It will require a major bipartisan legislative undertaking to reform this Nation's private pension system, and I am convinced that this legislation is indispensable toward securing the just expectations of the American worker.

This bill will assure that never again will a worker under a private pension plan need to forfeit his pension rights as he moves from job to job. Workers under private pension plans will no longer suffer hardship because of the forced termination of the pension plan on failure or termination of the employer. No longer will a private pension plan be without sufficient assets to pay the promised benefits.

Manipulation and personal aggrandizement at the expense of workers in the handling of their pension funds will be effectively halted. To assure this end, the bill further creates a new arm of the Labor Department to oversee pension funds while setting strict reporting requirements and standards of conduct for trustees of pension funds.

This reform package provides for earlier vesting, full funding, Federal insurance against premature termination, portability, fiduciary standards and disclosure.

Last year, in the 92d Congress, I introduced and fought for the passage of this legislation, testified before the Subcommittee on Labor of the Committee on Labor and Public Welfare of the U.S. Senate, and buttonholed my colleagues in the House to point up the need for and benefits of this legislation.

I strongly urge my colleagues to offer their full support for this bill which will benefit not a minority, not a political philosophy, but rather a majority of the work force of this Nation.

TRAVELING AT TAXPAYERS' EXPENSE

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker and Members of the House, today I am introducing legislation that would prohibit the Members of Congress who have been defeated in a primary, in a general election, or who have announced their retirement, from traveling abroad at taxpayers' expense unless specifically authorized by a resolution of this House or the other body.

Members are well aware of the unjust, in my opinion, criticism that is leveled against the entire Congress for the travelings of some of our Members, as I said, who have been either defeated in a primary or general election, or who have announced their retirement.

We have 106 cosponsors of the legislation as of today. If those Members who have not yet expressed their desire to join will do so within the next few days, we should have a sufficient number to get an early hearing before the Committee on House Administration. We should take this affirmative step early in this session to eliminate the chance of any more unfavorable criticism that might very well be cast our way at the conclusion of this Congress.

I would urge all those Members who have cosponsored the bill to join in our request of the Committee on House Administration to have an early hearing. Let us at least discuss the problem and if the language of our bill is not perfect, then let us agree on some effective way of getting the job done.

VIETNAM

(Mr. HUNT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HUNT. Mr. Speaker, the nearer we are to a cease-fire in Vietnam, the further it seems we are from a cease-fire at home. The same people who for years have been unremitting in their criticisms of the war still will not stop the incessant carping which has delayed the war's end. Even now, as we have the end of war in grasp, they continue to chip away at the integrity of the negotiating process with their chattering interference.

It is simply time to hold the rhetorical fire and allow the negotiating process to proceed. Those who continue their criticizing during the most sensitive of negotiating periods will have to bear on their conscience any failure during this crucial time. Only one conclusion can be drawn of those who will not let the proper conduct of foreign affairs take its course—that they have a vested interest in American failure in Indochina.

President Nixon has bravely refused surrender in Vietnam—a surrender so assiduously urged by critics whose vision was as blind as the President's has been broad. Through countless months of domestic backbiting, it is clear that the President's course is bringing progress. If the peace is to be lasting and permanent, we can do no less than hold back some of our more bitter impulses to attack the man who is bringing the peace.

Those who ceaselessly claim failure seem almost to be wishing failure. There can be no satisfaction in having been proved right if our Nation suffers. But if we see these last hours through successfully, the indulgences in raucous and divisive rhetoric are going to seem small indeed against the measuring stick of history.

INTRODUCTION OF SHORE EROSION CONTROL LEGISLATION

(Mr. J. WILLIAM STANTON asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. J. WILLIAM STANTON. Mr. Speaker, as the Representative from the congressional district that has more Lake Erie shoreline than any other in the State of Ohio, I am especially aware of the critical need for Federal participation in the cost of protecting privately owned shore property from erosion. The legislation that Congressman VANIK and I and 17 of our colleagues are introducing today would provide just that.

Current high-water levels in the Great Lakes caused by extremely large amounts of rainfall in recent years and further aggravated by the Canadian Government's closing of the Welland Canal for repairs this winter are responsible for enormous losses to private property owners. Massive chunks of land and even homes are tumbling into the lake and there is no Federal assistance program, be it small business, housing, or disaster relief, which adequately meets this constantly worsening situation.

The present law only permits Federal assistance to shores of the United States, its territories, and possessions that are owned by States, municipalities, or other political subdivisions, and also to shores other than public if there is a benefit such as that arising from public use or from protection of nearby public property. But the forces of nature do not recognize private property lines. The proposal we are introducing today would permit private property owners affected by erosion to qualify for Federal assistance to be given by the Army Corps of Engineers in accordance with already established procedures for civil projects.

Four years ago, the Ohio Department of Natural Resources, recognizing the enormity of the erosion problem, demonstrated admirable initiative by commissioning Stanley Consultants, a Cleveland engineering firm, to investigate and study erosion along a 4-mile stretch of Lake Erie shore, extending from the Cuyahoga-Lake County line, east to the mouth of the Chagrin River in Lake County. This area was previously a part of my 11th District and is now in Congressman VANIK's 22d District. The study included the contributing causes of beach and shore erosion, methods of protection, and cost alternatives for remedial works. Although the Stanley report focused on only 4 miles of shoreline, it is probably applicable to all lake frontages in Ohio and throughout the Great Lakes area.

The Stanley report confirmed what those of us who have lived on the shores of Lake Erie have suspected for some time—that the lake is quickly eating away a sizable portion of our land. Present high lake levels mentioned earlier are producing an accelerated erosion rate in the area studied and present conditions have exceeded the previously recorded maximum. The spring thaw and accompanying rains will raise the lake level to new and disastrous peaks. No feasible method of artificially regulating the long-term fluctuations of the water levels of Lake Erie has yet been found.

Based on erosion rates over the period of 1938–68, a line of encroachment for the year 2020 has been projected. This line has been used as the basis for determining the amount of private property which will be lost by that year if no additional shore protection measures are undertaken. The Stanley Engineers predict that the total private land loss along the 4 miles they studied will be 535 acres. On this basis, it was estimated that property that 4 years ago had a market value of $6,300,000 would be destroyed during this period. Assuming a uniform increase in real estate values, a total loss of tax revenue to public funds of $3,861,000 will accrue over the study period. I remind you that I am only talking about 4 miles of shoreline.

Largely because of the inability of owners of private shoreline to bear the great expense of projects to restore or protect their property, we do not now have an effective beach erosion control program. The Stanley Consultants estimated 4 years ago that approximately half of the 4 miles of shoreline comprising their study required protection. I would emphasize that the shore damage has accelerated incredibly since the study was made so that undoubtedly all of these estimates would have to be revised upward substantially. In 1969, they counseled that the cost of providing the necessary protection for the study area over the next 50 years would range from $2.5 to $7 million depending on the remedial method used.

Obviously, private property owners cannot be expected to bear this financial burden alone and yet, at present, they have virtually no recourse. The legislation introduced today does not afford financial relief to a few wealthy shore property owners; it would protect our coastal shorelines which, in the final analysis belong to all the people. Surely it must be recognized that a problem which causes the loss of real property, the depletion of tax rolls, the loss of recreational areas and scenic beauty, the further pollution of our water and is responsible for declining values in affected areas, constitutes a loss not only to the private property owner but also to the general public. Public problems require public assistance.

TRIBUTE TO LABOR DEPARTMENT OFFICIALS

(Mr. STEIGER of Wisconsin asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STEIGER of Wisconsin. Mr. Speaker, it has been my distinct privilege to work closely with a number of officials at the Labor Department during the first 4 years of the Nixon administration. Among those with whom I worked most closely have been Secretary James D. Hodgson, Undersecretary Laurence H. Silberman, Assistant Secretaries Malcom R. Lovell, Jr., George C. Guenther, Solicitor Richard F. Schubert, and special assistant for Legislative Affairs Frederick L. Webber.

One of the truly rewarding experiences as a Member of Congress is to work together with dedicated individuals towards common goals. This has been particularly true in working with Larry Silberman in development of the Williams-Steiger Occupational Safety and Health Act of 1970, with Assistant Secretary Lovell in decentralization and reform of manpower programs, with George Guenther who has done an exceedingly good job under difficult circumstances in the implementation of the Williams-Steiger Act, with Dick Schubert who has unfailingly given superior legal advice and with Fred Webber for his very perceptive jobs in legislative liaison. Their dedication and contributions are in large part a personal tribute to the leadership of Jim Hodgson, and unquestionably added greatly to the accomplishments of the first Nixon administration.

I do not want this opportunity to pass by without adding my personal tribute to these very good friends for their service to the Nation.

MOBILE HOME SAFETY ACT

(Mr. ECKHARDT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ECKHARDT. Mr. Speaker, I am today joining the gentleman from California (Mr. Moss) in introducing the "Mobile Home Safety Act of 1973" and I wish to associate myself with his remarks on this subject.

Mr. MOSS. Mr. Speaker, I am today introducing the "Mobile Home Safety Act of 1973." Joining me as s sponsor of this bill is the gentleman from Texas (Mr. ECKHARDT).

This legislation is intended to clarify the scope of the Consumer Product Safety Act (P.L. 92–573) to establish that it applies to the safety of mobile home structures. As the Members will recall, the 92d Congress enacted one of the most important pieces of consumer legislation in decades. The Consumer Product Safety Act establishes a new Federal agency, the Consumer Product Safety Commission, whose primary purpose is to protect the safety of consumers in and around their homes and in recreation and other activities. The Commission was given authority to promulgate mandatory safety standards—where necessary—to reduce hazards to consumers, develop educational programs, recall substantially hazardous products and to promote consumer safety through a variety of sanctions.

The legislative history makes it clear that appliances, components and equipment sold with or used around mobile homes—and recreational vehicles—are within the scope of the Consumer Product Safety Act. However, the act does not apply to the basic structure of the mobile home.

The bill which we are introducing today will insure that the Consumer Product Safety Act applies to all of the mobile home and all of the recreational vehicle—other than the aspects of operational safety already covered by the National Traffic and Motor Act—and not merely parts of them.

The safety of mobile homes is a subject of importance to all of us, particularly the 7 million Americans who now live in them and to the millions more who will purchase them in the near future. Last year approximately 25 percent of the new homes produced in the United States were mobile homes. Over 500,000 mobile homes were produced out of a total of 2.1 million housing units started in 1972. This relatively recent form of housing has literally exploded on the market in the past 10 years. Sales have increased sixfold since 1961. The trend is up.

Some of the appeal of the mobile homes lies in the ease of purchase and the fact that it is often difficult to find an ordinary home for much less than $20,000–$25,000. Mobile homes on the other hand are available for $15,000 or less and that price may include such additional items as furniture, rugs, draperies, heating, and cooking appliances. The attractiveness of mobile homes is enhanced by new loan programs established by the Federal Housing Administration and the Veterans' Administration which requires minimal downpayments. This means that more Americans will be able to purchase mobile homes and in many cases improve their immediate living conditions. But, there are some significant safety problems which will be confronting them.

The most imminent danger is fire. The State of Oregon conducted a 6-year analysis of home fires and found that the likelihood of death in a mobile home was 2.74 times higher than a fire occuring in a conventional home. In Alaska the likelihood of death was reported as 3 to 29 times greater. In Ohio last year, for every nine fires in a mobile home, one person was killed; while in conventional homes, the figure was one death for every 46 fires.

A similar pattern emerges as to property damage. A leading insurance company reports that in 1971 the average loss in a mobile home fire was $1,529. During a comparable period the average loss in a conventional home fire was only $690. This, despite the higher cost of most conventional homes. The cause of the greater fire hazard in mobile homes is apparently the flammability of interior components, coupled with the close proximity of the structure and its occupants. When a fire starts in a mobile home, it is more likely to be a very serious one.

Mr. Speaker, it is my hope that Congress will enact the Mobile Home Safety Act, thus evidencing its concern for the safety of the 7 million Americans who now reside in mobile homes and the millions more who will do so in the future.

The text of the Mobile Home Safety Act is as follows:

H.R. 2371

A bill to amend the Consumer Product Safety Act to clarify the authority of the Consumer Product Safety Commission to regulate the safety of mobile homes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Mobile Home Safety Act of 1973".

SEC. 2. (a) Section 3(a) of the Consumer Product Safety Act (P.L. 92-573) is amended by inserting after paragraph (1) the following new paragraphs:

"(2) Subject to subparagraphs (A) and (B) and subparagraphs (D) through (I) of paragraph (1) of this section (but notwithstanding subparagraph (c) of such paragraph), the term 'consumer product' includes a mobile home or recreational vehicle except with respect to risks of injury which arise from operation or movement of a home or vehicle on the public streets, roads, and highways.

"(3) The term 'mobile home' means a factory-assembled, transportable structure built on a chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to required utilities.

"(4) The term 'recreational vehicle' means a vehicular-type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motor power or is mounted on or drawn by another vehicle and includes travel trailers, camping trailers, truck campers, and motor homes."

(b) Paragraphs (2) through (14) of such section 3(a) (and all references to such paragraphs) are redesignated as paragraphs (5) through (17), respectively.

SEC. 3. Section 9(d) of the Consumer Product Safety Act is amended by adding at the end thereof the following new paragraph:

"(3) Prior to promulgating a consumer product safety rule applicable to a mobile home or a recreational vehicle, the Commission shall seek the views of the Secretary of Housing and Urban Development and the Secretary of Transportation with respect to the adequacy of the proposed rule and its probable effect on programs administered by them. The views of the respective Secretaries, if furnished to the Commission, shall be available to the public for examination."

SEC. 4. There are hereby authorized to be appropriated for the purposes of carrying out the provisions of this Act (and the amendments made thereby) not to exceed (1) $2 million for the fiscal year ending June 30, 1974, and (2) $2 million for the fiscal year ending June 30, 1975.

SEC. 5. This Act shall take effect on the sixtieth day following the date of its enactment.

GENERAL LEAVE

Mr. ECKHARDT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the Mobile Home Safety Act of 1973.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

RESTORATION OF RURAL ENVIRONMENTAL ASSISTANCE PROGRAM

(Mr. PICKLE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PICKLE. Mr. Speaker, today I have introduced legislation which orders the Secretary of Agriculture to reinstate the Rural Environmental Assistance programs as it was prescribed by law.

We all know that this is one of many programs which have in recent weeks been capriciously struck from the books by executive fiat—without consultation of the Congress and without authority of law.

My bill takes steps to see that the laws of this land passed by the Congress and signed by the President are carried out.

This one bill may be the first step of many we will have to take. Mr. Speaker, we may have to wade through the weeds of the OMB and put our legislative program back together blade by blade.

But if this is what proves necessary, then I am prepared to do it.

By no stretch of anyone's imagination can it be claimed that the executive branch has the right or the power to repeal unilaterally a statute by refusing to carry out its terms. But, this is precisely what the President and the Agriculture Department have done with respect to REAP and several other programs.

It is up to us in the Congress to right this flagrant violation of the law. No one else can do it for us.

It is one thing to phase out a program after consideration and debate, but it is another matter entirely to dictate its abolition overnight and without warning or authority.

The President simply does not have this authority and we must make this clear to him and to the people back home.

The REAP program provides payments to farmers to carry out conversation and antipollution measures.

Even this past fall, the President's own Budget personnel approved the expenditure of $140 million for the REAP program—and now the President is reneging on his own commitments.

The REAP program covers many vital areas: establishment of a vegetative cover to retard erosion; tree planting and timber stand improvement; development of livestock water facilities to enable farmers to disperse their stock and thereby reduce erosion and pollution; establishment of conservation systems; conservation and safe disposal of water; establishment of practices to protect wildlife; provision for safe disposal of animal wastes; sediment retention and chemical runoff control; disposal of farm residues and solid wastes; and any emergency conservation practices needed to recover from natural disasters.

Obviously, this is a vital and needed program. And the President simply does not have the right or the authority to eliminate it without full congressional review.

I urge immediate passage of this legislation so that this vital conservation program can get back to work.

ROGER L. PUTNAM: 1893–1972

(Mr. BOLAND asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BOLAND. Mr. Speaker, on November 24, 1972, when Congress was in sine die adjournment, a very distinguished citizen of this Nation, the Commonwealth of Massachusetts, and my congressional district, Roger L. Putnam, died.

Roger L. Putnam was a brilliant business executive, an outstanding public servant and a politician in its noblest and finest meaning. Few men who ever lived packed so much activity into a lifetime of concern for so many people and in so many endeavors that laced across his country, State, and community. He had a marvelous understanding of people and their problems—government and its complexities—business and its responsibilities.

His life, interests, and activities deserve to be highlighted in the permanent history of the United States as reflected in the CONGRESSIONAL RECORD. As one of the many who benefited from his advice and counsel, I deem it an honor to do so in these remarks.

Roger L. Putnam was born December 19, 1893, into one of Massachusetts' greatest and most distinguished families. He graduated magna cum laude from Harvard University in 1915. He studied at the Massachusetts Institute of Technology. In World War I, he enlisted as a seaman in the U.S. Navy and was discharged as a lieutenant. Roger Putnam's rapid rise and successes in business, politics, and community life attested to his remarkable intelligence and industry.

Mr. Putnam served as president and chairman of the board of the Package Machinery Co., and on the board of directors of the Van Norman Machine Co. He was the moving force in organizing Springfield Television Corp. Station WWLP and served as its first president. He was also on the board of directors and honorary chairman of the Third National Bank of Hampden County.

Mr. Putnam's public service cut across many facets of local, State, and national fields. He was mayor of Springfield for three successive terms, 1937–42, Democratic nominee for Governor of Massachusetts, 1942, Chairman of the U.S. Economic Stabilization Agency, 1951–52, a member of the commission that drafted the Massachussets unemployment laws, 1934, deputy director of the Office Contract Settlement, 1944, and a member of the Massachusetts Board of Higher Education and Massachusetts Board of Community Colleges.

Throughout his extremely busy and active public service, Mr. Putnam always found time to lend his talents and knowledge to local community endeavors: Springfield's Charter Revision Commission, Red Cross, Chamber of Commerce, Citizens' Action Committee, Future Springfield, United Fund, Springfield Hospital Medical Center, Dexter Fund, chairman of the Board of the Holyoke Soldiers' Home, Park Commission, Springfield Library Commission, New England Council, and Petersham memorial Library.

Mr. Speaker, I have listed many of Mr. Putnam's activities and I am sure that the list could be extended. From all of this, it is easy to recognize that this passing has left a void in the community that he loved and served so well. Fortunately, Roger L. Putnam's goals, interests, and spirit will be carried by his gracious, charming, and devoted wife, Caroline Jenkins Putnam—a remarkable and truly distinguished person in her own right—as well as by their children who have caught the flavor and fervor of their parents. Their feelings are caught up in a moving editorial from Television Station WWLP 22 written and spoken by Roger L. Putnam's son and successor as president of the Springfield Television Broadcasting Corp.

Anyone who ever had the privilege of knowing Roger L. Putnam shares the sentiment and feeling so beautifully expressed by Roger Putnam's son, William L. Putnam:

WILLIAM L. PUTNAM

Had he lived, today would have marked the start of my father's 80th year. Since, I *often plan* these statements well in advance, I had already planned to comment on this occasion, some months ago. In fact, I had even picked out pretty much what I would say. Though he is now gone, the heritage he has left to his friends, family and the community he served so long and so well, remains even more impressive in his absence. Thus, he merits the same respectful attention he would have received if here.

Perhaps it is just the pride of a grateful son in a dutiful and honorable father; but I have tried to be detached in my analysis of this matter as in all other subjects. Anyhow, 80 years ago Roger Lowell Putnam was born; and this community was never served more devotedly by any other man in that time.

Even though, as his son, I should remember these things, I cannot begin to list the offices he held, or account for the time he gave to city, state and nation, as leader and follower; as guide and prophet, in war and peace and without ever counting the cost to himself.

A constant example of the right and honorable, a man whose respectful friends would form a line the length and breadth of this state, my father was a real prince. A man whose abilities and interests knew no limits, he could talk geology with me in the mountains and correspond with my brother in Greek. Internationally known in Astronomy a man whose honors were legion, he always showed the path of true humility and understanding.

May we, who his example has touched, be ever mindful of his zest for life, his concept of public interest, his devotion to fair play, and his fond remembrance of friendship.

FIRST-CLASS MAIL SERVICE

(Mr. GROSS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GROSS. Mr. Speaker, the so-called Postal Service Corporation recently issued a Madison Avenue-type report, claiming, among other things, that first-class mail service has improved in the 18 months since the corporate operation came into being.

Madison Avenue has long been known for its ability to play with facts and on this occasion it appears that its manipulators have thrown Postmaster General Elmer T. Klassen a curve. I say this, because it is difficult to think that Mr. Klassen's own employees had given him erroneous figures.

Last April, harboring a suspician that the Postal Service might put out a glowing claim for improved service before it went to Congress for another subsidy, I asked the General Accounting Office to take a look at what has happened to first-class mail service since July 1, 1971.

The GAO found the service has been "adversely affected by economy measures taken by the Postal Service" and is worse today than it was in the latter half of fiscal year 1969.

The most remarkable fact uncovered by the GAO is that, as far as the Postal Service is concerned, Sundays and holidays have ceased to exist for purposes of computing the time it takes to deliver first-class mail. Sundays and holidays are simply ignored.

The Postal Service also chooses not to count the time it takes for first-class mail to be collected, transported, prepared for postmarking, sorted for delivery by carriers, or delivered.

If this Alice in Wonderland thinking is actually a product of the Postal Service and not that of some Madison Avenue advertising firm, we are in trouble.

For the information of Members of the House, and the citizens whose postage costs have mushroomed under the so-called Postal Service, I include the GAO report for insertion in the RECORD at this point:

DEAR MR. GROSS: In response to your request of April 26, 1972, we examined whether first-class mail service has improved or deteriorated since July 1, 1971, when the postal reorganization provided for in the Postal Reorganization Act (39 U.S.C. 101) became fully effective.

We concluded that first-class mail service—

Had been adversely affected by economy measures taken by the Postal Service; and

Had improved since July 1, 1971, but was still not as good as it was during the last half of fiscal year 1969 when the former Post Office Department started publishing comparable quarterly statistics on mail delivery times.

FIRST-CLASS MAIL SERVICE ADVERSELY AFFECTED BY COST REDUCTIONS

As part of a major cost reduction effort, the Service has substantially changed its mail collection and delivery operations. Some of these changes have adversely affected first-class mail service, but their precise effect cannot be measured by Postal Service statistics.

Prior to the postal reorganization, mail was collected two or three times a day from residential collection boxes. Currently, mail is collected only once a day from most of these boxes. For example, before the reorganization, mail may have been collected from residential collection boxes at 9:15 a.m. and 4:45 p.m. each day and such mail would have been postmarked and dispatched during that day. Under current practice mail may be collected from these boxes only at 11 a.m., and mail deposited between 11 a.m. and 4:45 p.m. will no longer be postmarked and dispatched on the day of mailing.

The number of mail collections in business areas has also been reduced. The former Post Office Department collected mail from collection boxes in business areas as late as 9 p.m. and some of this mail was postmarked and dispatched on the same night. Currently, collections after 6 p.m. are limited to a few designated locations and mail deposited after 6 p.m. in most collection boxes in business areas is no longer processed on the same day.

Collection service is worse in some areas of the country where the Area Mail Processing Program has been implemented. At many of the post offices involved in this program, the last mail collection is at 5 p.m. This program has been implemented in about 200 of the 554 sectional center facilities (SCFs). An SCF is a large mechanized post office that provides various services for a number of associate post offices in a designated area. An associate post office is generally located within 45 miles, or about 1 hour's driving time, of its SCF. Under the Area Mail Processing Program, all outgoing mail from a sectional center area is sent to the appropriate SCF for processing and dispatch. The last mail collection at many of the associate post offices is set at 5 p.m. so that mail can meet dispatch schedules at the SCF.

The former Post Office Department frequently delivered mail two or three times a day in business areas and provided Saturday deliveries, in these areas. However, except for a few designated areas, the three daily deliveries have been reduced to one or two. Postal officials advised us that generally the middle delivery was eliminated in the conversion from three deliveries to two and that in these instances businesses would receive the same amount of mail each day as they did before the conversion. However, when deliveries were consolidated and the last delivery was made at an earlier time, mail not processed in time to meet that delivery would be delayed one day. Also, the Postal Service has eliminated Saturday mail deliveries to business areas in many parts of the country. Therefore mail that would have been delivered on Saturday would not be delivered until the following Monday.

COMPARISON OF FIRST-CLASS MAIL SERVICE BEFORE AND AFTER POSTAL REORGANIZATION

According to Postal Service statistics, first-class mail service has improved since July 1, 1971, when the postal reorganization became fully effective but is still not as good as the service provided during the last half of fiscal year 1969 when the former Post Office Department started publishing comparable quarterly statistics on mail delivery times.

Prior to 1967 the Post Office Department used test letters to measure the quality of mail service between 175 selected post offices. Twice each year 185,000 test letters were sent between these offices, and the delivery times were recorded and compared to previous delivery times. Postal officials told us that this method of measurement was unsatisfactory because postal employees recognized the test letters and gave them priority service and special handling.

In November 1967 the Post Office Department developed a system for measuring mail delivery time by sampling, on a continuous basis, every 10th piece of first-class mail at 2,500 delivery points selected quarterly at 560 post offices and by determining the time between postmarking and receipt at a delivery point. A delivery point, such as a post office box section or a carrier station, is usually the last mail processing point before delivery to the customer. The results of these tests were published quarterly in the National Service Index (NSI) Reports. This system was used until July 1970 when the Department implemented the Origin-Destination Information System.

Under this system the Department increased the number of delivery points selected each quarter to about 75,000, including delivery points in all first- and second-class post offices and in a selected number of third- and fourth-class post offices. The purpose of this system was to reduce sampling errors and thus to provide better data for making the estimates of delivery time more reliable than those obtained under the previous system.

Specially trained clerks, through random sampling, select about 26 million pieces of mail annually, including about 18.2 million pieces of first-class mail. Delivery time is measured from the date mail is postmarked to the date it reaches a delivery point. The results are published quarterly in the NSI Reports.

The Postal Service does not measure the time required for mail to be (1) collected, (2) transported, (3) prepared for postmarking, (4) sorted for delivery by carriers or clerks, and (5) delivered, because it assumes that most mail is postmarked the same day it is mailed and that a carrier delivers the mail on the day he receives it.

We used the NSI Reports to compare the average time to deliver first-class mail before and after the postal reorganization, because these reports provided the only continuing measure of first-class mail service. An official of the Postal Service's Office of Statistical Programs and Standards advised us that data in the NSI Reports before and after the implementation of the Origin-Destination Information System could be statistically compared if minor adjustments were made. We considered these adjustments in our comparison.

The NSI Reports for January 1969 through June 1972 showed that first-class mail service deteriorated to its lowest point in the first postal quarter following enactment of the act (the quarter which ended December 1970) but has continually improved since that time. This data is shown on the enclosed chart.

According to postal officials, the deterioration of service was caused by uncertainties surrounding the postal reorganization, management emphasis on cost reductions rather than on customer service, increases in mail volume, and changes in the processing of first-class mail.

At the beginning of the first postal quarter of fiscal year 1972, the Postal Service discontinued considering Sundays and holidays in computing the average number of days to deliver local first-class mail; at the beginning of the second postal quarter of fiscal year 1972, this procedure was expanded to cover all first-class mail. Eliminating Sundays and holidays in the computations understates the delivery time.

For example, before July 1971, first-class mail postmarked on Friday and received at a delivery point on Monday was counted as receiving 3-day service; however, at the beginning of the second postal quarter of fiscal year 1972, all first-class mail postmarked on Friday and received at a delivery point on Monday was counted as receiving 2-day service. A Postal Service statistician told us that eliminating Sundays and holidays in computing the average time to deliver first-class mail would understate actual delivery time by about 0.05 days for the first postal quarter of fiscal year 1972 and by about 0.15 days for subsequent postal quarters. We computed what the average time to deliver first-class mail would have been if Sundays and holidays had been included in the Postal Service's computations.

Finally, although Postal Service reports show that the average time to deliver first-class mail has been reduced since the reorganization, it should be noted that the average time is computed for the total volume of such mail. The average, therefore, is not necessarily indicative of the average time for a particular part of the country.

Another measure of the timeliness of mail service is the percentage of mail delivered within a certain period. The following table summarizes the percentage of mail delivered within 5 days, as shown in NSI Reports.

Fiscal year and postal quarter	Percentage of mail delivered within				
	1 day	2 days	3 days	4 days	5 days
1969:					
3	64.4	88.4	97.0	99.0	99.5
4	67.3	89.5	97.5	99.3	99.7
1970:					
1	59.1	83.6	95.8	99.1	99.7
2	52.6	78.7	92.8	97.4	99.0
3	55.2	80.2	93.0	97.5	99.0
4	55.4	77.8	93.5	98.2	99.3
1971:					
1	57.5	79.1	92.1	97.1	98.6
2	49.8	74.3	88.8	94.9	97.5
3	56.3	78.8	92.2	97.3	98.8
4	58.0	80.7	93.2	97.7	99.0
1972:					
1[1]	62.0	83.0	94.0	98.0	(2)
2[1]	61.0	85.0	94.0	98.0	(2)
3[1]	64.0	88.0	96.0	98.0	(2)
4[1]	66.0	90.0	97.0	99.0	(2)

[1] The actual percentages of mail delivered were lower than the percentages shown for these 4 quarters, because Sundays and holidays were not included in computing the days to deliver.

[2] No count was made for the 5th day.

The table shows that service was at its lowest point in the second postal quarter of fiscal year 1971 and that it has improved since that time. As of the fourth postal quarter of fiscal year 1972, service is shown to be slightly better than it was in the third postal quarter of fiscal year 1969. However, because the Postal Service discontinued considering Sundays and holidays in computing delivery time, the data for fiscal year 1972 is not comparable to the data for prior fiscal years. We were unable, therefore, to detemine the exact degree of improvement in the service.

TRIBUTE TO JIM SMITH, ADMINISTRATOR OF FARMERS HOME ADMINISTRATION

(Mr. ANDERSON of Illinois asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. ANDERSON of Illinois. Mr. Speaker, I am pleased to join in the special order of the gentleman from Texas (Mr. Poage) and the gentleman from California (Mr. Teague) in paying tribute to my good friend, Jim Smith. Jim has served the administration and the Nation most ably these last 4 years as Administrator of the Farmers Home Administration in the Department of Agriculture, and those of us who know him well will greatly miss his talents and warm friendship. I have been particularly impressed by the conscientious and personal manner in which he exercised his reponsibilities as Administrator; no problem was ever too small or unimportant to warrant his attention. He has truly been a friend of the farmer and a friend of the Congress, and we are deeply indebted to him for making our jobs easier when it came to any problem involving the Farmers Home Administration.

Mr. Speaker, over the last 4 years Jim has compiled an enviable record as Administrator—a record of accomplishment of which he can be justly proud and for which we are most grateful. We are saddened that he will be leaving the Washington area and Government service, but our loss is his native Oklahoma's gain, and I am confident that Jim will do well in whatever he undertakes.

CHARGES BY INAUGURATION COMMITTEE

(Mr. SEIBERLING asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, I know that many Members read with shocked dismay the statement in yesterday's newspaper to the effect that Mr. Magruder of the Inauguration Committee made the charge that Congressman Riegle, Congressman McCloskey, and Congresswoman Abzug were organizing violent demonstrations in connection with the inauguration.

That was an arrogant attack on Members of this House. I want the record to show that there are Members of this House who repudiate that assertion. Anyone who know these Members know that they are dedicated to nonviolence. It would be unthinkable that they would engage in such activities.

I think that this was a totally unwarranted and improper statement for Mr. Magruder to have made.

A TRIBUTE TO WILLARD EDWARDS

The SPEAKER pro tempore (Mr. Bolling). Under a previous order of the House, the gentleman from Illinois (Mr. Derwinski) is recognized for 30 minutes.

Mr. DERWINSKI. Mr. Speaker, I have requested this time under a special order so that Members can join me in paying tribute to Willard Edwards, a great journalist who joined the Chicago Tribune in 1925 and has been serving in the Tribune's Washington Bureau since 1934. Willard retired on December 31, 1972, after 47 years of service with the Tribune.

Willard served as head of the Tribune's Capitol Hill staff for many years and earned a well-deserved reputation for his penetrating analysis of the Washington scene, his objectivity, and his usual perceptiveness of political and governmental developments.

Willard's career with the Tribune has been a long and illustrious one. Among its highlights is a long association with President Nixon, dating back to 1948 when he worked closely with the then Representative Nixon on the internationally famous Alger Hiss case for which he received the Edward Scott Beck award for excellence in domestic reporting. Willard is renowned for his specialization in investigation of Communist activities and is the winner of a second Beck award for his exposure of Communists and their sympathizers in the Government. Other historic events covered by Willard include the famous "kitchen debate" between Vice President Nixon and the late Nikita Khrushchev and the trial of Bruno Hauptmann, kidnapper of the Charles Lindbergh baby.

Mr. Speaker, in the 14 years I have

served in Congress, I have learned to respect not only the writing skill, but also the penetrating manner in which Willard Edwards reported the Washington scene. He is always able to get to the fundamental point in an issue. His columns and stories were based on his knowledge of the issues and the particular subject matter, not on press releases ground out by the thousands of mimeo machines operating in the Capitol.

One thing I do wish to emphasize is that this great journalist is not really retiring. The retirement applies only to his assignment with the Chicago Tribune, and he will continue to devote himself to special assignments. I expect that he will be writing a book based on his years of observing developments in our Nation's Capital and that he will be one of the most active retired journalists in Washington.

Mr. Speaker, at this point, I wish to insert in the Record the farewell column to Willard Edwards by Bill Anderson which appeared in the Chicago Tribune of Tuesday, January 2, 1973.

Mr. Speaker, I thank the many Members who join me this afternoon in expressing our respect for the great career compiled by our dear friend Willard Edwards, and I wish Willard and Leila many happy years of retirement.

MEMORIES OF WILLARD EDWARDS

(By Bill Anderson)

Washington.—The first good thing that happened to this reporter after coming to Washington 12 years ago was an invitation to dinner from Mr. and Mrs. Willard Edwards.

They live on Capitol Hill in what used to be a grocery store. It is a nice house, with a black iron fence on the corner lot. The living room is very large because that is where people used to buy their food.

Important people from the Congress and Executive Branch filled the room my first night there. It was very heady for a freshman out of Chicago. It became even more so after a knock at the side door. Willard and his wife, Leila, were receiving guests at the front entrance, so I went to see who was outside in the cold.

It was the then Vice President Nixon. John Wardlaw, his driver, had parked at the wrong entrance. But it was just as well because Nixon had a gift tucked under his overcoat for the Edwardses. "Give this to them for me after I leave," Nixon said, whipping out a large bottle of champagne.

Afterwards, Willard invited me to stay on for the champagne. He toasted the Vice President and a relationship that had started in 1946 when Nixon first came to this city as a freshman congressman. Willard was even then a veteran reporter for The Tribune, having worked here since 1935.

Edwards was noted for his investigative ability. He was one of the youngest reporters to cover the 1932 trial of Bruno Richard Hauptmann in the kidnaping of Charles A. Lindbergh Jr. The Edwards star quality of journalism was more than obvious in the later Nixon investigation of Alger Hiss.

The big stories, tho, always came Willard's way from the very start of his career with the City News Bureau in Chicago in 1921—when he was in his early teens. He was so good at the old C. N. B. that The Tribune hired him in 1925 and put him in competition with much older, "Front Page" reporters.

A book or two would be needed just to record his Page One coverage over the years. He traveled to almost every newsworthy place in the world.

Willard could write a smashing book about prohibition days in Chicago, for example. Or about the shooting of Mayor Anton Cermak of Chicago in Miami in what some people doubt was an assassination attempt on President Franklin D. Roosevelt. A book by Willard on Lyndon Johnson's rise from an obscure Texas congressman to President could easily be a best seller.

I suspect Willard knows more about Richard M. Nixon than any other reporter in Washington.

I know he knows more about reporting, hard work, and long hours than any other reporter or columnist of my acquaintance. He has always been a digger. In this newspaper business he is the kind of person known as "hard nosed." Some bureaucrats and politicians in this town really don't like him for those reasons, too.

Willard has always been the champion of the underdog, the people being kicked around by the established, the entrenched. If you read his clippings, you will find he did not always sail with the prevailing winds.

Unfortunately, you will not find a printed record about the hundreds of freshman reporters Willard counseled and helped with stories over the years. This was not something he talked or wrote about, just something he did.

For these reasons and many more, it is a little sad for me to think he has now retired (on a regular column basis) at the age of 70. But the bright side is that he can still write and report circles around most people—and there are many potential articles waiting for his typewriter.

I hope his friends will join me in wishing him a great New Year—and many more.

Mr. GERALD R. FORD. Mr. Speaker, ever since I came to Congress I have regarded Willard Edwards of the Chicago Tribune as one of the fixed stars in the firmament of Washington reporters. I supposed that he would go on forever digging into interesting stories that somehow others missed, and reporting on political affairs with a perspective that goes back to the New Deal days of the 1930's. So I was shocked and sorry when I learned only the other day that Willard had formally retired at the end of 1972.

I cannot really believe this is true, Mr. Speaker, and I am sure that Willard Edward's superb reportorial talents will continue to be in evidence around Capitol Hill. If he writes his memoirs I hope he will treat me kindly—but one cannot take that for granted. What you can always be sure about Willard is this: He will treat you as well as you deserve, and with the understanding and good temper that has made him one of the best beloved of the "old pros" in the press galleries.

I am sure I speak for all of us who have had the good fortune to work with him when I wish Willard Edwards and his wife Leila a full and happy retirement and congratulate the Chicago Tribune for having one of the world's greatest Washington correspondents for so many decades.

Mr. ROSTENKOWSKI. Mr. Speaker, I am very happy to join my colleague from the other side of the aisle (Mr. Derwinski), in honoring a man that I have known and respected throughout my years in Congress. In his many years with the Chicago Tribune, Willard Edwards' writing exemplified journalism at its best. He had the experience and the know-how to provide his readers with a truly informative view of the Washington scene.

His penetrating style was nonpartisan. He would acknowledge the good and point out the weakness in any proposal, regardless of the party label it wore. I would often take the time to reflect on his observations, for they often provided me with a fresh new way to approach even the most persistent of problems.

In one sense, I am sorry that Williard has chosen to retire. For we in Congress will no longer be able to benefit from being under his perceptive eye. But the biggest losers shall be his many readers, those in Chicago and those in other cities of this country, for they will lose the benefit of that rare man who could perceive news with a different view and had the special talent to communicate this view to others.

Mr. GROSS. Mr. Speaker, before I was elected to Congress several years ago I had spent a considerable portion of my life in the news business as a reporter, editor and as a news broadcaster.

As a result I believe I know a good newspaperman when I meet one and I can say without reservation that Willard Edwards is one of the best.

In an era when it has become all too tempting merely to rewrite someone's so-called press release, or to build a story solely around a committee's press handout, Willard was never satisfied with surface appearances.

He would go behind the obvious and he could and did give his readers the advantage of his long insight into the workings of Capitol Hill—an insight few of his fellow journalists could match.

Willard Edwards never hesitated to champion the little man or the forgotten cause ignored by too many others of his profession.

Now that he has retired I wish him many years of health and happiness.

Mr. RAILSBACK. Mr. Speaker, the Congressmen who are today paying tribute to Willard Edwards are but a few of the many people who will miss his fine work. We are losing an able and dedicated journalist, and an excellent writer. However, his years of retirement after so much time with the Chicago Tribune is certainly well-deserved, and he and his family can now look back on his career with pride.

Willard Edwards was born in 1902, and, from 1918–1921, attended St. Ignatius Academy. He married Lila Sullivan in 1931, and has one son. He began his distinguished career in the early 1920's at the City News Bureau in Chicago. In 1925, he started working for the Chicago Tribune, and has served in various capacities with the Tribune for the past 47 years. He did a fine job in informing the American public, and I know I speak for all of us here in wishing him well in the years to come.

Mr. McCLORY. Mr. Speaker, it is a privilege for me to participate in this discussion honoring the distinguished Washington columnist of the Chicago Tribune, Willard Edwards. In my experience with the news media, I have never come into contact with a journalist who possessed in such generous measure the high qualities of persistence, candor and eloquence which characterize Williard Edwards. His complete honesty, his tireless efforts to search out the truth and his courage in presenting the facts regardless of political or personal consequences combine to describe Willard Edwards whom we honor here on the Floor of the House of Representatives today.

Mr. Speaker, there are some representatives of the press who gain prominence on a single issue or whose careers fluctuate between sensationalism and drabness. However, such a description does not fit Willard Edwards whose resourcefulness and searching have produced news of consistent interest. During the time I have known him, Willard Edwards has also displayed qualities of concern for his fellow man.

Mr. Speaker, I had a recent experience with Willard Edwards in connection with the case of Dr. Milton Margoles who was recently granted a presidential pardon in an income tax violation case of some years ago.

Willard Edwards thoroughly investigated the Margoles court proceedings and ran down every conceivable question relating to Dr. Margoles' reputation as an individual and as a doctor. When he determined that Dr. Margoles had paid his full debt to society, he was outspoken and untiring in his efforts in support of a presidential pardon. Just before Christmas, the President granted a full pardon to Dr. Margoles, thus restoring to this eminent physician his full citizenship. Dr. Margoles attributes this act of executive clemency largely to the public notice given to his case in Willard Edwards' columns.

Mr. Speaker, many other individuals whose welfare has depended up bureaucratic and sometimes arbitrary decision-making have found an eloquent voice in Willard Edwards and his Chicago Tribune column. He has reached the pinnacle of his career as an honored journalist in his column entitled, "Capitol Views." In articulating accounts of great national interest, he has made use of his long experience as a reporter and columnist, and of the human insight which he gained through dealing with those who produced newsworthy items from every walk of life.

Mr. Speaker, Willard Edwards recently completed 51 years with the Chicago Tribune, and on December 7, 1972, celebrated his 70th birthday. The winner of two Beck awards for outstanding reporting for the Chicago Tribune, Willard Edwards reported many of the political and public events during a period of more than 30 years, in addition to many human interest events which aroused national interest.

Mr. Speaker, it has been a personal privilege to know Willard Edwards during my more than 10 years in the Congress, and I salute him as a man and as a newspaper reporter without peer. In one sense, it appears that Willard Edwards is retiring in the prime of his life. At any rate, I am confident that he will be active in many ways for a long time to come. Perhaps he will now find time to compile a book-length account of his Washington experiences, which I am sure would become a best seller. I extend heartfelt best wishes to Willard Edwards and to his wife, Leila, and other members of his family, including his mother, Mrs. Mamie Kilday Edwards of San Diego, Calif., who at 95 years of age is reported to be one of her son's greatest fans and severest critics.

Mr. ERLENBORN. Mr. Speaker, one of the great newspapers of the United States and, more particularly, of the Middle West is the Chicago Tribune. It has been preeminent for more than a century—preeminent because it has been served by a number of good reporters.

One of its fine reporters has recently retired. He is Willard Edwards, whose newsstories and commentaries appeared in the Tribune for 47 years.

His writing has been a particular interest of mine because he came from the district which I represent. His good work during the early years of his newspaper career earned him a place on the Tribune's Washington staff, and his observations have kept Middle Westerners informed about happenings in our Nation's Capital.

He is a talented man who has earned a fruitful retirement.

Mr. FINDLEY. Mr. Speaker, I heartily join our colleagues today in a salute to Willard Edwards of the Chicago Tribune who is retiring after many years of service.

As a longtime Tribune reader, I have eagerly looked forward to each of Willard's incisive and thought-provoking columns. He is one newspaperman who has always practiced that vital canon of good journalism—good writing makes good reading. His columns, both clear and concise, have been a pleasure to read. His insight into the workings of government, analysis of important issues, and commentary on the Washington scene have always been refreshing and informative.

As one who has been fortunate to have been interviewed by Willard, I know him to be a true professional. His warmth and charm, and dedicated professionalism, have made him an outstanding credit to the Fourth Estate.

His service with the Tribune spans many years, dating back to the time when Colonel McCormick directed its operation. He has observed and commented on both good and bad times our Nation has lived through, always with the same dedication to insure our citizens are informed about the status of things.

I am sure the Tribune will miss Willard, I know his readers will. For as with all good men, his shoes will be hard to fill.

I wish him the best in his retirement. I sincerely hope he will continue to bless us with an occasional column.

Mr. ANNUNZIO. Mr. Speaker, on December 31, 1972, Willard Edwards of the Chicago Tribune retired after dedicating 50 years of his life to journalism—47 of them with the Tribune and most of that time as head of the Tribune's Capitol Hill staff.

Willard Edwards has the privilege of looking back on 50 of the most fateful years in the history of the world—years in which he himself was a prominent voice speaking out with clarity and discernment. His was a voice dedicated to the maintenance of our Nation's traditional freedoms. He contributed to this freedom by speaking and writing perceptively of the issues which we had to face together as a Nation.

Willard Edwards can be proud of his career, because it is through such civilized discourse as his that a democracy can maintain a balance so that the views of all can be heard and considered. It is because of tireless journalists such as Willard Edwards that the press has proved itself to be such a vital component in our American experiment in freedom.

I wish Willard Edwards abundant good health and many enjoyable years as he begins a new life-style in retirement.

Mr. MICHEL. Mr. Speaker, it is with pleasure that I join my colleagues in recognition of the nearly five decades of top-notch reporting of the Washington scene by Willard Edwards. While there is temptation today to reach too soon for superlatives, those of us in Congress from the Midwest know that an era is ending. What a rich career of involvement in the ebb and flow of Washington life Willard Edwards has had. He has observed and written about Presidents of both parties and their administrations, the power struggles in Congress, the triumphs and tragedies of the Washington scene as literally thousands of Federal officials, Members of Congress and party figures have moved in and out of the political carousel.

Willard Edwards was not only a reporter, but an interpreter. His column went beyond chronicling of events; it analyzed, probed for reasons and maneuvers behind the news, and projected future developments. His years of experience enabled him to see events in a unique light. He matched the news of today against the backdrop of Washington history, and emerged with clear-cut deductions and a writing style which bore out the confidence of his years of investigative reporting.

He has been called a "reporter's reporter," and has had his share of "scoops" which he developed through his power of perception, and his constant digging behind surface events to determine why things happened, not just how they occurred. He developed a loyal and appreciative audience throughout the Chicago Tribune's circulation area. He will be missed by those who had learned to look to his writings for the facts behind the story. He will be missed by many in Congress who trusted his judgment, applauded his fairness and even-handed reporting, and followed his stories for their own information.

May I join my colleagues in voicing my appreciation for this remarkable career. In a city where reputations are hard to earn, and difficult to keep, Willard Edwards has been a beacon of integrity, an inspiration for the legions of pressmen who have served with him, and a testimonial to the benefits our people derive from a free and active press. Undoubtedly, Willard has some projects on the burner that retirement will enable him to work on. I doubt that his typewriter will grow cold, even though he would not have the pressure of deadlines to meet. May I wish him a long, contented, and productive retirement.

Mr. ANDERSON of Illinois. Mr. Speaker, I have read in the Chicago Tribune that their veteran correspondent, Willard Edwards is retiring. I shall particularly miss his regular reports and interpretive journalism.

His articles contain more than the hard facts of a story. They are brightened with the comments of this Nation's leaders, men and women who know and respect Willard. Journalism has always meant hard work, and Willard knows that better than almost anyone.

Over the almost half century in which he has covered the news, little of the reporter's operating procedures had really changed. However all of a sudden, the sacred principle of confidentiality of information and source is being challenged. The restriction on newsman's privilege comes from those who know what they want to hear and attempt to see that wish and deed are one. As this concept of freedom of the press is tested and defined, we are acutely aware of the reporter's role. Responsible journalism has always been the mark of an Edwards article. While championing the newsman's rights, he has exercised certainty of facts and disdain for personal invective.

I am saddened, therefore, that Willard Edwards is leaving active association with the Chicago Tribune but delighted to learn he will continue to report on topics which particularly interest him. His combination of insight and experience, which provides such a definitive and exciting history of our Republic's past 40 years, should serve him well in this new phase of his career.

Let me then congratulate Willard on his 47 years of preparation for what I know will be a most challenging assignment.

GENERAL LEAVE

Mr. DERWINSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

A SALUTE TO JAMES V. SMITH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. TEAGUE) is recognized for 30 minutes.

Mr. TEAGUE of California. Mr. Speaker, it is certainly a pleasure for me to start off this special order with a salute to our friend and former colleague, Jim Smith of Oklahoma.

I have known Jim since he came to Congress in 1967. For the past 4 years it has been my privilege to work with him in his capacity as Administrator of the Farmers Home Administration.

First of all, I think the RECORD should show just a little bit about his personal background. I therefore, include Jim's biographical sketch at this point in the RECORD.

BIOGRAPHICAL SKETCH OF JAMES V. SMITH, ADMINISTRATOR, FARMERS HOME ADMINISTRATION

James V. "Jim" Smith, former Oklahoma Congressman, farmer and businessman, was appointed by President Nixon in February 1969, as Administrator of the Farmers Home Administration, rural credit service of the U.S. Department of Agriculture. Under Mr. Smith's leadership loan volume of the agency has nearly tripled.

Born July 23, 1926, an Oklahoma product and son of a wheat farmer, Mr. Smith attended Tuttle High School and Oklahoma College of Liberal Arts at Chickasha. In high school he was active in both the 4–H Clubs and the Future Farmers of America.

From 1954 to 1957, Mr. Smith was a member of the Grady County, Oklahoma, Committee of the Farmers Home Administration. He was chosen as the Outstanding Young Farmer of 1958 by the Chickasha Jaycees and won that organization's Outstanding Citizen Award in 1965. He is owner of a wheat, cotton and cattle farm in Grady County, near the land on which he was reared.

In 1966, Mr. Smith was elected Representative to the 90th Congress from the Sixth District of Oklahoma and served on the House Armed Services Committee.

In civic activities and public service, Mr. Smith has been vitally concerned in helping young people. He served on a Grady County School board and the Board of Regents of Oklahoma's four year colleges. Presently he is a member of the Board of Governors of the American Heritage Center at Oklahoma Christian College in Oklahoma City and a trustee of Intercollegiate Studies Institute, Inc.

One of his innovations at FHA is the "Build Our American Communities" program to develop young people as rural community leaders through the vocational agricultural education system. Smith has also established the annual National Farm Family of the Year Award, which through the county, district, state and national competitions, calls attention to the valuable contributions of the family farmer.

Mr. Smith heads an organization which has emerged in the past three years as a leader in the national effort for rural development. Farmers Home Administration is approaching nine billion dollars of credit outstanding, an increase of two-thirds under his leadership.

Administrator Smith and his wife, the former Mary Belle Couch of Tuttle, Okla., have three children: James, 23, a student at the University of Maryland; Sarah, 20, a music student at Abilene Christian College, Abilene, Tex.; and Lee Ann, 10, a public school student. The Smith family lives in College Park, Md.

Next, Mr. Speaker, I think we should review the outstanding job performance that Jim has done at FHA.

First of all he assembled an able and effective team to direct Farmers Home Administration policy at the State and national levels. These people helped expand program levels—as did the recognition by Congress that the field forces had a rare dedication to their work, and a genuine interest in helping people.

Today all major programs are funded at all time highs. Measures of growth under James V. Smith show: 5 percent more offices than in 1969; 12 percent more people, at the close of 1972 fiscal year. The annual program has had a 28-percent increase in number of loans made and a 100-percent increase in dollar value. On a cumulative basis, the number of loans outstanding is 25 percent higher, the number of separate individuals holding loans has increased 50 percent, and the outstanding dollar balance is 73 percent higher.

At the beginning of Mr. Smith's last fiscal year, $7,869 billion was outstanding. During that year, $886 million was credited on the principal. Of this than 3 percent represented the total of write-offs and judgments. Interest payments totaled $415 million. On June 30, 1972, $9.622 billion was in the hands of borrowers.

On calendar year end, the agency employed less than 7,400 full time personnel. Of these, about 250 were in the national office in Washington, 480 were in the finance office in St. Louis, and 6,600 were located in 42 states and 1,750 county offices.

In 4 years, the Administrator has modernized the organization, with personnel and methods suited to the decade of the 1970's.

Specialist-type assignments have been established as needed, with personnel thoroughly trained to handle duties—such as the State specialist positions to handle water and waste disposal projects.

More decision powers have been given to the field, including higher loan approval authority.

The first training center in the history of the agency has been established at the University of Oklahoma, another step in the upgrading of personnel and their performance.

At no previous time has so much emphasis been placed on cooperation with the private sector, for example:

The entire program is now funded through private investors, with Federal insurance of investor's capital. This includes a new method of selling notes that will bring between $2 billion and $3 billion of private capital into rural areas this year.

A rural development program that involves young people actively in improvement of their own future.

Comprehensive planning for strong community growth.

Use of private firms for credit reports on borrowers.

Arrangement with private lenders that brought them into loans for farm ownership and operating purposes—making 1972 the first year in which farmer programs of FHA ever exceeded $1 billion.

Interim financing of community projects by private lenders.

Packaging of housing applications by builders and others in the private sector, so time and talent of Government people could be used to better advantage in loan approval.

Providing conditional commitments to builders to encourage volume building in rural areas.

His period of administration has brought higher and more realistic ceilings to farm ownership, farm operating, and water and waste disposal loans, to keep them abreast of increased costs and to provide more economic farm and facility units.

There is now better business management of agency assets, improved handling of records, and increased use of the computer loan accounting, reporting and program management. This has followed hard on the heels of heavy emphasis on speed in converting to computer use, accomplished in the past 4 years.

With the computer has also come a system that permits borrowers to make loan payments directly to the St. Louis finance office, saving an estimated 250 man-years of employee time.

Mr. Smith has insisted that emphasis be placed on farm loans to young people, helping to establish a reservoir of able young farmers who will be ready to take over the chore of producing tomorrow's food and fiber.

Further, to encourage people generally to know more of farmers and their contribution to the national well being, the FHA Farm Family of the Year has been extended to a national program. The two national winners that have been selected have come to Washington and have met the President, and the program has brought untold value in local publicity at county and State levels.

To assure better coordination within Government, effective memoranda of understanding have been executed—and followed—with the Soil Conservation Service, Extension Service, Small Business Administration, Department of Housing and Urban Development, and the Economic Development Administration, as well as with the Environmental Protection Agency.

With the private sector, such memoranda have been set up with the farm credit system, the Future Farmers of America, and one the State level, close liaison has been established and maintained with private lenders and builder groups.

Administrator Smith has amassed a strong civil rights record in employment and in program administration.

He has strengthened management capability, and established an internal review system for departmental investigations and audits, capitalizing on their findings to strengthen agency operations.

Under his direction, a national survey has established benchmarks for future rural water needs; a contract has been executed with a private, not-for-profit association to help strengthen management of recreational facilities.

The end result has been economically stronger rural areas, stimulated by the availability of facilities such as water and waste systems, by jobs and construction dollars of the Government programs, and strengthened by the resulting larger tax base.

Yes, Mr. Speaker, I think we can all be proud of the work Jim has done at USDA.

He was an outstanding Congressman and he was an exceptionally able administrator.

I certainly join Jim's many friends in wishing him the very best in the days ahead and want him to know he carries with him the good will of a great portion of Washington officialdom.

(Mr. TEAGUE of California asked and was given permission to revise and extend his remarks and include extraneous material.)

Mr. POAGE. Mr. Speaker, we are prone to criticize public servants and those of us in the Congress are especially prone to see the shortcomings of administrative officials. I suppose this is a good thing because this criticism, like the oversight of our own constituents, does tend to make public servants more alert to their reponsibilities. I am, therefore, pleased when I can conscientiously and sincerely commend the action of a member of the administrative branch of Government and I am especially pleased when such an Administrator is a former Member of this body and is a personal friend.

I think Members of the House of Representatives have set a fine record of administration in this and preceding presidential adminstrations. I believe that on the whole the record has been far above the average. I know of no Administrator who has done a better job in recent years than has our former colleague, James V. Smith, the Administrator of Farmers Home Administration.

Jim has always been a little confused about his politics. Had he lived on the south side of the Red River, I am sure he would have been a good Democrat. Since he lived on the north side, he was, and is, a good Republican. More than that, he is a good man who knows rural America, who wants to do something to improve rural America and who has taken advantage of the opportunity he has had to do exactly that.

Jim Smith has made an outstanding Administrator. He has run a good office. He has sought to serve our rural people. When we passed the rural development bill last summer, we made specific provisions for a new Assistant Secretary of Agriculture to handle this program. I am sure that practically all the membership of both Houses of Congress anticipated that Jim Smith would be named to this position. I was shocked and disappointed when he was not so named but in a few days when it became apparent that the rural development program was to be one of the casualties of the President's plan for a balanced budget, I understood and appreciated the fact that Jim was not so named. I don't want to see Jim in an impossible position. The time will come when we will again take up the tools of rebuilding our rural communities and when that time comes, I know Jim Smith will be ready and anxious to serve.

In the meantime, he will be at home at Chickasha, working among the rural people with whom he has worked so well in the past.

Mr. GERALD R. FORD. Mr. Speaker, it is with pleasure that I join my colleagues in paying tribute to a fine gentleman and an outstanding public servant, Jim Smith of Oklahoma.

We who served in the 90th Congress all came to know Jim as a highly capable House Member representing the Sixth District of Oklahoma. Jim rendered excellent service to his constituents and proved his abilities in many ways.

Now we have seen how during the past 4 years Jim has demonstrated himself to be an excellent Administrator in his capacity as head of the Farmers Home Administration.

I feel Jim did a superb job as administrator of the Farmers Home Administration and I am sure other Members of Congress feel likewise. During his 4 years as FHA chief, Jim maintained the best possible relations with Members of Congress and his service to the public was flawless.

I am certain that I speak for all Members of Congress and for the Nation when I say the American people owe Jim Smith a vote of thanks for a job well done.

Mr. ALBERT. Mr. Speaker, I am pleased to join with my colleagues in paying tribute to a fellow Oklahoman, James V. Smith. Under Jim's leadership, the Farmers Home Administration has made significant contributions to the people of rural America.

In my district, this agency is probably closer than any other to the rural family and rural community. I have seen its good work in State after State. Since 1968 in Oklahoma alone—the number of new housing starts made possible by the Farmers Home Administration has nearly tripled. In 1967, Oklahoma's housing program totaled $10.3 million. In fiscal year 1972 it had grown to $43 million. Nationally, in just 4 years, FHA's delivery of farm credit has jumped from $700 million to more than $1.1 billion a year. The Farmers Home Administration has also compiled an outstanding record of helping the new generation of family farmers and in the development of rural community services such as water and waste disposal systems.

We can all be proud of the work of the Farmers Home Administration and its Administrator for the past 4 years. I can readily attest to the deep sincerity and the extreme conscientiousness that James Smith has continually displayed. He has always given me complete cooperation and valuable assistance. Jim Smith will be missed in Washington and will take with him our good wishes for the days ahead.

Mr. PICKLE. Mr. Speaker, today we honor a former colleague and public servant of the highest order, the Honorable James V. Smith of Oklahoma.

For the past 4 years Jim Smith has brought his able leadership to the Farmers Home Administration, and that Agency I know has profited greatly from his wisdom and expertise.

Before that, we were pleased to have him here with us in the House of Representatives where he served with distinction.

Both here on the Hill and as Administrator of the FHA, few people have enjoyed the respect and regard extended by the Congress to this man.

Hundreds and hundreds of people in the 10th District of Texas will attest to the thoughtfulness of Administrator Smith and the outstanding services of the Farmers Home Administration. Jim Smith visited us in Bastrop, Tex., when we dedicated the opening of the Aqua Water Corp. From that modest beginning today that rural water corporation now serves over 1,600 people in some five counties. When we realize that 1,600 families today, for the first time in their lives have fresh running water, we can appreciate the depth of useful service that this program gives to our rural citizens. In several other water projects similar service has been rendered. Over the years, a number of contacts necessarily had to be made with the Farmers Home Administration office in Temple, Tex. Lynn Futch, Bill Lawson, John Barnes, former State director L. J. Cappleman—all of these contacts have been received with understanding and concern. Few programs in our Government today render more worthwhile and meaningful service than the Farmers Home Administration.

On many occasions, I have visited with Jim Smith about programs under his administration and each time I came away convinced of his personal sincerity and concern. His dedication to this program has uplifted the lives of countless thousands of people.

Mr. WAGGONNER. Mr. Speaker, it is a pleasure for me to rise to pay tribute to James V. Smith of Chickasha, Okla., who is better known to us as Jim Smith, our former colleague here in the House and presently the Administrator of the Farmers Home Administration. During his tenure here as a Member of this body. I came to know Jim as a true friend, dedicated to the betterment of his Nation and his home State. Since his departure from the House, he has been missed; and now that he is leaving Washington to return home, he will be missed even more.

While we hated to lose him as a colleague, he continued to serve in the Federal Government at the Department of Agriculture in the same illustrious manner which gained him the tremendous respect of many men and women on both sides of the aisle here in Congress. The Farmers Home Administration, which Jim has headed for the past 4 years, conducts a program vital to the very life blood of this Nation and reaching into every rural area. The program contributes greatly to the economic health of the Nation as a whole. This agency has always been one of the most important in my district, which encompasses a large rural area; and it has also gained the reputation in my part of the country as having the finest and most competent public servants in the entire Federal Government. Jim Smith exemplifies the epitome of this service as does Joe Rhodes, who is Director of the Farmers Home Administration in the State of Louisiana. Jim expects a great deal of the men and women working with him; and I have found in working with Joe Rhodes that he, too, just as Jim, places dedication to the public above selfish interests and personal gain.

In closing, let me simply wish Jim well as he retires to the farm and his native Oklahoma, for I sincerely hope he will enjoy much happiness being back home with his family and his many friends and neighbors.

Mr. FLOWERS. Mr. Speaker, it gives me much pleasure to joint with my colleagues today in paying tribute to former Congressman Jim Smith on the occasion of his retirement as Administrator of the Farmers Home Administration. He has done a great service for this Nation at FHA. During his tenure, I have found Jim most helpful to me and my constituents in solving problems peculiar to rural communities and farm families. He certainly put a great deal into his job and this was reflected in the kind of organization he led. He will be greatly missed in Government service.

And for myself and the people of Alabama that I have the privilege of representing, let me express our deep appreciation for his work and wish him well in every future endeavor.

Mr. WHITTEN. Mr. Speaker, I am pleased to join with my colleagues in paying tribute to the outstanding services of my friend and former colleague, Hon. James V. Smith, of Oklahoma. After distinguished service in the House of Representatives, Jim became head of the Farmers Home Administration, probably the greatest organization which exists in this country for the improvement of our rural areas and the country as a whole.

In his capacity as administrator Jim has done a marvelous job. When we consider the fact that the agency which until recently he headed, among other things, makes direct and insured farm ownership loans, soil and water conservation loans, operating loans, emergency loans in designated areas, and direct rural housing loans, watershed and flood prevention loans, loans for direct resource conservation and development, we must realize it takes a very able man to handle this program in the splendid way it has been handled.

Mr. Speaker, it has been my privilege for many years to conduct the hearings on this agency, and I can assure you Jim Smith has done a fine job, frequently with very limited personnel in view of the tremendous load. Our committee is proud of years ago having changed the title of the housing program from farm to rural housing, making assistance available to rural people as the Federal Housing Administration does for the people of our cities.

In the last few years the biggest work of the Farmers Home Administration has been in building water and sewerage systems. Here Jim has shown real foresight, for under his supervision contracts have been changed so that the cooperative which supplies water systems must agree to serve adjacent areas where feasible. In the past year our committee provided that 20 percent of the funds available would be kept for improved service and service to new customers, thus taking a forward step toward area coverage, which must ever be our aim.

I regret that in recent weeks we have seen the unfortunate action of the Secretary of Agriculture freezing funds approved by the Congress, so that grants in certain programs are no longer available. Rural areas are tremendously affected; and I hope that along the line these grants will be reinstated so that we can keep our people on the farms and overcome the movement to the cities which contributes so greatly to the major problems of our urban areas.

Mr. Speaker, the action by the Secretary was not approved by Jim Smith and had he remained as administrator certainly such move by the Secretary would have been over Jim's strong opposition.

We wish Jim the best of health in the years ahead and hope and trust he will get back to see us as he continues his service to his fellow man.

Mr. CONTE. Mr. Speaker, I thank the distinguished Congressmen from Texas (Mr. POAGE) and California (Mr. TEAGUE) for arranging for this special order to say goodbye to James V. Smith, Administrator of the Farmers Home Administration.

I first knew Jim as a colleague in the House where he served with diligence and determination as the Representative of the Sixth District of Oklahoma during the 90th Congress.

When he assumed the duties of Administrator of the Farmers Home Administration on January 29, 1969, we continued our warm relationship.

But my regard for Jim goes beyond friendship and comradery. I would like to review briefly a few of the accomplishments of this able, young Administrator during his 4 years at the helm at the Farmers Home Administration.

In 4 years, FHA programs offered our rural Americans have nearly tripled. As the representative of a district in which rural areas make up well over half of the total land area, I applaud that heartily.

Just last month I was privileged and pleased to officially open the first full-time FHA office in Berkshire County. I thank Jim Smith for all of his help in securing this much-needed facility in the western-most portion of my district.

Jim has always had a deep interest in young people. It was Jim who initiated the Build Our American Communities program under the FHA. The new venture is designed to involve youth in community development activities. It is Jim's stated belief that the young Americans who participate in this program will, in the future, work to keep agriculture in its position as the backbone of our American economy.

The FHA Farm Family of the Year program is now in its third year. Started by Jim Smith in 1971, the program operates on the county, State, and National level and recognizes families who exhibit qualities of good citizenship, initiative, and efficient farming operations. Each year, the family who garners the top position in the national competition is received by the President.

Under his leadership, the FHA is becoming one of the more fiscally responsible agencies in the Federal Government. As a member of the House Appropriations Committee I extend a "well done" to Jim.

And, certainly a crowning achievement of Jim's tenure as Administrator was the passage by the Congress last year of the Rural Development Act of 1972. I know Jim worked long and hard to see this legislation enacted.

Now Jim is returning home to Oklahoma and I join with my colleagues on both sides of the aisle in bidding him farewell and wishing him much success. I am confident that with his longstanding commitment to this Nation, its goals, and the development of our farming community we will soon be in official contact again.

Mr. JARMAN. Mr. Speaker, it is a real personal pleasure to pay tribute to my good friend and former colleague, James Smith, upon his departure from Washington.

During his 6 years in Washington, Jim has made an outstanding record of service to our State of Oklahoma and to the Nation. He served as a Member of Congress from Oklahoma for 2 years and as Administrator of the Farmers Home Administration for the past 4 years. Jim is well known and highly respected by Members of both political parties for the service he rendered as a Member of Congress and for his untiring efforts in behalf of the farmers of our Nation. He can be proud of the record he has made but we will miss his presence in the Nation's Capital.

Mr. Speaker, I join Jim's many friends in expressing appreciation for his fine service and in wishing him the very best in the future.

Mr. SHRIVER. Mr. Speaker, it is a privilege to join in this deserving tribute to Jim Smith, our former colleague and friend from Oklahoma. I am sorry to see him leave the Washington scene. Jim Smith, as Administrator of the Farmers Home Administration for the past 4 years, has made an important and lasting contribution to rural development in America. He has worked hard to better the lives of the good people who reside in our small towns and rural areas. As FHA Administrator, he has been of great help to me, especially in the important area of water development. Jim Smith deserves the gratitude of all of us who are concerned about better homes, economic development, water resources for our rural areas. He is an able administrator who will be missed. It was a pleasure for me to serve with him here in the House prior to his assuming the important position in the Department of Agriculture.

I join in extending best wishes for continued success and happiness to Jim Smith as he returns to his home in Chickasha, Okla.

Mr. STEIGER of Arizona. Mr. Speaker, I am pleased to have the opportunity to say a few words about our former colleague, Jim Smith. I have known Jim Smith since we both entered the 90th Congress as freshmen Members.

For the past 4 years Jim has served the country well in his position as Administrator of the Farmers Home Administration of the U.S. Department of Agriculture. His untiring energies and assistance have been of inestimable value to the success of the FHA programs and his efforts have been well recognized by many who have come in contact with him.

It was a pleasure to serve with Jim in the House of Representatives and to seek his advice as Administrator of the Farmers Home Administration. His willingness to be of help will be sorely missed by all Members.

Mr. ZWACH. Mr. Speaker, I want to join with my colleagues, especially those on the House Committee on Agriculture, with whom I work so closely, in paying tribute today to a most deserving Administrator, Jim Smith, of Oklahoma, who is leaving his position as Administrator of the Farmers Home Administration in the U.S. Department of Agriculture.

Jim Smith has served agriculture and all of the people of our great Nation well as a dedicated, knowledgeable, and efficient Administrator and a fine gentleman.

The Farmers Home Administration plays a vital role in the economy of all countryside America. Many times, its lending programs are all that stand between our producers and financial ruin.

Through the judicious administration of its programs, our producers are helped to feed our growing population for the least percentage of their income of all the peoples of the world.

We will all miss Jim Smith. Our country will miss him. I wish him the very best in the days ahead.

Mr. MONTGOMERY. Mr. Speaker, I would like to commend my two colleagues, BOB POAGE and CHUCK TEAGUE, for securing this special order today. It is indeed fitting that we rise to pay tribute to James V. Smith. As a representative of a rural district, I am thoroughly familiar with the outstanding service Jim Smith has performed as Administrator of the Farmers Home Administration for the last 4 years. He came to this extremely difficult job well prepared since he is a farmer-cattleman by profession in his native Oklahoma.

I am also pleased that I had the opportunity to know Jim Smith as a colleague during the 90th Congress and had the benefit of his wise and sage counsel. I can assure you the farmers of America will miss his guiding hand and he will be a hard man to replace. My heartfelt thanks to Jim Smith for a job well done.

Mr. WAMPLER. Mr. Speaker, Jim Smith joined us here in the House Chambers on January 3, 1967, with the advent of the 90th Congress. He left his mark in the short time he was here, and President Nixon recognized his great ability by appointing him to the important post of Administrator of the Farmers Home Administration. While we lost a good and conscientious Member of Congress, the Nation realized a greater gain through his broader service.

The Farmers Home Administration is one of the most successful programs offered by the Department of Agriculture. Under Jim's leadership, immense contributions have been made toward the development of our rural areas and small towns.

But it is Jim, the person, that we will miss here in the Washington area. He was always "as close as your phone"—ready to supply information, to assist with a problem, to answer questions, or just to talk. He is a true friend and colleague, and a dedicated servant of the public.

Now he is returning to his native State of Oklahoma. But a man of his caliber and expertise is not long left to his own pursuits. I predict we will be hearing and seeing more of James Vernon Smith of Oklahoma.

I want to join with my colleagues in paying tribute to this fine public official, and in wishing him good fortune in the years ahead.

Mr. JONES of Tennessee. Mr. Speaker, about the time I became a Member of Congress, there was a new Administrator of the Farmers Home Administration—James V. Smith.

I am pleased to say that we soon found mutual interest in the rural people of America. The Farmers Home Administration has some 7,000 borrowers in what is now the Seventh District of Tennessee, with a total accumulated value of very close to $74 million, representing the three major programs of FHA.

Jim Smith has been good for my district, because he has helped many of my people. His influence has brought about twice the funding in the total program, and that has meant rapid growth for us.

Aside from this obvious measure of success, however, I would like to comment briefly on Jim Smith the man. A great part of his interest has involved young people. So Jim is doing more than accomplishing his day-to-day duties, he is building a bridge for tomorrow.

He has traveled this broad continent and at almost every stop has met with young people, particularly those who represent the Future Farmers of America. Working with them and their organization, he has developed a program, "Building Our American Communities," that has taken that organization by storm and is becoming a major part of their national emphasis. Another facet of his planning is his work with young farmers. It has long been said in jest that the cost of becoming a farmer today is so great that the young aspirant to agriculture has, but two ways to enter his chosen field—to inherit a farm or to marry one.

Jim Smith provided three ways through the credit extended to young men of promise by the Farmers Home Administration. He often says that from these young families will come tomorrow's commercial producers with the skill and the will to continue making this the best-fed Nation on earth.

I could say many more good things about James V. Smith, because I believe him to be a remarkable man. I will content myself, however, with these few comments directed to the forward-looking manner in which he approaches his duties at FHA—indeed, that permeates his entire outlook.

As a public servant he has left an indelible imprint on the face of rural America—one that makes its noble face even more handsome. It has been a privilege to work with him; I shall miss his counsel and his help.

Mr. CEDERBERG. Mr. Speaker, it is with a great deal of personal pleasure that I take this opportunity to join my colleagues in expressing high regard for a generous public servant on the occasion of his departure from Washington. Jim Smith served ably in this body and his personal friendliness and dedication to his legislative duties certainly were an example to each of us.

Jim and I had the opportunity to become friends during his time in the Congress and I will always be grateful for that. Frequently we get caught up in the hustle and bustle of the daily routine here and overlook the many opportunities we have to visit with each other and enjoy each other. Jim Smith took those opportunities and we are all much better for it.

We all experienced a sense of loss when Jim left the Congress, but were heartened by his appointment as the Administrator of the Farmers Home Administration. Under his capable leadership and direction the FHA has grown to meet the challenges of our farms, and to improve the lot of the individual farmer. As a member from a district with a substantial rural population I know firsthand of Jim's dedication to the work of the FHA and how his administrative abilities contributed to an effective and efficient program. We will miss his hand at the helm of a program he understood and managed so well.

I am sure that Jim will continue to make his contribution to government and I join my colleagues in wishing him well.

Mr. BIESTER. Mr. Speaker, I am pleased to be able to join my other colleagues in wishing Jim Smith the very best as he leaves his post as Administrator of the Farmers Home Administration.

Jim and I came to the Congress at the same time back in 1967. As a result of redistricting, Jim was in a tight reelection battle in 1968 and did not make it back to the 91st. But those of us in Congress were fortunate that President Nixon wisely saw fit to appoint Jim as Administrator of the FHA.

With his background in agriculture, Jim knew the problems of farmers and smalltown America. What is more, he had served in the House and in his post at the FHA he kept closely in touch with congressional involvement in the whole area of rural and agricultural concerns. My district in Pennsylvania is largely suburban, but whenever I requested assistance from the FHA for those constituents in the rural portion of Bucks, Montgomery, and Lehigh Counties, the efficient cooperation of Jim's office was always forthcoming. I know the other Members of this body also appreciate the attention Jim paid to helping his former colleagues with their problems.

As Jim leaves the FHA, I would like to commend him on his 4 years of service in the Administration and offer him my best.

Mr. SCHERLE. Mr. Speaker, I am glad to have this opportunity to pay tribute to Jim Smith, who is now leaving the Farmers Home Administration after 4 years. Anyone who has had any dealings with FHA knows Jim and how well he has served as head of that agency, and we are all sorry to see him go.

Jim's background made him eminently qualified for the post of FHA Administrator. He comes from Oklahoma and knows what it means to live and work in a farming community. He also served as a Member of Congress and knows the needs and difficulties which beset the legislative process. To this sound basis Jim Smith added his own special endowments of industriousness, eagerness, and amiability. He was always available to lend his extensive knowledge and personal aid to Members and their constituents.

Rural America sustains a great loss in the resignation of Jim Smith. We know that he will remain a good friend to agriculture, but hope that he will not be tempted to stay down on the farm forever. We have come to rely on his talents and expertise and would welcome his return to public office.

Mr. GOODLING. Mr. Speaker, there is an unhappy note about today, because it marks the departure from the Washington area of our good friend and former colleague, Jim Smith of Oklahoma.

Jim is a unique individual, for he has demonstrated exceptional competence as a legislator, when he served in the House of Representatives and particular talents as an administrator, when he served as head of the Farmers Home Administration in the U.S. Department of Agriculture.

On top of this, Jim is a cordial person. When he served in the House of Representatives, he and I got along in top-notch manner.

Jim is now returning to private life, and he will, I know, become energetically involved in various types of activities. Whatever he does, I join with a host of my colleagues in wishing him bounteous good health and great success in all of his undertakings.

Mr. STEIGER of Wisconsin. Mr. Speaker, I am pleased to join with my colleagues in paying tribute to Jim Smith.

As a Member of the House from Oklahoma, Jim Smith early established a record of outstanding service to this Nation and his home State. His leadership in agricultural matters was recognized not only here, but across the country.

Jim Smith's stature increased in his job as Administrator for the Farmers Home Administration.

The people of Wisconsin and especially the Sixth District have benefited from Jim Smith's dedicated service. Under the leadership of President Nixon, Secretary Butz, and Jim Smith, FHA has grown and has been a key element in revitalizing rural America.

Jim Smith will be missed, but Mrs. Steiger joins me in wishing Jim Smith well and extending our thanks for a job well done.

Mr. MYERS. Mr. Speaker, I appreciate the gentleman from California yielding to me and for taking this time to honor our former colleague and now the retiring Administrator of the Farmers Home Administration, James Smith of Oklahoma. I was one of many that came to Congress the same year Jim came. He was a conscientious and an extremely hard working Member of this House. We all were sorry when he failed to return in the 91st Congress after redistricting in Oklahoma took his home out of the district he had represented. Our loss here in the House fortunately was not also the Nation's loss, because President Nixon selected him to head the very important Farmers Home Administration. In this new capacity, I have had numerous occasions to take problems to him and to work with him to help rural areas and farmers. He always was most understanding and took extra time and effort to work out problems and to help in these rural problems. He fully understood these problems and was dedicated to help.

It is my hope that Jim will continue to contribute his talent and knowledge to make our country a better place to live. We all wish he and his wife, Mary Belle, much happiness and all the best as they return home to Oklahoma.

Mr. NICHOLS. Mr. Speaker, it is with much respect that I rise to pay tribute to our former colleague and great public servant, the Honorable James V. Smith, of Oklahoma. While it is a pleasure to participate in honoring a good friend and fine gentleman I deeply regret his decision to leave Washington to return to Oklahoma.

I first became acquainted with Jim as a colleague in the 90th Congress, where he served his State and Nation with distinction. As a Member of Congress and the House Armed Services Committee he always made every effort to act in the best interest of our country.

During the last 4 years Jim has served with equal distinction as Administrator of the Farmers Home Administration. As the representative of a rural district in Alabama who has many transactions with Farmers Home Administration over the past 4 years, I can assure you that Jim Smith has been a most capable Administrator. His thorough knowledge and understanding of the complex problems faced by rural Americans today will be greatly missed by this agency which he has administered so well, by Members of Congress in both political parties who have relied on his expertise, and by many rural Americans.

Mr. Speaker, Jim Smith is a patriotic American and I know he will continue to be of service to his Nation whether it be in Washington, D.C., or the State of Oklahoma.

Mr. BLACKBURN. Mr. Speaker, I want to thank my colleague from California (Mr. TEAGUE) for seeking this opportunity for those of us who have served with Jim Smith to express, in some small measure, our pride and satisfaction at having enjoyed such privilege.

One of the first persons I met upon my arrival in Washington was Jim Smith, of Oklahoma. Our friendship was early in forming and has become more warm and more permanent with the passage of time. I always found him to be a man of firm convictions, high ideals, possessing a combination of personal charm and intelligence which are admirable qualities in any person.

Mr. Speaker, after his service in this body Jim continued to perform a valuable role in National Government as Administrator of the Farmers Home Administration. It should be noted here that a study of the housing subsidy programs conducted last year by the General Accounting Office revealed that the structures built under the administration of Jim Smith's office were consistently of higher quality and at less costs than structures built under the same programs, but under the jurisdiction of other Federal agencies. This study only serves to confirm the high regard which I, and his colleagues in Government, hold for Jim's talents as a public servant.

Mr. Speaker, I send to Jim and his charming wife, Mary, my best wishes for continued good health, success, and happiness during the many successful years that I know lie ahead.

Mr. ICHORD. Mr. Speaker, I rise to speak a word of praise and appreciation for my former colleague and friend, Mr. James V. Smith, who is returning to his native State of Oklahoma after spending 6 years in Washington as a public servant.

After serving a term in the U.S. Congress, Jim Smith has served very ably and with great dedication as the Administrator of the Farmers Home Administration.

As you know, Mr. Speaker, Jim is a rare individual with great personal ability and an unusual devotion to our country and our system of government. Jim is a man who is highly regarded by his former colleagues from both political parties.

It is certainly my opinion that Jim has been very successful in his administration of the large and important work of the FHA with fairness and justice. This, of course, was to be expected from such a fine, talent Christian gentleman as Jim Smith. Jim's presence and contributions will be missed in Washington.

Mr. BEVILL. Mr. Speaker, Jim Smith's expertise will be greatly missed when he departs the Farmers Home Administration on January 18, for new endeavors.

For the past 4 years, Jim has served the Nation well in this capacity. His work at FHA has contributed substantially to improving the quality of life in rural America.

Jim grew up on the family's farm outside of Tuttle, Okla. He was a member of the 4-H Club and Future Farmers of America. He graduated from Tuttle High School and attended Oklahoma College of Liberal Arts. He was elected to Congress in 1966, where he served on the House Armed Services Committee.

Throughout his life, Jim has served his community, State, and Nation with dedication.

On February 3, 1969, President Nixon appointed Jim as Administrator of FHA. During his tenure as head of FHA Jim was an outstanding and knowledgeable worker who knew how to get things done.

Those of us who know Jim well, and there are many, will miss him.

I know that Jim will continue to work hard and to strive for his new goals in whatever new challenge he now undertakes. I join all of his many friends in wishing him the very best.

Mr. SEBELIUS. Mr. Speaker, I appreciate this opportunity to join my colleagues in saluting a former colleague and good friend, the Honorable James V. Smith. Let me simply say that Jim Smith, as a former Member of the House of Representatives and as Administrator of the Farmers Home Administration within the Department of Agriculture, has distinguished himself as a champion for the farmer and for rural and small-town America. His service in Government has truly been distinguished.

The one thing that has impressed me regarding Jim's dedicated work in Government has been his philosophy of helping people to help themselves. This approach to our problems in our rural areas not only makes a great deal of commonsense, but it also gets results. That may well be Jim Smith's legacy regarding his Government service. Again, I appreciate this opportunity to join my colleagues in these remarks.

Mr. MILLER. Mr. Speaker, it is a pleasure for me to join in this tribute to the work of our friend and former House colleague, James V. Smith. For the past 4 years, Jim Smith has served honorably as the Administrator of the Farmers Home Administration—FHA. I believe his record in that capacity reflects the genuine concern and faithful dedication he has always had to rural America. He has always been willing to help those who are willing to help themselves.

With respect to the State of Ohio, the influence of the Farmers Home Administration has probably been most apparent in the district I am proud to represent. As of the last quarter of 1972, the FHA was directly involved in financing no less than 55 separate projects for communities, water associations, and townships throughout southeastern Ohio. The status of these projects varied, of course, from the first step of applications being submitted to the final step of programs being in actual operation. The number of persons these projects will benefit can be measured in the thousands. The programs are as varied as the needs of the people they will serve—water distribution systems, sewage facilities, recreation sites, and housing.

Nationally, the FHA leadership of Jim Smith is reflected in the fact that in fiscal year 1972 FHA loans financed the construction and repair of 115,985 individual houses and 3,500 rental units, providing housing for more than 570,000 rural people.

In developing rural water and waste disposal systems, FHA provided some $300 million in loans and $40 million in grants for the construction or improvement of more than 2,200 systems serving more than 2.2 million rural citizens.

I first knew Jim when he came to Capitol Hill as a representative to the 90th Congress from the Sixth District of Oklahoma. During his term, he earned the bulldog award of the National Associated Businessmen as a watchdog of the Treasury, honors from the Federal Land Bank of Wichita for outstanding contributions to agriculture, and an American Legion citation for meritorious service to veterans.

Until elected to Congress, Jim operated a wheat, cotton, and cattle farm in Grady County, near the land on which he was reared. From 1954 to 1957 he was a member of the Grady County, Okla., Committee of the Farmers Home Administration. He was named the Outstanding Young Farmer of 1958 by the Chickasha Jaycees, and won that organization's Outstanding Citizen Award in 1965. He has also been honored for the conservation practices still followed on his farm.

One of his most important innovations at FHA was the "build our American communities program to develop young people as rural community leaders. For this and other contributions to FFA the Future Farmers of America awarded him their Honorary American Farmer Degree in 1970.

On this occasion of his departure from Washington, I want to wish Jim and his family the very best in the future and continued success and happiness.

Mr. SIKES. Mr. Speaker, the Nation's Capital is losing an able public servant with the departure of Jim Smith from the post of Administrator of the Farmers Home Administration. This distinguished gentleman came to Congress from Oklahoma in 1966. Representing the Sixth District of that fine State, he gave distinctive service in the 90th Congress. For the past 4 years, Jim has served the Nation well in the Farmers Home Administration, an agency which is recognized as one of the most important of all in service to the people and in help for rural areas.

In addition to the normal and highly valuable services associated with the post of Administrator, Jim has worked to develop more young people as rural community leaders through the vocational agriculture educational system. He established the annual National Farm Family of the Year Award which through county, district, and State competition calls attention to the valuable contributions of the family farmer in the United States. Rural Americans deserve more attention throughout our country and this award has directed attention to those people who live and work in rural areas. Mr. Smith has guided the efforts of the Farmers Home Administration so that it has emerged in the last 4 years as a leader in rural development. This is extremely important as the Nation now prepares to move into a meaningful program of rural development.

Jim is returning to his home State, and he can look with pride on his many accomplishments in the Nation's Capital. I have been proud of my friendship and association with Jim and my best wishes go with him and his family in all their future endeavors.

Mr. JONES of North Carolina. Mr. Speaker, it is indeed a pleasure to join other Members of the House of Representatives in paying tribute to my friend and former colleague, James V. Smith of the great State of Oklahoma.

I had the pleasure of serving with him during a part of his tenure as Congressman, but I have been especially impressed with his services as Administrator of Farmers Home Administration for the past 4 years. His understanding of our problems and cooperation with my office was almost unbelievable, for which I shall be eternally grateful. It was with deep regret that I learned of his departure from this important post. Certainly, his loss will be felt by the entire agriculture population of this Nation.

In closing, I want to wish Mr. Smith and his family health, happiness, and success in the years to come; and I am sure whatever endeavor he pursues will be crowned with success and that he will render the same valuable service to those with whom he comes in contact as in the past.

Mr. FISHER. Mr. Speaker, I am honored to have the privilege of joining my colleagues in eulogizing our former colleague from Oklahoma, Jim Smith. Both in the Congress and while serving for the past 4 years as Administrator of the Farmers Home Administration, Jim has performed remarkably well. His intimate knowledge of agriculture and the problems associated with it have been put to good use.

It is regrettable that our friend is leaving his present position. Always courteous and affable, he has at all times been available for consultation in his efforts to apply sound judgment to his decisions. His record speaks for itself, and I congratulate Jim for a job well done.

Mr. STEED. Mr. Speaker, in 4 years of service as Director of the Farmers Home Administration, James V. Smith has brought its programs with their valuable services to our rural people to their height of success.

In a difficult period, which has seen the Farmers Home Administration taking on many useful and new functions in water development and in housing, he has kept it moving effectively.

We in Oklahoma know Jim Smith has worked steadily to help local people develop their projects. Rural water districts, in whose work I have always been especially interested, have brought the benefits of a dependable fresh water supply to thousands of people. This type of program, springing from local initiative with Federal support, is an especially valuable one.

It is with personal regret that I note his departure from this field of activity in the Department of Agriculture because I think his experience could make an even greater contribution to rural America in the years just ahead. Development of rural America, with a balanced approach through its industrialization, its environmental needs and all the other facets of a strong food and fiber production industry for our country requires all the knowledge and skill that we have. I hope Mr. Smith's talents will find an outlet so he can continue to help this American need go forward.

In the meantime I know he will find a great satisfaction in knowing that all across our State of Oklahoma projects he helped bring into being will grow and continue to add to the betterment of rural life for our people.

As he prepares to return to private life in Oklahoma, I congratulate him on a job well done and hope for him continued opportunities to contribute to the growth and betterment of our State and Nation.

Mr. CARTER. Mr. Speaker, I wish to join my colleagues in paying tribute to the work of the distinguished Administrator of the Farmers Home Administration, the Honorable James V. Smith.

Our friend and former colleague, Jim Smith is deserving of our commendation for the excellent manner in which he has served his people in whatever capacity he has undertaken. In 1958, he won the Chikaska Junior Chamber of Commerce Outstanding Young Farmer award. In 1965, he was presented with the Jaycee Outstanding Citizen of Chikasha award. He has also served as a member of the board of regents of Oklahoma 4-year colleges. During his service as a Member of Congress, Jim represented his constituents with distinction, and throughout his 4 years with the Farmers Home Administration, he has always given us his support and cooperation whenever we have called upon him.

I fully believe that when we see a task before us, we must approach it with common sense and with the determination to do that which is right. Jim has never failed to approach his work in this manner, and we can certainly admire him for that.

We wish him well, and we know that he will continue to make significant contributions in the years to come to the well-being of the people of Oklahoma and to the progress of our Nation.

Mr. MAYNE. Mr. Speaker, I take this opportunity to rise in tribute to a fine statesman and close friend of mine, James U. Smith.

Jim Smith was born in Oklahoma City, Okla., on July 23, 1926. He was educated in Tuttle public schools and attended Oklahoma College of Liberal Arts at Chickasha, Okla.

Before being elected to Congress, Jim operated a farm in Grady County, Okla., and from 1954 to 1957 served on the Grady County Committee of the Farmers Home Administration. He was named the Outstandng Young Farmer of 1958 by the Chckasha Jaycees, and also won the Jaycees Outstanding Citizen award in 1965.

Being a very active figure in community and State affairs, Jim was a member of the Grady County School Board, has served on the Board of Regents of Oklahoma's 4-year colleges, and is presently a Governor of the American Heritage Center at Oklahoma Christian College in Oklahoma City.

Jim Smith was elected to Congress on November 8, 1966, and was a fellow member of the 90th Club. He provided excellent service and representation to his Sixth District of Oklahoma constituency. He was honored by the National Associated Businessmen which presented him an award as Watchdog of the Treasury. He also received awards from the Federal Land Bank for outstanding contributions to agriculture and from the American Legion for meritorious service to veterans.

On January 29, 1969, President Nixon appointed him Administrator of the Farmers Home Administration, Rural Credit Service of the U.S. Department of Agriculture. Under his leadership the FHA has become a broad-based rural lender and has played a major role in rural development, lending money for homes, water and waste disposal systems, and farm operations. Jim has brought many new innovations to the FHA, one of which is the build our American communities program to develop young people as rural community leaders. He also established the annual FHA Farm Family of the Year award nationally to direct attention to the valuable contributions family farmers make to their communities and to the Nation.

I know that, as Jim Smith now leaves Washington to return to private life, my colleagues join with me in wishing him success in his new venture.

Mr. CAMP. Mr. Speaker, Jim Smith and I have been very close friends for many years. I first met Jim when I was working for the State committee of the Republican Party in procuring candidates for State and national offices.

My first visit to Jim Smith was at his home on his wheat ranch north of Chickasha, Okla. Jim was the son of a wheat farmer and carried on in that profession. During his elementary and high school days he was very active in 4-H and FFA work; in fact, his greatest concern during his younger days was for the welfare and benefit of the young people he came into contact with in his community.

Jim attended Tuttle High School in Oklahoma, and later the Oklahoma College of Liberal Arts in Chickasha.

Jim is a wheat farmer who was very industrious and acquired many acres of farmland for the use of growing commodities to help feed the people of this country.

Jim has three children—a son, Jay, and two daughters, Sarah and Lee Ann. He and Mary Bell, his wife, are fine parents and have raised their children in the midwestern way of life. Jim is a dedicated individual and has served well in his capacity as Administrator of the FHA Rural Credit Service of the U.S. Department of Agriculture.

Jim is to be commended for his service with the FHA, and his actions and activities will be long remembered by the people in agriculture, not only in his home area, but throughout all of agriculture in the United States.

Mr. Smith also served his country admirably as the Representative from the Sixth District of Oklahoma to the House of Representatives during the 90th Congress.

We wish Jim and his wife, Mary Bell, and their family many prosperous and happy years to come.

Mr. ERLENBORN. Mr. Speaker, a lot of good things are being said today about James V. Smith, of Oklahoma, and I believe the best comment I can make is to say that the compliments are deserved.

For the past 4 years, he has been Administrator of the Farmers Home Administration and, as was expected by everybody who knew him, he has done an outstanding job. I knew him during the 90th Congress, when he served in this House; and I found him perceptive and intelligent.

Agriculture and the Nation have been so well served up to now by Jim Smith that we have high expectations of the future. The song says that Oklahoma is doing OK; the same can be said of Jim Smith.

Mr. THOMSON of Wisconsin. Mr. Speaker, Jim Smith is going home to Oklahoma and farmers and small-town dwellers throughout the Nation are losing a vigorous and effective champion. Jim Smith has presided over a tremendous period of growth in the Farmers Home Administration including new authorizing legislation that make the FHA the Government's designated rural development agency in our expanded effort to make the advantages of rural living available to unhappy millions crowded in deteriorating cities. The confidence placed in the Farmers Home Administration by congressional passage of the historic Rural Development Act last year is a tribute to the managerial abilities of its Administrator, James V. Smith.

Those of us who knew Jim Smith when he was Congressman Smith, will remember the judgment and insights which he brought to legislative considerations. I am sure I speak for my colleagues in urging Jim not to abandon such a splendid career of public service. His dedication to improving the condition of others is an example to us all.

Mr. **BURLESON** of Texas. Mr. Speaker, it is, indeed, a pleasure to join the many friends of Jim Smith of Oklahoma upon his departure from Washington.

It was gratifying to serve with Jim in the House of Representatives and to know of the fine job he did as a Member of Congress.

It meant much to me, and I know to others deeply interested in the Farmers Home Administration, when Jim was appointed its Administrator. His record is one of which I am immensely proud.

As he leaves this position, I wish him the very best in his endeavors.

Mr. **McCLORY**. Mr. Speaker, I am delighted to join many of my colleagues today in paying tribute to a former Member of this body and more recently the Administrator of the Farmers Home Administration.

I refer, of course, to James V. "Jim" Smith, who is leaving Washington to return to his native Oklahoma after having served as U.S. Representative from the Sixth District of Oklahoma in the 90th Congress and then for 4 years as head of the Farmers Home Administration in the Department of Agriculture.

Under his leadership, the Farmers Home Administration has emerged as a major force in the national effort to develop our rural areas. In addition, Jim Smith's great interest in America's young people was the driving force behind the creation of the build our American communities program, which was designed to develop young people as rural community leaders through the vocational agriculture education system.

I know personally of the great effort Jim Smith made to eliminate discrimination in the administration of programs under his jurisdiction and I want again to commend him publicly for his dedication to this goal.

Mr. Speaker, as Jim Smith leaves Washington, the Federal Government is losing one of its most able administrators. I salute him for the fine work he has done in both the legislative and the executive branches of the Government, and I wish him the very best in whatever future endeavors he undertakes.

Mr. **HANSEN** of Idaho. Mr. Speaker, this is an occasion of mixed emotions for me. I am happy to have the privilege of joining with so many of my colleagues in this tribute to my very good friend, Jim Smith. But, his departure brings with it a keen sense of personal loss.

Jim's firsthand knowledge of our farmers and their problems, coupled with his congressional experience, have formed a combination which has made it possible for him to render a truly unique and outstanding service as Administrator of the Farmers Home Administration.

His practical experience found expression in his obvious desire to perform his office to the very best of his ability on behalf of the farmers of our Nation, and we all know how successful that performance has been.

As the Representative of a predominantly agricultural district, and as a close personal friend, I want to commend Jim Smith for a job well done; to extend my thanks for the many acts of assistance he has performed for me and my staff during the past 4 years; and to express the hope that our very pleasant association may find continuance in the not too distant future.

Mr. **COLLINS**. Mr. Speaker, thank you for giving me the opportunity of adding a welcome home to Jim Smith. As a neighbor from Texas we are delighted to see Jim Smith return to Oklahoma. His friendly, dynamic personality will add impetus to the growth and development of the southwest.

Jim has made a great record in Washington. He served with distinction as a U.S. Congressman from Oklahoma. While he served as Administrator of the Farmers Home Administration of the Department of Agriculture he has built up one of the best records of achievement in the administrations history. He has administered the FHA under the guidelines of the golden rule. His dedicated Christian leadership carries through with his successful administrative procedures.

Jim, we will miss you in Washington. But we are mighty glad to have you back in the southwest in Oklahoma.

Mr. **KUYKENDALL**. Mr. Speaker, it is a privilege to join with so many distinguished voices in a salute to our former colleague and an outstanding public servant, James V. Smith of Oklahoma.

Jim Smith and I came to the Congress at the same time, and he became a close friend of mine very quickly, as he did with many of us. He served ably in the Congress, and our President made a wise choice when he chose Jim to take the helm of the Farmers Home Administration 4 years ago.

In one of the key positions at the Agriculture Department during the past 4 years, Jim Smith has left his mark on the Nation in such sensitive areas as rural housing, emergency relief, and the many other programs that relate directly to our great rural American backbone.

We thank Jim Smith for his services, we wish him well, and we hope for the sake of his friends and the Nation, that he hurries back to the arena of public service where he is needed.

Mr. **FINDLEY**. Mr. Speaker, I would like to express a hearty thanks to our former colleague, James Smith, who will be leaving Washington soon to return to his home in Oklahoma.

First as a Representative from the Sooner State, and for the past 4 years as Administrator of the Farmers Home Administration, Jim has made an outstanding contribution to the people of our country.

Particularly the people of rural America have benefited from his service. In Congress, Jim always defended the interests of farmers and people of rural areas. In his key position in the Department of Agriculture, he has contributed greatly to laying the groundwork of the rebuilding of the depressed rural areas of our country.

Thanks to him, many poor rural people now live in their own homes. Many farmers, desperately in need of assistance to continue their operation, received help under his guidance.

I salute James Smith, a great public servant and a fine gentleman.

GENERAL LEAVE

Mr. **TEAGUE** of *California*. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order honoring Mr. James V. Smith.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

THE HONORABLE MELVIN R. LAIRD

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. DAVIS) is recognized for 30 minutes.

(Mr. DAVIS of Wisconsin asked and was given permission to revise and extend his remarks and include extraneous material.)

Mr. **DAVIS** of Wisconsin. Mr. Speaker, within a matter of hours now Melvin R. Laird will leave the Pentagon, as Secretary of Defense, for the last time. He leaves behind him a great record in the Cabinet and in this House of Representatives and will retire, at least temporarily, into private life.

Mel Laird came to this House in 1953. He put his heart into his work here for the 16 years which ended, early in 1969. I suspect that his heart is still here in the House. He accepted the important assignment as Secretary of Defense with the greatest reluctance, and only after having been convinced by the President-elect that he had a duty and a responsibility to undertake this position for which he was so well qualified.

I suggest that no Secretary of Defense within our memory has entered into that position with a greater feeling of confidence by his colleagues in the Congress, and that no Secretary of Defense has left that office with his head higher, with greater confidence on the part of the Congress and on the part of the American people than has Melvin Laird. When he took on this assignment, Mel Laird referred to it as "political graveyard." And yet I think it is safe to say that Mel Laird leaves the Pentagon after 4 years with such general recognition of his accomplishments and with such widespread respect, that he leaves it a stronger man than he was when he entered it. This in itself is almost a miracle, for he managed to reduce the Defense budget while at the same time reoriented that Department toward modernization. He succeeded in reducing the Defense expenditures in relation to the other expenditures of the Federal Government, to less than one-third.

In terms of constant dollars, the Defense Budget is the lowest that it has been in a score of years. All this, while the portion of defense dollars for personal services has risen to 56 percent.

He left his imprint there. He was the Secretary of Defense. He ran the Department. He used his congressional experience, as a member of the Defense Appropriations Subcommittee for many years, to assure that his control of the Pentagon would not be stymied by the chiefs of the uniform services. Yet, in tactical and predominantly military areas, he gave added responsibility to those who wore the military uniform. He gave the military leaders his confidence, and they responded to the responsibility of that confidence, they devoted themselves to the objectives which Secretary Laird had outlined for them.

As Secretary of Defense, he was the effective architect of the Vietnamization program which has been for all practical purposes completed. He was the driving force behind the concept of an all volunteer force, now well on the way to fruition by July 1. His was an effective voice in the arms limitations, negotiations, and agreements. He was the guiding force in building an effective modernized reserved force. He initiated scores of management changes so that defense dollars would be better spent. It was he who insisted that we pick up the slack from our preoccupation in Southeast Asia, that research development and evaluation be made meaningful, that technological advances be exploited, and that modernization be emphasized. He sold his concepts to his former colleagues of the Congress.

Mr. Speaker, before yielding to some of my colleagues who have asked to join in this tribute to Mel Laird, I want to express my personal thanks to Mel Laird for what he has done for the defense of this country, and for our country generally. I cannot help but feel that private citizen Mel Laird will be motivated, in the near future, to be of further service to his country.

I yield first to the distinguished minority leader, the gentleman from Michigan (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. DAVIS of Wisconsin. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Speaker, in my time in the House of Representatives I do not believe I have known a more able Member than our former colleague Mel Laird. He became an extremely influential member of the House Committee on Appropriations, serving as ranking Republican member on the Defense Subcommittee and on the HEW-Labor Subcommittee. He knew his subject matter as well as anybody in the House of Representatives.

He has been equally effective as the Secretary of Defense.

I read Tuesday in the Washington Post a column by David Broder, an astute political reporter, who concluded his praise for Mel with this observation:

> In his two decades in Washington, there have been few men in either party who have thought harder than Laird about the objectives of government or have worked more skillfully than he has on the politics of party responsibility necessary to accomplish them. If this is in fact his swan song, American politics is diminished by his departure.

In this week's edition of Newsweek there is more evidence of the rapport and credibility which Mel had developed with the news media who cover the Department of Defense. I quote the article:

> It was time for the Pentagon reporters to say good-by to departing Cabinet member Melvin Laird—after four years and 194 press conferences at which the impregnable Defense Secretary had consistently stopped the newsmen's slashing offense for no gain. Their farewell present to him was a football inscribed "Laird 194, Press 0."

Let me assure my colleagues that anyone who has been Secretary of Defense for 4 years and who has ended up with the confidence of the news reporters who cover the Pentagon deserves a great round of applause and appreciation. They are tough news people over there, and they should be. For Mel Laird to leave that hot job with that kind of respect and recognition indicates clearly that he has done a superb job as Secretary of Defense for the past 4 years.

We have missed Mel in the House during this 4-year period, but I have felt better that he was Secretary of Defense during this critical span of time.

In my judgment Mel Laird will do superbly well in any job he undertakes, whether it be in the House, in the Pentagon, or elsewhere. I wish him well in the years ahead, and I thank him for the great job he has done for the country all the time he served in the Congress and as a member of the Cabinet.

Mr. DAVIS of Wisconsin. I appreciate the comments of the minority leader relating to our mutual friend and a man we jointly admire.

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. DAVIS of Wisconsin. I am happy to yield to the distinguished chairman of the Committee on Appropriations.

Mr. MAHON. I want to commend my colleague from Wisconsin for taking note of the distinguished service to the country of our friend Mel Laird, Secretary of Defense.

The President made a wise decision when he selected Mel Laird, a leader in the House of Representatives, to assume the role of Secretary of Defense. At times Congress is criticized as a body. Some critics tend to believe that the appointees of the executive branch are more competent than the elected officials of the legislative branch. Mel Laird, by stepping from this body into the second most difficult job in the executive branch and performing well, has proved once again the high level of competence of the Members of the House.

No Secretary of Defense was better trained for the position than was Mel Laird. Mel was a member of the Subcommittee on Department of Defense Appropriations. He participated in the lengthy and detailed hearings of that subcommittee. He wrestled with the major national security decisions that had to be made. He became thoroughly acquainted with the many problems facing the Department of Defense. His background has served him well during his tenure as Secretary.

Secretary Laird has dealt skillfully and effectively with the great problems which have faced the Department of Defense over the last 4 years.

These have not been easy years. The unpopular war in Southeast Asia has continued. The change from a military force composed of personnel acquired through the draft to an all volunteer military force has been implemented in large part. At a time when the unpopularity of the war has led to a lack of popularity in some quarters for all things military, Secretary Laird has kept the Department of Defense on an even keel and has been able to maintain the necessary level of military strength.

Mel Laird coined the term "Vietnamization" and has carried out this program of strengthening the South Vietnamese with military supplies and equipment so that U.S. ground forces could be disengaged from the war. We had supplied much materiel to the South Vietnamese long before Mr. Laird became Secretary but he gave emphasis to this means of winding down the war.

As the war has been winding down, there have been substantial reductions made in military manpower. In 1969 we had 3.5 million military personnel. Today we have 2.4 million military personnel. In times when such reductions are made there is great turbulence among military personnel and difficult situations arise. Secretary Laird has steered the Department through this difficult period of retrenchment with a minimum of adverse effect on the individuals involved.

I have not agreed with everything that Secretary Laird has advocated during his tenure as Secretary but I have never fully agreed with everything advocated by any other Secretary of Defense. In the great and complex arena of Defense spending there is much room for differences of opinion. Congress has made some significant reductions in the defense budgets which have been submitted by Mr. Laird, but for the most part, on the major issues there has been general agreement. Certainly, we have been in agreement on the basic premise that sufficient military strength is the necessary cornerstone of our national well-being.

During his service as Secretary, the cooperation and the mutual understanding between the Department of Defense and the Congress has been of the highest order. The Secretary understands Congress and those of us who have worked with him for so many years understand the Secretary. We have always been able to work out our differences in an agreeable way.

I can understand Mel's desire to step down as Secretary of Defense. It is a job which no man could continue for many years. The demands are relentless and unmerciful. Still, I wish that we could look forward to continued years of working with our good friend. I do not know his future plans but I wish him well. He is a man of great ability and great understanding. He was a valuable national servant when he served in this House. He has been a valuable national servant as Secretary of Defense.

I wish to salute Secretary Laird as he prepares to leave his important post and wish him great success in his future endeavors in behalf of mankind.

I thank my friend from Wisconsin for yielding.

Mr. DAVIS of Wisconsin. I thank the distinguished chairman of the Committee on Appropriations.

Mr. MINSHALL of Ohio. Mr. Speaker, will the gentleman yield?

Mr. DAVIS of Wisconsin. I yield to the ranking minority member of the Defense Subcommittee of the Committee on Appropriations.

Mr. MINSHALL of Ohio. Mr. Speaker, I count our retiring Secretary of Defense, Mel Laird, as one of my closest friends, dating back to our first meeting after my election to the 84th Congress.

I think of Mel, through our association on the Subcommittee on Appropriations for the Department of Defense and later when he left to take over the Defense Department, as a brilliant mathematician and tactician. I was elated to note the recognition accorded to him just the other day by David S. Broder in the Washington Post, which is as follows:

The Departure of a Politician

(By David S. Broder)

The three most successful politicians in the first Nixon cabinet—John Volpe, George Romney and Melvin Laird—are stepping down this week, taking with them a half-century of public service experience the President has decided he can do without.

Volpe, who might have been Vice President today had he had a powerful advocate in the inner circle when the choice came down to him and Spiro Agnew in Miami Beach, is leaving the Transportation Department to become ambassador to Rome.

Romney, who might have been President today had he been able to articulate his Vietnam views as well as he finally came to understand that tragic war, is quitting Housing and Urban Development to found a vaguely defined public interest group.

And Laird, who at age 50 ought to have more of a political future than any of them, is retiring from the Defense Department saying, "it will be a long time before I do anything in politics or government again."

Because Romney and Volpe both have reached normal retirement age, it is the case of Laird—a man whose whole life has been politics and government—that is most interesting.

He's been in public office continuously since 1946, when he was elected to the Wisconsin state senate seat his father had held before him. He spent 16 years in the House, rising to the No. 3 leadership job and a position of influence in the national Republican party, before his friend, Richard Nixon, recruited him for the Pentagon post, when no prominent Democrat could be persuaded to take the job.

By the consensus of the reporters who have covered him, Laird has shown that a professional politician is no worse equipped—and may be better—to manage the sprawling military bureaucracy than the businessmen and lawyers who preceded him in the job.

If his term was marked by the Mylai controversy and the Lockheed bail-out (both, he notes, the fallout, from actions taken in the previous administration), it also saw significant reductions in Vietnam casualties and military manpower and preparations made for an all-volunteer army.

It takes a degree of cynicism and duplicity to survive in the Pentagon-Congress power struggle, and Laird is a politician who has an ample supply of those qualities. But over the years, he has managed to make clear his central purposes, as distinguished from his short-term tactics, and his central purpose as Defense Secretary has been to end American involvement in Vietnam and save our defense establishment from the public censure that war has surely brought on all things military.

Having lobbied semi-publicly within the administration for four years for faster American withdrawal from Vietnam he was, to put it mildly, distressed at the breakdown of the Paris negotiations last month. So he used his closing testimony to Congress last week to give the congressional "doves" the strongest argument they could use to press for a settlement—a statement by our ranking defense official that the American presence is no longer needed to protect South Vietnam.

Laird's reasons for retirement are several. He believes his identification with Vietnam and military spending a major handicap to a political comeback in Wisconsin, where Democrats now hold his old House seat, both Senate seats and the governorship.

He has also learned—as others have before him, in an aspect of Washington life that is too often overlooked—that public responsibilities can entail heavy personal costs. During the four years Laird has been going up to Capitol Hill to justify the war and justify spending on weapons development, he has been going home to a household that includes three high school and college-age children, who are very much part of their own generation.

"We have no fence to hide behind," Laird has remarked, "and we don't want one." On the contrary, his front lawn has been fair game for anti-war demonstrators and his living room has been open to his children's friends, who have not hesitated to voice their own views.

So having given Mr. Nixon the four years he promised him, having delivered (in his view) on his promise to make Vietnamization work well enough to permit a complete American withdrawal, Laird is leaving—with no regrets and a considerable sense of relief.

He has a pension coming from Congress and some interesting academic and business offers, and during the three month vacation he's promised himself, he'll have time to think again about that judgment that he's finished with politics and government.

In his two decades in Washington, there have been few men in either party who have thought harder than Laird about the objectives of government or have worked more skillfully than he has on the politics of party responsibility necessary to accomplish them.

If this is in fact his swan song, American politics is diminished by his departure.

I have another image of Mel, as a man with a wonderful sense of humor and complete guilelessness. He more than meets the high all-round criteria we in the Midwest use to measure a man. The so-called Eastern establishment may revere Mel's prowess as a lawmaker and a great Government leader. In our area of the country we place great stress on another quality—that of being genuine—and Mel certainly possesses this quality. I can say in all honesty that I have never met a man to whom pomposity and pretentiousness would be more foreign. At one time, his office was across the hall, and my staff still chuckles over the lighthearted raillery played back and forth.

David Broder mentions Mel's prodigy and progeny, but no tribute to him would be earnestly considered by those who know him without bestowing great praise on his charming and gracious wife, Barbara, for she is the powerful and *vital* elixir required to complete this magnum opus.

I thank the gentleman from Wisconsin for yielding.

Mr. DAVIS of Wisconsin. Mr. Speaker, I thank the gentleman from Ohio (Mr. MINSHALL) for his generous remarks concerning our former colleague.

Mr. Speaker, I yield to the distinguished gentleman from Wisconsin (Mr. ZABLOCKI), the ranking member of the Committee on Foreign Affairs.

Mr. ZABLOCKI. Mr. Speaker, I thank my colleague for yielding.

Mr. Speaker, I wish to commend our colleague, GLENN DAVIS, for taking a special order to pay tribute to our former colleague, Secretary Melvin Laird. It is indeed a privilege and pleasure to participate in this special order since I have known our former distinguished colleague even before he arrived to join this august body. Indeed, I served with his illustrious father in the Wisconsin State Senate. It is there that I met Mel for the first time. It is also my pleasure to know his mother and entire family, particularly his wife, Barbara.

Melvin Laird's entire adult life has been that of a dedicated politician and government official. At the young age of 25 he succeeded his father as a State senator. In 1952 he was first elected to represent the people of the Seventh District of Wisconsin in Congress, a district which he successfully and ably represented until his appointment as Secretary of Defense in 1969. He was an able member of this House and served well as a member of the Appropriations Committee and Subcommittees on Defense, Health, Education, and Welfare. His dedication to the national security of our Nation is well known. He has demonstrated this as an outstanding Secretary of Defense.

As evidenced by the consensus of the many distinguished Members participating in this special order today, Melvin Laird's more than 25 years of public service capped by the last 4 years as Secretary of Defense were dedicated to serving the best interests of the American people by assuring the safety and security of our country in the years ahead. In such an endeavor conflicts and differences of opinion are inevitable, yet there should be no doubt about Mel's many fine contributions to our society as a Member of Congress from 1952–1969, and as Secretary of Defense from 1969 to his retirement tomorrow. As Secretary of Defense, Melvin Laird should especially be noted for his persistent and successful efforts to significantly reduce our involvement and casualties in Vietnam as well as his successful efforts in establishing the groundwork for an all-volunteer army.

With his retirement from political life this week, I am sure that Melvin Laird will bring the same amount of energy and enthusiasm in his private life as he had in his political life.

Mr. Speaker, I noted that our colleague GLENN DAVIS has stated that Melvin Laird is temporarily leaving public office to return to private practice. His past record, his love for his country and certainly since he is a young man, undoubtedly indicate that he will return to serve his community, his State, or the Nation. It is a privilege to join with my colleagues in saluting our former colleague, Secretary of Defense Melvin Laird for a job well done. My wife joins me in extending good wishes and Godspeed to Mel, his lovely wife, Barbara, and his family in their future endeavors.

Mr. DAVIS of Wisconsin. Mr. Speaker, I thank the gentleman for his remarks.

Mr. THOMSON of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. DAVIS of Wisconsin. I yield to the gentleman.

Mr. THOMSON of Wisconsin. Mr. Speaker, the State of Wisconsin has made many contributions to the Nation. The Badger State has sent many men and women to Washington who have distinguished themselves in service to their country.

Since the days of Robert M. LaFollette, Sr., no Wisconsin citizen has had such an outstanding and positive impact in the Nation's capital as the man we honor today, Mel Laird. Since the days when I served with Mel in the Wisconsin Legislature and continuing through our service as colleagues in the House for many years, I have come to know and deeply respect the intensity, practicality, intelligence, and basic humanity which are dominating character attributes of our retiring Secretary of Defense.

Today, we are paying tribute principally to Mel Laird for his management of the sprawling Defense Department. "Mission Impossible" it would have been called 4 years ago if some had challenged the then-incoming Secretary Laird to withdraw our half-million-plus men from a deadly engagement in South Vietnamese jungles where 300 were dying every week, or challenged him to convert our unfair and exemption-laden draft system into an all-volunteer army, or challenged him to modernize the Navy and develop a new generation of modern defensive systems while reducing the military budget from 45 percent of the total budget to 31 percent. But Mel Laird has accomplished all this.

Beyond this, his counsel with the President, utilizing his vast knowledge acquired during his distinguished career on the Hill, moved the administration to adopt and push through the Congress the historic Federal revenue-sharing program which he had introduced in the mid-1960's. I am sure that his continuing interest in the health field played a part in persuading the President to press successfully for a broad new program to attack the cancer problem.

I was amused, though not surprised, to read the press accounts of Mel's last news conference when reporters presented him with a football inscribed: "Laird 194, Press 0." This, I took it, was not to mean that the Secretary had been unresponsive to press inquiries, but in admiration of the consistent brilliance and sure-footed handling of a difficult and sensitive role by Secretary Laird. Those of us who have known and worked with Mel have never doubted his capacity to handle what most observers regard as the second toughest job in Washington. He would be eminently qualified to move the one step to the top of the ladder should his services be required.

It can only be hoped that a man of such magnificent accomplishment will continue to offer his talents and his energies through further public service. Many have described the Defense post as a political graveyard. Mel knew this when he accepted the Presidential call 4 years ago. But, under Mel Laird, the orientation of the Defense Department has changed from emphasis on bigger armies and stockpiles of weapons to one of vastly improved conditions for servicemen, reduction of the military forces, and a paving of the way to negotiated mutual arms reduction foreshadowing a generation of peace. It would be a tragedy for our system of government as well as for the future of our country if such an able public servant were discouraged or prevented from making the important future contributions of which he is capable.

Melvin Laird is an extremely able and well-informed advocate of any cause that he undertakes. He was an industrious advocate in his service in the State Senate, as he was in the House of Representatives.

Mr. Speaker, we in Wisconsin are very proud of his contributions. I am pleased to join in the commendation of his service on the floor of the House here today.

Mr. DAVIS of Wisconsin. Mr. Speaker, I thank the gentleman for his contribution.

Mr. WHITTEN. Mr. Speaker, will the gentleman yield?

Mr. DAVIS of Wisconsin. I yield to the distinguished senior member of the Committee on Appropriations, the gentleman from Mississippi.

Mr. WHITTEN. Mr. Speaker, I thank my colleague from Wisconsin for this privilege, and it is a "privilege" to say to my colleagues and for the record, some of the fine things that my friend Mel Laird so richly deserves.

It was my good fortune to serve with Melvin R. Laird on two different subcommittees of the Committee on Appropriations for many, years. I do not know in my experience here with the number of people that I have served with of anyone who has shown more ability, more poise, more devotion to duty with a smile than has Mel Laird.

He has a pleasing personality; he can differ with you without rancor and stand for his position without making you feel bad because you differ.

I did not believe it is possible for anyone to have served with as many people in Congress as Mel Laird and still go to the position of Secretary of Defense with the good will of all of his colleagues, but he did.

Not only did he carry with him a wonderful experience here where he had shown outstanding ability, but he took on what is probably the hardest job in the world and handled it well. He handled it with integrity, ability, and again with that pleasing smile that he has.

He served in an area which is not entirely without controversy with the press and with his colleagues in the Congress and yet with all his many problems, but he handled with credit to himself. He did his job in a fine way.

Those of us who know him are not surprised. We shall miss him in the position that he filled so ably. We can only say that we cannot differ with his choice. It is a 24-hour-a-day job. We can say now that we wish for him and for his family the greatest success, and many years of happiness.

Mr. DAVIS of Wisconsin. I thank the gentleman from Mississippi for his kind remarks, and I now yield to the gentleman from Arizona, a long-time personal friend of the departing Secretary of Defense and a former colleague of his on the Defense Appropriation Subcommittee.

Mr. RHODES. Mr. Speaker, the Honorable Melvin R. Laird has done an outstanding job as Secretary of Defense. He took over the Department of Defense in the middle of a very unpopular war, and at a time that the morale of much of our Armed Forces was quite low. There was indirection, because no one had determined the proper course we should take in this war. There was also the feeling on the part of many of us that in prosecuting the Vietnamese war we were allowing our country to fall behind in its state of preparedness as against incursions by the Communist world, both conventional and nuclear.

Secretary Laird acted immediately to set the course which the Department of Defense followed resolutely for the next 4 years. With President Nixon, he announced the policy of Vietnamization which has resulted in more than 500,000 American troops being withdrawn from Indochina. The consideration he has shown for the uniformed services and the Joint Chiefs of Staff, as well as all the members of the defense establishment, has raised morale to a high point. Where there was indirection, he has given direction, and the result is that we are once again moving into a position of deterrence vis-a-vis the Communist world which is best calculated to insure against an attack on us or our allies.

Melvin Laird is many things. He is first of all a good and faithful friend. He is a patriotic American. He is a Republican. He is accomplished in the arts of legislation—a skill which he acquired during his 16 years of service in the House of Representatives. This ability has allowed him to deal effectively and amicably with the Members of the House and Senate who are most directly interested in defense matters.

Melvin Laird started his tour of duty as Secretary of Defense with a host of friends on Capitol Hill. I can truthfully say that in my opinion this host of friends has multiplied. He leaves behind him the respect and admiration of every Member of the House who knows him well. With him goes our gratitude for the wonderful job he has done for the defense of our country and our way of life.

Mel could not have done the things he has accomplished without the active help of his fine wife Barbara Masters Laird. Barbara Laird is truly one of the great ladies of our time. She has been unswerving in her devotion to Melvin Laird, and to the great task which they assumed jointly and carried out so beautifully together. To both Barb and Mel, Betty and I extend our congratulations and our gratitude for the job they have done, and for their friendship, which we value so highly.

Mr. DAVIS of Wisconsin. I thank the distinguished gentleman for that wonderful tribute, and I now yield to the distinguished gentleman from Georgia, a member of the Defense Appropriation Subcommittee.

Mr. FLYNT. Mr. Speaker, I take pleasure in joining my distinguished colleague, the gentleman from Wisconsin, and others in a well-deserved bipartisan tribute to an outstanding former colleague of ours, the Secretary of Defense, the Honorable Melvin R. Laird, of the State of Wisconsin.

Mel Laird and I came to the Congress in the 83d Congress. During the time that he and I served together I came to have a marked respect and admiration for Mel Laird, for his integrity, his character, and his ability.

Mel Laird mastered the art and science of the appropriations process as well as any Member with whom I have served on the Committee on Appropriations. He was a recognized expert in the appropriations process as it related to general government, and especially to the Department of Health, Education, and Welfare, and the Department of Defense, on which two subcommittees he served as ranking member, and whose contributions to the work of our committee and to the entire work of the Congress were recognized then and will be long remembered.

He has served with honor and distinction as Secretary of Defense, which is probably one of the most difficult positions in the executive branch of our Government. He has acquitted himself well. He has reflected the highest credit upon the executive branch of the Government and the Department which he has headed so ably and so well.

Mr. Speaker, I join with my colleagues here today in wishing Mel Laird success and Godspeed in whatever future endeavors he selects. He has served his country well. He served this House of Representatives well. He has been an outstanding Secretary of Defense. Our best wishes shall accompany him, his wife, Barbara, and their children, as he retires from public life into private life. We wish him well, and we thank him for what he has done for his Nation.

Mr. DAVIS of Wisconsin. Mr. Speaker, I thank the gentleman from Georgia for his remarks, and I now yield to the distinguished gentleman from Wisconsin (Mr. Steiger).

Mr. STEIGER of Wisconsin. Mr. Speaker, I appreciate the gentleman yielding to me. I must say, Mr. Speaker, that it is exceedingly difficult for me to express not only my profound thanks to Mel Laird for a job well done, but my very deep respect and affection to a man who for 15 years has been a close personal friend and one who has been counsellor, guide, and a second father to me.

Mel Laird has served magnificently as Secretary of Defense, and he will be remembered as one of the best Secretaries of Defense that has ever served in that position. More than that, he will always be remembered as a legislator, and one who has done an outstanding job in the House of Representatives from the Seventh District of Wisconsin. I know of no greater tribute that any man can receive than that given by his own constituents who remember him so well. When I talk to people in those counties that I now have the honor to represent that are now in the Sixth District of Wisconsin, but which were then in the Seventh, and as one of them said to me recently, "Bill, we think you will do a good job, but if you are only half as good as Mel Laird then we think you will have done a fine job." That is the kind of man that Mel Laird is.

My wife, Janet, has asked to join with me in extending to Barbara and Mel our very best wishes for their future.

Mr. Speaker, I wish to congratulate my colleague from Wisconsin (Mr. Davis) for arranging this special order in honor of our outgoing Secretary of Defense, Melvin R. Laird.

Mel has successfully completed 4 full years at the helm of the most difficult position in the Cabinet. Not only are the administrative responsibilities staggering, but the Secretary of Defense must also carry the heavy burden of maintaining our Nation's defense capability. In recent years, these duties have been made all the more complex by the need to convert the Defense Establishment from a wartime to a peacetime posture.

Mel handled his responsibilities with dedication, savvy, and consummate skill. He will be remembered best for the innovations he promoted in the manpower field. The Defense Department human goals program stands as a model for any employer. Important reforms were initiated to make the military justice system operate with a greater degree of equity. At his direction, the armed services began paying greater attention to the needs of the individual soldier—improvements in housing, medical, and recreational facilities were accompanied by the growth of enlisted and junior officer streamlined grievance procedures, and an independent inspector general system. History will record that his greatest achievement was to preside over the termination of the draft. Mel was a leader in this effort, educating the country on the need to end compulsory military service. As he told a group of delegates to Boy's Nation:

> Since 1939, the manpower requirements for our national security programs had been fulfilled through the use of Selective Service and this was nothing more than conscript labor and not adequately paying or compensating the young men and women that were in military service. . . .
>
> . . . we are now carrying in the Defense budget for the first time the true labor costs of our Department, and this is how it should be because we want to move away from Selective Service to volunteer service. . . . We believe that the young people that desire to choose a military career should be paid just as adequately as any other person in our society, and that's part of the tradition of our country. Volunteerism is the best manner in which we can provide for the national security requirements of our country in the future. . . .

Mel has succeeded in leading the transition to a peacetime force because he had the political perspective to understand the proper place for defense matters in the post-Vietnam environment. We in the Congress will miss his wise counsel at Defense—but we know his superior abilities will lead him to success in whichever new endeavor he chooses.

Mr. Speaker, the Baltimore Sun recently carried a column by Mr. Nick Thimmesch praising Mel's tenure as Secretary of Defense. I include it along with a piece from the Milwaukee Sentinel in the Record immediately following my remarks:

[From the Baltimore Sun, Jan. 16, 1973]

Laird Will Be Missed as Defense Secretary

(By Nick Thimmesch)

Washington.—This is Melvin R. Laird's last week as defense secretary, and he's relieved in more ways than one. The biggest burden off his shoulders is one he helped place there himself—"Vietnamization" of the war, a method concurrent with the potentially quicker-acting negotiations route.

Turning the war over to the South Vietnamese, and equipping them for it, is a rougher go because it involves military force and a good ration of hope. But Mr. Laird remains convinced that Vietnamization is a credible program. Peace settlements, after all, are written on perishable paper. Indochina, after all, has been warring for 30 years, and some fighting will likely continue.

He can take satisfaction that the United States military is nearly out of the war, that North Vietnam's aggressive school of communism was set back and that communism's "big boys"—the Soviet Union and China—changed their thinking about Hanoi's bloody adventure.

There was a topical fuss here last week when Mr. Laird told Congress that U.S. involvement in the war could be terminated (providing our prisoners of war are returned and the missing-in-action accounted for) because South Vietnam can now provide its own "in-country security."

With the anxious focus on the Paris negotiations, Mr. Laird's view was interpreted as askew of administration policy. Not so, Mr. Laird was only repeating what he had stated many times, that once South Vietnam could defend itself, and the POW and MIA issues were settled, there would be no need for U.S. military involvement. This is the military path to getting the United States out of Vietnam (but not Asia). Henry A. Kissinger's track is negotiations.

South Vietnam's Army numbers more than 1 million, its Air Force is the world's fifth largest and will receive a batch of new jet fighters, North Vietnamese military actions win headlines but not many battles, Mr. Laird insists. The United States, he says, is careful not to equip South Vitenam with an air force that could raid the North. Similarly, the Russians have not given North Vietnam any planes that could hit Saigon.

Mr. Laird acknowledges that the enormous U.S. bombing of Hanoi and Haiphong last month was a punishing political move to get North Vietnam back to the bargaining table. He sees the renewed bombing as a continuation of the policy enunciated by President Nixon last May 8, says B-52's had to be used because of bad weather conditions. He acknowledges the intensity and the inherent possibility of operational mistakes in such bombing, and that it (the bombing) can go on indefinitely.

If one uses Mr. Laird's yardstick on South Vietnam's ability to defend itself, the B-52 bombing runs in the North are not necessary for South Vietnam's survival. And if the peace negotiations were "99 per cent settled," as Dr. Kissinger announced October 26, that POW issue Mr. Laird cites is an awfully big 1 per cent.

In truth, the B-52 bombing is punishment, and the POW issue deserves a far higher percentage. When pressed though, Mr. Laird draws on his unquestioned political skills to say he can not find anyone in the republic who wants to withdraw all U.S. military forces and leave the POW's and MIA's behind. Moreover, leaving Vietnam, according to Mr. Laird, does not mean leaving Asia. Half of the 1.2 million United States military forces that were in Asia in 1969 are still there.

Mr. Laird is equally artful in explaining the whereabouts of the $24 billion "peace dividend," a result of the Vietnam wind-down and other cutbacks. The way he tells it, pay increases authorized by Congress for military and civil service personnel took $16.3 billion, and inflation ate up $6.2 billion.

Mr. Laird also argues that 1973 defense spending is the lowest "in real terms" since 1951, and now only accounts for 20 percent of all public spending, and 6 per cent of the gross national product. He says stories charging billions squandered on defense systems are myths, and says the General Accounting Office reports that defense contractors' return of 4.3 per cent profit before taxes is "significantly lower than on comparable commercial work."

Despite the loud chorus against the military, Mr. Laird was able to sell Congress on about everything the Defense Department wanted in the past three years, including the ABM, the B-1 bomber, two nuclear carriers and new submarine programs. Mr. Laird almost got Congress to purr, and that is some accomplishment when Vietnam is such a wearing subject.

He is the one and only bona fide politician to occupy the defense secretary's chair, and his record shows that political skill remains a powerful tool. You kind of know Mel Laird is putting you on a little bit, and respect him for tipping you in a subtle way that he is doing it. He will be missed around here.

[From the Milwaukee (Wis.) Sentinel, Jan. 15, 1973]

LAIRD HELPED MOLD VIET POLICY

(By Larry Tarnoff)

In August, 1964, the House of Representatives gave its overwhelming support to President Lyndon B. Johnson's actions in retaliation to attacks against US naval forces off the coast of North Vietnam.

Melvin R. Laird, then the Republican representative from Wisconsin's 7th Congressional District, was one of 416 members of the House to vote for what later became known as the Gulf of Tonkin Resolution—the resolution that opened the floodgates to the massive involvement of the United States in the war in Southeast Asia.

A little less than 5½ years after that fateful vote in the House, Laird reluctantly relinquished the seat he had held in Congress since 1952 and surrendered his dream of becoming speaker of the House to take on the ominous task of secretary of defense in the cabinet of Richard M. Nixon.

POLITICALLY ORIENTED

For Laird, an intense, politically oriented man, the decision must have been a difficult one. The job of running the Pentagon was historically a political dead end. As Warren P. Knowles, then governor of Wisconsin, told him, "God, Mel, that's no way to enhance your career."

But Laird, the second ranking Republican in the House, felt he had to accept Nixon's offer. He had recommended Sen. Henry M. Jackson (D-Wash.) for the post, but when Jackson refused, Nixon overruled Laird's argument that he could be more helpful in the House with a Democratic majority, and Laird acquiesced.

Laird, who had a profound influence on Republican ideology during his congressional career, viewed his new job in terms of its political implications. He was the first professional politician ever named defense secretary.

Julius Duscha, director of the Washington Journalism Center, wrote in the New York Times in June, 1971, that Laird's goals were to:

"Wind the war down in Vietnam or Nixon won't be reelected. Reduce draft calls in 1970 as part of the Pentagon's effort to help elect more Republicans to Congress. Advocate an all-volunteer military in response to the increasing unpopularity of the draft. Spend as much time as possible on Capitol Hill damping down brush fires."

POPULARIZED TERM

Duscha wrote that within the Nixon administration, Laird claimed "credit for pushing the concept of turning the war over to the South Vietnameset and for popularizing the term 'Vietnamization.'

"At first, Nixon and his foreign policy, adviser, Henry Kissinger, were skeptical, but Laird persuaded the president that Vietnamization should be pursued, along with efforts to negotiate with the North Vietnamese at the Paris talks as part of a double-track approach to ending the war.

"He has been the principal spokesman within the administration for setting and announcing a firm date for the withdrawal from Vietnam of all but a garrison of perhaps 25,000 to 50,000 troops. Although he has so far lost in his efforts to persuade the president to announce a withdrawal date, he seems to have pushed as hard as he could for such a decision, privately as well as publicly," Douscha said.

It is clear that Laird wanted peace—not just at the altruistic level of peace for the sake of peace—but also at the politically pragmatic level of peace for Richard M. Nixon's sake.

POWER TO MILITARY

When Laird stepped in as defense secretary, he took the reins of power out of the hands of the Pentagon civilians and placed them in the hands of the military.

The Pentagon's top military brass had claimed they could do a better job of weapons procurement and avoid the financial disasters that occurred during the tenure of Robert S. McNamara, Laird's immediate predecessor as defense secretary.

Laird instituted a major change in the manner in which weaponry was purchased. Instead of asking the military what it wanted and making the decision himself, as his predecessors had done, Laird told the military how much it could expect to spend and allowed the services to determine how it should be spent.

But Laird, like his predecessors, was unable to hold down the spiraling costs of weapons systems. Last July, the General Accounting Office reported cost overruns of $28.7 billion on major weapons systems—an increase of $7.8 billion since a similar report was issued by that office in December, 1969.

This was probably the major defeat of his term as secretary.

Laird will earn his place in history, however, for his role in winding down the war. He will be remembered for never losing a battle with Congress over a major weapons system. His tough stance on nuclear deterrence which was used as a pawn in bargaining with the Soviet Union in the successful strategic arms limitation talks will be recalled.

Laird left Wisconsin for Congress in 1953. He took with him to Washington a philosophy molded in the classic cast of the anti-communist.

CLOSE TO GOP LINE

Throughout his career in Congress, Laird stood close to the prevalent Republican Party line. He served on the Republican platform committees at the 1952, '56 and '60 conventions and chaired that committee for the convention that nominated Barry Goldwater in 1964.

That same summer, prior to and after the Gulf of Tonkin incident, Laird's public statements, both in support and in criticism of Johnson's war policies, placed him in the house of the war hawks.

As one of the ranking House Republicans, the chairman of the House Republican conference and a member of the powerful Appropriations Committee, Laird's public statements echoed—if not shaped—the predominant party war policy of the day.

In June of 1964, Laird told newsmen that he had learned that the Johnson administration was planning to carry the war to North Vietnam. Laird said he was in favor of such a move.

"We feel that we should be prepared to move into North Vietnam," he said. "I have felt this way for some time and I am happy to say that the administration takes that same position."

FAVORED PURSUIT

He said he hoped that the administration was considering alternatives to the current war policy, including "hot pursuit" of Vietcong forces into Laos and Cambodia.

Laird also reported that the use of low yield nuclear weapons or chemicals to clear away foliage was being considered. He opposed this—not on a moral ground, but rather because of the propaganda value of such U.S. action to the enemy.

"I think if we used the chemical procedure we would be accused of going into chemical warfare and the propaganda the Communists would gain from this would be a big mistake," he said.

Laird applauded Johnson's retaliation again North Vietnam for its attack in the Gulf of Tonkin, but warned the House the U.S. "must decide whether we have the will, the capacity and the determination to win this war in Southeast Asia. If we cannot now make this decision, then the time has come for us to pull out."

INDICATED POLICY

Laird's public statements criticizing the Johnson administration's war policies and his suggestions for improving the U.S. prosecution of the war gave indications as to the type of war policy he would later develop as secretary of defense.

Early in 1965, Laird urged that the South Vietnamese be given greater authority to strike back at the Vietcong and North Vietnamese.

"It is a very serious situation," he said, "one that concerns the president greatly and all Americans. There are 27,000 Americans in

Vietnam. The policy we have now is one in which we will strike in retaliation for any strike against United States forces but we do not allow the South Vietnamese to strike against the North Vietnamese on their own.

"I believe this policy is faulty and we should allow the South Vietnamese to use the same rules of warfare that the North Vietnamese use," he said.

WARY OF LIMITS

Laird was wary of the US becoming involved in a war in which the military would be handcuffed as to its strategic alternatives. Early in the fighting he urged that the US "either fight or get out." At that time, February, 1965, he said Johnson's policies "will not lead to victory."

He said that if the US chose to remain in Vietnam, it would "have to step up our efforts materially and allow the South Vietnamese to step up their effort."

But in the same breath, Laird said that "based on our present experiences, I believe it would be much better for Americans not to get involved in this kind of shooting war in this particular area of the world."

As secretary of defense, Laird was credited with instigating the great public outcry on behalf of American prisoners of war held in North Vietnam.

However, one of his first public statements on the POW issue, which may or may not have been misinterpreted, was met with criticism.

URGED DECLARATION

In November, 1965, Laird urged that the US declare war against North Vietnam as a measure aimed at guaranteeing the safety of American POWs. He said that this would be a "compelling influence on the enemy" to provide POWs the safety guaranteed by international treaty.

"That's the only reason I would support it (a declaration of war)," he said.

Louis Hanson, then head of the Democratic Party in Wisconsin, termed Laird the "head of the war hawks" in the House and said, in reaction to Laird's statement, that "he (Laird) is so anxious for us to get into war with Red China and Russia that he can't restrain himself."

Laird responded that he was against getting into a land war in Asia, but said it was necessary "to avoid giving the Red Chinese or the Soviet Union any reason for miscalculation as to the intentions of our country."

Whether his motive was purely concern over the safety of the prisoners or was aimed at setting the question of what the US role in Indochina ought to be, is moot.

VOICED WARNING

Laird's ambivalent support of Johnson's war policies continued through 1965, although he warned that summer that Republican support might be withdrawn because of uncertainty as to how far Johnson was prepared to go in escalating the war.

Late that year, he heaped praise upon the administration for its stepped up bombing raids on North Vietnam, but at the same time urged greater use of sea power in the war.

"We think greater consideration should be given to a Kennedy type quarantine which we think would bring about the national goal of unconditional discussions with the North Vietnamese," he said.

It was with similar motives that President Nixon announced last year that he had ordered the mining of the North Vietnamese ports.

Early in 1966, Laird backed away from his support of the Johnson administration war policies. He charged the administration was guilty of "unexplained shifts of policy," citing the cessation of bombing of North Vietnam, combined with the failure to see any military progress despite the commitment of 200,000 American troops to Vietnam.

Laird feared a massive American buildup in Vietnam. "Some reports suggest that American troop strength in Vietnam will be more than doubled and could exceed by 60% or more the number of troops sent by this nation to Korea," he said.

(The latter figure would have meant a troop commitment of more than 650,000 men in Vietnam. At its peak, the US had 543,000 men in Vietnam.)

Splits within the Democratic Party over the war were capitalized on by Laird in the spring of 1966 as debate centered on what form of government South Vietnam should have at the end of the war.

He stepped up his attack on Johnson's war policies that May, raising the issue that came to be known as the "credibility gap"—an issue that figured heavily in the growing distrust of the federal government in the waning months of Johnson's term.

Laird charged that the administration was trying to "conceal the hard and unpleasant facts of the conflict from the American people. . . .

END OF SUPPORT

"Grandiose schemes for transferring the Great Society to all of Asia are not straight answers to the questions on the public mind. The people want to know why we are there, how we intend to end the conflict with honor and when we may expect completion of the task," he said.

Whatever support Johnson may have thought he might receive from Laird was ended in September 1967 when Laird said that the current Johnson war policies would sooner or later result in a Communist takeover of South Vietnam.

He charged that an offer by the US to withdraw its troops six months after the withdrawal of North Vietnamese troops from the south and a cessation of violence was "tantamount to turning South Vietnam over to the Communists."

Laird vigorously campaigned for Nixon. In the April, 1969, issue of Fortune magazine, Laird recalled how he came to become secretary of defense.

"When the Jackson thing fell apart," he said, "I got the call. I gave the president 20 reasons why I could be more helpful in a Congress with a Democratic majority."

CHANGES DRAMATIC

Perhaps one of the most dramatic changes in policy—and there were many—when Laird became defense secretary was the issue of the prisoners of war.

During the Johnson administration, POWs were a matter of private, delicate negotiations. Laird changed all that with his philosophy of "going public" with the POW issue.

In May, 1969, Laird appealed to the North Vietnamese to release the prisoners or at least start treating them according to the humanitarian standards set by the Geneva Convention.

It was with this beginning that the POW issue became an intense political issue, one of the key issues leading toward the settlement of the war.

Laird will be succeeded by defense secretary Elliot L. Richardson, former secretary of health, education, and welfare. Some observers feel that Nixon's selection of Richardson is a move back to a tough civilian management of the Pentagon.

While Laird's future plans have not been announced, it is certain that he won't be far from the political arena.

FOUR TURBULENT YEARS

Melvin R. Laird, who survived four of the most turbulent years ever endured by an administrator of the nation's defense programs, is now leaving that position.

Laird, whose roots are deep in Wisconsin politics, has submitted his resignation to President Nixon, fulfilling a promise that he would serve only one term as secretary of defense.

He will remain at the post, however, until Elliot L. Richardson, outgoing secretary of Health, Education and Welfare, is confirmed by the Senate as his replacement. President Nixon nominated Richardson for the defense post after Nixon's presidential landslide last November.

Mr. DAVIS of Wisconsin. Mr. Speaker, I thank the gentleman from Wisconsin for his kind remarks, and I now yield to a talented member of the Armed Services Committee, the gentleman from New York (Mr. STRATTON).

Mr. STRATTON. Mr. Speaker, I thank the gentleman for yielding to me. As the only member of the Committee on Armed Services on the floor at the present time, I want to join with the gentleman from Wisconsin and the others who have spoken in paying tribute to Secretary of Defense Laird on the occasion of his departure. I think I can speak for the overwhelming majority of the members of our committee in commending the Secretary for the tremendous job he has done in a very difficult situation.

He appeared before our committee informally the other day, as the Members are aware, and spent some considerable time in discussing the current status of our defense posture, and I think, with only a couple of exceptions, Members on both sides of the aisle were warmly complimentary to him on the job he has done.

As Secretary Laird steps out of office, I feel strongly that we ought not to forget what I regard as four very significant contributions he has made in his 4 years in office.

In the first place, when he became Secretary we were faced with a situation where there had been a good deal of distrust and bitterness between the Secretary of Defense and the Congress of the United States. What Mr. Laird has done has been nothing short of remarkable in re-establishing cooperation and confidence and trust between the Congress and the Department of Defense. He may not have always given us all of the information that we wanted and maybe not always as rapidly as we wanted it; but the contrast between the confidence and cooperation that exists now and what existed under some of his predecesors was nothing short of remarkable.

Secondly, he has also restored a good deal of self-confidence in the military professional leadership within the Department of Defense itself. He did not try to put himself in the position of second guessing military officials on strictly military matters or of having so-called experts or "whiz kids" put their military judgment ahead of the military judgment of trained professional military experts in the Pentagon.

Yet, he did that without allowing a single bit of civilian control to be lost.

You cannot talk to any general or admiral in the Pentagon without knowing that Mel Laird was definitely the boss! but he still did not run roughshod over them.

Thirdly, he was the one man, more than anybody else, I believe, who has been responsible for making the Vietnamization of the Vietnam war a reality.

In recent days Members have been focusing on a number of aspects of the Vietnam war, but there has been a tendency, I am afraid, to ignore the fact that in the 4 years that Mel Laird has been Secretary our forces there have dropped from 540,000 Americans to less than 24,000; and yet he has done that without endangering the safety of the Americans still remaining in Vietnam, or compromising the independence of South Vietnam. In fact the one man who more than any other will be responsible for the ability of the South Vietnamese to defend themselves when, God willing, a cease-fire goes into effect in Vietnam, will be Mel Laird.

Finally, he is the man who more than anybody else led the long fight for a volunteer army. It looks now as though the draft will expire on July 1, 1973. And if, after that time, we still have a force big enough and capable enough to defend our national interests, Mel Laird, once again, will be the man who will be chiefly responsible for having brought that about.

So, Mr. Speaker, those are, I believe, the four major achievements of Secretary Laird over the past 4 years. They are of course very considerable achievements, which the American people and the Members of this House will fully appreciate, and we can be grateful to Secretary Laird for what he has been able to accomplish.

Mr. DAVIS of Wisconsin. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I yield to the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman for yielding and commend him for taking this time to honor Secretary Laird here in the Congress. I want to join in this tribute to Melvin R. Laird, undoubtedly a great Secretary of Defense.

As a member of the House Armed Services Committee, I have had the pleasure of working with the gentleman from Wisconsin during one of the most trying times America has ever experienced. I know from personal experience of the magnificent job he has done in the most difficult Cabinet post we have.

Without Mel Laird's outstanding abilities and leadership, we would not be on the verge of ending the tragic Vietnam conflict. Much of the credit for making Vietnamization work, for making it possible for the United States to unravel from Southeast Asia and leave the Vietnamese in a position to handle their own defense belongs to my good friend.

Mel Laird was able to bring management to what many believed was an unmanageable military establishment; he instilled a sense of fiscal responsibility—but not at the expense of our national defense capabilities.

The awesome task of converting from a draft-oriented to an all-volunteer Army was his—and he met the challenge.

As a member of the Armed Services Committee, working with Secretary Laird, I have come to admire and respect him very much both a sa person and as a truly dedicated American, and as he leaves now to pursue another career, we wish him Godspeed and the brightest of futures.

Mr. DAVIS of Wisconsin. Mr. Speaker, I thank the gentleman from Florida.

Mr. Speaker, I yield to the gentleman from Georgia (Mr. LANDRUM).

Mr. LANDRUM. Mr. Speaker, 21 years ago when Melvin Laird and I came to the 83d Congress it was not long before Mel clearly demonstrated that he was a "straight shooter" and he has remained just that through all these years.

He made himself a strong arm of this body and he became a strong arm of this administration. He has been a great Congressman and a great public official as Secretary of Defense. He is truly a great American and I am so happy to have had the pleasure of knowing him and serving with him in the Congress.

Mr. DAVIS of Wisconsin. Mr. Speaker, I thank the gentleman from Georgia.

Mr. Speaker, I yield to the gentleman from Michigan (Mr. CHAMBERLAIN), a distinguished member of the Committee on Ways and Means.

Mr. CHAMBERLAIN. Mr. Speaker, I, too, want to commend our colleague for taking this special order to pay a tribute to Melvin Laird. I feel Mel Laird has done a great service for our country as Secretary of Defense during a very troubled period in our Nation's history.

Before going to the Pentagon to assume the tremendous responsibilities that have been his for the past 4 years, his office was across the hall from mine and, of course, we got to know each other well.

He is one of the most able, hard-working, dedicated, and sincere persons that I have ever known, and yet he has never lost his feeling for his fellowman. His kindness, his warmth, and his thoughtfulness, as well as his rich sense of humor, have won him legions of friends.

Mel Laird's talents, which are many, will be sorely missed by our government which he has served with such devotion. While no one can deny that he well deserves an extended period of relaxation from the pressures he has so ably borne, it is my hope and feeling that he will again find still another role to serve our country in the years ahead.

No one has attended with greater diligence and energies to the problems that have faced our country than Mel Laird. I think we are all deeply indebted to him for his years of devoted service to our country.

Mr. HÉBERT. Mr. Speaker, at this time it is most appropriate for this body to take official note of the outstanding performance of our soon to depart Secretary of Defense, the Honorable Melvin R. Laird. He is completing 4 years of energetic, devoted, and successful service in what is called the most difficult and exhausting job in this country or, for that matter, the worst job in the whole world.

During the past 4 years we have observed a changing environment on the international scene. The United States as a leader in the "free world" has played the big part in the reorientation of this environment. The Nixon doctrine has given a new role not only to the United States but to all our allies and friends. Mel Laird has made a magnificent contribution toward the success of our new role in the world power equation by his enlightened leadership in developing and implementing the defense dimension of the Nixon doctrine.

We are no longer the police force of the free world. Through the efforts of this great American we have seen our responsibility for security of most of the nations of the world diminish as each nation has assumed more of the responsibility for the security of its own lands.

In Asia we have seen the success of Vietnamization and the return home of over a half a million of our boys from that war, largely through the capable efforts of Mel Laird. We have seen a complete U.S. Army division come home from South Korea as that Nation was able to assume more of the responsibility for its own defense—much to the credit of Mel Laird.

In Europe we have seen a stronger U.S. force developed without increasing the numbers of U.S. troops deployed there and have observed our NATO allies actively assuming more of the responsibility for their own defense both by improving their own forces and by contributing more to support the financial burden of NATO. These and the many other improvements in the NATO alliance can be directly credited to the tireless efforts of our outgoing Secretary of Defense, Mel Laird.

Nevertheless, under this aura of the Nixon doctrine and the era of negotiation instead of confrontation, Mel Laird has stood fast in insisting on a realistic nuclear deterrence which is backed up by a realistic conventional deterrence. As the Secretary of Defense stated in his final report to the Congress:

> Detente without adequate defense is delusion.

I think we all realize that we owe this fine countryman of ours a hearty thanks for a job well done in giving us that "adequate defense" on which we all depend.

Mel Laird: Heartfelt thanks, sincere congratulations, and Godspeed.

Mr. FLOOD. Mr. Speaker, as a personal friend and longtime colleague of mine I am indeed sorry to see Secretary of Defense Mel Laird step down.

It is always a source of regret when an able and gifted public servant such as Mel Laird departs from such a vital and important position as the head of our Defense Establishment.

Mel and I served together for 16 years on the Appropriations Committee and he was the ranking member of the Appropriations Subcommittee for HEW-Labor over which I have the honor of serving as chairman. Therefore, I know at first hand of his great ability as a legislator and as a member of the Defense Appropriations Subcommittee I also know at first hand the marvelous job he performed over the past 4 years as Secretary of Defense, a most difficult position for any man.

President Nixon made a wise selection when he chose Mel Laird as a member of his Cabinet as Defense Secretary. I knew at the time that the announcement was made at the beginning of the President's first term in office that our Department of Defense was in good hands. And, in view of the world situation, especially in Asia, it was most important that the President pick the right man for the top job in the Defense Department and he could not have selected a better man.

Whatever Mel Laird decides to do in the future I wish him well. Our countrymen owe him a debt of gratitude for the outstanding manner he has performed both in the legislative as well as the executive branches of our Federal Government.

We can ask no more of any man than to do his very best in the public interest and Mel Laird certainly has accomplished that. I wish he and his family good luck and good health in the years that lie ahead.

Mr. FROEHLICH. Mr. Speaker, on January 20 Melvin R. Laird will enter private life for the first time since early 1947. On that date he will complete more than 26 years of continuous public service, first, as a member of the Wisconsin State Senate; second, as a Member of this House for 16 years; and finally, for the past 4 years, as Secretary of Defense.

To these 26 years in public life, we should add 4 years of distinguished service in the U.S. Navy.

My assessment of these 30 years is very simple: Melvin Laird's magnificent record of service to his State and Nation is virtually without parallel. It is a record for public servants to examine with admiration and envy. It is a record that contemporary and future historians should contemplate with respect and appreciation.

In politics, there is no inherent correlation between success and ability. Mel Laird has been successful—very successful; but he has also been able. He has demonstrated his extraordinary ability in every position he has held. He has shown real qualities of leadership, brainpower, and imagination. He has shown himself equal to any task. There is nothing superficial about the man or his work. He is solid and his record will withstand the most careful scrutiny.

If we closed the books on Melvin Laird on Saturday—and never heard from him again—he would have to be ranked as one of the greatest men Wisconsin has produced. His record as Secretary of Defense compares very favorably with any Cabinet officer past or present.

But what is so intriguing today, Mr. Speaker, is that we are not going to close the books on Melvin Laird. We are going to keep the books open and wait with anticipation for a new chapter in his life.

Some have suggested that Melvin Laird is a natural for president of a major corporation. Certainly he has proved his exceptional executive ability. Others have said he would be an excellent university president. This, too, makes sense.

But there are some of us who hope that Melvin Laird will not stay in private life too long, even in the best of situations. The past 30 years suggest that his destiny is in the public service—and there is no question that his State and, indeed, his country, can use his ability, his energy, his dedication, and purpose.

Whatever he decides, he will have many friends and supporters. I am honored to count myself as one of them.

Mr. SIKES. Mr. Speaker, this week an historic era in the annals of American defense comes to an end with the departure of Mel Laird as Secretary of Defense.

Few men have been called upon to do more for our Nation and few men could have done more than Mel Laird. At times lashed with abuse from dissidents at home, constrained by budget limitations and growing inflationary pressures, and singled out by some unthinking foreign leaders and what they term "the epitome of barbaric behavior." Mel Laird nevertheless took aim on his goals and carried forward with them—goals which he himself told us a few days ago were "peace and people."

These are noble words and a noble objective.

In striving for peace, he undertook to strengthen our South Vietnamese allies and he has succeeded. Under the President's order he sought to remove as many Americans from the field of combat as was possible and we have brought home more than half a million of them. Yet, at a time when our presence in Southeast Asia was diminishing he was also called upon to support our remaining troops with airpower and to punctuate the peace negotiations by using military might as an extension of the diplomatic pouch. Most recent reports that a peace settlement is very close is substantive proof that, when he was asked by his President to lend his all to the cause of peace, Mel Laird was not found wanting.

As for people, his record is remarkable. Pay rates of our military forces have improved markedly. Living conditions, from family housing to troop barracks, have been given top priority. He says much remains to be done but he leaves behind him a legacy of accomplishment for which every man and woman in the service, and indeed the entire Nation, should be grateful.

As a man, there is no other like Mel Laird. To me he has been a longtime friend dating back to his earliest days in the Congress. It was my honor to serve with him when he was a member of the Appropriations Committee.

Then, as now, his first concerns were for peace and people. When he left Congress 4 years ago to assume his new duties as Secretary of Defense, he took with him the admiration of his colleagues and the trust of those who knew him.

The things he has done since taking over the Defense Department have increased, not diminished, my admiration for him. My trust in his integrity, judgment, patriotism, and dedication is stronger. In every way, Mel Laird has been candid with those of us in the Congress who were privileged to be able to continue to work with him. When our defenses were in trouble, he told us. When the trouble was caused by the Department of Defense, he accepted the blame, although most often the blame was not his. When policies needed alteration he came to us and told us why change was needed and what the change was to accomplish. In short, Mel Laird laid it on the line—good or bad—and he hid nothing from us we needed to know.

Now he is about to leave his post as Secretary of Defense. We know nothing of his future plans but, as he said in his January 8 statement, he will continue to work for peace and people.

Our Nation is indebted to him. The world is indebted to Mel Laird and, no matter where he goes or what he does in the service of his Nation over the years ahead, he will take with him the gratitude of the people for what he has done to further the cause of freedom, to keep our Nation strong, and for the credit he has brought to the high office entrusted to him.

Mel Laird kept that trust. He would do no less and could do no more.

Ms. ABZUG. Mr. Speaker, I, too, would like to join in taking note of the retirement of the Secretary, and to congratulate him on his retirement.

Seven million tons of bombs and rockets in southeast Asia later; thousands of lost lives—of both Americans and Indochinese—later; many more prisoners later; I should like to commend and congratulate Mr. Laird for finally recognizing and admitting that there is no military purpose to be served by our being in the war in Vietnam.

I can think of no better way for Mel Laird to retire from the position of Secretary of Defense. During the time of his stewardship, the lives and the hopes and the aspirations of Vietnamese, and also the lives and the hopes and aspirations of Americans, were destroyed in a war which he as Secretary of Defense joined in perpetuating. Despite the fact that this war was opposed by the Members of the Congress and by the American people, he together with the President of the United States has continued and widened it. I think it is most timely and fitting that prior to his retirement from that post, he recognized and stated to the American people that he realized that all of those years, all of those lives, all of those billions of tons of bombs, all of those billions of dollars were improperly used in participating in an illegal and immoral war, and that there is no military purpose to be served in the war in Vietnam.

I would hope that on the occasion of his retirement that the President and the Congress would heed the words of an expert, the Secretary of Defense, who has run this war for the last 4 years and would act immediately to see to it that a peace is negotiated in Vietnam and, if that peace is not negotiated, to act to cut off all funds for the war so we can secure a return of our prisoners, a return to domestic tranquility, a return to the Constitution, and a return to the right of the people of this country to use our energies and resources to feed the hungry, to clothe those who are unclothed, to house those who are unhoused.

Indeed, I hope the words uttered by Melvin Laird on the occasion of his retirement will be words that will become acts and deeds early in 1973, so that his valedictory statement will not be in vain.

Mr. WYMAN. Mr. Speaker, when I was first elected to Congress in 1962 it was my good fortune to be asked to join the SOS Club, a relatively small group of Republican members who meet twice weekly and share views. My good friend the Honorable Melvin R. Laird was one of the charter members of SOS so that over the years until Mel was chosen by President Nixon to be his Secretary of Defense, it was my privilege to meet regularly with him, to get to know him personally, and to learn from his vast experience and good judgment.

Then Congressman Laird was an excellent selection for the secretaryship. For more than a decade a member of the Appropriations Subcommittee on Defense, he had been granted a perspective on military operations available to few individuals in this country. As a Member of Congress his relations with the military had been friendly but never subservient. As Secretary of Defense his understanding of the congressional process was invaluable in preserving and maintaining a working rapport with those Members of the House and Senate charged with the responsibility for oversight of the Pentagon.

Mel Laird has been an outstanding Secretary of Defense through a critical period in U.S. history. Under his direction the Vietnamization program of the President has become a reality—a program, by the way, that is a conclusive answer to those critics of our President whose unjustifiable lament has been to the effect that the President's plan to end our involvement in Vietnam was a hoax. The fact of the matter is that President Nixon has disengaged virtually all U.S. forces from combat in Southeast Asia, and done so without dishonor. Mel Laird has successfully carried out this enormously important mission for which the President himself is deeply appreciative and the American people profoundly grateful.

Secretary Laird has also implemented the Nixon doctrine successfully, articulating forcefully and effectively the requirement that those nations challenged by aggression must, in the first instance, respond to the maximum of their separate resources. He has also succeeded in maximizing the concept of realistic deterrence and kept the ball rolling for the long-range research and development for the next generation B-1 supersonic manned bomber and the long-range deep-diving Trident submarine successor to our Polaris boats.

Keenly perceptive of the strategic need to maintain comparative U.S. military strength as a deterrent to aggression upon us, Secretary Laird has encouraged and preserved necessary research and development of new weapons systems, all while shaping both the fly-before-you-buy and test-before-you-fly requirements in procurement, designed to avoid the disastrously wasteful cost increases resulting from hypertechnical and nonpragmatic procurement policies of his predecessors in office.

It has been an extraordinary privilege for me to be able to know Mel Laird and to count him as a personal friend as well. The United States has been strengthened by his presence in a position of executive leadership in which he has established his competency and effectiveness as a matter of public record.

Mr. Speaker, I sincerely hope that his return to private life will prove to be but a momentary gap between his outstanding secretaryship and additional commensurate responsibilities in leadership for our country. With men like Mel Laird to draw on, it is indeed an obligation of those in a position to select, to seek him for additional public service.

Mr. O'NEILL. Mr. Speaker, I join my fellow colleagues today in paying tribute to a distinguished Secretary of Defense and an eminent American, Melvin Laird.

Melvin and I were elected to the House of Representatives the same year, November 4, 1952, and served our tenure as freshmen Members during the 83d Congress. We became good friends instantly and worked in concert for more than 15 years.

There was no other Member in the House of Representatives for whom I had greater respect for his personal integrity and perspicacity of political issues. I remember Melvin Laird as a member of the House Appropriations Committee. A very articulate and conscientious ranking member of the Subcommittee on Defense Appropriations, Congressman Laird gained valuable information which was useful to him when he resigned from Congress to become Secretary of Defense in 1969.

Because he was a former Member, Secretary Laird understood the traditions of the House and knew personally most of the Members on both sides of the aisle. Those of us in this Chamber who knew him want to extend our grateful appreciation to Secretary Laird for his courtesy and candor and for his willingness to cooperate at all times with the House Armed Services Committee in matters of defense and national security.

Melvin Laird had to assume the difficult Cabinet position of Defense Secretary during one of the most trying periods of American involvement in the much criticized Vietnamization program. Whether or not we support this program for American disengagement from Vietnam, we can all agree that Melvin Laird has carried out the implementation of this program, and has fulfilled his duties as Secretary of Defense with dedication, resourcefulness, and marked efficiency.

So, I join in this tribute to Melvin Laird to wish him well and to wish him the very best in his new venture as he departs from the Defense Department.

GENERAL LEAVE

Mr. DAVIS of Wisconsin. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of the Honorable Melvin R. Laird.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

WHILE CONGRESS SLEPT: BURKE'S REFLECTIONS ON THE NEED FOR A CONGRESSIONAL REVIVAL RENAISSANCE AND RESURGENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BURKE) is recognized for 15 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, now that the pace of the Democratic Committee on Committees on which I serve has slackened and the majority of that committee's recommendations to the caucus have been decided on, I hope I will be permitted a few minutes to reflect upon the major issues facing this Congress as we begin the work of a new Congress. These first few days would appear to be a particularly good time to be reflective before we get bogged down in the details of one piece of legislation or another and while the feelings and opinions of our constituents are still fresh on our minds as we return to Congress from the people we are elected to represent.

As a matter of fact, far from being the vacation or brief respite that these opportunities for extensive contact with the people back home are often depicted as being, I feel that any time a Congressman can spend back in his district moving among his constituents on a day-to-day basis is one of the best safeguards we have for insuring that Government keeps in touch with the people and Congressmen and Senators do not go floating off into the rarified atmosphere that is Washington and lose touch with reality.

In returning to Washington I leave a district which is sorely troubled by the events in Southeast Asia and the way in which things seem to have taken a turn for the worst in that trouble-ridden part of the world. Just when hopes were at an all-time high that peace was just around the corner and everyone felt that they could see the light at the end of the tunnel, we seem to have unexpectedly encountered yet another bend in that seemingly endless tunnel and the light seems gone once again.

Apparently our light at the end of the tunnel was only a mirage or reflection achieved by some cleverly arranged mirrors. It is as if we were sliding back instead of moving forward toward that cherished day when we would be free at last from the national millstone that is Vietnam, that festering sore on the body politic which turns to sickness all it touches and which seems destined to go on serving as the worldly stage on which is acted out the tragedy of a great nation reduced to unending agony and torment because of the very qualities of character which were considered marks of greatness a few short years ago.

Any visitor who left this planet a few years ago to return today must be forgiven if he gains the impression that in a very real sense, the world seems further away from real peace today than it did then. Perhaps if the impression deliberately encouraged a few short months ago had not dissolved into the ashes of renewed bombings and wholesale destruction in the space of a few days the disappointment, resentment, and even anger which is felt in so many homes across the land would not be as keenly felt as it is.

Now the cry is moving across the land again for Congress to act and act now to reassert its authority and bring this war to a swift conclusion. Those who were formerly just tired of the war and wished it would disappear are now genuinely outraged over the moral insensitivity of the administration to the wanton destruction and senseless loss of lives resulting from a policy of bombing the enemy into submission and the political insensitivity of the administration to the genuine concerns and doubts about the wisdom of such a policy shared by so many of our citizens.

In the process, in turning their attention to the Congress for assistance in this matter as democratic men and women have for decades turned to their elected representatives in the Government, the people have begun to ask some very searching and profoundly unsettling questions about the inability of their representatives to influence the course of government in mid-20th century America. What is wrong, they say, with this Congress? Why can it not make its influence felt? It seems large enough; it seems more representative than ever of every shade of opinion in our society; it certainly seems well paid enough to do the job which it was sent to do; there certainly are enough resolutions floating around and bills being passed to accomplish anything under the sun—but still the war goes on. Why? they ask. What is the problem?

In other words, after years of focusing on the war in Vietnam, the American public is at last focusing on one of the principal underlying contributing factors, namely, the erosion of congressional authority as the separate and equal branch of the Government conceived by our Founding Fathers. This erosion did not just occur overnight. It was years, if not decades, in the works in a nation which had moved a considerable distance from the agrarian ideals of a Jeffersonian democracy to the era of a vastly more complicated, highly technical, industrialized urban America of today. It was hardly surprising that there would be an accompanying shift in power from a leisurely debate of the issues in Congress to the centralized speedy decisionmaking process of the executive department. If you remember, this great concentration of power in the White House was not something which too many constitutional historians or reformers and advocates of change lamented.

As a matter of fact, it was accomplished to the cheers and near-universal approval of this element in our society. Too often, Congress had been found to stand in the way of progress, preventing needed reforms from being implemented quickly and was found resisting the rush to progress. Senators and Congressmen seemed more interested in debating and discussing the issues, oblivious of the need for immediate action to solve the Nation's pressing problems.

In other words, when you examine the fabled power of Congress in days of old, very often the power which made Congress an institution to be feared and respected was the power to say "no," the power to delay, the power to underfund. The fabled power of the pursestrings itself is very much at the root of this negative power. As long as activist Presidents were pursuing domestic and international policies of a far-seeing nature, the battle cry seemed to be "all power to the President." In the end, it took the most unpopular war in recent memory to reverse this thinking and to underline for all to see the extent to which power had shifted away from Congress and to the White House. It took Vietnam to show the American public the dangers inherent in this trend and to remind the political pundits that what Lord Acton had to say so many years ago about the nature of power and its ability to corrupt is as true today as it was then—especially anything approaching absolute power.

Thus, as I see it, the real challenge facing this Congress is the challenge to make the Constitution a relevant blueprint for Government in the 1970's. Is it possible for 435 Members of the House of Representatives and 100 Members of the Senate to be galvanized into a body of power with sufficient flexibility and day-to-day agility to be an active partner in our Government? While a firm "no" to any further funding to the war in Vietnam would probably meet with widespread popular approval today, there is no doubt that these same people would be complaining in a very short time if all Congress was going to be to say in the future was "no", "no," and again "no."

For once the war is ended, there is the need for our Government to address itself to all the many problems that have been building up in our cities and towns across the land while valuable economic resources were being frittered away in a tiny stretch of land in Southeast Asia. Crying out for immediate attention are such contradictory forces for attention in our society as the ever-increasing demands on our Government for social services, decent housing, decent education, a cleaner environment, and a healthier life.

At the same time, the property tax payers and rent payers of this Nation reeling under the staggering increases which have come to characterize property taxes in the past decade, are literally taking to the streets in revolt in an attempt to get immediate relief. If those who have faith in Congress are going to be vindicated in their faith, then Congress will have to provide in the very near future that it is capable of playing a role in the solution of these problems, that it is indeed an equal partner in our Government.

I, for one, do have this faith that our Constitution which has served this Nation so well for so long has as much relevance to the problems of the people of America in 1973 as it did for America in 1815 or 1848 or 1865. It must work hard and in the end, this faith is probably based on the firm conviction that it must work because if it does not work, then one of history's great efforts to introduce representative democracy into the highest levels of Government will have been proved a failure. All we would have left to hope for would be that our ruler would be benevolent. Whatever the reasons for the erosion of the power of Congress, whatever the merits or demerits of Congress when it was exercising power in the past, Congress will have only itself to blame if it does not drag itself kicking and screaming into the 1970's.

There is not a Member here who has not lived to regret the abdication of power that was implicit in the Gulf of Tonkin resolution of the 1960's.

As if to prove that what could happen in foreign affairs could happen here at home, last Congress we were almost treated to what I referred to in my dissenting views to the majority report of the Ways and Means Committee on the measure to give the President authority to impose a spending ceiling, as the domestic Gulf of Tonkin resolution of the 1970's. I am more convinced than ever as I stand here today that had this power been granted, we might as well have then and there forgotten about coming back January 3. Having abdicated power in foreign affairs Congress would have been bowing out of any significant role in domestic affairs.

Fortunately, commonsense prevailed in the end and that power was denied the President and Congress retained whatever shred of respectability it has for its claim to being an equal partner in the Government. Before any more time goes by, we must begin to reassert our interest and our influence, not only to bring the war in Vietnam to a speedy conclusion, but to protect the future of much needed domestic programs which were enacted only after considerable soul-searching here in Congress and then signed into law by the President.

The spectacle this Nation has been treated to of a President seemingly determined to ignore the very laws and programs he himself signed into law in whole fields such as housing, social services, pollution, urban renewal and water and sewer facilities has been a depressing one indeed for any Member of Congress who felt he was contributing to the solution of this Nation's problems and recognizing the needs of his constituents when these problems were voted on during the last and preceding Congress.

The device of impounding funds has been employed with such a frequency in recent months that it has become perhaps the single most powerful instrument of this administration in bypassing the will of Congress. My mail is a veritable availance of complaints as one after another of my constituents find themselves eliminated or terminated from one program or another which they had been led to expect they could count on just a few weeks or months before. They turn to me as their Congressman because they want action to restore the cuts and the sad part of it is that as things are now operating here in this city, the majority of Congressmen have little alternative but to honestly admit they they are virtually powerless to act.

To be sure, a Congressman can protest, to be sure he can contact one Federal agency or the other, to be sure he can express his disagreement with the cutbacks. But from recent experience, such protests and pleadings seem to be falling on the deaf ears of an administration determined to ignore the wishes of the people as expressed through their Representatives in Congress.

Is it any wonder then that the people's faith in their elected Representatives has been reduced to an alltime low? While the war which has little public support continues to take its toll, programs with vast popular support are nipped in the bud or left withering on the vine for lack of adequate funding. Congress must reassert itself if the people of this country are to have any faith in their Government in the weeks and months ahead. Without any further delay Congress must find a way to bring this war to a conclusion and convince the President that it is the will of the people that he cooperate. At the same time Congress must find the machinery to insure the future of programs already on the books by once again actively involving itself in the total budget process.

If cutbacks are to be made and Federal spending kept in line, a Congress which allows the President to make the all important decisions in this area abdicates power by default. For too long, committees have been content to operate within increasingly narrow lines of authority and areas of concern and in the process, lose sight of the forests for the trees. The result is only the executive department is involved with the total budget picture, and the total economy and Congress has been increasingly left out in the cold on the major economic decisions affecting this Nation.

If Congress is to be involved intimately in formulating and shaping the policies of this Nation in every vital area of concern to the Nation from its foreign affairs, and its security, to its domestic welfare and its economy, then statements about the need for involvement in such policy formulation must be translated without further delay into needed overhauls of our congressional machinery. The goal is just too important to do otherwise in the end. The future of Congress and ultimately our democracy is what is at stake and given a choice between the future of Congress or the future of any given traditional approach to doing things, there can be no hesitating in choosing Congress over tradition. Congress lives. Congress must live.

ATLANTIC UNION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. Findley) is recognized for 5 minutes.

Mr. FINDLEY. Mr. Speaker, today 74 Members of the House are joining Congressmen Don Fraser and Jim Wright and me in reintroducing the Atlantic Union resolution.

This resolution, almost identical with the one eloquently endorsed 6 years ago by the man who is now President of the United States, would establish an 18-member U.S. delegation of eminent citizens.

This group would be authorized to meet in convention with similar groups from other NATO nations for these purposes: first, to seek agreement on federation as the goal of the alliance; second, to fix a target date for achievement of the goal; third, to establish interim institutions needed to keep the developments on schedule.

The resolution contemplates a massive advance in political institutions, one that indeed would be historic. At the same time it is no more massive than the advances in scientific technology we witness almost daily on our television screens.

The nations of the world have developed the capability to destroy one another completely, but we have yet to build a political system which can prevent a world holocaust. We have the ability to walk among the stars, but not the social institutions which can make it safe to walk the streets and roads of this planet.

Conceivably, the convention would explore the possibility of applying the genius of our own U.S. federal system to the broader Atlantic community. A federation of these major nations of Western civilization would be formidable indeed. It would result in a political institution large enough to deal successfully with the supranational problems that now confound us.

Is the United States ready for such a venture? That same question was asked by George Washington back in 1787 as the Constitutional Convention began its meetings in Philadelphia. Brushing it aside, General Washington pressed on, exhorting the Convention to raise a standard to which the wise and the honest can repair.

So, we too must press forward.

Scientific development and technology rush head on quite irrespective of national boundaries. So does world economic development. The multinational corporation is commonplace. Social phenomena, such as the youth culture, are no respectors of the nation-state. Poverty and disease have never known the confines of nationality. In recent years the environmental problems of air and water pollution have plagued the West.

The choice before the NATO countries as we face each of these social, political, and economic situations is whether each country will deal individually with every problem in a piecemeal fashion strictly limited by the requirements of the nation-state, or whether a common approach can be taken. If we choose the former method, we simply put off the day of national reckoning, for without government on a scale to match multinational, intercontinental problems, societies simply cannot continue to function smoothly, and perhaps may cease to function at all. The problems are already supranational. It is up to us to develop the supranational institutions to deal adequately with them.

Are Europeans ready to consider such a bold step? I believe they are. In 1970, at the annual meetings of the North Atlantic Assembly at The Hague, I introduced a similar proposal recommending that NATO heads of government call a convention to consider the possibility of federation or other means of greater cooperation in both military and nonmilitary areas. The measure was enthusiastically embraced by most of the delegate-parliamentarians from other countries attending the Assembly meetings. In the Political Committee where it was first debated, my proposal was approved by a vote of 18 to 5. Due to a parliamentary technicality, it was not considered on the floor of the Assembly, although there was no question that it had widespread support and would have passed by a substantial margin if a vote had been taken.

The time for this initiative is now. Former President Eisenhower, who was a supporter of Atlantic Union, once told me at Gettysburg:

> We deal with the urgent questions, and leave the important ones for tomorrow.

In accepting the Republican nomination for President in 1964, Senator Barry Goldwater spoke of the flowering of an Atlantic civilization:

> This is a goal more meaningful than a moon shot—a truly inspiring goal for all free men to set for themselves during the latter half of the twentieth century.
>
> I can see, and all free men must thrill to, the advance of this Atlantic civilization joined by its great ocean highway to the United States. What a destiny can be ours—to stand as a great central pillar linking Europe, the Americas, and the venerable and vital peoples and cultures of the Pacific.

Although this proposal is not new, the support for it is more impressive this year than ever before. This is the first time that the Senate majority leader and minority leader have joined on the first day in introducing the bill. In the House this is the largest number of Members who have ever cosponsored on the first day. Significantly, Majority Leader Thomas P. O'Neill is among them, and Minority Leader Gerald R. Ford has assured me that he will vote for it. House Conference Chairman John B. Anderson is also a sponsor this year.

Last year the bill was passed unanimously by the Senate and reported by the House Foreign Affairs Committee by an overwhelming margin. Unfortunately, it was a victim of the rush to adjourn in the House. In the last days of the 92d Congress, it died on a tie vote in the House Rules Committee.

This is an historic moment for Atlantic Union. President Nixon is now shaping the direction and goals of his second and last term. He is the only man to endorse Atlantic Union who has subsequently become President of the United States and he has done so with great eloquence. In 1966, he told the House Foreign Affairs Committee:

> To be sure the concept of an "Atlantic" is at present only a dream, but in the age of the rocket, dreams become reality with a speed which is difficult to imagine. The Atlantic Union Resolution is a forward-looking proposal which acknowledges the depth and breadth of incredible change which is going on in the world around us. I urge its adoption.

With the support of the leadership on both sides of the aisle and in both Houses, I am indeed optimistic that this is the year for passage of the Atlantic Union Resolution.

If an Atlantic Union Resolution is passed, if a convention of Atlantic nations meets, if it recommends some form of Federal solution to the world problems of today, how will life for the average American be better than it is today. Abraham Lincoln said:

> The legitimate function of Government is to do for the people what they cannot do better for themselves.

How would a Federal Atlantic Union do things better for the American people than our present system?

Some who have faced the bureaucracy's red tape might say facetiously that nothing could be worse. Others might conclude that a bigger government, or more government, is the only thing that could be worse.

Both sentiments suggest that there is much to be improved in our present system. I need not burden you with tales of high taxes, inflation, poverty, unemployment, trade and monetary crises, and pollution to make my point. The question is, how could Atlantic Union deal with these problems more effectively than the efforts of individual nations. More important, how would Atlantic Union affect the life-style and life principles of the average American.

The first question is easily answered. Taxes are high because the Government spends a lot of money, perhaps too much. Inflation is a problem for the same reason. That is why this Congress has set up a Joint Committee on the Budget to find some way of controlling the appropriations and spending process.

The largest chunk of the tax dollar still goes for defense—over 30 percent. Although we bemoan the contributions of our European allies to their own defense, most of them also spend huge sums on defense. The duplication, waste, and inefficiency of such a system is tremendous.

President Eisenhower once suggested that as much as one half of the American tax dollar going for defense could be saved if the NATO allies had a truly integrated defense system under a Federal administration. This is the week that many Americans will receive their income tax forms from IRS and begin to worry over them until April 15. How much easier it would be if you knew that your taxes were going to be 15 percent lower because defense expenses were equitably shared among the citizens of NATO, and if the national security of the United States remained unimpaired—or, even, strengthened. Sounds almost like having your cake and eating it too.

The same holds true for the other shortcomings of our present system of government which I mentioned. Our trade problems with the expanded Common Market are only beginning. The monetary crisis of last year may recur again. Pollution of the Atlantic Ocean is caused by all nations which border it, European and American alike. Economic stagnation, unemployment, and poverty all are common problems of our systems. Each of these problems must be tackled on an international scale.

Of the latter question, that is, how would the life-style and life-principles of the average American be changed by such an expanded Federal system, the answer has already in part been given. Life should be better if, as measured by its ability to effectively solve social problems, a federal system for NATO is capable of lessening the burdens upon each of its citizens.

Our American Government, however, is more than a problem-solving institution. First and foremost it is a bastion of individual liberty and freedom. The personal liberties enshrined in the Bill of Rights are perhaps the single most important contribution of American political thought to the history of mankind. The first 10 amendments are no less engraved on the cornerstone of American democracy than the Ten Commandments are engraved on the foundation of Western civilization. To alter either would surely cause the last noble experiment of mankind to crumble.

That, then, is given. Atlantic Union, a federation of the free states of the North Atlantic Alliance, would not lessen one iota the individual liberty and freedom guaranteed by our own Constitution.

It would require no more of its citizens than our own Government presently requires. Likely, it would require far less in the tax realm. It would preserve inviolate the rights which are assured us under our own Constitution.

At the same time, it would provide an institutional framework for dealing with the problems with which our own Government alone has singularly been unable to cope.

Mr. Speaker, I would like to insert at this point in the Congressional Record the text of the Atlantic Union Resolution and a list of both House and Senate sponsors:

ATLANTIC UNION RESOLUTION

Whereas a more perfect union of the Charter of the United Nations gives promise of strengthening common defense, while cutting its cost, providing a stable currency for world trade, facilitating commerce of all kinds, enhancing the welfare of the people of the member nations, and increasing their capacity to aid the people of developing nations: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That:

(1) The Congress hereby creates an Atlantic Union delegation, composed of eighteen eminent citizens, and authorized to organize and participate in a convention made up of similar delegations from such North Atlantic Treaty parliamentary democracies as desire to join in the enterprise, and other parliamentary democracies the convention may invite, to explore the possibility of agreement on:

(a) a declaration that the goal of their peoples is to transform their present relationship into a more effective unity based on federal principles;

(b) a timetable for the transition by stages to this goal; and

(c) a commission to facilities advancement toward such stages.

(2) The convention's recommendations shall be submitted to the Congress.

(3) Not more than half of the delegation's members shall be from one political party.

(4) (a) Six of the delegates shall be appointed by the Speaker of the House of Representatives, after consultation with the House Committee on Foreign Affairs and the Leadership, six by the President of the Senate, after consultation with the Senate Committee on Foreign Relations and the Leadership, and six by the President of the United States.

(b) Vacancies shall not affect its powers and shall be filled in the same manner as the original selection.

(c) The delegation shall elect a Chairman and Vice Chairman from among its members.

(d) All members of the delegation shall be free from official instructions, and free to speak and vote individually in the convention.

(5) To promote the purposes set forth in section (1), the delegation is hereby authorized—

(a) to seek to arrange an international convention and such other meetings and conferences as it may deem necessary;

(b) to employ and fix the compensation of such temporary professional and clerical staff as it deems necessary: *Provided*, That the number shall not exceed ten: *And providing further*, That compensation shall not exceed the maximum rates authorized for committees of the Congress; and

(c) to pay not in excess of $100,000 toward such expenses as may be involved as a consequence of holding any meetings or conferences authorized by subparagraph (a) above.

(6) Members of the delegation, who shall serve without compensation, shall be reimbursed for, or shall be furnished, travel, subsistence, and other necessary expenses incurred by them in the performance of their duties under this joint resolution, upon vouchers approved by the Chairman of said delegation.

(7) Not to exceed $200,000 is hereby authorized to be appropriated to the Department of State to carry out the purposes of this resolution, payments to be made upon vouchers approved by the Chairman of the delegation subject to the laws, rules, and regulations applicable to the obligation and expenditure of appropriated funds. The delegation shall make semiannual reports to Congress accounting for all expendtiures and such other information as it deems appropriate.

(8) The delegation shall cease to exist at the expiration of the three-year period beginning on the date of the approval of this resolution.

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I now yield 2 minutes to the distinguished gentleman from Minnesota (Mr. FRASER) who has given outstanding leadership in many worthy causes, and especially to advance consideration of the Atlantic Union proposal. Without his leadership, the resolution could not possibly have received the favorable consideration it enjoyed in subcommittee and full committee of House Foreign Affairs last year. It is gratifying to see him resume this position of leadership in the 93d Congress. This quickens my hope that the resolution this year will be enacted.

Mr. FRASER. Mr. Speaker, the introduction of the joint resolution to create an Atlantic Union delegation comes at a most opportune time. The need for members of parliamentary democracies to get together to explore ways of transforming their present relationships into something more durable and comprehensive increases steadily with the passage of time. Certainly we can look with deep satisfaction on the accomplishments of our present alliances and cooperative arrangements with like-minded countries of the world. Indeed, the stability of growth and continuing prosperity of the Western democracies in the postwar period is to a large extent the direct result of cooperative undertakings such as NATO, the Marshall plan, the International Monetary Fund, Organization for Economic Cooperation and Development, and the European Common Market. But, recent developments and trends cast doubt on the adequacy of these institutions to deal effectively with the problems of international relations in the future. NATO encounters major problems, both from within and without; and as the cold war tensions of yesterday continue to ease in the era of détente, new security arrangements are being sought. International trade is becoming increasingly a bone of contention among otherwise friendly countries with talk of reprisals in the air. In it, the United States finds that many of its postwar policies have succeeded so well that our friends are no longer dependent upon us—a welcome development, but how do we insure constructive cooperation in the years ahead?

Cooperation among the industrialized democracies of the world now means an interdependence, and the alternative to interdependence is intense rivalry which can lead to the revival of old hostilities. As the material might of the industrialized democracies becomes even greater, will the national self-confidence thus gained cause a drawing back into isolation and protectionism, erecting walls between each other, undermining almost three decades of progress in collective security, political collaboration, economic cooperation, and peaceful exchange?

Clearly the need is urgent for a more comprehensive goal and institutions to strengthen the common defense of free peoples, provide for a stable currency for world trade, enhance the welfare of the peoples of member nations, and increase the capacity to aid the peoples of developing countries. A union of like-minded democratic countries, based on Federal principles would be such a goal and institution.

The resolution being introduced today does not claim to provide all the answers to these and other important quesions; it only proposes that we Americans once more take the initiative in seeking ways to insure future peace and prosperity of both our own people and the rest of the world.

This resolution enjoys the support of a very large number of our colleagues who represent both political parties and a wide range of political views. I note with special pride and pleasure that the distinguished majority leaders in the House and Senate have agreed to cosponsor the resolution.

The time is ripe for passage of this resolution and I urge all of my colleagues to join in this historic effort to lead the way toward building a new system of peaceful and prosperous international order.

DR. WAYMAN RAMSEY FAGAN GRANT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. EDWARDS) is recognized for 5 minutes.

Mr. EDWARDS of Alabama. Mr. Speaker, I rise to pay tribute and to acquaint my colleagues in Congress with an outstanding resident of my District who plans soon to retire from the profession which he has served so well for the past 40 years.

He is Dr. Wayman Ramsey Fagan Grant who, for the past 18 years of his long and distinguished career, has served as principal of the Booker T. Washington Middle School in Mobile, Ala.

Dr. Grant has a lengthy list of accomplishments in education and in work for his fellow man from the date he was graduated from Tuskegee Institute in Alabama in 1932.

Dr. Grant has served both as teacher and principal throughout Alabama and in his native city of New Orleans, La. Among his many honors, Dr. Grant was the 40th president of the Alabama State Teachers Association. He also served as president of the Mobile County Teachers Association and was the first chairman of the United Negro College Fund. Dr. Grant worked extensively with the Tenure and Academic Freedom Committee and the Commission on Professional Rights and Responsibilities of the National Education Association and was a great influence in the initiation of a long-range career guidance program in the public school system in which he most recently served.

In recognition of his tireless efforts and unselfish dedication, Dr. Grant was the recipient of an honorary doctor's degree from Daniel Payne College, Birmingham, Ala., May 20, 1960.

It is with a great deal of personal price that I extend best wishes to my friend, Dr. Grant, and wish him well. Millions of Americans have and will continue to benefit from his dedicated service.

FREE FLOW OF INFORMATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. WHALEN) is recognized for 30 minutes.

Mr. WHALEN. Mr. Speaker, today I am introducing the "Free Flow of Information Act," a bill to protect journalists from being forced to divulge sources and confidential information to government authorities. Joining me are 55 cosponsors. In addition, 20 other Members are sponsoring similar legislation.

Although I have urged the enactment of this legislation for a number of years, the need for congressional action has never been clearer than it is in 1973.

I. THE PROBLEM

The threat of Big Government dominating a once-independent media is a real one today, and one of the most alarming aspects of that threat is the problem of reporters being forced to reveal information or serve time in jail. When American reporters must choose between divulging confidential information and going to jail, American citizens—all of us—are the losers.

We suffer because the flow of information is curtailed. If potential sources cannot be assured that their identities will be protected, they will not communicate with the press.

For example, a Government employee knowing of corruption within his department will not inform a reporter about it unless he is certain that his

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* Chief sponsor

identity will be protected. The need for certainty is understandable: if the employee's identity is linked to the story about the corruption, he surely will lose his job. As the law stands now, however, the employee has no assurance that he can maintain a confidential relationship. Instead, it is likely that the reporter to whom he talked would have to reveal his identity or accept a potentially indefinite jail sentence. The consequence is as disturbing as it is obvious: Government employees knowing of corruption will choose to remain silent and keep their jobs, the corruption will continue, and the public will remain uninformed.

In addition, journalists who realize that they may be faced with a choice of betraying a confidence or going to jail may be deterred from pursuing contacts with sources. They may choose to avoid controversial stories and, instead, rely on "handouts." The public will read only favorable news about Government officials and agencies.

Thus, the Government power to subpena reporters creates a very real and dangerous "chilling effect" which discourages both potential sources and journalists from communicating. The free flow of information to the public is obstructed. The people know less about the realities of their Government and the society in which they live.

II. FAILURE OF JUDICIAL AND EXECUTIVE SOLUTIONS

Reporters sought protection from the judicial branch of government, but it was denied. The few cases in recent years which ruled that reporters had a right to shield confidential information from Government subpena were rendered moot by the Supreme Court decision in *Branzburg* v. *Hayes* (40 U.S.L.W. 5025) on June 29, 1972. The Court ruled, by a 5–4 margin, that the first amendment does not afford reporters the right to protect their sources and information.

The executive branch has not solved the problem either. The guidelines issued by the Attorney General in 1970 reduced tensions somewhat, but real protection was not provided. Subpenas may be issued under the guidelines, and when "emergencies and other unusual situations develop" the procedures outlined in the guidelines may be abandoned.

III. LEGISLATION: THE ONLY SOLUTION

Thus, if reporters are to be protected, and a free flow of information to the American people insured, the legislative branch must act.

Nineteen State legislatures have enacted some type of shield law for journalists, but reporters do not have statutory protection in 31 States.

At the Federal level, the first shield legislation was introduced by Senator Arthur Capper, Republican of Kansas, in 1929. Similar bills have been offered in 12 subsequent Congresses, but none has been acted upon.

The Supreme Court, acknowledging that the legislative branch was best-equipped to provide a solution, emphasized the authority of Congress to enact a Federal shield law:

> At the Federal level, Congress has freedom to determine whether a statutory newsmen's privilege is necessary and desirable and to fashion standards and rules as narrow or broad as deemed necessary to address the evil discerned and, equally important, to refashion those rules as experience from time to time may dictate." (40 U.S.L.W. 5037)

IV. THE FREE FLOW OF INFORMATION ACT

The Free Flow of Information Act provides broad coverage. It protects reporters and those independently engaged in gathering news from being forced to reveal sources or information before any body of the Federal Government—the Congress, the courts, grand juries, and administrative agencies.

There is one specific, narrow exception to the privilege. If a reporter is a defendant in a libel suit and his defense is based on the reliability of his source, he cannot invoke the protection of the act and refuse to name his source, thereby precluding the court from examining the merits of his defense claim. In other words, this exception insures that the act will not emasculate existing libel laws.

The act also provides a means of divesting the privilege in unusual cases. A party seeking divestiture must apply for an order from the U.S. district court, and the application may be granted only if all of the following three conditions are satisfied: first, there is probable cause to believe that the person from whom the information is sought has information clearly relevant to a specific violation of the law; second, the information cannot be obtained by alternative means; and third, there is a compelling and overriding national interest in the information. This is the same standard the dissenting Justices on the Supreme Court would have established had they been in the majority in the Branzburg case.

Thus, the act provides broad protection, with a narrow libel exception and a procedure for divestiture in rare circumstances if stringent standards are satisfied.

V. CONCLUSION

I introduce the Free Flow of Information Act with the fervent hope that the Congress will enact it into law in the first session of the 93d Congress. A free and independent American press is now in jeopardy, and a nation based upon representative government cannot long survive without an unrestrained, robust press.

If the Free Flow of Information Act of 1973 or similar legislation is not enacted by the Congress, the ability of the news media to function will continue to erode to the ultimate detriment of American society. Make no mistake about the matter at hand. It is no abstract academic debate. Rather, we are confronting a matter that goes to the vitals of what the United States is.

LIST OF COSPONSORS OF THE FREE FLOW OF INFORMATION ACT

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Hon. Gus Yatron.
Hon. John M. Zwach.

Mr. LEHMAN. Mr. Speaker, today I have joined with several of my colleagues in introducing the Free Flow of Information Act. This bill seeks to provide a greater measure of protection to our newspeople as regards confidentiality of sources.

Over the past couple of years, this particular aspect of freedom of the press has been challenged. Last June, the Supreme Court held that first amendment guarantee of freedom of the press did not give a news reporter the right to refuse to testify before a grand jury about information given to him in confidence.

I think it is not insignificant that freedom of the press was included in the very first amendment to our Constitution. Since the time of Peter Zenger, Americans have held this right to be fundamental. It is truly one of the mainstays of our democratic form of government.

When our newspeople can no longer offer confidentiality to their sources of information, the sources of information themselves will dry up. Without a free press, we do not have the advantage of multiple sources of information and opinion. We would be dependent solely upon information provided by officialdom.

Mr. GUDE. Mr. Speaker, how long must the American public endure the harassment and jailing of its citizen newsmen and reporters, whose only crimes have been attempts to protect the public's right to know. These newsmen have only acted as guardians of the free speech and free press rights as provided in the Bill of Rights to the Constitution.

When newsmen like William Farr and Peter Bridge can be jailed because they refuse to divulge their news sources, I say enough. Without the right to withhold news sources, a reporter's access to information would surely dry up and with it would also go one more news source necessary to an informed public.

If the right of the American people to know what their Government is doing is to be protected, and if government is to be conducted in an open manner, then the newsman must have the right to protect his sources of information.

That is why I am cosponsoring with Mr. Whalen a Free Flow of Information Act. This act would not only protect the reporter's privilege to withhold his sources of information before Congress, the Federal courts and grand juries, it would also protect the court system and investigatory bodies from unwarranted abuses of this privilege.

The act would establish machinery to allow any person seeking information or news sources to make application to a U.S. District Court. The person seeking the information or source would have to demonstrate that the newsman from whom the information was being sought had information relevant to a specific and probable violation of the law. In addition, it would have to be demonstrated that the information being sought could not be obtained by any other means other than a court order, and that there is a compelling and overriding national interest in the information.

This act would keep the channels for the free flow of information open to the American people. It would insure that every citizen of the United States would have accurate and complete information on which to base his actions and decisions. I believe this legislation can only lead to a more informed public. And a more informed public can only lead to better government.

Therefore, Mr. Speaker, I strongly urge speedy and careful consideration of this legislation.

Mr. WOLFF. Mr. Speaker, I rise in support of the legislation being introduced today by the distinguished gentleman from Ohio (Mr. WHALEN) entitled the Free Flow of Information Act.

As I read the Constitution of the United States, there should be no need for the bill which we introduce today. Unfortunately of late, we have witnessed an unprecedented controversy concerning one of our most cherished rights, the freedom of the press. The integrity of our free press is the cornerstone of our democracy. Any encroachments on the sanctity of that freedom injure not only the individuals reporting the news, but do greater damage to the American public.

The citizens of our Nation must have an untrammeled right to know the facts, for it is only with broad knowledge that the people are able to continue to make the wise and responsible decisions that they have historically taken. Except in an extremely narrow class of cases, detailed in the bill, we must therefore protect the reporters of news from having to reveal the confidential sources of information, for if we do not, those sources will inevitably "dry up," and the news will become sterile repetitions of self-serving press releases. And that is not consistent with the first amendment.

The bill we introduce today will serve to reaffirm our commitment to the Bill of Rights, and will protect for the American people their right to get the full story—a right that we can not afford to have diminished. Half the truth is hardly better, and may be worse, than no truth at all.

Again, I would like to commend the able gentleman from Ohio (Mr. WHALEN) for his leadership in this vital effort. I hope that many of our colleagues will join with us in this attemp to make secure the basic freedoms which are guaranteed in our Constitution.

Mr. THONE. Mr. Speaker, the United States has no more important freedom than freedom of the press. Unless the news media have the ability to find information and to disseminate it widely, our form of Government cannot continue to exist. The shell and form of a republic might remain, but our Government will no longer be representative if the public does not have necessary information on which to form opinions.

Essential to gathering and dissemination of important information is the confidentiality of the news sources of reporters. A shield to protect reporters from being forced to reveal their sources of information is required.

Therefore, I am pleased to join the honorable gentleman from Ohio (Mr. WHALEN) in cosponsoring the bill title the Free Flow of Information Act of 1973.

In February, 1971, I joined in cosponsoring a bill introduced by the gentleman from Ohio that was much the same as the one introduced in this session. Hearings on this bill were not completed until October, 1972, so it was too late for action by the 92d Congress.

The need for action is greater now than when the similar bill was introduced in 1971. Those of us who supported the bill at that time thought that the rights of newsmen should be spelled out fully, even though we believed that those rights were generally guaranteed by the U.S. Constitution. In July, 1972, however, the U.S. Supreme Court in a 5-to-4 decision decided that the Constitution did not guarantee such protection in all cases. Therefore, it is imperative that the 93d Congress enact legislation that will specifically protect the confidentiality of newsmen's sources.

Without such a shield much of the investigatory reporting in the Nation could wither away. If we lost that kind of reporting, it would not be the media's loss but the public's. A shield is necessary to encourage the kind of deep-digging journalism that over the years has revealed much of our Nation's wrongdoing. Through confidential sources, investigating reports have revealed serious scandals, cases of corruption and instances of rank injustice. The evils uncovered by such reporting have not been confined to Government but have also included industry, labor and nonprofit institutions.

To protect America we must protect the confidentiality of newsmen's files and sources through enactment of this legislation.

GENERAL LEAVE

Mr. WHALEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the Free Flow Information Act.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

THE CONSUMER PROTECTION ACT OF 1973

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. RINALDO) is recognized for 30 minutes.

Mr. RINALDO. Mr. Speaker, I rise in enthusiastic support for swift legislative action on the bill which I have just introduced—the Consumer Protection Act of 1973. I have joined with my many colleagues who have sponsored this legislation because we share a common concern for providing a realistic and feasible solution to many of the problems which plague the American consumer.

The Consumer Protection Act of 1973 is in many ways landmark legislation. It provides citizens with an effective means of fighting the unfair and unconscionable acts perpetrated on the consumer by some businesses and some Government agencies. I believe it will be the strongest possible consumer protection legislation to emerge from the 93d Congress.

In April of 1971, the Committee on Government Operations held extensive hearings regarding the necessity of enacting such sweeping legislation. During those hearings several facts became abundantly clear:

First. Consumer interests were not adequately represented at Government levels where decision affecting consumer are made.

Second. There were too many instances where there is a disproportionate balance of legal remedies in favor of the seller which put the buyer at an unfair disadvantage.

Third. There were many consumer-oriented agencies and bureaus administering a myriad of statutes and regulations, but they lack the necessary coordination that would make them truly effective. There are in fact more than 200 consumer programs in 39 different Government agencies and departments.

While much of this information was now new, it dramatically underscored what I have personally observed and what my constituents have been writing to me about. Every week, I receive numerous letters from constituents, from all walks of life, asking for my assistance, because they have been unable to achieve any satisfaction regarding a complaint they have registered against a firm or establishment that made or sold them a defective article. In effect, Mr. Speaker, their hands have been tied.

The consumer movement has undergone some very serious and practical changes in the last few years. Most of these changes have been born of necessity and self-protection. I remember that not too long ago, the "consumer movement" was just a catch-phrase that schoolchildren would hear in their economic class. Today, however, it is an active, viable, sophisticated, organized group which is anxious to have consumer problems resolved quickly and fairly and to enable buyers to receive top value for their dollars.

The various legislative proposals before local, State, and Federal governments are a result of genuine dissatisfaction on the part of the American people who have been deceived and disappointed by the business community's lack of ability and desire to regulate their merchandizing and sales practices. The bill which I am sponsoring today is by no means a panacea, but it does provide a basis on which consumers can legitimately have their interests served.

Passage of the Consumer Protection Act of 1973 would afford the people, through their Government, an opportunity to prevent defective or dangerous merchandise from being placed on the market and prevent deceptive advertising practices. Also built into this proposal is a permanent statutory body which will protect consumer interests before the various governmental agencies or departments that make decisions affecting consumers.

Clearly, the legal doctrine of caveat emptor is no longer a sufficient safeguard against sophisticated technology and deceptive advertising. The American public expects and deserves consumer protection laws that give them the strength to protect themselves.

To meet this compelling need, the Consumer Protection Act of 1973 attacks the problem on two distinct levels. Title I establishes an Office of Consumer Affairs within the Executive Office of the President. This new office is designed to coordinate the various consumer programs throughout the Federal bureaucracy.

This office will assure that consumer programs are moving in the same direction and that there will be no duplication of effort. Most importantly, title I centralizes in one office, with direct responsibility to the President, all consumer programs administered by the Federal Government.

Also, the Office of Consumer Affairs will be empowered to conduct substantive hearings and investigations into various problems facing the consumer today. Presently there is no single Federal agency with the statutory authority or manpower to hold hearings or initiate such extensive investigations.

In addition to serving as a coordinating agency, the Office of Consumer Affairs would be responsible for encouraging and developing consumer education programs throughout the local and State levels. It has always been my firm belief that the buyer should have the absolute and unqualified right to know about the quality of the product he is purchasing. Under this provision of the Consumer Protection Act of 1973 the Office of Consumer Affairs would have the necessary power to force manufacturers and dealers to make this type of basic information available.

Title II of the Consumer Protection Act establishes a much needed Consumer Protection Agency. This agency, which will be established as an independent arm in the executive branch will be empowered to represent the interests of consumers before Federal agencies and courts. By far, Mr. Speaker, this is a most important provision of the particular legislative proposal, because it is the first time a Government agency has been empowered to represent the interests of consumers at hearings and in rulemaking proceedings.

The agency also has statutory authority to intervene as a party for the purpose of representing the interests of consumers at any adjudicatory proceeding. This authority, along with the statutory authority to intervene as a party in a proceeding in a U.S. court which is reviewing action by a Federal agency will assure Americans that consumer interests are always being protected.

Title II also empowers the Consumer Protection Agency to evaluate, develop, and act on complaints to Federal or non-Federal establishments regarding consumer interests. It can if it deems necessary, propose legislation to any agency with the aim of making that agency more responsive to consumer complaints. Specific complaints regarding the testing and research of merchandise or products will also come under the direct jurisdiction of this agency.

Until now, consumers have had no formal or effective voice on consumer problems. Various agencies throughout the Federal Government protect the interests of many special interest groups. Farmers, laborers, and businessmen are all represented by various Federal agencies or departments. However, the single largest interest group in the country—the American consumer—is without direct and specific representation. I think this bill is long overdue, because it is our responsibility as lawmakers to provide a sound mechanism for the adequate representation of nonindustry public interests in the administrative process. The public confidence in consumer management and protection must be restored, and I believe the passage of the Consumer Protection Act of 1973 will be an effective first step in restoring this confidence.

A CRITIQUE OF THE U.S. POSTAL SERVICE: A LAME HORSE IS FASTER THAN A RUPTURED EAGLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. SAYLOR) is recognized for 15 minutes.

Mr. SAYLOR. Mr. Speaker, during the 91st Congress, I was one of the few—to be exact, one of the 29—who voted against one of the most damaging pieces of legislation ever to be approved by the "people's voice" in Government. I am referring to the Postal Reorganization Act of 1970, an act which has served only one purpose—to revive the Pony Express.

After 3 futile years of diligent research and development, the U.S. Postal Service has evolved into a mass of complicated delivery routes that have set contemporary mail service back on a colonial delivery schedule. Alas, it now takes longer to deliver a letter than it did years ago, when the opposite should be the trend.

Surely you have not forgotten the recent episode of the gentleman from Philadelphia, who delivered his letter to the Washington area on horseback faster than did the postal service.

The heralded Government corporation has deliberately and methodically destroyed the age-old slogan of the postman, for today the natural disasters of rain, snow, sleet, and shine are the least of his worries. Now he must cope with the manmade disasters created by his bungling superiors: manpower cutbacks; low morale; alpine slopes of mail in sorting areas; wasted time and motion while toiling over inefficiently designed delivery routes; and last but far from least, the irate citizenry of this Nation.

When the new postal reform was conceived, it was envisioned as a means to eliminate all political influence over the appointments, procedures, and any other areas of persuasion that had previously existed in the Postal Department. Unfortunately, not only was political influence eliminated, but also absolute control was abolished. Even approval or a means of redress on behalf of the people was unequivocally denied.

A radio station owner in my district writes:

> I realize the Post Office is out of your control as you have told me previously, but something must be done and Congress will have to get it back to normal.

Or let us consider a local newspaper owner who resides in my district as he comments:

> I surely hope you'll continue your efforts to get an improvement in the postal service, the one service I feel the Government is obligated to give.

The same gentleman closed an additional letter in the following way:

> We simply cannot live with the non-service we are now receiving.

Keeping politics out of the Postal Service is one thing but denying citizens the representation they expect and deserve is another.

No one can deny that service has degenerated, and there appears little Congress can do under the present chuckleheaded regime. We literally stripped ourselves of control and now the people want to know, "why?"

For this reason, I have introduced H.R. 1152, which would abolish the present U.S. Postal Service and reestablish the old Postal Department—a critical step if we are to salvage the system, essential if we are to improve the system.

When the Postal Service was created, it shunned the old symbol of the Department, a Pony Express rider. Instead, the Service adopted the sleek, swift eagle, an honored symbol of this Nation, which their actions have disgraced. A more appropriate mascot for today's service would be a tortoise, because the eagle has been ruptured.

I demand that Postmaster General Klassen and the other high-ranking "experts" in his employ resign if they cannot bring about the promised reform. That lauded, efficient management structure was to solve the problems of the mails. Instead, it has achieved heights of failure never believed possible. I say, with tongue in cheek, that the time has come for former Postmaster General Blount to return to Washington and destroy the Frankenstein he was so influential in creating.

In its Christmas advertising, the U.S. Postal Service asked the public to "help the people who help bring you Christmas." In my opinion, the only way the public could have helped the Service would have been to personally deliver their own mail.

I am not basing this attack merely on constituent complaints received during the busy Christmas season. Rather, I am basing this statement on 3 years of constant and varied citizens' remarks. I did receive many criticisms prior to the hatching of the ruptured eagle, but nothing on the scale I have received in the last year or two. In taking the offensive early in the 93d Congress, I hope to alert the Members in time to correct the mistake of the 91st Congress.

Countless manpower cuts have left many rural areas in desperate need of service. At the same time, expansion of operational control on the local level has been discouraged. People no longer count with the postal management and this I deeply resent.

For example, I received a letter and petitions from an entire community in my district illustrating how the Postal Service disregards the people it serves. An excerpt states:

> We the patrons of R.D. #1, Hooversville, Pa. 15936, are opposed to the proposed changing of address being forced on us due to a realignment of Rural Routes.
>
> We are very satisfied with the present service and feel the inconvenience of changing our address is unnecessary. The enclosed petition represents 100 per cent of the patrons and their families involved in the change of address.
>
> We would appreciate if you will reconsider the proposed change of address and continue to serve the patrons according to the wishes of the people involved.

What now counts with the Postal Service is the perpetuation of the carefully planned regional sectional centers, the greatest pyramid of costly mismanagement ever assembled by modern man.

Allow me to further illustrate the gross inadequacies in the Postal Service by using a portion of a newspaper article from the Johnstown Tribune Democrat:

> Speaking of mail, it used to be a pastime to look at the postmarks on Christmas cards before opening the envelope and to try to guess who had sent the card.
>
> Now, however, the trend is to eliminate the city name from the postmark and substitute a ZIP code. The Johnstown post office postmarks mail from Bedford, Somerset and Cambria counties. So, rather than mark "Johnstown" on a letter from, say, Schellsburg, the post office—or regional sectional center, as it is called—instead uses "159" in the postmark.
>
> If somebody in Schellsburg wants to send a letter next door, chances are the letter will go to the Schellsburg Post Office, then to the Bedford Post Office, then to the Johnstown Post Office—where it is postmarked—then back to Bedford, then to Schellsburg, then to the folks next door.

Such mismanagement resulted in the following situation, as relayed in the same newspaper: A Johnstown rural district woman had a birthday anniversary on December 15 and her neighbors mailed her cards December 11 and 12 from a box adjacent to hers. They were delivered December 19. That certainly is efficient service, just as promised. It took the Postal Service 8 days to deliver a letter 3 feet.

Why has the United States been subjected to such horrendous mail service? I believe it is largely due to an irresponsible management structure housing a misguided idiocy that has shattered the system.

Let us examine a few of the mistakes the upper-echelons of the Postal Service have nurtured. First, they have not maintained or improved employee morale, because they are unable to sustain a productive level of output. Employees are forced to work extensive hours of overtime as a result of being understaffed and remain in a quandry as to their individual status. The labor-deficient post offices are a direct result of aimless regional management.

Many postal employees no longer care about their work, nor should they, when they are constantly transferred at the whim of their shallow-minded superiors. They have become pawns in the most inefficient chess game ever played. In my district, for example, one postmaster was transferred three times in 1 year. Can this man be blamed for lacking motivation. Other employees are quitting with disgust.

Mandatory transfers of employees are supposed to aid in offices where manpower shortages exist. No care is cast in the direction of the rural areas that are being stripped of their postmen. Services are cut in one area to fill gaps in other areas—gaps that should never have arisen in the first place. The Postal Service has been so preoccupied with profit that it has cut service and efficiency while throwing all public service to the wind.

My most recent personal defeat at the hands of the Ruptured Eagle Express occurred during the month of December. Each Yule season I give a Yule party for my appointees to the service schools. On December 1, 1972, I mailed invitations to all the young men, but by the time of the party on December 26, the invitations had not yet arrived at West Point. I realized something was wrong when I received no response from any of the men. I eventually telephoned them and learned no invitations had been received. For all I know, they *may still be floating* around the eastern seaboard.

However, this affair can be easily understood when you consider the following situation. One of the major post offices in my district has, at this moment, 10 trucks of mail in one office and there are seven in another, lying in its basement. This being the situation for 2 weeks, I can understand how it would take my mail 25 days to travel to New York.

Such gross inefficiency has fostered the following unfortunate saga. Many of my constituents, as do many of us, pay their monthly bills through the mails, by check. However, when mail remains untouched for 2 weeks, late delivery of payments can be expected. Accordingly the sender is forced to pay a late charge through no fault of his own. Such service can no longer be tolerated.

The dormant state of the Postal Service has caused many people serious problems: Late charges on public utility bills delivered after the due date have infuriated the public; rural newspapers have been delivered 1 week late; businessmen have had to wait for contracts, invoices, and other transactions that, in many cases, have resulted in lost business; individuals awaiting pay checks have been greatly inconvenienced; and scores of other too abundant to mention.

The Postal Service promised efficient and economical delivery. Instead, we can only look forward to higher rates and decreasing services. One of my constituents put it best by saying:

> If this problem (Postal Service) is national, we are in real trouble.

My reply: It is, and we are.

VIETNAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 10 minutes.

Mr. KEMP. Mr. Speaker, it has been heartening over the past 24 hours to witness the many Senators and Representatives of both parties who have made strong, positive statements about the chances for peace in Vietnam. I would like to take this opportunity to express my thanks to them for their bipartisan support of President Nixon's peace efforts at this time.

If this kind of support had been forthcoming over the past few years, the long-awaited prospect of a just and lasting peace might already have become a reality. But, at any rate, we are now witnessing in the Congress what we already witnessed at the polls this November—strong, bipartisan support for the President's peace policy. If it is overdue, it is also welcome, and I commend my colleagues on it.

Unfortunately, there remain some exceptions to the rule—a few of our number who have inveighed and attacked the President for so long that they almost seem to resent the success his policies have begun to achieve. These are the same men who wrongly and precipitously attacked the President at every turn on Cambodia, on Laos, on the blockade and on the bombing. At every turn, they predicted failure.

The south could not defend itself, they said. And yet the south did.

The blockade would not work, they said. And yet the blockade did, and it put pressure on the North Vietnamese that resulted in the first meaningful peace negotiations to occur in this long and painful struggle.

When the other side began to stall at the table and escalate the war on the ground, the President ordered the December bombing.

It would not work, they said. The bombing would undermine efforts for peace.

Once again they were wrong. Once again, the decision of the President, and of the people and politicians who backed him up at a difficult moment, has been vindicated by events.

So I urge those of my colleagues who have occasionally yielded to the temptation to engage in hasty, intemperate attacks on the President's Vietnam policy to stop for a moment and review the history of failed predictions and unfulfilled prophecies of doom. I urge them to stop these pointless attacks on a man and a policy that have brought us closer to peace in Vietnam than at any point since our combat involvement there began under President Kennedy so many long years ago.

No true friend of peace should lend himself to such attacks at this crucial juncture.

"RUNAWAY PAPPY" BILL REINTRODUCED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. GERALD R. FORD) is recognized for 5 minutes.

Mr. GERALD R. FORD. Mr. Speaker, I have today reintroduced my "runaway pappy" bill, a piece of legislation aimed at fathers who have fled to other States to escape paying child support.

My bill would make child support orders enforceable in Federal courts. It would bring Federal authority to bear on the problem of nonsupport by husbands and fathers who shirk their parental responsibilities.

Passage of my bill would give legal sanction to the moral and social obligations every husband has to take care of his family.

The main purpose of the bill is to try to deter a man from leaving a State to avoid paying for child support under an order obtained against him.

My bill grants jurisdiction to Federal officials to act in those cases where a man flees from one State to another to evade his obligations under a divorce decree or child support order issued by a State court. The bill makes it a crime for a man to move out of the State to avoid obeying the State court order.

The States cannot get uniform State action on this matter, and the cost of extradition from one State to another is too great for a State or local government.

We need the help of the Federal Government to get at husbands and fathers who refuse to support their children and flee to another State to escape their responsibilities. I think we should throw the forces of the Federal Government into pursuit of fathers who run off and leave their families with no means of support. A man who abandons his children is just as much a felon as the man who steals an automobile.

Under the proposed Federal law, nonsupport cases would be heard by Federal courts in the State where the fugitive father is residing at the time. He would be given the option of supporting his children or going to jail. It would not be necessary to return the man to the State where the nonsupport or desertion charges had been brought.

THE UNITED STATES AND MOROCCO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. HAMILTON) is recognized for 5 minutes.

Mr. HAMILTON. Mr. Speaker, Morocco and its present ruler, King Hassan II, have been important friends of the United States and recipients of significant amounts of American military and economic aid for several years now. Today, unfortunately, the political and economic situation in Morocco is rapidly deteriorating and with it, perhaps, the future of United States-Moroccan relations.

Troubles for this North African country and its ruler are not new, but in the last 2 years, significant events have brought Morocco to an economic, political, and social standstill. Two attempts on King Hassan's life in the summers of 1971 and 1972, several arrests, trials, recent political executions, student demonstrations, worker strikes, and apparently inadequate attempts at constitutional, electoral and economic reforms have sharpened many antagonisms in Moroccan society and weakened the position of King Hassan.

The options for the United States in this situation are both difficult and few in number. Without any clear group in Morocco outside the government to which we can express our concerns, we have the choice of either supporting the present government or not doing so, each alternative involving certain risks. Our current policy dilemma could be simplified, and in my opinion significantly relieved, if a reevaluation of U.S. military presence in Morocco indicated that communication facilities for the U.S. 6th Fleet currently located at Kenitra could be situated elsewhere and that the utility of this and other bases had diminished. Without such a reappraisal, Morocco remains a country of some strategic importance to the United States, thereby reducing our options and even forcing a continuation of present policies.

Regardless of our interests in Morocco today, the disturbing trends in this country deserve attention. Reevaluation of United States-Moroccan relations should be a subject of interest within the U.S. Government and our deep concern over developments should be communicated to the Moroccan Government. Our concern is that the Moroccan Government take every step possible to stop the drift in the nation and act to promote political and economic development.

The United States has a long history of good relations with Morocco and its king, and many of us in Congress have been fortunate enough to have the opportunity to visit that beautiful country and to experience the good will that exists between the Moroccan and American peoples. It is precisely because this good will should not be allowed to dissipate that I make these observations.

"NO SOLICITORS" SIGNS ON PHONES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 10 minutes.

Mr. ASPIN. Mr. Speaker, I am introducing legislation in the House of Representatives today which would allow an individual to place a "no solicitors" sign on his telephone.

This bill, called the Telephone Privacy Act, would give any individual a right to inform the telephone company that he does not wish to be solicited over the phone.

Commercial firms would be required to obtain a list from the telephone company of those subscribers who had placed the "no solicitors" sign on their phone, or the individuals who do not wish to be solicited could have their names marked by an asterisk in the phone book.

Advertising on radio, TV, and in magazines bombards the average American every day. At least in his own home, the individual should have the right to privacy and should be able to shut off advertising by persistent telephone solicitors. People advertise everything over the telephone—land sales in Florida, cemetery plots and newspaper subscriptions. Many citizens are tired of having their dinner interrupted or being disturbed while taking a nap to listen to some unsolicited sales pitch over the phone.

As many of my colleagues may remember, last year I introduced similar legislation which was cosponsored by 48 of my colleagues. In addition, I have received hundreds of letters of support for legislation from irate citizens who are constantly bombarded by the unwanted telephone solicitation.

One of the most important aspects of this bill is that it would cost the Government nothing and would not involve the setting up of a new bureaucracy. By passing this bill, Congress has a chance to eliminate one of those everyday annoyances that bothers millions of Americans.

IMPOUNDMENT OF FUNDS FOR GONZALEZ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, I am reintroducing today a resolution which I sponsored in the last Congress regarding the impoundment of funds.

As you know, I sponsored a resolution last year which was supported by the Democratic Caucus denouncing the excessive impoundment of funds being made by the President and the Office of

Management and Budget. I am again taking issue with the practice which has become common of recent years, to impound more than $12 billion per fiscal year, thereby relegislating by executive fiat.

Having flexibility to administer the various programs we enact is one thing, but remolding and doing away with programs which the Congress has authorized and appropriated is quite another one. I was very glad when Senator SAM ERVIN's subcommittee held hearings on the impoundment of funds in the last Congress, and I anxiously await the findings and recommendations of the subcommittee.

I trust that my colleagues will join me in sponsoring the legislation I have introduced which will seek to make clear that it is the Congress which is supposed to make the laws, according to the U.S. Constitution's mandate. My resolution would follow the same procedure which the reorganization of the executive branch follows now. The President would make the decisions to impound, inform the Congress, and if the Congress felt strongly enough, it would act to stop unwarranted impoundment. Two-thirds of either House would be able to disapprove the impoundment.

I urge your support.

DR. MARTIN LUTHER KING'S BIRTHDAY SHOULD BE DECLARED NATIONAL HOLIDAY

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. STOKES) is recognized for 60 minutes.

Mr. STOKES. Mr. Speaker, the subject of my special order this afternoon is the late Dr. Martin Luther King, Jr. Originally this special order had been requested by the distinguished gentleman from Michigan (Mr. CONYERS). Mr. CONYERS called me a little while ago and explained he had been unavoidably detained in the State of Michigan and asked that on this occasion we carry out this special order for him.

In Congressman CONYERS' special order he calls attention to the fact that on January 15 the late Dr. Martin Luther King, Jr. would have been 44 years of age. On this occasion the gentleman from Michigan (Mr. CONYERS) has once again reintroduced into this Congress legislation signed by 68 cosponsors of this body requesting that this body enact legislation to declare January 15 a national legal public holiday in commemoration of the memory of this great American, Dr. Martin Luther King, Jr.

GENERAL LEAVE

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of my special order.

The **SPEAKER.** Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. METCALFE. Mr. Speaker, will the gentleman yield?

Mr. STOKES. I yield to the gentleman from Illinois.

Mr. METCALFE. Mr. Speaker, today I am happy to cosponsor legislation with the Honorable JOHN CONYERS and my other distinguished colleagues legislation that would make the birthday of the late Dr. Martin Luther King, Jr. a national holiday. To those of us who are members of the Congressional Black Caucus, Dr. King represents someone very special, but what is more important is that the memory of Dr. King means so much to the people of this country. Dr. King, while he was alive, represented the hopes of millions of people, both black and white; people felt that there was hope for all of us to live together in peace and harmony. Our challenge is to continue the work begun by this great conciliator.

Dr. King was a very rare man, and we, as Americans, have been prone toward remembering very rare men. If we do so honor him by making his birthday a national holiday, it would be a renewal of all of those things that our forefathers held dear. Dr. King tried, more than any other man of this century, to bring this country together and, had he lived, there was a good chance that he would have succeeded. It was his desire to replace the hate and bigotry in the country and the world with love and understanding; to replace the violence with kindness; and to replace the division with unity.

Now we should work toward the goals that Dr. King set for all of us. One of the ways to do this would be to establish his birthday as a national holiday. This would have the effect of saying that we are committed to what he advocated and that, while it may take some time, we will continue to both advocate and substantively work toward those desired ends.

Almost 10 years ago the Reverend Dr. Martin Luther King, Jr., came to this city with the hopes and dreams of millions of people who could not join him. The 200,000 people who heard Dr. King speak in front of the Lincoln Memorial that day knew in their hearts and minds that he was talking for all of the oppressed peoples in the world and talking to all of the oppressors. As we turn the words and voice of Dr. King over in our minds we are reminded that just a decade ago people were coming together with the hope of achieving a unified country. The march on Washington for jobs and freedom symbolized the hopes of many. Brother King spoke to the issues that were plaguing the black men of this country. All too often it is forgotten that we, with all of the other various peoples who make up this land, were given a "promissory note" and that in August of 1963 we, as black people, came to collect upon that note which had been returned to us marked "insufficient funds." Like Brother King, I cannot believe that the great "treasury of justice" is bankrupt, but it must surely be because still, to this day, we have not been able to collect on that note. I stand before you as a reminder that we all pledged on that day to continue the battle for equality and freedom. I stand before you to remind you that all of the minorities in this country are still reaffirming the pledge they took that day, whether it was in person or by surrogate. To quote Dr. King further, "we are not satisfied, and we will not be satisfied" until something is done to remove the stigma of racism and hatred that seems to pervade the American way of life.

Ten years ago we called for an immediate end to segregated school districts. Has this been accomplished? No, it has not, and what is most disheartening is the fact that the segregation in the school districts in this country has gotten worse instead of better. The only place where any positive inroads have been made is in the South. Those true northern liberal "friends" that the blacks in this country are supposed to have, have turned out to be more biased than those in the South and less willing to admit it.

Ten years ago we called for an end to Federal funding of any and all projects where discrimination existed. Again, nothing has been done to fully remove discrimination from Federal projects. Ten years ago we asked for effective civil rights legislation, employment possibilities, public accommodations, housing, and enforcement of the 14th amendment. What has been done to bring some of these things about—token legislation, and, in some cases, token enforcement of the laws. Why, you ask, has this happened? The present administration has worked very hard to try and throw us back to the days of the late 19th century and the first half of the 20th century. They think that we will be oblivious to their actions, but we will not. We will continue the struggle that Dr. King and Rosa Parks started in the 1950's. We will continue to struggle to collect on our promissory note; we will overcome; we shall be free.

We pledged 10 years ago to take the struggle home with us and to take it up on all of the fronts. I am reminding you all that we are still struggling and that we will continue to struggle until such time as you either remove us totally in body and spirit from this world and from your minds or until you recognize us as the human beings that we are and accord us those rights that are accorded to all of the peoples of the world. We pledged to devote ourselves to the rights of people, to nonviolent protest, to peaceful assembly, and to use all of the inalienable rights of this democracy. We are still very much committed to that pledge. Our efforts will not stop until the day that the pledge has been fulfilled. We want to live in dignity and personal security, and we will live in dignity and personal security regardless of the wishes and intent of the administration of this country or the various groups of people who would still like to see us in our former role; docile individuals bound in slavery.

As a reminder to all of you here and all of those in this country, we still have the spirit of Brother King living within us. As a reminder to those brothers and sisters out there, it is never too late to be black: I think that I may qualify as an example of that.

We have come to that time when we must proceed from the past, look to the future, and use the present as the vehicle to the future. I stand before you to put this challenge where it belongs. The administration has done very little and seems quite content to continue in that position; past Congresses have done little more to help alleviate the situation. It is, therefore, the responsibility of this Congress, the 93d, which must be the central force behind the changes in this society. We must be the leaders of this change, we must adhere to the principles laid down and articulated by our forefathers in the Declaration of Independence and the 13th and 14th amendments. For if we again fail to act in a positive constructive manner, the people may feel the necessity to make the changes themselves. We have sworn to uphold all of the laws of this land. This we must do, and do fairly. Injustice to one is injustice to all. Actions, as always, speak louder than words. All too long the Government has made promises to the people and, yet, done nothing to fulfill those promises. The time for action is now. We can no longer say that we will do something, we must act or we shall be stained with the sins of our inaction. We will be held accountable, in the final analyses, not the people. As their agents we have to act or we lose the right to represent them as free people, and we lose the credibility of being concerned human beings. Again, I say, take up the struggle now or submit yourselves to disgrace and indignation in the face of our heritage, our beliefs, and our reason for existence.

Mr. STOKES. I thank the gentleman from Illinois for his comments.

Miss JORDAN. Mr. Speaker, will the gentleman yield?

Mr. STOKES. I yield to the gentlewoman from Texas (Miss JORDAN).

Miss JORDAN. Mr. Speaker, Martin Luther King was one of the greatest men in our history, and he left a gaping hole in the life of all of our countrymen when he died.

It is fitting that we pay tribute to this man on the occasion of his birthday.

For over a decade his voice and his actions kindled a fire in the conscience of our Nation that roared into a nationwide drive for human rights. From lunch counters to the lobbies of Congress, from State houses to the Supreme Court, his influence was felt as he persistently and courageously demanded that this Nation right the wrongs of centuries of neglect and discrimination.

His hopes, his compassion, and his dreams gave courage and determination to millions of people both black and white who joined in a determined effort across the land to eliminate racism.

He once said:

> We will not be satisfied until justice rolls down like waters and righteousness like a mighty stream.

If he were with us today he clearly would not be satisfied. The crusade he began has markedly changed its thrust from one of mass movements and demonstrations to one of quieter building of community groups. Open resistance to integration and civil rights has in many cases shifted to more subtle but equally intransigent opposition.

This would not have discouraged this great man. He recognized that "all progress is precarious, and the solution of one problem brings us face to face with another problem."

We can pay no greater tribute to this singular leader than to continue to pursue his dream—the creation of a society where people of all races have equal rights and equal opportunities, where the distinctions of race or color have no bearing on the ability of people to lead fulfilling lives, where both black and white are beautiful.

Mr. STOKES. I thank the gentlewoman from Texas for her comments and remarks at this time.

Ms. ABZUG. Mr. Speaker, will the gentleman yield?

Mr. STOKES. I am happy to yield to the gentlewoman from New York.

Ms. ABZUG. Mr. Speaker, I want to compliment the distinguished gentleman from Michigan (Mr. CONYERS) for taking this special order. Like the man we honor today, he has been an active participant and leader in our efforts to bring about social justice and peace.

We are here to salute the memory of Dr. Martin Luther King, Jr., whose assassination 4 years ago left a void never to be filled.

We need him now that violence shakes this Nation and rocks the world. He knew all the quirks of what we call human nature. He knew how beastly human beings can be, but he also knew and deeply loved the other side of human nature, the godlike side.

Time after time he was able to call upon this inner divinity; time after time he was able to inspire men and women to acts of courage and compassion far beyond their known capacity; time after time he persuaded the lion and the lamb to lie down in harmony.

When he failed, he did not despair, but renewed his own vision and thereby that of others.

He and his equally courageous wife, Coretta, were among the first to actively oppose the war in Indochina. His words when he received the Nobel Peace Prize are words we need to hear again today. He said:

> Nonviolence is the answer to the crucial political and moral questions of our time . . . the need for men to overcome oppression and violence without resorting to violence and oppression.
>
> Sooner or later, all the people of the world will have to discover a way to live together in peace and thereby transform the pending cosmic elegy into a creative psalm of brotherhood. If this is to be achieved, men must evolve through all human conflict a method which rejects revenge, aggression, and retaliation. The foundation of such a method is love.

I hope these words will be heeded as we move into the inauguration. I hope that the President will heed these words, and resolve the conflict in Vietnam. If he does not, I hope that the Members of Congress will search out, very soon, a way to "transform the pending cosmic elegy into a creative psalm of brotherhood" and end this terrible war.

Mr. STRATTON. Mr. Speaker, will the gentleman yield?

Mr. STOKES. I yield to the gentleman from New York (Mr. STRATTON).

Mr. STRATTON. Mr. Speaker, I want to join with the gentleman from Ohio in paying tribute to the memory of the late Dr. Martin Luther King on this occasion just a few days after his birthday anniversary.

It so happened that on Sunday last in my congressional district, I had an invitation to address a memorial service dedicated to Dr. King, sponsored by the Council of Churches of the city of Albany. It was a moving occasion. I had the opportunity at that time to mention to those who were present at that service that I had been in Washington in 1963 when Dr. King led that famous march from the Washington Monument to the Lincoln Memorial.

To me it was one of the most stirring and moving occasions I have ever taken part in. The surge of human beings down there was something I had never seen in my life before.

That of course was also the occasion of his very eloquent speech, "I have a dream," which I think perhaps more than anything else characterized the vision which he himself provided to the country and to the fight for civil rights.

I was also here in Washington in 1968 when the word came that Dr. King had been shot down by an assassin. That is one of those occasions, of course, where everyone can remember exactly where he was—when Pearl Harbor occurred, when President Kennedy was assassinated, and when Martin Luther King was assassinated.

And I was here in Washington, too, when Dr. Abernathy, carrying on in Dr. King's footsteps, brought Resurrection City here to Washington. We in the Congress responded in various ways to that appeal, particularly with greatly expanded aid under the food stamp surplus foods programs.

Since people sometimes tend to forget the achievements made in this long struggle, I believe it is rather significant that two of the people who had been coparticipants with Dr. King in his work and who were there at Resurrection City after his death are today sitting here in the House of Representatives, the Delegate from the District of Columbia (Mr. FAUNTROY) and the gentleman from Georgia (Mr. YOUNG). This I believe demonstrates some of the achievements that Dr. King brought about, and demonstrates also that his spirit and ideals do indeed continue to live on. Those could never be cut down even by an assassin's bullet.

Mr. Speaker, I was one who 2 years ago joined in sponsoring the legislation to create a national holiday to commemorate Dr. King's birthday. I have joined again in introducing that legislation this year.

I might say to the distinguished gentleman from Ohio (Mr. STOKES) the leader of the Black Caucus, that the people in my district are now circulating petitions and expect to get thousands of signatures in support of that holiday legislation. I want to assure the gentleman I will work with him and other

Members of the House to see that we get that bill enacted.

I believe the previous chairman of the Judiciary Committee, although he certainly had a distinguished record in the fight for civil rights, was not in favor of creating any new holidays. But we have a new chairman this year, the gentleman from New Jersey (Mr. RODINO), and so we have an opportunity, particularly when the people from New Jersey are heard from, to get some more serious consideration of this King legislation

As the original author of legislation a few years ago that put some of our national holidays on Monday, I might add that it is conceivable we might have to make a compromise and get Dr. King's birthday observed on a Monday rather than on the exact January 15 date. But after all the important thing is not which particular day of the week the holiday comes on, but whether we as a Nation are prepared to take action that clearly recognizes Dr. King as one of our great Americans, by memorializing his birthday as a national holiday.

Mr. STOKES. I thank the gentleman from New York for his very timely remarks.

Mr. RONCALIO of Wyoming. Mr. Speaker, will the gentleman yield?

Mr. STOKES. I yield to the gentleman from Wyoming.

Mr. RONCALIO of Wyoming. I thank the gentleman from Ohio.

I am pleased and proud to take part in these proceedings today, and to pay my respect to the memory of Dr. Martin Luther King; to relay the respect of the people of the State of Wyoming, my district, for this great leader of men.

We, in Wyoming, pride ourselves on equality. Our motto is "The Equality State." And we are concerned about the substance of equality, and of the never-ending need to engage in mutual improvement so that the full force of equal rights stays alive.

Our contributions speak to this need over the past abrasive and shocking decade. They include the assassination of one of our young ministers, the late Rev. James Reeb, of Casper, Wyo., who gave his life in Selma, Ala., during Dr. King's historic march in that community.

Incidentally, his mother, Mrs. Reeb, died this past year and is buried at Casper, Wyo. His wife and three children continue to reside in Casper, as does his father, a retired businessman.

Mr. Speaker, I hope all of us and the people we represent throughout this Nation continue the good fight for fairness to assure that the quality of justice is improved in our land. And above all that these corrections can take place in peace and dignity. I hope that the seventies will bring to an end the violence which Martin King himself preached against and abhorred.

Mr. STOKES. I thank the gentleman.

Mr. Speaker, I want to take this occasion once again to commend the distinguished gentleman from Michigan (Mr. CONYERS) for having reintroduced this legislation in this Congress and for his leadership in this area.

Mr. CONYERS. Mr. Speaker, on January 15, the late Rev. Dr. Martin Luther King, Jr., would have been 44 years old. In honor of the life and work of this great man, I am today introducing legislation on behalf of myself, members of the Congressional Black Caucus, and 53 other cosponsors to make his birthday a legal public holiday. Let me tell you why I am introducing this legislation.

I loved and admired Dr. King. He showed us the strength of his resolve to make justice and equality a reality for all in his continual struggle to end bigotry and violence. He showed us the power of wisdom and the beauty of love for mankind. He spent his life teaching peace through social justice.

In his lifetime, Martin Luther King, Jr., also became the symbol of the struggle to realize the American ideals of equality and equal opportunity. In 1964, in recognition of his great program of creative, constructive, nonviolent action, he received the Nobel Prize for Peace.

Dr. King's tireless activities in both the North and the South were largely responsible for the landmark civil rights legislation of the sixties. For example, his campaign for the guarantees of voting rights in Selma, Ala., contributed signally to the adoption of corrective legislation in the Voting Rights Act of 1965. Enactment of the Civil Rights Acts of 1964 and 1968 were also partially the result of Dr. King's dedicated and selfless efforts. Even his final great effort—the Poor People's Campaign—helped bring the neglected plight of millions of Americans into sharp public focus.

When his life was interrupted, we said we would see that the peace he pursued would be won. We said that the work and the suffering he endured would not be in vain. We said that the people he led would not be abandoned, and the love he lived would be returned. But, as we turn now to take an honest look at those promises—when we make a full review of what has been done—it is shamefully clear that those promises have yet to be fulfilled.

Poor Americans still suffer from hunger. Little children are still denied adequate schooling amid cries of defiance and emotionalism. Sons and fathers are still dying in a distant, bitter war. Crime and despair still haunt our streets and neighborhoods. Distrust and fear among neighbors still pervade our daily business councils. Fortunately, there are men and women who are answering our distressing cry for a continuation of the kind of leadership stirred by the powerful dignity of Martin Luther King, Jr.

But, we sadly realize that without a national devotion to the aims inspired by that leadership we cannot bring an end to the problems of our society. What we need—and we need it now—is a reaffirmation of our intent to continue the struggles of Martin Luther King, Jr. This bill would set aside Dr. King's birthday as a day for all Americans to pause in honor of his life and work, and the selfless contributions he made to America, and to all mankind. It would set aside 1 day each year where we could reaffirm our commitment to make his work bear fruit. We cannot let his memory pass into history without the full affirmation of our intent to continue his struggles.

We should pause, not only in respect, but also to evaluate our success in striving for the goals he set for us. To establish his birthday as a day of national recognition is an excellent way to make those assessments. But, we must not allow the designation of a national day of reverence to become the only way we continue with Dr. King's plans.

We must resolve to eliminate bitterness and hate from our struggles. We must strive to resolve the conflicts against which Dr. King worked. We must enact the programs he wanted. And we must seek the peace he dreamed of.

The meaning that Dr. King's life has for each of us is that we should use our power not to create conditions of oppression that lead to violence, but conditions of hope that lead to peace. We cannot ignore the significance of that one magnificent life. We cannot avoid trying to finish the many vital tasks he began.

We must—all of us—continue the struggles he endured. We must continue the battle to end oppression and deprivation and racism. Perhaps when we have done these things, the day will come when together we can sing, "Free at last, free at last, I thank God I'm free at last."

Mr. MITCHELL of Maryland. Mr. Speaker, will the gentleman yield at this point?

Mr. STOKES. I will be delighted to yield to the distinguished gentleman from Maryland (Mr. MITCHELL).

Mr. MITCHELL of Maryland. Mr. Speaker, I wanted to take this opportunity to join with my colleagues in commending the gentleman from Michigan, Congressman CONYERS, and the entire caucus for reintroducing this legislation.

> We shall overcome;
> We shall overcome;
> We shall overcome, one day,
> Deep in my heart, I do believe we shall overcome some day.

Mr. Speaker, I use these words not merely to invoke the nostalgia of an era, but to try to focus in on how this black man, a man of such tremendous, dynamic vitality, affected the course of a nation.

Those words became associated with the total civil rights movements. Those words impacted strongly on the lives of black Americans and also had an impact on the lives of white Americans as well.

In 1963 we sang, "We are not afraid, we are not afraid, we are not afraid today, deep in our hearts, we do believe, we are not afraid today." I do believe we were not afraid of police dogs, or fire hoses, or jails, or beatings; we derived our strength from the tower of strength that was Martin Luther King, Jr. I think it is time that we started to sing those words again, because, despite his Herculean efforts, there appears to be a resurgence of racism in this country. Not the open and naked kind of racism but a velvet kind of racism. I think we will have to start singing again. We are not afraid of those who would subvert the gains in education for blacks, and those who would turn back the clock, stopping the advance of black Americans.

In 1964 we sang, did we not, "We'll walk hand in hand, we'll walk hand in hand, we'll walk hand in hand some day." That is what we sang. We added "Deep in our hearts, we do believe we will walk hand in hand some day."

King suggested those words meant that blacks and whites could walk hand in hand. Indeed in that dramatic and turbulent period, there was a demonstration on the part of a number of whites of a willingness to walk hand in hand toward the common goal of making this Nation recognize its potential.

We need to sing those words again, because in 1973, as a result of a sustained and prolonged effort in which such words as "busing," "welfare," "crime," and other words are used as cue words, we find a nation that is dangerously polarized. I think we need to start singing those words again.

1963, 1964, and 1965. We come to 1965, when we sang "We shall overcome, we shall overcome, we shall overcome some day." My own strong feeling is that there are forces loose in this country which would vitiate and undo all of the tremendous gains that Martin Luther King spearheaded. Only a fool or a knave would say that we have not made progress in this country. As my distinguished colleague, Mr. Stokes, has indicated, we see black mayors, black Members serving in the Congress, and in the State and city legislative bodies. We see a tremendous forward movement on the part of blacks. That forward movement has been on occasion aided and supported by whites who understand the necessity for making this a whole nation.

However, it is very, very clear to me that, in terms of the busing issue, in terms of the retrenchments in the area of minority enterprise, the housing moratorium, and a whole host of other developments, those gains are in jeopardy.

I think this Congress of the United States has a responsibility to commemorate the birthday of Martin Luther King. I believe we have a responsibility to pass the legislation that has been introduced. That responsibility, it seems to me, does not only relate to black Americans. This Congress has a responsibility to white Americans to pass this legislation, so that once again in clear and unequivocal terms we will state the destiny of this Nation is one in which all persons are tied together. Through its passage, the Congress can state that the man you keep in the gutter will eventually drag you into the gutter and the man whose progress you deny—because he is black—is the man who becomes one who does not believe in the system.

It seems to me that we have a responsibility to say to the Nation as a whole that indeed we cannot become one, we can never recognize, nor realize, nor begin to approach our potential for greatness until once and for all we have done away with every manifestation of racism whether it be overt or covert, blatant or "velvet racism," as I call it. I believe this is the time for the Congress and the Nation at large to rededicate itself to the principle that America can be great and good and just, America can stand as the citadel for all of the humanistic ideals that should dominate civilization if we solve the No. 1 problem in this Nation, and that is the problem of race.

Again I want to congratulate my colleagues for introducing this piece of legislation. I want to urge my colleagues who make up the House of Representatives portion of the 93d Congress that this is the time to show guts, this is the time to take a positive stand. This is the time, it seems to me, when we reiterate our commitment to decency, honor, and justice; that is the least we can do in the memory of Dr. Martin Luther King.

Again I thank the gentleman for yielding.

Mr. STOKES. Mr. Speaker, I thank the gentleman from Maryland (Mr. Mitchell), for his remarks, and I certainly would also like to thank all of those who have participated in this special order this afternoon. Let us all hope that it will be the 93d Congress that pays tribute to these kinds of things which have been spoken of by the gentleman from Maryland (Mr. Mitchell), by their enactment into legislation in the memory of one of America's greatest and most renowned leaders.

Ms. ABZUG. Mr. Speaker, I rise to salute the memory of Dr. Martin Luther King, Jr., whose assassination 4 years ago left a void never to be filled. We need him now; now, when violence shakes this Nation and rocks the world.

He knew all too well what we call human nature—he knew how beastly human beings can be. But he also knew, and deeply loved, the other side of human nature, the godlike side. Time after time he was able to call upon this inner divinity, too often hidden in all of us. Time after time he was able to inspire men and women to acts of courage and compassion, far beyond their known capacity. Time after time he persuaded the lion and the lamb to lie down in harmony. And when he failed, he did not despair, but renewed his own vision and thereby, that of others.

He and his equally courageous wife Coretta were among the first to actively oppose the war in Indochina. His words, when he received the Nobel Peace Prize, are words we need to hear again today. He said:

> Non-violence is the answer to the crucial political and moral questions of our time. . . the need for men to overcome oppression and violence without resorting to violence and oppression. . . . Sooner or later, all the people of the world will have to discover a way to live together in peace, and thereby transform the pending cosmic elegy into a creative psalm of brotherhood. If this is to be achieved, men must evolve for all human conflict a method which rejects revenge, aggression and retaliation. The foundation of such a method is love.

Mr. EDWARDS of California. Mr. Speaker, I personally feel very strongly about this bill and have coauthored it for a number of years. My office, together with many other offices and schools throughout the country, was closed this January 15. It is because Dr. Martin Luther King, Jr., was not only an outstanding black leader, but also a great American that I believe we should honor him by making his birthday a national holiday. The Reverend King's work as a civil rights leader has made his name, his face, and his ideals a familiar and beloved part of the heritage of this country. His dedication to the principle of freedom—the freedom of black people from racism and its corollary the freedom of all people from every form of prejudice—was selfless and unceasing. He willingly risked, and finally sacrificed, his life for that goal.

Martin Luther King, Jr. is dead, but the impact of his life will affect our lives and our country for generations to come. Through his efforts, what were only hopes began to turn into reality. His voice began the irreversible movement toward equal opportunity, and still gives impetus and energy to the strivings of black people for equality. In honoring Dr. King by the observance of his birthday as a national holiday we can continue to keep alive the ideals for which he strove and our own commitment to the continued advancement of civil rights for all citizens of our Nation.

Mrs. CHISHOLM. Mr. Speaker, I would like to commend the gentleman from Ohio for his fine statement and for providing us this opportunity to remember Dr. Martin Luther King, Jr.

Dr. King taught us that a person must seek first his commitments from within himself and second, in order not to have lived in vain, must follow through with these commitments with all the God-given resources at his command.

Dr. King was articulate, and politically aware. He was firm in his commitment to God and mankind. He pointed out the road to be taken and continued on that road as long as he could. In his struggle for civil rights, Dr. King found in each lost battle and in each victory, renewed courage not to stop there and reflect on losses or on gains but to keep on down the road until peace, brotherhood, and economic and political equality reigned in this Nation.

At this point in the history of this country we see that the end of the road is not near. This administration presents only obstacles along our way. And if ever we needed a day on which the citizenry of this country can reflect on the commitments of Dr. King, God knows we need it now. It should be a day on which each and every one of us, black, white, yellow, or brown, asks himself, "Has Dr. King's dream become a reality, and if not, why not?"

It would provide us with a national occasion to review once again our adherence to his dream and to refresh ourselves anew.

Dr. King, a recipient of the Nobel Peace Prize, certainly ranks with Abraham Lincoln, George Washington, Veterans Day, and Labor Day—a day set aside to honor the workingman.

Miss HOLTZMAN. Mr. Speaker, the life of Martin Luther King, Jr., serves as a testimonial to all Americans that peaceful and constructive nonviolent action can play a significant role in the reformation of governmental and social institutions. Dr. King's tireless and well organized campaigns toward obtaining equal rights for black Americans and the elimination of poverty and social injustice in general won widespread endorsement and approval. By coalescing a concerned constituency of Americans, he was able to lead this country to new plateaus of social reform which included the Voting Rights Act of 1965 and the Civil Rights Acts of 1964 and 1968.

I enthusiastically support the resolution to commemorate his birthday as a national holiday and hope that this event will serve as a constant reminder that determined and orderly efforts on behalf of the dream we all have for a better America can produce positive and meaningful results.

Mr. CLAY. Mr. Speaker, as we look in retrospect on the life and death of Dr. Martin Luther King, I am sure even his most bitter enemies will readily admit the impact his activities had on the course of change in America. For good or bad, depending on one's point of view, that impact was more profound than any other during the turbulent years of the fifties and sixties.

Dr. King, the moral giant, in his travels from Montgomery to Memphis carved out a chapter in history that rivals those of other freedom fighters such as Jefferson, Franklin, and Payne. His accomplishments were of revolutionary dimension embodying all the frontier fervor in his lust for freedom.

The man who lived his life, and gave his life, to unify mankind in the brotherhood of love can appropriately be described and praised for his great ability to divide. Perhaps, his greatest asset was that ability to divide men on the question of morality. Dr. King did what few before him or few since have been able to do. He divided America into two groups—those who loved and those who hated. He sought out, encouraged, and organized those who loved freedom, justice, and their country. And, he identified, challenged, and confronted those who hated equality of the races and justice for all.

Martin's great crusade, launched in Montgomery and terminated in Memphis, was to cleanse the soul of a nation. The 20th century "Prince of Peace" sacrificed his life so that his fellow man might live in a country void of hatred and prejudice. Until Martin Luther King arrived on the scene, there was little hope that blacks and other minorities would achieve racial equality or enjoy economic and political justice.

Dr. King made Americans feel a sense of guilt for the racial atrocities and injustices heaped upon 20 million citizens. Before his campaign for justice, whites generally refused to become personally involved or personally responsible for the murderous, inhumane acts of their fellow citizens. Martin pricked the conscience of this Nation. He shocked white America from its smug, lethargic, aristocratic, Christian hypocrisy. And many men of good will came forward to side with right.

To divide was Dr. King's greatest asset. He transformed the comfortable into the concerned. He brought the masses off the proverbial fence and forced them to take sides in the struggle for black manhood. Many who had pretended that all was well and blacks were happy, were suddenly and dramatically confronted with reality. Martin initiated massive sit-ins and disruptions to arouse the conscience of a people. Major traffic arteries which had casually taken suburbanites past the misery and suffering of the ghetto, overnight became symbols for protest with the blocking of traffic. Prestigious restaurants and theaters suddenly became the battlegrounds for civil rights armies. Voting booths and lily-white neighborhoods quickly became the targets of unrelenting attack by those committed to make the Declaration of Independence and the Bill of Rights blueprints for perfection.

Martin Luther King redefined the word racist. No longer could sanctimonious pious religious leaders, business executives or Government officials describe the culprits as stringy-haired, backwooded, ignorant southerners who were determined to maintain the ante bellum status quo. Martin moved the Mason-Dixon line to the southern border of Canada and expanded the membership of the Ku Klux Klan to include organized labor, the chamber of commerce, the Christian community, and the Federal Government.

Martin the great divider solidified his people in the process. He defined the common goal and advanced the common mechanism for achieving that goal—nonviolent, passive resistance. Although Martin Luther King lived but a few years and left a Nation battle scarred and torn with strife, his deeds will live for generations to come. Martin is dead—long live the king.

Mr. ADDABBO. Mr. Speaker, I join my colleagues in urging the early consideration by this body of legislation recognizing Dr. Martin Luther King day as a national holiday. Few men have had the insight into the problems and challenges facing our Nation as Dr. King. It is appropriate that we remember his devotion to the improvement of our society as well as the tragic circumstances of his death.

The recognition of Dr. King should be a national holiday, for only through this action can we provide the highest honor to his memory. The lesson which Dr. King taught his followers and admirers during his lifetime is as relevant in today's world as it was then. Progress and change through peaceful means can become a reality if society will listen and maintain freedom of speech as our highest principle of democracy.

Recent threats and obstacles to freedom of speech have caused great concern to many in public and private life. The society which tolerates the imprisonment or intimidation of newsmen will soon become a weak society unable to face the natural changes necessary to promote progress in a democracy. The future growth and freedom of our Nation depends in large part on the leadership of men like Dr. Martin Luther King. His message is clear and applicable to all people of whatever race, religion, or national origin.

For these reasons, I support this effort to remember his outstanding career as a national holiday through the passage of Federal legislation.

Mr. ROYBAL. Mr. Speaker, during the 92d Congress, I introduced legislation making January 15, Dr. Martin Luther King, Jr.'s birthday, a national holiday. My bill never came before the House for consideration. This past Tuesday, I added my name as a cosponsor to an identical bill. I sincerely hope that it will not meet with the same fate.

Dr. King was more than a great American. His was a revolutionary spirit of worldwide magnitude, sounding an impassioned plea for an all-embracing and unconditional love among men. While it is possible to kill men like Dr. King, their ideals are not mortal or destructible. And though remembrance of the senseless tragedy of his death churns our emotions, well-meant tears and eloquent words are no real tribute to his memory.

Tears and words are but passing symbols of sympathy and dedication to principle and purpose. Only deeds and personal sacrifice now have meaning, if we are truly the Nation we represent ourselves to be. What Dr. King hoped to achieve was to give substance to the many great aspirations and high promises inherent in our democracy. In 1958, he made the following statement:

> History has thrust upon our generation an indescribably important destiny—to complete a process of democratization which our nation has too long developed too slowly. How we deal with this crucial situation will determine our moral health as individuals, our cultural health as a region, our political health as a nation, and our prestige as a leader of the free world.

I believe that the national observance of his birthday will serve as an expression of our determination to carry forward his great work. He had a dream—a dream for all of us. We must make his dream a reality.

Mr. CONYERS. Mr. Speaker, on January 15, the late Rev. Dr. Martin Luther King, Jr., would have been 44 years old. In honor of the life and work of this great man, I am today introducing legislation on behalf of myself, members of the Congressional Black Caucus, and numerous other cosponsors to make his birthday a national public holiday.

The 68 cosponsors and I urge you, our colleagues, to join in sponsoring the bill as national support for its enactment steadily grows. Since the death of Dr. King in 1968, members of the caucus have received thousands of petitions containing several million signatures in support of the bill from groups and individuals in all parts of the Nation.

In his own lifetime, Martin Luther King became a symbol of the struggle to realize the American ideals of equality and equal opportunity. He led a program of creative, constructive, nonviolent action to combat the problems of discrimination and poverty, and to secure equal justice for all Americans. His inspirational leadership of the civil rights movement effected lasting changes in America and gave new life to the philosophy which guides our Nation.

Dr. King's tireless activities in both the North and the South were largely responsible for the landmark civil rights legislation of the sixties. For example, his campaign for the guarantees of voting rights in Selma, Ala., contributed signally to the adoption of corrective legislation in the Voting Rights Act of 1965. Enactment of the Civil Rights Acts of 1964 and 1968 were also partially the result of Dr. King's dedicated and selfless efforts. Even his final great effort—the 1968 Poor People's Campaign—helped bring the neglected plight of millions of Americans into sharp public focus.

In recognition of his great work, he received the Nobel Prize for Peace in 1964, an honor reserved for the great humanitarian activists of our age. For the Congress of the United States to commemorate the birthday of Martin Luther King by declaring it a legal public holiday would be a gesture commensurate with the esteem in which he is held by people the world over.

Mr. BROWN of California. Mr. Speaker, many of America's most intelligent, idealistic and dedicated citizens are very disillusioned with our system of government and our political processes. There are more reasons for this erosion of faith than I could list, but some principal causes include the apparent abandonment by the Federal Government of the fight for equal rights, the assassinations of some of our most highly respected national figures, the character and results of our last two presidential elections, and, of course, the policies of this Nation with regard to Southeast Asia over the last 18 years.

It is easy to understand their disillusionment.

But I ask my fellow citizens to remember these words from Dr. Martin Luther King's famous speech at the Lincoln Memorial in 1963:

> Let us not wallow in the valley of despair.
>
> I say to you today, my friends, even though we face the difficulties of today and tomorrow, I still have a dream.

This was a common theme in the speeches and conversations of Dr. King. No matter how bad the situation became, Martin Luther King never gave up hope.

If Martin Luther King were with us today, he would be reminding us not to be discouraged. The progress is slow, and there are times when we slip backward a bit, but we are moving closer, an inch at a time, to that dream which he described for us 10 years ago. I implore those who share that vision of a just society to rededicate themselves to the fight, for we shall overcome someday.

Mr. DELLUMS. Mr. Speaker, on Monday, January 15, the late Reverend Dr. Martin Luther King, Jr., would have been 44 years old. In honor of the life and work of this great man, the Congressional Black Caucus is today introducing legislation to make January 15 a national holiday.

Dr. Martin Luther King's pacifist philosophy and adherence to nonviolent action were taken from the Hindu freedom leader Mohandas K. Gandhi. Dr. King's skillful use of nonviolent civil disobedience tactics in the civil rights movement won him the Nobel Peace Prize, worldwide respect, and admiration.

Dr. King could vividly articulate the dreams and desires of black people. At the same time his talks of brotherly love, soothed and reassured white contemplating both feelings of guilt and conceptions of change.

Martin Luther King thought the American political and economic system could be reformed to make the American dream of equality and equal opportunity a reality. But before his dream of a new America was fulfilled, Dr. King was slain by the violence against which he preached and worked. Yet, the cause for which he died has not fallen.

An assassin's bullet stilled his voice of justice and brotherhood, but his quest for freedom, which gave hope to millions continues.

We call upon all men to join together and redevote themselves to fulfilling this vision of brotherhood that gave purpose to his life and works. We ask the Congress to pay respect to this great American leader who represented the philosophy of "equal justice for all," which is the true philosophy of this great Nation. We ask Congress to commemorate this world beloved leader by declaring his birth date a legal public holiday.

For all Americans January 15 can be a day of rededication; a day to remember the causes for which Dr. King so nobly lived and died; a day to recommit ourselves to the eradication of injustice and inequality in America; a day to begin anew to realize the American dream of which Dr. Martin Luther King, Jr., so often spoke.

FEDERAL CONFLICT OF INTEREST ACT OF 1973

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ROSENTHAL) is recognized for 30 minutes.

Mr. ROSENTHAL. Mr. Speaker, Frank McKinney Hubbard, who was one of our best newspaper humorists around the turn of the century, had a special concern for good government and liked to tell the story about the constable who had three sons: two self-sustaining and one employed by the city. Mr. Hubbard's rather low esteem for civil servants must be shared by substantial numbers of Americans because in recent years we have witnessed an incredible decline in the level of confidence people feel in their government. A current Harris poll found that only 27 percent of the American people express "a great deal of confidence" in those running the Federal executive branch. This disappointing, but hardly surprising, percentage is lower than that for most professional and business groups included in the poll.

It is my opinion that a major reason for this crisis of confidence is the disturbing number of proven or suspected conflicts of interest that exist among employees in Federal, State, and local government. Is it any wonder, Mr. Speaker, that the American people feel estranged from and even suspicious of their Federal Government when they are treated to events like—

The firing or disciplining of loyal Government employees who testify before Congress to the wasteful expenditure of public tax dollars;

The use of large campaign contributions, like the ITT, dairy lobby, *carpet* industry and McDonald's contributions to the Nixon campaign, to influence governmental decisionmaking;

The leak of inside information about the Russian wheat deal to large grain companies;

The use of cabinet offices for private and political gain; and, perhaps most importantly,

The debilitating game of musical chairs that goes on between high Government officials and special interest business groups regulated by the Government.

It is my view, Mr. Speaker, that the appointment of businessmen to high Government positions with supervisory power over their former industry associates is the principal reason for the lack of confidence people have in the executive branch.

The appointment of individuals to top Government jobs with responsibility over their former business clients is practiced by all administrations but is a particularly acute problem in the Nixon administration. Consider, for example, Agriculture Secretary Earl Butz, formerly a board member of Ralston Purina Co.; ex-Deputy Defense Secretary David Packard, formerly board chairman of Hewlett-Packard, a defense contractor; Deputy Secretary of the Treasury Charls Walker, formerly executive vice president of American Bankers Association; ex-Federal Railroad Administrator, Reginald N. Whitman, formerly general manager of Gerat Northern Railway and presently an officer of the Missouri-Kansas-Texas Railroad; Clarence L. Palmby, appointed Assistant Secretary of Agriculture, formerly executive vice president of the U.S. Feed Grains Council; and Roy Ash, appointed Director of the Office of Management and Budget, formerly chief executive of Litton Industries.

The "incestuous flip-flop" of Clarence Palmby from industry to Government and then back to industry—Palmby was a vice president of the U.S. Feed Grains Council who negotiated the United States-Soviet grain deal for the Department of Agriculture and is now a vice president of Continental Grain Co.—and the appointment of Roy Ash as Director of the Office of Management and Budget while Litton Industries—of which he was president—has contract disputes outstanding with the Government, stand as classic examples of the tawdry game of musical chairs played by this administration which undermines the executive branch and causes the American people to doubt their Government.

Existing conflict-of-interest laws prevent individuals who have left Government service for industry jobs from representing their industry before the Government. But, present laws do not prohibit individuals who have left industry for top Government service—like Ash and Palmby—from making decisions which involve their former business interests. Moreover, existing conflict laws are inadequately enforced because the Justice Department is reluctant to investigate and prosecute its administration's appointees.

Mr. Speaker, the new conflict-of-interest legislation I am introducing will discourage the appointment to high Federal office of persons from Government-regulated industries, such as Roy Ash and Clarence Palmby.

The need to fill top Government jobs with experienced personnel does not justify permitting those appointees to decide issues involving their former business interests—interests to which they will probably return. If an individual has exceptional managerial talents then those talents can be used in areas totally unrelated to the interests of his former industry group. Moreover, there are large numbers of career Government employees and academicians who are perfectly capable of filling high Government positions.

The new bill, entitled the "Federal Conflict of Interest Act of 1973," would—

Prohibit executive branch Federal employees from participating in any Federal regulatory action or policy decision: First, which involves any special interest in which such employee had a substantial economic interest, including employment, any time during a period of 2 years prior to the commencement of Government service; or two, involving any subject matter concerning which such employee has been involved or participated personally for a special interest at any time;

Require executive branch Federal employees to publically disclose all prior employment or financial interest in Government regulated special interest groups, within 30 days after Federal employment has begun;

Require the dismissal of any executive branch Federal employee who takes or holds office in violation of the act;

Provide a private right of action to any citizen in U.S. district court to enforce, by mandamus, the provisions of the act; and

Require the Comptroller General of the United States, pursuant to his official responsibility to monitor the expenditure of public funds, to investigate and report to Congress on all instances of suspected payment of public funds to executive branch employees in violation of this act or other conflict-of-interest laws—and to seek restitution of such illegal payments.

The final two provisions of the new act would serve as an independent check on the enforcement of the conflict laws by the Attorney General. The full text of the bill follows:

H.R. 2410

A bill to restrict the activities of certain Federal employees and officers, to provide private remedies to implement these restrictions, and to facilitate the enforcement of existing conflict of interest statutes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Conflict of Interest Act of 1973".

Sec. 2. The Congress finds that the administration and enforcement of Federal statutes and the public's confidence in governmental processes are seriously undermined by the absence of effective restrictions on the activities of employees in policymaking positions whose economic interests have been closely allied with corporations, industries, or other groups regulated by agencies and entities in the executive branch; and that existing conflict of interest laws deal inadequately or not at all with the types of activities to be performed by Federal officials whose immediately previous associations and economic interests are tied to special interest groups regulated by the Federal Government. The Congress also finds that there is a reluctance on the part of any administration in office to investigate and prosecute violations of the conflict of interest laws by existing or former officials of that administration.

It is the purpose of this Act, therefore, to circumscribe the Government activities of persons whose prior employment was with a regulated group, to permit judicial enforcement by private persons of the provisions of this Act, and to establish an independent mechanism for the purpose of monitoring the enforcement of existing conflict of interest statutes.

Sec. 3. No officer or employee in the executive branch of the Federal Government, whose rate of pay is equal to or greater than the rate established for level GS–16 in the General Schedule under section 5332 of title 5 of the United States Code or who occupies a professional or technical position with duties of a nature that the employee could cause an economic advantage for or handicap against a special interest in the discharge of his official duties and responsibilities or who occupies a management, administrative, or investigative position, in either regulatory or management echelons, where his actions are likely to have a significant impact on special interest enterprises, shall—

(1) participate in any Federal regulatory action or policy decision which involves any special interest in which such officer or employee had a substantial economic involvement any time during a period of two years prior to the commencement of the term of office or employment of such officer or employee; or

(2) participate in any Federal regulatory action or policy decision involving any subject matter concerning which such officer or employee has been involved or participated personally for or represented a special interest.

Sec. 4. Each officer or employee in the executive branch of the Federal Government, whose rate of pay is equal to or greater than the rate established for level GS–16 in the General Schedule under section 5332 of title 5 of the United States Code or who occupies a professional or technical position with duties of a nature that the employee could cause an economic advantage for or handicap against a special interest in the discharge for or handicap against a special interest in the discharge of his official duties and responsibilities or who occupies a management, administrative, or investigative position, in either regulatory or management echelons, where his actions are likely to have a significant impact on special interest enterprises, shall within thirty days of the commencement of any Federal office or employment submit to the head of the agency or entity in connection with which such office or employment is held a detailed statement of such officer's or employee's former substantial economic involvement with any special interests. Such statement shall include the dates and a comprehensive description of such substantial economic involvement, including all work done for such special interest in connection with the Federal Government. All such statements shall be made available for public inspection on request, under rules made by the Civil Service Commission.

Sec. 5. The head of each agency or entity may make a specific individual exception, in the case of a particular and specific regulatory action or policy decision, to the provisions of section 3 of this Act whenever such head determines in writing that to make that specific individual exception is essential to the public interest, except that with respect to the head of each agency or entity, such exception and written determination shall be made by the President. Such written determination shall be available for public inspection on request, under rules made by the Civil Service Commission.

Sec. 6. (a) It shall be the duty of every officer and employee of the United States having the authority to do so to dismiss any other officer or employee who takes or holds office or employment in violation of Section 3 of this Act, and any person may by action in the nature of mandamus compel any officer or employee of the United States to execute the duty imposed by this subsection.

(b) Any person may be action in the nature of mandamus or prohibition prevent any officer or employee from participating in any Federal regulatory action or policy decision in violation of section 3 and require compliance with Section 4 of this Act.

Sec. 7. For the purpose of this Act—

(1) with respect to any officer or employee, the term "special interest" means any corporation, industry, trade, labor union, or other similar group, if such corporation, industry, trade, labor union, or other similar group is regulated or directly affected by the policies and decisions of such officer or employee in his official Federal capacity; and

(2) the term "substantial economic involvement means any involvement through investment, or as an employee, or otherwise which directly or indirectly either (A) produces, or (B) equals one-quarter or more of the annual income of an individual, or of such individual's spouse, if any, or of both combined.

Sec. 8. (a) This Act shall not apply to the President and Vice President or to anyone occupying a position in the White House Office or on the staff of the Vice President. Except That, this act shall apply to any such person if he is also an officer or employee in the executive branch within the meaning of section 3.

(b) This Act shall not apply to any special Government employee, as that term is defined in section 202(a) of title 18 of the United States Code, except that each such employee and each other person serving on any Government advisory body shall file a written report within thirty days of the commencement of such Government employment or service with the head of the agency or entity with which such employment or service commences, and such report shall set forth such employee's or person's past and present employment and duties for any special interest. All such reports shall be made available for public inspection on request, under rules made by the Civil Service Commission.

Sec. 9. (a) The payment of any salary or emolument with respect to office or employment held during violation of this Act or violation of any prohibition imposed in section 205, 207, or 208 of title 18 of the United States Code shall be deemed an expenditure made in violation of the law, and it shall be the duty of the Comptroller General to section 312(a) of the Budget and Accounting Act, 1921 (31 U.S.C. 53(a)), the legality of payment of public funds to Federal officers and employees, and to report any such expenditure made in violation of the law to the Congress under section 312(c) of such Act (31 U.S.C. 53(c)).

(b) The total salary or emolument received in violation of the law under subsection (a) shall constitute—

(1) an indebtedness due to the United States for the purposes of withholding pay of an employee removed for cause under section 5511 of title 5 of the United States Code; and

(2) arrears to the United States for the purposes of withholding pay until arrears are settled under section 5512 of title 5 of the United States Code.

(c) When the General Accounting Office disallows credit or raises a charge because of a payment to an individual made in violation of the law under subsection (a) or (b) of this section, section 5513 of title 5 of the United States Code (relating to withholding of pay) shall apply.

(d) Section 5514 of title 5 of the United States Code (relating to installment deductions from pay for indebtedness because of erroneous payment) shall apply to an indebtedness incurred under this section.

(e) Section 5584 of title 5 of the United States Code (relating to waiver of claims for overpayment of pay where such claims are against equity and good conscience) shall apply to any claim of the United States arising under this section.

(f) The Comptroller General shall have available for the purposes of this Act the applicable authorities, remedies, and procedures established under the Budget and Accounting Act, 1921, and under title 5 of the United States Code.

(g) All departments and establishments shall furnish the Comptroller General with such information relevant to his duties under this Act as the Comptroller General may require of them under section 313 of the Budget and Accounting Act, 1921 (31 U.S.C. 54).

SEC. 10. This Act shall take effect on the sixtieth calendar day following the date of its enactment, or on such earlier date on or after its enactment as the President shall determine and publish in the Federal Register.

CRITICAL NEED FOR SHORE EROSION PROTECTION LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. VANIK) is recognized for 20 minutes.

Mr. VANIK. Mr. Speaker, today, Congressman J. WILLIAM STANTON and myself are introducing legislation, cosponsored by 17 other Members of the House, which would permit the Army Corps of Engineers to assist cities and local citizens groups in meeting the cost of constructing shore erosion protection devices. This legislation is the same bill which a number of Members from coastal and Great Lakes States sponsored last year.

The need for this legislation has grown even more urgent since the adjournment of the 92d Congress. In particular, the erosion and flooding crisis on the Great Lakes has reached unprecedented proportions, with recent water levels higher than any recorded since 1861. Because of these high water levels, erosion has accelerated, wearing away the soft material which composes the bluffs along most of the Great Lakes shorelines. High water levels on Lake Erie and fierce storms, such as Hurricane Agnes and more recent fall and winter storms, have in many places totally obliterated the beach at the base of the bluffs. The lake now comes right up to the bottom of the bluffs, undercuts them, and collapses huge sections of earth. In some spots, 30 feet of shoreline disappear every year into the lake. A single storm can wash away 20 or 30 feet of land and destroy dozens of homes along the urbanized shoreline of Lake Erie. The effect of these storms and their terrible erosive effect is nearly impossible to describe. During the last several years, I have received countless letters from constituents who live in cities on or near the lakefront. These letters describe, in vivid and terrifying detail, the effects of this erosion—and the reason why the expertise and help of the Federal Government is so desperately needed. I would like to print portions of these sample letters at this point in the RECORD:

EASTLAKE, OHIO,
June 27, 1972.

DEAR SIR: My family and I are residence of the city of Eastlake, living on Lake Shore Blvd., with lake frontage.

In past thirteen years we have seen many things on the lake front that many people that live away from this area would never believe, the ever changing weather patterns and the effect they have on the south shore of Lake Erie.

When we first moved here we had a small small beach, we graded our bank, planted grass and trees to hold our bank from erosion, and a retaining wall below to catch any slippage of land from the elements.

Over the years we gained some beach and lost some. Our trees grew and so did the grass. It did hold our bank. We spent money to maintain all this. We did not mind the expense because we felt we were holding our own.

This past week in just three days of high winds and the fact that the lake level is extremely high, we lost every thing along the bank we put into it in all the years.

Today we can't walk down our steps to the beach we had. In its place we are staring at a blank clay cliff with the few remaining trees sliding slowly down to whats left of the beach and waiting for the next wind storm to come up and carry the soil into the Lake, never to be replaced again.

We are not asking for a hand out. Protecting our property is really protecting other investments—our taxes pay for schools and all other tax necessities. If our property is lost there will be no taxable land or property.

I am sure you are aware of the situation we have and other people in area have.

The only thing I can say is who can we turn to for an answer? We are no longer in a position to continue to fight a battle with nature.

Sincerely,
GEORGE CHINCHAR.

EASTLAKE, OHIO,
June 26, 1972.

DEAR MR. VANIK: I live in Eastlake, Ohio (Chagrin Harbor). My home sets on high ground right at the foot of Forest Drive right by the Lake. This last big storm put sand, silt and logs up to 20 feet long, and stumps 5 feet in diameter in my front yard. My home came out O.K., but I lost 4 feet of land, which puts me within 12 feet of the Lake. The people right below me were not as lucky. Their home busted up in just 2½ hours. The next morning the cottage next to it was gone also. All that remains is the concrete foundations.

In 9 months, we have seen 17 feet of land go to Lake Erie, 5 beautiful trees, six homes. Five of these just 3 days ago.

Mr. Vanik, some of the people lived here for 25 years. Raised their children; now that they are old, they lost their homes.

Would you please try to help us in some way in getting some type of protection.

Sincerely yours,
ROBERT J. WEISERT.

EASTLAKE, OHIO,
January 11, 1973.

CHARLES VANIK,
Rayburn Building,
Washington, D.C.

DEAR SIR: My husband and I purchased our home in August. We have saved for our home for four years. As a young couple we had to scrimp and save over the years as our economy always sky-rockets and never declines.

The home we purchased is on a lovely street which borders Lake Erie at the end. We are situated approximately 600 feet from the lake.

Over the excitement of finally finding a home, we never really realize the potential or fury of Lake Erie.

We had talked frequently with the neighbors who own lakefront property and we are encouraged that they will still continue to fight against the lake overcoming and causing their homes to fail in.

These people are hardworking, middle-wage working people. They practically sink everything they can save into rocks, rubble and anything else that they can buy to try and stop the lake from progressing into their front doors.

My husband and I are petrified of losing our home because of the lake. After four long years of saving we can't afford to lose this.

Sincerely,
LAURA LINTALA.

Needless to say, many of us in the Great Lakes Basin States have tried to call the Federal Government's attention to the impending disaster which will strike these Great Lakes communities during the traditional fierce spring storms. As the following article from the January 17, 1973, Cleveland Plain Dealer indicates, the Federal Government has failed—miserably—to take action to prevent a disaster along the lake.

SPRING HIGH LEVELS FEARED: OHIO GETS FLOOD WARNING

(By Jason Thomas)

Residents along Ohio's already storm-battered Lake Erie shoreline face prospects of the worst pounding in history this spring because of the high lake level, the U.S. Army Corps of Engineers warned yesterday.

The rising water level is expected to reach a record five feet above normal in late spring, just in time to be tossed by the annual storms that sweep in off the lake.

Army engineers described the situation as potentially disastrous. Flooding could be widespread, they said.

U.S. Rep. Charles A. Vanik, D–22, of Cleveland, said damage could run into millions of dollars and could involve thousands of acres in the urbanized Great Lakes basin.

Eastlake Mayor William H. Lucas, whose city has felt the brunt of the lake many times, called the outlook "frustrating beyond belief."

Last month the lake level was 2.3 feet above normal, according to a survey released by the U.S. Department of Commerce. The same report said the lake by late spring would exceed its all-time high of slightly more than four feet above normal set in 1952.

"There is nothing we can do," said Sam Maiore, chief of the U.S. Army Corps of Engineers' hydraulic's section at Buffalo. "We have no controls on Lake Erie."

The Corps of Engineers has warned 42 vulnerable areas along the Ohio shoreline to expect extensive damage from spring flooding.

Through a project called "Operation Foresight," the engineers have offered plans for the construction of elaborate sandbag dikes around low areas, including frequently flooded areas in Vermilion, Eastlake and near Toledo.

"All those guys are doing is offering a pile of bags," Vanik said. "They aren't even filling them. They are just standing around and waiting for this thing to happen."

Army Engineers predicted the worst flooding would occur in the Vermilion Lagoons area, where expensive homes sit along man-made waterways. Owners will be advised on methods to safeguard their houses. These methods include blocking basement windows and building small dams around each house.

"That area is hopeless," an Army spokesman added.

Maiore said the sandbagging would have to begin in February so that adequate dikes could be built in time to block the rising, storm-tossed waters.

Vanik has requested that Casper W. Weinberger, director of the U.S. Office of Management and Budget, set aside "hundreds of millions of dollars to provide for the disaster relief that will be needed" if extensive flooding occurs.

In a letter to Weinberger, Vanik said:

"It is incredible to me that the federal government can stand by in callous disregard in the face of obvious and impending disaster which is likely to occur during the spring thaw.

"To my knowledge, this is the first time in American history that we have received such a stern and clear warning of impending disaster."

Record rainfall during the last year has raised the water levels in all the Great Lakes. This water eventually flows into Lakes Erie and Ontario before emptying into the St. Lawrence River.

The water level in Lake Ontario last month was 1.1 feet above normal, which was only 0.03 foot below the all-time record. Army engineers said the level in Lake Ontario could be almost two feet higher if they were not able to regulate the water flow through the huge dams of the Robert Moses-Saunders power plant at the mouth of the St. Lawrence River.

"We have no such regulation safeguards on Lake Erie," an engineer said. "We could let more water through the dam, but that would endanger Montreal, and we have a responsibility to Canada."

But even extensive lowering of Lake Ontario, which would result in flooding of parts of Canada, would have little effect on the Lake Erie problem because there is no way of speeding up the flow of Lake Erie waters over Niagara Falls into Lake Ontario, an Army spokesman said.

Corps of Engineers studies show that a dam at the source of the Niagara River with an estimated construction cost of about $200 million could help ease Lake Erie flooding by controlling water flow year-round.

Vanik said there are other more immediate solutions.

He has asked President Nixon to request that the Canadian government reopen the Welland Canal that connects Lake Erie with Lake Ontario. The canal had been closed for repairs during the winter months, shutting off the flow of 7,500 cubic feet of water per second out of Lake Erie.

Vanik said another help would be a cutback in the 5,390 cubic feet of water per second diverted from the Hudson Bay basin into Lake Superior through the Ogoki-Long Lake Project. This water eventually empties into Lake Erie.

He also suggested lowering the level of Lake Michigan by emptying water into the Chicago drainage canal and opening the Black Rock Lock, used primarily for barge traffic, so that an additional 5,000 cubic feet of water per second could flow from Lake Erie into the Niagara River.

"We are talking about only lowering the level four to five inches on the outside, but that would help reduce the damage," Vanik said.

The International Lake Superior Board of Control yesterday closed two additional gates in the St. Mary's River controlling the water flow from Lake Superior to Lake Huron.

Closing of the gates in Sault Ste. Marie in Michigan and Ontario is expected to reduce the amount of water flowing out of Lake Superior by about 9,000 cubic feet per second. During the first week of December, 12 of 16 gates were closed, which reduced the outflow by about 35,000 cubic feet per second. At the same time, the Ontario hydroutility plant cut the outflow of Lake Nipigon into Lake Superior by 5,000 cubic feet per second.

Every drop of water that is kept from flowing into the Great Lakes will help to lessen the expected flooding this spring along the Lake Erie shore.

"All water in the upper Great Lakes will eventually flow downstream," an Army engineer said, "and downstream is Lake Erie."

In light of the failure for the Federal Government to provide more positive leadership in controlling the water levels of the Middle Great Lakes, and in light of their failure to provide adequate flood protection and assistance against erosion, I sent the following letter to the Honorable Caspar Weinberger, Director of the Office of Management and Budget on January 10, 1973. As I stated in the letter:

> It is incredible to me that the Federal Government can stand by in callous disregard, in the face of obvious and impending disaster. . . .

And that therefore the administration should budget now for hundreds of millions of dollars which will be needed for disaster relief—for relief of a disaster which could have been lessened or even prevented. The letter follows:

JANUARY 10, 1973.

Hon. CASPAR W. WEINBERGER,
Director, Office of Management and Budget, Executive Office Building, Washington, D.C.

DEAR MR. WEINBERGER: For some time, I have been endeavoring to alert the Administration to the impending crisis that will occur on large sections of the Lake Erie shoreline—resulting from extraordinarily high water levels which have already flooded large portions of the coastline and which are predicted to cause further extensive flooding during the coming spring storms.

In this period, Lake Erie water levels, already eighteen inches above normal, may well rise in excess of an additional twelve inches over present and unprecedented levels. The flood areas under storm conditions may involve hundreds of thousands of urbanized acres in the Great Lakes Basin.

It is incredible to me that the Federal government can stand by in callous disregard, in the face of obvious and impending disaster which is likely to occur during this spring's thaw. It seems to me that there are many steps that could be taken to reduce the level of the Lake and protect the shoreline with even this short period of lead time over the impending disaster.

If the Federal government is unable to come up with an immediate program of help in this crisis, I must advise your office to set aside adequate financial allocations in the hundreds of millions of dollars to provide for the disaster relief which will be needed.

To my knowledge, this is the first time in American history that we have received such a stern and clear warning of impending disaster.

Sincerely yours,

CHARLES A. VANIK,
Member of Congress.

In the final analysis, Mr. Speaker, the only firm protection which can be provided for these highly urbanized shore communities is the construction of shore protection devices in those cases where the cost-benefit ratio justifies construction. Temporary sandbags will not work in the face of Great Lakes storms.

Passage and implementation of the legislation we are introducing today is urgent. In reality, it is emergency legislation to help these communities—and I hope that the Congress and the relevant communities will accept this legislation on an emergency basis and provide for its rapid enactment.

THE URBAN RECREATIONAL OPPORTUNITIES ACT

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ROSTENKOWSKI) is recognized for 5 minutes.

Mr. ROSTENKOWSKI. Mr. Speaker, since 1968, the recreation support program—RSP—a temporary summer youth recreation program, has been the only national recreation effort for urban youth in this country. Recreation support is geared to inner-city neighborhood groups and the utilization of existing parks, schools, and recreation areas. Despite minimal and perennially late funding and a lack of local program coordination, the RSP has laid the foundation for all national urban recreation programs to come.

Unfortunately, there is not, nor has there ever been, a strong core organization from which our urban recreation programs could evolve. Our cities have reached the point where they can no longer afford to match Government grants. There is an urgent demand for urban youth recreation programs. About 90 percent of our population resides in metropolitan areas. Sixty-three percent of these people are children under 15 years of age. Yet, there is no money, no open space, and no permanent program to satisfy their recreation needs.

More than anyone else it is our low income and poverty area youth who really suffer from this recreation gap. These children are literally prisoners in their own neighborhoods. Rarely can they find local recreation areas or programs within their reach.

Mr. Speaker, today, along with my distinguished colleague and friend, Congressman GUS HAWKINS of California, I am introducing the Urban Recreational Opportunities Act of 1973. This bill would provide our inner-city youth with permanent, year-round recreational activities. It would also encourage cooperation with other youth programs in order to develop a comprehensive youth recreation system in urban areas throughout the United States.

The new, year-round urban recreational opportunities program would in effect replace the present summer recreation support program and would be administered by the Department of Labor. It would create a federally subsidized urban recreation system from which park districts, civic centers, neighborhood groups, as well as private organizations or individuals could contract for grants through the chief executive officer of their local government.

The act stresses the necessity of coordinating other youth-oriented programs, such as, the "free lunch" program and youth transportation programs, in order to enable the development of strong local recreation systems with mimimal duplication and maximum effectiveness.

Mr. Speaker, we owe it to the youth of this Nation—to the 100 million young people who live in our cities—to provide adequate urban recreation opportunities.

At this point I insert the text of this legislation in the RECORD:

H.R. 2334

A bill to authorize the Secretary of Labor to provide for the development and implementation of programs of units of local government to provide comprehensive year-round recreational opportunities for the Nation's underprivileged youth, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Recreation Support Program be cited as the "Urban Recreational Opportunities Act of 1973."

FINDINGS

SEC. 2. (a) The Congress finds that many young Americans are unable to have healthful, developmental recreational opportunities because of lack of personal financial resources and the absence of appropriate facilities to provide such opportunities; that the denial of these opportunities is more evident and critical with respect to the underprivileged youth who reside in the crowded neighborhoods of the Nation's major cities; and that the problem of providing such recreational opportunities is compounded by such factors as the financial inability of local governmental agencies to plan and operate comprehensive year-round recreation programs, the changing patterns of public school operations which are presenting greater challenges to local governmental recreation agencies, and the operation of State and Federal recreation programs in locations far removed from the Nation's major cities.

(b) The Congress further finds that the solution to the problem of providing recreational opportunities for the Nation's underprivileged youth lies in:

(1) the establishment of a permanent year-round urban recreational opportunities program within the Department of Labor; and

(2) the providing of the necessary linkage on the local level with already existing Federal, State, or locally funded programs in such a way as to utilize existing resources.

PROGRAM AUTHORIZATION

SEC. 3 (a) For the purposes of this Act the Secretary of Labor (herein after referred to as the "Secretary") is authorized, in consultation with the Secretary of the Department of Interior, to develop and to implement programs which are used or usable for recreation, including but not limited to—

(1) transfer of funds to any other federal department or agency involved in supporting recreation programs;

(2) technical assistance, to be made available by the Department of the Interior, Bureau of Outdoor Recreation's regional representatives working with manpower planning staffs provided for under the Cooperative Area Manpower Planning System (CAMPS); and

(3) coordination of all such programs by the Secretary with units of local government.

PROGRAM PLANNING GRANTS

SEC. 4. The Secretary is authorized to make grants to units of local government, to assess, and to plan for meeting, the total recreation need, consistent with the purposes of this Act.

PROGRAM IMPLEMENTATION GRANTS

SEC. 5. (a) The Secretary is authorized to make grants to units of local government for urban recreational services for underprivileged youth that will meet the high priority needs identified in the programs developed in accordance with provisions of section 4 of this Act.

(b) Programs shall be carried out through grants made directly to units of local government, including but not limited to the largest cities in the United States as determined by the 1970 census, and to the rural areas where the need for recreational opportunities is the greatest.

(c) Particular attention shall be given to the needs of Appalachia and Indian tribes.

(d) To the maximum extent feasible, recreation sites selected for programs must be located directly in low-income communities or areas to insure that disadvantaged youth will benefit from the program.

(e) Programs assisted under this Act shall, to the extent feasible, be designed to include the following:

(1) Informational tours
(2) Cultural field trips
(3) Instruction in arts and crafts
(4) Athletic activities
(5) Admission to special events
(6) Transportation for youth
(7) Transportation for staff
(8) Lunches provided as part of the recreational activity
(9) Special recreation clothing where needed.

(f) Funds made available to units of local government may be made available by the chief executive officer of such unit or his designated body, to any political subdivision within that unit of local government.

(g) Agencies designated under part (b) of this section may contract with any private non-profit agency or organization to implement such program projects.

(h) The amounts available for annual grants under this section shall be determined by the Secretary on the basis of the following factors:

(1) The number of underprivileged youth residing within the area;

(2) The ability of the local government's program to serve the high priority recreational needs of youth, especially the underprivileged youth residing in crowded neighborhoods of major cities;

(3) The effectiveness of the local government's overall recreation programs including acquisition and development of recreation lands and facilities to serve high priority needs; and

(4) Such other factors as the Secretary deems relevant.

(i) A public agency may receive funds under this section for costs of the direct recreational opportunities program services for underprivileged youth, including supervisory and leadership services, transportation, program supplies, lodging, meals, clothing, insurance, and such other services as the Secretary deems necessary for such youth to participate in recreational activities.

(j) Grants shall be used to supplement rather than supplant financial efforts of units of local government.

(k) The Secretary may establish such additional terms and conditions to the grants authorized by the section as he determines to be desirable.

(l) The District of Columbia and Puerto Rico shall be considered as units of local government for the purposes of this section.

CRITICAL SERVICES AND DEMONSTRATION PROGRAMS

SEC. 6(a) The Secretary is authorized to make grants to any public or private bodies or agencies in coordination with chief elected officials of local units of government subject to such terms and conditions as he may prescribe, for the purposes of (1) providing recreational opportunities concentrations of underprivileged youth if he determines the needs of such youth are not adequately met through the other federal, State, or local programs established pursuant to this Act; or (2) demonstrating and evaluating new methods and techniques of providing recreation support services for concentrations of underprivileged youth.

COORDINATION WITH OTHER FEDERAL PROGRAMS

SEC. 7(a) The Secretary shall take appropriate action to insure that any program for which financial assistance is received under this Act utilizes, to the maximum extent practicable, lands and facilities in public ownership that may be utilized to carry out the purposes of this Act.

(b) The Department of Housing and Urban Development and the Department of Health, Education, and Welfare, shall to the extent possible, insure that Federal assistance in public housing, housing loan guarantees and school construction programs take into account and provide for needs for recreation space and program operation.

(c) Funds made available to other federal agencies for programs supporting this Act shall not affect grants for funds made available under this Act.

(d) In order to assure consistency in policies and actions under this Act with other related Federal programs and activities, the Secretary may issue such regulations with respect thereto as he deems desirable.

EVALUATION

SEC. 8. (a) From funds appropriated to carry out the grants, the Secretary may reserve such amount, not to exceed one per centum, as he deems necessary to provide for a continuing evaluation of programs assisted under this Act and their impact on related programs.

(b) The Secretary may disseminate the results of the evaluations conducted under this section as well as other information concerning Recreational Opportunities, to interested agencies, organizations and individuals.

MISCELLANEOUS

SEC. 9. (a) Each unit of local government or private non-profit agency receiving financial assistance under this Act shall keep such records and make such reports as the Secretary shall prescribe, including records which fully disclose the disposition of the proceeds of such assistance, the total cost of the undertakings in connection with which such assistance is given or used, and such other records as will facilitate an effective audit.

(b) The Secretary shall submit an annual report to the Congress on the progress made toward implementing the purposes of this Act.

(c) The Secretary of Labor may reimburse the Secretary of the Interior for expenses incurred in assisting in the implementation of this Act.

AUTHORIZATION OF APPROPRIATIONS

SEC. 10. There are authorized to be appropriated to carry out this Act, $100 million for fiscal year ending June 30, 1973; $150 million for fiscal year ending June 30, 1974; and $200 million for fiscal year ending June 30, 1975. Any amounts appropriated under this Act shall remain available until expended.

THE URBAN RECREATIONAL OPPORTUNITIES ACT OF 1973

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HAWKINS) is recognized for 5 minutes.

Mr. HAWKINS. Mr. Speaker, I have joined with my colleague Mr. ROSTENKOWSKI in the introduction of the Urban Recreational Opportunities Act of 1973. It is important that I explain this legislation, because of the attention it gives to creating and developing meaningful uses of time for our youth.

The Urban Recreational Opportunities Act, a critically needed program, establishes with permanency the recreation support program. RSP was initially created out of demonstration and pilot project funds by the Manpower Administration in the Department of Labor. This legislation also provides a method of stabilized funding through authorized appropriations.

Since the summer of 1970, the recreation support program—RSP—has been administered by the Manpower Administration in the Department of Labor and the Bureau of Outdoor Recreation in the Department of the Interior.

Initially, RSP was designed to expand existing recreational efforts conducted by public and private agencies for children 6 to 13 years of age, drew its major source of manpower from the Neighborhood Youth Corps. Funds flowed through mayors and their youth coordinators and were then subcontracted to public agencies or nonprofit organizations which desired to conduct recreation programs.

The use of the NYC aides established lines of communication between inner-city residents and summer recreation staff members, gave credibility to the program and succeeded in combining youth employment and recreation program needs.

Agencies which prior to 1970 had given incidental assistance for recreation, have since that time cut or severely limited such grants. To fill this gap, "crash funding" was requested and the Congress appropriated $15 million in 1970; $12.8 million in 1971; and $15 million in 1972 for a 2½-month summer program.

In both 1971 and 1972, the recreation support programs was funded under the Second Supplemental Appropriation Act. There was no other authority. This continued uncertainty of funding and the levels has resulted in several studies of the operation of the program and have revealed that:

First. "Crash funding" severely limits effectiveness by curtailing planning.

Second. Age restrictions have been unfair and have hindered the provision of services to those youth who needed them.

Third. The "summer only" operation of the program on such limited basis has prevented maximum effectiveness.

Fourth. Disadvantaged youth require better equipment, better facilities, and more recreational services.

Fifth. Inadequate recreation opportunity is one of the major grievances of the poor urban residents.

One suggestion has been the establishment of a permanent recreation program that takes maximum advantage of existing investments in land and facilities.

Clearly the need for recreation facilities and organized programs has grown since it ranked fourth among the 12 most intense grievances in the cities where there were riots in 1967. Local governments desperately need Federal finance assistance, and there presently exists no permanently established recreation program to provide such help.

The Urban Recreational Opportunities Act provides a major step in the direction of eliminating many of the past problems. This bill would establish a permanent year-round recreational program within the Department of Labor with funding authorized for a 3-year period.

This bill would also provide much-needed linkages on the local level with already existing Federal, State, or locally funded programs in such a way as to utilize existing resources. Excellent examples of the coordination involved are the usage of special feeding programs for youth in the summer months under the Department of Agriculture, youth transportation under the Department of Transportation, and the use of programs under the Bureau of Outdoor Recreation.

The bill would assist the mayors of our large urban areas by allowing:

First. The Secretary to make grants to units of local government to assess the total urban recreational needs.

Second. Utilization of the Bureau of Outdoor Recreation's regional representative working with manpower planning staffs under the cooperative area manpower planning system—CAMPS.

Third. High priority to meet the urban recreational needs of underprivileged youth.

Fourth. Particular attention to be given to the needs of Appalachia and Indian tribes.

The year-round nature of this legislation is designed to provide the needed planning in order to flexibly serve the greater needs of the younger and nonemployable youth during the summer months, and the type of constructive activities desired by the age group employable during the summer months, but in need of recreation in addition to more limited employment during the in-school months.

Mr. Speaker, as we witness a growth in youthful unemployment accompanied by greater demands for meaningful jobs, as we witness a national growth in youthful unrest and resulting acts of violence in our urban cities from New York to California, we must prepare to meet the crisis.

Let us not ignore the warning signals. Let us move quickly in enactment of this legislation and thereby strike another blow for our Nation's youth.

TRIBUTE TO MR. JIM SMITH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. MATHIS), is recognized for 5 minutes.

Mr. MATHIS of Georgia. Mr. Speaker, I would like to join my other colleagues in paying tribute to an outstanding man, Mr. Jim Smith, who is ending his tenure as Administrator of the Farmers Home Administration.

Even though I was not privileged to serve with Mr. Smith when he was a distinguished Member of the House, I have known and admired him as he has served rural America in his latest capacity.

I feel that Mr. Smith's knowledge and keen awareness of the problems that have faced rural America were extremely unique for leadership of governmental agencies and the Farmers Home Administration programs certainly reflected his wisdom.

Under his leadership, the Farmers Home Administration in 1972 alone financed the construction and repair of 115,985 individual houses and 3,500 rental units, providing housing for more than 570,000 rural people.

FHA loans to farmers included $816 million loaned to 71,583 families to purchase or operate farms or to restore disrupted farm operations, benefiting over 323,000 rural people. Private lenders participated with over $300 million, helping to make 8,900 additional loans and bringing total money available to over $1 billion.

In developing rural water and waste disposal systems, FHA provided some $300 million in loans and $40 million in grants for the construction or improvement of more than 1,200 systems serving more than 2.2 million rural citizens.

Needless to say, I am extremely saddened that such an able administrator is departing, but I want to wish Jim every success in the future in what endeavors he decides to pursue.

THE THREAT TO RURAL AMERICA TODAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina, (Mr. DAVIS), is recognized for 15 minutes.

Mr. DAVIS of South Carolina. Mr. Speaker, and my colleagues on both sides of the aisle—I would like to go on record today in regards to one of the recent austerity moves by the administration. Frankly, I must admit my confusion over the matter. I am speaking about the action taken by the administration toward the Rural Environmental Assistance program.

I recall around election time the campaign promise to the small farmer and citizen in rural America was "Don't worry, we'll take care of you." Well, all my friends and constituents who live in rural America are saying that is certainly true, and if they get taken care of any more they will not be able to stand it. As it is now, they only face destitution. If the Department of Agriculture leadership has its way, they will take good enough care of the small farmer to bring about his starvation.

Mr. Speaker, somebody is talking out of both sides of their mouth, with one hand patting the farmer on the back, and with the other picking his pocket. That somebody is not the Congress.

Today, rural America is faced with the greatest threat in its history—every day more and more people say "enough" and leave the farm. They leave because they cannot afford to be "taken care of" in the manner to which the powers that be would like them to become accustomed. They are tired of being the have-nots in an affluent society. Well, I do not blame them. I suspect I would lose my enthusiasm too in light of the most recent developments—the abolishment of REAP. This is not a budget cut—but a death sentence. This will be the "final straw" for many in rural America. The deciding factor between staying and leaving. To maintain the American farmer can continue to subsist without assistance is pure folly. He cannot. Moreover he should not.

The rural citizen deserves the same consideration as his urban counterpart, but the administration wants to take away this program that has done so much. What has it done? Well, just to put this program in perspective I would like to quote the distinguished chairman of the House Agricultural Committee, our colleague, Mr. POAGE of Texas. Speaking of the results of REAP he said:

> It has done more to clean up our streams than all of our pollution programs.

It has done this by widespread effort. This program has invited increased yearly participation by never allowing more than $2,500 per individual. This program has stopped the movement of silt and erosion of the land with terraces, contour farming, establishment of cover crops, and restoration of grasslands. Another plus for the program is the major portion it has accounted for in the reforestation of much of our private lands.

Let us not forget, this has been a participation program in which the small farmer has put his own funds on a matching basis. Now the "experts" want to stop this program. I am not sure if they do not know—or do not care that stopping such a program will have disastrous, long-range effects on all Americans.

Last year, 3 million acre-feet of silt poured into our streams—practically all of it from the rural area. In comparison, 104,000 acre-feet of sewage—practically all from the city was added to the streams. The very man who is responsible for helping to keep the rural figure from assuming astronomical proportions, the farmer, is being cut out of the assistance picture.

I must protest the lack of foresight that is being shown at this time. If we dismantle this program, I can see a return to the dustbowl days of 40 years ago. I am sure there are some who can remember those trying times, when much of America's heartland was lost. While I agree with the President that expenditures have gone too far, I do not feel that one segment of our society, the farmer, should bear the full weight of budget cuts. At this time, the administration is approving, yes, even increasing, the Federal percentage of assistance to the urban areas. I must object to the "stepson" role that is being thrust upon rural America.

Furthermore, I am concerned with the attempt to determine the priority of Federal spending. We, in the Congress, passed this law to spend $225 million on this program. First plans were to spend $140 million in initial funds. By my calculations, this was a cut of $85 million. Now we are told that none of the money will be spent.

Mr. Speaker, I must wonder aloud if anyone but Congress has the authority to abolish a program. As I understand the Constitution, it gives Congress the authority to determine the priority of Federal expenditures. Secondly, I must object to the timing of the announcement of cuts. Farmers in my district had been led to believe that at least $140 million was going to be available—money some of them were looking forward to. Following the election this changed, but not until the Christmas holidays. Could it be that there was hope such an announcement would be lost in the shuffle—buried in the hustle-bustle of the season. Frankly, gentlemen, this whole affair is beginning to take on a faint odor that seems to be growing stronger every minute. I, for one, am reluctant to allow still further erosion of the legislative branch's powers. I answer to the people who take the time to elect me every 2 years. I do not hide behind a wall of advisers, Cabinet members, and various assorted aides. I stand face to face with voters who are displeased with the direction of aid in rural America. I talk to the people and listen to their problems—not a pack of advisers who would not know a bull from a bass fiddle.

I cannot explain to an irate farmer that while I voted for a bill and it passed and the President signed it, no money will be spent. All the farmer sees is that helping hand being withdrawn at a time when he needs it more than ever. So when he cannot get an answer from the farm agent, then he turns to me for help. Since the Constitution says that I can give him that help, by God, I intend to. Congress has marched to another tune long enough. Now is the time to start making our own music and set our own pace. If that means others must fall into step, then so be it.

LEGISLATION TO AMEND THE DISASTER RELIEF ACT OF 1970

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD), is recognized for 15 minutes.

Mr. FLOOD. Mr. Speaker, today I have introduced a bill which was passed unanimously by the House of Representatives in the 92d Congress, but which failed to become enacted into law as the other body moved toward adjournment. That bill was H.R. 16598 and was then, and is now, an urgently needed amendment to the Disaster Relief Act of 1970 which provides that community disaster grants be based upon loss of budgeted revenue.

The catalog of sins visited by Hurricane Agnes upon the people of Pennsylvania is indeed a rouges' gallery—however, one of the most persistent and profound problems has been the destruction of the tax base at the local governmental level. As the direct result of every major natural disaster suffered in this Nation, fiscal damage to local governments is impacted twofold: First, in response to the sharp increase in needed services due to the disaster, expenditures rise dramatically. Second, revenues fall off sharply as a reflection of lost property and other tax sources which have been destroyed by the disaster. Local governments, find themselves with a drastically eroded tax base, and the prospect of not being able to deliver badly needed services both while in the middle of the disaster and in subsequent years.

The Congress recognized these terrible side effects of disaster when it passed the Disaster Relief Act of 1970 which contained a provision allowing for community disaster grants, section 241 of Public Law 91–606. It was a great idea with all the good intentions in the world—it was a fine plan of action to aid the communities in their struggle against ruin—but there was one major fault, it just did not work. And believe me, I know. I can recite for the next 10 minutes a list in my congressional district of small towns and some cities on both sides of the Susquehanna River stretching for some 60 miles which were wiped out by the flooding from Hurricane Agnes; and which would receive either nothing under current law or merely a few hundred dollars.

As evidence of the above-mentioned situation, I present the following charts, prepared by the Commonwealth of Pennsylvania Department of Community Affairs, which will graphically illustrate the fiscal impact upon the city of Wilkes-Barre and the county of Luzerne—the hardest hit areas in the Agnes disaster:

CHART A

WILKES-BARRE CITY IN 1972—REDUCED LOCAL REVENUES IN 1972, PROJECTED 1972 REVENUE SHORTFALLS FOR SEVERAL CITY INCOME SOURCES

[Dollar amounts in thousands]

	Budgeted	Expected	Revenue shortfall	Revenue shortfall as a percentage of 1972 budgeted amount
Real estate tax collections	$3,052	$2,792	$260	9
City-based nontax revenues (e.g., permits, parking)	781	601	180	23
Collections of prior years' taxes	160	130	30	19
Per capita and residence taxes [1]	230	199	31	13
Occupational privilege tax	165	150	15	9
Earned income tax	635	620	15	2
Mercantile tax	120	116	4	3
Subtotal	5,143	4,608	535	10
All other	321			
Total 1972 budget	5,464			

[1] Both taxes have been combined in this table.

Source: Wilkes-Barre City financial records and McKinsey estimates.

CHART B WILKES BARRE CITY 1972

Section 241 of the Disaster Relief Act provides no relief on the biggest shortfall—the property tax.

Qualification for recovery assistance requires a 15 percent flood year loss versus base year.

Wilkes-Barre 1972 collections exceeded 1971 since most collections preceded the flood.

(NOTE: Charts accompanying text not reproduced in the RECORD.)

CHART C

Section 241 not likely to provide relief in 1973 either.

[In thousands of dollars]

3-year average	2,374
1969 actual	2,054
1970 actual	2,514
1971 actual	2,554
1972 estimated year to date	2,792
1973 estimated	2,496

Source: Calculation procedure reviewed with OEP.

CHART D—LUZERNE COUNTY

The county will not qualify for Section 241 funds.

[Receipts in thousands of dollars]

1971	5,302
1972	5,394
Qualification line (85 percent)	4,508

CHART E—LUZERNE COUNTY 1973

Luzerne County does not qualify for Section 241 funds.

[In thousands of dollars]

3-year average	$4,834
1969 actual	4,131
1970 actual	5,070
1971 actual	5,303
1972 actual year to date	5,520
1973 estimated	5,273
Qualification line	4,508

Source: McKinsey estimates/county budget.

In explanation of the above situation, under current law grants under section 241 are based upon an average of tax collections over the past 3 years. In growing communities—and almost all are growing—the average of 3 years tax collections is significantly lower than the current disaster years tax collections. If you use the average figure as a base for making a community disaster grant, the result is zero grant money. What I have done in this bill to rectify this deplorable situation is to base the grants upon the loss of budgeted revenue. A community will then get a grant to make up for the difference between what their expected revenue was in the disaster year and what they actually did collect. The aim will be to fill this fiscal gap. This assures that the effects of a seriously eroded tax base will not be immediately felt at such a critical moment as the time when efforts are being strenuously made toward recovery—with all the consequences that can mean.

In addition, grants are to be made to make up for all locally generated revenues which have been cut due to the disaster. This excludes extraordinary revenues such bond issues for obvious reasons, but does include property and other taxes, permits, fines, departmental earnings, refunds and reimbursements, et cetera, all of which suffer reduction in amounts collected when disaster strikes.

Mr. Speaker, safeguards have been written into this bill—tax rates and tax assessment valuation factors in effect at the time of the disaster shall be used for purposes of computing the grant, without reduction. Furthermore, any State grants—made strictly for the purposes outlined in this act—will reduce the amount of the Federal grant. In addition, the bill provides for the opportunity of local governments to grow and thus provide for the demanded services which are so desperately needed at the local level. The bill allows a 10-percent growth in the budget in the year following the disaster, and an additional 10 percent in the second year, for the purposes of making these grants.

This bill assures that the congressional intent to "shore-up" municipal tax bases which had been eroded due to natural disaster becomes a reality. The machinery exists presently which was intended to help communities recover from a disaster; however, that machinery must be replaced with a new engine designed to close the fiscal gaps which prevent the rapid and complete recovery of destroyed American towns and cities. When an American city such as Wilkes-Barre, Pa. has suffered a revenue shortfall in 1972 of $665,000; when that same city will face an initial revenue gap of over $1.5 million in 1973; when that city must be forced to spend over one-half of its revenue sharing funds of 1972 and all of its revenue sharing funds of 1973 merely to balance the budget; when the only other option available is to raise the taxes of a citizenry who have virtually lost all of their possessions, or curtail crucially needed local services—when such a situation exists now and can exist at any moment in the future in any, I repeat any, American city, then the time has come for a rapid change in the law. I can assure you that the benefits will rebound to all of us many fold what little we shall expend.

H.R. 2306

A bill to amend the Disaster Relief Act of 1970 to provide that community disaster grants be based upon loss of budgeted revenue

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 241 of the Disaster Relief Act of 1970 (42 U.S.C. 4460) is amended to read as follows:

"COMMUNITY DISASTER GRANTS

"SEC. 241. (a) The President is authorized to make grants to any local government which, as the result of a major disaster, has suffered a substantial loss of revenue. Grants made under this section may be made for the tax year in which the disaster occurred and for each of the following two tax years. A grant under this section for the tax year in which the major disaster occurred, plus a grant from the State in which such local government is located made for the purposes of this section for such tax year, shall not exceed the difference between the total revenue received by the local government for such year and the total revenue provided for in the base budget of the local government which was in effect for such year. For each of the two tax years following the major disaster, a grant under this section, plus such a State grant for such tax years, shall not exceed the difference between the total revenue received by the local government for the tax year for which the grant is made and the total revenue provided for in the base budget of the local government which was in effect for such year. In no case shall a grant for the tax year following a major disaster, plus such a State grant for such tax year, exceed the difference between the total revenue received by the local government for the tax year for which the grant is made and an amount equal to 110 per centum of the total revenue provided for in the base budget of the local government which was in effect for the tax year in which the major disaster occurred. In no case shall a grant for the second tax year following a major disaster, plus such a State grant for such tax year, exceed the difference between the total revenue received by the local governments for the tax year for which the grant is made and an amount equal to 120 per centum of the total revenue provided for in the base budget of the local government which was in effect for the tax year in which the major disaster occurred.

"(b) For the purposes of this section—

"(1) The term 'revenue' includes revenue generated by the local government derived from property taxes (both real and personal) and other taxes, permits, licenses, fines and costs, departmental earnings, refunds, and reimbursements, but does not include extraordinary receipts of a nonrecurring nature.

"(2) The term 'base budget' means the budget of the local government which was in effect on that date prior to the date of the major disaster for which a grant is made under this section.

"(c) For the purposes of computing the revenue received by a local government in any tax year during which a grant is made under this section, the President shall use the tax rates and tax assessment valuation factors of the local government in effect at the time of the major disaster without reduction."

SEC. 2. The amendment made by the first section of this Act shall take effect with respect to grants to local governments for losses resulting from major disasters which occur after June 1, 1972.

NIER TOOLS FOR SCHOOLS: COCK ROBIN OR PHOENIX?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANDERSON) is recognized for 30 mniutes.

Mr. ANDERSON of Illinois. Mr. Speaker—

"Who killed Cock Robin?
Who saw him die?
Who'll dig his grave?" (from *Mother Goose*)
". . . when the bird of wonder dies,
The maiden phoenix, her ashes new-create
another heir as great in admiration
as herself." (from Shakespeare)

Mr. Speaker, at this very moment, machine tools worth over $46 million are literally rusting away in two storage depots of the National Industrial Equipment Reserve—NIER—and some 400 U.S. schools face the possible loss of over $40 million in NIER machinery on free loan for vocational training purposes.

What precipitated this sad state of affairs was a minor disagreement between the Congress and the administration last year over whether to retain NIER funds in the budget of the General Services Administration or shift them to the Department of Defense budget. While GSA has responsibility for the protection and maintenance of NIER machinery in storage and for the tools for schools loan program, the Department of Defense has overall responsibility for NIER. The upshot of this budgetary disagreement was that NIER ended up nowhere, and at midnight, December 31, 1972, GSA was forced, due to lack of funds, to turn off the dehumidifiers and lock up its two main storage facilities, cease its inspections of machinery on loan to schools, and shove pending loan applications into the deepfreeze. All this was allowed to happen despite the fact that Deputy Defense Secretary Rush has termed the situation, "detrimental to our national security interests" and has praised the "tools for schools" program as beneficial both because some 35,000 youths and disadvantaged persons "are taught skills which are critical to defense emergency production" on this machinery, and because "the Government has obtained free storage and maintenance of NIER equipment" on loan.

The correspondence I have had both within the Congress and with the executive branch reinforces my impression about the value of the NIER program and the need to continue it. It also reflects some difference of opinion as to who is responsible for the death of Cock Robin—see CONGRESSIONAL RECORD, January 11, 1973, page 875. I am not interested at this point in affixing blame. The administration had some valid reasons for including NIER funding under DOD, and the House Appropriations Committee had equally persuasive arguments for keeping DOD out of the school loan business. And by the time the matter had been resolved with respect to the DOD appropriation bill, the GSA appropriation bill had already been signed into law.

So, I come today not to bury the NIER Cock Robin, but to praise it and to suggest and urge that it be recreated, phoenix-like, from the ashes. To accomplish this I am today introducing with Mr. QUIE, Mr. BRADEMAS, and 61 cosponsors, a $1.8 million supplemental appropriation bill for GSA to continue the NIER program.

Mr. Speaker, I think we should be fully aware of the possible consequences if we do not move to restore funds for NIER. If NIER is terminated and it becomes necessary to withdraw the 8,149 pieces of machinery now on loan to schools and place them in Government storage, it could cost the Government up to an additional $3.8 million per year to store and maintain this machinery, according to estimates provided to me by the General Accounting Office.

And if the schools in turn attempt to replace this machinery at their own expense, it could cost them up to $103 million, again according to estimates supplied by GAO in consultation with GSA and DOD officials.

Now I admit this is all based on the worst possible contingency, that is, the forced withdrawal of all machinery on loan, but it is still a very real possibility since GSA can no longer make its periodic inspections of the schools to insure that the machinery on loan is still in adequate condition to be retained as part of the machine tool reserve. So, while no decision has yet been made as to what to do with the machinery on loan, we must seriously consider total withdrawal as a possibility and assess its projected impact on the Government and the schools involved, both in terms of money and manpower training requirements. And we can only conclude, on the basis of estimates supplied to me by GAO, that the additional expense to the Government could be up to twice as much as we are now spending on the entire NIER program, that is, that the cost to the Government would triple. But even more significant would be the impossible financial burden placed upon the schools if they attempted to replace this machinery at their own expense, amounting to as much as $103 million.

And I must point out that I am not including in these estimates what it will cost the Government to replace the machinery now rusting away in storage unless something is soon done.

Let me say in conclusion, Mr. Speaker, that while the bill we are introducing today involves a very miniscule supplemental appropriation of $1.8 million, our failure to act on it expeditiously could come back to haunt us a hundredfold. This bill supports the position of our Appropriations Committee last year to retain NIER under GSA, and the subsequent communication to me by the chairman that, "the Committee has no objection to the funding of such programs in the appropriate departments or agencies, such as the General Services Administration." By our introduction of this bill today we are simply underlining our strong support for the position taken by the committee and its chairman and calling the attention of the committee to the importance and urgency which we attach to this issue. It is our hope that the committee will be encouraged and impressed by this support and will give priority attention to this matter at the earlier practicable date.

At this point in the RECORD, Mr. Speaker, I include a list of cosponsors of this supplemental appropriation bill, a table showing the number of schools in each State having NIER equipment on loan, an exchange of correspondence between myself and a White House official on this matter, and the report I have cited from the Comptroller General of GAO, the Honorable Elmer Staats.

LIST OF COSPONSORS OF NIER SUPPLEMENTAL APPROPRIATION BILL

Mr. Anderson (R-Ill.), Mr. Quie (R-Minn.), Mr. Brademas (D-Ind.), Mr. Adams (D-Wash.), Mr. Alexander (D-Ark.), Mr. Badillo (D-N.Y.), Mr. Bergland (D-Minn.), Mr. Bevill (D-Ala.), Mr. Boland (D-Mass.), Mr. Buchanan (R-Ala.), Mrs. Chisholm (D-N.Y.), Mr. Cohen (R-Maine), Mr. Danielson (D-Calif.), Mr. Davis (D-Ga.), Mr. Dellenback (R-Oreg.), Mr. de Lugo (V.I.), Mr. Derwinski (R-Ill.), Mr. Forsythe (R-N.J.), Mr. Fraser (D-Minn.), Mr. Guyer (R-Ohio), Mr. Harrington (D-Mass.), Mr. Harsha (R-Ohio), Mr. Ichord (D-Mo.), Mr. Kemp (R-N.Y.), Mr. Johnson (D-Calif.).

Mr. Latta (R-Ohio), Mr. McClory (R-Ill.), Mr. McCollister (R-Nebr.), Mr. Mailliard (R-Calif.), Mr. Mayne (R-Iowa), Mr. Meeds (D-Wash.), Mr. Moakley (D-Mass.), Mr. Mollohan (D-W. Va.), Mr. Mosher (R-Ohio), Mr. Moss (D-Calif.), Mr. Myers (R-Ind.), Mr. Nelsen (R-Minn.), Mr. Pepper (D-Fla.), Mr. Peyser (R-N.Y.), Mr. Podell (D-N.Y.), Mr. Price (D-Ill.), Mr. Riegle (R-Mich.), Mr. Roe (D-N.J.), Mr. Roybal (D-Calif.), Mr. Sarbanes (D-Md.), Mr. Scherle (R-Iowa), Mr. Seiberling (D-Ohio);

Mr. James V. Stanton (D-Ohio), Mr. Stuckey (D-Ga.), Mr. Symington (D-Mo.), Mr. Thompson (D-N.J.), Mr. Thone (R-Nebr.), Mr. Thornton (D-Ark.), Mr. Williams (R-Pa.), Mr. Charles Wilson (D-Tex.), Mr. Wolff (D-N.Y.), Mr. Wyman (R-N.H.), Mr. Zwach (R-Minn.), Mr. Gerald R. Ford (R-Mich.), Mr. Frenzel (R-Minn.), Mr. Culver (D-Iowa), Mr. Landgrebe (R-Ind.), Mr. Veysey (R-Calif.), Mr. Mendel Davis (D-S.C.).

TOOLS FOR SCHOOLS LOAN AGREEMENTS AS OF SEPT. 30, 1972

State	Number of loans	Number of items	Acquisition cost
Alabama	8	157	$633, 981
Arkansas	27	507	2, 126, 019
California	28	499	2, 552, 628
Colorado	1	35	143, 133
Connecticut	10	123	450, 279
Delaware	2	22	111, 112
Florida	1	43	97, 020
Georgia	12	251	1, 062, 123
Idaho	3	33	110, 698
Illinois	15	229	999, 404
Indiana	18	321	2, 229, 527
Iowa	11	249	1, 333, 824
Kansas	10	233	897, 585
Louisiana	1	14	42, 461
Maine	3	41	172, 942
Maryland	1	18	65, 494
Massachusetts	27	665	2, 573, 796
Michigan	32	784	4, 060, 852
Minnesota	12	496	2, 512, 708
Mississippi	1	24	77, 309
Missouri	9	259	1, 564, 196
Montana	1	5	10, 668
Nebraska	4	131	704, 464
New Hampshire	7	177	800, 001
New Jersey	12	113	500, 090
New Mexico	3	48	176, 656
New York	7	49	170, 998

TOOLS FOR SCHOOLS LOAN AGREEMENTS AS OF SEPT. 30, 1972—Continued

State	Number of loans	Number of items	Acquisition cost
North Carolina	5	152	$654,548
North Dakota	1	37	183,219
Ohio	31	484	2,653,809
Oklahoma	5	61	401,878
Oregon	13	181	1,304,911
Pennsylvania	19	378	1,929,475
South Carolina	10	301	2,265,046
South Dakota	3	77	320,360
Tennessee	7	86	328,532
Texas	4	45	243,330
Utah	3	76	525,959
Vermont	1	40	137,479
Virginia	13	172	1,198,264
Washington	7	146	732,610
West Virginia	3	81	236,243
Wisconsin	7	284	1,708,968
Wyoming	1	22	156,662
Total, 44 States	399	8,149	41,160,661

THE WHITE HOUSE,
Washington, January 9, 1973.

Hon. JOHN B. ANDERSON,
House of Representatives,
Washington, D.C.

DEAR MR. ANDERSON: This refers to your letter to Mr. Weinberger of December 13, 1972, concerning the National Industrial Equipment Reserve program which involves loans of machine tools to vocational education programs.

The President's 1973 Budget proposed that funding for the administrative expenses of the NIER program be shifted from the General Services Administration to the Department of Defense. In reviewing the 1973 budget proposals we concluded that this was not a high priority program and should be subject to examination by the Congress as part of their action on the 1973 Defense program. The budget proposed that 16 programs be absorbed within existing Defense Department funds.

As you know, the Congress decided not to provide funds for continuation of the Industrial Reserve program. While this action was, I am sure, the result of many considerations, I would point out that Mr. Mahon expressed concern that this program appeared to be based more on vocational training objectives than on defense requirements.

In view of the congressional action leading to termination of the NIER program I understand that the Department of Defense is considering a number of alternatives relating to the future of NIER and other Defense equipment reserves. To the extent that any of the stockpiled equipment is declared excess, it could then be donated to educational institutions for vocational training programs.

I appreciate your interest in this matter.

Sincerely,

WILLIAM L. GIFFORD,
Special Assistant to the President.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., January 12, 1973.

Mr. WILLIAM L. GIFFORD,
Special Assistant to the President, The White House, Washington, D.C.

DEAR BILL: Thank you for your letter of January 9 in response to my letter of December 13 concerning funding for the National Industrial Equipment Reserve (NIER) and its "tools for schools" loan program.

In your final paragraph you indicate that the Department of Defense "is considering a number of alternatives relating to the future of NIER and other Defense equipment reserves." I assume you may be referring to the December 13 letter from Deputy Defense Secretary Kenneth Rush to Chairman Mahon requesting authority and funds to "transfer the 4,100 tools from the NIER to the General Industrial Equipment Reserve of the DoD." As you may know, Chairman Mahon denied that request in his response of December 21, saying such a transfer "may not be in consonance with the intent of Congress." At the same time, Chairman Mahon indicated that, "The Congress, of course, did not object to the continuation of the program in the General Services Administration."

If, as Deputy Defense Secretary Rush maintains, the present limbo status of NIER "has an immediate detrimental effect on national security interests," and if, as he further maintains, the Government has benefited from "the free storage and maintenance of NIER equipment" on loan to schools, "and at the same time some 35,000 youths and disadvantaged people are taught skills which are critical to defense emergency production" on this machinery, then it would seem to me that the Government has a very large stake in continuing the NIER program and that every effort should be made to resolve the small bookkeeping differences which exist between the Congress and the Executive. I would simply propose again that this can be achieved by restoring NIER funds to GSA now through a supplemental appropriation, and by retaining it under GSA in the fiscal 1974 budget.

I don't think it really makes all that much difference whether NIER appears in the Defense budget or that of GSA because, as Deputy Defense Secretary Rush points out in his letter, "emergency plans call for transfer of the functions which the Secretary of Defense exercises with respect to NIER to the agency established for control of national production in time of emergency."

I think it would be doubly disastrous if, by our inaction at this time, we were to allow the unattended NIER machinery in storage to rust into a state of disrepair (and that is a real danger), and if we were to terminate the valuable "tools for schools" loan program and perhaps be forced to withdraw the machinery now on loan. Both components of NIER are vital to our national security interests and both are popular in the Congress, in the Executive Branch and with the schools.

I would therefore strongly urge the President and the Office of Management and the Budget to lend their immediate support to a supplemental appropriation to salvage the NIER program and to retain this function in the GSA budget in fiscal 1974.

With all best wishes, I am

Very truly yours,

JOHN B. ANDERSON,
Member of Congress.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., January 15, 1973.

B-125187.

The Honorable JOHN B. ANDERSON,
House of Representatives.

DEAR MR. ANDERSON: In your letter dated December 18, 1972, you asked the General Accounting Office to provide two cost estimates relating to the potential impact of discontinuing the school loan program of the National Industrial Equipment Reserve (NIER). Specifically, you asked us to estimate (1) the additional cost to the Government if machine tools on loan to vocational schools from the NIER were recalled, stored, and maintained in Government supply depots and (2) the cost to vocational schools to replace these tools.

The National Industrial Reserve Act of 1948 (Public Law 80–883) established the NIER as a reserve of machine tools for use in time of national emergency. The NIER consists of 12,249 machine tools having an acquisition cost of $89,221,000 as of September 30, 1972. Tools on loan to schools totaled 8,149 with an acquisition cost of $41,161,000; the remainder—4,100 with an acquisition cost of $48,060,000—are stored at Department of Defense (DOD) depots and General Services Administration (GSA) facilities.

DOD has overall responsibility for the NIER. GSA, under the direction of DOD, is responsible for storing, maintaining, leasing, and disposing of the reserve and for operating the school loan program.

We asked Department of Defense officials to estimate the additional cost to store approximately 8,200 tools. DOD provided us with estimated costs to store the tools in both controlled dehumidified storage and in general purpose storage on a 1- and 5-year basis. General purpose storage sites would be used until dehumidified control storage becomes available. The estimated amounts included costs for receiving and storing, preservation, storage space, surveillance, and represervation.

The estimated cost to store approximately 8,200 tools in controlled dehumidified storage on a 1-year basis is about $1 million. On a 5-year basis the cost is estimated to be $2 million. The costs differ because of increased inspections and additional storage cost required during the 5-year period.

The estimated cost of storing the tools in general purpose storage on a 1-year basis is about $1.2 million and $3.8 million on a 5-year basis. The cost of general purpose storage increases on a 5-year basis because of additional storage costs, surveillance costs, and tool represervation costs. The general purpose storage estimate presupposes that all 8,200 tools would need to be represerved once or twice during a 5-year period.

While DOD has estimated the costs to store the tools, DOD and GSA officials told us that, at the present time, adequate storage space is not available.

Concerning the cost to replace the tools, GSA and DOD officials estimated that the cost of replacing such equipment with new equipment would be from 2 to 2½ times the acquisition cost. On the basis of the acquisition cost of approximately $41,000,000, we estimated that the schools would have to pay between $82 and $103 million to replace the NIER equipment in their custody.

We trust that this information is responsive to your request. We will not distribute this report further unless we obtain your agreement or you publicly announce its contents.

Sincerely yours,

ELMER B. STAATS,
Comptroller General of the United States.

WOMEN AGAINST THE WAR

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. ABZUG) is recognized for 5 minutes.

Ms. ABZUG. Mr. Speaker, this morning a number of women who have been active in opposing our involvement in Vietnam held a news conference to indicate our support for peace activities during the inaugural weekend and to demonstrate our belief that citizen efforts to bring about peace should continue unabated until peace is not merely "at hand," but actually here, with a signed peace agreement to prove it.

We call upon women and men all over this Nation to keep up the struggle for peace, to write to their Senators, Representatives, and even to their President to demand an immediate and permanent halt to all U.S. military involvement in Vietnam.

I insert a list of those participating in the news conference and the text of my statement there in the RECORD at the conclusion of my remarks:

PARTICIPANTS

Bella S. Abzug, Congresswoman, 20th C.D., New York.

Elizabeth Holtzman, Congresswoman, 16th C.D., New York.

Patricia Schroeder, Congresswoman, 1st C.D., Colorado.

Jane Hart.

Arvonne Fraser, Women's Equity Action League.

Betty Fridan, former chairperson, National Organization for Women (NOW).

Bonnie Garvin, National Peace Action Coalition.

Gwen Patton, D.C. Committee on Peace and Government.

Susan Miller, People's Coalition for Peace and Justice.

Flo Crater, Northern Virginia NOW.

Joyce Hamlin, United Methodist Women's Division.

Tara Reddy, Bombay, India, Women's International Democratic Federation.

STATEMENT OF BELLA ABZUG

Many of us in this room have spent the last decade calling for an end of this senseless, cruel war. As the bearers and nourishers of life, we feel kinship with all other women, with their children, and with their suffering. We cannot stand by and watch while this cruelty is continued in our name. We cannot accept yet another deception.

We conceive the participation of women in anti-war inaugural activities in Washington and across the country to be a clear restatement of our commitment to life, not death.

We are here today because everything else we have done has failed. President Nixon has promised repeatedly to bring us peace, but there is no peace. This time—when the promise is so alluring—we want him to know, and we want the world to know, that we will not stop protesting and start celebrating until we see the actual black and white of a peace agreement.

I'm glad to be able to report that the Congress seems to be in the same mood. There is unprecedented rumbling on Capitol Hill, where for too long Senators and Representatives have been as completely ignored by the President as has every other segment of the public.

Now more than ever, your efforts count—every letter is read and tabulated, every "for" and "against" opinion recorded, by Congressmen looking for your support in their new readiness to end this war. It has been estimated that about one hundred and fifty Representatives may boycott the inauguration. Some will join our demonstration. Ironically, the administration warns us to be "peaceful"—they who have dropped millions of tons of bombs on civilians. They need not fear: we are peaceful people 365 days a year—to be otherwise would violate everything we stand for. Let us remind *them* that we expect an end to their mouthing peace, a beginning of making it.

One way to begin is to pass cut off fund legislation which I and other Representatives have introduced.

It is very important that we gather here this weekend, that men and women from every walk of life are gathering elsewhere, to remind us that in the end it is people, exercising every constitutional right of petition and protest, who will see that either the President or the Congress ends this war.

ATTENDANCE AT INAUGURATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. SEIBERLING) is recognized for 5 minutes.

Mr. SEIBERLING. Mr. Speaker, I will not take 5 minutes.

The Washington Post and possibly some other media today reported on a press conference attended yesterday by Congressman EDWARDS and I, among other Members, to the effect that certain Members intended to boycott the inauguration of the President on Saturday.

I simply wish to correct the record. Neither Mr. EDWARDS nor I or any other Member present at that press conference stated that there was any boycott of the inauguration. What we did say was that he and I, as individuals, for reasons which we arrived at independently, did not intend to be present at the inauguration. My reason was that I did not by my presence desire to appear to lend support to policies of the administration which produced the bombing of North Vietnamese civilian areas and have failed thus far to extricate us from the war. I further stated, in response to questions, that I did not know of any organized movement for Members to stay away from the inauguration, but that each Member would undoubtedly do individually what he considered to be right and proper in his own conscience

Mr. EDWARDS was then asked, "How many did he think would be absent from the inauguration." He volunteered a figure which he stated at that time was purely a guess and that he had no way of knowing because there was no organized effort to bring about such an absence on the part of Members.

I feel that it is important to say this so that, as to any Members not present at the inauguration, there is not necessarily an inference that their absence is due to any particular reason, except as the individual Member may have expressed a reason.

EXPANSION OF THE ADVISORY COMMITTEE ON INTERGOVERNMENTAL RELATIONS TO INCLUDE SCHOOL BOARD OFFICIALS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. WILLIAM D. FORD) is recognized for 5 minutes.

Mr. WILLIAM D. FORD. Mr. Speaker, today my distinguished colleague, the gentleman from New York (Mr. PEYSER) and I are reintroducing legislation to give locally elected school board officials a voice on the Advisory Commission on Intergovernmental Relations. This bill was first introduced in the 92d Congress and hearings were conducted on this matter by the Intergovernmental Relations Subcommittee of the Governmental Operations Committee in August 1972. Among other things the ACIR advises the President on the intergovernmental relationship aspect of the complex financial problems which presently beset our Nation's elementary and secondary school systems.

The President, in his 1972 state of the Union message, referred to two complex and interrelated sets of problems with which school systems are now confronted. He spoke of their financial problems and he mentioned the possible affects that any type of tax reform might have on the basic relationships of Federal, State, and local governments.

In addressing the intergovernmental relations aspects of these problems, the President announced last year that he had enlisted the aid of the Advisory Commission on Intergovernmental Relations, and quite accurately he pointed out that the Commission is composed of Members of Congress, representatives of the executive branch, Governors, State legislators, local officials, and private citizens.

However, there is one group whose voice in this body is conspicuously absent—the voice of locally elected school board officials. They have no representation whatsoever.

As presently constituted, the Advisory Commission consists of 26 members—three of which are appointed from the Senate and three from the House of Representatives. The remaining 20 are appointed by the President as follows: three must be officers of the executive branch and three must be private citizens; four are appointed from a panel of at least eight Governors submitted by the Governors Conference; three are appointed from a panel of at least six members of State legislative bodies submitted by the Council of State Governments; four are appointed from a panel of at least eight mayors submitted jointly by the American Municipal Association and the U.S. Conference of Mayors; and three are appointed from a panel of at least six elected county officers submitted by the National Association of County Officials.

The legislation we are introducing today would simply expand the number of members of the Advisory Commission from 26 to 28 and provide that two members shall be appointed by the President from a panel of at least four elected school board officials submitted by the National School Boards Association.

We think that this is a reasonable and equitable proposal. The President himself expressed his commitment to the principle that local school boards must have control over local schools. We agree wholeheartedly.

However, we would like to extend this principle by giving locally elected school officials a voice in formulating the national policies which will ultimately affect their local school districts. The legislation which we are introducing today would accomplish this—by giving locally elected school officials a voice in the Advisory Commision on Intergovernmental Relations.

We urge our collegues to give this legislation the favorable and prompt consideration which it merits. By adopting this bill we will merely be extending the same privilges to elected school officials that are now enjoyed by elected officials from virtually every other level of government and we will be making the Advisory Commission on Intergovernmental Relations a more effective advisory body as well.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Findley, for 5 minutes, today.

Mr. Anderson of Illinois, for 30 minutes, today; and to revise and extend his remarks and include extraneous matter.

Ms. Abzug, for 5 minutes, today, to revise and extend her remarks and include extraneous material.

(The following Members (at the request of Mr. Cochran) to revise and extend their remarks and include extraneous matter:)

Mr. Edwards of Alabama, for 5 minutes, today.

Mr. Whalen, for 30 minutes, today.

Mr. Rinaldo, for 30 minutes, today.

Mr. Saylor, for 15 minutes, today.

Mr. Kemp, for 10 minutes, today.

Mr. Gerald R. Ford, for 5 minutes, today.

(The following Members (at the request of Mr. Mezvinsky) to revise and extend their remarks and include extraneous matter:)

Mr. Metcalfe, for 10 minutes, today.

Mr. Hamilton, for 5 minutes, today.

Mr. Aspin, for 10 minutes, today.

Mr. Conyers, for 60 minutes, today.

Mr. Gonzalez, for 5 minutes, today.

Mr. Stokes, for 60 minutes, today.

Mr. Rosenthal, for 30 minutes, today.

Mr. Vanik, for 20 minutes, today.

Mr. Rostenkowski, for 5 minutes, today.

Mr. Mathis of Georgia, for 5 minutes, today.

Mr. Hawkins, for 5 minutes, today.

Mr. Davis of South Carolina, for 15 minutes, today.

Mr. Flood, for 15 minutes, today.

Mr. William D. Ford, for 5 minutes, today.

Mr. Seiberling, for 5 minutes, today.

Mr. Benitez, for 60 minutes, on January 25.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Holifield in two instances, and to include extraneous material.

Mr. Bingham, and to include extraneous material, notwithstanding the estimated cost of $1,317.50.

Mr. Kastenmeier, to include extraneous matter, notwithstanding the estimated cost of $425 by the Public Printer.

Mr. Mahon, and to include extraneous matter with his remarks with respect to Mr. Helms, Director of CIA.

Mr. Huber in two instances.

(The following Members (at the request of Mr. Cochran) to revise and extend their remarks and include extraneous matter:)

Mr. Steiger of Arizona.

Mr. Hanrahan.

Mr. Steiger of Wisconsin.

Mr. Quie in two instances.

Mr. Bob Wilson in three instances.

Mr. Young of Florida in five instances.

Mr. McClory in two instances.

Mr. Devine.

Mr. Shriver in four instances.

Mr. Derwinski in three instances.

Mr. Conable.

Mr. McKinney.

Mr. Railsback in four instances.

Mr. Symms.

Mr. Carter in three instances.

Mr. Shoup in three instances.

Mr. Keating.

Mr. Harsha in two instances.

Mr. Duncan.

Mr. Hunt.

Mr. Treen in two instances.

Mr. Broyhill of Virginia in four instances.

Mr. Forsythe in two instances.

Mr. Erlenborn.

Mr. Saylor.

(The following Members (at the request of Mr. Mezvinsky) to revise and extend their remarks and include extraneous matter:)

Mr. Metcalfe in five instances.

Mr. Rarick in five instances.

Mr. Sikes in five instances.

Mr. Morgan.

Mr. Gonzalez in three instances.

Mrs. Chisholm.

Mr. Rees in 10 instances.

Mr. Wolff in seven instances.

Mr. Dulski in five instances.

Mr. Clark.

Mr. Rodino.

Mr. Hicks.

Mr. Vanik in two instances.

Mrs. Sullivan in two instances.

Mr. Addabbo in three instances.

Mr. Montgomery.

Mr. Conyers in 10 instances.

Mr. Bergland.

Mr. Ashley.

Mr. Sisk in two instances.

Mr. Drinan.

Mr. Fuqua in two instances.

Mr. Dominick V. Daniels in two instances

Mr. Zablocki in two instances.

Mr. James V. Stanton.

Mr. Burton.

Mrs. Hansen of Washington.

Mr. Denholm.

Mr. Eckhardt.

Mr. Fascell in two instances.

Mr. Barrett.

Mr. Blatnik.

Mr. Cotter in five instances.

Mr. Hanna.

Mr. Charles H. Wilson of California.

ENROLLED JOINT RESOLUTION

Mr. HAYS, from the Committee on House Administration, reported that that commitee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 1. Joint resolution extending the time within which the President may transmit the budget Message and the Economic Report to the Congress and extending the time within which the Joint Economic Committee shall file its report.

ADJOURNMENT

Mr. MEZVINSKY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly at 1 o'clock and 39 minutes p.m., under its previous order, the House adjourned until Saturday, January 20, 1973 at 10:30 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

229. A letter from the Secretary of Health, Education, and Welfare, transmitting a report of a violation of section 3679 of the Revised Statutes, as amended; to the Committee on Appropriations.

230. A letter from the Acting Assistant Secretary of Defense (Installations and Logistics), transmitting a report on Department of Defense procurement from small and other business firms for July to October 1972, pursuant to section 10(d) of the Small Business Act, as amended; to the Committee on Banking and Currency.

231. A letter from the Commissioner of the District of Columbia, transmitting the 1972 Financial and Statistical Report of the District of Columbia government; to the Committee on the District of Columbia.

232. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of States, transmitting copies of various international agreements, other than treaties, entered into by the United States, pursuant to Public Law 92–403; to the Committee on Foreign Affairs.

233. A letter from the Secretary of the Treasury, transmitting the semiannual consolidated report of balances of foreign currencies acquired without payment of dollars, as of June 30, 1972, pursuant to 22 U.S.C. 2363; to the Committee on Foreign Affairs.

234. A létter from the Sergeant at Arms, U.S. House of Representatives, transmitting a report of sums drawn by him, the application and disbursement of the sums, and the balances remaining, pursuant to 2 U.S.C. 84; to the Committee on House Administration.

235. A letter from the Secretary of the Interior, transmitting a report of a study of the feasibility and desirability of a national lakeshore at Lake Tahoe, pursuant to Public Law 91–425; to the Committee on Interior and Insular Affairs.

236. A letter from the Secretary of Health, Education, and Welfare, transmitting the 1973 Report on the Health Consequences of Smoking, pursuant to section 8(a) of the Public Health Cigarette Smoking Act of 1939; to the Committee on Interstate and Foreign Commerce.

237. A letter from the Attorney General, transmitting a report on identical bidding in advertised public procurement, covering calendar year 1971, pursuant to section 7 of Executive Order 10936 issued April 24, 1961; to the Committee on the Judiciary.

238. A letter from the Chief Commissioner, U.S. Court of Claims, transmitting copies of the opinion and findings of fact of the Court in Congress Reference case No. 2–68, *Alvin V. Burt, Jr., and Eileen Wallace Kennedy, Executrix of the Estate of Douglas E. Kennedy, Deceased* v. *The United States*, pursuant to 28 U.S.C. 1492 and 2509, and House Resolution 1110, 90th Congress; to the Committee on the Judiciary.

239. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

240. A letter from the Chairman, Board of Directors, Future Farmers of America, transmitting a report on the audit of the accounts of the organization for the year ended June 30, 1972, pursuant to Public Laws 81–740 and 88–504; to the Committee on the Judiciary.

241. A letter from the Librarian of Congress, transmitting a report on scientific and professional positions established in the Library of Congress during calendar year 1972, pursuant to 5 U.S.C. 3104(c); to the Committee on Post Office and Civil Service.

RECEIVED FROM THE COMPTROLLER GENERAL

242. A letter from the Comptroller General of the United States, transmitting a report on the need to determine the cost and im-

prove reporting of the development of a nationwide criminal data exchange system, Department of Justice; to the Committee on Government Operations.

243. A letter from the Comptroller General of the United States, transmitting a report on opportunities to improve the Model Cities program in Kansas City and St. Louis, Mo., and New Orleans, La.; to the Committee on Government Operations.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Ms. ABZUG:

H.R. 2219. A bill to remove certain limitations on the amount of grant assistance which may be available in any one State under the Urban Mass Transit Act of 1964; to the Committee on Banking and Currency.

H.R. 2220. A bill to grant child care centers status as educational institutions, and to assist such center in raising capital by permitting donation of surplus Federal property for their use; to the Committee on Government Operations.

H.R. 2221. A bill to provide for the humane care, treatment, habilitation and protection of the mentally retarded in residential facilities through the establishment of strict quality operation and control standards and the support of the implementation of such standards by Federal assistance, to establish State plans which require a survey of need for assistance to residential facilities to enable them to be in compliance with such standards, seek to minimize inappropriate admissions to residential facilities and develop strategies which stimulate the development of regional and community programs for the mentally retarded which include the integration of such residential facilities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FULTON (for himself, Mr. Broyhill of Virginia, Mr. Burleson of Texas, Mr. Pettis, Mr. Haley, Mr. Nelsen, Mr. Carey of New York, Mr. Carter, Mr. Stubblefield, Mr. Duncan, Mr. Byron, Mr. Teague of California, Mr. Addabbo, Mr. Davis of Wisconsin, Mr. Fuqua, Mr. Powell of Ohio, Mr. Charles H. Wilson of California, Mr. Robinson of Virginia, Mr. Casey of Texas, Mr. Hastings, Mr. Bevill, Mr. Scherle, Mr. Brotzman, Mr. Derwinski, and Mr. King):

H.R. 2222. A bill to amend the Social Security Act to provide for medical, hospital and dental care through a system of voluntary health insurance including protection against the catastrophic expenses of illness, financed in whole for low-income groups through issuance of certificates, and in part for all other persons through allowance of tax credits; and to provide effective utilization of available financial resources, health manpower, and facilities; to the Committee on Ways and Means.

By Mr. FULTON (for himself, Mr. Broyhill of Virginia, Mr. Young of Florida, Mr. Fascell, Mr. Snyder, Mr. Taylor of Missouri, Mr. Michel, Mr. Jones of Tennessee, Mr. Minshall, of Ohio, Mr. Frey, Mr. Don H. Clausen, Mr. Latta, Mr. Ashbrook, Mr. Wylie, Mr. Whitehurst, Mr. Kemp, Mr. Lent, Mr. McCollister, Mr. Quillen, Mr. Butler, Mr. Baker, Mr. Arends, Mr. Taylor of North Carolina, Mr. Dickinson, and Mr. Smith of New York):

H.R. 2223. A bill to amend the Social Security Act to provide for medical, hospital and dental care through a system of voluntary health insurance including protection against the catastrophic expenses of illness, financed in whole for low-income groups through issuance of certificates, and in part for all other persons through allowance of tax credits; and to provide effective utilization of available financial resources, health manpower, and facilities; to the Committee on Ways and Means.

By Mr. FULTON (for himself, Mr. Broyhill of Virginia, Mr. Rhodes, Mr. Kyros, Mr. Cederberg, Mr. Mayne, Mr. Kuykendall, Mr. Miller, Mr. Flowers, Mr. Parris, Mr. Wampler, Mr. Hansen of Idaho, Mr. Harsha, Mr. Fisher, Mr. Yatron, Mr. Froehlich, Mr. O'Brien, Mr. Skubitz, Mr. Zwach, Mr. Burgener, Mr. Ketchum, Mr. Moorhead of Pennsylvania, Mr. Price of Texas, Mr. Wyatt, and Mr. Gross):

H.R. 2224. A bill to amend the Social Security Act to provide for medical, hospital and dental care through a system of voluntary health insurance including protection against the catastrophic expenses of illness, financed in whole for low-income groups through issuance of certificates, and in part for all other persons through allowance of tax credits; and to provide effective utilization of available financial resources, health manpower, and facilities; to the Committee on Ways and Means.

By Mr. FULTON (for himself, Mr. Broyhill of Virginia, Mr. Findley, Mr. Conlan, Mr. Brown of Ohio, Mr. Hunt, Mr. Henderson, Mr. Madigan, Mr. Blackburn, Mr. Buchanan, Mr. Beard, Mr. Johnson of Pennsylvania, Mr. Gubser, Mr. Goodling, Mr. Bob Wilson, Mr. Thomson of Wisconsin, Mr. Jones of Alabama, Mr. Goldwater, Mr. Giaimo, Mr. Guyer, Mr. Hammerschmidt, Mr. Andrews of North Dakota, Mr. Bray, Mr. Hanrahan, and Mr. Shoup):

H.R. 2225. A bill to amend the Social Security Act to provide for medical, hospital and dental care through a system of voluntary health insurance including protection against the catastrophic expenses of illness, financed in whole for low-income groups through issuance of certificates, and in part for all other persons through allowance of tax credits; and to provide effective utilization of available financial resources, health manpower, and facilities; to the Committee on Ways and Means.

By Mr. FULTON (for himself, Mr. Broyhill of Virginia, Mr. Lott, Mr. Cochran, Mr. Bowen, Mr. Montgomery, Mr. Robert W. Daniel, Jr., Mr. Esch, Mr. Zion, Mr. Spence, Mr. Mizell, Mr. Downing, and Mr. Randall):

H.R. 2226. A bill to amend the Social Security Act to provide for medical, hospital and dental care through a system of voluntary health insurance including protection against the catastrophic expenses of illness, financed in whole for low-income groups through issuance of certificates, and in part for all other persons through allowance of tax cerdits; and to provide effective utilization of available financial resources, health manpower, and facilities; to the Committee on Ways and Means.

By Mr. ANDERSON of Illinois (for himself, Mr. Quie, Mr. Brademas, Mr. Adams, Mr. Alexander, Mr. Badillo, Mr. Bergland, Mr. Bevill, Mr. Boland, Mr. Buchanan, Mrs. Chisholm, Mr. Cohen, Mr. Danielson, Mr. Davis of Georgia, Mr. Dellenback, Mr. De Lugo, Mr. Derwinski, Mr. Forsythe, Mr. Fraser, Mr. Guyer, Mr. Harrington, Mr. Harsha, Mr. Ichord, Mr. Kemp, and Mr. Johnson of California):

H.R. 2227. A bill making an urgent supplemental appropriation for the national industrial reserve under the Independent Agencies Appropriation Act for the fiscal year ending June 30, 1973; to the Committee on Appropriations.

By Mr. ANDERSON of Illinois (for himself, Mr. Quie, Mr. Brademas, Mr. Latta, Mr. McClory, Mr. McCollister, Mr. Mailliard, Mr. Mayne, Mr. Meeds, Mr. Moakley, Mr. Mollohan, Mr. Mosher, Mr. Moss, Mr. Myers, Mr. Nelsen, Mr. Pepper, Mr. Peyser, Mr. Podell, Mr. Price of Illinois, Mr. Riegle, Mr. Roe, Mr. Roybal, Mr. Sarbanes, Mr. Scherle, and Mr. Seiberling):

H.R. 2228. A bill making an urgent supplemental appropriation for the National Industrial Reserve under the Independent Agencies Appropriation Act for the fiscal year ending June 30, 1973; to the Committee on Appropriations.

By Mr. ANDERSON of Illinois (for himself, Mr. Quie, Mr. Brademas, Mr. James V. Stanton, Mr. Stuckey, Mr. Symington, Mr. Thompson of New Jersey, Mr. Thone, Mr. Thornton, Mr. Williams, Mr. Charles Wilson of Texas, Mr. Wolff, Mr. Wyman, Mr. Zwach, Mr. Gerald R. Ford, Mr. Frenzel, Mr. Culver, Mr. Landgrebe, Mr. Veysey, Mr. Davis of South Carolina, and Mr. Hammerschmidt):

H.R. 2229. A bill making an urgent supplemental appropriation for the National Industrial Reserve under the Independent Agencies Appropriation Act for the fiscal year ending June 30, 1973; to the Committee on Appropriations.

By Mr. WHALEN:

H.R. 2230. A bill to assure the free flow of information to the public; to the Committee on the Judiciary.

By Mr. WHALEN (for himself and Mr. Steele):

H.R. 2231. A bill to assure the free flow of information to the public; to the Committee on the Judiciary.

By Mr. WHALEN (for himself, Mr. Adams, Mr. Andrews of North Dakota, Mr. Ashley, Mr. Badillo, Mrs. Chisholm, Mr. Cleveland, Mr. Culver, Mr. Davis of South Carolina, Mr. Duncan, Mr. Flood, Mr. Frenzel, Mr. Fulton, Mr. Gude, Mr. Guyer, Mrs. Hansen of Washington, Mr. Hansen of Idaho, Mr. Harrington, Mr. Harvey, Mr. Hechler of West Virginia, Mr. Kyros, Mr. Leggett, Mr. Lehman, Mr. Lent, and Mr. McCloskey):

H.R. 2232. A bill to assure the free flow of information to the public; to the Committee on the Judiciary.

By Mr. WHALEN (for himself, Mr. McCollister, Mr. McCormack, Mr. McDade, Mr. Michel, Mr. Mitchell of Maryland, Mr. Moorhead of Pennsylvania, Mr. Pettis, Mr. Podell, Mr. Rees, Mr. Riegle, Mr. Robison of New York, Mr. Rooney of Pennsylvania, Mr. Roy, Mr. Roybal, Mr. Shriver, Mr. J. William Stanton, Mr. Steiger of Wisconsin, Mr. Stokes, Mr. Studds, Mr. Teague of California, Mr. Thone, Mr. Thompson of New Jersey, Mr. Udall, and Mr. Vander Jagt):

H.R. 2233. A bill to assure the free flow of information to the public; to the Committee on the Judiciary.

By Mr. WHALEN (for himself, Mr. Mosher, Mr. Sarbanes, Mr. Whitehurst, Mr. Wolff, Mr. Yatron, and Mr. Zwach):

H.R. 2234. A bill to assure the free flow of information to the public; to the Committee on the Judiciary.

By Mr. ANDREWS of North Dakota:

H.R. 2235. A bill to increase the authorization for the appropriation of funds to complete the International Peace Garden, N. Dak.; to the Committee on Interior and Insular Affairs.

By Mr. ARCHER:

H.R. 2236. A bill to amend sections 235 and 236 of the National Housing Act to require local governmental approval of certain projects as a condition of interest reduction payments (or mortgage insurance) with respect to such projects; to the Committee on Banking and Currency.

By Mr. ASPIN:

H.R. 2237. A bill to amend the Budget and Accounting Act, 1921, to require Senate confirmation of the appointment of Director of the Office of Management and Budget; to the Committee on Government Operations.

H.R. 2238. A bill to amend the Communications Act of 1934 to prohibit making unsolicited commercial telephone calls to persons who have indicated they do not wish to receive such calls; to the Committee on Interstate and Foreign Commerce.

H.R. 2239. A bill to amend the Communications Act of 1934 to ban sports from closed-circuit television; to the Committee on Interstate and Foreign Commerce.

H.R. 2240. A bill to amend section 1505 of title 18 of the United States Code relating to congressional investigations; to the Committee on the Judiciary.

H.R. 2241. A bill concerning the allocation of water pollution funds among the States in fiscal 1973 and fiscal 1974; to the Committee on Public Works.

By Mr. BARRETT:

H.R. 2242. A bill to amend the Urban Mass Transportation Act of 1964 to provide a substantial increase in the total amount authorized for assistance thereunder, to increase the portion of project cost which may be covered by a Federal grant, to authorize assistance for operating expenses, and for other purposes; to the Committee on Banking and Currency.

H.R. 2243. A bill to amend the Lead-Based Paint Poisoning Prevention Act, and for other purposes; to the Committee on Banking and Currency.

By Mr. BERGLAND (for himself and Mr. Fraser):

H.R. 2244. A bill to require the Secretary of Agriculture to carry out a rural environmental assistance program; to the Committee on Agriculture.

By Mr. BLATNIK:

H.R. 2245. A bill to authorize a survey of the East Two Rivers between Tower, Minn., and Vermilion Lake; to the Committee on Public Works.

By Mr. BLATNIK (for himself, Mr. Harsha, Mr. Jones of Alabama, Mr. Grover, Mr. Kluczynski, Mr. Cleveland, Mr. Wright, Mr. Don H. Clausen, Mr. Gray, Mr. Snyder, Mr. Clark, Mr. Zion, Mr. Johnson of California, Mr. Hammerschmidt, Mr. Dorn, Mr. Mizell, Mr. Henderson, Mr. Baker, Mr. Roberts, Mr. Howard, Mr. Anderson of California, Mr. Roe, Mr. Roncalio of Wyoming, and Mr. McCormack):

H.R. 2246. A bill to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for a 1-year period; to the Committee on Public Works.

By Mr. BLATNIK (for himself, Mr. James V. Stanton, Ms. Abzug, Mr. Breaux, Mr. Studds, Mrs. Burke of California, Mr. Ginn, Mr. Milford, Mr. O'Neill, Mr. McFall, and Mr. Miller):

H.R. 2247. A bill to amend the Public Works and Economic Development Act of 1965 to extend the authorization for a 1-year period; to the Committee on Public Works.

By Mr. BOWEN:

H.R. 2248. A bill to require the Secretary of Agriculture to carry out a rural environmental assistance program; to the Committee on Agriculture.

By Mr. BRADEMAS (for himself, Mr. Perkins, Mr. Quie, Mrs. Mink, Mr. Hansen of Idaho, Mr. Delaney, Mrs. Schroeder, Mr. Davis of South Carolina, Mr. Mayne, Mr. Hungate, Mr. Gude, Mr. Flowers, Mr. Kyros, Mr. Mosher, Mr. McCormack, Mr. Riegle, Mr. Clark, Mr. Erlenborn, Mr. Rostenkowski, Mr. Addabbo, Mr. Bevill, Mr. Mitchell of Maryland, Mr. Roe, Mr. Roush, and Mr. Conyers):

H.R. 2249. A bill to amend the Vocational Rehabilitation Act to extend and revise the authorization of grants for rehabilitation services to those with severe disabilities and for other purposes; to the Committee on Education and Labor.

By Mr. BRADEMAS (for himself, Mr. Perkins, Mr. Quie, Mrs. Mink, Mr. Hansen of Idaho, Mr. O'Hara, Mr. Cronin, Mr. Mazzoli, Mr. Steele, Mr. Denholm, Mr. Dellenback, Mr. Melcher, Mr. McKinney, Mr. Koch, Mr. Danielson, Mr. Hawkins, Mr. Studds, Mr. Fascell, Mr. Wolff, Mr. Seiberling, Mr. Brasco, Mr. Pepper, Mr. Pettis, Mr. Bowen, and Mr. Eilberg):

H.R. 2250. A bill to amend the Vocational Rehabilitation Act to extend and revise the authorization of grants to States for vocational rehabilitation services, to authorize grants for rehabilitation services to those with severe disabilities, and for other purposes; to the Committee on Education and Labor.

By Mr. BRADEMAS (for himself, Mr. Perkins, Mr. Hawkins, Mr. McKinney, Mr. Adams, Mr. Macdonald, Mr. Bowen, Mr. Dingell, Mr. Melcher, Mr. Randall, Mr. Danielson, Mr. Denholm, Mr. Owens, Miss Holtzman, Mr. Davis of South Carolina, Mr. Fountain, Mr. Burke of Massachusetts, Mr. Studds, Mr. Seiberling, Mr. Pike, Mr. Brasco, Mr. Eilberg, Mr. Delaney, and Mr. Moakley):

H.R. 2251. A bill to strengthen and improve the Older Americans Act of 1965 and for other purposes; to the Committee on Education and Labor.

By Mr. BRADEMAS (for himself, Mr. Perkins, Mr. O'Hara, Mr. McCormack, Mr. Clark, Mr. Rostenkowski, Mr. Addabbo, Mr. Fascell, Mr. Alexander, Mr. Bevill, Mr. Roe, Mr. Mitchell of Maryland, Mr. Roush, Mr. Conyers, Mr. Matsunaga, Mr. Obey, Mr. Kyros, Mr. Mailliard, Mr. Murphy of Illinois, Mr. Dellenback, Mr. Rooney of Pennsylvania, Mr. Cronin, Mr. Koch, Mr. Steele, and Mr. Frenzel):

H.R. 2252. A bill to strengthen and improve the Older Americans Act of 1965, and for other purposes; to the Committee on Education and Labor.

By Mr. BREAUX:

H.R. 2253. A bill to require the Secretary of Agriculture to carry out a rural environmental assistance program; to the Committee on Agriculture.

H.R. 2254. A bill to amend title 38 of the United States Code to remove the time limitation within which programs of education for veterans must be completed; to the Committee on Veterans' Affairs.

By Mr. BROOMFIELD:

H.R. 2255. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to authorize grants for the modification of surplus military equipment for law enforcement purposes; to the Committee on the Judiciary.

H.R. 2256. A bill to amend the Internal Revenue Code of 1954 to allow an income tax deduction for depreciation on capital expenditures incurred in connecting residential sewer lines to municipal sewage systems; to the Committee on Ways and Means.

By Mr. BROTZMAN:

H.R. 2257. A bill to prohibit travel at Government expense outside the United States by Members of Congress who have been defeated, or who have resigned, or retired; to the Committee on House Administration.

H.R. 2258. A bill to amend the Internal Revenue Code of 1954 to exempt certain organizations from private foundation status; to the Committee on Ways and Means.

By Mr. BROTZMAN (for himself, Mr. Armstrong, Mr. Burleson of Texas, and Mr. Conable):

H.R. 2259. A bill to amend the Internal Revenue Code of 1954 with respect to certain charitable contributions; to the Committee on Ways and Means.

By Mr. BROYHILL of Virginia:

H.R. 2260. A bill to authorize voluntary withholding of Maryland, Virginia, and District income taxes in the case of certain legislative officers and employees; to the Committee on Ways and Means.

H.R. 2261. A bill to continue for a temporary period the existing suspension of duty on certain istle; to the Committee on Ways and Means.

H.R. 2262. A bill to provide for amortization of railroad grading and tunnel bores, and for other purposes; to the Committee on Ways and Means.

By Mr. CASEY of Texas:

H.R. 2263. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 2264. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. CONYERS (for himself, Mr. Burke of California, Mrs. Chisholm, Mr. Clay, Mr. Dellums, Mr. Diggs, Mr. Fauntroy, Mr. Hawkins, Miss Jordan, Mr. Metcalfe, Mr. Mitchell of Maryland, Mr. Nix, Mr. Rangel, Mr. Stokes, Mr. Young of Georgia):

H.R. 2265. A bill to designate the birthday of Martin Luther King, Jr., as a legal public holiday; to the Committee on the Judiciary.

By Mr. CONYERS (for himself, Ms. Abzug, Mr. Addabbo, Mr. Anderson of California, Mr. Anderson of Illinois, Mr. Badillo, Mr. Biaggi, Mr. Biester, Mr. Bingham, Mr. Bolling, Mr. Brademas, Mr. Brasco, Mr. Brown of California, Mr. Burton, Mr. Carney of Ohio, Mr. Corman, Mr. Cotter, Mr. Danielson, Mr. De Lugo, Mr. Drinan, Mr. Eckhardt, Mr. Edwards of California, Mr. Eilberg, Mr. Fraser, and Mrs. Grasso):

H.R. 2266. A bill to designate the birthday of Martin Luther King, Jr., as a legal public holiday; to the Committee on the Judiciary.

By Mr. CONYERS (for himself, Mr. Harrington, Mr. Hechler of West Virginia, Mr. Helstoski, Miss Holtzman, Mr. Horton, Mr. Koch, Mr. Leggett, Mr. Madden, Mr. Mazzoli, Mr. Moakley, Mr. Murphy of New York, Mr. Pepper, Mr. Podell, Mr. Rees, Mr. Reuss, Mr. Riegle, Mr. Roe, Mr. Rosenthal, Mr. Roybal, Mr. Sarbanes, Mr. Seiberling, Mr. Stark, Mr. Stratton, and Mr. Symington):

H.R. 2267. A bill to designate the birthday of Martin Luther King, Jr., as a legal public holiday; to the Committee on the Judiciary.

By Mr. CONYERS (for himself, Mr. Thompson of New Jersey, Mr. Udall, Mr. Van Deerlin, Mr. Waldie, and Mr. Wolff):

H.R. 2268. A bill to designate the birthday of Martin Luther King, Jr., as a legal public holiday; to the Committee on the Judiciary.

By Mr. CORMAN (for himself and Mr. Burleson of Texas):

H.R. 2269. A bill to amend the Internal Revenue Code of 1954 to clarify the status of certain oil well service equipment under subchapter D of chapter 36 of such Code (relating to tax on the use of certain vehicles); to the Committee on Ways and Means.

By Mr. DANIELSON:

H.R. 2270. A bill to establish the Cabinet Committee for Asian American Affairs, and for other purposes; to the Committee on Government Operations.

By Mr. DOMINICK V. DANIELS:

H.R. 2271. A bill to amend the Communications Act of 1934 to prohibit making unsolicited commercial telephone calls to persons who have indicated they do not wish to receive such calls; to the Committee on Interstate and Foreign Commerce.

By Mr. DAVIS of Georgia (for himself, Mr. Roush, and Mr. Cotter):

H.R. 2272. A bill to amend the National Science Foundation Act of 1950 in order to establish a framework of national science policy and to focus the Nation's scientific talent and resources on its priority problems, and for other purposes; to the Committee on Science and Astronautics.

By Mr. DAVIS of South Carolina:

H.R. 2273. A bill to amend the Public Health Service Act to provide assistance to certain non-Federal institutions, agencies, and organizations for the establishment and operation of cooperative community programs for patients with kidney disease and for training related to such programs, and to provide financial assistance to individuals suffering from chronic kidney disease who are unable to pay the costs of necessary treatment; to the Committee on Interstate and Foreign Commerce.

H.R. 2274. A bill to amend the Federal Trade Commission Act to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

H.R. 2275. A bill to require that certain textile products bear a label containing cleaning instructions; to the Committee on Interstate and Foreign Commerce.

By Mr. DENHOLM (for himself, Mr. Abdnor, Mr. Bergland, Mr. Davis of South Carolina, Mr. Evins of Tennessee, Mr. Fulton, Mr. Jones of North Carolina, Mr. Jones of Tennessee, Mr. Lehman, Mr. McCormack, Mr. McKay, Mr. Mathis of Georgia, Mr. Matsunaga, Mr. Melcher, Mr. Pickle, Mr. Roncalio of Wyoming, Mr. Runnels, Mr. Stubblefield, Mr. Thornton, Mr. Vigorito, Mr. Charles Wilson of Texas, and Mr. Zwach):

H.R. 2276. A bill to amend the Rural Electrification Act of 1936, as amended, to reaffirm that such funds made available for each fiscal year to carry out the programs provided for in such act be fully obligated in said year, and for other purposes; to the Committee on Agriculture.

By Mr. DERWINSKI:

H.R. 2277. A bill to further the achievement of equal educational opportunities; to the Committee on Education and Labor.

By Mr. DICKINSON:

H.R. 2278. A bill to amend the Social Security Act to provide that future increases in retirement or disability benefits under Federal programs shall not be taken into consideration in determining a person's need for aid or assistance under any of the Federal State public assistance programs; to the Committee on Ways and Means.

By Mr. DINGELL:

H.R. 2279. A bill to provide that the fiscal year of the United States shall coincide with the calendar year; to the Committee on Government Operations.

H.R. 2280. A bill for the relief of the city of Riverview, Mich.; to the Committee on the Judiciary.

H.R. 2281. A bill to abolish the position of Commissioner of Fish and Wildlife; to the Committee on Merchant Marine and Fisheries.

By Mr. DINGELL (for himself and Mr. Moss):

H.R. 2282. A bill to require the furnishing of documentation of claims concerning safety, performance, efficacy, characteristics, and comparative price of advertised products and services; to the Committee on Interstate and Foreign Commerce.

By Mr. DINGELL (for himself, Mr. Downing, Mr. McCloskey, Mr. Murphy of New York, and Mr. Anderson of California):

H.R. 2283. A bill to amend the act entitled "An act to establish a contiguous fishery zone beyond the territorial sea of the United States," approved October 14, 1966, to require that the method of straight baselines shall be employed for the purposes of determining the boundaries of such fishery zone, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. DINGELL (for himself, Mr. Clark, Mr. Downing, Mr. Rogers, Mr. McCloskey, Mr. Stubblefield, Mr. Murphy of New York, Mr. Jones of North Carolina, Mr. Anderson of California, Mr. Bowen, and Mr. Biaggi):

H.R. 2284. A bill to amend the Fishermen's Protective Act of 1967 to require the return of certain vessels of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. DINGELL (for himself, Mr. Karth, Mr. McCloskey, Mr. Conte, Mr. William D. Ford, Mr. Nedzi, and Mr. Moss):

H.R. 2285. A bill to amend the Fish and Wildlife Coordination Act to provide for more effective protection of fish and wildlife resources from the effects of projects licensed by Federal agencies, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 2286. A bill to amend the act of June 15, 1935, to provide for the disposition of moneys in the migratory bird fund, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. DINGELL (for himself, Mr. Clark, Mr. McCloskey, Mr. Karth, Mr. Downing, Mr. Anderson of California, Mr. Biaggi, Mr. Tiernan, Mr. Metcalfe, Mr. Nedzi, Mr. Studds, Mr. Sarbanes, Mr. William D. Ford, Mr. Conte, Mr. Rooney of Pennsylvania, and Mr. Moss):

H.R. 2287. A bill to amend the Fish and Wildlife Act of 1956 in order to prevent or minimize injury to fish and wildlife from the use of insecticides, herbicides, fungicides, and pesticides, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. DINGELL (for himself, Mr. Karth, Mr. McCloskey, Mr. Conte, Mr. William D. Ford, Mr. Nedzi, and Mr. Moss):

H.R. 2288. A bill to amend the Fish and Wildlife Coordination Act to require certain permits for exploring or mining oil and gas underlying the navigable waters of the United States; to the Committee on Merchant Marine and Fisheries.

H.R. 2289. A bill to require a Federal permit for the taking of any migratory game birds other than migratory waterfowl, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 2290. A bill to amend the Fish and Wildlife Act of 1956 to authorize restrictions and prohibitions on the use of insecticides, herbicides, fungicides, and pesticides which pollute the navigable waters of the United States; to the Committee on Merchant Marine and Fisheries.

H.R. 2291. A bill to amend the Fish and Wildlife Coordination Act to prohibit the issuance of Federal permits authorizing water resource development by non-Federal public and private agencies until such agencies reimburse the U.S. Fish and Wildlife Service for related investigations required by such act; to the Committee on Merchant Marine and Fisheries.

H.R. 2292. A bill to amend the Fish and Wildlife Coordination Act, as amended, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. DINGELL (for himself, Mr. Karth, Mr. McCloskey, Mr. Conte, Mr. William D. Ford, Mr. Nedzi, Mr. Ruppe, and Mr. Moss):

H.R. 2293. A bill to provide for comprehensive surveys with respect to the adequacy of game and other animals and game birds and other birds and fish, and their habitat, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. DINGELL (for himself, Mr. Rogers, Mr. Downing, Mr. McCloskey, Mr. Karth, Mr. Conte, Mr. Nedzi, Mr. William D. Ford, and Mr. Moss):

H.R. 2294. A bill to amend the National Environmental Policy Act of 1969 to require a longer period of notice before a Federal agency commences any action significantly affecting the environment, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. DINGELL (for himself, Mr. Downing, Mr. Stubblefield, Mr. McCloskey, Mr. Jones of North Carolina, Mr. Biaggi, Mr. Anderson of California, Mr. Tiernan, Mr. Metcalfe, Mr. Sikes, and Mr. Conte):

H.R. 2295. A bill to designate certain lands in the State of Alaska as units of the national wildlife refuge system; to the Committee on Merchant Marine and Fisheries.

By Mr. DINGELL (for himself, Mr. Clark, Mr. McCloskey, Mr. Downing, Mr. Stubblefield, Mr. Biaggi, Mr. Anderson of California, Mr. Tiernan, Mr. Metcalfe, Mr. Breaux, Mr. Studds, Mr. Sarbanes, Mr. Karth, Mr. Conte, Mr. Rooney of Pennsylvania, and Mr. Moss):

H.R. 2296. A bill to increase the maximum amount of aggregate payments which may be made in calendar years after 1973 to carry out conservation agreements under the Water Bank Act; to the Committee in Merchant Marine and Fisheries.

By Mr. DINGELL (for himself, Mr. Clark, Mr. McCloskey, Mr. Downing, Mr. Anderson of California, Mr. Tiernan, Mr. Biaggi, Mr. Metcalfe, Mr. Conte, Mr. Studds, Mr. Sarbanes, Mr. Karth, Mr. Rooney of Pennsylvania, and Mr. Moss):

H.R. 2297. A bill to amend the Act of August 1, 1958, in order to prevent or minimize injury to fish and wildlife from the use of insecticides, herbicides, fungicides, and other pesticides; to the Committee on Merchant Marine and Fisheries.

By Mr. DOWNING (for himself, Mr. Dingell, Mr. Dellenback, Mr. Goodling, Mr. Rogers, Mr. Leggett, and Mr. Anderson of California):

H.R. 2298. A bill to amend the Fish and Wildlife Act of 1956 to authorize the Secretary of Commerce to make loans to associations of fishing vessel owners and operators organized to provide insurance against the damage or loss of fishing vessels or the injury or death of fishing crews, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. DULSKI:

H.R. 2299. A bill to amend title 38 of the United States Code to provide improved medical care to veterans; to provide hospital and medical care to certain dependents and survivors of veterans; to improve recruitment and retention of career personnel in the Department of Medicine and Surgery; to the Committee on Veterans' Affairs.

H.R. 2300. A bill to amend title 38, United States Code, to authorize a treatment and rehabilitation program in the Veterans' Administration for servicemen, veterans, and ex-servicemen suffering from drug abuse or drug dependency; to the Committee on Veterans' Affairs.

H.R. 2301. A bill to amend title 38 of the United States Code in order to establish a National Cemetery System within the Veterans' Administration, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ESHLEMAN (for himself, Mr. Quie, Mr. Bell, Mr. Blackburn, Mr. Brown of Michigan, Mr. Burke of Massachusetts, Mr. Cleveland, Mr. Robert W. Daniel, Jr., Mr. De Lugo, Mr. Denholm, Mr. Frenzel, Mr. Fulton, Mr. Grover, Mr. Harrington, Mr. Hawkins, Mr. Hinshaw, Mr. Hogan, Mr. Hosmer, Mr. Kuykendall, Mr. Lent, Mr. McCloskey, Mr. McDade, Mr. Mathis of Georgia, Mr. Mayne, and Mr. Moorhead of California):

H.R. 2302. A bill to strengthen and improve the Older Americans Act of 1965, and for other purposes; to the Committee on Education and Labor.

By Mr. FINDLEY (for himself and Mr. Jones of North Carolina):

H.R. 2303. A bill to continue mandatory price support for tung nuts only through the 1976 crop; to the Committee on Agriculture.

By Mr. FINDLEY (for himself, Mr. Conable, Mr. Corman, Mr. Fulton, Mrs. Griffiths, Mr. Karth, Mr. Pettis, Mr. Vanik):

H.R. 2304. A bill to promote the foreign policy and trade interests of the United States by providing authority to negotiate a commercial agreement with Rumania, and for other purposes; to the Committee on Ways and Means.

By Mr. FISHER:

H.R. 2305. A bill to amend title 10, United States Code to restore the system of recomputation of retired pay for certain members and former members of the armed forces; to the Committee on Armed Services.

By Mr. FLOOD:

H.R. 2306. A bill to amend the Disaster Relief Act of 1970 to provide that community disaster grants be based upon loss of budgeted revenue; to the Committee on Public Works.

By Mr. FLOWERS:

H.R. 2307. A bill to amend the Wild and Scenic Rivers Act by designating a certain river in the State of Alabama for potential addition to the national wild and scenic rivers system; to the Committee on Interior and Insular Affairs.

H.R. 2308. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. GERALD R. FORD:

H.R. 2309. A bill to provide for the enforcement of support orders in certain State and Federal courts, and to make it a crime to move or travel in interstate and foreign commerce to avoid compliance with such orders; to the Committee on the Judiciary.

By Mr. WILLIAM D. FORD (for himself and Mr. Peyser):

H.R. 2310. A bill to expand the membership of the Advisory Commission on Intergovernmental Relations to include elected school board officials; to the Committee on Government Operations.

By Mr. FRASER:

H.R. 2311. A bill relative to the oil import program; to the Committee on Ways and Means.

By Mr. FRASER (for himself, Mr. Roy and Mr. Nix):

H.R. 2312. A bill to amend title 38 of the United States Code to make certain that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced because of increases in monthly social security benefits; to the Committee on Veterans' Affairs.

By Mr. FRASER (for himself, Mr. Bergland, Mr. Breaux, Mr. Gonzalez, Mr. Grover, Mr. Mann, and Mr. Owens):

H.R. 2313. A bill to amend title 38 of the United States Code to make certain that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced because of increases in monthly social security benefits; to the Committee on Veterans' Affairs.

By Mr. FRASER (for himself, Mr. Karth, Mr. Quie, Mr. Zwach, Mr. Badillo, Mr. Bell, Mr. Biester, Mr. Conyers, Mr. Dellenback, Mr. Eshleman, Mr. Fish, Mr. Foley, Mr. William D. Ford, Mr. Gude, Mr. Harrington, Mr. Hechler of West Virginia, Mr. Helstoski, Miss Holtzman, Mr. Koch, Mr. Lehman, Mr. Metcalfe, Mr. Mitchell of Maryland, Mr. Moakley, Mr. Nedzi, and Mr. Obey):

H.R. 2314. A bill to amend the Atomic Energy Act of 1954 to permit the States concurrently with the Atomic Energy Commission to regulate the emission of radioactive effluents; to the Joint Committee on Atomic Energy.

By Mr. FRASER (for himself, Mr. Podell, Mr. Rangel, Mr. Rinaldo, Mr. Rodino, Mr. Rooney of Pennsylvania, Mr. Rosenthal, Mr. Roybal, Mr. Sarbanes, Mrs. Schroeder, Mr. Sieberling, Mr. Skubitz, Mr. Stokes, Mr. Studds, Mr. Thompson of New Jersey, and Mr. Wolff):

H.R. 2315. A bill to amend the Atomic Energy Act of 1954 to permit the States concurrently with the Atomic Energy Commission to regulate the emission of radioactive effluents; to the Joint Committee on Atomic Energy.

By Mr. GONZALEZ:

H.R. 2316. A bill to strengthen interstate reporting and interstate services for parents of runaway children, to provide for the development of a comprehensive program for the transient youth population for the establishment, maintenance, and operation of temporary housing and psychiatric, medical, and other counseling services for transient youth, and for other purposes; to the Committee on the Judiciary.

H.R. 2317. A bill to affirm the President's power to impound appropriated funds, subject to the right of either House of Congress to disapprove any such action; to the Committee on Rules.

By Mrs. GRASSO:

H.R. 2318. A bill to amend chapter 13 of title 44, United States Code, to provide that certain proceedings of the Italian American War Veterans of the United States, Inc., shall be printed as a House document, and for other purposes; to the Committee on House Administration.

H.R. 2319. A bill to amend chapter 59 of title 38, United States Code, to provide for the recognition of representatives of the Italian American War Veterans of the United States, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 2320. A bill to amend section 109 of title 38, United States Code, to provide benefits for members of the armed forces of nations allied with the United States in World War I or World War II; to the Committee on Veterans' Affairs.

H.R. 2321. A bill relative to the oil import program; to the Committee on Ways and Means.

By Mrs. GREEN of Oregon (for herself and Mr. Gubser):

H.R. 2322. A bill to provide for the establishment of a U.S. High Court of Settlement which shall have jurisdiction over certain labor disputes in industries and other enterprises affecting interstate commerce and the public interest; to the Committee on the Judiciary.

By Mrs. GRIFFITHS:

H.R. 2323. A bill to continue until the close of June 30, 1974, the suspension of duties on certain forms of copper; to the Committee on Ways and Means.

H.R. 2324. A bill to continue until the close of June 30, 1975, the existing suspension of duties for metal scrap; to the Committee on Ways and Means.

By Mr. GUDE (for himself, Mr. Kastenmeier, Mr. Harrington, Mr. Fraser, Mr. Mazzoli, Mr. Hechler of West Virginia, Mr. Drinan, Mr. Bell, Mr. McCloskey, Mr. Rees, Mr. Riegle, Mr. Moakley, Mr. Frenzel, Mr. Brown of California, Miss Holtzman, and Mr. Mitchell of Maryland):

H.R. 2325. A bill to provide for a study and investigation to assess the extent of the damage done to the environment of South Vietnam, Laos, and Cambodia as the result of the operations of the Armed Forces of the United States in such countries, and to consider plans for effectively rectifying such damage; to the Committee on Foreign Affairs.

By Mr. GUDE:

H.R. 2326. A bill to provide that Members of the House of Representatives defeated for reelection may not travel at public expense; to the Committee on House Administration.

H.R. 2327. A bill to amend title 35, United States Code, "Patents", and for other purposes; to the Committee on the Judiciary.

By Mr. HAMILTON (for himself, Mr. Bingham, Mr. Culver, Mr. Diggs, Mr. Fascell, Mr. Fraser, Mr. Harrington, Mr. Nix, Mr. Reid, Mr. Rosenthal, Mr. Ryan, Mr. Wolff, and Mr. Yatron):

H.R. 2328. A bill to terminate U.S. military combat operations in or over Indochina, subject to certain conditions; to the Committee on Foreign Affairs.

By Mr. HANSEN of Idaho:

H.R. 2329. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. HARRINGTON (for himself, Mr. Sarbanes, Mr. William D. Ford, Mr. Pickle, Mr. Bingham, Mr. Metcalfe, Mr. Podell, and Mr. Roy):

H.R. 2330. A bill to require the President to notify the Congress whenever he impounds funds or authorizes the impounding of funds, and to provide a procedure under which the House of Representatives and the Senate may approve the President's action or require the President to cease such action; to the Commission on Rules.

By Mr. HARSHA:

H.R. 2331. A bill to remove tolls from interstate bridges; to the Committee on Public Works.

By Mr. HARSHA (for himself, Mr. Blatnik, Mr. Grover, Mr. Jones of Alabama, Mr. Cleveland, Mr. Kluczynski, Mr. Don H. Clausen, Mr. Wright, Mr. Snyder, Mr. Gray, Mr. Zion, Mr. Clark, Mr. Hammerschmidt, Mr. Johnson of California, Mr. Miller, Mr. Dorn, Mr. Mizell, Mr. Henderson, Mr. Thone, Mr. Roberts, Mr. Baker, Mr. Howard, Mr. Anderson of California, Mr. Roe, and Mr. Roncalio of Wyoming):

H.R. 2332. A bill to authorize appropriations for certain highway safety projects, and for other purposes; to the Committee on Public Works.

By Mr. HARSHA (for himself, Mr. Blatnik, Mr. McCormack, Mr. James V. Stanton, Ms. Abzug, Mr. Studds, Mrs. Burke of California, Mr. Ginn, and Mr. Milford):

H.R. 2333. A bill to authorize appropriations for certain highway safety projects, and for other purposes; to the Committee on Public Works.

By Mr. HAWKINS (for himself and Mr. Rostenkowski):

H.R. 2334. A bill to authorize the Secretary of Labor to provide for the development and implementation of programs of units of local government to provide cmprehensive year-round recreational opportunities for the Nation's underprivileged youth, and for other purposes; to the Committee on Education and Labor.

By Mr. HECHLER of West Virginia:

H.R. 2335. A bill to abolish the U.S. Postal Service, to repeal the Postal Reorganization Act, to reenact the former provisions of title 39, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. HOLIFIELD (for himself, Mr. Horton, Mr. Macdonald, Mr. Riegle, Mr. Randall, Mr. Rinaldo, Mr. Annunzio, Mr. Hansen of Idaho, Mr. Roybal, Mr. Powell of Ohio, Mr. Barrett, Mr. Danielson, Mr. Pickle, Mr. Hawkins, Mr. Clark, Mr. Delaney, Mr. Studds, Mr. De Lugo, Mr. Yatron, and Mr. Widnall):

H.R. 2336. A bill to establish an Office of Consumer Affairs in the Executive Office of the President and a Consumer Protection Agency in order to secure within the Federal Government effective protection and representation of the interests of consumers, and for other purposes; to the Committee on Government Operations.

By Mr. HOSMER (for himself, Mr. Moss, Ms. Abzug, Mr. Adams, Mr. Bell, Mr. Burgener, Mr. Cleveland, Mr. Corman, Mr. Danielson, Mr. Davis of Georgia, Mr. De Lugo, Mr. Derwinski, Mr. Frelinghuysen, Mr. Gude, Mr. Hanna, Mr. Harrington, Mr. Helstoski, and Mr. Holifield):

H.R. 2337. A bill to provide that daylight saving time shall be observed on a year-round basis; to the Committee on Interstate and Foreign Commerce.

By Mr. HOSMER (for himself, Mr. Moss, Mr. Johnson of California, Mr. McKinney, Mr. Moakley, Mr. Mollohan, Mr. Parris, Mr. Pettis, Mr. Peyser, Mr. Podell, Mr. Rees, Mr. Roncallo of New York, Mr. Rosenthal, Mr. Roybal, Mr. Wydler, and Mr. Wyman):

H.R. 2338. A bill to provide that daylight saving time shall be observed on a year-round basis; to the Committee on Interstate and Foreign Commerce.

By Mr. HUNGATE (for himself, Mr. Bolling, Mr. Ichord, Mr. Litton, and Mr. Randall):

H.R. 2339. A bill to provide for the appointment of additional U.S. district judges; to the Committee on the Judiciary.

By Mr. HUNT:

H.R. 2340. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of certain public safety officers who die in the performance of duty; to the Committee on the Judiciary.

By Mr. HUNT (for himself, Mr. Forsythe, Mr. Roe, Mr. Widnall, Mr. Patten, Mr. Rodino, Mr. Frelinghuysen, and Mr. Rinaldo):

H.R. 2341. A bill to limit the authority of States and their subdivisions to impose taxes with respect to income on residents of other States; to the Committee on the Judiciary.

By Mr. JOHNSON of California:

H.R. 2342. A bill to amend section 1681(b) of title 38, United States Code, to provide for payment of the educational assistance allowance in certain cases where a veteran transfers from one approved educational institution to another educational institution; to the Committee on Veterans' Affairs.

By Mr. JONES of North Carolina:

H.R. 2343. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. JONES of Tennessee:

H.R. 2344. A bill to require the Secretary of Agriculture to carry out a rural environmental assistance program; to the Committee of Agriculture.

By Mr. KARTH (for himself, Mr. Dingell, Mr. Goodling, Mr. Clark, Mr. McCloskey, Mr. Downing, Mr. Stubblefield, Mr. Biaggi, Mr. Metcalfe, Mr. Conte, Mr. Breaux, Mr. Anderson of California, Mr. Bowen, Mr. Studds, Mr. Sarbanes, and Mr. Moss):

H.R. 2345. A bill to provide additional funds to the States for carrying out wildlife restoration projects and programs, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. KASTENMEIER:

H.R. 2346. A bill to protect the political rights and privacy of individuals and organizations and to prohibit the Armed Forces from collecting, distributing, and storing information about civilian political activity; to the Committee on Armed Services.

By Mr. KOCH (for himself, Mr. Kyros and Mr. Metcalfe):

H.R. 2347. A bill to prohibit the use of funds authorized or appropriated for military actions in Indochina except for purposes of withdrawing all U.S. Forces from Indochina with a 30-day period if within that period all American prisoners of war are released and American servicemen missing in action are accounted for, and to halt immediately all air bombing in Indochina; to the Committee on Foreign Affairs.

By Mr. KYROS:

H.R. 2348. A bill to amend title 39, United States Code, to permit the attendance, without loss of pay or deduction from annual leave, of certain U.S. Postal Service employees at funerals of honorably discharged members of the U.S. Armed Forces, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. LANDGREBE:

H.R. 2349. A bill to amend the Communications Act of 1934 to provide that broadcast licenses shall be granted for an unlimited term; to the Committee on Interstate and Foreign Commerce.

By Mr. McCLORY (for himself, and Mr. Pickle):

H.R. 2350. A bill to establish a program for the United States to convert to the metric system; to the Committee on Sciences and Astronautics.

By Mr. McCLORY (for himself, Mr. Blackburn, Mr. Brasco, Mr. Casey of Texas, Mr. Coughlin, Mr. Edwards of California, Mr. Frenzel, Mrs. Heckler of Massachusetts, Mr. Helstoski, Mr. Ichord, Mr. McKinney, Mr. Meeds, Mr. Michel, Mr. Moss, Mr. Pettis, Mr. Pickle, Mr. Podell, Mr. Railsback, Mr. Robison of New York, Mr. Waldie, and Mr. Ware):

H.R. 2351. A bill to establish a program for the United States to convert to the metric system; to the Committee on Science and Astronautics.

By Mr. McFALL (for himself and Mr. Don H. Clausen):

H.R. 2352. A bill to amend the Federal Alcohol Administration Act with respect to definition of wine; to the Committee on Ways and Means.

By Mr. MAILLIARD (for himself and Mr. Burton):

H.R. 2353. A bill to provide for the striking of medals commemorating the 100th anniversary of the invention of the cable car; to the Committee on Banking and Currency.

By Mr. MARAZITI:

H.R. 2354. A bill to amend the emergency loan program under the Consolidated Farm and Rural Development Act, and for other purposes; to the Committee on Agriculture.

By Mr. MARTIN of Nebraska:

H.R. 2355. A bill to amend the Communications Act of 1934 in order to provide that licenses for the operation of a broadcasting station shall be issued for a term of 5 years; to the Committee on Interstate and Foreign Commerce.

By Mr. MATHIS of Georgia:

H.R. 2356. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

H.R. 2357. A bill to amend title 38 of the United States Code to make certain that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced because of increases in monthly social security benefits; to the Committee on Veterans' Affairs.

By Mr. MELCHER:

H.R. 2358. A bill to encourage and support the dissemination of news, opinion, scientific, cultural, and educational matter through the mails; to the Committee on Post Office and Civil Service.

H.R. 2359. A bill to repeal section 411 of the Social Security Amendments of 1972, thereby restoring the right of aged, blind, and disabled individuals who receive assistance under title XVI of the Social Security Act after 1973 to *participate* in the food stamp and surplus commodities program; to the Committee on Ways and Means.

By Mr. MICHEL (for himself, Mr. Abdnor, Mr. Anderson of Illinois, Mr. Andrews of North Dakota, Mr. Archer, Mr. Bafalis, Mr. Bevill, Mr. Boland, Mr. Breaux, Mr. Broomfield, Mr. Brown of California, Mr. Broyhill of North Carolina, Mr. Broyhill of Virginia, Mr. Burgener, Mr. Clancy, Mr. Del Clawson, Mr. Cleveland, Mr. Collier, Mr. Collins, Mr. Cohen, Mr. Conable, Mr. Conte, Mr. Cronin, Mr. Dan Daniel, and Mr. Dennis):

H.R. 2360. A bill to prohibit travel at Government expense outside the United States by Members of Congress who have been defeated, or who have resigned, or retired; to the Committee on House Administration.

By Mr. MICHEL (for himself, Mr. Derwinski, Mr. Devine, Mr. Duncan, Mr. du Pont, Mr. Erlenborn, Mr.

Eshleman, Mr. Evans of Colorado, Mr. Fish, Mr. Fisher, Mr. Forsythe, Mr. Froehlich, Mr. Fulton, Mr. Fuqua, Mr. Gibbons, Mr. Gonzalez, Mr. Gunter, Mr. Guyer, Mr. Hamilton, Mr. Hanrahan, Mr. Hastings, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Hinshaw, and Mr. Hogan):

H.R. 2361. A bill to prohibit travel at Government expense outside the United States by Members of Congress who have been defeated, or who have resigned, or retired; to the Committee on House Administration.

By Mr. MICHEL (for himself, Mrs. Holt, Mr. Huber, Mr. Johnson of California, Mr. King, Mr. Kuykendall, Mr. Landgrebe, Mr. Latta, Mr. Lehman, Mr. Lent, Mr. Mallary, Mr. Martin of North Carolina, Mr. Mathias of California, Mr. Mazzoli, Mr. McCloskey, Mr. McCollister, Mr. McDade, Mr. McKay, Mr. McKinney, Mr. Milford, Mr. Mills of Arkansas, Mr. Moorhead of California, Mr. Nedzi, Mr. Nelsen, and Mr. Nichols):

H.R. 2362. A bill to prohibit travel at Government expense outside the United States by Members of Congress who have been defeated, or who have resigned, or retired; to the Committee on House Administration.

By Mr. MICHEL (for himself, Mr. Obey, Mr. Parris, Mr. Pettis, Mr. Pritchard, Mr. Quie, Mr. Rarick, Mr. Reuss, Mr. Robison of New York, Mr. Robinson of Virginia, Mr. Roybal, Mr. Satterfield, Mr. Scherle, Mr. Sebelius, Mr. Shipley, Mr. Shriver, Mr. Skubitz, Mr. J. William Stanton, Mr. Steiger of Arizona, Mr. Steiger of Wisconsin, Mr. Teague of California, Mr. Thomson of Wisconsin, Mr. Thone, Mr. Vander Jagt, and Mr. Bob Wilson):

H.R. 2363. A bill to prohibit travel at Government expense outside the United States by Members of Congress who have been defeated, or who have resigned, or retired; to the Committee on House Administration.

By Mr. MICHEL (for himself, Mr. Yatron, Mr. Young of Florida, Mr. Zwach, Mr. Roy, Mr. Conlan, Mr. Young of Illinois, Mr. Cochran, Mr. Rinaldo, Mr. Hudnut, Mr. Ketchum, Mr. Rousselot, and Mr. Don H. Clausen):

H.R. 2364. A bill to prohibit travel at Government expense outside the United States by Members of Congress who have been defeated, who have resigned, or retired; to the Committee on House Administration.

By Mr. MILLER:

H. R. 2365. A bill to amend title 5 of the United States Code with respect to the observance of Memorial Day and Veterans Day; to the Committee on the Judiciary.

H.R. 2366. A bill to amend title 38 of the United States Code to make certain that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced because of increases in monthly social security benefits; to the Committee on Veterans' Affairs.

H.R. 2367. A bill to provide for adjustments in monthly monetary benefits administered by the Veterans' Administration, according to changes in the Consumer Price Index; to the Committee on Veterans' Affairs.

H.R. 2368. A bill to amend chapter 34 of title 38, United States Code, to extend the time period within which veterans may be entitled to educational assistance under such chapter after their discharge or release from active duty; to the Committee on Veterans' Affairs.

By Mr. MIZELL (for himself, Mr. Archer, Mr. Brown of Michigan, Mr. Collins, Mr. Cleveland, Mr. Crane, Mr. Derwinski, Mr. Devine, Mr. Erlenborn, Mr. Fisher, Mr. Kemp, Mr. Mathis of Georgia, Mr. Rarick, Mr. Steiger of Arizona, and Mr. Williams):

H.R. 2369. A bill to repeal the provisions of law which relate to the checkoff procedure for financing presidential election campaigns; to the Committee on Ways and Means.

By Mr. MOSS:

H.R. 2370. A bill to create a comprehensive Federal system for determining the ownership of and amount of compensation to be paid for inventions made by employed persons; to the Committee on the Judiciary.

By Mr. MOSS (for himself and Mr. Eckhardt):

H.R. 2371. A bill to amend the Consumer Product Safety Act to clarify the authority of the Consumer Product Safety Commission to regulate the safety of mobile homes; to the Committee on Interstate and Foreign Commerce.

By Mr. NICHOLS:

H.R. 2372. A bill to amend chapter 84 of title 18 of the United States Code relating to the assaulting, injuring, or killing of police officers and firemen, and for other purposes; to the Committee on the Judiciary.

By Mr. O'HARA:

H.R. 2373. A bill to amend the Public Health Service Act to extend the program of assistance for health services for domestic migrant agricultural workers; to the Committee on Interstate and Foreign Commerce.

By Mr. PATTEN:

H.R. 2374. A bill to amend the Federal Power Act to facilitate the provision of reliable, abundant, and economical electric power supply by strengthening existing mechanisms for coordination of electric utility systems and encouraging the installation and use of the products of advancing technology with due regard for the proper conservation of scenic and other natural resources; to the Committee on Interstate and Foreign Commerce.

By Mr. PICKLE:

H.R. 2375. A bill to require the Secretary of Agriculture to carry out a rural environmental assistance program; to the Committee on Agriculture.

By Mr. PRICE of Illinois:

H.R. 2376. A bill to authorize a White House Conference on Education; to the Committee on Education and Labor.

H.R. 2377. A bill to provide a comprehensive child development program in the Department of Health, Education, and Welfare; to the Committee on Education and Labor.

H.R. 2378. A bill to provide a program to improve the opportunity of students in elementary and secondary schools to study cultural heritages of the various ethnic groups in the Nation; to the Committee on Education and Labor.

H.R. 2379. A bill to authorize the Secretary of the Interior to enlarge the Jefferson National Expansion Memorial Historic Site, and for other purposes; to the Committee on House Administration.

H.R. 2380. A bill to provide for the regulation of strip coal mining for the conservation, acquisition, and reclamation of strip coal mining areas, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 2381. A bill to establish a Commission on Fuels and Energy to recommend programs and policies intended to insure, through maximum use of indigenous resources that the United States requirements for low-cost energy be met, and to reconcile environmental quality requirements with future energy needs; to the Committee on Interstate and Foreign Commerce.

H.R. 2382. A bill to amend the Communications Act of 1934 so as to provide for the regulation of the broadcasting of certain major sporting events in the public interest; to the Committee on Interstate and Foreign Commerce.

H.R. 2383. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide a system for the redress of law enforcement officers' grievances and to establish a law enforcement officers' bill of rights in each of the several States, and for other purposes; to the Committee on the Judiciary.

H.R. 2384. A bill to amend the Clayton Act by adding a new section to prohibit sales below cost for the purpose of destroying competition eliminating a competitor; to the Committee on the Judiciary.

H.R. 2385. A bill to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to facilitate direct communication between officers and employees of the U.S. Postal Service and Members of Congress, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 2386. A bill to amend the Public Works and Economic Development Act of 1965, as amended, to establish an emergency Federal economic assistance program, to authorize the President to declare areas of the Nation which meet certain economic and employment criteria to be economic disaster areas, and for other purposes; to the Committee on Public Works.

H.R. 2387. A bill. The Adequate Income Act of 1973; to the Committee on Ways and Means.

H.R. 2338. A bill to amend the Federal-State Extended Unemployment Compensation Act of 1970 to permit Federal Sharing of the cost of unemployment benefits which extend for 52 weeks; to the Committee on Ways and Means.

H.R. 2389. A bill to establish a Transportation Trust Fund, to encourage urban mass transportation, and for other purposes; to the Committee on Ways and Means.

H.R. 2390. A bill to amend title II of the Social Security Act to permit the payment of benefits to a married couple on their combined earnings record where that method of computation produces a higher combined benefit; to the Committee on Ways and Means.

H.R. 2391. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

H.R. 2392. A bill to amend the Internal Revenue Code of 1954 to increase personal exemptions after 1974 by an amount based on annual variations in the Consumer Price Index; to the Committee on Ways and Means.

H.R. 2393. A bill to amend the Trade Expansion Act of 1962 with respect to workers' readjustment allowances; to the Committee on Ways and Means.

H.R. 2394. A bill to provide for orderly trade in iron and steel products; to the Committee on Ways and Means.

By Mr. QUIE (for himself, Mr. Murphy of New York, Mr. Pettis, Mr. Peyser, Mr. Podell, Mr. Rhodes, Mr. Riegle, Mr. Robinson of Virginia, Mr. Robison of New York, Mr. Roy, Mr. Scherle, Mr. Sebelius, Mr. Shoup, Mr. J. William Stanton, Mr. Steiger of Wisconsin, Mr. Stephens, Mr. Talcott, Mr. Thone, Mr. Veysey, Mr. White, Mr. Whitehurst, Mr. Widnall, Mr. Wyman, Mr. Yatron, and Mr. Young of Florida):

H.R. 2395. A bill to strengthen and improve the Older Americans Act of 1965, and for other purposes; to the Committee on Education and Labor.

By Mr. RAILSBACK:

H.R. 2396. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of law enforcement officers killed in the line of duty; to the Committee on the Judiciary.

H.R. 2397. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of poilce officers killed in the line of duty; to the Committee on the Judiciary.

H.R. 2398. A bill granting the consent and approval of Congress to an agreement between the States of Illinois and Iowa relating to the establishment by certain of their political subdivisions of a regional air pollution control board; to the Committee on the Judiciary.

H.R. 2399. A bill to amend title 23 of the United States Code, to provide for the Federal funding of land and easement acquisitions and the construction and improvement of necessary roads and scenic viewing facilities in order to develop a national scenic and recreational highway program; to the Committee on Public Works.

H.R. 2400. A bill to amend chapter 15 of title 38, United States Code, to provide for the payment of pension of $125 per month to World War I veterans, subject to a $2,400 and $3,600 annual income limitation; to provide that retirement income such as social security shall not be counted as income; to provide that such pension shall be increased by 10 percent where the veteran served overseas during World War I; and for other purposes; to the Committee on Veterans' Affairs.

H.R. 2401. A bill to provide an incentive for the production of motion pictures in the United States by excluding from gross income, for Federal income tax purposes, a part of the gross income derived from the distribution or exploitation of motion pictures produced in the United States; to the Committee on Ways and Means.

By Mr. RAILSBACK (for himself, Mr. Biester, Mr. Boland, Mr. Brademas, Mr. Cederberg, Mr. Cleveland, Mr. Danielson, Mr. Edwards of Alabama, Mr. Eilberg, Mr. Fountain, Mr. Fraser, Mr. Frelinghuysen, Mr. Frenzel, Mr. Frey, Mr. Kemp, Mr. Kuykendall, Mr. Mazzoli, Mr. McKinney, Mr. Quie, Mr. Rostenkowski, Mr. Roybal, and Mr. Wolff):

H.R. 2402. A bill to amend title 18 of the United States Code by adding a new chapter 404 to establish an Institute for Continuing Studies of Juvenile Justice; to the Committee on the Judiciary.

By Mr. REID:

H.R. 2403. A bill to implement the constitutional prerogatives and responsibilities of the legislative branch; to the Committee on Government Operations.

By Mr. REID (for himself, Mr. Flood, and Mr. Veysey):

H.R. 2404. A bill the Antihijacking Act of 1973; to the Committee on Interstate and Foreign Commerce.

By Mr. RHODES:

H.R. 2405. A bill to provide that the President shall include in the budget submitted to the Congress under section 201 of the Budget and Accounting Act, 1921, an item for not less than $2 billion to be applied toward reduction of the national debt; to the Committee on Government Operations.

By Mr. ROBINSON of Virginia (for himself, Mr. Baker, Mr. Blackburn, Mr. Buchanan, Mr. Collins, Mr. Cronin, Mr. Dennis, Mr. Derwinski, Mr. Froehlich, Mr. Goodling, Mr. Hosmer, Mr. Hinshaw, Mr. Huber, Mr. Landgrebe, Mr. McCollister, Mr. Moorhead of California, Mr. Powell of Ohio, Mr. Runnels, Mr. Scherle, Mr. Symms, Mr. Treen, Mr. Ware, Mr. Williams, and Mr. Yatron):

H.R. 2406. A bill to improve and implement procedures of fiscal controls in the U.S. Government, and for other purposes; to the Committee on Rules.

By Mr. ROBINSON of Virginia (for himself, Mr. Butler, Mr. W. C. (Dan) Daniel, Mr. Ketchum, and Mr. Veysey):

H.R. 2407. A bill to improve and implement procedures for fiscal controls in the U.S. Government, and for other purposes; to the Committee on Rules.

By Mr. RODINO (for himself and Mr. Hutchinson):

H.R. 2408. A bill to authorize additional judgeships for the U.S. courts of appeals; to the Committee on the Judiciary.

H.R. 2409. A bill to provide for the appointment of additional district judges, and for other purposes; to the Committee on the Judiciary.

By Mr. ROSENTHAL:

H.R. 2410. A bill to restrict the activities of certain Federal employees and officers, to provide private remedies to implement these restrictions, and to facilitate the enforcement of existing conflict of interest statutes; to the Committee on Post Office and Civil Service.

By Mr. ROSENTHAL (for himself, Mr. Moss, Mr. Fascell, Mr. Reuss, Mr. Macdonald, Mr. Moorhead of Pennsylvania, Mr. Wright, Mr. Culver, Mr. Fuqua, Mr. Conyers, Mr. Alexander, and Ms. Abzug):

H.R. 2411. A bill to amend the Budget and Accounting Act of 1921 to require the advice and consent of the Senate for appointment to Director and Deputy Director of the Office of Management and Budget; to the Committee on Government Operations.

By Mr. ROSENTHAL (for himself, Ms. Abzug, Mr. Addabbo, Mr. Badillo, Mr. Biaggi, Mr. Bingham, Mr. Boland, Mr. Brademas, Mr. Brasco, Mr. Brown of California; Mrs. Burke of California, Mr. Burke of Massachusetts, Mr. Burton, Mr. Carey of New York, Mr. Carney of Ohio, Mrs. Chisholm, Mr. Clark, Mr. Conyers, Mr. Corman, Mr. Cotter, Mr. Dominick V. Daniels, Mr. Dellums, Mr. Dent, Mr. Diggs, and Mr. Drinan):

H.R. 2412. A bill to establish an Office of Consumer Affairs, in the Executive Office of the President and a Consumer Protection Agency in order to secure within the Federal Government effective protection and representation of the interests of consumers, and for other purposes; to the Committee on Government Operations.

By Mr. ROSENTHAL (for himself, Mr. Dulski, Mr. Eckhardt, Mr. Edwards of California, Mr. Eilberg, Mr. Fascell, Mr. Fauntroy, Mr. Fish, Mr. William D. Ford, Mr. Fraser, Mr. Green of Pennsylvania, Mr. Gude, Mr. Hanley, Mr. Harrington, Mr. Hawkins, Mr. Hechler of West Virginia, Mr. Helstoski, Miss Holtzman, Mr. Howard, Mr. Karth, Mr. Kastenmeier, Mr. Koch, Mr. Kyros, Mr. Matsunaga, and Mr. Meeds):

H.R. 2413. A bill to establish an Office of Consumer Affairs in the Executive Office of the President and a Consumer Protection Agency in order to secure within the Federal Government effective protection and representation of the interests of consumers, and for other purposes; to the Committee on Government Operations.

By Mr. ROSENTHAL (for himself, Mr. Minish, Mrs. Mink, Mr. Mitchell of Maryland, Mr. Moakley, Mr. Moorhead of Pennsylvania, Mr. Morgan, Mr. Moss, Mr. Murphy of New York, Mr. Murphy of Illinois, Mr. Nix, Mr. Patten, Mr. Pepper, Mr. Pettis, Mr. Pike, Mr. Podell, Mr. Price of Illinois, Mr. Pritchard, Mr. Rangel, Mr. Reid, Mr. Riegle, Mr. Rodino, Mr. Roncalio of Wyoming, Mr. Rooney of Pennsylvania, and Mr. Rostenkowski):

H.R. 2414. A bill to establish an Office of Consumer Affairs in the Executive Office of the President and Consumer Protection Agency in order to secure within the Federal Government effective protection and representation of the interests of consumers, and for other purposes; to the Committee on Government Operations.

By Mr. ROSENTHAL (for himself, Mr. Adams, Mrs. Grasso, Miss Jordan, Mr. Sarbanes, Mr. Seiberling, Mr. James V. Stanton, Mr. Stokes, Mr. Studds, Mr. Symington, Mr. Thompson of New Jersey, Mr. Tiernan, Mr. Vanik, Mr. Waldie, Mr. Wolff, Mr. Yates, Mr. Yatron, and Mr. Zablocki):

H.R. 2415. A bill to establish an Office of Consumer Affairs in the Executive Office of the President and a Consumer Protection Agency in order to secure within the Federal Government effective protection and representation of the interests of consumers, and for other purposes; to the Committee on Government Operations.

By Mr. ROSTENKOWSKI (for himself and Mr. James V. Stanton):

H.R. 2416. A bill to amend the Internal Revenue Code of 1954 to provide for income averaging in the event of downward fluctuations in income; to the Committee on Ways and Means.

By Mr. ROYBAL:

H.R. 2417. A bill to ban aerosol cans in commerce unless they conform to safety standards set by the Consumer Product Safety Commission; to the Committee on Interstate and Foreign Commerce.

By Mr. RUNNELS:

H.R. 2418. A bill to suspend for a 2-year period the duty on crude barium sulphate; to the Committee on Ways and Means.

By Mr. ST GERMAIN:

H.R. 2419. A bill to amend title IV of the National Housing Act, to make any Federal savings and loan association or State chartered mutual savings and loan association which converts to a stock savings and loan institution ineligible for insurance under this title; to the Committee on Banking and Currency.

By Mr. SAYLOR:

H.R. 2420. A bill to provide for the study of certain lands to determine their suitability for designation as wilderness in accordance with the Wilderness Act of 1964, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SCHERLE:

H.R. 2421. A bill to amend title 38 of the United States Code to make certain that recipients of veterans' pension compensation will have the amount of such pension or compensation reduced because of increases in monthly social security benefits; to the Committee on Veterans' Affairs.

By Mr. SEIBERLING:

H.R. 2422. A bill to provide for the establishment of the Tuskegee Institute National Historic Park, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SHRIVER:

H.R. 2423. A bill to amend the Federal Salary Act of 1967, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 2424. A bill to designate certain segments of the Interstate System as the "Dwight D. Eisenhower Highway"; to the Committee on Public Works.

By Mr. SHOUP:

H.R. 2425. A bill to provide for the regulation of surface coal mining for the conservation, acquisition, and reclamation of surface areas affected by coal mining activities, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 2426. A bill to provide increased penalties for distribution of heroin by certain persons, and to provide for pretrial detention of such persons; to the Committee on Interstate and Foreign Commerce.

By Mr. SISK:

H.R. 2427. A bill to amend title 10, United States Code, to make certain persons eligible for retired pay for nonregular service; to the Committee on Armed Services.

H.R. 2428. A bill to amend section 301(a) (7) of the Immigration and Nationality Act; to the Committee on the Judiciary.

By Mr. SLACK:

H.R. 2429. A bill to amend the Vocational Rehabilitation Act to extend and revise the authorization of grants to States for vocational rehabilitation services, to authorize grants for rehabilitation services to those with severe disabilities, and for other purposes; to the Committee on Education and Labor.

H.R. 2430. A bill to provide additional penalties for the use of firearms in the commission of certain crimes of violence; to the Committee on the Judiciary.

H.R. 2431. A bill to amend title II of the Social Security Act to increase all benefits thereunder by 20 percent, and to provide that full benefits (when based on attainment of retirement age) will be payable to both men and women at age 60; to the Committee on Ways and Means.

By Mr. SMITH of New York:

H.R. 2432. A bill to strengthen and improve the protection and interests of participants and beneficiaries of employee pension and welfare benefit plans; to the Committee on Education and Labor.

By Mr. JAMES V. STANTON:

H.R. 2433. A bill to protect confidential sources of the news media; to the Committee on the Judiciary.

H.R. 2434. A bill to provide for compensation to victims of violent crimes; to the Committee on the Judiciary.

H.R. 2435. A bill to provide death benefits to survivors of certain public safety and law enforcement personnel, and public officials concerned with the administration of criminal justice and corrections, and for other purposes; to the Committee on the Judiciary.

By Mr. JAMES V. STANTON (for himself, and Mr. Seiberling):

H.R. 2436. A bill to provide for greater and more efficient Federal financial assistance to certain large cities with a high incidence of crime, and for other purposes; to the Committee on the Judiciary.

By Mr. J. WILLIAM STANTON (for himself, Mr. Ashley, Mr. Brademas, Mr. Collier, Mr. Hastings, Mr. Johnson of Pennsylvania, Mr. Keating, Mr. Kemp, and Mr. Latta):

H.R. 2437. A bill to amend the act of August 13, 1946, relating to Federal participation in the cost of protecting the shores of the United States, its territories, and possessions, to include privately owned property; to the Committee on Public Works.

By Mr. STEED:

H.R. 2438. A bill to amend title II of the Social Security Act to increase to $3,000 the amount of outside earnings which (subject to further increases under the automatic adjustment provisions) is permitted each year without any deductions from benefits thereunder; to the Committee on Ways and Means.

H.R. 2439. A bill to provide incentives for the establishment of new or expanded job-producing industrial and commercal establishments in rural areas; to the Committee on Ways and Means.

By Mr. STEIGER of Arizona:

H.R. 2440. A bill to declare that certain federally owned lands shall be held by the United States in trust for the Hualapai Indian Tribe, of the Hualapai Reservation, Ariz., and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. STRATTON:

H.R. 2441. A bill to provide that the fiscal year of the United States shall coincide with the calendar year; to the Committee on Government Operations.

H.R. 2442. A bill to prohibit the imposition by the States of discriminatory burdens upon interstate commerce in wine, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 2443. A bill to provide for effective congressional controls over the budget by requiring the establishment and enforcement of a ceiling on appropriations for each fiscal year, the notification to Members of Congress of that ceiling and of the current amounts appropriated, the modification of the fiscal year so that it coincides with the calendar year, and the continuation of the joint committee which was created by the act of October 27, 1972, as a permanent committee; to the Committee on Rules.

By Mr. STUBBLEFIELD:

H.R. 2444. A bill to require the Secretary of Agriculture to carry out a rural environmental assistance program; to the Committee on Agriculture.

By Mr. TAYLOR of North Carolina:

H.R. 2445. A bill to provide that meetings of Government agencies and of congressional committees shall be open to the public, and for other purposes; to the Committee on Rules.

By Mr. THOMPSON of New Jersey (for himself, Mr. Hansen of Idaho, and Mr. Brademas):

H.R. 2446. A bill to amend the National Foundation on the Arts and Humanities Act of 1965 to further cultural activities by making unused railroad passenger depots available to communities for such activities; to the Committee on Education and Labor.

By Mr. THONE:

H.R. 2447. A bill to provide for the equalization of the retired pay of members of the uniformed services of equal grade and years of service; to the Committee on Armed Services.

By Mr. THONE (for himself, Mr. Abdnor, Mr. Hanley, and Mr. Whitehurst):

H.R. 2448. A bill to amend the Occupational Safety and Health Act of 1970 to provide that where violations are corrected within the prescribed abatement period, no penalty shall be assessed; to the Committee on Education and Labor.

By Mr. THONE (for himself, Mr. Abdnor, Mr. Broyhill of North Carolina, Mr. Hanley, Mr. Hillis, Mr. Mollohan, Mr. Snyder, and Mr. Whitehurst):

H.R. 2449. A bill to amend the Occupational Safety and Health Act of 1970 to require the Secretary of Labor to recognize the difference in hazards to employees between the heavy construction industry and the light residential construction industry; to the Committee on Education and Labor.

By Mr. THOMPSON of New Jersey:

H.R. 2450. A bill to require the President to notify the Congress whenever he impounds funds, or authorizes the impounding of funds, and to provide a procedure under which the House of Representatives and the Senate may approve the President's action or require the President to cease such action; to the Committee on Rules.

By Mr. THOMSON of Wisconsin:

H.R. 2451. A bill to amend section 4 of the Clayton Act (15 U.S.C. 15), and for other purposes; to the Committee on the Judiciary.

H.R. 2452. A bill to amend the Clayton Act by making section 3 of the Robinson-Patman Act, with amendments, a part of the Clayton Act, in order to provide for governmental and private civil proceedings for violations of section 3 of the Robinson-Patman Act; to the Committee on the Judiciary.

H.R. 2453. A bill to withhold compensation from Members of the House of Representatives and Senate under certain circumstances with respect to attendance; to the Committee on the Judiciary.

H.R. 2454. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

By Mr. THORNTON:

H.R. 2455. A bill to amend the Emergency Loan program under the Consolidated Farm and Rural Development Act, and for other purposes; to the Committee on Agriculture.

By Mr. VANIK (for himself, Mr. McClory, Mr. Minshall, Mr. Mosher, Mr. O'Hara, Mr. Podell, Mr. Seiberling, Mr. James V. Stanton, Mr. Stokes, and Mr. Vigorito):

H.R. 2456. A bill to amend the act of August 13, 1946, relating to Federal participation in the cost of protecting the shores of the United States, its territories, and possessions, to include privately owned property; to the Committee on Public Works.

By Mr. VANIK (for himself, Mr. Corman, Mr. Gibbons, and Mrs. Griffiths):

H.R. 2457. A bill to repeal the meat quota provisions of Public Law 88–482; to the Committee on Ways and Means.

By Mr. VEYSEY:

H.R. 2458. A bill to repeal the Gun Control Act of 1968 to reenact the Federal Firearms Act, to make the use of a firearm to commit certain felonies a Federal crime where that use violates State law, and for other purposes; to the Committee on the Judiciary.

H.R. 2459. A bill authorizing the Secretary of the Army to establish a national cemetery in Riverside County, Calif.; to the Committee on Veterans' Affairs.

H.R. 2460. A bill to amend section 4182 of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. VIGORITO (for himself, Mr. Drinan, Mr. Fascell, Mr. Lent, Mr. Annunzio, Mr. Rosenthal, Mr. Helstoski, Mr. Metcalfe, Mr. Bell, Mr. Boland, Mr. Roybal, Mr. Bingham, Mr. Harrington, Mr. Podell, Mr. Quie, Mr. Lehman, Mr. Fraser, Mr. Cronin, Mr. Rooney of Pennsylvania, Mr. Stokes, Mr. Koch, Mr. Pettis, Mrs. Mink, Mr. Brown of California, and Mr. Nix):

H.R. 2461. A bill to reduce pollution which is caused by litter composed of soft drink and beer containers, and to eliminate the threat to the Nation's health, safety, and welfare which is caused by such litter by banning such containers when they are sold in interstate commerce on a no-deposit, no-return basis; to the Committee on Interstate and Foreign Commerce.

By Mr. WAGGONNER:

H.R. 2462. A bill to strengthen and improve the Older Americans Act of 1965, and for other purposes; to the Committee on Education and Labor.

H.R. 2463. A bill to amend certain provisions of the Internal Revenue Code of 1954 to authorize refund of tax on distilled spirits, wines, rectified products, and beer lost or rendered unmarketable due to fire, flood, casualty, or other disaster, or breakage, destruction or other damage (excluding theft) resulting from vandalism or malicious mischief while held for sale; to the Committee on Ways and Means.

By Mr. WAMPLER (for himself, Mr. Downing, Mr. Whitehurst, Mr. Satterfield, Mr. Butler, Mr. Robert W. Daniel, Jr., Mr. W. C. (Dan) Daniel, Mr. Robinson of Virginia, Mr. Parris, and Mr. Broyhill of Virginia):

H.R. 2464. A bill to provide for the establishment and operation of a research center at Blacksburg, Va.; to the Committee on Interior and Insular Affairs.

H.R. 2465. A bill to amend title II of the Social Security Act to provide that an individual may become entitled to widow's or widower's insurance benefits, subject to the existing actuarial reductions, at age 50, whether or not disabled; to the Committee on Ways and Means.

By Mr. WHITE:

H.R. 2466. A bill for peace in Indochina; to the Committee on Foreign Affairs.

H.R. 2467. A bill to provide for the construction and maintenance of a fence near the international boundary between the United States and Mexico in the city of El Paso, Tex.; to the Committee on Ways and Means.

By Mr. BOB WILSON:

H.R. 2468. A bill to preserve and stabilize the domestic gold mining industry and to increase the domestic production of gold to meet the needs of national defense; to the Committee on Armed Services.

H.R. 2469. A bill to provide retroactive pay to certain members of the Armed Forces held as prisoners of war during World War II; to the Committee on Armed Services.

H.R. 2470. A bill to amend titles 10 and 37, United States Code, to provide for equality of treatment for military personnel in the application of dependency criteria; to the Committee on Armed Services.

H.R. 2471. A bill to amend title 10, United States Code, to change the method of computing retired pay of certain enlisted members of the Army, Navy, Air Force, or Marine Corps; to the Committee on Armed Services.

H.R. 2472. A bill authorizing the President to proclaim the week including the Fourth of July as "God Bless America Week"; to the Committee on the Judiciary.

H.R. 2473. A bill to increase the contribution of the Federal Government to the costs of health benefits, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 2474. A bill to provide increases in certain annuities payable under chapter 83 of title 5, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 2475. A bill to repeal section 5532 of title 5, United States Code, relating to reductions in the retired or retirement pay of retired officers of regular components of the uniformed services who are employed in civilian offices or positions in the Government of the United States; to the Committee on Post Office and Civil Service.

H.R. 2476. A bill to amend section 3104 of title 38, United States Code, to permit certain service-connected disabled veterans who are retired members of the uniformed services to receive compensation concurrently with retired pay, without deduction from either; to the Committee on Veterans' Affairs.

H.R. 2477. A bill to amend section 410(a) of title 38, United States Code, to provide a statutory presumption of service-connected death of any veteran who has been rated totally disabled by reason of service-connected disability for 20 or more years; to the Committee on Veterans' Affairs.

H.R. 2478. A bill to amend title II of the Social Security Act to provide that a woman may simultaneously receive (without any reduction or offset) both an old-age or disability insurance benefit and a widow's insurance benefit; to the Committee on Ways and Means.

H.R. 2479. A bill to amend the Internal Revenue Code of 1954 to provide that the first $5,000 each year of an individual's civil service retirement annuity (or other Federal retirement annuity) shall be exempt from income tax; to the Committee on Ways and Means.

H.R. 2480. A bill to amend the Internal Revenue Code of 1954 to provide for correction of inequities respecting losses of retired pay sustained by certain individuals who retired from the armed forces before June 1, 1958; to the Committee Ways and Means.

H.R. 2481. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income any payments made under the retired serviceman's family protection plan by an individual who has waived his military retirement pay in order to receive a civil service retirement annuity; to the Committee on Ways and Means.

By Mr. BOB WILSON (for himself and Mr. Van Deerlin):

H.R. 2482. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. WYATT:

H.R. 2483. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 2484. A bill to amend title 38 of the United States Code to provide that monthly social security benefit payments shall not be considered as income in determining eligibility for pensions under that title; to the Committee on Veterans' Affairs.

By Mr. WYDLER:

H.R. 2485. A bill to amend title 45, United States Code, in order to provide that a State may act in the case of labor disputes involving a railroad industry primarily engaged in intrastate operations, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. YATES:

H.R. 2486. A bill to protect the political rights and privacy of individuals and organizations and to define the authority of the armed forces to collect, distribute, and store information about civilian political activity; to the Committee on Armed Services.

H.R. 2487. A bill to provide for the discharge of members of the armed forces from active military service by reason of physical disability when suffering from drug dependency, to authorize the civil commitment of such members concurrent with their discharge, to provide for retroactive honorable discharges in certain cases, and for other purposes; to the Committee on Armed Services.

H.R. 2488. A bill to provide that the fiscal year of the United States shall coincide with the calendar year; to the Committee on Government Operations.

H.R. 2489. A bill to amend title 5, United States Code, to provide that individuals be apprised of records concerning them which are maintained by Government agencies; to the Committee on Government Operations.

H.R. 2490. A bill to amend the Bilingual Education Act with respect to the qualification of schools in which programs under such act may be carried out; to the Committee on Education and Labor.

H.R. 2491. A bill to prohibit commercial flights by supersonic aircraft into or over the United States until certain findings are made by the Environmental Protection Agency and by the Secretary of Transportation, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 2492. A bill to prohibit the importation, manufacture, sale, purchase, transfer, receipt, or transportation of handguns, in any manner affecting interstate or foreign commerce, except for or by members of the Armed Forces, law enforcement officials, and, as authorized by the Secretary of the Treasury, licensed importers, manufacturers, dealers, and pistol clubs; to the Committee on the Judiciary.

H.R. 2493. A bill to amend the Fish and Wildlife Coordination Act to provide additional protection to marine and wildlife ecology by providing for the orderly regulation of dumping in the ocean, coastal, and other waters of the United States; to the Committee on Merchant Marine and Fisheries.

H.R. 2494. A bill to prohibit the discharge into any of the navigable waters of the United States or into international waters of any military material or other refuse without a certification by the Environmental Protection Agency approving such discharge; to the Committee on Merchant Marine and Fisheries.

H.R. 2495. A bill to require States to pass along to individuals who are recipients of aid or assistance under the Federal-State public assistance programs or under certain other Federal programs, and who are entitled to social security benefits, the full amount of the 1972 increase in such benefits, either by disregarding it in determining their need for assistance or otherwise; to the Committee on Ways and Means.

H.R. 2496. A bill to amend titles II and XVIII of the Social Security Act to include qualified drugs, requiring a physician's prescription or certification and approved by a Formulary Committee, among the items and services covered under the hospital insurance program; to the Committee on Ways and Means.

H.R. 2497. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

H.R. 2498. A bill to amend the Internal Revenue Code of 1954 to allow a deduction to tenants of houses or apartments for their proportionate share of the taxes and interest paid by their landlords; to the Committee on Ways and Means.

By Mr. BENNETT:

H.J. Res. 198. Joint resolution to redesignate the area in the State of Florida known as Cape Kennedy as Cape Canaveral; to the Committee on Science and Astronautics.

By Mr. BRINKLEY:

H.J. Res. 199. Joint resolution proposing an amendment to the Constitution of the United States relating to the tenure in office of Supreme Court judges; to the Committee on the Judiciary.

By Mr. BURKE of Massachusetts (for himself and Mr. Rostenkowski):

H.J. Res. 200. Joint resolution to authorize the emergency importation of oil into the United States; to the Committee on Ways and Means.

By Mr. BURKE of Massachusetts (for himself, Mr. Boland, Mr. Fraser, Mrs. Grasso, Mr. Harrington, Mr. Rodino, Mr. St Germain, Mr. Moakley, Mr. O'Neill, Mr. Studds, Mr. Kyros, Mr. Tiernan, Mr. Macdonald, Mr. Giaimo, and Mr. Cotter):

H.J. Res. 201. Joint resolution to authorize the emergency importation of oil into the United States; to the Committee on Ways and Means.

By Mr. CHAMBERLAIN:

H.J. Res. 202. Joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States; to the Committee the Judiciary.

By Mr. DANIELSON:

H.J. Res. 203. Joint resolution to establish the Tule Elk National Wildlife Refuge; to the Committee on Merchant Marine and Fisheries.

By Mr. DINGELL (for himself, Mr. Karth, Mr. Mailliard, Mr. Rees, Mr. Moss, Mr. Waldie, Mr. Edwards of California, Mr. Dellums, Mr. Leggett, Mr. McCloskey, Mr. Van Deerlin, Mr. Corman, Mrs. Burke of California, Mr. Roybal, Mr. Hosmer, Mr. Pettis, Mr. Burton, Mr. Teague of California, Mr. Bell, Mr. Veysey, Mr. Ryan, Mr. Bob Wilson, Mr. Hinshaw, and Mr. Brown of California):

H.J. Res. 204. Joint resolution to establish the Tule Elk National Wildlife Refuge; to the Committee on Merchant Marine and Fisheries.

By Mr. FINDLEY (for himself, Mr. Addabbo, Mr. Anderson of California, Mr. Ashley, Mr. Badillo, Mr. Bergland, Mr. Bingham, Mr. Blatnik, Mr. Boland, Mr. Bolling, Mr. Brown of Michigan, Mr. Carney of Ohio, Mr. Clark, Mr. Don H. Clausen, Mr. Conte, Mr. Corman, Mr. Dulski, Mr. Eckhardt, Mr. Edwards of California, Mr. Esch, Mr. Fascell, Mr. Flood, Mr. Foley, Mr. William D. Ford, and Mr. Forsythe):

H.J. Res. 205. Joint resolution to create an Atlantic Union Delegation; to the Committee Foreign Affairs.

By Mr. FRASER (for himself, Mr. Fulton, Mr. Gibbons, Mr. Gonzalez, Mr. Gude, Mr. Harrington, Mr. Harvey, Mr. Helstoski, Mr. Holifield, Mr. Horton, Mr. Karth, Mr. Koch, Mr. Kyros, Mr. McCloskey, Mr. McDade, Mr. Macdonald, Mr. Melcher, Mr. Moakley, Mr. Moorhead of Pennsylvania, Mr. Moss, Mr. Murphy of Illinois, Mr. Nedzi, Mr. O'Hara, Mr. Pepper, and Mr. Podell):

H.J. Res. 206. Joint resolution to create an Atlantic Union Delegation; to the Committee on Foreign Affairs.

By Mr. O'HARA (for himself, Mr. Addabbo, Mr. Badillo, Mr. Biester, Mr. Bolling, Mr. Danielson, Mr. Downing, Mr. Fascell, Mr Forsythe, Mr. Fraser, Mr. Hanrahan, Mr. Hansen of Idaho, Mr. Harvey, Mr. Hastings, Mr. Hinshaw, Mr. Holifield, Mr. Jones of North Carolina, Mr. Legget, Mr. McDade, Mr. Pepper, Mr. Podell, Mr. Rosenthal, Mr. Roy, Mr. Sisk, and Mr. Steiger of Wisconsin):

H.J. Res. 207. Joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. O'HARA (for himself, Mr. Studds, Mr. Tiernan, Mr. Widnall, and Mr. Wolff):

H.J. Res. 208. Joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. RUNNELS (for himself and Mr. Mathis of Georgia):

H.J. Res. 209. Joint resolution proposing an amendment to the Constitution of the United States limiting expenditures by the Federal Government to revenues except in national emergencies; to the Committee on the Judiciary.

By Mr. SIKES:

H.J. Res. 210. Joint resolution asking the President of the United States to declare the fourth Saturday of each September as "National Hunting and Fishing Day"; to the Committee on the Judiciary.

By Mr. BOB WILSON:

H.J. Res. 211. Joint resolution designating February of each year as "American History Month"; to the Committee on the Judiciary.

H.J. Res. 212. Joint resolution designating the second Sunday in June of each year as "National Pet Memorial Day"; to the Committee on the Judiciary

By Mr. WRIGHT (for himself, Mr. Preyer, Mr. Price of Illinois, Mr. Quie, Mr. Railsback, Mr. Rees, Mr. Riegle, Mr. Robison of New York, Mr. Rodino, Mr. Rosenthal, Mr. Roybal, Mr. Ruppe, Mr. Seiberling, Mr. Smith of New York, Mr. J. William Stanton, Mr. Teague of California, Mr. Thompson of New Jersey, Mr. Udall, Mr. Waldie, Mr. Ware, Mr. Zablocki, and Mr. Anderson of Illinois):

H.J. Res. 213. Joint resolution to create an Atlantic Union Delegation; to the Committee on Foreign Affairs.

By Mr. ANNUNZIO (for himself, Mr. Addabbo, Mr. Badillo, Mr. Barrett, Mr. Biaggi, Mr. Bingham, Mr. Bolling, Mr. Brasco, Mr. Brown of California, Mr. Burton, Mr. Carey of New York, Mr. Carney of Ohio, Mr. Clark, Mr. Collier, Mr. Cronin, Mr. Dominick V. Daniels, Mr. Davis of South Carolina, Mr. Delaney, Mr. Dent, Mr. Edwards of California, Mr. Eilberg, Mr. Evins of Tennessee, Mr. Flood, Mr. Giaimo, and Mr. Gray):

H. Con. Res. 81. Concurrent resolution expressing the sense of Congress relating to films and broadcasts which defame, stereotype, ridicule, demean, or degrade ethnic, racial, and religious groups; to the Committee on Interstate and Foreign Commerce.

By Mr. ANNUNZIO (for himself, Mr. Hanley, Mr. Hays, Mr. Hicks, Mr. Holifield, Mr. Kluczynski, Mr. Leggett, Mr. McClory, Mr. McDade, Mr. Madden, Mr. Minish, Mr. Murphy of New York, Mr. Murphy of Illinois, Mr. Nedzi, Mr. Nix, Mr. Patten, Mr. Pepper, Mr. Peyser, Mr. Pike, Mr. Podell, Mr. Price of Illinois, Mr. Rinaldo, Mr. Rooney of Pennsylvania, Mr. Shipley, and Mr. J. William Stanton):

H. Con. Res. 82. Concurrent resolution expressing the sense of Congress relating to films and broadcasts which defame, stereotype, ridicule, demean, or degrade ethnic, racial, and religious groups; to the Committee on Interstate and Foreign Commerce.

By Mr. ANNUNZIO (for himself, Mrs. Grasso, Mr. Stratton, Mr. Vigorito, Mr. Williams, and Mr. Wolff):

H. Con. Res. 83. Concurrent resolution expressing the sense of Congress relating to films and broadcasts which defame, stereotype, ridicule, demean, or degrade ethnic, racial, and religious groups; to the Committee on Interstate and Foreign Commerce.

By Mr. CASEY of Texas:

H. Con. Res. 84. Concurrent resolution accepting the gift of the centennial safe and expressing the thanks of the Congress to the late donor, Mrs. Charles F. Deihm, and authorizing its display in the Capitol to create interest in the forthcoming bicentennial; to the Committee on House Administration.

By Mr. LONG of Maryland:

H. Con. Res. 85. Concurrent resolution expressing the sense of the Congress that the Soviet Union should be condemned for its policy of demanding a ransom from educated Jews who want to emigrate to Israel; to the Committee on Foreign Affairs.

By Mr. BLACKBURN:

H. Res. 139. Resolution to amend the Rules of the House of Representatives to provide for the efficient operation of congressional committees and to insure the rights of all committee members to have equal voice in committee business; to the Committee on Rules.

By Mr. BROTZMAN (for himself, Mr. Gubser, Mr. Whitehurst, Mr. Rooney of Pennsylvania, Mr. Thone, Mr. Johnson of Colorado, and Mr. McCollister):

H. Res. 140. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on the Environment; to the Committee on Rules.

By Mr. FINDLEY (for himself, Mr. Archer, Mr. Butler, Mr. Collier, Mr. Collins, Mr. Conable, Mr. Cronin, Mr. W. C. (Dan) Daniel, Mr. Danielson, Mr. Dennis, Mr. du Pont, Mr. Erlenborn, Mr. Fish, Mr. Forsythe, Mr. Frenzel, Mr. Gibbons, Mr. Gude, Mr. Heinz, Mr. Henderson, Mr. Hosmer, Mr. Hutchinson, Mr. Ichord, and Mr. Jarman):

H. Res. 141. Resolution to establish a House-authorized budget; to the Committee on Rules.

By Mr. FINDLEY (for himself, Mr. Leggett, Mr. McCollister, Mr. McKinney, Mr. Mallary, Mr. Robinson of Virginia, Mr. Rooney of Pennsylvania, Mr. Rousselot, Mr. Roy, Mr. Ryan, Mr. Saylor, Mr. Skubitz, Mr. Steelman, Mr. Tiernan, Mr. Treen, Mr. Whitehurst, Mr. Williams, Mr. Won Pat, Mr. Wyatt, and Mr. Zwach):

H. Res. 142. Resolution to establish a House-authorized budget; to the Committee on Rules.

By Mr. HARRINGTON (for himself and Mr. Metcalfe):

H. Res. 143. Resolution, an inquiry into the extent of the bombing of North Vietnam, December 17, 1972, through January 10, 1973; to the Committee on Armed Services.

By Mr. KASTENMEIER:

H. Res. 144. Resolution to abolish the Committee on Internal Security and enlarge the jurisdiction of the Committee on the Judiciary; to the Committee on Rules.

By Mr. SISK:

H. Res. 145. Resolution to create a select committee to regulate parking on the House side of the Capitol; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII,

13. The SPEAKER: A memorial of the Legislature of the Territory of Guam, relative to Hon. Antonio B. Won Pat; to the Committee on Interior and Insular Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CHARLES H. WILSON of California:

H. Res. 146. Resolution to refer the bill (H.R. 10478) entitled "A bill to clear and settle title to certain real property located in the vicinity of the Colorado River in Imperial County, Calif." to the Chief Commissioner of the Court of Claims; to the Committee on Interior and Insular Affairs.

By Mr. ADDABBO:

H.R. 2499. A bill for the relief of Shiela Joy Brown; to the Committee on the Judiciary.

H.R. 2500. A bill for the relief of Calogero, Maria, and minor child, Fabio Lauria; to the Committee on the Judiciary.

By Mr. ASPIN:

H.R. 2501. A bill for the relief of Kang Soong Sook; to the Committee on the Judiciary.

By Mr. BROYHILL of Virginia:

H.R. 2502. A bill to allow International Risks, Inc., to use within the District of Columbia the name Special Risk Covers of the District of Columbia; to the Committee on the District of Columbia.

By Mr. BURLISON of Missouri:

H.R. 2503. A bill to authorize the Secretary of the Interior to sell reserved mineral interests of the United States in certain land in Missouri to Grace F. Sisler, the record owner of the surface thereof; to the Committee on Interior and Insular Affairs.

By Mr. BURTON:

H.R. 2504. A bill for the relief of Giana Antonietta; to the Committee on the Judiciary.

H.R. 2505. A bill for the relief of Paulina Bustamante Bognot; to the Committee on the Judiciary.

H.R. 2506. A bill for the relief of Lee Shie-Chien Chu; to the Committee on the Judiciary.

H.R. 2507. A bill for the relief of Marino Del Frate; to the Committee on the Judiciary.

H.R. 2508. A bill for the relief of Mr. and Mrs. John F. Fuentes; to the Committee on the Judiciary.

H.R. 2509. A bill for the relief of Kimiko Iwamoto Goetz; to the Committee on the Judiciary.

H.R. 2510. A bill for the relief of Leona B. Labartinos; to the Committee on the Judiciary.

H.R. 2511. A bill for the relief of Franco Magnani; to the Committee on the Judiciary.

H.R. 2512. A bill for the relief of Candida Menes Malolot; to the Committee on the Judiciary.

H.R. 2513. A bill for the relief of Jose Carlos Recalde Martorella; to the Committee on the Judiciary.

H.R. 2514. A bill for the relief of Mrs. Gavina A. Palacay; to the Committee on the Judiciary.

H.R. 2515. A bill for the relief of Maria Isaura Russo; to the Committee on the Judiciary.

By Mr. BURTON:

H.R. 2516. A bill for the relief of Gianfranco Sandri and his wife, Fiorella Borgatti Sandri; to the Committee on the Judiciary.

H.R. 2517. A bill for the relief of Emerita Sarmiente; to the Committee on the Judiciary.

H.R. 2518. A bill for the relief of Mrs. Severa Salonga Virag; to the Committee on the Judiciary.

H.R. 2519. A bill for the relief of Stefan Wiedersperg; to the Committee on the Judiciary.

By Mr. DINGELL:

H.R. 2520. A bill for the relief of Fausto Pitetti; to the Committee on the Judiciary.

By Mr. DOWNING:

H.R. 2521. A bill for the relief of Frank J. McCabe; to the Committee on the Judiciary.

H.R. 2522. A bill to permit the vessel *Pious Puffin* to be documented for use in the coastwise trade; to the Committee on Merchant Marine and Fisheries.

By Mr. FISHER:

H.R. 2523. A bill for the relief of the Villa Rosa Annex of the Santa Rosa Medical Center; to the Committee on the Judiciary.

By Mr. GUDE:

H.R. 2524. A bill to permit the Capital Yacht Club of the District of Columbia to borrow money without regard to the usury laws of the District of Columbia; to the Committee on the District of Columbia.

H.R. 2525. A bill for the relief of Dimitrios K. Angelopoulos; to the Committee on the Judiciary.

H.R. 2526. A bill for the relief of the estate of Albert W. Small; to the Committee on the Judiciary.

By Mr. HARRINGTON:

H.R. 2527. A bill for the relief of Antonio Guarino; to the Committee on the Judiciary.

H.R. 2528. A bill for the relief of Giovanni Mastrangelo; to the Committee on the Judiciary.

H.R. 2529. A bill for the relief of Sister Innocenza (Natalina Zerlotin); to the Committee on the Judiciary.

By Mr. HICKS:

H.R. 2530. A bill for the relief of Day's Sportswear, Inc.; to the Committee on the Judiciary.

H.R. 2531. A bill for the relief of Day's Sportswear, Inc.; to the Committee on the Judiciary.

By Mr. MATHIAS of California:

H.R. 2532. A bill for the relief of Rosa Barbero; to the Committee on the Judiciary.

By Mr. REES:

H.R. 2533. A bill for the relief of Raphael Gidharry; to the Committee on the Judiciary.

H.R. 2534. A bill for the relief of Stephanie Kahn and Barbara Heyman; to the Committee on the Judiciary.

H.R. 2535. A bill for the relief of Mrs. Rose Thomas; to the Committee on the Judiciary.

H.R. 2536. A bill for the relief of Mrs. Sheila L. C. Tompkins; to the Committee on the Judiciary.

By Mr. ROSTENKOWSKI:

H.R. 2537. A bill for the relief of Lidia Myslinska Bokosky; to the Committee on the Judiciary.

By Mr. SHOUP:

H.R. 2538. A bill to incorporate in the District of Columbia the National Inconvenienced Sportsmen's Association; to the Committee on District of Columbia.

By Mr. SHRIVER:

H.R. 2539. A bill for the relief of tenants of Scully lands in Marion County, Kans.; to the Committee on the Judiciary.

By Mr. JAMES V. STANTON:

H.R. 2540. A bill for the relief of Francesco Ardito; to the Committee on the Judiciary.

H.R. 2541. A bill for the relief of Mikolaj Kormanicki; to the Committee on the Judiciary.

By Mr. SYMMS:

H.R. 2542. A bill for the relief of Jose Ramon Santa Maria; to the Committee on the Judiciary.

By Mr. VEYSEY:

H.R. 2543. A bill to provide for the conveyance of certain real property in the State of California by the United States to John C. Brinton; to the Committee on Interior and Insular Affairs.

By Mr. WHALEN:

H.R. 2544. A bill to authorize the Secretary of the Interior to sell reserved mineral interests of the United States in certain land located in the State of California to the record owners of the surface thereof; to the Committee on Interior and Insular Affairs.

By Mr. WHITE:

H.R. 2545. A bill to authorize the Secretary of the Army, or his designee, to convey a parcel of land at the Fort Bliss Military Reservation in exchange for another parcel of land; to the Committee on Armed Services.

By Mr. WIDNALL:

H.R. 2546. A bill for the relief of Antonino Greco; to the Committee on the Judiciary.

By Mr. BOB WILSON:

H.R. 2547. A bill for the relief of Timothy J. Mayer; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

21. By the SPEAKER: Petition of Frank M. Meyer, Blandford, Mass., relative to a letter of marque and reprisal against the Democratic Republic of Vietnam; to the Committee on Foreign Affairs.

22. Also, petition of the city council, Rochester, N.Y., relative to the war in Southeast Asia; to the Committee on Foreign Affairs.

23. Also, petition of Edward C. Rose, Chicago, Ill., relative to the impeachment of certain officials; to the Committee on the Judiciary.

24. Also, petition of Joseph P. Gerardi, Arlington, Va., relative to redress of grievances; to the Committee on the Judiciary.

25. Also, petition of John Korczak, Denver, Colo., relative to redress of grievances; to the Committee on the Judiciary.

26. Also, petition of S. J. Oppong, Accra, Ghana, relative to redress of grievances; to the Committee on the Judiciary.

27. Also, petition of the Hyde Park Peace Council, Hyde Park-Kenwood Council of Churches and Synagogues, and Hyde Park Town Meeting for Peace, Chicago, Ill., relative to the war in Southeast Asia; to the Committee on Foreign Affairs.

HOUSE OF REPRESENTATIVES—*Saturday, January 20, 1973*

The House met at 10:30 o'clock a.m. and was called to order by the Speaker pro tempore, Mr. PATMAN.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

If my people shall humble themselves, and pray and seek my face, and turn from their wicked ways; then, will I hear from heaven and will forgive their sins, and will heal their land.—Chronicles 7: 14.

Almighty God, our Father, we bow humbly in Thy presence as we pray heartily for these United States of America. We thank Thee for our fathers who founded this Republic and for the faith of those who through the years have kept her the land of the free and the home of the brave. Help us O God, to keep this faith alive in our land this day and every day.

May Thy spirit rest upon and move within the hearts of our President and Vice President as they take the oath of office and pledge their allegiance to our beloved America. Grant unto them creative minds and courageous hearts as they endeavor to meet the challenge of these crucial days.

Give to these representatives of our Nation patience of mind, peace of heart, and a persistence in doing good as they lead our people in these trying times.

Bless Thou our country, those who live on these shores and those who serve our Nation abroad. Help us all to work to be good citizens of this free land, to obey Thy Commandments, to love our fellow men and to keep our faith in Thee. Thus may justice come to our land, peace to our world, and freedom to all men everywhere.

In the spirit of Christ we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

ANNOUNCEMENT

The SPEAKER pro tempore. The Chair desires to announce that Members must display their official tickets in order to have a seat on the platform. There are no extra seats available, so former Members cannot join the procession.

The same holds true for children. They can neither go with the procession nor be seated on the platform.

The area where Members of the House are to be seated is not covered. Members should keep this fact in mind in deciding whether to wear overcoats and hats.

The procession will be headed by the Sergeant at Arms bearing the mace. He will be followed by the Speaker pro tempore, then the chairmen of committees and other Members in order of seniority.

Pursuant to House Resolution 138, the Members of the House will now proceed to the east front to attend the inaugural ceremonies for the President and Vice President of the United States.

Thereupon, at 10 o'clock and 34 minutes a.m., the Members of the House, preceded by the Sergeant at Arms and the Speaker pro tempore, proceeded to the east front of the Capitol.

ADJOURNMENT

At the conclusion of the inaugural ceremonies (at 12 o'clock and 26 minutes p.m.), the House, without returning to its Chamber, pursuant to House Resolution 138, stood in adjournment until Monday, January 22, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

244. A letter from the Secretary of Agriculture, transmitting a report covering the activities of the Rural Electrification Administration for the fiscal year 1972, pursuant to 7 U.S.C. 910 (49 Stat. 1366); to the Committee on Agriculture.

245. A letter from the Secretary of Defense, transmitting a report setting forth the financial condition and operating results of working capital funds of the Department of Defense as of June 30, 1972, pursuant to 10 U.S.C. 2208; to the Committee on Armed Services.

246. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend title 10, United States Code, to provide for the temporary promotion of ensigns of the Navy and second lieutenants of the Marine Corps, to provide that these appointments may be made by the President alone and for other purposes; to the Committee on Armed Services.

247. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend titles 10, 18, and 37, United States Code, to revise the laws pertaining to conflicts of interest and related matters as they apply to members of the uniformed services, and for other purposes; to the Committee on Armed Services.

248. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend title 10, United States Code, to permit the Secretary of the Navy to establish annually the total number of limited duty officers permitted on the active list of the Navy and Marine Corps, and for other purposes; to the Committee on Armed Services.

249. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to prevent the loss of pay and allowances by certain officers designated for the performance of duties of great importance and responsibility; to the Committee on Armed Services.

250. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend title 10, United States Code, to increase below zone selection authorization of commissioned officers of the Regular Navy and Marine Corps and to authorize below zone selection of certain other commissioned officers of the Navy and Marine Corps, and for other purposes; to the Committee on Armed Services.

251. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend title 10, United States Code, to make certain changes in selection board membership and composition, and for other purposes; to the Committee on Armed Services.

252. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend title 10, United States Code, to authorize the Secretary of the Navy to establish the amount of compensation paid to members of the Naval Research Advisory Committee; to the Committee on Armed Services.

253. A letter from the Secretary of Health, Education, and Welfare, transmitting a report of procurement receipts for medical stockpile of civil defense emergency supplies and equipment purposes, covering the quarter ended December 31, 1972, pursuant to section 201(h) of the Federal Civil Defense Act of 1950, as amended, and Executive Order 10958, August 14, 1961; to the Committee on Armed Services.

254. A letter from the Secretary of Transportation, transmitting the annual report on the financial condition of those railroads having outstanding certificates guaranteed under the Emergency Rail Services Act of 1970, pursuant to 45 U.S.C. 669; to the Committee on Interstate and Foreign Commerce.

255. A letter from the Chairman, Federal Power Commission, transmitting a copy of the publication entitled "The Gas Supplies of Interstate Natural Gas Pipeline Companies, 1971"; to the Committee on Interstate and Foreign Commerce.

256. A letter from the Chairman, U.S. Civil Service Commission, transmitting a draft of proposed legislation to extend civil service Federal employees group life insurance and Federal employees health benefits coverage to U.S. nationals employed by the Federal Government; to the Committee on the Judiciary.

257. A letter from the Congressional Medal of Honor Society, United States of America, transmitting the financial report for the calendar year 1972, pursuant to Public Law 88–504; to the Committee on the Judiciary.

258. A letter from the Chairman, U.S. Civil Service Commission, transmitting a draft of proposed legislation to liberalize eligibility for cost-of-living increase in civil service retirement annuities; to the Committee on Post Office and Civil Service.

Received From the Comptroller General

259. A letter from the Acting Administrator, General Services Administration, transmitting a prospectus proposing renewal of the leasehold interest on space presently occupied by the Defense Supply Agency, Defense Contract Administration Services, New York, N.Y., pursuant to section 7(a), Public Buildings Act of 1959, as amended; to the Committee on Public Works.

260. A letter from the Comptroller General of the United States, transmitting a report on the reduction of communications costs of the Department of Defense and other Federal agencies through centralized management of multiplex systems; to the Committee on Government Operations.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Illinois (for himself, Mr. Quie, Mr. Brademas, Mr. Clark, Mr. Cleveland, Mr. Diggs, Mr. Drinan, Mr. Esch, Mr. Gude, Mr. Hinshaw, Mr. Melcher, Mr. Stokes, Mr. Whitehurst, and Mr. Yatron):

H.R. 2548. A bill making an urgent supplemental appropriation for the national industrial reserve under the Independent Agencies Appropriation Act for the fiscal year ending June 30, 1973; to the Committee on Appropriations.

By Mr. BRECKINRIDGE:

H.R. 2549. A bill to require the Secretary of Agriculture to carry out a rural environmental assistance program; to the Committee on Agriculture.

By Mr. COLLINS (for himself, Mr. Andrews of North Dakota, Mr. Abdnor, Mr. Archer, Mr. Baker, Mr. Blackburn, Mr. Boland, Mr. Bowen, Mr. Buchanan, Mr. Camp, Mr. Cleveland, Mr. Fascell, Mr. Fisher, Mr. Flood, Mr. Harsha, Mr. Johnson of Pennsylvania, Mr. Johnson of Colorado, Mr. Jones of Tennessee, Mr. Mann, Mr. McCollister, Mr. McDade, Mr. Milford, Mr. Mollohan, Mr. Montgomery, and Mr. Nelsen):

H.R. 2550. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. HECHLER of West Virginia (for himself, Ms. Abzug, Mr. Anderson of California, Mr. Bingham, Mr. Brademas, Mr. Burke of Massachusetts, Mr. Corman, Mr. Danielson, Mr. Davis of Georgia, Mr. Donohue, Mr. Drinan, Mr. Edwards of California, Mr. Fraser, Mr. Gonzalez, Mr. Harrington, Mr. Helstoski, Mr. Kyros, Mr. Long of Maryland, Mr. Rees, Mr. Reid, Mr. Rosenthal, Mr. Roybal, Mr. Sarbanes, Mr. Van Deerlin, and Mr. Yates):

H.R. 2551. A bill to provide for the control of surface and underground coal mining operations which adversely affect the quality of our environment, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. RAILSBACK:

H.R. 2552. A bill to authorize the President to establish a system to ration fuel oil among civilian users in order to provide for an equitable distribution of fuel oil in areas of shortage; to the Committee on Banking and Currency.

H.R. 2553. A bill; deregulation of natural gas; to the Committee on Interstate and Foreign Commerce.

H.R. 2554. A bill to terminate the oil import control program; to the Committee on Ways and Means.

By Mr. ROONEY of Pennsylvania:

H.J. Res. 214. Joint resolution proposing an amendment to the Constitution to place an age limit qualification for membership in either House of Congress; to the Committee on the Judiciary.

H. Res. 147. Resolution amending rule XI of the Rules of the House of Representatives; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII,

14. The SPEAKER presented a memorial of the Legislature of the State of Oklahoma, relative to the life and achievements of President Harry S Truman; to the Committee on House Administration.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

28. By the SPEAKER: Petition of Mrs. Lee Dunkel and others, Ormond Beach, Fla., relative to ending the war in Vietnam; to the Committee on Foreign Affairs.

29. Also, petition of Richard W. Bowman, Graterford, Pa., relative to redress of grievances; to the Committee on the Judiciary.

SENATE—*Saturday, January 20, 1973*

The Senate met at 10:30 a.m. and was called to order by the President pro tempore (Mr. EASTLAND).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, Lord of history, may the taking of vows by the President and the Vice President be a renewal of vows for all. Make this day a new beginning for the Nation when men rise above all petty rivalries, irrelevancies, and trivialities to a new unity of idealism and purpose. Make us a new people born in the spirit from above, given to regeneration of character and to moral renewal, fit for a new age of justice, peace, and righteousness. Work in us and all the people pure religion, an elevated and refined patriotism, and an eagerness to know and to do Thy will, which are the marks of one nation under God.

We pray in the Redeemer's name. Amen.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, January 18, 1973, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ATTENDANCE OF A SENATOR

Hon. HIRAM L. FONG, a Senator from the State of Hawaii, attended the session of the Senate today.

ORDER FOR RECOGNITION OF SENATOR NUNN ON TUESDAY, JANUARY 23, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Tuesday next, immediately following the remarks of the distinguished senior Senator from Georgia (Mr. TALMADGE), the distinguished junior Senator from Georgia (Mr. NUNN) be recognized for not to exceed 15 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business, not to proceed beyond 10:45 a.m., with statements limited therein to 3 minutes.

Is there morning business?

ORDER FOR RECOGNITION OF SENATORS ALLEN AND ERVIN ON TUESDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Tuesday next, immediately following the remarks of the distinguished Senator from Georgia (Mr. NUNN), the distinguished junior Senator from Alabama (Mr. ALLEN) be recognized for not to exceed 15 minutes, to be followed by the distinguished Senator from North Carolina (Mr. ERVIN) for not to exceed 15 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the orders for Mr. ALLEN and Mr. ERVIN be reversed.

The PRESIDENT pro tempore. Without objection, it is so ordered.

INAUGURATION PROTESTS

Mr. HARRY F. BYRD, JR. Mr. President, today Richard M. Nixon will be inaugurated to begin his second term as President of the United States.

Press reports indicate that a sizable protest has been organized to take place at the same time as the inauguration. Estimates of those who will participate range as high as 50,000 persons.

At the same time, two Members of the House of Representatives have stated publicly that a number of Congressmen plan to boycott the inaugural ceremonies. Apparently this action is being taken in protest against the President's Vietnam policies, or in support of the demonstration, or both.

Representative DON EDWARDS of California has been quoted as saying that as many as 165 to 200 Congressmen will refuse to attend the inauguration.

Representative JOHN F. SEIBERLING, of Ohio, was quoted in the January 18 edition of the Washington Star-News as follows:

> There's a consensus not to come and bless this man who's got blood on his hands.

That is very strong language, and, I feel, unjustified.

The statement by Congressman SEIBERLING, the expected action of those who are to take part in the demonstration, and the plans for a boycott on the part of some Members of Congress cause me considerable puzzlement.

Why, may I ask, are these actions being taken against the policies of a man who has successfully carried out the withdrawal of American troops from Vietnam?

Why are these protests taking place at a time when bombing of North Vietnam has ceased and a peace agreement seems imminent?

It was not President Nixon who made the decision to commit American ground troops to the war in Vietnam. On the contrary, it was he who has withdrawn the troops.

When he took office, President Nixon was faced with a situation in which the United States was deeply committed in a ground war. There were 549,000 U.S. troops in Vietnam at that time.

Today 96 percent of those troops have been withdrawn. No American combat troops are on the line in Vietnam.

Furthermore, President Nixon has pressed hard for a negotiated peace in Vietnam. It now appears that an agreement may be signed in the near future.

It is my feeling that the protests being carried out today are taking place at the wrong time and are being directed against the wrong man.

If many Americans differ with the President as to the policies he has followed in Vietnam, that is understandable. It is the unquestionable right of such persons to give voice to their opposition.

However, I question the fairness and the judgment of those who would demonstrate against the inauguration today.

It is my profound hope that we shall have a cease-fire in Vietnam next week.

And it is my opinion that those who are carrying out demonstrations against the inaugural are doing nothing to bring peace 1 hour sooner.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

GENEROUS GIFT OF LAND BY UNION CAMP CORP. TO THE NATURE CONSERVANCY

Mr. ALLEN. Mr. President, on last Wednesday the Union Camp Corp. announced that it was donating to the Nature Conservancy over the next 3 years its Virginia landholdings in the Great Dismal Swamp of nearly 50,000 acres.

Accounts of this most generous gift appeared on the front page of last Thursday's edition of the Washington Post. I might add that Mr. James Free, the astute Washington reporter for Alabama's largest newspaper, the Birmingham News, must be psychic; for in the Tuesday, January 16, issue of the News, there appeared an article by Mr. Free about the Great Dismal Swamp and efforts being made to preserve and protect this natural and remarkable phenomenon.

I commend the Union Camp Corp. for this magnificent gift of lands. The company has plants in my home State of Alabama and contributes to the economy and well-being of Alabama in so many ways.

This donation, I should point out, philosophically ties right in with the bill I am cosponsoring with the senior Senator from Vermont (Mr. AIKEN), the senior Senator from Georgia (Mr. TALMADGE), and the senior Senator from Alabama (Mr. SPARKMAN) to establish a "wild areas" system whereby access to and opportunity for recreational, scenic, conservational, and historical uses of large land areas that are essentially undisturbed may be available to persons residing in the Eastern and Southeastern United States. Like the areas described in our bill (S. 22), much of the lands in the Great Dismal Swamp have been logged or otherwise disturbed and, therefore, they do not meet the strict standards of the Wilderness Act of 1964 although the lands have either been restored or are relatively undisturbed.

I want again to commend the Union Camp Corp. for its generous donation, and I ask unanimous consent to place in the RECORD the article which appeared in the January 18 issue of the Washington Post about the donation, the article by Mr. Free which appeared in the January 16 issue of the Birmingham News, and a copy of the release by the Union Camp Corp. announcing the donation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 18, 1973]

HEART OF DISMAL SWAMP NOW REFUGE

(By Hank Burchard)

The heart of Great Dismal Swamp—77 square miles of America's last great Eastern wilderness—has been saved for a national wildlife refuge, The Nature Conservancy announced yesterday.

The land, located in Virginia near the North Carolina border and representing perhaps a fourth of the dwindling swamp, will be deeded over the conservancy by its owner, Union Camp Corp. of Wayne, N.J.. which produces timber and manufactures paper bags and cartons. The land is appraised at $12.6 million.

The gift includes all of Lake Drummond, whose wine-colored waters are considered the key to the survival of the long-threatened swamp. Loggers and farmers have been draining the swamp for so many years to "improve" the land that the lake level has fallen to six feet, half of what it once was.

Great Dismal, which George Washington surveyed, once spread for more than 1,000 acres along the eastern Virginia-North Carolina border. It now measures less than half that by the loosest of definitions. "What remains that still has the character of a true swamp isn't much more than about 300 acres," a conservancy spokesman said.

The conservancy, a private, non-profit foundation dedicated to preserving ecologically valuable land, has saved some 400,000 acres of land nationwide by getting in ahead of developers and buying key parcels. It is negotiating with other Great Dismal owners in hope of increasing the present acreage.

Union Camp will deed its 49,000 acres over in stages during the next three years. The federal law allows the company tax deductions of 50 cents per dollar of appraised value, or a total of $6.3 million.

The conservancy in turn will deed the land to the Interior Department's Bureau of Sport Fisheries and Wildlife, which will administer the refuge. The first parcel will be transferred in February, probably on George Washington's birthday. Washington was one of the earliest developers of the swamp.

Although the deeds will make the federal government owner in perpetuity of the land, it contains a reverter clause that would void the transfer if the government failed to protect and preserve the swamp.

The clause is important because, according to most of the conservationists who have been fighting to save the swamp for many years, the government has been one of the chief villains in the destruction of Great Dismal.

"The federal government, by way of the U.S. Army Corps of Engineers, has absolute control of the water rights of Lake Drummond, but for years and years they have done nothing to stop the ditching that is draining away much of the ground water that feeds the lake," said Alvah Duke, chairman of the Dismal Swamp committee of the Wilderness Society of Virginia.

"We are expecting more careful control of lake drainage from now on," a conservancy spokesman said yesterday. "We are told that the Corps of Engineers and the Interior Department are drawing up new ground rules for water management in the swamp."

One of the greatest strains on the 3,000-acre lake is the Dismal Swamp Canal, which is part of the Intercoastal Waterway and is operated by the engineers.

"Every time a boat—workboat, pleasure boat or canoe—goes through the canal the opening of the locks drain away 3 million gallons of water from Lake Drummond. Three million gallons of some of the finest and most famous fresh water in the world," said William E. Ashley of Portsmouth.

The corps long has favored abandonment of the canal, which has been superseded by the wider, deeper and shorter Chesapeake & Albemarle Canal.

George Washington helped dig what is known as Washington's ditch through which he hoped to drain the swamp and use it for farmland.

During most of its history Great Dismal has been regarded with much the same attitude as that expressed by Col. William Byrd II, who surveyed the state line through it in 1728.

He called it a "horrible desart (sic) . . . nor indeed do any birds care to fly over it . . . for fear of the noisome exhalations that rise from this vast body of dirt and nastiness."

But Brooke Manley, a biologist at the Patuxent Wildlife Research Center, told Union Camp some 75 species of birds are known to nest in the swamp, and many more winter in it or use it as a way station during their migrations.

Great Dismal is the northernmost of the chain of great swamps that begins with the Everglades, but it is unique because it lies well above sea level, which is why it has been so vulnerable to drainage: the swamp drains out rather than in.

It is a geological freak, and no consensus has been reached on how it originated.

The deep peat beds through which the ground water filters into the lake give it a color which, in a glass, looks very like rainwater Madeira wine. It is sweet and supposed to be so resistant to going foul that sailing ships used to carry casks of it.

While the animal population has shrunk along with the margins of the swamp, it still is home to the bear, deer, raccoon, snapping turtle, bobcat, river otter, marsh rabbit, cotton mouse and cotton mink, muskrat, flying squirrel, silver-haired bat, cottontail and nutria, with other species reported but unconfirmed. And it has its own unique species: the Dismal Swamp short-tailed shrew.

Union Camp's 77 square miles have not been logged since before World War II. "A refuge is the right thing for this land, the only right thing," Union Camp president Samuel M. Kinney Jr. said yesterday.

"I hope the conservancy can get the other companies to cough up the rest of it."

[From the Birmingham (Ala.) News, Jan. 16, 1973]

SAVE "THE GREAT DISMAL SWAMP"?

(By James Free)

WASHINGTON.—This is as good a day as any to write about "The Great Dismal Swamp."

The sky is overcast, and the air is a bit dank and drippy. If the day isn't dismal, it's the next worst thing. Residents of the Washington Area, temporary and permanent, are still in the dumps because their "Redskins" outplayed the Miami "Dolphins" in only the second half of professional football's Super Bowl—and lost.

Some of the Redskin fans also were University of Alabama fans, who on New Year's Day saw the "Crimson Tide" outplay the University of Texas in only the first half of the televised Cotton Bowl game—and lose.

If only the Redskins could have had Alabama's first half, with vice versa in the second half, both their worlds would be brighter.

But back to the Great Dismal Swamp for a message of encouragement. We've driven around its fringes several times over the years, and one rainy day last summer we took a $3 boat ride on "Feeder Ditch" to Lake Drummond, which is the heart of the Great Dismal.

It's "great" all right, and could remain so with a little help from the United States Government and the states of Virginia and North Carolina. Most of the several hundred thousand acres involved are in Virginia.

NO LONGER "DISMAL"

So much timber has been cut in the swamp (since George Washington in 1765 organized the first company to build a canal into it and exploit the vast stands of virgin cypress and juniper) that it isn't very dismal any more.

Early in this century many miles of narrow gauge railroad were built throughout the Great Dismal. And until a few years ago a substantial industry of lumber and cedar shingle production flourished on its borders.

While a reforestation program is well under way, it will be some years before a sizable new growth can cover much of the area. And, of course, the original scale and grandeur can never be recaptured.

IS THIS A SWAMP?

There is even some argument as to whether the place is really a swamp in the traditional meaning of the word.

Are not swamps lower than the land around them?

Much of the Great Dismal's fringe areas are lower than the roads that traverse them. This is true of U.S. Highway 17, from which the greatest number of persons have seen a section of the swamp.

Yet when one goes by boat up "Feeder Ditch" from U.S. 17 to Lake Drummond, some three miles distance, the journey is upstream, against the slow current.

Lake Drummond, as visitors constantly seem amazed to learn, is nearly 20 feet above sea level. And the water from Lake Drummond makes possible the navigable depth of the Dismal Swamp canal on the eastern side of the swamp.

What George Washington's company dug is not a canal, in the modern sense, though logs and-or timber were barged out in the early years through what has long been called the "Washington Ditch." This ditch drains out of Lake Drummond's northeast rim.

A considerable part of the Great Dismal is dry land. So what kind of a swamp is that? Whatever it is, Members of Congress from Virginia and some from North Carolina think it is worth preserving. They are sponsoring bills authorizing the Interior Department to acquire the "swamp," perhaps as much as 350,000 acres, from its several owners and companies. It would be administered as a national monument.

As Rep. William Whitehurst, R.-Va., says: "The ecology of the Dismal is unique.

"It is a boundary region," Whitehurst continues, "the farthest north or south many plants and animals are found. It is on the Eastern flyway and has over 80 species of birds. Rare fish and animals are found there. It is essentially a peat bog, containing the only peat fields still forming on the North American continent."

"The Dismal Swamp is the last large land area on the East Coast that remains undeveloped and in a fairly primitive, natural condition."

So, surely there is hope and a brighter future when, plainly, things are not as bad as they sound—when the Dismal really isn't dismal and the swamp may not even be a swamp.

And 1973 brings a new season with new opportunities for every one to put two good halves together.

Union Camp Corp. Announces $12.6 Million Land Gift to the Nature Conservancy

Wayne, N.J., January 17, 1973.—Nearly 50,000 acres of one of the most unique and significant wild areas remaining on the Eastern Seaboard will be preserved as a natural wilderness through action to be taken by Union Camp Corporation, a major forest products firm headquartered in Wayne, New Jersey. The company will donate its entire landholdings in Virginia's Dismal Swamp, with an appraised value of $12.6 million, to The Nature Conservancy, the nation's leading non-profit, land conservation organization.

Everett M. Woodman, president of The Nature Conservancy, said, "The Union Camp Corporation gift is the largest and most significant land gift the Conservancy has received in its two-decade history of private land conservation." Dr. Woodman indicated that present plans call for the Dismal Swamp land to be conveyed to the United States Department of the Interior for operation as a national wildlife refuge by the Bureau of Sport Fisheries and Wildlife. The Union Camp land lies just ten miles southwest of Norfolk, the center of the fast-growing Hampton Roads area which has a population of more than one million.

In commenting on this action, the Secretary of the Interior, Rogers C. B. Morton, said, "I am delighted with the plans of Union Camp Corporation and The Nature Conservancy to convey this property to the Department of the Interior. The Department has long been interested in the preservation of the Great Dismal Swamp. In fact, in July of this past year, my Advisory Board on National Parks, Historic Sites, Buildings and Monuments recommended that this property be registered as a Natural Landmark. We are particularly pleased that Union Camp has so appropriately recognized the high responsibility to the Nation that goes with the ownership and use of a property which has outstanding value in illustrating the natural history of the United States."

A formal donation ceremony, involving Secretary Morton and Union Camp and Conservancy officials, is planned for next month in Washington.

The Great Dismal Swamp, which has been called one of the East's last wildernesses and a unique ecosystem, has figured in history and legend since pre-colonial times. George Washington and Patrick Henry once owned portions of it. Thomas Moore, Henry Wadsworth Longfellow, and Harriet Beecher Stowe wrote about it. The Union Camp donation includes Lake Drummond, a nearly circular lake covering about 3,000 acres and with an average maximum depth of 6 feet. According to Nansemond Indian legend, the depression was created centuries ago by the "Fire Bird"—possibly a meteor.

Commenting further on today's announcement, Dr. Woodman said, "This gift by Union Camp, the major landowner in the entire Dismal Swamp, marks the first of what we at the Conservancy hope will be a continuing program to preserve significant areas of the Dismal." Woodman pointed out that many others with holdings in the swamp could follow Union Camp's lead to preserve it, which has been a goal of both local and national conservation groups for almost a decade.

In making the announcement, Union Camp Chairman Alexander Calder, Jr., said, "The Dismal Swamp is a natural wilderness and we're pleased that the company's gift will help to protect and preserve it in its natural state. Our goal is to apply each of our landholdings to highest possible end-use. The historic significance of our Dismal Swamp acreage and its proximity to a rapidly-growing major population center make it a vital asset to be retained for enjoyment and use by present and future citizens while providing an important addition to the national wildlife refuge system."

Samuel M. Kinney, Jr., president of Union Camp, added: "The nation's tax laws, quite properly, encourage this type of action by individuals and corporations. These laws make it possible for Union Camp to donate one of its assets—in this case a beautiful, natural resource—and in exchange receive the benefit of a deduction of its appraised value from taxable earnings over a period of several years. This benefits everyone: future generations of Americans as well as Union Camp Corporation and its shareholders."

The Conservancy's national operations director, Patrick F. Noonan, called the Union Camp donation "a breakthrough and clear evidence adding to the growing testimony of the positive role that industry can play in the preservation of vast areas of natural land."

Initially, Union Camp will donate an "undivided interest" of 40 percent of its Dismal Swamp holdings. It will add to this percentage over the next three years with the complete transfer taking place in 1975, in time for the following year's National Bicentennial Celebration.

Today's Dismal Swamp is less than a third of its original size. This shrinkage has been principally because of residential and agricultural development.

The present swamp is astride the state line, with 40 percent in Virginia and 60 percent in North Carolina. The land involved in the Union Camp donation represents about one-half the swamp's acreage in Virginia. It also includes the Washington Ditch, probably the earliest "monument" to bear the name of the Father of our Country. George Washington and his associates dug the ditch in 1763 to drain the land in the swamp for agricultural purposes.

Union Camp, which owns almost 1.7 million acres in six southeastern states, came into ownership of its Dismal Swamp property when Camp Manufacturing Company, one of its predecessor companies, acquired it in 1909.

For the past quarter of a century Union Camp has carried on no significant timber harvesting operations there but has continued to scientifically manage the property, foster the natural regeneration of its trees, encourage scientific and educational studies, conduct tours, and make major portions available to local hunt clubs to maintain the deer herd at a number which the land would support.

The Great Dismal Swamp is not an ordinary swamp. It is a vast wildland of forest and bog which only in a few areas is "swampy" in the way that is associated with other, more typical swamps in the country. It contains forms of plant and wildlife which are rarely seen elsewhere. For many species it is the northernmost "station"; that is, the farthest north the southern species extend. The Dismal Swamp shrew is indigenous to the swamp.

The Nature Conservancy is the only national conservation organization, receiving its support from the public, whose resources are solely devoted to the preservation of land. To date the Conservancy and its members have succeeded in helping to preserve some 365,000 acres involving more than 850 projects in 45 states and the Virgin Islands. These include forests, swamps, marshes, prairies, mountains, and beaches.

Headquarters for the Conservancy are located in metropolitan Washington, D.C., with regional offices in Atlanta, Cincinnati, Minneapolis, San Francisco, and Arlington, Virginia.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced. read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. McINTYRE:

S.J. Res. 24. A joint resolution asking the President of the United States to declare the fourth Saturday of each September "National Hunting and Fishing Day." Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. McINTYRE:

S.J. Res. 24. A joint resolution asking the President of the United States to declare the fourth Saturday of each September "National Hunting and Fishing Day." Referred to the Committee on the Judiciary.

NATIONAL HUNTING AND FISHING DAY

Mr. McINTYRE. Mr. President, I rise today to reintroduce a resolution which will set aside the fourth Saturday of each September as the day the public recognizes the meritorious and deserving outdoor sportsmen of America for their truly remarkable record in environmental protection and enhancement, fish and wildlife preservation and propagation, and in gun and boat safety promotion and instruction.

Any doubt that a so-designated National Hunting and Fishing Day is less than significant and justified was erased by the overwhelming public response to the first such day on September 23, 1972.

Mr. President, it was my privilege to introduce the first National Hunting and Fishing Day resolution a year ago, and my proud pleasure to see it adopted unanimously in this body, just as it was adopted without a dissenting vote when Representative Sikes introduced it in the House.

As originally introduced, the resolution called for the observance of National Hunting and Fishing Day on the fourth Saturday of each September, permanently establishing the occasion on such succeeding calendar.

Final congressional action, however, called for a single observance in 1972, and when President Nixon officially proclaimed National Hunting and Fishing Day it was so designated.

Now, as I reintroduce the resolution to

make it an annual event, I would like to review for my colleagues some of the evidence of the tremendous response the first NHF Day produced, and to take this occasion to commend the National Shooting Sports Foundation for spearheading the drive to make it the success it was.

Led by the Shooting Sports Foundation, with a substantial assist from the National Wildlife Federation, the National Rifle Association, and the National Sporting Goods Association, NHF Day 1972 enlisted the active support of no less than 40 national organizations, some of whom were represented on the NHF Day steering committee.

The National Shooting Sports Foundation alone distributed 325,000 NHF Day brochures, 4 million stickers, 3,910 manuals, 65,200 public service radio messages, thousands of news releases about the event—NHF Day material appeared in 2,500 newspapers—and sent personal letters to every Governor, Fish and Game Commissioner, and cooperating organization.

The results of the ensuing promotional and educational effort were truly astonishing, Mr. President.

In short order, all 50 State Governors proclaimed NHF Day or issued formal statements of support. Their lead was followed by more than 500 mayors or city managers from New York City to Siloam Springs, Ark.

Mr. President, the major purpose of National Hunting and Fishing Day was to give the Nation's 55 million outdoor sportsmen their greatest opportunity in modern times to present themselves to the public as practicing conservationists.

They availed themselves of that opportunity, staging open houses, demonstrations, displays, and exhibits the length and breadth of the Nation.

It is estimated that more than 6,000 sportsmen's clubs participated in more than 2,500 such events.

Reported public attendance ranged from 50,000 at a multiclub 5-day observance on Long Island, to nearly 25,000 at the Wyandotte Fair Grounds near Kansas City—where 11 clubs took part—down to a hundred or 200 people visiting sports club open houses in small towns.

Though all reports are not in, and may never be complete, because of the difficulty in judging attendance at those open houses conducted in such places as major stores, parking lots, and military bases, the NHF Day steering committee feels certain that no less than 4 million Americans turned out to view exhibits by sportsmen's clubs, national and local conservation organizations, State fish and game departments, Boy Scouts and civic clubs involved in conservation projects.

At a shopping mall in Florida, an old farm in Connecticut, a taxidermy shop in Washington State, and in a convention motel in my own State of New Hampshire, for example, people learned how sportsmen not only hunt and fish, but also how they contribute more than $250 million a year to the cause of conservation.

More than anything else, Mr. President, that first National Hunting and Fishing Day contributed immeasurably to broadening understanding between Nation's outdoor sportsmen and the general public, demonstrating that sportsmen and nonsportsmen do, indeed, have a mutual interest in preserving, protecting, and enhancing natural resources, natural beauty, wildlife and the total environment, and giving convincing evidence that the two groups can—and must—work in harmony to achieve these goals.

Mr. President, because the first National Hunting and Fishing Day was so successful, because it was so encouraging, because future such occasions hold such promise, I am today reintroducing the resolution designating the fourth Saturday of September as National Hunting and Fishing Day and making this event an annual observance.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTION

S. 200

At the request of Mr. McINTYRE, the Senator from Utah (Mr. BENNETT), the Senator from Texas (Mr. BENTSEN), the Senator from Nevada (Mr. BIBLE), the Senator from North Dakota (Mr. BURDICK), the Senator from West Virginia (Mr. ROBERT C. BYRD), the Senator from Idaho (Mr. CHURCH), the Senator from Mississippi (Mr. EASTLAND), the Senator from Colorado (Mr. DOMINICK), the Senator from Maine (Mr. HATHAWAY), the Senator from Rhode Island (Mr. PELL), the Senator from Missouri (Mr. SYMINGTON), the Senator from Ohio (Mr. TAFT), the Senator from South Dakota (Mr. ABOUREZK), the Senator from Maryland (Mr. BEALL), the Senator from Kentucky (Mr. HUDDLESTON), and the Senator from South Dakota (Mr. McGOVERN) were added as cosponsors of S. 200, a bill to require that new forms and reports, and revisions of existing forms, resulting from legislation be contained in reports of committees reporting the legislation.

SENATE JOINT RESOLUTION 10

At the request of Mr. SCHWEIKER, the Senator from Utah (Mr. BENNETT), the Senator from Nebraska (Mr. CURTIS), the Senator from South Carolina (Mr. THURMOND), the Senator from Colorado (Mr. DOMINICK), the Senator from Nebraska (Mr. HRUSKA), the Senator from Arizona (Mr. FANNIN), the Senator from Florida (Mr. CHILES), the Senator from Alaska (Mr. STEVENS), and the Senator from Texas (Mr. TOWER) were added as cosponsors of Senate Joint Resolution 10, the school prayer amendment.

SENATE RESOLUTION 23—REPORTING OF A RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON AGRICULTURE AND FORESTRY

(Referred to the Committee on Rules and Administration.)

Mr. TALMADGE, from the Committee on Agriculture and Forestry, reported the following resolution:

S. RES. 23

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Agriculture and Forestry, or any subcommittee thereof, is authorized from March 1, 1973, through February 28, 1974, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $212,000, of which amount not to exceed $50,000 shall be available for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1974.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

ADDITIONAL STATEMENTS

AMERICANS REMEMBER THE 148TH ANNIVERSARY OF THE BIRTH OF STONEWALL JACKSON

Mr. RANDOLPH. Mr. President, during this busy inaugural weekend for the 37th President of the United States, I remind my Senators and our citizens generally that tomorrow marks the commemoration of the 148th anniversary of the birth of one of the most illustrious sons of West Virginia and of our country. On January 21, 1824, Gen. Thomas Jonathan Jackson was born in the western region of Virginia, in what is now the city of Clarksburg, W. Va.

He lived as a boy and young man in what is now Lewis County, in the Mountain State. Stonewall Jackson was 18 years old when he became a constable of Lewis County. Following the death of his parents, who died in poverty, Stonewall was reared by his uncle for 12 years before entering West Point in 1842.

Jackson was a born fighter. In his youth he fought poverty. He fought for an education at West Point. There he struggled against prejudice and disadvantage. Jackson learned what he set out to learn by sheer effort. What interested him he understood. He was a man with a soul of fire. Action was his life.

A Democrat and the owner of a few slaves, most of whom he bought at their own request, he deplored the prospect of war, which he described as the "sum of all evils."

Yet in the dreadful War Between the States, Jackson achieved true greatness as one of the outstanding American military geniuses. History has recorded well the accomplishments of this Civil War general on the battlefield. Much has been written on Stonewall Jackson's numerous military feats, particularly on his unique conduct of the famous valley campaign, the successful military maneuvers, the leadership, his strong character, Jackson's 16,000 troops against the 62,000 Federal soldiers.

On June 17, 1861, at Harper's Ferry, in Jefferson County, W. Va., which is now a national historical park attracting over a million visitors annually, Jackson was made brigadier general and, having brought his command to high efficiency, he moved it with the rest of Gen. Joseph Johnston's army, to the battlefield of Bull Run, where it sustained the Federal onslaught at a crucial hour. "There is Jackson standing like a stone wall," cried Brig. Gen. Barnard Bee, as his own troops retreated. This incident gave Jackson the name, "Stonewall," better known around the world than the Christian name given at birth.

General Jackson died May 10, 1863, at the early age of 39. His short but successful life ended sadly as a result of wounds inflicted by his own soldiers through an unaccountable mistake during the Battle of Chancellorsville. We can only envision the role General Jackson might have provided in West Virginia's early formative years. West Virginia was admitted to the Union as the 35th State on June 20, 1863, approximately 1 month after General Jackson's death.

It is testimony to the measure of the man, Stonewall Jackson, that both the sovereign States of Virginia and West Virginia claim him as a son. West Virginians, indeed, take justifiable pride in the landmarks that illustrate a part of his life. In Clarksburg a bronze plaque appears at the location of his birthplace, 324–328 West Main Street. The cemetery there in Jackson Park bears the physical remains of Stonewall Jackson's paternal grandparents, his father, and his sister, Elizabeth.

On the original 5 acres of Stonewall Jackson's boyhood home, which was destroyed by fire, is located the combination grist and sawmill, completed in 1937, which was listed February 23, 1972, on the national register of historic places by the National Park Service. His grandfather built his first mill on the West Fork River before 1800. In 1921, West Virginia acquired the historic mill and 5 acres for the beginning of the first State 4–H camp in the Nation. Now totaling 525 acres, the camp is operated as an off-campus educational facility. Jackson's Mill is known nationwide for its rustic beauty and excellent accommodations. Jackson's Mill is located north of Weston, Lewis County.

Mr. President, in the civic-minded city of Clarksburg, where an impressive equestrian statue of Jackson is located on the plaza of the Harrison County Courthouse, directly across the street from the Stonewall Jackson Hotel, the anniversary of the birth of Stonewall Jackson continues to be commemorated, and appropriately so, by historical and service organizations.

I ask unanimous consent to have printed in the Record an article published in the Clarksburg Exponent of January 18, 1970, on that year's ceremony.

There being no objection, the article was ordered to be printed in the Record, as follows:

Jackson Was Born Here 148 Years Ago

Sunday, Jan. 21, will mark the 148th anniversary of the birth of General Thomas Jonathan (Stonewall) Jackson. He was born in Clarksburg Jan. 21, 1824.

S. J. Birshtein, chairman of the Stonewall Jackson Historical Committee of the Chamber of Commerce, announced that two local organizations are honoring the historic occasion with appropriate wreaths.

The United Daughters of the Confederacy will place a wreath on the bronze plaque erected on the birthplace site in the 300 block of West Main Street in downtown Clarksburg. Mrs. E. B. Dakan, Jr. is president of the local U.D.C.

The Stonewall Jackson Civic Club will remember the renowned general by placing a wreath on the equestrian statute on the plaza of the Harrison County Court House. Mrs. Fray G. Queen, Jr. heads the civic organization.

The Clarksburg Chapter of the U.D.C. erected the bronze plaque in August, 1911, to commemorate the General's birthplace.

On Sunday, May 10, 1953, the famous bronze equestrian statute was dedicated. This was made by the late Charles Keck, widely known sculptor of New York City. His widow attended the unveiling and impressive dedicatory ceremonies. The base of the statute was designed by William Grant, a Clarksburg architect.

The equestrian statute is a three-quarter life-size bronze original model casting for the Stonewall statute at Charlottesville, Va., dedicated Oct. 19, 1921.

Stonewall Jackson is enshrined in the Hall of Fame for Great Americans at New York University. A striking statute by Moses Ezekiel of Richmond, Va., a graduate of Virginia Military Institute of Lexington, Va. and a personal friend of General and Mrs. Robert E. Lee, was dedicated at Charleston, W. Va. on Sept. 27, 1910. A similar statute was erected two years later on the grounds of V.M.I. and dedicated June 19, 1912.

Following the election of General Jackson in 1955 to the Hall of Fame, Bryant Baker, the sculptor, was commissioned to prepare the bronze bust, and this is in effect the model from which Mr. Baker made the bust later placed in the Capitol Building in Charleston, W. Va. and dedicated Sept. 13, 1959.

At V.M.I. Stonewall Jackson was professor of Natural and Experimental Philosophy, and Instructor of Artillery Tactics for 10 years, from 1851 to 1861. Then he was called upon to enter that career of distinction which in two years made the name of Stonewall Jackson immortal.

Between April 29, 1861 and May 1, 1863, Stonewall Jackson distinguished himself as one of the greatest military strategists that ever lived.

General Jackson was a master of the art of war. He used his two great elements, initiative and surprise, in unsurpassed applications.

Swift and sure of attack, dogged and determined in defense, undismayed by adverse odds, he was the ideal battlefield commander.

One of the finest tributes to Stonewall Jackson was sent in a telegram by the great general of World War II, Douglas MacArthur, at the unveiling of the bronze bust of "Stonewall" by Sculpter Bryant Baker in the Hall of Fame for Great Americans at New York University, May 19, 1957.

In his telegram General MacArthur stated: "Perhaps the most prized message I ever received came from the famous historian, Douglas Southall Freeman, who wrote me at the close of my campaigns in the Southeast Pacific area of World War II. 'The *mantle* of Robert E. Lee and Stonewall Jackson has now fallen on your shoulders.'"

Two of Jackson's favorite maxims were "You May Be Whatever You Resolve To Be" and "Never Take Counsel of Your Fears."

Stonewall Jackson's paternal grandparents, his father Jonathan and Stonewall's sister, Elizabeth, are buried in the historic cemetery in Jackson Park, located on East Pike Street, Clarksburg.

The General's mother is buried in Ansted, W. Va. His sister Laura lies at rest in Buckhannon, and his brother Warren is buried near that city.

Stonewall's wife, Mary Anna Morrison, died at Charlotte, N.C., March 24, 1915.

Jackson died May 10, 1863 at the age of 39 near Guinea Station, Va. and is buried in Lexington, Va.

PHASE III

Mr. TOWER. Mr. President, on Sunday, January 14, 1973, the Washington Post published an article by Arnold Weber, formerly with the Pay Board, regarding phase III. The article provides some thoughtful perspective on the controls program to date and the outlook for phase III.

I ask unanimous consent that the article be printed at the conclusion of my remarks so that other Members of the Senate and members of the public who have not had a chance to see this article can review it.

We are about to take up the question of the proposed extension of the Economic Stabilization Act in the Committee on Banking, Housing and Urban Affairs, and literature on the controls program needs to be circulated and discussed during the coming weeks if the Senate is to evaluate and act on this proposal in an informed manner.

There being no objection, the article was ordered to be printed in the Record, as follows:

Weber on Phase III: "Free-Form Scenario"

(By Arnold R. Weber)

If the Wage-Price Freeze of 1971 descended on the economy like an avalanche, Phase III signals the initiation of a thaw in the expectation that it is more likely to enrich than to engulf the economy.

The new program has been unveiled against a background of considerable achievement. The Cost of Living Council hasn't enjoyed the same success as the Miami Dolphins but it ranks with the Pittsburgh Steelers as one of the surprises of the season. The system survived several shocks at the outset including the departure from the Pay Board of four labor members. Price increases have subsided while real earnings have increased measurably. Most significantly, the program has been implemented without dampening the powerful economic recovery that took place throughout 1972. Though orthodox economists may attribute these improvements to the invisible hand, some credit must be given to bureaucratic prestidigitation.

This record will be difficult to sustain in 1973. The continued economic expansion will exert pressure on resources and prices. Most of the heavy hitters in organized labor are scheduled to bat in a new round of collective bargaining. Under a system of controls each major settlement acquires a special visibility so that a generous wage settlement that is an economist's aberration may become a union leader's standard of performance. If the Pay Board's most difficult task in 1972 was to get the "last cows" in the barn, the major tactical issue of 1973 will be to separate the "golden goat" from the herd.

These difficulties will be augmented by the special problem of food prices. Since the beginning of Phase II, food prices at the retail level have risen at an annual rate of 4.7%. Although they have been subject to only limited controls, food prices are a key element in the public's perception of the effectiveness and fairness of the program. Realistically, the stabilization program cannot be expected to control the price of peanut butter in Keokuk, Iowa; but to the housewife in Keokuk this price is a more meaningful barometer of economic stability than a rollback ordered by the Price Commission. The recent upsurge in wholesale prices does not indicate that unfettered supply and demand will relieve this pressure.

Beyond these considerations the program probably will be faced with an erosion of public support. Until now the public's enthusiasm for controls has confounded libertarians who place these restraints in the same category as the drunken uncle at the family picnic. Nonetheless, frustration with bureaucratic delays and the impossibility of achieving perfect equity inevitably diminish public support. As experience has indicated most decisions made by the controllers have earned one ingrate and two enemies.

The design of Phase III represents a complex effort to deal with these problems. Ignoring differences in trim and upholstery, the new model can be analyzed in terms of three broad issues: coverage, the nature of the program goals, and organizational structure.

The issue of coverage is the least dramatic but most crucial to the redefinition of the stabilization program. During Phase II the controls probably have been too comprehensive for the task at hand. If controls were intended to mitigate the exercise of economic power, then coverage should have focused on those sectors where power was most manifest. Because of a concern over inflationary expectations, however, Phase II reached into virtually every corner of the economy. Some reduction in coverage was desirable, but the projections of a boom in 1973 created pressures to retain a wide perimeter for the stabilization program. The policy makers were thus confronted with the delicate task of reducing effective coverage while preserving the capability for dealing with broader pressures on wages and prices.

Phase III attempts to dance out of this corner with a nimble four-step. First, most sectors of the economy will still be subject to the legal fact of controls. However, the applicable wage and price regulations will be "self-administered" and the resultant behavior scrutinized by the IRS. Agricultural products continue to be exempt, a risk that will have to be vindicated by measures other than controls.

Second, the Cost of Living Council will keep a tight rein on large economic units—with more than $50 million in sales and 1,000 employees—through special reporting and record keeping requirements.

Third, mandatory controls are still applicable to three industries where inflation is likely to flicker; construction health services and food processing and distribution.

Fourth, any individual unit or industry whose wage and price decisions are "unreasonably inconsistent" with the goal of price stability may be folded into the mandatory component of the program.

Altogether, Phase III creates a free-form scenario that aims at maximizing the public's responsibility and the government's flexibility in responding to threats to economic stability.

The initial definition of the standard(s) of performance for the stabilization program had a clear logic. The rate of inflation was to be brought down to a range of 2-3% by the end of 1972.

During 1972, wage behavior generally has conformed to the pay standard while price increases have fallen slightly beyond the outer limits of the overall price goal. Against this background, any adjustment of the wage and price targets posed a dilemma. To raise the standards would provide fresh tinder for inflation. On the other hand, price behavior has not been sufficiently auspicious to lower the level of premissible wage increases. Therefore, it was not surprising that the Administration has essentially retained the same price goal for 1973 as for 1972.

The organizational structure of Phase II fit the traditional pattern. Semi-independent agencies were established for prices and wages and a separate agency, the Cost of Living Council, was given broad policy and coordinating functions. A concern for bureaucratic efficiency alone would have dictated a single agency but it was overbalanced by the requirements of tripartitism on the wage side. With the walk-off of the labor members in March as vestigial quality, but it has worked with tolerable efficiency.

The organization for Phase III attempts to reap the benefits of administrative efficiency while accommodating the political requirements of the program. The Price Commission and the Pay Board are consigned to the bureaucratic boneyard and overall responsibility will be lodged with a beefed-up Cost of Living Council. Major interest groups are brought into the program through an advisory labor-management committee. The return of organized labor to the stabilization program is particularly important. In a democracy, the effectiveness of controls ultimately depends upon a consensus of those who must ultimately bear the program's restraint. With the confirmation of this consensus, the critical administrative problem will be to implement an effective compliance program which clarifies the complexities of the coverage provisions.

Last, the blueprint for Phase III clearly incorporates a strategy for disengagement. The recent experience has revealed that controls are not self-liquidating. With almost biblical inevitability each "phase" may beget reactions which necessitate still another stage of control. Phase III provides a basic dosage of controls while seeking to avert addiction.

Not everyone would agree that 1973 should see the abandonment of controls. Some view the present exercise as a step in the evolution of a permanent form of incomes policy to deal with the problems of inflation and employment. Others regard this prospect with distaste.

If we can divert ourselves from the monthly palpitations of the Consumer Price Index, this a propitious time to move the debate from the seminar room to the public domain. At the least, the issue can be discussed on the basis of fresh experience rather than nostalgia or dogma.

CONGRESS SHOULD BE A STRONGER PARTNER IN NATIONAL POLICY

Mr. MATHIAS. Mr. President, every day, in newspapers, in radio and television commentaries, and in constituent correspondence, Members of Congress are becoming increasingly aware that a loss of public confidence in the U.S. Congress is contributing to many an American's sense of frustration and alienation from their Government. In fact, I was deeply saddened to learn from a recent Harris poll that less than 25 percent of the American people hold confidence in Congress as the determiner of our national priorities and policies.

I feel this is a shocking statistic to be associated with the one body in our Government which is in theory supposed to be directly representative of the people and the public will. More than the other two branches of our Government, Congress belongs to the people because it functions as a democratic, deliberative, decisionmaking body where national issues and priorities can be openly and intelligently debated. Or at least this is the kind of body Congress is supposed to be and that it must become.

To take the first steps toward this goal, the distinguished Senator from Illinois (Mr. Stevenson) and I presided over 3 days of hearings before our Special Ad Hoc Committee on Congressional Reform to solicit opinions from experts within and without the Government on the most important reform measures. While the suggestions presented to our committee were diverse, the one overwhelming conclusion was that Congress can and must restore itself to its rightful position as the determiner of our national priorities. When this happens, I have no doubt that the American public will again confidently rely on Congress and on its government in general.

As evidence that congressional reform is not a mere internal "housekeeping" matter, Time Inc., has chosen the role of Congress as its special theme to explore in conjunction with its 50th anniversary. I was privileged to participate in one of its public seminars on this subject not long ago, and I was encouraged by the thoughtful exchange of ideas on the need for congressional reform.

In close association with this seminar, Max Ways has written for Fortune magazine an article entitled "The Congress Should Be a Stronger Partner in National Policy." The article contains a general discussion of many of the problems we have already discussed among ourselves, and it broadens our understanding of the issue by bringing new perspectives.

Mr. President, I ask unanimous consent that Mr. Way's article be printed in the Record. I hope that Senators will have an opportunity to look it over.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From Fortune magazine, January 1973]

Congress Should Be a Stronger Partner in National Policy

(By Max Ways)

American reform movements have a tendency to deal with the institution they wish to cure much as Charles II's physicians treated his last illness. They bled him. They blistered him from head to foot with hot metal. They gave him purge after purge, using, among other medicaments, a salt extracted from human skulls. They made him inhale powders to induce sneezing. While this was going on, they fed him broth laced with cream of tartar and a light ale brewed without hops. When he complained of his discomforts (mildly, for he was a polite and considerate man), the doctors strictly bade him be silent—a milestone, perhaps, in the march of the experts to domination over sovereignty. After a few days, mercifully, Charles died. Nobody could accuse the doctors of underestimating his sickness (probably cerebral hemorrhage) or of timidity in their prescriptions.

Anxiety over the condition of Congress is, indeed, justified. But some of those who worry about it, in their zeal to recruit other citizens to their viewpoint, adopt diagnoses and propose therapies characterized by the usual reformist overkill. Congress is said to be the government's weakest link—its procedures sclerotic, its leaders senile, and its very nature unsuited to modern life.

Such alarmist premises for the reform of Congress have the immediate effect of further weakening public confidence in that institution. Already, lack of trust in Congress contributes to frustration, alienation, and discord among the citizenry. And it concentrates upon the White House an unrealistic burden of hope and responsibility.

A soldier base from which to move toward better congressional performance is suggested by a look at the persuasive changes that have occurred in government generally in the last hundred years—especially the rise of a huge and expert bureaucracy. This new element is the governmental reflection of more profound changes in U.S. society.

A bureaucracy, though indispensable to a twentieth-century nation, has very severe limitations—or blind spots—when the country and the world around it are caught up in accelerating and unending change. Not only do circumstances change, but people's goals, desires, and values are changing too. Because the popular will in the U.S. is becoming both more important and harder to read, the quality of Congress—the people's branch—takes on more significance with every decade.

Seen in that perspective, much talk about congressional weakeness is irrelevant to the key questions. For example, when President Nixon after the 1972 election moved to improve coordination within the executive branch, there was journalistic hand wringing over whether his moves would further undermine the position of Congress. The assumption that any strengthening of the executive branch must inevitably weaken Congress is a superficial reading of the situation. Congress is not strengthened by confusion and inefficiency elsewhere in government. The challenges to policy making that confront this nation require an improved quality in *all* branches.

A BUTT OF CARTOONISTS

To be sure, congressional reform is overdue. A box on page 171 proposes some remedies, less drastic than blood and blisters, for specific defects in congressional procedures. But it is important to keep in mind that internal reform does not touch all aspects of "the trouble with Congress." Part of the problem lies elsewhere in the government and part of it lies in the long decline in the public reputation of Congress. This decline has been caused less by the shortcomings of Congress itself than by defects in the processes through which public reputation is made.

After all, generations of cartoonists and satirists have had fun with Congress. Hundreds of editorialists and political scientists have deplored it as an obstacle to the vigorous presidential leadership they prized. Small wonder that so many impatient citizens, ill informed about how Congress works, have come to blame it for faults that may lie elsewhere in the political structure. Reforms in Congress won't do much good unless other elements in the body politic—including the press and the public—alter the way they look upon Congress.

Nor can that misleading phrase, "the decline of Congress," be applied to its individual members. The average quality of Congressmen has almost certainly been rising through the twentieth century. Congressmen now are better educated, alert to a wider range of complex issues. They work harder than their predecessors did. Thanks to air travel and modern communications, they keep in much more direct touch with their constituencies. Many members are well informed, to a degree that would surprise outsiders, on national and international topics to which they have given particular attention. The ethical rules of Congress need tightening, and individual cases of graft appear from time to time; nevertheless, considering the temptations to magnificent congressional malfeasance that now abound, it can be said that Congress today is as honorable a body of public servants as has sat in that place for a hundred and fififty years.

Absent are giants to vie in stature with Henry Clay, Daniel Webster, Thaddeus Stevens, or Robert Taft, but the men and women who get elected these days are no moral or intellectual pygmies. The nation is not told enough about Congress to appreciate such examples of conscience, patriotism, and quiet ability as Senators Mike Mansfield and George Aiken. The national limelight spots some Senators primarily as presidential possibilities. But Hubert Humphrey and Edward Kennedy, to take two examples, have contributed more to the Senate than most of their partisans appreciate.

Outside their own states, members of the House of Representatives are almost completely unknown to readers of newspapers and watchers of television. Who hears about Michigan's Martha Griffiths, one of the ablest members of the Ways and Means Committee? Illinois' John Anderson, Minnesota's Albert Quie, Missouri's Richard Bolling, Arizona's Morris Udall, Oregon's Edith Green, Massachusetts' Silvio Conte, New Jersey's Frank Thompson, and fifty others would be a credit to any U.S. Congress that ever convened.

Collectively, the U.S. Congress has held its head higher than any other national legislature amidst the tide of executive power that has risen throughout the world Britain's House of Commons, though its debates still glitter, is overregimented by party discipline. The lack of really influential standing committees devoted to specified subject areas leaves the Commons helpless to resist Cabinets that control (or, in some cases, are controlled by) knowledgeable civil servants. While many parliaments on the Continent and elsewhere contain an enviable number of brilliant members, no foreign parliament today equals the U.S. Congress in organized competence, in responsiveness to the people, and in independence of the executive will.

THE POND GROWS FASTER THAN THE FROG

Despite all these signs of health and strength, there is a "trouble with Congress." The pathology begins to appear not when it is compared with nineteenth-century Congresses, or with legislatures in other lands, but rather when its loss of power to the executive is scrutinized. Whether this shift has gone too far is a question that has to be appraised in the light of the novel political challenges generated by recent and prospective trends in the nature of U.S. society.

Congress was at the height of its dominance after the Civil War, when it controlled even the patronage of the executive branch. Since then the governmental pond has grown much faster than the congressional frog. Professor Robert A. Dahl of Yale has summed up the change this way: "In the post-Civil War period Congress enjoyed a monopoly control over policies mostly of trivial importance; today Congress shares with the President control over policies of profound consequence. Congress has, then, both lost and acquired power."

Dahl emphasizes the magnification of the federal government's total power. "In the post-Civil War period, during a time when the doctrine of complete laissez-faire marched triumphant and the foreign policy of the United States limited the country to a role of neutrality and isolation, there was, in plain fact, very little policy for either the President or the Congress to initiate and to enact. But, in the twentieth century, governmental regulation and control, welfare programs, foreign affairs, military policy, and the taxation and spending measures required for all these purposes have produced a veritable 'policy explosion.' "

The succinct picture of what happened in government, true as far as it goes, omits the huge change that occurred outside of government. Policy—the sustained application of power toward the attainment of conscious goals—was exploding in all parts of the society. Throughout the twentieth century, business corporations, nonprofit organizations, and individuals have all increased their goal-pursuing capabilities.

Mass prosperity is the most obvious and generalized evidence of this multiplied power. But many sources of the risen standard of living lie outside the strictly material realm. They include the much higher educational level, the huge reservoir of specialized knowledge and skills, and the ability to mobilize these toward particular targets of action.

The framers of the Constitution had only rudimentary intimations of the kind of knowledge and the kind of action that were to characetrize all facets of twentieth-century society. If John Quincy Adams ran the Department of State in 1820 with about ten clerks and a messenger to help him, that was because no such creature then existed as, for example, an expert on how Japan's culture affected its trade policy? A Department of Housing and Urban Development was not invented until the possibility of solutions had created a national consciousness of "urban problems." In many fields an explosion of policy has aristen from the proliferation of competence.

Governmentally, most specialized competence found its home in the executive branch. Expertise came to be recognized as a force apart from the traditional political structure, which had rested upon such characteristics as personal probity, common sense, and an abiilty to identify with the values and aims of the people. Implicit in the very nature of specialized knowledge was an independence of politics that later became protected and institutionalized by civil-service tenure.

In the last third of the nineteenth century, Presidents struggled with Congress for control over the growing power represented by the departments. History awards the presidency a clear victory in that struggle, but it would be truer to say that the real winner was the fourth branch, the bureaucracy. Both the presidency and the Congress are still adjusting to the implications of that development.

Whether inside or outside government, specialized knowledge, organized toward narrow goals of achievement, sets up new requirements for coordination. In the society, millions of separate and waxing "power centers" (corporations, associations, and families), each pursuing self-selected goals by means of its own peculiar array of competence, require a stronger governmental hand to perform coordinative functions in the general interest (e.g., in environmental protection). The muscle for stronger government is provided by the same growth of competence that characterizes the society itself and creates the need for stronger government.

But this augmented base of governmental power is also fragmented by specialization. The government's experts, each blinkered to concentrate on his own area of action, cannot be expected to coordinate themselves, or to give cohesion and direction to the nation as a whole.

Faced wtih this double challenge from multiplicity, does the mind automatically turn to Congress, another set of diversities? Rather, the almost instinctive reaction is:

find a unity to bring order. The spotlight swings toward the "lonely man in the White House," who happens, moreover, to be (at least nominally) in charge of those hordes of experts.

It isn't surprising, then, that for three generations many scholars, journalists, and federal officeholders—including Congressmen—have seen the development of presidential primary as "modern" and right. In this plausible picture, Congress recedes toward irrelevance. It can act as a check and watchdog over executive action. It can modify, postpone, and block. But it cannot initiate top policy, or play a constructive and responsible part in shaping it.

If this view of the government in a twentieth-century society were true, there would be no need to worry about either the performance or the reputation of Congress. It would quietly fade. But there are reasons—some pragmatic, some derived from democratic theory—for challenging the view that Congress doesn't matter anymore.

AN INSIDE JOB GOES WRONG

Time and time again, when the authorship of high policy is heavily concentrated in presidential hands in the exclusion of Congress, the outcome seems to be disappointing. This is true even in the areas of foreign affairs and military affairs where the presidential prerogative has the strongest constitutional claims, supported by cogent arguments arising from the executive's superior access to relevant knowledge.

The case for presidential monopoly in foreign policy had been immensely strengthened by the precedent of World War II, and strengthened further by the haunting postwar fear of atomic attack. That "ten-minutes-to-decide" scenario, hypnotizing every mind, seemed to eliminate Congress from any key part in the process. After Truman's brave and lonely decision on Korea, it seemed to be settled that the great decisions of international affairs were the exclusive preserve of the White House.

Then Vietnam, that least sudden of all American wars, recalled us to recognition that even in a nuclear age most major international policies can—and should—be determined through the serious deliberation of more than one elected representative of the people. Is it an accident that Vietnam, the most internally divisive foreign war the U.S. ever fought, has been from first to last also the most presidential, and the least congressional, of our wars? The steps determining the long, gradual escalation of the U.S. military effort in Vietnam were neither hasty nor reckless nor ill informed. For decision after decision, tremendous thrusts of expertise were made available to the White House.

But somehow it was all too much of an inside job. Moral issues were not discussed as early and as publicly as they should have been. No truly representative forum handled questions of priority between Vietnam and competing claims on federal money. To many citizens the war came to seem not only a blunder, but an illegitimate political act, a usurpation.

HOW THE BUDGET GOT OUT OF CONTROL

Internally, the most glaring governmental trouble in the U.S. today is inability to control the federal spending budget. This failure can no longer be blamed on Vietnam, nor on neo-Keynesian economists, nor on crypto-socialists. There's some deep procedural flaw here, some undesirable mutation in the evolution of the nation's policymaking process.

Through English history, "the power of the purse" had been the core around which other functions of the legislature gradually accumulated. Until well into the twentieth century it was understood in U.S. politics that Congress had almost exclusive control over the levels of taxes and expenditures. But as federal activities became wider and more complex, officials and observers recognized a need for an integrated federal budget. In line with the theories of expanded presidential leadership that were popular even then, Congress in 1921 passed the Budget and Accounting Act creating a Bureau of the Budget and giving the President a large share of responsibility for coordinating the fiscal policies of the government.

A unified federal budget, enabling officials and citizens to see the Big Picture, was without doubt a logical, businesslike step. But the new system was also a step in the process of shifting fiscal responsibility off the shoulders of Congress. For some years it has been difficult to tell whether the President or Congress should be held accountable for an aggregate spending level that neither defends.

Since the great depression and the New Deal, Presidents have taken—or had thrust upon them—responsibility for maintaining the stability and growth of the economy by using the leverage of the federal surplus or deficit. How the taxing and appropriating functions of Congress relate to this new presidential responsibility for macro-economic policy has never been clarified. It is conceded, of course, that Congress will be allowed to have its way on this detail or that; but as to the Big Picture, initiative belongs to the White House and the experts. Not many years ago, enthusiasts of presidential leadership were talking about "fine tuning" the economy to a point of delicacy and precision that would have further constricted the congressional role. Proposals were put forward that Congress give the President discretionary power to change tax rates, according to whether he thought the economy needed stimulation or restraint.

A peak in the trend toward presidential responsibility for fiscal policy may have been reached last October, when the House of Representatives voted to give the President power to limit expenditures to $250 billion in the current fiscal year, regardless of the specific appropriations Congress had voted. The House action (in which the Senate, wisely, did not concur) is a reminder that the presidency has not exactly taken power away from Congress at gunpoint. Too often, congressional leaders have been glad to dodge responsibility by handling power over to the executive.

BUT WHO ARE "THE PEOPLE"?

Until quite recently, most informed observers would have been in favor of resolving the confusion of function by moving still more fiscal authority from the Capitol to the White House. But opinion has been shifting. The current generation of political scientists includes many close students of governmental trends who believe that the erosion of the congressional policymaking role has already gone too far.

The most cogent reasons for this dawning pro-Congress sentiment may be found in changes that have been occurring in the electorate. In democratic theory, control over all legitimate political power belongs to "the people." But in the U.S. today "the people" stands for an almost infinite diversity whose multitudinous desires do not readily coalesce into political policy.

When the U.S. began, this was a quite homogeneous nation with more than 90 percent of the population dependent on one occupation, farming. As the U.S. was industrializing, many observers believed that the majority of its people would come to resemble the faceless nineteenth-century European proletariat. But the actual evolution in the U.S., especially in the period from 1945 to the present, has been very different. Mass production and mass education did not produce a mass culture or a mass politics.

In today's politics, neither class nor regional lines are sharply drawn. The electorate is numerically dominated by a huge "middle" quite unlike the classic bourgeoisie. This majority can't be permanently enrolled under the banner of property or any other single cause or slogan. More and more voters refuse to affiliate with any party. Of those who do affiliate, millions switch parties from election to election, attaching importance first to one issue, then another. Interest groups are numerous, and the intensity of their loyalty varies. Moreover, many of the most important "interests" in U.S. politics today do not have group economic advantage as their goal. Their overriding concern may be peace or law and order or the the quality of the environment—concerns that do not correlate neatly with such characteristics as income or occupation or geographical region of residence. People who think of themselves as individuals—and not as "workers" or Pennsylvanians—naturally attach importance to the personalities and records of individual candidates.

Many individual voters, moreover, feel strongly on *both* sides of certain issues, shifting position almost from day to day. The same voter may demand peace and also a strong U.S. posture in foreign affairs. There's no clear political split between those who pay the taxes and those who demand government services. The same voter insists on lower spending levels *and* better schools *and* expensive sewerage *and* more public transport.

So much diversity and volatility make for a subtle and complex politics. Only Congress in all *its* diversity can represent the heterogeneous nature of the electorate. However nonpartisan he may feel, a man in the White House cannot be "President of all the people." A very large number of voters will not regard the President of the day as *their* President. Most of these voters should be able to find some Congressman, not necessarily from their own district, who comes over to them on their own wavelength. In that event, there is less chance that such dissident voters will be alienated from the whole political process.

The ability of a President to stay in touch with the people has been affected also by the decline of the political parties. A President is still the leader of his party, but parties are feeble compared to the organizations of fifty years ago. They cannot today carry heavy loads of two-way messages between the White House and the grass roots. And even such appealing personalities as Dwight Eisenhower and John F. Kennedy have had trouble staying in touch with the people through journalistic media, which do not transmit the dialogue of leadership as sensitively as the old party organizations used to do.

A member of Congress is in a quite different situation. He can't rely on media. To hang onto his job he has to stay in touch with his constituency by his own exertions and those of his staff. He will refuse to risk electoral defeat by following a President of his own party, or on some specific measure he will vote to support a President of the opposite party.

Accordingly, deadlocks don't necessarily occur when, as now, a President of one party faces a Congress with majorities belonging to the other party in "control" of both houses. Nixon's 1972 landslide failed to alter the congressional balance—a striking example of voter independence, of which the independence of members of Congress is a reflection.

AVOIDING THAT CAN OF WORMS

For decades many American intellectuals who comment upon politics have hoped that the U.S. would move toward a European-type party system—disciplined, doctrinal, class-based, sharply defined. In fact, the U.S. has moved toward *less* sharply defined parties. A landslide defeat ensued when, in 1964, the Republican presidential nominee tried to focus the party image on its conservative wing. Last year the Democratic nominee met the same fate in striving for a sharply liberal party image. What many would-be simplifiers fail to appreciate is that the flexibility and the breadth of both parties, especially as these qualities appear in Congress, echo the diversity of the people. It is the actual character of the present (and probable future) U.S. electorate that forms the strongest argument for an elevation of congressional influence in national policy.

A resurgence of congressional importance would be so consistent with the deep-seated trends in U.S. society that one has to ask why such a trend has not, in fact, emerged. One obstacle is journalism. The most serious distortion in journalism is not its much discussed "liberal" bias or any other kind of partisan slant. The basic bias of journalists is not ideological but occupational; they favor stories that can be readily communicated to the public. The President—any President—is easier to write about than any congressional situation. Journalists minimize the importance of Congress because they are reductant to explain that "can of worms." This neglect, in turn, leads to an actual reduction of the power of Congress, because public expectation clusters around the more readily communicable person of the President. In this society, which is perhaps more democratic than is usually supposed, power tends to go where the people think it is.

When President Kennedy asked Lawrence O'Brien to serve as his liaison with Congress, O'Brien was chagrined to discover how few congressional leaders he knew, despite his intense involvement in politics. To remedy this, he began giving a series of Sunday brunches at his home to which he invited congressional leaders, some fellow Kennedy aides, and some Washington journalists. Again and again at these brunches, correspondents who had been covering Washingfor for decades asked, "Who's he?" indicating a chairman or a ranking member of some important congressional committee. The fact that only half of Americans can name their Congressman is not entirely to be blamed on voter "apathy." Journalists who will risk life and limb to find out what the President had for breakfast wouldn't walk around the corner to hear a Congressman deliver a reasoned explanation of his vote.

In an occupational—not a political—sense, journalism has a strong conservative bias, a tendency to use today the standards of significance and of news judgment that prevailed yesterday. Every active U.S. journalist grew up and learned his trade in an era when what counted in policy was the White House. Both he and his readers are conditioned by a pattern established in the first half of this century. Switching the spotlight to Congress would run the risk of boring or puzzling readers—a risk that professional communicators, who desire above all else to communicate, are loath to run.

A NEED FOR BETTER BRIDGES

Nevertheless, the movement for a resurgent Congress probably will make headway in the years to come, despite journalistic and other forms of inertia. What goes on in Washington is not a simple tug-of-war between branches of government. Just as Congress gave way to the rising expertise of the executive branch, so Presidents in the future may be happy to see Congress have a larger share of responsibility for policy.

What Congress needs most is better bridges to the executive branch, where the experts reside, where policy is now prepared, carried out, and evaluated. For that, Congress needs more expertise of its own. Much stronger informational support will be required if Congress is to improve its ability to form judgments about such highly complex matters as weapon systems, manpower retraining, international trade, and the economic effects of taxation.

The support available to Congress has been strengthened in recent years. The Congressional Reference Service of the Library of Congress has been expanded; it should be further upgraded. More important has been the gradual redefinition of that little-known arm of Congress, the General Accounting Office. The G.A.O. has been moving toward more difficult assignments intended to ensure that congressional purposes are actually carried out. Senator Abraham Ribicoff of Connecticut has introduced a bill that would further broaden the G.A.O.'s activity along this line.

Heaven forbid that Congress should develop a massive parallel bureaucracy, with its own specialists dealing with their opposite numbers in the departments. But it could use a staff of its own, somewhat analogous to the White House staff, a few hundred lively, policy-oriented people looking for governmental careers broader and more exciting than those available on the civil-service escalator.

BEYOND EXPERTISE

Improved staffing would help Congress to restore its sadly reduced role in policy making. With all its resources of specialized knowledge, the executive branch is not a trustworthy creator of national policy. Contemporary life is haunted by the fear of unbridled expertise. As President Kennedy lamented after the Bay of Pigs: "All my life I've known better than to depend on the experts. How could I have been so stupid, to let them go ahead?"

A society immersed in internal and external change needs a policy-making body that can foresee the gestation of problems and issues within the complex life of the people. A bureaucracy cannot represent or integrate or express the popular will. Bureaucrats, indeed, are notoriously insensitive to changes occurring in the periphery of their assigned tasks. And Presidents must devote much of their energies to administering the vast and busy apparatus of government. The original division of function was that the executive branch should carry out the popular will as formed and expressed by the Congress. In the decades ahead, that division will seem wiser than at any time in the past.

AN AGENDA FOR CONGRESSIONAL REFORM

To support congressional reforms, one need not believe that Congress is generally corrupt, or unresponsive to the people, or hopelessly inefficient, or under the thumb of a tiny coterie of evil old men. None of these allegations is true. Still, Congress, like any other institution, needs periodic overhauls to tighten up some rules that invite abuse and to relax or discard other rules that hamper or distort action.

Ethics. In almost any body of 535 members, dealing each year with measures involving billions of dollars, at least a few outright crooks are bound to appear from time to time. Some other members, not outright crooks, can be led into corrupt practices if they believe "that's the way the system works." When a scandal involving a Congressman breaks into the open, the public has no way of knowing whether that case is exceptional or whether one Congressman happened to be caught at what most others had been doing without exposure. Since it's impossible to prove all the others innocent, the public asks whether the congressional rules of conduct are as strict as they ought to be and whether Congress is doing enough to expose and punish infractions. When the answer to both questions is no, the public's faith in the honesty of Congress as an institution is impaired.

Most of the ethical problems fall into two areas: campaign contributions and conflicts of interest. The best preventive in both areas is more disclosure.

The Federal Election Campaign Act of 1971 went part way—but not far enough—toward establishing some new ground rules for contributions. It requires that contributions be reported, but provisions for enforcement are not as stringent as they ought to be. Reasonable limits should be set on how much any donor can give to all candidates, or to any one candidate, and how much any candidate can receive from all donors. When an individual or organization gives hundreds of thousands to a candidate's campaign, the public will presume that favors are expected in return. Since the donor can't prove his motives are pure as the driven snow, which they just possibly may be, the only practical alternative is to forbid these big gifts.

Rules on conflict of interest are quite strictly enforced upon appointees of the executive branch—but not upon members of Congress. Years ago, when a seat in Congress was an ill-paid part-time job, it would have been impractical, and perhaps unfair, to forbid a member of Congress to keep an interest in a law firm that represented clients before federal agencies. But now that members of Congress have full-time jobs, paying $42,500 a year, the conflict-of-interest rules seem excessively lax.

"Sunshine rules." Too much important congressional work is done with no outside scrutiny. A number of states now have laws requiring all public bodies, including legislative committees, to admit the press and public to their sessions. Such requirements that "the sun shine" into meeting rooms may sound onerous, but they work. Without doubt, the press would pay more attention to Congress if reporters could be present when the crucial decisions are being made in committee rooms. Who votes for what in committees and subcommittees may be more significant than who votes for what on the floor.

Hearings and reports. Journalists eagerly cover those congressional committee hearings where witnesses (e.g., the late Joseph Valachi) toss out sensational scraps of information. Too seldom, however, do committees make any serious attempt to add up the results of hearings in a summary report. On a subject such as tax reform a careful scrutiny of the so-called "loopholes" would make valuable information available to the citizen. Individual committee members could marshal arguments for and against each "loophole." Committee reports of high analytical quality could become effective vehicles of congressional initiative.

Seniority. Yesterday's reform can petrify into today's abuse. That's what has happened to the seniority system in the House of Representatives. Early in this century, the power of the Speaker to appoint committee chairmen led to a grotesque concentration of power. Selection by seniority of service on a committee was deemed a fairer, more objective system. But in recent decades seniority has been so rigidly observed that committee chairmen (who have more power than they should) include some who are more notable for longevity than for ability. Because of the seniority system, many distinguished middle-aged citizens who might make a real contribution to the deliberations of Congress never become candidates. A fifty-year-old is likely to feel that he would not live long enough to rise to a point of effectiveness on the seniority escalator. (The chairmen of the ten most important committees have served an average of thirty-one years in the House.)

At present and most chairmen come from districts that are safely Democratic, and most ranking minority members now come from districts that are safely Republican. Such an atypical district does not necessarily produce the best or most responsive Congressmen.

Terms and elections. The present two-year House term is so short that members are overburdened by campaigning. Since nearly all Representatives now make frequent visits to their constituencies, there's no point in requiring that they come home to campaign every two years. A four-year term for Representatives, with elections held midway between presidential elections, could help to get the Capitol out of the shadow of the White House. This change in Representatives' terms would require a constitutional amendment, which Washington observers say could never pass the Senate—because it would give Representatives a chance to run for the Senate without resigning from the House. But with enough public pressure that Senate resistance would give way.

EL PASO BUSINESS COMMUNITY OFFERS FARAH SOLID SUPPORT

Mr. TOWER, Mr. President, the president of the El Paso Chamber of Commerce, George Janzen, issued a statement for the chamber this fall which deals with an important labor rights and labor law question affecting many of my constituents in the El Paso area. This question involved is the extent of the rights of employees to be free from the coercive tactics of a nationally organized boycott and a nationally directed walkout intended to force a company and its employees to deal with a particular union, in spite of the opposition of a majority of the employees of the company involved to representation by such union.

I think that the facts in this case need to be made clear, in view of the widespread and often distorted publicity being generated about this case. Mr. Janzen's statement can serve to bring this matter into better focus for all who have heard about this case and who are interested in the rights of the labor force to be free from coercive actions by powerful industrywide unions.

I ask unanimous consent that the statement be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

El Paso Business Community Offers Farah Solid Support

George Janzen, president of the El Paso Chamber of Commerce and president of the Southwest National Bank in this city, positioned the business community solidly behind Farah Manufacturing Company in his "President's Message" to the Chamber membership at the annual banquet Tuesday night, September 26, 1972.

Following are those portions of Mr. Janzen's text that relate to Farah's current labor unrest and an attempted boycott of Farah merchandise in retail stores.

As leaders of the El Paso Business Community, we must always be concerned about our future. Protection of individual rights, a system of free enterprise, and the orderly process of law must be a guaranteed part of that future.

We have found that in the current strike against the Farah Manufacturing Company, the truth has been obscured and concealed. We see individuals far from the source of the problem demonstrating an alarming tendency to make flat statements and public pronouncements for personal gain without full investigation of both sides of the issue. The result? . . . A distortion of facts and bad publicity for our community. When the matter is as close to home as the Farah strike (and affects the way our community is viewed throughout the U.S.) we believe that all facts must be known. It is our responsibility as business leaders to report our conclusions.

We reaffirm our belief that this dispute must be decided by due process of law and we are firmly opposed to the use of pressure and intimidation to force a decision.

We uphold the right to individual freedom as defined by our legal ssytem . . . not only for those attempting to organize a company, but also for those workers who wish to oppose such organization. Equally, a company executive is entitled to the freedom of directing his business affairs the way he deems fit within the same legal structure. However, when a minority of Farah's more-than-9,500 employees are able to utilize the national resources and manpower of organized labor against the company to impose their will on the overwhelming majority . . . when some of the nation's most prominent politicians deal themselves in against the company without sufficient knowledge of the facts . . . then it is time those of us who still believe in fair play and the American free enterprise system stand up and be counted.

Not only be counted with respect to Farah's treatment by organized labor, but the treatment of all El Pasoans and the impact on the image of El Paso . . . (which began to darken with the ASARCO suit) and now becomes darker and more distorted.

The Farah company is a good corporate member of our community . . . the company is truly an El Paso success story. From its beginning in 1920 when Farah employed 4 persons, it has become a leader in the casual clothing field employing at its peak 9,500 people.

All El Pasoans are affected in some way by Farah's operations. The Farah annual payroll amounts to 40 million dollars and millions more are generated by purchase of local products and services.

Many facts in this dispute have been overlooked by outsiders, and (unfortunately) by some El Pasoans. In fairness I feel that these facts should be emphasized:

Since May of this year when the walkout began, there has been little evidence of escalation. 7,500 employees are still working and Farah's production is at an adequate level to meet market conditions and their deliveries to customers continue uninterrupted.

The fact that the strike has not expanded should be evidence that Farah's position is in line with the large majority of employees who do not want a union.

This attitude of the employees still on the job is due to the benefits they receive, good working conditions, and to the fact that Farah wages are among the highest paid in the El Paso garment industry.

Farah has abided by all court decisions. The courts, however, have issued restraining orders against the union for unrestricted picketing which resulted in arrests for violation of the Texas State Mass Picketing Statute.

We as community leaders must recognize that a minority is attempting to force a majority to accept their wishes. 2,000 are attempting to tell 7,500 persons what to do.

For the first time (to my knowledge) the AFL–CIO Executive Council on July 19, 1972, has endorsed the nationwide boycott of a branded product. This support of local unionization efforts by national boycott departs from accepted standards, is damaging to the community, and is unfair to Farah and to all of El Paso.

Permit me to read one of several letters received by the Chamber. This one is from Getzville, New York. "Sirs: You are probably aware that the reputation of your city is in danger of becoming infamous, due to the inexcusable repressive tactics against workers by Farah and your police department. Here's hoping that the nation hears news of justice in El Paso very soon."

This past week as covered in the Wall Street Journal Farah announced, Quote "That it was notified by the National Labor Relations Board that a representation election scheduled for next Thursday at the Company's San Antonio plants has been postponed."

The Company said it had notified the NLRB's Houston office it was willing to hold the election on that day. However, the company said, the Amalgamated Clothing Workers of America, which is seeking to organize workers at the plant, refused to file a similar agreement for the election at that time." End Quote.

A spokesman for the union in New York said the NLRB postponed the election because the union has filed a new set of unfair labor practice charges against the company.

According to Farah both parties had filed unfair labor practice charges with the NLRB. This appears to be another union tactic to delay in order to gather additional support for the eventual election.

It is unacceptable to us that a local company should be harmed and a community suffer (now and in the future) to force a decision of primary benefit to individuals who do not live and work in our city.

We support Farah and all their employees in their desire for a constructive and just decision in this dispute. When Farah products are being boycotted in a nationwide action, fair treatment and an equal hearing is not possible. Nor can we as a community stand by while American business and industry removes El Paso from its prospect list because the voice of its leadership has not been heard.

We call on all citizens of El Paso and American consumers to stand with us, resist this boycott and turn the decision away from a system of "trial in the market place."

TRIBUTE TO MELVIN LAIRD, OUTGOING SECRETARY OF DEFENSE

Mr. TOWER. Mr. President, today, I wish to commend the outgoing Secretary of Defense, Melvin Laird, on one of the finest records of any cabinet level officer in American history. Faced with the most difficult of defense problems, Secretary Laird responded with programs that were reasoned, not rhetorical.

When he entered office, Melvin Laird saw procurement programs that often resulted in notable cost overruns and a less than notable product. The Defense Department has now changed to a "fly-before-you-buy" policy and while this approach may not be useful in all development and procurement contracts, that is, an aircraft carrier, it does hold out the promise of letting Congress know beforehand what it is buying.

The Secretary of Defense was faced with draft calls of nearly 300,000 the year before he took office. Nevertheless, he responded to the desires of the majority of Americans by formulating plans for a transition to an all-volunteer armed force. These plans included a "face-lift" for outdated regulations covering service life, new construction for our military installations, and significant pay raises for the lower ranks. These seeds have borne fruit, for we face draft calls of only 5,000 for this calendar year.

In 1968, we were confronted with an expanded involvement in Southeast

Asia, and as a result of this involvement, a significantly expanded force structure. Secretary Laird had the perplexing problem of reducing this force structure by more than 1.2 million men and women and at the same time easing this transition from war to peace both on the individuals involved and on the economy. Despite the turbulence, we managed this transition probably better than in any major war.

Then, of course, there was the Vietnam war. Of all his problems, none was more complex for Mel Laird than providing the President with the military milieu in which to find a just and lasting peace. The seeming incongruity of applying military pressure in order to achieve peace required the most delicate judgment. Providing President Nixon with an alternative to the all-too-long deadlocked Paris peace talks meant training the South Vietnamese to fight for themselves—something for which they had demonstrated a disillusioning lack of desire. Nevertheless, Mel made the right decisions, and his Vietnamization program has been more successful than critics had thought possible. Today, we stand on the threshold of peace. There can be no greater tribute to Melvin Laird.

ORDER FOR ADJOURNMENT FROM TUESDAY TO THURSDAY, JANUARY 25, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business on Tuesday next, it stand in adjournment until 12 o'clock meridian on Thursday next.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS McCLELLAN AND JACKSON ON THURSDAY, JANUARY 25, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Thursday next, immediately following the recognition of the two leaders or their designees under the standing order, the distinguished Senator from Arkansas (Mr. McClellan) be recognized for not to exceed 15 minutes, to be followed by the distinguished Senator from Washington (Mr. Jackson) for not to exceed 15 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for Tuesday next is as follows:

The Senate will convene at 12 o'clock meridian. After the two leaders or their designees have been recognized under the standing order, the following Senators will be recognized, each for not to exceed 15 minutes and in the order stated: Mr. Muskie, Mr. Talmadge, Mr. Nunn, Mr. Ervin, Mr. Allen, Mr. Robert C. Byrd. There will then be a period for the transaction of routine morning business for not to exceed 45 minutes, with statements limited therein to 5 minutes.

It is intended by the leadership on Tuesday next to call up nominations on the Executive Calendar; namely, those of William P. Clements, Jr., of Texas, to be a Deputy Secretary of Defense, and James R. Schlesinger, of Virginia, to be Director of Central Intelligence. I anticipate that there will be some discussion, and possibly a rollcall vote or rollcall votes on one or more of the nominations. I cannot say with absolute assurance that there will be such rollcall votes, but I think it would be well to anticipate them so that Senators may schedule their day accordingly.

Mr. President, it is now anticipated that the vote on the confirmation of the nomination of Mr. Elliot Richardson to the Office of Secretary of Defense will occur on Thursday next.

Senators should be alerted to the possibility of a yea-and-nay vote on the confirmation of Mr. Richardson's nomination on Thursday next.

ADJOURNMENT UNTIL TUESDAY, JANUARY 23, 1973

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, in accordance with the previous order, I move that the Senate stand in adjournment until 12 o'clock meridian Tuesday next.

The motion was agreed to; and, at 10:46 a.m., the Senate adjourned until Tuesday, January 23, 1973, at 12 o'clock meridian.

PRESIDENTIAL INAUGURAL PROCEEDINGS

SATURDAY, JANUARY 20, 1973

INAUGURATION OF THE PRESIDENT OF THE UNITED STATES AND THE VICE PRESIDENT

PROCESSION TO THE INAUGURAL PLATFORM

The Members of the House of Representatives, headed by the Speaker, Mr. Carl Albert, and the Clerk of the House (Mr. William Pat Jennings), proceeded to the inaugural platform and were seated in sections 1 and 4.

The Members of the Senate, headed by the President pro tempore (Senator James O. Eastland), the majority whip (Senator Robert C. Byrd), the minority whip (Senator Robert P. Griffin), the Secretary of the Senate (Mr. Francis R. Valeo), and the Chaplain of the Senate (Rev. L. R. Elson, D.D.), proceeded to the inaugural platform and were seated in section 4.

The Governors of the States were escorted by the secretary for the minority (Mr. J. Mark Trice) to the inaugural platform and were seated in section 3.

The members of the diplomatic corps, escorted by the secretary for the majority (Mr. J. Stanley Kimmitt), were seated in section 2 on the inaugural platform.

The members of the President's Cabinet were escorted to the President's platform by Mr. Greer, administrative assistant to Senator Cook.

The Chief Justice of the United States and the Associate Justices of the Supreme Court, preceded by the Court's Marshal and its clerk, were escorted to the President's platform by Mr. Sobsey, administrative assistant to Senator Cannon.

Mrs. Agnew was escorted to the President's platform by Mrs. Cannon.

Mrs. Nixon was escorted to the President's platform by Mrs. Cook.

The Sergeant at Arms of the Senate (Mr. William H. Wannall) and the Sergeant at Arms of the House (Mr. Kenneth R. Harding) escorted Vice President Agnew to the President's platform. The Vice President was accompanied by Speaker Albert, Senator Cannon, Senator Cook, Senator Scott of Pennsylvania, Senator Mansfield, Representative Gerald R. Ford, and Representative O'Neill.

The U.S. Marine Corps Band played ruffles and flourishes and "Hail Columbia."

The Sergeants at Arms of the Senate and the House and Executive Director William McWhorter Cochrane escorted President Nixon to the inaugural platform. The President was accompanied by Senator Cannon, Senator Cook, Representative Gerald R. Ford, Speaker Albert, Senator Scott of Pennsylvania, Senator Mansfield, and Representative O'Neill. They were seated by Mr. Thomas N. Gay of the Congressional Inaugural Committee.

The U.S. Marine Corps Band played ruffles and flourishes and "Hail to the Chief."

THE INAUGURATION CEREMONIES

Senator COOK. Mr. President, Mr. Vice President, my fellow citizens, I present for our invocation today Dr. E. V. Hill. Dr. Hill.

PRAYER

Dr. HILL. Let us pray. Our Father and our God, we thank Thee for the privilege of prayer. With this privilege we offer to You thanks for life and for abundant material and spiritual blessings. We thank Thee for the indications of peace. We thank You for the various and varied peoples of our Nation, their unique contributions and heritage. We pray that all of us will more and more learn to live together, sharing one with another. We thank Thee for our Nation, its leadership, and for the process by which our leadership is chosen. Along with our thanks, our Father, we acknowledge and confess our sins against You and against one another. Help us to become more sensitive to that which offends Thee and hurts us. Father, our dependence upon Thee is evident. Though we have sought peace, we have wars. Though we have plenty, there is hunger. And though we are children of one Father we have seen hatred, malice, envy, and strife. Thus we plead for Your spiritual healing of the land. Fill us with Thy holy spirit that we may witness a great spiritual awakening. Our prayers today, Father, are especially for our Nation's President, President Richard Nixon and his family. Protect and bless them, we pray. Reveal by Your spirit in his mind Your will for this hour. Give to him vision to see and discern, ears to hear, a heart to feel, and courage to take a stand. As we join him today in victory and joy, may we as a people also commit ourselves to join him in the more difficult days of the future, so that as President he will not stand alone.

We pray for Vice President AGNEW and all of the people of all the branches of Government.

We pray for Godly peace among our leaders and a Godly fear on their part as they remember the certainty of their accountability to You and to their fellow men.

Grant, O God, that we see this year the commencement of a generation of peace among all of the peoples of the world. Grant these blessings, our Father, in the name of our Lord and Saviour Jesus Christ. Amen.

Senator COOK. We will now be favored with the inaugural fanfare, especially written and presented by the outstanding Marine Corps Band, under the direction of Lt. Col. Dale Hopper.

(The U.S. Marine Corps Band played the "Inaugural Fanfare.")

PRAYER

Senator COOK. Rabbi Seymour Siegel will now lead us in prayer.

Rabbi SIEGEL. O Lord, Creator of all beginnings: We thank You for the opportunity of starting anew. Today those whom we have chosen to lead our country—President Nixon and Vice President Spiro Agnew—pledge again their commitment to serve You and this great and blessed Nation. Grant them the wisdom to understand their true task; the courage to pursue it; and the health and vigor to persist in it.

O Lord, source of all peace: We ask You with all our hearts that we be granted peace, for which we all yearn. Bless us and our leaders with harmony, vision, and strength of purpose so that we may better fulfill our responsibilities to You and to our fellow man. Bring us nearer to You and thus closer to each *other*—for next to being Your children our greatest privilege is that we are brothers of each other.

On this historic occasion we praise You in ancient words of blessing:

ברוך אתה.

Blessed are You, O Lord our God, King of the Universe,

אשר חלק מכבודו לבשר ודם

Who shares a portion of His glory with mortal man. Amen.

Senator COOK. Mr. President, ladies and gentlemen, fellow Americans: I present now the distinguished Chief Justice of the United States, the Honorable Warren Burger, who will administer the oath of office to the Vice President.

ADMINISTRATION OF OATH TO THE VICE PRESIDENT

The Chief Justice of the United States, Warren Earl Burger, administered to the Vice President the oath of office prescribed by the Constitution, which the Vice President repeated as follows:

I, SPIRO THEODORE AGNEW, solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

PRAYER

Senator COOK. We will now have a prayer by His Eminence Iakovos.

His Emminence IAKOVOS. O Triune God, Father, Son and Holy Spirit, the Creator and the Redeemer and the Comforter of all, Who art present everywhere, and fillest all things, bless we beseech Thee, our President and Vice President who, in apparent recognition of the awesome responsibilities of their offices, stand reverently before Thee, anticipating the fullness of Thy grace and of Thy wisdom. Immerse their minds in the radiant spirit of Thy truth, their hearts in the tenderness of Thy love, their conscience in the purity of Thy sanctity, their will in the light of Thy Commandments, their whole being in the bounties of Thy infinite mercies, and vest them with the splendor of Thy omnipotence so that they may overcome the wiles of the adversary, and fearlessly and victoriously respond to the prayerful expectations of our people and of the peoples throughout the world.

For we wrestle, our Lord, not against flesh and blood, but against principalities, against powers, against wickedness in high places, conspiring and aiming at the destruction of the image, the conscience and the soul of man, for whom Thou hast shed Thy blood upon the cross. Illumine O Almighty One, our President to clearly perceive reality even though it is blurred by both confusion and disfigurement of truth; give him the vision to discern Thy presence and suffering where anguish and pain take their heaviest toll, and gird him with the ability to ever renew his commitment to Thee and to the exploited and suffering ones.

For Thou hast commanded us to be ever alert and duty bound and concerned in our fellow men's painful quest for justice and freedom and dignity and peace; and to Thee, our only Master and servant of men, do we ascribe glory and adoration now and unto ages of ages. Amen.

Senator COOK. It will be our pleasure now to hear a presentation of "America the Beautiful" by the combined service academies chorus.

(The chorus presented "America the Beautiful.")

ADMINISTRATION OF OATH TO THE PRESIDENT

Senator COOK. Now, fellow Americans, the Honorable Chief Justice will administer the oath of office to the President of the United States of America.

Mr. Chief Justice.

The Chief Justice of the United States, Warren Earl Burger, administered to the President the oath of office prescribed by the Constitution, which he repeated, as follows:

I, Richard Nixon, do solemnly swear that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States. So help me God.

(Four ruffles and flourishes, "Hail to the Chief," and 21-gun salute.)

INAUGURAL ADDRESS

The PRESIDENT. Mr. Vice President, Mr. Speaker, Mr. Chief Justice, Senator COOK, Mrs. Eisenhower, and my fellow citizens of this great and good country we share together:

When we met here 4 years ago, America was bleak in spirit, depressed by the prospect of seemingly endless war abroad and of destructive conflict at home.

As we meet here today, we stand on the threshold of a new era of peace in the world. [Applause.]

The central question before us is: How shall we use that peace?

Let us resolve that this era we are about to enter will not be what other post-war periods have so often been: a time of retreat and isolation that leads to stagnation at home and invites new danger abroad.

Let us resolve that this will be what it can become: a time of great responsibilities greatly borne, in which we renew the spirit and the promise of America as we enter our third century as a nation.

This past year saw far-reaching results from our new policies for peace. By continuing to revitalize our traditional friendships, and by our missions to Peking and to Moscow, we were able to establish the base for a new and more durable pattern of relationships among the nations of the world. Because of America's bold initiatives, 1972 will be long remembered as the year of the greatest progress since the end of World War II toward a lasting peace in the world. [Applause.]

The peace we seek in the world is not the flimsy peace which is merely an interlude between wars, but a peace which can endure for generations to come.

It is important that we understand both the necessity and the limitations of America's role in maintaining that peace.

Unless we in America work to preserve the peace, there will be no peace.

Unless we in America work to preserve freedom, there will be no freedom.

But let us clearly understand the new nature of America's role, as a result of the new policies we have adopted over these past four years.

We shall respect our treaty commitments.

We shall support vigorously the principle that no country has the right to impose its will or rule on another by force.

We shall continue, in this era of negotiation, to work for the limitation of nuclear arms, and to reduce the danger of confrontation between the great powers.

We shall do our share in defending peace and freedom in the world. But we shall expect others to do their share. [Applause.]

The time has passed when America will make every other nation's conflict our own, or make every other nation's future our responsibility, or presume to tell the people of other nations how to manage their own affairs. [Applause.]

Just as we respect the right of each nation to determine its own future, we also recognize the responsibility of each nation to secure its own future.

Just as America's role is indispensable in preserving the world's peace, so is each nation's role indispensable in preserving its own peace.

Together with the rest of the world, let us resolve to move forward from the beginnings we have made. Let us continue to bring down the walls of hostility which have divided the world for too long, and to build in their place bridges of understanding—so that despite profound differences between systems of government, the people of the world can be friends. [Applause.]

Let us build a structure of peace in the world in which the weak are as safe as the strong—in which each respects the right of the other to live by a different system—in which those who would influence others will do so by the strength of their ideas, and not by the force of their arms.

Let us accept that high responsibility not as a burden, but gladly—gladly because the chance to build such a peace is the noblest endeavor in which a nation can engage; gladly, also because only if we act greatly in meeting our responsibilities abroad will we remain a great Nation, and only if we remain a great Nation will we act greatly in meeting our challenges at home.

We have the chance today to do more than ever before in our history to make life better in America—to ensure better education, better health, better housing, better transportation, a cleaner environment—to restore respect for law, to make our communities more livable—and to ensure the God-given right of every American to full and equal opportunity. [Applause.]

Because the range of our needs is so great—because the reach of our opportunities is so great—let us be bold in our determination to meet those needs in new ways.

Just as building a structure of peace abroad has required turning away from old policies that failed, so building a new era of progress at home requires turning away from old policies that have failed.

Abroad, the shift from old policies to new has not been a retreat from our responsibilities, but a better way to peace.

And at home, the shift from old policies to new will not be a retreat from our responsibilities, but a better way to progress.

Abroad and at home, the key to those new responsibilities lies in the placing and the division of responsibility. We have lived too long with the consequences of attempting to gather all power and responsibility in Washington.

Abroad and at home, the time has come to turn away from the condescending policies of paternalism—of "Washington knows best." [Applause.]

A person can be expected to act responsibly only if he has responsibility. This is human nature. So let us encourage individuals at home and nations abroad to do more for themselves, to decide more for themselves. Let us locate responsibility in more places. Let us measure what we will do for others by what they will do for themselves. [Applause.]

That is why today I offer no promise of a purely governmental solution for every problem. We have lived too long with that false promise. In trusting too much in government, we have asked of it more than it can deliver. This leads only to inflated expectations, to reduced individual effort, and to a disappointment and frustration that erode confidence both in what government can do and in what people can do.

Government must learn to take less from people so that people can do more for themselves. [Applause.]

Let us remember that America was built not by government, but by people—not by welfare, but by work—not by shirking responsibility, but by seeking responsibility. [Applause.]

In our own lives, let each of us ask—not just what will government do for me, but what can I do for myself?

In the challenges we face together, let each of us ask—not just how can government help, but how can I help?

Your national government has a great and vital role to play. And I pledge to you that where this government should act, we will act boldly and we will lead boldly. But just as important is the role that each and every one of us must play, as an individual and as a member of his own community.

From this day forward, let each of us make a solemn commitment in his own heart: To bear his responsibility, to do his part, to live his ideals—so that together, we can see the dawn of a new age of progress for America, and together, as we celebrate our 200th anniversary as a nation, we can do so proud in the fulfillment of our promise to ourselves and to the world.

As America's longest and most difficult war comes to an end, let us again learn to debate our differences with civility and decency. [Applause.] And let each of us reach out for that one precious quality government cannot provide—a new level of respect for the rights and feelings of one another, a new level of respect for the individual human dignity which is the cherished birthright of every American. [Applause.]

Above all else, the time has come for us to renew our faith in ourselves and in America.

In recent years, that faith has been challenged.

Our children have been taught to be ashamed of their country, ashamed of their parents, ashamed of America's record at home and of its role in the world.

At every turn, we have been beset by those who find everything wrong with America and little that is right. But I am confident that this will not be the judgment of history on these remarkable times in which we are privileged to live. [Applause.]

America's record in this century has been unparalleled in the world's history for its responsibility, for its generosity, for its creativity and for its progress.

Let us be proud that our system has produced and provided more freedom and more abundance, more widely shared, than any other system in the history of the world.

Let us be proud that in each of the four wars in which we have been engaged in this century, including the one we are now bringing to an end, we have fought not for our selfish advantage, but to help others resist aggression. [Applause.]

Let us be proud that by our bold, new initiatives, and by our steadfastness for peace with honor, we have made a breakthrough toward creating in the world what the world has not known before—a structure of peace that can last, not merely for our time, but for generations to come.

We are embarking here today on an era that presents challenges as great as those any nation, or any generation, has ever faced.

We shall answer to God, to history, and to our conscience for the way in which we use these years.

As I stand in this place, so hallowed by history, I think of others who have stood here before me. I think of the dreams they had for America, and I think of how each recognized that he needed help far beyond himself in order to make those dreams come true.

Today, I ask your prayers that in the years ahead I may have God's help in making decisions that are right for America, and I pray for your help so that together we may be worthy of our challenge.

Let us pledge together to make these next four years the best four years in America's history, so that on its 200th birthday America will be as young and as vital as when it began, and as bright a beacon of hope for all the world.

Let us go forward from here confident in hope, strong in our faith in one another, sustained by our faith in God who created us, and striving always to serve His purpose. [Applause, all rising.]

BENEDICTION

Senator **COOK**. Mr. President and Mr. Vice President, our benediction will be still to be fulfilled. Help us to succeed in given this day by Cardinal Terence J. Cooke.

Cardinal COOKE. Heavenly Father, loving God of our Fathers, on this Inauguration Day we thank You for all the blessings You have bestowed upon our Nation and our people. We thank You for the vast resources of our land, the lofty hopes and ideals of our citizens, the devotion and dedication of those who bear the responsibility of public service.

Heavenly Father, as we approach the second centenary of our freedom and independence, our gratitude for the past carries with it an earnest prayer for the future. We have yet so much to accomplish! There are even now so many of Your blessings not yet adequately shared, the great and continuing task of assuring a fuller life, true liberty, real peace, and perfect human dignity for all.

Heavenly Father, our Nation's motto proclaims that we trust in You. Help us to realize the full meaning of this trust. Deepen our awareness that without You, even our best effort is as nothing; without Your help, we simply cannot achieve our hopes and our ideals.

Heavenly Father, bless our President and our Vice President who today dedicate themselves to 4 years of service to all the people of this Nation. Give them standing, patience and courage.

Heavenly Father, our Nation yearns for peace. Help us to achieve true peace at home and abroad and to be an example of so many of our hopes and aspirations a peace-loving, peace-making people to the nations of the world. We are pledged to be "one Nation under God." Bless every effort of our leaders to make us one and keep all of us, Heavenly Father, under the protection of Your abiding and never-failing love. Amen.

Senator COOK. Fellow Americans, the inauguration of our President is more than a traditional ceremony. It is an opportunity to recommit our Nation to the ideals of liberty and peace upon which it was founded.

With this thought in mind, we will now be favored by Miss Ethel Ennis, who will sing "The Star-Spangled Banner".

(Miss Ennis sang the national anthem, audience standing.)

(The inaugural ceremonies were concluded at 12:26 p.m.)

EXTENSIONS OF REMARKS

REVENUE SHARING

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, January 18, 1973

Mr. HARRY F. BYRD, JR. Mr. President, a recent edition of the Greensburg, Pa., Tribune-Review included an interesting editorial concerning the revenue-sharing program.

The editorial points out that according to figures compiled by the U.S. Department of Commerce, the cities and States of this Nation had a tax surplus—surplus—of $14.8 billion during the second quarter of 1972. By contrast, the Federal Government ran a deficit of $28.9 billion in the Federal funds for the fiscal year which ended last June 30.

For the 4-year period ending June 30, the accumulated Federal funds deficit will exceed $100 billion.

Certain large cities are in bad financial condition, as the editorial notes, but the overall condition of our States and municipalities are nowhere near as bad as is the financial condition of the Federal Government.

So long as the Federal Government runs huge deficits, there really is no revenue to be shared with the States and localities. We can only increase the deficit and share the debt.

I ask unanimous consent that the editorial, entitled "Poverty Suit," be printed in the Extensions of Remarks, and that this editorial be followed by a table I have prepared showing deficits in Federal funds and interest on the national debt.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Greensburg (Pa.) Tribune-Review, Dec. 14, 1972]

POVERTY SUIT

During the congressional debate over revenue-sharing earlier this year, proponents claimed that the cities and states were destitute and needed a handout from Uncle Sam. Opponents, such as Sen. Harry F. Byrd, Jr., Ind-Va., responded that Washington had no money to share and was itself around $400 billion in debt.

Now it turns out that the revenue-sharing propaganda about bankruptcy of local and state government was no more than political rhetoric. The U.S. Department of Commerce reports that cities and states ran up a $14.8 billion tax surplus during the second quarter of 1972. Even so cities and states are presently receiving $2.85 million in revenue-sharing. During the next five years, federal revenue-sharing will total almost $30 billion. Congress hasn't bothered to figure out how to pay for the grants so it is possible that the $30 billion will be added on to the national debt.

Just three states alone, California, New York and Florida, are expected to end up with at least $1 billion in surplus during fiscal year 1973 which goes through next June 30. Florida has already collected $300 million over expenditures this year.

Free market economists would rejoice if the federal government could collect a few billion dollars more than it spent in an entire year, let alone a single quarter. They would, in fact, happily settle simply for a balance in taxes and expenditures. Sadly, however, Washington might go another $30 billion in the hole this fiscal year, for a $100 billion deficit in just the last three years.

State-local affluence has been reflected in the sale of tax-exempt government bonds. Interest on high-grade 20-year bonds has dropped from 5.5 to less than 5 per cent this year because of increased market demands. Falling interest rates are a sign of rising financial prosperity for the sellers.

Naturally enough, not all cities are in good financial shape. Some of the larger Eastern municipalities are debt-ridden or bankrupt. New York City is probably the most notorious example. Mayor John Lindsay has increased the city's spending from $3 billion a year to $8 billion and he still can't balance the budget. Like many other liberal mayors, Lindsay has turned his city into a paradise for loafers, encouraging people to move into New York, stop working and get on the relief rolls which have at least doubled under this administration.

Granted that there are a few poverty pockets around the country, the revenue-sharers were still wrong about a local-state financial crisis. On the contrary, however, Uncle Sam doesn't have just a few poverty pockets he wears an entire suit of destitution. He is, in fact, the poorest cousin of them all.

DEFICITS IN FEDERAL FUNDS AND INTEREST ON THE NATIONAL DEBT, 1954-73 INCLUSIVE

[Billions of dollars]

	Receipts	Outlays	Surplus (+) or deficit (−)	Debt Interest
1954	62.8	65.9	−3.1	6.4
1955	58.1	62.3	−4.2	6.4
1956	65.4	63.8	+1.6	6.8
1957	68.8	67.1	+1.7	7.2
1958	66.6	69.7	−3.1	7.6
1959	65.8	77.0	−11.2	7.6
1960	75.7	74.9	+.8	9.2
1961	75.2	79.3	−4.1	9.0
1962	79.7	86.6	−6.9	9.1
1963	83.6	90.1	−6.5	9.9
1964	87.2	95.8	−8.6	10.7
1965	90.9	94.8	−3.9	11.4
1966	101.4	106.5	−5.1	12.0
1967	111.8	126.8	−15.0	13.4
1968	114.7	143.1	−28.4	14.6
1969	143.3	148.8	−5.5	16.6
1970	143.2	156.3	−13.1	19.3
1971	133.7	163.7	−30.0	20.8
1972	148.8	177.7	−28.9	21.2
1973 [1]	155.6	188.0	−32.4	22.3
20-year total	1,932.3	2,138.2	−205.9	241.5

[1] Estimated figures.

Source: Office of Management and Budget and Treasury Department.

TED F. MERRILL: MAN OF GOLDEN DEEDS

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. CHARLES H. WILSON of California. Mr. Speaker, history should not be mute to those among us who have given freely of themselves in order to encourage others toward achieving a worthwhile purpose in their lives.

Shakespeare said of Othello, "He hath a daily beauty in his life." Such a description can well apply to Ted F. Merrill who, on January 25, will be justly

honored by the Morningside Park Lions Club with their man-of-the-year award.

A native of Dayton, Ohio, born in 1904, Ted Merrill was only 12 years old when he was left orphaned. At this tender age, forced to think for himself, he began to forge the strength of character that would serve as an inspiration to the youth of the next generation.

Realizing early the value of education, he worked long nights and weekends to accomplish his own. At the age of 16 he began his apprenticeship in the construction industry as a swamper on a truck.

Ted Merrill is a classic example of a self-made man, for through his own hard work he elevated himself to becoming an owner of his own construction business, going on to become a certified general contractor.

But doing for himself left an unfulfilled desire in Ted Merrill's life. Knowing that other young men would be faced with adversity that would block their own achievement, he became the guiding light to young students in need of a helping hand. His was their strength as he helped many young people secure their education, and he was to know a deep satisfaction when one such protege became a lawyer, another a certified public accountant, another a fine surgeon, and another a teacher. One became a missionary to in turn help others as Ted Merrill had helped him.

Still others are completing their education now, achievements which would not be possible without the direct help and encouragement of Ted Merrill. Numerous high school and college students each year are given other opportunities to help themselves through vacation employment provided by this man's construction firm.

By presenting Ted Merrill with an honorary life membership in the California Congress of Parents and Teachers, the PTA recognized his great contribution to carrying out its programs and activities. He has supplied props and equipment, transportation and manpower countless times; and, when a helping hand is needed, the PTA turns to this man who is certain to heed its call.

In 1953 Ted Merrill was appointed to fill a vacancy on the board of Inglewood City Schools. Since that time he has been honored with reelection three times. He served as vice-president of the board for the term 1956–57. As president of the board in 1958–59, he was instrumental in the successful passing of a school bond issue of more than $3 million. He again served as vice president of the board for the 1962–63 term, and as president of the board in 1963–64.

During his 18 years of service to the school board, many were the occasions when he drew upon his knowledge and ability—without personal financial gain—to save the district thousands of dollars in building. He helped the district obtain an enormous amount of supplies, equipment, and funds that would not otherwise be forthcoming.

In 1955 Ted Merrill was honored by then-Governor Knight with an appointment to serve as one of California's two delegates to the White House Conference on Education.

His awareness of the important human element, coupled with his dedication to encouraging all citizens to make the most of their educational opportunities, he initiated a program of awarding diplomas to the graduating class in adult education. Each year he has been invited to continue this personal presentation of achievement recognition.

To further encourage students to attain excellence, and to imbue them with a desire to do their best in all they undertake, each year Ted Merrill personally donates and presents trophies to outstanding athletes of high school teams. And each year he purchases a series of tickets for the Shrine North-South High School all-star football game to be given to members of high school football teams.

Among his other activities are life membership in the Al Malaikah Temple and the Shriner's Crippled Children's Hospital as well as long-term membership in Elks Lodge 1492. Somehow in his activity-filled life he has found the time to author and publish a reference book for insurance adjusters which has been reprinted three times. And he has been a devoted husband to his wife of more than 30 years and raised five children of his own, three boys and two girls.

Rarely does one see a more distinguished record of service and devotion to the welfare of his community than that of Ted F. Merrill. He is most worthy of all honors accorded him in appreciation of his many golden deeds.

RESOLUTION ADOPTED BY UNITED LATVIAN ASSOCIATIONS OF CHICAGO

HON. ROBERT P. HANRAHAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. HANRAHAN. Mr. Speaker, during the commemoration ceremonies of the 54th Independence Day of Latvia a resolution was adopted by the United Latvian Associations of Chicago.

I heartily concur with this resolution and would like to offer its contents for your consideration. The resolution follows:

RESOLUTION

Whereas, the Latvian people have a God-given right to exist as a people, to enjoy and exercise these rights accepted as basic by all the people of the Western world, to control their own destinies and to rule the land they have inhabited for thousands of years unmolested by any occupying force, and

Whereas they have a right to build a better and more secure future for coming generations of Latvians, thereby also contributing to the ethic of justice and peace and stability in the world community, and

Whereas the Soviet Russian Government continues to deny the Latvian people these rights.

Now therefore be it received by the United Latvian Associations of Chicago to request President Nixon, in the name of justice and all Latvian-American citizens of the United States to do all in his power to bring to a halt the Soviet Government's policy of Russification in Latvia and the other Baltic States.

Be it further resolved, that we request President Nixon to implement resolution number 416.

Be it further resolved, that President Nixon and the United States Government actively seek at the forthcoming European Security Conference to bring about the restoration of independence for Latvia and the other Baltic States and that the United States Government make the restoration of independence for the Baltic States a precondition for a large scale European settlement.

Be it further resolved, that we actively inform the American and other people of our goals and aspirations and seek their support in achieving them.

Be it further resolved that we request President Nixon and Congress to appropriate funds for the implementation of the Ethnic Heritage Studies Act in the January supplementary budget.

ONE WORLD SOCIALIST SUMMIT MEETING

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. RARICK. Mr. Speaker, the Socialist International Conference met in Paris on January 13 and 14, and was attended by the Socialist Party representatives of 18 countries, including five heads of government; that is, Golda Meir of Israel; Kreisky, Austria; Jorgensen, Denmark; Sorga, Finland; and Palme of Sweden.

While President Pompidou of France, leader of the host nation, criticized the conference as "an intrusion in French internal politics." In fact, he absented himself from France to visit Moscow at the time of the meeting—the entire timing and purpose of the world socialist meeting was anti-American and signaled the beginning of demonstrations in the United States and abroad to interfere in the Presidential inauguration in the United States.

Anti-free world demonstrations followed in every Socialist and Communist country and in the United States. In Washington the demonstrations are being coordinated by the National Peace Action Coalition—NPAC—a tightly disciplined group manipulated by Trotskyist cadremen of the Socialist Workers Party, and the People's Coalition for Peace and Justice—PCPJ—a less disciplined coalition of free wheeling radicals and unalined Socialist and Communist groups.

The International Socialist denies Communist membership and affiliation, yet none of this world meeting of Socialists had activities related to any war other than that in Vietnam nor to any other claim of exploitation of human rights and denial of peace and justice without a free world nation being the target. The sounds of the shrill voices and marching feet echo other national socialists on a world empire building rampage. Is the Socialist Internationale sung to the tune of the Communist Internationale?

Winston Churchill's defintion of socialism is appropriate———

> Socialism is the philosophy of failure, the credo of ignorance, and the creed of envy.

I include a list of the 18 countries represented at the Socialist International meeting in Paris, from the newspaper Le Monde, dated January 16, 1973, and related newsclippings:

[From Le Monde, Paris, France, Jan. 16, 1973]

Countries whose Socialist parties sent delegates to the Socialist International meeting in Paris:

Austria, Belgium, Chile, Denmark, Finland, France, Great Britain, Holland, Ireland, Israel.

Italy (2 socialist parties), Luxembourg, Malta, Norway, Portugal, Sweden, Switzerland, West Germany.

[From the Washington Post, Jan 15, 1973]

SOCIALIST INTERNATIONAL HITS U.S. STANCE

(By Jonathan C. Randal)

PARIS, January 14.—The Socialist International ended a two-day conference here today by "deploring and regretting" last month's American bombing of Hanoi and Haiphong, but it stopped short of a wholesale condemnation of the United States in light of improved peace prospects.

Israeli Prime Minister Golda Meir, Austrian Premier Bruno Kreisky and James Callaghan of the British Labor Party were credited with watering down criticism of the United States at the meeting of world socialist leaders representing 19 nations and with preventing a formal resolution.

They were reported to have moderated the outspokenly anti-American sentiments of Swedish Premier Olof Palme, other Sandanavian leaders and the meeting's host Francois Mitterrand.

Even Palme was obliged to note after a meeting with Hanoi negotiator Xuan Thuy that Henry A. Kissinger's description of the just-concluded round of secret talks as "useful" was "not in contradiction" with the news from the North Vietnamese peace negotiator.

Such was the inconclusive nature of the Socialist meeting held at the French Senate that it would have passed virtually unnoticed had it not been for President Georges Pompidou's violent criticism at his semiannual news conference last week.

Pompidou charged that Mitterrand had purposely invited his fellow Socialists to Paris in the midst of the French general election campaign. He termed their presence here "untimely" and "an intrusion in French internal politics" and refused official contact with them because they were here in their capacities as Socialist party members.

Although he carefully avoided naming names, his remarks were widely interpreted as criticism of Mrs. Meir's presence. Franco-Israeli relations have never recovered from the pro-Arab slant ordered by the late President Charles de Gaulle after the Six-Day War in 1967.

There are as many as 300,000 Jewish voters—and many more pro-Israeli sympathizers—in France, and their ballots could make the difference in the March elections. Many seats may be decided by a few hundred votes or fewer.

Even if the French government sent no official representatives to greet or meet the Socialist heads of governments, the Paris police was out in the thousands to protect them. Nonetheless, yesterday hundreds of pro-Palestinian Frenchmen demonstrated in Paris and Marseilles.

In fact, Mrs. Meir appears to have stolen the thunder from both host Mitterrand and the French government by leaving Paris this afternoon for a potentially more meaningful visit to Rome. Monday, she is scheduled to become the first Israeli prime minister to meet the Pope officially.

The Socialist leaders also decided to send missions to Southeast Asia, Peking and Moscow—but curiously not to Washington—to, in Callaghan's words "look, listen and learn if there is any way in which the Socialist International can help put a stop to the war."

[From the Washington Post, Jan. 15, 1973]

PROTESTS ON WAR READIED—LEADERS HOPE FOR 50,000 AT INAUGURAL

(By Paul W. Valentine)

Antiwar organizers, divided on tactics and targets but united on the general concept of mass street action, are working day and night to bring thousands of dissidents here to protest at President Nixon's second inauguration Saturday.

Most plan to come in peace, a few avowedly to disrupt—but come they will, say organizers.

Despite new indications over the weekend of headway toward a Vietnam cease-fire at the Paris peace talks, antiwar leaders say they are moving full steam ahead with their plans.

Grass roots response so far is greater than at any time since the mass marches of 1970 and early 1971, say the National Peace Action Coalition (NAPC) and the People's Coalition for Peace and Justice (PCPJ), coplanners of a solemn "March Against Death" on Constitution Avenue NW, the major "counter-inaugural" event set for Saturday.

Inquiries about housing, transportation and other logistics are pouring into NPAC and PCPJ from much of the Eastern part of the nation, and they have boosted their official estimate of the possible maximum number of demonstrators to 50,000.

Separately in a contrast to the NPAC–PCPJ scenario, leaders of the militant Students for a Demorcatic Society (SDS) and the nominally anarchist Youth International Party (YIP) say they hope to draw 1,000 to 2,000 hard-core protesters to march near the Capitol where some will try to disrupt the inaugural parade and confront police on Pennsylvania Avenue NW.

The Saturday actions thus will test anew the strength of the multifaceted antiwar movement, largely dormant in recent months.

Riding what they say is a new tide of antiwar frustration and anger, organizers hope to draw a broad cross section of Americans ranging from students, counterculture advocates and other traditional demonstrators to housewives, armchair liberals and others new to the street.

"There's a certain element of real spontaneity developing," says Sidney Peck, PCPJ national coordinator and longtime antiwar activist. ". . . People are getting beyond the sense of immobility and dumbfoundedness they felt at the time of the bombing escalation" last month, he said.

Rumors of an imminent cease-fire accord will not dampen antiwar response or cut attendance at the mass march and rally, says NPAC coordinator Jerry Gordon.

"People were burned before" by Nixon adviser Henry Kissinger's "peace is at hand" prophesy last Oct. 26, he said yesterday, and "the memory of the Christmas season slaughter of the Vietnamese has not been erased. The skepticism about new peace rumors runs too deep."

Even if a cease-fire is signed by Saturday, Gordon said, "we will protest the continuing U.S. military presence in Thailand and Southeast Asian waters—factors not covered by the cease-fire."

Saturday's actions will mark the second time that President Nixon has been confronted with a "counterinaugural" presence. In January, 1969, more than 6,000 dissidents participated in a raucous counterinaugural "ball" and parade down Pennsylvania Avenue. A breakaway group of about 1,000 also stoned the presidential limousine, clashed with police and vandalized portions of downtown Washington.

Most organizing activity for the upcoming inauguration surrounds three separate demonstration plans:

A noon mass march from the Lincoln Memorial down Constitution Avenue to a 1:30 p.m. rally on the Washington Monument grounds, sponsored jointly by NPAC and PCPJ.

A smaller march at 11 a.m. by the Vietnam Veterans Against the War (VVAW) from Arlington Cemetery across Memorial Bridge to a symbolic peace treaty-signing ceremony at the D.C. War Memorial in West Potomac Park near the Reflecting Pool.

A 10:30 a.m. march from 8th and H Streets NE to a rally at Union Station Plaza near the Capitol led by SDS and its affiliated Progressive Labor Party (PLP).

YIP "spokespersons" say they will join the SDS–PLP march and later attempt to disrupt some unspecified portion of the inaugural parade on Pennsylvania Avenue.

"We want to create as much chaos as possible," explained a YIPster who identified himself as "Attila the Hün" at a recent YIP press conference.

SDS spokesman Cleve Parmer said SDS–PLP activists may also conduct some unspecified form of "civil disobedience."

Police are silent about their preparations.

NPAC and PCPJ have gone to great lengths to disassociate themselves from any planned confrontations, noting that their demonstration area is separate from the militants' and also remote from the official inaugural route.

They are also training march marshals for crowd control, another standard procedure the two coalitions have used in the past. The last major antiwar demonstration here occurred on April 24, 1971, when an estimated 175,000 protestors rallied peacefully at the Capitol.

In addition to Saturday's actions, organizers plan demonstrations in numerous other cities as well as several less dramatic activities here on Friday, the day before the inauguration.

Workers led by black community organizer John Gibson have scheduled a rally in Meridian Hill Park (also known as Malcolm X Park) at 5 p.m. in support of what they call self-determination for both the District of Columbia and Vietnam.

The rally will be followed by a mass meeting and political film show at 7:30 p.m. at nearby All Souls Unitarian Church and an all-night vigil at the James Forrestal Building at 10th Street and Independence Avenue SW, starting at 11 p.m. The Forrestal Building was chosen, a spokesman said, because "it's another Pentagon" and symbolizes the racism of the U.S. military.

Also on Friday, a 12-member PCPJ delegation will present a petition with some 25,000 signatures at the White House gates at 2 p.m., demanding that the United States sign the tentative accord reportedly reached during the Paris peace talks last Oct. 26.

The Student Mobilization Committee, a campus adjunct of NPCA, has called for a "National Day of Student Antiwar Protest" on Friday with teach-ins and small scale rallies planned on some campuses here.

The bewildering array of organizations brings with it an equally bewildering range of ideas on tactics and targets.

Some favor focusing pressure on the White House and President Nixon to stop the war; others feel Congress should feel the heat. Some want the protest to be physically close to the inaugural ceremonies; others want to give the impression of ignoring them.

NPAC, a tightly disciplined group run in considerable part by Trotskyist cadremen of the Socialist Workers Party, seeks immediate, unconditional withdrawal of all U.S. military forces.

PCPJ, a looser coalition of free-wheeling radicals and unaligned groups, favors U.S. signing of the Oct. 26 accords and a congressional cutoff of funds for the war.

At a press conference called by the Student Mobilization Committee last Thursday, representatives of almost a dozen campus and student organizations threw their support behind the NPAC-PCPJ mass march, but expressed varying views about its purpose and effectiveness.

They ranged from Layton Olsen of the National Student Lobby who urged conventional end-the-war lobbying pressure on Congress to Ron Ehrenreich, National Student Association vice president, who said he was "fed up with demonstrations" that he said were an ineffective political tool and suggested more militant actions as an alternative.

[From the Washington Evening Star, Jan. 17, 1973]

A Protesting of the Protests

(By Calvin Zon)

District Police said yesterday that they now expect about 20,000 demonstrators to take part in anti-war protests on Inauguration Day, about five times the number they had originally predicted.

Anti-war groups yesterday reiterated their expectation that "tens of thousands" will converge here Saturday, but they declined to make a specific estimate. In filing for their parade permit, they told police to expect as many as 50,000.

The main anti-war event is the NPAC-PCPJ-sponsored "March Against Death" during the inaugural ceremonies. Protesters will assemble at the Lincoln Memorial at noon for a march down Constitution Avenue to a 1:30 p.m. rally at the Washington Monument.

Other Inaugural Day protests called by various groups are expected to draw much smaller contingents.

At 10 a.m., the Yippies will join forces with the Students for a Democratic Society and the Progressive Labor party for a march from 8th and H Streets NE to a rally at Union Station Plaza near the Capitol.

Yippe and SDS spokesmen said in telephone interviews yesterday that they had abandoned earlier plans for "civil disobedience" and other forms of disruption. They said a permit for their demonstration was granted yesterday.

The Vietnam Veterans Against the War plan to march at 11 a.m. from Arlington Cemetery across Memorial Bridge to a symbolic peace treaty signing ceremony on the west side of the Reflecting Pool.

A group calling itself the Sign the Treaty Coalition says it is seeking a permit for a peaceful protest along the Inaugural Parade route.

In addition to Saturday's actions, other outdoor protests are planned. At 5 p.m. Friday, the newly formed D.C. Coalition for Self-Government and Peace plans a rally in Malcolm X Park to demand what they call self-determination for both Vietnam and the District.

The rally will be followed by an all-night vigil at the James Forrestal Building at 10th Street and Independence Avenue to begin at 11 p.m.

An "Inauguration of Conscience" church service will be held at 2 p.m. Sunday at Metropolitan United Methodist Church, Nebraska and New Mexico Avenues NW.

[From the Washington Evening Star, Jan. 16, 1973]

Protests To Go On, Truce or Not

(By Mary McGrory)

At the headquarters of the National Peace Action Coalition, one of the three groups planning an "Inauguration of Conscience" next weekend, the news that peace is again at hand caused nothing but raised eyebrows.

"We expected something like this," says Jerry Gordon, a Cleveland lawyer who came here 2½ years ago to devote his full time to anti-war demonstrations. "Nixon is alarmed by the acceleration of anti-war sentiment around the world, and he is trying to pacify and tranquilize the country so he can get through the inauguration without embarrassment, just the way he did it on Oct. 26 to get through the election."

Some 300 volunteers around the country are organizing Saturday's counter-inaugural. Nobody in the NPAC or its ally, the People's Coalition for Peace and Justice, will predict the turnout. The hope is that "tens of thousands" will be on hand to express their disapproval of Nixon's war policies.

"This is one demonstration he can't leave town for," says Gordon.

New York City is planning to send 100 busloads and two trains. Morgantown, W. Va., not a bastion of anti-war sentiment, will send four buses, and even Muncie, Ind., will be represented.

No cancellations were received following the dramatic announcement from Key Biscayne of a bombing halt and a new accord between Henry Kissinger and Le Duc Tho.

"We're using Nixon's campaign slogan, 'Now more than ever,'" says Michael Myerson, a spokesman for PCPJ. "The demonstrations will put pressure on him to sign the agreement, if there is one."

Both groups are agreed that the gathering on Saturday will also constitute a belated American mass protest against the Christmas bombing of Hanoi. World reaction, which may have been a factor in the president's decision to stop it, has been intense, but no public protest has yet taken place in the United States.

Doris Kanin, who coined the phrase, "Inauguration of Conscience" for a church service at the Metropolitan National United Methodist Church an affair which will bring together anti-war bishops and generals reports that people are "firmer than ever" about coming. After the Key Biscayne declaration, House Majority Leader Thomas P. O'Neill joined the endorsers of the Sunday service. One of the speakers will be Charlotte Christian, a POW wife who believes peace is at hand, but things should be said.

The three sets of organizers hope that many "respectables," meaning the middle-aged and middle-class, in contrast to the usual activist young will show up this weekend, including Republicans outraged by recent events.

The labor unions, with the exception of the Amalgamated Meat-Cutters Union, have steered clear of the Counter Inaugural, on the grounds, as one leader put it, that it "would be like busting up a man's wedding."

Patrick Gorman, the elderly president of the meat-cutters, said he could not explain why the other labor chieftains failed to come forward.

"I'll just say that my people are sick and tired of the crimes being committed in their names," he said. Today's news won't affect them. There will be four busloads from Chicago and Milwaukee. They raised the money for this and they will spend it.

Counter inaugural forces derived their biggest spiritual lift from Leonard Bernstein, who is coming here to conduct Haydn's "Mass in Time of War" at the National Cathedral while Eugene Ormandy is leading the Philadelphia Orchestra through the "1812 Overture" and other musical cliches at the Kennedy Center. Bernstein's initiative has given the anti's a clear aesthetic edge, they feel.

Four years ago, when Richard Nixon was first inaugurated, Rennie Davis ran a grubby little counter-encampment and was condemned by one and all for failing to grasp the conventional wisdom that "Nixon knows he's got to end it." Four years, 20,000 U.S. Combat losses, two invasions and one savage Christmas bombing later, serious attention is being paid to counter-inaugural activities, even, it would seem, by the recluse in the White House.

"We don't count on Congress," says Gordon. "We count on masses of people in the street to stop this war. The people who run this country don't like it when people take to the streets. They tell Richard Nixon so. We've never been able to stop it, but we have made him step back. I think he did this, made this announcement, to undercut the demonstration. He knows as well as we do, that it's going to be big."

LEGISLATION TO PROTECT CIVIL SERVANTS

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. ASPIN. Mr. Speaker, I am introducing legislation in the House today almost identical to that offered in 1951 by the then-Senator Nixon to protect civil servants.

This bill would shield civil servants from transfer, demotion or harassment after testifying before congressional committees.

In 1951, then-Senator Nixon offered legislation that would have labelled as "retaliation" any change within a year of a civil servant's status after testifying before a congressional panel.

In April of 1951, Senator Nixon told the other body:

> Unless protection is given to witnesses who are members of the Armed Forces or employees of the Government, the scheduled hearings will amount to no more than a parade of yes-men for administration policies as they exist.

I am urging President Nixon to support this legislation. I am hopeful that he agrees now, as he did in 1951, that all civil servants called to testify before congressional committees should present their honest views—not mouth the current administration's party line.

Specifically, this legislation would strengthen 18 U.S. Code 1505 which prohibits the intimidation of harassment of witnesses before administrative bodies, or the Congress.

As many of my colleagues know, Mr. Gordon W. Rule has been shipped to the Navy's equivalent of Siberia for honesty in answering Senator PROXMIRE's questions before the Joint Economic Committee on December 19, 1972.

This bill would make it criminal offense to harass someone like Mr. Rule. It would also protect him in his present job unless he was accused of malfeasance, misfeasance or nonfeasance and exhausted all of his Civil Service Commission remedies.

Congress has the right to investigate the policies of the administration in order to formulate legislation. The Nixon administration, through its own harassment, intimidation, and eventual transfer of Gordon Rule, is attempting to frustrate Congress' basic right to investigate the executive branch. Civil servants deserve protection.

RUSSELL L. FUQUA

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. SHRIVER. Mr. Speaker, in October of 1972, Mr. Russell L. Fuqua, the man who accompanied the first German warhead from the Naval Research Laboratory to White Sands Proving Ground, passed away. He was eulogized by a constituent of mine, JOC James Glynn, USNR, of Wichita, Kans., in the White Sands Missile Range, N. Mex., on October 20, 1972. Considering Mr. Fuqua's dedication to his country, I think this article is deserving of being placed in the CONGRESSIONAL RECORD. The article reads as follows:

LONG-TIME EMPLOYEE OF NAVY, R. L. FUQUA DIES AT ALAMOGORDO

(By JOC James Glynn, USNR)

The man who accompanied the first German V-2 warhead from the Naval Research Laboratory to White Sands Proving Ground is dead.

Russell L. Fuqua, 60, a 26-year veteran of Federal service at WSMR and whose familiar western straw hat graced a hat rack at the 789 Club at lunchtime, died at his home, 611 Madison, in Alamogordo Monday, Oct. 16.

In June 1946, nine Marines and two sailors were aboard a silver C-47 cargo plane that banked slowly and descended over the Organ Mountains to land at Condron Army Auxiliary Air Field. Among the crew was a young Marine—Corporal Russell Fuqua.

Fuqua was a rocket expert attached to the Marine Rocket Detachment in Camp Pendleton, Calif. when he was summoned to the Naval Research Laboratory in Washington for this assignment. Keen perception told him that the metallic cargo within the plane and the remote desert station below was to herald a new age in modern science.

A rugged individual, Fuqua enlisted in the Marines Jan. 2, 1941.

Conditioned to a hot climate—having been stationed in the Caribbean with the 9th and 13th Marine Defense Battalions in 1943—Fuqua spent his first weeks at White Sands in a prefab Army personnel camp (now the site of Bldg. 100). Later, he commuted to the post from Alamogordo Army Air Field (Holloman AFB).

Before his Caribbean duty, Fuqua was attached to the 5th Marine Division in Parris Island. Following duty at a Naval Air Station in Florida, he was transferred to Camp Pendleton where he attended rocketry classes at the California Institute of Technology.

Four days after his discharge from the Marines on Nov. 14, 1946, Fuqua was hired by the Army as a civilian worker at White Sands Proving Ground. Three years later he transferred to the Navy where he worked for NOMTF (then NOMTU) in the Navy Garage as a mechanic and heavy equipment operator. He remained there until his retirement on June 30, 1972.

Arturo O. Pena, general foreman in the Public Works Department and Fuqua's superior for 23 years, acclaimed the former Marine corporal as a highly-dedicated and devoted worker.

In 1970 Fuqua received a certificate of achievement for outstanding service.

"What can I say about a man like him," Pena exclaimed, "he was part of NOMTF. I'll miss him very much."

In June 1972, Fuqua was honored by Pena and his fellow employees at a coffee in the Navy Garage. Capt H. E. Davies, Jr., commanding officer of NOMTF, presented him with a replica of the NOMTF ship's bell and a "Desert Rat" certificate.

A widower, Fuqua is survived by his daughter, Mrs. Glen Thompson, Truth or Consequences; a brother, James Fuqua, Nashville, Tenn.; and a sister, Mrs. Orville Moss, Gainsboro, Tenn.

He was a member of the Alamogordo Evening Lions Club and BPOE Lodge 1897.

Fuqua was born in Gainsboro, Tenn. on June 26, 1912.

LEGISLATION TO AMEND THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. RAILSBACK. Mr. Speaker, on January 6, 1973, I joined with Congressman THONE and others of my colleagues in introducing two measures to amend the Occupational Safety and Health Act of 1970. I also cosponsored these measures last session when problems with the act first became evident. Their introduction in the 93d Congress affirms my belief that the enactment of these amendments is necessary to assure that the act and its enforcement are fair and equitable for all concerned.

When the Occupational Safety and Health Act was enacted by Congress in 1970, it had my strong support. It has my support today. The rate of industrial injuries and fatalities has been tragically high and firm action is needed to reduce it. I believe the Occupational Safety and Health Act is a vitally needed step toward assuring so far as possible to every man and woman in the Nation safe and healthful working conditions.

At the same time, however, we must recognize that OSHA has instituted Federal controls over thousands of businesses never before covered by such regulations. Confusion and difficulties have inevitably resulted in both administering and complying with the law. The purpose of the amendments I am sponsoring is to clarify the intent of both the act and the promulgated regulations so that compliance can be more easily and effectively achieved, particularly for small businessmen, who are encountering Federal safety regulations for the first time.

The first amendment I have introduced would require the Secretary of Labor to recognize the differences between hazards to employees in the light, residential construction industry and the hazards to employees in the heavy construction industry. When the OSHA regulations for the construction industry were first promulgated by the Secretary of Labor, they were based on national consensus standards which had been developed chiefly in terms of heavy, commercial construction. Over the past year, I have received letters from many small, residential construction firms who point out that some of these standards are simply not applicable to the hazards of their businesses. Further, complying with these inapplicable standards means their costs will greatly increase, and these costs may well prove prohibitive for their business.

Under present law, the Secretary of Labor has the authority and responsibility to revise the OSHA regulations as needed in order to more accurately reflect the known hazards in an industry. The function of my amendment is to accelerate the process of revision so that firms in the light, residential construction industry, many of whom are small and have limited working capital, will not have to make unnecessary financial outlays in order to comply with inapplicable standards. I think it important to note that this amendment would not exempt any firms from compliance with OSHA standards. Therefore, the protection of the employees in the light, residential construction industry under the act will not be interrupted or endangered.

Firms in the construction industry have not been the only businesses to encounter problems in understanding and complying with what often appear to be unnecessary and arbitrary regulations. During the past year, I have dealt with employers in a variety of businesses and they have expressed confusion, fear, and resentment at the way in which the OSHA regulations are being enforced.

Most of the employers I have spoken with are small businessmen, who cannot afford a safety engineer to interpret the regulations and determine how they can comply. Therefore, they must struggle themselves to read and understand the hundreds of pages of regulations which have been issued. Inevitably, problems have resulted. Sometimes the businessman simply cannot understand the regulations; sometimes the regulations seem inapplicable to his particular situation. Sometimes the employer believes he has found a better way to protect his employees against a hazard; other times he may feel that a regulation makes it impossible for him to continue offering a particular service, or even, perhaps, remain in business.

Unfortunately, the businessman receives little help in resolving these problems because, by law, the Federal OSHA inspectors cannot visit his firm to advise him without also penalizing him for any violations they find. The employer is thus left in a quandry as to whether to invest considerable financial resources in making perhaps unnecessary or incorrect changes. He is left to wonder whether he should give up part of his business or risk a heavy fine should it be determined that he is violating a regulation.

The businessmen I know are responsible employers, concerned about the safety of their employees. They have already taken action to comply with the requirements they understand and they readily state that many of the regulations are sensible and long needed. They strongly resent, however, being penalized for violating standards they do not understand. I share their view that such penalties place an unfair burden on them.

I am therefore sponsoring a second amendment which provides that penalties will not be assessed for violations which are corrected within the prescribed abatement period. The purpose of the amendment is to provide employers with an opportunity to receive help in understanding and complying with the regulations without placing themselves in financial jeopardy. While maintaining the requirements for compliance and thus protecting the employees, the measure will do much, in my opinion, to reduce the resentment of businessmen and encourage voluntary compliance.

In conclusion, I would like to reiterate my full support for the objectives of the Occupational Safety and Health Act. It is because I support these objectives that I am sponsoring these amendments to aid employers in complying with the law. By easing some of the difficulties which the act has created for businessmen, we will be improving the cause of occupational safety and health for all.

THE THIBODAUX HIGH SCHOOL BAND

HON. DAVID C. TREEN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. TREEN. Mr. Speaker, I would like to call the attention of my colleagues to the arrival in Washington today of the Thibodaux High School "Tigers" Marching Band. As the inauguration ceremonies grow near, Mr. Speaker, we are once again reminded by the news media that there are a handful of young people in the United States whose contempt for our national leaders, policies, and institutions is such that they wish to disrupt these proceedings in order to dramatize their opinions. I find it particularly refreshing that there are 130 young people from my home State of Louisiana who have come to Washington not to disrupt, but to help make the celebration more enjoyable and more meaningful to the many millions of Americans who will be watching.

There is another way in which these young people typify the great majority of our American youth: they believe in the old adage that anything worth doing is worth doing well. This is evidenced by their music, Mr. Speaker: Their selection to represent Louisiana in the inaugural parade is the latest in a number of impressive achievements. Among the awards the Thibodaux Band has won are:

Outstanding concert band in Division A, First International Band Festival, Vienna, Austria, July 1972;

They were 1971 and 1972 State champions for concert and wind ensemble;

Nine Louisiana Music Education Association—LMEA—State sweepstake trophies;

Four LMEA marching trophies in 4 years of competition;

Individual honors to over 400 students who have played in the band;

An average of five students per year qualifying to participate in the Louisiana All-State Band;

A recent proclamation by the Governor of Louisiana declaring Thibodaux to be "Band City of Louisiana."

Mr. Speaker, these are just a few of the many honors which have been bestowed on the Thibodaux High School Band over the years. I would like to give the names of the 130 young people who will be marching in our inaugural parade tomorrow, so that they may achieve some small measure of the recognition due them, and serve as an inspiration to the many millions of young Americans who do not seek to tear down our system, who would rather help build it and improve it:

List of Thibodaux High School Band

Susan Acosta, Dale Adams, George Adams, Terry Adams, Mike Battaglia, Lisa Becnel, Tommy Braud, Don Champayne, Cynthia Chiasson, Marc Clausen, Rebecca Conner, Chris Daigle, Faye Daigle, Terry Daigle, Ryan Dodge, Mary Foote, Carol Foret, Stella Hall, Caroel Hardy, Debbie Hebert, Rosalind Heck, Daniel Jeansonne Norman Jones, Roxanne Kearns, Barry Landry, Lena Landry, and Patrice Lasseigne.

Gwen LeBlanc, Molly Ledet, Rosemarie Ledet, Mike Madere, Bonnie Martin, Bonnie Melancon, Patty Naquin, Carolyn Oliver, Sylvia Ordoyne, Amelie Pontif, Sabrina Richard, Barry Rodrique, Linda Shaver, Lynette Taylor, Jonni Thibodeaux, Jack Weeks, Randy Adams, Wanda Adams, Robert Blanchard, Martha Boudreaux, Donald Bourgeois, Darlene Christensen, Barry Clement, Denise Diaz, Cindy Dugruise, David Dupre, and Judy Dupre.

Gina Hebert, Andrew Hoffman, Sherrye Kinchen, Kathleen Koscher, Dwight Landry, Richard LeRay, Susan Manery, David McDonald, Keith McDonald, William Melancon, Pam Morello, Marcus Morvant, Mary Morvant, Margaret Naquin, Jeanne Peltier, Beth Percle, Melissa Ray, Annie Robertson, Angela Robichaux, Ann Rodrigue, Charlene Scott, Sandra Thibodeaux, Bonnie Angellos, Wayne Gros, Sonoma Miller, David Troxler, and Dennis White.

Sammy Acosta, Wilbert Babin, Wallace Bernard, Cheryl Boudreaux, Bonnie Bourgeois, Tanya Caillouet, Brian Champayne, Edith Clark, Kim Danos, Cathy Darden, Carol David, Pam DeGravelles, Jennifer Dempster, Nick Edrington, Donna Faucheaux, James Foret, Martha Frost, Marie Guilott, Ben Harris, Dennis Hebert Albert Heck, Jo Horn, Bernadette Kneight, Alice Landry, Cathy Landry, and Annette LeBlanc.

Ricky LeBlanc, Darla Lemmon, Renee LeRay, Vaughn Luquette, Vickilyn Luquette, Donna McMillan, Harriet Mire, Rhonda Mire, Carl Morvant, Charles Musso, Avery Morvant, Julie Naquin, Ricky Naquin, Anthony Oncale, George Otwell, Ann Percle, Ruby Percle, Keith Prejean, Christy Robertson, Lisa Rodrigue, Mona Rodrigue, Brenda Rushing, Ramona Savell, Michelle Taylor, Davan Wall, Alice Zeringue, and Thaddeus Zeringue.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,757 American prisoners of war and their families.

How long?

VIEW FROM WITHIN: THE "MYTH" OF TODAY'S MOVIES

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. REES. Mr. Speaker, the past few years have seen a great deal of praise and criticism directed at the American motion picture industry. No one contests that during the last decade many changes have been at work in our society, and I believe that the motion picture industry has realistically perceived these changes and reflected them through its medium of entertainment.

Jack Valenti, as president of the Motion Picture Association of America, represents the major movie companies; he recently wrote an excellent article for the Washington Post on the state of the industry today. I would like to read this article into the Record at this time.

[From the Washington Post, Dec. 31, 1972]

View From Within: The "Myth" of Today's Movies

(By Jack Valenti)

(Note.—Are movies worse than ever? Has Hollywood sold out to the pornographers? Why don't they make them like they used to? Jack Valenti, president of the Motion Picture Association of America, which represents the major movie companies, is frequently asked such questions. In this article, he defends today's movies against their critics and dismisses some complaints as "myths." Valenti, MPAA president since 1966, was formerly special assistant to President Lyndon B. Johnson. He is the author of "Bitter Taste of Glory," nine profiles of powerful men faced with crisis (World Publishing, 1971).)

Myths spring up like some random fog, blurring all those asylums of the mind where rational judgment is supposed to reside. The myth of the movie is one of the fuzziest of the new legends because it is funded by a false environment.

The myth goes as follows: Why can't we make movies like we used to? The movie today is too frank and I don't like what I see and hear on the screen.

What this myth keeps alive is the notion that life can stand still in a world wearied, frightened, compressed, disfigured by discontent and rising expectations and yet alive with the possibilities of hope. In such a world then, the movie would be Peter Pan, unchanged and unchanging.

Since 1945, we have been through two wars, recession, inflation, rebellion on the campus, insurrection in the streets, insurgency in the church, generational gaps and racial torment; we have been shrunk by the jet and scared to death by the atom; assassins roam the alleys killing our leaders; old values are under attack and old customs are abandoned. Must movies remain the only creative force unaffected by this change? Can we take the country back to the '40s?

The truth is movies like everything else in the land react to change. Films don't invent change. They only follow it.

Movies used to be the family habit. But today we have television and a hundred other leisure time activities that compete for family attention. Films no longer have a common denominator. They are made for varying audiences because there is no longer one American audience for movies, or for anything else.

Out of the almost 2,000 films rated in the last four years by the Motion Picture Association rating board in California, some 434 films have been rated "G," which means for the whole family, and 783 "PG," parental guidance suggested. There is no shortage of family films, but there is a shortage of family audiences.

The myth of movie audiences swarming to the "racier" movies is just that, a myth. Of the 50 top-grossing films last year, 65 per cent were rated G or PG, but being rated "R" doesn't mean racy. It simply means adult, because of language, theme, sex or violence.

The notion that movie pornography in some wild contagion loose in the land collides with the fact that the best estimate of box office gathered in by the so-called "hard porn" film is about 3 per cent of total gross. Hardly an epidemic. Pornography is more talked about than seen.

It is my judgment that if the child is instructed in the home to have respect for values, to be set right about fair play and honest living and a sense of decency, no movie, no book, no TV show, no bowling alley, no violent, flawed society is going to corrupt him or her. On the other hand, if parents abandon their parental responsibilities, no censor, no government will be able to correct what is wrong.

The movie myth also breeds a curious perversity in public opinion.

A large metropolitan newspaper bans all X-rated film advertising, yet prints in full-page bannered headlines a story about rape full of the most explicit, unadorned description, which if depicted in a film would be rated X.

There are television shows available to anyone turning a dial which describe sex therapy and discuss sexual aberrations not to be allowed in G and PG films.

Some critics have railed at "A Clockwork Orange," the work of one of the few acknowledged film geniuses, Stanley Kubrick, for its violence. Yet on a thousand TV news shows there is violence galore, unending, irresistible, as it happens, in living color in the living room. Moreover the number of people who watch TV boggles the mind. More people will see the three national network news shows in *two* nights than will see *all* the movies in all the theaters in this country in *one month*.

Finally, the film industry is the only American enterprise which deliberately turns away business because of its commitment to the American parent. No one else in entertainment or communications does that.

Today, more than ever, there are more motion pictures for all kinds of tastes—"Fiddler on the Roof," "James Bond," "Patton," "Sounder," "The Godfather," "Young Winston," "Cabaret," "1776," "Day of the Jackal," "The Poseidon Adventure," "Lost Horizons," "Day of the Dolphin," "Skyjacked" (as examples)—some in exhibition, some yet to come, but all different, for different audiences; some sophisticated in approach, some simply designed, but all entertaining.

Perhaps all of us ask too much and hope too much. We scatter our seed in the wind. We plant our fervor and our doubts in the same pattern and ride the heart of the tempest. There are, we find, no certainties, only puzzlement, and if our community seems to be living in an eternal spin-dry, maybe it is better than skidding down a washboard. That is what the movie of the 70s is all about, giving each of us a chance to wash away our old dreams or perhaps to dream new ones.

HISTORICAL ANALYSIS ON THE PRESIDENTIAL WAR

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. KASTENMEIER. Mr. Speaker, the distinguished historian, Arthur Schlesinger, Jr., has written an excellent and penetrating analysis of the Presidential war powers. Professor Schlesinger, the Albert Schweitzer Professor of the Humanities at the City University of New York, states that the inability to control Presidential war is now revealed as the great failure of the Constitution, and he concedes, as many of us have maintained, that the Congress, in recent times, has been impotent in checking the expansive powers of the Presidency.

Professor Schlesinger's article which appeared in the January 7, 1973, New York Times magazine, is most worthy of our full attention:

PRESIDENTIAL WAR: "SEE IF YOU CAN FIX ANY LIMIT TO HIS POWER"

(By Arthur Schlesinger, Jr.)

Abraham Lincoln to W. H. Herndon, February 15, 1848: "Allow the President to invade a neighboring nation, whenever he shall deem it necessary to repel an invasion, and you allow him to do so, whenever he may choose to say he deems it necessary for such purpose—and you allow him to make war at pleasure. Study to see if you can fix any limit to his power in this respect. . . . If, today, he should choose to say he thinks it necessary to invade Canada, to prevent the British from invading us, how could you stop him? You may say to him, 'I see no probability of the British invading us,' but he will say to you 'be silent; I see it, if you don't.' "

"Study to see if you can fix *any limit* to his power"—when he thus advised his friend Herndon, Congressman Lincoln of course had President Polk in mind. Yet by contemporary standards Polk would be in the clear. He had meticulously observed the constitutional forms: he had asked Congress to declare war against Mexico, and Congress had done so. But the situation Lincoln imagined a century and a quarter ago has now come much closer to the fact. For war at Presidential pleasure, nourished by the crises of the 20th century, waged by a series of activist Presidents and removed from processes of Congressional consent, has by 1973 made the American President on issues of war and peace the most absolute monarch (with the possible exception of Mao Tse-tung of China) among the great powers of the world.

President Nixon did not invent Presidential war nor did President Johnson. In their conceptions of Presidential authority, they drew on theories evolved long before they entered the White House and defended in general terms by many political scientists and historians, this writer among them. But they went further than any of their predecessors in claiming the unlimited right of the American chief executive to commit American forces to combat on his own unilateral will; and President Nixon has gone further in this respect than President Johnson.

In 1970, without the consent of Congress, without even consultation or notification, President Nixon ordered the American ground invasion of Cambodia. In 1971, again without consent or consultation, he ordered an American aerial invasion of Laos. In December, 1972, exhilarated by what he doubtless saw as an overwhelming vote of personal confidence in the 1972 election, he renewed and intensified the bombing of North Vietnam, carrying it now to such murderous extremes as to make his predecessor seem in retrospect a model of sobriety and restraint—all this again on his personal say-so. And so assured and confirmed does President Nixon now evidently feel in the unilateral exercise of such powers that he does not bother any longer (as he did for a moment in 1970) to argue the constitutional issue. If he should now choose to say he thinks it necessary to invade North Vietnam in order to prevent the North Vietnamese from attacking American troops, how can anyone stop him? Congress might see no threat in North Vietnam to the security of the United States, but: "Be silent; I see it, if you don't."

How have we reached this point? For throughout American history Presidents have acknowledged restraints, written and unwritten, on their unilateral power to bring the nation into war. The written restraints are to be found in the Constitution; the unwritten restraints in the nature of the democratic process. Why, after nearly two centuries of independence, should there now seem to be no visible checks on the personal power of an American President to send troops into combat?

This was plainly not the idea of the Constitution. The provision in Article I, Section 8, conferring on Congress the power to declare war was carefully and specifically designed to deny the American President what Blackstone had assigned the British King—"the sole prerogative of making war and peace." As Lincoln went on to say in his letter to Herndon, it was this power of kings to involve their people in wars that "our [Constitutional] Convention understood to be the most oppressive of all Kingly oppressions: and they resolved to so frame the Constitution that no one man should hold the power of bringing this oppression upon us. But your view destroys the whole matter, and places our President where Kings have always stood."

How did we get from Lincoln's *no-one-man* doctrine to the position propounded by President Johnson in 1966: "There are many, many who can recommend, advise, and sometimes a few of them consent. But there is only one that has been chosen by the American people to decide"? The process of placing our Presidents where kings had always stood has been gradual. In the early 19th century most Presidents respected the role of Congress in decisions of war and peace against sovereign states. Even a President like Jackson, otherwise so dedicated to enlarging the executive power, referred the recognition of the Republic of Texas to Congress as a question "probably leading to war" and therefore a proper subject for "previous understanding with that body by whom war can alone be declared and by whom all the provisions for sustaining its perils must be furnished." Polk may have presented Congress with a *fait accompli* when he provoked a Mexican attack on American forces in disputed territory, but he did not claim that his authority as Commander in Chief allowed him to wage war against Mexico without Congressional authorization (*cf.*, President Nixon explaining why such authorization was not required for his invasion of Cambodia; he was only meeting his "responsibility as Commander in Chief of our armed forces to take the action I consider necessary to defend the security of our American men").

In the course of the 19th century, however, the Congressional power to declare war began to ebb in two opposite directions—in cases where the threat seemed too trivial to require Congressional consent and in cases where the threat seemed too urgent to permit Congressional consent. Thus, many 19th-century Presidents found themselves confronted by minor situations that called for forcible response but appeared beneath the dignity of formal Congressional declaration or authorization—police actions in defense of American honor, lives, law or property against roving groups of Indians, slave traders, smugglers, pirates, frontier ruffians or foreign brigands. So the habit developed of the limited executive employment of military force without reference to Congress. Then in the early 20th century McKinley and Theodore Roosevelt began to commit military force without Congressional authorization not only against private groups but against sovereign states—McKinley in China, T.R. in the Caribbean. Since Congress agreed with most of these uses of force, it acquiesced in initiatives that soon began to accumulate as formidable precedents.

As far as cases where the threat seemed too urgent to permit the delay involved in summoning Congressmen and Senators from far corners of a sprawling nation, this was a possibility that the framers of the Constitution themselves had envisaged. Madison had thus persuaded the Constitutional Convention to give Congress the power not to "make" but to "declare" war in order to leave the executive "the power to repel sudden attacks." Given the hazards and unpredictabilities of life, no sensible person wanted to put the American President into a constitutional straitjacket. No one wrote more eloquently about the virtues of strict construction than Jefferson. Yet Jefferson, who was at bottom a realist, also wrote: "To lose our country by a scrupulous adherence to written law, would be to lose the law itself, with life, liberty, property and all those who are enjoying them with us; thus absurdly sacrificing the ends to the means. . . . The line of discrimination between cases may be difficult; but the good officer is bound to draw it at his own peril, and throw himself on the justice of his country and the rectitude of his motives." In other words, when the life of the nation is at stake, Presidents might be compelled to take extraconstitutional or unconstitutional action. But, in doing so, they were placing themselves and their reputations under the judgment of history. They must not believe, or pretend to the nation, that they were simply executing the Constitution.

So when Lincoln in the most dreadful crisis of American history took a series of actions of dubious legality in the 10 weeks after the attack on Fort Sumter, he fully recognized what he was doing and subsequently explained to Congress that these measures, "whether strictly legal or not, were ventured upon under what appeared to be a popular demand and a public necessity; trusting then as now that Congress would readily ratify them." Though he derived his authority to take such actions from his constitutional role as Commander in Chief, he was always conscious of the distinction between what was constitutionally normal and what might be justified only by a most extraordinary emergency. "I felt that measures, otherwise unconstitutional," he wrote in 1864, "might become lawful by becoming indispensable to the preservation of the Constitution, through the preservation of the nation."

So, too, when Franklin Roosevelt in our second most acute national crisis took a series of actions designed to enable England to survive against Hitler, he obtained in the case of the destroyer deal not only a favorable interpretation of a Congressional statute but the private approval of the Republican candidate for President. In the case of lend-lease, he went to Congress. In the case of his North Atlantic "shoot-at-sight" policy, though the threat to the United States from Nazi Germany could be persuasively deemed somewhat greater than that emanating 30 years later from Cambodia or Laos, and though his commitment of American forces was far more conditional, Roosevelt did not claim in the Nixon style that he was merely meeting his responsibility as Commander in Chief. Knowing that Congress, which would renew Selective Service by a single vote in the House, would hardly approve an undeclared naval war in the North Atlantic, Roosevelt in effect, like Jefferson and Lincoln, did what he thought was necessary to save the life of the nation and, proclaiming an "unlimited national emergency," threw himself upon the justice of his country and the rectitude of his motives. Since the Second World War there have been only two emergencies requiring immediate response. In the first, Harry Truman, confronted by the North Korean invasion of South Korea, secured a mandate from the United Nations; in the second, John Kennedy, confronted by Soviet nuclear missiles in Cuba, secured a mandate from the Organization of American States.

Only Presidents Johnson and Nixon have made the claim that inherent Presidential authority, unaccompanied by emergencies threatening the life of the nation, unaccompanied by the authorization of Congress or of an international organization, permits a President to order troops into combat at his unilateral pleasure. President Johnson, it is true, liked to tease Congress by flourishing the Tonkin Gulf Resolution. But he did not really believe, as he said in an unguarded moment, that "the resolution was necessary to do what we did and what we're doing." President Nixon has abandoned even that constitutional fig leaf. William Rehnquist, then in the Department of Justice and later elevated to the Supreme Court as what President Nixon hilariously called a strict-constructionist appointee, said on behalf of his benefactor that the invasion of Cambodia was no more than "a valid exercise of his constitutional authority as Commander in Chief to secure the safety of American forces." One somehow doubts that if Brezhnev used the identical proposition to justify the invasion of a neutral country by the Red Army, it would be received with entire satisfaction in Washington. Today President Nixon has equipped himself with so expansive a theory of the powers of the Commander in Chief, and so elastic a theory of defensive war, that he can freely, on his own initiative, without a national emergency, as a routine employment of Presidential power, go to war against any country containing any troops that might in any conceivable circumstance be used in an attack on American forces. Hence the new cogency of Lincoln's old question: "Study to see if you can fix *any limits* to his power in this respect."

In short, President Nixon has effectively liquidated the 11th paragraph of Article I, Section 8 of the Constitution. He has thereby removed the most solemn written check on Presidential war. He has sought to establish as a normal Presidential power what previous Presidents had regarded as power justified only by extreme emergencies and to be used only at their own peril. He does not, like Lincoln, confess to doubts about the legality of his course, or, like Franklin Roosevelt, seek to involve Congress when such involvement would not threaten the life of the nation. Nor has his accomplishment been limited to the exclusion of Congress from its constitutional role in the matter of war and peace. For he has also taken a series of unprecedented steps to liquidate the unwritten as well as the written checks on the Presidential war power.

What are these unwritten checks? The first is the role of the President himself. President Nixon has progressively withdrawn from public scrutiny. He was an invisible candidate in the 1972 campaign, and he promises to be an invisible President in his second term—invisible on all but carefully staged occasions. Franklin Roosevelt used to hold press conferences twice a week; President Nixon holds them hardly at all and has virtually succeeded in destroying them as a regular means of public information. As William V. Shannon of The Times has written, he "has come as close to abolishing direct contact with reporters as he can." Even on matters of the highest significance he declines to expose himself to questioning by the press. Consider, for example, the Indochina peace negotiation. Does anyone suppose that if this had taken place in the previous Administration President Johnson would have trotted out Walt Rostow to discuss it with the media? Can anyone imagine Presidents Kennedy or Eisenhower or Truman dodging their personal responsibility in such momentous matters? Does anyone recall Franklin Roosevelt, returning from a wartime summit, asking Harry Hopkins or Admiral Leahy to explain it all to the press? Yet we have acquiesced so long in the Nixon withdrawal from Presidential responsibility that virtually no surprise is expressed when on such occasions he repeatedly retreats behind Dr Kissenger (who, for his part, is permitted to undergo searching interrogation by Oriana Fallaci, but not by the Senate Foreign Relations Committee). Moreover, President Nixon, by finching from press conferences, not only deprives the American people of opinions and information to which they are surely entitled from their President but deprives himself of an important means of learning the concerns and anxieties of the nation. Obviously, he simply does not recognize much in the way of Presidential accountability to the people. As he recently put it: "The average American is just like the child in the family." And, presumably, father knows best.

A second check on Presidential war-making has often come from the executive establishment. Genuinely strong Presidents are not afraid to surround themselves with genuinely strong men and on occasion cannot escape the chore of listening to them. Historically, the Cabinet, for example, has generally contained men with their own views and their own constituencies—men with whom the President must in some sense come to terms. Lincoln had to deal with Seward, Chase, Stanton and Welles; Wilson with Bryan, McAdoo, Baker, Daniels and Houston; Roosevelt with Stimson, Hull, Wallace, Ickes, Biddle and Morgenthau; Truman with Marshall, Acheson, Byrnes, Vinson, Harriman, Forrestal and Patterson. But who in President Nixon's Cabinet will talk back to him—assuming, that is, they could get past the palace janissaries and into the Oval Office? The fate of those who have tried to talk back in the past is doubtless instructive: Where are Messrs. Hickel, Romney, Laird, and Peterson now? In his first term, President Nixon kept his Cabinet at arm's length; and in his second term he has put together what, with one or two exceptions, is the most anonymous Cabinet within memory, a Cabinet of clerks, of compliant and faceless men who stand for nothing, have no independent national position and are guaranteed not to defy Presidential whim. Most alarming of all in connection with Presidential war has been the deletion, so far as high policy is concerned, of the Department of State. In short, President Nixon, instead of exposing himself to the tempering influence of a serious exchange of views within the Government, has organized his executive establishment in a way to eliminate as far as humanly possible internal question or challenge about his foreign policy. And to complete his insulation from debate, the President does not even tell most of his associates what he intends to do.

A third check in the past has come from the media of opinion—from the newspapers and, in more recent years, from television. With all its manifest imperfections, the American press has played an indispensable role through our history in keeping government honest. President Nixon, however, not only hides himself from the press and television, except on elaborately controlled occasions, but has launched a well-orchestrated campaign to weaken the mass media as sources of information and criticism.

He has tried a variety of methods—prior restraint on the publication of news; Vice-Presidential denunciations of erring newspapers and reporters; proposals to condition the renewal of television licenses on the elimination of anti-Administration material from network programs; subpoenas to compel reporters to surrender raw notes; even jailing newspapermen who decline to betray confidential sources to grand juries—this last a practice which would not be constitutional had it not been for the Nixon appointments to the Supreme Court.

The Nixon Administration has tried to justify such actions by complaining that it has been the target of exceptional persecution by the media. Why it should suppose this is hard to fathom. Not only has 80 per cent of the press backed Mr. Nixon in two elections, but the Presidency has supreme resources of its own in the field of communications, and no previous President has used them more systematically. In his relationship to the media, President Nixon can hardly be described as a pitiful, helpless giant. No President enjoys criticism, but mature Presidents recognize that, however distasteful a free press may on occasion be, it is, as Tocqueville said long ago, "the chief democratic instrument of freedom" and that in the long run government itself benefits from a healthy adversary relationship. But this is clearly not President Nixon's view. If his Administration has its way, the American press and television will become as compliant and as faceless as the President's own Cabinet.

Still another check on Presidential war has been a President's concern for public opinion. Here again, President Nixon differs sharply from his predecessors. He explained his peculiar idea of the role of public opinion in a democracy last Oct. 12 when he scolded what he termed "the so-called opinion leaders of this country" for not responding to "the necessity to stand by the President of the United States when he makes a terribly difficult, potentially unpopular decision." It is hard to imagine an idea that would have more astounded the framers of the American Constitution. Indeed, who before President Nixon would have defined the obligation, "the necessity," of American citizens, in peacetime and outside the Government, as that of automatically approving whatever a President wants to do? In the past it was naively supposed that the American system would work best when American citizens spoke their minds and consciences.

If President Nixon dismisses public opinion in the United States as disobedient and refractory when it dares dissent from the President, he is even more scornful of what in the past has served as another check on Presidential war—that is, the opinion of foreign nations. The authors of "The Federalist" emphasized the indispensability of "an attention to the judgment of other nations . . . In doubtful cases, particularly where the national councils may be warped by some strong passion or monetary interest, the presumed or known opinion of the impartial world may be the best guide that can be followed. What has not America lost by her want of character with foreign nations; and how many errors and follies would she not have avoided, if the justice and propriety of her measures had, in every instance, been previously tried by the light in which they would probably appear to the unbiased part of mankind?" President Nixon's attitude could not be more different. It is concisely revealed by the studied contempt with which he has treated the United Nations. Only recently, he made it perfectly clear that he regards the post of United States Ambassador to the United Nations as less important than that of chairman of the Republican National Committee; at least one supposes that he thought he was promoting, not demoting, George Bush.

I began by suggesting that on issues of war and peace the American President is very likely the most absolute monarch in the world of great powers. The Soviet Union is in other respects a dictatorship, but, before Brezhnew makes a new move in foreign affairs, he must touch base with a diversity of forces in the Government and the party. It would be hard to name anyone with whom President Nixon touched base before he invaded Cambodia or resumed the obliteration of North Vietnam. Moreover, in other countries, dictatorships as well as democracies, failure in foreign policy can lead to political oblivion: Anthony Eden could not survive Suez, and in time the Cuban missile crisis did in Khrushchev. But Nixon, his tenure assured by the rigidity of the quadrennial election, will be running things in the United States until January, 1977.

With checks both written and unwritten inoperative, with Congress impotent, the executive establishment feeble and subservient, press and television intimated, national opinion disdained, foreign opinion rejected, the fear of dismisal eliminated, our President is free to indulge his most private resentments and rages in the conduct of foreign affairs, and to do so without a word of accounting to Congress and the American people. Thus, on Dec. 18 he began the heaviest bombing of the whole ghastly war, but had not, by the time this article went to press nearly a fortnight later, personally vouchsafed any form of explanation to the nation or to the world. Unidentified White House officials did say, however, to The New York Times, that the President intended the terror to convey to Hanoi "the extent of his anger over what the officials say he regards as 11th-hour reneging on peace terms be settled." Historians will have to settle the point as to which side started reneging first, though strong evidence suggests that it was the Americans. But we will all have to suffer the consequences of a President whose policy, in the curt summation of that sober Scotsman, Mr. Reston of The Times, has become that of "war by tantrum."

Four more years? Is the American democracy really unable to fix any limits to the President's power to make war? The first line of defense must be the United States Congress, whose abdication over the years has contributed so much to the trouble we are in. The Senate passed a so-called War Powers Bill in April, 1972, but Vietnam was specifically exempted from its operation. In any case, though its objective is admirable, the bill itself is both unduly rigid and unduly permissive. Had it been on the statute book in past years, it would have prevented Roosevelt from protecting the British lifeline in the North Atlantic in 1941, and it would not have prevented Johnson from escalating the war in Vietnam. Given the power of any President to dominate the scene with his own version of a *casus belli*, the War Powers Bill, if it is ever enacted, would be more likely to become a means of inducing formal Congressional approval of warlike Presidential acts than of preventing such acts.

Congress must find another route to end American involvement in Indochina. But does Congress really possess the courage to assert those rights the loss of which has been such a constant and tedious theme of Congressional lamentation and self-pity? Perhaps it will at long last make a determined effort to reclaim its constitutional authority. The issue here is not (as some opponents of the war mistakenly suppose) the question of formal declaration of war. Even in the 18th century, as Hamilton wrote in "The Federalist," the ceremony of formal declaration "has of late fallen into disuse." A decade after the adoption of the Constitution, Congress without a declaration but by legislative action brought the United States into naval war with France. As Chief Justice Marshall put it in deciding a case that arose out of the war: "The Congress may authorize general hostilities . . . or partial war." But, whether the hostilities be general or limited, war was considered to require Congressional authorization, and this is the issue today. It has been argued that Congress has implicitly authorized the Indochina war by voting appropriations in support of the war, and that argument is not without plausibility. But it is within the power of Congress to counter and cancel that argument by asserting a conflicting claim of authority.

Moreover, Congress can cut off funds for the continued prosecution of the war. But will even this restrain the President? Mr. Nixon has shown in other contexts his indifference to Congressional action. He has, for example, refused to expend funds appropriated by Congress for duly-enacted legislation. Senator Ervin recently estimated that Presidential impoundment has now reached the staggering sum of $12.7-billion. In his state of postelection euphoria, as well as in his righteous wrath over the refusal of the North Vietnamese to roll over and cry uncle, President Nixon might conceivably ignore end-the-war legislation. He might even, I suppose, try to use impounded funds to continue the war.

Should this happen, the constitutional remedy would be impeachment. Certainly such conduct would represent a considerably more serious transgression than poor Andrew Johnson's defiance of a law—the Tenure-of-Office Act—which the Supreme Court itself eventually found to be unconstitutional. The House would have to adopt an impeachment resolution; a two-thirds vote of the Senate is required for conviction, with the Chief Justice presiding over the trial. If it seems unlikely that a President elected with more than 60 per cent of the vote should find himself in such a plight, one has only to reflect on the fate of the three other Presidents this century who also took more than 60 per cent—Harding, Franklin Roosevelt and Johnson, all of whom were in serious political trouble a year or two after their triumphs. Still, at this point, impeachment hardly seems a usable remedy or a probable outcome.

The inability to control Presidential war is now revealed as the great failure of the Constitution. That failure has not brought disaster to the nation through most of our history because most of our Presidents have been reasonably sensitive, in Justice Robert H. Jackson's great phrase, "to the political judgments of their contemporaries and to the moral judgments of history." When they have not been particularly responsive to the Constitution, the unwritten checks—above all, the power of opinion—have made them so. If no structural solution is now visible, the best hope is to reinvigorate the unwritten checks. Not only must Congress assert itself, but newspapers and television, governors and mayors, Mr. Nixon's "so-called opinion leaders" and plain citizens must demand an end to Presidential war. Where, for example, are all those virtuous conservative pillars of business and the bar who have spent most of their adult life wailing about the Constitution? Where are they when what is threatened is not their money but the peace of the world? Where are they when the Constitution really needs them? Perhaps President Nixon is right, and in the end Americans are just like children in the family. Or perhaps Lincoln was right when he said: "No man is good enough to govern another man without that other's consent."

FURTHER MEAT PRICE INCREASES—FURTHER PROOF ON NEED FOR PERMANENT REPEAL OF THE MEAT IMPORT QUOTA LAW

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. VANIK. Mr. Speaker, today, on behalf of myself, and Representatives CORMAN, GIBBONS, and GRIFFITHS, I am introducing legislation to repeal the Meat Import Quota Act of 1964.

The Meat Import Quota Act of 1964 has always been an anticonsumer piece of legislation. It has consistently limited the supply and increased the cost of the cheaper grades of meat—the type of meat so vitally needed by large families and those on fixed and low incomes. But now, during what will probably be an extended period of skyrocketing food prices, it is more important than ever to increase the supply of processing meat—the type used in hamburgers and hot dogs—and to stabilize the price of these meats.

Realizing that the meat import quota law was hurting the consumer, the President—under authority given to him in the law—temporarily suspended the import restrictions. But temporary suspensions simply cannot work in this case. It takes a long time to build up herd sizes, to contract for the special shipping which is required. And why should foreign producers, such as the Australians and New Zealanders be expected to make these long-range preparations when American market restrictions could be reimposed? In fact, to protect the stability of their meat markets, the Australians, for example, require that for every two and a half pounds of meat sold in the American market, 1 pound must be sold in other world markets—despite the fact that they would like to sell here and despite the fact that our producers are unable to adequately supply the demand for low-cost processing meats.

In the CONGRESSIONAL RECORD of January 11, I printed a table which listed prices of various categories of meat in the Chicago wholesale market. This table showed that most categories of meat have already reached or exceeded the price of meat for any time since August of 1971 when the economic stabilization program began. Because of rising feed grain prices, it is obvious that these meat prices will continue to rise. The price of meat will reach crisis levels within the next few months. Within a matter of weeks, millions of American families will be unable to afford meat on the dinner table.

The last figures listed in the table which I supplied for the RECORD were the Chicago market figures for January 5. I now have available the figures for this last Monday, January 15. Again, these latest figures show the accelerating increase in meat prices—particularly the lower grade processing meat prices:

	Mid-November	Mid-December	Jan. 5	Jan. 15
Choice:				
Steers, 6/700	50	57/57½	60	61½/62
Trimmed loins, 40/50	78/79	86/87	88	85/86
Ribs, 30/50	70	79/80	77/78	72
Processing:				
Full, carcus, bull, fresh	77	77½	79	80½
Full carcus, cow, fresh	74½/75	75½	77½	77½
Boneless beef, fresh, 90 percent lean	72½/73	73/73½	75½/76	76
Boneless chucks, fresh	74/74½	75	77	77
Trimmings, 85/90	67/67½	67	70½/71	71/71½
Imported:				
Cow, 90 percent	67½/67¾	71	76¼	77
Bull, 90 percent	71½/72	74½	78	78½/79
Shank meat	71/71½	74/74½	77/77½	78¼

There are several startling facts which stand cut from these figures. First, in the 8 weeks since mid-November, many of these common categories of meat have increased in price by over 10 percent. One item is even up by more than 20 percent. Second, between January 5 and January 15, the price of several choice cuts—loins and ribs—has actually decreased—while the price of processing meat continues upward—particularly the price of the tough, lean, imported meat which is used in stews and canned meat products. Needless to say, it is this processing meat, the type of meat that can be "spread out" through casseroles, stews, and meat sauces, which is most important to those with large families and those on fixed income. It is this meat which is experiencing the largest price increases.

Only if we absolutely repeal the Meat Import Quota Act of 1964 can we expect an increased supply of this type of meat at stabilized prices. It is my hope that the Ways and Means Committee will soon hold hearings on this problem and take action to prevent meat from being driven off the American dinner table.

MARTIN LUTHER KING, JR.

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mrs. GRASSO. Mr. Speaker, on January 15, we observed the birthday of one of America's most gifted, compassionate, and determined moral leaders—the late Martin Luther King, Jr.

Throughout his active, turbulent life, Dr. King was a fearless advocate of nonviolent action to bring about needed social change in our Nation. He dramatically and convincingly touched the conscience and soul of every American who sensed the need to "help men rise from the dark depths of prejudice and racism to the majestic heights of understanding and brotherhood."

As a man who knew injustice firsthand, Dr. King was remarkably free of hate. As a man who was impatient with and outraged by the indignities and humiliations bestowed on some by their fellowman, Dr. King dreamed of freedom and peace for all men—black and white.

Martin Luther King said once that "man dies when he refuses to stand up for that which is right." Rather than preaching that violent revolution would free the oppressed, he called for a liberation of the American spirit which would shatter the myths and fears of people about one another. Building bridges—not walls—between people was the legacy of his life.

Those of us who share the commitment to justice of this man of great courage and vision know that much work remains to be done. We mourn his loss. Yet, his achievements and good example serve as an inspiration to all of us as we strive to join him on the mountaintop.

COMMITTEE ON THE ENVIRONMENT

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. RAILSBACK. Mr. Speaker, I was pleased to again join with Mr. BROTZMAN and many other of my colleagues in sponsoring legislation to create a standing Committee on the Environment in the House of Representatives. There is an urgent need for such a committee with expertise and comprehensive jurisdiction to deal with the complexities of environmental affairs. A review of the environmental achievements of the past two Congresses demonstrates that the present committee roster has prevented a truly comprehensive approach to environmental problems.

In the 91st Congress, the historic National Environmental Policy Act was reported to the House from the Committee on Merchant Marine and Fisheries; and the Clean Air Act amendments were considered in the Committee on Interstate and Foreign Commerce. In the 92d Congress, landmark water quality legislation emerged from the Committee on Public Works; regulation of noise was considered in the Committee on Interstate and Foreign Commerce; the first Federal regulation of pesticide was established in legislation reported from the Agriculture Committee; and ocean dumping regulation in the Marine Protection, Research and Sanctuaries Act of 1972 was a subject of strong interest to Members of two House committees with overlapping jurisdictions in this area: Merchant Marine and Fisheries, and Public Works.

Within the executive branch, the Council on Environmental Quality has been established to provide comprehensive policy and advisory focus within that branch of government. Should not the Congress have a comparable unit?

The Environmental Protection Agency was formed in 1970 to deal comprehensively with environmental regulation, yet its Administrator reports that his Agency is within the jurisdiction of some 17 congressional committees—a factor which has often slowed down the legislation needed by EPA to operate effectively.

During the 92d Congress, as in the

91st, both Houses of Congress expressed their urgent concern with this fragmented, sometimes competitive approach to environmental legislation. Some 150 Members of the House, from both sides of the aisle, joined in sponsoring legislation to create a standing Committee on the Environment. In this Congress, it is absolutely essential that we establish the environmental focus we have been seeking for several years. I urge the immediate and favorable consideration of the resolution to amend the Rules of the House to create a Committee on the Environment.

TRIBUTE TO MAJ. GEN. JOE NICKELL AND BRIG. GEN. EDWARD R. FRY

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. SHRIVER. Mr. Speaker, Maj. Gen. Joe Nickell has retired as adjutant general of the State of Kansas following 21 years of distinguished service to his State and Nation. Those of us from Kansas knew him as a hard-working and dedicated officer who took pride in the National Guard. He also handled effectively his responsibilities as State selective service director. I salute General Nickell and extend warmest appreciation and best wishes to him for good health and happiness in the future.

Brig. Gen. Edward R. Fry, commander of the headquarters of the Kansas Air National Guard, has been appointed to succeed General Nickell. He is highly qualified to fill this important State position, and I extend congratulations and best wishes to him.

Under the leave to extend my remarks in the Record, I include the following editorial from the Wichita, Kans., Eagle which discusses the significant contribution made by General Nickell during his tenure as adjutant general, and the outstanding qualifications of General Fry.

The editorial follows:

EXCEPTIONAL APPOINTMENT

The Kansas adjutant general, Maj. Gen. Joe Nickell, has announced his retirement after 21 years of distinguished and devoted service to the state and the National Guard.

General Nickell has served longer in his post than any other adjutant general in any state in the union. He is primarily responsible for the existence of 58 state-owned guard armories in towns all over Kansas, and he has received the Distinguished Service Medal of the National Guard Association.

He has had a varied career. He is a former Topeka attorney, was once a newspaperman and a radio news commentator. He served in World War I as an enlisted man. Upon his return, he enlisted in the National Guard, was commissioned a second lieutenant, and entered World War II as a major. He won honors and promotions and became adjutant general in 1951. He also served as state selective service director.

Big, bluff and rugged, General Nickell became a familiar figure at state functions and has thousands of friends. He will be missed, but at the age of 76 he well deserves the retirement years that lie ahead of him.

In choosing his successor, Governor Docking has made an exceptionally fine appointment. The new adjutant general will be Brig. Gen. Edward R. Fry of Wichita, assistant adjutant general for air and commander of the headquarters of the Kansas Air National Guard at McConnell. He will be the first air guardsman to serve as adjutant general.

He, too, has excellent military credentials. A graduate of the Air Force Flying School, he received officer rank in 1942, and saw combat duty in World War II, completing 53 combat missions. He has been a brigadier general since 1960.

General Fry has attained a high reputation as commander of the Kansas Air National Guard. Because of its combat-readiness, his was one of three jet units in the nation called up in 1950, and for the same reason it was sent again to Korea in 1968 at the time of the Pueblo incident.

With him as adjutant general and commander of the Kansas National Guard we may expect the same high standards to prevail. The governor is to be commended for the excellence of this appointment.

END THE WAR IN INDOCHINA

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. WOLFF. Mr. Speaker, on January 4, the Board of Trustees of the Villages of Great Neck Plaza adopted a resolution calling on all public officials to do all in their power to end the war in Indochina. Mayor Andrew L. Wurman transmitted a copy of the resolution to me last week.

Because I feel that the resolution from grassroots America eloquently expresses a call that the Congress must answer, I would like to insert it at this point in the Record. I hope that a majority of my colleagues will join with me in working toward the peace which we have been seeking for so long.

The resolution follows:

RESOLUTION

The Board of Trustees of the Village of Great Neck Plaza would like to make the strongest possible expression of their feeling that the war in Vietnam must be brought to an immediate end through means of a negotiated settlement.

We deplore the recent resumption of the bombings which resulted in the needless loss of American servicemen as well as the death of innocent civilians. We wish to urge that the current bombing halt be continued indefinitely.

We call on the President to end the senseless slaughter which is morally offensive, and is in violation of the basic traditions of this country. We call on Congress to end all funds for the war, and to act collectively to insure the immediate end of hostilities in Southeast Asia.

We call on all public officials to exercise their leadership and speak out for an end to the war. We also wish to urge the public to demand, from their elected officials, to do all in their power to achieve an end to the war.

REPRESENTATIVE FORSYTHE EXPOSES NADER BIAS AND INACCURACY

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. McCLORY. Mr. Speaker, our distinguished colleague from New Jersey's Sixth District, Representative Edwin B. Forsythe, has composed an illuminating and perceptive article regarding the activities of the Ralph Nader organization prior to the November elections.

Mr. Forsythe's article points out the inaccuracies of the Nader research and the biased approach of the Nader organization to its purported analysis of the Members of Congress.

Mr. Speaker, the article speaks more eloquently than any words of mine, and I am attaching it to these remarks for the benefit of my colleagues who may not yet have read the article—and to all others who glean these pages of the Congressional Record:

THE HOLES IN RALPH NADER'S "TRUTH"

(By Representative Edwin B. Forsythe)

(A knight may fall if his thrusts aren't really on target)

If an American company manufactures a faulty product, one that consistently fails to meet advertising claims, how long will the consumer continue to purchase the product?

If a Congressman consistently promises but doesn't perform, how long can he expect to stay in office?

To both questions the answer is: Not very long. The voter remembers and so does the consumer. Both the businessman and the Congressman must answer for past performance.

But what about the so-called "consumer advocate"? Must he fulfill his self-proclaimed, self-advertised role of defending the cause of the embattled consumer? Where is the test?

The American people want to know what's happening on the inside of corporations, of government agencies and of Congressional offices.

And when such a figure as "consumer advocate" Ralph Nader offers such information, many are ready to listen and believe. But Ralph Nader does not have to face the test of the marketplace or the ballot box. Thus, his responsibilities are heavy. Just as he would like to see products and Congressmen above reproach, so must his own product be without fault.

If he is to cast stones against deception, his missiles must also be tossed without deceit—intentional or otherwise.

If he is to attack the government bureaucracy as inept and tangled in red tape, then his own organization must be free of such faults.

If he wants consumer advertising to fairly represent a product without misleading a potential purchaser, then his own interpretations, explanations and promotions must be equally accurate and direct.

If the American people's thirst for knowledge and truth about products and government is to be quenched, if their hope for honesty and quality is to be fulfilled without further disillusionment, then the "truth," as presented by Mr. Nader and others like him, must, in fact, be true. Mr. Nader's entire

Congress Project, released just prior to the November general election, was billed as a comprehensive report providing the American people with valuable information about their Congressmen.

MISSION UNACCOMPLISHED

There was, indeed, hope that a valuable contribution to the public's knowledge about their representatives would be made.

However, the mission was less than fulfilled. The heavy advance billing was not supported by a quality end product. If Mr. Nader had been subject to any "truth in advertising" test he would have failed, for his profiles were filled with misstatements and contradictions.

"The profiles are not evaluative in purpose," Mr. Nader's associates were quoted as saying. Yet, one after the other, profiles written about individual Congressmen contained subjective evaluations formed by the profile writers.

Usually, the writer was a college student and often he had a personal philosophy that showed a liberal bent. Unfortunately, this was often reflected in the evaluations.

While I had no real problems with my own profile, except for accuracy, I did not really believe it contained information that was not already generally known.

One of its earth-shattering evaluations was that someday I "may be recognized more for legislative activities than for the distinctive bow ties and slightly greying crew cut."

The appearance of evaluations in profiles that were not to be "evaluative in purpose" smacks of Mr. Nader's philosophy in the consumer field.

As Ralph K. Winter Jr. pointed out in "The Consumer Advocate Versus the Consumer," published by the American Enterprise Institute:

"When Mr. Nader criticizes the food industry for taking steps to 'sharpen and meet superfically consumer tastes at the cost of other critical needs,' one may fairly ask whose judgment it is that a taste is 'superficial' and whose judgment it is that a 'need' is 'critical.' In the circumstances mentioned, it seems rather evident that the judgment in question is solely Mr. Nader's."

In the Congress profiles, too, the judgment is also Mr. Nader's—or that of his collegiate investigators.

Then there is the question or accuracy, which denotes responsibility.

Even with the editorial tone of many of the profiles, they could have been of some value to discerning American readers. However, of what value is inaccurate material pawned off as truth?

FACTS THAT AREN'T

For example, my profile indicated that I voted in favor of a two-year extension of the draft, in 1971. The facts are that on April 1, 1971, I voted against the two-year extension. This was duly reported in the *Congressional Record* and *Congresional Quarterly*.

My staff brought this mistake to the attion of Mr. Nader's staff people more than two months before the final profile was published. Yet they failed to make the correction.

Meanwhile, profiles of members of the House Education and Labor Committee listed a number of "key" votes in the Committee. And many Nader explanations of the issues involved were wrong or misleading.

For example, one vote purportedly was either for or against using school aid funds for parochial or private nonprofit schools. In fact, that amendment was purely technical and did not pertain to any substantive issue. It was opposed by all but four members of the Committee, including many who favored using such funds for such schools—including myself.

Another amendment was described as prohibiting discrimination based on race in any program of the Child Development Act. In fact, it would have given unidentified organziations or groups the right to veto a sponsor of a child development program if they offered a "substantial objection" to the sponsor. That hardly can be interpreted as banning discrimination, which is prohibited anyway under the Civil Rights Act of 1964.

MURKINESS IN THE KNIGHT

These individual examples raise a question about the validity of the entire Nader report. The admission by a Nader staffer that the Education and Labor Committee vote profile was "borrowed" from the Democratic Study Group, instead of being compiled by Nader people, certainly adds grounds for skepticism.

Which brings us back to the question of responsibility; of producing an acceptable product as claimed. Are the American people being taken in once again—this time by the white knight who is their self-proclaimed savior?

In 1969, Robert Fellmeth, author of two "Nader Reports" on consumerism, was asked during a Congressional hearing whether a reference to "Nader's Raiders"—emblazoned on the back of such reports—constituted a fair statement. He admitted:

"I don't think so. I think it is very inaccurate for several reasons. First of all, it is inaccurate because Mr. Nader's involvement is crucial, but it is not as extensive as that name would imply. At least we are not investigating for him alone in a direct sense. Secondly, we are not raiders."

Mr. Fellmeth was in charge of the Nader Congress Project.

A Congressional staff member's attempt to reach him by telephone suffered the same fate that many Nader reports suggested constituents face when they seek to contact their Congressmen.

The call was switched to three different individuals. Finally, a young man answered the phone. He said Mr. Fellmeth was "busy." Could he help?

It turned out that he couldn't.

MINNESOTA STATE SENATE CONSERVATIVE CAUCUS RESOLUTION ON THE VIETNAM CONFLICT

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. FRASER. Mr, Speaker, the Conservative Caucus of the Minnesota State Senate January 11 unanimously adopted the resolution on the Vietnam conflict that follows my remarks.

I believe the resolution, in the words of State Senator Harold G. Krieger, the minority leader of the Minnesota State Senate,

> Fairly represents the majority opinion of the citizens of [Minnesota] when it . . . prayerfully urge[s] that all efforts be expended to reach . . . a settlement without further bombing of North Vietnam, and earnestly hope[s] that further fighting and bloodshed will not be necessary.

I might note, Mr. Speaker, that members of the Minnesota State Legislature are not elected by party label. The conservative caucus, however, is generally identified as the Republican side of the legislature.

RESOLUTION

The Conservative Caucus of the Minnesota State Senate hereby unanimously affirms its support of the efforts of President Nixon and his administration to seek an immediate end of hostilities in Southeast Asia, the release of all American Prisoners of War, and a safe and prompt return of United States military personnel.

Recognizing that the Minnesota Legislature does not have full knowledge of the current status and problems of the peace negotiations, and not desiring to take any action that might undermine the success of those negotiations, we nevertheless prayerfully urge that all efforts be expended to reach such a settlement without further bombing of North Vietnam, and earnestly hope that further fighting and bloodshed will not be necessary.

THE HIGHWAY ACT OF 1973

HON. WILLIAM H. HARSHA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. HARSHA. Mr. Speaker, in 1971, 55,000 Americans died in traffic mishaps on the Nation's highways. Another 2 million suffered injury and upwards of $40 billion in damages, direct and indirect, were sustained.

Because of our concern over this shocking slaughter, I introduced, and all of my colleagues on the Public Works Committee, including Chairman BLATNIK, joined with me in sponsoring, the Omnibus Highway Safety Act of 1973. That measure was incorporated as title II of the highway bill which died for absence of a quorum in the waning hours of the last session.

Since then, preliminary accident figures for 1972 have become available. Estimates indicate that over 57,000 people died on the Nation's highways. Injury and property damage rose commensurately.

What these figures say to me is that we are confronted with a bad situation—one which is growing worse with each passing year. Obviously, something has to be done, and done now, to arrest the spiraling toll of deaths, injuries, and associated property damage on the highways of our country.

It is for this reason that I have today introduced an expanded and refined version of last year's highway safety bill. In doing so, I have been joined by all Members on Public Works who cosponsored this legislation last year, including Chairman BLATNIK. I fully expect newly appointed Members of the committee to join in cosponsoring this essential legislation when they have had a chance to consider the proposals which it contains.

I want to make clear that this bill is a vehicle to bring before our committee proposed legislative solutions for some of the problems outstanding in the highway safety field at the present time. In our deliberations, some of these approaches may be changed, modified, or eliminated.

A summary of the provisions contained in the Highway Safety Act of 1973 follows these remarks. As you can deduce from them, this is an ambitious measure, one which I believe has the potential, if fully funded and implemented, of saving 10,000 lives each year.

I expect the Highway Safety Act of 1973 will be included in the forthcoming highway hearings which the Subcommittee on Roads of the Committee on Public Works will soon initiate. I am hopeful that all of the provisions of the act will be included in the highway bill reported by the Committee on Public Works.

Because of the importance of this legislation for reducing the slaughter on our highways, I urge all Members of Congress to give their support to this measure. It is legislation in the best interests of the Nation and every man, woman, and child who lives here.

The legislative summary follows:

Highway Safety Act of 1973—Summary of Provisions

Sec. 101. *Short Title*—Highway Safety Act of 1973

Sec. 102. *Highway Safety*—This section would authorize the appropriation of the following sums out of the Highway Fund for highway safety purposes:

1. For the National Highway Traffic Safety Administration—$200 million for fiscal year 1974 and $300 million for fiscal year 1975 for carrying out State and local highway safety programs under section 402 of Title 23.

2. For section 403 programs relating to highway safety research and development administered by NHTSA—$115 million for each of fiscal years 1974 and 1975 would also be provided.

3. For the Federal Highway Administration—$35 million for carrying out section 402 programs for fiscal year 1974 and $45 million for fiscal year 1975.

4. An additional $10 million for each of fiscal years 1974 and 1975 would be provided for carrying out section 307(a) and 403 of Title 23 by FHWA.

Sec. 103. *Rail Highway Crossings*—Many of the 220,000 public railroad-highway grade crossings in the United States at the present time are poorly marked and/or protected. As a result, 12,000 motor vehicle-train collisions occur which cause 1,500 deaths and 7,000 injuries. This program would seek to provide adequate signing and other protections, including separation and relocation where warranted, to all crossings in this country. $150 million for fiscal year 1974 and $225 million for fiscal 1975 would be provided for this purpose, with two-thirds of all funds authorized and expended to be appropriated out of the Highway Trust Fund. Under this section railroad-highway crossing projects would be authorized both on and off the Federal-aid highway system.

Sec. 104. *Bridge Reconstruction and Replacement*—The need to upgrade and improve our older bridges both on and off the Federal-aid system grows more pressing with each passing year. If progress is to be made in accomplishing this end, a continuing score of funding must be provided for this purpose. To this end, $225 million would be provided for fiscal year 1974 and $450 million for fiscal 1975, with two-thirds of all funds authorized and expended out of the Highway Trust Fund. Under this section railroad-highway crossing projects would be authorized both on and off the Federal-aid highway system.

Sec. 105. *Pavement Marking Program.*—A $250 million, two-year program to stripe all roads of the Nation which are presently poorly striped or not marked at all. This program would be specifically targeted at State and county secondary roads in rural areas where two-thirds of all highway fatalities occur.

Sec. 106. *Pavement Marking Research and Demonstration*—A national striping program would be extremely beneficial and save a great many lives. But the benefits of pavement marking all but disappear during bad weather conditions. In order to learn better how to cope with such conditons, a strong research effort in the field of wet and bad weather marking and delineation is urgently needed. Complemented by follow-on demonstration projects, new techniques and technology could be developed for solving the adverse weather marking problem. $40 million would be provided for this purpose over a two-year period.

Sec. 107. *Drug Use and Driver Behavior Highway Safety Research*—While a great deal of money is presently being spent on basic research in the alcohol field, very little work has been done insofar as drugs are concerned. Nor is the area of drivers with behavioral problems receiving the attention it deserves. We cannot continue to slight these latter two areas and expect to effectively cope with the highway safety problem. An adequate research foundation must be built. A basic research program should, therefore, be initiated in order to mobilize basic research capabilities at all levels of government and in the private sector. $40 million would be provided for this purpose over a two-year period.

Sec. 108. *Projects for High Hazard Locations (Spot Improvements)*—As you know, the spot improvements program was deleted from the Highway Act of 1970. This much-needed program for dealing with high hazard locations should be specifically established. A $100 million annual program divided two-thirds for high hazard locations on the Federal-aid highway system (out of the Highway Trust Fund) and one-third for those off the system (out of the General Fund), would save many lives.

Sec. 109. *Program for Elimination of Roadside Obstacles*—Investigations by the Oversight Subcommittee confirm that roadside obstacles are a major cause of accidents, injuries and deaths on the Nation's highways. By funding a long-range program to eliminate such obstacles, a principal cause of needless deaths and injuries could be eliminated in this decade. To the extent necessary, existing sign and light supports which are not designed to yield or break-away would be replaced. $75 million annually would be provided for this much-needed effort, two-thirds from the Highway Trust Fund.

Sec. 110. *Highway Safety Educational Programming and Study*—Realistically, the best way to educate and involve the general public is through wide-spread use of mass media. Present media efforts are confined to 30 and 60-second radio and TV spot announcements. Thus far, at least, these have failed to alert, educate or involve the American driving public. We need to study and develop new media methods and techniques for educating and informing the general public in the field of highway safety. To that end, $1,000,000 would be authorized for a study and assessment of current media efforts and the formulation of recommendations for future programming. An additional $4,000,000 would be provided for the development of highway safety pilot television messages of varying lengths for future use to educate and inform the general public on driving techniques and proper pedestrian practices.

Sec. 111. *Citizen Participation Study*—If a safety crusade is to succeed, wide citizen involvement and support is absolutely essential. Ways and means for encouraging greater citizen participation in the traffic enforcement process must, therefore, be developed. Citizen involvement could take any of several forms. A Citizen's Traffic Reserve Corps, could, for example, serve as an invaluable adjunct of professional law enforcement organizations to alert traffic authorities about hazards, to report accidents and to perform other valuable safety functions. $1 million would be authorized for this study.

Sec. 112. *Feasibility Study—National Center for Statistical Analysis of Highway Operations*—One of the greatest weaknesses of the present highway safety effort is the lack of specific, up-to-date, comprehensive data to support action programs. Consideration should be given to establishing a national system for uniform reporting of all accidents nationwide. Such a system would provide Federal, State and local authorities with continuous oversight over highway operations. Ultimately, it should be possible to get a clear picture of what is happening on the Nation's highways on a day-to-day basis. A study looking to the feasibility of a National Center for Statistical Analysis of Highway Operations, the cost of setting up and maintaining it, as well as problems associated with such an undertaking, could prove extremely useful. $5 million would be authorized for the conduct of such a study.

Sec. 113. *Pedestrian Safety Study*—In 1972, 10,000 pedestrians lost their lives in traffic mishaps. Each year the pedestrian toll rises. While efforts are presently being made to reduce the number of fatalities and injuries, they have not been successful. New ways and means must be found to protect pedestrians, especially children. Accordingly, this section would authorize a full and complete investigation and study of the pedestrian safety problem by the Secretary of Transportation. In its conduct, the cooperation and consultation of other agencies, the States, their political subdivisions and other interested private organizations, groups and individuals would be sought. Results would be reported to the Congress along with legislative recommendations. $5 million out of the Highway Trust Fund would be authorized for this purpose.

Sec. 114. *Manpower Training and Evaluation Programs*—This provision would authorize section 402 funds appropriated to the States for highway safety programs to be used for the development and implementation of manpower training and demonstration programs which the Secretary determines would help reduce traffic accidents.

Sec. 115. *Public Road Mileage*—For purposes of apportioning section 402 funds among the States, this section would provide that public road mileage in each State would be determined at the end of each calendar year.

Sec. 116. *Minimum Apportionment*—Under this section, the minimum amount available to any State for section 402 highway safety programs would be increased from one-third of 1% to one-half of 1%.

Sec. 117. *Incentives for Compliance with Highway Safety Standards*—This provision would authorize the Secretary to award each year $10 million in incentive grants to those States which have achieved "above average results" in their highway safety programs. An additional $10 million would be provided for States which have made the "most significant improvement" in carrying out their programs, with no State receiving more than $500,000 in any fiscal year. Such sums are authorized to be appropriated out of the Highway Trust Fund.

Sec. 118. *Highway Safety Research and Development*—This section would clarify the language of section 402 so as to make clear that research funds could be used for grants to or contracts with public agencies, institutions and individuals for personnel training, research fellowships, development of accident investigation procedures, emergency service plans, demonstration projects and other related activities deemed by the Secretary to be necessary to carry out the purposes of this section.

Sec. 119. *Transfer of Demonstration Project Equipment*—This provision would authorize the Secretary to transfer to State and local agencies title to equipment purchased with research funds for demonstration projects.

SEC. 120. *Administrative Adjudication of Traffic Infractions.*—The only contact that many Americans ever have with our court system is in the realm of traffic infractions. Because our traffic courts are overwhelmed and inadequate, many emerge with a jaundiced view of how our courts operate. The feasibility of administrative alternatives to judicial adjudication of traffic infractions should be explored. This section would authorize the Secretary of Transportation to conduct research in this area looking to the development of fair, efficient and effective administrative processes and procedures. A report to the Congress would be made by July 1, 1975.

SEC. 121. *National Highway Safety Advisory Committee*—The National Highway Traffic Safety Administrator would be added by this provision as an ex officio member of the National Highway Safety Committee.

SEC. 122. *Date of Annual Report*—This section would move back the date on which the Secretary is required to submit his annual report to the Congress on the administration of the Highway Safety Act from March 1 to July 1 each year.

COST OF LEGISLATION

The Highway Safety Act of 1973 would authorize the appropriation of approximately $1.1 billion in fiscal year 1974 and $1.5 billion in fiscal 1975. The primary source of funding would be the Highway Trust Fund.

This level of funding would represent a five fold increase over present levels. Estimates indicate that if such sums are provided and the programs contained in the Highway Safety Act of 1973 are fully implemented, upwards of 10,000 lives will be saved each year, with commensurate reductions in accidents, injuries and property damage.

DEBT REDUCTION BILL

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. RHODES. Mr. Speaker, this Nation cannot continue to give its national debt the Scarlett O'Hara "I'll think about it tomorrow" treatment. We must reverse the present casual disregard this body has toward our debt. For far too long Congress has treated debt retirement like a drunk would treat a hangover—too horrible to contemplate.

I feel that if we treat debt retirement the same as we treat other fixed expenses of the Government, we will make a start on reducing the mountainous obligation. For this reason I have today introduced legislation requiring the President to submit in his annual budget a figure to be used to pay on the debt, that figure to be no less than $2 billion.

Our national debt is currently $447 billion and it is expected to be $465 billion by the end of the year. These may be sums none of us can really comprehend, but that goes directly to the point. It is not really possible to comprehend a debt of that magnitude, yet we are not even making an attempt to reduce this national disgrace.

The wisdom of paying debts when times are good cannot be questioned. However, we have been through business booms and the situation is the same, our national debt increases.

It is time to budget debt retirement like any other fixed Government expense. We cannot avoid this problem any longer.

TWO OUTSTANDING EDUCATORS

Hon. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. MONTGOMERY. Mr. Speaker, recently the McCallie School in Chattanooga, Tenn., marked the retirement of two outstanding faculty members following 86 years of untiring service and devotion to the teaching of young men. As a former student at McCallie, I came to know both of these men personally from a student-teacher relationship, and since graduation, I have tried to maintain a close personal friendship with both of them because I feel deeply indebted to both of them for the leadership and guidance they provided me. Those other Members of Congress who attended McCallie will know that I speak of none other than Col. Herbert Pritchard Dunlap and Maj. Arthur Lee Burns. Both of these men joined the staff of McCallie in 1925 and are largely responsible for the high standing it has among preparatory schools.

One of the men, if not the one man, who had the most influence on my life was Maj. Arthur Lee Burns. He was a giant of an individual in every sense of the word. He was stern when the situation called for sternness, but he also exhibited the compassion of a Christian gentleman when one of the students needed the understanding of their "father" away from home. A graduate of McCallie himself, Major Burns returned to his alma mater in 1925 after he received his M.A. degree in French from Emory University. His capacities at McCallie included many, but the ones for which he is best remembered are associate head master, dean of students and vice president.

A graduate of the Citadel, Herbert P. Dunlap came to McCallie in 1925 to teach English and serve as assistant commandant. But he soon found that he had many other duties including the supervision of military drills, athletic coach, and adviser to students. During the years, he also served in many other positions including the director of admissions, development director and head of the military department. At the time of his retirement, Colonel Dunlap was a vice president and business manager of McCallie. In addition to his school duties he also found time to serve one term on the Hamilton County Council and two terms as Chattanooga Commissioner of Fire and Police.

Mr. Speaker, I, for one, feel very fortunate to have known Major Burns and Colonel Dunlap. I salute them for what they have meant to the students of McCallie.

NORTH VIETNAM KIDNAPS CHILDREN OF SOUTH VIETNAM

HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. HUBER. Mr. Speaker, while Americans debate over the shape of a future peace in South Vietnam, the North Vietnamese are laying the groundwork for future subversion. In a story that appeared in London some time ago, and evidently, nowhere in the United States, it is related how the North Vietnamese are systematically kidnapping South Vietnamese children, who are to be indoctrinated for future activity against the South Vietnamese Government.

This atrocity and human tragedy follows a precedent established by the Communists in at least one other conflict. During the period of the Greek Civil Wars, the Communist guerrillas kidnapped or evacuated approximately 28,000 children. The international Red Cross records in Geneva show that there were 6,000 requests from Greek parents for 8,500 children. Significantly, on March 3, 1948 the Balkan Youth Conference made a decision that 3- to 14-year-olds in "Free Greece" should be taken away and cared for in Cominform countries. Evidently, the Communist nations had a definite purpose in mind at that time also. In November 1948, the United Nations called for the return of these children, but only Yugoslavia cooperated.

Those persons who feel we may be entering an era of peace in Vietnam had better take heed of North Vietnam's long-range plans. Therefore, I commend the attention of my colleagues to this article from the Daily Telegraph of London of November 7, 1972 which follows:

MASS KIDNAP OF CHILDREN TO FORM FIFTH COLUMN

(By Ian Ward)

North Vietnamese soldiers are kidnapping South Vietnamese children by the hundred and trekking them through dangerous jungle trails to indoctrination schools in the North.

Details are given in a lengthy American Government memorandum. The Communists aim is to create a fifth column, to be sent South in a few years.

The nature of the programme is regarded by experts on Communist methods as a graphic illustration of Hanoi's long-range intentions.

The memorandum refers specifically to three districts in northern Binh Din Province which came under Communist control for three months earlier this year. It estimates that more than 1,700 children have been kidnapped from these areas, Tam Quan, Hoai An and Hoai Nhon.

SIX-YEAR-OLDS

Ages of those spirited away range from six to 12. Children of over 12 have been forced into local guerilla units.

Records show similar abduction efforts in the past, but never before have so many children been wrenched from their homes at one time.

The American document says that Communist agents use threats and coercion when parents resist requests to "volunteer" their children. It quotes interviews with parents.

On the trail northwards, the children are subjected to lectures on discipline and sessions of self-criticism, the memorandum says.

It refers to nine eye-witness accounts from which experts have been able to identify different groups, varying in size and travelling at different times.

These details refer to more than 600 children seen on the trail.

The numbers of children kidnapped from the Binh Dinh Province area is estimated as Tam Quan 918, Hoai An 596, Hoai Nhon 200.

CHILDREN OF OFFICIALS

It is known that the Communists prefer to seize the children of government officials or of those who work in the outlying districts.

In this way they seek to swell the ranks of their future fifth column and to retain a long-range blackmail weapon with which to manipulate members of South Vietnam's rural administrative service.

The United States memorandum sets out four reasons for the abductions:

1—It coincides with the Communists long-range plans for training "high motivation" cadres for the future.

2—It gives the Communists a leverage with families who would otherwise be committed to the Government side.

3—It offers the opportunity for creating dissension and suspicion at family level once the children return, thereby sowing the seeds for alienation of the Government by the people.

4—The programme is in keeping with North Vietnam systematic efforts to break up the age-old Vietnamese custom of strong family ties.

OTHER ABDUCTIONS FEARED

South Vietnamese officials fear that the abduction of children that has come to light in Binh Dinh province may have been repeated in several other areas that have come under lengthy Communist domination during the present offensive.

If this is so, the document concludes, the programme will pose a problem of considerable proportions for South Vietnam in the future.

As far as the Government is concerned, preparations are being made to raise the issue of child abduction at any international conference that might follow a ceasefire.

TRIBUTE TO OLIVER P. BOLTON

HON. JULIA BUTLER HANSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mrs. HANSEN of Washington. Mr. Speaker, it is with a deep sense of personal loss that we take note of the passing of the Honorable Oliver Payne Bolton, who served with distinction for three terms as a Member of the House of Representatives.

He came to Congress with a rich heritage in Government from his parents: His father, Chester Castle Bolton, who served in the House during the 71st, 72d, 73d, 74th, and 76th sessions; and his mother, Frances Payne Bolton, who was elected to fill a vacancy in the 76th Congress following the death of her beloved husband. Mrs. Bolton was elected to 14 successive terms in the House of Representatives.

Oliver Payne Bolton, in addition to his service in the legislative branch of the Government, distinguished himself by overseas military service during World War II. As a lawyer and newspaper publisher in Ohio, Mr. Bolton had received recognition in private life through the same sincere devotion to his professions, as he had given to the responsibilities that are imposed upon a Member of Congress.

In closing, may we all extend to his family and associates our sincere sympathy over this great loss that had come to the State of Ohio and the Nation.

PEACE WITH HONOR, NOTHING MORE AND NOTHING LESS

HON. SAMUEL L. DEVINE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. DEVINE. Mr. Speaker, amid all of our hopes and prayers for peace in Vietnam, a rancorous—and profoundly dangerous—sound is now being heard. Some of our most respected leaders are saying that the recent bombing of military targets in Hanoi and Haiphong accomplished nothing. They say we added only to the numbers of POW's, MIA's and KIA's—even that we perhaps made the North Vietnamese more determined.

Well—before the bombing, the North Vietnamese were not negotiating and the Paris peace talks had broken down. After the bombing, the North Vietnamese came back to negotiate and the Paris peace talks moved ahead.

We have eyes and we can see. We have minds and we can understand.

But it is even more important to analyze this rancorous new criticism of the President—because we seek not only peace in Vietnam—but a new generation of peace everywhere in the world. And the critics clearly—and fundamentally—believe that the judicious use of military power has no place in the conduct of foreign policy. Theirs is indeed the voice of appeasement.

When President Nixon conducted limited operations into Cambodia and Laos, the critics accused him of waging ruthless, aggressive war. They charged he was setting back the chances of peace. But President Nixon said his attacks against enemy sanctuaries would cut down the enemy's fighting power and make it possible to speed up the withdrawal of our GI's.

President Nixon was proven right. Even before the recent phases of the Paris peace talks, he had succeeded in cutting down our authorized troop strength in Vietnam from 550,000 to 29,000. The critics were proven wrong.

When President Nixon made his fateful May 8 decision to mine the Haiphong Harbor and resume the bombing of North Vietnam, the critics once again were horrified and conscience stricken. They said he was jeopardizing the chances of success at the Moscow Summit soon to follow. But the Moscow Summit was not only a success—it was the occasion for the signing of the SALT I agreement that heralded the worldwide generation of peace.

The success of the Moscow Summit proved once again the truth of Sir Winston Churchill's belief that:

> There is nothing the Russians admire so much as strength and nothing for which they have less respect than weakness. We cannot afford to work on narrow margins, offering temptations for a trial of strength.

And, once again, the men of appeasement were proven wrong.

Durini th recent election campaign, with Vietnam the No. 1 iesue, the voters of America were heard from. They overwhelmingly endorsed the President—and since then, according to the polls, they support the bombing of military targets to put a speedier end to the war.

President Nixon now deserves the chance to win peace in Vietnam—in the new negotiations that the sacrifices of our airmen have made possible. The men of appeasement—by contrast—have a vested interest in the failure of any kind of peace that rests on power.

Many critics want peace with surrender.

President Nixon will accept only peace with honor—nothing more, and nothing less.

DO NOT DISMANTLE EDA

HON. JOHN A. BLATNIK

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. BLATNIK. Mr. Speaker, it is no secret that President Nixon, in contemptuous disregard of the express will of Congress, plans to scuttle the Economic Development Administration and all its programs on which thousands of depressed communities across the Nation are depending for their survival.

I have been informed by highly reliable sources—and the White House has not denied their accuracy—that the Office of Management and Budget has slashed the EDA budget for the next year from $367 million to something in the neighborhood of $20 million.

Twenty million dollars. Mr. Speaker, that is about what will be spent here in Washington this weekend to celebrate Mr. Nixon's second inauguration. It is just about enough to cover severance pay for the dedicated men and women who staff the EDA programs throughout the country and who now see their efforts canceled by a stroke of the White House pen.

The President has fired his EDA Administrator, Bob Podesta, one of the ablest Federal officials I have encountered in all my 26 years in Congress. He has served notice on the more than 1,100 counties designated for EDA assistance that they can take care of their own jobless citizens or cut them adrift.

If this ill-considered Presidential decision is not countermanded by the Congress, all our hopes for the economic revival of these hard-pressed areas will go down the drain.

Accordingly, with the bipartisan support of both Republican and Democratic members of the House Public Works Committee, I have today introduced legislation to continue the EDA programs and the Regional Planning Commissions for 1 year at their present funding levels.

We are proposing a 1-year extension because that is the time needed to complete studies now underway by the House and Senate into the operation of these programs. The additional year is needed, furthermore, to allow for an orderly transition to new programs if better ways are found to relieve economic hardship and unemployment in our depressed communities.

Last October, we passed legislation which would have improved and extended the EDA and Regional Commission programs. The President saw fit to veto that bill in the closing weeks of the 92d Congress when no time was left for reconsideration by its supporters in the House and Senate—a solid bipartisan majority of the Congress, by the way.

Now, in the opening days of the 93d Congress, the President proposes to dismantle EDA and a whole array of programs initiated by the Congress many years ago and continued year after year for one simple reason—they were effective, they were bringing industry, jobs, and hope to American communities that were sadly short of all three commodities.

The right of Congress to reflect the public will by legislating in the public interest has once again been challenged by the Executive. We intend to meet that challenge.

The House Public Works Committee, of which I have the honor to serve as chairman, has made the economic development programs its No. 1 priority as of today. And I am confident that the entire Congress will stand with us in defense of its role in the Government of these United States.

A TRIBUTE TO ROBERT M. BALL

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. ANNUNZIO. Mr. Speaker, Robert M. Ball, Commissioner of Social Security, is leaving the post he has held since 1962.

Although all of us dislike bureaucracies, we find, to our chagrin, that the very immensity and diversity of our society aids the growth of bureaucracy in both Government and the private sector.

Robert Ball hated bureaucracy, too, but he was a man who not only knew how to run a bureaucracy as efficiently as possible, but also how to make it as compassionate and humane as possible. This combination of qualities is rare indeed and we in the Congress will surely miss him.

Robert Ball was instrumental in the difficult reorganization of the vast social security apparatus with one object in mind: to better serve the aged, the widowed and the helpless. And he was successful—as successful as one man can be in the desolate world of offices and paperwork.

Robert Ball's service with Social Security can be summarized in two words: He cared. It is for this most important of reasons that I say I am sorry to see him leave—and I extend to him my very best wishes for good health, happiness, and success in his future endeavors.

SYMMS LAUDS REMARKS BY LEO BODINE

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. SYMMS. Mr. Speaker, today I want to introduce a statement into the RECORD made by Mr. Leo Bodine, executive vice president of Associated Industries of Idaho. This statement discusses the relationship between freedom and government control, and poses the question of whether more government or less government is what we need to produce the best future for our land and its people.

For centuries, man has struggled with the problems of poverty and injustice. Countless systems of economics and political organization have been tried with varying degrees of success. The United States has been an experiment based on the idea that free men with the right to own their own property, and the right to keep most of what they earn would be the most creative and productive. The experiment has had astonishing success. No nation on earth has done more to abolish poverty. No nation in history has given hope and opportunity to so many people. It is not a perfect system, but before we destroy it with overregulation, and crippling taxation, we should remember that political and economic freedom has been the mainspring of human progress. This Nation's future can be even greater than her past, if only we have the wisdom to limit the size of government and to encourage greater individual opportunity.

Mr. Speaker, Mr. Bodine's remarks follow and I commend them to the reading of my colleagues:

MR. BODINE'S REMARKS

Each of us and all of us share a high regard for this rugged, beautiful land called Idaho. Each of us and all of us wish it a great future. We may not agree, in fact it would be a first in the history of human behavior if we did, as to how best that future can be attained.

Simple observation, however, reveals many things about which there can be little disagreement . . . relatively, Idaho is still sparsely populated, distant from markets and short the number of industrial units necessary for the creation of wealth . . and this latter statement does not in any sense downgrade the importance of Idaho agriculture. Development, except for agriculture, lumber, and mining, has set no records in Idaho. It has been slow, perhaps fortunately so . . . but the state seems now to be on the threshold of an accelerating growth that can bring many desirables and also produce some annoying growth pains.

Generally conceded, except by those who would make a federal province of Idaho and set aside its lands for non-development, is the advisability of balanced growth . . . industry, agriculture, mining, recreation—and in general the normal mix of man's interests.

If balanced growth is to occur, and it will not come about accidentally, a necessary requisite will be attraction of additional industry, diverse in category . . . plus continuation of existing industry under circumstances favorable enough to permit both continuance and orderly growth.

There are many things that attract or repel industry. In some instances the availability of a work force . . . in others, distance from market . . . in yet others the cost of raw material . . . and always the cost of government. So the record of government behavior is important and this is the only clue available as to what the future may bring from that cost center. It is easy to deal with knowns . . . the unknowns and the unexpected are what drives management up the wall and gets a company into difficulties . . . and government at its various levels has produced more sudden, expensive additions to manufacturing costs than all other unpredictables combined.

It is through government that non-admirers of the capitalistic system attack. Their favorite and most telling weapon is government spending and the taxes that must be assessed to cover, or the alternative, deficits accepted with attendant inflation.

If we insist on increasing the role of government in our lives and affairs, higher taxes are unavoidable. Paternalism must be paid for. Mr. Arthur Burns of the Federal Reserve has said "The propensity to spend more than we are prepared to finance through taxes is becoming deep seated and ominous."

Casper Weinberger, Director of the Office of Management and Budget, has warned of an ominous fiscal future unless the Congress stops financing governmental schemes by inflationary processes. He says "Throwing money at social problems is not the way to solve them."

If Treasury deficits and disastrous inflation are to be avoided, government expenditures must be met by taxation, in the interest of sound fiscal and monetary policies.

Economic controls have not and will not cure inflation.

One school of political thought has announced that we are "committed to resuming the march to equality", which is to be brought about by a redistribution of power, income and property.

Perhaps an astute Frenchman, Alexis de Tocqueville, did speak the truth of us, when he said "Americans are so enamoured of equality they would rather be equal in slavery than unequal in freedom".

This is not to deny that government must change to fit the needs of its citizenry. Our governments have changed radically in the less than 200 years of this nation's life. Actually, we have one of the oldest continuous governments on earth and its ability to change . . . rapidly, repeatedly and with a minimum of frictions . . . to meet the needs of successive generations of Americans . . . is no doubt principally accountable for its longevity.

The government which sufficed for my grandparents would not suffice today. Their requirements were those of venturesome travelers, moving westward from Minnesota to Kansas to Utah to Oregon and then to Idaho, via covered wagon.

My grandfather was a blacksmith . . . a self-reliant, proud man who very nearly perished of exposure during a bad winter in Provo City, Utah, and took it in stride . . . as did other families in the same group.

My grandfather would not have guessed that his great grandchildren would live in houses with several television sets and talk learnedly of prospective trips to the planets . . . of bouncing communicating waves from orbiting satellites or of farming and mining the ocean's depths. He would have found computers totally unbelievable . . . and it would have been unthinkable that government should identify poverty, control of air and water, racial discrimination, employment, and a host of other things as proper concerns of government . . . to be solved by government.

Times do change . . . rapidly . . . and the role of government has changed as markedly and as rapidly as has anything else . . . it has mushroomed into a size that defies comprehension and it reaches into every life, every hour, every day.

It is time to read history. The study of civilizations teaches that expanding democracy often ends in destroying the earlier institutions of liberty. The greater the attempts at social and economic equality the dimmer the prospects for liberty.

It was Woodrow Wilson who cautioned . . . "The history of liberty is the history of the limitation of governmental power, not the increase of it."

In the final analysis, the political, economic and social issue that supersedes all others is Private Capitalism vs Socialism.

We will be hard pressed to preserve our system if excessive taxation is allowed to siphon off incomes and property otherwise available for meeting living costs and for investment in private capitalistic enterprises. Excessive taxation stunts production and economic growth.

No nation can exist in the modern world without a strong and viable economy. It is time we stop derogating private wealth, property rights, business success, profits and economic power . . . if we are to preserve individual liberty, free enterprise and private capitalism . . . the exact things which account for all our successes and all our triumphs.

The absolute height of all ironies is revealed when the chronicle of industrial accomplishments in this country is held side by side with the record of attacks made upon industry.

Industry has been the single most responsible element of our society. It has accepted each new burden placed upon it, made the necessary adjustments, and played a major, if not the major, role in advancing this country to its position of eminence in today's world.

The accomplishments, in total, seemingly, have generated a belief that there is no limit to what industry can do . . . and that may be very nearly so—if the regulatory chains are not drawn too tight, too fast, and the requirements are not made so severe that increased prices thus made necessary . . . bring revolt and rejection in the market place . . . in precisely the fashion that excessive taxes at some unknown point will bring a taxpayer revolt.

Happily, Idaho as a state does not indulge, as does the Federal establishment the temptation to *overspend* and accept deficits, and the record for constancy and reasonable consistency in its governmental processes has been reasonably good . . . but, here as elsewhere the disposition to tax and tax and spend and spend has not proven entirely irresistible.

Educational outlays are illustrative. There is neither time, nor disposition on my part to argue whether or not we are getting acceptable value from these very sizable expenditures. My fear, frankly, is that the people who may be the best qualified to solve the riddle, the educators themselves, have not taken its true measure although it is heartening to note the disposition of some leading educators to critically examine aspects of the problem that have long been considered "untouchable". Certainly it will not long be enough to rely upon fiercely articulated annual request for more funds to solve educational difficulties.

And speaking of competition . . . it really peaks out in the battle between state agencies for building funds.

Governments have changed and can be changed again. I believe we are entering a period of change . . . at the Federal level at least. The past eight years could be described as the era of government activism. New national problems were discovered and defined at an unprecedented rate—poverty, educational deficiencies, deterioration of the environment, consumer protection, medical care, occupational safety, income maintenance, and others. In each case as the problem was discovered, it was taken for granted that a new government program for dealing with it was necessary.

This era of activism, I hope and believe, is coming to an end . . . it will not occur immediately, such movements never terminate abruptly, but gradually over the next several years. A mood of confidence in government's ability to solve all problems dies hard, but the psychological basis is being laid for an era of greater realism in the conduct of national affairs and after eight years people are more disposed to ask, not merely what has been spent on social programs, but what they have accomplished. And the answer in most cases has to be "not much".

Encouraging also is President Nixon's declaration that during his second term he intends to break the trend toward ever-growing big and bigger government . . . to cut back, to reorganize, and to reduce spending.

Encouraging, too, here at home, Idaho voters, on November 7, unmistakably declared their belief that restructuring of State government should be undertaken. More importantly, they voted for economy. There is nothing magical in the number 20 . . . who cares a damn whether there are 20 or 25 or 30 departments of State government. What we do care about is the cost of government . . . we want it reduced . . . and not just at the State level . . . as witness the election of apple-biting Steve Symms . . . and I wish him long teeth and much happy biting.

My concluding line is simply that the worth of the inseparable desirables of individual liberty, free enterprise and private capitalism is self-evident and surely a point on which we can all agree. I hope we can also agree that whatever is necessary to preserve them shall be done.

JIM SMITH, ADMINISTRATOR, FARMERS HOME ADMINISTRATION, LEAVES

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. DUNCAN. Mr. Speaker, as Jim Smith of Oklahoma leaves Washington and his post as Administrator of the Farmers Home Administration, his friends and colleagues have every reason to be proud of him and to honor him with our gratitude.

Under his capable leadership, the FHA has expanded and grown and has made creative strides in the service to the rural areas across this Nation. The dedication and energy Jim Smith displayed over the years will be gratefully remembered by the many citizens he served so well.

All of the Members of Congress join to wish Jim Smith and his family success and happiness in their future endeavors. We extend a hearty "thank you" to a great public servant and a fine gentleman.

KIEFFER MARSHALL OF TEXAS

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. COLLINS. Mr. Speaker, last fall the Marine Corps held a memorial service here in Washington honoring the heroes of Iwo Jima. The honorees included survivors from the great Iwo Jima Monument. The corps also picked out five marines who had been in the middle of other Iwo combat. One of these men selected was Kieffer Marshall of Bell County, Tex. They chose Kieffer to represent the finest traditions of the Marine Corps as exemplified in Iwo Jima.

This past weekend, I visited with Kieffer Marshall and his wife, Sammie. They were attending a national convention of the Fidelity Union Life Insurance Co. which included the sales leaders from coast to coast. When I saw Kieffer, I thought aboot the Marine Corps slogan. The marines plainly state they do not want all of the men, they jost want the best.

The time has passed quickly as I head into my fourth term in Congress. Prior to this I was a businessman all of my life, and for 25 years, I was with Fidelity Union Life Insurance Co. It was great to see old friends and to recall a vivid memorable experience I had with Kieffer Marshall.

When Kieffer came home from the war, he went to the University of Texas and graduated. He married his beautiful college sweetheart, Sammie, and they settled in Temple, Tex. He entered business with Fidelity Union Life, and I knew him from the first day that he started on his career. He was a hard worker. He was a thorough student. He was consistent week after week. Kieffer was the leading rookie in the company. He soon ranked among the company's top 12 salesmen. In a few years he became the top leader in the entire company. He sold quality business and he maintained quality service.

After about 10 years in the business, his steady progress gained him recognition as the outstanding insurance man in central Texas. I was president of the company when Kieffer called one day. The conversation went something like this:

> Jim, I have been contacted by the President of a large new insurance company. He has talked to me several times and has made me an astounding offer. He wants me to be the vice president of their agency sales operation. He said I can continue to live in Temple, and that he will furnish a general office, all of the maintenance and salaries, an automobile, and pay all of my expenses in every way. In addition, he will pay me a $40,000 salary, he will give me all of my own commissions plus renewals on my sales. He will give me a big percentage on all sales made by any agent in our entire operation. What do you think?

I had heard of a lot of offers that were being made but this was the jumbo proposition of all. Here was a 10-year basic contract with unlimited renewals. This was a $100,000 a year deal for a young man in a small community. Here was a company that had been formed with a tremendous paid-in capital. I never heard of such an offer being made before to a man in the field.

After thinking it over, I called Kieffer back and told him that there was no way any company could live with such a fantastic contract. I said, "He is giving you all of this conversation, but you have only heard it from the president of the company." I know it is not possible, so would Kieffer have the president go to the board of directors and get the entire proposal confirmed and approved by the board of directors of the company.

About 2 weeks later, I had a call from Kieffer. He said that he had received from the president a statement covering all of this. He sent a certified copy of the written minutes of the board of directors meeting where they had covered every point, in every way, and had guaranteed it all specifically. Kieffer asked what did I suggest.

I thought and I thought, but I had nothing to add, and I had nothing to suggest. I just told Kieffer that he would have to make the decision by himself. Kieffer said that he was going to talk it all over with Sammie and that he would let me know.

The days rolled by and Kieffer called back. As I recall, it went something like this:

> Jim, Sammie and I have been doing a lot of talking and thinking. We have reviewed this offer over and over, as it is such a staggering amount for a young couple. We prayed over it. And I guess Sammie summed it up the best when she said, "What this offer really boils down to is this—they want to buy your name, Kieffer, because you have built a real good name. And for this, they are willing to pay a real high price. But Kieffer, there is no price high enough to pay for a good name." And that is the way we feel about it, Jim. My name is not for sale.

Kieffer continued to establish sales records for the Fidelity Union Co. He continued to be a hard working citizen and took pride in being on the team of every community drive that built for a better Temple and Bell County.

I resigned as president of Fidelity Union Life when I went into politics. The years get by mighty fast. It was such a warm feeling when Dee and I got to visit with the Marshalls this weekend. I remembered back when he had this tremendous offer. I recall that 3 years after that company got started, that it ended up a financial failure because they tried to find an easy way to do business.

But Kieffer Marshall has continued from that day forward to do a good day's work every day, day in and day out. I learned that he now has $27 million of life insurance in force right there in the small community of Bell County, Tex. And Kieffer and Sammie are still young with the future ahead of them.

From time to time, I find young men who have just entered the field of business. They are looking for shortcuts. They are looking for the quickest way to get rich. I think that usually we find that the hardest way in the long run might be the best.

The Marine Corps is proud of its fine sons. Texas is proud to see its young men carry on the traditions that built our State from the days of the Alamo and San Jacinto. And the city of Temple down in Bell County in the heart of Texas will always be proud of the Kieffer Marshalls.

JUSTICE RAYMOND E. PETERS

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. REES. Mr. Speaker, Justice Raymond E. Peters, associate justice of the California Supreme Court, died a few weeks ago. Justice Peters was recognized as one of the great members of the bench, not only in California, but throughout the Nation.

I would like to have a tribute to Justice Peters placed in the RECORD. The tribute was written by my constituent, Joel Zeldin, member of the California Bar and former law clerk to Chief Justice Donald R. Wright of the California Supreme Court:

JUSTICE RAYMOND E. PETERS

Justice Raymond E. Peters, Associate Justice of the California Supreme Court, died two weeks ago—during the week he was to announce his retirement. He was 69 years old.

Justice Peters was a native of Oakland, California. He attended Boalt Hall law school at the University of California, earning his support as an automobile mechanic and graduating with the highest honors awarded. Following several years of public and private legal practice, he was appointed to the Court of Appeal, where he served for 20 years. In 1959, Governor Edmund Brown selected him to fill a vacant seat on the state's high bench.

During his 13 years with the Supreme Court, Justice Peters wrote numerous precedent-setting opinions, many of which departed from outdated but accepted principles in order to achieve a fairer result.

For example, in 1967, the Los Angeles Teachers' Union filed suit to challenge a Board of Education rule which forbid teachers from circulating and discussing petitions while on school grounds, even during lunch periods when the teachers had no duties. School authorities argued that such discussions might have a disruptive effect on school related activities. (Incidentally, the petition about which the controversy arose entreated the governor and the state superintendent of public instruction not to implement a threatened cutback in state funding for public schools.) In holding the restrictions on free speech unconstitutional, Justice Peters wrote for a unanimous court:

"Harmony among public employees is undoubtedly a legitimate governmental objective as a general proposition . . .; however, . . . government has no interest in preventing the sort of disharmony which inevitably results from the mere expression of controversial ideas. . . . It cannot seriously be argued that school officials may demand a teaching faculty composed either of unthinking "yes men" who will uniformly adhere to a designated side of any controversial issue or of thinking individuals sworn never to share their ideas with one another for fear they may disagree and, like children, extend their disagreement to the level of general hostility and uncooperativeness. Yet it is precisely the inevitable disharmony resulting from the clash of opposing viewpoints that [the school board] admittedly [seeks] to avoid in the present case." (Los Angeles Teachers' Union v. Los Angeles City Board of Education (1969) 71 Cal. 2d 551.)

Then, in 1971, a bar owner challenged the constitutionality of a statute which prohibited women, except holders of liquor licenses and wives of holders, from tending bar. On behalf of a unanimous court, Justice Peters held that the law was violative of the equal protection clauses of both the federal and state constitutions, as he eloquently wrote:

"The desire to protect women from the general hazards inherent in many occupations cannot be a valid ground for excluding them from those occupations. . . . Such tender and chivalrous concern for the well-being of the female half of the adult population cannot be translated into legal restrictions on employment opportunities for women. . . . The pedestal upon which women have been placed has all too often upon closer inspection been revealed as a cage." (Sail'er Inn, Inc. v. Kirby (1971) 5 Cal. 3d 1.)

More recently, the court was confronted with the issue of whether prison officials could read written communications between prisoners and their attorneys. Again expressing the views of a unanimous court, Justice Peters said that although prison guards could employ reasonable means of insuring that no physical contraband was being transferred in letters between inmates and their legal counsel, such communications are statutorily privileged and may not be read. (In re Grady and Jordan. (1972) 7 Cal. 3d 930.)

But not all of Justice Peters' opinions were unanimous; in fact, his words were often written in dissent. In 1963, the California Supreme Court held that a pregnant mother could not recover damages for mental distress with consequent physical manifestations suffered upon seeing her infant son negligently run over by an ice truck. Justice Peters passionately dissented from this result. He argued that a mother who helplessly watches as her child is crushed will predictably suffer injuries for which she should be compensated, just as others who suffer negligently caused injury are compensated. (Amaya v. Home Ice, Fuel and Supply Co. (1963) 59 Cal. 2d 295.) Five years later, that case was overruled, and the position advocated by Justice Peters was followed. (Dillon v. Legg (1968) 68 Cal. 2d 728.)

Though there were other issues on which a Peters dissenting view ultimately appeared in a majority opinion, no such situation is as noteworthy as his fight against capital punishment. For years, Justice Peters consistently voted against imposition of the death penalty and against the death penalty itself. Finally, last year, capital punishment was declared to violate the state constitution's proscription against cruel or unusual punishment. (People v. Anderson (1972) 6 Cal. 3d 628). Likewise, the federal high court has now banned the death penalty—at least as it is presently *imposed*. (Furman v. Georgia (1972) 408 U.S. 238.)

As happens with any prominent person who dares suggest unorthodox solution to social problems, some say that Justice Peters was an unrealistic idealist. Others protest, insisting that he was a genius who saw years ahead of his time. But those who have read his opinions or heard his comments at oral argument agree: Justice Peters was the rare man who befriended the unfortunate and defended the downtrodden. His compassionate and forgiving nature made him more than just another successful man, for he was a great man.

The words of Chief Justice Wright articulate the thoughts we all share: "Ray

Peters . . . was a man of strong convictions and his published opinions eloquently speak of his continuing concern for the underprivileged, for the poor, the weak and the despised. Few judges have expressed more clearly an abiding concern for the welfare of his fellow-man. Few judges have fought more vigorously and successfully to secure justice for those who were litigants before the lower courts of our state—and this was especially true of those who were accused of crime. He constantly reminded us that we were a 'court of justice' and that it was our solemn obligation to see that justice was done."

Justice Peters is survived by his wife Marion and his daughter Janet Garrison.

NEWSMAN OPPOSES "SHIELD LAW"

HON. FLOYD V. HICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. HICKS. Mr. Speaker, recently there has been quite an uproar over alleged violations of "freedom of the press" when reporters who refused to divulge their news sources have been convicted of contempt of court. As a result of these incidents there have been proposals both in Congress and in State legislatures for "shield laws" to protect newsmen from prosecution. Because there are so many questions still unanswered, however—such as who would be considered a reporter—it seems hasty at this time to promote legislation that would give any special privilege when it comes to withholding evidence in a court of law. The only reservation should be that the prosecutor use every available means to obtain evidence before requiring a newsman to divulge his confidential sources.

In a recent editorial, Mr. Gene Gisley, editor of the Bremerton, Wash., Sun, also questioned the need for these "shield" laws, at least until the press can tell how much effect the new ground rules will have on news reporting. As Mr. Gisley is a working newsman with firsthand knowledge of the problems facing reporters, I think the editorial brings out some interesting and thought-provoking points:

PROTECTION NOT NEEDED?

One of the topics you're going to hear a lot about in the next few months is the "shield law," the device which newsmen are promoting to protect themselves from being compelled to disclose the sources of their information.

If the polls are to be believed, about two-thirds of the general public is in favor of some kind of shield law for newsmen and I think just about all newsmen favor legal protection from disclosure.

Measures to provide that protection have been introduced in the Congress and in many state legislatures. It will be an issue in the Washington Legislature next month.

What follows here may be a little different kind of discussion from most you'll see because I am not sold on the shield law. Most of the writing on the shield law comes from journalists and I am suspicious of the ability of newsmen to be objective—as I am of the members of any other group—when their personal interests seem to be at stake. When they are personally threatened, newsmen are as quick to abandon reason as anyone else.

A newsman may be an ardent advocate of stern handling of unruly crowds, for instance; but let him get roughed up once in a mob by a police officer and he'll turn into an instant cop-hater. I've seen it happen; it's happened to me.

The shield law matter is not that dramatic a confrontation, of course, but it seems so to those newsmen who are being thrown into jail on contempt charges for refusing to divulge their sources of information desired by grand juries or the courts.

My reservations about shield laws are not the conventional ones. They do not seem to me, as they seem to some, to function as a bar to the pursuit of libel in the courts. One of the defenses against libel is to establish the truth of the published material. If it were necessary to reveal sources of information to do that, I think sources would be identified. It seems unlikely to me that newsmen would feel so principled about identifying sources as a protection from libel as they feel in divulging similar information to a grand jury investigating crime.

Neither do I think that extending confidentiality to newsmen would be any particular handicap to the functioning of government or the administration of justice. There already are so many forms of confidentiality established by law and practice that I cannot see how one more would make any difference, especially considering the infrequency with which it becomes an issue.

There is, by way of example, the confidentiality between a lawyer and his client, between a pastor and penitent, between husband and wife, and, to a lesser degree, perhaps, between a physician and his patient. And though it is not exactly a case of confidentiality, all members of Congress may make any remark they care to make on the floor of Congress, citing sources or not as they wish, and they may never be questioned in any other place for those remarks. That is a protection of the Constitution.

My reservations about the shield law concern the difficulty of determining whom it would apply to, the need for it, and the constitutionality of it.

It is simple to determine who is an attorney because lawyers are admitted to the bar, or who is a physician because doctors have medical degrees, or who is a congressman because they all are elected.

But who deserves the privileges accorded a newsman? Is it only a person with a press card signed by the editor of a metropolitan daily newspaper? Is it the college or high school student writing for his school's publication? Is it a scroungy militant writing for some scurrilous underground press? Is it a legislator publishing a newsletter for constituents? I don't think anybody can define useful limitations on what a newsman is, or what "newsgathering" is; at least I can't.

Even if you could decide to whom the shield law's privileges would apply, I am not certain that its protections are so necessary as is generally thought. In a fairly long career of newspapering, I cannot recall a single story which has gone unpublished because of my apprehension that I might later be called upon to divulge the source of the information. I might have refused to disclose my informants a time or two if I had been asked to do so; but I can't remember suffering prior restraint in that prospect.

Absence of a shield laws does not mean that a newsman necessarily will go to jail; it may mean only that he will decide not to write a certain story if his commitment to its confidentiality would require his going to jail.

Newsmen know all manner of information which is never published, even though its publication might be useful both to the newspaper and to the public. These stories are withheld for a variety of reasons having nothing to do with the fear of being compelled to disclose sources.

My basic objection to a shield law, however, has nothing to do with any of this. It relates to my conviction that the first amendment to he U.S. Consitution means what it says; that is, that the Congress may make no law abridging freedom of speech or of the press. That seems to me to make freedom of the press an absolute; if we seek to write laws defining press freedoms in order to guarantee them, what will be our defense when someone else seeks to write other laws defining press freedoms in order to restrict them?

I realize the changing nature of this question: that the U.S. Supreme Court has taken away a privilege most of us assumed we possessed from the Bill of Rights and that news reporting is entering new and difficult areas.

I have some apprehension that practicality eventually may demand something more concrete in defense of freedom of the press than an unshared faith in the Constitution.

But I think we ought not hurry to write new laws every time we disagree with the Supreme Court, And I think we ought to delay consideration of laws attempting to define press freedoms at least until we can have a clearer idea of the finality of judicial opinion on the issue and until we can tell how much effect the new ground rules will have on the reporting of news.

TRIBUTE TO A TEACHER

HON. B. F. SISK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. SISK. Mr. Speaker, on behalf of my perceptive young constituent, Neil Larsen, of Sanger, Calif., and his fellow students at Sanger High School, I am inserting a letter received from him which is heartwarming to those of us who know our country's future will be in capable hands.

While doom-and-gloom prophets are busily engaged in deploring the state of today's school age youth, here is refreshing evidence of the awareness of the great majority of our high school students and their appreciation for one who is effectively teaching them about our wonderful system of government.

I salute Neil, Mr. Kenneth Marcantonio, and all of his classmates.

Following is the letter:

SANGER, CALIF.,
January 9, 1973.

Hon. B. F. SISK,
House of Representatives,
Washington, D.C.

DEAR SIR: I am a student at Sanger High School in Sanger, California, and am currently enrolled in an American Institutions and Ideals class. We are presently studying about the United States Congress and learning a great deal about its members and their powers.

One of the powers that particularly interested me was your power to insert items into the Congressional Record. I read that Representative Thomas Ashley at one time inserted congratulations to the Whitmer High School debate team, and this gave me the idea to write to you. It would give me and my fellow students great gratification to read a personalized item such as this and also let us know that you think enough about us to do this.

I feel my American Institutions and Ideals teacher is doing an outstanding job, and it was because of his class that I knew enough to and got the courage to write this letter. Therefore, could you insert something to the effect that our teacher, Mr. Kenneth Marcantonio, is doing a commendable job in acquainting his students with the fundamentals of the American Congressional System.

I realize that the copy of the Congressional Record containing this would cost 25¢ so I am enclosing that amount. I might add also that in February of this year I will be 18 and will join the rest of my family in being a strong Democratic supporter.

Thank you.

Sincerely,

Neil Larsen.

ABSOLUTE POWER CORRUPTS ABSOLUTELY

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. DRINAN. Mr. Speaker, I insert in the Record at this point an essay of bone-chilling accuracy by the outstanding correspondent and historian, William L. Shirer. The essay appears in the Nation's January 22, 1973, edition.

In his comparative analysis of Nazi Germany and the United States under Richard Nixon, Mr. Shirer asks, "Has Nixon shown that you don't need a totalitarian dictatorship like Hitler's to get by with murder, that you can do it in a democracy as long as the Congress and the people Congress is supposed to represent don't give a damn?"

I commend this profound article to every Member of Congress:

The Hubris of a President

(By William L. Shirer)

Though Richard Nixon does not have the dictatorial power of Adolf Hitler—at least, not yet—he has shown in Vietnam that he has the awesome means, unrestrained by any hand, and the disposition to be just as savage in his determination to massacre and destroy the innocent people of any small nation which refuses to bow to his dictates and which is powerless to retaliate.

And apparently the majority of the American people, like the Germans under Hitler, couldn't care less. While Nixon was celebrating the festivities of the Prince of Peace by his reckless, bloody, paranoiac bombing of Hanoi, our God-fearing citizens were preoccupied with the Washington Redskins and the Miami Dolphins fighting their way to the Super Bowl, and seemed unmoved by the barbarism of their President and its horrible consequences for his victims.

I lived through a similar barbarism in Germany, when Hitler unleashed his terror bombing to force certain foreign peoples to do his bidding. I never thought it could happen here at home—even under a Nixon. No one of any consequence in Nazi Germany publicly protested, but at least the Germans had some excuse. To have spoken out might have cost a man his head—or at the very least the horrors of a concentration camp. But no American, watching the results of this President's violence over the Christmas holidays, viewing on his TV tube the shattered hospital in Hanoi, reading in his newspaper of the devastation Nixon was unleashing on the homes and streets of peaceful citizens, could have been restrained by such fears.

Yet, who, at no personal risk, denounced the monstrous crime? Not a single official in government, very few in the Congress, a few from labor and no one from big business, and not one notable churchman, Protestant or Catholic. There was not a peep from the President's friends among the clergy: no sound from the Rev. Billy Graham, the Rev. Norman Vincent Peale, or Cardinal Cooke (not even after the Pope had raised his voice against the bombing).

Perhaps this unconcern is due in part to the peculiar luck of Americans. Unlike the inhabitants of every other major country and scores of small ones, we have never been bombed, and hence cannot feel in our own flesh and minds the sufferings of those on whom our President wreaks his vengeance. As one who experienced to some extent in Germany the bombing by the British, and later in England the bombing by the Germans—it was minor, compared to what we have done in Indochina—I rejoiced that Americans had been spared that ordeal.

But no longer. It now occurs to me that, until we go through it ourselves, until our people cower in the shelters of New York, Washington, Chicago, Los Angeles and elsewhere while the buildings collapse overhead and burst into flames, and dead bodies hurtle about and, when it is over for the day or the night, emerge in the rubble to find some of their dear ones mangled, their homes gone, their hospitals, churches, schools demolished—only after that gruesome experience will we realize what we are inflicting on the people of Indochina and especially what we did over Christmas week to the common people of Hanoi.

Does one American in 1,000, or in 100,000, realize that, whereas the Germans dropped 80,000 tons of bombs on Britain in more than five years of war (and we thought it was barbaric), we dropped 100,000 tons on Indochina in the single month of last November, when Nixon restricted the bombing because of the Paris "peace" talks; and that under Lyndon Johnson and Richard Nixon we have dropped a total of 7 million tons of bombs on Vietnam, Cambodia and Laos—vastly more than we and the British let loose on Germany and Japan together in World War II? It was done in the name of "a just peace," of course. Has not Nixon said it dozens of times, his face on the TV screen frozen in unctuousness, as he sent his troops to invade a new country—Cambodia, Laos—or as he ordered his bombers to resume unloading tens of thousands of tons of more lethal bombs on a country which had no Air Force with which to defend itself?

Hitler, a bully also, mouthed the same hypocrisy. As Francois-Poncet, the French ambassador in Berlin, remarked after the Fuehrer sent his warriors out on the first of his conquests at the very moment when he was showering Europe with a new offer of peace: "Hitler struck his adversary in the face, and then declared: 'I bring your proposals for peace!' "

Is that not what Nixon has done in Vietnam? Where else, since Hitler, has the head of government of a supposedly civilized people declared through a spokesman to his own people (on the eve of an election, to be sure) that "peace is at hand," that 99 per cent of the issues have been negotiated and that only three or four more days of talks are needed to tidy up the agreement, and then (after he is elected) struck the people he has been negotiating with "in good faith" with the most savage bombing in history—and put the blame on them?

I said that after experiencing at first hand the Nazi terror toward others, it never occurred to me that it could happen at home. Has it? To a certain extent? Just a beginning, perhaps? Has Nixon shown that you don't need a totalitarian dictatorship like Hitler's to get by with murder, that you can do it in a democracy as long as the Congress and the people Congress is supposed to represent don't give a damn?

It can be extremely misleading to compare the Nazi regime in Germany with our own situation today. We are not a totalitarian dictatorship. The press, despite the Administration's assaults upon it, is still relatively free. Dissent, despite all the attempts of Nixon and his aides to silence it, is still heard. This article could never have been published under the Fuehrer. Nixon is no Hitler, though with his Christmas bombing he acted like one. The Americans could have thrown him out of office in November. The Germans, after the death of President Hindenburg in 1934, were stuck with Hitler. They had had a parliament, the Reichstag, which, if its members had showed any guts or wisdom, might have restrained him or even overthrown him in his first months of power in 1933, before he tricked it into committing suicide. We have an elected Congress, which had the constitutional power to prevent our Presidents from taking the nation into war in Vietnam and the power to take it out quickly. It abdicated that power. Like the Reichstag, its members were partly tricked (by such things as the Tonkin Gulf frame-up and other Presidential deceits) and like the German parliament its members have thus far lacked the guts or the wisdom to exercise the power the Constitution gave them.

Here begin the similarities. Are there others? One, I think, is in the attitude of Nixon toward the people. "The average American," he told a Washington *Star* reporter on the eve of his re-election, "is just like the child in the family." The implication was that the average citizen could easily be manipulated by Papa. It is, of course, a form of contempt for the common people. Disraeli, to whom Nixon compared himself in the same interview, had it, but surely the great Presidents—Jefferson, Lincoln, Wilson Roosevelt, Truman, even Eisenhower—did not. Hitler, for all his professed love of the German people and his attempt to make them the Master Race, had a profound contempt for them. He though they were simpletons, at least politically—you could do anything with them. He called them, as Trevor-Roper has pointed out, Dickschaedel, Querschaedal, Dummkoepfe—blockheads and ninnies without political sense. But he would add: "Even stupid races can accomplish something, given good leadership." Once at a Nuremberg party rally, when asked to explain why the German masses became so delirious at these pageants, especially when he spoke, Hitler told a group of American correspondents—off the record—in words almost identical to Nixon's, that it was because they were children at heart. "What luck for rulers," he exclaimed on another occasion, "that men do not think"

And in these days I *cannot* help recalling an opinion vouched by one of Hitler's woman secretaries after his death. "Though Hitler," she recalled, "ranged over almost every field of thought, I nevertheless felt that something was missing. . . . It seems to me that his spate of words lacked the human note, the spiritual quality of a cultivated man. In his library he had no classic work, no single book on which the human spirit had left its trace."

There were other thing in Nazi Germany which recent happenings in this country have forced me, at least, to recall:

(1) Justice and the courts. One day in 1936 Hans Frank, the Nazi Minister of Justice (who was later sentenced to death at Nuremberg and hanged), called in the members of the bench and gave them a little advice: "Say to yourself at every decision that you make: 'How would the Fuehrer decide in my place?' " One wonders sometimes—I mean no disrespect to our judges—if some of the eminent jurists appointed by the President, especially those on the Supreme Court, do not at the moment of decision say to themselves: "How would President Nixon decide in my place?" Nixon's

Front Four on the High Court, Burger, Blackmun, Rehnquist and Powell—joined often by "Whizzer" White, Kennedy's only contribution to that bench—have shown a teamwork that must be the envy of Coach Allen's fearsome Front Four, and they have used it increasingly to limit freedoms supposedly guaranteed by the First Amendment, to take but one example. In doing so they cannot have failed to please Nixon. Did he not boast that he appointed only those who shared his philosophy? Most other Presidents have been proud of trying to keep a balance on the Court.

(2) Assaults on the freedom of the press, First Amendment guarantees, dissent. Obviously we have not fallen as far as Nazi Germany, but are we not on our way? Have not Nixon and his minions carried on for four years an assault on our press freedoms and on the right to dissent—and not without success? They have intimidated the networks, *threatened* TV station owners with loss of their licenses if they do not, in effect, censor network news critical of the Administration, and successfully gone to court to induce the Supreme Court to rule by 5 to 4 that the First Amendment does not give reporters the right to protect their confidential sources—a telling blow to our press freedoms. On the other hand, the Administration, by propaganda, deceit, evasion, playing favorites, and by expert use of the power of the White House to make news and control it, has done very well in putting its own story over in the press. But this has not satisfied Nixon.

I sometimes wonder if he, and Klein, would envy the way the press was handled in Berlin in the days when I was working there. Every morning the editors of the capital's newspapers and the correspondents of out-of-town German journals were made to assemble at the Propaganda Ministry and told by Goebbels or one of his aides what news to print and what to suppress, how to write the news and headline it, and what editorials were to be written that day. To avoid any misunderstanding, a daily written Directive was furnished at the end of the oral instructions. For smaller provincial papers and periodicals without representatives in Berlin, Directives were sent by wire or mail. Radio (there was no TV then) was handled separately but similarly. Every editor, reporter, newscaster and commentator knew each day exactly what to write or say, and did it. Very simple and effective. Nixon's task obviously is more difficult, but he keeps plugging. As one of our great historians, Henry Steele Commager, wrote recently: "Never before in our history . . . has government so audaciously violated the spirit of the constitutional guarantee of freedom of the press."

(3) Terror bombing, "targeting military objectives only," and the lies about them. Here we come closer to the Nazi example. Hitler invented terror bombing (unless you count Mussolini's puny effort in Ethiopia), starting with Guernica in Spain and going on to Warsaw, Rotterdam and Coventry. Nixon has been an apt pupil, increasing the terror by more and bigger bombs, but sticking to the same lies about "targeting military objectives" and the same denials of damage to nonmilitary objectives. Nixon's aides, Ronald Ziegler at the White House and Jerry Friedheim at the Pentagon, seem more adept at this business than even Joseph Goebbels. More adept and just as arrogant.

Ziegler, speaking for Nixon, offered two justifications for the Christmas resumption of the bombing—both offensive to the truth and to an American's intelligence. First, he linked the bombing to the threat of another Communist offensive: "We are not going to allow the peace talks to be used as a cover for another offensive." But he offered no evidence of an offensive, and the American Command in Saigon admitted it knew of none pending, nor did anyone in Washington. Next, Ziegler, speaking for his silent boss, declared that Nixon was "determined" to continue his bombing until Hanoi decided to resume negotiations "in a spirit of good will and in a constructive attitude." In the Hitler-Nixon double-talk that meant, "until Hanoi agrees to accept a peace that we dictate."

Jerry Friedheim at the Pentagon was worse—he was pure Goebbels. Twice, on December 27 and 29, he denied that we had damaged Hanoi's Bach Mai Hospital and attributed the reports to "enemy propaganda." The effrontery of this staggered a man who had listened to Goebbels' lies time after time. That was because, two days before the first denial, Telford Taylor, a distinguished lawyer, a retired brigadier general and our chief prosecutor at Nuremberg, had cabled The *New York Times* from Hanoi an eyewitness description of the bombed-out hospital. Moreover, millions of Americans had seen on TV Japanese and Swedish films of the hospital's devastation. Even when Friedheim finally admitted, on January 2, that "some limited accidental damage" had been done to the hospital, he suggested that it might have been caused by "North Vietnamese ordnance or aircraft."

I say Friedheim was pure Goebbels (and like him probably lying at the master's orders) because, after a German submarine had torpedoed the British line *Athenia* on the first day of War World II, I heard Goebbels, first at a press conference and then over the air deny categorically that the Germans had sunk the boat and then accuse the British of having done it. I will pass over Friedheim's bland assertion that if an American POW camp had been hit, as reported, Hanoi would be held responsible—"under the Geneva Convention." But it did remind me of Hitler's declaration on the mornings he attacked Norway, and later Holland and Belgium, that if they resisted they would be held responsible for the bloodshed. After Friedheim's performance, according to the *New York Times* of January 5, he was awarded the Defense Department Medal for Distinguished Public Service, with the citation: "He has provided with faultless professionalism clear, concise, accurate and timely information concerning the worldwide activities of the Department of Defense."

Did the President become enraged when Henry Kissinger returned from Paris without the agreement he had demanded and in his fury (You can't do that to Richard Nixon!) order the resumption of the murderous bombing—Christmas or no? We do not know for sure, and probably never will, though Washington seethed with rumors unconfirmed, that such was the case. Perhaps "high-ranking U.S. officials in Saigon," as an A.P. dispatch called them, were, for once, telling the truth when they said, according to the news agency, that "the ultimate purpose of the bombing was to punish Hanoi," and that "President Thieu had been told, that President Nixon's strategy is to devastate North Vietnam."

It recalled a scene, which was confirmed, on the night of March 26, 1941, when news reached Hitler that the pro-Nazi government of Yugoslavia had been toppled and replaced by one that might not do the Fuehrer's bidding. The news, according to some of those present in the chancellery, threw Hitler into one of the wildest rages of his life. He took it, they said, as a personal affront—you couldn't do that to Hitler. He called in his generals and ordered them "to destroy Yugoslavia militarily and as a nation"—a stenographer noted down his words. "Yugoslavia," he added, "would be crushed with unmerciful harshness." He ordered Goering to "destroy Belgrade in attacks by waves" of bombers. That was done; the town was razed. Like large parts of Hanoi these past days.

It could have been, of course, that Nixon made his Yuletide decision to devastate Hanoi in a completely different mood—in a moment of icy calculation. Hitler was in that kind of mood on September 29, 1941 as his armies neared Moscow and Leningrad. His Directive to his army commanders that day began: "The Fuehrer has decided to have Leningrad wiped off the face of the earth. The intention is to raze it to the ground by artillery and continuous air attack. The problem of survival of the population (3 million) is one which cannot and should not be solved by us." He issued a second Directive to the same effect for Moscow. Is it possible that Nixon issued a similar Directive for Hanoi in the same cold-blooded mood? The A.P. report from Saigon indicates the possibility.

(4) Hitler got by with murder because there was no restraining hand upon him—from any source. Did any hand in Washington try to restrain Nixon when he ordered the invasion of Cambodia and Laos, and especially when he ordered the devastating Christmas bombing of Hanoi? We do not know. But we know he did not consult the Congress. He did not confide in it or in the people.

Perhaps we are experiencing here what the Greeks called hubris, the sin of overweening pride. It has brought the downfall of so many conquerors—of the Greeks themselves, the Romans, the French under Napoleon, the Germans under Wilhelm II and then Hitler. And we are seeing in Washington what I saw in Berlin in the Nazi time—how power tends to corrupt and absolute power corrupts absolutely.

PEOPLES GAS LINKS APOLLO TO FUEL TEST

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. TEAGUE of Texas. Mr. Speaker, a recent article in the Chicago Tribune discusses the down-to-earth application of fuel cells whose technology was developed as part of the Apollo program. This pilot program using fuel cells to produce electricity from natural gas with high efficiency is another example of the application of space technology to the betterment of our daily living. I commend this article to my colleagues as an example of the importance of space technology to our everyday life:

PEOPLES GAS LINKS APOLLO TO FUEL TEST

Peoples Gas Light & Coke Co. has just completed an experiment using the kinship between two unlikely relatives—the Apollo moon exploration program and the apartment building at 8164 Forest Preserve Dr., Chicago.

The experiment links an exotic aspect of the space program with the practical earth application—using natural gas-fueled power cells to generate electricity. The fuel cells use the same technology as the space program, although the Apollo cells start with hydrogen.

Peoples Gas is one of 32 gas and gas-electric companies conducting power cell experiments under a $50 million program called TARGET [Team to Advance Research for Gas Energy Transformation]. Prime contractor for the program is the Pratt & Whitney Aircraft Division of United Aircraft Corp., which supplied fuel cells for the Apollo program.

SHOWED PROMISE

Although the group isn't releasing results of the fuel cell test in Chicago, the assumption is that it has shown good promise for commercial application in the not-too-distant future.

The apartment building in Chicago was the first residential test in the city for fuel cells, whose advantage lies in the capability to produce electricity efficiently, cleanly, and quietly at the point of use.

The first test in Chicago was with one fuel cell at a Midas Muffler Shop at 6200 W. Belmont Ave., and the apartment test involved three units.

EXPECTED RESULTS

"In a general way, I might observe that results were about what we expected for this stage in our research," said George M. Morrow, Peoples Gas president. "Admittedly, we experienced some downtime which was anticipated with the prototype equipment being used.

"In our test at the apartment building, we were able to exceed the 2,000 operating hours which was our goal for the three-month test."

Morrow said that in comparison with the use of gas in conventional generation, a natural gas fuel cell uses about 25 percent less fuel to deliver the same amount of electricity, and it emits only about 1/100th of the pollutants produced by coal or oil fired stations.

"As an illustration of potential benefits, in the 12 months through June of 1972, we sold Commonwealth Edison 41.1 billion cubic feet of natural gas for use in making electricity in Chicago.

"If 25 percent of this gas were conserved, or put to residential use, it would be equivalent to the annual amount of gas used to heat 76,000 single-family homes."

In contrast to a steam turbine system which burns fuel in a boiler to produce steam to drive turbine rotors to drive a generator, a fuel cell takes natural gas and air and combines them electrochemically to produce electricity.

The Target program began in 1967, and field tests are now underway in the second part of the program. By the end of 1972, about 60 fuel cell power plants will have been tested by various companies throughout the U.S. and Canada.

The unit used in the test has a capacity to generate 12½ kilowatts of power. For larger needs a series of the cells were installed.

THE 100TH ANNIVERSARY OF THE WASHINGTON COUNTY COURTHOUSE

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. BYRON. Mr. Speaker, 1973 marks the 100th anniversary of the occupancy of the Washington County Courthouse. This notable structure on West Washington Street has served the county and the citizens of Washington County, Md., well.

The cornerstone of the red brick structure was laid on October 9, 1872, but the courthouse was not occupied until late in 1873. The county commissioners held their first meeting in the new building in January 1874. Plans for the anniversary celebration have not been completed; however, the courthouse is now being sandblasted to return it to its original red brick. In this anniversary year, the Washington County Courthouse will take on its original appearace, and an artist's rendition of the building will grace the official county stationery.

NATIONAL HEALTH INSURANCE PROGRAM

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. BROYHILL of Virginia. Mr. Speaker, I introduce today legislation to provide for a national health insurance program.

Together with a number of other cosponsors, I am pleased to submit this proposal for a national health insurance plan that, in my opinion, will provide high quality medical care for all Americans and at a cost this Nation can afford. While this legislative proposal contains a number of new features offering broader coverage, it is basically the same medicredit bill that I and other cosponsors introduced into the 92d Congress. You will recall that in the last Congress this medicredit bill had 174 sponsors, far more than any other national health insurance proposal.

My colleague from Tennessee, Mr. FULTON, has earlier described many of the details of medicredit and how it will provide high quality health care to all Americans, each American contributing to the proposal's overall cost on the basis of what he can afford to pay.

I would like to emphasize a few of the more important provisions in this bill, both from the standpoint of its beneficiaries—the American people—and from the standpoint of the fiscal and administrative integrity of the Federal Government.

From the standpoint of the public, medicredit will go a long way toward solving the more immediate and pressing problems of our health care system.

Medicredit will remove the financial barriers that have blocked many poor Americans in the past from the opportunity to receive high quality health and medical care.

Medicredit will assure every American that he no longer need fear the crippling financial consequences of a catastrophic illness or injury.

Medicredit stresses preventive health care to help keep people well. Its comprehensive provisions include coverage for annual checkups, in and out of hospital X-ray and laboratory tests, dental care for children, home health services, immunization, and psychiatric care and counseling.

Medicredit protects the right of the American people to choose the health care setting which they believe best for themselves and their families—the private physician in solo practice, or the physician who chooses to practice in a group, or a prepaid plan, including HMO's, or a clinic.

Medicredit, with its insistence that qualified health insurance plans must meet high standards with respect to comprehensive coverage and minimum benefits, will do much to bring equitable uniformity to health insurance plans.

Now, Mr. Speaker, I would like to point out another and most important aspect of the medicredit proposal: The way it will be financed.

It has been estimated that medicredit will cost in the vicinity of $12.1 billion in new money. That is an enormous amount of money. But let us look at the costs of a counter proposal for national health insurance, the one sponsored by Senator Kennedy and Congresswoman Griffiths.

According to a report prepared for the House Ways and Means Committee during the last session, the Kennedy-Griffiths proposal would have cost the taxpayers a staggering $91 billion a year. This would have meant that health alone took up more than one-third of the entire Federal budget. The average family's Federal tax bill for health would have gone from $457 a year to $1,305 a year, nearly triple.

Under this counter proposal everyone in the United States, rich or poor, would have Uncle Sam pay all or most of his health care bill each year. In addition, the administration of such a proposal would require the establishment of a great and unwieldy Federal health bureaucracy that, judging from past experience, would be almost completely unresponsive to the individualistic nature of the American people.

The medicredit proposal, on the other hand, is designed to spread the cost of medical and health care fairly and equitably over the population on the basis of each American's ability to pay. The poor would pay nothing. But as income tax liability went up, the extent of the Government's assistance would go down. However, to encourage all Americans to buy high quality, comprehensive health insurance, some Government assistance would be given to every taxpayer.

And most importantly, medicredit builds upon our present system, takes advantage of the good parts, corrects the bad parts.

For example, medicredit will bring for the first time Federal standards and supervision to the private health insurance industry.

On the other hand, the opposition proposal would completely dismantle the present system, including our private insurance system with all of its expertise, and attempt to establish a new and untried system.

Implicit in the medicredit proposal is that the ultimate solution to all the complex problems of our health care delivery system will be found in a variety of approaches—governmental and nongovernmental, legislative and nonlegislative—utilizing, not abandoning, the present pluralistic strengths of the system.

A single and sweeping piece of legislation cannot put to right every single one of our health care problems. For we have many problems. Financing is only one of them and it is of financing that medicredit primarily addresses itself.

Medicredit is a program for now, a foundation upon which many additional programs may be soundly built in the future.

Mr. Speaker, I commend your attention to the medicredit proposal. I believe this bill can provide high quality care to all Americans, and at a price the Nation can afford.

A summary of the medicredit plan follows:

MEDICREDIT IN SUMMARY

Medicredit is a three-pronged approach to providing health insurance protection. The proposal would:

(1) Pay the full cost of health insurance for those too poor to buy their own;

(2) Help those who can afford to pay a part of their health insurance cost. The less they can afford to pay, the more the Government would pay;

(3) See to it that no American would have to bankrupt himself because of a catastrophic illness.

The Government would pay all of the premium for low-income people—an individual and his dependents with no income tax liability. For others, the Government would pay between 10 percent and 99 percent, based on the family or individual income. It would pay everyone's premium for catastrophic expense coverage.

Coverage under this program would be provided through private health insurance. Enrollment in prepaid groups would be included.

A qualified policy would offer comprehensive insurance against the ordinary and catastrophic expenses of illness. Preventive care would be stressed, including physical exams, well-baby care, inoculations, and X-ray and laboratory work in or out of the hospital. Basic benefits in a 12-month period would include 60 days of hospital care or 120 days in an extended care facility. Other basic benefits would provide emergency and out-patient services and all medical services provided by physicians or osteopaths. Added to this year's bill as basic benefits are coverage of home health services, dental care for children, and emergency dental services for all. The catastrophic expense protection would pay expenses in excess of the basic coverage, including hospital, extended care facility, in-patient drugs, blood, prosthetic appliances, and other specified services, including physicians.

Psychiatric care would be covered without limit.

There would be a deductible of $50 per hospital stay, and 20 percent coinsurance (maximum $100 per family per year) on medical expenses, emergency or out-patient expenses, and dental services. Under the catastrophic illness provisions, the amount of the "financial corridor" would be 10 percent of the previous year's taxable income reduced by the total deductibles and coinsurance incurred under the basic coverage.

A beneficiary eligible for full payment of premium by the federal government would be entitled to a certificate acceptable by carriers for health care insurance for himself and his dependents. Eligible beneficiaries with whom the government would be sharing the cost of premium could elect between a credit against income tax or a certificate.

To participate in the Medicredit program, a carrier would have to qualify under state law, provide certain basic coverage, make coverage available without regard to pre-existing health conditions and guarantee annual renewal. Enrollment in the program would be open to individuals during May and November of each year.

HAILS MRS. LILLIAN ALLAN

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. DOMINICK V. DANIELS. Mr. Speaker, for many years Mrs. Lillian Allan has been one of my key advisers in matters dealing with the problems of older Americans. I have come to lean on her for advice and counsel and her advice has been uniformly good.

Mr. Speaker, I might point out to Members of this House that I have been able to incorporate several of her good ideas into legislation on several occasions. Thus, she is one of the unsung heroines of the legislative arena.

Recently, Mrs. Allan was elected president of the Hudson County, N.J., Council of Senior Citizens. On this occasion I would like to publicly hail Mrs. Allan for untiring efforts through the years and wish her many years of good health and happiness.

PRIVILEGES OF RANK IN DEFENSE DEPARTMENT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. HAMILTON. Mr. Speaker, on November 12, 1972, an article by Jack Anderson on privileges of rank in the Pentagon appeared in Parade magazine.

That article prompted correspondence between myself and the Defense Department which I would like to bring to the attention of my colleagues.

The article and correspondence follow:

THE PRIVILEGES OF RANK IN THE PENTAGON

(By Jack Anderson)

WASHINGTON, D.C.—Each weekday morning on the shores of the Potomac, a curious event takes place. A dozen uniformed Air Force generals line up single file on a dock at Bolling Air Force Base—just four miles downstream from the Pentagon. Clutching briefcases, the generals step gingerly over a wooden plank into a plush, 48-foot motor launch. Each general sits in his own comfortable lawn chair. His feet rest on an expensive red carpet which is vacuumed daily. As the powerful launch pushes off, coffee is served.

What's happening here? The men who run the Pentagon are going to work. All over town, in fact, brass hats and bigwigs enjoy a leisurely ride to the office. The privileges of rank are apparent everywhere.

On the ground, scores of limousines equipped with telephones and reading lamps, arrive at the Pentagon's mall entrance.

In the air, helicopters begin ferrying the big brass who prefer to keep above the traffic tangles. Enough whirlybirds have been spared from the Vietnam war to provide air taxi service for as many as 125 Pentagon big shots each day. The unwritten Pentagon policy: Three stars are required for a chopper to Andrews Air Force Base; four stars are necessary for the Pentagon's shortest junket to the Army-Navy Country Club across the turnpike.

Aside from the privileged few, most of the Pentagon's employees have to make it to work on their own. Some 10,000 drive cars, thousands more take the bus; about 100 ride bicycles.

Back on the dock at Bolling, as the generals speed off in their staff boat, 40 airmen crowd into a smaller craft that looks like a floating bus. The airmen's schooner, which chugs along at half the speed of the general's boat, is always crowded. "We try to squeeze in," explained an Air Force major.

STATUS SYMBOLS

The point made in the early morning is repeated throughout the day: the top brass travel first class. Everyone else goes steerage.

An enclosed city of concrete rings and corridors, the Pentagon is ruled by an almost impenetrable bureaucracy. The place is so top-heavy with officers that one-star generals are treated like captains and captains are treated like hatracks. An exaggeration? Early this year the Pentagon's top brass trooped up to Capitol Hill to explain why they wanted billions more next year for defense. As senators and generals argued, a young captain in the rear of the conference room caught our eye. He was leaning against the wall, staring at the floor, earning his day's salary, holding two armfuls of brass hats.

With so many chiefs, the struggle for status in the Pentagon is fierce. Little things begin to count: a huge desk, a private bathroom, a spy-proof conference room. Sometimes status is measured by the number of buttons on a telephone. Adm. Thomas Moorer, Chairman of the Joint Chiefs, has a phone with 64. The button that glows with a red halo is for the President.

DINING IN STYLE

We have investigated the special privileges enjoyed by the military elite. When it comes to supplying themselves with the basic necessities of life, the Pentagon potentates spare no expense. Here is a report:

Food: In the Pentagon's private dining room, Army generals dine royally in leather-cushioned chairs. The day we visited, their menu included salmon croquettes and bearnaise sauce, braised lean ribs of beef, Portuguese skinless and boneless sardines, chilled clams, Mexican omelettes, asparagus spears, sherry and chocolate snowballs. The portions were generous. The price per meal: $1. (Nearby, on the same floor, in the public dining room, G.I.'s pay $1.20 for a hot pastrami sandwich served with cole slaw, potato chips and a pickle slice.)

HEARTY APPETITE

The top civilians, not to be outdone, also dine well on subsidized delicacies. The secretaries of the armed services wage a daily war with their waistlines. Consider Secretary of the Navy John Warner, for instance. His mess chief, Melvin Williams, told us with considerable pride: "I've seen Mr. Warner eat a serving of lamb chops, liver, fish, poached eggs and bacon for breakfast—all at one sitting."

Transportation: A pampered general never walks when he can ride, never rides when he can fly. Status again is at stake. In the name of "official business," practically any form of transportation is available 24 hours a day. A ranking general can take a limousine to the Pentagon where he can catch a helicopter to Andrews Air Force Base where he can fly in a VIP plane anywhere in the world.

Such service can lead to abuse. The Pentagon's auto fleet, for example, has become a luxury limousine service for military potentates and their Congressional friends. They are frequently chauffeured about Washington in military cars. In fact, the Defense Department maintains special rented limousines for Congressional chairmen who need to be butteredup.

AN EXTRA CADILLAC

In the Pentagon, probably the most chauffeured man is its leader, Secretary Melvin Laird, who has a back-up Cadillac just in case something might go wrong with his regular Cadillac.

Laird's special assistant, Carl Wallace, is also picked up each morning and delivered home each evening by military chauffeur. The Pentagon had to skirt regulations to provide Wallace with such treatment.

For special occasions, the limousine logistics are enough to take your breath away. Motor pool regulars tell us that for the last Army-Navy game dozens of rented limousines hauled the brass hats to Philadelphia in style. And during the Nixon Inaugural as many as 400 Pentagon cars were rented to whisk generals and admirals to various Republican victory parties.

Shelter: Generals and admirals dwell in lavish quarters on command posts throughout the world. But no row of military homes is more impressive than the generals' compound at Fort Myer, within easy helicopter distance of the Pentagon.

ELEGANT MANSIONS

The homes are elegant red brick mansions—if cavernous—and built to last. The most magnificent have huge bay windows that look out onto spacious yards lined with large shade trees.

In one general's basement, we found all the trappings that go with rank. Along one wall were hung white mess jackets, formal butler jackets and black chauffeur uniforms for the enlisted aides. In another home, we had a chance to inspect a general's kitchen, which had two of everything—two ranges, two ovens, two refrigerators. We were puzzled by the duplication. "When you're broiling a dozen steaks, one stove just isn't enough," we were told.

Inside all these homes, GI servants scurry about cooking meals, washing windows, arranging flowers. These enlisted aides, as they are delicately called, are trained to pamper the military elite. Many find the job develops talents unheard of elsewhere in the military. One servant, for example, became skilled at ice sculpturing for dinner parties. The wife of the admiral he served so appreciated his art that she purchased a huge deep freeze at public expense so his sculptures would not melt prematurely.

What's daily life like inside the homes? "My job is like being a count," said William "Smiley" Stewart, a seasoned enlisted Army aide at Fort Myer.

Smiley, an articulate GI who has won praise from the Joint Chiefs for his cooking, says he enjoys his job, but admits he has certain apprehensions. "I am continually haunted by the thought that I will be replaced someday by a TV dinner."

Does he ever find his job demeaning? "No," said Smiley, "but there are certain things I would never do. I would never walk a general's dog or launder his wife's underwear."

IMPRESSIVE WARDROBES

Clothing: Like movie stars, generals and admirals take an inordinate interest in their appearance. Their wardrobes are impressive. For an Army general it includes: fatigues, regular Army greens, tropical wear, dress blues, dress whites, mess blues, mess whites and a civilian tuxedo.

A general who attends several different functions during the day may wear as many as four different uniforms. With 1323 flag-rank officers in the four military services, *taxpayers spend a fortune just cleaning the clothes of their generals and admirals.*

But Sgt. Stewart thinks the cost is worth it. "Nothing is more important to me than the way my man looks," he said. "He's got to look sharp, feel sharp. Every button must be in place. Every crease in his uniform perfect. His shoes are going to shine, yes, shine."

It is the GI servant, of course, who shines those shoes. And the taxpayers pay for all the spit and polish.

November 15, 1972.

Hon. Melvin R. Laird,
Secretary of Defense,
The Pentagon,
Washington, D.C.

Dear Mr. Secretary: I was exceedingly distressed by the contents of Jack Anderson's article "The Privileges of Rank in the Pentagon" that appeared in the November 12, 1972, issue of *Parade.*

Mr. Anderson refers to a number of activities about which I would like precise information:

1. How many officers use the launch from Bolling Air Force Base? Why do they use this form of transportation?

2. How many limousines are used on a daily basis to transport civilian and military employees to and from work?

3. How many helicopters are used as a commuter service to and from work? How many are made available to employees during the day?

4. What is the justification for charging one dollar for a meal in the private dining room, when less substantial meals in the cafeterias cost more?

5. Is there a 24-hour stand-by transportation pool? Of what is it composed?

6. How many limousines are rented for the use of Congressional committee chairmen?

7. How many limousines will be used to transport employees to this year's Army-Navy game? What is the justification for their use?

8. How many enlisted aides are employed in the homes of ranking officers?

9. Is the purchase of home appliances, such as freezers, at public expense permitted? Does this violate any regulations or laws?

10. Does the government subsidize the laundry bills of ranking officers? If so, why?

I would appreciate your response to these questions, as well as your general comments on the Anderson article, at your earliest convenience.

Thank you for your consideration of this matter.

Sincerely,

Lee H. Hamilton,
Member of Congress.

Office of the Assistant
Secretary of Defense,
Washington, D.C., December 1, 1972.

Hon. Lee H. Hamilton,
House of Representatives,
Washington, D.C.

Dear Mr. Hamilton: Secretary Laird has asked that I respond to your letter requesting information on a recent article concerning the Department of Defense which appeared in Parade Magazine.

The following information relates to the numbered paragraphs contained in your letter of November 15.

1. During morning and evening rush hour periods an average of 51 officers and enlisted personnel are transported by motor launch between the Pentagon and Bolling Air Force Base. The boat transportation system between Bolling Air Force Base and the Pentagon is part of the DoD inter-base transportation system, along with buses, which connects military installations in the Washington area. The system functions to produce better work utilization for Department of Defense military and civilian personnel.

2. There are 63 civilian and military officials of the Department of Defense in the Washington, D.C. area who are authorized official transportation to and from work.

3. The Department has a small number of helicopters assigned to the Washington area for the primary mission of evacuating key government civilian and military personnel in event of emergency. To maintain peak readiness for this mission, crews must fly often. There are no regularly scheduled flights. No specific locations are serviced. However, when priority transportation is required for top DoD or other government officials these helicopters are available. This practice enables these officials to devote the time that would be lost in surface transportation to conduct further official business at their office.

4. Private messes in the Pentagon provide a facility for senior military and civilian officials in which business can be conducted, if necessary, in a secure environment. The facilities are not normally open to the public, since they are very small. These messes, like officer messes at military installations, are non-appropriated fund activities, operated on a non-profit basis. The menus are limited to a few luncheon items, and prices are established, adjusted, and assessed each member on the basis of the food served. The room pictured in the magazine is not a private mess. Newsmen who cover the Pentagon and other members of the public eat there frequently.

5. The Pentagon Motor Pool operates on a 24-hour basis and has sedans available for official transportation on a shift basis as follows:

7:30 AM to 4:00 PM—45 sedans.
4:00 PM to 12 Midnight—22 sedans.
12 Midnight to 7:30 PM—11 sedans.

6. There are no limousines rented for the use of Congressional committee chairmen by the Department of Defense.

7. No limousines will be used to transport employees to the Army-Navy game.

8. In the Washington, D.C. area there are presently 311 enlisted aides assigned to ranking officers.

9. Usual household appliances such as stoves, refrigerators and freezers are provided with Government quarters and are the property of the Government.

10. Ranking officers are responsible for their own laundry bills.

We will be pleased to provide any additional information you may require on this matter.

Sincerely,

D. O. Cooke,
Deputy Assistant Secretary of Defense.

December 12, 1972.

Mr. D. O. Cooke,
Deputy Assistant Secretary of Defense, Defense Department, Washington, D.C.

Dear Mr. Cooke: Thank you for your letter of December 1 concerning questions raised by Jack Anderson's recent Parade article on the Defense Department. I appreciate your supplying the information that you did.

There are a few areas, however, where I would like additional information:

1. Would you please list, by name and title, the 63 department officials who are authorized official transportation to and from work.

2. How many helicopters are available as priority transportation for department officials? You just referred to a "small number."

3. Does the operation of the private Pentagon and officer messes on a non-profit basis permit the $1 meal charge referred to in the Anderson article?

What exactly does "non-profit" method of operation mean?

Are public and enlisted personnel messes operated on the same non-profit basis? If not, why not?

4. Does the total of enlisted aides (311) include Naval stewards? If not, how many stewards are employed as household aides in the Washington area On what basis are the aides and stewards assigned? What are their functions? To whom are they assigned?

Thank you for your consideration of this further request.

Sincerely,

Lee H. Hamilton,
Member of Congress.

Office of the Assistant Secretary
of Defense,
Washington, D.C. January 10, 1973.

Hon. Lee H. Hamilton,
House of Representatives,
Washington, D.C.

Dear Mr. Hamilton: This is in response to your request of 12 December 1972 for additional information concerning the article in Parade Magazine.

The following numbered paragraphs relate to those in your letter.

1. A list of DoD personnel authorized official transportation to and from work is enclosed as Attachment 1.

2. Army maintains 29 and Air Force 13 helicopters which have secondary, as available, missions of providing priority transportation for key Defense officials.

(3) Yes.

(b) "Non-profit" method of operation means that the messes are operated on a break even basis so that no surplus of funds is accumulated.

(c) Public messes (cafeterias and dining rooms) are operated by a commercial firm and permitted to earn a profit. However, this operation lost money from September 1968 to March 1972. Since March 1972 a very modest profit has been realized as a result of a change in management. In these facilities every effort is made to keep prices as low as possible while still providing wholesome, appealing food.

One enlisted mess is operated in the Pentagon for serving the noon meal to motor pool personnel. Price of lunch in the mess halls is $.70.

4. The total of 311 enlisted aides includes 101 Navy stewards. These stewards are assigned to flag officers occupying public quarters. The use of stewards in quarters is individually authorized by the Secretary of the Navy, acting in accordance with the specific provisions of Federal Statute (10 USCode 7569). SECNAV Instruction 1306.2A (Attachment 2) sets forth "Guidelines for Utilization of Enlisted Personnel on Personal Staffs".

I trust you will find this information satisfactory for your use.

Sincerely,

D. O. Cooke,
Deputy Assistant Secretary of Defense.

Department of Defense Officials in Washington Area Authorized Transportation Between Domicile and Place of Employment

1. The Secretary of Defense—Melvin R. Laird.

2. The Deputy Secretary of Defense—Kenneth Rush.

3. The Secretary of the Army—Robert F. Froehlke.

4. The Secretary of the Navy—John W. Warner.

5. The Secretary of the Air Force—Robert C. Seamans, Jr.

6. Chairman, Joint Chiefs of Staff—Adm. Thos. H. Moorer.

7. Chief of Staff of the Army—Gen. Creighton W. Abrams.

8. Chief of Naval Operations—Adm. Elmo R. Zumwalt, Jr.

9. Chief of Staff of the Air Force—Gen. John D. Ryan.

10. Commandant of the Marine Corps—Gen. Robert E. Cushman, Jr.

11. Director of Defense Research & Engineering—John S. Foster, Jr.

12. Assistant Secretary of Defense (C)—Robert C. Moot.

13. Assistant Secretary of Defense (H&E)—Richard S. Wilbur.

14. Assistant Secretary of Defense (I&L)—Barry J. Shillito.

15. Assistant Secretary of Defense (I)—Albert C. Hall.

16. Assistant Secretary of Defense (ISA)—G. Warren Nutter.

17. Assistant Secretary of Defense (M&RA) Roger T. Kelley.

18. Assistant Secretary of Defense (PA)—Daniel Z. Henkin.

19. Assistant Secretary of Defense (SA)—Gardiner L. Tucker.

20. Assistant Secretary of Defense (T)—Eberhardt Rechtin.

21. General Counsel of the Department of Defense—J. Fred Buzhardt.

22. Under Secretary of the Army—Kenneth E. BeLieu.

23. Under Secretary of the Navy—Frank Sanders.

24. Under Secretary of the Air Force—John L. McLucas.

25. Vice Chief of Staff of the Army—Gen. Alexander M. Haig, Jr.

26. Vice Chief of Naval Operations—Adm. M. F. Weisner.

27. Vice Chief of Staff of the Air Force—Gen. Horace M. Wade.

28. Assistant Commandant of the Marine Corps—Gen. Earl E. Anderson.

29. Assistant Secretary of the Army (FM)—R. L. Saintsing (Acting).

30. Assistant Secretary of the Army (I&L)—Dudley C. Mecum.

31. Assistant Secretary of the Army (M&RA)—Hadlai A. Hull.

32. Assistant Secretary of the Army (R&D)—Robert L. Johnson.

33. Assistant Secretary of the Navy (M&RA)—James E. Johnson.

34. Assistant Secretary of the Navy (I&L)—Charles L. Ill.

35. Assistant Secretary of the Navy (FM)—Robert D. Nesen.

36. Assistant Secretary of the Navy (R&D)—Robert A. Frosch.

37. Assistant Secretary of the Air Force (I&L)—Lewis E. Turner (Acting).

38. Assistant Secretary of the Air Force (R&D)—Grant L. Hansen.

39. Assistant Secretary of the Air Force (M&RA)—Richard J. Borda.

40. Assistant Secretary of the Air Force (FM)—Spencer J. Schedler.

41. Commanding General, Army Materiel Command—Gen. Henry A. Miley.

42. Director, Defense Civil Preparedness Agency—John E. Davis.

43. Military Assistant to Dr. Kissinger—Gen. Alexander M. Haig, Jr. (Moved to Vice Chief of Staff of the Army on 4 January 1973).

44. Special Assistant to the President for Manpower and Mobilization—Gen. Lewis B. Hershey.

45. Chief, Naval Material—Adm. Isaac C. Kidd, Jr.

46. Commander Air Force Systems Command—Gen. George S. Brown.

47. Chairman, Military Liaison Committee to the Atomic Energy Commission—Carl Walske.

48. Director, Joint Staff—Lt. Gen. George M. Seignious II.

49. Director, National Security Agency—Lt. Gen. Samuel C. Phillips.

50. The Special Assistant to the Secretary and Deputy Secretary of Defense—Carl S. Wallace.

51. Assistant to the Secretary and Deputy Secretary of Defense—William J. Baroody, Jr.

52. General Counsel, Department of Army—Robert W. Berry.

Total reduced from 63 due to duplicate reporting of 11 positions.

Department of the Navy,
Office of the Secretary,
Washington, D.C., April 3, 1972.

SECNAV Instruction 1306.2A.
From: Secretary of the Navy.
To: All Ships and Stations.
Subject: Guidelines for Utilization of Enlisted Personnel on Personal Staffs.
Reference: (a) DOD Directive 13.15.9 of 2 February 1960 (NOTAL).

1. Purpose. To prescribe the policies governing the use of enlisted personnel on the personal staff of officers of the Navy and Marine Corps, in order to:

a. Provide general guidance for the efficient utilization of enlisted personnel on personal staffs.

b. Preclude improper utilization of enlisted personnel by assignment to duties which:

(1) Have no reasonable connection with the efficient employment of the Navy and Marine Corps as fighting forces.

(2) Contribute only to the personal benefit of individual officers or their families.

2. Cancellation. SECNAV Instruction 1306.2 is canceled and superseded.

3. Applicability. This directive is applicable to the Department of the Navy on a continuing basis, and to the Coast Guard when operating as a service in the Department of the Navy.

4. Background. Reference (a) cites pertinent legal references and delineates the Secretary of Defense's policy in the premises, to the effect that:

a. Enlisted personnel on the personal staff of an officer are authorized for the purpose of relieving the officer of those minor tasks and details which, if performed by the officer himself, would be at the expense of his primary and official duties.

b. The duties of these enlisted personnel shall be concerned with tasks relating to the military and official responsibility of the officer, to further the accomplishment of a necessary military purpose.

c. The propriety of such duties is governed by the purpose which they serve rather than the nature of the duties.

5. Definitions:

a. "Efficient utilization" is defined as proper, appropriate, and gainful employment or use of men, money or facilities. For purposes of this instruction it encompasses the use of personnel for any type of duty that can be construed as personal in nature, regardless of occupational specialty, billet title, or organizational location of the individual performing that duty.

b. "Personal staff" is defined as those personnel who are authorized to the person of an officer by the Chief of Naval Personnel or the Commandant of the Marine Corps for other than command duties and who report directly to the officer concerned. For purposes of this instruction and in addition to its specific meaning, the term will further include any personnel who might be construed by the Service or the public as members of a personal staff because of the duties assigned. This specifically includes personnel assigned to duty in the public quarters of an officer.

c. "Official duty" is defined as those actions and activities which are required by the officer's billet, position, office, or rank. It includes functions of military and military-civilian activities, both temporary and continuing. It encompasses actions initiated by and accomplished through either oral or written media, whether during or after normal working hours.

6. Guidelines for Utilization of Enlisted Personnel on Personal Staff:

a. Enlisted personnel on the personal staffs of general and flag officers, and certain other senior officers who are in command positions, may be utilized for:

(1) Providing essential services to such officers in the field and aboard ship. The purpose of such services is to assist the senior officer by relieving him of a multitude of details of an administrative and personal nature associated with his position or office in order that he may devote the maximum of time and effort to more important matters relating to military planning, policy, operations, training, exercises or maneuvers.

(2) Duty in their quarters to assist these officers in the discharge of their official responsibilities, to include assistance in the care of the quarters. The purpose of these services is to assist the senior officer in public quarters by relieving him of a multitude of administrative and personal details directly related to his official duties, to assist in the security, upkeep, and police of the public quarters assigned him, and to assist in official military and military-civilian functions therein.

b. The assignment of enlisted personnel to duties contributing solely to the personnel benefit of officers and which have no reasonable connection with the officer's official responsibilities is prohibited. The purpose served, not the nature of such duties, determines the propriety. An exhaustive listing of specific duties authorized or prohibited is therefore infeasible; however, the following are clear-cut examples:

(7) Acceptable utilization:

(a) Enlisted men driving the official vehicle of senior officers who are engaged in military functions.

(b) Utilization of stewards for the following duties is consistent with the policies of the Secretary of Defense and this instruction:

1. Preparation and serving of food and beverages, including cooking, baking, meat cutting, and scullery duties.

2. Care for the cleanliness, order, and protective maintenance of the officer's quarters and the furniture, fixtures, and appliances therein.

3. Preparation for and duties during official entertaining in the officer's quarters, including receiving guests, checking articles of outer clothing, and serving food and beverages.

4. Services of stewards other than those outlined in (1) through (3) above may be consistent with the Secretary of Defense's policies and this instruction when viewed from the standpoint of the purpose served; however, the official concerned must make a determination in each instance.

(2) Unacceptable utilization.

(a) Care and exercising of pets.

(b) Caring for infants or children.

(c) Personal services for dependents which do not fall within the intent of subparagraph 5a above.

c. This instruction does not preclude officers from the employment of enlisted personnel on a voluntary, paid outside-working hours basis. Inasmuch as personnel on active duty are in a 24-hour daily duty status, voluntary employment by officers shall be exercised with care to insure that the time, talents, and attention of enlisted personnel in the performance of their regular duties continue to receive precedence during that entire period.

d. Responsibility for the supervision, direction, and performance of duty of enlisted personnel assigned to duty on the personal staff or in the public quarters of an officer lies solely with this officer.

e. Specific duties of members of a personal staff, and of any enlisted personnel assigned to perform duties which may be construed as being of a personal nature, while generally following the customs of the Services, should be specifically prescribed by the senior officer concerned in each case.

f. Since enlisted personnel assigned to personal staffs may be required to assist the senior officer during normal off-duty hours, compensatory time off should be provided.

7. Action. Implementation of the requirements of this instruction demands discriminating judgment upon the part of all officers of the Navy and Marine Corps. Addressees will insure full compliance with both the letter and the spirit of the guidelines delineated herein.

JOHN W. WARNER,
Under Secretary of the Navy.

GREY MASON

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. WOLFF. Mr. Speaker, several weeks ago, the north shore of Long Island lost a valued resident and I am personally saddened by the loss of a close friend. Grey Mason, who for more than 30 years covered Long Island as a journalist, had for the past 10 years, been editor and president of the excellent Community Newspapers weekly chain on Long Island.

Mr. Mason not only observed and wrote about community affairs, but was an active participant in many worthwhile local projects. His deep sensitivity and commitment will be greatly missed.

At this point in the RECORD, I should like to include the text of an obituary which appeared in Newsday:

GREY MASON

GLEN HEAD.—Grey Mason, 61, an editor of weekly newspapers on the North Shore for more than 30 years, died yesterday of a heart ailment in Community Hospital, Glen Cove.

Mason, who lived here at Pound Hollow Road, has been editor and president of Community Newspapers, Inc., for 10 years until he and a business partner sold the chain in August. Mason remained a director of the firm until his death. The chain consisted of weeklies in Glen Cove, Roslyn, Port Washington, Manhasset and Great Neck. Mason began doing newspaper work on Long Island in the 1930s and edited several North Shore weeklies, including the Roslyn News and the Oyster Bay Pilot, before purchasing Community Newspapers with Peter Benziger of Locust Valley.

Benziger described Mason yesterday as a "tremendously sensitive," gifted newsman who was deeply involved in community affairs. In addition to his work, which included writing columns and editorials, Mason served for many years as an elected trustee of the Jones Fund, which administers the Jones Institute for Nassau County's poor. He was also a director of Community Hospital at Glen Cove, a director of Nassau County Children's Shelter and a trustee of C. W. Post College.

Born in Chicago, Mason's grandfather was the city's mayor during the Chicago fire of 1871. Mason's father Julian, had been editor of daily newspapers in Chicago and New York. Freelance writer Douglas Evans of Glen Cove, a long-time associate of Mason's, recalled that Mason's journalism was considerably more liberal than his father's, but that his liberalism was not extreme. "I wrote a column for him once that got him a little upset, so he decided to hold it," Evans said. "He was holding it since 1953."

Mason leaves his wife, Ann Miller Mason, and a sister, Mrs. Baldwin H. P. Terry of Boston. The Masons had no children. Funeral arrangements were incomplete last night.

CULVER MILITARY ACADEMY'S BLACK HORSE TROOP TO PARADE

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. CARTER. Mr. Speaker, it is with particular pleasure that I call to the attention of my colleagues the forthcoming participation by the Black Horse Troop of Culver Military Academy in this year's inaugural parade.

Located in Culver, Ind., the Culver Military Academy maintains the largest and one of the finest equestrian units in the United States. Its famous Black Horse Troop will be leading the parade with a showing of the colors of 60 American flags surrounded by a sabre guard. The Clock, the 28-year-old lead horse of the Culver unit, has been taken out of retirement to lead the troop. This will be the fifth consecutive inaugural parade for The Clock, and it will be the seventh in 60 years in which the Culver unit has participated.

Ninety teenage riders will take part in this historic event, and each of them will be playing a role in the history of our country as well as in the history of Culver Academy. Indeed, the inauguration of a President is one of the great traditions in our heritage of freedom and democratic government. I wish to commend the students of Culver Academy for the part that they will continue to play in this fine tradition.

THE CHILEAN REVOLUTION

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. ZABLOCKI. Mr. Speaker, I would like to call your attention to a recent book review by Rev. Joseph F. Thorning that recently appeared in the Fordham University Quarterly. After a careful reading of this book review, Mr. Speaker, I would especially like to call my colleagues' attention to Reverend Thorning's efforts toward the cause of inter-American understanding. With this in mind, I submit the review of the book by Regis Debray entitled "The Chilean Revolution." The review follows:

[From the Fordham University Quarterly,
Thought, Winter 1972–73]

THE CHILEAN REVOLUTION

(Reviewed by Regis Débray)

Will the Chilean Revolution be a "revolution without rifles"? That is one of the many interesting questions posed by Régis Debray, a youthful French journalist, in his dialogue with President Salvador Allende Gossens.

Debray's first adventure in the Western Hemisphere was as an ardent admirer of Fidel Castro. In Cuba Régis met Che Guevara. When the latter tried to overthrow the Bolivian Government in 1967, Debray wanted to serve as a combatant in the guerilla force. He was assured by Guevara that "informing world opinion" was more important than actual fighting. After Che's failure, capture and death, Régis was tried and sentenced to prison. Upon release, he left Bolivia for Chile, resuming his role as a spokesman for rebellion. Favorably impressed by Allende's Marxist program, he became a disciple of the Chilean leader. This book reveals to what an extent the two self-styled revolutionaries understand and trust each other.

In an introductory sketch, historical in nature, Debray claims that the Christian Democrats, led by the then President Eduardo Frei Montalva (1964–70), "raised the level of social aspirations" among workers and the middle class. When Radomiro Tomic, one of the founders of Christian Democracy and the nominee of his Party for President in 1970, campaigned on a platform clearly more radical than that of the Socialist-Communist coalition, he became an "objective and personal ally of the *Unidad Popular* candidate [Allende], behind the back and even against the will of his own government apparatus." Many Chileans would agree with that analysis, although they know how exaggerated is Debray's assertion that Allende won a "majority" of the popular vote. His percentage was exactly 36.3. The narrow margin of victory explains why Allende, as President, does not see fit to call for a national plebiscite with a view to securing the control he promised to establish over the legislative and judicial branches of government.

In the question-and-answer part of the book, Debray challenges President Allende upon every major principle of domestic and foreign policy. In his replies the chief executive does not equivocate. He proclaims that his "objective is total, scientific, Marxist socialism." His models for imitation, but with a Chilean ethos, are "the Socialist countries." This means that his goal is "complete economic and political domination." As often as Régis expresses impatience with "the pace of socialization," his mentor emphasizes his determination to "expropriate the means of production that are still in private hands." Moreover, Allende insists that his Marxism has "nothing to do with European Social Democrats."

Pointing out that Chilean workers "have theoretically become owners of the factories or the land where they work," the President expects that they will automatically provide an abundance of goods to be enjoyed by all. Such declarations inspire Debray with immense confidence. He describes the chief executive as "an experienced, pragmatic, and intuitive tactician." Force is not ruled out by Allende as a means to his end. Now that he is operating on "the strategic heights of state power," he can select the short-range tactics suitable for the transformation of administrative authority into a position of absolute power. Both Allende and Debray quote with approval the following principle first enunciated by V. I. Lenin: ". . . Leninism has nothing against compromises, as long as tactical compromises serve as a useful means in the revolutionary strategy of the proletariat, as long as they are absolutely necessary and do not jeopardize the long-term development of the class struggle."

No longer does Debray, somewhat ungrammatically, have to ask two vital questions: "Who is using who?" and "Who is taking who for a ride?" Adolph Hitler, in writing and publishing his original, unexpurgated edition of *Mein Kampf*, could scarcely have been more candid than Salvador Allende in his "Conversations" with Régis Debray. Their colloquy, with only a few ambiguities, supplies that public with a blueprint for another totally collectivized society.

Debray, athough providing some "Notes" on Chilean political parties and personalities, apparently did not deem an index essential to his purpose. English versions of the Spanish texts are the work of three different translators. The results, although awkward in spots, are reasonably clear and readable.

JOSEPH F. THORNING.

WASHINGTON, D.C.

OMB DIRECTOR SHOULD BE CONFIRMED BY SENATE

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. ASPIN. Mr. Speaker, I am introducing legislation in the House today that would require the confirmation by the Senate for the Director of the Office of Management and Budget.

Today, the Director of OMB is a budgetary czar and probably more powerful than any Cabinet member.

In order for the Congress effectively to oversee the workings of the executive branch, congressional committees should have the opportunity to interrogate him regularly and also to confirm his appointment.

In the past, Mr. Weinberger, the former Director of OMB, has appeared before congressional committees. But the possibility exist that Mr. Ash, the new Director of OMB, will evoke executive privilege and thus evade testifying before the Congress.

Mr. Speaker, in view of the importance of the office of Director of OMB, he should be confirmed by the Senate and his work regularly scrutinized by congressional committees.

NATIONAL INCONVENIENCED SPORTSMEN'S ASSOCIATION

HON. RICHARD G. SHOUP

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. SHOUP. Mr. Speaker, I am introducing a bill today which would grant a congressional charter to the National Inconvenienced Sportsmen's Association. NISA is a nonprofit, tax-exempt organization which will require no congressional appropriations and is not involved in lobbying activity of any kind. The sole purpose of NISA is to develop and carry out therapeutic sports activities for the millions of physically and neurologically disadvantaged persons in this country.

My bill was passed by unanimous consent by the House of Representatives during the second session of the 92d Congress, but became a victim of legislative inaction in the Senate as the session ended last fall. No opposition was ever voiced to the measure in either Chamber; it simply was a victim of the end-of-session legislative crunch.

The need for a nationwide therapeutic sports program to help rehabilitate persons who suffer from various abnormalities is paramount. While no congressional moneys are at stake in chartering the organization, NISA badly needs the kind of national coordination that chartering by Congress will give.

The National Inconvenienced Sportsmen's Association is a nonprofit corporation formed exclusively for the following purposes. To provide veterans and others an opportunity to experience sports as a recreational activity in which they can participate; to afford a natural environment which has psychological, therapeutic, and positive results; to develop a nucleus of instructors to enable all disadvantaged persons—amputees, blind, deaf, neurologically damaged—to lead more complete and enjoyable lives.

Traditionally programs of assistance for handicapped Americans are oriented toward: medical aid; formal education; is being done to enable those persons to though numerous national organizations exist to support the inconvenienced, little invaluable psychological therapy derived. Sports participation has provided many counseling; and financial assistance. Alpeople the psychological vehicle to retake part in sports activity and realize the turn from the point of traumatic depression to healthy, productive citizenry. The opportunity for thousands of needy Americans, be they amputees, blind, deaf, or neurologically damaged, to have an equal chance is everyone's responsibility.

Mr. Speaker, 10,800,000 Americans suffer disabling injuries each year, with some 400,000 of those receiving some degree of permanent injury. The impairment ranges from partial loss of the use of limbs to blindness or complete crippling. In addition to those substantial domestic totals, the Korean and Vietnam wars have produced over 35,000 amputees, 4,500 blind, 3,500 deaf, and 3,000 neurologically damaged. Various forms of insurance and aid programs take care of the medical, educational, counseling, and financial needs of most of those so disabled, but there is no concrete program to help disadvantaged Americans psychologically over the long period of time after they leave the care of a hospital.

The National Inconvenienced Sportsmen's Association is already working on a pilot program for each State and some specific community programs, designed to establish regional sports programs which will not only provide inconvenienced sportsmen with activity, but serve as leadership training centers. The organization serves by providing individual chapters across the country with communication through newsletters, correspondence, films, tapes, and other audiovisual materials; conducing regional workshops, training sessions and clinics for instructors in various sports activities; cooperative fund raising activities; establishing equipment sharing pools; assisting in the evaluation and development of individual sports programs and developing teaching guides and manuals. All of these activities are carried out with money raised through contributions from individual Americans.

We need the National Inconvenienced Sportsmen's Association to expand and broaden its current, admirable work so that millions of Americans who do not have the opportunity to live fuller lives, can realize a world many of them have been forced out of by the misfortunes of birth or time. I am introducing my bill, on behalf of the National Inconvenienced Sportsmen's Association, an organization of, by, and for disadvantaged Americans.

Mr. Speaker, I include the text of my bill in its entirety at this point in the RECORD:

LIST OF SPONSORS

A bill introduced by Shoup with Rarick, Schneebeli, Rhodes, Ichord, Roybal, Gude, Hicks, Lehman, Nichols, Williams, Davis (South Carolina), Fountain, Preyer, Clancy, Martin (North Carolina), Casey, Quie, Won Pat, Symms, Roncallo, Yatron, Wolff, Veysey.

A bill to incorporate in the District of Columbia the National Inconvenienced Sportsmen's Association

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Douglas Pringle, Daniel McPherson, and Jim Winthers, the present directors and officers of the National Inconvenienced Sportsmen's Association (a nonprofit corporation organized under the laws of the State of California), and their associates and successors, are created in the District of Columbia a body corporate by the name of the National Inconvenienced Sportsmen's Association (hereinafter referred to as the "corporation"), and by such name shall be known and have perpetual succession and the powers and limitations contained in this Act.

COMPLETION OF ORGANIZATION

Sec. 2. The persons named in the first section of this Act, acting in person or by written proxy, are authorized to do whatever acts as may be necessary to complete the organization of the corporation.

PURPOSES OF THE CORPORATION

Sec. 3. (a) The purposes of the corporation shall be—

(1) to provide veterans and others who are inconvenienced persons an opportunity to experience sports as a recreational activity in which they may participate;

(2) to afford a frequent natural sports environment for inconvenienced persons which has positive psychological and therapeutic results; and

(3) to develop a nucleus of sports programs and competent instructors to carry the program throughout the Nation.

(b) As used in this section the term "inconvenienced persons" includes amputees, blind persons, and persons who are neurologically damaged.

POWERS OF THE CORPORATION

Sec. 4. (a) Subject to all applicable laws of the United States, and of any State in which the corporation operates, the corporation shall have power—

(1) to sue and be sued, complain, and defend in any court of competent jurisdiction;

(2) to adopt, alter, and use a corporate seal for the sole and exclusive use of the corporation;

(3) to adopt, alter, or amend bylaws not inconsistent with this charter;

(4) to contract and to be contracted with;

(5) to acquire, control, hold, lease, and dispose of such real, personal, or mixed property as may be necessary to carry out the corporate purposes;

(6) to choose such officers, managers, agents, and employees as may be necessary to carry out the corporate purposes; and

(7) to do any and all acts and things necessary and proper to carry out the corporate purposes.

(b) For the purposes of this section, the term "State" includes the District of Columbia and the Commonwealth of Puerto Rico.

MEMBERSHIP

Sec. 5. Eligibility for membership in the corporation and the rights and privileges of members shall, except as provided in this Act, be set forth in the bylaws of the corporation.

GOVERNING AUTHORITY OF THE CORPORATION

Sec. 6. (a) The corporation shall have a national board of directors as may be provided for in the bylaws of the corporation.

(b) Qualifications of directors on any national board of directors created for the corporation, the manner of selection of such directors, terms of office of directors on the board, and the powers and responsibilities of the board and its directors shall be set forth in the bylaws of the corporation.

OFFICERS OF THE CORPORATION

Sec. 7. The officers of the corporation shall be those provided for in the bylaws of the corporation. Such officers shall be elected in such manner, for such terms, and with such powers and responsibilities, as may be prescribed in the bylaws of the corporation.

PRINCIPAL OFFICE; SCOPE OF ACTIVITIES; DISTRICT OF COLUMBIA AGENT

Sec. 8. (a) The principal office of the corporation shall be in Sacramento, California, or in such other place as may later be determined by the corporation, but the activities of the corporation shall not be confined to that place, but may be conducted throughout the United States and all other locations as may be necessary to carry out the corporate purposes.

(b) The corporation shall maintain at all times in the District of Columbia a designated agent authorized to accept services of process for the corporation. Service upon, or notice mailed to the business address of, such agent shall be deemed notice to or service upon the corporation.

USE OF INCOME; LOANS TO OFFICERS, DIRECTORS, OR EMPLOYEES

Sec. 9. (a) No part of the assets or income of the corporation shall inure to any member, officer, or director or be distributable to any such person during the life of the corporation or upon its dissolution or final liquidation. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(b) The corporation shall not make loans to its members, officers, directors, or employees.

NONPOLITICAL NATURE OF CORPORATION

Sec. 10. The corporation and its officers and directors as such shall not contribute to, support, or otherwise participate in any political activity or in any manner attempt to influence legislation.

LIABILITY FOR ACTS OF OFFICERS AND AGENTS

Sec. 11. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

PROHIBITION AGAINST THE ISSUANCE OF STOCK OR PAYMENT OF DIVIDENDS

Sec. 12. The corporation shall have no power to issue any shares of stock nor to declare or pay any dividends.

BOOKS AND RECORDS; INSPECTION

Sec. 13. The corporation shall keep correct and complete books and records of account and shall keep minutes of proceedings of its members, board of directors, and it shall also keep at its principal office a record of the names and addresses of its members entitled to vote. All books and records of the corporation may be inspected by any member entitled to vote, or his agent or attorney, for any proper purpose, at any reasonable time.

AUDIT OF FINANCIAL TRANSACTIONS

Sec. 14. The provisions of sections 2 and 3 of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law" approved August 30, 1964 (36 U.S.C. 1102, 1103), shall apply with respect to the corporation.

USE OF ASSETS ON DISSOLUTION OR LIQUIDATION

Sec. 15. Upon dissolution or final liquidation of the corporation, after discharge or satisfaction of all outstanding obligations and liabilities, the remaining assets of the corporation may be distributed in accordance with the determination of the board of directors of the corporation and in compliance with this Act, the bylaws of the corporation, and all other Federal and State laws, and the laws of the District of Columbia applicable thereto.

TRANSFER OF ASSETS

Sec. 16. The corporation may acquire the assets of the existing organization of the National Inconvenienced Sportsmen's Association, a nonprofit corporation chartered in the State of California upon discharging or satisfactorily providing for the payment and discharge of all the liabilities of such corporation and upon complying with all laws of the State of California applicable thereto.

RESERVATION OF THE RIGHT TO AMEND OR REPEAL CHARTER

Sec. 17. The right to alter, amend, or repeal this Act is expressly reserved.

TONGUES OF BRASS, FEET OF CLAY

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. FORSYTHE. Mr. Speaker, James S. Kemper, Jr., president of Kemper Insurance Group, recently discussed consumerism in this country and some of the key components of this movement.

I found Mr. Kemper's remarks of extreme interest and I want to take this opportunity to share them with you.

Therefore, I am including at this point the text of Mr. Kemper's address, given on December 7, 1972, before the annual conferment luncheon of the Rochester chapter of Chartered Property and Casualty Underwriters:

TONGUES OF BRASS, FEET OF CLAY

Modern consumerism, which I would define as a broad-based and diverse movement to improve the quality of life, is an outgrowth of the affluent, highly-industrialized society. It has achieved the stature of a movement only in the United States, although consumerism is beginning to appear in prosperous countries such as Canada, West Germany and Japan.

Hungry nations have no time for it: they are too busy trying to develop resources and product goods to worry about undesirable side-effects. West Germany is a case in point. The West Germans turned the Rhine into an industrial sewer while they were struggling to rebuild after World War II, but now that their economic goals have been achieved they are trying to clean up the river.

Consumerism in this country takes many forms: improving the physical environment, preserving natural resources, encouraging manufacturers to make better and safer products and service organizations to provide better and cheaper services, protecting buyers from being cheated, investigating, and defending individuals against, misuses of power by government agencies, unions and corporations; and the like. There is no limit to the variety of activities which collectively have come to be known as consumerism.

Consumerism has become a major factor in the insurance business. Its biggest achievement so far has been to plant firmly in the minds of the public and politicians that every person has the right to buy insurance at an affordable price, thus overturning basic principles of risk and rating which have existed for centuries. Other consumer*ism* interests have involved such things as credit reports, auto insurance systems, health care and financing, and safety in many forms. I am not going to discuss the merits of these and other insurance-related consumer issues now. But, for better or for worse, the consumerists have taken a great interest in us, and it behooves us to pay equal attention to them, as I propose to do in this talk.

The consumer movement was born, or reborn, after World War II as America turned its attention to internal matters. A movement requires leadership, and there are countless fine examples. I will mention just a few.

I suppose the first great consumer advocate was Consumers Union, which, from small beginnings, became and still is the most generally reliable and professional of all the voices purporting to speak for the consumer as purchaser. Through its monthly publication, *Consumer Reports*, and in other ways, it keeps us informed of the usefulness, safety and price/value relationship of thousands of products and services. Consumers Union performs a public service of incalculable value, and it does so with strict adherence to professional standards in its research and objectivity in its findings and recommendations.

In the field of our physical environment, the Sierra Club exemplifies zeal combined with as much objectivity as you can reasonably expect from zealous people. Government agencies and natural resource companies contend that not all of the positions taken by the Sierra Club are justified or practical, but nobody can be right all of the time, and the Sierra Club has maintained a notably good success ratio in environmental litigation it has undertaken. It is a good consumerist organization, with a productive blend of professional and volunteer workers.

There are hundreds of small, *ad hoc* groups working effectively in the consumer movement. All over the United States young lawyers have established store-front law offices to provide legal services to poor people at nominal fees. Consumer action groups organize and go into battle in local disputes involving everything from expressway construction to preservation of streams to meat prices in the corner supermarket.

White House Office of Consumer Affairs and government agencies operate over a wide range of consumer and environmental issues: the Food and Drug Administration, Environmental Protection Agency, Federal Trade Commission, and many others at both the federal and state level. These agencies, like all government, tend to become sterile and bureaucratic as respects new ideas, they move ponderously, and they lack the vigor that comes with enthusiasm, but they do a necessary and useful job.

In our own industry, where I have more specific knowledge and experience, we do far more consumer-oriented things than we get credit for, although I personally believe we are still not doing as much as we should. Individual companies have spent millions of dollars to foster safety on the highways and at the workplace, to develop better rehabilitation techniques for accident victims, to rehabilitate the emotionally ill, and to improve the general quality of life. Individually and through our trade associations, and most particularly through the Insurance Institute for Highway Safety, we have made our own significant contribution to the consumer movement. And much that I hear and read convinces me that American corporate management as a whole is increasingly accepting its responsibility to partcipate in, rather than to resist, the consumer movement.

I may sound like a Pollyanna, with something nice to say about everyone. I know there are many things wrong in our society. There will be fat targets for the consumerists long after you and I are gone. There will always be shortchangers and cheats, polluters and venal politicians, businessmen and union leaders without conscience. Every one of us needs an ongoing consumer movement to help us maintain the high standards society has the right to expect of us. But I am just sick and tired of all these smart-ass people who get money and publicity out of blasting away at American institutions, and I think that once in a while it's a good idea to take note of the fact that most of the victims of these attacks are trying very hard to do a conscientious job with due regard for the national welfare.

What I have been leading up to is that I think the consumer movement is becoming a *national* movement. It is beginning to lose its adversary characteristics. It is becoming participative. Corporations compete with each other in social activism. Unions spend ever larger budget allocations on community services. Government bureaus have become planning centers for preservation of natural resources. There is a *national* will to improve the quality of life.

Part, but only a small part, of the credit for the developing national character of consumerism should be given to the gadflies of the movement who cut and slashed their way to national attention in the late 1960's. Most of the credit belongs to the basic decency and sense of fairness of most Americans, and to organizations of the type I have mentioned. With our foreign relationships on the mend and the profligate adventure in Vietnam drawing to a close, we are in a position to bring the full force of our ingenuity and economic power to bear upon the quality of life in our society. Consumerism is a uniquely American undertaking, consistent with our greatest traditions, and its time is now.

Who will be the leaders of a national consumer movement? The question is crucial because the caliber and character of leadership will determine whether the movement builds on a solid foundation or becomes mainly a platform for power-seekers and publicity hounds.

I have managed to get this far without mentioning Ralph Nader, at least by name, which is probably some kind of a record for a speech on consumerism, but I need to spend a little time now on Naderism. Naderism represents a style of leadership which can wreck the consumer movement.

Mr. Nader wrote a book on unsafe automobiles in 1965. Shortly after its publication he became a national figure. This did not happen due to the merits of the book, which to a considerable extent merely elaborated upon the research of scientists in that field going all the way back to the work of Hugh DeHaven (*War Medicine*, July 1942), and including exhaustive research and publications by the U.S. Public Health Service, Dr. William Haddon, and others. Mr. Nader became a national figure because he packaged his material more attractively than did his predecessors in the auto safety field, not because of the superior quality of the goods in his package, which were, in fact, rather inferior. An old trick, well known to hucksters. Then came the lucky chance which enabled him to become an alleged victim of corporate espionage, and Mr. Nader became martyr and hero.

I think Mr. Nader has performed a useful service, in a limited sense, in the same way that a fine actor may get people interested in reading fine plays. Mr. Nader did get people interested in consumerism. The point is that we should not confuse the actor with the playwright, and we should never expect the actor to write a good play. Naderism is not a substantive movement, it is not consumerism. It is playacting on a national stage by an actor of great skill and charisma.

And that is all it is. Consider what has happened in the past few years. Lionized by students and by the hungry and gullible media, Nader has become a self-acknowledged expert on everything. He is the keeper of the corporate conscience. He is a self-styled expert on ecology and antitrust law, pollution and proxy statements, safety and suppression of information, forestry and political campaigns, et cetera, et cetera, no matter what. The dominant fact that emerges from the spread of Naderism into every facet of our lives is that its founder has become fascinated with power and publicity and has lost his way in the process.

Consider the record. In the fall of 1971, Nader published a 15-month, 900-page study of California land use called "Power and Land in California." The purpose was to prove that greedy landowners controlled the state government and victimized the people of the state. *Newsweek* reported that "the study group's single-minded determination to 'get the interests' often resulted in certain sacrifices of objectivity. . . . The report undoubtedly suffers from an overdose of indignation and an overzealous helping of reform that detracts from its solid research." *Time* described some of the charges in the report as "tenuous, since they are based on the shadowy history of 19th century land grants." Thus did Mr. Nader's friends of the press evaluate the caliber of study and research behind a document designed to destroy the reputations of those whom it attacked.

Nader unleashed another group of young zealots on the First National City Bank of New York. In a talk last month before the Executives Club of Chicago, Ralph Lewis, Editor and Publisher of *Harvard Business Review*, commented: "For instance, I happen to know a fair amount about First National City Bank of New York, and that was one company his (Nader's) boys studied, and that was a thoroughly miserable report. It indicated the kids that did the job did not understand the banking business. It was just awful."

The most ambitious project of Nader's Raiders was the recent Congress Project, consisting of a paperback called *Who Runs Congress?* followed by lengthy profiles of individual members of Congress. As expected, there was little pretense to objectivity. The *New York Times* (October 22) said, as respects the profiles: "When opinions of the writer crept in, as they often did, they usually reflected a liberal point of view. . . . Complimentary opinions of liberals were sprinkled through many of the profiles." Business trade associations were described as forming the "anti-consumer axis," while union pressures were described as "social progress lobbying."

Vulnerable as the Congress Project clearly is, the most illuminating part of the story relates to Nader's personal involvement in the Project. For the following facts I am indebted to one of the world's most anti-establishment publications, the *Harvard Law Record*, and in particular to its News Editor, one Daniel M. Taubman. You should understand that this campus newspaper has been an adoring supporter of Nader for many years, and that a high percentage of his so-called Raiders are students or recent graduates of Harvard Law School, an institution whose position in the mainstream of American society can be judged from the fact that in a preelection poll 83% of the students and 90% of the faculty voted for Senator McGovern.

According to Mr. Taubman, who was himself a writer on the Congress Project, (*Record*, October 20), on the first Saturday in June, 60 of Nader's Raiders assembled in a lounge at George Washington University for their initial meeting and briefing by Mr. Nader. At the outset a Project director, Bob Fellmeth, 1970 Harvard Law graduate (who had directed the biased California land study) "asked whether anyone from the press was present. Greeted with silence, he then queried whether anyone not associated with the Congress Project was present." Two such interlopers were found—a young man who was there because his girl invited him, and a girl who was working on another Nader project. Fellmeth, acting as bouncer, threw both of them out.

Then, secrecy having supposedly been assured, Nader addressed the group. I quote Taubman: "He exhorted us to emulate him, to follow him in carrying the Protestant work ethic to its ultimate conclusion. . . . Don't use drugs, because we have to be above any kind of inquiry or suspicion, Don't wear sandals. . . . And, above all, you must be willing to sacrifice long hair or your personal mode of dress for interviews with Congressmen and staff personnel." Thus did the advocate of honesty and full disclosure instruct his followers to practice deception as a part of the "Protestant work ethic."

To continue. Taubman goes on to describe the Project as plagued by "errors of miscalculation, as well as single-minded leadership." Nader refused to revise work assignments, even when students protested they could not each write nine 30-page profiles plus do the research in three months. Then he changed his mind and reduced the work-load, but because of poor planning it was necessary to hire more writers, who then proceeded to defect in large numbers. At the last minute, over vigorous protest by a majority of his workers, Nader unilaterally decreed that a paperback, which Taubman describes as a "teaser" and a "quickie book," be written to induce people to buy the profiles to be released later on. Nader met with his troops, listened to their protests. Says Taubman: "As he had kept his ground with profile writers, so too with the committee and topics researchers: We are writing a quickie book, that's that. Now, does anyone have any questions?"

Taubman, his ideals badly battered, concludes the story: "'It was as if Mount Rushmore had crumbled,' a Harvard Law School student said after attending the meeting. The student's image of Nader had been shattered."

Why have I used so many words and so much of your time discussing these last three Nader projects? I have no need or desire to attack Ralph Nader *per se*. I have debated him, I have joined him in supporting consumer legislation in the auto field, he has always been cordial to me and I to him. But there is a danger here and it has to be looked at. The danger is Naderism, and the character and quality of leadership exemplified by Naderism.

The man who began his public career as a crusading author and publicist in a narrow field has become one of the most powerful men in America. His influence is enormous. He has the electronic and print media so much at his disposal that it is as if he owned them. Powerful legislators give him immediate audience. He now deals with the most corrupting of all the devils—Power. And he appears to have fallen heir to the same arrogance, prejudice, dishonesty, irresponsibility and shoddy performance of which he accuses his targets. The hunter has acquired the characteristics of his prey.

Ralph Nader has a standard speech, which he first gave before the National Press Club in December 1966, called "Taming the Corporate Tiger." In it he delineates crimes of omission and commission by corporations. The title itself discloses his objective, which is to liken corporations to a fierce and frightening beast. In this talk he charges corporations with shoddy performance, irresponsibility, repression of criticism and having too much power. He proposes a National Commission on Corporate Reform to study such corporate abuses, and he suggests several avenues it might pursue.

I think that as part of the burgeoning of consumerism into a truly national movement, there should be established a National Commission of Consumerism. It should have broad representation from all segments of society, and should be charged with the task of investigating and periodically auditing any consumer organization considered by it to be exercising a significant influence upon the national economy or upon any association or group or industry. Somebody can think up better and more comprehensive language, but I think the general idea is clear enough. Such a commission might also develop standards leading to a university course of study with a graduate degree of Doctor of Consumerism, so that the public could distinguish the output of these raider-types, whose sole credential is their hatred of the status quo, from the work of the real professionals.

Another logical step would be to give the new federal Consumer Protection Agency, soon to be created, the direct responsibility for surveillance of consumer organizations and their methods of operation. Hunting down and shooting corporate tigers may be a permissible activity, but somebody ought to issue the hunting license and see to it that the hunters don't shoot up the whole neighborhood.

By way of conclusion:

1. Consumerism is here to stay.

2. The consumerism movement is a healthy development and is rapidly maturing into a movement of national and ecumenical scope.

3. Some consumerists have become dangerous and irresponsible in the usage of great power. Techniques should be derived to professionalize and exercise the balance of the practitioners in this field, for the protection of society and the benefit of the movement itself.

THE LATEST JUDICIAL AFFRONT TO CONSTITUTIONAL GOVERNMENT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. RARICK. Mr. Speaker, as Congress mobilizes to restore the powers of Government to the constitutional intent and concept, I would like to call the attention of our colleagues to the latest violation of constitutional government—this instance by the judicial branch.

Last night's Washington paper carried an interesting picture of U.S. Supreme Court Chief Justice Warren Burger examining the Yugoslav "Order of the Flag with Three Colors," an honor presented to him by the Yugoslavian Ambassador Toma Granfil. Yugoslavia, as I am sure all are aware, is a Communist country under the control of the red dictator General Tito.

Apparently the Chief Justice, like some of his predecessors, is unfamiliar with the Constitution of the United States. The Constitution, article 1, section 9, clause 8, reads:

> No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

There has been no act of Congress authorizing either the Chief Justice or the other recipients of a similar award, Associate Judge of the District of Columbia Superior Court, William S. Thompson, and District of Columbia attorney, Charles Rhyme, to accept such presents or emolument.

The reason for granting this award is reported to have been because of Chief Justice Burger's important role at the Belgrade Conference of the World Peace Through Law meetings, "perhaps as a reflection of people's desire to have their international life governed more by international law."

Elected and appointed officials of our Government, on taking office, take an oath to preserve and defend the Constitution. There can be no activity by a U.S. official which advances international life under international law which does not destroy or erode the Constitution of the United States.

This is judicial indiscretion without even raising the taxpayers question of when do these busy "one-world" Federal judges find the time to junket over the world to attend these international judicial meetings.

When there is a constitutional conflict which involves the Chief Justice of the United States who resolves the issue? Are we now to permit our judicial branch to assume powers prohibited all U.S. officials?

Portions of the newsclipping follow:

> [From the Evening Star, Jan. 15, 1973]
>
> Partying for the Team
>
> (By Ymelda Dixon)
>
> * * * * *
>
> Saturday night, when Yugoslav Ambassador and Mrs. Granfil gave a black-tie dinner on the occasion of the presentation of the Order of the Yugoslav Flag to Chief Justice Warren Burger, the endemic disease, Redskins fever, invaded the stately R Street embassy.
>
> * * * * *
>
> "Radios and televisions do not work in the Supreme Court Building," said the chief justice.
>
> In presenting the awards to Burger and to Associate Judge of the D.C. Superior Court William S. Thompson and D.C. attorney Charles S. Rhyne, Ambassador Granfil commented on the chief justice's important role at the Belgrade Conference of the World Peace Through Law meetings," perhaps as a reflection of people's desire to have their international life governed more by international law."
>
> "Charles Rhyne," said Granfil, "had the idea for this movement in the first place; and Justice Thompson also made a large contribution to the Belgrade conference."
>
> Thompson had flown back from the Ivory Coast, where he is setting up the next meeting of World Peace Through Law, in time to be at the dinner and to watch yesterday's football classic.
>
> Other diners watching the presentations were Mrs. Richard G. Kleindienst, whose husband, the attorney general, was lecturing in Cleveland; Mexican Ambassador Olloqui, whose President Echeverria will visit Yugoslavia this year and Rep. and Mrs. Philip Ruppe of Michigan.
>
> Of Ruppe, Granfil said, "We welcome on the legal territory of Yugoslavia, a man with Slovenian blood in his veins. We are hopeful that the wine and Yugoslav hospitality will be temptation for him to visit the old country for the first time."

FARMERS FACING FORECLOSURE FOR LACK OF FHA LOANS

HON. BOB BERGLAND

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. BERGLAND. Mr. Speaker, the seriousness of curtailments of programs and the impoundment of funds by the President will touch all of us. None are being harder hit than the farmers of this Nation and none of the cuts have been more cruel than those announced by the Department of Agriculture. The following article, by Mr. Lee Egerstrom of the Washington Ridder News Bureau, clearly describes the seriousness of just one of the canceled programs.

Mr. Speaker, I would like to call special attention to the evaluation of the Secretary of Agriculture by the gentleman from South Dakota (Mr. DENHOLM):

> Butz has become a good after dinner speaker with a joke for all occasions. But

what we want is a Secretary, some facts and some action.

This, Mr. Speaker, reflects the view of most of us who have the honor to represent rural America:

FORECLOSING MORTGAGES

(By Lee Egerstrom)

Washington.—Paul Dorweiler is a president of a small bank in Chokio, Minn., that has been pretty generous over the years to keep his little community intact with the financing he can provide. But this week he is confronted with the thought of foreclosing mortgages on five of his community's farmers.

"These are not the small farmers who couldn't make it on the farm under any circumstances," Dorweiler said. "These are good, solid citizens; good, efficient farmers who have been cheated."

The foreclosures are being forced by the administration's decision to kill off the emergency Farmers Home Administration (FHA) loans authorized by the last Congress in the wake of natural disasters stretching from Rapid City, S.D., to the east coast.

Farmers in the western areas of Minnesota around Chokio, like farmers in eastern South Dakota, northwestern Wisconsin and much of northern Minnesota, southeastern Ohio and endless other places, all qualified for the expanded provisions of the "Hurricane Agnes" act.

The act, signed by the president, allows emergency loans from the FHA at low interest and contains a $5,000 forgiveness feature for farmers who had severe damage.

The same benefits were given to rural areas of Oklahoma. Farms and ranches there were stricken with drought.

What irritates Dorweiler, and the congressmen who represent these wet and dry farmlands, is how the department of agriculture announced at Christmas time that the emergency loan program was over.

Farmers were told to wait until what little crops they had were harvested to determine the extent of their losses before they applied for aid," said Rep. Robert Bergland, D-Minn., who represents Chokio's congressional district.

"Now they have been told that if they followed these directions they waited too long and now they are no longer eligible," the congressman said. "We can't even estimate the number of farms that will be lost through this action."

Dorweiler is quite sure what the cost will be to his community, because he holds bank notes on most area farms.

"What happens is that these farmers may have about $40,000 loans to start with," he said, "Every spring they come in and borrow another $30,000 which drives their total obligations up to about $70,000.

"Then, in the fall after harvest, they come in and pay off the $30,000 plus their payment on the other loan.

"These farmers aren't going to pay off that loan this fall because they had no harvest," he said. "I went to the big banks in Minneapolis and St. Paul where I 'farm' out part of the loans and I explained to them what was happening. They said they would be patient and wait a year on the loans, but what will these farmers do next spring to get started. They have no credit left and they won't be able to buy seed, fertilizer, anything. They're through, plain and simple."

"The folks up north were getting all the rain this year and we couldn't buy water," complained an aide to Rep. Tom Steed, D-Okla., who represents the drought-stricken farmers.

"Do the program cuts affect us? Nobody knows what they're going to do," he said "This is a disaster."

An Ohio congressman, usually in agreement with the Nixon administration, uttered similar words in describing his farmers' predicament who were affected by excessive rainfall.

"The wrong ax fell at the wrong time," said Rep. Clarence Miller.

And the problem of emergency loans, or lack of them, is now being felt in northern California, according to a Fresno congressman.

B. F. (Bernie) Sisk, D-Calif., represents Fresno County, the largest agricultural producing county in the United States. The dairy industry has been having trouble acquiring feed with the high cost of feed grain and the shortage of it in California following the huge grain sales to the Soviet Union this summer.

Like Rep. David Obey, D-Wis., Sisk's office was preparing emergency legislation to allow shipment of government-held feed grain and hay to his area, on a low-cost emergency basis.

But an aide to Sisk said Friday that a new dilemma for northern California agriculture has just come to light. Fresno citrus growers have just had the worst frost in 40 years, he said, and this comes on the heels of a frost last year that limited the crop.

"We were writing legislation to submit that would have included our citrus growers in the disaster emergency program," the aide said. "Now there is no program."

The ax, as described by congressman Miller, is dropping. By the close of the week the White House had brought it down on the space industry.

President Nixon is hellbent to keep federal spending under the guidelines for a national deficit approved by the last Congress.

Non-priority items are the first to go, and it appeared to a growing number of farm-bloc congressman that agriculture is not a high-priority item in this administration.

The ax the agriculture department has been wielding at low-cost rural electrification loans, FHA loans, conservation programs and rural development programs. In addition, the department announced that it was calling in most stored grains to avoid storage costs—much of which goes to farmers—because the grain is needed on the market.

The scuttling of the programs has had an unusual effect of bringing the farm bloc congressmen in their ever decreasing members to become a closer knit unit than congress usually is.

Criticism of the department's slashing has created a bipartisan voice of opposition, while congress generally prepares to take on the administration in a tug-of-war for power.

The farm program cuts came first, although many more are expected to follow. The farm bloc organized first.

This could set the stage for the showdown congress is pledging the administration in what congressional leaders call a "power grab" by the executive branch.

Rep. Frank Denholm, D-S.D., considers cutting programs spelled out and funded by congress to be illegal. He believes court tests, already in Missouri on frozen highway funds, will uphold congress' "power of the purse strings."

Agriculture Secretary Earl Butz announced publicly and told members of both the Senate and the House that farm income, reaching $19 billion this year, has farmers "happy" and that they can now afford some of the programs that were stopped by the administration's directives.

The emergency loan program was cancelled by Butz himself, He said, because "it was being grossly abused."

The secretary cited an example of a blanket fire insurance on a college fraternity's house. Before the fire five boys had tuxedoes and after the fire 20 boys had tuxedos.

"That's pretty sassy talk from the secretary," bitter congressman Denholm said afterwards.

"Butz has become a good after dinner speaker with a joke for all occasions," he said. "But what we want, is a secretary, some facts and some actions."

Denholm's district is faring better than most affected by wet or dry fields. He had thought the appropriation was insignificant to cover the need and had advised his farmers to apply for the loans early before congress would need to fret over supplemental appropriations.

In two meetings in his district to explain that concern, more than 1,000 farmers showed up and the first district of South Dakota has a high average of approved applications.

"But there are still good, honest people out there who waited to see what their yield would be before they applied," he said. "These people are being hurt while their neighbors down the road already have their money. This doesn't make sense.

Both Bergland and banker Dorweiler complained that the cutoff was too abrupt.

Dorweiler said he attended FHA sponsored meetings "and I have a tape of their telling our farmers not to apply until they could measure their losses.

"Well, on the wet fields around here, the farmers had to wait until the ground was frozen before they could work through the cornfields in the snow and try to harvest some grain."

The announcement of the emergency loan program's cancellation was two weeks ago. The effective date was Sept. 27.

SEND OIL SUPPLY COMMITTEE MEETING

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. DINGELL. Mr. Speaker, despite the welcome announcement by the White House on Wednesday, January 17, 1973, that the fuel oil import quotas are being suspended until April 30, 1973, there remains the serious crisis as to what will occur following that date regarding the supply of heating oils and other petroleum products for the United States.

I regard the removal of import quotas on heating oils announcement by the White House as only a very temporary relief measure and I further believe, as I am sure many of the Members of both the House of Representatives and Senate do, that much more than just a suspension must occur if there is to be a sufficient oil supply for this Nation.

Mr. Speaker, for that reason I wish to draw the attention of my colleagues in the House and the Members of the Senate to the following printed copy of a letter each Member of Congress has received from the National Oil Jobbers Council regarding the scheduled Tuesday, January 23, 1973, "Send Oil Supply Committee" meeting.

I include the letter in the Congressional Record for the benefit of the Members and citizens:

National Oil Jobbers Council,
Washington, D.C., January 16, 1973.

Hon. John D. Dingell,
U.S. House of Representatives,
Washington, D.C.

Dear Congressman Dingell: As you know the current energy deficit has resulted in a full scale crisis with respect to the supply of heating oil. In many sections of the country schools have been closed, factories have stopped their operations and even homes have gone unheated.

For several years now many of us have predicted the present crisis. Currently, both refiners and federal agencies assure us of their best efforts and intentions. However, one fact is inescapable—the shortage persists and continues to worsen. Corrective action must be taken AT ONCE. Merely tampering with the various factors of the supply situation is clearly not adequate to the desperate circumstances faced by consumers and industry in many sections of the country. A special SOS (Send Oil Supply) Committee, consisting of local consumer and government spokesmen and small business fuel oil marketers, has been formed to brief you and your colleagues concerning the dimensions and nature of the current crisis, together with suggested solutions.

On January 23, in the Caucus Room of the Cannon House Office Building, at the hour of 10:00 a.m., a briefing session will be held. The agenda will be compact. On behalf of consumers and oil marketers from your area, you are urgently requested to attend this meeting. Should prior commitments make this impossible, it would be most helpful if you could send the appropriate member of your staff. It is anticipated that representatives from both the national press and other communications media will be covering this meeting. Press coverage for your region will also be present. Your presence and cooperation can make known your concern and interest regarding this problem which is of such vital importance to your constituency.

Sincerely,

ROBERT B. GREENES,
President.

HILBERT FEFFERMAN

HON. WILLIAM A. BARRETT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. BARRETT. Mr. Speaker, this month a distinguished civil servant will retire from the Department of Housing and Urban Development after 31 years of outstanding Government service.

Hilbert Fefferman joined one of the original predecessor agencies of HUD in 1941, and most recently has served that Department as Associate General Counsel for Legislation. In his capacity he has borne primary legal responsibility for the development of legislation for this country's major housing and urban development programs. Indeed, he personally handled the extensive and difficult legislative work which resulted in the creation of the Department of Housing and Urban Development in 1965. In 1962, Mr. Fefferman had the key role of drafting Executive Order 11063, which for the first time conferred equal opportunity rights with respect to occupancy in Government-assisted housing. His contributions included the negotiation and resolution, within the executive branch, of legal obstacles to equal housing opportunity. His resolution of these problems laid the foundation for, and served as a guide to, later extensive legislation enacted in the field of civil rights.

If any single member of the executive branch could be singled out as "Mr. New Communities" it would be Hilbert Fefferman. For over 10 years he has been at the center of both policymaking and drafting of all Federal legislation relating to land development and new communities.

Mr. Fefferman's exercise of his consummate skills has not been restricted to the legal area. For many years he has been recognized as the outstanding trouble shooter to whom the department and predecessor agencies have turned to care for some of the most critical problems. For example, in 1954, Mr. Fefferman was given a central role in the emergency management of the Federal Housing Administration during the congressional investigation of the war housing mortgage insurance program.

In 1956, he was primarily responsible for reconciling the widely divergent and conflicting positions of housing officials—who then had semi-independent authority—on policies for the mortgage insurance program for moderate income housing in urban renewal areas and the new urban renewal program itself. His actions were critical to getting these major programs underway.

Mr. Fefferman's accomplishments have won for him many expressions of appreciation from his fellow officials and commendations from his superiors, from other Federal agencies, and from congressional committees. He has been invited from time to time to lecture at the George Washington University and at the Massachusetts Institute of Technology and has accepted a professorial appointment at MIT following retirement. He has contributed articles on housing to Grolier's International Encyclopedia and to the Duke University Symposium on Urban Renewal.

In 1969, Mr. Fefferman received the highest award of the Department of Housing and Urban Development—its Distinguished Service Award. In conferring this award, the Secretary of Housing and Urban Development cited him for his great abilities and major contributions in the fields of housing and urban development, as well as for his unusual patience, cooperation, and objectivity in dealing with his colleagues, which have earned for him a unique and highly respected position in the Department. In 1959, the Housing and Home Finance Administrator nominated Mr. Fefferman for the President's Distinguished Civilian Service Award.

We in the Congress and particularly those of us on the Banking and Currency Committee and its Housing Subcommittee will sorely miss Hilbert Fefferman. Our every request to him for assistance was acted upon with dispatch and skill. He willingly gave his time and ability to Members of Congress and their staffs even when his responsibilities at HUD had pressed an unbelievable workload upon him. Hilbert Fefferman could be found evening after evening, weekend after weekend, holiday after holiday, working with energy and devotion to help solve this Nation's housing problems. While I am personally saddened by his departure, I want to add my best wishes for a deserved retirement and success in his new endeavors.

THE 1972 NICARAGUA EARTHQUAKE DRAMATIZES THE UNSUITABILITY OF THAT SITE FOR AN INTEROCEANIC CANAL

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. RARICK. Mr. Speaker, the Central American Isthmus, because of its advantageous geographical location for the construction of pack mule trails, railroads and ship canals, has been recognized as the strategic center of the Western Hemisphere. As the result of the low continental divides and penetration of the jungle by small navigable rivers, Nicaragua and Panama were for many years the two principal competitors for trans-Isthmian transit. In fact, the most favored site by the U.S. Government for an interoceanic canal until 1902 was at Nicaragua.

When the question of canal site came up in the last part of the 19th century for determination by the Congress, both Nicaragua and Panama had strong supporters in the United States but nature intervened. On May 13, 1902, there were serious volcanic disturbances and earthquakes caused by an eruption of Momotomba, an old volcano in Nicaragua. This resulted in the destruction of docks at the town of Momotombo, the terminus of the railroad to Corinto. So dominated by volcanoes did the political scene become that some newspapers described heated political discussions in the Congress as "eruptions."

One of the Panama Canal supporters, understanding that young nations like to place upon their coats of arms what symbolizes their soil, recalled that a Nicaragua postage stamp featured a "beautiful volcano belching forth in magnificent eruption." Buying a supply from a stamp shop in Washington, he distributed copies to all Members of the Congress marked "An official witness of volcanic activity on the Isthmus of Nicaragua." This, together with other factors too involved for recording here, ended with the great decision in 1902 for the Panama site in preference to Nicaragua. More than half a century in the operation of the Panama Canal has demonstrated the soundness of that decision.

The American Isthmus is in a region of seismic activity, earthquakes at Panama have been far less violent than those at Nicaragua as shown by the fact that a flat arch bridge has been standing at Panama for over four centuries. At Nicaragua, the record is not so good, as shown by a severe earthquake in 1931 in which 1,000 persons were killed and $70,000,000 in property damage sustained; and violent eruption in recent years of the volcano, El Negro.

Just after midnight on December 23, 1972, an earthquake registering 6.5 on the Richter scale struck the city of Managua, Nicaragua. In less than 30 seconds, some 36 blocks in the heart of the nation's capital—or half of the total city—were practically leveled. Except for a few damaged buildings still standing, what the initial and aftershocks left were 1,200 square acres of rubble in the geometrically exact center of the capital.

We will never know how many died or even how many were injured in the earthquake; estimates of the number killed range beteen 4,000 and 12,000 and some 20,000 more injured. We do know, however, that the other losses were staggering. Not only was the basic infrastructure of a modern city—electricity, communications, water supply and transport—immediately knocked out, but 50,000 homes were totally destroyed and thousands more made uninhabitable, forcing the survivors into the streets to fend for themselves.

The gigantic dimensions of what was lost soon began to emerge. Gone was all of the physical plant of the National Government; half the public schools in the city; all of its hospitals and practically all of the commercial services, markets and commodity stocks upon which an urban society depends. A preliminary estimate places the immediate losses at over $600 million. Additionally, almost half of the nation's GNP has been disrupted, more than half of the Government's sources of revenue has been lost, and 25 percent of the population is now without the means to sustain even the minimum necessities of life.

It was my fate to have been in Managua on a visit at that time and thus to have been able to make first-hand observations of the catastrophe.

The destruction was truly indescribable even exceeding that of Berlin, Tokyo, and Manila in World War II. It is appropriate to state that the first to come to the aid of the stricken city were units from the U.S. Southern Command in the Canal Zone, which Panamanian demagogues are trying to eliminate. It is also pertinent to mention that the leadership of Gen. Anastasio Somozo, Jr., a West Point graduate now Commandant of the National Guard of Nicaragua, was highly efficient and in the highest interests of his people.

In spite of the magnitude of the tragedy that I observed I could not resist thinking of its significance as regards the movement for a Nicaraguan Canal, which still has strong advocates not only in Nicaragua, but also in the United States, especially among the special interests that would benefit from such a vast project.

The 1972 earthquake tragedy in Nicaragua emphasizes again the wisdom of the statesmen in our country who resisted the proponents of the Nicaragua site in 1902 and chose Panama as the best site for an interoceanic canal. Moreover, by serving to remove one of the confusing issues from the Isthmian equation, the 1972 Nicaragua earthquake should advance the time when the major modernization of the Panama Canal now before Congress will be authorized.

THE ACTUAL EFFECTS OF REVISING THE RULES OF THE HOUSE

HON. BARBER B. CONABLE, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. CONABLE. Mr. Speaker, there is much talk these days about the vast improvements to be realized if we will but change some of the rules of the House. One of those drawing attention is the so-called closed rule applied to certain special legislation considered by the House. Do away with the closed rule and better legislation will result, according to the arguments.

We must constantly strive to improve the effectiveness and responsiveness of this body, but in considering changes we must look beyond the sloganeering to the actual effect of revisions. The Wall Street Journal did this in an editorial of January 17, expressing the viewpoint that the closed rule may be a significant factor in the ability of the House to discipline itself for responsible decisionmaking. This view merits the consideration of all of us and I include the editorial in the RECORD for the information of all Members:

[From the Wall Street Journal,
Jan. 17, 1973]

THE ACTUAL EFFECTS OF REVISING THE RULES OF THE HOUSE

In taking note of polls that indicate only a scattering of Americans have "confidence" in Congress, those who would reform the institution have two standard proposals to regain the minds and hearts of the people: Get rid of the old men in Congress and get rid of its old rules. Youthfulness and democracy is the ticket.

The would-be reformers have exceptions to this general guideline, of course. One is that elderly members are okay as long as they are willing to get rid of old rules. Another is that old rules are okay if younger members feel they suit their purposes.

Senate Rule XXII, for example, has for a quarter century drawn the fire of reformers. The rule provides for closing debate only upon agreement of two-thirds of those Senators present and voting. This year, though, there's not been a peep from the reformers about this so-called "gag rule." After all, the liberal Democrats have discovered that the filibuster is a useful weapon in dealing with the White House.

On the other hand, reformers are celebrating the retirement of 82-year-old William Colmer of Mississippi and his replacement, as chairman of the House Rules Committee, by a younger man, 80-year-old Ray Madden of Indiana. The difference is that Mr. Colmer favored a "closed rule" for just about any legislation produced by the Ways and Means Committee, chiefly those measures involving taxes, Social Security, and trade. And Mr. Madden is opposed to the closed rule, which simply means he would permit Ways and Means bills to be amended on the House floor.

"There are 435 members of the House of Representatives and 25 members of the Ways and Means Committee," he says, "What this means is that 410 members didn't have a damn thing to say about taxes." His position sounds reasonable enough, but we have serious doubts that eliminating the closed rule would bring about a resurgence of public confidence in Congress. In a way, it amounts to a transfer of power from 25 Congressmen who have read the tax bill to 410 who haven't.

As it is, the Mills committee will spend weeks and months laboring over a trade-authorization measure or revisions to the Internal Revenue Code. Traditionally, its members stubbornly train their sights on meeting a broad national interest, yet without trampling painfully over special and regional interests. And such is the genius of the committee in packaging intricate compromises that it rarely has its work rejected.

The Senate does not limit itself in amending tax and trade bills that are produced by its Finance Committee. As a result, when such measures reach the Senate floor they are soon festooned with dozens of gaudy amendments, most of them either raids on the U.S. Treasury or protectionist gimmicks. They're called "Christmas tree" bills.

Fortunately for the nation, the fact that the House of Representatives, with its closed rule, passes relatively clean legislation has the effect of neutralizing the nonsense that goes on in the Senate. When the Senate and House conferees gather to work out the differences between their two versions of a tax bill, the first order of business is to pluck the gaudiest of the ornaments from the Senate version and chuck them in the circular file. Nor do the Senate conferees put up much resistance. They are not so dense as to believe that all of what takes place on the Senate floor is serious business.

The sort of charade that goes on in the Senate—not too many old men and old rules—is the reason the public has become increasingly cynical about the ways of Congress. It is by no means obvious that the cure is to reform away the few restraints by which Congress has been able to discipline itself. If Congress yearns for respect it first has to demonstrate that it can act responsibly.

PRESIDENTIAL HOUSING FREEZE

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. HANNA. Mr. Speaker, it is depressing to witness a President follow his landslide reelection with a decision that will bar thousands of American families from decent housing and will raise the price of existing housing for thousands more. There is no other way to interpret the President's freeze on Federal assistance to homeownership and housing construction.

This is yet another example of the President's propensity to make drastic shifts in national policy and priorities without consulting the Congress. The Congress has spent countless hours over the past few years developing a realistic set of national housing goals and practical programs with which they could be accomplished. With one hand, the President approves these programs by signing the congressional appropriation for them, and then, with the other hand, he kills the programs.

While I am very much in sympathy with the President's desires to hold the line on spending in order to assist the Nation's economy. I must insist that he has aimed his budget shears at programs

which stimulate real economic growth. **There seems to be a great readiness on the part of press and politicians alike to accept and give credence to an over simplistic idea that a dollar reduced in the budget is a dollar impact on inflation. I find such an idea unacceptable. The distortions of an annual budget can demonstrate in two instances the danger of this thinking.**

Suppose the Government would expend $100 in January which would generate $120 in reserve the following September. Prudence would dictate the investment, but since the bookkeeping would show a total deficit in the fiscal year of expenditure accordingly, the purist would deny the funds. Also, there are more long-range benefits in the infrastructure activities of sewers, education, roads, and so forth without which certain dynamic areas of the economy are blighted. Some areas of expenditure are clearly disassociated from wage-price push and are equally insulated from threatening the capacities of output. What we suggest is that a qualitative rather than a quantitative analysis is required to adjust Federal spending on an intelligent medium and longer basis. Quantitative, short-term analysis will do disservice to our country and its economy.

The construction industry in general and the water and sewer grant program in particular have been pillars of our economic recovery. If the President doubts this, he need only consult his top economic "brain-truster" Treasury Secretary George Shultz. The Secretary, in a speech to the National Homebuilders Conference in Houston, made this point very emphatically. One is forced to wonder about the coordination and communication in an administration which sends its Secretary of the Treasury out extolling the importance of the homebuilding economy and then sends out its Secretary of Housing and Urban Development to announce that they are freezing their major housing programs.

Both the chairman of the Banking and Currency Committee and the chairman of the Housing Subcommittee have made public their disappointment as to the nature of the President's decision and the fact that the action was taken without any effort to consult the Congress at any point. I would like to join other Members in assuring the American people that the members of the Banking and Currency Committee are not going to ignore the President's actions. We will be taking a very hard look at the administration's housing policies—or rather lack of policy—and will do what we can to insure the fulfillment of the Nation's housing goals, despite the obstacles created by the administration.

LOS ANGELES/BOMBAY SISTER CITY PROGRAM

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. REES. Mr. Speaker, the sister cities program has been doing excellent work in developing a new level of international understanding. Los Angeles has been in the lead in encouraging this program throughout the world.

I would like to have printed in the Record an article from the Christian Science Monitor, which pays particular attention to the contributions being made by Los Angeles to the sister cities program. The article was written by Mr. Robert Hardy Andrews of my district, chairman of the Los Angeles/Bombay Sister City Committee.

[From the Christian Science Monitor]

Sister Cities—Foreign Affairs on a "Relative" Level

(By Robert Hardy Andrews)

Los Angeles.—This sprawling megalopolis, sometimes described as seven suburbs looking for a city, is also widely known as claimant to the most of almost everything, from number of new settlers to density of smog. Now a new "We're Number 1!" goes on the list.

Within the past few months Los Angeles has adopted four more sister cities. Added to seven already taken into the family, this makes the City of Los Angeles unchallenged *Numero Uno* in the little publicized, good-neighbor campaign that began when President Eisenhower inaugurated the People-to-People program in 1956.

Since then, a low-key effort by private citizens to break down spite fences and build friendships at the ends of the earth, where official ambassadors are not always notably successful, has partnered 390 United States communities with 449 cities and towns in 60 foreign countries.

California leads all states with 85 sister city affiliations with 117 far-off siblings. Los Angeles alone is partnered with Elath, Israel; Salvador de Bahia, Brazil; Bordeaux, France; Pusan, South Korea; Berlin, Germany; Nagoya, Japan; Bombay, India; Auckland, N.Z.; Tehran, Iran; Lusaka in Zambia; and Mexico City.

Why are Los Angeles and California so far out in front? Californian modesty restricts reply to pointing out that first overtures came from the other end of the two-way road Mexico has 53 sister cities in California. Japan has 22. Bombay, 10,000 miles away, chose Los Angeles as most-wanted sister ahead of Leningrad, Stuttgart, and Honolulu.

Responding to this, 400 volunteers formed the Los Angeles-Bombay Sister City Committee, and set about raising $10,000 to help build a City of Los Angeles High School as a friendship landmark in Bombay. The Bombay side will provide land, labor, and materials to complete a high school for 400 pupils. Forty committee members will go to India this month to present the Los Angeles contribution to neighborliness during observance of the Bombay municipality's centenary.

Said a Bombay editorial: "This is not by any means the only way in which Los Angeles can help. Their city planners can tell us much on how to cope with urban congestion, industrial pollution, rapid-transit systems, and all the problems of a growing metropolis."

Politics brought murmurs that Los Angeles Mayor Samuel Yorty, who has been called "the only American mayor with a foreign policy," favors sister city proliferation because he likes to travel. However City Councilman John Ferraro compared Bombay's growth from two million population in 1947 to six million in 1972, and said "We can probably learn as much from Bombay as they can learn from us."

He explained the operating rules of sister city organizations. They draw no public funds, are incorporated as nonprofit and nonpolitical organizations, are independent of City Hall or Washington officialdom, and work on the simple principle that "with nowhere farther from anywhere any more than 24 hours by air, we're all next-door neighbors, and it's time we got acquainted for our mutual benefit."

A case in point is that of the Pusan Sister City Committee, formed in 1967. Philip Ahn, the veteran Oriental actor in Hollywood films, son of Gen. Chang Ho Ahn, who was called "Korea's George Washington," headed a 40-member Los Angeles delegation, paying its own expenses, that was given a civic reception in Pusan in 1968.

Since then, the Los Angeles-Pusan Committee has raised funds to send needy Korean children to school, collected and sent 5,000 textbooks, furnished musical instruments for Pusan's fledgling symphony orchestra, and brought Korean nurses for training in Los Angeles hospitals. In 1971, 25 percent of South Korea's $280 million trade with the United States came to Southern California, and largely to Los Angeles.

The Los Angeles-Auckland Committee sent two plane-loads of members, including no public officials, to work out a two-way educational and cultural project. The Los Angeles-Nagoya Committee finances students coming from Japan. The El Elath Committee sends such artists as Zubin Mehta, conductor of the Los Angeles Symphony Orchestra, to give concerts in Israel, with receipts going to Israeli charities.

Charity is not the sister city objective, but in emergencies, the good-neighbor policy applies. The Lusaka Committee finances African students coming to learn how to make artificial limbs, greatly needed in Zambia.

Members of the Bordeaux Committee visited France. In return, 200 visitors, many seeing the U.S. for the first time, were welcomed and entertained in homes in Los Angeles.

Encouragement of foreign travel in the U.S. is a facet of all programs. A 9-mile foot race in Sydney, Australia, was linked with sister San Francisco. Runners competed for a trip from Down Under, and entered the Bay City's traditional Bay-to-Breakers marathon.

Santa Monica brought a fire engine for Mazatlan in Mexico, sends its high school band to Mazatlan for an annual concert, stages an annual *Fiesta de Santa Monica y Mazatlan* to raise funds for further sisterly collaboration and exchanges teachers and students as guests in private homes.

At base, sister city selection rests on mutual interests, similarity in economic or other characteristics, and historical ties. Planners consult veterans who have served abroad, travelers, foreign consulates, resident foreign-language groups, and firms with branches in chosen countries. When decision is reached, an invitation goes, proposing exchange of visitors and offering hospitality to those who come.

France has 23 American sister city affiliations. West Germany has 38, Italy 11, Australia 20, Japan 80, Thailand 1 (with Washington, D.C.). On the American side. California's nearest rivals are Michigan, where 27 communities have adopted 36 sister cities overseas, and Florida, where the ratio is 25 to 29. As for municipalities, number 2 is Phoenix, Ariz., sister-tied to Karlsruhe, Germany; Sassari, Italy; Orange, France; Vasteras, Sweden; and Guadalajara, Mexico.

Some choices pair world-apart neighbors that travel agents would be hard put to pinpoint on the map: Tucson, Ariz., with Trikkala, Greece; Miami, Fla., and Me-Ami, Israel; Woodbridge, Conn., with Linguere in Senegal; Independence, Mo., and Blantyre-Limbe, Malawi; Hammonton, N.J., with St. Helier on an English Channel island.

San Clemente, Calif., site of the Western White House, chose San Clemente del Tuyu in Argentina. Small Santa Fe Springs has heartroom for Mersin, Turkey; Navojoa, Mexico; Santa Fe, Argentina. Fresno is partnered with Lahore, Pakistan; Kochi, Japan; and Moulmein, Burma, on Kipling's road to Mandalay.

Name-alikes are popular. Lodi, Calif., chose

Lodi, Italy; Culpertino, Calif., picked Italy's Cupertina; Merced, Calif., chose Mercedes in Uruguay.

Artesia, Calif., has the sister with the oddest name: Koudekerk-aan-den-Rijn in the Netherlands.

Whatever inspires selection, the overall record shows that the People-to-People concept is more than rhetoric. In Glendale, Calif., affiliated with Higashiosaka, Japan, special passports are issued, signed by mayors of both cities, given to travelers going or coming as "Your ticket to a friendly home." Monterey Park has put out a decal that blends the California community's Nachi Garden and Nachikatsuura's waterfall in Japan, under the legend *Tomadachi:* "Friend."

The various sister city committees are members of the Town Affiliation Planning Sister Cities Program, headquartered in Washington, D.C., but receive no government or other subsidies. Says Judge Rex Winter, former Santa Monica mayor and City Council member, a leader in the program: "It may not work any miracles, but it's a step in the right direction. There's no 'Ugly American' show-off behavior. In fact, our neighbors overseas seem surprised to find how civilized we are. And it certainly can't hurt for us to learn the same about them."

HEROIN PUSHERS

HON. RICHARD G. SHOUP

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. SHOUP. Mr. Speaker, drug abuse is a nationwide problem that has permeated all the facets of our society. It effects children as well as adults; the ghetto dweller and the suburbanite; military and civilian, athlete and entertainer, employer and employee. All ethnic groups are vulnerable; black, white, chicano, and Indian alike.

Every human problem of this type where human frailties are involved seems to attract human jackals who thrive on the weak. In this case the "jackal" is the pusher, seeking profit in the weakness of man.

Drugs differ, and so do pushers. It is essential that we differentiate between one addict given, or even selling, narcotics to another and the nonaddict pusher who in a cold and calculated manner pushes heroin. We must get this individual off this street.

My bill provides that any person who is not himself an addict and knowingly and intentionally distributes or possesses with intent to distribute, heroin to a person 21 years of age or older shall be sentenced to a term of 20 years. Distribution to a person under 21 years of age shall invoke a term of imprisonment of 30 years. Such sentences shall not be suspended. Probation shall not be granted, and in the case of an alien, deportation shall not be allowed in lieu of such sentence.

Mr. Speaker, heroin pushers must be dealt with in a manner commensurate with their crime. I include the text of my bill in its entirety at this point in the RECORD:

H.R. 2426

A bill to provide increased penalties for distribution of heroin by certain persons, and to provide for pretrial detention of such persons

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) part D of the Controlled Substances Act is amended by adding at the end thereof the following new section:

"DISTRIBUTION OF HEROIN BY PERSONS NOT ADDICTS

"SEC. 412. (a) Any person who is not himself an addict, and who violates section 401 (a)(1) by knowingly or intentionally distributing, or possessing with intent to distribute, heroin to a person twenty-one years of age or older, shall be sentenced to a term of imprisonment of twenty years. Except, if any person commits such a violation after one or more prior convictions of him for an offense punishable under this subsection, such person shall be sentenced to a term of imprisonment of thirty years.

"(b) Any person who is not himself an addict and who violates section 401(a)(1) by knowingly or intentionally distributing, or possessing with intent to distribute, heroin to a person under twenty-one years of age shall be sentenced to a term of imprisonment of thirty years. Except, if any person commits such a violation after one or more prior convictions of him for an offense punishable under this subsection, such person shall be sentenced to a term of imprisonment of forty-five years.

"(c) In the case of any sentence imposed under this section, imposition or execution of such sentence shall not be suspended, probation shall not be granted, and section 4204 of title 18 of the United States Code and the Act of July 15, 1932 (D.C. Code, secs. 24-203—24-207), shall not apply."

(b) Section 405 of the Controlled Substances Act is amended by striking out "Any person eighteen" each time it appears and inserting "Except as provided in section 412, any person eighteen" in lieu thereof.

(c) Section 401(b) of the Controlled Substances Act is amended by striking out "section 405" and inserting "sections 405 and 412" in lieu thereof.

SEC. 2. The table of contents of the Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended by inserting—

"Sec. 412. Distribution of heroin by persons not addicted."

immediately after

"Sec. 411. Proceedings to establish previous convictions.".

SEC. 3. Chapter 207 of title 18, United States Code, is amended by inserting immediately after section 3146 the following new section:

"§ 3146A. Pretrial detention in certain narcotics cases

"(a) Subject to the provisions of this section, a judicial officer may order pretrial detention of a person charged with unlawful distribution of, or possession with intent to distribute, heroin.

"(b) No person described in subsection (a) of this section shall be ordered detained unless the judicial officer—

"(1) holds a pretrial detention hearing in accordance with the provisions of subsection (c) of this section;

"(2) finds—

"(A) that there is clear and convincing evidence that the person is a person described in subsection (a) of this section;

"(B) that based on the factors described in section 3146(b) of this title there is no condition or combination of conditions of release which will reasonably assure the safety of any other person or the community;

"(C) that on the basis of information presented by proffer or otherwise to the judicial officer there is a substantial probability that the person committed the offense for which he is present before the judicial officer;

"(D) that such person is not himself an addict as defined in section 4521(a) of this title; and

(3) issues an order of detention accompanied by written findings of fact and the reasons for its entry.

"(c) The following procedures shall apply to pretrial detention hearings held pursuant to this section:

"(1) Whenever the person is before a judicial officer, the hearing may be initiated on oral motion of the United States attorney.

"(2) Whenever the person has been released pursuant to section 3146 and it subsequently appears that the person may be subject to pretrial detention, the United States attorney may initiate a pretrial detention hearing by ex parte written motion. Upon such motion the judicial officer may issue a warrant for the arrest of the person and if the person is outside the district, he shall be brought before a judicial officer in the district where he is arrested and shall then be transferred to the district in which his arrest was ordered for proceedings in accordance with this section.

"(3) The pretrial detention hearing shall be held immediately upon the person's being brought before the judicial officer for such hearing unless the person or the United States attorney moves for a continuance. A continuance granted on motion of the person shall not exceed five calendar days, unless there are extenuating circumstances. A continuance on motion of the United States attorney shall be granted upon good cause shown and shall not exceed three calendar days. The person may be detained pending the hearing.

"(4) The person shall be entitled to representation by counsel and shall be entitled to present information by proffer or otherwise, to testify, and to present witnesses in his own behalf.

"(5) Information stated in, or offered in connection with, any order entered pursuant to this section need not conform to the rules pertaining to the admissibility of evidence in a court of law.

"(6) Testimony of the person given during the hearing shall not be admissible on the issue of guilt in any other judicial proceeding, but such testimony shall be admissible in proceedings under section 3150, in perjury proceedings, and for the purpose of impeachment in any subsequent proceedings.

"(7) An appeal from an order granting or denying detention may be taken pursuant to section 3147.

"(d) The following shall be applicable to persons detained pursuant to this section:

"(1) The person shall be afforded reasonable opportunity for private consultation with counsel and, for good cause shown, shall be released upon order of the judicial officer in the custody of the United States marshal or other appropriate person for limited periods of time to prepare defenses or for other proper reasons.

"(2) The case of the person shall be placed on an expedited calendar and, consistent with the sound administration of justice, his trial shall be given priority.

"(3) The person shall be treated in accordance with section 3146—

"(A) upon the expiration of sixty calendar days, unless the trial is in progress or the trial has been delayed at the request of the person other than by the filing of timely motions except motions for continuances; or

"(B) whenever a judicial officer finds that a subsequent event has eliminated the basis for detention.

"(4) The person shall be deemed detained pursuant to section 3148 if he is convicted.

"(e) The judicial officer may detain for a period not to exceed five calendar days a person charged with an offense who comes before him for a bail determination if it appears that a person is on probation, parole, or mandatory release pending completion of sentence for any offense under State or Federal law and that the person may flee or pose a danger to any other person or the community if released. During the five-day period, the United States attorney shall notify the appropriate State or Federal probation or parole officials. If such officials fail or decline to take the person into custody during such period, the person shall be treated in accordance with section 3146, unless he is subject to detention under this chapter. If the person is subsequently convicted of the offense charged, he shall receive credit toward services of sentence for the time he was detained pursuant to this subsection.

Sec. 4. The chapter analysis of chapter 207 of title 18 of the United States Code is amended by inserting

"3146A. Pretrial detention in certain narcotics cases."

immediately after

"3146. Release in noncapital cases prior to trial."

FOOD LABELING COMBATS NUTRITIONAL ILLITERACY

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. McKINNEY. Mr. Speaker, last year I introduced the Nutritional Labeling Act to provide for the establishment of national standards for nutritional labeling of food commodities. I introduced this measure because I have become increasingly aware of the fact that, as incredible as it seems, there is a growing nutritional famine in the United States. In fact, experts have declared we are a nation of "nutritional illiterates," filling our stomachs with food of little or no nutritional value. Surveys by the Department of Agriculture show that diets of all our citizens—regardless of income—have steadily deteriorated over the years in terms of nutrient value.

Hence I was pleased by the recently announced Food and Drug Administration's food labeling regulations, for they are very similar to the provisions contained in my bill, although the FDA program is voluntary rather than mandatory. The FDA has ruled that it lacks the legal authority to require nutritional labeling by food companies. But Commissioner Edwards has stated that he expects 75 to 90 percent of food products will ultimately be affected due to competitive pressures. In fact, a survey conducted by the Consumer Research Institute concluded that products containing nutritional labeling sell better, a fact which attests to high consumer interest in this area.

December 31, 1974, is the date when all products that come under the regulations must be properly labeled to be shipped and displayed in retail stores. I think we can give the food companies the benefit of this time interval to see just how far they voluntarily participate in the labeling program. Should the results fail to be favorable, then I believe Congress should establish a clear legislative mandate requiring nutritional labeling and other information programs.

For the consumer, the regulations will provide more detailed information on foods sold in the markets. Full nutrition labeling is mandatory on any product for which a nutritional claim is made in the labeling or advertising, such as "low calorie" or "rich in vitamin C." This requirement would force companies to establish their food claim convincingly. The full nutritional labeling must follow FDA's exact form: Serving size; servings per container; calorie, protein, carbohydrate and fat content expressed in grams. In addition, the percentage of the U.S. Recommended Daily Allowance—RDA—for protein and seven vitamins and minerals must be included.

I was especially pleased to note that the recommended daily allowance replaces the minimum daily requirements as the FDA's standard for adequate nutrition intake. In general, the new standards—just revised by the National Academy of Sciences-National Research Council, are nearly double the old minimum daily requirements which were set by the Government more than 20 years ago to conform with assumed nutritional needs for basic subsistence. The recommended daily allowances are based upon medical studies of the nutritional requirements of people of many ages and both sexes for maintenance of good health.

To mention just a few other points included in the FDA's regulations—information regarding cholesterol, fat, and fatty acids are to be listed when claims concerning fat content are made for the product. This regulation is to help the consumer identify foods for use in fat-modified diets. Also, dietary food supplements must be labeled with the percentage of the RDA for the vitamins and minerals they contain.

I believe these regulations are basic and far reaching, a furtherance of our efforts to help consumers select food of real value. Within the next 6 months we can expect FDA regulations covering guidelines on percentage labeling, on when a manufacturer can and cannot make a low-calorie claim for a product, and the recommended amount of nutrients in food categories such as main dishes, cereals, and liquid diet. I would hope the FDA will also move to establish regulations for a uniform system of grading food, identification of the manufacturer, unit pricing, and perishability information.

Finally, consumer education on nutrition is an important byproduct of nutritional labeling programs. Having these regulations and the information on our food packages will be meaningless if the consumer does not know what they mean. We must exert every effort to educate the public as to their nutritional needs and how to read the nutritional labeling. I look to the FDA, industry, and professional and consumer groups to play an important role in this respect. I also believe our schools can be a vital component in this education program, teaching our students early in life their nutritional needs. Once again I believe we can become a nation of healthy citizens.

ROBERT H. "BOB" CLARK

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. SHRIVER. Mr. Speaker, Kansas has lost one of its outstanding working newsmen. I have lost a longtime friend. Robert H. "Bob" Clark, who was known as the dean of State House press corps in Topeka, died recently of cancer.

Bob and I were in the same class at the University of Wichita. He covered the State House for the Kansas City Star-Times when I served in the Kansas Legislature. He continued to do his job even though he knew the extent of his illness.

Bob Clark will be missed in Kansas, not only by his colleagues in the press corps, but those of us who knew and respected him for his fairness, accuracy, and objectivity in covering his news beat.

Mrs. Shriver and I join in extending our heartfelt sympathy to his beloved family on their great loss.

Under the leave to extend my remarks in the Record, I include the following editorials from Kansas newspapers which convey the high esteem that Bob Clark earned. The editorials follow:

[From the Topeka Daily Capital, Jan. 2, 1973]

ROBERT H. "BOB" CLARK

Missing from the columns of the Kansas City Star and Times will be the familiar byline of Robert H. Clark, Topeka correspondent.

A native Kansan, Bob was born in Hutchinson, educated at Wichita University and served two years as a reporter for the Wichita Eagle before moving to the Star and Times.

A veteran of World War II, Bob served in a writers' unit at the Pensacola (Fla.) Naval Air Station and was sent to Topeka in 1946 to succeed the Star's veteran Topeka correspondent, Cecil Howes.

In point of service, he was dean of the Statehouse press corps, and had a host of friends among the representatives and senators who served in legislative sessions he had covered during his 26 years' on the Kansas political scene.

Bob's health began failing with a serious liver disorder about 14 years ago which nearly cost him his life. It was throat cancer which finally wrote "thirty" to Bob's newspaper career.

He was a devoted newsman who loved his work. Even when he knew cancer had attacked his larynx and that he was faced with serious surgery, he somehow could not stay away from the job he loved.

His appearance at the Statehouse on his regular beat, somehow left the impression he wanted to be on the scene to the last, and that he did not wish to engender too much concern among his fellow newsmen.

It was Bob's way of life.

[From the Kansas City Star]

BOB CLARK'S TOPEKA SCENE

On every newspaper there are those few staff members permanently stationed at more or less distant bureau offices who are better known—and sometimes better appreciated—by the news sources they deal with daily than most of their colleagues in the home office. Robert H. Clark, who died Wednesday at 60, had been The Star's Topeka correspondent since 1946.

On his visits to The Star city room, most often for an election night ballot-counting vigil, Bob Clark was warmly welcomed by those few editors and other writers who regularly dealt with him. But by the nature of things his competence and capabilities were more widely known to hundreds of Kansans—governors, legislators, state officeholders and their employees and just ordinary Sunflower State folk.

In covering 17 sessions of the Kansas Legislature, Mr. Clark developed a knack for plowing through the statutory verbiage to get to the heart of the matter and explain, in his stories, what a proposed bill would do and how it would affect Kansans. His concise stories reflected an appreciation of the space demands on a metropolitan newspaper trying to cover the news at every level from local to international—and they were accordingly appreciated by his editors.

Mr. Clark, born in Hutchinson, graduated from the University of Wichita and with brief newspaper experience there before joining The Star in 1936, had a native feel for Kansans and their interests. An old-fashioned reporter with copypaper notepad in hand and no pretensions of expertise, he enjoyed a natural empathy with state officials from the Flint Hills and wheat counties as well as the bright young men from the state's burgeoning urban areas.

After hours, his Star friends knew him as an affable companion with whom to relax in newsmen's shoptalk, unlimbering the personal opinions the objective reporter must forgo in his copy. Bob Clark, with his fine grasp of the tone of the Topeka statehouse, was an able and valued worker for this newspaper for more than 36 years.

[From the Hutchinson, Kans., News]

BOB CLARK

The dean of the Kansas Statehouse press corps, Robert H. (Bob) Clark, is dead of cancer.

Born in Hutchinson, be began covering the happenings at Topeka for the Kansas City Star and Times in 1946. In his 26 years of writing, Bob covered those happenings as fairly and accurately as he could, and he loved every minute of it.

Gov. Robert Docking called him a good newsman.

In the news business, he was known as a good man.

Both descriptions fit.

STRAIGHT TALK FROM JESSE CALHOON ON THE DECLINE OF THE MERCHANT MARINE

HON. FRANK M. CLARK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. CLARK. Mr. Speaker, there have been many reasons advanced for the decline of the American-flag merchant marine. We have all heard or read them: costly strikes, high labor costs, unfair foreign competition, and the like. It is an all-too-familiar litany which perhaps does not tell the full story.

Now, a new perspective has been presented by the plain-talking and articulate president of the National Marine Engineers' Beneficial Association—AFL–CIO—Jesse M. Calhoon. In the December issue of the American Marine Engineer, Mr. Calhoon has spelled out what he calls "the real gut problems that have caused the decline of the American merchant marine." In his column, On the Line, he documents the many management and governmental errors and blunders that have helped create the situation American shipping is in today.

All of us in Congress who are concerned with the American merchant marine—and that includes most Members of both bodies—should carefully read Mr. Calhoon's presentation. It is a challenging document that poses many questions that deserve thoughtful answers. I therefore include Mr. Calhoon's column to be printed in the RECORD at this point:

MANAGEMENT AND POLITICAL ERRORS ARE BIGGEST FACTORS IN DECLINE OF THE AMERICAN MERCHANT FLEET

(By J. M. Calhoon)

Much has been said and written over the years on the causes which have brought about the decline of the American-flag merchant marine. The pros and cons have been expounded *ad infinitum* by the wise 'experts' of maritime management. They have been debated in countless forums throughout the maritime world, and the blame for the U.S. merchant fleet's deterioration almost always seems to end up at the door of maritime labor.

Now I would like to discuss in this column MEBA's version of how the merchant marine got into its present sad state. To tell you what you do not read in the newspapers, what you do not read in magazines, what the Government bureaucrats do not go around the country making speeches about. I would like to talk about the real gut problems that have caused the decline of the American Merchant Marine.

Let me say why the employers go around the country making speeches that everything wrong with the American Merchant Marine is caused by the maritime unions.

The reason they make those speeches is because they are gutless, because they will not tell the American people, they will not even tell their own employees, what their basic problems are, because they are afraid the screws will be turned up by some Government bureaucrat.

They can be strangled but you will never hear an American ship owner say one word about the bureaucracy in Washington that is strangling them.

Let us talk about some of the silly mistakes that management has made. Let us look at the Grace Line. Grace Line built four beautiful ships of the Santa Magdalena class.

What kind of ships were they? They were ships that had to have four cargoes to make a living with no interchange of cargoes. They had to carry 120 passengers; they had to carry containers; they had to carry break bulk and they had to carry reefer cargo.

If there was a breakdown in any one of those cargoes they were losing money. If there was a surplus of another cargo they could not put the passengers in the container space, and they could not put the reefer cargo in the break bulk space.

They spent the assets of that company on these four ships that were white elephants. Has the Government accused them of blowing million of dollars, ships that would run so long as there were four specific cargoes from specific ports?

Has there been any criticism of the Grace Line over that mismanaged operation?

No. But let a union tie up one ship for one day and you read it in the headlines of all the newspapers. The steamship lines can waste the biggest amounts of money and you never hear one word of criticism.

Let us take the largest American steamship company, the United States Lines, in my opinion one of the greatest American steamship companies, and let us see what happened there.

Number one, they go over on the west side of Manhattan and they build a beautiful pier, and I think they spent thirty or forty million dollars on building it. They are now spending several millions of dollars a year for rent on this pier, and it has cobwebs growing from one end to the other.

They decided to build a large ship; fine. But isn't it something to be noted in this country that when you build a brand-new modern ship that costs millions and millions of dollars and which comes down the ways and is put alongside the dock and then she is cut in half because they built the wrong ship?

Now let us take the next big mistake they made. They built a class of ships called the racer. These ships were built specifically for Australian trade. They had 600,000 cubic feet of reefer to be used in the Australian trade.

Now the United States Lines decided to sell the Australian trade but nobody thought about selling the Australian ships. Where are you going to use 600,000 cubic feet reefer ships except in the Australian trade? Did you read that in the newspapers? Did you hear any Government official criticize that?

Those three mistakes took at least $100 million out of the operating capital of the United States Lines and left them with their pockets empty.

Now with the decline of the United States Lines from 55 ships to 30 ships, was it caused by labor or was it management incompetence?

How many new ships do you see coming down the ways making two or three sailing trips a year and going in to be reconverted into container ships?

There was one company on the West Coast that built six ships. They got them running and within six months five of them were tied up in the Far East lacking a propeller. Was that the American labor unions or was that the stupidity of somebody else?

The engineers on the Lash ship tell me that the ships are built so tender if they are not careful they burn out the reduction gear.

Was that labor's fault or was that the inaneness of management?

How about construction delays in the building of new type ships in U.S. yards? What sort of bureaucratic ineptitude and poor yard planning is it that cause delays of up to two years in vessel consignment. How can foreign-flag operators get hold of a new American design, contract for construction at the same time a U.S. company does, and get the ships into the water two years before the American-flag lines get their vessels?

Can they blame that on maritime labor? That has happened in several cases, and the most glaring one being the last. The Central Gulf foreign flag ship was out two years before the Prudential Lines even though the Prudential Lines contract was let first. Can you blame that on American seamen? I do not think so.

Let us look at the stupidity on the political end. We have had a Congressman in Brooklyn, who as the chairman of the Appropriations Committee for many, many years had gotten through the Appropriations Committee every single request that has been made of him.

He was in a tough election and to me the political philosophy did not matter at all—this man had delivered.

In that primary in Brooklyn, I saw seamen, ship officers; I saw longshoremen, I saw teamsters, I saw the building trades, but I did not see one shipowner who had been the profiteer of all this money appropriated by John Rooney—not one single one of them was out working for him.

I will now leave the shipowners and go to the other albatross we have on our back and that is the Government bureaucrats. In 1968, President Nixon made a speech in Seattle, Washington outlining the maritime program.

Prior to this, NMU President Curran had served on a commission set up by President Johnson. They worked diligently for years and they came up with a very, very comprehensive constructive report that was immediately filed in the back room and nobody has seen it since.

But at least Nixon took some portion of this report and made a speech that he was going to put in a maritime program. Up to this day he has lived up to every thing he has promised the maritime industry.

Granted, he did not promise all we asked for, but what he has promised, he has lived up to.

But look what we have had under Mr. Nixon. When the President submitted his bill to Congress with the Merchant Marine Act of 1970, we had the Congress with us.

Dumbo, the elephant, could not have kept that bill from passing. Dumbo could not have kept that bill from being signed into law. But there are bureaucrats running around in this country day by day, taking all the credit of passing that bill.

That bill was passed because the American trade union movement had worked over the years to elect a Congress that was favorable to labor and particularly favorable to the American Merchant Marine and the President of the United States had committed himself to this bill and he delivered his end of it and the Congress delivered their end.

But while the debate on this bill was going on, the bureaucrats were under their blankets and they talked away. First off they wanted an American subsidy to subsidize owners who had both American and foreign flagships.

We got to the Congress and we had it reduced to ten years, and then we had one of those midnight switches and it went up to twenty years but at least it did have a terminal date and a date they had to file.

The same bureaucrats were trying to get legislation introduced for unlimited ownership of foreign flagships while dragging their heels on subsidies for American flagships.

If that happens to the American flagship industry, they will use the foreign flagship to kill off the American competitors and then they will put all their ships under the foreign flags.

We cannot live with that type of operation. We have seen it in the North Atlantic in the last two years and it has been devastating.

The maritime administrator in the Fall of 1970, went out and made a speech that LNG ships were too expensive for this country and we should not pay any attention to them; that foreign shipyards should build the LNG ships; that when you are talking about $68 million, that is too much money for the ship. That was the thinking of the maritime administrator, Andrew Gibson, in the Fall of 1970 and at that time the price of the LNG ship was $68 million.

On September 29, they signed contracts for LNG ships in excess of $90 million. That is an additional $22 million of a debt those ships must carry because we missed the opportunity when the iron was hot and we missed it because a bureaucrat did not understand this industry.

We have in our maritime administration a resources development program appropriation of twenty five to thirty million dollars a year.

I can tell you that I do not know of one single beneficial effort that has come out of that twenty five or thirty million dollars a year to the American Merchant Marine. It is a research wasteland.

There was no real effort to build in 1970, because proper research had not been carried out by the Maritime Administration which later came up with a regulation stipulating that to qualify for construction or operating subsidy, the ship must be engaged in American commerce fifty percent of the time.

One shipowner came to me and he had two contracts. He had a contract to haul coal from Virginia to Genoa, Italy, and bring oil from Liberia to Canada. Because coal is lighter and oil is heavier, he also had a higher revenue producing income from the oil than the coal.

Even though the ship was going to the United States and every single trip with a full load of cargo, it was not fifty percent of his commerce and he could not qualify for a subsidy.

That is the kind of bureaucracy we have had under a President who has tried to make the American Merchant Marine viable.

Then the Administration came to us and said, "We think we can build up our Russian trade; if the maritime unions will cooperate we assure you that you will participate and there will be a bilateral agreement with Russia."

In November 1971 the maritime unions met in Cherry Hill, New Jersey, and we made an agreement with the Administration as to the shipping of grain to Russia, and we said we would not object if during this time they would negotiate a bilateral agreement that American ships should participate fully in this trade, and that the shipments of grain would move without obstruction by the maritime unions. Then in June of 1972 we met in New York.

I will give here some clauses from this agreement:

It is the intention of the bilateral shipping agreement between the United States of America and the U.S.S.R. that each will carry equal shares of the trade between the two nations.

It is the intent of both the U.S.S.R. and the United States of America that they carry a substantial part of the trade between the two nations—substantial. That is intended to mean at least one third by the U.S.S.R. and one third by the U.S.A.

The United States Government will provide the necessary subsidies to the United States ship owners to effectuate this agreement.

This was signed by Andrew E. Gibson for the Administration.

On Monday, September 18, I got reports from ship owners that they had had a briefing from the State Department saying that the American ships would only carry part of this grain if the Russian ships carried part of the grain; that the grain already booked would not be included in the American share.

I picked up the telephone and I called Gibson, who was then the Assistant Commerce Secretary for International Affairs. He said it was not true, that there was not one word of fact to it. "The agreement we made with you we made in good faith and we are going to live up to it."

On Wednesday, September 20, all the maritime unions and the employers were at a national maritime council meeting in Washington where the maritime administrator explained the Russian agreement.

He explained it exactly as I picked it up from the ship owners and exactly as I heard it from the members of the press.

Maritime unions understandably were angry and we let them know that that dog was not going to hunt; if that was going to be the name of the game there was going to be no cargo moved to Russia.

Fortunately, on the following Friday I saw the President of the United States down in Texas and I explained the problem to him.

The President was not aware of the problem. He made an appointment with me at the Waldorf-Astoria on Tuesday, September 26, and he said in plain and simple English: "I know the agreement that was made with the maritime unions and I fully intend to live up to that agreement. You are going to get your full one-third share and it is going to be mandatory, and it is going to be in the bilateral shipping agreement between the U.S.A. and Russia."

Mr. Gibson had told me less than the truth. He was going to let the American Merchant Marine depend on the largesse of the Soviet Union. There was no guarantee in this agreement by the American Government mentioning one third share.

The only thing mentioning one third was a letter from the Soviet Union to Andrew Gibson saying "We, the Soviets, intend to use one third American ships"—no commitment from the State Department, no commitment from the Commerce Department. They thought they could sell us a pig in the poke and we would buy it.

Fortunately, all the maritime unions were awake and they didn't get away with it.

Now, I would like to talk about the Pay Board because you read so much about it, and the maritime unions. Let me tell you that in getting prepared for the Pay Board this year, we engaged Stanley Ruttenberg, who is an economist and a researcher.

He did a productivity study, and not just for the Merchant Marine, but for other industries as well, and I would just like to read some of the figures:

Now, from 1962 to 1972, the per man productivity in the maritime industry is up nearly 700 percent, and this is productivity by man. If you take the productivity by ship, it is only increased about 450 percent, so per man, it is up 700 percent in ten years.

Now, the airline industry has always been the darling of the economists when it comes to productivity. If we include the passenger ships in the productivity study, well, the increased productivity in the maritime industry exceeds the productivity of the airlines in the last ten years.

It is now running on an average of an increase in productivity of 15.7 percent per year.

It is funny, we haven't heard any shipowners or any Government officials or any of the other people that have been criticizing the American seamen or their unions saying that we have the most highly productive and best seamen in the world.

Now, there is a need as defined by the Department of Commerce, the Department of Interior, and the American Maritime Institute, for 120 gas ships in the next twelve years, and they can be built cheaper, operated cheaper in the United States than anywhere else in the world because they don't have the expensive interest rates, for the interest rates are cheaper here than anywhere else in the world. So when you talk about $90 million ships that can be financed at four percent interest in the United States, and when you know that eight percent is charged in Japan, and your four percent interest is $3.6 million per ship, per year, you understand.

The crew cost of a ship is only about a million dollars, so if they are built here, they start out with a two million six hundred thousand dollar edge above the foreign built ships, so the construction subsidy makes them hold even the foreign construction prices.

Lastly, I would like to come to a problem of the runaway-flagship, and that is a problem in cargo.

The industry has been changing so rapidly, we must not think in a stereotyped old way of the great bulk ship and the liner.

The industry is changing into massive bulk carriers, both dry cargo and oil.

By all these studies, we find that in the next twelve years we need 120 gas ships and we need 400–250,000 ton tankers. That is the area we must get into.

Now, we fought a good fight in Washington last year and we came within four votes of winning the 50–50 Oil Bill. To pass this bill for the industry. But I did not see many ship owners there.

They have a great association to which they pay their dues, but they took a position of no position. Mr. Reynolds of AIMS would not testify. That was the interest the American ship owners had in building the American Merchant Marine.

They didn't have enough interest to have their association testify on behalf of the bill. But we came within four votes of getting it, and believe me, we are going to get it next year.

There are a lot of Congressmen, there are a lot of Senators that were on the fence, and our little union talked to them, I know the National Maritime Union, and all the other maritime unions were doing the same thing, for the legislators are not going to get labor support unless they vote right on that 50–50 Maritime Bill.

I am very happy that the National AFL–CIO gave us that little extra lift that we need. They took the 50–50 bill and made it one of the ten political bills of the United States Senate, a feat on which they grade Senators by.

The aerospace industry couldn't get the SST in as one of those critical bills, they couldn't get the Lockheed loan, but the maritime unions were able to get the 50–50 Oil Bill as one of those bills simply because of the effective leadership in the maritime unions.

LEE HAMILTON'S WASHINGTON REPORT ON THE YEAR 2000

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. HAMILTON. Mr. Speaker, I include my January 1, 1973, Washington report entitled "The Year 2000."

The Year 2000

At a time when most of us are wishing our friends a Happy New Year and thinking of resolutions for 1973, a few observations about the more distant future—the year 2000, to be exact—may be in order.

Strangely enough, the future in the year 2000 is reasonably foreseeable on the basis of information now available and barring a cataclysmic event, such as a nuclear war.

A lot more people will be living in the world, and in the United States, at the turn of the century. The world's population will be almost doubled from the present 3.5 billion people; the United States may have 300 million residents, as compared to today's 200 million, most of them living in the cities.

Our gross national product (the total goods and services produced) will be at least twice its present size, surrounding Americans with twice as many things as they have today. People will be making more money, too. The average family income, in today's dollars, will be about $20,000 per year.

Technology will bring spectacular developments. Artificial organs will be commonly available. Man will occupy the sea for farming, recreation and military purposes. Climate control will be possible. Parents will have the ability to choose the sex of their child, and genetic control will allow man to control his own evolution. The amount of knowledge available will be staggering. When a child born today graduates from college, the amount of knowledge in the world will be four times as great, and by the time he is 50, it will be 32 times as great.

Even with explosive growth all around, some things will not be growing. We live in a finite world. We will have to share our irreplaceable natural resources with a lot more people, who will be consuming a lot more things. Sooner or later, for example, we will have to deal with water as a scarce resource, and we will find that the austerity required of us in using water comes hard because we have used it abundantly and freely.

Whether we like it or not, we cannot avoid dealing with the changes, the growth and the technological advances. If we have a water shortage, to continue the example, we can charge more for it, transfer people to another part of the country where water is more plentiful, or construct bigger reservoirs. But one thing is certain—growth will force change upon us, and confront us with all kinds of hard questions:

Can we establish effective and democratic governmental system with this kind of growth?

Will our food production be sufficient to feed all the new people?

Will the depletion of our resources, like oil and gas, end, or sharply curtail, industrial production?

Will our economic system continue to distribute and allocate our resources and goods in an acceptable way?

We must begin to think carefully about what kind of a future we want for ourselves—in Indiana and in the nation. Already some states are beginning to have conferences on what they want their state to be like in the 21st Century, and that kind of advanced planning strikes me favorably.

We cannot let the future happen to us by default. Better by far to look ahead now, see what kind of opportunities and challenges confront us, assess our strengths and weaknesses, ask ourselves what things we cherish most, weigh the costs and the benefits, and begin now to control our future, rather than let it control us.

The sooner we begin to think about these things, the less difficult, perhaps the less impossible, our tasks will be.

The year 2,000 can be the dawn of a golden age. I believe this nation has the resources and the intelligence to meet the challenges of change. Thomas Jefferson said: "I like the dreams of the future better than the history of the past." As we wish our friends and neighbors a happy and prosperous 1973, it is time to dream of an even more distant future—the 21st Century.

ROBERTO CLEMENTE

HON. PHILLIP BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. BURTON. Mr. Speaker, the tragic death of Roberto Clemente stunned not only the sports world, but all who saw in this truly great athlete the dedication and compassion of an equally great humanitarian.

The finest tribute I believe that I have read came from a young eighth grader who said:

> I am not a baseball fan, but I know who he was, he was a great Puerto Rican.

Roberto Clemente will surely be enshrined in the baseball Hall of Fame and the statistics of his outstanding baseball career will be long remembered by the fans, but more importantly, Roberto Clemente will be remembered for the same reasons he was revered in his native Puerto Rico, because he was concerned about people, because he was never too busy or too self-important to be involved, because he was a man who sought to help others.

Roberto Clemente died as he had lived, helping others. Roberto Clemente was in the words of the poet John Donne "involved in mankind" and all of us are diminished by the death of so truly a great human being.

THE AMERICAN HUNGARIAN FEDERATION ON EUROPEAN SECURITY

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. ADDABBO. Mr. Speaker, several of my colleagues, ably led by the gentleman from Maryland (Mr. HOGAN) expressed their approval of the ideas contained in the recent memorandum of the American Hungarian Federation.

With important diplomatic conferences about the future of European security and cooperation in their preliminary phase, I consider it important for us in Congress and for the executive departments to consider and analyze the ideas submitted by major national organizations of our citizens who have, either personally, or through their parental heritage, an East-Central European background. Not only do they comprise the most interested parties in our Nation about our European foreign policy, but they include many fine scholars of political science, history, and economics with considerable area expertise; jurists, internationally known church leaders, all of whom are motivated by the desire to help our national interests while also promoting the cause of self-determination for the nations of their cultural heritage.

As cold war tensions decrease in Europe, attention is rightly focused on building a system of lasting peace and order on that continent. Confrontation tactics, upon which the massive presence of Red army units in East-Central Europe is based, work against the interests of peace and security in that part of the world. Yet, if meaningful negotiations are to be undertaken and if diplomacy be successful in overcoming the present impasse, Soviet security interests must also be considered.

Therefore, it is of particular significance to read the resolution of the American Hungarian Federation's neutralization proposal, which, after further study and elaboration might give us a fine diplomatic asset to be used in promoting peace and security, but also the free political development of the nations of

East-Central Europe which despite detente have not yet achieved that goal.

For those reasons, I recommend an in-depth study of the proposals of the American Hungarian Federation by our executive departments and suitable action on them whenever and wherever appropriate opportunities present themselves for progressing toward the goal of a free and neutral East-Central Europe.

MOREHEAD STATE UNIVERSITY BAND TO PARTICIPATE IN INAUGURAL PARADE

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. CARTER. Mr. Speaker, I wish to point out that the events surrounding the inauguration of a President are significant for all Americans. Through these events, we in a sense pay tribute to the continuity of our great Republic and to our heritage as a free nation. For those who actively participate in the celebration, we are inclined to give special recognition.

I am extremely pleased that the Commonwealth of Kentucky will be represented in this year's inaugural parade by the marching band of Morehead State University, often known as "The Big Blue Band From Daniel Boone Land." Kentuckians are quite proud of this splendid organization from Morehead, which is located in the beautiful Daniel Boone National Forest of eastern Kentucky.

Two hundred and forty-three bandsmen will perform a short medley for the Presidential reviewing stand. This will include "My Old Kentucky Home," "Daniel Boone Was a Man," "America the Beautiful," and "2001 Space Odyssey." Featuring a line of 25 beautiful redheads wearing white coonskin caps and accessories, the band—wearing blue uniforms—will display the red, white, and blue national colors to signify the intense patriotism felt by all Kentuckians.

I wish to commend Dr. Adron Doran, president of Morehead State University, and Dr. Robert Hawkins, director of the band, for their fine work toward making the band's participation in this great event a reality.

I include for the RECORD a brief description of Morehead State University, which now has an enrollment of over 6,000 students:

MOREHEAD STATE UNIVERSITY

Morehead State University is organized and operated to accomplish the functions of higher education—teaching, research, and service. Six schools plus quality programs in graduate education mark MSU as the foremost institution of higher learning in a broad geographical region. Conveniently located near the edge of Kentucky Appalachia, MSU draws its student body from that area, as well as from the rich agricultural regions of Kentucky and nearby states, and from industrial centers in the Blue Grass and other states. Visitors reach MSU easily on Interstate 64 between the Kentucky cities of Lexington and Ashland.

Nearly two decades of continuous, dynamic leadership by President Adron Doran have transformed this half-century-old institution dedicated to training teachers into a broad-spectrum, multi-purpose regional university of superior merit.

Morehead State University offers four-year curricula leading to the A.B., B.S., M.A., and M.S. degrees. The University awards Associate degrees to those individuals who complete one of the prescribed two-year terminal programs. Certificates may be earned for the successful completion of specified one-year programs.

MSU has more than 375 faculty members selected on the basis of their ability to provide students with the finest in instruction. The faculty is highly-trained, cooperative, friendly, and understanding. Excellent dormitory facilities—84 per cent constructed since 1960—make it possible for students to live in a wholesome atmosphere under good working conditions. Sharing the campus with the living area are the academic facilities, subject of constant modernization and expansion during the past decade and a half.

Morehead State University offers its students a broad and varied program of activities which are related to but not necessarily a part of the academic program. Students are encouraged to spend a part of their time at MSU in intramural sports, in clubs and organizations, and in various other types of campus life.

CLOSED-CIRCUIT TV BILL REINTRODUCED

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. ASPIN. Mr. Speaker, I am reintroducing in the House today a bill that would prohibit broadcast of major sports events on closed-circuit TV.

Unless Congress acts to place a curb on sports on closed-circuit TV, the huge profits involved in closed-circuit production will be too much of a temptation for big-time sports promoters and many events will be presented on closed-circuit TV.

For example the Super Bowl, which was played last Sunday grossed slightly more than $4 million. Seventy-five million Americans viewed the Super Bowl. If 20,000,000 Americans were willing to pay $7.50 to view the Super Bowl, then the gross receipts from one football game would total $150 million. Assuming only a profit of one-third, big-time sports promoters would have netted a $50 million profit from one football game.

The comparison of a gross $4.1 million and a $50 million profit is simply too much a temptation for big-time sports promoters.

I believe that a form of creeping closed-circuit sports TV will develop. Gradually, one event after another will be placed on closed-circuit TV and eventually big-time sports promoters will try to force the Super Bowl itself on closed-circuit TV.

Only the Congress can remove this temptation for the big-time sports promoters by enacting legislation that will prohibit closed-circuit TV sports.

If closed-circuit TV becomes the rule rather than the exception an avid fan may wind up paying hundreds of dollars every year just to view his favorite football, baseball, basketball, or boxing match on closed-circuit TV.

HEARINGS SCHEDULED ON NEWSMEN'S PRIVILEGE LEGISLATION

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. KASTENMEIER. Mr. Speaker, I wish to announce that Subcommittee No. 3 of the Committee on the Judiciary will hold further public hearings on bills to establish a privilege in newsmen to refuse to disclose information or the source of information received by them in the course of newsgathering. The projected public hearings will commence on Thursday, February 1, 1973, at 10 a.m., in room 2226, Rayburn House Office Building.

At this time 13 measures, sponsored or cosponsored by 26 Members of the House, have been introduced, and more are expected. Four measures have been introduced in the other body, with three more predicted. Additional House bills introduced and available prior to the hearings will also be considered by the subcommittee.

This legislation involves the further examination by the Congress of the wisdom of a privilege for newsmen. The issue is will Congress preserve the public's right to be informed by protecting newsmen from compulsory disclosure of confidential sources and confidential information. Obviously, if newsmen can be required to disclose information and the source of information received by them in confidence, their sources will dry up. The public will be the losers. On the other hand, it is essential to preserve the Government's power to elicit information. The hearings will concern the question whether or not a privilege should be created. If so, it must be determined whether the privilege should be absolute or qualified and whether a privilege created by a Federal statute should be made applicable to State as well as Federal proceedings. Problems of definition also present themselves.

In September and October of the last Congress the subcommittee devoted 5 hearing days to this subject, receiving testimony from the authors and cosponsors of legislative measures and from representatives of the Department of Justice and of a number of media groups and organizations. All witnesses other than the representative of the Department of Justice favored some form of privilege. The subcommittee hopes promptly to complete its further hearings and to present its conclusions for consideration of the full committee.

The first day of the further hearings will be devoted to the testimony of Members of Congress. I am happy to announce that the lead-off witness in these hearings will be the distinguished chairman of the full Committee on the Judiciary, the Honorable PETER W. RODINO, JR., of New Jersey, a strong proponent of a newsmen's privilege. Chairman RODINO will be followed by other Members, several of whom have introduced legislation.

Members and others desiring to testify at the hearings should get in touch with Herbert Fuchs, committee counsel, on extension 53926.

WAR POWERS AND THE 93D CONGRESS

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. ZABLOCKI. Mr. Speaker, the war powers of Congress and the President was a subject of important debate and legislative action in the 92d Congress. The House twice passed a war powers measure, which ultimately died with the end of that Congress when a compromise could not be reached with the other body.

The respective positions taken on the war powers issue by the House and Senate has been a subject of attention in a number of forums. One of those exchanges took place last fall in the pages of Foreign Policy, a prestigious journal of opinion. Participating with an article was our distinguished colleague, the Honorable DANTE FASCELL, who has been a prime mover for war powers legislation during the past 3 years.

In his article, Congressman FASCELL cogently defended the House position on war powers against the more drastic measure which was offered in the other body. His position has now drawn support from a leading academic specialist on the war powers question, Dr. Jack M. Schick of the Johns Hopkins University School of Advanced International Studies. Dr. Schick's letter appears in the current—winter—edition of Foreign Policy. Although the limitations of space do not permit the insertion of the entire symposium in which Mr. FASCELL participated, I believe that our colleagues will find it of interest to read his comments and those of Dr. Schick.

I also wish to insert in the RECORD at this point the text of the war powers legislation—House Joint Resolution 2—which I have introduced into the 93d Congress with the consponsorship of Mr. FASCELL and other members who have been active on the war powers issue. It is a strengthened and improved version of the war powers resolution which twice passed the House last Congress by overwhelming majorities, and I urge the attention of my colleagues to it:

WHOSE POWER IS WAR POWER?

(By DANTE FASCELL)

One aspect of Senator Eagleton's proposal concerns me. The possibility that it institutionalizes the trend of strong Presidential action and the Congress' rubberstamping it.

Because of the pressure of the 30-day limitation, after taking an authorized and defined emergency action, the President, undoubtedly, will promptly seek congressional approval. Even special rules are provided for the Congress to expedite consideration and action.

The sheer impetus and power of the Presidential commitment in a national emergency is well known; mix in the weight of the Presidential request to the Congress for the expedited consideration; sprinkle liberally with the equally well known attitude of the President's party and the Congress to "rally 'round the flag." Result—a predictable legislative approval of the Presidential action achieved in an almost automatic cycle.

The argument is made that it is better for the Congress to act than not to act even though the price predictably might be pro forma action. I'm not at all certain that's a good bargain. In the nuclear age will there be a formal declaration of war by the U.S. Congress before the fact? Is there a greater chance that most hostility involving the United States will be entered into through one of the authorized and defined emergency portals with congressional action after the fact? It seems to me that the pro forma potential apparently has a much larger dimension. So while the procedural objective is laudable, its pragmatic result may be undesirable.

What we really need and must continue to strive for is simultaneous assurance for the mechanisms and procedures which make a fully informed Congress get into the act before the President takes any action which does or might involve the United States in hostilities regardless of their nature.

LETTERS TO THE EDITOR

TO THE EDITORS:

I was delighted to see the brief symposium by Senators Eagleton, Stennis, and Goldwater, and Congressman Fascell on the "War Powers Act" (Foreign policy 8, Fall 1972). The debate on the Senate floor last spring did not receive the attention it deserved because the bill did not become the subject of a great debate between the President and the Congress. Nothing focuses a great debate in the country better than a pitched battle like the Senate forced upon Eisenhower with the Bricker Amendment in 1954. But President Nixon avoided another clash with the Senate because he did not have the votes and chose instead to rely on the House to defeat the bill. The House, however, wanted war powers legislation too. In the end, the White House did not have to exert itself because the House and Senate could not agree on a compromise bill. The bill died with the 92nd Congress in October. Undoubtedly the bill will be revised next year but differences will remain between the House and Senate versions.

There are two war power bills. Something of the debate between the House and Senate bills was caught in Congressman Fascell's rejoinder to Senator Eagleton. Unfortunately, Congressman Fascell's remarks were brief so your readers missed the full flavor of a great debate over the war powers of Congress and the President. Unlike the debate on the Bricker Amendment, the debate this time is between the House and the Senate. The President is an onlooker—he probably will not be able to defeat the House bill, and he has little choice but to encourage the House to water down the Senate bill.

Congressman Fascell points out that the Senate bill may prove counter-productive because it authorizes the President to repel attacks upon the United States, U.S. armed forces abroad, and American nationals in foreign countries. It actually gives him a broad grant of power. Senator Fulbright has made the same argument and would prefer to let the President scrape together his own rationales for emergency action without implicating Congress. Senator Eagleton is relying entirely on a calendar methodology to bring Congress into partnership with the President. In the Senate bill, the President will have 30 days to obtain congressional approval for the actions he has already taken. As Congressman Fascell mentions, however, the energy released by an international crisis could easily blow down the 30-day wall the Senate bill erects and overcome the Congress with pleas for patriotic support of the President. The Senate bill has Congress acting too late to be effective.

The Senate bill is structured around the 30-day provision in order to avoid stepping on the President's constitutional powers to act in an emergency. Congressman Fascell would agree, I suspect, with the Senate's desire to avoid a constitutional crisis between the executive and legislative branches, a danger lurking in the war powers debate that Senator Goldwater alludes to at the very end of his remarks. The House bill takes a different approach. It creates a structure for influencing the President before he acts which I would argue is the only way for Congress to be effective.

So the issue is drawn between the two bills on whether to rely on a formal 30-day authorization provision which is triggered late or on an informal reporting requirement which is triggered early for exercising Congress' war powers. The debate next year will begin from these starting positions. Perhaps, if the fire is taken out of the Senate bill and a little more heat put in the House bill, a compromise will emerge. At the moment, nobody is talking compromise. Will there be a bill or will we in the audience be left with just another rhetorical exercise which too frequently covers Congress' failure to act?

H.J. RES. 2

Joint resolution concerning the war powers of Congress and the President

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This measure may be cited as the "War Powers Resolution of 1973".

PURPOSE AND POLICY

SEC. 2. The Congress herewith reaffirms its powers under the Constitution to declare war. At the same time, the Congress recognizes that the President in certain extraordinary and emergency circumstances has the authority to defend the United States and its citizens without specific prior authorization by the Congress.

EMERGENCY USE OF THE ARMED FORCES

SEC. 3. In the absence of a declaration of war by the Congress, the Armed Forces of the United States may be introduced in hostilities, or in situations where imminent involvement in hostilities is clearly indicated, only—

(1) to respond to any act or situation that endangers the United States, its territories or possessions, or its citizens or nationals when the necessity to respond to such act or situation in the judgment of the President constitutes an extraordinary and emergency circumstances as do not permit advance Congressional authorization to employ such forces; or

(2) pursuant to specific prior authorization, by statute or concurrent resolution of both Houses of Congress.

CONSULTATION

SEC. 4. The President, when acting pursuant to the provisions of section 3 of this resolution, should seek appropriate consultation with the Congress before introducing the Armed Forces of the United States into hostilities, or in situations where imminent involvement in hostilities is clearly indicated. Consultation should continue periodically during such armed conflict.

REPORTING

SEC. 5. In any case in which the President without a declaration of war by the Congress—

(1) commits United States military forces to armed conflict;

(2) commits military forces equipped for combat to the territory, airspace, or waters of a foreign nation, except for deployments which relate solely to supply, repair, or training of United States forces, or for humanitarian or other peaceful purposes; or

(3) substantially enlarges military forces already located in a foreign nation;

the President shall submit promptly to the Speaker of the House of Representatives and to the President pro tempore of the Senate a report, in writing, setting forth—

(A) the circumstances necessitating his action;

(B) the constitutional, legislative, and treaty provisions under the authority of which he took such action, together with his reasons for not seeking specific prior congressional authorization;

(C) the estimated scope of activities; and

(D) such other information as the President may deem useful to the Congress in the fulfillment of its constitutional responsibilities with respect to committing the Nation to war and to the use of the United States Armed Forces abroad.

CONGRESSIONAL ACTION

SEC. 6. Whenever a report is submitted by the President pursuant to this resolution, both Houses of Congress shall proceed immediately to the consideration of the question of whether Congress shall authorize the use of the Armed Forces of the United States and the expenditure of funds for purposes relating to those hostilities or imminent hostilities cited in the report.

Whenever the Speaker of the House and the President pro tempore of the Senate receive such a report and the Congress is not in session, the President shall convene Congress in order that it may consider the report and take appropriate action.

EFFECTIVE DATE AND APPLICABILITY

SEC. 7. This resolution shall take effect on the date of its enactment. Nothing in this resolution is intended to alter constitutional authority of the Congress or of the President, or the provisions of existing treaties. At the same time nothing in this resolution should be construed to represent congressional acceptance of the proposition that Executive action alone can satisfy the constitutional process requirement contained in the provisions of mutual security treaties to which the United States is a party.

FEDERAL CIVIL SERVICE MARKS ITS 90TH ANNIVERSARY

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. DULSKI. Mr. Speaker, each year on its anniversary the U.S. Civil Service Commission has an honors ceremony when it gives recognition to individual employees for their dedication and special achievements in their work.

This year, the ceremony had dual significance since last Tuesday marked the 90th anniversary of the Federal Civil Service. The Civil Service Act, also known as the Pendleton Act, was signed into law by President Chester A. Arthur on January 16, 1883.

This law established the basic charter for the Federal merit system and Federal career service. From its limited scope at the outset, the system has developed over the years to insure full recognition of merit in connection with appointments and promotions and has encouraged Federal employment as a career.

Ninety years of progress have seen the development of an outstanding system of Federal employment. I join in saluting the Civil Service Commission and all Federal employees on this proud occasion.

It was most appropriate that the main speaker at the honors ceremony on Tuesday should be the Comptroller General of the United States, the Honorable Elmer B. Staats who took a very incisive look at public service—90 years later.

Mr. Speaker, I am including Mr. Staats' excellent text as a part of my remarks.

President Nixon also paid tribute to the 90th anniversary of the Federal civil service in a statement issued in connection with the ceremony. I also am including that text with my remarks.

EDWARD DUNTON HONORED

The Commissioners' Award for Distinguished Service, the Civil Service Commission's highest honor, was conferred on its Deputy Executive Director, Edward A. Dunton. In making the award, which is done only in "most exceptional cases," the Commission said of Mr. Dunton:

> An outstanding partner in directing the total program of the Commission, he has given new meaning to "creative management" and "total response."
>
> The imprint of his career-long efforts to achieve operating improvements and economies is most evident in recruiting and examining, equal employment opportunity, personnel management evaluation, intergovernmental relations, and appeals.
>
> Typical is his tough-minded managerial response to the Administration's recent call for greater economy of operations, and the outstanding performance he obtained from the Commission's field organization in staffing the Office of Emergency Preparedness to manage the wage-price freeze.
>
> A man of great intelligence and selfless application of time and talent, he has distinguished himself as "manager for all seasons."

Among those honored by the Commission were the six associated executives and all staff members of the Commission's Bureau of Intergovernmental Personnel Programs for their work in connection with the Intergovernmental Personnel Act of 1970.

Distinguished citizen awards were presented to Charles A. Byrley, Director, National Governors Conference; Brevard E. Crihfield, Executive Director, Council of State Governments; John Gunther, Executive Director, U.S. Conference of Mayors; Bernard F. Hillenbrand, Executive Director, National Association of Counties; Mark E. Keane, Executive Director, International City Management Association; and Allen E. Pritchard, Executive Vice President, National League of Cities.

A group citation was presented to all employees of the Bureau of Intergovernmental Personnel Programs for their "exceptional record of achievement in bringing to life the provisions of the Act."

EMPLOYEES ARE CITED

Special citations for outstanding performance by individuals were presented to the following Commission employees:

Mary K. Coughlin, manager of the Rapid City, S. Dak., area office, for her work during the 1972 floods which devastated the Rapid City area.

William E. Cristy, supervisory personnel staffing specialist, Pittsburgh area office, for his work while serving as Executive Assistant to the Chairman of the Pittsburgh Federal Executive Board.

Dora M. Flaim, supervisory investigator and chief of the processing and rating section, San Francisco region, for her dual role, and her managerial effectiveness in the region's successful investigative program.

Wilmer R. Haack, special assistant to the chief, claims division, Bureau of Retirement, Insurance, and Occupational Health, for his efficient technical direction of a new, streamlined system for processing annuity payments.

William R. King, director, Oak Ridge Executive Seminar Center, for his capable management and high standards of performance in establishing the center.

Katherine Schwarzmann, personnel management specialist, Bureau of Policies and Standards, for her role as a consummate professional in the field of Federal salary legislation.

Lee V. Venzor, director, Southwest Interagency Training Center, Dallas region, for his leadership in founding the center which has moved quickly and effectively to carry out the President's program for assisting Spanish-speaking Americans.

Harold L. Whitfield, equal employment opportunity representative, St. Louis region, for his results-oriented approach and direct program leadership.

Robert F. Alles, transcription unit supervisor, and Robert J. Sniegowski, supervisory clerk, Wilkes-Barre area investigative reports transcription center, for the exceptional efforts of these two men during a 2-week period of flood crisis to assure the safety of employees and the security of work at the center.

In the Bureau of Recruiting and Examining, Keith A. Roelofs, chief, administrative management division; Donald A. Storck, director, office of examining systems; John F. Daley, program analysis officer; and Laurence Lorenz, personnel staffing specialist, for their major roles in the development and implementation of the Wide-Area Telephone Service—WATS—for improving operations of the Federal job information system.

The above-mentioned materials follows:

ADDRESS BY ELMER B. STAATS, COMPTROLLER GENERAL OF THE UNITED STATES, ON 90TH ANNIVERSARY OF THE CIVIL SERVICE ACT

President Kennedy frequently told the story of a French marshal who asked his gardener one day to plant a tree. The gardener protested—"it will take a hundred years to grow." "In that case, we have no time to lose", the marshal responded. "Plant it this afternoon."

In 10 years, the Pendleton Act of 1883, which established the basic charter for the

Federal merit system and Federal career service, will be 100 years old. It is well to remind ourselves on this 90th birthday of the act that it took nearly 100 years to bring into the legislation which has meant so much to the American people.

Although we have much to be proud of in the growth and strengthening of the Federal merit system tree, we cannot be confident that it will continue to thrive without continued attention and support. Without these the system will fail to achieve the objectives of those who fought so long and so hard for the basic reforms.

It was their hope that the merit system would serve all of the Nation better and that the interests of *all* would be served when *all* had equal opportunity to compete; when advancement was based on recognized achievement; and when Government was able to obtain the services of adequate, skilled and loyal employees required for the Nation's security and prosperity.

As all can see, we have travelled a long way from the days of Andrew Jackson who held the view that public offices were "plain and simple" and who liked to campaign on the slogan "To the victor belong the spoils."

Today we cannot have a strong economy and a viable society without representative, responsible, effective Government. We can have this kind of Government only if it is made up of able people dedicated to advancing the basic principles on which our institutions are established.

The late Clarence Randall (formerly head of the Inland Steel Corporation) who did so much to help Presidents Eisenhower and Kennedy to bring about improved pay for Federal employees, summed up the realistic view of modern Government, in contrast to Jackson's day, in these words:

"The ultimate effectiveness of our governmental process, whether in Washington, or in the State capitals, or in the city halls, rests squarely on the quality of the career officers, the permanent Civil Service."

In a similar vein, the late Neil McElroy, Secretary of Defense in the Eisenhower Administration, stated that:

"We can have strong Government only as it is made up of able people, and we think not alone of the top few, or of those in major elective office. * * * The need for competence applies across the entire spectrum of Government operations. It applies equally to men and women in elective status, in career administrative positions and appointed positions."

Government today carries the primary responsibility for advancing the Nation's efforts to improve science and technology; it is deeply involved in efforts to eliminate poverty; to provide manpower training to the disadvantaged; and to improve education at every age level.

We have a national commitment to explore space and the depths of the oceans. We are trying to find ways to make our cities more livable and our transportation systems workable. We have embarked on programs to deal with our critical shortages of energy and to improve our environment—both required for the improvement of our standard of living.

In these and in a host of other areas, all of us in government have an opportunity to serve the Nation. At the end of the day, the end of the week, the end of the year, or perhaps at the end of a career, we should be able to look back and say:

"I am proud to have been a public servant, to have dealt with the problems of our time and to have had a part, however small, in contributing to their solution."

Despite its long history and the many tributes which have been paid to our Federal career service, it is still a fragile thing. It has few constituents. All too frequently the accolades go to those who choose to denounce the so-called bureaucrats and those who capitalize on what, unfortunately, is still a widely held view—that the Government is made up of incompetents or worse.

Mistakes, most would agree, are made in government as well as outside government. Most would agree also that not all individuals are of equal competence or motivation, either inside or outside government. But issuing blanket condemnations and blanket criticisms can only damage, rather than improve, the quality of government, Federal, State or local.

These detractors might point out that in the Federal Government productivity per man year increased at an average annual rate of 1.9 percent between 1967 and 1971 instead of a zero rate which many had alleged.

They might point out that during this past year over 200,000, or approximately one out of 12 Federal employees at all levels, performed in such a superior manner that they merited monetary or other recognition.

This recognition was not limited to those at the top. For example:

A clerk-typist, GS-3, with the Defense Supply Agency voluntarily developed and presented a Drug Abuse Prevention and Control Program. He devoted his own time and made public his personal experience with drug addiction, which benefited not only employees of his agency but members of his community as well.

A nurse, GS-9, with NASA's Manned Spacecraft Center in Houston assisted in developing the necessary checks and tests for astronauts which were required to obtain man's reaction to outer space. This earned her not only numerous NASA honors but led to her being named one of the outstanding women in America in 1971.

A Job Corps teacher, GS-9, was recognized for outstanding work in teaching and motivating men who could neither read nor write. Her efforts placed a high percentage of these men on the road to self-sufficient jobs.

These critics might point also to awards for outstanding service made annually by The National Civil Service League, an organization which had so much to do with the original enactment of the Pendleton Act. Here are some examples:

An astronomer was given an award for doing much of the basic research essential to our national space program, for directing the optical tracking system for the first artificial space satellite, and for directing the production of an astronomical telescope which extended our knowledge of the universe.

A director of personnel of the Veterans Administration, one of the outstanding women in the Federal service, was recognized for her exceptional work in equal employment for minorities, for developing work opportunities for veterans and handicapped, and for her leadership in one of the largest organizations of the Government.

One of the first black Marines who served as Chief of the Conciliation Division of the Equal Employment Opportunity Commission was cited for his outstanding work with the Nation's largest industrial organizations in bringing about increased recruitment, selection, and promotion for minorities.

Recognitions such as these are important. They make the average citizen aware that there are many able public servants who work long hours, frequently without recognition, to solve the most complex problems of this period in our history. But more needs to be done. We need more Clarence Randalls and Neil McElroys who are willing to say what is right about the career service—not just what is wrong.

How else can we persuade the best products of our colleges and universities to seek Government employment? How else can we motivate our best people to stay in the Government service? How else can we create the incentives to increase productivity? How else can we find solutions to the problems which Government is called upon to resolve?

Many ingredients are required for a vital, productive, responsive career service. No one has ever fully identified all of these ingredients or their variations—why one unit has a higher productivity than another doing exactly the same work, why employee morale varies so much from agency to agency, why one individual works harder than another, or why turnover is so much higher in one bureau than in another. These are important questions and we need to know a lot more than we do today before we can obtain satisfactory answers.

Leadership is obviously vital. This includes the establishment of realistic but high goals understood by all.

Recognition is important when these goals are made or exceeded.

A pay system is important to provide assurance of equitable compensation.

Job enrichment is important to increase job satisfaction and challenge.

Equal opportunity is important, not only in the selection of employees but in their advancement.

Reasonable opportunity for self-improvement is important through rotation, training, and education.

This is perhaps but a beginning of a long list. I believe most would agree that these are among the most important areas of concern to career employees. These areas are also of special concern to the Civil Service Commission, the President, the Congress, and employee organizations.

But perhaps most important of all in creating job satisfaction and high output is the quality of supervision at all levels. The supervisor holds so many of the keys to performance: (1) productive working relationships, (2) effective communication, (3) resolving day-to-day problems, and, last but not least, (4) fairness.

Whether the supervisor does these things well or poorly can make a critical difference in whether programs succeed or fail. This is undoubtedly why the Civil Service Commission has, correctly, devoted so much attention to how these men and women are selected, how they are trained, and how well they perform.

Leadership has yet another dimension—a third dimension—and that is the developing of a viable relationship between the policy official and the career officer. This relationship has been the subject of much public and private expression by at least the past five Presidents, to my personal knowledge.

Is or is not the career service supporting the policies set forth by the top leadership? We hear statements to the effect that the career service tries to be accountable only to itself and takes the attitude that, if it waits long enough, there will be a new election, a new cabinet officer, and a new agency head who may be more agreeable to its viewpoint.

That these statements are made, I have no doubt. What I doubt is that these views are held widely either by policy officials or by individuals in the career service. The real problem is one of communication and an adequate recognition that the Federal Government is today extraordinarily complex. Both the career official and the policy official should have one thing in common—a desire to make that Government work, and work well.

To make the Federal Government work as it should, the career service must be responsive to policy changes. It has another obligation—to make certain that top leadership understands when past experience might make a modification in plans, or proposed programs, desirable to achieve policy objectives.

This duty would include, of course, suggesting alternatives which might achieve those policy objectives better than original proposals. My own experience over more than 30 years in both career and policy positions is that there is no substitute for effective communication of purpose and objectives if a reciprocal relationship is to be effective—communication and understanding, back and forth.

That means communication upward as well as communication downward. If we try to say that one part of the work belongs to the political people, the administration, and that another part belongs to the career service, we will quickly be in trouble. The line between policy and administration is never that clear cut.

This does not mean that the career service has to engage in partisan politics—quite the contrary. A former Budget Director, under whom I served as a career staff member, used to say to us that we should be "politically aware," not "politically active."

Political awareness has to be a part of the required knowledge of the career servant, just as the policy official has to understand the great value of professional judgments and experience of the career service in administering programs. This is the essence of participative management. This is its basic principle in the Federal Government.

It has worked well in every organization where it has been seriously tried, public or private. This is the way to avoid mutual suspicions perhaps harmful to all. It is the kind of management participation which should be freely sought by the policy official and freely offered by the career officer.

It has been a habit for decades for some civil servants to label a policy official as "politician"—in a very special tone of voice; and for some political appointees to refer to one in the career service as a "bureaucrat"—also in a very special tone of voice.

A friend of mine once observed that it was a curious and interesting habit among Americans that they sometimes used bad words for good things. That observation certainly applies in this case for I believe both recognize, more and more, that without one another neither can be successful.

I am not arguing that the relationship between the political level and the career service should be—or ever could be—all sweetness and light. That is not the nature of the matter. It isn't reality; it isn't even healthy. I hope I never see the day when Government is so tranquilized, so sedated, that it is out on its feet. I will take a good argument any time—the taste of mustard, the whiff of cordite—because the final answer will come out better.

There is going to be tension in the relationship between political appointees and career people. There ought to be. The most we should ask is that it be a *workable* relationship, not a comfortable one, not even an equal one. This two-part relationship is here to stay and the problems of making it work aren't very different from one administration to another.

If making it work seems harder than it used to be, there are several reasons. For the Government today, the stakes are higher, the scale is magnified, and the whole process of governing is more exposed and accountable. The buffer zone between politics and public service is extremely difficult to determine.

Remember that much has happened since the Pendleton Act. The Government has come a long way from providing simple conveniences and services that were neutral. Today, there is no area of American life and action where the Government's influence is not felt. It is this that has changed the role of the public service. What government does, how it does it, and to whom are matters of no small importance. They are political questions. So the terms on which the public service operates today are not the same as they were 90 years ago.

In observing this 90th birthday of the Civil Service Act, let us make certain that we are not oriented more to the past than to the future. Sometimes we in government act as if it is the *past* which can be changed rather than the *future*. To be sure the past must be understood if we are to recognize the forces of change.

What I am attempting to say—and feel it appropriate to say it on this occasion—is that as Federal Government servants we run the risk of being tied too much to the past. We tend to do things in the traditional ways. We fail to question why things cannot be done better. We may fail to realize that situations have changed and that new solutions or new ideas are called for. But, above all, the challenge is to do our job better, to find ways of improving our own capabilities.

It is not enough to be judged good at doing our daily work—to have a satisfactory performance rating. We want to be able to look back 10 years from today—your 100th anniversary—and know that the public service is better because *we* were there. This will be done only in proportion to our efforts to broaden our understanding of the parts which we play, to improve our skills, and to know how our efforts relate to the changing role of the agencies in which we work.

Innovation, change, education—these are the familiar words describing our reaction to today's shifting scenes. We cannot avoid change and we would not want to. But just as nuclear energy must be controlled and channeled to be useful, so must change be guided through social institutions and organizations to meet the goals and objectives which history and past experience dictate as meeting the moral and ethical needs of society.

Government—which you and I represent—is probably the most important of these institutions. We have people with that kind of understanding in this room. Government in the coming years will need as many people as possible with that kind of vision in solving the complicated problems that arise in our mass society—arresting the rising costs of education, public health, and welfare; rebuilding the cities; reducing poverty to its lowest level; and developing a higher sense of unity in our society.

This is the challenge of public service. In one way or another it has always been so and, as I said at the start, I suppose always will. Public service is more than an occupational category. It is the discovery, as Harold Laski put it long ago, that men serve themselves only as they serve others.

Could any of us give a better reason for choosing a career in the Civil Service of the United States?

STATEMENT BY PRESIDENT NIXON ON THE 90TH ANNIVERSARY OF THE FEDERAL CIVIL SERVICE

Ninety years ago today President Chester A. Arthur signed into law the Civil Service Act of 1883. It is with pride in the quality of our Nation's civil servants that we celebrate the signing of that measure which brought sweeping reform in the civil service and has shaped the character of public service in America as nothing else has, before or since.

In observing the 90th anniversary of that landmark law, we acknowledge its wisdom in establishing principles of merit as the foundation for employment in the public service. The Civil Service Act made individual ability the basis for civil service employment, thus putting an end to the disruptions of Government business caused by frequent turnovers of employees and helping to assure competence and equal opportunity throughout the Federal establishment.

As we reach this milestone, we must recognize that a new and equally demanding challenge now faces us: to renew and revitalize our entire system of government. We must return a share of our power in Washington to our States and local communities, and with a leaner Federal work force, make our national programs much more effective. These tasks will require hard work and dedication from us all.

Judging from the distinguished record of our civil service employees over the past ninety years, I am confident that our career managers and other civil service personnel are more than equal to the task. I look forward to working with the civil service community during the coming years, and I ask you to join me in carrying out my hope of making the next four years the best four years in America's history.

U.S. POLICY TOWARD THE STATUS OF JERUSALEM

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. HAMILTON. Mr. Speaker, of the many complicated issues involved in a settlement of the Arab-Israeli conflict, the future status of the city of Jerusalem is, perhaps, the most sensitive and a solution for the city most difficult to achieve. On January 4, 1973, I asked the Secretary of State what was U.S. policy toward Jerusalem today and whether any changes in that policy had taken place in the last year or so or might take place in the near future.

My letter and the State Department's reply follow:

JANUARY 4, 1973.

Hon. WILLIAM P. ROGERS,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: To my knowledge, there has been no clear United States statement on Israeli policies toward the city of Jerusalem since June 1971 when a State Department spokesman indicated that construction of new housing in East Jerusalem by the Israelis violated a 1946 Geneva Convention of which Israel was a signatory.

I would like to inquire as to what is United States Policy toward the city of Jerusalem today and toward its future status. In particular, does the United States consider East Jerusalem an Occupied Territory (East Jerusalem defined as that portion of the city under Jordanian control prior to 1967)? Does the United States recognize any Israeli sovereignty in the eastern portion of the city? And is the United States considering moving its embassy in Tel Aviv to Jerusalem?

I would appreciate an early response to this request.

Sincerely yours,
LEE H. HAMILTON,
Chairman,
Subcommittee on the Near East.

DEPARTMENT OF STATE,
Washington, D.C., January 17, 1973.

Hon. LEE H. HAMILTON,
Chairman, Near East Subcommittee, Committee on Foreign Affairs, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Secretary Rogers has asked me to reply to your January 4 letter requesting a current statement of United States policy on the question of Jerusalem.

Although new circumstances have arisen in Jerusalem as a result of the June 1967 war, there has been no change in our basic position on the question of the status of the city. In his briefing on June 9, 1971 the Department spokesman stated, with respect to "constructing housing and other permanent civilian facilities in the occupied zone, including Jerusalem, our policy is to call for strict observance of the Fourth Geneva Convention of 1949, to which Israel is a party." Thus, we regard Israel's role in East Jerusalem to be that of a military occupier and Israel's responsibilities there, as well as in all of the territories which came under Israeli control during the June 1967 war, to be governed by pertinent international law including the 1949 Geneva Conventions.

The 1949 General Armistice Agreement between Israel and Jordan left the city of Jerusalem divided between those two countries, and the question of the permanent status of the city was held in abeyance pending a final peace settlement. The United States has never recognized unilateral actions by any of the states in the area as governing the international status of Jerusalem. We have, however, dealt with authorities of Israel and Jordan on a practical basis. In addition, we have consistently maintained that there must be free access to the holy places under fair and effective arrangements.

It is our belief that the ultimate status of Jerusalem can only be determined as a part of the entire complex of issues in the Arab-Israeli conflict. A solution to the problem, which in our view should be based on the principle of a unified city with guaranteed rights of free access, must be sought in the context of an overall settlement of the conflict and must be based upon agreement reached among the parties concerned. In practical terms this means primarily the Governments of Israel and Jordan, taking into account the interests of other countries in the area and of the international community.

Any proposal to acknowledge the city of Jerusalem as the capital of Israel or to move our Embassy from Tel Aviv to Jerusalem must be considered in light of the foregoing factors. I believe it is clear that such a move, by giving the impression that we had prejudged an ultimate settlement, would have far reaching policy implications which would inhibit our ability to play a constructive role in the search for a comprehensive Arab-Israeli peace.

Sincerely yours,
MARSHALL WRIGHT,
Acting Assistant Secretary for Congressional Relations.

TRIBUTE TO HON. JOHN SHERMAN COOPER

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. CARTER. Mr. Speaker, on September 10, 1972, the people of Somerset and Pulaski County, Ky., paid special recognition to their distinguished native son—the Honorable John Sherman Cooper.

Throughout his fine career, former Senator Cooper has sought to bring about a better world for all people. His deep concern for his fellow human beings is well known among the citizens of the Commonwealth of Kentucky. The love and respect that our people have for this great American has been exhibited through many tributes during recent months.

A part of the special recognition on September 10, was the establishment of the John Sherman Cooper Student Aid Fund by the Somerset-Pulaski County Chamber of Commerce. Funds will be invested by the University of Kentucky, and the interest derived will be used by the Somerset Community College to assist local students in furthering their education at the college. Provision will be made for scholarships, grants, loans, matching Federal moneys, and various other student aid programs.

I commend the people of Pulaski County, Ky., for this tribute to John Sherman Cooper, and I invite others who wish to participate to contact the Somerset-Pulaski County, Ky., Chamber of Commerce.

LAYMAN'S SUNDAY SERMON

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. BOB WILSON. Mr. Speaker, on December 3, Tom Henry, a prominent attorney in La Jolla, California, presented the Layman's Sunday sermon at the St. James Episcopal Church there.

His remarks are particularly relevant in these troubled times of youth unrest and family dissolution and I am pleased to have the opportunity to share his challenging address with my House colleagues and the readers of the CONGRESSIONAL RECORD worldwide.

The remarks follows:

LAYMAN'S SUNDAY SERMON

(By Thomas A. Henry, Jr.)

I acknowledge my gratitude to Father Bob for offering me the opportunity to speak on this Advent Sunday—Layman's Sunday. Perhaps when you hear my message you will think that you have just experienced "Stir-up Sunday." That is my hope, at least. After spending hours of preparation on this task, I have come to the conclusion that Layman's Sunday is a clerical device to gain the Layman's sympathy for the Clergy. It is indeed a job and the clergy certainly does have my sympathy.

I also want to acknowledge the dedicated service of Father Fred. I can say without the slightest hesitancy that I completely support his work in this Parish with our young people. If Father Fred could capsulize his ability to communicate with young people, there surely would be no need for me to stand up here and discuss with you problems such as my topic today: The New Ethic; its effect on understanding among parents, child and Christ, and an answer to its challenge.

The New Ethic seems to be gaining acceptance among our young people today. Its philosophy is distinguished from that of the Christian Ethic which centers around the concept of a corporate and personal involvement with each other and Christ. The New Ethic tends to cut our young people adrift from many of the institutions which have served as reference points in our lives—institutions such as home, church, school and community. It causes our family influence to fade, resulting in a rejection of the familiar disciplines and traditional values. It denigrates work and is excessively tolerant towards sexual morality and drugs. It advocates that the rule of law is anathema to man's free spirit. Its life style is highly individualized self-interest, without consequence or guilt for ones actions.

Religion, under this ethic, is irrelevant and, to quote Supreme Court Justice Lewis Powell, from a recent address of his to the American Bar Association:

"America is categorized under this ethic as a wholly selfish, materialistic, racist society with unworthy goals and warped priorities."

Unfortunately, this New Ethic provides the non-competitive, insecure young person with a convenient cop-out—an excuse to do his own thing. It creates an entire new class of non-achievers and anti-social dropouts who are sanctified by the euphemism "Ethic," which, in its literal definition, means moral principles and values.

From my own personal experience here at St. James, working with our young people for 3 years now, I can happily say that the New Ethic has found little or no acceptance among the young people in our programs. Of course, our youth programs are attended by only a small percentage of all of the young people of families in our parish and I can't speak for those who have not participated in our youth programs.

So, I suppose I should offer my congratulations and admiration for those parents here who have survived or avoided the New Ethic to this point. I envy those families who have come through the adolescent period in one piece—tested and battered a bit, but relatively unscathed. So all of you veterans can sit back and leaf through your prayer books or hold hands with your wives and I'll talk to those of us who really are in need of help.

Life must be lonely indeed for persons who subscribe to the philosophy of the New Ethic and it's easy to understand why young minds are fair game to the demagogues who espouse it. Once the idea of sole responsibility to oneself is accepted and traditional values and institutions are doubted, rebellion occurs and the cold estrangement of mistrust and hate follows. Conduct then, is manifested in drug abuse, sexual promiscuity and delinquency, and behavior is rationalized by blaming others for creating the seeds of the doubter's discontent. A withdrawal occurs into the fragile cacoon of self-dependence which will most surely lie dormant and unfulfilled forever. Sadly, we all probably know of such wasting lives.

My most recent experience with this situation involved father, mother and daughter—aged 16. Father Very Busy—Mother Very Social and daughter Very Much Alone and convinced—at least outwardly—that she had all the answers—convinced at least until she became pregnant. The recriminations and blame passing between parent and child were endless but the fact remained that new life had been created by one determined to do her own thing. The question which had to be answered was what to do with the baby—as yet unborn. What a tragedy that a 16 year old has to answer that question—a bitter lesson indeed for all concerned.

One almost has to believe that life has little or no meaning to a person who believes that man can, in fact, be an island and live alone, without a faith in his fellow man and God. Jean Paul Sartre, in his, "Speech of the Dead Christ From the Buildings of the World," describes the terrible vision of a world without God as "Finiteness Chewing Its Own Cud." A very frightening prospect indeed. The dimension of life after death and hope for eternity which God offers is nonexistant in this vision.

But, as our young people say, our world is imperfect. I acknowledge the problems of the world and I also acknowledge the fact that this is not the first time that men have been baffled, bereft and lonely. Throughout history, due to change and discovery, and the development of new theories, men have felt unsure and they have had to go on believing by faith what they could not prove, in fact. Without a faith in God, how would such belief be founded and without faith in one's fellow man and belief in the value of interreaction with that person, how can there be faith in God?

Paraphrasing the 31st Psalm:

In Thee O Lord do I seek refuge. Incline thine ear to me. Take me out of the net that is hidden from me. Into Thy hands I commit my spirit. Thou has set my feet in a large room.

This message gives us hope and faith that eternity will be there for us but, it also indicates that our life here on earth is nevertheless, full of the unknown, an unseen net, a bewildering vastness, which seems incredibly boundless and immeasurable. Thou has set my feet in a large room but my spirit is committed to Thee. An abiding faith is evidenced by this Psalm and is hope for us all.

Shall we allow our youth, in the hopelessness and despair of the New Ethic philosophy, to shut themselves up or, shall we turn toward our problems together and recommit ourselves to their solutions, using our need for each other and our faith in our God, as our cornerstones. Are we going to join the creative and constructive revolution or are we going to be left by the wayside as the New Ethic would have it, hopelessly captured by our own self-interests and involved in a self-destructive negative backlash. Are we going to face reality, admitting and redefining our problems and analyzing the issues and bringing all possible energies and resources to bear in solving them, or are we going to concede to the dropouts their right to doing their own thing? If you admit that our problems are ones of great dynamic change and not ones of decay, there can be only one answer.

Turning from philosophy to practical application, what can we, as parents do, as the custodians of the young, to insure that the New Ethic does not replace the Christian Ethic in our families and lives?

In the first place, we have to stop parroting this popular notion which says that our children are the best educated in the history of man. I don't believe it and we almost say it as if we were trying to convince ourselves. All to often, this acknowledgement is made to soothe the conscience of the adult who has abdicated his responsibility with the education of his child. By education, of course, I mean not only scholarship but the process whereby the child is taught at home as well as in school. Too many of us believe that a childs education begins and ends in the little red schoolhouse. There can be no question that young people are smarter today, intellectually, and that only enables them to more easily see through us as parents. It makes our job all the tougher.

Its hard to believe, with all the broken homes in California today, and with the rate of dissolution of marriage increasing, that there could be anything but a decrease in the over-all educational level of our children. The casual concern of many young people for the stewardship of their own health, expressed through the incidence of drug use and the promiscuity leading to the epidemic of venereal disease from which San Diego County is suffering today, is but mere evidence of this educational lack. By the way—here is a fact which might interest you. The supervisor in charge of the Youth Service Bureau here in La Jolla—an organization which I am proud to say we, as Parish, support—tells me that drug use in the child is often linked directly to alcohol abuse in the parent. The hypocritical parent who believes that the child will do as the parent says and not as the parent does—is truly a fool.

Once we've accepted the possibility that our children may not be as well educated as we thought, we as parents must involve ourselves in more positive efforts with them. How can a parent expect a child to understand concepts such as personal responsibility, respect for work, pride in country, faith in God, honesty and loyalty, unless these concepts are discussed and practiced on a daily basis in the home? This, of course, takes a great deal of time and we are all busy people. We must also thoughtfully consider their points of view so that they will feel that they have been part of the decision making process within our families. The family that fails to do this will soon see the defensive attitude of a child manifested in disrespect—not only for the family but for all authority. There can be no respect for authority unless the reasoning behind authority is understood and respected for what it seeks to accomplish and, I submit that this training must be discharged and fostered within the family unit through mutual involvement of child and parent in planning and living.

The potential capabilities of our young people are limited only by the bounds of space and perhaps extend even beyond that. As the tree which is cared for and blooms in the Spring will surely bear fruit in the Fall, we as parents need to become an intimate part of the growth of our children, so that they will become responsible adults. Our guidance will give them tools and skills to enable them to soundly construct their own lives, taking and leaving from the past, that which they feel is necessary to the achievement of their goals. This wisdom of experience can best be brought to young people by loving and interested parents. Can we resolve today to become more involved with our children and to help them better equip themselves for acceptance of our great world with all of its wonders and—yes—with its mysteries and problems as well.

God and our faith in Him as Christians can make the job so much easier for us here on earth and that is the challenge of the church today. In this large room into which we have all been placed, the Church must serve as the catalyst in the rapproachment and reconciliation of our families, through understanding, faith and love of God. It's not too late to stem the tide of the new ethic and with a dedicated reassertion of our family responsibilities, under God's guidance, we can accomplish much together as one. John F. Kennedy, in concluding his inaugural address put the whole idea in brief prospective:

"Let us go forth to lead the land we love, asking His blessings and His help, but knowing that here on earth God's work must truly be our own."

In the name of God, amen.

COURT SYSTEM

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. RODINO. Mr. Speaker, too often in recent years we have been told that a seriously undermanned and overburdened Federal court system threatens the quality of justice in this country. It has become increasingly imperative, therefore, that Congress move quickly toward an examination and evaluation of these problems.

For that reason, I am today introducing two bills recommended by the Judicial Conference of the United States. The first of these would create 11 new circuit judgeships for the Federal Courts of Appeals; the second would provide 51 new Federal District judgeships.

In considering this legislation, it is my hope that Congress will make its own judgment of current needs, based on a consideration of the number of vital factors such as filings, terminations, weighted cases, and docket backlogs that determine the workload of Federal courts.

NEED FOR INVESTIGATION OF POSTAL SERVICE

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. ROGERS. Mr. Speaker, I have recently requested that the Post Office and Civil Service Committee and the General Accounting Office conduct an in-depth investigation of the U.S. Postal Service. Correspondence reaching my office has indicated to me that not only is the American public losing confidence in the mails, but in fact the deteriorating service is already having damaging effects on business. I have received letters from all over the country describing overdrawn and canceled accounts due to delay of payments in the mails. The point has already been reached when anyone doing business with a deadline is hesitant to use the mails, and with good reason.

In a recent editorial, WPTV television of Palm Beach, Fla. called attention to this growing problem. I would like to include that editorial in the RECORD at this point:

THE BILL GORDON REPORT

(This report was aired on January 5, 1973)

A Washington-based radio network reporter this morning quoted postal officials as claiming that the average first-class letter is delivered within a day-and-a-half.

But, to paraphrase what the character known as the "old timer" used to say to Fibber McGee and Molly, "That ain't the way we heard it." And neither is it the way a lot of us have been receiving our mail; or our congressman his, either.

We have in hand, but probably only because it was delivered by a member of his staff, a notice from Representative Paul Rogers that he's requested an investigation of the postal service on grounds that the deterioration of that service is "adversely affecting business and commerce." We suspect he might have been tempted to use some stronger language; of the kind his constituents have recently been heard to voice in connection with the mail service; but then, Congressman Rogers is aware of the restrictions on what we can say and print.

In calling for an investigation, he cites some of the cases he's personally experienced and some of those which have come to his attention. Like the letter that took from September 18th until December 15th to make it from Palm Beach to an office across the lake in West Palm's Harvey Building. That's about a half-mile as the crow flies. But the postal service with its regional sorting center concept seems to have forgotten that such a straight line is still the shortest distance between two points. We became convinced of that when we began receiving some locally-dispatched letters bearing a Miami postmark.

Actually, the main effect of this sort of thing on us and our business has been the sometimes late, or occasionally too-late notice of a news event. In one instance we recall that even a post office notice of a holiday closing arrived after the fact. So, at least we know there's no favoritism involved.

But, as Congressman Rogers notes, there have been some instances where the effects have been of a more serious nature, particularly in those cases where legal and business deadlines were involved.

No doubt a great many persons could add ammunition of their own to the growing postal service complaint file.

And ordinarily, we'd urge that they write their congressman. But under the circumstances, Lord only knows when he'd get it.

HON. COURTLAND PERKINS, DEAN OF ENGINEERING, PRINCETON UNIVERSITY, ADDRESSES LUNCHEON MEETING OF THE AMERICAN INSTITUTE OF AERONAUTICS AND ASTRONAUTICS

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. TEAGUE of Texas. Mr. Speaker, at a luncheon meeting held on January 9, 1973, by the American Institute of Aeronautics and Astronautics in honor of Members of both the House and Senate Committees on Science and Astronautics, Prof. Courtland Perkins delivered a most interesting talk entitled "A Look at Our National Space Program." Under leave to extend my remarks in the RECORD, I wish to include the text of Professor Perkins' remarks:

A LOOK AT OUR NATIONAL SPACE PROGRAM

(By C. D. Perkins)

Mr. President—honored guests—ladies and gentlemen:

1. INTRODUCTION

It is a great pleasure for me to participate in this important annual meeting of the AIAA and an honor for me to be able to address this important luncheon meeting on certain aspects of our national space program. A program at a very difficult crossroads, particularly with respect to our National Aeronautical and Space Administration (NASA). It is fifteen years since the organization of NASA and the start of the build up of space programs by NASA and by the military. We have witnessed on both sides a succession of successes that are truly astonishing—yet today we are all unsure of what we have accomplished and where this leads us.

This afternoon I want to make these points:

1. It is important to preserve in some fashion the great competence built up within NASA—thru its manned space program

2. It is important to agree on NASA's role for the future and better delineate its operational and technical responsibilities and

3. We must do something to intrigue our best young minds back to important areas of technology and science.

Any discussion of space activities today can hardly help but start from consideration of the Apollo program completed so magnificently last month. I believe all will agree that the total NASA manned program culminating in Apollo 17 was the most spectacular technical achievement that the world has witnessed to date, and certainly achieved Apollo's great objective set out by President Kennedy in 1961 to land a man on the moon and recover him safely before 1970. This was a startling goal and a great target that focused our national attention—occupied many of our best minds—motivated our young scholars—and funded as a by product, many things that we could never have done otherwise. It has been a brilliant success and achieved its major objective of demonstrating our technical prowess to the world and with equal importance, to ourselves. We stand in awe of this great accomplishment and only wonder at what do we do now?

2. THE ENVIRONMENT THAT CREATED APOLLO

It is very difficult to understand Apollo if one had not lived through the events of the 1950s. At the end of World War II and up into the early 50s this country was convinced that it had no competition in science and technology and its prestige and self respect were monumental. Hadn't we perfected radar, developed the A and H bombs, the intercontinental bomber, television and others?

Then in swift succession we received three tremendous jolts that shook the country to its foundation. First the Russians whom we felt would take years to develop nuclear weapons showed that they were close behind us and in fact almost exploded their first hydrogen device before we did.

Shortly thereafter our intelligence sources discovered that the Russians were experimenting with and developing ballistic missiles with ranges and payload making ICBMs a near reality. This information received our instant attention and helped create our crash missile program of Atlas—Titan—MM—and Polaris. By 1960 the lead of the Russians in missilry gave us great concern and we faced with real fear a "Missile Gap". Politically massive retaliation had to be abandoned leading eventually to various forms of mutual deterrence. This rapidly eroded confidence in our superiority in science and technology and in its place came doubt and concern.

This concern was deepened in 1959 when the Russians launched the first earth orbiting Satellite "Sputnik" and highlighted our own activities as both inadequate and something of a joke. The country now compounded their fear of a missile gap with concern over loss of prestige and real self doubt. When in 1959 the Russians successfully orbited their first manned spacecraft far in advance of our own Mercury program the country demanded extraordinary action. We wanted to close the missile gap but also wanted to accomplish a major space first to prove to the world *and to ourselves* that we were *number one* in science and technology and to restore our prestige in the eyes of the world. We sought for and found a program that would stretch our technical skills and our financial strength to the limit giving us a good chance of accomplishing this mission before the Russians.

As we all know the objective decided upon was project Apollo. Everyone knew that it would take a maximum effort of our technical people as the mission itself was on the fringe of possibilities. It would also require top national priority and a great deal of money. Twenty billion was estimated as its cost over a ten year period. It was also felt that Apollo would require great national resolve to face the probability of some form of disaster in space for a complicated program conducted openly in front of the world.

Apollo was erected not for the purposes of space science-lunar geology or bio engineering but was purely motivated by elements of fear and prestige. The country and the Congress were ready to back this undertaking and did so without stint during the decade.

This demonstrates a fact well known to anyone involved in large development programs. We can do anything we choose if the project can be defined, given top national priority, stability over the period of its development, and adequate funding. Apollo was such a program.

3. THE RESULTS OF APOLLO

I think no one will disagree that Apollo succeeded in its objectives far beyond the fondest expectation of those who helped create it. Its success has been truly astonishing and it can be said with confidence that the scientific and technical prestige of the country has not only been restored but actually enhanced as the world watched and participated in, through equally astonishing communications, the first lunar landing by Apollo 11. Since that time the world marvelled that Apollo 12 could land next to the unmanned spacecraft surveyor, suffered agonies while Apollo 13 was brilliantly recovered after a major failure of its oxygen tanks, envied Allan Shepard his lunar iron shot during Apollo 14, rode with the crew of Apollo 15 on the lunar rover to Hadley's Rill, watched the crew of Apollo 16 launch itself from the moon through the Rover's TV camera and watched the last Apollo 17 perform an almost flawless mission. Apollo was a magnificent success, a great credit to this country and to the remarkable NASA technical team that accomplished it.

Apollo scientific output was very high and important, but it was a by product of the major objectives. We must keep in mind that Congress didn't appropriate twenty four billion for lunar geophysics. The main motivation came from our early fear and concerns of prestige and self doubt. Apollo then succeeded far beyond anyone's dreams of the early 60s and its success has generated several important reactions. Probably the most important of these was that it apparently drove the Russians out of this type of competition. It is apparent that there was a Russian program for a manned lunar landing but this program was overwhelmed by events (Apollo) and some of their own technical difficulties—they soon gave up this game. This in a sense was too bad as competition with the Russians has always been a major factor in our space program.

We cannot have a two man race if one of the competitors does not want to run. There is still some element of competition with the Russians but it is very small and largely lost as a motivating factor. This is one of NASA's problems today. NASA itself was created in the frightening era of the 1950s on these very motivations and they are having difficulty today in justifying their programs to the Congress along new lines.

The dilemma is that Apollo generated a great competence in the NASA—in space technology—in program management—and in facilities. All of these are now available to the country for whatever undertaking they would like to start. It would be an unacceptable waste to merely throw it all away. The question is can this be used usefully for space programs of interest to the country in the last decades of the twentieth century. It is up to the Administration and to the Congress to more clearly state the mission and rationale for the NASA during the next fifteen years.

4. THE CHANGING FOCUS

In 1965 the Speaker wrote a letter to Mr. Webb then the administrator of NASA suggesting that the motivations that were giving Apollo top national priority and heavy stable funding were indeed fragile ones, and that NASA should concern itself more with the use of space for practical earth oriented purposes. There was considerable question at that time as to Russian intention towards a manned lunar program and many realized that a new major program like Apollo could not be supported in an environment where fear and concern over prestige were eliminated.

NASA had been thinking along the same lines and erected summer studies in 1966/67 to focus attention on the very real payoffs on earth from the use of orbiting spacecraft. Our AIAA president, Dr. Puckett, was an important member of this study and they resulted in the identification of many application potentials.

The most visible were in the various fields of communication, weather monitoring, navigation, mapping, and survey of our natural resources. From that time on NASA has maintained a sophisticated program in space application. NASA has emerged as an innovator of new potentials working with possible users of a new capability and finally providing some operational support. Communications is a good example. NASA did much of the basic work in developing communication satellites and now supports this civilian sector with launch services while pushing out into new areas of communication concepts. There are a multitude of possible space applications which can be developed for the civilian sector but as of today the great launch and payload costs of such systems overwhelms studies of their cost effectiveness.

Space science, another NASA line item, has emerged as a very sophisticated activity with many remarkable successes achieved across a wide spectrum of science. Among the most rewarding have been those programs dealing with astronomy and planetary science. The role of NASA in space science is to help, with the advice of the scientific community, make scientific experiments possible—act as a project integrator—provide launch and readout services—and stimulate new areas. The difficulty with space science is that it continues to be something of a by product of our desire for a national space program. The scientists of the country are not all convinced that space science is the most important science and if given the option would recommend spending this money differently. Space science and exploration then is an inevitable part of a "national space program" undertaken today for no other rationale that this country should spend some of its resources on pushing out space related frontiers. Again many more of these missions would be possible if the very large cost involved in conducting them could be reduced.

5. THE MILITARY

No organization was more rudely shaken by the emergence of practical space operations than the DOD and, in particular, its most explosive service the USAF. Prior to October 1957 space operations for military purposes were ridiculed and any attempt by the military to develop serious space systems was rapidly thrown out as visionary. The Air Force had a surveillance satellite study in progress at the time but it was only funded as a study with no real intent behind it.

After Sputnik the Air Force typically went overboard for space operations and in 1958 at their summer study identified many potentials for space activity across the total front of military operations. This study identified all of those things that we are doing today but also suggested many more that we aren't doing. Many of the things that we aren't doing are those programs for which space adds nothing to a capability except cost. Others aren't being done because the Russians and ourselves have agreed to permit certain activities and not precipitate some form of space warfare.

Man in space was considered at first to be an important military potential and the Air Force was unhappy when their man in space soonest program (MISS) was turned over to the NASA at the time of its activation. The Air Force then embarked on its Winged Reentry program Dynasoar and then to its space station the Manned Orbiting Laboratory (MOL). Finally all manned military programs were eliminated as no viable military mission was uncovered for man in earth orbit. It was learned finally that the Air Force could not have its major and most expensive R&D line item, a program for which a real mission was not understood. Man in earth orbit has little military payoff as we view it today. There is also severe question as to his use for non-military missions in earth orbit as well. The NASA Skylab program should help resolve this particular debate.

After the initial euphoria, the USAF and DOD concentrated on real military payoffs, or cost effective if you like that phrase. These areas are surveillance, warning, strategic and tactical communications and navigation. These missions are real and important with space providing a unique capability. There are several more missions that might better be done through the use of space systems if they didn't cost so much.

In today's constrained budget the Armed Services have to give up a front line operational capability to fund such support systems. The system then must be very good indeed to have the Navy give up a new ship or the Air Force give up a new wing of fighters to pay for it. Military space programs then have achieved a solid base of real payoffs. These will inevitably expand further in the years ahead, particularly if the very high cost of space operations can be reduced.

6. SUMMATION

Apollo and all our unmanned programs both in the NASA and the military have been astonishingly successful and through them we have bought and paid for a position of dominance in space activity and in many technologies. We have established great leads in the following technical areas:

1. Solid State devices-integrated circuits-computers.
2. Inertial guidance.
3. Design for high reliability.
4. Operational use of liquid hydrogen as a fuel.
5. Simulation based training.
6. Fuel cells.
7. Systems management and control.

Technological leadership like this is crucial to this country. Our position in world trade requires that we continue to maintain our eminence in areas of high technology. Our National problem is that our young bright minds are turning away from science and technology and if this continues much further we are in for really difficult times. We must excite these young people and convince them that their own interest and the interest of the country are involved in the discovery of new science and the exploitation of new science into new technology. Industry-government-universities must all concentrate on this very real and difficult problems.

Our National Space Program then will be strongly based on real earth oriented payoffs available through space systems. The heart of this will be from both the military and civilian sectors and we can expect these capabilities to grow steadily in the coming years.

Beyond these we have those programs that the country feels that it must do. Not for prestige or fear rationale but because they are the natural goals of a wealthy and progressive society. We must continue to involve ourselves in programs of space science and continue our remarkable activities in space exploration. Perhaps cooperating with the USSR.

At the heart of all this is the potential expansion of these activities through the reduction of the cost of space operation. Today we are impeded across the full spectrum of activities due to extremely high launch costs and the cost of space payloads. The NASA must consider this to be their number one objective in fulfilling their mission of advancing space technology. We feel that we can reduce these costs only by the following possibilities.

A. Antigravity.

B. A breakthrough in propulsion.

C. Recovery and re use of launch systems and payloads.

Of these the only one that might have a payoff for us today is (C) the recovery and reuse of launch systems and payloads. This has led us inevitably to the NASA shuttle program that does many things for us.

A. Takes full advantage of the NASA capabilities developed through their manned space program.

B. Reduces our complicated stable of rocket launches required for a wide variety of missions.

C. Lowers the cost and increases the flexibility of space operations.

D. Signals our young people that we are not about to throw away our carefully developed technical capability.

E. Can provide the focus for many new technical advances during the next decade.

We are orienting our national space program along new lines and developing new motivations. There is a solid base for our national space program which can be expanded further in many practical ways if we can reduce the cost. The shuttle program can do this and I urge our AIAA membership, the Congress and the Administration to continue their support of this important program.

The country should be proud of our remarkable successes in space activity—it is a thing we have done very well—and we can do much more if the total program is given adequate direction and support.

A TRIBUTE TO THE LOS ANGELES PHILHARMONIC ORCHESTRA

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. REES. Mr. Speaker, I would like to extend congratulations to the Los Angeles Philharmonic Orchestra, which has recently completed its third tour of Japan, for its contributions to music appreciation and international goodwill. At a time when good relations between the peoples of the world are so important, it is vital that we recognize the ability of the language of music to foster friendship and harmony. The Los Angeles Philharmonic, founded in 1919, has done much to promote this recognition by playing to audiences all over the world.

While in Japan, the director of the Philharmonic, Zubin Mehta, and his musicians, drew the highest praise of the Japanese critics, who were quoted as saying:

> The relationship between Mehta and the Philharmonic is that of a truly "matching pair", a fabulous combination. I have the theory that the Philharmonic has become one of the "big five" (American orchestras). This combination has now come to perfection, . . . it has reached the highest pinnacle. (*Asahi Shimbun*)
>
> It was such a fresh surprise to my ear to hear such precision and strength. Mehta's basic attitude was absolutely the right one. In his vocabulary there are no words such as "lukewarm" or "sloppiness." He does not know "halfway," and perhaps this is why he has such popularity here and in America also. (*The Mainichi Shimbun*)
>
> Individuals in solo passages . . . showed as much mastery of the instruments as the different sections of the orchestra. A unison passage . . . can hardly be equaled by any orchestra in the world for its purity and beauty of tone. There is insufficient space to even briefly describe the superiority of the instrumentalists. Mehta can polish a stone to such a high degree that even experts have difficulty deciding whether it is a diamond or a piece of glass. (*Mainichi Daily News*)

Besides their trips to Japan, the philharmonic musicians have also toured the world in 1967—under the sponsorship of the U.S. Department of State—performed at Expo '67 in Montreal, and participated in the 25th anniversary ceremonies of the United Nations in 1970 at the invitation of the General Assembly. In addition to these international contributions, the philharmonic plays for millions of people each year in the southern California area. They can be seen at the Dorothy Chandler Pavilion of the Los Angeles Music Center, the Hollywood Bowl, many area college campuses, free in-school concerts, the symphonies for youth series, and at series in Long Beach, Orange County, Pasadena, San Diego, Santa Barbara, and Santa Monica. Their efforts to bring the sounds of great music to people all over the world and indeed due the profound respect and admiration of all who share their love for beauty in life.

Some of the many individuals and organizations who have selflessly dedicated themselves to the success of the orchestra are listed below:

THE MEMBERS OF THE LOS ANGELES PHILHARMONIC ORCHESTRA

Zubin Mehta, Music Director.
Gerhard Samuel, Associate Conductor.

1ST VIOLINS

David Frisina, Concertmaster.
Glenn Dicterow, Associate Concertmaster.
Irving Geller, Assistant Concertmaster.
Glenn Swan, Manuel Newman, Mark Kramer, Lily Mahler, Tze-Koong Wang, Haig Balian, Charlotte Sax, Richard Leshin, Myrtle Beach, Robert Witte, William Heffernan, Albert Karmazyn, Otis Igelman.

2D VIOLINS

Harold Dicterow,[1] Jeanne Aiken, Robert Korda, Jack Gootkin, Lori Ulanova, Fred Broders, Janet DeLancey, Roy Tanabe, Barbara Durant, William Rankin, Clarence Schubring, Michael Nutt, Alex Bottero, Carlo Spiga, Olga Balogh.

VIOLAS

Jan Hlinka[1] Alan de Veritch,[3] Armand Roth, Albert Falkove, Irving Manning, Arthur Royval, Jerry Epstein, Sidney Fagatt, Susan Winterbottom, George Serulnic, Charles Lorton, Murray Schwartz.

CELLOS

Kurt Reher,[1] Nino Rosso, E. Vance Beach, Edwin Geber, Howard Colf, Jr., Karl Rossner, Phyllis Ross, Wladyslaw Przybyla, Gabriel Jellen, Don Cole, Mary Louise Zeyen, Daniel Rothmuller.

BASSES

Richard Kelley, Sr.[1] Harold Brown, Elmer Heintzelman, William Torello, Richard D. Kelley, Jr., Frank Granato, Arni Heiderich, Emilio De Palma, Dennis Trembly.

FLUTES

Rober Stevens,[2] Anne Diener Giles,[2] Roland Moritz, Miles Zentner.

PICCOLO

Miles Zentner.

OBOES

Bert Gassman,[2] Barbara Winters,[2] Donald Muggeridge, William Kosinski.

ENGLISH HORN

William Kosinski.

CLARINETS

Kalman Bloch,[2] Michele Zukovsky,[2] Merritt Buxbaum, Franklyn Stokes.

BASS CLARINET

Franklyn Stokes.

E-FLAT CLARINET

Merritt Buxbaum.

BASSOONS

David Breidenthal,[2] Alan Goodman,[2] Walter Ritchie, Frederic Dutton.

CONTRABASSOON

Frederic Dutton.

HORNS

Sinclair Lott,[2] Henry Sigismonti,[3] Ralph Pyle, George Price, Hyman Markowitz, Robert Watt.

TRUMPETS

Robert Di Vall,[2] Thomas Stevens,[2] Irving Bush, Mario Guarneri.

TROMBONES

Byron Peebles,[2] H. Dennis Smith,[2] Herbert Ausman.

BASS TROMBONE

Jeffrey Reynolds.

TUBA

Roger Bobo.

TIMPANI

William Kraft,[1] Mitchell Peters.

PERCUSSION

Walter Goodwin, Charles DeLancey, Mitchell Peters.

HARP

Stanley Chaloupka.

PIANO

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STATE REGULATION OF NUCLEAR POWERPLANTS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. FRASER. Mr. Speaker, I am introducing legislation today to amend the Atomic Energy Act to enable States to impose stricter standards for radioactive emissions than those set by the Atomic Energy Commission. My bill would permit States to regulate these radioactive discharges concurrently with the AEC. An identical bill will be introduced in the Senate by my colleague from Minnesota, Senator WALTER F. MONDALE.

This legislation is needed because of a 1972 U.S. Supreme Court ruling which struck down the Minnesota Pollution Control Agency's regulations governing a nuclear powerplant in Monticello, Minn. The Court said that the Atomic Energy Commission had exclusive jurisdiction in this area. The State of Minnesota, in this case, had the support of the States of Arkansas, Delaware, Illinois, Maryland, Michigan, Mississippi, Missouri, Pennsylvania, Vermont, Virginia, West Virginia, and Wisconsin.

My bill would leave the AEC's existing regulatory program intact, but it would enable States like Minnesota to issue tougher regulations if they chose to do so.

In 1959, the Joint Atomic Committee considered the question of transfer of responsibility for control and regulation of byproduct, sources and special nuclear materials from the Commission to the States. Section 274 of the Atomic Energy Act Amendments of 1959 explicitly recognizes that—

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[1] Principal.

[2] Co-Principal.

[3] Associate Principal.

As the States improve their capabilities to regulate effectively such materials, additional legislation may be desirable.

States now control the largest source of radiation exposure to their populations—X-ray machines. Radioactive emissions from atomic machines such as cyclotrons are not under Atomic Energy Commission jurisdiction. State radiological health officers, therefore, already have considerable experience with the subject. Minnesota, by special agreement with the Northern States Power Co., has assumed responsibility for an inplant monitoring program of radioactive emissions which is more extensive than any currently underway by the Atomic Energy Commission.

Many scientists are seriously concerned about the AEC's current regulatory program. This concern stems from a built-in conflict of interest at the AEC. By law, the Commission is charged with the dual responsibility of promoting and regulating atomic energy installations. But promotion and regulation are not always compatible functions.

Twenty-eight nuclear powerplants are now in operation in this country, 52 are being built, and 70 are planned, with reactors on order. During the next few years critical decisions will have to be made about the amount of radioactive wastes these plants will discharge into the air and water of the people living nearby. My bill is designed to recognize the legitimate interests and responsibilities of States in protecting the health, safety, and environment of their citizens.

Support for this measure is widespread in my State. Gov. Wendell R. Anderson, in the letter which follows, points out that the State of Minnesota has led the movement nationwide to allow States to set more restrictive standards than the AEC for nuclear powerplants:

State of Minnesota,
Office of the Governor,
Saint Paul, Minn., January 12, 1973.
Hon. Walter F. Mondale,
U.S. Senate,
Hon. Donald M. Fraser,
U.S. House of Representatives,
Washington, D.C.

Dear Senator Mondale and Congressman Fraser: It is my understanding that you are prepared to introduce in the 93rd Congress a bill to permit the states to regulate the emissions of radioactive effluents from nuclear power plants, including state authority to enforce standards for such radioactive emissions at lesser quantities than provided by the Atomic Energy Commission. I assume this legislation is analagous to the bill you introduced in the last session of Congress.

The State of Minnesota has led the movement nationwide to nullify the current federal pre-emption of the right of state government, so to protect the health and safety of its citizens, to regulate nuclear power plants, including the right to set more restrictive standards than the Atomic Energy Commission. You have our complete support in your efforts to amend the Atomic Energy Act of 1954 to accomplish this end.

I will communicate my support of this legislation to the other members of the Minnesota Congressional delegation.

With warmest personal regards.

Sincerely,

Wendell R. Anderson.

The Minnesota Pollution Control Agency—MPCA—at its recent monthly meeting passed a resolution endorsing this bill. In the following letter, MPCA Director Grant J. Merritt calls attention to the fact that States already have the right to set stricter standards for non-radioactive water and air pollutants:

Minnesota Pollution Control Agency,
Minneapolis, Minn., January 11, 1973.
Hon. Donald M. Fraser,
House Office Building,
Washington, D.C.

Dear Don: I am pleased to learn that you intend to re-introduce the bill amending the Atomic Energy Act to permit states to set stricter regulations for radioactive emissions than those of the Atomic Energy Commission.

Many Minnesotans have long believed that Minnesota has both the right and the duty to set stricter standards than the AEC. Therefore, the Minnesota Pollution Control Agency set such standards to govern the Monticello Nuclear Plant. A court suit followed and last April the U.S. Supreme Court affirmed a lower court ruling that Congress had pre-empted the field and placed regulatory authority over radioactive emissions exclusively with the federal government. I hope that Congress will soon act to return this traditional right to the states so that they will have the ability to act in the best interest of their citizens in this matter.

As you know, states have the right to set stricter standards for non-radioactive water and air pollutants. Extending this right to radioactive emissions would place regulation in the hands of competent local authorities, who are responsive to the need for protection.

At its recent monthly meeting, the MPCA passed the enclosed resolution on the matter.

We need and want the legislation you propose and the Minnesota Pollution Control Agency Board and I heartily extend our support and endorsement of your efforts and of the efforts of your co-sponsors.

Sincerely yours,

Grant J. Merritt,
Executive Director.

Resolution II: Passed by the MPCA Board, January 8, 1973

The Minnesota Pollution Control Agency Board supports the response of Congressmen Fraser, Quie and Karth and Senators Mondale and Humphrey to our request to introduce legislation allowing the states to regulate, concurrently with the Atomic Energy Commission, radioactive emissions from nuclear power plants. That legislation, (HR 17120 and S 4093 in the last congress—new numbers not yet available in this congress), will accomplish our goal of allowing concurrent regulation.

We respectfully request that the Minnesota Legislature send a memorial to congress affirming our position and adding its support to this legislation.

The text of the bill follows:

H.R. 2314

A bill to amend the Atomic Energy Act of 1954 to permit the States concurrently with the Atomic Energy Commission to regulate the emission of radioactive effluents

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds and declares that—

(1) the control of the several States of the emission of radioactive effluents from facilities regulated by the Atomic Energy Commission is compatible with the development of atomic energy and its regulation on a national scale;

(2) current law does not sufficiently enable the several States to regulate such radioactive emissions in order to protect the public health and safety; and

(3) it is the intent of this Act to establish the concurrent authority of the several States to regulate such radioactive emissions, including the authority to enforce standards for such radioactive emissions, which permit lesser quantities of such emissions from such facilities than do the standards established by the Commission.

Sec. 2. Section 274 of the Atomic Energy Act of 1954 is amended—

(1) by striking out paragraph (6) of subsection a. and inserting in lieu thereof the following:

"(6) to give full recognition to the legitimate interest and responsibility of each State in matters pertaining to the public health and safety.";

(2) by striking out "No agreement" in subsection c. and inserting in lieu thereof "Subject to subsection o., no agreement"; and

(3) by adding at the end thereof a new subsection as follows:

"o. Nothing in this Act shall be construed to prevent any State from regulating concurrently with the Commission the discharge or disposal of radioactive effluents from the site of a utilization or production facility in such State, if—

"(1) the requirements or standards imposed by such State are for the protection of the public health and safety, and

"(2) action permitted or tolerated by such State with respect to the discharge or disposal of such effluents is not specifically prohibited by the Commission."

CONGRESS AND SPENDING

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. QUIE. Mr. Speaker, there is much ferment now for restoring to the Congress authority which has been assumed by the President and the executive branch of Government. I certainly hope the Congress will take advantage of the current mood and restore itself to the position as a genuinely equal partner with the executive branch of Government.

It is undoubtedly a natural human tendency for persons to seek power. This is true in both the legislative and executive branches. During my service in the Congress, I have seen power flow from the Congress to the President. I do not agree with many Presidential critics who claim that he has usurped power. I believe the Congress is equally at fault for either giving him authority outright or for acquiescing in the transfer of legislative authority to the executive.

It is very easy for Congress to let the President decide the thorny issues which necessitates a transfer of authority by default. I have seen a number of Presidents come and go and I recall the efforts of a former President to reverse the legislative roles of our two branches by giving the President and his cabinet authority to establish new programs without legislative mandate while giving the Congress the power to veto them if it disagreed with the new programs within 60 days after their announcement. Fortunately, the Congress *did not* give the President this authority at that time.

One of the controversies generating

the most publicity at the present time is the President's efforts to curb Federal spending to $250 billion. He has made cuts almost all across the board in trying to stay within this spending limitation. The debate in the House of Representatives on the need for such a spending limitation when it was discussed as an amendment to the legislation extending the debt ceiling clearly shows that economic conditions require such thrift.

If the Congress is to restore its authority, it must accept the responsibility for establishing an overall spending ceiling early in its deliberations on the President's proposed budget for coming fiscal years. I believe a procedure must be devised to balance revenues against expenditures on a unified basis looking at the total picture.

At the present time, the House takes up a small part of the budget and considers only that segment without reference to the entire budget. The piecemeal process usually takes several months, extending into the fiscal year for which we are appropriating funds. The total budget appropriation is not known until the last appropriation bill is signed into law.

It seems to me the logical approach would be to review the total budget, look at the national economic conditions, examine the problems facing the Nation, determine congressional priorities showing the will of the people, establish an overall ceiling dependent upon economic conditions and national problems and then fit the programs into the overall ceiling.

Emergencies may arise so that the ceiling adopted early in a session of the Congress must be breached, but I believe that the ceiling should be broken only by a two-thirds vote of the House of Representatives.

At the same time the overall ceiling is established, anticipated revenues should be determined. The Congress should then decide whether taxes should be increased to balance a budget or make a conscious decision to increase the public debt by a specific amount.

Once these two decisions have been made, I believe it is incumbent upon any Member who proposes new expenditures to also propose the necessary taxation to pay for the program or decrease expenditures elsewhere.

COMMITTEE REPORT ON SOUTHEAST ASIAN HEROIN

HON. THOMAS E. MORGAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. MORGAN. Mr. Speaker, on January 12, 1973, the Committee on Foreign Affairs released a report entitled "The U.S. Heroin Problem and Southeast Asia" which was compiled by two members of the committee staff.

While the report does not necessarily reflect the views of the members of the committee, the information presented therein should be of interest to all Members of Congress.

Mr. Speaker, at this point in the RECORD, I would like to insert a synopsis of the report which contains a summary of the committee's activities regarding international trafficking in illicit drugs and a listing of the staff survey team's conclusions and recommendations:

THE U.S. HEROIN PROBLEM AND SOUTHEAST ASIA

(A synopsis of a staff report)

BACKGROUND

1. On July 8, 1971, the Committee on Foreign Affairs amended the Foreign Assistance Act of 1961 by adding a section entitled International Narcotics Control (see section 481 of the Act). The amendment, offered by Congressman John Monagan during markup of the Foreign Assistance Act of 1971, gave the President authority to furnish economic assistance to countries that cooperate with the United States in controlling the production of, and traffic in, narcotics and psychotropic drugs. The amendment also directed the President to discontinue economic and military assistance and sales under the Foreign Assistance Act, the Foreign Military Sales Act, and Public Law 480 to any country not cooperating with the United States in coping with the narcotics problem.

2. $20,617,000 was provided in fiscal year 1972 pursuant to the authorization contained in section 481. For fiscal year 1973, the Executive branch has programmed $42.5 million for narcotics control assistance programs.

3. In addition to hearings held by the Subcommittee on Europe in July 1971, there have also been a number of study missions conducted by the Committee on Foreign Affairs relating to the international aspects of the narcotics problem:

(a) During April 3-23, 1971, Congressmen Morgan F. Murphy and Robert H. Steele made a round-the-world study of the problem. Their report, "The World Heroin Problem," articulated the dimensions of the worldwide narcotics problem and helped to create an awareness in the Congress that legislation was needed to deal with illegal international traffic in narcotics.

(b) During the same period, Congressman Seymour Halpern made a separate study of the international narcotics problem. He submitted a report entitled "The International Narcotics Trade and Its Relation to the United States," which also aided the Committee in its deliberations on legislation involving international narcotics control.

(c) In August 1972, the Chairman of the Committee on Foreign Affairs directed John J. Brady and Robert K. Boyer, Committee Staff Consultants, to go to Southeast Asia to conduct an in-depth survey of that area's production of and trafficking in narcotics, and the related effect of such operations on the United States. The survey team conducted its investigation in Tokyo, Japan, Hong Kong, Saigon, Laos, Thailand, and Rangoon, Burma, between August 16, 1972, and September 3, 1972. Prior to their departure and upon their return, the survey team held extensive consultations with Executive branch officials representing every department or agency involved in the U.S. effort to control the flow of narcotics in this country.

The findings, conclusions and recommendations of the survey team follow.

FINDINGS AND CONCLUSIONS

1. The Cabinet Committee on International Narcotics Control, which is responsible for the formulation and coordination of all policies and programs relating to the fight against the illegal entry of narcotics into the U.S., is both inefficient and ineffective. Comprised of autonomous departments, bureaus, and agencies of the Federal Government, the Committee conducts its business on a person-to-person level rather than institutionally. U.S. anti-narcotics programs, therefore, are often formulated in an ad hoc fashion rather than upon a well conceived, well thought out, well coordinated manner. As a result the following questionable decisions and programs have emerged.

(a) Yet another intelligence group, the Office of National Narcotics Intelligence (ONNI) has been formed in spite of the fact that the Bureau of Narcotics and Dangerous Drugs' Office of Strategic Intelligence (OSI) was already in existence and possessed the necessary intelligence capabilities which must be developed by the new group before it can operate at all.

(b) 25 Customs agents have been sent overseas to collect narcotics intelligence. This program will result in a duplication of effort. The Central Intelligence Agency, the Bureau of Narcotics and Dangerous Drugs (BNDD), the Department of State, and other U.S. Government agencies are already collecting such intelligence. The problem in the past was not a lack of intelligence but an inability to exploit it properly.

(c) BNDD and Customs agents in foreign posts are involved in intelligence collection efforts although many of them do not speak the language of the country in which they operate.

(d) The decision to make a preemptive purchase of opium from the Chinese Irregular forces in Northern Thailand set a bad precedent which could encourage increased production in the Golden Triangle.

2. In Southeast Asia, where the bulk of the world's illicit opiates are produced, all U.S. mission components have been mobilized in the fight to suppress the narcotics traffic. Coordination both within the missions and between the missions and most host governments has improved over the past several months. There is no evidence that any U.S. Government agency is implicated in the narcotics traffic in Southeast Asia.

3. The use of opium has been accepted and tolerated in many Southeast Asian countries. These attitudes are beginning to change as a result of the increasing use of heroin among the area's youth and there is a growing willingness to cooperate with the United States and the U.N. in international efforts to control the production of and trafficking in opiates.

4. Under present circumstances, however, the elimination of opium and heroin production in the Golden Triangle is not possible. Even if the efforts of Laos and Thailand to control the production of and trafficking in opium and its derivatives, morphine and heroin, are completely successful, which is unlikely, the problem cannot possibly be solved as long as the Government of Burma fails to declare war on producers and traffickers in Burma.

5. The Burmese Government blames the United States for a large part of the illicit arms trafficking in Southeast Asia, claiming that much of the weaponry in the possession of the insurgents is of U.S. origin. This situation has had a negative effect upon U.S. efforts to gain Burmese cooperation in the narcotics suppression programs.

6. Suppression efforts have been temporarily successful in Northern Thailand. While there is no assurance that this situation will continue there are indications that alternate smuggling routes are being developed westward through Burma, Bangladesh, and in other directions.

7. While efforts have been made by the Thai Government to resettle Chinese Irregular Forces who have been traditionally involved in the opium trade, there is no assurance that they will not continue to engage in the production of and trafficking in opiates.

8. It is widely believed that the production of and trafficking in opium and its derivatives have had the support of high ranking government officials in Laos, especially General Ouan Rathikoun, former Chief of the Imperial General Staff and presently serving in the National Assembly as a delegate from Luang Prabang. The extent of Ouan's involvement may never be known.

9. Despite the stringent antidrug law recently passed by South Vietnam, individuals involved in narcotics traffic risk minimal punishment.

10. Given the current situation, there is a limit to the amount of financial and material assistance that the countries of Southeast Asia can usefully absorb. U.S. narcotics assistance programs should, therefore, be based upon a realistic assessment of what can be effectively utilized.

11. Acetic anhydride is an essential element in the production of heroin. The bulk of this chemical used in Southeast Asia heroin laboratories is processed in Japan. There are no government restrictions, controls, or monitoring of its export.

12. Efforts to fight the illicit production and trafficking of narcotics in Southeast Asia will require regional programs, regional cooperation, and a complete and frank exchange of intelligence on producers, financiers, traffickers, routes, and users. Intergovernmental cooperation in the Southeast Asia region, which has been slow in developing must be vigorously pushed by the United States.

RECOMMENDATIONS

It is recommended that:

1. The Cabinet Committee on International Narcotics Control, in its present form, be abolished.

(a) In its place, an International Narcotics Control Board should be established which would be headed by a White House based official appointed by the President.

(b) The head of the Board, which would be a full-time job, should be authorized to preside over the formulation of policies and programs relating to international narcotics control.

2. The Office of National Narcotics Intelligence be transferred to BNDD and integrated with that Bureau's Office of Strategic Intelligence.

3. Only personnel who speak the language of the country in which they operate be assigned to intelligence collection duties abroad.

4. Congress authorize and appropriate international narcotics control assistance funds on a line item basis to insure that funding requests do not become excessive.

5. Steps be taken to preclude interagency competition for international narcotics control assistance funds. These funds should be expended on programs which will have the greatest impact whether such program originate in the Bureau of Narcotics and Dangerous Drugs or AID.

6. Congress require periodic reports from the Executive branch showing the amount of assistance furnished to each country including the type, quality, and value of equipment furnished. This report should also contain data giving amounts spent by all agencies of the Federal Government on international narcotics control programs including personnel salaries, allowances, and U.S. overhead costs.

7. The United States enforce the provisions of section 505 of the Foreign Assistance Act of 1961, as amended, and insure that all countries receiving U.S. military assistance provide the same degree of security protection afforded such articles by the United States.

8. The United States continue to apply diplomatic and economic pressures at the highest levels of government in Southeast Asia to insure that there is no weakening of the narcotics suppression efforts which have been started, particularly in Laos, Thailand, and South Vietnam.

(a) Where conclusive evidence shows high ranking or influential figures to be involved in narcotics, the U.S. Government should strongly urge those governments to prosecute such individuals more vigorously than has been the case in the past.

(b) If these efforts are unsuccessful, the United States should terminate all economic and military assistance to that country.

9. Crop substitution programs be developed as expeditiously as possible.

10. The United States conduct an intensive campaign both bilaterally and multilaterally to encourage the Government of Burma to cooperate fully in the antinarcotics effort in Southeast Asia.

11. The U.S. Government request the Japanese Government to establish controls and restrictions on the export of acetic anhydride.

12. The United States initiate efforts to gain the cooperation of Bangladesh in the worldwide effort to control the smuggling of narcotics.

13. If U.S. officials in Hong Kong are not able to impress upon British authorities the importance of, and the need for, cooperation in the antinarcotics effort, then the Department of State should bring this matter to the attention of Her Majesty's Government in London.

14. The United States make a concerted effort in the United Nations to promote increased funding and support for the U.N. Drug Abuse Control Fund.

NEEDED: MEANINGFUL PRISON REFORM

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. CRANE. Mr. Speaker, American prisons have, in many respects, been failing in their task of, on the one hand, punishing serious offenders and removing them from the society at large and, on the other, of rehabilitating minor offenders so that they might be returned to the society to lead productive and meaningful lives.

We have tended to place juveniles and first offenders convicted of nonviolent crime in the same prisons with hardened criminals. The result is that such prisons become preparatory schools for teaching and learning violent and antisocial behavior. Men are returned from prisons to society not only lacking rehabilitation, but committed more than ever to lives of crime.

Unfortunately, much of the discussion of penal reform has led to two alternatively simplistic approaches. These were described by Winston E. Moore, executive director of Chicago's Cook County Department of Corrections, in these terms:

> Many turn to the kid-glove approach of appeasement programs, destined to keep the lid on the correctional pressure cooker, without any true rehabilitative value. On the other extreme, punitive jailers believe that putting the "fear of God" into inmates is a sure way of keeping prison riots and disorders in check.

Mr. Moore, who previously served as superintendent of the Cook County jail, points out that—

> Prison sentences are becoming shorter and shorter. Judges are increasingly reluctant to hand down long-term sentences, except in cases involving the most heinous crimes. Even in such cases, parole boards have not hesitated to send the criminal back into society after only a minimum time is served. This means correctional institutions do not have a great deal of time in which to do their rehabilitative work.

In 1970, under Mr. Moore's leadership, the PACE—programed activities for correctional education—was started as a pilot program in Chicago. It now offers general equivalency diplomas for the completion of elementary and secondary study, and certificates of hourly accomplishment in vocational training.

Mr. Moore points out that—

> Prior to the program the recidivist (returnee) rate of our sentenced inmates was nearly 70 per cent. Now the recidivist rate of those inmates enrolled in PACE courses is less than 15 per cent.

Also essential in any program of prison reform, he believes, is the "weeding out of those unfit for correctional staffs, while preventing the hiring of new misfits."

Winston Moore is not interested in new bureaucracies or in utopian panaceas concerning prisons and crime. He is interested in realistic programs which make things better, and not worse.

He has set forth some of ideas in an article entitled "A Human Approach to Prison Reform." This article appears in the November 1972 issue of TWA Ambassador magazine. I wish to share it with my colleagues, and insert it in the RECORD at this time:

A HUMAN APPROACH TO PRISON REFORM

(By Winston E. Moore)

The rising crime rate in the United States will never be solved until we improve our penal systems, which presently are characterized by turmoil, brutality, neglect, racism and indifference to human suffering.

The reasoning is simple and often stated: The prisons and jails of the nation are but prep schools, basic training for a life of crime.

As bewildered correctional administrators desperately look for easy solutions to save their institutions from the nightmare of inmate riots, many turn to the kidglove approach of appeasement programs, destined to keep the lid on the correctional pressure cooker without any true rehabilitative value.

On the other extreme, punitive jailers believe that putting "the fear of God" into inmates is a sure way of keeping prison riots and disorders in check.

For instance, some prison officials, despite last year's Attica tragedy, have returned to hard line defense procedures by making it mandatory for all guards to carry three-foot riot batons, better known among guards as "nigger sticks." Of course, neither of the two extreme approaches to corrections is effective in dealing with the crisis in the nation's prisons.

The fate of corrections rests squarely on the shoulders of correctional administrators and on the municipal, state and federal courts that oversee correctional institutions, procedures. They must work in accord to bring about needed change.

There is a notable absence of relevant dialogue within the profession regarding the possible enactment of long-term rehabilitative programs for correctional institutions. Discussion has been limited largely to examining "easy methods" of dealing with the troublesome inmates, and to drawing up plans for mass construction of small "community-based" institutions—to be built in "inner-cities" (meaning black ghettos) for the purpose of ridding white administrators of allegedly incorrigible militant black and Spanish-speaking inmates. The thinking behind the construction of such "community-based" facilities is that black and Latin inmates are "different" from white inmates and thus require different, more specialized handling than is possible in large, integrated institutions.

A *professional* preoccupation with "community-based" facilities' physical plants has resulted in neglect of procedures for selection of intelligent, experienced and concerned administrators. The designers seem preoccupied with building new human storage warehouses without regard to programs and administration.

This gross lack of concern for the human factor in corrections on the part of planners is largely responsible for the sorry state in which corrections finds itself.

The solution for corrections' dilemma certainly does not lie in "instant programs" or in costly and racially discriminatory redistribution of jail and prison populations. We need a new, tightly knit, professional organization made up solely of progressive *dedicated* and *committed* heads of jails and prisons. Such an organization should, as its major task, draft and implement long-range master plans for the uniform servicing of all inmates in the United States. Uniform standards of procedures are needed in education, vocational training, recreation, architectural designs of institutions and for medical, psychological and psychiatric care.

Prison sentences are becoming shorter and shorter. Judges are increasingly reluctant to hand down long-term sentences, except in cases involving the most heinous of crimes. Even in such cases, parole boards have not hesitated to send the criminal back into society after only a minimum time is served. This means correctional institutions do not have a great deal of time in which to do their rehabilitative work.

I contend that rehabilitative work—i.e., an intensive effort to change the criminal behavior of the inmate—must begin the minute the inmate arrives. Unfortunately, most correctional efforts currently are only directed toward the long-term prisoner who is vastly outnumbered by his short-term counterpart.

Consequently, the bulk of our jail and prison inmates are condemned to a period of idleness and boredom. They often become either the victims or perpetrators of inmate crimes and, as a result, become more alienated—not only from the law, but especially from the correctional system that keeps them confined. When their time has been served, they are turned loose on society as individuals whose attitudes in general are hostile and bitter. Such alienation invariably leads to new criminal involvement, frequently more intense and more vicious than the original crime.

Are rehabilitative efforts directed at short-term inmates a waste of time? We have dramatic evidence to the contrary.

The PACE (Programmed Activities for Correctional Education) Institute method presently constitutes my department's basic education and vocational training program. Through it, we demonstrate at Cook County that we can work effectively with inmates, whether they are sentenced to six days, six weeks, six months or six years. We don't need to have a man for 10 years to rehabilitate him.

PACE began as a pilot program in 1970 for a small number of our sentenced population. It now offers General Equivalency Diplomas (GED) for completion of elementary and secondary study, and certificates of hourly accomplishment in vocational training. Last June, we began to expand PACE for 100 per cent participation of all our sentenced inmates.

Prior to the program, the recidivist (returnee) rate of our sentenced inmates was nearly 70 per cent. Now the recidivist rate of those inmates enrolled in PACE courses is less than 15 per cent.

Yet, in the final analysis, even the finest program depends for its success on the caliber of the jail and prison staff.

The surest route to failure is the present haphazard recruitment of correctional personnel, characterized by a seemingly uncanny knack for selecting the inept, emotionally unstable, unintelligent, brutal and racist.

Too many persons are hired who have a conscious or unconscious need to control other people, or who have a personal ax to grind. These people are incapable of distinguishing between an individual's offense and the individual himself. In other words, they see only murderers, rapists and armed robbers, not human beings needing alternate avenues away from crime.

The key to meaningful reforms is the development of testing methods capable of weeding out those unfit for correctional staffs, while preventing the hiring of new misfits.

I sharply disagree with those who contend that the upgrading of jail and prison staffs can be accomplished simply by increasing salaries. Although an uncompromising advocate of adequate pay for prison and jail staffs, I also am acutely aware of the massive failure of higher salaries in bringing about an improvement in our police forces. Most police salaries have nearly doubled since 1960, but the quality of our cities' "finest" has remained alarmingly low—and in some cases it has even decreased.

We end up paying "our men in blue" more for doing a worse job.

I take particular issue with those individuals who are encouraging the indiscriminate appropriations of federal grants in the name of correctional reforms. We have just witnessed the spectacular failure of Office of Economic Opportunity funds to come to grips with the problem of poverty, and I predict a similar failure of federal grants in corrections if we refuse to learn from experience.

Lest we create another vast and wasteful bureaucratic apparatus in corrections, we must devise stringent guidelines to assure that federal funds will be applied to the improvement of prison conditions and prison programs rather than being squandered on bureaucrats. If we fail, taxpayer money at best will wind up in the hands of well-meaning, inept do-gooders or, at worst, in the pockets of slick, high-salaried administrators whose only interest in corrections is their monthly paycheck.

Either way, we will have come no closer toward dealing with the crisis in corrections, but dangerously near the point when our jails and prisons will become the breeding places for anarchy—not only within the prison walls but in society at large.

TRIBUTE TO ROSE KALITERNA

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. ANDERSON of California. Mr. Speaker, it was, indeed, Oregon's loss and San Pedro's gain, when, in 1928, Rose Kaliterna came to California to make her home. And now, for the many years of service to the community, her fellow citizens are paying homage to her on February 1, as the honoree of the San Pedro Lion's Sixth Annual Recognition Banquet.

This honor is a result of the dedicated, devoted community activity that has earned her the love and respect of all who know her.

Married for over 40 years to Vincent Kaliterna, a retired foreman for Starkist Foods, Mrs. Kaliterna has been active in civic, philanthropic, and club work in San Pedro since the late 1920's.

Since 1953, a charter member of the Peninsula Volunteers of the Needlework Guild of America, Rose is section president of that organization. Each year she has been responsible for collecting several hundred new garments and cash from San Pedro organizations in order to establish a "shoe fund." In October of each year, the garments and the cash are consolidated and distributed to those in need in the harbor area. As a result of this activity and the "Christmas for the needy" program on Christmas Day at the Ports 'O Call Restaurant, the less fortunate families of the area can enjoy the holiday season with new clothes and can provide a real Christmas for their children.

In addition to this work for the betterment of all in the community, Rose, for the past 5 years, has been responsible for supervising and helping to address 1,500 envelopes for the Foundation for the Junior Blind.

Mrs. Kaliterna, often referred to as "Mrs. San Pedro," has been President of the Women's Division of the San Pedro Chamber of Commerce for four terms, and has held practically every other executive office since becoming a charter member of that civic organization. In addition, she has served as a director on the board of the San Pedro Chamber of Commerce for several years.

For over 25 years, she has been a member of the San Pedro Coordinating Council. During this period, Rose has served in various capacities as an officer and chairman.

To bring top performing artists to San Pedro each year, Mrs. Kaliterna has been a key member of the San Pedro Community Concert Association, and today, she serves as the membership chairman of that organization.

She has been on the board of YWCA and has chaired various committees in this organization for a number of years. In addition, Mrs. Kaliterna has served on the board committee formed to select the name of Dodson Junior High School.

In order to establish and maintain recreational activities for the people of San Pedro, Rose serves on the longstanding committee to organize and plan the Peck Estate Fund.

As president for 20 terms of the Yugoslav Women's Club, Rose Kaliterna has helped promote fellowship and coordination with the many leading civic organizations in San Pedro.

She is an active member of the San Pedro Community Development Advisory Committee, and the San Pedro Claretian Guild.

In addition, Mrs. Kaliterna is a leader of the Town and Country Catholic Women's Club, an activity in which she has held all executive offices. This outstanding organization helps serve the Catholic maritime luncheon which is held each month at the Mary Star of the Sea Auditorium.

A volunteer "yellow bird" at the San Pedro and Peninsula Hospital for several years, Rose Kaliterna, in 1971, received the Honorary Service Award from the Lomita-San Pedro PTA in recognition of her many years of volunteer service in the harbor area.

Mr. Speaker, it gives me great pleasure to pay tribute to Mrs. Rose Kaliterna for her dedicated service to the people of the harbor area, and to call to the attention of the Congress, her years of active participation in building the community spirit that has made San Pedro such a vibrant area.

The selfless devotion of Mrs. Rose Kaliterna, and citizens like her, have created our country and represents the spirit of America and her people.

I would also like to mention the members of her family who have consistently given Rose the encouragement and support so vital to the continuation of her years of sacrifice and toil in behalf of the community. Of course, I have mentioned her husband, Vincent, who has given his unflagging support. Mrs. Kaliterna also has received the encouragement of her two sisters, Mrs. Margaret Rush and Mrs. Paul Bakotich, and her brother, Mr. John B. Avian. She is also the proud aunt and great-aunt of several nieces, nephews, grandnieces, and grandnephews who live in San Pedro.

WHY SOME SAY CHILDREN SHAN'T PRAY

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. BROYHILL of Virginia. Mr. Speaker, on May 17, 1972, I inserted in the CONGRESSIONAL RECORD an article written by my friend "Bill" W. H. M. Stover, for 17 years until 1962 sponsor of the Dale Carnegie courses in the Nation's Capital and nearby Virginia, West Virginia, and Maryland. The article was entitled "Why Can't They Pray."

Mr. Stover has now written a sequel to that article, "Why Some Say Children Shan't Pray," which I believe will be of interest to all who read the RECORD. I, therefore, insert it at this point in the CONGRESSIONAL RECORD.

WHY SOME SAY CHILDREN SHAN'T PRAY

Not everyone who opposes a prayer amendment, or any form of corrective legislation to restore the right to pray, or not to pray and/or to read the Bible in public schools is necessarily sinister, or evil, or anti-God.

This is a fact which some are prone to forget. So let us admit that all persons holding such views are not devils. Some are merely confused. Many are apathetic. Some are non-thinkers who depend on others for leadership, often unwisely. And unfortunately, some are just narrow-minded, or prejudiced, or both. These often reflect an inheritance of old concepts, long outdated. But, some have honest misgivings.

Many are prone to take their cue from crusading clergy or professional Church Council employees, who often display more of politics than religion. Others merely reflect the favored political viewpoint of the moment. And still others don't want to become involved—especially not in anything of a religious nature.

However, sad to say, it is this group of misguided, God fearing people, who have frustrated and defeated every effort made thus far to restore to little children their inherent right to pray, or not to pray and/or to read the Holy Bible in school. With such religious friends the prayer cause needs few other enemies.

Intelligent, religious people are not too seriously concerned over the opposition of atheists, infidels, criminals, or other hell-raisers—even Communists. The world has come to expect them to oppose anything that is right. With the united efforts of the good people in America we can easily deal with those elements that attack from without. But, what really hurts our cause is to have termites, no matter how nobly motivated, constantly boring from within.

Apathy is at the root of much of our lack of support. Many good people believe—but—but, they say, We agree—but—but. They explain it is un-Christian to become involved in any religious controversy.

So, they sit suppinely on their—buts while more loquacious and less inhibited crusaders take over. Often they belong to that large captive audience, who Sunday after Sunday get brain-washed with the prejudiced views of the speaker who only too often sings the political concepts to some Church Council tune.

Non-thinkers pose a real problem. Some of the reasons given for opposing, by otherwise intelligent individuals of position, are so preposterous and ridiculously asinine as to be almost unbelievable. Some of these are later discussed.

If you are a religious person—and after ten years of endless confusion—do not favor any effort to restore prayer and the Bible to public schools, why not? Subject your answer to the test of logic. Have you just accepted unchallenged, the view expressed by someone you respect? He could be wrong, you know. Or, have you accepted some nebulous written opinion, without proper reflection? Now is the time to reassess your position, and, hopefully, to change.

Here are some positions taken against, by important public figures. Some in arrogance. Some by unfortunate prejudice. Some have just fallen prey to foolish, wishful thinking. Enough details are being documented here so that any may check and know the accuracy of any statement.

Here is an example of arrogance personified. The Chairman of the House Judiciary Committee held hundreds of amendments and other prayer legislation bottled up in his committee for years. Finally, the Wylie Amendment signed by over 200 disgusted Members of the House and by discharge petition was forced to the floor for vote. And, it is claimed, that one of his staff members, on the payroll of another opposed congressman, fought the measure behind the scenes lobbying against it—unlawfully.

Furthermore, the Chairman was so biased that he was repeatedly accused of freely admitting opposition testimony and burying favorable testimony in his files. That happened to by own 5 pages of testimony entitled, "A Dozen Fuzzy Fallacies About the Becker Amendment," submitted on 5/24/64.

On 6/8/64 the Chairman wrote me saying, "I am anxious that the record of hearings be not unduly voluminous . . . Your letter and attachments have been placed in the file." Incidentally, that veteran Congressman was retired by his own Democratic party in the '72 primaries.

Here is one case of reported bigotry. A Republican Protestant Member of the House bragged that he led his party forces in opposition to the Wylie Amendment. But to a crony who talked he is said to have confided that his real opposition was his fear of Catholicism. If true which knowing the man I doubt, this would be prejudice and bigotry at its worst and wholly unwarranted.

Such a theory, is non-religious nonsense. It is suggested that religious prejudice seldom springs from religion, but rather from a lack of religion. Incidentally, this Member too, was retired by the voters in the November '72 election.

Wishful thinking is one of the most insidiously dangerous reasons causing opposition. One friend, a fine Christian Congressman, for years spoke in favor of corrective legislation. Then suddenly he switched and voted against the Wylie Amendment.

Asked for his reason for the switch, he said, "Every school that I visited this year had prayer and Bible reading at the opening exercises. So, I've concluded that no legislation is necessary." What he unwittingly was saying was, that schools he visited have not yet been caught bootlegging religion and estopped by Court action—as has N.Y., Pa. and Md.

One leader in the Senate frankly admits that he led the opposition to the amendment sponsored so seriously by the late Senator Everett Dirksen. He is a distinguished churchman and jurist, with a long record of commendable public service, in the Senate and elsewhere.

Yet in 1966 he said, "I don't believe the Supreme Court decision on prayer should be reversed." Asked why? he gives these reasons:

(1) "The First Amendment to the Constitution was written . . . to establish a wall of separation of church and state." Here we are right back again to that chestnut. The question arises, Is it concern for the Constitution? Or, could it be that long-standing druthers have a bearing?

(2) My next question of the Senator is, Isn't a Constitutional Amendment the very correction process provided in that document itself? And wasn't provision made therein for this very kind of change, whereby the people thru the democratic process might effect needed change?

(3) Then the Senator theorized that, "A Constitutional Amendment . . . will likely result in compulsory praying." But, why should it? Can anyone seriously conceive of compulsory prayer? We can't even compel hoodlums to obey the laws of the land—nor even the little children. Does anyone know of any case of compulsory prayer PRIOR to the 1962 Court booboo?

(4) The Senator further says, "I don't believe the Court prayer decision . . . prohibits voluntary prayer on an (individual) basis. This (right) already exists." Why all the emphasis on Voluntary and Individual Rights? Surely the good Senator doesn't mean to say that group school prayer should be outlawed? Or, does he? Do you think it should? Or, the Bible be barred from classroom reading? Think about that a bit. If the Senator believed that in 1966 at the time he spoke, does he still hold that view today? I doubt it seriously and hopefully, for his is a strong voice in the Senate and America.

(5) Furthermore, many would not at all agree that the Court decision doesn't prohibit . . . prayers." Of course, the Court didn't say in so many words, thou shall not pray. But the result is the same.

Prayer and the Bible, in schools all across America, as the Senator well knows, either have already been excluded, else are in the process of being excluded—either directly—or indirectly as a by-product of the Court's unfortunate, erroneous decisions of 1962 and since. Certainly they have been excluded in N.Y., Pa. and Md.

Now with the approach of the 1972 Christmas season, in nearby Prince Georges County of Maryland the school superintendent has ruled out religious Yule music for all school exercises. Even *the Messiah*, a Handel oratorio has been barred from Christmas school programs. What further doubt can an intelligent person now have of the need for corrective legislation? (6) At my recent request the Senator kindly sent me a copy of his Senate speech of 8/7/66, with 23 pages of documentation which had been extended into the Congressional Record. In this material was quoted a 130 year old article, advocating a concept which surely the Senator in his wisdom, would not today condone.

The article endorsed more recently by a well known columnist reasoned that, "Disturbing an issue that has been laid to rest for 3 years" was somehow wrong. And the late Senator Dirksen was being chided for "not leaving well enough alone."

Both the columnist and the Senator failed to tell us how they could rationalize this view with the 1962 action taken by 5 of 9 Members of the Supreme Court, in which a wholly new and radical re-interpretation was made on prayer—after a case had been laid to rest for more than a century and a half—without doing violence to the First Amendment or church-state separatism. Nor did either site any case where anyone in those 150 years and ever been compelled to pray—in school.

(7) In another documentation used as authority, the statement is made that "The very purpose of the Bill of Rights was to withdraw certain subjects and place them beyond the reach of majorities . . . and establish . . . freedom of worship . . . and other fundamental rights" . . . (which) "may *not* be submitted to vote: They depend on the outcome of no elections."

What is being said here is that, a few men, years ago, set down an infallible document—in the Bill of Rights, which may not be questioned, amended, or changed. Even if a majority of 80% of the people wish a change made, the document must stand forever, as written, and interpreted—or re-interpreted by 5 of 9 misguided men—as was done in 1962. Do you accept that concept? Frankly, I do not.

Then the Senator closed his speech saying, "I close with the prayer that the Senate will do exactly that and no more." In other words the prayer issue, under this ill logic, is beyond the reach of 80% of the voters—because the voting people are too dumb to be entrusted with their Constitutional right to determine under what conditions their children shall be educated. Voters challenge and resent this.

These apparently were Senator Sam Ervin's views in 1966. In light of more recent developments, he has no doubt, made many reassessments. He is a man of unquestioned integrity who would not—and I predict—will not hesitate to change, once convinced he has been mistaken. Looking toward 1974 it might very well be proper that he reassess his stance on the prayer and Bible issue. Should he change, we would welcome his support.

Following defeat of the Wylie Amendment, one Congressman asked, "Why were the chief executioners of school prayer the very men who claim to speak for the churches of America?" He said, "This amendment was scuttled by an hysterical lobbying campaign of church groups. They put on one of the best orchestrated lobby jobs I've ever seen."

Said another, "They have become so concerned with secular and political goals as to forget the purpose for which they are supposed to exist—to acknowledge and serve God."

Said one Catholic Congressman, "A 5 man executive committee testified against the Amendment, presuming to speak for 300 Bishops and the entire Catholic Church in the U.S., whose views were not even sought out in advance."

And when 2 Protestant clergymen took a position against—(One a staff member from the Nat'l. Council of Churches—the other on the staff of the American Baptist Convention) they testified against the Becker Amendment, falsely claiming to represent 40 million Protestants. Here again, no prior poll had ever been taken of either clergy or church members.

Furthermore, if the testimony of Monsignor Fulton J. Sheen and Dr. Billy Graham, each speaking for himself only, was correct that 85% of the people wanted prayer restored to the classroom, then the 2 Protestant Reverends misrepresented 34 million Protestants in their testimony.

Aside from the legitimate concern to preserve state-church separation and do no violence to the First Amendment, there are 3 bits of phony flack that needs to be watched and rated on its merits—or lack.

(1) First, not all high sounding organizations with such names in their titles are necessarily legitimate. These terms often are used as a smoke screen by atheists, infidels and fellow-travelers operating either as individuals or with an organization front. Beware of accepting at face value these wolves in sheep's clothing.

(2) Then there are those zealots who rate the First Amendment above the First Commandment. Do not be deceived by such unrealism.

(3) The third group are those narrow minded persons who see a boogy man behind each bush, with Protestants looking askance at Catholics and vice versa. Both views are equally obnoxious.

How unrealistic can intelligent, well meaning people get? Fifty to 100 years ago some of these fears were undoubtedly valid. But today such views are unwarranted. Baptists in N.C. and Va. no longer suffer persecution. Mormons no longer are harassed. And Boston witch hunting died with the last century. So why live in the past?

It is absolute demagoguery to assert, or even imply that separation of church and state under the First Amendment means, that in order to comply, the States and the Courts must toss out God and prayer and religion and the Bible from public life.

In writing his opinion, the late Mr. Justice Black (one of the 5) said, "No tax in any amount can be levied to support any religious activity to teach or practice religion." And so saying, he voted to outlaw prayer and the Bible from public schools.

Justice Douglas in his written findings contradicted himself, when he wrote, "As far as interference with the free exercise of religion . . . (and the establishment of religion) are concerned, the separation must be complete and unequivocal." We couldn't agree more. So, why does this confused Justice join with 4 others to "interfere with the free exercise of religion"?

Why did these 5 of 9 mortal men, after more than a century and a half feel the First Amendment had to be re-interpreted by them for 200 million citizens? Why did Justice Douglas and the 4 wrongfully bar prayer and the Bible, God and religion from public schools—and at the same time call for—no interference with the free exercise of religion? Does that make sense to you?

Or, do many of the reasons given for all this confusion appear logical to you? If not—you can help set the record straight—by joining hand and head with those who now undertake to do so.

Every man has a right to his own views. And we respect those views. In a true democracy it shouldn't be otherwise. We will willingly do no injustice or hurt to any, unprovoked. However, it is our plan, tentatively, to raise funds for 3 purposes, namely:

(1) To finance this fight to a successful conclusion.

(2) To help re-elect those Members of the Congress, who consistently stick out their necks to sponsor with us this cause.

(3) To help defeat at the polls in '74, with every thing legitimately at our command, those who oppose this just cause, side-step, make excuses or fail to vote.

It has been proposed that the following procedure be strictly followed in the future.

(1) For every bill board erected in 1972, erect 20 in 1974. And this time in the district of every Member who has opposed our efforts—Regardless.

(2) For every letter written in '72, 1000 would be written in '74.

(3) For every speaker in '72, there would be 100 in '74.

All Legislators should be aware that, so long as prayer and the Bible are excluded from school life, they are by their inaction helping exclude God and religion from the upcoming generation—and are telling the whole wide world that this is so.

But worse, for 10 long years, adults have been saying to the young minds of America—These Things Are Taboo—Kaput—and Not For You." We've been telling them for 10 years that "It's all right to fill your minds with thoughts of sex and perversion, pornography and vulgarity and smut; with drugs and politics, polluted morality and permissiveness, riot, rape mobocracy, rebellion and Communism. But, nix on God and religion, prayer and—the Holy Bible.

Therefore, in conclusion we affirm, if no prayer is ever again said in any public school; nor Bible ever again read to, or by children; we would and do still insist upon the right of every child, anywhere in America, to pray or not to pray as he may choose; and to read the Holy Bible at any time, in any place, he may so desire. For this still is America—the land of the free and the home of the brave.

May the God who watches over us all, richly bless this Nation and this great people and you. Selah!

BOB SIKES IS HONORED FOR HIS FORESTRY SERVICE

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. FUQUA. Mr. Speaker, on October 25 last year, at the National Tree Planting Conference in New Orleans, Senator JOHN STENNIS and Congressman BOB SIKES were presented the Distinguished Service Award in Conservation by The American Forestry Association. Congressman SIKES has long been a champion of forestry and conservation and the award is richly deserved. He continues his strong leadership in behalf of forestry incentives legislation that he sponsored in the 92d Congress.

The American Forestry Association is to be congratulated on calling this first National Tree Planting Conference that honored Congressman SIKES. The conference resulted in a rededication of Federal, State, and private forest interests to tree planting throughout the Nation. Actual commitments of 40 million acres to be planted in the next 10 years were made. If we are to meet future needs for forest products as well as other uses and benefits forests can provide, it is important that idle acres be reforested promptly. Private, nonindustrial lands, which comprise nearly 60 percent of all our forests, will not be reforested and managed without government help. Tree planting is one vital step, but additional incentives will be needed.

Congressman Sikes spoke out strongly in behalf of forestry incentives when he addressed the conference in New Orleans.

A summary of the National Tree Planting Conference appears in the January issue of American Forests under the title "Accent on Incentives" by James B. Craig.

Mr. Speaker, I insert the article in the Record at this point.

The article is as follows:

ACCENT ON INCENTIVES

(By James B. Craig)

Can America plant enough trees in the next decade to meet the environmental and forest products needs of a growing population? Of course, it can. And it will. Nobody who attended the National Tree Planting Conference in New Orleans has any doubts about that.

Sponsored by The American Forestry Association and nearly 50 allied organizations, the conference was a swinger from the opening kickoff when the band struck up and the State Foresters and Girl Scouts came marching in.

Mark Evans, TV notable, was the star in the kickoff Tree Planting and Arbor Day Pageant at the Rivergate Auditorium that featured our State Foresters and 40 Girl Scouts as directed by Impressario William W. Bergoffen. Each State Forester was handed a tree planting tool by a Girl Scout which he deposited in the appropriate state slot on a long rack while the Eight Naval District Band played his state song and two screens flashed his state tree and official emblem. On the final day the State Foresters retrieved their tools and made their tree planting pledges for the next decade. So did representatives of the federal government and industry.

AFA's official campaign song, "Plant A Tree", was introduced by Television Star Paul Ott. People were soon whistling the catchy tune all over the Rivergate and New Orleans.

It's "Tree Time-USA" in America.

State Foresters pledged they will plant 20 million acres in the next decade, the federal government 10 million, and forest industry 10 million. Total so far 40 million acres.

Is it enough? No, but it's a start. Not all the returns are in yet. Five million small woodland owners must be brought fully into the picture. Suburban and urban tree planting needs are not yet sufficiently nailed down. But the total will grow as a strong national campaign and equally strong state programs develop simultaneously. AFA Forester Richard Pardo has been named to head up the national program for the association. Some states are already on the move.

Is enough nursery stock in view? No, not yet, and action is needed. According to John Beale, Deputy Secretary of Wisconsin's Department of Natural Resources, projected state and industry nursery production in the next decade of 12 billion trees will fall short of actual need. It will probably be necessary to amend Section 4 of the Clarke-McNary Act to expand existing public nursery facilities. These needs must be quadrupled. Private nurseries were represented at New Orleans and can also mount a tremendous effort.

As some are not pointing out, big IF's must be overcome if the biggest ten-year Arbor Day in history is to be a success. But with thought-molders of all ages participating at New Orleans, a groundswell of action began that will spread to the states. The pattern of the first Southern Forest Fire Prevention Campaign is about to repeat itself.

"I have a dream—do you?" declared Frederick McClure, president of the Future Farmers of America, of Texas, as he outlined his hopes for a greener America. His dream is shared by everyone who attended the conference. Equally appealing to the 700 participants were the tree planting exhortations by Edwin Richard Yarbrough, of Ohio, representing the Boy Scouts of America, and Martha Jo Harrison, of Mississippi, 4-H Club national conservation record book winner.

Congress has already given the Trees for People and Tree Planting programs a big boost by enacting five bills in recent months to aid the effort. One big one still remains—incentives for woodland owners to bring them fully into the tree planting and forest management act—and Senator John C. Stennis, of Mississippi, and Rep. Robert L. F. Sikes, of Florida, pledged at New Orleans that they will reintroduce the bill in the new Congress and see it through. The audience gave them a rousing ovation. The AFA conferred its Distinguished Service Award on both, both have supported every important forestry measure in recent years. Sikes masterminded the quintet of bills enacted last year. Probably no man in the country has done more for forest research than Stennis.

Backing them up was Rep. Wendell Wyatt, of Oregon, who failed to make New Orleans due to weather but who sent his support via a special telephone hookup. Governor Robert Walter Scott, of North Carolina, and a tree farmer in his own right, came to New Orleans to support the tree planting program. So did a number of elected state officials from many other states. All pledged they will go home and start the tree planting ball rolling.

Citing that the need for forest products will double in the next 30 years, Senator Stennis called for enactment of the Forestry Incentives Bill to produce production of timber on small, privately-owned tracts and urged increased financial support for the McIntyre-Stennis Cooperative Forestry Program a 10-year-old effort to improve methods of protecting and developing the nation's woodlands. Goal is a series of orderly annual fund increases aimed at bringing the program to a level of about $10 million a year, Senator Stennis said. Senator Stennis cited his colleague, Rep. Sikes, who sponsored the incentives bill in the House and said he "worked like a Trojan." Unfortunately, "termites" got into the House Bill, Stennis said, adding that next year will be different. Both Stennis and Sikes praised the work of AFA's Ken Pomeroy, with the former asking Pomeroy to "stand up to be recognized."

Rep. Sikes said "The public needs to understand better the nation's wood needs, the ABC's of renewable resource management of forest lands."

Forestry legislation in which Mr. Sikes has played a major role are P.L. 92–288, for Cooperative Forest Fire Protective, Cooperative forest management and Urban and Environmental Forestry; P.L. 92–421, for National Forest reforestation; and the Rural Development Bill.

The Forestry Incentives Bill passed the Senate but failed in the House, but Mr. Sikes says, "I feel that we have made progress which can insure success in the next Congress."

Under Secretary of Agriculture J. Phil Campbell and Forest Service Chief John R. McGuire were on hand to urge full cooperation in making the tree planting program a reality. The Forest Service plans to plant five million acres in the next decade. The Soil Conservation Service pledged to plant a million.

Women were particularly active at New Orleans. No newcomer to the drive to take forestry to suburban and urban areas in Mrs. Kermit V. Haugan, president of the General Federation of Women's Clubs. They started it and she outlined a long list of achievements Mrs. Howard S. Kittel, first vice president of the National Council of State Garden Clubs, electrified her audience with her exhortations to *move* on tree planting needs and was interrupted repeatedly by bursts of applause.

Another militant activist who reached the audience was Wayne Dickson, of the American Association of Nurserymen, who stressed the need for a major communications effort. "Trees are our product but communications is our business," he said. "We have to go to the people where the people are, with the right message in the way they understand. We must also *listen*. We must be constructive managers of change."

Teachers were out in force at New Orleans and hundreds of students examined the superb exhibits and stripper the press room and other outlets of tree planting literature including a thousand special AFA packets. Dean of the group was Miss Viola M. Walker, 80, of 4619 Iberville Street, New Orleans, a teacher for 43 year in New Orleans elementary and high schools. She took notes on speakers and participated in a special tree planting event on the site of Perseverence Hall in the new Louis Armstrong Park.

Perhaps nowhere is the planting fever more pronounced than in the South. The eleven Southeastern states alone plan to plant 14 million acres to trees in rural areas and mount a major effort in urban areas. Some states, such as Georgia, have strong and growing metro forestry programs. According to the Third Forest projections the South must achieve a 70 percent increase in softwood growth and 40 percent more hardwood. As Robert M. Nonnemacher, of the International Paper Company, Mobile, announced, "Foresters are . . . born optimists. Of course, we'll have the trees. Economists and others have forecast a timber famine for at least 50 years and we've always ruined their predictions." But more attention must be given to utilization and the forest land tax situation must be squarely faced, he said.

Like some speakers at the recent World Congress in Buenos Aires, George Weyerhaeuser, president, Weyerhaeuser Company, saw proper allocation of public lands as a basic issue. Also prompt regeneration of forest lands: "We simply cannot longer afford a policy of benign neglect toward that portion of our forest land base . . . best suited for the commercial production of timber." And it must be done fairly, he said. (See page 20).

The story of forests and forestry in the United States "has not been dull," said Dr. Joseph L. Fisher, president, Resources for the Future, and an AFA Director. "Responses to new situations have been dynamic even though in earlier years frequently exploitive both of the environment and people. The responses that will be called for in the future are likely to be quite the opposite of exploitive and characterized by a heightened sense of social and environmental responsibility. I am sure The American Forestry Association will be taking the lead along this path and will be searching for ways to merge environmental improvement with the other factors that go into forest policy and management".

Citing that too quick a plunge into facts and estimates about wood demands in 2000 will mean "too little attention to other aspects of forests that people will regard as more and more important", Dr. Fisher posed the question, "What will Americans want from their forests in the future?"

He outlined three key "wants."

1. They will want a variety of forest products, of course, in changing amounts as time goes on, for their houses, newspapers, furniture, and so forth. They will want these items to be as cheap as possible, of good quality, and reliably available. In addition, Americans, and people in other countries too, will want outdoor recreation that forests offer for camping, hiking, fishing, hunting, photography, painting, and simply being there. And they will want wilderness areas where nobody is, or almost nobody. Soil and water conservation to which good forestry can contribute will be required. Increasingly, people will realize that trees figure in the abatement of pollution: they restore oxygen to the atmosphere; they can shield nec-

essary ugliness such as auto graveyards from view; they absorb noise; they shade the summer sun and color the autumn season.

2. Americans want assurance that wise and acceptable decisions can be reached regarding forests, private decisions as well as governmental ones. The public, at least those who are concerned (and there are many such), wants to be heard at appropriate times and to have some influence on what is decided. Participation in corporation decisions by checking two or three boxes on a proxy form once a year and mailing it in will not be enough; nor will a five-minute presentation at a pro forma public hearing staged by a government agency suffice. More and more people are demanding the chance genuinely to be heard; they crave the dignity that goes with having a voice in what happens to them and things they care about like forests.

3. Finally, Americans want a general understanding that forests and trees will continue forever to be a major part of the American landscape and culture. This feeling, I believe, comes straight out of the hearts and bones of people; it does not arise from any appraisal of future technology or projection of demand and supply. Each person wants for himself and for future generations the opportunity for forest experiences in all the regions where nature makes them possible. These experiences do not have to occur in the wilderness; a maple tree in the backyard or a grove in the park may do as well. The point is that where trees will grow, there should be some trees; otherwise the nature of the place will be denied and, to use Rene Dubos' term, its "genius" will be lost. Certain of our future forest requirements, therefore, are tangible and can be expressed in board-feet while others are intangible and elude expression except perhaps by poets and artists. Forests henceforth, in my opinion, will be expected to contribute to the dynamic totality of American life and their owners will be expected to manage them accordingly.

Dr. Fisher's accent on environmental concern in forest and tree planting enterprises was re-echoed by Tom Kimball, executive vice president of the National Wildlife Federation, who castigated what he called "sawdust forestry" and expressed concern about pine tree monoculture in the South without due regard for hardwoods and "edge" for wildlife.

A sampling of other pertinent comments follow:

William J. Lucas, Regional Forester, Forest Service, USDA, Denver, Colorado and Member of the Board of Trustees of the Arbor Day Foundation:

"While we reap the benefit of trees planted on the first Arbor Day a hundred years ago, we must cultivate the kind of farsighted vision that was J. Sterling Morton's . . . Tree planting decisions and actions implemented by this generation will be felt throughout the Twenty-first Century.

"Today, Arbor Day, with new significance, is a positive answer to Twentieth Century man's ecological and environmental problems . . . "Trees For People', AFA's Task Force for better forestry on private, nonindustrial forest lands, says it all. Now, let's go public and gain their dedication and make this theme a by-word in America." The Arbor Day Foundation, whose concepts and objectives are closely knit with those of The American Forestry Association, "pledges its wholehearted support to your goal of planting 'Trees For People.' "

Bruce Zobel, Professor of Forest Genetics. School of Forest Resources, North Carolina State University:

"Nature has produced much variability in our forest trees; our job is to locate and use it. Progress has been spectacular in developing strains that are faster growing, are disease resistant, have better wood and are of better form. We can now grow trees on sites where they formerly wouldn't survive . . . a great opportunity lies in breeding trees to overcome special problems in urban environments. It is not an easy task to find and breed fume-resistant strains, as well as overcoming public reluctance to spend the energy and finances to help correct adverse urban conditions."

Harry E. Murphy, Association of Consulting Foresters, and President, Resource Operations, Inc., Birmingham, Alabama had the last word:

"Trees will grow practically anywhere there is a little care. Areas of lands that seemed impossible for growing trees are now being planted, such as the spoil banks from mining operations. We can no longer afford idle and lazy acres in this nation."

PANAFLEX—A PINNACLE ACHIEVEMENT

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. REES. Mr. Speaker, California owes a great deal to the motion picture industry. The making of motion pictures, however, involves a great many people behind the scenes whose contributions to this great industry often go unrecognized.

I have recently learned of one organization which has made unusual contributions to the motion picture industry. I am referring to Panavision, Inc., and its dedicated and dynamic president, Robert Gottschalk. Mr. Gottschalk and his company have been responsible for many of the startling, often revolutionary developments in the field of lenses and cameras that have made it possible to film some of the most intricate and most famous sequences in motion pictures.

Mr. Gottschalk has just introduced the most revolutionary camera ever to be used in the industry: a totally silent, hand-held reflex camera, weighing less than 25 pounds, and capable of converting, in less than 60 seconds, into a full studio camera. With this piece of equipment, the cameraman and director can go anywhere and film anything the eye can see.

The new wave of film directors insists on realism. They have been hampered by equipment that often does not allow them to film their subjects in their natural states. Noise is a major problem. Often, in a tight situation, a director has been forced to film the scene and then return to the studio to put on a sound track. With this new camera, he can do everything at one time, saving money and time on the project.

Called the Panaflex, this camera is the pinnacle achievement of Panavision, a company which has been known for its achievements in the past. Robert Gottschalk has been given six Academy Awards for technical improvements over the years and is the only non-British person ever to be given the British Society of Cinematographers Award.

Panavision has been used on more than 1,000 films, among them such classics as "Lawrence of Arabia," "Ben Hur," and others of similar stature. I am pleased to be able to call this company and its leader to your attention.

TARGET: 40 MILLION ACRES OF TREES

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. SIKES. Mr. Speaker, an editorial in the January issue of American Forests magazine tells of the dramatic accomplishments and goals of the National Tree Planting Conference in New Orleans.

The results of this outstanding meeting in which thousands participated will be far-reaching in that pledges were given for the planting of 40 million acres of trees. The editorial report of this conference should inspire every American who loves our forest lands and who wants to see our forests, not only protected, but enlarged.

I commend this editorial to my colleagues and hereby insert the complete text into the RECORD so that all America can share in this exciting project:

TARGET: 40 MILLION ACRES OF TREES

Trees are the cradle when you are born
Trees are the plow that tills your corn
The threshold over which to carry your bride
The table where she sits by your side
The warmth of the hearth on a cold winter
eve
Trees are a gift of God, I believe
Trees are the beds in which you lie
They are the coffins when you die.

Plant a tree and watch it grow
Plant a tree and watch it grow
Time may come and time may go
But that tree will grow and grow.

(From "Plant A Tree", an original ballad written for AFA by Paul Robertson and Alberta Futch. Copyright 1972.)

(By William E. Towell)

More than one tear was shed by an emotion-filled audience as Paul Ott sang this last verse and chorus of our original ballad, "Plant A Tree", to conclude the National Tree Planting Conference in New Orleans. It was a dramatic climax to an inspiring meeting—one that will long be remembered by those who were there.

But the Tree Planting Conference was more than emotion and pageantry. As the roll of states was called, each Forester came forward to the center microphone and pledged his state to tree-planting action for the next decade.

"Alabama, the 'Yellow Hammer' state, pledges 1½ million acres of trees to be planted during the next ten years," said State Forester Bill Moody. "Florida, the 'Sunshine State' will plant three million acres," pledged John Bethea. "Georgia, 3,030,000 acres," said Ray Shirley topping them all.

Not all states could equal the planting opportunities of the South, however, but the cumulative totals soon became impressive. Illinois—85,000 acres, Louisiana—2 million acres, Missouri—110,000, Pennsylvania- 250,000, Virginia—850,000, and, finally, Wyoming—31,500 acres. It all added up to a total 20 million acres of trees to be planted by the 50 states in the next decade.

Then came the federal agencies—the Forest Service, the Department of Defense, and Bureau of Land Management, the Park Service, Bureau of Sport Fisheries and Wildlife, and others. And, finally, Bill Ganser, representing the Forest Industries Council, pledged for industry one million acres each year for the next 10 years to bring the grand total up to 40 million acres.

Forty million acres represents a lot of forest. It's about the same area as all of the New England states combined. It's more land than Arkansas, or Iowa, or Michigan or New York and amounts to about eight percent of all commercial forest lands in the United States. Ambitious as it may appear, however, it still falls short of the estimated 75 million acres that have been judged in need of planting. But it represents a big step forward and, hopefully, a trend that will grow and grow like the planted tree in Paul Ott's beautiful song.

The National Tree Planting Conference in New Orleans was only a beginning. It launched "Tree Time USA", a decade of tree-planting promotion to be spearheaded by The American Forestry Association. It will involve not only the states, the federal government and industry, but all Americans who recognize the importance of trees for a better environment. National and local conservation groups will be asked to join this tree-planting effort. Service clubs, women's organizations, youth groups, and farm clubs all will participate. Through "Tree Time USA" we hope to focus national attention on this vital conservation activity.

Trees will be planted for all benefits and uses, not only for forest production but also for our urban areas. The individual tree to be planted on a city lot will be just as important as the new forest. Landscaping, esthetics, shelterbelts, wildlife and watershed protection will be given equal status with the production of sawlogs and pulpwood. Tree planting will be promoted for all beneficial influences, wherever they may be needed. Through "Tree Time USA" we hope to lead America to a greater appreciation of trees, to develop tree-planting projects and activities that will make this land a better place in which to live. Tree planting is one contribution that every individual can make for a better environment. If participation is the key to appreciation, then here is the opportunity for every American to learn through doing and to improve his own environment in the process.

"Tree Time USA" is here to stay. We invite all AFA members and friends to join us. Forty million acres represents a lot of trees. Won't you help us reach our goal?

You can help by writing your state forester or county extension agent and letting them know you are behind them. Ask your congressmen both on the state and national level to support your state forestry department. AFA forester Richard Pardo is in charge of coordinating the national tree planting effort. Get in touch with him and he will let you know what is going on in your particular area, and how you can help.

TRIBUTE TO JAMES V. SMITH

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. JOHNSON of California. Mr. Speaker, we will all be losing a valued friend and former colleague, when Jim Smith returns to his native Oklahoma.

I have known and admired Jim since 1966 when he first came to Congress. He brought an outstanding background to the House of Representatives, with experience in farming and business. Jim is a true farmer who has been active on the farm and in farm related activities since his school days.

As head of the Farmers Home Administration, Jim Smith proved himself to be an excellent administrator willing to take on the tremendous task of revitalizing rural America. He showed his confidence in this important segment of our society. Under his leadership, the Farmers Home Administration has nearly tripled its loan volume, up to nearly $9 billion outstanding. This program greatly assists American agriculture and thereby benefits our rural communities.

From his activities in the "Build our American Communities" program, Jim has developed the respect and admiration of not only the young people of rural America, but of all generations.

A fine gentleman and dedicated public servant, Jim Smith will be sorely missed by those of us that have had the privilege and pleasure to know and work with him in Washington.

INADEQUACIES OF PRESENT POSTAL SERVICE

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. ASPIN. Mr. Speaker, I recently received a letter from one of my constituents regarding the distressing inadequacies of our present postal service. The letter illustrates problems which are common to all of us. Efficient postal service is vital to us all and I am hopeful that measures can be taken to improve this important service. I submit my constituent's letter as one example of the problems encountered with our present postal service:

CONCO MIDWEST, INC.
Racine, Wis., December 27, 1972.

Postmaster General E. T. KLASSEN,
Washington, D.C.

DEAR MR. KLASSEN: I feel compelled to write to you as a concerned citizen and businessman regarding our very sick and rapidly deteriorating postal service.

While our postal rates have risen over the past three or four years at an astounding rate, the service has degenerated to an all-time low. My concern involves more than personal irritation, it has caused us undue inconvenience, embarrassment and expense in the conduct of our small business operations.

I point out some specific recent examples. We do considerable business in the Detroit area so we have considerable correspondence with our clients in that area. Three or four years ago we normally had one to two days delivery on first class mail. More recently it has required as much as a week for the same mail to reach Detroit, even when sent air mail.

On October 30, 1972, we sent our weekly payroll checks by air mail to our superintendent at Dearborn, Michigan. When the envelope did not arrive after five days we requested our local post office to trace it. We were told we could not initiate a request for a tracer for at least fifteen days. Obviously our men could not wait that long for their paychecks so we had to stop payment on the checks and issue new ones. Exactly eighteen days later, would you believe it—the envelope containing our original checks were delivered to our consignee at Dearborn!

On another occasion we sent some urgently needed parts by parcel post to the same address. Ten days passed and, when the package had still not been received, we requested our post office to initiate a tracer. We were told that postal regulations required a waiting period of thirty days on regular parcel post shipments!

I ask you Mr. Klassen, is this the kind of postal service we are going to have to accept in a country that is able to send men to the moon in less time than it takes to send a letter to Detroit, or to New York, or even crosstown?

I know I speak for millions of Americans who have become completely disgruntled with our postal service and I believe it is time for people to do something about it. As a result I am submitting copies of this letter to the news services hoping it will be published in the news media throughout the country to motivate a united action by our senators and representatives in Congress to bring about necessary changes in a postal system that was once worthy of its adopted slogan—"Neither snow nor rain nor heat nor gloom of night stays these couriers from the swift completion of their appointed rounds."

If you feel inclined to respond, Mr. Klassen, I'll wait patiently for the mail.

Very truly yours,
CLYDE R. KLICPERA, *President.*

NEW FDA LABELING PROGRAM IS A CASE OF DECEPTIVE PACKAGING

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. ROSENTHAL. Mr. Speaker, the 12-part food labeling program announced today by the Food and Drug Administration is a case of deceptive packaging. The FDA promises far more than it is able or even willing to deliver.

This is another example of how the FDA pays lipservice to consumer needs but bows to industry pressures in the end. Take away the Madison Avenue window dressing and pious rhetoric and you will find still another example of this administration's probusiness, anticonsumer biases. We are tired of receiving crumbs, no matter how they are labeled or how "nutritional" they are supposed to be. This program is built on the quicksand of those two often-discredited concepts: Voluntary compliance and self-regulation. It has no teeth, no incentive and no guts.

I am encouraged that the FDA is thinking about these problems but the solutions it proposes are inadequate. If the FDA truly believes these new programs are necessary, then it should make them mandatory.

The two major proposals—for nutritional labeling and labeling for cholesterol, fats, and fatty acids—are essentially voluntary in nature for most food products when they should be mandatory. In fact, one of the conditions established as requiring mandatory nutritional labeling—when nutritional claims are made in labeling or advertising of a product—might discourage rather than encourage such claims in order to avoid the FDA labeling requirements.

There should be no loopholes; this type of labeling should be mandatory. That is why I have introduced legislation to do just that—H.R. 1652, the Nutritional Labeling Act.

FDA disclaims authority to require the full ingredient labeling of all food products—including standardized foods—though it professes to desire that authority. However, when I introduced legislation to do just that, the FDA opposed it and put in a bill of its own that simply reworded the present loopholes without really closing them. I think that says a great deal about FDA's commitment to consumers.

THE PASSING OF ROBERT HAYES GORE, SR.

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. ROGERS. Mr. Speaker, it is my sad duty to inform the House that a good friend and an outstanding civic leader, Robert Hayes Gore, Sr., has died.

With the passing of Governor Gore, the Nation and in particular south Florida has lost a great civic leader, one devoted to progress and the well-being of his fellow citizens. His faith, vision, and confidence in Broward County, and Fort Lauderdale in particular, were major factors in the development of that area, and the success it has enjoyed.

Robert Gore came to Fort Lauderdale as a newspaperman—appointed Governor of Puerto Rico, returning to his real love—the world of journalism. With the establishment of the Fort Lauderdale News in 1929, the Governor announced in his first-day editorial that:

> The News will strike the hand of any who would attempt to place barriers between us and our worthy goals. It is to be a paper of the people and will labor to advance their interests . . .

Progress and civic upbuilding were to be the paper's goals.

Governor Gore pursued these goals vigorously, with his typically boundless energy. Never afraid of a battle, his projects ranged from a campaign resulting in the outlawing of the county's gambling houses, to successful opposition of the introduction of the refinery and concrete industries into south Florida's pristine environment.

The efforts of Mr. Gore were not limited to the world of politics and journalism. Although a tough newspaperman and a hard-nosed businessman, he was a generous contributor to philanthropies, particularly those concerning education of handicapped children. When he gave free rent to the Fort Lauderdale school for severely handicapped children, the Goveror prayed he would be as successful in helping "handicapped youngsters as I have been in business." His gifts totaling millions of dollars included a campanile for a Roman Catholic Church in Chicago, a convent school in Kentucky, a $100,000 trust fund for the Florida School for the Deaf and Blind in St. Augustine, a scholarship fund for Negro students in Fort Lauderdale, and many others, including unannounced private gifts.

It is difficult, Mr. Speaker, to convey to my colleagues a sense for the diversity of the contributions of Robert Gore. With his passing we have lost a true rugged individualist who lived intensely, a man of the people who labored long to advance their interests. My wife Becky and I offer our sincerest condolences to the members of Governor Gore's family.

CHANGING BALANCE OF POWER

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 20, 1973

Mr. CRANE. Mr. Speaker, in the past few years, this Nation's media has, in my opinion, placed far too much emphasis on the so-called detente which we are in the process of arranging with Communist world powers, and far too little emphasis on the changing balance of power in the world which may leave the United States without important allies in Europe.

Two of West Germany's leading experts on the subject of power balance, Mr. Ernest J. Cramer and Mr. Dieter Cycon, have recently written excellent analyses of that crucial question which have appeared in West German papers.

I especially want to call to the attention of my colleagues the article by Mr. Cramer, who is noted for his keen perception and insight on international matters. Mr. Cramer speaks from a unique point of view since he lived in America for many years.

Because of their timeliness to the European Security Conference, I hope Members of the Congress will study these articles and I include these two articles in the RECORD at this point:

[Translation of an article in Welt am Sonntag, Dec. 31, 1972]

1972—KREMLIN'S BEST POSTWAR HARVEST

(By Ernest J. Cramer)

Leonid Brezhnev will be rubbing his hands this New Year's Eve. The year's harvest was not only good, it was the best since the end of World War II.

To avoid misunderstandings: we are talking about the political harvest, not the agricultural one. This was miserable, and the continuing drought, especially in the Volga valley, gives hopes of nothing better for 1973.

However the Kremlin can count on the highly industrialized West's help for the agrarian Soviet Union's plight in food supplies also for the coming year. The United States especially will once more hasten to supply huge quantities of wheat—and at most-favored-nation conditions—even if it means rising grain prices in the USA.

But we were going to talk about the political harvest. And 1972 has put a great deal, far too much, in Moscow's granaries:

The President's trip to Peking, which irritated the men in the Kremlin, was followed by Richard Nixon's visit to Moscow—the first appearance by an American Head of State in the Soviet Union.

The first round of SALT talks, the result of which was signed in Moscow during Richard Nixon's visit, ensured quantitative rocket superiority for the Soviet Union. Edward Teller, the nuclear physicist, comments that this puts Moscow in the position to blackmail the USA some day.

Far more important, however, than the President's visit at the Communist Holy of Holies and Russia's success at the talks on arms limitations is the strategic breakthrough in the heart of Europe. The West German treaties with Moscow and Warsaw, ratified this year by the Bundestag (the West German Parliament), and the "Grundvertrag" (the Basic Treaty between the two parts of Germany) just signed in East Berlin, are the milestones now reached in the Soviets' long-planned march along the political road (to the West in Europe).

All the results which the Soviet Union has draconically enforced in the areas it conquered (during World War II), results which flout the spirit and the letter of the war agreements between Russia and her allies in the war, are now internationally sanctioned. More: the points are now set for the next stage in the advance: the undermining of West Berlin, the derangement of the Western Alliance—with it the ousting of America from Europe—and finally the neutralizing of the non-communist countries of this continent, which is tantamount to hegemony by the Soviet Union.

Subjugation of Europe has been the aim of Soviet policy for half a century. Once before the Soviets believed themselves near this goal: in the chaos of the collapse of the Third Reich and the despair of the early post-war period Josef Stalin thought that Adolf Hitler's estate must fall into his lap like an overripe fruit.

It turned out differently, because the Americans with their President, Harry Truman, whose recent death we mourn, realized that also in their own interest the remaining free part of Europe must be preserved from Russia's grasp; but also because the peoples of this free Europe, including the Germans in what were then the Western zones of occupation, did not want to surrender their newly won freedom to another dictatorship of a different colour.

This was true for a quarter-century; today it seems no longer to apply. The political landscape has changed radically. What Stalin's brutality and Nikita Khrushchev's table-thumping failed to achieve is accomplished by the apparent conciliation of the present ruling class in the Soviet Union.

Of course Moscow's aims have not changed at all. But quite suddenly Communism has become socially acceptable. In France Socialists and Communists have joined in a kind of election alliance, and 59 per cent of the population, a poll shows, take a "positive" view of Communist ministers in a future government. The same applies, with slight shifts of accent, in other countries.

The next great forum for Soviet power politics will be the European Security Conference, which the West German Government has undertaken to support. Moscow's aims for this conference have not changed either; they are simply the ousting of the Americans from Europe, though this is not mentioned so boldly in public any more.

The lever for this ouster will, one day, be West Berlin. Once East Berlin has for an adequate period been generally recognized as the capital of a sovereign state, the military presence of a foreign power will generally be regarded as anachronistic. Presumably the Soviets will then withdraw their troops from East Berlin, and very soon an "enlightened" public opinion, particularly in America itself, will have no further sympathy for American, British and French units remaining in West Berlin.

The pressure of public opinion would compel the Western Allies to vacate their positions in West Berlin. And then? Anyone can visualize the rest of the drama. Anyone who cannot, should recall the words of Valentin Falin, the Soviet Ambassador in Bonn, who said "the incorporation of West Berlin" in East Germany was only a matter of time.

Is there a road back? There always is, though return passage is often rougher than the outward trip. The question is, does one want to go back? The road of return will only be trodden provided the majority throughout the world becomes aware of the dangers approaching us. But it looks as though, for the second time this century, we are going to witness a "too little and too late".

[Translation of an article in Die Welt, Dec. 7, 1972]

AFTER THE ICE-COLD BATH—THE NEW CONFRONTATION

(By Dieter Cycon)

America is the only power able, at least in theory, to halt the all-European drive of the Soviet Union and its friends. It is against the United States that in the end the persistent expansive Soviet policy is directed, all other rivals having been rubbed out or reduced to third-class status.

Only since the West German elections does a notion seem to be drawing in the American press of what may now develop in Europe. The United States had serious grounds for finally boarding the all-European train which many of her present allies helped to set in motion. If Washington wished to hold its European positions against the enormous pressure from the Soviet Union and against the labyrinthine manoeuvres of pro-Soviet forces in western Europe, America would have had to pursue an energetic, forceful, expensive foreign policy. Her leaders could do so only with the support of an awakened public opinion willing to be burdened with responsibility. This basis is lacking for Mr. Nixon.

The American public's political nervous system has been largely unhinged by a chain of internal crises. For psychological reasons the American public is now scarcely able to accept as legitimate zones of American influence abroad. Consequently it can neither clearly define interests abroad nor see when they are endangered or discern the fact of rivalry with other powers. Thus the public at present is neither prepared to bear the costs of adequate strategic and conventional armed forces nor to take on any serious military risks.

For these reasons the Nixon Government has seen the need to cure America's overstrained political nervous system by reducing obligations overseas. And as often happens in such cases, there is the make-believe of making a virtue of necessity. The Soviet Union is seen as being in similar straits; the belief prevails that spheres of interest can be lastingly arranged with her in Europe; so questions of the Western Alliance are given lower priority. Even a quasi-neutral position is considered durable and therefore acceptable for West Germany. Trade questions are to bear the accent in future: more trade collaboration with the former adversary; more trade rivalry with the erstwhile friends.

THE PROBLEM OF THE RUSSIANS

Does this mean that the United States have really resigned themselves to the almighty Soviet influence in "Pan-Europe"? Very probably not. America has fought two world wars; she did not want a continental power of different persuasion to dominate in a "Pan-Europe." She would also have to react with the greatest decisiveness in similar cases in future.

But at present the American nervous debility precludes logical thinking in power politics. The moment when the realities may compel Washington to see the consequences of realisation of the new "Pan-Europe" concept would be like the ice-cold bath which can cure nervous wrecks. And this ice-cold bath could move America to counter-actions commensurate with the vulcanic forces she really possesses and can really release in times of need.

This is where the problem lies for the Russians. On the one hand they want to take the chance in Europe which offers itself through America's perhaps merely temporary enervation and through the possibly transient good fortune of a Brandt Government in West Germany; on the other hand they want to prevent their American rival from awakening from his lethary before the global balance of forces has shifted decisively in his disfavour. This means that the Soviets must bring about an irrevocable transformation in the situation in their own favour—unnoticed by the Americans until too late. Instead of the ice-cold bath, they and their fellow-travellers in western Europe prescribe further luke-warm showers for the American nerve-patient.

When America's eyes were on Asia and the domestic scene, the Russians first wore down her European allies and then harnessed them to pull in the all-European conferences; they turned Europe's slippage from the American to the Russian camp into a gentle, almost imperceptible process. With this method they dipped the European question in oil. The Americans find no point where they could or should intervene and hold fast. It is the aim and the effect of this concept that America is in a position to cry out only when the morsel Europe has fallen entirely into Russian hands.

AT THE RHINE—OR THE CHANNEL?

Since the German election results of November 19 all questions boil down to this: When will the Americans notice that the peace tune has deceived their ears? When they do notice, the spotlights will switch again to Europe and a phase of confrontation with Russia will emerge which may be far more embittered and dangerous than former confrontments.

But along what geographical lines will the future confrontation—end-product of the prize-winning "peace policy"—take place? Will the Americans by then be able seriously to wrestle for their positions in West Germany?

One pre-requisite would be to put their armed forces in Europe on a level with the Russians' (instead of reducing them) and on this basis to pursue an appropriate policy for Germany. The day they took this decision would also be the beginning of a new collision with the Russians. It is questionable whether the USA can take the plunge until the last political scientist at Harvard has grasped the rudiments of world politics. America will certainly not launch this new policy as long as the West Europeans help the Russians to apply the tactics of luke-warm water and lubricating oil.

So long as a voice from Europe fails to tell the Americans with the necessary clarity where the "Pan-European" train is travelling to, the most interesting open question in Europe will be where the new line of withdrawal for Russo-American confrontation will run. At the Rhine—provided France shakes off the "Pan-European" embrace in time for a new entente with London and Washington? Or at the English Channel—assuming England remains the only free country in Europe?

WILSON AND THAYER U.S.A. TOP BUSINESSMEN

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 20, 1973

Mr. COLLINS. Mr. Speaker, Dallas is proud of the distinctive recognition given to two of her most dynamic leaders. Robert C. Wilson, president of Collins Radio Co., and Paul Thayer, chairman of LTV Corp., were just named as two of America's 10 outstanding business leaders for 1972.

This salute came from Gallagher Presidents' Report in its January issue. Robert C. Wilson, president of Collins Radio Co., was cited "for dramatic turnaround via $40 million reduction of expenses, $56 million decrease in short-term debt, reorganization of operations into 13 profit centers."

Paul Thayer, chairman of LTV Corp., was cited "for successful restructuring of conglomerate's debt-plus program of cost controls to result in first profitable year since 1968."

Dallas is recognized from coast to coast as America's leading business city. We attribute this progressive record of achievement to the chief executives with their creative genius. In every field, these hard-working, inspirational dynamos set the spark.

Thanks to Gallagher for their perceptive selection of Paul Thayer and Bob Wilson of Dallas, two of 10 on the All American Business Leadership Team.

CONFESSIONS OF A CAPITALIST

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. QUIE. Mr. Speaker, we all hear a great deal of talk about the free enterprise system, but few citizens have pursued their advocacy as far as has Robert W. Bunke, of Rushford, Minn.

In the form of six consecutive advertisements begun January 7 in the Winona, Minn., Daily News, Bunke has taken to the public his story of free enterprise and America's heritage of freedom.

Mr. Bunke is dissatisfied with the timidity of some business spokesmen who discuss these issues evasively. He seeks an open discuss of the free enterprise system as an integral part of America.

With the sincere conviction that effective communication first demands trust on both sides, he has purchased this print advertising space in order to express his concern about the public's increasing hostility toward business, and to attempt to open a constructive dialog between the two sides.

Robert W. Bunke is executive vice president and general manager of the Ace Telephone Association, Houston, Minn., and executive vice president of Central Communications Corp., of Tomah, Wis.

As a businessman who owns stock in his company and wants to make a profit, he is, by the Marxist definition, a capitalist and the alleged "oppressor of the working class." For this reason he calls his printed commentaries "Confessions of a Capitalist."

Mr. Bunke focuses on the issue of profit in the following excerpt from his series:

> Is profit immoral? An economic force that makes possible the world's highest paid labor force and the best standard of living is a blessing, not a curse.
>
> Yet Opinion Research Corporation notes a decline in the percentage of people who think everybody benefits from big companies' profits. In 1959, 60 percent of the public agreed. By 1971 this had declined to 51 percent.

What is rising is the public's estimate of how much profit goes to the average manufacturer from each sales dollar after taxes. In 1951 when profit was 5.1 cents, the public estimated 18 cents. In 1971, when profit declined to 4.2 cents, the estimate climbed to 28 cents. (Source of profit data: Federal Trade Commission and Securities Exchange Commission.)

Critics of our free enterprise system admit that it creates much wealth. But they charge that this wealth is not shared and that the capitalist grabs most of it. Yet the truth is that for every dollar a company sets aside for dividends and retained earnings, the firm also sets aside about nine dollars for payrolls and employees' benefits.

I have met some businessmen who . . . seek only profits and ignore the public they are supposed to be serving . . . but they are fortunately in the minority. They are actually inefficient capitalists because they fail to realize that a business can't profit unless it . . . satisfies customers by given them quality goods or services at reasonable prices. Then the profits that result are a reward to the business for meeting the needs of the consumer. . . .

The dedicated capitalist enjoys his work and achieves satisfaction from serving people.

Mr. Speaker, I would like to commend Mr. Bunke for his much needed contribution to the discussion of one of our oldest and most respected institutions, the American free enterprise system.

GOLDEN ANNIVERSARY OF PRIESTLY ORDINATION OF REV. WENCESLAUS A. UHLIR

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. JAMES V. STANTON. Mr. Speaker, on February 25 the members of St. Procop Church of Cleveland, Ohio, will honor the 50th anniversary of priestly ordination of their pastor, Rev. Wenceslaus A. Uhlir.

During the past 50 years, Father Uhlir has rendered remarkable service to the people of the Cleveland area. He has been pastor of St. Procop Church since 1949, and before that he served at Holy Family Church and Our Lady of Sorrow Church. In these capacities he has benefited innumerable parishioners with his wisdom, guidance, and energetic activity to develop the church.

In tribute to Father Uhlir, I would like to insert into the RECORD the following statement of his accomplishments. In addition to my warmest congratulations, I extend to Father Uhlir my best wishes for many more years of good health and good work.

The statement follows:

FIFTIETH ANNIVERSARY OF PRIESTLY ORDINATION OF FATHER WENCESLAUS A. UHLIR

Reverend Wenceslaus A. Uhlir was born on the West Side of Cleveland on September 14, 1898. His parents, John and Mary, came from Bohemia to America, married and built their home on old Brooklyn Street which is now West 31 Street. John and Mary together with other Czech families were pioneer members and founders of St. Procop Parish.

It was at St. Procop Church where Father Uhlir was baptized, received his First Communion and Confirmation. He attended St. Procop School, St. Ignatius High School and College (now John Carroll University). In 1918 he answered God's call by entering St. Bernard Seminary in Rochester, New York. His theological studies were completed here in Cleveland at St. Mary of the Lake Seminary. His parents and family saw Father Wenceslaus Uhlir ordained a priest by Bishop Schrembs on February 24, 1923 and attended his First Solemn High Mass at St. Procop Church on Sunday, February 25, 1923.

On March 25, 1923 Father Uhlir was assigned as assistant pastor to Holy Family Parish in Cleveland. It was here that Father spent six fruitful years in God's and man's service. On June 13, 1929 he became the pastor of Holy Family Church in Parma, with Our Lady of Sorrows Church in Peninsula, Ohio, as a mission. Since neither parish had a rectory, Father Uhlir resided at Holy Family on the East Side of Cleveland, and like a missionary priest commuted to Parma and Peninsula every Sunday to offer Holy Mass.

In 1930 Peninsula was established a separate parish freeing Father Uhlir to devote all his time and energy to the Parma community and Holy Family Parish. The Parma parish at this time was a farm community of 54 families, with a little red brick church seating about 100 and a small hall. Father Uhlir became first resident pastor of Holy Family in Parma when he built a rectory after buying additional property for the parish. He soon organized various church clubs and activities. Holy Name Society, Ladies Guild, Dramatic Club, baseball and bowling teams were started under his direction. During Father Uhlir's pastorate the parish community grew rapidly and by 1949 there were 400 families registered in the parish and the erection of a school was begun.

In the war years Crile Army Hospital was built on York Road. Father Uhlir became the Catholic Chaplain to the hospitalized Army men at Crile. Since there was no transportation for soldiers and patients to find recreation elsewhere, Father started a canteen in his parish hall for them. It was he who solicited bands to provide music and the business men to provide refreshments. This canteen remained in existence throughout the war years.

On August 17, 1949, after twenty years of hard and fruitful work in Parma, but before school was completed, Archbishop Hoban asked Father Uhlir to become pastor of St. Procop Parish in Cleveland. So it was that Father Uhlir returned to his place of birth and baptism.

Father has been with us at St. Procop Parish nearly twenty-four years. During these years he served his people as a loving father and a good shepherd. In a material and temporal way he has done wonders among us. He repaired, redecorated the church and is maintaining its fine condition. He renovated the school, installed a cafeteria, and made vast necessary repairs and improvements on all parish buildings. He was always insistent upon an excellent educational program in the elemetary grades, and in high school until its closing in 1965, of St. Procop School. And no one can measure the spiritual blessings that have come to the people of St. Procop through the kind conscientious spiritual labors of Father Uhlir.

Father Uhlir was the youngest of nine children born to his parents. Four of the children died in childhood; the eldest son, Frank, died as a young man (leaving a widow and two children and now survived by grandchildren only). Two sisters, Sister M. Benedicta and Sister M. Rosalia, both gone to their eternal reward, also dedicated their lives to God by becoming Sisters of St. Joseph of Cleveland. A married sister, Bridget, who died a few years ago, is survived by husband, Frank Zicharek, and their two married daughters, Rita and Rosalia. Many grandnephews, grandnieces, and cousins are proud of their relationship with Father Wenceslaus Uhlir.

On February 25, 1973 St. Procop parishioners will pay tribute to Father Uhlir as he celebrates his Golden Anniversary of his Priestly Ordination and First Solemn Mass. On that date, brother-priests, relatives, parishioners and friends will come together to congratulate Father Uhlir and to wish him many more years of health and priestly ministry. No amount of gifts can repay Father Uhlir for all he has done for all of us. In gratitude we can only pay a tribute by saying, "thank you and God reward you, Father Uhlir. Ad multos annos."

THE AMERICAN LEGION NATIONAL COMMANDER VISITS RUSSIA

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 20, 1973

Mr. TEAGUE of Texas. Mr. Speaker, the distinguished national commander of the American Legion, Joe L. Matthews, visited Soviet Russia and Communist Poland recently and conferred with governmental and veteran leaders of those countries.

The American Legion has long taken a great interest in matters relating to the national security and foreign affairs, and I was very pleased when Joe Matthews told me that he had the opportunity to visit Russia and I encouraged him to go. I believe Members of Congress will find his report, which follows, most interesting:

AN ADDRESS BY JOE L. MATTHEWS, NATIONAL COMMANDER, THE AMERICAN LEGION

It is a genuine pleasure for me to be here in the Nation's capital with Legionnaires from the Department of the District of Columbia, especially so close to an historical event—the inauguration of the President.

I realize that you Legionnaires are quite use to the comings and goings of heads of state, and being very close to top news events on an almost daily basis. But at the risk of sounding like I'm trying for equal time, I would like to tell you about a unique experience I had as the National Commander.

Most of you, I am sure, are aware that I made a 10-day visit in mid-December to Soviet Russia and Communist Poland. We felt the trip was both desirable and necessary if the Legion is to maintain its tradition of being abreast of world affairs and in tune with trends of the times.

Certainly we are in tune with modern day trends, for our President visited both major communist capitals of Peking and Moscow during this past year in an effort to enhance the possibilities of peace on earth. As you well know, The American Legion supported those trips by the President as being peace seeking in nature.

We felt we might make some further contribution to the cause of peace if we established a contact between American war veterans, through The American Legion, and the war veterans of those communist countries which we visited.

Before I touch on some of the highlights of this visit, and I still think it was a most worthwhile venture, let me reassure you that The American Legion is not going soft on communism and neither is the National Commander.

I am proud to be an American. I am proud to be an American Legionnaire. I believe in our system and I believe it is absolutely the best system, and the best way of life that man has yet devised. I felt this way before leaving for the Iron Curtain countries, and my feelings are unchanged today.

To say the least, however, I am excited about some of the possibilities this trip may have opened up, and I think that you too, as concerned citizens, will share this excitement in the knowledge that your own organization, The American Legion was open-minded and far-sighted enough to seize upon this opportunity.

While our visit concentrated on the veteran to veteran aspects of our relationships we were invited to the office of Mr. Alexei Pavlovich Shitikov, the presiding officer of one of the two bodies of the Supreme Soviet who told us his people were impressed by agreements concluded by President Nixon last spring, and willing to support all means to promote world peace.

Hope and cautious optimism would seem to best describe the feelings which we brought away from the Soviet Union.

Now let me again reassure you that our communist hosts did not sell us anything. As far as The American Legion is concerned, it is performance, not promise, that pays off in international relationships.

There must, however, be a time and a place of beginning if there is to be a genuine relaxation in international tensions brought about by years of cold war, power politics and mutual distrust. There simply must be dialogue between nations at levels other than heads of state if we are going to make any progress along these lines.

The world, it seems, grows smaller with each passing day. We have seen tremendous technological developments in transportation, communications and weapons systems, that have made the most remote spot on earth but a few minutes distant. The shrinking globe warns us that it becomes increasingly important for people of diverse cultures, backgrounds, national origins and political persuasions to know and understand each other better.

Americans, for the most part, recognize the right of other peoples to choose the methods by which they will be governed. In return, we would ask only that other peoples of the world would recognize that principle and refrain from trying to impose their will upon others whose free choice might differ from theirs.

We don't expect there will be any overnight miracles which will make international understanding, and peace, a quick and easy reality. We do face, and recognize, the fact that it is going to have to start somewhere if it is going to come about at all.

With regard to our Iron Curtain visit, it must be conceded that The American Legion reaps a by-product which may not be important to anyone but us, but we do consider it important. This visit should dispel once and for all the stereotyped notion of an American Legion that is hide bound by tradition and incapable of change.

The American Legion has a great respect for tradition, but we always have been willing to explore new avenues and to consider new approaches that might be instrumental in helping bring about solutions to some of mankind's major problems.

Our Children and Youth program, and other programs of the Legion, have retained their vigor and their value for more than a half century because the Legion has been willing and capable of adapting to the needs of the times. We are not about to outlive our usefulness now, for we have much more to contribute to America.

Our first meeting with our hosts came at plane-side on our arrival in Moscow, on Monday. And here is where we received the first of many pleasant surprises. Usually a detailed itinerary is laid out for a visit of this type, but in this case there was none, and we were whisked through customs in VIP fashion by officials of the Soviet War Veterans Committee. And it was so fast, that personnel from the American Embassy did not catch up with us until we were already checked into our hotel.

On Tuesday morning we were privileged to meet with the United States Ambassador to Russia, Jacob Beam. Later that day we had our first meeting with the Soviet War Veterans Committee, and another pleasant surprise came when we asked and received permission to take photos and to record the interview.

At this and at all subsequent meetings we were asked to discuss the Vietnam situation. In each instance we declined on the basis that this was not the purpose of our visit, nor was it within our purview to discuss Vietnam. I might suggest that some people here at home would be well advised to a little less sounding off on a situation which is at a critical point and about which none of us is as well informed as those who are handling the negotiations.

On Wednesday as a gesture of good will I placed a wreath on the Tomb of the Soviet Unknown Soldier in Red Square and also met with the Minister of Health. On Thursday I also met with the Minister of Social Security and then we were given a tour of a clinic and a prosthetics laboratory. It was in the area of prosthetics that we saw impressive work being done by the Soviets.

Using bio-electrics, a team of Soviet scientists, including doctors, engineers and allied professions, have developed an artificial arm which employs sensors to respond to movement of muscle endings in the stump. It provides wrist and hand movement strong enough for most situations, yet delicate enough to pick up a glass. The arm has been perfected and we saw it in operation.

Friday we visited with Mr. Shitikov (as I mentioned earlier) in the Kremlin. This high ranking Soviet official (equivalent to our Speaker of the House, or Senate President) spent 40 minutes listening to our comments concerning our visit. I am assured by those in a position to know, that our meeting with this Soviet dignitary was indeed out of the ordinary, possibly the best indicator we could have gotten of the desire of the Soviets to continue the climate of improved relationships between our two nations, and the importance they attach to the ability of The American Legion to help in achieving this goal of peace.

We took a train from Moscow to Leningrad where on Saturday we visited the cemeteries containing the mass graves of those who died in the World War II siege of the city by the Germans. On Sunday we had a chance to see the defense lines used by the people of Leningrad during the siege. We also had a chance to take a side trip to the city of Pushkin that has the great palaces used by royalty in old Russia.

Our visit to Leningrad finished on Monday with a meeting with a high official of the Soviet War Veterans Committee based in Leningrad and with the deputy mayor of this city. Monday night we flew to Budapest, Hungary, and then on to Warsaw, Poland.

Tuesday, we met with officials of the Polish War Veterans Committee and were showed documentary films captured from the Germans, which showed the systematic destruction of Warsaw during World War II. That evening we were guests at a dinner hosted by the War Veterans Committee.

In Warsaw too, I placed a wreath on the Tomb of the Polish Unknown Soldier. The Tomb was erected after World War I, and just about destroyed when the Nazis made their attempt to raze Warsaw. It is kept under a 24 hour a day military honor guard, and it is interesting to note that the Tomb has been kept in partial ruins to remind the people of the devastation visited on their city. Our visit to Warsaw concluded our trip and on Wednesday we returned to America.

Since my return, I have been asked by a number of people how I would assess the accomplishments of this first American Legion visit to the Soviet Union and Poland—successful, unsuccessful, or somewhere in between. The answer must be that we have made only a small step through a door held very tentatively ajar. That the step has been taken, and that we were so warmly received must place the stamp of moderate success on our visit. Obviously, it was impossible for us to come up with all the answers, but I believe strongly that the way has been paved for a significant Legion contribution to that much sought after goal of a "generation or more of peace." It isn't necessary to tell you that veterans as a group are highly dedicated to the elimination of war as a means of resolving differences. We found this to be as true of the Soviet and Polish war veterans we met as it is with Legionnaires.

Having established these relationships with the Soviet and Polish war veterans, the next step is clearly up to us. They have explained their positions in their own homelands, and they are watching and waiting for us to do something positive to keep our relationship alive. In the realization that matters could not remain at dead center, I have formally invited the veterans groups from both nations to send representative delegations to our upcoming meetings for the purpose of meeting with Legion officials to explore means for further strengthening ties.

As National Commander, I have also urged Legionnaires everywhere who have the opportunity to consider a trip to the Soviet Union and Poland. To see the people and hear their views will, I can assure you, be an interesting and rewarding experience.

If what I have brought out in this report to you seems on the positive side, let me say it was intended to be, for I am firmly convinced that only in dealing with the situation in a positive way will we be able to solve the many problems inherent in the achievement of better relationships with the Eastern bloc countries. Equally positive however, must be our insistence on certain conditions to agreement, as indeed the Soviets have done. Most important of these are:

1. Our moves in the direction of detente must be undertaken on the basis of full consultation with our allies. This is an established Legion position.

2. As I pointed out earlier, we must deal from a position of strength, meaning a level of military preparedness sufficient for any contingency as well as large enough to provide a negotiating basis for future arms limitation agreements.

3. While recognizing legitimate Soviet aspirations, we must insist on the basis of genuine reciprocity—of equal give and take on both sides.

Our former Ambassador to Moscow George Kennan once said, concerning Soviet-U.S. relations:

"Somewhere between the intimacy we cannot have, and the war there is no reason for us to fight, there is a middle ground of peaceful, if somewhat distant coexistence on which our relationship could be considerably safer and more pleasant than it now is."

It is my firm opinion that we have taken the first step toward the attainment of that "middle ground" and I urge all of you to do everything in your power to continue the momentum of that first step to the end that our children, our grandchildren and the generations as yet unborn may never have to experience the dreadful consequences of war.

WOMEN'S RESEARCH CENTER

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. ADDABBO. Mr. Speaker, the Queensborough Community College in New York City has opened a Women's Research and Resource Center on its campus which will act as a clearinghouse of data on the problems of women and provide free counseling services. This most interesting and needed project became a reality as the result of the efforts of many individuals but special commendation should go to Queensborough Community College President Dr. Kurt R. Schmeller.

The Long Island Press article, dated December 26, 1972, opening of the new center, contains the background on this project and an explanation of the goals of the center. I am inserting the text of that article for the attention of my colleagues who are concerned with the rights of women and the need for improved services addressed to the needs of women:

[From the Long Island Press, December 26, 1972]

WOMEN'S RESEARCH CENTER IS NOW OPEN FOR BUSINESS

(By Frances Wegner)

A home base for the feminist movement, a center where problems of women can be approached academically, was opened on the campus of Queensborough Community College last Wednesday, thanks in a large measure to the school's president, Dr. Kurt R. Schmeller, his executive assistant, Dr. Eleanor Pam and her administrative assistant, Ms. Audry Silva.

A site to open a Women's Research and Resource Center was sought for some time by the City University of New York Women's Coalition with no success, until Dr. Schmeller agreed to give them space on the Bayside campus. The center opened with a gala reception attended by such notables as Assemblywoman Rosemary Gunning, Assemblymen John A. Esposito and V. F. Nicolosi, and Dr. Belle Zeller, president of the Professional Staff Congress.

The project, as planned by the CUNY Women's Coalition, will serve as a clearing house of data on women's problems, both published and unpublished. Dr. Pam said that to date women's studies are not considered legitimate scholarly works and do not get published. One exception is a feminist press called KNOW, operated by two women in Pittsburgh, Pa.

They plan to use the center for sensitivity and consciousness-raising sessions and to offer career counseling and job placement, all free and open to the public.

"The area around the college offers a good example of what we hope to accomplish," Dr. Pam said at an interview in her office. "In this neighborhood there are many college-trained housewives with school-age children. They are unable to find paying jobs, if for no other reason than that the employer must cooperate and work her hours around home responsibilities," she went on.

"We can counsel them on how to prepare for jobs, we can educate the employer so he bends a little. Women who are depressed by stagnating at home make very satisfactory employees . . . they are the best economic buy on the market," she added.

Although not confined to serving university personnel, the undertaking has been underwritten entirely by the college community. Once Dr. Schmeller agreed to provide space, the women of the coalition turned to the student body for funds to purchase the house and to underwrite the cost of the opening reception. In addition, the center will tap such university facilities as the job placement bureau, and a marriage and psychiatric counseling service.

"Women have made great strides in the past five years," Dr. Pam stated, "but there has been a lot of anger and frustration, particularly among CUNY women. We felt the energy generated by these emotions could be directed in a constructive manner, in an atmosphere appropriate to a university, by finding an outlet for a systematic, substantive pursuit of women's legitimate interests," Dr. Pam said in explaining how the idea for a center was born.

"Our goal is to place only qualified women, to weed out opportunists and not allow them to use the movement for their own ends. We intend to keep a clean house."

Asked what she felt were still legitimate goals for the movement, Dr. Pam spotlighted education, which traditionally was tended to cast girls in stereotype roles. "We must enlarge possibilities for women from their earliest years, their choices should be broader," she said.

Dr. Pam's own career is an example of how family pressures can divert a woman from her real interests.

"I majored in philosophy as an undergraduate," she said, "but when I graduated my father was against going on with my education. He couldn't see any economic opportunity in an advanced degree in philosophy. 'Be a teacher', he said."

She did that, but continued her education nevertheless, earning masters degrees in English literature and in guidance, and a doctorate in guidance and student personnel.

"I still followed the traditional path," she went on, "marrying as expected, having a child as expected. But I did not stay at home and set aside my career for 20 years, which was also expected.

"I can readily understand that women who sacrificed the security of marriage for the sake of a career can be very bitter when they find they do not advance because of discrimination against their sex," she went on. "We expect the center will provide a bank for top talent, and hope to place highly qualified women in top government positions."

Audrey Silva feels Dr. Pam is a symbol to many women, who have long been opposed to rules regarding maternity in the city university system.

"Women were forced to take a full term off without pay, until a recently negotiated contract change that," she said.

"But Dr. Pam, faced with the old ruling, took matters in her own hands. Never mind maternity leave, she said, and worked until the day before the birth, stayed out a few days and returned to work."

Women in the coalition felt she had demonstrated the rules were archaic.

"But while she showed women have been underestimated traditionally, she is only one of many courageous, determined women," Ms Silva added. "There is no room for stars in the movement, we have no hierarchy."

Dr. Schmeller believes the new center is a worthy academic enterprise.

"I hope it will serve as a model in elevating the status of women," he said, and he pledged to tap the full resources of the academic community to that end.

"In the eight years I have been at Queensborough," he said, "I have seen women move out of essentially home economics, nursing and education, into broader fields," he went on.

"For example. we have on our staff presently a number of talented young biologists who hold doctorates.

"By working with the center we can find what women's needs are and help fill them through our evening division and general studies programs," he went on. "We must be ready and willing to find talent wherever it is."

UKRAINIAN INDEPENDENCE DAY—1973

HON. LUCIEN N. NEDZI

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 20, 1973

Mr. NEDZI. Mr. Speaker, over the centuries the Ukrainian people have maintained a strong sense of separate identity.

The eternal ties of family, language, customs, ethnic history, and nation run particularly strong in all the Ukrainian Americans I have known. And I am convinced that these ties remain very strong for the 47 million Ukrainians in the U.S.S.R., despite the relentless efforts of the Russian majority to radically alter them.

January 22 marks the 55th anniversary of the Ukraine's brief independence. It is the largest of the captive nations in both the U.S.S.R. and Eastern Europe. And its history, its struggles, and its involuntary entrance into the U.S.S.R. deserve the attention of the elected representatives of the American people.

Nationalism has emerged as the strongest "ism" in Eastern Europe. The nationalism of Ukrainians, as indicated by the evidence of persistent arrests and cultural repressions, may be as strong or stronger than that similar phenomenon demonstrated in the last two decades in Hungary, Poland, Rumania, and Czechoslovakia.

Our own pluralistic society in America is the beneficiary of those men and women, from many lands, who felt a duty to find within themselves a tie to their ancestors and to preserve the language, religion, culture, history of their own people. They helped carry the race forward.

Generations of anonymous Ukrainians have worked, loved, and died. But they have left children and grandchildren daring enough, and informed enough, to carry forward the struggle.

The lot of this generation of Ukrainians has not been an easy one. A superpower exerts a suffocating embrace. But the lot of Ukrainians has never been easy.

The people of the Ukraine have never been truly afforded the right of self-determination. Who can say that they will ever succeed? But events change, the course of history affords surprises and successes as well as defeats. We cannot be certain that the hope of Ukrainian people are doomed. Clearly, the signs of unending struggle reveal that Ukrainians will contest the heavy odds and will refuse to permanently surrender the field to their adversaries.

Each valorous deed reverberates, honoring the past, lighting the path to the future.

We have a sort of emerging United

States-Russian detente today. But this Ukrainian Independence Day reminds us that we should be careful not to romanticize the state of the world. There is a very dark side to the nature of the Soviet Union.

I am pleased, therefore, to join in this observance, to recognize the feelings of the Ukrainian people, and to pause in respectful thanks for humanity's restless search for the blessings of freedom.

OBSERVES 13TH ANNIVERSARY

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. BOB WILSON. Mr. Speaker, this month the Armed Forces Benefit and Aid Association, commonly known as the benefit association, is observing the 13th anniversary of its founding. This makes it one of the oldest fraternal, social, patriotic, and beneficial associations of U.S. military personnel. This organization was founded by military personnel to enable them to contribute their services to their communities in an organized way and to provide military personnel with services previously unavailable to them. The benefit association is a nonprofit organization and is supported entirely by its members.

The Armed Forces Benefit and Aid Association supports recognition awards for outstanding and heroic service to the community. It recognizes contributions to the association from its members with its legion of honor program. And it informs members of pending legislation affecting the rights and interests of military personnel and provides an effective voice for them to communicate with their legislators.

The benefit association and organizations with which it has associated provide members with a number of important services, many of which meet the special needs of members of the Armed Forces. Some of these many services are:

First. An emergency loan service which lends money to members and their families in case of death or unusual medical or dental expense by a member of the family. The assoication provides this service for only a nominal charge.

Second. A pending supplementary medical insurance program which pays civilian medical charges not covered by CHAMPUS, the Civilian Health and Medical Program of the Uniformed Services.

Third. A group purchasing plan that enables members to make substantial savings on many purchases.

Fourth. An unusual insurance program that provides members with life insurance and at the same time enables him to earn as much as 7-percent interest and more on his contributions to the program.

Fifth. A free counseling service in which a counselor meets with the member and his wife to advise them about wills, documents necessary to obtain benefits to which they are entitled, and other important papers. The counselor gives every member and his wife a book written exclusively for the benefit association by an attorney that contains essential information, gives addresses, and shows the necessary form for obtaining these documents. In doing this, Mr. Speaker, the benefit association provides its members with an invaluable service.

Sixth. A car protection service which offers rewards for information leading to the arrest and conviction of anyone stealing a member's car.

Seventh. A worldwide blood-type file for its members which enables them or their families to get blood quickly when they need it.

Eighth. A banking and loan service through one of America's largest banks, which enables a member to maintain a single checking account no matter where he moves anywhere in the world and also to keep his credit established during the frequent moves he is required to make.

These are only some of the unique and valuable services the benefit association offers the members of our Armed Forces. It is also developing many other services, including low cost van moving and a low cost air travel plan.

This rapidly growing organization was formed, Mr. Speaker, to meet the unique needs of the men and women who serve our country in its Armed Forces. Such an organization promises great good for our military personnel and their families and deserves the strongest support of every American.

VETERANS OF ALLIED ARMIES

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mrs. GRASSO. Mr. Speaker, today I am introducing legislation to assist former members of the armed forces of nations allied with United States during World Wars I and II. This bill, which is identical to one I sponsored in the last Congress, would provide qualified veterans who have lived in this country for at least 10 years with well deserved benefits: certain hospital and nursing home care, medical services, rehabilitation, as well as farm, home, and business loans.

Although French, Belgians, Italians, and others would be assisted by passage of this bill, former members of the Polish Army now living in the United States would benefit most. The record of the Polish Army in both major conflicts has been nothing less than exemplary. During World War I, Americans of Polish ancestry along with recent Polish emigrees formed a Polish Army which participated in the final Allied victory. Following this conflict, many returned to America to continue their new lives. In the Second World War, portions of the Polish Army made their way to the West where their efforts were a credit to themselves and their land.

These brave and proud men distinguished themselves in the Battle of Britain, Narvik, Tobruk, the murderous storming of Monte Cassino, and the final assault against the Third Reich. In noting the capture of Monte Cassino by the 2d Polish Corps, 5th Army Gen. Lucian K. Truscott stated that.

> The men of Poland were in the vanguard of that battle fighting with the same tenacious purpose that has ever made the name of Poland a byword among liberty loving people.

Also, "the outstanding leadership and tactical ability" of the Polish commander, Gen. W. L. Anders, was described by President Roosevelt as "primary contributions to the success of Allied Forces in the Italian campaign." General Eisenhower echoed the praise of his fellow officers by stating that,

> The Poles had "contributed so heroically to victory in Europe.

After the final victory, most Polish veterans hoped to live in a free Poland where they could fulfill their dreams of freedom, peace, and security. However, when their beloved country fell under the yoke of yet another tyrant, thousands of their number refused to return home. Unwilling to sacrifice their love of liberty, these gallant veterans emigrated to various countries of the West, especially to the United States. In the past generation, they settled in our Nation where they became honest, hard-working citizens.

These veterans shared the hardships and suffering of war. Yet, they are not allowed to share in the benefits accorded their American brothers-in-arms. As one Polish veteran wrote, many of his number believe that "in the name of fairness and justice" all soldiers of the Allied Forces should have access to the same veterans' privileges. Both Canada and Britian have acknowleged their responsibilities to veterans of allied armies, provided they became citizens of those countries. France, New Zealand, and Australia also provided certain benefits.

The United States partially opened the doors to veterans benefits for allied veterans, leaving the stipulation that such rights could only be given following an agreement between the United States and the respective Allied governments. These agreements were reached with Canada, Britain, Australia, and New Zealand. Because of the onset of Communist domination of Poland, the agreement was never concluded. For this reason, former members of the Polish Army who live in our country have never had the opportunity to achieve these benefits.

To help right the wrongs of the past, I introduced a bill in the last Congress. Correspondence in support of the legislation came to me from Polish-Americans, and Polish veterans' organizations in Connecticut, New York, New Jersey, Pennsylvania, Illinois, Ohio, California, Washington, Indiana, Delaware, and Massachusetts.

Mr. Speaker, more than 40,000 veterans of the Polish Army now reside in the United States. These men fought valiantly for the ideals of liberty so deeply cherished by all of us. Their service and dedication reflect a devotion to freedom and a willingness to defend it that has been inspirational to Americans throughout our Nation.

Through no fault of their own, these

veterans did not have the free homeland to return to that other allies enjoyed. Rather than submit to tyranny, they emigrated to the West where they and their children have set an example of civic duty and love of country.

Passage of the bill I have introduced today will in a small way show our appreciation for the many sacrifices made by these veterans. Passage of this bill will also help spare them the agony of poverty and suffering many now endure as they grow older and are unable to meet increased physical and financial burdens.

General Eisenhower once said:

> The Free World will always remember their sacrifice.

It is time we act upon his words.

MESA, ARIZ., JUNIOR HIGH SERVICE PROGRAM

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. RHODES. Mr. Speaker, I am proud to bring to the attention of my colleagues the following report of the service projects performed by the students of Mesa Junior High School, Mesa, Ariz., over the past 7 years. I think our Mesa youngsters who have undertaken and accomplished projects of such value and importance deserve a great deal of commendation—and I take my hat off to them for jobs well done.

The report follows:

MESA JUNIOR HIGH EXCELS IN SERVICE PROGRAM

Students of Mesa Junior High School (Mesa is a city near Arizona's capital) have for many years acquired and maintained the reputation of being service minded. During the past seven years, the student body has raised $22,850 for service projects. In addition to the fund-raising successes, many hours of donated service by the students have not only provided enjoyment, but has been instrumental in developing attributes of generosity, concern, and a willingness to want to help people in need of support.

Contributions for the projects consisted of:

$2,800 to move a building onto the property of the Mesa Association for Retarded Children (for which the Freedoms Foundation Award was received) with an additional $3,800 for the association itself.

$2,500 for dental equipment and the Mesa Emergency Child Health and Dental Fund which aids low-income families in providing dental services to youngsters who would not otherwise be able to have dental care.

$500 for the purchase of 312 sheets for a civilian hospital in Saigon, South Viet Nam.

$6,600 to the Peace Corps School Partnership Program for construction of schools and purchase of school materials in Brazil, Ecuador, Thailand, Philippines, Colombia, Costa Rico, and the Tonga Islands.

$2,400 for the construction of a South American Aviary Exhibit at the Phoenix Zoo.

$1,150 for desks, books, and other supplies for the Peace Corps school in Cartagena, Colombia where previously donated funds were used to construct the school building.

$3,100 for the construction of a dining hall for the Easter Seal Crippled Childrens' Lodge.

The service project of 1972 was especially effective. The student council decided to support the Easter Seal Camp for crippled children which is located approximately 150 miles north of Phoenix on the pine covered Mingus Mountain. The support of the entire student body (over 1300 students and faculty) involved in selling candy, flowers, popsicles, dill pickles plus an assortment of other items, and climaxed by a dance at the end of the ten-day project in February, realized $4,600.

During the last weekend in April, 32 students and 14 adults journeyed to Easter Seal Camp to take part in a work project. Shingling the roof of a cabin, painting, and beginning the initial construction phase of a large dining and recreation facility was just a few of the different phases of the work project. Plenty of good food prepared by the students and lots of fun was enjoyed by everyone there. A roaring fire in the fireplace of the lodge provided the setting for an exciting evening of singing, skits, stories, jokes, and fun and laughter for all.

The students of Mesa Junior High are proud of their school and the opportunities of service that have been provided for them. The tremendous success of a program of this nature would not be possible without strong enthusiastic leadership of the student council and an equal amount of enthusiasm and wise direction provided by adult sponsors.

LEGISLATION DESIGNED TO COMBAT SHORELINE EROSION

HON. THOMAS L. ASHLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. ASHLEY. Mr. Speaker, today I am joining the gentlemen from Ohio (Mr. VANIK and Mr. J. WILLIAM STANTON) in introducing legislation designed to combat the growing problem of shoreline erosion.

Two recent studies by the U.S. Army Corps of Engineers have revealed the national magnitude of the problem. In 1969, the national streambank erosion study concluded that 549,000 of the country's 7,090,000 miles of stream channels were suffering erosion, with 148,000 of those miles experiencing erosion significant enough to warrant future study. The national shoreline study, which was completed in August of 1971, found that 20,500 miles or 25 percent of our ocean and Great Lakes shores are undergoing significant erosion, with 2,700 miles labeled critical by the corps.

The shoreline study indicates that about 70 percent of these critical areas are privately owned and thus not eligible for Federal assistance because the present law limits the corps to constructing emergency bank protection works for the protection of public property endangered by bank erosion.

The failure of the Federal law to provide assistance for private property has insured an artificial, fragmented approach which often does more harm than good. When a private property owner tries to buttress up his own land, his effort may result in more damage to the surrounding unprotected property and, at best, provide only temporary relief for his own land. Similarly, when the corps shores up publicly owned property, its efforts often endanger the surrounding privately owned property.

On the other hand, if the landowner does nothing, he may have a front row seat to watch his home gradually slip into the water.

In Maumee, Ohio, where the corps labeled the erosion significant enough to warrant further study, homeowners are living on borrowed time as their houses inch ever closer to the Maumee River. One property owner graphically described the problems of the area to me in a recent letter:

> Our homes and land have been slipping gradually toward the river, due to layers of silt and consequent veins of water lying up to 80 feet under the town of Maumee, Ohio. For example, the Lucas County Library itself is in danger of collapsing in the not-too-distant future.
>
> * * * * *
>
> . . . the natural flow of these veins of water is toward the (Maumee) river and our homes are in its wake, so actually the drain off of the town is responsible for the slippage and erosion on our land.
>
> Personally, we built a $5000 terrace on our home toward the river and half of it has sunk 24 inches and is still moving. The terrain all along this area appears as a huge crust of the earth that has broken away. Many of our poor neighbors are having more damage than we are experiencing; near Judge Alexander's home it has dropped 5 to 6 feet.

Mr. Speaker, this same scenerio is repeated time and again across the country and the amount of damage runs into the millions each year. While our present law discriminates between erosion on publicly owned property and that on privately owned property, I am afraid that erosion itself does not discriminate and it is time we recognized that the public interest extends to both kinds of property. As the national shoreline study concluded—

> Much of the shoreline that is undergoing critical erosion is in private hands, and erosion on such lands is increasing. Erosion is increasing for publicly owned lands also, but necessary remedial action can be taken through public institutions whereas the public has limited voice in the management of privately held lands. Yet the public interest in such private shores is considerable. The management of private lands often affects public beaches, navigation channels, and other facilities. Ecological and environmental problems are not stopped by private fences, nor are the problems associated with storm flooding and disaster-related emergencies. Private as well as public lands need to be considered in shoreline and coastal zone planning in order to reflect the total public interest.

In the light of these finding, it is not suprising that the study's first recommendation was for "coordinated action by Federal, State, and local governments in concert with action by corporate and private owners to arrest erosion of the national shorelines."

Mr. Speaker, it is clear that only a combination of private and public action can curb the problem. The Federal Government, acting through the Army Corps of Engineers, must coordinate the placement of abutments, retaining walls, jetties, and such other measures as may be necessary to prevent erosion from destroying productive lands, both public and private, and from contaminating our waterways with large amounts of silt and sediment.

The private landowner whose property is benefited, for his part, must be required to pay his fair share of the cost.

The legislation that we are introducing today seeks to effectuate a national program to abate shoreline erosion by allowing private property owners to qualify for assistance from the Corps of Engineers in accordance with already established procedures for civil projects to abate shore erosion on public lands. The bill would permit the Federal matching grant formula of 50-to-50 reimbursement to be met by responsible local interests. In this manner, private citizens, through the process of special municipal assessments, would be able to match Federal aid to solve a problem whose effects are of national importance.

Mr. Speaker, the present situation can only worsen unless we authorize preventive measures immediately. I urge the House Committee on Public Works to act promptly on this measure.

THE CONSUMER PRODUCT SAFETY ACT

HON. BOB ECKHARDT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. ECKHARDT. Mr. Speaker, one of the most outstanding accomplishments of the 92d Congress was passage of a law that has far-reaching importance for all American consumers, and for virtually every U.S. industry—the Consumer Product Safety Act.

Exactly 1 month after the act was signed into law, I made an address about the principles that will lead to effective operation of a Federal consumer safety program.

The address was delivered in Washington November 27 at a briefing conference conducted by the first publication to focus exclusively on this new regulatory area—Product Safety Letter—and I would like to call my colleagues' attention to its background.

In any regulatory process, there is need for a reliable communications channel between Government and the affected industries. Product Safety Letter, edited and published by veteran Washington newsman, David Swit, supplies just that information source.

Since early 1972, this independent newsletter has provided objective reports and penetrating analysis of congressional and regulatory developments in product safety. On the legislative scene, Product Safety Letter accurately forecast in its very first issue—and repeatedly for 6 months thereafter—that the House product safety bill would provide the basis for this landmark law.

In regulatory news, this weekly publication's many exclusive articles read like a litany of the products that the new act affects. Topics have included flammable fabrics, banned toys, inspection of detergent manufacturers, retailers' roles in repurchase plans, safety glazing, lead-containing paints, dangerous food cans, aerosols, safety closures, jointer-planers, power mower standards, kitchen range designs, problems with advertising, and Federal pre-emption.

The users and makers of these and hundreds of other products, many of them long unregulated, will feel the impact of the statute which I discuss, and I insert my address to the Product Safety Letter Briefing Conference in the RECORD.

The address follows:

BRIEFING CONFERENCE ON THE CONSUMER PRODUCT SAFETY ACT

(By Representative BOB ECKHARDT)

It has been said that those who cannot remember the past are condemned to repeat it. This evening as we met to consider the future of the consumer product safety act I think it is essential that we remember past federal consumer safety efforts. Perhaps then the consumer product safety commission can improve on them and make a reality the right to safety enunciated by John F. Kennedy ten long years ago.

It is particularly important that we also inquire into appropriate goals for the consumer product safety commission; not merely because of our hope that the commission will justify the faith that Congress and the public have placed in it; but because of our belief that federal regulatory efforts simply cannot afford failure.

Unfortunately, it is obvious that the American public is going through a crisis of confidence in government. For example, a recent study at Ohio State University found that the American people's trust in their government dropped nearly 20% between 1964 and 1970; and public trust among blacks dropped at approximately twice that rate. Thus in 1964 25% of the persons polled mistrusted government, but by 1970 the figure had risen to 39%.

Loss of public confidence in government is not a good development for consumers or for business. Such attitudes threaten the very fabric or our republic. Nor is there any governmental function that is more fundamental and necessary than protection of the public safety. In other words, if we cannot cut it in the safety area, we are bad shape.

What then, are the principles that will lead to the effective operation of a Federal Consumer Safety Program? Let us consider them in light of the new law and some experiences of the past.

First, an effective program requires an adequate statute. As noted by the National Commission on product safety "in the past government has responded to specific safety crises by enacting piecemeal, limited and disparate legislation . . . legislation for a single hazard often fails to cover other serious associated hazards. The original flammable fabrics act did not touch flammable hats, gloves, footwear, draperies, bedding, upholstering or carpeting. The radiation control for health and safety act authorized inspection of television sets for radiation but not fire hazards."

Congress has sought to avoid this piecemeal approach to Federal safety legislation by giving the consumer product safety commission comprehensive jurisdiction over all consumer products which are not covered by other laws.

A well-drafted statute also gives the administering agency flexibility in approaching a particular regulatory problem. Again the Congress has attempted to delegate to the consumer product safety commission a broad spectrum of powers with which it can approach the job of reducing consumer product hazards. The powers include: standard setting, investigation, research, banning, recall and injunction.

A good statute requires adequate sanctions. In this area under the consumer product safety act a knowing violation of a Federal safety standard may result in civil penalties of up to $500,000 for a related series of violations, with each non-conforming product amounting to a separate violation. Criminal penalties are also provided under the act for knowing and willful violations, after notice from the commission.

On the other hand, a well-drafted statute insures fair procedures to all those subject to its terms. Both the House and Senate Commerce Committees expended considerable effort to insure that the procedures were fair to all concerned. For example, all product safety standards and product bans, must be issued after a hearing pursuant to section 553 of title 5. In addition to the requirements of that section the bill requires the commission to afford interested parties an opportunity for oral presentation of arguments and requires that a transcript be kept.

Court review of a product safety standard or ban is pursuant to the "substantial evidence" rule rather than the usual rule which sustains agency's action if it is neither arbitrary nor capricious. This is a major departure from the normal standard of court review. There are numerous other examples. The point is that this agency has the tools to function effectively and fairly, if it will use them.

Second, the Federal Agency with responsibility must be free to use its powers in accord with its own best judgment. Congress has placed the responsibility for product safety activities in the five-member consumer product safety commission. It has given the commissioners seven-year staggered terms and directed that they may be removed only for neglect of duty or malfeasance, but for no other cause. In this manner it has created a truly independent regulatory commission to administer the law. In the past certain officials of the administration have apparently attempted to control the decisions of Federal agencies operating in the field of consumer protection and environmental quality through a process of preclearance of standards through the Office of Management and Budget.

Certain Federal agencies were required to submit an advance schedule showing estimated dates of all proposed and final regulations, standards and guidelines, the name of the agency official responsible for the activity, and the proposed regulations, standards or guidelines, in advance of their announcement to the public.

The consumer product safety commission is not structured so as to come within the scope of such a requirement. While it may well decide to coordinate its activities with other Federal programs, it is not subject to any requirement of prior clearance of its consumer safety activities and should not submit to such outside control.

Third, the leadership of a Federal regulatory program must not fear to use the powers given to it by Congress.

In this connection, it is my clear recollection that when Congress enacted the Federal Hazardous Substances Act it provided in section 2(q) (2) that if the Secretary finds that *distribution* for household use of a hazardous substance presents an imminent hazard to the public health he may by order determine that such substance is a "banned hazardous substance" pending completion of a full administrative proceeding under the act. Now, the food and drug administration has had that authority from 1966 until 1972. During that period of time the National Commission on Product Safety submitted its final report to the President and Congress enumerating at least 16 household products, including dishwasher detergents and petroleum-based furniture polish, which it determined were unreasonably hazardous. Yet the FDA took no action under this section. During the same period the FDA itself commenced a regulatory proceeding against carbon tetrachloride which it determined should be banned from the marketplace. Yet, although the proceeding lasted in excess of two years, the FDA at no time sought to declare carbon tetrachloride an imminent hazard.

The Consumer Product Safety Act gives the new Commission the authority to control imminent hazards through court actions. It permits the court to permanently or temporarily recall, ban or otherwise regulate a hazard which poses an imminent and unreasonable risk of severe personal injury or death. It is to be hoped the Commission will learn from the past and judiciously use the powers Congress has given it.

But if it does not, the act authorizes any member of the public, including a consumer, to petition the agency to commence proceeding for a consumer product safety rule. If the commission denies the petition, the petitioner may commence a civil action in the United States District Court to compel the commission to initiate such a proceeding. If the petitioner can demonstrate by a preponderance of the evidence that the consumer product presents an unreasonable risk of injury and that the failure of the commission to initiate a proceeding unreasonably exposes the petitioner or other consumers to such a risk of injury, the court may order the commission to initiate the proceeding requested.

In short it is to be hoped that the failure to utilize delegated powers which has been so apparent in the past will not be repeated in the new consumer product safety commission.

Fourth, a Federal agency must avoid becoming overly close to, and being overly influenced by, those which it has the responsibility of overseeing.

There have been numerous instances of such an overly close relationship in the past. For example, the FDA has been in the habit of making certain regulatory decisions after *ex parte* meetings with manufacturers of the products involved. These meetings were not announced to the public in advance. No representatives of the public are present when these decisions are reached. For example, in August and October of 1972 the FDA granted extensions of its safety packaging regulation for prescription drugs. These extensions were apparently made after discussions with industry representatives. Why they were not made after a public hearing or at minimum an opening meeting is difficult to understand.

Other examples of an unnecessarily close relationship with industry include a meeting with manufacturers of plastic oven roasting bags announced one day after it had been completed, and the announcement of a series of meetings with bicycle manufacturers which was made after the meetings had been concluded. I do not suggest that there should be no communication between the regulatory agency and the industries it oversees. I do suggest that a consumer safety agency functions as a quasi judicial body and should act after public notice with representation from all interests when it makes a decision. It should do this as much to instill public confidence as to insure that its decisions are correct.

Another past practice which tends to undermine confidence is the use of the agency in its upper echelons as an escalator between public service and employment by the industry that it regulates.

For example, during the consideration of the Consumer Product Safety Act it was noted that one of the three senior officials of the Food and Drug Administration left his job and immediately took a position with the food industry, which immediately prior had been subject to his regulatory authority. While this may not have been contrary to the letter of the Food, Drug, Cosmetic Act, it most certainly is contrary to its spirit. If a Federal agency is a training ground for corporate executives, how can its leaders be expected to exercise objective judgment in the public interest? Section 4(g)(2) of the Consumer Product Safety Act addresses itself to this fault. It precludes any employee above grade 14 from accepting employment or compensation from a manufacturer subject to the act for at least one year after terminating employment with the Commission.

Fifth, where Federal law is violated the responsible agency should move promptly and with vigor to prosecute the violators.

In the past this has not always been the case. For example, a study by the General Accounting Office in April 1972 found that of 97 food plants surveyed, about 40% were operating under unsanitary conditions. GAO found that the cause of these conditions was twofold: 1) FDA's limitation in resources to make inspections; and 2) FDA's lack of timely and aggressive enforcement action when poor sanitation conditions were found. GAO furnished the following example of inadequate FDA enforcement action. The respondent involved was a macaroni and noodle manufacturing plant with annual sales of about $600,000, shipping 30% of its food in interstate commerce. FDA made eight inspections of this plant during a 46-month period ending October, 1971: Seven inspections revealed insect activity; one resulted in the plant's voluntarily destroying 14,000 pounds of insect infested spaghetti. All but one of the eight inspections revealed some degree of insect activity. In May of 1971 the inspection found live adult beetles and larvae in the manufacturing equipment. FDA officials advised GAO that no regulatory action was taken against this firm because evidence of contamination was not found in the sample collected after shipment in interstate commerce. An FDA official advised that in his opinion the plant was a "borderline case." GAO concluded that when a plant has repeatedly violated sanitation standards, FDA should use one of the more aggressive enforcement alternatives available to it rather than merely continue to reinspect the plant.

To that I say, "Amen."

Sixth, a Federal regulatory agency should anticipate new problems which it may encounter in administering the law. When it finds it has inadequate regulatory authority it should not hesitate to ask Congress for new authority.

In the past this has not been done. Again a General Accounting Office report, this one dated September 14, 1972, is relevant. The GAO studied the question of whether the lack of authority limits consumer protection by the FDA in identifying and removing from the market products which violate the law. It concluded that the FDA has had difficulty in removing defective products from the market because it lacks authority to: 1) Obtain access to records needed to identify violative productcs; 2) lacks authority to detain products from interstate shipment pending a determination of whether they should be removed from the market; and 3) lacks authority to require a mandatory recall to violative products.

GAO found that between 1969 and 1970, 3,300 firms refused to cooperate with requests by the FDA for inspection of records. It found that of 91 seizures, 69% of the total amount of products determined to violate the act were actually removed from the market the remaining 31% was apparently sold to the public. It found that in reviewing 106 voluntary recalls requested by the FDA in 1971 an average of fifteen days passed before the firm in question acted on the FDA's request. Thirty-eight percent of the products involved were sold during the delay between FDA request and the response of the firm in question.

In each of these cases, there exists and has existed for some time a clear lack of adequate legislative authority on the part of the Food and Drug Administration. Yet as far as I know, no request for such authority has ever been made to Congress. In reviewing the conclusions of the GAO, the FDA stated on July 31, 1972, that it is currently giving "the most serious consideration" to a request for such new legislative authority. Serious consideration, is, in my view, long overdue. In this connection, I might point out that section 27k(2) of the Consumer Product Safety Act states that when the Commission reports to the President it shall concurrently transmit a copy to Congress. We need to restore the power of the Congress, the body which represents the people. No agency of the United States should have authority to require prior submission of legislative recommendations by the Commission. I am referring, of course, to the sweeping and near dictatorial powers that the Office of Management and Budget seems to have over other Federal agencies. Consumer Product Safety Act specifically states that Congress have the right to any documents prepared by the Commission at the same time such documents are submitted to OMB. In addition, OMB shall not have veto powers over Commission actions. Perhaps which such congressional guidance, the future of product safety regulation will be better in this regard.

To summarize, then, an effective consumer safety program requires a well written statute and an agency with the freedom to act, willing to use the powers delegated by Congress, which is not inordinately close to the industries which it is directed to regulate, which will move promptly and vigorously to enforce the law, which will anticipate regulatory problems and seek new legislative authority from the Congress when that is necessary.

In each of these areas, the Consumer Product Safety Act has been tailored to avoid the pitfalls of the past. With dedicated leadership and adequate resources, I am confident of a bright future for the Consumer Product Safety Commission and, more important, a safer environment for American consumers.

DRIVE FOR PEACE, SECURITY IN EAST CENTRAL EUROPE

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 20, 1973

Mr. DULSKI. Mr. Speaker, several groups, including the Polish-Hungarian World Federation and Affiliates led by the former Polish consul general, Dr. Karol H. Ripa of Chicago, and the American Hungarian Federation under the leadership of Bishop Zoltan Beky and Judge Albert A. Fiok have submitted memoranda to the President, the State Department, and others regarding the Conference on Security and Cooperation in Europe—CSCE—and the multilateral balanced force reductions—MBFR.

Both documents agree upon the necessity of peace and security to be attained through free political development of the nations of Europe, and look to a relaxation of present strained relations.

They propose, however, that just as the U.S.S.R. has raised the issue of an European charter, the United States also should include on the agenda bold proposals including the neutralization of east-central Europe.

While the suggestion is couched in general terms, it is meant as a political and intellectual stimulus for our diplomats in the hope that their further study will result in solidification of the issue of neutralization in a manner presentable to an international conference.

It is perhaps appropriate to note here that the Polish-Hungarian World Federation not only has the support of most major Polish and Hungarian American organizations, but also of many national organizations of American Bulgarians, Albanians, and Croats, who are very sympathetic to the common cause.

Mr. Speaker, as part of my remarks, I include both the text of the resolution of the Polish-Hungarian World Federation adopted by its board of directors on November 26, 1972, and the resolution adopted by the American Hungarian Federation:

RESOLUTION ON A NEW CENTRAL EUROPE, ADOPTED NOVEMBER 26, 1972, BY THE POLISH-HUNGARIAN WORLD FEDERATION

The cardinal motivation of nationhood is self-determination. No nation will seek foreign domination by choice. These well establish truisms are fully punctuated in the pages of history throughout the ages. Because collective man has generally been the aggressor, the strong seeking to subdue the weak, wars have been the means by which strong nations have subdued weak nations.

Power is neither absolute nor permanent. The strong of one day may become the weak of another. So nations have risen in power and influence only to be subdued by other nations who themselves then became subdued and conquered. History is replete with cogent testimony to these realities.

War as a form of conquest for economic gain is no longer workable. What may have been true years ago when the spoils went to the victor, today there are no victors in war. All participants are losers. Wars, therefore, as a form of national policy is no longer a viable political instrument. Nations must now look to more profound areas of negotiation with the various peoples of the world to achieve world peace.

Of late a movement has been afoot to neutralize, militarily, Central and Eastern Europe. This goal is not only socially and economically desirable, but would prove politically sound as it would stabilize a whole area of political discontent. The proposal is to reach an internationally guaranteed agreement for the neutralization of a zone between Germany and Russia.

Considering that the two world wars broke out in the central European area, between Russia and Germany, it would behoove the great powers to take cognizance of these realities and look with favor toward achieving these goals. It is well known that the people in the nations between Germany and Russia are discontented. So long as there is discontent, the danger of another war is ever present.

Poland has had a long and stormy history. The boundaries of this country have frequently fluctuated. It has been occupied by many peoples, in the present century by the Germans and the Russians. But no matter who occupies Poland, the Polish people have retained their traditions of fierce independence.

The Pole is a passionate idealist who takes pride in his patriotism. This pride in nationalism is finely expressed in the song of the emigre Polish soldiers in Napoleon's armies: "Poland is not yet dead while we still live."

From the time of Stephen I to the present, the aim of the Hungarian people has been to mold a free and independent nation. This struggle has been going on for a thousand years. The last great surge for freedom took place in 1956, when the Hungarian people attempted to free themselves from Soviet oppression.

What holds true for the patriotism of the Polish and Hungarian people holds true for the other peoples in Central and Eastern Europe.

The POLISH-HUNGARIAN WORLD FEDERATION AND AFFILIATES, therefore, resolves to support the goals and aims toward achieving a neutralized Central and Eastern Europe and calls upon the Government of the United States and the Governments of Europe to consider the proper course of action for the fulfillment of these aims.

RESOLUTION OF THE AMERICAN-HUNGARIAN FEDERATION, ADOPTED NOVEMBER 4, 1972

The American-Hungarian Federation is addressing the President of the United States about the suggestions of the American-Hungarian community and its needs as follows:

1. At the MBFR talks priority should be awarded to the complete withdrawal of Soviet troops from Hungary without, however, interfering unfavorably with the security interests of NATO.

2. As the small states living in the immediate vicinity of the nuclear superpower, i.e., the U.S.S.R., would even then remain in a defenseless position, Hungary and other countries of East Central Europe should be neutralized in accordance with the Austrian pattern, and their neutral status should be guaranteed by the major powers and the United Nations.

3. The principles agreed upon in the Moscow Agreements of 1972 i.e., "noninterference with domestic affairs, sovereign equality, independence, abstention from the use or the threat of force" were not kept in the past and therefore, they can only be applied in the future to such state of affairs in which they have already become realities.

4. The American-Hungarian Federation does not recognize the final permanence of European frontiers.

5. The common goal: normalization of life, general security and cooperation may not be attained without a replacement of present constraints by respect for human rights and civil liberties, free communications, mutual and free cultural relations and religious and press freedoms. These liberties should also extend to the national minorities of the various European states.

VIETNAM—THEN AND NOW

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. ADDABBO. Mr. Speaker, the confusing, cautious, and conflicting statements by this administration and past administrations on the Vietnam war have been dramatically summarized by the Washington Post in an "instant editorial." Last week I asked Admiral Moorer, Chairman of the Joint Chiefs of Staff, which of these statements would be true today, but he did not choose one, preferring to rest with the view that South Vietnam would defeat North Vietnam.

I urge my colleagues to read this "instant editorial" and to support my efforts to discharge my bill to cut off funds for continuation of this war. I have announced plans to circulate a discharge petition as soon as the bill is referred to a committee so that we can vote to stop the bombing and withdraw all troops within 30 days pending release of prisoners and a full accounting for those missing in action.

I insert at this point the editorial from the December 31, 1972, Washington Post entitled "The Story of Vietnam: An Instant Editorial."

THE STORY OF VIETNAM: AN INSTANT EDITORIAL

"I fully expect [only] six more months of hard fighting."—General Navarre, French Commander-in-Chief, Jan. 2, 1954.

"With a little more training the Vietnamese Army will be the equal of any other army . . ."—Secretary of the Army Wilbur Brucker, Dec. 18, 1955.

"The American aid program in Vietnam has proved an enormous success—one of the major victories of American policy."—Gen. J. W. O'Daniel, Official Military Aide to Vietnam, Jan. 8, 1961.

"Every quantitative measurement shows we're winning the war . . . U.S. aid to Vietnam has reached a peak and will start to level off."—Secretary of Defense Robert S. McNamara, 1962.

"The South Vietnamese should achieve victory in three years . . . I am confident the Vietnamese are going to win the war. [The Vietcong] face inevitable defeat."—Adm. Harry D. Felt, U.S. Commander-in-Chief of Pacific Forces, Jan. 12, 1963.

"The corner has definitely been turned toward victory in South Vietnam."—Arthur Sylvester, Assistant Secretary of Defense, March 8, 1963.

"The South Vietnamese themselves are fighting their own battle, fighting well."—Secretary of State Dean Rusk, April, 1963.

"South Vietnam is on its way to victory."—Frederick E. Nolting U.S. Ambassador to South Vietnam, June 12, 1963.

"I feel we shall achieve victory in 1964."—Tram Van Dong, South Vietnamese general, Oct. 1, 1963.

"Secretary McNamara and General [Maxwell] Taylor reported their judgment that the major part of the U.S. military task can be completed by the end of 1965."—White House statement, Oct. 2, 1963.

"Victory . . . is just months away, and the reduction of American advisers can begin any time now. I can safely say the end of the war is in sight."—Gen. Paul Harkins, Commander of the Military Assistance Command in Saigon, Oct. 31, 1963.

"I personally believe this is a war the Vietnamese must fight. I don't believe we can take on that combat task for them."—Secretary McNamara, Feb. 3, 1964.

"The United States still hopes to withdraw its troops from South Vietnam by the end of 1965."—Secretary McNamara, Feb. 19, 1964.

"The Vietnamese . . . themselves can handle this problem primarily with their own effort."—Secretary Rusk, Feb. 24, 1964.

"We are not about to send American boys 9,000 or 10,000 miles from home to do what Asian boys ought to be doing for themselves."—President Lyndon Johnson, Oct. 21, 1964.

"We have stopped losing the war."—Secretary McNamara, October 1965.

"I expect . . . the war to achieve very sensational results in 1967."—Henry Cabot Lodge, U.S. Ambassador to South Vietnam, Jan. 9, 1967.

"We have succeeded in attaining our objectives."—Gen. William Westmoreland, U.S. field commander in Vietnam, July 13, 1967.

"We have reached an important point when the end begins to come into view . . . the enemy's hopes are bankrupt." Gen. Westmoreland, Nov. 21, 1967.

"We have never been in a better relative position."—Gen. Westmoreland, April 10, 1968.

"[the enemy's] situation is deteriorating rather rapidly."—Gen. Andrew Goodpaster, White House aide, January 1969.

"We have certainly turned the corner in the war."—Secretary of Defense Melvin Laird, July 23, 1969.

"I will say confidently that looking ahead just three years, this war will be over. It will be over on a basis which will promote lasting peace in the Pacific."—President Richard Nixon, Oct. 12, 1969.

"This action [the invasion of Cambodia] is a decisive move."—President Richard Nixon,

"General Abrams tells me that in both Laos and Cambodia his evaluation after three weeks of fighting is that—to use his terms—the South Vietnamese can hack it, and they can give an even better account of themselves than the North Vietnamese units. This means that our withdrawal program, our Vietnamization program, is a success . . ."—*President Richard Nixon, March 4, 1971.*

"Peace is at hand."—*Dr. Henry Kissinger, Oct. 26, 1972.*

"We have agreed on the major principles that I laid down in my speech to the nation of May 8. We have agreed that there will be a ceasefire, we have agreed that our prisoners of war will be returned and that the missing in action will be accounted for, and we have agreed that the people of South Vietnam shall have the right to determine their own future without having a Communist government or a coalition government imposed upon them against their will.

"There are still some details that I am insisting be worked out and nailed down because I want this not to be a temporary peace. I want, and I know you want it—to be a lasting peace. But I can say to you with complete confidence tonight that we will soon reach agreement on all the issues and bring this long and difficult war to an end."—*President Nixon, Nov. 6, 1972.*

"The United States and North Vietnam are locked in a 'fundamental' impasse over whether they are negotiating an 'armistice' or 'peace,' Henry A Kissinger acknowledged yesterday."—*From The Washington Post, Dec. 17, 1972.*

"Waves of American warplanes, including a record number of almost 100 B-52 heavy bombers, pounded North Vietnam's heartland around Hanoi and Haiphong yesterday and today in the heaviest air raids of the Vietnam War."—*From The Washington Post, Dec. 20, 1972.*

"Hundreds of U.S. fighter-bombers launched intensified attacks yesterday on North Vietnamese air defense sites in an all-out attempt to cut down the number of B-52 heavy bombers and their 6-man crews being shot down by surface-to-air missiles."—*From The Washington Post, Dec. 30, 1972.*

"The President has asked me to announce that negotiations between Dr. Kissinger and special advise Le Duc Tho and Minister Xuan Thuy will be resumed in Paris on Jan. 8. Technical talks between the experts will be resumed Jan. 2. . . . The President has ordered all bombing will be discontinued above the 20th parallel as long as serious negotiations are under way."—*Gerald L. Warren, White House spokesman, Dec. 30, 1972.*

GARLAND C. LADD

HON. CHET HOLIFIELD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. HOLIFIELD. Mr. Speaker, I wish to recognize the contribution of a longtime friend, Garland C. Ladd, a pioneer in public education on nuclear power, who today ends a 31 year career with North American Rockwell—NR—via early retirement. He is 55.

Mr. Ladd retires as director of public relations for Atomics International—AI—in Canoga Park, Calif., a post he has held since that NR Division was established in 1955.

Associated with atomic energy development since the company entered the field shortly after World War II, he was a pioneer in the development of information programs to aid public understanding and acceptance of the use of nuclear power to generate electricity. His efforts embraced reactors of a variety of types and sizes developed and built by AI during the infancy of nuclear power and, in more recent years, the fast breeder reactor.

As AI's PR director, he has guided a flow of information about the company's activities and products through news releases, exhibits, publications, motion pictures, advertising, interviews with company officials, assisting writers with feature articles, photos, and material for corporate reports to shareholders.

During his years in the post, he acquired numerous friends in the atomic energy field, including Atomic Energy Commission officials, utility company management personnel, members of the Joint Committee on Atomic Energy and among journalists.

Ladd has served on a number of State and national public information committees, developing information programs on peaceful uses of the atom.

During many years as chairman and member of the Joint Committee on Atomic Energy I was most impressed with Mr. Ladd's contribution to nuclear public information. I am pleased to note that his work has drawn favorable attention and comment from other leaders in the nuclear field, including former AEC Chairman Lewis Strauss and Glenn Seaborg.

He began his career with NR in November 1941 when he joined the Production Control Department of what was then North American Aviation, Inc., in Inglewood. Within a few months, he transferred to public relations, where he was assigned to general news. Following the attack on Pearl Harbor, he had applied for a Navy commission. He became an ensign and, in 1942, went on active duty with the Bureau of Aeronautics. He produced motion pictures for the Bureau, served on various types of naval vessels in both Atlantic and Pacific areas and advanced to the rank of lieutenant.

Ladd returned to NR in late 1946 and, during the next few years, produced and distributed news copy, photos, and information material on such aircraft as the Navion private plane, the F-82 Twin Mustang, B-45 Tornado jet bomber, F-86 Sabre, T-28 trainer, and the carrier-based AJ-1 Savage and FJ-1 Fury.

He originated the corporate documentary movie program by producing the first NAA film made specifically for public showing. The feature, called "Special Showing of Latest Aircraft," was an early TV favorite.

In 1951, he took charge of public relations activities for the aerophysics program in Downey, a program that led to establishment of the AI, Rocketdyne, Autonetics and Space Divisions. In October 1955, Ladd and Lee Atwood, former president of NR, chose the name Atomics International for the newly established division.

Prior to joining NR, Ladd was associated with the Walt Disney Studies where, as an assistant director, he worked on Mickey Mouse and Donald Duck shorts, then on such features as "Pinocchio," "Bambi," "Fantasia," "Dumbo," and "The Reluctant Dragon."

He is a graduate of the University of Southern California where he received his bachelor's degree in 1939.

CONSTITUTIONS OF THE COUNTRIES OF THE WORLD

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. FORSYTHE. Mr. Speaker, I would like to invite the attention of the House to a work which our own Library of Congress has described as "a notable addition to the reference collection." This 12-volume work is unique in providing us with an English translation—plus commentary and bibliography—of the constitution of every country in the world.

Appropriately entitled "Constitutions of the Countries of the World," this set is edited by Albert P. Blaustein and Gisbert H. Flanz. The publisher is Oceana Press in Dobbs Ferry, N.Y. Volume 1 was published last year, volume 6 has just made its appearance, and volume 12 will undoubtedly complete the set in 1974.

It is particularly appropriate to mention this work as all of us get ready for our Nation's bicentennial. It is particularly useful to have on hand all of the constitutions of the world so that we may judge the influence of our then infant democracy upon the nations which later came into being. It is instructive to see how many constitutions of the world have been based upon or have borrowed from our own.

But perhaps even more important is the lesson that we learn from Blaustein and Flanz in their commentaries on these constitutions. For it may even be more instructive for us to see how these constitutions differ from ours. Remember, we have one of the very oldest constitutions in the world.

And as other countries have developed their own particular constitutions for their own particular needs, they have learned from our errors as well as from our accomplishments. It should be a continuing task of all of us in Congress to examine the constitutions of other countries—with a goal of making ours that much more functional and effective.

"Constitutions of the Countries of the World" was chosen for the principal book review in the November 15, 1972, issue of The Booklist—published by the American Library Association. Here, in a most favorable review, is the following explanation of the makeup of this set:

> Designed for a loose-leaf set, constitutions (with commentary and bibliography) are

issued individually on good heavy paper, spine-edge stapled. They are punched for easy insertion in the very well-constructed post and plate binder, which has a large and clear spine title. Arrangement of each issue can be made according to the subscriber's own plan (e.g., aphabetically, by continent, etc.).

Using this format, the editors will be able to provide a continually up-to-date collection of texts and commentaries. And, as pointed out by the American Library Association, there is no comparable publication. This is revealed in the following words from the review:

> The significance of recency in the publication of constitutions can harly be overemphasized, for during the past decade there has been widespread and comprehensive redrafting of constitutions. The process continues currently and gives indication of persisting in the foreseeable future. When compared with the third revised edition of the well-known *Constitutions of Nations* edited by the Peaslees (The Hague: Nijhoff, 1965–), this set demonstrates such changes quite dramatically. The current Peaslee edition appeared in the mid-1960s during a time of great change in constitutions throughout the world. The constitution of Yugoslavia, to select an example, appears in its 1963 version in Peaslee. This constitution, drastically revised in 1967, is presented in its current form with the appropriate analytical commentary in *CCW*. The revisions were far more than technical or legalistic: basic reforms which in effect reallocated much of the power previously held by the Communist Party were introduced. Anyone referring to the 1963 edition would be quite seriously misled in using it to interpret or understand present-day Yugoslavia.
>
> Perhaps the constitutions of "emerging" nations alone would justify the need for current publication. Those for both the Congo (Brazzaville) and the Congo (Kinshasa) are not up to date in *Peaslee*, but do appear in current form in *CCW;* this is particularly important in that the old "Leopoldville" constitution was drastically revised in 1967 for "Kinshasa." (To clarify terminology about the Congos somewhat, it is worth noting that on October 27, 1971 a presidential decree changed the name of the Democratic Republic of the Congo (Kinshasa) to the Republic of Zaire.) In Peaslee's African volume the constitution for Malawi is out of date and that for Gambia does not appear at all; both are in *CCW*.

The author-editors have distinguished records in the fields of law and constitutional development. Professor Blaustein, a member of the Rutgers Law School faculty, is aptly described by the American Library Association as "a distinguished lawyer, journalist, teacher and law librarian with an extensive record of both scholarly and popular publications." He has worked on constitutional and legal problems and law-school development throughout the world—at the behest of the United States and foreign government, private law firms, the International Legal Center, The Asia Foundation, and the Institute of International Education. His travels and duties have taken him to Bangladesh, Ethiopia, Ghana, Kenya, Liberia, Nigeria, Taiwan, Tanzania, Thailand, Uganda, Vietnam, Zaire, and Zambia.

Gisbert Flanz is professor of Political Theory and Comparative Politics at New York University. He has likewise served as a consultant and adviser to our own and foreign governments. He was an adviser to the Constitution Deliberation Committee of the Republic of Korea. The two editors met in connection with various efforts on constitutional and legal development in Vietnam.

GROWING SUPER STEEL PLAYS LEADING ROLE WITHIN INDUSTRY

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. TEAGUE of Texas. Mr. Speaker, a former member of my combat command during World War II recently associated himself with Super Steel Products Corp. in Milwaukee, Wis. I recently had an opportunity to visit with him here in Washington and he told me of the many new innovations which his company was undertaking in the steel fabrication industry.

He has just forwarded me a copy of the December 18, 1972, edition of the Milwaukee Sentinel which carries an article relative to his company describing the new computer system which they have installed in an effort to find ways to increase the efficiency and productivity of their manufacturing operation. Under leave to extend my remarks in the RECORD, I wish to include this article relating to this company:

GROWING SUPER STEEL PLAYS LEADING ROLE

(By Roger A. Stafford)

Super Steel Products Corp., the rapidly growing Milwaukee firm which last week obtained the first city industrial revenue bonding, has been in the vanguard of its industry before.

"The world is full of tin knockers," says Super Steel President Fred G. Luber, describing the metal fabricating industry.

But, he added in an interview, it is not full of "tin knockers" with:

A profit sharing plan.

A completely portable, company paid pension plan.

A highly automated operation, now turning to a computer to further increase productivity.

A prime contract to furnish all new General Motors Corp. dealer signs.

And he might have added that the world is not full of metal fabricated whose sales have grown from $200,000 in 1966 to $3.2 million in the fiscal year ended July 31.

FOUNDED IN 1923

Super Steel has been on the Milwaukee industrial scene since 1923, but its modern history began with a change of ownership in 1966.

In that year Walter A. Belau sold his metal fabricating company at 1244 N. 4th St. to Luber and Joseph A. Downey, two engineers formerly with the Louis Allis Co.

The two men began with 18 employees in a plant that was in the path of the Park Freeway. They soon moved to a former Pepsi-Cola plant at 2800 W. Capitol Dr., renovating the structure which now serves as corporate headquarters.

"When we started we were just a service company for local industry," says Luber, noting that the company was "not too well tooled" and definitely in need of improved quarters.

TEAM CONCEPT

But after the move the two men began building the operation, instituting a labor-management team approach which Luber believes has been the key to the company's success.

Seeking to create a "proper environment" for their team approach, the Super Steel executives asked John Hancock Mutual Life Insurance Co. to design a complete employe benefit package.

Included in the benefit package are profit sharing and an unusual company paid pension plan, which Luber uses to illustrate the firm's desire to create a good manufacturing environment.

Other pension plans, contends Luber, are frequently used by companies to keep employes from shifting jobs or by unions to insure membership. Contributions by employer or union cannot be taken out if a worker goes elsewhere.

Unlike those programs, Super Steel's plan is totally company paid and totally portable—the employe can take his accumulated sum with him, even if he leaves before retirement.

FREEDOM INVOLVED

From an expense point of view, Luber admits there was "no need for the pension program." But, he stresses, the freedom it involved was an essential part of the environment the company sought in its effort to improve productivity.

Luber says that under the team approach as practiced at Super Steel "antagonistic labor-management relations" do not exist and "there is no need for work rules" which could reduce productivity.

Employes, who formerly had a closed union shop, have established an open shop with about 40% of 150 workers unionized.

In addition to returning company profits to employes through various programs, the firm has spent large amounts on improved equipment.

NEW EQUIPMENT

Warner & Swasey tape operated punch presses make the firm "one of the most sophisticated" in the area as well as one of the largest, according to Luber.

The company is using a computer to analyze the tapes of the automatic equipment in an effort to further increase the efficiency and productivity of the operation.

Super Steel's growth accelerated three years ago when it became the major subcontractor in GM's program to equip all its dealerships in the US and Canada with new signs.

Last February Super Steel became the prime contractors in the GM program, taking over from A. O. Smith Corp. While the task of co-ordinating the program is a major one, Luber notes that having GM as a customer "gives us a credibility."

He finds other customers now saying to themselves, "If they're good enough for GM, they're good enough for us."

As the firm's business grew, so did its marketing area. The once local operation now does 75% of its business in other states and two-thirds of the remainder outside Milwaukee County.

Super Steel currently produces parts for GM's locomotive manufacturing plant in Illinois, does extensive work for machine tool and electrical manufacturers, and continues to serve all basic industries in the area.

NEW PRODUCT

Earlier this year the firm acquired its first proprietary line. After producing steel grain bins six years for Lindsay Brothers, Super Steel acquired all rights to manufacture and sell Lindsay's line of grain handling and storage systems.

Although the new product is a minor part of the operation, Luber believes it has great potential. It fits in with the trend toward farmers drying their grain on their farm, rather than at central locations, he notes.

Super Steel plans to equip and service the grain bins for the farmers so that they do not have to do the work piecemeal as in the past, says Luber.

The acquisition of the new line and the overall growth of the company resulted in the demand for increased manufacturing space.

Super Steel has added to its Capitol Dr. plant twice since 1966 and now operates a second plant just north of the headquarters. The firm has 100,000 square feet of manufacturing space in its two plants.

Earlier this year when the firm made its decision to add a new manufacturing facility it first looked out of state and out of the Milwaukee area.

"But we found we were following other companies for no reason," says Luber. There is no denying the tax advantages elsewhere, Luber indicates, but he believes that eventually "there will be tax equity" in the nation.

Eventually the firm worked out a $350,000 industrial revenue bond program with the Department of City Development, enabling it to build a 25,000 square foot facility on a 10 acre parcel of city land at N. 77th St. and W. Tower Ave.

Luber stresses that the ability to sell the tax free bonds at a reasonable interest and to spread repayment over 15 years was important, but still represented a more costly alternative than moving out of the area.

"DESIRE" CITED

In the end, contends the Super Steel executive, the firm had to have a desire to stay in the area and to improve the industrial climate by doing so. "It's easy to run," says Luber, adding that he and his associate chose instead to honor what they view as an obligation to the Milwaukee area.

He illustrates his point by saying that not only did Super Steel play a major part in formulating the proposal for revenue bonding, but it also paid all the costs involved and arranged for the purchase of the bonds, most by First Wisconsin National Bank of Milwaukee.

The city in its first revenue bonding effort thus served as a conduit through which tax free status could be obtained, says Luber. A spokesman for the First Wisconsin notes that the credit rating of Super Steel was the other major element considered.

As viewed by Luber, industrial revenue bonding is a "little step in the right direction" of improving the industrial climate of the area.

EXPANSION SET

Super Steel plans further steps on its own, once the Northwest Side facility is completed early next year. Expansion of the 25,000 square foot building already is scheduled to begin before the end of 1973.

Within seven or eight years Luber says the facility will be expanded to a 200,000 square foot operation with commensurate increases in employment.

His growth forecasts are substantiated by the firm's current sales which are expected to produce a $5.5 million total for the 12 months ending next July 31.

The top three executives of Super Steel are Luber, Downey and Larry E. Richardson. Downey is executive vice president and Richardson, another Louis Allis product, is vice president and also a part owner.

Completing the management team are John Mullaney, administrative vice president, and George Cobb, vice president of manufacturing. Both Cobb and Mullaney are former Louis Allis executives, too.

Luber likes to stress that the firm's team approach to its operation has lowered barriers between management and employees so that hourly workers as well as executives feel responsible for the success of the company.

And if its past record is any indication, Luber's team appears unlikely to disappoint any of its backers—including the City of Milwaukee.

THE MIDWEST HAS BEEN LEFT OUT IN THE COLD

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. RAILSBACK. Mr. Speaker, the shortage of fuel is particularly critical in the Midwest, where temperatures have dropped to or below zero for several weeks. Many plants in western Illinois, an area I am proud to represent, have had to limit or completely shut down operations, because they simply cannot heat their facilities. Crops lie in snow-covered fields, or spoil in storage because the gas dryers have no fuel. At present, there are 1 billion bushels of corn and 250 billion bushels of soybeans still in the midwestern fields, and the snow and cold are expected to spoil the majority of the soybeans which have not been placed in bins. Major oil companies have cut back shipments of diesel fuel to railroads, trucking companies, barges, and bus lines which serve seven major cities. With the gas and oil reserves so dangerous low, a colder than normal February and March could be disastrous. I would like to take this opportunity to review the developments which have led to this energy crisis, and point out what steps I am taking to correct this situation.

Oil is our major source of energy, providing approximately 44 percent of our national needs. Demands for oil have continued to grow at an increasing rate. Yet, despite the lack of any Federal control over the price of crude oil, and despite several Federal tax and import provisions which encourage domestic exploration, the supply of domestic oil has been failing to meet demand in ever-larger margins.

The difference between the production from domestic wells and the domestic demand has been made up for years by imports of both crude oil and refined petroleum products. These imports are permitted under a complicated quota system which allots import "tickets" to domestic refiners to bring in oil to meet otherwise unsatisfied domestic need. Most observers expect the amount of imported oil to grow, because of the inadequacy of domestic supply and the soaring domestic demand. Some have even predicted that half of our oil supply will be imported within 15 years.

Unfortunately, in the past few months, the oil industry in the United States has been unable to eliminate the very real fears of an approaching energy crisis. The supply of oil is getting progressively tighter, and a real crunch is forseen by 1974. I am particularly concerned about the Midwest—that section of the country which has been especially hard hit.

A few weeks ago I joined with 25 other Members of Congress in sending a letter to Secretary of the Interior Rogers C. B. Morton. This letter protested the unfair treatment of the Midwest under the current oil quota system and urged the Secretary to take necessary steps to rectify the shortage of fuel oil in that part of the country.

Although I was somewhat encouraged by the administration's decision to bring in 250 million additional gallons of No. 2 fuel oil for this winter heating season, I fear this action will be of the most benefit to the east coast—and of little benefit to the Midwest.

I was more encouraged by the administration's action yesterday to lift the import quotas on heating oils for the next 4 months and raising crude oil import quotas for the rest of the year by 65 percent. These moves will be of significant benefit to all sections of the country, and I am preparing a letter to the President commending his action and also urging that the steps he has taken become permanent ones.

Mr. Speaker, it is important that all possible steps be taken at once to replenish heating oil, particularly in those sections of the country which have been most adversely affected. Therefore, in the next few days I will be introducing a bill which authorizes the President to ration fuels among civilian users until March 31, 1973. If such action is not now taken, the distress in the Midwest will become seriously worse. I will also introduce legislation to lift all important quotas on oil permanently.

Te demand for natural gas has also been growing steadily. This is due in part to the extension of the pipeline systems, which became available to millions of new consumers. Primarily, however, it is due to the realization of the cleanliness of natural gas and its comparatively low price. Unanticipated desire for and requirements concerning clean air and low-pollutant emission eliminated many of the dirtier fuels for certain uses, at least without very expensive emission cleaning equipment, during the past few years. The relatively low price of gas per B.t.u. stimulated its use by all classes of consumers, including large industry and utility customers wo burned gas lavishly under generator boilers. No estimates of natural gas demand were generous enough to predict the reality of present years, and, most unfortunately, several years are required between the decision to drill for gas and actual commercial production.

In 1954, the Supreme Court decided that producers of natural gas were part of the industry intended to be regulated as a natural monopoly under the Natural Gas Act for the protection of gas consumers. Despite much criticism by the producing industry of the decision, the Federal Power Commission still regulates the price of natural gas at the wellhead. Many are convinced that such regulation does not encourage the drilling of new wells, and thus is the major factor in the present shortage.

Although legislation will not have an immediate effect on the gas shortage, I will introduce a bill that will exempt from FPC regulation all natural gas produced after January 1 of this year. Deregulation is a far-reaching proposal, and, in my opinion, is part and parcel of any reasonable effort to match demand with the supply.

Mr. Speaker, the energy crisis is upon us. Given the seriousness and intensity of the situation, I urge the Congress to act immediately upon my proposals. The Midwest has been left out in the cold too long.

MIZELL COSPONSORS MEDICREDIT LEGISLATION

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. MIZELL. Mr. Speaker, I rise at this time to discuss with my colleagues a bill I have introduced today with the distinguished gentleman from Tennessee (Mr. Fulton) and with other distinguished colleagues.

The legislation would establish a national health insurance program called medicredit, and it would give the assurance that no American family will have to suffer undue economic hardship as a result of illness and accompanying medical expenses.

It was my privilege to cosponsor this legislation 2 years ago with Mr. Fulton, and it has been a disappointment to me that final action has not yet been taken on this proposal.

As all of us in this Chamber know, we are faced with a crisis situation today in the area of medical care, and especially in terms of the spiraling costs of that care.

The legislation we are proposing today addresses itself to that crisis in what I believe to be a fair and effective way.

The legislation provides a sliding scale of Government assistance in paying for medical treatment, with the amount of assistance dependent on a client's ability to pay.

Under the provisions of this bill, the poor would receive free of charge a health insurance certificate which would provide them with medical care at no personal cost. The well-to-do would pay the full amount, and those in between would pay what they could reasonably be expected to afford.

I cannot conceive of a fairer approach to the growing crisis in health care we are experiencing today. And the most important feature of this legislation is the insurance that no American would have to bankrupct himself, because of a long-lasting, catastrophic illness.

We all know of instances in which lingering of severe illness has depleted a family's life savings, sometimes to the point that the family can no longer provide for its other needs, and becomes an unwilling burden on society.

This legislation can change all of that. For a family whose annual income is $3,000 or less, practically any medical expense is more than they can afford, so catastrophic coverage for these families would begin without any prior payment by the individual.

A family making $8,000 a year could be expected to absorb up to $500 in medical bills before qualifying, and a $20,000 a year family would be expected to pay up to $2,750 in medical bills before their Government coverage became operative.

I find this to be the most equitable system yet devised to make sure that every American can enjoy good health by being able to afford good health care.

This legislation represents not an approach toward a welfare state, but a realistic approach to our national goal of providing adequate health care for every American, no matter what his station in life.

I urge my colleagues to join with me in seeking passage of this legislation, and I would hope that the sense of urgency in which the bill is introduced will be reflected in the consideration it receives in this body.

OIL IMPORT CARGO PREFERENCE

HON. NORRIS COTTON

OF NEW HAMPSHIRE

IN THE SENATE OF THE UNITED STATES

Thursday, January 18, 1973

Mr. COTTON. Mr. President, during the second session of the 92d Congress, the Senate had occasion to debate the bill, H.R. 13324, authorizing appropriations for the fiscal year 1973 for certain maritime programs of the Department of Commerce.

This debate centered upon section 3 of that earlier bill which represented an amendment made by the Committee on Commerce and which would have required that at least 50 percent of "crude and unfinished oils and finished products, not including residual fuel oil to be used as fuel and No. 2 fuel oil," imported into the United States on a quota basis, be carried on higher-costing tanker vessels of the United States. This committee amendment was rejected by the Senate on July 26, 1972, on a record vote of 41 to 33.

Mr. President, in preparation for that earlier debate on the oil import cargo preference amendment to the bill, H.R. 13324, I corresponded with the several interested departments and agencies of the administration, all of which unanimously opposed this provision. One such exchange of correspondence was between myself and Secretary of Commerce Peterson which I inserted in the Congressional Record, volume 118, part 16, page 20629. In his response to me under date of June 12, 1972, Secretary of Commerce Peterson indicated that the administration at that time was evaluating various initiatives to bring into being and sustain an appropriate fleet level necessary to respond to changes which may arise in national security requirements from increases in oil imports. Mr. Peterson then went on to note that his Department expected to make its findings and recommendations on various initiatives in this area available to myself and to the interested committees of both Houses at a later date.

Since the report of the Department of Commerce on this matter had not been forthcoming as of Friday of last week when Mr. Frederick B. Dent of South Carolina, the President's nominee to succeed Secretary of Commerce Peterson, appeared before our Commerce Committee, I questioned Mr. Dent as to when this report would be made available. Mr. Dent responded that it would be available to me at the beginning of this week.

Mr. President, Mr. Dent was true to his word and on Monday, January 15, I found awaiting me a letter from Secretary of Commerce Peterson dated January 12 responding to me on this matter. But, Mr. President, I must in all candor note to my colleagues that it is a response consisting of eight pages which says very little concerning the basic issue of new or significant initiatives to bring into being and sustain an appropriate U.S.-flag tanker fleet level necessary to respond to changes which may arise in national security requirements from increases in oil imports. Rather, it is a recitation of actions taken under the Merchant Marine Act of 1970 and other related administrative actions taken by the Maritime Administration, leaving unanswered the question of our needs for oil imports, tanker tonnage and U.S.-flag tankers, pending a determination of a national energy policy.

Mr. President, in order that the record may be complete on this matter, I ask unanimous consent to have printed in the Record Secretary of Commerce Peterson's letter of January 12 to me so that it will be available to all interested parties.

There being no objection, the letter was ordered to be printed in the Record, as follows:

THE SECRETARY OF COMMERCE,
Washington, D.C., January 12, 1973.

Hon. Norris Cotton,
U.S. Senate,
Washington, D.C.

Dear Senator Cotton: In my letter of June 12th to you regarding the oil import cargo preference amendment to the maritime authorization bill, I indicated that the Department of Commerce was examining the need for new initiatives to achieve an adequate U.S. flag tanker fleet and would report to the interested Committees of Congress. This letter is in response to that commitment.

Due to the increasing domestic demand for oil, it is probable that more tanker tonnage will be required to meet national needs. The exact number and characteristics of these tankers depend upon many variables, such as the demand for petroleum, sources of supply, refinery sites, technological developments, port facilities, alternative energy sources and defense requirements. Moreover, these factors will be strongly influenced by our national energy policies. Most of the energy studies and forecasts made to date have been based upon the premise of no change in our national energy policy, and do not deal adequately, if at all, with the situation should there be changes in current policies.

Our energy situation is currently under intensive review by interested agencies in the Domestic Council in order to see what changes in national policy would be appropriate. In addition to maritime considerations, there are other extremely important factors to take into account, such as national security considerations and balance of payments factors. Until our national energy policy is determined, which will involve both the Executive Branch and the Congress, it is impossible to predict with any assurance what our needs will be for oil imports, tanker tonnage, and United States flag tankers. The Department of Commerce is deeply involved in the overall energy studies now proceeding within the Executive Branch, and particularly in the maritime related aspects of these studies. Thus, although it would be premature at the present time to attempt to forecast with any certainty the total tanker needs of the United States, we should soon have a much better ability to answer this question.

Notwithstanding the on-going studies relating to oil import needs, the Department of Commerce has conducted a thorough review of whether existing legislation is adequate and effective within the context of the President's program to create a vital and competitive United States merchant marine. More specifically, we have dealt with the legislative areas which affect oil tankers. This review has convinced us that the Merchant Marine Act of 1970, calling for direct assistance to the maritime industry (as opposed to indirect measures such as cargo preference), provides the best conceptual and operational framework and tools yet proposed for the development and maintenance of a modern and competitive U.S. flag tanker fleet which will fulfill national needs at a cost which is not excessive to the United States consumer or taxpayer.

The Merchant Marine Act of 1970 extended for the first time to the bulk cargo carrying segment of the merchant fleet the full benefits of the construction and operating incentives of the 1936 Act, and contained other measures specifically designed to promote the bulk cargo segment. Since passage of the 1970 Act, the Maritime Administration of the Department of Commerce has devoted a major part of its efforts to the promotion of bulk cargo carriers, particularly tankers. These efforts are bearing fruit and have led to tangible results. Many of these results have occurred since my letter of June 12, 1972.

In the first 23 months following passage of the 1970 Act, the Maritime Administration executed contracts for the construction of 36 new ships and conversion of 13 existing vessels. These contracts represent a total investment in new and converted vessels for the U.S. merchant marine of nearly $1.7 billion, the largest maritime shipbuilding commitment for a similar period of this Nation's peacetime history.

By comparison, in the 23 months immediately preceding enactment of the President's Maritime Program, total government assisted ship contracts and conversions amounted to only $283 million (including $123 million in containership conversions approved between June 1969 and October 1, 1970). The contrast is even greater when earlier years are considered. For example, during all of fiscal year 1967 only one construction contract representing a total investment of $15.7 million was approved.

The figures for new ship construction under the President's maritime program include contracts for 18 new oil tankers (including two ore-bulk-oil carriers) with an aggregate carrying capacity of 2,145,900 deadweight tons and representing a total investment in excess of $660 million. Thirteen of these tankers, representing in excess of $545 million and having aggregate carrying capacity of 1,871,000 deadweight tons, have been contracted for by the Maritime Administration since my June 12 letter. We estimate that these 13 new tanker contracts will provide an aggregate of 15,300 man-years of employment in United States shipyards. These vessels will, of course, provide seagoing jobs for U.S. crews.

Contracts have also been signed since my June 12th letter for the construction of 6 liquefied natural gas (LNG) tankers with an aggregate carrying capacity of 750,000 cubic meters of liquid gas. These contracts will generate at least 19,250 man-years of work over the next three years, and will give U.S. shipyards critical penetration into the worldwide market for LNG vessels.

Another development since my letter to you is the enactment of Section 2 of Public Law 92-402, approved by the President on August 22, 1972. This provision relaxes the foreign trading restrictions contained in Section 905(a) of the Merchant Marine Act of 1936 with respect to bulk carriers built with construction subsidies.

In addition to these developments, the Commerce Department is working on ways to provide operating subsidy for domestic bulk carriers, in accordance with the authority granted in Section 603(b) of the Merchant Marine Act, to enable them to operate in the foreign trade. This provision, added as part of the Merchant Marine Act of 1970, authorizes payment of sums determined "necessary to make the cost of operating such vessels competitive with the cost of operating similar vessels under the registry of a foreign country." The Department is utilizing this authority on an experimental basis in connection with the grain shipments to be made under the agreements recently concluded between the United States and the Soviet Union. Many of the vessels that will be employed in moving this grain are domestic tankers that might otherwise be laid up. We anticipate that this effort will provide an unprecedented opportunity to examine and test various incentives in the area of operating-differential subsidy, to determine which will be the most useful and effective. The experience we gain in this regard should be very helpful in determining whether to extend such subsidies to domestic tankers, some of which are not now fully employed, when they are engaged in the international trades.

As a result of these actions and the upswing in the world tanker market, the economic situation of U.S. flag tanker owners is considerably different today from what it was during the debates on oil import cargo preference. On April 3, 1972, the number of U.S. flag tankers in inactive status recorded by the Maritime Administration reached a record high. On that date, 43 tankers totaling 1,392,540 deadweight tons were laid up or otherwise inactive. The 43 ships had a total of 1,803 seagoing positions which, allowing for crew changes, provided employment for approximately 4,147 employees. By January 4, 1973, the inactive tanker list had dwindled to just seven ships, totaling 151,513 deadweight tons. The ships currently on the inactive list have a total of 288 seagoing positions and could provide employment for 662 seamen.

This dramatic reduction in the number of ships in lay-up was due initially to sharply rising charter rates for the movement of domestic oil. The extent of this change can be illustrated by the rates from the U.S. Gulf to the East Coast, north of Cape Hatteras. During the first week of April 1972, charter rates for this route averaged 11% below the standard American Tanker Rate Schedule (ATRS). During the last week of December, charter rates had climbed to 110% above the ATRS rate. Once the high winter demand for oil has been satisfied, many of the ships now carrying oil can be expected to enter the Russian grain trade under the operating subsidy system discussed above. Three ships that were in lay-up last Spring during the cargo preference debate have already come directly back into active service to participate in these Russian grain movements.

The U.S.-U.S.S.R. Maritime Agreement has begun to provide a very significant amount of employment for the U.S. flag tanker fleet. This agreement, which was signed on October 14, 1972, established the principle that each nation will have the opportunity to carry not less than one-third of all cargoes moving by sea between the United States and Russia. The U.S. share of planned Russian purchases of grain in Fiscal Year 1973 is 6.4 million tons but, because of the more attractive employment now available elsewhere for domestic tanker operators, those operators are expected to avail themselves of not more than 5.8 million tons of the grain cargoes reserved for the U.S. fleet.

As of January 4, 1973, 54 companies had applied for operating-differential subsidy to carry Russian grain, using a total of 86 ships. Fifteen of these ships have been chartered, some for consecutive voyages. All of the fifteen ships chartered thus far have been tankers.

The accomplishments outlined above are noteworthy ones which demonstrate the basic soundness of the President's maritime program. The actions taken by the Maritime Administration in implementing the President's program have served to eliminate or substantially reduce the urgent problems underlying the arguments for cargo preference at the time of the debates last Spring and early Summer. The developments since my June 12 letter will, in conjunction with Marad's on-going administration of the merchant marine program, provide a great economic lift to the maritime industry, and particularly to the bulk cargo carrying segment of that industry.

Despite the significant activities to promote U.S. flag tankers since my June 12 letter, we have continued to review the President's Maritime Program to determine if there are additional initiatives that could bring about an even stronger and more successful program to bolster our domestic tanker fleet. We have concentrated our attention in this review on the various initiatives mentioned in the letter as being under study by the Department. In conducting this review, we have sought to balance the competing interests identified by both the proponents and opponents of cargo preference. Major emphasis in this regard has also been placed upon the President's announced intention of reducing Federal expenditures in order to avoid the need for a tax increase.

Our exhaustive review of all of the various means available to assist the tanker and bulk cargo carrying segments of the U.S. merchant marine has resulted in the identification of a program which, if fully implemented, would not only yield benefits to the U.S. flag merchant marine, but would also have a favorable Federal budgetary impact.

That program consists of greater use by the United States Navy of U.S. flag tankers to provide logistic support for the Navy and otherwise work with the Navy to further the national maritime interest. This measure would produce more jobs for U.S. seamen and provide long-term employment of U.S. flag vessels.

To further this end, the Maritime Administration has been working as a member of the Navy/Marad Policy Planning Committee to determine the steps which can be taken and the economies available with greater Navy use of U.S. flag tankers. This effort has the following goals:

1. To strengthen overall U.S. seapower by retaining the maximum number of U.S. flag commercial ships and increasing the civilian labor force in the U.S. merchant marine.

2. To develop a strong, effective and experienced U.S. merchant marine fully responsive to national security needs.

3. To provide an economical balance of Navy and U.S. merchant marine manpower and ships for Navy use.

4. To permit Naval construction efforts to focus on combatant rather than noncombatant vessels.

5. To facilitate the implementation of an

all-volunteer force by providing for the substitution of merchant marine seamen for uniformed personnel.

These goals can be enhanced by transition from Navy to civilian manning of certain non-combatant vessels.

The Department of the Navy and the Maritime Administration have been actively testing steps that can be taken to implement this program by phasing in civilian crews to perform functions usually performed by military personnel and certain Navy-owned vessels and to look to future procurement of non-combatant ships from commercial sources.

Studies sponsored jointly by the Navy and the Maritime Administration have demonstrated the potential economic and operational feasibility of greater Navy use of U.S. flag tankers. Two of those tests, involving the SS Erna Elizabeth and the USNS Taluga, have established the operational feasibility of the use of merchant tankers and civilian crews for certain of the logistic missions in underway replenishment.

The Department of the Navy and the Maritime Administration are examining the specific extent to which merchant tankers should be substituted for naval vessels. There are two complementary proposals under active consideration.

The first proposal would be to convert existing Navy tankers to civilian manning. This action would create approximately 630 shipboard billets for merchant seamen.

The second proposal, which would be implemented over a longer period, relates to new tanker construction planned by the Navy. In place of Naval construction, ships would be built by private operators for long-term charter to the Navy. The Maritime Administration estimates that new tankers could be in construction under this plan in conformity with Navy replacement programs in FY 75 to 78. Assuming that eight such tankers would be a reasonable estimate in this regard, this would provide another 840 billets employment of merchant seamen. The feasibility of this second proposal is being examined by the Navy.

If both these proposals were implemented, employment would be provided for additional tanker seamen. The Maritime Administration estimates that the resulting employment would be a significant multiple of the amount of employment currently believed to be affected by lay-up.

The discussions between the Maritime Administration and the Navy with respect to implementation of this program are proceeding with the full support of the Office of Management and Budget.

The Department of Commerce is confident that implementation of this program will be responsive to the needs of U.S. flag merchant marine, and particularly to the needs of that segment of the industry which advocated oil import cargo preference last year. Our study of all of the various possible initiatives available to promote U.S. tankers has led us to conclude that this program, in conjunction with the direct financial assistance provided under the Merchant Marine Act and the Merchant Marine Amendments of 1970, constitutes the most appropriate and effective means of fostering a modern and efficient U.S. Merchant Marine, including tankers. Providing cargo preference for oil imports would not only unfairly affect consumers, but would extend the Cargo Preference Act of 1954 to commercial cargoes for the first time. It would not assure construction of the type of tanker fleet necessary to fulfill our merchant and national defense needs. Nor would it necessarily result in an upgrading of our merchant marine. Cargo preference would foster retaliatory measures by other nations and would encourage other trading restrictions which we believe will be to the serious long-term disadvantage of the United States.

The Department of Commerce believes that the adoption of the program set forth in this letter will, together with the on-going economic incentives contained in the Merchant Marine Act and the President's maritime program, stimulate a successful U.S. flag tanker construction and operation program.

We shall, of course, continue to evaluate the maritime program, and such other improvements and initiative as may from time to time appear desirable.

Sincerely,

Peter G. Peterson,
Secretary of Commerce.

OWENS-ILLINOIS OUTLOOK

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. HUNT. Mr. Speaker, the Owens-Illinois Outlook, the corporation's employee newspaper, has long been one outstanding among industry. Published in Toledo, Ohio, the paper serves to keep O–I employees informed and up-to-date on issues pertaining to the company, their coworkers, and other worthy events.

Of particular note, and the reason why I call attention to it at this time, is an article in the December 1972 issue, documenting an employees' participation in the President's interchange program. The program was created by the White House to do two things:

First, the President hoped it would dispel some of the myths that exist in the public mind about the Government, and perhaps eliminate part of the misconceptions that color the facts in "John Doe's" impression of Washington.

Second, the President wanted to let one half know how the other half lives by having young executives from business and industry actually work a year or longer for Uncle Sam, while their Government counterparts went out and worked a like period in industry.

What transpired during the year an Owens-Illinois employee spent in Government makes for interesting reading and submitted herewith is the article for the Record:

After Year in Washington, John Changes Mind About Efficiency of the Federal Government, Caliber of "Paper Shufflers" and "Bureaucrats"

The public's conception of the Federal Government is a curious mixture of fact and fancy, colored in varying degrees by what the individual has read, what he has heard, and his own experience.

One common, stereotyped impression pictures the Government as a labyrinth of agencies, populated by hordes of civil service bureaucrats who shuffle papers and strangle in red tape while they sweat out retirement—immune from the competitive forces faced by breadwinners in the "outside" world

O–I's John Ingersoll, like most businessmen, had his own ideas about the Government. His conception wasn't quite the stereotype cited above, although it certainly included some of it. Mostly, John had reservations about the efficiency of Uncle Sam's myriad agencies and the caliber of some of the people running them.

Well, John has had to change some of his ideas about the Government. He has a new impression of the massive 3-million-man organization that runs the country—the result of a one-year hitch as a member of Uncle Sam's team.

What's John's impression now?

The Government is still big—whether it's a "labyrinth" or not—and it will probably never escape the "bureaucratic" label. But—and this is an important "but"—the people running it are of *very* high caliber and many of their management techniques are of exceptional efficiency, considering the sheer size of the figures involved.

President Nixon may never learn of John's "turnaround" directly, but it would please him if he did: it would prove that the theory behind his Personnel Interchange program is sound—and the program is doing what the President hoped it might.

The President's Interchange Program was created by the White House to do two things:

First, the President hoped it would dispel some of the myths that exist in the public mind about the Government, perhaps eliminate part of the "fancy" that colors the facts in John Doe's impression of Washington.

Second, Mr. Nixon wanted to let the one half know how the other half lives, as the saying goes, by having young executives from business and industry actually work a year or longer for Uncle Sam, while their Government counterparts went out and worked a like period in industry.

There may have been a time, President Nixon said, when business and government could go their separate ways without thought of the other—but that time has passed. What affects one affects the other. The interests of the private sector are so closely entwined with those of the public sector that the two *must* get to know each other better.

That's why Lyndon Johnson and Richard Nixon set up the President's Interchange Program. That's why John Ingersoll went to Washington. And that's why John has changed his mind about the Government and the people who run it.

How does something like this come about?

First, your supervisor and O–I President Edwin D. Dodd recommend you for the interchange. Then—as John puts it—"you sever all ties with Owens-Illinois."

And "sever" is the right word.

John packed wife Martha, daughters, Cynthia, Katie and Laura, and miniature schnauzers Alex and Heidi into the car and moved to Fairfax, Virginia, one of the "bedroom" communities across the Potomac from Washington in which 350,000 Federal employees live.

The pay checks from Owens-Illinois stopped. For a year, John would be on Uncle Sam's payroll—one of the civil service "paper shufflers" he had heard so much about. He gave up many of his fringe benefits—retirement service credit, stock purchase plan, etc.

He had several choices, but chose HUD—the Government's Housing and Urban Development agency headed by George Romney. The HUD Research and Technology office, John says, is unique among government agencies: it is largely staffed by former NASA and Defense Department managers who have a record of efficient planning and control technologies. He thought he could learn something from them that would be useful to Owens-Illinois, at the same time contributing something that would be useful to them.

John had no way of knowing just how big a contribution he *would* make.

Ninety days after joining HUD's office of Administration Planning and Program Control, John found himself in charge of the office coordinating the work of 14 professionals. HUD itself, John says, has a staff of 16,000.

He found his assignment "challenging and rewarding," John says. "You're right on the spot participating in policy decisions and implementing existing policy."

As the months passed, his respect for his HUD associates, and for Government operations in general, increased. "The Government is ahead of us in planning and organization," he says. He was highly impressed by the caliber of the people with whom he worked. "Top management at HUD is as good as—if not better than—what you find in industry."

John's "most significant awakening," as he puts it, was related to national priorities. "In industry," he says, "policy evolves around a profit motive. In Government, however, a political motive is the guiding force."

His "second awakening" was a new appreciation of the sheer size of Government. "A budget plan at Owens-Illinois, typically, goes through *four* levels of management for approval," John says. "But in HUD, there were seventeen approval levels for each fiscal cycle."

"It's very hard to tell who has decision-making authority in Washington," he says. "The only way you can find out is through experience. You quickly learn that this authority is not 'translatable.' In other words, if a man at a certain level in one agency has the authority to make decisions, this doesn't mean that another man at the same level in another agency has similar authority."

John learned something about living in the nation's Capital, too. The traffic, he said, is "horrendous—the one sour note in my year in Washington," and this problem, already critical, is further compounded by a variety of demonstrators who frequently buy old junkers, drive them onto the freeways during the rush hour, and abandon them.

(John's impressions of Washington and the people who work there, incidentally, match those of Ralph Wilson, control coordinator/box operations for the Forest Products Division. Ralph, O–I's first participant in the Presidential Interchange program, spent a year with the General Services Administration in 1970.

(Ralph, too, had some reservations about the people who staff Washington's "bureaucracy" before he went there. His feeling about Federal employees, he says, was summed up by the old saying "those who can, do—and those who can't, work for the Government." After working among them for a year, he says, "I came away from Washington generally impressed by the caliber of the people I was associated with.")

It wasn't all work during John's year in Washington. The Commission on Personnel Interchange arranged frequent "outside" activities for participants and their wives, including several off-the-cuff, candid briefings by senators, cabinet members, Supreme Court justices, and members of the White House staff.

John, who is back at work in the Corporate Information Systems Department, considers his participation in the program as a "once-in a-lifetime" opportunity. He believes that he made a contribution to the Government—using his O–I data processing experience to help HUD automate some of its activities. And he knows that the Government gave a great deal in return, giving him a chance to see how various planning and control techniques work in a different environment.

Industry participants in the 1971 program received handsome plaques from President Nixon. O–I Board Chairman Ray Mulford, shown below presenting the plaque to John, is a member of the Presidential Interchange Commission that directs the program.

While each of the 24 participants received the president's plaque, John was the only one to receive a second commendation—a certificate of appreciation from HUD Secretary George Romney.

THE REMOTELY PILOTED VEHICLE; A HARD LOOK AT ITS FUTURE

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. BOB WILSON. Mr. Speaker, a presentation on the subject of remotely piloted vehicles that could offer capabilities of photographic, electronic reconnaisance, electronic warfare support, or weapons systems delivery has been offered before the ninth annual meeting of the Aviation Industries Association of America on January 10, 1973, by Mr. Robert R. Schwanhausser, executive vice president, Programs, Teledyne Ryan Aeronautical.

This Nation's air losses in the Vietnam conflict, the capture of pilots and aircrews, the spiraling costs of military aircraft demand that reevaluations of existing concepts be conducted. Beyond even these basic considerations is the sure knowledge that a technology exists which could minimize risk factors to human life in hostile, combat environments.

In his presentation, Mr. Schwanhausser appeals for the evolution of a national policy on RPV's.

In bringing Mr. Schwanhausser's presentation to the attention of my distinguished colleagues, I wish to add that his qualifications are distinguished by a lifelong pursuit of technical capabilities and practical applications of unmanned, remotely piloted vehicles. Mr. Schwanhausser is one of America's most highly qualified specialists in this field of aviation.

I am privileged to bring his remarks entitled "The RPV—A Hard Look at Its Future," to your attention:

THE RPV—A HARD LOOK AT ITS FUTURE

(Remarks by Robert R. Schwanhausser)

Gentlemen, my talk today is going to be a bit less nuts-and-bolts than many of you may expect from me.

That's because I feel that all of us here share common responsibilities of a more philosophical nature. We stand on the threshold of not just a New Year, but, I feel, a new era.

We have just come through the searing experience of our longest war—on a battlefield not of our choosing, a war that shouldn't be won, yet could not be lost.

The tragic events of Southeast Asia unfolded at the same time that dramatic changes were occurring in our own backyard. Words like "alienation" and "national priorities" became part of the fabric of our speech. And there developed a burgeoning reverence for life forms, particularly human life.

So here we sit, a room full of men committed to concerns that are not fully understood or shared by many of our fellow Americans.

However, it is not for us to feel superior, or wiser, because it's our very technological expertise that has painted us into a corner. Year after year we did more and better, sometimes forgetting that the millions we spent were really many individual dollars, painfully extracted from a lot of family budgets.

When I fly over Dallas, it is hard for me to realize that I am looking at a cost equivalent to what we have lost in Southeast Asia. The seemingly endless carpet of homes and apartments, shopping centers and skyscrapers; the total appraised value of our nation's eighth largest city, represents the cost of just our aircraft losses. If every structure in Dallas were to vanish today the economic impact would shake the world, but because the aircraft were nibbled away from us one or two at a time, often we forget how quickly the dollars tend to accumulate.

Clearly, those of us involved in developing the arsenal of weapons our country must have need to take a hard look at the path we've been following.

We all know in the future that more must be done with less—but I'm not sure that the direction we have been going indicates much promise of success.

Here's a cost curve on fighter aircraft. Sure, we're all aware that costs rise each year. But we usually plot on long paper, so we don't fully appreciate the steepness of the curve. Here it is, in real bucks, for the past fifty years.

It makes one wonder; what will the costs be in 1980 or 1990? It's a chilling thought to realize that by 1980 the aircraft losses which we sustained in World War II will project to 1,000 *billion* dollars.

We aren't the only problem area, the armor curve looks almost as steep and just as straight. And if the tank builders had to work with titanium and zirconium, as we do, they'd be on the same curve.

As I see it, we have three essential parameters that define the new ballfield in which we all must play. Obviously stringent financial limitations, the potential of having to fight in much more lethal environments, and the necessity of making our whole defense posture compatible with a genuine ground swell of humanism that is becoming part of our national conscience.

I honestly believe that if we fail to relate to any of these three factors in a very positive way, we are out of touch with the real world.

I am not a prophet, and I have no magic panacea to offer. I'm not even sure we will be able to play ball in the rather constrained new field that has been defined for us.

But my entire adult life has been spent in an area I believe represents one of the many new paths that must be found, and found fast, if we are to protect our nation not only from potential aggressors but also from ourselves.

My background, of course, is in Remotely Piloted Vehicles, RPVs. Today's acronym doesn't really give the historical sweep of the discipline. RPVs have been around for a long time, actually almost paralleling the history of manned flight.

When most people think of RPVs they think of targets, and understandably so. I would guess there have been more than fifty thousand target flights in the past twenty odd years. I know of a single maneuverable drone that has been flown, recovered, and reflown as many as seventy-seven times and is still flying! Targets have provided us with an unglamorous but very cost-effective period of learning.

Urgent Southeast Asia operational needs demanded an upgrading of these target vehicles into reconnaissance drones. The first units were fielded in less than 90 days—obviously, off-the-shelf, quick-fix modifications—but birds which, in spite of these limitations, performed surprisingly well.

The RPV horizon broadened a little more with electronic intelligence versions, leaflet droppers, and some tentative weapons delivery systems. But, they all had a common limitation: they were basically modified versions of existing target drones.

They used what subsystems were readily available, and functioned with only a limited degree of pilot participation.

These efforts, although responsive to urgent national needs, have been somewhat detrimental to the ultimate growth of RPVs, because they froze operational experience at the level of those expediently created vehicles. The military user in the field felt that what he got represented the ultimate potential of RPVs.

Actually, the RPV technological potential was being demonstrated a quarter of a million miles distant. While we were transmitting video and control data from a bird 200 miles away, the Soviets were maneuvering their Rover on the moon. Or NASA was transmitting pictures from their moon vehicle.

So, let's take this technology that really represents what RPVs can do today and apply it to this decade's tactical military needs.

In addition to speed and altitude, survivability has always been a function of size, radar cross-section. IR signature, or the physical presented area of vulnerable, components. RPVs are harder to acquire, to track, and to hit. Overall, they are roughly one-tenth the target of a current fighter bomber.

They could always go where man could not. They could pull higher g's and outmaneuver a good fighter.

They have always had this control potential, but until recent years, they were blind and dumb. Now, with the improvements in sensor and computer technology, we can really put the pilot in the loop by providing him with the visual cues he needs for his unique decision-making process. And you get his human judgment at its undegraded best. Immune to the environment, to fatigue, or injury.

The pilot of the next generation of RPVs will enjoy supersensory participation, without the limitations of normal apprehension and risk-factor evaluation that have been an instinctive part of the human animal since we swung down from the trees.

Strike accuracy has always been a function of range to the target, but so has survivability. The Nazi oil fields at Ploesti were a classic, grim example. The low-level bombing attrition was a staggering 34 percent. The high-level attrition 4.2 percent.

And that's the bitter trade-off that still exists thirty years later. What level of attrition can you endure to get a reasonable probability of kill? It takes a Solomon to decide when a target is worth a million bucks—only to find out it might have to cost ten million to destroy.

RPVs offer an alternative. Since they are inexpensive and unmanned vehicles, they can be flown to these tough targets, achieving CEPs of 20 feet, even while providing their own bomb-damage assessment.

This new breed of RPVs would not be built to man-rated, Mil-Spec standards, but birds designed with cost as the chief yardstick. Electronic components from your kid's transistor radio. nonconventional fuselage fabrication techniques.

Bear in mind, I am talking about the potential of a whole family of RPVs, configured for specific missions. They could be photographic, electronic reconnaissance, electronic warfare support, or weapons system delivery. Today, industry could produce recoverable strike drones for as little as half a million dollars. Or even expendable, electronic suppression, single-use drones, for a tenth that amount. And, of equal importance in these days of rapidly changing requirements, an RPV family would be adaptable through its life cycle to missions which might not have been conceived when the birds were on the drawing boards.

In addition to low acquisition cost, operating and maintenance costs for RPVs would be fractional compared to today's aircraft.

In difficult combat situations, a typical squadron of 12 manned fighter-bombers requires the support of twenty other aircraft of various types. A similar RPV force should require from 2 to 5 aircraft, this figure including an air-launch capability for the RPVs.

Training costs are another substantial area of savings. Simulation exercises can give RPV pilots almost 100 percent training fidelity. Actual RPV flights can be limited to those required to maintain launch and recovery crew proficiency. It's a far different story with manned squadron proficiency training today. The pilot training is expensive, time consuming, and often with its own high attrition rate.

Tomorrow's RPVs would look significantly different from those in use today. They would be designed with an emphasis on modularity, so they could be flexibly tailored for specific missions.

They would probably run in the three to six thousand-pound category, have ranges of 600 to one thousand nautical miles and a maneuver capability of ten g's. They would have a fifty percent disposable load capability, with modular payloads. They would probably best be designed for the high subsonic speed regime, with a very low (about 200-foot) altitude capability. They would also have very low radar cross sections, small IR signatures, and be difficult to detect visually.

In short: they would be tough, cheap birds that would extend the skills of a pilot into presently inaccessible regimes.

No one assumes that RPVs could ever replace manned aircraft. But they would enhance man's capability by providing operations into areas that are now too hostile or too perilous.

A family of cheap RPVs would let a tactical commander decide "yes" on those marginal missions that currently get a "no" decision. When the weather is on the ragged edge; the flack a real thicket; the target too hardened; the approach too limited; *then* you are in RPV country.

The type of RPV I'm talking about could not have been built ten years ago, or even five. Propulsion and airframes were there, but not the avionics.

With current computer-based, miniaturized avionics, RPVs could navigate; have a guidance memory capability; automatic flight control; communications links with their operators; employ ECM; perform self-diagnosis.

And most important of all: they could have the sensor technology to enable man to make the critical value judgments that only he can make. As good as the "black boxes" are, only a human computer can rapidly "see" something, discriminate, and make a decision.

So we find that RPVs are really here today, not years downstream. And they represent the ideal technology transfer medium, since their growth can affectively exploit most of the advances that have taken place in the other science disciplines.

And not surprisingly, a lot of people, in and out of government and our industry, realize these facts. There is a great deal of media activity about the RPV potential. And, although there are a lot of small, low-key efforts by a variety of agencies, there is no identifiable national policy or overall direction for this flurry of RPV activity.

A good deal of dedication exists at the service agency level, yet the welter of RFOs, PMDs, and PMPs seem to indicate a lack of coordinated leadership that prudent management demands.

Here are the fiscal '73 and '74 RDT&E budgets for missiles and aircraft. In each year less than one percent has been allocated to RPV programs.

Everyone seems excited about the dawn of the RPV era, yet with a one percent commitment, the sun can never rise!

Even a modest realignment in RDT&E funding offers the potential of dramatically breaking that insidiously straightline of tactical weapons system costs.

We're at the start of a new era in our defense posture, an era of paradox. We face a spectrum of future threats that promise to be substantially more demanding than any we have encountered in Southeast Asia. Yet, we must be more effective against these tougher targets, at less cost.

Concurrently, we must maintain a capability of providing our allies with tangible immediate assistance in any conflict, one that could break out anywhere in the world, as soon as tomorrow.

And, most important of all: we must be able to do these things without ever again having our most precious national resource languish for years in some other foul Hanoi Hilton!

In summary: I strongly believe that any one of these factors justifies the serious consideration of RPVs for a role in our mixed-force arsenal. When all of these considerations are combined, it makes the evolution of a national policy on RPVs a compelling need.

It would be a low-technological-risk building-block venture, and, surprisingly, one of very modest cost. The first step that is needed is just an acknowledgement that times have changed.

All of nature teaches us that Form Follows Function. In that same adaptive way, the form of our national defense force must inexorably be dictated by its changing functions.

Many of us are convinced that RPVs can make a pivotal contribution to that new evolving form during the coming decade.

Thank you for your courteous attention.

FALL DINNER MEETING OF THE H. H. ARNOLD CHAPTER OF THE AIR FORCE ASSOCIATION

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. WOLFF. Mr. Speaker, on the evening of September 8, 1972, I had the pleasure of attending the fall dinner meeting of the H. H. Arnold Chapter of the Air Force Association.

At that time, the invocation prayer was delivered by John F. Dolan, past president of the H. H. Arnold Chapter. I found the prayer very moving and inspiring and insert it at this point in the RECORD so that its meaning might be shared with the Members of Congress:

PRAYER

Almighty Father we who are present here tonight wish to express our thanks and the thanks of those with whom we are associated for the abundant blessings you have bestowed upon our country and our people,—we are very grateful.

In your divine wisdom guide our leaders and the leaders of all other people of this world in exploiting the full meaning of your golden rule. "Do unto others as you would have them do unto you." Open the eyes of all your servants and guide them in improving their understanding of and their responsibilities to each other.

Provide strength and perseverance for all the members of our world society whose present distressed state as prisoners of war, prisoners of poverty or prisoners of ideologies which destroy man's mind and enslave his soul. Help us in this very short span in which we live our lives on this planet to positively become a strong building block in your divine plan rather than a rotted timber. We ask your special blessings on those here tonight and those closest in their thoughts. Bless all prisoners of war and strengthen their ability to persist.

DEPARTURE OF JAMES V. SMITH OF OKLAHOMA

HON. JAMES T. BROYHILL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. BROYHILL of North Carolina. Mr. Speaker, it is with a great deal of regret that I speak today about the departure from Washington of my good friend and former colleague in the House of Representatives, James Vernon Smith of Oklahoma.

Jim Smith has compiled an outstanding record of service to his country. He was elected to the House of Representatives for the 90th Congress and served from 1967 to 1969. During his years on Capitol Hill, he earned a distinguished record and the deep respect of his colleagues. He proved to be an able legislator who won the admiration and friendship of Members on both sides of the aisle.

In 1969, President Nixon appointed Jim as Administrator of the Farmers Home Administration. His choice was an excellent one, and I can say in all sincerity that Jim Smith is the most able Administrator of the Farmers Home Administration that I have ever known.

Because of the rural nature of my congressional district, I have had a good deal of contact with the Farmers Home Administration. The programs of this fine agency have had a wide impact in North Carolina and have greatly assisted my constituents in a number of ways.

I know that as the Administrator of FHA, Jim Smith has been commendably responsive to the needs of rural Americans. Other Members here today have listed his many accomplishments as FHA Administrator and have paid tribute to his administrative achievements.

I would like to remark on Jim Smith's dedication to rural America and his philosophy of government which has served us so well. His approach is well stated in the following letter which he addressed to the members of the Future Farmers of America:

FARMERS HOME ADMINISTRATION,
Washington, D.C.

America will turn again to the countryside as she struggles to find solutions to urban crises. Crowded cities with paralyzed traffic and polluted environment are poor substitutes for open space and clean air. But though we can point to much that is good in the country, rural America also has weaknesses that must be eliminated.

Our Farmers Home Administration programs are keyed to the principle of rural self-help. Vocational agriculture, too, espouses this principle. It has shown strength and adaptability under changing conditions, making it a most fitting partner in this program of "Building Our American Communities." We are pleased to work with you.

Within today's generation of young people are tomorrow's community leaders. Each lesson should result in penetrating and thought-provoking discussions as you ready yourself for a role in the action.

We have much to do. Let's get on with it.

JAMES V. SMITH,
Administrator.

I would also like to include for the RECORD Jim Smith's remarks at the Future Farmers of America's 45th National Convention in Kansas City, Mo., on October 11, 1972:

It is truly a privilege for me to be with you, for several reasons. I have a very high opinion of young people—and I know of no group of young people that merits such an opinion more than you do.

Part of this interest goes back to the days when I was an FFA member in Grady County, Oklahoma. It's good now to think of those days, and to relive some of the experiences that were wrapped up in my wheat and beef projects.

Part of the interest I have in young people comes from the fact that I have three children of my own, and I want them to live in a better world than the one that I enjoyed. And this is a wish that I have for all of you, too.

And another part of my interest comes from the fact that there is always something happening around young people. I've found that, when I associate with you, I haven't the time to grow old—you keep me too busy for that.

Perhaps these are some of the reasons why we have the Build Our American Communities program today. About three and a half years ago, when I first became Administrator of Farmers Home Administration, I began to wonder how we could make things happen in rural America—good things. It occurred to me that we Americans presently enjoy a high standard of living because our forebears had the foresight to bring education in production agriculture to young people. If young men and women could help bring our present agricultural production plant into being—why could not young energies and imaginations work to improve rural communities, bring new opportunities, and improve the rural life we all know and love so well?

Several of us, including your leaders, talked about possibilities and from this, the Build Our American Communities program was born.

I wish I could say that everyone immediately jumped on the bandwagon, but that was not so. A nucleus of people worked out a program and gave it directions, and a selling program aimed at your national officers took place at this convention three years ago. They liked the idea, and helped to promote it.

Finally, the program rounded into shape, and it was presented to the public at a luncheon for Congressmen in July of 1970. Your national officers carried the message, and they carried it well.

At the FFA convention that fall, I had the privilege of introducing the program along with my Oklahoma friend and your then-national president—Harry Birdwell—and his officers. You may have seen the film, "Build Our American Communities," that was made at that time.

By now vocational agriculture and the FFA organization were behind the effort. We had engineered and signed the first memorandum of understanding between Vocational Agriculture and the Department of Agriculture. It was signed by your FFA president, your national advisor, the president of the vo-ag teachers association, the Administrator of the Farmers Home Administration, and the Secretary of Agriculture. It was a landmark—and an evidence of our ability to work together that, up to that time, had been formalized only by a handshake.

Last year the Berrien, Georgia, chapter won your first national award—and now it's time for the second national winner to be chosen.

The National FFA Foundation recently sent me a copy of a news release. The story told briefly of each of your projects, and I assure you I have studied it carefully.

I was very pleased to receive this particular piece of publicity.

There are a variety of reasons.

In the first place, as the BOAC program was being formed, we were asked to tell you what your projects should be. I resisted this, indicating that *you* needed to tell us what you should do. What your communities wanted to do. What each of you thought you ought to do.

That news story told me many things, including that the ingenuity of young America is very much alive, and residing in the Future Farmers of America.

The story also told me that you are making progress within BOAC. Our first experiences with your activities indicated that the age-old—very worthwhile, but age-old—programs of roadside cleanup and similar efforts had been transferred to BOAC. This is a part of Building Our American Communities, but it is the easy part, and I'm pleased to see that your present projects show more insight into things that really go to the heart of community needs. I commend you all for your work—and urge that you go further with it.

There is a third fact I gleaned from the news release—and which I want to talk with you about at greater length. I am fully aware that this is a political year. As the Presidentially-appointed administrator of a major federal agency, my schedule confirms that there is a special effort being made to tell voters what is being accomplished by government.

I am very aware that this is no place for partisan politics—no place in which to tout a particular candidate or party.

On the other hand, young people such as yourselves must be aware of, and involved in, the political process. To a degree you are, in your own chapter, state and national elections.

Personally, I believe implicitly in our system which demands that a candidate lay his record on the line for the approval or disapproval of the electorate.

On the other hand—you—the voter—must also take a responsibility. That is to read, to be aware, to make an intelligent choice. No one "tells it the way it is." They tell it as they see it and you must adjust and adapt their words in an effort to find the truth. Insofar as national elections are concerned, that became your responsibility when President Nixon signed the law to give 18-year-olds the vote.

More and more decisions will need to be made by you—and this is the final reason I was so pleased to read your news release. We in FHA provided a way to encourage you young people to perform in your own best interest. That news story tells me that you are doing it. Government didn't need to push, or cajole, or bribe—it needed to show you an opportunity, and each of you worked to fulfill that opportunity in the way that could be most helpful to you and your home communities.

This, to me, is the essence of what the present administration has had to say to the people of the country. It does not say "here, do this." It does say "here is some help—now work and think so the results you achieve are the best for all involved." This BOAC program is an encouragement in that spirit, and I commend every one of you on the fine way in which you have responded—to your own benefit, but more importantly, to the advantage of all of the people in your community.

By nature, the art of politics is people-oriented. More and more, we are learning that, to be successful, business and government must also be people-oriented.

I'm pleased to say that, while Farmers Home Administration has always been oriented toward those it served—in short, while it has always been a people-oriented agency—we are still learning to express ourselves in those terms. For example, our news stories used to begin by telling people that we had installed a water system using 38 miles of pipe, or that we had financed 90,000 houses. The news story summarizing this year's accomplishments read: ". . . more than three million rural citizens acquired better homes, strengthened farming operations or improved their communities."

Next year I hope the summary story will tell another story of your innovations. Our agency has just recently been granted authority that says "Loans may also be made under this subtitle . . . to youths who are rural residents to enable them to operate enterprises in connection with their participation in 4–H Clubs, Future Farmers of America and similar organizations . . ." Note that *loans* are specified, so income-producing projects are implicit in the law. We are at work on some guidelines that will help our county offices put this concept to work—and again, we want your help and suggestions as to ways in the new authority may be used. We need to learn its limitations and expand and adapt the law to better fulfill your needs.

The new law I mentioned is the Rural Development Act of 1972—a comprehensive piece of legislation that gives Farmers Home Administration a lead role in helping to build better rural communities and a better life for rural people.

Presently you may know that our agency has lending authority in three fields—to family farmers to help them own land and pay operating expenses, as well as to reimburse them when natural disaster disrupts their operations. To rural people that they may become homeowners, or that desirable rental space may be built, or for the housing of farm labor. And to communities to plan for water and sewer systems, as well as for system installation and creation of sanitary landfills.

In all, there are some 20 different programs we operate, each providing credit to those unable to secure it from regular commercial sources, and affording supervision to borrowers to help make the loans successful ones.

Now, with the new authority, we may become primary sources of credit for needed community facilities for health, firefighting, community centers, roads and other amenities. In addition, we may make loans to develop areas for business or industry to use, may loan money to private business or industry to establish new employment, and we have authority to help with pollution abatement and control.

Never before has such an arsenal of assistance been available to rural communities. Some of these authorities will be useful in your BOAC work. We are drafting administrative rules and regulations as rapidly as possible, and will put the law into effect, through our 42 state offices and 1,750 county offices, as quickly as we can.

Perhaps next year your news stories will tell of some successes in the use of these new authorities. I hope so. We are anxious to work with you for the betterment of rural America—and the benefit of all America.

Three keys to achieving the kind of rural America you and I want—now and for the future—are *Energy—Innovation*—and *Involvement*. It so happens that these are three ingredients that you are blessed with in great abundance. Since the future belongs to you, I can think of no better people in which to place our confidence and our resources. You are the builders of our future.

Thank you and Godspeed.

It is unusual to encounter a man who combines legislative talent, administrative ability, and a deep concern for his fellow Americans. Jim Smith is such a man, and he will be sorely missed in Washington.

DES, THE DELANEY AMENDMENT AND DRUGS

HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. STEIGER of Arizona. Mr. Speaker, there has been a lot of misinformation given out in recent months on the subject of diethylstilbestrol, the drug commonly referred to as DES. In an address last December at the convention of the Iowa Grain and Feed Association, our colleague, BILL SCHERLE, attempted to set the record straight on this matter.

His remarks follow and I commend them to the attention of all Members:

DES, THE DELANEY AMENDMENT AND DRUGS

It is a great pleasure to be here today and a signal honor to address such a distinguished group of experts on the important and difficult topic of "DES, the Delaney Amendment and Drugs."

The drug Diethylstilbestrol, commonly referred to as DES, has created an interesting set of circumstances—the effect of a desire to do good, compounded by legislation designed to assure this end, resulting in a situation that has frustrated the wishes and needs of the American public. A handful of men referring to obscure possibilities of harm are quoting statistical odds of hazard incomprehensible to the average mind.

Most of us have been exposed only to the tip of the iceberg in the true situation concerning the use of diethylstilbestrol. Certain facts are presumed self evident—(1) that diethylstilbestrol is a carcinogen, (2) that some young girls whose mothers were treated with therapuetic doses of this drug developed a rare form of cancer which may or may not have been associated with the use of this drug, (3) that approximately 2½% of the beef animals fed stilbestrol have been shown to contain measurable residues of this drug, (4) that the law forbids residues in the meat supply, and (5) that a radioactive tracer study on the drug diethylstilbestrol performed at Fargo, North Dakota, showed residues of radioactivity at the end of seven days withdrawal.

Based on these facts and a number of Congressional Hearings at which Food and Drug was taken strongly to task for allowing the continued use of DES in the feeding of beef animals, the Commissioner of Food and Drug finally felt that he was forced to take the steps which will by January 1st result in the banning of the use of this drug in beef production.

I hope today to be able to discuss with you some of the not so obvious aspects of this iceberg to help us realize how it is possible to get into a situation of this sort and what is required in the way of legislation, which Bill has already proposed to Congress, to insure that this type of situation does not arise to frustrate the proper use of valuable drugs in the future.

Not long ago, "DES" was an expression known only to the relatively small circle of professionals who actually use it. Once its value had been firmly established in the meat industry this awkward mouthful of a chemical was rarely discussed. Feed producers and cattlemen understood its merits and were glad to take advantage of its aid to the rising domestic and foreign demand for high quality beef. No one in this room needs to be told how this hormone has contributed to increasing the output of the meat industry, more quickly, cheaply and safely than any other single chemical. For twenty years, DES has been showering its benefits on producer and consumer alike.

These benefits went largely unacknowledged by the public, however, because the public was simply unaware of them. Most people in this country take for granted an unending and plentiful flow of foodstuffs from farm to table. They do not stop to think how it happens, how the supply never dwindles even though there are always more mouths to feed and a higher standard of living to meet. DES is one of the great scientific discoveries which has made it possible. Without the inventive genius of men like Dr. Wise Borroughs and his colleagues at Iowa State University, agriculture in this country would never have graduated from its horse-and-buggy days in the nineteenth century to the realm of fastmoving technology in the twentieth.

Unfortunately, too few people appreciate this fact. There are even some who deplore it. Many a consumer activist would jump to his feet shouting in protest at what I have just said. Praising the virtues *of DES is* tantamount in some quarters to shilling for cancer. As you all know, DES has been known to cause cancer in laboratory animals. That fact has been widely disseminated in the last few years and is the source of most of the extremely unfavorable publicity DES has been getting. It was also the catalyst for the Food and Drug Administration's reluctant decision to ban the offending hormone from animal feed after the first of the year. It automatically triggered the inflexible Delaney amendment prohibiting any trace of a carcinogenous substance in human food.

This is the sum and substance of the information reported by the opponents of DES. Like so many other issues relating to agriculture, the debate over DES hit the headlines hampered by emotional rhetoric and slanted or incomplete information.

Vague accusations have plagued the discussion of DES.

If there is one word calculated to strike fear into the hearts of most people, it is cancer—and with good reason. The disease is a painful debilitator and a deadly killer. Because research into its cause and cure is still on the threshold of significant advance, however, cancer scares are still a very damaging way of mobilizing public opinion against an unpopular product. If you tell people that DES has caused cancer in rats, they will naturally be frightened and call for its immediate elimination. If the true facts—all the true facts—were widely known, it is my belief that the public would endorse the continued use of DES as enthusiastically as most professionals familiar with its properties.

First, the public should be reminded that DES has been safely used in animal fodder for twenty years. At present, 75–80% of all the beef consumed is raised on feed laced with DES. Two decades without a single known instance of harm caused to human beings from eating meat produced on DES should provide a long enough testing period to satisfy the most scrupulous consumer advocate. Second, people should be informed about the size of the dosage required to induce cancer in laboratory animals. Translated into human terms, it means that a person would have to eat 5,500 pounds of beef liver to ingest a comparable quantity. It should also be remembered that most harmless substances would be lethal if injected directly into the bloodstream in such massive doses. Third, the extent of contamination from DES should be better publicized. Most people probably do not realize that only in the animal's liver has DES residue ever been detected. Even those showed only minute particles, less than two parts per billion in many cases. This is equivalent to one and a half drops in 25,000 gallons of liquid, or to a couple of seconds in thirty years. To put it in another perspective, the largest amount of DES ever discovered in beef liver is far less than the average woman's normal level of hormone production.

To handle some of these things in the

order of sequence: The problem of the increasing number of residues originated with the development of an extremely sensitive method of assay supposed to report residues down to 2 parts per billion which was then presumably further improved to measure residues as low as ½ part per billion.

At this point I'd like to say that there have been continuing controversial statements as to whether or not this method is truly accurate in its low level. Food and Drug themselves have said that this method is sensitive only to 2 parts per billion and should not be used below this level, whereas the Department of Agriculture feels that they can operate below this point.

This is an impotrant factor in our controversy. A substantial portion of the residues found under current conditions of use have been below 2 parts per billion and if in effect there is any question as to whether or not the method is reliable there is also the question of whether or not there truly were residues

Considering the issue as to whether or not this is a reliable method of testing let us look further into the situation.

The first change in the Food and Drug approach was to increase the withdrawal time from 2 days to 7 days on the assumption that this would give an adequate safety factor and insure that there were no residues in the beef supply. At the time this was done there was no indication that 7 days might not be a long enough period for withdrawal. When this new withdrawal was instituted it was noted by the Department of Agriculture and the Congressional critics that the number of positives reported did not decrease although the levels of residue being reported were substantially lower. Presumably this indicated misuse on the part of the feeder.

In an attempt to understand how this could be, a study was instituted at Fargo, North Dakota in which radioactive diethylstilbestrol was fed to steers which were then killed at graded withdrawal times. In those animals which were slaughtered 7 days after withdrawal of feeding diethylstilbestrol, it was found that radioactivity still existed in the liver and kidney tissues. This activity could not be confirmed to be diethylstilbestrol by other tests due to the extremely low levels of radioactivity observed. However, this information was considered serious enough by the Commissioner to cancel the approval for the use of this drug in all feeds.

Subsequent to this cancellation the USDA initiated additional research to expand on their preliminary Fargo study both at Beltsville, Md. and at Fargo, N. D. Using the same testing procedure but extending withdrawal time in one case to 10 days and in another to 14 days, USDA reported that there are no residues measurable by the radioactive method.

It is interesting to note that the first research report contained sufficient evidence for the Commissioner to cancel the clearance. However, it appears that additional information describing that the drug can be used safely and without residue was not considered sufficient evidence to reinstate the use of DES!

Currently the USDA is evaluating the use of radioactive diethylstilbestrol implants and dependent on the results, which should be reported in January, it is quite possible the use of DES is lost completely.

Commissioner Edwards of Food and Drug has made repeated statements that he does not feel that diethylstilbestrol is a hazard—that the nature of the restriction imposed on him by the Delaney Amendment is a legal one dealing with specific wording of the law which forbids the use of the drug under certain conditions.

We feel that it is in the interest of the nation to give the Commissioner the discretion which he needs in order to be able to use not only this drug, but other drugs which have a specific benefit or value to the well-being of our people.

In connection with this, a Bill—H.R. 16507, has been introduced by me and co-sponsors such as Bob Poage of Texas, Chairman of the House Agriculture Committee, Sam Steiger of Arizona, Chuck Thone of Nebraska and other concerned legislators to give the Commissioner this discretion. The effect of this Amendment to the Federal Food, Drug and Cosmetic Act will give the Secretary room to exercise scientific prerogatives in determining whether or not a drug or additive is truly safe rather than being limited by the term "absolute zero" when each day drives home the truth that scientific progress tells us there is no "absolute zero." Mother nature herself cannot comply with the Delaney Amendment.

In discussing diethylstilbestrol we would like to reemphasize that no one is interested in introducing a hazard into the food supply. The USDA has proposed the funding of a study at Southern Illinois University whose explicit purpose will be to find out whether or not the residues in beef liver do or do not cause cancer and if they do at what levels!

The appropriateness of a study of this nature is timely since it may very easily be one of the opening wedges in determining exactly what amount of hazard, if any, is involved in establishing safe level for residue in connection with a drug reported to be a carcinogen.

This study would examine the feeding of beef livers in which the diethylstilbestrol residue would be accumulated through feeding excessive levels of DES and then slaughtering without withdrawal, so that we could observe the results in tests on mice which have been fed this residue as it naturally occurs in the liver. It is important to note that the residue in the liver is a metabolite of diethylstilbestrol and is a possible solution to our current predicament. This would be a three year study simulating the full life span of man and could give some scientific background for establishing what sort of hazard the public faces.

It is interesting to note that if the bureaucracy had not been in such a hurry to make a preliminary report on the studies, and instead waited until the full study had been completed, it would have been possible to have established a proper withdrawal period for this drug which would have satisfied all the requirements of the now existing law!

It is also important for us to say to ourselves that if the 7 day withdrawal period, as initially established by Food and Drug, was not the correct amount of time required to clear the tissues of residues, then presumably some substantial portion of those positives reported by the USDA in connection with monitoring our supply of meat, were not the fault of the producers but the fault of an incorrrect withdrawal time.

Therefore, we could safely assume that once a new withdrawal period, based on the current scientific knowledge, is established we should see a substantial decrease, if not total elimination, in the number of animals reported as containing diethylstilbestrol residues.

Meanwhile, what does this mean to producers? If we assume that the value of stilbestrol is something on the order of a 15% production improvement we can say that the increased cost of production must be absorbed to some extent, depending on bargaining strength, in every phase of cattle production—from the cow calf operator to the feedlot operator to the packer and eventually to the consumer. The real question is who benefits from the current situation, and the real answer is nobody.

When the law puts us in the position of knowing that the affect of adherence to the law will result in something that is not to the common good, then it is time for those of us who have the understanding on the interests of the public at heart to stand up and be counted for a change in the law and this in essence is what is being done. It is important that the public know all the facts. The public in its wisdom is capable of making sound judgment. What is required is information, and this is what we have tried to give you today—to show you the true situation. The facts should be presented so that all can judge—so that all can indicate as a concerned public what the proper action should be in the future.

People might also be reassured to learn what DES really is. Like one of the major components of most birth control pills, DES is a synthetic estrogen, a chemist's simulation of a natural hormone. According to the information now available to scientists, the structure, mechanism and biological effects of natural and synthetic estrogens are very similar. Thus if DES is banned from animal rations, the FDA should really also outlaw lettuce, alfalfa, soybeans and corn, because all contain natural estrogens. Honey and dried milk are both guilty by association with estrogens, and eggs—those perennial favorites of health food faddists and dieters—are bursting with estrogen (up to 2000 parts per billion!) The public would also be relieved to know that doctors prescribe DES for certain ailments. Doses of DES up to 15 milligrams per week are permitted for medical treatment.

In addition to its therapeutic uses, DES entails certain practical advantages of which the public should not be ignorant. Conversely when DES is withdrawn from the market entirely, economical benefits will be forfeit. Estimates of the monetary value of DES vary, but most professionals agree that the price of beef will rise an average of at least 10¢ per pound, more likely as high as 15¢ or even 20¢. This aspect of DES usage is never mentioned by the scare tacticians. It suits their purpose to emphasize only the negative potential of the chemical and to ignore its proven value. Then, too, the elimination of DES would slow beef production at least 15%.

What I have been outlining to you so far is basically a public relations campaign. Essential as it is, however, developing effective public relations is only part of the problem. A more immediate obstacle to a rational policy on DES is presented by the so-called Delaney amendment to the Food, Drug and Cosmetic Act. This provision, which, as you know, prohibits the most infinitesimal trace of any carcinogen, forced the FDA to proscribe the use of DES in animal feed. The law will be fifteen years old next year and, in the light of what we now know about DES, is long overdue for a revision. No one questions its objective, the prevention of cancer. In fact, I believe we should encourage research into the causes of cancer in human beings because, in my view, it can only vindicate the beef industry. The more the consumer knows about beef the better, because he cannot help but come away convinced that the American food producer provides the best meat in the world. No, it is indisputable that the chief culprit is not food additives likes DES but extraneous cancer-producing agents like cigarettes. If the consumer activists want a target, let them zero in on that.

In the meantime, though, we must rescue DES from the oblivion that threatens it as of January 1st. The Delaney amendment must be *modified* and *modernized* so that the law conforms to the latest scientific knowledge about DES and other chemical additives. Instead of the present arbitrary and inflexible zero tolerance level, the amendment should permit the Secretary of HEW to consult toxicologists and nutritional chemists to determine appropriate safe limits for DES residue in meat. Newly developed, sophisticated measuring equipment, unknown in 1958 when the Delaney amendment was passed, can now pinpoint miniscule amounts of the hormone—as small as one part per trillion. The presence of such tiny traces cannot seriously be considered a health hazard. Exactly where a safe and reasonable tolerance level lies, however, cannot be defined with certainty at this point. Further research is needed before the FDA can issue positive guidelines. The agency itself is willing to undertake the research but needs the consent of Congress to countermand the Delaney amendment.

Since the DES debate first heated up, I have repeatedly urged the House to consider legislation modifying the Delaney clause. I plan to reintroduce an identical measure in the upcoming 93rd Congress. Until their constituents are persuaded that DES, properly employed, poses no threat to their health, however, a majority of the members may be unlikely to back my proposal. And that will require a concerted campaign to bring the facts—all of them—to the forefront of public attention. We must refute the false allegations and dispel the miasma of distrust that poisons the atmosphere of producer—consumer relations. Farmers and their allies in the agribusiness community, like you, have to correct the erroneous image created by such charges and restore the faith which Americans once had in the free enterprise system.

If we neglect this obligation, we will lose much more than the convenience and economy of a single food additive. Progress in technology depends to a large extent to a favorable climate of public opinion. Few technical advances were made through most of human history because men were afraid of the unknown abhorred change and clung to all the old traditions. It is only recently that we have been able to distinguish science from magic and to expand the realm of the possible by manufacturing new and beneficial substances hitherto uncreated. If the climate of distrust and fear inhibits research into new fields, we will all be the losers. This is no idle apprehension. Research chemists and pharmaceutical manufacturers have expressed their misgivings on this subject many times. Should the government make it impossible or unprofitable for the industry to venture into untried areas, they will simply continue to produce the old "safe" items and new developments will come to a standstill.

America has not become the world's foremost farming nation only to retreat in confusion to the old regressive ways. As in every other competitive industry, you slide backward if you stand still. We have to run hard just to stay in place and we want to do even better than that. How we come out of the debate on DES and the Delaney amendment will thus affect our future status in many related areas. It is up to all the members of the agribusiness community to insure that the issue is resolved rationally and fairly.

THE RETIREMENT OF MARY BAILENSON

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. VANIK. Mr. Speaker, on Sunday, January 21, 1973, our whole community will honor and express our appreciation to Mary Bailenson, who is retiring after an extraordinary 48 years of service at the Jewish Community Center of Cleveland.

It is difficult to describe the warmth and esteem with which we all hold Mary. She has been a pillar not only of the Jewish community but a helping hand to our entire community.

Mary started her exemplary service in 1925 at the 55th Street branch of the Council Educational Alliance, moving to a new office in 1927 at the active and vital CEA building at 135th and Kinsman.

By 1948, Mary was a mainstay at the new Shaker-Lee branch of the then newly formed Jewish Community Center of Cleveland. When the new main building was completed on Mayfield Road, Mary was on duty.

The tens of thousands of people who have been touched by Mary will be eternally grateful for her gentle, warm graciousness and strength.

Mary Bailenson has been, and will continue to be, a blessing to our entire community. We extend our congratulations to Mary on this great day of celebration and wish her many fruitful, healthy years to come.

TRIBUTE TO HARRY S TRUMAN

HON. L. H. FOUNTAIN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 9, 1973

Mr. FOUNTAIN. Mr. Speaker, I would like to take this opportunity to pay humble tribute to our great 33d President, Harry S Truman.

Harry S Truman, more than any other President since Andrew Jackson, was a man of the people, a man who epitomized the very essence of the American spirit. He stood for a sense of dogged determination, dedication to duty, and devotion to the bedrock principles of high courage, common intelligence, and individual integrity—principles on which this Nation was built.

President Harry S Truman spoke often of freedom and challenged all freedom-loving people the world over to protect and preserve that freedom from the insidious encroachment of totalitarianism. All of mankind—the free and those who hope to be free—in this generation and for generations yet unborn—stand in debt to our great 33d President.

There can be no doubt that President Truman occupied a unique place in the hearts of the American people, and, in my estimation, he stands shoulder to shoulder with such great American Presidents as Jackson and Lincoln—men who left their own distinctive marks on the American Presidency.

The resemblance to Jackson is apparent in personality, in thinking, and in tactics. Both men fought hard and both men "gave 'em hell" out of a sublime dedication to the public interest. Jackson's struggle with predatory wealth and privilege, foreshadowed the dynamic Truman and the broad concepts of his Fair Deal.

The Truman likeness to Lincoln is for me the most arresting, because it is a likeness in depth. Both men had an extraordinary impact on history, despite the fact that nothing in the past of either indicated the singular greatness they were to achieve. Both gave to the Presidency a special dimension of their own, a decisiveness and a dignity and in turn, the Presidency made them great. Both exercised an unerring and brilliant instinct for command. This was complete and unwavering, whether it involved giving drive and force to a Nation at war or cutting a great popular general down to size.

Yet, there is still a greater point of mutual identity—courage and a deep sense of devotion to the American democratic tradition. Lincoln and Truman have, as figures in history, what I can only describe as distinctly American personalities. This made them, even in their speech and manner, the very symbols of America, the embodiment of freedom and free men. Each was supreme in his hour on the stage of history. They breathed the will and the power, the conscience and the tradition of the American people, and spoke again and again as the American instruments of freedom.

I mourn and the Nation mourns this man of the people—this man from Independence, Mo., who spoke and gave international meaning and substance to this country's love of freedom and individual liberty. President Harry S Truman walked with steady tread, and firm resolve. It is to his work as Chief Executive that the entire free world owes a profound debt of gratitude.

When Harry S Truman was summoned to the White House from Capitol Hill on the night of Franklin D. Roosevelt's death, the Nation and the world wondered what type of man had suddenly assumed the regions of Government. Although Truman was no novice in the political arena, having served as a judge and a distinguished investigative Senator from Missouri, the Nation knew little about its new President. Consequently, the American people, anxiously awaited the administration of their new Chief Executive, shocked at the death of Franklin D. Roosevelt, and uncertain as to the future.

However, President Harry S Truman seized the reigns of government with decisiveness and firm resolve. Relying upon the basic American attributes of courage, commonsense, and steadfastness, President Truman brought the American people through the last tumultuous months of the Second World War and launched the world on its infinitely long and hard march toward self-determination and freedom.

It was President Truman who decided to drop the atomic bomb, thus obviating the need for an American invasion of the Japanese mainland and thereby saving 500,000 American lives, and just as many, if not more, Japanese lives.

It was the Truman doctrine which shattered the long U.S. tradition of peacetime isolation by supporting Greece and Turkey against the Communist threat.

It was the Marshall plan, instituted by President Truman, which committed U.S. resources to the extremely successful rebuilding of Europe, thereby saving Western civilization from communism.

Later President Truman defied the Soviet blockade of Berlin and risked war by authorizing the most massive airlift in history. The United States fed, fueled, and supplied a beleaguered city of 2.4 million by air for nearly a year.

Still later, it was President Truman who met the Communist invasion of South Korea by ordering U.S. Forces into the field and obtaining the help and support of the United States.

What looms large about these tough decisions, all made amidst bitter debate and uncertainty, was Harry Truman's courage—the courage to make tough decisions and to stand firm behind those decisions—a courage made even more impressive by the realization that the crucial problems and decisions he faced were perhaps more awesome than those hitherto faced by any other American President.

The American people could have chosen no greater leader in those harrowing years of international crisis than its humble, but decisive, servant from Missouri, Harry S Truman.

Indeed, the death of our 33d President is more than just a national loss, for his death was profoundly noted by the entire free world.

No greater tribute could be recalled than that given by one of the world's giants, Winston Churchill.

It was in the closing months of Harry S Truman's Presidency that Churchill said the following, with blunt honesty:

> The last time you and I sat across a conference table in Potsdam, I must confess Sir, I held you in very low regard. I loathed your taking the place of Franklin Roosevelt. I misjudged you badly. Since that time, you more than any other man have saved Western Civilization.

Few will ever again doubt Harry S Truman's greatness. Those who knew him and treasured his friendship will miss him, but his work and deeds will live for so long as our great American democracy shall stand.

President Truman's epitaph does not, I understand, include a favorite quote of his, but that quote sums up the essential greatness of the man. In his Presidential press conference of April 1952, he said:

> I'll always quote an epitaph on a tombstone in a cemetery in Arizona: "There lies Jack Williams. He done his damndest."

SECURITY ASSISTANCE

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. WOLFF. Mr. Speaker, several weeks ago, the distinguished Chairman of the Foreign Affairs Committee (Mr. Morgan) communicated with the President concerning an effort by the Secretary of Defense to include the security assistance budget in the regular Defense Department budget.

As a member of the committee, I would like to support my chairman in his opposition to such a decision, which would have the effect of transferring the consideration of security assistance from the purview of the Foreign Affairs Committee.

I concur with the chairman's feeling that security assistance programs are primarily an extension of the foreign policy of this Nation and therefore should be considered and evaluated by the Committee on Foreign Affairs.

Unfortunately, the Defense Secretary's request is really part of a pattern by which more and more programs wind up as part of the defense budget. This has restricted the proper Committees of the Congress from fully handling their policy-making work.

I applaud my chairman for his initiative in opposing such a change in policy and I hope that other members both of the committee and this body will join in supporting his position in this regard.

PRESIDENT HARRY S TRUMAN

HON. CHET HOLIFIELD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 9, 1973

Mr. HOLIFIELD. Mr. Speaker, I rise to pay tribute to a great and good President of the United States, the late Harry S Truman of Missouri.

I have had the privilege to serve under six Presidents. Each of our Presidents have had their own personalities and capabilities, and each will be accorded his respective place in the annals of history.

On April 12, 1945, President Roosevelt died. On that same day, Vice President Harry S Truman took the oath of office as President of the United States. That was in my third year as Representative in the U.S. Congress.

During the ensuing 7 years, I worked closely with the President in achieving many of his legislative goals. I processed 41 Truman Presidential Reorganization Plans, as well as the bill which consolidated the Army, Navy, and Air Force Departments into the one Department of Defense.

In August of 1949, the Soviet Union tested successfully their first atomic weapon. As chairman of an Atomic Energy Subcommittee, I directed a study of the feasibility of developing a far more powerful weapon, the hydrogen bomb. A national controversy arose, much of it directed against the development of the hydrogen weapon. The scientists were split on the issue.

Notwithstanding this opposition, the subcommittee and the full committee decided that we must protect the national security by developing this new weapon. Chairman Brian McMahon and I presented our affirmative recommendations to President Truman at the White House.

After less than 30 days of consideration between President Truman and his military advisers, the President accepted our recommendation and initiated the hydrogen bomb project. Its goal was successfully achieved some 20 months later. President Truman's decision was proven wise, for within a period of 9 months thereafter, the Soviet Union tested successfully their hydrogen bomb. This decision was one among many decisions that President Truman made. I believe it was one of the most important because it assured the balance of military power between the free world and the Communist world.

Harry Truman's background was similar to millions of his fellow Americans. During the closing years of World War II and most of the years of that decade, time and events elevated him to the most important office in the world.

President Truman's ability to make important decisions when our Nation's values were challenged was based on his inherent commonsense, his courage, and his deep belief in our Constitution and the responsibilities of the office of the Presidency.

In my humble opinion, President Harry S Truman's name will be inscribed on any list of the five greatest American Presidents and certainly he will be remembered with warm affection in the hearts of his countrymen.

H.R. 1414—TO REMOVE THE UNITED NATIONS FROM THE UNITED STATES AND THE UNITED STATES FROM THE UNITED NATIONS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. RARICK. Mr. Speaker, I take this opportunity to inform our colleagues that I have reintroduced H.R. 1414 to repeal U.S. membership in the United Nations and any organ and specialized agency thereof.

I feel there is a growing mood in Congress, as the representatives of the American people, to recapture the prerogatives and powers which rightfully belong to Congress, the greatest legislative body of the world. I most emphatically support the basic constitutional concept of separation of powers so vitally necessary to true representation of the American people; however, I am satisfied that usurpation or erosion of the power of this Congress extends further than to the executive branch and includes the judicial branch as well as the quasi-international branch known as the United Nations.

Passage of H.R. 1414 would remove the United States from the United Nations and for all practical purposes would remove the United Nations from the United States, thus freeing the Congress and our people from the ever tightening yoke of international controls, while restoring full national sovereignty and constitutional powers to the Congress.

The mobilization for restoration of power to the Congress as a coequal branch, as intended by the Constitution, is good government, desired by all Americans. But, there can be no restoration of the proper balance of the powers of government without a full distribution of the constitutional concept. This certainly must include restoration of rightful sovereign powers to the States and the return to the people and their local governments those powers of self-government never delegated to the federal system but rather which, as secured by the 10th amendment of the Bill of Rights, were expressly reserved to the people.

I feel that H.R. 1414 is basic in any move to restore the powers of government closer to the people, and it is for that reason I have reintroduced the bill and urge its support by all of our colleagues who are working to restore the powers of Congress and who believe in the right of the people to self-determination.

I insert the text of H.R. 1414, accompanied by a news release expressing the fears of former Ambassador Bush as to bloc voting in the United Nations.

H.R. 1414

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "United Nations Revocation Act of 1973".

Sec. 2. (a) The United Nations Participation Act of 1945 (22 U.S.C. 287–287e) is repealed.

(b) After the date of enactment of this Act, Congress may not appropriate any more funds for the United Nations or any organ, specialized agency, commission, or other body thereof.

(c) Subsection (b) shall not apply to funds appropriated for the United Nations or any organ, specialized agency, commission, or other body thereof only to facilitate the immediate departure of United States personnel and equipment from the United Nations, or from any such organ, specialized agency, commission, or body.

Sec. 3. The fifth paragraph of the first section of title I of the Act entitled "An Act making appropriations for the Departments of State, Justice, Commerce, and the Judiciary, for the fiscal year ending June 30, 1952, and for other purposes", approved October 22, 1951 (65 Stat. 576), relating to contributions to international organizations, is amended by striking out everything after "$30,297,861", and inserting in lieu thereof a period.

Sec. 4. The Act entitled "An Act to promote the foreign policy of the United States by authorizing a loan to the United Nations and the appropriation of funds therefor", approved October 2, 1962 (22 U.S.C. 287g–287j), is amended—

(1) by inserting after "to the United Nations." in the first section the following: "No part of such $100,000,000 shall be so loaned after the date of enactment of the United Nations Revocation Act of 1973.", and

(2) by inserting at the end of such Act the following new section:

"Sec. 7. Nothing in the United Nations Revocation Act of 1973 shall be construed to affect in any way the repayment of money to the United States under the loan agreement made with the United Nations by the President pursuant to the first section of this Act."

Sec. 5. The joint resolution entitled "Joint Resolution providing for membership and participation by the United States in the United Nations Educational, Scientific, and Cultural Organization, and authorizing an appropriation therefor," approved July 30, 1946 (22 U.S.C. 287m–287t), is repealed.

Sec. 6. Section 1 of the International Organizations Immunities Act (22 U.S.C. 288) by amended by inserting after "means a public international organization" the following: "(except for the United Nations or any organ or specialized agency thereof)".

Sec. 7. The joint resolution entitled "Joint Resolution authorizing a grant to defray a portion of the cost of expanding the United Nations headquarters to the United States", approved December 31, 1970 (84 Stat. 1867; 22 U.S.C. 287 note), is amended by striking out "expended" and inserting in lieu thereof the following: "the date of enactment of the United Nations Revocation Act of 1973".

Sec. 8. The Foreign Assistance Act of 1961 (22 U.S C. 2221–2224) is amended—

(1) by striking out subsections (b) and (c) and by redesignating subsection (d) as subsection (b) in section 301;

(2) by striking out subsections (d) and (e) in section 302; and

(3) by striking out section 304 and inserting in lieu thereof the following new section:

"Sec. 304. Exclusion of United Nations.—After the date of enactment of the United Nations Revocation Act of 1973 no funds may be appropriated under this chapter to carry out any programs administered by the United Nations or any organ, specialized agency, commission, or other body thereof."

[From the New York Times, December 23, 1972]

Bush, Leaving U.N. Post, Is Fearful of Bloc Voting

(By Robert Alden)

United Nations, N.Y., Dec. 22.—George Bush said today that he felt that the greatest danger to the United Nations lay in blind bloc voting and in the strident voices prevailing in those votes.

"What is increasingly happening." said the departing United States delegate, "is that the more moderate voices fear to speak out because they feel that they will appear less oriented or loyal to their group. So they keep their silence."

Mr. Bush spoke in a long interview as he prepared to leave here after two year's service to assume a new position as Republican National Chairman.

During the interview he spoke on a wide range of matters including the qualities that would best serve a United States representative, the future role of the United Nations in world affairs and the value of the United Nations as a window on the world for the United States.

TERRORISM ISSUE CITED

The problems posed by bloc voting, Mr. Bush said, were graphically demonstrated by what had happened when this session of the General Assembly considered an anti-terrorist resolution.

Although at the beginning of the debate it appeared that a considerable number of African nations were prepared to support strong international action aimed at preventing terrorism, by the end of the session, those he called the extremists dominated the bloc and won the vote for a resolution to study the causes of terrorism, which many in the West regarded as inadequate.

As an example of the members of a bloc fearing to speak up independently, Mr. Bush cited the candidacy of a Latin American diplomat for Secretary General last year.

"We confronted this man and told him we had reservations about his candidacy. The United States representative said. At the time no single Latin American voice was heard in opposition to him.

"Later, one after another of the Latin American countries came up to me and thanked me for voicing the objection they had been afraid to voice."

Similarly, Mr. Bush foresaw an increasing independence by the United States in its future voting here. This year, the United States exercised its veto in the Security Council on a Middle East issue and abstained in an otherwise unanimous vote approving a committee to study a world disarmament conference.

"There was a time when all my predecessors had to do was raise an eyebrow and we had an instant majority," Mr. Bush said. "That isn't the case now. But my theory is that even if we are in a minority we have to be willing to stand up for what we believe."

Mr. Bush was asked what attributes were most important for a United States *delegate.*

"You have to like people," he replied. "You have to get along with people. You're dealing in essentially a political forum and you have to be able to maximize your position in votes.

"It's not a question of people liking you and therefore voting your way. It's much more complicated than that. But there is a certain amount of give-and-take, mostly on matters of amendments or timing—when to ask for something and when not to."

Mr. Bush believes strongly that there was a harmful overpromise of what the United Nations could accomplish in its early years.

"As a result of the accumulated agony of the war and the fact that we had a more universal organization than ever before he said, "people felt that there would be an instant world government and instant peace everywhere."

"Well it just wasn't so, even though some people still feel that the U.N. should be capable for solving all problems everywhere. But that's not the case. We're a group of member states and if states don't agree—then it's just not going to happen here.

"There are a lot of problems we don't tackle because the member states don't want us to tackle them. So there's increasing frustration among people, who still believe in that original overpromise.

Mr Bush foresees a brighter future for the United Nations and he leaves it with much hope. "I see the U.N. as becoming more important as time goes by, and as the Third World countries grow and mature and prosper. They will develop and have differing relationships and different alliances, and these will lend themselves to a stronger and more effective world organization."

For the United States, Mr. Bush believes that the United Nations' usefulness as a window on the world is worth vastly more than America's contribution to the United Nations' budget.

"From this place we have contact with everyone—friendly countries and other less friendly. We get to understand the aspiration of the small powers, Mr. Bush said. "When you can communicate with, and talk to, every country you get a profoundly different view of the world."

"The social life is important, too, although people often think of the continuing round of cocktail parties and dinners as wasteful. But no matter how sorely those parties tried my liver and no matter how dead tired I was, I would go out to those receptions so that, in an informal atmosphere. I could learn and understand better the aspirations of other countries.

"That sympathetic understanding is a very important part of the process of establishing a foreign policy," Mr. Bush said.

ROBERTO CLEMENTE

HON. WILLIAM R. COTTER

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. COTTER. Mr. Speaker, on December 31, our world suffered an irreparable loss. On that day Roberto Clemente, a man of stature and compassion, was killed when a plane bearing relief supplies for earthquake devastated Managua, Nicaragua, crashed. It was indicative of the greatness of this man that he volunteered to lead Puerto Rican relief efforts for Managua. Further, Roberto Clemente was not satisfied with being a symbolic leader and devoted long hours in planning and implementing the relief effort.

Students of baseball have sung the praise of Roberto Clemente's skill on the diamond, but the measure of the man is more clearly established in his multiple interests that were designed to aid the less fortunate. It was in this activity that his "machismo" were clearly demonstrated and his superiority exemplified.

I mourn with Roberto Clemente's friends and admirers. I extend my deepest sympathies to his wife and sons. However, I am confident that the spirit of generosity and concern bequeathed by Roberto Clemente will continue to act as an inspiration for people all over the world.

WASHINGTON NEWS NOTES

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 20, 1973

Mr. HOSMER. Mr. Speaker, each month I send to many individuals and organizations within my district a short newsletter called Washington News Notes, the January text of which follows for the information of our colleagues:

Congressman Craig Hosmer's Washington News Notes

January 1973.

WATCHDOG OF THE TREASURY

The National Associated Businessmen annually compile voting record tabulations of all Congressmen and Senators. The results show who voted for economy in government and who voted for excessive Federal spending.

The 1971–72 tabulations are in and, not surprisingly, only 25% of the Senators and less than 40% of the House members consistently voted for economy and fiscal responsibility. That select group received a miniature gold bulldog symbolic of the organization's "Watchdog of the Treasury" award.

Among the winners for '71–72, also not surprisingly, was Congressman Craig Hosmer, who has received the coveted bulldog 10 consecutive years since it was first presented.

AND YOU THINK YOU GOT TROUBLES

A Washington newspaper, in a lengthy story on the parking crunch in the District of Columbia, reported that many Federal employees go to extremes in order to find a parking space. Dozens of employees at the Dept. of Health, Education and Welfare arrive at 4 or 5 a.m. to be assured of a parking space. They sleep or read in the cars until work begins at 9 o'clock.

Despite the parking problems, use of public transportation continues to decline. As ridership declines, fares go up and underused routes are discontinued, resulting in even fewer passengers. And fewer parking spaces.

DOES CONGRESS NEED REFORMING?

The most likely outcome of the forthcoming push for Congressional reform will be additional manpower and information systems to help the Legislative branch keep an eye on the Executive. Liberals and conservatives agree that Congress relies too much on Administration manpower and computers for its information, and that its independent investigative sources must be expanded and approved.

However, many other so-called "reform" issues (seniority, more open committee meetings, age limit for chairmen, etc.) are merely ploys by Congressional liberals to overcome the more conservative majority, and are not likely to be adopted.

HOW SAFE IS SAFE?

For years, Congressman Craig Hosmer has been an outspoken advocate of nuclear power as a safe, clean alternative to fossil fuels for generating electricity. And in the face of the alarmists and doom-sayers, a UCLA engineering-medical team agrees. Nuclear power plants are far safer than oil-fired generators—10 times safer in fact.

An eight-month evaluation by 30 highly qualified and impartial authorities reached the conclusion that nuclear plants averaged less than one-tenth the risk of oil-fired plants in routine operation. Overall, the public health risk from either type was judged roughly comparable to such uncontrollable natural events as being struck by lightning or bitten by a snake.

INSTANT JUSTICE

One of President Nixon's principal anti-crime programs has been to speed up the judicial process in Washington. The new system, admittedly successful, reached a new height of efficiency recently when a 19-year-old D.C. youth was arrested, prosecuted, convicted and sentenced—all in 75 minutes.

Here's how it happened: the youth was in court for a hearing on probation violation. Frisking him, U.S. marshalls found narcotics paraphernalia. He was immediately taken before a judge, where he pleaded guilty and received a sentence to run concurrently with his previous indeterminate sentence.

BOOKS FOR YUGOSLAVIA

Books on such capitalistic topics as American business and economics will soon be winging their way to the Universities of Belgrade and Zebgreb in Yugoslavia, thanks to the efforts of Cal State Long Beach Librarian Charles Boorkman with an assist from Congressman Hosmer, the Yugoslav Embassy and Yugoslav Air Transport. The books are surplus to the needs of Cal State and the Yugoslavs are anxious to bone up on American style free enterprise.

SS BENEFITS INCREASE—SO DOES CONFUSION

Those Social Security widow and widower benefit increases voted by Congress last October are showing up in January checks. But misunderstanding about the recent changes in the law have resulted in some disappointments.

While some reports indicated that all widows benefits would increase from 82.5% to 100% of the annuities to which their husbands were entitled, it is not as simple as that. How much the widow receives depends on both the amount to which her husband was entitled and the age at which she claims the benefits. She will get top dollar only if her husband was receiving or entitled to the maximum pension and if she waits until age 65 to claim it.

CONGRESS MUST BE FIRM

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. DOMINICK V. DANIELS. Mr. Speaker, last fall the Dispatch, a leading New Jersey newspaper, gave strong editorial support to President Nixon's reelection campaign.

Even though they supported the President, they also felt that individual Congressmen—Democrats and Republicans alike—and candidates for the Congress ought to be reelected or elected on the basis of their records and their views on the issues of the day. Almost without exception, the people of northern New Jersey agreed with the Dispatch's editorial position.

On January 8, the editorial voice of this fine old newspaper sounded a note of caution concerning too large a grant of power to the executive branch of our Government.

The Dispatch has pointed out that—

> Too long has Congress gone along with the President on Vietnam, too long have its members—supinely in most cases—allowed Mr. Nixon to do anything he wished. The time for definitive action is now.

Mr. Speaker, I concur with the views of this newspaper and at the conclusion of my remarks I ask this editorial be printed in full.

I urge all Members—those on this side of the aisle as well as my good friends among the minority—to listen to what this fairminded independent newspaper has to say.

Mr. Speaker, the people of this Nation are alarmed about the imbalance that exists between legislative power and that of the executive branch. As I see it, there is a national feeling that Mr. Nixon has misread the election returns and has interpreted his landslide victory as something more than it is. In so doing, he would not be the first President to judge electoral victory as a call for executive dictatorship. And those Presidents have been Democrats as well as Republicans.

Mr. Speaker, it is time for Mr. Nixon and the palace guard around him to ponder carefully upon the historic separation of powers which has always existed in this Nation. It is time for President Nixon to take Congress into his confidence. Ideally, we on the Democratic side of the aisle would like to be considered members of a coequal branch of Government. Is this asking too much? On the other hand, he certainly could show the members of his own party some consideration. Putting partisan considerations aside, the GOP side of this House and of the other body, too, contains a good many men and women of great intellectual ability, integrity and devotion to the national well-being. I am certain that these dedicated men and women can make a major contribution to the United States.

Mr. Speaker, it is time for the Congress to agree on one issue: we are coequals of the executive branch and we will insist upon our historic rights.

The editorial follows:

Congress Must Be Firm

The 93rd Congress which convened last week faces a major confrontation and it cannot evade its responsibilities to the people. It must decide whether it is going to continue to sit by and allow President Richard M. Nixon to stomp all over it in his conduct of the Vietnam war.

There has been an open defiance of Congressional power by Mr. Nixon in his stepping up the air war against Hanoi and it's about time to determine just what is what in

Washington. Does the Congress have the leadership to stand up to the President or doesn't it?

The people on Nov. 7 unquestionably gave Mr. Nixon a strong mandate, a vote of confidence, but a lot of that support was based on the point that he was apparently determined to bring to a swift conclusion the sorry and sordid mess in Indochina.

In the Hudson-Bergen area there was an extremely heavy outpouring of votes for Mr. Nixon but, significantly, at the same time people shifted when it came to the House of Representatives' contests and, in the ninth and 14th districts, reelected by solid margins two Democrats.

This was in the best tradition of the balancing of power between the executive and the legislative branch. People went for Mr. Nixon but they just didn't want to give him a Republican Congress. They trusted him but not quite that far and events have proved them right in their voting selectivity.

The new Congress has already demonstrated its determination to end the Vietnam conflict regardless of what the President wants to do. There is strong opposition to the renewal of the bombings and the Democrats in the House have left no doubt as to where they stand.

Not only is there this sentiment among the representatives but there is also a firming of opposition in the Senate and it is now amply evident that Congress is indeed demanding a swift end to the war. This is correct, for Congress must assert itself.

Too long has Congress gone along with the President on Vietnam, too long have its members—supinely in many cases—allowed Mr. Nixon to do practically anything that he wished. The time for talk is over; the time for definitive action is now.

The President must be put on firm notice that Congress and the people want the war concluded and the threat to cut off further funds for the Vietnam effort is one way to get the message across. There can be no backing down on this by our legislators in the capitol.

CONGRESSIONAL VETO ON CONGRESSIONAL PAY RAISE

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. SHRIVER. Mr. Speaker, in announcing the phase III wage and price control program last week, President Nixon called for voluntary cooperation in the continuing fight against inflation. The President observed that success of these voluntary policies will depend on a "firm spirit of self-restraint both within the Federal Government and among the general public."

Accordingly, I am reintroducing legislation today which is designed, in effect, to veto any further increases for Members of Congress, Senators, the Federal judiciary, and high executive officers.

Under this legislation, one Member of Congress could initiate action to force a vote on any pay raises for these officials. I do not believe such a vote, if taken, would be favorable, and I am well assured that many of my colleagues would join me in forcing the vote.

Under present law a Presidential commission has the power to study and propose revisions of the Federal pay structure. Such revisions automatically become effective after 30 days unless at least one House of Congress specifically disapproves all or part of the recommendations. In the past, this has proved to be insufficient protection against unwarranted and unwise pay raises.

When the last congressional pay raise was recommended by the Commission in 1969, the Senate voted against disapproving the raise, but the House was given no opportunity to vote on the issue. The House Rules Committee refused to send the proposal to the floor for a vote. This took place just prior to the time the Congress recessed for Lincoln Day observance. I supported efforts that were made to not adjourn until the House had an opportunity to vote to reject the salary increase before the 30-day limitation ran out. I believe that if a recorded vote had been taken, the Members would have rejected the salary increase.

My bill would avoid this situation in the future. It would enable a single Member of Congress to require action on a pay raise resolution if the Commission recommends further increases. Any Member could file a privileged motion to take the resolution from the Post Office and Civil Service Committee and bring it to a roll call vote if the committee did not act within 10 days.

As keeper of the Nation's purse strings, Congress has constitutional responsibility over its own pay scales and those of high judicial and Government officers. We never should have delegated this responsibility to a Presidential commission, and I voted against this action in October 1967. However, the Commission was established by a 12-vote margin.

There is no justification for further pay increases. We must now assume the constitutional responsibility of Congress by making certain that we will at least have the opportunity to vote on pay raise recommendations.

The President has called for voluntary action to hold wages and prices to noninflationary levels. As elected representative of the people, we should set an early example of self-restraint. I urge prompt passage of this legislation.

MIZELL SEEKS REPEAL OF $1 TAX CHECKOFF FOR POLITICAL CONTRIBUTIONS

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. MIZELL. Mr. Speaker, I rise at this time to reintroduce legislation I first proposed in December 1971, to repeal the $1 tax checkoff plan for political contributions in presidential campaigns.

With the heat of last year's presidential election campaign having already cooled substantially, I am sure some of my colleagues may feel the dollar checkoff issue has also died away.

But, Mr. Speaker, I would like to remind my colleagues that it is with this year's tax returns that this provision is scheduled to take effect, and it is a matter of great urgency that we act on this legislation I have proposed at the earliest possible time.

As I said when I first introduced this legislation 14 months ago, the tax checkoff provision represents a dangerous precedent and an invitation to possible political harassment.

The provision for political contributions and political identification on income tax returns opens the door for political harassment of the taxpayer.

It is my intention to close that door with this legislation.

The Founding Fathers, I am sure, would not have gone to such great pains to insure the right to a secret ballot if they had intended that a private citizen's political affiliation should be made a matter of record by including it on an income tax return.

We hear much talk today about individual rights being assaulted on every hand by an evermore imposing Federal Government, but it seems strange to me that some of the poeple who have done the most complaining on this issue stood up on the floor of the House and the Senate arguing in favor of this checkoff provision, which represents nothing less than a direct assault on the American citizen's political privacy.

Some reply to that by saying that the provision is only for a voluntary contribution, but there is no law to prevent a private citizen from making a voluntary contribution to the candidate or party of his choice right now.

The tax checkoff provision sets up an institutionalized mechanism that directly involves the Federal Government in a role it was never intended to play.

It is a dangerous precedent, and one that I do not intend to allow being set. I invite my colleagues to join me in seeking immediate passage of this legislation.

STATEMENT ON HARRY TRUMAN

HON. DOUGLAS W. OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 9, 1973

Mr. OWENS. Mr. Speaker, in 1948 when I was 11 years old, I found my first national hero in the form of the tough-minded, fighting man from Missouri then facing an apparently impossible campaign. It was in that year that I made my first political commitment by writing on the sidewalks in chalk in my hometown of Panguitch, Utah, "Vote for Harry Truman."

In 1952 I traveled 250 miles for the opportunity for an introduction and brief conversation with President Truman. I found him gracious, yet awesome, and it has been my opportunity over the years to meet him on two other occasions and in that way, to touch as it were, contemporary world history.

He taught that politics was an honorable profession. He proved that a politician could be independent, strong, personally straight forward, yet also win high office. I believe that history will judge him, after the 50 years' interim period he requested, as one of the greatest and strongest leaders of our time. At this point, 20 years past his departure from office, as a very amateur American politician, I place him among the all-time great American Presidents.

President Truman refused to be bullied about by political opponents at home or abroad and effected more than any other person, the reconstruction of Europe and saved them from external domination.

The name of Harry Truman will not be forgotten in the Owens' household, just as it will live on in millions of homes where stories of unusual men are retold. My repertory of Harry Truman stories is extensive and illustrative of all that is good about the American political system. I am proud, indeed, of having been alive to watch the formation of the Truman heritage.

HOUSE OF REPRESENTATIVES—*Monday, January 22, 1973*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

The Lord is good, a stronghold in the day of trouble; and He knoweth them that trust in him.—Nahum 1: 7.

Dear Lord and Father of Mankind,
Forgive our foolish ways;
Reclothe us in our rightful minds
In purer lives Thy service find,
In deeper reverence, praise.

Drop Thy still dews of quietness,
Till all our strivings cease;
Take from our souls the strain and stress,
And let our ordered lives confess
The beauty of Thy peace.

In all the discussions of these days and the decisions we will be called upon to make keep our minds clear, our motives clean, our hearts confident, our deeds constructive, and our consciences unashamed and unafraid.

God bless America. Stand beside her and guide her through the trying tribulations of these troubled times. And bless our astronauts as they open new doors of knowledge to us this day.

In the spirit of the Pioneer of Life we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

ANNOUNCEMENT

The SPEAKER. The Chair would like to make a statement. The Chair is only going to recognize under the 1-minute rule a colleague to announce the death of a former distinguished Member. The Chair will, after the astronauts have appeared, take 1-minute speeches.

The Chair now recognizes the gentleman from Illinois (Mr. ANDERSON).

TRIBUTE TO LEO ALLEN

(Mr. ANDERSON of Illinois asked and was given permission to revise and extend his remarks.)

Mr. ANDERSON of Illinois. Mr. Speaker, it is with a deep sense of personal loss that I take these minutes to inform my colleagues of the passing of former Congressman Leo Allen on Friday, January 19. His funeral will be held in the First Presbyterian Church, Galena, Ill., on tomorrow, January 23, 1973, at 11 a.m.

Leo Allen served 14 distinguished terms in the House of Representatives embellished particularly on two occasions by his service as chairman of the House Committee on Rules in the 80th and 83d Congresses. In the 28 years he served the residents of northwestern Illinois as their Representative to the Congress, he achieved a record of consistency and devotion to the principle of government in which he served.

I often had occasion to talk with him during those years after he left the Congress. He continued to remain deeply interested in the affairs of government and of the Republican Party. Leo's wife preceded him in death but he leaves five children, each of whom, I am sure, is imbued with the stamp of his strong personality, high character, and unblemished principles, a legacy matched only by Leo Allen's superlative record and significant place in the history of this body.

Leo Allen will long be remembered as a faithful legislator and outstanding American. Mrs. Anderson and I join Leo's thousands of friends in extending our condolences and deepest sympathy to the members of the Allen family.

I am pleased to yield to my distinguished colleague from Illinois, the minority whip (Mr. ARENDS).

Mr. ARENDS. Mr. Speaker, I, too, was saddened with the notice of the death of our former colleague, Leo Allen. He was a Member of Congress when I first came here, and I had the privilege of serving with him for 24 years. We became fast and warm friends during our tenure together in Congress. As a freshman Member here I often went to him for counsel and advice. I had the greatest respect and admiration for Leo. Truly he was a great American, a dedicated public servant, and one who contributed so much to this House during the time he was privileged to serve here.

I extend to his wonderful family my deepest and sincerest sympathy in this their time of bereavement.

Mr. ANDERSON of Illinois. Mr. Speaker, I am pleased to yield to the distinguished majority leader (Mr. O'NEILL).

Mr. O'NEILL. Mr. Speaker, I join my distinguished colleagues in the House in rising to pay tribute to an eminent Member of this Chamber, Leo Allen.

Though Leo came to Congress before I did, I had the distinct pleasure of serving with him on the Rules Committee following my assignment to that committee in 1955.

As chairman of the Rules Committee when the Republicans had control of the House during the 83d Congress, and later as ranking minority member of that committee, Leo Allen's great talents as a legislator and parliamentarian came to the forefront.

As Representative of the 16th District of Illinois, Leo Allen consistently and vigorously fought for the philosophy and ideals in which he believed. In all ways, Leo served his constituency and his Nation with dedication and purpose.

Leo and I were friends socially as well as colleagues on Rules Committee. Both of us stayed at the University Club for a period. Leo was a very entertaining host and a thoroughly enjoyable person to be around.

I join my colleagues in their expression of bereavement. Mrs. O'Neill joins me in expressing our condolences to Leo Allen's family and friends.

Mr. DERWINSKI. Mr. Speaker, I join my colleagues this afternoon in paying tribute to Leo Allen, one of the truly great Representatives which the people of the State of Illinois have sent to this body.

As a freshman Member, I benefited from the wise counsel and leadership that Leo Allen provided. I will long remember his sage advice and the principles of government and politics for which he so courageously stood. Those of us who remember him from his service here recognize that he was a champion of the taxpayer, a firm believer in the limitation of the powers of the Government, and a man who very effectively understood and served the people of his district.

Leo Allen was a great American and the kind of man that has made the House of Representatives the great institution that it is.

Mr. DELANEY. Mr. Speaker, I was deeply saddened to learn of the passing of our distinguished former colleague, the Honorable Leo E. Allen of Illinois.

It was my privilege to have known Leo as a friend for many years. Having worked closely with him during our joint service on the Committee on Rules, I knew him as a completely honest and forthright legislator, and a man deeply devoted to the best interest of the Nation. While we disagreed on a number of issues, I always yielded to his sincerity of purpose.

Leo served with distinction in the Army's field artillery in World War I. Shortly thereafter, he graduated from the University of Michigan. After teaching school for several years, he developed an interest in law and politics. Following completion of his legal studies, he was admitted to the bar in 1930, and began the practice of law in his hometown of Galena, Ill.

Prior to coming to Congress in 1933, Leo had twice been elected to the position of clerk of the county circuit court in his area.

During his tenure in the House, Congressman Allen became senior Republican member of the Committee on Rules, and served for a time as chairman of that panel when his party was in the majority. He was also a member of the Committee on Committees, and the joint Republican steering committee.

I will always cherish my friendship and association with Leo. We both lived at the University Club here in Washington, and I vividly recall many warm and enjoyable evenings we spent together relaxing at the end of the day.

He served his countrymen to the best of his great ability, and gave unstintingly of himself to preserve and foster the values that have made America great.

I extend my deepest sympathy to his children, and to the other members of his family.

GENERAL LEAVE

Mr. ANDERSON of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of the life, character, and public service of the late Leo Allen.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

APPOINTMENT AS MEMBERS OF COMMITTEE TO ESCORT DISTINGUISHED VISITORS INTO THE CHAMBER

The SPEAKER. The Chair appoints as members of the committee to escort our distinguished visitors into the Chamber: The gentleman from Massachusetts, Mr. O'Neill; the gentleman from California, Mr. McFall; the gentleman from Texas, Mr. Teague; the gentleman from West Virginia, Mr. Hechler; the gentleman from Illinois, Mr. Arends; the gentleman from Illinois, Mr. Anderson; and the gentleman from Ohio, Mr. Mosher.

RECESS

The SPEAKER. The Chair declares a recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 5 minutes p.m.), the House stood in recess.

RECEPTION BY THE HOUSE OF REPRESENTATIVES OF THE APOLLO XVII ASTRONAUTS

The Speaker of the House presided.

At 12 o'clock and 32 minutes p.m., the Doorkeeper (Hon. William M. Miller) announced the Apollo 17 astronauts.

Captain Eugene A. Cernan, U.S. Navy; Captain Ronald E. Evans, U.S. Navy; and Dr. Harrison H. Schmitt; accompanied by the Committee of Escort, entered the Chamber and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. My colleagues in the House of Representatives, I have the very high honor of welcoming, on behalf of the House, the heroic astronauts of Apollo 17—Captain Eugene A. Cernan, U.S. Navy; Captain Ronald E. Evans, U.S. Navy; and Dr. Harrison H. Schmitt—who last month achieved the sixth manned lunar landing and carried out their scientific assignments on the lunar surface and in space with such precision, courage, and skill.

I now have the honor of presenting to the House the distinguished commander of that historic flight, Captain Eugene A. Cernan, U.S. Navy.

[Applause, the Members rising.]

Captain CERNAN. Thank you, Mr. Speaker.

Members of Congress and distinguished guests, ladies and gentlemen: I guess the first thing I have to say is this is certainly quite a tribute and one that I never thought I would personally ever be afforded. I consider this quite an honor to be here and have the opportunity and privilege of addressing probably one of the most esteemed bodies in the world, the Congress of the United States. On behalf of myself and my colleagues I want to thank you very, very sincerely for this invitation and this opportunity.

We are quite limited in time, I know, and you gentlemen are very obviously busy, as I have been told today, so in spite of the fact that we would like to tell you many stories, both technical accomplishments and emotions, and other feelings about our flight, I really do not plan to do that today.

However, I should like to tell you one very quick and short story that probably has not been publicized too much. There was a slight problem we had during our mission, although we did not have many problems. This problem concerned our command module pilot, Ron Evans. We had trouble, as some of you who had the opportunity to follow the flight might remember, getting Ron Evans up in the morning.

In space you really need a three-man crew all the time.

We had known about Ron's problem—and it takes us back to some of his history in the Navy—and we asked Jane, "How do you get him up in the morning? We need a little clue and some help."

She said, "That's easy. All I do is kiss him."

Jack and I seriously considered that after about the seventh or eighth day, but we were not quite sure because we had not checked with Jane about what Ron's reaction was between the time she kissed him and the time he got out of bed.

On a more serious note, we have in the short period of time since we returned, just a little over a month, been paid many tributes and accolades and have accepted them quite reluctantly, I might add, because we firmly believe these tributes belong to gentlemen like yourselves, people like yourselves throughout this country who made the Apollo 17 and who made the Apollo program possible. It is history that has happened in our time, history in which we and our children have lived. It is not something that we have read about that happened 200 years ago or 1,000 years ago, but it is something that you and I are a part of.

I think one of the greatest things personally and one of the greatest personal achievements I could ever have would be to share that history and share those accomplishments and share my feelings with the people throughout this country, with the people who really deserve to know what happened throughout the entire program.

We have heard of the accomplishments of Apollo termed as the legacy of the men of Apollo. I take slight issue with that because I believe this last decade is a legacy of the Nation. It is a legacy I think we can all be very proud of. There are many accomplishments, and I am not really going into any of them, but I just want to say one thing. I feel very strong about this. When Neil Armstrong not too many years ago planted the American flag on the surface of the moon, he did not do it as a conquest of territory. He did not claim the moon for the United States of America. But I look at it rather as a symbol of the courage and the dedication and the effort and self-sacrifice of 200 million people in this country who made that effort possible. I think very symbolically it is typical of the courage and self-sacrifice and that same dedication, that same ambition, that has made America for the last 200 years become the greatest nation that man has ever seen on earth.

I believe it is this same type of effort; it is this same type of forward-lookingness that we have on the part of the people throughout our country today that is going to keep our Nation the greatest nation in the world.

When he made that first step, when Neil Armstrong, an American, made that first step on the surface of the moon he probably gained more pride and more respect throughout the entire world than any one thing that has happened possibly even in the entire 200-year history of our country. This is the same pride and this is the same respect and these are the same friends that throughout my 38 years of life here on earth I have found that we seem to be trying to buy and to barter for, and yet with that one step by an American, that one accomplishment, we are able to gain something that we had never really been able to grab hold of in my lifetime.

Gentlemen, I submit to you I think that, difficult as it is to put a dollar value on that step, the significance of what it has meant to the United States of America throughout the world and in the decade when the United States of America has needed pride and needed respect, both at home and abroad, the value of that first step is really something that is very difficult to put on paper.

The symbol of our path of Apollo 17 is one that goes far beyond our flight, and it is one that goes far beyond what we really think of the entire mission of Apollo now, but we feel it very symbolic of our country in that we have a bust of Apollo, a gold bust of Apollo, representing not just Apollo but representing mankind, representing his intelligence, representing his wisdom. Uniquely, this bust of Apollo is not looking behind, but he is looking ahead. He is looking into the future. He is not turning in upon himself and feeling sorry for his own ills, but he is looking out to the future and accepting the challenge of that future.

To go along with this symbol of mankind is the American eagle that is superimposed upon the moon.

It is not basking in the accomplishments of this last decade in space, but utilizing the information and the experience from those accomplishments and projecting and thrusting out further into the future, leading mankind into that freedom of space as he has led mankind for the last 200 years.

We are very, very proud of that symbology. To go along with that, we pay tribute to the people who really made it possible.

We call our spacecraft America. I cannot tell you how very strongly and how very sincerely we truly feel about that.

I would just like to say in closing that I have had an opportunity to meet some of you and hopefully in the future will have an opportunity to meet more of you here in Congress, and those of you who are in the gallery. I feel very confident that with the ambitions of some of your young contemporaries, tempered with the wisdom and experience of some of the older gentlemen here in Congress, the heritage and the traditions of America will long endure.

I also feel very strongly that the responsibility that we have toward the freedom of mankind throughout the universe will never, never be compromised.

I want to once again thank you for the privilege—and, believe me, it is probably one of the highest honors of my entire life to be here and address you gentlemen. I want to thank you for your support certainly of the space program, and your support and your convictions for what you believe is right for this Nation and, more parochially, if you will, I should like to thank you for your support in allowing the three of us to be part of and do something that we feel very dedicated to, something that we feel means a great deal for our country. I think after looking back at my experiences in the space program over the last 9 years, it has allowed me to be a better American, of which I am very proud. I thank you.

[Applause, the Members rising.]

Gentlemen, thank you. If a man can go home to his children and say that he received a standing ovation from the outstanding leaders of the world, that is something to take home. I thank you.

I would like to introduce the second member, a colleague of mine, who in turn will introduce our third colleague. Ron Evans was our command module pilot and probably the finest that ever flew, as far as I am concerned. He did many things and had many experiences. I think most of all—and the thing he is most proud of—because of the job he did in spacecraft America, we have nicknamed him Captain America.

Ron Evans.

[Applause, the Members rising.]

Captain EVANS. Mr. Speaker, Members of the House, ladies and gentlemen:

It is indeed a great honor and privilege to be able to say hello and relate a little of my experiences on Apollo 17. Those of us who are active in the space program are very much aware of the positive and productive role you gentlemen had in providing the resources so essential to continue our space program. We appreciate that, as well as the positive thinking that goes along with it.

While Gene and Jack were down on the surface of the moon, as I jokingly say, getting their space suits all dirty and picking up rocks, I was fortunate enough to be flying around the moon, and hopefully I developed a capability, that man can perform in space. No matter how well his cameras and his sensors and his instruments operate, man has the capability to observe, describe and then interpret. This is notwithstanding the fact that a lot of instruments also are able to see and look at more than man can. But man as a computer can correlate the two processes together.

From the personal side, I came away from this flight with a very personal experience which, I think, will stay with me for as long as I live. This was a view of the spacecraft earth. It is a small, blue sphere about four times as large as the moon as we see it from down here, but it is right out all by itself in the blackness of space.

This was my home, and I realized it is the only earth we have. Just like the spacecraft I was flying, it only has so much breathable air; so much air space; so much drinkable water, and so much in the way of consumable resources.

It made me realize that somehow the human survival requirement means that we have got to conserve these resources and man must learn to adapt to this environment.

Perhaps in so saying this, I repeat a lot of what men before me in space have said, but if our experience in Apollo contributes anything to the eventuality that we can conserve our own earth, I believe this will dwarf the considerable science and technology that has resulted from the Apollo program.

I think one other experience which I should like to relate is that just as you gentlemen are ambassadors from your various districts and States, we in the astronaut program are also ambassadors. We are ambassadors not only to the people, but we are also ambassadors to history. We have a responsibility. This responsibility is to share with the people not only the excitement and the romance of space flight, but I think we must share the significance of this history to the future of mankind.

Thank you.

Gentlemen, the additional colleague of our crew has been termed the doctor of the crew, the civilian of the crew, the geologist of the crew. However, at this time I would like to introduce Astronaut Jack Schmitt.

[Applause, the Members rising.]

Dr. SCHMITT. Mr. Speaker, Members of the Congress, ladies and gentlemen.

May I also express my appreciation for the privilege of participating in the Apollo program and the honor of being able to report to you briefly on our recent explorations on the Earth's frontier.

I like to think that we follow in the footsteps of some great explorers who have left this city, one in particular close to my heart, being from New Mexico, is Lieutenant Emory, who in the last century helped us to explore the western frontier of this country.

I would like first to tell you about a place I have seen in the solar system. This place is a valley on the Moon, now known as the Valley of Taurus-Littrow. Taurus-Littrow is a name not chosen with poetry in mind, but, as with many names, the mind's poetry is created by events. Events surrounding not only 3 days in the lives of three men but also the close of an unparalleled era in human history.

The Valley, as I think of it now, however, has been unchanged by being a name on a distant planet while change has governed the men who named it. The Valley has been less altered by being explored than have been the explorers. The Valley has been less affected by all we have done than have been the millions who, for a moment, were aware of its towering walls, its visitors, and then its silence.

The Valley of Taurus-Littrow is confined by one of the most majestic panoramas within the view and experience of mankind. The roll of dark hills across the valley floor blends with bright slopes that sweep evenly upwards, tracked like snow, to the rocky tops of the massifs. The Valley does not have the jagged youthful majesty of the Himalayas, or of the valleys of our Rockies, or of the glacially symetrical fjords of the north countries, or even of the now intriguing rifts of Mars. Rather, it has the subdued and ancient majesty of a valley whose origins appear as one with the Sun.

The massif walls of the Valley rise to heights that compete well among other valleys of the planets; but they rise and stand with a calmness and unconcern that belies dimensions and speaks silently of continuity in the scheme of evolution. Still, the Valley is not truly silent; its cliffs yet roll massive pages of history down dusty slopes; its bosom yet warms the Valley floor and spreads new chapters of creation in glass and crystal; its craters yet act as the archives of their Sun.

The Valley has watched the unfolding of thousands of millions of years of time. Now it has dimly and impermanently noted man's homage and footprints. Man's return is not the concern of the Valley—only the concern of man.

The Apollo program, I believe, will be viewed by political history as having established this Nation as the leading spacefaring nation on Earth, a position from which infinite opportunities now lead for us and all men. One such opportunity was the scientific exploration of another planet.

During the few years of Apollo, we have done a truly remarkable thing; we have obtained a first order understanding of the evolution of a second planet, our Moon. For men to be able to stand with confidence and claim such an understanding and back it up with an increasingly detailed battery of fact is a historical event in itself without parallel.

The ultimate origins of the Moon and the Earth are still illusive although our choices are more limited than before. However, we are now confident that the Moon and the Earth formed as coherent bodies in the same orbital region of the Sun. This formation took place about 4.6 billion years ago and apparently occurred over a very short timespan, possibly as little as a few tens of thousands of years.

The rate at which the final accumulation of material took place was high enough that energy released as heat appears to have melted the outer 200 or so kilometers of lunar crust. For the next few hundred million years this melted crust cooled and crystallized with the light minerals rich in calcium and aluminum floating and the heavy minerals rich in iron and magnesium sinking. All the while the outer portions of the cooling crust were being splashed and pulverized by the continuing rain of debris.

About 4.4 billion years ago the crust was apparently largely cooled and firm. The next 200 to 300 million years were marked by continuing saturation by large violent impacts of debris, though at ever decreasing rates. Many of the large basins formed during this time were filled with smooth light-colored materials, presently of undetermined nature.

Between 4.1 and 3.9 billion years ago—and I use these dates in general terms; and I personally cannot imagine a billion years, but I hope you can—but in that time period, 4.1 to 3.9 billion years ago, the intense cratering of the Moon's crust decreased rather abruptly, although its culmination was in the formation of the large circular basins that dominate the front face of the Moon. Relatively strong magnetic fields existed at this time which indicate the probable previous formation of an electrically conducting core and internal dynamo within the Moon.

About 3.8 billion years ago and continuing to about 3 billion years ago, the vast basins of the near side of the Moon were flooded with flow upon flow of basaltic lava. These lavas were formed by the partial melting of the lower crust or mantle of the Moon through the accumulation of heat from radio activity. At the completion of this period of the evolution of the Moon, most of the surface features visible today were present. They have been modified slightly since only by relatively small cratering events and by the effects of melting and thermal convection deep within the Moon.

Thus, most of the active history of the Moon's evolution took place before that portion of Earth history familiar to us; namely, prior to 3 billion years ago. There remain many studies, many disagreements and many surprises in our study of lunar samples and data, but this is the context in which we now view the Moon. It is a window, albeit a pitted and dusty window, into our own past which was beyond our expectations only a few years ago. Now we have insight into events in the early history of the Earth, events that may have established the major distribution patterns of elements within our planet's crust.

I have spoken of just one facet of the revolution in knowledge that your Apollo program brought to the world. Possibly more important than factual knowledge, however, was the overall act of obtaining that knowledge. In doing so, man has evolved into the universe. Although the nature of that evolution was technological, I believe, it will be marked a thousand years from now as a single unique event in human history. This event will appear more distinctly even than history's record of our use of atomic energy. In its at times unseemly, at times shortsighted but always human pathway through time, mankind found that its reach could include the stars.

Thank you again.

The SPEAKER. Our distinguished visitors have agreed to present themselves in the Rayburn reception room in order that they may greet all the Members of this body.

Will the committee of escort now accompany our distinguished visitors to the Rayburn reception room.

AFTER RECESS

The recess having expired at 1 o'clock and 2 minutes p.m., the House was called to order by the Speaker.

PRINTING OF PROCEEDINGS HAD DURING RECESS

Mr. McFALL. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess of the House be printed in the Record.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

DISCIPLINARY PROBLEMS IN U.S. NAVY

(Mr. HICKS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HICKS. Mr. Speaker, as chairman of a Special House Armed Services Subcommittee on Disciplinary Problems in the U.S. Navy, I address my colleagues today concerning our report which will be made public. I was joined in this inquiry by my esteemed colleagues, the Honorable W. C. (Dan) Daniel of Virginia and the Honorable Alexander Pirnie of New York.

During the course of the 92d Congress, there was increasing concern in the House Armed Services Committee over the development of more relaxed discipline in the military services. Substantial evidence of this trend reached us directly through subcommittee investigative reports and messages from concerned service members, as well as indirectly through events reported in the news media.

While generally our men have performed in an outstanding fashion during battle and other extreme circumstances, on occasion there has been an erosion of good order and discipline under more normal operating conditions. Most disturbing have been reports of sabotage of naval property, assaults, and other serious lapses in discipline afloat. Recently, lawful orders have been subject to "committee" or "town meeting" proceedings prior to compliance by subordinates.

Capping the various reports were serious incidents abroad U.S.S. *Kitty Hawk* and U.S.S. *Constellation*—aircraft carriers of vital importance to our Navy.

Immediately following air operations abroad the *Kitty Hawk* on the evening of October 12, 1972, a series of incidents broke out wherein blacks, armed with chains, wrenches, bars, broomsticks, and perhaps other instruments, went marauding through sections of the ship seeking out white personnel for senseless beating with their fists and with those instruments they had seized upon as weapons. The result was extremely serious injury to three men and lesser injury requiring medical treatment of many more, including some blacks.

Aboard the U.S.S. *Constellation*, during the period of November 3–4, 1972, what has been charitably described as "unrest" and a "sit-in" took place while the ship was underway for training exercises. The vast majority of the dissident sailors were black and were allegedly protesting a number of grievances they claimed were in need of correction.

These men were subsequently offloaded as a part of a "beach detachment." An effort was made to determine what their problem might be and how it might be resolved. When the sailors were ordered to return to the ship, they refused. They were then transferred from the ship to the Naval Air Station, North Island, near San Diego and processed only for the minor disciplinary infraction of 6 hours unauthorized absence.

With that backdrop, the chairman of the Armed Services Committee appointed a special subcommittee to attempt to determine the circumstances that gave rise to the *Kitty Hawk* and *Constellation* incidents. During the course of the hearings in Washington, D.C., and in San Diego, we talked to witnesses of every level, from the Assistant Secretary of Defense for Manpower and the Secretary of the Navy—to young seamen in the Navy but a few months. We spent some 74 hours in taking testimony, ending with 2,565 pages of reporter transcript. We had only one major disappointment in our quest for evidence in these matters. We invited the accused from the *Kitty Hawk* to give us the benefit of their testimony. They refused, despite the fact that the hearing was closed and the testimony would have remained secret pending their trials.

We have now completed our report and before it is made public, I want to list for the House some of our findings, opinions, and recommendations interspersed with a comment or two of my own.

The vast majority of Navy men and women are performing their assigned duties loyally and efficiently. The cause for concern rests with that segment of the naval force which is either unable or unwilling to function within the prescribed limitations and up to established standards of performance or conduct.

However, we did find that permissiveness, as defined in our report, exists in the Navy today. Although we were able to investigate only the specific incidents involving the *Kitty Hawk* and the *Constellation*, the total information made available to us would indicate that the condition could be servicewide.

The generally smart appearance of naval personnel, both afloat and ashore, seems to have deteriorated markedly from past years.

Failure in the middle management area to utilize the command authority inherent in those positions probably as much as anything was responsible for the state of discipline existing aboard the *Constellation* and *Kitty Hawk*.

We believe that insufficient emphasis has been given formal leadership training, particularly in the ranks of petty officers and junior officers.

The recruiting advertising utilized by the Navy often appears to promise more than the Navy is able to deliver, especially to personnel who are unable to qualify for school training. This would seem to make greater the normal frustration of shipboard life and add to the difficulty of maintaining good discipline and morale among that segment of the personnel.

The subcommittee did not find any instances of institutional discrimination on the part of the Navy toward any group of persons, majority or minority.

We were unable to determine any precipitous cause for the rampage aboard U.S.S. *Kitty Hawk*. We found no case where actual racial discrimination could be pinpointed, and only one or two where the testimony indicated that racial discrimination was perceived, but certainly nothing of a nature to justify a belief that violent reaction was required.

The riot on *Kitty Hawk* consisted of unprovoked assaults by a very few men, most of whom were of below-average mental capacity, most of whom had been aboard for less than 1 year and all of whom were black.

We believe the incident aboard U.S.S. *Constellation* to be the result of a carefully orchestrated demonstration of passive resistance where a small number of blacks, probably less than 20 to 25, fostered and encouraged among other blacks the idea that white racism was of wide extant in the Navy and particularly aboard the *Constellation*.

One common complaint of the young blacks was that punishment meted out at captain's mast was harsher on blacks than whites. We were advised that an in-depth review, conducted by Naval Personnel Research Activity, San Diego, found no racial discrimination in the punishments awarded by the Commanding Officer, U.S.S. *Constellation*. Nothing was furnished to us that indicated to the contrary.

It is our view that discipline, requiring immediate response to command, is absolutely essential in any military force. Particularly in the forces afloat there is no room for the "town meeting" concept or the employment of negotiation or appeasement to obtain obedience to orders. The Navy must be controlled by command, not demand.

We believe the procedures utilized by higher authority to negotiate with *Constellation's* dissidents and, eventually, to appease them by acquiescing in their demands to be detrimental to the best interest of the Navy.

Black unity, the drive toward togetherness on the part of blacks, has created a tendency on the part of the younger black sailors to polarize. The result—the grievance, real or fancied, of one of these young men becomes the grievance of all.

Statements that riots, mutinies, and acts of sabotage in the Navy are a product of "the time" does not seem valid to the subcommittee. Those in positions of authority who profess such beliefs, it would seem, have been negligent in not taking proper precautionary action to prevent the occurrence of such acts or to be prepared to deal with such actions once they did occur.

We fully support the idea of equality of opportunity in the military and naval forces of the United States for all persons serving in them. Since there may still be individual attitudes of discrimination among some persons serving in those forces—discrimination directed toward blacks or whites, or any other ethnic or racial groups—human relations programs are essential. There is no place in our military for a bigot, particularly in a position of authority.

We commend the Chief of Naval Operations for those of his programs which are designed to improve Navy life and yet maintain good order and discipline through the traditional chain of authority.

That having been said, I wish to make a few comments on the investigation. I reemphasize that we did not look at the entire Navy. We did see enough, however, to suggest that the conditions as we observed them and the opinions and recommendations drawn therefrom could have application servicewide.

We have attempted to restrict our comments to the testimony and related materials made available to the subcommittee. We have resisted, I hope successfully, the temptation to generalize beyond the overall record.

The report has been carefully constructed by all three members of the subcommittee in all-day sessions, over a period of several days, with staff assistance. In essence, that means that no one is completely happy with it, but it is our best effort at consensus. We recognize the importance of what we have to say, particularly in view of the nature of the incidents which triggered the inquiry. Dissension aboard ship, accompanied by mass disobedience of orders and terrorism has been rare in the entire history of our Navy. It has troubled many people across and up and down the United States and many of those people—in and out of the military—have been in contact with us. So, too, have Members of Congress who are troubled by the incidents as reported in the news media.

We are and have been critically aware of our responsibilities and we sought to present the most straightforward findings and concomitant recommendations consistent with the necessity for dispatch if our efforts were to be meaningful. Many will be disappointed that we did not lay the problems at the doorstep of racial discrimination. But that just was not the evidence and I invite those Members who have strong feelings to the contrary to review the transcript of the testimony before condemning our report.

The report contains some 43 findings, opinions, and recommendations and I commend it to your attention.

FORMER REPRESENTATIVE LEO ALLEN

(Mr. MADDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MADDEN. Mr. Speaker, I was grieved yesterday to learn of the passing of our former colleague, Representative Leo A. Allen, of Illinois. I served on the Rules Committee with Congressman Allen for 12 years. He was chairman of the Rules Committee in the 80th and 83d Congresses.

Leo Allen was one of the first Members I met when I came to the 78th Congress as a freshman Member. During our years of association on the House Rules Committee, I learned of his outstanding ability, personality, and capabilities as a top legislator. He had a host of friends in the Congress during his long legislative service.

He also held a top position as chairman of the Special Republican House Patronage Committee during the 80th and 83d Congresses. His great capacity as a public official and legislator can best be evidenced by his long service in Congress from 1932 until his retirement in 1961. I join with his many friends and colleagues in the House in extending to his family my deepest sympathy in their bereavement.

NURSING HOME REPORTS ARE PUBLIC BUSINESS

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, our colleagues will recall my interest during the 92d Congress in obtaining reports on nursing homes which are filed with various governmental agencies and in particular, with the Department of Health, Education, and Welfare. In the CONGRESSIONAL RECORD, volume 118, part 8, page 10297–8, and part 10, pages 10361–2, information on this general subject was inserted together with the text of a bill designed to provide for the release of information concerning certain aspects of the medical programs authorized by the Congress under the Social Security Act and its amendments.

On January 11 of this year, I reintroduced the measure which now carries the number, H.R. 1917, in the 93d Congress.

It will be recalled that a suit was brought against the Secretary of HEW for the release of reports on 14 nursing homes. The U.S. District Court for the District of Columbia ruled in favor of the plaintiff, Malvin Schechter, and ordered the release of the information sought. The time for appealing this decision has expired but the Department is not giving full implementation to Judge Joseph C. Waddy's order. In attachment No. 1 to this statement, I have appended copies of the "Complaint for Injunctive Relief and an Order for Production of Records" dated November 21, 1972, and the accompanying documentation of that action.

The Department of Health, Education, and Welfare has adopted the position that the only thing settled in the case brought by Mr. Schechter was that the named nursing home reports; namely, 14, had to be made public and that section 1106 of the Social Security Act would still provide the Department with authority to suppress the reports filed with the Department, in accordance with law, regarding other nursing homes.

The attitude and action of the Department indicates, unfortunately, that that "public" agency is not going to release public information without a prolonged legal fight, or unless the Congress of the United States acts to force the Department to live up to the statutes under which it is supposed to operate. Because of the stubbornness of the Department in this matter and because of its highhanded flaunting of the orders of the courts of the land, my bill, H.R. 1917, will further amend the Social Security Act to clearly specify the intent of the Congress with regard to the release of information on nursing homes.

The Department narrowly interprets Judge Waddy's decision to apply only to specific cases, alleging that section 1106 of the Social Security Act provides blanket protection for departmental secrecy regarding other nursing homes. How could section 1106 cover nursing homes? That section of the act was law a long time before the Federal Government became involved in the nursing home programs. This is another one of those all-too-frequent instances where the Congress gave an inch, and the Federal bureaucracy has taken the proverbial mile.

To give the Devil his due, I must bring to your attention a court case which supports the Department's position. In attachment No. 2 of this statement, our colleagues will note a copy of the order of the U.S. District Court for the Northern District of California.

Before one decides that the matter is unresolvable in the courts based on a 1-to-1 decision ratio, I bring to your attention yet another court decision on this matter which was handed down by the U.S. District Court for the Southern District of Florida and, interesting enough, on the same day as the decision from northern California, to wit: November 28, 1972.

In the Florida example, the Department again tried to block the release of public information. The case was brought to the bar under the provisions of the Freedom of Information Act, title 5, United States Code, section 552, and I must quote just one portion of the judge's reasoning about the scope and intent of that act. Judge Hay said:

> Initially, adjudication of the instant controversy requires appreciation of the requirement of the Freedom of Information Act's being liberally construed so as to effectuate the purpose of the Act to guarantee the public's right to know how the government is discharging its duty to protect the public interest. Such liberal disclosure requirement is limited only by specific statutory exemptions, which are to be strictly construed, the governmental agency bearing the burden of proof of justifying the requested information as within the ambit of the specific statutory exemption.

And later:

> This Court can conclude that the interests of the public in general in being apprised of the manner in which the government is protecting their interests, should prevail over private interests of the scrutinized facilities if, in fact, disclosure would jeopardize any such interest. Further, the amendment to the Social Security Act permitting future disclosure of the survey reports only evinces the Congressional conviction that such reports should be available for public disclosure.

Mr. Speaker, the relevant laws—section 1106 of the Social Security Act; the Social Security Act Amendments of 1972; and the Freedom of Information Act—seem perfectly consistent and obvious in their intent to permit the public to monitor those programs financed by that same public. Nevertheless, an overweening, powerful executive branch bureaucracy seems determined to undermine the intent and the will of the U.S. Congress and I submit, we must not allow this type of action to go unchecked.

In a recent speech on a related matter pending before the Congress with respect to another aspect of HEW's overweening power over our citizens, I said:

> The fact that such control has become arbitrary, capricious, without legal foundation, and naturally, contrary to the spirit of the laws enacted by then Congress, should serve as another warning to all in this House that we must radically curb the discretionary power we have granted to the Executive Branch of the Government.

I urge your support and that of our colleagues in the enaction of H.R. 1917. It is not the full answer to the problem of controlling the Frankenstein-like monster the Federal bureaucracy has become, but it is a start.

The attachments follow:

ATTACHMENT NO. 1

[United States District Court for the District of Columbia]

COMPLAINT FOR INJUNCTIVE RELIEF AND AN ORDER FOR PRODUCTION OF RECORDS

Malvin Schechter, 6529 Elgin Lane, Bethesda, Maryland 20034, Plaintiff, v. Elliot L. Richardson, Secretary, United States Department of Health, Education and Welfare, 330 Independence Avenue, S.W., Washington, D.C. 20201, Defendant.

1. This is an action under the Freedom of Information Act 5 U.S.C. § 552 to obtain copies of documents which are in the same class of documents already made available by Judge Joseph C. Waddy of this Court in a prior and related Freedom of Information Act action. The documents sought by both actions are documents prepared pursuant to the certification of medical facilities for Medicare.

2. This Court has jurisdiction over this action pursuant to the Freedom of Information Act, 5 U.S.C. § 552(a)(3).

3. Plaintiff is Senior Editor of Hospital Practice, a national magazine with its Washington office located at 1230 National Press Building, which is concerned primarily with the practice of medicine in hospitals, nursing homes, extended care facilities, and related other institutions and in the community.

4. Defendant Elliot L. Richardson is Secretary of the United States Department of Health, Education and Welfare, and under 42 U.S.C. § 1395(kk) has the chief responsibility for the administration of the Medicare Program and has custody of the documents sought by this action. In order to insure compliance with these requirements, survey reports are compiled on each institution receiving Medicare payments. These survey reports are the general class of documents sought by plaintiff in both this and his prior action.

5. In a letter dated October 16, 1972, a copy of which is attached hereto as Exhibit A, plaintiff requested access to the current and past survey reports concerning United Medical Laboratories, Portland, Oregon and the survey report completed in 1970 of Boston City Hospital after its disaccreditation by the Joint Commission on Accreditation of Hospitals (the "Requested Documents").

6. By letter dated November 14, 1972, a copy of which is attached hereto as Exhibit B, plaintiff was finally denied access to the Requested Documents.

7. In a previous and related action between the same parties, Civil Action No. 710–72, the District Court for the District of Columbia, Waddy, J., granted access to fifteen Extended Care Survey Reports as requested by the plaintiff. The defendant did not seek to appeal that decision, and the survey reports were finally made available to plaintiff.

8. The Requested Documents should be made available in this action for the same reason that documents of the same class were made available in the prior and related case referred to in paragraph 7.

Wherefore, plaintiff prays that this Court (1) issue a permanent injunction to the defendant, his agents, and subordinates enjoining them from further withholding the class of documents sought by this action, (2) order the immediate production of Requested Documents for inspection and copying at the office of defendant in Washington, D.C., (3) award plaintiff reasonable attorney's fees incurred in connection with this action, (4) provide for expedition of proceedings on this complaint, and (5) award such other and further relief as the Court may deem just and proper.

Dated: Washington, D.C. November 21, 1972.

Ronald L. Plesser, Suite 515, 2000 P Street, N.W. Washington, D.C. 20036 (202) 785–3704
Attorney for Plaintiff.

EXHIBIT A

HOSPITAL PRACTICE FOR THE STAFF
AND COMMUNITY PHYSICIAN,
October 16, 1972.

Commissioner ROBERT M. BALL,
Social Security Administration,
Baltimore, Md.

DEAR COMMISSIONER BALL: Pursuant to the Freedom of Information Act, I ask to be permitted to inspect and copy all current and past survey reports concerning United Medical Laboratories, Portland, Ore., a Medicare independent clinical laboratory.

In addition, I ask to copy and inspect the 1970 survey made of Boston City Hospital after its disaccreditation by the Joint Commission on Accreditation of Hospitals.

As you undoubtedly are aware, an action regarding public access to Medicare inspection reports was completed recently in U.S. District Court here (Schechter v Richardson).

In view of the fact that I am now asking for the same type of record, I would expect that the Boston City and UML inspection reports would be made available rapidly.

May I have a response within 14 days?

My thanks for your consideration.

Sincerely,

MAL SCHECHTER.

EXHIBIT B

DEPARTMENT OF HEALTH, EDUCATION,
AND WELFARE, SOCIAL SECURITY
ADMINISTRATION,
Baltimore, Md., November 14, 1972.

Mr. MAL SCHECHTER,
Hospital Practice,
National Press Building,
Washington, D.C.

DEAR MR. SCHECHTER: Commissioner Ball has asked me to reply to your request for access to Medicare survey reports on the United Medical Laboratories and the 1970 report of a special survey of Boston City Hospital.

We must decline to comply with your request. The United States District Court, in the case to which you refer, directed the Department to make available to you Medicare survey reports on 15 named nursing homes, and this order was obeyed. The Department has not acquiesced, however, in that ruling, and continues to be guided by the provisions of section 1106 of the Social Security Act and Social Security Administration Regulations No. 1, subject to the changes in statutory law resulting from the recent enactment of the Social Security Amendments of 1972, Public Law 92-603.

Proposed amendments to the Department's regulations, published in the Federal Register on September 2, 1972, would permit the release of information on survey reports prepared in the future. The Congress, in enacting the Social Security Amendments of 1972, has given legislative support to the prospective release of information from surveys as to the presence or absence of deficiencies in such areas as staffing, fire safety, and sanitation.

When the proposed regulations are published in final form, information from all future surveys of any institutions participating in the Medicare program will be made available on a systematic basis through social security offices all over the country.

We appreciate your continued interest in the administration of the Medicare program and assure you of our cooperation in providing you with information covered by the law and regulations.

Sincerely yours,

RUSSELL R. JALBERT,
Assistant Commissioner for Public Affairs.

[In the United States District Court for the District of Columbia]

MOTION TO EXPEDITE PROCEEDINGS

Malvin Schechter, Plaintiff, v. Elliot L. Richardson, Defendant.

Plaintiff moves to expedite proceedings in this action by reducing the time of the defendant to answer or otherwise plead from 60 days to 20 days.

RONALD L. PLESSER,
Attorney for the Plaintiff.

November 21, 1972.

CERTIFICATE OF SERVICE

I certify that I have served this Motion, the attached Memorandum of Points and Authorities and proposed Order upon the defendant by personally delivering a copy to the office of the United States Attorney for the District of Columbia on November 21, 1972.

RONALD L. PLESSER.

[United States District Court for the District of Columbia]

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF PLAINTIFF'S MOTION TO EXPEDITE

Malvin Schechter, Plaintiff, v. Elliot L. Richardson, Defendant.

Plaintiff moves this Court to expedite the proceedings in this action by reducing the time for defendant to answer or otherwise plead from the 60 days provided for government defendants in Rule 12(a) of the Federal Rules of Civil Procedure to 20 days, which is normally allowed all litigants other than government defendants. This is an action under the Freedom of Information Act, 5 U.S.C. § 552 and the Act specifically states that any litigation under it shall be expedited in every way. 5 U.S.C. § 552(a)(3). Since all actions under the Act are against federal agencies, Congress must be considered to have contemplated that the District Court would have authority to reduce the 60-day period provided in Rule 12(a) where justice so requires.

Justice requires a reduction in the time the government has to answer because this is the second time that the facts and legal issues presented in this case have been presented to the United States District Court for the District of Columbia. In a prior decision in related case between the identical parties entitled *Schechter v. Richardson*, C.A. No. 710-72 (copy of the decision is attached hereto as Exhibit A) the Court per Waddy, J. granted access to plaintiff under the Freedom of Information Act to certain records of extended care facilities which receive payment under Medicare, 42 U.S.C. § 1395. In the prior action plaintiff requested 15 reports to constitute a test case. The defendant has not and will not appeal the decision of the District Court granting access to the extended care facilities reports to plaintiff. This current action was brought because the defendant has refused to make any but those 15 reports available as well as the reports sought by this action.*

The Social Security Administration now contends that the legal basis for access has been altered by the recent passage of P.L. 92-603, which amends the Social Security Act to release prospectively the types of documents sought by this and the prior action. However, the report of the Senate Finance Committee generally concerning the amendments stated the following:

It is the committee's intent that the requirement of disclosure of such evaluations and reports not lessen the effort of the Secretary [defendant] in his present information gathering activities nor is the provision in any way to be interpreted as *otherwise limiting any disclosure of information* otherwise required under the Freedom of Information Act. S. Rept. 92-1230, p. 306 (emphasis added).

The amendments serve as a legislative mandate for the orderly disclosure prospectively of the class of documents sought by this action. They do not affect the public availability of them as previously determined by Judge Waddy. The law as to the public availability of the documents has not changed since the issue was decided in this Court.

Defendant has no justifiable grounds to demand the full 60-day time to answer. The nature of the request, the appeal proceedings, the determination of the prior case and the preparation of the memorandum of Mr. Barrett referred to above has required the agency to formulate its position and its reasons for its denial of the requested records before this action was filed. To allow the government 60 days to answer this complaint would be to further subject the plaintiff to arbitrary and capricious delay in the final adjudication of his rights to receive access to the documents sought both by this and the prior related case.

CONCLUSION

Plaintiff therefore requests that defendant shall be required to answer or file a Motion for Summary Judgment in this action within 20 days of the date of the service of the summons on his attorney, the United States Attorney for the District of Columbia.

Dated: Washington, D.C., November 21, 1972.

Respectfully submitted.

RONALD L. PLESSER,
Attorney for Plaintiff.

[United States District Court for the District of Columbia]

ORDER GRANTING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

Malvin Schecter, Plaintiff, vs. Elliot L. Richardson, Defendant.

Upon consideration of the defendant's motion to dismiss or in the alternative for summary judgment, and the points and authorities thereto, and the opposition thereto, and upon consideration of the plaintiff's cross motion for summary judgment, and the points and authorities thereto and the opposition thereto, and the Court being of the opinion that the documents sought to be produced, i.e. the Extended Care Facility Survey Reports, are not specifically exempted from disclosure by virtue of the provisions of 42 USC 1306, and that these sought after documents are therefore not exempt from disclosure under the provisions of the Freedom of Information Act, 5 USC 552(b)(3), and that there is no genuine material issue of fact, and that plaintiff is entitled to a judgment in his favor as a matter of law, it is this 17th day of July, 1972,

Ordered that the defendant's motion to dismiss, or in the alternative, for summary judgment, be and the same hereby is denied, and it is

Ordered that the motion of the plaintiff for summary judgment be and the same hereby is granted, and it is

Ordered that the defendant produce the Extended Care Facility Survey Reports for the plaintiff's inspection and copying, within 20 days from the date of this order or such other time as the parties hereto may agree upon.

July 17, 1972.

JOSEPH C. WADDY,
U.S. District Judge.

OCTOBER 19, 1972.

For response to inquiries:

In accordance with an order of the U.S. District Court for the District of Columbia, entered on July 17, 1972, the Social Security Administration has made available to Malvin Schechter, the plaintiff in the action in which the order had been entered, copies of extended care facility reports relating to 15 nursing homes. The U.S. Attorney for the District of Columbia in a related action is withdrawing a notice of appeal from the July 17 order which his office had previously filed.

The Solicitor General of the United States determined that the Government should not pursue the appeal in the Schechter case for two reasons. First, the Social Security Administration, after the entry of the District Court order, prepared and published in the Federal Register a proposed amendment to its regulations concerning disclosure of information, which amendment would provide for public disclosure of reports such as those sought and obtained by Mr. Schechter in his lawsuit, where such reports were prepared in the future according to procedures adequately assuring fairness to the nursing homes reported on. Second, Congress has passed and sent to the White House for the President's signature the welfare reform bill, H.R. 1, which contains a provision for public release of any of this type of report prepared six months or more after H.R. 1 is enacted. This measure, if it becomes law, would be determinative of questions such as those involved in the Schechter case.

The Solicitor General has advised the Department of Health, Education, and Welfare that his determination not to pursue the appeal in the Schechter case does not indicate the Government's acquiescence in the ruling of the District Court or any agreement that it correctly states the rule of law applicable to requests for disclosure such as that by Mr. Schechter. Rather, it was a determination that the Schechter case, in light of the considerations just described, was not an appropriate vehicle for raising the issues in the appellate court. Accordingly, the Department of Health, Education, and Welfare, in responding to future requests for disclosure of similar documents, will be guided by its present regulations prohibiting disclosure, subject to any amendments that may be adopted in line with the proposed amendments already published for public comment, and subject to any change in the statutory law resulting from possible enactment of H.R. 1. This means that for the present, the Department of Justice will oppose any further efforts to obtain court orders for the disclosure of nursing home survey reports that have already been prepared.

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*See memorandum of St. John Barrett, Deputy General Counsel of Health Education and Welfare attached hereto as Exhibit B.

ATTACHMENT No. 2

[U.S. District Court for the Northern District of California]

ORDER GRANTING DEFENDANTS' MOTION FOR SUMMARY JUUDGMENT

People of the State of California, et al., Plaintiffs, vs. Elliot L. Richardson, et al., Defendants, No. C-72-1514 AJZ.

In this suit the California Attorney General, on behalf of the people of the State of California, and two senior citizens organizations seek an order pursuant to the Freedom of Information Act, 5 U.S.C. § 552 (a) (3), requiring the Department of Health, Education and Welfare to produce for copying certain identifiable records. The specific records sought are the Extended Care Facility Reports (Form SSA-1569) concerning California nursing homes that receive Medicare reimbursement. These annual reports certify whether nursing homes comply with various requirements of the Medicare program; plaintiffs argue that they are the only comprehensive records by which Medicare patients can determine which nursing homes provide safe, sanitary, and humane care.

The parties have made cross-motions for summary judgment, agreeing that there are no material facts in dispute. The court concludes that defendants' motion will be granted and the plaintiffs' denied.

The starting point for the court is the express command of 5 U.S.C. § 552(c) that records shall not be withheld by public agencies except as authorized by the Freedom of Information Act. *See Bristol-Myers Co. v. FTC*, 424 F. 2d 935, 938 (D.C. Cir. 1970), *cert. denied*, 400 U.S. 824 (1970). The Department argues that the Act does allow the withholding of these records in § 552(b) (3), because the records are "specifically exempted from disclosure by statute" The statute the Department relies upon is 42 U.S.C. § 1306(a), which provides:

> "No disclosure . . . of any file, record, report, or other paper, or any information, obtained at any time by the Secretary or by any officer or employee of the Department of Health, Education, and Welfare in the course of discharging the duties of the Secretary under this Act . . . shall be made except as the Secretary may by regulations prescribe. . . ."

Plaintiffs suggest two arguments why, despite its broad language § 1306 should not be held to authorize withholding the requested records.[1] First, they argue that the legislative history of § 1306 demonstrates that this statute was not intended to encompass the reports they seek. The evidence of legislative intent they refer to is a paragraph in the House Report, H.R. Rep. No. 728, 76th Cong., 1st Sess. at 3, and the testimony of Mr. Altmeyer, Chairman of the Social Security Board before the House committee. Hearings Before the House Ways and Means Committee, 76th Cong., 1st Sess. at 2418–19. This legislative material, plaintiffs argue, shows that the sole intent of Congress in enacting § 1306 was to protect the privacy of social security applicants and recipients.

The court rejects this argument. The legislative material is not so unambiguous or substantial that it justifies overlooking the unequivocal language of the statute. Moreover, if plaintiffs are correct, the court cannot understand why Congress would have used such broad language in § 1306 when in a parallel statute enacted at the same time Congress only required that states "provide safeguards which restrict the use or disclosure of information concerning applicants and recipients to purposes directly connected with the administration of aid to the blind." 42 U.S.C. § 1202(a) (10). This difference of treatment is strong evidence that Congress acted intentionally when it employed the broad language of § 1306.

Plaintiffs' more substantial argument is that 5 U.S.C. § 552(b) (3) does not encompass § 1306, because no material is *"specifically* exempted from disclosure" by § 1306. Citing three recent cases holding that 18 U.S.C. § 1905 does not "specifically" exempt materials from disclosure, *Grumman Aircraft Eng'r Corp. v. Renegotiation Bd.*, 425 F. 2d 578, 580 n. 5 (D.C. Cir. 1970); *M. A. Shapiro & Co. v. SEC*, 339 F. Supp. 467, 470 (D.D.C. 1972); *Consumer's Union, Inc. v. Veterans' Administration*, 301 F. Supp. 796, 801–02 (S.D. N.Y. 1969), Plaintiffs question the specificity of § 1306. Certainly § 1306 does not itself single out for nondisclosure any specified documents, as does, for example, 26 U.S.C. § 6103. But § 1306 is considerably more specific than 18 U.S.C. § 1905 which only forbids the disclosure of certain information when disclosure is not otherwise authorized by law. Thus, the court cannot rely on the cases cited by plaintiffs.

This precise problem is considered in K. Davis, *The Information Act*, 34 Chi. L. Rev. 761, 786–87 (1967). As Professor Davis notes, several statutes employ the method of § 1306 and allow agency heads to determine by regulation whether specified information shall be made public. While a respectable argument can be made that such statutes do not specifically exempt the information from disclosure, that interpretation would defeat the intent of these various statutes. It is unlikely that Congress intended such a wholesale repeal of these nondisclosure statutes. Therefore, the court agrees with Professor Davis that these statutes ought to be considered sufficiently specific for purposes of § 552(b) (3).

It is therefore ordered that defendants' motion for summary judgment is granted and plaintiff's motion for summary judgment is denied.

Dated: November 28, 1972.

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Of Counsel: Peter D. Coppelman, Phil Neumark, Senior Citizens Law Center, 942 Market Street, San Francisco, California 94102, Telephone: (415) 989-3966.

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Fred J. Miestand, Jo Ann Chandler, Public Advocates, Inc., 433 Turk Street, San Francisco, California 94102, Telephone: (415) 441-8850.

Richard McAdams, A. Keith Lesar, Senior Citizens Legal Services Unit, Legal Aid Society, 1835 Soquel Avenue, Santa Cruz, California 95060, Telephone: (408) 426-8824.

ATTACHMENT No. 3

[U.S. District Court, Southern District of Florida]

FINAL ORDER OF SUMMARY JUDGMENT

Max Serchuk, Plaintiff, vs. Elliot Richardson and Robert Ball, Defendants, No. 72-1212-Civ-PF.

This cause, brought pursuant to the Freedom of Information Act, Title 5, United States Code, Section 552, came before the Court on the defendants' Motion to Dismiss or in the alternative for Summary Judgment, and on plaintiff Max Serchuk's Motion for Summary Judgment. The relief sought by plaintiff would require defendant, Elliot Richardson, Secretary of the United States Department of Health, Education and Welfare, statutorily charged with the chief responsibility for the Medicare program, and defendant, Robert M. Ball, to whom, as Commissioner of the Social Security Administration, administrative duties relevant to the Medicare program have been delegated, to grant access to plaintiff, of all "Extended Care Facility Survey Reports" (Form SSA-1569), submitted since January 1, 1970, applicable to facilities located in the State of Florida. Such reports form the basis upon which the administrative determination is made as to whether facilities in question comply with the statutory requirements imposed on Medicare provider institutions by the Social Security Act and regulations issued pursuant thereto, satisfaction of which requirements is prerequisite to the facilities being reimbursed under the Medicare program for services rendered citizens covered by the Medicare program. Hence, such survey reports are the administrative tool utilized to accord or foreclose continued participation of facilities in the Medicare reimbursement program.

Initially, adjudication of the instant controversy requires appreciation of the requirement of the Freedom of Information Act's being liberally construed so as to effectuate the purpose of the Act to guarantee the public's right to know how the government is discharging its duty to protect the public interest. Such liberal disclosure requirement is limited only by *specific* statutory exemptions, which are to be strictly construed, the governmental agency bearing the burden of proof of justifying the requested information as within the ambit of the specific statutory exemption.

Defendants seek to invoke one of such specific exemptions to avoid disclosure of the reports sought by plaintiff. The relevant statutory language relied upon by defendants provides that the Freedom of Information Act does not mandate the disclosure of "matters that are—specifically exempted from disclosure by statute." Title 5, United States Code, Section 552(b) (3). It is the defendants' position that the survey reports are "specifically exempt from disclosure by by statute", specifically Section 1106 of the Social Security Act, which provides:

> (a) *No disclosure* of any return or portion of a return (. . .) filed with the Commissioner of Internal Revenue under Title VIII of the Social Security Act or under subchapter E of chapter 1 or subchapter A of chapter 9 of the Internal Revenue Code of 1939, or under chapter 2 or 21 or, pursuant thereto, under subtitle F of the Internal Revenue Code of 1954, or under regulations made under authority thereof, which has been transmitted to the Secretary of Health, Education and Welfare by the Commissioner of Internal Revenue, or of any file, record, report, or other paper, or any information, obtained at any time by the Secretary or by

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[1] In addition to these arguments, plaintiffs rely upon the decision of Judge Waddy in *Schecter v. Richardson*, Civil No. 710-72 (D.D.C. July 17, 1972), ordering that records of this type be produced for copying. Because that decision consists solely of a bare order, which states no reasons for the conclusion reached, it is of no assistance to this court.

any officer or employee of the Department of Health, Education, and Welfare in the course of discharging the duties of the Secretary under this Act, and no disclosure of any such file, record, report, *or other paper, or any information, obtained at any time by the Secretary or by any officer or employee of the Department of Health, Education and Welfare* in the course of discharging the duties of the Secretary under this Act, and no disclosure of any such file, record, report, or other paper, or information, obtained at any time by any person from the Secretary or from any officer or employee of the Department of Health, Education, and Welfare, shall be made except as the Secretary may by regulations prescribe. . . .

Rather than "specifically" exempting the survey reports from disclosure, however, the foregoing statute relied upon by defendants is a blanket exclusion of "any file, record, report, or other paper, or any information, obtained at any time by the Secretary or any other officer or employee of the Department of Health, Education and Welfare. . . ." That the blanket exclusion of the provision of the Social Security Act is in blatant contravention of the liberal disclosure requirement of the Freedom of Information Act, the exemptions of which are to be narrowly construed, is patently obvious.

Further, the conflict which has existed since the enactment of the Freedom of Information Act is in no way alleviated as to those survey reports, sought by plaintiff, which were and will be, submitted prior to April 30, 1973, the effective date of Section 299D(c) of the Social Security Amendments of 1972, P.L. 92–603, enacted October 30, 1972, which amendment permits disclosure of survey reports submitted after the effective date of the provision. While the defendants resist disclosure of past survey reports out of apparent concern for the reputational interests of the heretofore investigated institutions, this Court can only conclude that the interests of the public in general in being apprised of the manner in which the government is protecting their interests, should prevail over private interests of the scrutinized facilities if, in fact, disclosure would jeopardize any such interests. Further, the amendment to the Social Security Act permitting future disclosure of the survey reports only evinces the Congressional conviction that such reports should be available for public disclosure.

Accordingly, the Court being satisfied that plaintiff has complied with all procedural requirements of the Freedom of Information Act and the applicable regulations for seeking disclosure of the survey reports, but being denied the requested access under no lawful basis, no genuine issue as to any material fact remains, and summary judgment is hereby entered in favor of the plaintiff.

Done and ordered at Miami, Florida, this 28th day of November, 1972.

PUBLIC TRANSIT IS NECESSARY NOW

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. BELL) is recognized for 5 minutes.

Mr. BELL. Mr. Speaker, I am today introducing a bill to permit a portion of the highway trust fund to be used to create and improve public transit systems in our Nation's cities.

My native city of Los Angeles has recently been warned that gasoline may be rationed in 1977 to bring the pollution of the air to tolerable levels. The recent proposal by the Environmental Protection Agency would force an 82 percent decrease in the use of automobiles in the Los Angeles area from May through October. This step is so drastic as to strain credibility—but the fact that the pollution in Los Angeles' air exceeded Federal health standards on at least 250 days in 1970 is equally horrifying. A mass transportation system is the primary means available to prevent massive economic and social upheaval in southern California.

Though Los Angeles may be an extreme case, its need for an improved and expanded public transportation system is by no means unique in the United States. The existing public transit facilities in our major cities are all in need of modernization and upgrading if they are to be made attractive enough to compete successfully with the automobile as a comfortable mode of transportation.

Although the abatement of pollution alone would be sufficiently compelling, it is not the only argument in favor of a radical increase in public transportation. Transportation patterns are to a degree both a reflection and a cause of patterns of social interaction within urban areas. Improved public transit means improved opportunity for the residents of the decaying and disadvantaged areas of our cities. Finally, our current and projected shortages of energy provide an additional reason to encourage a more efficient means of transporting our citizens.

Mr. Speaker, the bill I am introducing today would directly address this need for mass transit by permitting sums apportioned from the highway trust fund to be used for a wide range of mass transportation projects. No money will be removed from the road-building programs unless requested by local officials, who must decide that financing of mass transit projects will increase the efficiency of the entire Federal-aid system.

While there is clearly a need for efficient road systems in the United States, the principal task of the highway trust fund—the Interstate Highway system—is almost completed, and funding of the remaining portions is assured. The Trust Fund is a logical source of funds for mass transportation projects, since highway users will benefit from the decrease in congestion and traffic which mass transit provides, and since highway users have imposed external costs on the population at large in the form of air pollution, noise, and consumption of limited natural resources, such as fossil fuels.

Finally, my bill specifically encourages the development of imaginative public transit systems. There is no reason why American cities should rely today on the basic principle of public transportation—the fixed-route system—as they did nearly a century ago when the first subway systems were established. Modern technology is fully able to develop comfortable, efficient, inexpensive and fast transit systems capable of transporting city dwellers from one point directly to another. Though cities with established systems will doubtless prefer to improve on their existing facilities, other localites embarking on a major public transit effort should be encouraged to devise the most modern and effective system possible.

Mr. Speaker, the arguments in support of mass transit are overwhelmingly persuasive. This House must now join the Senate in providing extensive Federal funds for public transportation.

RECYCLED PAPER PRODUCTS

The SPEAKER. Under a previous order of the House, the gentleman from Alabama (Mr. EDWARDS) is recognized for 5 minutes.

Mr. EDWARDS of Alabama. Mr. Speaker, I am introducing a bill today which expresses the sense of Congress that the Federal Government should use recycled paper products to the fullest extent possible. As many of my colleagues know, there have been several bills introduced in the past calling for the CONGRESSIONAL RECORD to be printed on 50 percent recycled paper. My bill differs from these bills in two important respects.

First, my bill seeks the use of recycled paper in all Government publications and in all paper used by the Federal Government for any purpose. My investigation has revealed that the CONGRESSIONAL RECORD makes up only a small fraction of the total paper used for governmental printing. I see no good reason to restrict our efforts to this one publication, thereby overlooking paper on which bills, committee reports, pamphlets, and books are printed, not to mention the countless other governmental uses of paper.

Second, my bill does not set an arbitrary percentage for recycled paper. In checking with the Joint Committee on Printing, I find that it is not possible at this time to set a realistic percentage of recycled paper to be used in governmental printing. The committee notes that many questions remain as to the speed and quality of production of recycled paper such as that needed for the printing of the CONGRESSIONAL RECORD. But in the meantime governmental agencies should take the lead in converting to recycled paper. Advocates of recycled paper assert that unless and until the market for recycled paper expands, the recycled paper industry will not develop its full capability. So every effort should be expended to increase the use of recycled paper in all governmental endeavors.

We are all aware of the pressing need to recycle our waste. Recycling can alleviate some of our most serious pollution problems. It can conserve those valuable natural resources which will be depleted if recycling does not occur. And recycling can save millions of dollars in disposal costs and can earn millions of dollars from the value of the recycled products.

I do not say that my bill is the whole story in increasing the use of recycled paper. It may be that the present tax policy works against development of recycled products and should be changed. It may be that more reasonable freight rates are needed for recycled materials. It is likely that the procurement policies of our various agencies should be changed to equal the efforts of the General Services Administration, which has taken positive steps to change its procurement policy for paper products by removing restrictions and by instituting specified recycled paper requirements.

But my bill is, I think, a good start toward increasing the use of recycled paper. Certainly the Federal Government should set the example in pursuing the goal we all share of cleaning up America.

HEALTH CARE

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. RAILSBACK) is recognized for 10 minutes.

Mr. RAILSBACK. Mr. Speaker, the 93d Congress must dedicate itself to finding the best possible means of providing adequate health care to all Americans at a reasonable cost.

In the last Congress, I had the privilege of serving as a member of the Republican Task Force on Health, chaired by my able colleague from Kentucky Dr. TIM LEE CARTER. I heard numerous statements on all aspects of our present medical system presented by doctors, nurses, associated health personnel, and representatives from Government agencies, health insurance companies, and medical publications groups. The issues which were raised time and time again during the proceedings of the task force convinced me that we must redouble our efforts to fulfill President Nixon's stated goals: First, to assure that no American be barred from adequate health care because of inability to pay; second, to avoid unnecessary expenses of acute medical care by developing a better system for health maintenace and early rehabilitation, and third, to build on the best elements of our present medical system and reform those elements which are not effective.

First of all, it is quite clear that there is need for basic reforms of our current health care system. Many Americans do not have medical care available to them. A health insurance program must be developed to assure equal access to medical care at a cost citizens can afford.

One serious problem with present insurance coverage is its failure to reach the poor. The House Ways and Means Committee reported that less than 40 percent of the nearly 20 million poor people in this country have any form of hospital insurance at all, and only a third had any type of surgical insurance.

A serious consequence of insufficient access to medical care is the shocking fact that poor people have a 50-percent higher rate of disability than people in higher income brackets. Some method must be provided to bring medical care to the poor. Multipurpose clinics located in poverty areas and expanded public health services may be part of the answer.

Second, every year thousands of Americans are exposed to unusually large medical expenses which can—and often do—result in financial bankruptcy. A rapid rise in medical care costs coupled with scientific gains in medicine and medical technology has increased the possibility that medical expenses will exceed the limits of even major medical and comprehensive health plans. Although some plans do give protection against the costs of catastrophic-type illnesses, the majority of the plans have very limited benefits—generally less than $20,000.

For the patient with terminal cancer, kidney disease, diseases of the heart and circulatory system, annual medical expenses can easily exceed the limits of such policies. The cost of kidney transplants can range from $3,000 in uncomplicated cases to $40,000 if complications arise. Intensive care for a cardiac patient can cost as much as $800 per day. For the patient and his family the agony and suffering of such a disease or disability is intensified by the unrelenting burden of health costs. I not only support that feature of the administration's health insurance proposal which requires coverage of catastrophic costs under employer-employee plans of up to $50,000, but believe we must also review that figure and determine whether it should be set higher.

Third, rural areas have an especially difficult time attracting doctors. In Nauvoo, Ill., a small town in my congressional district, I remember seeing a huge sign hanging over the main street for years: "Nauvoo Needs a Doctor." A pediatrician in another Illinois town tried for 7 years before successfully attracting another partner to his clinic. Many rural communities must depend upon medical help which is miles away. The few doctors in rural areas must work strenuously long hours just to fulfill the basic health needs of people in their communities. An expansion of the "Doctor Corps" which has induced some individuals in the medical profession to serve in rural areas by authorizing the Government to repay portions of their medical school loans and other similar programs must be encouraged.

Fourth, drug abuse is one of the Nation's most serious medical problems. There are at least 500,000 heroin addicts in this country, and their numbers are increasing. Research must continue to find a nonaddictive chemical that will block the effects of heroin, and much more must be done to get at the underlying social causes of drug abuse.

Fifth, more attention must be directed toward the welfare of the nearly 20 million persons—50,000 of whom are children—in our country who suffer from mental or emotional illness. At least 50 percent of all surgical and medical cases involve an emotional disturbance or mental illness complication. Since three-fourths of all mentally retarded persons are living in rural and urban slums, special emphasis on finding and treating them is essential. Also, since in only 15 to 25 percent of the cases can the cause of the illness be ascertained, additional research in this area must be encouraged. Finally, the health institutions which now serve the mentally and emotionally disturbed must be assured of proper staffing and equipment.

Mr. Speaker, there are no easy answers to our many health problems. However, I am convinced the 93d Congress will make every effort to solve them. We must do so if we are to retain the confidence of the people and our own integrity. I will be sponsoring legislation this year I hope will improve our present health care system, and urge my colleagues to do so also.

NIXON ADMINISTRATION CRIPPLES EXCELLENT HOUSING PROGRAMS—TIME TO IMPOUND OMB

The SPEAKER. Under a previous order of the House, the gentleman from Massachusetts (Mr. DRINAN) is recognized for 30 minutes.

Mr. DRINAN. Mr. Speaker, one of the most popular and successful Federal programs in my congressional district of Massachusetts has been the "312" housing rehabilitation loan program administered by the Department of Housing and Urban Development. This program, which provides low-interest Government loans to individuals seeking to improve their property and homes, is essential to the success of neighborhood improvement and urban redevelopment efforts in my district and in urban areas throughout the country.

Actions taken by the President's Office of Management and Budget and by HUD have effectively crippled this important program. These actions are typical of this administration's shortsighted determination to frustrate the will of Congress and to deprive the people of Government services they want and deserve.

As a result of these actions, on-going redevelopment and neighborhood improvement programs in two towns in my district, Brookline and Fitchburg, have been stopped dead in their tracks.

The fact is that available funds for the "312" program are exhausted. This past year only $50 million in "312" funds were dispersed throughout the country—$4,750,000 to the Boston area. This sum has proven to be grossly inadequate. I have received numerous letters and complaints from citizens and local housing administrators in my district about the lack of funds. Individuals have applied for loans, had their applications approved by the local housing authorities, and then rejected by HUD because the money has run out.

The sad irony of this situation is that Congress has appropriated enough money—but the all-powerful President's Office of Management and Budget has defied the congressional mandate for this program. Over the past 2 years Congress has demonstrated its confidence in the 312 program by appropriating $160 million for it. But OMB has released only $90 million of this amount—$40 million for fiscal 1972 and $50 million for fiscal 1973. Thus $70 million remains frozen in the OMB coffers, in violation of the will of Congress, and in neglect of the needs of the people.

I have recently written to Mr. Caspar Weinberger, Director of OMB, and to his designated successor, Mr. Ash. In my letter I wrote the following of the impoundment action:

> In my view this action is unwarranted and of questionable legality. There is no question that the $50 million thas has been spent on the "312" program this year is woefully inadequate, and it is my view that this proven program is being effectively sabotaged by the action of OMB. In my Congressional District alone, more than 18 individuals, whose

> loan applications has been approved by the local housing authority, have had their applications returned unfunded as a direct result of the OMB withholding action.
>
> I urge you in the strongest possible way to release the funds for the "312" program immediately.

Mr. Speaker, I am sure that many of our colleagues in Congress have written similar letters to OMB on this and other programs. But OMB continues to violate the constitutional prerogatives of the Congress by withholding appropriated funds. As of June 30, 1972, the late date of an accounting of all funds impounded, OMB had impounded a total of $9.1 billion. Since that date many additional programs and more funds have been added to this shameful list—including $6 billion for cleaning up the polluted waters of this country.

OMB IGNORES THE LAW

These actions of the OMB—a few men in the White House and the Executive Office Building—continue to frustrate the will of the people as expressed through their 535 elected Representatives. Nowhere in the Constitution is the executive branch empowered to review the laws of the United States and reject or accept these laws as it sees fit. But this has happened. In too many cases, the months of study and debate in Congress that accompany each appropriations bill have gone for naught.

It is time for Congress to reassert its rightful power of the purse. Otherwise we will become a third-rate, fifth-wheel debating society with nothing more than the trappings of power and responsibility.

We must pass legislation to curb these encroachments by OMB. This long overdue legislation should, I believe, take two forms. First, we must enact legislation that would make the Director of the Office of Management and Budget subject to Senate confirmation and to congressional questioning. Given the enormous policymaking responsibilities of this position, it is necessary that the Director of OMB be accountable to Congress.

Second, we must enact laws that insure that Congress will be kept fully informed of every action taken by OMB and that will set forth the authority of Congress to require the President to cease impounding funds. A bill to this effect which I have already sponsored is H.R. 1760.

In the case of the "312" housing rehabilitation loan program, impoundment is just part of the problem. On December 4, the Department of Housing and Urban Development issued new regulations, under section 221D3, establishing income ceilings governing eligibility for "312" loans. These ceilings were enacted, according to HUD officials, to direct the limited resources available to those with lower incomes. The ceiling in the Boston area varies from an income of $6,950 for a family of one to $12,000 for a family of seven.

MISTAKE MADE RETROACTIVE

In addition, these ceilings were made retroactive to July 1, 1972. As a result, loan applications filed before July 1 are not governed by the ceilings. But applications filed after July 1—even though the regulations were not issued until December 4—are restricted.

As I wrote to HUD Secretary Romney on January 18:

> Even more lamentable are the income ceilings announced on December 4 and made retroactive to July 1. These ceilings have had the effect of virtually killing a promising urban renewal effort that was being accomplished in the Washington Square area of Brookline in my District.

One homeowner in Brookline had engaged in 18 months of negotiation with the housing authorities. He had spent $1,200 to have architectural plans prepared. He put over 500 hours of his own time into the project, had his property surveyed at considerable expense, and went to the trouble of having 15 copies of his blueprints made. All of this time, effort, and money was for nothing—because the income ceilings, unbeknownst to him at the time of his loan application—which was approved by the Brookline Neighborhood Improvement Program—were applied retroactively.

Another resident of Brookline, a teacher, wrote me about a similar problem. In his moving letter he wrote:

> We who live here love it. My family has a house, which we can more or less afford at the moment, and we'd like to stay here forever. But we can't afford the repairs it needs. Many of our neighbors are in the same boat. So what all of this comes to is saying that the actual dollars of our incomes are above the poverty line and perhaps in some cases above the median for the Boston area; but in my case at least those dollars are not adequate so that I can do my part in rehabilitating a neighborhood we all cherish.

This man, who needs a $5,500 loan for the repairs necessary to his home, who wants to see his neighborhood improved and is willing to do his part, has seen his hopes crushed. Is it any wonder that more and more people simply refuse to believe in their Government?

Let me give another example of the problems caused by these new ceilings. The Fitchburg Redevelopment Authority received HUD approval for a neighborhood development program—NDP—in the College Neighborhood Area on July 6, 1972. Initially the renewal effort was to focus on 3 acres of residential area. In a letter dated December 13 to Mr. M. Daniel Richardson, Jr., area director of HUD, and Mr. Porter Dickenson, chairman of the Fitchburg Redevelopment Authority, described the 3 acres as being located "in the heart of the greatest blight and deterioration in the overall area to be developed under the NDP."

The intent was to rehabilitate 92 percent of the existing dwelling units in the area, units that are occupied primarily by low-income families. Specifically, the plan called for the rehabilitation of 23 structures containing 92 dwelling units, the acquisition and demolition of four structures containing eight dwelling units, and the relocation of eight families and individuals.

The rehabilitation plans depended on the "312" program loans. While it would seem that the low-income families dwelling in the units to be rehabilitated would be prime candidates to qualify for the loans under the new income ceilings, this has not been the case. For these dwelling units are not owned by the low-income families—rather they are owned by absentee landlords whose high incomes disqualify them from receiving the loans under the new guidelines.

While it could be naively hoped that these absentee landlords would obtain private financing for the necessary rehabilitation simply out of the goodness of their hearts, the realities of the situation are different. The experience of the Fitchburg Redevelopment Authority is that even with low-interest loans it is extremely difficult to obtain the cooperation from the absentee landlords necessary for a redevelopment program to work. Without the incentive of low-interest loans, it is virtually impossible to commit the absentee landlords to the rehabilitation program. This has been the real effect of these new income ceilings.

HOMES CANNOT BE FIXED

In the Fitchburg case, of the 23 structures that were to be rehabilitated, only seven appear to be eligible under the new income ceilings, and there are only 14 dwelling units in these seven structures. This means that 85 percent of the dwellings which need to be rehabilitated are now ineligible.

Three landlords control approximately 45 percent of the units that were to be rehabilitated, but they cannot qualify for the loans. Chairman Dickinson wrote about this situation as follows:

> And to add to our dilemma, these structures constitute the heart of the blight and deterioration in the first action year area.

The rehabilitation effort in Fitchburg has been thwarted. Once again the Federal Government has pulled the rug out from under local officials trying to improve their communities. It is little wonder that Chairman Dickinson wrote:

> The Redevelopment Authority and the residents of the urban area feel that they have been misled once again in their attempts to redevelop the College Neighborhood Area. To make matters worse this on-again-off-again condition has been going on in this area for over five years.

It is clear that these retroactive ceilings are both unjust and ineffective. Citizens hoping to rehabilitate their own homes have, in essence, been deceived—usually at considerable cost to themselves. And those people with lower incomes, least able to afford home improvements and most needful of them, are being victimized by a situation which they are powerless to control. The absentee landlords have to agree to finance the rehabilitation, and given the loss of the low-interest loan incentive it is probably fair to say that they could not care less.

These income regulations should be repealed immediately. The income ceilings are too low and the people who would qualify under the guidelines simply do not exist—"312" loans should be made available to all who need them, including those who rent their homes. And, the program must be adequately financed.

If these regressive income ceilings are not repealed, then I believe that HUD is responsible for the costs incurred by those who are denied loans because of the implementation of the income ceilings.

Congress has allowed its actions to be subverted far too long. The "312" program is further evidence that this administration has contributed little to the people of our country but broken promises and frustration.

Congress must recapture its lost authority. We must not allow the Nixon administration, under the ruses of "reorganization" and "fiscal responsibility" to cut the heart out of those programs that millions of Americans need. For the sake of these people—and for our own sake—we must act now. It is time to impound OMB.

THE NEED FOR LEGISLATION TO LIFT OIL QUOTAS

The SPEAKER. Under a previous order of the House the gentleman from Illinois (Mr. Rostenskowski) is recognized for 5 minutes.

Mr. ROSTENKOWSKI. Mr. Speaker, in the brief time that this Congress has been in session much has been said in this Chamber in regard to the acute shortage of heating fuels which currently plagues the Nation. Today, I do not intend to enumerate further instances of where this shortage of fuel has caused closings and cutbacks, but rather I would merely like to add my thoughts to those of my colleagues who believe that the administration's announcement of last week was indeed too little, too late.

Last Wednesday, the Office of Emergency Preparedness announced that the administration was eliminating import quotas on heating oils for 4 months and raising the quotas on crude oil imports 65 percent for the remainder of the year. Heralding this as the answer to the shortages of fuel now plaguing New England and much of the Midwest, was in my opinion, both premature and shortsighted. For this is not the first time that this administration has made minor adjustments in the oil quota system as a belated response to a major shortage.

In September, and again in December of last year, the administration made minor adjustments to the quota program with negligible changes resulting each time. On December 18, 1972, the administration announced that the quotas for 1973's first few months would be the same quotas that had proven to be so inadequate in the cold autumn of 1972. On January 8, and finally last Wednesday, the administration again made changes in the oil quota system. Each of these announcements concerning the import program has been billed as the ultimate answer to the present "crisis." Unfortunately, none of them have proven capable of solving the immediate or the long-term fuel shortages presently faced by much of the country.

Mr. Speaker, in the summer of 1970, I took a special order on the floor of the House to discuss the projected shortage of No. 2 heating oil that was anticipated for that year in my own city of Chicago. That year's shortage was predicated by an abnormally low supply of fuel, coupled with new antipollution ordinances for the city—ordinances which required many industries to convert from their old fuel to the low sulfur residual fuel.

The predicament that was Chicago's in 1970 has now come to trouble the Nation as a whole. The Clean Air Act of 1970 has increased the demand for No. 2 fuel, and this increased demand, when coupled with increasingly small reserves, has led to the present shortage.

The only way to adequately prevent a reoccurrence of this problem next fall and winter would be to allow domestic suppliers to build up sufficient reserves now to see them through the 7-month period from September 1973 through April 1974. A longer period than the 4 months provided by the Office of Emergency Preparedness seems necessary in light of traditional reluctance of European refineries to engage in short-term contracts and the increased need for this low-sulfur fuel as more communities adopt tough antipollution statutes.

House Joint Resolution 200, introduced by Congressman James Burke and me would provide for the suspension of the oil import quota on No. 2 heating oil through April 1, 1974. We feel that a year's suspension is necessary to give suppliers sufficient leadtime to make contracting and shipping arrangements to meet the demand of this winter as well as the next one. Also, our legislation would remove completely the quota restrictions on the importation of crude oil for 90 days. This would allow domestic refineries to replenish their supplies of crude which have, to a large degree, been expended in the effort to produce larger quantities of No. 2 heating oil. The lifting of the restriction on importation of crude will help us avert a possible shortage of gasoline and other refining products in the months ahead.

At this point in the Record, I would like to insert a list of the cosponsors of House Joint Resolution 200 and its Senate counterpart, Senate Joint Resolution 23, introduced by Senators Kennedy and Stevenson:

HOUSE SPONSORS AS OF JANUARY 22, 1973

Dan Rostenkowski, James Burke, Frank Annunzio, Herman Badillo, Edward Boland, Frank Clark, James Corman, William Cotter, George Danielson, James Delaney, and Frank Denholm.

Harold Donohue, Daniel Flood, Donald Fraser, Robert Giaimo, Ella Grasso, William Green, Michael Harrington, Margaret Heckler, John Kluczynski, Peter Kyros, Torbert Macdonald, and Ray Madden.

John Moakley, William Moorhead, John Moss, Thomas O'Neill, Otis Pike, Mel Price, Albert Quie, Henry Reuss, Donald Reigle, Peter Rodino, Robert Roe, Fernand St Germain, Sam Stratton, Gerry Studds, Robert Tiernan, Lester Wolff, and Sidney Yates.

SENATE SPONSORS

Edward Kennedy, Adlai Stevenson, Abraham Ribicoff, Thomas McIntyre, Claiborne Pell, Jacob Javits, William Hathaway, George Aiken, Edward Brooke, and Edmund Muskie.

Harrison Williams, Clifford Case, Robert Stafford, Norris Cotton, Lowell Weicker, Stuart Symington, George McGovern, Richard Clark, Quentin Burdick, and Walter Mondale.

Gaylord Nelson, Birch Bayh, William Proxmire, James Abourezk, John Pastore, Hubert Humphrey, Harold Hughes, Philip Hart, Frank Moss, and Charles Percy.

MR. O'NEILL WISHING ERNEST PETINAUD A HAPPY BIRTHDAY

The SPEAKER. Under a previous order of the House, the gentleman from Massachusetts (Mr. O'Neill) is recognized for 5 minutes.

Mr. O'NEILL. Mr. Speaker, when most Americans think of Saturday, January 20, 1973, the first thing that *comes to* mind is Inauguration Day.

Another thought comes to my mind and to the Members and employees of the House of Representatives. Saturday marked the 68th birthday of Ernest Petinaud, maitre d' of the House restaurant for 36 years.

One rarely enters the House restaurant without being warmly greeted by Ernest. Ernest Petinaud gives every Member equal service. He does not differentiate between senior and freshmen, black and white, Democrat and Republican, Southern and Northern Members.

I wish to take this time on the occasion of his 68th birthday to thank Ernest for his superb service, and for his gracious dignity in the performance of his duties. Ernest Petinaud has graced the House restaurant with a touch of elegance for 36 years. He has dedicated himself to pleasing all Members and their guests. A conscientious host, Ernest has a phenomenal memory for knowing every Member of Congress by sight.

Thousands of visitors to the Capitol each year leave here with a warm and personal feeling about the House of Representatives thanks to Ernest and his gracious hospitality.

I have known Ernest for 20 years. He has always shown me and my staff every courtesy. I have spent many happy moments conversing with Ernest after a weary day of legislative business. I know that all my colleagues join me in wishing Ernest a very happy birthday.

END-THE-WAR DEMONSTRATION

The SPEAKER. Under a previous order of the House, the gentlewoman from New York (Ms. Abzug) is recognized for 5 minutes.

Ms. ABZUG. Mr. Speaker, last Saturday, over 60,000 Americans—far more than attended the inaugural ceremonies and parade—gathered near the Washington Monument to bear witness for peace. Men and women, young and old, they came to tell Richard Nixon that they will not be satisfied by his implied promises that "peace is at hand," but will only believe that we have peace when they see the black and white of a signed cease-fire agreement.

I was privileged to address that gathering, and I include my remarks at this point in the Record:

SPEECH BY CONGRESSWOMAN BELLA S. ABZUG AT INAUGURAL DAY PEACE DEMONSTRATION IN WASHINGTON—JANUARY 20, 1973

Welcome to the Washington-Lincoln inauguration. Would you believe that President Nixon just made his inauguration speech and did not even mention the word "Vietnam." We are here to let him know that we will not stop protesting or start celebrating until a peace agreement is actually signed and until Mr. Nixon takes every American pilot, every

G.I., every bomber, every military advisor in or out of uniform, every anti-personnel and Napalm bomb out of *all* of Southeast Asia.

If he is planning another deception, if once again the interests of President Thieu are to dictate whether Vietnamese and Americans live or die, then Mr. Nixon should know that we are prepared to keep coming back.

We must recognize that those able to come to Washington today to this rally are only a tiny percentage of the millions of Americans who hate and disavow this criminal war.

Possibly Mr. Nixon thought that after a war in which one and a half million people have been killed, three million wounded and seven millions of tons of bombs dropped, nobody would get excited when he ordered another million or so tons of bombs dropped in the most concentrated exhibition of savagery in the history of the world.

He is wrong.

Our protest is not a lonely protest. America's allies have been bombarding Washington with messages of condemnation. Australian longshoremen declared a boycott of American goods. Heads of governments have expressed their outrage. Leaders of the major religious organizations in our own country have denounced Nixon's bombing tantrum. From the Pope—from the head of the United Nations—from Captain Michael Heck, who found his conscience and refused to fly any more B-52's—from the embittered wives and mothers of imprisoned American pilots—the rebellious members of the Philadelphia Symphony—the musicians who played for peace with Leonard Bernstein last night—the Members of Congress who are boycotting the inaugural—from all parts of our Nation, from all over the world comes the demand—stop the war! Sign the peace agreement!

A few of us in Congress who are among the sponsors of this rally were lectured by Jeb Magruder, the head of the president's inaugural committee, who went from merchandising cosmetics and facial tissues to being implicated in the Watergate mess to running the inauguration, which he calls a "Total Marketing Project," issued a public appeal to me and to Congressmen Paul McCloskey and Don Riegle—who happen to be Republicans—to guarantee that there be no violence here today to spoil the President's Inauguration It might interfere with the sales of plaques and their little plaster statues.

I told Mr. Magruder:

"We are peaceful people 365 days a year. I find it ironic beyond words that a spokesman for the President should lecture us about non-violence when Mr. Nixon has just completed an 11-day orgy of violent bombing in Vietnam that horrified the world."

And, I might add, we have never bombed a hospital or burned little children with napalm or tried to destroy an entire land. So don't lecture us about violence.

Some political leaders have urged us to be good Americans and to unite around the inauguration ceremony as a "reaffirmation of America's ideals and promises.' We're told that every four years since 1789, American Presidents have taken the same pledge to "preserve, protect and defend the Constitution of the United States."

I respect the Constitution, and that's why I'm here and not on Capital Hill. That Constitution says it is the Congress, not the President that has the power to make war.

That Constitution says we have three coequal branches of government, with checks and balances, not an autocracy.

We are not a nation built by or for reverence. We were born in revolution against a despotic king. We have elected Presidents, and rejected them, followed them, respected, loved, hated and reviled them. Always we have reserved the right to protest. And this is a time for protest.

Are we supposed to stand up and cheer while Richard Nixon takes the oath of office, even as he is violating it by his actions?

What are we supposed to unite around? His dismantling of programs for the poor, for the cities, even for veterans of his war? His reactionary views on women? His reactionary views on race? Or maybe the Watergate scandal, which was a conspiracy to undermine the presidential campaign of the Democratic Party, to subvert the political process, and which is now being hidden from public view in an outrageous abuse of our legal system?

No, we have no intention of uniting around this President.

No, we are not going to let him turn our democracy into a country ruled by one man.

No, we are not going to let him ignore the people and their elected representatives.

There is real anger in Congress now, and a real willingness to act. We in Congress also take a pledge to "preserve, protect, and defend the Constitution of the United States." It's up to you to make your representative do that.

There has been a small number of us in Congress that have voted against every military appropriation for Vietnam and for every bill designed to get us out. But our numbers are growing. We need just 40 more votes to cut off funds for the war, if that is what we have to do. If once again, Richard Nixon is trying to fool the people, those votes will be much easier to get, and your job is to see that we get them.

Those of us standing here between the Washington Monument and the Lincoln Memorial represent the soul of America's democracy, not its merchants. Our protest here is the true reaffirmation of America's ideals and promises—the right to dissent, the right to free speech and a free press, the right of assembly, the right to live peacefully with economic opportunity, equality and justice for all. This is a rededication to our right to protest and to the power of the American people to change the policies they oppose.

Richard Nixon would deny these rights to any who stand in the way of his pursuit of power for the special interests he represents. We would extend these rights to all Americans. We would turn our Nation from the world's greatest purveyor of death into a nation of peace and friendship and respect for ourselves and other countries. That is our pledge to ourselves on this inaugural day of conscience.

President Nixon said in his inaugural address, "Let us measure what we will do for others by what we will do for ourselves." We will do for ourselves. We will use the energies and resources of democratic government to make sure that the American people will have the ability to live in dignity, security and equality.

CONGRESS MUST HAVE CONTROL OF FUNDS

The SPEAKER. Under a previous order of the House, the gentleman from New Jersey (Mr. HOWARD) is recognized for 5 minutes.

Mr. HOWARD. Mr. Speaker, the Congress and the executive branch of Government are on a collision course over the way funds which have been authorized and appropriated by the Congress are being impounded.

It is time we met this problem head-on. Some Members of Congress have previously introduced legislation to prevent this practice and others are preparing to cosponsor similar legislation.

The impounding of funds is a direct challenge to the Congress itself and I respectfully urge all of my colleagues to join in cosponsoring such legislation and seeing that we pass a bill which will again put this matter into proper perspective.

Last year we authorized and appropriated $24.6 billion for water pollution control, and my own State of New Jersey would have received more money than any other State in the Nation with the exception of New York.

Now the Executive is saying it may spend less than half of the money authorized and appropriated by Congress.

Each Member of Congress has many badly needed programs in his district, which could have progressed as a result of the Water Pollution Control Act funding. There is a desperate need in most communities for water and sewer moneys; there is a great need for more money for health care, and there is certainly a need for more housing. These, however, are some of the programs which are being further crippled because the funds appropriated by the Congress are being impounded.

It is time we asserted our power and stopped this nonsense.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. KYROS (at the request of Mr. O'NEILL) from today through February 7 on account of official business.

Mr. JOHNSON of Colorado for the period Tuesday, January 23, 1973, through Friday, January 26, 1973, on account of official business.

Mr. WOLFF (at the request of Mr. STRATTON) for January 23, 1973, through February 5, 1973, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ABDNOR) to revise and extend their remarks and include extraneous material:)

Mr. DERWINSKI, for 30 minutes, January 23.

Mr. BELL, for 5 minutes, today.

Mr. EDWARDS of Alabama, for 5 minutes, today.

Mr. RAILSBACK, for 10 minutes, today.

(The following Members (at the request of Mr. THORNTON) to revise and extend their remarks and include extraneous material:)

Mr. GONZALEZ, for 5 minutes, today.

Mr. DRINAN, for 30 minutes, today.

Mr. ROSTENKOWSKI, for 5 minutes, today.

Mr. O'NEILL, for 5 minutes, today.

Ms. ABZUG, for 5 minutes, today.

Mr. HOWARD, for 5 minutes, today.

Mr. REUSS, for 30 minutes, January 23.

Mr. ALEXANDER, for 45 minutes, January 23.

Mr. MITCHELL of Maryland, for 60 minutes, January 25.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Saylor and to include extraneous matter notwithstanding the fact that it exceeds two pages of the Congressional Record and is estimated by the Public Printer to cost $637.50.

Mr. Gross and to include extraneous matter.

(The following Members (at the request of Mr. Abdnor) to revise and extend their remarks and include extraneous matter:)

Mr. Hastings.
Mr. Derwinski in three instances.
Mr. Arends.
Mr. Findley.
Mr. Parris in five instances.
Mr. Riegle.
Mr. Scherle in 10 instances.
Mr. Frenzel.
Mr. Zwach.
Mr. Railsback in three instances.
Mr. Huber.
Mr. Nelsen in two instances.
Mr. Brotzman.
Mr. Minshall of Ohio in two instances.
Mr. Burke of Florida in four instances.
Mr. Bray in three instances.
Mr. Mizell in four instances.

(The following Members (at the request of Mr. Thornton) to revise and extend their remarks and include extraneous matter:)

Mr. Sarbanes in five instances.
Mr. Carney of Ohio.
Mr. Fulton in 10 instances.
Mr. Alexander in five instances.
Mr. Aspin in 10 instances.
Mr. Gonzalez in three instances.
Mr. Rarick in three instances.
Mr. Hungate.
Mr. Kastenmeier.
Mr. Wolff in five instances.
Mr. Harrington in five instances.
Mr. Badillo in five instances.
Mr. Howard.
Mr. Owens in five instances.
Mr. Drinan in two instances.
Mr. Rangel.
Mr. Brinkley.
Mr. Boland.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on January 18, 1973, present to the President, for his approval a joint resolution of the House of the following title:

H.J. Res. 1. A joint resolution extending the time within which the President may transmit the Budget Message and the Economic Report to the Congress and extending the time within which the Joint Economic Committee shall file its report.

ADJOURNMENT

Mr. THORNTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 9 minutes, p.m.) the House adjourned until tomorrow, Tuesday, January 23, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

261. A letter from the Deputy Assistant Secretary of Defense (Inter-American Affairs), transmitting a semiannual report on the implementation of section 507(b) of the Foreign Assistance Act of 1961, as amended dealing with the furnishing of military assistance to American Republics, covering the period July 1 through December 31, 1972, pursuant to 22 U.S.C. 2319(b); to the Committee on Foreign Affairs.

262. A letter from the Secretary of Transportation, transmitting the Third Annual Report on Operations under the Airport and Airway Development Act of 1970, covering fiscal year 1972, pursuant to 49 U.S.C. 1724; to the Committee on Interstate and Foreign Commerce.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREWS of North Dakota:

H.R. 2555. A bill to amend the Rural Electrification Act of 1936, as amended, to reaffirm that such funds made available for each fiscal year to carry out the programs provided for in such act be fully obligated in said year, and for other purposes; to the Committee on Agriculture.

By Mr. ANNUNZIO:

H.R. 2556. A bill to create the National Credit Union Bank to encourage the flow of credit to urban and rural areas in order to provide greater access to consumer credit at reasonable interest rates, to amend the Federal Credit Union Act, and for other purposes; to the Committee on Banking and Currency.

H.R. 2557. A bill to permit officers and employees of the Federal Government to elect coverage under the old-age, survivors, and disability insurance system; to the Committee on Ways and Means.

By Mr. BADILLO (for himself, Ms. Abzug, Mr. Alexander, Mr. Addabbo, Mr. Baker, Mr. Barrett, Mr. Bennett, Mr. Bingham, Mr. Blackburn, Mr. Breckinridge, Mr. Brasco, Mr. Broyhill of Virginia, Mr. Brown of California, Mr. Buchanan, Mrs. Burke of California, Mr. Burton, Mr. Carter, Mrs. Chisholm, Mr. Clay, Mr. Cleveland, Mr. Conyers, Mr. Corman, Mr. Dominick V. Daniels, Mr. Danielson, and Mr. Davis of South Carolina):

H.R. 2558. A bill to amend the Education of the Handicapped Act to provide tutorial and related instructional services for homebound children through the employment of college students, particularly veterans and other students who themselves are handicapped; to the Committee on Education and Labor.

By Mr. BADILLO (for himself, Mr. Dellenback, Mr. De Lugo, Mr. Dent, Mr. Downing, Mr. Drinan, Mr. Edwards of California, Mr. Eilberg, Mr. Fulton, Mr. Gonzalez, Mr. Gray, Mr. Green of Pennsylvania, Mr. Gude, Mrs. Hansen of Washington, Mr. Hansen of Idaho, Mr. Harrington, Mr. Hawkins, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Hicks, Mr. Hogan, Miss Holtzman, Mr. Koch, Mr. Leggett, and Mr. Lehman):

H.R. 2559. A bill to amend the Education of the Handicapped Act to provide tutorial and related instructional services for homebound children through the employment of college students, particularly veterans and other students who themselves are handicapped; to the Committee on Education and Labor.

By Mr. BADILLO (for himself, Mr. Long of Maryland, Mr. Madden, Mr. Mailliard, Mr. Matsunaga, Mr. Mazzoli, Mr. Metcalfe, Mr. Mitchell of Maryland, Mr. Mizell, Mr. Moakley, Mr. McDade, Mr. McCormack, Mr. Nichols, Mr. Nix, Mr. O'Hara, Mr. Pepper, Mr. Pettis, Mr. Podell, Mr. Preyer, Mr. Price of Illinois, Mr. Rangel, Mr. Rees, Mr. Rinaldo, Mr. Rodino, and Mr. Roe):

H.R. 2560. A bill to amend the Education of the Handicapped Act to provide tutorial and related instructional services for homebound children through the employment of college students, particularly veterans and other students who themselves are handicapped; to the Committee on Education and Labor.

By Mr. BADILLO (for himself, Mr. Rosenthal, Mr. Roybal, Mr. Sarbanes, Mr. Stokes, Mr. Studds, Mr. Symington, Mr. Taylor of North Carolina, Mr. Tiernan, Mr. Thompson of New Jersey, Mr. Vanik, Mr. Waldie, Mr. White, Mr. Wolff, Mr. Won Pat, and Mr. Yatron):

H.R. 2561. A bill to amend the Education of the Handicapped Act to provide tutorial and related instructional services for homebound children through the employment of college students, particularly veterans and other students who themselves are handicapped; to the Committee on Education and Labor.

By Mr. BELL:

H.R. 2562. A bill to authorize appropriations for construction of certain highway projects in accordance with title 23 of the United States Code, and for other purposes; to the Committee on Public Works.

By Mr. BEVILL:

H.R. 2563. A bill to assure the free flow of information to the public; to the Committee on the Judiciary.

H.R. 2564. A bill to amend title II of the Social Security Act to provide that a woman otherwise qualified may become entitled to receive widows' insurance benefits specially reduced, at age 35 (while retaining her right to receive regular widows' insurance benefits upon attaining the age presently required therefor); to the Committee on Ways and Means.

By Mr. BINGHAM (for himself, Mr. Buchanan, Mr. Mazzoli, Mrs. Mink, Mr. Mitchell of Maryland, Mr. Moakley, Mr. Moorhead of Pennsylvania, Mr. Parris, and Mr. Podell):

H.R. 2565. A bill to provide for the election of President and Vice President as required by the article of amendment to the Constitution proposed by House Joint Resolution 215 of the 93d Congress; to the Committee on House Administration.

By Mr. BROYHILL of Virginia:

H.R. 2566. A bill to amend the District of Columbia Police and Firemen's Salary Act of 1958 to permit the equitable reappointment of officers and members of the Metropolitan Police Force, the Fire Department of the District of Columbia, the U.S. Park Police, and the Executive Protective Service; to the Committee on District of Columbia.

H.R. 2567. A bill to eliminate the ceilings on the amounts of group life insurance policies available in the District of Columbia; to the Committee on District of Columbia.

H.R. 2568. A bill to amend the Healing Arts Practice Act, District of Columbia, 1928, to revise the composition of the Commission on Licensure To Practice the Healing Art, and for other purposes; to the Committee on District of Columbia.

H.R. 2569. A bill to provide for the regulation of the practice of dentistry, including the examination, licensure, registration, and regulation of dentists and dental hygienists, in the District of Columbia, and for other purposes; to the Committee on District of Columbia.

H.R. 2570. A bill to repeal section 453(d)(5) of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. DELLUMS:

H.R. 2571. A bill to amend the Food Stamp Act of 1964 to allow food stamps to be used to obtain meat and meat products which are imported into the United States; to the Committee on Agriculture.

H.R. 2572. A bill to protect the political rights and privacy of individuals and organizations and to define the authority of the armed forces to collect, distribute, and store information about civilian political activity; to the Committee on Armed Services.

H.R. 2573. A bill to amend the U.S. Housing Act of 1937 to provide for the inclusion of child-care facilities in low-rent housing projects, and to provide that eligibility of a family to remain in such a project despite increases in its total income shall be determined solely on the income of the head of such family (or its other principal wage earner); to the Committee on Banking and Currency.

H.R. 2574. A bill to authorize and direct the Commissioner of the District of Columbia to conduct an election for the purposes of a referendum on the question of statehood for the residents of the present District, election of delegates to a constitutional convention, and for other purposes; to the Committee on the District of Columbia.

H.R. 2575. A bill to provide the protection of the safety and health standards under the Occupational Safety and Health Act of 1970 for individuals participating in athletic contests between secondary schools or between institutions of higher education; to the Committee on Education and Labor.

H.R. 2576. A bill to amend the Age Discrimination in Employment Act of 1967 to extend the protection of that act to employees of States and their political subdivisions; to the Committee on Education and Labor.

H.R. 2577. A bill to amend title 5, United States Code, to provide that individuals be apprised of records concerning them which are maintained by Government agencies; to the Committee on Government Operations.

H.R. 2578. A bill to limit the sale or distribution of mailing lists by Federal agencies; to the Committee on Government Operations.

H.R. 2579. A bill to restore to Federal civilian employees their rights to participate, as private citizens, in the political life of the Nation, to protect Federal civilian employees from improper political solicitations, and for other purposes; to the Committee on House Administration.

H.R. 2580. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for the registration and licensing of food manufacturers and processors, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 2581. A bill to change the minimum age qualification for serving as a juror in Federal courts from 21 years of age to 18 years of age; to the Committee on the Judiciary.

H.R. 2582. A bill to prevent lawless and irresponsible use of firearms, by requiring national registration of firearms, by establishing minimum standards for licensing possession of firearms, and to prohibit the importation, manufacture, sale, purchase, transfer, receipt, possession, or transportation of handguns; to the Committee on the Judiciary.

H.R. 2583. A bill to establish minimum prison and parole standards in the United States, and for other purposes; to the Committee on the Judiciary.

H.R. 2584. A bill to protect confidential sources of the news media; to the Committee on the Judiciary.

H.R. 2585. A bill to extend unemployment insurance coverage to employers employing four or more agricultural workers for each of 20 or more weeks; to the Committee on Ways and Means.

By Mr. DERWINSKI:

H.R. 2586. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

H.R. 2587. A bill to amend the Internal Revenue Code of 1954 to provide a tax credit for homeowners, apartment owners, small businessmen, and car owners who purchase and install certified pollution control devices; to the Committee on Ways and Means.

By Mr. DOWNING:

H.R. 2588. A bill to establish the Great Dismal Swamp National Wildlife Refuge; to the Committee on Merchant Marine and Fisheries.

By Mr. FRENZEL:

H.R. 2589. A bill to provide for the issuance of $2 bills bearing the portrait of Susan B. Anthony; to the Committee on Banking and Currency.

H.R. 2590. A bill to prohibit travel at Government expense outside the United States by Members of Congress who have been defeated, or who have resigned, or retired; to the Committee on House Administration.

H.R. 2591. A bill establishing a Council on Energy Policy; to the Committee on Interstate and Foreign Commerce.

H.R. 2592. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

H.R. 2593. A bill to provide the Secretary of Health, Education, and Welfare with the authority to make grants to States and local communities to pay for the costs of eye examination programs to detect glaucoma for the elderly; to the Committee on Interstate and Foreign Commerce.

H.R. 2594. A bill to direct the Administrator of the Environmental Protection Agency to establish and carry out a bottled drinking water control program; to the Committee on Interstate and Foreign Commerce.

H.R. 2595. A bill to authorize the National Science Foundation to conduct research, educational, and assistance programs to prepare the country for conversion from defense to civilian, socially oriented research and development activities, and for other purposes; to the Committee on Science and Astronautics.

H.R. 2596. A bill to discourage the production of one-way containers for carbonated and/or malt beverages so as to reduce litter, reduce the cost of solid waste management, and to conserve natural resources; to the Committee on Ways and Means.

H.R. 2597. A bill to amend the Social Security Act to prohibit the payment of aid or assistance under approved State public assistance plans to aliens who are illegally within the United States; to the Committee on Ways and Means.

By Mr. HANRAHAN:

H.R. 2598. A bill to authorize appropriations to be used for the elimination of certain hazardous rail-highway grade crossings in the State of Illinois; to the Committee on Public Works.

By Mr. HANSEN of Idaho:

H.R. 2599. A bill to require the Secretary of Agriculture to carry out a rural environmental assistance program; to the Committee on Agriculture.

By Mr. HARVEY (for himself, Mr. Andrews of North Dakota, Mr. Arends, Mr. Broomfield, Mr. Brown of Michigan, Mr. Burleson of Texas, Mr. Cederberg, Mr. Chamberlain, Mr. Conable, Mr. Coughlin, Mr. Devine, Mr. Edwards of Alabama, Mr. Fisher, Mr. Erlenborn, Mr. Evins of Tennessee, Mr. Forsythe, Mr. Frelinghuysen, Mr. Frenzel, Mr. Grover, Mr. Hastings, Mr. Henderson, Mr. Hosmer, Mr. Hunt, Mr. Lent, and Mr. McClory:

H.R. 2600. A bill to amend the Railroad Labor Act and the Labor Management Relations Act, 1947, to provide more effective means for protecting the public interest in national emergency disputes, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HARVEY (for himself, Mr. Cleveland, Mr. Nelsen, Mr. Robinson of Virginia, Mr. Robison of New York, Mr. Roybal, Mr. Schneebeli, Mr. Sebelius, Mr. Smith of New York, Mr. J. William Stanton, Mr. Vander Jagt, Mr. Veysey, Mr. Ware, Mr. Whitehurst, Mr. Broyhill of North Carolina, and Mr. Kuykendall):

H.R. 2601. A bill to amend the Railroad Labor Act and the Labor Management Relations Act, 1947, to provide more effective means for protecting the public interest in national emergency disputes, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HELSTOSKI:

H.R. 2602. A bill to establish a Transportation Trust Fund, to encourage urban mass transportation, and for other purposes; to the Committee on Ways and Means.

By Mr. HOWARD:

H.R. 2603. A bill to amend title III of the act of March 3, 1933, commonly referred to as the "Buy American Act," with respect to determining when the cost of certain articles materials, or supplies is unreasonable; to define when articles, materials, and supplies have been mined, produced, or manufactured in the United States; to make clear the right of any State to give preference to domestically produced goods in purchasing for public use, and for other purposes; to the Committee on Public Works.

H.R. 2604. A bill to amend the tariff and trade laws of the United States to promote full employment and restore a diversified production base; to amend the internal Revenue Code of 1954 to stem the outflow of U.S. capital, jobs, technology, and production, and for other purposes; to the Committee on Ways and Means.

By Mr. MILLS of Arkansas:

H.R. 2605. A bill to amend the emergency loan program under the Consolidated Farm and Rural Development Act, and for other purposes; to the Committee on Agriculture.

H.R. 2606. A bill to authorize equalization of the retired or retainer pay of certain members and former members of the uniformed services; to the Committee on Armed Services.

H.R. 2607. A bill to amend the act entitled "An Act to provide for the preservation of historical and archeological data including relics and specimens which might otherwise be lost as the result of the construction of a dam," and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 2608. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. MINISH:

H.R. 2609. A bill to create the National Credit Union Bank to encourage the flow of credit to urban and rural areas in order to provide greater access to consumer credit at reasonable interest rates, to amend the Federal Credit Union Act, and for other purposes; to the Committee on Banking and Currency.

H.R. 2610. A bill to amend the Vocational Rehabilitation Act to extend and revise the authorization of grants to States for vocational rehabilitation services, to authorize grants for rehabilitation services to those with severe disabilities, and for other purposes; to the Committee on Education and Labor.

H.R. 2611. A bill to amend the tariff and trade laws of the United States to promote full employment and restore a diversified production base; to amend the Internal Revenue Code of 1954 to stem the outflow of U.S. capital, jobs, technology, and production, and for other purposes; to the Committee on Ways and Means.

H.R. 2612. A bill to create a national system of health security; to the Committee on Ways and Means.

By Mr. MIZELL:

H.R. 2613. A bill to provide that the funds allocated for fiscal year 1973 under the rural environmental assistance program shall be expended; to the Committee on Agriculture.

By Mr. MOORHEAD of Pennsylvania (for himself, Mr. Morgan, Mr. Clark, Mr. Dent, Mr. Badillo, Mr. Mizell, Mr. Heinz. and Mr. Benitez):

H.R. 2614. A bill to provide for the striking of medals in commemoration of Roberto Walker Clemente; to the Committee on Banking and Currency.

By Mr. PEYSER (for himself, Mr. Addabbo, Mr. Anderson of California, Mr. Anderson of Illinois, Mr. Bell, Mr. Brown of California, Mrs. Chisholm, Mr. Coughlin, Mr. Forsythe, Mr. Grover, Mr. Hanrahan, Mr. Helstoski, Mr. Kemp, Mr. McKinney, Mr. Moakley, Mr. Pettis, Mr. Stokes, Mr. Riegle, Mr. Robison of New York, Mr. Roncallo of New York, Mr. Rostenkowski, Mr. Wolff, Mr. Wright, and Mr. Young of Georgia):

H.R. 2615. A bill to repeal section 15 of the Urban Mass Transit Act of 1964, to remove certain limitations on the amount of grant assistance which may be available in any one State; to the Committee on Banking and Currency.

By Mr. RAILSBACK:

H.R. 2616. A bill to make rules respecting military hostilities in the absence of a declaration of war; to the Committee on Foreign Affairs.

H.R. 2617. A bill to amend the Social Security Act to provide for medical and hospital care through a system of voluntary health insurance including protection against the catastrophic expenses of illness, financed in whole for low-income groups through issuance of certificates, and in part for all other persons through allowance of tax credits; and to provide effective utilization of available financial resources, health manpower, and facilities; to the Committee on Ways and Means.

H.R. 2618. A bill to amend the Social Security Act to require employers to make an approved basic health care plan available to their employees, to provide a family health insurance plan for low income families not covered by an employer's basic health care plan, to facilitate provision of health services to beneficiaries of the family health insurance plan by health maintenance organizations, by prohibiting State law interference with such organizations providing such services, and for other purposes; to the Committee on Ways and Means.

By Mr. ROYBAL:

H.R. 2619. A bill to amend title 10 of the United States Code to establish special boards for the review of certain administrative discharges; to the Committee on Armed Services.

H.R. 2620. A bill to amend the Fair Credit Reporting Act, and to create a new title in the Consumer Credit Protection Act in order to license consumer credit investigators; to the Committee on Banking and Currency.

H.R. 2621. A bill to amend the Public Health Service Act to provide assistance for research and development for improvement in delivery of health services to the critically ill; to the Committee on Interstate and Foreign Commerce.

H.R. 2622. A bill to increase to full annuities the reduced civil service retirement annuities of certain employees who retired before July 18, 1966; to the Committee on Post Office and Civil Service.

By Mr. THOMSON of Wisconsin:

H.R. 2623. A bill to amend the Soil Conservation and Domestic Allotment Act to establish an improved rural environmental protection program, and for other purposes; to the Committee on Agriculture.

By Mr. ULLMAN (for himself, Mrs. Green of Oregon, and Mr. Wyatt):

H.R. 2624. A bill to provide for the establishment of the Hells Canyon National Forest Parklands; to the Committee on Interior and Insular Affairs.

By Mr. WHALEN:

H.R. 2625. A bill to repeal the Connally Hot Oil Act; to the Committee on Interstate and Foreign Commerce.

H.R. 2626. A bill to terminate the oil import control program; to the Committee on Ways and Means.

By Mr. ZWACH:

H.R. 2627. A bill to require the Secretary of Agriculture to carry out a rural environmental assistance program; to the Committee on Agriculture.

By Mr. BINGHAM (for himself, Mr. Buchanan, Mr. Mazzoli, Mrs. Mink, Mr. Mitchell of Maryland, Mr. Moakley, Mr. Moorhead of Pennsylvania, Mr. Parris, and Mr. Podell):

H.J. Res. 215. Joint resolution proposing an amendment to the Constitution of the United States relating to the election of the President and Vice President; to the Committee on the Judiciary.

By Mr. BURKE of Massachusetts (for himself, Mr. Rostenkowski, Mr. Annunzio, Mr. Badillo, Mr. Clark, Mr. Corman, Mr. Danielson, Mr. Denholm, Mr. Donohue, Mr. Flood, Mr. Green of Pennsylvania, Mrs. Heckler of Massachusetts, Mr. Kluczynski, Mr. Madden, Mr. Pike, Mr. Price of Illinois, Mr. Quie, Mr. Reuss, Mr. Riegle, Mr. Stratton, Mr. Yates, and Mr. Wolff):

H.J. Res. 216. Joint resolution to authorize the emergency importation of oil into the United States; to the Committee on Ways and Means.

By Mr. DELLUMS:

H.J. Res. 217. Joint resolution proposing an amendment to the Constitution of the United States lowering the age requirements for membership in the Houses of Congress; to the Committee on the Judiciary.

By Mr. FINDLEY (for himself, Mr. O'Neill, Mr. Clark, Ms. Abzug, and Mrs. Burke of California):

H.J. Res. 218. Joint resolution to create an Atlantic Union delegation; to the Committee on Foreign Affairs.

By Mrs. GRASSO:

H.J. Res. 219. Joint resolution to retain May 30 as Memorial Day and November 11 as Veterans Day; to the Committee on the Judiciary.

By Mr. RAILSBACK:

H.J. Res. 220. Joint resolution proposing an amendment to the Constitution of the United States to require that persons 18 years of age and older be treated as adults for the purpose of all law; to the Committee on the Judiciary.

H.J. Res. 221. Joint resolution authorizing the President to proclaim the 24th day of October of each year as Illumination Day; to the Committee on the Judiciary.

By Mr. BEVILL:

H. Con. Res 86. Concurrent resolution expressing the sense of Congress with respect to those individuals who refused to register for the draft, refused induction or being a member of the Armed Forces fled to a foreign country to avoid further military service; to the Committee on Armed Services.

By Mr. BROTZMAN:

H. Con. Res. 87. Concurrent resolution to direct the Executive to take positive steps to effect freedom of emigration for certain citizens of the Soviet Union currently denied that right; to the Committee on Foreign Affairs.

By Mr. DORN:

H. Con. Res. 88. Concurrent resolution authorizing certain printing for the Committee on Veterans' Affairs; to the Committee on House Administration.

By Mr. EDWARDS of Alabama:

H. Con. Res. 89. Concurrent resolution expressing the sense of the Congress that the Federal Government should use recycled paper products to the fullest extent possible; to the Committee on House Administration.

By Mr. DELLUMS:

H. Res. 148. Resolution to abolish the Committee on Internal Security and enlarge the jurisdiction of the Committee on the Judiciary; to the Committee on Rules.

By Mr. DORN:

H. Res. 149. Resolution to provide funds for the expenses of the investigation and study authorized by House Resolution 134 of the 93d Congress; to the Committee on House Administration.

By Mr. FRENZEL:

H. Res. 150. Resolution calling upon the Voice of America to broadcast in the Yiddish language to Soviet Jewry; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANNUNZIO:

H.R. 2628. A bill for the relief of Anka Kosanovic; to the Committee on the Judiciary.

By Mr. BELL:

H.R. 2629. A bill for the relief of Leonard Alfred Brownrigg; to the Committee on the Judiciary.

By Mr. BINGHAM:

H.R. 2630. A bill for the relief of Edward N. Evans; to the Committee on the Judiciary.

H.R. 2631. A bill for the relief of Ivan Augustus Palmer; to the Committee on the Judiciary.

H.R. 2632. A bill for the relief of Lena S. Tillman; to the Committee on the Judiciary.

By Mr. DELLUMS:

H.R. 2633. A bill for the relief of Col. John H. Sherman; to the Committee on the Judiciary.

By Mr. DRINAN:

H.R. 2634. A bill for the relief of Kevin Patrick Saunders; to the Committee on the Judiciary.

By Mr. HANSEN of Idaho:

H.R. 2635. A bill for the relief of Walter M. Piccirillo, his wife, Emma Piccirillo, and their children, Mario Piccirillo and Daniel Piccirillo; to the Committee on the Judiciary.

By Mr. HASTINGS:

H.R. 2636. A bill for the relief of Jean Albertha Service Gordon; to the Committee on the Judiciary.

By Mr. LONG of Maryland:

H.R. 2637. A bill for the relief of Peter Boscas, deceased; to the Committee on the Judiciary.

By Mr. MURPHY of New York:

H.R. 2638. A bill for the relief of Koo Po Li and Yuk Kiu Li; to the Committee on the Judiciary.

By Mr. RAILSBACK:

H.R. 2639. A bill to provide for the relief of Sandstrom Products Co. of Fort Byron, Ill.; to the Committee on the Judiciary.

H.R. 2640. A bill for the relief of Howard D. Harden; to the Committee on the Judiciary.

By Mr. WYATT:

H.R. 2641. A bill for the relief of Chester C. Clark, Mary L. Clark, and Dorothy J. Wilbur, copartners doing business under the firm name of Alsea Veneer; to the Committee on the Judiciary.

By Mr. FASCELL:

H. Res. 151. Resolution referring the bill H.R. 2209 entitled "A bill for the relief of the Cuban Truck and Equipment Co., its heirs and assignees" to the Chief Commissioner of the U.S. Court of Claims; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

30. By the SPEAKER: Petition of the Board of Selectmen, Brookline, Mass., relative to the rehabilitation loan program; to the Committee on Banking and Currency.

31. Also, petition of Louis Mira, Chino, Calif., relative to redress of grievances; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

APOLLO 17

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 22, 1973

Mr. BOLAND. Mr. Speaker, the House of Representatives welcomes today three truly intrepid, courageous, brilliant Americans—the crew of Apollo 17—Capt. Eugene A. Cernan, Capt. Ronald E. Evans, and Dr. Harrison H. Schmitt.

Their remarkable, practically flawless 12½-day flight to the moon and back marked the final mission in the Apollo program of lunar exploration—the last in this series of man's most magnificent and courageous adventures. While this was the last of the Apollo missions, it was certainly not the least. Quite the contrary, Apollo 17 was clearly the most successful of the seven manned lunar landing missions. Astronauts Cernan, Schmitt, and Evans brought to earth the largest payload of lunar material from perhaps the most complex geological area visited during the entire Apollo program. The mission logged more hours than any previous lunar landing including the longest time ever in lunar orbit and a record total of almost 1 full day in extravehicular activity. While the Apollo program has ended, the efforts of these brave men have provided us invaluable data on the origins of the moon and form the first stepping stone in man's effort to grasp and understand his place in the universe.

On a broader scale, the success of Apollo 17 highlighted a year in which NASA recorded a perfect launch record for the first time. In all, this past year saw the space agency accomplish 18 straight flawless launches. As the year before us unfolds, I look with confidence to NASA to continue its fine work in space science, applications, aeronautics, and space technology. And as we approach the launching of the Skylab space laboratory later this spring, I am reminded of Captain Cernan's eloquent words as he stood onboard the *Ticonderoga* last month:

> Nothing is impossible in this world, when dedicated people are involved. And it's a fundamental law of nature, that either you must grow, or you must die. Whether that be an idea, whether that be a man, whether that be a flower or a country, I thank God that our country has chosen to grow.

Mr. Speaker, it was my privilege, in company with other Members of Congress, to witness aboard the primary recovery ship, the U.S.S. *Ticonderoga*, the incredibly perfect splashdown of the Apollo 17 command module and the recovery operations on December 19, 1972. I extend my congratulations to Capt. Norman K. Green and his entire crew on the U.S.S. *Ticonderoga*, Comdr. E. E. Dahill III, officer in charge of the HC–1 recovery helos, Lt. Jon Smart, officer in command of Underwater Demolition Team 11, and all of their crews for their masterful performance in the recovery of the spaceship America.

Mr. Speaker, I include with these remarks the thanksgiving offered by Chaplain John A. Ecker, lieutenant commander, U.S. Navy, upon the safe return of these distinguished American astronauts:

> The heavens declare your glory, Oh Lord—the planets, the sun, the moon, and the stars which you set in place. In humble gratitude we thank you for the safe return from your heaven of these pioneers in space. May their achievements contribute to the unity of mankind and peace for all of your people in this holy season. Amen.

AND YOUR RIGHT TO KNOW

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 22, 1973

Mr. ZWACH. Mr. Speaker, in all of my years of public office, I always have been a strong supporter of the people's right to know what their Government, local, State, and Federal, is doing.

I firmly believe in freedom of information and I have introduced legislation to open Government meetings to the press. I have also introduced legislation to protect news sources.

The need for such legislation and the support it is receiving is typified by the following editorial written by Publisher Lynn Smith and which recently appeared in the Monticello Times, a newspaper printed weekly in our Minnesota Sixth Congressional District.

Mr. Speaker, I insert Publisher Smith's editorial in the RECORD and I would recommend its reading to my colleagues and all of the other interested people who read the RECORD:

AND YOUR RIGHT TO KNOW

> Two bills which would further guarantee the public's right to know will be introduced when Congress reconvenes this month.
>
> Minnesota's Sixth District Congressman John Zwach announced recently that his proposed legislation would "require that all meetings of government agencies at which official action is taken, or discussed, shall be open to the public except on matters affecting national security or internal management of an agency."
>
> Zwach's measure also stipulates that meetings of congressional committees be open to the public. Furthermore, it would require that a transcript of all meetings be made available to the public, and would provide for court enforcement of the open meeting requirements.
>
> Meanwhile in the Senate, Oregon's Mark Hatfield will introduce a bill that would help reporters protect their sources of information.
>
> "For nearly 200 years a free press has served this country as a balance to government," Hatfield said. "Its unbridled voice is as vital today as it was in 1776."
>
> However, the senator continued, the First Amendment freedoms are repeatedly being threatened by recent court decisions eroding the ability of reporters to present information to the American public.
>
> "Congress must act to see that undue judicial interference is removed from the news gathering and dissemination process," Hatfield said.
>
> The announcements of these two proposals come at a point in America's history when the public's right to news is being challenged like at no other time previously. Unfortunately, despite the guarantees in the First Amendment, legislation such as these measures has become a necessity to secure your right to know. For this reason, it is important that Zwach's and Hatfield's bills receive support not only from newspaper, magazine and television people, but also from the general public. For in reality, the fight is yours just as much as it is ours in the news media.

INDIA SHOULD FREE POW'S

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 22, 1973

Mr. DERWINSKI. Mr. Speaker, an editorial in the Chicago Tribune of Wednesday, January 17, discussing the continued complications that the Government of India is causing for its neighbor, Pakistan, is, I believe, an extremely timely and accurate commentary on the situation.

It is indeed ironic that a government which presumes to lecture anyone else on the conduct of foreign policy has a truly treacherous record in its conduct of foreign affairs and, in this particular case, is in violation of the Geneva Convention.

The editorial follows:

INDIA SHOULD FREE POW'S

India, the great hair splitter, should release forthwith the 93,000 Pakistani soldiers still held as prisoners of war a year after the two nations stopped fighting each other. The Geneva Convention of 1949 states that prisoners shall be released and repatriated after the cessation of active hostilities.

India itself proclaimed a cease-fire after the fighting a year ago. A resolution voted by the United Nations Security Council stated that not only a cease-fire but "a cessation of hostilities" prevailed.

In the face of both this record and the Geneva Convention, how can India justify holding Pakistan's soldiers at all—let alone under the deplorable conditions existing?

The reason, an Indian spokesman told The Tribune's Joseph Zullo at the U.N. is that a cease-fire is "not the same as a cessation of hostilities." With respect to the new nation of Bangladesh, Pakistan is "in an attitude of hostilities in suspension."

To find a semantic difference between "cease-fire" and "cessation of hostilities" requires hair splitting of a high order of skill. To go a step farther and find a difference between a "cessation of hostilities" and a "suspension of hostilities" calls for a virtuosity in word twisting that borders on the dazzling.

It is obvious that India is holding the 93,000—along with 16,000 civilians—as diplomatic hostages. A spokesman for the New Delhi delegation told Mr. Zullo that the Pakistani forces surrendered to the "joint command" of Indian and Bangladesh forces and that their release depends on the acquiescence of Bangladesh. In other words, Pakistan must recognize this breakaway state which has proclaimed independence with India's backing—or it can't have the POWs.

The Geneva Convention says nothing about the recognition of anyone by anyone; it says that prisoners shall be released after the shooting stops. Its intention is clear. Send the soldiers home as quickly as possible.

India is not in compliance with this convention. The stalling would be wrong no matter who engaged in it. It seems especially deplorable when a rule of international conduct is flouted by this self-appointed moral adviser to the world, which has pointed accusing fingers at so many other nations for many fancied wrongs. Here is a real wrong, and the perpetrator has turned strangely blind to the outrage of it.

MINNESOTA'S EXPERIMENTAL CITY

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 22, 1973

Mr. FRENZEL. Mr. Speaker, a recent article in the Christian Science Monitor by Stephen Silha suggests that Minnesota's experimental city project could well become the model for other farsighted new town developments throughout the country. Unlike the typical new towns which are being developed today, the Minnesota Experimental City or MXC for short will be a new town in the true sense of the word and not merely a bedroom community for an existing urban center. The current session of the Minnesota Legislature will be asked to make some crucial decisions on land acquisition. While a favorable decision by the legislature is by no means assured, if the green light is given, MXC will have cleared a major hurdle and the prospects for completing this unique urban experiment will be considerably advanced. This would, indeed, be good news for those of us who see the need for new and imaginative solutions to our many pressing urban problems.

I would like at this point to include the full article in the RECORD:

[From the Christian Science Monitor, Jan. 11, 1973]

MINNESOTA'S EXPERIMENTAL CITY—LABORATORY FOR URBAN LIVING

(By Stephen Silha)

MINNEAPOLIS.—A generation of new cities is in the making.

So says James Alcott, who has been working for three years on one of them—an experimental city of no more than 250,000, to be built from scratch in the wilds of Minnesota.

In 1990, he envisions, a group of "pioneers" will be living in homes that may be shaped like mushrooms. They'll have videophones, but no cars. Money may not be used. Though surrounded by neighbors, a "primitive" atmosphere will pervade most of the city.

The project—unique among the other work now going on by architects and designers in the United States and Europe—is called the Minnesota Experimental City or MXC for short, first suggested by inventor Athelstan Spilhaus in 1966 and financed since then by federal, state, and private money. It faces a crucial test before the Minnesota Legislature early this year.

Architect Paolo Soleri in Arizona is building with his students an experimental community he calls an "archology," an attempt to put a large number of people on a small amount of land.

European countries, notably Finland, Sweden, France, and England, have been building new cities, out of post-war and land-squeeze necessity, since the 1920's. But none pretends to be the "international urban laboratory" proposed for the Minnesota city.

The "new town" projects blossoming across the U.S.—starting with Columbia, Md.; Reston, Va.; and now Irvine, Calif.; Lake Havasu City, Ariz.; and Jonathan, Minn.; "are better than suburbs but not much different," Mr. Alcott says.

As innovative real-estate developments, the new towns, some federally funded, serve as support communities for existing urban centers.

The MXC project, to be at least 100 miles from any urban development, takes a different approach.

Mr. Alcott sees the new city as a chance to get to the roots of America's urban problems—sprawl, crime, poor education, waste of resources, human degradation. The approach aims beneath face-lifts and urban-renewal to a restructuring of attitudes behind the physical form of the city.

WILL STATE APPROVE?

Early this year, its fate may be decided by the state Legislature. At stake are approval of one of two 50,000-acre sites in the central part of the state, rurally dominated and conventionally thought of as low-use land; a plan for acquisition of the site and development of about half the land, asking federal, state, and private cooperation; and creation of a quasi-public corporation to begin developing the city.

The early dreams for the new city were technological:

—No cars. "There must be ways of *moving* people without having cars in the city." Currently, MXC is studying guideways on which cars could be hitched without their motors running, and ways to transport people quickly without cars at all.

—Efficient land use. Recycled water and waste systems are possible technically. "The city should mirror the ecological balance of the rural land it sits on," said MXC urban design consultant Neil Pinney.

—New housing. Dwellings that would better suit individual preferences, many built by their owners, are possible and sensible.

—Enclosure. Parts of the city might be enclosed, an experiment in climate-control and its effects on people and costs.

—Tunnel corridors. An underground complex of tunnels could provide an accessible movement zone for utilities, services, and some goods such as mail.

—Telecommunications. The city would be wired for two-way communication with others and with information sources such as electronic newspapers and computers.

INFORMATION CENTER PLANNED

But, in drawing up plans for a city conceived as an "information center" rather than a manufacturing trade center, the cityists decided that learning—or education—would be a central function.

So they hired Ron Barnes, a former university administrator who started a statewide "new school" teacher-retraining program in North Dakota, to direct educational planning for the city.

"We soon realized that we couldn't talk about education without linking at all the systems of the city—transportation, health, safety, communications," Mr. Barnes said. "We redefined living as learning, and made everyone in the city part of our education program."

The "learning system," which city planners see as central to government, health, environment, and citizen awareness, includes a computer matching process, not unlike computer dating, that would allow older "students" to find the information or resources they need for the individualized learning programs. The learning system also plans localized "beginning-life centers," where young learners can explore with each other or with parents and can discover how to use the learning system.

Some experiments discussed for MXC's "post-industrial economy":

The city, expected to boost failing rural economies, probably will include both urban and rural areas.

A credit system and skill exchange, already becoming more prevalent in existing cities, eventually could displace money as an indicator of wealth.

More self-sufficiency will be required in food production and distribution.

New cooperative linkages of business, homes, government, and service institutions will become possible. (Mr. Alcott says his design team is discussing the age-old planning problem of how to involve future citizens in present planning. A computer network has been suggested.)

MANY CHANGES NEEDED

"To do anything really experimental in our country today a great many laws, codes, customs, and concepts must be changed," says Otto Silha, Minneapolis newspaper publisher who spearheads the city project, chairing a national steering committee of such diverse backers as Gen. Bernard A. Schriever (responsible for the Atlas missile development), inventor-scientist R. Buckminster Fuller, and Sen. Hubert H. Humphrey.

Mr. Silha expects the state of Minnesota to support MXC's new land-use ideas. Privately, many lawyers and legislators in Minnesota give the project about a 50 percent chance of survival at this point.

A CALL FOR ECONOMY ACROSS THE BOARD

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 22, 1973

Mr. GROSS. Mr. Speaker, the Waterloo, Iowa, Daily Courier of January 3, 1973, contained an excellent editorial on the subject of budget cutting by the President.

I have long been an advocate of economy in government at all levels, and it is a question today of reducing Federal spending or watching this Nation continue on the road to the poorhouse.

I intend to support President Nixon if he is embarked on a genuinely motivated campaign to reduce Federal spending and through that and other means stop or greatly minimize the inflation that has been tearing at the vitals of the country.

But, as the Courier editorial points out, the budget ax must be aimed at urban programs as well as those for farm and rural areas. There must be cuts across the board.

Before I endorse the President's economy drive, I will want to know what he proposes for all departments and agencies of the Government, and in particular I want to know what he proposes to do with the wasteful, multibillion-dollar annual foreign aid program that has depleted so much of this Nation's wealth over the years.

I commend the editors of the Waterloo Courier for calling for reductions in every area of the Federal Government and I include the editorial for insertion in the Record at this point:

Nixon Budget Ax Must Swing Wide

President Nixon swung a sharp economy ax in the last week of 1972 and eliminated a number of rural-oriented programs in an effort to adhere to his goal of a $250 billion budget.

The anguished and loud—but natural and expected—outcries of protest against these cost-cutting actions indicate how politically difficult it is to reduce or eliminate any well-entrenched government programs.

It now *remains* to be seen whether President Nixon will swing the same budget ax with equal vigor against many costly but relatively ineffective urban-oriented programs—especially those which are failing to solve social problems. These might be even better targets.

The Nixon administration last week announced elimination of:

1. The Federal program which provides 2 per cent direct loans for rural electric and telephone facilities. The money now will have to be obtained from private lenders with the government insuring and guaranteeing the loans. The rate on guaranteed loans would be 5 per cent.

2. Farmers Home Administration (FHA) emergency loans to farmers in disaster areas where storms and other bad weather have inflicted severe losses to crops, livestock and other property. As a substitute, the federal government is increasing the amount of money available under its "farm operating loan" program but borrowers will pay higher interest rates. Under the eliminated program, the first $5,000 was "forgiveable" which in effect, made that amount a gift.

3. Two conservation programs for which Congress had authorized spending more than $200 million a year. One involved paying farmers to carry out anti-pollution and conservation measures on their land. The other program was designed to help landowners in designated areas preserve migratory waterfowl habitats.

President Nixon obviously has concluded that these programs are no longer vital to the economy and the national interest—or at least that their cost outweighed their advantages.

It is unfortunate that Nixon's budget ax is hitting rural America, including Iowa, at a time when unusual late autumn and early winter weather is adversely affecting the farm economy.

This situation increases the psychological, if not the actual, impact of eliminating federal rural aid programs.

And isn't a marginal farmer who has been hard-hit by a natural disaster as much justified in receiving federal assistance as, say, a low-income urban family?

Reduced federal spending, however, is a commendable goal and it must be achieved if the nation is to avoid either tax increases or another round of damaging inflation.

As a "lame duck" President constitutionally barred from seeking a third term, Nixon can act with a great deal of political independence—not only in cutting federal spending but in reducing the over-all role of government.

And now—shortly after his re-election and nearly two years before the next Congressional election—is the time for Nixon to act.

Federal programs should be limited to those areas where there are vital national needs which only government can meet.

Then, as times and needs change, such programs demand constant revisions, updating or elimination.

But the Nixon administration must not wield its economy ax solely against the relatively less politically powerful rural areas.

The President now should take a long hard look at other programs such as those dealing with defense, social welfare and urban problems.

Where there is waste, inefficiency, duplication, ineffectiveness—or where a vital national need no longer exists—the budget-cutting ax should fall.

This should include even politically powerful urban areas.

VETERANS PENSIONS MUST BE PROTECTED

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 22, 1973

Mr. YOUNG of Florida. Mr. Speaker, Americans living on hard-earned veterans pensions are being unjustly treated by a system which gives with one hand and takes away with the other. Many of our veterans have earned social security benefits as well as their veterans pension. Yet when social security is increased, their veterans payment is reduced in kind.

This is simply not fair. Veterans should be entitled to receive the level of pensions received prior to social security increases. Many such veterans are living marginal existences, their retirement incomes rapidly eroded by inflation. Quite a few live in my Sixth Congressional District of Florida, and I am personally aware of the hardships these veterans and their families must undergo.

For this reason, I have introduced H.R. 1306, a bill aimed at protecting veterans pensions by offsetting the losses caused by social security increases. If this measure is adopted, veterans will be able to benefit fully from the recent 20-percent hike in social security benefits and see their standard of living maintained with the rest of our senior citizens.

These men and women have served the Nation with distinction. Many have risked their lives to preserve the freedoms we all enjoy. It simply does not make sense to reduce their hard-earned veterans pensions simply because social security benefits have been increased.

The Congress must insure our veterans receive every benefit due them. Our veterans have a right to expect no less.

FOR THE RELIEF OF HOWARD D. HARDEN

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 22, 1973

Mr. RAILSBACK. Mr. Speaker, I am today introducing a private bill for the relief of Mr. Howard D. Harden of Roseville, Ill.

After a diagnosis of a malignant lymphoma, Mr. Harden received social security disability benefits from September 1967 to November 1969. His benefits were then retroactively denied him by the Social Security Administration when he advised them that he was attempting to perform some of his farmwork despite his disabilities. Consequently, Mr. Harden is now liable to the Government for almost $4,000.

One of the purposes of the Social Security Act is to give financial assistance to sick and disabled citizens. The action of our Government in a case like this not only negates a purpose of the Social Security Act, but it imposes a severe economic hardship on a sick man. In Mr. Harden's case, the action taken is, I belive, a real travesty of justice.

In the first session of the 92d Congress, I introduced legislation to relieve Mr. Harden of his liability to the United States. The Department of Health, Education, and Welfare failed to submit a report on the bill, and, as a result, no further action was taken by the Judiciary Committee. I am today reintroducing the private relief bill for Mr. Harden in the hope it will receive more favorable consideration in the 93d Congress.

NEW YORK CITY NEEDS CURFEW ON JET NOISE

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 22, 1973

Mr. ROSENTHAL. Mr. Speaker, the Department of Transportation has removed its objections to local governments setting curfews on jet aircraft takeoffs and landings in an effort to combat noise pollution.

In light of this action, I have written to Mayor John V. Lindsay of New York, urging him to introduce and work for strong legislation in city council to establish a 10 p.m. to 7 a.m. curfew at the city's airports.

I have introduced related legislation—H.R. 1073, the Airport Curfew Commission Act—to deal with this problem at the national level. But there is no need for individual cities to wait for the Congress to act, especially now that DOT has withdrawn its objections to such moves. This does not lessen the need for Federal action; indeed, it makes it more desirable, because we need a coordinated, nationwide effort to meet the problem. But cities can find immediate relief to their aircraft noise pollution by enacting a curfew, and its costs nothing, there is no question of compromising safety and no new technology is needed.

I am inserting in the RECORD at this point my letter to Mayor Lindsay:

CONGRESS OF THE UNITED STATES,
Washington, D.C., January 19, 1973.

Hon. JOHN V. LINDSAY,
Mayor, City of New Yor,
City Hall,
New York, N.Y.

DEAR JOHN: Increasingly, and at a very disturbing rate, residents of New York City are furiously complaining about the sleep-shattering whine and roar of jet aircraft operating out of LaGuardia and Kennedy airports. The complaints have been present for some time but are even more vociferous today because the Port Authority and those responsible have failed to substantially reduce engine noise levels.

Acoustics experts have said that everyone living in a city could be stone deaf by the year 2000 if noise levels keep rising at the present rate. Noise pollution is becoming a serious health hazard. Urban noise has been rising at the rate of one decibel a year and if it continues every urban dweller will be deaf by the end of this century, less than 30 years from now.

Noise, like so many other forms of pollution, is a product of our technological advancement. But this need not be. *Pollution does not have to be the price of progress.*

Noise is more than uncomfortable. It is debilitating. It can and does interfere with our sleep, our work and our leisure.

Studies have indicated that loss of efficiency due to noisy working conditions could be reducing our Gross National Product by several billion dollars a year. Millions more in potential workman's compensation claims are believed generated annually by noise-induced hearing losses in perhaps as many as 15 million American workers. *There is evidence of a close relationship between noise exposure and body fatigue as well as psychological and social stresses.*

City Council has recognized this by enacting a strong anti-noise code, which you proposed. Follow-up action dealing with the specific problem of aircraft noise pollution is now needed. I suggest this take the form of a curfew on aircraft operations between 10 p.m. and 7 a.m., the hours normally used for sleeping.

The Department of Transportation, in a shift of policy, has removed its objections to such actions by local governments. In a brief filed with the U.S. Supreme Court last week, the DOT stated, "There simply is no general federal policy in favor of night flights by jet aircraft over densely populated residential districts, irrespective of environmental consequences. . . ."

In light of this, I urge you to introduce and work for strong legislation to curtail takeoffs and landings during normal sleeping hours at the city's airports. Since this is essentially an environmental question, I feel strongly that the enforcement responsibility should rest with the city's Environmental Protection Administration.

I have introduced related national legislation in the House and it has received bipartisan support. I would like to see New York City lead the nation in the move toward a quieter, more peaceful environment by taking the initiative on the local level.

It would be a mistake to wait for the Port Authority or the airlines to take action on their own volition. My own experience has shown they are unwilling even to discuss the matter, much less do anything about it. The only answer, unfortunately, appears to be stiffer government regulation.

The community residents near the airports suffer the consequences of decades of neglect of the noise pollution problem. Most of them have lived in New York City for many years. They live in established communities and not in hurriedly-assembled subdivision tracts. Most of them were there before the jets arrived.

They used to live in comfortable, convenient neighborhoods which, while noisier perhaps than rural areas, nonetheless struck a reasonable balance between city hustle and bustle and suburban quietness. But today, the balance is gone. Now these poeple come home from their jobs and find themselves beneath an intolerable roar as jetliner after jetliner screeches over their roofs. The night does not bring peace to them because airports do not understand or recognize the citizen's right to quiet.

These city dwellers have lost that balance of toleration which once existed in their neighborhoods. They find that their homes offer not less, but more noise, more distraction and more simple human discomfort than their jobs in the heart of the city.

The number of flights during normal sleeping hours is relatively small. At LaGuardia, for example, about 7.2% of the total operations were conducted between 10 p.m. and 7 a.m. during a nine-month period from June 1970 to March 1971, according to the Federal Aviation Administration. This may seem like a small number—about 67 total flights per night—unless you happen to live nearby. Then the din of the aircraft becomes almost unbearable. Aircraft noise during the normal sleeping hours has a compounding impact on residents because the noise cannot be assimilated as it is during the day with other noises. One jetliner taking off at midnight has ten times the effective noise impact of the same plane taking off at noon.

This point cannot be overly emphasized. FAA records of scheduled air flights on an average day during March 1972 shows that there were 29 scheduled arrivals and departures during the stated nine-hour period out of a total of 716 regularly scheduled flights. Twenty-six of these operations were jet aircraft. These flights represent a constant bombardment to nearby residents, *especially during the night time hours when their noise disturbance is at its worst.*

Washington National Airport prohibits scheduled jet commercial traffic between 10 p.m. and 7 a.m. The FAA, which runs National, and the airlines operating out of the airport, have a voluntary agreement on the night flight limitations. The agreement began in 1966 and has worked rather well. Only minor adjustments by the airlines were needed in rescheduling flights to conform. Similar restrictions exist in Los Angeles, and Fresno, California; Boise, Idaho, and most major European cities.

The important thing to remember about a curfew is that the cost is minimal, *there is* no question of compromising safety, no new technology is needed and it would yield immediate, positive results. A curfew is not the ultimate solution, but it is a viable short-term answer that will provide immediate relief to millions of persons. It is meant to complement, not replace such long-term solutions as quieter engines and improved operational procedures.

I hope you will take the lead in making New York City a quieter place to live and work by introducing legislation to curtail nighttime jet operations. If I can be of any help, please feel free to call on me.

Best personal regards.

Sincerely,
BENJAMIN S. ROSENTHAL,
Member of Congress.

CONGRESSMAN ANNUNZIO PROPOSES ILLINOIS AND CHICAGO TO ACT AS OFFICIAL HOST FOR THE 500TH ANNIVERSARY CELEBRATION OF AMERICA'S DISCOVERY BY CHRISTOPHER COLUMBUS

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Saturday, January 20, 1973

Mr. ANNUNZIO. Mr. Speaker, I have reintroduced in the Congress a concurrent resolution designating the State of Illinois and the city of Chicago as the host for the official celebration of the 500th anniversary of America's discovery by Christopher Columbus.

In proposing the selection of my State and my city for such an honor, I do so in keeping with a grand tradition. For when the country rallied as one man, in 1892, to hail our national discovery and the accomplishments of Christopher Columbus, the outstanding attraction of the year was the first World's Fair—the Columbus Exposition—and the site of the event was Chicago, Ill.

One hundred years ago the Columbus exhibition exalted, for the first time, cultural accomplishments of all Americans, of all races, and even more dramatically of both sexes—declaring that they rivaled, in fact those of any other people anywhere on earth.

The great Chicago novelist, Henry B. Fuller, wrote of this occasion:

> For the first time cosmopolitans visited the western world, for the first time woman publicly came into her own, for the first time on a grand scale, art was made vitally manifest to the American consciousness. Congresses on social reform, woman's progress, science and philosophy, literature, education, and commerce, were held. Theodore Dresier declared:
>
> All at once and out of nothing, in this city of six or seven hundred thousand which but a few years before had been a wilderness of wet grass and mud flats, and by this lake which but a hundred years before was a lone silent waste, had been reared this vast and harmonious collection of perfectly con-

structed and shadowy buildings, containing in their delightful interiors the artistic, mechanical and scientific achievements of the world.

For many years the Columbus exposition was to have its effect upon the country, influencing the art, the architecture, and the literature of our entire society. It was indeed a grand event, and was for several decades treated with the greatest respect by cultural historians the world over. Only the coming of the world wars and the nuclear age has dimmed its recollection, but the fact of its cultural importance remains unchallenged.

In the process of considering the site for the approaching 500th anniversary of the Columbus discovery, I would like to note that in 1971 the Illinois General Assembly passed Senate Joint Resolution 15 urging Congress to designate our State as official host for the 1992 quincentennial celebration of America's discovery. The text of this resolution follows:

State of Illinois—77th General Assembly—Senate

SENATE JOINT RESOLUTION NO. 15

(Offered by Senators Walker, Vadalabene and Romano)

Whereas, The year 1992 will mark the 500th anniversary of the discovery of North America by Christopher Columbus; and

Whereas, The official celebration for the 400th anniversary of the discovery of America was held in the State of Illinois and the City of Chicago; and

Whereas, Plans should soon be made for the celebration of the 500th anniversary of the discovery of America; and

Whereas, The people of the great State of Illinois are proud of the Columbian heritage of our State and Nation; therefore be it

Resolved, by the Senate of the Seventy-Seventh General Assembly of the State of Illinois, the House concurring herein, that we urge the Congress of the United States to designate the State of Illinois as the host of the 1992 Columbian Exposition commemorating the 500th anniversary of the discovery of America; and be it further

Resolved, that a suitable copy of this joint preamble and resolution be forwarded by the Secretary of State, to the 2 United States Senators from Illinois and to each member of the United States House of Representatives from Illinois.

Adopted by the Senate, February 25, 1971.

Mr. Speaker, the great State of Illinois, and Chicago, the "Hub of America," would be the ideal choice for hosting this celebration. First of all, Chicago is centrally located in relation to all portions of the country, and additionally, the approximate center of our Nation's population. Twenty-eight railroads operate into Chicago, while 25 airlines, including 11 international flights, service Chicago, flying into Midway Airport and the world-famous O'Hare International Airport. These facilities provide easy access not only to Chicago but to the entire State as well, and thus a greater potential exists for drawing together visitors from all parts of the Nation as well as from abroad.

Furthermore, Illinois during recent years has developed an interstate and intrastate highway system that is unexcelled and provides modern, rapid access to the city of Chicago and to Illinois via automobiles and buses.

Additionally, I want to point out that hotel, motel, and restaurant facilities in Chicago are among the most outstanding in our country. Chicago has long been recognized as the convention city and as such has established a fine record of meeting the needs of countless visitors to the heartland of America.

By selecting Illinois as the official host for this celebration, Americans residing on the east and west coasts would be given the opportunity to become better acquainted with the marvelous development of America's great Midwest area. The tremendous growth of commercial, industrial, and cultural activities in the hub of America I feel best typifies the progress of civilization that has been made in the New World, the discovery of which the proposed quincentennial celebration is to commemorate.

For these reasons, Mr. Speaker, and for countless others too numerous to list, Illinois, and the city of Chicago, would be the ideal choice to act as official host for the quincentennial celebration. I urge, therefore, that my colleagues join together to insure the early enactment of my resolution recognizing Illinois and Chicago as the official host for the 500th anniversary celebration of America's discovery by the great Italian navigator, Christopher Columbus.

We are a land of great progress, Mr. Speaker, but a land of tradition, as well. In the drive to economic progress, we have torn away the basis of a thousand traditions and forgotten in our haste, a thousand more. Let this one tradition stand. Let the glory of the Columbian exposition flourish once again, in 1992, as it did a century before, to the marvel and delight of all America and the world at large.

UKRAINIAN INDEPENDENCE

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 22, 1973

Mr. DULSKI. Mr. Speaker, today marks the 55th anniversary of the independence of Ukraine.

It is fitting that we pause in tribute to this largest of the captive non-Russian nations in the U.S.S.R. and Eastern Europe. Ukraine is a nation of some 47 million people.

It was 55 years ago that Ukraine had a taste of freedom following the end of World War I. The era of independence, unfortunately, was all too brief as the Communists marched into Ukraine 2 years later and wiped out the freedom of these oppressed people.

Over the years since 1920, the Ukrainian people have been under strict Russian rule. Those brave individuals within the Ukranian borders who have spoken out in opposition to Russian domination have found themselves harassed, arrested, and imprisoned.

There is no doubt about the desire of the Ukrainian people for freedom, nor of the sympathy of free peoples everywhere and their desire to help in every way they can.

It is essential that we in Congress offer an outlet for expression and understanding of the conditions under which the peoples of these captive nations are required to exist.

Again this year, I am enjoying my colleagues in pleading with our leadership to create a Special Committee on the Captive Nations. These peoples need and want our help and support in their quest for freedom and we must help them.

VIETNAM NEGOTIATIONS

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 22, 1973

Mr. ARENDS. Mr. Speaker, under leave to extend my remarks in the Record, I wish to call to the attention of my colleagues and others who read the Record three very thought-provoking articles regarding the current Vietnam negotiations. The following comments by Senator Barry Goldwater, William Randolph Hearst, Jr., and Columnists Evans and Novak regarding President Nixon's quest for peace and objectives in reaching an agreement are, in my judgment, well worth reading:

A Chance for South Vietnam To Survive as a Nation

(By Rowland Evans and Robert Novak)

Whatever the political cost at home, and with U.S. allies abroad, President Nixon's cold-blooded gamble in the bombing of Hanoi and Haiphong has now paid dividends of possibly historic proportions in the post-war settlement in Vietnam.

For what Mr. Nixon and his Vietnam negotiator, Henry Kissinger, have now achieved in the new agreement with Hanoi expected to be initiated in a few days in Paris, is a "decent chance" for South Vietnam to survive as an independent country.

The orginal October agreement—the Kissinger-Le Duc Tho ceasefire package which South Vietnam's President Nguyen Van Thieu refused to accept—contained provisions that sharply reduced the prospect of a "decent chance" for Thieu to survive as head of an independent state.

Instead, the October agreement was hinged to a subtly lesser goal: The goal of giving Thieu, South Vietnam and the U.S. a "decent interval" between the time of total U.S. withdrawal and the collapse of South Vietnam.

President Nixon had hoped that the momentum of peace, backed by the entire world including the two superpowers and Peking, would be sufficient to convert that "decent interval" into more lasting security for Thieu. He was prepared to take that gamble—but Thieu's refusal to go along forced a reappraisal.

But working under the new constaints imposed by Thieu, the President enlarged his objective from a "decent interval" to a "decent chance"—and sent Kissinger back to Paris in December to tighten the agreement. Hanoi's refusal to change the October package—understandable in view of what Hanoi had regarded as a hard agreement—brought on the pressure-bombing campaign.

That bombing, which made a virtual vilian of the President all over the world, had precisely the impact he wanted. Consider, for example, deeply significant changes in the new agreement as contrasted to the old.

The role of the four-power police force—Canada, Poland, Indonesia and Hungary—has now been defined in the kind of detail that

Hanoi refused to consider in the earlier agreement.

Instead, Hanoi agreed to supervision in principle but then, in a separate protocol, insisted on a force of less than 250 men from the four policing countries, with rigid limitations on their mobility and rights. Even Poland and Hungary were unwilling to go down that obstacle path.

The new agreement, although still secret at this writing, is understood to go far toward the U.S. demand of a 5,000-man force with wide-ranging powers. The force itself will be at least 1,000 strong, four times Hanoi's earlier ceiling, with the right to carry out independent inspections of suspected violations. Likewise, the old agreement was loose and highly imprecise on the question of Hanoi sending new equipment (to replace "damaged" and "destroyed" arms) into South Vietnam. It left open the strong probability that new arms could be moved south directly over the Demilitarized Zone.

The new agreement is understood to set up inspection points along the DMZ, at which new arms can be examined and counted. Obviously, the opportunity for clandestine arms shipments down the Ho Chi Minh Trail still exists, but tightened language in the new agreement minimizes chances for cheating.

The inspection points along the DMZ also continue the principle that this dividing line between North and South, established in the 1954 Geneva agreements, has a legal significance.

Beyond this, moreover, the fact that Mr. Nixon decided to bomb military targets in the most heavily populated cities of the North *despite universal world condemnation* is likely to have major impact on whether Hanoi lives up to the new agreement. Wholesale violations, in short, may not be treated tenderly by Richard Nixon.

These are vital ingredients of the thesis now held by experts here that the new agreement, and the events between October and January, do in fact offer Thieu and South Vietnam a "decent chance," as opposed to the "decent interval" held forth in the October draft.

Prolonging the War

(By William Randolph Hearst, Jr.)

New York.—If this column comes across as a diatribe of indignation and dismay—plus a certain amount of frustration—it will accurately reflect my attitude toward the all but incredible latest actions by the clique of Vietnam war appeasers in Congress.

At the very time the highly-sensitive and all important Kissinger-Tho peace talks were about to be resumed in Paris, our legislative doves gathered for a new session in Washington and immediately moved to weaken our bargaining position.

Caucuses of war critics in both the Senate and House met to pass highly publicized resolutions condemning their own country's role in the conflict, and threatening to cut off further funds for its support. Nothing, obviously, would have given more encouragement to the enemy negotiators in Paris.

My first reaction to these moves was one of outrage. They struck me as bordering on treason. Second—and more objective—thoughts restrain me from impugning the intellectual honesty of the senators and congressmen as lawmakers.

It is hard to believe, for example, that Ted Kennedy fully realized how much he was helping Hanoi when he introduced his successful caucus resolution to cut off Vietnamese war funds—subject only to prior release of all American prisoners.

There had to be other reasons for what, at the very least, amounted to a curious blindness to reality. A potentially major one was offered last Tuesday in an article which appeared in the New York Times—of all unlikely places—by Republican Senator Barry Goldwater, of Arizona I quote:

"The only way that a reasonable cease-fire and the return of American prisoners of war can be arranged is through the process of negotiations. The Congress is not empowered to nor is it capable of conducting these negotiations.

"At this time, the Senate and the House Democrats who are threatening to tie President Nixon's hands are also threatening to prolong the war. They might just as well send a message to the Communist bosses in Hanoi telling them to 'hang in there.'

"We already know how delicate are negotiations in Paris. The administration's critics, however, have ignored this and have embarked on a negative, counter-productive course.

"It is born of an almost psychopathic desire to embarrass President Nixon and deny him the credit for ending a war which began under one Democratic president and was escalated enormously under another Democratic president."

There is more truth than poetry in that political observation from a man who also once aspired to be President of the United States.

Political jealousy, however, cannot completely explain why the caucuses of Democratic doves did what they did. They also suffer from a blindness to the nature of the war itself—and to the nature of Richard Nixon.

People all over the world were naturally shocked at the terrible toll taken by our holiday mass bombings of the Hanoi-Haiphong areas of North Vietnam. The war critics, however, significantly failed to mention that the present top-level peace talks were resumed only after Mr. Nixon proved he would tolerate no further enemy stalling at the peace table.

Is it possible to believe, honestly, that a man who has devoted his life to public service—whose proclaimed chief goal as President is "a generation of peace"—would order such tremendous destruction of life and property out of pure frustration?

I don't believe it for a second. Knowing Dick Nixon as a friend and neighbor for years, I can vouch for the fact that his holiday bombing orders had to be the most agonizing and reluctant conclusion in an otherwise impossible situation.

We must not forget, as the congressional doves seem to forget, that President Nixon and his advisers know better than anyone else what the true situation in Vietnam is—and what should be done about it when it has reached a crucial point, as right now.

What the American people also must realize is that the congressional doves are really indulging themselves in an exercise in political futility. When they link an end to the war to release of our POW's, they are coming right back to where Henry Kissinger is right now: the negotiating table.

They can adopt all the resolutions they want, but it is doubtful that both houses of Congress would approve those resolutions. And even if Congress were to pass them, the President can veto the resolutions without fear of being overridden.

There is no realistic way for Congress to cut off funds for the war until mid-summer when it approves new defense appropriations for fiscal 1974. For the next six months, President Nixon can conduct the war as he sees fit under fiscal 1973 appropriations approved by Congress last year.

So what we really are hearing on Capitol Hill is just a lot of hot air, though it is damaging to our country.

The only criticism of the President with which I agree in this matter is that he has not seen fit to go before the people and explain himself in detail. His reasoning, without doubt, is that history will prove his decisions to be correct and any explanations would only fuel his enemies' fires.

The American people and President Nixon both want a peace which is founded on justice, and which holds at least a reasonable chance for South Vietnam to resist the Communist forces which have so long tried to conquer that country.

Henry Kissinger, in Paris, is trying again to make such a chance come true and nearly 50,000 American lives have been sacrificed for the same cause.

Meanwhile, in Washington, a few short-visioned, spiteful men have been doing their worst to make their country look bad.

It's enough to make you sick—and that's the way I feel today when considering the encouragement our congressional doves continue to give a ruthless enemy whose eventual target is nothing less than ourselves.

North Vietnam, of course, holds no threat to our shores by itself. The threat is in the Communist dogma which calls for our eventual overthrow—a dogma made manifest by the Russian and Red Chinese support which has enabled Hanoi to keep fighting for so long.

What puzzles me, honestly, is how responsible men elected to our Senate and House can fail to see the tremendous importance of the showdown in which we are engaged.

We set out to stop Communist aggression in a small Asian country.

Either we succeed—or the aggression will be resumed on a ever-widening and more dangerous scale elswhere in the world.

Only President Not Congress Can Negotiate End to War

(By Barry Goldwater)

(The following article originally appeared as a column in the New York Times, January 9, 1973:)

There is only one way the Congress of the United States can end the war in Vietnam—by forcing a surrender of almost all American objectives in Southeast Asia.

This is a fact of international life which is very often misunderstood by sincere people who honestly want to see the bloodshed and the hostilities in Indochina brought to an end.

Indeed, the only way that a reasonable cease-fire and the return of American prisoners of war can be arranged is through the process of negotiation. The Congress is not empowered to nor is it capable of conducting, these negotiations. The only action possible would be to render American military forces completely impotent by cutting off their funds and thus paving the way for a Communist victory of Hanoi's own making.

At this time, the Senate and House Democrats who are threatening to tie President Nixon's hands are threatening to prolong the war. They might just as well send a message to the Communist bosses in Hanoi telling them to "hang in there" until Congressional patience is exhausted.

We already know how delicate are negotiations in Paris. The Administration's critics, however, have ignored this and are embarking on a negative, counter-productive course born of an almost psychopathic desire to embarrass President Nixon and deny him the credit for ending a war which began under one Democrat President and was escalated enormously under another Democrat President.

When Democrat caucuses in Congress threaten to cut off funds if a settlement is not reached by a certain date, they are deliberately encouraging Hanoi's representatives at the peace negotiations to hold off agreement on any kind of a settlement until after that date. I can understand the frustration which is so rampant in Congressional circles because of Hanoi's backing and filling on provisions for arranging a cease-fire. I can also understand the unhappiness caused by the renewed bombing of North Vietnam on orders of President Nixon.

But it stands to reason that the frustration and unhappiness on Capitol Hill cannot begin to equal the frustration and unhappiness in the White House. And it does Mr. Nixon's critics no credit to run around suggesting that President Nixon is gleefully bombing North Vietnam out of a spirit of hatred or revenge.

Anyone who makes this kind of suggestion has to be a Nixon-hater of so rabid a breed that he has lost all sense of proportion and decency.

Those of us who have watched and consulted with the President during the entire Vietnam mess which Lyndon Johnson left on his doorstep can attest to the President's deeply-held wish for a speedy end to the hostilities, the bloodshed and the imprisonment of American fighting men. It is the intensity of his feeling which has given Mr. Nixon the courage to go ahead with the course of action he knew (perhaps better than any other living American) would bring down on him a new torrent of criticism and abuse from many directions, both at home and abroad. And it was the intensity of his desire for an end to the bloodshed that gave him the courage to act in a way he realized would enrage the liberals and the doves and the demagogues on Capitol Hill.

In this whole situation a few basic facts need to be outlined and underscored:

President Nixon and his advisers have more information than anyone else, in or out of Congress, about the true status of the peace talks and what factors are involved in motivating the Communists to drop their impossible dream of complete control of Indochina.

That President Nixon and his advisers know better than anyone else, in or out of Congress, how best to bring about a speedy agreement for a cease-fire and the return of American prisoners.

It stands to reason that the President felt renewed bombing of North Vietnam was not only the best but the only way to get the peace talks back on the road to ultimate agreement.

I believe the President and Henry Kissinger recognized in the changing demands of the Hanoi representatives a belief that they could go on arming for the destruction of South Vietnam as long as this task required and without interference from American bombers. I believe the President and Mr. Kissinger recognized in the attitude and the actions of the Hanoi negotiators a belief that they could act militarily without interference in the belief that American public opinion and Congressional sentiment would never sanction a resumption of the bombing of military targets in the Hanoi and Haiphong areas.

Had our negotiators permitted this Hanoi attitude to go unchallenged the peace negotiations would have dragged on until either we gave in on every Communist demand or until the doves in Congress forced an American surrender on Communist terms.

ONE HUNDRED AND FIFTY-SIX MEMBERS OF THE CATHOLIC CAMPUS MINISTRY ASSOCIATION DENOUNCE THE WAR AND THE BOMBING

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 22, 1973

Mr. DRINAN. Mr. Speaker, on January 5, 1973, Catholic priests, nuns, and brothers who are involved in the Catholic Campus Ministry Association at colleges all across the country issued a statement in which they expressed their outrage at the inhumane policy of the U.S. Government in Indochina.

The forthright statement is addressed to the Members of Congress and reads as follows:

Statement by Catholic Campus Ministry Association

We, the members of the Catholic Campus Ministry Association, serving some 300 colleges throughout the country and meeting in annual workshop to discover ways of moving forward with our youth into an ever-deepening humanity of compassion and justice with God for men are frustrated in our purpose. We are revolted and outraged at our government's inhumane policy in Indo-China especially in recent weeks. We do not criticize the policy at this time for dividing our country or for being an irresponsible use of funds. We condemn it now as morally bankrupt. We would consider, therefore, your wholehearted support for Congressional action now to stop all hostilities in Indo-China to be morally imperative in your sworn duty to lead this people.

156 Members of Catholic Campus Ministry Association.

COMMUNIST TERROR IN SOUTH VIETNAM

HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 22, 1973

Mr. HUBER. Mr. Speaker, there has been much criticism in recent weeks of the inadvertent casualties to civilian life caused by the U.S. bombing of military targets in North Vietnam. While I regret any loss of innocent life, I think it is time to look at Communist activities in South Vietnam during the last 5 years. While it is true that the United States has never had a policy of calculated bombing of civilians, the Communist North Vietnamese have never had any reluctance to make civilians one of the prime targets for their terrorist acts. House Republican Minority Leader Gerald Ford has distributed an authoritative report on Communist activity in South Vietnam since December 5, 1967. It is worthy of serious attention and I include the report for the consideration of my colleagues:

Communist Terror Attacks on Civilians in Vietnam

Together with the local Communist forces which they direct and supply, North Vietnamese armed forces have for many years systematically carried out terror attacks against the civilian populations of South Vietnam, Laos and Cambodia.

These attacks have been carried out across internationally recognized frontiers, including the Demilitarized Zone, in violation of international agreements and international legal principles and in the face of serious efforts by the United States and by the states of Indochina under attack to achieve a cease-fire and a just and lasting settlement.

North Vietnam's terror attacks on its neighbors have been paralleled by the establishment of a Stalinist "people's dictatorship" in North Vietnam, by Hanoi's disregard of the Geneva Conventions on treatment of prisoners of war and by Hanoi's public endorsement of terrorist actions in other parts of the world, including the terror incident at the Munich Olympics in September 1972.

In South Vietnam the Communist attacks have included shelling, rocketing, ground assaults, abductions, forced labor and assassinations. These attacks have been directed at South Vietnam's largest cities as well as its smallest hamlets, at schools, pagodas, medical facilities and refugee centers. They have involved shooting of refugees attempting to escape the areas of the fighting near An Loc and Quang Tri and the large scale Communist trials and executions in Hue and Binh Dinh Province.

Among the major examples of such Communist terror actions in South Vietnam are the following:

Dak Son—December 5, 1967: 300 Communist troops using 60 flame throwers systematically set fire to this Montagnard village incinerating everything and everybody in sight. Estimated toll: 252 dead, about two-thirds of them women and children, with 200 abducted, never to return.

Tet Offensive—February 1968: After breaking their own cease-fire, the Communist forces shelled 45 major population centers throughout South Vietnam and assaulted many cities and villages in indiscriminate ground attacks.

Among the major cities targeted by the Communists were Saigon and Hue. In Hue the Communists systematically rounded up and executed over 3,000 civilians in a pattern of political terror which was repeated by them at many local levels as well. The graves of those executed in Hue were discovered after the recapture of the city, and the evidence of the incident is incontestable. Over 2,000 persons are still missing.

Saigon Rocketing—May–June 1968: Some 417 Soviet and Chinese rockets were fired indiscriminately into Saigon, chiefly into the densely populated Fourth District. 115 were killed, 528 hospitalized.

Son Tra—June 28, 1968: A major Communist attack was made against the refugee center and fishing village of Son Tra, south of Da Nang. Mortars, machine gun fire, grenades and explosive charges killed 88 and wounded 103. 405 homes were destroyed, leaving 3,000 homeless. Later, villagers seeking to rebuild their homes were fired on by the Communist forces.

Medical Facilities, Schools and Churches—1967–69: Communist forces have not hesitated to attack medical facilities, schools, and churches. Among many examples of such attacks are the following in the period 1967–1969:

1967, May 11—South Vietnam's Health Secretary reported to the World Health organization in Geneva that in the past more than 200 doctors and medical workers had been killed or kidnapped by the Communists, with 174 dispensaries, maternity homes and hospitals destroyed and 40 ambulances mined or machine gunned by Communist forces.

1967, Sept. 1—Terrorist explosives on Route 4 in Dinh Tuong Province blew up a South Vietnamese army ambulance killing 13 and wounding 23.

1968, Feb.—Indiscriminate shelling of cities in Tet offensive.

1969, Feb. 24—Terrorists entered a church in Quang Ngai Province and assassinated a priest and an altar boy.

1969, Mar. 6—An explosive charge set at the Quang Ngai city hospital killed a maternity patient and destroyed two ambulances.

1969, April 4—Terrorists dynamited a pagoda in Quang Nam Province, killing 4 and wounding 14.

1969, April 11—A satchel charge exploded in Dinh Tanh temple, Phong Dinh Province, wounding 4 children.

1969, June 24—A 12-mm Communist rocket hit Than Tam hospital in Ho Nai, Bien Hoa Province, killing a patient.

1969, June 30—Communist mortars destroyed Phuoc Long pagoda in Binh Duong Province, killing a Buddhist monk and 19 others.

1969, Aug. 5—Two grenades were thrown by the VC into an elementary school in Vinh

Chau, Quang Nam Province, killing 5 and wounding 21.

1969, Aug. 7—Explosions detonated outside an adult education school in Cholon for military personnel killed and wounded 60.

1969, Aug. 7—Communist sappers detonated 30 plastique charges at U.S. Sixth Evacuation Hospital compound, killing 2 and wounding 57 patients.

Refugee Centers—1969: In a pattern repeated in other years as well, especially during the 1972 offensive, attacks launched by Communist forces against refugee centers included the following during 1969:

March 21—A Kontum Province center, 17 killed, 36 wounded.

April 9—Phu Binh center, Quang Ngai Province—70 houses burned, 200 left homeless, 4 kidnapped.

April 15—An Ky center, Quang Ngai Province, 9 killed, 10 wounded.

April 16—Hoa Dai center in Binh Dinh Province; 146 houses burned.

April 19—Hieu Duc center, Quang Nam Province; 10 kidnapped.

April 23—Son Tinh center, Quang Ngai Province; 2 shot, 10 kidnapped.

August 13—17 Communist attacks on refugee centers in Quang Nam and Thua Thien Provinces, 23 killed, 75 wounded, and many houses destroyed.

Sept. 30—Tu Van center in Quang Ngai Province, 8 killed, 2 wounded; 8 members of official's family killed in nearby Binh Son.

Duc Duc—August 29, 1970: Communist troops attacked a Buddhist orphanage and temple in the village of Duc Duc south of Danang. After firing 50 mortar shells into the undefended buildings, 30 North Vietnamese soldiers ran through hurling hand grenades. The attack killed 15 and wounded 45, most of them orphans.

The Communist Spring Offensive—March 30, 1972: The all-out attack launched by 12 North Vietnamese divisions, supported by 500 tanks and massed heavy artillery, against major South Vietnamese population centers caused many civilian casualties.

In the first six weeks of the offensive, by May 8, over 20,000 civilian casualties, including many women and children, had been reported by U.S. officials in Saigon, with a total above 48,000 reported during the first 11 months of 1972.

The Communist attacks generated more than 1.28 million refugees in South Vietnam in 1972.

As a result of the Communist offensive, a number of South Vietnam's population centers were virtually destroyed. Such destroyed or heavily damaged towns included:

Quang Tri city and the district capitals of Dong Ha, Cam Lo and Gio Linh in Quang Tri Province south of the Demilitarized Zone.

Que Son district capital in Quang Nam Province.

Mo Duc, Ba To and Duc Pho district capitals in Quang Ngai Province.

Thanh Binh, Tien Phuoc and Hau Duc district capitals in Quang Tin Province.

Tam Quan, Hoai Nhon, Hoai An and Phu My district capitals in Binh Dinh Province.

Dak To in Kontum Province.

The Province capital, An Loc, and the district capital, Loch Ninh, in Binh Long Province.

In the city of An Loc, the civilian population unable to escape the Communist assault withstood up to 7,500 shells a day during the 49 day siege. In An Loc, Communist tanks killed worshippers in a church and Communist mortars and artillery destroyed a clearly marked hospital filled with wounded soldiers and civilians. The Communist troops directed continuous machine gun and mortar fire against civilians seeking to flee the scene of battle in An Loc.

Communist attacks by fire against refugees fleeing their offensive assaults were frequent and include the notorious "caravan of death" south of Quang Tri City, where the Communist troops deliberately shelled and machine gunned several thousand civilians fleeing the city. More than a thousand civilians were estimated to have been killed in this incident. Even clearly marked ambulances were targeted and destroyed.

The countless number of Communist terror attacks on South Vietnamese villages and refugee camps during their 1972 offensive included the following typical incidents:

Burning 72 houses in a Quang Ngai Province hamlet and rocketing a Quang Tin Province hamlet in April.

Attacking, during May, four refugee camps in Quang Ngai Province, destroying some 400 living quarters and killing and abducting many civilians.

Attacking a Quang Nam Province village in May, damaging or destroying 327 living quarters, Killing 40 civilians and wounding 55.

Blowing up a bus in Pleiku Province on August 20, killing 40 civilians and wounding 30.

Blowing up a bus in Phu Bon Province on August 22, killing 21 civilians and wounding two.

Assaulting Camp Books and Camp Haskins refugee centers north of Danang in sapper attacks on September 9, killing 27 and wounding 75.

Setting off a command detonated mine on September 13 into the Cai Tu ferry south of Vi Tanh in Chuong Thien Province just as the ferry was approaching the shore loaded with a crowded bus. As the ferry and bus sank, the terrorists fired a second mine. 13 civilians were killed and 12 were wounded.

In areas captured at the outset of the offensive by the Communist forces, especially in Binh Dinh, Binh Long and Chuong Thien Provinces, abductions, "people's courts" and executions were carried out at the cost of many hundreds of lives. Communist programs of forced labor and forced military support in battle zones were also widespread. When South Vietnamese forces recaptured the areas of Binh Dinh Province which had been held by the Communists, they found the evidence of some 500 "death list" executions carried out by the Communist forces.

Communist Assassinations: The Communist forces have systematically assassinated many thousands of South Vietnamese. Their targets have included government officials, teachers, labor leaders, medical workers, Buddhist bonzes, priests and foreign missionaries. Many of these assassinations were preceded or followed by specific threats. In areas which have at various times come under Communist control, these kililngs have sometimes been accompanied by "people's courts" and public executions as in Hue in Tet 1968 and in Binh Dinh and other provinces during the 1972 offensive. The Communists have often bragged about collecting these "blood debts."

The scope of the Communists' systematic terror campaign can be seen in the following figures for 1971 and 1972.

In 1971 the Communists assassinated 3,994, wounded 7,579 and kidnapped 5,372 South Vietnamese in terror attacks.

In 1972 the Communists assassinated 4,277, wounded 9,525 and kidnapped 13,374 South Vietnamese in terror attacks.

Similar numbers of South Vietnamese have been targeted by the Communists since 1957 with over 40,000 killed and 60,000 kidnapped.

Among the major political figures targeted or assassinated by the Communists have been:

Tu Chung, editor of "Chinh Luan", gunned down on Dec. 30, 1965.

Tran Van Van, Constituent Assemblyman, gunned down, Dec. 7, 1966.

Dr. Phan Quang Dan, Constituent Assemblyman narrowly escaped car bomb, Dec. 27, 1966.

Bui Quang San, Lower House member, gunned down Dec. 14, 1967, after Communist warnings.

Dr. Le Minh Tri, Minister of Education, killed by terrorist hand grenade thrown into his car, January 6, 1969.

Professor Tran Anh, Rector of Saigon University, shot down by terrorists, after Communist "death list" warning, March 4, 1969.

Tran Van Huong, Prime Minister, escaped assassination attempt, March 5, 1969.

Tran Quoc Buu, leader of the Vietnamese Confederation of Labor (CVT) and head of farmer worker party, escaped assassination attempt in explosion at the Union's headquarters in Saigon—September 21, 1971. (In 1969 the CVT listed more than 60 union officials assassinated by the Viet Cong in the past.)

Nguyen Van Bong, leader of National Progressive Movement and Director of National Institute of Administration, killed by terrorist bomb placed in his car, November 10, 1971.

Nguyen Van Than, a political leader and former general of the Cao Dai sect, assassinated by Viet Cong in mine explosion on grounds of Cao Dai Holy See (temple) at Tay Ninh, November 22, 1972.

UKRAINIAN INDEPENDENCE DAY

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 22, 1973

Mr. CARNEY of Ohio. Mr. Speaker, it is with great honor that I have this opportunity to join with my distinguished congressional colleagues and with the many Ukrainian-Americans to commemorate the 55th anniversary of Ukrainian Independence Day, January 22, 1918.

A wound to national pride, dignity, and freedom is a sore that time will not heal as long as a gallant people strives to be free. It is encouraging and inspirational to witness the continuing Ukrainian national struggle to preserve an independent spirit, and the Ukrainians' relentless personal determination to free themselves from Communist oppression, persecution, terror, and exploitation of their rich land.

Fifty-five years ago the Ukrainian Rada of the Ukrainian National Republic proclaimed a Fourth Universal declaring complete independence from Russia. This was on the very day that a heroic defense of the Ukrainian capital, Kiev, was overwhelmed unmercifully by a Bolshevik army. Only a month before, the Soviet of People's Commissars had recognized Ukrainian independence "without limitations and unreservedly." However, in their nefarious way, the Communist leaders had insisted upon conditions that could only be rejected by a freedom-loving people as an unacceptable ultimatum. Thus began another chapter in a terrible book of oppression and misery, this time written in the blood of the unselfish Ukrainian patriots who fought a 2-year war against Communist Russia's aggression.

The Ukrainian struggle did not end when the Ukrainian Soviet Socialist Republic was forcefully incorporated as a State in a sham union of so-called republics. Resistance continued unabated, and millions of Ukrainians lost their lives as a result of ruthless Stalinist policy. Still more were deprived of basic human rights, having suffered the loss of free expression, religious freedom, and property. Moreover, they suffered the ignominy of a base assault against the very existence of their own culture and national identity.

Today there remains a repressive atmosphere in the Ukraine as the Soviet Government in Moscow tries to silence increased dissent in reaction to governmental abuses, and attempts to present to the world the illusion that the Union of Soviet Socialist Republics is a federation of free and content nations. The vibrant Ukrainian intellectual community has suffered especially hard for its leadership in the protest movement.

Possible detente with the Soviet Union, and improved United States-Soviet relations is no excuse to ignore the plight of the nations still under Soviet domination. It is with that thought that I fervently hope the Ukrainian nation can actually achieve the freedom and true independence it so richly deserves.

MR. SMITH GOES BACK TO OKLAHOMA

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 15, 1973

Mr. BURKE of Florida. Mr. Speaker, I join with my colleagues today in paying tribute to the excellent service of our former colleague, the Honorable Jim Smith, has given our Nation while serving in the U.S. Congress, and in the U.S. Department of Agriculture.

I served with Jim in the U.S. Congress when we first served in the 90th Congress. He was respected by all for his polite manner and for his ability to get along with his colleagues. He carried this trait to the Farmers Home Administration when he joined it as Administrator in 1969.

Jim Smith raised cattle for years in Chickasha, Okla., and he gained from this experience a knowledge of agriculture which helped make him an expert in the field. He is a true friend of the farmer, and many credit him with being one of the driving forces behind the improvements made in the rural development programs, and particularly the Rural Development Act.

Although farming is a key part of his life, it has not completely dominated his activity as can be witnessed by his many and varied civic achievements. He served as a member of the board of regents of the Oklahoma 4-year colleges, and was also a member of the board of trustees of the American Citizenship Center of Oklahoma Christian College.

Jim has always been an active participant in the many civic activities that contribute to our great American way of life.

Jim Smith, you will be missed in the Nation's Capital, but I am sure that the people of Oklahoma will be glad to have you with them. Good Luck, Jim.

PROBLEMS OF THE WORKINGMAN

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 22, 1973

Mr. ASPIN. Mr. Speaker, I recently received a very disturbing letter from one of my constituents. The letter describes the plight of the workingman and the obstacles he must surmount in order to survive. Many of his problems stem from bureaucratic redtape and Government inequalities. These problems are not quickly or easily solved but they do deserve our attention. For this reason, I submit this letter for the consideration of all Members of Congress:

DELAVAN, WIS.

Hon. LES ASPIN,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN ASPIN: I am writing on behalf of my family and thousands of others like us.

You, our congressman, in this district, are our only voice in the government.

When is someone going to listen to the wage earner, common laborer, middle class working man and woman? We are at the mercy of Washington and the politicians.

You are most likely familiar with the statistics of the poor versus the rich and powerful in this country. You must know then that the middle class working man is rapidly sinking into poverty. Jobs are scarce—at least jobs that will keep your head above taxes and prices and doctors, etc. Employers are becoming too powerful and often forget who is making their profits—tax exempt profits at that.

The laws regarding food stamps, compensation, etc., are really ridiculous. I know people have taken advantage, but for the first time in seven years we tried for stamps and compensation because of people—employers who have lied and cheated us, a government which protects these people at the expense of food and clothing for our children.

My husband is being cheated by his employer—owes him 92 hours pay. We can collect only if he quits; thereby, if he quits, he would be ineligible for compensation, so he has to settle for just 29 hours for now. He's been out of work a total of 88 days since June. People hire you and tell you the work is steady: they work you two days and lay you off. Again you are ineligible for compensation.

I tried to work—have three small children—and ⅓ went to the government, ⅓ to "day care center," ⅓ to doctors (I have a severe asthmatic). I was forced to quit—my children were sick and run down.

The wage and price freeze is unjust and only profitable to the big businesses. All essential prices have gone up—but not our wages. Why is the government punishing the working man and his family?

We don't want to lose our home. Our daughter (the asthmatic) cannot live in an apartment unless it has central air, purifier, etc.—that's $300.00 per month.

Please help us working people. We don't want charity, welfare or compensation; we want jobs, fair wages, lower prices on food especially. I have not had fresh fruit in this house for months; have you? I don't buy candy or cookies—can't afford these extras for my children.

Let's buckle down and get to work for the working man—he pays more salaries in Washington and Madison than the rich and businesses do.

Sincerely,

——— ———.

P.S.—What will I tell my children at Christmas? Santa can't come. We have to eat.

METHADONE CONTROL LEGISLATION NEEDED

HON. JAMES F. HASTINGS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 22, 1973

Mr. HASTINGS. Mr. Speaker, for some time now I have been concerned over the misuse of methadone in the treatment of heroin addiction.

Throughout the country there has been a growing number of methadone-related deaths—57 in New York City alone during the first 7 months of last year for an increase of almost three times the number recorded in 1971—and its mismanagement which has led to substantial diversion for illicit street sales, creating a whole new category of drug addicts.

I have been among those pressing for tighter controls over the use of methadone and I was most pleased when the Food and Drug Administration last December announced regulations to restrict methadone distribution to only registered programs as well as establishing strict security provisions aimed at preventing theft and the misapplication of the drug.

But more is needed. To give these regulations muscle, legislation is required to provide for Federal enforcement powers. I intend to reintroduce such legislation shortly. It is my view that such a measure will serve to guard against the black-market sale of methadone and also insure a safe environment for the more effective treatment of heroin addiction.

Recently the Buffalo, N.Y., Evening News published a series of articles and an editorial underscoring the problem methadone poses for public and law enforcement officials.

The articles represent a careful and well documented study of the problem and is summarized in the editorial's cogent presentation of the need for tighter methadone controls.

I know the Members of this body will find it useful and therefore I am including it in the RECORD:

[From the Buffalo (N.Y.) Evening News, Dec. 27, 1972]

TIGHTEN METHADONE CONTROLS

The Buffalo area is by no means unique in experiencing the kind of controversy and criticism which, as pointed up in last week's News series, "A Program Abused," surrounds the administration of methadone for heroin addicts.

Yet the very problems encountered in other cities was rapidly proliferating methadone treatment programs—particularly the disturbing evidence of primary methadone addiction and the rising toll of deaths from methadone overloses—carry their own warning of the risks in tolerating laxities in the administrative monitoring of dispensing agencies.

Methadone is rightly regarded by most drug experts as at best a useful rehabilitative tool, enabling many heroin addicts to resume reasonably normal lives. Pending the development of chemical "antagonists" that don't merely substitute one form of addiction for another, methadone appears to be the most effective remedy currently available for helping at least some addicts cope with their problems.

The very Jekyll-Hyde properties of a heroin substitute, however, dictate scrupulous precautions against letting it fall into the wrong hands. For nonaddicts, or those not sufficiently tolerant to it, methadone can be fatal. In just the first seven months of this year, New York City recorded 57 methadone overdose deaths, almost three times the 1971 total.

So there is ample basis for the spreading concern, uncovered in The News' disclosures, about disquieting signs that local methadone maintenance programs are vulnerable to abuses.

Any experimental drug-treatment effort can all too easily become discredited by tolerance of administrative laxities, either in the screening of staff members of county narcotics abuse programs or in procedures for curbing the illicit diversion of methadone from dispensing agencies.

That at least six staff members in three county drug abuse programs are themselves on drugs plainly says little for the effectiveness of efforts by responsible mental health authorities to detect and weed out persons whose presence is inimical to helping addicts go straight.

Local officials, however, are to be commended for instituting urine-testing programs for staff members of maintenance-methadone programs. The controversial analyses, not mandated by state authorities, are a step in the right direction toward proper control.

As for the diversion of methadone from maintenance agencies, county officials contend that most illicit supply reaches the streets through other channels. Nevertheless, there are marked differences among the three county drug abuse services in the controls or restrictions they exercise over the admittance of addicts. These give rise to fears of either an overzealousness for placing heroin addicts on methadone, or of methadone-bootlegging by addicts who are allowed to take their doses home.

The need here is a toughening of local safeguards equivalent to the restrictions on methadone recently prescribed by federal authorities—and beyond that, a thorough and frank airing of whatever is needed to make sure we don't run the risk of creating a whole new generation of methadone addicts.

THE AMERICAN FLAG—SACRED SYMBOL OF OUR NATION

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 22, 1973

Mr. YOUNG of Florida. Mr. Speaker, we have all been dismayed in recent years at seeing the American flag, sacred symbol of our Nation, being trampled in the mud by radical revolutionaries bent upon destroying the very freedoms that our flag represents.

Our flag is being torn, spit upon, burned, and otherwise desecrated by some because they know it is more than just cloth, color and design: They know our flag stands for patriotism, love of country, and those virtues that stand in the way of their efforts to impose an alien political philosophy upon the American people.

The American flag is a rallying point for Americans at a time when relentless forces seek to divide us. If our Nation is to survive, we must preserve our flag and the great cause it represents.

For this reason, I have introduced two bills aimed at halting these attacks on our flag and insuring the respect to which it is entitled. The first, H.R. 1298, would expand the criminal sanctions for desecrating the flag; the second, H.R. 1299, would make it a Federal offense for anyone to display the flag of any country that holds U.S. prisoners of war.

The latter bill is necessary because, as we have seen from past demonstrations around the country and in the Capital of our Nation, young revolutionaries are not only tearing down the American flag but actually attempt to replace it with flags of enemy countries.

For generations, Americans have given their lives to preserve our flag and the freedoms it represents. Yet time after time, we have been dismayed to see young revolutionaries climbing flagpoles, tearing down America's flag and replacing it with the flags of enemy nations. At the Republican National Convention in Miami last year, demonstrators actually wore pieces of the American flag as parts of their clothing.

We must end this desecration. As Henry Ward Beecher said:

> A thoughtful mind when it sees a nation's flag sees not the flag, but the nation itself. And whatever may be its symbol, its insignia, he reads chiefly in the flag, the government, the principles, the truths, the history that belongs to the nation that sets it forth.

UKRAINIAN INDEPENDENCE DAY

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 22, 1973

Mr. PEYSER. Mr. Speaker, I am very pleased to have this opportunity to add my voice to the many that are being raised around the United States today in honor of the 55th anniversary of the Ukrainian Independence Day. It was on this day, January 22, in 1918 that the Ukrainian people culminated a 2½ century struggle for liberty by declaring their independence from Russia. Unfortunately, the Bolsheviks, who could not permit such a fine example of freedom to exist on their borders, overran the Ukraine in 1920 and established Soviet domination that still exists today.

It is essential for those of us who have the opportunity to honor Ukrainian independence to do so, since the 47 million people of the Ukraine are not permitted to celebrate this great day in their national history. I hope that all men who cherish freedom will join me today in telling the Ukrainian people that we have not forgotten them and that we are waiting anxiously for the day that they may once again join the ranks of free men.

ROBERTO CLEMENTE COMMEMORATIVE MEDAL

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 22, 1973

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, shortly after it was confirmed that Roberto Clemente, the outstanding right fielder for the Pittsburgh Pirates, had been killed in a plane crash while delivering needed supplies to earthquake-ravaged Nicaragua, I offered these remarks to my colleagues:

> How does one eulogize a giant, a man whose deeds and actions were legend for hundreds of thousands, whose warmth and humanity and love of life, brought strength, enjoyment and brotherhood to multitudes?
>
> Indeed, words fail in moments such as these.
>
> Roberto Walker Clemente, one of the greatest baseball players the world will ever know, is dead.

Today, I have introduced a bill to have the Treasury Department strike a commemorative gold medal in honor of Roberto Clemente.

Joining me in this effort are my fellow western Pennsylvanians, "Doc" MORGAN, FRANK CLARK, JOHN DENT, JOHN HEINZ III, the gentleman of North Carolina (Mr. MIZELL), and the gentleman from New York (Mr. BADILLO).

The legislation calls for no outlay from the Treasury. The Chamber of Commerce of Greater Pittsburgh will assume all costs of striking the medal and then sell replicas to the general public with all proceeds going to the Roberto Clemente Memorial Fund, established by the Pittsburgh Pirate Baseball Club.

In addition to being an athlete of incomparable skills, Roberto Clemente was a prideful, vibrant individual who spent many hours off the baseball diamond working with others, generally children, who did not have, and would never have, the opportunity Roberto did.

Roberto Clemente always dreamed of building, for the children of Puerto Rico, a sports city. It was to be a place where children, no matter what their heritage or social status, could come and learn and engage in athletics.

The sports city that Roberto envisioned was not to be a camp, where children paid money to have a few retired professional athletes teach them the rudiments of a particular sport.

Clemente saw his dream as an opportunity for children to play, learn, and thrive on the competition and joy which are so much a part of organized sports.

We have a dual purpose in introducing this legislation. First, we want to create an appropriate memorial to the memory of Roberto Clemente and his selfless contributions to his fellow man. Second, through the sale of the medals, we hope to generate a large donation by the Chamber of Commerce of Greater Pittsburgh to the fund which will carry out Roberto's wishes for the children of Puerto Rico.

RURAL ENVIRONMENTAL ASSISTANCE PROGRAM

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 22, 1973

Mr. MIZELL. Mr. Speaker, I rise at this time to introduce legislation reinstating the rural environmental assistance program—REAP—recently terminated by the Department of Agriculture.

The bill requires the Secretary of Agriculture to provide $140 million for the REAP program, the level of initial allocation announced by USDA in September 1972.

I want to make clear, Mr. Speaker, that I certainly support the administration's goal of reducing Federal expenditures to avoid a tax increase and to hold the line on inflation.

But I do not support the arbitrary decision to terminate this REAP program which has done so much good with relatively little investment.

More than 15,000 farmers in North Carolina's Fifth Congressional District, which I am privileged to represent, have participated in the REAP program over the last 5 years, and their efforts have made a significant contribution to the high quality of environment we enjoy in our area, as well as assisting the farmer in his production of food and fiber.

REAP has proven its value over the years in alleviating stream pollution, preventing soil erosion and dust storms, playing a major role in our reforestation efforts, and establishing cover crops and grasslands.

These are important functions which benefit not only the farmer, but the public at large, and these functions are being performed with a minimum of public expenditure and a maximum of private initiative and effort. There is precious little waste associated with this program, since farmers have to match the Federal funds almost dollar for dollar.

To shut this program down, then, for economy reasons, is an act as ill-conceived as it is capricious. We who serve on the Agriculture Committee, and all of us who serve in the Congress, have time and again expressed our confidence in this program by continuing to fund it year after year, often over the objection of the administration, past and present.

When I first learned of the current decision to terminate this fine program, I immediately telephoned the White House, first to see if what I had heard could *possibly* be true, and then, finding that it was true, to press for an immediate reversal of the decision.

I have also discussed this matter at some length with Secretary of Agriculture Earl Butz in a meeting I had with him in his office recently.

In my opinion, the justification that has been offered for this termination decision is insufficient, and the decision remains unwarranted and unwise.

And that is the reason I am introducing this legislation today, to require the Agriculture Department not only to subscribe to a mandate of the Congress, but to follow its own better wisdom which it demonstrated last September in committing itself to a continuation of the REAP program.

Farmers in my district and throughout rural America are counting on this program. They have a right to count on it, and the program itself has earned its right to continuation.

I intend to continue defending this program, not only in the current controversy, but in the future until it is demonstrated to me that the program itself no longer merits my support and that of the Congress. And judging from its excellent past performance, I do not see my withdrawal of support for this program coming soon at all.

I urge my colleagues to join me in seeking early passage of the legislation I am proposing today, thus restoring to the farmer and to the public a proven and worthwhile program.

THE 55TH ANNIVERSARY OF UKRAINIAN INDEPENDENCE

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 22, 1973

Mr. ANNUNZIO. Mr. Speaker, today marks the 55th anniversary of the declaration of Ukrainian independence. It is a day to commemorate the courage of those Ukrainians who, through terrible years of oppression, have kept alive their belief in the dignity of man.

On January 22, 1918, the Ukrainian people proclaimed the Ukrainian National Republic and had high hopes for a new era of national renewal dedicated to the principles of freedom, justice, and self-determination. These high hopes were dashed, however, by the Bolsheviks who in 1920 reestablished Russian control over the new republic.

Thus began the long and desolate period of spiritual darkness which endures to this day. Ukrainian writers, literary critics, journalists, professors, students, artists, painters, scientific workers, and representatives of all other strata of society are periodically arrested for their efforts to assert their Ukrainian consciousness and to resist the decades-old campaign to destroy Ukrainian self-identity and Ukrainian culture. Human rights in the Ukraine today exist only on paper and these leaders in Ukrainian society are courageously continuing the struggle to turn these precious ideals into a living, working, everyday reality.

Mr. Speaker, it is for these reasons that I have introduced in the 93d Congress House Concurrent Resolution 46 urging our Ambassador to the United Nations to place the question of human rights violations in the Soviet-occupied Ukraine on the agenda of the U.N. The full text of my resolution follows:

H. Con. Res. 46

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the President, acting through the United States Ambassador to the United Nations Organization, take such steps as may be necessary to place the question of human rights violations in the Soviet-occupied Ukraine on the agenda of the United Nations Organization.

It is only fitting that we who already enjoy and prize these basic rights do everything in our power to encourage the just aspirations of the heroic Ukrainian people. As the American people learned in 1776, freedom can only be won through constant vigilance and a willingness to sacrifice.

It is an honor for me to be part of this commemoration today and to join Americans of Ukrainian descent across the Nation, in my own city of Chicago, and in the 11th Congressional District of Illinois which I am privileged to represent, as they support these valiant efforts on the part of the Ukrainians to strengthen their cultural heritage and to regain national self-determination.

BUCHWALD VIEWS THE CONGRESS

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 22, 1973

Mr. KASTENMEIER. Mr. Speaker, Art Buchwald is a humorist par excellence, and his humor, in the tradition of the great Voltaire, conveys truth cleverly masked in wit and sarcasm. His column, "Homespun View of the Congress," communicates, through humor, a very powerful commentary on the complete impotence of the Congress in legislating an end to the American presence throughout our long, tragic involvement in the Indochina conflict.

Mr. Speaker, I call to the attention of my colleagues the Buchwald article which appeared in the January 13, 1973, Milwaukee Sentinel:

Homespun View of Congress

(By Art Buchwald)

It must be very tough for a congressman or senator, when he comes home at night, to explain to his teenage children what is going on in Vietnam.

"Daddy, where were you when they were bombing the cities of Hanoi and Haiphong?"

"I was in recess, and you damn well know it."

"But why don't you protest now."

"Because it would hurt the sensitive negotiations going on in Paris, which hopefully will lead to a just peace in Indochina."

"Why didn't you protest before"

"Because I didn't want to hurt the sensitive negotiations that have been going on for the last four years, which would lead to an honorable peace in Indochina."

"But didn't you see all the photographs of civilians being killed and hospitals being destroyed?"

"Damn it, son, you don't understand the role of Congress. We're supposed to support the president during war. If we oppose the war, we will be giving aid and comfort to the enemy."

"But I thought Congress was supposed to declare war."

"Who told you that?"

"It's in the Constitution."

"Now don't believe everything you learn in school. Technically it's true that Congress should declare war, but you see we're not really at war. It's a police action."

"When does a police action become a war?"

"When the president asks for an official declaration. Since three presidents have not asked us to declare war, there is no reason for us to do so."

"Doesn't Congress have any say in what the president can do in Indochina?"

"Of course it does. The president has to ask for our advice and consent before he makes any major decisions that involve the lives of American boys, and the expenditure of billions of dollars."

"Well, why hasn't he done it?"

"He probably forgot."

"All the kids at school say Congress is afraid to act on the war."

"A lot they know. Congress has taken many strong stands on the war—uh-uh police action. We've requested that the president work out a peace settlement and bring our POWs home. It's all in the Congressional Record."

"But nothing's happened, things are getting worse. If the president can't stop the war, why doesn't Congress?"

"For a very simple reason, smart guy. The president probably knows something we don't know."

"Why doesn't he tell you what he knows?"

"Because if he told us, someone would probably leak it, and then the press would know and the American people would know. Do you want to have every Tom, Dick and Harry in this country find out what the president knows about the war?"

"Dad, don't get mad, but the kids at school say Congress is impotent. They say you're all a bunch of eunuchs, and the president can do anything he wants because you're afraid of him."

"Well, you can just tell the kids at school they don't know what the hell they're talking about. Why, we were talking about how to get out of this war when they were in kindergarten. It's very fashionable these days to complain that the president hasn't found a peaceful solution to the Vietnam conflict. But he's only been at it four years, and you've got to give him a chance. If at the end of his second term in office he hasn't come up with a solution, then Congress will take decisive action."

"Great, dad! Wait till I tell the guys at school!

MEMORIAL TO HARRY S TRUMAN

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 9, 1973

Mr. BURKE of Florida. Mr. Speaker, I rise to add my voice to those paying tribute to our 33d U.S. President—Harry S Truman. The facts of Mr. Truman's life are well known to most of the Nation. Television, newspapers, and radio have related how his life was shaped and how he shaped world history. He is frequently touted as a simple man in a simplier era. However, I would not agree with this assessment. Hindsight always makes situations and problems seem simple. Life is different today than it was in the Truman era, but, it is no more complex.

Mr. Truman was a moral giant. A man fashioned from the humblest clay with the highest spiritual values. History shows that there are different periods of stress for nations. There are quiet periods when everything goes along smoothly no matter who is running the country, and then there are times when the survival of the Nation is called into question. The way a man meets this challenge is the proof of his mettle, and the stuff of history.

The experiment in democracy in a republican form of government that is the United States of America has always been fortunate to have leaders who during times of stress met the challenge. We are just beginning to realize the tests which he was called upon to surmount and the courage and strength he showed in guiding our country as its President. Thank God for the example Harry Truman set for us all to follow with his simple and pure love for his country and his unswerving belief in the correctness of its principles.

SHOULD PETER BRENNAN BE SECRETARY OF LABOR?

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 22, 1973

Mr. RANGEL. Mr. Speaker, the Senate Labor Committee today begins confirmation hearings on President Nixon's appointment of Peter Brennan as Secretary of Labor. Mr. Brennan's appointment, although pleasing to some members of the labor movement who are happy to see one of their own elevated to the position of authority over the U.S. Department of Labor, is a distinctly unwelcome one in the black community. Mr. Brennan's record as a leader of the construction trades unions in New York City is clear. He has consistently used his influence in the construction trade unions to block the access of minorities to those unions and he has consistently opposed effective programs to increase the hiring of minorities in the construction trades.

The New York plan, which Peter Brennan supported, has proved to be a sham. The New York plan is what Peter Brennan means when he says he supports minority hiring. It was declared with much fanfare as an effective means of increasing the level of participation of minorities in the construction trades, but it has not worked because it contains no sanctions against unions or employers who fail to implement the affirmative action guidelines of the plan. Mayor Lindsay has just announced that the city can no longer rely on the plan to balance the inequities in the construction trades. The failure of the plan indicates the extent of Mr. Brennan's commitment to integrated construction unions. He could have made it work, but he did not.

The Reverend Lawrence Lucas, of Resurrection Church in New York City, in a recent column in the Amsterdam News, eloquently sets forth reasons, based on his personal experience in New York, why Peter Brennan should not be confirmed as Secretary of Labor. I hope that those on the Senate Labor Committee reviewing Mr. Brennan's record will pay careful heed to Father Lucas' words.

[From the Amsterdam News, Jan. 13, 1973]

PETER BRENNAN, NIXON'S NEW SECRETARY OF LABOR

(By Rev. Lawrence E. Lucas)

It seems that President Nixon has very few friends or is unable to find anyone for important positions who are not distinguished for his/her "neutrality" toward or outright hostility to America's Black population.

Neutrality here is a euphemism—and as a nation, we're great on euphemisms—for benign neglect. Benign neglect is a euphemism for "don't give a damn they're only Niggers' and if it's necessary to please business at their expense, do it and do it well."

Blacks across the country, individuals and organizations including the gentle N.A.A.C.P., have called the appointment a disaster. Said Herbert Hill, N.A.A.C.P. labor director, "For more than a quarter of a century Peter Brennan, with cunning and guile, has protected and defended the racist practices of the building trades union."

He and others are referring to the fact that since 1957, Brennan has been president of the Building and Construction Trades Council of New York City and New York State. Both councils are members of the AFL–CIO.

NOTHING ACCOMPLISHED

When a man like Brennan says, "I'm all for minority hiring," Blacks interpret this in the light of his "New York Plan" for training minority workers for jobs with skilled craft unions. As it worked out, the plan gave illusion of great progress while accomplishing nothing. It's similar to the U.S. Catholic bishops programs for the poor, especially minority or Black poor. In print, which even some Black papers carry without investigating, their programs look great; in reality they are nothing.

I remember Mr. Brennan from back in 1952 when I was ending my first year of college in the minor seminary. He was heading Local 32B covering building maintenance men and elevator operators.

"GOOD CATHOLIC BOY"

Seminarians and college students like myself found filling in for vacation spots driving elevators was the best way of making some cash to help defray the costs of education. Being a good Catholic, Brennan took a fancy to me. I was a good colored Catholic "boy"; so good that I was one of the rare colored boys in a white, white Catholic seminary.

He personally sent me to some buildings which turned out having "no need for summer help" in spite of the fact that several of my own classmates were hired a few days later in the same buildings.

The truth was that such buildings like the Empire State, were not taking "colored" operators.

Brennan didn't give up; he kept sending me to other places till I came to one that took colored and was glad to get a "boy like me." In fact, the last one I worked couldn't see why I wanted to go back to school when I could have been a most popular elevator operator.

NO CHANGE

I was and am grateful to him that I got the much-needed job. That he never once admitted the reason for my difficulties with certain buildings; that he simply found a solution within the framework of the racist policies of those buildings, policies which the union served and maintained in its own system; and that rather than challenging it, he worked well within the system is what Black folks are talking about today. He hasn't changed and there is no reason to believe his record as Labor Secretary will be any different than his record in New York.

It is understandable that Nixon owed

Brennan, a registered Democrat, something for the Brennan's support of Nixon in the 1968 and 1972 elections and his support for the President's actions in Vietnam.

It is also understandable that Nixon owed George Meany something for his "neutrality" in the last election in spite of his great liberal credentials.

BOTH SCORES SETTLED

The choice of Brennan as Secretary of Labor settled both scores.

What is even clearer is that Richard Nixon seems to be getting increasingly in debt to individuals and interests that can only be described as bad news to most Blacks—the exception being that handful of Negroes who will make some personal gains at the price of selling themselves and Black folks. The disgusting thing is that he is paying off these debts with relish and glee.

POEMS DEALING WITH OUR ENVIRONMENT

HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 22, 1973

Mr. BRINKLEY. Mr. Speaker, three poems were recently given to me by three alert sixth-grade students at Reese Road School in Columbus, Ga. The poems were part of a classroom project and deal with the problems of air and water pollution. They are illustrative of the fact that our children and their teachers are deeply concerned about cleaning up and preserving our environment.

Upon hearing the three astronauts of Apollo 17 as they addressed the House of Representatives today, I thought it very noteworthy that they made reference to the "blue earth" and to the importance of preserving all its natural resources. I feel, therefore, it to be especially appropriate today that the three poems—evidencing awareness and the state of mind of a sixth-grade class—be brought to the attention of my colleagues.

The poems read:

"TREES"

(By Cheryl O'Brien)

Trees have a special meaning,
I think you know that too . . .
I'll tell you what they mean to me,
What do they mean to you?

They hum a certain whisper . . .
They sing a special song,
They tell us when it's autumn . . .
And when the winter's gone!

We built our first house . . .
Yes, in a tree so high
We'd sit beneath our shelter
And watch the moon float on the sky.

Trees are the most beautiful things I know,
They do no harm, they simply grow.

"POLLUTION"

(By Ricky Nelson)

Pollution is a crime to me,
It's such a worrying thing.
We can't see planes or ships in the sea,
Or even human beings.

Water is a crime to me,
I always drink it clean.
The water that I can see,
It doesn't make the scene.

Fog, Fog, Fog
It's a natural thing.
Smog, Smog, Smog,
It's not a natural thing.

"POLLUTION EVERYWHERE"

(By Jay Copeland)

Land, sea, and in the air
Pollution! Pollution everywhere.
Can we stop it before it's too late?
Or will the world meet its final fate?
We try and all pitch-in,
Before we can't see the sun again.
The water is black not blue,
And the fish might have to live in a shoe.
So if we don't all pitch-in,
It may not be the world again.

RIGHT NOT TO SMOKE SHOULD BE BASIC

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 22, 1973

Mr. YOUNG of Florida. Mr. Speaker, the right not to smoke should be basic, yet each day nonsmoking Americans traveling on planes, trains, and buses are forced to inhale noxious fumes coming from smoking passengers. Medical surveys show that in this confined space, smoke causes eye, throat, and nose irritation, headache, dizziness, and nausea, and ultimately threatens the nonsmoker's health.

The nonsmoker, I believe, should have the right to breathe unpolluted air. For this reason, early in 1971 I introduced the Nonsmokers Relief Act, and reintroduced the measure—H.R. 1309—on January 3 on the opening day of the new 93d Congress.

This vital piece of legislation in no way restricts the right to smoke on public conveyances. That is an individual decision. However, the bill would require carriers to assure the rights of the nonsmoker by providing separate seating on planes, trains, and buses traveling interstate.

Support for this measure has been overwhelming: Thousands of letters in favor have flooded into my office from across the Nation and even abroad. The Federal National Clearing House for Smoking and Health released a survey showing 58 percent of the people favor restricting smoking, and 86.5 percent believe smoking is enough of a health hazard to do something about it. Another survey showed Long Island Railroad passengers by a 5-to-1 margin favor riding in a nonsmoking car.

The American Medical Association has called for separating smokers and nonsmokers, and U.S. Surgeon General Jesse L. Steinfeld has gone so far as to propose an outright ban on smoking in all public places. On January 9, 1972, the Surgeon General issued a report that secondary smoke inhalation not only caused severe distress to the nonsmoker but jeopardized his health, particularly if he suffers from a respiratory ailment.

Since the Nonsmokers Relief Act was introduced, many of the Nation's leading air carriers have voluntarily adopted separate seating for smokers and nonsmokers. Supreme Court Justice Warren Burger recently made headlines when he complained after being forced to sit near a cigar smoker on Amtrak's Metroliner.

California adopted a law requiring air and land carriers to provide separate seating on trips originating in the State, and the Interstate Commerce Commission has ordered separate seating on buses—an order now held up by court appeals.

The need to protect the rights of nonsmokers cannot be disputed. Public support is overwhelming, and separate seating would cause no hardship to either the carriers or the travelers who chose to smoke despite the evidence of its effect on health.

Hopefully, the Congress will remedy this gross injustice and protect the rights of millions of nonsmoking Americans with prompt action this session.

H.R. 14—CONSUMER PROTECTION AGENCY ACT OF 1973

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 22, 1973

Mr. ROSENTHAL. Mr. Speaker, last Thursday, January 18, 90 Members of the House cosponsored new legislation to establish an independent Federal Consumer Protection Agency.

This Agency will represent the American consumer in all proceedings before the departments and agencies of Government and will, for the first time, give consumers equal clout with business when Federal decisions are made affecting the health and economic well-being of the public.

The effort to establish a strong consumer agency will be the major consumer issue of the 93d Congress and will provide a test of Congress willingness to challenge the anticonsumer biases of the Nixon administration.

In the 91st Congress, CPA legislation passed the Senate, but failed to receive a rule from the House Rules Committee. In the 92d Congress, the House passed what many consumer advocates labeled a "weak" CPA bill while a stronger Senate measure was filibustered to death in the closing days of the second session.

The new legislation, unlike last Congress House-passed bill, permits adequate and effective consumer representation on any issue which substantially affects the consumer interest, but in a way that guarantees the integrity of the administrative processes of government. It gives the CPA's consumer advocate essentially the same rights and remedies that are now available to business interests.

The revised CPA bill is a strong and fair piece of legislation which will not abuse the trust and confidence of the American consumer nor threaten the interests of legitimate businessmen. It is my strong hope and expectation that both the House and Senate will take early and favorable action on creating an effective consumer protection agency.

I am including below a list of cosponsors, a "dear colleague" letter to House Members on the bill, and a section-by-section analysis:

CONSUMER PROTECTION AGENCY BILL COSPONSORS, 93D CONGRESS

Abzug, Bella S., Adams, Brock, Addabbo, Joseph, Badillo, Herman, Biaggi, Mario, Bingham, Jonathan B., Boland, Edward P., Brademas, John, Brasco, Frank J., Brown, George E., Jr., Burke, Yvonne Brathwaite, Burke, James A., Burton, Phillip, Carey, Hugh L., Carney, Charles J., Chisholm, Shirley, Clark, Frank M., Convers, John, Jr., Corman, James C., Cotter, William R., Daniels, Dominick V., Dellums, Ronald V., and Dent, John H.

Diggs, Charles C., Jr., Drinan, Robert F., Dulski, Thaddeus J., Eckhardt, Bob, Edwards, Don, Eilberg, Joshua, Fascell, Dante B., Fauntroy, Walter E., Fish, Hamilton, Jr., Ford, William D., Fraser, Donald M., Grasso, Ella T., Green, William J., Gude, Gilbert, Hanley, James M., Harrington, Michael, Hawkins, Augustus F., Hechler, Ken, Helstoski, Henry, Holtzman, Elizabeth, Howard, James J., and Jordan, Barbara.

Karth, Joseph E., Kastenmeier, Robert W., Koch, Edward I., Kyros, Peter N., Matsunaga, Spark M., Meeds, Lloyd, Minish, Joseph G., Mink, Patsy T., Mitchell, Parren J., Moakley, John, Moorhead, William S., Morgan, Thomas E., Moss, John E., Murphy, John M., Murphy, Morgan F., Nix, Robert N. C., Patton, Edwards J., Pepper, Claude, Pettis, Jerry L., Pike, Otis G., Podell, Bertram, Price, Melvin, and Pritchard, Joel.

Rangel, Charles B., Reid, Ogden R., Riegle, Donald W., Jr., Rodino, Peter W., Jr., Roncalio, Teno, Rooney, Fred B., Rostenkowski, Dan, Sarbanes, Paul S., Seiberling, John F., Stanton, James V., Stokes, Louis, Studds, Gerry E., Symington, James W., Thompson, Frank, Jr., Tiernan, Robert O., Vanik, Charles A., Waldie, Jerome R., Wolff, Lester L., Yates, Sidney R., Yatron, Gus, and Zablocki, Clement J.

CONGRESS OF THE UNITED STATES,
Washington, D.C., January 3, 1973.

DEAR COLLEAGUE: For the past two Congresses, a substantial majority of the House and the Senate has favored the establishment of an independent *Consumer Protection Agency* (*CPA*) to represent the consumer interest before federal agencies and courts. Unfortunately, a final vote in the Senate was prevented by a filibuster in the closing days of the 92nd Congress; and, the legislation did not receive a House Rule in the 91st Congress.

The makeup of the 93rd Congress holds out the promise of favorable action early this year; and, so long as federal agencies continue to make decisions affecting the health and economic wellbeing of consumers without adequate or any consumer in-put, the need for a CPA will remain great. But the Agency we create must have the confidence of the consumer community and sufficient powers to provide the buying public with the kind of representation it needs.

As you may know, many consumer advocates both in and out of Congress regarded last year's House passed bill (H.R. 10835) as *seriously inadequate*. The extent to which H.R. 10835 denied adequate representation to consumers in the broad spectrum of federal decision-making—the heart of the bill—is a debatable issue. It is fair to say, however, that the confusion surrounding the ability of the CPA to intervene under the provisions of H.R. 10835, could only have been resolved through hundreds of costly and time-consuming court battles. Moreover, H.R. 10835 suffers from other serious weaknesses.

Accordingly, I will be introducing shortly, a *revised* Consumer Protection Agency bill which is an amalgam of the best features of H.R. 14 (the bill I introduced in the 92nd Congress with 170 co-sponsors) and S. 3970 (the Ribicoff-Percy Senate bill). I have adopted, for example, the "intervention" provision of the Senate bill which permits adequate and effective consumer representation on *any* issue which substantially affects the consumer interest, *but in a way that guarantees the integrity of the administrative process*. It gives the CPA's consumer advocate essentially the same rights and remedies that are *now* available to business groups. Unlike last year's House-passed bill, the new CPA legislation does not impose on the advocate impracticable and legally impossible distinctions between formal and informal federal agency actions (enforcement of the Flammable Fabrics Act, the Wholesome Meat Act and others, are most often handled informally outside of the provisions of the Administrative Procedure Act). The new bill's sole criteria for intervention are: does the action substantially affect consumers and does the consumer advocate have a right of intervention equivalent to that avaliable to business groups? Again, the new "intervention" provision, adopted from the Senate bill, does not tolerate undue administrative delay or tinkering.

In short, the new CPA bill I am introducing gives the consumer advocate an unfettered right of access to other agencies, within those agencies' procedural rules and regulations; and access to information from other agencies and from industry but with extensive safeguards and limitations spelled out. I have attached a section by section analysis of the new bill, which highlights changes from H.R. 14.

The revised CPA bill is, I believe, a strong and a fair piece of legislation which will not abuse the trust and confidence of the American consumer, nor alarm legitimate businessmen.

Sincerely yours,
BENJAMIN S. ROSENTHAL,
Member of Congress.

SECTION-BY-SECTION ANALYSIS OF THE CONSUMER PROTECTION AGENCY ACT OF 1973

SEC. 2. Statement of Findings. The Congress finds that the interests of the American consumer are inadequately represented and protected within the federal government; and vigorous representation and protection of consumer interests are essential to the fair and efficient functioning of a free market economy.

TITLE I—OFFICE OF CONSUMER AFFAIRS

SEC. 101. Office Established: to be headed by a Director and Deputy Director appointed by the President by and with the advice and consent of the Senate.

SEC. 102. Powers and Duties of Director of Office spelled out.

SEC. 103. Functions of the Office:

To coordinate the consumer programs of federal agencies;

To assure the effectiveness of federal consumer programs;

To submit recommendations to the Congress and the President on improving federal consumer programs;

To initiate and coordinate consumer education programs;

To cooperate with and assist state and local governments and private enterprise in fostering consumer programs;

To publish and distribute a Consumer Register listing federal actions of interest to consumers.

SEC. 104. Transfer of Functions.

TITLE II—CONSUMER PROTECTION AGENCY

SEC. 201. Establishes independent Consumer Protection Agency, to be headed by an Administrator and Deputy Administrator, appointed by the President for a term of four years coterminus with that of the President, by and with the advice and consent of the Senate. (The four year term is a new provision designed to increase the independence of the Administrator from the White House).

SEC. 202. Powers and Duties of Administrator:

(b) Employ experts and consultants.

Appoint advisory committees.

Promulgate rules.

Enter into and perform *contracts and* leases.

(c) Upon written request by the Administrator, each federal agency is authorized and directed—

To make its facilities and personnel available to the greatest practicable extent.

To furnish to the CPA information and data and to allow access to all documents, papers, and records in its possession which the Administrator deems necessary for the performance of his functions. Except that, a federal agency may deny the Administrator access to and copies of—

(1) Information classified in the interest of national defense and national security and data controlled by the Atomic Energy Act;

(2) Policy recommendations by agency personnel intended for internal use only;

(3) Information concerning routine executive and administrative functions not otherwise a matter of public record;

(4) Personnel and medical files;

(5) Information which such agency is expressly prohibited by law from disclosing to another federal agency.

(d) Trade secrets and commercial or financial information are available to the Administrator only upon a written statement by him when he has determined that immediate access to such information is necessary in order to protect public health or safety or to protect against imminent substantial economic injury due to fraud or unconscionable conduct; and only after notice that the request for access has been immediately communicated to the person who provided such information to the Agency. However, any such information described above cannot be disclosed to the public by the Administrator if it was received by a federal agency as confidential.

(The specific mention of types of information not available to the Administrator from other federal agencies has been added in the new CPA bill. Also added is a provision that information involving trade secrets and commercial or financial information from industry shall be available to the Administrator of the CPA only upon a written statement when he has determined that immediate access to such information is likely to be necessary in order to protect public health or safety or to protect against imminent substantial economic injury due to fraud or unconscionable conduct, after notice has been communicated to the person who provided such information. Also, such information even if available to the Administrator cannot be disclosed to the public if the agency originally receiving the material agreed to treat it as confidential.)

(e) The Administrator shall report once each year to the Congress and the President on the effectiveness of federal consumer programs and the adequacy of enforcement of consumer laws.

SEC. 203. Functions of the Agency:

To represent the interests of consumers before federal agencies and courts.

To support research, studies and testing leading to a better understanding of and improved consumer products and services.

To submit recommendations to the Congress and the President.

To publish and distribute consumer information.

To conduct surveys and investigations concerning the needs, interests and problems of consumers.

To keep the Congress fully informed of all its activities.

Sec. 204. Representation of consumer interests before federal agencies:

(a) Whenever the Administrator determines that the result of any federal agency proceeding which is subject to the provisions of the Administrative Procedure Act or which is conducted on the record after opportunity for an agency hearing, may substantially affect the interests of consumers, he may as of right intervene as a party by entering his appearance or otherwise participate for the purpose of representing the interests of consumers in such proceeding. The Administrator shall comply with agency statutes and rules of procedure governing the timing of intervention or participation and, upon intervening or participating, shall comply with agency statutes and rules of procedure concerning the conduct thereof.

(b) Whenever the Administrator determines that the result of any federal agency activity to which subsection (a) does not apply may substantially affect the interests of consumers, he may as of right participate. In exercising such right, he may in an orderly manner and without causing undue delay (1) present orally or in writing to responsible agency officials relevant information, briefs, and arguments; and (2) have an opportunity equal to that of any person outside the agency to participate in such activity. Such participation need not be simultaneous but should occur within a reasonable time.

(d) The Administrator may request or petition a federal agency to initiate a proceeding or activity or to take such other action as may be within the authority of such agency if a substantial consumer interest is involved.

(e) In any federal agency proceeding or activity in which he is intervening or participating, the Administrator is authorized to request the host federal agency to issue and the federal agency shall issue such orders for the summoning of witnesses, copying of documents, papers, and records, and submission of information in writing unless the agency determines that the request is not relevant to the matter at issue, is unnecessarily burdensome, or would unduely interfere with the conduct of the agency proceeding or activity.

(g) The Administrator is authorized to intervene or participate in any state or local agency or court proceeding, except a criminal proceeding, where the Administrator determines that a substantial consumer interest is affected and a request for intervention or participation has been received in writing by the Governor, a state Consumer Protection Agency, or a state or local court conducting the proceeding.

Sec. 205. Judicial Review:

(a) The Administrator shall have standing to obtain judicial review of any federal agency action reviewable under law in any civil proceeding in a court of the United States involving review or enforcement of a federal agency action substantially affecting the interest of consumers, if the Administrator intervened or participated in the federal agency proceeding or activity out of which such action arose; or, where he did not so intervene or participate, unless the court determines that such intervention in the judicial proceeding would be detrimental to the interests of justice.

(b) Before instituting judicial review of any federal action where he did not intervene or participate in the agency proceeding or activity out of which such action arose, the Administrator shall file a timely petition before such agency for a rehearing or reconsideration.

Sec. 206. Notice: each federal agency considering any action which may substantially affect the interests of consumers shall, upon request by the Administrator, notify him of any proceeding or activity and furnish a brief status report. Every federal agency in taking any action of the nature which can reasonably be construed as substantially affecting the interests of consumers shall take such action in a manner calculated to give due consideration to the valid interests of consumers. In taking any such action, the agency concerned shall indicate concisely in a public announcement of such action the effect that its action or decision is likely to have on the consumer interest.

Sec. 207. Consumer Complaints. The Agency and the Office shall receive, evaluate, develop, act on and transmit complaints to the appropriate federal agencies or non-federal sources concerning actions or practices which may be detrimental to the consumer interest, including information disclosing a probable violation of any law, rule or order of any U.S. agency, any commercial or trade practice affecting the consumer interest. The Agency and Office shall ascertain the nature and extent of action taken with regard to the complaints and shall promptly notify persons complained against. The Agency shall maintain in a public document room for public inspection and copying an up-to-date listing of consumer complaints arranged in meaningful and useful categories, together with annotations of actions taken on those complaints. Provided, that a complaint may be made available for public inspection only with the permission of the complainant and only after the party complained against or agency to which such complaint has been referred has had a reasonable time, but not more than 60 days, to comment on such complaint.

Sec. 208. Consumer Information and Services. The Agency is authorized to conduct and support studies and investigations concerning the interests of consumers and shall develop on its own initiative, gather from other federal agencies and non-federal sources, and disseminate to the public information, statistics and other data concerning (1) the functions and duties of the Agency; (2) consumer products and services after such have been determined to be accurate and provided such are not within the trade secret and financial limitations of Section 552 of Title 5 of the United States Code; and (3) problems encountered by consumers generally including commercial and trade practices of federal, state and local governments which adversely affect consumers.

(b) In exercising the authority under subsection (a) of this section, the Administrator is authorized to the extent required by health or safety of consumers or to discover consumer frauds, to obtain information from industry, by requiring such person engaged in a trade, business, or industry which substantially affects interstate commerce, by general or specific order setting forth with particularity the consumer interest involved and the purposes for which the information is sought, to file with him a report or answers in writing to specific questions. Nothing in this paragraph shall be construed to authorize the inspection or copying of documents, papers, books or records, or to compel the attendance of any person. Nor shall anything in this subsection require the disclosure of information which would violate any relationship privileged according to law. Any district court of the United States within the jurisdiction of which such person is found or has his principal place of business, shall issue an order requiring compliance with the valid order of the Administrator so long as the request for information is not unnecessarily or excessively burdensome and is relevant to the purposes for which the information is sought. The Administrator shall not exercise the authority of this subsection if the information sought is for use in connection with his intervention in any pending agency proceeding, is available as a matter of public record, or can be obtained from another federal agency.

(c) In the dissemination of any test results which disclose product names, it shall be made clear, if such is the case, that not all products of a competitive nature have been tested and that there is no intent or purpose to rate products tested over those not tested or to imply that those tested are superior or preferable.

Sec. 209. (a) The Agency shall, in the exercise of its functions (1) encourage and support testing of consumer products and research for improving consumer services in the exercise of its functions under sections 204 and 208 of this Title; (2) make recommendations to other federal agencies with respect to research and studies which would be useful to consumers; and (3) report to Congress on establishing a national consumer information foundation.

(b) All federal agencies which possess testing facilities relating to the performance of consumer products are authorized and directed to perform promptly such tests as the Administrator may request, in the exercise of his functions under Section 204 of this Title.

(c) Neither a federal agency nor the Administrator shall declare one product to be better, or a better buy, than any other product. The Administrator shall periodically review products which have been tested to assure that such products and information disseminated about them conform to the test results.

Sec. 210. So as to assure fairness to all affected parties regarding the release of product test data containing product names, prior to such release, the agency shall act pursuant to regulations after notice and opportunity for comment by interested persons.

Sec. 211. Information disclosure. The Administrator shall not disclose any information which it has obtained from a federal agency through its records which such agency has specified is exempted from disclosure under Section 552 of Title 5 United States Code or by any other provision of law and which such agency has specified should not be disclosed.

(c) The Administrator shall not disclose any trade secret or other confidential business information described by Section 1905 of Title 18 United States Code (concerning trade secrets and financial information), except that such information may be disclosed (1) to the public only if necessary to protect health or safety and (2) in a manner designed to preserve confidentiality to duly authorized committees of the Congress, to courts and federal agencies in representing the interests of consumers.

TITLE III—CONSUMER ADVISORY COUNCIL

Sec. 301. Establishes a 15 member Consumer Advisory Council appointed by the President. Members of the Council shall be paid only while on the business of the Council. The Council shall (1) advise the Agency and Office on matters relating to the consumer interests (2) review and evaluate the effectiveness of federal consumer programs.

MEMORIAL TO FRANK T. BOW

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 22, 1973

Mr. BURKE of Florida. Mr. Speaker, I rise to voice my feeling of deep loss over the death of our former colleague, Frank T. Bow, who for 22 years represented the 16th Congressional District of Ohio in the U.S. Congress. We will not have the pleasure of his company any more, nor will we have the benefit of his wisdom in the Congress.

As the ranking Republican on the Committee on Appropriations, Mr. Bow, was the voice and spirit of conservative and responsible government. His physical well-being came second to him in his fight against wasteful Government spending. Our present unbalanced budget and overblown appropriations would not be our burden if he had his way, yet they might have been worse if it were not for his efforts.

The loss by the death of Frank Bow to me is not only that of the loss of a friend, but it is also the loss of a good American colleague. To Frank Bow we can truly say not only "goodbye," but we can honestly say "congratulations on a job well done."

ANNUNZIO INTRODUCES LICENSE RENEWAL BILL TO END THE REGULATORY AND JUDICIAL CHAOS

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 22, 1973

Mr. ANNUNZIO. Mr. Speaker, on January 3, I introduced a license renewal bill, H.R. 265, which is similar to the bill I introduced in the 92d Congress. My bill in the last Congress reflected the strong public support throughout the country for a legislative remedy to the license renewal problem. Although hearings were not held in the 92d Congress, hearings have been promised for early in the first session of the 93d Congress. It is my strong hope that those hearings will result in meaningful legislation. I also believe that the language of my bill is the precise formulation needed.

The problem of license renewal is a perfect example of a situation where existing legislation, which had proved adequate over a lengthy period of time, has suddenly been rendered extremely unstable by regulatory and judicial actions. Television and radio broadcasters, until recently, could expect to have their licenses renewed if they had done a good job of serving their communities. There never was any question that the public owned the airwaves nor were broadcasters deluded into thinking that a license to broadcast conveyed any private property rights.

They did not feel it unreasonable to assume, however, that by offering a community good broadcast service during the 3-year license period and by investing capital to improve their facilities that they were entitled to added consideration during renewal time over competing applicants with nothing better to offer than future promises. That situation, while probably not being the happiest of all worlds, was quite adequate for the public interest and all concerned.

Broadcasters were given the incentive to offer good service and invest in their facilities; the community served benefited from that investment of time and capital and formed intimate relationships with the broadcast station; and the challenging applicants could still enter broadcasting by developing a UHF frequency or by buying a station and obtaining a transfer of its license, a common practice.

Broadcast service requires stability because of the long-range commitments necessary for meritorious service. Capital investments must constantly be made in order to upgrade service. A dynamic technology insures that new investment opportunities will continually present themselves. These investments must be amortized over periods of time longer than 3 years. The incentive that the broadcaster needs to make these improvements is the reasonable chance that he will be around long enough to recover his costs. The broadcaster must also make long-range commitments for the future delivery of programing.

In light of these facts, we can appreciate the significance of the FCC ruling in the infamous WHDH decision that the licensee's past broadcast performance fell within the bounds of average performance and was therefore to be dismissed as not a factor of decisional significance. There should be little wonder that this decision caused profound shock in the broadcast industry since broadcasters were led to believe by the decision that they were henceforth to be judged not by their past broadcast performance but by new and exotic criteria concocted by FCC commissioners. Until that eventful decision in January 1969, broadcasters and the public had mutually prospered under a fair amount of stability. That stability, once ruptured, has proved impervious to repair, by nonlegislative bodies.

The Federal Communications Commission had expressed its previous license renewal policy in the Hearst Radio Inc.—WBAL—decision in 1951 and again in Wabash Valley Broadcasting Corp.—WTHI–TV—in 1963. In Hearst, renewal of the license was granted because of "the clear advantage of continuing the established and excellent service—of the existing station—when compared to the risks attendant on the execution of the proposed programing of—the new applicant—excellent though the proposal may be."

Those precedents were apparently overturned in January 1969 when WHDH lost its license in Boston because of two factors: diversification of the media and integration of ownership with management. The Commission later reinterpreted this decision so as to thoroughly confuse the issues involved and to obviate the use of WHDH as a precedent. But the damage had been done: the old policy of favoring "meritorious" service over "paper proposals" has been effectively emasculated.

The impact of WHDH, despite FCC protestations, appeared to install the 1965 policy statement on comparative broadcast hearings as the standard by which renewal applicants were to be judged. The policy statement, originally intended for new applicants only, placed significant emphasis on diversification of the media and integration of management with ownership. The broadcast industry was quite alarmed at the new policy. WHDH had been valued at $60 million with annual net income between $5 and $7 million. "Broadcasting" magazine reported a study by Martin Seiden indicating that broadcasting stations throughout the country valued at $3 billion could be jeopardized by the new standards.

During the 91st Congress, in 1969, the distinguished Senator from Rhode Island, the Honorable JOHN PASTORE, chairman of the Communications Subcommittee of the Senate Commerce Committee, introduced S. 2004 which would have established new procedures for renewing broadcast licenses. Extensive hearings were held on the bill and considerable support was given the bill by Members of the Senate. By the end of the year passage appeared imminent.

At that point the Federal Communication Commission intervened with a new "Policy Statement on Comparative Hearings Involving Regular Renewal Applicants," issued in January 1970. The new policy statement reduced much of the political pressure for legislation by unambiguously restoring the essential renewal policy which had guided the FCC prior to WHDH.

The 1970 policy statement declared a preference for any renewal applicant over a competitive challenge if the licensee could demonstrate that its programing had substantially met the needs and interests of its area. The Commission explicitly avoided a policy of revoking a license because of other media holdings, preferring to establish such policies by rulemaking rather than implementing them in a case-by-case approach. It also said a good record may outweigh local residence and the integration of ownership with management.

The tranquillity in the broadcast industry barely outlived the remaining months of the 91st Congress. In June 1971, Judge Skelly Wright of the U.S. Circuit Court of Appeals for the District of Columbia overturned the 1970 policy statement. The court rejected the policy statement because it denied all applicants their rights to a full hearing as required by the Communications Act of 1934 according to the Supreme Court in Ashbacker, 1945.

The court's decision evoked dozens of license renewal bills during the 92d Congress, besides my own, but hearings were not held. The lack of hearings was partly due to 1972 being an election year. A more important factor, however, was the absence of any apparent rush by the FCC to implement the court's decision.

The FCC can drag its feet only so long before the court determines that a deliberate attempt to circumvent its decision is being made. When that fateful moment arrives, broadcasters will be quite vulnerable to challenges by competing applicants.

The court, in its decision in the Citizen's case in June 1971, stated that a broadcaster's past programing record must be clearly "superior" before the incumbent licensee can be accorded any preference. Even then, programing is not the decisive factor in a comparative hearing, but only one of many considerations.

Recently, on May 4, 1972, in a further decision involving the Citizen's decision, the court elaborated its conception of what those other considerations ought to be:

> (W)e suggested specific criteria for use in determining whether an incumbent had performed in a "superior" manner, including (1) elimination of excessive and loud advertising; (2) delivery of quality programs; (3) the extent to which the incumbent has reinvested the profit from his license to the service of the viewing and listening public; (4) diversification of ownership of mass media; and (5) independence from governmental influence in promoting First Amendment objectives. (24 RR 2d 2045, 2046.)

Under the Communication Act of 1934, the mechanism of license renewal is of crucial importance to the broadcast industry and the listening and viewing public. Every 3 years a new decision must be made as to who will operate over each allocated broadcasting frequency. And unlike the Schmoos in the world of "Li'l Abner," broadcasters and the resources they command are not available in infinite supply.

Therefore, it is mandatory that the law and regulations pertaining to broadcasting provide for orderly procedures for license renewal with clearcut standards. The procedures must insure that broadcasters offering their communities good service have a reasonable chance of obtaining a renewal of their license. Otherwise, the public will suffer from inferior service. Since the Communications Act of 1934 is now in disarray in this regard, new legislation should be enacted clarifying the license renewal proceedings.

Without new law, the vacuum will be filled by the FCC and the courts vacillating from one creative inspiration to another. I will not deny that their show is entertaining, but my bill will guarantee that the general public continues to receive more wholesome entertainment on radio and television.

Briefly, my bill will extend the maximum broadcast license period from 3 to 5 years and will provide for granting an application for renewal of license where an applicant is legally, financially, and technically qualified and has not exhibited a callous disregard for the law or regulations of the Federal Communications Commission. An applicant who is not fully qualified or one who has demonstrated a callous disregard for the law or FCC regulations will have those deficiencies weighed against him in a renewal proceeding. My bill recognizes the maturity of the industry by extending the license renewal period and thereby reduces the cost of license review to both the broadcaster and the Federal Communications Commission.

The FCC is well equipped to sanction any violation of the law during the license period so that the public interest will not suffer in that regard. If the applicant for renewal is otherwise qualified, it will be granted the license if it can demonstrate that its "broadcast service during the preceding license period has reflected a good-faith effort to serve the needs and interests of its area as represented in its immediately preceding and pending license renewal applications." The emphasis is on proven service to the community. I believe this is the best standard we could apply to broadcasters.

By enacting my bill we can restore order to the renewal process and provide a congressional standard clearly emphasizing community service. Against the background of that new stability, the FCC will be more free to complement present broadcast service by encouraging the full development of the broadcast spectrum.

CONSTITUTIONAL REVISION OF THE PRESIDENTIAL ELECTION SYSTEM

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 22, 1973

Mr. BINGHAM. Mr. Speaker, today I am introducing legislation to change the perilous structure existing within our constitutional framework for electing Presidents and Vice Presidents. This legislation is aimed at the Scylla and Charybdis which threaten American democracy; the electoral college and the role of the House of Representatives and the Senate in selecting a President and a Vice President if the electoral college is deadlocked.

I am pleased to have as cosponsors of this legislation Mr. Buchanan, Mr. Mazzoli, Mrs. Mink, Mr. Mitchell of Maryland, Mr. Moakley, Mr. Moorhead of Pennsylvania, Mr. Parris, and Mr. Podell.

In the past two Congresses I have introduced legislation proposing a constitutional amendment which would accomplish two objectives.

First, the electoral college would be abolished, but the current electoral system would be retained. Each State's electoral votes would be cast automatically for the popular vote winner in the State.

Second, in the event that no presidential candidate receives a majority of the electoral votes, a run-off election would be held between the two top contenders.

The existing structure for selecting Presidents and Vice Presidents contains a set of hidden traps whose jaws may one day crush the political integrity of our Nation.

Under existing law, voters in each State do not cast their votes for an actual presidential candidate, but rather for a slate of electors who promise to cast their votes in the electoral college for a presidential ticket. Apparently, those electors are bound only by their sense of honor to fulfill that promise. They are in a legal position to totally disregard the instructions of the voters who selected them, and they may cast their electoral votes for any candidate of their choice. Recent examples of electors who refused to cast their votes for the candidate to whom they were pledged can be found in the presidential elections of 1972, 1968, 1960, 1956, and 1948. Those cases involved electors from Virginia, North Carolina, Oklahoma, Alabama, and Tennessee, respectively. The perpetuation of this system would leave the door open for secret political deals by electors which would frustrate the expressed desires of the American voter. In a very close two-candidate race, or in a wide-open three-way race, the result might be the selection of a presidential candidate who had been rejected by a majority of voters in the general election. This danger is greatest in a three-way race, for the third-place finisher could wheel and deal with the leading two candidates, extracting political blackmail in exchange for delivering his electoral votes to the candidate who paid him the highest political price.

The constitutional amendment which I am proposing would permit each State to retain its present number of electoral votes, but it would abolish the selection of individual electors. The winner of the popular vote in each State would automatically receive that State's total of electoral votes. Article II of the U.S. Constitution provides that each State shall have a number of electoral votes equal to its total of Senators and Representatives in Congress, and that provision is retained in the amendment which I am introducing. No State's electoral strength would be diminished—Alaska would still have three electoral votes, Texas would have 26, Kansas would retain its seven, California would still lead the Nation with 45, and my own home State of New York would again cast 41 electoral votes. The weight of every American's vote would remain exactly as it is today, but no longer could the whim or political scheming of individual electors and third-party candidates stand between the American voter and the selection of the candidate of his choice.

This legislation would also abolish the potential for throwing the presidential election into the House of Representatives and the vice-presidential election into the Senate. Under our Constitution, if a presidential race involves three or more candidates and none receives a majority of the electoral college votes, the House of Representatives must then select a President from among the top three electoral vote-getters while the Senate chooses between the two leading vice-presidential candidates to fill the second highest office in the land. Each State casts one vote in the House proceeding, and the recipient of that vote is determined by a majority vote of each State's House delegation. In the Senate, on the other hand, each Senator casts a separate vote for Vice President.

The potential for chaos and disaster under these procedures is obvious. The voters of a particular State may elect a House of Representatives delegation in which one party has the majority, and simultaneously cast its popular vote for a presidential candidate of another party. If the majority of the State's House delegation decides to vote for the presidential candidate of its own party, the wishes of that State's voters would be blatantly frustrated. Similarly, the party which controls the Senate might select a Vice President who had not been preferred by even a plurality of the voters, and that Vice President might not be the running mate of the Presidential candidate who emerges victorious in the House.

The emergence of third-party movements in this country increases the chances that our Nation will one day be confronted by an electoral crisis of this nature. The amendment I am proposing would prevent this explosive situation by providing that if no presidential candidate receives a majority of the electoral votes, the two candidates with the greatest number of electoral vote would face each other in a runoff election 1 month later. The candidate who receives the larger number of electoral votes in that runoff would be elected President, and his running mate would become Vice President.

The direct election of the President by total national vote has also been discussed widely as a solution to the present problem. This major proposal has an appealing ring to it, but realistically speaking it has little chance of being enacted. In the 92d Congress, I voted for that proposal, but I predicted that it would be the victim of widespread political opposition. That prediction was borne out when the proposed legislation died in committee in the Senate. The failure which marked that effort would likely characterize an effort to reintroduce direct election legislation.

In addition to opposition in the Senate, political leaders from large and small States alike consider direct election a threat to the special attention which individual States command under the present electoral vote system. Any constitutional amendment must be ratified by the legislatures of three-fourths of the States, and it is most unlikely that the proposal for direct election of the President could meet that requirement. The Founding Fathers envisioned a system of weighted electoral voting through which smaller States would retain the same impact as they possess in Congress, and the proposal for direct election would dilute their strength. Large States would also object to the end of the electoral vote concept because candidates would no longer have to concentrate on winning over the voters of individual States, but rather could ignore State problems and present truly tepid fare to the voters. The future of the direct election proposal appears bleak, indeed.

Critics of these proposed solutions may claim that our concern is "much ado about nothing" because of the clear and convincing results of the 1972 presidential election which left no room for political chicanery in the electoral college or in Congress. We must not permit this country to be lulled into a false sense of constitutional security as a result of the recent election.

In 1824, a four-man race saw Andrew Jackson, John Quincy Adams, William Crawford, and Henry Clay vying for the Presidency. Jackson garnered the greatest number of electoral votes, but failed to achieve a majority. The election was thrown into the House of Representatives and, when the smoke cleared, Adams emerged as President and Clay was quickly named Secretary of State. That administration was tainted by the accusation that Adams had won the Presidency through backroom deals and not by popular will.

In 1876, Samuel J. Tilden and Rutherford B. Hayes contested an election which has taken a prominent place on the roster of unsavory American political events. Wheeling, dealing, and finagling delivered the electoral college votes of Florida, Louisiana, and South Carolina to Hayes despite the fact that the popular votes in those States had been embroiled in extensive allegations of fraud and coercion.

In 1972, political scientists were warning that a three-way or even four-way presidential race was headed for a collision course with our antiquated election laws. At one point, the distinct possibility existed that the Democratic antiwar movement might nominate its own candidate if the nomination of the national party went to a candidate not strongly identified as opposed to the Vietnam conflict. Simultaneously, Gov. George Wallace, of Alabama, was waging a vigorous primary campaign, and, he might have run for the Presidency in the general election even if denied the Democratic Party nomination. That race was halted by the tragic assassination attempt upon Governor Wallace and by the results of the Democratic convention, but a race with three or four major candidates is likely to raise its head in the future. Political alliances and popular movements drift and swirl like a desert's sands, and we may well be faced again with the prospect of a multicandidate race in our lifetimes.

The governments of large and small nations alike have toppled when confronted by constitutional crises. The roots of our own democracy were shaken in 1824 and 1876 by the inadequacies of our presidential election system. With the exception of the Civil War period, American society has never been more fragmented and polarized than it is today. A crisis of confidence brought on by the political machinations of a multicandidate presidential election to be decided in the electoral college or in the House of Representatives could shatter our national foundations.

The great Spanish author Santayana warned:

> Those who cannot remember the past are condemned to repeat it.

In the hope that our Nation may be spared a repetition of the past which has shattered foreign governments and shaken our own, I offer this legislation.

A section-by-section analysis of the legislation follows:

SECTION-BY-SECTION ANALYSIS

I. JOINT RESOLUTION TO AMEND THE CONSTITUTION

Section I states that this amendment alters the electoral system contained in Article II of the Constitution and in the 12th and 24th Amendments to the Constitution.

Section 2 gives each state the number of electoral votes which corresponds to its total representation in the Congress.

Section 3 awards each state's electoral votes for President and Vice-President to the candidates receiving the greatest number of votes for those offices in each state.

Section 4 provides that the candidates receiving a majority of electoral votes for the offices of President and Vice President shall be declared the winners of those offices.

Section 5 provides that, in the event no candidate receives a majority of electoral votes for the Presidency, a runoff election shall be held between the two leading electoral vote-getters.

Section 6 provides that the District of Columbia shall be entitled to a number of electoral votes equal to the Congressional representation it would have if it *were* a state, but not more than the least populous state.

Section 7 permits the Congress to legislate the determination of election questions not covered by the amendment.

II. A BILL TO ESTABLISH ELECTION DATES

Section 1 specifies that the Presidential election shall be held on the second Tuesday in October, and that, if necessary, the runoff election shall be held on the first Tuesday after the first Monday in November.

Section 2 revises the U.S. code (2 U.S.C. 7) to comply with section 1.

Section 3 specifies that the change in election date shall be made only after ratification of the proposed constitutional amendment.

THE POSTAL SERVICE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 22, 1973

Mr. DERWINSKI. Mr. Speaker, a member of the House Post Office and Civil Service Committee, I have played a role in the passage of the Postal Service Act. I believe the Postal Service has shown signs of progress and has made adjustments we all recognized were necessary.

It must be kept in mind that a situation that has been allowed to deteriorate as badly as was the case in many facets of the old postal department will take time to cure, but I believe the Postal Service can stand up well in any objective review .

One such review was carried in an an editorial by the Homewood-Flossmoor Star of Sunday, January 14, 1973, which I believe to be a sound appraisal of the Postal Service.

The editorial follows:

AS WE SEE IT—THE POSTAL SERVICE

The U.S. Postal service, newest of the major federal agencies, shows signs of living up to its promises. In its first year of operation, the USPS has made headway on two announced goals: reducing costs and improving the quality and reliability of mail service.

As a result of increased productivity and a commitment by postal officials to hold the line on costs, a $450 million increase in postal rates scheduled to take place in January has been canceled.

In the period 1969–71, postal revenues, fees and other types of income provided 80 per cent of the USPS's cost of operation. The remainder came from direct Congressional appropriations, which in 1971 reached a record high of $2.08 billion. In 1972 postal revenues provided 84 per cent of the cost of operation, and the Congressional subsidy was $1.3 billion, down nearly 35 per cent from the 1971 figure.

The USPS's achievements are especially noteworthy because not only do they reverse the usual trend of government operations but also because they were attained despite the heaviest mail load in U.S. history. Mailed during 1972 were 87.2 billion pieces of mail, or 419 pieces for every person in the United States. This was an increase of 200 million pieces from the 1971 figure.

Approximately half of all mail handled each year is first-class. Last year, however, first-class mail accounted for 56.7 per cent of the total, a record 49 billion pieces. Continuing a trend started with the advent of the new agency, first-class mail service is reportedly improved. According to USPS officials, 94 per cent of first-class mail deposited by 5 p.m. for local delivery reaches its destination the following day.

With such an auspicious beginning, the U.S. Postal service may one day regain the prestige that the country's postal service once enjoyed.

VALUE-ADDED TAX IS NOT THE ANSWER

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 22, 1973

Mr. CRANE. Mr. Speaker, in recent days there have been calls for a new kind of tax, the value added tax. These calls come at a time when the American people have shown at the polls that what they desire is lower taxes and less governmental interference in their lives, not more.

The advocates of the value added tax argue that this tax will replace property taxes, not be imposed in addition to existing tax burdens. The history of taxation, however, has shown us almost beyond a doubt that taxes never go down. Government, in its continuing quest for new funds, never relaxes its hold on existing sources of revenue.

What the value added tax is, essentially, is a national sales tax, levied in proportion to the goods and services produced and sold. It is also a concealed tax, for the VAT is levied at each step of the way in the production process: on farmer, manufacturer, jobber and wholesaler, and only slightly on the retailer.

When a consumer pays a 7-percent tax on every purchase, he is indignant and resentful toward government. But if the 7-percent tax is hidden and paid by every firm rather than just at retail, the inevitably higher prices will be blamed, not on the Government, but on grasping businessmen and avaricious trade unions.

The late Frank Chodorov explained clearly the desire of Government for hidden taxation:

> It is not the size of the yield, nor the certainty of collection which gives indirect taxation (read: VAT) preeminence in the state's scheme of appropriation. Its most commendable quality is that of being surreptitious. It is taking, so to speak, while the victim is not looking.

Discussing the value added tax, Prof. Murray Rothbard, author of a number of important books including Man, Economy and the State, and a professor of economics at Brooklyn Polytechnic Institute, notes that:

> VAT allows the government to extract many more funds from the public—to bring about higher prices, lower production and lower incomes—and yet totally escape the blame, which can easily be loaded on business, unions, or the consumer as the particular administration sees fit.

A common criticism is that the VAT, like the sales tax, is a regressive tax, falling largely on the poor and the middle class, who pay a greater percentage of their income than the rich.

Professor Rothbard states, however, that VAT is in many respects worse than the sales tax:

> Every business firm will be burdened by the cost of innumerable record-keeping and collection for government. The result will be an inexorable push of the business system toward "vertical mergers" and the reduction of competition.

The VAT will, in addition, have a negative effect on employment. Professor Rothbard declares that:

> In the first place, any firm that buys, say machinery, can deduct the embodied VAT from its own tax liability; but if it hires workers, it can make no such deduction. The result will be to spur over-mechanization and the firing of laborers. Secondly, part of the long run effect of VAT will be to lower the demand for labor and wage incomes, but since unions and minimum wage laws are able to keep wage rates up indefinitely, the impact will be a rise in unemployment.

I wish to share Professor Rothbard's thoughtful analysis of the value added tax, which appeared in Human Events of March 11, 1972, with my colleagues, and insert it into the RECORD at this time:

THE VALUE-ADDED TAX IS NOT THE ANSWER

(By Murray N. Rothbard)

One of the great and striking facts of recent months is the growing resistance to further taxes on the part of the long-suffering American public. Every individual, business, or organization in American society acquires its revenue by the peaceful and voluntary sale of productive goods and services to the consumer, or by voluntary donations from people who wish to further whatever the group or organization is doing. Only government acquires its income by the coercive imposition of taxes. The welcome new element is the growing resistance to further tax exactions by the American people.

In its endless quest for more and better booty, the government has contrived to tax everything it can find, and in countless ways. Its motto can almost be said to be: "If it moves, tax it!"

Every income, every activity, every piece of property, every person in the land is subject to a battery of tax extortions, direct and indirect, visible and invisible. There is of course nothing new about this; what is new is that the accelerating drive of the government to tax has begun to run into determined resistance on the part of the American citizenry.

It is no secret that the income tax, the favorite of government for its ability to reach in and openly extract funds from everyone's income, has reached its political limit in this country. The poor and the middle class are now taxed so heavily that the federal government, in particular, dares not try to extort even more ruinous levies.

The outraged taxpayer, after all, can easily become the outraged voter. How outraged the voters can be was brought home to the politicians last November, when locality after locality throughout the country rose in wrath to vote down proposed bond issues, even for the long-sacrosanct purpose of expanding public schools.

DEFEAT IN NEW YORK

The most heartening example—and one that can only give us all hope for a free America—was in New York City, where every leading politician of both parties, aided and abetted by a heavily financed and demagogic TV campaign, urged the voters to support a transportation bond issue. Yet the bond issue was overwhelmingly defeated—and this lesson for all our politicians was a sharp and salutary one.

Finally, the property tax, the mainstay of local government as the income tax is at the federal level, is now generally acknowledged to have a devastating effect on the nation's housing. The property tax discourages improvements and investments in housing, has driven countless Americans out of their homes, and has led to spiralling tax abandonments in, for example, New York City, with a resulting deterioration of blighted slum housing.

"Government, in short, has reached its tax limit; the people were finally saying an emphatic 'No!' to any further rise in their tax burden. What was ever-encroaching government going to do? The nation's economists, most of whom are ever eager to serve as technicians for the expansion of state power, were at hand with an answer, a new rabbit out of the hat to save the day for Big Government.'

They pointed out that the income tax and property tax were too evident, too *visible*, and that so are the generally hated sales tax and excise taxes on specific commodities. But how about a tax that remains totally *hidden*, that the consumer or average American cannot identify and pinpoint as the object of his wrath? It was this deliciously hidden quality that brought forth the rapt attention of the Nixon Administration, the "Value Added Tax" (VAT).

The great individualist Frank Chodorov, once an editor of HUMAN EVENTS, explained clearly the hankering of government for hidden taxation: "It is not the size of the yield, nor the certainty of collection, which gives indirect taxation [read: VAT] preeminence in the state's scheme of appropriation. Its most commendable quality is that of being surreptitious. It is taking, so to speak, while the victim is not looking.

"Those who strain themselves to give taxation a moral character are under obligation to explain the state's preoccupation with hiding taxes in the price of goods." (Frank Chodorov, *Out of Step*, Devin-Adair, 1962, p. 220.)

The VAT is essentially a national sales tax, levied in proportion to the goods and services produced and sold. But its delightful concealment comes from the fact that the VAT is levied at each step of the way in the production process: on farmer, manufacturer, jobber and wholesaler, and only slightly on the retailer.

The difference is that when a consumer pays a 7 per cent sales tax on every purchase, his indignation rises and he points the finger of resentment at the politicians in charge of government; but if the 7 per cent tax is hidden and paid by every firm rather than just at retail, the inevitably higher prices will be charged, *not* to the government where it belongs, but to grasping businessmen and avaricious trade unions.

While consumers, businessmen and unions all blame each other for inflation like Kilkenny cats, Papa government is able to preserve its lofty moral purity, and to join in denouncing all of these groups for "causing inflation."

It is now easy to see the enthusiasm of the federal government and its economic advisers for the new scheme for a VAT. It allows the government to extract many more funds from the public—to bring about higher prices, lower production and lower incomes—and yet totally escape the blame, which can easily be loaded on business, unions, or the consumer as the particular administration sees fit.

The VAT is, in short, a looming gigantic swindle upon the American public, and it is therefore vitally important that it shall not pass. For if it does, the encroaching menace of Big Government will get another, and prolonged, lease on life.

One of the selling points for VAT is that it is supposed only to *replace* the property tax for its prime task of financing local public schools. Any relief of the onerous burden of the property tax sounds good to many Americans.

But anyone familiar with the history of government or taxation should know the trap in this sort of promise. For we should all know by now that taxes *never* go down. Government, in its insatiable quest for new funds, never relaxes its grip on any source of revenue.

You know and I know that the property tax, even if replaced for school financing, will not really go down; it will simply be shifted to other expensive boondoggles of local government. And we also know full well that the VAT will not long be limited to financing the schools; its vast potential (a 10 per cent VAT would bring in about $60 billion in revenue) is just too tempting for the government not to use it to the hilt, and, in the famous words of New Dealer Harry Hopkins: "to tax and tax, spend and spend, elect and elect."

Let us now delve more deeply into the specific nature of the VAT. A given percentage (the Nixon Administration proposal is 3 per cent) is levied, not on retail sales, but on the sales of each stage of production, with the business firm deducting from its liability the tax embodied in the purchases that he makes from previous stages. It is thus a sales tax hidden at each stage of production, from the farmer or miner down to the retailer.

A "REGRESSIVE" TAX

The most common criticism is that the VAT, like the sales tax, is a "regressive" tax, falling largely on the poor and the middle class, who pay a greater percentage of their income than the rich. This is a proper and important criticism, especially coming at a time when the middle class is already suffering from an excruciating tax burden.

The Nixon Administration proposes to alleviate the burden on the poor by rebating the taxes through the income tax. While this may alleviate the tax burden on the poor, the middle class, which pays most of our taxes anyway, will hardly be benefited.

"Furthermore, there is a more sinister element in the rebate plan: for some of the poor will get cash payments from the IRS, thereby bringing in the disastrous principle of the guaranteed annual income (FAP) through the back door."

But the VAT is in many ways far worse than a sales tax, apart from its hidden and clandestine nature. In the first place, the VAT advocates claim that since each firm and stage of production will pay in proportion to its "value added" to production, there will be no misallocation effects along the way.

But this ignores the fact that every business firm will be burdened by the cost of innumerable record-keeping and collection for the government. The result will be an inexorable push of the business system toward "vertical mergers" and the reduction of competition.

Suppose, for example, that a crude oil producer adds the value of $1,000, and that an oil refiner adds another $1,000, and suppose for simplicity that the VAT is 10 per cent. Theoretically, it should make no difference if the firms are separate or "integrated"; in the former case, each firm would pay $100 to the government; in the latter, the integrated firm would pay $200. But since this comforting theory ignores the substantial costs of record-keeping and collection, in practice if the crude oil firm and the oil refiner were integrated into one firm, making only one payment, their costs could be lower.

VERTICAL MERGERS

Hence, vertical mergers will be induced by the VAT, after which the Anti-Trust Division of the Department of Justice would begin to clamor that the free market is producing "monopoly" and that the merger must be broken by government fiat.

The costs of record-keeping and payment pose another grave problem for the market economy. Obviously, small firms are less able to bear these costs than big ones, and so the VAT will be a powerful burden on small business and hamper it gravely in the competitive struggle. It is no wonder that some big businesses look with favor on the VAT!

There is another grave problem with VAT, a problem that the Western European countries which have adopted VAT are already struggling with.

In the VAT, every firm sends its invoices to the VAT embodied in its invoices for goods bought from other firms. The result is an irresistible opening for cheating, and in Western Europe there are special firms whose business is to write out fake invoices which can reduce the tax liabilities of their "customers." Those businesses more willing to cheat will then be forced in the competitive struggle of the market.

A further crucial flaw exists in the VAT, a flaw which will bring much grief to our economic system. Most people assume that such a tax will simply be passed on in higher prices to the consumer. But the process is not that simple. While, in the long run, prices to consumers will undoubtedly rise, there will be two other important effects: a large short-run reduction in business profits, and a long-run fall in wage incomes.

The critical blow to profits, while perhaps only "short-run," will take place at a time of business recession, when many firms and industries are suffering from low profits and even from business losses. The low-profit firms and industries will be severely hit by the imposition of VAT, and the result will be to cripple any possible recovery and plunge us deeper into recession. Furthermore, new and creative firms, which usually begin small and with low profits, will be similarly crippled before they have scarcely begun.

The VAT will also have a severe, and so far unacknowledged, effect in aggravating unemployment, which is already at a high recession rate. The grievous impact on unemployment will be twofold. In the first place, any firm that buys, say, machinery, can deduct the embodied VAT from its own tax liability; but if it hires workers, it can make no such deduction. The result will be to spur over-mechanization and the firing of laborers.

Secondly, part of the long-run effect of VAT will be to lower the demand for labor and wage incomes; but since unions and the minimum wage laws are able to keep wage rates up indefinitely, the impact will be a rise in unemployment. Thus, from two separate and compounding directions, VAT will aggravate an already serious unemployment problem.

Hence, the American public will pay a high price indeed for the clandestine nature of the VAT. We will be mulcted of a large and increasing amount of funds, extracted in a hidden but no less burdensome manner, just at a time when the government seemed to have reached the limit of the tax burden that the people will allow. It will be funds that will aggravate the burdens on the already long-suffering average middle-class American. And to top it off, the VAT will cripple profits, injure competition, small business and new creative firms, raise prices, and greatly aggravate unemployment. It will pit consumers against business, and intensify conflicts within society.

One of Parkinson's justly famous "laws" is that, for government, "expenditure rises to meet income." If we allow the government to find and exploit new sources of tax funds, it will simply use those funds to spend more and more, and aggravate the already fearsome burden of Big Government on the American economy and the American citizen.

The only way to reduce Big Government is to cut its tax revenue, and to force it to stay within its more limited means. We must see to it that government has *less* tax funds to play with, not more. The first step on this road to lesser government and greater freedom is to see the VAT for the swindle that it is, and to send it down to defeat.

FOR FEDERAL NO-FAULT AUTOMOBILE INSURANCE

HON. WILLIAM R. COTTER

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, January 22, 1973

Mr. COTTER. Mr. Speaker, on November 16, 1972, Frederick M. Watkins, president of the Aetna Insurance Co., addressed the Annual Conferment Conference in Richmond, Va.

Fred Watkins is a leader in the fight for a Federal no-fault auto insurance plan. While I was insurance commissioner in the State of Connecticut, I found Fred's efforts in behalf of an effective no-fault bill to be invaluable.

Fred is now carrying his efforts to the Federal level to insure the American auto driving public of fast, effective auto insurance protection. In his speech, Fred eloquently describes not only the need for Federal no-fault auto insurance standards, but also a course of action for the insurance industry to follow to better serve the American people.

I know my colleagues will read the statement and be as impressed as I am with the efforts of Fred Watkins. The statement follows:

NO-FAULT AND CONGRESS: TIME FOR ACTION

(By Frederick D. Watkins)

It was a year ago this month that I stood before a group very similar to this one and took the rather unorthodox position that we need Federal guidelines for state no-fault insurance laws.

It was unorthodox because no insurance executive, including myself, likes the idea of encouraging Federal involvement in our industry. But the handwriting was already clearly on the wall in November, 1971. Federal guidelines were the only way that millions of citizens in this country could get fair and equitable protection against auto accident losses.

And if it was clear *last* November, it is ten times as clear today. With a handful of notable exceptions, state legislatures have made little or no progress toward passage of genuine no-fault laws.

Many insurance companies, consumer groups, Congress, President Nixon, and others had nurtured a hope that auto insurance reform would make great strides in 1972. We hoped the advantages would be so compelling that we would see a succession of states voluntarily embrance this solution to the injustices and high costs of the present auto accident reparations system.

But clearly this has not happened; and there is little chance that it *will* happen without more Federal stimulus.

Several months ago, Transportation Secretary John Volpe said in a letter to Chair-main Warren G. Magnuson of the Senate Commerce Committee (quote) "in all candor, those of us who would like to see the states do this job themselves can hardly be heartened by their actions to date this year."

Making this same point, the Commerce Committee noted recently that New York, our second most populous state, has failed twice to pass a no-fault law. And this happened even though all the factors that normally make for legislative success were present.

Governor Rockefeller has been an enthusiastic advocate of no-fault and his party controlled both houses of the legislature.

"Furthermore," says the Commerce Committee, "this state has a history of enacting innovative legislation. Despite all this, no-fault has been defeated in two successive legislative sessions in New York in what Governor Rockefeller has termed 'shocking evidence of minorities imposing their will on the *majority* through pressure, personal attacks and threats of political retaliation in an election year.' "

To add insult to injury, we have seen the appearance in recent weeks of an absurdly transparent bill, sponsored by the New York Trial Lawyers Association, which masquerades as a no-fault measure. If this bill were passed, it would betray the consumers and entrench the obsolete liability system for still more years. And this, of course, would perpetuate the enormously high legal costs and delays in claim settlements which plague accident victims today.

Despite all the bad news, however, we've seen some encouraging signs this year. Even though the Magnuson-Hart bill, which the Aetna and a number of other companies favored, was pigeonholed in the Senate Judiciary Committee, the vote to put it there was extremely close—49 to 46.

In my office I have received many letters from both Republican and Democratic Senators who voted against that pigeonholing action. They shared our view that the Magnuson-Hart bill—while not being perfect by any means—was a vital piece of consumer legislation.

That defeat this year was disappointing to be sure, but the fact that the vote was so close should inspire us to put on more steam than ever to show Congress that a bill with realistic federal guidelines *must* become law as soon as possible.

We also had good news only last month in Michigan where the legislature passed the strongest no-fault bill in the nation to date. I understand there is still hope that the Pennsylvania legislature will have a change of heart and pass an acceptable law in the next few months. And the climate for no-fault is improving in California.

In our own industry, some of the most vigorous opponents are revising their opinions of no-fault. The New York Times reported in October that State Farm Mutual Auto Insurance Company, the largest auto insurance writer in the nation, is now supporting several no-fault bills.

At the same time that we see this legistive progress, the evidence of success continues to mount in those states which were early birds in enacting authentic no-fault legislation.

In Massachusetts, where the first state no-fault law was passed in 1970, it is estimated that motorists would be paying at least 40 percent more on premiums for that state's compulsory insurance today if no-fault had not been implemented.

From Florida we learn that the difficulty which motorists were having in buying auto insurance has eased significantly.

Voluntary writings are increasing and assignments to the state pool have dropped. Just this month, Florida Insurance Commissioner Thomas D. O'Malley has requested companies to reduce premiums by 11 percent, based on improved claim experience since no-fault became law.

In my own state of Connecticut, which begins a modified no-fault plan January 1, we are seeing a sharp increase in advertising for auto insurance. It has been years since insurers and agents aggressively competed for auto insurance business. This heightened competition is giving the consumer many more opportunities to choose an insurer . . . and at competitive prices as well.

But a look at total state activity to date makes it clear that we must have minimum federal standards. Virginia is a perfect example of a state where the opponents of no-fault have had a stranglehold on the legislative process. We have seen several bills here in the past year which fall tragically short of real reform for Virginia motorists.

And we can point to other states which have passed so-called no-fault auto insurance laws which do not significantly reduce the enormous costs and hardships of the liability system.

Among the five states which have what we consider to be authentic no-fault laws today, four of them fall far short of standards recommended by the U.S. Department of Transportation in March, 1971.

Connecticut and Florida, for instance, put a $5,000 limit on the medical costs and wage losses which an accident victim can collect under no-fault, that is, from his own insurance company without having to prove who was at fault.

The Magnuson-Hart bill this year would have provided a $75,000 no-fault recovery of medical costs and $25,000 for wage losses. The Department of Transportation recommended *unlimited* recovery of medical costs. It proposed $36,000 for wage losses—much stronger standards than most states have adopted.

Some trial lawyers who concede the need for low limit no-fault insurance argue that this is where the greatest cost of litigation occurs. The thousands of nuisance cases which clutter up the courts are what account for the greatest impact on insurance premiums, they argue.

We know from long experience, however, that the liability system has brought extreme suffering to victims of serious, more costly accidents. If a man has an injured back and can't afford the medical treatment and rehabilitation services he needs, his physical suffering and financial losses will be compounded. And yet, under the liability system, he might have to wait months or years before fault can be fixed, enabling him to get any reimbursement for his losses.

And as the Department of Transportation has emphasized, there's a better than even chance that he won't get any reimbursement at all. DOT revealed that 55 percent of seriously injured accident victims recover none of their losses under the liability system.

If we fail to have minimum standards for *all* states, we will end up with 50 widely varying statutes which are bound to cost insurers and the states more to administer. This will put greater upward pressure on premiums. It makes little sense to replace one obsolete reparations system with a complicated hodge-podge filled with new inequities for the nation's motorists.

This doesn't mean that the states should not have the right to compose their own laws. And it doesn't mean that they shouldn't be able to make them even stronger than minimum federal standards, if they wish.

But it does mean that we will betray the motoring consumer if we permit *his* state to have a weak, ineffectual insurance law while motorists in another state get a much better deal because of a more enlightened state government.

I think we have here a perfect example of the role of the federal government in a highly technical, mobile society. It should impose certain minimum standards for legislation which leave the states discretion for even stronger laws if they want them. Regulation and enforcement should remain at the state level.

Even though state initiatives thus far have been rather feeble, many who favor federal guidelines are worried about their psychological effect.

If California produces a reasonably good law, and Pennsylvania gets one, if the Michigan and Connecticut laws withstand legal challenges, Congress and the administration may be lulled into complacency. They may conclude that we don't need federal legislation to spur further action.

I hope I've made it clear today that federal legislation must do much more than just spur the states to action. It must guarantee minimum standards for every single motorist in this nation.

It will be up to all of us to make this very clear both to Congress and to the White House. We must identify both our supporters and our opposition and develop a winning strategy accordingly.

We understand that a new bill will be introduced next year with several improvements. Hopefully, extraneous regulatory provisions which concerned many people in and outside of Congress this year will be excluded.

One particular feature we objected to was the requirement for huge quantities of pricing and accident statistics, which we know from experience would not provide useful or meaningful comparisons.

Many members of the American Insurance Association worked hard for the Magnuson-Hart bill this year, but at the same time realized that these and some other features went far beyond the needs for effective state regulation.

Whatever measure is proposed in 1973, however, even if it is substantially the same bill we had this year, we must keep always in mind the growing impatience of consumers.

We must *not* let our pet notions or fears dominate our evaluation of federal legislation. We *need* federal minimum standards. If they aren't perfect, we must be prepared to come back to Congress in succeeding years to call for improvements. This should not be an impossible task if we keep before us the best interests of the consumers as well as our own interests.

In 1973, let's not get caught in the same trap of bad publicity we experienced this summer. On August 7 this year, UPI published a story which said "the nation's trial lawyers, insurance companies and the White House are still applying enormous pressure to prevent a no-fault automobile insurance bill from becoming law."

Regrettably, this story and many other accounts of Senate action on this measure failed to mention many insurance companies vigorously supported the bill.

These companies, including Little Aetna, were painted with the same broad brush of negative publicity—publicity which cast our whole industry in the role of opposing one of the most important pieces of consumer legislation in this century.

This is a painful price to pay in an era when consumer watchdog groups, anti-business forces, and others are leaping at every evidence of insensitivity to the public welfare.

It is only fair to state that some companies, which have been strong supporters of no-fault, opposed Magnuson-Hart because of some of its unattractive features. I would hope that an improved bill will satisfy them in 1973.

And from those companies which oppose auto insurance reform we still hear moralistic pronouncements about the tort system.

If a man is responsible for an accident, they say, he should reap the seed of his misdeed. This may mean higher insurance premiums next year, or, even worse, his insurer may refuse to renew his policy. In any case, justice has supposedly triumphed, with the guilty party paying a penalty.

It sounds great in theory; but the tragedy comes when innocent parties in the accident, people who may be seriously injured, also get penalized severely. They may face months of delay and uncertainty in recovering their losses.

And of course there's the whole complicated problem of determining who's at fault in the first place. That question alone keeps in constant doubt the outcome of thousands of auto liability suits.

These are problems which have hit the consumers hard, problems which have tarnished the image of our whole industry. But there is no need for this. Most of the companies opposing no-fault are well-managed organizations; and there is no reason why we all can't prosper under effective no-fault legislation. State Farm, which used to be an outspoken no-fault opponent, apparently is coming to this conclusion.

Winning converts to no-fault is indeed a slow-moving task. We don't have time to wait for all the doubting Thomases and fence-sitters to get on the bandwagon. In 1973, those of us who are bona fide no-fault advocates must not nitpick on a federal law.

Congress, of course, is only the first hurdle to our efforts.

Beyond that point, we may still have to convince the Administration that this legislation is essential. We are told that the Administration opposed Magnuson-Hart because it wanted to leave the initiative to the states. We do, however, have reason to believe that the Administration is growing increasingly impatient. The Wall Street Journal said in August: "The Nixon Administration is prodding the states in various ways to take strong no-fault action of their own by next April or else face federal legislation."

We hope the Journal's information is correct. We are also encouraged by the creation of a Uniform Motor Vehicles Accident Reparations Act. This model for state legislation was developed with the encouragement and financial backing of the Nixon Administration. It is an excellent measure which would render ample protection to motorists of any state where it became law.

Many months of exhaustive study went into the creation of this model no-fault bill, prepared by the National Conference of Commissioners of Uniform State Laws. The committee which composed it included lawyers, judges, academicians and other accomplished figures.

If that model bill were voluntarily adopted in its present form in all 50 states, we would have an excellent national system.

Clearly, however, it is unrealistic to expect that the states will take this initiative no matter how fine the model bill may be. And if we nurture such an illusion, the biggest losers will be the consumers.

I don't for a moment want to suggest that the National Conference wasted its energy and talents. In fact, I would urge that this model bill become the basis for a federal minimum standards act. Either this approach, or a new bill similar to Magnuson-Hart, would get the kind of action millions of consumers are waiting for in the state legislatures.

Incidentally, those of us in the industry who favor no-fault are sometimes chided for talking so much about consumer interests, and neglecting to mention that no-fault will be extremely good for business. Let me assure you that we do indeed like the business advantages of no-fault.

Auto insurance has been an actuarial nightmare for years. Tangible losses in medical costs, wages and property have been easy enough for actuaries to calculate, but the variables implicit in hundreds of thousands of auto liability suits have made it difficult and frequently impossible to project results accurately.

One case might be settled very reasonably for $500, while a very similar case in another legal jurisdiction might command a settlement of $5,000. The high costs of legal fees, claim investigations, court costs and administrative costs have sent premiums spiraling. This has angered the public and has caused state insurance regulators to force companies to curtail premiums, often to the point of wiping out profit margins.

Under a strong no-fault system we would be able to predict accident experience with greater accuracy. The huge question marks which surround the tort system would be eliminated. And that, quite honestly, would improve our chances of making a reasonable profit each year instead of fluctuating wildly into the red or black from one year to the next.

Auto insurance has been an ailing industry for years. No-fault would restore it to good health; and only a healthy industry adds strength to the social and economic fabric of our nation.

This does not mean that insurance companies can expect a bonanza from no-fault. The trial lawyers would have us believe that when we are free of the high cost of the tort system, our profit margins will skyrocket.

But what they forget is that our companies are tightly regulated by state insurance commissioners. In Massachusetts right now, we are trying hard to gain the legal right to earn a maximum of 5 percent on the compulsory portion of auto insurance in that state. This does not mean we'd be guaranteed 5 percent. It only means we'd be able to keep that much if we earned it.

Presently, we are allowed to make only one percent profit on this business in Massachusetts. The compulsory coverage, incidentally, is that portion which includes no-fault.

I might add that the trial lawyers, who are desperately struggling to hold onto their tort game preserve, are not subject to the tight state regulation which controls insurance rates, nor are most lawyers subject to controls by the Price Board or Pay Board.

Ladies and gentlemen, the election is over. All the anxieties and caution which understandably infect government officials at election time have subsided. This should provide a much better climate to achieve automobile insurance reform in 1973.

We have moved beyond the question of whether no-fault is a good idea. The evidence—for anyone who bothers to look at it—makes it overwhelmingly clear that the consumer gets a much better deal under no-fault.

And this makes it increasingly difficult to forgive or tolerate those special interests in this country who are blocking the path of effective auto insurance reform.

The grip which these interests have on state legislatures leaves us no alternatives but to move quickly for action in Washington. We need federal legislation with realistic minimum standards.

And we need it now—not in two years or five years but now. Its immediate impact will be to save Americans hundreds of millions of dollars and untold suffering.

We cannot leave this job to lawyer-dominated state legislatures. And even if we could, we would face a hodge-podge of state insurance plans if they are not guided by federal standards.

The federal bill may not be perfect, but if it's as close as Magnuson-Hart was this year, we should seize it and make it law.

We should intensify our campaign in Washington and we should urge the general public to demand action from their Congressional members.

Our industry has an opportunity here to side with the angels—or at least the consumers who indeed are angels—and at the same time create a healthier climate for our business. Thank you.

CAPTIVE AND SUBMERGED UKRAINIAN SOVIET SOCIALIST REPUBLIC

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, January 22, 1973

Mrs. GRASSO. Mr. Speaker, the Ukrainian Soviet Socialist Republic, is a captive and submerged nation, despite the trappings of "independence and sovereignty."

While the Ukraine is a charter member of the United Nations and maintains a permanent mission in this international body as a sovereign republic, it has no separate army, foreign policy, financial or economic policy. With a puppet government imposed upon the Ukrainian people by the Russian Communists, the Ukraine today endures the painful status of a colonial dependency of the Soviet Union.

On this date 55 years ago, the Ukrainian people were free from the foreign subjugation they now experience. January 22, 1918, independence was proclaimed in Kiev, the capital of the Ukraine. Finally free from the traditional domination of Czarist Russia, the brave patriots of this struggling new nation zealously exercised their all too brief moment of personal and political freedom. Tragically, the Bolsheviks invaded Ukraine in 1920, and after a bitter struggle, the country succumbed to Communist tyranny.

No people has suffered more from ruthless oppression and persecution under the Soviet heel than the freedom-loving people of the Ukraine. Despite the pain and suffering and sacrifice, these courageous people maintain a deep passion for freedom and a hearty spirit which gives strength to their quest to regain national sovereignty. With fierce determination and inspiring bravery, many citizens now living in the Ukraine express strong nationalistic sentiments at the fearful risk of arrest and imprisonment.

Ukrainians throughout the world cherish the dream of future liberty in their homeland. Ukrainian immigrants and their descendants in the United States, whose energy, inspiration and dedication have strengthened democracy in our own land, offer prayers and hopes for the future of the Ukraine.

On this day, an anniversary of freedom however brief, it is my special privilege to pay tribute to Ukrainian-Americans and to the people of the Ukraine who are a source of inspiration to all of us.

THE SOVIET "EDUCATION FEE"

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 22, 1973

Mr. BROTZMAN. Mr. Speaker, I am today introducing legislation which seeks to cause the Soviet Union to allow emigration for those citizens who wish to leave that country.

For the last several months Soviet officials have required prohibitive education fees from those who wish to emigrate to the free world. These fees run from $5,000 to $30,000 in cash. Even most well-educated individuals in the United States could not afford to raise that much money at one time.

Furthermore, the Soviet Government has decided to impose these fees in a completely irrational and arbitrary manner, causing the brunt of the burden to fall on the Soviet Jew. These people, oppressed in their own homeland, are thus also denied their God-given right to seek a better life elsewhere.

My resolution, if enacted, would deal with this situation on two levels. First, it calls on the President of the United States to do everything in his power to cause the Soviet officials to change these discriminatory policies. This legislation suggests several general avenues the President may want to explore further to accomplish this end.

Specifically, the measures mentioned under this category in my resolution include an extensive diplomatic offensive. It calls on the President to make use of all diplomatic channels between the White House and the Kremlin, both formal and informal, to discuss this problem with Soviet officials. It also suggests taking the matter up in the appropriate forum in the United Nations, since that body has already accepted emigration as one of man's universal human rights. Another suggestion would be to make use of the U.S. Information Agency in a worldwide program to focus international attention on the Soviet's refusal to honor its citizens' right to emigrate. Finally, this legislation would direct the President to convey to the Soviet Government the concern with which the American Congress views this matter.

It is my belief that Congress must thoroughly reevaluate the desirablity of further conciliatory accords between the Soviet Union and the United States. Such actions on the part of the Soviet Union are directly in contravention of rights held basic to America's historical development and social conscience.

The second level from which the Congress must approach this situation involves powers which it alone can exercise. My resolution puts the rest of the world on notice that the Congress of the United States shall henceforth reserve the right to withhold final action on legislation to extend trade preferences to any nation which continues to deny or restrict the rights of its citizens to emigrate to the countries of their choice, or which imposes more than a nominal emigration fee.

If the Union of Soviet Socialist Republics continues to refuse to grant its people their basic human rights, the Congress may be left little choice but to deny most-favored-nation status to the Soviet Government. This, of course, would have drastic effects on the currently successfully developing trade relations between our two countries. Yet, I feel that relations between our two countries must be based on mutual trust and good faith.

Mr. Speaker, this is a problem critical to the development of truly normal and prosperous relations with the Soviet Union. It should be resolved before any such relations are established.

With introduction of this legislation on the floor of the House today, I am calling on each and every Member of Congress to dedicate himself to seek a speedy and equitable solution to this one remaining roadblock to sound trade relations between the people of the Soviet Union and the United States. I ask that my resolution be expeditiously reported to the floor of the House and be given the judicious consideration it most assuredly deserves.

UKRAINIAN INDEPENDENCE DAY

HON. WILLIAM R. COTTER

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, January 22, 1973

Mr. COTTER. Mr. Speaker, yesterday marked the 55th anniversary of the Ukraine's independence. On January 22, 1918, the Ukraine became a free and independent nation, only to have its young liberty crushed by Soviet Russia in 1920, 2 short years later. Today, 47 million Ukrainians are living under Soviet rule, even though they do not consider themselves Russians. And so today, while we celebrate the independence of the Ukraine, we also mourn for 53 years of captivity under Soviet rule.

Those who are free always carry the burden of those who are not, for one is not free until all are. As Americans, whether we be of Ukrainian descent or not, we have been given the responsibility, the moral duty, of speaking out in behalf of those seeking freedom and national independence.

Mr. Speaker, this should be a day of remembrance. We must remember how the Soviet Union annexed this young nation without her consent. We must remember Stalin and the cruelties he bestowed upon these people 40 years ago when in 1933 he created a famine and starved 15 million Ukrainians to their deaths. We must remember that even today, as the President speaks of detente with Russia, the Soviets are engaged in a campaign of mass arrests and cultural repression in the Ukraine.

But we also must remember the great contributions which Ukrainian-Americans have made to the United States. They have added another chapter to that great and diverse volume of our American heritage and culture.

I am honored and grateful to be given this chance to speak in behalf of Ukrainians, both the free and the captive, in wishing them a happy 55th anniversary of the Ukraine's independence.

I know my colleagues will join me in saluting these brave and proud people.

LAST LIFTOFF

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 22, 1973

Mr. TEAGUE of Texas. Mr. Speaker, a recent editorial by Mr. Robert Hotz in Aviation Week, written following the launch of Apollo 17 highlights the importance of the Apollo program and its contributions to our country and to the world. As this editorial so aptly states the programs to follow—both the Skylab and the Space Shuttle, as well as the planetary probes in the mid and late 1970's—can continue to add to the store of new technology needed by this country. On this day when the Congress is welcoming back the Apollo 17 astronauts from their outstandingly successful lunar mission, we should consider the need to assure adequate funding for our national space efforts so vital to our economic well-being and national security. The editorial follows:

THE LAST LIFTOFF

(By Robert Hotz)

With the spectacular night launch of Apollo 17, the last men likely to scuff their boots in lunar dust during this century began their long, lonely journey through cislunar space. The splash down of Apollo 17 in the Pacific next week will put a period to the first chapter of man's effort to escape the environment of his own planet and explore the universe. It marks the end of a tremendous decade of progress in manned space flight, beginning with the first tentative ventures of Vostok and Mercury when man was little more than a sardine well-packed in an orbital can and simple survival was the principal mission goal. Gemini and Soyuz provided the first evidence that man could work as well as survive in space. Apollo was the first true spacecraft in which man voyaged successfully beyond the limits of his planet earth.

We believe there can be little doubt that the six Apollo missions that put men on the surface of the moon and brought them back safely mark an historic watershed in the annals of man. These Apollo voyages to the moon were without question the boldest, most imaginative and technically complex achievements of man and, as such, added a dimension to the human spirit that cannot be fully measured for decades.

When the Apollo 17 astronauts return next week there will have been 12 men who will have spent a total of 296 hr. exploring the lunar surface in six radically different areas. They will have mined more than 800 lb. of lunar rocks and left permanent instrumentation on the moon to transmit continuing technical data to earth.

The thousands of pictures taken on the moon and from the orbiting command modules, plus the data recorded from a wide variety of scientific experiments, will provide grist for the scientists' mills for years.

REAL VALUES FOR MANKIND

Fantastic as this achievement may be, it is only a fraction of the real values Apollo has provided for mankind. Although Apollo was a star-spangled United States achievement nurtured by resurgent nationalism, its achievements and benefits are not confined to these 50 states but are shared by all mankind. Thanks to satellite communications and major advances in television and other communications techniques, virtually the whole world saw the Apollo missions in real time from lift-off at Cape Kennedy to the interiors of the spacecraft in flight and the explorations on the lunar surface.

The real benefits of the Apollo program would take more space to list than is available here. But among the most important, we think, are:

Development of new technology faster and on a far broader front than is generally realized. The spearhead technology spawned during the Apollo program is not just confined to aerospace but has spilled over into other broader areas such as medicine, communications and education.

Creation of a cooperative blend of engineering scientific effort that appears to have begun bridging a divisive gulf and providing a pattern for more fruitful future work. The earlier scientific criticism of manned space flight in general and Apollo in particular subsided with the demonstration on each successive mission of the vast scientific exploratory opportunities provided by the engineering development of space flight hardware. Apollo 17, with its first scientist-astronaut crewmember, foreshadows the increasing opportunity for scientists to work in space as Skylab and the space shuttle provide sufficient capacity for non-flightcrew specialists.

Creation of a management capacity in both government and industry for marshaling vast resources to focus on a specific goal to achieve results within a limited time. Hopefully, these techniques can be applied to other complex problems facing modern society if the political will to do it and public support can be generated.

CURIOSITY WHETTED

It is also useful to recall that the triumph of Apollo II, first manned landing on the moon, came as the climax to a decade of U.S. technical recovery. It dispelled the fears of the "flat fifties" that the Soviet Union had truly taken the lead in spearhead military and space technology and really represented the wave of the future. The demonstration of U.S. purpose and capability in this decade-long, sustained drive to overcome the Soviets' pioneering lead is a lesson that impressed the rest of the world perhaps even more than the citizens who paid the bill.

The month of July, 1969, when Neil Armstrong took his "one small step for man . . ." and a "giant leap for mankind" on the fuzzy television screens around the world, provided perhaps one of the greatest soarings of the human spirit since the relief over ending of World War 2. The Apollo program proved what man can really do when he sets his mind to a goal. The exploration of space will continue beyond Apollo and become a permanent part of man's curious quest for more knowledge of himself and his universe. The trend of space exploration will shift from the cold pale distance to the moon to the nearer environment of earth-orbital activity.

Although it is unlikely that man will go back to the moon again in this century, his curiosity has been whetted by Apollo. It will not be satiated until he goes back and thoroughly explores this forbidding terrain. Each night after Apollo ends, the moon will shine as a distant enigma that will lure man back in hopes of eventually solving all its mysteries.

DREAM OF FREEDOM NEVER FORGOTTEN

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 22, 1973

Mr. WOLFF. Mr. Speaker, today marks the 55th anniversary of the independence of the Ukraine and is being celebrated by over 2 million Americans of Ukrainian descent.

Unfortunately, the independence which I join with them in celebrating was short lived. However, the dream of freedom has never been forgotten by the 47 million Ukrainians who still yearn for the freedom once again to become their reality.

I am privileged to be able to join with many of my colleagues today to renew our dedication to the task of bringing freedom to the Ukraine and to all the other captive nations of the world. Without freedom for all, we can never hope to establish a durable world peace.

Along with freedom-loving people everywhere, I hope that those who struggle to overthrow tyranny, as we here in our own country did almost 200 years ago, will soon triumph so that next year's celebration of Ukrainian independence will be a celebration of fact and not just memory.

AMENDMENT TO THE EDUCATION OF THE HANDICAPPED ACT

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 22, 1973

Mr. BADILLO. Mr. Speaker, I am very pleased to introduce again, on behalf of myself and 87 other Members of the House an amendment to the Education of the Handicapped Act which will provide tutorial and related instructional services for homebound children through the employment of qualified college students.

Approximately 1 million youngsters in our Nation fall into the category of homebound handicapped. These children, for varying lengths of time, are unable to attend school. As a consequence, they suffer academically and emotionally. A considerable portion of those who are eventually enrolled into regular classes experience all the difficulties of children coming from deprived backgrounds—poor social adjustment, academic difficulties, emotional problems.

Opportunities for these youngsters vary widely across our Nation. Some localities provide 5 or more hours of home instruction a week. Others, primarily because of a lack of funds, are unable to even assess the extent of the need or furnish an accurate figure of this segment of their handicapped population.

The measure I am introducing today is the result of discussions with educational officials in all 50 States. Forty-eight special education departments have responded to my proposal and have supplied me with suggestions that I have incorporated into the measure.

Briefly, the bill:

First, is fashioned to be administered in accordance with rules and regulations of local educational agencies;

Second, gives preference for tutorial posts to disabled veterans and other handicapped individuals whenever possible;

Third, stipulates that compensation to the students must not be below the minimum wage level;

Fourth, specifies that funds under the program must not be used to establish a permanent, segregated system of education for the handicapped but rather must be utilized in a manner calculated to assure their speedy and complete assimilation into the educational system;

Fifth, incorporates a maintenance of effort provision;

Sixth, has an application procedure which takes into account the varying needs of the States.

I am grateful to my colleagues for the interest and support they have shown and sincerely hope that this body will find the time in this Congress to act on this badly needed measure.

For the information of Members, I am inserting here the full list of cosponsors alphabetized by States. Interested State educational officials have already been informed of my intention to reintroduce this measure and they will also receive a copy of the cosponsor list.

LIST OF COSPONSORS

ALABAMA

Hon. John Buchanan, Hon. Bill Nichols.

ARKANSAS

Hon. Bill Alexander.

CALIFORNIA

Hon. George E. Brown, Jr., Hon. Yvonne Braithwaite Burke, Hon. Phillip Burton, Hon. James C. Corman, Hon. George E. Danielson, Hon. Don Edwards, Hon. Augustus F. Hawkins, Hon. Robert L. Leggett, Hon. William S. Mailliard, Hon. Jerry L. Pettis, Hon. Thomas M. Rees, Hon. Edward R. Roybal, Hon. Jerome R. Waldie.

FLORIDA

Hon. Charles E. Bennett, Hon. William Lehman, Hon. Claude Pepper.

GEORGIA

Hon. Ben. B. Blackburn.

GUAM

Hon. Antonio Borja Won Pat.

HAWAII

Hon. Spark M. Matsunaga.

IDAHO

Hon. Orval Hansen.

ILLINOIS

Hon. Kenneth J. Gray, Hon. Ralph H. Metcalfe, Hon. Melvin Price.

INDIANA

Hon. Ray J. Madden.

KENTUCKY

Hon. John Breckinridge, Hon. Tim Lee Carter, Hon. Romano L. Mazzoli.

MARYLAND

Hon. Gilbert Gude, Hon. Lawrence J. Hogan, Hon. Clarence D. Long, Hon. Parren J. Mitchell, Hon. Paul S. Sarbanes.

MASSACHUSETTS

Hon. Robert F. Drinan, Hon. Michael Harrington, Hon. John Moakley, Hon. Gerry E. Studds.

MICHIGAN

Hon. John Conyers, Hon. James G. O'Hara.

MISSOURI

Hon. William Clay, Hon. James W. Symington.

NEW HAMPSHIRE

Hon. James C. Cleveland.

NEW JERSEY

Hon. Dominick V. Daniels, Hon. Henry Helstoski, Hon. Matthew J. Rinaldo, Hon. Robert A. Roe, Hon. Peter W. Rodino, Hon. Frank Thompson, Jr.

NEW YORK

Hon. Bella Abzug, Hon. Joseph P. Addabbo, Hon. Herman Badillo, Hon. Frank P. Brasco, Hon. Jonathan B. Bingham, Hon Shirley Chisholm, Hon. Elizabeth Holtzman, Hon. Edward Koch, Hon. Bertram L. Podell, Hon. Charles B. Rangel, Hon. Benjamin S. Rosenthal, Hon. Lester L. Wolff.

NORTH CAROLINA

Hon. Wilmer Mizell, Hon. Richardson Preyer, Hon. Roy A. Taylor.

OHIO

Hon. Lewis Stokes, Hon. Charles A. Vanik.

OREGON

Hon. John Dellenback.

PENNSYLVANIA

Hon. Willam A. Barrett, Hon. John H. Dent, Hon. Joshua Eilberg, Hon. William J. Green, Hon. Joseph M. McDade, Hon. Robert N. C. Nix, Hon. Gus Yatron.

RHODE ISLAND

Hon. Robert O. Tiernan.

SOUTH CAROLINA

Hon. Mendel J. Davis.

TENNESSEE

Hon. LaMar Baker, Hon. Richard Fulton.

TEXAS

Hon. Henry B. Gonzalez, Hon. Richard C. White.

VIRGINIA

Hon. Joel T. Broyhill, Hon. Thomas H. Downing.

VIRGIN ISLANDS

Hon. Ron de Lugo.

WASHINGTON

Hon. Julia Butler Hansen, Hon. Floyd V. Hicks, Hon. Mike McCormack.

WEST VIRGINIA

Hon. Ken Hechler.

ROGER L. PUTNAM: 1893–1972

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 22, 1973

Mr. BOLAND. Mr. Speaker, on November 24, 1972, when Congress was in sine die adjournment, a very distinguished citizen of this Nation, the Commonwealth of Massachusetts, and my congressional district, Roger L. Putnam, died.

Roger L. Putnam was a brilliant business executive, an outstanding public servant and a politician in its noblest and finest meaning. Few men who ever lived packed so much activity into a lifetime of concern for so many people and in so many endeavors that laced across his country, State and community. He had a marvelous understanding of people and their problems—government and its complexities—business and its responsibilities.

His life, interests, and activities deserve to be highlighted in the permanent history of the United States as reflected in the CONGRESSIONAL RECORD. As one of the many who benefited from his advice and counsel, I deem it an honor to do so in these remarks.

Roger L. Putnam was born December 19, 1893, into one of Massachusetts' greatest and most distinguished families. He graduated magna cum laude from Harvard University in 1915. He studied at the Massachusetts Institute of Technology. In World War I, he enlisted as a seaman in the U.S. Navy and was discharged as a lieutenant. Roger Putnam's rapid rise and successes in business, politics, and community life attested to his remarkable intelligence and industry.

Mr. Putnam served as president and chairman of the board of the Package Machinery Co., and on the board of directors of the Van Norman Machine Co. He was the moving force in organizing Springfield Television Corp. Station WWLP and served as its first president. He was also on the board of directors and honorary chairman of the Third National Bank of Hampden County.

Mr. Putnam's public service cut across many facets of local, State, and national fields. He was mayor of Springfield for three successive terms, 1937–42, Democratic nominee for Governor of Massachusetts, 1942, Chairman of the U.S. Economic Stabilization Agency, 1951–52, a member of the commission that drafted the Massachusetts unemployment laws, 1934, deputy director of the Office Contract Settlement, 1944, and a member of the Massachusetts Board of Higher Education and Massachusetts Board of Community Colleges.

Throughout his extremely busy and active public service, Mr. Putnam always found time to lend his talents and knowledge to local community endeavors: Springfield's Charter Revision Commission, Red Cross, Chamber of Commerce, Citizens' Action Committee, Future Springfield, United Fund, Springfield Hospital Medical Center, Dexter Fund, chairman of the Board of the Holyoke Soldiers' Home, Park Commission, Springfield Library Commission, New England Council, and Petersham Memorial Library.

Mr. Speaker, I have listed many of Mr. Putman's activities and I am sure that the list could be extended. From all of this, it is easy to recognize that this passing has left a void in the community that he loved and served so well. Fortunately, Roger L. Putnam's goals, interests, and spirit will be carried by his gracious, charming, and devoted wife, Caroline Jenkins Putnam—a remarkable and truly distinguished person in her own right—as well as by their children who have caught the flavor and fervor of their parents. Their feelings are caught up in a moving editorial from Television Station WWLP 22 written and spoken by Roger L. Putnam's son and successor as president of the Springfield Television Broadcasting Corp.

Anyone who ever had the privilege of knowing Roger L. Putnam shares the sentiment and feeling so beautifully expressed by Roger Putnam's son, William L. Putnam in the following:

[Special report: Station WWLP–TV, Channel 22, presented by William L. Putnam, president, Springfield Television Broadcasting Corp.]

ROGER L. PUTNAM: 1893–1972

Had he lived, today would have marked the start of my father's 80th year. Since I often plan these statements well in advance, I had already planned to comment on this occasion, some months ago. In fact, I had even picked out pretty much what I would say. Though he is now gone, the heritage he has left to his friends, family and the community he served so long and so well, remains even more impressive in his absence. Thus, he merits the same respectful attention he would have received if here.

Perhaps it is just the pride of a grateful son in a dutiful and honorable father; but I have tried to be detached in my analysis of this matter as in all other subjects. Anyhow, 80 years ago Roger Lowell Putnam was born; and this community was never served more devotedly by any other man in that time.

Even though, as his son, I should remember these things, I cannot begin to list the offices he held, or account for the time he gave to city, state and nation, as leader and follower; as guide and prophet, in war and peace and without ever counting the cost to himself.

A constant example of the right and honorable, a man whose respectful friends would form a line the length and breadth of this state, my father was a real prince. A man whose abilities and interests knew no limits, he could talk geology with me in the mountains and correspond with my brother in Greek. Internationally known in Astronomy a man whose honors were legion, he always showed the path of true humility and understanding.

May we, whom his example has touched, be ever mindful of his zest for life, his concept of public interest, his devotion to fair play and his fond remembrance of friendship.

AT THE THRESHOLD OF A NEW YEAR

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 22, 1973

Mr. HARRINGTON. Mr. Speaker, we are now at the beginning of another year. In 1968, President Nixon stated that anyone who could not get our country out of the Vietnam war should not be reelected. Last Saturday, President Richard M. Nixon began his second term and fifth year in the office of President of the United States. We are still engaged in the bloody conflict in Vietnam. We have been buoyed by the hope of the Paris peace talks only to have them become a dismal failure. The bombing has been halted only to have it begin again at a stepped-up rate. In October, the Nixon administration informed us that peace was at hand. Last Friday, we were told a settlement was to be reached within a week. We have heard those words over and over again. We will believe them when we see the tangible results. We are still in Vietnam, we are still dropping bombs. We are told that Vietnamization is working wonderfully, we have been withdrawing troops, yet every week many of our troops are killed, some of them just boys.

Mr. Speaker, I have received a poem I would like to insert in the RECORD. Entitled "At the Threshold of a New Year," it was delivered on December 31, 1972, as an editorial on WCVB–TV, Boston, by Richard S. Burdick, WCVB vice president and general manager, Creative Services. Let us hope that 1973 will see peace in Vietnam:

AT THE THRESHOLD OF A NEW YEAR

Now, in the fading light
Of a spent year,
With shadows on the moon
In the shape of man and his technology,
Peace is a promise
Not a presence.
The black headlines of white hope
Have faded from the newspapers of a world
Resonant with the echoes of a war
That leaves more questions than answers
And no songs to sing or whistle.

Poised on the cusp of midnight,
Impatient to pop the corks,
Drink the toasts, sing the songs,
Kiss, dance, laugh and make merry,
Let us look first toward tomorrow,
When the glasses all will have been smashed
And the tongues will hang limp
In a million cathedral bells.
On that day after
And the first of all the days to come,
Let us be mindful of a boy named Ted,
From Lexington.

Ted will not be rising;
He lies forever in several parts
Of a North Vietnam village
With a name he had trouble pronouncing.
In a blinding second, one obscene morning,
Ted became a part of everyplace.
Now any football in the air
Is one he might have caught;
Any slim pair of legs swinging down Mass. Ave.
He might have turned to look after;
Any child running with outstretched arms
Might have been his.

Spring will come
And the sweet days of summer;
There will be cool glasses of beer
To ease parched throats;
There will be cracking line drives
To center field,
And umpires will be terribly wrong.
The new years will come
And the old years will go,
In Lexington and in Vietnam,
While the boy continues in his long sleep:
Never to know the ruddy glow of a suntan,
Never to taste the mucilage on a postage stamp,
Never to sink his teeth into a steak,
Never to smell coffee perking or gasoline,
Or the fragrances of a soft body,
Never to know the thrill of a pay raise.

Yes, peace is a promise
And birdsong punctuates the drone of bombers in the air above the 20th Parallel.
Peace is a promise
And the sun is warm upon the several parts of a field, beyond an ocean, beyond a country beyond a Battlegreen, where a boy named Ted, will never again throw a frisbee.

So now in the fading light
Of a spent year,
At the threshold of a new one,
Have one for Ted—
Lest auld acquaintance be forgot.

DETERIORATION IN QUALITY OF POSTAL SERVICE

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 22, 1973

Mr. ROGERS. Mr. Speaker, I have recently requested that the Post Office and Civil Service Committee and the General Accounting Office conduct an in-depth investigation of the U.S. Postal Service. In recent days I have received correspondence from every part of the country describing deterioration in the quality of mail service in every respect.

In a recent article, Mr. Mitch Bluementhal of the Sun Sentinel described the condition of mail service in the south Florida area.

I insert the article in the RECORD at this point:

DETERIORATION IN QUALITY OF POSTAL SERVICE

"Its rotten," said one disgruntled patron.

"It's ridiculous," an overworked mailman commented.

It's the postal system they're talking about, and it has been causing unprecedented handling delays which are beginning to bite into the pocketbooks of small and large businessmen alike.

A Sun-Sentinel survey of more than 25 businesses in Broward and Palm Beach counties revealed that although they don't fault their friendly neighborhood mailman, something is causing about three-day delays in local mail delivery, and much more when dealing with longer distances.

"In the last year mail delivery has slowed up quite a bit," an employe in the installment department of the Southeast Bank of Deerfield said. "It's the worst I've seen in 13 years."

"It's lousy," said Charles Howard of Allied Van Lines, remarking that payments from customers have been coming in much slower.

"I'm busy and don't have time to elaborate, but I can tell you in a single word: it's rotten," one worker at the Sears, Roebuck and Co. telephone catalog service said.

The words must often used to sum up their service was—"lousy, rotten, and much slower, terrible." And so it went.

Confronted with the comments of an irate business community, William Holland, postmaster for the Fort Lauderdale area, staunchly defended mail delivery.

'I don't think that there has been a slowdown in mail delivery,' he said.

But despite his failure to see a mail "slowdown," he said the postal system here is "going through the process of employing 60 new employees, but we have to go through the proper Civil Service procedures."

And although Holland said he hadn't noticed any problems in local or long-distance mail delivery, many others dealing directly with the postal system, including mailmen, sang a different tune.

"They're just playing a catch-up game and losing ground, and in the process they're lousing up the game unbelievably," Larry Van Dusseldorp, president of the South Broward Mail Users Council, said.

Local mailmen were just as critical.

"It's the worst I've seen in years. We have things piled up that we just can't get to. We have bundles of mail, like income tax booklets, that are sitting on the floor. We've all been working overtime and still can't put a dent in it."

Another mailman, in the Oakland Park section, said they had "been cautioned not to say anything," but decided to anyway.

"At our station here there are some routes that are behind eight trays," explaining that a tray holds 500 letters. "Each day adds another one or two trays because they're just not getting it out."

Asked why the mail situation has seemed to deteriorate within the last year, he attributed it to the new postal setup.

On July 1, 1971, the 200-year-old Post Office gave way to a new, quasi-governmental U.S. Postal Service, and at the time then Postmaster Winston M. Blount asked for the "patience and support of the American public," saying that an efficient, reliable, mail service is five years away.

It was predicted, however, that upon full and final implementation of the postal reform legislation, there would be, in theory, an independent, self-sustaining and efficient Postal System.

And at the time of the postal reform, the American public began paying more and getting less, a luxury the U.S. Postal Service could get away with, since it has a monopoly in the mail carrying business.

The Oakland Park mailman said the 11-man board chosen to head the new postal system "had exactly zero experience at the time of their appointments."

"The key to the whole mess is the wording, 'profit making.' Someone has to pay . . . the public has to pay," he said.

He said that at the beginning of 1973 the post office was ordered to "get rid of one out of every six employes, even though the mail volume has increased by 23 per cent."

Holland agreed that there had been a "job freeze ordered to put employment on a proper level," noting that the "system did not want to overemploy" because of the new distribution center planned to go into operation here in March.

He said the new distribution center would be mechanized, so that in the near future there would be less of a demand for labor, which now accounts for 80 per cent of mail costs.

But some people, like Rep. Paul G. Rogers, D.-Fla., is uncertain *of the* advantages of Fort Lauderdale becoming a major "area mail processing center," and has called for a postal investigation.

Rogers said that after talking to postal workers, he has concluded the "concept of bringing mail into one center for distribution has resulted in one huge backlog."

Fort Lauderdale, now processing mail from Hallandale, Hollywood, Dania and Pompano Beach, will handle mail of the West Palm Beach area when the new, highly mechanized post office opens in Broward next March.

Rogers said postal employes feel there is a "much better and more efficient way of handling the mail" than regional distribution centers.

He said John E. Clements, secretary-treasurer of a local of the American Postal Workers in Daytona Beach wired his support of an investigation, charging that "postal service has deteriorated in the past two years to the point of disservice."

Contacted at his Daytona Beach post office, Clements said hurriedly, "I can't talk now. I'm in more trouble than you can imagine for what I said."

But what he said was no secret.

According to Rogers, he has been "getting quite a reaction, not only from Florida constituents but from all over the country," and he began to read some of the letters over the telephone.

"Here's one from a lady who mailed a letter from a 205 address to a 218 address in the same block; it took five months and one day to be delivered.

"A paycheck mailed in Boca on Dec. 21 got to Fort Lauderdale *on Jan. 3.* That's a pretty rough time to wait for a paycheck.

". . . Bills to a milkman and butcher delivered three months later.

"And I could go on and on," Rogers said.

"Christmas compounded the problem, but it wasn't just Christmas mail," he said. "What used to take a few days is now taking nine or 10."

SUPERBOWL VII

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 22, 1973

Mr. BURKE of Florida. Mr. Speaker, I have the pleasure of representing a congressional district in southern Florida, in what is known, during the football season, as Miami Dolphins' territory. I, also, had the pleasure of attending this year's Superbowl Games between the Miami Dolphins and the Washington Redskins. Since my duties as a Congressman require that I spend a great deal of time in Washington, I was happy that the Washington Redskins were the Dolphins' opponents.

All athletic events are interesting when there is equality among the contestants. The game, witnessed by millions of people, showed how thoroughly trained and thoroughly determined the players of both teams were. Certainly no teams were better coached. Sports reporters will be analyzing the game for years, but to me the Dolphins were, and are, a better team than the Redskins. They have the speed, passing, blocking, kicking, and running to make them winners. Yet the individual players on both sides had quality and ability, and all pushed themselves to the limits of their powers in the hope that they would achieve victory. Each individually, therefore, deserves praise for his efforts.

The Dolphins are my team, but my congratulations go to all the players on both sides and their coaches for providing their rooters and fans with a season of thrills and elation. Their examples of hard work, perseverance, determination, and team effort are respected by all.

My special congratulations to the Miami Dolphins and to Don Shula and the other coaches, champions one and all, for giving a little bit more of themselves, and winning Superbowl VII.

At no time in the history of professional football has a team completed a season undefeated. The Miami Dolphins did just this by winning their 14 regular season games, two playoff games and, finally—the Superbowl.

During their undefeated season, they were under great pressure. Each team they played wanted the privilege and glory of saying, "We stopped the Miami winning streak."

In the American Conference their offense, defense, and passing records were superb. It is my frank opinion that the Dolphins deserve to be called "World Champions." It is doubtful if we, in our lifetime, will ever see another team go through its entire scheduled league games undefeated, win its playoff games, and then the Superbowl Championship as the Miami Dolphins did during the 1972 season.

If I were to hazard a guess, I would state that if it is to be done, it will be done by the 1973 Miami Dolphins. To each of them, once again, my congratulations for a job not only well done, but superbly done.

SOCIAL SECURITY LUMP-SUM DEATH BENEFITS

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 22, 1973

Mr. ANNUNZIO. Mr. Speaker, on January 3, I introduced H.R. 275, a bill to rectify what I believe to be a glaring inequity in our social security programs—the limited lump-sum death benefit.

The basic formula for computing this benefit calls for a payment equal to three times a deceased worker's basic monthly benefit, but a ceiling which was adopted way back in 1954 has negated the effect of the formula. Under the law as amended in 1952, the maximum lump-sum benefit was $255—three times the highest basic benefit payable. However, when Congress increased regular benefits by 13 percent in 1954, the $255 figure was retained as a ceiling on all lump sum benefits.

This ceiling of $255 has been in effect for two decades and has prevented lump sum benefits from increasing at the same pace as regular monthly benefits; since 1954, regular monthly benefits have been increased six times for a cumulative increase of 96.4 percent.

There is no doubt that the $255 ceiling has prevented death benefits from keeping pace with rising funeral costs. According to the Federated Funeral Directors of America, the average cost of a standard adult funeral in 1954, the year the ceiling was put into law, was $607.21. In 1971 the average cost of a standard adult funeral had risen to $1,088, an increase of over 79 percent. The ceiling, of course, has kept lump-sum amounts from rising with general benefit increases, and, consequently, the average lump-sum benefit in 1971 paid only 22.4 percent of the average standard adult funeral, which compares with the 34 percent paid in 1954.

The original idea was that the payment would be related to the amount of a worker's monthly retirement benefit. As things now stand, though, we have for all practical purposes a flat rate payment; it varies from a minimum of $253.50 to a maximum of $255. And, in order to qualify for the maximum, one needs to have average monthly earnings of only $77; anyone with an average monthly wage of $76, or less, has earned the minimum lump-sum death payment of $253.50.

Mr. Speaker, we must go with the times. There is nothing wrong with a flat payment to everyone, provided that it is a meaningful amount. Since the lump-sum death payment was conceived of as a way to help people meet the expenses which come about for every man when his appointed time is spent, I believe that a flat payment is appropriate for the cost each of us must eventually incur. We must make that payment meaningful in terms of today's increased costs.

My bill, H.R. 275, would provide a flat lump-sum death payment of $750 for everyone. This would be a meaningful payment in terms of today's prices.

I do hope that the distinguished chairman and members of the Committee on Ways and Means will see their way to an early report on this bill so that the full House will have an opportunity to work its will.

PRESERVE AMERICA'S SPIRITUAL HERITAGE

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 22, 1973

Mr. YOUNG of Florida. Mr. Speaker, our spiritual heritage, which has made America the greatest nation in the history of the world, has been under vigorous attack in recent years. Yet at no time has this Nation's moral and spiritual fiber needed strengthening more than it does today.

For all intents, our Pledge of Allegiance to the Flag, might as well be rewritten to delete "one Nation under God" and make it "one Nation under the Supreme Court." As you know, the Court in a misguided interpretation of our constitutional guarantee of freedom of religion, has outlawed prayer and Bible-reading in America's schools.

To correct this gross injustice, I have introduced House Joint Resolution 125, a constitutional amendment to permit voluntary, nonsectarian prayer and Bible reading in our schools and other public places. This amendment would define the freedom of religion clause in the first amendment so that we might have God's infinite love revealed, for in learning to love Him, we learn to love one another.

America needs this amendment. Our children need it. Each man, woman, and child in this Nation has the freedom to choose a form of religion or choose none at all. Nothing in my amendment would abridge that right. It would, however, restore the coequal right to voluntarily seek the guidance and wisdom of Almighty God in our classrooms.

At the start of each daily session, this House, as well as the Senate, our State legislatures, even our courts, still seek God's aid in making wise decisions and faithfully carrying out our responsibilities.

This is as it should be. America was founded by God-fearing men; our democracy and our way of life are rooted in great moral and spiritual principles. I do not see how exposure to these principles can do anything other than benefit everyone, particularly our youngsters.

We cannot allow the courts to deny the privilege of worship to our children. The future of America will turn not on the question of whether God is on our side, but rather on whether we are on God's side. This Congress owes it to the American people to overwhelmingly support a constitutional amendment that reaffirms our basic faith in Him.

THE CONSUMER'S STAKE AND THE PUBLIC'S INTEREST IN EXPLORATION FOR NATURAL GAS ON THE ATLANTIC SHELF

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 22, 1973

Mr. MURPHY of New York. Mr. Speaker, interest is mounting in the New York area, and indeed throughout the Atlantic Coast, in the matter of exploration for natural gas on the Atlantic Shelf. As we consider the complex and troublesome questions involved, it is essential that we have the opinions of all phases of the energy industry; from conservation and environmental groups; from economists, planners, and Government officials. In an effort to help make these views widely available, I commend to the attention of the House the recent remarks of Dr. Charles F. Luce, chairman of the board of Consolidated Edison Co. in New York. Mr. Luce discusses many of the important questions which must receive close scrutiny in the days ahead.

The address follows:

THE CONSUMERS' STAKE AND THE PUBLIC INTEREST IN EXPLORATION FOR NATURAL GAS ON THE ATLANTIC SHELF

(By Charles F. Luce)

In preparing remarks for today's meeting, my first thought was to discuss con Edison's plans for meeting future electric energy requirements of Staten Island. Of the six divisions which compose con Edison, the Staten Island division has the fastest rate of electric growth, and we are making large investments in new electric distribution facilities to meet that growth. All of which I thought would be of interest to members of the Staten Island Chamber of Commerce.

But George Delaney, our able Staten Island division vice president, advised me that he thought you would be even more interested in the broader subject of where is the energy coming from to meet foreseeable needs of the entire city in the decades ahead.

Time constraints of a luncheon meeting do not allow comprehensive discussion of this much broader subject. In the few minutes that we do have I will try to sketch for you the potential of an untapped economical source of energy that may lie closer to our city than any primary source of energy we now use. I refer, as the title of my remarks indicates, to the possibility that large quantities of recoverable oil and gas lie beneath the Outer Continental Shelf off the east coast of the United States.

Lest this conjure up vision of oil and gas drilling platforms surrounding Staten Island like a picket fence, let me assure you that the geologic evidence to date indicates that the closest oil and gas fields would be 30 miles or more offshore, out of sight of the United States mainland.

My message today will be simple: That the consumer who pays ever-increasing gas and electric bills has a tremendous stake in the exploration of the Atlantic shelf, and that in the broadest sense the public interest—including the vital need to protect the earth's environment—may best be served by such exploration.

Although my comments will be directed mainly at the interest of gas consumers in outer shelf exploration, it must be recognized that for at least two reasons electric and steam consumers also have an important stake. Much of the electricity (about 15%) and steam (about 10%) consumed by Con Edison customers this year is generated with gas as the fuel.

Indeed, the city of New York has mandated gas as the fuel to be burned at our rebuilt 60th Street steam plant in Manhattan, and has required that we use best efforts to obtain gas as the fuel for the new 800,000-kw addition to our Astoria electric generating station in Queens. The more Con Edison must pay for gas to generate electricity, the higher the price of electricity must be.

Perhaps an even larger stake of our electric and steam customers in offshore drilling is the possibility that it may discover, in addition to gas, sizable deposits of oil. Presently 82 percent of the electricity we generate is fueled by residual oil, all of which comes from abroad.

The price of this oil has more than doubled in the past 3 years, half because of improvement in quality and half because of basic price increases. The outlook is for further price increases, which will translate into further steam and electric rate increases.

A New York *Times* editorial entitled "Squeezing the Goose," dated October 9, 1972, looked at the future of the oil supply situation from a national viewpoint, and concluded:

"Free world consumption in the next decade is expected to rise far ahead of production outside the Middle East which still contains two-thirds of the world's known petroleum reserves. For example, three new discoveries last year in Saudi Arabia alone exceed the total finds so far in the vaunted north sea fields.

"These trends have particularly serious implications for the United States which accounts for one-third of all world consumption. Although this country currently imports only 23 percent of its total requirements, most of it from areas outside the Middle East, oil imports are expected to rise to 40 to 60 percent of consumption by 1980. This would mean increased dependence on Middle East sources, higher prices for gasoline, home heating fuel and industrial power and an enormous new drain on the United States balance of payments.

"Friendly accommodation with the producer states is a prudent step toward meeting this new situation. But it is no substitute for the most vigorous efforts to develop acceptable alternate fuel sources and to conserve the diminishing resources this country now possesses. The squeeze on oil has only begun."

But let us return to the narrower focus of this paper, which is the interest of the New York City consumer in the exploration of the Atlantic Shelf. Presently, Con Edison, like Brooklyn Union Gas Company, obtains gas for its customers from large pipelines which tap gas fields in Louisiana and Texas, many of them in the Gulf of Mexico. Prospects for increasing pipeline deliveries to meet increasing gas demands are not encouraging. In fact, in the past 1½ years, the major pipeline companies have reduced their deliveries to New York City and other east coast cities below existing contract commitments. The prospect seems to be for more of the same.

The gas consumers of New York City and other cities along the east coast are faced, then, with the prospect of decreasing supplies of natural gas and increasing demand for natural gas. Not an encouraging prospect. By 1980, the gap between traditional supplies and predictable demand is estimated to be 120 billion cubic feet in New York City and Westchester County—about half of the 1980 demand. By 1990 this gap is estimated to be 180 billion cubic feet, about two-thirds of 1990 demand.

To meet this foreseeable gap between the supply of Texas and Louisiana Gas and the growing demands of their customers, Con Edison and Brooklyn Union as well as other gas companies are moving to obtain new supplies. Both companies have constructed, or are constructing, storage facilities to receive liquefied natural gas (LNG) from foreign sources, Con Edison in Queens and Brooklyn Union in Brooklyn. Both expect to participate in the LNG storage facility being constructed by Distrigas on Staten Island. Brooklyn Union is constructing in Queens a synthetic gas plant using naphtha. Con Edison, Brooklyn Union, and other companies are engaged in discussion with pipeline and oil companies and with consultants involving the construction of additional synthetic gas plants, one or more of which may be located on Staten Island.

Both Con Edison and Brooklyn Union are contributing to research intended to improve the economics of manufacturing synthetic gas from coal. Both also are interested, obviously, in any new pipeline sources that might become available, for example, the Canadian Arctic or Alaska.

In dollars and cents, what does this mean to gas consumers in New York City and Westchester County? The key fact is that all of these new sources of gas we are seeking to fill the gaps caused by the prospective shortage of domestic natural gas are vastly more expensive. In round numbers, we now pay 50 cents per thousand cubic feet for Texas and Louisiana Gas delivered to New York City distributors. The cost of imported Liquefied Natural Gas, or synthetic Gas manufactured from petroleum or from coal, delivered at New York City, is estimated at between $1.30 and $1.70 per thousand cubic feet.

If, then, we take the $1.50 mid-range estimate of the cost of the substitutes for natural gas, we can estimate that by 1980 the substitutes could be costing gas customers in New York City and Westchester $120 million more per year, and by 1990, $180 million more per year. These are, of course, only ball park figures, but I suspect that if anything they are on the low side.

How can the exploration of the Atlantic shelf reduce this large burden of increased costs that is in prospect for gas consumers? No one can say for sure, because we don't know for sure that deposits of gas and oil lie beneath the shelf. But the signs are encouraging.

While there has been virtually no drilling to date, the United States Geological Survey and some oil companies have made seismic tests which indicate that proper geological formations may exist for substantial quantities of oil and gas in three specific off-shore areas: 1) the outer edges of Georges Bank, South and East of New England, and 2) the Baltimore Canyon trough, seaward of States from New Jersey to North Carolina, and 3) the Blake Plateau trough, off the States of Georgia and Florida. The potential gas committee of the Colorado School of Mines has estimated the potential of these three Atlantic off-shore areas to be 30 to 40 trillion cubic feet of natural gas, and other estimates place petroleum potential as high as 20 billion barrels and as low as 5 billion barrels.

The potential production of Atlantic off-shore gas ranges from 600 billion cubic feet to 1 trillion cubic feet per year, with a probable price advantage over synthetic gas and imports ranging from 60 cents to $1.00 per thousand cubic feet. In estimating this price advantage we have assumed that Atlantic shelf gas would cost 70 cents per thousand cubic feet, the midpoint of a probable range of 60 to 80 cents per thousand cubic feet compared to 50 cents for Gulf gas delivered in New York. The total dollar savings then amount to somewhere between $360 million and $1 billion per year, at current dollars. We have estimated the likely portion of savings applicable to the Con Edison service territory at $30 million to $100 million per year, or $1.2 billion to $4 billion cumulatively over approximately 40 years of production. These are not Con Edison savings.

They are savings that go directly to our customers through adjustments in the fuel clause.

In terms of just two Con Edison facilities—the 60th Street steam plant and the 800,000-kw Astoria No. 6 generating station—the savings would be significant. As I mentioned earlier, the city has mandated that we burn natural gas exclusively at the 60th Street steam plant and requires us to make reasonable effort, including possibly the importation of LNG, to burn natural gas at Astoria 6. If fueled exclusively on gas, Astoria 6 would require 30 billion cubic feet per year. Supplied with Atlantic off-shore gas the savings over alternative sources could be between $18 million and $30 million per year. The 60th Street steam plant requires 3½ billion cubic feet per year.

Potential savings with Atlantic off-shore gas amount to $2.1 to $3.5 million per year. If we were able to convert our entire steam system to gas fuel, it would require about 60 billion cubic feet next year and 70 billion cubic feet by 1980. The potential savings if Atlantic off-shore gas were available would range from $36 million to $70 million per year.

The pressures being exerted upon all of our rates by higher interest, taxes, wages and construction costs lend emphasis to the need for exploration of every reasonable means of effecting savings in the cost of fuel.

And if we raise our consciousness above our pocketbooks, and examine the implications to national security and to the balance of payments of increasing dependence upon Middle Eastern and other foreign sources of supply we must, I believe, agree upon the wisdom of fully exploring the potential of the Atlantic outer Continental Shelf as a new source of fuel.

Nonetheless, serious objections have been stated to any exploratory drilling on the Atlantic Shelf based upon environmental considerations. In the legislatures of several coastal States, bills have been proposed to prohibit such drilling in off-shore areas where the States have or claim jurisdiction. Our own legislature this year passed such a bill which Governor Rockefeller vetoed.

Surely, in view of the recent experience of the runaway well off Santa Barbara, one must carefully assess the environmental consequences of off-shore drilling. But we must do so objectively. As a nation we do not prohibit automobile travel because of the many terrible accidents; we try to reduce the accidents. Nor do we outlaw commercial airlines because there are occasional crashes, or high-jackings; we try to reduce their change of happening. The point is that we do not live in a risk-free world, and we never will.

I would even suggest that if one puts aside the consumers' interest in keeping utility rates as low as possible, and the citizens' interest in reducing dependence upon foreign fuels, there may be important environmental advantages to carefully controlled exploration on the Atlantic shelf.

Consider the alternatives.

Importing oil and liquefied natural gas means tanker shipments, and tanker shipments mean, inevitably, some spills. Recently the U.S. Geological Survey issued a list of all recorded oil spills incidents involving 1,000 or more barrels since 1957. The celebrated Santa Barbara oil spill involving a drilling platform ranked only 31st in magnitude, with 10,000 barrels spilled.

The largest spill by far was the grounding of the tanker *Torrey Canyon* in 1967—some 700,000 barrels or 70 times more than the Santa Barbara spill. In fact, since 1957 there have been only 7 platform spills for a total of 104,748 barrels compared to 39 tanker or barge spills totalling 2,137,829 barrels—20 times as much. The east coast is particularly vulnerable to oil spills, with more than 75 percent of the U.S.-bound tankers unloading between Virginia and Maine. A recent Coast Guard study showed that spillage from U.S. off-shore drilling operations in 1970 was less than ⅓ of one percent of the total oil spill from all sources.

We may question, too, the scientific or the moral justification for seeking to avoid the drilling of gas and oil wells in United States waters by shifting the source of production to wells drilled in the waters of other countries. Should not our environmental horizons be global, and not merely regional or national?

Gasifying coal is another alternative—one we hope can be made economically feasible rapidly through R&D, for it will make usable vast reserves of coal presently unusable because much coal cannot be burned within air pollution standards. But even this highly desirable alternative has its environmental problems: strip mining that scars the landscape, or deep mining with attendant acid drainage, land subsidence, tailings and danger to human lives.

There is further environmental impingement caused by the process of gasifying coal, namely the disposal of large quantities of waste products.

One environmental objection sometimes voiced against Atlantic off-shore drilling is based on aesthetics. People fear ugly drilling rigs just off our beaches, as in the case in California, for instance. But all indications are that the oil and gas off the Atlantic coast lie 30 to 300 miles at sea beyond the horizon. Also, much of the oil and gas could be brought ashore by pipeline, the safest and cleanest method of transportation. Should a pipeline be damaged, it quickly can be shut off and the damage limited. In fact, there is no record of spills of consequence from underwater pipelines.

Just looking at it from an environmental point of view, the total impact on the environment may well be considerably less from Atlantic off-shore drilling than from alternative sources of gas and oil. When you add the economic benefits, the national security implications and the effect on the balance of payments, it seems foolish not even to drill to explore this clean source of energy which may be at our doorstep.

Other nations, having considered the alternatives, have decided upon drilling in the sea for new supplies of oil and gas. Great Britain, Norway, Denmark and Holland all are drilling in the North Sea, an area which presents environmental hazards at least as great as any presented on the Atlantic shelf. Canada has authorized extensive drilling in the north Atlantic off Nova Scotia.

In the South Pacific, Indonesia, Taiwan, and Japan have gone to the sea for petroleum. The decisions of these countries, and others, are not of course decisive for us, but they strongly suggest a direction that public policy should take on the Atlantic shelf.

Under the Federal laws that govern the leasing of the Outer Continental Shelf for gas and oil exploration, the Secretary of the Interior is the custodian of the public interest. Before deciding to offer any area for exploratory drilling, he must prepare and make public an environmental impact statement which examines the environmental consequences of the proposed leasing and any reasonable alternatives.

The procedures involved in a proposed leasing of the Atlantic shelf are necessarily time consuming.

If the decision were made today to offer leases, it is probable that they would not be awarded in less than 1 year. After leases are awarded, it is reasonable to expect that exploratory drilling would require another 2 to 2½ years. And if gas and oil then are discovered—a large "if"—it probably could not be made available to consumers in less than 4 years. This would be 1980–1982.

All of this suggests the wisdom of the Secretary of the Interior moving rapidly to set in motion the decision-making procedures that could lead to the awarding of leases for exploratory drilling on the Atlantic shelf.

And I would hope, and expect, that in reaching his decision the Secretary at an early date would call upon the governors of the coastal States, the mayors of the large coastal cities, consumer groups, environmentalists, oil companies and gas companies, and all other interested persons, for the best advice and counsel they can give him in making what could be a critically important decision for the future prosperity and security of our city and our Nation.

In the meantime, and for the foreseeable future, I believe we must as a city and a nation adopt a strict policy of energy conservation.

Whatever decision is eventually made as to exploration and development of the Atlantic shelf, or the development of alternative energy sources, we must as a society seek out and find every possible way to use all forms of energy wisely, and to waste none.

UKRAINIAN INDEPENDENCE DAY

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 22, 1973

Mr. BIAGGI. Mr. Speaker, today marks the 55th anniversary of the proclamation of Ukrainian independence. This declaration of freedom was made in Kiev, capital of Ukraine—on January 22, 1918, and exactly 1 year later the act of union went into effect—uniting all Ukrainian ethnographic lands into one independence and sovereign state of the Ukrainian nation.

It is a tragic fact of history that soon afterward, the blossoming Ukrainian nation was brutally forced into the Union of Soviet Socialist Republics. Since that time the proud, talented and freedom-loving people of the Ukraine have resisted total Soviet domination and have constantly protested to all nations of the world such abuses as the following:

During the 50-year rule of Moscow over the Ukraine literally millions of Ukrainians have been annihilated by the manmade famines, deportations, and outright executions;

Both the Ukrainian Autocephalic Orthodox Church and the Ukrainian Catholic Church were ruthlessly destroyed and their faithful members were incorporated into the Kremlin-controlled Russian Orthodox Church;

All aspects of Ukrainian life are rigidly controlled and directed by Moscow: The Academy of Sciences, all scientific and research institutions, universities, technicums, publications, the press, party and government apparatuses, youth, women's organizations, trade unions, and so forth;

Arrests, trials, and convictions of hundreds of young Ukrainian intellectuals—poets, writers, literary critics, playwrights, professors, and students are charged with "anti-Soviet propaganda and agitation," though, in fact, these people profess loyalty to the Soviet State, but fight against its abuses, violations and police rule. Among them are noted writers and thinkers such as V. Chornovil, I. Dzyuba, I. Svitlychny, E. Sverstiuk, V. Moroz, L. Plushch, and many others. Yuriy Shukhevych, the son of Gen. Roman Shukhevych, commander in chief of the UPA, has been in and out of Soviet concentration camps since the age of 15; in September 1972, he was again sentenced to 10 years at hard labor for refusing to denounce his assassinated father and the ideal for which he was killed: a free Ukraine.

Mr. Speaker, when we commemorate Ukrainian Independence Day, we celebrate the victory of the spirit over blind, ignorant physical force. I for one support the 47 million Ukrainians in their struggle for cultural and intellectual freedom and exhort every American to do the same.

WISCONSIN ASSEMBLY RESOLUTION

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 22, 1973

Mr. ASPIN. Mr. Speaker, members of the Wisconsin State Assembly recently passed a resolution calling for an end to all hostilities in Southeast Asia and for Congress to reassert its control over foreign policy matters. I feel that the views of this governing body should be heard and considered by all of my colleagues, therefore I respectfully submit its resolution for your consideration:

1973 ASSEMBLY RESOLUTION

Relating to memorializing the President of the United States, every member of the Congress of the United States, and each house of all State Legislatures for the purpose of achieving an immediate end to all hostilities in Southeast Asia.

Be it resolved by the Assembly of the Sovereign State of Wisconsin, That:

(1) This Assembly calls upon the President of the United States of America to immediately cease all hostilities in Southeast Asia and to withdraw all troops contingent upon the release of all prisoners of war and full exchange of information on those listed as missing in action in all areas of Indochina.

(2) This Assembly calls upon the Congress of the United States and, particularly, the Committee on Foreign Relations and the Appropriations Committee of the Congress of the United States, to reassert the control over foreign policy vested in the Congress of the United States by the United States Constitution.

And, be it further resolved, That properly enrolled copies of this resolution be transmitted by the Chief Clerk to the President of the United States, to the Committee on Foreign Relations of the United States Senate, to every member of the United States Senate and the United States House of Representatives, and to each house of the State Legislatures of our 49 sovereign sister States.

ROBERTO CLEMENTE WAS A SUPERSTAR

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 22, 1973

Mr. MIZELL. Mr. Speaker, it is my personal privilege and honor today to join with the distinguished gentleman from Pennsylvania (Mr. MOORHEAD) in introducing legislation to strike a commemorative gold medal in honor of Roberto Clemente, a great friend, a great athlete, and a great humanitarian.

I first knew Roberto Clemente as an opposing player in the National League. I was playing for the St. Louis Cardinals at the time, and Roberto was playing for the Pittsburgh Pirates.

When we were on opposing teams, I never relished the thought of having to pitch to Roberto. Not only could he hit the ball all over the park, and often out of the park altogether, but once he got on base, his amazing speed made him one of the greatest base-stealing threats in all of baseball.

It was a real challenge to pitch to Roberto Clemente, and I had a lot of respect for him, not only for his hitting and base-running ability, but for his fielding ability as well.

Even though I developed a tremendous amount of respect for Roberto Clemente during the years when we were on opposing ball clubs, it was not until after being traded to the Pittsburgh Pirates in 1960, and playing and being with him every day, that I came to realize what a superstar he was.

Roberto Clemente was the most exciting ballplayer I ever played with.

In close games, we could always count on Roberto to get the crucial base hit, to run the bases with his lightning speed, stretching what should have been a single into a double or a triple.

Forbes Field, which served as the Pirates' ballpark for many years before the club moved into its new Twin Rivers Stadium, was a large ballpark. But I have seen Roberto Clemente hit a ball out of the deepest part of Forbes Field. I have seen him hit a line drive shot in Chicago that went clear out of the stadium.

But one of the most exciting plays I ever saw Roberto make was not at the plate, but from his position in right field.

It was during the 1960 season, when we were driving for the National League pennant. I was pitching; we had a one-run lead in the top of the ninth inning, with two away and a runner on first.

The batter tagged me with a hard-hit ball to right center, and it looked like the ball would bounce off the wall for extra bases.

I can still see Roberto Clemente leaping for the ball and catching it with a spectacular one-handed grab. As he came down, his chin hit the wall, and even with the great jolt, Clemente held onto the ball and saved the game for us.

After the game, the team physician had to put six or seven stitches into Roberto's chin, but I knew, and every other member of the Pirate team knew, that Roberto Clemente would do exactly the same thing tomorrow if it meant winning a game.

It was the greatest catch I ever saw an outfielder make, and it was this kind of effort that Roberto exhibited all through the 1960 season, the kind of talent and determination that helped the Pirates win their first pennant in 40 years and go on to defeat the powerful New York Yankees in one of the most exciting World Series ever played.

And it pleased me to see with millions of other Americans that Roberto was still playing great baseball 11 years later as he led the Pirates to another world championship in 1971, again the hero of an exciting World Series.

His power hitting, his blazing baserunning, his amazing ability as a fielder—all of these are testimony to the fact that he was a complete athlete and a genuine superstar in the game of baseball.

This is Roberto Clemente the ball player but the greatest testimonial to how great Roberto Clemente the man was, was the tremendous interest he took in the youth of Puerto Rico.

Roberto Clemente was often called "the Babe Ruth of Puerto Rico," and he could easily have chosen to simply bask in the fame of his athletic ability. He would have been a national hero for that ability alone.

But there was more to Robert Clemente the man than that. Like our own Babe Ruth, Roberto Clemente wanted to see kids play and have fun, and through considerable effort on his part, he was able to provide that kind of opportunity for thousands of Puerto Rican children.

Roberto was held in high esteem and with tremendous affection by the people of Puerto Rico, not simply for the many things he did, but for the kind of man he was.

Here was a man who was willing to give up spending Christmas Day with his family to make final preparations for a mission of mercy, trying to get help to the victims of the earthquake in Nicaragua. And it was on this mission of mercy that he met his untimely death.

If there is any fitting way for a man to die, the final chapter of Roberto Clemente's life certainly provided a fitting theme for the life he lived and for the memory that will live after him.

He gave everything he had to every game he played, whether it was for the world championship of baseball at Forbes Field in Pittsburgh or for a winning run in a sandlot game in San Juan.

And in the end, he gave everything he had to his commitment to helping his fellow man. A superstar, a super performer, a super individual—this was Roberto Clemente.

The honor we seek to accord him today is, I believe, most well-deserved, and I urged my colleagues to act favorably on this proposal.

NEW YORK KNICKERBOCKER DRUM AND BUGLE CORPS, "THE PRIDE OF NEW YORK"

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 22, 1973

Mr. BIAGGI. Mr. Speaker, the New York Knickerbocker Drum and Bugle Corps, a Bronx-based youth and pageantry organization is perhaps the most prestigious musical group ever to march out of the city of New York. Composed of over 120 high school and college young people, the corps has been called a "sight—a sound—a sensation". They have thrilled millions of Americans and Canadians with their own particular dazzling breed of showmanship which incorporates the magical music of the metropolis, pulsating percussion and dynamic and disciplined drill. They are admired and have fan clubs in several States and Canada.

Recently the New York Knickerbocker Drum and Bugle Corps was declared "the pride of New York City" by Mayor John V. Lindsay and a special proclamation was issued calling the corps to the attention of all New Yorkers and setting aside the week of December 3 to 10, 1972, as Knickerbocker Drum and Bugle Corps Week. Needless to say it was the first time a drum and bugle corps or musical unit from the city of New York had been given a week's tribute.

In a most unusual move, the State inaugural committee headed by Mr. Harry Cohan and Republican State Chairman Charles T. Lannigan, chose the Knickerbocker Corps as the State's official "inaugural parade musical unit." The corps was selected following a spectacular competition involving some 70 musical units from all over the Empire State. Based on the corps' credentials as a very special musical unit, and upon the fact that the members of the Knickerbockers come from five New York counties—Manhattan, the Bronx, Brooklyn, Queens, Westchester—the corps was chosen becoming the very first New York City unit chosen to march in an inaugural parade. But support for the corps comes from both aisles of New York's Legislature and Congress itself. It is the very nature of the ethnic diversity of the unit that stamps it as uniquely New York and even more so "America."

People are consistently moved to emotional tears by the Knickerbockers fabulous presentation of the American flag to the stirring "American Heritage" medley of folk and patriotic songs culminating in "Hail to the Chief." Their other music includes, jazz, show tunes from Broadway, and hard rock. Their musical director is alumnus of the corps and current drum major, Richard Corbett. His interpretation of the corps music leaves audiences stunned and in admiration. Perhaps the best thing about the New York Knickerbocker Drum and Bugle Corps is the membership—the magnificent young people share a multitude of ethnic and religious heritages. It is this diversity that underscores the story of the Knickerbockers, and makes the statement live that America indeed works, that together all races and religions working side by side can indeed produce the sweetest music this side of heaven. Anyone who has ever seen or heard the fabulous New York Knickerbocker Drum and Bugle Corps knows that it does work.

The staff of the corps is tiny. Mr. Harvey Berish is the corps general manager and Mr. Warren Marsh is the corps director. The rest of the staff comes from within the ranks. The Knickerbocker Hall Youth Center, at 2415 Westchester Avenue, in the East Bronx, is open 365 days a year and is staffed by a completely voluntary staff. Members who now serve on the staff include: Jose Valazquez, assistant brass instructor; Cleveland Jerome Moore, assistant drill instructor; John Lennon, drill writer and instructor; and Dominic Livoti, assistant horn instructor.

The Knickerbockers indeed leave all New Yorkers and all Americans with a particular sense of pride. They are the only New York City drum and bugle corps ever to go on three international goodwill and championship tours. They have been participants in the Macy's parade on Thanksgiving. The corps has been given a grant by the Bronx Council on the Arts making them the only drum and bugle corps recognized as a genuine cultural asset. They have been selected by the New York Yankees to march as the official Yankee Marching Drum and Bugle Corps and they carry the team's official flag at all appearances. They have been selected for sponsorship 8 years in a row by the Knickerbocker Federal Savings and Loan Association with Mr. Robert J. Murphy, Jr., president, underwriting the cost of many of the corps supplies. They have marched as the official entry of the New York Catholic Archdiocese in the CYO Championship contest at Toledo, Ohio. They have been the official New York City Unit at both the World Open and U.S. Open Championships for half a decade.

Mr. Speaker, the New York Knickerbocker Drum and Bugle Corps is indeed "The Pride of New York," and we salute them upon their participation in the inaugural parade.

MISSOURI HOUSE OF REPRESENTATIVES RESOLUTION

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, January 22, 1973

Mr. HUNGATE. Mr. Speaker, I would like to call to the attention of my colleagues the following resolution by the Missouri House of Representatives in one of its earliest actions this year. A copy of the resolutions follows, and I hope my colleagues will join me in seeking to make the administration responsive on this problem:

MISSOURI HOUSE OF REPRESENTATIVES RESOLUTION

Whereas, the southeastern area of Missouri has suffered an exceptionally wet fall and winter; and

Whereas, as a result of this weather, unprecedented in our state, greater than fifty per cent of the crops are unharvested or completely ruined, and thousands upon thousands of acres of cotton, soybeans and other major crops which form the mainstay of Missouri's agricultural industry must remain in the fields; and

Whereas, many hundreds of farmers, whose entire livelihoods depend upon the cultivation and timely harvest of these crops, face imminent and inevitable financial ruin as a direct result of this weather, and the repercussive economic hardships imposed upon this area alone will amount to hundreds of millions of dollars; and

Whereas, these circumstances have compelled an urgent appeal to the President of the United States of America for disaster relief funds on behalf of these many farmers who now face this most serious crisis; and

Whereas, the President has frozen funds appropriated by the Congress of the United States of America for the purpose of disaster relief in an attempt to curtail federal spending; and

Whereas, endeavors to minimize deficit spending whenever feasible are certainly understandable and highly commendable; however, the critical situation which compels these sentiments, the well-being of so many people and the backbone of the most important industry of this state, requires immediate reconsideration of the decision to withhold these disaster relief funds;

Now, therefore, be it resolved that the members of the Missouri House of Representatives of the Seventy-seventh General Assembly, First Regular Session, join in urgent appeal to the President of the United States of America, the Honorable Richard M. Nixon, to reinstate the desperately needed funds for the assistance of the farmers of Missouri, the victims of these tragic circumstances; and

Be it further resolved that the House of Representatives notify each member of the Congressional delegation of our state of our appeal, that those members so intimately acquainted with the magnitude of this crisis might join us in our plea; and

Be it further resolved that the Chief Clerk of the House of Representatives be instructed to send suitably inscribed copies of this resolution to the Honorable Richard M. Nixon, President of the United States of America, and to each Missouri member of the Congress of the United States of America.

TRIBUTE TO JAMES V. SMITH

HON. B. F. SISK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. SISK. Mr. Speaker, as with other Members I would like to take this opportunity to extend special tribute to James V. Smith who is leaving his post as Administrator of the Department of Agriculture's Farmers Home Administration.

His initial exposure to most of us was as a Member of the House of Representatives in 1966, followed then by his stewardship as head of the Farmers Home Administration. His leaving will be a tremendous loss not only to those who have known and worked with him, but the U.S. Department of Agriculture as a whole.

In stepping down from his post he leaves an outstanding record of public service, a record which blankets all the rural areas of this Nation.

I am sure my colleagues join me in the feeling that Jim Smith's stay in Federal service was all too short, and that his tenure has been an invaluable asset to everyone. I wish him well in his future pursuits, and only hope that we may share his counsel in the future.

ANNIVERSARY OF UKRAINIAN INDEPENDENCE

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 22, 1973

Mr. RIEGLE. Mr. Speaker, today marks the 55th anniversary of the proclamation of the Independence of Ukraine, and the 54th anniversary of the Act of Union, whereby all Ukrainian enthnographic lands were united into one independent and sovereign state of the Ukrainian Nation. Both the Independence of Ukraine and the Act of Union were proclaimed in Kiev, capital of Ukraine, on January 22, 1918, and January 22, 1919, respectively. I would like to pay tribute, today, to the Ukrainian people and their undaunted struggle for human rights and freedom, which are the basic tenets of our modern and civilized society.

CURTIS STAPP—SAFE DRIVER OF THE YEAR AWARD

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 22, 1973

Mr. STARK. Mr. Speaker, I am very pleased today to pay tribute to Mr. Curtis "Dick" Stapp of San Leandro, Calif. Mr. Stapp is a recipient of the National Safe Truck Driver of the Year Award from the American Trucking Association.

It was my pleasure as Dick's Congressman to host a breakfast for him, his lovely wife and daughter on January 4. My colleagues Mr. Clausen, Mr. Anderson, and Mr. Edwards came and enjoyed the pleasure of meeting Mr. Stapp.

Dick's remarkable driving record of 4 million safe miles demonstrates courtesy and a respect for human life. If only these qualities were shared by all in all areas of every day living. His example is a worthy one and we owe him a hearty thanks and extend our best wishes for another 4 million safe miles.

APOLLO 17

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 22, 1973

Mr. TEAGUE of Texas. Mr. Speaker, the Congress honors itself by honoring the Apollo 17 astronauts—Capt. Eugene A. Cernan, Capt. Ronald E. Evans, and Dr. Harrison H. Schmitt. These three outstanding Americans have flown the last of the Apollo lunar missions and provided our Nation with the wealth of new knowledge from their efforts which will take the next decade to decipher. Theirs has been an exceptional contribution in a long line of striking achievements by the Apollo astronauts. On this Apollo mission our first geologist astronaut visited the lunar surface. Apollo 17 astronauts logged the longest stay time of any mission. They also spent the longest single time on the lunar surface in doing exploratory work at the same time covering the longest distance ever traversed on the lunar surface. In addition to this, astronauts Cernan, Evans, and Schmitt also compiled the longest Apollo mission of over 300 hours returning the most samples to earth of any mission.

Because of the rapid advance of space technology and the associated communications, practically every American and a large portion of the world have been able to journey with our astronauts in the Apollo program. The Apollo 17 crew, along with their colleagues from previous flights, have distinguished themselves in the harsh glare and minute-to-minute review of comprehensive coverage of the Apollo missions.

Astronauts Cernan, Evans, and Schmitt ought to be congratulated not only for their Apollo contributions but for their outstanding conduct and example in their dedication to their arduous task of lunar exploration.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 22, 1973

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,757 American prisoners of war and their families.

How long?

A SALUTE TO JAMES V. SMITH

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. HUNGATE. Mr. Speaker, I would like to thank my distinguished colleagues from Texas (Mr. Poage) and California (Mr. Teague) for requesting this special order to salute the departing Administrator of the Farmers Home Administration, James V. Smith.

I had the privilege to serve with Jim Smith when he was elected to the 90th Congress and to work with him during the past 4 years while he served as FHA Administrator.

As a representative of a largely rural congressional district in Missouri I am personally familiar with the support and cooperation Jim Smith has given our Nation's farm community during his tenure as head of the Farmers Home Administration. His outstanding service will be sorely missed.

I join Jim Smith's many friends and colleagues in saying thank you for a job well done and in expressing best wishes for a prosperous future as he returns to his native Oklahoma.

HOUSE OF REPRESENTATIVES—*Tuesday, January 23, 1973*

The House met at 12 o'clock noon.

The Very Reverend Andrew Dworakivsky, Dormition of the Holy Virgin Ukrainian Orthodox Church, Northampton, Pa., offered the following prayer:

Almighty God, we thank Thee for all the graces with which You have endowed all nations. We ask Your mercy for Ukrainians deprived of their liberty and freedom in their native land for the past 55 years.

Today, with unrelenting hope and humble respect, we stand before you, honorable members of the American Government, and beseech Almighty God to terminate the servitude of the Ukrainian Nation and grant to her brotherhood, love, and peace.

Bless all responsible leaders, O Lord. Especially, Father, we ask Thee to bless our President, the members of his Cabinet, the Senate, and this deliberative body. Give them courage and strength to stand firm for human rights, especially the captives in Ukraine.

Let it come to pass, O Lord, that this country and independent Ukraine will always be free and friendly nations that will glorify Thee for ever and ever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Marks, one of his secretaries.

APPOINTMENT AS MEMBERS OF BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

The SPEAKER. Pursuant to the provisions of title 20 United States Code sections 42 and 43, the Chair appoints as members of the Board of Regents of the Smithsonian Institution the following Members on the part of the House: Mr. MAHON, of Texas; Mr. ROONEY of New York; and Mr. MINSHALL of Ohio.

ORDER OF BUSINESS

Mr. HAYS. Mr. Speaker, I am going to make a point of order that a quorum is not present. It is my understanding we will use the new voting system. I just want to say to the Members that their cards will work if they put in either end or either side out. Any way the Members can get it into the slot, it will work, either end or either side; it does not matter.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman from Ohio yield?

Mr. HAYS. If I may, I yield.

Mr. GERALD R. FORD. Mr. Speaker, I would ask if the gentleman would withhold temporarily his point of order. I have a resolution that has been cleared with the Speaker, if I might be recognized, before the matter of the point of order.

Mr. HAYS. Mr. Speaker, I will withhold at the Speaker's pleasure.

INTERNATIONAL CLERGY WEEK IN THE UNITED STATES

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (H.J. Res. 163) designating the week commencing January 28, 1973, as "International Clergy Week in the United States," and for other purposes.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 163

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week commencing January 28, 1973, is designated as "International Clergy Week in the United States". The President is authorized and directed to issue a proclamation inviting the people of the United States to observe this week with appropriate ceremonies and activities.

The joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. HAYS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 5]

Andrews, N.C.
Armstrong
Ashbrook
Aspin
Badillo
Bell
Biaggi
Blatnik
Bowen
Brasco
Bray
Breaux
Breckinridge
Camp
Carney, Ohio
Chisholm
Clancy
Clark
Clay
Corman
Coughlin
Daniel, W. C. (Dan)
Dellums
Diggs
Dingell
Dulski
Edwards, Calif.
Fish
Fraser
Frelinghuysen
Frey
Fulton
Gray
Grover
Gude
Harsha
Harvey
Hastings
Hawkins
Hébert
Hogan
Holifield
Holtzman
Johnson, Colo.
Jones, Ala.
Jordan
Karth
Kastenmeier
Kluczynski
Koch
Kuykendall
Kyros
Macdonald
Madigan
Mailliard
McDade
McEwen
McSpadden
Meeds
Metcalfe
Mitchell, Md.
Mosher
Nix
Parris
Passman
Price, Tex.
Pritchard
Quie
Railsback
Rangel
Rees
Regula
Reid
Rhodes
Roncallo, N.Y.
Rooney, N.Y.
Rosenthal
Rostenkowski
Roybal
Ryan
Seiberling
Shipley
Snyder
St Germain
Staggers
Stark
Steele
Steelman
Stokes
Symms
Teague, Tex.
Vander Jagt
Waldie
Wampler
Ware
Wiggins
Wolff
Wydler
Young, Ga.
Young, Ill.

The SPEAKER. On this rollcall 331 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

RESIGNATION FROM COMMITTEE ON HOUSE ADMINISTRATION

The SPEAKER laid before the House the following resignation from the Committee on House Administration:

WASHINGTON, D.C.,
January 18, 1973.

Hon. CARL ALBERT,
Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: Please accept my resignation as a member of the House Administration Committee, effectively immediately.

Thank you for your attention to this request.

Sincerely yours,
VICTOR V. VEYSEY,
Member of Congress.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

CORRECTION OF COSPONSORSHIP OF PROPOSED LEGISLATION TO ABOLISH COMMITTEE ON INTERNAL SECURITY

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, we all make mistakes once in a while, and this is what happened over the weekend when the gentleman from California (Mr. WALDIE) sent around a "dear collegaue" letter listing me as one of the cosponsors of his proposed resolution to abolish the Committee on Internal Security.

In view of my strong support of this committee over the years I am sure most Members will already have recognized that this was an error in which my name was confused with that of the other gentleman from Michigan, my friend, BILL FORD. Mr. WALDIE has graciously sent out a correction to all recipients of his January 19 letter but I want to state for the record that I am opposed to his resolution and continue to support the important work of the Committee on Internal Security. Nevertheless, I thank the gentleman from California for promptly correcting his inadvertent mistake.

THE ABORTION DECISIONS

(Ms. ABZUG asked and was given permission to address the House for 1 minute, to revise and extend her remarks and include extraneous matter.)

Ms. ABZUG. Mr. Speaker, millions of American women feel more secure and more free today as the result of yesterday's Supreme Court ruling in the cases of Roe against Wade and Doe against Bolton. In deciding these two cases—the former arising in Texas and the latter in Georgia—the Court has taken a historic and giant step toward the recognition of the rights of women to control their own bodies and to have abortions by choice under their constitutional right of privacy. The decisions, which will affect statutes in 46 States, establish this constitutional right for the first time.

ROE AGAINST WADE

In this case, the Court held that State criminal abortion laws that except only a life-saving procedure without regard to the stage of the pregnancy violate the right of privacy as made applicable to the States through the due process clause of the 14th amendment. This right of privacy, however, is not absolute, and the State's interest in protecting the health of the mother and the potentiality of life in the fetus grows over the period of the pregnancy.

During the first trimester—about 13 weeks—the State's interest in the subject is too small to permit it to interfere, and the judgment during this period is solely a medical one resting with the woman and her physician. Between 13 weeks and the time of "viability" of the fetus—24 to 28 weeks—the State may regulate abortions, but only in ways reasonably related to the health of the mother—that is, protection of the fetus is not a permissible reason. Once viability occurs, the State may regulate or prescribe abortion altogether, except where necessary to preserve the life or health of the mother.

Finally, said the decision, written by Justice Blackmun, the State may limit the performance of abortions to physicians.

ROE AGAINST BOLTON

In this companion case to Roe, the Court dealt primarily with attendant issues. It held that abortions may not be limited to hospitals and that a requirement of approval of an abortion by a hospital abortion committee or by any physicians other than the patient's is "unduly restrictive" of the patient's rights. It also held that any durational residence requirements within a State constitutes a violation of the privileges and immunities clause of the 14th amendment and is therefore unconstitutional. Finally, the Court held that the Georgia statute's requirement that the physician's decision that an abortion is necessary be based upon his "best clinical judgment" is not unconstitutionally vague so long as it permits him to exercise that judgment "in the light of all factors—physical, emotional, psychological, familial, and the woman's age—relevant to the well-being of the patient."

ANALYSIS

My position on abortion—expressed in H.R. 254, the Abortion Rights Act—is that it is in all instances a medical matter between the patient and her physician, regardless of the stage of the pregnancy, and that a woman's right to abortion is a part of the right of privacy protected by the Constitution.

The Court has recognized the existence of that constitutional right and made it applicable to the States through the due process clause of the 14th amendment. The Court has also stated, however, that the State has some countervailing interest which may be applied to qualify the constitutional right.

H.R. 254, the Abortion Rights Act, is grounded upon the power of Congress to enforce the guarantees of the 14th amendment. The cases interpreting the 14th amendment hold that if a right is included in that amendment's various prohibitions against the States, Congress has broad power to effectuate that right as it sees fit. That congressional power may even extend to striking down State statutes that are not facially violative of the Constitution, so long as Congress action is designed to enforce the constitutional right involved, is "plainly adapted" to that end, and does not by its terms violate any other provision of the Constitution.

I include the text of H.R. 254 in the Record at this point:

H.R. 254

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Congress finds and declares that—

(1) the constitutional right of privacy, embodied in the first, third, fourth, fifth, and ninth amendments to the Constitution of the United States, and applicable to the States through the due proces clause of the fourteenth amendment thereto, includes the right of any female to terminate a pregnancy that she does not wish to continue;

(2) this right is a fundamental and inherent right, and is likewise not subject to infringement by the United States or by the several States by virtue of the due process clause of the fifth amendment to the Constitution of the United States and the due process and equal protection clauses of the fourteenth amendment thereto;

(3) there is no countervailing Federal, State, or public interest of a compelling or other nature sufficient to justify the infringement of this right by the United States or any State.

(b) In order to secure the constitutional rights set forth in subsection (a) and this subsection, and in the exercise of its power to enforce the fifth and fourteenth amendments to the Constitution of the United States, the Congress declares that it is necessary to prohibit the United States and the several States from enacting any law, State constitutional provision, regulation, policy, or other device which infringes upon the said right in any way, or which deprives any female of access to adequate medical assistance in the exercise of such right.

Sec. 2. Neither the United States nor any State shall enact or enforce any law, State constitutional provision, regulation, policy, or other device which infringes the right of any female to terminate a pregnancy that she does not wish to continue, or which deprives any female of access to adequate medical assistance in the exercise of such right.

Sec. 3. Notwithstanding the amount in controversy, and notwithstanding the provisions of section 2833 of title 28, United States Code, or any successor provision thereto, the district courts of the United States shall have jurisdiction over actions brought to enforce the provisions of this Act, including but not limited to jurisdiction to grant injunctive relief to enforce the provisions of this Act.

Sec. 4. As used in this Act, the term "State" means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

Sec. 5. If any provision of this Act or the application of any provision thereof to any person or circumstance is judicially determined to be invalid, the remainder of this Act or the application of such provision to other persons or circumstances shall not be affected by such determination.

Sec. 6. This Act may be cited as the "Abortion Rights Act of 1973".

Section 5 of the 14th amendment provides that—

> [t]he Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

The nature of Congress power, under section 5, to enforce the guarantees set forth in section, was discussed at length in *Katzenbach* v. *Morgan*, 384 U.S. 641 (1966). In enacting the Voting Rights Act of 1965, Congress included a provision that no person who has successfully completed the sixth grade in a public or accredited private school in the United States, including Puerto Rico in which the predominant classroom language was other than English, shall be prevented from voting in any election because of his ability to read or write English. The provision was accompanied by a congressional finding that it was necessary to secure the 14th amendment rights of the persons affected. In 1959, in *Lassiter* v. *Northampton County Board of Elections*, 360 U.S. 45 (1959), the Supreme Court had ruled that there was a State interest in literacy tests and that, if fairly administered, they did not violate the Constitution.

The appellees in Morgan argued that although Congress had the power to enforce the 14th amendment, it could only prohibit State activities which were violative of that amendment, and further, that the courts had the responsibility to make the ultimate determination of whether the prohibited activity was unconstitutional. They argued that since the New York literacy test in question had not been shown to have been unfairly applied, it was constitutionally permitted under the Lassiter decision and not subject to prohibition by Congress.

The Court, by a 7-to-2 margin, rejected this argument. It held that section 5 of the 14th amendment was designed to give Congress "the samé broad powers" with respect to carrying out the substantive provisions of the amendment as the necessary and proper clause of the original Constitution, article I, section 8, gave it with respect to carrying out the substative powers granted in that document:

> § 5 is a positive grant of legislative power authorizing Congress to exercise its discretion in determining whether and what legislation is needed to secure the guarantees of the Fourteenth Amendment. 384 U.S., at 651.

The test of the constitutionality of a congressional enactment under section 5, was identical to the standard with respect to the necessary and proper clause which was set forth in *McCulloch* v. *Maryland*, 4 Wheat. (17 U.S.) 316 (1819): the law must be designed to enforce a provisions of the Constitution; it must be plainly adapted to that end; and it must not by its terms violate any other provision of the Constitution.

The Court found that the challenged statute satisfied this three-pronged test. It was meant to enforce the equal protection clause of the 14th amendment on behalf of persons who had migrated to New York City from Puerto Rico and who had been denied the right to vote because they could not read or write English. It was "plainly adapted" to enforce this clause because the Congress could and did find that giving these people the vote would enhance their political power and help in assuring that they would not be discriminated against as Puerto Ricans:

> It was well within congressional authority to say that this need of the Puerto Rican minority for the vote warranted federal intrusion upon any state interests served by the English literacy requirement. It was for Congress, as the branch that made this judgment, to assess and weigh the various conflicting considerations—the risk or pervasiveness of the discrimination in governmental services, the effectiveness of eliminating the state restriction on the right to vote as a means of dealing with the evil, the adequacy or availability of alternative remedies, and the nature and significance of the state interests that would be affected by the nullification of the English literacy requirement as applied to residents who have successfully completed the sixth grade in a Puerto Rican school. *It is not for us to review the congressional resolution of these factors. It is enough that we be able to perceive a basis upon which the Congress might resolve the conflict as it did.* 384 U.S., at 653 (ital added).

The Court also found that the law in question did not violate any other provision of the Constitution.

In other words, Congress has the power to find that a given State statute or activity violates the 14th amendment, and to enact legislation which, in its judgment, will ameliorate that violation, so long as that remedial legislation does not itself violate the Constitution.

The issue of congressional powers under the 14th amendment came before the Court, once again in a voting rights context, in *Oregon* v. *Mitchell*, 400 U.S. 112 (1970). The Voting Rights Act Amendments of 1970 enfranchised citizens 18 years of age and older in Federal, State, and local elections. The amendments also prohibited the use of literacy tests in State and Federal elections and set up limited residence requirements for presidential and vice-presidential elections, but these titles of the act, and the Court's treatment of their constitutionality, are not relevant to our discussion of congressional power.

In ruling on the title of the act which lowered the voting age to 18 in State and local, as well as Federal elections, four Justices found it to be entirely unconstitutional and four found it to be entirely constitutional. Justice Black believed that it was constitutional as to Federal elections, but not as to State and local contests, and his swing vote determined the outcome. In rejecting the argument that the decision in Morgan permitted the Congress to find that an age minimum of 21 years violated the equal protection clause and to prohibit the States from enforcing such a minimum, Black stated that the primary purpose of the equal protection clause was to prevent discrimination because of race, and that Congress could not invade an area reserved to the States by the Constitution unless it found that racial discrimination was involved. It is important to note that although Black's opinion in Oregon against Mitchell announced the judgments of the Court, it was his alone, and no other Justice joined him in it.

The other four Justices who voted that Congress could not lower the voting age to 18 for State and local elections did so far a variety of reasons. Justice Harlan presented a lengthy historical discourse which he said indicated that the equal protection clause was not intended to apply to State-imposed limitations on voting rights, even where those limitations were imposed in a racially discriminatory fashion. Justice Stewart, writing for himself, Chief Justice Burger, and Justice Blackmun, based his determination on the ground that while Congress has broad power to determine what action is appropriate to enforce the guarantees of the 14th amendment, it lacks the power to determine the substantive content of those guarantees and to decide what State interests are "compelling." Thus, only three, and possibly four, of the members of the Court which decided Oregon against Mitchell raised any questions as to the continuing vitality of Katzenbach.

Thus, Congress has the power to enact this legislation, which would strike down all State criminal abortion laws, if it can reasonably find that those laws, either on their face or as applied, violate the constitutional rights of individuals subject to them.

Now that the Supreme Court has clearly stated that the due process clause of the 14th amendment includes a right to abortion, we in Congress have full authority to act to secure that right.

In additon to due process, State abortion statutes also violate the equal protection clause, for they clearly discriminate against the poor. Justice Clark's article, for example, refers to "the double standard which permits those with social status and financial ability to obtain abortions, while those in the lower social and economic classes are denied this opportunity." Justice White's concurring opinion in Griswold noted that the effect of the anticontraceptive statutes was to deny disadvantaged individuals, "those without either adequate knowledge or resources" to obtain counseling and assistance in birth control. Women in the upper-middle and upper classes have the wherewithal to either get a friendly physician to perform an abortion when one is needed or to travel to a jurisdiction where abortion is legal. Low income women do not have this opportunity, and it is the action of the State, in enacting and enforcing its abortion laws, which denies it to them. See, *Griffin* v. *Illinois,* 351 U.S. 12 (1956); *Harper* v. *Virginia State Board of Elections,* 383 U.S. 663 (1966); *Williams* v. *Illinois,* 399 U.S. 235 (1970); *Morris* v. *Schoenfield,* 399 U.S. 508 (1970).

In conclusion then, abortion should at all times be a medical matter to be decided solely by the patient and her physician. We in Congress have the authority and the responsibility to fully protect the constitutional rights of American women in this regard, and we should act to do this by enacting H.R. 254 at the earliest possible time.

I include the syllabi of the two cases to be printed in the Record at the conclusion of my remarks:

[Supreme Court of the United States, No. 70–18. Argued December 13, 1971—Reargued October 11, 1972—Decided January 22, 1973]

Roe et al. Versus Wade, District Attorney of Dallas County

APPEAL FROM THE U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS

A pregnant single woman (Roe) brought a class action challenging the constitutionality of the Texas criminal abortion laws, which proscribe procuring or attempting an abortion except on medical advice for the purpose of saving the mother's life. A licensed physician (Hallford), who had two state abortion prosecutions pending against him, was permitted to intervene. A childless married couple (the Does), the wife not being pregnant, separately attacked the laws, basing alleged injury on the future possibilities of contraceptive failure, pregnancy, unpreparedness for parenthood, and impairment of the wife's health. A three-judge District Court, which consolidated the actions, held that Roe and Hallford, and members of their classes, had standing to sue and presented justiciable controversies. Ruling that declaratory, though not injunctive, relief was warranted, the court declared the abortion statutes void as vague and overbroadly infringing those plaintiffs' Ninth and Fourteenth Amendment rights. The court ruled the Does' complaint not justiciable. Appellants directly appealed to this Court on the injunctive rulings, and appellee cross-appealed from the District Court's grant of declaratory relief to Roe and Hallford. *Held:*

1. While 28 U. S. C. § 1253 authorizes no direct appeal to this Court from the grant or denial of declaratory relief alone, review is not foreclosed when the case is properly before the Court on appeal from specific denial of injunctive relief and the arguments as to both injunctive and declaratory relief are necessarily identical.

2. Roe has standing to sue; the Does and Hallford do not.

(a) Contrary to appellee's contention, the natural termination of Roe's pregnancy did not moot her suit. Litigation involving pregnancy, which is "capable of repetition, yet evading review," is an exception to the usual federal rule that an actual controversy must exist at review stages and not simply when the action is initiated.

(b) The District Court correctly refused injunctive, but erred in granting declaratory, relief to Hallford, who alleged no federally protected right not assertable as a defense against the good-faith state prosecutions pending against him. *Samuels* v. *Mackell,* 401 U.S. 66.

(c) The Does' complaint, based as it is on contingencies, any one or more of which may not occur, is too speculative to present an actual case or controversy.

3. State criminal abortion laws, like those involved here, that except from criminality only a life-saving procedure on the mother's behalf without regard to the stage of her pregnancy and other interests involved violate the Due Process Clause of the Fourteenth Amendment, which protects against state action the right to privacy, including a woman's qualified right to terminate her pregnancy. Though the State cannot override that right, it has legitimate interests in protecting both the pregnant woman's health and the potentiality of human life, each of which interests grows and reaches a "compelling" point at various stages of the woman's approach to term.

(a) For the stage prior to approximately the end of the first trimester, the abortion decision and its effectuation must be left to the medical judgment of the pregnant woman's attending physician.

(b) For the stage subsequent to approximately the end of the first trimester, the State, in promoting its interest in the health of the mother, may, if it chooses, regulate the abortion procedure in ways that are reasonably related to maternal health.

(c) For the stage subsequent to viability the State, in promoting its interest in the potentiality of human life, may, if it chooses, regulate, and even proscribe, abortion except where necessary, in appropriate medical judgment, for the preservation of the life or health of the mother.

4. The State may define the term "physician" to mean only a physician currently licensed by the State, and may proscribe any abortion by a person who is not a physician as so defined.

5. It is unnecessary to decide the injunctive relief issue since the Texas authorities will doubtless fully recognize the Court's ruling that the Texas criminal abortion statutes are unconstitutional.

314 F. Supp. 1217, affirmed in part and reversed in part.

Blackman, J., delivered the opinion of the Court, in which Burger, C. J., and Douglas, Brennan, Stewart, Marshall, and Powell, JJ., joined. Burger, C. J., and Douglas and Stewart, JJ., filed concurring opinions. White, J., filed a dissenting opinion, in which Rehnquist, J., joined. Rehnquist, J., filed a dissenting opinion.

Doe et al. Versus Bolton, Attorney General of Georgia, et al.

APPEAL FROM THE U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA

[Supreme Court of the United States, No. 70–40. Argued December 13, 1971—Re argued October 11, 1972—Decided January 22, 1973]

Georgia law proscribes an abortion except as performed by a duly licensed Georgia physician when necessary in "his best clinical judgment" because continued pregnancy would endanger a pregnant woman's life or injure her health; the fetus would likely be born with serious defects; or the pregnancy resulted from rape. § 26–1202(a) of Ga. Criminal Code. In addition to a requirement that the patient be a Georgia resident and certain other requirements, the statutory scheme poses three procedural conditions in § 26–1202(b): (1) that the abortion be performed in a hospital accredited by the Joint Committee on Accreditation of Hospitals (JCAH); (2) that the procedure be approved by the hospital staff abortion committee; and (3) that the performing physician's judgment be confirmed by independent examinations of the patient by two other licensed physicians.

Appellant Doe, an indigent married Georgia citizen, who was denied an abortion after eight weeks of pregnancy for failure to meet any of the § 26–1202(a) conditions, sought declaratory and injunctive relief, contending that the Georgia laws were unconstitutional. Others joining in the complaint included Georgia-licensed physicians (who claimed that the Georgia statutes "chilled and deterred" their practices), registered nurses, clergymen, and social workers. Though holding that all the plaintiffs had standing, the District Court ruled that only Doe presented a justiciable controversy. In Doe's case the court gave declaratory, but not injunctive, relief, invalidating as an infringement of privacy and personal liberty the limitation to the three situations specified in § 26–1202(a) and certain other provisions but holding that the State's interest in health protection and the existence of a "*potential* of independent human existence" justified regulation through § 26–1202(b) of the "manner of performance as well as the quality of the final decision to abort." The appellants, claiming entitlement to broader relief, directly appealed to this Court. *Held:*

1. Doe's case presents a live, justiciable controversy and she has standing to sue, *Roe* v. *Wade, ante,* p. —, as do the physician-appellants (who, unlike the physician in *Wade,* were not charged with abortion violations), and it is therefore unnecessary to resolve the issue of the other appellants' standing.

2. A woman's constitutional right to an abortion is not absolute. *Roe* v. *Wade, supra.*

3. The requirement that a physician's decision to perform an abortion must rest upon "his best clinical judgment" of its necessity is not unconstitutionally vague, since that judgment may be made in the light of *all* the attendant circumstances. *United States* v. *Vuitch,* 402 U.S. 62, 71–72.

4. The three procedural conditions in § 26–1202(b) violate the Fourteenth Amendment.

(a) The JCAH accreditation requirement is invalid, since the State has not shown that only hospitals (let alone those with JCAH accreditation) meet its interest in fully protecting the patient; and a hospital requirement failing to exclude the first trimester of pregnancy would be invalid on that ground alone, see *Roe* v. *Wade, supra.*

(b) The interposition of a hospital committee on abortion, a procedure not applicable as a matter of state criminal law to other surgical situations, is unduly restrictive of the patient's rights, which are already safeguarded by her personal physician.

(c) Required acquiescence by two copractitioners also has no rational connection with a patient's needs and unduly infringes on her physician's right to practice.

5. The Georgia residence requirement violates, the Privileges and Immunities Clause by denying protection to persons who enter Georgia for medical services there.

6. Appellants' equal protection argument centering on the three procedural conditions in § 26–1202(b), invalidated on other grounds, is without merit.

7. No ruling is made on the question of injunctive relief, Cf. *Roe* v. *Wade, supra.*

319 F. Supp. 1048, modified and affirmed. Blackmun, J., delivered the opinion of the Court, in which Burger, C. J., and Douglas, Brennan, Stewart, Marshall, and Powell, JJ., joined. Burger, C. J., and Douglas and Stewart, JJ., filed concurring opinions. White, J., filed a dissenting opinion, in which Rehnquist, J., joined. Rehnquist, J., filed a dissenting opinion.

FOCUS

(Mr. BARRETT asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BARRETT. Mr. Speaker, Rose De Wolf writes a column entitled "Focus" for the Evening Bulletin, one of Philadelphia's daily newspapers. The column is intended to provide "a closer look at the people, the ideas, the views and opinions making today's news." On Friday, January 19, 1973, her column Rose De Wolf—Off Center was entitled "Romney's Philosophy at Fault."

I believe this column merits the attention of my colleagues so I include the article at this point in the Record:

Romney's Philosophy at Fault

George Romney, the secretary of the U.S. Department of Housing and Urban Development, prepared a 17-page speech for delivery to the Greater Philadelphia Chamber of Commerce's Conference on "Businessmen and Politics" here—and then didn't deliver it.

When Romney got up to talk, he launched first into an off-the-cuff recital of how he'd gotten into politics back in Detroit. Then he tried to read a few pages from the middle of the speech. Then he gave that up to simply urge the businessmen to get involved in civic problems.

And finally, he told his audience that if they wanted to know what he really was thinking, they should try to get a copy of his prepared speech!

It was not the greatest podium performance I have ever seen.

Well, I took George's advice and got a copy of that undelivered speech. And now I'm sorry that the Chamber people didn't get to hear it Wednesday.

I think they might now better understand why George Romney, the one-time whiz of American Motors, the former famous governor of Michigan, turned out to be a dud at HUD. (Well, almost.)

Romney's HUD experience, you'll recall, was marred by scandal. His programs to rehabilitate housing in large cities (including Philadelphia) were spectacular failures.

Romney conceded that unscrupulous operators with shady get-rich-quick schemes bilked the poor with the government's help. Romney accused real estate salesmen, builders, contractors, and even some HUD employees of "lining their own pockets," leaving the cities even worse off than before.

Romney was disillusioned by his experience at HUD and that's understandable . . . but his undelivered speech was not about changing the way the government deals with housing but about changing the way the government deals with everything.

Romney wants the country to give up on government involvement and switch to a "free-market economy." Competition and unfettered pursuit of profit is the answer, he says. If companies are allowed to compete freely, the consumer will benefit, because prices will just naturally come down, things will just naturally get better. Workers will be paid on the basis of productivity, not on seniority or because of an across-the-board agreement.

And Romney says he is forming a "Concerned Citizens Movement" to bring this great economic truth to the people.

Well, I read that speech and I started to wonder about George Romney. I had to wonder if George's philosophy had not contributed to George's failure. Can a man who does not believe in government subsidies, government involvement and government regulation successfully run a program that is all government subsidies, involvement and regulation?

George Romney wants things to be simpler. Who doesn't? But they are not. If you just leave it up to the construction industry to compete to build houses, they will build houses for middle-class and rich people who can afford to buy them. There is nothing wrong with that but it doesn't help the poor. It would be simpler if there were no poor . . . but they're here.

George Romney wants free enterprise. Great. But how do the rules of free enterprise apply to a situation like the Penn Central bankruptcy? Do you just let the trains stop running, let all the people who work for that company go looking for jobs? Is there not an issue of social policy in whether you want to have people riding non-pollution trains or polluting autos?

George Romney wants the country to get back to basics.

George Romney is a wishful thinker.

He has found he can't deal with the world as it is . . . his solution is not to find a way to deal with it . . . but to insist that the world change. Good luck.

It was quite a speech that George Romney didn't give. It was quite a job that George Romney was not able to do. And I'll bet that will be quite a "Concerned Citizens Movement" that George Romney will not be able to lead to success.

TRIBUTE TO THE HONORABLE LYNDON BAINES JOHNSON

(Mr. GONZALEZ asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. GONZALEZ. Mr. Speaker, indeed today is a day of sorrow and grief, not only to those of us who were Members during the time of this great President and great giant of a man, Lyndon B. Johnson, but, I think, to every Texan and every American who has had a chance to understand recent American history.

It was not too long ago that I had the great good fortune to visit briefly with President Johnson. It was with expectation and hope that we were wishing that the Lord in His wisdom would have permitted him to remain in this earthly existence a bit longer.

Mr. Speaker, as he lived he died, and I believe that history will surely record his greatness. But there is one aspect that perhaps history never can quite record.

There was a human, plain, down-to-earth Lyndon Johnson that some of us had the brilliant opportunity to know.

The last time I spoke with him he mentioned the fact that the main and principal reason why he had not sought office again was simply because he had been *told on* good medical authority that, if he did and if he had the approval of the American people, the chances were against his surviving another 4 years. I think events proved that.

Mr. PATMAN. Will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman.

Mr. PATMAN. May I suggest to the gentleman that the Speaker has arranged to have a special order set later on this week or next week for this occasion and we did not expect to have any speeches on this subject today. If you yield to one, you will have to yield to all.

I have a resolution to be introduced later and also a program for the final rites.

Mr. GONZALEZ. I thank the distinguished chairman.

It is my expectation to join with the others when the official time for that purpose arises, but I think here I should take the privilege of this 1 minute to say this:

The greatest shrine to the memory of Lyndon Johnson is that which enshrines him in the hearts of every one of us, particularly those who have been designated members of the minorities of the United States, who will forever remember with gratitude his constant remembrance and the fact that when in higher office he never forgot them.

NATIONAL WATER COMMISSION REPORT—A NATIONAL DISASTER

(Mr. LEGGETT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. LEGGETT. Mr. Speaker, the National Water Commission, created by Congress in 1968 to review national water resource problems, has issued its long-awaited report.

Unfortunately, I am afraid that our long wait has been in vain. While the draft of the report contains some valuable recommendations, its positive aspects are almost completely negated by its incredibly short-sided views on the future of Federal water projects.

The Commission draft recommended:

An end to new irrigation and reclamation projects until at least the year 2000.

Deauthorization of an estimated $15 billion in water resources projects authorized 10 or more years ago;

The discouragement of flood plains;

Free-market cost based pricing policies to reduce water consumption; and

The increase of irrigation, municipal water and sewer rates to encourage frugal water use.

Considered together, these recommendations amount to a dangerously misguided attack on water resource development programs that have probably done more to develop this country than any other single form of Government project.

This is not to say that water projects are without problems. Water projects, like almost any Government program, are not completely free of management and evaluative deficiencies.

There is very often too great a reliance on structural alternatives to problems posed by either the lack or excess of water. It used to be that we would dam or rechannel rivers and streams almost without considering other less capital intensive alternatives. Build a dam and a ditch and our problems would be over—we thought. Today we know better, and our newer water projects reflect that knowledge. Most projects today are not simply dams and ditches, they are complex systems that integrate both natural biological and structural solutions to water resource problems.

Another valid criticism often levied in the past is the argument that the cost/benefit analysis that is used to evaluate water projects is too gross an indicator to properly designate the worth of a particular project. I have no doubt that we have far to go in this field. That does not mean, however, that we should give up completely. The fault of current evaluative methods that attempt to quantify the social value of a government projects should not be levied at the project itself, but at the method. I am convinced that we are making significant progress in this area.

These criticisms are valid and should be made. Only by raising these objections can we make the necessary improvements in the design and structure of water development programs.

This is not, however, what the National Water Commission report has done. Their recommendations do not seek to improve our water resource evaluative capabilities, they seek to blindly terminate any and all projects, whether those projects are worthwhile or not. This kind of criticism is severely narrowminded and serves little critical function.

Let us consider some of the Commission's recommendations. They recommend frugal water use. Who can disagree with that? Water is a scarce natural resource in this country, as such it should not be wasted. I fail to see, however, how the termination of reclamation projects will achieve that objective.

My own State of California has one of the most sophisticated water storage and delivery systems in the country. Prior to the development of this system all of the natural runoff from the Sierra Nevada washed right out into the Pacific Ocean, usually inflicting untold flood damages in its wake. Today much of this water is harnessed. As a result of this wise water policy, California can now boast the production of 40 percent of the Nation's fruit and nut production as well as a population of 20 million people.

The Commission recommended an end to new irrigation and reclamation projects until at least the year 2000. This has got to be the most inequitable and shortsighted statement in the report. There are a large number of long-range water resource projects that are only half built. To stop these programs now would not only be a gross waste of the money that has been invested up to now, it would unfairly penalize those local areas that have matched Federal funds with a good deal of their own money with the understanding that the project would not be curtailed in midstream.

The major recommendations of the report, however, are oriented toward extending a greater share of the cost of the project to the immediate user: that is, the farmers and the municipal water districts. This kind of reorientation of priorities we do not need. The report stresses cost sharing, a system in which direct beneficiaries of water projects repay all project costs with interest. This theme reflects the Commission's opinion that water resources should be financed through conventional marketing and pricing techniques without Government subsidies.

This recommendation is full of incorrect assumptions. The blanket demand for reimbursement by so-called identifiable beneficiaries grossly misconceives the nature of the Federal Government's function. The Federal Government, unlike the private sector, is the only entity which has both the responsibility and the ability to construct needed water resource projects on which the benefits to the Nation are delayed beyond the time which could induce the investment of private capital. Water projects, of course, are not the only Government program that seeks the creation of social benefits in the absence of sufficient private interest. We have education, housing, welfare, mass transit, pollution, and many other federally financed programs, because it is clear that the market system is not capable of investing sufficient capital in these efforts to the extent demanded by a nation intensely concerned about the quality of life.

Water projects are really no different than other socially oriented Government programs. As a result of water resource developments in the West we have increased the productivity of agricultural land geometrically, guarded against flood losses, conserved previously wasted runoff, and slowed the disastrous process of erosion. I reject the contention of the Commission that such benefits only affect a small segment of the population. These are nationwide problems that are of interest to everyone.

It is interesting that the Commission singled out water resource projects as wasteful Government subsidies. Water development is the only Federal program requiring a rigid economic analysis and review even though benefits are as readily obvious as the other Federal programs not requiring this review. Water programs only qualify for Federal money after they have justified their construction through an intricate cost-benefit evaluation. I do not oppose this evaluative method. This method serves the important function of objectively differentiating between the more and the less socially useful projects. It may be, in fact, that other Federal programs should be subject to a similar review. Certainly, we need to at least look into this possibility.

Water development is also one of the few programs that not only pays for itself soon after completion, it generally succeeds in making that payment several times over. As irrigation is developed within a new area, Federal excise and income tax collections increase markedly. These collections eventually equal the cost of construction of the Federal reclamation project and thereafter periodically repeat this accrual.

The National Water Commission draft report has apparently neglected to consider the obvious long-term financial returns from water resource development. The report's absolute insistence on cost sharing obscures the original philosophy behind cost-sharing techniques. Cost sharing is employed to encourage both the efficient use of resources and the proper incidence of project costs. The amount that the direct beneficiaries pay for a project's output influences efficiency, since the assessment of charge will affect the rate at which project-services are used. The absence of charges may induce waste, but excessive charges, as proposed by the Commission, may result in a failure to meet project potentials.

The National Water Commission has advocated the efficient use of our water. I cannot help but agree with them. Their recommendations, if implemented, will never achieve the stated objective, however. The western portion of the United States is basically an arid region. California, for example, is subjected to 6 months of wet and 6 months of dry weather almost like clockwork. The mountain water that originates in the yearly snowfall must be stringently managed if it is to last through the extended dry season. Moreover, most of the rainfall in California falls in the northern portion of the State, requiring an extensive transfer system to get the water to the large populations in the south. This system is nearly completed, but the Water Commission's recommendations would put a halt to the finishing touches of this remarkable engineering achievement.

Rural America has suffered long enough from the neglect of an ever-growing urban society. The extermination of vital water projects would not only accelerate this decay, it would eventually effectuate the stagnation of the urban economy as well.

I urge the Water Commission to consider these objections in their final draft. The future of the West and the country could be at stake.

EEC DANGEROUS TRADE BARRIERS TO OUR DOMESTIC CANNING INDUSTY

(Mr. LEGGETT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. LEGGETT. Mr. Speaker, the California canning industry, largely responsible for the excellent and reasonably priced canned fruits and vegetables that are available throughout the United States, and also a healthy exporter of these goods to European nations, faces several bothersome tariff and nontariff barriers to an increase in their level of export activity.

This industry annually produces some 200 million cases of canned fruits and vegetables. This amount represents approximately 40 percent of the total U.S. production. Much of this production, some $184 million worth, makes its way from California fields to European ports. This level of export activity has of late, however, been threatened by devastating transportation strikes, import quota restrictions, and Common Market regulations establishing standardized containers.

The west coast longshoreman strike succeeded in wiping-out a large portion of the canning industry's European export. The industry's figures aptly demonstrate this fact: 1,448,000 cases of peaches were exported to Europe between June and November 1970; 699,000 cases were shipped to Europe during the same period of 1971. This, however, was not the only source of economic loss as a result of the strike. The stockpiling of supplies, abnormal methods of transportation, extended selling terms and increased costs of carrying additional inventories also contributed to a loss in revenue.

While the dock strike reduced canned exports at home, import quota restrictions limited them from abroad. Currently, Japan, France and other Common Market countries impose various quota restrictions. Recently the Common Market nations have aggravated this situation with their move to institute regulations pertaining to standardized containers. This move, which seems harmless enough, may have the effect of excluding many popular American can sizes. Regulations of this sort would require a massive conversion of can-making machinery and would tend to put American canned goods at a distinct competitive disadvantage.

At this point in the RECORD I would like to insert the statement of the Canners League of California to the State Senate Committee on Agriculture and Water Resources on the problems facing California's agricultural export market:

STATEMENT OF THE CANNERS LEAGUE OF CALIFORNIA TO THE SENATE COMMITTEE ON AGRICULTURE AND WATER RESOURCES ON CALIFORNIA AGRICULTURAL EXPORT MARKET SITUATION

This Statement is submitted on behalf of the Canners League of California, whose thirty-one members account for approximately 85% of the States' production of canned fruits and vegetables. The California Canning Industry annually produces approximately 200,000,000 cases of canned fruits and vegetables and this amount represents approximately 40% of the total U.S. production.

The League is pleased to have the opportunity to present its views to the Committee at this Hearing and we want to especially thank the Chairman for focusing attention on problems associated with the export of California Agricultural commodities.

Before commenting on the specific questions raised by the Committee, it might be of interest to point out that based on 1971 data, California ranked third among all the states in Agricultural exports. For the fiscal year 1971, farm exports for California totaled $555 million; Illinois was first with $655 million, and Iowa second with $592 million. About one-third of California's farm exports were fruits and preparations with shipments amounting to $184 million. California export sales of canned fruits have averaged about $40,594,000 per calendar year during the past five years.

Our remarks will generally follow the suggested format as outlined in the Notice of Hearing.

(1) We understand that other Industry groups submitting information to the Committee will be commenting in detail on statistics concerning California's export of canned fruits with emphasis on Cling Peaches and Fruit Cocktail, the principal export canned food items. Therefore, to avoid duplication, we will not burden the Committee with further statistical data. The League annually compiles extensive reports on California packs and stocks of canned fruits and vegetables and U.S. import and export figures of canned fruits and vegetables. We would be pleased to submit this data to supplement our comments if the Committee feels it would be useful.

So far as foreign export involvement goes, we would like to point out that in the years immediately following World War II, California canners became increasingly interested in expanding exports of canned foods to Europe. In the pre-war years, the Industry had enjoyed considerable success in selling canned foods in Europe, but at the end of the war it found that entry to European markets was blacked by non-tariff barriers (NTB's) of one kind or another arising out of post-war conditions. In 1955, the Canners League sent a man to Europe to see what could be done to eliminate trade barriers and promote sales of California canned fruit. Through the combined efforts of this man and the U.S. Government, some success in liberalizing restrictions working against the California Canned Food Industry was achieved. In the interest of time, we will not comment further on this activity except to note that this gentleman eventually was transferred to the National Canners Association in Washington, D.C. and continued these efforts until 1970 when the program was terminated.

(2) Although the League is not presently involved in any export programs as such, its members are benefiting from the excellent programs being carried out under the auspices of the Cling Peach Advisory Board. We understand the representative from C.P.A.B. is here and will comment in some detail on the Boards' activities. For the record, we would like to note that the assistance given to California canners through the use of PL 480 for advertising and promotion to build export sales is of significant value.

Further to the question of export programs, it should be pointed out that two of our members, California Canners & Growers and Tri/Valley Growers have joined forces to form the Cal Valley Exports. This organization has been set up to facilitate and increase sales of these firms' products to Europe and other foreign destinations.

(3) One of the principal concerns of our members who seek to develop and maintain export markets is the devastating effect of transportation strikes. Members of the Committee will undoubtedly hear from others who suffered economic losses as a result of last year's extended West Coast Longshoremen dispute. As for our Industry, in November of 1971, the League developed some information on the impact of the strike and sent it to the then Director of Agriculture, Jerry Fielder. The figures illustrated the crippling effects the strike had on our Industry. We pointed out that export figures to Europe of peaches for the period of June–November 1970, was 1,448,000 cases. For the same period in 1971, peach exports to that market dropped to 699,000 cases. Fruit Cocktail shipments to Europe in 1970 June–November was 577,000 cases; in 1971, 366,000 cases. The total economic losses suffered by our Industry from the dock strike are difficult to estimate, but stock piling of supplies, abnormal methods of transportation, extended selling terms and increasing costs of carrying additional inventories all contributed significantly to canner costs. The lack of California canned products in hard-won overseas markets forced canners to discontinue merchandising programs. Some markets may have been permanently lost. The loss of sales in foreign markets also had an adverse effect on domestic marketing conditions which are also difficult to assess but there is no doubt the strike increased economic hardships for both producers and processors. One of the many "minor" problems this strike caused was to bring about a near crisis in the States' processing of

Fruit Cocktail because of a shortage of canned pineapple. Pineapple is shipped into the State from Hawaii and is a key ingredient of this popular canned fruit item. Obviously, our Industry would welcome some way of making sure that it would be spared a repeat of the disruptive effects that result from such a controversy.

Perhaps the most serious obstacles to canned food exports are non-tariff barriers, which in some instances amount to absolute barriers. Chief among these as far as our Industry is concerned, are import quota restrictions placed on certain food items. Currently, Japan, France and other common market countries impose various quota restrictions on some canned food items. These import quotas have acted to exclude a number of products produced in California. Unless our Government maintains a posture of vigorous opposition to such practices, little hope can be seen for improved canned food sales to these countries.

Still another NTB of concern to our Industry is the recent move by European Community (E.C.) members to promulgate regulations for establishing so-called standardized containers. Most of these containers would be required to meet certain metric measurements for diameter and height. Many of our popular can sizes may either be excluded outright or put at a distinct sales disadvantage. This is because that along with the standardized container requirement there would be a correlary requirement in the E.C. for dual pricing of goods not standardized. This may need some explanation. As we understand it, the proposed regulations would require that all food containers not standardized be priced both on a unit price method and a price per container. This of course would not be popular with the European buyers because of the added work involved. Canners resist changing can sizes because of the enormous cost of converting can making machinery, fiber boxes, etc., to new dimensions. We are hopeful the U.S. Government will communicate our Industrys' concern about this situation and press for a satisfactory resolution of the problem.

One of the more onerous protective devices developed by the E.C. is the Variable Sugar Levy. Historically, several European countries have reserved the right to maintain levies on sugar added to canned fruits. In 1968, the E.C. initiated a permanent system of import levies and export subsidies on the sugar added content in processed fruits and vegetables. Under the Kennedy round of tariff negotiations, the U.S. made an effort to end the proposal for an added Sugar Levy, but such efforts were unsuccessful and we have been burdened with it in one form or another ever since. We hesitate at this point to go into a concise explanation of how the Levy works in view of the fact that in 1970 the National Canners Association presented a thirty-eight page document to the Trade Information Committee explaining it and how it affects our Industry. We believe that the U.S. should more vigorously pursue the goal of a fixed duty covering the sugar added in canned foods.

(4) Regarding governmental assistance from the local standpoint, it should be noted (and we expect others will comment on this subject) and through the good efforts of the California Department of Agriculture, impetus was given to the formation of a California cooperative corporation under the Webb-Pomerene Export Trade Act. This new corporation will seek to find some way around the high freight rates which have discriminated against canned goods shipments to Europe. By virtue of the existence of this organization called Pacific Agricultural Cooperative for Export, Inc., (P.A.C.E.) the Pacific Coast European Conference recently announced substantial rate reductions for canned food items destined for Europe.

As far as Federal assistance goes, we would like to note that through a cooperative effort of the U.S.D.A., California Canners and the Canned Fruits Boards of Australia and South Africa, a program has been established to exchange export sales information on canned peaches. It is hoped that under this arrangement, marketing decisions in Europe on peaches can be made in a more informed way.

(5) and (6) Our suggestions for improving foreign export trade policies, programs, and procedures, and what role the State should play in the California export picture can be summed up rather concisely. The problems of the California exporters should be forcefully presented to those in Washington, D.C. who are responsible for formulating and implementing International Trade Policy. We also feel that the Executive Branch of the State Government should become more involved in the States' export trade problems.

Mr. Chairman and members, we appreciate the time alloted to us to present our views and welcome any questions you may have.

KOREAN-PHILIPPINES ACTIONS

(Mr. LEGGETT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. LEGGETT. Mr. Speaker, recently we have witnessed events in both the Republic of Korea and the Republic of the Philippines that, by their contrast with the democratic traditions familiar to us, have caused a great deal of comment in this country. In both instances, recent impositions of martial law have been instituted to counter, in the opinions of the elected leaders of these respective countries, threats to their continued stability and attainment of national objectives. Much of the comment that ensued revolved around the fact that these events are foreign to our own experience and, it has been suggested, threaten the democratic framework of the countries in question.

Such comment is not unexpected; the United States has committed a great deal of money and effort to these nations in hopes that, with our help, they would find their way each to a democratic government responsive to the needs and wishes of their citizens. By and large, these efforts have succeeded on such a scale as to make us proud to be allied with the Korean and Filipino peoples The question that has been raised recently is, are all the gains of the years and efforts on both sides of the Pacific now to be lost?

In the case of the Republic of the Philippines, President Ferdinand Marcos declared martial law in order to enable himself to deal more effectively with the threat posed by the "New Peoples Army" to the stability of his government. While critics have charged that this threat perhaps has been overstated, it must be pointed out that Mr. Marcos, as duly elected President, did not exceed the authority granted him in the Philippine Constitution, and that his assessment of the threat to his country was shared by the Supreme Court of the Philippines. Critics have been quick to point out that this is not the way we would do it in the United States; and they, of course, are absolutely correct. But does that make it ipso facto an improper solution for the Philippines?

President Marcos states, and almost everyone agrees, that there are other problems, severe ones, facing the Philippines besides the Communist movement. Venality in civil service, inefficiency in government, excessive politicking, and perhaps most important, land reform, all must be dealt with by the government. These are internal Filipino problems that require Filipino solutions. President Marcos, realizing this, has taken steps to deal with them.

There are those who say that President Marcos declared martial law in order to manipulate himself into another term as leader of his country, which is currently forbidden in the Constitution of the Philippines. It should be pointed out, however, that a constitutional convention which has been working over a new Constitution since June 1971 had already decided on the change to a parliamentary government before the imposition of martial law on September 21, 1972. While granting that martial law has its faults, and there have been charges of abuses in this instance, we must recognize this state of affairs primarily as a Filipino attempt to solve Filipino problems, and we can certainly do no less than to wish them well and an early restoration of full democratic government.

A like situation exists in Korea, where President Chung Hee Park has imposed martial law, which law already is being relaxed, due in part to the support his government received in the November 21 referendum on the new Korean Constitution.

Again, President Park has cited problems unique to Korea that call for this action. As in the case of President Marcos, President Park has been accused of having as his sole motivation his own continuance in office. Certainly, that is one effect of the new Constitution; President Park, however, states that the delicacy of events which could result in the eventual reunification of Korea required his actions. This objective is to be lauded from all points of view, none deny that a unified Korea would be a tremendous asset to the stability of East Asia. The imposition of martial law has in no way been allowed to interfere with the current work toward unification. The evidence of the vigor with which this is being pursued can easily be seen here in Washington in the efforts of Ambassador Dong-Jo Kim to keep U.S. officials abreast of developments.

These developments continue to be optimistic, in that the dialog between North and South Korea continues from the level of the Red Cross negotiations to visitations to the highest levels of both governments. Reunification of Korea will not happen overnight; a long process, sometimes entirely dependent on agreement on some of the most minute, mundane topics for progress, will be required before this objective is finally reached. President Park has shown a willingness to apply Korean solutions to Korean problems, and as in the case of President Marcos, Americans can do no less than wish him well.

Perhaps these incidents point out a lesson for the United States in foreign policy. Perhaps it is not necessary to have "democracy in our own image" all around us to be assured that the peoples of the world are receiving the benefits of liberty. American democracy is unique to America; it fits this time and this place as no other system could. But Korea is another place, and the Philippines yet another, and in those places the people must be free to determine their own destinies.

NEW AND OLD WEAPON SYSTEMS ARE MUTUALLY EXCLUSIVE

(Mr. LEGGETT asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. LEGGETT. Mr. Speaker, as a member of the Armed Services Committee, I have consistently sought to trim the fat off of this Nation's defense budget. I have done so in the pursuit of a strong national defense, and in the interest of the American taxpayer.

Programs such as the Washington, D.C., ABM system, and the CVAN–70 nuclear carrier add little to our national defense, but a great deal to our national debt. In fact, in some cases these programs only tend to further weaken our national defense, since they tend to goad the Russians into a similar deployment, and thus exacerbate the arms race.

One of the primary minus factors of mammoth programs like Safeguard ABM is that their excessive cost tends to delete some valuable, but less glamorous conventional weapon systems.

We do need to update many of our conventional systems, and we can do so at a low economic and political cost. These weapons are not, for the most part, destabilizing; that is, they do not threaten the Russian nuclear deterrent, and do not stimulate an expensive escalation of strategic arms.

One weapon that has a relatively low cost, and a high potential is the hydrofoil now being developed by Boeing for the United States, Italy, and West Germany. This program is slated to produce two missile-carrying prototypes. These prototypes, allocated $35 million for design and construction, are scheduled for completion in 1974.

Besides speed, hydrofoils have the advantage of riding high out of the water on submerged foils. In this respect they are like submarines, in that they are relatively unaffected by surface conditions. In fact, some advocates claim that they would be excellent for submarine surveillance.

Another advantage of hydrofoils is their maneuverability. Unlike most ships, hydrofoils tend to bank like an aircraft rather than roll when turning.

At this point in the Record I would like to insert the November 10 Christian Science Monitor article on hydrofoils, entitled, "Riding High Over Conventional Naval Strategy":

Riding High Over Conventional Naval Strategy

(By David F. Salisbury)

Boston.—When President Nixon and Communist Party Leader Leonid I. Brezhnev met in Moscow this year, they exchanged gifts. Mr. Nixon gave a Cadillac; in return Mr. Brezhnev presented the President with . . . a model of a sleek Volga class hydrofoil. Later, the Russians delivered the real thing to the United States, complete with fur-lined seats and Georgian-silver appointments.

The hydrofoil is not just the result of 30 years of Russian hydrofoil development—it is a symbol of the growing worldwide interest, both military and commercial, in the strange-looking, high-riding craft.

Many observers detect a revolution in naval thought, catalyzed by the development of hydrofoils and other "non-displacement" ships. Just as the American aviator Billy Mitchell dramatically demonstrated the worth of air power by bombing the obsolete battleship Alabama in 1921, so the capabilities of a new generation of missile-carrying hydrofoils are causing a number of navies to rethink the organization and effectiveness of their conventional surface fleets.

Advocates claim that military hydrofoils will have a far-reaching effect on naval strategy and tactics—that they may even make obsolete the carrier task force, the primary unit of the U.S. Navy.

AMBITIOUS NATO PROGRAM

The United States, with Italy and West Germany is now embarked on an ambitious NATO program to design and construct prototype hydrofoils. Comdr. Karl M. Duff of the Naval Ship Systems Command, former skipper of the hydrofoil Highpoint, calls it "probably the most significant of all advanced ship programs yet undertaken by the U.S. Navy."

The Soviet Union also has a well-established interest in the military potential of hydrofoils. For a number of years it has maintained hydrofoil patrols on the Black, Caspian, and Baltic Seas. Currently the Russians are testing a new-generation hydrofoil, Typhoon, probably equivalent to the U.S. missile hydrofoil in sophistication. What advocates see as the military potential of the hydrofoil and the increasing vulnerability of conventional warships is indicated in two hypothetical scenes sketched by sources both in and out of government.

SCENE NO. 1

A light cruiser is routinely patrolling a Southeast Asian shore. Her speed is about 15 knots (a knot is 1.16 m.p.h.). It is nearly dusk and a number of fishing boats dot the area. Radar and sonar operators are on the alert, looking for anything unusual.

Suddenly the radar operator picks up a high-speed echo moving too fast to be an airplane. Furthermore, one of the blips he took to be a sampan on the outer limits of the cruiser's radar (about 25 miles) starts moving away at more than 40 knots. Battle stations sound. But even before the siren stops blaring, the retreating "sampan" has disappeared from radar range and the high-speed object (the "sampan's" missile) has hit the cruiser.

The attacker, a missile-carrying hydrofoil, had lain in wait until the cruiser was just in range, firing its missile, and run. Because of the hydrofoil's small size, its radar and sonar reflections, while at rest, were indistinguishable from those of the fishing boats. With four surface-to-surface missiles, it had the firepower to destroy the cruiser.

A carrier task force is at sea. A storm is brewing, and the seas are running. The ships have been forced to bell down to 5 knots.

A sonar operator detects the faint ping of an unidentified submarine that quickly fades away.

SCENE NO. 2

Two hydrofoils, rigged this time with antisubmarine gear, not missiles, are sent in pursuit at 40 knots through 10-foot waves; when they reach the approximate site, one of the hydrofoils stops, lowers its sonar gear, and picks up contact. The second hydrofoil, with directions from its partner, continues to close.

As the second hydrofoil gains position above the unidentified submarine it begins to move out of the range of the first sitting hydrofoil's sonar. So the "bird-dogging" hydrofoil stops, lowers its sonar equipment, and exchanges roles with its partner. They keep up this game of "leapfrog" until the sub is either sunk or chased off.

MOST UNSUITED FOR OCEAN

Most commercial hydrofoils run with their foils only partially out of the water. They are relatively stable and inexpensive but are unsuited for the open ocean.

Navy hydrofoils are more sophisticated. Their foil system rides completely below the surface of the water, while hoisting the hull well above the often rough surface. The disadvantage of this is that a complex control system is necessary to keep the ships upright.

The missile-carrying hydrofoil project, scheduled for completion in 1974, has been contracted to the Boeing Company. If the prototype lives up to design requirements the NATO powers are expected to order as many as 25 craft. Boeing management considers the financial potential to be equivalent to that of the B–52 program.

Approximately $35 million has been appropriated for design and construction of the prototypes of the missile hydrofoil.

Following the completion of the first two prototypes there will be an extensive period of testing and evaluation.

If the hydrofoil meets design specifications it will go into production and as many as 25 may be ordered by the U.S. and NATO country navies.

Official Pentagon sources are unwilling to comment on the future of the hydrofoil past this stage; however, there are indications that the missile-carrying hydrofoils will be deployed in the Mediterranean and Baltic Seas as a counter to Soviet hydrofoils and Russian-built missile-carrying patrol boats now in these areas.

PAIR WORKED WITH FLEET

Navy Research and Development is requesting appropriations to design and build two newer types of hydrofoils. One would be capable of speeds up to 60 to 80 knots. The other would be larger, perhaps the forerunner of a high-speed minicarrier.

It was the performance of the Tucumcari, a hydrofoil gunboat, that secured Boeing this contract.

Both Tucumcari and a Grumman-built hydrofoil, Flagstaff, completed a tour of duty in Southeast Asia during the last six months of 1970, attached to the Pacific Fleet. They participated successfully in fleet maneuvers.

Tucumcari then toured the NATO countries in a successful effort to enlist their support in the missile hydrofoil system. On the tour, lasting six months, Tucumcari took NATO admirals and dignitaries on demonstration "flights" and was thoroughly tested by the various countries' naval research divisions.

She passed all the tests with flying colors. Roy MacLeavy, editor of Jane's Surface Skimmers: Hovercraft and Hydrofoil, stated, "The vessel which has contributed most to winning over NATO navies [to hydrofoils] is undoubtedly the Boeing Tucumcari."

The latest hydrofoils, riding high out of the water on submerged foils, are like submarines in one respect: They are relatively unaffected by surface conditions. As such, advocates say, they are ideal for submarine surveillance.

Maneuverability is another advantage claimed for hydrofoils. Most ships tend to roll when turning. But the foil system, with flaps and computerized controls, gives the hydrofoils the ability to "bank" like an aircraft in fast turns.

DRAWBACKS ALSO FOUND

But detractors say the hydrofoils have drawbacks, too:

Many U.S. Navy people consider them to be simply "interesting toys." These critics say their unusual capabilities and problems make them difficult to integrate into conventional fleets.

While the hydrofoil's small size provides cost and tactical advantages, it also means that with necessarily small crews, each crewman must know the basics of running the ship in an emergency.

Moreover, the operating range is limited by high fuel consumption and low fuel-tank capacity. (The Navy plans to minimize this by operating hydrofoils in groups of four or more, each with a support ship carrying spare parts and fuel.)

The complicated electronics systems of the hydrofoil are beyond the understanding of anyone but electronics experts. "How," critics ask, "are they to be fixed at sea?"

(Easily replaceable electronic modules are offered as a partial answer. Also it turns out that hydrofoils equipped with water-jet propulsion require less maintenance than conventional ships because of their vibration-free ride.)

As with all revolutions, the roots of this one stretch far back into the past. Through the past 15 years, the United States alone has spent about $85 million researching and developing hydrofoils. The effort in Russia dates back twice as far and is of even greater magnitude.

But the idea of the hydrofoil—a revolution in its own right that frees a ship's hull from the surface—has much earlier beginnings.

MODEL TESTED IN 1891

In 1891, the Italian inventor, Enrico Forliani, stood on the shore of Lake Magginot and watched his model "hydrovaned boat" rise up on slender legs and speed across the surface of the water.

Twenty-eight years later, Alexander Graham Bell, working with Casey Baldwin, designed and built the HD-4, the first operative hydrofoil boat. In the summer of 1919, on the water of Baddock Bay in Nova Scotia, the HD-4 set a world water speed record of 61 knots.

The names of some of the companies at the forefront of hydrofoil development are Boeing, Grumman, Lockheed in the United States; de Havilland in Canada; Aerospatiale in France; Mitsubishi in Japan—all aerospace companies and all applying modern technology to the problem of "underwater flight."

The problems of underwater flight are exceptionally complex. For example the hydrofoil computer simulator at Boeing uses so much of the firm's computer capacity (one of the largest in the country) that it can only be run in the middle of the night when there are no other demands on the computer system.

In 1967, the Egyptians, operating a Russian-built KOMAR, a conventional patrol boat with a top speed of about 40 knots, destroyed the Israeli flagship Elath with a Styx surface-to-surface missile. This incident caused the U.S. Navy to ask NATO to counter this type of threat. The missile hydrofoil program was the outcome.

PUNCTURE OF THE "MICHELIN"

(Mr. GAYDOS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. GAYDOS. Mr. Speaker, as a Congressman deeply disturbed by the rising tide of foreign-made products in the U.S. market, I commend the action taken by the Treasury Department against Michelin Tire Ltd., of Canada.

According to Assistant Treasury Secretary Eugene Rossides, as reported by the Associated Press, the Treasury Department has upped the tariffs from 4 to 10.6 percent on the 1973 factory prices of Michelin's X-radial steel-belted tires turned out in the Canadian Province of Nova Scotia.

The Department did so, according to the AP, on word that the Canadian tire producer had received large government subsidies to the competitive disadvantage of our companies in our market. Specifically, the Michelin plant was given government grants totaling $23 million, the AP said, plus a $50 million low-interest loan. Meanwhile, its local property tax assessment was lowered.

The plant, the AP said, was built in 1971 for the main purpose of penetrating the U.S. market with its radials. Obviously, it had expected to grab an unfair share of the U.S. radial business through the subsidy route and I am gratified that the Treasury Department acted quickly to upset its plans.

Secretary Rossides was quoted as saying that the tariff boost on Michelin was the first action of its kind taken by the Department and that it was intended as a signal to other countries. It appears to me that such a signal has been overly long in coming.

In recent years we have seen the trade balance turned more and more against us and many of our industries—notably steel—severely hurt by increasing foreign imports. In too many cases the trade story has been one of foreign countries subsidizing their exports while maintaining devious barriers against our products. This has to be stopped and the Treasury Department's puncture of the Michelin scheme is a move in the right direction.

LEGISLATIVE REVIEW

(Mr. BROOKS asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. BROOKS. Mr. Speaker, one of the objectives of the Legislative Reorganization Act of 1970 was to stimulate increased activity on the part of standing committees of the House and Senate in reviewing the administration of existing laws.

Section 118 of that act (Public Law 91-510) provides:

SEC. 118. (a) (1) Section 136 of the Legislative Reorganization Act of 1946 (2 U.S.C. 190d) is amended to read as follows:

"LEGISLATIVE REVIEW BY SENATE STANDING COMMITTEES

"SEC. 136. (a) In order to assist the Senate in—

"(1) its analysis, appraisal, and evaluation of the application, administration, and execution of the laws enacted by the Congress, and

"(2) its formulation, consideration, and enactment of such modifications of or changes in those laws, and of such additional legislation, as may be necessary or appropriate,

each standing committee of the Senate shall review and study, on a continuing basis, the application, administration, and execution of those laws, or parts of laws, the subject matter of which is within the jurisdiction of that committee. . . ."

Section 118(b) and rule XI 28(a) of the Rules of the House of Representatives contain identical language with respect to House Committees.

One of the functions of the Joint Committee on Congressional Operations, of which I had the honor to be chairman in the 92d Congress, is to study the operation of the Legislative Reorganization Act of 1970.

In connection with this study, together with Senator LEE METCALF, vice chairman of the committee, I sent a letter dated September 22, 1972, to the chairman of each of the standing committees of the House and Senate as follows:

DEAR MR. CHAIRMAN: As you know, Section 118 of the Legislative Reorganization Act of 1970 (P.L. 91-510), as amended by P.L. 92-136, requires standing Committees of the House and the Senate after January 1, 1973 to make reports to their respective Houses on their activities in reviewing and studying the "application, administration and execution of those laws or parts of laws, the subject matter of which is within the jurisdiction of that Committee."

Section 118a requires Senate Committees to file such reports not later than March 31st of each odd-numbered year and Section 118b requires House Committees to file such reports "not later than January 2nd of each odd-numbered year."

As these will be the initial reports under these sections of the Reorganization Act, we felt that the attached information containing the legislative background might be of help to you in preparing these reports.

The background information referred to in the letter was inserted in the CONGRESSIONAL RECORD, volume 118, part 24, page 32353, by Senator Mansfield.

We have made a tabulation of the legislative review reports filed by committees of the House of Representatives, which is as follows:

HOUSE OF REPRESENTATIVES, 92D CONGRESS

LEGISLATIVE REVIEW ACTIVITIES REPORTS OF STANDING COMMITTEES

Pursuant to rule XI 28(b) or sec. 136 (Public Law 79–601) as amended by sec. 118 (Public Law 91–510)]

Committee	Date	Report	Authority	Content (coverage)	Pages
Agriculture	Dec. 29, 1972	(1)		Legislation	42
	Jan. 2, 1973	(2)	Sec. 118	Legislation and review	4
Armed Services	Dec. 29, 1972	92–1627	Sec. 118(b), H. Rule XI 28(b)	do	91
Banking and Currency	Dec. 14, 1972	29–1623	Sec. 118	do	63
District of Columbia	Oct. 18, 1972	(1)		Legislation	99
Education and Labor	Jan. 2, 1973	92–1630		Legislative review	34
Foreign Affairs	do	92–1628	Sec. 118, H. Rule XI	do	29
Government Operations	do	92, 1633	Sec. 118(b), H. Rule XI, 28(a)+(b)	Legislation and review	299
Interior and Insular Affairs	Dec. 21, 1972	92–1625	H. Rule XI 28	do	40
Internal Security	Jan. 3, 1973	92–1637	Sec. 118	Legislative review	213
	Jan. 2, 1973	(2)	do	do	2
Interstate and Foreign Commerce	do	92–1634	Sec. 136, H. Res. 170	Legislation and review	151
Judiciary	do	92–1636	Sec. 118	do	38
Merchant Marine and Fisheries	do	92–1629	do	do	73
Post Office and Civil Service	Nov. 28, 1972	92–1621	Sec. 136	do	84
Public Works	Dec. 20, 1972	92–1624		do	94
Science and Astronautics	Dec. 1, 1972	(1)	H. Rule XI 28	do	24
Veterans' Affairs	Jan. 3, 1973	92–1635	Sec. 118	Legislative review	664
Ways and Means	Jan. 2, 1973	92–1631	Sec. 136	do	7

OTHER COMMITTEE REPORTS INVOLVING LEGISLATIVE REVIEW

Interstate and Foreign Commerce	Jan. 2, 1973	92–1632	H. Res. 170	FCC monitoring of employees' telephones	77
Post Office and Civil Service	Dec. 5, 1972	92–1622		Examples of improved manpower management in the Federal Government.	52
Select Committee on Small Business	Dec. 21, 1972	92–1626	H. Res. 5, H. Res. 19	Studies and investigations	301

[1] Committee print.

[2] Letter.

Senate committees are not required to file legislative review reports until March 31, 1973. After all the reports have been filed, the Joint Committee on Congressional Operations will make a study of this innovation in legislative procedure and appraise its effectiveness in improving congressional surveillance of the administration of the laws.

INDEPENDENCE OF THE UKRAINE

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, it is my privilege to call to the attention of my colleagues and lovers of freedom everywhere the 55th anniversary yesterday of the proclamation of the independence of the Ukraine, and the 54th anniversary of the Act of Union of the Ukrainian people. This historic date in mankind's search for freedom reminds us that there are many battles going on in the struggle for liberty and national independence.

At this time, Mr. Speaker, I would like to include in the RECORD a statement which was sent to me by Mr. Nicholas Rakush, chairman of the Miami Branch of the Ukrainian Congress Committee of America:

THE 55TH ANNIVERSARY OF THE INDEPENDENCE OF UKRAINE

January 22, 1973 will mark the 55th Anniversary of the proclamation of the Independence of Ukraine, and the 54th Anniversary of the Act of Union, whereby all Ukrainian ethnographic lands were united into one independent and sovereign state of the Ukrainian nation. Both the Independence of the Ukraine and the Act of Union were proclaimed in Kiev, capital of Ukraine, on January 22, 1918 and January 22, 1919, respectively.

Regrettably, the young Ukrainian democratic republic was immediately attacked by Communist Russia, despite the fact that the new Soviet Russian government had officially recognized Ukraine as an independent and sovereign state. The same recognition to Ukraine was granted by the Central Powers and a number of states of the *Entente*, including France and Great Britain. By 1920, Ukraine, alone and unaided, succumbed to the vastly superior forces of Communist Russia, which destroyed the Ukrainian National Republic, created a Communist puppet government in Ukraine known as the "Ukrainian Soviet Socialist Republic," and incorporated it forcibly into the "Union of Soviet Socialist Republics" (USSR).

Today, the Kremlin is preparing whole-year celebrations throughout the Soviet Russian empire to commemorate the 50th anniversary of the "founding" of the Soviet Union, which was established on December 30, 1922.

In this connection, the Central Committee of the Communist Party of the Soviet Union (CPSU) and all its subservient branches in the so-called "union republics" are conducting a mammoth propaganda campaign for the purpose of creating another Soviet myth, namely, that the USSR is a model multinational state, in which all component member-republics are truly "sovereign", in which the nationality problem has been solved" satisfactorily and in which relations between the various nations are based on the "principles of true equality and friendship".

But, the reality is something different, as we can see in the case of Ukraine and the 47-million Ukrainian nation.

The entire history of Soviet-dominated Ukraine is a ghastly record in inhumanity, outright persecution and genocide, Russification and violations of human rights on a scale not known in mankind's history. Under Stalin, Ukraine was marked for physical destruction and denationalization; under Khrushchev and Brezhnev-Kosygin the outright terror was replaced by the subtle process of destroying the Ukrainian national consciousness and identity through Russification, persecution of "Ukrainian bourgeois nationalism," and the propagation of "fusion" of all non-Russian nations in a spurious "all-Soviet people," which essentially would be the Russian people.

In summing up the Soviet Russian rule in Ukraine, the following results exemplify the enslavement of Ukraine:

During the 50-year rule of Moscow over Ukrainia, literally millions of Ukrainians have been annihilated by the man-made famines, deportations and outright executions;

Both the Ukrainian Autocephalic Orthodox Church and the Ukrainian Catholic Church were ruthlessly destroyed and their faithful members were incorporated into the Kremlin-controlled Russian Orthodox Church.

All aspects of Ukrainian life are rigidly controlled and directed by Moscow: the Academy of Sciences, all scientific and research institutions, universities, technicums publications, the press, party and government apparatuses, youth, women's organizations, trade unions and so forth;

Arrests, trials and convictions of hundreds of young Ukrainian intellectuals, among them are noted writers and thinkers such as V. Chornovil, I. Dzyba, I. Svitlychny, E. Sverstiuk, V. Moroz, L. Plishch, and many others. Yuriy Shukhevych, son of the General Roman Shukhevych, commander-in-chief of the UPA (Ukrainian Insurgent Army), has been in and out of Soviet Concentration camps since the age of 15; in September, 1972, he was again sentenced to ten years at hard labor for refusing to denounce his assassinated father and the ideal for which he was killed: a free Ukraine.

Therefore, Sir, we kindly request you to make appropriate statement in support of the Ukrainian people; or proclaim January 22, 1973 as Ukrainian Independence Day to be observed by all citizens in our City in paying tribute to the Ukrainian people and their undaunted struggle for human rights and freedom, which are the basic precepts of our modern and civilized society.

SOVIET EXIT TAX FLAUNTS WORLD OPINION

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, I am shocked and dismayed by the decision of the Supreme Soviet to adopt its intolerable tax of emigration. Despite cries of protest, led by this body, from nations throughout the world, the Soviet Union is intent on enforcing a policy that virtually prohibits emigration of the educated.

Soviet Jews are the principal victims of this deplorable policy, simply because they seek to participate in the gathering-in of the Jewish people in the State of Israel.

Soviet leaders, in confirming this obnoxious policy, may hope to pacify critics by imposing a graduated scale of payment. The tax has been reduced in proportion to the number of years of employment, and under the new statute, there is no fee for disabled veterans or pensioners. But no one should be deceived. Even these modified exit fees are far from the grasp of Soviet residents, since the average education tax is still $10,000 and for those with advanced degrees is even more prohibitive.

This noxious tax amounts to ransom, to blackmail, to slavery of Soviet Jews who wish to escape the hostile environment of Soviet society. The concessions made by Moscow do not lessen the atrocity against basic human rights which this tax represents. And those who value the basic human freedom of being able to travel freely cannot accept or condone this or any form of insurmountable barrier to the exercise of this freedom.

This exit tax creates for me another kind of insuperable barrier. It bars, as far as I am concerned, any consideration of the extension of "most favorable nation" trade status to the Soviet Union.

The interest in normalized trade relations cannot be so strong as to make us ignore the total disregard of human rights and values embodied in this exit tax. If Soviet leaders, knowing the depth of feeling against this tax in the United States, nevertheless insist upon it, then there is very little substance to the apparent "thaw" in U.S.-Soviet relations.

I urge my colleagues to join me in asserting strongly and decisively that there can be no relaxation of trade restrictions as long as Soviet Jews are subjected to the indignity of being bought and sold.

I will join enthusiastically with the effort to enact legislation which makes it clear that this is the sense of the Congress and of the American people.

CUBAN DECLARATION OF FREEDOM

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, today is the anniversary of the promulgation of the "Cuban Declaration of Freedom" by more than 1,500 Cuban exiles from Castro's Communist tyranny, meeting on January 23, 1966, in Key West, Fla.

On this occasion I wish to reemphasize by reintroducing my resolutions of the previous Congress, which I think reflect the thinking of the overwhelming majority of the American people with regard to acceptance of a hostile, antidemocratic regime in the western hemisphere.

I believe the American people are troubled, as I am, about the continuation of the beautiful island of Cuba under the ruthless oppression of the Communist regime of Fidel Castro. I believe they strongly oppose any move to "normalize" relations with this outlaw regime.

I propose, therefore, a concurrent resolution declaring:

That it is the sense of the Congress that the President should not extend diplomatic recognition to the government of Cuba as long as Cuba is governed by the Castro regime.

It is my sincere belief that no progress toward freedom for the Cuban people is possible as long as this arrogant man is in control of Cuba. I think this is the way the people of this country feel about the question of diplomatic recognition and I believe Congress should reflect this sentiment in simple unequivocal terms.

It is my belief also that the American people want to uphold the ideal of freedom for the Cuban people and to show their continued support of the aspirations of Cuban exiles to restore democracy in Cuba.

I am, therefore, reintroducing my joint resolution commending the Cuban Declaration of Freedom and declaring that it is the objective of the United States to encourage the restoration of these freedoms in Cuba.

The text of my resolution, embodying this Declaration of Freedom, is as follows:

H. CON. RES. 94

Joint resolution commending the Cuban "Declaration of Freedom"

Whereas on January 23, 1966, a "Declaration of Freedom" was adopted by one thousand five hundred Cubans in exile meeting in Key West, Florida; and

Whereas this declaration was written at the San Carlos Club from which the great Cuban patriot, Jose Marti in 1898, turned the course of history by proclaiming the ideological basis of a free Cuba; and

Whereas Cuba once again has fallen victim to a totalitarian regime as embodied by Castro communism; and

Whereas the "Declaration of Freedom" reads as follows:

"In the city of Key West, Monroe County, State of Florida, United States of America, we, the Cuban exiles in the United States, in the name of God Almighty, and speaking both for ourselves and the oppressed people in Cuba, the martyr island, do say:

"That on January 1, 1959, the slavery yoke that came from Europe and was extinguished in Cuba at the end of the nineteenth century, was resumed.

"That those responsible for this high treason to our fatherland and to our people are just a score of traitors who, usurpating the government of the country have been acting as mercenary agents for the Sino-Soviet imperialism, and have surrendered to that imperialism our freedom and our dignity, also betraying the American hemisphere.

"That as a consequence of this high treason, those who are usurpating the power in Cuba (as they were never elected by the people), are imposing a regime of bloodshed, terror and hate without any respect or consideration to the dignity of the human being of the most elementary human rights.

"That in their hunger for power, these traitors, following the pattern of totalitarian regimes are trying, within Cuba, to separate the family, which is the cornerstone of actual society, and at the same time, are poisoning the minds of the Cuban children and youth, in their hope of extending the length of time for this abominable system.

"That the rule of the law has been wiped out in Cuba, and it has been replaced by the evil will of this score of traitors, who are acting under orders from their masters, the Sino-Soviet imperialists.

"In view of the aforegoing, we declare:

"First. That the actual Cuban regime is guilty of high treason to our fatherland and to the ideals of the freedom revolution which was started on October 10, 1868.

"Second. That this score of traitors who have committed treason against our fatherland, in case they survive the downfall of their regime, will have to respond, even with their lives before the ordinary courts of justice of Cuba.

"Third. That as the noble Cuban people will not ever surrender, because that nation was not born to be slave, we, the Cuban people, hereby make the present declaration of freedom.

"We hereby swear before God Almighty to fight constantly, until death comes to us, to free Cuba from communism.

"The fundamentals of this resolution for freedom are:

"First. God Almighty, above all things, in whom we believe as the essence of life.

"Second. The fatherland, with all of its laws, traditions, customs, and history as a spiritual value, only surpassed by the concept of God.

"Third. The family, as the cornerstone of the human society.

"Fourth. Human rights, for each and every citizen, regardless of race or creed.

"Fifth. The law, as the foundation for the proper development of the human society.

"Sixth. Democratic government, with its three independent branches: Legislative, executive, and judicial.

"Seventh. Representative democracy, through the exercise of universal suffrage, periodically, free, and secretive, as the expression of popular sovereignty.

"Eighth. Freedom of worship, freedom of teaching, freedom of the press and free enterprise.

"Ninth. Private property and ownership, as the basic expression of liberty.

"Tenth. The improvement of living conditions for both rural and city working masses, with the just and necessary measures, keeping in mind the legitimate interests of both labor and capital.

"Eleventh. The derogation and eradication of anything which is opposed to the political and religious fundamentals aforementioned, and specifically, the abolition of communism and any other form of totalitarianism manifestation.

"Signed and sealed in Key West, Fla., on the 23d day of January, 1966."

Now, therefore, be it *Resolved by the House of Representatives (the Senate concurring)*, That it is the sense of the House of Representatives that this inspiring declaration should be patriotically considered by all Cubans in exile and by all who wish to end the tyranny of Castroism and communism in Cuba and that the "Declaration of Freedom" should serve to unite those pledged to restoring Cuban liberty and independence, and that it should be the objective of the United States to commend and encourage recognition and respect for the declaration.

THE IMPORTANT SERVICES OF BARRY J. SHILLITO

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, within the next few weeks, one of this Nation's most dedicated and able public servants is leaving government. He has served in positions of key importance and he leaves a monument of good works which will have lasting effect.

The Honorable Barry J. Shillito, Assistant Secretary of Defense for Installations and Logistics, has administered one of the most critical offices in the Department of Defense. Prior to that assignment he served in other highly important positions of trust.

Those of us who have come to know and admire him have learned that he can always be counted on to place the needs of his country above all else, including personal sacrifice. Barry Shillito has been highly instrumental in helping to insure a better, more effective defense posture and, at the same time, he has had a key part in improving the efficiency of the services by working for better facilities for living, working, and training.

One source of particular pride to him should be the leadership he has shown in providing better housing and community support facilities for the men and women in the armed services. He realized long ago that achieving the goal of proud and effective military forces and happy military families depends in good measure on comfortable and modern living quarters and support services second to none. Congress has understood the importance of these objectives and the success of our joint efforts is evident at almost every military installation at home and abroad.

As chairman of the Appropriations Subcommittee for Military Construction, it has been my honor to work closely with Secretary Shillito as he sought to carry forward plans for better facilities for the military. Improvements in housing has been a major accomplishment, but there has also been marked success in meeting the need for modern facilities in support of our weapons system.

When Barry Shillito leaves the Pentagon he will leave behind a creditable record of service. He has placed his personal mark on the Defense Establishment of the United States, and it is one of which he and the Nation can be proud.

THE HONORABLE HALE BOGGS

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, now it is official that the House of Representatives and the Nation have lost a true friend, an experienced and able legislator, and an outstanding parliamentarian. The tragic airplane accident which occurred in Alaska on Monday, October 16, claimed the life of our distinguished majority leader, the Honorable Hale Boggs. This unfortunate event saddened the entire Congress.

Mr. Boggs, who represented the New Orleans area in Congress for 28 years, was first elected to Congress in 1940 at the age of 26. He was one of the youngest men ever to serve in this body. He and I came here together and we quickly formed a close and warm friendship. I watched and admired his progress through all the intervening years. He served in the Navy during World War II; then came back to Congress in 1947 and was reelected for 13 consecutive terms.

He became democratic whip in 1962 and majority leader in 1971. Although a member from the Deep South, with its conservative leanings, he was able to build a successful House career by supporting the legislative goals of the national Democratic Party. He did this while retaining the confidence of his constituents who consistently supported him each 2 years, a very considerable achievement. His moderate stand on free trade and on most social-welfare legislation and his backing for labor legislation won him acceptance and support among democratic leaders nationwide.

He became a member of the important Ways and Means Committee in 1949 and at the time he left the committee to become majority leader he was next in line to its distinguished chairman, WILBUR MILLS. He helped formulate numerous free-trade agreements, cosponsored the 1962 Trade Expansion Act, and served as chairman of the Joint House-Senate Subcommittee on Foreign Economic Policy. His internationalism applied to politics as well as economics. He advocated the concept of a United States of Europe and served on the U.S. delegation to the Inter-Parliamentary Union.

Hale's rise to House leadership began in 1954, when the late Speaker Sam Rayburn appointed him deputy Democratic whip. He was an especial protege of that great House Speaker. He became whip in 1962, and was elected majority leader in 1971. He handled the demanding responsibilities of the majority leader's post with the same intelligence, insight, and love of country with which he had fulfilled his obligations to his own constituents.

Hale Boggs was a loyal party man but he believed in the two-party system and contributed to its strength. Seldom does one find a man of this stature so wholeheartedly dedicated and respective to the needs of the people. Hale Boggs' record in Congress earned for him the genuine admiration and respect of his colleagues. I shall always cherish the memory of his friendship. My sympathy and my prayers are with his beloved wife Lindy, his son and daughters, and with all of his family during this difficult time.

THE GOLDEN SPURS

(Mr. KAZEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. KAZEN. Mr. Speaker, when the many splendid units of the inaugural parade marched down our historic Pennsylvania Avenue last Saturday, I took special pride in 94 girls from J. W. Nixon High School in Laredo, Tex. This organization, known as the Golden Spurs, is not new to national attention, but participation in the inaugural parade was a high point for these girls and for the parade watchers.

When President Nixon visited Laredo prior to the election, he saw the Golden Spurs in action. He invited them to participate in the parade, and the girls launched a community effort to raise money for the trip. With diligence and ingenuity, they gathered funds by street collections, barbecues, a dance, and cake sales. They sold chances on a television set donated to their effort, and they used such ingenious methods as sponsorship of a basketball game between the Laredo police and Webb County Sheriff's Department and even salvage of old aluminum cans.

I found these young ladies charming ambassadors from Laredo and the State of Texas, thrilled to enjoy the rare distinction of participating in an event as historic as the inauguration of a President of the United States.

Their school and sponsors had planned well for them. Mrs. Estela Kramer, the group director from the J. W. Nixon High School faculty, had brought the school nurse, Mrs. Berta Garza, Victor Solis, who is chief deputy sheriff of Webb County and president of the city parent-teacher council, Coach Robert Chivirra, and two representative mothers, Mrs. Luz G. Martinez and Mrs. Viola Martinez.

In these times when attention is often focused on rebellious youth, turning to narcotics or otherwise demonstrating dissent, I was proud of the Golden Spurs as truly representative of the great majority of our youth, not only in Laredo and Texas but in the United States.

Mr. Speaker, these young ladies honored themselves, their families, their school, and their city. It gives me a great deal of pleasure to call the roll of these charming Golden Spurs:

Evelyn Alvey, Rosie Azios, Laura Berry, Paula Berry, Sharon Bernstein, Patricia Brady, Alma Buitron, Gloria Cadena, Sally Cadena, San Juanita Cantu, Carol Carrejo, Louise Cary, Nellie Castillo, Gracie Castro, Sandra Cavazos, Elizabeth Deliganis, Diane Flournoy, Sally Foster, Herlinda Fraustre, Lorraine Gallego, Diana Galvan, Ana Maria Gonzalez, Cynthia Gonzalez;

Doris Gonzalez, Gaby Gonalez, Maria Teresa Gonzalez, Kathy Graves, Adriana Guerra, Gracie Guerra, Grizelda Guerra, Cynthia Gutierrez, Maria Ofelia Gutierrez, Priscilla Gutierrez, Veronica Gutierrez, Delia Guzman, Elaine Hastings, Pamela Henry, Yvonne Herrera, Dana Highnight, Linda Jacobs, Priscilla Keene, Yvonne LaVaude, Mary Ann Lloyd, Janie Logsdon, Ana Laura Lopez;

Lulu Lopez, Armandina Martinez, Elsie Martinez, Sylvia Martinez, Belinda Mata, Debbie Melendez, Edna Mendez, Rosie Mendiola, Elsa Meza, Lydia Meza, Laura Mireles, Caroline Montes, Leticia Molina, Rosie Moreno, Twinkle Morgan, Petra Muhlenbruch, Araceli Novoa, Diamantina Orezco, Adela Ramos, Diana Rangel, Hertencia Regalado, Sharon Reilly, Ana Rodriguez, Rosie E. Rodriguez;

Olga Roman, Irma Salinas, Norma G. Salinas, Cynthia Sanchez, Gwen Sanders, Sonia Sandoval, Cynthia Santos, Laura Santos, Suzanne Starr, Liz Terres, Marcella G. Valdez, Sylvia Valdez, Cynthia Valls, Maureen Valls, Patsy Valle, Sylvia Vasquez, Alma Vela, Normalinda Vela, Cynthia Zuniga, Gloria Zuniga, Edna Garcia, Shelley Goodman, Lee Keene, Sara Alicia Martinez, and Pamela Rodriguez.

ANNIVERSARY OF CUBAN EXILES' DECLARATION OF FREEDOM

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, Tuesday, January 23, 1973, marks the seventh anniversary of the signing of the Declaration of Freedom by the Cuban exiles in the United States.

On that day in 1966, in Key West, Fla., 1,500 proud Cubans who had been forced to flee their country and the oppression of the Communist, Castro-dominated government, declared their commitment to fight constantly "to free Cuba from communism."

In the declaration, these brave Cubans reaffirmed the fundamental principles of freedom. I call their commitment to the attention of our colleagues, and urge their careful consideration of this expression of faith in the democratic principles which have meant so much to our Nation.

Declaration of Freedom

In the City of Key West, Monroe County, State of Florida, United States of America, we, the Cuban exiles in the United States, in the name of God Almighty, and speaking both for ourselves and the oppressed people in Cuba, the Martyr Island, do say:

That on January 1st, 1959, the slavery yoke that came from Europe and was extinguished in Cuba at the end of the 19th century, was resumed.

That those responsible for this high treason to our Fatherland and to our People are just a score of traitors who, usurpating the Government of the Country have been acting as mercenary agents for the Sino-Soviet imperialism, and have surrendered to that imperialism our Freedom and our Dignity, also betraying the American Hemisphere.

That as a consequence of this high treason, those who are usurpating the Power in Cuba (as they were never elected by the People), are imposing a regime of bloodshed, terror and hate without any respect or consideration to the dignity of the human being or the most elementary human rights.

That in their hunger for Power, these traitors, following the pattern of totalitarian regimes, are trying, within Cuba, to separate the Family, which is the cornerstone of actual society, and at the same time, are poisoning the minds of the Cuban children and youth, in their hope of extending the length of time for this abominable system.

That the rule of the Law has been wiped out in Cuba, and it has been replaced by the evil will of this score of traitors, who are acting under orders from their masters, the Sino-Soviet imperialists.

In view of the aforegoing, we declare.

First: That the actual Cuban regime is guilty of high treason to our Fatherland and to the ideals of the Freedom Revolution which was started on October 10th, 1868.

Second: That this score of traitors who have committed treason against our Fatherland, in case they survive the downfall of their regime, will have to respond, even with their lives before the Ordinary Courts of Justice of Cuba.

Third: That as the Noble Cuban People will not ever surrender, because that Nation was not born to be slave, we, the Cuban People, hereby make the present declaration of freedom.

We hereby swear before God Almighty to fight constantly, until death comes to us, to free Cuba from communism.

The fundamentals of this Revolution for Freedom are:

First: God Almighty, above all things, in Whom we believe as the essence of Life.

Second: The Fatherland, with all of its Laws, traditions, customs and history as a spiritual value, only surpassed by the concept of God.

Third: The Family, as the cornerstone of the Human Society.

Fourth: Human Rights, for each and every citizen, regardless of race or creed.

Fifth: The Law, as the foundation for the proper development of the Human Society.

Sixth: Democratic Government, with its three independent branches: Legislative, Executive and Judicial.

Seventh: Representative Democracy, through the exercise of Universal Suffrage, Perodically, Free and Secretive, as the expression of Popular Sovereignty.

Eighth: Freedom of Worship, Freedom of Teaching, Freedom of the Press and Free Enterprise.

Ninth: Private Property and Ownership, as the basic expression of Liberty.

Tenth: The improvement of living conditions for both rural and city working masses, with the just and necessary measures, keeping in mind the legitimate interests of both Labor and Capital.

Eleventh: The derogation and eradication of anything which is opposed to the political and religious fundamentals aforementioned, and specifically, the abolition of Communism and any other form of totalitarian manifestation.

Signed and sealed in Key West, Florida, on the 23rd day of January, 1966.

VETERANS' PENSION BENEFITS

Mr. HILLIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HILLIS. Mr. Speaker, today I would like to reintroduce, along with 49 cosponsors, legislation to restore veterans' pension benefits to anyone who lost them due to the recent social security increase.

Most of us have received numerous letters from constituents who have just discovered that because their overall income rose last year when social security benefits increased, this year their veterans' pensions will drop considerably.

Many of these veterans and their families had already made plans to take advantage of that extra income, and now they have discovered they are not going to get the 20-percent hike they expected. Instead, part of that increase is, in effect, going to be taken back by another hand of the Government.

The bill I am reintroducing will raise by $600 the limit on income which a veteran can earn without losing his pension. It will also increase the benefit formula for computing veterans' pensions. The pension base for a veteran with no dependents will be increased from $130 to $148 monthly; for a veteran with one or more dependents from $140 to $158 monthly; for a widow with no child from $87 to $93 monthly; and for a widow with one or more dependents from $104 to $110 monthly.

Cosponsoring this legislation with me are the following Members: Mr. McDade, Mr. Johnson of California, Mr. Thone, Mr. Young of Florida, Mr. Edwards of California, Mr. Kemp, Mr. Jones of North Carolina, Mr. Waldie, Mr. Shipley, Mr. Green of Pennsylvania, Mr. Sikes, Mr. Ullman, Mr. Harvey, Mr. Quie, Mr. Mollohan, Mr. Clark, Mr. Erlenborn, Mr. Eshleman, Mr. Zion, Mr. Blackburn, Mr. Latta, Mr. Powell, Mr. Podell, and Mr. Won Pat.

Also: Mr. Matsunaga, Mr. Mayne, Mr. Murphy of New York, Mr. Fascell, Mr. Zwach, Mr. Williams of Pennsylvania, Mr. Guyer, Mr. Johnson of Pennsylvania, Mr. Hudnut, Mr. Myers, Mr. Hansen of Idaho, Mr. Baker, Mr. Hastings, Mrs. Chisholm, Mr. Sisk, Mr. Flood, Mr. Whitehurst, Mr. Veysey, Mrs. Burke of California, Mr. Rinaldo, Mr. Downing, Mr. Cleveland, Mr. Yatron, Mr. Railsback, and Mr. Coughlin.

NIXON'S END-THE-WAR PLAN

(Mr. DON H. CLAUSEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DON H. CLAUSEN. Mr. Speaker, much has been made over the President's plan to end the war in Vietnam. Some of his sharpest critics have called it a hoax while others have said that no such plan ever existed.

The January 20 edition of the Christian Science Monitor carried an editorial by Godfrey Sperling, Jr., entitled "What Happened to Nixon's End-the-War Plan?" With the thought that many of my colleagues would be interested in this in-depth analysis which I believe places the President's plan to end the war in proper perspective, I am herewith placing Mr. Sperling's editorial in the Record:

What Happened to Nixon's End-the-War Plan?

(By Godfrey Sperling, Jr.)

Washington.—Richard Nixon's prepresidential plan to end the Vietnam war—abandoned in large part during the early months of his administration—is heavily involved now in the move toward peace.

In the spring of the 1968 presidential campaign, Mr. Nixon felt certain he could bring the Soviet Union "to the side of peace instead of war" by using "diplomatic, economic, and political leverage" on Moscow. He was convinced that by offering the Russians goods they badly needed he could get them to cut off their supply of arms to North Vietnam.

But, above all, Mr. Nixon hoped to warm up relations with Moscow to the place where he could apply pressures on Hanoi without fear of reprisals from the Soviets. By moving toward detente with Moscow, thus isolating Hanoi, he hoped to create a climate conducive to peace.

But by early 1969, in his first major address on the Vietnam war, the President said, very specifically, that Kissinger, Lodge, and he, personally, had met on a number of occasions with representatives of the Soviet Government "to enlist their assistance in getting meaningful negotiations started." He said these meetings had been in vain.

Thus, it was at this point that the President announced that he was turning to Vietnamization, the measured buildup of Saigon forces together with a measured U.S. withdrawal, as his approach to ending the war. Here the President was moving to a Kissinger blueprint, one that this newly appointed foreign policy adviser had put together when he was acting as an aide to Nelson Rockefeller nearly a year before. Governor Rockefeller had embraced Vietnamization as his own plan for bringing the war to a conclusion as early as May of 1968 when he was then a candidate for president.

As a candidate Mr. Nixon thought he could bring Moscow "on the side of peace" in a hurry, relatively speaking, once he became president. Thus, he did have—as he implied—a plan for bringing about an early resolution to the conflict—despite charges from Democrats that he never had such a plan.

But in this last year Mr. Nixon was able to go back to his original end-the-war plan, at least in part, when the door opened for summitry in Moscow.

What actually was said there between the parties about the Vietnam war we, of course, do not know. But we have seen the opening up of trade relations with the big U.S. grain deal with Moscow. And we have indication that this is only the beginning of trade.

What then was the quid pro quo from the Soviets as far as Vietnam was concerned? The very visit of the President to Moscow had to unsettle Hanoi—representing as it did a new warmth on the part of Soviet leaders toward the United States. Then there was the U.S. mining of Haiphong harbor. Moscow, as well as Peking, let this happen without escalating its participation in the war.

Thus, even though Moscow may not have cut down on arms supplies to Hanoi, as Mr. Nixon hoped, the new U.S.-Soviet detente, although only a relative thing, has certainly caused Hanoi leaders to contemplate their "aloneness" and to wonder how much they could count on Moscow in the future. In other words, the Nixon summitry plus the opening of trade with the Soviets has undoubtedly done much to contribute to a climate in which the Hanoi leaders have concluded it is wise to search for peace.

The growing strength and efficiency of the Saigon forces under Vietnamization have certainly been heavily involved in exerting pressure on Hanoi to achieve a settlement, along with the mining of Haiphong and the massive U.S. bombing of the North.

But at a moment when it appears that the parties are finally moving toward peace, it seems most relevant to note that the old, original Nixon end-the-war plan is also at work in persuading Hanoi to come to a settlement. This better U.S.-Soviet relationship has, of course, been perceived by some observers as contributing to the climate for achieving peace. But no one has been mentioning that this was Mr. Nixon's original plan for ending the conflict.

LAWYERS GET FAT ON PENN CENTRAL CARCASS

(Mr. SKUBITZ asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SKUBITZ. Mr. Speaker, as a member of the Committee on Interstate and Foreign Commerce, I have a special interest in matters involving interstate transportation. I am particularly concerned with this Nation's railroads.

It was with special attention that I read a most illuminating article in yesterday's—January 22—issue of the New York Times dealing with the legal problems of the bankruptcy proceedings of the Pennsylvania railroad. I commend it to my colleagues in this House, if they want to learn where the taxpayers' money, in the form of our loans to the Penn Central, are going. I ask, Mr. Speaker, that it be printed in the Congressional Record following my remarks.

Mr. Israel Shenker, the writer, is deserving of praise for his incisive handling of what is otherwise a complicated issue. He makes clear that during bankruptcy no claimant gets anything, except of course the lawyers. Last year, he says, more than $1,600,000 went to only three law firms, one Washington firm, one Philadelphia firm, and one New York firm. The year before, the legal bill was almost $1 million. Upward of 100 lawyers are feeding on this railroad carcass—and will for years to come. Meanwhile, legitimate claims of creditors, taxes to State and local governments, bank debts, even personal injury claims to employees and passengers are all deferred while a company that is losing upward of half a million dollars a day pays out perhaps in excess of $2 million a year in legal fees.

More than 20 years ago the Congress, through a Senate committee, investigated railroad bankruptcies under the leadership of Senator Burton K. Wheeler and the late then-Senator Harry Truman. That probe led to changes in 77B bankruptcy laws and procedures. I submit, Mr. Speaker, that the Penn Central situation deserves a searching survey by a modern-day Wheeler-Truman team, and some changes in Interstate Commerce Commission procedures.

Pennsy Case Is Lawyer's Dream

(By Israel Shenker)

The Penn Central may not be the greatest railroad in the world, but it is a gravy train for lawyers.

Their rewards stem in part from the financial complexity of the bankrupt railroad. They are due also to the activities of those who headed the company as it highballed toward bankruptcy. But in large and generous measure they are the result of the peculiarities of bankruptcy law and of the way that the law is implemented by lawyers, applied by the Interstate Commerce Commission, and interpreted by courts.

"This is the largest law case in history," noted Robert W. Blanchette, counsel to the trustees of the railroad, the largest in America and a vital link in the industrial Northeast. "I've never seen a case that had so many large, complex and unique problems."

"It's a real bonanza," said Prof. Vern Countryman of the Harvard Law School, one of the nation's foremost experts on bankruptcy.

"How often does a Penn Central come along?" commented a lawyer at the Securities and Exchange Commission. "This is a lawyer's dream. It's like peeling an onion. For each skin of the onion you need a new lawyer."

There have been court hearings with more than 100 lawyers present, many of them high-priced practitioners. "Almost every firm I knew was getting involved," said one law professor, "and there was such a clamor for legal services that some small creditors went to the West Coast to find an attorney who didn't have a potential conflict-of-interest situation."

Periodically three large and prestigious law firms acting as "special counsel" to the railroad trustees—Washington's Covington & Burling, Philadelphia's Blank, Rome, Klaus & Comisky, and New York's Paul, Weiss, Rifkind, Wharton & Garrison—turn in accounts of their labors and are rewarded for their efforts. In the first calendar year of the bankruptcy they were paid $989,000. Last year they got about $1.6-million.

Where does the money come from? From the legally insolvent railroad, which is still losing $400,000 to $1-million a day and which is barried by court order from paying its tens of thousands of bondholders, forbidden to settle more than 26,000 creditor claims (totaling $3.348-billion) against it, excused from paying taxes on its property, and permitted to put off repayment of hundreds of millions of dollars in bank debt.

Nor have those who suffered bodily harm through the railroad's negligence before June 21, 1970, the day the Penn Central went into bankruptcy, been able to collect.

"These injured claimants do not have legal status against the railroad," suggested Walter J. Taggart, a professor of law at Villanova University, who is the court's special assistant for crucial question in the law is: 'What do you have to do to keep the railroad running?' "

A guiding principle of bankruptcy law—a necessity or a necessary evil, depending on one's viewpoint—is that in reorganizations the lawyers must be paid. Their task is to devise a scheme to make the debtor once again solvent, if that is possible, and to assure maximum equity to creditors and shareholders. Without the lawyers, according to theory, the bankrupt concern would be reduced to stagnation and the creditors to unseemly contest.

In routine bankruptcies, assets are liquidated and, if there is anything left over after administrative expenses, including lawyers, have been paid, creditors get a percentage of the sums due them. Shareholders seldom get anything. The companies disappear, the nation survives.

If the Penn Central were sold for scrap, it might bring in $1.4-billion to 1.8 billion. Estimates of how much it would cost, less depreciation, to reproduce the railroad run as high as $14-billion. But neither alternative is deemed realistic. The assumption is that for the sake of the nation this corporate life and these trains must go on running.

So, while legally indigent, the Penn Central transports passengers and freight, improves rolling stock and installations, and—abhorring the notion of nationalization—invites Congress to give it money.

Early this month the railroad's trustees argued that it would be possible to get the line in the black by 1976 if Congress provides prompt and massive aid. This would be a disguised form of revenue sharing, since the first bills to be paid off would be state and local taxes after the costs of administration, including lawyers' fees.

FOUR TRUSTEES NAMED

With the kind of inexorability that marks Nature's laws, the moves in the Penn Central case have followed the lines of Section 77 of the Federal Bankruptcy Act. When the railroad's top officers learned in mid-June, 1970, that their hopes of a government-guaranteed loan had gone glimmering, they abided by the statute and went to the local Federal court in the Eastern District of Pennsylvania.

District Judge John P. Fullam took responsibility for running the railroad. Since a judge is a busy man who can be assumed to have little experience at this species of transport, he selected four trustees—with maximum total compensation of $300,000 a year—to take control on the court's behalf.

Judge Fullam chose Jervis Langdon Jr., a lawyer and railroad expert, to serve full-time, and three others to serve part-time: George P. Baker, the retired dean of Harvard's Graduate School of Business Administration, Richard C. Bond, the retired president of Philadelphia's John Wanamaker, and Willard Wirtz, an attorney who had been Secretary of Labor from 1962 to 1969. Mr. Wirtz recently resigned as trustee.

The trustees were to concentrate on reorganization, so a full-time railroad man was hired to run the railroad under them.

With the approval of Judge Fullam, the trustees picked as their counsel Mr. Blanchette, who had served as general counsel of the New York, New Haven and Hartford Railroad—itself in Section 77 reorganization since 1961. It eventually became the largest shareholder in the company controlling the Penn

Central, which showed how little it knew about its investment. When the Penn Central went down, the New Haven reorganization plan foundered.

THE NUMBERS GROW . . .

Mr. Blanchette began recruiting a staff and now he heads a 12-man legal department working exclusively on reorganization matters, drawing on about 10 additional lawyers from the railroad's regular legal staff.

Since, as Mr. Blanchette maintained in a petition to the I.C.C., his staff was inexperienced and small and the work vast, complex and episodic, the trustees began engaging outside counsel as well: the firm of Covington & Burling to deal with the Penn Central's relations with the New Haven, a major creditor, as well as with the reorganization generally; Paul, Weiss to help dispose of the Penn Central's mid-Manhattan real estate and its interest in the profitable Pennsylvania Company, and Blank, Rome to assist with real estate and other matters.

The court and trustees felt that what the Penn Central needed was "law factories," and all three firms were big enough to qualify.

But lawyers rarely operate Central trustees had counsel to oppose the New Haven's claims for payment, the New Haven needed counsel to defend itself against the Penn Central.

Though Richard Joyce Smith, the New Haven trustee, is a lawyer, he followed the traditional pattern and surrounded himself with counsel and special counsel.

In 1961 James William Moore, a Sterling Professor at the Yale Law School, was taken on as counsel. Mr. Moore is editor-in-chief of "Colliers on Bankruptcy," the standard treatise on bankruptcy, and he is the editor of "Moore's Federal Practice," the standard treatise on Federal practice. For both good reasons he is known as Mr. Bankruptcy and Mr. Federal Practice.

In his most recent compensation petition to Judge Robert P. Anderson, of the Federal District Court for the District of Connecticut, who is "running" the New Haven, he requested yearly compensation of $35,000. His petition noted that he was "sole counsel" for the trustee and that he had devoted 1,353 hours during the year ending June 30, 1972 to work for the New Haven. Figuring on the basis of eight-hour days, that makes 169 days.

. . . AND GROW AND . . .

Professor Moore's document said that "petitioner has arranged his teaching schedule . . . so as not to interfere with his responsibilities as Counsel for the Trustees. . . ."

But not even this conscientious arrangement satisfied the trustee's legal demands. And so Mr. Smith engaged Boston's Sullivan & Worcester to serve as special counsel, and the firm is now en route to its second million in New Haven fees.

On the same track are the lawyers for banks that put together the $300-million credit that the Penn Central received before bankruptcy and to an extent—as made clear last August in a staff report of the S.E.C.—subsequently squandered. Their claims are being pressed by expensive legal counsel. A single one of these many law firms—Davis, Polk & Wardwell—has requested interim compensation of $119,000 to be paid by the Penn Central.

Then there are more clusters of lawyers for bondholders, insurance companies (which claim $600-million from the Penn Central), shareholders, unions, and Federal, state and local governments.

The New Haven's counsel, Professor Moore, noted: "Aside from the normal litigation which a railroad has—and the Penn Central is a big railroad, of course—you get an entirely separate layer that deals with reorganization. Poverty law, you might call it."

Vast legal assemblies, for example, participate in the dispute over the Pennsylvania, the subsidiary that controls non-rail assets worth more than $200-million and perhaps as much as $500-million. If these securities are given outright to the banks that hold them as security for the $300-million loan, it must be at the expense of others.

The result: lawyers are defending, lawyers are opposing, experts are valuing, experts are devaluing.

This "Pennco" case by itself is so burdened with documentation that law firms joined to establish a "Central Discovery Library" of the documents. Lawyers—if they can discover the library within the precincts of the Transportation Building in central Philadelphia—can take heart there at the sight of the lucrative accumulation.

The mere process of getting a single brief into print can elevate a lawyer's bill to enviable heights. It is common for a document to labor through five drafts (and ten is not uncommon), which means that this literature undergoes more revision than just about any other kind of creative writing.

Noted a lawyer for the S.E.C.: "There's an enormous amount of duplication and make-work in bankruptcy cases. One lawyer writes a memo, numerous others review it, 40 firms study it, and everybody petitions for compensation."

How, in practice, does a law firm get paid? In the typical sequence, counsel petitions the court. Since the railroad trustees and their counsel are really the choices of the judge, he may be reluctant to question their request. In any event, the judge forwards the petition to the I.C.C. The commission's duty is to rule on whether this bill is compensable out of the debtor's estate, and whether it is reasonable.

Covington & Burling has been billing $80 a partner hour, $50 an associate's hour. Paul, Weiss has billed $89 to $112 for a partner's hour, $43 to $55 for an associate's hour.

Kenneth H. Tuggle, the Interstate Commerce Commissioner in charge of Division 3, which handles finance, said in an interview that when he gets a petition from Judge Fullam, "We assume it's correct. We don't check it. We assume it's been checked by the judge or by the clerk of the court." That assumption is incorrect, according to officers of the court.

Mr. Tuggle noted that the Penn Central case is enormously complex, and that counsel is highly sophisticated and commands higher fees in normal corporate practice. "Covington & Burling turns them away at $125 an hour," he said.

John Vanderstar, one of the Covington & Burling lawyers dealing with the Penn Central case, said: "We have to turn away business because of potential conflict of interest, but that's the only basis. I've never heard of the $125 fiction." he added: "The statement is, of course, ridiculous."

Commissioner Tuggle went on: "Whoever handled that New York real estate couldn't have been paid what it was worth to handle that."

Division 3 has, nonetheless, been applying an occasional discount to counsel's petitions. It authorized interim compensation to Covington & Burling, for a three-month period, of $156,258.28 instead of the requested $171,465. It cut interim compensation authorized for Blank, Rome for a three-month period from $213,864.75 to $194,861.25. In both cases, that meant a 9 per cent cut. Asked why the cuts represented a like percentage, Commissioner Tuggle replied: "I'd say it's coincidental."

Blank, Rome followed tradition by appealing the I.C.C. decision, arguing that the maximum authorized "bears no substantial relationship" to the skill and experience required, and informing the I.C.C. that it might be compelled to withdraw as special counsel.

"We never heard of a firm dropping out of a reorganization because they weren't getting enough money," noted one S.E.C. lawyer. "Certain large New York firms whose allowance time we cut are the very same firms which complain bitterly if they're not allowed to participate in a case. It's common to spend $10,000 worth of time pursuing a matter involving $2,000 worth of case."

In the Blank, Rome compensation question, the I.C.C. had maintained that "many matters handled by petitioner were of a nature that should be handled by debtor's legal staff." Mr. Blanchette argued that "it would be an error to assume that joint effort is duplicated effort," and the I.C.C. finally agreed.

The law requires hearings before final compensation, and last year John P. Dodge, one of the I.C.C. administrative law judges, tried to arrive at reasonable figures for lawyers in a case related to the Penn Central—that of the bankrupt Boston & Providence.

"LIKE ANTISUB WARFARE"

He figured (dividing annual salary by 1,848 hours) that the hourly rate for experienced government lawyers was $14.26, for "very senior attorneys" $19.21, and for top lawyer, the Attorney General, $32.47.

Since about 50 per cent of fees to lawyers in private practice goes for overhead, Mr. Dodge doubled these sums. Arguing that nobody in the case did work of the high level expected of the Attorney General, he recommended a maximum hourly rate for law-firm partners of $39.

He criticized one lawyer for coming to Washington when "a phone call or two would have achieved stated purpose as well," and chided another for adding 15 per cent to his bill because the work was "so important." "I think in dirty English this means 'I expect the bill to be cut,'" Mr. Dodge noted.

"It's a little like antisub warfare," he said in an interview. "One day they find a new way to sink submarines. Then they find a new way to stop subs from being sunk."

But such reassessments find no sympathy with Mr. Tuggle, who as a commissioner is Mr. Dodge's superior at the I.C.C. Mr. Tuggle does not believe that government salaries should be used as a basis for comparison, and neither do the lawyers involved. They have been filing exceptions to Mr. Dodge's recommendations, calling his premises outrageous and his deductions unconscionable.

"That's the righteous indignation lawyers are born with," said Mr. Blanchette. "That's why they become lawyers and not priests."

Prof. Walter J. Blum of the University of Chicago Law School, an expert in corporate reorganization, noted: "Every once in a while the cutback is larger than the lawyer anticipated and then you get the cries of rage. A cynic might believe that what the lawyer is complaining about is himself—for not anticipating the extent of the cut and boosting his original bill accordingly."

Though it might be in the interests of creditors for their lawyers to protest the level of fees paid from the estate to opposition lawyers, counsel in this reorganization procedure have refrained from doing that.

Mr. Blanchette insisted: "A lawyer here knows what's fair, and he's going to charge what's fair."

Not once in the course of the Penn Central affair has Judge Fullam exercised his right to cut lawyers' compensation below the maximum authorized by the I.C.C.

In an inflationary period such as the present, some law firms might prefer compensation now to final settlement eventually—when the reorganization plan is approved. But other law firms, being paid with the regularity of wheels clacking, might want to prolong the case.

One S.E.C. official noted: "We have a young lawyer here who was bar mitzvahed when the T.M.T. Trailer Ferry case began in 1957—and it's not finished yet."

The Missouri Pacific reorganization took 23 years, but Judge Fullam says that he does not think this reorganization will be allowed to drag that long. He has encouraged groups of creditors with similar interests to choose counsel to represent the groups, and he has said that out-of-town law firms do not have to associate themselves with local counsel. A number of lawyers say they have not heard of this ruling.

The whole question of fees in bankruptcy cases has a history about as old as bankruptcy itself, and the Supreme Court has repeatedly inveighed against largesse. Chief Justice William Howard Taft warned against "vicarious generosity." Justice James C. McReynolds pointed out in 1922 that the allowance awarded one attorney was eight times the salary of a Supreme Court Justice. The United States Court of Appeals, Second Circuit, bewailed the prospect of "the debtor emerging from bankruptcy only to re-enter it after the lawyers are paid."

In 1937 the S.E.C. published a "Protective Committee Report" on its investigation of bankruptcies. The committee was headed by William O. Douglas, now a member of the Supreme Court.

The report expressed concern about "the shift of the reorganization bar from standards of professional service to those of pecuniary gain. In its avarice for reorganization fees the legal profession by and large has forsaken the traditions of officers of the court and has become highly entrepreneurial in nature."

SOME DIFFERING VIEWS

Professor Countryman is likeminded in 1973: "I feel very strongly that it's a mistake to allow this sort of procedure to be handled as though it were litigation between private parties, to look to lawyers representing large private interests for assistance in the reorganization and then to compensate them out of the estate for their services."

But Mr. Blanchette is not overawed by all these opinions.

"A lot of that language came out in the nineteen-thirties," he said. "It wasn't very hard in 1935 to tell a law firm it should charge less in bankruptcy cases. But I don't think there is a base in fact for cramming a public service operation on a law firm. A lot of these firms do a substantial amount of work for indigent clients and legal-aid work. Why should they charge the Penn Central less than they would charge a normal client?"

Mr. Blanchette argued that his staff's work is physically punishing and intellectually demanding. He compared the Penn Central case to "a medieval maze."

Aaron Levy, director of the Division of Corporate Regulation of the S.E.C., said in an interview: "Medieval mysticism is good preparation for this."

So, evidently, is classicism. "If there were seven cities which claimed Homer," noted Mr. Levy, "there are 17 lawyers who claim payment for the same work."

He is fond of telling lawyers seeking compensation in bankruptcy cases: "That's a good education, but the court isn't going to pay for your tuition."

PERSONAL STATEMENT

Mr. PRICE of Texas. Mr. Speaker, I missed the last quorum call because I had constituents from my district in my office. However, I would like the RECORD to show that I was present on the floor immediately after the quorum was announced.

CLASS ACTION SUIT AGAINST EPA

(Mr. BROWN of California asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BROWN of California. Mr. Speaker, on Thursday, January 26, I will be filing a class action suit as a citizen of California in the U.S. district court in Los Angeles against the Administrator of the Environmental Protection Agency asking the court to order the Administrator to allot to California the State's full allotment under the Federal Water Pollution Control Act Amendment of 1972.

California, along with every other State in the Union has had its funds authorized by the Congress for water pollution control cut in half by a Presidential stroke of the pen—a loss for California of $500 million over 2 years, and a similarly substantial loss for every State. You will recall that last year the President vetoed the Water Pollution Control Act Amendment of 1972, authorizing the spending of $11 billion over 2 years and $25 billion over 5 years for construction of facilities to clean up America's water. The Congress passed the act over the President's veto and now the President seeks to accomplish by Presidental order what he could not accomplish by his veto. I have been advised by legal counsel in the American Law Division of the Libray of Congress that an excellent case can be made that the President and the EPA Administrator have no discretion to replace amounts alloted by the act to the States. The American Law Division has helped prepare the complaint which I will file Thursday.

The issue which the President has raised is deceptively simple: What does article II, section 3 of the Constitution mean when it provides that "the President shall take care that the laws be faithfully executed." To crystalize this issue I have introduced today, Tuesday, January 23, the following resolution:

Resolved, That each Member of the House is authorized to sue on behalf of the House in any appropriate court to obtain such relief as shall be necessary with respect to any program or project in such Member's district whose funding has been impounded by the President contrary to law.

By this resolution, the House would be asking the court for an interpretation of what the Constitution means when it says that the President must faithfully execute duly enacted laws. In addition, I have been advised by counsel that in such matters, a resolution of this kind would be impressive to a court. It would emphasize the seriousness of the impoundment issue, and recognize the role of a Congressman in asserting the rights of his or her constituents to impounded funds for specific programs in his or her particular district. Authorizing a chairman or any other single Member would not be as effective as this resolution because of the diversity of programs and number of cuts involved.

I have taken the course outlined above, after consultation with legal counsel, because I believe that going to court may be the quickest way to reverse the decision the President has made to unilaterally cut funds appropriated by Congress. I encourage Members of the House to take similar action.

To aid Members of the House and their legal counsel in the preparation of any action they would desire to bring, the following constitutes a complaint drafted on my behalf by the American Law Division of the Library of Congress:

COMPLAINT

1. This is an action for a declaratory judgment and mandamus to compel defendant to comply with the Federal Water Pollution Control Act Amendments of 1972, PL 92–500, 86 Stat. 816 (hereinafter "Act"), by allotting to the State of California the amount mandated by section 205(a) of the Act.

JURISDICTION AND VENUE

2. This action is brought pursuant to section 505(e) of the Act, 5 U.S.C. 701–706 and 28 U.S.C. 1361, 2201. This Court has jurisdiction of this action by virtue of 28 U.S.C. 1361, because this action arises under the laws of the United States, because there is diversity of citizenship between the parties and because the amount in controversy exceeds $10,000, exclusive of interest and costs. This Court also has jurisdiction of this action by virtue of 28 U.S.C. 1361, because the action is in the nature of mandamus to compel an officer of an agency of the United States to perform a duty owed to the plaintiff. An actual and justiciable controversy exists between the parties regarding which plaintiff requires mandatory relief, as well as a declaration by the Court of his rights and of defendant's obligations and duties.

Venue is properly laid in this Court pursuant to 28 U.S.C. 1391(e).

THE PARTIES

3. At all times herinafter mentioned, plaintiff, George E. Brown, Jr., was and is a citizen of the United States and a resident of San Bernardino County, State of California, and since January 3, 1973 a Member of the United States House of Representatives.

4. At all times hereinafter mentioned, defendant, William D. Ruckelshaus (hereinafter "Administrator"), was and is the Administrator of the United States Environmental Protection Agency. The Administrator is charged by section 101(d) of the Act with the responsibility of administering the Act. The Administrator performs his official acts (including the act complained of herein) in and is officially a resident of the District of Columbia. The Administrator is not a citizen of the State of California.

CLASS ACTION ALLEGATIONS

5. By virtue of Section 201(g)(1) of the Act the plaintiff and all other citizens of and residents within the State of California will be direct beneficiaries of federal grants for the construction of publicly-owned treatment works in that such grants for such construction will directly benefit and enhance the environment of the plaintiff's area of residence by virtue of a significant lowering of water pollution levels in waterways which the plaintiff uses for recreational and other purposes and in which plaintiff has aesthetic, ecological and related interests thereby making such waterways more usable for the purposes to which plaintiff puts them. The Administrator's refusal to allot to the States, pursuant to Section 205 of the Act, the full amount of the sums authorized to be appropriated by section 207 of the Act injures the plaintiff and all other citizens and residents of San Bernardino county and the State of California who use the waterways of San Bernardino county and the State of California for recreational and other purposes and in which plaintiff has aesthetic, ecological and related interests in the same manner. Specifically, the Administrator's failure to allot the sum required by the Act to be allotted to the State of California significantly limits the number and amounts of the federal grants to the plaintiff's area of residence, the county of San Bernardino and

to the State of California which can be obligated by the Administrator. Therefore, this action raises questions of law and fact common to the plaintiff and other citizens and residents of San Bernardino county and the State of California and the plaintiff's claims herein are typical of the claims of other such citizens and residents of San Bernardino county and the State of California and the plaintiff will fairly and adequately protect the interests of such other citizens and residents. This action is maintainable as a class action in accordance with Rule 23 (b) (1) (A), (b) (1) (B) and (b) (2).

STATUTORY PROVISIONS

6. The Act was passed on October 18, 1972, over the veto of the President.

7. Section 101(a) (4) of the Act states that "it is the national policy that Federal financial assistance be provided to construct publicly owned waste treatment works" for the treatment of wastes that are discharged into the nation's waters.

8. Title II of the Act (paragraphs 201–212)—entitled "Grants for Construction Treatment Works"—sets forth the procedure by which States and municipalities may secure federal financial assistance in the amount of 75 percent of the cost of municipal sewers and treatment works. As set forth with particularity hereinafter, this procedure provides for the allotment among the States, pursuant to a formula, of the $11 billion available for grants to States and municipalities in the current and next succeeding fiscal years.

9. Section 201(g) of the Act authorizes the Administrator "to make grants to any State, municipality, or intermunicipal or interstate agency for the construction of publicly owned treatment works." By virtue of section 203(a) of the Act a grant which is made when the Administrator approves a plan for a construction project—is "a contractual obligation of the United States." The Act does not require the Administrator to approve all projects that are submitted to him. Rather, he has broad discretion to determine whether a proposed project satisfies the criteria set forth in section 204; for example, that the applicant can assure proper and efficient operation of the project and that the capacity of the project is such that it will meet the needs to be served.

10. Section 203(a) of the Act provides further that grants to a State, a municipality, or intermunicipal or interstate agency may be made only "from funds allotted to the State under section 205."

11. Section 205(a) mandates allotments. It Provides: Sums authorized to be appropriated pursuant to section 207 for each fiscal year beginning after June 20, 1972, shall be allotted by the Administrator not later than the January 1st immediately preceding the beginning of the fiscal year for which authorized except that the allotment for fiscal year 1973 shall be made not later than 30 days after the date of enactment of the Federal Water Pollution Control Act Amendments of 1972. Such sums shall be allotted among the States by the Administrator in accordance with regulations promulgated by him, in the ratio that the estimated cost of constructing all needed publicly owned treatment works in each State bears to the estimated cost of construction of all needed publicly owned treatment works in all of the States. For fiscal years ending June 30, 1973, and June 30, 1974, such ratio shall be determined on the basis of table III of the House Public Works Committee Print No. 92–50. Allotments for fiscal years which begin after the fiscal year ending June 30, 1974, shall be made only in accordance with a revised cost estimate made and submitted to Congress in accordance with section 516(b) of this Act and only after such revised cost estimate shall have been approved by law specifically enacted hereafter.

12. Section 207 authorizes appropriations in the amount of $5 billion, $6 billion and $7 billion for the fiscal years 1973, 1974, and 1975 respectively. It provides: There is authorized to be appropriated to carry out this title other than sections 208 and 209, for the fiscal year ending June 30, 1973, not to exceed $5,000,000,000, for the fiscal year ending June 30, 1974, not to exceed $6,000,000,000, and for the fiscal year ending June 30, 1975, not to exceed $7,000,000,000.

13. By virtue of sections 205(a) and 207 the Administrator is required to allot among the States $5 billion for the fiscal year 1973 and $6 billion for the fiscal year 1974. No provision of the Act or of any other law affords the Administrator discretion to reduce these allotments, whether by direction of the President or otherwise.

UNLAWFUL ACTS

14. By letter dated November 22, 1972 (exhibit I) the President directed the Administrator to withhold a portion of the allotments mandated by the Act. That letter says in relevant part: I stated (in my veto message) that even if the Congress were to default its obligation to the taxpayers through enactment of this legislation, I would not default mine. Under these circumstances, I direct that you not allot among the States the maximum amounts provided by Section 207 of the Federal Water Pollution Control Act Amendments of 1972. No more than $2 billion of the amount authorized for the fiscal year 1973, and no more than $3 billion of the amount authorized for the fiscal year 1974 should be allotted.

15. By Regulation promulgated and effective on December 8, 1972, the Environmental Protection Agency stated that, "in accordance with the President's letter of November 22, 1972," it was alloting among the States for the fiscal years 1973 and 1974 "sums not to exceed $2 billion and $3 billion, respectively (37 Fed. Reg. 26282, 35.910–1(a) (1972), instead of the $5 billion and $6 billion required by the Act.

16. As a result of these reduced allotments, the amounts allotted to the State of California, available for grants to the State and municipalities of the State, were $196 million and $294.5 million for the fiscal years 1973 and 1974, respectively, instead of the $490.8 million and $589 million required by the Act. 37 Fed. Reg. 26282, 35.910.1(b) (1972).

INJURY

17. By directing the Administrator to allot among the States the sums authorized by section 201 of the Act, Congress intended that certain sums be immediately available in each State for obligation. Although the Administrator has discretion with regard to the obligation of sums after allotment, his discretion is not unlimited and is subject to review under applicable provisions of the Act and other laws. Thus, the Administrator's refusal to allot the sums authorized by section 207 directly injures plaintiffs because it permanently withdraws from availability in California and San Bernardino County large portions (60 per cent in fiscal 1973 and 50 percent in fiscal 1974) of the obligational authority conferred upon him by Congress. The State of California and San Bernardino County must necessarily reduce the number of treatment works projects for which they can apply to the Administrator for federal grant assistance.

18. Section 205(b) (1) of the Act provides that any sums allotted to a State pursuant to section 205(a) "shall continue available for obligation in such State for a period of one year after the close of the fiscal year for which such sums are authorized." Section 205(b) (1) further provides that at the end of such one year period, sums allotted to a State which remain unobligated shall be immediately reallotted among the States by the Administrator. Such reallotments are to be in addition to any other allotments made to the States. Thus, section 205(b) (1) creates a mechanism to make allotted sums continually available, until obligated, to fund federal grants for treatment works. However, the Administrator's refusal to allot the full amount of the sums authorized by section 207 permanently removes such unallotted sums from the operation of the statutory mechanism for continual funding. Plaintiffs are injured by the Administrator's action because they are forever denied the availability of such unallotted sums for federal grants.

19. As a further result of the Administrator's illegal reduction of allotments, some treatment works that the Congress has determined are needed by the plaintiffs simply will not be constructed. The allotment amounts and distribution formula set forth in section 205(a) of the Act were based on a Congressional estimate of the current needs of all States and municipalities. Since any project that is the recipient of a grant under the Act must be 75 per cent funded by federal monies (section 202(a), whatever federal money is available cannot be distributed among all needed projects; rather, it must be used to finance 75 per cent of each project as it is approved. Thus, many needed projects will simply go unbuilt because, in the absence of federal funds caused by the Administrator's illegal reduction there will be insufficient federal funds to provide the 75 per cent federal share.

20. To the extent that the Administrator's illegal reduction of allotments results in needed treatment works not being built, the waters in the affected areas will continue to deteriorate, and the plaintiff will remain deprived of the environmental and recreational benefits that Congress intended to secure for him by passage of the Act.

Wherefore, plaintiffs demand judgment herein:

(a) Adjudging and declaring that section 205(a) of the Act requires the Administrator to allot among the States $5 billion and $6 billion for the fiscal years 1973 and 1974, respectively; and

(b) Ordering the Administrator to revise the allotments he already has made, in purported compliance with section 205(a), for the fiscal years ending June 30, 1973 and June 30, 1974, and to make said allotments in the amount of $5 billion for the fiscal year ending June 30, 1973 and $6 billion for the fiscal year ending June 30, 1974; and

(c) Such other and further relief as this Court may deem just and proper.

FEDERAL INFORMATION PLANS AND SYSTEMS

(Mr. MOORHEAD of Pennsylvania asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, shortly after the Congress adjourned last fall, there came into my possession a copy of a 300-page plan entitled "Communications for Social Needs: Technological Opportunities"—developed for the President's Domestic Council and dated August 1971.

The plan was prepared by a number of Federal agencies and details the use of various telecommunications, satellite, and computer systems in a Federal information system network. The plan includes detailed information concerning the technical feasibility and cost of these information systems for such purposes as education, health care, law enforcement, electronic mail handling, a disaster warning system, and other similar functions.

After studying the plan and verifying its authenticity, I released the full text of the document to the news media and addressed a letter to the President asking him to clarify the purposes of the study. It is obvious, Mr. Speaker, that the lack of safeguards to guarantee constitutional liberties to our citizens could turn such a Government owned and operated information system into a potential propaganda vehicle. None of us want a "Big Brother" spy system of the type described in George Orwell's novel "1984" here in America.

The White House spokesman, Dr. Edward E. David, Jr., Director of the Office of Science and Technology, issued a statement denying that the plan had been seriously considered and stated categorically that the proposal to install special FM radios in American homes for disaster warning purposes had been rejected. He did not indicate whether or not other parts of the plan had been implemented.

The following day, I released the results of other investigations conducted by the staff of the House Foreign Operations and Government Information Subcommittee, which I chair, that showed that two alternative plans for governmental disaster warning radio systems that could be used in private homes had already been tested on an experimental basis by two Federal agencies. For more than a year, the subcommittee had been conducting hearings and investigations into various aspects of Government information policies and practices and it is clear that the White House was, as usual, being less than candid with the Congress and the American public.

A subsequent article by Phil Hirsch in Datamation Magazine last month also confirmed that parts of the massive Federal telecommunications information system probably going to be proposed by the administration in the new Congress.

Late in December, Dr. David answered my October 31 letter to the President and acknowledged that the report "Communications for Social Needs: Technological Opportunities," issued on September 24, 1971, did indeed propose an expansion of previously authorized on-going activities, such as those dealing with communications for improved disaster warning, broadening educational service, and improving access to health care. He reiterated that the report itself was rejected because of the very same type of public policy questions that I had raised initially.

Mr. Speaker, yesterday the Pentagon's Office of Civil Defense announced that an experimental radio transmitter for disaster warning would commence new operations next month, linking some 400 experimental receivers to be located in police stations, civil defense installations, and other similar public agencies. These receivers can be activated automatically by the Government transmitter. I do not quarrel with the objectives of these experiments. All citizens should obviously have maximum advance warning of impending floods, hurricanes, tornadoes, earthquakes, and other disasters. What concerns me is the need for intensive congressional examination of these types of Federal information system networks well in advance of any specific authorization by Congress for their establishment and funding. Such information systems must contain adequate provisions to safeguard the individual citizen's constitutional rights, and to assure that they could never be used for propaganda purposes by an all-powerful Executive.

Our subcommittee is planning an extensive series of hearings in the near future into this aspect of Federal information systems, as part of the inquiry begun during the past Congress. Members will be kept fully informed of the schedule for these hearings. Meanwhile, Mr. Speaker, I include at this point in the Record the text of correspondence, statements, articles, and other details of this important subject.

The material follows:

Congress of the United States,
House of Representatives,
Washington, D.C., October 31, 1972.

Hon. Richard M. Nixon,
President of the United States, The White House, Washington, D.C.

Dear Mr. President: There has come into my possession a copy of studies entitled "Communications for Social Needs," prepared at the request of your Domestic Council, dated August 7, 1971, and labeled "Administratively Confidential." The contents of these documents, according to the preface, are the "combined response of the Working Group on Government and Commercial Services and the Working Group on Communications Capabilities" and the response of the "Working Group on Education/Cultural Needs."

I have studied these documents, prepared under the direction of Dr. Edward E. David, Jr., Director of your Office of Science and Technology, and am gravely concerned over the implications of "Big Brother" intrusion of the Federal Government into the daily lives of virtually every American.

Because of the vast importance of these proposals on the fabric of our entire socio-economic system, I am formally requesting that you immediately forward to the Congress all additional studies in this series, revisions of working drafts, documents, wiring diagrams, technical or feasibility studies, draft implementation orders, and other papers related to these proposals so that Members of Congress and the American public may be fully informed as to the details of this massive and costly computer-electronic network.

I further request that you personally discuss and explain in detail to Congress and the American people the purpose, impact, and future plans you may have for making the programs described in these proposals operational. The American people deserve and are entitled to expect their President to share with them the details of a plan that would so vitally affect their lives and those of their children.

Sincerely,
William S. Moorhead,
Member of Congress.

Executive Office of the President,
Office of Science and Technology,
Washington, D.C., December 29, 1972.

Hon. William S. Moorhead,
U.S. House of Representatives,
Washington, D.C.

Dear Congressman Moorhead: This is in further response to your letter of October 31st to the President with respect to a report entitled "Communications for Social Needs: Technological Opportunities," which was referred to me for reply. The complete final report, dated September 24, 1971, is enclosed.

The effort which led to this report was one of a number of separate studies initiated by the Federal agencies in the Fall of 1971 in response to a request to identify national problems whose possible solution might be advanced through technological opportunities in the civilian sector.

In some cases, the report proposed an expansion of previously authorized on-going activities, such as those dealing with communications for improved disaster warning,* broadening educational services, and improving access to health care. The proposals were confined to a set of experiments—not operating programs—designed to determine the social and political acceptance of the services being demonstrated.

The report clearly pointed out that the legal and ethical aspects of the uses to which the communications facilities may be put would require special consideration. Nonetheless, the report was rejected by the Office of Science and Technology since, among other reasons, it was felt that the proposed experiments did not adequately take into account questions of social acceptability and the essential need to protect the citizens' rights to privacy.

Since the report was rejected, has no status, and is not under consideration, no further action or steps have been or need to be taken with regard thereto. Furthermore, I know of no tests now under way or even contemplated which would in any way infringe on either the rights or privacy of the citizens of this country. Any such possibility is totally abhorrent to this Administration.

Sincerely,
Edward E. David, Jr., *Director.*

[From the Washington Post, Nov. 1, 1972]

United States Rejects "Big Brother" Radio Linkup

(By Stephen Green)

A governmental study group appointed by the White House science office has come up with a proposal to put special FM radio receivers in every American home to permit the government to communicate directly with citizens 24 hours a day.

This proposal—one of many contained in a 300-page report entitled "Communication for Social Needs"—was turned down, according to Dr. Edward E. David Jr., director of the White House Office of Science and Technology.

The White House released David's statement after existence of the study was disclosed by Rep. William S. Moorhead (D-Pa.), chairman of the House Government Information Subcommittee.

Moorhead called the proposal a "blueprint for the Big Brother Propaganda and spy system which George Orwell warned about in his novel, "1984."

Dated August, 1971 the document is stamped "Administratively Confidential" on every page. It states it was prepared at David's request for presidential assistant John D. Ehrlichman, chairman of the White House Domestic Council.

"The Domestic Council receives dozens of suggestions and ideas every month from inside and outside the government," David said. "Some are good and some are terrible.

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*For example, improved disaster warning techniques have been under study by the National Oceanic and Atmospheric Administration, the Department of Defense, and the Office of Emergency Preparedness for many years in the hope of avoiding the casualties associated with such disasters as occurred during "Agnes" and at Rapid City.

"This particular proposal was rejected outright by the Office of Science and Technology over a year ago. It was never even submitted to the Domestic Council for review.

"Had the Congressman asked, we would gladly have informed him of the facts. But I guess he was more interested in a headline than the facts."

According to OST spokesman John Lannan, the science office requested representatives of federal agencies to prepare recommendations on how new technological developments could meet social needs of the country.

One of the answers the group came up with was the proposed government FM receivers, which could be turned on by the government even though citizens try to turn them off.

Under the proposal, manufacturers would be required to install the FM receivers in every boat, automobile, radio and television set. "The system," the document says, "must be operated 24 hours per day" to cover "100 per cent of the population" and even "wake those asleep" for disaster warnings.

In addition to the special FM radio system, the plan calls for an expanded Public Broadcasting System that would educate children to become good world citizens.

It also proposes a "wired city" and ultimately a "wired nation" system that would have information about police and court records, as well as individual health records, in a common computerized file system.

Information from the common file would flow back and forth between Washington and every area of the country. The "wired nation" also would receive, from Washington, cutural programs and popular entertainment on radio and television.

Implementation of the FM system could begin by 1975, the document states, with an initial cost of $230 million and an additional cost of $200 million a year for the receiver sets.

According to the proposal, the communications system could solve the problems of urban areas where there is "growing social unrest" and an "apparent social malaise."

One way this could be done, the document says, is to "provide the public with a better understanding of the functions of the criminal justice system" and transmit "confirmation or denial of rumors." Local governments would be assigned their own FM channels.

The document acknowledges that there may be "some concern about invasion of privacy."

"There may be opposition to requiring receivers built into all radios and televisions," it says.

The objective of the children's programs, the document says, is to "educate pre-school children for world citizenship."

"The federal role in moral ethical training may be controversial," the proposal says. It adds that there is "a need for General Parent Education" that government programs could provide.

Also proposed are:

Televising court proceedings and using taped testimony as evidence in trials.

An electronic mail handling system in which letters would be scanned electronically and their contents sent to the city of destination through a computer system.

Launching of three new communications satellites to handle messages sent over the new system.

White House press secretary Ronald Ziegler said yesterday he knew nothing about the report, adding: "I'm sure this administration will not propose or proceed with a program such as that."

[From the Washington Post, Nov. 3, 1972]

UNITED STATES IS TESTING SYSTEM TO USE ALL RADIO, TV

(By Stephen Green)

The Defense Department has started testing a special communications system that would have the ability to turn on automatically every radio and television set in the country to receive messages from the government.

However, current Nixon administration policy will not permit the system to be used for that purpose, according to a spokesman for the Pentagon's Defense and Civil Preparedness Office, which is testing it.

Called the Decision Information Distribution System, it would be used initially to turn on radio sets in police and fire stations in "strategic locations" in emergencies, according to the spokesman.

Information about the system surfaced yesterday after Rep. William S. Moorhead (D-Pa.) charged that "plans to permit government access to private homes via electronic devices have already been tested."

Earlier this week Moorhead revealed that a government study group appointed by the White House science office proposed to put special FM radio receivers in every home to permit the government to communicate directly with citizens 24 hours a day.

That was one of many proposals in a 300-page document called "Communications for Social Needs" but was rejected, according to Dr. Edward E. David Jr., director of the White House Office of Science and Technology.

Moorhead said that the fact that the government has been testing a system that would give it access to private homes "raises serious questions about the truthfulness of Dr. David's statement." Moorhead added that he feared the possibility of "Big Brother" government.

Kenneth Miller, head of the Federal Communications Commission Emergency Communications Office, told The Washington Post that the Defense Department system would operate on long-wave frequencies below the standard AM radio band. "It could turn on radios and television sets automatically and already has been tested," he said.

The Defense Department plan, according to Miller, calls ultimately for construction of 10 systems around the county to send messages on the system.

A testing station now is being built in Edgewood, Md., said the Defense and Civil Preparedness spokesman.

"There is no secret about this," added the spokesman. He explained that the White House Office of Telecommunications has decided that the system would not be used to turn on radios and televisions in private homes.

Citizens, he said, might have the option of acquiring special receivers that could be activated by the system.

Plans for the system, he acknowledged, call for it to have the capability to automatically turn on radio and television sets in private homes.

According to Lannan, the Defense Department began developing the system in 1962 during the Kennedy administration.

Moorhead said he interpreted Dr. David's statement earlier this week to mean that the White House science office has rejected only the FM radio portion of the "Social Needs" plan.

However, John Lannan, public affairs director for the White House science office, said the entire plan had been rejected.

Despite the rejection of the "Social Needs" plan, "it exists and can be used," said Moorhead, chairman of the House Government Information Subcommittee.

He said the Subcommittee will hold hearings in January "so that the American people may know the full details about this and other Big Brother plans that the Nixon administration may be hiding from the Congress and the public."

Moorhead also said he has written to David, inviting him to testify at the hearings.

David said he is willing to discuss the matter with Moorhead privately or publicly. "I know of no tests now underway or contemplated which would in anyway infringe on the right of privacy of the citizens of this country," David said.

[From Datamation magazine, December 1972]

PRIVACY—COMPUTER SYSTEMS AND THE ISSUE OF PRIVACY: HOW FAR AWAY IS 1984?

(By Phil Hirsch)

Dr. Ed David, the President's science advisor, last month assured Congressman Bill Moorhead of Pennsylvania that a report entitled "Communications for Social Needs" has been "rejected." The report proposed federal support for several new applications of communications and computer technology, including a system that would enable the feds to turn on every radio and tv set in the country, ostensibly to warn people of impending disaster. Moorhead called it "a Nixon Administration plan for a potential government-operated propaganda and spy system."

Soon afterward, Dr. David's press spokesman, John Lannon, admitted to this reporter that, although the report has been "completely rejected," the projects described in the report may still be under consideration. Further evidence of this came from Jack Robertson, of "Electronic News," who recently interviewed William Magruder, special assistant to the President, and reported, in the Nov. 6 issue, that Magruder expects the Administration to provide some money next year for experiments in CATV-wired cities and electronic mail handling. Both of these projects are described at considerable length in the allegedly rejected report.

Essentially, the electronic mail handling proposal involves optical scanning of letters and transmission of their contents by satellite from orgin to destination post office. The "wired city" would utilize two-way CATV. Systems employing the same basic technology have already been tested successfully by the police to monitor remote locations through video cameras and specialized sensors. Although the "rejected" report doesn't talk about this application directly, it does explain that the wired city would be the precusor of a "wired nation"—formally known as a "National Public Service Telecommunications System," to be supported by satellite terrestrial communications channels. Several centralized data banks, consolidating files accessible to law enforcement, health, education, and other agencies—public and private—would be linked to this national system, which would output a number of services ranging from weather reports to canned "educational" programs prepared by the government for use on radio and tv.

The report on "Communications for Social Needs" insists that individual privacy wouldn't be threatened by these proposals. In discussing the electronic mail handling system, it says "all handling of letters will be mechanized so that the original letter cannot be read while being converted for transmission." Also, "all materials will be outputted in sealed letter form. Thus, the letter will never exist in a form which can be read during the time it is in the sanctity of the mail." It takes only rudimentary technical knowledge, however, to realize that such a system could easily be programmed to detect, and print addresses.

Meanwhile, a three-year privacy study, directed by Dr. Alan F. Westin, has been completed; it is billed as "the first nationwide, factual study of what the use of computers is actually doing to record-keeping processes in the United States, and what the growth of large-scale data banks . . . means for the privacy and due process." The gist of the report is the "central data bank developments are far from being as advanced as many public commentaries have assumed," and so popular fears about loss of privacy haven't been realized, yet. The report stresses that, because of the increased efficiency of record-keeping, and the growing intensity of public concern, the middle '70's is when lawmakers and the public "must . . . evolve a new structure of law and policy to apply principles of privacy and due process to large-scale record keeping."

NOTHING TO SAVE

But another study, scheduled to be published this month in book form, suggests there will be nothing left to save if we wait until the mid-'70s. This study was done by The Lawyers' Committee for Human Rights, a foundation-supported research group.

The committee charges that the Justice Dept., through its control of the National Criminal History System (NCHS), has acquired "greatly increased capability to monitor the activities of all citizens . . . and (arbitrarily) prevent or punish those activities . . ." System control was transferred from the states to the FBI despite objections from the Law Enforcement Assistance Administration (LEAA)—which supplied most of the money for NCHS—and despite an explicit warning from the President's Crime Commission that a centralized criminal records system would be subject to "executive manipulation," the committee said.

By 1975, NCHS will provide centralized, on-line access to criminal history files in all 50 states, the report added. "No federal, and few state laws" regulate this system; constitutional protections for individuals who have NCHS dossiers "are limited and narrowly defined," so both state and federal dossier banks continue to evolve primarily "by the force of their own momentum."

In many states, adds the lawyers' committee, criminal history files are being integrated with other kinds of sensitive information, so that comprehensive individual profiles can be extracted. The federal government is encouraging this development by funding projects like the Integrated Municipal Information Systm (IMIS), a HUD program aimed at producing a common, computerized information file that can be accessed by all the departments of a city government. Two IMIS systems are now operational—in Long Beach, Calif., and Wichita Falls, Texas. Three other cities are developing related applications. The feds will spend $5.1 million on the project in FY'73, compared with $3.5 million last year.

If a universal individual identifier (UID) is adopted by the United States, it will almost certainly become easier to integrate personal files now maintained independently by private and government organizations. Another even more chilling prospect is that bank loan officers, school registrars, personnel managers, and other grantors of social benefits will be able to make much greater use of aggregated statistics to weed out alleged "poor risks" ahead of time.

This process consists essentially of analyzing the existing poor risks—borrowers, for example, who don't pay on time—to find common demographic characteristics, such as age, income, place of residence, schooling, and/or family status. Future applicants who have the same characterics are then rejected, or at least considered less qualified to receive the job, the school admission, or the loan.

USED NOW IN REVERSE

Direct mailers use this technique in reverse to find the areas where their sales prospects are greatest; they rely on Census data, often combining it with proprietary statistics. Many lenders use point systems, based on an applicant's age, income, and other demographic characteristics, to determine his ability to pay. The use of this technique is so widespread among insurance companies that Maryland has decided to establish a state-operated automobile insurance program. An estimated 75% of the drivers who will be covered haven't been able to get policies from private firms—not because of poor accident records, but because of employment or credit records that reflect on their "stability."

No one really knows how extensively such systems are being used today. But it is probable that many organizations don't use the technique because it's too difficult to get the needed data. A universal ID will reduce this problem by making it possible to describe any desired group of individuals and then automatically access the independently maintained data bases that may have records on them.

The social security number is a likely UID; its already being used for purposes never contemplated by the original Social Security Act—to identify students, welfare recipients, and owners of bank accounts, among others. Many companies are now using an employee's social security number to identify his payroll record. And, according to Charles Rowan, executive director of the National Association of State Information Systems (NASIS), some states are encouraging the use of social security numbers by their constituent agencies in the expectation that it will become an official UID. The American National Standards Institute (ANSI) recently drafted a "standard individual identifier (SII)," based on the social security code, and was ready to submit it to a final ballot of the membership until Senator Sam Ervin complained; final action has been delayed, but only until "public policy is resolved."

IT MAY BE TOO LATE

Rowan, the NASIS official, was one of the participants in a lengthy conference on automated personal data systems convened recently by HEW Secretary Elliot Richardson. Another participant—Prof. Arthur Miller of Harvard—said it may be too late to stop the trend toward use of the social security number as a universal identifier.

One purpose of the HEW conference was to analyze procedures that might be imposed on use of this code to protect individual privacy. Late last month, conference participants were at work on recommendations. They will probably complete a preliminary report by the end of next month, which then goes to Richardson for his review. He will pass it around among his department heads for their appraisal, after which the conferees will be asked to prepare a final set of recommendations.

Assuming these recommendations call for changes in present procedure, further time will be needed to implement them. In any case, only HEW's operations will be affected. Further review, discussion, and analysis will be necessary before other federal, state, and/or local government agencies adopt recommendations. This will be "a slow process," said David B. H. Martin, executive director of the conference and a special assistant to Richardson. He didn't see any humor in that remark.—Phil Hirsch.

[From the Evening Star and News, Jan. 22, 1973]

HOME ALARM SYSTEM TESTS SET

(By Brooks Jackson)

The Pentagon plans widescale tests next month on a radio warning system it wants to put in all homes eventually.

The radio receiver listens silently to a government frequency and comes to life only when the military activates it with a coded signal.

The aim is to save lives by broadcasting warnings of tornadoes, hurricanes, floods or nuclear attack.

Installation of the radio device would be voluntary.

Originally, civil defense officials hoped for a law requiring that the radio receivers be built into every new television set but White House broadcasting officials overruled—at least temporarily—the military, which runs civil defense operations. They feared the public might interpret mandatory installation of the receivers as part of a government propaganda and spy system like Big Brother's in George Orwell's novel "1984."

Civil defense officials, who conceived the warning system, have built a bombproof radio transmitter near Baltimore and plan to start test broadcasts to a 10-state area in early February.

About 400 high-priced receivers are being built, and will be distributed at first only to state and local government authorities who want them.

But technicians are close to perfecting a home receiver cheap enough—about $10—for almost anyone to afford.

The civil defense officials call the system DIDS, for Decision Information Distribution Systems.

Planning began in 1964, small-scale field tests were conducted in 1968 and Congress appropriated $2 million for the first transmitter and receivers in 1970. Cost overruns have raised the initial price to $5.7 million.

If next month's tests are successful, and if Congress goes along, the Pentagon plans eventually to build a total of 10 transmitters that together would reach nearly every corner of the Nation except Alaska and Hawaii.

The automated transmitters could be operated by remote control from the North American Air Defense Command near Colorado Springs, Colo., or at either of two backup points.

For warning of a nuclear attack, a controller could turn on every home receiving device in the country. For warning of a flash flood or other natural disaster, he could turn on devices in a certain area, in some cases as small as one-third of a single county.

Specific instructions on how to cope with the disaster could be broadcast.

The Pentagon began thinking about improving its national warning system more than a decade ago, when missiles made the old, telephone-and-siren system obsolete.

That system, changed little today, would take an estimated 30 minutes to reach 75 percent of the population, even under the best of circumstances.

Officials estimate the DIDS system could warn 90 percent of the public in half a minute, if everyone had a receiver.

Before settling on the DIDS system the government rejected a number of other warning systems as too expensive, too unrealistic or technically impractical. Among these were proposals to ring all the nation's telephones with warnings or to send radio warnings over commercial broadcasting stations, whether bureau transmitters or satellites.

THE 55TH ANNIVERSARY OF UKRAINE'S INDEPENDENCE

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Flood) is recognized for 1 hour.

(Mr. FLOOD asked and was given permission to revise and extend his remarks and include extraneous material.)

Mr. FLOOD. Mr. Speaker, this 55th anniversary of Ukraine's Independence is observed at a most interesting and propitious time. For instance, in the U.S.S.R. today the 50th anniversary of the so-called voluntary founding of the Soviet Union is being celebrated. Captive Byelorussians, Ukrainians, Armenians, and other non-Russian nations are being told by Moscow that at the end of 1922 they voluntarily entered into a federation with Russia to form the Soviet Union. The paramount historical fact is that, like the three Baltic nations 20 years ago, these earlier victims of Soviet Russian imperiocolonialism were forcibly incorporated into this new imperial state.

By observing this 55th anniversary of Ukraine's independence we, as free knowledgeable men and women, expose the lie and fraud of Moscow's current propaganda concerning the foundation of the U.S.S.R. What is more, we provide a free voice of truth for the muted Ukrainians and other captive non-Russian nations in the U.S.S.R., who, in their totalitarianized conditions, cannot protest and dissent freely against Moscow's imperialist rule and falsehoods. Indeed, by establishing a Special Committee on the Captive Nations we, in this House, could perform another monumental congressional contribution to popular enlightenment on this and countless other issues fundamental to our enlightened relations with the captive peoples and their captors.

Moreover, Mr. Speaker, the propitiousness of this 55th independence observance is also highlighted by the significant remarks made just this past January 4 by Pope Paul regarding the suppression of Ukrainian Catholicism in the U.S.S.R. As the pontiff put it:

> The Ukrainians and the Ruthenians both have such a great need and hope to find again their independence and their freedom.

Here, too, the important historical fact is that both the Ukrainian Catholic and Orthodox Churches were genocided under Stalin. They do not institutionally exist in the U.S.S.R. And here, too, we in this House can perform a tremendous cultural and humanitarian service by supporting the pending resolutions aimed at the resurrection of these churches in Ukraine.

The Ukraine is the largest Slavic country in Eastern Europe, its population numbering some 47 million. The Ukrainian people obtained freedom for only a fleeting moment in history. This came as a result of the Russian Revolution and the defeat of the autocratic forces of Austria which had been ruling the Ukrainians.

The opportunity for the assertion of freedom came on January 22, 1918, the day they proclaimed their independence. The democratic government instituted in the new Ukrainian National Republic did its utmost to cope with the new state's multiple problems, but it had neither the manpower nor the resources to cope with these effectively.

Before the Republic could master sufficient force to establish itself, the country was attacked by the Red Army in the fall of 1920 and overrun.

In late November of that year the Ukraine was made a part of the Soviet Union thus ending the brief 2-year period of independent existence for the Ukrainian people.

No fewer than 74 nations have become independent since the end of World War II, with some 55 of them smaller in size than Ukraine, which is 232,000 square miles in area. Only five of the 74 new countries have more inhabitants than Ukraine.

You can see, therefore, that we are speaking of a nation both large in size as well as in population.

As an illuminating article explaining the present cultural repressions in Ukraine, I append to my remarks that authored by Dr. Lev E. Dorbriansky of Georgetown University on "Russification in Politico-Economic Demography," which appeared in the autumn 1972 issue of the Ukrainian Quarterly.

The article follows:

RUSSIFICATION IN POLITICO-ECONOMIC DEMOGRAPHY

(By Lev E. Dobriansky)

Five or ten years ago, rarely could one have found scholarly and popular articles devoted to the factor of Russification in what may be properly designated as the politico-economic demography of the Soviet Union. When this writer testified before the Judiciary Committee in the House of Representatives in 1964, a sharp division in academia was represented on the issue, with the majority bias vastly in favor of omitting any consideration for this factor in demographic analyses of the USSR. In fact, a marked disdain was also shown for any so-called politico-economic pollution of pure demographic inquiry.

In contrast to more realistic current trends, by and large, demographic output by Western analysts in their investigations of the USSR displayed an almost exclusive interest in such matters as aggregate population, birth rates and natural increase, female/male ratio, density, urbanization, ostensible Marxian deviations and the like. Hardly any consideration of a critical sort was devoted to the Russian/non-Russian composition of the USSR's population and all of its significant aspects and ramifications. Indeed, from a strictly logical viewpoint, how can one assign any weight to the force of Russification without a basic appreciation of the non-Russian complex in the USSR? The few who did at the time and many years before were viewed as analysts with some political axe to grind. Now, with the nature of the 1970 USSR census revealed and the mounting stories of Moscow's Russification drives in the Baltic area, in Ukraine, among the Jews and elsewhere, the analytic situation is rapidly changing and a greater realism is being shown in the treatment of USSR demographic data.

As will be indicated in part below, the frequency with which popular media such as *The New York Times, The Wall Street Journal*, and *The Washington Post*, to mention only a few, carry articles, reports and editorials linking the demographic trends with the Russification factor, augurs well both for a much needed reorientation of outlook and methodology in the academic precincts of our society and for growing public understanding of the nature and character of the USSR. Since the cause-and-effect relationship between the trends and the factor is one of interplay, with the fundamental trends spurring on Russification and the latter seeking for chiefly political purposes to cast a different image of the former, it should be evident that for the rest of this decade and more the subject, as now portrayed, will grow into major proportions of meaning and significance.

A PROJECTIVE EXAMPLE

There are numerous examples that can be drawn on and produced here for perceptive politico-economic projections of demographic developments in the USSR. Unquestionably, there will be more in the years ahead. As an example of an example, suffice it to mention one of far-reaching scope on the part of an incisive analyst of East European affairs.[1] Professor Lukacs observes: "I do not deny that sooner or later China may reach the status of a World Power such as no Asian state ever reached since the Mongol empire. The Russians know this. But what worries them is less the potential Chinese strength than the consciousness of their own potential weakness." What basic weakness? The professor explains, "Very soon, within a few years, less than one-half of the inhabitants of the Soviet Union will be Russians. Some of the other peoples within the Soviet Union will sooner or later demand more and more independence from their masters in Moscow." In another context of demographic analysis, the essentials of which are given below, this crucial point was actually sounded twenty years ago in certain governmental circles.

Emphasizing several other equally important, related and familiar points, Lukacs continues: "Absolutely contrary to Marx in whose cramped calculations nationalism did not figure, the history of the twentieth century has been marked far less by the struggle of classes than by the struggles of nations. When the dissolution of the unified Russian empire appears imminent, our world will see dangers such as it may not have seen in a thousand years at least." That there will be dangers, no one conversant with the subject will deny, but the speculations beyond this point cannot but attain to a minor level of probability, considering all the forces and elements involved. Without going into such speculations, the important points in this observation are the demographic base and the politico-economic aspects of it. Were the factor of Russification included by the professor, the scheme for present analytical purposes would become complete. For through its Russification efforts, predicated on economic requirements and prime political motivation, Moscow hopes to circumvent the outcome that is being currently projected.

SOME POLITICO-ECONOMIC INGREDIENTS IN IMPERIAL DEMOGRAPHY

A brief look at the past provides us with basic perspectives on the present change in outlook and controversy. They certainly show that the political importance of USSR population statistics cannot be too strongly emphasized. In fact, one may even reach into the pre-Soviet period to witness the political utility of demographic output in the writings of Lenin. For other reasons and objectives, the founder of the RSFSR constantly hammered away on the minority position of the Russians in the Czarist Empire. "In czarist Russia," he reiterated, "the Russians constituted 48 percent of the total population, i.e., a minority, while the non-Russian nationalities constituted 52 percent." According to the 1897 census, there were about 55.6 million Russians in the total empire population of 125.6 million. It is not generally appreciated that a large measure of Bolshevik propaganda was directed at "the oppressed nationalities" in the Russian Empire.

From the time of the first Soviet census in 1920, as ordered by Lenin and even before the Soviet Union came into being, to the recent one of 1970, sharp criticisms have been made with respect to coverage, techniques, and padded results. In the period of the wars, both civil and international, the 1920 census

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Footnotes at end of article.

failed to cover Turkestan, the Caucasus, parts of Ukraine and the Far East. Curiously, during the Lenin centennial the census was hailed as Lenin's first great accomplishment. The more successful 1926 census had the Russian percentage of the total population rising to 53 per cent, with 77.7 million out of 144.3 million in the new empire. The elimination of the Baltic, Polish and Finnish populations accounted for some of this.

As concerns the falsification of census results, the aborted 1937 one and that of 1939 are flagrant examples over which much controversy ensued. The former would have shown a marked population loss resulting from the man-made famine and Stalin's purges. Whereas in 1937 the aggregate population should have been well beyond 170 million, the 1939 census recorded this total for an increase of some 26 million over 1926, or at about an annual increase of about 1.3 percent. By all calculations, the 1939 population should have been above 180 million had the famine, purges and the like not taken place. Some estimates of the losses would place the actual 1939 aggregate at a lower level.[2]

In addition to the validity of aggregate totals, a serious question has constantly been raised as to the Russian/non-Russian total ratio. Sparse indications have appeared on the real, relative fertilities of the two groupings. In 1941, G. M. Chekalin let slip a greater non-Russian ratio, and toward the end of the decade a standard economic geography text in the USSR had this to say: "Particularly rapid is the natural increase of population among the formerly oppressed nationalities. The census of 1926 showed that already the rate of natural increase among the formerly backward nationalities surpassed considerably the average birth rate of the USSR as a whole." In the period Ukraine alone averaged 2.38 per cent.

One of the first comprehensive analyses of USSR population statistics appeared in the post-World War II period. The work emphasized, among other things, the change in the definition of nationality from the '26 to the '39 census, the latter making it simply a matter of choice. It emphasized also that some ethnic groups were not included in the census, while a number of Asiatic tribes were simply lumped as "Russian." One of the chief points was that by virtue of necessary political association and career opportunism, countless non-Russians have deemed it expedient to be counted as "Russians." Doubtless, in addition to these are the untold numbers who, for fear of recurrent persecution, choose to declare themselves "Russian" rather than to acknowledge their true nationality, as per birth and place.

Taking these and other factors into account, the Displaced Persons Commission in 1951 engaged our government demographers who extrapolated the '39 census, arriving at a total population of 202 million, with a 91,520,472 Russian and 110,567,405 non-Russian breakdown. Or, in other words a 54.7 per cent non-Russian part of the total population. The study showed also that except for the RSFSR and the Karelo-Finnish SSR, the Russians placed as a clear minority in each of the non-Russian republics. In the largest of them, the Ukrainian SSR, for example, it estimated a total population of 42,272,943, broken down into 3,889,111 Russians and 38,368,832 non-Russians, or 90.8 per cent of the total.

Significantly, the disclosure of the study's results drew a sharp, public blast from the MVD chief, Lavrenti Beria, who in behalf of the Kremlin denied the advanced Russian/non-Russian ratio. Thus, twenty years ago the subject became one of international controversy. In the years following, the controversy continued in many interested circles and publications. As one example, editorials in *The Washington Post* dwelled on the subject in August-October 1954. Ten years later, to give another example, the Committee on the Judiciary in the U.S. House of Representatives treated the problem extensively and with incisive analysis.[6]

THE CONCEPT OF NON-RUSSIAN NATIONS IN THE USSR

It should be evident by now that the vital concept of the non-Russian nations in the USSR, which has broad politico-economic applications, is fundamentally grounded in the demographic base. The preceding background was necessary in order to show both the running controversy over USSR population statistics and the crucial importance of the Russian/non-Russian component in the data. It was provided in order to focus attention on this Russian/non-Russian complex. No doubt, the given demographic data from Moscow are significant from other angles of analysis. Trends in terms of internal migration, urbanization, density, female/male ratio, aging, and the marked decline in natural population increase are highly important for other uses and projections, but here, except for the last, they have minimal use. Even so-called Marxist ideology and its stress on the absence of a declining birth rate and excess population in a hypothetical socialist environment, interesting postulates in themselves, are of no relevance here.

Concentrating on this complex, it becomes almost self-evident that a number of immediate questions arise: What is really the All-Union majority? Of what significance is the individual Republic majority? Are there in reality the oft-quoted 176 to 205 "nationalities"? What meaning can be assigned to such official and popular usages such as "the Soviets," "national minorities," "the ethnic groups of the USSR," and "Soviet nationals"? In view of current projections, what are the prospects for further Russification as a policy of population growth in the USSR? As one writer recently put it, "the European Russians, who have a slight majority in the 'nation's' total population are worried that unless they increase their numbers, many of the other nationalities of the Soviet Union will shake loose from Moscow control. In almost all of the fringe areas of the Soviet Union, the 'national' government has tried to impose 'Russification' by encouraging young European couples to emigrate."[7] These and other questions deserve realistic answers if the political significance of Moscow's demographic figures is to be properly distilled.

Before examining some of the figures in both the '59 and '70 census, it should be observed that in the spring of 1970 open rumors circulated in the USSR as to the possibility of a minority status for the Russian population in the forthcoming census, as though to prepare the scene for this outcome. As will be seen, the '70 census showed otherwise. This, however, was not surprising to many critics of the USSR census process which still is undoubtedly hampered in many ways.

One such way is the continued political influence wielded through the Central Statistical Administration. Previous censuses have been affected in this manner. The political impact in image and reaction to an All-Union minority position for the Russian population apparently hasn't been fully assessed. Aside from the problems of reclassification and proper questioning about national origin, the continued drop in the birth rate, notably in urban centers in the RSFSR and parts of Ukraine, will make this adjustment inevitable. That is, if Russification influences are not stepped up to offset the natural development of things. In fact, with the natural increase dropping from 16.6 per thousand in 1961 to 9.7 per thousand in 1968, this tempo of decrease points not only to a statistically determined adjustment in favor of the non-Russians that are more rurally situated but also, on an overall basis, to a replacement of population reproduction by depopulation.[8] Projected objectively, it can result on Moscow's own statistical grounds and with some typical padding in a non-Russian majority by the end of this decade and a non-Slav majority by the end of the century.

Another significant way hampering the census process is the comparative lack of technical demographical development in the USSR. No single research center on demographic problems exists in the USSR, and no special organ, such as do exist for problems of history and economics, is available for critical use of the state's demographers. It should be noted that constructive criticism in the *Problems of Economics* contributed heavily to the reform program, such as it has been, since 1965. Yet, despite *all* this, a healthy skepticism must be maintained toward the economic statistics furnished by Moscow. In short, the technical development on the demographic level has lagged considerably, although it must be recognized that in its preparation and combination of direct questioning and sampling, the 1970 census is a substantial improvement over preceding censuses.

DISCOUNTS OF THE USSR CENSUS

Given the questionable vital statistics meted out by Moscow, there are nonetheless a few real qualifiers and discounts that with political import convey a different picture of the demographic scene in the USSR. To be sure, there are various ways of interpreting the actual data released—Moscow's way, an uncritical acceptance of the data in the West, a critical demographic way void of political considerations, and what may be called a critical politico-economic demographic way. The last is the methodology employed here. No more than military, economic, social and other types of statistics issuing from Moscow, demographic ones are equality, and in most cases more, subject to politico-economic qualification. Definition and classification are essential in this critical methodological interpretation.

At the outset, a patent contradiction appears between Moscow's political pretense of sovereign among equals for the fifteen republics and its demographic presentations. In a sovereign nation-state, such as the U.S., a census is formed substantially on the basis of a citizen-national residing in this country. So with other nation-states. The USSR, professedly a multi-national state where equal sovereignty ostensibly prevails among the republics, would clearly show a non-Russian majority on this basis. Thus, for example, a "Russian" residing and making his living in Byelorussia would technically be classified a Byelorussian in the sovereign national state or republic of Byelorussia, albeit of ethnic Russian background.[9] As reported in the 1970 census, there are presumably 129 million Russians in the USSR, of which 107.7 million are in the RSFSR and the remainder, or about 21.3 million are in the "sovereign national republics." Accounting for the 3.3 million Ukrainians and others of non-federative status in the RSFSR, the net balance on the basis is non-Russian in character. The fact that the so-called Russian republic is federative guarantees the non-Russian status of those in the autonomous republics, such as the Tatars, Bashkirs, Yakuts, Mari and others.[10]

Of course, by the nature of the USSR, the above is a theoretical point, but one worthy of propaganda exploitation in its truest sense. Reams of Moscow, Minsk, Kiev and other propaganda underline the *national* sovereignty of each of the non-Russian republics, unlike the so-called sovereignty of our States. On the assumed national basis, the contradiction between political thesis and demographic presentation appears quite

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Footnotes at end of article.

clear. If, on the given basis, the "Russians" in the national sovereign republics are to be construed as such, then in the light of the vaunted political thesis they cannot but assume the status of aliens in the "sovereign" non-Russian republics. Further, if Peking in its current propaganda against Moscow and in favor for example, of "an independent and Sovereign Socialist Ukrainian Republic" understood this contradiction, it would unquestionably pursue it to the limit and across-the-board.

Closer to the physical realities in the USSR, it is noteworthy that as concerns the Russian/non-Russian ratio in that multinational state, the 1970 census resulted in a slight drop in the Russian percentage, from 54 per cent to 53 percent. In the 1959 census, the total population was given as 208.8 million with 114.1 million Russians and 94.7 million non-Russians. In the 1970 census, the total is 241.7 million, with 129 million Russians and 112.7 million non-Russians. The apparent difference now is 14.9 million more Russians over the eleven year period and 17.9 million more non-Russians. Fundamentally, as indicated by relative fertility rates and environment, the trend is in the natural direction and with statistical validation and will doubtless continue. How it will show up in future estimates and census-taking will depend on political considerations more than economic or biological ones.

Now, in terms of politico-economic demography, if one takes the '59 census figures, certain real qualifiers give a different picture of the demographic situation. The formula would apply even more to the '70 census in view of the reduced Russian percentage. First, nowhere in the national and ethnic classification is mention made of the Cossacks who inhabit the region east of the Ukrainian SR and north of the Caucasus.[11] They are not to be synonymized with romantic portrayals of sword-wielding Czarist cavalry-men. It is estimated that some ten million Don, Kuban, Terek and other Cossacks exist. If this is so, then on the basis of numerous evidences of differentiated identity and expressions toward national independence the Cossacks should not be arbitrarily lumped as "Russians." The evidences include: historical designation of Cossackia as far back as the 1t8h century; Kuban declaration of independence on February 16, 1918, Don on May 17, 1918, Terek on June 13, 1918; efforts toward unification and creation of Cossackia; Cossack D.P.'s at the end of World War II; the autonomous Cossack spirit reflected in and captured by Sholokhov's *And Quiet Flows the Don;* Khruschev's attempted use of Sholokhov's Cossack identity to counteract the Captive Nations Week resolution in 1959; and the fame of the Don Cossack chorus.

The ten million estimate for this largely rural and self-identifying group would have to be deducted from the generic "Russians," leaving in the '59 census 104.1 million Russians and 104.7 million non-Russians. Realistically applying the Lorimer caveat on opportunism and career bias, a conservative five million change further would reduce the Russian component additionally. It has always been rightly suspected that the Jewish count is on the down-side, 2.2 million for '59 and 2.1 million for '70.[12] Under fear of reprisals untold Jews have assumed Russian identity. The count is more realistically over three million. Finally, allowance would have to be made for usual front-office padding that is characteristic of much Moscow statisticizing. Applying all this to the '70 census, the results would be roughly 114 million Russians and 127.7 million non-Russians.

Further applications of this analysis on national and discernible identity bases would result, in addition to an All-Union non-Russian majority, in non-Russian republic minorities (excepting for the moment the Kazakh SSR), about 87 per cent of the non-Russian population on an integrated or near national foundation, and the remainder made up of small ethnic groups. Although since 1959 the Kazakhs have appeared as a minority in the given republic—2.7 million of 9.1 in '59 and 4.1 of 12.8 million in '70—from the viewpoint of their Turkestanian identity, combining the republic with the other four Central Asian republics would obviously make them an integral part of the majority population in the area. It must be recalled that back in the 20's Moscow arbitrarily divided this area to discourage unified Turkestanian national interest. Strangely enough, an USSR military map will designate the area as the Turkestan District.

THE LESSON FOR THE FUTURE

Sober reflection on these essentials in USSR politico-economic demography cannot but lead to one conclusion, one that serves as the lesson for the future. The demographic facts are stacked up against the political aspirations and objectives of the totalitarian Russian rulers. The global image of a minority Russian nation in the USSR is too much for the Kremlin leaders to stomach, and though it really has been in the minority for some time, statistical manipulations by Moscow have enshrouded this basic fact through the 1970 census. On the basis of earthy fertility trends it is doubtful that the Kremlin clique can shamelessly pull off similar tricks by 1980. As all the weighty evidence points to, the Russian leadership will press hard on its Russification program to support its manipulative endeavors, notably on the pretext of internal migrations and economic requirements. Whether this course of misleading world attention eight years hence will succeed, depends on a number of factors.

One such factor is the wholesome resistance of the non-Russian nationals in what is truly an identity crisis. This applies more to the Slavic elements than to the non-Slavic. Another factor is the support and free voice given to this groundswell of resistance by knowledgeable circles in the Free World and in the United Nations. That in this decade there will be considerable opportunity and fertile ground for this kind of action goes virtually without saying. A most significant stroke in this direction was taken by Director Frank Shakespeare of the U.S. Information Agency when in a directive last spring he clearly stated, "The people of the major nations within the Soviet Union should be referred to by their nationality, i.e. Ukrainians, Georgians, Latvians, Russians, Uzbeks, Armenians, etc." [13] In this unprecedented directive he also stressed that the Soviet Union as a people is "a semantical absurdity . . . There is no Soviet nation and never will be." He may not realize it, but his official action is in the vanguard of numerous things to come as the pressure of inexorable demography mounts, the Russians seek an out through Russification—which, incidentally, failed in the 1860's—the Red Chinese intensely propagandize against this "social imperialism," and Free World groups see the increasing importance of all this and act accordingly. In short, the problem here is not Malthusian over-population with all its socio-economic consequences but rather properly identified population with all its global politico-economic meaning.

FOOTNOTES

[1] John Lukacs. "The End of the Cold War (And Other Cliches)," *Worldview,* February 1972.

[2] For a concise background account see Ts. Garcia. *The Soviet Census, 1970.* Radio Liberty Committee, New York, 1970.

[3] S. S. Balzak. *Economic Geography of the USSR.* New York, 1949, p. 174.

[4] Frank Lorimer. *The Population of the Soviet Union: History and Prospects.* Geneva, 1946.

[5] Hon. George A. Smathers. "The Tragedy of the Ukrainian Nation," *Congressional Record,* October 17, 1951.

[6] *Study of Population and Immigration Problems: Nations, Peoples, and Countries in the USSR.* Special Series No. 17(b), GPO, 1964.

[7] Murray Seeger. "Mother Russia Forsakes Hearth," *The Washington Post,* August 17, 1972.

[8] Anthony Astrachan. "Soviet Census Shows Russian Hold Majority, Jews Decrease," *The Washington Post,* April 17, 1971.

[9] A. Ivanou "1970 Census: BSSR and the Byelorussians," *The Byelorussian,* New York, October 1971.

[10] "Report of the Central Statistical Bureau of the USSR Council of Ministers." *Radyanska Ukraina,* Kiev, April 17, 1971.

[11] See for a passably adequate account Gen. Wasili G. Glaskow. *History of the Cossacks,* New York, 1972.

[12] "Soviet Census Figures on Jews Questioned," *The Evening Star.* Washington, D.C., October 30, 1971.

[13] USIA Here Bars 'Soviet' from Usage," *Associated Press,* March 24, 1972.

Mr. DERWINSKI. Mr. Speaker, will the gentleman yield

Mr. FLOOD. I yield to the gentleman from Illinois.

Mr. DERWINSKI. Mr. Speaker, I am pleased to join in the special order commemorating Ukrainian Independence Day.

It was 55 years ago on January 22, 1918, that the Ukrainians declared their independence from Communist Russia. But the freedom and independence to which they had aspired for two and a half centuries lasted only a few years and was soon extinguished by the Communist Russian takeover. Since that time, the Ukrainian people have not given up hope of being served by a government of their choice. It is, indeed, appropriate that so many Members of the House join in emphasizing the right of the Ukrainian people to self-determination and freedom.

In commemoration of the just but short-lived freedom of the Ukrainian people, I insert an address by Dr. Lev E. Dobriansky, president of the Ukrainian Congress Committee of America, to the 11th Congress of Americans of Ukrainian Descent, and a telegram from President Nixon to the UCCA Congress:

WE KNOW WHERE WE ARE GOING

(Address by Dr. Lev E. Dobriansky,
president, UCCA)

Ladies and Gentlemen, Delegates and Friends, Ukrainian Americans All in a common cause as on so many previous occasions it is a genuine privilege for me to address you on this 11th Congress of Americans of Ukrainian Descent. Having been honored to lead UCCA for almost a quarter of a century, it is my fervent hope and desire today, as it was the first time in 1949, that this Congress be the most productive and fruitful one yet. And I say this with the same youthful energy, enthusiasm and outlook that I had then, for being a professor among student youth daily I have long come to know that youth demands definition—is it chronological, biological, mental or experiential? On these realistic bases you are all youth by the very fact that you are here this week-end to share experience and ideas, to put your energies to work in plans for the future, and with youthful wisdom and enthusiasm to be firm in our common conviction that "We Know Where We're Going."

MORE "FIRSTS" IN A CONTINUOUS PROGRAM

It is not my purpose here to present you with a detailed report of the activities and accomplishments of this past UCCA Administration. Such a report would be voluminous and would only duplicate what has been condensed for you in preparation of this Congress and what has been regularly related for the past three years in our newspaper organs and the various sources of UCCA publications. Amidst the volume of detailed activity and representation, what should be pointed out are the several outstanding "firsts" of this administration, made possible by the truly superb cooperation, collective thought and far-seeing vision of all members of UCCA's executive body and other organs, to whom I earnestly express my grateful thanks and heartfelt appreciation. Accomplished openly and also through less publicized means, these "firsts" are:

(1) a new level of protest and encouragement from our Department of State and our representatives in the United Nations concerning Russian cultural and other oppressions in Ukraine than has ever been attained before;

(2) a new policy in the United States Information Agency which bars the misleading use of such terms as "Soviet people," "Soviet nation" and so forth, and underscores consistent terms on the scale of respective national identification. Here our tribute to the Honorable Frank Shakespeare tomorrow evening cannot be enough;

(3) an instrumental involvement in having the President of our Nation pay a visit for the first time to the largest non-Russian captive nation both in the USSR and Eastern Europe, namely the base of our heritage, Ukraine;

(4) for the first time a whole week of coverage in breadth and depth of the 1972 Captive Nations Week over the facilities of the Voice of America;

(5) in this Administration more than ever the consistency of attacks from Moscow and Kiev against UCCA and me personally, as seen in the *Ukrainsky Visti, International Affairs, Na zadvirkakh istoriyi* (In The Backyards of History), Radio Moscow and so forth; and

(6) also for the first time in official U.S. reports and media, with an overflow in unofficial reporting, the accurate designation of Olympic participants from the USSR according to their nationality (and in this Congressman Edward J. Derwinski has our tribute as well as Mr. Shakespeare).

These "firsts" just supplement the magnitude of UCCA's operations in what is a continuous methodical program designed to achieve our objectives. Each of us here must give sober thought to three essentials that have guided us all these years not only in realizing new accomplishments but also in intensifying and expanding previous ones in a cumulative development that has placed our organization at the forefront of pertinent international and national issues and also at the envy of others, some who think we're vested annually with a million dollars. These essential guidelines have been and are: (1) UCCA operates in a world and national context, and not in a vacuum unaffected by forces and influences arising in this context; (2) UCCA is the prime instrument and institutional expression of the principles and objectives that we commonly share, and not some imaginary parliament for the play of dislocated politics and outmoded rivalries; and (3) UCCA orients itself continually to the demands and challenges of the future, and not on any laurels and achievements of the past. It has been and is on these bases that "We Know Where We're Going."

UCCA IN THE WORLD AND NATIONAL CONTEXT

A few years ago Stephen Rosenfeld of *The Washington Post's* editorial board wrote that under our leadership Ukrainian Americans were being taken out of the mainstream of thought and policy in this country aimed at a detente with the Soviet Union and other communist-dominated states. Nothing could be further from the truth. What he and others perhaps meant is that we are firmly fixed in our principles and concepts and refuse to ride the temporary tide of illusions that the permawar of the Red regimes is over, that Moscow or Peking have renounced their goals for world domination, that Soviet Russian imperio-colonialism is a thing of the past, and that the captive nations are no more. Our principles are grounded in our understanding of the world and national context, and these and other illusions form no part of it.

The truth of the matter is that though fixed in principles, we have been quite flexible in action on many fronts. As one example, concerning present trade with the USSR, we were in the forefront of the advocacy of a poltrade policy, which some call today "linkage" between economic trade and political concessions. The concession sought by our Government today is relief from the Vietnam war, but what of tomorrow in another round of trade agreements. It would be suicidal for us to beef up the USSR economy without crucial concessions pertaining to Ukraine and the other captive non-Russian nations in the USSR.

Another example was our position regarding the opening of relations with Red China. We did not oppose it so long as every attempt was made to maintain Free China in the United Nations, and our treaty commitments with the recognition of the Republic of China remained unimpaired. This was a perfectly rational position, reconciling principle and flexible action, because of the larger issue of the Sino-Russian conflict. The significant importance of this conflict and the exposure of Red China to the world are of fundamental meaning to the whole concept of the non-Russian nations in the USSR which we have advanced in the forefront of advocacy and proponency. The subject of Ukrainian independence and that of the other captive non-Russian nations certainly cannot be pursued in void of these broader developments. The opportunities these broader developments provide for the further advance of our operations and goals are immense; and with cultured understanding, insight and vision we must be ready to seize them. And we will because "We Know Where We're Going."

Just one more example. As many of you know, we have developed a captive nations analysis that incisively applies to Eastern Europe, within the Soviet Union, Asia and Cuba, and is quite flexible to encompass South Vietnam and the Republic of China, should our national principles be dishonored. There are those who, ostrich-like, have turned their backs to the captive nations; there are those who can't rationally perceive the links between the captive nations in the USSR and those in other parts of the Red empire; and there are those who believe that detente and a new peaceful relationship with the communist regimes would be greatly advanced by the elimination of Captive Nations Week and all that goes with it. George Kennan, in his latest *Memoirs*, relates how he appealed to President Kennedy not to issue a Captive Nations Week proclamation in 1961. The President promised not to, but issued one nevertheless.

This same misguided feeling was to a lesser degree noticed at the recent Republican Convention platform hearings where in substitution of "captive nations" the platform was compromised to read support for the "political freedom of subjugated peoples everywhere in the world." Mark this: despite these and other heavy pressures, every President from 1959 on has annually issued this proclamation, no matter how toned down. Each in his own way has attested to the reality of the captive nations while, not contradictorily, pursuing detente and negotiation. These acts, despite the heavy pressures, also attest to the fact that "We Know Where We're Going."

In short, case after case of such decision-making to project our fundamental ideas and principles can be cited. Our country has been and is in a state of confusion, more so four years ago than now. Pressures from various sources in the USSR, and particularly that of non-Russian nationalism, are impinging upon the Kremlin totalitarians for a change in institutions, and we, to be finally relieved from the Vietnam war pressure, are in a deal to relieve Moscow of an immediate economic pressure. No matter how you slice it, strategic military power still is, and will be for some time, bipolar between the USSR and USA; yet some are confusing reality with a pentagonal vision of global power distributed among the USA, Western Europe, the USSR, Red China and Japan. Realistically, for us the chief contender for global power and also our main enemy is and will continue to be the imperialist Russian base in the USSR. If you have been reading your papers of late, even the Red Chinese have been stressing this point.

While by numerous evidences this country of ours has suffered some collapse of national will, is struggling for a new sense of purpose and mission, we as a group can proudly say that despite many obstacles and heavy counter-forces we have maintained our will, our purpose, and our mission to preserve the strength of our America and thus in progression of time and effort to contribute to the freedom of Ukraine and all of the captive nations. This has been and is the basic philosophy of UCCA, and with firm conviction in it "We Know Where We're Going."

UCCA AS THE PRIME INSTRUMENT

For the conveyance and implementation of this philosophy the UCCA has been and is the prime instrument and institutional expression. A modicum of common sense rules that the lambastings it continually receives from Moscow and Kiev are not motivated by any love for us and what we stand for. The concrete principles of UCCA have been stated and re-stated time and time again. Suffice it here to repeat that our basic principles as an American national organization are (1) primary service to the national security of this country (2) through the strength and enlightenment of our Nation the final freedom and independence of the reservoir of our heritage, Ukraine (3) the eventual liberation of all the captive nations and (4) constructive efforts towards a peaceful community of free nations in Europe whatever the democratically accepted forms of political and economic association. There are derivative principles, but these basic ones are sufficient for our messages here.

To strengthen and fortify this instrument for the great, challenging period ahead, we must be honest with ourselves to face up to certain facts of political life. For one, we must vividly recognize the fact that foolish, neo-isolationist forces in this country work counter to our principles and operations and that, as a consequence, we have no alternative but to work harder and more diligently for what you and *I believe in*. Second, despite the impressions others have of our supposedly well-financed organization, for a national organization with international goals we have been operating on an annual shoe-string. A Hadassah branch garners in one week-end what we nationally manage in one year. Broad aspirations can be easily verbalized, but for an organization to work for them with progressive success demands more than wordy support. Third, involvement and activism are terms which only a few years ago found pointed currency on our campuses and in the streets, but we have been preaching this for our communities for two decades, not on the campuses and the streets but within and among other American organizations, within the two and even other political parties, within governmental channels, among the media, and nationally and internationally. Bluntly, it means to express our views to Mayors, Governors, Senators, Representatives and others in favor of successive projects launched by UCCA. It also means to have all of our organizations and institutions involved, particularly our fraternals, our veterans, our numerous national groups and certainly our Churches. Their degrees of present involvement are known to most of us.

Fourth, we must also face up to the fact that there has been an unwholesome restrictive tendency in our organizational efforts. As an American national organization—and we can't sensibly presume to be anything else—we have seriously neglected our appeal to all Americans of Ukrainian descent, whatever their generation, whatever their capacity to understand or speak or write Ukrainian *so* long as they possess in their hearts and minds what the tongue can never equal. There are tens of thousands of them, but we insularly remain indifferent toward them and short-change ourselves as the practical abilities and talents that could be fruitfully utilized for the essential tasks at hand.

Lastly—and I'm sure this will astound some here—in my many years at the helm of UCCA, countless non-Ukrainian Americans have asked me whether it is possible to join and support UCCA through membership in its component local organizations simply because they believed in what you and I believe. The way we are presently structured, unfortunately, the reply had to be negative. But let me remind you that there are American Jewish organizations with sympathetic gentiles, most of whom know no Hebrew or Yiddish, that worked and succeeded together in creating and protecting the independent Israel state; that there are Irish American organizations with supporting non-Irish members, most of whom know no Gaelic, that worked and succeeded in creating an independent Ireland and are currently involved with Ulster; and that Black organizations in this country have white member supporters who have successfully worked together to advance Black interests. Where a cause is honestly deemed to be historic and sacred, far surpassing UCCA, you or me, there can be no narrow and arbitrary limits to its convinced and helping supporters. Again, in short, learning by the successful experience of others and being ready to accommodate change, then "We Know Where We're Going."

DEMANDS AND CHALLENGES OF THE FUTURE

In near conclusion, let me state that in all these years it has been a veritable record of experience and pride for me to represent you on the far-flung fronts of our activities, involving addresses, writings, consultations, meetings, TV, radio and sundry participations of all sorts, Congressional testimonies, world-wide travel, the constant development of new contacts and the steady cultivation of old friends of our cause, and so forth. As our activities have progressively expanded, unfortunately, sheer scarcity of time and resource has caused a selective restriction in more personal contacts with you and your organizations. I hope, on this score, that your charity of understanding is sufficient to absolve me of what may appear to be neglect. The course of such representation, which means not speaking to each other on problems we know alike but to fellow Americans and foreigners who don't or insufficiently know them, is, I assure you, a demanding and time-consuming one. Whomever you democratically choose to lead in the next Administration must be apprised and sufficiently appreciative of the continuum of purpose, mission, knowledge and issues of UCCA in the broad contexts set forth here.

With vision, determination and much initiative he or she must be prepared for the inevitable changes, and thus opportunities, of the near future. Some of the continuities that must enter into your programming for the next four years are:

(1) a continuous and expanded propagation of our truths through *The Ukrainian Quarterly*, the *Congressional Record*, our newspaper organs, more books and pamphlets so that our enemies will continue to know that with their tactics they might fool some Americans but they can never fool us;

(2) a continuous involvement in the new Ethnic Heritage Studies program, which we testified and battled for;

(3) steady pursuit of the Congressional resolutions calling for the resurrection of the Ukrainian Orthodox and Catholic Churches, which the Department of State has been studying since last May;

(4) application of our poltrade concept to the USSR, which our fellow American Jews have seized upon for the exit of Jews from the USSR but which could apply also for the exit of Ukrainians, Balts and others in controlled measure and the cessation of Russian cultural repressions in Ukraine;

(5) celebration in 1974 of the 10th anniversary of the unveiling of the Shevchenko statue in Washington and the resumption of efforts toward a Shevchenko stamp and cognate goals on the occasion;

(6) continued participation of UCCA in international and national organizations, such as WACL, the ACWF, NCNC and so forth;

(7) a progressive entry of UCCA in preparations for our American bicentennial in 1976; and

(8) continued effort to influence the '76 Olympics for greater accuracy of national designation in the USSR participation.

These are just a few items on UCCA's horizon. There are many more, and there are traditional ones in our established working machinery without which our impact and effectiveness would be gravely impaired. But to effectuate all this and more quite plainly demands your vivid sense of purpose, resolve, unity and both your moral and material support. For in powerfully demonstrating these qualities for the challenging four years ahead, you will be demonstrating to all our friends and enemies, here and abroad, that "We Know Where We're Going."

[From the America, Ukrainian Catholic Daily, Philadelphia, Pa., Oct. 19, 1972]

PRESIDENT NIXON'S TELEGRAM TO UCCA CONGRESS

Dr. Lev E. Dobriansky,
President, UCCA:

My warmest greetings go out to the delegates of the Convention of the Ukrainian Congress Committee of America. You are to be commended on your consistent efforts to keep alive the rich cultural traditions of your forebears and to perpetuate the same high standards that have always characterized the contributions of Ukrainian Americans to our national life.

Your staunch appreciation of the heritage of freedom we cherish as Americans is a source of sustaining vitality and strength for our country. I hope that your meeting will be a productive and rewarding one for your members, as well as for the nation you serve with such loyalty and devotion.

Richard Nixon.

White House, *October 5, 1972.*

Mr. GERALD R. FORD. Mr. Speaker, I am happy to salute the Ukrainian people on the occasion of their 22d of January celebration, the event marking the 55th anniversary of Ukrainian independence.

This year's celebration was somewhat dimmed. The incessant and systematic oppression of the Ukrainian people by the Soviet Government has continued. Last year, over 100 Ukrainian intellectuals were arrested. These people are still imprisoned.

The people of the free world cannot allow this repression of basic freedoms of speech and thought to continue. It is the duty of each of us to voice our strongest condemnation of the infringements.

I hope that all Members of Congress will add their voices to those of the Ukrainian Americans who are protesting the destruction of the Ukrainian cultural heritage by the policy of forced Russification.

Let us hope that the spirit of independence may forever continue among the Ukrainian people.

Mr. ANDREWS of North Dakota. Mr. Speaker, the violation of human rights everywhere in the world should be the concern of the whole civilized world. January 22 has been set aside to call special attention to the plight of the 48 million people oppressed by the Russian Communist rule of the Ukraine. Their plight is called to our attention by the Americans of Ukrainian decent whose love for the freedom they have in this country makes them especially concerned about the enslavement of their native homeland. It is my privilege to represent many Americans of Ukrainian descent who live in North Dakota and I insert in the Record at this point a letter I received recently from one of them, Dr. Anthony Zukowsky, vice president of the Ukrainian Congress Committee of America and president of the North Dakota branch of that organization:

Ukrainian Congress
Committee of America, Inc.,
Steele, N. Dak., January 3, 1973.

Hon. Mark Andrews,
House of Representatives,
Washington, D.C.

Dear Mr. Andrews: January 22, 1973 will mark the 55th Anniversary of the proclamation of the Independence of Ukraine, and the 54th Anniversary of the Act of Union, whereby all Ukrainian ethnographic lands were united into one independent and sovereign state of the Ukrainian nation. Both the Independence of Ukraine and the Act of Union were proclaimed in Kiev, capital of Ukraine, on January 22, 1918 and January 22, 1919, respectively.

Regrettably, the young Ukrainian democratic republic was immediately attached by Communist Russia, despite the fact that the new Soviet Russian government had officially recognized Ukraine as an independent and sovereign state. The same recognition to Ukraine was granted by the Central Powers and a number of states of the *Entente*, including France and Great Britain. By 1920, Ukraine, alone and unaided, succumbed to the vastly superior forces of Communist Russia, which destroyed the Ukrainian National Republic, created a Communist puppet government in Ukraine known as the "Ukrainian Soviet Socialist Republic" and incorporated it forcibly into the "Union of Soviet Socialist Republics" (USSR).

Today, the Kremlin is preparing whole-year celebrations throughout the Soviet Russian empire to commemorate the 50th anniversary of the "founding" of the Soviet Union, which was established on December 30, 1922.

In this connection, the Central Committee of the Communist Party of the Soviet Union (CPSU) and all its subservient branches in the so-called "union republics" are conducting a mammoth propaganda campaign for the purpose of creating another Soviet myth, namely, that the USSR is a model multinational state, in which all component member-republics are truly "sovereign," in which the nationality problem has been "solved" satisfactorily and in which relations between the various nations are based on the "principles of true equality and friendship."

But, the reality is something different, as we can see in the case of Ukraine and the 47-million Ukrainian nation.

The entire history of Soviet-dominated Ukraine is a ghastly record in inhumanity, outright persecution and genocide, Russification and violations of human rights on a scale not known in mankind's history. Under Stalin, Ukraine was marked for physical destruction and denationalization; under Khrushchev and Brezhnev-Kosygin the outright terror was replaced by the subtle process of destroying the Ukrainian national consciousness and identity through Russification, persecution of "Ukrainian bourgeois nationalism" and the propagation of "fusion" of all non-Russian nations in a spurious "all-Soviet people" which essentially would be the Russian people.

In summing up the Soviet Russian rule in Ukraine, the following results exemplify the enslavement of Ukraine:

During the 50-year rule of Moscow over Ukraine literally millions of Ukrainians have been annihilated by the man-made famines, deportations and outright executions;

Both the Ukrainian Autocephalic Orthodox Church and the Ukrainian Catholic Church were ruthlessly destroyed and their faithful members were incorporated into the Kremlin-controlled Russian Orthodox Church;

All aspects of Ukrainian life are rigidly controlled and directed by Moscow; the Academy of Sciences, all scientific and research institutions, universities, technicums, publications, the press, party and government apparatuses, youth, women's organizations, trade unions, and so forth;

Arrests, trials and convictions of hundreds of young Ukrainian intellectuals-poets, writers, literary critics, playrights, professors and students are charged with "anti-Soviet propaganda and agitation" though, in fact, these people profess loyalty to the Soviet state, but fight against its abuses, violations, and police rule. Among them are noted writers and thinkers such as V. Chornovil, I. Dzyuba, I. Svitlychny, E. Sverstiuk, V. Moroz, L. Plushch, and many others. Yuriy Shukhevych, the son of General Roman Shukhevych, commander-in-chief of the UPA, has been in and out of Soviet concentration camps since the age of 15; in September 1972 he was again sentenced to ten years at hard labor for refusing to denounce his assassinated father and the ideal for which he was killed: a free Ukraine.

Today, Ukraine more than ever is a colony of Communist Russia, a land of inhuman persecution and economic exploitation.

Therefore, we kindly request you to make appropriate statement on January 22nd on the floor of House of Representatives in support of the Ukrainian people in their undaunted struggle for human rights and freedom, which are the basic presents of our modern and civilized society.

Sincerely yours,
Dr. ANTHONY ZUKOWSKY,
President.

Mr. SARASIN. Mr. Speaker, January 22 marked the 55th anniversary of the proclamation of sovereignty by the Ukrainian National Republic. The newly found independent status enjoyed in 1918 by the Ukrainians broke a centuries old scenario of invasion and subjugation by various oppressors, including Mongols, Poles, Czar Peter the Great, and the Bolsheviks.

Despite pledges to respect and honor Ukrainian independence, the Russian Federated Soviet Socialist Republic proffered only subversion and military aggression. Within 3 years the Ukraine was once again under the tyranny of the Soviet regime.

Opposition from Moscow has thwarted even the most meager efforts toward political, economic, and cultural development. Resistance movements have been countered with Soviet authorized deportation, starvation, and execution.

The Ukraine is in actuality but a constituent state of the U.S.S.R., yet its patriots have kept alive the spirit of nationalism and have nurtured the hopes for freedom.

Stanch in their desire for freedom, the Ukrainians hold as their ideal that which we won in 1776 in the American Revolutionary War.

The United States should take concerted actions to encourage this nationalistic spirit and the struggle for self-determination. Educational and cultural exchanges, in conjunction with expanded trade agreements, can provide encouragement to Ukrainians in their quest for freedom from Soviet domination.

I commend the activity of the Ukrainian Congress Committee of America, which serves to initiate efforts toward preserving freedom in the United States as well as establishing liberty in the Ukraine.

I urge all Americans to join the Ukrainian people in celebration of this anniversary.

Mr. ALBERT. Mr. Speaker, 55 years ago on January 22, 1918, the Ukrainian National Republic declared its independence from Russia. It was a happy day for all Ukrainians. However, we must remain saddened at the fate of that short-lived republic, for the realization of the centuries-long dream of freedom and liberty was brutally crushed by military force. The Russian Red Army, after more than 2 years of furious fighting against the ardent Ukrainian nationalists, finally overcame a stubborn resistance, and the Ukraine was incorporated as a Socialist Republic in the Soviet Union. Subsequent Soviet policy designed to extinguish Ukrainian cultural and spiritual independence has exacted a heavy toll in human lives and misery. The Ukraine, one of the richest of the captive republics of the U.S.S.R., has been economically exploited, and its natural endowments pillaged.

Still, the Ukrainians have never given up their dream of true liberty and freedom. They have tenaciously clung to their culture and tradition throughout an outrageous storm of the worst oppression. Force alone cannot destroy the cherished dream of a free Ukraine. The heroic voices of their spokesmen make it clear that free expression is a human right that cannot be denied. As members of a free society we are obligated to call attention to their plight, to raise our voices along with those of our Ukrainian Americans to honor their homeland and demand an end to oppression so that the over 47 million Ukrainians in the Soviet Union may be allowed to live in peace and freedom.

Mr. HELSTOSKI. Mr. Speaker, 55 years ago, the Ukraine broke its chains of bondage and declared its independence from Russia's czarist government. Today we commemorate that momentous event.

In one respect, however, this anniversary must remain a solemn occasion. Only 3 years after declaring their independence, one modeled after our own, the Ukrainian people were once more annexed by another people's government, this time by the new Bolshevik Government in Moscow.

Heroically, these people struggled to regain their autonomy, but each new thrust resulted only in frustration.

Political trials of Ukrainian nationalist leaders resulted in execution and imprisonment for many of them.

Religious persecution has also marred the Ukraine since annexation. Orthodox Church members, Roman Catholics, Jews, and members of other religions have all been discouraged, sometimes through violence, from worshiping God. In 1929 and again in 1945, Ukrainian clergymen were banished en masse from their homeland.

Today, a capable Soviet leadership no longer resorts to executions as a means to suppress Ukrainian desires for self-determination and the right to worship God. Yet it does continue to discourage worship and the revival of the fine Ukrainian culture, steeped in traditions which date back more than a millenium.

Such policies strangle freedoms that we in our Nation find essential to a government whose first interest is the governed. The Ukrainians, just as our forefathers denounced the British, protest these policies. Stanchly, they stand up to Moscow's intimidations and demand their rights as human beings to self-determination and religious liberty.

Let us, then, as we observe this historic anniversary, not forget these brave, resolute people, but let us continue to support them; and as the Government of our people and that of the Soviet Union achieve greater accord, let us strive to use that greater understanding to make the Soviets more sensitive to the needs of the worthy Ukrainians.

Mr. HANLEY. Mr. Speaker, this January 22 marks the 55th anniversary of Ukrainian independence, a day which pays tribute to the struggle of a brave people. Yet the Ukraine spends this independence day as it has for the last several decades, under Soviet dictate.

This independence day is of particular importance to Ukrainians, who are being subjected to a massive propaganda campaign commemorating the 50th anniversary of the U.S.S.R. We must speak out in support of their quest for freedom. This verbal support must also be coupled with constructive action.

And so I urge my fellow Congressmen to support the religious revival in Ukraine by voting for the flood resolution, and to extend our options by creating a select committee on captive nations.

The oppressed people of the world must be heard. It is a moral obligation of free people to extend this right to others. Thank you.

Mr. ST GERMAIN. Mr. Speaker, 55 years ago, on January 22, 1918, a Ukrainian National Republic completely independent from Russia was founded in Kiev. This fulfilled a dream held by Ukrainian nationalists over a long period of time. At last it seemed that the vibrant spirit and culture of the Ukraine could flower in peace and freedom in the community of new-born nations.

This republic, however, would only experience the exhilaration of freedom for 2 short years before being overwhelmed by the military might of Communist Russia. The revolution that promised emancipation and liberty for the formally enslaved people of Tsarist Russia only substituted one tyranny for another. The Ukraine became a Socialist Republic, and in 1922 was included in the Union of Soviet Socialist Republics, a captive nation in a betrayal of liberty and freedom.

A period where some expression of Ukraine nationalism was allowed came to an abrupt end in 1928, when the Soviet leadership began measures to more fully subjugate the Ukraine to Kremlin control. Russian was introduced as an official language, and repressive measures to stamp out Ukrainian nationalism included trials, executions and deportations. This horror was not confined to the Soviet Union alone, as prominent Ukrainians who tried to keep the flame of freedom for the Ukraine alive were ruthlessly hunted down elsewhere in Europe.

In the Ukraine itself, conditions worsened through the 1930's as the onslaught against the Ukrainian independent spirit intensified.

In addition to economic pillage of this rich land, the richest of all the Soviet Socialist Republics, and the political terror, there was the ordeal of famine, starvation, and the uncompromising attacks against religious and personal liberty. This tale of human misery and denial of man's dignity is one of the worst on record.

Then in World War II, this land suffered some of the most horrible ravages of war. Worse still was the shattering of the hope that Ukrainian independence could again reassert itself in the chaos of war. Ukrainian patriots rallied bravely to the cause and fought, first the invading Nazis, then the reconquering Communist army. But with no outside help, the cause was doomed and Stalinist repression continued unabated.

The death of Stalin by no means ended the persecution of the Ukrainians. For simply expressing a desire to enjoy the freedom that the Russian Revolution promised them, Ukrainian intellectuals and dissenters have suffered the same loss of jobs, confinement in "mental" institutions and prisons, and denial of free expression as other critics of the Soviet Government. This oppression must be ended, however, only if the free peoples of the world care, can the plight of these people be alleviated. We cannot ignore the fact that the citizens of a nation that was a charter member of the United Nations are still not free.

We, as a free nation, must not shun our responsibility as spokesmen for the cause of these millions, and we must do whatever we can to bring some small ray of hope to them. It is with this in mind that I am honored to have this opportunity to commemorate a happy day in the long history of the Ukraine, Ukrainian Independence Day. I honor those stalwart defenders of liberty and freedom, and earnestly hope that they may regain the rights and independence denied them over these long years.

Mr. BURKE of Massachusetts. Mr. Speaker, today, January 23, marks the 55th anniversary of Ukrainian independence. History records that Ukranian independence lasted only 2 short years, 1918–20. Communist Russia would have us believe that independence threw the Ukraine into such confusion and turmoil that it gladly welcomed the protective shadow of Russia. Nothing could be further from the truth. The proud people of the Ukraine fought valiantly for their freedom. Indeed, their struggle continues to this day.

Communist Russia would have us think that they have ruled the Ukraine wisely and well—that the people of the Ukraine have prospered under Communist leadership. In truth, the Ukrainians have suffered a more severe and enduring oppression than any other nation has had to face in the last half century. When Russian troops invaded and conquered the Ukraine in 1920, they were confident that they could suppress the people into total obedience. They underestimated the spirit and courage of these noble people. When the Communists heard a voice of protest, a plea for freedom, they would answer with a firing squad. But this did not silence the cry for liberty. For every patriot that died, there were others behind him with equal courage, and with the same burning desire to regain the independence which the Communists had taken from a once proud and happy nation.

Communist oppression did not stop here. Churches and religions were abolished as the Communists tried to convince the people that only the Communist Party knew what was moral, wise, and just. If the only "god" to be worshiped was the head of the Communist Party, he proved a cruel and wicked "god" indeed. For this is also the 40th anniversary of Stalin's man-made famine which took the lives of 15 million Ukrainians.

My fellow colleagues, the Ukrainian struggle for independence continues. Even as I address you now, the Communists are subjecting the people of the Ukraine to renewed cultural repression and mass arrests. Gentlemen, 55 years is a long time to fight for freedom, but these noble people have kept up the fight. Their courage should serve to inspire all of us to dedicate ourselves to do everything in our power to see that their dream becomes reality. As our Nation seeks for a closer relationship with the U.S.S.R. we must urge the President to take up the battle for Ukrainian independence. We will not be satisfied until this great people, and their great nation can, once again, join the independent nations of the free world.

Mr. ZABLOCKI. Mr. Speaker, in joining our distinguished colleagues, Congressmen FLOOD and DERWINSKI, in commemorating the 55th anniversary of Ukrainian independence, we are acknowledging our responsibility as free men to speak out on behalf of those seeking freedom and national independence.

Though the freedom enjoyed by the people of the Ukraine was shortlived, its memory remains alive. Ever since that cherished independence was destroyed in 1920, the largest non-Russian nation both in the U.S.S.R. and Eastern Europe has been struggling to regain it. With this in mind, we take this opportunity to make our plea for the justice and freedom of all captive peoples.

The Ukraine did not voluntarily enter into any federation to form the U.S.S.R. but, like other Baltic nations in the subsequent 20 years, was forcibly incorporated into this new state under Moscow's rule. Unfortunately, there are more recent examples of this Soviet policy of imperio-colonialism. The scandalous extradition of the Lithuanian sailor, Simas Kudirka; the invasion of Czechoslovakia; persistent Russian anti-Semitism; the plight of the rioting Polish workers; and the systematic Russian penetrations in the Mideast and Latin America have again demonstrated to us what the people of the Ukraine have been suffering for 55 years.

Therefore, the present detente now enjoyed by the United States and the U.S.S.R. must not diminish our outrage at the long years of subjugation of the Ukraine. Efforts to encourage our new trade policies with the Soviets should not simultaneously condone past acts of repression.

We cannot let it be forgotten that 40 years ago under Stalin over 15 million Ukrainian people starved to death as a result of a manmade famine. Nor should the current mass arrests and cultural repressions in the Ukraine be passed over without condemnation.

There is no doubt in my mind, Mr. Speaker, that increased contact with countries behind the Iron Curtain has been largely responsible for the growing assertion of dissatisfaction with their Communist oppressors. The desire for freedom remains strong and vibrant in these captive peoples. It is this desire for self determination that we must encourage.

Ukrainians still hold firm to the vision of their homeland as an independent nation. It is encouraged by the American ideal. It can be enhanced by the thaw in United States-Soviet relations. That is why it is essential that we nurture the channels of dialog which have already been opened and continue to develop new inroads in the quest for worldwide peace and independence.

Thus, I submit we must not place limits on our avenues of approach to the governments of the world. New points of contact offer new opportunities for understanding, I believe, in order that the ultimate result will be eventual freedom for the people of the Ukraine and other captive or threatened peoples of the world. It is to this goal—a world of peace—that we must sincerely rededicate ourselves on this 55th commemoration of Ukrainian independence.

Mr. SMITH of New York. Mr. Speaker, I am honored to have the privilege to join in observing Ukranian Independence Day. In the hearts of all free people, this day carries with it a note of joy. But that joy is dulled by the shadow of sorrow for a once free and vital nation, which now lies captive. So many lives which were filled with purpose and hope were cruelly transformed into lives of despair.

It is fitting that we in the Congress publicly indicate our appreciation for the contribution of Ukrainian immigrants and their descendents to the American culture of today. Ukrainian Americans have been a creative force in American society. Their rich cultural and traditional gifts which they brought to America serve to enrich our own national culture. Their participation in government, community affairs, and in the business sector, merits the admiration of all people in the United States and sets an example of achievement for our citizens.

This day of commemoration keeps alive the precious concept of freedom in the hearts of oppressed people throughout the world who look to America as the beacon of freedom. If the people of the Ukraine are determined that the Ukraine shall again be free, then she shall be free, and until that day, and thereafter, we shall nourish and protect and proclaim freedom for all captive people.

Mr. YATRON. Mr. Speaker, on January 22, 1918, after 2½ centuries of Polish and Russian domination, the people of the Ukraine threw off the shackles of oppression and declared themselves at last a free and independent nation. This historic declaration marked the fulfillment of the dreams of the generations of Ukrainians who, although dominated by others, had never relinquished their desire for freedom. However, after less than 3 years of independence, during which the people of the Ukraine put up a valiant struggle for the protection of their homeland, the new Communist regime in the Soviet Union overran this new nation and established, once again, totalitarian rule over that troubled land.

Therefore, 55 years ago this month, the independence of the Ukraine was destroyed by the Soviet Union and, ever since those bleak days in 1918, this largest of the Eastern European, non-Russian nations—whose very name means "borderland" or "away from the brink"—has been struggling to regain its cherished freedom.

As we observe this 55th anniversary of Ukrainian independence, we must recognize that 47 million Ukrainians have been living in slavery since the early years of this century. Nevertheless, although their plight has worsened since World War II, events in this great country illustrate that their yearnings for freedom is not dead. Americans need not be reminded of the scores of people who have escaped Communist oppression, or of their continuing desire for freedom as it is expressed in passive resistence, workers' strikes, riots, or outright rebellion.

We live in a land fortunate enough to have had forefathers who saw fit not only to bestow the blessings of freedom upon themselves and their posterity, but also to defend these blessings successfully when necessary. Thus, we must sometimes be reminded of those in other parts of the world who are less fortunate than we, and who, in some cases, can only remember freedom from their parents' or grandparents' lips.

Although the Communist regime continues its oppressiveness, the spirit of freedom still flourishes unabated in the hearts of contemporary Ukrainians just as it flourished in the hearts of their ancestors prior to 1918. And just as the ancestral spirit culminated in independence 55 years ago, so the Ukrainians trapped today under this latter-day Soviet brand of tyranny will once again, I deeply believe, see their dreams of independence fulfilled.

For us, this hope is symbolized by Ukrainian Independence Day. A day observed publicly in this country by Americans who join those in the Ukraine who are forced to observe this day in secret. An official national recognition of Ukrainian Independence Day in the United States would certainly be appropriate to honor those men and women who maintain their continuing struggle for freedom, and I shall support such an effort not only to honor all those who have come to America and have contributed to our domestic ideals, but also to honor those Ukrainians who continue to fight in their Soviet dominated homeland in the defense of their time-honored ideals of freedom.

Mr. BUCHANAN. Mr. Speaker, I would like to take a few moments to join my distinguished colleagues, and all who cherish freedom, in commemorating the anniversary of the independence of the Ukraine.

January 22 marked the 55th year since the Ukrainian National Republic gained full recognition as an independent nation. Unfortunately, the Ukrainian vision of liberty was darkened all too soon by the forceful intervention of the Soviet Government, which made the Ukraine an unwilling member of the U.S.S.R. in 1923. It is a credit to the Ukrainians, however, that through decades of repression, this vision of liberty has not been dimmed. It is a tribute also to the power of freedom that the 2 million Americans of Ukrainian descent have not forsaken the moral and physical struggle of their East European brothers and sisters.

Particular commendations should go to two groups who have refused to allow the plight of the Ukraine to be lost in the mists of time and Soviet propaganda. The Ukrainian Congress Committee of America, Inc., with leaders like Dr. Lev E. Dobriansky of Georgetown University, has with ceaseless effort brought to the attention of the American people the suffering of the 47 million Ukrainians. Under the leadership of president Ms. Ulana Celewych, the Women's Association for the Defense of the Four Freedoms of the Ukraine has pleaded with compelling compassion for the recognition of the rights of Ukrainians for a life of their own choosing.

I recently visited the Soviet Union, where one cannot fail to notice the painful silence, and the undercurrent of fear in a people whose active expression of conscience may result at any moment in their arrest.

Now reports from the Ukraine indicate that the Soviet Union, through secret police—KGB—harassment, has flagrantly violated the four freedoms held so dear by all of us who respect human rights and dignity—the freedom of speech, the freedom of conscience, the freedom from fear, and the freedom from want.

Freedom of speech and conscience cannot exist when the government sponsors—and censors—the news media. Publishers and writers of the underground Ukrainian Herald, authors, poets, critics, professors, students, both men and women, have been recent targets of KGB arrest and incarceration. Freedom from fear and want is impossible when no one can be sure from one day to the next that loved ones will return home in the evening and spend the night in peace.

For almost 200 years the people of the United States have basked in the luxury of freedom. It is difficult for us to fully comprehend a life in which freedom of speech and conscience, freedom from fear and want are not daily occurrences to be taken for granted.

The anniversary of the Ukrainian struggle for independence is an awesome reminder that the freedom which we as Americans know is the exception rather than the rule, worldwide, and that behind the Iron Curtain human rights and the hope of freedom are still a dream rather than a reality.

It is my privilege and honor to express my pride in the bravely tenacious Ukrainians whose hearts still crave and whose heads still conspire for the return of freedom to their homeland.

Mr. MINISH. Mr. Speaker, yesterday, January 22, marked the 55th anniversary of Ukrainian Independence Day. This anniversary is as important to us, the free citizens of the United States, as it is to the oppressed and freedom-starved people of the Ukraine.

While we in the United States are free to commemorate this significant anniversary, 47 million Ukrainians are being permeated with repressive propaganda concerning the 50th anniversary of the U.S.S.R.

Myths fostered upon the Ukrainian people by their Russian masters, and intended to force Ukrainian assimilation into Russia's homogeneous society, have not succeeded in inducing the cultured and highly individualistic Ukrainians to relinquish their proud nationalistic tradition.

I am confident that Russia's unscrupulous attempts to destroy Ukrainian culture will not succeed, because the people of the Ukraine have undergone great social and physical oppression in the past and are still adamant in their brave efforts to liberate themselves.

Americans, fortunate in their guaranteed right to freedom, must find empathy to appreciate the nature of this terrible struggle, and hope that the Ukrainians will not wait much longer to enjoy these same liberties. It is unconscionable that the Ukrainians, allowed a taste of freedom's richness, should have their just reward cruelly removed and denied for so long.

Mr. KEMP. Mr. Speaker, we are blessed in this Nation by many freedoms, but freedom and responsibility are two sides of the same coin and I believe we have an obligation to use our freedoms to speak out on behalf of those peoples still held captive by Communist tyranny.

I am proud to join my colleagues today in paying tribute to the gallant Ukrainian people and to mark the 55th anniversary of the proclamation of Ukraine's independence. Dr. Dobriansky and the Ukrainian Congress Committee of America are once again to be commended for bringing to the attention of the American people the plight of the more than 47 million Ukrainians.

It was just 55 years ago that the Ukrainian people took advantage of the overthrow of the czarist regime to declare their freedom from Moscow's rule and establish an independent democratic government. Their new-found freedom unfortunately was shortlived. Although Lenin issued a proclamation on December 17, 1917, recognizing the Ukraine as a completely sovereign and independent state, 1 week later the Bolshevik army invaded the Ukraine. After a fierce battle, the Ukrainian people lost to overwhelming forces and became unwilling subjects of the Communist regime.

The Ukrainian people have heroically resisted systematic Communist efforts to erase all sense of Ukrainian nationality. And today the demand for freedom in the Ukraine has risen to such a level that a new wave of terror and repression has been put into effect in a vain attempt to silence the people.

I have recently had the opportunity to read some of the literature of the Ukrainian resistance movement and it is impossible not to be deeply moved by the selfless heroism shown by these Ukrainian freedom fighters. I would like to quote at this time a few words from a petition addressed to the Ukrainian Supreme Soviet from Siberia by the imprisoned Ukrainian historian, Valentyn Moroz:

> The present events in Ukraine are also a turning point; the glacier of terror which had firmly bound the spiritual life of the nation for many years is breaking up. As always they put people behind bars and as always deport them to the East. But this time, these people did not sink into obscurity. To the great surprise of the KGB, for the first time in the last decade public opinion has risen; for the first time the KGB felt powerless to stifle all this.

It is my fervent hope that as writings such as these circulate throughout the free world and as the true facts of the Ukrainian people's struggle for liberty become better known, that free people everywhere will join together in a massive outcry for justice and freedom for the Ukrainian people.

On this anniversary, it is particularly appropriate that we should honor the memory of the millions of gallant Ukrainians who have fallen in the cause of freedom and that we should pay tribute to the countless Ukrainian freedom fighters who are today serving the cause of liberty and justice in their native land.

And let us once again pledge to continue to support in every way possible the Ukrainian people's struggle for freedom and self-determination—

By supporting the religious revival in the Ukraine by passing a congressional resolution seeking the resurrection of the Ukrainian Orthodox and Catholic Churches genocided by Stalin;

By creating a Select Committee on Captive Nations, with concentration on those in the U.S.S.R. and Red China; and

By adjusting economic exchange to political requisites in our trade policies.

I am privileged to have in my district in New York State many thousands of persons who were either born in the Ukraine or who are Americans of Ukrainian heritage. Mr. Speaker, I include for the RECORD an excellent letter which I have received from the Buffalo chapter of the Ukrainian Congress Committee of America, Inc., which clearly articulates the heroic struggles of the Ukrainian people. I also include selections from the Ukrainian Congress Committee of America's booklet "Ukrainian Intellectuals in Shackles".

UKRAINIAN CONGRESS COMMITTEE
OF AMERICA, INC., BUFFALO CHAPTER,

Buffalo, N. Y., January 6, 1973.

HON. CONGRESSMAN KEMP: January 22, 1973, will mark the 55th Anniversary of the proclamation of the Independence of Ukraine, and the 54th Anniversary of the Act of Union, whereby all Ukrainian ethnographic lands were united into one independent and sovereign state of the Ukrainian nation. Both the Independence of Ukraine and the Act of Union were proclaimed in Kiev, capital of Ukraine, on January 22, 1918 and January 22, 1919, respectively.

Regrettably, the young Ukrainian democratic republic was immediately attacked by Communist Russia, despite the fact that the new Soviet Russian government had officially recognized Ukraine as an independent and sovereign state. The same recognition to Ukraine was granted by the Central Powers and a number of states of the *Entente*, including France and Great Britain. By 1920, Ukraine, alone and unaided, succumbed to the vastly superior forces of Communist Russia, which destroyed the Ukrainian National Republic, created a Communist puppet government in Ukraine known as the "Ukrainian Soviet Socialist Republic," and incorporated it forcibly into the "Union of Soviet Socialist Republics" (USSR).

Today, the Kremlin is preparing whole-year celebrations throughout the Soviet Russian empire to commemorate the 50th anniversary of the "founding" of the Soviet Union, which was established on December 30, 1922.

In this connection, the Central Committee of the Communist Party of the Soviet Union (CPSU) and all its subservient branches in the so-called "union republics" are conducting a mammoth propaganda campaign for the purpose of creating another Soviet myth, namely, that the USSR is a model multinational state, in which the nationality problem has been "solved" satisfactorily, in which all component member-republics are truly "sovereign" and in which relations between the various nations are based on the "principles of true equality and friendship."

But the reality is something different, as we can see in the case of Ukraine and the 47-million Ukrainian nation.

The entire history of Soviet-dominated Ukraine is a ghastly record in inhumanity, outright persecution and genocide, Russification and violations of human rights on a scale not known in mankind's history. Under Stalin, Ukraine was marked for physical destruction and denationalization; under Khrushchev and Brezhnev-Kosygin the outright terror was replaced by the subtle process of destroying the Ukrainian national consciousness and identity through Russification, persecution of "Ukrainian bourgeois nationalism," and the propagation of "fusion" of all non-Russian nations in a spurious "all-Soviet people," which essentially would be the Russian people.

In summing up the Soviet Russian rule in Ukraine, the following results exemplify the enslavement of Ukraine:

During the 50-year rule of Moscow over Ukraine, literally millions of Ukrainians have been annihilated by the man-made famines, deportations and outright executions;

Both the Ukrainian Autocephalic Orthodox Church and the Ukrainian Catholic Church were ruthlessly destroyed and their faithful members were incorporated into the Kremlin-controlled Russian Orthodox Church;

All aspects of Ukrainian life are rigidly controlled and directed by Moscow: the Academy of Sciences, all scientific and research institutions, universities, technicums, publications, the press, party and government apparatuses, youth, women's organizations, trade unions, and so forth;

Arrests, trials and convictions of hundreds of young Ukrainian intellectuals—poets, writers, literary critics, playwrights, professors and students—are charged with "anti-Soviet propaganda and agitation," though, in fact, these people profess loyalty to the Soviet state, but fight against its abuses, violations and police rule. Among them are noted writers and thinkers such as V. Chornovil, I. Dzyuba, I. Svitlychny, E. Sverstiuk, V. Moroz, L. Plushch, and many others. Yurij Shukhevych, the son of General Roman Shukhevych, commander-in-chief of the UPA, has been in and out of Soviet concentration camps since the age of 15; in September 1972, he was again sentenced to ten years at hard labor for refusing to denounce his assassinated father and the ideal for which he was killed: a free Ukraine.

Today, Ukraine more than ever is a colony of Communist Russia, a land of inhuman persecution and economic exploitation.

Therefore, Sir, we kindly request you to make appropriate statement in support of the Ukrainian people in the House of Representatives, in paying tribute to the Ukrainian people and their undaunted struggle for human rights and freedom, which are the basic precedents of our modern and civilized society.

Sincerely yours,
WASYL SHARVAN,
President.
ANDRIJ DIAKUN, J. D.,
Vice President and Public Relations Chairman.

UKRAINIAN INTELLECTUALS IN SHACKLES: VIOLATIONS OF HUMAN RIGHTS IN UKRAINE

INTRODUCTION

Recent arrests of Ukrainian intellectuals and other patriots in Ukraine bring to the fore the incessant and systematic oppression of the Ukrainian people by the Soviet government. This deplorable situation requires wider and more serious attention of world statesmen, who thus far have been reluctant to touch this matter as concerns the captive nations.

Yet much attention is devoted to violations of human rights in other parts of the world. The violation of human rights everywhere in the world should be the concern of the whole civilized world.

There are over 47,000,000 Ukrainians, and they are governed by a puppet regime of

Moscow, known as the "Ukrainian Soviet Socialist Republic," in which stooges of Moscow exercise the power in the name of the Communist Party. The Soviet secret police, the KGB (Committee for State Security), is the true government in the USSR and in Ukraine.

Persecution and oppression of the Ukrainian people have always been part and parcel of the Russian Communist rule in Ukraine. But since 1965 the Kremlin and its satraps in Ukraine have stepped up arrests and trials of Ukrainian intellectuals.

Both Reuters of London and The New York Times reported that in January, 1972, a new wave of arrests of Ukrainian intellectuals swept such Ukrainian cities as Kiev and Lvov; but reliable Ukrainian sources from Ukraine report that extensive arrests are continuing to be made in other cities of Ukraine—Odessa, Kharkiv, Dniepropetrovsk, Ivano-Frankivsk, and Ternopil, among others. The number of those arrested has passed one hundred.

On January 15, 1972 The New York Times reported from Moscow:

"The Soviet secret police have arrested 11 Ukrainians, apparently under suspicion of nationalist activity . . . All were held under an article of the Ukrainian Criminal Code that prohibits "deliberately false fabrication defaming the Soviet state . . ." The sources said that seven others were arrested in Lvov, the main city in Western Ukraine and generally considered one of the strongest centers of Ukrainian nationalism."

The same information, sent from Moscow by the Agence France Presse, was carried in the January 15–16, 1972 issue of Le Figaro of Paris.

WHO ARE THESE ARRESTED UKRAINIAN INTELLECTUALS?

Among those arrested in Ukraine are Ukrainian writers, literary critics, journalists, professors, students, artists, painters, scientific workers, and representatives of all other strata of society in Ukraine.

Many of these intellectuals had been arrested and sentenced in 1965–1966. Their "crimes" now are the same as in previous years, and these were defined succinctly by Edward Crankshaw, noted British Kremlinologist, who wrote in the February 11, 1968 issue of The Observer of London:

"What had these men done? They had discussed among themselves, and among their friends, ways and means of legally resisting the forcible Russification of Ukraine and the continued destruction of its culture. They possessed books dealing with this problem, some of them written in Czarist times. They possessed notebooks with quotations from the great Ukrainian patriots . . . They were not advocating secession in any form and even had they done so, there would have been no violation of the constitution . . . They were deeply concerned because the Moscow Government was still persisting in its efforts to blot out Ukrainian consciousness which even Stalin with his massive deportations and killings failed to do . . ."

The new wave of arrests in Ukraine and in Russia began after a decision on December 30, 1971 of the Central Committee of the Communist Party of the Soviet Union to suppress such samvydav (underground) publications as The Chronicle of Current Events, apeparing in Russian, and The Ukrainian Herald, published in Ukrainian.

* * * * *

While in Russia the KGB is arresting Russian dissidents for their opposition to the Communist regime, in Ukraine these arrests are directed at destroying the essence of the Ukrainian national identity and at eradicating the Ukrainian national consciousness as a powerful force in the struggle for Ukrainian statehood.

Also, in contrast to the trials in Russia, which are accessible to Western journalists, the political trials in Ukraine are held in camera, very often excluding family members of the defendants, because the Kremlin is fearful that open trials would engender and spread the seeds of opposition throughout the whole of Ukraine.

* * * * *

THE CASE OF THE UKRAINIAN INTELLECTUALS

Despite the Kremlin's lip service to the concept of human rights and the vaunted Soviet constitution, the Soviet regime in Ukraine has its own brand of "human rights," and acts accordingly.

In Ukraine most of the arrested were or are being tried under Art. 62 of the Criminal Code of the Ukrainian SSR, which reads:

"Agitation or propaganda for the purpose of undermining or weakening the Soviet rule, the commitment by individuals of crimes which are of particular danger to the state, or false or defamatory rumors which discredit the Soviet state and social system, as well as circulation, production or collection, for the same purpose, of literature of similar contents—are punishable by imprisonment for a term of from six months to seven years with banishment for up to five years . . ."

Consequently, Ukrainian intellectuals are being arrested for reading books on Ukraine by non-Communist writers or disseminating such documents as the encyclical Pacem in Terris, issued by the late Pope John XXIII in 1963, or the text of the address delivered by the late President Dwight D. Eisenhower at the unveiling of the Taras Shevchenko monument on June 27, 1964, in Washington, D.C.

VICTIMS OF SOVIET TYRANNY

Here are some of the arrested Ukrainian intellectuals, whose writings Moscow deems "dangerous" to its domination in Ukraine:

Vyacheslav M. Chornovil, born in 1938 in the Cherkassy province; publicist and literary critic and a graduate of Kiev State University; worked as reporter and TV commentator. In August of 1967 he was arrested and sentenced to 3 years at hard labor for compiling material on the arrests and trials of 20 Ukrainian intellectuals in 1965–66. His documentary book, The Chornovil Papers, was published by the McGraw-Hill Company in 1968. He was released in 1969, but re-arrested in January, 1972.

Ivan Dzyuba, born in 1931 in the village of Mykolaivka in the Donets area of Ukraine, where he attended the Pedagogical Institute (Donetsk was then known as Stalino); he is a graduate of the T. Shevchenko Institute of Literature in Kiev, and worked as editor and literary critic. Among his works are such books as Soviet Literature, An "Ordinary Man" or a Philistine?, The One Who Chased Out the Pharisees, and Internationalism or Russification? The latter book was published in English and disseminated throughout the world (1968). He was reported subsequently to have been released from prison and placed under house arrest. According to the March 3, 1972 issue of Literaturna Ukraina (Literary Ukraine), an organ of the Union of Writers of Ukraine, Dzyuba was expelled from the Union "for gross violation of the statutes" of the organization, and for "preparing and disseminating materials bearing an anti-Soviet and anti-Communist character. . . ."

(On May 1, 1972, several international news services reported from Moscow that two weeks prior the Soviet secret police in Kiev against arrested Ivan Dzyuba.)

Ivan Svitlychny, born in 1929 in the Luhansk area of Ukraine. He is a literary critic and publicist; in 1952 he graduated from the State University in Kharkiv and worked in the Institute of Literature of the Academy of Sciences while writing articles and literary essays for various journals and newspapers in Ukraine. Arrested in 1966, he spent eight months in jail. He wrote also for Ukrainian journals in Czechoslovakia and Poland. His latest translation of the work from the French poet, Pierre-Jean Beranger, appeared in the "Dnipro" Publication Pisni (Songs), published in Kiev in 1970.

Eugene Sverstiuk, born in 1928 in Volhynia. He is a critic and publicist; his essays and articles have been published in many Ukrainian reviews. With his arrest in 1965–1966, his literary output was curtailed considerably. One of his essays on the Ukrainian poet Mykola Zerov, who was "liquidated" during the Stalinist reign of terror, appeared in the Ukrainian magazine Dukla, appearing in Priasiv, Czechoslovakia, during Alexander Dubcek's regime; its publication has been suspended by the present pro-Moscow government of Gustav Husak. One important work, Cathedral on the Scaffolding, has been widely circulated in Ukraine as a samvydav (underground) publication.

Stephania Shabatura, born in *1938, is* an artist and a specialist on Ukrainian rugs (kylym); her kylyms have been displayed widely at art exhibits, especially at the December 1971 kylym exhibit in Kiev; widely known in Ukraine are her kylym "Ivan Kotlyarevsky" (1969) and "Young Dovbush in the Green Beskid" (1970). She incurred the ire of the KGB by demanding admission to the secret trial of Valentyn Moroz, who was sentenced to nine years at hard labor in the fall of 1970.

Irena Stasiv-Kalynets, born in 1940, is the wife of Ukrainian poet Ihor Kalynets, who is the author of three collections of poetry, Fire of Kupalo (1966) Poetry from Ukraine (1970), and Summary of Silence (1971). She, too, is a poet of note, specializing in poetry for children and the youth. She was an instructor of the Ukrainian language and literature at the Lviv Polytechnical Institute until the summer of 1970, when she was ousted from her position and was forced to work in a textile factory, where she was arrested in January, 1972.

Yuriy Shukhevych, born in 1944. He is the son of General Roman Shukhevych (Taras Chuprynka) who, as commander-in-chief of the Ukranian *Insurgent Army* (UPA), was ambushed and killed by Soviet security troops in the fall of 1950 in Western Ukraine. The son, Yuriy, was arrested by the NKVD in 1948, at which time he was 15 years old, and sentenced to 10 years at hard labor; he was released in 1956, but the Soviet Prosecutor General, Roman Rudenko, sentenced him again, this time to 2 years at hard labor. In 1958, on the eve of his release, he was tried once again by the Lviv District Court and sentenced to 10 years at hard labor for promoting "anti-Soviet propaganda and agitation" among political prisoners, and also because he refused to denounce his father as an "enemy of the people." In 1968 he was released, but forbidden to return to Ukraine; he lived with his wife and child in the city of Nalchik in the Caucasus, where he was arrested again on February 27, 1972.

Ivan A. Hel, a student and art critic at Lviv University, was first arrested and sentenced on March 25, 1965, to 3 years at hard labor for "anti-Soviet propaganda and agitation." He served his term in Camp II, Yavas, Mordovia. Released in 1969, he was again arrested in January, 1972.

Yaroslav Dobosh's arrest was reported on February 26, 1972, by Radyanska Ukraina, organ of the Central Committee of the Communist Party of Ukraine and the Council of Ministers of the Ukrainian SSR. The article assailed "bourgeois Ukrainian nationalists" and their "alliance" with Mao Tse-tung. In that connection the Soviet authorities "revealed" that Mr. Dobosh, a young Ukrainian student from Belgium, had brought "secret instructions from the Organization of Ukrainian Nationalists (OUN)" and (allegedly) "came to Ukraine to foment anti-Soviet revolutionary activities." (These charges were promptly denied by OUN leaders in Europe.)

OTHER ARRESTED UKRAINIANS

A number of other Ukrainian writers and intellectuals were arrested in January and February, 1972.

They are:

Kiev: Vasyl Stus, a literary critic; Alexander Serhienko, Leonid Seleznenko, Mykola Shumuk, Zinoviy Antoniuk and Anatole Lupynis, Alexander Riznykiv, Volodymyr Rohatynsky, Luba Seredniak, Leonid Kovalenko and Dr. Prytyka (no first name given).

Lviv: Stephania Hulyk, Hryhory Chubay and Mykhailo Osadchy. Mr. Osadchy, a literary critic and author, was sentenced in 1966 to 2 years at hard labor at Camp II, Yavas, Mordovia. At the time of his first arrest the KGB confiscated all copies of his book of poetry. Moon Fields. Born in Kumany in the Sumy region of northeastern Ukraine, he is a translator into Ukrainian of the poems of Garcia Lorca and the work of Baltic poets. Recently, he published a collection, entitled Bilmo (Cataract)—poetry, essays and articles, for which, apparently, he was arrested.

Ivano-Frankivsk: Rev. Vasyl Romaniuk, Leonid Plushch (engineer-mathematician), Mykola Plakhotiuk, Mynailo (no first name given) and Zinovia Franko. Miss Franko is the daughter of Taras Franko (who died on November 5, 1971) and a granddaughter of Ivan Franko, greatest poet of Ukraine after Shevchenko. For the past few years she was discriminated against by the Soviet government and could not obtain employment. She was arrested in Kiev and subsequently released. On March 2, 1972, Radyanska Ukraina printed an "open letter" signed by Miss Franko, in which she "recanted" her "anti-Soviet activities."

(According to the "Smoloskyp" Press Service, Miss Franko was rearrested by the KGB in April, 1972.)

MARTYRS SENTENCED TO LONG IMPRISONMENT

Most of these Ukrainian intellectuals have been accused of glorifying the Ukrainian past, reading pre-revolutionary books on Ukrainian history, and copying and disseminating the speeches and writings of Western leaders. They also discussed how to legally stop and resist the forcible Russification of Ukraine and the destruction of its culture by Russians. Some of them protested against the unbridled persecution of national minorities, notably the Jews; they accused the Soviet government of the inhuman deportations of the Baltic peoples and the "liquidation" of such ethnic groups as the Crimean Tartars, Volga Germans, Chechen-Ingushes and Karachais.

A few cases will illustrate the depth of Soviet Russian oppression and lawlessness in Ukraine:

Svyatoslav Y. Karavansky, poet, journalist and translator of English classics into Ukrainian, including Jane Eyre, was arrested while an officer of the Soviet army in 1944 and sentenced to 25 years at hard labor; released in 1960, he studied at Odessa University, but in 1965 he was arrested again and, without benefit of jury, was sentenced by Roman Rudenko, Prosecutor General of the USSR, to eight years and seven months imprisonment (cf. Karavansky's petition in defense of Jews and other minorities in the January 15, 1968 issue of The New Leader of New York). His wife, Nina Strokata-Karavansky, a microbiologist at the Medical Institute in Odessa, was arrested in the fall of 1971 for refusing to denounce and divorce her husband.

Kateryna Zarytska, a Ukrainian Red Cross worker during World War II, was arrested in 1947 and given 25 years at hard labor. She never benefited from any state-granted amnesty and, as far as is known, is in notorious Vladimir Prison, with release due this year. Her tragedy was shared by her husband, Mykhailo Soroka, another victim of Soviet oppression. A teacher by profession, he was arrested in 1940 and sentenced to eight years; released in 1948, he was re-arrested and in 1952 sentenced to 25 years at hard labor for unspecified "subversive" activity. He died in a Soviet jail in the summer of 1971.

Valentyn Moroz, a young Ukrainian historian, born in 1936. A graduate from the University of Lviv, he taught modern history in Lutsk and Ivano-Frankivsk, and prepared himself for his Ph. D. degree. In August, 1965, he was arrested and tried on charges of "anti-Soviet propaganda and agitation," and in January, 1966, sentenced to five years at hard labor. He served four years in political prisoners' Camp II, Yavas, Mordovia. During his incarceration, Moroz was tried by the camp court and committed to solitary confinement for writing a blistering accusation of the Soviet regime in a booklet, A Report from the Beria Preserve. In the fall of 1969, he was released, but was unable to find employment because of his "criminal" record. On June 1, 1970, he was arrested again, and charged with writing A Chronicle of Resistance in Ukraine, which scathingly assailed the Russification of Ukraine. On November 20, 1970, he was sentenced to 9 years at hard labor. He is now reported to be in Vladimir Prison.

Archbishop Vasyl Welychkovsky, highest prelate of the Ukrainian Catholic Church (which functions illegally in Ukraine), was arrested in January, 1969 in Lviv, on his way to hear the confession of a sick person; in the fall of the same year he was tried and sentenced to three years at hard labor. In December, 1971, he was reported to be in a jail for common criminals in the Donbas area of Ukraine, and to be suffering from ill health and abuse.

On February 27, 1972, Archbishop Welychkovsky arrived in Rome after being released from prison, one month before his term was up. He has since been received by Joseph Cardinal Slipy, Archbishop-Major of the Ukrainian Church. Thus far no public statement has appeared as to the circumstances of his release and arrival in Rome.

Alla Horska, a young Ukrainian woman artist and a member of the Kiev Art Institute, was murdered on November 28, 1970, near Kiev under mysterious circumstances. In her home she often was host to many known Ukrainian intellectual dissidents. Together with two other Ukrainian artists, Panas Zalyvakha and Ludmyla Semykina, she designed a stained-glass window entitled, "Prophet" (showing Taras Shevchenko in chains, with powerful quotations against the Russian Czars), for the main hall of Kiev University. The window was destroyed by Russian chauvinists, angered because it symbolized freedom, for which all Ukrainians are striving. Miss Horska, according to The Ukrainian Herald (No. 5, June, 1971), was slain on the orders of the KGB.

TRAVESTY OF "CULTURAL EXCHANGE"

As we know, the United States has an agreement with the USSR regarding "cultural exchanges." We thus open our doors to various teams of Soviet scientists, dance and choral ensembles, students, scholars, musicians, and writers and poets, such as the hypocritcial Yevgeniy Yevtushenko. All, as emissaries of the Soviet regime, give fulsome praise to the Soviet system and its alleged cultural and technological "progress" and "freedom."

But, at the very same time, the Soviet government is conducting cultural and religious genocide in Ukraine. It ruthlessly persecutes Catholicism, Orthodoxy, Protestantism and Judaism in the USSR.

Yet the Soviet Union is by no means immune to the voice of international public opinion. Under the pressure of world opinion, the Kremlin has allowed many Jews to emigrate from the USSR to Israel, and Alexander Solzhenitsyn, great Russian writer and Nobel prize winner, is still free because the Kremlin is reluctant to arrest him for fear of international repercussions. During the recent visit to Canada of Soviet Premier Alexei Kosygin, Prime Minister Pierre E. Trudeau, influenced by Canadian public opinion and Ukrainian Canadian parliamentarian headed by Senator Paul Yuzyk, brought up the matter of repression in Ukraine with his Soviet guest.

Therefore, the protesting voice of freedom-loving peoples the world over, the press, radio and TV broadcasts—all can play a vital role in exposing and moderating the barbarous Soviet policies in Ukraine.

Mr. O'HARA. Mr. Speaker, I wish to associate myself with the remarks of my colleagues in paying tribute to the indomitable will of the people of Ukraine—a people who still search after the independence which they won more than half a century ago, and which they held on to for so brief a span of time before it was cruelly wrested from them.

This year marks the 55th anniversary of Ukraine's independence. This independence was destroyed in 1920 by the first wave of Soviet Russian imperialism. The people of Ukraine did not voluntarily enter into any free federation to form the Union of Soviet Socialist Republics. Ukraine was forcibly incorporated into this new imperialist state under Moscow's rule as were the Baltic nations 20 years later. The 47 million people of Ukraine constitute the largest captive non-Russian nation in the U.S.S.R. and Eastern Europe.

These years of captive-nation status have been hard ones for the people of Ukraine. History tells us that upward of 15 million Ukrainians have starved to death because of famines resulting from Kremlin economic and agricultural policies. Over the years, the Kremlin has destroyed the independent Ukrainian Orthodox Church and forced over 5 million members of the Ukrainian Catholic Church into the fold of the Russian Orthodox Church. It has harassed and persecuted other Christian adherents in Ukraine—the Baptists, Evangelics, Seventh-Day Adventists, and Jehovah's Witnesses. It has oppressed the Jews by closing down synagogues, molesting leaders, and terrorizing worshippers.

Recent arrests of Ukrainian intellectuals—writers, professors, artists, and scientists—and other patriots serve only to underscore the fact that there exists an intensive, systematic plan to destroy the culture of these people, and to complete the Russification of Ukraine which began in 1920.

All this is in open disregard of the Universal Declaration of Human Rights, a powerful, basic document seeking to promote and extend the rights of man. The Soviet Union is a signatory of the Declaration—yet the Soviets have obstructed, circumvented, and denied these principles to the people of the Ukraine.

As free men in the world's greatest nation, it is our moral duty and responsibility to speak out in behalf of those seeking freedom and national independence. And so, Mr. Speaker, I join in today's tribute to the people of Ukraine in their continuing quest for peace, justice, and freedom.

Mr. RARICK. Mr. Speaker, it is fitting that this House should pause today to commemorate the 55th anniversary of Ukrainian independence and to remember that the Ukraine and its people continue to be subjugated by the Soviet Union. The Ukraine today is a captive nation, where basic human rights are denied and where men are forbidden to speak freely. Dissent is still punished by prompt arrest and swift imprisonment.

The Ukraine won its independence on January 22, 1918, in a revolution not unlike that which brought America its freedom from the British. Like the Americans, the Ukrainians sought a free and independent state. Unfortunately, this was not the case as the Bolshevik Revolution, which was dominated by the Russians, did not live up to its high-sounding slogans and objectives, and the Communists extended their domination over other non-Russian people, including the Ukrainians.

The incidents of the week prior to the celebration of Ukrainian Independence Day in 1972 are certainly indicative of the situation in that captive nation. Newspapers of January 14 and 15, 1972, carried stories dealing with the sudden arrest of 13 Ukrainian intellectuals for "deliberately false fabrications defaming the Soviet State."

These articles indicate the true nature of life under communism—one of repression, fear, and terror. The true facts stand out in stark contrast to the "public" face of the Soviet Union. The Soviet bear is still vicious and self-possessing. It has never granted self-determination to any of its "colonies."

I urge the Members of this House to take stock of the world situation and recognize the stark realities of life under communism and take the necessary actions to call the attention of the world to the atrocities committed by the Soviets ánd their allies to maintain and further the cause of Communist world domination.

It is for this purpose—to call the attention of the world to the atrocities committed by the Communists or their agents in their drive for world domination—that I introduced House Resolution 27, which would create a select committee in the House to investigate all crimes against humanity perpetrated by Communists or under Communist direction, and would express the sense of Congress that a monument be erected as a suitable memorial to all victims of Communist actions. I would appreciate the support of our colleagues for this legislation.

I include the text of my bill along with relevant news clippings:

H. Res. 27

Whereas the United States of America has an abiding commitment to the principles of freedom, personal liberty, and human dignity, and holds it as a fundamental purpose to recognize and encourage constructive actions which foster the growth and development of national independence and freedom; and

Whereas the international Communist movement toward a world empire has from its beginning adopted the means of terrorism, assassination, and mass murder as official policies to apply their application advances the Communist cause of world domination; and

Whereas there is considerable evidence that Communists in the Soviet Union and in other countries have deliberately caused the death of millions of individuals in Russia, Poland, Hungary, Lithuania, Ukraine, Czechoslovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, Mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Tibet, Cossackia, Turkestan, North Vietnam, Serbia, Croatia, Slovenia, Cuba, and others; and

Whereas thousands of survivors and refugees from Communist campaigns of terrorism and mass liquidation have been forced to flee to the United States as refugees to find the freedom and dignity denied to them by Communist regimes and have become productive citizens of the United States; and

Whereas it is fitting that the full facts of Communist terrorism in all of its various forms, including assassination and mass murder, be made manifest to all the peoples of the world so that such policies can be properly understood and condemned by all mankind toward the purpose of eradicating such policies from the body of mankind: Now, therefore, be it

Resolved, That—

(1) The Speaker of the House shall within fourteen days hereafter appoint a special committee of twelve Members of the House, equally divided between the majority and minority parties, and shall designate one member to serve as chairman, which special committee shall proceed to investigate all crimes against humanity perpetrated under Communist direction. The special committee shall report to the House the results of its investigation, together with its recommendations, not later than one year following the appointment of its full membership by the Speaker.

(2) For the purpose of carrying out this resolution, the committee, or any subcommittee thereof, is authorized to sit and act during the present Congress at such times and such places within the United States, whether the House is sitting, has recessed, or has adjourned, to hold such hearings, and to require by subpena or otherwise, the attendance and testimony of such witness and the production of such books, records, correspondence, memorandums, papers, and documents as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any member of the committee designated by him, and may be served by any person designated by such chairman or member; and be it further

Resolved, That it is the sense of the Congress that a monument be erected in the city of Washington, District of Columbia, our Nation's Capital, as a suitable memorial to all victims of international Communist crimes against humanity.

[From the New York Times, Jan. 15, 1972]

Soviet Arrest of 11 In Ukraine Reported for Anti-State Acts

Moscow, January 14.—The Soviet secret police have arrested 11 Ukrainians apparently on suspicion of nationalist activity, reliable sources said today.

All were held under an article of the Ukrainian criminal code that prohibits dissemination of "deliberately false fabrications defaming the Soviet state," the sources said. The article carries a maximum sentence of three years' imprisonment.

Four of the persons were arrested Thursday in Kiev, the Ukrainian capital, the sources said. Among them, they added, was Ivan Svitlichny, a literary critic.

A Ukrainian underground publication, Ukrainsky Visny (Ukrainian Herald), says that Mr. Svitlichny is one of several intellectuals whom the security police have tried to discredit.

The sources said that the seven other arrests were made Wednesday in Lvov, the main city in the western Ukraine and generally considered one of the strongest centers of Ukrainian nationalism.

The seven arrested were reported to have included a former television journalist, Vyacheslav Chornovil. Mr. Chornovil, in his early 30's, was sentenced in November, 1967, to 18 months in a labor camp for compiling an underground account of secret police methods used in rounding up about 100 Ukrainian intellectuals in 1965 and 1966.

About 20 of those arrested then were eventually tried in secret in 1966 on charges of anti-Soviet agitation and propaganda.

They were sentenced to labor-camp terms ranging from six months to six years.

[From the Sun, Jan. 15, 1972]

Chornovil, Svitlichny and 11 Other Ukrainian Intellectuals Arrested—Ukrainian Dissidents Reported Held

Moscow.—In a sweeping action against Ukrainian "nationalists," Soviet secret police have arrested 11 leading dissident intellectuals in the Ukraine, reliable sources said yesterday.

Among those held by police is Vyacheslav Chornovil, author of the "Chornovil Papers," an account of the trial and prison camp experiences of 20 Ukrainian intellectuals convicted in 1966 for nationalist agitation.

After the account was written, Mr. Chornovil was sent to prison in 1967 for three years. It was published later in the west.

ARRESTED IN LVOV

He was one of seven persons arrested Wednesday in Lvov, a city in the Western Ukraine where nationalist feeling against Russians is reported to be especially strong.

Four people were taken into custody in the Ukrainian Republic capital, Kiev, Thursday. They include Ivan Svitlychny, a former literary critic who has been particularly active in the nationalist movement.

The sources said the arrests were preceded by a series of raids by Soviet secret police on the homes of intellectuals in Kiev and Lvov.

Those held are all charged with dissemination of "deliberately false fabrications defaming the Soviet state." Conviction on the charge carries a maximum three-year sentence.

Despite the round-up of dissidents that led to the 1966 trials, the Ukraine has continued to be a source of trouble for Moscow. Like the dissidents centered in Moscow, the Ukrainians have their own underground newspaper, the Ukrainian Herald, to chronicle their battles with the authorities.

Some of them, disturbed by what they consider to be the Russification of the Ukraine, have called for secession from the Soviet Union—a right technically guaranteed in the Constitution.

In the most famous recent case, Valentin Moroy, a teacher, was sentenced in 1970 to nine years in prison and five years in exile on a charge of anti-Soviet agitation.

Mr. Chornovil was called as a witness at that trial, but refused to testify on the grounds that it was being held secretly, in violation of Soviet law.

GENERAL LEAVE

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that all Members may have 5 days in which to extend their remarks on the subject of Ukrainian Independence Day.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

THE RICH GET RICHER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 30 minutes.

Mr. REUSS. Mr. Speaker, the Census Bureau's recent report, called "Money Income in 1971 of Families and Persons in the United States," contains some revealing data on changes in the distribution of income in this country in the past 4 years. The administration has not publicized the charts prepared by the Census Bureau showing changes in the percentage shares of U.S. income enjoyed by low-, middle-, and high-income families. These charts show the top fifth of American families increasing their share dramatically under President Nixon—from 40.6 percent in 1968 to 41.6 percent in 1971—at the expense of the lower three-fifths, whose shares decreased over that period:

PERCENTAGE SHARE OF AGGREGATE INCOME IN 1947, 1950, AND 1959 TO 1971, RECEIVED BY EACH ⅕ OF FAMILIES AND UNRELATED INDIVIDUALS, RANKED BY INCOME, BY RACE OF HEAD

Income rank	1971	1970	1969	1968	1967	1966	1965	1964	1963	1962	1961	1960	1959	1950	1947
Families total (percent)	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Lowest ⅕	5.5	5.5	5.6	5.7	5.4	5.5	5.3	5.2	5.1	5.1	4.8	4.9	5.0	4.5	5.0
Second ⅕	11.9	12.0	12.3	12.4	12.2	12.4	12.1	12.0	12.0	12.0	11.7	12.0	12.1	12.0	11.8
Third ⅕	17.4	17.4	17.6	17.7	17.5	17.7	17.7	17.7	17.6	17.5	17.4	17.6	17.7	17.4	17.0
Fourth ⅕	23.7	23.5	23.5	23.7	23.7	23.7	23.7	24.0	23.9	23.7	23.6	23.6	23.7	23.5	23.1
Highest ⅕	41.6	41.6	41.0	40.6	41.2	40.7	41.3	41.1	41.4	41.7	42.6	42.0	41.4	42.6	43.0
Top 5 percent	(1)	14.4	14.0	14.0	15.3	14.8	15.8	15.7	16.0	16.3	17.1	16.8	16.3	17.0	17.2

[1] See text below.

And for the real shocker, let us look at the percentage share of the richest 5 percent of American families over the years. In 1947, these few families were receiving 17.2 percent of total income. By 1968, the figure had shrunk to 14.0 percent. But the first 2 Nixon years—1969 and 1970—reversed this trend: the share of the top 5 percent grew to 14.4 percent. Then, in 1971, instead of a percentage the Census Bureau reports a footnote, excusing the absence of information as follows:

> The percentage shares of aggregate income for the top 5 percent of families for income year 1971 and also for other years are being computed using revised procedures. Because of their income level for this fractile falling into broader income intervals than those previously utilized, use of earlier techniques would result in inconsistent and erroneous estimates, primarily because of interpolation errors. Revised data will be included in income reports to be published in 1973. For more detailed explanation of this problem, see page 12 of the text.

However, a Census Bureau official informed me that if calculated according to previous procedures, the 1971 figure would have shown a jump to 16.2 percent—the largest increase for this group in 25 years. It is a curious coincidence that the Census Bureau should be overcome by statistical scruples at the very point where the direct income shifting effect of the last 3 years—heightened unemployment and increased tax breaks for well-to-do tax avoiders—would have been shown most clearly.

The text of a January 11, 1973, article by Harry B. Ellis in the Christian Science Monitor on the subject of income shares follows:

REUSS FINDS WIDENING OF RICH-POOR GAP

The old adage that the rich get richer and the poor get poorer was never truer than right now, according to Rep. Henry S. Reuss (D) of Wisconsin.

Latest census figures, he says, show that President Nixon's administration is helping the 20 percent of top-income Americans increase their share of national wealth "at the expense of the rest of society."

In 1968 the highest one-fifth of the population enjoyed 40.6 percent of the nation's income. In 1970, according to Census Bureau figures quoted by Mr. Reuss, this share had grown to 41.6 percent.

This meant that Americans on lower rungs of the income ladder were dividing smaller shares of the pie—that the income gap between rich and other Americans grew during Mr. Nixon's first administration.

"But wait," adds Mr. Reuss, member of the House Committee on Banking and Currency and of the Joint Economic Committee of Congress. "Mr. Nixon's Robin Hood in reverse . . . appears in most striking form when you look at the share enjoyed by the richest 5 percent of American families."

This top 5 percent, he notes, enjoyed 17 percent of total U.S. income in 1950, but slipped to 14 percent between 1950 and 1968.

Under Presidents Truman, Eisenhower, Kennedy and Johnson, in other words, "the poor, and particularly the fellow in the middle, greatly improved their position" vis-a-vis the rich.

This trend reversed itself as soon as President Nixon took office. By 1970 the share of the top 5 percent of earners was up to 14.4 percent.

"And for 1971," declares Mr. Reuss, "we find the Census Bureau reporting not a figure but a gobbledygook-full footnote, stating that the Census Bureau hopes to have this figure in a year or so.

"However," adds the Wisconsin lawmaker, "a Census Bureau official, who preferred not to be named, informed us that the true figure would show the top 5 percent with a staggering 16.2 percent of the total, a 15 percent gain for them since 1968."

Mr. Reuss is a highly respected expert on economic affairs, a man not given to hyperbole. He is also one of many prominent Democratic lawmakers in both houses disturbed by what they regard as the tilt of Mr. Nixon's administration toward the affluent.

INCOME GAP WIDENED

In his early White House years the President gave tax breaks to business, in an effort to stimulate the U.S. economy. This worked, but a side effect, according to Census Bureau figures, was to widen the income gap between top and bottom.

White House spokesmen stress that, after years of stagnation, real take-home earnings of American workers—after the deduction of taxes and inflation—have risen during the Nixon years.

This also is true. Between 1964 and 1970, according to the Department of Commerce, real spendable income scarcely rose at all, when corrected for the cost of living rise and taxes.

Real income actually declined in the 1970 period, when a business slowdown coincided with inflation increases close to 6 percent.

Put another way, low- and middle-income people may have been narrowing the gap slightly between themselves and the rich, but they were not gaining in real income.

Then, on Aug. 15, 1971, Mr. Nixon introduced his new economic policy, characterized by a 90-day wage-and-price freeze, followed by still-existing controls. The President will shortly ask Congress to extend the controls program beyond April 30.

"Since August, 1971," says the Department of Commerce, "real spendable earnings for the average worker and his family have risen at an annual rate of 4.3 percent." The average American, in other words, now is beating inflation.

Nixon officials and Mr. Reuss appear to be looking at two sides of the same coin. The average American is earning more, but his income is not rising as quickly as that of the top 5 percent of money earners.

Both sides agree that dark spots exist in this picture of general, though mixed, affluence, notably that 16 percent of all teenagers and 9.6 percent of blacks cannot get work.

The Department of Labor urges Congress to consider adoption of a wage differential for American youth, allowing young people to be hired at less than the adult minimum wage.

An increase in the federal minimum wage without a youth differential, says Michael H. Moskow, Assistant Secretary of Labor for Policy, Evaluation, and Research, "might price some young people right out of the market."

ADULT OVER YOUTH?

An employer offering a minimum wage job tends to give it to an adult worker rather than to an inexperienced youth. If he could hire the teen-ager for less money, the employer might choose the youngster.

Cumulatively, this might put thousands of teenagers to work, reducing their soaring unemployment rate.

Representative Reuss has just introduced a "jobs now" bill aimed at creating 500,000 federally financed public service jobs, designed particularly to absorb the hard-core unemployed.

Object of the Reuss bill, cosponsored by 79 Democrats and Republicans, is to provide jobs—in recreation, child care, health care, antipollution, and other fields—at state and local levels.

A White House goal in 1973 is to cut nationwide unemployment, currently 5.2 percent of the labor force, below 5 percent. The Democratic leadership of House and Senate believes the target should be lower.

Both agree that, whatever happens to the white adult employment level, special steps must be taken to help disadvantaged Americans, handicapped by age, education, poverty, or color.

CONCERN ABOUT ABILITY OF CONGRESS TO EFFECTIVELY ASSERT PRIORITIES ESTABLISHED BY PEOPLE OF THIS NATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. Alexander) is recognized for 45 minutes.

Mr. ALEXANDER. Mr. Speaker, 5 years ago I was first elected to represent the First Congressional District of Arkansas in the U.S. Congress. At that time our region was undergoing rapid economic and social change, much the same as it is now. While I have continued to support the farm programs that have made this region and other rural areas like Arkansas what they are today, and included efforts to improve bulk transportation, export marketing, and world trade, I have attempted to expand the scope of my representation to include the priorities that are important to meet the needs and challenges of the current times. I have focused my efforts on a balanced economy, and aided with industrial development. I have personally sought more jobs in manufacturing. Our office has stressed the need for community development, highways, and public works projects. Education has been placed up front. I am among the strongest and most consistent supporters of education on Capitol Hill today. Housing has become one of the most commanding needs in the district. The responsibility for providing medical care for the poor has been accepted. Legislation for public parks and natural areas with planned recreation became an important part of our effort.

In general, Mr. Speaker, I have worked constantly and diligently for the improvement of the quality of life in Arkansas and in America. Always this congressional office keeps a viligant eye on our needs for a strong national defense. I have followed with keen interest the developments of foreign policy as well as transportation, communications, power supply, and urban problems. Consumer affairs have been very important. I am an active participant in the debate on the reorganization of the agencies of the executive branch in an effort to make the bureaucracy more responsive to the needs and the will of our people.

Finally, Mr. Speaker, one of my committees is engaging in numerous oversight investigations of Government waste and inefficiency. Just recently the Subcommittee on Foreign Operations and Government Information journeyed on an inspection mission to Asia and to Europe whereby we are attempting to fulfill the charge that has been placed on us to investigate the needs and the reasons for the delinquent international debt that now stands in excess of $46 billion, with hundreds of millions of dollars in arrears by some 40 nations.

I enumerate some of my efforts because they are among the priorities that were established in the First Congressional District through the political process. These are among the priorities that our people want their Representative to pursue in the Congress, and I believe that significant and worthwhile progress has been made toward the accomplishment of many of these goals during the 4 years that I have had the privilege to serve my people in the Congress.

However, Mr. Speaker, as I have come to learn the realities of Washington, I grow increasingly concerned about the ability or the capacity of the Congress to effectively assert these priorities that are established by the people of my district and the people of this Nation.

Just recently a Cabinet officer, Dr. Earl Butz, of the Department of Agriculture, announced that he had decided to summarily terminate several Federal programs: part of the rural electrification program, the rural environmental assistance program, and the emergency loan program for farmers in financial distress. In this instance all three programs are essential to the needs of the people of the First Congressional District of Arkansas and to other rural areas of this great Nation.

Dr. Butz decided without consulting with the Congress to cancel the law by edict. The question is not whether one agrees with these programs. I disagree with several provisions myself. But does the Secretary, does any member of the executive branch, have the authority to take this action? An executive officer who is appointed and does not have the benefit of the election process has announced that he will terminate the law.

This action is arbitrary, intolerable, and wholly inconsistent with the principles of democracy that are dear to every discerning American.

This is but one example. I could give several illustrations that Congress is losing its power to govern this country and to establish the priorities that are set when our people elect their representatives and send them to Washington.

On January 10 I wrote Dr. Butz to protest the precipitous, unwise action which the Department of Agriculture has taken against the Rural Electrification Administration; programs which have been enacted by the U.S. Congress and have been canceled by the Department of Agriculture.

In that letter I asked as a Member of the House of Representatives and as a member of the Committee on Agriculture for some specific information. So that there would be no misunderstanding of what information I requested, I ask unanimous consent to insert a duplicate original of the letter which I forwarded to Dr. Butz on January 10, 1973.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The letter follows:

January 10, 1973.

Hon. Earl Butz,
Secretary of Agriculture, U.S. Department of Agriculture, Washington, D.C.

Dear Mr. Secretary: As the representative of a district, most of which is non-metropolitan, in which many citizens are actively working to upgrade their community facilities and development, I am a strong supporter of the Rural Electrification Administration. The work of REA has had a significant impact on the ability of many small communities in my district to make their areas more desirable as sites for corporations and businessmen who are seeking locations for branches or new operations.

A principal need that many non-metropolitan communities have in their efforts to develop needed facilities in credit available at reasonable rates. REA has been an invaluable resource for this financing. The recent adverse action by the USDA relating to REA's financial resources appears to be in direct contradiction to the Administration's announced interest in assisting non-metropolitan areas in their community development efforts. It will certainly have a depressing effect on many of these efforts.

In view of this, I strongly protest the announced intention to force REA to enter the private money market in search of funding and to increase the interest rates on the money borrowed.

It is my understanding that USDA regards provisions of the Rural Development Act of 1972 as allowing this adverse action against REA. As a member of the House Committee on Agriculture and as a co-sponsor of the act, I want to state that it was not the intent of the Congress or the committee that such an interpretation of the act should be made. Therefore, I herewith request that you provide me with specific references to the statutory provisions which you believe provides the Secretary of Agriculture with the discretionary authority to take the action which has been taken with regard to REA.

Thank you for the cooperation which you may give me in this effort to correctly assess the USDA action against REA.

With kindest regards, I am.

Sincerely yours,

Bill Alexander,
Congressman from Arkansas.

Mr. ALEXANDER. In that letter, Mr. Speaker, if I may quote from it, I asked:

> I herewith request that you provide me with specific reference to the statutory provisions which you believe provides the Secretary of Agriculture with the discretionary authority to take the action which has been taken with regard to REA.

Mr. Speaker, to this date I have not heard from the Secretary of Agriculture, but instead yesterday I received a letter from one T. K. Cowden, an Assistant Secretary in response to the letter which I forwarded.

I ask unanimous consent, Mr. Speaker, to include a duplicate original of that letter in the Record at this point in time.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Department of Agriculture,
Washington, D.C., January 17, 1973.

Hon. Bill Alexander,
House of Representatives.

Dear Mr. Alexander: I appreciate your letter of January 10 and your comments concerning the changes in the REA program. The REA program has made a significant contribution to the development of small communities throughout the Nation and we believe that it can continue to do so.

A change in the interest rate from 2 to 5 percent should not have a great impact on most borrowers. I am informed that the average increase in revenue required to meet a 5 percent interest charge would be less than 2 percent by 1976 and probably less than 3 percent by 1981.

However, the greatest need for borrower capital from here on is to finance nonfarm electrification with a substantial amount of the loans being used to provide electricity to suburban and town development. Last year the average number of consumers per mile of line financed by REA loans was 14. On this basis, it is somewhat difficult to conclude that a reasonable increase in the interest rate would be prohibitive.

The utilization of insured and guaranteed loans under the Rural Development Act may prove to be very advantageous to the REA program because of the possibility of obtaining greater loan authority than would likely be available through direct loans. For the remainder of fiscal year 1973, we will have $390 million for electric loans. This means that for the entire fiscal year of 1973, our total loan authority will be $618 million. This is nearly $170 million more than has ever been provided in a single year.

Your careful consideration of the possibilities provided by the Rural Development Act will be important to the future of all REA borrowers.

Sincerely,

T. K. COWDEN,
Assistant Secretary.

Mr. ALEXANDER. Mr. Speaker, the letter which was signed by Mr. Cowden and purports to answer my letter of January 10, 1973, completely and totally ignores the question which I raised in the above referenced letter that I forwarded to the Secretary of Agriculture. Mr. Cowden's response is grossly inadequate and appears to be a deliberate, calculated attempt by the Office of the Secretary of Agriculture to deny the right and responsibility of a Member of Congress to obtain needed information.

I again respectfully request the information requested in my letter of January 10th. The request is being made under my authority and responsibility as a Member of Congress and of the House Committee on Agriculture as well as title V, section 552, subparagraph (c) of the United States Code.

The rationale for the action of the Secretary may be true. The loan provisions of the REA program may be obsolete, and be in need of revision. But where in the law does a Secretary, an elected official, find the authority to terminate the action of Congress?

The question goes to the authority and not to the rationale.

Mr. Speaker, if a Cabinet officer of this Government can thumb his nose at the legislative branch, this Congress is no more than a mere shadow of the Capitol dome.

Thank you, Mr. Speaker.

TRANSFER OF SPECIAL ORDER

Mr. ARENDS. Mr. Speaker, on today the gentleman from Ohio (Mr. MINSHALL) has a special order, to notify the House of the passing of a former Member, Oliver Bolton, of Ohio. I understand the gentleman from Ohio would like to have the special order tomorrow, and I ask unanimous consent that he be allowed the privilege of transferring his special order to tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

EDITORIAL COMMENT ON THE LIFE AND TIMES OF PRESIDENT TRUMAN

The SPEAKER. Under a previous order of the House, the gentleman from Missouri (Mr. RANDALL) is recognized for 1 hour.

Mr. RANDALL. Mr. Speaker, with 3 days yet remaining of the period proclaimed to mourn our former President Harry S Truman, the country is saddened again by the loss of a great and honored leader, Lyndon B. Johnson.

The reason I have asked for this time today is to announce that a resolution will soon be offered to authorize the Joint Committee on Printing to prepare a book containing tributes to Mr. Truman. The immediate purpose of my special order today is to request unanimous consent to include in the CONGRESSIONAL RECORD certain editorials written on the life and times of Mr. Truman from the Examiner, published in his home city of Independence, Mo.; the Kansas City Star of Kansas City, Mo.; the two St. Louis papers, being the St. Louis Globe Democrat and the St. Louis Post Dispatch; the St. Joseph News Press and the Springfield Leader Press. All of these are major publications with wide circulation in their respective areas of Missouri.

In each instance I have selected for inclusion only the principal or lead editorial in tribute to Mr. Truman.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. RANDALL. Mr. Speaker, I now ask unanimous consent that at this point in the RECORD I may be permitted to revise my own remarks to comment on the content of each of these editorials just before the entry of each into the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

GENERAL LEAVE

Mr. RANDALL. Now, Mr. Speaker, as we come within 3 days of the end of the mourning period for Mr. Truman, I ask unanimous consent that all Members may have 5 legislative days from today to revise and extend their own remarks and to include excerpts from any editorials from districts they represent written in memory of Harry S Truman.

Mr. Speaker, during all of my years as a Member of Congress, our residence in my home city of Independence, Mo., has been located only four short city blocks distant from that of our former President, Harry S Truman. When Mr. Truman served as a member of the Jackson County Court on which body I was later elected to serve, and during his years in the Senate and in the Presidency, I know Mr. Truman was a regular reader of our hometown newspaper, the Independence Examiner.

I mention this fact only to emphasize that I know that our former President read, admired, and respected not only the paper's journalistic excellence, but also its editorial policy. It is for these reasons that I am sure Mr. Truman would have approved his editorial written and appearing in the edition of the Independence Examiner on December 26.

While the editor's comments devotes some of its space to the importance of the Truman Library to Independence, Mo., his hometown paper goes on to quote our former President to the effect that while the Library happened to be located in Independence, Mo., it belonged to all the people in the United States.

The important fact about the editorial published by Mr. Truman's home newspaper is that it completely demolishes the sometimes expressed belief that a great man may not enjoy honor in his own country. The key content of the editorial, in my judgment, is that portion which states:

> Truman, who set out to be a good president, became a great president by doing a good job.

The editorial follows:

[Editorial from the Independence (Mo.) Examiner, Dec. 26, 1972]

HARRY S TRUMAN

The whole world joins us in our sorrow.

Independence was Harry Truman's home town and a city never had a more loyal citizen. We naturally feel his loss more acutely than any other place could.

But through the years we have shared him with others. First, with Missourians when we sent him to the Senate, and then the nation when he became the 33rd President. And finally with the world as he provided leadership in the post-war years.

And now Harry Truman is dead at 88.

The Examiner extends its sympathy to his wife and his daughter and to his sister, hospitalized herself.

Harry Truman wasn't the kind of president who was forgotten when he left the White House. He wasn't the kind of man who felt his work was done when he retired from the presidency although he was already a senior citizen.

Truman made the presidential library, which he chose to locate in his home city, his personal project and he worked untiringly, traveled hundreds of miles, and made dozens of speeches in its behalf.

The flag is now at half mast at the beautiful structure on the crown of the hill where Truman spent eight busy, happy years involved in a maze of activities.

"The library will belong to the people of the United States," he said in the legend for one of the cornerstones. "My papers will be the property of the people and will be accessible to them. The papers of the president are among the most valuable sources of material for history. They ought to be preserved and they ought to be used."

Truman wanted his papers available for "furthering the study of free government and of the participation of the United States in world affairs."

And as Truman wished and dreamed, his library has been used by researchers who wrote books, and has been visited by more than two-million history-loving Americans. His beliefs and philosophy are perpetuated there.

And students fortunate enough to visit the library in educational groups in the years when the former president kept office hours will never forget his folksy history lessons.

He told them that their government is the greatest in the history of the world and urged them to study their history and "learn what we have."

Truman made more major decisions in his nearly eight years as chief executive than any other president. Reading, particularly history, a lifelong hobby, gave him invaluable background for his role.

Truman, as no other American president, told it like it was—he said what was on his mind. He was willing to speak up if he felt the occasion justified it, a trait which endeared him to the common man.

Truman, who set out to be a good president, became a great president by doing a good job.

He was willing to fight for what he thought was right. He fought a good fight all of his life, even to the end.

Harry Truman now belongs to immortality.

Mr. Speaker, the Kansas City Times is a paper which is the morning edition of the Kansas City Star, both of which are owned by the Star Co. Thus there is really only one paper in Kansas City, Mo., with both a morning and an evening edition. Most of us in the metropolitan area believe it is a good paper. It has achieved nationwide recognition as a great paper.

This is the paper whose reporters covered Mr. Truman when he was a member of the Jackson County Court. This paper has maintained a Washington bureau during all the years when Mr. Truman was in the Senate and in the Presidency. The Star has long maintained a bureau in Independence, Mo., and covered Mr. Truman's years in his home city after he left the White House. It is for the foregoing reasons that the editorial in the Kansas City Times of December 27, 1972, should and must be made a part of the permanent record of the life of Mr. Truman.

The following editorial sets the theme for several others written throughout Missouri as well as throughout the Nation when it points out that this supposedly common man from Independence became a most uncommon leader of the world.

While the editorial speaks for itself, it closes on the note that while Mr. Truman seemed to be an ordinary man, in the best sense of the phrase, because he was without vanity or pretention, his qualities of intellect and character made him a most unusual man. The editorial follows:

[From the Kansas City (Mo.) Times, Dec. 27, 1972]

HARRY TRUMAN, MISSOURIAN AND PRESIDENT

Harry S Truman was the supposedly common man from Independence who became a most uncommon leader of the world.

The long-range successes and failures of the Truman years cannot be finally assessed, for the era has not played out its theme. But Harry Truman, the man and President, can be gauged. He lived among us in our own time: More than that, he was one of us; an apparently ordinary sort of person with the farm background and upbringing that were much the same as for millions of Middle Westerners.

Yet when events took him to the American presidency at a crucial turning point in the history of the world, the ordinary man became an extraordinarily strong and decisive leader. He acted with what must have been an innate wisdom and ability to clarify issues based on a lifetime of self-education and reading in history. Whether Harry Truman would have been on anybody's list in 1943 as a potential occupant of the White House is doubtful; the fact is, however, that in 1945—with almost no tutoring from his predecessor—Harry Truman was in the White House and facing decisions as momentous as any ever thrust on a man.

He rose to the challenges prayerfully but with not a quaking humility. There was a degree of self-assurance that carried no hint of arrogance. He became President when Hitler's cruel reign was dissolving in Europe and the Empire of Japan was under siege. Within weeks he would be sitting at a conference table with Winston Churchill and Josef Stalin. Within months he would make the fateful decision to drop the first and only atomic bombs used in war.

A GENEROUS MIND

Dean Acheson many years later, wrote of his chief as having a "truly hospitable and generous mind, that is, a mind warm and welcoming in its reception of other people's ideas. Not in any sense self-deprecating, his approach was sturdy and self-confident, but without any trace of pretentiousness. He held his own ideas in abeyance until he had heard. . . . The ideas of others, alert and eager to gain additional knowledge and new insights. He was not afraid of the competition of others' ideas; he welcomed it".

This is a picture, not of a man who thought he was born to rule, as did Churchill, nor of a tyrant in the Stalin mold, who sought power as naturally as other men breathed. It is, instead, the description of a quick, intelligent and compassionate man who knew the gravity of his responsibility and who wanted to do the right thing. And who knew that whatever had to be done, it was Harry Truman who would have to do it.

The United States, surely, and the world were fortunate that such a man was ready to step on the global stage at just such a juncture in history. The American processes or politics and government seem to have an uncanny way of producing a Jackson, a Lincoln or a Truman when such an individual is needed. The consequences of a weak presidency in 1945–1953, or of a blustering, aggressive individual would have made for a very different world today. In the perspective of less than three decades, Harry Truman seems to have been the right man for the right time.

That time, now receding past the terms of four subsequent Presidents, was a period unparalleled in the history of the United States or any other nation. The fall of Nazi Germany and expansionist Japan had left a vacuum into which the old Russian imperialism with an even more dangerous face of international communism was rushing. The United States, with its nuclear monopoly, industrial power, and limited conventional forces, was the only challenger.

HIS DELICATE DECISIONS

The decisions in those days of Harry Truman's presidency were delicate in the extreme. All the old rules were off. Europe was a ruin of bomb craters and dead cities. Asia was a ferment of confusion in the wake of the Japanese defeat. There were no blueprints to guide a future in the midst of the convulsions that ended World War II and the beginning of the nuclear age.

Mr. Truman acted with caution and deliberate decision. From the very beginning he was steadfastly loyal to the ideal of the United Nations. His support in this area was crucial, both in giving the organization an early status and in placing it at the center of American foreign policy. He tried to head off an atomic arms race—and failed—but he tried, and that will always be to the credit of the United States and Harry Truman. At a time when the U.S. was the sole possessor of the bomb, this country did not and would not coerce the rest of the world with the ultimate threat. Other nations might not have been so generous.

Very quickly Harry Truman perceived that the Stalinist government of the Soviet Union based its policy on diplomatic duplicity and coercion. Out of this observation came the Truman Doctrine—the response to Russian intimidation in the region of Greece and Turkey. He proclaimed a policy of aid to all free people who would resist aggression or absorption.

The best example of a positive and creative foreign policy was the Marshall Plan that rebuilt postwar Europe. It was called the Marshall Plan because Mr. Truman's hero, George C. Marshall, was the secretary of state when it was implemented. It might more accurately have been called the Truman-Clifford-Acheson plan after the President and his lieutenants, Clark Clifford, and Dean Acheson. Before that, while the Russians were dismantling German industry in their zone, Mr. Truman was moving to rehabilitate the smashed land. He firmly rejected the Morgenthau plan of a pastoral Germany. Later, he stood up to the Russian challenge and provided a classic example of the use of power with restraint in the Berlin airlift. He used the best American resource—airpower—and avoided the ground action that could have led to general combat.

At the same time the Truman administration was pushing the Point Four program of technical assistance that became a model for the best kind of aid to underdeveloped countries. And as Europe emerged from the ruins, Truman and his advisers restored national pride with the formation of the North Atlantic Treaty Organization. The modern state of Israel was born under his auspices. The prompt recognition of the new nation by the United States helped make an ancient dream become reality.

Mr. Truman said more than once that his most difficult decision was to order American arms against the Communist North Korean aggression in South Korea in 1950.

Out of that period came the firing of Gen. Douglas MacArthur, a genuine American folk hero. Mr. Truman did it because the general was defying the elected authority of the American people. Mr. Truman was right on this issue and most of the American people sensed it.

His action in Korea might be seen in contrast to the timidity of the Allies when Hitler was marching into the Rhineland and ushering in the age of Munich. His caution in restraining MacArthur and his refusal to put ground troops on the road to Berlin can be compared to the unhappy involvement of more than a half-million American troops in Southeast Asia.

The 1948 election, of course, was not only one of the great chapters in American politics, but pure Harry S Truman as well. Nobody, outside the Truman family, gave him the slightest chance.

With the defection of the Dixiecrats, led by Strom Thurmond, and the Progressives, led by Henry A. Wallace (Truman had had to fire him, too), ignominious defeat seemed certain. But Truman was drawing the crowds on his whistle-stop campaign. He denounced the "Do-Nothing 80th Republican Congress" with splendid contempt and great effect. And when the nation woke up after the election, Harry Truman had 303 electoral votes; Thomas Dewey had 189 and Strom Thurmond had 38. Wallace got none. Only Truman and his family were truly unsurprised, although a great many Democrats had begun to hedge as they watched the crowds swell.

THE POLITICAL LEGACY

The 1948 election also was a Truman legacy. Even in this day of the most scientific polls and the fanciest electronic computation on election night, something in the back of the American political mind always says: "Remember 1948".

The association of Mr. Truman in the 1920s and 1930s with the Pendergast machine of Jackson County is a fact of history although it can be seen now in the perspective of the rough politics of those days. Mr. Truman, of course, would not apologize for that association and would resent excuses offered by others. His loyalty to Pendergast long after he had any necessity to depend on him politically was a measure of the Truman allegiance to friends.

If that fidelity sometimes was misplaced in trust of weaker men, it nevertheless was a Truman trait. He was intensely loyal, not only to the people who had helped him in the early days of politics but to the associates of a lifetime. The men of Battery D, 129th Field Artillery, 35th Division, who served with Captain Harry in World War I, were special favorites.

Truman was a combat soldier; he saw men die under his command. He had been to

Europe before he met Stalin and Churchill at Potsdam, although neither of those two might have appreciated it. No scandal that came out of the years of machine rule touched him. He was, in fact, a progressive and far-seeing judge of the Jackson County Court who paved roads and planned parks.

International issues were in the forefront of the Truman years but he left a mark on the domestic scene. His Fair Deal laid the groundwork for Medicare and possibly for a national health insurance. He put through the rudiments of federal aid to education and equal employment opportunity. Federal housing was a germ of his administration. The armed forces were unified in his days of power and racial segregation in the military came to an end.

He could bear grudges. People accustomed to the suavity of a Roosevelt sometimes found Truman's style not easy to take. He was a *fierce* partisan whose opinions were expressed in a way to leave no doubt in the mind of listeners. He was a fond father and husband, a President out of the mold that began to change the spirit of the presidency with Andrew Jackson. Truman was a Middle Westerner with Southern overtone, a product of the American movement westward across the continent. But no politician who played Chopin on the piano could be classified as a routine politician.

HOME TO INDEPENDENCE

In 1953 when he left the White House he returned easily to his home in Independence. Churchill once wrote of the pain a statesman feels when the mantle of power suddenly drops; when one whose favor meant everything one day meant nothing the next. Harry Truman apparently felt no such twinges. He returned home as naturally as the day he left it. He busied himself with the magnificent Truman Library (which he saw as a memorial to the presidency, not to himself) and sometimes would answer the phone there at 7:30 a.m. before the staff had arrived. He dropped gracefully from the pinnacle of power to the pleasant life around the square in Independence, writing, speaking, traveling, while he could, and enjoying the family.

In the last analysis, Harry Truman did seem to be an ordinary man in the best sense of the phrase: Without vanity, pretension or vainglorious ambition. But his qualities of intellent and character were most unusual. He was a man who suddenly found himself in the mainstream of human events and whose special gift was to act decisively and with courage to change the course of history.

Mr. Speaker, the State of Missouri boasts two metropolitan areas—one in the heartland of America on the western edge of the State, being Kansas City, Mo., and the other the great metropolitan area on the east side of the State at the confluence of the Mississippi and Missouri Rivers, being St. Louis, Mo. St. Louis has long enjoyed the benefits of two great metropolitan papers, the St. Louis Globe-Democrat and the St. Louis Post-Dispatch. At this point, Mr. Speaker, I offer for inclusion in the RECORD an editorial from the St. Louis Globe-Democrat entitled "Harry S Truman—A Good President." For my part, I appreciate so very much the opening sentence which points out that the perspective of time has made it clear that Harry S Truman was an able President. In my judgment, history will say that he was a great President. I relish, particularly, the comment in the editorial which says that—

> When the chips were down Mr. Truman could be counted upon to do what was right—for he had the rarest of gifts—the ability to know exactly what he had to do and the courage to do it.

The editorial follows:

[From the St. Louis (Mo.) Globe-Democrat, Dec. 27, 1972]

HARRY S TRUMAN—A GOOD PRESIDENT

The perspective of time has made it clear that Harry S Truman was an able President.

This was not readily apparent when he left office. His opponents at that time dwelled on some of Mr. Truman's unsuccessful domestic programs and his involvement with such cronies as poker-playing friend Gen. Harry Vaughan.

But when his record in the White House was dispassionately examined, in the years that followed, it became apparent the farm boy from Missouri had indeed risen to the heights of White House competence.

He had been President only a short time when he had to make the awesome decision to proceed with the atom bomb over the objections of the nation's top nuclear scientist, and then a few months later to issue the orders to drop atomic bombs on Hiroshima and Nagasaki.

After making these decisions, Truman said he lost no sleep because he was certain the bombings would end the war and make the invasion of Japan unnecessary, thereby saving at least 250,000 American lives.

In 1949 he was instrumental in forming the North Atlantic Treaty Organization, the military alliance that prevented an aggressive, expansionist Soviet Union from moving against the West.

He will be remembered, too, for the massive economic aid that rescued a war-weary Europe and spared a threatened Greece from Communist takeover.

In 1950 Mr. Truman again had an historic decision to make when North Korea invaded South Korea. He unflinchingly sent American troops to Korea, saving not only Korea but the fledgling United Nations.

These are only some of the decisions that will give Mr. Truman high marks in history. But, to those who knew him, the thing they liked best about Harry Truman was his rare ability to "give 'em hell." They like it because they saw the plain-spoken Missourian as a wry, flinty champion of the underdog.

Their eyes popped and their ears tingled as Harry tore into "the Wall Street gluttons of privilege" who were trying to "stick a pitchfork in the farmer's back." And they laughed sympathetically when the President flew into a rage because a music critic wrote that Margaret Truman's voice was flat.

Mr. Truman called the review "lousy" and added, "I've never met you, but if I do you'll need a new nose and plenty of beefsteak and perhaps a supporter below."

Perhaps this fascination with the immensely human and likeable President tended to obscure some of his other accomplishments. It isn't well known, for example, that he campaigned hard for civil rights and asked for laws against racial discrimination in voting and employment, and other legislation to stop lynchings.

But he was ahead of his time and southern Democrats blocked most of the reforms that were later enacted by Congress.

When the chips were down Mr. Truman could be counted upon to do what was right.

Even though he had fought enactment of the Taft-Hartley Act, he didn't hesitate to use its authority when the nation's welfare was threatened by several national strikes.

The people of Missouri and the nation mourn the death of Harry S. Truman, who not only became a good President but a beloved champion of his fellow man.

For he had the rarest of gifts—the ability to know exactly what he had to do and the courage to do it.

Mr. Speaker, as I mentioned earlier, the Kansas City Star for many years has maintained an Independence, Mo. bureau for its paper. While James W. Porter, commonly known as "Bud," was the head of that bureau, another native son of Independence—Fred Schulenberg—also worked in the Independence office of the Kansas City Star. Like most native sons of Independence, he knew Mr. Truman well and even intimately. His story written for the St. Louis Globe-Democrat, "Truman Always Could Be Counted on for a Story," underscores a fact that had never before been given proper perspective and that is that while Mr. Truman may not have been much of a cheerleader for the printed media because he sometimes felt that it was not completely fair and impartial, he nonetheless had great respect for what we could call the working press. He recognized that these men had no voice or control of editorial policy and were only trying to do their best job as reporters.

The story told by Fred Schulenberg in the St. Louis Globe-Democrat about the famous Harpie Club was until this publication almost unknown except to the closest friends of Mr. Truman. In my judgment, Fred has not only made a contribution to Truman memorabilia but also added another interesting sidelight to the life of Mr. Truman when he tells of the time the President was able to evade the Washington press corps to visit his mother. Fred also does a good job as he describes Mr. Truman's personal enthusiasm for the Truman Library at Independence, Mo. The editorial follows:

[From the St. Louis (Mo.) Globe-Democrat, Dec. 27, 1972]

TRUMAN "ALWAYS COULD BE COUNTED ON FOR A STORY"

(By Fred Schulenberg)

(For almost 12 years the author, now editing a magazine in St. Louis, was night manager of the Independence bureau of the Kansas City Star. The period covered a portion of the time Mr. Truman was President and the years from 1953, when his second term expired, to April 1957, when the author changed jobs and moved here. These are the author's recollections of some of his contacts with the former president.)

President Harry S. Truman was a man reporters liked to cover—not so much because he was easy to cover, which he wasn't, but because he always could be counted on for a story. Although he held newspaper management in contempt during much of his time in public life, he had a warm regard for the working newspaperman.

My recollections are of President Truman at Independence. Many of the most vivid stem from the firm belief that in his home town he was entitled to privacy. If he had difficulties in Washington with newsmen—and a certain music critic—he also had a few in Independence, some of which have never been reported.

The former President never quite got used to the tight security imposed on him by the importance of his office. It was the veil which reporters sought to penetrate and, for many, Independence seemed a good place to do it.

The Truman temper probably was most sharply displayed on a cold December morning during his annual Christmas visit home while he was President.

An Independence newsman from the Kansas City Star, James W. Porter, was subjected to one of the most caustic dressing downs a reporter could have received. The pity was that Porter was not responsible for the reporting incident which triggered the criticism.

As was his custom, Mr. Truman took his early morning walk from his home to the Independence square six blocks away, followed by an entourage of Secret Service men, local newsmen and members of the Washington press corps, and Independence citizens.

He stopped, as he frequently did, at the grocery store owned by the late Roger T. Sermon, mayor of Independence. Only Mr. Truman and Secret Service men entered the store, but one of the agents soon came out and told Porter that "the chief" wanted to see him.

What happened in the store, which the Star did not print, was that the President proceeded to tell Porter everything Mr. Truman had done since he got up before 6 a.m. According to Porter, who filed a complete report of the incident with his paper, Mr. Truman spared no details, even reciting particulars on his morning preparations and dressing techniques.

Then, Porter said, the President specifically critized him and the Star for the "invasion of his privacy," on the previous night, when it had been reported that the President had played poker with friends.

I have to assume part of the blame for the incident, because it was I who had been the only reporter waiting outside the Truman home the previous evening who knew all the members of the Harpie Club, the chief executive's long-time poker group. By process of elimination, I had located the Truman car and that of his Secret Service escort at a club member's home, and had learned from children who went in and got his autograph that "there were poker chips and cards around."

No one could know the former President without admiring him for his strong belief in the strength of the family unit.

I had just returned to the Star after serving in World War II when on Mother's Day I called the President's mother's home to see if he had called from Washington or sent flowers.

After one ring of the phone, Mr. Truman answered. After I had gotten over my surprise and we had exchanged brief pleasantries I asked how long he would be at Grandview. He said he would be leaving within the hour, because hardly anyone in Washington knew he had gone.

Among those who did not know were the Washington newspaper reporters. This was probably the only time the President did not leave Washington without a second plane loaded with reporters accompanying him.

He told me he thought it was something of a trick to slip away without them knowing. It was a pleasure for us to file a story on his leaving Washington, using the dateline, "Grandview, Mo."

No memorial was ever built to a man that had more of that man's architectural touch than does the Truman Library at Independence. ("For gosh sakes," he told me, "don't call it a memorial library until I'm dead.")

When the library was about half completed I asked Mr. Truman if he would let me do a feature story for the Star, centering it on his attachment to the project.

"Could you meet me at the building in the morning at 6:30," Mr. Truman said. "We can take a tour and you can get what you want."

Next morning it was five degrees above zero and he was waiting when I arrived. There was no heat in the building, but we made a two-hour inspection of the progress being made and he was still full of enthusiasm when I was virtually frozen. My fingers would no longer operate properly to use the camera I was carrying.

Mr. Speaker, while the St. Louis Post-Dispatch entitled its editorial, "The President From Missouri," the writer of that editorial goes on to make it plain that Mr. Truman rose from a lowly farmboy to the Presidency and met on equal footing with the other great and powerful men of the world.

The concluding paragraph of this editorial contains some well-expressed thoughts when it points out that Mr. Truman was a man of the people, earthy, honest, with a mixture of pride and humility. It concludes with the comment that he gave each day's responsibilities the best he had and slept at night in the comfort of knowing that no man can do more. The editorial follows:

[From the St. Louis (Mo.) Post-Dispatch, Dec. 26, 1972]

THE PRESIDENT FROM MISSOURI

Harry Truman's place in history may safely be left to historians who will in time evaluate the Truman Doctrine, the containment of Communism and the Cold War within the context of this turbulent century. For Missourians he will remain their first President, a decent man of modest attainments thrust suddenly upon the world stage, possessed of the frailties and the nobility of anyone's next door neighbor.

Mr. Truman had character, and it saw him through many a crisis in his official life. He knew where he stood, and so did his friends and his enemies. If he was cranky and contentious at times, he could be magnanimous and conciliatory, too. He believed in the dignity of human beings, and he was not afraid to take political risks in pursuit of what he considered to be right.

It was typical of Mr. Truman that when Tom Pendergast, the discredited Democratic boss of Kansas City, died six days after Mr. Truman became vice president in 1945, Mr. Truman disregarded advice that it would be politically smart to ignore the event. He boarded a plane for Kansas City, telling reporters, "I'm as sorry as I can be; he was always my friend and I have always been his."

The nation's shock over the death of President Roosevelt on April 12, 1945 was exceeded only by its questions as to the capacity of the former Senator who succeeded him. Mr. Truman had received much favorable attention for his exposures of graft and waste in the defense establishment—in 1942 Marquis Childs referred to him as "one of the most useful and at the same time one of the most forthright and fearless of the ninety-six"—but as an executive he was unknown.

Mr. Truman quickly reassured the country, with a fine address to a joint session of Congress and in a press conference that revealed decisiveness and understanding. Few Presidents have assumed office in a period of greater crisis, and Mr. Truman had the added handicap of following the monumental and popular FDR. He never really felt secure until he won the presidency in his own right in 1948, defeating Gov. Dewey of New York in a legendary give-'em-hell campaign.

Looking back on the Truman years, some of our younger writers are inclined to fault the President for policies that in perspective appear to have been misguided. Should he have dropped atomic bombs on Hiroshima and Nagasaki? Should he have promulgated the Truman Doctrine (sparked by Greece and Turkey) of supporting "free people who are resisting attempted subjugation by armed minorities or by outside pressure?" Should he have prosecuted the Cold War by attempting to prevent the expansion of Communism? Should he have fired Gen. MacArthur for insubordination; and what about Korea?

It should be remembered that when Mr. Truman entered the White House the world was falling apart. Colonialism was on its last legs; big powers and little powers alike were scrambling to fill vacuums. The aims and capabilities of the Communists were not fully understood. A generation has passed since the Truman years and some of the problems the Missourian faced have not yet been solved: Germany remains divided, Korea is divided, the U.S. is engaged in paracolonialism in Vietnam. One can well afford to look back with a measure of charity.

Mr. Truman was overwhelmingly a man of the people—earthy, gregarious, stubborn, courageous, honest, a mixture of pride and humility. He had small preparation for high office, but he gave the day's responsibilities the best he had and slept at night in the comfort of knowing that no man can do more. He was not only a native of this State, in many ways he was typical of its citizenry. We can be thankful that Mr. Truman walked among us.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

VOLUNTARY MILITARY SPECIAL PAY ACT OF 1973

The SPEAKER. Under a previous order of the House, the gentleman from Florida (Mr. BENNETT) is recognized for 60 minutes.

Mr. BENNETT. Mr. Speaker, I am happy to announce today that 113 Members of the House have joined me in sponsoring the Voluntary Military Special Pay Act of 1973. The legislation contains enlistment and reenlistment incentives for the active and reserve forces. A similar bill has been introduced in the Senate. The bill represents a dramatic departure from our traditional notions of military pay.

The pay increases, which the 92d Congress enacted, eliminated poverty in the military and assisted in bringing an end to the draft by June 30, 1973. The Voluntary Military Special Pay Act provides a flexible set of incentives to further enhance the efficiency of manpower management in the absence of the draft.

In our present military pay structure, compensation is basically equated with rank. This system if too rigidly followed, ignores the reality of a modern defense force—within each rank, there are many different military jobs, each requiring a unique level of training, aptitude, and sophistication. While the old system provides a sufficient incentive to enlist in many military occupations, it is incapable of meeting manning requirements in technical areas, such as electronics repairmen.

If the military were to attempt to compete with civilian industry for high-caliber individuals through the usual mechanism of an across-the-board increase for each pay grade, the cost would be prohibitive. We must develop a new approach, one which maintains the quality of our military personnel, without placing an undue burden upon the American taxpayer.

The Voluntary Military Special Pay Act alters traditional compensation policy by authorizing a cost-effective set of incentives at key enlistment and reenlistment points in areas of short supply. Because it is selective, the incentive will be granted only to those occupations which present special manning problems. Those servicemen not receiving the special incentives will be maintained in a competitive position through existing authority for pay hikes associated with promotions, longevity, and increases in the cost of living.

The fiscal year 1974 budgetary cost of the legislation is $225.3 million. As the final compensation measure in the volunteer force package the Special Pay Act will prove well worth the investment.

The selective reenlistment incentive alone will save nearly $150 million by fiscal year 1978 by replacing present programs which are costly and ineffective. Further savings will be realized under other provisions of the bill as individuals enlist for longer terms. For example, it now costs $13,927 to train an Air Force missile systems analyst. Under the current 4-year enlistment, his cost per productive man-year is $4,285. But with the 6-year enlistment associated with the enlistment incentive in the Special Pay Act, his cost per man-year is reduced to $2,843—leading to an annual savings of $7,570 per man. By utilizing this legislation in all occupations with high training costs, the training portion of the military budget can be reduced at the same time as the experience level of our Armed Forces is enhanced.

Mr. Speaker, I ask unanimous consent that the list of Members sponsoring this bill be included in the RECORD at this point.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The list is as follows:

SPONSORS OF THE VOLUNTARY MILITARY SPECIAL PAY ACT OF 1973

ALABAMA

John H. Buchanan, Jr.
William L. Dickinson
Jack Edwards

ARIZONA

John B. Conlon
John J. Rhodes

ARKANSAS

Bill Alexander

CALIFORNIA

Clair W. Burgener.
Don H. Clausen
George E. Danielson
Don Edwards
Craig Hosmer
William S. Mailliard
Carlos J. Moorhead
John E. Moss
John H. Rousselot
Edward R. Roybal
B. F. Sisk
Lionel Van Deerlin
Victor V. Veysey
Bob Wilson

COLORADO

James P. (Jim) Johnson

FLORIDA

Charles E. Bennett
Dante B. Fascell
Louis Frey, Jr.
Sam M. Gibbons
Bill Gunter
Claude Pepper
Claude D. Pepper
Bob Sikes
C. W. Bill Young

GEORGIA

John W. Davis
W. S. (Bill) Stuckey, Jr.

HAWAII

Spark M. Matsunaga
Patsy Takemoto Mink

IDAHO

Orval Hansen

ILLINOIS

John B. Anderson
Edward J. Derwinski
John N. Erlenborn
Robert P. Hanrahan
Melvin Price
Thomas F. Railsback

INDIANA

John T. Myers

IOWA

Wiley Mayne

KANSAS

Keith G. Sebelius
Garner E. Shriver

KENTUCKY

Romano L. Mazzoli
Carl D. Perkins

LOUISIANA

Joe D. Waggonner, Jr.

MAINE

William S. Cohen

MARYLAND

Gilbert Gude
Lawrence J. Hogan
Parren J. Mitchell

MASSACHUSETTS

Edward P. Boland
Silvio P. Conte
Paul W. Cronin
Robert F. Drinan
Michael Harrington
Gerry E. Studds

MICHIGAN

Garry Brown
Marvin L. Esch
James Harvey
Robert J. Huber
James G. O'Hara
Guy A. Vander Jagt

MINNESOTA

William Frenzel
Albert H. Quie

MISSOURI

William (Bill) Clay
Richard (Dick) Ichord
Wm. J. (Bill) Randall

NEW HAMPSHIRE

James C. Cleveland

NEW JERSEY

Edwin B. Forsythe
Peter H. B. Frelinghuysen
Henry Helstoski
John E. Hunt
William B. Widnall

NEW MEXICO

Manuel Lujan, Jr.

NEW YORK

Herman Badillo
Hamilton Fish, Jr.
James F. Hastings
Frank Horton
Jack F. Kemp
Norman F. Lent
Howard W. Robison
Angelo D. Roncallo
Henry P. Smith III
Lester L. Wolff

NORTH CAROLINA

James T. (Jim) Broyhill
James G. Martin
Richardson Preyer

NORTH DAKOTA

Mark Andrews

OHIO

Tennyson Guyer
William J. Keating
Delbert L. Latta
John F. Seiberling
Louis Stokes

PENNSYLVANIA

Edward G. Biester, Jr.
Frank M. Clark
Lawrence Coughlin
John H. Dent
George A. Goodling
Thomas E. Morgan
Robert N. C. Nix
John H. Ware
Lawrence G. Williams
Gus Yatron

SOUTH CAROLINA

Tom S. Gettys

TENNESSEE

John J. Duncan

TEXAS

Jim Wright

VERMONT

Richard W. Mallary

VIRGINIA

Joel T. Broyhill
J. Kenneth Robinson
G. William Whitehurst

WASHINGTON

Joel Pritchard

WEST VIRGINIA

John M. Slack

WISCONSIN

William A. Steiger

Mr. ALEXANDER. Mr. Speaker, I have been pleased to join with the distinguished member of the House Armed Services Committee (Mr. BENNETT) in sponsoring the Voluntary Military Manpower Procurement Act of 1973. During the 92d Congress a number of measures were enacted to aid our Nation in establishing an all-volunteer military service. The procurement act which we now propose is a final step in that direction.

What we propose is that the proven method which is used in the civilian economy—and has been used to a limited degree in the military service—to recruit and retain the high caliber of men and women with the skills essential to maintain an effective, efficient organization be fully implemented in our military defense system.

Pay increases have been put into effect to remove our national security personnel from the poverty levels of society and make their incomes reasonably comparable with those of persons involved in nonmilitary endeavors requiring comparable skills, training, or capabilities. At least this is true in most cases.

Under existing law military pay is directly tied to rank. This effectively ignores the reality that some military duties, as in civilian life, require more skill and more training than others. The current laws also fail to take into account that some skills and professions are in such short supply that qualified individuals can command premium compensation for their services. And it fails to recognize that because, particularly in these skills and professional shortage areas, inadequate premium or incentive pay is available, we too often fail to retain qualified, desirable personnel and the training costs of our society forces are higher than they need be.

What we need, and must have, in our military pay system is flexibility. The flexibility which will help recruit and retain in our military service the kind of qualified men and women required.

The Voluntary Military Manpower Procurement Act will provide that kind of flexibility. I commend this legislative proposal to the thorough analysis of its provisions and the problems it is intended to correct. And, I urge their support of this measure.

Mr. DICKINSON. Mr. Speaker, it is a privilege to join with a number of my colleagues in the House of Representatives in introducing the Voluntary Military Manpower Procurement Act of 1973. This bill will round out our efforts in the Congress to bring our Armed Forces up to date and give them their deserved place in our modern society.

During the past few years, the Congress has passed legislation to enhance the military service as a full-time career on a voluntary basis. The once poverty-level wages of the serviceman forced us into a draft situation which is no longer tolerable to our young people. It is, therefore, incumbent upon us to pass legislation to alleviate the need for the draft.

The Voluntary Military Manpower Procurement Act will provide the necessary incentive for skilled individuals to choose the military as a career, thereby ending the need for the draft in order to acquire and maintain sufficient numbers of doctors, lawyers, and skilled technicians, both enlisted men and officers, in the active and Reserve military. This measure will allow the military to compete with the private sector, through a series of bonuses and special rates of compensation, for highly skilled individuals without placing an undue burden upon the American taxpayer.

This bill was approved and endorsed during the 92d Congress by the President, the Department of Defense, the House Armed Services Committee, and the House of Representatives. I hope we can expedite passage of the measure again this year and urge immediate action by the Senate.

GENERAL LEAVE

Mr. BENNETT. Mr. Speaker, I ask unanimous consent that all Members be allowed 5 legislative days to extend their remarks on the subject of my special order today.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

BUSING

The SPEAKER. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 15 minutes.

Mr. HOGAN. Mr. Speaker, the community of Dresden-Green is a small subdivision just beyond the Capital Beltway, in Prince Georges County, Md., which, at first glance seems to be pretty much like any other suburban subdivision in the Washington area. Like most other small communities, few people took notice of Dresden-Green. Unfortunately, it took a Federal court order to draw the public's attention to this community.

Dresden-Green is home for 189 families and it is an integrated community, with 27 families being black, four East Indian, and two Turkish. This is not just a case of different colors living near each other, but rather a place where people of different colors have learned to live and work together in harmony. Dresden-Green supplies 130 of the approximately 430 students at nearby Robert Frost Elementary School, and all of the 10 or 12 black students who attend Frost.

Now along comes a Federal judge and the county school board and they set about changing all that. The busing plan that is scheduled to go into effect at the end of this month in Prince Georges County dictates that 170 students be bused out of Robert Frost, including all of the Dresden-Green children. The plan will move the students to William Paca Elementary School at Landover.

It seems to me that the situation in Dresden-Green represents the whole problem of busing in miniature. Why is it necessary to bus these children to a distant school when they already live in a integrated community and attend an integrated school? The only answer would seem to be that the court is trying to achieve some sort of magical statistical balance which is supposed to solve all race problems, rather than dealing with real people and their very real problems.

The citizens of Dresden-Green feel that the school administration merely drew a circle around their community and, since the children were already being bused, just extended the bus trip. They rightfully question whether or not the school administration or the court are even aware of who lives in Dresden-Green.

The question that citizens of Prince George's County, and Dresden-Green in particular, must be asking themselves is: What is the purpose of the court-ordered busing and how can it possibly help the thousands of children who are going to be bused? Responsible officials should accept the responsibility of explaining to the community, if in fact they can, why they, as an integrated community, are subjected to being bused and tell them where they have failed to meet the standards that our society demands.

The whole busing mess heaps lunacy on lunacy.

Mr. Speaker, I hope the Congress will promptly respond to this problem by enacting legislation which I introduced on the opening day of the session which was cosponsored by my colleague, the gentlewoman from Maryland (Mrs. HOLT).

IT IS TIME FOR AN OPEN AND RENOVATED HOUSE

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. ANDERSON) is recognized for 15 minutes.

Mr. ANDERSON of Illinois. Mr. Speaker, today I am introducing for appropriate reference, two bills which I think will go a long way toward achieving genuine reform in the House. The first bill would prohibit closed committee sessions except for national security or personal privacy purposes; the second bill calls upon the Joint Committee on Congressional Operations to begin an immediate study of House Committee jurisdictions.

Mr. Speaker, the time has come to make this an open House and a renovated House or it will no longer be fit for habitation as the people's place in the Federal Government. The reason this House stands condemned in the eyes of the public is because we have operated for too long with the shades drawn and the doors locked on the rickety rooms that are our antiquated committee system. The bills which I am introducing today will give us a new lease on life in this House by opening those closed doors to the public and by initiating the long-overdue remodeling of our dilapidated committee structure.

I am espeically appalled by the fact that in 1972 the 92d Congress conducted 40 percent of its business behind closed doors—a 4-percent increase over the previous year according to a Congressional Quarterly study. This clearly runs contrary to the thrust of the 1970 Legislative Reorganization Act which was partially aimed at opening up the committee system. I am, therefore, introducing this legislation today to require that all committees and subcommittees of the House conduct all their business in open session unless the committee, in open session that day votes to close a session because matters of national security or personal privacy are involved.

The second bill I am introducing mandates the Joint Committee on Congressional Operations to conduct an in-depth analysis of committee jurisdictions in the House with a view to reducing the fragmentation of policy and program oversight and more realistically alining our committees with the functional purposes of our Government programs. The Joint Committee is instructed to make periodic reports to the House and to make its final recommendations by September 1, 1974.

Mr. Speaker, I am offering this resolution as a possible alternative to the Bolling-Martin resolution, House Resolution 132, which would create a bipartisan select committee of the House to study committee jurisdictions for the duration of this Congress at a cost of $1.5 million. I am most enthusiastic about the need for restructuring the committee system of the Congress and commend the gentleman from Iowa (Mr. CULVER) on taking this initiative in his letter to House Members of December 29, 1972. In my response of January 2, 1973, I wrote:

> I am in full agreement with you that this is a long overdue reform which is necessary if we are to modernize the Congress and restore it as a coequal branch of government.

I also suggested, in response to his invitation for recommendations as to the best vehicle for such reform, that either the Rules Special Subcommittee on Legislative Reorganization be reactivated for this purpose, or that the Joint Committee on Congressional Operations be utilized.

Today, I am further endorsing that latter suggestion. This is partially prompted by the introduction of a similar resolution in the Senate last week by the gentleman from Minnesota, Mr. Humphrey, calling on the Joint Committee on Congressional Operations to study Senate committee jurisdictions.

After all, Mr. Speaker, we created the Joint Committee on Congressional Operations with the 1970 Reorganization Act to study the organization and operations of Congress with a view to strengthening the legislative branch and streamlining its operations; let us let them do just that through this study. It makes much more sense to conduct such a study through the joint committee since any restructuring of the committee system will have to be in concert with Senate efforts to do the same. If the House and Senate do not reorganize their committee systems along parallel lines, they may end up working at cross-purposes under confusing conditions—hardly the mark of a successful reform.

I am, therefore, introducing this resolution in the hope that it will help to stimulate discussion and debate, particularly in the Rules Committee next week, over the best means to approach the problem and challenge of congressional committee reform. I hope that this will be considered concurrently by the Rules Committee when it takes up the Bolling-Martin resolution, and I am today calling upon the chairman to consider this request.

At this point in the Record, Mr. Speaker, I include the texts of my resolutions and a copy of my letter to Congressman Culver dated January 2, 1973:

H. Res. 153

Resolved, That Rule XI of the House of Representatives is amended in the following ways:

(1) Rule XI, clause 26(f) is amended to read: "(f) Meetings for the transaction of business of each standing committee or subcommittee thereof shall be open to the public except when the committee or subcommittee in open session and with a quorum present determines by a roll call vote that all or part of the remainder of such meeting on that day shall be closed to the public because disclosure of evidence or other matters to be considered would endanger national security or tend to defame, degrade or incriminate any person."

(2) Rule XI, clause 27(f) is amended to read: "(f)(2) Each hearing conducted by each committee or subcommittee thereof shall be open to the public except when the committee or subcommittee in open session and with a quorum present determines by a roll call vote that all or part of the remainder of such hearing on that day shall be closed to the public because disclosure of testimony, evidence or other matters to be considered would endanger the national security or tend to defame, degrade or incriminate any person."

(3) Rule XI, clause (27(g)(3) is amended to read: "(g)(3) Hearings pursuant to subparagraph (1) of this paragraph, or any part thereof, shall be held in open session, except when the committee, in open session and with a quorum present, determines by a roll call vote that the testimony to be taken at the hearing may relate to a matter of national security."

H. Con. Res. 91

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the Joint Committee on Congressional Operations immediately begin or commission an in-depth analysis of the Committee jurisdictions of the United States House of Representatives, taking into account the need to reduce fragmentation of policy and program oversight, the necessity for aligning Committee jurisdiction on the functional purposes of governmental programs, and the requirement that staff personnel and resources be effectively and efficiently allocated among Committees of Congress of the United States. The Joint Committee on Congressional Operations shall make periodic reports to the House of Representatives and present final recommendations to the House by September 1, 1974; and be it further

Resolved, That expenses of the Joint Committee on Congressional Operations under this concurrent resolution shall be paid from the contingency fund of the House upon vouchers approved by the Chairman of the Joint Committee on Congressional Operations.

Washington, D.C., *January 2, 1973.*

Hon. John C. Culver,
House Office Building,
Washington, D.C.

Dear John: Thank you for your letter of December 29 regarding the need to revamp our committee system. I am in full agreement with you that this is a long overdue reform which is necessary if we are to modernize the Congress and restore it as a co-equal branch of government. Our own House Republican Task Force on House Rules recommended such a revamping in its interim report on October 24, 1972, and its final set of recommendations will be presented to the House Republican Conference tomorrow.

I would certainly support a resolution directing that a study be conducted on a restructuring of the Congressional committee system. This could be undertaken by the Joint Committee on Congressional Operations. Another possibility is to reestablish the House Rules Special Subcommittee on Legislative Reorganization which was responsible for the Legislative Reorganization Act of 1970. I have already written to Ray Madden urging that this subcommittee be set up again in the 93rd Congress in view of the growing interest in Congressional reform. Because the work load of the Rules Committee will be light in the early part of the first session, we would have the time to hold hearings on this matter.

Please let me know if I can be of any further assistance on this and keep me posted as to your further efforts. I especially want to commend you on taking this important initiative.

With all best wishes, I am
Very truly yours,
John B. Anderson,
Member of Congress.

EASTERN WILDERNESS AREAS ACT

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Saylor) is recognized for 15 minutes.

Mr. SAYLOR. Mr. Speaker, on January 11, 1973, I introduced H.R. 1881 and cosponsored a similar bill, H.R. 1758, the Eastern Wilderness Areas Act with my colleague, Representative James Haley. These bills will designate 28 new wilderness areas in the Eastern half of the United States. Our objective is to bring the benefits of wilderness in the national forests closer to home for the large part of our population concentrated in the East, the South, and the Midwest.

The proposed Eastern Wilderness Areas Act is a start toward that objective. Yet, in a practical and comprehensive program to protect wilderness in this part of the country, a second step is also essential. That second step is to provide that additional areas of potential wilderness value will receive careful study and consideration.

On January 18, 1973, I introduced H.R. 2420, a bill which embodies this next step in the wilderness program: the "Wilderness Study Act of 1973."

This bill will do three important things.

First, it establishes 29 new wilderness study areas. These are not "instant" wilderness areas, but areas which deserve to be properly studied, with full public participation, in order to determine if they should be designated as wilderness by the Congress. The provisions of the bill assure that these study areas will receive interim protection until the Congress has decided whether they should be designated as wilderness under the 1964 Wilderness Act.

Second, this bill deals with the special need for extending protection to one area in eastern Tennessee which merits wilderness protection, and which should become wilderness once its natural conditions have been restored.

Third, this bill provides for a systematic survey of the Eastern national forests in order to inventory additional areas which may merit preservation as wilderness. Full public participation is provided for, and the results of this inventory are to be reported to the Congress.

Over the past 15 months, the U.S. Forest Service has been conducting a "roadless area inventory" in the Western national forests. The purpose was to identify all areas which might qualify as wilderness, and to select those which the Forest Service will proceed to give intensive wilderness study.

The inventory has been completed and the Forest Service announced on January 18, 1973, tentative decisions regarding which areas shall be given wilderness study.

This listing of tentative wilderness study areas resulting from the roadless area inventory program is directly relevant to the legislation I introduced on January 18. For however good the list may be, it suffers from monumental lopsidedness. The fact is there was no real roadless area inventory in the national forests of the East, the South and the Midwest—an area of 23 million acres of national forest lands.

No roadless inventory was conducted on the national forests of the Eastern half of the country. No public hearings were held to gather specific input regarding areas which should be given wilderness study. Only 3 token Eastern areas are listed for study as wilderness in the announcement by the Forest Service. Whatever may be said about the quality of the roadless area inventory process in the West, we can only say that the wilderness potential of eastern national forests has been totally ignored by the Forest Service.

This results from the fact that some Forest Service officials believe there is virtually no wilderness in the East. How could we expect the regional foresters in Milwaukee and Atlanta to come up with a professional and objective inventory of potential wilderness areas when, long before this process began, they officially reported to the Chief of the Forest Service that there are absolutely no candidate wilderness areas in the Eastern national forests? In September 1971, those officials submitted a report in which they responded to increasing support for citizen-initiated proposals for Eastern wilderness areas by saying "we are persistently reminded that there are simply no suitable remaining candidate areas for Wilderness classification in this part of the national forest system."

This is incorrect. But that has not kept this point of view from permeating the thinking of some local foresters who report to these officials. The word has gone out in the ranks of the Forest Service that the regional brass is flatly opposed to the idea that any areas in the eastern national forests could possibly qualify as wilderness under the 1964 Wilderness Act. So far as these officials are concerned, it is a settled question. The September 1971 report flatly concludes that:

> The criteria for adding wilderness to the National Wilderness Preservation System do not fit conditions in the South and East.

As I have already pointed out, speaking as an author of the Wilderness Act, this conclusion is wrong. But be that as it may, we should note here that this regional office policy of no wilderness in the East led to the exclusion of most of the 23 million acres of Eastern national forests from any consideration in the field inventory and public input stages of the "roadless area inventory" program. This is the very antithesis of professional decisionmaking, in which all potential Eastern wilderness areas would have been systematically reviewed, with real public involvement, in order to determine which areas merit further study.

In point of fact, there has been no dependable, objective wilderness inventory in the East.

It is the purpose of the bill I introduced on January 18th to correct this glaring regional discrimination by directing such an inventory for the national forests in the regions which were bypassed in the administratively ordered "roadless area inventory."

In the September 1971 report, as a part of an effort to back up their no wilderness in the East policy, the regional officials of the Forest Service proposed an alternative, less-than-wilderness mechanism. They planned to call this the "Wildwoods Heritage System" or, alternatively, they would call such areas "Forest Heritage Reserves" or "Wild Areas." Their proposal led to the actual framing of an alternative wild areas system. This effort is entirely constructed on the faulty premise that the Wilderness Act will not work in the East. One regional forester did his best to obtain the support of West Virginia conservationists for the "wild areas" idea, but they know more about the Wilderness Act than he does, and they refused. I have other reports of local Forest Supervisors working to promote citizen support of this "wild areas" scheme.

As part of their informal support for the alternative wild areas proposal, Forest Service officials have submitted to Congress a listing of areas they recommend for instant wild areas and another listing of their recommendations for study of wild areas. It is worth noting that these lists were derived without administration clearance, without public hearings of any kind, without consulting the Committees on Interior and Insular Affairs, which have jurisdiction over wilderness policy, without lawfully required environmental impact statements, and even without much real study of the areas by Forest Service field personnel. It is my understanding that at least one of the proposed instant wild areas has had virtually no study at all and was hastily suggested, on a few days' notice, over the telephone to the Washington Forest Service headquarters.

A friend and colleague has obtained a copy of this listing from the Forest Service. This document is prefaced by the flat assertion that the areas proposed for instant wild areas and study wild areas do not qualify as wilderness. That is a decision this agency has no authority to make. Even though the basis for this assertion is false, and there has been no administration clearance, and no public involvement in these decisions, the list has still been supplied to unsuspecting Members of Congress and the public.

Neither Senator JACKSON nor I, nor Congressman HALEY, nor anyone else who values the Wilderness Act, are about to let this charade succeed. To bring this matter into the open for the public airing it deserves, we have simply incorporated the list of instant wild areas into our Eastern Wilderness Areas Act. We shall leave it to the Forest Service to explain to us at hearings just why they think these areas do not qualify as wilderness, and just what kind of professional studies and public participation back up their decisions in this matter.

As a second step, I am incorporating the Forest Service list of proposed study wild areas in the new bill I introduced on January 18, H.R. 2420. The big difference, of course, is that my bill lists these as wilderness study areas, not some lesser category.

In the case of each of these 29 wilderness study areas, the Forest Service will be ordered to make a regular wilderness review of the area, to hold legal public hearings, and to report their findings to the President and the Congress. The Congress, which has sole authority to judge what is or is not qualified as wilderness, will make the decision as the Wilderness Act provides. In this process, the Forest Service will have its proper role, but so will the administration, the public and local conservation leaders, and, as the law clearly requires, so will the Congress. If, after thorough study, the Congress decides some of these areas do not qualify as wilderness, then and only then will it be proper to consider alternatives.

For the Congress to establish wilderness study areas is nothing unprecedented. We have done just this for most new national park proposals since 1964, so that each new area will be properly studied under the Wilderness Act. We have established a number of wilderness study areas, too, in national forests. Just last year we established the Indian Peak wilderness study area in Colorado, as proposed by Representative DONALD BROTZMAN, and we established the Lower Minam Wilderness Study Area in Oregon, an idea advanced by Representative JOHN DELLENBACK in response to Forest Service assertions that the area did not qualify as wilderness. It is also what we did with the so-called "DuNoir Area" in Wyoming, as proposed by Senators HANSEN and MCGEE and our colleague, Mr. RONCALIO. Indeed, the original Wilderness Act established some 150 wilderness study areas, in effect. We are simply proposing in this new bill that Congress now add wilderness study areas in regions of the country overlooked the first time around, and overlooked, too, in the Forest Service roadless area inventory.

The first 25 wilderness study areas in section 2 of this bill are the areas listed as "study wild areas" by the Forest Service. The remaining 4 areas have been suggested by citizen groups. Unlike these citizen-proposed study areas, which are well defined, the 25 Forest Service areas have no defined acreage. I shall ask the Forest Service to recommend an appropriate acreage in each case. At the same time, I want to urge citizen conservation groups in each vicinity to make their own surveys of each of these areas and their own recommendations at the time of hearings regarding the appropriate extent and general boundaries for each wilderness study area. Both the Forest Service and citizen groups may also wish to recommend additional wilderness study areas, in the West as well as the East, and these proposals will be welcome.

Let me note a very important feature of this new bill. It provides strong and effective interim protection for these proposed wilderness study areas.

This bill provides that, upon the establishment of these areas as wilderness study areas, they shall be immediately managed to protect wilderness values. This protective interim management will continue in full effect until such time as the Congress determines otherwise. This is far stronger and longer lasting protection than offered by the "wild areas" proposal.

This bill provides that, upon establishment of these areas as wilderness study areas, the Federal lands involved shall be immediately withdrawn from mining and mineral leasing while the study proceeds. This is far stronger than the "wild areas" plan.

This bill provides that, during the study period and until Congress determines otherwise, these wilderness study areas will be protected from any project which would conflict with wilderness values. This is a provision adapted from the Wild and Scenic Rivers Act which I sponsored and which gave similar interim protection to study rivers. Again, there is no such interim protection even mentioned in the "wild areas" proposal.

If we really mean what we say about wanting to protect potential wilderness values, then strong interim protection is essential during the study period and until the Congress acts. I have written such strength into my bill, and I will welcome any additional suggestions. In my view, any legislation worth discussion, which claims to protect wild land areas, must meet this standard of truly strong protection.

Finally, this new bill provides for the establishment of the North Cohutta Wilderness Reserve in eastern Tennessee. This is an area of land adjoining the proposed Cohutta Wilderness which is included as an instant wilderness in H.R. 1881. This fringe area, however, is temporarily disturbed. In order to deal with this situation, in drafting this wilderness reserve concept, I have adapted the proposal for potential wilderness additions already made by the Nixon administration. This area will receive immediate wilderness protection, to be managed so that it will recover its dominant natural character through the processes of natural restoration. When that has occurred, and the area meets the practical test of the Wilderness Act, the bill authorizes the President to take action that will complete its designation as full wilderness and it, too, will become part of the National Wilderness Preservation System.

Mr. Speaker, if we had been studying the wilderness potential of Shenandoah National Park just a few decades ago, we might have found it did not qualify because of obvious human disturbance. But when that park was studied for wilderness more recently, the finding was that it had recovered from past impacts and now qualified as wilderness. In his proposal that parts of Shenandoah National Park be designated as wilderness, President Nixon reported to the Congress that:

> While it is true that generations of mountain people lived off the land in the area now embraced by the park, the evidences of their occupation are rapidly being erased by natural processes and the portions recommended for wilderness designation have sufficiently recovered so that natural conditions predominate.
>
> The most remarkable and most obvious change in the landscape over the past 30 years is the growth of vegetation. Before long much of this area will be nearly identical in appearance to that observed by the first explorers except for the loss, by disease, of the American chestnut. Some associated animal life has also returned including bear, deer, beaver, and wild turkey.

Today this fringe area on the boundary of the proposed Cohutta Wilderness is much like Shenandoah National Park was just a few decades ago—disturbed by human impact but very much worth restoring and preserving. In a matter of a few decades, or perhaps less, this area, too, will fully qualify as wilderness. It should then become a part of the National Wilderness Preservation system, to be permanently managed as "an enduring resource of wilderness."

The "wilderness reserve" concept is simply a practical means to fulfill this need. As I mentioned, it is derived directly from a concept the President has already recommended to the Congress for similar situations in national park wilderness areas. It does no damage to the integrity of the Wilderness Act. Rather, it builds into the wilderness program an imaginative and future-oriented answer to a problem which exists in this and other areas worth saving.

Mr. Speaker, the Eastern Wilderness Areas Act introduced on January 11, H.R. 1881, and this new bill, H.R. 2420, the Wilderness Study Act, meet an obvious need in our wilderness program. They meet that need within the established, working framework of our existing national wilderness policy and program. Rather than going off in some entirely new direction, starting from scratch and doing real damage to existing programs, these bills build on the foundation we laid in the Wilderness Act of 1964, with the support of many citizens across this country.

In closing, I include the text of the "Wilderness Study Act of 1973," in the RECORD at the conclusion of my remarks as follows:

H.R. 2420

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "The Wilderness Study Act of 1973".

SECTION 2. (a) In furtherance of the purposes of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132), the Secretary of Agriculture (hereinafter known as the "Secretary") shall, within five years after the date of enactment of this Act, review certain lands designated by this Section, as to their suitability or nonsuitability for preservation as wilderness, and report his findings to the President as follows:

(1) certain lands in the Ocala National Forest, Florida, which are generally depicted on a map entitled "Alexander Springs Wilderness Study Area" and dated January 1973, which shall be known as the "Alexander Springs Wilderness Study Area";

(2) certain lands in the Kisatchie National Forest, Louisiana, which are generally depicted on a map entitled "Kisatchie Hills Wilderness Study Area" and dated January 1973, which shall be known as the "Kisatchie Hills Wilderness Study Area";

(3) certain lands in the Kisatchie National Forest, Louisiana, which are generally depicted on a map entitled "Saline Bayou Wilderness Study Area" and dated January 1973, which shall be known as the "Saline Bayou Wilderness Study Area";

(4) certain lands in the Davy Crockett National Forest, Texas, which are generally depicted on a map entitled "Big Slough Wilderness Study Area" and dated January 1973, which shall be known as the "Big Slough Wilderness Study Area";

(5) certain lands in the Sabine National Forest, Texas, which are generally depicted on a map entitled "Chambers Ferry Wilderness Study Area" and dated January 1973, which shall be known as the "Chambers Ferry Wilderness Study Area";

(6) certain lands in the Ouachita National Forest, Arkansas, which are generally depicted on a map entitled "Belle Starr Cave Wilderness Study Area" and dated January 1973, which shall be known as the "Belle Starr Cave Wilderness Study Area";

(7) certain lands in the Ouachita National Forest, Arkansas, generally depicted on a map entitled "Dry Creek Wilderness Study Area" and dated January 1978, which shall be known as the "Dry Creek Wilderness Study Area"

(8) certain lands in the Jefferson National Forest, Virginia, which are generally depicted on a map entitled "Mountain Lake Wilderness Study Area" and dated January 1973, which shall be known as the "Mountain Lake Wilderness Study Area";

(9) certain lands in the Jefferson National Forest, Virginia, which are generally depicted on a map entitled "Mill Creek Wilderness Study Area" and dated January 1973, which shall be known as the "Mill Creek Wilderness Study Area";

(10) certain lands in the Jefferson National Forest, Virginia, which are generally depicted on a map entitled "Peters Mountain Wilderness Study Area" and dated January 1973, which shall be known as the "Peters Mountain Wilderness Study Area";

(11) certain lands in the Daniel Boone National Forest, Kentucky, which are generally depicted on a map entitled "Yellow Cliff Wilderness Study Area" and dated January 1973, which shall be known as the "Yellow Cliff Wilderness Study Area";

(12) certain lands in the Croatan National Forest, North Carolina, which are generally depicted on a map entitled "Pocosin Wilderness Study Area" and dated January 1973 which shall be nown as the "Pocosin Wilderness Study Area";

(13) certain lands in the Pisgah National Forest, North Carolina, which are generally depicted on a map entitled "Craggy Mountain Wilderness Study Area" and dated January 1973, which shall be known as the "Craggy Mountain Wilderness Study Area";

(14) certain lands in the Francis Marion National Forest, South Carolina, which are generally depicted on a map entitled "Wambau Wilderness Study Area" and dated January 1973, which shall be known as the "Wambau Wilderness Study Area";

(15) certain lands in the Ottawa National Forest, Michigan, which are generally depicted on a map entitled "Sturgeon River Wilderness Study Area" and dated January 1973, which shall be known as the "Sturgeon River Wilderness Study Area";

(16) certain lands in the Hiawatha National Forest, Michigan, which are generally depicted on a map entitled "Rock River Canyon Wilderness Study Area" and dated January 1973, which shall be known as the "Rock River Canyon Wilderness Study Area";

(17) certain lands in the Clark National Forest, Missouri, which are generally depicted on a map entitled "Bell Mountain Wilderness Study Area" and dated January 1973, which shall be known as the "Bell Mountain Wilderness Study Area";

(18) certain lands in the Nicolet National Forest, Wisconsin, which are generally depicted on a map entitled "Whisker Lake Wilderness Study Area" and dated January 1973, which shall be known as the "Whisker Lake Wilderness Study Area";

(19) certain lands in the Chequamegon National Forest, Wisconsin, which are generally depicted on a map entitled "Round Lake Wilderness Study Area" and dated January 1973, which shall be known as the "Round Lake Wilderness Study Area";

(20) certain lands in the Chequamegon National Forest, Wisconsin, which are generally depicted on a map entitled "Flynn Lake Wilderness Study Area" and dated January 1973, which shall be known as the "Flynn Lake Wilderness Study Area";

(21) certain lands in the Shawnee National Forest, Illinois, which are generally depicted on a map entitled "LaRue-Pine Hills Wilderness Study Area" and dated January 1973, which shall be known as the "LaRue-Pine Hills Wilderness Study Area";

(22) certain lands in the Shawnee National Forest, Illiniois, which area generally depicted on a map entitled "Lusk Creek Wilderness Study Area" and dated January 1973, which shall be known as the "Lusk Creek Wilderness Study Area";

(23) certain lands in the Allegheny National Forest, Pennsylvania, which are generally depicted on a map entitled "Hickory Creek Wilderness Study Area" and dated January 1973, which shall be known as the "Hickory Creek Wilderness Study Area";

(24) certain lands in the Allegheny National Forest, Pennsylvania, which are generally depicted on a map entitled "Tracy Ridge Wilderness Study Area" and dated

January 1973, which shall be known as the "Tracy Ridge Wilderness Study Area";

(25) certain lands in the Wayne National Forest, Ohio, which are generally depicted on a map entitled "Clear Fork Wilderness Study Area" and dated January 1973, which shall be known as the "Clear Fork Wilderness Study Area";

(26) certain lands in the Nantahala National Forest, North Carolina, which comprise about sixteen thousand acres and which are generally depicted on a map entitled "Snowbird Creek Wilderness Study Area" and dated December 1972, which shall be known as the "Snowbird Creek Wilderness Study Area";

(27) certain lands in the Nantahala National Forest, North Carolina, which comprise about nineteen thousand acres and which are generally depicted on a map entitled "Cheoah Bald Wilderness Study Area" and dated December 1972, which shall be known as the "Cheoah Bald Wilderness Study Area";

(28) certain lands in the Pisgah National Forest, North Carolina, which comprises about ten thousand acres and which are generally depicted on a map entitled "Shining Rock Addition Wilderness Study Area" and dated December 1972, which shall be known as the "Shining Rock Addition Wilderness Study Area"; and

(29) certain lands in the Apalachicola National Forest, Florida, which comprise about fifteen thousand five hundred acres and which are generally depicted on a map entitled "Mud Swamp-New River Wilderness Study Area" and dated December 1972, which shall be known as the "Mud Swamp-New River Wilderness Study Area".

(b) The Secretary shall, in making his report, adhere to the criteria of wilderness suitability as set forth in the Wilderness Act, and as interpreted and supplemented by Congress in subsequent Acts designating areas as wilderness for addition to the National Wilderness Preservation System. In any case where the Secretary reports that any area, or portion thereof, is not suitable for preservation as wilderness, he shall also report to the President his findings and recommendations as to the desirability of establishing such area, or portion thereof, as a wilderness reserve.

(c)(1) The Secretary shall, prior to submitting any recommendations to the President with respect to the suitability of any area for preservation as wilderness—

(A) give public notice of the proposed action as appropriate, including publication in the Federal Register and in a newspaper having general circulation in the area or areas in the vicinity of the affected land;

(B) hold a public hearing or hearings at a location or locations convenient to the area affected. The hearings shall be announced through such means as the Secretary deems appropriate, including notices in the Federal Register and in newspapers of general circulation in the area: *Provided*, That if the lands involved are located in more than one State, at least one hearing shall be held in each State in which a portion of the land lies;

(C) at least sixty days before the date of a hearing advise the Governor of each State and the governing board of each county, or borough, in which the lands are located, and Federal departments and agencies concerned, and invite such officials and Federal agencies to submit their views on the proposed action at the hearing or by no later than thirty days following the date of the hearing.

(2) Any views submitted to the Secretary under the provisions of (1) of this subsection with respect to any area shall be included with any recommendations to the President and to Congress with respect to such area.

(d) The Secretary, in the administration of lands designated in this Section shall not permit harvesting of timber or public or private vehicular use of any existing road, and shall not construct or permit the construction or expansion of any road in said lands. The Secretary shall administer said lands in accordance with the laws, rules, and regulations relating to the national forests especially to provide for nonvehicular access recreation and may construct such facilities and take such measures as are necessary for the health and safety of visitors and to protect, promote, and perpetuate the wilderness character and resources of said lands.

(e) The President shall advise the United States Senate and House of Representatives of his recommendations with respect to the designation as "wilderness" or other reclassification of each area on which review has been completed, together with maps and a definition of boundaries, within five years after the enactment of this Act. Each recommendation of the President for designation as "wilderness" shall become effective only if so provided by an Act of Congress.

(f) The maps referred to in this section shall be on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture.

SEC. 3. (a) The Secretary shall, effective on the date of enactment of this Act, review each national forest in the eastern and southeastern regions of the National Forest System and identify any lands within the boundary of each such forest which may offer opportunities for the promotion, perpetuation, and, where necessary, restoration of the wilderness character of the lands. In conducting this review, the Secretary shall provide for full and continuing public participation, in accordance with the provisions of Section 2(c) of this Act and hold public hearings in the vicinity of each such forest and at least one additional hearing in the major population center or centers of each State within which the forest is located.

(b) The Secretary shall report his findings to the President, including his findings concerning any specific proposal for the establishment of wilderness areas made to him by the public, and other opportunities to assure that the National Wilderness Preservation System will include diverse and representative areas of wilderness. The President shall, within five years from the date of enactment of this Act, transmit the report of the Secretary to the Congress and advise the United States Senate and House of Representatives of his recommendations with respect to the establishment of wilderness areas. Any lands recommended as wilderness areas by the President shall, upon such recommendation, be administered in accordance with the provisions of Section 2(d) of this Act until the Congress provides for their designation as wilderness.

SEC. 4. (a) In furtherance of the purposes of the Wilderness Act, certain lands in the Cherokee National Forest, Tennessee, which comprise about fifteen thousand acres and which are generally depicted on a map entitled "North Cohutta Wilderness Reserve" and dated January 1973, are hereby designated as the "North Cohutta Wilderness Reserve." The lands within the "North Cohutta Wilderness Reserve" are, effective upon publication in the Federal Register of a notice by the President that all uses thereon prohibited by the Wilderness Act have ceased, hereby designated as wilderness. The term "wilderness reserve" as used in this Act is an area meriting preservation as wilderness, wherein man and his work once dominated the landscape and wherein the wilderness character of the area may be so restored by natural influences that the area and its community of life will generally appear to have been affected primarily by the forces of nature, regaining its primitive and natural conditions, with the imprint of man's work substantially unnoticeable.

(b) The Secretary shall initiate continuing ecological studies of the "North Cohutta Wilderness Reserve". Within five years following the date of enactment of this Act, and at each successive five year period thereafter, the Secretary shall report to the President his findings concerning the status of the "North Cohutta Wilderness Reserve", its natural restoration to wilderness character. The President shall transmit the report to the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives and to the public.

(c) The area established by this section as the "North Cohutta Wilderness Reserve" shall be administered in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness.

(d) As soon as practicable after this Act takes effect, the Secretary shall file a map and a legal description of the "North Cohutta Wilderness Reserve" with the Interior and Insular Affairs Committees of the United States Senate and House of Representatives, and such maps and description shall have the same force and effect as if included in this Act: *Provided, however*, That correction of clerical and typographical errors in such legal description and maps may be made.

SEC. 5. Notwithstanding the provisions of section 4(d)(2) of the Wilderness Act, and subject to valid existing rights, federally owned lands designated in sections 2 and 4 of this Act and lands hereafter acquired within the boundaries of such areas are hereby withdrawn from all forms of appropriation under the mining laws and from disposition under all laws pertaining to mineral leasing and all amendments thereto.

SEC. 6. (a) Nothing in this Act shall diminish the existing authority of the Secretary to acquire by purchase with donated or appropriated funds, by gift, exchange, condemnation, or otherwise, such lands, waters, or interests therein as he determines necessary or desirable for the purposes of this Act and the Wilderness Act.

(b) In exercising the exchange authority granted by subsection (a) of this Section, the Secretary may accept title to non-federal property in exchange for federally owned property located in the same State, of substantially equal value, or, if not of substantially equal value, the value shall be equalized by the payment of money to the grantor or to the Secretary as the circumstances require.

(c) The head of any Federal department or agency having jurisdiction over any lands or interests in lands within the boundaries of lands designated in sections 2 and 4 of this Act is authorized to transfer to the Secretary jurisdiction over such lands for administration in accordance with the provisions of this Act.

SEC. 7. (a) The Federal Power Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act (41 Stat. 1063), as amended (16 U.S.C. 791a et seq.), within or directly affecting any lands designated in sections 2 and 4 of this Act, and no department or agency of the United States shall assit by loan, grant, license, or otherwise in the planning or construction of any project that would have a direct and adverse effect on the values for which such area was established or recommended for study.

(b) Nothing in this Act shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from State water laws.

(c) Nothing in this Act shall be construed as affecting the jurisditcion or responsibilities of the several States with respect to wildlife and fish in the national forests.

SEC. 8. There rae hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

FEDERAL FISCAL RESPONSIBILITY

The SPEAKER. Under a previous order of the House, the gentleman from Michigan (Mr. ESCH) is recognized for 10 minutes.

Mr. ESCH. Mr. Speaker, today I am reintroducing legislation which I hope will help the Congress reassert its role in assuring Federal fiscal responsibility. In my original proposal, introduced March 23, 1972, title IV of the bill authorized a study of fiscal procedures by a committee composed of leading members of each House Appropriations Committee, the Ways and Means Committee of the House, and the Finance Committee of the Senate. I am pleased that such a joint committee has subsequently been set up and has begun to prepare recommendations.

Mr. Speaker, for too long Congress has been talking about the need for fiscal responsibility without making any move to meet that need. The Congress has said it should have the power to control the budget. It has claimed it wants the power to set national priorities and has talked a great deal about reordering those priorities. It has expressed indignation over the Executive's use of impoundment and formed ad hoc coalition to demand the release of appropriated funds. Congress has spent much time explaining that the Executive has taken these powers away from legislature. The fact of the matter is that the Executive exercises control over the budget not in spite of Congress but entirely at the sufferance of Congress. If Congress wants authority over the budget, it need simply take it. I am introducing the Federal Fiscal Responsibility Act of 1973 so that Congress might reassert its rightful role in this most important process. I am hopeful that its provisions will be seriously considered as a vehicle for that purpose.

I believe that there are at least four major areas of needed reform: First, Congress must institute a total limitation framework on spending. Each Member of Congress has his own set of priorities, but generally they total up to more than the available revenues. By setting an annual spending limitation, Congress would finally face up to the limitation in available dollars.

Second, there has been a lack of predictability in funding. The legislature has failed to pass appropriation bills on time and thus the agencies and departments have been forced to function on a costly and ineffective day-to-day basis.

Third, the Federal bureaucracy has often been slow in paying its own bills to local and private contractors, causing undue hardships and costs for the individual citizen.

Finally, the legislative branch has never asserted its rightful role in determining that once funds were authorized and appropriated they should be spent. Over time, the executive branch has developed indiscriminate power to impound funds for specific programs and thus to subvert the intent of the Congress. The bill I am introducing today moves toward the correction of these deficiencies. It is not a bill which will attract dramatic headlines, but I believe it could become a most significant instrument for meaningful congressional reform in the area of fiscal responsibility. It reaches out to the pressure points in the authorization-appropriation-expenditure cycle to develop more effective means of channeling Federal funds. Surely our taxpayers deserve this.

The Fiscal Responsibility Act of 1973 has three titles. Title I moves the Federal fiscal year to coincide with the calendar year. This section will help Federal budget planners and Members of Congress in doing long range comprehensive planning for the budget. At the present time, Members of Congress are forced to consider the 1,100-page budget document hurriedly if they want to decide on the budget before the beginning of a new fiscal year. In recent years this has forced Congress to pass a continuing resolution which allows an agency to operate while Congress finishes its appropriations process.

Title II of the bill requires Congress to establish an annual expenditure limitation. The Congress would be required to establish this limitation 45 days after the President's annual economic message. This would force Congress to consider our Federal budget in light of limited dollars and competing priorities.

Title III of the bill establishes a Federal impoundment procedure. It establishes two types of impoundment. The President may impound funds in a department or agency on a percentage across-the-board basis and must notify Congress immediately of this action. Either House of Congress then has 60 days to disapprove of the impoundment to force the President to stop the impoundment.

If the President decides to impound funds for a particular program in a department or agency without regard to the percentage limitations, he must prenotify the Congress of his intention and wait 60 days before proceeding with this special impoundment. Congress has the opportunity within that time to disapprove of that impoundment.

The impoundment portion of the bill also includes a special section aimed at Federal officials who are unreasonably slow in disbursing funds to State and local units of government or to private contractors. If extra costs are incurred by the recipient of Federal funds because of a delay of 60 days or more, the Federal Government becomes liable for those extra costs.

In the next few weeks, I am hopeful that many of my colleagues will join me in supporting a reassertion of the integral role which the Congress should play in assuring Federal fiscal responsibility. The Fiscal Responsibility Act of 1973 offers some positive solutions to problems in our budgeting system and I am hopeful that my proposals will receive thoughtful consideration this year.

URBAN MASS TRANSPORTATION ASSISTANCE ACT OF 1973

The SPEAKER. Under a previous order of the House, the Gentleman from Rhode Island (Mr. ST GERMAIN) is recognized for 5 minutes.

Mr. ST GERMAIN. Mr. Speaker, I am today introducing on behalf of myself and 20 other members of the Committee on Banking and Currency, the Urban Mass Transportation Assistance Act of 1973. This bill is basically the same provisions that were embodied in chapter VII of H.R. 16704, the omnibus housing bill of last session, which was not acted upon by the House. It is vitally important that the Congress consider and act upon this bill early if public transportation is to survive.

I need not go into details as to the crisis within which urban mass transportation finds itself at this moment. Our Nation's mass transit systems are clearly fast approaching a do or die situation. Dwindling revenues and passengers, along with rising costs and fares, have combined to make the public transit crisis national in scope. State and local taxes are supporting transit operations in 142 cities to the extent of more than $400 million annually.

It is apparent that this present contribution by overtaxed localities in no way guarantees a stemming of the tide of financial difficulties besetting transit operations. The self-defeating pattern of raising fares to meet increasing costs merely results in less service and more and more transit riders opting for the private automobile. It is also apparent that there are countless thousands who do not have the luxury of that choice and are totally dependent on public transit for their mobility.

While there is always great reluctance to subsidize the operations of any public service—on a local or Federal level—there is little doubt about the consequences of delay in facing the decision. The Congress recognized the possibility of Federal operating subsidies in 1970 when the Urban Mass Transit Assistance Act of 1970 directed the Department of Transportation to investigate the scope of the problem and to make appropriate recommendations on how it might best be solved.

The Department reported to the Congress in November 1971 that the problem was indeed "severe"—but more importantly the subjects of that study—the many locally subsidized transit operations in our largest cities—have testified before this committee on how such a program might work, how much it would cost, and what the prospect is if such a program is not initiated now. It is to this prospect that this bill is addressed.

The specter of the 50-cent transit fare is all too real in many of the Nation's larger cities, and the timetable for achieving it in other cities is all too predictable. Statistics have shown that as fares rise beyond the 35-cent level, a greater percentage drop in ridership results, leading to the situation where a fare increase actually produces a net loss in revenue. Many transit operations are at the point where retrieving such riders will be difficult and expensive, if not impossible.

We in the Congress accept the goal of substantially increasing transit ridership—not just to rejuvenate an economically ailing industry—but, more importantly, to produce a more balanced transportation system in and around this Nation's cities. The fact that a single transit vehicle can represent between 30 and 60 individual automobiles commuting to work illustrates the point. If more and more cars are not merely to justify more and more highways, with the attendant problems of pollution and congestion, ecological destruction, higher relocation costs, and unwise land use, mass transit will have to become a viable commutation alternative. It is not so now and it will be less so in the near future without strong public action.

I note with interest and alarm the statement of the Administrator of the Environmental Protection Agency who, in announcing new Federal air pollution standards, stated that in order for many cities to meet the standards, they will have to drastically alter commuting habits. Testimony from officials of several large cities, including the District of Columbia, underscores that point.

In light of the Department's study and of the testimony on the state and prospects of many of the Nation's transit systems, it is obvious that there is a severe problem and that the Federal Government has a legitimate and justifiable role in its solution. While the Department's report suggested that there appeared to be no acceptable method to guarantee the workability of an operating subsidy program, the experience of many State and local programs of operating assistance suggests otherwise.

Already 142 communities are providing operating assistance enabling transit systems to continue their operations, and it is expected that a greatly increased number of communities in the coming year will be forced to follow suit. We have only to look at what has happened here in the Metropolitan Washington area, where four private bus systems have been taken over by a local community-sponsored transit system.

My bill would provide for Federal grants for operating expenses for urban mass transportation systems. There would be $400 million authorized to be appropriated for fiscal year 1974 and $400 million for fiscal year 1975. Assistance under this provision would be made by an individual mass transportation system in relation to the total number of such passengers carried by all urban mass transportation systems found eligible for assistance in the country. Urban mass transportation systems receiving benefits under this operating subsidy provision would have to provide half fare for the elderly and handicapped during nonpeak hours. In order to be eligible for grants under this provision, the applicant must submit to the Secretary of Transportation a comprehensive mass transportation service improvement plan. Grants for operating assistance would be a flat 100 percent grant.

Second, the bill would increase the Federal grant ratio under the Urban Mass Transportation Act of 1964 from the existing two-thirds Federal grant, one-third local contribution, to a flat 80-percent Federal grant, 20-percent local contribution.

Third, my bill would increase the capital grant authority under the Urban Mass Transportation Act by an additional $3 billion. This was requested by the administration in September of last year when Secretary Volpe appeared before the Senate Banking Committee. Since it is important for communities to be able to know ahead of time the amount of capital grant funds that will be available, it is important that these additional funds be made available immediately. These are the three major proposals contained in my bill and I would certainly hope that the Committee on Banking and Currency would consider this bill as a matter of urgent priority.

GENERAL LEAVE

Mr. PATTEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order on Thursday, January 18, 1973.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. McDade (at the request of Mr. Gerald R. Ford) on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Randall, for 1 hour, today, and to revise and extend his remarks and include extraneous matter.

Mr. Bennett, for 1 hour, today, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. Abdnor) to revise and extend their remarks and include extraneous material:)

Mr. Bell, for 5 minutes, today.
Mr. Hogan, for 15 minutes, today.
Mr. Anderson of Illinois, for 15 minutes, today.
Mr. Saylor, for 15 minutes, today.
Mr. Esch, for 10 minutes, today.

(The following Members (at the request of Mr. Gunter) to revise and extend their remarks and include extraneous material:)

Mr. Metcalfe, for 10 minutes, today.
Mr. Biaggi, for 30 minutes, today.
Mr. Gonzalez, for 5 minutes, today.
Mr. St Germain, for 5 minutes, today.
Mr. Dellums, for 60 minutes, January 25.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members, at the request of Mr. Abdnor) and to include extraneous material:)

Mr. Price of Texas in four instances.
Mr. Hanrahan in three instances.
Mr. Bell in two instances.
Mr. Keating in three instances.
Mr. Shriver in two instances.
Mr. Sarasin.
Mr. Nelsen.
Mr. Baker.
Mr. Young of Florida in five instances.
Mr. Duncan.
Mr. Railsback in four instances.
Mr. Eshleman.
Mr. Mizell in four instances.
Mr. Collins in five instances.
Mr. Wyman in two instances.
Mr. Don H. Clausen in three instances.
Mr. Hunt.

(The following Members (at the request of Mr. Gunter) and to include extraneous matter:)

Mr. Teague of Texas in six instances.
Mr. Rosenthal in 10 instances.
Mr. Hungate.
Mr. Rarick in three instances.
Mr. Udall in seven instances.
Mr. Gonzalez in three instances.
Mr. Fraser in five instances.
Mr. Murphy of New York in three instances.
Mr. Gray in 10 instances.
Mr. Waldie in five instances.
Mr. Vanik in two instances.
Mr. Hamilton in 10 instances.
Mr. Annunzio in six instances.
Mr. de la Garza.
Mr. McKay.
Mr. Green of Pennsylvania in five instances.
Mr. Ashley in five instances.
Mr. Fascell in two instances.
Mr. Rostenkowski.
Mr. Burke of Massachusetts.
Mr. Patten.
Mr. Harrington.
Mr. Brasco.

DEATH OF THE HONORABLE LYNDON BAINES JOHNSON—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States:

To the Congress of the United States:

It is my sad duty to inform you officially of the death of Lyndon Baines Johnson, the thirty-sixth President of the United States.

His loss is especially poignant for all of us who knew him and worked with him in the House and Senate. It was there that he first became a legend and there that he began to influence our destiny as a great Nation.

Yet Lyndon Johnson's legacy extends far beyond his years in the Congress. He was a man of fierce devotion and love. He was devoted to his family. He was devoted to the cause of freedom and equality for his fellow man. And as President, he was devoted in a very special way to the land he loved.

The whole story of the Johnson years in the White House remains to be told, and history has yet to make its judgment. But millions of Americans will always remember a bitter day in November, 1963, when so many of our people doubted the very future of this Republic, when so many were stunned at the very idea that an American Chief of State could be assassinated in this age, and so many abroad were fearful about the future course of the American democracy. And Lyndon Johnson rose above the doubt and the fear to hold this Nation on course until we rediscovered our faith in ourselves.

If he had done no more, his place in history would have been assured. But he did much more, and his role then was not a high-water mark but a hallmark. For it was his noble and difficult destiny to lead America through a long, dark night of necessity at home and abroad. He had the courage to do what many of his contemporaries condemned him for, but what will surely win warm praise in the history books of tomorrow.

RICHARD NIXON.

THE WHITE HOUSE, *January 23, 1973.*

REMAINS OF HON. LYNDON B. JOHNSON TO LIE IN STATE AT THE CAPITOL

Mr. O'NEILL. Mr. Speaker, I offer a concurrent resolution (H. Con. Res 90) and ask for its immediate consideration.

The Clerk read the concurrent resolution as follows:

H. CON. RES. 90

Resolved by the House of Representatives (the Senate concurring), That in recognition of the long and distinguished service rendered to the Nation and to the world by Lyndon B. Johnson, Thirty-sixth President of the United States, his remains be permitted to lie in state in the rotunda of the Capitol from January 24 to January 25, 1973, and the Architect of the Capitol, under the direction of the Speaker of the House of Representatives and the President pro tempore of the Senate, shall take all necessary steps for the accomplishment of that purpose.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

ARRANGEMENTS FOR FUNERAL OF HONORABLE LYNDON BAINES JOHNSON

(Mr. PATMAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PATMAN. Mr. Speaker, on yesterday the people of our entire Nation were saddened by the announcement of the death of Lyndon B. Johnson, former President of the United States.

At this point, Mr. Speaker, I place in the RECORD the schedule of arrangements for the final services for our late President, Lyndon B. Johnson:

TUESDAY, JANUARY 23, 1973

At 12 noon: Lie in State at The L. B. J. Library until 8 a.m., Wednesday, January 24, 1973. Full honor guard.

WEDNESDAY, JANUARY 24, 1973

At 8:30 a.m.: Proceed to Bergstrom Air Force Base.

At 9:15: Depart Bergstrom Air Force Base via Presidential aircraft.

At 1 p.m.: Arrive at Andrews Air Force Base, Md.

At 1:20 p.m.: Depart Andrews Air Force Base to 16th and Constitution Avenue where President Johnson will be transferred to a horse-drawn caisson for procession to the U.S. Capitol. There will be a flyover by the U.S. Air Force at Fourth Street as the caisson passes. Procession arrives at the U.S. Capitol, and President Johnson is placed in the rotunda.

At 2:30 p.m.: Ceremony in the rotunda. President Johnson will lie in state in the rotunda until 8 a.m. Thursday.

THURSDAY, JANUARY 25, 1973

From 9 to 9:30 a.m.: Departure from U.S. Capitol. Motorcade to National City Christian Church. Route: West on Constitution Avenue to Pennsylvania Avenue; northwest on Pennsylvania Avenue to 14th Street; north on 14th Street to Thomas Circle.

At 10: Funeral service at National City Christian Church.

From 11 a.m. to 12 noon: Motorcade to Andrews Air Force Base.

12:30: Depart Andrews Air Force Base for direct flight to L. B. J. Ranch.

At 3 p.m.: Arrive L. B. J. Ranch via U.S. Air Force aircraft.

At 3:10 p.m.: Depart L. B. J. Ranch to family cemetery.

At 3:30 p.m.: Final rites at the family cemetery.

The Speaker assures me that he will sometime in the near future arrange for a special day and a special time for memorial services here in the Chamber so that Members may deliver eulogies concerning the life and services of the late President Lyndon B. Johnson.

Mr. Speaker, I offer a resolution.

The Clerk read the resolution as follows:

H. RES. 152

Resolved, That the House of Representatives has learned with profound regret and sorrow of the death of Lyndon Baines Johnson, former President of the United States of America.

Resolved, That in recognition of the many virtues, public and private, of one who served with distinction as a Representative, Senator, Vice President, and President, the Speaker shall appoint committees of the House to join with such Members of the Senate as may be designated, to attend the funeral services of the former President.

Resolved, That the House tenders its deep sympathy to the members of the family of the former President in their sad bereavement.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy of the same to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the former President, this House do now adjourn.

The resolution was agreed to.

ADJOURNMENT

Accordingly (at 1 o'clock and 2 minutes p.m.), the House adjourned until tomorrow, Wednesday, January 24, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

263. A letter from the Assistant Secretary of Agriculture, transmitting the Fifth Annual Report on Operations under the Food Stamp Act of 1964, pursuant to Public Law 90-552; to the Committee on Agriculture.

264. A letter from the Assistant Secretary of the Interior and the Acting Director, American Revolution Bicentennial Commission, transmitting a report on a violation of section 3679 of the Revised Statutes by the Department and the Commission; to the Committee on Appropriations.

265. A letter from the Secretary of Defense, transmitting a report of real and personal property of the Department of Defense as of June 30, 1972, pursuant to 10 U.S.C. 2701; to the Committee on Armed Services.

266. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend section 5504 of title 10, United States Code, relating to assignment of lineal position to certain officers of the Navy and Marine Corps; to the Committee on Armed Services.

267. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend title 37, United States Code, to provide entitlement to round trip transportation to the home port for a member of the uniformed services on permanent duty aboard a ship being inactivated away from the home port whose dependents are residing at the home port; to the Committee on Armed Services.

268. A letter from the Chief of Legislative Affairs, Department of the Navy, transmitting notice of the intention of the Department of the Navy to donate certain surplus property to the East Carolina Chapter, Inc., of the National Railway Historical Society, Asheboro, N.C., pursuant to 10 U.S.C. 7545; to the Committee on Armed Services.

269. A letter from the Assistant Secretary of the Air Force (Manpower and Reserve Affairs), transmitting a draft of proposed legislation to amend section 8376 of title 10, United States Code, to eliminate the requirement that an Air Force Reserve, or Air National Guard, officer serving on extended active duty in a temporary grade which is higher than his reserve grade must apply for promotion to the next higher reserve grade, when otherwise eligible; to the Committee on Armed Services.

270. A letter from the Acting Assistant Secretary of State for Congressional Relations, transmitting copies of Presidential Determination 73-10, and the memorandum requesting it, authorizing sales of defense articles to various countries and international organizations, and authorizing the Secretary of State to determine whether the proposed transfer of a defense article by a foreign country or international organization not specified in Presidential Determination 93-10 will strengthen the security of the United States and promote world peace, pursuant to section 3(a)(1) of the Foreign Military Sales Act; to the Committee on Foreign Affairs.

271. A letter from the Secretary of the Interior, transmitting a report on matters contained in the Helium Act for fiscal year 1972, pursuant to section 16 of the act (50 U.S.C. 167); to the Committee on Interior and Insular Affairs.

272. A letter from the Secretary of State and the Attorney General, transmitting a draft of proposed legislation to define the circumstances in which foreign states are immune from the jurisdiction of U.S. courts and in which execution may not be levied on

their assets, and for other purposes; to the Committee on the Judiciary.

Received From the Comptroller General

273. A letter from the Comptroller General of the United States, transmitting a report on the need to improve language training programs and assignments for U.S. Government personnel overseas; to the Committee on Government Operations.

274. A letter from the Comptroller General of the United States, transmitting a report on how relending programs could be made more effective by the Export-Import Bank of the United States; to the Committee on Government Operations.

275. A letter from the Acting Comptroller General of the United States, transmitting the report and recommendation of the General Accounting Office concerning the claim of Mr. John B. Clayton against the United States, pursuant to 31 U.S.C. 236; to the Committee on the Judiciary.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 2642. A bill to allow a credit of not more than $300 against the Federal income tax for State and local real property taxes, or for a corresponding portion of rent, paid by individuals with respect to their principal residences; to the Committee on Ways and Means.

By Mr. ANDREWS of North Dakota:

H.R. 2643. A bill to extend titles I, II, III, IV, V, VI, and VII of the Agricultural Act of 1970 for 5 years; to the Committee on Agriculture.

By Mr. BENNETT (for himself, Mr. Bob Wilson, Mr. Matsunaga, Mr. Steiger of Wisconsin, Mr. Alexander, Mr. Anderson of Illinois, Mr. Andrews of North Dakota, Mr. Badillo, Mr. Biester, Mr. Boland, Mr. Brown of Michigan, Mr. Broyhill of North Carolina, Mr. Broyhill of Virginia, Mr. Buchanan, Mr. Burgener, Mr. Clark, Mr. Don H. Clausen, Mr. Clay, Mr. Cleveland, Mr. Cohen, Mr. Coughlin, Mr. Cronin, Mr. Danielson, Mr. Davis of Georgia and Mr. Dent):

H.R. 2644. A bill to amend chapter 5 of title 37, United States Code, to revise the special pay structure relating to members of the uniformed services, and for other purposes; to the Committee on Armed Services.

By Mr. BOB WILSON (for himself, Mr. Bennett, Mr. Matsunaga, Mr. Steiger of Wisconsin, Mr. Derwinski, Mr. Dickinson, Mr. Drinan, Mr. Duncan, Mr. Edwards of California, Mr. Edwards of Alabama, Mr. Erlenborn, Mr. Esch, Mr. Fascell, Mr. Fish, Mr. Forsythe, Mr. Frelinghuysen, Mr. Frenzel, Mr. Frey, Mr. Gettys, Mr. Gibbons, Mr. Goodling, Mr. Gude, Mr. Gunter, Mr. Guyer, Mr. Hanrahan):

H.R. 2645. A bill to amend chapter 5 of title 37, United States Code, to revise the special pay structure relating to members of the uniformed services and for other purposes; to the Committee on Armed Services.

By Mr. STEIGER of Wisconsin (for himself, Mr. Bennett, Mr. Bob Wilson, Mr. Matsunaga, Mr. Hansen of Idaho, Mr. Harrington, Mr. Harvey, Mr. Hastings, Mr. Helstoski, Mr. Hogan, Mr. Hosmer, Mr. Huber, Mr. Hunt, Mr. Ichord, Mr. Johnson of Colorado, Mr. Keating, Mr. Kemp, Mr. Latta, Mr. Lent, Mr. Lujan, Mr. Mailliard, Mr. Mallary, Mr. Martin of North Carolina, Mr. Mayne, and Mr. Mazzoli):

H.R. 2646. A bill to amend chapter 5 of title 37, United States Code, to revise the special pay structure relating to members of the uniformed services and for other purposes; to the Committee on Armed Services.

By Mr. MATSUNAGA (for himself, Mr. Bennett, Mr. Bob Wilson, Mr. Steiger of Wisconsin, Mrs. Mink, Mr. Mitchell of Maryland, Mr. Moorhead of California, Mr. Morgan, Mr. Moss, Mr. Myers, Mr. Nix, Mr. O'Hara, Mr. Pepper, Mr. Perkins, Mr. Preyer, Mr. Price of Illinois, Mr. Pritchard, Mr. Quie, Mr. Railsback, Mr. Randall, Mr. Rhodes, Mr. Robinson of Virginia, Mr. Robison of New York, Mr. Roncallo of New York, and Mr. Rousselot):

H.R. 2647. A bill to amend chapter 5 of title 37, United States Code, to revise the special pay structure relating to members of the uniformed services, and for other purposes; to the Committee on Armed Services.

By Mr. BENNETT (for himself, Mr. Bob Wilson, Mr. Matsunaga, Mr. Steiger of Wisconsin, Mr. Roybal, Mr. Sebelius, Mr. Seiberling, Mr. Shriver, Mr. Sikes, Mr. Sisk, Mr. Slack, Mr. Smith of New York, Mr. Stokes, Mr. Stuckey, Mr. Studds, Mr. Van Deerlin, Mr. Vander Jagt, Mr. Veysey, Mr. Waggonner, Mr. Ware, Mr. Whitehurst, Mr. Widnall, Mr. Williams, Mr. Wolff, and Mr. Wright):

H.R. 2648. A bill to amend chapter 5 of title 37, United States Code, to revise the special pay structure relating to members of the uniformed services, and for other purposes; to the Committee on Armed Services.

By Mr. BENNETT (for himself, Mr. Bob Wilson, Mr. Matsunaga, Mr. Steiger of Wisconsin, Mr. Yatron, Mr. Young of Florida, Mr. Conte, Mr. Conlan, and Mr. Horton):

H.R. 2649. A bill to amend chapter 5 of title 37, United States Code, to revise the special pay structure relating to members of the uniformed services, and for other purposes; to the Committee on Armed Services.

By Mr. BINGHAM (for himself, Mr. Perkins, Mr. Hawkins, Mr. Burton, Mrs. Chisholm, Mr. Harrington, Mr. Edwards of California, Mr. Hechler of West Virginia, Mr. Rosenthal, Mr. Helstoski, Mr. Eilberg, Mr. Fuqua, Mr. Won Pat, Ms. Abzug, Mr. De Lugo, Mr. Nedzi, Mr. Addabbo, Mr. Moakley, Mr. Corman, Miss Holtzman, Mrs. Burke of California, Mr. Moorhead of Pennsylvania, and Mr. Brasco):

H.R. 2650. A bill to amend the Elementary and Secondary Education Act of 1965 to assist school districts to carry out locally approved school security plans to reduce crime against children, employees, and facilities of their schools; to the Committee on Education and Labor.

By Mr. BOLAND:

H.R. 2651. A bill to assure the free flow of information to the public; to the Committee on the Judiciary.

By Mr. BRADEMAS (for himself, Mr. Perkins, Mr. Matsunaga, Mr. Moakley, Miss Holtzman, Mr. Thone, Mr. Price of Illinois, Mr. Widnall, and Mr. Conte):

H.R. 2652. A bill to strengthen and improve the Older Americans Act of 1965, and for other purposes; to the Committee on Education and Labor.

By Mr. BRADEMAS (for himself, Mr. Perkins, Mr. Quie, Mrs. Mink, Mr. Hansen of Idaho, Mr. Mosher, Mr. Litton, Mr. Minish, Mr. Price of Illinois, Mr. Conte, and Mr. Dingell):

H.R. 2653. A bill to amend the Vocational Rehabilitation Act to extend and revise the authorization of grants to States for vocational rehabilitation services, to authorize grants for rehabilitation services to those with severe disabilities and for other purposes; to the Committee on Education and Labor.

By Mr. BRASCO (for himself and Mr. Dominick V. Daniels):

H.R. 2654. A bill to amend subchapter III of title 5, United States Code, to increase the multiplication factor used in computing annuities of certain employees engaged in hazardous duties, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. CARTER:

H.R. 2655. A bill to establish a Commission on Medical Technology and Dignity of Dying; to the Committee on Interstate and Foreign Commerce.

H.R. 2656. A bill to provide that tobacco graders shall be retained in a pay status for 10 months in a calendar year, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. COLLIER:

H.R. 2657. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

H.R. 2658. A bill to amend chapter 207 of title 18, of the United States Code, to authorize conditional pretrial release or pretrial detention of certain persons who have been charged with noncapital offenses, and for other purposes; to the Committee on the Judiciary.

H.R. 2659. A bill to amend chapter 15 of title 38, United States Code, to provide for the payment of pension of $125 per month to World War I veterans, subject to a $2,400 and $3,600 annual income limitation; to provide that retirement income such as social security shall not be counted as income; to provide that such pension shall be increased by 10 percent where the veteran served overseas during World War I; and for other purposes; to the Committee on Veterans' Affairs.

H.R. 2660. A bill to amend title II of the Social Security Act to provide under the retirement test a substantial increase in the amount of outside income permitted without loss of benefits, but with a requirement that income of all types and from all sources be included in determining the amount of an individual's income for purposes of such test; to the Committee on Ways and Means.

By Mr. CONABLE:

H.R. 2661. A bill to amend the Internal Revenue Code of 1954 to deny any deduction for expenses or attending business conventions outside the United States; to the Committee on Ways and Means.

By Mr. CORMAN (for himself and Mr. Pettis):

H.R. 2662. A bill to amend the Tariff Schedules of the United States to suspend the duty on certain aircraft components; to the Committee on Ways and Means.

By Mr. DOMINICK V. DANIELS:

H.R. 2663. A bill to amend the Internal Revenue Code of 1954 to provide a basic $5,000 exemption from income tax, in the case of an individual or married couple, for amounts received as annuities, pensions, or other retirement benefits; to the Committee on Ways and Means.

H.R. 2664. A bill to amend the Internal Revenue Code of 1954 to provide that the first $3,000 of an individual's civil service retirement annuity (or other Federal retirement annuity) shall be exempt from income tax; to the Committee on Ways and Means.

By Mr. E de la GARZA:

H.R. 2665. A bill to expand the national flood insurance program by substantially increasing limits of coverage and total amount of insurance authorized to be outstanding and by requiring known flood-prone communities to participate in the program, and for other purposes; to the Committee on Banking and Currency.

By Mr. DERWINSKI:

H.R. 2666. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. DINGELL:

H.R. 2667. A bill to abolish the U.S. Postal Service, to repeal the Postal Reorganization Act, to reenact the former provisions of title 39, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. DINGELL (for himself and Mr. Moss):

H.R. 2668. A bill to establish the General Budget Office, and for other purposes; to the Committee on Government Operations.

By Mr. DINGELL (for himself, Mr. Danielson, Mr. McKinney, Mr. Burton, Mr. Symington, Mr. Zwach, Mr. Mayne, Mr. Thone, Mr. Studds, Mr. Pike, and Mr. Coughlin):

H.R. 2669. A bill as provided for the conservation, protection, and propagation of species or subspecies of fish and wildlife that are threatened with extinction or likely within the foreseeable future to become threatened with extinction, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. DULSKI:

H.R. 2670. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 2671. A bill to authorize a program for the improvement of Buffalo Harbor, its tributaries, and the Niagara River; to the Committee on Public Works.

By Mr. ESCH (for himself, Mr. Abdnor, Mr. Eshleman, Mr. Frenzel, Mr. Gude, Mr. Hammerschmidt, Mr. Hastings, Mr. Horton, Mr. Kuykendall, Mr. McCloskey, Mr. Rees, Mr. Runnells, Mr. Sebelius, Mr. Ware, Mr. Whitehurst, Mr. Williams, Mr. Yatron, and Mr. Tiernan):

H.R. 2672. A bill to provide greater assurance for fiscal responsibility; to the Committee on Government Operations.

By Mr. FRASER (for himself and Mr. Melcher):

H.R. 2673. A bill to amend title 38 of the United States Code to make certain that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced because of increases in monthly social security benefits; to the Committee on Veterans' Affairs.

By Mr. FRASER (for himself and Mr. Frenzel):

H.R. 2674. A bill relative to the oil import program; to the Committee on Ways and Means.

By Mr. GOLDWATER (for himself, Mr. Bell, and Mr. Corman):

H.R. 2675. A bill to establish the Federal Audiovisual Coordination Board, regulate production by Federal agencies of audiovisual materials, and provide certain labor standards in connection therewith; to the Committee on Government Operations.

By Mr. HECHLER of West Virginia:

H.R. 2676. A bill to require financial disclosure; to the Committee on Standards of Official Conduct.

By Mr. HECHLER of West Virginia (for himself, Mr. Addabbo, Mr. Badillo, Mr. Barrett, Mr. Brown of California, Mrs. Chisholm, Mr. Dellums, Mr. Eilberg, Mr. William D. Ford, Mrs. Grasso, Mr. Karth, Mr. Koch, Mr. Leggett, Mr. Mann, Mr. Nix, Mr. Pike, Mr. Preyer, Mr. Rangel, Mr. Stokes, and Mr. Wolff):

H.R. 2677. A bill to provide for the control of surface and underground coal mining operations which adversely affect the quality of our environment, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HELSTOSKI:

H.R. 2678. A bill to amend title 38, United States Code, so as to provide mustering-out payments for certain members discharged from the Armed Forces after August 4, 1964; to the Committee on Veterans' Affairs.

H.R. 2679. A bill to amend chapter 31, section 1502(a) of title 38, United States Code, to provide that Vietnam era veterans shall have the same basic entitlement to vocational rehabilitation as that available to veterans of World War II and the Korean conflict; to the Committee on Veterans' Affairs.

H.R. 2680. A bill to amend section 1502 of title 38, United States Code, to provide that eligibility requirements for Vietnam era veterans shall conform with those afforded World War II and Korean conflict veterans; to the Committee on Veterans' Affairs.

H.R. 2681. A bill to amend chapter 34, title 38, United States Code, to extend the time limitation for completing a program of education; to the Committee on Veterans' Affairs.

H.R. 2682. A bill to amend chapter 41 of title 38, United States Code, to improve job counseling and employment services for veterans, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 2683. A bill to amend chapter 31 of title 38, United States Code, to authorize additional training or education for certain veterans who are no longer eligible for training, in order to restore employability lost due to technological changes; to the Committee on Veterans' Affairs.

H.R. 2684. A bill to amend title 38 of the United States Code to make the children of certain veterans having a service-connected disability rated at not less than 50 percent eligible for benefits under the war orphans' educational assistance program; to the Committee on Veterans' Affairs.

By Mr. HICKS:

H.R. 2685. A bill to amend the Civil Rights Act of 1964 to make it an unlawful employment practice to discriminate against individuals who are physically handicapped because of such handicap; to the Committee on Education and Labor.

By Mr. HILLIS (for himself, Mr. McDade, Mr. Johnson of California, Mr. Thone, Mr. Young of Florida, Mr. Edwards of California, Mr. Kemp, Mr. Jones of North Carolina, Mr. Waldie, Mr. Shipley, Mr. Green of Pennsylvania, Mr. Sikes, Mr. Ullman, Mr. Harvey, Mr. Quie, Mr. Mollohan, Mr. Clark, Mr. Erlenborn, Mr. Eshleman, Mr. Zion, Mr. Blackburn, Mr. Latta, Mr. Powell of Ohio, Mr. Podell, and Mr. Won Pat):

H.R. 2686. A bill to amend title 38 of the United States Code to liberalize the provisions relating to payment of disability and death pension; to the Committee on Veterans' Affairs.

By Mr. HILLIS (for himself, Mr. Matsunaga, Mr. Mayne, Mr. Murphy of New York, Mr. Fascell, Mr. Zwach, Mr. Williams, Mr. Guyer, Mr. Johnson of Pennsylvania, Mr. Hudnut, Mr. Myers, Mr. Hansen of Idaho, Mr. Baker, Mr. Hastings, Mrs. Chisholm, Mr. Sisk, Mr. Flood, Mr. Whitehurst, Mr. Veysey, Mrs. Burke of California, Mr. Rinaldo, Mr. Downing, Mr. Cleveland, Mr. Yatron, and Mr. Railsback):

H.R. 2687. A bill to amend title 38 of the United States Code to liberalize the provisions relating to payment of disability and death pension; to the Committee on Veterans' Affairs.

By Mr. HILLIS (for himself, Mr. Coughlin, Mr. Davis of Georgia, Mr. Roe, and Mr. Brasco):

H.R. 2688. A bill to amend title 38 of the United States Code to liberalize the provisions relating to payment of disability and death pension; to the Committee on Veterans' Affairs.

By Mr. HOWARD:

H.R. 2689. A bill to amend the Urban Mass Transportation Act of 1964 to authorize certain grants to assure adequate commuter service in urban areas, and for other purposes; to the Committee on Banking and Currency.

By Mr. HUNT:

H.R. 2690. A bill to provide for the construction of a new Veterans' Administration hospital in southern New Jersey; to the Committee on Veterans' Affairs.

By Mr. ICHORD (for himself, Mr. Mathis of Georgia, Mr. Zion, Mr. Bevill, Mr. Stratton, Mr. Collins, Mr. Davis of South Carolina, and Mr. Whitehurst):

H.R. 2691. A bill to amend section 4 of the Internal Security Act of 1950; to the Committee on Internal Security.

By Mr. ICHORD (for himself, Mr. Mazzoli, Mr. Blackburn, Mr. Eshleman, Mr. Derwinski, Mr. Goodling, Mr. Hanrahan, Mr. Pike, Mr. Stuckey, Mr. Spence, Mr. Bray, Mr. Collins, Mr. Fisher, Mr. Montgomery, Mr. Lent, Mr. Taylor of North Carolina, Mr. Davis of South Carolina, Mr. Duncan, Mr. Stratton, Mr. McCollister, Mr. King, Mr. Evins of Tennessee, Mr. Slack, Mr. Carney of Ohio, and Mr. Robinson of Virginia):

H.R. 2692. A bill to make it a Federal crime to kill or assault a fireman or law enforcement officer engaged in the performance of his duties when the offender travels in interstate commerce or uses any facility of interstate commerce for such purpose; to the Committee on the Judiciary.

By Mr. ICHORD (for himself, Mr. Young of Florida, Mr. Miller, Mr. Steiger of Arizona, Mr. Flowers, Mr. Williams, Mr. Mathis of Georgia, Mr. Bevill, Mr. Devine, Mr. Flood, Mr. Shriver, Mr. Eilberg, Mr. Rarick, Mr. Preyer, Mr. Wolff, Mr. Ginn, Mr. Veysey, Mr. Downing, Mr. Mizell, Mr. Henderson, Mr. Kemp, Mr. Satterfield, Mr. Cleveland, Mr. Nichols, and Mr. Mollohan):

H.R. 2693. A bill to make it a Federal crime to kill or assault a fireman or law enforcement officer engaged in the performance of his duties when the offender travels in interstate commerce or uses any facility of interstate commerce for such purpose; to the Committee on the Judiciary.

By Mr. ICHORD (for himself, Mr. W. C. (Dan) Daniel, Mr. Bafalis, Mr. Grover, Mr. Roberts, Mrs. Holt, Mr. Walsh, Mr. Alexander, Mr. Won Pat, and Mr. Huber):

H.R. 2694. A bill to make it a Federal crime to kill or assault a fireman or law enforcement officer engaged in the performance of his duties when the offender travels in interstate commerce or uses any facility of interstate commerce for such purpose; to the Committee on the Judiciary.

By Mr. JARMAN:

H.R. 2695. A bill to amend the Airport and Airway Development Act of 1970 to increase the U.S. share of allowable project costs under such act; to amend the Federal Aviation Act of 1958 to prohibit certain State taxation of persons in air transportation, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 2696. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. KEATING:

H.R. 2697. A bill to amend section 232 of the National Housing Act to include fire safety equipment among the items which may be covered by an insured mortgage thereunder, to require (as a condition of eligibility for mortgage insurance) that a nursing home or intermediate care facility comply with the Life Safety Code, and to authorize insured loans to provide fire safety equipment for such a home or facility; to the Committee on Banking and Currency.

H.R. 2698. A bill to amend the Federal Aviation Act of 1958 to authorize reduced rate transportation for certain additional persons on a space-available basis; to the Committee on Interstate and Foreign Commerce.

H.R. 2699. A bill to amend title VI of the Public Health Service Act to provide that a facility for long-term care must comply with the Life Safety Code in order to qualify for assistance thereunder; to the Committee on Interstate and Foreign Commerce.

H.R. 2700. A bill to amend the Social Security Act to provide that an intermediate care facility (or nursing home) must comply with the Life Safety Code, and must fully disclose all ownership and security interests therein, to qualify as a provider of services for which payment may be made under a State's approved title XIX plan (or certain other State plans), and to provide that information which an intermediate care facility or nursing home is required to furnish State agencies under the title XIX program must be made available to the public; to the Committee on Ways and Means.

By Mr. KOCH:

H.R. 2701. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. LEGGETT:

H.R. 2702. A bill to amend chapter 67 of title 10, United States Code, to grant eligibility for retired pay to reservists serving in an inactive status before August 16, 1945, and for other purposes; to the Committee on Armed Services.

H.R. 2703. A bill to amend title 10, United States Code, to remove the restriction on the use of certain private institutions under the dependents' medical care program, and for other purposes; to the Committee on Armed Services.

H.R. 2704. A bill to amend chapter 55 of title 10 to provide additional dental care for dependents of active duty members of the uniformed services; to the Committee on Armed Services.

H.R. 2705. A bill to terminate the authority of the President to suspend the Davis-Bacon Act; to the Committee on Education and Labor.

H.R. 2706. A bill to amend subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 2707. A bill to amend title 5, United States Code, to remove the prohibition on the concurrent payment of compensation for disability on account of a civilian work injury and of retired pay for a different disability incurred in service with the U.S. Armed Forces, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 2708. A bill to encourage the State to extend coverage under their State unemployment compensation laws to agricultural labor; to the Committee on Ways and Means.

By Mr. LEGGETT (for himself, Mr. Fish, and Mr. Hungate):

H.R. 2709. A bill to promote fair competition among prime contractors and subcontractors and to prevent bid peddling on public works contracts by requiring persons submitting bids on those contracts to specify certain subcontractors who will assist in carrying them out; to the Committee on the Judiciary.

By Mr. LEGGETT (for himself, Mr. Moss, Mr. Johnson of California, and Mr. McFall):

H.R. 2710. A bill to confer exclusive jurisdiction on the Federal Maritime Commission over certain movements of merchandise by barge in foreign commerce; to the Committee on Merchant Marine and Fisheries.

By Mr. LONG of Maryland:

H.R. 2711. A bill to prohibit most favored-nation treatment and commercial and guarantee agreements with respect to any nonmarket economy country which denies to its citizens the right to emigrate or which imposes more than nominal fees upon its citizens as a condition to emigration; to the Committee on Ways and Means.

By Mr. OBEY (for himself, Mr. Giaimo, Mr. Addabbo, Mr. Anderson of California, Mr. Barrett, Mr. Bergland, Mr. Bevill, Mr. Cotter, Mrs. Grasso, Mr. Green of Pennsylvania, Mr. Hicks, Mr. Roy, Mr. Flood, Mr. Carney of Ohio, Mr. Howard, Mr. Johnson of California, Mr. Conyers, Mr. Coughlin, Mr. Corman, Mr. Adams, Mr. Conte, Mr. Veysey, Miss Holtzman, Mr. Eilberg, and Mr. Cohen):

H.R. 2712. A bill to amend titles II and XVIII of the Social Security Act to include qualified drugs, requiring a physician's prescription or certification and approved by a formulary committee, among the items and services covered under the hospital insurance program; to the Committee on Ways and Means.

By Mr. OBEY (for himself, Mr. Moss, Mr. Bowen, Mr. McDade, Mr. Fulton, Mr. Biester, Mr. Gude, Mr. Dent, Mr. O'Hara, Mr. Helstoski, Mr. Stokes, Mr. Williams, Mr. Davis of Georgia, Mr. Reid, Mr. Meeds, Mr. Hawkins, Mr. Tiernan, Mr. Clark, Mr. Morgan, Mr. Fascell, Mr. Murphy of New York, Mr. Burton, Mr. McKinney, Mr. Wolff, and Mr. Thompson of New Jersey):

H.R. 2713. A bill to amend titles II and XVIII of the Social Security Act to include qualified drugs, requiring a physician's prescription or certification and approved by a formulary committee, among the items and services covered under the hospital insurance program; to the Committee on Ways and Means.

By Mr. OBEY (for himself, Mr. Moorhead of Pennsylvania, Mrs. Mink, Mrs. Chisholm, Mr. Casey of Texas, Mr. Hechler of West Virginia, Mr. Brown of Michigan, Mr. Rangel, Mr. Edwards of California, Mr. Brown of California, Mr. Won Pat, Mr. Nix, Mr. Hanna, Mr. Pepper, Mr. Alexander, Mr. Steele, Mr. Pike, Mr. Runnels, Mr. Badillo, Mr. Danielson, Mr. Price of Illinois, Mr. William D. Ford, Mr. Yatron, Mr. Sarbanes, and Mr. Fauntroy):

H.R. 2714. A bill to amend title II and XVIII of the Social Security Act to include qualified drugs, requiring a physician's prescription or certification and approved by a formulary committee, among the items and services covered under the hospital insurance program; to the Committee on Ways and Means.

By Mr. OBEY (for himself, Mr. Harrington, Mr. Bell, Mr. Rostenkowski, Mr. Bolling, Mr. Evins of Tennessee, Mr. Fish, Mr. Railsback, Mr. Reuss, Mr. Hamilton, Mr. McCormack, Mr. Symington, Mr. Buchanan, Mr. Hastings, Mr. Drinan, Mrs. Hansen of Washington, Mr. Burke of Massachusetts, Mr. Podell, Mr. Lehman, Mr. Seiberling, Mr. Brademas, Mr. Rosenthal, Mr. Riegle, Mr. Mollohan, and Mr. Roybal):

H.R. 2715. A bill to amend titles II and XVIII of the Social Security Act to include qualified drugs, requiring a physician's prescription or certification and approved by a formulary committee, among the items and services covered under the hospital insurance program; to the Committee on Ways and Means.

By Mr. OBEY (for himself, Mr. Studds, Mr. Aspin, Mr. Kyros, Mr. Brasco, and Mr. Fraser):

H.R. 2716. A bill to amend titles II and XVIII of the Social Security Act to include qualified drugs, requiring a physician's prescription or certification and approved by a formulary committee, among the items and services covered under the hospital insurance program; to the Committee on Ways and Means.

By Mr. PETTIS:

H.R. 2717. A bill to amend title 10, United States Code, to restore the system of recomputation of retired pay for certain members and former members of the Armed Forces; to the Committee on Armed Services.

H.R. 2718. A bill to provide for the arrest of, and to prescribe penalties for, violators of certain laws and regulations relating to the public lands of the United States, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 2719. A bill to establish certain policies with respect to certain leases or permits issued by the Secretary of the Interior; to the Committee on Interior and Insular Affairs.

H.R. 2720. A bill to authorize the Secretary of the Interior to sell certain rights in the State of California; to the Committee on Interior and Insular Affairs.

H.R. 2721. A bill to amend section 403(b) of the Federal Aviation Act of 1958 to permit the continuation of youth fares and family fares; to authorize reduced-rate transportation for handicapped persons and their attendants; and to authorize reduced-rate transportation for elderly people on a space-available basis; to the Committee on Interstate and Foreign Commerce.

H.R. 2722. A bill to amend the Railroad Unemployment Insurance Act to provide that the receipt of military retirement pay shall not cause benefits under that act to be diminished; to the Committee on Interstate and Foreign Commerce.

H.R. 2723. A bill to require the Secretary of Transportation to prescribe regulations governing the humane treatment of animals transported in air commerce; to the Committee on Interstate and Foreign Commerce.

H.R. 2724. A bill to amend the act providing an exemption from the antitrust laws with respect to agreements between persons engaging in certain professional sports for the purpose of certain television contracts in order to terminate such exemption when a home game is sold out; to the Committee on the Judiciary.

H.R. 2725. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

H.R. 2726. A bill to amend the Internal Revenue Code of 1954 to provide a tax credit for employers who employ members of the hard-core unemployed; to the Committee on Ways and Means.

By Mr. PRICE of Texas:

H.R. 2727. A bill to require the Secretary of Agriculture to carry out a rural environmental assistance program; to the Committee on Agriculture.

By Mr. ROGERS (for himself, Mr. Kyros, Mr. Preyer, Mr. Symington, Mr. Roy, Mr. Nelsen, Mr. Carter, and Mr. Hastings):

H.R. 2728. A bill to amend the Public Health Service Act to provide for the establishment of projects for the dental health of children, to increase the number of dental auxiliaries, to increase the availability of dental care through efficient use of dental personnel, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. RUNNELS (for himself, Mr. Nix, Mr. Eilberg, Mr. Meeds, Mr. Riegle, Mr. McCollister, Mr. Yatron, Mr. Williams, and Mr. Vigorito):

H.R. 2729. A bill concerning the allocation of water pollution funds among the States in fiscal 1973 and fiscal 1974; to the Committee on Public Works.

By Mr. RUPPE:

H.R. 2730. A bill to declare that certain federally owned land is held by the United States in trust for the Keweenaw Bay Indian Community and to make such lands parts of the reservation involved; to the Committee on Interior and Insular Affairs.

H.R. 2731. A bill to amend title 18 of the United States Code to permit the mailing of lottery tickets and related matter, the broadcasting or televising of lottery information, and the transportation and advertising of lottery tickets in interstate commerce, but only where the lottery is conducted by a State agency; to the Committee on the Judiciary.

H.R. 2732. A bill to terminate the oil import control program; to the Committee on Ways and Means.

H.R. 2733. A bill to amend the Social Security *Act to* provide for medical, hospital and dental care through a system of voluntary health insurance including protection against the catastrophic expenses of illness, financed in whole for low-income groups through issuance of certificates, and in part for all other persons through allowance of tax credits; and to provide effective utilization of available financial resources, health manpower, and facilities; to the Committee on Ways and Means.

By Mr. ST GERMAIN (for himself, Mr. Barrett, Mrs. Sullivan, Mr. Reuss, Mr. Ashley, Mr. Moorhead of Pennsylvania, Mr. Stephens, Mr. Gonzalez, Mr. Minish, Mr. Hanna, Mr. Annunzio, Mr. Rees, Mr. Hanley, Mr. Brasco, Mr. Koch, Mr. Cotter, Mr. Mitchell of Maryland, Mr. Fauntroy, Mr. Young of Georgia, Mr. Moakley, and Mr. Stark):

H.R. 2734. A bill to amend the Urban Mass Transportation Act of 1964 to provide a substantial increase in the total amount authorized for assistance thereunder, to increase the portion of project cost which may be covered by a Federal grant, to authorize assistance for operating expenses and for other purposes; to the Committee on Banking and Currency.

By Mr. THOMSON of Wisconsin:

H.R. 2735. A bill to provide for the conservation, protection, and propagation of species or subspecies of fish and wildlife that are threatened with extinction or likely within the foreseeable future to become threatened with extinction, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. THONE:

H.R. 2736. A bill to amend title 38 of the United States Code to provide specially adapted housing benefits to veterans suffering the loss, or loss of use,' of both arms; to the Committee on Veterans' Affairs.

By Mr. TIERNAN:

H.R. 2737. A bill to amend title 10, United States Code, to permit the recomputation of retired pay of certain members and former members of the Armed Forces; to the Committee on Armed Services.

H.R. 2738. A bill to provide for the crediting of certain past employment by certain persons subject to the National Guard Technicians Act of 1968; to the Committee on Armed Services.

H.R. 2739. A bill to amend the Lead-Based Paint Poisoning Prevention Act to permit grants thereunder to be made to a State agency in any case where local agencies are prevented by State law from receiving and expending such grants; to the Committee on Banking and Currency.

H.R. 2740. A bill to make rules respecting military hostilities in the absence of a declaration of war; to the Committee on Foreign Affairs.

H.R. 2741. A bill to amend the Interstate Commerce Act, with respect to recovery of a reasonable attorney's fee in case of successful maintenance of an action for recovery of damages sustained in transportation of property; to the Committee on Interstate and Foreign Commerce.

H.R. 2742. A bill to amend the Communications Act of 1934 to provide permanent financing for the Corporation for Public Broadcasting; to the Committee on Interstate and Foreign Commerce.

H.R. 2743. A bill to amend part 1 of the Interstate Commerce Act to require the installation of sanitation devices in railroad cars to prevent the discharge from such cars of sewage; to the Committee on Interstate and Foreign Commerce.

H.R. 2744. A bill to establish a National Institute of Advertising, Marketing, and Society; to the Committee on Interstate and Foreign Commerce.

H.R. 2745. A bill to provide certain amounts of broadcast time for candidates for President and Vice President of the United States; to the Committee on Interstate and Foreign Commerce.

H.R. 2746. A bill to provide compensation to U.S. commercial fishing vessel owners for damages incurred by them as a result of an action of a vessel operated by a foreign government or a citizen of a foreign government; to the Committee on Merchant Marine and Fisheries.

H.R. 2747. A bill to provide for the retirement of certain employees of the Federal Bureau of Investigation and the U.S. Secret Service, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 2748. A bill to amend title 5, United States Code, relating to qualifications for appointment and retention in the civil service; to the Committee on Post Office and Civil Service.

H.R. 2749. A bill to amend the Internal Revenue Code of 1954 to exempt from income tax retirement annuities and pensions paid by the United States to its employees; to the Committee on Ways and Means.

H.R. 2750. A bill to amend the Internal Revenue Code of 1954 to allow a deduction to tenants of houses or apartments for their proportionate share of the taxes and interest paid by their landlords; to the Committee on Ways and Means.

H.R. 2751. A bill to permit officers and employees of the Federal Government to elect coverage under the old-age, survivors, and disability insurance system; to the Committee on Ways and Means.

By Mr. TIERNAN (for himself, Ms. Abzug, Mr. Brasco, Mr. Brown of Michigan, Mr. Buchanan, Mrs. Chisholm, Mr. Danielson, Mr. Eilberg, Mr. Harrington, Mr. Hechler of West Virginia, Mr. Mailliard, Mr. Martin of North Carolina, Mr. Moakley, Mr. Moorhead of Pennsylvania, Mr. Murphy of New York, Mr. Rosenthal, Mr. Symington, Mr. Ware, and Mr. Williams):

H.R. 2752. A bill to amend the International Travel Act of 1961 to provide for Federal regulation of the travel agency industry; to the Committee on Interstate and Foreign Commerce.

By Mr. VANIK:

H.R. 2753. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. VEYSEY:

H.R. 2754. A bill to strengthen education by providing a share of the revenues of the United States to the States and to local educational agencies for the purpose of assisting them in carrying out education programs reflecting areas of national concern; to the Committee on Education and Labor.

By Mr. VIGORITO:

H.R. 2755. A bill to authorize the reinstatement and extension of the authorization for the beach erosion control project for Presque Isle Peninsula, Erie, Pa.; to the Committee on Public Works.

By Mr. COLLIER:

H.J. Res. 222. Joint resolution to declare the policy of the United States with respect to its territorial sea; to the Committee on Foreign Affairs.

H.J. Res. 223. Joint resolution proposing an amendment to the Constitution of the United States relative to neighborhood schools; to the Committee on the Judiciary.

H.J. Res. 224. Joint resolution to authorize the President to proclaim the second Sunday in September of each year as Bataan Day; to the Committee on the Judiciary.

By Mr. CONABLE:

H.J. Res. 225. Joint resolution proposing an amendment to the Constitution of the United States providing for the election of the President and Vice President; to the Committee on the Judiciary.

By Mr. E de la GARZA:

H.J. Res. 226. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings; to the Committee on the Judiciary.

By Mr. GAYDOS:

H.J. Res. 227. Joint resolution proposing an amendment to the Constitution of the United States limiting deficit spending by the Federal Government; to the Committee on the Judiciary.

H.J. Res. 228. Joint resolution proposing an amendment to the Constitution of the United States to permit voluntary participation in prayer in public schools; to the Committee on the Judiciary.

By Mr. HAMMERSCHMIDT (for himself and Mr. Mills of Arkansas):

H.J. Res. 229. Joint resolution authorizing the President to proclaim the week beginning on the last Monday in October of each year as National Magic Week; to the Committee on the Judiciary.

By Mr. KEATING (for himself, Mr. De Lugo, Mr. Walsh, Mr. Hastings, Mr. Fountain, Mr. Young of Georgia, and Mr. Brown of California):

H.J. Res. 230. Joint resolution designating certain election days as legal public holidays, and for other purposes; to the Committee on the Judiciary.

By Mr. LONG of Maryland:

H.J. Res. 231. Joint resolution to provide for the designation of the week of February 11 to 17, 1973, as National Vocational Education Week; to the Committee on the Judiciary.

By Mr. MATSUNAGA:

H.J. Res. 232. Joint resolution to establish a Commission on Philippine Guerrilla Recognition; to the Committee on Veterans' Affairs.

By Mr. PATMAN (for himself, Mr. Barrett, and Mr. Widnall):

H.J. Res. 233. Joint resolution to amend the Housing and Urban Development Act of 1968 by increasing the limitation on the face amount of flood insurance authorized to be outstanding; to the Committee on Banking and Currency.

By Mr. PEPPER:

H.J. Res. 234. Joint resolution commending the Cuban "Declaration of Freedom"; to the Committee on Foreign Affairs.

By Mr. ROSTENKOWSKI (for himself, Mr. Burke of Massachusetts, Mr. Brasco, Mr. Delaney, Mr. Fascell, Mr. Moorhead of Pennsylvania, Mr. Moss, Mr. Murphy of Illinois, and Mr. Roe):

H.J. Res. 235. Joint resolution to authorize the emergency importation of oil into the United States; to the Committee on Ways and Means.

By Mr. ANDERSON of Illinois:

H. Con. Res. 91. Concurrent resolution expressing the sense of the Congress that the Joint Committee on Congressional Operations begin an immediate study of committee jurisdictions in the House of Representatives; to the Committee on Rules.

By Mr. GAYDOS:

H. Con. Res. 92. Concurrent resolution expressing the sense of Congress respecting Federal expenditures; to the Committee on Government Operations.

H. Con. Res. 93. Concurrent resolution to collect overdue debts; to the Committee on Ways and Means.

By Mr. PEPPER:

H. Con. Res. 94. Concurrent resolution expressing the sense of the Congress with respect to the diplomatic recognition of the Government of Cuba; to the Committee on Foreign Affairs.

By Mr. ANDERSON of Illinois:

H. Res. 153. Resolution to amend rule XI of the House of Representatives; to the Committee on Rules.

By Mr. BROWN of California (for himself, Mr. Danielson, and Mr. Corman):

H. Res. 154. Resolution authorizing each Member of the House to sue on behalf of the House with respect to funds illegally impounded by the President which would otherwise be available for programs and projects in that Member's district; to the Committee on the Judiciary.

By Mr. DINGELL:

H. Res. 155. Resolution establishing a Special Committee on the Captive Nations; to the Committee on Rules.

By Mr. ICHORD:

H. Res. 156. Resolution providing for additional copies of "The Federal Civilian Employee Loyalty Program," House Report No. 92–1637, 92d Congress, 2d session; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII,

15. The SPEAKER presented a memorial of the Senate of the Commonwealth of Massachusetts, relative to import restrictions on oil; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 2756. A bill for the relief of Ester Dina Bursztyn; to the Committee on the Judiciary.

H.R. 2757. A bill for the relief of Anna Rosa, Luigi, and Amelia Guistino; to the Committee on the Judiciary.

H.R. 2758. A bill for the relief of Alfredo and Caterina Iannitelli and minor son, Ricardo Jose Iannitelli; to the Committee on the Judiciary.

By Mr. GAYDOS:

H.R. 2759. A bill for the relief of Renato Arrighi; to the Committee on the Judiciary.

By Mr. GOLDWATER:

H.R. 2760. A bill for the relief of Nicola Di Nallo; to the Committee on the Judiciary.

H.R. 2761. A bill for the relief of Ivo Falvo; to the Committee on the Judiciary.

H.R. 2762. A bill for the relief of Adele Romanelli; to the Committee on the Judiciary.

H.R. 2763. A bill for the relief of Santuzza Simonti; to the Committee on the Judiciary.

H.R. 2764. A bill for the relief of Lucia Tortorella; to the Committee on the Judiciary.

By Mr. JARMAN:

H.R. 2765. A bill for the relief of Carl Harris; to the Committee on the Judiciary.

By Mr. PETTIS:

H.R. 2766. A bill for the relief of Walter L. and Thelma M. Bossard; to the Committee on Interior and Insular Affairs.

H.R. 2767. A bill for the relief of Alfred Coleman; to the Committee on Interior and Insular Affairs.

H.R. 2768. A bill for the relief of Wah Fat Won (also known as Suey Hong Won); to the Committee on the Judiciary.

H.R. 2769. A bill for the relief of William R. Karsteter; to the Committee on the Judiciary.

By Mr. ROGERS (by request):

H.R. 2770. A bill for the relief of Charles P. Bailey; to the Committee on the Judiciary.

By Mr. TEAGUE of California:

H.R. 2771. A bill for the relief of Leonard Diamond; to the Committee on the Judiciary.

By. Mr. TIERNAN:

H.R. 2772. A bill for the relief of Maria D'Arpino; to the Committee on the Judiciary.

By Mr. BAKER:

H. Res. 157. A resolution to refer the bill (H.R. 1690) entitled "A bill for the relief of Farmers Chemical Association, Inc." to the Chief Commissioner of the Court of Claims; to the Committee on the Judiciary.

SENATE—*Tuesday, January 23, 1973*

The Senate met at 12 o'clock meridian and was called to order by the President pro tempore (Mr. Eastland).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, in whom we live and move and have our being, quiet our hearts in grateful memory of Thy servant Lyndon Baines Johnson.

We give Thee thanks for his great and good life and for the enduring legacy of his leadership. We thank Thee for his legislative skills, his executive talents, and his enduring statesmanship in the affairs of the whole world. We thank Thee for his devotion to civil rights and human justice, his passion to help the poor, the undereducated, the ill, and those of limited opportunity.

We thank Thee too for his warm friendship, his outgoing good will, his love of the public arena, his ardor in the contest, his steadfastness in fulfilling this Nation's pledges to other nations, his dignity in victory, his quiet patience under criticism, his transcendent devotion to his country, and his abiding faith in Thee.

We beseech Thee, O Lord, to put within us the same high motives to lift the life of all the people to its highest and best and to carry forward the vision of a great society in the likeness of Thy promised kingdom.

Grant to those who mourn, the healing of Thy grace and the comfort of Thy Holy Spirit.

Through Jesus Christ, our Lord. Amen.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Saturday, January 20, 1973, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

NO COMMITTEE MEETINGS TOMORROW

Mr. MANSFIELD. Mr. President, on behalf of the distinguished Republican leader and myself, in view of the death of our late departed colleague and former President of the United States, Lyndon Baines Johnson, I ask unanimous consent that no committee meetings be held tomorrow.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until the hour of 12 meridian tomorrow.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM TOMORROW UNTIL FRIDAY, JANUARY 26, 1973

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow, it stand in adjournment until 12 o'clock noon on Friday next.

The VICE PRESIDENT. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM FRIDAY UNTIL MONDAY, JANUARY 29, 1973

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business on Friday, it stand in adjournment until 12 o'clock noon on Monday next.

The VICE PRESIDENT. Without objection, it is so ordered.

PROGRAM FOR FRIDAY

Mr. MANSFIELD. Mr. President, on Friday there will be debate on various nominations and other matters which may be of moment. There will be no votes on Friday.

Mr. SCOTT of Pennsylvania. Mr. President, if the distinguished Senator will yield, I understand that any nomination now on the calendar, not disposed of today, will be debated Friday and disposed of on Monday.

Mr. MANSFIELD. The Senator is correct.

Mr. SCOTT of Pennsylvania. I thank the Senator.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. STENNIS. Mr. President, I am glad the Senator has made these arrangements, but we do have the Clements nomination and the Schlesinger nomination pending today. The leadership would expect, with the other formalities, to proceed with those nominations?

Mr. MANSFIELD. Yes, as soon as the special orders are taken care of we will take up those nominations.

Mr. STENNIS. I thank the Senator. I think those nominations are ready for presentation, with a good chance that there will be only brief debate.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. SPARKMAN. The Committee on Banking, Housing and Urban Affairs has passed on the nomination of James T. Lynn to be Secretary of Housing and Urban Affairs. I have the report here. There are individual views, I understand. It will be necessary to get unanimous consent for them at this time. Is that in order?

Mr. MANSFIELD. To file them?

Mr. SPARKMAN. Yes.

Mr. MANSFIELD. The nomination will be held on the calendar and will not be taken up today.

Mr. SPARKMAN. No. I understand. But I do ask unanimous consent to file this report with individual views.

The VICE PRESIDENT. Without objection, it is so ordered.

PROGRAM FOR TOMORROW

Mr. MANSFIELD. Mr. President, for the information of the Senate, tomorrow only eulogies will be delivered for former President of the United States Lyndon Baines Johnson. This is all tentative as yet, but it is my understanding that around 2:30 tomorrow the Senate will leave in a body and go to the rotunda of the Capitol.

The only business tomorrow will be the delivering of eulogies and the assembling of Senators to march to the rotunda in order to pay our respects, individually and collectively, to our late colleague, Lyndon Baines Johnson.

SENATE RESOLUTION 24—DEATH OF FORMER PRESIDENT LYNDON B. JOHNSON

Mr. MANSFIELD. Mr. President, on behalf of the distinguished Senators from Texas (Mr. TOWER and Mr. BENTSEN), and the joint leadership, the distinguished Senator from Pennsylvania (Mr. SCOTT) and the Senator from Montana, now speaking, I send to the desk a resolution and ask for its immediate consideration.

The PRESIDENT pro tempore. The resolution will be stated.

The assistant legislative clerk read as follows:

S. RES. 24

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of Honorable Lyndon B. Johnson, a former President of the United States, and a former Representative and former Senator from the State of Texas.

Resolved, That in recognition of his illustrious statesmanship, his leadership in national and world affairs, his distinguished public service to his State and his Nation, and as a mark of respect to one who has held such eminent public station in life, the Presiding Officer of the Senate appoint a committee to consist of all of the members of the Senate to attend the funeral of the former President.

Resolved, That the Senate hereby tender its deep sympathy to the members of the family of the former President in their sad bereavement.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the former President.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and unanimously agreed to.

Mr. MANSFIELD. Mr. President, I now yield to the distinguished senior Senator from Texas (Mr. TOWER).

Mr. TOWER. Mr. President, I know that all of us today are deeply saddened and it is difficult for us to say what is on our hearts at this moment.

The 36th President of the United States was a Texan—and in every good sense of the word. He was a superb leader in the Congress of the United States. He was an able President. He confronted the critical and fast moving events of his day with the determination to make decisions that would serve the greatest good for the greatest number of people.

I spent a good part of my adult life as a political adversary of President Johnson, but it was characteristic of the man that he was able to maintain warmth and to extend the right hand of friendship even to those who opposed him.

He was a man who had a forgiving nature, who never carried a grudge—a man who never became dissolved in any sense of bitterness or frustration. I can say that he was my friend.

I had the opportunity to visit with him personally only a short time ago. There arrived at my desk yesterday morning a warm and friendly letter from him, inviting me to come and see him again.

I am profoundly sorry that he was taken from us at this time in his life when there was so much more in the way of good counsel and advice that he could have given to many of us, and so much more teaching that he could have done for our young people, in whom he had such a deep and abiding interest.

We shall sorely miss him. Those of us who are Texans can think better of ourselves because we come from a society that produced Lyndon Baines Johnson.

Mr. MANSFIELD. Mr. President, I now yield to the distinguished Senator from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. President, I know of no President of the United States who cared more deeply for the people. I know of no President who worked harder for them. They have lost a great champion and I have lost a personal friend. I shall miss him.

Lyndon Baines Johnson was a leader among men. He was a man of great energy, a man of vigor, a man of courage, and a man of total commitment.

I only wish he could have had the longevity of President Truman so that he could have been viewed in the dispassionate eye of history apart from this bloody war and the passions it has aroused. I think, then, that the contribution this man has made to our society would have been better understood.

He was a man of great intellect, a man who could gasp problems and reduce them to their simplest terms, a man who, apart from great political rhetoric, could illustrate the individual problem so that a person would identify and relate to it and understand it.

I wish that personality could have extended over the television medium. Time and time again, I have seen the persuasive powers of this man exercised in small groups of people. When he got through telling the problems of the young black trying to make his way in life, and some of the obstacles he had to overcome, I have seen the tears come to the eyes of hardened, tough, cynical men as they better understood the problem, and they became proponents of what he was trying to accomplish.

He was a poor boy, who never forgot that once he was a poor boy, and he understood the problems of the poor. He was a man who was concerned for the sick and wanted to see that they had a chance for medical attention.

He was a man who believed that every man and boy in this country should have the full opportunity of education. He was interested and concerned in our youth.

He had a respect for this body and for the House. He understood Congress and the role it should play under our Constitution.

He had a respect for the Presidency. More than anything else, he wanted to discharge that responsibility in a way that did justice to that great Office. I know how much he appreciated the way President Nixon treated him after he was no longer President.

I think President Johnson also grew in stature, continued to grow, after he left the Presidency, for the manner in which he discharged his responsibilities as an ex-President. He could have been a carping antagonist for the Presidency, but he was not. He tried to contribute in every way he could to the enormous responsibility that Office holds and to its present incumbent.

We have lost a great leader in this country, and the people have lost a champion.

Mr. MANSFIELD. Mr. President, before I yield to the distinguished Republican leader, on behalf of both of us I send to the desk a message which I ask to be read.

The VICE PRESIDENT. The Chair lays before the Senate the message from the President on the death of former President Lyndon B. Johnson, which will be read and laid on the table.

The assistant legislative clerk read as follows:

To the Congress of the United States:

It is my sad duty to inform you officially of the death of Lyndon Baines Johnson, the thirty-sixth President of the United States.

His loss is especially poignant for all of us who knew him and worked with him in the House and Senate. It was there that he first became a legend and there that he began to influence our destiny as a great Nation.

Yet Lyndon Johnson's legacy extends far beyond his years in the Congress. He was a man of fierce devotion and love. He was devoted to his family. He was devoted to the cause of freedom and equality for his fellow man. And as President, he was devoted in a very special way to the land he loved.

The whole story of the Johnson years in the White House remains to be told, and history has yet to make its judgment. But millions of Americans will always remember a bitter day in November, 1963, when so many of our people doubted the very future of this Republic, when so many were stunned at the very idea that an American Chief of State could be assassinated in this age, and so many abroad were fearful about the future course of the American democracy. And Lyndon Johnson rose above the doubt and the fear to hold this Nation on course until we rediscovered our faith in ourselves.

If he had done no more, his place in history would have been assured. But he did much more, and his role then was not a high-water mark but a hallmark. For it was his noble and difficult destiny to lead America through a long, dark night of necessity at home and abroad. He had the courage to do what many of his contemporaries condemned him for, but what will surely win warm praise in the history books of tomorrow.

RICHARD NIXON.

THE WHITE HOUSE, *January 23, 1973.*

Mr. SCOTT of Pennsylvania. Mr. President, I had the honor of knowing and being a friend of Lyndon Johnson for all of these past 32 years, and in that period I have enjoyed his kindness and often his confidence. I have seen him mount to heights of exultation, and I have seen him in the bitterness of despair.

During all this time, he walked among men, and he was with them and of them. His spirit soared on the wings of eagles to reach the goals to which he aspired. His voice roared aloud for the causes for which he believed. He fought for his convictions.

He was among the most persuasive of men. He was, above all, a friendly, human individual; and visits with him here and in the White House were always occasions for fond and happy memories.

I recall particularly when I was much beleaguered in 1964, and President Johnson appeared in Pittsburgh, where any word of disparagement on his part might have changed my entire future career. But, far from doing this, he was scrupulously considerate and extremely fair in his judgments. He did nothing of a political or partisan nature which would have worked to the disadvantage of one who had stood in opposition to him in some matters, who had stood in support of him in others.

I am glad that I rose, when he became President, to indicate my support of his foreign policies. I did it no matter how difficult it might have been at times, but I did it because I believe that a President is entitled to that kind of bipartisan support.

I know that he relied upon the confidence of the country in what he sought to do. When he thought at one bitter moment that the confidence of the country had veered and that people had turned their heads from him and hardened their hearts, he made the most difficult decision a man can make: He decided not to be a candidate for the Presidency. That was the act of a big man; it was the act of a great man; it was the act, above all, of a very strong man who loved his country and who had lived to see a return of that confidence and a continuance of that affection and a recognition that, indeed, his name will go into history—this 36th President of ours—as one who deserved well of the Republic.

We honor his memory, we mourn his passing, we express our warm and deep condolences to his beloved wife and to his family, and we hope, as is written in the Book of Common Prayer, that he will now have peace at the last.

Mr. MANSFIELD. Mr. President, death can, at times, be delayed but, in the end, cannot be avoided. Within the past month, two former Presidents of the United States, Harry S Truman and Lyndon Baines Johnson, have left their existence here on earth. Both were Senators of the United States. Both were Vice Presidents of the United States. Both, through the death of others, became Presidents of the United States and, then, in their own right, became Presidents again.

It was my privilege to work with these men but most closely with Lyndon Baines Johnson. I served with him for 4 years as the assistant majority leader when he was majority leader of the Senate. I succeeded him as majority leader when he became Vice President in 1961 and continued in that capacity throughout his Presidency.

We were in friendly and fairly close contact for those many years. As President, Lyndon Johnson was the head of the executive branch and, as the majority leader, I was the representative of the Senate. As might be expected, we did not always agree but at no time did our disagreements impair the civility of our relationship.

Lyndon Johnson came from humble origins but he was not a humble man. Rather, he was a man of great pride and his Presidency was a Presidency which bore the hallmark of this pride. We shall not see his like again, nor shall we see the kind of legislative program which was enacted in response to his determined leadership in the pursuit of equal opportunity for all Americans.

Insofar as proposing and enacting legislation in the field of domestic and social reform, Lyndon Johnson was, in my judgment, the greatest of Presidents. Historically, his record in that respect will emerge as superior to any other President or any combination of Presidents. He was in the tradition of Franklin D. Roosevelt, the man he so much admired, and his dream of a great society of free men will be his enduring monument in the history of this Republic.

Mrs. Mansfield, our daughter Anne, and I wish to extend our deepest condolences and sympathy to Lady Bird Johnson, one of the outstanding First Ladies of this Republic, to the Johnson daughters, Lynda and Luci, and to all their families in this hour of sorrow and bereavement. May his restless soul find peace.

Mr. MUSKIE. Mr. President, with all my colleagues I am deeply saddened by the sudden death of Lyndon Johnson. We have lost a statesman and a friend. Lyndon Johnson served with extraordinary ability in this body for 12 years, as a representative of his beloved State of Texas, and as majority leader.

He proved here that he was a master in the art of the possible, but he also demonstrated that he had dreams, and had the courage and talent to make many of those dreams reality.

After the tragedy in Dallas, Lyndon Johnson was thrust without warning into the Nation's highest office. He met the challenge with characteristic energy, vision, and remarkable strength of leadership. And, he presided with great personal dignity over the most tumultuous and troubling period in recent American history.

Lyndon Johnson was a man of great feeling for his fellow human beings. He saw Americans ringed into ghettos of difference, of prejudice, of ignorance, and he demanded a better quality of life for every American. Lyndon Johnson's dreams were large—we were to have not just a new society, but a great society. And, as the most politically experienced President and party leader in this Nation's history, Lyndon Johnson was able to produce the most far-reaching social legislative program since the New Deal. He initiated manpower training for the unemployed, medicare for the elderly, and low-cost, fair housing for minorities. Declaring war on poverty, he mobilized forces of young and old to improve the lives of millions of Americans. With special determination, Lyndon Johnson announced, "We shall overcome"—and obtained the strongest civil rights bill in our Nation's history.

His tragedy, and ours, was the war which seems only now hopefully to be ending. But the war can never eclipse his solid achievements in strengthening the fabric of American life. I join America in mourning the loss of a statesman and a friend who was in so many ways larger than life, and will remain so in our memories.

Mr. ALLEN. Mr. President, the sudden death of President Lyndon Johnson shocked the Nation, and all the more so coming as it did so soon after President Truman's death. President Johnson fought hard to promote programs to bring a better life to all of our people but his accomplishments have been obscured by the tragedy of the Vietnam war which caused such a division among our people. It is regrettable and ironic that he did not live to see the end of the Vietnam war which now seems so near. After Vietnam has become only a tragic memory, history can make a more accurate assessment of his role in history.

DEATH OF FORMER PRESIDENT LYNDON B. JOHNSON

Mr. HUMPHREY. Mr. President, as we all know, yesterday our Nation was saddened and shocked by the news that the 36th President of the United States, Lyndon Baines Johnson, had passed away.

Mrs. Humphrey an I mourn the loss of a dear friend and the Nation mourns the loss of a remarkable man and leader who struggled to bring dignity and hope to all of the American people.

Lyndon Johnson's public life was filled with controversy because he was a man who cared, a man of action, and a man of decision.

He will be remembered most kindly not by the high and mighty, but rather by those whom society had forgotten or ignored.

He was a strong man, as we know, and yet he cared for the weak and the sick.

He was a country school teacher who in his public career dedicated his energies and talents to the cause of education for every American.

He was a man of compassion for the elderly and of concern for the young.

I believe no man gave more to the struggle for human rights, nor asked more of us in the battle against racism and discrimination, than President Johnson.

He was a President who saw America as the guardian of freedom throughout the world, and he acted accordingly.

Above all, Lyndon Johnson believed that our country could build a society of opportunity and justice. He believed that America could do whatever needed to be done.

He drew strength, understanding, and purpose from his dear and lovely wife, affectionately known to all of us as Lady Bird Johnson, and his devoted family. So to them today we convey, as a very personal message, our heartfelt sympathy, and with that family we share a very great loss.

Mr. President, I know that the Senate will take sufficient time to pay adequate tribute to President Johnson. My remarks today are brief and very personal, because it was my good fortune to know this man in all the facets of his life, both public and private.

He will be missed. He was an unusual man, and to share in his fellowship and work alongside him in public life was both an exciting and demanding experience. I consider that to serve with him in the Senate and to serve alongside him as Vice President could not be compared to a tranquil, soft Caribbean cruise, but rather to a storm-tossed voyage across the North Atlantic. But it was a journey worth making.

The reward of public life is the privilege to know great, unusual, remarkable, and gifted men and women. I have had many rewards based on that standard, but none was more generous, more meaningful, or more rich than the reward of being a companion, a colleague, an associate, a fellow Senator, a friend, and a Vice President with Lyndon Baines Johnson.

Mr. BROOKE. Mr. President, I am saddened by the death of Lyndon Johnson. He assumed the Presidency in the tragedy of Dallas and left in the turmoil of the Vietnam war. Tragedy and turmoil now cloud the triumphs that marked the Johnson years.

I believe that history shall record that President Johnson did more to redeem our Nation's promise of equal protection under law, than any other American in history. His legacy in law, the Civil Rights Act of 1964, the voting Rights Act of 1965, and the Civil Rights Act of 1968, are an inspiration for us to continue, in his words, to assure "freedom to the free."

On Memorial Day 1963, then Vice President Johnson spoke at Gettysburg. I shall always remember his words. I shall never forget that for 5 years he matched his brave words with forceful action. His words and his deeds will endure in the hearts and minds of millions of Americans who found new hope in his Presidency and new opportunity in his programs.

Mr. President, Lyndon Johnson's remarks at Gettysburg inspire us still, and I can think of no more appropriate tribute to him than to repeat today his words:

> On this hallowed ground, heroic deeds were performed and eloquent words were spoken a century ago.
>
> We, the living, have not forgotten—and the world will never forget—the deeds or the we join on this Memorial Day of 1963 in a prayer for permanent peace of the world and fulfillment of our hopes for universal free- words of Gettysburg. We honor them now as dom and justice.
>
> We are called to honor our own words of reverent prayer with resolution in the deeds we must perform to preserve peace and the hope of freedom.
>
> We keep a vigil of peace around the world.
>
> Until the world knows no aggressors, until the arms of tyranny have been laid down, until freedom has risen up in every land, we shall maintain our vigil to make sure our sons who died on foreign fields shall not have died in vain.
>
> As we maintain the vigil of peace, we must remember that justice is a vigil, too—a vigil we must keep in our own streets and schools and among the lives of all our people—so that those who died here on their native soil shall not have died in vain.
>
> One hundred years ago, the slave was freed.
>
> One hundred years later, the Negro remains in bondage to the color of his skin.
>
> The Negro today asks justice.
>
> We do not answer him—we do not answer those who lie beneath this soil—when we reply to the Negro by asking, "Patience."
>
> It is empty to plead that the solution to the dilemmas of the present rests on the hands of the clock. The solution is in our hands. Unless we are willing to yield up our destiny of greatness among the civilizations of history, Americans—white and Negro together—must be about the business of resolving the challenge which confronts us now.
>
> Our nation found its soul in honor on these fields of Gettysburg 100 years ago. We must not lose that soul in dishonor now on the fields of hate.
>
> To ask for patience from the Negro is to ask him to give more of what he has already given enough. But to fail to ask of him—and of all Americans—perseverance within the processes of a free and responsible society would be to fail to ask what the national interest requires of all its citizens.
>
> The law cannot save those who deny it but neither can the law serve any who do not use it. The history of injustice and inequality is a history of disuse of the law. Law has not failed—and is not failing. We as a nation have failed ourselves by not trusting the law and by not using the law to gain sooner the ends of justice which law alone serves.
>
> If the white overestimates what he has done for the Negro without the law, the Negro may underestimate what he is doing and can do for himself with the law.
>
> If it is empty to ask Negro or white for patience, it is not empty—it is merely honest—to ask perseverance. Men may build barricades—and others may hurl themselves against those barricades—but what would happen at the barricades would yield no answers. The answers will only be wrought by our perseverance together. It is deceit to promise more as it would be cowardice to demand less.
>
> In this hour, it is not our respective races which are at stake—it is our nation. Let those who care for their country come forward, North and South, white and Negro, to lead the way through this moment of challenge and decision. . . .
>
> The Negro says, "Now." Others say, "Never." The voice of responsible Americans—the voice of those who died here and the great man who spoke here—their voices say, "Together." There is no other way.
>
> Until justice is blind to color, until education is unaware of race, until opportunity is unconcerned with the color of men's skins, emancipation will be a proclamation of emancipation is not fulfilled in fact, to that extent we shall have fallen short of assuring freedom to the free.

PRESIDENT JOHNSON'S GREAT FIGHT FOR CIVIL RIGHTS

man since Abraham Lincoln did more to

Mr. PROXMIRE. Mr. President, no

overcome America's central problem of racial discrimination than Lyndon Johnson. As Senate majority leader he led the first successful assault on a U.S. Senate that had become the citadel of resistance to the achievement of equal rights for blacks. As President, he completed that fight by winning the enactment of laws that provided equal opportunity for all Americans for jobs, education, housing, and in all places of public accommodation.

He also made noble beginnings in challenging the poverty that has always plagued millions of Americans.

Like all of us he had his shortcomings, made his mistakes, suffered his failures. But he was a man of compassion, who was fiercely proud of this country and its people and did his best to help it become the Great Society of which he dreamed

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LYNDON BAINES JOHNSON

Mr. ROBERT C. BYRD. Mr. President, Lyndon B. Johnson achieved the highest office to which an American can aspire. In his lifetime, he was the confidant and friend of men and women, from the highest to the lowest, in every corner of the globe. He was a man of immense strengths and of immense compassion.

Lyndon Johnson loved his country, and spent his life in its service. History will record his triumphs and his tragedies, but to those of us in this Chamber who know him as a colleague and as a friend, he will always remain a towering figure in his time.

Though he may be best remembered as a President, Lyndon Johnson, in his heart, was a man of the Senate. He had a deep and abiding faith in this body, and in its place in the past and future history of this Republic. His achievements as the majority leader are too well known to require elaboration; suffice it to say that it is quite possible that the years Lyndon Johnson spent in the Senate, might well have been the happiest and most satisfying of his life.

This historic Chamber has known great men in the past, and will see other great men in the future. Lyndon Baines Johnson has his place among them.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. JOHNSTON). Under the previous order the Senator from Maine is recognized for not to exceed 15 minutes.

TAX REFORM ACT OF 1973

Mr. MUSKIE. Mr. President, I rise today to discuss the Tax Reform Act of 1973, a bill I will introduce shortly to reform the Internal Revenue Code and to restore the basic premise of our system of taxation—that taxes be measured by ability to pay and that citizens with equal resources make equal contributions to the costs of government.

When the Declaration of Independence voiced the belief that all men are created equal nearly 200 years ago, the concept was revolutionary. We have built a nation on that revolutionary doctrine, struggling to put that basic faith into practice.

In many fields of law and government and custom we have done extraordinarily well. In others we have much progress to make. And in the area of taxation we have actually been moving away from the standard of equality.

The problems we have with the way we collect the income tax remind me of a bit of old doggerel:

> The rain, it raineth all around,
> Upon the just and unjust fellas,
> But more upon the just because
> The unjust have the just's umbrellas.

Our taxes, too, fall around, but they fall hard and heavy on the vast bulk of low- and middle-income Americans, on the men and women whose main source of income is their salaries and wages or the earnings of their small stores, workshops, and farms. Too often, the wealthy have umbrellas.

We started with the idea of collecting taxes in direct proportion to ability to pay them. We have strayed from that path, and it is now time to go back to that sound beginning.

But with the elections over, we already see an effort being made to forget the campaign promises of tax reform. President Nixon, last June 22, said he would send Congress his reform proposals before the end of 1972. We have not seen them yet.

Instead, we repeatedly hear administration spokesmen tell us that reform will not produce much new revenue, that the tax code needs little more than simplification, that the 1969 reforms cured the worst of our problems. Those statements are wrong, and the American people will not swallow them.

First of all, the bill I am proposing, while a series of moderate reforms, will, if enacted, generate almost $19 billion a year in new revenue by 1975. That is not a small sum by any standard. Indeed, it is almost three-fourths of the budget deficit for fiscal 1972.

More important than the added revenue is the need to restore fundamental fairness to our tax system. Americans' sense of justice can no longer be mocked by a tax structure which extracts large sums from the average working men and women while permitting many of our very wealthiest citizens to shelter themselves, largely or entirely from tax.

For example, a year after the 1969 Tax Reform Act was enacted, the Treasury Department acknowledged that 107 persons with earnings over $200,000 paid no 1970 income taxes, and a total of 394, whose incomes topped $100,000 that year, also avoided Federal income taxes altogether. Three of them were individuals with incomes of more than $1 million.

These nontaxpayers represent only the tip of an iceberg of unfairness.

In fact, there is good reason to believe that something over one-quarter of all Americans with incomes between half a million and a million dollars are taxed at effective rates of no more than 25 percent. A Brookings Institution study a year ago showed that effective rates on the highest income brackets—from $100,000 to over $1 million—actually were only about 30 percent. The Brookings study found that the effective tax rate on incomes of over $1 million was less than half the statutory 70 percent—only 32.1 percent, in fact.

Tax preferences—unexamined and increasingly unjust—have made it possible for a well-to-do minority to pay less than a fair share of the tax burden. Indeed, the weaknesses of the law have given birth to an array of institutionalized tax dodges, most of them technically legal and most of them repugnant to the foundation of our system—that a citizen's contribution to society match his ability to contribute.

One example has been detailed in a Washington Post article I will put in the RECORD at the close of these remarks. It is the Fat City Corp., a multipurpose enterprise built around cattle raising and the opportunities that activity offers for tax writeoffs. For absentee "farmers" whose incomes put them in the 50-percent tax bracket—six taxpayers out of every thousand—Fat City's new subsidiary, Steer-West Cattle Feeding Programs, has created a limited partnership arrangement that permits investors to put $10,000 or more into cattle they never see and take a 1-year tax writeoff that can equal as much as 140 percent of their investment. The idea is so attractive that a competing organization recently launched another partnership specifically designed to turn well-to-do doctors into vicarious ranchers—and successful tax dodgers.

Last summer, analyzing 14 such cattle-feeding partnership plans, the Agriculture Department computed that full subscription to the schemes would have permitted tax writeoffs of at least $150 million. Commenting on investments in beef-breeding herds, the Department last April issued an analysis which said:

> The loss to the Federal Government, in terms of revenues not received, will continue to far outweigh the monetary benefits to non-farmer investor. This implies, all else equal, substantial loss to society.

But special tax incentives for white-collar cowboys are only one aspect of the variety of preferences available to a tiny minority of American taxpayers. A whole new profession has come into being, composed of experts on tax shelters. They are marketing their wisdom wholesale—in slick brochures, in tape recorded lectures, in seminars for other tax advisers staged in such sanctuaries of serious endeavor as Miami and Las Vegas.

Next month, in fact, a prominent institute is presenting a 3-day workshop in New York entitled "Tax Shelters of High Income Clients." For $225 a lawyer can participate in what the brochure says is "a forum for lawyers whose clients face high levels of tax and who look for appropriate ways to alleviate these burdens." One morning session will be given over to discussing the following tax shelters: equipment leasing, cattle, motion pictures, vineyards and other agricultural investments.

Last year the same group promoted its seminar in three different cities with a circular that asked:

> Has your shelter sprung a leak? And if so, do you know how to fix it—swap it—sell it—or give it away?

For $39.50 a firm in New York City sells a 4-hour series of lectures on tape cassettes titled "Corporate and Executive Tax Shelters." The advertisement for this handy service says,

> You can actually hear the nation's most astute tax experts speaking candidly and in detail on effective ways to shelter income . . . The opportunities for tax sheltered investments do exist for the individual or company with a knowledge of where to look.

Then there is another New York organization whose cable address is "Tax Shelter." A 1972 prospectus from that firm claimed to present "the most unique offering ever made in the tax shelter field, inasmuch as it offers a combination of tax shelters in a balanced and truly *diversified* program." The company's offer it turns out, "is limited to those participants who represent that they anticipate having, during their current tax year, taxable income, a part of which, in absence of such investment, would be subject to taxation at a combined Federal, State and local income tax rate of not less than 50 percent."

Or, there is the outfit which offers its special handbook, "The Way Executives Cut Taxes," as a free attraction to subscribers to its weekly "Recommendations," a publication that costs $36 a year. The handbook is said to offer information on avoiding tax through real estate investments and notes,

> You have to know about tihs one to reap its sensational tax-free advantages. The tax rules say you must ask for it . . . it's not automatic. It allows investors in certain rental housing to sell their property and Pay no Tax on the Profits—no matter how large the profits are—when they continue re-investing and snowballing their earnings.

One brochure shows a family, called "Mr. and Mrs. Fortunate Participant," with taxable income of $64,000, saving $4,240 in taxes through a $10,000 investment in a diversified program of tax shelters. Another brochure, from a company specializing in oil and gas drilling, claims a family with $20,000 in income can save $2,560 in taxes on a $10,000 investment and says a family earning $100,000 can cut $6,000 from its tax bill with the same investment.

There was even one broker touting a device labeled the "Mexican vegetable roll-over." That is not a new diet fad for health food enthusiasts; it is another fancy tax shelter for the rich. Like all the shelters, it can be worth something to only 430,000 of America's 74 million taxpayers.

This flourishing business of peddling expertise in tax avoidance mocks any argument that the tax code works fairly and needs no overhaul. Obviously, it is still full of the loopholes which enable some to duck the obligation to pay their fair share of the costs of our society. The advantages given to a few are deeply unjust. They require revision of the law.

The Treasury statistics now being used to cloud the need for reform are based only on what is called the adjusted gross incomes of these individuals, Adjusted gross income does not include tax-exempt income. It does not include earnings from interest on State and municipal bonds; and it shows a taxpayer's income only after subtraction of such special deductions as one-half of long-term capital gains, depletion allowances on oil and gas investments, and depreciation on real estate—all major tax shelter categories.

Mark Twain said that,

> There are lies, damned lies and statistics.

The Treasury Department statistics purporting to show that only a few hundred Americans actually manage to avoid their fair share of the Nation's tax load are really a smokescreen for the truth. The truth is that the progressive nature of the income tax breaks down in the higher income brackets, so that the 70-percent rate which is supposed to apply to income over $200,000 a year is rarely exacted.

Now that is the situation after the 1969 reforms, and it is the true measure of the fact that legislation has not yet caught up to the major inequities in the tax code. Let me give you a specific example.

Before the 1969 changes there was an American with an income of over $2.2 million. Two-thirds of his money came from oil and gas, and the rest from long-term capital gains and from dividends, interest, and other miscellaneous sources. He paid no tax at all on that income before 1969. Even now the effective rate on a similar income would be only 6.7 percent.

In contrast to the millionaire investor, consider the taxes paid by a workingman. With a wife and two children to support on a $10,000 salary, he pays Federal income taxes at a 9-percent rate.

The nontaxpayer with $2.2 million a year was a real person. Let us take instead a hypothetical American with earnings of $710,000 a year, $50,000 in salary and the rest in long-term capital gains, dividends and income from oil and gas production. He can tally against his earnings the following deductions:

A quarter of a million dollars in the intangible costs of drilling and developing oil and gas wells; $100,000 for the percentage of depletion of oil and gas resources; another $100,000 for real estate losses from speeded-up depreciation of his investments in luxury apartment buildings; and $50,000 of personal deductions, including charitable contributions.

In fact, his deductions total half a million dollars, but since $210,000 of his income is tax exempt to start with, he pays no regular Federal income tax at all, and only a minimum tax of $32,000—for an effective tax rate of only 4.5 percent.

A tax code which permits such blatant injustice invites the distrust of the average American and mandates the Congress to enact thoughtful reforms. The thrust of such reform should be the effort seriously and responsibly to review—and, where possible, remove or restrict—the preferential provisions in our tax structure which offer individuals and businesses with large resources unfair shelter from tax.

In many instances, these special arrangements crept into the tax code without conscious social or economic purpose. The special benefits for oil and gas exploration and development were not initially adopted to encourage drilling for fuels. That rationale has only grown up after the fact and requires reexamination now. The favored treatment for real estate investments was originally devised to encourage industrial growth and not as a means of inducing people to invest in apartment houses and office buildings. Now that the preferences are part of the law, those who wish to retain them have found arguments that were not heard or understood at the time of enactment.

In some cases we did consciously use the tax code to deal in a roundabout way with problems we were not willing to meet head on. We wanted to hurry up the rebuilding of city slums so we put rehabilitation costs into a special tax category. We wanted to promote exports so we devised the 1971 DISC legislation which benefits only those industries that sell abroad.

I am not saying that the ends we pursued were wrong. But the means we chose were often mistaken. We did things through the back door that should have been done in the open, and the result has been to put money into the wrong pockets, waste very large amounts of Federal revenue, and permit wealthy corporations and individuals to avoid paying their fair share of the costs of our Government.

The further result has been to twist an originally sound idea—the progressive income tax—so far out of shape that it encourages social and class division in America and breeds suspicion and growing contempt.

By allowing significant tax preferences to continue unexamined and unchecked, we nourish an injustice which sets class against class in America, wounds the Nation and jeopardizes citizens' faith in their Government. A system which knowingly rewards the wealthy and the expert at the expense of others is a system which invites distrust and risks destruction.

So we must, for a moment, scrutinize some of the most important tax preferences we continue to permit. We must count their costs and weigh the policy concerns which call for their reform.

First, we have to look honestly at the way we tax capital gains. If a man buys stock today for $100,000 and sells it 6 months and 1 day later for $150,000, only half his profit is counted as taxable income. Moreover, the first $50,000 of a taxpayer's capital gain in any 1 year cannot be taxed at more than a 25-percent rate. Above $50,000 the maximum rate is 36.5 percent.

Who benefits and who loses by a tax system that treats income from capital gains differently from other earnings? obviously, the working man who cannot invest any substantial amount of savings gets no benefit from the special treatment we give capital gains. It is the wealthy who can and do profit from this favoritism.

They also profit from the failure of our laws to tax unrealized gains on assets a man holds when he dies. Those gains are not taxed, at death, and his heirs, taking over the properties, figure their eventual capital gains on the assets not at the original cost of the property, but at the value at the time of death or a year thereafter.

Favored treatment of long-term capital gains, like the provision that excludes the first $100 in dividend income from taxation, benefits those wealthy enough to invest their savings. Its direct impact, however, falls on the less fortunate—those who are denied essential government services—or the taxpayers who in 1971, had to make up the $6.2 billion in revenue lost to the Federal Government because of the present capital gains laws, the $300 million lost in dividend exclusions, and the $3 billion lost by failing to tax capital gains at death.

Second, we must examine the actual effect of our practice of encouraging State and local governments to issue tax-exempt bonds. In 1971, it has been estimated, the loss to the Federal treasury of income from interest payments on such bonds amounted to $2.6 billion. To whom did those savings go? Nearly $700 million in 1971 went to those individuals and corporations having large enough resources to invest in municipal bonds.

And the higher the income bracket, the higher the benefit. One bond yielding $5 in tax-exempt interest a year is the same, in terms of income before taxes, as a Federal subsidy payment of $11.67 to a taxpayer in the 70-percent bracket but only $1.25 to a taxpayer in the 20-percent bracket.

So the way we have chosen to help finance local government investments is the wrong way. It wastes many of the Federal dollars intended for that purpose in paying tax benefits to the wealthy.

Third comes percentage depletion. Within certain limits, it allows an individual with income from the sale of minerals to deduct percentages of that income ranging up to 22 percent for oil and gas. The deduction is unique in that it bears no relation to expenses or investment. Thus, when we tax a million-dollar investment in manufacturing plant equipment, we allow its owner to recover the cost of his investment—$1 million and no more. But someone who puts his million dollars into mineral-producing property can recover that million dollars many times over. On the average, in fact, oil and gas operators get back in depletion deductions at the expense of the general taxpayer many times more than they put into their properties.

The special treatment for oil and gas operators carriers over into the way we allow them to deduct upwards of three-quarters of their drilling costs the year they incur them. A man who builds a factory gets no such reward. He has to treat his investment as capital and depreciate it over the years.

Between deductions for percentage depletion and for intangible drilling and development costs, an investor in oil and gas can avoid paying Federal income tax indefinitely. As long as he spends on drilling and exploring what he makes from producing wells, subtracting 22 percent of that income for depletion, he can shove his proper tax burden on to someone else's back. The Federal revenue loss in 1971 from these two special provisions on mineral depletion and development costs was over $1.3 billion.

Our depreciation rules—the standards by which we apply the cost of an asset such as a building or a production line or a corporate executive jet against the income it brings in—have also generated significant tax windfalls. The 1971 asset depreciation range system, for example, set industrial depreciation guidelines far too low and cost the Treasury an estimated 1972 revenue loss of $1.7 billion.

Depreciation preferences for investment real-estate like luxury apartment buildings, as well as the even faster writeoffs for rehabilitation of low-income housing, have given developers and absentee landlords tax benefits out of all proportion to the social needs being served by the incentives. The estimated revenue loss in 1971 from all real estate tax preferences was $1 billion.

All of these discriminatory practices in the tax code demand review. Some require repeal now. For others, a prudent course of gradual modification will enable us, over the years, to assess the impact of change and, where necessary, enact programs to provide directly the wholesome stimulus we mistakenly put into the tax laws.

Briefly, but specifically, let me outline the reform proposals I am making along with the new revenues such changes would generate by 1975.

First, I would repeal the provision that limits the tax on the first $50,000 in capital gains to 25 percent, and I would phase in over 2 years a provision to tax 60 percent of capital gains rather than only half. During the same period, the corporate capital gains rate would be raised from 30 to 35 percent. By 1975, these changes would bring in $2.1 billion a year.

Second, I recommend that we phase in—over a 5-year period that will ease the impact of the change—a basic reform to require income taxation of the appreciation in assets transferred at death. Such income now escapes taxation entirely. This revision of the capital gains provisions will produce $2.4 billion in new revenues in 1975, the third year after enactment, and $4 billion once it is fully implemented.

Third, I propose letting State and municipal governments issue taxable bonds. To those that do, the Federal Government would pay a subsidy of half the amount of the taxable interest. This should encourage these local authorities to move entirely away from the tax-exempt bonds they now issue and, while representing a new Federal revenue cost of $300 million a year, it would end this diversion of Government funds to the wealthy and bring in, by 1975, an additional $900 million annually to State and local governments.

Fourth, I propose we cut all existing percentage depletion rates by one-fifth, a modest reduction which would still net the Treasury $300 million a year by 1975 and diminish the unfair advantage now enjoyed by the wealthy individuals and corporations who shelter their income in oil, gas, and other mineral operations.

Fifth, I advocate treating the costs of exploration and development of minerals the same as other investments, requiring that they be capitalized rather than deducted in full in the year in which such outlays are made. Such a change will bring $800 million more to the Treasury in 1975.

Sixth, I recommend modifying the asset depreciation range system to strike the provisions that permit businesses to calculate depreciation 20 percent faster than the industry average and that set future depreciation guidelines below the industry average. By tightening these depreciation rules, the Treasury would earn $4.2 billion in 1975.

Seventh, among several reforms in real estate taxation, I would go to straight-line depreciation of real estate, limiting depreciation to the owner's equity in his property, and capitalizing interest and taxes on undeveloped real estate and on buildings during construction. At the same time, the useful lives of buildings for depreciation purposes should be carefully reviewed to determine whether they should be shortened. Such reforms would produce an extra $1.1 billion in 1975.

Eighth, it is necessary to repeal the 5-year amortization permitted for the costs of rehabilitating run-down residential property and the other such 5-year amortization provisions added to the tax law in 1969 and thereafter. The reform would bring in some $100 million in 1975.

The adoption of these last two reforms does not free the Government from the obligation to foster the construction of decent low-income housing and provide appropriate means to meet America's overall housing needs. Indirect incentives have not served those goals properly. In their place, I will support direct programs of assistance that match our resources to our requirements without building tax shelters alongside housing units.

Ninth, in the field of foreign taxation, I propose retaining the foreign tax credit itself, but modifying it to eliminate features which permit more favorable treatment for investments abroad than for those at home. In addition, the Domestic International Sales Corporation provision that lets exporters defer half their taxes indefinitely should be repealed. So should the tax deferral on undistributed earnings of American-owned foreign corporations, the special treatment of businesses in U.S. possessions and Western Hemisphere Trade Corporations and the exemptions of income earned by Americans overseas.

In all, these changes would bring the Treasury nearly $1.3 billion in 1975.

Tenth, to protect real farmers but end the farming tax shelter enjoyed by wealthy nonfarmers, I urge limiting the deduction of farm losses against other income to $15,000 in any 1 year. The change will generate $100 million in added tax revenue in 1975.

Eleventh, I call for tightening the 1969 act restrictions on the deductibility of investment interest in two ways. The present $25,000 exemption should be cut to $10,000, and all of the interest in excess of the $10,000 exemption, the net income from investments and for the year's long term capital gains should be required to be capitalized. Such a tightening of this special benefit for wealthy borrowers would bring in $300 million a year in new revenue in 1975.

Twelfth, I recommend repeal of the deduction for State gasoline taxes, a system which now results in shifting some highway costs from the user to the general taxpayer. We do not permit deductions of Federal gasoline taxes, and an extension of this principle to State levies will bring in $700 million in new Federal revenues in 1975.

Thirteenth, I propose a 2-year switchover in the way commercial banks, mutual savings banks and savings and loan associations are allowed to deduct their bad debt reserves to make the actual losses experienced by these banks the measure of the deduction instead of the present system, to be phased out by 1988, that allows them to compute a percentage of their loans as bad debts. The change would produce $200 million more in taxes in 1975.

Fourteenth, I advocate revising the investment tax credit to make its stimulus on the economy more efficient by basing the credit allowed on net increases in investment. Once full employment is achieved, the credit should be repealed entirely, but, for the present, its modification will produce increased Federal revenues of some $2.5 billion in 1975.

Fifteenth, to make the minimum tax enacted in 1969 a stronger tool, I call for cutting the $30,000 annual exemption to $2,000, imposing a progressive rate rising from 10 to 20 percent tax rate of the present flat 10-percent tax rate and eliminating the provision that permits taxes paid to be carried forward 7 years. The revised minimum tax would produce $300 million in revenues in 1975.

Finally, for the long overdue revision of the manner in which estates and gifts are taxed, an area the Congress has not touched in 25 years, I have four related proposals.

First, the law should provide for a unified tax on gifts and estates so that one rate schedule and a single exemption of $25,000, taken before or after death, applies against the estate itself and gifts made from it during life;

Second, we must cut off the escape from tax by what are known as generation-skipping transfers of wealth, now a device enabling the very wealthy to decrease the tax burden on their estates;

Third, to protect the right to transfer wealth needed to maintain the income of a surviving wife or husband, we should expand the marital deduction to exempt not just half the estate but an additional $100,000 as well, thus keeping taxes from bearing too heavily on modest estates.

Fourth, we should restructure the rate schedule to provide a more level rate of progression, with new rates from 20 to 80 percent, and impose the highest rate on estates with taxable value above $5 million.

These combined proposals in an area the Congress has permitted to remain a major source of tax loopholes would generate over $2.5 billion in added revenues in 1975.

Further details of these reforms are spelled out in a memorandum I wish to insert in the RECORD at the close of my remarks. The specific provisions are in a bill I will shortly introduce. But in these general remarks I have sought to direct congressional and public attention to one overwhelmingly clear conclusion: the way our taxes operate now constitutes an unfair sharing of the Nation's wealth, putting unjust burdens on the average American and awarding undeserved protection to the wealthy few.

The reforms I advocate today and spell out in legislation are moderate ones. They do not contemplate a wholesale purge of the tax code to eliminate all indirect subsidies. They permit us instead to revise the most inequitable of the tax preferences while allowing us to replace them, where necessary, with straightforward programs that more efficiently serve the same ends.

In approaching tax reform it does no good to cry for massive changes without some appreciation of the secondary dislocations those changes might produce. We cannot know the precise effects of reforming tax preferences any more than we knew the precise effects of writing the preferences in the first place. So we must act with the restraint appropriate to the limits of our foresight.

But the need for the reforms I propose is clear. The inequities I have documented demand prompt remedy.

Last year tax reform was a campaign issue. This year the administration apparently wants to forget the subject.

But in a time of spiraling Federal deficits, it is sanctimonious and deceptive in the extreme to call for responsible spending limits without acting simultaneously to tighten our leaky tax code. In this decade, the Treasury has estimated, we stand to lose over $33 billion in revenue if we leave the acronymic ADR and DISC provisions unchanged. Allowing the law's provisions on taxation of capital gains to stand as they are would cost close to $100 billion in the same 10-year period.

Moreover, the benefits of our myriad tax preferences cannot be said to be fairly shared when they go overwhelmingly to the most powerful corporations and the most affluent individuals. It has been reliably calculated, for example, that in 1970 and 1971, seven giant companies whose dividend payments ranged between $33 and $78 million paid no income taxes to the U.S. Government. Other computations show that the capital gains provisions in the code now are worth only an average of $7.44 in annual tax savings to Americans earning between $5,000 and $7,000, but are worth over $2,600 in tax savings, on the average, to those with incomes between $50,000 and $100,000.

The poor—even middle-income Americans whipsawed by rising prices and higher taxes—own no oil wells. They cannot depreciate real estate they do not possess. They cannot collect tax-free interest on bonds they are unable to buy. They cannot write off cattle feed when they have to limit the amount of beef they eat at home. And they cannot enjoy the untaxed increase in value of securities they will never inherit.

Theirs is the cause of tax reform now. Theirs is the appeal for a return to fiscal justice.

We cannot let it be said of America in the 20th century that it violated its most fundamental belief, the revolutionary inspiration of equality. To the extent that our tax code does damage to that faith, it requires immediate reform. We must stop using tax policy to promote social ends that can be better answered by other means. We must start again to use our tax system to strengthen our whole society and to redeem Americans' trust in the justness of their Government.

Mr. President, as part of my presentation on tax reform today, I ask unanimous consent that the following material be included in the RECORD at this point:

First. A memorandum explaining in detail the 24 specific changes I am proposing;

Second. An article from Newsweek magazine of January 1, 1973, on tax shelters by Adam Smith;

Third. An article from the Washington Post of January 14, 1973, about cattle feeding investments as tax shelters; and

Fourth. Two articles from the January issue of the Washington Monthly by James Fallows and Philip Stern on the inequities of our present tax system and the problems taxpayers have in actually discovering the way the laws operate.

I believe that interested Senators will find all this material worth studying as explanations of the problems we face and possible solutions to those problems.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY AND EXPLANATION OF MUSKIE FEDERAL TAX REFORM PROPOSALS

A. INCOME TAX

1. Capital gains

a. *Issue*—Under present law, individuals who realize long-term capital gains are allowed a deduction of 50 percent of the total gains. Except for the minimum tax—a special 10 percent tax applicable in certain circumstances—the other half is tax-exempt.

Furthermore, a special maximum limitation of 25 percent is placed upon the tax rate applicable to the first $50,000 of an individual's capital gains. Because the alternative tax applies only where it produces a lower tax than the 50 percent capital gains deduction, the alternative tax is advantageous only for taxpayers whose tax bracket is above 50 percent—only, that is, taxpayers in the very highest brackets.

Corporate capital gains, are generally taxed at 30 percent, rather than the 48 percent applicable to most other corporate income.

The capital gains preferences for individuals permit those who have sufficient wealth to invest in capital assets to bear far less tax, for a given amount of income, than individuals whose economic circumstances prevent the accumulation of wealth and compel the realization of income in the form of wages, salaries, and the like. Similarly, the corporate capital gains preference, allows corporations and industries which can realize business profits in the form of capital gains to pay lower rates of tax than businesses with most other kinds of income.

b. *Proposal*—(1) Repeal of the provision permitting the first $50,000 of capital gains to be taxed at no more than 25 percent. (2) Requirement that individuals include 55 percent of capital gains in income in the first year and 60 percent of capital gains in income thereafter, rather than 50 percent as permitted under present law. (3) Increase the rate on corporate capital gains from 30 to 35 percent.

c. *Revenue**—$2.1 billion.

2. Gains at death

a. *Issue*—The existing income tax structure fails to tax gains in assets held by a decedent at his death, while at the same time allowing a step-up in basis so that on a subsequent sale this portion of the gain is not taxable. Very large amounts of capital gains thus escape federal income taxation altogether under present law. For 1966, the figure was approximately $11 billion.

b. *Proposal*—A tax should be imposed on the appreciation in assets transferred at death, or by gift, with certain exemptions and exclusions. The proposal would close the massive loophole in present law by which large amounts of appreciation in the value of investments escape income tax entirely.

By permitting every taxpayer a minimum basis for all his assets, the effect of the tax could be limited to decedents with assets having substantial aggregate value. The reform should be phased in over a five-year period, permitting taxpayers dying in the first year after enactment to pay 20 percent of the tax due under the new rule, those in the second year, 40 percent, those in the third year, 60 percent, those in the fourth year, 80 percent, and those thereafter the full amount.

c. *Revenue*—$2.4 billion (In the fifth year after enactment the full implementation of the change would bring a revenue gain of $4 billion.)

3. Interest on State and municipal bonds

a. *Issue*—Unlike any other form of interest—including interest on obligations of the Federal Government—interest on State and municipal bonds is exempt from all Federal income tax. The exemption is defended as a means of helping State and local governments raise revenue at low cost because the exemption of the interest on such bonds results in their being marketable at substantially lower interest rates than comparable grades of taxable Federal and corporate bonds. However, the saving in interest costs to State and local governments is only about 70 percent of the revenue loss to the Federal Government, with 30 percent of the funds going to high income individuals who invest in tax exempt bonds. Because the tax advantage of the exemption is greatest for those with the highest incomes—and because low and moderate income taxpayers do not have the funds available for investment in such bonds—the exemption benefits upper-income taxpayers almost exclusively. A famous example was a Michigan widow whose annual $5-million income from such bond interest was entirely tax exempt.

b. *Proposal*—States and municipalities would be given the option of issuing taxable bonds. To those that do, the Federal Government would pay a subsidy equal to 50 percent of the interest rate of the taxable bonds. With the interest subsidy fixed at 50 percent, States and municipalities would be likely to move entirely to the issuance of taxable bonds.

c. *Revenue*—The proposal would cost the Federal Government $300 million a year in 1975, the subsidy payments to State and local governments being somewhat higher than the revenue realized by taxing the bond interest; but the proposal would generate an additional $1.3 billion for State and local governments annually.

4. Percentage depletion for mineral resources

a. *Issue*—For a whole range of minerals, the producer may deduct a flat percentage of the gross income from the sale of the minerals. In the case of oil and gas, for example, the percentage depletion allowance is 22 percent. This deduction is unique in the tax law because it does not require the taxpayer to expend or invest any funds. Every other business deduction provided by the Internal Revenue Code is limited either by the amount a taxpayer spends currently—as in the case of the deduction for ordinary business expenses—or the amount which the taxpayer previously invested—as in the case of the depreciation allowance for investment in a building or machinery.

b. *Proposal*—Uniform reduction of existing percentage depletion rates by 20 percent.

c. *Revenue*—$300 million.

5. Mineral drilling, exploration, and development costs

a. *Issue*—Most of the costs incurred in drilling oil and gas may be deducted in full in the year incurred. Similar deductions apply to the costs of developing other minerals. In contrast, the cost of plant equipment and other business assets must be capitalized and can be recovered only through depreciation over what may be extended periods of years. Using the combination of percentage depletion and intangible drilling and development deductions, an investor in oil and gas can avoid Federal income tax indefinitely. The investor first spends enough on drilling and development for oil and gas to offset his current income. When the wells reach production, the income from them is partially offset by percentage depletion, and the remaining portion can be offset by additional expenditures for intangibles.

b. *Proposal*—Require capitalization of intangible drilling and development and mine exploration and development costs, and adopt a recapture provision, similar to that now provided for machinery, operative when mineral properties are sold.

c. *Revenue*—$800 million.

6. Asset depreciation range system

a. *Issue*—The ADR system which the Revenue Act of 1971 adopted for business plant and equipment permits businesses to enlarge their depreciation allowances by employing depreciation periods 20 percent shorter than the industry averages which, under prior law, were used as guidelines—even though the prior guidelines were themselves quite liberal. Moreover, ADR increases depreciation deductions still further by requiring future guideline lives to be determined by calculating overall industry replacement experience and then utilizing the future representing the experience of businesses at the 30th—not the 50th—percentile.

The overall effect of ADR is to grant a major tax windfall to businesses which utilize depreciable assets.

b. *Proposal*—Modify the ADR system to repeal the 20 percent leeway rule and require establishment of future depreciable lives at the 50th percentile of industry experience, rather than the 30th percentile.

c. *Revenue*—$4.2 billion.

7. Tax treatment of real estate

a. *Issue*—The present highly favorable tax rules for investors in real estate (such as apartment buildings) have made investments in such property one of the most broadly used tax shelter devices. Although depreciation in general is a means of recovering the capital costs of an asset as it is consumed in use, accelerated depreciation on real estate results in most of the property's cost being recovered in the early years of its life, while it is still in productive use and, in many instances, while it is increasing in value. Furthermore, depreciation is computed on the full cost of the property, not the owner's equity interest. Frequently an investor has a very small equity in a property; he is computing his depreciation on the total cost of the property, including the mortgage; and his depreciation deductions quickly outstrip his own investment in the property. The result is that, with a large mortgage loan, accelerated depreciation permits the owner to recover not only his own cost but also the lender's—and to do so much faster than he is obligated to repay the lender.

In addition to the depreciation advantage, investment in real estate allows the deduction of interest and taxes incurred during the construction of a building, or while undeveloped real estate is held.

These provisions allow the current deduction of items that are essentially capital in nature as a tax shelter for income from other sources during a period when no income is being produced from the building. Also, after the completion of construction, real properties are sometimes mortgaged in refinancing operations for amounts which exceed their depreciated costs. While the investor generally has no personal liability for the debt, under current law he is not taxed on the excess of the mortgage proceeds over his depreciated cost in the property.

b. *Proposal*—(1) Depreciation on investment buildings should be restricted to the owner's actual equity and limited to the straight line method; (2) Interest and taxes incurred on holdings of undeveloped real estate and during the construction phase of buildings should be required to be capitalized; (3) A full recapture provision should be applied to the sale of investment buildings; (4) The excess of mortgage proceeds above an investor's depreciated cost in investment real estate should be includable in the investor's income to the extent of depreciation previously taken, and (5) the useful lives for buildings should be reviewed to determine whether reduction is appropriate.

c. *Revenue*—$1.1 billion*

8. Special five year amortization provisions

a. *Issue*—A special provision added by the Tax Reform Act permits the expenses of rehabilitating low-income rental housing to be deducted over a five-year period, which is substantially shorter than the expected useful life of the rehabilitated property. As in the case of accelerated depreciation for residential real estate, if the rehabilitated property is held for 16 years and 8 months, there is no recapture of the amortization deductions as ordinary income upon sale of the property. The tax characteristics which make residential real estate an attractive investment are considerably accentuated by the allowance of the special, abbreviated write-off period. Although the provision was adopted to encourage the rehabilitation of rundown residential property for use by the poor, its tax features seem likely to encourage investors to do as little as possible to maintain the property after their initial investment, while they await the expiration of the recapture phaseout, and the property deteriorates.

The 1969 and 1971 Acts added other special 5-year amortization provisions, including ones for railroad rolling stock and certified pollution control facilities. The effect of these provisions is to create additional tax shelter opportunities for those with high incomes, dissipating the revenue intended for social or economic objectives in large tax savings for upper-bracket taxpayers. Where necessary, the policy objectives of these provisions should be the subject of direct government assistance programs, rather than tax preferences which allow wealthy persons to avoid paying taxes.

b. *Proposal*—Repeal the rapid amortization provisions introduced by the Tax Reform Act of 1969 and the Revenue Act of 1971.

c. *Revenue*—$100 million.

9–14. Special Treatment of Foreign Items

The revenue to be gained from the six changes outlined below would amount to $1.3 billion.

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*Revenue estimates are at 1975 income levels. Except as otherwise indicated, all figures represent revenue increases.

* Unadjusted for possible cost of low-income housing program.

9. *Domestic International Sales Corporation*

a. *Issue*—The DISC provision enacted in 1971 permits the indefinite deferral of taxation of 50 percent of the income of a corporation engaged in selling goods for export, regardless of whether the export sales represent an increase over prior years' sales. In fact, the tax deferral is the rough equivalent of a tax exemption because tax is not payable as long as the DISC complies with certain requirements, and the untaxed profits can be used in the business of the parent-supplier by means of loans from the DISC. The stated purpose of the provision is to encourage expansion of U.S. exports; but there is no factual evidence that the provision expands exports, and the view of most economists is that it does not.

b. *Proposal*—Repeal of the DISC provisions.

10. *Foreign tax credit*

a. *Issue*—Subject to certain limitations, present federal law permits U.S. taxpayers who pay income taxes to foreign governments (or taxes in lieu of income taxes) to credit those tax payments against their U.S. income tax liability. In general, the foreign tax credit is a sound device for preventing double taxation of income earned abroad. However, various features of the existing law governing the computation of the credit permit use of the credit to achieve more favorable tax treatment for investments abroad than for those in the United States.

b. *Proposal*—The "overall" limitation on the foreign tax credit should be repealed. Taxpayers should be required to compute their allowable foreign tax credit subject to the "per country" limitation. Other structural revisions should be made in the foreign tax credit to ensure that it operates only as a device for achieving tax neutrality, and does not afford preferential treatment for business operations abroad.

11. *Income of controlled foreign corporations*

a. *Issue*—By operating abroad through subsidiaries, U.S. corporations are able to obtain deferral of U.S. taxation of income which is retained abroad in low-tax countries. In certain tax haven situations, Subpart F of the Internal Revenue Code taxes the undistributed profits of the foreign subsidiary to the U.S. shareholders; but even this tax can often be avoided. Consequently, under present law U.S. businesses operating abroad through controlled foreign subsidiaries enjoy a major tax advantage which is unavailable to businesses operating only within the United States.

b. *Proposal*—Eliminate the tax deferral available to United States shareholders of controlled foreign corporations by extending the present provisions which tax U.S. shareholders on their pro-rata share of certain classes of earnings of such corporations to encompass the full yearly profits of those entities.

12. *Income earned in U.S. possessions*

a. *Issue*—Income of U.S. citizens or corporations from sources in possessions of the United States is exempt from Federal income taxation if such income equals at least 80 percent of the taxpayer's gross income from all sources over a three-year period and at least 50 percent of the taxpayer's gross income over the same period was earned in a trade or business carried on in a U.S. possession. The exemption extends to its beneficiaries an advantage unavailable to domestic taxpayers; that advantage is most valuable to those with high incomes and least valuable to those with low incomes; and the provision is unsupported by any factual demonstration of its utility to the economies of U.S. possessions.

b. *Proposal*—Termination of the preferential treatment presently afforded income derived from United States possessions.

13. *Western hemisphere trade corporations*

a. *Issue*—Corporations which receive 95 percent of their income over a three-year period from business carried on in the Western Hemisphere are taxed at approximately 34 percent, rather than the normal 48 percent corporate rate. The defects pointed out above with respect to the exemption for possessions income apply to this provision also.

b. *Proposal*—Repeal of the 14 percent point tax preference presently afforded Western Hemisphere Trade Corporations.

14. *Exemption for income earned abroad*

a. *Issue*—Individual U.S. citizens who either are bona fide residents of a foreign country or live abroad for at least 17 out of 18 months can exclude from their U.S. taxable income up to $25,000 or $20,000, respectively of income earned abroad during such period. Since the foreign tax credit is available to prevent double taxation of such income, there is no sound reason for these provisions; and they benefit primarily those with high incomes.

b. *Proposal*—Termination of the exclusions allowed citizens who lived abroad.

15. *Tax shelter farm losses*

a. *Issue*—Congress, in 1969, adopted a provision requiring persons with nonfarm adjusted gross income in excess of $50,000 for a year, and a farm loss in excess of $25,000 for that year, to set up an Excess Deductions Account (EDA), in which all farm losses in excess of $25,000 per year are recorded. When farm property is sold, any income from the sale which would otherwise be treated as capital gain is taxed as ordinary income to the extent of the balance then existing in the taxpayer's EDA.

The 1969 provision has proved insufficient to prevent broad use of farming investments as tax shelters for non-farmers. Individuals whose adjusted gross incomes are below $50,000—including those who have large real income, but low adjusted gross income because of depreciation deductions, intangible drilling and development expenditures, and other such devices—are unaffected by the EDA provision. Even those with higher adjusted gross incomes are permitted an annual $25,000 deduction which is free of recapture, and even where recapture applies, the current farming deductions make possible extended postponements of tax.

b. *Proposal*—Deduction of farm losses against non-farm income should be limited to $15,000 in any year, with appropriate provision for carryover of excess losses for use against farming income in future years.

c. *Revenue*—$120 million.

16. *Investment interest*

a. *Issue*—Prior to the 1969 Tax Reform Act many taxpayers borrowed money to invest in securities or other property which produced little or no current income but had good growth potential. The interest paid on the borrowings could be deducted from the taxpayer's other income, and when the property was sold the gain on the sale was taxed at the low capital gains rates—effectively both deferring tax and ultimately converting ordinary income into capital gains. The Tax Reform Act limited this device somewhat by disallowing, as a deduction, half of the amount by which an individual's "investment interest" for the year exceeds the total of (1) $25,000; (2) his net investment income; and (3) his long term capital gains for the year.

However, the 1969 restriction is insufficient to eliminate the abuse at which it was aimed. Both the annual $25,000 allowance and the deductibility of half of any excess investment interest can still be used to shelter other income. Moreover, in most cases interest paid on borrowings to invest in oil and gas or real estate—two of the classic tax shelters—is not treated as "investment interest" for purposes of the provision and, therefore, is not subject to the 1969 Act's limitations.

b. *Proposal*—(1) The existing $25,000 exemption should be reduced to $10,000; (2) All investment interest in excess of the exemption level should be made subject to the limitation—not merely one-half as provided in the present statute; (3) The definition of the term "investment interest" should be expanded generally to include interest paid on passive oil and gas and real estate investments.

c. *Revenue*—$300 million.

17. *Deducations for State gasoline taxes*

a. *Issue*—Although the Federal gasoline tax has not been deductible in computing Federal income tax liability for many years, the comparable State gasoline taxes are deductible. Like the Federal tax, the State gasoline taxes are essentially user charges to finance streets and highways. Their deductibility for Federal income tax purposes has the effect of shifting part of highway costs from the highway user to the general taxpayer. Elimination of the deduction would place that cost upon the persons who ought to bear it.

b. *Proposal*—Repeal of the present deduction for State gasoline taxes.

c. *Revenue*—$700 million.

18. *Excess bad debt-reserves*

a. *Issue*—Commercial banks are permitted to deduct an amount equal to a flat percentage of their eligible loans outstanding as a bad debt reserve—regardless of their actual bad debt loss experience. Although the percentage method is being phased out gradually, banks are still permitted a flat deduction of 1.8 percent of loans until 1976, 1.2 percent until 1982, and 0.6 percent until 1988. These percentages are very substantially in excess of banks' historical loss experience. In addition, mutual savings banks and savings and loan associations are allowed even more generous deduction rules for bad debt reserves in excess of their actual loss experience.

b. *Proposal*—Commercial banks, mutual savings banks, and savings and loan associations should all be allowed additions to bad debt reserves based solely upon their actual loss experience. The transition from their present reserves, which are considerably in excess of actual loss experience, to the proposed rule should be accomplished over a short period of time—perhaps two years.

c. *Revenue*—$200 million.

19. *Investment tax credit*

a. *Issue*—Reenacted in 1971, the investment tax credit gives corporations and individuals investing in machinery and equipment a credit against their Federal income tax of seven percent of the cost of the machinery or equipment. While the investment credit has proved to be an effective tool for stimulating investment under certain economic conditions, it could be restructured to make its stimulative impact more efficient. Some of the substantial revenues which the Federal Government is now granting businesses through the investment credit could be made available for use elsewhere, while the revised credit is retained to encourage needed productive expansion.

b. *Proposal*—Restrict the allowable credit to net increases in investment.

c. *Revenue*—$2.5 billion.

20. *Minimum tax*

a. *Issue*—The 1969 Tax Reform Act adopted a 10 percent minimum tax on certain items of "tax preference." The minimum tax has several significant weaknesses; (a) it is imposed at a flat rate, rather than a progressive one; (b) the rate is fixed at only 10 percent; (c) taxpayers are allowed a $30,000 exemption per year; and (d) a 1970 amendment permits taxes paid to be carried forward for seven years to offset tax preferences otherwise subject to the minimum tax in those years.

b. *Proposal*—(1) The existing $30,000 exemption should be reduced to $2000. (2) The rates of tax should be graduated: as preference income escalates, so should the proportion of tax paid. A rate structure beginning at 10 percent and rising to 20 percent, in lieu of the present flat 10 percent rate, is proposed. (3) The tax carry forward should be eliminated.

c. *Revenue*—$300 million.

B. ESTATE AND GIFT TAXES

21. Integration of estate and gift taxes

a. *Issue*—Under present law, estates and gifts are taxed separately so that an individual may transfer portions of his wealth by gift during his lifetime, pay whatever gift taxes are due, and then have his remaining estate taxed without regard to the fact that a portion of his wealth has been transferred. The effect is to divide the individual's wealth and tax each part on a separate rate schedule with separate exemptions. Moreover, gift tax rates are lower than estate tax rates, and the gift tax itself is excluded from the estate. These features create substantial tax savings, particularly to the very wealthy, and the potential for savings through lifetime giving increases as the donor's wealth increases.

b. *Proposal*—The establishment of a unified gift and estate tax, making lifetime gifts and transfers at death subject to tax under one rate schedule with one exemption, which could be utilized during life or at death.

22. Generation-skipping

a. *Issue*—The very wealthy are in a position to give property either outright or in trusts to distant heirs—grandchildren and beyond—so that the family's wealth is taxed only once every several generations, rather than once each generation as is more commonly the case for less affluent decedents. These arrangements substantially lessen the impact of estate taxes on the very wealthy and take a good deal of progressivity out of the estate tax system.

b. *Proposal*—A special tax imposed on generation-skipping transfers, approximating the tax which would have been paid by the skipped generation.

23. Marital deduction

a. *Issue*—Under existing law a deduction is allowed for property transferred to a spouse, but the deduction is limited to one-half of a decedents adjusted gross estate. For small or moderate sized estates, the estate tax can seriously deplete the funds upon which the surviving spouse must rely for her support.

b. *Proposal*—The marital deduction should be increased. A deduction should be allowed equal to one-half of the estate, plus an additional specified amount, such as $100,000. This approach will avoid completely the imposition of taxes on estates below the minimum amount, where funds are needed for the surviving spouse's maintenance.

24. Exemptions and rates

a. *Issue*—The present estate tax rates start at 3 percent on estates which, after all exemptions and deductions, do not exceed $5,000. The rates rise to 77 percent on taxable estates in excess of $10 million. These rate schedules should be restructured to increase rates and provide for a more level rate of progression.

b. *Proposal*—A unified exemption of $25,000. While this is less than the present combined estate and gift tax exemptions, the liberalization of the marital deduction proposed above increases the exemption where it is needed most. New rates would range from 20 percent to 80 percent. The upper marginal rate would apply to estates which, after deductions and exemptions, exceed $5 million.

Combined Revenue (proposals 21–24)—$2.5 billion.

[From Newsweek, Jan. 1, 1973]

MY TURN: "GIMME SHELTER"

(By Adam Smith)

If you have an apartment project that is somewhat doubtful, an oil lease that needs some optimists, or some lean, red-eyed and hungry calves, this is a great time of year to bring in doctors, dentists and salesmen as partners. For this is the time of year when the people who are not on regular salaries count all the $20 bills in their cookie jars and realize they are going to have to pay more taxes than they thought, unless they do something quickly.

"Sidney," they say to their brokers, or their accountants, "I just looked in my bank account, it's been a good year, I don't want to pay the taxes on it, find me a tax shelter."

Sidney says gee, it's a bit late, there was an apartment deal that was floating through the office last week but it's all sold, there was a fella in with some oil leases who is supposed to have a good track record but he's gone, let me see what I can do.

And the classified pages of various business journals blossom with the heading, tax shelter.

GOOD THINGS

What is a tax shelter? A tax shelter, for the general public, is a business somebody else is in. Somebody who has a good lobby in Washington. Congress writes the tax laws, and Congress in its wisdom and its collective desire to be re-elected has decided that some areas of endeavor are socially more noble than others, they are Good Things, and should be helped along. So, if you are a dentist, you take your dentistry income, not a Good Thing Congresswise, and put it into building an apartment house or drilling an oil well, two Good Things relatively easy to understand, and then you don't have to pay any taxes this year. The income is offset by the accounting charges from the Good Things. Some other year, when the Good Thing is sold, you might have to pay a capital-gains tax, but that rate is lower than on earned income and maybe you can find another shelter that year.

Of course, if you are a dentist, you ought to ask yourself: would an apartment builder who has a good project really want a dentist like me as a partner? Why? Would a driller who thinks he has found a major oil field go right past Mobile, Exxon, Gulf and Union to little old me? Good questions, because, as they say in the oil business, the easy oil has been found, and some similar aphorism applies to every other kind of tax shelter. So tax shelters are for the marginal efforts. They do get you the write-off. The problem is that they don't necessarily get you your money back. For the promoter takes a hefty cut for having brought all the parties together. The lawyers and accountants add on their fees for making sure the deal is legal and accounted for. If a Wall Street broker is selling the deal, he will tack on a fat commission for selling it. (Wall Street firms like to sell tax shelters, because their profits on securities have been dampened by commission cuts and the commissions on tax shelters are much higher.)

Patents and Christmas trees and unharvested pecans are Good Things, nice capital-gain things, and I and about 200 million other people are not in the club. If you want some genuine funny bedtime reading, try The U.S. Master Tax Guide. Having decided what was a Good Thing, Congress then had to decide what was Fair, relative to those Good Things. When does an unharvested pecan tree (capital gain) become harvested and not a capital gain, and what if different people own the pecans and the tree? It becomes like those old algebra problems. John is on a train that left Washington at 4:02 and has eaten six oranges and Mary is on another train that is going 42 miles an hour and she has five apples. What time is it?

A LITTLE DAYLIGHT

The Tax Reform Act of 1969 is said to have closed some of the old loopholes. I think it did. The Tax Reform Act of 1969 was also called—jocularly, mind you—the Lawyers' and Accountants' Relief Bill. Meaning that as long as the tax laws are as complicated as they are, the unemployment figures should include zero lawyers and accountants. I have been in some of the great law firms, with portraits of various dudes in muttonchop whiskers staring down at the pile carpets. Inside the legal factory, people are just as cynical about the tax laws as outside, except that they are professionals, and what the hell, professionals have a job to do. "That's Walt," they say, pointing to a character studying the tax code the way good souls used to study the Bible. Walt is looking for nuances, interpretations, in the code, and is spoken of like a prized running back: "Give him a little daylight and he can go all the way."

During the election past, some of the candidates sensed that tax reform, or tax *something*, might be an issue. So Senator McGovern got a hand when he told a blue-collar crowd that their baloney sandwich wasn't deductible, but a three-Martini lunch was. I could see the change coming up in the tax code:

Reg. 1.166–34–6b (a) *Martini, lunch*. Cost of the Martini deductible to the taxpayer, shall be the cost less any olive entitled previously to an agricultural exemption, or the greater of one-half the combined price of the gin and the vermouth . . . (b) *Sandwich, baloney*. The cost of toasting is disallowed since toasting does not add an approved commodity to the total . . .

Now I am not about to get in a wrangle on what is a loophole and what isn't. We need oil—energy crisis and all that—and apartments—housing .crisis and all that—and pecans–pecan crisis?–and all the other Good Things with lobbies and public-relations men. We really do. We might even need some things not classified as Good. But the way to go is not to get them a lobby and get them into the Good group.

WANTED: A NEW TAX LAW

Because what we need, quite desperately at this point, is a tax law that people believe is fair. The tax law is too complex to inspire the belief that it is fair. A simpler tax law might have some temporary inequities, but the erosion of confidence in the laws is far more dangerous. People do not understand the laws; what they do know is that nobody pays the top rates, and that people who can afford Walt—and the other run-to-daylight lawyers—can find ways to pay very little.

The Administration and the Congress think the tax laws are basically fair, so that the Tax Reform Act of 1973 will have few substantial changes. The laws are abstract and complex; the dissatisfaction with them is really *felt* rather than *known*. Nobody is out hauling the livingroom furniture into the street for a barricade, and nobody is boarding ships to throw the tea into the harbor, and there isn't another election for a while. If things are going to stay as they are, I am going to cultivate a lawyer like Walt, who can find daylight in the code, who has moves you wouldn't believe, and who can go all the way if he gets the tiniest break.

[From the Washington Post, Jan. 14, 1973]

COWBOY ARITHMETIC

(By James Rowen)

They don't raise beef cattle the way they used to. No, sir, Now, from the Kansas plains to the Southern California desert, they've got big, automated feed yards, almost all of them built since 1960. You rarely set eyes nowadays on cattle grazing peacefully on the range for a couple of years, waiting for a trail boss and some cowpokes to drive them to Missouri. Mostly you see these automated lots where they make the cattle overeat all the time with antibiotics, hormones and piles of feed. Sometimes they even play music for the cattle to keep them happy. All this cuts down a steer's fattening time for the normal three to four years to just 12 to 18 months.

That's not the strangest thing, though. The strangest thing is these people who call themselves "farmers"—at least on their income tax returns—and who put up money for the big feed lots. To keep the yards jammed, which often means 25,000 to 50,000 head at a time, beef-producing outfits set up investment companies to take care of the raising, feeding and slaughtering of herds for the "farmers" you never see farming. These people may be shoe manufacturers or doctors or New York lawyers who have never been further West than Westchester. But at tax time, they're farmers.

Some call this whole process "cowboy arithmetic." What happens is that a cattle investment outfit sells "subscriptions," or shares, in cattle-feeding partnerships. The investment outfit acts as general and managing partner, while the investor, for as small a grubstake as $3,000 or $5,000, becomes a limited partner. That's how each investor becomes a "farmer," allowed to list his investment—which usually is used to buy cattle feed—as a "farm expense," and to deduct his "farm expense" from his non-farm income, which he may get as a dentist or an actor or whatever else he really is. That way he pays less federal income taxes than he otherwise would, which is the purpose of "cowboy arithmetic."

NO DRY HOLES

But that's not all there is to it. "Cowboy arithmetic" also lets these "farmers" write off for tax purposes more money than they put in. And they also can postpone getting any cash from their investments for three to six years, so they can take their profits in a year when it most helps them hold down their tax bills. If this income delay sounds like one of the advertised tax breaks of putting money in oil, that's because the benefit is in fact similar—only, as one cattle management outfit says, "Unlike oil, you never get a dry hole."

It's not everyone who can be a farmer who doesn't farm so he can feed cattle he never sees in order to write off more money than he invests and to collect profits he doesn't want for up to six years. You have to be rich to play "cowboy arithmetic." Specifically, because of some state laws covering partnerships, investment outfits managing cattle restrict the players to those either in the 50 per cent tax bracket or swearing to a net worth of $100,000 to $200,000. Only six-tenths of 1 per cent of American taxpayers are in the 50 per cent bracket, according to the Internal Revenue Service's 1969 tax survey.

"Cowboy arithmetic," of course, also helps the beef-producing companies that own cattle investment outfits, or else they wouldn't be organizing the game. Promises of an oversized writeoff and up to six years' income deferral attract a good number of takers for partnership shares bringing in cash that saves the parent company a trip to the bank. Bank loans are costly; partnerships are not only interest-free but they produce income. And the investment outfits take their profits off the top, which means they make money even if, for some unlikely reason, a partnership fails.

ADVENTURES IN FAT CITY

That's why outfits like Fat City Corporation in Monterey, Calif., are getting in on the action. Fat City and its affiliates—Bareback Cattle Co., Lucky Stiff Livestock Insurance Associates, Maverick Land & Cattle Co. and others—buy and sell cattle and grain, insure livestock, sell manure, truck cattle and market carloads (40,000 pounds) of live cattle on the Chicago Mercantile Exchange.

Privately owned, big Fat City is run by Jim Marks, former manager of a meat packing company, who holds nearly 60 per cent of Fat City stock. Two of his sidekicks—Robert Swanston, scion of a pioneer cattle-raising family, and Eldon R. Hugie, an attorney and accountant—own almost all the rest, giving the three together 98 per cent of the stock.

After operating relatively small feed lots in Muleshoe, Tex., and Chowchilla, Calif., Fat City opened a massive yard. California's largest, in the Salinas Valley. Each Fat City lot, where 70,000 steers stand in narrow, 8-foot-deep concrete pens, get their feed in a trough filled by truck and, according to Fat City's receptionist, are soothed by music piped across the acres of feeding pens. "Their favorite," she says, "is Frank Sinatra," and "they like the kind of music kids listen to on the radio."

It was in 1971 that Fat City decided to get into the "cowboy arithmetic" game. It created a subsidiary, the Steer-West Cattle Feeding Programs, to take care of cattle for absentee, "farmers," making clear that this partnership plan would dominate the entire Fat City spread. "Most of Fat City's time and efforts will be expended on matters relating to partnership business," said the prospectus, and 80 per cent of its feed yard space will be used for partnership cattle. If fully subscribed, Steer-West will corral $19 million and take care of 315,000 head of cattle. To date, $5.8 million has been raised.

A 140 PERCENT WRITE-OFF

Of this money, a good chunk is cut off the top by Fat City and its affiliates. Each steer bought for the partnership, for example, brings a $3.50 "fixed fee"; for 315,000 head, this fee alone would come to more than $1 million. In addition, there is a buying commission that amounts to $20 for each 500-pound calf. Feed eaten by the partnership cattle is marked up a minimum of 25 per cent over Fat City's cost. And on top of numerous other daily yardage fees, financing fees, insurance premiums and trucking charges, 10 per cent of the profits—if the partnership brings in a return of more than 7 per cent—goes to the general partners, who are Steer-West and Fat City director Robert Swanston.

Meanwhile, the investor-"farmers," who must plow in at least $10,000 to become limited partners, are rewarded with "at least" a 140 per cent tax write-off for the year they put in their cash. They can do this because the partnership goes into debt by borrowing more money to buy more cattle. The limited partners are allowed to report as their tax write-off a share of the borrowed money, which is certainly "Fat City" to a high-bracket "farmer" looking for an inflated tax loss.

F. Michael Stone, a Fat City director and vice president of Steer-West, defends the write-offs for catle feeding, preferring to call them "tax-incentive investments." "Someone will have to subsidize" public needs, according to Stone, and having the government directly pay the costs of programs like oil and gas exploration, housing development and cattle feeding would bring on the "superimposition of a bureaucracy."

His position is to let the government subsidize the rich cattle investor: "Who's best able to take that risk—individuals or the guy with the big dough? Let the guy who can afford to be burned—but you gotta give him an incentive."

Stone believes that the write-off provisions of cattle feeding "make good sense in entrepreneurial and capitalistic America," but he concedes that "we suffer from a bad press. . . . I think in the infinite scheme of things, a rational person will see he's really getting a break, because someone else is taking the risk."

THE DISAPPEARING LOTS

Small feed lot operators, though, don't think they're getting any break. While the tax law lets big operators gain from loophole cattle feeding, small lots happen to be going out of business. Specifically, more than 15,000 feed lots with a capacity of 1,000 head or less—often small farmers trying to supplement their income—disappeared from the Agriculture Department's rural surveys in 1971. At the same time, big feed yards with a capacity of more than 16,000 head increased by 11. A number of farm groups, including the National Farmers Organization, have protested the big boys' tax-based advantage, but to little avail.

Nor do all parts of government think taxpayers are getting such a break. A July, 1972, Agriculture Department study estimated that if all 14 publicly offered cattle-feeding partnership plans were completely subscribed in 1970, $150 million would have been raised by the cattle-managing outfits. That would mean write-offs of at least $150 million for the well-heeled. The total write-off would have to be higher, though, since many partnerships are offered privately, with public disclosure not required.

Last April, moreover, the Agriculture Department issued an analysis of beef-breeding herd investments, an area of tax-loss activity related to cattle feeding, and concluded: "The loss to the federal government, in terms of revenues not received, will continue to far outweigh the monetary benefits to non-farmer investors. This implies, all else equal, substantial loss to society."

And it is questionable, to say the least, whether consumers think they are getting any break. Not only are housewives paying some big fat prices for beef nowadays, but they are subsidizing the big cattle yard operators with tax dollars to boot.

The only ones who are without a doubt getting a break are the non-farming "farmers" investing in big feed lots and the lot operators who are in on the action.

WESTERN BEEF'S WAY

The first outfit to offer a cattle management partnership plan was Western Beef, Inc., based in Amarillo, Tex. Though only four years old, Western Beef is the nation's second largest publicly held cattle feeding corporation, having fed more than 17,000 head in 1971 alone. Its empire includes:

The Clifton Cattle Co., one of the five largest U.S. cattle purchasing outfits.

Nine feed lots in Texas, New Mexico and California.

Five grain storage elevators.

Two meat packing plants in the Texas panhandle.

CNT Financial Corp., 66 per cent owned by Western Beef, Inc., and its directors.

In 1968 Western beef also set up the Western Beef Cattle Fund, Inc., as a subsidiary to take care of partnership cattle. The fund is currently offering a $6 million partnership program in six $1 million phases. Each subscription costs a minimum of $3,000, with additional shares available at $1,000 each.

Western Beef certainly makes good use of the partnership to make sure that its lots are stocked with cattle and that it and its affiliates stay financially healthy.

As the partnership manager, Western Beef Cattle Fund takes an "initial 2 per cent management fee" and a 3 per cent charge from each subscription to cover the cost of the offering. In addition, the Fund takes a $1 commission from the partnership's money for each head of fattened cattle it sells to a packer (often Western's own subsidiary), and 10 per cent of whatever cumulative profits the partnership generates.

The Fund borrows from CNT, controlled by Western and its directors, with profits made on the interest charges. Then there are cattle to be bought: The parent's Clifton Cattle Co. is available for business. In fact, the Fund's most recently organized partnership bought 5,000 head from Clifton.

Partnership cattle also must be well fed: Western Beef has its nine feed lots and five grain storage elevators waiting to supply the grain to feed to the cattle. Fattened cattle must be slaughtered: Western has its two packing plants.

The investing "farmers" in this case are promised a 150 per cent first-year tax write-off because of the additional sum they can claim as their share of the Fund's debt to Western-controlled CNT Financial.

PRESCRIPTION FOR PROFIT

Just how remote from farming can the new "farmers" get? Consider the Beef Builders Feeding Programs, a new cattle partnership operation set up primarily for the American doctor. It is a joint outfit run by two separate companies, Dallas Factors, Inc., of Dallas, Texas, and Physicians Equity Services, Inc., of New York City. When you untangle a network of subsidiaries and partnerships and company owners, you find Dallas Factors owned by O. Jan Tyler, a Texas lawyer, accountant, ranch owner, cattle manager, and, until 1967, a Justice Department trial attorney in the tax division.

"I was raised on a ranch and showed livestock when I was growing up," Tyler says. "Cattle is in my blood. Its like they say—you can take a boy out of the country but you can't take the country out of the boy."

Tyler sees nothing wrong with moving from Justice Department tax prosecutions to managing tax-shelter investments. "I don't think it's a valid criticism. No one ever raised the possibility to me that it was a detriment. When I finished law school I went to the tax division of the Department of Justice. I stayed four years. That was my commitment to them. No one ever stays longer than that."

In fact, Tyler views his government service as a plus. "I think the experience working with the Justice Department was very beneficial to me and to the clientele I represent. It makes my job a hell of a lot easier."

Physicians Equity Services' major asset is access to a mailing list of nearly 80,000 doctors and other professionals supplied by several New York City financial consultants. These consultants own nearly all the stocks in the Physicians Equity Services, founded in December, 1970.

Joseph Boneparth, president of Physicians Equity, is reluctant to discuss his cattle feeding operations. He refuses to talk about his company's structure or to identify its stockholders.

CATTLE AND LISTS

With Tyler's Texas cattle know-how and the doctor's golden mailing list, the Beef Builders Cattle Feeding Programs were born in October, 1972. The investment managers are the Diamond C Land and Cattle Co., a subsidiary of Tyler's Dallas Factors, and PES Beef Builders, a subsidiary of Physicians Equity. The program is seeking an investment of $2 million, with each subscription costing $5,000.

Since neither managing partner owns a feed yard, the partnership cattle are placed in selected lots, and the partnerships are billed for the operating services. For their management services, the general partners take a 9 per cent chunk off the top of each $5,000 subscription, a "supervision fee" of $2.50 per head bought for the partnerships, a charge of 1 per cent of all loans obtained for the partnerships, and a payout of any profits in this order: From the first $10 per head sold for slaughter, the managing partners get 25 per cent; then 50 per cent of any additional profits.

The doctors get their tax breaks. The government loses revenue. The taxpaying consumer subsidizes beef production. The partnership managers—in this case outfits that don't even have feed lots—make their money. The small, family-farm lots keep going broke. "Cowboy arithmetic" has certainly changed the way they raise cattle these days. Yes, sir.

[From Washington Monthly]

THE SCREWING OF THE AVERAGE TAXPAYER

(By James Fallows)

Late this month, as Congress reconvenes, Representative Wilbur Mills will announce that tax reform season is with us again. A year or two later, after debates, studies, vetoes, and compromises, a Tax Reform Act of 1973 or 1974 will emerge, advertised no doubt as a significant step toward tax justice, a boon to the average man, and the only way to cover the rising federal deficit. More likely, it will be yet another tax system, painting over areas where the acid has seeped out without doing anything serious about what's wrong inside.

The last time we went through this cycle, in the months leading to the Tax Reform Act of 1969, there were the same big promises and the same small deliveries. If there was ever a time when the federal tax system was ripe for overhauling, 1969 was it. The fiscal dream-world of Lyndon Johnson's last few years—when he wishfully imagined he could buy both guns and butter without raising taxes to pay for either—had come apart, spawning the inflation we now know as a permanent part of life. When the tax rise finally came, as a 10-percent surcharge slapped on in 1968, it was both clumsy—because it tried to squeeze more money from a tax system whose basic flaws had been known for years—and too late. This could have been the occasion for a new Republican President to take a swipe at Johnson by closing up the old loopholes or for Congress to insist that the surcharge be replaced with some real reform.

Instead, what touched off the "taxpayer revolt" and led to its product, the 1969 Act, was not so much a concern for the ills of the system as two immediate irritants. One was the result, simply, of the government's shortsightedness. When the surcharge was imposed, the income tax withholding rates stayed at their old, lower level. That meant that at the end of the year, families accustomed to a comfortable rebate from the Treasury found themselves owing hundreds of dollars in extra taxes.

At just this unsettling time, Treasury Undersecretary Joseph Barr added a second bit of fuel. When testifying before the Joint Economic Committee in early 1969, he noted offhandedly that 155 people making more than $200,000 had not paid any income tax in 1967—21 of them with incomes of over $1 million. Barr wound up with warnings of a "taxpayer revolt if we do not soon make major reforms in our income taxes," and to be sure, there was a lot of talk about both revolution and reform in the following months. But, if revolutions are limited by the vision of their supporters, this taxpayer revolt was quickly stymied by the skin-deep perspective of most of its advocates. It was as if the French mobs had called off the guillotines and uprisings once they got a few crusts of the bread they had originally asked for.

The crust tossed out by Congress was a tax reform bill that removed the gaudier, more flagrant abuses—examples muckrakers could use in their stories, the no-tax illustrations that could drive a man mad when he looked at his own depleted paycheck—without tampering with the basic mechanism. To take care of the high-income tax dodgers, Congress invented a "minimum tax" of 10 per cent to be imposed on those who would otherwise owe nothing. Even more than other bits of congressional fence-mending, this contrivance set economists wondering whether congressmen ever thought about what they were voting for.

The minimum tax is a perfect example of cosmetic legislation, which admits by its existence that tax preferences sheltering the rich are not fair, but still refuses to change the preferences. The closest the Act came to tampering with the preferences was a dainty adjustment in the oil depletion allowance (lowered from 27.5 per cent to 22 per cent) and an equally mild rise in the tax rates on capital gains (increasing the maximum rate for gains over $50,000 from 25 per cent to 35 per cent).

BUYING OFF THE REVOLUTION

Then it was over, the energy of the taxpayer revolt spent almost before the bill passed both houses of Congress. To what end? Thomas Field, a former Treasury lawyer who recently resigned to set up Taxation With Representation, a public-interest lobbying firm, wrote shortly after the bill's passage that it "may actually have entrenched existing tax abuses more firmly, by reducing the outrageous excesses that scandalized the public, while failing to eliminate the basic abuses themselves."

In the years since, the old familiar loopholes have been joined, and perhaps overwhelmed, by a host of new ones, most of them the result of President Nixon's New Economic Policy. These corporate tax breaks, like the Asset Depreciation Range (ADR) system and the Domestic International Sales Corporations (DISC), will take billions from the Treasury—an estimated $80 billion in the next decade. In an administration that uses an axe on the federal budget, lopping off whatever it can, these giveaways show how far a faith in the trickle-down theory of business and government can take politicians.

Unfortunately, the latest taxpayer revolt has not come much nearer to the fundamental problems than the earlier one did, having been diverted instead to a few of the gaudier excesses. To many tax reformers, the "real" issues seem to be either unconnected questions, like property tax relief, or isolated cases of men or companies who have beaten the system. Unless this general tone changes dramatically, it is a safe bet that much of this year's tax debate will glide over the frozen surface of the tax system without looking at what lies beneath.

The tragedy is that now, even more than in 1969, the whole tax system needs the kind of change a taxpayer *revolt* implies. The federal tax code is not a leaking vessel in need of a few patches; it is a ship steaming in the wrong direction that must be turned around or sunk. Completely apart from issues of wealth and equality—that the distribution of income has not changed in 15 years; the richest fifth of the population earns eight times more than the poorest fifth; two per cent of the people controls 43 per cent of the wealth—the problem is one of waste. The tax system has turned into the biggest and most profligate program of government subsidies, piping $55 billion out of the Treasury each year, most of it to the rich.

DON'T FENCE ME IN

When the income tax was first introduced some 60 years ago, the idea was simply to tax *all* income—without fancy distinctions between factory wages, profits from the stock exchange, real estate windfalls, or earnings from the farm. The tax rates have gone up and down over the years, but they still reflect the idea that those who can afford to pay more, should. In recent years, another reason for progressive tax rates has emerged: if the rich get the largest share of government subsidies and bask in the sun of government spending, then it's only fair that they pay for what they get.

After the earlier, common-sense definitions of taxable income, the lawyers and accountants ganged up to make the system complicated. Part of the tax system's story has been that of a closing frontier: larger and larger chunks of the income range have been tucked behind tax-free fences, safe from the government rustlers. Meanwhile, the remaining parcels are trampled on all the more heavily.

Behind this erosion of the tax base lies an essential difference in political faith. While liberals have acted as if government programs could solve any problem (taking more money in through taxes, then spending it), conservatives have placed equally boundless faith in tax incentives (not taking the money in the first place, then not spending it). However satisfying it may be to think of trimming back some government programs, tax incentives don't look like the solution to the problems. On the surface, tax incentives follow the logic handed down from Coolidge to Ayn Rand and on to Nixon that a dollar not run through the government mill is a dollar ennobled. In practice, they amount to income redistribution toward the rich.

The point easily overlooked is that tax breaks are really no different from government spending. From the Treasury's point of view, a preference that cuts tax receipts by $1 million is just the same as a new $1-million spending program. The money that doesn't come in from one group of taxpayers must be wrung out of the rest, or else taken from other government programs. This "tax expenditure" approach to the revenue system means, most importantly, that tax expenditures should be judged by the same standards of economy and efficiency that budget-cutters apply to other federal expenditures.

THE NEW BUDGET

Until fairly late in the Johnson Administration, no one bothered to take the dimensions of the tax-expenditure programs. Then Stanley Surrey—the Treasury's assistant secretary for tax policy, who now teaches law at Harvard—drew up the first "Tax Expenditure Budget." His figures have attracted surprisingly little attention in the press, although they are as revealing as the regular federal budget, and far more outrageous.

The 1971 version of the tax budget shows a total of $51.5 billion in tax expenditures—more than the budget for any government agency except Defense or Health, Education and Welfare, dozens of times greater than anti-pollution programs, enough to give McGovern's much-loathed $1,000 grant to a quarter of the people in the country. The biggest single item in the budget is the revenue lost through special capital gains tax rates. This is estimated at between $6 and $9 billion, all nominally going as an incentive to investors. Another $2.6 billion is lost from the tax-free interest on state and local bonds, $2.7 billion from property taxes paid to local governments, and $2.4 billion from the clause that lets homeowners deduct the interest on their mortgages. The oil-depletion allowance gives the corporations a $1-billion break, and the investment tax credit provides about $1.5 billion.

To those receiving them, the tax payments have special appeal. Other government subsidies have finite time limits. When they run out they must be dragged through Congress again, past the perils of committee chairmen, eagle-eyed Office of Management and Budget auditors, and finally a tight-fitted Executive branch, quick with the veto. But a tax break, once enacted, quietly does its work forever, becoming more valuable as tax rates rise. Until a few years ago, when Surrey's expenditure budget was first prepared, no one need have known about the tax breaks at all. No committees could hold hearings to find out whether the program was worthwhile; no General Accounting Office could appear to check where the money was going.

Now that these programs are out in the open, they make for amusing comparisons with the normal federal budget. Government spending for low-income rent subsidies, for example, has shrunk in recent years from the $100 million Johnson requested in 1968, to the $50 million Nixon asked in 1969, to the $23 million Congress finally approved. Meanwhile, about 30 times as much federal money, $750 million, has been flowing out each year as rent subsidies for the rich, in the form of real estate tax breaks. This accommodating system not only guarantees the country an adequate supply of resort motels and luxury apartments, but also allows the rich taxpayer (through a device too complicated to explain) to save several times as much in taxes than he invests in real estate.

SLICK OPERATORS

It is not always clear that tax subsidies are the best or most effective way to use government money. The various tax breaks given the oil industry, for example, were intended to compensate the rugged drillers for their unusually risky trade, and to make sure that America always had enough oil in the ground to face with confidence a future of energy crises and angry Middle East governments. But, as shown by the report prepared for the government in 1969 by the CONSAD consulting firm, the taxbreak approach to the energy crisis was less than effective. Forty per cent of the tax breaks went either to foreign operators or to "nonoperators"—people who happened to own oil-bearing land but who hadn't done much to advance oil exploration. In all, the report concluded, the oil industry's tax breaks cost $1.4 billion but generated only $150 million in extra oil reserves.* A simpler, cheaper solution might be to end the depletion allowance and pay a $150-million subsidy for the reserves. This does not seem to be part of the Administration's plans for cutting bureaucratic fat. As Nixon indicated last summer to oilmen gathered at a barbecue in Texas: "I strongly favor not only the present depreciation rate, but going even further than that, so we can get our plants and equipment to be more effective. . . . Let us look at the fact that all the evidence shows we are going to have a major energy crisis. To avoid that, we have to provide incentives rather than disincentives for people to go out and explore for oil. That is why you have depletion, and the people have got to understand it."

Nixon's host at the barbecue, John Connally, has waxed equally rhapsodic about the value of the capital gains tax preference, claiming that to end it would not only plunge the Dow Jones average below 500, but also permanently maim U.S. industry as it prepares for the economic battle with the Germans and Japanese. Both dangers were avoided when, earlier in the century, capital gains rates were the same as ordinary rates. Even if the profit on IBM stock were cut by higher capital gains taxes, few potential investors would be likely to sulk and put their money in a sock, especially if other tax shelters were also dismantled. And, assuming the worst—that brokers all over the country go out of business and no one plays the market—the effect on industry would be less than crippling. As Philip Stern points out in his new book. *The Rape of the Taxpayer* (an excerpt of which follows this article), only five per cent of industrial capital comes from the stock market; the rest comes from industry's retained earnings. Those who would bleed on the altar of capital gains taxation are not the financiers of a stronger industrial America, but the speculators who buy and sell stock issued years ago. Perhaps worst of all, the present capital gains system gives an incentive to early death for those who can cling to their stock all the way to the grave, all the capital gains that took place during their recently-ended lifetime are declared tax-free. Whoever inherits the material only pays tax on gains from than on.

GUARANTEED INCOME

The moral of the capital gains story turns up again in the corporate taxes, only with bigger numbers. During the sixties, tax breaks like the Investment Tax Credit (ITC) helped drop the share of corporate taxes from 35 per cent of total federal taxes in 1960, to 27 per cent in 1969. Since then, corporate taxes have fallen by another 10 per cent, mainly because of the bag of treats Nixon passed out as part of his 1971 economic policies.

The longest-running of the major preferences, the ITC shows that the welfare ethic can destroy initiative and fiber among the rich as well as the poor. Since 1962, the ITC has proven its benefit to companies, giving General Motors an average of $40 million each year and the rest of American industry another $2.1 billion. Its success in encouraging them to create new jobs and boost the economy is harder to detect. As originally written by the Kennedy Administration, the ITC would give benefits depending on performance: the companies that tried hardest to invest *more* than before, to hire more men, would get the biggest breaks. But an obliging Congress changed that clause, so that any investment qualifies for the ITC—even if the company invests less than the year before, or uses its investment to automate a few more men out of work.

The ITC also has a knack of delivering its benefits where they're not needed and tugging them away from those who need them most. Few companies needed new investment as much as the Penn Central did, with its yards full of cruddy old machinery and its miles of rusty track. But because the Penn Central was losing money and paying no taxes, the ITC gave it no help at all.

The corporate tax measures Nixon announced in 1971—aimed at a booming economy, a foreign trade surplus, and a fully employed electorate—show the same combination of high cost and uncertain results. One of the proposals would have cost $6 billion in lost taxes, in exchange for the possible creation of 500,000 to one million new jobs. This works out to $6-12,00 per job, with no guarantee that the companies will use the money to hire more men.

Another innovation, the Domestic International Sales Corporations (DISC), was supposed to encourage exports. But, like the unfortunate ITC, the DISC gives benefits without demanding performance—companies get tax breaks even if their exports are falling.** The star of Nixon's group, the Asset Depreciation Range system, which will cost an estimated $30 billion in the next decade, was aimed at expanding industrial capacity at a time when 25 per cent of the factories were idle.

FRIENDLY PERSUASION

The choice of these uses for public money—rather than public-works projects, or educational investment—may be explained by the groups buzzing around Nixon's ear at the time. As reported by Stern, the Presidential Task Force on Business Taxation, which was appointed in 1969 and eventually thought up the ADR, was made up of:

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* Similar studies show that the exemption for state and local bonds, designed to help the poor municipalities finance their projects, costs the federal government about twice as much as it saves the cities and states. The difference ends up with those who buy the bonds, 80 per cent of them in the $50,000-plus income bracket.

**The enterprising Continental Grain Company has even tried to get DISC tax breaks for its government-subsidized grain sales to Russia. So far it has failed, thanks mainly to publicity generated by a group called Tax Analysts and Advocates.

Four lawyers from corporate law firms (including former partners of both Nixon and Connally);

Two New York investment bankers;

Three representatives of corporate accounting firms;

Two top officials of large industrial corporations;

Three business-oriented economists.

As with other tax preferences, most of the corporate honey gets scooped out by those with the biggest paws. Eighty per cent of the ADR's billions will go to the top .002 per cent of the nation's corporations. Even before the 1971 tax breaks, the 100 biggest corporations paid only 27 per cent of their profits in taxes (compared with a nominal rate of 48 per cent), while smaller corporations paid 44 per cent. Several enormous companies have been able to pay respectable dividends to their shareholders without paying anything to the government.

Alcoa Aluminum, Allied Chemical, Standard Oil of Ohio, and a quartet of steelmakers—Bethlehem, National, Republic, and United States Steel—all paid dividends of between $33 and $78 million in 1970 or 1971, without paying any federal income taxes.

PERVERSION IN THE IRS

One reason for the grotesquely high cost of the tax-incentive program is the perverse logic of tax preferences. Reversing normal bidding procedure, the goverment buys services from whoever offers them and lets him set his own price. The tax deductions naturally cost the government more when a rich person rather than poor person uses them; a $100 tax write-off, whether for oil-well drilling or buying state bonds, costs $70 in lost taxes if the taxpayer is rich, but only $14 or $20 for people in the lower tax brackets. There is an economist's logic buried here, in the idea that rich people need a greater incentive to perform a task, but it makes sense for the government only if the rich person's oil well is five times as good as the poor person's.

The catch, of course, is that poor people don't have oil wells. Neither do they have capital gains or much property tax to write off. So, because most of the tax preferences are open only to the rich, and because each perference is worth more when you're in the 70-percent tax bracket, a healthy portion of the tax-expenditure budget goes to supporting our upper class.

A MODERN P. T. BARNUM

It may not always appear that way, especially if you look at the Administration's figures. Treasury Under-secretary Edward Cohen went to Congress last year to show who was getting the tax-expenditure money. There were the charts, broken down by income group. Sure enough, and Mrs. Middle America came out in front. Property tax exemptions, for example, spared families in the $10–15,000 income bracket $642 million in taxes, while giving only $240 million to those in the $50–100,000 bracket and $137 million to the $100,000-plus bracket. Even preferences aimed at the rich, like capital gains, seemed to avoid any gross imbalance.

The trick is that there are more people making $10,000 than $100,000, so the money goes further at the upper levels. Tom Stanton, a lawyer with Ralph Nader's Tax Reform Research Group, pointed out this ruse to the Senate Finance Committee last October. When the preferences are broken down on a money-per-taxpayer basis, they look a little different, more like feudal dues than anything else. The benefit from capital gains taxes, for example, are roughly these:

If your adjusted gross income is less than $3,000, you save an average of $1.66 in taxes each year.

If your income is between $5,000 and $7,000 (more than half the taxpayers make this much or less), you save an average of $7.44.

If your income is between $10,000 and $15,000, you save an average of $16.31.

If your income is between $50,000 and $100,000, you save an average of $2,616.10.

If you make more than $100,000, you save an average of $38,126.29.

The oil depletion allowance gives an average of 85 cents to the median taxpayer; an average of $847.24 to those in the $100,000-plus bracket. Deductions for charitable contributions are worth an average of 28 cents at the lowest brackets and $11,373.56 at the highest. In all, the system gives an average of $54.06 worth of tax relief to each taxpayer in the lowest bracket, $245.79 to those at the median level, and $76,042.86 to those making more than $100,000.

These preferences, loopholes, and rebates make the official tax rates less than reliable guides as to who actually bears the tax burden. According to a report by Joseph Pechman and Benjamin Okner of the Brookings Institution, taxes actually take only 32 percent of income at the upper levels, rather than the 79 per cent of narrowly-restricted income the charts show. If the tax base were widened—to include capital gains, bond income, and all other categories of tax-free income—it would be 35 per cent larger than it is now. This would mean either that current tax rates would produce $77 billion more in revenue—several times more than will be needed to cover the expected budget deficit next year—or that the entire rate schedule would be reduced. Pechman and Okner offer several alternate schedules, most of which would cut taxes in the lower brackets while imposing rates no higher than 50 per cent at the top. The secret is getting a wide tax base, so that the government takes 50 per cent of something, rather than 70 per cent of very little.

FAITES VOS JEUX

But until the tax base is widened, we are left with a system more like a roulette game than a dependable tithe of income. Its effect on taxpayers is like that of a court which imposes harsh sentences but only convicts half the defendants. The taxpayer's only rational behavior is to try to beat the rap, to hide portions of his income in the preference safety zones rather than paying at the official rates. Anyone who pays all his taxes is a fool or a sucker. By turning taxes into a penalty and rewarding those who find the escape clauses, the tax system encourages a pernicious social irresponsibility. More worry goes into devising each family's own tax shelters than in working to make the whole system more fair. If much of the backlash against government spending and high taxes comes from those who see the tax withheld from their paycheck each month, it may be because they are the only people who know for sure they will have to pay their full share of the government's expenses.

AL CAPP AS PHILOSOPHER

As its contribution to cleaning up the tax system, the Administration is relying on a classic one-two approach: cover up the little problems and pretend the big ones aren't there. The cover-up operation centers on encouraging the public to look at the bright side of the tax system, emphasizing the positive and keeping the reformers' complaints in perspective. Since an overt rise in tax rates—as opposed to camouflaged rises, in the form of Value Added Tax or otherwise—might undermine the public's faith, Nixon has tried hard to sell the unbelievable idea that taxes will not go up. So far, his psychology has worked well. As *The New York Times* reported in late November, Nixon has decided that the heat is off on tax reform because "the public is simply not as stirred up now about the alleged unfairness of the tax laws as it was earlier this year."

To handle the public resentment that won't go away, Nixon has applied several of his other proven political tactics. One useful method is to deflect attention from a serious question to a minor side issue—as the whole public discussion of civil rights has been focused on busing. The sideshow this time is property tax relief—a serious enough business, but not enough to steal all the attention from income tax reform.

Another ploy has been to breed fear of change among those who should welcome change. This was the message in Edward Cohen's tax-preference charts. "Look at those figures," Mr. Average was supposed to say to his wife. "We can't afford to have that mortgage-deduction taken away." Thus everyone starts to consider the reformers a menace, and each group of taxpayers clings to its own loopholes and blocks those who try to blow the whistle.

This philosophy was expressed with rare precision by cartoonist Al Capp, writing in a recent issue of *Saturday Review—Society* as a "distinguished economic and social thinker." "What this country wants," Capp said, "is more tax loopholes, not less. Americans today don't want so much to soak the rich as to be rich." With every man looking out for his own special piece of the action, no one has a stake in cleaning out all the special deals. "Tax reform" becomes a code word for "cutting *my* taxes," and the "tax reform" bills are little more than a clumsy package of favors, designed to make *everyone think* he's coming out ahead.

But in this as in few other things, the President doesn't have the last or the most influential word. The important maneuvers will go on in Congress, most of them in the chambers of Wilbur Mills' House Ways and Means Committee.

PUNCHING HOLES

Last year's congressional skirmishes provide mixed omens for tax reform in 1972. This year was not the right time for a tax reform bill to get through, and so it may not mean anything that so many reform bills died at the end of the session. The fights that went on were on the other side of the field—trying to prevent new loopholes from being punched through the tax code. Hole-punching long ago became a ritual in Congress, institutionalized in something known as "Members' Day." At this roughly annual event, members of the Ways and Means Committee sit around a table and take turns suggesting special-interest tax bills. Usually these bills sail through the House without trouble, but last year, for the first time in memory, they were stopped. The battle was prolonged, beginning with the Members' Day session in October, 1971, and winding up a year later when, almost by a quirk, conservative Congressman John Rousselot objected to one of Mills' attempts to get the bills through the House.

If Rousselot had not been seized at that moment by whatever purely parliamentary objection he had to Mills' bill, those who had been trying to block the bill—Wright Patman and Les Aspin in the House, William Proxmire in the Senate, Tom Stanton of the Tax Reform Research Group, lobbyist Ray Denison of the AFL-CIO and Richard Worden of the United Auto Workers—would certainly have managed to kill it themselves. Time was on their side, and Mills' heart was not with the bill. Getting a genuine reform bill through Congress will be harder.

Just how much harder depends greatly on Mills. As chairman of the Ways and Means Committee, he will decide when to hold hearings, what measures to bring up when, and how firm a push he'll give the bill in the House. If there were some reliable guide to Mills' beliefs or ideas, it might be possible to predict what kind of bill will get passed. But reading Mills' mind is like reading a weathervane: his homing instinct is toward whatever everyone else is likely to vote for.

THE AMAZING RUBBER MAN

Mills gave an impressive display of flexibility early last year when he suddenly decided that tax reform was a hot issue. Two veteran tax reformers—Congressmen Henry Reuss and Charles Vanik—felt frustrated by Mill's refusal to push a reform bill through his committee, and so they proposed their own reform measure as an amendment to the debt-ceiling bill. Not about to be outsmarted—especially when still running his quaint race for the presidency—Mills managed to block Reuss and Vanik by introducing a "reform" bill of his own. Called the "Tax Policy Review" bill (or later, the Mills-Mansfield bill, since Mike Mansfield cosponsored it in the Senate), it would have phased out 54 of the major tax preferences over a three-year period, 18 at a time.

Phasing out the preferences wouldn't kill them for good, but at least it would make Congress review each preference before reenacting it. That much in Mills' bill was encouraging, but its main value to him was as a stalling device. Such extensive changes, Wilbur pleaded, would take months and months of hearings, even though he had held hearings on essentially the same questions before, and was presumably familiar with the topic. The maneuver served its purpose well: Mills seemed to be on the side of tax reform, but he didn't have to support any specific reform, and he was able to squash the Reuss-Vanik bill.

LOST CRUSADE

Reuss will be back this year, with a "quick-yield" bill designed to close a few loopholes and get a fast $9 billion in extra revenue. More thorough reform bills are also ready, including one from California's James Corman that would wipe out most of the major tax preferences and replace tax exemptions with "tax credits." But because of the oddities of committee procedures, none of these bills will be debated on the floor as such. Instead, the Ways and Means Committee will start from scratch, looking over each item on the tax-preference list and deciding what sort of reform package to offer.

The resistance that Mills puts up this year may be more serious than last year's procedural bluff. For him, the weathervane is swinging. Like Nixon, Mills has sensed a slackening in the taxpayer revolt. The public is losing interest and so is Wilbur Mills. In May, Mills sponsored a tax reform bill; in October, he said tax reform would be his committee's first order of business in 1973; but in November, he told *The New York Times* that tax laws weren't really so bad: "if the income tax law is not unfair, and I know it is not, to the extent that some people have indicated it is, I want the American people to know that."

The one certain benefit of the next few months is the series of studies now being finished by the Joint Committee on Internal Revenue Taxation. Working from the 54-item list in the Mills-Mansfield bill, the committee plans to make thorough legal and economic analyses of the preferences—what they're supposed to do, how well they do it, and how much they cost.

Expecting more than this may not be wise. The Opposition will soon be in town: Wall Street lobbyists moaning about capital gains taxes, oil men warning of energy crises. By comparison to these business lobbies, the few existing reform groups are inexperienced, underfinanced, and overwhelmed. Aside from the unions—who in 1969 were virtually the only reform lobby—there are now several public-interest groups, like Common Cause, Field's Taxation With Representation, and Stanton's Tax Reform Research Group. Still the unions are the only one of these representing a sizeable bloc of voters, and while the union platforms recommend admirably thorough reform, its members are the very people Nixon is trying to seduce with property-tax relief. Unless there are signs that this year's tax "revolt" can resist the small rewards that sated previous revolutionaries, tax reform is likely to go the way of welfare reform and other lost causes.

DEATH OF THE CHRISTMAS TREE

One of the heartwarming moments of the 1972 tax season was the defeat of the "Christmas Tree Bill" in Congress. The bill, which started life as a minor change in insurance agents' taxes, ended up bedecked with many special interest baubles. As Congress neared adjournment, the bill was stalled in the House, and action shifted to the Senate. What happened is reported by the public-interest group, Tax Analysts and Advocates:

On Friday, October 13, Senate Majority Leader Mike Mansfield speaking to a largely empty chamoer, warned that he might have to call up for debate "one or two bills" from the Senate Finance Committee, because a number of senators were interested in adding amendments to them.

That evening, Finance Committee Chairman Russell B. Long took the floor to "file a committee report." Instead, he inserted into the Congressional Record descriptions of 13 "legislative proposals." Some of these proposals were previously introduced bills; others were Treasury recommendations. In Senator Long's words, some had "been before the Committee for a long time," and some had "been discussed, but . . . not . . . proposed until recently."

Senator Long said that there wasn't time to hold hearings on the proposals but that an executive session of the Finance Committee had that week informally endorsed them. The proposals, he said, "involve a relatively small amount of money as revenue measures ordinarily go." Besides, he added, they were unimportant enough that the President could veto them if he wished. "For the most part, they are not matters of any great consequence. One or two of them might involve a substantial amount of revenue, but most of them are relatively minor amendments.'

This innocuous description intrigued several senators. Lawton Chiles attempted to get a promise from Long that no votes would be taken until a report from his committee was available. William Proxmire took the summaries back to his staff and examined them What Proxmire found irked him enough that the next day, Saturday, October 14, he announced he would "object and fight and oppose as long as I can, any amendments . . . that have not had hearings . . . and . . . a report, where . . . there is . . . a revenue loss." In the face of this stand Senator Long dropped amendments that would have been worth an estimated $225 million to five special interest groups.

In the course of the ensuing floor debate, 19 more special-interest provisions were added to H.R. 7577. Not as spectacular as the debated items, they would nevertheless have caused a revenue loss of several million dollars.

For the benefit of West Virginia constituents able to itemize deductions, Senator Robert Byrd added a sales-tax deduction provision shaving $1.5 million off their taxes.

Senators Robert Griffin and Philip Hart sponsored an amendment bailing out the Archdiocese of Detroit for about $50,000 in interest on withheld taxes.

Senator Vance Hartke, acting as floor manager, then offered a series of tax amendments, the first of which was designed to benefit conglomerates that buy out minority shareholders.

A second Hartke amendment involved $1 million in penalties currently owed to Treasury by a firm which failed to comply with the advance-notice requirements of Section 367 of the Internal Revenue Code.

Hartke then offered an amendment dealing with the airline-ticket tax, and added the provisions of H.R. 11158 which would permit C. Brewer and Sons of Hawaii to deduct Puerto Rican sugar plantation losses. He also added language allowing Americans who control incorporated foreign-investment portfolios to escape taxation at the corporate level, Hartke disclaimed knowledge of who the beneficiaries were.

Further amendments included a three-month extension of unemployment benefits, permission to add more carbonation to American wines, and establishment of a Federal Financing Bank.

Though it was now 9 p.m. and a Saturday night, the amendments kept coming. Senator J. Glenn Beall, Jr. moved to exempt small shareholders from a "collapsible corporation" tax restriction. Senator Jacob Javits expanded a housing tax subsidy, and Paul Fannin added a tax on bows and arrows.

Finally, at 12:02 a.m. on Sunday, October 15, the Senate adjourned.

On Monday, October 16, Senator Frank Church picked up where his colleagues had left off by proposing (successfully) that authors and artists be permitted to deduct half the value of their private papers when given to charitable institutions. Senators Clifford Case and Ted Stevens added their own little clauses. Senators Paul Fannin and Clifford Hansen offered two further amendments, but Proxmire blocked them. Finally, on Monday afternoon, Senate consideration of the "Insurance Agents Tax Withholding Bill" ended and the legislation was sent to the House.

The next day, October 17, House Ways and Means Committee Chairman Wilbur Mills moved for a conference with the Senate on H.R. 7577 which would, in effect, mean passage of the bill. House tax reformers, organized by Tom Stanton of Ralph Nader's Tax Reform Research Group, were on their feet to object. To their surprise, however, they heard the chair recognize southern Californian John Rousselot, who blocked Mills' motion because of a minor procedural irregularity. After a few minutes, Mills decided to abandon the bill. That ended the "Christmas Tree Bill" effort for 1972.

THE SECRET WAY THE RICH ESCAPE

(By Philip M. Stern)

Imagine and appraise for yourself the fairness of a courtroom trial that proceeds as follows:

The judge enters. Before him there is only one lawyer's table instead of the usual two. No press or members of the public are permitted.

A lawyer for just one of the opposing factions, whom we will call Lawyer A, rises and argues his case. Having heard but one side of the case, the judge declares the trial ended and retires to deliberate the matter. There is no Lawyer B to develop and argue the other side. That task falls to the judge, who is thus thrust into the awkward role of being both advocate and judge.

As the judge ponders the questions before him, Lawyer A makes repeated private visits to his chambers, pressing him with further arguments, rebutting any doubts he seems to have.

When he ultimately reaches and issues his decision, it, like the trial itself, is not open to the public, but is kept confidential, known only to the judge, Lawyer A, and the client.

If the decision is unfavorable to Lawyer A, he can appeal it to a higher court. But if it is favorable to A, no one else, no matter how aggrieved, may appeal. And so it stands, as final as a Supreme Court decision (until and unless the Congress of the United States sees fit to change it).

The above is perhaps an oversimplified, yet surprisingly precise parallel to the manner in which the Internal Revenue Service hears and decides the tens of thousands of tax law questions put to it each year. These questions come mostly from business concerns, often seeking an in-advance-of-the-fact ruling about how IRS would apply the tax law to an upcoming transaction. Many of the requests for rulings are routine. But, as you will see, others involve tens, if not hundreds, of millions of dollars.

In theory—that is, technically speaking—rulings are available to any taxpayer who knows about them and submits a request. However, most average taxpayers are not even aware they can ask for an in-advance-of-the-fact ruling. (How many readers of these words know about them?) By contrast, rulings are well known to—and hence are mainly used by—businesses, especially major companies advised by experienced and handsomely-paid tax attorneys. This contrast could well give rise to the following two situations: For John and Esther Hale, the letter from Internal Revenue seemed not far removed from disaster. It dealt with their tax return of two years earlier and, in particular, with the sale of their house (for considerably more than they had originally paid). John was aware of the disadvantages of having his profit on the deal taxed all in one lump in the year of the sale (which would push him into a much higher tax bracket) and thought he had carefully worked things out so that the transaction would be treated as an "installment sale"—that is, so that he could, in calculating the tax, spread the profit out over a five-year period. But apparently he had run afoul of some technicality in the law, and Internal Revenue was taxing the whole profit in the year of the sale. The upshot was that the Hales had to pay a "deficiency" of a little more than $4.000, and if they didn't pay it before the end of the year, the government would start charging six-percent interest.

HASTE MAKES WASTE

Surprised and puzzled, John telephoned Internal Revenue. The IRS agent, while firm that John would have to pay the deficiency, was sympathetic, since, he said, a minor change in the transaction could have saved the Hales the extra tax. "It's a shame," he said, "that you didn't come to us with your contract beforehand. We could have told you that it wouldn't qualify for the installment sale, and could probably have told you how to change it to make it fit the regulations."

That was all very nice, but it didn't suggest to John Hale how he was going to come up with $4,000 before the end of the year.

In 1966, the Continental Oil Company had a tax problem of considerably greater magnitude than that of John and Esther Hale. It was, to be precise, a $175-million tax problem. But because Continental was counseled by influential and experienced tax lawyers, the company knew it could go to IRS to seek advance approval of its plan.

Boiled down to its simplest terms, Continental Oil wanted to borrow $460 million to buy up one of its major energy-source competitors, Consolidation Coal, the largest coal company in the United States. For some years, oil companies wishing to borrow in order to buy additional oil properties had been using an ingenious three-party device known as an "ABC" transaction, which involves basically, using one company as a front for buying another. That intricate triangular transaction had an enormous advantage: it enabled the companies to pay back the borrowed money with *untaxed* dollars, rather than having to use after-tax dollars, as most taxpayers do when they repay loans. If Continental Oil could employ such an arrangement to buy Consolidation Coal, it would save about $175 million in taxes. But while the ABC device had been successfully used in buying *oil* properties, it was unclear that IRS would approve such an arrangement for the purchase of "hard" minerals like coal. Without IRS approval, Continental would have to make just about twice as many dollars of profits to repay the mammoth $460-million loan; thus, before any banks would put up the money, they insisted on knowing whether IRS would give its blessing to the ABC deal.

MAJESTY OF THE LAW

Accordingly, the highly prestigious New York law firm of Simpson, Thacher & Bartlett was engaged to present the facts of the ABC transaction to IRS with a request for a binding in-advance-of-the-fact ruling. In due course, on August 18, 1966, a piece of paper assuring Continental its $175-million tax saving went forward from IRS—a "letter ruling" approving the ABC transaction.

Thus was the way paved for the buy-up of the nation's largest coal company by what was then the nation's 10th largest oil company.

Thus was the precedent set, and the path made easier for other oil companies to buy up other coal companies—as in fact subsequently happened.

Thus was the $175-million tax saving assured the Continental Oil Company.

Thus was the shifting of a $175-million burden to the other United States taxpayers assured.

That letter ruling was but one of the roughly 30,000 issued every year. While most do not involve such prodigious sum (about 14,000 of them merely grant approval to changes in accounting methods), they often involve substantial amounts—occasionally far more than was at stake in Continental's case. For example:

On July 24, 1964, General Electric, Westinghouse, and the other major electric companies—whose 1960 conviction for price-fixing in criminal violation of the anti-trust laws subjected them to treble-damage claims by customers who had been overcharged—were granted IRS approval to treat their treble-damage payments as tax-deductible "ordinary and necessary" business expenses. That is, not only would the general public have to bear the burden of any overcharges on the monopolistically-priced electrical equipment, but under the ruling, the public was also required to bear about half the cost of the companies' damage payments to aggrieved parties. As of 1971, it was estimated that this one ruling had cost the American taxpayers $400 million, the electronic companies alone having about $250 million.

On January 10, 1972, an IRS ruling permitted the Anaconda and Kennecott Copper Companies, plus a few others, a tax break on the losses they sustained when the Chilean government expropriated their assets, saving the companies between $75 and $175 million. Some tax experts acknowledge that the law on the question was close, but feel that IRS did some stretching of past law and precedents in arriving at the ruling.

On December 29, 1966—just two days before a New Year's Eve deadline, an IRS ruling letter saved the United States Steel Corporation the discomfort of having some $60 million of "excess foreign tax credits" expire, unused. As if the $60-million tax saving weren't enough, U.S. Steel also asked for—and Internal Revenue generously granted—permission to similarly whipsaw the U.S. Treasury for further losses in future years.

But the importance of IRS rulings often goes beyond the dollar tax savings assured the various companies, for while the rulings supposedly revolve around highly technical interpretations of the tax law, they can also decide very large policy questions.

CODDLING CRIMINALS

For example, in ruling that treble-damage payments by anti-trust violators were "ordinary and necessary" business expenses, and therefore tax deductible, IRS in effect made it just half as expensive to be caught violating the anti-monopoly laws. To put it another way, the IRS ruling effectively amended the anti-trust laws and cut the damage payments in half. After computing tax savings, the companies paid not 300 percent damages, but only 150 percent. From the companies' point of view, the effect of the IRS decision was no different than if Congress had changed the basic anti-monopoly laws. But the IRS ruling came in 1964 without congressional assent.

IRS' facilitating Continental Oil's ABC buy-up of Consolidation Coal also involved important anti-trust policy considerations. As mentioned, Consolidation Coal was one of Continental's major competitors in the field of selling energy, and so the merger of the two reduced competition.

The ruling in the Continental case also paved the way for other businesses to take over coal companies, using the lucrative ABC device: Kennecott Copper later *ABC*'d the Peabody Coal Company, the nation's second largest; and Occidental Petroleum bought up Island Creek Coal Company via an ABC transaction. By 1972, five of the top 10 had been gobbled up by oil companies, leaving only two major independent coal companies in the U.S.

After seeing how great an impact the ABC and treble-damage rulings had, Congress concluded that Internal Revenue had been wrong and passed laws reversing the rulings. In 1969, Congress unmasked the legal intricacies of the ABC transactions and passed a law taxing ABC's for what they are: pure mortgage loans which must be repaid with *after*-tax dollars. In that same year, Congress decreed that where criminal anti-trust violations are involved, two thirds of the damage payments are no longer deductible. Unhappily, in both cases, Congress did not act until the major horses had already fled the barn. (The bulk of the electric company treble damages had already been deducted and the important "hard mineral" ABC takeovers had already been consummated.

PRIVATE JUSTICE

The various ruling letters mentioned above were just fine for the companies that requested and received them, for they assured tens and even hundreds of millions of dollars of tax savings for General Electric, Westinghouse, U.S. Steel, Anaconda Copper, and others.

But were they equally fine for the general public, for the rest of the U.S. taxpayers who must suffer the consequences of what amounts to changes in the anti-monopoly laws?

Alas—and this is the crucial defect in the process—there is no opportunity for advocates for those "rest of the U.S. taxpayers," to argue their side of the case, either before or after the rulings are issued. There is no provision for public hearings on these rulings—even when matters of such high policy are involved. On the contrary, and even more serious, is the one-sidedness of the process *after* the issuance of the ruling letter. If IRS' decision is unfavorable to the requesting company, it can proceed with its intended course of action, refuse to pay the tax, and contest the IRS position in a court of law. If the ruling goes the other way—that is, if it favors the requesting company, shifts a major tax burden onto the rest of the taxpayers—they have no corresponding right to challenge the ruling in court, no matter how unjustified IRS action might be found there. In that sense. Internal Revenue is, in effect, the Supreme Court. If IRS throws in the legal towel, the matter is settled until and unless Congress enacts a corrective law which is unlikely to happen with any promptness.

In normal legal *procedures*, lawyers who want to know what previous court decisions have held on any given question have comparatively little difficulty finding out; not only are court opinions made public, they are meticulously indexed. Thus, attorneys for both sides have equal access to past court interpretation and they are equally able to use old decisions to support their arguments.

But taxpayers and their attorneys cannot so easily discover the precedents for IRS ruling since the vast majority are known only to three parties: the IRS, the requesting company, and its attorney.

PUBLISH OR PERISH

Confidentiality is not supposed to be a problem, for in 1952, at the urging of a congressional investigating committee, IRS issued instructions that all rulings "of general interest" were to be made public, a commitment reaffirmed in 1960. Yet, out of roughly 30,000 rulings issued each year during the sixties, an average of only 480—about 1.5 per cent—were formally published by IRS. In 1972, three practicing attorneys in Chicago were able to list some 30 major rulings that had been of sufficient "general interest" to have rated mention in legal periodicals, yet had never been formally published by Internal Revenue. "This list amply demonstrates [IRS'] lack of adherence to the formal commitment to Congress to publish [precedent-setting] rulings," said the attorneys.

The enactment of the Freedom of Information Act in 1966 was supposed to have a salutary effect, for on its face that law requires agencies such as the IRS to make public all actions of "precedential" value. But IRS found an ingenious means of circumventing that requirement: it merely obliterated the word "Precedent" from all rulings thus categorized in its files and reclassified them as "Reference"—a term not mentioned in the Freedom of Information Act. In 1972, a legal action was filed to compel IRS to make public not only the unpublished rulings but IRS' confidential card index of rulings and related correspondence covering the notorious oil-depletion allowances. At this writing, that action is pending in the courts.

IRS' exclusive possession of that card index gives government attorneys a one-sided weapon that they can use effectively against private taxpayers whose lawyers are in the dark about unpublished rulings. For example, in a court suit entailing more than $3.4 million of taxes supposedly owed by Allstate Insurance Company, the opinion noted, that "the government placed in evidence a number of private-letter rulings of the Internal Revenue Service over a 12-year period" to bolster its position. But, apparently only the government's attorneys were privy to those private rulings; Allstate's lawyers "disputed the existence" of the unpublished rulings.

The exclusive distribution of the unpublished rulings can sometimes work against the government. On one occasion, when the Treasury Department issued a tentative regulation that offended the china clay industry, a private attorney who had long represented the industry fished out of his files a contrary, unpublished ruling IRS had given one clay company 15 years earlier—a letter of which not even Treasury was aware. The earlier version, favorable to the china clay companies, prevailed.

The above portrayal of the revenue ruling process is, admittedly, a partial one that highlights what seems to me its defects and may suggest that the process is wholly without merit or utility.

Of course, that is not the case. With a law as complex as the Internal Revenue Code there is ample room for doubt about its meaning, and there are bound to be cases where companies would be paralyzed without advance knowledge of how IRS will treat a given transaction. In a system that relies on citizen honesty (since it is the taxpayer, not the government, who makes the initial calculation of taxes owed), it is important that the system meet taxpayer needs where it legitimately can. Moreover, to the extent these in-advance rulings avoid time-consuming and expensive court contests, they can benefit the government as well as the taxpayer. (The government also contends that the rulings offer helpful information on troublesome questions of interpretations and enforcement.)

Yet, while useful, the procedures for issuing rulings do suffer major defects: the process takes place in excessive privacy, thus inviting unseen and potentially improper pressures. It provides for only one-sided advocacy (by the requester of the ruling), and, because there is no public notice that the deliberation is even taking place, it offers no opportunity for comment by disinterested parties. And it thrusts the IRS into the dual role of both advocate and judge.

CLEANING IT UP

But perhaps the most serious aspect is the one-sidedness of the process *after* the ruling is issued (with an adverse ruling being appealable to the courts by its requester while a favorable ruling cannot be appealed). If IRS declines the requested ruling, it risks a court challenge; if it grants the request, all will be tranquil. Under these conditions, the only party checking up on the IRS is the company requesting the ruling, since it alone is in a position to lodge an effective protest.

What should be done to improve the rulings procedures?

Students of the problem have widely varying views, but many believe that the following changes would make the process far more open and balanced:

First, require that all IRS rulings be made public.

Second, provide opportunity for public comment before major rulings formally take effect.

Third, broaden the right of citizens to challenge particular rulings in court.

As to making all rulings public, it has been objected that such a step would result in disclosure of legitimate business secrets and would render the rulings process useless in the very cases where an in-advance ruling is most needed, namely, those involving delicate and confidential business negotiations (e.g., mergers) where publication of the facts would (or might) blow up the entire negotiation.

The answers offered to those objections are many. First, as Columbia law professor George Cooper has observed, where large public policy questions and/or large dollar amounts are involved, these ruling decisions are "not a 'private' matter in any but the most technical sense." Second, those who request rulings are asking for what, in a court of law, would be a declaratory judgment, which legally would require public disclosure of all the facts involved. Third, in the case of mergers or acquisitions involving publicly-held companies, the details of the transactions are ultimately given to the shareholders (and hence made public) anyway. Moreover, all rulings dealing with charitable foundations are made public without apparent public harm. Why not apply the same rule across the board? Doing so would make IRS more careful in issuing rulings that will have to stand the light of day; promote more even treatment among various taxpayers; and put all taxpayers on an equal footing, both with each other and with government attorneys, in having full knowledge of the precedents on which they can rely.

As to the second proposal, many protest that requiring (or even expanding the opportunity for) public hearings would overtax IRS and Treasury personnel and would so bog down the ruling process as to render it useless. That need not be the case if all rulings were to be made public on a tentative basis, to take formal effect in, say, 30 or 60 days unless a hearing were requested by a given number of individual taxpayers, the number to be set high enough to discourage frivolous or harassing requests while still providing for public comment.

IF THE SUIT FITS

Finally, as to broadening the right of citizens to bring court challenges against particular IRS rulings, it will doubtless be objected that this would open the floodgates to frivolous, harassing suits. That is a specter traditionally raised by those who dislike public spats, and it usually is not as terrifying in actual practice as had been anticipated. For example, the Freedom of Information Act conferred broad rights upon citizens to bring legal actions in order to extract information from the government. Yet, in the first six years that law was in effect, not more than 100 court suits were brought. Moreover, the expenses involved in bringing and sustaining a court action usually dampen the ardor of those whose motives are purely frivolous.

Harassing legal actions are not inconceivable; yet common sense and experience say they are remote, rather than imminent, possibilities. And does that danger outweigh the disadvantages of the present one-sided nature of the post-ruling legal challenge?

The ruling process has its usefulness. Open it up and let in some fresh air (and even a little public argument and debate), and it can become a more balanced process, fairer not just to the one taxpayer requesting the ruling, but to all of those nameless (and, heretofore, voiceless) rest of the taxpayers as well.

Mr. HATHAWAY. Mr. President, first, I would like to commend my distinguished colleague from Maine on both the spirit and the substance of the legislation he is introducing. As has been the case so often in the past, the senior Senator from Maine is taking the lead on an issue of vital concern to the ordinary citizens in every section of our country.

Reforming the inequities in the present Federal tax system has been a matter of special interest to me ever since my first term in the House 8 years ago. This interest has been given greater impetus over the course of the past year as I had the opportunity to visit with citizens in every community, large and small, in my State. Invariably during these visits, the conversations turned to taxes; surprisingly, it was not the burden of taxes that caused the most concern, but their perceived inequity.

After all the discussion of tax reform in the last several Congresses and during last fall's political season, I do not need to belabor the damage to our social fabric done by this widespread sense of the unfairness of the present tax structure.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. Johnson). In accordance with a previous order, the Senator from Georgia (Mr. Talmadge) is recognized for not to exceed 15 minutes.

(The remarks of Senator Talmadge on the introduction of Senate Joint Resolution 27 are printed in the Record under Statements on Introduced Bills and Joint Resolutions.)

ORDER VACATING ORDER FOR RECOGNITION OF SENATOR NUNN, AND FOR RECOGNITION OF SENATOR HUMPHREY

Mr. ROBERT C. BYRD. Mr. President, the distinguished junior Senator from

Georgia (Mr. NUNN) has asked that his time be vacated. I ask unanimous consent that the time that was allotted to Mr. Nunn under the order, or such portion thereof as he may need, may be yielded to the distinguished Senator from Minnesota (Mr. HUMPHREY).

The PRESIDING OFFICER. Without objection, it is so ordered.

TERMINATION OF THE REA LOAN PROGRAM

Mr. HUMPHREY. Mr. President, I ask unanimous consent to have printed in the RECORD a resolution adopted by the board of the National Rural Electric Cooperative Association, meeting in session Monday, January 22, 1973.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Whereas, it is our view that the President has wholly exceeded his authority in terminating the statutory REA electric loan program, and

Whereas, the Rural Development Act of 1972 is completely unsuited in its language and purpose to achieving the objectives of the Rural Electrification Act of 1936, and was never intended by Congress to be used in lieu of the Rural Electrification Act.

Whereas, although there may be electric cooperatives who can accept loan capital at rates in excess of 2%, there are still many such systems which cannot afford higher interest rates; Now, therefore, be it

Resolved, That we wholeheartedly support legislation of the type offered by Senators Humphrey and Aiken to restore effectuation of the statutory REA program. Be it further

Resolved, That as soon as loan procedures under the Rural Electrification Act are reinstated, we will negotiate in good faith with all parties concerned toward amendment of the Rural Electrification Act to provide whatever changes may be required to improve its budgetary impact and/or interest rate structure with the understanding that low interest rate capital will continue to be available to those borrowers who need it.

Mr. HUMPHREY. Mr. President, this resolution relates to the action of the administration in terminating the statutory REA electric and telephone loan program. The members of the National REA Cooperative Association are meeting today in Washington. The meeting is one of the hopeful signs of our time. I had begun to worry that the Nation was going to take what is happening to us in one-man rule without even a protest. But just as the embattled farmers of Lexington and Concord rose up back in 1775 to fight for freedom and independence, some angry and embattled farmers are here in Washington now, saying to the President of the United States that he is not beyond the law, above it, or outside it, that he, too, must respect the law, that he, too, must have respect for representative government, and that he has an obligation to live within the law and to execute the law. One of them is the law passed by Congress, amended and repassed time and again, to establish the REA Administration for rural electrification and rural telephones. That law was designed to provide appropriations for the purpose of making electrical energy and rural telephone service available. That law has been abrogated and set aside by executive fiat.

The farmers are here in Washington today seeking no special privilege, merely to demand that the laws of the land be applied as passed by Congress.

I had the privilege of speaking to that group this morning—and a finer group of citizens I have never been with in my life—and they are here to demand of Congress that we reestablish once again the separation of powers and the balance-of-power doctrine, that we reestablish the constitutional principle of coequal branches of government and that, above all, we reestablish constitutional government rather than one-man rule.

Thus, Mr. President, I rise to have printed in the RECORD the resolution adopted and I urge upon my colleagues that they pay attention to what these fine citizens from different parts of America are asking. I also urge upon the Congress to remember that if we can destroy a program like REA by a simple press release from the Department of Agriculture, there is great danger as to what can happen to other programs that affect other areas of our national life.

Later on, Mr. President, I shall place in the RECORD some of the deliberations of the National REA Cooperative Association. I would hope that every Senator and Representative will look at the bill we have introduced, which has broad cosponsorship, and on which we will seek prompt passage.

I want to say to the leadership that the best thing we can do in this Congress is to reassert, under our prerogatives, rights, and duties, the constitutional responsibilities of Congress, and pass this bill which has been introduced with many cosponsors on both sides of the aisle, directing the President to carry out the provisions of law and directing him, further, to do so promptly, without subterfuge, deceit, or deception.

If we do this, we will start out the Government on the proper course of constitutional responsibility.

SUPREME COURT—ABORTION RULING

Mr. ALLEN. Mr. President, I am shocked at the ruling of the Supreme Court legalizing abortions, and I believe this decision is bad logic, bad law, and bad morals. It strikes down the laws in some 31 States and will require the rewriting of the laws of all States except Alaska, Hawaii, New York, and Washington to conform to the decision. The Supreme Court is up to its old failing of permissiveness and of taking over the legislative functions of the Congress and of the State legislatures. First, it outlaws the death penalty for criminals and then it permits it to be imposed on unborn babies. I deplore this decision and believe it will have an unwholesome effect on the quality of life of our civilized society.

I ask unanimous consent that statements of Cardinals Cooke and Krol, and the table showing the effect on State laws, published in the New York Times on January 23, 1973, be printed in the RECORD.

There being no objection, the statements and table were ordered to be printed in the RECORD, as follows:

CARDINALS' STATEMENTS ON COURT RULING

(Following are statements issued by Cardinal Cooke and John Cardinal Krol, Archbishop of Philadelphia and president of the National Conference of Catholic Bishops, in reaction to the Supreme Court decision on abortions.)

How many millions of children prior to their birth will never live to see the light of day because of the shocking action of the majority of the United States Supreme Court today?

Whatever their legal rationale, seven men have made a tragic utilitarian judgment regarding who shall live and who shall die. They have made themselves a "super legislature," They have gone against the will of those American people who spoke their minds in favor of life as recently as last November in referendums in Michigan and North Dakota. They have usurped the powers and responsibilities of the legislatures of 50 states to protect human life.

I remind all Americans, however, that judicial decisions are not necessarily sound moral decisions.

In spite of this horrifying decision, the American people must rededicate themselves to the protection of the sacredness of all human life. I hope and pray that our citizens will do all in their power to reverse this injustice to the rights of the unborn child.

CARDINAL KROL

The Supreme Court's decision today is an unspeakable tragedy for this nation. It is hard to think of any decision in the 200 years of our history which has made more disastrous implications for our stability as a civilized society. The ruling drastically diminishes the constitutional guaranty of the right to life and in doing so sets in motion developments which are terrifying to contemplate.

The ruling represents bad logic and bad law. There is no rational justification for allowing unrestricted abortion up to the third month of pregnancy. The development of life before and after birth is a continuous process and in making the three-month point the cutoff for unrestricted abortion, the Court seems more impressed by magic than by scientific evidence regarding fetal development. The child in the womb has the right to life, to the life he already possesses, and this is a right no court has the authority to deny.

Apparently the Court was trying to straddle the fence and give something to everybody—abortion on demand before three months for those who want that, somewhat more restrictive abortion regulations after three months for those who want that. But in its straddling act, the Court has done a monstrous injustice to the thousands of unborn children whose lives may be destroyed as a result of this decision.

No court and no legislature in the land can make something evil become something good. Abortion at any stage of pregnancy is evil. This is not a question of sectarian morality but instead concerns the law of God and the basis of civilized society. One trusts in the decency and good sense of the American people not to let an illogical court decision dictate to them on the subject of morality and human life.

AFFECT ON STATES OF ABORTION VOTE

WASHINGTON, Jan. 22.—Following is a table showing how each state is affected by the Supreme Court's decision today on abortion.

States with legalized abortion laws not affected by today's *decision:*

Alaska
Hawaii
New York
Washington

States with relatively modern abortion laws that will require considerable rewriting to conform:

Alabama
Arkansas
California
Colorado
Delaware
Florida
Georgia
Kansas
Maryland
Mississippi
New Mexico
North Carolina
Oregon
South Carolina
Virginia

States with older anti-abortion laws that have been entirely invalidated and that must write new laws:

Arizona
Connecticut
Idaho
Illinois
Indiana
Iowa
Kentucky
Louisiana
Maine
Massachusetts
Michigan
Minnesota
Missouri
Montana
Nebraska
Nevada
New Hampshire
New Jersey
North Dakota
Ohio
Oklahoma
Pennsylvania
Rhode Island
South Dakota
Tennessee
Texas
Utah
Vermont
West Virginia
Wyoming

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. Clark). The Senator from Alabama is recognized.

(The remarks of Mr. Allen on the introduction of Senate Joint Resolution 28, dealing with a proposed amendment to the Constitution, and related remarks are printed in the Record under Statements on Introduced Bills and Joint Resolutions.)

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia (Mr. Robert C. Byrd) is recognized for not to exceed 15 minutes.

Mr. STAFFORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, how much time remains to me under the order?

The PRESIDING OFFICER. The Senator has 14 minutes remaining.

Mr. ROBERT C. BYRD. I thank the Chair.

Mr. President, I yield to the distinguished senior Senator from North Carolina (Mr. Ervin) 5 minutes of my time.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

(The remarks Senator Ervin made on the introduction of S. 518, dealing with the Deputy Director of OMB, and related statements are printed in the Record under Statements on Introduced Bills and Joint Resolutions.)

(The remarks Senator Robert C. Byrd made on the introduction of S. 516, dealing with Senate confirmation of the Director of the FBI, are printed in the Record under Statements on Introduced Bills and Joint Resolutions.)

ORDER FOR EXECUTIVE SESSION AT 2 P.M. TODAY TO CONSIDER NOMINATIONS OF MR. CLEMENTS AND MR. SCHLESINGER

Mr. ROBERT C. BYRD. Mr. President, as in executive session I ask unanimous consent, having cleared this request with the distinguished Senator from Mississippi (Mr. Stennis), the distinguished Senator from Iowa (Mr. Hughes), the distinguished Senator from Missouri (Mr. Symington), the distinguished assistant Republican leader (Mr. Griffin), and the distinguished majority leader (Mr. Mansfield), that at 2 o'clock today the Senate go into executive session for the purpose of debating the nominations of Mr. Clements and Mr. Schlesinger, that there be 2 hours, equally divided, for the debate, the time to be equally divided between the Senator from Mississippi (Mr. Stennis) and the distinguished Senator from Iowa (Mr. Hughes); that at 4 o'clock today a vote occur on the nomination of Mr. Clements and that the vote of Mr. Schlesinger occur immediately following the vote on the confirmation of the nomination of Mr. Clements.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. STENNIS. Mr. President, I ask unanimous consent that during the executive session, when we are considering the nominations of Mr. Clements and Mr. Schlesinger, Mr. T. Edward Braswell, chief counsel and staff director of the Armed Services Committee, be given the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 45 minutes, with statements therein limited to 5 minutes.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Report of Rural Electrification Administration

A letter from the Secretary of Agriculture, transmitting, pursuant to law, a report of the Rural Electrification Administration, for the fiscal year 1972 (with an accompanying report); to the Committee on Agriculture and Forestry.

Report on Overobligation of an Appropriation

A letter from the Secretary of Health, Education, and Welfare, reporting, pursuant to law, on the overobligation of an appropriation in that Department; to the Committee on Appropriations.

Report on Overobligation of an Appropriation

A letter from the Assistant Secretary of the Interior, and Acting Director, American Revolution Bicentennial Commission, reporting, pursuant to law, on the overobligation of an appropriation in that department (with accompanying papers); to the Committee on Appropriations.

Report of Actual Procurement Receipts for Medical Stockpile of Civil Defense Emergency Supplies and Equipment Purposes

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report on actual procurement receipts for medical stockpile of civil defense emergency supplies and equipment purposes, for the quarter ended December 31, 1972 (with an accompanying report); to the Committee on Armed Services.

Proposed Amendment of Section 5504, Title 10, United States Code

A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend section 5504 of title 10, United States Code, relating to assignment of lineal position to certain officers of the Navy and Marine Corps (with an accompanying paper); to the Committee on Armed Services.

Report on Financial Condition and Operating Results of Working Capital Funds

A letter from the Secretary of Defense, transmitting, pursuant to law, a report on the financial condition and operating results of working capital funds, as of June 30, 1972 (with an accompanying report); to the Committee on Armed Services.

Proposed Amendment of Section 8376, Title 10, United States Code

A letter from the Assistant Secretary of the Air Force, Manpower and Reserve Affairs, transmitting a draft of proposed legislation to amend section 8376 of title 10, United States Code, to eliminate the requirement that an Air Force Reserve, or Air National Guard, officer serving on extended active duty in a temporary grade which is higher than his reserve grade must apply for promotion to the next higher reserve grade, when otherwise eligible (with an accompanying paper); to the Committee on Armed Services.

Proposed Amendment of Title 10, United States Code

A letter from the Assistant Secretary of the Air Force, Manpower and Reserve Affairs, transmitting a draft of proposed legislation to amend title 10, United States Code, to authorize, with respect to certain officers of the Army Reserve or Air Force Reserve their employment, as, and retention in an active status beyond 28 or 30 years if they are, Army Reserve or Air Reserve technicians, and for other purposes (with an accompanying paper); to the Committee on Armed Services.

Report of Secretary of Transportation on Certain Railroads

A letter from the Secretary of Transportation, transmitting, pursuant to law, the annual report on the financial condition of those railroads having outstanding certificates guaranteed under the Emergency Rail Services Act of 1970, dated January 1973 (with an accompanying report); to the Committee on Commerce.

Report of Economic Development Administration

A letter from the Assistant Secretary for Economic Development, Department of Commerce, informing the Senate its annual report is finished and awaiting the Secretary's signature before going to the printer. It will be delivered as promptly as possible; to the Committee on Public Works.

Report on Smoking

A letter from the Chairman, Federal Trade Commission, transmitting, pursuant to law, a report on cigarette smoking, dated December 31, 1972 (with an accompanying report); to the Committee on Commerce.

Proposed 20-Year Extension of Interest Equalization Tax

A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to provide an extension of the interest equalization tax (with an accompanying paper); to the Committee on Finance.

Report Relating to F-5E Fighter Aircraft

A letter from the Acting Assistant Secretary for Congressional Relations, Department of State, transmitting, pursuant to law, a confidential report relating to F-5E fighter aircraft (with an accompanying report); to the Committee on Foreign Relations.

Reports of Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a secret report on U.S. programs in the Republic of Zaire (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Need To Improve Language Training Programs and Assignments for U.S. Government Personnel Overseas," dated January 22, 1973 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Relending Programs Could Be Made More Effective in Promoting U.S. Exports," Export-Import Bank of the United States, dated January 23, 1973 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Reduction of Communications Costs Through Centralized Management of Multiplex Systems," Office of Telecommunications Policy, Department of Defense, General Services Administration, dated January 18, 1973 (with an accompanying report); to the Committee on Government Operations.

Report of Claim of John B. Clayton

A letter from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report and recommendation concerning the claim of Mr. John B. Clayton against the United States (with accompanying papers); to the Committee on the Judiciary.

Report on Position in Grade GS–18

A letter from the Chairman, United States Civil Service Commission, transmitting, pursuant to law, a report on a position in grade GS–18 (with an accompanying report); to the Committee on Post Office and Civil Service.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A resolution of the Legislature of the Commonwealth of Massachusetts; to the Committee on Armed Forces:

"Resolutions Memorializing the Congress of the United States To Enact Legislation for Complete U.S. Withdrawal From Southeast Asia

"Whereas, The bombing of the people and territory of Vietnam and Southeast Asia is a wrongful and immoral escalation of our role in the Indochina war; and

"Whereas, Continued bombing in Vietnam and Southeast Asia is a flagrant and direct violation of the declared policy of the Nixon Administration to end the war; and

"Whereas, The national interest would be best served by a negotiated agreement for prisoner release and by the immediate and complete withdrawal of all material and armed forces—land, sea and air—in and over all of Southeast Asia; and

"Whereas, It is within the scope and authority of Congressional power and responsibility to cut all funds from the military budget for military expenditures in Southeast Asia; now, therefore, be it

"Resolved, That the Massachusetts House of Representatives respectfully urges the Congress of the United States to prepare at once legislation designated to accomplish the aforesaid objective and requests the President of the United States to expedite the implementation of such action; and be it further

"Resolved, That copies of these resolutions be transmitted by the Secretary of the Commonwealth to the President of the United States, to the presiding officer of each branch of Congress and to each member thereof from the Commonwealth.

"House of Representatives, adopted January 10, 1973."

A resolution of the Legislature of the Commonwealth of Massachusetts, to the Committee on Finance:

"Resolutions Memorializing the President and the Congress of the United States To Lift the Import Restrictions on Oil

"Whereas, There presently exists in New England and across the United States a lack of sufficient natural resources to provide heat for the schools, homes and businesses of the nation, a situation reaching crisis proportions; and

"Whereas, The states of the New England area, particularly the Commonwealth of Massachusetts, have faced this recurring problem of oil shortages winter after winter; now, therefore be it

"*Resolved*, That the Massachusetts Senate respectfully urges the President and the Congress of the United States to take cognizance of the necessity for immediate action in averting further oil shortage crises, and further, to eliminate the present legislative restrictions on the importation of oil from foreign nations; and be it further

"*Resolved*, That copies of these resolutions be sent forthwith by the Senate Clerk and Parliamentarian to the President of the United States, the presiding officers of each branch of the Congress and to each member thereof from the Commonwealth.

"Senate, adopted, January 16, 1973."

A resolution adopted by the city council, city of Worcester, Mass., relative to the proposed moratorium on urban funds; to the Committee on Banking, Housing and Urban Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CANNON, from the Committee on Rules and Administration, without amendment:

S. Res. 19. Resolution authorizing the printing for the use of the Committee on Post Office and Civil Service of additional copies of its committee print entitled "United States Government Policy and Supporting Positions" (Rept. No. 93–2).

By Mr. RANDOLPH, from the Committee on Public Works:

S. 498. An original bill to amend the Solid Waste Disposal Act, as amended, and the Clean Air Act, as amended, for 1 year (Rept. No. 93–4).

By Mr. SPARKMAN, from the Committee on Banking, Housing and Urban Affairs:

S.J. Res. 26. An original joint resolution to amend section 1319 of the Housing and Urban Development Act of 1968 to increase the limitation on the face amount of flood insurance coverage authorized to be outstanding (Rept. No. 93–3).

REPORT ENTITLED "LEGISLATIVE REVIEW DURING THE 92D CONGRESS BY THE COMMITTEE ON AGRICULTURE AND FORESTRY"—REPORT OF A COMMITTEE (S. REPT. NO. 93–5)

Mr. TALMADGE, from the Committee on Agriculture and Forestry, submitted a report entitled "Legislative Review During the 92d Congress by the Committee on Agriculture and Forestry," which was ordered to be printed.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. SPARKMAN, from the Committee on Banking, Housing and Urban Affairs:

James T. Lynn, of Ohio, to be Secretary of Housing and Urban Development (Exec. Rept. No. 93–4).

By Mr. LONG, from the Committee on Finance:

Caspar W. Weinberger, of California, to be Secretary of Health, Education, and Welfare.

Mr. LONG. Mr. President, in submitting this nomination to the Senate, I ask unanimous consent to have printed in the Record a question I propounded to the nominee regarding his availability to testify at committee hearings, and his affirmative answer to the question.

There being no objection, the matter was ordered to be printed in the Record, as follows:

The Chairman. But I do think, Mr. Secretary, that we have had among individual members, and perhaps Members of the Senate who do not serve on this committee, some justified cause for complaint in seeking information by way of letter where the information sought could have been made available much sooner. In addition to that, I believe even this committee had a complaint about information that we needed to do our job where it was very slow in coming from the Department. I know that you would look into that in the course of doing your job and see if that cannot be improved upon.

Now, in many cases, Mr. Secretary, what we are seeking is not information that you possess personally, but it is information that somebody in your shop that has it, or if they do not have it, they can get it and make it available to you. I hope you would improve upon it.

There is another situation which was very much highlighted, where the Secretary of State failed to appear or declined to appear before the Foreign Relations Committee, and an effort is going to be made to seek a commitment from Presidential appointees in the future that they will appear before the committee in response to reasonable summons. I think the interpretation of what is reasonable is intended to be more in the bosom of the Senate than for the determination of the officer himself.

Would you give us your reaction to that problem in view of the fact that with your new responsibilities, you are going to be more in demand than previous Secretaries of HEW?

Mr. Weinberger. I appreciate that, Mr. Chairman, and my response is first of all simply to say that, to the best of my knowledge. I have never declined the invitation of a congressional *committee* or subcommittee. I would certainly not plan to do so. I would plan to give that the very highest priority. As I recall, sitting here, the only time I did not come when specifically requested was when I had a conflict with a meeting with the President, and I would think that that would still be the rule that I would follow. I suspect that with some 30 subcommittees and committees having oversight over various aspects of the Department of Health, Education, and Welfare, there may occasionally be times when there will be conflicts and when it will be necessary to try to be in two or three different places at once. But those can be ironed out, and I would feel it is an important part of my duties to appear before the congressional committees on request.

ORDER FOR JOINT REFERRAL OF S. 372, A BILL TO AMEND THE COMMUNICATIONS ACT

Mr. PASTORE. Mr. President, I ask unanimous consent that S. 372, a bill to amend the Communications Act to relieve broadcasters of the equal time requirement of section 315 with respect to presidential and vice-presidential candidates, and to amend the Campaign Communications Act, be jointly referred to the Committee on Commerce and the Committee on Rules and Administration; and that the Committee on Rules and Administration be required to report the bill no later than 30 days after the Committee on Commerce has reported it out of committee.

Mr. President, when S. 372, the legislation which became the Federal Election Campaign Act of 1971—was introduced in the Senate it was simultaneously referred to the Committee on Commerce and the Committee on Rules and Administration. Because of the comprehensive nature of that legislation, it was felt that the Senate should have the benefit of the expert deliberations of both committees. I believe the finished product proved the wisdom of what we did.

Similarly, I believe the expertise of the Committee on Rules and Administration should be brought to bear on S. 372 which would amend title I of the Campaign Act of 1971. Accordingly I ask unanimous consent that S. 372 be simultaneously referred to the Committee on Rules and Administration with the provision that the committee act no later than 30 days after the Committee on Commerce reports it out of committee.

The PRESIDING OFFICER (Mr. Bartlett). Without objection, it is so ordered.

S. 373—CHANGE OF REFERENCE

Mr. ERVIN. Mr. President, I ask unanimous consent that the unanimous-consent request I made on January 16 regarding the referral of S. 373 be rescinded, and that the Committee on the Judiciary be discharged from the further consideration of S. 373, a bill to insure the separation of Federal powers, and that the bill be referred to the Committee on Government Operations.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. SCOTT of Pennsylvania:

S. 473. A bill for the relief of Zenaida B. Maglague;

S. 474. A bill for the relief of Antonio Nicolo, his wife, Elvira Nicolo, and their daughter, Sylvana Nicolo;

S. 475. A bill for the relief of Erdogan Altuglu, his wife, Hatice Altuglu, and their children, Suna Altuglu and Erol Altuglu;

S. 476. A bill for the relief of Carmela Marullo; and

S. 477. A bill for the relief of Vincenzo DiMauro. Referred to the Committee on the Judiciary.

By Mr. SCOTT of Pennsylvania (for himself and Mr. Schweiker):

S. 478. A bill to provide for the striking of medals in commemoration of Roberto Walker Clemente. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. GOLDWATER:

S. 479. A bill to amend the Strategic and Critical Materials Stock Piling Act, and for other purposes. Referred to the Committee on Armed Services.

By Mr. MANSFIELD (for himself and Mr. Metcalf):

S. 480. A bill to amend section 318 of the Communications Act of 1934. Referred to the Committee on Commerce.

S. 481. A bill to declare that certain mineral interests are held by the United States in trust for the Chippewa Cree Tribe of the Rocky Boy's Reservation, Montana. Referred to the Committee on Interior and Insular Affairs.

By Mr. TAFT:

S. 482. A bill to amend the Internal Revenue Code of 1954 to allow an income tax credit for the costs of maintaining the exterior appearance and structural soundness of certain historic buildings and structures. Referred to the Committee on Finance.

S. 483. A bill to amend the Act of October 15, 1966, relating to the preservation of certain historic properties in the United States. Referred to the Committee on Interior and Insular Affairs.

By Mr. YOUNG:

S. 484. A bill to amend section 805 of the Agricultural Act of 1970 relating to the storage of emergency hay harvested from set-aside acreage. Referred to the Committee on Agriculture and Forestry.

By Mr. GURNEY (for himself and Mr. Cranston):

S. 485. A bill to amend the Elementary and Secondary Education Act of 1965 to assist school districts to carry out locally approved school security plans to reduce crime against children, employees, and facilities of their schools. Referred to the Committee on Labor and Public Welfare.

By Mr. THURMOND:

S. 486. A bill for the relief of Teresa Arias Murillo; and

S. 487. A bill for the relief of Reina Estela Olvera. Referred to the Committee on the Judiciary.

By Mr. SPARKMAN:

S. 488. A bill to amend the Securities Exchange Act of 1934 to prohibit minimum commission rates, and to regulate the transactions of members of national securities exchanges. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. DOMINICK:

S. 489. A bill for the relief of Janet Lee Davis Brace and her son, Scott William Brace. Referred to the Committee on the Judiciary.

By Mr. CURTIS (for himself, Mr. Dole, Mr. Dominick, and Mr. Hruska):

S. 490. A bill to amend the Agricultural Act of 1970. Referred to the Committee on Agriculture and Forestry.

By Mr. BEALL:

S. 491. A bill to strengthen and improve the Older Americans Act of 1965, and for other purposes. Referred to the Committee on Labor and Public Welfare.

S. 492. A bill for the relief of Miss Teresa deJesus Acevedo;

S. 493. A bill for the relief of Miss Milagros T. Posada;

S. 494. A bill for the relief of Miss Juana Basilia Ayala; and

S. 495. A bill for the relief of Miss Anamaria Moratoya Jiminez. Referred to the Committee on the Judiciary.

By Mr. HANSEN:

S. 496. A bill for the relief of Mario Temperini and James H. Groutage. Referred to the Committee on the Judiciary.

S. 497. A bill to authorize and request the President to issue annually a proclamation designating the month of March of each year as "National Youth Art Month." Referred to the Committee on the Judiciary.

By Mr. RANDOLPH (from the Committee on Public Works):

S. 498. An original bill to amend the Solid Waste Disposal Act, as amended, and the Clean Air Act, as amended, for 1 year. Placed on the calendar.

By Mr. FANNIN:

S. 499. A bill to amend the National Labor Relations Act to guarantee the right of employers to an election without requiring proof of lack of majority;

S. 500. A bill to amend the National Labor Relations Act to achieve reform of the provisions against recognition picketing and for other purposes; and

S. 501. A bill to amend the National Labor Relations Act with respect to election of representatives. Referred to the Committee on Labor and Public Welfare.

By Mr. BENTSEN (for himself, Mr. Randolph, Mr. Montoya, Mr. Gravel, and Mr. Burdick):

S. 502. A bill to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes. Referred to the Committee on Public Works.

By Mr. CHILES:

S. 503. A bill to protect the concept of neighborhood schools, to provide financial assistance to local educational agencies in each State in order to strengthen neighborhood schools and to increase the use of such schools as community, cultural, and educational centers, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. CRANSTON (for himself, Mr. Kennedy, Mr. Schweiker, Mr. Williams, Mr. Javits, Mr. Beall, Mr. Dominick, Mr. Eagleton, Mr. Hughes, Mr. Mondale, Mr. Pell, Mr. Randolph, and Mr. Stevenson):

S. 504. A bill to amend the Public Health Service Act to provide assistance and encouragement for the development of comprehensive emergency medical services systems. Referred to the Committee on Labor and Public Welfare.

By Mr. CRANSTON:

S. 505. A bill to extend certain recipients of annuity or pension under the Railroad Retirement Act the treatment accorded to certain social security recipients under section 249E of the Social Security Amendments of 1972. Referred to the Committee on Finance.

By Mr. JACKSON:

S. 506. A bill for the relief of Rosina C. Beltran; and

S. 507. A bill for the relief of Wilhelm J. R. Maly. Referred to the Committee on the Judiciary.

By Mr. HUMPHREY:

S. 508. A bill for the relief of Miss Angela Ratnayake; and

S. 509. A bill for the relief of Mr. Kwok Jaw Ng. Referred to the Committee on the Judiciary.

By Mr. METCALF (for himself and Mr. Ervin):

S. 510. A bill to provide for certain jury trials in condemnation proceedings in district courts of the United States. Referred to the Committee on the Judiciary.

By Mr. STAFFORD (for himself, Mr. Chiles, Mr. Javits, Mr. Hathaway, Mr. Percy, and Mr. Stevenson):

S. 511. A bill to provide for disclosures designed to inform the Congress with respect to legislative measures, and for other purposes. Referred to the Committee on Government Operations.

By Mr. MOSS:

S. 512. A bill to amend the Public Health Service Act to provide for in-service training of nursing home personnel. Referred to the Committee on Labor and Public Welfare.

S. 513. A bill to amend section 232 of the National Housing Act to authorize insured loans to provide fire safety equipment for nursing homes. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. MOSS (for himself, Mr. Abourezk, Mr. Beall, Mr. Bennett, Mr. Bible, Mr. Church, Mr. Cranston, Mr. Domenici, Mr. Dominick, Mr. Eagleton, Mr. Eastland, Mr. Fong, Mr. Fulbright, Mr. Goldwater, Mr. Haskell, Mr. Hatfield, Mr. Hathaway, Mr. Humphrey, Mr. Javits, Mr. Kennedy, Mr. Mansfield, Mr. McGee, Mr. McGovern, Mr. McIntyre, Mr. Metcalf, Mr. Mondale, Mr. Muskie, Mr. Pell, Mr. Percy, Mr. Stafford, Mr. Stevenson, Mr. Thurmond, Mr. Tower, Mr. Tunney, Mr. Williams, Mr. Young, Mr. Hansen, and Mr. Buckley):

S. 514. A bill to amend the Act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data. Referred to the Committee on Interior and Insular Affairs.

By Mr. BELLMON:

S. 515. A bill to amend title IV of the Agricultural Act of 1970 so as to extend the provisions of such title to the 1974 crop of winter wheat. Referred to the Committee on Agriculture and Forestry.

By Mr. ROBERT C. BYRD:

S. 516. A bill to amend title VI of the Omnibus Crime Control and Safe Streets Act of 1968 to provide for a four-year term for the appointment of the Director of the Federal Bureau of Investigation. Referred to the Committee on the Judiciary.

By Mr. YOUNG (for himself, Mr. Dole, Mr. Eastland, Mr. Bellmon, and Mr. Curtis):

S. 517. A bill to extend titles I, II, III, IV, V, VI, and VII of the Agricultural Act of 1970 for five years. Referred to the Committee on Agriculture and Forestry.

By Mr. ERVIN (for himself and Mr. Robert C. Byrd):

S. 518. A bill to provide that appointments to the offices of Director and Deputy Director of the Office of Management and Budget shall be subject to confirmation by the Senate. Referred to the Committee on Government Operations.

By Mr. SCHWEIKER:

S. 519. A bill to amend chapter 17 of title 38, United States Code, to authorize the treatment of certain veterans suffering from drug or alcohol addiction or drug or alcohol dependency. Referred to the Committee on Veterans' Affairs.

By Mr. CRANSTON (for himself, Mr. Mathias, Mr. McIntyre, Mr. Stevenson, Mr. Pastore, Mr. Brooke, Mr. Moss, Mr. Thurmond, Mr. Javits, and Mr. Hughes):

S. 520. A bill to establish Capitol Hill as an historic district. Referred to the Committee on the District of Columbia.

By Mr. BELLMON:

S. 521. A bill to declare that certain land of the United States is held by the United States in trust for the Cheyenne-Arapaho Tribes of Oklahoma. Referred to the Committee on Interior and Insular Affairs.

By Mr. MOSS (for himself, Mr. Ervin, Mr. Gurney, Mr. Hart, Mr. Hartke, Mr. Hathaway, Mr. Humphrey, Mr. Metcalf, Mr. Muskie, and Mr. Williams):

S. 522. A bill to provide protection for the fish resources of the United States including the freshwater and marine fish cultural industries against the introduction and dissemination of diseases of fish and shellfish, and for other purposes. Referred to the Committee on Commerce.

By Mr. HASKELL:

S. 523. A bill for the relief of Mrs. Alicia Zavala (Leal) and two children, Liliel and Ivette Perea. Referred to the Committee on the Judiciary.

By Mr. EASTLAND:

S. 524. A bill for the relief of Jin Suk Park; and

S. 525. A bill for the relief of Mr. and Mrs. Wilson Yue. Referred to the Committee on the Judiciary.

By Mr. MONDALE:

S. 526. A bill for the relief of Kit Lam Cheong;

S. 527. A bill for the relief of Maroun George Khouri;

S. 528. A bill for the relief of Joseph Bernard Kelly, wife Shirley Joan and children Robert, David, and Karen;

S. 529. A bill for the relief of Mrs. Hang Kiu Wah;

S. 530. A bill for the relief of Emilien Victor Houlmiere, wife Daniele and Patrick and Elizabeth Houlmiere;

S. 531. A bill for the relief of Fazus Abdo;

S. 532. A bill for the relief of Leona Skwarek;

S. 533. A bill for the relief of Randolph and Joycelin Bradford;

S. 534. A bill for the relief of Joseph Ernest Augusto and wife Mary Gertrude;

S. 535. A bill for the relief of Mrs. Sabir Dairkee;

S. 536. A bill for the relief of Mrs. Fay Caleb;

S. 537. A bill for the relief of Mary Danos Nayak; and

S. 538. A bill for the relief of John Braun, wife Helen, children Bradley, Angela, Polly, and Peggy. Referred to the Committee on the Judiciary.

By Mr. EAGLETON:

S. 539. A bill to amend title II of the Social Security Act to provide for the entitlement of disabled wives and husbands to unreduced wife's and husband's insurance benefits without regard to age;

S. 540. A bill to amend title II of the Social Security Act to provide for the entitlement of disabled widows and widowers to unreduced widow's and widower's insurance benefits without regard to age; and

S. 541. A bill to amend title II of the Social Security Act to reduce from 20 to 10 years the period of time that a divorced woman's marriage to an individual must have lasted for her to qualify for wife's or widow's benefits on the basis of the wages and self-employment income of such individual. Referred to the Committee on Finance.

By Mr. SPARKMAN:

S. 542. A bill for the relief of Mildred Sophia Henry. Referred to the Committee on the Judiciary.

By Mr. BENNETT:

S. 543. A bill to provide an extension of the interest equalization tax. Referred to the Committee on Finance.

By Mr. HART (for himself and Mr. Griffin):

S. 544. A bill to amend title 18 of the United States Code to permit the transportation, mailing, and broadcasting of advertising, information, and materials concerning lotteries authorized by law and conducted by a State, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. GRAVEL:

S. 545. A bill for the relief of Mrs. Elsie Eduque Tabora; and

S. 546. A bill for the relief of Mr. James Keng-Ming Cheng. Referred to the Committee on the Judiciary.

By Mr. WILLIAMS (for himself and Mr. Ribicoff):

S. 547. A bill to amend title 18 of the United States Code to permit the mailing of lottery tickets and related matter, the broadcasting or televising of lottery information, and the transportation and advertising of lottery tickets in interstate commerce, but only where the lottery is conducted by a State agency. Referred to the Committee on the Judiciary.

By Mr. HUMPHREY (for himself, Mr. Aiken, Mr. Mondale, Mr. Nelson, Mr. Proxmire, and Mr. Bentsen):

S. 548. A bill to provide price support for milk at not less than 85 per centum of the parity price therefor. Referred to the Committee on Agriculture and Forestry.

By Mr. PERCY (for himself, Mr. Cook, and Mr. McGovern):

S. 549. A bill to expand and improve the direct food distribution program. Referred to the Committee on Agriculture and Forestry.

By Mr. PERCY (for himself, Mr. Pastore, Mr. Stafford, and Mr. Stevens):

S. 550. A bill to provide a comprehensive child nutrition program. Referred to the Committee on Agriculture and Forestry.

By Mr. MANSFIELD:

S.J. Res. 25. A joint resolution to authorize and request the President to issue a proclamation designating the fourth Sunday in September of each year as "National Next Door Neighbor Day". Referred to the Committee on the Judiciary.

By Mr. SPARKMAN (from the Committee on Banking, Housing and Urban Affairs):

S.J. Res. 26. An original joint resolution to amend section 1319 of the Housing and Urban Development Act of 1968 to increase the limitation on the face amount of flood insurance coverage authorized to be outstanding. Placed on the calendar.

By Mr. TALMADGE (for himself, Mr. Nunn, and Mr. Thurmond):

S.J. Res. 27. A joint resolution proposing an amendment to the Constitution to provide that, except in time of war or economic emergency declared by the Congress, expenditures of the Government may not exceed the revenues of the Government during any fiscal year. Referred to the Committee on the Judiciary.

By Mr. ALLEN (for himself, Mr. Ervin, Mr. Baker, Mr. Brock, Mr. Buckley, Mr. Helms, Mr. Jackson, Mr. Scott of Virginia, Mr. Stennis, Mr. Talmadge, Mr. Thurmond, and Mr. Tower):

S.J. Res. 28. A joint resolution proposing an amendment to the Constitution of the United States relative to neighborhood schools. Referred to the Committee on the Judiciary.

By Mr. RANDOLPH (for himself, Mr. Cranston, Mr. Stafford, Mr. Williams, Mr. Taft, Mr. Mondale, Mr. Javits, Mr. Kennedy, Mr. Stevenson, Mr. Pell, and Mr. Eagleton):

S.J. Res. 29. A joint resolution to amend the Supplemental Appropriations Act of 1973. Referred to the Committee on Appropriations.

By Mr. HATHAWAY:

S.J. Res. 30. A joint resolution to provide for the revision of the Internal Revenue Code of 1954. Referred to the Committee on Finance.

By Mr. MOSS:

S.J. Res. 31. A joint resolution to provide for the convening of Congress on January 15 of each year, and for other purposes. Referred by unanimous consent to the Committee on the Judiciary.

By Mr. CANNON:

S.J. Res. 32. A joint resolution proposing an amendment to the Constitution of the United States providing for the election of the President and the Vice President of the United States. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SCOTT of Pennsylvania (for himself and Mr. SCHWEIKER):

S. 478. A bill to provide for the striking of medals in commemoration of Roberto Walker Clemente. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. SCOTT of Pennsylvania. Mr. President, I am today honored to introduce, along with my colleague from Pennsylvania (Mr. SCHHWEIKER), a bill providing for the striking of medals in commemoration of Roberto Clemente. As the whole world knows, this giant among men who was a member of the Pittsburgh Pirates baseball team was tragically lost in a plane crash while on his way to assist the people in the earthquake-ravaged city of Managua.

My bill, which has more than ample precedent in Federal law, provides for the striking of not more than 100,000 bronze medals which would be sold by Chamber of Commerce of Greater Pittsburgh. Profits from the sale of the medals will go directly to the Roberto Clemente Memorial Fund in Pittsburgh. Disbursements from the fund will go for a continuing relief effort in Nicaragua and will also be used to bring to fruition one of Roberto Clemente's lifelong dreams—the construction of a sports complex for the children of Puerto Rico.

Mr. President, Congressman WILLIAM MOORHEAD from Pittsburgh is sponsoring the House counterpart bill. I am hopeful that his efforts in the House and ours in the Senate will help make Roberto Clemente's dreams a reality.

By Mr. GOLDWATER:

S. 479. A bill to amend the Strategic and Critical Materials Stock Piling Act, and for other purposes. Referred to the Committee on Armed Services.

Mr. GOLDWATER. Mr. President, once again I am introducing a bill to amend the Strategic and Critical Materials Stock Piling Act. The bill is identical to S. 3860, which I presented late in the last session.

This legislation is even more vital to the national interest today, Mr. President, than it was then. The United States has now launched negotiations that seem to be leading to a very substantial expansion trade with the Soviet Union. Looking ahead several years, we may also be witness to an appreciable increase in trade with mainland China and other Communist countries.

Typically, the bulk of trade with Communist nations is conducted on a barter basis. This means hundreds of U.S. companies would be negotiating individual transactions with a state trading company, arranging to exchange our exports for some commodity which can be sold in this country. Because of the nature of the Soviet economic system, a substantial proportion of the goods which they are likely to barter for U.S. exports will consist of large quantities of raw materials, including many items deemed essential under the terms of the Strategic and Critical Materials Stock Piling Act of 1946, as amended (50 U.S.C. 98).

While there are potential beneficial aspects of such trade, I would point out there can also be substantial dangers—among which is the possibility the Soviets will concentrate their exports on one or two strategic commodities, thereby weakening the normal sources of free world supply and endangering the ability of the United States to obtain adequate supplies of these vital commodities in the event of unforeseen emergencies. For at the present time, the U.S. Government has no mechanism to guard against this possibility.

That is the purpose of the proposed legislation. It would amend the Strategic and Critical Materials Stock Piling Act to arm the President with authority and the mechanism to protect our country against overdependence on imports of critical and strategic materials from Communist countries, in a manner which at the same time is equitable and flexible.

The fundamental concept of the 1946 Strategic and Critical Materials Stock Piling Act, which remains entirely valid today, is that the United States must have available, during any wartime emergency, a secure supply of vital raw materials which would be needed to meet military and essential civilian needs. Strategic stockpile objectives are determined, of course, by calculating U.S. needs, both for defense production and for essential civilian production, during a possible emergency period and comparing these needs with estimated supplies available during that same period from secure sources.

If there is no current stockpile objective for materials regarded as strategic and critical, that is because the estimate of supply available from secure sources during the contemplated emergency is sufficient to meet our estimated needs. Thus, security of supply is fundamental to all stockpile calculations.

Secure sources of supply include domestic producers of strategic and critical materials as well as imports from friendly nations which would continue to be accessible during a time of emergency. Obviously, imports from the Soviet Union or from other Communist countries could not be counted upon during a national emergency involving those countries. The United States therefore cannot afford to become overly dependent on these sources for any strategic and critical material.

With that in mind, this legislation has been framed to provide the authority, now lacking, for the President to regulate imports of strategic and critical materials from Communist countries. Under existing law, there is no way for the U.S. Government to assure that the barter arrangements made between Communist state trading entities and hundreds of U.S. firms will not, in their totality, result in a very substantial increase in the quantity of any particular strategic and critical material being imported into this country. There is no way at present to assure that such imports will not reach a level detrimental to traditional suppliers of that material.

In fact, given the size and rigidity of the Soviet economic apparatus, such a result will almost certainly occur if we do not take advance steps to prevent it. The Soviet export apparatus simply is not geared to developing a reasonable mix of commodities for export. It tends to generate large quantities of several items at one time and to rely upon these commodities as the primary means of barter.

The legislation here recommended equips the President with the authority to keep imports of particular strategic and critical materials under reasonable restraint, thus assuring the maintenance of secure supplies in terms of sufficient active producing capacity to meet emergency requirements of the U.S. market. The purpose is not to close off Soviet trade in these commodities. Whether we trade at all with the Soviets is a separate policy decision which this bill does not involve. Instead, the legislation assumes there might be a fairly substantial amount of trade and allows for reasonable growth. It is focused solely on preventing undue concentration of trade in a few commodities, thus weakening the supply base for those commodities. The objective is to assure that whatever imports are made from the Soviet Union will be spread over a substantial number of commodities, if and when trade between this country and the U.S.S.R. increases.

The legislation also provides a mechanism through which the Director of the Office of Emergency Preparedness can be called upon to determine under certain conditions whether imports of particular strategic and critical materials have reached levels likely to create a dangerous and costly dependence on Communist supplies.

In recognition of the fact that the United States now imports some strategic commodities in differing amounts from Communist countries, this legislation establishes growth from a preexisting base as the standard for initiating an inquiry into the question of excessive dependency. This is to assure sufficient flexibility in determining when excessive dependency has occurred.

Finally, the legislation gives the President authority to exceed limitations otherwise imposed whenever he deems additional imports necessary to protect the health of the domestic economy and to maintain the capability of the United States to meet national security requirements.

The proposal thereby affords ample scope for agreement on trade matters between the United States and the Soviet Union. It merely seeks to guarantee that at an appropriate point the Director of the Office of Emergency Preparedness will thoroughly consider the question of whether the United States is becoming excessively dependent on Communist sources for essential materials. Should such an over-dependence develop, the legislation would provide the President with authority to control imports of that material from Communist countries without, at the same time, imposing limitations on imports from those allied nations which may be regarded as secure sources of supply in event of emergency.

Mr. President, I ask unanimous consent that the text of the bill which I am introducing be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 479

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) is amended by redesignating the present section 10 thereof as section 11, and inserting immediately preceding such section 11, the following new section 10:

"SEC. 10. (a) Upon request of the head of any department or agency upon application of an interested party, or upon his own motion, the Director of the Office of Emergency Preparedness (hereinafter in this section referred to as the 'Director') shall immediately make an appropriate investigation to determine if the importation from a Communist dominated country or area of material previously determined to be strategic and critical pursuant to the provisions of this Act, whether stockpiled under the provisions of this Act or not, is contrary to the policy of preventing a dangerous and costly dependence of the United States upon such Communist dominated country or area for such strategic and critical material or any other policy as set forth in section 1 of this Act. If as a result of such investigation, which shall be completed within ninety days, the Director determines that the importation of such material is contrary to the policy set forth in section 1 of this Act, (1) which it shall be if it is substantially in excess of the quantity of the same material imported in the United States during the previous calendar year, or (2) which he may so determine because of other considerations, including, but not limited to, a substantial increase in the share of the United States market represented by such material over a period of years, he shall promptly so advise the President.

"(b) Whenever the President is so advised, he shall promptly order the imposition of quantitative restrictions upon such importation. In the imposition of such quantitative restrictions, the President shall nevertheless have the authority to permit such additional importations that he deems necessary to protect the health of the domestic economy and to maintain the capability of the United States to meet national security requirements."

By Mr. TAFT:

S. 482. A bill to amend the Internal Revenue Code of 1954 to allow an income tax credit for the costs of maintaining the exterior appearance and structural soundness of certain historic buildings and structures. Referred to the Committee on Finance.

S. 483. A bill to amend the act of October 15, 1966, relating to the preservation of certain historic properties in the United States. Referred to the Committee on Interior and Insular Affairs.

Mr. TAFT. Mr. President, I arise today to speak about one of the most serious domestic problems that we face. I am referring to the problem of our cities. In earlier times in our Nation's history, our cities provided a great lure for both native Americans and immigrants alike. Unfortunately, today urban life has lost much of its appeal. The fact that many Americans do not want to vacation or live in many of our cities reflects the problems which have overtaken us. The rioting in our inner cities has ended but underlying problems remain.

Far too frequently, urban life has meant physical decay, crime, congestion, and pollution. It has reflected a deterioration of our social fabric, a destruction of our old neighborhoods, and a corrosion of our inner-city spirit.

Urban America has suffered from decades of neglect and commitments that were never fulfilled. Mere platitudes are not enough.

As we approach our Nation's bicentennial, we must all join in a major national effort to improve the quality of our urban life so that foreign visitors and American citizens alike will visit our cities, appreciate our history, and enjoy the rich urban diversity which is so much a part of our Nation.

I believe that many Americans, and particularly many young people, seek to renew the links which we have with America's history. Many of us want to share more deeply in the great heritage of our country and particularly the historic places which are so much a part of our history and national development. Inadequately restrained, we have in many cases permitted bulldozers, bureaucrats, and builders to tear down many of the old historic buildings which brought beauty, simplicity, and charm to the early life of our cities.

In an age of high technology, I believe that we must preserve and retain for future generations the early buildings which are of historic or architectural significance. Unfortunately, at present we often have no way of preserving many of them.

As we prepare our country for its bicentennial, it is an appropriate time to try to preserve the best of our historic buildings, so that they will not be lost for future generations of Americans.

I today introduced two measures designed to protect America's historic buildings. The first of these bills amends the National Historic Preservation Act by providing that buildings listed on the National Register of Historic Places cannot be altered or demolished without the prior approval of the Department of the Interior, or authorized State agencies. In many ways this legislation is similar to laws enacted by the State of Louisiana to preserve the French Quarter in New Orleans.

This bill would grant to the Federal Government the right of first refusal to purchase these buildings when their owners desire to sell them.

To encourage the maintenance of these historic buildings, I am also introducing a companion bill which would provide a tax credit for expenses incurred by the owners of these historic buildings to maintain their exterior appearance and structural soundness.

Historic buildings should be a functional and vital part of urban life. They should not be retained merely as museum pieces. If necessary, they should be given new functions so that they can play a vital part in community life.

Recently, in our Nation's Capital, one of the oldest buildings in Georgetown was torn down to make way for a hamburger stand. On Pennsylvania Avenue the majestic and historic Willard Hotel stands desolate, apparently awaiting the wrecker's ball. Buildings such as these must be preserved and to replace them with formless, faceless office buildings is a terrible desecration of our heritage. By saving buildings such as these, we will be enriching the lives of future generations and providing a further inducement to foreign visitors to come to our country.

To improve the quality of urban life we must do far more than preserve our old and historic buildings. We must join together in a major national effort which can give to this generation an exhilaration, a sense of purpose and a sense of national dedication.

In this spirit, we should encourage the beautification of our cities. For example, trees could be planted along the streets of our residential and commercial areas. Some of those who are in need of jobs could be enlisted for this task.

We must continue to build more neighborhood parks and I hope that we can expand our efforts in this regard.

We should provide better incentives and procedures for the renovation of deteriorating housing in our inner cities and not put our entire focus on new construction. We should make our parks fun again with bicycle paths, family theaters, and summer band concerts.

We should provide neighborhood health centers. I hope that the proposal for health maintenance organizations can ultimately help to provide health care in our major urban neighborhoods.

We must expand our assistance to the small family businesses which have played such an important part in our urban development.

And we must demand architectural excellence as we build new buildings in our Nation's cities.

On the east side of Washington there is a place called the District of Columbia Farmers' Market, where the Government leases booths and stalls to individual merchants to sell their wares. This market is alive, as rich and poor, black and white, young and old shop for meats, fish, vegetables, and flowers. It brings the community together and gives many small businessmen an opportunity that they would not have if they were forced to pay the higher rates of downtown locations and shopping centers. It would help small businessmen, minority businessmen, and the residents of our neighborhoods if markets such as this could be maintained or established in many older neighborhoods in our inner cities.

Finally, we can no longer tolerate crime in our inner cities. All the beauty in the world will not help urban life if people are afraid to walk the streets of our cities. Crime in the inner city is no myth and it affects black and white, rich and poor, worker and welfare recipient alike. In 1970, in our cities having a population of over 250,000, the crime rate was 2½ times as great as it was in our suburban areas and over 5 times as great as in our rural areas.

Let us make no mistake about it, crime and the threat of crime throws a pall over the lives of inner city residents.

When the threat of crime forces companies to take their factories out of the inner city, it often means a loss of jobs to the very people who can least afford to be unemployed.

When burglars rob inner city homes, they steal from families who can least afford the loss. It is for this reason that I view our war against crime and our efforts toward controlling the illicit use of dugs as an important part of our commitment to America's cities.

I ask unanimous consent that there be inserted at this point in the RECORD an article which dramatizes how crime and fear can overtake an entire urban area. This article appeared in the New York Times' issue of January 15, 1973 and is entitled, "South Bronx: A Jungle Stalked by Fear, Seized by Rage."

There are those who would answer these challenges by a call for the infusion of billions of dollars of Federal money in our Nation's cities. I suggest, however, that urban life will not improve by merely pumping additional funds into institutions, programs, and agencies which have not been responsive in the past. Instead, we must begin this major effort and rededicate ourselves to creative solutions to our urban problems. We may even conclude that like London, our largest cities could be better administered with more local autonomy for each major neighborhood to self-govern those portions of urban programs which most directly affect their own people.

We must remember that each city is unique and each must build upon its own history and its own special character and not be forced into conformity by the Federal Government, stamped out by a Federal cookie cutter. Because each community is unique, local leaders should have the financial resources to improve their cities rather than fitting their programs around Federal categorical grants. This is a principal basis of revenue sharing which must play a vital role in this effort.

Finally, we must recognize that if our cities are to be improved, the job cannot be done entirely from Washington. It requires the dedication and hard work of all Americans in improving our neighborhoods and our homes. Urban America involves a challenge to all of us. To meet this challenge we will require the support of business, the support of labor, and the support of the neighborhoods.

We cannot give up on our inner cities. The future of our country is largely dependent upon the quality of our urban life and if our cities improve, it will only be because of the dedication, the energy, and the commitment of us all working together.

The measures which I introduce, if enacted, will represent not only a first step but a very important first step in the process of rejuvenating and revitalizing our cities. In the next decade our attention will increasingly be focused on the problems of urban and suburban areas. We must begin now with creative and imaginative programs if the quality of urban life is to improve.

Mr. President, I ask unanimous consent that the text of these bills be printed at this point in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 482

A bill to amend the Internal Revenue Code of 1954 to allow an income tax credit for the costs of maintaining the exterior appearance and structural soundness of certain historic buildings and structures

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits against tax) is amended by renumbering section 42 as 43, and by inserting after section 41 the following new section:

"SEC. 42. MAINTENANCE OF HISTORIC BUILDINGS AND STRUCTURES.

"(a) GENERAL RULE.—There shall be allowed, as a credit against the tax imposed by this chapter for the taxable year, an amount equal to 10 percent of the amounts paid or incurred during the taxable year by the taxpayer for maintaining the exterior appearance and structural soundness of any building or structure listed on the National Register of Historic Places maintained by the Secretary of the Interior pursuant to section 101(a) of the Act of October 15, 1966 (80 Stat. 915).

"(b) LIMITATION.—The credit allowed by subsection (a) shall not exceed the amount of the tax imposed by this chapter for the taxable year reduced by the sum of the credits allowable under the preceding sections of this subpart (other than sections 31 and 39).

"(c) REGULATIONS.—The Secretary or his delegate is authorized to prescribe such regulations as may be necessary to carry out the provisions of this section."

(b) The table of sections for such subpart is amended by striking out the last item and inserting in lieu thereof:

"SEC. 42. MAINTENANCE OF HISTORIC BUILDINGS AND STRUCTURES.

"SEC. 43. OVERPAYMENTS OF TAX."

(c) The amendments made by this section shall apply to taxable years beginning after December 31, 1972.

S. 483

A bill to amend the act of October 15, 1966, relating to the preservation of certain historic properties in the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act of October 15, 1966 (80 Stat. 915) is amended (1) by deleting the word "and" immediately after the semicolon in paragraph (c); (2) by deleting the period at the end of paragraph (d) and inserting in lieu thereof a semicolon and the word "and"; and (3) by adding at the end thereof the following new paragraph:

"(e) that Americans and foreign visitors to the 1976 American Revolution bicentennial celebration and related events should have an opportunity to see those buildings and structures which reflect the history and cultural development of our country.".

SEC. 2. (a) Section 101 of the Act of October 15, 1966 (80 Stat. 915) is amended by adding at the end thereof the following new subsection:

"(c) (1) On and after the date of the enactment of this subsection, no non-Federal building or structure listed on the National Register shall be sold, substantially altered, or demolished except pursuant to the prior approval of an appropriate State or local governmental agency or other authority designated by such State or local government for such purpose or, in the event that no such agency or authority has been so designated, pursuant to the prior approval of the Secretary of the Interior.

"(2) On and after the date of the enactment of this subsection, no Federal building or structure listed on the National Register shall be disposed of by sale or by any other means, substantially altered, or demolished except pursuant to the prior approval of the Advisory Council on Historic Preservation.

"(3) In addition to the requirements of paragraph (1) of this subsection, no owner of a non-Federal building or structure listed on the National Register shall sell such building or structure unless such owner has first offered to sell such building or structure to the Secretary of the Interior upon the same terms and conditions as that of the highest and best bona fide offer to purchase such building or structure received by such owner."

(b) Title I of such Act is further amended by adding at the end thereof the following new sections:

"SEC. 109. (a) In any case in which the Secretary of the Interior determines that it is in the best interest of the United States to acquire any building or structure listed on the National Register of Historic Places in order to preserve such building or structure for present and future generations, the Secretary is authorized to acquire such building by donation, purchase with donated or appropriated funds, exchange, or by condemnation.

"(b) In addition to the amounts authorized to be appropriated by section 108 of this title, there are authorized to be appropriated such sums as may be necessary to carry out the provisions of subsection (a) of this section.

"SEC. 110. Upon application received by him within the one hundred and eighty day period following the date of the enactment of this subsection with respect to any building or structure listed on the National Register of Historic Places, the Secretary of the Interior is authorized to remove from such Register the designation of that building or structure as a historic place, if he determines that the preservation of that building or structure is not in the best interests of the United States."

By Mr. GURNEY (for himself and Mr. CRANSTON):

S. 485. A bill to amend the Elementary and Secondary Education Act of 1965 to assist school districts to carry out locally approved school security plans to reduce crime against children, employees, and facilities of their schools. Referred to the Committee on Labor and Public Welfare.

SAFE SCHOOLS ACT OF 1973

Mr. GURNEY. Mr. President, I am pleased to introduce, on behalf of myself and my distinguished colleague from California, Senator CRANSTON, the Safe Schools Act of 1973. A companion measure is also being introduced in the House by Congressman JONATHAN BINGHAM of New York.

Specifically, this legislation provides for a new category of grants under title I of the Elementary and Secondary Education Act. Initially, the program will run for 2 years and the grants will be made by the Commissioner of Education to local school districts to assist them in the preparation and operation of school crime control programs. To be eligible for these funds, local school districts will be required to submit applications and crime reduction plans already approved by the State Educational Agency.

In addition, the bill sets up safeguards to: First, assure the protection of civil and constitutional rights; second, encourage the involvement of school employees, parents, students, and the community in general; and third, prohibit the use of any funds under this program for firearms, chemicals, or other weapons.

Mr. President, my proposal is a direct attempt to deal with a serious and complex problem. Crime in our Nation's schools has increased dramatically in recent years and our failure to acknowledge and effectively deal with it, is having the most serious consequences for the taxpayers who support our schools, for our young students, and for our entire system of education.

We have come a long way from the days when "school crime" consisted of spilling inkwells, throwing spitballs in class, or smoking in the school basement. Today's culprits think nothing of devastating an entire library, stealing or destroying valuable teaching equipment, or even setting fire to the school itself. This is the kind of "progress" we can do without.

Due to a lack of uniform reporting procedures, there is no way to determine the exact cost of school crime. However, the School Security Directors Association has estimated the cost at $500 million a year on a nationwide basis. And this is recognized to be a conservative estimate, because not all incidents are reported and, of those which are reported, many are deliberately underestimated. In view of the money we are putting into education—and I think most of us have been made increasingly aware of the needs in this area in recent months—we simply cannot accept a half a billion dollars a year loss on vandalism, arson, burglary, and theft. That money could be far better spent on teachers, school equipment, or even to support a special education program.

Take my home State of Florida for instance. Six of our largest county school systems reported aggregate losses in excess of $2,000,000 last year due to larceny, arson, burglary, and vandalism. Total losses ran close to $3.3 million—excluding hundreds of bomb threats which cost, on an average, $2,000 apiece. Our school systems cannot long afford this kind of loss and I am sure that people in other States feel the same way.

In addition to these direct costs, there are a number of indirect costs involved which are virtually impossible to assess on a dollar basis. The cost of disrupting the educational process in a particular school—even for a day or two—is difficult to measure. The bruises, broken bones, and psychological traumas suffered by victims of school crimes—how much are they worth? Can we put a price tag on the lives which have been lost as a result of these vicious deeds? Certainly not.

Which brings me to an important point. Even more important than the money involved is the human element—the threat to life and limb that has no business in our school systems. From 1964 to 1968, according to the 1970 study done by the Senate Subcommittee on Juvenile Delinquency, violence in the schools increased sharply. Assaults on students rose 167 percent; aggravated assaults went up 43 percent; robberies shot up 306 percent; homicides went up 73 percent, and assaults on teachers increased by an incredible 7,100 percent—from 25 in 1964 to 1801 in 1968. And since 1968, things have gotten worse.

I am sure each of you was as horrified as I to learn of the killing of three students in the Los Angeles area recently. And I know many of you have been following the efforts to raise money to defray the hospital expenses of a boy beaten, and seriously injured, in one of our suburban Washington schools. No wonder a Los Angeles principal was recently quoted as saying that:

> For students and teachers alike the issue is no longer learning, but survival.

Down home in Florida, we had another tragic example just a few weeks ago. A Fort Lauderdale junior high school teacher was shot and killed right in her school building. Subsequently, law enforcement authorities charged one of her former students with the murder. An isolated incident? Hardly. Last year, in one Florida school system alone there were almost 200 assaults on teachers and other adult employees plus an astounding total of 739 assaults on students. This type of thing just cannot be allowed to go unchecked any longer; if, by action of Congress, we can do something to cut down on such crimes, then we ought to do it—now.

Efforts to combat school crime are being left, in most cases, up to the individual school districts. In some situations, these districts are beginning to organize reliable crime accounting systems and programs to bring about crime reduction. And, while some of these attempts to reduce crime are bringing favorable results, the majority of our school districts find themselves at a loss to cope with increasing crime, increasing financial losses, and a constant atmosphere of fear, frustration, and tension among students, teachers, and parents.

One of the basic stumbling blocks in dealing effectively with school crime is the attitude taken by those who are closest to, and directly involved with, the problem. There is a tendency to downplay the issue; to treat it as though it were some sort of social disease. Parents blame it on the schools and schools blame it on the parents. Teachers, principals, and administrators do not want to publicize the problem for fear of their jobs and students often fail to report incidents for fear of future harassment. A dangerous vacuum has resulted.

In a recent article on school vandalism, Willie S. Ellison, supervisor of delinquent prevention in Santa Clara County, Calif., states:

> The absence of a uniform system of reporting and recording incidents of school vandalism has made the development of strategies for its prevention and control impossible. We have no data to show how integrated systems of security and community involvement may serve to compliment each other under certain conditions; whereas, either one may be a failure working independently.

Playing down the impact of the school crime problem is, therefore, an ineffective deterrent to its growth. More and more, people are realizing the potential danger of not acknowledging and treating this "disease" for what it is—a threat to our entire educational system.

Another hurdle to be overcome is the lack of information regarding effective programs and techniques. Joseph Greatly, director of security for the Broward County Schools in Fort Lauderdale, Fla. and president of the International Association of School Security Directors, states that:

> The reaction to these problems, such as disruptions, assaults, extortion, vandalism, thefts, arsons, bomb threats and drug abuses, in most systems has been to assign such problems to some employee within the system who has had no experience to qualify him to deal with them. As a result, the problems continue without any reasonable solution or some program of prevention. Such an employee is only very happy to rid himself of the responsibility as soon as possible and return to his regular assignment. Therefore, causes of the problems go unresolved and before long the same situation recurs.

Still another reaction to the school crime problem, and a common one at that, is to create a virtual "fortress" by surrounding school buildings with high fences and other such obstructions. Such "maximum security" precautions may, or may not, be effective in reducing crime, but the resulting atmosphere can hardly be conducive to healthy learning.

Most school districts, while floundering along with stop-gap measures to combat crime, have gotten little encouragement or support from the Federal Government. Despite all the Federal laws we have on the books relating to education and law enforcement, there is no statute that makes Federal assistance available for a school crime reduction program.

The Safe Schools Act proposes to do that—and more.

First, we must recognize the full impact of the crime problem and develop an accurate data base to ascertain its location and its severity.

Second, we must adopt a unified approach, with the cooperation of all those involved, toward seeking programs and techniques designed to effectively reduce school crime.

Third, we must assist the local school districts in employing those programs best suited to their particular need for crime reduction.

Passage of this bill will help us to do these things.

I believe strongly that in order to be truly effective, crime reduction efforts must come from within the school as well as from outside forces. Furthermore, such programs can only be successful if they have the approval and support of parents, school officials, and the community in general. Such approval is required by the Safe Schools Act, and adequate assurances are included to insure that civil and constitutional rights will be protected. The aim of this bill is to end fear, not promote it, and I believe that it will help do just that.

Along those lines, I want to emphasize the fact that none of the funds in this bill may be used for the purchase of any firearms, chemicals or other weapons for use in school buildings. Rather than arming special police, what we need to do is disarm those—students and otherwise—who carry weapons on school grounds.

I believe school crime is a vital issue, Mr. President, and I am sure that we will all benefit from a better understanding of its nature. Hopefully, we will be able to have committee hearings on this bill in the near future to examine the matter further and to increase public awareness of its gravity.

During our deliberations, we might consider, for example, some of the following suggestions: first, educating children on the problem of vandalism; second, improved student identification methods, alarm systems, and other crime deterrent mechanisms; third, increased use of school facilities such as evening adult education classes; fourth, hiring security directors; fifth, improving school-community relations; and, sixth upgrading interior and exterior lighting on school buildings.

There are just a few of the suggested alternatives for dealing with school crime and I hope we will explore them further. The ultimate source of our attention, of course, must be the students themselves. If we can instill in our pupils, at an early age, an understanding of, and respect for the law, then we will have taken a giant step toward halting school crime.

Therefore, in implementing this program, we must look to its sources, and recognize the needs of the students as well as the needs of our educational system and the community in general. I believe that this legislation will go a long way toward assuring a healthy learning environment, toward protecting innocent students and school employees, and toward preventing our schools from becoming a breeding ground for juvenile delinquents.

Mr. President, I invite the attention of my colleagues to this proposal, and welcome their cosponsorship. Also, at this time I ask unanimous consent to have a copy of the Safe Schools Act of 1973 printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 485

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Safe Schools Act of 1973".

SEC. 2. Title I of the Elementary and Secondary Education Act of 1965 is amended by inserting after part C thereof the following new part:

"PART D—SPECIAL GRANTS FOR SAFE SCHOOLS

"PURPOSE

"SEC. 141. The purpose of this part is to provide financial assistance to aid local educational agencies throughout the Nation to meet special needs incident to providing security for children, employees, and facilities in elementary and secondary schools by reducing and preventing crimes against them.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 142. There is authorized to be appropriated to carry out this part, the sum of $———— for the fiscal year 1974, and $———— for the fiscal year 1975.

"ALLOTMENTS TO LOCAL EDUCATIONAL AGENCIES

"SEC. 143. (a) From the sums appropriated to carry out this part for a fiscal year, the Commissioner shall reserve not to exceed 3 per centum thereof and allot such amount among Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands according to their respective needs for grants under this part. In addition he shall allot to the Secretary of the Interior from such amount, such sums as he may determine for elementary and secondary schools operated for Indian children by the Department of the Interior.

"(b) The remainder of the sums appropriated to carry out this part for a fiscal year shall be allotted by the Commissioner among other local educational agencies in a manner which gives consideration to the following criteria:

"(1) the need for assistance, taking into account such factors as—

"(A) the extent and impact upon elementary and secondary education of crime in the schools of the district to be served;

"(B) the financial need of such local educational agency;

"(C) the expense and difficulty of effectively carrying out a plan described in section 144(a) in such school district; and

"(D) the degree to which measurable deficiencies in the quality of public education afforded in such district exceed those of other school districts within the State;

"(2) the degree to which the plan described in section 144(a), and the program or project to be assisted, are likely to effect a decrease in crime in the schools;

"(3) the degree to which the plan described in section 144(a) enjoys the support and approval of parents, professional school employees, and the community at large in the school district affected; and

"(4) the degree to which the plan described in section 144(a) affords full protection of the civil and constitutional rights of students and employees of the school district affected.

"APPLICATION

"SEC. 144. (a) A local educational agency may receive a grant under this part for any fiscal year only upon application therefor approved by the Commission, with the consent of the appropriate State educational agency, upon his determination that the local educational agency has adopted and is implementing, or will, if assistance is made available to it under this part, adopt and implement, a plan to reduce crime and increase the safety and security of the students, employees, and facilities of its elementary and secondary schools through programs and projects designed to carry out the purpose of this part, including—

"(1) the provision of additional professional or other staff members (including staff members specially trained in problems incident to crime control) and the training and retraining of staff for schools which are affected by such plan;

"(2) the provision of services to meet the special needs of students and employees in such schools;

"(3) community activities, including public education and participation efforts, in support of such plan;

"(4) special administrative activities, such as the rescheduling of students or employees;

"(5) provision of information to parents and other members of the general public incident to the development or to the implementation of such plan;

"(6) planning and evaluation activities;

"(7) acquisition, installation, modernization, or replacement of appropriate equipment and supplies;

"(8) minor alterations of school plants and facilities; and

"(9) other specially designed programs or projects that meet the purpose of this part.

"(b) No funds authorized for assistance under this part shall be used to support the introduction, presence, or use of firearms, other weapons, or chemical agents in any school."

SEC. 3. (a) Part D of title I of the Elementary and Secondary Education Act of 1965 is redesignated as part E, and sections 141 through 144 of such title are redesignated as sections 151 through 154, respectively, and sections 146 through 150 are redesignated as sections 155 through 159, respectively. Cross references to such part and such title are redesignated accordingly.

(b) The provisions of part E of title I of the Elementary and Secondary Education Act (as redesignated by subsection (a)) are amended as follows:

(1) The material preceding paragraph (1) in section 151(a) is amended by inserting "part A, B, or C of" before "this title".

(2) Section 151(a)(1) is amended by inserting "part A, B, or C of" before "this title" the first time it appears.

(3) Section 151(a)(2) is amended by inserting after "such agency" the following: ", in the case of assistance under part A, B, or C,".

(4) Section 151(a)(6) is amended by inserting after "the programs" the following: "assisted under part A, B, or C".

(5) Section 152(a)(1) is amended by inserting before" and which meet" the following: "or 144", by inserting after "103 (a)(5)" the following: "and of part D", and by inserting before the semicolon at the end thereof the following: "or part D".

(6) Section 153(a)(2) is amended by inserting "part A, B, and C of" before "this title", and by adding at the end thereof the following new sentence: "From the funds paid to it pursuant to paragraph (1), each State educational agency shall distribute to each local educational agency of the State which has submitted an application approved under section 144 the amount for which such application has been approved, except that this amount shall not exceed the agency's allotment under section 143."

(7) The first sentence of section 154 is amended by inserting "parts A, B, and C of" before "this title".

(8) The third, fifth, and sixth sentences of section 154 are amended by striking out "this title" and inserting "such parts".

SEC. 4. Section 303 of the Act of September 30, 1950 (20 U.S.C. 244), is amended by adding at the end thereof the following:

"(16) The term 'crime' means any unlawful act or activity, not including any violation of any rule, regulation, or code of behavior established by any organization, agency, or institution not enacted into law."

Mr. CRANSTON. Mr. President, I am today cosponsoring, with Senator GURNEY, the Safe Schools Act of 1973. This measure is sponsored in the House of Representatives by Representative JONATHAN BINGHAM, of New York, and others.

This measure is to assist schools in finding ways to stem the rising tide of violence and vandalism that is disrupting the educational process. It is a sad fact that school crime, particularly in our cities, is fast increasing.

Listen to these grim statistics from Los Angeles alone: Dollar losses in the 1971–72 school year added up to $885,000 for burglary; $201,000 for burglary-related damage; $580,000 for arson; $65,000 for "miscellaneous mischief;" $650,000 for glass breakage; and $60,000 for "mysterious disappearance" of equipment.

Mr. President, that adds up to $2,400,000 for 1 school year in one school district. Since 1966, Los Angeles has spent more than $7 million out of the school budget. In 1972–73, Los Angeles schools will spend $2,021,000 for security agents and $1 million more for intrusion alarm systems.

That adds up to over $10 million that was spent on crime control, and not on the education of children.

Other statistics and incidents are just as alarming.

Nationally, assaults on teachers are up over 7,000 percent since 1964.

In San Francisco, a 17-year-old boy was stabbed to death after he teased a classmate about losing a game of dominoes to a girl.

Los Angeles school officials confiscated guns from some 40 students in 1 recent month. A recent high school shooting in Los Angeles left five students wounded.

In New York, 1,200 security aides were added to the school staff just before Thanksgiving, in an effort to curb robberies, fighting, and racial confrontation.

Mr. President, perhaps it is not surprising to find crime—simmering at the center of American urban life—boiling over into city schools, then into suburban schools, and into rural America. Authorities conversant with the complex issue of school crime seem to agree that crimes in schools are rooted in the community. In the words of Los Angeles School Superintendent William Johnston:

> The schoolground eventually becomes the battlefield where a resolution of conflict is attempted.

In my view, we must win the battle of crime in our schools if we do not want to perpetuate, generation after generation, a society that is both violent and fearful.

Our school personnel have been remarkably patient. They have asked little of us, except our understanding and our help. It is time we do all we can to restore our classrooms to places where teachers can teach and children can learn, free of hostilities, distrust, and fear.

It is clear that school crime is costing us plenty.

In dollars, reliable estimates place national losses from school vandalism at close to a half billion dollars annually.

In terms of public confidence in the schools, crime's cost to the national spirit cannot be calculated. Dollar statistics say nothing of the blighted prospects of millions of American children, exposed daily to physical and emotional harm.

We have done much in Federal aid to education, and we must do more. But as we ponder the rising incidents of public school crime, we might well wonder if any program has a chance of survival in the "hallways of fear" described by California's Superintendent of Public Instruction Wilson Riles.

Mr. President, the bill introduced today by myself and Senator Gurney is designed to help schools find methods of crime deterrence that meet the explicit needs of individual schools and school districts. The Commissioner of Education is authorized to make grants to schools upon the submission of a school security plan, based on local needs.

There is no Federal compulsion. Decisions as to the need for a security program, and the nature of the program, will be made at the local level. Security plans must be approved by parents, school employees, and the community. It must also be approved by the State educational agency. Grants are made under title I of the Elementary and Secondary Education Act.

Moneys may be used for administrative and planning support, for equipment, supplies, and structural alterations in school facilities. Use of funds for firearms, weapons, or chemicals is expressly forbidden, and the bill specifically calls for proper attention to constitutional rights and civil liberties issues in the formulation of school security plans.

Parental and community involvement is an extremely important feature of the bill. In the process of holding hearings on the measure, we should also consider how students might be involved effectively in the formulation of security plans.

Mr. President, I believe the seriousness of the school security issue is worthy of Federal attention as quickly as possible. Americans have long viewed education of their children as a national priority. The right to an education, in an atmosphere free from threat of violence, must be reinforced, and I am convinced that the bill I offer with Senator Gurney is a step in the right direction.

By Mr. SPARKMAN:

S. 488. A bill to amend the Securities Exchange Act of 1934 to prohibit minimum commission rates, and to regulate the transactions of members of national securities exchanges. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. SPARKMAN. Mr. President, I introduce a bill (S. 488) and ask that it be referred to the appropriate committee. This bill would provide a resolution of one of the many problems that has been of concern over the last few years to the securities industry and all who are connected with it. That problem is the status of those members of the various stock exchanges who are subsidiaries of institutional investors.

Institutional investors traditionally compete with brokerage firms for money management accounts such as pension funds. The institutions have found themselves at an increasing competitive disadvantage in recent years due to the high dollar amounts paid by them in commissions which are not paid by their brokerage firm competitors. For this reason, a number of institutions have either formed or acquired brokerage firm subsidiaries in order, in part, to recapture some of the commissions they pay.

I can certainly understand their need and desire to keep up with their competitors. However, I believe that all members of the various stock exchanges should be in business to trade for the public rather than for themselves or their corporate parents.

The bill I have just introduced will go a long way toward assuring competitive parity between the institutions and the brokers and will at the same time assure that all members of stock exchanges trade for the public.

Briefly the bill would provide that all members of stock exchanges must do all of their business with the public, rather than trading for the benefit of their parent company, other affiliate, or for any managed institutional account. At the same time, it would provide that the level at which commission rates will be determined by the forces of competition must be reduced to zero, in order to benefit the small investor.

The bill would provide a transition period of 10 years within which these requirements must be met.

This problem has caused an inordinate amount of turmoil within the industry. Recently, the Securities and Exchange Commission announced its intention of promulgating a rule dealing with the problem. Many have strongly indicated to the Securities and Exchange Commission in the past that this and related problems are matters which should be more properly handled by Congress than by the Commission. Indeed, many have serious doubts about the legal authority of the Securities and Exchange Commission to act on this matter. It would certainly be unfortunate if lengthy court actions are the result of the Commission's proposed rule, because of these doubts concerning its authority to act. The securities industry and the American public would undoubtedly be the losers in that situation. Without commenting further on the Commission's authority to take such action, I believe that since the issue revolves around the basic question of the makeup of the securities industry, which is so vital to the well being of our Nation's economy, the matter is one which should be handled by Congress, rather than by the SEC.

Mr. President, I ask unanimous consent that the text of this bill be printed in the Record at the end of these remarks.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 488

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. That section 6(c) of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78f(c)), is amended to read as follows:

"(c)(1) Nothing in this title shall be construed to prevent any exchange from adopting and enforcing any *rule* not inconsistent with this title and the rules and regulations thereunder and the applicable laws of the State in which it is located, except that, after January 1, 1983, no exchange shall maintain or enforce any rule fixing minimum commission rates with respect to any portion of a transaction.

Sec. 2. Section 11 of the Securities Exchange Act of 1934 (15 U.S.C. 78k) is amended by inserting after subsection (e) the following new subsection:

"(f) (1) It shall be unlawful for a member of a national securities exchange to effect, whether as broker or dealer, any transaction on such exchange with or for its own account, the account of any affiliate of such member or any managed institutional account. As used herein—

"(A) the term 'affiliate' means a person who controls, is controlled by, or is under common control with such member; and

"(B) the term 'managed institutional account' means an account of bank, insurance company, trust company, investment company, separate account, pension or profit-sharing trust or plan, foundation or charitable endowment fund for which such member or any affiliate thereof (i) has legal authority to select the securities bought or sold or (ii) makes day-to-day decisions on the purchase or sale of securities even though some other person may have ultimate responsibility for the investment decisions for such account.

"(2) The provisions of paragraph (1) of this subsection shall not apply to—

"(A) any transaction by a registered specialist in a security in which he is so registered;

"(B) any transaction for the account of an odd-lot dealer in a security in which he is so registered;

"(C) any transaction by a block positioner acting as such, except where an affiliated person is a party to the transaction;

"(D) any stabilizing transaction effected in compliance with rules under section 10 (b) of this title to facilitate a distribution of a security in which the member organization effecting such transaction is participating;

"(E) any bona fide arbitrage transaction, including hedging between an equity security entitling the holder to acquire such equity security, or any risk arbitrage transaction in connection with a merger, acquisition, tender, offer, or similar transaction involving a recapitalization; and

"(F) any transaction for a member's own account or the account of an affiliate who is an individual effected in compliance with rules promulgated by the Commission under section 11(a) of this title, and with such further rules as the Commission may promulgate limiting the aggregate amount of such transactions in relation to the total transactions effected by such member.

"(3) The provisions of paragraph (1) of this subsection shall not apply until on and after January 1, 1983. Subject to the provisions of this paragraph and of the rules and regulations of the Commission, the rules of the exchanges shall include such definitions and provisions as may be appropriate to carry out the purposes of this subsection. The Commission shall have power, pursuant to the procedures specified in section 19(b) of this Act, to alter or supplement the rules adopted by any exchange pursuant to this subsection. Nothing in this subsection shall be construed to confer power upon the Commission prior to January 1, 1983, pursuant to section 19(b) of the Act to alter or supplement the rules adopted by any exchange concerning the transactions of members with accounts of any affiliate or any managed institutional account."

By Mr. CURTIS (for himself, Mr. Dole, Mr. Dominick, and Mr. Hruska):

S. 490. A bill to amend the Agricultural Act of 1970. Referred to the Committee on Agriculture and Forestry.

Mr. CURTIS. Mr. President, I introduce today, on behalf of myself and Senators Dole, Dominick, and Hruska, a bill to amend the Agricultural Act of 1970.

Prior to enactment of the Agricultural Act of 1970, farmers who participated in Government programs were limited in the number of acres that could be planted in wheat, feed grains, and cotton. As a result of the Agricultural Act of 1970, farmers, after setting aside a certain amount of land, could produce these crops on whatever remaining land they may have had available.

Under the previous allotment-type legislation, farmers could produce excess wheat without penalty if they agreed to seal it in a warehouse until such time as production was less than the quota set for the farm.

The 1970 act provided that this excess wheat could be released from storage to the extent that the farmer produced less than three times his domestic allotment acreage times projected yield. Because of the flexibility of the net set-aside program, farmers have been reluctant to plant less than the maximum amount dictated by the market and consequently there is approximately 12 million bushels of wheat under seal which cannot be released even though we are in a favorable sales situation at this time.

The purpose of this legislation I introduce today is to allow that small number of farmers who have excess wheat stored to sell this wheat into the normal market channels. I might add that this proposal has the full support of the National Association of Wheatgrowers, as evidenced by a resolution recently adopted at their national convention, and the support of the Department of Agriculture, at least in theory, if not in form.

I will be asking my colleagues on the Committee on Agriculture and Forestry to consider this legislation at an early date and hope that it will become law in the near future.

By Mr. BEALL:

S. 491. A bill to strengthen and improve the Older Americans Act of 1965, and for other purposes. Referred to the Committee on Labor and Public Welfare.

Mr. BEALL. Mr. President, today it is my pleasure to introduce legislation designed to extend and expand the provisions of the Older Americans Act of 1965.

As the ranking Republican member of the Subcommittee on Aging, I have a special interest in the well-being of our senior citizens. I, for one, hold our Nation's senior citizens in a position of great respect, for they have toiled long and hard in our Nation's factories, on its farms, and in its armed services, and I believe that we all owe them a debt of gratitude for they are primarily responsible for the prosperity and the greatness that our Nation enjoys today. Through their efforts and sacrifices, our Nation has met the challenge of foreign aggressors, reached unprecedented heights of economic prosperity, and created for all Americans a society dedicated to the full realization of the goals upon which our Nation was founded.

During 1971, the Subcommittee on Aging devoted a great deal of time and effort to the drafting of a proposal which became the conference report of H.R. 15657. As we all know, this proposal was passed in the closing days of the second session of the 92d Congress and subsequently vetoed by the President.

Mr. President, I ask unanimous consent that that portion of the memorandum of disapproval relating to the Older Americans Comprehensive Services Amendment of 1972 (H.R. 15657) be printed in the Record at this point in my statement.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

[Taken from the White House Memorandum of Disapproval October 30, 1972]

OLDER AMERICANS COMPREHENSIVE SERVICE AMENDMENTS OF 1972 (H.R. 15657)

Last March, I submitted to the Congress a plan for strengthening and expanding service delivery programs under the Older Americans Act. This program would begin the development of most comprehensive and better coordinated systems for delivering services at the local level. In addition, I submitted a proposal to broaden the highly successful Foster Grandparents Program. The Administration will continue its vigorous pursuit of both these objectives.

However, the Congress added to the bill containing these provisions a range of narrow, categorical service programs which would seriously interfere with our effort to develop coordinated services for older persons. This is particularly the case with two categorical manpower programs which were added on the floor of the Senate and were considered without regard to manpower programs already serving older persons. Furthermore, this bill would authorize new funding of more than $2 billion between now and fiscal year 1975—far beyond what can be used effectively and responsibly.

I cannot responsibly approve H.R. 15657.

Mr. BEALL. Shortly after the President withheld his approval from H.R. 15657, I wrote to the Honorable Elliot Richardson, Secretary of Health, Education, and Welfare, and other administration officials in an effort to more clearly determine the nature of the President's opposition to this proposal. In a letter I received dated December 26, 1972, Secretary Richardson outlined in greater detail the administration's objections to H.R. 15657.

In a subseqent letter dated January 2, 1973, Director Weinberger explained the views of the Office of Management and Budget.

Mr. President, I ask unanimous consent that the text of these letters be printed in the Congressional Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

Secretary of Health, Education,
and Welfare,
Washington, D.C., Dec. 26, 1972.

Hon. J. Glenn Beall, Jr.,
U.S. Senate,
Washington, D.C.

Dear Senator Beall: Thank you for your letter of November 21 concerning the objections underlying the President's disapproval of H.R. 15657.

As you know, the President's Memorandum of Disapproval of October 30 specifically cited the categorical manpower programs and the high authorizations as provisions in the bill to which he objected.

The authorization levels in H.R. 15657 were well beyond what the Administration believed could be used effectively and would have raised false expectations among the elderly.

In addition, the new manpower programs would have duplicated existing programs aimed at identical clientele groups, using the same institutions, and competing for the same jobs and training opportunities. They would therefore have added to the severe administrative difficulties which the Administration's Manpower Revenue Sharing proposal was designed to eliminate. The bill would have authorized other new categorical programs in HEW that would have been duplicative of existing federal authority.

H.R. 15657 would also have legislated various highly undesirable organizational changes in HEW. The bill would have moved the Administration on Aging (AOA) from the Social and Rehabilitation Service component of HEW to the Office of the Secretary. It would also have placed authority for carrying out AOA's responsibilities under the Act in the Commissioner on Aging, rather than the Secretary. The Commissioner would have been prohibited from delegating any of his functions to an officer not directly responsible to him, unless he first submitted a delegation plan to Congress and neither House disapproved within 30 days.

The mandating of organizational changes in HEW would seriously impede the Secretary's authority to organize and manage the Department. The prohibition on delegation would likewise restrict the Department's managerial flexibility and would raise constitutional issues.

Among other defects, the bill also did not adopt the three year limit on Federal funding of service projects which had been proposed by the Administration. Thus the bill, in effect, would have provided permanent Federal funding rather than having States and localities assume financial responsibility for aging programs after an initial period of Federal assistance.

Finally, as you are aware, the Executive Branch is currently in the process of developing the budget and legislative proposals for fiscal year 1974. As part of this process, budget and legislative decisions relating to the Administration's proposed programs for the elderly in the next Congress are presently under consideration. These decisions will be reflected in the 1974 budget and legislative proposals which will be submitted to Congress as early in the coming session as possible.

I very much appreciate your concern and assistance in these matters.

With kindest regards,

Sincerely,

ELLIOT RICHARDSON,
Secretary.

OFFICE OF MANAGEMENT AND BUDGET,
Washington,, D.C. Jan. 2, 1973.

Hon. J. GLENN BEALL, Jr.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BEALL: Thank you for your letter of December 5 concerning the objections which impelled the President to disapprove H.R. 15657.

As you know, the President's Memorandum of Disapproval on H.R. 15657 called attention to the provisions of the bill which would have established a range of new narrow categorical service programs contrary to the Administration's approach of more comprehensive, coordinated local delivery of services to the elderly. In addition, as the Memorandum noted, the bill would have authorized funds far in excess of what can be used effectively and responsibly.

We are presently engaged in the formulation of the 1974 budget. The President's recommendations to the 93rd Congress with regard to the programs for the elderly are under consideration in the context of that process. The outcome of our current considerations will be reflected in the budget which we will be submitting early in the coming session of the Congress.

I appreciate your interest in this matter.

Sincerely,

CASPER WEINBERGER,
Director.

Mr. BEALL. What I am attempting to do, in the legislation I have submitted this afternoon, is to retain those parts of H.R. 15657 which relate directly to the older Americans program conducted by the Administration on Aging within the Department of Health, Education, and Welfare. I believe that this conference report reflects the best thinking and the spirit of compromise on the part of both Houses of the Congress as well as the representatives of the Department of Health, Education, and Welfare, and thus it can serve as the basis for further legislative action.

The two manpower programs, while their goals are commendable, were extraneous to the functioning of the Older Americans Act of 1965. They were to be administered by the Department of Labor which has consistently opposed the establishment of categorical manpower programs. I believe very strongly that the Department of Labor should expand its job training and manpower programs so as to include middle aged and older Americans. It is my understanding, that comprehensive manpower legislation will be considered by the appropriate subcommittee of the Labor and Public Welfare Committee during the first session of the 93d Congress. I believe it is incumbent upon the Employment Manpower and Poverty Subcommittee to expedite consideration of such legislation and to insure that it provides adequate job training opportunities for middle aged and older workers.

In addition, I have restored the language contained in the original Senate bill, S. 4044, with regard to construction funds for senior citizen centers. I fully understand the immense value and popularity of senior citizen centers, but I believe that the construction of such facilities should be the responsibility of the Department of Housing and Urban Development and not the Administration on Aging. The high cost of construction would only serve to further deplete the limited resources of the Administration on Aging. In addition, no administration, either Democrat or Republican, has ever requested or utilized funds for construction of senior citizen centers. Thus, I believe that construction funds for senior citizen centers helped bring about the veto.

In addition to several other minor changes, I have also reduced some of the authorization levels to make them conform to levels more acceptable to the President. I think it is important for Congress to cooperate with the executive branch in a realistic fashion so as to restrain government spending in a manner designed to insure the success of the economic stabilization program. I believe it is also in our best interest to cooperate with the President in his efforts to avoid a tax increase.

Mr. President, as Secretary Richardson indicated in the concluding paragraph of his letter,

> The Administration is presently considering budget and legislative decisions relating to the . . . proposed programs for the elderly.

Thus, it is possible that the President may unveil a new approach to meeting the needs of the elderly in his state of the Union address. I believe that new innovations, when properly molded in a spirit of compromise between the Congress and the executive branch, can significantly contribute to the well-being of our senior citizens, and that is what we are all seeking to achieve.

If this is the case, I hope that all of us will retain a willingness to receive and accommodate new concepts and new approaches to meeting these problems.

Mr. President, I have compiled a brief title-by-title summary of the provisions contained in S. 491, and I ask unanimous consent that this summary be printed at the conclusion of my remarks.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

TITLE-BY-TITLE SUMMARY OF S. 491, THE OLDER AMERICANS ACT AMENDMENTS OF 1973

TITLE I—DECLARATION OF OBJECTIVES

The Congress expanded the objectives contained in the original Older Americans Act of 1965 by placing emphasis on the need to make comprehensive social service programs available to older Americans and to insure their participation in the development of these programs.

TITLE II—ADMINISTRATION ON AGING

This Title establishes the Administration on Aging and places it within the Office of the Secretary of Health, Education, and Welfare. AOA is headed by a Commissioner on Aging who is appointed by the President and confirmed by the Senate. The Administration on Aging is given primary responsibility for carrying out the programs authorized under this Act. Language has also been included which is designed to protect the administrative integrity of the Administration on Aging so as to guarantee that AOA carries out the mandate prescribed by Congress in this legislation.

Title II also creates a "National Information and Resource Clearing House for the Aging" which is designed to collect, analyze, prepare and disseminate information regarding the needs and interests of older Americans.

In addition, Title II contains a provision establishing a "Federal Council on the Aging" which will be composed of 15 members appointed by the President and confirmed by the Senate. The Council will assist and advise the President on matters relating to the needs of older Americans; review and evaluate the impact of Federal policies and programs on the Aging; serve as a spokesman on behalf of older Americans by making recommendations to the President, the Secretary of Health, Education, and Welfare, the Commissioner on Aging, and the Congress with respect to federal activities in the field of aging; and undertake programs designed to increase public awareness of the problems and needs of our senior citizens. The Federal Council on the Aging will also undertake various studies designed to further clarify the specific needs of the elderly and recommend solutions to them.

TITLE III—GRANTS FOR STATE AND COMMUNITY PROGRAMS ON AGING

Under Title III, the Administration on Aging will work with State aging offices to develop a state-wide plan for delivering social services to senior citizens. Each state will be divided into planning and service areas which will bear the primary responsibility for developing the apparatus required to deliver social and nutritional services to the elderly. These area aging units are designed to coordinate existing governmental services, purchase services, and/or provide services where they are otherwise unavailable.

In addition, the Commissioner may undertake "model projects" within a state, giving special consideration to projects involving the housing needs of older persons, transportation needs, continuing education, preretirement information, and special services to the handicapped. It is hoped that these model projects will expand and improve the delivery of social services to older persons.

TITLE IV—TRAINING AND RESEARCH

The Commissioner on Aging is authorized to make grants for research and development projects in the field of aging. He may also undertake programs designed to attract qualified persons into the field of aging and to provide training programs for personnel in this field. There is also a provision for the establishment and support of multidisciplinary centers of gerontology which will assist in the research and training programs as well as provide technical assistance for state and local aging units.

TITLE V—MULTIPURPOSE SENIOR CENTERS

This provision provides for the acquisition, alteration, renovation and construction of multi-purpose senior citizen centers. Included in this section are provisions for loan insurance for senior citizen centers, grant authorizations for staffing of such centers, etc.

TITLE VI—NATIONAL OLDER AMERICANS VOLUNTEER PROGRAM

This Title extends and expands the authorization for the Foster Grandparents Program and other Older Americans Community Service Programs. These programs, which were transferred to the ACTION Agency in 1971 seek to involve Older Americans in a variety of programs designed to benefit persons, both children and adults, having exceptional needs.

TITLE VII—NUTRITION PROGRAM

This Title makes several minor conforming changes in the nutrition legislation which was passed earlier this year. The changes are primarily designed to produce greater coordination between nutrition programs and the social service programs provided in Title III.

TITLE VIII—AMENDMENTS TO OTHER ACTS

This provision amends the Library Services and Construction Act, the National commission on Libraries and Information Science Act, the Higher Education Act, and the Adult Education Act, so as to provide expanded opportunities for older Americans to participate in programs of continuing education.

By Mr. HANSEN:

S. 497. A bill to authorize and request the President to issue annually a proclamation designating the month of March of each year as "National Youth Art Month." Referred to the Committee on the Judiciary.

Mr. HANSEN. Mr. President, today I am introducing legislation which would authorize and request the President to annually issue a proclamation designating the month of March each year as National Youth Art Month.

Under the aegis of the Wyoming Federation of Women's Clubs and through the cooperation of Wyoming Governors, March has been declared Youth Art Month for the past 12 years in my State.

The realization of this proclamation will help to emphasize the value of participating art for the development of all children.

By Mr. FANNIN:

S. 499. A bill to amend the National Labor Relations Act to guarantee the right of employers to an election without requiring proof of lack of majority;

S. 500. A bill to amend the National Labor Relations Act to achieve reform of the provisions against recognition picketing and for other purposes; and

S. 501. A bill to amend the National Labor Relations Act with respect to election of representatives. Referred to the Committee on Labor and Public Welfare.

Mr. FANNIN. Mr. President, today I am introducing three bills to amend the Labor-Management Relations Act.

The Taft-Hartley law in 1947 directed that the extent to which employees have been organized should not be controlling in determining which bargaining unit should be designated as an appropriate unit.

Just before final passage of the Taft-Hartley bill, Senator Taft stated:

> This amendment was contained in the House bill. It overrules the "extent of organization" theory sometimes used by the Board in determining appropriate units. Opponents of the bill have stated that it prevents the establishment of small operational units and effectively prevents organization of public utilities, insurance companies and other businesses whose operations are widespread. It is sufficient answer to say that the Board has evolved numerous tests to determine appropriate units, such as community of interest of employees involved, extent of common supervision, interchange of employees, geographical considerations, etc., any of which may justify the finding of a small unit. The extent of organization theory has been used where all valid tests failed to give the union what it desires and represents a surrender by the Board of its duty to determine appropriate units. Its use has been particularly bad where another union comes in and organizes the remainder of the unit which results in the establishment of two inappropriate units.

In the years since 1947, the Board has been careful to avoid unit determinations based solely upon the extent the union has been able to organize. Courts have upset Board determination of appropriate unit in perhaps a dozen cases where it was obvious from the record that the only real reason, was the extent of organization.

In recent years unions have prevailed upon the Board to use a test which enables them to get an election in any unit in which they believe they can win an election.

In literally thousands of cases, the Board has found that the unit contended for by the employer—plant wide, division wide, statewide, storewide, and so forth, is appropriate. But then the Board goes on to find that the unit contended for by the union—department wide, one operation out of many, one city, one store out of a small chain, and so forth, is also appropriate. Then the Board gives the union what it asks.

Thus, the Board has thwarted congressional intent. Senator Taft's statement quoted above is applicable today as it was in 1947. The Board continues to surrender its duty to determine appropriate units to the unions.

The first amendment I offer seeks to require the Board to carry out its duty.

Mr. President, the second amendment I offer would clarify the right of an employer to seek an NLRB election among his employees. The requirements of the law are clear enough. The same rules apply in an election regardless of who files the petition. Nevertheless, the NLRB has applied more restrictive rules to employers seeking elections than to unions.

Under its present practice the board requires an employer to show, by a variety of so-called objective considerations, that he has reasonable grounds for doubting an incumbent union's majority status. The fact that the certification of that union may be many years old, or that there has been a very considerable turnover of employees, will not be viewed by the NLRB as objective considerations. Further, the employer is properly prohibited from polling his employees about union preference. He is, for these various reasons, effectively prohibited from exercising a right the act confers upon him.

The amendment here corrects the inequity of present board holdings by authorizing an election on the petition of an employer who is confronted by one or more claims for representation, or claims by employees that they no longer wish union representation, and where there has not been a valid election in the unit within the preceding 12 months.

To understand the need for this amendment one has to know the present practice of the Board's regional offices. When a petition for decertification of an incumbent union is filed by either a group of employees or the employer, the case is assigned to a field examiner—investigator—who calls at the employer's place of business and requests permission to individually question an employee in secret. Often his questions go to whether there was any employer instigation or support of the decertification petition. If an employee tells the investigator that he wants to get rid of the union he may be cross-examined as to his reasons. The employer is also questioned by the field examiner. The employer has been previously required to submit an affidavit setting forth objective considerations. This usually takes the form of naming individual employees who have expressed a desire to get rid of the union.

This procedure is required by a confidential field manual prepared by the general counsel and the Board. As a result of these secret investigations the petition for decertification is often dismissed. There is no way the employer or the employees may know the reason for dismissal.

Board rules provide that the question may not be litigated in any subsequent representations hearing.

Contrast the above with the procedure followed when a union files a petition for an election. Here the union merely files authorization cards which must represent 30 percent of the eligible voters. The field examiner checks those cards against the payroll which the employer is required to present and if he finds 30 percent, the field examiner attempts to get a consent election or set the case down for hearing in approximately 2 weeks. No investigation is made of authenticity of the signatures to the cards. There is no questioning of individual employees.

This contrasting method of investigation has resulted in an infinitesimal number of decertification elections ever being held. In short, the rules of NLRB make it quite easy to get a union in, but almost impossible to get rid of it when the employees no longer want it.

Mr. President, my third amendment concerns section 8(b)(7) which was written into Landrum-Griffin because Congress wished to stop recognition picketing. Now, some 14 years later, this provision has been rendered a practical nullity in the law. Whether this has been a result of defective draftmanship, ill-advised compromises made in conference between the House and Senate, or poor decisions by the National Labor Relations Board and the courts is irrelevant at this time. In both Taft-Hartley and Landrum-Griffin Congress sought to require unions to obtain recognition through the peaceful election procedures which the act provides rather than engaging in such forms of economic warfare as strikes and picketing.

Unfortunately the act proved a disappointment in this respect. Unions that represent few or no employees frequently picket for recognition. Unions that have lost elections often resort to strikes and picketing. In both such actions the majority-rule principle is defeated.

Because paragraph (c) of section 8(b)(7) prohibited picketing a nonunion employer, unless an election petition was filed within a reasonable period of time not to exceed 30 days, the Board not only permitted such harassment for the entire 30 days, but refrained from obtaining injunctive relief against the picketing for such additional period as was required to process the petition, hold the election, entertain post election objections and certify the results. The unions have been able to extend even this long period of immunity by the simple expedient of filing a charge when the petition is docketed. No election will then be directed until the charge is disposed of.

The second proviso to section 8(b)(7)(c) has been used by permitting under the guise of allowing merely the publicizing of the absence of a union contract. Another popular device permitted by the Board is to hold legal picket signs which read "this employer fails to meet area standards in its terms and conditions of employment." Since the union will always have some contracts in the area which in some part are better than the picketed employer's wages and benefits, the picket sign becomes legal under present rulings of the Board.

My amendment would close these loopholes by deleting the proviso and denying the uncertified union any right to picket or strike for recognition, irrespective of whether the picketed plant has already been organized or is covered by a contract with another union.

Mr. President, I send these three bills to the desk for appropriate reference.

By Mr. BENTSEN (for himself, Mr. RANDOLPH, Mr. MONTOYA, Mr. GRAVEL, Mr. BURDICK, and Mr. BAKER):

S. 502. A bill to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes. Referred to the Committee on Public Works.

THE FEDERAL-AID HIGHWAY ACT OF 1973

Mr. BENTSEN. Mr. President, today I introduce the Federal-Aid Highway Act of 1973, the legislative measure which has been assigned the highest priority by the Committee on Public Works.

I am privileged to be joined in the introduction of this measure by the distinguished chairman of the Public Works Committee, the senior Senator from West Virginia (Mr. RANDOLPH), who for a number of years also served as chairman of the Subcommittee on Roads. As I assume this subcommittee chairmanship, I am grateful to know that his experience in this field and his comprehensive knowledge of the subject is available both to me and to the committee as we begin work on a very complex and a very important bill. I am also pleased to have the distinguished Senators from New Mexico (Mr. MONTOYA), from Alaska (Mr. GRAVEL), from West Virginia (Mr. RANDOLPH), from North Dakota (Mr. BURDICK), and from Tennessee (Mr. BAKER) as cosponsors.

The introduction of the Federal-Aid Highway Act this year represents a departure from the traditional practice. Normally, Federal-aid highway legislation is a biennial activity that takes place during the even-numbered years. As Members of the Senate know, however, the Federal-Aid Highway Act of 1972 received considerable attention by the 92d Congress, but failed to be enacted when, on the last day of the session, the House of Representatives could not obtain a quorum to vote on the highway conference report. Consequently, we must begin our efforts anew.

We undertake this legislative program with the knowledge that while the national highway program is not in a crisis situation, many States are rapidly exhausting their resources for continued highway development. Existing law authorizes highway expenditures through June 30 of this year, but the normal practice is for highway funds to become available several months prior to the beginning of the fiscal year for which they are provided. Many States, therefore, programed their expenditures in anticipation that fiscal 1974 funds would be available early this year. These circumstances make it a matter of some urgency for the Congress to expedite consideration of a new highway bill.

As the new chairman of Subcommittee on Roads, I intend to move this bill as expeditiously as possible, consistent with my responsibility to hear from a range of witnesses representing various points of view.

Last year our conference with the House of Representatives was very contentious and at times, heated exchanges of views were expressed. I fully anticipate that major differences will be before us again this year for resolution. The conference report that was submitted and passed by the Senate, consisted of items on which there was no substantial disagreement and of items in dispute but on which agreement had been reached. Unfortunately, we must start at the beginning once again. I am under no illusion that it will be any easier in 1973 to reach agreement on a Highway Act than it was in 1972.

The bill I introduce today is basically that which was reported by the Senate Committee on Public Works last year. It contains, however, a number of changes in authorization levels and other changes which were agreed to in the Senate-House conference. These latter changes are, I believe, improvements over our original version. Several of them are provisions contained in the bill passed by the House.

Since adjournment of the 92d Congress, Members and staff have had an opportunity to review the highway program in the years immediately ahead. The highway hearings last summer were of a general nature and were held before the Senate bill (S. 3939) was introduced. This year we will have a *firm legislative* proposal in the form of the bill I introduce today for consideration during our hearings.

In keeping with the necessity to expedite consideration of this legislation, I am scheduling hearings for February 7, 8, 15, and 16. We expect to hear from a substantial number of witnesses during the 4 days.

I shall be directing these witnesses to address themselves to the most difficult and controversial issues confronting us in the highway program; namely, the proper authorization levels for the various Federal-aid programs, interstate, primary, secondary, and urban; the value of retaining the various categorical programs as opposed to encompassing them under three or four general headings; the use of highway trust funds for public transportation purposes, including rail transit; the so-called pass-through of highway funds to urban areas, bypassing the States; the transfer of interstate mileage and the substitution of alternative segments by the States; and the advisability of the so-called priority primary system in last year's House bill, which would have authorized a new 10,000-mile system to approximate interstate standards using certain selected, heavily traveled roads. All of these issues should and will be discussed in the hearings.

The intent of this bill is to continue the evolutionary process which has characterized the Federal-aid highway program over the more than 50 years since it was created. In our dynamic and changing society it is essential for this program to contain the flexibility necessary to respond to the highway transportation needs of our country at any given time. That is why the Federal-aid program is a matter of regular legislative concern to the Congress every 2 years.

One of the major questions we must consider this year is the level at which Federal-aid programs should be funded.

Since 1956, the construction of the Interstate System has commanded most of our highway financial resources. The Interstate program is now funded at a level of $4 billion a year, although in recent years the administration has not released this full amount for obligation. In the 1972 Senate bill, interstate authorizations were proposed at $3.25 billion. The administration recommended a reduced interstate authorization so that other trust funds could be utilized for pressing needs elsewhere on the Federal-aid systems. The administration also provided assurances that the full amount of this reduced authorization level would be made available and that there would be no further impoundment of interstate authorizations. The Senate and House concurred last year in the request for a reduced interstate authorization level, and the conference report established it at $3.5 billion. The present bill retains the $3.25 billion level requested by the administration. As in last year's proposal, completion of the Interstate System would be extended to 1980.

For urban and rural highways, the bill proposes annual authorization of $1 billion each. Of the rural funding, $650 million would go to primary roads and $350 million to secondary roads. The Federal-aid urban system would receive $650 million—of which $50 million would be allocated to communities having less than 50,000 people, and urban extensions of the primary and secondary systems would get $350 million. For all Federal-aid highway programs, authorizations for the next 2 years would be as follows:

PROPOSED 1973 FEDERAL-AID HIGHWAY BILL AUTHORIZATIONS IN PRELIMINARY DRAFT

The following is a tabular summary of funds which would be authorized for fiscal years 1974 and 1975 by the proposed draft bill:

[In millions]

Highway programs	Highway Trust Fund 1974	Highway Trust Fund 1975	General fund 1974	General fund 1975
Interstate	$3,250.0	$3,250		
Primary—Rural	650.0	650		
Secondary—Rural	350.0	350		
Urban System	650.0	650		
Urban Extensions	350.0	350		
Minimum ½ of 1 percent Interstate	50.0	50		
Urban High Density Traffic Program	50.0	50		
Forest Highways	33.0	33		
Public Lands Highways	16.0	16		
Forest Development Roads and Trails			$75	$75
Public Lands Development Roads and Trails			10	10
Park Roads and Trails			30	30
Parkways	75.0	100		
Indian Reservation Roads and Bridges			75	75
Landscaping and Scenic Enhancement	15.0	15		
Administrative Expenses			1.5	1.5
Guam			2	2
Virgin Islands			2.5	2.5
American Samoa			.5	.5
Bridges on Federal Dams			8.5	
Highway Beautification and Junkyards	65.0	65	0.25	
Rural Bus Demonstration Program	20.0	20	10	10
Alaska Assistance	20.0	20		
Alaskan Highway			58.67	
Rail Relocation Project	2.4		4.8	
Total	5,596.4	5,619	278.72	206.50

Perhaps the most controversial feature of last year's highway bill was the provision relating to the use of highway funds for public transportation. As introduced, the Federal-Aid Highway Act of 1973 contains essentially the same language in this respect as that approved by the committee last year. Specifically, it would permit the use of urban highway funds for the development and strengthening of highway-related public transportation systems, including the purchase of buses. Last year's committee report noted:

> The Committee recognizes the interrelationship between public transportation and the highway program, by further expanding the uses to which highway funds can be put in strengthening of public transportation so as to obtain the maximum benefits from the heavy public investment in urban highways.

We still hold to that view.

As in last year's bill, there is no authority for cities to use urban highway funds for the construction of rail-mass transit.

To help resolve another problem of urban areas, this bill contains provisions for the adjustment of interstate locations in areas where they are controversial. The bill authorizes the relocation of interstate routes in urban areas on a dollar-for-dollar basis. This means that restrictions now in force would be relaxed so segments could be relocated on the basis of cost rather than mileage.

The provisions of last year's S. 3939 relating to the "pass-through" of highway funds to urban areas are retained in this bill. Urban funds would be made available directly to those metropolitan areas where local transportation agencies have been created with the capability to utilize these funds.

The bill last year attempted to enable smaller urban areas to meet some of their urgent highway needs by creating a small urban system. To help avoid a proliferation of categorical programs, the bill I introduce today addresses this same need, but in a different manner. To provide highway funds for smaller communities, this bill proposes a change in the definition of urban areas. This would make cities with 5,000 or more population eligible to receive urban funds. The existing statute requires cities to have at least 50,000 residents to participate in the urban program. The urban transportation planning process relating to urban funds would still be required only of cities of over 50,000 population.

As in last year's bill, highway funds under this measure would be made available for the construction of bicycle paths, pedestrian walkways, and equestrian trials. These activities could be carried out in connection with highway projects and could be located on highway rights-of-way.

The elimination of eyesores along our Nation's highways continues to be a matter of great concern. We have known for some time that the billboard removal program, first enacted in 1966, has for a variety of reasons, not been effective. The bill, therefore, proposes several modifications in the law and authorizes funds to more fully implement the program.

In particular, the bill eliminates the 2-year moratorium on the removal of signs "giving specific information to the traveling public," which was in the bill that passed the Senate last year. In addition, the bill authorizes $65 million for highway beautification, some $8 million more than in last year's administration bill. Our billboard removal program has been plagued with frustrations and delays, and with an absence of funds to make it effective. Hopefully, the new provisions will enable us to go about the job of freeing our highways from the clutter and the blight of unnecessary billboards and fulfill the promise of legislation that has been on the books for 7 years.

During the development of last year's highway bill, we received requests from States for assistance in building urgently needed high-capacity roads as soon as possible. The outgrowth of these requests was the creation of the toll road reimbursement program. This program would allow States to utilize their primary highway funds to retire part of the bonds issued for the construction of toll roads. This would be permitted, however, only after the State had completed its portion of the Interstate System. The funds to retire bonds would come from the regular apportionment to the State.

The urban high density traffic program was developed last year to alleviate severe congestion in a limited number of densely populated areas with special highway needs. This limited program is included in the bill again this year and an authorization of $50 million for each of the next 2 years is proposed for the construction of short roads having severe traffic congestion.

One of the most serious impediments to the smooth operation of the Federal-aid highway program in recent years has been the proliferation of statutes and regulations connected with the availability of Federal aid to the States. The highway program has become so complex and the administration of it so involved that it now takes a great deal of time to plan and execute highway projects. States have found present procedures to be increasingly frustrating and have regularly asked us for relief in eliminating what they refer to as the redtape problem.

This bill addresses the redtape problem in two ways. It includes language developed by the House of Representatives last year stressing the desirability of reducing paperwork and interagency decision procedures that hamper the highway program. The bill also includes the alternate Federal-aid highway procedures that were included in the Senate bill last year. This section recognizes that State highway departments have achieved a high level of competence in their ability to plan and execute highway programs. It establishes the mechanism for turning over to the States a substantial portion of the day-to-day authority now held by the Federal Government. Essentially, this procedure calls for certification by the Secretary of Transportation that States have a proper capacity to carry out highway programs. After receiving certification, the States wishing to participate could then proceed to build their roads subject only to periodic audit of their total program, instead of a project-by-project review at each step of the construction process. There is no mandatory feature to this procedure, but it would be available to those States which wish to sever many of the strings that tie them to Washington.

I discussed earlier the involvement of the highway program in urban public transportation. The highway program must also become involved in resolving the equally serious problem of public transportation in rural areas. In our country today there are vast areas with light populations which have poor, or no, public transportation services upon which residents of these areas can depend. This bill provides for a demonstration program to explore ways in which public transportation can be provided at reasonable cost in rural areas.

A unique problem involving my own State of Texas is also addressed in this bill. Section 147 permits the State of Texas to terminate the Federal-aid relationship with regard to the Northern Expressway in the city of San Antonio. Under this provision of the bill, the expressway would no longer be a Federal-aid highway and all funds expended to date would be returned to the Federal Government. An identical provision was in both the House and Senate bills last year.

The number of people killed and injured on our highways is still a serious problem in the United States, despite our efforts in recent years in the field of highway safety.

The highway death toll seems to have stabilized at approximately 55,000 people a year, even though the deaths per mile driven has been reduced. Successes are evident in our highway safety programs, but 55,000 deaths a year is far too many.

I intend to introduce a separate comprehensive safety bill within the next few weeks, for I believe the question deserves separate and thorough consideration.

The measure I introduce today is a comprehensive approach to contemporary highway needs. We could, I imagine, quickly enact a law providing money to continue the program as presently constituted. I believe, however, that we would be remiss in our duties if we satisfied ourselves simply with stopgap action and casual consideration of this issue. The highway program affects the lives of every American, and our responsibility is to be sure that the program retains the capacity to respond quickly and properly to the changing transportation needs of our citizens.

Total trust fund and general fund spending authorized by this bill is $5,875.12 billion for fiscal year 1974 and $5,825.50 billion for fiscal year 1975. Both of these figures represent substantial investments in highway transportation facilities. They are, however, substantially less than the $6.37 billion in the bill passed by the Senate last year for the same programs and are comparable to the recommendations of $5.37 billion made last year by the administration. I intend to work for fiscal responsibility on this measure, and I should stress that I expect the administration to exercise more considered judgement before withholding highway funds.

I remind Members of the Senate that the administration last year urged us to use restraint in developing a highway program and held out before us the prospect ending the impoundment of highway funds. I have met that test. The bill I introduce today meets the legitimate aims of the administration's request. In light of recent concern about the assertion of congressional authority, however, I must note that while we are attempting in this proposal to accomodate the administration, this bill in no way is a capitulation of the congressional prerogatives of initiating legislative proposals of its own. The programs and policies enunciated by this bill reflect my belief as a Member of the U.S. Senate as to the direction the Federal-aid highway program must take.

Mr. President, I appreciate this opportunity to review the highway bill and I assure Members of the Senate that the Subcommittee on Roads and the full Committee on Public Works will approach the task before them with diligence, and that we will report to this Chamber a bill at the earliest opportunity.

At this point, I ask that the full text of the new highway bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 502

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That—

SHORT TITLE

SEC. 101. This Act may be cited as the "Federal-Aid Highway Act of 1973".

REVISION OF AUTHORIZATION OF APPROPRIATIONS FOR INTERSTATE SYSTEM

SEC. 102. Subsection (b) of section 108 of the Federal-Aid Highway Act of 1956, as amended, is amended by striking out "the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1974, the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1975, and the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1976." And inserting in lieu thereof the following: "the additional sum of $3,250,000,000 for the fiscal year ending June 30, 1974, the additional sum of $3,250,000,000 for the fiscal year ending June 30, 1975, the additional sum of $3,250,000,000 for the fiscal year ending June 30, 1976, the additional sum of $3,250,000,000 for the fiscal year ending June 30, 1977, the additional sum of $3,250,000,000 for the fiscal year ending June 30, 1978, the additional sum of $3,250,000,000 for the fiscal year ending June 30, 1979, and the additional sum of $257,000,000 for the fiscal year ending June 30, 1980."

AUTHORIZATION OF USE OF COST ESTIMATE FOR APPORTIONMENT OF INTERSTATE FUNDS

SEC. 103. The Secretary of Transportation is authorized to make the apportionment for fiscal years 1974 and 1975 of the sums authorized to be appropriated for such years for expenditure on the National System of Interstate and Defense Highways, using the apportionment factors contained in table 5, House Committee Print Numbered 92–29.

EXTENSION OF TIME FOR COMPLETION OF SYSTEM

SEC. 104. (a) The second paragraph of section 101(b) of title 23, United States Code, is amended by striking out "twenty years" and inserting in lieu thereof "twenty-four years" and by striking out "June 30, 1976" and inserting in lieu thereof "June 30, 1980".

(b)(1) The introductory phrase and the second and third sentences of section 104(b)(5) of title 23, United States Code, are amended by striking out "1976" each place it appears and inserting in lieu thereof at each such place "1980".

(2) Section 104(b)(5) is further amended by striking out the sentence preceding the last sentence and inserting in lieu thereof the following: "Upon the approval by the Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for fiscal years 1976 and 1977. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1976. Upon the approval by the Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for fiscal years 1978 and 1979. The Secretary shall make a final revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1978. Upon the approval by the Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for fiscal year 1980."

AUTHORIZATIONS

SEC. 105. (a) For the purpose of carrying out the provisions of title 23, United States Code, the following sums are hereby authorized to be appropriated:

(1) For the Federal-aid primary system in rural areas out of the Highway Trust Fund, $650,000,000, for the fiscal year ending June 30, 1974, and $650,000,000 for the fiscal year ending June 30, 1975. For the Federal-aid secondary system in rural areas, out of Highway Trust Fund, $350,000,000 for the fiscal year ending June 30, 1974, and $350,000,000 for the fiscal year ending June 30, 1975.

(2) For the Federal-aid urban system, out of the Highway Trust Fund, $650,000,000 for the fiscal year ending June 30, 1974, and $650,000,000 for the fiscal year ending June 30, 1975: *Provided,* That $50,000,000 of such funds for each of the fiscal years ending June 30, 1974 and June 30, 1975, shall be expended for the urban system in cities between 5,000 and 50,000 population. For the extensions of the Federal-aid primary and secondary systems in urban areas, out of the Highway Trust Fund, $350,000,000 for the fiscal year ending June 30, 1974, and $350,000,000 for the fiscal year ending June 30, 1975.

(3) For forest highways out of the Highway Trust Fund, $33,000,000 for the fiscal year ending June 30, 1974, and $33,000,000 for the fiscal year ending June 30, 1975.

(4) For public lands highways, out of the Highway Trust Fund, $16,000,000 for the fiscal year ending June 30, 1974, and $16,000,000 for the fiscal year ending June 30, 1975.

(5) For forest development roads and trails, $75,000,000 for the fiscal year ending June 30, 1974, and $75,000,000 for the fiscal year ending June 30, 1975.

(6) For public lands development roads and trails, $10,000,000 for the fiscal year ending June 30, 1974, and $10,000,000 for the fiscal year ending June 30, 1975.

(7) For park roads and trails, $30,000,000 for the fiscal year ending June 30, 1974, and

$30,000,000 for the fiscal year ending June 30, 1975.

(8) For parkways, out of the Highway Trust Fund, $75,000,000 for the fiscal year ending June 30, 1974, and $100,000,000 for the fiscal year ending June 30, 1975.

(9) For Indian reservation roads and bridges, $75,000,000 for the fiscal year ending June 30, 1974, and $75,000,000 for the fiscal year ending June 30, 1975.

(10) For carrying out section 319(b) of title 23, United States Code (relating to landscaping and scenic enhancement), out of the Highway Trust Fund, $15,000,000 for the fiscal year ending June 30, 1974, and $15,000,000 for the fiscal year ending June 30, 1975.

(11) For necessary administrative expenses in carrying out section 131, section 136 and section 319(b) of title 23, United States Code, $1,500,000 for the fiscal year ending June 30, 1974, and $1,500,000 for the fiscal year ending June 30, 1975.

(12) For carrying out section 215(a) of title 23, United States Code (relating to territorial highway development program), out of the sums in the Treasury not otherwise appropriated:

(A) for the Virgin Islands not to exceed $2,500,000 for the fiscal year ending June 30, 1974, and not to exceed $2,500,000 for the fiscal year ending June 30, 1975;

(B) for Guam not to exceed $2,000,000 for the fiscal year ending June 30, 1974, and not to exceed $2,000,000 for the fiscal year ending June 30, 1975; and

(C) for American Samoa not to exceed $500,000 for the fiscal year ending June 30, 1974, and not to exceed $500,000 for the fiscal year ending June 30, 1975.

(b) Any State which has not completed Federal funding of the Interstate System within its boundaries shall receive at least one-half of 1 per centum of the total apportionment for each of the fiscal years ending June 30, 1974; and June 30, 1975, under section 104(b)(5) of title 23, United States Code, or an amount equal to the actual cost of completing such funding, whichever amount is less. In addition to all other authorizations for the Interstate System for the two fiscal years ending June 30, 1974, and June 30, 1975, there are authorized to be appropriated out of the Highway Trust Fund not to exceed $50,000,000 for each such fiscal year for such system.

(c) For each of the fiscal years 1974 and 1975, no State shall receive less than one-half of 1 per centum of the total apportionment for the Federal-aid urban system under paragraph (6) of subsection (b) of section 104 of title 23, United States Code.

DEFINITIONS

Sec. 106. (a) The definition of "construction" in subsection (a) of section 101 of title 23, United States Code, is amended to read:

"The term 'construction' means the supervising, inspecting, actual building, and all expenses incidental to the construction or reconstruction of a highway, including locating, surveying, and mapping (including the establishment of temporary and permanent geodetic markers in accordance with specifications of the National Oceanic and Atmospheric Administration in the Department of Commerce), acquisition of rights-of-way, relocation assistance, elimination of hazards of railway grade crossings, acquisition of replacement housing sites, acquisition and rehabilitation, relocation, and construction of replacement housing, and improvements which directly facilitate and control traffic flow, such as grade separation of intersections, widening of lanes, channelization of traffic, traffic control systems, and passenger loading and unloading areas."

(b) The definition of "Indian reservation roads and bridges" in subsection (a) of section 101 of title 23, United States Code, is amended to read:

"The term 'Indian reservation roads and bridges' means roads and bridges that are located within or provide access to an Indian reservation or Indian trust land or restricted Indian land which is not subject to fee title alienation without the approval of the Federal Government on which Indians reside, or Indian and Alaska native villages, groups or communities in which Indians and Alaskan natives reside, whom the Secretary of the Interior has determined are eligible for services generally available to Indians under Federal laws specifically applicable to Indians."

(c) The definition of "urbanized area" in subsection (a) of section 101 of title 23, United States Code, is amended to read:

"The term 'urbanized area' means an area so designated by the Bureau of the Census, within boundaries to be fixed by the Secretary in cooperation with responsible State and local officials."

DECLARATION OF POLICY

Sec. 107. Subsection (b) of section 101 of title 23, United States Code, is amended by adding at the end thereof the following new paragraph:

"It is further declared to be in the national interest and to be the intent of Congress that in the administration of the Federal-aid highway program the Secretary shall carry out the program in such a manner as to give the highest priority in all instances, to highway safety and the saving of human lives."

MINIMIZATION OF RED TAPE

Sec. 108. Section 101 of title 23 of the United States Code is amended by adding at the end thereof the following new subsection:

"(e) It is the national policy that to the maximum extent possible the procedures to be utilized by the Secretary and all other affected heads of Federal departments, agencies, and instrumentalities for carrying out this title and any other provision of law relating to the Federal highway programs shall encourage the minimization of paperwork and interagency decision procedures and the best use of available manpower and funds so as to prevent needless duplication and unnecessary delays at all levels of government."

FEDERAL-AID SYSTEMS REALINEMENT

Sec. 109. (a) Section 103(b) of title 23, United States Code, is renumbered as section 103(b)(1) and a new section 103(b)(2) is added to read as follows:

"(2) After June 30, 1975, the Federal-aid primary system shall provide an adequate system of connected main roads important to interstate, statewide, and regional travel, consisting of rural arterial routes and their extensions into or through urban areas. The Federal-aid primary system shall be designated by each State and where appropriate, shall be in accordance with the planning process pursuant to section 134 of this title, subject to the approval of the Secretary as provided by subsection (f) of this section."

(b) Section 103(c) of title 23, United States Code, is renumbered as section 103(c)(1) and a new subsection 103(c)(2) is added to read as follows:

"(2) After June 30, 1975, the Federal-aid secondary system shall consist of rural major collector routes. The Federal-aid secondary system shall be designated by each State through its State highway department and appropriate local officials in cooperation with each other, subject to the approval of the Secretary as provided in subsection (f) of this section."

(c) Section 103(d) of title 23, United States Code, is renumbered as section 103(d)(1) and a new subsection 103(d)(2) is added to read as follows:

"(2) After June 30, 1975, the Federal-aid urban system shall be located in urban areas and shall consist of arterial routes and collector routes, exclusive of urban extensions of the Federal-aid primary system. The routes on the Federal-aid urban system shall be designated by appropriate local officials, subject to the approval of the Secretary as provided in subsection (f) of this section, and in the case of urbanized areas shall be in accordance with the planning process required pursuant to the provisions of section 134 of this title."

(d) Federal-aid systems realinement shall be based upon anticipated functional usage in the year 1980.

FEDERAL-AID URBAN SYSTEM

Sec. 110. (a) Subsection (d)(1) of section 103 of title 23, United States Code, is amended by striking the first, second, third, fourth, and fifth sentences and inserting in lieu thereof the following:

"The Federal-aid urban system shall be established in each urban area. The system shall be so located as to serve the major centers of activity, and shall include high traffic volume arterial and collector routes. In urbanized areas it shall be selected so as to serve the goals and objectives of the community as determined by the responsible local officials of such urbanized area in accordance with the planning process required pursuant to the provisions of section 134 of this title. No route on the Federal-aid urban system shall also be a route on any other Federal-aid system. Each route of the system shall connect with another route on a Federal-aid system. Routes on the Federal-aid urban system shall be selected by the appropriate local officials or by areawide councils of government or other appropriate metropolitan organizations established by law, after consultation with the State highway departments and, in urbanized areas, in accordance with the planning process under section 134 of this title. Designation of the Federal-aid urban system shall be subject to the approval of the Secretary as provided in subsection (f) of this section."

(b) Subsection (d) of section 105 of title 23, United States Code, is amended to read as follows:

"(d) In approving programs for projects on the Federal-air urban system, the Secretary shall require that such projects be selected by the appropriate local officials after consultation with the State highway department and in accordance with the planning process required pursuant to section 134 of this title."

TRANSFER OF INTERSTATE SYSTEM MILEAGE WITHIN A STATE

Sec. 111. (a) The fourth sentence of subsection (e)(2) of section 103 of title 23, United States Code, is amended to read:

"The provisions of this title applicable to the Interstate System shall apply to all mileage designated under the third sentence of this paragraph, except that the cost to the United States of the aggregate of all mileage designated in any State under the third sentence of this paragraph shall not exceed the cost to the United States of the mileage approval for which is withdrawn under the second sentence of this paragraph; such costs shall be that as of the date of the withdrawal."

(b) Paragraph (2) of subsection (e) of section 103 of title 23 of the United States Code is amended by adding at the end thereof the following:

"The authority granted by this paragraph shall expire on the date of enactment of the Federal-Aid Highway Act of 1973. However, the amendment contained in section 111(a) of the Federal-Aid Highway Act of 1973 shall be retroactive."

(c) Subsection (e) of title 23, United States Code, is amended by adding the following:

"(4) In addition to the mileage authorized by the first sentence of paragraph (1) of this subsection, there is hereby authorized additional mileage for the Interstate

System to be used in making modifications or revisions in the Interstate System as provided in this paragraph. Upon the joint request of a State Governor and the local governments concerned, the Secretary may withdraw his approval of any route or portion thereof on the Interstate System within that State selected and approved in accordance with this title prior to the enactment of this paragraph, if he determines that such route or portion thereof is not essential to completion of a unified and connected Interstate System (including urban routes necessary for metropolitan transportation) or will no longer be essential by reason of the application of this paragraph and will not be constructed as a part of the Interstate System, and if he receives assurances that the State does not intend to construct a toll road in the traffic corridor which would be served by such route or portion thereof. After the Secretary has withdrawn his approval of any such route or portion thereof the mileage of such route or portion thereof and the additional mileage authorized by the first sentence of this paragraph shall be available for the designation of such interstate route or portions thereof within that State as provided in this subsection necessary to provide the essential connection of the Interstate System in such State in lieu of the route or portions thereof which were withdrawn. The provisions of this title applicable to the Interstate System shall apply to all mileage designated under the third sentence of this paragraph, except that the cost to the United States of the aggregate of all mileage designated in any State under the third sentence of this paragraph shall not exceed the cost to the United States of the mileage approval for which is withdrawn under the second sentence of this paragraph. Such costs shall be that as of the date of the withdrawal. Whenever the Secretary determines that such routes or portions thereof are not essential or whenever the amounts necessary for the completion of the substitute essential routes or portions thereof are less than the cost of the withdrawn route or portions thereof, the amounts remaining or the difference shall be transferred to and added to the amounts apportioned to such State under paragraph 6 of subsection (b) of section 104 of title 23, United States Code, for the account of the urbanized area from which the withdrawal of the routes or portions thereof was made in such urbanized areas. In considering routes or portions thereof to be added to the Interstate System under the second and third sentences of this paragraph, the Secretary shall, in consultation with the States and local governments concerned, assure (A) that such routes or portions thereof will provide a unified and connected Interstate System (including urban routes necessary for metropolitan transportation), and (B) the extension of routes which terminate within municipalities served by a single interstate route, so as to provide traffic service entirely through such municipalities. Any mileage from a route or portion thereof which is withdrawn under the second sentence of this paragraph and not replaced by a substitute essential route or portion thereof may be redesignated as part of the Interstate System by the Secretary in accordance with paragraph (1) of this subsection."

REMOVAL OF DESIGNATED SEGMENTS OF THE INTERSTATE SYSTEM

SEC. 112. Section 103(g) of title 23, United States Code, is amended to read as follows:

"(g) The Secretary, on July 1, 1973, shall remove from designation as a part of the Interstate System each segment of such system for which a State has not notified the Secretary that such State intends to construct such segment, and which the Secretary finds is not necessary for continuity of traffic flow between cities. Nothing shall prohibit the consideration for substitution prior to July 1, 1974, of alternative segments of the Interstate System which will meet the requirements of this title. Any segment of the Interstate System, with respect to which a State has not submitted by July 1, 1974, a schedule for the expenditure of funds for completion of construction of such segment or alternative segment within the priod of availability of funds authorized to be appropriated for completion of the Interstate System, and with respect to which the State has not provided the Secretary with assurances satisfactory to him that such schedule will be met, shall be removed from designation as a part of the Interstate System. No segment of the Interstate System removed under the authority of the preceding sentence shall thereafter be designated as a part of the Interstate System except as the Secretary finds necessary in the interest of national defense or for other reasons of national interest. The application of all of the provisions of this subsection shall be deferred for one year with respect to routes added to the Interstate System after December 1, 1968."

APPORTIONMENT

SEC. 113. (a) Paragraphs (1) and (2) of subsection (b) of section 104 of title 23 United States Code, is amended by striking the words "star routes" each time they appear and inserting in lieu thereof "intercity mail routes where service is performed by motor vehicles.".

(b) Paragraph (6) of subsection (b) of section 104 of title 23, United States Code, is amended by striking the word "urbanized" wherever it appears and inserting in lieu thereof "urban", and by adding at the end thereof the following: "No State shall receive less than one-half of 1 per centum of each year's apportionment."

(c) Subsection (c) of section 104 of title 23, United States Code, is amended by striking out "20 per centum" in each of the two places it appears and inserting in lieu thereof in each such place the following "30 per centum" and by striking out "paragraph (1), (2), or (3)" and inserting in lieu thereof "paragraph (1) or (2)".

(d) Subsection (d) of section 104 of title 23, United States Code, is amended to read as follows:

"(d) Not more than 30 per centum of the amount apportioned in any fiscal year to each State in accordance with paragraph (3) or (6) of subsection (b) of this section may be transferred from the apportionment under one paragraph to the apportionment under the other paragraph if such transfer is requested by the State highway department and is approved by the Governor of such State and the Secretary as being in the public interest. The total of such transfers shall not increase the original apportionment under either of such paragraphs by more than 30 per centum."

(e) The last sentence of subsection (c) of section 104 of title 23, United States Code, is hereby repealed.

APPORTIONMENT OF PLANNING FUNDS

SEC. 114. Subsection (f) of section 104 of title 23, United States Code, is amended to read as follows:

"(f) On or before January 1 next preceding the commencement of each fiscal year, the Secretary, after making the deduction authorized by subsection (a) of this section, shall set aside not to exceed one-half per centum of the remaining funds authorized to be appropriated for expenditure upon the Federal-aid systems, for the purpose of carrying out the requirements of section 134 of this title.

"(1) These funds shall be apportioned to the States in the ratio which the population in urbanized areas or parts thereof, in each State bears to the total population in such urbanized areas in all the States as shown by the latest available census, except that no State shall receive less than one-half per centum of the amount apportioned.

"(2) The funds apportioned to any State under paragraph (1) of this subsection shall be made available by the State to the areawide metropolitan transportation agencies established under section 135 of this title only for the purpose of carrying out the provisions of section 134 of this title. Pending the establishment of these agencies as defined in section 135 of this title, these planning funds shall be made available to the metropolitan planning organizations designated by the State as being responsible for carrying out the provisions of section 134 of this title. These funds shall be matched in accordance with section 120 of this title unless the Secretary determines that the interests of the Federal-aid highway program would be the best served without such matching.

"(3) The distribution within any State of the planning funds made available to the areawide agencies under paragraph (2) of this subsection shall be in accordance with a formula developed by each State and approved by the Secretary which shall consider but not necessarily be limited to, population, status of planning, and metropolitan area transportation needs."

ADVANCE ACQUISITION

SEC. 115. (a) Section *108(a)* of title 23, United States Code, is amended by striking out "seven years" in the last sentence and inserting in lieu thereof "ten years".

(b) Section 108(e)(3) of title 23, United States Code, is amended by striking out "seven years" in the first sentence and inserting in lieu thereof "ten years".

STANDARDS

SEC. 116. (a) Subsection (i) of section 109 of title 23, United States Code, is amended by adding at the end thereof the following: "The Secretary after consultation with appropriate Federal, State, and local officials, may promulgate standards for the control of highway noise levels for highways on any Federal-aid system for which project approval has been secured prior to July 1, 1972. The Secretary may approve any project on a Federal-aid system to which noise-level standards are made applicable under the preceding sentence for the purpose of carrying out such standards. Such project may include, but is not limited to, the acquisition of additional rights-of-way, the construction of physical barriers, and landscaping. Sums apportioned for the Federal-aid system on which such project will be located shall be available to finance the Federal share of such project. Such project shall be deemed a highway project for all purposes of this title."

(b) Subsection (j) of section 109 of title 23, United States Code, is amended by inserting (1) after (j) and adding a new paragraph (2) as follows:

"(2) After June 30, 1973, no highway program or project submitted to the Secretary in accordance with this title shall be approved by the Secretary unless it is in conformity with guidelines established by the Secretary under this subsection."

SIGNS ON PROJECT SITE

SEC. 117. Subsection (a) of section 114 of title 23, United States Code, is amended by striking out the last sentence thereof and inserting in lieu thereof the following:

"After June 30, 1973, the State highway department shall not erect on any project where actual construction is in progress and visible to highway users, any informational signs other than official traffic control devices conforming with standards developed by the Secretary of Transportation."

MATERIALS AT OFF-SITE LOCATIONS

SEC. 118. Section 121(a) of title 23, United States Code is amended by inserting after the period at the end thereof the following: "Such payments may also be made in the case of any such materials not in the vicinity of such construction if the Secretary determines that because of required fabrication at an off-site location the materials cannot be stockpiled in such vicinity."

PAYMENT TO STATES FOR BOND RETIREMENT

Sec. 119. The first sentence of section 122 of title 23, United States Code, is amended by inserting the following after "maturity": "and in the case of the Interstate System principal and interest of such bonds,".

PUBLIC HEARINGS

Sec. 120. Subsection (a) of section 128 of title 23, United States Code, is amended by adding the following at the end thereof:

"The Secretary shall also require with the submission of plans for a Federal-aid project an assurance from the State highway department that it has taken all steps required pursuant to guidelines issued by the Secretary to insure and foster public participation in the development of such project before and after the public hearings required by this subsection."

TOLL ROADS, BRIDGES, TUNNELS, AND FERRIES

Sec. 121. After the second sentence of section 129(b) of title 23, United States Code, insert the following:

"When any such toll road which the Secretary has approved as a part of the Interstate System is made a toll-free facility, Federal-aid highway funds apportioned under section 104(b)(5) of this title may be expended for the construction, reconstruction, or improvement of that road to meet the standards adopted for the improvement of projects located on the Interstate System."

FERRY OPERATIONS

Sec. 122. (a) The last subsection of section 129 of title 23, United States Code, is hereby redesignated as subsection (g).

(b) Paragraph (5) of subsection (g) of section 129 of title 23, United States Code shall be inapplicable to any ferry operated solely between the States of Alaska and Washington.

CONTROL OF OUTDOOR ADVERTISING

Sec. 123. (a) The first sentence of subsection (b) of section 131 of title 23, United States Code, is amended by inserting after "main traveled way of the system," the following: "and Federal-aid highway funds apportioned on or after January 1, 1974, or after the expiration of the next regular session of the State legislature, whichever is later, to any State which the Secretary determines has not made provision for effective control of the erection and maintenance along the Interstate System and the primary system of those additional outdoor advertising signs, displays, and devices which are more than six hundred and sixty feet off the nearest edge of the right-of-way, located outside of incorporated cities and villages, visible from the main traveled way of the system, and erected with the purpose of their message being read from such main traveled way,".

(b) Subsection (c) of section 131 of title 23, United States Code, is amended to read as follows:

"(c) Effective control means that such signs, displays, or devices after January 1, 1968, if located within six hundred and sixty feet of the right-of-way and, on or after July 1, 1974, or after the expiration of the next regular session of the State legislature, whichever is later, if located beyond six hundred and sixty feet of the right-of-way, visible from the main traveled way of the system, and erected with the purpose of their message being read from such main traveled way, be limited to (1) directional and official signs and notices, which signs and notices shall include, but not be limited to, signs and notices pertaining to natural wonders, scenic and historical attractions, which are required or authorized by law, which shall conform to national standards hereby authorized to be promulgated by the Secretary hereunder, which standards shall contain provisions concerning lighting, size, number, and spacing of signs, and such other requirements as may be appropriate to implement this section, (2) signs, displays, and devices advertising the sale or lease of property upon which they are located, and (3) signs, displays, and devices advertising activities conducted on the property on which they are located."

(c) Subsection (d) of section 131 of title 23, United States Code, is amended by striking out the first sentence thereof and inserting the following in lieu thereof:

"In order to promote the reasonable, orderly and effective display of outdoor advertising while remaining consistent with the purposes of this section, signs, displays, and devices whose size, lighting and spacing, consistent with customary use is to be determined by agreement between the several States and the Secretary, may be erected and maintained within areas adjacent to the Interstate and primary systems which are zoned industrial or commercial under authority of State law, or in unzoned commercial or industrial areas as may be determined by agreement between the several States and the Secretary."

(d) Subsection (e) of section 131 of title 23, United States Code, is amended to read as follows:

"(e) Any nonconforming sign under State law enacted to comply with this section shall be removed no later than the end of the fifth year after it becomes nonconforming, except as determined by the Secretary."

(e) Subsection (f) of section 131 of title 23, United States Code, is amended by inserting the following after the first sentence: "The Secretary may also, in consultation with the States, provide within the rights-of-way of the primary system for areas in which signs, displays, and devices giving specific information in the interest of the traveling public may be erected and maintained."

(f) Subsection (g) of section 131 of title 23, United States Code, is amended by striking out the first sentence and inserting the following in lieu thereof:

"Just compensation shall be paid upon the removal under any law enacted to comply with this section, of any outdoor advertising sign, display, or device lawfully erected under State law prior to the date of enactment of the Federal-Aid Highway Act of 1973."

(g) Subsection (m) of section 131 of title 23, United States Code, is amended to read as follows:

"(m) There is authorized to be apportioned to carry out the provisions of this section, out of any money in the Treasury not otherwise appropriated, not to exceed $20,000,000 for each of the fiscal years 1966 and 1967, not to exceed $2,000,000 for the fiscal year 1970, not to exceed $27,000,000 for the fiscal year 1971, not to exceed $20,500,000 for the fiscal year 1972, and not to exceed $50,000,000 for the fiscal year ending June 30, 1973, and, out of the Highway Trust Fund, $50,000,000 for the fiscal year ending June 30, 1974, and $50,000,000 for the fiscal year ending June 30, 1975. The provisions of this chapter relating to the obligation, period of availability, and expenditure of Federal-aid primary highway funds shall apply to the funds authorized to be appropriated to carry out this section after June 30, 1967."

(h) Section 131 of title 23, United States Code, is amended by adding at the end thereof the following new subsections:

"(o) In the case of any sign, display, or device required to be removed under this section prior to the date of enactment of the Federal-Aid Highway Act of 1973, which sign, display, or device was after its removal lawfully relocated and which as a result of the amendments made to this section by such Act is required to be removed, the United States shall pay 100 per centum of the just compensation for such removal (including all relocation costs)."

TRANSPORTATION PLANNING IN CERTAIN URBAN AREAS

Sec. 124. Subsection (a) of section 134, of title 23, United States Code, is amended by striking the next to the last sentence and inserting in lieu thereof the following:

"The Secretary shall not approve under section 105 of this title any program for projects in any urban area of more than fifty thousand population unless he finds (1) that such projects are in accordance with a continuing comprehensive transportation planning process carried on cooperatively by the State and local communities in conformance with the objectives stated in this section, and (2) that all reasonable measures to permit, encourage, and assist public participation in such continuing comprehensive transportation planning process have been taken. The Secretary, in cooperation with the States, shall develop and publish regulations specifying minimum guidelines for public participation in such processes. which shall include hearings, held at least annually, at which there would be a review of the transportation planning process, plans and programs, and opportunity provided for the consideration of alternative modes of transportation."

AVAILABILITY OF URBAN SYSTEM FUNDS

Sec. 125. (a) Section 135 of title 23, United States Code, is amended to read as follows:

"§ 135. Availability of urban system funds

"(a) Funds apportioned to any State under paragraph (6) of subsection (b) of section 104 of this title which are attributable to urbanized areas having a population of 250,000 or more shall be allocated among such urbanized areas within any such State in the ratio that the population within any such urbanized area bears to the population of all urbanized areas within such State.

"(b) Funds allocated in accordance with subsection (a) of this section shall be available for expenditure within any such urbanized area for projects on the urban system, including those authorized by section 142 of this title, which shall be planned in accordance with the planning process required by section 134 of this title.

"(c) Funds allocated to any urbanized area under subsection (a) of this section shall be available for expenditure in another urbanized area within such State only where the responsible public officials in both such urbanized areas agree to such availability.

"(d)(1) Where the units of general purpose local government in any such urbanized area shall combine together under State law to create a metropolitan transportation agency, or where the State shall create a metropolitan transportation agency, with sufficient authority to develop and implement a plan for expenditure of funds allocated to such urbanized area pursuant to this section, funds allocated under subsection (a) of this section shall be available to such metropolitan transportation agency for projects on the urban system, including those authorized by section 142 of this title, which shall be planned in accordance with the planning process required by section 134 of this title.

"(2) A metropolitan transportation agency shall be considered to exist when (A) an agency for the purposes of transportation planning has been created by the State or by the unit or units of general purpose local governments within any urbanized area which represents at least 75 per centum of the total population of such area and includes the largest city, and (B) such agency has adequate powers and is suitably equipped and organized to carry out projects on the urban system: *Provided,* That such projects may be implemented by the metropolitan transportation agency through delegation of authority for implementation to the participating local governments."

(b) The table of contents of chapter 1 of title 23 of the United States Code is amended by striking

"135. Urban area traffic operations improvement programs."

and inserting in lieu thereof:

"135. Availability of urban system funds.".

CONTROL OF JUNKYARDS

SEC. 126. (a) Subsection (j) of section 136 of title 23, United States Code, is amended by striking out the first sentence and inserting in lieu thereof the following:

"(j) Just compensation shall be paid the owner for the relocation, removal, or disposal of junkyards lawfully in existence at the effective date of State legislation enacted to comply with this section."

(b) Subsection (m) of section 136 of title 23, United States Code, is amended to read as follows:

"(m) There is authorized to be appropriated to carry out this section out of any money in the Treasury not otherwise appropriated not to exceed $20,000,000 for each of the fiscal years 1966 and 1967, not to exceed $3,000,000 for each of fiscal years 1970, 1971, and 1972, not to exceed $5,000,000 for the fiscal year ending June 30, 1973, and, out of the Highway Trust Fund not to exceed $15,000,000 for the fiscal year ending June 30, 1974, and $15,000,000 for the fiscal year ending June 30, 1975. The provisions of this chapter relating to the obligation, period of availability, and expenditure of Federal-aid primary highway funds shall apply to the funds authorized to be appropriated to carry out this section after June 30, 1967."

FRINGE AND CORRIDOR PARKING FACILITIES

SEC. 127. Subsection (a) of section 137 of title 23, United States Code, is amended by striking the period at the end of the first paragraph, inserting a comma in lieu thereof, and adding the following: "and liquidation of bonds or other obligations incurred in financing the local share of such facilities".

PRESERVATION OF PARKLANDS

SEC. 128. Section 138 of title 23, United States Code, is amended (1) by striking out "lands" in the first sentence and inserting in lieu thereof "areas (including water)", and (2) by striking out "lands" and "land" wherever thereafter appearing therein and inserting in lieu thereof "areas" and "area", respectively.

TRAINING PROGRAMS

SEC. 129. Subsection (b) of section 140 of title 23, United States Code, is amended by striking out in the second sentence "and 1973," and inserting in lieu thereof ", 1973, 1974, and 1975".

URBAN HIGHWAY PUBLIC TRANSPORTATION

SEC. 130. Section 142 of title 23, United States Code, is amended to read as follows:

"§ 142. Urban highway public transportation

"(a) To encourage the development, improvement, and use of public mass transportation systems operating vehicles on highways, other than on rails, for the transportation of passengers within urban areas,

"(1) sums apportioned in accordance with paragraphs (3) and (6) of subsection (b) of section 104 of this title shall be available to finance the Federal share of the costs of projects within urban areas, for the construction of exclusive or preferential bus lanes, highway traffic control devices, passenger loading areas and facilities, including shelters, fringe and transportation corridor parking facilities to serve bus and other public mass transportation passengers, and for the purchase of passenger equipment other than rolling stock for fixed rail; and

"(2) sums apportioned in accordance with paragraph (5) of subsection (b) of section 104 of this title shall be available to finance the Federal share of the cost of projects on the Interstate System, for the construction of exclusive or preferential bus lanes, highway traffic control devices, and passenger loading areas and facilities, including shelters, fringe and transportation corridor parking facilities to serve bus and other public mass transportation passengers.

"(b) The establishment of routes and schedules of such public mass transportation systems in urbanized areas shall be based upon a continuing comprehensive transortation planning process carried on in accordance with section 134 of title 23, United States Code.

"(c) For all purposes of this title, a project authorized by subsection (a) of this section shall be deemed to be a highway project, and the Federal share payable on account of such project shall be that provided in section 120 of this title.

"(d) No project authorized by this section shall be approved unless the Secretary of Transportation is satisfied that public mass transportation systems will have adequate capability to utilize fully the proposed project and to maintain and operate properly any equipment acquired under this section.

"(e) No equipment which is acquired with financial assistance provided by this section shall be available for use in charter, leased, sightseeing, or other service in any area other than the area for which it was acquired.

"(f) In the acquisition of equipment pursuant to subsection (a) of this section, the Secretary shall require that such equipment meet the standards prescribed by the Administrator of the Environmental Protection Agency under section 202 of the Clean Air Act, as amended, and shall authorize the acquisition, wherever practicable, of equipment which meets the special criteria for low-emission vehicles set forth in section 212 of the Clean Air Act, as amended.

"(g) The Secretary shall assume that the provisions of subsection (a) of section 16 of the Urban Mass Transportation Act of 1964, as amended, relating to planning and design of mass transportation facilities to meet special needs of the elderly and the handicapped (as defined in subsection (d) thereof), shall apply to projects under this section.

"(h) Funds available for expenditure to carry out the purposes of this section shall be supplementary to and not in substitution for funds authorized and available for obligation pursuant to the Urban Mass Transportation Act of 1964, as amended.

"(i) The provisions of chapters 1, 3, and 5 of title 23 of the United States Code shall apply in carrying out the provisions of this section except with respect to projects within urban areas as to which the Secretary determines the provisions of the Urban Mass Transportation Act of 1964, as amended, are more appropriately applicable."

BICYCLE TRANSPORTATION, PEDESTRIAN WALKWAYS, AND EQUESTRIAN TRAILS

SEC. 131. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 145. Bicycle transportation, pedestrian walkways, and equestrian trails

"(a) To encourage the multiple use of highway rights-of-way, including the development, improvement, and use of bicycle transportation and the development and improvement of pedestrian walkways and equestrian trails on or in conjunction with highway rights-of-way, the States may, on projects carried out with sums apportioned in accordance with subsection (b) of section 104 of this title, include to the extent practicable, suitable, and feasible, the construction of separate or preferential bicycle lanes or paths, bicycle traffic control devices, shelters and parking facilities to serve bicycles and persons using bicycles, pedestrian walkways, and equestrian trails in conjunction or connection with Federal-aid highways. Projects authorized under this section shall be located and designed pursuant to an overall plan which will provide due consideration for safety and contiguous routes.

"(b) For all purposes of this title, a project authorized by subsection (a) of this section shall be deemed to be a highway project, and the Federal share payable on account of such project shall be that provided in section 120 of this title.

"(c) Funds authorized and appropriated for forest highways, forest development roads and trails, public lands development roads and trails, park roads and trails, parkways, Indian reservation roads, and public lands highways shall be available, at the discretion of the department charged with the administration of such funds, for the construction of bicycle and pedestrian routes in conjunction with such trails, roads, highways, and parkways.

"(d) No motorized vehicles shall be permitted on trails and walkways authorized under this section except for maintenance purposes."

(b) The analysis of chapter 1 of title 23 of the United States Code is amended by inserting at the end thereof the following:

"145. Bicycle transportation, pedestrian walkways, and equestrian trails."

TOLL ROAD REIMBURSEMENT PROGRAM

SEC. 132. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 146. Toll road reimbursement program

(a) Whenever a State has received its final apportionment of sums authorized to be appropriated for expenditure on the Interstate System, the Secretary may permit, notwithstanding the provisions of subsection (b) of section 129 of this title, reimbursement of the Federal share of the actual cost of construction of new toll highways or improvements to existing toll highways, construction of which highways or improvement is begun after July 1, 1973, but not including the cost of toll collection and service facilities, on the same basis and in the same manner as in the construction of free highways under this chapter upon compliance with the conditions contained in this section.

(b) The Secretary may permit reimbursement of the Federal share of the costs of construction as applicable to a project under section 120(a) of this title from funds apportioned to such State pursuant to paragraph (1) subsection (b) of section 104 of this title whenever the State enters into an agreement with the Secretary whereby it undertakes performance of the following obligations:

(1) to provide for the construction of such highway in accordance with standards approved by the Secretary;

(2) all tolls received from the operation of such highway, less the actual cost of such operation and maintenance, shall be applied by the State to the repayment of the actual costs of construction, except for an amount equal to the Federal share payable of such actual costs of a project; and

(3) no tolls shall be charged for the use of such highway after the Federal share has been paid and the highway shall be maintained and operated as a free highway:

Such agreements may be entered into between the Secretary and a State upon enactment of this section. Reimbursements shall not be made until after the State receives its final apportionment of sums authorized to be appropriated for expenditure on the Interstate System.

"(c) When such highway becomes toll free in accordance with the aforementioned agreement, such highway shall become a part of the primary system notwithstanding the mileage limitations in subsection (b) of section 103 of this title.

"(d) The Federal share payable of such

actual cost of the project shall be made in not more than fifteen equal annual installments, from the funds apportioned to the State pursuant to paragraph (1) of subsection (b) of section 104 of this title, with the first installment being made one year after the project agreement has been entered into between the Secretary and the State highway departments or one year after the State receives its final apportionment of sums authorized to be appropriated for expenditure on the Interstate System, whichever is last to occur. Such payment shall be applied against the outstanding obligations of the project."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"146. Toll road reimbursement program."

SPECIAL URBAN HIGH DENSITY TRAFFIC PROGRAM

SEC. 133. (a) Chapter 1 of title 23 of the United States Code is amended by adding at the end thereof the following new section:

"§ 147. Special urban high density traffic program

"(a) There is hereby authorized to be appropriated out of the Highway Trust Fund, $50,000,000 for the fiscal year ending June 30, 1974, and $50,000,000 for the fiscal year ending June 30, 1975, for the construction of highways connected to the Interstate System in portions of urbanized areas with high traffic density. The Secretary shall develop guidelines and standards for the designation of routes and the allocation of funds for this purpose which include the following criteria:

"(1) Routes designated by the Secretary shall not be longer than ten miles.

"(2) Routes designated shall serve areas of concentrated population and heavy traffic congestion.

"(3) Routes designated shall serve the urgent needs of commercial, industrial, airport, or national defense installations.

"(4) Any routes shall connect with existing routes on the Interstate System.

"(5) Routes designated under this section shall have been approved through the planning process required under section 134 of this title and determined to be essential by responsible local officials.

"(6) A route shall be designated under this section only where the Secretary determines that no feasible or practicable alternative mode of transportation which could meet the needs of the area to be served is now available or could become available in the foreseeable future.

"(7) The designation of routes under this section shall comply with section 138 of this title, and no route shall be designated which substantially damages or infringes upon any residential area.

"(8) Routes shall be designated by the Secretary on the recommendation of the State and responsible local officials.

"(9) No more than one route in any one State shall be designated by the Secretary.

"(b) The Federal share payable on account of any project authorized pursuant to this section shall not exceed 90 per centum of the cost of construction of such project."

(b) The analysis of chapter 1 of title 23 of the United States Code is amended by adding at the end thereof the following:

"147. Special urban high density traffic program."

ALTERNATIVE FEDERAL-AID HIGHWAY PROCEDURES

SEC. 134. Title 23, United States Code, is amended by inserting the following new chapter 1–A at the end of chapter 1:

"CHAPTER 1–A.—ALTERNATIVE FEDERAL-AID HIGHWAY PROCEDURES

"Sec.
"171. Policy declarations.
"172. Applicability and certification.
"173. Assistance for States desiring to comply with this chapter.
"174. Master agreement.
"175. Rights of aggrieved parties.
"176. Applicability of other chapters.

"§ 171. Policy declarations

"The Congress hereby finds that—

"(a) The public interest requires an alternative procedure to the procedures otherwise provided in title 23 for processing Federal-aid highway projects to promote and facilitate the continued construction of the Federal-aid systems covered by this chapter and to provide the States and local governments according to their own priorities and problems with a maximum degree of flexibility and choice.

"(b) The alternative procedure provided by this chapter shall emphasize the development and utilization of State administrative processes for constructing Federal-aid highway projects which will insure their construction in harmony with the social, environmental and economic objectives of all applicable Federal laws and requirements.

"(c) The Federal-aid highway program as administered under this chapter shall continue to be a cooperative program between the States and the Federal Government. The primary Federal role shall be to require an integrated system of highways, consistent with local determinations and needs, which will be designed, developed, and constructed in accordance with guidelines promulgated by the Secretary to effectuate national policies determined by the Congress. The authorization and appropriation of Federal funds or their availability for expenditure for construction or improvement shall in no way be deemed to infringe upon the rights of the States to determine which projects or improvements shall be financed under this chapter.

"(d) The requirements of this title are contract conditions and any State which avails itself of the procedures in this chapter is obliged to meet the requirements which it sets forth in its application for certification.

"§ 172. Applicability and certification

"(a) The provisions of this chapter shall be applicable to all Federal-aid systems except the National System of Interstate and Defense Highways.

"(b) Any State may submit to the Secretary for his approval and certification a comprehensive procedure for the construction of Federal-aid highway projects, setting forth the process by which such State proposes to carry out its Federal-aid highway construction responsibilities. The State procedure shall set forth the process by which goals, objectives, and priorities for carrying out its Federal-aid program shall be established and shall take into account and be in accord with the requirements of this title and other provisions of Federal law. The Secretary shall establish guidelines which shall describe the essential elements of a comprehensive State highway program. The State shall certify to the Secretary that its procedure will be administered by a State agency with adequate powers, suitably staffed, equipped, and organized to comply with all applicable State and Federal laws, guidelines, regulations, and directives, and that its administrative processes will result in compliance with State and Federal laws, guidelines, regulations, and directives.

"(c) The Secretary shall within ninety days after receipt of a State request for certification review the comprehensive procedures of such State pursuant to the guidelines promulgated by the Secretary in accordance with subsection (b) of this section. In reviewing a State request for certification, the Secretary is authorized to conduct audits and physical inspections to determine the ability of the State to carry out its comprehensive procedure.

"(d) The Secretary shall approve the request of any State for certification unless he finds that State laws, guidelines, regulations, and directives will not result in the accomplishment of the social, environmental, and economic objectives of all applicable Federal laws and requirements or are not in compliance with the requirements of subsection (b) of this section.

"(e) In the event the Secretary does not approve a request of a State for certification, the State may appeal such decision to the United States Circuit Court of Appeals for the District of Columbia which shall have jurisdicion to affirm the determination of the Secretary or to set it aside in whole or in part. The Secretary's disapproval of a request by a State for certification shall not deprive such State of any of the benefits nor relieve it of any of the requirements of the other chapters of this title with respect to Federal-aid highway projects in such States.

"(f) Approval by the Secretary of a comprehensive procedure of any State for constructing Federal-aid highway projects shall be in effect for two years from the date of such approval and shall discharge his responsibility under title 23 with respect to individual project approvals as required in chapter 1 of this title, except that the Secretary may find at any time, based upon his continuous review and audit of a comprehensive procedure of such State or projects being executed pursuant thereto or other information, that it is not in compliance in whole or in part with the provisions of this chapter. In such event, the Secretary, after appropriate notice and opportunity for correction of noncompliance, shall declare the master agreement or any part thereof provided for in section 174 of this chapter breached and withdraw his approval. Any failure of the State to comply with the appropriate provisions of title 23 shall be deemed a breach of the master agreement provided for in section 174 of this chapter. Nothing in this chapter shall affect or discharge any responsibility or obligation of the Secretary under any Federal law, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Department of Transportation Act provision for the preservation of natural beauty (49 U.S.C. 1653 (f)), and the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.), other than title 23, United States Code.

"(g) The guidelines, regulations, and other criteria to be applied by the Secretary in determining whether to approve the request of any State for certification, shall be developed in consultation with appropriate State and Federal officials and shall be promulgated not later than June 30, 1974. An opportunity to submit written data or comments for a period of not less than ninety days after publication shall be afforded to all interested persons. The initial approval of the comprehensive procedures of any State shall take effect no earlier than July 1, 1975.

"§ 173. Assistance for States desiring to comply with this chapter

"Any State, prior to submitting its request to the Secretary for certification, may make application to the Secretary for professional and technical assistance in developing comprehensive procedures which will comply with the provisions of this chapter. In providing Federal assistance, the Secretary may utilize the sums auhorized in section 104(a) of title 23 to be deducted for administering the provisions of law to be financed from appropriations for the Federal-aid systems.

"§ 174. Master agreement

"(a) Approval by the Secretary of a request by a State for certification shall constitute a formal agreement with the State. The agreement shall apply to all Federal-aid projects to be constructed by the State pursuant to the comprehensive procedures for the biennial period of the agreement.

"(b) The Secretary may rely upon representations made by the State with respect to the arrangements or agreements made by the State and appropriate local officials where a part of a project is to be constructed at the expense of, or in cooperation with, political subdivisions of the State.

"(c) Approval by the Secretary shall be deemed a contractual obligation of the Federal Government for the payment of its proportional contribution to all projects covered by the agreement. Following approval of an agreement by a State for certification, funds apportioned to a State pursuant to section 104 shall be available for obligation by the State under the State's comprehensive procedure without restriction, except that nothing in this section shall affect the power of the Secretary to restrict, or of any court to enjoin, the obligation or expenditure of such funds for failure to comply with applicable laws or requirements or for failure of the State to comply with its comprehensive procedure.

"(d) The State shall submit with its request for certification a list of projects to be covered by the agreement. The State may add, withdraw and substitute other projects during the period of the agreement with notice to the Secretary. The Secretary may disapprove such addition, withdrawal or substitution within ninety days. However, in no event may a controversial project be withdrawn and another project substituted therefor for the purpose of avoiding compliance with applicable laws.

"§ 175. Rights of aggrieved parties

"(a) The Secretary shall provide in accordance with section 5 of the Administrative Procedures Act (section 554 of title 5, United States Code), an administrative hearing for alleged failure of a State to comply with its approved comprehensive procedure or any applicable State or Federal law. The Secretary's decision shall be based upon the record in such hearing, and his investigation and review of the State and Federal project records shall constitute part of the administrative record. The decision of the Secretary may be reviewed in accord with section 706 of title 5, United States Code.

"(b) The procedure set forth in subsection (a) shall be the exclusive procedure for suing the Secretary or any of his delegees and designees for the failure of a State to comply with its comprehensive procedures.

§ 176. Applicability of other chapters

"All of the provisions of title 23, United States Code shall be applicable to projects processed pursuant to the provisions of this chapter except where the Secretary determines that said provisions of law conflict or are inconsistent with the provisions of this chapter."

PUBLIC TRANSPORTATION IN NATIONAL FORESTS AND PARKS

SEC. 135. (a) Subsection (f) of section 204 of title 23, United States Code, is amended to read as follows:

"(f) Funds available for forest highways shall be available for adjacent vehicular parking areas, for sanitary, water, and fire control facilities, and for passenger loading areas and facilities and the purchase of buses to provide interpretive or shuttle transportation services as an alternative means of transportation."

(b) Section 206 of title 23, United States Code, is amended by adding the following new subsection:

"(c) Funds available for park roads and trails shall be available for adjacent vehicular parking areas and for passenger loading areas and facilities and the purchase of buses to provide interpretive or shuttle transportation services as an alternative means of transportation."

PARKWAYS

SEC. 136. (a) Subsection (a) of section 207 of title 23, United States Code, is amended to read as follows:

"(a) Funds available for parkways shall be used to pay for the cost of construction and improvement thereof, including the acquisition of rights-of-way and related scenic easements."

(b) Section 207 of title 23, United States Code, is further amended by adding the following subsections:

"(d) After July 1, 1973, parkways contracted under the authority of this section shall be deemed to be on the Federal-aid secondary system.

"(e) The provisions of section 106(a) of this title, relating to the obligation of funds, shall apply to funds available for parkways."

HIGHLAND SCENIC HIGHWAY

SEC. 137. (a) The Secretary of the Interior, in cooperation with the Secretary of Agriculture (acting through the Forest Service), is authorized to develop and construct as a parkway the Highland Scenic Highway from West Virginia State Route 39 to U.S. 250 near Barton Knob.

(b) The route from Richwood, West Virginia, to U.S. 250 near Barton Knob, via West Virginia State Route 39 and the parkway authorized by subsection (a) of this section, shall be designated as the Highland Scenic Highway.

(c) Such Secretaries are authorized to acquire rights-of-way, lands containing such rights-of-way, and interests in land, including scenic easements, necessary to carry out the purpose of a scenic highway.

(d) Funds available for parkways shall be available for signs on interstate highways, Appalachian highways and other appropriate highways at natural points of access to such geographic area, indicating the direction and distance to the Highland Scenic Highway and to Richwood as "Gateway to the Highland Scenic Highway".

(e) Funds available for parkways shall be available for upgrading that portion of West Virginia State Route 39 designated as the Highland Scenic Highway to appropriate standards for a scenic and recreational highway, including the construction of vistas and other scenic improvements.

(f) Upon construction of the Highland Scenic Highway as authorized by subsection (a) of this section, such road and all associated lands and rights-of-way shall be transferred to the Forest Service and managed as part of the Monongahela National Forest, solely for scenic and recreational use and passenger car travel.

(g) Any parkway authorized in the future to proceed southward in such area shall begin in the immediate vicinity of Richwood, West Virginia.

CUMBERLAND GAP NATIONAL HISTORICAL PARK

SEC. 138. (a) Notwithstanding the definition of parkways in subsection (a) of section 101, funds available for parkways shall be available to finance the cost of reconstruction and relocation of Route 25E through the Cumberland Gap National Historical Park, including construction of a tunnel and the approaches thereto, so as to permit restoration of the Gap and provide adequate traffic capacity.

(b) Upon construction, such highway and tunnel and all associated lands and rights-of-way shall be transferred to the National Park Service and managed as part of the Cumberland Gap National Historical Park.

ALASKA HIGHWAY

SEC. 139. (a)(1) Chapter 2 of title 23 of the United States Code is amended by inserting at the end thereof a new section as follows:

"§ 217. Alaska Highway

"(a) Recognizing the benefits that will accrue to the State of Alaska and to the United States from the reconstruction of the Alaska Highway from the Alaskan border to Haines Junction in Canada and the Haines Cutoff Highway from Haines Junction in Canada to the south Alaskan border, the Secretary is authorized out of the funds appropriated for the purpose of this section to provide for necessary reconstruction of such highway. Such appropriations shall remain available until expended. No expenditures shall be made for the construction of such highways until an agreement has been reached by the Government of Canada and the Government of the United States which shall provide, in part, that the Canadian Government—

"(1) will provide, without participation of funds authorized under this title all necessary right-of-way for the reconstruction of such highways, which right-of-way shall forever be held inviolate as a part of such highways for public use;

"(2) will not impose any highway toll, or permit any such toll to be charged for the use of such highways by vehicles or persons;

"(3) will not levy or assess, directly or indirectly, any fee, tax, or other charge for the use of such highways by vehicles or persons from the United States that does not apply equally to vehicles or persons of Canada;

"(4) will continue to grant reciprocal recognition of vehicle registration and drivers' license in accordance with agreements between the United States and Canada; and

"(5) will maintain such highways after their completion in proper condition adequately to serve the needs of present and future traffic.

"(b) The survey and construction work undertaken pursuant to this section shall be under the general supervision of the Secretary."

(2) The analysis of chapter 2 of title 23 of the United States Code is amended by adding at the end thereof the following:

"217. Alaska Highway."

(b) For the purpose of completing necessary reconstruction of the Alaska Highway from the Alaskan border to Haines Junction in Canada and the Haines Cutoff Highway from Haines Junction in Canada to the south Alaskan border there is authorized to be appropriated the sum of $58,670,000 to be expended in accordance with the provisions of section 217 of title 23 of the United States Code.

RESEARCH AND PLANNING

SEC. 140. Subsection (c)(1) of section 307 of title 23, United States Code, is amended to read as follows:

"(c)(1) Not to exceed 1½ per centum of the sums apportioned for each fiscal year prior to the fiscal year 1964 to any State under section 104 of this title shall be available for expenditure upon request of the State highway department, with the approval of the Secretary, with or without State funds, for engineering and economic surveys and investigations; for the planning of future highway programs and local public bus transportation systems and for the financing thereof; for studies of the economy, safety, and convenience of highway usage and the desirable regulation and equitable taxation thereof; and for research and development, necessary in connection with the planning, design, construction, and maintenance of highways and highway systems, and the regulation and taxation of their use."

BRIDGES ON FEDERAL DAMS

SEC. 141. (a) Subsection (d) of section 320 of title 23, United States Code, is amended by striking out "$16,761,000" and inserting in lieu thereof "$25,261,000".

(b) All sums appropriated under authority of the increased authorization of $8,500,000 established by the amendment made by subsection (a) of this section shall be available for expenditure only in connection with the construction of a bridge across lock and dam numbered thirteen on the Arkansas River near Fort Smith, Arkansas, in the amount of $2,100,000 and in connection with the reconstruction of a bridge across Chickamauga Dam on the Tennessee River near Chattanooga, Tennessee, in the amount of $6,400,000. No such sums shall be appropriated until all applicable requirements of section 320 of title 23 of the United States Code have been complied with by the appropriate Federal agency, the Secretary of Transportation, and the State of Arkansas for the Fort Smith project and the State of Tennessee for the Chattanooga project.

TECHNICAL AMENDMENTS

SEC. 142. Title 23, United States Code, is amended as follows:

(a) Section 101(a) is amended by striking out "Secretary of Commerce" and inserting in lieu thereof "Secretary of Transportation".

(b) Section 109(g) is amended by striking out "Ret" and inserting in lieu thereof "Act".

(c) Sections 126(a) and 310 are amended by striking out "Commerce" each place it appears and inserting in lieu thereof "Transportation".

(d) The heading of section 303 is amended to read:

"Administration organization."

(e) Sections 308(b), 312, and 314 are amended by striking out "Bureau of Public Roads" each place it appears and inserting in lieu thereof "Federal Highway Administration".

(f) Section 309 is amended by striking out "Bureau of Public Roads" and inserting in lieu thereof "Department of Transportation".

(g) Sections 312 and 314 are amended by striking out "Commerce" each place it appears and inserting in lieu thereof "Transportation".

ALASKAN ASSISTANCE

SEC. 143. Subsection (b) of section 7 of the Federal-Aid Highway Act of 1966 is amended by striking at the end of the last sentence "June 30, 1972, and June 30, 1973." and substituting "June 30, 1972, June 30, 1973, June 30, 1974, and June 30, 1975."

INCREASED FEDERAL SHARE—EFFECTIVE DATE

SEC. 144. Subsection (b) of section 108 of the Federal-Aid Highway Act of 1970 is amended to read as follows:

"(b) The amendments made by subsection (a) of this section shall take effect with respect to all obligations incurred after June 30, 1973, except for projects on which Federal funds were obligated on or before that date."

FEASIBILITY STUDIES

SEC. 145. The Secretary shall report to Congress by January 1, 1975, on the feasibility and necessity for constructing to appropriate standards proposed highways along the following routes for the purpose of including such highways in the National System of Interstate and Defense Highways:

(a) A route from Brunswick, Georgia, or its vicinity, to Kansas City, Missouri, or its vicinity, so aligned to serve the following intermediate locations, or vicinities thereof: Columbus, Georgia; Birmingham, Alabama; Tupelo, Mississippi; Memphis, Tennessee; Batesville or Jonesboro, Arkansas; and Springfield, Missouri.

(b) Extension of Interstate Highway 70 from Cove Fort, Utah, or its vicinity, in a westerly direction, so aligned to serve the intermediate locations of Ely and Carson City, Nevada, or other vicinities.

(c) A route from Amarillo, Texas, or its vicinity of Las Cruces, New Mexico, or its vicinity, so aligned to serve the following intermediate locations, or vicinities thereof: Herford, Texas; Clovis, New Mexico; Portales, New Mexico; Roswell, New Mexico; Ruidoso, New Mexico; Tularosa, New Mexico; and Alamogordo, New Mexico.

(d) A route from Kansas City, Missouri, or its vicinity, to Baton Rouge, Louisiana, or its vicinity, so aligned to serve one or both of the following intermediate locations or vicinities thereof: Fayetteville, Fort Smith, and Texarkana, Arkansas; or Little Rock, Arkansas or any other route through the State of Arkansas determined feasible by such State and the Secretary.

(e) A route from Interstate Highway 380 from Waterloo, Iowa, via Dubuque, Iowa, to Interstate Highway 90 at Rockford, Illinois; and an extension of Interstate Highway 74 from the Davenport, Iowa-Moline, Illinois, area through Dubuque, Iowa, to Interstate 90 at LaCrosse, Wisconsin.

(f) A route from Kansas City, Missouri, or its vicinity, to Chicago, Illinois, or its vicinity, so aligned to cross the Mississippi River in the vicinity of Hannibal, Missouri, and Quincy, Illinois.

STUDY OF TOLL BRIDGE AUTHORITY

SEC. 146. The Secretary of Transportation is authorized and directed to undertake a full and complete investigation and study of existing Federal statutes and regulations governing toll bridges over the navigable waters of the United States for the purpose of determining what action can and should be taken to assure just and reasonable tolls nationwide. The Secretary shall submit a report of the findings of such study and investigation to the Congress not later than July 1, 1974, together with his recommendations for modifications or additions to existing laws, regulations, and policies as will achieve a uniform system of tolls and best serve the public interest.

TERMINATION OF FEDERAL-AID RELATIONSHIP

SEC. 147. (a) Notwithstanding any other provisions of Federal law or any court decision to the contrary, the contractual relationship between the Federal and State Governments shall be ended with respect to all portions of the San Antonio North Expressway between Interstate Highway 35 and Interstate Loop 410, and the expressway shall cease to be a Federal-aid project.

(b) The amount of all Federal-aid highway funds paid on account of sections of the San Antonio North Expressway in Bexar County, Texas (Federal-aid projects numbered U 244(7), U 244(10), UG 244(9), U 244 (8), and U 244(11)), shall be repaid to the Treasurer of the United States and the amount so repaid shall be deposited to the credit of the appropriation for "Federal-Aid Highways (Trust Fund)". At the time of such repayment the Federal-aid projects with respect to which funds have been repaid and any other Federal-aid projects located on such expressway and programed for expenditure on such project, if any, shall be canceled and withdrawn from the Federal-aid highway program. Any amount so repaid, together with the unpaid balance of any amount programed for expenditure on any such project shall be credited to the unprogramed balance of Federal-aid highway funds of the same class last apportioned to the States, respectively. The amount so credited shall be available for expenditure in accordance with the provisions of title 23, United States Code, as amended.

RAILROAD RELOCATION DEMONSTRATIONS

SEC. 148. (a) The Secretary of Transportation shall enter into such arrangements as may be necessary to carry out demonstration projects in Lincoln, Nebraska, and Elko, Nevada, for the relocation of railroad lines from the central area of the cities in conformance with the methodology developed under proposals submitted to the Secretary by the respective cities. The cities shall (1) have a local agency with legal authority to relocate railroad facilities, levy taxes for such purpose, and a record of prior accomplishment; and (2) have a current relocation plan for such lines which has a favorable benefit-cost ratio involving and having the unanimous approval of three or more class 1 railroads in Lincoln, Nebraska, and the two class 1 railroads in Elko, Nevada, and multicivic, local, and State agencies, and which provides for the elimination of a substantial number of the existing railway-road conflict points within the city.

(b) Federal grants or payments for the purpose of this section shall cover 70 per centum of the costs involved.

(c) The Secretary shall make annual reports and a final report to the President and the Congress with respect to his activities pursuant to this section.

(d) There is authorized to be appropriated not to exceed $1,000,000 in the case of Lincoln, Nebraska, and $1,400,000 in the case of Elko, Nevada, from the Highway Trust Fund, and not to exceed $2,000,000 in the case of Lincoln, Nebraska, and $2,800,000 in the case of Elko, Nevada, from money in the Treasury not otherwise appropriated, for carrying out the provisions of this section.

METRO ACCESSIBILITY TO THE HANDICAPPED

SEC. 149. The Secretary of Transportation is authorized to make payments to the Washington Metropolitan Area Transit Authority in amounts sufficient to finance the cost of providing such facilities for the subway and rapid rail transit system authorized in the National Capital Transportation Act of 1969 (83 Stat. 320) as may be necessary to make such subway and system accessible by the handicapped through implementation of Public Laws 90–480 and 91–205. There is authorized to be appropriated, to carry out this section, not to exceed $65,000.000.

NATIONAL SCENIC HIGHWAY SYSTEM STUDY

SEC. 150. The Secretary of Transportation shall make a full and complete investigation and study to determine the feasibility of establishing a national system of scenic highways to link together and make more accessible to the American people recreational, historical, scientific, and other similar areas of scenic interest and importance. In the conduct of such investigation and study, the Secretary shall cooperate and consult with other agencies of the Federal Government, the Commission on Highway Beautification, the States and their political subdivisions, and other interested private organizations, groups, and individuals. The Secretary shall report his findings and recommendations to the Congress not later than January 1, 1975, including an estimate of the cost of implementing such a program. There is authorized to be appropriated $250,000 from the Highway Trust Fund to carry out this section.

RURAL HIGHWAY PUBLIC TRANSPORTATION DEMONSTRATION PROGRAM

SEC. 151. (a) To encourage the development, improvement, and use of public mass transportation systems operating vehicles on highways for transportation of passengers within rural areas, in order to enhance access of rural populations to employment, health care, retail centers, education, and public services, there are authorized to be appropriated $30,000,000 for the two-fiscal-year period ending June 30, 1975, of which $20,000,000 shall be out of the Highway Trust Fund, to the Secretary of Transportation to carry out demonstration projects for public mass transportation on highways in rural areas. Projects eligible for Federal funds under this section shall include highway traffic control devices, the construction of passenger loading areas and facilities, including shelters, fringe and transportation corridor parking facilities to serve bus and other public mass transportation passengers, and the purchase of passenger equipment other than rolling stock for fixed rail.

(b) In the acquisition of passenger equipment pursuant to this section, the Secretary shall require that such equipment meet the standards prescribed by the Administrator of the Environmental Protection Agency under section 202 of the Clean Air Act, as amended, and shall authorize the acquisition, wherever practicable, of equipment which meets the special criteria for low-emission vehicles set forth in section 212 of the Clean Air Act, as amended.

(c) The Secretary shall assure that the provisions of subsection (a) of section 16 of the Urban Mass Transportation Act of 1964, as amended, relating to planning and design of mass transportation facilities to meet special needs of the elderly and the handicapped (as defined in subsection (d) thereof), shall apply to demonstration projects under this section.

SENATOR RANDOLPH COSPONSORS IMPORTANT HIGHWAY BILL; GIVES ITS CONSIDERATIONS HIGHEST PRIORITY IN PUBLIC WORKS COMMITTEE

Mr. RANDOLPH. Mr. President, the able Senator from Texas (Mr. BENTSEN) has reviewed in detail the provisions of the Federal-Aid Highway Act of 1973. I join with him in cosponsoring this important legislation.

Senator BENTSEN has assumed the chairmanship of the Subcommittee on Roads at an important time in the history of the Federal highway program. It is a challenging time that sees the approaching completion of the interstate highway system and a reappraisal by the Members of the Congress and the public of the proper role of the Federal Government in highway development. I know that Senator BENTSEN will find his new responsibilities rewarding as well as challenging. He brings to this assignment experience as a legislator, and as a businessman, and he possesses an incisive mind that is capable of coping with the complex issues of highway development.

I was particularly interested in Senator BENTSEN's remarks concerning impoundment of Federal highway funds. This is a matter that has disturbed me for several years, for I believe it is beyond the scope of authority of the Executive Department to withhold funds that have been properly provided by the Congress. For 6 years there have been repeated instances in which the executive branch chose, for its own reasons, to restrict spending for highway purposes. In the Federal-Aid Highway Acts of 1968 and 1970, there were strong expressions of congressional opposition to this practice. I have been gratified in recent weeks to see increased congressional concern over the impoundment of funds of all types, and I joined with the leadership of the Senate and other committee chairmen in legal action to halt impoundment. It is now before the courts in a case originating in the State of Missouri, because of the impoundment of highway funds. Since the question is now in litigation, I will not propose legislation at this time relating to highway fund impoundment.

There are several features of the highway program which are of particular concern to me. In 1970, I sponsored the special bridge replacement program which was enacted in that year. This much needed legislation was the outgrowth of a tragic bridge collapse in my State in 1967 in which 48 people died. This disaster made us realize that there are many thousands of old bridges in this country that are being made to carry traffic loads for which they are not designed. The 1970 act established the bridge replacement program and funded it at a level of $250 million for the first 2 years. While we were able to make a start in replacing old bridges, more money is obviously needed. This program will be continued with a larger authorization by the highway safety bill which will be introduced soon.

As last year's highway bill was developed, the major item of controversy was over proposals to use highway funds for public transportation. At that time I strongly supported and the committee agreed to, the inclusion of authorization for urban highway funds, to be spent on highway public transportation, including the purchase of buses. I did not then, and I do not now, believe that highway funds can properly be committed for rail mass transit construction. Not only would such authorization greatly dilute the amount of money available in any single community, it also would delude many people into thinking that the mass transit crisis had been resolved.

For the vast majority of American cities, public transportation is today, and in the future will be, provided by buses. The need for better bus service is urgent in communities throughout the country and made more urgent by the coming imposition of air pollution control plans that, in a number of major metropolitan areas, will probably include sharp restrictions on motor vehicle usage. The only way that we can compensate quickly for these restrictions on private motor traffic is to upgrade and expand public bus service. By using highway funds to do this, we are properly responding to the need, and we are providing facilities whereby our investments in highways can provide the greatest service to people. I will again support the use of highway funds for public transportation in this way, and I will do so with a new urgency that comes with the increased knowledge we have gained about the problem in the past year.

The very size and the immensity of the problem has forced us to concentrate on solving public transportation problems of urban areas. There exists, however, an equally critical need for many millions of Americans who live in sparsely populated rural areas. As a Senator from one of the most rural States in the country, I have had considerable experience in trying to help the people of West Virginia obtain, and keep, transportation services. There is not now a single Federal program which addresses itself to meeting the transportation needs of rural areas. In many cases, these needs are more acute than those of cities, for people often must travel great distances to obtain necessary services. Without public transportation they simply cannot do so.

I make no pretense that providing adequate bus service in lightly populated areas will be an easy accomplishment. The costs can be high and the operational procedures complicated. I believe, however, that we must make a start and for this reason, the bill Senator BENTSEN and I introduce today contains provisions for a demonstration program on rural public transportation. From such a program I am confident we can learn how best to extend the mobility that many of our citizens enjoy to those citizens who are restricted in their movements simply because they do not live in cities.

For several years, construction of the Highland Scenic Highway has been underway in the lovely mountains of eastern West Virginia. This road is planned to run through the Monongahela National Forest, opening the beauties of this vast land to travelers. Funding for the road's development, however, has been severely restricted, and last year I proposed that this road be designated a parkway so that its development could be accelerated. The bill introduced today contains similar provisions for this designation and includes the same restrictions that were approved last year to limit the use of this highway to noncommercial vehicles.

Mr. President, highway legislation has been made the first order of business by the Committee on Public Works. I know that under the leadership of the Senator from Texas (Mr. BENTSEN) the Subcommittee on Roads will move expeditiously in conducting hearings and preparing a bill for the consideration of the full committee.

Mr. BAKER. Mr. President, the Senator from Texas (Mr. BENTSEN) in his new position as chairman of the Subcommittee on Roads, has just introduced a modified version of the bill reported to the Senate last session, a bill developed after extensive hearings by the Subcommittee on Roads, and a total of 13 subcommittee and full committee executive sessions.

I supported most provisions of that bill and believe it, in general, represented sound highway legislation for the next 2 fiscal years. Congress did not enact a highway bill in 1972. There were major disagreements among members of the conference committee which delayed a compromise until the closing hours of the session. The compromise measure was passed by the Senate but died in the House for lack of a quorum. Failure to enact highway legislation threatens to disrupt highway construction in every State.

As I expressed to Secretary of Transportation Brinegar during his confirmation hearings before the Commerce Committee, there is one facet of the threatened disruption which particularly concerns me. I believe it is of the utmost importance that we proceed as quickly as possible to complete the Interstate Highway System, particularly the intercity routes which tie the Nation together. Serious safety hazards result from gaps in the Interstate System, where fast-moving, high-volume traffic is forced from completed multilane segments onto older, narrower roads. Tennessee—by no means unique in this respect—is all too familiar with tragic accidents on these obsolete highways which connect stretches of modern freeways.

Because it is essential to move as quickly as possible to complete these critical links, I am today introducing a concurrent resolution to authorize the Secretary of Transportation to apportion to States the Interstate funds already authorized by law for fiscal year 1974. Under normal circumstances, the

Secretary of Transportation would have apportioned to States by January 1 of this year interstate funds authorized for fiscal years 1974 and 1975, which States could immediately have begun to obligate. Some States have already exhausted interstate authorizations and several could lose up to a year in moving ahead with interstate construction, if fiscal year 1974 funds are not promptly made available.

This resolution is in no way intended as a substitute for comprehensive highway legislation, nor would its passage lessen the need for prompt action on a major bill. The distinguished chairman of the Public Works Committee (Mr. RANDOLPH) and I, as ranking minority member, intend to move as quickly as possible to bring a highway bill to the Senate for action. But the issues to be resolved in the Senate and House, and between the Houses in conference, are complex and will require thoughtful examination. One-year funding of interstate construction would simply allow work on the Interstate System to go forward while Congress works out the controversial issues.

Mr. President, I ask unanimous consent to have printed at the conclusion of my remarks a table showing, by States, the status of apportionments and obligational authority for the Interstate System and for the whole highway program.

I would be very glad to have any Member of the Senate who wishes to do so, join in sponsoring this proposal.

Mr. President, the comprehensive bill (S. 502) introduced today by Senator BENTSEN contains many progressive measures and provides an excellent focal point for new hearings and an examination of several major issues.

With regard to developing major highway legislation for 1973, I would suggest consideration of three major objectives: first, completion of the Interstate System at the earliest possible date; second, provisions to insure that cities and their suburbs receive a fair share of highway funds to be used in ways which will best serve both local and through traffic in those areas; and third, consideration of the Federal role in highway programs in the "post-Interstate" era.

I have already stated my reasons for believing it imperative that we complete the Interstate System as quickly as possible. My concern is shared by the chairman of the Public Works Committee and other members, and I would hope that in developing a highway bill, we will be able to set authorization levels and make such other provisions as will best expedite work on the system.

With respect to my second objective—that of allowing highway funds for urban areas to be used in a manner most beneficial to the area—I support the provision in the bill introduced today which leaves overall responsibility for coordinating transportation within the State to State agencies but gives increased authority to metropolitan areas for planning and developing systems of a local nature. I do, however, believe that greater flexibility—such as that provided by the Cooper-Muskie amendment passed by the Senate last year—should be given to urbanized areas to use highway funds for transportation projects which will best serve the needs of those areas.

Increased flexibility in the uses to which urban highway funds may be applied is, I believe, a necessary step toward removing Federal obstacles to comprehensive and rational transportation planning.

This brings me to my third and last objective: consideration of the Federal role in future highway and transportation programs. The Department of Transportation in its 1971 statement on national transportation policy said:

> There is a need to rethink the way this Nation should go about developing a transportation system. This would not be so if there were fewer people, if they were less affluent, if they had not increasingly clustered in large urban complexes, and if they were willing to put up with the noise and smoke of an earlier era. But for the next three decades, all indicators point to more people, more affluence, more urbanization and a rapidly escalating intolerance for undesirable environmental side effects. In the face of this, the practices and policies of the past will almost certainly be inadequate for the future.

The bill introduced today wisely refrains from establishing any major new Federal highway program which could commit us to current programs which may prove inadequate for the future. I would hope the Senate—through the Committees on Commerce, Banking, and Finance, as well as the Public Works Committee—and the House, would begin this year to develop a more creative and responsive Federal transportation program embracing all modes.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

INTERSTATE HIGHWAY FUNDS, AS OF DEC. 31, 1972

State	Budgeted fiscal year 1973[1]	Unobligated[1]	Apportioned authorization remaining[2]
Alabama	$51,667,000	$5,269,069	$41,235,734
Arizona	51,501,000	26,002,377	69,860,221
Arkansas	13,844,000	7,058,959	5,263,389
California	207,721,000	97,767,626	38,244,814
Colorado	45,521,000	27,404,629	38,735,098
Connecticut	72,240,000	66,554,777	161,254,360
Delaware	9,244,000	374,546	3,725,142
Florida	70,579,000	38,924,181	21,698,307
Georgia	51,723,000	27,140,074	47,941,066
Hawaii	35,248,000	25,934,857	105,563,481
Idaho	13,844,000	10,554,308	15,323,952
Illinois	185,764,000	73,820,671	286,103,648
Indiana	39,041,000	14,554,994	18,178,756
Iowa	34,057,000	29,922,490	49,034,746
Kansas	29,074,000	10,034,102	1,975,514
Kentucky	38,903,000	38,844,049	3,538,511
Louisiana	83,620,000	32,679,768	46,597,664
Maine	13,844,000	4,806,310	9,241,931
Maryland	91,013,000	74,188,600	293,785,499
Massachusetts	97,105,000	81,110,146	273,808,012
Michigan	99,961,602	38,058,845	36,326,919
Minnesota	49,923,000	24,349,078	54,875,903
Mississippi	23,286,000	1,003,231	907,223
Missouri	56,208,000	27,586,349	22,280,910
Montana	31,842,000	2,869,595	36,600,554
Nebraska	13,844,000	708,434	12,583,233
Nevada	$13,844,000	$6,537,554	$6,474,291
New Hampshire	13,844,000	11,160,374	18,146,357
New Jersey	72,212,000	30,790,394	119,234,078
New Mexico	24,975,000	11,763,140	5,202,850
New York	195,372,000	114,399,365	450,749,861
North Carolina	47,791,000	34,560,402	56,914,637
North Dakota	13,844,000	2,969,246	8,696,699
Ohio	88,134,000	53,453,613	134,832,582
Oklahoma	20,185,000	10,822,514	814,470
Oregon	61,442,000	45,534,087	64,715,725
Pennsylvania	136,810,000	55,950,690	211,350,418
Rhode Island	28,935,000	28,192,551	61,317,715
South Carolina	19,908,000	3,276,447	6,479,783
South Dakota	13,844,000	3,799,814	8,677,982
Tennessee	33,088,000	29,567,270	2,433,378
Texas	110,423,000	14,432,316	4,875,618
Utah	38,183,000	21,032,434	37,630,006
Vermont	14,620,000	5,143,931	8,748,594
Virginia	73,354,000	69,337,506	0
Washington	82,291,000	58,667,713	79,853,314
West Virginia	84,368,000	53,173,365	56,233,596
Wisconsin	20,814,000	12,426,742	23,560,673
Wyoming	19,936,000	12,737,173	37,006,244
District of Columbia	50,283,000	51,995,479	206,447,697
Total	2,789,117,602	1,529,246,205	3,305,081,180

[1] Limitation on Federal-aid highway program obligation (FHWA table 7C).

[2] Unobligated balance of apportioned interstate funds (FHWA table 10).

By Mr. CHILES:

S. 503. A bill to protect the concept of neighborhood schools, to provide financial assistance to local educational agencies in each State in order to strengthen neighborhood schools and to increase the use of such schools as community, cultural, and educational centers, and for other purposes. Referred to the Committee on Labor and Public Welfare.

NEIGHBORHOOD SCHOOL ACT OF 1972

Mr. CHILES. Mr. President, in the last Congress I introduced two bills—S. 2508 and S. 3194—in an effort to protect the concept of neighborhood schools and to provide financial assistance to local educational agencies in each State to strengthen the neighborhood schools through the use of schools as community cultural and educational centers.

This morning I am introducing a bill which combines those two proposals into one legislative package, since I felt the two separate measures were closely related and dependent upon each other in concept and practical operation.

Nothing has caused more anger, more resentment, more frustration at the local level of government than the problem of how we are to educate our children.

American society is deeply committed to schooling because it is aware of the importance schooling leaves upon an individual in determining his future. For better or worse, formal education is one of the most important determinants of the lifetime opportunities of individuals. In large measure the schools select persons to fulfill the hierarchy of social, political, and economic roles of society. And those who receive more and "better" schooling are in a better position in a schooling-dependent society to obtain the highest earnings and the best jobs.

Central to our society"s commitment to education has been the idea of the neighborhood school. Today that concept is being destroyed in some areas and seriously threatened in others.

In Florida, as I am sure in other States, people are deeply concerned about the neighborhood school. So many people told me during my campaign walk in Florida that they had bought a home in a neighborhood, paying more than they could really afford to pay so that they could send their children to a particular school. And now they are having to put their children on buses—sometimes for as long as an hour and a half ride each way—many times on split sessions where one child in a family goes at 6 o'clock and another goes at 12. It is not surprising to me that this angers people. And it angers me that I am unable to explain to parents how this busing would help the education of their children. Both black and white are upset by the idea that they are being forced to bus their children just to have a mathematical formula of the races in the schools.

Title I of my bill would define the neighborhood school concept and would declare it to be the policy of the United States to encourage that concept so that students would be assigned to a public elementary or secondary school solely on the basis of residence within the geographic zone which that school served.

At the same time, however, it would also declare it to be the policy of the United States that no student would be denied the right to transfer and be provided transportation out of the neighborhood school if he were a member of a minority group and that minority group constituted at least 50 percent of the students enrolled in the neighborhood school.

This title would accomplish, I believe, the desirable goal of having parents and teachers and children close to each other. The plan would require children to spend less time getting to and from school; allow them the possibility of participating in extra-curricular activities; allow more time for home assignments; and would lower costs considerably.

And yet the title provides transportation to the student who prefers to attend a school other than the neighborhood school, if he is a member of a minority group and the group constitutes 50 percent of the neighborhood school enrollment.

Closing a school is not a solution—it is another indicator of a still-present problem. A school closing eliminates a community center; shuts off one of the best possibilities for community contact and tells the community's children in the most direct and painful way possible that they must go elsewhere to learn—leave the home, the neighborhood environment, in order to attain the education necessary for "success."

Closing a school and busing the children in the neighborhood to another school puts up an artificial dividing line between the home and community environment and the school environment—environments which ought ideally to work together to help shape and mold student achievement.

I believe there is little argument against the idea of a neighborhood school system. The attacks against it have been made in a sincere effort, I suppose, to provide a better education for those children living in an area served by an inferior school. Admittedly in the past, neighborhood school systems have not been equal school systems. There have been disadvantaged children who have had to go to schools that were not equal. And, in advocating a rededication to the neighborhood school concept I am in no way advocating a regression toward unequal or inferior education systems—but rather encouraging the best possible schooling in each neighborhood school. While my bill would allow anyone who wished to do so the right to transfer, if a student elected not to transfer, he would not be held at a disadvantage.

Congress needs to face squarely the problem of providing Federal funds for allowing a lower pupil-teacher ratio and providing support for guidance counselors, vocation-technical educational and recreational equipment in disadvantaged schools. Title II of this bill would key in on the disadvantaged schools and try to make prize schools out of them. This would allow children in a disadvantaged area to "catch up." It would attempt to meet the child's needs where he is, raise educational requirements and standards and provide for a center for the community, giving a point of pride from which to build the neighborhood itself and develop leadership.

Title II zeros in on the worst schools and affords them the financial aid that is one of the undeniable ingredients needed to make a prize school. I am fully aware of the controversy among educators and education specialists today over the question of whether or not dollars do make a difference in learning. It is obvious that many factors affect educational achievement and also obvious from even a cursory look at the recent studies—that an estimation of the independent importance of each of the determinants of student achievement requires data that is difficult to obtain and more difficult still to measure. But it is also apparent that dollars can make a difference if spent on those school inputs which influence student achievement. And I believe it would be foolhardy to conclude that changes in school facilities and curriculum do not affect student achievement.

My bill offers financial aid and provides that neighborhood schools be used as community cultural and educational centers. I think this is a workable plan which would be a good beginning toward making the neighborhood school a real point of pride—instead of shame—for the community.

Title VII of the Education Amendments of 1972, provides funds to upgrade educational quality in school districts which have adopted a comprehensive districtwide plan for the elimination of minority group isolation to the maximum extent possible in all its schools. The point of this eligibility requirement controlling these funds seems to be to eliminate, reduce, and prevent minority group isolation from occurring. Title II of my proposal provides the needed financial assistance to help protect the concept of neighborhood schools. No one could support the neighborhood school concept if the kind of education that neighborhood schools offered was below standard. If we are going to protect our traditional concept of our public educational system, we must improve it. We must be able to offer the children in these areas a real choice.

Title II defines a disadvantaged school as one where not less than 40 percent of the children enrolled are members of families with an annual income less than $4,000. It provides that schools considered disadvantaged would receive a Federal payment equal to the amount of 65 percent of the average per pupil expenditure in the State or in the United States, whichever is higher, times the enrollment of students in the particular school. These special funds are to be used only in disadvantaged schools, only for programs and projects designed to meet the special educational needs of educationally deprived children and for new or innovative school and community educational recreational programs. Disadvantaged children attend disadvantaged schools where there is often neither sufficient funds for equipment and facilities and little or no funds for recreational and cultural "extras," which can help turn a school into a "prize" school, that has the possibility of serving as a true center for the community—a vehicle for drawing people together because they are proud of what they have, rather than something that divides the community and is a source of shame.

One of my primary reasons for introducing this bill is to provide for a means of strengthening community involvement in a more effective use of the neighborhood schools. School facilities, particularly in disadvantaged schools, are in use a mere 6 or 7 hours a day. The buildings, as well as equipment in the school—if it is properly equipped—remain dormant for much of the day—in fact, much of the year. Schools are unused at night or on weekends, basketball courts remain dark and unused at night; library doors are closed. The money this proposal provides is especially directed toward remedial and other services to meet the special needs of the educationally disadvantaged children. It would allow the hiring of additional professional or other staff personnel with special emphasis on recruiting parents and other local community members to assist in achieving the educational goals of such schools.

Let me give you an example of the kind of program title II would encourage.

There is in Washington, D.C., a group called PEER—Parents Enhancing Education Readiness. It is, basically, a program to increase the readiness of children entering school, and seeks to accomplish this by increasing the knowledge and skills of the pupil personnel staff so that they, in turn, may help parents of preschool children become more aware and more competent teachers of their own children at home. The group conducts workshops in child development and facilitative techniques including demonstrations, films, discussions, field trips and workshops on human reproduction, readiness as it relates to developmental maturation, demonstrations of teaching and training techniques. The pupil personnel staff tutors the children going into homes for an hour per session to talk to, play with, read to children, and to model behavior for the parent, helping parents to understand how to teach their children in the home some of the basic skills necessary for successful school life. The preliminary sessions of the PEER program would be only one example of the kind of activity that could go on at a school after hours and on weekends if more funds were available where they were needed the most.

Funds provided in my bill would be available for comprehensive guidance, counseling, and other personal services for educationally disadvantaged children, development and employment of new instructional techniques, career education programs, and school/community educational recreational programs designed to stimulate further community interest and involvement with the education process. It would also include provisions for professional staff home consultations with parents and students where necessary, special administrative activities, and evaluation programs.

Funds provided through this proposal would be expended only in disadvantaged schools for the programs and activities for which such assistance is sought. I have tried to build in provisions to assure that such funds will not be mixed with State funds and will be used as intended, that is, to increase the level of money that would be available for the purposes I have just described. The Commissioner of Education will be authorized to see that good evaluation is made annually to assure the effectiveness of programs and activities encouraged through the program. The Commissioner could terminate further payments if he finds that the program or activity for which the grant was made has been changed to no longer comply with the act's provisions.

Mr. President, we are faced today with a situation in which many children choose to attend a school a good distance from home, because the level of instruction, the quality of education offered at his neighborhood school is low.

The bill I am introducing today is designed to meet the child's needs where they are. The parent and child and teacher could remain closer to each other, the child would not have to spend so much time getting to and from school, leaving more time for his homework and extracurricular activities; and most of all children would be allowed to attend their neighborhood school if they chose to. That choice would be made more real, more practical by the upgrading of that disadvantaged neighborhood school.

There are those who would seek to prey on the emotions and fears of our parents and children. We must remember that our courts represent the law of our land and interpretation of the U.S. Constitution as it is now written. I sincerely hope that parents will not seek to disobey the law and Constitution because of their dissatisfaction with the busing of their children. At the same time I hope my colleagues will give their serious consideration to the proposal I offer today—as a humane and workable alternative solution to a complex problem.

By Mr. CRANSTON (for himself, Mr. KENNEDY, Mr. SCHWEIKER, Mr. WILLIAMS, Mr. JAVITS, Mr. BEALL, Mr. DOMINICK, Mr. EAGLETON, Mr. HUGHES, Mr. MONDALE, Mr. PELL, Mr. RANDOLPH, and Mr. STEVENSON):

S. 504. A bill to amend the Public Health Service Act to provide assistance and encouragement for the development of comprehensive emergency medical services systems. Referred to the Committee on Labor and Public Welfare.

EMERGENCY MEDICAL SERVICES SYSTEMS DEVELOPMENT ACT OF 1973: S. 504

Mr. CRANSTON. Mr. President, I am pleased to introduce S. 504, the proposed Emergency Medical Service Systems Development Act of 1973, and am very gratified that so many of my colleagues on the Senate Health Subcommittee have again in this Congress joined me in sponsoring this legislation.

The legislation I am introducing today is almost identical to that I introduced last year in S. 3784, and which was adopted by the Senate in S. 3716. I have made three changes: first, to include a separate appropriations authorization for research in emergency medical services techniques, devices, methods and delivery; second, to include language similar to that in the House-passed bill last year, authorizing the Secretaries of each military department to enter into arrangements with communities for the establishment of MAST—Military Assistance to Safety and Traffic—programs; and third, to direct that the annual report required by the proposed legislation include a study of the legal barriers to the provision of emergency medical care.

Since the time the provision of emergency medical services became a legislative issue last year, increasing attention has been paid to the problems and potential solutions involved in this field by almost every element of the community related to these programs. Recently, some 15 national organizations met to discuss how these services could be improved and organized to better meet the Nation's needs. This group produced some very promising recommendations—for the most part similar to conclusions I had reached in developing the proposed legislation. I look forward to the contributions of these organizations in the consideration of this legislation.

DEFICIENCIES IN EMERGENCY MEDICAL SERVICES

One of the most serious deficiencies in the health system in many communities is the inability to respond immediately and effectively to emergency medical crises. The mounting numbers of deaths and disabilities resulting from medical emergencies which in many cases could be averted by adequate planning and organization of health resources is a matter of considerable concern today.

MORTALITY AND DISABILITY FROM MEDICAL EMERGENCIES

Projections from studies indicate that mortality from accidents alone could be reduced by from 10 to 20 percent by proper medical care at the scene of the accident or en route to an emergency facility. Thirty percent of cardiac deaths could be prevented if the public were educated to recognize the symptoms of heart attack and if ambulance attendants were adequately trained to provide immediate emergency treatment. Five thousand deaths each year from other causes such as poisonings, drownings, and drug overdoses could be prevented by immediate medical attention.

The National Academy of Sciences-National Research Council reports that on the basis of current surveys, it is estimated that only 65 percent of the more than 200,000 ambulance attendants of the Nation are trained to the level of the advanced first aid course of the American National Red Cross or higher levels, 25 percent are trained at a level less than the Red Cross course, and 10 percent have no training at all in the fundamentals of first aid.

The ultimate goal outlined in the guidelines established by the National Academy of Sciences-National Research Council and recommendations on the training of ambulance personnel is to create a nationwide corps of career ambulance emergency medical technicians who are qualified to carry out measures now applied by allied health personnel in emergency departments and by medical corpsmen in combat areas. It is estimated by the National Academy of Sciences-National Research Council that fewer than 35 percent of all ambulance personnel are now qualified at the recommended minimal basic level.

Accident is the fourth leading cause of death in the United States. In 1968 trauma resulted in more than 100,000 deaths, 10 million cases of temporary disability, and 400,000 of permanent disability. Trauma patients used more hospital days than all heart patients or all obstetrical patients and more than four times as many hospital days as all cancer patients.

AMBULANCE SERVICES

The adequacies of ambulance services vary widely throughout the Nation. In many communities, ambulance services are run by the local undertaker, in others, the ambulance service is a commercial enterprise—yet few of these find it a profitable business; more than a fourth lose money on ambulance services and depend on other sources for income to make up the loss. The average cost of ambulance service is $75 per trip. Few emergency victims are able to pay that amount. Third-party insurance rarely covers the full cost; in many instances it covers none of the cost.

About one-fourth of the ambulance service in the United States is provided by the local unit of government—usually through a public safety organization such as the fire department, police department, or sheriff's office. Two percent of ambulance service is provided by hospitals.

The American College of Emergency Physicians reports that only 37 percent of ambulances in a recent survey met minimal design standards, and only 6 percent had facilities to communicate directly with a hospital emergency room. Many ambulances have little more room than that sufficient for a prone patient; forcing the attendant to crouch to minister to him. Frequently, life-saving equipment or even basic equipment such as splints, backboards, or poison antidotes, are not carried as standard equipment on the ambulance.

HOSPITAL EMERGENCY ROOMS

Increasing concern is being expressed regarding the heavy demands made upon a major element of any emergency medical system—the hospital emergency room. Hospital emergency rooms are increasingly called upon to provide outpatient care for the community. There has been over a 600-percent increase in the number of emergency visits in some hospitals in the last 25 years. Nationally the average is an increase of 10 percent a year. Last year there were approximately 50 million visits to emergency rooms.

In the critically underserved neighborhoods of densely populated urban areas, emergency medical services should more accurately be termed health services. Here, the distinction between emergency medical care and primary health care is very difficult to determine.

This increased reliance of the community on the services of the emergency room has vastly compounded the difficulties of providing medical care to the emergency victim.

In many communities the small hospital is particularly hindered by inadequate staffing and undertrained personnel and by equipment shortages. Rural communities serving underpopulated areas find it particularly difficult to maintain emergency medical services at the optimum staff and equipment level necessary to meet the infrequent need to provide critical care to an accident victim. According to a study of the National Academy of Sciences, 70 percent of motor vehicle deaths occur in rural areas and communities with a population under 2,500. Some of this tragic difference is caused by inability to reach the patient quickly in an isolated area, but some of it is caused by the inadequacies of emergency room facilities.

I believe a special problem faces the rural community on a seasonal basis. For a major part of the year, such communities have a small number of critical medical emergencies. However, during the peak of the resort season, the number of emergencies rises sharply. Frequently these areas have minimal health personnel or health facilities capable of dealing with these emergencies on a 24-hour basis. In such instances the need for areawide planning of emergency medical services and coordinaiton of such services with neighboring communities becomes a matter of necessity.

CAPABILITY TO CORRECT DEFICIENCIES EXISTING

Modern science has given us the means of overcoming many of the obstacles to providing immediate and effective emergency medical care. The development of portable equipment for the treatment of victims of heart attack, or other critical and sudden illnesses; the development of totally equipped and staffed mobile critical care units capable of bringing the expertise of the hospital to the scene of the emergency; developments in radio and telecommunications permitting electronic monitoring and transmittal of patient data to an acute care center; utilization of rapid means of transport such as helicopters where ground transportation access is poor or too slow—have provided us with the tools necessary to assure prompt response and reaction to a medical emergency.

COORDINATION IN PLANNING SYSTEMS OF EMERGENCY MEDICAL SERVICES

I feel the deficiencies of emergency medical services throughout the country are not impossible to correct. The technical information and the medical capacity to deal with these problems exist. However, to date, efforts to find solutions to them have been fragmented and uncoordinated. The greatest deficiency has been lack of coordinated planning efforts at both the local and the national levels. At the community level, methods must be developed of involving all elements related to the provision of emergency services in meeting community needs.

At the Federal level, governmental units in numerous agencies are concerned and involved with the provision of these services, yet coordination has been haphazard.

In drafting this legislation, I considered means of developing a system whereby these units could work together nationally and locally toward meeting their shared goals.

The proposed Emergency Medical Services Systems Development Act of 1973 is intended to provide the means by which this can be accomplished. The bill authorizes the Secretary of HEW to provide support to States, units of local governments, or combinations of local governments, comprising a SMSA to plan, assist in, improve and expand the provision of emergency medical services. A 3-year appropriations authorization for grant and contract support is included as well as a separate appropriations authorization for research in emergency medical services and systems development A basic requirement of any application for funding is the development of a comprehensive plan for the establishment of an emergency medical services system. Opportunity for participation in the development of the plan must be assured to all elements in the community having a relationship to emergency medical services, including consumers, public safety agencies, communications networks, private ambulance firms, representatives of Federal agencies, as well as health care providers, health facilities, and health education institutions.

The community must establish an area emergency medical services planning council whose membership will include representatives of these elements, and whose functions will include development of the plan, in consultation with the 314(a) and appropriate 314(b) planning agency, as well as continuous monitoring and evaluation of the operation of the emergency medical services system.

For the State or community to be eligible for Federal support, the plan must provide for certain essential elements.

TRAINING

To be eligible for a grant or contract the plan must include provision for the training of sufficient numbers of specialized professional and paraprofessional staff as well as providing for their continuing education.

Fully trained emergency medical services personnel are an essential element of any comprehensive emergency medical services system. I, therefore, feel that adequate programs of educating and training such individuals must be developed. The bill requires that these programs meet criteria and standards approved by the Secretary after due consultation with appropriate medical and educational interests. Since there will be an immediate demand that these programs be supported in sufficient numbers to provide the personnel necessary to permit the adequate functioning of EMS systems supported under this act I would hope the Secretary will make the development of these programs a first priority.

The bill specifies that all training and education activities developed under plans adopted be coordinated with programs authorized under titles III, VII, VIII, and IX of the Public Health Service Act. This coordination will insure the programs under other legislative authorities and should avoid the duplication of training activities.

The multidisciplinary approach to the provision of emergency medical services has proven its effectiveness in Los Angeles, Jacksonville, and the State of Illinois, among other communities having exemplary systems for the provision of emergency medical services. I believe that the training of emergency medical services personnel is particularly suited to the concept of team training provided within the concept of the total emergency medical services system.

Continuing education is of paramount importance to the paraprofessional as well as to the professional. I feel that any member of the emergency medical staff should be required to participate in regularly scheduled continuing education programs.

In order for EMS systems to be properly planned, developed, operated and evaluated, several types and levels of personnel will be needed and must be trained.

Currently, there are approximately 15,000 physicians providing emergency care on a full-time basis. In emergency there were no postgraduate training programs for emergency physicians such as those under which other specialists are trained. There are now six such programs, and more are being developed. This expansion in the number of postgraduate training programs is promising and I hope the expansion will continue. Many more of these programs are needed to provide the numbers of full-time emergency physicians needed to adequately serve the Nation's communities. In addition, these physicians must have access to continuing education programs geared to their needs as emergency physicians.

Further, there is a need for all physicians in postgraduate training programs in other specialties and physicians practicing in other specialties to be able to handle common medical emergencies as well as those which arise in their specialties. Programs must be developed to provide training for these physicians to handle common medical emergencies and to maintain their competence in handling them when they go into practice.

The importance of adequate training of the paraprofessional, who in most instances, is the first person at the scene of the emergency, cannot be overemphasized. A number of standardized training programs have been developed, most notably the course developed by the Department of Transportation which consists of some 70 hours of training. I have been impressed by reports on the highly skilled paraprofessionals who have completed longer periods of training of 300 hours or more. These individuals, working in conjunction with a professional at the emergency room or other health facility by vote communication, are capable of providing lifesaving care and utilizing complex equipment essential to save the patient from death and protect him from serious disability.

The utilization of the former military medic in these systems seems particularly appropriate, and there has been some notable success by communities to recruit these individuals for these positions.

In addition, there is a need to develop and train other emergency medical personnel. Among members of the emergency medical services system staff are the emergency nurse, including the specially trained nursing associate who can carry out triage in certain circumstances and provide some element of treatment to the patient, the emergency physician's assistant, emergency medical technicians to work both in hospital emergency departments and at the scene of the emergency, emergency communications personnel knowledgeable about the development and operation of sophisticated communications networks, emergency department ombudsmen, community workers both within the emergency room and in the community who can relate to the needs of the patients as well as provide educational services on the use of emergency facilities.

In addition to the emergency medical personnel directly involved with patient care, I am impressed with the need for managers of emergency medical systems who can plan, develop, operate, and evaluate such systems. Ideally, these managers would have a background in both emergency health care and in health administration and management. Reports of the development of programs to educate such individuals at Ohio State University and at the University of Pennsylvania are very promising and I would hope their development will be pursued at other educational institutions.

The need for health managers or administrators is becoming more evident as medical services move from a nonsystem of fragmented care to one of coordinated and organized systems. There is a real need for these specialists in implementing a comprehensive emergency medical services system in a large community or a State.

The bill does not provide a separate authorization for training programs since it is our conviction that training for emergency medical services must be integrated with an emergency medical services system operating in a community. Provision for training programs and continuing education programs are required elements of any comprehensive plan submitted with an application for funding support.

COMMUNICATIONS

Mr. President, another requirement of any plan is the provision for a 24-hour communications system which provides the necessary linkage from the point of the emergency through a central point dispatching emergency personnel and vehicles, and on through all points of the system to the emergency medical facility and its highly specialized personnel and equipment. These communications systems should at the same time be compatible with the transmission of patient data to the critical care unit through radio and video transmission or other electronic monitoring systems.

In providing ready consumer access to an emergency medical services system, while the 911 dial system currently being advanced by the telephone companies within the United States is highly desirable, it is a time-consuming and expensive process, and alternative courses of action should be considered by communities as an interim or substitute measure prior to the installation of a 911 system. Another major problem involved in consumer access to the communications system is the ability of the dispatch center to locate the emergency geographically, when the consumer is a child, or a stranger to an area and unable to identify his location. Areas of technology must be pursued so that future capabilities can be established to help the central dispatch point identify the location of the call.

TRANSPORTATION

Another requirement of an emergency medical services system is adequate provision for transportation. Sufficient numbers of vehicles, equipped with the necessary life-saving equipment, accompanied by well-trained emergency personnel and meeting standards of safety and patient care recommended by nationally recognized organizations must be a basic element of any system. In many communities such vehicles are in use already, sometimes provided by commercial ambulance companies, sometimes by public safety agencies, sometimes by voluntary agencies, and sometimes by the community hospital. Where such resources already exist and where they meet standards of equipment and personnel recommended by the Secretary, they should be incorporated into and would form important components of a program for the comprehensive emergency medical services.

Transportation systems must be geared to the special geographical characteristics of the community. In some areas where road systems are inadequate or distances are great, the utilization of a helicopter has proven particularly appropriate in transporting emergency victims. The outstanding record achieved by the MAST pilot programs established in several communities is an example of the effectiveness of the helicopter as an element of an emergency medical services system. One of the great deterrents to greater utilization of helicopters is the heavy expense. I believe the involvement of public safety agencies, many of which utilize helicopters for other purposes, in the development of plans for community emergency medical services can offer opportunities for the joint and therefore more economical use of this method of transport.

FACILITIES

A fourth major element in any system for the provision of emergency medical services is adequate facilities, conveniently and strategically located, and available for utilization on a 24-hour basis. For the most efficient operation of an emergency medical services system and for the most efficient utilization of scarce financial and professional resources, planning for these facilities is essential. The potential organizational efficiency which could result from the application of the recommendations for categorization of facilities made by the Commission on Emergency Medical Services of the AMA makes them well worth consideration.

Adoption of such a categorization system in the communities would appear to provide a rational approach to the provision of emergency medical services while avoiding expensive and unnecessary duplication of equipment and facilities and poor utilization of scarce staff resources.

ADDITIONAL REQUIREMENTS

Other requirements of community plans include:

Access to specialized critical medical care units either within the community or in a neighboring community, and means of transfer to facilities and programs which can provide such followup care and rehabilitation as is necessary to bring about the patient's recovery.

Assurance that anyone in need of emergency medical care will be provided such care without regard to ability to pay or prior inquiry as to financial situation or insurance coverage.

come with emergency medical services

Provision for developing a program to

during mass casualties, natural disasters, or national emergencies.

Provision for a program of public education and information, stressing appropriate methods of medical self-help.

Provision for standardized patient recordkeeping systems.

ROLE OF COMPREHENSIVE HEALTH PLANNING AGENCIES

Since the 314(b) agency should be the logical entity to coordinate and plan for a well functioning health system, the proposed act requires involvement of the comprehensive health planning agencies established under section 314 of the Public Health Service Act in the development and implementation of any programs for area emergency medical services. Indeed, to be eligible for a grant, a governmental unit or combination thereof would have to comprise at least the area covered by an areawide 314(b) planning agency unless the area proved to be incompatible to the development of a coordinated comprehensive system.

REPORTS AND RECORDS

A grantee must make such reports and maintain such records as the Secretary of HEW determines are necessary. To insure that grants and contracts awarded under the provisions of the proposed act are directed towards the implementation of plans for emergency medical services systems, the Secretary is expected to make every effort to require periodic reporting on progress achieved in the development, establishment, or expansion of components of such systems.

To assure the effectiveness of such systems, all components of an emergency medical services systems must meet standards and criteria established in regulations by the Secretary.

The bill provides for two alternative award mechanisms—grants and contracts. The indefinite nature and need for flexibility in the development of plans for emergency medical services systems in any given area are most appropriately addressed by the grant mechanism. A similar approach has also proven most effective in training programs.

However, in the actual implementation of a plan for an emergency medical services system and the development of its components, the utilization of the contract mechanism has special applicability. The contract mechanism provides a greater degree of assurance that implementation of the plan will more closely follow the original purpose proposed in the application and provides for greater control over compliance with requirements and quality standards prescribed by the Secretary.

Under the bill, utilization of the contract mechanism must be subject to the same review and approval procedures as the grant mechanism. There must also be sufficient flexibility to permit renegotiation of the contract should the local unit of government feel the original purpose for which the contract was awarded should be changed. Again, any such renegotiation should be subject to the same review procedures as used in the grant mechanism.

INTERAGENCY TECHNICAL COMMITTEE

At the Federal level, the bill establishes an interagency technical committee to coordinate Federal programs and activities relating to emergency medical services. Many successes have been realized in the MAST programs through coordinated activities of the Department of Defense, Department of Transportation, and the Department of HEW. The Inter-Agency Committee should result in further cooperative efforts at the Federal level. I hope that local community efforts also will be made to foster these coordinated arrangements at the local level.

A new provision of the bill would authorize the Secretaries of each military department (including the Secretary of Transportation as to the Coast Guard in non-war periods) to enter into agreements with communities for the establishment of MAST programs. These programs have been in effect in five communities with outstanding results, however, the Department of Defense General Counsel has expressed the need for authorizing legislation for the expansion of these programs to additional communities. This congressional authorization will enable MAST programs to be initiated in some 21 new sites which currently have the capacity to participate in MAST programs.

NATIONAL EMERGENCY MEDICAL SERVICES ADVISORY COUNCIL

A National Advisory Council is established by the bill within HEW to review and advise on applications and to make recommendations to the Secretary on implementation of programs under the proposed act. Membership of this Council includes not only representatives from other Federal agencies, but also the Director of the National Institutes of Health and the Administrator of the Health Services and Mental Health Administration. I recognize that the development of effective emergency medical services system will depend on the coordination of the resources of both the research and the services components of the Public Health Service and for that reason specifically included the directors of these units on the Advisory Council.

REPORT TO CONGRESS

The bill requires an annual report to Congress which shall include an evaluation of the adequacy of emergency medical services throughout the Nation, a study of the legal barriers to the provision of such care, and recommendations on legislation which would correct any deficiencies. The provision of emergency medical services is affected in some States by inflexible laws on licensure, malpractice and liability. This seems to be an appropriate area for study in the preparation of the report.

RESEARCH

In addition to the basic elements of trained personnel, communication systems, transportation systems, and facilities, we need intensive research in the physiological changes produced by trauma, as well as research to utilize, to the fullest extent, technical knowledge in the development of sophisticated hardware and systems for emergency medical services as well as of equipment for monitoring or treating the patient.

Relatively little has been done in fundamental studies on acutely injured individuals in the areas of wound healing and infections, and psychological, metabolic, cardiac, and respiratory changes following trauma. A beginning has been made through the eight trauma centers supported by the National Institute of General Medical Sciences, but funding for these programs has always been quite limited. The substantial reduction in mortality and lasting disability from burns resulting from the establishment in recent years of specialized burn centers attests to the positive results that can be attained through applying concentrated medical efforts in a center where multidisciplinary teams can work together in developing optimum treatment capacities and an organized approach to providing specialized care.

As we turn from our massive research efforts in manned space exploration, the scientific capability developed for those programs could propitiously be transferred to improving our ability to provide emergency medical services.

Because of the need for research in areas related to emergency medical services systems, I have added a separate authorization of $5,000,000 annually for support of research programs. Such grants for research must be carried out in conjunction with area emergency medical services systems which have developed a plan meeting the requirements of this proposed legislation.

CONCLUSION

Mr. President, I believe that enactment of this legislation will insure the continuation and improvement of existing emergency medical services programs and will provide opportunities for the development of new programs on a comprehensive basis throughout the Nation.

I would like to express my appreciation for the assistance and support provided in the development of this legislation by the distinguished Senator from New Jersey (Mr. Williams), chairman of the Committee on Labor and Public Welfare, and by the distinguished Senator from Massachusetts (Mr. Kennedy), chairman of the Subcommittee on Health, as well as by the distinguished respective ranking committee and subcommittee minority members, the Senator from New York (Mr. Javits), and the Senator from Pennsylvania (Mr. Schweiker). Joining with them as cosponsors of this bill with me are the Senator from Maryland (Mr. Beall), the Senator from Colorado (Mr. Dominick), the Senator from Missouri (Mr. Eagleton), the Senator from Iowa (Mr. Hughes), the Senator from Minnesota (Mr. Mondale), the Senator from Rhode Island (Mr. Pell), the Senator from West Virginia (Mr. Randolph), and the Senator from Illinois (Mr. Stevenson).

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 504

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Emergency Medical Services Systems Development Act of 1973".

SEC. 2. (a) The title of part C of title VI of the Public Health Service Act is amended to read as follows:

"PART C—CONSTRUCTION OR MODERNIZATION OF EMERGENCY ROOMS AND DEVELOPMENT OF AREA EMERGENCY MEDICAL SERVICES SYSTEMS".

(b) Section 631 of the Public Health Service Act is amended by striking out "1971," and inserting in lieu thereof "1974,".

(c) Section 633 of such Act is amended to read as follows:

"AUTHORIZATION

"SEC. 633. To assist in, improve, and expand the provision of adequate emergency medical services in the Nation for the treatment of accident victims and victims of sudden illness, and handling of other medical emergencies, there are authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1974; $100,000,000 for the fiscal year ending June 30, 1975; and $150,000,000 for the fiscal year ending June 30, 1976, for special project grants to and contracts with appropriate governmental entities for the planning and development or expansion of comprehensive area emergency medical services systems. Sums made available under this section may be used for planning, construction, training, and manpower development, communication, transportation, public education, coordination of services and facilities and other components necessary for the implementation of a plan submitted in accordance with section 635."

SEC. 3. Part C of such title is further amended by adding at the end thereof the following new sections:

"ELIGIBILITY FOR GRANTS AND CONTRACTS

"SEC. 634. Funds appropriated pursuant to this part shall be available for grants and contracts made by the Secretary, after consultation with the National Emergency Medical Services Advisory Council established by section 638, and funds available for grants and contracts under section 633 shall be provided on a matching basis of up to 75 per centum in accordance with criteria of need as determined by the Secretary pursuant to regulations he shall prescribe, to assist States, political subdivisions, or regional arrangements, compacts, or consortiums comprising the governmental jurisdictions for at least those areas included in a standardized metropolitan statistical area (as determined by the Office of Management and Budget) in the case of programs to be carried out in such standardized metropolitan statistical areas, presenting a plan for the provision of comprehensive and coordinated emergency medical services for a geographical area which encompasses an area at least congruent with an areawide comprehensive health planning agency as established under section 314(b) of this Act or multiples of such area, (unless the Secretary determines that such area cannot feasibly operate under a single plan in which event he may approve a plan submitted for a portion of such area), which plan must be approved by the Secretary and meet requirements consistent with the provisions of section 635 set forth in regulations prescribed by the Secretary.

"PLANS

"SEC. 635. Each plan submitted pursuant to section 634 must include the following—

"(a) reasonable assurance that there has been or will be established in or for the area with respect to which such grant is sought, an area emergency medical services planning council pursuant to the provisions of section 636;

"(b) proposals for programs (carried out in coordination with education and training programs assisted under titles III, VII, VIII, and IX of this Act and in a manner consistent with the appropriate provisions of such applicable title) for the training and continuing education of health professionals and paraprofessionals (with priority for the recruitment and training of veterans of the Armed Forces of the United States with training or experience in the health care field) in the provision of emergency medical services to victims of accident and sudden illness, which programs must meet criteria established by the Secretary in regulations and, in the case of the training of paraprofessionals, must include supervised clinical training for at least one-half of the program;

"(c) provision for a communications system including, at least, a central, areawide communications network linked with other appropriate area, State, and National networks, and with maximum accessibility for the public through a universal emergency telephone number and other means, which system shall allow transmission of information by voice, telemetry, or other electronic method and shall provide for cross-frequency patching capability;

"(d) provision for an emergency medical sevices transportation system, which shall include such airborne and waterborne transportation as is necessary to meet the individual characteristics of the area;

"(e) provision for the establishment of easily accessible, continuously operational emergency medical services facilities in sufficient numbers and situated at strategic locations in the area to meet the emergency medical services needs of the area;

"(f) provision for emergency access to specialized critical medical care units in the area, including provision for the necessary transportation systems for such access, and, where such resources are nonexistent or inadequate in the area, for access to such units in a neighboring area where access is feasible in terms of time and distance;

"(g) assurance that necessary emergency medical services, to the maximum extent feasible, shall be provided to all patients requiring sevices and shall be provided without regard to, or prior inquiry as to, ability to pay;

"(h) provision for developing for submission for approval by the Secretary, within one year of receipt of funds under this part, a plan assuring an operational system for providing emergency medical services during mass casualties, natural disasters, or national emergencies;

"(i) provision for transfer to facilities and programs providing such followup care and vocational rehabilitation as is necessary to effect the maximum recovery and restoration of the patient;

"(j) provision for a program of public education and information in the area served (taking into account the needs of vistors to the community to know or be able to learn immediately the means of obtaining emergency medical services), stressing appropriate methods of medical self-help;

"(k) provision for periodic, comprehensive, and independent review and evaluation of the extent and quality of the emergency medical services provided in the area; and

"(l) provision for a standardized patient record-keeping system meeting standards established by the Secretary in regulations, which records shall cover the treatment of the patient, from initial entry into the system through discharge from the emergency medical services system, and shall, to the maximum feasible extent, be consistent with ensuing patient records used in followup treatment and rehabilitation of the patient.

"AREA EMERGENCY MEDICAL SERVICES PLANNING COUNCIL

"SEC. 636. (a) The composition of the Area Emergency Medical Services Planning Council to be established in accordance with the plan submitted under section 635 shall include representatives of the State agency and appropriate areawide health planning agency or agencies (if any) established under section 314, of the regional medical program established under title IX of this Act in the area, of all public safety agencies having responsibilities within the area, of hospital councils, public, voluntary, and nonprofit private agencies, institutions, and organizations concerned with health or health education, of the local government or governments or units thereof exercising jurisdiction in the area, of uniformed services of the Federal Government operating installations in the area, of the Veterans' Administration medical facilities in the area, of communications networks, mass media, and public utilities, of firms, organizations, and other entities having responsibilities related to the provision of emergency medical services, and of the general public who are not related to the provision of health care and who shall comprise at least one-third of the Council's voting membership.

"(b) The functions of such Council shall include development, in consultation with the congruent areawide comprehensive health planning agency or agencies established pursuant to section 314(b), of the plan described in section 635(h) for areawide emergency medical services and shall include continuous monitoring and evaluation of the operation of the emergency medical services system with a view to making recommendations for the improved effectiveness of its operation.

"INTERAGENCY TECHNICAL COMMITTEE ON EMERGENCY MEDICAL SERVICES

"SEC. 637. (a) The Secretary shall establish an Interagency Technical Committee on Emergency Medical Services which shall be responsible for coordinating those aspects and resources of all Federal programs and activities relating to emergency medical services to assure the adequacy and technical soundness of such programs and activities and to provide for the full communication and exchange of information necesary to maintain the necessary coordination and effectiveness of such programs and activities. The Secretary or his designee shall serve as Chairman of the Committee, which shall include appropriate scientific, medical, or technical representation from the Department of Transportation, the Department of Justice, the Department of Defense, the Veterans' Administration, the National Academy of Sciences, the National Science Foundation, the Office of Science and Technology, the Federal Communications Commission, the Office of Emergency Preparedness, and such other Federal agencies, and parts thereof (including components of the Department of Health, Education, and Welfare), as the Secretary determines administer programs directly affecting emergency medical services functions or responsibilities. The Committee shall meet at the call of the Chairman, but not less often than four times a year.

"(b) The Secretary of each military department (or his designee), as such term is defined in section 101(8) of title 10, United States Code, is authorized to enter into agreements with emergency medical services systems under which agreements, equipment, and personnel of the armed force under the Secretary's jurisdiction may, to the extent it will not interfere with the primary mission of that armed force, provide transportation and other services in emergency situations.

"NATIONAL EMERGENCY MEDICAL SERVICES ADVISORY COUNCIL

"SEC. 638. (a) The Secretary shall establish a National Emergency Medical Services Advisory Council with which he shall consult on a continuing and regular basis in administering this part. The Council shall consist of the Secretary or his designee, who shall serve as Chairman, the Director of the National Institutes of Health and the Administrator of the Health Services and Mental Health Administration in the Department of Health, Education, and Welfare, all other members of the Interagency Technical Committee established under section 637, and eighteen members appointed by the Secretary, nine of which appointed members shall be members of the general public who are not related to the provision of emergency medical services, and nine shall be individuals experienced in the provision or development of, or the training of, personnel to provide emergency medical services.

"(b) The functions of the Council shall be to review and advise the Secretary (through a subgroup which it shall appoint) on applications received for grants and contracts under this part and to make recommendations to the Secretary with respect to carrying out the provisions of this part.

"(e) Each appointed member of the Council shall be appointed for a term of four years, except that—

"(1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall be appointed for the remainder of such term; and

"(2) of the members first appointed after the effective date of this part, six shall be appointed for a term of four years, six shall be appointed for a term of three years, and six shall be appointed for a term of one year, as designated by the Secretary at the time of the appointment. Appointed members may serve after the expiration of their terms until their successors have taken office.

"(d) A vacancy in the Council shall not affect its activities, and fifteen members of the Council shall constitute a quorum.

"(e) Members of the Council who are not officers or employees of the United States shall receive for each day they are engaged in the performance of the functions of the Council compensation at rates not to exceed the daily equivalent of the annual rate in effect for grade GS–18 of the General Schedule, including traveltime; and all members, while so serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as such expenses are authorized by section 5702, title 5, United States Code, for persons in the Government service employed intermittently.

"GRANTS FOR RESEARCH

"638a. (a) The Secretary is authorized to make grants to public or private nonprofit agencies, organizations, or institutions for the support of research in emergency medicine techniques, methods, devices, and delivery to be carried out in conjunction with the implementation of a plan submitted in accordance with section 635.

"(b) For the purpose of making payments pursuant to grants under this section, there are authorized to be appropriated $5,000,000 each for the fiscal year ending on June 30, 1974, and the next two fiscal years.

"SEC. 639. (a) No application for a grant or contract under this part shall be approved unless—

"(1) the State comprehensive health planning agency established pursuant to section 314(a) and the areawide health planning agency established pursuant to section 314 (b) have had an opportunity to comment thereon, within ninety days of the submission to those agencies of copies of such application, and the applicant has submitted to the Secretary a reply to any such comments with a view toward accommodating any objections by and remedying any differences with such agency or agencies.

"(2) the applicant agrees to maintain such records and make such reports to the Secretary as the Secretary determines are necessary to carry out the provisions of this part.

"(3) The application is submitted in such form and such manner and contains such information as the Secretary shall prescribe in regulations.

"PAYMENTS AND CONDITIONS

"SEC. 640. (a) Grants under this part shall be paid in advance or by way of reimbursement in such installments and on such conditions as in the judgment of the Secretary will best carry out the provisions of this part.

"(b) Nothing in this part shall limit or otherwise restrict the use of funds which are granted under other provisions of this Act or other Federal law and which are available for the conduct of emergency medical transportation and services programs from being used in connection with programs assisted through grants and contracts under this part where the former programs meet the standards and criteria established by the Secretary under this part.

"(c) Contracts may be entered into under this part without regard to sections 3648 and 3707 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5).

"(d) No grants or contracts may be made under this part in support of an emergency medical services system except where all components of such system meet standards and criteria established in regulations by the Secretary after taking into account standards established by appropriate national professional or technical organizations.

"REPORTS

"SEC. 640a. The Secretary shall prepare and submit to the Congress, one year after enactment of this part and every year thereafter, a report on the administration of this part, which shall include an evaluation of the adequacy of the provision of emergency medical services throughout the Nation including a study to determine the legal barriers to the effective provision of medical care in emergency situations and the extent to which the needs for such services are being adequately met through assistance under this part and otherwise and his recommendations for any legislation necessary to promote the provision of and provide emergency medical services throughout the Nation at a level adequate to meet such needs."

Mr. EAGLETON. Mr. President, I am pleased to join today in sponsoring the Emergency Medical Services Systems Development Act of 1973. This bill, modeled closely on provisions contained in S. 3716, which passed the Senate in the 92d Congress, is designed to provide the kind of planning and coordination in the provision of emergency medical services which is so urgently needed in many communities across the Nation.

Our experience in Missouri is very likely typical of the situation in other parts of the country. In each of the major metropolitan areas in the State, Kansas City and St. Louis, there are several public and private agencies which provide emergency medical services. While each of these agencies strives to provide adequate services to the best of its ability, there is little comprehensive planning and coordination. Consequently, services are often not organized and delivered in the most efficient manner, nor are they available to all of our citizens who may have need of them.

In many rural Missouri communities the situation is even worse. There are hundreds of thousands of Missourians for whom emergency medical services simply do not exist. In many such areas, the local funeral director was able to provide emergency services in the past but was forced to eliminate them because of an inability to meet the costs associated with medicare regulations covering the training of personnel and the kind of equipment employed.

Over the years we have spent billions of dollars in this Nation in establishing modern hospital facilities. By comparison, we have invested only pennies in providing emergency medical services. Yet, the evidence is quite clear that the early treatment given a patient involved in an auto accident or stricken with a heart attack is often decisive in determining the final outcome of that patient's case—regardless of the excellence of the hospital facilities where the patient is subsequently treated.

The legislation being introduced today, if enacted and funded, would go a long way toward rectifying this situation—not through a massive Federal program of hardware purchases, but rather through an emphasis on planning and coordination in the use of existing services and supplementation of such services where necessary.

I am particularly pleased that the bill contains a specific authorization for continuation and enlargement of the MAST program, under which Armed Forces equipment and personnel may be used as part of a coordinated system established to render emergency services to civilians. I would hope that the program can be shaped in such a way as to permit its expansion, not only to those communities near bases with Regular Armed Forces emergency units, but also to other communities as well—possibly through the use of Armed Forces Reserves.

Mr. KENNEDY. Mr. President, I am delighted to be able to join the distinguished Senator from California (Mr. CRANSTON) in the introduction of this vital bill on emergency medical services. I believe that it is quite crucial if we are ever to get our health care delivery system functioning properly in America.

Accidental death is the great neglected disease in our society today. In fact, lack of adequate emergency medical services is the major cause of avoidable premature death today. Indeed it is the leading cause of death among all people between the ages of 1 to 38. Each year more than 52 million U.S. citizens are injured and of those more than 110,000 die, 11 million require day bed care for a day or more, and 400,000 suffer lasting disability. Of the more than 700,000 deaths from heart disease each year, the majority are due to acute myocardial infarction and more than half of these deaths occur before reaching a hospital. Approximately 40 million persons seek care each year in hospital emergency departments as a result of accidents, heart disease, stroke, poisoning, diabetic coma, conclusive disorders, and many other illnesses.

The enormity of these figures helps to demonstrate the great need that

American citizens have for emergency medical services. And yet emergency medical services is one of the weakest links in the delivery of health care in the Nation. Every year thousands of lives are lost through the lack of systematic applications of the established principles of medical care. Far too often those who arrive at the site of, for example, a highway accident, are ludicrously untrained and unable to cope with the human disaster they face. Recent surveys have shown that only 65 percent of the country's present 200,000 ambulance assistants have training to the level of the Red Cross advanced first aid course or higher, 25 percent have a lower level of training and 10 percent have none at all. The chances of the victim of a traffic accident being tended by a man who has little or no idea how to deal with the restoration of breathing, with control of hemorrhage or even with the splinting of fractures is therefore terrifyingly high.

Not only are the ambulance personnel insufficiently trained: 20,000 of the country's 25,000 ambulances are of the hearse or limousine type. These are nearly always too cramped and underequipped; they do not give the victim the best possible chance of survival. Only 7 percent of all ambulances have radio communication with the hospitals in the area and thousands have no communication even with their dispatcher.

Even when and if the victim finally does arrive, still alive, despite the inadequate care he has received on his way from the scene of the accident, at the hospital, he cannot expect much better treatment. In most cases, he arrives at the emergency departments without prior notification, and the personnel and equipment are not properly prepared to receive him. The situation is exacerbated by the fact that most emergency departments in the Nation lack not only facilities and personnel but are also overtaxed by millions of nonemergency cases for whom ancillary outpatient facilities should be provided. Whereas there are many excellent facilities for the definitive care of illness throughout America, there are tragically few for the care of the critically ill or injured.

In the last few years great efforts have been made by professional and other non-Government organizations to improve the delivery of emergency medical care in the country. In some areas, which have adopted a comprehensive EMS program, great and laudable progress has been made. But what is needed is concerted Government action and in recent years Federal agencies just have not moved fast enough to update emergency medical procedures. Within the Department of Health, Education, and Welfare, for example, the support given to research and development of EMS procedures can be described at best as only patchy. Indeed, the report issued by the National Academy of Sciences and the National Research Council in March 1972 declared specifically that:

> While most of the agencies have resources that could and should be used in the development of a system of EMS, the most efficient role that each agency may play in an overall program is reduced severely because there are no Federal focal points of responsibility.

This, along with the terrifying statistics of accidental injury and death which I have already quoted, seems to me to be an indictment of the way in which EMS is provided in this country today. EMS is very much the poor relation in health care delivery today. This must be changed. The bill we are introducing today provides $300 million over the next 3 fiscal years for the improvement of almost every aspect of EMS procedures in this country today. These funds, and others, are available on a matching basis of up to 75 percent to those entities which present a plan for a coordinated EMS system for a geographic area. These plans must include a number of basic provisions. Among them: the establishment of an EMS planning council, proposals for training personnel at all levels, a central communications system, universal access to all EMS services, regardless of ability to pay, plans for followup and rehabilitation capability, and public education in the subject.

The function of the council is to develop areawide EMS programs and monitor and evaluate the EMS system when it is underway. The council must include representatives of all officials and professional interested parties but one-third of its voting membership must be members of the general public—the consumers of EMS.

I believe that this excellent bill will provide just the sense of focal point of responsibility that the National Academy of Sciences and the National Research Council felt was so lacking today. It is an essential bill, Mr. President, and I am confident that it will pass and will be of enormous benefit to our society.

As chairman of the Senate Health Subcommittee, Mr. President, I want to take the opportunity to indicate that my subcommittee will begin hearings on this bill next week. I consider this measure to be of the highest priority.

By Mr. CRANSTON:

S. 505. A bill to extend to certain recipients of annuity or pension under the Railroad Retirement Act the treatment accorded to certain social security recipients under section 249E of the Social Security Amendments of 1972. Referred to the Committee on Finance.

PROHIBITION AGAINST LOSS OF MEDICAID ELIGIBILITY AS THE RESULT OF THE 20-PERCENT INCREASE IN RAILROAD RETIREMENT BENEFITS

Mr. CRANSTON. Mr. President, I am introducing today a measure designed to amend section 249E of Public Law 92–603 (H.R. 1), to include recipients of railroad retirement benefits—in the same way as is presently the case for social security recipients—in the requirement which mandated the States to deem-eligibile for medicaid those public assistance recipients also receiving social security who would have lost eligibility because the recent 20-percent social security increase would have raised their income above the maximum allowable.

We all remember the somewhat chaotic circumstances under which we operated in the concluding days of the last Congress. In the concern for the larger issues reflected in the consideration of the "Social Security Amendments of 1972," it seems understandable that there were several unfortunate oversights contained in the final version of H.R. 1 as signed by the President.

Having served as chairman of the Subcommittee on Railroad Retirement for the 92d Congress, I am pleased to introduce a measure today—really in the nature of a technical amendment—to correct one such oversight. I have been advised by the Finance Committee that had the issue been raised railroad retirees would have been included in the provisions of section 249E of H.R. 1.

In recent years, benefit increases in social security and railroad retirement have been linked, with a comparable railroad retirement increase following closely behind each social security increase. The 20-percent increase in railroad retirement benefits contained in Public Law 92–460, enacted on October 4, 1972, was necessary and desirable in order to keep pace with the 20-percent increase in social security benefits contained in Public Law 92–336. Simple equity requires that we provide railroad retirement annuitants with similar protection against the inadvertent loss of medicaid coverage which we provide in H.R. 1 for social security recipients.

Section 249E provides that no social security recipient who is also a recipient of aid to the aged, blind, or disabled, shall lose his or her medicaid coverage because of the 20-percent increase in social security benefits. In the Senate Finance Committee report on H.R. 1 (No. 92–1230) the committee stated:

> As a result of this increase an estimated 190,000 aged, blind, and disabled persons will lose their eligibility for cash assistance and will be moved off the cash assistance rolls.

Concurrent with the loss of public assistance entitlements is frequently a loss of eligibility for medicaid benefits. The Railroad Retirement Board estimates that there are approximately 30,000 railroad retirees—in addition to the 190,000 social security beneficiaries—who have been moved off the cash assistance rolls as the result of the 20-percent increase in their annuities. The unfortunate side effect is the loss of medicaid coverage.

The railroad retirement system is a vital income maintenance program for the over 984,000 current beneficiaries and 611,000 active railroad men and women who are now contributing to the system and are relying on its stability at the time they qualify for benefits. In my own State of California, there are some 75,000 railroad pensioners and approximately 40,000 active railroad employees.

In my capacity as ranking majority member of the Subcommittee on Aging, I have been greatly concerned about the plight of our retired citizens—who have already contributed their productive lives to the economic strength of this Nation—who should be entitled to live with dignity and a reasonable assurance of an adequate retirement income in their later years.

During the 92d Congress, we were able to enact measures—the 20-percent railroad retirement increase over a Presidential veto—reflecting a very real responsiveness by Congress to the very real needs of hundreds of thousands of elderly Americans. I feel sure that the 93d Congress will be equally responsive and will approve the measure I have introduced today.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 505

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 249E of the Social Security Amendments of 1972 is amended—

(1) by inserting ", or was a recipient of a monthly payment of annuity or pension under the Railroad Retirement Act of 1937 or the Railroad Retirement Act of 1935," after "was entitled to monthly insurance benefits under title II of such Act"; and

(2) by inserting ", or (in the case of a recipient of such a monthly payment of annuity or pension) the increase in such payment," after "increase in monthly insurance benefits under title II of such Act".

By Mr. STAFFORD (for himself, Mr. CHILES, Mr. JAVITS, Mr. HATHAWAY, Mr. PERCY, and Mr. STEVENSON):

S. 511. A bill to provide for disclosures designed to inform the Congress with respect to legislative measures, and for other purposes. Referred to the Committee on Government Operations.

OPEN GOVERNMENT ACT

Mr. STAFFORD. Mr. President, today I introduce a bill designed to give Members of Congress and the American public a better chance to identify the private forces that seek to influence the shape of Federal legislation and to examine the activities of those private forces.

The Open Government Act would require full and public disclosure of virtually every aspect of congressional lobbying. It would replace a present law which is inadequate. Where we now have only estimates and rumor, we would have facts and truth. In place of shadow, we would have light. In place of suspicion, we would have information.

We have all been told that no one can measure the extent of the efforts or of the influence of legislative lobbyists in Washington. Are there really 10 lobbyists for each Member of Congress, as has been estimated? Do lobbyists spend an average of $10,000 annually for each of the 535 Members of Congress, as has often been written? Who are the lobbyists? Who are the lobbied? This bill is an effort to establish a system that will help us get the answers to those questions.

This bill is not designed to halt or even to curtail legitimate lobbying activities. The bill I introduce takes extreme care to preserve the constitutional rights of all Americans to petition their Government and to freely express their views.

At the same time, it is a disclosure bill designed to inform the public and the Congress about the spending and other activities of persons who, for pay, seek to influence Federal legislation. The information would include a full accounting of what kind of lobbying is going on. It would make available to the public and to the Congress the names of the individuals and of the companies and organizations doing the lobbying. It would require details about how much money is being spent on lobbying and of the specific issues involved. It would identify who is being lobbied as well.

The bill I introduce today is identical to a bill, S. 3773, that I introduced in the 92d Congress. It is similar to a measure approved in the 92d Congress by the Committee on Standards of Official Conduct of the House of Representatives. My bill is more demanding of disclosure than the House measure. Although the "Open Government Act" did not get to the committee hearing stage last year, I am hopeful that our newfound interest in congressional reform will result in action on my proposal this year. Surely we must put our own house in order if we are to help the Congress regain its constitutional role of parity with the executive branch of our Government.

To regain its rightful position of equality with the executive branch, the Congress must win greater public confidence than it enjoys at present. I fear we may have been losing public confidence because so much of our work and decisionmaking is carried on away from public view.

Secrecy builds suspicion, and suspicion weakens public confidence in a government that requires the trust of its citizens to function effectively. I feel strongly that we will strengthen our Government and win increased confidence in our efforts if we in the Congress provide the public with more information about ourselves and about our activities.

For that reason, I am once again supporting measures to open up committee meetings of the Congress to the public and to require full disclosure of the financial circumstances of all Members of Congress. It is why I am reintroducing the "Open Government Act."

I ask unanimous consent that a summary of the "Open Government Act" and the text of the bill be printed in the RECORD.

There being no objection, the bill and summary were ordered to be printed in the RECORD, as follows:

S. 511

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act, divided into sections and subsections according to the following table of contents, may be cited as the "Open Government Act."

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SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds—

(1) that the preservation of responsible representative government requires that the fullest opportunity be afforded to the people of the United States to petition their Government for a redress of grievances and to express freely to individual Members of Congress and to committees of Congress their opinion on legislation and on current issues;

(2) that, to achieve legislative results which will be in the public interest, the facts and opinions expressed to Congress by the advocates of one result should be balanced against the facts and opinions of those having opposing views or interests, and all such facts and opinions should be available to Congress; and

(3) that the identity and activities of persons who, for consideration, engage in efforts to persuade Congress to arrive at specific legislative results, either by direct communication to Congress or by solicitation of others to engage in such efforts, should be publicly and timely disclosed.

(b) PURPOSE.—It is, therefore, the purpose of this Act to provide for the disclosure of the activities, and *the origin*, amounts, and utilization of funds and other resources, of and by persons who, for consideration, seek to influence the legislative process.

SEC. 3. DEFINITIONS.

(a) COVERED COMMUNICATION TO INFLUENCE LEGISLATION.—For purposes of this Act, the term "covered communication to influence legislation" means any direct communication (other than an exempt communication) by any person for or on behalf of another person to influence legislation.

(b) EXEMPT COMMUNICATIONS.—For purposes of this Act, the term "exempt communication" means—

(1) any communication by any individual,

acting solely on his own behalf, for redress of his grievances or to express his own opinion;

(2) any communication by any person which constitutes only an inquiry or statement as to the existence, status, purpose, or effect of legislation;

(a) any communication by any person to a department, agency, establishment, or instrumentality of any branch of the Federal Government (including a corporation owned or controlled by the Federal Government) or the government of the District of Columbia or of the Commonwealth of Puerto Rico, in the exercise of a right of petition granted by section 553(e) of title 5, United States Code.

(4) any communication by any governmental official or employee, acting in his official capacity;

(5) any practices or activities in the form of or relating to contributions and expenditures in connection with campaigns for Federal elective office;

(6) any appearance by any person before a committee of Congress in public session in connection with any measure or matter before such committee and any written statement submitted by any person in connection with such measure or matter and accepted for inclusion in the records of the committee;

(7) the publication, distribution, or dissemination, in the ordinary course of business, of news items, featured newsstories, articles, columns, editorials, comments, books, book reviews, letters to the editor, advertising, and other matter, by—

(A) a newspaper, magazine, or other regularly published periodical which is distributed to the general public,

(B) a licensed radio or television broadcasting station,

(C) any book publisher or other organization engaged in the sale or distribution of books and publications, or

(D) any owner, officer, editor, or employee of any of the foregoing,

(8) any communication by any person in connection with such person's support of or opposition to the candidacy or candidates for election or nomination for election of any individual or group of individuals to public office;

(9) any communication by any individual in connection with his candidacy for election or nomination for election to public office; and

(10) any communication by or authorized by—

(A) any national political party of the United States or any national, State, or local committee or other organizational unit of such national political party, or

(B) any political party of a State, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States or any committee or other organizational unit of such political party,

regarding its activities, undertakings, policies, statements, programs, or platforms.

(c) OTHER DEFINITIONS.—For purposes of this Act, the term—

(1) "person" means an individual or a corporation, partnership, trust, committee, society, foundation, association, or any other organization.

(2) "Congress" means the Congress of the United States or either House thereof.

(3) "Member of Congress" or "Member" means a United States Senator, a Representative in Congress, a Delegate to Congress, or the Resident Commissioner from Puerto Rico.

(4) "committee of Congress" means any committee of the Senate or House of Representatives or any subcommittee of any such committee or any joint committee of Congress or any subcommittee of any such joint committee.

(5) "Comptroller General" means the Comptroller General of the United States.

(6) "legislative agent" means any person who, for any consideration, is retained, in a capacity other than as an officer or employee of the person by whom he is retained, to make covered communications to influence legislation, acting either by himself or through any other person acting for him.

(7) "legislation" means any bill, resolution, amendment, report, nomination, or other matter in or before Congress or proposed to be presented to, or introduced in, Congress.

(8) "influence legislation" means to promote, effectuate, delay, or prevent the introduction, consideration, amendment, passage, approval, adoption, enactment, or defeat of legislation by Congress, or any Member or any committee of Congress.

(9) "direct communication" means—

(A) all methods of direct address to Congress, to any Member or committee of Congress, or to any officer or employee of Congress, of any Member, or of any committee of Congress; or

(B) the solicitation of—

(i) a department, agency, establishment, or instrumentality of any branch of the Federal Government (including a corporation owned or controlled by the Federal Government), or

(ii) the government of the District of Columbia or of the Commonwealth of Puerto Rico,

to make any direct address described in subparagraph (A).

(10) "filing period" means, as applicable—

(A) the period beginning on January 1 and ending at the close of June 30 in any calendar year; or

(B) the period beginning on July 1 and ending at the close of December 31 in any calendar year.

(11) "income" means—

(A) any gift, donation, payment, advance, loan, funds, services, or other thing of value received; and

(B) any contract promise, or agreement, whether or not legally enforceable, to receive any item referred to in subparagraph (A).

(12) "expenditure" means—

(A) any purchase, payment, distribution, loan, funds, advance, services, or other thing of value made, disbursed or furnished;

(B) any contract promise, or agreement, whether or not legally enforceable, to carry out any transaction of any kind referred to in subparagraph (A).

(13) "voluntary membership organization" means any association or other organization which is composed of persons who are members thereof on a voluntary basis and who regularly pay dues, subscriptions, or other sums to such association or other organization as a condition of membership therein.

SEC. 4. FILING OF NOTICES OF REPRESENTATION.

(a) FILING OF NOTICES OF REPRESENTATION BY LEGISLATIVE AGENTS.—Each legislative agent shall, within five days after making his initial covered communication to influence legislation, file a notice of representation with the Comptroller General.

(b) INFORMATION CONTAINED IN NOTICES OF REPRESENTATION.—Each notice of representation shall be in such form and detail as the Comptroller General shall prescribe and shall include, but not be limited to, the following information:

(1) an identification of the legislative agent filing such notice;

(2) an identification of each person by whom such legislative agent is retained as a legislative agent;

(3) an identification of each person on whose behalf such legislative agent is to perform services as a legislative agent;

(4) the financial terms and conditions (including any contingent fee arrangement) on which such legislative agent is retained;

(5) each specific area of legislative activity with respect to which such legislative agent is retained; and

(6) an identification of each person who makes a covered communication to influence legislation, acting for such legislative agent, in each specific area of legislative activity with respect to which such legislative agent is retained.

Nothing in this section shall be construed to require the disclosure of the membership rolls or the organizational dues structure of any voluntary membership association.

(c) AMENDMENTS TO NOTICES OF REPRESENTATION.—If, at any time, the information contained in a notice of representation filed by a legislative agent is not completely current, accurate, and up to date in all respects because of any change in circumstances or conditions with respect to such legislative agent (including termination of his status as a legislative agent), such agent shall file with the Comptroller General, within five days after such change has occurred, such amendment or amendments to such notice as may be necessary to make the information contained in such notice completely current, accurate, and up to date in all respects.

SEC. 5. RECORDS.

(a) PERSONS REQUIRED TO KEEP RECORDS.—Each of the following persons shall maintain and preserve the records required by subsection (b):

(1) a legislative agent;

(2) any person who retains a legislative agent in any filing period, except that a person shall not be considered as being within the purview of this paragraph solely by reason of being a member of a voluntary membership organization which may itself be a legislative agent;

(3) any officer or employee of any person (other than a legislative agent), if such officer or employee receives pay for his services as such an officer or employee and if he makes six or more covered communications to influence legislation for or on behalf of such person in any filing period;

(4) any person (other than a legislative agent) who employs any officer or employee within the purview of paragraph (3);

(5) any person who, for any consideration received by or promised to him, or acting on behalf of another person as a paid officer or employee of such other person, or through the use of funds contributed to him, solicits (other than as provided by paragraph (6)), orally or otherwise, other persons to influence legislation by direct communication, if—

(A) such solicitation reaches, or with reasonable certainty may be expected to reach, at least one thousand persons, or

(B) such solicitation is made to at least twenty-five persons who, for their efforts to influence legislation by direct communication, are paid, or are promised the payment of, any consideration by the person who has made the solicitation or by any other person acting for him;

except that this paragraph shall not apply to the reproduction or retransmission of a communication from any other person who is required by this subsection to maintain records if such reproduction or retransmission specifically identifies such other person; and

(6) any person who, in the ordinary course of business, publishes, distributes, or circulates, as the publication of such person, a house organ, or a trade, labor or trade union, or commercial journal, or any other publication having the same general purposes as a house organ or a trade, labor or trade union, or commercial journal, if such publication—

(A) is not distributed to the general public as a usual and customary practice; and

(B) contains any matter soliciting the reader to influence legislation by direct communication;

except that this paragraph shall not apply to the reproduction or retransmission of a communication from any other person who is required by this subsection to maintain records if such reproduction or retransmission specifically identifies such other person.

(b) Maintenance, Content, and Preservation of Records.—Each person required by subsection (a) to maintain records shall—

(1) maintain records, covering each filing period, in the form of books of account, in accordance with generally accepted accounting principles, which—

(A) reflect total income received in the filing period to make covered communications to influence legislation;

(B) include the name and address of, and amount received from, any person from whom income is received for such purpose in the filing period; and

(C) reflect total expenditures made in the filing period to make covered communications to influence legislation, including an itemization of any expenditure of at least $50 in value;

(2) preserve any records maintained under paragraph (1) for a period of six years after the close of the filing period covered by the report based on such records; and

(3) upon request of the Comptroller General make any records required to be maintained and preserved by this section available for inspection by him.

Sec. 6. Filing of Reports.

(a) Time of Filing Reports Covering Filing Periods.—Each person who is required by section 5(a) to maintain records for any filing period shall file with the Comptroller General a report covering such filing period. Each such report shall be filed not later than the close of fifteenth day following the filing period covered by the report.

(b) Form and Content of Report.—Each report shall be in such form and detail as the Comptroller General shall prescribe and shall include, but not be limited to, the following information:

(1) an identification of the person filing such report;

(2) an identification of each person by whom the person filing such report is employed or retained to make covered communications to influence legislation and each specific area of legislative activity with respect to which any such communication was made;

(3) an identification of each Member, committee, or employee of Congress to whom a covered communication is made; and

(4) all of the information contained in the records required to be maintained under section 5(b) (1) of this Act, except that—

(A) a person shall not be required to report the name and address of (or otherwise identify) and person from whom income of less than $25 in value is received in the filing period to make covered communications to influence legislation, but the report shall contain the number of such persons together with the aggregate of such income;

(B) in the case of a voluntary membership organization—

(i) the organization shall not be required to report the name and address of (or otherwise identify) any member whose payments in the filing period to the organization for making covered communications to influence legislation did not exceed 5 per centum of the total expenditures of the organization in the filing period for such purposes,

(ii) the Comptroller General shall waive the requirement that the organization report the name and address of (or otherwise identify) any member whose payments in the filing period to the organization for such purposes exceeded 5 per centum but did not exceed 30 per centum of the total expenditures of the organization in the filing period for such purposes if the Comptroller General determines that the waiver of the requirement to report such name and address will not impede the purpose of this Act, and

(iii) the organization shall report the number of members referred to in clause (i) and the number of members referred to in clause (ii), together with the aggregate of the amounts received from each class of members referred to in clauses (i) and (ii); and

(C) if any item of income or expenditure is attributable in part to covered communications to influence legislation and in part to other purposes, such item may be reported, at the option of the person filing the report and in conformity with regulations prescribed by the Comptroller General—

(i) by a reasonably accurate allocation which sets forth that portion of the item received or expended to make covered communications to influence legislation and the basis on which the allocation is made, or

(ii) by showing the amount of the item together with a good faith estimate by such person of that part of the item reasonably allocable to the classification of income or an expenditure to make covered communications to influence legislation.

(c) Formula for Allocation of Dues of Members of Voluntary Membership Organizations Used To Make Covered Communications To Influence Legislation.—In determining—

(1) for purposes of subsection (b) (3) (A), whether a member of a voluntary membership organization is a person from whom at least $25 in value is received in any filing period to make covered communications to influence legislation, and

(2) for purposes of subsection (b) (3) (B), whether payments by such a member in any filing period exceed 5 per centum of the organization's total expenditures in such filing period to make covered communications to influence legislation,

a member of a voluntary membership organization shall be treated as having paid to the organization in such filing period, for the purpose of making covered communications to influence legislation in such period, an amount which bears the same ratio to the total dues, subscriptions, or other sums paid by such member in such filing period to the organization as a condition of membership as the total expenditures in such filing period by such organization for covered communications to influence legislation bears to the total expenditures in such filing period by such organization for all purposes.

Sec. 7. Related Filing Provisions.

(a) Obligation To Furnish Information to Officer or Employee.—Any person referred to in section 5(a) (4) shall furnish any officer or employee of such person within the purview of section 5(a) (3), upon his request, such information as may be necessary to enable such officer or employee to comply with section 5(a) (3).

(b) Joint Filing of Reports.—The Comptroller General, under regulations prescribed by him, may permit the joint filing of reports under section 6.

(c) Mailing or Delivery of Notices of Representation, Amendments, and Reports.—Each notice of representation, amendment thereto, or report which is filed under this Act with the Comptroller General shall, at the option of the person required by this Act to file such notice, amendment, or report—

(1) be transmitted—

(A) by registered or certified mail, or

(B) by any other special mail service which is provided by the United States Postal Service and which provides written proof of time of mailing; or

(2) be delivered out of the mails to the Comptroller General by such person, or by his employee, agent, or messenger, in accordance with applicable law governing the carriage of matter out of the mails; and the Comptroller General shall provide to the party making delivery under this subparagraph a receipt of such delivery showing the time of delivery.

For the purposes of this Act, any such notice, amendment, or report shall be treated as having been filed with the Comptroller General—

(i) in the case of transmission by registered or certified mail—at the time specified in the registration or certification,

(ii) in the case of transmission by other special mail service—at the time of mailing specified in the written proof of time of mailing, and

(iii) in the case of delivery out of the mails under paragraph (2)—at the time of delivery shown in the receipt provided by the Comptroller General.

Sec. 8. Effect of Filing on Certain Determinations Under the Internal Revenue Code of 1954

Compliance with the filing requirements of this Act shall not be taken into consideration in determining, for purposes of the Internal Revenue Code of 1954, whether a substantial part of the activities of an organization is carrying on a propaganda, or otherwise attempting, to influence legislation.

Sec. 9. Administration; Duties of Comptroller General

(a) *Administration by Comptroller General*.—The Comptroller General shall administer the provisions of this Act.

(b) Executive Staff Member.—In carrying out his duties under this Act, the Comptroller General may—

(1) appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, an executive staff member;

(2) prescribe the duties of such staff member;

(3) fix his annual rate of pay at a rate not to exceed the annual rate of basic pay, as in effect from time to time, of level IV of the Executive Schedule of section 5315 of title 5, United States Code; and

(4) terminate his employment without regard to chapter 75 of such title (relating to adverse actions).

(c) Specific Duties of Comptroller General.—In carrying out his duties under this Act, the Comptroller General shall—

(1) develop and prescribe forms and standards for the notices of representation, amendments thereto, and reports filed by persons required by section 5(a) to maintain records;

(2) compile in a manner reflective of the disclosure intent of this Act, information contained in notices of representation, amendments thereto, and reports filed, with respect of each filing period, by persons; summarize, information, by person, in categories of activity such as, but not limited to: research, printing, media, travel, salaries and fees, entertainment, telephone and telegraph, postage; and itemize the percentage of spending that occurred for specific legislative efforts;

(3) report such information, as so compiled, summarize information, by person, in categories of activity after the end of each such filing period, or if Congress is not in session, then as soon as possible after Congress reconvenes;

(4) make available for public inspection at reasonable times in the General Accounting Office in the District of Columbia, for a period of six years following the date of filing, all notices of representation, amendments thereto, and reports filed by persons required by section 5(a) to maintain records (or reproductions thereof by any process referred to in section 11) and all information as compiled and summarized pursuant to paragraph (2);

(5) have each notice of representation and each amendment thereto which is filed by any legislative agent published in the Congressional Record within three days after each such notice is received by the Comptroller General, or if Congress is not in session when such notice is so received, then as soon as possible after Congress reconvenes; and

(6) ascertain whether any person required by section 5(a) to maintain records has failed to file a report, or has filed an incomplete or inaccurate report, and promptly notify such person to file or amend such report in order to satisfy the requirements of this Act or regulations prescribed by the Comptroller General under this Act.

(7) prepare a special study and report upon the request of any Member of the House of Representatives or the Senate from information in the records of the Comptroller General; or, if such records do not contain the necessary information, but the information would fall under the scope of information required by the Act, may inspect the records of the appropriate parties and prepare the report, provided that such special inspection can be completed in a reasonable time before the information would normally be filed.

Sec. 10. Regulations.

(a) Authority of Comptroller General To Prescribe Regulations.—The Comptroller General shall prescribe such regulations as he considers necessary or appropriate to effectuate the provisions, and accomplish the purpose, of this Act.

(b) Procedures Governing Formulation and Issuance of Regulations.—The following procedures shall govern the formulation and issuance of all such regulations of the Comptroller General, and all changes therein, and the effective dates thereof:

(1) The Comptroller General shall formulate his proposed regulations, or changes therein, and transmit the same for publication in the Federal Register and in the Code of Federal Regulations, together with a statement, which shall be printed in boldface type at the beginning of such proposed regulations or changes therein, to the effect that such proposed regulations or changes are being so published in order that they may be available to provide opportunity, until the close of the thirtieth day following the date of publication, to interested parties to submit to the Comptroller General their comments, suggestions, and views with respect to such proposed regulations or changes therein.

(2) The Comptroller General shall give full opportunity, until the close of the thirtieth day following the date of publication of his proposed regulations or changes as provided in paragraph (1) to interested parties to submit to him their comments, suggestions, and views, including reasonable opportunity for the holding of conferences attended by interested parties and representatives of the Comptroller General for such purpose.

(3) After consideration of the comments, suggestions, and views submitted by interested parties pursuant to paragraph (2) of this subsection, the Comptroller General, as he considers advisable, may transmit, prior to the close of the fifteenth day after the thirty-day period referred to in paragraphs (1) and (2) any revisions or modifications of the proposed regulations or changes therein for publication in the Federal Register and the Code of Federal Regulations, together with a statement printed as provided in paragraph (1) to the effect that the Comptroller General will receive written comments, suggestions, and views regarding his proposed revisions or modifications until the close of the tenth day following the date of publication but will not make further revisions or modifications of his proposed regulations or changes therein. Before the close of the seventh day after such ten-day period, the Comptroller General shall transmit, on the same day, to the Committee on Standards of Official Conduct of the House of Representatives and the Committee on Government Operations of the Senate the text of his proposed regulations, or changes therein, together with the text of his revisions or modifications thereof made pursuant to this paragraph (but without any further revisions or modifications), and all comments, suggestions, and views which have been submitted to him under this subsection.

(4) If, after consideration of the comments, suggestions, and views submitted by interested parties pursuant to paragraph (2), the Comptroller General considers that any revisions or modifications of his proposed regulations or changes therein should not be made, he shall transmit, on the same day and prior to the close of the fifteenth day after the thirty-day period referred to in paragraphs (1) and (2) of this subsection, to the Committee on Standards of Official Conduct of the House of Representatives and the Committee on Government Operations of the Senate the text of his proposed regulations, or changes therein, together with all comments, suggestions, and views which have been submitted to him under paragraph (2).

(5) The regulations, or changes therein, submitted to the Committee on Standards, of Official Conduct and the Committee on Government Operations pursuant to paragraph (3) or paragraph (4) (including any revisions or modifications made therein pursuant to paragraph (3)) shall become effective at the beginning of the first filing period which commences after the close of the first period of thirty calendar days of continuous session of Congress after the date on which the same are transmitted to such committees, unless, before the close of such thirty-day period, either of such committees, by majority vote of its full membership, has adopted a resolution disapproving such regulations, or changes therein, submitted to it. For the purpose of this paragraph—

(A) continuity of session is broken only by an adjournment of Congress sine die; and

(B) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the thirty-day period.

All such regulations, or changes therein, as finally effective under this section, shall be printed promptly in the Federal Register and the Code of Federal Regulations, together with a statement designating the first filing period with respect to which such regulations, or changes therein, will be effective.

Sec. 11. Retention of Copies in Lieu of Originals.

The Comptroller General may retain, in lieu of notices of representation, amendments thereto, and reports filed under this Act, reproductions thereof made by any photographic, photostatic, microfilm, microcard, miniature photographic, or other process which accurately reproduces or forms a durable medium for so reproducing the original.

Sec. 12. Sanctions.

(a) Enforcement by Court Order of Obligation To Comply With This Act.—If any person fails to comply with any provision of this Act or any regulation prescribed by the Comptroller General under this Act, the Attorney General of the United States may, upon the request of the Comptroller General, initiate and maintain a civil action in appropriate United States district court for an order of the court requiring such person to comply with any such provision or regulation with respect to which compliance is sought.

(b) Criminal Penalty for Willful Failure by Legislative Agent To File Notices of Representation and Amendments Thereto.—Any legislative agent who knowingly and willfully violates section 4 shall be fined not more than $5,000.

(c) Criminal Penalty for Willful Falsification of Notices of Representation, Amendments, and Reports.—Any person who knowingly and willfully falsifies all or part of any notice of representation, amendment thereto, or report which he files with the Comptroller General under this Act shall be fined not more than $5,000 or imprisoned for not more than two years, or both.

(d) Criminal Penalty for Willful Falsification of Covered Communications To Influence Legislation.— Any person who knowingly and willfully falsifies or forges all or part of any covered communication to influence legislation shall be fined not more than $5,000 or imprisoned for not more than two years, or both.

Sec. 13. Repeal of Federal Regulation of Lobbying Act.

The Federal Regulation of Lobbying Act (60 Stat. 839–842; 2 U.S.C. 261 et seq.), and that part of the table of contents of the Legislative Reorganization Act of 1946 which pertains to the Federal Regulation of Lobbying Act (60 Stat. 813), are repealed, effective on the date on which the regulations to carry out this Act first become effective.

Sec. 14. Effective Date.

The provisions of this Act shall take effect upon the date of its enactment, except that any person required by section 5(a) to maintain records shall not have any duties or obligations under this Act until the date on which the regulations to carry out this Act first become effective.

Summary of the Open Government Act

This act has been painstakingly prepared for over a year. It is primarily based on the work of the Committee on Standards of Official Conduct of the House. Many hands have gone into the drafting and redrafting of the language to insure its internal consistency, elimination of loopholes, and compatibility with former constitutional case law in the field.

SECTION 1 SHORT TITLE

SECTION 2 FINDINGS AND PURPOSE

It is of paramount importance that the citizens of the United States be able to petition their government, that their voices be heard and balanced by the decisionmakers, and that to be weighed judiciously the identity and activities of those who, for consideration, attempt to affect the results of Congressional activity be known.

SECTION 3 DEFINITION

Communications which are covered are defined as all communications for or on behalf of another person except those specified.

Exempt communications include the individual acting on his own behalf, simple inquiries, communications under the Administrative Procedures Act, contacts by government employees, contacts under the campaign statutes, committee appearances in public, press communications, and communications about candidates.

Several other technical definitions are contained in this section.

SECTION 4 NOTICES OF REPRESENTATION

It is necessary for legislative agents to file a notice of representation with the Comptroller General, containing specified information including the name of his employer. He must keep these notices up to date.

SECTION 5 RECORDS

Those who are required to keep records are specified, and the manner, content and preservation of records are made specific.

SECTION 6 FILING OF REPORTS

It is required that within fifteen days of the end of the filing period (twice a year) a report must be filed with the Comptroller General and shall include, among other things, an identification of filer, identification on issues concerned, members or staffs contacted, and names and addresses of persons paying for services, with some exceptions for minor contributors to large organizations. A specific formula for allocations of dues to organizations which lobby in part is laid out.

SECTION 7 RELATED FILING PROVISION

These provisions relate to an obligation to furnish information to an officer or employee who has to file, permits joint filing of reports, details mailing and delivery procedures.

SECTION 8 TAX PROVISION

It is stated that compliance with information in the act shall not affect responsibilities under the Internal Revenue Code.

SECTION 9 DUTIES OF COMPTROLLER GENERAL

This section includes staff arrangements, requirements to provide data in certain specified form to make it useful, provision that upon request of a Member, a special study should be undertaken, and detailed requirements on non-filers.

SECTION 10 REGULATIONS

Provides the Comptroller General with the authority to make regulations and details the intricate procedures he must follow in developing these regulations.

SECTION 11 COPIES OF DATA

Permits copies rather than originals of data for retention purposes.

SECTION 12 SANCTIONS

The Attorney General may maintain a *civil* action in a United States District Court to compel compliance with the statute.

A willful violation is subject to a $5,000 penalty, and criminal penalty of $5,000 and/or two years imprisonment for willful falsification of information.

SECTION 13 REPEAL OF FORMER STATUTES

SECTION 14 EFFECTIVE DATE

By Mr. MOSS:

S. 512. A bill to amend the Public Health Service Act to provide for in-service training of nursing home personnel. Referred to the Committee on Labor and Public Welfare.

TRAINING FOR NURSING HOME PERSONNEL

Mr. MOSS. Mr. President, I am today introducing a bill to provide in-service training for nursing home employees. This bill was before the last Congress as S. 3556 and received wide support from organizations in the field of care for the elderly. Its enactment would help solve many of the problems which arise in nursing homes because of reliance on untrained nursing personnel.

There are well over 500,000 nursing home employees in the United States. The majority are untrained aides and orderlies. Since these individuals are paid the minimum wage to perform perhaps the most difficult job in the world, it is understandable why the turnover rate is near the 75-percent level.

I would be the first to point out that most of these employees work hard and attempt to ease the burdens of the infirm elderly. However, there are too few of them to care properly for these needs. The difficulties are compounded by the fact that few nurses aides or orderlies receive any sort of training for their work.

The example provided by the investigator of the Better Government Association who testified at Senate subcommittee hearings on nursing homes in Chicago is classic. He applied for a job as a janitor at a Chicago nursing home and within 20 minutes he had the keys to the narcotics cabinet on his belt and was at work passing medications.

Testimony from other nursing home hearings substantiates these conclusions: first, nursing homes are desperate for personnel but can only offer the minimum wage which results in securing only untrained nursing home personnel, and there is a high turnover rate; second, physicians for all intents and purposes tend to ignore nursing homes; third, some 90 percent of the medical care in nursing homes is given by the nursing personnel; and fourth, the nurse in charge—be she R.N. or an L.P.N.—is so busy with paperwork and administrative responsibilities that she can do little actual nursing. This all adds up to the fact that it is the untrained aides and orderlies, who are constantly changing, who are called upon to provide the medical care in nursing homes.

For all of these reasons it is in the direct interest of the people of the United States to provide some training programs for nursing home personnel. President Nixon has proposed the short-term training of 20,000 of these assistants this year and for the training of 21,000 more next year. In addition, funds have been made available to the American Nurses Association, the American Medical Association, and other professional organizations in the field of long-term care to provide seminars for the training of their membership. But a comprehensive training program for nursing home personnel is still lacking.

My bill, which addresses this important problem, provides grants of up to $100,000 to assist public and nonprofit private schools of nursing to meet the costs of developing in-service training programs—not to exceed 6 months—for nurses aides and orderlies in nursing homes. I have asked for an appropriation of $1 million a year for this effort for the next 2 years.

In recognition of this pressing need, Senator Percy and I introduced in the last Congress a series of omnibus amendments to H.R. 1, the social security bill, the most important of which then provided a full scale training of nursing home personnel financed by the Federal Government. This amendment passed the Senate but was lost in conference. The urgency remains, and I am hopeful the bill I am introducing today can be enacted in the near future.

By Mr. MOSS:

S. 513. A bill to amend section 232 of the National Housing Act to authorize insured loans to provide fire safety equipment for nursing homes. Referred to the Committee on Banking, Housing and Urban Affairs.

LOANS FOR NURSING HOME FIRE SAFETY EQUIPMENT

Mr. MOSS. Mr. President, I introduce for appropriate reference a bill to amend section 232 of the National Housing Act to authorize insured loans to provide fire safety equipment for nursing homes.

I previously introduced this bill in the 92d Congress in December 1971, in recognition of difficulties nursing homes are having in financing equipment to meet higher Federal fire safety standards.

The continuing chronicle of fires in long-term care facilities has caused many States and the Federal Government to tighten up on the enforcement of fire stafety standards. Inevitably, this becomes expensive, particularly for older facilities. In some instances, the necessity of complying with standards has driven many facilities to the brink of bankruptcy.

My bill makes available FHA insured loans to purchase the fire safety equipment, including sprinklers, smoke detection, and alarm systems.

This bill is essentially noncontroversial. It was accepted as an amendment to last year's omnibus housing bill which cleared the Senate last March 3. Congressman Keating of Ohio was successful in having an identical amendment included in the House version of the bill. Unfortunately, the omnibus housing bill cleared the House Banking and Currency Committee late in the session and was never brought to the floor of the House for a vote.

This bill (S. 2923 of the 92d Congress) enjoys the enthusiastic support of the American Nursing Home Association and other groups concerned with the safety of patients in long-term care facilities. I urge its prompt approval.

By Mr. MOSS (for himself and Mr. Abourezk, Mr. Beall, Mr. Bennett, Mr. Bible, Mr. Church, Mr. Cranston, Mr. Domenici, Mr. Dominick, Mr. Eagleton, Mr. Eastland, Mr. Fong, Mr. Fulbright, Mr. Goldwater, Mr. Haskell, Mr. Hatfield, Mr. Hathaway, Mr. Humphrey, Mr. Javits, Mr. Kennedy, Mr. Mansfield, Mr. McGee, Mr. McGovern, Mr. McIntyre, Mr. Metcalf, Mr. Mondale, Mr. Muskie, Mr. Pell, Mr. Percy, Mr. Stafford, Mr. Stevenson, Mr. Thurmond, Mr. Tower, Mr. Tunney, Mr. Williams, Mr. Young, Mr. Hansen, and Mr. Buckley):

S. 514. A bill to amend the Act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data. Referred to the Committee on Interior and Insular Affairs.

PROTECTION AND RECOVERY OF ARCHEOLOGICAL SITES

Mr. MOSS. Mr. President, I introduce for myself and Mr. Abourezk, Mr. Beall, Mr. Bennett, Mr. Bible, Mr. Church, Mr. Cranston, Mr. Domenici, Mr. Dominick, Mr. Eagleton, Mr. Eastland, Mr. Fong, Mr. Fulbright, Mr. Goldwater, Mr. Haskell, Mr. Hatfield, Mr. Hathaway, Mr. Humphrey, Mr. Javits, Mr. Kennedy, Mr. Mansfield, Mr. McGee, Mr. McGovern, Mr. McIntyre, Mr. Metcalf, Mr. Mondale, Mr. Muskie, Mr. Pell, Mr. Percy, Mr. Stafford, Mr. Stevenson, Mr. Thurmond, Mr. Tower, Mr. Tunney, Mr. Williams, and Mr. Young, a bill to provide for the protection and recovery of scientific, prehistorical, historical, and archeological data which might be affected through alteration of the terrain by any Federal, federally assisted, or federally licensed activity or program. It amends the Act of June 27, 1960 (74 Stat. 220).

The bill I am introducing is identical to the one which was passed unanimously by the Senate last session, but which died in the House. House proponents of the bill inform me there is a good chance of getting early consideration of a bill there in this session of the Congress.

Mr. President, the Nation faces an archeological resource crisis. The land is being altered, and our archeological data is being destroyed at an alarming rate. We must assure that enough of the past is preserved to enable archeologists of the future to make adequate interpretations of it. This bill presents one last opportunity to meet this objective in an adequate way. It is, therefore, essentially a conservation measure.

Preserving the past through archeological data is, of course, not a Federal problem alone. The archeological profession, and the Federal, State, and private agencies through which they operate, must all develop approaches to protecting our archeological resources. But the Federal Government is in a preeminent position to take action, and this bill will assure that it does. Without it, a majority of our archeological sites will be damaged or destroyed within the next 25 years.

The bill has the strong support of the Society for American Archeology, the Committee for the Recovery of Archeological Remains, and of many other private and State archeological groups and individuals. It is the logical next step.

The National Park Service has maintained for more than 20 years a program of cooperative agreements with State and local institutions for recovery of archeological data about to be lost through flooding behind dams. The 1960 act—Public Law 86–523—required Federal agencies building dams or licensing the construction of dams to notify the Secretary of the Interior of such intentions and formalized the ongoing reservoir archeological salvage program.

Unfortunately, there has never been any provision for the recovery of archeological and historical data being lost as a result of Federal programs, other than dam construction. These losses far surpass those resulting from the building of dams.

The bill amends and broadens the 1960 act as follows:

First. Coverage is extended to all Federal and federally assisted or licensed programs which alter the terrain and thus potentially cause loss of scientific, prehistorical, historical, or archeological data.

Second. Federal agencies are directed to notify the Secretary of the Interior if in their operations archeological or other scientific data are revealed or threatened.

Third. The Secretary of the Interior, upon notification by any responsible authority that a Federal program is threatening, damaging, or destroying such data, shall evaluate the situation and cause a survey or other investigation to be made to the extent necessary to protect the public interest.

Fourth. Federal agencies whose programs are causing damage or destruction of scientific, prehistorical, historical, or archeological data are authorized to transfer to the Secretary of the Interior, as a nonreimbursable item, not more than 1 percent of the program funds to protect or recover such data prior to its loss.

Enactment of the bill would enable archeologists to select the sites upon which to concentrate their efforts on the basis of scientific need, rather than being restricted to sites which are being destroyed by dam construction or reservoir flooding. In the past much extremely valuable scientific data has been lost because there were no funds or personnel to be used at the critical time. By authorizing the transfer of the necessary funds from the program which threatens destruction at the time of the threat, it would be possible to tie in directly and immediately archeological skills and funds when they are needed.

Under the bill the responsibility for initiating action rests with the archeologists and the Federal agencies involved would not be burdened with unnecessary administrative problems or expense.

I ask that the full text of the bill be carried at the close of my remarks in the Congressional Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 514

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to provide for the preservation of historical and archeological data (including relics and specimens) which might otherwise be lost as the result of the construction of a dam", approved June 27, 1960 (74 Stat. 220), is amended to read as follows: "That it is the purpose of this Act to further the policy set forth in the Act entitled 'An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes', approved August 21, 1935 (16 U.S.C. 461—467), and the Act entitled 'An Act to establish a program for the preservation of additional historic properties throughout the Nation, and for other purposes,', approved October 15, 1966 (80 Stat. 915), by specifically providing for the preservation of scientific, prehistorical, historical, and archeological data (including relics and specimens) which might otherwise be irreparably lost or destroyed as the result of (1) flooding, the building of access roads, the erection of workmen's communities, the relocation of railroads and highways, and other alterations of the terrain caused by the construction of a dam by any agency of the United States, or by any private person or corporation holding a license issued by any such agency; or (2) any alteration of the terrain caused as a result of any Federal, federally assisted, or federally licensed activity or program.

"Sec. 2. Before any agency of the United States shall undertake the construction of a dam, or issue a license to any private individual or corporation for the construction of a dam it shall give written notice to the Secretary of the Interior (hereinafter referred to as the 'Secretary') setting forth the site of the proposed dam and the approximate area to be flooded and otherwise changed if such construction is undertaken: *Provided,* That with respect to any floodwater retarding dam which provides less than five thousand acre-feet of detention capacity and with respect to any other type of dam which creates a reservoir of less than forty surface acres the provisions of this section shall apply only when the constructing agency, in its preliminary surveys finds, or is presented with evidence that scientific, prehistorical, historical, or archeological data exist or may be presented in the proposed reservoir area.

"Sec. 3. (a) Whenever any Federal agency finds, or is made aware by an appropriate historical or archeological authority, that its operation in connection with any Federal, federally assisted, or federally licensed project, activity, or program adversely affects or may adversely affect significant scientific prehistorical, historical, or archeological data, such agency shall notify the Secretary, in writing, and shall provide the Secretary with project, program, or activity. Such agency (1) may request the Secretary to undertake the recovery, protection, and preservation of such data (including preliminary survey, or other investigation as needed, and analysis and publication of the reports resulting from such investigation), or (2) may, with funds appropriated for such project, program, or activity, undertake the activities referred to in clause (1). Copies of reports of any investigations made pursuant to clause (2) shall be made available to the Secretary.

"(b) The Secretary, upon notification by any such agency or by any other Federal or State agency or appropriate historical or archeological authority that scientific, prehistorical, historical, or archeological data is or may be adversely affected by any Federal, federally assisted, or federally licensed project, activity, or program, shall, if he determines that such data is being or may be adversely affected, and after reasonable notice to the agency responsible for such project, activity, or program, conduct or cause to be conducted a survey and other investigation of the areas which are or may be affected and recover and preserve such data (including analysis and publication) which, in his opinion, are not being but should be recovered and preserved in the public interest. The Secretary shall initiate action within sixty days of notification to him by an agency pursuant to subsection (a), and within such time as may be agreed upon with the head of the responsible agency in all other cases. The responsible agency upon request of the Secretary is hereby authorized to assist the Secretary and to transfer to the Secretary such funds as may be necessary, in an amount not to exceed one per centum of the total amount appropriated for such project, activity, or program, to enable the Secretary to conduct such survey or other investigation and recover and preserve such data (including analysis and publication) or, in the case of small projects which cause extensive scientific, prehistorical, historical, or archeological damage, such larger amount as may be mutually agreed upon by the Secretary and the responsible Federal agency as being necessary to effect adequate protection and recovery: *Provided,* That the costs of such survey, recovery, analysis, and publication shall be considered nonreimbursable project costs.

"(c) The Secretary shall keep the responsible agency notified at all times of the progress of any survey or other investigation made under this Act, or of any work undertaken as a result of such survey, in order that there will be as little disruption or delay as possible in the carrying out of the functions of such agency.

"(d) A survey or other investigation similar to that provided for by subsection (a) or (b) of this section and the work required to be performed as a result thereof shall so far as practicable also be undertaken in connection with any dam, project, activity, or program which has been heretofore authorized by any agency of the United States, by any private person or corporation holding a license issued by any such agency, or by Federal law.

"(e) The Secretary shall consult with any interested Federal and State agencies, educational and scientific organizations, and private institutions and qualified individuals, with a view of determining the ownership of and the most appropriate repository for any relics and specimens recovered as a result of any work performed as provided for in this section.

"Sec. 4. In the administration of this Act, the Secretary may—

"(1) accept and utilize funds transferred to him by any Federal agency pursuant to this Act;

"(2) enter into contracts or make cooperative agreements with any Federal or State agency, any educational or scientific organization, or any institution, corporation, association, or qualified individual;

"(3) obtain the services of experts and consultants or organizations thereof in accordance with section 3109 of title 5, United States Code; and

"(4) accept and utilize funds made available for salvage archeological purposes by any private person or corporation.

"Sec. 5. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act."

By Mr. BELLMON:

S. 515. A bill to amend title IV of the Agricultural Act of 1970 so as to extend the provisions of such title to the 1974 crop of winter wheat. Referred to the Committee on Agriculture and Forestry.

EXTENSION OF PRESENT WHEAT PROGRAM FOR 1 YEAR

Mr. BELLMON. Mr. President, today I am reintroducing legislation which will extend the present wheat program for 1 year. I do this realizing that while some segments of agriculture will not be immediately affected by delay in enacting a new farm bill, the winter wheat producer will certainly suffer again as he has in the past.

Mr. President, repeatedly winter wheat growers have gotten a raw deal. The present farm program became law months after winter wheat growers had planted their crops. At planting time they had no way of knowing what the regulations would be and a serious economic hardship resulted.

The Russian grain sale occurred after much of this country's winter wheat was harvested. Many producers, faced with the need for operating capital and believing USDA reports that any sales to Russia would involve feed grains went ahead and sold. As a result they received a much lower price for their crop than growers farther north. Now, long after the winter wheat planting season is past, the USDA has eliminated the requirement for "set-aside." This will help the spring wheat areas but it is too late to mean much in the winter wheat areas.

There is no excuse for Congress to legislate in a way that requires the winter wheat producer to plant without knowing what the exact provisions of the program may be, or whether there will be any program at all. The distinguished chairman of the Senate Agriculture Committee has forcefully expressed his intention to see that a new farm bill will be passed in a timely manner. However, if we can judge from past history, again in 1973 the time for planting winter wheat will have come and gone by the time a new farm bill is passed.

Mr. President, I come from one of the principal winter-wheat-producing States, and I fear that winter wheat farmers throughout the midwest will be held in a state of suspended animation as they were in 1970—awaiting action on the new farm program. For this large number of food producers, the information as to the number of acres of winter wheat which they are allowed to plant and the number of acres which they must set aside is a matter of great importance. It is information which they should have no later than July 1 of every year.

It may not be fully understood by some Members of the Senate that the crop year for winter wheat growers begins in June—almost a full year before the harvest. It is then that they must begin tillage operations leading up to planting which begins in September.

Mr. President, winter wheat growers deserve to know the laws under which they will be planting their crop for harvest in 1974 before they begin preparation for planting in June 1973. They need this information so they will know how to plan their tillage and fertilizer operations and for the efficient management of their farms.

Mr. President, America owes a tremendous debt to agriculture and especially the winter wheat growers. These food producers have provided American consumers and our friends abroad with abundant food through war and peace. I sincerely hope, due to the immediate need for this legislation, that the Congress will act swiftly to enact this bill.

Mr. President, I ask unanimous consent that the full text of this bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 515

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title IV of the Agricultural Act of 1970 (Public Law 91–524) is amended by adding at the end thereof the following new section:

"Sec. 411. Notwithstanding any other provision of law, all of the provisions of this title shall be applicable with respect to the 1974 crop of wheat in the same manner and to the same extent that such provisions are applicable with respect to the 1971, 1972, and 1973 crops of wheat." Unless a new farm bill shall have been passed by Congress and signed by the President prior to July 1, 1973.

By Mr. ROBERT C. BYRD:

S. 516. A bill to amend title VI of the Omnibus Crime Control and Safe Streets Act of 1968 to provide for a 4-year term for the appointment of the Director of the Federal Bureau of Investigation. Referred to the Committee on the Judiciary.

Mr. ROBERT C. BYRD. Mr. President, I am today introducing a bill to amend section 1101 of the Omnibus Crime Control and Safe Streets Act of 1968 (Public Law 90–351, June 19, 1968, 82 Stat. 236), requiring Senate confirmation of the Director of the Federal Bureau of Investigation every 4 years.

On May 14, 1968, by a vote of 72–0, the Senate amended section 532 of title 28 of the United States Code requiring the FBI Director to be appointed by the President by and with the advice and consent of the Senate. The amendment did not apply to then Director J. Edgar Hoover, and since Mr. L. Patrick Gray was named Acting Director, the new mechanism has yet to be used.

Prior to the 1968 amendment, the FBI Director was appointed by the Attorney General without Senate confirmation.

In passing the 1968 amendment, the Congress was reacting to a growing fear of unchecked power in the Bureau and the ability of a Director to build up such tenure that a new President would face grave difficulties in replacing him.

However, in amending the law and making the Director subject to Senate confirmation, the section is ambiguous in that there may be some question as to whether the newly appointed Director would serve at the pleasure of the President or could serve beyond the term of the President appointing him.

My bill would serve to clarify the congressional intent by requiring Senate confirmation of the Director of the FBI every 4 years.

In this era of sophisticated law-enforcement techniques and public sensitivity to the criminal problems in this country, it is imperative that the Senate have the opportunity to question and explore the directions being undertaken by such a powerful organization as the FBI at least once every 4 years.

Keeping in mind that the Senate must ever be vigilant to prevent any intrusion into the political process by an organization with such an intelligence-gathering network and computerization capability as the FBI and the ever-increasing use of executive privilege by the executive branch to avoid congressional scrutiny of the activities of the executive departments and agencies, I feel that the clarifying legislation that I offer today will be one more step forward in the Congress reestablishment of its constitutional prerogatives and duties.

Mr. President, I ask unanimous consent to have the text of the bill printed in full at this point in the Record.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 516

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1101 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting "(a)" after the section designation and by adding at the end thereof the following new subsection:

"(b) Effective after January 3, 1973, the term of service of the Director of the Federal Bureau of Investigation shall be four years."

By Mr. YOUNG (for himself, Mr. Dole, Mr. Eastland, Mr. Bellmon, and Mr. Curtis):

S. 517. A bill to extend titles I, II, III, IV, V, VI, and VII of the Agricultural

Act of 1970 for 5 years. Referred to the Committee on Agriculture and Forestry.

Mr. YOUNG. Mr. President, this bill is cosponsored by the distinguished Senators Robert Dole of Kansas, James Eastland of Mississippi, Henry Bellmon of Oklahoma, and Carl T. Curtis of Nebraska. All of the sponsors are members of the Senate Agriculture Committee.

This bill would extend present price support programs and Public Law 480, the food for peace program, for 5 years. The bill is exactly as the present, law, but it would extend without change wheat, feed grain, cotton, and wool supports.

These farm price support programs are very necessary and have not only made possible better and more equitable farm income, but have resulted in the greatest abundance of food and at more favorable prices to consumers of any major nation in the world. If we continue to greatly expand exports and with better farm prices, the cost of the price support programs under the present law will automatically be reduced considerably.

Some modifications and changes in this bill, I believe, will be necessary and desirable, but the changes we should make can better be determined after hearings by the Senate Agriculture Committee have been completed.

The Senate Agriculture Committee will commence hearings soon with reference to writing new price support legislation or extending the present one. Using the present program as a basis to work from is the simplest and most effective way of dealing with future price support legislation. There are great advantages in continuing the present program rather than to embark upon a new program, with all the complications which always makes it difficult for farmers to understand and live with.

Mr. President, the present program which expires with this year's crop was approved by Congress 2 years ago and signed by the President. I cannot help but feel since the President approved of the present program and with its widespread support, he would again sign a bill that basically extends these provisions.

Mr. CURTIS. Mr. President, will the distinguished Senator yield?

Mr. YOUNG. I yield to my able friend.

Mr. CURTIS. I am happy to have the privilege of joining with the distinguished Senator from North Dakota in the introduction of this bill. I believe that the present Farm Act is operating in a very satisfactory way. I would be the last person to contend that there were not details about it that were unsatisfactory to many people. On the other hand, it has some excellent features in it.

I recall the months that the committees of Congress worked upon that bill when it was formulated back in 1970. It ended up pretty much as the bill and the program that had been recommended by the Nixon administration, through the then Secretary of Agriculture, the Honorable Clifford Hardin.

There were many critics of that program at the time it was enacted. Many of those people have changed their minds. It has worked better than some people thought it would.

I find that all farm programs fall short of wthat we would like, but I actually believe that there is a wider acceptance of the present program than any program I can remember as having been enacted.

I think also we should keep in mind that there is a danger that we fall into erroneous ways in our thinking. Right now farm prices are better than they have been. They are not high enough; they are better. And there is a tendency on the part of some to say that now is the time to abolish farm programs. This would be a mistake. The best authority that I can find for that statement is that to do so would cut farm income by about 20 percent. That is not all. It would cut net farm income by about 50 percent. And farm prices are far below what they were 25 years ago. We have made considerable progress. As I say, the program is probably acceptable to a greater number of farmers than any program that we have had prior to this time.

It is my understanding that there are certain details and changes that the administration would like to make. I think it certain that they will come in with some suggestions. I believe many Senators will propose modifications and changes. Nevertheless, I know of no better starting point than the extension of this act. It should be extended for a period of years.

The PRESIDING OFFICER. Without objection, it is so ordered.

May I also suggest that we move as rapidly as possible? The last farm bill was months too late and it affected wheat long after winter wheat had been planted.

I commend my distinguished colleague for moving quickly on this bill, which will speed up the process, and I hope we can come out with a farm bill that will go on benefiting the men and women and families who live on American farms.

Mr. YOUNG. Mr. President, will the Senator yield for a brief comment?

Mr. CURTIS. Yes. The Senator yielded to me. I yield.

Mr. YOUNG. I want to commend the distinguished Senator from Nebraska for the statement he made with respect to the present farm program. I was one who was a bit skeptical about its workability and its acceptability to farmers. But it has worked out far better than we expected it to.

Mr. BELLMON. Mr. President, it is a genuine pleasure to join as a cosponsor of the bill to extend the Agriculture Act of 1970 for another 5 years. I do so for one reason—because the Agriculture Act of 1970 has been good for farmers, good for consumers, and good for taxpayers.

If a farm bill should have a single objective, that objective should be to increase farm income. The Agriculture Act of 1970 has met that objective better than any farm program ever enacted by Congress. Both farm income and prices for farm products reached record high levels in 1972.

Even though farm prices rose to record high levels in the last 3 years, the relative costs to consumers went down. We spend less than 16 percent of our take-home pay for food today—the lowest percentage in history, and it is one of the lowest percentages of any country on the face of the earth. Thanks to the American farmer, this Nation is being fed better and cheaper than any place on earth.

COMPARING CONDITIONS IN 1972 WITH THOSE OF 1969

First. Net farm income has risen to $19 billion, an increase of over $2 billion, or 13 percent, in just 4 years.

Second. Net income per farm has risen to $6,700, up 18.5 percent in 4 years.

Third per capita disposable income for farm residents rose from $2,400 to more than $3,000, an increase of more than 27 percent in 4 years. This increase raised disposable farm income to about 80 percent of the income of nonfarm people compared to 76 percent in 1969. So it apparently still has a long way to go.

While the income position of our farm population is still not nearly good enough it is improving rapidly. The general economic well-being of the Nation, strong consumer demand for farm products, foreign purchases of grain in large amounts, and other factors have contributed to the improvement of farm income, but the Agriculture Act of 1970 provided the foundation and remains the primary reason farmers are better off today than 4 years ago.

The thrust of the act has been to give farmers greater freedom and more management opportunities; it has permitted farmers to raise the crops they grow most efficiently. The current program is geared toward greater income earned from the market place. Tight controls have been lifted, returning decision-making options to the farmers instead of leaving them in the hands of Federal bureaucrats.

Restrictive, backward-looking planting restrictions have been lifted, allowing farmers to plant the crops that gave them the greatest opportunity for profit.

Farmers took advantage of these opportunities—and as a result, farm income has improved substantially.

The Agriculture Act of 1970 is a positive farm program. It has done more to improve the lot of American farmers than any previous farm program—and it deserves to be continued in substantially its present form.

Mr. President, I congratulate the distinguished Senator from North Dakota (Mr. Young) for the leadership he has given to the committee and to the Congress in introducing this legislation in this kind of way.

Mr. DOLE. Mr. President, when the Agricultural Act of 1970 was passed in November of that year, the winter wheat crop to be harvested in June 1971 was already planted and growing. While Congress debated the program, wheat farmers were forced to proceed with planting that crop even though they had no firm assurance of what the program's features would be when finally approved. When the program, at last, was passed by Congress, these wheat farmers had to adapt their operations to meet the requirements of the program, and they did not have adequate time to study its provisions and evaluate the choices it provided.

PASSAGE BEFORE PLANTING

Today, I join with the Senator from North Dakota (Mr. YOUNG) in sponsoring an extension of the 1970 farm program. In fairness to America's farmers a repetition of the 1970 difficulties should be avoided, and farm legislation should be acted upon promptly this session, so, prior to their September planting season, farmers will be provided adequate time to appraise the program under which they will be required to operate in the coming year.

OPTIONS IMPROVE INCOME

Since passage of the 1970 program, many farmers have told me of their preference for the flexible set-aside approach in contrast to the rigid controls of previous programs. The set-aside provisions allow farmers to plant the crops they feel will bring them the best return on their investment; and this result—improvement of farmers' net income—should be the primary aim of any farm legislation. Our farmers earn only 75 percent as much income as other workers in the American economy, and adequate reward for their great contribution to our way of life is a just and reasonable expectation on their part as well as a sound goal of Federal legislative policy.

HEARINGS ON WEAKNESSES

The wide divergence in farming practices from one corner of the Nation to the other make administration of any farm program difficult, and in the past 3 years some difficulties have been encountered with this program—such as with the reduction in payments to wheat farmers resulting from the Russian wheat sale last summer. But the provisions of the law which produced this inequity will be closely investigated through forthcoming hearings before the Senate Agriculture Committee, so we can prevent similar occurrences in the future.

Even though the program does have some weaknesses and shortcomings, its primary emphasis on flexibility to accommodate local cropping practices has received general acceptance and support from the farmers of America.

FIVE-YEAR EXTENSION

The bill we introduce today will extend the Agricultural Act of 1970 for 5 years and early congressional action will afford adequate time to make necessary adjustments in the program while providing continuity in the effort to improve the net income of this Nation's farmers. The bill includes extension of the wheat, feed grain, and cotton set-aside provision; the food for peace program—Public Law 480; the Wool Act, and the dairy program.

I urge my colleagues to support prompt passage of this legislation.

By Mr. ERVIN (for himself and Mr. ROBERT C. BYRD):

S. 518. A bill to provide that appointments to the offices of Director and Deputy Director of the Office of Management and Budget shall be subject to confirmation by the Senate. Referred to the Committee on Government Operations.

CONFIRMATION OF DIRECTOR OF OFFICE OF MANAGEMENT AND BUDGET

Mr. ERVIN. Mr. President, I introduce for appropriate reference a bill to require that the Director and the Deputy Director of the Office of Management and Budget be subject to confirmation by the Senate.

The Director of OMB in many respects is the deputy President of the United States, for this Agency has become the arm by which the President exercises power over every facet of the executive branch.

The decisions made by the OMB Director are fully as important as those made by the President himself, yet neither the Director nor his deputy are accountable to the Congress. Their appointments are not subject to confirmation by the Senate, and the custom has been to protect them from testifying before Congress by exercising executive privilege. OMB has come to possess unbridled power.

In effect, it exercises life and death power over the statutory departments and agencies—even the independent agencies—from within the White House walls. It has undertaken to revise the budgets of the departments, to impound lawfully appropriated funds, and even to terminate programs that have been authorized and funded by Congress. Often these actions are taken without prior consultation with the Federal officials whose programs are effected. As Senator METCALF said recently, OMB can and does "emasculate" what Congress has done.

The growth of OMB as a superagency accentuates the concentration of power in the executive, and it demonstrates the urgent need to make the Director subject to confirmation by the Senate. This issue is part and parcel of the great separation of powers debate that is raging in the Congress at the present time.

Also serving to make this legislation necessary is the controversy that has enveloped President Nixon's choice as Director of OMB, Roy Ash. Regardless of the merits of Mr. Ash's appointment, the circumstances surrounding it should be examined by the Senate. I do not intend to comment on the controversy surrounding Mr. Ash's appointment at this time, but the allegations, and the administration's rebuttal, can be found in newspaper articles that I will insert in the RECORD at the close of these remarks. If Mr. Ash were subject to confirmation, then the Senate would have an opportunity to examine his background and qualifications, and he would have an appropriate forum to explain and defend his record.

Certainly the Congress and the American people should have an opportunity to scrutinize any official who will exercise powers as extensive as those possessed by the OMB Director, and to pass on his qualifications. If we require the confirmation of every second lieutenant in the Armed Forces of the United States, then we should exercise our constitutional authority in connection with the appointment of what has evolved into the second most important position in the executive branch.

Originally created in 1921 as the Bureau of the Budget, OMB was to assist the President in coordinating budget activities and managing the execution of programs and policies. In addition to being the budget agency of the Federal Government, when directed by the President, it was to make detailed studies of the departments and establishments so that the President, by means of such studies, would be able to determine what changes should be made to secure greater economy and efficiency in the conduct of the public service.

Over the years, the Bureau acquired additional responsibilities and powers, such as: First, the improvement of management and organization in the executive branch; second, the improvement of financial management and accounting systems in the Federal agencies; third, coordination and clearance of legislative proposals and Executive orders; fourth, the development of the planning-programing-budgeting system in Federal agencies; and fifth, coordination and improvement in governmental statistical activities.

This description of some of the functions of OMB makes it appear as a very useful and necessary management tool for the President. However, the Budget and Accounting Act of 1921, as amended, does not spell out the fact that this so-called management tool has become a supercabinet agency, and that its Director has come to wield tremendous Presidential powers. The Director, in effect, exercise life and death control over all of the executive branch departments and agencies, as well as over all of the policies and programs enacted by the Congress. He even rides herd over the budgets of the independent agencies, which are not part of the executive branch but are designed to be extensions of the Congress. Power over an agency's budget—like the power to tax—is the power to destroy.

When the 1921 statute was enacted, the Director's position was considered personal to the President, and the Congress deemed it best to let the President have full authority in this appointment. Accordingly, exercising its authority under article II, section 2 of the Constitution, the Congress vested the appointment exclusively in the President.

As I have said, the time has come to require the Director of OMB and his deputy to be subject to scrutiny by the Senate, just as we require of lesser Federal officials. If we are to have an official vested with powers second only to those of the President, then I believe we owe a duty to the American people to make certain that this official possesses the requisite qualifications and integrity to exercise such great powers.

Mr. President, I ask unanimous consent that four articles from the Washington Post, an article from the Wall Street Journal, and an editorial from the New York Times be inserted in the RECORD, and that the text of the bill be printed, at this point.

[From the Washington Post, Dec. 20, 1972]

OMB CHOICE CALLED MISTAKE

(By Morton Mintz)

Navy cost-cutter Gordon W. Rule said in testimony yesterday that President Nixon made "a mistake" in turning over the Office of Management and Budget to Roy L. Ash, former chief executive of Litton Industries, which has more than a half-billion dollars in disputed contract claims pending against the Navy.

And Ash made "a worse mistake" in agreeing to take the post, "probably the most important job in the government, next to the President," Rule told a congressional joint economic subcommittee hearing.

Dwight Eisenhower "must be twiching in his grave," Rule said.

He recalled the late President's warning against "the military-industrial complex" and commented, "I frankly think we've added a new dimension . . . it's almost a military-industrial-executive department complex."

Ash, a friend and close adviser of President Nixon, began work last week in the Old Executive Office Building. He is to take over formally as OMB director in January.

Ash has said he does not intend to insulate himself from Navy budget decisions. Regrettably, Rule said, Ash will not be questioned on Capitol Hill, because his appointment does not require Senate confirmation.

Rule, whose mission in the Navy Materiel Command is to "challenge, question" and, when necessary, "disapprove" procurement contracts, has long spoken candidly when called to Capitol Hill.

Despite a steady erosion in the importance of his assignments and his authority, Rule has held his job. Expressing admiration for his courage, Sen. William Proxmire (D-Wis.), the subcommittee chairman, told Rule that he is "the most unusual, frank, public servant who . . . has come before this committee."

Rule said he doubted he would be testifying again. He appeared yesterday without a prepared statement, saying he would have had to ask the Navy for clearance. "I don't think they'd clear it," he said.

Openly contemptuous of bail-outs of defense contractors who claim to be accepting the risks supposedly inherent in a capitalist system, Rule told Proxmire that the government lacks "the guts to tell the taxpayer free enterprise is out and socialism is in."

Rule said Congress might well be forewarned to expect the Nixon administration to ask for legislation to bail out the shipbuilding enterprises of contractors including Litton Industries and Lockheed Aircraft Corp.

He based his testimony on the minutes of a "summit meeting" last June 6 between senior Navy officials and Litton executives, including Ash, at company headquarters in Beverly Hills, Calif.

The minutes, given by Navy sources to The (Washington) Evening Star-News for a story last Sunday, disclosed that Ash "indicated he had discussed" the subject with then-Treasury Secretary John B. Connally. The minutes went on to say:

"Mr. Connally was quoted as saying such a program should be positively persented, on a grant program scale—make it bigger than Congress."

Ash, confirming the minutes to reporter Orr Kelly, said, "It is just prudent and in the government interest to resolve these claims."

The claims made by Litton include $30.6 million for purported late delivery of government materials needed to build nuclear attack submarines at Pascagoula, Miss. The Navy has said it owes nothing on this claim, which has been referred to the Armed Forces Board of Contract Appeals.

Proxmire, in a letter to Navy Secretary John W. Warner on Nov. 30, said he had learned that Litton had been overpaid for completed work on the same submarines by "as much as $30 million."

Yesterday, the senator told the hearing that a team of investigators from the Navy Ship Systems Command is looking into a "serious possibility of fraudulent misrepresentation" in the pending claims as well as in the overpayments.

Proxmire told reporters he learned of the investigation from Navy sources who cannot be identified lest their jobs be imperiled. In addition, Rule testified that Adm. Hyman Rickover, the "father" of the nuclear submarine program, has characterized certain of Litton's claims on the subs as almost amounting to fraud.

A Litton spokesman said that "no question has ever been raised as to fraud or misrepresentation," and that the company is aware of no investigation into allegations of either. The Navy had no immediate comment.

Under Secretary Frank Sanders, in a letter released by Proxmire, acknowledged that Litton was "overpaid" for completed work between June, 1968, and September, 1972.

Sanders said the cumulative overpayment amounted "at its maximum" to $7.6 million. But Proxmire said this figure is shown to be greatly understated by reports in his possession from the Defense Contract Audit Agency.

Sanders said the total of excess progress payments fell to $1.7 million by last Sept. 4, and that sum was fully refunded by Litton by Sept. 13.

Assistant Secretary Charles L. Ill II was expected to testify in today's session, but canceled yesterday. The reason given by an aide to the subcommittee was the same one cited earlier by the Chief of Naval Operations, Adm. Elmo Zumwalt, and three other admirals: "Public testimony could have a very serious effect on . . . very sensitive negotiations."

An unexplained cancellation came from E. Clinton Towl, board chairman of Grumman Corp., who was scheduled to testify today about a contract to build Navy F–14 fighters.

Grumman says it can go on building the aircraft only if the government puts up an extra $500 million. Rule charged that Grumman had reduced its bid by about that same amount in order to shut out a competitor. He termed this "the most flagrant buy-in I have ever seen."

Proxmire inquired if there was a merit in Grumman's claim that it is a victim of inflation and other unexpected costs. "Absolutely not," Rule said. "They're not kids. They know how to bid on a contract."

Rule also charged that the Navy was "sold a bill of goods" when it signed a contract with Litton to build nine landing helicopter assault ships at the firm's "shipyard of the future" in Pascagoula, Miss., for $133 million each.

As things stand now, each of five ships will cost $237 million; Litton has filed claims, resisted by the Navy, that would increase the price to $294 million, and deliveries will run 23½ months to 32½ months late.

The modular construction method, which assembles separately built components in Litton's highly automated yard, is excellent for standardized commercial ships, but unsuited for individualized men of war, Rule testified.

The modular method so frustrated one veteran Litton shipbuilding executive that he built a container ship in the old-fashioned way, the subcommittee was told by Dean L. Girardot, coordinator for the AFL–CIO's metal trades department in Pascagoula.

He testified that when top Litton executives in California learned of this they ordered the ship cut in two and then welded back together, so they could claim to have built it by the modular method.

A Litton spokesman later told the Washington Post that Girardot's account of the incident was inaccurate.

[From the Washington Post, Jan. 2, 1973]

1950's Suit Linked Ash to False Affidavits

(By Morton Mintz)

Los Angeles.—In the early 1950's the Air Force was unknowingly paying millions of dollars extra to Hughes Aircraft for weapons-control systems.

The parent Hughes Tool Co., owned by multi-millionaire Howard Hughes, was in ignorance, too. Hughes Tool, like the Air Force, was getting phony financial reports from the Hughes Aircraft Division.

The irregular practices set off an epic executive suite struggle in which one of the principals was Roy Lawrence Ash, the man picked by President Nixon a few weeks ago to be director of the Office of Management and Budget.

Ash's principal antagonists were several high-ranking certified public accountants who finally quit rather than go on working for him and his boss, Charles B. (Tex) Thornton.

Later, Ash and Thornton left, going on to found Litton Industries, the giant conglomerate now in disputes with the Navy over hundreds of millions of dollars in shipbuilding claims. Howard Hughes went on to become the most publicized recluse in history.

The struggle took place more than 20 years ago. But it is destined to be re-enacted here this spring, when there will be a retrial of a libel suit brought against Thornton and Litton Industries by Noah Dietrich, who for 32 years was Howard Hughes' chief executive officer.

The suit is but one of a half-dozen, dating back to 1959, that detail the key role played by Roy Ash in the revolt of the Hughes Aircraft CPAs. This maze of litigation had its bizarre aspects, and these drew sporadic publicity. But the involvement of Ash appears to have attracted negligible public attention.

The following account was reconstructed from records in Superior Court and the Court of Appeal, including trial transcripts, depositions, exhibits, lawyers' briefs and judges' rulings:

The story begins at the end of World War II. Roy Ash got out of the Army Air Corps. He was 27. He had no college degree but he had served in a unit that was revamping military procurement along business lines. He entered Harvard's Graduate School of Business Administration and was graduated in 1947, first in his class. He then joined the statistical department of the Bank of America in San Francisco.

In Dearborn, Mich., meanwhile, Thornton had been jockeying for the chance to run Ford Motor Co. and had aroused hostility from certain other executives. He had found that his timetable for climbing the executive ladder didn't coincide with Henry Ford II's and was preparing at age 35, for a parting that everyone concerned wanted to be amicable, outwardly.

The parting came in 1948, when Howard Hughes hired him on the recommendation of Ira C. Eaker, a retired Air Force General who was the Hughes Tool vice president in charge of Aircraft Division operations.

Executive titles are not always a reliable guide to the levers of power. They weren't at Hughes Aircraft. On the organization chart, Eaker was at the top. A fellow retired Air Force general, Harold George, had the title of general manager. Thornton's title was assistant general manager. Ash's was assistant comptroller (although he is listed as "chief financial officer" in an entry he supplied for "Who's Who in America" and in the recent White House press release on his appointment to head the federal budget bureau).

The reality was much different. No one

has been blunter about this than Noah Dietrich who, reigning from the peak of the Hughes Tool Co. pyramid, was the man closest to the Howard Hughes sphinx.

Eaker and George were mere "customers' relations" men, according to Dietrich. Himself a CPA, he said that neither of the generals was knowledgeable about accounting, nor, for that matter, about corporate management. Eaker, in his own testimony, described his job as "liaison" with Hughes Tool.

As for George, he was "not running the plant," Dietrich said. In a memo to Dietrich in September, 1953, an expert in corporate management, Prof. Harold Koontz, spoke of the general as a sort of "pleasant spiritual leader who has furnished a symbol of unity . . ."

A setup of this sort "invariably sets the stage where some aggressive individual runs with the ball," Koontz said. "We know, of course, that Thornton has been this individual. . . ." Thornton once acknowledged that the real power was his. "Most administrative and business management decisions were made in my office," he said in a letter to Howard Hughes.

Ash, on the organization chart, was subordinate to division comptroller William B. McGee. Actually, Ash was Thornton's man, reporting to him directly—not through McGee—several times each week. Thornton belatedly made it official in October, 1951, when he designated Ash "acting comptroller."

Long before this, Thornton had put Ash in charge of all accounting at Hughes Aircraft although Ash is not an accountant. "I was in charge of accountants," Ash has said. Among them were the CPAs who eventually revolted.

One of them was James O. White, chief accountant in the comptroller's organization throughout 1951. An authority on aerospace accounting, who has taught the subject at four universities, he was responsible for the general ledger and supervised 300 men through six department managers.

During the summer of 1951, White began to notice irregularities in record keeping. He reported them to McGee, his nominal boss. Initially, McGee thought that the irregularities "could be errors, . . . but gradually he became convinced, as we became convinced, that they were deliberate," White has recalled.

White kept on complaining to McGee until it "became obvious that this was doing no good." Finally, McGee told him that "Roy Ash was now in charge" and that he should "accept his orders."

For a time, White did just that, to the point of becoming an admitted accomplice in accounting practices he regarded as improper.

"Ash is one of the world's great talkers," White has said. ". . . he would go into the oratory . . . that we weren't ever really cheating the government . . . and there were even times when I went away believing it—momentarily."

The spell didn't last, giving way finally to violent arguments not only between Ash and White, but also between Ash and White's supervisor, C. E. (Bill) Ryker, manager of accounting.

Some of the arguments concerned Ash's orders to over-credit inventory accounts, that is, to record larger withdrawals of materials than actually had occurred. White testified that the purpose was to enhance the appearance of authenticity of false affidavits supporting applications to the Air Force for payments for work completed.

White said Ash told him that over-crediting "will enable us to get more money from the Air Force." Eventually, Hughes Aircraft repaid $43 million to the Air Force.

By over-crediting inventory accounts, the division also caused a fictitious inflation in the costs of selling the weapons system. The result was a reserve of profits hidden in the inventory accounts, which enabled the division to claim to the Air Force that it was operating within the 10 per cent profit limit agreed to in the contract.

The process caused some accounting nightmares. Certain inventory accounts were showing "credit balances" that more went out than was there—a signal to accountants that something is wrong. This went on for months on end, meaning, said White, "that either sombody is deliberately putting wrong entries" in, "or is completely ignoring what might be actual error."

ORDERED "IMPOSSIBLE"

White said he told Ash it would be impossible to make additional entries in such accounts. "Make the entry anyway," he said Ash told him. "That was it."

Under questioning by attorneys for Thornton, White said Ash make it clear he was carrying out Thornton's orders. If White or other CPA's would say, "Well, gee, he is not the boss," Ash would counter with, "Oh, yes, he is," or, "He is really running this show," White said.

In the monthly reports to Hughes Tool, White testified, Ash turned around 180 degrees and told White to post entries that would cover up the over-crediting and thereby make the Aircraft Division's profit performance look brighter. Without a piece of paper to support it, White said, Ash might order an entry debiting inventory and crediting cost of sales.

"They were entries that were just false entries," White said. Ash's cost accountants handed them to White's people, who posted them. "I have heard Roy Ash say, 'Make an entry debiting so-and-so and crediting so-and-so,'" White said. "Half-an-hour or two hours later or so the entry was in my hands, and they were just figures needed to balance a predetermined profit."

White said Ash turned away protests by saying about such entries, "You've got to make them. Thornton promised the Tool Co. he'd make so much money this month and we're to make it. So here's the entry . . . you put it in the books."

White obeyed. On many occasions, he and Bill Ryker "argued rather violently that it wasn't right," but Ash prevailed. He said "that we shouldn't be questioning these things, that . . . they weren't our responsibility . . . that I ought to take my orders like a good company man does and like he did." White also recalled Ash saying, "You should be loyal to the division" and to him and Thornton. Loyal to the division over the parent company? White couldn't swallow that.

DENIED IN COURT

In a courtroom appearance Ash denied White's charges. He testified that he had never been ordered by Thornton to have improper entries made and had never issued such orders.

Ash was asked if he had ever made a statement that he himself had objected to the practice at Hughes Aircraft of "hiding profits in inventory." His answer was, "Never made the statement."

Lawyer Harold Rhoden then tried to show that Ash had impeached himself because the answer was inconsistent with deposition testimony in which they had had this exchange, slightly abbreviated here:

"Q. Did Mr. White ever say that he objected to hiding profits in inventory or use that expression?

"A. He may have objected to me just as I was objecting on the same points . . .

"Q. . . . you also objected to it?

"A. I did . . ."

In a second deposition, Ash affirmed those answers.

But confronted with them in court, he said, "I think I was confused . . . tricked . . ."

Gorden MacDonald, an accountant who actually made the disputed entries, denied in court that he had ever heard White or Ryker arguing with Ash against overcrediting the inventory accounts. MacDonald was reminded that in a deposition earlier, he had not only heard such arguments, but had quoted Ash as saying "You run the general books. Cost people will worry about the cost accounting. Keep out of this function."

His memory refreshed, MacDonald said it was his deposition testimony that was correct. In this way, he became a reluctant witness against Ash.

Sometime in 1951, Ash ordered an end to physical control of the inventory, in which storekeepers in locked, caged areas issued parts in exchange for requisitions. He replaced this system with another in which the parts were made accessible to the workmen, who then were supposed to fill out requisitions and drop them in a specified box. But after a time a check showed that far more parts had been taken than had been requisitioned.

The check demonstrated the lack of an adequate inventory control system which, White said, "always results in excessive usage of parts," and, as a result, higher costs to the ultimate customer—in this case, the Air Force.

White said Ash met the situation by bringing in a large number of his cost-accountants nights and on a weekend "to cover up the shortages."

Working overtime under Gordon MacDonald's supervision, White told Thornton's lawyers, the accountants made a list of the parts for which requisitions had not been submitted, then prepared thousands of new ones.

CLOCKS SET BACK

These "midnight requisitions" were stamped by time clocks set back to various dates and were signed by Ash's men, White said.

"The people deliberately dirtied them, threw them on the floor, wrinkled them, handled them with dirty hands in order to make them look as though they had been prepared and processed by shop personnel," White said. "They were complete forgeries."

White said he protested to Ash that there had been a "proper way" to handle the problem: "prepare inventory shortage reports and write the inventory shortage off." "What did Ash say?" White was asked. "He said he wanted to do it this way."

As for the affidavits to the Air Force, White had seen some that overstated the percentage of work completed. Ash, White said, "admitted" that inflated percentages were being reported "so we can get the money . . . Tex wants to get the money, and we're to do it any way we can get it." Ash testified he had signed some of the affidavits.

Sometime in mid-1951, White, Ryker and three other CPAs became convinced that further complaints to Ash were futile because he, as White put it, was "merely a henchman . . . for Thornton"; that Ash and Thornton both had to go, and that if they didn't the CPAs would quit rather than jeopardize their professional and personal reputations any longer by allowing themselves to be used to defraud the government.

The CPAs *secretly contacted* Frederick J. (Jack) Strickland, who only recently had gone to work for Roy N. Sherwood, comptroller of Hughes Tool's West Coast operations. During the first half of 1951, Strickland had been in charge of a team for Haskins & Sells, an independent firm of CPAs, that audited the Aircraft Division's records.

RECORDS SMUGGLED OUT

At the time of the audit certain crucial records were missing—now, however, Strickland got these and other records from the division CPAs, who smuggled them out.

Strickland relayed his preliminary findings to Sherwood and Executive Vice President Noah Dietrich, who was getting additional indications of irregularities from Malcolm Devore of Haskins & Sells and from A. V. Leslie, Hughes Tool's vice president for finance.

Dietrich sent Strickland to the aircraft plant to gather more evidence. He also called in Thornton to tell him that the CPAs, orally and in writing had reported they were being required to credit inventory accounts that already had credit balance and to engage in other improper accounting activities.

Thornton told him, Dietrich testified, that the Air Force contract limited profits to about 10 per cent and that the books, as a result, were indeed adjusted as necessary to indicate that rate of profit. "He admitted it," Dietrich testified.

As for himself, he said, he was "concerned and alarmed" to learn that inventory accounts were being over-credited—a practice Thornton had kept secret from him. As a CPA, Dietrich said, he recognized the ultimate impact to be fraudulent: ". . . you are improperly borrowing money from the Air Force on which you are not paying interest."

By September, the CPAs had assurances that Ash and Thornton would be fired. The assurances were taken seriously. Dietrich, after all, was the one man with access to the elusive Howard Hughes even if he lacked authority on his own to fire the executives.

In the interim, the CPAs were asked to stay on. They did so, expecting Ash and Thornton to be fired quickly so that they could, in White's words, "come back and straighten out the mess." But a hitch developed: Hughes refused for almost two years to give Dietrich the firing authority he wanted.

In October, Dietrich said, he confronted Thornton with a copy of a request of a progress payment backed by a false affidavit on costs. Thornton contended that all defense contractors were doing the same thing and he saw nothing wrong with it, Dietrich testified. Dietrich ordered a halt to the practice.

On Nov. 1, Ash, having learned of the CPA's contracts with Strickland, barred him from the plant.

On Dec. 4, Haskins & Sells gave Dietrich a summary memo listing "observations . . . based on statements made to us by Aircraft personnel" and on the condition of division records. The memo was harsh on Thornton, expressing the belief that he "is unprincipled and ruthless and is universally disliked; cannot be trusted." Ash, the memo said, "appears to be rather deeply involved, directly or indirectly, in the deception."

The memo also registered the belief that division management regards its interests as "separate and apart" from Hughes Tool; discloses as little information as possible to "outsiders," including Gen. Eaker; employs "obfuscation" as the device that "best serves their policy of nondisclosures," assumes that "any desired objective justifies any necessary means."

CLEAN AUDIT REFUSED

Finally, Haskins & Sells warned that the records were in a state that it might have to qualify its certification of them (ultimately, the firm did refuse to give the division a "clean" audit; the Mellon National Bank then refused to renew a $35 million loan.)

On Dec. 20, Bill Ryker, in a memo to Comptroller McGee, said that a three-month effort to find the basic defects in the cost-accounting system had isolated 23 of them, including an apparent attempt to "pad" certain costs. He looked forward to remedying the situation "if we receive the promised cooperation and authority."

He never got it. On the first Sunday in January, 1952, Ryker and White drafted an "ultimatum" letter to Dietrich. The next day Jan. 7, they told a Haskins & Sells official that they intended to resign en masse.

The "ultimatum," delivered on Jan. 11, had five signers—Ryker; White; J. N. Barker, supervisor of fixed price cost accumulation; H. J. Johnston, supervisor of the general ledger section, and cost analyst H. C. Waken. The letter briefly recited the irregularities and recalled the September promise of swift corrective action.

If the delays continued, the five warned, they would resign rather than "jeopardize our reputations as certified public accountants."

Dietrich called the CPAs in. He testified they told him the Air Force had been overcharged millions of dollars by "improper practices." One of them told him, "You can't rule out the possibility of fraud. . . ."

Dietrich asked the CPAs to stay for at least a month or two, admitting he still lacked the authority from Howard Hughes to grant their one implacable demand: to fire Ash and Thornton. Dietrich couldn't do it.

PLACE TO HIDE IT

Dietrich summoned Thornton for more talks. Finally, he said, Thornton told him:

"Noah, I want to tell you in confidence that we are actually making more than 30 per cent on this contract, and in order to keep it, we are going to have to hide it some place, and the best place to hide it is in the inventory account."

As for the affidavits that made excessive claims on the Air Force, Thornton "didn't see anything wrong" in the practice, saying it was "generally indulged in by military contractors," Dietrich testified.

He confronted Thornton with the CPAs' evidence of fake financial statements made by the Aircraft Division to Hughes Tool. "He didn't deny it," Dietrich said.

Thornton was also told of the CPAs' threat to resign, and "took the position that the plant had autonomy and that I should keep my hands out of it," Dietrich continued.

Gen. Eaker asked Ash to bring the five CPAs to his office.

Later in January, Eaker, who along with Gen. George was credited with "good personal integrity" in the Haskins & Sells memo, talked to the men, one at a time. It was to no avail. The five sent Eaker resignation letters on Jan. 23, 1952.

"I am unable to accept your request that I be a 'good company man' since this term was used to indicate that I was to be loyal to the division and its policies rather than being loyal to the Tool Company," James White told Eaker.

Two more CPAs followed, including H. Bradshaw, supervisor of the Aeronautical Cost Group. "Inasmuch as the use of the word 'fraud' is apparently ill advised," he said in a memo to Barker and Ryker, "I will say only that the clean and workable accounting system it was our end purpose to effect is not considered desirable by top management."

Thornton and Ash stayed on. Dietrich, trying to bounce them, tried to get permission from Hughes. No response.

June brought a counterthrust: Thornton, Gen. George and scientists Simon Ramo and Dean E. Woolridge sent a letter to Hughes through Gen. Eaker. Dietrich, they charged, was trying to "seize personal power without regard to the consequences to this company" and had engaged in a "plot" that could have "seriously injured our national security."

Dietrich and Thornton, meanwhile, were having another dispute about refunds to the Air Force.

REFUND MADE

Dietrich decided early in 1952 that he wanted a "token" refund of $5 million made, pending a determination by Haskins & Sells of the true amount owned. Thornton, he said, resisted.

Early in 1953, an Air Force contracts official, Barry Shillito, now an Assistant Secretary of Defense, threatened legal action if a refund were not made. In the summer about $5 million was actually paid over. Thornton claimed the refund was voluntary. Dietrich said it wasn't.

The audit was completed by Haskins & Sells, that fall, on Oct. 31, 1952. The report said Hughes Aircraft had overcharged the Air Force by $43.4 million; Hughes paid the balance during late 1953 and early 1954.

In mid-1953, by Dietrich's testimony, he had finally gotten Howard Hughes' permission to tell Thornton and Ash to resign or be fired. They resigned—they said voluntarily. Thornton testified that Dietrich even asked him to withdraw his company, and "be a candidate to succeed him." Dietrich, who was 65 at the time of the resignation, denied he had said anything of the sort.

Ash and Thornton, as has been noted, went on to found Litton Industries. The litigation that put the Hughes Aircraft case on the public record was born at Litton.

A man named Emmett T. Steele participated with Ash and Thornton in the founding. In 1959 Steele filed a suit accusing Litton Industries and Thornton of fraud in depriving him of certain stock allegedly promised him in an oral contract.

A jury awarded Steele $7.6 million. The case was appealed and remanded for a new trial. The upshot was a settlement of $2.5 million.

In 1962 in preparing for the trial that led to the $7.6 million award, Steele's lawyer, Harold Rhoden, took a deposition from Dietrich. Answering questions as a prospective witness, Dietrich recounted the CPA's revolt episode and told of other matters involving Thornton.

In December of that year, Thornton charged in a press release that Dietrich had been "maliciously defamatory" in his deposition. Thorton filed a $40 million slander suit.

CALLED FALSE

At the same time, Litton sent a letter to 12,000 employees, accusing Dietrich of "irresponsible and malicious attacks" and denouncing as "completely false" a charge attributed to Dietrich that the Air Force had been overcharged several million dollars as a result of improper accounting methods at Hughes Aircraft.

The Thornton slander suit was rejected by the Superior Court of Los Angeles and then by the Court of Appeal in September of 1966. Dietrich, meanwhile, had filed a libel suit against Litton and Thornton, in which he asked 40 cents in actual damages and $1 million in punitive damages. This action was tried in early 1968 in Superior Court.

AWARDED $6 MILLION

After a two-month trial, a jury awarded Dietrich punitive damages of $5 million against Thornton and of $1 million against Litton.

Judge Bayard Rhone, who had said he would set aside any verdict that was not what "I think is an obvious correct decision," set it aside.

He said he would grant a motion for a new trial, and did when one was made later.

Rhoden, appealed with a 531-page brief accusing the judge of "unabashed bias and patent prejudice" against Dietrich.

The Court of Appeal, in a decision in November, 1970, said that Rhone, who is now dead, erred in overturning the jury verdict. But the court ordered a new trial, saying it could reverse a motion for a trial "only when, as a matter of law, there is no substantial evidence to support a contrary judgment."

The new trial may begin in April.

[From the Washington Post, Jan. 3, 1973]

NIXON HAS FULL FAITH IN ASH, AIDE MAINTAINS

(By Carroll Kilpatrick)

President Nixon has complete confidence in Roy L. Ash, whom he has appointed director of the Office of Management and Budget, despite allegations that Ash manipulated financial records 20 years ago, the White House said yesterday.

Acting press secretary Gerald L. Warren declined to discuss incidents described in a Washington Post report yesterday on court records in which Ash is named.

Asked if the White House was aware of the accusations before Mr. Nixon appointed Ash to the OMB, Warren said Ash discussed "various business questions with individuals on the White House staff" before his appointment.

When asked if the President has complete confidence in Ash, Warren replied: "Of course."

Asked if the White House accepted the Ash version of the case or had made an independent investigation, Warren said he did not have "any report to give you on the discussions Mr. Ash had with the White House. I have said the President has confidence in Mr. Ash."

Warren added that the FBI had conducted a full investigation into Ash's record as it does of all appointees.

Ash is scheduled to become OMB director after Caspar L. Weinberger, the present director, is confirmed as Secretary of Health, Education and Welfare.

Ash has been working in the Executive Office Building for several weeks familiarizing himself with the job, and when Mr. Nixon was in Florida before Christmas Ash used the President's Executive Office Building office.

It has been alleged that Ash falsified company records when he was working with the Hughes Aircraft Division of Hughes Tool Co.

[From the Washington Post, Jan. 11, 1973]

MALEK NAMED DEPUTY OMB DIRECTOR

(By Carroll Kilpatrick)

President Nixon yesterday named Frederic V. Malek as deputy director of the Office of Management and Budget with broad powers to make certain that administration policy is carried out in all federal agencies.

Together with Roy L. Ash, the new OMB director, Malek, known as a tough personnel and management expert, will ride herd on the agencies to see that goals the President sets are met at the most economical cost.

The White House confirmed reports that the President had accepted the resignation of Miles W. Kirkpatrick as chairman of the Federal Trade Commission.

Lewis A. Engman, a presidential assistant and member of the Democratic Council, is believed in line to succeed Kirkpatrick.

Kirkpatrick, a Philadelphia antitrust lawyer, succeeded Casper W. Weinberger as chairman of the consumer protection agency in September, 1970. Kirpatrick had headed an American Bar Association study of the much-criticized agency. The study recommended that FTC be abolished if radical changes were not made.

Kirkpatrick is largely credited with bringing new blood and new ideas to the commission and presiding over its general revitalization. Its often innovative approaches to law enforcement have occasionally incurred the wrath of business groups and White House aides.

The White House said Kirkpatrick will stay on until a successor is confirmed.

Malek will succeed Frank C. Carlucci, who has been nominated Under Secretary of Health, Education and Welfare.

A native of Illinois and a graduate of West Point and the Harvard Business School, the 36-year-old Malek was a highly successful businessman before joining the Nixon administration in 1969 as Deputy Under Secretary of Health, Education and Welfare.

He has been special assistant to the President for personnel since October, 1970 and has played a major role in the hiring and firing that have taken place in recent months.

In announcing Malek's appointment, White House deputy press secretary Gerald L. Warren said he would play "an especially large role in directing the day-to-day activities of OMB."

Another official said the President told Ash and Malek to concentrate on the management aspects of their job to make certain the government is more responsive and more effective in making better use of available money.

Neither Ash nor Malek is to spend the majority of his time on strictly budget matters, the official said, but leave budgetary matters largely to other officials while they concentrate on operation of the government.

The President thinks of the management responsibility of OMB not as a housekeeping role but as a means of translating his basic objectives into sepcific directives and seeing that they are carried out, an official said.

In other words, it was explained, OMB will work with federal departments and agencies in seeing that the things the President wants done are done effectively and on time.

[From the Wall Street Journal, Jan. 28, 1971]

SEAT OF POWER—FEDERAL BUDGET OFFICE, REORGANIZED BY NIXON, PLAYS A WIDENING ROLE

(By Richard F. Janssen)

WASHINGTON.—Now what do the Government's budget men do?

At 12 noon today the massive Federal financial plan will be delivered to Congress and their most visible business will have been completed for another year. But now they're going to be busier than ever.

For under the reform President Nixon ordered last summer, the old Budget Bureau has grown into the Office of Management and Budget. And as intended, it is going well beyond the old chiefly financial functions to become a sort of elite mini-Government—overseeing tiny details out in the field as well as offering often-decisive advice to the President on sweeping domestic issues.

CARRYING OUT MANDATE

Even during the arduous final months of budget preparation, the OMB has been carrying out Mr. Nixon's mandate for greater "coordination and evaluation" in ways that include:

—Rallying relief efforts on the scene for survivors of 38 men killed in a coal mine explosion in Hyden, Ky.

—Giving a last-minute nod for Mr. Nixon's uncharacteristic attack on a steel price boost.

—Assuring the veto of a major public-jobs-for-the-idle bill that Labor Department aides had nervously shepherded through Congress.

—Challenging the Government's many statistical agencies to speed up the numbers they report periodically—or else scrap them.

"I can't say we've altered the course of the Republic," admits associate OMB Director Arnold R. Weber, but he does believe his outfit has already sparked a new "sensitivity to management issues" in the bureaucracy. Even as the OMB copes with crises thrust upon it by the White House, he says, it's engaged in "institution-building" intended to lead the whole Government to respond more efficiently.

The OMB's burgeoning role is far from universally welcomed, however, and in fact, is stirring bitter criticism. Other agencies feel it's running roughshod over them. Congressional men find it blind to grass-roots realities or complain that its' partly immune to Capitol Hill influence; the President's appointment of the powerful OMB chief is not subject to Senate confirmation.

GRIPES FROM INSIDE

And many of the office's insiders gripe that proliferating layers of politically oriented executives are destroying the Budget Bureau's tradition of crisp professionalism. "Ever since they added the word 'management,'" sums up one staffer, "We've been doing a poorer job of it."

The image of the OMB isn't readily separable, of course, from that of Director George P. Shultz, who was already a Nixon favorite when he was moved from being Labor Secretary to take over the new OMB last July. Physically, though, Mr. Shultz is quite separate from the OMB, maintaining his personal office in the White House. And although that is only across one narrow, sealed-off street from the OMB's location in the Old Executive Office Building, the gulf has much to do with the grumbling by the insiders.

Some senior OMB careerists appear pleased that their boss is at the President's elbow, to be sure. "Now when we *call another* agency," one says, "they know we've got some real clout."

But many of the bright, younger professionals who form the OMB's backbone find the relative inaccessibility of Mr. Shultz demoralizing. And it is through this crack corps of some 200 "budget examiners" that the Government traditionally has shaped each department's budget and submitted its operations to specialized year-round supervision.

"I used to see the Budget Director about twice a week," one staff man reports, "but I've only seen Shultz twice in six months."

Instead of gaining swift entry into the Director's office for an on-the-spot decision, others assert, an examiner often has to send written memos through seven or eight other offices. Mr. Shultz's reply, they add, retraces the same route and finally returns to the examiner with so many additional "inputs" that he can't be sure of the answer.

SOMETIMES IT'S TOO LATE

As a result, key officials in other agencies complain, the quick, sure guidance the old Budget Bureau could provide in a single telephone call is a thing of the past. "It takes much longer to get a decision from them now," says one eminent Nixon appointee. He adds that sometimes the delay stretches for weeks or even months so that by the time an answer comes it is simply too late. The OMB "has not worked out like it was supposed to," charges one departmental budget officer, who says he's "very confused" by the new setup.

Such complaints will fade once the OMB's shakedown period passes, the more optimistic officials stress. They note that it wasn't until December that Congress came across with money to start adding 70 management experts to its total staff of about 550 persons.

Other officials aren't so sanguine, however. "These new people are box-oriented," says one, and another glumly elaborates: "Shultz seems to think that once he's drawn a line between two boxes on an organization chart, he's solved a problem and can forget about it." Indirectly attesting to the chart-consciousness, a high OMB official retorts that the quality of decisions must be better now because in the old set-up "21 boxes reported directly to the Director."

To the dismay of *old-line defenders* of the idea that Budget personnel should be nonpartisan "untouchables," the decisions that emerge from the new apparatus often have a political tinge. But this is quite deliberate, Nixon aides say. One of their earliest unhappy discoveries was the great power wielded by anonymous civil servants in the Budget Bureau, especially because what a Budgeteer would advance as an "objective" view often appeared to the Nixon newcomers as liberal obstructionism.

Now almost everything must funnel through three politically attuned (but nonetheless expert) Assistant OMB Directors: James Schlesinger for defense and international functions; Donald Rice for economics, science, technology and natural resources, and Richard P. Nathan for human resources and general government. Each has a button on his telephone linking him directly to the White House switchboard.

The politicization of the Budget office should help President Nixon govern better, advocates argue. In contrast to the old system in which only the Budget Director was a distinctly political appointee, one official says, the new setup's "deeper level of political leadership" (including Deputy Director Caspar W. Weinberger on the budgetary side and Associate Director Weber on the management side) will enhance the usefulness of the OMB staff.

How President Nixon intends to use the growing OMB isn't exactly clear, but aides discovered one way on the New Year's weekend following the Kentucky coal-mine disaster. Blocked by bad weather from flying immediately to the scene himself, Mr. Nixon asked OMB boss Shultz to see to it that all the survivors received "one-stop service" from the Government.

Mr. Shultz summoned William H. Kolberg, Assistant Director for Program Coordination, to start enlisting high Washington officials of the Federal agencies involved, such as the Social Security Administration, Interior Department, Veterans Administration and the Defense Department (which quickly flew home a dead miner's son from service in Vietnam).

But the OMB went further and dispatched to the scene program implementation chief William A. Boleyn to act as the President's representative in rounding up people from Federal field offices as well as state and county authorities. Within 48 hours, officials report, paperwork that might have dragged out over weeks and months had been completed, and benefit checks were hand-delivered on Jan. 12. (Not, however, without drawing a charge—which OMB men declare is baseless—from consumer advocate Ralph Nader that the haste may have short-changed some widows.

GUARDING AIRLINERS

The "crisis management" assignment first became evident last September when Mr. Nixon picked the OMB to rapidly marshal enough armed guards to foil the wave of airliner hijackings. This role was reinforced when he chose the agency (over such logical alternatives as the Office of Emergency Preparedness) to arrange a Federal takeover of the railroads in case the abortive early-December strike lasted long enough to warrant.

To deal with future riots or other local crises, the OMB is strengthening a network of 10 regional councils of Federal agencies' field offices; it is also taking on the less dramatic task of seeing that the bureaucracy actually follows through on things the President heralds in his public messages.

Many other OMB activities, too, reflect high-level concern that in today's big Government there's too much tendency to let things drift. Going beyond earlier admonitions for speedier statistics, for instance, the OMB is insisting that any agency with a report that emerges more than 30 days after the period covered must "please tell us why it shouldn't be abolished." The office is trying to get its own house in better order, an official quickly adds, by readying a "rolling budget"—a constant computerized updating of the way Congressional action and other events are altering Federal spending prospects.

Some of OMB's accomplishments are necessarily negative ones of fighting off further bureaucratic sprawl and overlap. Thus the Federal Aviation Agency was barred from "getting into the police business" by operting the new force of "sky marshals"; though the FAA is bearing the cost, the Treasury, which has long had law-enforcement duties, got the job of training and supervising the men.

MORE POSITIVE ACHIEVEMENTS

Other achievments are of a more positive sort, officials report. After Mr. Nixon was upset at seeing how little had been done to rebuild riot-torn areas of the nation's capital since the April 1968 disorders, he had an OMB team deal toughly with other agencies so that now "some money is moving."

The OMB is especially suited for getting action out of other agencies both because of its usual power over their purse strings and because of the unusual power of Mr. Shultz. Previous Budget chiefs would meet as equals in the economic-policy "troika" with the Treasury Secretary and Chairman of the Council of Economic Advisers. But now, one official notes, the OMB director "speaks directly for the President."

Hence Mr. Shultz's grudging go-ahead was deemed vital before the White House would go to the point of attacking Bethlehem Steel Corp.'s recent price rise. (Even Mr. Shultz, however, apparently was unable to dissuade White House Press Secretary Ronald Ziegler from using tough language in denouncing the boost as "enormous" and thus causing more stir than economic officials sought.)

The OMB also appears to have more say than the old Budget Bureau in the shaping—and scuttling—of other agencies' programs. Labor Department aides thought they were safe in concurring late one night with a Congressional panel's plan for a $2 billion subsidy for creating 200,000 local-government "public service" jobs; they had even roused an OMB political-level man—Mr. Nathan—for a sleepy consent. The final version passed with language changes that deepened Mr. Shultz's misgivings, however, and he's credited with spurring Mr. Nixon's surprise veto of Dec. 16.

ECONOMETRIC MODELS AND MISERY

(Before things came to that, though, Congressional backers of the public-jobs bill were marveling at the "narrow outlook" of high OMB emissaries. One Democratic staffer recalls that the legislative crowd was seized with a "we've got to do something" attitude about the human misery of mounting unemployment, while an OMB man "talked about econometric models and kept asking what our supply curve would be.")

But in its achievements both negative and positive, the OMB has clearly awed most Government departments. "No Cabinet officer is willing to take on Shultz, because he won't win," says one recent Administration drop-out.

That's not entirely true, of course. The Shultz camp was very chilly to the whole idea of Government intervention to save rail passenger service, and the President went for Transportation Secretary Volpe's "Railpax" plan anyway.

That episode nevertheless has some chilling implications for other agencies. Fully aware that the OMB had slashed a New Orleans-Los Angeles route from the Transportation Department's original passenger-service proposal, the Interstate Commerce Commission dared to urge publicly the inclusion of that route in the subsidized network. Before that display of independence by the legally independent ICC, Budget Deputy Weinberger had okayed an increase in the ICC's next budget; after the ICC's defiance, Mr. Weinberger told the agency to brace for an outright cut in its budget.

[From the New York Times, Jan. 8, 1973]

THE ASH APPOINTMENT

Roy L. Ash, former president of Litton Industries, a major defense contractor, has already assumed the post to which President Nixon named him as director of the Office of Management and Budget. That position is one of the most important in the United States Government; its occupant has more power than virtually any other member of the Cabinet or any single member of Congress. Yet the President can install whomever he wishes in the budget post without Congressional hearing and without obtaining the advice and consent of the Senate.

Senators Proxmire of Wisconsin and Metcalf of Montana and Representative Melcher of Montana have introduced bills that would require Senate approval of the director of the Office of Management and Budget. Such legislation has become necessary to protect constitutionally implied Congressional checks over the executive branch.

When the Bureau of the Budget was set up in 1921, its director was considered a technician—a term that scarcely defines the role of Mr. Ash. The evolution of the office during the past half-century has steadily brought it greater power and influence in the actual formulation of governmental policies and of specific legislation.

It is particularly urgent that Congress now review the Ash appointment, because serious potential conflict of interest is involved when the Government's top budget and management officer is a man who has served as president of a major defense contractor currently engaged in disputes with the Government over huge cost overruns. Litton is asking the Navy for almost $544 million above the original estimates on several ship contracts.

On one of these, relating to nuclear submarines, Vice Admiral Hyman G. Rickover last summer accused Litton Industries of "misrepresentation, if not fraud" in trying to blame the Navy for the cost overruns. On another contract for landing helicopter assault ships—for which Litton is claiming $270 million in additional cost—the company is already two years behind schedule because of production and personnel problems. Mr. Ash has sharpened the conflict-of-interest issue by implying that as budget director he would not separate himself from dealing with defense contracts, including those of Litton. Furthermore, grave questions have been raised about Mr. Ash's own managerial record at Litton and earlier in his business career.

These questions deserve the most careful examination by the Senate if Mr. Ash is to serve as budget director. The military-industrial complex cannot be permitted to be expanded to a military-industrial-Executive branch complex.

S. 518

A bill to provide that appointments to the offices of Director and Deputy Director of the Office of Management and Budget shall be subject to confirmation by the Senate

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, effective on the day after the date of enactment of this Act, the Director of the Office of Management and Budget and the Deputy Director of that Office (originally established by section 207 of the Budget and Accounting Act, 1921, and redesignated by section 102 of Reorganization Plan Numbered 2 of 1970) shall be appointed by the President by and with the advice and consent of the Senate, and no individual shall hold either such position thirty days after the date unless he has been so appointed.

OMB DIRECTOR SHOULD BE SUBJECT TO SENATE CONFIRMATION

Mr. ROBERT C. BYRD. Mr. President, I have joined the distinguished Senator from North Carolina (Mr. ERVIN) in introducing a bill to require the Director and Deputy Director of the Office of Management and Budget to be subject to confirmation by the Senate.

The necessity for this legislation has come about due to the tremendous impact that the office now has on all facets of the governmental departments and agencies.

When the Bureau of the Budget was created in 1921, its function was to assist the President in coordinating activities and managing the execution of programs and policies. It was to be the President's staff to aid in preparing the budget, and, as such, its Director's position was considered personal to the President. Accordingly, the Congress vested that appointment exclusively in the President.

However, when the Congress failed to disapprove Reorganization Plan No. 2 of 1970 transferring the Bureau of the Budget to a new Office of Management and Budget, the entire thrust of the department was also changed. As the President said in his transmittal message:

> Creation of the Office of Management and Budget represents far more than a mere change of name for the Bureau of the Budget, it represents a basic change in concept and emphasis.

The Office of Management and Budget has become the chief administrative office of the Government. It determines budget limitations for each agency, even those that are regulatory arms of the Congress.

It is the OMB that puts together the program of impounding funds appropriated by the Congress for the various departments and agenices.

The OMB resolves interagency conflicts of priorities. In short, the Office of Management and Budget has become a substantive, and, by the use of impoundment, legislative arm of the Government.

It is for these reasons that, at the very least, the Congress must make its Director and Deputy Director subject to Senate confirmation hearings. In this way, there will be at least one avenue by which the Congress can attempt to break through the shield of executive privilege that so often cloaks key executive personnel from the investigative powers of the Congress. If the Congress is to avoid surrendering all control of its own creatures, the Government agencies, it must be able to question the direction in which the OMB is pointing those agencies.

I will introduce, shortly, legislation requiring the Director and Deputy Director of OMB to be confirmed every 4 years, but today I am pleased to join with those colleagues of mine who are as concerned as I am about the eroding of congressional power by the executive branch, and I feel that this is one more step that we in the Congress can take to reassert our constitutional responsibilities.

By Mr. SCHWEIKER:

S. 519. A bill to amend chapter 17 of title 38, United States Code, to authorize the treatment of certain veterans suffering from drug or alcohol addiction or drug or alcohol dependency. Referred to the Committee on Veterans' Affairs.

Mr. SCHWEIKER. Mr. President, drug and alcohol abuse have enormous implications for our society. They generate a major health problem, a great deal of pain and suffering for families, as well as those directly involved, and, of course, a major crime problem.

The Veterans' Administration has a major capability to attack the problem of alcohol and drug abuse, at least among our veterans population. The bill that I introduce today, the Veterans Drug and Alcohol Rehabilitation Act of 1973, would authorize the VA to improve and expand this capability by providing, within their available resources, drug and alcohol abuse treatment to any veteran who volunteers for such treatment, regardless of the character of his discharge, and to his immediate family when that treatment is deemed necessary to the rehabilitation of the veteran.

Veterans' Administration benefits have been given to veterans based upon the character of their discharge. I do not disagree with this principle. But in the case of drug and alcohol abuse, it is society at large which will benefit, perhaps even more than the individual veteran who will gain medical treatment as a result of this bill. Drug and alcohol abuse is a problem with such a grave impact upon our society, that any feasible measure aimed at its reduction ought to be thoroughly explored.

The two changes my bill would make in existing law—permitting treatment of veterans regardless of the character of discharge, and permitting treatment of immediate families, when this is necessary for the rehabilitation of the veteran—are both desired by the Veterans' Administration. However, although giving the VA additional authority, my bill would not require added funding, for these additional measures would be carried out within the scope of existing VA facilities and personnel. If, after gaining some experience with these two additional groups, veterans who were previously disqualified by virtue of the character of their discharge, and immediate families of veterans receiving drug or alcohol rehabilitation treatment, the VA decides it is helpful and cost-effective to expand their capabilities in this area, they can return to the Congress with a request for additional funds.

My bill, therefore, would fulfill two important functions: first, it would extend the authority of the VA to provide treatment in a way that is both desired by the VA and generally felt to improve the quality of the available treatment, at no additional cost. Second, it would permit significant testing of whether or not these measures do improve the drug and alcohol rehabilitation capabilities of the VA, and to what extent. This would add to the available data base upon which the VA requests and the Congress allocates funds for drug and alcohol rehabilitation.

This bill is very similar to legislation I have introduced in the past. It incorporates recommendations of the Department of Defense Task Group on Drug Abuse Policy. It provides only that the VA may treat veterans who have previously not qualified because of the character of their discharge, if they volunteer for such treatment, and also only if they agree to certain requirements to be set by the Administrator. This bill will authorize him to: First, require the veteran seeking treatment to agree in writing to a minimum period of time which may be required to complete treatment, second, set any "terms and conditions" for treatment in order to insure a thorough and effective rehabilitation program, and third, refuse further treatment to any veteran who violates the terms of any agreements and conditions under which the treatment began.

I want to emphasize that this is a voluntary program for the individual veteran. We are not forcing drug and alcohol abusers into veterans' facilities. We are, however, opening the resources of our veterans program to those individuals who seek help in eliminating drugs and alcohol, and the need for them from their lives.

I feel that the serious problems of drug and alcohol abuse must be handled at all levels of society. There must be cooperation between Federal, State, and local governments; there must be coordination between public and private groups; and there must be continuity between military and civilian education and rehabilitation efforts.

The vast resources of the Veterans' Administration are available. The VA would like to make these two changes, and believes that they will improve the quality and effectiveness of their drug and alcohol rehabilitation programs. I, therefore, recommend this bill to the careful study, and hopefully, favorable consideration, of my Senate colleagues.

By Mr. CRANSTON (for himself, Mr. Mathias, Mr. McIntyre, Mr. Stevenson, Mr. Pastore, Mr. Brooke, Mr. Moss, Mr. Thurmond, Mr. Javits, and Mr. Hughes):

S. 520. A bill to establish Capitol Hill as a historic district. Referred to the Committee on the District of Columbia.

Mr. CRANSTON. Mr. President, I introduce, for appropriate reference, a bill to establish Capitol Hill as a historic district. This bill is identical to the one I introduced in the 92d Congress with the cosponsorship of Senator Mathias of Maryland. I am delighted that he again joins me as cosponsor of this bill along with my distinguished colleagues from New Hampshire (Mr. McIntyre), Illinois (Mr. Stevenson), Rhode Island (Mr. Pastore), Massachusetts (Mr. Brooke), Utah (Mr. Moss), South Carolina (Mr. Thurmond), New York (Mr. Javits), and Iowa (Mr. Hughes).

Capitol Hill is a unique area. It is anchored by public buildings of unequaled significance to Americans—the Capitol Building, the Supreme Court, and the Library of Congress. With the exception of the White House, no other landmarks have equal power in capturing the public imagination. This is true now, and will be especially true in 1976, when in honor of the bicentennial of the American Revolution, people from across the country will come to Washington to get a sense of themselves as descendants of the American past and participants in its future. Certainly, a celebration of the birth of our Nation begins with a visit to Capitol Hill.

Besides being the seat of the Nation's

Government, Capitol Hill is an area of historical and cultural significance. It contains landmarks listed on the National Register of Historic Places, such as the Frederick Douglass Memorial House, the Folger Shakespeare Library, and Christ Church; residence of Senators, Congressmen, and Supreme Court justices, and other public officials, who, in the 19th and early 20th century, clustered on Capitol Hill. It also has singular attractions like the Eastern Market and the Congressional Cemetery. Its neighborhoods display almost every style of 19th century architecture, much of which has been restored to its former beauty to the delight of visitors and residents alike.

But Capitol Hill is noteworthy for another reason—because it is an area within the District which is experiencing rebirth. Washingtonians recall that during the 1930's, some of the District's worst slums buttressed the Capitol. Housing had changed hands and deteriorated, and a jarring disparity existed between the poor blacks living in the shadow of the Capitol and the gleaming houses of Government.

Now, like Georgetown and San Francisco's Russian Hill, Capitol Hill is undergoing transformation. Individuals with money to finance costly restoration are buying property on Capitol Hill. Old townhouses have been returned to their former charm, and whole blocks have been rejuvenated. New construction is going on—deliberately in 19th-century style to conform with neighboring houses. People are putting down roots. "The Hill" has once more become a desirable address.

A sign of the vitality of Capitol Hill are the citizen groups that have organized to respond to community issues. Last summer, one such group came out in force to oppose the demolition of century-old houses on East Capitol Street—which already has a special landmark designation—so as to make way for a parking lot. These residents could not stop the leveling of three Victorian houses, and the preservation of the rest of the block is not assured.

As a Washington Post editorial of August 12, 1972, ably pointed out, the events on East Capitol Street could be a portent of things to come unless we provide mechanisms to shield our cultural heritage from the wrecking ball.

Mr. President, I ask permission at this time that the Washington Post editorial of August 12, 1972, be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Landmarks and Parking Lots

With three down and nine to go—nine charming, century-old houses, that is—the Capitol Hill Metropolitan Baptist Church and the citizens of Capitol Hill have reached an uneasy truce in a battle that, in the end, affects the future of this city's past. The church owns all but one corner property on the north side of the 500 block of East Capitol Street which officially has been declared a National Capital Landmark. Despite this designation, which has no legal standing, the church decided to demolish this row of Victorian townhouses, in part, it seems, because the trustees found their maintenance too expensive, and in part because it has some vague plans for expansion. Some trustees said they needed more parking space during the Sunday services, despite the fact that the church already owns an ample and underused parking lot alongside its church building and that street parking is freely available on Sundays. Other trustees hinted at building a youth hostel and, perhaps a home for the elderly. Over 400 residents of Capitol Hill signed a petition opposing these designs and their representatives met with church officials, urging them to postpone the demolition until the church had worked out its plans and secured the funds for new, permanent buildings. The chairman of the trustees rejected this citizen recommendation and without any further ado called in the bulldozers. A street demonstration on the part of the citizens, armed with such signs as "Jesus Does Not Need a Parking Lot," called the controversy to city-wide attention, but could not prevent the hasty demolition of the first three buildings. The parking lot is an accomplished fact. It is, said the Rev. C. Wade Freeman Jr., "in the best interest of the church." The vigorous citizen protest did, however, result in the promise that the church would discuss its further plans with the community. The truce now gives both the church and the city time to reflect on basic issues involved in the dispute. Just where do we want our city to go?

The church might, more specifically, ponder the question whether it is possible to love your neighborhood any less than you love your neighbor. We should think that the two go hand in hand. It was, after all, the people, the neighbors on Capitol Hill, who gave of themselves, their civic pride and their sense of beauty to build those houses and other buildings (including the Metropolitan Baptist Church), which now return these intangible values by giving the people who live there a sense of belonging and an identity. It is the physical neighborhood that engenders the strong neighborhood spirit you find on Capitol Hill.

The City Council and the Zoning Board, meanwhile, might do well to ponder ways to give the landmark designation some practical meaning. At the very least the regulations should provide that the capital expansion plans of churches should be, like those of any other tax-exempt institutions, subject to review by the Board of Zoning Adjustment so that their effect on the surrounding community can be publicly considered. Demolition permits of buildings that have been designated landmarks or that are part of a landmark environment, furthermore, should not be granted without full public hearings. The authorities now presume that any building whose owner claims that it is not making a profit is guilty and must be destroyed. Let landmarks be presumed innocent unless their owners can prove that there is no way to save them. Unless the will to preserve what we can of our past is anchored in legislation and zoning and building regulations, it will soon be entirely gone. And a city given over entirely to parking lots and unloved money-making buildings surely doesn't have much of a future.

Mr. CRANSTON. Mr. President, it is out of this sense of urgency that I introduce my bill to establish Capitol Hill as a historic district, for as the seat of the Nation's Government, the location of unique historical and cultural landmarks, and as a residential sector which is critical to the vitality of the District, I believe that Capitol Hill deserves the protection that such a designation affords.

My primary desire is to protect the fabric of Capitol Hill from brutal ruptures, like parking lots or high-rise office buildings. But, this is not the sole purpose of my bill. I do not believe that Capitol Hill should be preserved as a historic district in order to solidify it in its present state. Rather, I hope that my bill will encourage innovation and the application of talent and energy to the problem of developing the area within a historical context.

For this reason, my bill goes beyond the designation of Capitol Hill as a historic district but requires that a comprehensive plan be created for the area to guide future growth. One of the requirements of the comprehensive plan is that the District government, in cooperation with the National Capital Planning Commission, develop strategies to encourage the continuation of a racial and economic mix in the historic district.

Pending before the Department of Housing and Urban Development is a District application for Federally Assisted Code Enforcement—FACE—a program that provides grants and loans to lower income residents to correct code violations and to perform modest home improvements. The application would affect a sizable portion of Capitol Hill.

I am pleased to see that the District government has plans for improving housing for long-time residents so they will be encouraged to stay on Capitol Hill. Code enforcement is a useful tool, but I urge the District government and the National Capitol Planning Commission to develop other strategies for assisting families to remain. Otherwise, I fear that without assistance, Capitol Hill will come full circle.

Poor families—mostly black—will be displaced and the area will become almost exclusively middle and upper income. In my view, the shift from an all-black population to all white—which took place in Georgetown and which intensified the housing problems for blacks in other sections of the city—should be prevented. The District as a whole will, I believe, be healthier if its neigborhoods retain racial and economic diversity.

My bill, which draws upon examples of historic district zoning, particularly the Old Georgetown Act of 1950—Public Law 808—has several features that I want to emphasize. First, the National Capital Planning Commission, after determining the boundaries of Capitol Hill and after performing a historical and cultural survey of the area, will recommend that Capitol Hill be nominated to the National Register, maintained by the Secretary of the Department of the Interior. This nomination will bring Capitol Hill under the protection of the National Historic Preservation Act of 1966—Public Law 89-665—and will enable the District government to take advantage of matching grants-in-aid provided by that act.

Second, my bill divides responsibility between the National Capital Planning Commission and the Office of Planning and Management within the District government for the survey of Capitol Hill and the comprehensive plan for the conservation, development, or redevelopment of the historic district. The intent is to capitalize on the special capabilities of each and to enhance those capabilities. By requiring the cooperation of these planning bodies, I hope a more unified approach to historic preservation will take form in the District.

The National Commission of Fine Arts was given authority under the Old Georgetown Act to review plans for construction, alteration, reconstruction, or razing of structures within Old Georgetown. It was not given authority to review plans for demolition. The events on East Capitol Street demonstrate that this is a serious weakness. My bill gives the Fine Arts Commission authority to comment on demolition. Further, it requires that the District delay demolition for 90 days, so that if the Commission finds the structure to have historical or architectural significance, there will be time for public discussions, and there will be time to develop possible ways of saving the structure. This provision is extremely important if historical preservation is to have success.

In addition, I have urged the Fine Arts Commission not to preclude the approval of contemporary design when it is compatible with older styles of architecture. To assist the Fine Arts Commission in its review, I have authorized the District government to appoint four residents of Capitol Hill who are knowledgeable in historic preservation as advisers to the Commission.

Last, my bill provides two special authorizations: $280,000 for the restoration of the Eastern Market, and $50,000 for minor beautification of public places within the historic district.

The livability and vitality of a city depends upon the character of its neighborhoods. Significant structures play an important role in forming and maintaining a neighborhood. In my own State of California, I have sought to continue the usefulness of historic buildings, such as the San Francisco Mint and the Mission Inn in Riverside.

But while structures often generate a neighborhood sense, other factors that make a neighborhood work, factors that coalesce to give satisfactions to its residents, are not always perceived. I believe that aside from the value of preserving the historical flavor of Capitol Hill and channeling future growth within prescribed guidelines, the designation of Capitol Hill as a historic district will give us insight into how an area is revitalized and what kinds of policies promote that process. It is my hope that since this bill provides legislation for a specific purpose that the lessons of Capitol Hill will be instructive to the rebuilding of our cities.

I ask unanimous consent that the full text of the bill be printed in the RECORD at this time.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 520

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds and declares that—

(1) districts of historical and cultural significance should be preserved to enrich the lives of present and future generations of Americans;

(2) as the seat of the Nation's government, the Capitol Hill district is unique and is of great national and international importance;

(3) the creation of the Capitol Hill historic district within the District of Columbia will foster civic pride and tourism and enhance the vitality of the entire city; and

(4) the creation of a Capitol Hill historic district will encourage private and public actions to restore the visual beauty and usefulness of landmarks, sites, and dwellings, and, thus, preserve the special character of the area.

TITLE I

SEC. 101. (a) To facilitate the testing of new methods of revitalizing neighborhoods within a metropolitan area and to encourage the coordination among agencies having responsibility for comprehensive planning within the District, the National Capital Planning Commission shall survey the Capitol Hill district for the purpose of recommending that said district be included on the National Register as established by Public Law 89–665.

(b) The Capitol Hill historic district is defined as that area bordered on the west by 2nd Street Between E Street N.E. and C Street, S.E.; west on C Street to New Jersey Avenue S.E., and south on New Jersey Avenue to the Southwest Freeway; bordered on the south by the Southwest Freeway east to 19th Street S.E., including the Congressional Cemetery; bordered on the east by 19th Street north to E Street N.E., and bordered on the north by E Street N.E. west to 2nd Street N.E.

(c) The National Capital Planning Commission may modify these boundaries based upon its survey of the area and upon the advice of Federal and District of Columbia agencies having responsibility for historic preservation, as well as private groups and individuals, whose knowledge and talent are relevant to historic preservation.

(d) In addition to determining the boundaries of the Capitol Hill historic district, hereafter referred to as Capitol Hill, the National Capital Planning Commission shall include the following in its survey:

(1) a revised list of landmarks for nomination to the National Register prepared in conjunction with and with the review of the Joint Committee on Landmarks;

(2) a definition of the historic and cultural character of Capitol Hill, drawing upon a detailed architectural inventory of the location, style, and condition of structures; and

(3) an analysis of present conditions in the district, including neighborhood facilities, parks, type and conditions of streets and pavements, and other site features.

(e) Such survey shall be made at a cost not exceeding $100,000, which amount is hereby authorized to be appropriated.

(f) Included in such survey shall be a comprehensive plan for the conservation, development, or redevelopment of the historic district, which shall be prepared by the Office of Planning and Management of the District of Columbia, but which shall be coordinated with the findings of the National Capitol Planning Commission, as described in paragraphs (1), (2), and (3) of subsection (d) of this section. Such comprehensive plan shall include, but not be limited to, the following:

(1) an analysis of present land-use patterns, with emphasis on the applicability and reasonableness of present zoning laws and regulations to preserve the character of Capitol Hill;

(2) an analysis of recent economic, demographic, and social trends in the district; and

(3) a statement of objectives for the future conservation, development, or re-development of the district, which shall include strategies to encourage the continued racial and economic integration of the historic district.

(g) Such comprehensive plan shall be made at a cost not exceeding $150,000, which amount is hereby authorized to be appropriated.

SEC. 102. The National Capital Planning Commission shall submit the survey, which includes the comprehensive plan, to the Congress of the United States, to the Commissioner of the District of Columbia, and to the National Commission of Fine Arts no later than one year after the enactment of this Act, and shall serve as the guide to the preservation and development of Capitol Hill.

TITLE II

SEC. 201. In order to promote the general welfare and to preserve and protect the places and areas of historic interest, exterior architectural features and examples of the type of architecture used in Capitol Hill since its initial years, the Commissioner of the District of Columbia, before issuing any permit for the construction, alteration, reconstruction, razing, or demolition of any building within said Capitol Hill district, shall refer the plans to the National Commission of Fine Arts for a report as to the exterior architectural features, height, appearance, color, and texture of the materials of exterior construction which is subject to public view from a public highway, and, including, the impact of such plans upon the environs of the building. The Commission's review shall not preclude the approval of contemporary design which is compatible with the architectural styles prevailing in the historic district.

SEC. 202. The National Commission of Fine Arts shall report promptly to said Commissioner of the District of Columbia its recommendations, including such changes, if any, as in the judgment of the Commission are necessary to preserve the historic value of said Capitol Hill district. The said Commissioner shall take such actions as in his judgment are right and proper in the circumstances: *Provided,* That, before issuing a permit of demolition, the Commissioner of the District of Columbia shall refer such plans to the National Commission of Fine Arts, and shall delay for 90 days the demolition of such property. Within the period of postponement of such demolition, the Commission of Fine Arts shall take steps to ascertain what the Commissioner of the District of Columbia can or may do to preserve such building, including consultation with private civic groups, interested private citizens, and other public boards or agencies, when the preservation of a given building is clearly in the interest of the general welfare of the community and of certain historic and architectural significance. The Commission shall then make its report to the Commissioner of the District of Columbia: *Provided,* That, if the said Commission of Fine Arts fails to submit a report on plans within forty-five days, its approval thereof shall be assumed and a permit may be issued.

SEC. 203. The Commissioner of the District of Columbia shall appoint four citizen members, who are residents of the historic district and who have demonstrated outstanding interest and knowledge in historical or architectural development of the historic district, as advisers to the National Commission of Fine Arts. Such citizens shall advise the Commission on plans referred to it and shall serve without expense to the United States.

SEC. 204. The National Commission on Fine Arts may also advise interested parties on the design and appearance of walls, fences, signs, light fixtures, and steps so that such design and appearance may be compatible with the architectural styles of Capitol Hill.

SEC. 205. Nothing in this title shall be construed to prevent the ordinary maintenance or repair of any exterior elements of any building or structure within the historic districts; nor shall anything in this title be construed to prevent the construction, reconstruction, alteration or demolition of any such elements which the authorized municipal officers shall certify as required by public safety.

SEC. 206. This title shall become effective upon the approval of the Secretary of the Interior for the nomination of the Capitol Hill historic district to the National Register.

TITLE III

SEC. 301. For the purpose of restoring the Eastern Market, at Seventh Street and North Carolina Avenue, Southeast, to its full usefulness and beauty, there is authorized to be appropriated $280,000, to be administered by the District of Columbia.

SEC. 302. For the purpose of undertaking minor beautification of public sites in the historic district and for the purpose of marking with plaques, or other means, places of historical and cultural significance, there is authorized to be appropriated $50,000, to be administered by the District of Columbia.

By Mr. MOSS (for himself, Mr. ERVIN, Mr. GURNEY, Mr. HART, Mr. HARTKE, Mr. HATHAWAY, Mr. HUMPHREY, Mr. METCALF, Mr. MUSKIE, and Mr. WILLIAMS):

S. 522. A bill to provide protection for the fish resources of the United States including the freshwater and marine fish cultural industries against the introduction and dissemination of diseases of fish and shellfish, and for other purposes. Referred to the Committee on Commerce.

FISH DISEASE CONTROL ACT OF 1973

Mr. MOSS. Mr. President, I am today introducing for myself and Mr. ERVIN, Mr. GURNEY, Mr. HART, Mr. HARTKE, Mr. HATHAWAY, Mr. HUMPHREY, Mr. METCALF, Mr. MUSKIE, and Mr. WILLIAMS, a bill to provide for a coordinated nationwide program to combat the introduction and spread of fish diseases by cooperative agreement with the States on a cost-sharing basis.

Responsibility for administering the program, which is designed to assist both commercial and sport fishing industries, will be divided between the Department of Commerce and the Interior Department, with a panel representing commercial, educational, and scientific groups working in the field serving in an advisory capacity.

This bill was first introduced in the 91st Congress, and was reintroduced in the 92d Congress, after having been refined and improved through the hearing process. The bill I am introducing today is identical with S. 2764, as amended after hearings and favorably reported by the Senate Commerce Committee in the last Congress, with the exception that the new bill exempts from coverage tropical or ornamental pet fish which are used for display purposes. This means that passage of the bill would have no effect whatsoever on the many pet shops in the country who carry such fish, or on the millions of American families who keep such fish as a hobby.

The Federal, State, and private freshwater and marine fish cultural industries have an annual production value of more than $150 million. There are over 2,000 State fish hatcheries, and almost 100 Federal fish hatcheries. They produce 90 million pounds of channel catfish, over 50 million pounds of bait minnows. The salmon and steel head trout produced in 1970 in State and Federal fish hatcheries alone was valued at $297 million. Trout produced in commercial hatcheries were worth an additional $14 million. It is estimated that the stocking programs carried out by State and Federal fish hatcheries provide for one-third of the sport fishing in the United States, and generate $900 million in private recreational spending.

There has long been a growing concern in the United States about the threat of serious communicable disease in the fish-cultural industries. An explosive outbreak of a disease, rapidly transferred across the country in shipments of live fish and shellfish from hatchery to hatchery, from watershed to watershed, could threaten the economic foundations of an entire industry, as well as "good fishing" in many streams and lakes for thousands of sportsmen throughout the country.

The purpose of the fish disease bill has not been fully understood. It would not place undue hardship on any facet of the fish-farming industry, or spell its "doom" as some have tried to claim. The machinery it sets up is for use only in serious situations. Its objective is to provide for the regulation, and I quote from the bill itself, "of fish diseases which pose a major threat to the fish resources of the United States," and to help those who are caught in a fish disease epidemic to avoid economic catastrophe.

When a fish disease poses a major threat, the Secretary may issue such regulations, and again I quote from the language of the bill:

> Which he may deem appropriate to prohibit or control the movement in interstate or foreign commerce of diseased fish or articles, including regulations relating to marketing, disposal, quarantine, destruction, and stocking of diseased fish or articles which may enter into interstate or foreign commerce.

However, fair compensation must be provided to owners for fish destroyed and for quarantine and disinfection costs in connection with a disease control effort.

There are a number of diseases for trout, salmon and catfish for which we have not yet found a cure, but which we know can be prevented. The most important are first, whirling disease; second, viral hemorrhagic septicemia—VHS; third, infectious pancreatic necrosis—IPN; fourth, infectious hematopoietic necrosis—IHN; fifth, corynebacterial kidney disease—NDA; sixth, furunculosis. Others which have caused concern are ceratomyxa, Hagerman redmouth disease, ulcer disease, and channel catfish virus disease.

One of the more serious diseases which has worried the trout and salmon industries is whirling disease. It includes a circling motion, and gradually whirls to death many of the fingerlings who contact it, and cripples most of the survivors. It has long been known in Europe, but was first identified in this country in a State hatchery in Pennsylvania in 1958. The disease has spread at various times to California, Connecticut, Michigan, New Jersey, Nevada, Ohio, Virginia, and West Virginia, with serious impact. At the Lahontan National Fish Hatchery in Nevada, for example, two outbreaks of whirling disease have required the destruction of nearly 1.5 million trout.

There have also been many losses of young hatchery trout in North America from infectious pancreatic necrosis—IPN—a viral disease for which there is no known treatment. It has appeared in 29 States, as well as widely in Europe. It can claim as much as 100 percent of the fish population in a fish hatchery.

Viral hemmorrhagic septicemia—VHS—has caused severe losses in Europe, but is undetected as yet in the United States. It has been found that the virus can be introduced by frozen trout, and perhaps by contaminated fish eggs.

The channel catfish virus, has been found in nine States—Alabama, Arkansas, Georgia, Kansas, Kentucky, Mississippi, Oklahoma, Texas, and West Virginia—and it may cause losses up to 98 percent. It can cause catastrophic financial losses to a single individual. For example, one channel catfish farmer lost nearly 10 million fish worth a minimum of $500,000.

There is no question that communicable diseases should be monitored or controlled to prevent situations of an epidemic nature. The problems facing the fish-cultural industry are much the same as those faced many years ago by the livestock and poultry industries of this country, and which, through proper Federal legislation, have long since been brought under control.

The central mechanism for the operation of the program proposed in this bill to combat the introduction and spread of fish diseases is that of cooperative agreements between the Interior and Commerce Secretaries and the States. These agreements require, among other things, federally supervised inspection and appropriate recordkeeping. A Federal share, not to exceed 50 percent, of the program costs is provided by the bill. The Federal share will be increased to 75 percent if two or more States jointly enter into a cooperative agreement. In the absence of a State cooperative agreement, the Secretary will be authorized to enter into agreements with fish farming organizations and private persons within such a State.

The bill sets a limit of $3,200,000 for the fiscal year 1974 to carry out the purposes of the act, and the same amount for each of the succeeding 4 years.

Mr. President, I send to the desk for reference a bill to provide protection for the fish resources of the United States, including the fresh water and marine fish cultural industries, against the introduction and dissemination of diseases of fish and shellfish, and for other purposes.

I ask that the full text of the bill be printed in the CONGRESSIONAL RECORD at the close of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 522

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Fish Disease Control Act of 1973".

Sec. 2. The Congress finds that—

(1) fish and shellfish industries have experienced rapid growth in the United States and elsewhere and concomitant with such growth have been large-scale interstate and international shipments of live fish and eggs which favor rapid spread of disease;

(2) communicable fish disease resulting from intensive fish cultural operations pose a major threat to valuable and extensive fishery resources of the Nation including cultured fish species of both sport and commercial value in the United States;

(3) additional knowledge of communicable fish diseases is necessary to determine means by which such diseases are spread and to develop therapeutic treatment;

(4) cooperation of State agencies is crucial to an effective disease control program and mechanisms must be established to foster such cooperation.

Sec. 3. For the purposes of this Act the terms—

(1) "Secretary" means the Secretary of the Interior or the Secretary of Commerce, as their program responsibilities are vested pursuant to Reorganization Plan Numbered 4, effective October 3, 1970;

(2) "Department" means the Department of the Interior or the Department of Commerce, as program responsibility is vested in each pursuant to Reorganization Plan Numbered 4, effective October 3, 1970;

(3) "fish" includes all species of fresh water and marine fish, mollusks, crustaceans, amphibians, and reptiles, including their eggs or young, whether normally found in the wild or reared in captivity, whether live or dead, including parts and offal thereof, but does not include tropical or ornamental pet fish which are used for display purposes;

(4) "article" includes fish containers, fish egg shipping containers, fish shipping containers, and any other equipment, mode of conveyance or facility which is associated with the culture, harvest, or transportation of fish;

(5) "disease" means a communicable disease, caused by a virus, bacteria, or other parasite, which is named by the Secretary pursuant to section 4 of this Act;

(6) "United States" means the State thereof and Puerto Rico, Guam, American Samoa, the Virgin Islands, and the District of Columbia;

(7) "State" means the several States of the United States, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the District of Columbia;

(8) "interstate commerce" includes commerce between any of the States, or an introduction into the United States from the high seas or any territorial waters by a person subject to the jurisdiction of the United States;

(9) "foreign commerce" includes commerce between the United States and a foreign country;

(10) "person" includes any State, individual, firm, partnership, corporation, association, or carrier.

Sec. 4. (a) In order to protect fishery resources the Secretary shall

(1) specify by regulation those species of fish which, in the opinion of the Secretary pose a threat to the fishery resources of the United States as sources for the introduction or dissemination of fish diseases in the United States;

(2) identify by regulation the fish diseases which pose a major threat to the fish resources of the United States;

(3) issue such regulations as the Secretary may deem appropriate to prohibit or control the movement in interstate or foreign commerce of diseased fish or articles, including regulations relating to marketing, disposal, quarantine, destruction, and stocking of diseased fish or articles which may enter into interstate or foreign commerce;

(4) issue such other regulations as the Secretary may deem appropriate to carry out the provisions of this Act.

(b) The Secretary shall establish an advisory panel of not more than ten members representing commercial, educational, and scientific interests to make recommendations concerning promulgation of regulations with respect to sections 4(a)(1) and 4(a)(2) above.

(c) The Secretary shall exercise the authority conferred by this Act in consultation with the several States.

Sec. 5. (a) The Secretary is authorized to enter into cooperative agreements with appropriate agencies of the several States (including interstate fishery commissions) in order to develop in conjunction with State agencies an effective and coordinated fish disease control program. Such agreements with a State shall provide for State licensing, regulation, and inspection of fish hatcheries and provide for regulation by the State of intrastate commerce in fish and articles in accord with the intent of this Act. Such agreements shall also contain provision for regular inspection of fish hatchery premises by State officials acceptable to the Secretary as qualified in fish pathology, for submission of samples upon request of the Secretary, and for maintenance of licensing, inspection, and intrastate shipment records. Such agreements shall authorize the Secretary or his delegate to inspect such records.

(b) Cooperative agreements entered into pursuant to subsection (a) of this section shall describe, among other things, the estimated cost of the disease control program and the share of such costs to be borne by the State and by the Federal Government. The Federal Government's share under any cooperative agreement shall not exceed 50 per centum of the costs of the program in such State except that the Federal share shall be increased to 75 per centum whenever two or more States, having a common interest in interstate waters, jointly enter into a cooperative agreement to carry out a disease control program with respect to those waters.

(c) If at the end of two years after enactment of this Act the Secretary has not entered into a cooperative agreement with a particular State by reason of the unwillingness or inability of such State to enter into such agreement, the Secretary shall be authorized to enter into cooperative agreements with fish farming organizations and other persons within such State in order to develop disease control programs. Any cooperative agreement made by the Secretary shall not relieve any person from the provisions of this Act or any regulations issued pursuant thereto. In addition, in the absence of a cooperative agreement with a State, the Secretary is authorized to control and regulate the introduction of fish and fish diseases specified pursuant to section 4 into interstate or navigable waters and tributaries thereof flowing within such State.

(d) Federal funds paid under any cooperative agreement entered into pursuant to this section shall not be used for payment of compensation for destruction, disposal, quarantine, or disinfection costs.

(e) All Federal agencies shall comply with the provisions of this Act and regulations issued pursuant thereto.

Sec. 6. (a)(1) With respect to fish or articles in interstate or foreign commerce or which are destined for movement in, or may move in interstate or foreign commerce, the Secretary may order the owner of any fish or article specified pursuant to section 4, or any other person to dispose of, destroy, disinfect, or quarantine such fish or article in such manner as the Secretary may direct.

(2) The Secretary shall compensate any owner or other person, except a State or State agency or instrumentality, separately on an actual cost basis, for all amounts expended on account of disinfection or quarantine of facilities, which the Secretary determines to have been reasonably incurred. The Secretary shall also compensate any owner, except a State or State agency or instrumentality, of any fish or article destroyed or disposed of up to 60 per centum of the costs which are determined by the Secretary to have been reasonably incurred in connection with a disease control effort: *Provided, however,* That in the absence of a cooperative agreement with the appropriate State agency, compensation paid to an owner within such State, except a State or State agency or instrumentality, for any fish or article which is destroyed or disposed of pursuant to this section shall not exceed 75 per centum of the costs which are determined by the Secretary to have been reasonably incurred in connection with a disease control effort. The total cost arrived at for destruction or disposal of any fish or article shall not exceed the appraised value of such fish or article at the time of destruction or disposal thereof, less any such compensation payable to the owner of the fish or article from a State or other source and less any salvage value of the fish or article which may accrue to the account of the owner of the fish or article.

(3) No money appropriated under this Act shall be expended as compensation for destruction or disposal until alternative methods of disposing of the fish or article, such as controlled marketing, have been considered and not found to be in the interest of an effective disease control program. No claim for compensation under this section shall be paid to any person who, if such claim rose as a result of the act or omission to act of such person and he:

(A) is convicted of a violation of section 7 of this Act; or

(B) is convicted of a violation of section 851 of title 16; or

(C) is convicted of a violation of a State law or regulation concerning fish disease control or public health; or

(D) is found in contempt of an order issued by—

(i) the Secretary, pursuant to this section, or

(ii) an appropriate State official, or

(iii) a court of competent jurisdiction pursuant to subsection (c) of section 7 of this Act.

(4) States shall not be compensated pursuant to this section of any fish disease control effort undertaken by a State within a State hatchery, or, for any State fish disease control effort with respect to the wild fish stocks of a State.

(b) Federal funds made available under other Federal legislation for fish and wildlife conservation programs shall not be used by any person as the non-Federal share of any compensation paid pursuant to this section.

Sec. 7. (a) Except as provided by regulations issued pursuant to section 4 of this Act, it shall be unlawful for any person to receive for transportation or to transport in interstate or foreign commerce, or introduce into navigable or interstate waters any fish or article which is infected or contaminated with a disease specified pursuant to section 4 (a)(2) or any fish specified pursuant to section 4(a)(1); nor shall any person deliver into or receive from such commerce any fish or article infected or contaminated by such a disease, or any fish specified pursuant to section 4(a)(1).

(b) Whoever knowingly violates the provisions of this section, or any regulation promulgated pursuant to section 4 or 5(c) of this Act shall be punished by a fine not exceeding $1,000, or by imprisonment not exceeding one year, or both.

(c) The Secretary may request the Attorney General to bring appropriate action to prevent threatened violations of this Act, or of any regulations or orders promulgated pursuant thereto.

(d) Any action brought pursuant to this section may be instituted in a district court of the United States for any district in which such person is found or resides or transacts business, and such court shall have jurisdiction to hear and decide any such action. In the case of Guam such actions may be brought in the District Court of Guam, in the case of the Virgin Islands such actions may be brought in the District Court of the Virgin Islands, and in the case of American Samoa such actions may be brought in the District Court of the United States for the District of Hawaii and such courts shall have jurisdiction of such actions.

(e) The several judges of the courts established under the laws of the United States and the several States, and United States magistrates, may, within their respective jurisdictions, upon proper oath and affirmation showing probable cause, issue warrants to enforce this Act for execution by designated agents or officers authorized by the Secretary to enforce the provisions of this Act.

SEC. 8. (a) The provisions of this Act, or any regulations or orders issued pursuant thereto, shall be enforced by the Secretary, the Secretary of the Treasury, or the Secretary of the Department in which the Coast Guard is operating, or all such Secretaries. Each such Secretary may utilize, by agreement, with or without reimbursement, the personnel, services, and facilities of any other Federal or State agency.

(b) An authorized agent of any such Secretary is authorized, with or without a warrant, as permitted by law, to—

(1) arrest any person who violates any provision of this Act, or regulation or order issued pursuant thereto; and

(2) search, search for, and seize any fish or article taken, used, or possessed in connection with a violation of any provision of this Act, or any regulation or order issued pursuant thereto,

SEC. 9. The authority conferred upon the Secretary by this Act shall be in addition to any other authority conferred upon him by section 42 of title 18, sections 668aa et seq., and sections 851 et seq. of title 16, or any other laws of the United States.

SEC. 10. If any provision of this Act or application thereof to any person or circumstances is held invalid, the remainder of this Act and the application of such provision to other persons and circumstances shall not be affected thereby.

SEC. 11. Nothing in this Act shall be construed as in any way affecting, modifying or superseding the provisions of the Federal Food, Drug, and Cosmetics Act or the Public Health Service Act, or as permitting the disposition of any article contrary to said provisions.

SEC. 12. There are authorized to be appropriated to carry out the purposes of this Act not to exceed $3,200,000 for the fiscal year ending June 30, 1974, not to exceed $3,200,000 for each of the four succeeding fiscal years, and thereafter only such sums as the Congress may specifically authorize by law.

By Mr. EAGLETON:

S. 539. A bill to amend title II of the Social Security Act to provide for the entitlement of disabled wives and husbands to unreduced wife's and husband's insurance benefits without regard to age;

S. 540. A bill to amend title II of the Social Security Act to provide for the entitlement of disabled widows and widowers to unreduced widow's and widower's insurance benefits without regard to age; and

S. 541. A bill to amend title II of the Social Security Act to reduce from 20 to 10 years the period of time that a divorced woman's marriage to an individual must have lasted for her to qualify for wife's or widow's benefits on the basis of the wages and self-employment income of such individual. Referred to the Committee on Finance.

IMPROVED SOCIAL SECURITY PROTECTION FOR WIVES AND WIDOWS

Mr. EAGLETON. Mr. President, the 92d Congress enacted several important improvements in social security which will mean a more adequate income for millions of the elderly, the disabled, their dependents and survivors.

Nevertheless, there are additional improvements that should be made, and high on my own list of priorities is more adequate protection for wives and widows.

Current law provides no protection for the disabled wives of social security recipients. It provides inadequate protection for disabled widows. And the duration-of-marriage requirement for divorced women leaves many with little or no social security protection.

These gaps and inadequacies in the law affect only thousands rather than millions of people. But for those people, the resulting hardship is very real, and the Congress should be responsive.

Therefore, I am today introducing three bills to improve the social security protection available to wives and widows of insured individuals.

The wife of a man who is drawing social security retirement or disability benefits cannot receive her wife's benefit—unless she has a child in her care—until age 62 even though she becomes ill or disabled and completely unable to work and contribute to household income. The result is that two people, often with extraordinary medical expenses, must live on one social security benefit.

My first bill would provide an unreduced wife's benefit to a disabled wife of a social security recipient regardless of the age at which she becomes disabled. Benefits would be available on the same basis to a disabled dependent husband.

A disabled widow may now receive benefits beginning at age 50. However, that benefit is sharply reduced—at age 50 it is reduced to 50 percent of the amount her husband would be receiving—and she must face the prospect of living on that reduced benefit for the rest of her life.

My second bill would provide an unreduced benefit to a disabled widow or dependent widower regardless of the age at which she or he becomes disabled.

Both of the above measures were recommended by the 1971 Advisory Council on Social Security.

Under current law, a divorced woman must have been married for at least 20 years in order to receive a wife's or widow's benefit based on the earnings of her former husband. But a woman who was married for less than 20 years may still have spent what would have been her prime working years in the home and, as a result, be left with either no social security protection at all or a very small benefit.

My third bill would reduce from 20 to 10 the number of years that a divorced woman must have been married in order to receive benefits based on the earnings of her former husband.

Mr. President, I hope we will not become satisfied with the state of the social security program until we have assured that all of those who need and have earned its protection can qualify for adequate benefits.

By Mr. WILLIAMS (for himself and Mr. RIBICOFF):

S. 547. A bill to amend title 18 of the United States Code to permit the mailing of lottery tickets and related matter, the broadcasting or televising of lottery information, and the transportation and advertising of lottery tickets in interstate commerce, but only where the lottery is conducted by a State agency. Referred to the Committee on the Judiciary.

Mr. WILLIAMS. Mr. President, today I am introducing a bill to amend title 18 and title 39 of the United States Code, which would permit the mailing of State-run lottery tickets and related information, the broadcasting of information on such programs via television and radio, and the advertising of lottery programs in interstate commerce.

Under the existing law, no television or radio station may carry any information relating to a State-run lottery program regardless of its news value. Newspapers are exempt from the Federal regulation providing the information is regarded as a "newsworthy" story. However, the newspapers carrying such articles may only be published and sold within the same State, as the Federal law prohibits the mailing of any lottery information in interstate commerce.

I believe the existing law is unjust and antiquated. More and more States are adopting lottery programs. The eight States which are now operating these programs have demonstrated that the citizens wish to participate and that the programs can be financially successful.

My own State of New Jersey, which has been conducting a lottery program since January 1971, has received more than $200 million in gross revenues. The success of the New Jersey program has produced substantial State aid for the areas of State education and institutions. The increase in funds from lottery revenues applied to State education, from $40 million in the first 1½ years of operation to $99.4 million in fiscal year 1973, alone, clearly indicated the growing success of this program. The division of correction and parole in my State will benefit by an additional $3.3 million from lottery revenues in fiscal year 1973, and the divisions of mental retardation and mental health and hospitals will receive $4.8 million in additional profits.

Other States operating lottery programs have also experienced popular success. The State of New York, which has been conducting a lottery program for some 5 years, has been applying an average of $2.5 million a month from the revenues into education. The officials of the Pennsylvania State lottery program are estimating a net of $50 million in its first year of operation. The financial success of the existing programs are quite apparent and, I believe, will persuade additional States to eventually consider and adopt similar programs.

However, the full potential of the operating programs continues to be hampered by the present law. It has been projected by a number of lottery officials that by permitting the broadcasting of lottery-related information, and through the advertising of lottery programs in interstate commerce, each State would benefit from an additional 10 to 12 percent in the sale of tickets. At the rate of 50 cents per ticket as sold in New Jersey, this increase would mean an additional $12 million in gross revenues. Such a substantial increase could be effectively used toward relieving the growing tax burden on our citizens.

In addition, through the broadcasting of lottery information, the participating residents would be better served. The increased coverage would help to notify more holders of winning tickets, many of which currently go unclaimed.

The efficiency and complete success of the lottery programs will continue to be greatly effected by the existence of this present law.

Therefore, in summary, my legislation would change and correct the law governing State-run lottery programs by:

First, allowing the transportation of lottery tickets and related information and equipment in interstate commerce, by amending title 18, section 1301;

Second, allowing the mailing of lottery tickets and related information, including newspapers carrying lottery information, by amending title 18, section 1302;

Third, allowing postal employees to deliver lottery-related information, by amending title 18, section 1303;

Fourth, allowing the broadcasting of lottery information and the advertising of such programs via television and radio, by amending title 18, section 1304; and

Fifth, allowing postmasters to accept and deliver mail relating to lottery programs, by amending title 39, section 3005.

Mr. President, the success of the lottery programs in raising revenues for the States has been clearly demonstrated. Additional States are expected to participate. Therefore, I am hopeful that the existing law now hindering the lottery programs will be amended in order to benefit all States involved.

Mr. RIBICOFF. Mr. President, I am pleased to join with the distinguished Senator from New Jersey (Mr. Williams) in introducing a bill to allow newspapers and broadcasters to disseminate information on State-run lotteries and to allow the mailing of tickets for such lotteries.

The State of Connecticut, along with a number of other States, is now using a lottery as a means to raise revenues. Unfortunately the news media is so restricted under the present law in its use of lottery information, the State has difficulty getting its message across to potential purchasers. Radio and television stations in Connecticut are barred from broadcasting lottery information or advertisements. In addition, because the mailing of lottery tickets, information and advertising is illegal, newspapers either have to forgo the use of the mails or print a special mail edition which contains none of the prohibited information.

Unless this proposal is passed, Connecticut, New Jersey, and other lottery States will continue to be hampered in their attempts to raise the revenues necessary to meet their increasing needs.

By Mr. HUMPHREY (for himself, Mr. Aiken, Mr. Mondale, Mr. Nelson, Mr. Proxmire, and Mr. Bentsen):

S. 548. A bill to provide price support for milk at not less than 85 per centum of the parity price therefor. Referred to the Committee on Agriculture and Forestry.

NIXON DECISIONS HURTING BOTH CONSUMER AND DAIRY FARMER

Mr. HUMPHREY. Mr. President, I would like to call the Senate's attention to the very appropriate remarks last week of the senior Senator from Wisconsin (Mr. Proxmire) regarding the administration's emergency action to increase the quota on nonfat dry milk by 25 million pounds. The Senator's position is quite sound and I associated myself with it.

I would like the Record to show that on the first day of business after the President's proclamation was signed, I contacted the Secretary of Agriculture to object to the action. Once again, as it did in 1970, the administration used the holiday season to issue its pronouncement and thus, with all the other activity, mute, if not conceal, its action.

Senator Proxmire pointed out that this action was taken, under the emergency provision, without the Tariff Commission's views on the increase.

I will add that this use of the emergency power was unnecessary and unwarranted. As far back as August there were rumblings of a maladjustment of nonfat dry milk availability. There was a short supply in the East, but a full supply condition on the west coast.

Yet the Commodity Credit Corporation went blithely along selling off its stocks without any regard for the domestic user. August or even September was the time to consider whether further imports would be necessary. Such action then could have been processed through the orderly provisions of section 22.

Senator Proxmire painted the picture of what such action will do to the domestic pricing situation; it would be forced downward.

But was the domestic processor then saved any money? The answer is "No." Neither was the American housewife offered savings on her ice cream, bread, and the numerous other products which nonfat dry milk serves to enrich nutritionally.

As a matter of fact, the imports probably cost the CCC almost $8 million. This is so, because we are approaching the surplus milk season when the production of milk and manufacture of nonfat dry milk are at their annual high point.

To reiterate, Mr. President, I agree with the Senator from Wisconsin that the real result is a decline in dairy farm income—and not in savings to the consumer.

The Washington Post of January 16, 1973, reported that the White House did not intend to put price controls on raw agricultural products but would rely, instead, on increasing the food supply to keep prices down. One way, the article continued, would be to relax present import quota regulations. But there is an even better way—and one fair to our farmers and consumers alike.

If the White House wants to increase the production of milk it can do so by raising the support level. The $4.93 which currently is the price floor is not even the 75 percent of parity required by the Agricultural Act of 1949. While the present price of manufacturing milk is not much over 80 percent of parity, it will be coming down during the flush season. If CCC purchases at its current support prices, the parity ratio will be less than the 75-percent minimum of the Agricultural Act of 1949. The dairy farmer needs assurance that the price for his milk will not fall below 85 to 90 percent of parity. Then, and only then, will we be assured of an adequate domestic supply. Then, the consumer will be assured of a fair price.

Mr. President, I introduce at this time a bill to provide price support for milk at not less than 85 percent of the parity price and ask unanimous consent that the text of the bill be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 548

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 201 of the Agricultural Act of 1949 (7 U.S.C. 1446), as amended, is further amended by adding the following new subsection:

"(d) Notwithstanding the foregoing provisions of this section, effective for the period beginning April 1, 1973, and ending on March 31, 1974, the price of milk shall be supported at not less than 85 per centum of the parity price therefor."

By Mr. PERCY (for himself, Mr. Cook, and Mr. McGovern):

S. 549. A bill to expand and improve the direct food distribution program. Referred to the Committee on Agriculture and Forestry.

FOOD DISTRIBUTION ACT OF 1973

Mr. PERCY. Mr. President, I am again introducing my bill to expand and strengthen the food distribution program of the U.S. Department of Agriculture.

The food distribution program has traditionally had the dual purposes of alleviating farm surpluses and helping the poor. It presently feeds about 3 million Americans living in about 1,000 counties and cities. It is an outgrowth of farm legislation of the mid-1930's. That legislation was designed primarily to remove farm surpluses and help support farm prices; and, only secondarily, to feed America's hungry. The program reached peak levels after World War II. Since the early 1960's, it has been overshadowed by the food stamp program, which now reaches about 11.6 million people.

Mr. President, the recent report of the Citizen's Board of Inquiry Into Hunger and Malnutrition in the United States confirmed the existence of the serious weaknesses in this program which were first revealed in hearings I chaired for the Select Committee on Nutrition and Human Needs in September 1971.

The report, "Hunger U.S.A. Revisited," makes these points about the commodity distribution program:

1. USDA has refused to promulgate uniform nationwide eligibility guidelines, thus allowing state governments to impose their own standards. State standards may also be denied by local officials with impunity.

2. The location of distribution centers remains a discouraging factor in commodity participation, and USDA makes no effort to gather information on how many counties serve recipients from centers which are in excess of 50 miles from recipient homes. Hours and days of distribution are left to local discretion.

3. Storage of commodities has not improved significantly in the past four years. USDA does not have a significant program of warehouse inspection to guarantee minimal standards of sanitation or refrigeration.

4. USDA makes little attempt to obtain facts or figures on persons potentially eligible to receive commodities for the purpose of evaluating county outreach performance.

My bill is an effort to deal directly and forcefully with these and other problems. It is designed to make the Government more responsive to the recipients of surplus foods and to make the delivery of food to the poor and ill fed the major aim of the program.

My authorship of this legislation does not in any way imply that I favor reversing the trend away from the food distribution program and toward the food stamp program. I hope that food stamps will eventually replace commodity distribution entirely; and I hope that cash benefits to the poor will eventually eliminate the need for food stamps.

But the record of the 92d Congress suggests that these developments are still a long way off. We need a strong and workable food distribution program now. And that is what this bill accomplishes.

I want to point out that this bill does not amend any existing statute, but rather establishes a new program. The reason I do this is simply because there are only vague and passing references to a food distribution program in the authorizing legislation, section 32 of the Agricultural Adjustment Act of 1935 and section 46 of the Agricultural Act of 1949.

It is essential to revise the present structure of the food distribution program so that it serves the low-income consumer and makes easily accessible to him food whose quality is unimpaired, which suits his taste, which is appropriately processed and packaged to permit convenient use and storage, and which is of sufficient quantity and variety to constitute a nutritionally adequate diet as prepared and served.

The bill sets up national standards of eligibility similar to those of the food stamp program and provides that eligibility for one program automatically constitutes eligibility for the other. Administration is left in the hands of the county except where participation falls below 50 percent of the eligible population. In that case the Secretary of Agriculture is authorized to step in and run the program.

In an attempt to insure the recipient a nutritionally adequate diet, the bill authorizes that foods other than surplus commodities may be distributed and that foods distributed must provide 125 percent of the recommended daily allowance of nutrients. The foods must be adequately packaged in small quantities and must be labeled to indicate the manufacturer's name, all ingredients, the nutritional content, and a date when the foods can no longer be assumed to be safe.

The bill requires that the distribution system at the county level be set up so that foods will be available in convenient locations and at convenient hours. The warehouses must meet the local health standards for restaurants.

Finally, the bill authorizes USDA to pay all administrative costs of the program. The bill provides for authorizations of $75 million and $100 million in the next 2 fiscal years to cover these costs. Food will continue to be purchased with section 32 moneys.

With this legislation, the Congress has the opportunity to take a significant step in our progress toward the goal of eliminating hunger and malnutrition. We must replace a faltering and ineffective program with one which will fulfill the expectations of the poor and disadvantaged. I urge swift action on this badly needed legislation.

I ask unanimous consent that the full text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 549

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Food Distribution Act of 1973".

STATEMENT OF FINDINGS AND PURPOSE

Sec. 2. (a) The Congress finds that—

(1) millions of Americans living in low-income households suffer from hunger and malnutrition because their income is insufficient to enable them to purchase a nutritionally adequate diet through normal channels of trade;

(2) while the food stamp program enables some low-income households to afford a nutritionally adequate diet, many low-income households are not located in areas in which the food stamp program operates or are otherwise unable to participate fully in that program;

(3) for those low-income households not assisted by the food stamp program, the food distribution program is the sole alternative source of Federal family food assistance;

(4) the food distribution program now in effect fails to eliminate hunger and malnutrition among low-income households;

(5) the food distribution program now in effect is said to be designed and administered for the benefit of the producers of surplus agricultural commodities rather than for the benefit of low-income households in need of adequate nutritious food;

(6) the food distribution program now in effect provides food at times that is either spoiled at the time of distribution or spoils immediately after distribution; that is unsuited to ethnic, religious, or other personal preferences; that is in a form demanding extensive preparation; and that is insufficient in quantity and variety to meet minimum daily nutritional allowances, particularly given the problems of storage and handling confronting low-income households; and

(7) in order fully to safeguard the health and well-being of all low-income households by providing them with adequate levels of food consumption and nutrition, it is essential to expand and improve the present food distribution program so that it serves the low-income households not reached by the food stamp program and makes easily accessible to such households food that is unimpaired in quality; that is consonant with the tastes of the recipients; that is appropriately processed and packaged to permit convenient use and storage; and that is of sufficient quantity and variety to constitute a nutritionally adequate diet as prepared and served.

(b) It is the purpose of this Act to expand and improve the food distribution program so that it meets the criteria set forth in subsection (a) (7) of this section and, in combination with the food stamp program, helps eliminate hunger and malnutrition for every low-income household in the United States.

DEFINITIONS

Sec. 3. As used in this Act—

(1) The term "distributing agency" means any State agency or the Secretary or any public agency or private nonprofit organization responsible for distributing food to recipient households either by virtue of delegation from a State agency or action by the Secretary pursuant to the provisions of section 7 (e) of this Act.

(2) The term "food distribution program" means the program of distributing federally donated foods and agriculture commodities and products to low-income households under section 32 of the Act of August 24, 1935, as amended (7 U.S.C. 612c), or section 416 of the Agricultural Act of October 31, 1949, as amended, or under any other provision of law administered by the Secretary.

(3) The term "food stamp program" means the program of distributing food coupons to low-income households under the Food Stamp Act of 1964, as amended.

(4) The term "household" means one or more individuals, related or nonrelated, who are not residents of an institution or boardinghouse, but who live together as one economic unit and customarily eat meals together.

(5) The term "nutritional value" means the amount of nutrients (protein, vitamins A, B, C, and D, carbohydrate, fat, calories, calcium, iron, and such other nutrients as are contained in the nutritional requirements established by the recommended daily allowances of the Food and Nutrition Board, National Academy of Sciences-National Research Council) contained in a food expressed in terms of the relationship of the amount of each nutrient contained in such food to such recommended daily allowances.

(6) The term "program subdivision" means any country or other political unit or area smaller than a State in which a food distribution program is in operation.

(7) The term "Secretary" means the Secretary of the United States Department of Agriculture.

(8) The term "State" means each of the fifty States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, and the Trust Territories of the Pacific.

(9) The term "State agency" means the agency of the State government, including the local offices thereof, which has the responsibility for the administration of the food distribution program within the State, except that after July 1, 1974, it shall mean the agency responsible for the administration of the federally aided public assistance programs within the State.

(10) The term "food" has the meaning prescribed for that term by section 201 of the Federal Food, Drug, and Cosmetic Act, except that such term does not include any fresh fruit.

(11) The term "perishable or semiperishable food" means any food which the Secretary determines has a high risk of any of the following as it ages: (A) spoilage; (B) significant loss of nutritional value; or (C) significant loss of palatability.

(12) The term "pull date" means the last date on which a perishable or semiperishable food can be sold for consumption without a high risk of spoilage or significant loss of nutritional value or palatability, if stored by the consumer after that date for the period which a consumer can reasonably be expected to store that food.

ELIGIBLE HOUSEHOLDS

SEC. 4. (a) In the administration of the food distribution program, the Secretary shall provide that any household shall be eligible to participate in such program if its income and other financial resources are within the criteria established by the Secretary under section 6(a) of the Food Stamp Act of 1964, as amended, except that any household shall be eligible to participate in such program if, on the basis of its income and other financial resources, it would have been eligible for food stamp coupons under the standards of eligibility of the State plan of operation which was in effect, immediately prior to the enactment of Public Law 91-671 (84 Stat. 2048), for the food stamp program for the State in which such household is located.

(b) In determining the eligibility of any household to participate in the food distribution program, none of the resources of such household, other than income, shall be counted.

(c) The Secretary may establish temporary emergency standards of eligibility, without regard to income and other financial resources, for households that are victims of any disaster which has disrupted commercial channels of food distribution when he determines that such households are in need of temporary food assistance.

NATURE AND QUANTITY OF FOOD DISTRIBUTION

SEC. 5. (a) The food distributed pursuant to the food distribution program shall not be restricted to commodities deemed to be in surplus, but shall include commodities that (1) are suited to the particular ethnic, religious, or other taste preferences of the recipient households as determined by sample surveys conducted by the Secretary in each program subdivision, and (2) are appropriately fortified with vitamins and minerals to overcome proven nutritional deficiencies.

(b) The food distributed pursuant to the food distribution program shall, when delivered to the recipient households, be in a condition fit for safe consumption and in a form, processed or otherwise, that is convenient to prepare for consumption.

(c) The food distribution pursuant to the food distribution program shall include as wide a range of commodities as possible in keeping with the criteria set forth in subsections (a) and (b) and shall be of sufficient quantity and variety to provide recipient households with 125 per centum of their daily nutritional requirements as established by the recommended daily allowances of the Food and Nutrition Board, National Academy of Sciences-National Research Council.

PACKAGING AND LABELING

SEC. 6. The food distributed pursuant to the food distribution program shall be packed in containers that (1) are sufficiently durable to withstand a storage period of six months without breaking open or otherwise permitting the contents to come in contact with the outside air; (2) are impervious to vermin and insects; (3) are equal in every performance characteristic to the containers used to hold comparable foods distributed under title II of the Agricultural Trade Development and Assistance Act of 1954, as amended; (4) can be, when practicable and after the contents have been consumed, used for a purpose other than that of food container; (5) are, when practicable and prescribed by the Secretary, of a size sufficient to hold no more than five average adult servings of the food contained therein; and (6) bear a label which has type that is conspicuous and easily legible in distinct contrast (by topography, layout, color, embossing, or molding) with other matters on the container, and which contains a statement specifying (A) all ingredients contained in such food in the order of their predominance, (B) the nutritional value of each average serving of food contained therein, (C) the number of servings of food contained therein, (D) the name and address of the producer of the food contained therein, and (E) in the case of perishable or semiperishable food, the pull date and the optimum temperature and humidity conditions for storage by the ultimate consumer.

ADMINISTRATION

SEC. 7. (a) (1) Subject to the conditions prescribed in paragraphs (2), (3), and (4) of this subsection, the distributing agency for any State or any subdivision of a State shall assume responsibility for the certification of applicant households and for the distribution of food allotments.

(2) Applicant households shall be certified for eligibility solely on the basis of a simplified written statement, conforming to standards prescribed by the Secretary, and such statement shall be acted upon and eligibility certified or denied within seven days following the date upon which the statement is initially filed. A certification of eligibility shall remain in effect for one year from the date thereof. The Secretary shall, however, provide for adequate and effective methods of verification of the eligibility of recipients subsequent to certification through the use of sampling and other scientific techniques. Notwithstanding any other provision of law, if a household, certified as eligible for the food stamp or food distribution program in any political subdivision, moves to another political subdivision in which the food stamp or food distribution program is operating, such household shall be eligible to participate in either the food stamp or food distribution program, whichever is operating in such other political subdivision, in accordance with the prior certification.

(3) Food allotments under the food distribution program shall be distributed in each subdivision in which such program is in operation on a fixed schedule on a weekly basis between 9 antemeridian and 6 postmeridian and after 6 postmeridian on at least one weekday and/or on Saturday, and shall be distributed from a central location within that subdivision so that no recipient shall have to travel unreasonable distances or shall have to spend an unreasonable length of time in travel. Each recipient household shall be informed of the times and locations of distribution by means of a monthly letter from the distributing agency, and such times and locations shall be regularly announced in the newspapers that circulate in the subdivision and, where feasible, on the radio and television stations operating in the subdivision. Such times and locations shall also be prominently posted in each public assistance office in the subdivision.

(4) The distributing agency shall assure, in accordance with regulations issued by the Secretary, that the distribution location and the site of each warehouse in the subdivision in which foods to be distributed are stored prior to distribution (if different from said location) are inspected at least twice a year by appropriate State or subdivision health officials and certified by such officials as complying with the State and/or subdivision health codes applicable to restaurants and similar enterprises at which food is handled.

(b) The State agency of each participating State shall assume responsibility for the certification of applicant households and for the distribution of food allotments. There shall be kept such records as may be necessary to ascertain whether the program is being conducted in compliance with the provisions of this Act and the regulations issued pursuant to this Act. Such records shall be available for inspection and audit at any reasonable time and shall be preserved for such period of time, not in excess of three years, as may be specified in regulations issued by the Secretary.

(c) Participating States or participating political subdivisions thereof shall not decrease welfare grants or other similar aid extended to any person or persons as a consequence of such person's or persons' participation in benefits made available under the food distribution program.

(d) The State agency of each State shall submit for approval a plan of operation specifying the manner in which such State intends to conduct such program. Such plan of operation shall provide, among such other provisions as may by regulation be required, the following: (1) for the use of the eligibility standards promulgated by the Secretary under section 3 of this Act and the certification procedures specified in subsection (a) (2) above; (2) safeguards which restrict the use of disclosure of information obtained from applicant households to persons directly connected with the administration or enforcement of the provisions of this Act or the regulations issued pursuant to this Act or to State or local prosecuting attorneys; (3) that the State agency shall undertake to inform low-income households concerning the availability and benefits of the food distribution program and encourage the participation of all eligible households, with use of bilingual materials and personnel wherever necessary; (4) for the granting of a fair hearing and a prompt determination thereafter to any household aggrieved by the action of a State agency under any provision of its plan of operation as it affects the participation of such household in the food distribution program in accordance with the procedures set forth in the regulations issued pursuant to the Food Stamp Act of 1964, as amended, and (5) for the submission of such reports and other information as may from time to time be required.

(e) After the lapse of ninety days from the approval of this Act, if a month should occur in the course of the operation of the food distribution program in any subdivision in which the number of persons participating in the program is less than one-half of the number of persons in that program subdivision who are from households whose annual income is below the poverty level as determined by the Secretary in consultation with the Secretary of Health, Education, and Welfare (which number shall be determined annually on the basis of the most recent available data from the Secretary of Commerce), the Secretary shall directly administer such program in such subdivision or administer such program through any appropriate Federal, State, or county agency or through any public agency or private nonprofit organization approved by the Secretary. When the Secretary administers a food distribution program through a public agency or private nonprofit organization, he shall require the public agency or private nonprofit organization to observe all the appropriate provisions of this Act and regulations issued pursuant thereto.

COOPERATION WITH DISTRIBUTING AGENCIES

SEC. 8. (a) The Secretary shall pay each distributing agency an amount equal to all of the operating expenses incurred by the distributing agency in administering the food distribution program, including, but not limited to, the cost of determining the eligibility of households, of transporting the food to be distributed from the points at which it is received from the Secretary to the locations at which it is distributed to recipient households (including the cost of delivering such food to the homes of recipient households composed entirely of persons sixty years of age or over and/or persons who are too physically or mentally handicapped to travel to the distribution location for the purpose of carrying such food to their homes), of storing such food is warehouses under such conditions as may be necessary to meet the distribution requirements prescribed in section 5(b) of this Act, and of taking the action required under the provisions of section 7 (d)(3) of this Act. In no event shall funds be used to pay any portion of such expenses if reimbursement or payment thereof is claimed or made available from any other Federal source.

(b) In addition to funds appropriated or otherwise available under any other provision of law, the Secretary is authorized to use for the fiscal year 1974 the sum of $75,000,000 and for each fiscal year thereafter the sum of $100,000,000 in funds from section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), to carry out the provisions of subsection (a).

By Mr. PERCY (for himself, Mr. PASTORE, Mr. STAFFORD, and Mr. STEVENS):

S. 550. A bill to provide a comprehensive child nutrition program. Referred to the Committee on Agriculture and Forestry.

COMPREHENSIVE CHILD NUTRITION ACT OF 1973

Mr. PERCY. Mr. President, I am today reintroducing the "Comprehensive Child Nutrition Act" which I first introduced late in the last session.

I am more convinced now than I was last year that this bill is the best and perhaps the only way of bringing about fundamental and far-reaching changes in our child nutrition programs, changes which will have some chance of finally closing the hunger gap in this country.

I am convinced that we shall not eliminate hunger and malnutrition among nearly 70 million young people unless and until we restructure the basic framework within which we are currently operating.

I am convinced that we shall not do a better job until we eliminate the incredible amount of bureaucratic redtape produced by the USDA which keeps dedicated public servants at the State and local levels from adequately performing their jobs. We will do a better job only when we give them the authority to assess their own needs and establish their own priorities as well as the necessary funds to meet those needs.

My bill accomplishes this basic reform in child nutrition programs. No other piece of legislation I have read or heard about accomplishes as much.

Mr. President, the Comprehensive Child Nutrition Act of 1973 would collect the fragmented programs and allocations administered by USDA under the heading of "child nutrition" and consolidate them into a simplified bloc grant to the States.

The act would, in effect, abolish the 23 categorical child nutrition programs—each with its own regulations, funding, and matching formulas—which are now administered by the Food and Nutrition Service and the Consumer and Marketing Service of the USDA and which now cost about $1.4 billion annually. It would replace these programs with a single, unified program, administered by the Department of Health, Education, and Welfare, which would permit the States to use their funds flexibly to meet local demands for child feeding.

Ten other sources of funding for child nutrition would remain available in three departments—HEW, OEO, and HUD—but could be readily handled under, or in conjunction with, the new child nutrition program. Major programs such as the school breakfast, school lunch, nonschool feeding, or special food service program, and the special milk program would be permanently absorbed into each State's overall child nutrition grant.

The intent of the proposed legislation is to remove all the bureaucratic barriers which now prevent State educational agencies from efficiently directing money to where the need and demand are greatest, particularly where the poor are concerned. This simplification alone would redirect millions of dollars now spent on overhead to meals for the malnourished. States which prefer to serve more lunches and fewer breakfasts could do so at will. Urban States which require large infusions of equipment assistance to get any inner city feeding programs off the ground could readily channel available funds to these programs. States which have been unable to utilize a major share of their free and reduced price lunch funds to expand coverage of the poor could invest as much of their total grant as would be necessary to deliver meals to the needy.

At the same time as the act would unshackle the States from bureaucratic chains which inhibit them from getting the job done, it would retain and indeed strengthen the incentives to the States to guarantee free food service to children from "poor" and "near poor" households and to assure the nutritional adequacy of the meals served. Federal oversight of the program would be maintained through the requirement of a State plan for child nutrition as a prerequisite to funding.

The act would strengthen the States' ability to deliver good nutrition to all children—preschool and school age—at all times—during vacations as well as the school year—in all places—off school premises and on—and by all means—through child development institutions and public or private nonprofit agencies in addition to regular school systems. Thus, the increased freedom for the States would not be at the expense of the children intended to be fed, but, rather, would immediately benefit them.

Under the provisions of the proposed legislation, a State would be guaranteed the sum of 10 cents for each child under 18 years of age multiplied by 160 plus an additional 50 cents for each child at or below the poverty level multiplied by 160. On the basis of the 1970 census data, the estimated cost of the program in the first year would be just over $1.9 billion, about $500 million more than the current spending level. No State would receive less under this act than it received in fiscal year 1973.

Aside from a new funding formula, a major innovation would be the elimination of any State-matching requirement. There are now varying matching formulas embedded in 12 of the 23 child nutrition programs operated by the USDA, all of them inhibiting full use of available Federal funds.

The removal of the imperative to match would, in some instances, relieve the pressure to raise food prices for middle-class children, and in every instance, release hard-pressed State legislatures from having to confront the dilemma of taking from some programs to support child nutrition.

Other important features of the bill are:

Reimbursement for all costs related to food preparation and delivery except construction of food service facilities;

Reimbursement for breakfasts, lunches, or snacks if they meet nutritional standards;

Free meals to children at or below the poverty level, with States free to set higher standards up to 50 percent of the poverty level;

Authority for States to bypass local authorities if they refuse to establish a child nutrition program.

Mr. President, this proposal is in keeping with recent efforts to turn back money and power to the States. It is in keeping with proposals for the reorganization of the executive branch of the National Government. The accent here is on coordination in place of fragmentation; simplicity in design in place of complexity; and flexibility in meeting needs in place of rigidity and outdated standards.

I must confess, Mr. President, that I cannot understand—or accept—the view which seems to prevail within some quarters of the executive branch that you can trust the States to do the job in most program areas without Federal control and constant intervention, but that this is not true of child nutrition programs.

Moreover, I cannot understand the view popular in some circles outside the Government that further tinkering with the present framework will solve what most experts perceive to be the basic problem: USDA unwillingness to untie the hands of State and local officials to meet the needs of the people.

Federal control without Federal redtape is an impossible dream.

Fundamental and comprehensive reform is the only way to do a better job in this field. I urge prompt action on the legislation I am introducing today.

I have several exhibits which will further explain the nature of this legislation. I ask unanimous consent that the following materials be printed in the RECORD:

First, the full text of the Comprehensive Child Nutrition Act of 1973.

Second, a section-by-section analysis of the act.

Third, a listing of the 23 programs replaced by the act.

Fourth, a table listing each State's allotment under this act.

There being no objection, the material

was ordered to be printed in the RECORD, as follows:

S. 550

A bill to provide a comprehensive child nutrition program

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Comprehensive Child Nutrition Act of 1973".

FINDINGS AND DECLARATION OF POLICY

SEC. 2. (a) The Congress finds that (1) in the absence of good nutrition children cannot develop and learn to their full capacity; (2) every child has a right the year-round to the nutritional resources necessary to optimal health and well-being; (3) schools and other institutions that are responsible for child development have an unrivaled opportunity to fulfill that right; (4) until such time as sufficient resources are available to guarantee good nutrition to all children, priority must be given to feeding adequately those children from families with the greatest economic need; (5) thorough understanding of the principles of good nutrition is lacking among teachers, pupils, and their parents; and (6) the numerous child nutrition programs now in effect are too fragmented, compartmentalized, and uncoordinated to achieve the desired nutritional results at the critical local level.

(b) It is hereby declared to be the policy of the Congress that every child in the United States be provided an adequate nutritional diet throughout the entire year, that such diet be provided under comprehensive child nutrition programs carried out by the Nation's schools, child development institutions, and other agencies and organizations concerned with the development of children, and that special emphasis under such programs be given to economically disadvantaged children. It is further declared to be the policy of Congress that this goal should be accomplished by simplifying and strengthening State and local administration of child nutrition programs in order to reduce the barriers between food and the children to be served and by increasing the knowledge of children and those charged with their care about the nature of various foods and their importance for physical, intellectual, and social development.

DEFINITIONS

SEC. 3. As used in this Act—

(1) "Children" means all persons not more than eighteen years of age and all persons age eighteen and over who are attending secondary school.

(2) "Child development institution" means a public or private nonprofit institution other than an elementary or secondary school that provides educational, nutritional, social, medical, or physical services to children to assure their growth and enable them to attain their maximum potential, including, but not limited to, Headstart centers, child day care centers, other preschool centers, settlement houses, recreation centers, youth training centers, centers for handicapped children, and similar facilities.

(3) "Child nutrition program" means any program under which meals, snacks, or milk are provided to children on a nonprofit basis or under which other educational, social, medical, and physical services related to establishing good nutritional health in children are provided on a nonprofit basis.

(4) "School" means any day or residential school which provides elementary or secondary education, as determined under State law, except that it does not include any portion of any school providing education beyond grade 12.

(5) "Income eligibility guidelines" means household size income levels established by the Secretary no later than May 15 of each calendar year for use during the succeeding fiscal year and which may not be lower than the household size income levels fixed on a yearly basis by the United States Department of Commerce, Bureau of the Census, for the determination of urban poverty in the United States. The household size income levels so established by the Secretary may be increased in any State by the State educational agency, but may not be increased by such agency in any State to a level which exceeds the level established by the Secretary by more than 50 per centum.

(6) "Meal" means any food unit furnished to a child that provides at least one-third of that child's daily nutritional requirements as established by the Recommended Daily Allowances of the Food and Nutrition Board, National Academy of Sciences—National Research Council, whether such food unit is served as breakfast, lunch, or supper.

(7) "Snack" means any food unit furnished to a child other than milk alone that does not provide at least one-third of that child's daily nutritional requirements as established by the Recommended Dietary Allowances of the Food and Nutrition Board, National Academy of Sciences—National Research Council.

(8) "Milk" means fluid whole milk, flavored milk made from whole fluid milk, or recombined or reconstituted fluid whole milk where adequate fresh supplies are unavailable.

(9) "Nonprofit private school" means any private school exempt from income tax under section 501(c)(3) of the Internal Revenue Code of 1954.

(10) "Public or private nonprofit agency or organization" means any agency or organization that is not operated for profit, including but not limited to community action agencies, community corporations, parent cooperatives, church groups, institutions of higher education, and child development institutions.

(11) "School food authority" means the governing body which is responsible for the administration of one or more schools and which has the legal authority to operate a child nutrition program therein. It also includes a nonprofit agency to which such governing body has delegated authority for the operation of such a program in a school.

(12) "Secretary" means the Secretary of Health, Education, and Welfare.

(13) "State" means any of the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific.

(14) "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of schools, or, if there is no such agency or officer, an agency or officer designated by the Governor or State law.

AUTHORITY TO ESTABLISH PROGRAMS; COORDINATION; OFFICE OF CHILD NUTRITION

SEC. 4. The Secretary is hereby authorized and directed to (1) establish child nutrition programs in accordance with the provisions of this Act; (2) take all necessary action to coordinate such programs with every other Federal program under his jurisdiction that provides funds for child nutrition; and (3) create, within the Department of Health, Education, and Welfare, an Office of Child Nutrition, administered by a Director, which shall be the principal agency of that Department for the administration of this Act.

CHILD NUTRITION PROGRAMS

SEC. 5. Funds appropriated under section 6 may be used for the following activities:

(1) planning and developing child nutrition programs, including the operation of pilot and demonstration programs to test the effectiveness of new concepts and delivery systems;

(2) establishing, maintaining, and operating (including the administering and supervising of such programs, the remodeling, renovation, repair, and alteration of facilities essential to enable the installation of food service equipment, and the acquisition, rental, maintenance, and repair of necessary food service equipment and supplies) child nutrition programs, which may include, but shall not be limited to—

(A) providing meals, snacks, and milk to children while attending school;

(B) providing meals, snacks, and milk to children while attending child development institutions;

(C) providing meals, snacks, and milk to children on the premises of schools, child development institutions, or other public or private nonprofit agencies and organizations during the summer and on weekends as well as during the regular school year;

(D) providing training in and materials on the fundamentals of good nutrition to children and their parents and workers in such programs;

(E) providing the services of health professionals and aides to monitor the nutritional well-being of children and take the necessary steps to correct any nutritional deficiencies in such children;

(F) providing paid paraprofessional food service aides and volunteers, especially parents and the elderly, in the delivery of the meals, snacks, and milk referred to above; and

(G) such other activities as the Secretary deems appropriate in furtherance of the purposes of this Act;

(3) evaluating and surveying the relative effectiveness of child nutrition programs in assuring good nutrition; and

(4) studying the food habits and needs of children.

AUTHORIZATION OF APPROPRIATIONS AND APPORTIONMENT TO STATES

SEC. 6. (a) In order to carry out in each State the activities described in section 5 of this Act, there are authorized to be appropriated to the Secretary each fiscal year, beginning with the fiscal year in which this Act becomes effective, an amount equal to a sum determined by—

(1)(A) multiplying ten cents by the number of children residing in each State (as determined by the Secretary using the most recent satisfactory data available to him), and (B) multiplying the product thereof by 160; and

(2)(A) multiplying fifty cents by the number of children residing in each State who are members of households whose annual incomes are not above the applicable family size income level set forth in the income eligibility guidelines (as determined by the Secretary using the most recent satisfactory data available to him), and (B) multiplying the product thereof by 160.

Funds appropriated pursuant to this subsection shall be disbursed to each State on the basis of the formula provided in clauses (1) and (2) applied to that State.

(b) If the State education agency of any State is not permitted by law to disburse the funds paid to it under subsection (a) of this section to nonprofit private schools in such State, the Secretary shall withhold from the funds otherwise to be paid to such State under such subsection (a) an amount equal to a sum determined by—

(1)(A) multiplying ten cents by the number of children residing in each such State who attend non-profit schools in such State (as determined by the Secretary using the most recent satisfactory data available to him), and (B) multiplying the product thereof by 160; and

(2)(A) multiplying fifty cents by the number of children residing in such State who attend nonprofit private schools in such State and who are members of households whose annual incomes are not above the applicable family size income level set forth in the income eligibility guidelines (as determined by the Secretary using the most recent satisfactory data available to him), and

(B) multiplying the product thereof by 160.

The Secretary shall disburse the funds so withheld directly to the nonprofit private schools within such State to carry out the activities set forth in section 5 of this Act, subject to the conditions set forth in subsection (a) through (d), (e)(2), (f)(1), and (g) of section 7 of this Act.

(c) Notwithstanding any other provision of law, any funds appropriated to carry out the provisions of this Act shall remain available until expended.

(d) Funds payable to any State pursuant to subsection (a) during any fiscal year shall be available for payment to such State in installments and in advance, with necessary adjustments on account of overpayments or underpayments.

(e) Funds paid to any State during any fiscal year pursuant to subsection (a) shall be disbursed by the State education agency, pursuant to agreements, to school food authorities, child development institutions, or other public or private nonprofit agencies and organizations within such State to enable such authorities, institutions, agencies, and organizations to meet the cost of providing child nutrition programs, while also fulfilling the applicable requirements of section 7. In no event shall disbursements to any such authority, institution, agency, or organization over the period of any fiscal year be less than similar disbursements made to such authority, institution, agency, or organization during the fiscal year immediately preceding the fiscal year in which this Act became effective.

(f) The Secretary shall reserve not in excess of 5 per centum of the sums appropriated pursuant to section 4 for use by him to provide assistance for research, demonstration, training, technical assistance, and evaluation activities designed to further the effective implementation of child nutrition programs.

SEC. 7. (a) Meals, snacks, and milk provided in child nutrition programs pursuant to this Act shall be served without cost to any child who is a member of a household which has an annual income not above the applicable household size income level set forth in the income eligibility guidelines. Determination with respect to the annual income of any household shall be made solely on the basis of a uniform declaration prescribed by the Secretary and executed by an adult member of the household. Notwithstanding the income eligibility guidelines, all children who are attending a school or child development institution in which 75 per centum or more of the students are eligible for free meals and all children attending a school or child development center who are children of migrant agricultural workers (as defined by the Secretary) shall be served meals, snacks, and milk free.

(b) No physical segregation of or other discrimination against any child shall be made by any school food authority, child development institution, or other public or private nonprofit agency or organization because of the child's inability to pay, nor shall there be any overt identification of any such child by any token or ticket in any respect different from those given any child who pays for his meal, snack, or milk, by announced or published lists of names, or by any other means. No child or any member of his family shall be required to perform any work or service for any authority, institution, agency, or organization in return for any meal, snack, or milk provided such child under this Act.

(c) Each school food authority operating a child nutrition program pursuant to this Act shall make available to every child in attendance in schools administered by such authority who is a member of a household which has an annual income not above the the applicable household size income level set forth in the income eligibility guidelines at least one meal during each day school is in session unless an adult member of the child's household notifies the authority in writing that he does not want such child to receive any meal. In the event that any such school food authority fails, after the expiration of a period of eighteen months following the effective date of this Act, to fulfill the meal service obligation prescribed in the preceding sentence with respect to 25 or more children, the State educational agency shall provide a daily meal to such children or disburse funds to any public or private nonprofit agency or organization that has sufficient personnel and equipment to provide a daily meal to such children at a facility in reasonable proximity to the school they attend. The funds so disbursed shall be sufficient to enable such agency or organization to operate a child nutrition program for such children during the school year without any operating cost to such agency or organization.

(d) Each child nutrition program shall utilize commodities designated from time to time by the Secretary as being in abundance either nationally or in the program area.

(e)(1) Each State educational agency shall, not later than April 1 of each fiscal year, submit to the Secretary, for approval by him as a prerequisite to receipt of Federal funds for the next fiscal year, a State plan of child nutrition operations for such next fiscal year. Such plan shall include, as a minimum:

(A) a description of the manner in which such agency proposes to use the funds provided under this Act to meet the requirements of subsections (a) through (c);

(B) a program for nutrition education to school children and, where feasible, to their parents;

(C) a program to cooperate in instituting pilot and demonstration child nutrition programs;

(D) a description for the supervision and audit of program operations;

(E) a description of the manner in which the agency has, in the current fiscal year, used the funds provided under this Act to achieve the objectives set forth in the State plan submitted the preceding year; and

(F) a detailed accounting of program disbursements.

Such plan shall become a matter of public record available upon request from the Secretary or the State educational agency without charge.

(2) Each child development institution or public or private nonprofit agency or organization operating a child nutrition program under this Act shall, upon conclusion of its program or at least annually in accordance with a schedule to be established by the Secretary, file a report with the Secretary which shall include, as a minimum:

(A) a description of the manner in which it used the funds provided under this Act to meet the requirements of subsections (a), (b), and, where applicable, (c);

(B) a description of the program of nutrition education to participants and their parents if such a program was provided;

(C) a description of the manner in which it cooperated in instituting pilot and demonstration child nutrition programs;

(D) statistics on program participation, including the number of children in the area served by the program who did not participate but who could have if more funds had been available; and

(E) a detailed accounting of program disbursements. Such report shall become a matter of public record available upon request from the Secretary for a nominal copying charge.

(f)(1) Each school food authority participating in a child nutrition program shall report to its State educational agency within ten days after the close of each school month the average daily number of children who received free and non-free meals, snacks, and milk during the immediately preceding month, together with a detailed accounting of program disbursements. Each participating school food authority shall provide an estimate, by way of survey and sampling, as of October 1 and March 1 of each year, of the number of children eligible for free meals, snacks, and milk. Each such report and estimate shall become a matter of public record available upon request from the State educational agency for a nominal copying charge.

(2) Each State educational agency shall report to the Secretary within twenty days after the close of each school month the average daily number of children who received free and nonfree meals, snacks, and milk during the immediately preceding month, together with a detailed accounting of program disbursements. Each State educational agency shall provide an estimate, derived from the school food authority estimates specified in paragraph (1) as of October 1 and March 1 of each year, of the number of children eligible for free meals, snacks, and milk. Each such report and estimate shall become a matter of public record available upon request from the Secretary or the State educational agency for a nominal copying charge.

(g) State educational agencies, school food authorities, child development institutions, and other public or private nonprofit agencies or organizations participating in child nutrition programs under this Act shall keep such accounts and records as the Secretary may prescribe. Such accounts and records shall be preserved for such period of time, not in excess of five years, as the Secretary determines is necessary and shall, at all times during such period, be available for inspection and audit by representatives of the Secretary.

(h) The State educational agency of each State shall establish an advisory council on child nutrition, at least one-third of whose members shall be children and parents of children receiving free meals, to advise such agency regarding the nutrition programs carried out under the provisions of this Act in such State.

EFFECTIVE DATE, REPEAL, AND CONSOLIDATION

SEC. 8. (a) The provisions of this Act shall become effective one year after the date of enactment of this Act, except that the Secretary is authorized to initiate such actions prior to the effective date as he deems necessary to effectively administer the program provided for in this Act on and after that date.

(b) The National School Lunch Act and the Child Nutrition Act of 1966 are repealed effective one year after the date of enactment of this Act, but no suit, action, or other proceeding lawfully commented by or against any office, agency or bureau or any officer of the United States acting in his official capacity shall abate by reason of such repeal.

(c) All personnel, property, records, obligations, commitments, and unexpended balances of appropriations, allocations, and other funds, which the Director of the Office of Management and Budget determines are used primarily in the administration of the National School Lunch Act and the Child Nutrition Act of 1966 are transferred to the Department of Health, Education, and Welfare on the effective date of this Act.

(d) None of the funds provided under title II of Section 808 of the Elementary and Secondary Education Act of 1965 or section 222(a)(1), (2), or (5) of the Economic Opportunity Act of 1964 may be used for the purpose of carrying out the programs provided for under this Act.

AUTHORIZATION FOR APPROPRIATION

SEC. 9. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

ANALYSIS OF COMPREHENSIVE CHILD NUTRITION ACT OF 1973

The proposed "Comprehensive Child Nutrition Act of 1973" would collect the fragmented programs and allocations administered by the Department of Agriculture under the heading of "child nutrition" and consolidate them into a simplified bloc grant to the States. The Act would in effect abolish the 23 categorical programs, each with its own regulations, funding and matching requirements, now administered by the Food and Nutrition Service and Consumer and Marketing Service. It would replace them with a single, unified program administered by HEW permitting the States to use their funds flexibly to meet local demands for child feeding.

Ten other sources of funding for child nutrition would remain available in three departments (HEW, OEO, and HUD), but could be readily handled under, or in conjunction with, the new child nutrition program. Many programs such as school breakfast, school lunch, special food service program, and special milk program would be permanently absorbed into each State's overall child nutrition grant.

The proposed Act would remove all the bureaucratic barriers which prevent State educational agencies from efficiently directing money to where the need and demand are greatest, particularly where the poor are concerned. States which prefer to serve more lunches and fewer breakfasts could do so at will. Urban States which require large infusions of equipment assistance to get any inner-city feeding programs off the ground could readily channel available funds to these programs. States which have been unable to utilize a major share of their separate and distinct free and reduced price lunch funds to expand coverage of the poor would be free to invest as much of their total grant as would be necessary to deliver meals to the needy.

At the same time as the Act would unshackle the States from bureaucratic chains which inhibit them from getting the job done, it would retain and indeed strengthen most of the incentives to the States to guarantee free food service to children from poverty households and to assure the nutritional adequacy of the meals served. The Act would strengthen the States' ability to deliver good nutrition to all children (preschool and school age) at all times (during vacations as well as the school year) in all places (off school premises and on) and by all means (through child development institutions and public or private nonprofit agencies in addition to regular school systems). Thus, the increased freedom for the States would not be at the expense of the children intended to be fed, but, rather, would immediately benefit them.

The major features of each section of the bill follow.

Section 2. Findings and Declaration of Policy. Congress declares its policy to be that of assuring every child good nutrition, through schools, child development institutions, and similar agencies, with special emphasis on the economically disadvantaged. This goal is to be achieved by simplifying and strengthening State and local administration of child nutrition programs and by increasing the knowledge of children and their caretakers about the nature of good nutrition and its importance to child development.

Section 3. Definitions. The terms children, child development institution, child nutrition program, school, income eligibility guidelines, meal, snack, milk, nonprofit private school, public or private nonprofit agency or organization, school food authority, secretary, state and state educational agency are defined.

Section 4. Authority to Establish Programs; Coordination; Office of Child Nutrition. The Child Nutrition Program is located in the Office of Child Nutrition within the Department of Health, Education, and Welfare.

Section 5. Child Nutrition Programs. State allotments are paid to the State educational agencies for use in and further distribution to child nutrition programs. Programs qualifying for assistance include those in which schools provide meals, snacks, or milk to their pupils on or off school grounds in the summer as well as the school year, and those in which child development institutions or other public or private nonprofit agencies, such as Head Start or day care centers or summer recreation projects, supply similar food service to children either too young for or otherwise not in school. Expenditures for nutrition education for children and their parents are encouraged, as are outlays for health monitoring to uncover and correct nutritional deficiencies. The Secretary retains authority to fund pilot and demonstration programs testing new concepts and delivery systems as well as to undertake essential research.

The only limitation on the use of funds to cover the cost of conducting child nutrition programs is the constraint against construction of food service facilities. But existing facilities may be remodeled or renovated to prepare them to accept food service equipment, including utility installation which is not possible at present, and all necessary equipment and supplies can be purchased or rented. Properly reimbursed expenses include those for administration of the programs (professional school district food service directors), supervision (food service aides), and all other costs associated with establishing and maintaining such programs.

All State-matching requirements are eliminated.

Section 6. Authorization of Appropriations and Apportionment to States. The authorization is open-ended: Such funds as are necessary to carry out the purposes of the Act. States are guaranteed a sum equal to the number of children under 18 years of age multiplied by ten cents, multiplied by 160 (average number of school days in the school year); plus a sum equal to the number of poverty-level children under 18 years of age, multiplied by fifty cents, multiplied by 160. Funds are available for nonprofit private schools as well as public schools. No State receives less than the amount it received under existing programs in FY 1973. Installment payments from the Federal government in advance of actual expenditures are authorized.

Section 7. Program Requirements. (a) Free meals must be served to children from families below the poverty level. If 75 percent or more of the children in a program fall below this level, then all meals are served free of cost. All migrant children are to receive free meals. (b) There must be no discrimination of or against children receiving free meals. (c) All children attending a school or child development institution must receive at least one meal per day unless a parent requests otherwise. If schools refuse to cooperate, then a State agency must make alternative arrangements to feed the children. (d) Commodities must be utilized. (e) A State plan must be submitted annually. (f) Programs must file periodic reports on participation and expenditures and State agencies must file periodic reports with the Secretary. All reports must be made public. (g) Adequate records must be maintained by agencies involved in child nutrition programs. (h) An advisory council must be established in each State.

Section 8. Effective Date, Repeal, and Consolidation. The provisions of the Act go into effect one year after the date of enactment. The Act repeals the National School Lunch Act and the Child Nutrition Act as of that time and limits funds from other programs to be expended on child nutrition. The Act provides for the transfer of books, records, and personnel from USDA to HEW.

Section 9. Authorization for Appropriation. The Act authorizes to be appropriated such sums as may be necessary.

PROGRAMS REPLACED BY THE COMPREHENSIVE CHILD NUTRITION ACT

Name of program	Act and section	Brief description	Who administers	State matching
(1) General assistance: Public schools	NSLA: Sec. 4	Across-the-board cash assistance for lunches in all participating schools (average contribution of 5 cents each lunch).	FNS, USDA: State educational agencies to school districts.	$3 State for every $1 Federal, but "State" includes children's payments, except in fiscal 1972, when 4 percent must come from State revenues (12 State cents to every Federal $1).
(1A) General assistance: Private schools	Sec. 10	Withholding of funds for nonprofit private schools in 26 States.	Regional offices to school districts.	$3 from sources within the State expended by private schools in State to every $1 Federal.
(2) Special assistance: Public schools	Sec. 11	Special cash grants to assure receipt of lunch by needy children at whatever school they attend (average contribution of 30 cents each lunch, including funds from No. 3 below).	State educational agencies to school districts.	None—school can receive up to 100 percent of cost of serving meal or Secretary's maximum reimbursement rate, whichever is lower.
(2A) Special assistance: Private schools	Sec. 11	Withholding of funds for nonprofit private schools in 26 States.	Regional offices to school districts.	None—as in 2.
(3) Special sec. 32: Public schools	Each year's Agriculture Appropriations Act.	Money allotted to States for use in feeding needy children through provision of lunch, breakfast, and/or State administrative expenses.	State educational agencies to school districts.	None, but see 2.
(3A) Special sec. 32: Private schools	do	Withholding of funds for nonprofit private schools in 26 States.	Regional offices to school districts.	None.
(4) School breakfast: Public schools	CNA: 4(a)	Across-the-board cash assistance for breakfasts in schools drawing attendance from poor areas or to which a substantial portion of pupils must travel long distances (average contribution of 15 cents each breakfast).	State educational agencies to school districts.	Minimum of 20 percent of cost of serving meal in needy areas; maximum of nonfood costs.
(4A) School breakfast: Private schools	4(f)	Withholding of funds for nonprofit private schools in 26 States.	Regional offices to school districts.	As in 4.

Name of program	Act and section	Brief description	Who administers	State matching
(5) Nonfood assistance: Public schools	5(a)	Aid for buying or renting food service equipment for schools drawing attendance from poor areas.	State educational agencies to school.	25 percent from State or local funds.
(5A) Nonfood assistance: Private schools.	5(d)	Withholding of funds for nonprofit private schools in 26 States.	Regional offices to school districts.	None.
(6) Special food service program: Public service institutions.	NSLA: Sec. 13(a).	Cash aid to nonprofit food service programs for meals or food service equipment (25 percent limit) for children in day care centers, settlement houses, recreation centers, etc., which provide day care for children from poor areas or areas with high concentrations of working mothers.	State educational agencies to school districts.	Food service: None, but minimum of 20 percent of cost of serving food; maximum of nonfood costs. Equipment assistance—25 percent from non-Federal source.
(6A) Special food service program: Private service institutions.	Sec. 13(d)	Funds for same programs in nonprofit private service institutions in 32 States.	Regional offices to school districts.	As in 6.
(7) Special milk program: Public schools.	CNA: Sec. 3.	Cash assistance to lower price of milk in schools and service institutions.	State educational agencies to school districts.	None.
(7A) Special milk program: Private schools.	Sec. 3	Withholding of funds for nonprofit private schools in 31 States and for nonprofit private child care institutions in 32 States.	Regional offices to school districts.	Do.
(8) Federal administrative expenses	NSLA: Sec. 6	Funds for Secretary's expenses in administering NSLA and CNA programs.	FNS, USDA	Do.
(9) State administrative expenses	CNA: Sec. 7	Funds for State educational agencies and commodity distribution agencies for their administrative expenses in supervising and giving technical assistance to local school districts and service institutions for all CNA programs and NSLA special assistance and special food service for children programs.	FNS, USDA: State educational agencies and commodity distribution agencies.	Do.
(10) Commodities: Sec. 6	NSLA: Sec. 6	Purchase by Secretary of highly nutritious commodities for distribution to schools and service institutions (provides average contribution of 7 cents each lunch together with funds from 11, 12, and 13 below).	C. & M.S. USDA: State educational agencies or commodity distribution agencies to school districts.	None.
(11) Commodities: Sec. 32	Sec. 32 of Public Law 74-320 (Act of Aug. 24, 1935)	Purchases by Secretary of surplus commodities followed by donations to schools and service institutions.	State educational agencies or commodity distribution agencies to school districts.	Do.
(12) Commodities: Sec. 416	Sec. 416: Agricultural Act of 1949.	Price-support acquisition by Commodity Credit Corporation of commodities and donation to school lunch program.	CCC and C. & M.S., USDA: State educational agencies or commodity distribution agencies to school districts.	Do.
(13) Commodities: Sec. 709	Sec. 709: Food and Agriculture Act of 1965.	Purchase by Commodity Credit Corporation of dairy products, other than fluid milk, to meet requirements of school programs.	do	Do.
(14) Surveys and studies	NSLA: Sec. 6(3)	Funds for Secretary to commission surveys and studies of food service program requirements either through grants to states or other means (contracts with other groups).	FNS, USDA: State educational agencies or other public or private organizations, including school districts.	Do.
(15) Training	Sec. 6(3)	Funds for Secretary to provide nutritional training and education for food service workers, cooperators, and participants either through grants to States or other means.		Do.
(16) Special development projects	CNA: sec. 10	Funds for each State to use for pilot projects to improve methods and facilities for providing food service to children.	State educational agencies	None—but really State is granter.

ALLOTMENTS TO THE STATES UNDER THE CONPREHENSIVE CHILD NUTRITION ACT

State	Fiscal year 1972 grants to States for child nutrition [1]	Children under 18	Chldren×10¢ ×160 days (in thousands)	Children under 18 in poverty	Poverty children×50¢ ×160 days (in thousands)	Total cost (in thousands)
Alabama	$21, 098, 318	1, 234, 000	$19, 744	356, 000	$28, 480	$48, 224
Alaska	854, 209	120, 000	1, 920	17, 000	1, 360	3, 280
Arizona	5, 537, 303	644, 000	10, 304	113, 000	9, 040	19, 344
Arkansas	12, 456, 917	655, 000	10, 480	202, 000	16, 160	26, 640
California	33, 928, 730	6, 636, 000	106, 176	827, 000	66, 160	172, 336
Colorado	6, 753, 451	774, 000	12, 384	97, 000	7, 760	20, 144
Connecticut	6, 504, 540	1, 021, 000	16, 336	78, 000	6, 240	22, 576
Delaware	1, 779, 024	197, 000	3, 152	24, 000	1, 920	5, 072
District of Columbia	6, 602, 915	224, 000	3, 584	50, 000	4, 000	7, 584
Florida	22, 557, 331	2, 109, 000	33, 744	397, 000	31, 760	65, 504
Georgia	26, 069, 906	1, 644, 000	26, 304	389, 000	31, 120	57, 424
Hawaii	2, 889, 885	275, 000	4, 400	28, 000	2, 240	6, 640
Idaho	2, 590, 011	263, 000	4, 208	33, 000	2, 640	6, 848
Illinois	26, 553, 468	3, 796, 000	60, 736	412, 000	32, 960	93, 696
Indiana	16, 368, 428	1, 840, 000	29, 440	169, 000	13, 520	42, 960
Iowa	11, 617, 330	975, 000	15, 600	97, 000	7, 760	23, 360
Kansas	7, 521, 975	746, 000	11, 936	88, 000	7, 040	18, 976
Kentucky	18, 433, 377	1, 114, 000	17, 824	273, 000	21, 840	39, 664
Louisiana	21, 260, 835	1, 388, 000	22, 208	410, 000	32, 800	55, 008
Maine	3, 985, 728	344, 000	5, 504	49, 000	3, 920	9, 424
Maryland	10, 529, 426	1, 381, 000	22, 096	156, 000	12, 480	34, 576
Massachusetts	15, 473, 741	1, 876, 000	30, 016	164, 000	13, 120	43, 136
Michigan	22, 068, 835	3, 251, 000	52, 016	304, 000	24, 320	76, 336
Minnesota	14, 985, 814	1, 381, 000	22, 096	130, 000	10, 400	32, 496
Mississippi	17, 480, 869	844, 000	13, 504	344, 000	27, 520	41, 024
Missouri	16, 676, 933	1, 553, 000	24, 848	228, 000	18, 240	43, 088
Montana	2, 267, 304	253, 000	4, 048	33, 000	2, 640	6, 688
Nebraska	5, 664, 659	507, 000	8, 112	61, 000	4, 880	12, 992
Nevada	845, 047	170, 000	2, 720	15, 000	1, 200	3, 920
New Hampshire	2, 285, 785	254, 000	4, 064	20, 000	1, 600	5, 664
New Jersey	12, 953, 117	2, 385, 000	38, 160	217, 000	17, 360	55, 520
New Mexico	5, 207, 570	406, 000	6, 496	107, 000	8, 560	15, 056
New York	45, 482, 426	5, 841, 000	93, 456	733, 000	58, 640	152, 096
North Carolina	30, 481, 504	1, 759, 000	28, 144	406, 000	32, 480	60, 624
North Dakota	3, 360, 506	226, 000	3, 616	36, 000	2, 880	6, 496
Ohio	29, 286, 875	3, 738, 000	59, 808	370, 000	29, 600	89, 408
Oklahoma	9, 849, 324	837, 000	13, 392	162, 000	12, 960	26, 352
Oregon	5, 212, 752	698, 000	11, 168	74, 000	5, 920	17, 088
Pennsylvania	31, 140, 785	3, 848, 000	61, 568	415, 000	33, 200	94, 768
Rhode Island	2, 228, 333	300, 000	4, 800	35, 000	2, 800	7, 600
South Carolina	17, 161, 780	955, 000	15, 280	269, 000	21, 520	36, 800
South Dakota	3, 234, 760	241, 000	3, 856	45, 000	3, 600	7, 456
Tennessee	20, 457, 146	1, 326, 000	21, 216	321, 000	25, 680	46, 896
Texas	39, 902, 694	4, 000, 000	64, 000	858, 000	68, 640	132, 640

Footnote at end of table.

ALLOTMENTS TO THE STATES UNDER THE COMPREHENSIVE CHILD NUTRITION ACT—Continued

State	Fiscal year 1972 grants to States for child nutrition [1]	Children under 18	Children×10¢ ×160 days (in thousands)	Children under 18 in poverty	Poverty children×50¢ ×160 days (in thousands)	Total cost (in thousands)
Utah	4,110,047	424,000	6,784	45,000	3,600	10,384
Vermont	1,635,722	157,000	2,512	18,000	1,440	3,952
Virginia	19,493,426	1,589,000	25,424	281,000	22,480	47,904
Washington	7,971,049	1,160,000	18,560	112,000	8,960	27,520
West Virginia	9,241,599	580,000	9,280	139,000	11,120	20,400
Wisconsin	14,305,702	1,584,000	25,344	139,000	11,120	36,464
Wyoming	1,151,238	120,000	1,920	14,000	1,120	3,040
Total	677,510,359	69,643,000	1,114,288	10,360,000	828,800	1,943,088

[1] Does not include $354,160,000 in sec. 32 transfer to States under the special child feeding program.

By Mr. TALMADGE (for himself, Mr. NUNN, and Mr. THURMOND):

S.J. Res. 27. A joint resolution proposing an amendment to the Constitution to provide that, except in time of war or economic emergency declared by the Congress, expenditures of the Government may not exceed the revenues of the Government during any fiscal year. Referred to the Committee on the Judiciary.

Mr. TALMADGE. Mr. President, I introduce today on behalf of myself, my colleague, Senator NUNN, and the senior Senator from South Carolina (Mr. THURMOND), a joint resolution proposing a constitutional amendment to provide that, except in time of war or national economic emergency declared by the Congress, the aggregate expenditures of the Federal Government may not exceed the net amount of its revenues in any fiscal year.

Put another way, my amendment would prohibit the Federal Government from deficit spending, from spending money it does not have, except as deemed absolutely necessary by the Congress in emergency situations.

Such action, I am convinced, is the most sensible way to halt runaway spending. It is the most effective way to restore fiscal responsibility to the Federal Government.

In my opinion, there is no more urgent business before the 93d Congress than the need to contain the exploding Federal budget. We cannot continue on our present course of burgeoning expenditures and festering deficits.

At stake is the confidence of the American people in their Government. Equally important is the confidence of the world in our economy, and that has been sadly lacking in recent years. The fact is, the United States has lost preeminence in monetary soundness, and it should come as a surprise to no one that European money markets have downgraded the American dollar.

I have closely followed the various proposals which have been advanced for improving control over the Federal budget—including the creation of a special joint committee in title 3 of the debt limit bill last October. I have concluded that we need something more positive than just another study. We need a great deal more than just modification of existing budget machinery.

Virtually everyone I know seems to agree on the need for spending control. If we are going to attain that goal, we need affirmative action that will produce the desired results, rather than just talk and halfway measures that generate a lot of heat but very little light.

What is needed, in my judgment, is nothing short of a constitutional amendment providing a clear mandate to the Congress and the President for a return to fiscal responsibility—indeed, fiscal sanity.

This joint resolution, which I introduce today, will establish as the supreme law of the land the principle that the Federal Government may not spend more than it receives, except in times of national emergency.

Also, it would establish a workable mechanism which would compel the Congress and the executive branch to appraise national priorities realistically, and to allocate resources responsibly. Since the luxury of falling back on deficit financing would no longer be available, we would be insulated from the day-to-day pressures and demands which have forced us into unprecedented debt and fiscal crisis.

Only war or the active declaration by the Congress of a national economic emergency would permit a return to unlimited, deficit financing of our Government.

In determining that a national economic emergency exists, the Congress would be directed to consider the extent and rate of industrial activity, unemployment, and inflation, and such other economic indicators as it deems appropriate.

Thus, in the event of a genuine economic emergency such as a serious recession, the Congress could authorize budget deficits as a means of stimulating economic recovery.

I am sponsoring this resolution because I am firmly convinced that our economy can no longer endure multibillion-dollar budget deficits year after year after year. I offer it as a solution to the economic instability that plagues our Nation. I propose it as a major weapon against inflation which frustrates the taxpayer, robs the working man of his earnings, and denies the elderly of the full benefit of their savings and retirement benefits.

The Congress and the President must learn to evaluate more carefully the way we spend public moneys. We must remember that the Government has no money other than what it takes from taxpayers.

We must reject the notion that the way to solve a problem is to bury it in taxpayers' dollars—dollars that are hard to come by for the working man, but very easily dissipated by a Federal bureaucracy gone fiscally amuck.

Federal expenditures in recent years have expanded relentlessly, despite the wishes or will of either the Congress or the Presidents. From 1968 to 1969, they rose by nearly $6 billion. From 1969 to 1970, they rose by $12 billion. From 1970 to 1971, they rose by nearly $15 billion. And, from 1971 to 1972, they rose by more than $20 billion. In the current fiscal year, Federal spending is expected to increase again by more than $18 billion.

Although the outlay of Federal funds has increased by leaps and bounds, Federal revenues have remained largely constant.

The result has been a series of unprecedented budget deficits during the past 4 years.

Federal deficits from fiscal 1970 to fiscal 1973 are estimated to total more than $104 billion—more than in any other 4-year period in our Nation's history, with the exception of 4 years during World War II.

Ten years ago, the entire Federal budget was $111 billion. This year, the budget will be more than twice as large—very near $250 billion.

The massive growth of the Federal budget during the past 10 years cannot be solely attributed to the conflict in Vietnam. Many experts predict that it will continue to grow at the same rate, and there will be no end to deficit financing, unless and until bold steps are taken.

Excessive Federal spending and Federal deficits of the magnitude we have witnessed in the past decade distort the economy and fuel inflation. Last month, wholesale prices soared more than 19 percent at an annual, seasonally adjusted rate—the sharpest single increase in more than two decades, which shatters the idea that inflation is being brought under control.

The President's decision to replace wage and price controls in all but a few areas with voluntary guidelines makes it all the more mandatory that we take steps to put a lid on Federal spending.

We cannot go on commiserating over the past. What we need to do now is look to the future, and take action to prevent a continuation of irresponsible, runaway Federal spending.

Also, it serves no useful purpose to single out a particular institution or political party to blame for the present situation. The blame lies not only with the executive branch, but with the legislative branch as well. It is a nonpartisan issue. We have had unbalanced budgets from Republican and Democratic administrations alike.

The fault lies in the prevalent attitude that Federal spending is a cure-all for virtually every problem, that if we can perhaps solve some problems by the expenditure of some money, then we can solve more problems by spending more money. That, of course, as the record clearly shows, has not been the case.

The fault also lies, I think, in our piecemeal approach to Federal budgeting, an approach which precludes an accurate, overall view of outlays and receipts until it is too late.

The constitutional amendment I offer today will correct that attitude and compel an early overall look at each year's budget.

As I have said, bringing Federal spending under control is the single most important issue before the Congress. We cannot continue on our present course of unrestrained spending without undermining the economy and eroding the American people's confidence in their Government's ability to manage its affairs. Unfortunately, we have gone too far down that road already.

Mr. President, I urge my colleagues not to be lulled into a false sense of security here.

I urge the Senate to realize that even though deficit financing has virtually become a way of life, such a life-style is, at best, unhealthy and, at worst, suicidal.

The Federal Government has become addicted to deficit spending and, in the vernacular, the time has come to kick the habit.

Undoubtedly, some will say that the approach I suggest is drastic. I submit that the fiscal crisis we face is drastic. It defies ordinary remedy. If the action I propose is drastic, than that is what is required to deal with the problem.

When the Government of the United States finds itself unwilling or unable to balance its budget for 37 of the past 43 years, drastic action is called for.

When the debt of the Government of the United States is far greater than the combined debt of all other governments of all other nations of the world, drastic action is called for.

When almost one-third of the gross national product of the United States is consumed in taxes to Federal, State, and local governments, drastic action is called for.

We hear a great deal nowadays about the need for tax reform. And, indeed, I feel that our tax laws are in need of revision. But, let us be frank. If the Congress adopted every "soak the rich" tax proposal conceived to date, the revenue gain would be merely a drop in the bucket compared with budget deficits we face.

We do need tax reform. But we need spending reform more. I believe that the taxpayers of this country demand and will accept nothing less.

For these reasons, Mr. President, I introduce this joint resolution. I believe it accurately reflects the needs and desires of the American people at this crucial time. If we can pass this proposal during the 93d Congress, I am confident that it will be promptly ratified by the States.

I ask unanimous consent that the text of the joint resolution be printed in the Record. I welcome the support of my colleagues in securing its adoption.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 27

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"Section 1. Except as provided in section 2 of this article, the aggregate amount of expenditures made by the Government during any fiscal year shall not exceed the net amount of revenue received by the Government during that fiscal year.

"Sec. 2. The provisions of section 1 shall not apply to any fiscal year—

"(1) if at any time during that fiscal year the United States is in a state of war declared by the Congress pursuant to section 8 of article I of this Constitution, or

"(2) if, with respect to that fiscal year, the Senate and the House of Representatives agree to a concurrent resolution stating, in substance, that a national economic emergency requires the suspension of the application of section 1 for that fiscal year.

In exercising its power under paragraph (2) of this section, the Senate and the House of Representatives shall take into consideration the extent and rate of industrial activity, unemployment, and inflation, and such other factors as they deem appropriate.

"Sec. 3. The Congress shall have power to carry this article into effect by appropriate legislation.

"Sec. 4. This article shall take effect on the first day of the first fiscal year which begins after the date of its ratification.

"Sec. 5. This article shall be inoperative unless it is ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress."

By Mr. ALLEN (for himself, Mr. Ervin, Mr. Baker, Mr. Brock, Mr. Buckley, Mr. Helms, Mr. Jackson, Mr. Scott of Virginia, Mr. Stennis, Mr. Talmadge, Mr. Thurmond, and Mr. Tower):

S.J. Res. 28. A joint resolution proposing an amendment to the Constitution of the United States relative to neighborhood schools. Referred to the Committee on the Judiciary.

Mr. ALLEN. Mr. President, I introduce for Mr. Ervin, myself, Mr. Baker, Mr. Brock, Mr. Buckley, Mr. Helms, Mr. Jackson, Mr. Scott of Virginia, Mr. Stennis, Mr. Talmadge, Mr. Thurmond, and Mr. Tower, a joint resolution proposing an amendment to the Constitution, the purpose of which is to prevent any public school student from being assigned to or required to attend a particular school because of his race, creed, or color.

The amendment is quite brief. It reads:

ARTICLE —

Section 1. No public school student shall, because of his race, creed, or color, be assigned to or required to attend a particular school.

Sec. 2. Congress shall have the power to enforce this article by appropriate legislation.

Mr. President, it will be recognized that this is the language of the Lent amendment, which is reported to have had majority support of the House of the last Congress. It is also the language of an amendment of my distinguished colleague from Tennessee (Mr. Brock), which I was happy to cosponsor in the 92d Congress. I had promised Alabama constituents that I would introduce this amendment and I requested cosponsors before I became aware that the distinguished Senator from Tennessee (Mr. Brock), intended to reintroduce his amendment. Needless to say, I am proud again to cosponsor his amendment in this session of Congress.

Mr. President, this proposed amendment has been criticized by some because it deals with a specific abuse of judicial power whereas, it is contended, constitutional amendments should deal only with broad general constitutional principles. I reject this criticism for the same reason our forefathers rejected arguments to the effect that the U.S. Constitution did not need a Bill of Rights and for the further reason that the amendment does deal with a broad constitutional principle.

This proposed amendment stands on the same footing as other specific limitations, imposed by the Constitution and by our Bill of Rights, on the powers of various branches of Federal Government. For example, heretofore in our history, the people have been protected by the "due process" clause of the fifth amendment from the exercise of unlimited discretionary powers which usually resulted from a delegation of power by Congress to the Executive without indicating in the legislation clearly ascertainable limits to the power delegated. We have had enough of that.

We are now confronted with a new and more dangerous manifestation of an exercise of unlimited discretion. It is now the U.S. Supreme Court which claims an unlimited discretionary power to decree social and political reforms and to enforce its reforms by resort to unlimited discretionary equity powers of the Court. One aspect of the problem is manifested in the decreed forced disposition of hundreds of thousands of schoolchildren throughout the Nation on the basis of racial classifications. The object of this amendment is to preclude once and for always the further exercise of discretionary power by Federal courts to classify citizens by race and to order them distributed among schools by race. But more than mere racial classification is involved. The U.S. Supreme Court has subscribed to psychological and sociological theories and decreed that compliance with such theories is required by the U.S. Constitution and that such theories may be implemented by every coercive device of the Court, including trial of elected officials for contempt of court and fine and imprisonment without benefit of trial by jury.

Mr. President, it is an extremely dangerous thing for any branch of Government to enforce social theories upon the people under the pretense that the Constitution requires affirmative action to implement the theories.

The U.S. Supreme Court became bogged down in the quagmire of social reforms when it started experimenting in sociological and psychological jurisprudence. The Court accepted the data of so-called social sciences as immutable evidence of truth and of reality from which universal and eternal human values and relationships could be established by judicial decree.

In implementing its psychological insights into the traumatic effects on the hearts and minds of children, which theoretically result from certain social relationships and institutions, the Court prescribed a course of judicial therapy involving an unprecedented massive uprooting of schoolchildren from their urban neighborhoods and from their rural communities and required that they be transported to strange and distant schools, many of which were located in areas which put the children beyond the reach and influence of their parents during most of the day.

Mr. President, it is only natural that the people of Alabama and people from throughout the Nation should want to know, "By what authority does the one nonelected branch of Federal Government order children uprooted and transported to distant schools?" It is pointed out that if the Supreme Court has the power to order the assignment of their children to certain schools on the basis of race and against the will and wishes of their parents, it may also claim the power to classify parents by race and tell them where to live. The inplication is clear that if the Supreme Court can tell parents where to live, it can also tell them where to work.

Mr. President, these are reasonable deductions. No one can deny that a court order requiring children to attend a particular school on the basis of race, creed or color is also an order not to attend any other school for the same reason. Similarly, the power to tell people where to live is the power to tell them where they may not live. A power to tell one where to work is the power to tell one where not to work.

Mr. President, it is axiomatic that no one has a right to anything that can be denied him on the arbitrary decision of another—be it either an individual or a government which denies the right.

It is not unreasonable for the people to conclude that a power in the U.S. Supreme Court to tell hundreds of thousands of schoolchildren where they may and may not attend school may be used later to achieve some other sociological or economic objectives consistent with Socialist concepts of equality, such as equality of income. The inevitable consequence of the exercise of such an unlimited discretionary power is to deny the people of the United States a fundamental right to freedom of choice, freedom of association, and a more fundamental freedom—the right to work and support their families under circumstances considered most conducive to the happiness and welfare of the people concerned. The related power to enforce its decrees by trial for contempt of court, imprisonment, and confiscatory fines is frightening to contemplate.

Mr. President, it is no answer to say that the U.S. Supreme Court will not exercise its new-found discretionary power in any such manner. The fact is that the Court has already exercised a discretionary power to construe the Constitution in a manner inconsistent with the grand design and purpose of the Constitution as set out in its preamble. The people are not protected from additional exercises of the judicial power to construe the Constitution to accomplish other social and economic reforms. Thus, the question is not whether the Court will exercise the power, but whether the Court ought to have the power to do so in the first instance. If the Court ought not to have the power, it would seem necessary for the people to take appropriate action to see that the Court is deprived of that power. That is the purpose of this amendment—to correct a present wrong and to prevent further wrongs which are possible under present Supreme Court interpretations of the Constitution.

Mr. President, the world has been sickened by the example of governments which have adhered to the theory that a handful of men may properly exercise a sovereign power over the lives of people on the basis of classifications by ideology, race, creed, color, and national origin in the name of the state and in furtherance of ends decreed by the state without consent of the people.

For a congress or a parliament or any other legislative body to specifically delegate unlimited discretionary powers to a monarch, to a political party, or to a court, would constitute a betrayal of the people. For Congress to sit idly by while the U.S. Supreme Court usurps such a power is to condone the usurpation with results equivalent to an outright delegation of such power.

Mr. President, I sadly and reluctantly concede that if proponents of this amendment cannot marshal a simple majority of the votes in this Congress to pass legislation to inhibit the exercise of unlimited discretionary powers by the U.S. Supreme Court in the specific area of ordering forced transportation of our children to achieve the ends of a thoroughly repudiated sociological hypothesis, then it is doubtful that we can marshal the two-thirds vote required in both Houses to submit this proposed amendment for ratification by the States.

Nevertheless, I believe that this proposed amendment will serve a useful purpose. It has been reported that the President, as a last resort favors an amendment to prevent forced busing; and with his assistance, and with the assistance of every Member of Congress who is concerned with the preservation of our Republic, it is possible that masses of the people will become alerted to dangers inherent in present judicial trends and thus encouraged to act through their State legislatures to petition Congress to call a constitutional convention as a means of redress. That method of reaching the problem and solving it is being used at this time—the passage by the legislatures of resolutions calling on Congress to call a constitutional convention for the purpose of submitting and ratifying an amendment of this sort, exactly in these words.

Mr. President, in conclusion, let me say that at a later date I will introduce a proposed constitutional amendment relating to the method of appointment and tenure of U.S. Supreme Court Justices and judges of inferior courts created under authority of article III of the Constitution. The premise of this last amendment is simply that those who make the laws by which the people are to be governed should be responsible to the people. Since Federal judges continue to exercise the legislative power of Congress to make laws which vitally affect the lives of every U.S. citizen, it is only proper that they should be made answerable to the people.

In the meantime, the instant proposal, represented by the resolution introduced by me and the distinguished Senator from North Carolina (Mr. ERVIN) and other cosponsors, is addressed to the urgent problem of putting an end to callous judicial decrees which treat children as mere chattel. The issue is of such importance as to suggest early hearings and adequate debate in the near future on this resolution. I hope that the committee will act expeditiously on this resolution.

Mr. ERVIN. Mr. President, I wish to associate myself with the previous remarks of the distinguished Senator from Alabama (Mr. ALLEN) and to express hereby my strong support for the joint resolution which he and I have introduced proposing a constitutional amendment to prohibit the assignment of public school students to schools on the basis of race, creed, or color.

Our proposed amendment is clear and simple. It states that—

> No public school student shall, because of his race, creed, or color, be assigned to or be required to attend a particular school.

It also provides that—

> The Congress shall have the power to enforce this article by appropriate legislation.

In order for this proposal to become part of the U.S. Constitution, it must first receive the support of two-thirds of the membership of both Houses of Congress and, then, must be ratified by three-fourths of the States.

I have been generally reluctant to advocate alterations to the Constitution of the United States. History has proven it to be one of the most wisely drafted documents of all time. The framework of government it establishes and the protection of individual liberty it incorporates have served our people well. It is only because of what I must respectfully describe as a perversion of some of its fundamental principles in recent years with respect to the public schools in our country that I am compelled to advocate an amendment to the fundamental law of the land.

Over the past few years some Federal courts, including the Supreme Court, and several Federal agencies have, in effect, constructed such a hideous and unjustified interpretation of the equal protection clause of the 14th amendment and the enforcement clause thereto that the adoption of a constitutional amendment is now a prerequisite for restoring freedom to America's schoolchildren and for eliminating judicial tyranny with respect to our public schools. All across America, thousands of little schoolchildren have been ordered to get aboard countless numbers of buses to be carried across neighborhood, city, and county lines in order to achieve some magical, racial mixing of bodies which satisfies the arbitrary and absurd sociological notions of misguided Federal judges and bureaucrats. In Michigan, in Maryland, in North Carolina, in Virginia and in many other States—north, south, east, and west—some of our Federal courts have defied the very meaning of "equal protection of the law" by assigning and transporting helpless schoolchildren on the basis of race, creed, and color.

The equal protection clause of the 14th amendment itself is a wise provision of law. It is a plain and unambiguous provision. It means that no State shall deny to any person within its boundaries the equal protection of the law. Properly interpreted, it prohibits a State from treating persons similarly situated in a different manner.

The Supreme Court's 1954 decision in Brown against Board of Education of Topeka held that a State violates the clause if it denies any child admission to any of its public schools on account of the child's race. Over the past decade, the Federal courts and the Department of Health, Education, and Welfare have turned their backs on the mandate of the 1954 Supreme Court decision—that race be eliminated as a determinant in assigning children to public schools.

Paradoxically, the Federal courts and the Department of Health, Education, and Welfare have come to insist that race be used as a basis for pupil assignment. They have required the adoption of school assignment plans which are expressly designed to alter the racial composition of schools in a manner sufficient to satisfy some mysterious mathematical level deemed by the courts and the bureaucracy to be sociologically acceptable. It is, indeed, a great and sad irony that the Federal courts and the Federal bureaucracy would require the use of racial quotas and racial balancing to effectuate a constitutional principle which forbids Government to treat people differently on account of their race. Quite clearly, the Federal courts have perverted and distorted the equal protection clause of the 14th amendment as it has been applied to the assignment of schoolchildren to the public schools.

Most Americans have waited and hoped with great patience for the Supreme Court to regain its judicial sanity and to reject lower Federal court orders which impose massive busing and racially based pupil assignment plans in order to achieve racial balance. They have waited in vain.

In 1971 the Supreme Court issued its decision in the case of *Swann* v. *Charlotte-Mecklenburg County Board of Education*, 402 U.S. 43 (1971). Unfortunately, the Supreme Court passed over its most recent opportunity to strike a blow for freedom. Indeed, by sustaining the arbitrary and invidious order of the Federal district court requiring the massive busing of schoolchildren to achieve racial balance in the Charlotte-Mecklenburg County schools, the Supreme Court seems to have closed the door to any hope that our courts will return to a reasonable interpretation of the equal protection clause. Despite statements to the contrary—statements constructed upon a tortuous use of the English language—the Supreme Court imposed nothing less than a scheme for racial balance in the Charlotte-Mecklenburg County schools.

Having waited for so long for so little from the Federal courts, the American people are now rightly demanding that some fundamental alteration in the present state of the law be brought about so as to put an end to the senseless busing of innocent little children for the purpose of achieving racial balance. The proposed constitutional amendment introduced today by Senator ALLEN and me will put an end to the judicial and bureaucratic tyranny which has imposed this terrible hardship on millions of our schoolchildren and their parents.

This proposed amendment would absolutely prohibit any court and any Government agency from assigning schoolchildren to or requiring them to attend a particular school on account of race, creed, or color. It would constitute, in effect, a supporting provision in the Constitution for the true interpretation of the equal protection clause of the 14th amendment; namely, that Government is forbidden to use race, creed, or color in connection with its official policies and programs.

Mr. President, I intend to join in support of other legislative efforts to prevent the issuance of more ruinous judicial orders and bureaucratic decrees which have so unsettled our citizens over the past several years. For as long as I have been in the Senate, I have fought vigorously against the usurpation by Federal courts and by bureaucrats of authority and responsibility lawfully vested in local school boards around our country. I have continually urged the Congress to express its opposition to judicial and bureaucratic tyranny by enacting strong and effective legislation. Occasionally, we have been able to adopt provisions in the form of amendments to various pieces of legislation which on their face would seem to have been sufficient to put an end to busing. And yet, after every such seemingly successful effort, the Congress has been surprised by a twisted judicial interpretation of its language or studied disregard of it by Government bureaucrats. This, in addition to continued consideration of legislative solutions to this matter, I am convinced that we must also move toward a constitutional amendment.

I hope that the Members of this body will pay heed to the voices of our people who cry out for deliverance from tyranny. I hope that we can act to restore the people's faith in our form of government as a government based upon principles of individual liberty and equal treatment under the law for all. The adoption of this proposed constitutional amendment would, in my opinion, restore this faith by bringing order out of the chaos which presently engulfs the public schools of America. I sincerely commend this proposal to the careful study and thought of every Member of the Senate.

By Mr. RANDOLPH (for himself, Mr. CRANSTON, Mr. STAFFORD, Mr. WILLIAMS, Mr. TAFT, Mr. MONDALE, Mr. JAVITS, Mr. KENNEDY, Mr. STEVENSON, Mr. PELL, and Mr. EAGLETON):

S.J. Res. 29. A joint resolution to amend the Supplemental Appropriations Act of 1973. Referred to the Committee on Appropriations.

Mr. RANDOLPH. Mr. President, on November 20, 1972, the principal sponsors of H.R. 8395, the Rehabilitation Act of 1972, sent a joint letter to the Secretary of Health, Education, and Welfare urging that funds appropriated for rehabilitation services in the Supplemental Appropriations Act for fiscal year 1973 be expended. Similar requests had been made by Senator MAGNUSON as chairman of the Appropriations Subcommittee for Labor and HEW, and by Senator JAVITS, ranking minority member of the Committee on Labor and Public Welfare.

The Supplemental Appropriations Act is couched in terms of the Rehabilitation Act of 1972, which measure was subsequently vetoed by the President. Although the intent of Congress with respect to this appropriation was clear—funds were appropriated for rehabilitation services regardless of what act might apply—Secretary Richardson's response stated that since the Rehabilitation Act of 1972 did not become law, the reference to that act in the Supplemental Appropriations Act negated its effect and, therefore, vocational rehabilitation would be funded under the continuing resolution.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the correspondence between the members of the Committee on Labor and Public Welfare I have mentioned and Secretary Richardson.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C., *November 20, 1972.*

Hon. ELLIOT L. RICHARDSON,
Secretary of Health, Education, and Welfare,
Washington, D.C.

DEAR MR. SECRETARY: We have reviewed the November 10, 1972, and November 9, 1972, letters to you from, respectively, Senator Magnuson, Chairman of the Appropriations Subcommittee on Labor/HEW, and Senator Javits, ranking minority member of the Committee on Labor and Public Welfare.

As the principal Senate sponsors of H.R. 8395, the "Rehabilitation Act of 1972", we wish to express our strong support for the view expressed in those letters that an expenditure level of $610 million is authorized in the Supplemental Appropriations Act, FY 1973 (P.L. 92-607), to carry out the vocational rehabilitation program for FY 1973. We think that the intention of the Congress, in support of the President's budget request figure, is totally clear and feel that it would be extremely unfortunate to cause the disruption and confusion in the state programs which will follow from an apportionment to R.S.A. at the $560 million level—under the continuing resolution authority. Such an apportionment would force States to cut back expenditures from the level which they have anticipated in justifiable reliance upon approval of the $610 million figure by the President and Congress.

We urge your most immediate consideration of this very urgent matter and look forward to hearing from you at your earliest convenience.

Sincerely,

JENNINGS RANDOIPH,
ALAN CRANSTON,
HARRISON A. WILLIAMS, Jr.,
ROBERT T. STAFFORD,
ROBERT TAFT, Jr.,

WASHINGTON, D.C.,
December 19, 1972.

Hon. JENNINGS RANDOLPH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR RANDOLPH: Thank you and Senators Cranston, Stafford, Taft, and Williams for the November 20 letter concerning actions which the Department of Health, Education, and Welfare is taking with respect to allocating funds to State vocational rehabilitation agencies under the recently enacted Supplemental Appropriation Act.

As you know, the President signed the Supplemental Appropriations Act but disapproved the "Rehabilitation Act of 1972." It is our view that the funds appropriated by the Supplemental Appropriation Act were directed to activities specified in the "Rehabilitation Act of 1972" and to no others. It is our opinion that since the "Rehabilitation Act of 1972" was never signed into law, the funds cannot be used to carry out that "act." At the same time, since the appropriations language expressly cites that "act," the funds cannot be used to carry out activities or provisions of the Vocational Rehabilitation Act.

In summary, it is our opinion that we must depend on the provisions of the Continuing Resolution of 1973 (section 101(b)) for carrying out vocational rehabilitation activities during fiscal year 1973. Section 101(b) establishes the level of funding for these purposes at the lower of the 1972 rate or the President's fiscal year 1973 budget. We are, therefore, continuing all previously authorized vocational rehabilitation activities at the lower of the two rates, the 1972 rate.

We are forced to this conclusion for three reasons. First, the Supplemental Appropriation Act expressly appropriated funds for the "Rehabilitation Act of 1972" rather than the Vocational Rehabilitation Act. Second, the House Committee Report (No. 92–1555) which accompanied the Supplemental Appropriation bill stated, in referring to appropriations for the Social and Rehabilitation Service, that "The authorizations for most of the programs covered by this appropriation are included in H.R. 8395, the Rehabilitation Act of 1972, . . ." (p. 15).

Third, the rehabilitation programs being carried out under the Vocational Rehabilitation Act and the programs authorized by the vetoed bill are not identical, either in how appropriations are to be distributed among the States or in terms of the purposes for which appropriations may be spent. For example, with regard to distribution of appropriations, under the provisions of the Vocational Rehabilitation Act, American Samoa and the Trust Territory of the Pacific Islands are not included among the "States" under the basic State program (Section 2) and therefore do not receive allotments. The vetoed bill included them as "States" under the replacement program (Section 110), and would have required allotments to those two territories with consequent changes in the amounts allotted to other States.

We share your concern that rehabilitation activities dependent on Federal funds be continued and assure you that they are being supported during the current fiscal year under the authority of the Continuing Resolution. However, we must reaffirm our view that the appropriation in question was made available only for carrying out the bill which did not become law.

With kindest regards.

Sincerely,

ELLIOT RICHARDSON,
Secretary.

Mr. RANDOLPH. Mr. President, the result of this interpretation—more aptly misinterpretation—of congressional intent is that vocational rehabilitation will be funded at a level of $560 million rather than at $610 million as provided in the supplemental bill.

Since the President had requested $610 million for this purpose in his 1973 budget, and since State rehabilitation agencies have relied on this figure as a minimum for calculating their level of expenditures, the limitation to $560 million would work a severe hardship on those agencies and especially on the handicapped individuals who are served by the vocational rehabilitation program.

It is my intention, and if I assess the desire of Congress correctly, a general intention among Senate and House Members, to enact a new rehabilitation act as quickly as possible. In the meantime, however, the technicality relied on by the Secretary of Health, Education, and Welfare for the reduction of funding for rehabilitation services must be corrected now. Otherwise severe dislocations can be expected in the program.

I am, therefore, introducing a measure to resolve the technicalities of this situation, thereby eliminating any obstacle to expenditure under the vocational rehabilitation program at an annual level of $610 million for fiscal year 1973.

Mr. President, I ask unanimous consent that the joint resolution be inserted at this point in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 29

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Supplemental Appropriations Act of 1973 be amended to clarify the intent of Congress with respect to a particular provision thereof.

That the paragraph entitled "Social and Rehabilitation Services" of Chapter IV of the Supplemental Appropriations Act, 1973 (P.L. 92–607) is amended to read as follows:

"SOCIAL AND REHABILITATION SERVICES

"For carrying out, except as otherwise provided, the Vocational Rehabilitation Act, the Older Americans Act of 1965, as amended, sections 426, 707, 1110, and 1115 of the Social Security Act, and the International Health Research Act of 1960, $898,648,000, of which $610,000,000 shall be for grants under section 2 of the Vocational Rehabilitation Act and not to exceed $38,735,000 shall be for grants under section 3 of such Act: *Provided,* That none of the funds contained in this appropriation may be used for any expenses, whatsoever, incident to making allotments to States for the current fiscal year, under section 2 of the Vocational Rehabilitation Act, on a basis in excess of a total of $645,000,000: *Provided further,* That the $5,000,000 contained within this appropriation for the construction of the National Center for Deaf/Blind youths and adults shall remain available until expended."

By Mr. HATHAWAY:

S.J. Res. 30. A joint resolution to provide for the revision of the Internal Revenue Code of 1954. Referred to the Committee on Finance.

Mr. HATHAWAY. I am firmly convinced that the time has come for a truly thorough review of our entire Federal tax system. To this end, I am today introducing a joint resolution which I introduced in each Congress during my tenure in the other body, a joint resolution which would force us to begin anew the task of building a fair and efficient tax system. My joint resolution, simply put, would repeal the entire Internal Revenue Code of 1954, effective January 1, 1975.

I was pleased last year when the distinguished majority leader adopted the substance of my proposal in the tax reform package he submitted to the 92d Congress. It is only through the kind of searching, and, I hope, continuing review which would be occasioned by the passage of this type of joint resolution that the inequities which have crept into the system can finally be expunged.

It is rare that the people speak with one voice; this is one subject where the people have spoken with great clarity. I hope the Senate will heed this voice and take swift action to right these wrongs apparent to all of us.

By Mr. MOSS:

S.J. Res. 31. A joint resolution to provide for the convening of Congress on January 15 of each year, and for other purposes. Referred by unanimous consent to the Committee on the Judiciary.

CHANGING OF DATE FOR CONGRESS TO CONVENE

Mr. MOSS. Mr. President, today I have introduced a Senate joint resolution to move the date set for Congress to assemble from its present date of January 3 to a date of January 15. This would be a permanent adjustment unless Congress specified otherwise in future legislation.

It is my opinion that neither Congress nor the administration has adequate time at the beginning of each year to prepare for the new session.

For example, Congress has usually adjourned by December, and most Members are out of Washington. The last part of December is devoted to family and holidays, and is usually spent in the home State. There are many constituent conferences, and often receptions and other social events to allow Members to be with and to listen to the people at home. Then the Member hurries back to Washington after the New Year to be confronted immediately with substantial questions of public interest. He has little time to discuss what needs to be done in the new session, or how.

The beginning of a session should be a time for taking a long view, for assessing the directions we think the Government should take over the coming year, and for setting basic commitments and strategies. Yet, under the present calendar, we are quickly trapped in the day-to-day activities always present when Congress is in session, with little time for preparation or reflection.

There is ample evidence that the President needs additional time to prepare the basic documents that are necessary to set the agenda at the beginning of each session. Both Houses of Congress have already acted this session on House Joint Resolution 1, which allows the President additional time to present his budget message and the economic report to Congress. Under House Joint Resolution 1, the budget would be due this year on January 29, and the economic report would be due 15 days after that.

The President and the Congress simply must have more time to prepare before Congress convenes at the beginning of a session.

Much of the time spent by Congress in early January cannot be used in the most productive fashion possible, largely because we are often waiting for Presidential messages to be sent to Congress. This year is a very good example. The President will not send his state of the Union message to Congress until after his inaugural address, so we convened 17 days before significant action is likely to develop.

The resolution I have introduced makes adjustments in all laws that relate to the date of the convening of Congress. Section 2(a) deals with the electoral college, which presently meets on January 6 before a joint session of Congress to count the ballots. My resolution simply requires that they meet on the 16th day of January, the day after Congress would convene. This would be 4 days before the President's inauguration and should give adequate time for any problems to be worked out that might relate to the electoral college, though modern history shows that trouble is not likely to occur. Section 2(b) provides that Congress cannot take a recess until all ballot controversies relating to the presidential election have been resolved.

Existing law says that Congress cannot recess after the fifth day after it convenes. These provisions are not likely to be needed, but they do clean up the resolution as it relates to other laws.

The economic report from the President must be sent to Congress within 15 days after the budget is received. The budget must be sent to Congress within 15 days after it convenes. Section 3(b) of my resolution simply moves the date set for filing the report of the Joint Economic Committee back 15 days so that it will conform to the 15-day extension of the congressional recess.

New Presidents taking office for the first time would benefit from the change proposed in this resolution. A new President would now gain an additional 15 days before he found it necessary to present a budget to Congress. Since a new President often makes significant changes in budgetary decisions, the additional 15 days would certainly help create greater rationality and judgment in any changes proposed by a new, incoming President. Though this is not the main purpose of the resolution, it is certainly a beneficial side effect.

Members of Congress need more time to spend with constituents in their State, and it is becoming increasingly difficult to find time for this purpose. After examining the congressional calendar, I have determined that the period surrounding the Christmas season is the most logical recess to expand for such contact with our constituency.

The workload here in Washington requires more and more of our time during the year—a problem not anticipated, understandably, by the Founding Fathers. Only recently has Congress been required to stay in Washington past the summer months. It is now becoming routine for us to remain here through the fall and winter. Those who suffer most from this are the people of our State, who deserve and require attention by their elected Representatives.

I believe if we will all be honest with ourselves we will realize that the present starting time for Congress leads to rather short daily sessions initially. Some Members come to Washington and devote full time to their activities immediately, while others delay their return to this city for weeks. Others hop back and forth from Washington to meetings with constituents in the home State on the long weekends. We and the people we represent would all benefit by simply taking this time to relate to our constituencies, and then coming to Washington at a later date ready for a full agenda.

I ask that the joint resolution be printed at this point in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 31

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, commencing in 1974, the regular session of Congress which assembles each year under section 2 of article XX of the articles of amendment of the Constitution shall begin at noon on January 15 of each such year.

SEC. 2. (a) The first sentence of section 15 of title 3, United States Code, is amended by striking out "sixth day" and inserting in lieu thereof "sixteenth day".

(b) The last sentence of section 16 of such title is amended by striking out "fifth calendar day" and inserting in lieu thereof "second calendar day".

SEC. 3. (a) Section 3(a) of the Employment Act of 1946 is amended by striking out "January 20" and inserting in lieu thereof "February 2".

(b) Section 5(b)(3) of such Act is amended by striking out "March 1 of each year (beginning with the year 1947)" and inserting in lieu thereof "March 15 of each year".

Mr. MOSS subsequently said: Mr. President, I have submitted a Senate joint resolution for consideration, and I ask unanimous consent that it be referred to the Committee on the Judiciary. I have been advised by the Parliamentarian there are some other matters in it that have some peripheral effect. Therefore, I ask unanimous consent that it be referred to the Judiciary Committee, where it primarily should be considered.

The PRESIDING OFFICER. Is there objection?

Mr. GRIFFIN. Mr. President, reserving the right to object, would the Senator indicate what the subject of the resolution is?

Mr. MOSS. The resolution would provide that Congress convene on the 15th of January each year, rather than on the 3d. This would be primarily a Judiciary Committee matter. In the event it became law, the time for making reports, for instance, the report on labor and the report on the budget, all would slide back a given number of days. That is the only reason why there is any jurisdiction resting in other committees.

Mr. GRIFFIN. If I may ask, which committee would receive this resolution if the request had not been made?

Mr. MOSS. It would have gone to the Judiciary Committee, but then it would be subject to referral to a few other committees. It is simply a matter of a few days' time on the matter of reporting.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? Without objection, the joint resolution will be referred as requested.

By Mr. CANNON:

S.J. Res. 32. A joint resolution proposing an amendment to the Constitution of the United States providing for the election of the President and the Vice President of the United States. Referred to the Committee on the Judiciary.

Mr. CANNON. Mr. President, I introduce for appropriate reference a bill to amend the Constitution of the United States with respect to the election of the President and Vice President.

This bill provides for the proportional casting of electoral votes in each State and the District of Columbia in exact ratio to the popular votes cast for each candidate for President and Vice President at the polls throughout the Nation on election day.

It is a matter of great familiarity to all Members of the Senate, I am sure, that today's method of electing the highest officers in the United States is antiquated and inequitable. The winner of the popular vote in any given State receives all of the electoral votes and the loser receives none. This winner-take-all system may not appear to be unfair when an election is won by a clear majority of all the votes cast. But when an election is hotly contested and the margin of victory is narrow, then the electoral votes in each State are extremely important. The swing of electoral votes in a few large States, or even in a number of smaller States, could change the results of an election.

Mr. President, my bill would eliminate the winner-take-all factor and would insure the fair and accurate apportionment of electoral votes among the candidates for President and Vice President.

The popular votes in each State and the District of Columbia would be counted and certified to the Congress where each person for whom votes were cast would be credited with the proportion of the electoral votes he would be entitled to in direct ratio to the popular votes cast for him in each State and the District of Columbia. Electoral votes would be reduced to fractions down to one one-thousandth of an electoral vote. This precise method would insure to the people a kind of guarantee that the candidates of their choice would receive the votes cast for them.

Another benefit of this bill would be the elimination of the unfaithful elector—one who is charged with casting an electoral vote for the winner of the presidential election in a given State, but who violates his trust and votes for some other person. Thus, a bona fide candidate is denied an important electoral vote. That practice must be prohibited. It would be impossible under my bill since proportional electoral votes would be given to each candidate without the services of presidential electors.

Finally, but of equal importance, my bill would preserve the electoral votes, if not the electors, as provided for in the U.S. Constitution. In principal, the electoral votes were intended to impart some balance among the States by giving each, one electoral vote for each U.S. Senator, and to reflect the population of each State, an additional electoral vote is given for each Representative.

If all electoral votes were cast on the basis of popular votes, the existing system would still be most desirable, but when losers receive nothing or when electoral votes are cast facetiously, then it is time for a change to a better, more equitable system.

I hope that this bill and others like it will be given early consideration so that in 1976, we will have a truly fair and accurate method for counting and apportioning votes cast for presidential and vice-presidential candidates.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 4

At the request of Mr. Williams, the Senator from South Dakota (Mr. Abourezk), the Senator from Nevada (Mr. Cannon), the Senator from Florida (Mr. Chiles), the Senator from Iowa (Mr. Clark), the Senator from Maine (Mr. Hathaway), the Senator from Maryland (Mr. Mathias), the Senator from Missouri (Mr. Symington), the Senator from North Dakota (Mr. Young), the Senator from Colorado (Mr. Haskell), and the Senator from Wisconsin (Mr. Proxmire), were added as cosponsors of S. 4, the Retirement Income Security for Employees Act of 1973.

S. 12

At the request of Mr. Williams, the Senator from Maine (Mr. Muskie) and the Senator from Georgia (Mr. Nunn) were added as cosponsors of S. 12, the Urban Parkland Heritage Act.

S. 14

At the request of Mr. Kennedy, the Senator from Washington (Mr. Magnuson) was added as a cosponsor of S. 14, to amend the Public Health Service Act to provide assistance and encouragement for the establishment and expension of health maintenance organizations, health care resources, and the establishment of a Quality Health Care Commission, and for other purposes.

S. 15

At the request of Mr. McClellan, the Senator from Wyoming (Mr. Hansen) was added as a cosponsor of S. 15, to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide a Federal death benefit to the surviving dependents of public safety officers.

S. 17

At the request of Mr. Stafford (for Mr. Schweiker) the Senator from Alaska (Mr. Stevens), the Senator from West Virginia (Mr. Randolph), the Senator from Utah (Mr. Moss), the Senator from Minnesota (Mr. Mondale), the Senator from California (Mr. Cranston), the Senator from Alabama (Mr. Allen), the Senator from North Dakota (Mr. Young), the Senator from Rhode Island (Mr. Pastore), and the Senator from Nebraska (Mr. Curtis) were added as cosponsors of S. 17, to amend the Public Health Service Act to provide for greater and more effective efforts in research and public education with regard to diabetes mellitus.

S. 32

At the request of Mr. Kennedy, the Senator from North Dakota (Mr. Burdick), the Senator from Missouri (Mr. Eagleton), the Senator from Oregon (Mr. Hatfield), the Senator from Montana (Mr. Metcalf), and the Senator from Wisconsin (Mr. Nelson) were added as cosponsors of S. 32, the National Science Policy and Priorities Act.

S. 33

At the request of Mr. Kennedy, the Senator from New Jersey (Mr. Williams) was added as a cosponsor of S. 33, to amend the Omnibus Crime Control and Safe Streets Act of 1968 to authorize group life insurance programs or public safety officers and to assist State and local governments to provide such insurance.

S. 37

At the request of Mr. Metcalf, the Senator from Maine (Mr. Muskie) was added as a cosponsor of S. 37, to amend the Budget and Accounting Act.

S. 39

At the request of Mr. Cannon, the Senator from Mississippi (Mr. Stennis) was added as a cosponsor of S. 39, to amend the Federal Aviation Act of 1958 to provide a more effective program to prevent aircraft piracy, and for other purposes.

S. 59

At the request of Mr. Cranston, the Senator from Rhode Island (Mr. Pastore), the Senator from North Dakota (Mr. Burdick), the Senator from New Jersey (Mr. Williams), and the Senator from Nevada (Mr. Cannon) were added as cosponsors of S. 59 a bill to amend title 38 of the United States Code to provide improved medical care to veterans; to provide hospital and medical care to certain dependents and survivors of veterans; to improve recruitment and retention of career personnel in the Department of Medicine and Surgery.

S. 174

Mr. MONTOYA. Mr. President, on behalf of Mr. Long, Mr. Ribicoff, and myself, I ask that the following Senators be added as cosponsors of S. 174, to provide for coverage of outpatient drugs under medicare: Senators McGovern, McGee, Inouye, Pastore, Beall, Stevens, Moss, Hathaway, Nelson, McIntyre, Gravel, Cranston, Bible, Stevenson, Eagleton, Burdick, Randolph, Hart, Gurney, Metcalf, Tunney, Williams, Javits, and Hatfield.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 176

At the request of Mr. Thurmond, the Senator from Minnesota (Mr. Mondale), the Senator from Washington (Mr. Jackson), the Senator from Oklahoma (Mr. Bellmon), the Senator from Illinois (Mr. Stevenson), the Senator from California (Mr. Cranston), and the Senator from Pennsylvania (Mr. Scott) were added as cosponsors of S. 176, the World War I Pension Act of 1973.

S. 260

At the request of Mr. Chiles, the Senator from Colorado (Mr. Haskell) was added as a cosponsor of S. 260, to provide that meetings of Government agencies and of congressional committees shall be open to the public.

S. 284

At the request of Mr. Cranston, the Senator from Rhode Island (Mr. Pastore) and the Senator from New Jersey (Mr. Williams) were added as cosponsors of S. 284 a bill to amend chapter 17 of title 38, United States Code, to require the availability of comprehensive treatment and rehabilitive services and programs for certain disabled veterans suffering from alcoholism, drug dependence, or alcohol or drug abuse disabilities, and for other purposes.

S. 316

At the request of Mr. Jackson, the Senator from Missouri (Mr. Eagleton) was added as a cosponsor of S. 316, to further the purposes of the Wilderness Act of 1964 by designating certain lands for inclusion in the national wilderness preservation system, and for other purposes.

S. 366

At the request of Mr. Cannon, the Senator from West Virginia (Mr. Robert C. Byrd) was added as a cosponsor of S. 366, to promote public confidence in the legislative, executive, and judicial branches of the Government of the United States.

S. 373

Mr. ERVIN. Mr. President, I ask unanimous consent that at the next printing the names of the Senator from Arkansas (Mr. McClellan), the Senator from California (Mr. Tunney), the Senator from Georgia (Mr. Nunn), the Senator from Massachusetts (Mr. Kennedy), the Senator from Kentucky (Mr. Huddleston), and the Senator from New Jersey (Mr. Case) be added as cosponsors to S. 373, a bill to insure the separation of Federal powers and to protect the legislative function by requiring the President to notify the Congress whenever he impounds or authorizes the impounding of funds, and to provide a procedure under which the Senate and House of Representatives may approve the President's action or require the President to cease such action.

The PRESIDING OFFICER (Mr. Clark). Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, will the distinguished Senator yield?

Mr. ERVIN. I yield.

Mr. ROBERT C. BYRD. Does the Senator have my name included?

Mr. ERVIN. I do not recall. I introduced the bill the other day with the cosponsorship of 45 Senators. I would be delighted to ask unanimous consent in case the Senator's name is not on the original bill.

Mr. President, I ask unanimous consent that the name of the distinguished Senator from West Virginia (Mr. Robert C. Byrd) be added as a cosponsor of S. 373.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. Mr. President, I ask unanimous consent that at the next printing of S. 373 the name of the Senator from New Mexico (Mr. Domenici), who was inadvertently added to the cosponsors of the impoundment control bill, be removed as a cosponsor the next time the bill is printed.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 394

At the request of Mr. Humphrey, the Senator from Utah (Mr. Moss), the Senator from Nevada (Mr. Cannon), the Senator from Colorado (Mr. Haskell), the Senator from Georgia (Mr. Nunn), the Senator from Nevada (Mr. Bible), the Senator from California (Mr. Tunney), the Senator from Oregon (Mr. Hatfield), the Senator from Illinois (Mr. Stevenson), and the Senator from Massachusetts (Mr. Kennedy) were added as cosponsors of S. 394, a bill to amend the Rural Electrification Act of 1936, as amended, to reaffirm that such funds made available for each fiscal year to carry out the programs provided for in such act be fully obligated in said year, and for other purposes.

S. 395

At the request of Mr. Dominick, the Senator from Pennsylvania (Mr. Scott), the Senator from New York (Mr. Buckley), the Senator from Wyoming (Mr. Hansen), and the Senator from New Mexico (Mr. Domenici) were added as cosponsors of S. 395, regarding private ownership of gold.

S. 408

Mr. FANNIN. Mr. President, I am very pleased to join today in cosponsoring S. 408, to amend the Food Stamp Act of 1964, introduced by Senator Thurmond and others on January 16.

Federal legislation establishing the food stamp program became effective on August 3, 1964, and was amended on January 11, 1971—chapter 51, section 2011 to end, U.S.C. 7.

Neither the law nor its amendment provided for food stamps for strikers. Since 1968 there have been at least three unsuccessful attempts in the House to amend the Food Stamp Act by adding a provision prohibiting strikers from participating under the program, the most recent attempt being by way of a limitation in the Agriculture Appropriation Act in the last Congress. These failures of Congress to act have been used by proponents of their use as legislative approval of the program.

The congressional history and the act itself demonstrates that it was intended to be a part of the Government's effort to distribute surplus food and to encourage domestic consumption of farm products.

The food stamp program is administered by the Food Stamp Division of the Food and Nutritional Service of the Department of Agriculture. The Division has regional staffs in five geographical areas which supervise several hundred employees. They have no official authority over certification of eligible stamp users or actual disbursing of the stamps, which is in the province of the Department of Health, Education, and Welfare.

Food stamps is a Federal program and the benefits from it are now uniform nationally. Program eligibility which had previously been handled on a State or local level was standardized and benefit levels were last modified in mid-1971. The program has spread rapidly. By the end of fiscal year 1970, it was operating in 1,747 project areas in 48 States, and nearly 6.5 million people were participating. The value of the bonus coupons was upward of $600 million.

Several studies have been made which show convincingly that the utilization of food stamps by strikers has contributed to both the number and length of strikes. The most exhaustive study is the 1972 report of Wharton School of Finance and Commerce entitled "Welfare and Strikers—The Use of Public Funds To Support Strikers."

Mr. President, our basic labor-management laws, the Wagner Act, the Taft-Hartley Act, and the Landrum-Griffin Act all had as their stated purpose to create a balance between the rights of labor and management. Free collective bargaining to settle disputes has been our national policy. The entitlement of strikers for food stamps is directly contrary to that policy. The use of taxpayers' money to subsidize one side of a strike is wrong. This is a matter for the private, collective bargaining sphere of our economy. To put the Government on the economic side of either the striker or the employer in a labor dispute is unfair. Strikers are not indigent. They have suffered a cut in income but it is at their insistence, not the Government's, since they choose to use the economic weapon of a strike to enforce their demands in collective bargaining negotiations.

Mr. President, the food stamp program was intended to help the needy, the unemployed, the unemployable, families on welfare, mothers with dependent children, the aged, the blind and disabled, the people who through no fault or choice of their own are involuntarily the victims of incomes inadequate to provide them with quality, quantity and the kind of food necessary to assure a proper diet. This bill would in no way affect these people. Unlike these people, strikers have access to special funds provided by their unions and ordinarily have a salable skill to assure them of work elsewhere. In fact every dollar which goes to the striker by way of food stamps may be one less available dollar for the people who really are in need.

In 1970, 6 years after the passage of the Food Stamp Act, the number of work stoppages hit a new all-time high of 5,716 strikes. The number of strikes lasting 90 days or more jumped from 200 in 1960 to 334 in 1970.

Mr. President, the Wharton study used a number of examples to justify its conclusion that strikers will probably receive $238 million in food stamps during 1973. A few of those examples are summarized below.

THE 1967–68 COPPER STRIKE

About 37,000 workers in five Western States were idle for 316 days in the nonferrous metals strike of 1967. The primary issue of the strike was the structure of the collective bargaining unit with the unions attempting to force the companies to bargain on an industry-wide coalition basis. As the strike continued more and more strikers turned to public welfare to reduce the economic pressures. Public assistance was obtainable in all of the States affected by the strike except Arizona. Strikers discovered that food stamps or surplus food were available in most States. This strike marked the beginning of widespread use of food stamps by strikers. Complete reports upon the amount and number are not available.

THE 1969–70 GENERAL ELECTRIC STRIKE

On October 26, 1969, approximately 164,000 employees went out on a strike which continued for 122 days. While the impact of the strike was greatest in New York and Massachusetts, various other States were affected. In all affected States, strikers received various forms of public welfare—surplus food, food stamps, welfare, and in New York unemployment compensation. No breakdown as to the value of food stamps issued is available.

THE 1970–71 WESTINGHOUSE STRIKE

On August 28, 1970, a 160-day strike began against Westinghouse at Lester, Pa. By January 1971 over 1,800 persons were receiving food stamps, representing a 164-percent increase over the number of participants prior to the strike. During this strike a strike vote was taken in which the strikers voted to continue the strike. Could that vote have been affected by the availability of food stamps?

THE 1970 GENERAL MOTORS STRIKE

On September 14, 1970, a 71-day strike against General Motors commenced. The greatest number of strikers were concentrated in Michigan. The Wharton study found that nearly $11 million in food stamps were provided for Michigan strikers.

OTHER STRIKES

In a 1970 Teamsters strike in Cook County, Ill., there were 15,000 strikers who participated in the food stamp program. To understand the impact of food stamps for strikers look, for example, at one case from Los Angeles County, Calif., during the 1970 auto strike—Food Stamps for Strikers, report of the National Labor-Managament Foundation, page 5. Before the strike a typical worker earned $2.75 per hour, with a weekly gross of $110. Average weekly deductions totaled $18.65, leaving a net pay of $91.35. What happened to this typical worker after he went on strike is most amazing. Nontaxable UAW strike benefits paid $40 weekly. This would buy $106 worth of food stamps for $42 per month—a nontaxable subsidy of $16 per week. The California Welfare Department paid him $282 per month in emergency relief, or $70 per week. This gave the striker $34.65 more per week in disposable income than he earned before calling the strike. He would have needed a raise of about $.90 per hour—an increase of almost 33 percent—just to stay even with his strike income.

It is obvious that the food stamp program played a major role in destroying this worker's incentive to return to work without exorbitant wage increases of a kind which brought the country to the brink of economic disaster in the summer of 1971. Negative incentives to workers such as the food stamp program make it easy to understand why this country's relative productivity is lagging—in this case, we—the taxpayers of the Nation and of California—pay a man more not to produce than he gets for working.

The argument has been made that those on strike have so-called right to food stamps because they are taxpayers when they are working. If this argument was carried to its logical conclusion by every taxpayer, then childless payers of school taxes could rightfully complain about the lack of return to them individually from their tax dollars. Or, those who do not own automobiles could rightfully complain that they get no return to them individually from taxes used to build streets and roads.

Advocates of food stamps for strikers make emotional appeals based upon the spector of starving wives and children. This argument becomes hard to accept as the general level of affluence in the labor force increases. Furthermore, the timing of most strikes is well known in advance, allowing any thoughtful worker to take necessary provident steps. I fully support the right to strike, but that right does not mean that those on strike have a right to public subsidies such as food stamps.

This bill does not effect the rights of workers who are out of work because of an employer lockout. However, I believe it would deny food stamps in selective strikes. An example of a selective strike occurs when the employer operates a number of plants. The same union is the bargaining agent in all of the plants. The plant chosen to be struck is strategic to the operations at other plants of the employer to the extent that he has no alternative to closing down one or more of the other plants. This is not the usual lockout used as a bargaining tool. Where the striker or unemployed worker is a member of the same union which is using the selective strike technique, I do not believe he should be entitled to food stamps and the bill so provides.

If Congress wishes to in some small measure cut down the number and especially the long duration of strikes the bill offers a beginning. It does not attempt to cut down on aid to dependent children, welfare, or unemployment compensation for strikers. By confining it to food stamps, we will be in better position to judge the effectiveness of Federal Governmental support of strikers.

S. 413

At the request of Mr. Hatfield, the Senator from Nevada (Mr. Cannon) was added as cosponsor of S. 413, to permit American citizens to hold gold.

S. 459

At the request of Mr. Talmadge, the Senator from Maryland (Mr. Mathias) was added as a cosponsor of S. 459, to require the Secretary of Agriculture to carry out a rural environmental assistance program.

S. 472

At the request of Mr. Kennedy, the Senator from South Dakota (Mr. McGovern) was added as a cosponsor of S. 472, the Vote Registration Assistance Act of 1973.

SENATE JOINT RESOLUTION 10

At the request of Mr. Schweiker, the Senator from Arkansas (Mr. McClellan), the Senator from Nevada (Mr. Cannon), the Senator from Maryland (Mr. Beall), and the Senator from New Hampshire (Mr. McIntyre) were added as cosponsors of Senate Joint Resolution 10, the school prayer amendment.

SENATE JOINT RESOLUTION 14

At the request of Mr. Brock, the Senator from Arizona (Mr. Fannin) was added as a cosponsor of Senate Joint Resolution 14, proposing an amendment to the Constitution of the United States relating to open admissions to public schools.

SENATE JOINT RESOLUTION 20

At the request of Mr. Brooke, the Senator from New York (Mr. Javits) and the Senator from Michigan (Mr. Hart) were added as cosponsors of Senate Joint Resolution 20, designating January 15, of each year as "Martin Luther King Day."

SENATE CONCURRENT RESOLUTION 6—SUBMISSION OF A CONCURRENT RESOLUTION TO APPORTION FUNDS FOR THE NATIONAL SYSTEM OF INTERSTATE AND DEFENSE HIGHWAYS

(Referred to the Committee on Public Works.)

Mr. BAKER (for himself, Mr. Stafford, Mr. Buckley, Mr. Cook, Mr. Domenici, Mr. McClure, Mr. Muskie, and Mr. Scott of Virginia) submitted the following concurrent resolution:

S. Con. Res. 6

Resolved by the Senate (the House of Representatives concurring), That the Secretary of Transportation is authorized to make the apportionment for the fiscal year 1974 of the sums authorized to be apportioned for such year for expenditure on the National System of Interstate and Defense Highways, using the apportionment factors contained in table 5, House Committee Print numbered 92–29.

SENATE RESOLUTIONS 25, 26, 27, 28, 29, 30, 31, AND 32—ORIGINAL RESOLUTIONS REPORTED

(Placed on the calendar.)

The following original resolutions were reported by Mr. Cannon, from the Committee on Rules and Administration:

S. Res. 25

Resolution authorizing the revision and printing of the Senate Manual for use during the Ninety-third Congress

Resolved, That the Committee on Rules and Administration be, and it is hereby, directed to prepare a revised edition of the Senate Rules and Manual for the use of the Ninety-third Congress, that said Rules and Manual shall be printed as a Senate document, and that two thousand additional copies shall be printed and bound, of which one thousand copies shall be for the use of the Senate, five hundred and fifty copies shall be for the use of the Committee on Rules and Administration, and the remaining four hundred and fifty copies shall be bound in full morocco and tagged as to contents and delivered as may be directed by the Committee.

S. Res. 26

Resolution providing for members on the part of the Senate of the Joint Committee on Printing and the Joint Committee of Congress on the Library

Resolved, That the following-named Members be, and they are hereby, elected members of the following joint committees of Congress:

Joint Committee on Printing: Mr. Cannon of Nevada, Mr. Allen of Alabama, and Mr. Scott of Pennsylvania.

Joint Committee of Congress on the Library: Mr. Cannon of Nevada, Mr. Pell of Rhode Island, Mr. Williams of New Jersey, Mr. Cook of Kentucky, and Mr. Hatfield of Oregon.

S. Res. 27

Resolution to pay a gratuity to Roger G. Anderson

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Roger G. Anderson, widower of Marilyn E. Anderson, an employee of the Senate at the time of her death, a sum equal to three months' compensation at the rate she was receiving by law at the time of her death, said sum to be considered inclusive of funeral expenses and all other allowances.

S. Res. 28

Resolution to pay a gratuity to LeRoy Spears, Sr.

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to LeRoy Spears, Senior, father of Joy M. Spears, an employee of the Senate at the time of her death, a sum equal to one year's compensation at the rate she was receiving by law at the time of her death, said sum to be considered inclusive of funeral expenses and all other allowances.

S. Res. 29

Resolution to pay a gratuity to Richard E. Burgess

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Richard E. Burgess, widower of Jeannette A. Burgess, an employee of the Senate at the time of her death, a sum equal to one year's compensation at the rate she was receiving by law at the time of her death, said sum to be considered inclusive of funeral expenses and all other allowances.

S. Res. 30

Resolution to pay a gratuity to Norinne B. Bratt

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Norinne B. Bratt, widow of James L. Bratt, Junior, an employee of the Architect of the Capitol assigned to duty in the Senate Office Buildings at the time of his death, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

S. Res. 31

Resolution to pay a gratuity to Ethel E. Clemmer

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Ethel E. Clemmer, widow of Kneale W. Clemmer, Senior, an employee of the Architect of the Capitol assigned to duty in the Senate Office Buildings at the time of his death, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

S. Res. 32

Resolution to pay a gratuity to Margaret L. Hamilton

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Margaret L. Hamilton, widow of Douglas A. Hamilton, an employee of the Architect of the Capitol assigned to duty in the Senate Office Buildings at the time of his death, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

SENATE RESOLUTION 33—SUBMISSION OF A RESOLUTION AUTHORIZING CERTAIN EXPENDITURES BY THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

(Referred to the Committee on Interior and Insular Affairs.)

Mr. JACKSON (for himself and Mr. Fannin) submitted the following resolution:

S. Res. 33

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Interior and Insular Affairs, or any subcommittee thereof, is authorized from March 1, 1973, through February 28, 1974, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency, and (4) to consent to the assignment of personnel of other committees of the Senate to assist in carrying out the purposes of Section 3 of this resolution. Travel and other expenses, other than salary, of any personnel from other committees assigned to the committee pursuant to this paragraph for the purposes of Section 3 of this resolution may be paid under this resolution.

Sec. 2. The expenses of the committee under this resolution shall not exceed $475,000 of which amount (1) not to exceed $25,000 shall be available for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

Sec. 3. To assist the committee in a study of national fuels and energy policy pursuant to Senate Resolution 45, agreed to May 3, 1971, the chairman and ranking minority member of each of the Committees on Commerce and Public Works, or members of such committees designated by such chairman and ranking minority members to serve in their places, and the ranking majority and minority Senate members of the Joint Committee on Atomic Energy, or Senate members of that committee designated by such ranking majority and minority Senate members to serve in their places, shall participate and shall serve as ex officio members of the committee for the purpose of conducting the fuels and energy policy study.

Sec. 4. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1974.

Sec. 5. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

Subsequently, Mr. Jackson, from the Committee on Interior and Insular Affairs, reported the resolution without amendment, which was referred to the Committee on Rules and Administration.

ADDITIONAL COSPONSOR OF A RESOLUTION

SENATE RESOLUTION 14

At the request of Mr. Schweiker, the Senator from Colorado (Mr. Haskell) was added as a cosponsor of Senate Resolution 14, a resolution to amend rule XXVII of the standing rules to provide for the appointment of Senate Conferees.

NOTICE OF HEARINGS ON A NOMINATION

Mr. CANNON. Mr. President, I wish to announce that the Committee on Rules and Administration will hold an open hearing at 2 p.m. Wednesday, January 31, 1973, in room 301, Russell Office Building, on the nomination of Thomas F. McCormick, of Connecticut, to be Public Printer.

Any individuals or organizations wishing to be heard on this nomination should promptly notify Mr. William M. Cochrane, staff director of the committee, telephone 202-225-6352.

NOTICE OF PUBLIC LAND HEARINGS

Mr. JACKSON. Mr. President, I wish to announce for the information of the Members of the Senate and other interested persons that the Subcommittee on Public Lands of the Committee on Interior and Insular Affairs has scheduled open, public hearings on S. 424, a bill to provide for the management, protection, and development of the national resource lands, and for other purposes, for February 15, 1973.

The hearing will begin at 10 a.m. in room 3110 Dirksen Senate Office Building, and persons wishing to testify or submit statements should so advise the committee staff.

NOTICE OF HEARING ON A NOMINATION

Mr. SPARKMAN. Mr. President, I wish to announce that the Committe on Banking, Housing and Urban Affairs will hold a hearing on Friday, January 26, 1973, on the nomination of Frank C. Herringer of Virginia, to be Urban Mass Transportation Administrator.

The hearing will commence at 10 a.m. in room 5302, New Senate Office Building.

All persons wishing to testify should contact Miss Dorrie Thomas, room 5226, New Senate Office Building, telephone 225-6348.

NOTICE OF HEARING ON AMENDMENT OF THE URBAN MASS TRANSPORTATION ACT

Mr. SPARKMAN. Mr. President, I should like to announce that the Subcommittee on Housing and Urban Affairs of the Committee on Banking, Housing and Urban Affairs will hold 2 days of hearings on S. 386, a bill introduced by Senator Williams, to amend the Urban Mass Transportation Act of 1964 to authorize certain grants to assure adequate commuter service in urban areas, and for other purposes.

The hearings will be held on February 6 and 7, 1973, in room 5302, Dirksen Senate Office Building, and will commence at 2:00 p.m. each day.

The subcommittee will welcome statements for inclusion in the record of hearings.

NOTICE OF HEARINGS CONCERNING CERTAIN CUTBACKS IN AGRICULTURAL PROGRAMS

Mr. TALMADGE. Mr. President, the Committee on Agriculture and Forestry will hold hearings on February 1, 2, 5, and 6 on recent termination and cutbacks by the administration of agricultural programs such as the rural environmental assistance program, the FHA emergency loan program, the rural electric and telephone loan programs, and subsidization of rural housing. The hearings will be in room 324, Russell Office Building, beginning at 10 a.m. each day. Public witnesses will be limited to a 10-minute oral presentation with the privilege of filing longer statements. Anyone wishing to testify should contact the committee clerk as soon as possible.

NOTICE OF HEARINGS ON RECOMMENDED JUDGESHIPS

Mr. BURDICK. Mr. President, I wish to announce continuation of the public hearings before the Subcommittee on Improvements in Judicial Machinery relating to the recommendations of the Judicial Conference of the United States for creation of an additional 51 judgeships.

On January 30, 1973, the hearing will be held, commencing at 10 a.m. in room 2228, Dirksen Office Building. The witnesses scheduled for that date will be the chief judges of the district court in the districts of Virginia—western, Virginia—eastern, and New York—northern.

On January 31, the chief judges from the Minnesota, Wisconsin—western, and Missouri—western districts will appear.

Communications relative to this series of hearings should be directed to the subcommittee staff, 6306 Dirkser Office Building, extension 5-3618.

ANNOUNCEMENT OF HEARINGS BY THE HEALTH SUBCOMMITTEE

Mr. KENNEDY. Mr. President, I wish to bring to the public's attention the initial schedule of health hearings in the 93d Congress.

The Senate Health Subcommittee will hold hearings on diabetes on Monday, January 29, at 9:30 a.m., room 4232. On Wednesday, January 31, and Thursday, February 1, the Subcommittee on Health will hold hearings on an emergency medical services bill, with reference to the bill introduced by Senator CRANSTON and myself earlier today. These hearings will begin at 9:30 a.m., in room 4200.

At 2:30 p.m., on February 1, the Health Subcommittee will hold an executive session to consider lead-based paint, and S. 14, Health Maintenance Organizations.

Individuals who wish to testify or to submit written statements to the committee should contact the Senate Health Subcommittee, room 4226, Dirksen Office Building, Washington, D.C.

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

Lyle S. Garlock, of Virginia, to be a member of the Foreign Claims Settlement Commission of the United States.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Tuesday, January 30, 1973, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

QUORUM CALL

Mr. STAFFORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BARTLETT). Without objection, it is so ordered.

MESSAGE FROM THE HOUSE—DEATH OF FORMER PRESIDENT LYNDON B. JOHNSON

A message from the House of Representatives by Mr. Berry, one of its reading clerks, communicated to the Senate the intelligence of the depth of Hon. Lyndon Baines Johnson, former President of the United States of America, and transmitted the resolution of the House of Representatives (H. Res. 152) relating thereto.

The message announced that the House had agreed to a concurrent resolution (H. Con. Res. 90) authorizing the remains of former President Lyndon B. Johnson to lie in state in the rotunda of the Capitol, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a joint resolution (H.J. Res. 163) designating the week commencing January 28, 1973, as "International Clergy Week in the United States", and for other purposes, in which it requested the concurrence of the Senate.

The message informed the Senate that, pursuant to the provisions of title 20, United States Code, sections 42 and 43, the Speaker had appointed Mr. MAHON, Mr. ROONEY of New York, and Mr. MINSHALL of Ohio as members of the Board of Regents of the Smithsonian Institution, on the part of the House.

Mr. ROBERT C. BYRD. Mr. President, I ask the Chair to lay before the Senate a message from the House on House Concurrent Resolution 90.

The PRESIDING OFFICER (Mr. BARTLETT) laid before the Senate House Concurrent Resolution 90, which was read as follows:

HOUSE CONCURRENT RESOLUTION 90

Resolved by the House of Representatives (the Senate concurring), That in recognition of the long and distinguished service rendered to the Nation and to the world by Lyndon B. Johnson, Thirty-sixth President of the United States, his remains be permitted to lie in state in the rotunda of the Capitol from January 24 to January 25, 1973, and the Architect of the Capitol, under the direction of the Speaker of the House of Representatives and the President pro tempore of the Senate, shall take all necessary steps for the accomplishment of that purpose.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent for the immediate consideration of the concurrent resolution.

The PRESIDING OFFICER. Is there objection?

There being no objection, the concurrent resolution (H. Con. Res. 90) was considered and unanimously agreed to.

EXECUTIVE SESSION

DEPARTMENT OF DEFENSE AND CENTRAL INTELLIGENCE AGENCY

The PRESIDING OFFICER (Mr. BARTLETT). Pursuant to the previous order, the Senate will now go into executive session to consider nominations on the Executive Calendar.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to consider en bloc the nominations of Mr William P. Clements, Jr. of Texas and Mr. James R. Schlesinger of Virginia.

The PRESIDING OFFICER. Without objection, it is so ordered, and the two nominations on the Executive Calendar will be stated.

The assistant legislative clerk read the nomination of Mr. William P. Clements, Jr., of Texas, to be a Deputy Secretary of Defense, in the Department of Defense; and the nomination of Mr. James R. Schlesinger, of Virginia, to be Director of the Central Intelligence Agency.

The PRESIDING OFFICER. Under the previous order, the time for debate is limited to 2 hours, with 1 hour to each side.

Mr. STENNIS. Mr. President, I address the Chair for recognition.

The PRESIDING OFFICER. The Senator from Mississippi is recognized

Mr. STENNIS. Mr. President, what is the pending order of business now?

The PRESIDING OFFICER. It is on the nomination of Mr. William P. Clements, Jr., of Texas, and Mr. James R. Schlesinger, of Virginia, whose nominations will be considered en bloc.

Mr. STENNIS. I thank the Chair.

Mr. President, my remarks to the Senate on this matter will be brief.

I should like to inquire of the majority whip whether the Senator from Iowa has been notified.

Mr. ROBERT C. BYRD. The distinguished Senator from Iowa is on his way to the Chamber.

Mr. STENNIS. I thank the Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, would the distinguished Senator from Mississippi like me to ask for the yeas and nays now on the two nominations?

Mr. STENNIS. Yes.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that it be in order to order the yeas and nays on the two nominations with one show of seconds.

The PRESIDING OFFICER. Is there objection? There being no objection, and there being a sufficient show of seconds, the yeas and nays on the two nominations are ordered.

Mr. STENNIS. Mr. President, the pending matter before the Senate Executive Session is the question of whether the Senate will advise and consent to the nomination of Mr. William P. Clements, Jr., of Texas, to the office of Deputy Secretary of Defense. That nomination was referred to the Armed Services Committee along with the nomination of the Honorable Elliot L. Richardson, of Massachusetts, now Secretary of Health, Education, and Welfare, who was nominated by the President this January to be Secretary of Defense.

The committee considered each of these nominations and has taken quite seriously—as the committee should—its duty and obligation to go into all relevant matters in connection with these men, their backgrounds, their abilities, their capabilities and their attitudes towards the duties that they will assume, if approved, as well as their philosophies as to our system of government.

I want to say this about the nomination of Mr. Richardson; it could well have been considered first. I had hoped, of course, that that could be done. But there were some delays, without anyone being at fault. It was first agreed that that nomination would be carried over until Thursday of this week. The plans for this have already had to be changed because of the passing of Lyndon Baines Johnson, the former President of the United States.

So Mr. Richardson's nomination will be carried over until Friday of this week and, in accordance with the unanimous consent agreement, will be debated some time on Friday and the vote will be taken, I hope, on next Monday. But I do not believe there has been agreement yet to vote next Monday. I will propose to the leadership that they request the vote before we adjourn today.

Also today I may have some remarks, after these are disposed of, about the nomination of Mr. Richardson.

I believe we are under controlled time; is that correct, Mr. President?

The PRESIDING OFFICER. The Senator is correct.

Mr. STENNIS. Mr. President, I yield myself 20 minutes or so much thereof as I may use.

The PRESIDING OFFICER. The Senator from Mississippi may proceed.

Mr. STENNIS. Mr. President, the Committee on Armed Services has reported the nomination of Mr. William P. Clements, Jr., of Texas. After public hearings and full discussion, 13 of the 15 committee members recorded themselves in favor of the nomination. There were no dissenting votes. No member voted against the nomination. One member favored delaying certain presidential appointments at that time and voted, "present," but said he found no fault with Mr. Clements.

Mr. Clements is a respected Texas businessman with a fine and extensive background in the various aspects of his field. He has a distinguished record in business and in civic enterprise in Dallas. He was praised in the committee hearings by both Senators from Texas, one a member of the majority and the other a member of the minority.

I think there is good and recent precedent for approving a businessman as Deputy Secretary of Defense. I believe that Mr. David Packard performed very well indeed in that job. I believe that Mr. Clements can use his own business expertise and experience to improve and reform Pentagon procedures in areas such as procurement.

Mr. President, I just said that Mr. Packard did an outstanding job and then I talked about still improving and reforming procedures of procurement. There is much work still to be done in that field. Mr. Packard stayed in the Pentagon only 3 years but they were 3 fruitful years and he made a start in this very difficult field of procurement. It is a difficult field for the services and for the secretaries and for the industrial people as well.

I found Mr. Clements to be a man of tremendous energy and his great capabilities are already well proven. Senators will recall that under legislation approved last year, a second Deputy Secretary of Defense will be appointed to the Defense Department. That appointment will be made later, after Mr. Clements and the new Secretary of Defense, Mr. Richardson, have settled on their own working relationships.

It should be noted, however, that Mr. Clements is to be designated as the principal deputy, to serve as top man, if necessary, in the absence of the Secretary.

Mr. President, I emphasize that this is not just another office. This deputy secretary holds a highly important office. It carries tremendous power and responsibility. He will be No. 2 only to the Secretary of Defense. He will be acting Secretary of Defense in the absence of the Secretary and at meetings to which the Secretary cannot go. He will have special duties in the field of military procurement and in other operations of the Department of Defense which total in the neighborhood of $77 billion to $80 billion per year.

Mr. Clements impressed me greatly. I talked with him some 2 hours in private conference, and he was rather extensively examined, too, by all members of the committee. I was surprised and favorably impressed with his very fine knowledge of the problems of military procurement, even before he starts in this office, as well as his knowledge of other requirements of the office. That is explained when we recall that he was a member of the so-called Fitzhugh Commission, the blue ribbon panel that was appointed by President Nixon, near the beginning of his first term, to look into procurement and other matters in the Department of Defense. Mr. Clements was one of the active members of that panel, and he shows a very fine knowledge of the subject matter which he gained there and has followed up to some degree.

I note that Mr. Clements has been described in the press as an "oil man." However, he told the committee that his successful business has been oil drilling and that he is not in the oil business as such. I do not want to leave the impression that it is a sin to be in the oil business. There are very honorable men in that business. But this was viewed by the press as something that would derogate from Mr. Clements. I point out now that he is not in that business but is in the oil drilling business.

Mr. President, I had asked that copies of our printed hearing record be made available to Senators, and I ask that inquiry be made at this time to see whether the hearings are available to Senators.

On page 173 of the hearing record appears a letter in which Mr. Clements summarizes the action he has taken to avoid any possible conflict of interest. That means conflict of interest as Acting Secretary of Defense and Deputy Secretary of Defense with reference to dealings, purchases, and contracts that take place in the Defense Department. His letter makes him conform to the precedents of the Committee on Armed Services in this regard, and we unanimously cleared his record on that score.

He has also provided a file on a lawsuit in which his company is involved and which has given rise to some press reports. That matter appears at pages 139 to 157 of the printed hearing record. That tells the entire story about this lawsuit.

It is a rather long printed record; but, briefly summed up, Mr. Clements' firm had a contract to perform some services almost 10 years ago with the Argentine Government in South America. They satisfactorily performed it, in his view, but in 1966, almost 7 years ago, three lawsuits were filed. Two of the lawsuits involve individuals who allege failure to return their full part of a 20-percent finder's fee. Mr. Clements is not involved personally in that.

He is a party in the third suit on a technical basis, one might say, because the defendant in that case is the Argentine subsidiary of his company and had to be left as an active organization, so that anyone who wanted to sue could do so. That is customary in business, when you are leaving a country.

No member of the committee, so far as I have heard, found anything—nor did the staff of the committee find anything—that was really derogatory to Mr. Clements. The litigation involves something about the amount of charges to overhead under the disposition of the contract. He pointed out that the Internal Revenue Service in Washington—our Internal Revenue Service—required him to charge more to overhead, and that was a standard business proposition as seen by the Internal Revenue Service.

The Securities and Exchange Commission has stated that the scope of the litigation was not such that the matter should have been reported to the company's shareholders. Full information on this matter is included in the record. This record has been out for several days now, and I refer anyone who might be interested to that record.

Mr. President, we on the committee are well aware of the problems that will beset the Defense Department, and we know that the problems will fall, in part, on Mr. Clements' shoulders. I am expecting some very fine work from this gentleman. I believe he has the capacity. We know he has the willingness, and he has a world of energy to use. If he can get started and if he is given the authority, he is the kind of man who will be able to accomplish something in this problem area. Some of the problems with which he will be confronted lend themselves to solution through better management and through better procurement, and I believe that Mr. Clements will be able to make headway against these problems.

Mr. President, I ask unanimous consent to have printed in the RECORD certain parts of a brief report that was filed by the committee through its member, the Senator from Texas (Mr. TOWER), relating to the committee action, the qualifications, and the conclusions of the committee. Also, in my statement here and in this report we point out that Mr. Clements, in our examination of him in open session, clearly stated that he would appear before any committee and testify.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMITTEE ACTION

Mr. Clements' nomination was forwarded to the Senate on January 4, 1973, and referred to the Committee on Armed Services on January 8, 1973. The committee conducted hearings on January 11, 1973, in public session, during which the committee carefully scrutinized the nominee's credentials and qualifications. After full consideration, the committee found the nominee eminently qualified for the position of Deputy Secretary of Defense. In executive session on January 16, 1973, the committee voted to report favorably on the nomination of Mr. Clements. Thirteen members voted in the affirmative, one member voted present, and there were no negative votes.

QUALIFICATIONS

During the course of the hearings, the committee thoroughly examined the nominee's qualifications and experience. The committee believes that Mr. Clements is a man of highest integrity, ability, and character.

In July 1969, the nominee was named by the President and the Secretary of Defense to serve on the Blue Ribbon Defense Panel which was to undertake a study of the Department of Defense. The broad charter permitted the panel to make a through examination of the organization and management of the Defense Department including the Joint Chiefs of Staff, the defense agencies, and the military services as it affects the Department's mission performance, decision-making process, command, and control, and other matters with emphasis on the responsiveness to the requirements of the President and the Secretary of Defense. The Panel was also charged with examining defense procurement policies and practices and research and development efforts with emphasis on cost, time, and quality. On July 1, 1970, the Panel made its report to the President together with recommendations. During the hearings the committee determined that the nominee has a thorough grasp of the many problems associated with the management of the Defense Establishment. He demonstrated a keen awareness of the weapons acquisition process and the need for reform in the field of procurement practices and procedures. The nominee's biographical summary is contained on pages 133 and 134 of the record of hearings.

WILLINGNESS TO TESTIFY

On January 15, 1973, the nominee was questioned at a special hearing of the committee with respect to his willingness to appear and testify before committees of the Senate. Mr. Clements has pledged to be responsive and to cooperate when requested to appear as a witness before committees of the Senate. This is in compliance with the resolution of the Senate Democratic conference which requested nominees to make, as a prerequisite to confirmation, a commitment to appear before Senate committees when requested. The testimony of the nominee is set forth in the record of hearings wherein he expressed his willingness to comply.

FINANCIAL HOLDINGS

The committee has determined that if the nominee is confirmed as Deputy Secretary of Defense his financial holdings will not conflict in any way with his performance of duties in that office.

Mr. Clements is a stockholder and chairman of the board of SEDCO, Inc., of Dallas, Tex., a private corporation. This corporation currently has an extremely small amount of engineering work being performed for the Department of Defense. This work will be concluded within a short time. Moreover, the SEDCO corporation has furnished to the committee a copy of the corporate resolution indicating that if Mr. Clements' nomination is confirmed, it will no longer undertake or accept contracts in any form from the Department of Defense.

There is one stock now owned by Mr. Clements, that of Keebler, on the statistical list, which he has stated that if confirmed, will be sold within 90 days. There is printed on pages 139 and 140 of the hearings a letter from Mr. Clements setting forth the details on this entire matter.

CONCLUSION

It is the opinion of the committee that Mr. Clements is well qualified for the post to which he has been nominated. The nomination is favorably reported and the committee recommends that the nomination be confirmed by the U.S. Senate.

Mr. STENNIS. Mr. President, I also ask unanimous consent to have printed in the RECORD the biographical information on Mr. Clements.

There being no objection, the biographical information was ordered to be printed in the RECORD, as follows:

BIOGRAPHICAL INFORMATION OF WILLIAM P. CLEMENTS, JR.

Name: William P. Clements, Jr.

Address: 4622 Meadowood Road, Dallas, Texas 75220.

Business: Chairman of the Board, SEDCO, Inc., Cumberland Hill, 1901 North Akard, Dallas, Texas 75201.

Date of Birth: April 13, 1917. Birthplace: Dallas, Texas.

Wife's Maiden Name: Pauline Gill. Birthplace: Terrell, Texas.

Children: B. Gill Clements and Nancy Clements Seay.

Schools Attended: Highland Park High School and Southern Methodist University.

Club Memberships: Northwood Country Club; Dallas Petroleum Club; Eldorado Country Club.

Church Memberships: St. Michael and All Angels Episcopal Church.

CIVIC ORGANIZATIONS AND BUSINESS

Chairman, Board of Governors, Southern Methodist University.

Board of Trustees, Southern Methodist University.

President, South Central Region, Boy Scouts of America.

Past President, Circle Ten Council, Boy Scouts of America.

National Executive Board, Boy Scouts of America.

Director and Executive Committee, Dallas Citizens Council.

Trustee, Southwestern Medical School (University of Texas).

Director, First National Bank in Dallas.

Director, Keebler Company.

Director, Fidelity Union Life Insurance Company.

Member, National Petroleum Council.

Director, Independent Petroleum Association of America.

Past President, International Association of Drilling Contractors.

Trustee, Texas Research Foundation.

Member, Advisory Board, Jf. League of Dallas.

Member, 1972 National United Nations Day Committee.

Director, Mid-Continent Oil & Gas Association.

Life Member, Navy League of the United States.

Member, Steering Committee of Dallas County Committee for the White House Conference on Children and Youth.

Member, Blue Ribbon Defense Panel.

Mr. STENNIS. Mr. President, does the Senator from South Carolina wish to make a statement now?

Mr. THURMOND. Mr. President, will the Senator yield to me for 3 minutes?

Mr. STENNIS. I yield 3 minutes to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I rise in support of the confirmation of the nomination of Mr. Clements to be Deputy Secretary of Defense.

In the hearings before the Committee on Armed Services, I was deeply impressed with Mr. Clements. I was impressed with his sincerity. I was impressed by all I have learned about him and heard about him. He is a man of integrity. I was further impressed by his great ability, his great capacity to get things done. He is a hard-headed businessman.

I was further impressed with the simple, direct manner in which he answered questions. There was no attempt at evasion; there was no attempt to hide anything; and he struck me as a man who was going to speak the truth. He has promised to come before the committees and to answer questions when we need him.

It is my judgment that President Nixon has made a wise choice selection in naming this man of experience, this successful man in business, this man of character and ability to fill this important position of Deputy Secretary of Defense. I do not know of any position in government that carries more responsibility than this particular office. He will be responsible for the awarding of contracts involving billions of dollars. He will be responsible, together with the Secretary of Defense, for providing the military machine that is going to keep this country free and enable it to survive.

Mr. President, also impressive is the nominee's obvious interest in improving defense procurement procedures. Despite improvements over the past few years I am convinced the Government can tighten its belt and the belt of the defense contractors.

In reply to a question by me during the hearings, Mr. Clements declared:

> I would like to see us tighten up controls in procurement.

He then went on to express his interest in reducing the paperwork which abounds in the Pentagon, the need to have a strong research and development program and the importance of obtaining better procurement contracts for the military services.

Mr. President, Mr. Clements made another statement which impressed me, and I believe my colleagues will also be impressed. The question involved the handling of the public's money. Mr. Clements will unquestionably be directly involved in handling larger sums of Government money than most if not all others in the executive agencies.

In reply to my interest in this area, the nominee stated:

> I feel there is a fiduciary responsibility in handling the government's money, and I would be inclined to be even more careful with it than my own, and I want you to know I am very careful with my own.

Mr. President, I fully support the necessary defense programs for this country despite the sometimes awesome cost involved. However, there is no reason the necessary weapons cannot be obtained through well regulated business procedures designed to achieve the maximum for the money expended.

Therefore, it appears to me the country is fortunate to obtain the services of a man of Mr. Clements' business background to undertake the responsibilities of Deputy Secretary of Defense.

Mr. President, it is my hope that the Senate will approve this nomination with dispatch.

Mr. STENNIS. Mr. President, in order that the Senator from Iowa may ask questions of me, I yield to him for 5 minutes.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. STENNIS. I yield for a question.

Mr. HUGHES. Mr. President, I thank the distinguished chairman of the Committee on Armed Services.

The Senator from Iowa has some questions relating to the financial interest of Mr. Clements. I have asked the distinguished chairman of the committee about the disposition of those financial interests. I think it is important that I point out to the Senate that although the stock holdings of Mr. Clements in the First National Bank of Dallas were listed for the committee among his financial holdings, the relationship of the First National Bank of Dallas to companies engaged in the manufacture of weapons systems for the Government were not disclosed to the committee at that time. It was not until I was contacted by a newspaper reporter that I found that there was, as a matter of fact, such a financial tie-in.

So my questions relate to the disposition of that stock. I wish to ask the chairman in relationship to the article in the newspaper, if he would contact Mr. Clements to find out the extent of his holdings of that stock and what his intentions of disposition would be in relation to the stock he holds in the bank. I would not expect the chairman to respond on the amount of the holdings of the shares of stock, but I do believe that, for the record of the Senate in considering this nomination, the disposition of the stock in the First National Bank of Dallas should be made known to the Senate.

I wish to ask the chairman if it is in his power to do that.

Mr. STENNIS. Mr. President, I think I can answer the Senator's question. In the first place, Mr. Clements fully disclosed to us that he was a stockholder and member of the board of directors of the First National Bank of Dallas. Of course, that bank is not on what we call the Department of Defense master list of those who contract with or do business with the Department of Defense. So under the rules we felt it would not require him to dispose of the stock.

But as the facts developed, and as called to my attention by the Senator from Iowa, there was an account in that bank by which credit to one of those large contractors had been extended. The credit to the large contractor, who dealt with manufacturing airplanes, for instance, had run into very large sums of money.

I called Mr. Clements on the telephone and talked to him about that. It was yesterday afternoon when this matter came to my attention. He readily said that if there was any question about it he would be glad to, and would, resign as a member of the board of directors of the bank and sell whatever stock he had in the bank.

His interest was so small it had not seemed significant but, as a matter of getting everything ready to bring the nomination on, I was glad he saw fit to do what he did with respect to this.

The Senator from Iowa is certainly within reason in bringing up this point. I do want to make this point, though. We do not want this to set a precedent for every nominee for this office, who happens to own some bank stock, under which they would be asked by the committee and by the Senate to dispose of any bank stock before they could discharge the duties of office.

I think that covers the situation. I have a letter from Mr. Clements. I ask unanimous consent that his letter of January 23 be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> SEDCO, INC.,
> *January 23, 1973.*
>
> Hon. JOHN C. STENNIS,
> *Chairman, Senate Armed Services Committee, U.S. Senate, Washington, D.C.*
>
> DEAR MR. CHAIRMAN: As I have informed you, I own stock in the First National Bank of Dallas. Since the First National Bank of Dallas is not on the statistical list of prime contractors, I had not considered that there was any problem with my retention of that stock.
>
> Since I understand that some question has been raised concerning my retention of the stock in the First National Bank of Dallas, please be advised that should I be confirmed by the Senate, I will divest myself of all stock in the First National Bank of Dallas.
>
> Sincerely,
> WILLIAM P. CLEMENTS, Jr.

The PRESIDING OFFICER. The time of the Senator from Mississippi has expired. Who yields time?

Mr. HUGHES. Mr. President, I yield myself such time as I may need.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HUGHES. Mr. President, the Senate has under consideration, as pointed out by the chairman, the nomination of William P. Clements, Jr. for the position of First Deputy Secretary of Defense, which is a position of awesome responsibility and of great moral challenge.

By his own testimony, Mr. Clements has rated this position for which he has been nominated as one of the most important in government.

On page 137 of the hearings before the Committee on Armed Services he made the following statement.

> Mr. CLEMENTS. Mr. Chairman, I think that our posture with respect to the Department of Defense must carry a No. 1 priority above anything else: that without a strong Defense Department, why we really wouldn't have, and probably can't have these other domestic problems to be concerned with; that the President in all of his negotiations must be supported by a position of strength in the Department of Defense."

As First Deputy Secretary, Mr. Clements would share a substantial part of the burden of managing the largest and oldest and most expensively financed bureaucracy in this Nation, and he would stand ready to assume the leadership of the Department of Defense whenever circumstances require the Secretary to be absent.

Of particular importance is the role that Mr. Clements would play in the administration of weapons development and procurement programs, which absorb more than $20 billion a year of Federal outlays. While his duties in this respect have not yet been delineated, Mr. Clements told the committee that he believes they will, in his words—

> Probably closely follow the pattern set by Mr. Laird and Mr. Packard.

If that proves to be the case, Mr. President, he will have a major responsibility relating to the weapons capabilities of the military services and the performance of the defense contracts who develop and produce these weapons.

Considering the weight and scope of these responsibilities, it should not be surprising that the Senate would take unusual care and give thorough consideration to the qualifications of such a man.

It should not be surprising that Senators would explore the general and basic philosophy of the nominee regarding the use of military force.

Nor should it be surprising that the Senate would want to examine in detail the nominee's personal financial situation and its relationship to the defense contractors who would be directly affected by his decisions and recommendations.

In the case of Mr. Clements' administrative skills and managerial capabilities, his qualifications are impressive. But his philosophical views of the role of military power at this point in history are deeply troubling to me.

He professed a continued commitment, in his testimony before the committee, to the notion that the destructive nuclear capability of this Nation must be superior to all others.

When asked by the distinguished Senator from Missouri (Mr. SYMINGTON) whether he still supports the concept that "the only viable national strategy is to regain and retain a clearly superior strategic capability," Mr. Clements replied that he does. And he reaffirmed that support unequivocally when I put the same question to him later in the hearing.

Mr. President, it has been our addiction to "superiority" that has produced the terrorizing nuclear arsenals that are stockpiled around the world—one nation striving to surpass the other in the effectiveness and destructiveness of their nuclear weapons.

A commitment to "superiority" is an alien commitment in a government whose President has declared his policy to be only "sufficiency to deter aggression" and has demanded adherence to the concept of "mutual, balanced" adjustments among the military forces of nations.

In further pursuit of Mr. Clements' personal philosophy, I sought to establish what his feelings were toward the use of nuclear weapons, particularly in a limited war such as the one that has dominated the efforts of this Nation for more than a decade.

He responded that he would not rule it out, and later he made it clear that, notwithstanding his personal inclinations, he would respect and carry out the President's policy repudiating the use of nuclear weapons in Indochina, and would adopt it as his own.

Mr. Clements' answers to this and certain other questions suggest that he was expressing some of his fundamental personal philosophy and was willing to do so even when it was at variance with the policies of the President.

However, the nominee gave repeated assurances that, as an appointee who would serve at the pleasure of the President, he would be obedient to the orders he would receive from the Commander in Chief. But the President could not be expected to maintain continuous watch over the occupant of so important a position.

And in examining the qualifications of such a man, the Senate should not, and does not, overlook the principles that guide his thinking and can be expected to mold his recommendations to the President. Nor is the Senate disinterested in the gut feelings that would indicate to his subordinates what kind of recommendations the nominee would receive most favorably from them.

I think the philosophy of such a nominee is extremely important—he is in a position to advise on the development of systems; it would be well known to everyone working under him at the agency that he would welcome recommendations that might reinforce his philosophy.

Hearings by a committee of the Senate are usually the only organized effort on behalf of the citizens of the Nation to explore the fundamental philosophy of Presidential appointees, and the Senate does not take this responsibility lightly.

In this instance, Mr. President, the hearings of the Committee on Armed Services were unusually extensive and thorough, for which the distinguished chairman, Mr. STENNIS, has earned the gratitude of the Senate, and also the Senator from Iowa.

The chairman of the committee has made every endeavor to cover every field, he has had patience in the length of questions put to the nominees who appeared before that committee, and he is to be congratulated for this effort in behalf of the Senate.

In examining the nominees' personal financial arrangements to insure against potential conflicts of interest, the committee took special care in studying the statements submitted by the nominees and arranged for them to be published with the hearings.

In Mr. Clements' case, he offered, in his letter to the committee, to resign from several positions and dispose of one stock he held in a corporation that does substantial business with the Department of Defense.

I ask unanimous consent that a copy of his letter be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SEDCO, INC.,
January 8, 1973.

Hon. JOHN C. STENNIS,
Chairman, Committee on Armed Services, Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This letter is submitted in connection with my nomination as Deputy Secretary of Defense which is now pending before your Committee on the question of advice and consent to the nomination in order to advise you of my financial interests as they relate to the position for which I have been nominated.

At the present time, I have a financial interest, as indicated, in the following companies:

Company and Nature of Interests:

1. Clemgil Realty, Inc.—President; Trustee for stockholders.

2. SEDCO, Inc.—Chairman of Board; stock; salary; participant in profit sharing plan.

Subsidiaries:

(a) Baylor Company—Director; stock in parent corporation.

(b) Southeastern Commonwealth Drilling, Ltd. (Canadian)—President; Director; stock in parent corporation.

(c) Southeastern Oceanic Drilling Co.—President; stock in parent corporation.

(d) Southeastern Drilling Services, Ltd. (UK)—Director; stock in parent corporation.

(e) Southeastern Drilling, Inc.—President and Director; stock in parent corporation.

3. First National Bank of Dallas—Director; stock.

4. Fidelity Union Life Co.—Director; stock.

5. Keebler Company—Director; stock.

6. Various tracts of real estate—Ownership.

With reference to my financial interests in SEDCO, Inc., I propose, if confirmed, to take leave of absence from the firm and its subsidiaries. I will receive no salary or other compensation. While I will retain my vested interests in SEDCO's profit sharing plan, no contributions will be made to my interest in the profit sharing plan during my absence while serving in a government post. I would propose to retain my stock interest in SEDCO, Inc. Although one of SEDCO's subsidiaries has in the past done some small amounts of business with the Department of Defense, the Board of Directors of SEDCO, Inc., on 29 December 1972, adopted the following resolutions:

"*Resolved.*—That neither SEDCO, Inc., nor any of its divisions, subsidiaries or affiliates shall henceforth perform any work for the Department of Defense of the United States Government except work granted as a result of a public tender.

"*Resolved.*—That neither SEDCO, Inc., nor any of its divisions, subsidiaries, or affiliates shall henceforth submit bids (either by public tender or private offer) for work for the Department of Defense of the United States Government in view of its past experience in performing such work, the low profit margins involved and the drain upon its manpower and resources."

Of the remaining companies in which I currently own stock, there is one on the Statistical List of Prime Defense Contractors, which is Keebler Company. Should the Senate confirm my nomination, I will sell my stock in this company within ninety days of the time I take office.

In addition to my investments, I am Chairman of the Board of Governors of Southern Methodist University, which is also on the Statistical List of Prime Defense Contractors. If confirmed, I intend to resign this position.

I am also a member of the National Petroleum Council, and a Director of the International Association of Drilling Contractors and the Independent Petroleum Association, from which positions I will also resign should my nomination be confirmed.

I trust that these proposals comply with the Committee's rules and I sincerely hope your Committee will approve of this plan.

Sincerely,

WILLIAM P. CLEMENTS, JR.

Mr. HUGHES. Mr. President, in his letter, Mr. Clements stated that he is a member of the board of directors, and a stockholder, of the First National Bank of Dallas.

That was the question to which the chairman of the committee, Mr. STENNIS, was referring in the discussion relating to the questions of the Senator from Iowa just a few minutes ago.

In the letter Mr. Clements stated that he was a member of the board of directors of the First National Bank of Dallas. He did not, however, declare that he would resign from that position or arrange to dispose of his stock, nor did he disclose the extent of his stockholding in the bank at that point.

The Senator from Iowa even now is still in ignorance of the extent of the stockholdings. He is willing to rely on the word of the chairman of the committee that those holdings are very minimal, as he explained to the Senator from Iowa on the floor of the Senate in public debate, but up to this time the nominee has not disclosed to the committee the extent of the holdings of that stock.

Moreover, Mr. President, the committee was not made aware of information which would have alerted us to the very close financial ties that exist between First National and a major defense contractor, Ling-Temco-Vought.

LTV, as you know, Mr. President, is a large, diversified corporation that includes as one of its principal subsidiaries Vought Aeronautics, maker of the A–7 attack fighter that has been so extensively employed by both the Navy and the Air Force.

This aircraft has emerged as a controversial one at this time, with reports that it is being touted as an ideal aircraft for the use of the Air Force in providing close air support for ground troops .

At the same time, however, the Air Force has decided to award a contract to the Fairchild-Hiller Corp. for the further development and ultimate production of a specialized aircraft, the A–10, for the close air support mission.

The Washington Post on January 19 of this year carried a story reporting on the contract award and the effort to promote the A–7 aircraft for close air support. I ask unanimous consent that a copy of the article be printed in the RECORD at the close of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HUGHES. Mr. President, a contest between the two aircraft, if it does materialize, would undoubtedly require important decisions at the highest level of the Department of Defense, and in his role as First Deputy Secretary, Mr. Clements may be expected to participate in any such decisions.

This matter came to my attention over the weekend from a newspaper article by Patrick Sloyan, published in a number of major cities by the Hearst Newspapers. I ask unanimous consent that the article be reprinted in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. HUGHES. Mr. President, to avoid a conflict of interest, Mr. Clements only last night, after a phone call from the chairman of the Armed Services Committee, agreed to dispose of the stock he held in the First National Bank of Dallas. He did not come before the Armed Services Committee and honestly say to us:

"Yes, I am a holder of stock in the bank that has extended lines of credit in relationship to the competition that can develop on this aircraft." No matter how minimal it may be, he did not do that.

I would point out, Mr. President, that in relation to other minimal holdings, it was recommended by the legal counsel of the Pentagon that the holdings were so minimal that they considered allowing him to retain ownership of this other stock, and after due consideration, the committee allowed it. However, why were we not given the opportunity in the light of day, before we reached the Senate with the nomination, to make a financial examination and question the nominee about his interest in the bank, regardless of how small the holdings might be? He has been a director on the board and has held stock in the bank involved. I believe that his failure to tell us in a timely way has raised a serious question.

The First National Bank of Dallas has extended a line of credit to Ling-Temco-Vought, as I understand it.

Mr. President, I have ascertained from documents on file with the Securities and Exchange Commission that certain LTV subsidiaries have "a revolving line of credit" with First National Bank of Dallas, among other banks, and that on June 30, 1972, these subsidiaries owed First National a total of $2.565 million.

The Navy has informed my office that Vought Aeronautics has a standing line of credit with First National of $5.2 million.

By contrast, Mr. Sloyan reported Sunday in the Hearst Newspapers that, according to an LTV spokesman, First National of Dallas was one of several banks backing a $75 million line of credit for Vought Aeronautics and that the Dallas bank also is sharing in support of a $25 million term loan. The extent to which First National of Dallas is involved in these arrangements may well be limited to the figure provided my office by the Navy.

I repeat that it may be limited to the amount provided my office by the Navy. But the Senate will certainly wonder why we never had this information in a timely way brought before the appropriate committee for its consideration before this nomination came to the Senate for confirmation.

The Senator from Iowa does not understand that, in contrast apparently to the other holdings of this man, there was apparently a total unwillingness to discuss this at all with the Senator from Iowa.

I think that some inferences about the relationship between First National and LTV may be drawn from the circumstances surrounding a shakeup in LTV management several years ago. When the management of LTV was undergoing reorganization in 1970, Mr. Robert H. Stewart III, joined the LTV board of directors and, from May 17 to July 9 of that year, served as chairman of the LTV board. Mr. Stewart is also chairman of the board of First International Bankshares, Inc., the holding company which owns First National Bank of Dallas.

Mr. President, until the Senate has an explanation of the extent of Mr. Clement's holdings—which we now have been given by the chairman in general terms—in the First National Bank of Dallas and the extent of the bank's financial relationship with LTV, no competent judgment can be made by the Senate today as to the potential for a conflict of interest in the conduct of Mr. Clements' duties as First Deputy Secretary of Defense.

I regret very much that the Senator from Iowa did not have a complete and timely disclosure of this information to consider, or the Senator from Iowa would have asked the chairman of the Armed Services Committee to recall Mr. Clements for further hearings in relation to this subject. Because that did not happen, the Senator from Iowa is precluded from that parliamentary procedure.

Mr. President, naturally it is within the right of the Senator from Iowa to make a motion to recommit. And I say to the distinguished chairman of the committee, the Senator from Mississippi, that is not my intention. I know what the result of that vote would be before I would make the motion. I know what would happen to it.

I regret today that there are only seven or eight Senators to listen to the debate and discussion in relation to this matter. But I view what has happened in relation to this disclosure, whether by design or by accident, to be a flaw in the responsibility of Mr. Clements to be totally honest with our committee and with the Senate.

I also view this nominee in a philosophical context as having an important bearing on his judgment in the future as to what is sufficiency and what is superiority, and what kind of developmental advice we will be getting at these levels of our Government.

Mr. President, as the chairman of the committee pointed out, one member of the committee voted "present." He did not vote against it, and he said at that moment that he had nothing in opposition to Mr. Clements.

The member of the committee who voted "present" was the Senator from Iowa. Since voting "present," the Senator from Iowa has had an opportunity to read the printed testimony in relation to the financial interests and disclosures made by Mr. Clements. The Senator from Iowa now has opposition to the appointment.

Naturally the Senator from Iowa is cognizant of the fact that with not many Senators on the floor to debate and with no opportunity for further hearings, the nomination will be confirmed overwhelmingly.

Mr. President, it is my belief that these questions, both philosphical and in relation to the willingness of the nominee to reveal his holdings in toto and to let the committee decide what is important and what is unimportant with reference to his financial interests, divulges a flaw in his ability to serve in this capacity.

It is therefore the intention of the Senator from Iowa to vote against the nomination of Mr. Clements to be First Deputy Secretary of the Department of Defense.

EXHIBIT 1

FAIRCHILD WINS BID ON BELEAGUERED JET

(By Michael Getler)

An intensive, behind-the-scenes political battle is being fought over the future of a new Air Force attack plane contract that was awarded yesterday to Fairchild Industries, Inc., of Hagerstown, Md.

Fairchild won an Air Force competition with California-based Northrop Corp. to build the first 10 test models of a rugged new attack plane known as the AX.

But there is considerable political pressure being brought upon the Air Force, according to authoritative sources in the Pentagon and Congress, to eventually substitute the Texas-manufactured A–7 attack plane for the AX.

Though the contract announced yesterday is only for 10 pre-production prototype AX models, the Air Force has said it plans to build more than 600 of the planes.

The AX would be the first Air Force plane designed specifically for providing heavy aerial firepower in close support of Army ground troops.

The A–7, produced by Ling Temco Vought in Dallas, was developed in 1964 by the Navy and has been in service with both the Navy and Air Force for several years. It has been used extensively in Vietnam for attacking enemy supply lines and in close air support.

In previous years, the biggest inter-service threat to the future of the AX was the Army's proposed Cheyenne helicopter gunship. The Army has maintained that it should play at least a major part in providing its own close air support.

But the trouble-plagued Cheyenne was finally killed several months ago because of cost and technical problems.

Now, with the primary mission of close air support appearing to rest firmly with the Air Force, a new threat to the future of the twin-jet plane designed for that role has emerged.

Informed sources say that at least two Senators on the Senate Armed Services Committee, and other lawmakers are supplying pressure on the Air Force to buy a modified version of the A–7 rather than the new AX.

The AX was intended to be a low-cost plane, about $1.4 million each based on 1970 prices. But the manner of the plane's current development may well drive up the cost significantly, in the view of some congressional and military sources.

For example, although the AX is supposed to be an airplane with an uncomplicated design, nearly three more years of testing are expected by the Air Force before a decision to produce the plane will be made. Furthermore, the contractor bids were based on a prospective initial order of only 48 planes. Such a small order would make the initial per-plane price appear to be high.

Proponents of the A–7 claim another cost advantage—the fact that the A–7 assembly line is still running, primarily because of additional Pentagon orders in the last year. The AX, on the other hand, would require an entirely new production line investment.

Yesterday, Thomas V. Jones, president of Northrop, said in a statement, "We are also confident that in the long run, the A–9 (Northrop's losing version of the AX) would have proved to be the lowest cost aircraft system for this mission."

Within the Air Force, there is said to be a squabble over buying the AX because of the A–7's interdiction capabilities against supply lines. Others in the service and the Pentagon are insisting that the specialized goals of close air support be adhered to.

The Pentagon has also been suggesting that it will begin putting Air Force planes on Navy carriers in the future and there is said to be a good possibility that a tail-hook ordered for the AX might also doom its chances to beat off a challenge from the A–7, which can already operate from aircraft carriers.

Exhibit 2

William Clements a Director and Stockholder of Bank Financing Jet Fighter-Bomber

(By Patrick J. Sloyan)

WASHINGTON, January 20.—William P. Clements, Jr., the man President Nixon selected to be the No. 2 man at the Pentagon, is listed as a director and stockholder of a Dallas bank that is helping to finance the builder of a controversial jet fighter-bomber.

Clements, whose nomination as Deputy Secretary of Defense comes up for Senate debate this week, has been approved by the Senate Armed Services Committee.

But one Committee member, Sen. Harold Hughes, D-Iowa, said the panel was not told about the link between Clements, the First National Bank of Dallas, and Ling-Temco-Vought, Inc. (LTV), manufacturer of the A–7, a plane used by both the Air Force and the Navy.

Hughes termed it an apparent conflict-of-interest that would be pursued.

If confirmed, Clements would be in a position to influence the selection of the LTV plane over other competitors for a multi-million dollar defense contract.

Clements, in a Jan. 8 letter, told the Committee he was a director and stockholder in the Dallas bank, but was not resigning the post or selling the stock. He did dispose of other stock and resign from other firms that had direct and indirect links with military contracts.

These actions were taken after negotiations between lawyers representing Clements and the Senate committee.

But a Defense Department spokesman said late today that Clements has now told Committee Chairman John C. Stennis, D-Miss., that he will resign as director of the bank following Senate confirmation. The Defense official said Clements informed Stennis of his plan to resign after the Jan. 8 letter in which he listed other resignations.

However, Clements plans to retain the bank stock as initially permitted by the Committee, he said. Clements is aware of the bank connection with LTV but believed the link did not warrant reporting to the Committee, the spokesman said.

"We were not told about the bank connection with LTV," Hughes said in an interview. "This is an apparent conflict-of-interest and we're going to have to look into it."

Clements could not be reached for comment.

According to LTV, First National of Dallas was one of several banks backing a $75 million line of credit for the LTV aerospace subsidiary. The Dallas bank also is sharing in support of a $25 million term loan, LTV said.

However, neither the bank nor LTV would say how much of the line of credit and term loan was being financed by First National. So far, LTV has used $33 million of the line of credit, LTV said.

First National at one point had more than just financial interest in LTV. When the parent corporation—one of the first of the big-time conglomerates—suffered losses, its board of directors did some housecleaning.

James Ling, founder of the conglomerate, was ousted as chief executive. Replacing him for a three-month period in 1970 was the president of First National of Dallas, Robert H. Stewart III.

Nixon nominated Clements on the recommendation of Sen. John G. Tower, R-Tex. Tower and Clements served together on the board of directors of Southern Methodist University.

Tower is a leader of the Texas delegation's fight to keep open the A–7 production line at LTV and eventually win for the Dallas firm a contract for hundreds more of the fighter-bombers.

Tower and Chairman George Mahon, D-Tex., of the House Appropriations Committee, hope to win Pentagon approval of a plan to use the A–7 as the chief tactical support plane for U.S. ground soldiers.

Currently, the Air Force wants to develop a new ground support plane, the AX. Only last week, the Pentagon announced that Fairchild Industries of Hagerstown, Md., was the winner of the AX contract for 10 developmental planes.

Eventually, the Air Force hopes to buy 600 of the AX planes.

But some in the Air Force also favor using the LTV A–7 rather than the Fairchild plane.

If confirmed by the Senate, Clements would be in an important position to have a major say about choosing between the A–7 or AX for a 300 to 600 aircraft production run.

Although the A–7 costs more than the AX (about $2 million compared to $1.4 million per plane) both the Air Force and Navy believe the A–7 is the more versatile plane.

"The LTV plane has a tremendous all-weather bombing capability as well as ground support," a spokesman for Tower explained. "The AX would be pretty much strictly a ground support plane."

It was Tower and Mahon who rescued LTV last year when plans were under way to halt new purchases of the A–7 and shut down the Dallas production line.

Despite stiff Senate opposition, Mahon and Tower got through an additional $85.4 million measure for production of 24 more A–7s. This was enough to keep the LTV production line open and give planners the option of picking the A–7 over the AX.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Mississippi has 31 minutes remaining.

Mr. HUGHES. Mr. President, would the Senator from Mississippi yield for a parliamentary inquiry?

Mr. STENNIS. Mr. President, I yield for that purpose.

Mr. HUGHES. Mr. President, was there no division of time for debate as between the nominees? It was the understanding of the Senator from Iowa that we would spend the first hour on the nomination of Mr. Clements and the second hour on the nomination of Mr. Schlesinger.

The PRESIDING OFFICER. Under the agreement there are 2 hours on the two nominations en bloc.

Mr. STENNIS. Mr. President, I will be brief. I do ask for quiet, Mr. President.

The PRESIDING OFFICER. There will be order in the Senate.

Mr. STENNIS. Mr. President, I greatly appreciate the interest of the Senator from Iowa. He has been eminently fair in this, as he always is.

Mr. President, we need to give a little of the background. Just what does this examination consist of with reference to the financial affairs? This is formal testimony, more or less put together by the Armed Services Committee. It is not written into law.

We do have a statute that disqualifies a man from taking part in the negotiations of a contract if he is an official in any company or corporation in which he has an interest. It just says that he has to disqualify himself and he is not eligible to participate. And if he does not disqualify himself, he could be prosecuted.

Mr. President, that is altogether a different matter. That is the law. But here is what we have tried to do. We have what we call the master list. It contains a list of all the people and companies and corporations that do major business with the Pentagon. It is figured out on an annual basis. And on that list are all of those who do $10,000 or more of business with the Pentagon, or a little less than that.

So we took that master list and ran Mr. Clements' holdings against it. There was no evidence that we had or that he had that the First National Bank of Dallas was doing any business with the Pentagon. The Pentagon did not know it. It was not on their list, and they are not doing any business with the Pentagon.

Mr. HUGHES. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. HUGHES. I think it is obvious that Mr. Clements knew it, and I would ask the chairman if he would not agree that Mr. Clements knew it.

Mr. STENNIS. No; I could not agree to that. I just do not know. I stand by the statement that the First National Bank of Dallas was not doing any business with the Pentagon.

It happened that the question of credit was not raised to Mr. Clements by anyone. I did not know anything about it—that there was a line of credit with that bank by one of the contractors that does a lot of business with the Department of Defense. I do not know whether Mr. Clements knows anything about it. I just do not know. I talked to him on the telephone, only, about this matter. In any event Ling-Temco-Vought—we had just as well give the name of it; there is nothing secret about it—has that line of credit.

I do not know how much credit. But anyway, the First National Bank of Dallas was not on the list. There was no way for Mr. Clements to know that he was supposed to sell his stock. He willingly agreed to sell any that we did find any question about. I have never seen any nominee more willing to cooperate with the committee to the fullest extent—to the nth degree—than was this man Clements. I had a 2-hour conference with him; he came to Mississippi to see me about the hearings, and I told him all about the procedures. I have never seen any man more willing, more honest, more frank to disclose everything. I think that is what he did. Everything that I was able to bring up or that he knew anything about.

So we went along with that. Now, the Senator was very prompt, when he learned about this matter. But here is the amount of the First National Bank's stock that the nominee owns. I have gotten this, I had it yesterday, but I did not bring it with me by oversight, and it did not get into the file.

There are 20 million shares, as I am told, of stock of the First National Bank of Dallas outstanding. Now, Mr. Clements owns 3,420 of those shares, of an approximate value of $171,000. I mentioned this to him yesterday afternoon in that telephone conversation, calling out that number of shares.

Now, how does that compare with the total? Those 3,420 shares are only seventeen one-thousands of 1 percent. If you know how to write that out in decimals, you can do it; but it is seventeen one-thousandths of 1 percent of the stock in that bank. That is what the man owns; seventeen one-thousandths of 1 percent.

So that is what I was referring to as being so small. How could the man benefit from saving Ling-Temco-Vought in a contract with the Pentagon? Is he going to increase the value of his stock in the First National Bank of Dallas by doing some favor for them in connection with this line of credit? It is so remote, it is just virtually impossible. But when this was called to his attention, frankly, I told him, "Now, if you just want to, let it all go, and we go on with this matter tomorrow," he simply said, "Well, I will just sell all of it."

That is the whole story. So I go back, now, for emphasis, because this is a matter that has not been debated here in the Senate lately, and we have had dozens and hundreds of these cases. We build up a file on them, and get these committals and everything, and we have not had any of them go bad, so to speak. Every man has lived up to what he has promised, but if he did not, we have a record on him and can prove where he falsified to the Senate.

We have had men like the late Charles Wilson, president of General Motors. He sold a whole lot of his stock. I hate to be personal, but we had Mr. Paul Nitze two or three times before our committee, a man of immense wealth. We had Mr. David Packard 4 years ago, with $300 million worth of one stock—that much value for only one stock. But we made a special situation there whereby he put it in escrow—put it in trust—and gave all the benefits to charity and educational institutions. To have required him to sell it would have broken the market, of course.

So this is a procedure that was worked out, and it has worked well. It is all fixed beforehand, and I am proud of what the committee has done about it over the years, long before I was chairman.

I do not think that Mr. Clements is guilty of the slightest bit of deceit or misrepresentation or failure to report. Everything has to be considered in the light of what the circumstances were at the time. If I had one scintilla of belief that there was anything wrong about this thing, I would have joined with the Senator from Iowa and said, "We will ask the Senate to let us have that report back, and we will reopen these hearings and pursue this thing from here to kingdom come until we get the facts."

I think the Senator already has all of that, or I think the substance. Although I commend the Senator for his vigilance, I believe the committee had all the substantial facts that had any connection with the matter, so far as Mr. Clements knew. So I hope Senators will use discretion and make a commonsense judgment on this matter, before we pass on it.

Mr. President, I am prepared to yield to the Senator from Iowa, or any Senator who wishes to be heard.

I yield the floor.

Mr. HUGHES. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 41 minutes.

Mr. HUGHES. Mr. President, I have the greatest respect for the distinguished chairman of the Armed Services Committee, and the distinguished chairman knows that better than any other Member of this body, in our own personal relationship with each other. The Senator from Mississippi knows very well that the Senator from Iowa does not question his integrity, his thoroughness, or his willingness to investigate matters such as this.

We have had a very interesting development, however, here on the floor of the Senate today, Mr. President. We have seen a willingness to disclose not only the number of shares of stock held in a corporation, but the value of those shares, apparently, so far as I know for the first time in a long time.

In an attempt to make it look as though the Senator from Iowa is trying to kill a mosquito with a telephone pole, the distinguished chairman of the committee is saying this is only seventeen one-thousandths of 1 percent of all the stock held.

Mr. President, the distinguished chairman misses the point entirely. The point is the willingness to voluntarily state what you own. We can determine whether it is insignificant or not. Surely the Senator from Iowa knows the difference between an infected hair and a boil. but he has to see both to be able to describe the difference.

But let us be cautious when it is to their advantage to say that it is insignificant. Surely the Senator from Iowa might have reached that conclusion, had a willingness to give the information to the committee voluntarily appeared. But the distinguished Senator from Mississippi, though believing expressly in the integrity of the gentleman from Texas being appointed to this prominent position, still offers to the Senator from Iowa no explanation that sounds logical to the Senator from Iowa as to why there was nothing but silence from the nominee on this subject.

Mr. President, I do not want to belabor the point of the significance or the insignificance of seventeen one-thousandths of 1 percent of the total stock of the First National Bank of Dallas that was not willingly disclosed to the committee. The Senator from Iowa would again point out that Mr. Clements was a director on the board of the bank. For all I know, the lines of credit that had been then extended to this manufacturer of aircraft being bought by the Defense Department may be only nine one-thousands of 1 percent of the line of credit they have extended to other corporations. I do not know what the relationship is. I did not have the opportunity to examine it. The Senator from Iowa has not been able to get the information in time to have any effect on this debate. But the Senator from Iowa still thinks it is important that on any nomination considered by the Senate, by the country, by the President—and certainly by the appointee himself, when he is to assume one of the most important positions in our Nation—it is important for him to fulfill, if nothing more, his individual responsibility in trying to disclose to the Amercan people everything that can be disclosed philosophically, financially, and in every other way, in relationship to this nominee.

So, Mr. President, the points that the Senator from Iowa originally made still stand, so far as he is concerned, unchallenged.

In the philosophical context, I believe the nominee is in disagreement with the policies of the Chief Executive, and indubitably these differences in philosophy will have an impact on those making recommendations to the nominee and on the nominee's recommendations to the White House.

The Senator from Iowa wants to point out that perhaps it is possible Mr. Clements did not know of the existing lines of credit to LTV, and the Senator from Iowa has no way of knowing that and, in all fairness and candor, the Senator from Iowa wants to point that out—but it would seem to the Senator from Iowa that, being on the board of directors of the bank extending large lines of credit to a corporation that was, indeed, in the manufacture of aircraft being bought by the Pentagon, the nominee might have made the effort to find out whether there was any involvement in those contracts that might prove embarrassing to him, or to the Pentagon, in the processes of the hearings or the debate. That was not done. So the Senator from Iowa is saying that if there was an oversight, it was a grave error. If he was unaware, he had the responsibility of being aware. Because I know this man will be confirmed today, the Senator from Iowa will have to share the hope of all that the integrity was there and that the willingness to disclose was there and that, somehow, in the frustrations and the pressures, the hearings, and so forth, it was an oversight.

I wish that could be confirmed on the floor of the Senate today. If it could, it would make the Senator from Iowa feel much more comfortable in the aftermath of this debate.

Mr. President, I yield the floor.

Mr. SYMINGTON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Missouri will state it.

Mr. SYMINGTON. Who is controlling the time?

Mr. STENNIS. I control the time for the committee report.

Mr. SYMINGTON. May I ask the distinguished Senator from Mississippi, were we not going to start discussion at 3 p.m. today and vote at 4 p.m.?

Mr. STENNIS. We have the Schlesinger matter coming up next. Does the Senator wish to speak on the Clements nomination?

Mr. SYMINGTON. No. I thank the Senator.

Mr. STENNIS. Mr. President, I appreciate again the presentation of the distinguished Senator from Iowa. The reference to the small amount of stock was not 17 one-thousandths of the total stock, but 17 one-thousandths of 1 percent of the total stock in the First National Bank. That is why I say it makes it such a small matter.

Now, Mr. President, I do not care to take any further time of the Senate on this matter.

I have a statement here covering his statement about his resignation from all the board of directorships that he is a member of, except the executive board of the Boy Scouts of America.

HIGHLIGHTS REGARDING FINANCIAL HOLDINGS MATTER OF MR. CLEMENTS

Mr. President, the letter of Mr. Clements, page 173 of committee hearing—to the chairman—sets forth the financial matter. He indicated that he will sell the Keebler stock which is on the list within 90 days after confirmation. He quotes a resolution, a certified copy of which is in the committee files, from the SEDCO Corp. stating that it will henceforth accept no Department of Defense work. He also indicates that he will resign certain directorships.

In a subsequent letter of January 22, in order to clarify any doubt he indicates that he will resign all directorships except membership on the executive board of Boy Scouts of America. He subsequently indicated that he would sell the stock in the First National Bank of Dallas. This stock is not on the master list but the press has noted that this bank is one of the main creditors for a major defense contractor of LTV.

Mr. Clements has agreed to sell his bank stock and this will be done within 90 days after he assumes office.

Let me emphasize that this matter has arisen entirely after the committee hearings had been completed and was called to my attention only yesterday by Senator HUGHES.

I want to emphasize that the sale of this bank stock should not be considered a precedent insofar as the sale of stock not on the defense master list is concerned. In view of the need to have Mr. Clements confirmed as quickly as possible and on the job there is not the time to fully weigh all aspects of this matter and, therefore, in the interest of time this matter has been resolved as I have indicated which is to sell the bank stock.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter dated January 22, 1973, to me as chairman.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SEDCO, INC.,
January 22, 1973.

HON. JOHN C. STENNIS,
Chairman, Armed Services Committee, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: In order to confirm for the record what I have previously informed you personally, please be advised that should I be confirmed as Deputy Secretary of Defense, I will resign all the Directorships which I now hold except my position on the National Executive Board of the Boy Scouts of America.

Sincerely,

W. P. CLEMENTS.

Mr. STENNIS. Mr. President, so far as I am personally concerned, that would conclude the debate on this nomination.

Mr. HUGHES. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Iowa will state it.

Mr. HUGHES. As I understand it, there was no division of time on the question of debate, so that debate could be brought up at any time prior to 4 p.m.; is that not correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HUGHES. Inasmuch as I have the floor for a minute, I should like to explain to the distinguished Senator from Mississippi that I do not intend to oppose the nomination of Mr. Schlesinger but to support it; so that I do not have any right to handle the time of anyone who may be in opposition to it.

Mr. STENNIS. I have asked the Senator to handle the time, anyway. We are making progress and getting the Senator from Iowa on our side.

Mr. SYMINGTON. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. SYMINGTON. Would the distinguished Senator permit me to make a statement on the nomination of Mr. Schlesinger at this time?

Mr. STENNIS. Oh, yes, I am glad to yield for that purpose.

THE PROPOSED NOMINATIONS OF SECRETARY OF DEFENSE RICHARDSON AND CIA DIRECTOR SCHLESINGER

Mr. SYMINGTON. Mr. President, in the Democratic Policy Committee, it was agreed that probably the best time to ask nominees for appointment in the executive branch about their concept of the activities of the position in question was when they came before the Senate for confirmation.

With that premise, I asked and received unanimous consent to submit a list of written questions to Secretary of Defense-designate Elliot Richardson. I also wrote a letter to the chairman of the Senate Armed Services Committee and ask unanimous consent that a copy of this letter be inserted at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JANUARY 15, 1973.

HON. JOHN C. STENNIS,
Chairman, Committee on Armed Services, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Because of pressure to confirm these three positions even prior to the Inauguration, I will attempt to have some questions which I believe should be answered in your hands by this evening. I refer to the nominations of Secretary Richardson, Deputy Secretary Clements and Director Schlesinger. May I say with great respect, however, that there would seem to me no need for such a rush.

In that, in effect, Mr. Schlesinger will head up an organization of thousands of men which in at least one country has been directing United States activity in a war over a period of years, I had hoped the hearing on him could have been open, understand that was the original plan.

The CIA Director reports directly, and only, to the President. He therefore heads up what could well be called the "President's Army," comparable to the former British concept of "the King's Men" (the letter in no way reported to the Parliament).

I believe the American people should have the right to have a look at the man now nominated to head up that Army; otherwise there can only be further disrespect for the true role of the Senate, and a further lack of confidence in Government in general.

Sincerely,

STUART SYMINGTON.

Mr. SYMINGTON. Mr. President, the hearings on the newly appointed Director of the Central Intelligence Agency, James Schlesinger, for whom, based on my experience as a member of the Joint Committee on Atomic Energy, I have both admiration and respect, were held in executive session. As my letter to Chairman STENNIS presents, inasmuch as the CIA, an agency which has conducted U.S. operations in the long and costly Laotian war—a war that has cost the taxpayers of America billions of dollars—in effect, in an operation of this character, functions without any meaningful legislative supervision as the "President's Army," I would hope that at some time there be a public hearing, so the people of this country could know more about the leader of this Army.

I ask unanimous consent that the group of questions I asked originally of Secretary Richardson be inserted at this point in the RECORD, as well as Secretary Richardson's replies to the questions.

There being no objection, the questions and answers were ordered to be printed in the RECORD, as follows:

QUESTIONS OF MR. RICHARDSON BY SENATOR SYMINGTON, SUBMITTED FOR THE RECORD

Question. In an answer to Senator Thurmond (p. 27 of the January 9 transcript) you agreed that in supporting a "clear sufficiency" of U.S. military strength, you meant superiority over the Soviet Union.

What does superiority mean in the field of strategic nuclear weapons?

Answer. The term superiority as applied to the field of strategic nuclear weapons is currently most frequently used to describe that period in which the United States enjoyed a marked advantage in numbers of nuclear weapons deliverable to a potential enemy's territory. In responding to Senator Thurmond's question as to the equivalence of the term "clear sufficiency" with the term "superiority" I stated, "I think this is essentially correct, Senator Thurmond, taking into account our capabilities as a whole, including our technological capability, and keeping in view the objective of deterring aggression." As I use the term "clear sufficiency" of U.S. military strength, I intend the term to mean a strategic weapons capability unambiguously capable of deterring any other Nation from resorting to the use or threat of use of strategic nuclear weapons for the settlement of international differences, since the level of a clearly sufficient United States military posture would make such an alternative by another Nation unacceptably unattractive.

Question. Would not any effort to achieve superiority mean an effort to gain a first-strike capability?

Answer. No. Neither this Administration, nor to the best of my knowledge, any other administration has followed a policy of attempting to attain a first-strike capability.

Question. How do you square this with your statement (p. 107) that the United States should not take steps that are subject to a primary interpretation that they are intended as a move toward the development of a first-strike capability.

Answer. There is no inconsistency whatsoever.

Question. Doesn't an effort to achieve superiority necessarily mean an intensification of the nuclear arms race?

Answer. No. I believe that we have maintained a clear sufficiency in the strategic weapons field throughout the past four years, during which period the President has been able to obtain the ABM treaty and the interim agreement on offensive weapons. Certainly neither of these agreements could be characterized as an intensification of the nuclear arms race.

Question. You have stated your view that Vietnamization is a success and that the South Vietnamese can defend themselves. At the same time, you indicated that successful Vietnamization permitting the disengagement of United States forces and even with the return of American prisoners of war would not be a satisfactory solution.

Do you support renewed bombing of North Vietnam to achieve some objectives beyond these?

Answer. I do support Presidential objectives beyond the successful disengagement of U.S. forces and the return of our prisoners of war. Some of the additional objectives I support are to obtain an accounting of Americans missing-in-action, and an end to the conflict in Southeast Asia. I also support the objective that the people of South Vietnam be given a reasonable opportunity to determine their own political destiny without attempts from outside South Vietnam to impose by military aggression a political system upon them. I am very hopeful that the current negotiations will further these objectives. I am not prepared to hypothesize as to what military contingencies I would be prepared to support in order to accomplish such objectives since it is not clear to me at this time that our objective of the return of our American prisoners of war could be clearly distinguished and secured in the absence of some progress also toward the additional objectives which I have mentioned.

Question. What further additional objectives should we seek by bombing the populated areas of North Vietnam?

Answer. It is my understanding that the United States has targeted only military targets in North Vietnam and has not targeted civilian populations. I do not believe that any objectives of the United States will be furthered by targeting civilian populations, and I know of no one who has advocated or suggested such a course. As you know, the President has ordered the cessation of all bombing, shelling and mining of North Vietnam, and I support that Presidential action.

Question. Are these objectives sufficiently important to warrant the alienation of our allies such as Canada, Australia and West Germany?

Answer. I do not believe that the actions taken by the United States have alienated our allies. Further, I am certain that such disagreements with and misunderstandings of our actions in Vietnam as may have arisen can be at least mitigated and hopefully entirely overcome when the circumstances related to the negotiations which make it imprudent now to discuss fully our activities in detail no longer pertain, and when an official account of what has actually transpired in the negotiations can be preached to our allies.

Question. Is our interest in the stability of Southeast Asia so great that the United States should be willing to remain indefinitely in a state of war?

Answer. It has been the President's constant goal to terminate U.S. involvement in the war and to end the war itself. The President's proposal of May 8, 1972, delineates clearly and succinctly the minimum objectives of the United States for ending the armed conflict in Southeast Asia. The President's statement, in connection with the announcement of May 8, 1972, proposals, well expresses the extent of the interest of the United States in the stability of Southeast Asia, and I do not believe it is either necessary or desirable to expand upon the President's quite comprehensive explanation.

Question. You expressed the belief that a genuine interest of the United States is at stake in Southeast Asia.

What is that interest?

Answer. The United States does have a genuine interest in the method of resolution of international disputes by means that avoid armed aggression in any part of the world. The United States has numerous international commitments, and the manner of fulfillment of these commitments can affect the credibility of our mutual security agreements. In the case of the conflict in Southeast Asia, the commitment of the United States under President Nixon's policy is being fulfilled, first, through the policy of Vietnamization which makes unnecessary the use of U.S. ground forces and, second, through the President's proposals of May 8, 1972, for the termination of the Southeast Asian conflict. World stability and order are clearly in the interest of the United States.

Question. Does it involve in any way the containment of China?

Answer. No.

Question. Does it relate to the retention of American bases?

Answer. No.

Question. If a cease fire is achieved and American prisoners of war are returned, would that interest require the resumption of U.S. air warfare if North Vietnam and the Viet Cong violate the cease fire?

Answer. It would not be appropriate for me to presume a violation of a cease fire agreement that has not even yet been consummated, nor would it be appropriate for me to speculate on actions, military or otherwise, which might be considered should other prospective signatories to an agreement not yet consummated be violated to some unspecified extent and at some undetermined future time.

4. You have indicated your support for the President's unilateral actions in invading Cambodia, mining Haiphong and using carpet bombing by B-52s as a negotiating instrument.

What, in your opinion, are the limits on the President's exclusive authority to make war?

Answer: First, I would like to note that under the Constitution, the President's decisions as Commander-in-Chief are required to be unilateral for only he is designated as Commander-in-Chief. Those decisions on military operations made by President Nixon were made as Commander-in-Chief in the context of a state of hostilities that began before he became President. The President was not an initiator of a new conflict. Secondly, I do not believe I have ever suggested or concurred that the President was in your words "using carpet bombing by B-52s as a negotiating instrument". As I have stated previously, the United States has targeted only military targets.

When the President finds the country engaged in armed hostilities by whatever means those hostilities arose, he has the responsibility as Commander-in-Chief to direct the military operations of the Armed Forces of the United States in that conflict.

Question. Do these limits go beyond the subjective elements of his self-restraint and the dictates of his conscience?

Answer: The limits on a President of the United States are many and varied, ranging across the spectrum of checks and balances flowing from the provisions of our Constitution. Indeed, the restraints range from the requirement for Congressional appropriations to the requirement for confirmation of every Presidential Appointee in the Government, including commissioned officers in the Armed Services. In addition to the checks and balances in the Constitution, there are a wide number and variety of constraining factors which must be considered, including, but not limited to, the overall foreign policy objectives as well as the economic and political well-being of the Nation. Indeed, in no other form of Government are the actions of the Chief Executive and Commander-in-Chief so safeguarded as in our Constitutional Republic.

Question. Why cannot Congress at least be consulted arbitrary Presidential military action occurs?

Answer: Again, I question whether the term "arbitrary" can appropriately be applied to decisions on military operations made by the President as Commander-in-Chief. By the Constitution, the President is Commander-in-Chief, and I certainly concur with the conclusion of the framers of the Constitution, that the national security of the Nation requires that the Chief Executive be vested with sole power as Commander-in-Chief. Accordingly, I do not believe that it is appropriate to characterize the President's execution of his Commander-in-Chief responsibilities as "arbitrary."

Both the time constraints related to military operations and the sensitivity of the interrelationship between military actions and negotiations for peace can, and on occasions do, militate against prior consultations with the Congress to the degree which some might believe desirable and which under other circumstances might be possible and appropriate.

Question. Do you really regard Congressional participation in seeking to control military action by the United States as "an extraneous factor"? (p. 73)

Answer: I think what is involved is the concern on the part of the President and those who are charged by him with the responsibility for the negotiating process that Congressional action cutting off funds under any specified conditions could be interpreted, in effect, as undercutting the negotiating position of the United States and inducing the other side to hold out for terms that they might not otherwise seek. What we are dealing with is essentially a process that by its very nature requires a direct day-to-day confrontation of negotiators representing each side. Actions by the Congress under such circumstances dealing with the support of military action by the United States which is interrelated and intertwined with these day-to-day negotiations could be counterproductive to the accomplishment of our objective of a cease fire in Southeast Asia.

Question. You have stated that the United States should make no reductions in our military forces in NATO because of the pendency of negotiations on mutually imbalanced force reductions. These negotiations have been described as possibly the most complex in the entire area of arms control.

Does this mean that throughout the years of the MBFR talks we should continue to maintain some 300,000 American military personnel in Europe?

Answer. While I am hopeful that the mutual and balanced force reduction negotiations could result in meaningful agreement in less than a period of years, it must surely be apparent that unilateral reductions in our military capability in Europe, while such negotiations are in progress, would be force reductions which are neither mutual nor balanced and could, in my opinion, jeopardize not only the potential for success in the MBFR talks but also jeopardize the continued viability of NATO's effective deterrent and the security of both Europe and the United States. As you know, NATO has deterred war in Europe for a quarter century.

Question. If this is the result, can we afford such arms control negotiations?

Answer. Not only can we afford arms control negotiations, but I am convinced that the maintenance of an effective force in Europe by the United States is a sound investment and one which we can ill afford not to afford.

Question. Why would not a smaller, leaner and more combat-ready force give us at least equal bargaining strength?

Answer. Substantial progress has already been made in the last four years in stripping the fat from our military forces in NATO and in improving their combat readiness. This effort to improve the efficiency of our forces and to enhance their combat readiness should, of course, continue; and I anticipate that additional personnel can be shifted from support to combat-type assignments within NATO, but I would not want to suggest that this process will result in a substantial reduction of the U.S. forces now in Europe. As you know, the Nixon Doctrine states a willingness to negotiate, but only from a position of strength and partnership. I believe the success of this policy was proved in SALT I.

Question. You've stated the belief that the defense budget cannot be reduced in dollar terms but that it can become a smaller proportion of the total budget. Nevertheless there are bound to be sharp increases in defense spending unless some significant areas of cost saving can be found.

Where would you plan to look for such cost savings?

Answer. Initially, I believe that cost savings may be possible in the personnel area. Conceptually, I am convinced that a part of the answer can lie in improved personnel utilization. In the professional areas, I believe we can make a greater use of paraprofessionals. Through increased reliability across the life cycle of our weapon systems, personnel requirements for maintenance can be reduced. For another thing, we must continue to implement civilianization programs.

While it is not easily to generalize in so complex an area as weapons acquisition, I do believe that we should continue to increase the application of the concept of designing to cost. We should also pursue prototyping wherever it is feasible and continue to limit concurrency of development and production to the maximum extent consistent with the imperatives of a successful deterrent.

Question. In your answers rejecting the reduction of our troops in Europe because of MBFR and approving the decision to go ahead with the ABM as essential to success in SALT I, you clearly support the "bargaining chip" argument.

Doesn't this argument validate accelerated development of weapons systems?

Answer. I have never to my knowledge stated that force structure decisions for our Armed Forces should be made solely on the basis of influencing negotiations. Neither, however, do I believe that the United States can afford to neglect the strength of these military forces in the euphoric hope that international agreements can nonetheless be negotiated which will ultimately invalidate the need for such forces. To be successful in negotiations, we must negotiate from strength, and irrespective of negotiations, I believe that our military forces must, in any event, be adequate to constitute a sufficient deterrent and to protect our people, if necessary.

Question. Doesn't this argument give priority to the presumed political impact of weapons systems regardless of their actual military efficacy?

Answer. No.

Question. Doesn't this argument convert negotiations about arms control into an excuse for a stepped-up arms race?

Answer. No.

Question. If this is to be your approach and your advice, how will you prevent massive increases in defense expenditures?

Answer. As I explained in answer to one of the previous questions, the determination of what and how many weapons to acquire should be based on their overall utility in our forces for deterrence in order to keep our military forces strong and to insure that we maintain a superiority in our technological base. As I noted previously, I have in no way suggested that weapons acquisition be accelerated for the sole purpose of influencing negotiations.

Question. You have stated that the United States should not play the role of policeman of the world. You say also, however, that a settlement which gets us out of Southeast Asia and gets our prisoners back, is not satisfactory because the area may remain unstable.

What is so special about that area that should make us the policeman for Southeast Asia?

Answer. The assumption of the question is not correct. We do not believe that the U.S. is a policeman for Southeast Asia. President Nixon's policy has reduced the level of U.S. forces in Vietnam from a ceiling of 549,000 ground combat forces to less than 23,800 military personnel this week. It is under this same policy that President Nixon has pursued the negotiation track to bring about a cease fire and to end the necessity for U.S. military involvement in Southeast Asia. That is why hundreds of thousands of Americans, sent there under previous policies, have come home from Southeast Asia; and that is what the Nixon Doctrine is all about, worldwide.

Mr. SYMINGTON. Mr. President, I also ask unanimous consent that a group of further questions, contained in my letter to Mr. Richardson of January 18, 1973, directed against his original answers, the replies to which have not yet been received, be inserted at this point in the Record. When they are received, I plan to vote for his confirmation.

There being no objection, the letter was ordered to be printed in the Record, as follows:

January 18, 1973.

Hon. Elliot L. Richardson,
Secretary of Health, Education and Welfare, Independence Avenue SW., Washington, D.C.

Dear Mr. Secretary: Thank you for your answers to my submitted questions. After reading them, I would ask the following:

I remain confused about the meaning you give to the term "clear sufficiency," by "clear sufficiency" do you mean effective deterrence of the use or threatened use of nuclear weapons, and not "superiority"?

At the same time, it would seem that an effort to achieve "superiority" is somehow different from an attempt to attain a first strike capability. Do you favor an attempt to attain nuclear superiority over the Soviet Union?

Alternatively, do you mean that "superiority" means no more than "clear sufficiency"; and if so, do you consider that the Soviet Union presently has a similar "clear sufficiency"? If the latter, does this mean that both countries somehow simultaneously can enjoy "superiority"?

Frankly, your answer to my question with regard to the objectives you would seek to achieve by renewed bombing of North Vietnam is not responsive. You state it is not clear that our objective of the return of our American prisoners of war could be "clearly distinguished and secured" in the absence of some progress toward additional objectives. Did not Dr. Kissinger's October outline of the proposed peace agreement indicate that it would bring about the return of our prisoners and an accounting for all missing in action within 60 days, subject only to the withdrawal of the remaining U.S. forces in South Vietnam? Do you have reason to believe that we cannot now reach this favorable an agreement and that we have missed this opportunity?

My questions did not assert that the United States had targeted civilian populations in North Vietnam. Rather, I referred to the bombing of targets in the populated areas. It is your position that we have not bombed targets in these populated areas? If so, how can one explain the admitted damage to a civilian hospital and to foreign embassies in downtown Hanoi?

Do you believe that the United States could resume the bombing of populated areas in North Vietnam without endangering relations with our allies?

Do you discount as frivolous or insincere the remonstrations that have been made by Australian officials, the resolution unanimously adopted by the Canadian Parliament and the comments of the Chancellor of the Federal Republic of Germany? Your answers confirm that the December bombing was directly related to the negotiations.

It is genuinely your expectation that revelation of the negotiating record would lead these allies to accept our use of intensive bombing as an appropriate negotiating tool?

Your answer to my question about the interest of the United States which is at stake in Southeast Asia refers only to our general interest in world stability and order, and in the peaceful resolution of international disputes. Would this interest, in your opinion, warrant involvement in local or regional disputes elsewhere in the world on the scale of our Vietnam involvement? If not, what is there about Southeast Asia that differentiates our interest there from the rest of the world?

Am I correct in understanding that you would reserve the possibility of resumption of United States military action in Southeast Asia in the event of violations of a settlement agreement?

In all frankness, your answer to my question with regard to the limits on the President's exclusive authority to make war again is also unresponsive. You state that "the President's decisions as Commander-in-Chief are required to be unilateral for only he is designated as Commander-in-Chief." Do you mean to suggest that any and all decisions on military actions in Southeast Asia are exclusively for the President under his Commander-in-Chief power? If not, may I ask again what you regard as the limits?

In addition, if the President has this exclusive power, how do you reconcile this with your statement that "in no other form of Government are the actions of the Chief Executive and Commander-in-Chief so safeguarded as in our Constitutional Republic"?

Does Congressional action in raising and supporting military forces, and in authorizing their overseas deployment, give the President sole power as Commander-in-Chief to determine when and how these forces are to be used?

I commend your candor, although I cannot agree with your reasoning, in stating that our NATO forces should not be reduced while negotiations for mutually balanced force reductions continue. With that premise, however, I would ask, do you expect our NATO allies also to hold the line, or will they continue to reduce their contribution to the NATO defense forces?

I am glad to have your clarification rejecting the "bargaining chip" argument as the basis for force structure decisions and weapons acquisition; and would, of course, agree that our military forces must "be adequate to constitute a sufficient deterrent and to protect our people, if necessary." With such forces, are we not also in a position to negotiate from strength?

You state you do not believe that the United States is a policeman for Southeast Asia. Would you therefore support the position that after the return of our prisoners of war and an accounting for those missing in action, the massive United States military forces that still remain in Southeast Asia should not again be committed to combat there?

To the following questions, I would also appreciate a reply:

Most of the questions raised in the Congress tend to involve our strategic forces; therefore much less attention is devoted to the cost and mission of our conventional, general purpose forces.

In this connection, kindly furnish for the record the amount of the Fiscal Year 1973 budget which is primarily devoted to our NATO commitment, either directly or indirectly.

I note that, as submitted, the budget provided $8.8 billion for strategic forces and $25.6 billion for general purpose forces, with the other major programs, such as R&D, Guard and Reserve, etc, constituting the remainder. The cost of our general purpose forces, therefore, is on the order of $3 as compared to $1 for our strategic forces. (This assumes, of course, that the remainder of the budget support is in approximately the same proportion as the direct cost of the strategic and general purpose forces. The total requested FY 73 budget authority was $81.7 billion.)

It is my understanding that most of our general purpose forces are primarily earmarked for the NATO contingency, especially since the Nixon Doctrine excludes the use of land forces in the Far East. I realize that estimates of the NATO cost to this country have varied over the years. Several years ago the Department estimated the annual cost at $14 billion. This calculation, however, omitted several significant cost items; and a more recent estimate, by outside sources, has been on the order of $25 billion annually.

I would ask for your estimate, including all costs—annual costs of the Reserves, now totaling over $4 billion annually and most of which is ear-marked for NATO use, plus a proper proportion of retired pay, now also amounting to $5 billion annually, properly attributable to the cost of having maintained the NATO commitment.

This question makes clear that the conventional cost should not be limited to those United States troops which are stationed in NATO.

Sincerely,

STUART SYMINGTON.

Mr. HUGHES. Mr. President, if no one wishes to speak at this moment, I suggest the absence of a quorum, and I ask unanimous consent that the time be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I yield 3 minutes to the Senator from Texas.

Mr. TOWER. I thank my distinguished chairman.

I shall be brief, Mr. President. I have not said anything during the course of this debate because I know that the distinguished chairman of the committee is the most able advocate that Mr. Clements can have. But I am delighted to have the opportunity to stand on the floor of the U.S. Senate and urge the confirmation of the nomination of a man such as Bill Clements.

Bill Clements is a self-made man. He has contributed a great deal to the economy of our State. He is one of the great producers in these United States. By "producers" I mean one who has contributed to the economic growth of our country. He is a man who is tough-minded and able, and yet is warm and human and public spirited.

He has a long record of having worked unselfishly for various worthwhile causes. In the State of Texas, he served very ably, at the call of his President, on the blue ribbon defense panel and worked with great diligence on that commission to analyze and try to recommend solutions to the various problems that confront the Department of Defense.

It has been my privilege to know Bill Clements as a community leader, as one interested in public affairs, and to work with him in his capacity as chairman of the board of governors of Southern Methodist University, a post that he now reluctantly relinquishes for the purpose of broader service to his country.

I know of his interest in young people, and that is evidenced by his intensive activity and leadership in the Boy Scouts movement. As one of those concerned with higher education, I have been gratified at his efforts in the interests of privately supported education in the United States. I hope the day never comes when education will be a monopoly of the State. Institutions of higher education these days face a state of financial crisis.

Bill Clements is the kind of man who gives of his own resources financially and of his time and his immense talent and energy to furthering privately supported higher education in this country. I think I would not be remiss in quoting what the president of Southern Methodist University said of Bill Clements' departure from the board of governors. He said, simply, "He will be irreplaceable." It is that kind of irreplaceable man who should fill positions in the Government of the United States.

I certainly can attest to his character and his honesty, and I hope that nothing that has been said here about his financial connections will be interpreted as reflecting on his character or his integrity, because he certainly has proved that he has both. This man is a naturally unselfish servant of his fellow man. I hope we do not get to the point in the U.S. Senate that we ultimately insist that a man virtually pauperize himself for the privilege of serving the people of the United States. The only men who should serve in high positions in Government are those who have already proved themselves to be successful and capable, and we are not going to be able to recruit such men if we insist that they suffer economic punishment every time they agree to serve.

I would note that people who serve in capacities such as that for which Mr. Clements has been nominated have more rigid requirements in terms of conflict of interest than we in the Senate have. What he holds and has been asked to divest himself of, we could legally hold and still vote on vital matters of authorization and appropriation that might favorably influence the economic condition of companies in which we might have securities.

So again I want to commend Mr. Clements for having stripped himself of those things that we have asked him to divest himself of, for his willingness to serve his country, and to express the certain knowledge that he will be a faithful, able, and constructive public servant. I urge the confirmation of his nomination by the Senate.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, how much time do I have remaining—the time that I control?

The PRESIDING OFFICER. The Senator has 9 minutes remaining.

Mr. STENNIS. Mr. President, how much time is remaining for the other side?

The PRESIDING OFFICER. The other side has 32 minutes remaining.

Mr. STENNIS. Mr. President, will the Senator from Iowa yield to me 10 minutes of his 32 minutes?

Mr. HUGHES. I am happy to yield to the distinguished chairman of the committee such time as he may need.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. I thank the Senator for yielding. I did not hesitate to ask the Senator to yield because I knew he would be happy to do so.

The PRESIDING OFFICER. The Senator may proceed.

JAMES R. SCHLESINGER

Mr. STENNIS. Mr. President, James R. Schlesinger has been nominated by the President to be Director of the Central Intelligence Agency. He has been serving now since 1971 as Chairman of the Atomic Energy Commission. He was, of course, confirmed by the Senate as a member of that Commission in 1971.

The Committee on Armed Services recommends approval of Mr. Schlesinger's nomination. Twelve of our 15 committee members were recorded in favor of the nomination and there were no dissents. Two members recorded themselves as present; one of them only because he wished to reserve the right to delay certain Presidential nominations, and the other because he was not a committee member at the time the hearings were held.

Mr. Schlesinger has a distinguished record, in Government and in the academic world. He has specialized in the area of national security, and I believe he is well qualified to serve as head of the Central Intelligence Agency and as coordinator for the entire intelligence community.

INDEPENDENT JUDGMENTS

Because of the sensitivity of this position, the hearings on Mr. Schlesinger's nomination were held in executive session. As chairman, I have told the Senator from Missouri (Mr. SYMINGTON) that we will try to hold some hearings later in which Mr. Schlesinger can testify publicly—at least at the start.

I want Senators to know now, however, that Mr. Schlesinger has assured us that the intelligence community, under his leadership, will continue to make independent judgments, free of all pressures and influence. He wants to generate intelligence estimates which reflect an honest appraisal of all the data at hand.

To me this is supremely important. I believe the CIA has always sought to produce independent assessments. If our experts ever depart from such an independent course, we are on our way to having no intelligence at all.

Mr. Schlesinger has also assured that he will appear to testify when called before the appropriate Senate and House committees.

What I have said about reports to the President means he is going to report directly to the President and the intelligence community of which he is the leader will make these independent judgments and directly report them. We think that is a highly important principle.

I am satisfied that Mr. Schlesinger is beyond all doubt well qualified to serve in this new position.

From 1969 through 1971 he was with the Bureau of the Budget and the new Office of Management and Budget. As assistant director of the OMB he was responsible for national security activities and international programs.

In that capacity he was intimately acquainted with the operations of the intelligence community. Just before moving to the AEC in 1971 he drafted certain recommendations on those operations which formed the basis for a reorganization of the intelligence community which was ordered by the President late in 1971.

I am sure this experience will serve him well in his new job. I hope the intelligence community, under his direction, will be able to generate the necessary intelligence for policy makers and eliminate duplication and the gathering of information which is not really needed.

Mr. President, the Central Intelligence Agency, the central part of it, has had a very clean budget and a very conservative budget under retiring Director Helms, who has done an outstanding job. I will have more to say about him later and his fine record. However, the reorganization of all the intelligence community had just been effected. He had not had a chance to get into that very much.

Mr. Schlesinger has given double assurance that he will, under that new plan, get into these additional aspects.

The Armed Services Committee, as is its custom, secured information from Mr. Schlesinger with respect to his financial holdings. He will, of course, not be directly involved in contracting, but he has agreed to divorce himself entirely from dealings with one firm in which he holds stock.

Mr. President, I think it is well known that I have admired the way in which Mr. Richard Helms has carried out his responsibilities as Director of Central Intelligence. I think we are fortunate to have a man of Mr. Schlesinger's qualifications nominated to succeed Mr. Helms. I urge that this nomination be approved by the Senate.

I ask that certain biographical data be printed in the RECORD at this point for the information of Senators.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JAMES R. SCHLESINGER

James R. Schlesinger was born in New York City on February 15, 1929. He attended schools in New York, and did college and graduate work at Harvard University from which he received an AB (summa cum laude) in 1950, an MA in 1952, and a PhD in 1956.

Career highlights:

1956–1963—Assistant and associate professor of economics, University of Virginia. During part of that period, he was a Consultant to the Federal Reserve Board of Governors, Consultant to the RAND Corporation, and was the Academic Consultant in Economics to the Naval War College in 1957. His lectures there appeared as a book, "The Political Economy of National Security," in 1960.

1963–1969—Senior staff member and later Director of Strategic Studies, the RAND Corporation, Santa Monica, California. He specialized in strategic analysis with particular reference to nuclear weaponry.

1969–1971—Assistant Director of the Bureau of the Budget and, subsequently Assistant Director of the Office of Management and Budget. He served as Acting Director of BOB during the transition to OMB. He had responsibility for OMB activities associated with national security and international programs, served as BOB representative on the Environmental Quality Council (predecessor of the present Council on Environmental Quality), and BOB–OMB representative on the Space Council, and on sundry National Security Council committees.

1971–present—Chairman, Atomic Energy Commission Head of U.S. Delegation to the 16th International Atomic Energy Agency General Conference.

Mr. Schlesinger is the author of numerous memoranda and technical articles on national security matters and on monetary, fiscal and labor economics.

He is married to the former Rachel Mellinger of Springfield, Ohio. They have eight children and live in Arlington, Virginia.

Mr. STENNIS. Mr. President, I repeat for emphasis that we were all impressed with Mr. Schlesinger's background, his fine grasp of problems, his intimate knowledge of those problems, and his overall capability. I think he will do a splendid job. I think it is a very difficult task. It is one of those agencies of Government that has to take the licks and bricks for everything that happens and everything that is said, and keep on doing a good job.

It would be frightening to me to think about us trying to exist in this modern world without a capable Central Intelligence Agency and particularly frightening to think how any human being could even begin to discharge his duties as President of the United States without a capable agency, with an outstanding man at the head of it. I think we have had a man who has done a very outstanding job, and that man is now retiring. I am happy that Mr. Schlesinger will be able to carry on.

Mr. President, I ask unanimous consent that there be printed in the RECORD certain portions of the report filed with the Senate on this nomination.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

COMMITTEE ACTION

Mr. Schlesinger's nomination was forwarded to the Senate on January 4, 1973, and referred to the Committee on Armed Services on January 8, 1973. This report follows hearings held on January 12, 1973, during which the committee carefully scrutinized the nominee's credentials and qualifications. After full consideration, the committee finds the nominee eminently qualified for the position of Director of Central Intelligence and overwhelmingly recommends that the nomination be confirmed. The committee heard Mr. Schlesinger in executive session on the date noted above and his nomination was thereafter acted on favorably by the committee with 12 members voting in the affirmative, 2 voting present. There were no negative votes. It was agreed to report favorably the nomination of Mr. Schlesinger to the Senate.

QUALIFICATIONS

The nominee is currently serving as Chairman of the Atomic Energy Commission having been confirmed for that position by the U.S. Senate on August 6, 1971. During his career, Mr. Schlesinger has served in a number of other capacities of national importance. In 1969 and 1971 he was appointed Assistant Director of the Bureau of the Budget and later became the Acting Director during the transition to the Office of Management and Budget. He has also served on a number of councils and committees of the National Security Council where he occupied positions of leadership and responsibility.

The nominee's biographical sketch as provided to the committee is attached and made a part of this report.

WILLINGNESS TO TESTIFY

During the course of the hearings, Mr. Schlesinger assured the committee that he would willingly appear before the Senate committees when requested to testify as provided for in the resolution of the Senate Democratic conference.

FINANCIAL HOLDINGS

The committee found that Mr. Schlesinger had no securities which would give rise to a conflict of interest with respect to his duties as Director of Central Intelligence.

CONCLUSION

It is the view of the committee that Mr. James R. Schlesinger is thoroughly qualified for the post to which he has been nominated and favorably reports that nomination. The committee recommends the nominee's confirmation by the U.S. Senate.

BIOGRAPHICAL SKETCH OF JAMES R. SCHLESINGER

James R. Schlesinger was born in New York City on February 15, 1929. He attended schools in New York and did college and graduate work at Harvard University from which he received an AB (summa cum laude) in 1950, an MA in 1952, and a Ph. D. in 1956.

Career highlights

1956–63 Assistant and associate professor of economics, University of Virginia. During part of that period, he was a consultant to the Federal Reserve Board of Governors, consultant to the Federal Reserve Board of Governors, consultant to the Rand Corp., and was the Academic Consultant in Economics to the Naval War College in 1957. His lectures there appeared as a book, "The Political Economy of National Security," in 1960.

1963–69: Senior staff member and later Director of Strategic Studies, the Rand Corp., Santa Monica, Calif. He specialized in strategic analysis with particular reference to nuclear weaponry.

1969–71: Assistant Director of the Bureau of the Budget and, subsequently Assistant Director of the Office of Management and Budget. He served as Acting Director of BOB during the transition to OMB. He had responsibility for OMB activities associated with national security and international programs, served as BOB representative on the Environmental Quality Council (predecessor of the present Council on Environmental Quality), and BOB–OMB representative on the Space Council, and on sundry National Security Council committees.

1971–present: Chairman, Atomic Energy Commission, Head of U.S. delegation to the 16th International Atomic Energy Agency General Conference.

Mr. Schlesinger is the author of numerous memorandums and technical articles on national security matters and on monetary, fiscal, and labor economics.

He is married to the former Rachel Mellinger of Springfield, Ohio. They have eight children and live in Arlington, Va.

Mr. STENNIS. I am glad to yield now to anyone who wishes to speak either for or against the nomination.

Mr. MANSFIELD. Mr. President, will the Senator yield for a question?

Mr. STENNIS. I yield for a question.

Mr. MANSFIELD. Mr. President, have Mr. Clements and Mr. Schlesinger indicated their willingness to appear before the Senator's committee or other committees when reasonably and, to use the words of the distinguished Republican leader, seasonably requested?

Mr. STENNIS. Yes. That is covered in my opening statement. It was covered in the open hearings. Both of them clearly and willingly responded that they were willing when called to come in and testify.

Mr. MANSFIELD. I thank the Senator.

Mr. STENNIS. I am glad the Senator raised that point.

I am glad to yield now to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I thank the distinguished Senator from Mississippi. I commend him for the fine leadership he has exhibited in holding hearings in fairness and in justice and I am sure that it will inure to the benefit of the American public.

Mr. President, I rise to support the nomination of Mr. Schlesinger to be Director of the Central Intelligence Agency. We have had a lot of people come before the Committee on Armed Services during my 18 years in the Senate, and I think that one of the most impressive men I have ever known to appear before that committee is Dr. James R. Schlesinger. He is now chairman of the Atomic Energy Commission. He is a man of great ability and learning. He graduated from Harvard summa cum laude and he later received his masters degree and his doctors degree.

He has had experience in government in various capacities. He served as Assistant Director of the Budget, and during the transition period to the Office of Management and Budget, he acted as Director. He served on a number of councils and commissions and on the National Security Council.

In my judgment, it would be difficult for the President to locate a more able, a more experienced, and a better qualified person to serve as Director of the CIA.

This is a most sensitive position. It is a most important position. In fact, almost the life of the Nation depends upon not only our preparedness to meet an attack, but the information we receive as to what is going on in countries as to whether we will probably have an attack. The CIA is extremely important for that reason.

Dr. Schlesinger has signified his willingness to appear before committees, as stated by the chairman in response to the question of the distinguished majority leader. His testimony showed he had no securities which presented any conflict of interest.

The nominee's excellent background will enable him to perform as an effective coordinator of the intelligence community. His demonstrated managerial qualities will also be valuable in the management of the secret apparatus of the CIA. Hopefully, he can do away with any duplication which may now exist within the intelligence communities.

Mr. President, the nominee succeeds Richard Helms, who has performed with distinction in the high post of CIA Director. The nation owes Mr. Helms a debt of gratitude for the outstanding service he has rendered as CIA Director during the past 7 years. In closing, I hope the Senate will promptly confirm the nomination of Mr. Schlesinger as I feel he will be a credit to our Nation and will discharge his responsibilities to this office with great credit to himself, in addition.

Mr. HUGHES. Mr. President, I yield myself such time as I may need.

As the Senator from Iowa indicated earlier, he rises in support of the appointment of Dr. Schlesinger as Director of the CIA. The Senator from Iowa is indeed troubled many times about what condition world order seems to be in our lifetime, but in the order of the world today, with continued utilization of war as a political instrument for settling the differences between different segments of humanity on the earth, whether divided by region or by country, it seems to me that, in the interest of our society and our country, it is necessary to maintain such an instrumentality as the Central Intelligence Agency.

The control of such an agency is extremely important. The knowledge of what is being undertaken around the world by such an agency, both inside various countries of the earth and between the countries of the earth, is extremely important.

It has been hinted in the past that the involvement of this agency in the rise and fall of governments in various continents of the world has been a matter of common practice, that the wielding of influence to governments that are friendly to this Nation that we all love dearly is one of the prime purposes of its existence, that the gathering of information on present and potential adversaries of this Nation is of exceeding importance to the security of the Nation as well as to the balance of power in other areas of the world where international differences may exist between nations.

The potential to disrupt, to do wrong as well as good, exists in such an agency. The potential to sew the seeds of future wars may even exist in such an agency unless handled carefully by the best minds, the best consciences, and the best hearts that this country can produce.

The CIA has been known as the private intelligence eye of the President of the United States, an office that we all respect. It has the unilateral capability of conducting many affairs—most affairs—of which the people of this country will never be aware, that will never be disclosed to them. This being a democracy, a free society, they rely on the leadership of Congress to make determinations, as well as the President of the United States, in his conscience, in the direction of the affairs of our Nation.

The purpose and the reason for the Senator from Iowa's saying this today is to point out simply the fact that in an agency that seems absolutely essential to our survival as a free people, that has such great potential not only for security but for harm unless handled wisely, with conscience and political direction, and with moral concern for the survival of the human race, we must have the best that we can give and respect and honor.

I sat through the hearings on Dr. Schlesinger. This Senator was not familiar with this man in the past, but I was completely impressed with his directness and willingness to respond. The hearings that were held probably will not be disclosed to the public, though the Senator from Iowa wishes they would be, because it is the common practice not to disclose such hearings. But even in the dark recesses of secrecy there must be light, control, efficiency, and respect, and that is the kind of man or woman we are reaching for in this capacity continuously. It is my belief that the President has found such a man. It is my hope from the bottom of the heart that that belief is correct.

I think it would be important to this body to know that in the questioning there arose occasion to ask if this agency had ever been involved in the surveillance of public officials in this country, and the answer was direct. Dr. Schlesinger had been assured that the agency was never engaged in such activities, and he further stated he guaranteed that as long as he was Director they never would be engaged in such activities.

Such cannot be stated for other intelligence-gathering communities in our country. I hope they would take note of this practice, which is not only prevented by law but by common practice, and as they also have recently assured us that they are not doing, that they would guarantee the privacy and freedom of public officials, both elected and appointed, and all the people. As I read some recent history of our world for the past quarter of a century, I think I see the importance of this agency and of the ability of people in it to protect the future of our Nation. As our society advances and its capability for destruction advances and the delicate instrument of peace may be threatened and it becomes more important to protect ourselves against total destruction, the need for a man in this office with the greatest respect and integrity that can be found within the boundaries of our country increases proportionately.

The Senator from Iowa hopes we have such a man, and in fact believes that we have, and that is the reason he is supporting this nomination.

Mr. President, I yield the floor.

Mr. STENNIS. Mr. President, let me say in passing that I know this is the first time in some while that there has been debate on the floor with reference to the financial holdings of gentlemen who are nominated to some of these offices. It is a wholesome thing to have such matters come out and explained. It is well to explain the committee's activities in this field.

I want to mention that many of these men are disposing of certain holdings and, in doing so, are making a considerable sacrifice in money by selling stock they would not otherwise have to sell.

I point out that it does not have to involve the sale of much stock to mean that a person would have to pay $50,000 in taxes on the profits.

I just mention those things in passing. That is one reason why we try to work out something that is reasonable and safe and logical and so that it will not require the nominee to be stripped to the bare bones financially and be forced to give up everything that he has pertaining to his family security.

The membership of the committee, since I have been serving on it, has been very reasonable in that respect. The members of the committe are very reasonable in performing one of their important functions in connection with this responsibility.

It seems to me, Mr. President, that there is a little more time here than we are actually going to have to use on these matters.

Mr. President, I note that it is only 10 minutes until the announced time for the vote. If no one wishes any time, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, will the Senator from Mississippi or the Senator from Iowa yield me 2 minutes?

Mr. STENNIS. Mr. President, I yield the distinguished Senator from West Virginia such time as he may require.

DEPARTMENT OF AGRICULTURE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed with the consideration of the nominations for the Department of Agriculture at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The legislative clerk proceeded to read sundry nominations in the Department of Agriculture.

Mr. ROBERT C. BYRD. Mr. President, may I ask the distinguished chairman of the Committee on Agriculture and Forestry (Mr. Talmadge) as to whether or not the committee has been given a satisfactory understanding from the nominees that they would appear before the committee and testify at the request of the committee in the future?

Mr. TALMADGE. Mr. President, I will say in response to the inquiry of the distinguished acting majority leader that I personally asked Mr. William W. Ervin, of Indiana, Mr. Clayton Yeutter, of Nebraska, and Mr. John Knebel, of Virginia, whether in the event the Committee on Agriculture and Forestry desired their presence for any reason, they would appear, and each answered in the affirmative.

Mr. ROBERT C. BYRD. And the chairman and the committee were satisfied completely on that point?

Mr. TALMADGE. The chairman and the committee were satisfied to the extent that we reported all three nominations to the Senate unanimously.

Mr. ROBERT C. BYRD. I thank the distinguished Senator.

Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I thank the distinguished Senator from Mississippi.

NOMINATION OF WILLIAM P. CLEMENTS, JR., TO BE DEPUTY SECRETARY OF DEFENSE AND NOMINATION OF JAMES R. SCHLESINGER TO BE DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY

Mr. STENNIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PASTORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I yield the Senator from Rhode Island such time as he may require.

Mr. PASTORE. Mr. President, first of all I want to compliment the President of the United States and also the committee for their action on the nomination of James R. Schlesinger to become the Director of the Central Intelligence Agency. I did not know Jim Schlesinger until he became the Chairman of the Atomic Energy Commission. I must say that I have never met a man with greater talent and more dedication, or better qualified to carry out that function. I am happy that the committee has seen fit to endorse the nomination, and I shall vote for its confirmation.

Mr. President, I understand that the Senator from Tennessee would like to have the floor for just a moment before the vote, which is scheduled to take place in approximately a minute and a half. I yield to the Senator from Tennessee.

Mr. STENNIS. Mr. President, I yield 2 minutes to the distinguished Senator from Tennessee and wish I had more time.

Mr. BAKER. I thank the distinguished chairman for yielding to me so that I may add my endorsement and support to that of many others who have expressed support for the two nominees today.

Mr. President, I know both men and have known them over a period of time in an official capacity and also personally. I feel that they are both eminently well qualified and well suited to the jobs they are about to undertake.

I might mention one special thought about Mr. Schlesinger who served with such distinction as Chairman of the Atomic Energy Commission. As a member of the Joint Committee on Atomic Energy, I have had occasion to deal with Mr. Schlesinger on a number of difficult and complex issues. He is a dedicated public servant and will bring great dignity and efficiency to the administration of the job he is about to undertake.

I commend the President for his choices in both respects, and I shall happily support their confirmation.

Mr. STENNIS. Mr. President, what is the pending order of business before the Senate?

The PRESIDING OFFICER (Mr. Bartlett). The hour of 4 p.m. having arrived, and pursuant to the previous order, the Senate will now proceed to vote on the nomination of William P. Clements, Jr., of Texas, to be a Deputy Secretary of Defense in the Department of Defense.

On this question the yeas and nays have been ordered and the clerk will call the roll.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Mississippi will state it.

Mr. STENNIS. Those in favor of the nomination of Mr. Clements to be Deputy Secretary of Defense will vote "yea," and those opposed will vote "nay"; is that correct?

The PRESIDING OFFICER. That is correct.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. Hartke), the Senator from Washington (Mr. Magnuson), the Senator from South Dakota (Mr. McGovern), the Senator from Connecticut (Mr. Ribicoff), the Senator from Illinois (Mr. Stevenson), and the Senator from California (Mr. Tunney) are necessarily absent.

I further announce that the Senator from South Carolina (Mr. Hollings), the Senator from Hawaii (Mr. Inouye), and the Senator from Indiana (Mr. Bayh) are absent on official business.

I also announce that the Senator from Kentucky (Mr. Huddleston) is absent because of a death in the family.

I further announce that, if present and voting, the Senator from Washington (Mr. Magnuson) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Maryland (Mr. Beall) is necessarily absent.

The Senator from New York (Mr. Buckley), the Senator from Maryland (Mr. Mathias), and the Senator from Alaska (Mr. Stevens) are absent on official business.

The Senator from Arizona (Mr. Goldwater) is necessarily absent.

The result was announced—yeas 74, nays 11, as follows:

[No. 2 Ex.]

YEAS—74

Aiken
Allen
Baker
Bartlett
Bellmon
Bennett
Bentsen
Bible
Biden
Brock
Brooke
Burdick
Byrd,
Harry F., Jr.
Cannon
Case
Chiles
Clark

Cook
Cotton
Cranston
Curtis
Dole
Domenici
Dominick
Eagleton
Eastland
Ervin
Fannin
Fong
Griffin
Gurney
Hansen
Hart
Haskell
Hatfield
Helms
Hruska
Humphrey
Jackson
Javits
Johnston
Kennedy
Long
McClellan
McClure
McGee
McIntyre
Metcalf
Montoya
Moss
Muskie
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Randolph
Roth
Saxbe
Schweiker
Scott, Pa.
Scott, Va.
Sparkman
Stafford
Stennis
Symington
Taft
Talmadge
Thurmond
Tower
Weicker
Williams
Young

NAYS—11

Abourezk
Byrd, Robert C.
Church
Fulbright
Gravel
Hathaway
Hughes
Mansfield
Mondale
Nelson
Proxmire

NOT VOTING—15

Bayh
Beall
Buckley
Goldwater
Hartke
Hollings
Huddleston
Inouye
Magnuson
Mathias
McGovern
Ribicoff
Stevens
Stevenson
Tunney

So the nomination of William P. Clements, Jr., of Texas, to be a Deputy Secretary of Defense in the Department of Defense, was confirmed.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the President of the United States be immediately notified of the confirmation of the nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate will now proceed to vote on the nomination of Mr. Schlesinger. The question is, Will the Senate advise and consent to the nomination of Mr. James R. Schlesinger to be Director of Central Intelligence? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. HARTKE), the Senator from Washington (Mr. MAGNUSON), the Senator from South Dakota (Mr. McGOVERN), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Illinois (Mr. STEVENSON), the Senator from California (Mr. TUNNEY) are necessarily absent.

I further announce that the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE) and the Senator from Indiana (Mr. BAYH) are absent on official business.

I also announce that the Senator from Kentucky (Mr. HUDDLESTON), is absent because of a death in the family.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON), would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Maryland (Mr. BEALL) is necessarily absent.

The Senator from New York (Mr. BUCKLEY), the Senator from Maryland (Mr. MATHIAS) and the Senator from Alaska (Mr. STEVENS) are absent on official business.

The Senator from Arizona (Mr. GOLDWATER) is necessarily absent.

The result was announced—yeas 85, nays 0, as follows:

[No. 3 Ex.]

YEAS—85

Abourezk
Aiken
Allen
Baker
Bartlett
Bellmon
Bennett
Bentsen
Bible
Biden
Brock
Brooke
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cook
Cotton
Cranston
Curtis
Dole
Domenici
Dominick
Eagleton
Eastland
Ervin
Fannin
Fong
Fulbright
Gravel
Griffin
Gurney
Hansen
Hart
Haskell
Hatfield
Hathaway
Helms
Hruska
Hughes
Humphrey
Jackson
Javits
Johnston
Kennedy
Long
Mansfield
McClellan
McClure
McGee
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Roth
Saxbe
Schweiker
Scott, Pa.
Scott, Va.
Sparkman
Stafford
Stennis
Symington
Taft
Talmadge
Thurmond
Tower
Weicker
Williams
Young

NAYS—0

NOT VOTING—15

Bayh
Beall
Buckley
Goldwater
Hartke
Hollings
Huddleston
Inouye
Magnuson
Mathias
McGovern
Ribicoff
Stevens
Stevenson
Tunney

So the nomination of James R. Schlesinger, of Virginia, to be Director of Central Intelligence, was confirmed.

Mr. STENNIS. Mr. President, I move to reconsider the vote whereby the nomination was confirmed.

Mr. TOWER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. TOWER. Mr. President, I ask that the President be notified immediately of the confirmation of the nominations.

The PRESIDING OFFICER. Without objection, the President will be so notified.

TRIBUTE TO RICHARD M. HELMS ON HIS RETIREMENT AS DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY

Mr. STENNIS. Mr. President, we have rarely had a chance to talk about Mr. Helms here since he has been the Director of the Central Intelligence Agency. One such matter arose in connection with an amendment to an appropriations bill. I remember that we had a debate that night. The late senior Senator from Louisiana, Mr. Ellender, the chairman of our Appropriations Committee, and several of us had worked on that budget for years. We brought out then the outstanding work that Mr. Helms had done.

Mr. Helms has served for 6 years as the Director of the CIA. He is the first one who came up through the ranks. He has been in the intelligence work and in the Central Intelligence Agency since it was created. He came all the way up and was nominated 6 years ago by the late President Lyndon Johnson. He served with distinction.

Frankly, I was disappointed when I heard he was going to retire. My statement does not relate in any way to the ability of Mr. Schlesinger. I have already stated he is an outstanding man. I have said this even before I knew who his successor might be.

Mr. President, 6 years is a long enough time to carry the load and responsibility of being the Director of the CIA and carrying the things in his head that only he knows. They are not written anywhere, many of them. He is aware of disturbing things, that come to him, upon which he has to make a judgment.

It is not altogether a thankless task. However, we do not have an opportunity to realize what all of these men undergo and the load they carry. Still they have to smile and keep quiet when someone attacks them, and those attacks come largely because the person who attacks them does not know all the facts.

I want to say a word of appreciation today for the outstanding job, performed over more than 6 years, by Mr. Helms as Director of Central Intelligence—a position which includes responsibility for administration of the Central Intelligence Agency and for coordination of the entire intelligence community. And that includes the other agencies of the Government that are engaged in the collection of intelligence information as well as those partially passing on it.

I also want to pay a personal tribute to Mr. Helms. He has spent a lifetime in the intelligence business—a business that is different, uncertain, difficult and greatly misunderstood at times by many. Nevertheless, this splendid official leaves his job with a richly deserved reputation for personal integrity.

Mr. President, I emphasize that matter of personal integrity and all of the ups and downs and shifts in stands and changes of climate as well as changes made in the intelligence climate in terms of war and otherwise.

Mr. Helms has handled one of the Nation's most difficult jobs and handled it exceedingly well. Moreover, he has set a precedent by showing that a career intelligence officer can aspire to—and fill—the top intelligence job in the Nation—in fact the top job of its kind in the world.

Mr. Helms began his intelligence career in World War II. He joined the Central Intelligence Agency when it was established on September 18, 1947, after service with predecessor organizations. In CIA he rose to Deputy to the Deputy Director for Plans, and, in 1962 to Deputy Director for Plans.

He was named Director of Central Intelligence by President Johnson in June 1966. Renominated by President Nixon in 1969, he has served under two Presidents, one a Democrat and one a Republican.

Under the direction of Mr. Helms, CIA has applied itself to the gathering and analysis of intelligence. Policymaking has been left to the policymakers as Mr. Helms said it would be when he testified before the Senate Armed Services Committee on his nomination in 1966.

Those of us close to his work agree that Mr. Helms has done an outstanding job in a position which will always be, by its nature, subject to some controversy and criticism.

Mr. Helms will be 60 in a couple of months, and that is the rather rigidly enforced retirement age in CIA. Characteristically, however, though he could surely retire in good conscience, he has accepted another important position in Government service.

After he leaves CIA, he will go to Iran as U.S. Ambassador. I believe he will do an outstanding job in this highly important position. My warm congratulations and hearty good wishes go with him.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

There being no objection, the Senate resumed the consideration of legislative business.

INTERNATIONAL CLERGY WEEK IN THE UNITED STATES

Mr. MANSFIELD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on House Joint Resolution 163.

The PRESIDING OFFICER laid before the Senate the joint resolution (H.J. Res. 163) designating the week commencing January 28, 1973, as "International Clergy Week in the United States," and for other purposes, which was read twice by its title.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered, ordered to be read a third time, read the third time, and passed.

NOMINATION OF ELLIOT RICHARDSON TO BE SECRETARY OF THE DEPARTMENT OF DEFENSE

Mr. STENNIS. Mr. President, I wanted to make a statement or two for the record with regard to the nomination of Mr. Richardson. The nomination was scheduled to be taken up on Thursday of this week. Of course, the Senate will not be in session, for reasons already given. As I understand, the nomination will be open to debate on Friday of this week, but the vote will be carried over until Monday of next week.

Mr. MANSFIELD. The Senator from Mississippi is correct.

Mr. STENNIS. For the information of Senators who expected to be here then—no one is at fault—it could have been taken up this afternoon, but it will have to go over. I ask the leadership if there could be an agreement now to have a vote on the nomination on Monday and agree to a time for discussion prior to that vote.

Mr. MANSFIELD. Mr. President, I ask unanimous consent—and I think I do this with the approval of the concerned parties; if not, it will be subject to change—that at the hour of 1 o'clock on Monday next, the Senate go into executive session to consider the nomination of Mr. Richardson to be Secretary of Defense, and that the vote occur at the hour of 2 o'clock, the time to be equally divided in the interim.

The PRESIDING OFFICER. To be controlled by whom?

Mr. MANSFIELD. To be controlled by the distinguished chairman of the committee—

Mr. STENNIS. And the Senator from Missouri, if he desires; otherwise the leader.

Mr. MANSFIELD. The majority leader or whomever he may designate.

Mr. JAVITS. Mr. President, if the Senator will yield, will 2 or 3 minutes be available to me at that time?

Mr. MANSFIELD. Mr. President, I change the time for the vote from the hour of 2 o'clock to 2:30 on Monday next.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I wish to state that the Senate will have some debate on Friday on the confirmation of the nomination of Mr. Elliot Richardson to be Secretary of the Department of Defense. The matter will then go over according to the unanimous-consent agreement and be debated further beginning at 1 o'clock on Monday, with a vote to be had at 2:30 that afternoon.

I am not going to be able to be present in the Chamber on Friday. Therefore I want to hereby endorse Mr. Richardson and his qualifications for the post of Secretary of the Department of Defense.

We have had a very thorough consideration of his qualifications. His financial picture was fully disclosed. We have carefully, as always, gone through the matter of the possibility of conflict of interest. He fully met all of the requirements of the committee under the general formula and the requirements of the committee with reference to his financial holdings and the conflict of interest question.

Mr. President, Mr. Richardson is an experienced man in governmental affairs. One thing that I do want to emphasize is that it is understood that he will have access to the President of the United States on major decisions involving the Department of Defense and the military and any situation involving the possible use of the military.

I think that is an important point, Mr. President. I am not referring to any other situation, of course, but it is something that is important to my mind.

I can recommend and do recommend now to the Senate his confirmation to the post of Secretary of the Department of Defense.

As far as I now know, there is no substantial objection to Mr. Richardson's confirmation. The matters have been fully taken up and the facts have been developed. They are now better understood, and we have cleared up the points that were raised.

Mr. President, I yield the floor.

ORDER FOR THE YEAS AND NAYS ON CONFIRMATION OF NOMINATION OF MR. ELLIOT RICHARDSON TO BE SECRETARY OF THE DEPARTMENT OF DEFENSE

Mr. ROBERT C. BYRD. Mr. President, at the request of a Senator, I ask unanimous consent, as in executive session, that it be in order, at this time, to order the yeas and nays on the confirmation of the nomination of Mr. Richardson on Monday next.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Is there a sufficient second on ordering the yeas and nays? There is a sufficient second, the yeas and nays are ordered.

DIRECTOR OF THE COST OF LIVING COUNCIL SUBJECT TO SENATE CONFIRMATION

Mr. MANSFIELD. Mr. President, I move that the Senate turn to the consideration of Calendar No. 1, S. 421.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read the bill (S. 421) by title, as follows:

> A bill to provide that appointments to the Office of Director of the Cost of Living Council shall be subject to confirmation by the Senate.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. SPARKMAN. Mr. President, the pending bill, S. 421, is a bill to provide that appointments to the Office of Director of the Cost of Living Council shall be subject to confirmation by the Senate. The bill was reported unanimously by the Committee on Banking, Housing and Urban Affairs. As a matter of fact, the action was recommended by the administration itself. Secretary Shultz said he would be very glad to have the appointee to the office required to be confirmed by the Senate. He thought it ought to be done.

I call attention to the fact that this gentleman is already serving. It was hoped we could get this legislation through earlier in order that we might be ready for confirmation on the 29th, when Mr. Dunlop comes before the Senate for testimony.

Mr. TOWER. Mr. President, will my distinguished friend yield?

Mr. SPARKMAN. I yield.

Mr. TOWER. Mr. President, I concur in and confirm everything that the distinguished Chairman of the Banking, Housing and Urban Affairs Committee has said. This is legislation that was recommended by the administration, because of the far-reaching authority and responsibility of the Director of the Cost of Living Council, particularly now in the absence of the Wage Board and the Price Commission. It was thought by the administration that this should be done. Of course, this means that, being subject to confirmation, the Director of the Cost of Living Council also will be subject to coming down to us on the Hill and talking with us from time to time if we request his presence.

Speaking for the minority, I know of no objection on this side, and therefore support this legislation.

It is my understanding that the chairman intends to call hearings for Monday, the 29th. Is that correct?

Mr. SPARKMAN. That is correct.

Mr. TOWER. So I am hopeful we can act with great dispatch on this nomination.

Noting the facility of the distinguished chairman of the Banking, Housing and Urban Affairs Committee for getting things done, I think it is characteristic that he is the floor manager of the first bill to be reported to the Senate this year.

Mr. SPARKMAN. Mr. President, I should like to mention one thing that we might keep in mind. This man takes the place of the two men who had headed the Wage Board and the Price Commission under phase II. Actually, while they were not originally required to be confirmed, we did pass legislation to the effect that anyone coming after them would be confirmed.

Mr. TOWER. Mr. President, the Senator is correct. Actually, what we specified was that the Chairman of the Wage Board and the Chairman of the Price Commission be confirmed.

Mr. SPARKMAN. The Senator is correct.

Mr. TOWER. And they are no longer with us. There never has been a requirement that that be changed. Actually Mr. Dunlop, the nominee, will take over the job for phase III. And I think that it would be proper that we should have confirmation of him.

The PRESIDING OFFICER. The bill is open to amendment.

Mr. SPARKMAN. Mr. President, I yield to the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, I thank the distinguished chairman of the committee. Since the President announced his phase III and the decision to drop mandatory controls and decided to drop the Wage Board and the Price Commission, it occurred to me that we should have an opportunity to pass on this cost-of-living matter.

We knew that Donald Rumsfeld, who headed it before, was considered to be in the White House and therefore would not require confirmation.

I am delighted to see that both the chairman of the committee and the ranking minority member both agree that Mr. Dunlop should be confirmed. I am delighted to hear that the administration also does.

I am sure, as the chairman of the committee pointed out, we did originally require that any member of the Wage Price Board could be appointed in the future if he received Senate confirmation. So, if we do not confirm Mr. Dunlop, it would be a serious mistake.

I think very highly of Mr. Dunlop's ability. I have known him for more than 30 years. I have followed his career. He has done a superlative job. However, it is so important that we question Mr. Dunlop in considerable detail about his plans. He has had great experience in wage negotiations and very little experience in the price field. It is so important that we get his views.

We all realize that the inflation continues and is very bad. I spoke earlier today and said that we have inflation and that the costs are greater than before phase II was put into effect, in spite of the fact that we have high unemployment. We need a change, and we need a far more vigorous enforcement.

I am very hopeful that the confirmation session we have with Mr. Dunlop will assure the Congress, the country, and also the committee that we have given consideration to determining how we can get better results than we have so far.

Mr. Dunlop has great ability. I think that with respect to John Dunlop there is no question that he would appear to make a good appointee.

I am very happy that the chairman of the committee and the ranking minority member agree with me that we should have confirmation.

I am delighted that it is being pushed as hard as it is by the chairman of the committee.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The bill (S. 421) was passed as follows:

S. 421

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 204 of the Economic Stabilization Act of 1970 is amended—

(1) by inserting "(a)" before "The President"; and

(2) by adding at the end thereof a new subsection as follows:

"(b) Effective on the day after the date of enactment of this subsection, the Director of the Cost of Living Council, established by section 2 of Executive Order Numbered 11615 of August 15, 1971, and continued by Executive Order Numbered 11695 of January 11, 1973, shall be appointed by the President by and with the advice and consent of the Senate, and no individual shall hold that position after such date unless he has been so appointed."

Mr. TOWER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. SPARKMAN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RESUMPTION OF TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be the resumption of a period for the transaction of routine morning business with statements therein limited to 3 minutes, the period not to exceed beyond 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, in accordance with paragraph 1, rule V, the Standing Rules of the Senate, I ask unanimous consent that a leave of absence be granted for today to the distinguished Senator from Kentucky (Mr. HUDDLESTON) because of a death in the family.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

SENATOR McGOVERN IN LONDON

Mr. GOLDWATER. Mr. President, my purpose today is to inquire of my friends on the majority side of the aisle whether the titular head of their party, Senator GEORGE McGOVERN, of South Dakota, intends to establish an American "government-in-exile" in London until such time as the American people, Congress, and the press recover from what he sees as an "exhaustion of public spirit."

When I read the Senator's remarks from abroad 1 day following the inauguration of President Nixon, I felt astounded that the 1972 Democrat nominee for President is still unable to accept his defeat in good grace. It seems Senator McGOVERN still believes that his overwhelming defeat was none of his own making. Instead, he blames the press, the Democrat Party, the liberals, and the American people for taking the wrong course and making the wrong decision. What is more, he indulged in some ill-timed remarks about the President and Vietnam in one of the major examples of bad taste that I have ever seen in American politics. For example, the Sunday Times of London quoted Senator McGOVERN as saying that the latest round of bombing of North Vietnam may have had something to do with the President's emotional makeup. The paper goes on to quote McGOVERN as saying:

> I won't go so far as to say he's insane. I will go so far as to say I find his behavior peculiar.

Mr. President, I perhaps have a better idea than most of how a man feels following a resounding defeat for national office, so I feel qualified to offer Senator McGOVERN a word of advice. That advice is that the American people appreciate a good loser, but they have absolutely no sympathy with a sorehead. If anyone's behavior can be said to be peculiar at this time, when peace negotiations in Paris are at their most delicate stage, it is the behavior of the Democrat Senator from South Dakota.

ABOLITION OF "REAP"

Mr. MOSS. Mr. President, I have already forcefully protested the action by this administration to halt the rural environmental assistance program—REAP—under which the Federal Government shares conservation-practice costs with the farmer.

To my mind, REAP is one of the most constructive and worthwhile programs ever authorized because it is of continuing benefit to both our environment and our economy, and it encourages self-initiative.

There has just come to my desk one of the best statements on the program, and how it works, that I have seen. It was prepared by the Utah State Commissioner of Agriculture, Mr. Joseph H. Francis. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

WHY THE "RURAL ENVIRONMENTAL ASSISTANCE PROGRAM" SHOULD BE CONTINUED

I am deeply concerned with the recent announcement eliminating the Rural Environmental Assistance Program. This program has had a tremendous impact in Utah. It has provided the greatest incentive there is—Federal cost-share—to get farmers and ranchers to take care of erosion, sediment, and pollution abatement problems on land under their control. These problems just don't get taken care of without some incentive. I have always felt that the public as well as the private landowner has a responsibility to help preserve our natural resources for future generations.

Many years ago, a soil and water conservation "team" was organized in Utah. This team was made up of:

Soil Conservation Service—Technical service.

Agricultural Stabilization & Conservation Service—Cost-share.

Extension Service—Education and information.

Soil Conservation District—Conservation planning.

State Division of Water Resources—Interest-free loans.

Farmers Home Administration—Loans.

It is through the success of this program, with the farmer providing 60 percent plus of the actual cost, that agriculture has been able to maintain a high level of production, that dust no longer clouds the atmosphere, that our streams are not completely polluted with sediment, that our privately owned rangelands are not denuded and have been able to withstand the pressure of private and public use, and that our wildlife resource has been able to survive.

The conservation of our soil and water resources should be the goal of every American. Private landowners cannot be expected to stand the total cost of erosion control, sediment retention, and salt balance in the substrata. To think that the job is now complete or that this effort should be temporarily shelved in preference to other programs is, in my judgment, false economy.

The elimination of the Rural Environmental Assistance Program is particularly disturbing at a time when the public is demanding a so called "cleanup of the environment," and when the Environmental Protection Agency is invoking new regulations daily on discharge into livestreams. It is beyond comprehension to expect farmers and ranchers to fully finance the cost of structures and land treatment measures necessary to comply with these new demands. Many will be forced out of business.

Maybe Utah has problems which are not prevalent in other areas. The pioneers, in settling the mountain west, concentrated as a matter of necessity on alluvial fans created by mountain streams. The increased concentration of humans and animals along these streams has created a pollution problem of substantial proportion.

We recognize the need for corrective action and feel that some very successful coordinated programs have been developed during the past two years. For example, an action committee consisting of the State Division of Environmental Health, State Department of Agriculture, State Extension Service, and the U.S. Department of Agriculture's Agricultural Stabilization and Conservation Service and Soil Conservation Service, was formulated and a plan of action established to abate pollution of livestreams by animal waste. This program was just getting a good start, with 276 projects initiated.

Without the cost-share incentive, this plan will come to a halt, as farmers (cannot) voluntarily perform these expensive measures without assistance.

One outstanding feature in the Utah program has been the fact that 100 percent of the Federal funds provided were used in the application of enduring-type conservation measures having a lifespan varying from 8 to 50 years.

In light of these facts, I sincerely hope that some appropriate action will be taken to re-evaluate and reinstate the Rural Environmental Assistance Program.

GUY E. BASYE LETTER

Mr. McCLELLAN. Mr. President, I recently received a letter from Mr. Guy E. Basye, executive vice president of the Bruner-Ivory Handle Co. of Hope, Ark., which I would like to share with the Members of this body. It is, I believe, an eloquent statement of the fiscal predicament in which we have found ourselves after years of unbalanced budgets, deficit spending, and credit-card financing.

No nation can long prosper and progress unless it rests upon a firm fiscal foundation. We must have a policy geared to the needs of its citizens but consistent with the available resources. As Mr. Bayse states, it is up to the Congress of the United States to "come to grips" with this situation. I believe it is imperative that we work, with all diligence, to restore sound fiscal policies that will reduce the heavy deficits being incurred by our Government. A balanced budget should be our primary and early objective.

I ask unanimous consent that Mr. Bayse's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

BRUNER-IVORY HANDLE CO.,
Hope, Ark., January 15, 1973.

Senator JOHN W. McCLELLAN,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: The almost constant deficit this Country has suffered in its financial affairs in the past many years, not only has become chronic, but has worsened. The public concern has pretty well eroded and the only salvation this Country has, not only to its financial integrity, but its very existence as a Democracy rests with Congress. Unless that body awakes to its responsibilities and exercises a workable control, the future of this Country is eventually one of failure as a Democracy.

This failure would have occurred long ago, except for the fact, most other Countries of the World have been in the same position, and their financial integrity has eroded along with ours.

Unfortunately for us, however, the West Germans and the Japanese, who lost the War are beginning to practice and enjoy an integrity with their financial structure that will eventually destroy us. When any Country starts establishing a financially strong monetary system, those who do not have a similar system will inevitably suffer and their system will be destroyed. We only have to observe our balance of payment deficit, which responds very well to our other financial situation, and with the United States our deficit of payments is a barometer on which we can see quite clearly what is going to happen to us.

Senator McClellan, the Brock Bill does offer some control over our Federal budget. We urge you to study this bill carefully, and give it the benefit of your sound and experienced thinking. We have been laboring under the illusion that we can spend more than we take in, but the signs are already out and unless some control is exercised, this Country will not long stand in its position.

This is, we believe, one of the most serious situations which has faced this Nation, and we hope you will come to grips with the situation.

Yours very truly,

GUY E. BASYE,
Executive Vice President.

ALEXANDER PETÖFI AND THE FIGHT FOR FREEDOM

Mr. PERCY. Mr. President, this year marks the 150th anniversary of the birth of Alexander Petöfi, Hungarian poet and freedom fighter, who gave his life in the struggle for national independence against the armies of the Hapsburgs and the Russian czar. Petöfi's name, like that of his illustrious contemporary and fellow patriot, Louis Kossuth, has become a symbol of man's quest for freedom and human and national dignity. Petöfi is justly acclaimed as one of Hungary's greatest poets, an outstanding talent among a galaxy of Hungarian literary giants of the first half of the 19th century, including Ferenc Kazinczy, Dániel Berzsenyi, Jószef Katona, the two Kisfaludy brothers, Ferenc Kölcsey, Baron Jószef Eötovös, Mór Jòkai, Mihály Tompa, Mihály Vörösmarty, and János Arany.

Alexander Petöfi was born on January 1, 1823, in Koskörös and grew up in Félegyháza on the Great Hungarian Plain. He never lost his spiritual and poetic bonds with his native surroundings and throughout his short life remained proud of his humble rural origins in the Puszta-lowland. Part of Petöfi's genius is in the sincere and direct manner that his writings have conveyed to the world the beauty and strength of the Magyar language and brave spirit of the Hungarian people.

The young and restless Petöfi enlisted early in the army but was released because of illness. After suffering privations as a struggling and unknown writer, be gained poetic recognition in 1842 when a leading literary periodical, Athenaeum, printed one of his poems. Two years later Petöfi turned the corner in his career with the publication in book form of his poems, and a complete edition of his poems appeared in 1847. Petöfi became widely recognized and honored for his literary achievements, no small feat for a young man in his early twenties.

With his rise in the literary world, Petöfi became closely associated with other patriotic and revolutionary elements in Hungary. His poems took on a more overtly political tone as he chafed under the restrictions of the Austrian censors, and the oppression of his country by the Hapsburgs.

Events in Europe came to a head with the February Revolution in 1848, which inspired Louis Kossuth to call Hungarians to arms against the Hapsburg dynasty. Petöfi joined Kossuth in demanding Hungarian independence, and appealing for freedom of the serfs, freedom of the press, and the use of the Hungarian language. The revolution broke out in Budapest on March 15. It is described how Petöfi mounted the steps of the National Museum that day to proclaim, in the words of his poem, "To arms, Magyar!" We can also imagine with what high hopes for a new era Petöfi and his fellow revolutionaries drove away the Hapsburg censors in order to publish copies of this poem for distribution to the people.

But, as in 1956, events were soon to smash these hopes. The Hapsburgs sent troops to quash the uprising, and obtained the aid of the Russian Czar, who intervened in Hungary with an army of 200,000. Petöfi fought bravely as an officer in the Hungarian National Army. On July 31, 1849, the Hungarian freedom fighters were overcome by vastly superior Russian forces near Segesvar in Transylvania. Petöfi was never seen again.

It is said that on the morning of this fateful battle Petöfi recited his eloquent poem on behalf of liberty, "Egy gondolat bánt engemet"—"One thought torments me":

One thought torments me: that I lie
Upon a featherbed to die!
Slowly wither, slowly waste away,
Flowerlike, the furtive earthworm's prey;
Like a candle slowly to be spent
In an empty, lonely tenement.
No death like this, my Lord Divine,
No death like this, be ever mine!
Let me be a tree through which the lightning
flashes,
Or the tempest plucks up the roots and
smashes;
Let me be a rock from mountain rent
asunder,
Hurtled to the gorge by skyearthshaking
thunder . . .
When once they rise, all fettered folk
Who've had enough of chain and yoke,
With faces red and banners red, in line
Emblazoned there this sacred countersign:
"World Liberty!"
Exultantly,
Their exultations ring from East to West,
When tyrants come to battle with their best;
My life, let me yield
On the battlefield!
'Tis there that the blood of youth shall flow
from my heart,
And when, from my lips, last paeans of joy
but start,
Let them be drowned in the clatter of steel,
In the road of the guns, in the trumpet's
peal,
And through my still corpse
Shall horse after horse
Full gallop ahead to the victory won,
And there shall I lie to be trampelled upon.—
'Tis there they shall gather my scattered
bones,
When once the great day of burial comes . . .
With solemn, muffled drumbeats for the dead,
With sableshrouded banners borned ahead,
One grave for all the brave who died for thee,
O sacrosanct World Liberty!

We do not know where Petöfi fell or how he died. We do know, however, the cause for which he and many of his countrymen have died, and this is a cause that we honor now, as we take this opportunity to pay homage to Alexander Petöfi, the man and poet.

FREEDOM OF THE PRESS

Mr. ERVIN. Mr. President, many Americans have become concerned about recent Government policies and practices which have tended to undermine freedom of the press in our country. One of these practices is the increased Government subpenaing of newsmen for their confidential sources and information.

Over the past several years, I have on numerous occasions expressed my concern about this matter. Although there are certainly some circumstances in which information from newsmen is absolutely necessary to the effective operation of our system of criminal justice, I am strongly opposed to widespread and careless issuance of subpenas to newsmen where Government can obtain information it needs through its own investigative resources.

The Senate Subcommittee on Constitutional Rights held a series of hearings on this matter in the 92d Congress and has scheduled additional hearings to begin on February 20, 1973. It is my opinion that a careful evaluation of the competing interests of effective law enforcement and freedom of the press in this context is one of the most important subjects before the Congress and the country at this time.

The editors of Newsday share my interest in this subject and have recently published an excellent special edition, entitled "Your Freedom To Know," which includes numerous articles on the subpena problem. I was pleased to contribute an article to this special edition and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FREEDOM OF THE PRESS IN PERIL—PART IV

(By SAM ERVIN, JR.)

Since 1969 we have witnessed the development of a serious conflict between the asserted interests of law enforcement and the interests of preserving a robust and independent press, free from government control and intimidation. The increased subpenaing of newsmen by grand juries and other governmental units has resulted in unprecedented hostile relations between government and the press and, more seriously, undermined the public's confidence in our government's commitment to First Amendment principles.

The problem is not a new one. Indeed, built into our Constitution's explicit protection of a free press is necessary conflict between those who govern and those who were assumed by our Founding Fathers to be vigilant critics of government. It need not concern us, then, that there may be criticism of the press by government officials from time to time. Government officials, like other Americans, have First Amendment rights to express their disagreements with the printed and spoken word of other citizens, including members of the press.

The problem with which I am concerned is what appears to be a dangerous disregard by government of the vital role which a free press plays in our society. In no other way can I understand the rash of subpenas which have been issued to journalists over the past few years. I have regretfully concluded that in many instances these subpenas were issued to substitute for the investigative work which is the responsibility of law enforcement officials. In some cases, it has even appeared that intimidation of the press was an associated reason for the issuance of the subpena.

Consequently, the Senate Subcommittee on Constitutional Rights initiated hearings in 1971 on "the state of freedom of the press in America." Attention at these hearings was focused on the problem of government subpenaing of newsmen. Several bills, introduced in the last Congress, to give protection to newsmen against arbitrary and unnecessary subpenas were considered.

It had been my view that the First Amendment's guarantee of freedom of the press was sufficient in itself as a basis for disallowing arbitrary and unnecessary government subpenaing of newsmen. In the course of the hearings I expressed my hope that the Supreme Court would affirm the wise holding of the Ninth Circuit Court of Appeals in the case of Earl Caldwell (*Branzburg v. Hayes*), which recognized such a First Amendment protection. Once having established a constitutional basis for a newsman's privilege, the courts could best balance the competing interests between the press and government on a case-by-case basis.

Unfortunately, the Supreme Court did not follow the decision of the Ninth Circuit.

In protecting New York Times reporter Caldwell from appearing before a federal grand jury in California investigating the Black Panthers, Judge Merrill of the Ninth Circuit Court wrote: "The need for an untrammeled press takes on special urgency in times of widespread protest and dissent. In such times the First Amendment protections exist to maintain communication with dissenting groups and to provide the public with a wide range of information about the nature of protest and heterodoxy." He warned about the threat to freedom of the press which comes from fear of government interference with the newsmen's investigative process. He cautioned: "To convert news gatherers into Department of Justice investigators is to invade the autonomy of the press by imposing a governmental function upon them. To do so where the result is to diminish their future capacity as news gatherers is destructive of their public function."

Neither the district court nor the Ninth Circuit Court of Appeals in the Caldwell case purported to establish a sweeping, unlimited privilege for newsmen. The general rule set forth by the Court of Appeals requires a balancing of the interests of the First Amendment and the interests of law enforcement. It would simply require that where the public's First Amendment "right to be informed" would be jeopardized by a journalist's submitting to secret grand jury interrogation, the government must demonstrate a compelling need for the witness' presence before he can be subpenaed. The Ninth Circuit opinion emphasized that its rule was a narrow one. It specifically noted: "Not every news source is as sensitive as the Black Panther Party has been shown to be respecting the performance of the 'establishment' press or the extent to which that performance is open to view." The decision struck a wise balance between First Amendment and law enforcement interests under the circumstances of this particular case.

I am compelled to say that the Supreme Court's reasons for rejecting the Ninth Circuit's decisions are neither impressive nor persuasive. The majority opinion does not take into account, the practical effect of its holding on newsmen and the public's right to be informed. At one point the majority opinion naively describes the consequences of its decision as not "forbidding" or "restricting" the use of confidential sources by the press.

Of course, it would be absolutely unprecedented and unconstitutional for the government to "forbid" or "restrict" newsmen from using confidential sources in their effort to enlighten Americans on matters of public concern. That is not the problem raised by the subpenas to Caldwell and other reporters. The problem is how a reporter can continue to gather news and to report to the public from and about sensitive persons and issues when that reporter can be compelled to disclose these confidential sources and information in secret grand jury interrogations.

Aggressive and curious newspaper reporters have always been a tempting and easy source of information for government. Nevertheless whatever short-term benefits may flow from government's reliance upon newsmen as a substitute for its own investigations, the long-term threat to the public's right to be informed about the controversial as well as the routine is too great a risk to take in a free society.

Several affidavits filed with the Ninth Circuit Court by some of the country's outstanding newsmen underline the practical importance of protecting newsmen's confidential sources. They uniformly warn that without some protection from zealous law enforcement, sensitive sources for news about controversial subjects will quickly dry up.

The rationale for protecting newsmen from government inquiry is not to protect them individually, but to insure that the public has access to that free flow of information so vital to a democracy. The First Amendment, including its guarantee of a free press, was designed to make Americans politically, intellectually, and spiritually free. Its prohibition against government suppression and intimidation of the press is couched in sweeping language. In my judgment, the Founding Fathers intended the First Amendment's protection of the press to be literally construed.

In *Branzburg v. Hayes*, the Supreme Court's majority has overlooked the philosophy of the First Amendment's guarantee of a free press. The five-justice majority has casually dismissed the practical effects of its holding which will certainly undermine the ability of reporters to search out the truth for the American people. The majority has apparently forgotten the historic dangers always implicit when government, even for the most noble of purposes, interferes with and restricts the operations of the press. And, I am sadly compelled to believe, it has not fully understood the grand and hopeful assumptions which underlay our Founding Fathers' conviction that men have nothing to fear from freedom of thought, speech, and press as long as truth is free to combat error.

Inasmuch as the Supreme Court has rejected a constitutionally based privilege for newsmen, proposed legislation establishing a privilege for newsmen deserves renewed consideration. After the *Branzburg* decision, I introduced a bill which was designed to protect newsmen with respect to the federal criminal process. Its provisions include:

"A newsman shall be competent and compellable to testify as a witness in a criminal proceeding before a Federal grand jury or a criminal action in a Federal court in respect to information gathered by him for the purpose stated if these conditions concur in respect to such information: First, the information is based on the personal knowledge of the newsman rather than on hearsay communications received by him from others; second, the information tends to prove or disprove the commission of a crime allegedly committed by a third person which is being investigated by the grand jury or made the subject of prosecution in the court; and, third, testimony similar to the information is not readily obtainable from another source." If the testimony sought does not satisfy the three conditions, the bill would provide for a motion to quash the subpena.

While my bill was clearly more limited in its scope than other proposals, I believe it represents balancing of the interests of law enforcement and the interests of a free press. There was not sufficient time remaining in the last Congress to give serious consideration to this bill or several others on this subject. Similar legislative proposals will be introduced in the 93rd Congress, and I intend for the Subcommittee on Constitutional Rights to hold additional hearings on the subject.

With the recent history of the jailing of reporters, I believe that the next Congress will give considerable attention to legislative proposals designed to overcome the unfortunate Supreme Court decision in *Branzburg v. Hayes*, and, thereby, to revitalize the great principle of the First Amendment that the press shall be free from government control and intimidation.

ANNIVERSARY OF UKRAINIAN INDEPENDENCE

Mr. SCOTT of Pennsylvania. Mr. President, January 22 marked the 55th anniversary of the independence of the Ukraine, a time of independence that was all too short-lived. The valiant people of the Ukraine have battled for their freedom for centuries. Many have died, but the spirit of liberty is still very evident.

The Ukrainian people declared their independence on January 22, 1918 after a struggle which began in the mid-17th century when they were brought under Russian rule. Unfortunately, in 1920 Red army troops overran, crushed, and enslaved the new republic. For 5½ decades they have suffered the grim tyranny of Soviet colonial rule.

We hope that at some point in the future of our planet, all men will be free to live in an era of freedom and justice. Pennsylvanians of Ukrainian descent stand together in reminding the world that native Ukrainians still seek a future of independence. Therefore, all citizens of the Commonwealth and the Nation should stand behind these courageous people.

UKRAINIAN INDEPENDENCE

Mr. TAFT. Mr. President, the history of every nationality is studded with glorious moments interspersed with moments of agony and tragedy. In the history of the Ukrainian peoples one of the most glorious historic moments was January 22, 1918, the day when the Ukrainian National Rada proclaimed the independence of Ukraine by its fourth universal.

The Ukrainian nation dates its recorded history to the early ninth century when Kiev, on the banks of the mighty river Dnipro, was an important trade center on the route from Greece to the northern realm of the Vikings. The princess who ruled Kiev gradually grew in strength and influence to the point where they ruled over all the territory of Eastern Europe, and dictated trading policy to Constantinople. At the time, the people called themselves literally "Rusyns", and the country "Rus,"—or transliterated from the old Slavanic into English; "Ruthenians" in "Ruthenia".

The archeological prehistory of Ukraine dates back to the Neolithic Age when the ethnological areas of Ukraine were populated by eastern Slavic tribes who permanently settled these lands and cultivated them. These beginnings are quite independent and different from the origins of the Russian-Slavic tribes. Subsequent development of the Ukrainian and Russian nationality groups went in diverse directions, creating two separate and distinct nationalities. As a matter of fact, Kievian Rus' had passed its zenith before Moscow and the principality of Moscovy—the ancestor of Russia—became a city of any importance.

The 17th and 18th centuries brought back the resurgence of the Ukrainian states in the form of the Cossak Hetmante. This Cossak state was the scourge of the Turks and Tartars, and other Mongol nomad hordes plundering Europe. The Cossak Hetmans were the logical successors of the Princess of Kievian Rus'.

In the mid-18th century Ukrainian land fell under the subjugation of foreign powers. But the Ukrainian spirit was not to be subdued. Great Ukrainian poets like Kotlarevsky, Shevchenko, Shashkevych, and Franko rose to the occasion to remind the people of their tradition and their destiny. These great prophets laid the cornerstone for the proclamation of the Ukrainian independence in the political vacuum created in the Russian and Austro-Hungarian empires toward the end of the First World War.

Ukrainian independence was short-lived. The Russian Bolsheviks formed an illegitimate puppet regime in Ukraine which quickly asked for Russian military aid to help quell the "unrest" in Ukraine. With such aid, Ukraine was quickly forced into the "voluntary" federation of "independent" states, the Union of Soviet Socialist Republics.

But the Ukrainian spirit again remained unconquered. Scores of young Ukrainian intellectuals, born and reared entirely under communism, our now questioning why they are not allowed the freedom to express their ideas; why Russian imperialists are instituting pogrom against the language and culture of Ukraine; why all the citizens of the U.S.S.R.—of diverse nationality backgrounds—are to be made uniformly Russian.

During this glorious celebration of the proclamation of Ukrainian independence on January 22, 1918, let us bow our heads to the brave spirit of men, which does not bend in the face of tyranny. Because of this great spirit, slavery shall not be tolerated, and Ukraine—as well as all subjugated and captive nations—shall again be free.

PRESERVING A FREE PRESS

Mr. FULBRIGHT. Mr. President, in recent months there have been a series of moves on several fronts which threaten to undercut the role of a free and independent press in our society.

Any infringement on press freedom, any intimidation of journalists, particularly by the Government, undermines the strength of our country and our democratic system.

In addition to the developments which threaten to stifle press freedom, there is the corollary problem of increased Government secrecy, and of the lack of information and communication from the executive branch to the Congress and the people. Executive privilege and impoundment of funds appropriated by Congress are the order of the day. Policies are decided upon and enacted without consultation with Congress or explanation to the public. News conferences are rare and restricted.

Ironically, one of the few examples of communication from the executive branch in recent months was an extensive interview with the President's special assistant for national security affairs by an Italian journalist. Yet this same official is unavailable for testimony before appropriate congressional committees.

The executive's disdain for the Congress and its constitutional responsibilities and for the public's need and right to be informed about governmental affairs must be viewed alongside the refusal by the Supreme Court to protect newsmen from compulsory disclosure of news sources; the use of the Office of Telecommunications policy to intimidate the broadcast media; and the effort to relegate public broadcasting to an insignificant and innocuous role.

DISCLOSURE OF NEWS SOURCES

Several legislative proposals concerning protection of newsmen from forced disclosure of confidential news sources and information have been introduced in this session of Congress. I have been a sponsor of such proposals since 1970, and I am hopeful that we are moving toward enactment of legislation in this field.

What is at stake is not just the rights of newsmen, but the right of the public to know. As the Arkansas Democrat pointed out in an editorial following the jailing of newsman Peter Bridge last fall:

> It's not the journalist but the public that will be the real loser if a bill isn't passed, setting a national standard for dealing with this problem. People must be able to talk to the journalist in confidence. What government underling would point to corruption on a high level, or what radical group would admit a reporter to its inner councils, if they knew that by doing so they risked their jobs or freedom? Worse yet, how many reporters would continue to go after these important, controversial stories if they might wind up like Peter Bridge?

Although I have been advocating legislation on this subject for several years—primarily because of the Justice Department's efforts to subpoena reporters' notes, confidential materials and television tapes—it has been made even more imperative by the 5 to 4 Supreme Court decision of June 29, 1972, in Branzburg against Hayes. Since that ruling at least four reporters have been jailed for refusing to reveal their confidential news sources to courts and grand juries. Numerous others have been threatened with such action. The likelihood of a chilling effect of all this on the freedom of the press to investigate, expose and report without fear of governmental interference is obvious.

A number of States, including Arkansas, have some form of shield law which generally provide protection of confidentiality. However, I think we should have a uniform national standard which will constitute a reasonable balance between law enforcement and freedom of the press. We must assure that our newsmen remain free to inform the public and do not become agents of the government.

INTIMIDATION OF BROADCAST MEDIA

The Office of Telecommunications Policy, a creation of the Nixon administration, is another example of the President's efforts to consolidate power in the White House and away from the Cabinet departments, the regulatory agencies, and the Congress. The OTP has become the major instrument in the administration's thrust against the television networks, private and public.

The Director of the OTP, Mr. Clay T. Whitehead, has come to be referred to as a "broadcasting czar," although he operates under no statutory authority. His speech in Indianapolis last month and some of his subsequent pronouncements have, in the words of the Washington Star-News, "cast a chill on people everywhere who revere the first amendment."

Mr. Whitehead has proposed changes in licensing practices which would circumvent the authority of the Federal Communications Commission and drive a wedge between networks and local stations through a divide-and-conquer approach.

The Christian Science Monitor summed up these most recent developments very well:

> There is a simple explanation of why the Nixon Administration has resumed the offensive against the American television networks . . . Almost nightly, those networks have audacity to talk back to the man in the White House . . .
>
> And there is an equally simple explanation of the choice of weapons by the White House in the new offensive. It is proposing legislation which would require the individual stations which are licensed by the federal government to police the networks which are not. The individual station is always worried about losing its license. It can be intimidated.

Although covered with high-sounding free-press phraseology, Mr. Whitehead's statements are clearly aimed at stifling serious news and public affairs programing on television. This has been the approach taken by this administration since the Vice President's speech attacking the press in November, 1969.

As a number of commentators have noted, what the administration appears to want is a situation similar to that which prevailed in France under De Gaulle where television served as a vehicle for government views, which were never questioned or doubted. So all the talk about less government control of communications is actually a cover for a move to increase executive branch influence over the media.

Indeed, many would say that the administration's efforts began to bear fruit long ago in the form of reduced public affairs programing.

As Ben Bagdikian wrote in the Columbia Journalism Review:

> A sample study of leading papers and network specials during the presidential campaign makes it clear that the Nixon Administration's three-year war against the news media has succeeded. There has been a retrogression in printing newsworthy information that is critical of the Administration and a notable decline in investigation of apparent wrongdoing when it is likely to anger or embarrass the White House. This, coupled with the shrewd manipulation of the media by Nixon officials, has moved the American news system closer to becoming a propaganda arm of the administration in power.

Mr. Bagdikian notes that CBS, for example, in the campaigns in 1960, 1964, and 1968, presented an average of seven political election specials, usually at prime time, but in 1972 only two. ABC had none this year.

For all the complaining of Mr. Whitehead and others at the White House, it is not exactly as if the President had been shut out of television. In the months prior to the 1972 election, the President received extensive coverage—and properly so—of his trips to China and Russia. He was featured in specials such as "Christmas at the White House" and "A Day in the Presidency," as well as any news conference or major speeches he scheduled. The Republican National Convention was thoroughly covered.

Mr. Whitehead has conceded that, if adopted, the White House proposal would take away some of the power of the FCC. Congress must be careful about allowing still more power to drift to the Executive. Of course there are some, such as Wayne Green of the Wall Street Journal, who have suggested "that the administration won't really push for passage of the bill—that its real objective is just to frighten the networks into friendlier coverage of President Nixon."

In addition to this latest foray against the networks, Mr. Whitehead and the OTP also played a leading role in the move against public television and a less publicized but significant role in establishing regulations for cable television. There are many who feel that the OTP exercised undue influence on the cable policy adopted by the FCC, supposedly an independent regulatory agency. The regulations are commendable in many respects, but sharply limit cable service in major cities. According to news reports, Mr. Whitehead's office has been working on recommendations for the future growth of the cable industry. Because of the importance which cable TV will have in the years ahead, Congress should keep a watchful eye on developments in this area.

THE DEMISE OF PUBLIC TELEVISION

I have spoken on previous occasions about the demise of public television, engineered by the White House. I view this as one of the more tragic results of the Nixon policy, because public television had great potential for overcoming many of the deficiencies which plague commercial television.

I particularly regret the part played by Congress in contributing to this demise by accepting the President's veto last year of increased funding for public broadcasting. The reduced funding was followed by Mr. Nixon's appointment of a man who said he had "never seen a public TV show" as president of the Corporation for Public Broadcasting. Subsequently and predictably the Nixon team has moved to rid public TV of most of its public affairs programs.

Despite Mr. Whitehead's talk about the need for more local control in public television, it is the Presidentially appointed CPB board—not the station-manager oriented board of the Public Broadcasting System—which has been calling the shots in recent weeks. For example, two of the programs vetoed by the CPB board—William F. Buckley, Jr., "Firing Line" and "Washington Week in Review"—were voted as the two most popular programs by 140 local station managers last fall.

One area in which public broadcasting had offered a special service to the public was in its coverage of Congress, including live coverage of important congressional hearings. In an era when the President can make such effective use of television to present his views, it is important that the Congress as an institution, as a coequal branch of Government, have some access to television.

Mr. President, these developments which I have outlined, along with a number of related occurrences, merit the Senate's serious attention. The telecommunications policy of this administration seems clear: Television should be for lulling people to sleep; any serious examination of issues is to be discouraged.

I am pleased to note that the chairman of the Subcommittee on Constitutional Rights (Mr. Ervin) has announced hearings on the various measures to protect newsmen from being compelled to disclose confidential sources and information, and that the chairman of the Communications Subcommittee of the Commerce Committee (Mr. Pastore) is considering a review of the administration's proposals on television.

The Senate cannot afford to treat these matters lightly. As the Arkansas Gazette said in a recent editorial:

> The administration's pressures against both television news and newspapers have been unrelenting in the first term. . . . The pressures promise to grow in the second term. . . . What we face, in any case, is the gravest threat to press freedom in the history of the republic.

Mr. President, I ask unanimous consent to have printed in the Record a sampling of letters I have received from Arkansas concerning the administration's actions. Additionally, I ask unanimous consent to include several recent editorials from the Arkansas press, and articles by Herbert Mitgang of the New York Times, and William F. Thomas of the Los Angeles Times.

There being no objection, the material was ordered to be printed in the Record, as follows:

Little Rock, Ark.,
January 2, 1973.

Senator J. W. Fulbright
Senate Office Building,
Washington, D.C.

Dear Senator Fulbright: I am a regular listener of the weekly TV program entitled "Washington Week in Review" aired over the Arkansas Educational Television Station, Channel 2, located at Conway, Arkansas.

The MC of this show stated recently that a decision has been made to drop this program next June. I wish to register my strong objections to such action. The essence of a democratic form of government is that the citizens be informed. The participants on this show are well known, well informed and articular members of the staffs of leading newspapers and magazines in this country. They do more than read a carefully drawn up account of the major happenings and issues of the day.

I think we need more, not fewer programs of this kind. It seems apparent that the present Administration has intimidated the 3 major networks to the extent that they no longer give in-depth analysis of major issues confronting this nation that they did a few years ago.

I urge that you find out there reasons given for the decision to drop the show "Washington Week in Review" and if the reasons given, in your judgment, are not valid ones, that you voice a protest to such action.

Sincerely yours,

Clay R. Moore.

Fordyce, Ark.,
January 1, 1973.

Hon. J. William Fulbright,
Washington, D.C.

Dear Sir: Enclosed is a copy of a letter I sent to NPACT regarding "Washington Week in Review." I trust that you will use your influence to keep this program, and others, on the air.

Public Television has many splendid programs and it would be regrettable to make some changes that have been planned.

Yours very truly,

(Miss) Helen Sparks.

Fordyce, Ark.,
December 29, 1972.

NPACT
Washington, D.C.

Gentlemen: I look forward each week to "Washington Week in Review." Issues about which we, the public, should be informed are presented in an interesting manner. I trust that appropriations will be available for this program to be continued after the present funding ends.

Yours very truly,

(Miss) Helen Sparks.

Keith, Clegg & Eckert,
Magnolia, Ark., December 26, 1972.

NPACT
Central Station
Washington, D.C.

Gentlemen: This letter is written to protest the removal of the program "Washington Week in Review" from the National Educational Television schedule.

I watch this program regularly on Channel 2, Conway, Arkansas, and find it to be one of the finest and most informative news programs on the air. The program is rendering a great service to the public, and it would be a tragedy if it were not continued.

I am sending a copy of this letter to Senators McClellan and Fulbright and to my congressman, and I urge them to use their influence to see that this fine program is continued.

Yours very truly,

Oliver M. Clegg.

Fayetteville, Ark.,
December 27, 1972.

Senator J. William Fulbright,
U.S. Senate,
Washington, D.C.

Dear Senator Fulbright: I am writing to convey my opposition to the legislation being proposed by President Nixon concerning the licenses of local television stations. The bill would give him the power to revoke these local station licenses if he disagrees with their "balance of the news".

I am extremely opposed to such an obvious violation of the First Amendment. I am hoping that when this legislation comes before you, your vote will be against it.

Please write regarding your views. Thank you.

Sincerely,

Tammi Reed.

[From the Arkansas Gazette, Dec. 22, 1972]

THE GRAVEST THREAT TO PRESS FREEDOM

In a single issue of the Gazette (Thursday's) there were four news articles about four separate cases in which newspaper or television reporters are now engaged in fighting or fending off contempt of court citations, all hinging on the newsmen refusing to identify confidential sources.

Such contempt charges are not new in the newspaper business but what is unprecedented is their rising volume and frequency. In various sections of the country, judges, prosecutors, defense attorneys, and assorted politicians have been taking their cues from an ominous 5–4 decision rendered by the U.S. Supreme Court earlier in the year: The court held that newspapermen have only a qualified privilege of confidentiality, not the unquestioned confidentiality relationship routinely granted lawyers and clergy.

Both state and federal courts are getting into the act now, with a vengeance, in threatening newsmen with jail sentences, and there is every indication that the state legislatures are not far behind. In Tennessee a recent move was made to jail a reporter for contempt of a legislative investigating committee; the effort failed, but only on a technical defect, not on a constitutional ground.

Look what the Nixon Court hath wrought, and the worst is unquestionably yet to come.

In the single newspaper there were the four datelines on issues involving confidential sources: In Los Angeles, William T. Farr lost another motion in Superior Court and remained in county jail, where he is serving a contempt sentence for refusal to divulge a source connected with the Manson murder case. Also in Los Angeles, a radio man named Jim Mitchell was ordered to turn over to the county Grand Jury some tapes he took in interviews on bail bond practices. In Chattanooga, Tenn., Harry Thornton, a TV talk-show man, was out on bond under a jail sentence imposed in state court after he had withheld the identity of a source. And in Washington D.C., John F. Lawrence, bureau chief for the Los Angeles Times, was allowed to remain out of jail while appealing contempt sentence rising from the celebrated Watergate bugging case; Lawrence is withholding tapes of interviews that even defense attorneys (in the Watergate case) are trying to gain access to.

The worst is yet to come, for the Supreme Court has let down the floodgates for a tide of contempt charges against newsmen. Everywhere in this country there are lawyers and courts that have long wanted to make the press not the critic but the handmaiden of the judicial system; and, of course, everywhere there are politicians who regard the press (rightly) as a natural adversary, one who (wrongly) may be tamed by any means, fair or foul.

The threat of contempt has always existed for newspapermen guarding their sources (and their honor) and some of us have done time in jail, or been threatened with jail. But the threat has never been of the current dimensions, for in the "old days" the constitutional issue had not been actually defined. It would have been better left undefined, for adversary parties to settle from year to year as best they could, but in any event the "old days" ended with the Supreme Court's narrow, authoritarian-minded decision in the case it adjudged 5-4 this year. It will soon be up to the high court to try and control—if it has in mind to—the forces that it has unleashed to attack the freedom of the press guaranteed in the Constitution.

It is, in the end, the First Amendment to the Constitution upon which newspapermen have stood in the past, in protecting sources, and upon which they must continue to stand in the future, in spite of the adverse 5-4 ruling of the Nixon court.

There are certain state "shield" laws, of course, including Arkansas's, which is a fairly good one. A "shield" statute granting a newsman the right of confidentiality must look attractive, unquestionably, to a newsman who is facing a sentence in jail; we do not doubt that William T. Farr would find a "shield" law immensely attractive in California at this moment.

Nevertheless, the "shield" law—state or federal—must ever be regarded with reservations, simply because it is statutory rather than constitutional. What a legislature, or a Congress, giveth, a legislature or a Congress can take away.

The first Amendment is the bedrock of the newsman's claim to a right in protecting a news source. If there is to be a free press, then the press mut have full freedom to develop its news sources without inhibition in its quest for fact and truth. If the search for fact and truth is restricted, and the development of confidential sources throttled, by the dead hand of narrow judicial interpretation, then the ultimate damage will be done not so much to the press as to the public. It is the public that will know less of what is happening in government, behind the handouts, at a time when the public desperately needs to know more.

What we have at hand in this country is a developing crisis in the interpretation of the First Amendment generally and freedom of the press particularly. It is a crisis that is reaching full crest under the Nixon administration, for it is the Nixon crowd that has systematically sought to threaten and bludgeon the media—press and television—into adopting less skeptical, less inquiring, less critical attitudes and practices. Paradoxically, the press itself has contributed to the very danger that is rising because, almost incredibly, some 90 percent of the newspapers that made endorsements picked Nixon for re-election.

The administration's pressures against both television news and newspapers have been unrelenting in the first term—the manifestations ranging from prior censorship in the Pentagon Papers case to the gentle threats of Spiro T. Agnew against enfranchised television. The pressures promise to grow in the second term. The enemies of press freedom in the administration and elsewhere have a considerable arsenal of weapons, but one of their most promising now is the contempt of court citation. This is a bludgeon that will be used with increasing frequency in the "four more years" ahead, at the least. What we face, in any case, is the gravest threat to press freedom in the history of the republic.

Warning Is Now

Clay T. Whitehead, director of White House Telecommunications Policy, says that the Nixon Administration has drafted legislation to hold local tv and radio stations accountable at license renewal time for "balance and taste" of all network and entertainment programs they broadcast. Mr. Whitehead made the announcement this week in a talk at Indianapolis, one of the administration's favorite sounding board communities.

Whitehead is the ranking White House official in the broadcast field, so his remarks can be considered as more than aberrant mumblings in the dark. Coupled with the administration's announced curtailment of "news shows" and, indeed, of network produced entertainment by the Public Broadcasting System, this signals clearly President Nixon's decision to bring as much of the nation's media as possible under the executive thumb.

In our view this is an intolerable proposal. Sad to say, it is also an anticipated one. Mr. Nixon made the overtures before the election. His "mandate" now prods him into overt action. The entire Bill of Rights is the prize that awaits the winner of the confrontation. And the Bill of Rights is no "special interest" proposition . . . it is the "silent majority's" freedom, too.

Legislative action is suggested by Mr. Whitehead, and to be sure, if the administration can obtain statutory authority, the jig will indeed be up. There is a frightening audaciousness about Mr. Whitehead's proposition, it seems to us, because the executive arm of government has been doing quite well without specific law. To raise the question in Congress is to take a chance with a cause that is under control, already. The law, however, would seal the case. As things now stand, the press still has some tools with which to fight back. Congress, for instance, might be persuaded to redress the First Amendment and halt the harassment of newspapers and reporters for honoring confidential sources of news.

[From the Arkansas Democrat, Jan. 3, 1973]

Journalists and Judges

So far the public has not been aroused by the jailing of newspapermen for refusing to identify the sources of their information. Even some journalists pooh-pooh the idea of a national shield law that would prevent such incarcerations, saying that as long as we have the first amendment to the Constitution everything is okay.

They would have a hard time convincing Peter Bridge of Newark, N.J., of that. Bridge just spent 21 days in jail for refusing to answer a bunch of irrelevant questions posed to him by a prosecuting attorney who was plainly on a fishing expedition.

William T. Farr of Los Angeles wouldn't buy the legalistic argument either. Farr is now back in jail (in a room with no window and no one else to talk to), where, as far as anyone can tell right now, he may spend the rest of his life unless he complies with the orders of the judge who presided at the Charles Manson trial. Farr covered the trial for a Los Angeles newspaper. While it was going on, some lawyers, disobeying Judge Older's instructions, slipped Farr some sensational information on the promise that he would not reveal who gave it to him. Judge Older was furious when the information came out, but conceded Farr's right not to reveal his source under a California shield law. A few months later, Farr quit his newspaper job, and Judge Older told him he had lost his immunity and demanded the names. Farr still refused, knowing that the lawyers face not only jail terms but disbarment. Farr, who is again working for a newspaper, has exhausted every remedy.

A national shield law (other than setting a pattern) probably would not have helped Bridge and Farr, but it would have helped Earl Caldwell of the New York Times. He refused even to answer a grand jury subpoena, for fear that the group (the Black Panthers) he was going to be queried about might kill him. He had gained their confidence before writing a series about them, and since grand jury sessions are secret, he knew that if he put his foot inside the door he would be suspected of spilling his guts, whether he did or not. But the Supreme Court said that Caldwell did not have the right to refuse a subpoena.

The case of reporter Joseph Weiler of the Commercial Appeal is probably the most significant one of all. Following tips from employes of a state hospital for retarded children, Weiler wrote a series in the Memphis paper telling how some hospital employes had beaten retarded children. There was no question about the accuracy of the reports—there have been firings since the stories appeared. But a committee from the Tennessee Senate called Weiler before it and demanded that he tell them who had furnished him the information. The senator's concern, in other words, was not the children but who squealed. Weiler refused to tell. He is to come before the Senate committee again on December 14, and if he refuses a second time, he probably will be sent to jail for contempt of the legislature.

Obviously, this is the kind of case that is important to the public. If people are afraid to report corruption in government to the press (and they will be if their jobs or safety are at stake), will the public ever know it exists? The cases of Bridge and Farr and Caldwell are more personal tragedies, created for the most part by insensitive judges. As an aside, it is very sobering to realize that all their cases involved judges who are appointed, not elected.

[From the Paragould (Ark.) Daily Press, Dec. 20, 1972]

No Respect for Freedom

Recent comments by a White House official concerning upcoming legislation requiring more stringent criteria for broadcaster's license renewal has pointed once again to the current administration's lack of respect for the freedom of the press and free speech.

White House official Clay T. Whitehead, director of the Office of Telecommunications Policy, said his office was preparing legislation to require broadcasting stations to meet two criteria in order to get license renewal.

(1) Demonstrate that it has been "substantially attuned to the needs and interest" of the community it serves.

(2) Show that it has afforded opportunities for the presentation of conflicting views on controversial issues.

These measures are hoped to reduce the so-called "ideological plugola" and the consistent bias of the news media.

The Daily Press has always held strong convictions concerning the responsibility of the news media in covering and reporting the news—particularly in presenting the news as objectively as possible.

However, we also realize that no human being is capable of being completely objective and that human bias is always present.

We do not believe that it is the government's responsibility to decide who is meeting the needs and interest of the community and to see that more than one view on a subject is given.

This is the role of the community and is exercised with the supplying or denying of financial support.

When legislation is passed expulgating "bias," it is merely a shabby coat for legislation calling for expulgation of unwanted "bias."

It is our hope that this and other signs of disrespect of the freedom of speech and freedom of the press is not a portent of what's to come with Nixon's second term.

[From the Southwest (Ark.) Times Record Jan. 9, 1973]

Newsmen Need Full Protection

There should be quick action by the Congress on a proposal by the Newspaper Publishers' Association, to protect the free flow of information to the American people.

The publishers' association has laid it on the line—only unqualified privilege will keep the lines of communication. This would mean a law that newsmen could not be forced to disclose information on news sources or unpublished quotes or other materials dealing with their gathering of information.

Recently, there has been an unprecedented move to jail newsmen who refused to violate the pledges of confidentiality under which they received information, much of which resulted in top-flight stories revealing matters vital to the people.

Incidentally, that's where many of the most important stories originate—by tips from people who feel that they cannot risk having their names revealed. And if they cant' be assured of confidence, they simply dont' provide the tips.

Already, one major publisher remarked, sources of information are drying up as a result of the many efforts to force newsmen to reveal where they got information.

Numerous proposals for partial immunity have been advanced. None of these will get the job done. Only complete immunity on matters related to the gathering of news and the writing of stories will do it.

So this is what the publishers' association has proposed.

A federal law providing that immunity should be passed as soon as one can be drawn and studied. And each state then should follow with similar laws.

Only in that way can the practical spirit of the First Amendment, guaranteeing freedom of the press from restrictions, be assured and preserved.

[From the New York Times, Dec. 18, 1972]

WATCH ON THE MEDIA

(By Herbert Mitgang)

More than five years after the Freedom of Information Act became Federal law, it is still difficult for journalists, historians and researchers to obtain information freely. The idea behind the law was to take the rubber stamp marked "Confidential" out of the hands of bureaucrats and open up public records, opinions and policies of Federal agencies to public scrutiny. It hasn't worked that way.

When President Johnson signed the bill, he declared that it struck a proper balance between Government confidentiality and the people's right to know. In actual practice, it has taken court actions to gain access to Government records. An effort is finally being made to declassify the tons of documents by the Interagency Classification Review Committee, under the chairmanship of former Ambassador John Eisenhower. This historical survey will take years.

But more than mere documents are involved. There is a matter of the negative tone in Washington.

The White House and its large communications staff have lengthened the distance between executive branch, Congress and the public. Of course, every Administration has instinctively applied cosmetics to its public face, but this is the first one operating for a full term under the mandate of the Freedom of Information Act. The result is that official information—especially if it appears to brush the Administration's robes unfavorably—is not communicated but excommunicated.

The other day Senator Symington of Missouri, a former Air Force Secretary who has been questioning the wisdom of the President's B-52 foreign policy in Southeast Asia, said: "I would hope that during this session of Congress everything possible is done to eliminate unnecessary secrecy especially as in most cases this practice has nothing to do with the security of the United States and, in fact, actually operates against that security."

This point was underscored before the House Subcommittee on Freedom of Information by Rear Adm. Gene R. La Rocque, a former Mediterranean fleet commander who since retiring has headed the independent Center for Defense Information. Admiral La Rocque said that Pentagon classification was designed to keep facts from civilians in the State and Defense Departments and that some Congressmen were considered "bad security risks" because they shared information with the public.

Reputable historians trying to unearth facts often encounter Catch-22 conditions. The Authors League of America and its members have resisted those bureaucrats offering "cooperation" on condition that manuscripts be checked and approved before book publication. The Department of Housing and Urban Development has denied requests for information about slum housing appraisals. The Department of Agriculture turned down the consumer-oriented Center for the Study of Responsive Law in Washington when it asked for research materials about pesticide safety.

The unprecedented attempt by the Administration to block publication of the Pentagon Papers, a historical study of the Vietnam war, took place despite the Freedom of Information Act, not to mention the First Amendment. And the Justice Department is still diverting its "war on crime" energies to the hot pursuit of scholars who had the temerity to share their knowledge of the real war with the public. Such Government activities not only defy the intent of the Freedom of Information Act; they serve as warnings to journalists, professors, librarians and others whose fortunes fall within the line of vision—budgetary, perhaps punitive—of the Federal Government.

The executive branch's battery of media watchmen are busiest with broadcasting because of its franchises and large audiences. At least one White House aide, eyes glued to the news programs on the commercial networks, grades reporters as for or against the President. In one case that sent a chill through network newsrooms, a correspondent received a personal communication from a highly placed Administration official questioning his patriotism after he had reported from North Vietnam. Good news (meaning good for the Administration) gets a call or a letter of praise.

The major pressure on the commercial and public stations originates from the White House Office of Telecommunications Policy, whose director has made it clear that controversial subjects in the great documentary tradition should be avoided. The same viewpoint has been echoed by the President's new head of the Corporation for Public Broadcasting, which finances major programs on educational stations. This Government corporation is now engaged in a battle to downgrade the Public Broadcasting Service, its creative and interconnecting arm responsible for serious news shows.

Long before there was a Freedom of Information Act, Henry David Thoreau was jailed for speaking out and defying the Government's role in the Mexican war, last century's Vietnam. "A very few men serve the State with their consciences," he wrote, "and they are commonly treated as enemies by it." Grand juries, subpoenas and even Government jailers will be unable to overpower today's men of conscience.

[From the Los Angeles Times, Dec. 24, 1972]

WARTS AND ALL, OUR CAUSE IS YOUR CAUSE

(By William F. Thomas)

It will come as no surprise to you that the press is in serious trouble with the courts. Our people are going to jail and, perhaps even more serious in the long view, some elements of the press already are avoiding the kind of story that might cause them trouble.

The question, of course, is why. Why this confrontation with the courts on issues so basic that they have been accepted—with occasional lapses, it is true—for a couple of hundred years?

You have heard many answers in recent months, references to the Constitution, to hallowed tradition, to the appropriate utterances of the great and famous, to the public weal.

Many of these have been eloquent and penetrating and true but, judging from some of our mail and from public statements by a variety of spokesmen, qualified and unqualified, they do not seem to have answered all of the questions.

One reason seems to be that we have not always explained ourselves in less than abstract terms.

When we're asked, "How come you guys don't have to obey the judge just like everybody else?" we often come back with the Constitution. Which is valid, but not altogether convincing, since the other side is always citing the Constitution, too.

So. Why are we so special? And how do you answer that question without the risk of sanctimony?

One way to begin might be to admit to some imperfection. As all the world knows anyway, we have booted some beauties. So pomposity, with which we often seem afflicted, ill becomes us and deflects attention from our cause.

And we do have a cause, and by we I mean all journalists, print and electronic, newspaper and magazine. Warts and all, we are your only avenue of information, for all practical purposes, except agencies and people directly involved in whatever it is you want information about.

If you want to know what the governor did today—without us—you will have to listen to the governor himself and his friends and opponents.

Without us, if you want to know what happened in City Council, you will have press releases from parties involved.

If you want to know what happened in the courtroom—without us—you must rely on the judge to explain and evaluate his own actions, and each attorney to do the same—providing the judge will permit you to hear anything at all.

And so it goes. With all our faults, it's hard to visualize an American public that would knowingly permit the stifling of the press, whose main purpose is to inform it, however imperfectly, and leave itself to the position of making judgments based on information by press release.

I exaggerate, of course, but not so much as you might think.

Let me give you a few specifics, true specifics.

Some years ago The Times published a prize-winning series of stories on zoning practices which attempted, with considerable success, to shed some light on the way in which land intended for one purpose got to be used for quite another purpose.

The original source was a very prominent lawyer, angered by what he considered the chicanery he was forced to engage in to do business in this field.

However, he was not angry enough to forget that he had to continue to do business with the public officials who caused his anguish, so he would not permit use of his name or even the publication of specifics which would tend to identify him.

But he provided enough information, under our guarantee that he would never be publicly identified, to lead to other sources and—after several years of hard work—to the series itself.

This, more or less, is the pattern followed in other such stories, in The Times, in other newspapers, in the electronic media.

Which leads us back to the judge. Because he is now insisting that we publicly identify such sources when he decides this is in the interest of the court and even, as has happened, in the interest of a grand jury investigation.

Well, this is fine for the judge and for the grand jury, but it's *hell on* wheels for us, and thus for you.

Even if some of us go to jail to protect sources, and you have seen that happen, we soon are not going to have any.

It doesn't take a cynic to figure out that few potential sources will take a chance on a newsman's continued willingness to go to jail to protect his anonymity. Jail, after all, is not a fun experience.

If you think the fears of our potential sources are unreal, let me cite another specific.

The principal source in another Times series, this time outside the city, was a man of courage who permitted himself to be publicly quoted and provided facts and figures.

Two convictions of public officials resulted from those stories, and a shakeup in procedures of a public agency which spends millions of your dollars.

Our source, however, was fired by the agency's directors after 27 years on the job, and got his job back only after more than two years of litigation and considerable publicity resulting in public pressure.

Another example: After literally years of trying to find a businessman willing to tell in detail how he did business with a public agency, we persuaded one to do so as a public service. Anonymously, of course, for he wanted to continue to be a businessman.

Two weeks ago, long after this story was published, he called me and asked if these stories about the judges and newsmen's sources meant he faced the danger of retroactive identification. He was serious, and he was afraid.

Do you think this respectable man, and others like him and others not so respectable, will ever tell what they know to a newspaper again?

And if they don't, do you think that you will ever hear through any other avenue what it is that they have to tell you?

Until late last week, The Times had been backed against the wall from an entirely unexpected direction. The Watergate case confronted us with a demand that we turn over to the defense attorney everything we possess—notes, memos, tape recordings, everything—having anything at all to do with an interview with the chief prosecution witness. Such an order only months ago would have been unthinkable.

If we had lost our appeals—and today's Supreme Court has already made clear its contempt for the rights of the press—we and all the media would have become a grab bag for every attorney in every conceivable kind of case.

Give us all you've got that has anything to do with our client or his opponent, they would be able to say—even though they may not have the foggiest notion what we have in our files or, indeed, whether we have anything at all.

And it wouldn't be long, obviously, before there would be little of value in our files pertaining to anything, for nobody in his right mind would thenceforth communicate with us except by press release.

The Watergate case was resolved unexpectedly when the confidential source we were protecting requested that we release his tape recordings in his own best interest, but the issues raised here are sure to confront us again.

So this business of getting at our sources works in many ways, but they all have the same result: We lose our sources, we spend an awful lot of time in court—not to mention money—and we would be less than human if we did not begin to get cautious. And all of this means there is an increasing number of things you are not likely to hear about in the future.

Even large, successful newspapers are tempted now to squint carefully at stories with danger flags stickings out all over them, stories in the public interest.

The trouble is, these would include the kind of stories that won two of The Times' Pulitzer Prizes in the past five years. At the time of the riots, can you imagine the people of Watts talking frankly with us about their troubles with the police, or educators talking candidly about the schools there, to mention only a few, if they knew we might be forced to publicly identify them?

The same goes for the many businessmen and public officials who provided the leads for stories on the city commissions which resulted in indictments, convictions and—we hope—some changes in attitudes and procedures there.

If it's tough for the big papers imagine what it must be like for the smaller ones. The Times in the past four years has fought 30 subpoenas involving either our people or our information, and staved off some 50 other attempts to obtain our materials.

We have been through the appellate procedures many times and all the way to the Supreme Court twice. We have spent well in excess of $100,000, and the rate of such spending is rising sharply. One of our reporters is in jail, another was jailed briefly last week, and the chances against others meeting the same fate are not good.

How many small newspapers or magazines or radio or TV stations do you think have the resources or the will to put up this kind of fight? Most don't even *have* legal staffs, and few have great financial resources, and it is to their credit that more of them don't simply lie down and play dead.

How did we get into this terrible fix?

Well, you can get as many explanations as you ask for. Some blame the newspapers themselves. Sensationalism, and lack of sensitivity for the rights of defendants, they say, brought our plight upon ourselves.

A grain of truth here, of course, but this scenario falls down in some important aspects. For one thing, newspapers have been steadily heading in the direction of less sensationalism, not more. For another, many of the cases in which we find ourselves in the most trouble have more to do with the use of our information to help the defendant or the prosecution than with punishing us for hurting either one.

In other words, many of our problems stem from attempts to force the press to serve as an agent of the judge, the prosecution or the defense.

So the complicated issue of fair trial, under whose name all of these restrictions started building, is of doubtful application to many of them.

Others seeking the cause of our dilemma blame the judges, as public officials whose awesome powers have brought to some a God-complex, leading them to run their public institutions by their own rules at the expense of the rights of public and press. A grain of truth here, too, but again some troubling factors.

For instance, the powers of judges have not not been substantially redefined, or enlarged, except by their own decisions, yet it has been only in recent years that they seized this bit in their teeth.

Another thing. Many of the judges involved in the kind of case we're talking about are good judges, decent men, motivated by understandable intentions with which we can sympathize, not all of them, but many.

So how *did* we get from there to here?

I think it's possible that in the beginning we just drifted here, undramatic as that sounds, scarcely noticing that we had started on a route that could take us over the cliff.

The first limited gag rules, in fact, sounded reasonable to many of us, coming in the wake of the Sam Sheppard case and in the frantic atmosphere created by early television techniques.

These early orders instructed attorneys officially involved in court proceedings not to discuss certain aspects publicly.

This was disquieting to some of us, but the orders did not seem to be severely enforced and were rarely as restrictive in practice as they were to become.

Later, we did take gag orders—which by then were far more sweeping—to higher courts, and we succeeded in reversing some. Others we simply worked around. In the meantime, gag orders were being issued and enforced, some unchallenged, and as judges found out they could do this the orders began to build upon themselves.

Looking back, we should have recognized that the first step could be fatal: The day judges successfully seized the power to say who shall speak outside the courtroom, and when, and about what, we should have heard echoes from the past.

It's hard to surrender just a little bit of principle without losing it altogether.

And history should have told us that it is folly to depend on reasonable and decent men not to abuse the power they acquire when that little bit of principle is allowed to slip away.

At least some of the ecclesiastical judges of the Inquisition must have been decent and reasonable men, for their time, as were members of the revolutionary courts of France, and those in the American colonies who adjudged witches and the like.

So it's not the men but the system which has gone awry. And I mean *awry*. In a few short years the public has lost control of the administration of justice to a staggering degree, and more and more of our trials are assuming the despotic characteristics familiar to other times, other places.

If you doubt that, consider just some of the evidence:

1—Trials are now being held in secret, one of them in California. The judge has without challenge cleared the courtroom of public and press and then has made decisions of substance affecting the trial. Upon reopening the trial he has refused to provide any record of the secret proceedings.

2—Secret proceedings by another California judge moved an appellate court to comment as follows: " . . . it is startling to see the evils of secret proceedings so proliferating . . . that the court could reach the astonishing result of committing a citizen to jail in secret proceedings, could contemplate inquisitorial proceedings against the newspaper reporter for reporting this commitment, and could adopt the position that the district attorney, the chief law enforcement officer in the county, was prohibited on pain of contempt from advising the public that someone had been sent secretly to jail . . ."

3—Courts in California, Louisiana, and Arkansas have tried to impose direct and prior censorship upon the media. And they have threatened them with punishment if they attempted to report what was taking place along the way to a verdict involving individuals and the public, both of which we all used to think were entitled to public trials.

So, the press is losing its voice and the public is losing control of its own institutions, a sorry state of affairs for both of us.

What to do? It seems to us that now the people must act, as they have in the past, to preserve their freedoms, and set down some rules to make their wishes clear.

If they prefer a frightened press to a bold and unfettered one, with its admitted drawbacks and excesses, they can remain mute.

If they perceive, as we do, the very real peril of a tyranny by the courts, they can, through those they elected to act for them, draw up laws that would avert this danger.

As always, the future is in their hands.

SENATE REPUBLICANS ELIMINATE SENIORITY SYSTEM

Mr. TAFT. Mr. President I am pleased that the Republican conference in the

Senate has taken a major step toward the elimination of the seniority system on our side of the aisle. Since 1846, the seniority system has meant that ability and responsibility are not factors in the selection of committee leadership. The surrender of congressional authority to a centralized executive is in no small part attributable to the fact that the seniority system has weakened party responsibility within the Senate.

As I pointed out in my testimony before the ad hoc committee, presided over by the distinguished Senator from Maryland (Mr. MATHIAS) and the distingushed Senator from Illinois (Mr. STEVENSON), "the seniority system has permitted chairmen and subcommittee chairmen to rise to and remain in power despite ill health or mental incapacity.

In 1942, the Senate Privileges and Elections Subcommittee accused one Senator of "gross impropriety, lawlessness, shotgun law enforcement, jail breaking, violation of oath as an attorney, rabble rousing, civil disobedience, breach of the peace, obstruction of justice, and tampering with court officials."

Because of the seniority system, however, this model of decorum went on to become chairman of the Senate Judiciary Committee.

With the reforms now adopted by the Senate Republican Conference, we have undercut the seniority system in the selection of ranking members and committee chairmen and have gone a long way in making the Senate more responsive to public opinion and party leadership.

Much, however, remains to be done if we are to renew public confidence in the Senate as an institution.

Indicative of the public call for reform is an article by James M. Perry, entitled "What Congress Needs To Do Is Vote, Vote, Vote," published in the January 20, 1973, National Observer. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHAT CONGRESS NEEDS TO DO IS VOTE, VOTE, VOTE

(By James M. Perry)

You can't take a vacation any more without returning to discover that the nation is up to its ears in a brand-new "crisis." I've been away for five weeks and, sure enough, we have another one—the "Crisis in Congress," Time magazine calls it. Apocalyptically, Time says:

"The U.S. is facing a constitutional crisis. That branch of government that most closely represents the people is not yet broken, but it is bent and in danger of snapping."

And Warren Weaver, Jr., in his new book, "Both Your Houses: The Truth About Congress," says:

"The Capitol is a hall of illusions, peopled by the myths that the legislative branch remains proudly co-equal. . . . Clumsy, unresponsive, controlled in large part by its most ordinary members, the national legislature blunders on, facing nuclear problems with colonial procedures, insisting all the while that nothing is wrong. In fact, a great many things are wrong."

Well, Weaver is right. A great many things are very wrong. Congress is about as up-to-date as Kansas City. The "crisis," presumably, is compounded by the presence of Richard Nixon—"The Sullen Emperor," the New York Times has called him—in the White House, a Wizard of Oz, running everything secretly behind the great, whirling clanking machinery of the Executive Branch.

I am not overly sympathetic with members of Congress whining about usurpation of their powers by the White House. If a woman spends years staggering from bar to bar dripping with diamonds, well, someday somebody is going to heist the goodies. You can't blame the executive for making the legislative rip-off.

SOLUTION IS OBVIOUS

The important thing to remember about this "crisis" is that the solution is so obvious: All Congress has to do is vote.

If the leaders can't lead, Congress can vote to replace them.

If its committee chairmen are crusty with age, it can vote to get new chairmen.

If it can't get the information it needs to make independent judgments, it can vote to buy computers and data-retrieval systems.

If it doesn't have the staff to read what the computers print, it can vote to hire computer-age employes.

If it believes that some members can't vote their convictions because special interests have financed their campaigns, it can vote for public financing of campaigns.

If it believes that lobbyists distaste the terms of some legislation, it can vote to tighten the rules governing the conduct of lobbyists.

If it believes that its own members ought to understand the rules under which Congress is run, it can vote to put those rules on paper, now.

If the press won't pay attention to what the Congress is doing, the Congress can vote to open its meetings and even, heavens above, to allow TV cameras on the floor.

If the Senate can't get on with its business because of filibusters, or the threat of them, the Senate can vote to make filibusters a lot more difficult.

If Congress believes that honesty starts at home, it can vote to make its own Congressional Record honest.

And, finally, if it believes that Presidents have been permitted to fight their own wars, in their own way and at their own leisure, it can vote to stop payments for such Napoleonic adventures.

Or, it could go even further. It could vote for a "war powers bill," such as the one that was introduced by Senator Jacob Javits, passed last year in the Senate by a vote of 68–16, only to die later, as adjournment neared, in conference committee. The bill, soon to be reintroduced, would limit the conditions under which a President could order American troops (or advisers) into combat, and then require the President to seek congressional approval of his decision within 30 days.

It could vote for such a bill—if only it would. But it won't. It won't, so far, do any of these things and, thus, it is a "crises" of Congress' own making. It is not an institutional "crisis," because the institution stands; it is a problem of leadership and a will to use the institution in ways the Constitution directed.

JOHNSON, KENNEDY RIP-OFFS

It is no use to turn our anger towards the White House, because this President is not alone in specializing in legislative rip-offs. Presidents have been manhandling the Congress ever since we had Presidents, and our most recent Presidents—Johnson and Kennedy—were no exceptions. It is a situation that is built into the system.

It is my own suspicion that we've probably turned the corner, even as we have now discovered how badly the corner needs to be turned. It is fair to say, I think, that the membership in this Congres is more alert, less somnolent; more rebellious, less complacent; more sophisticated, less parochial than it has been in the past.

Modest reforms have been made, and the reform movement is almost certain to continue, probably at an accelerated pace. Beginning this session, as a very minor example, the House will use for the first time a computer-operated electronic voting system, designed by former quarterback Frank Ryan. The first patent for an electric vote recorder, Congressional Quarterly points out, was granted to Thomas Edison more than a century ago. Well, that's progress.

It is a glorious opportunity for the Congress, whose members are always complaining that nobody pays them much attention. Now they'll get the attention, if for no other reason than that the President seems to have disappeared, which is strange because I thought he'd won a great landslide victory just before I began my vacation.

NIXON'S REORGANIZATIONS

I thought we'd get to meet him again, perhaps on more convivial terms than when we last saw him. But he marched into his Cabinet meeting when the victory was won and told everyone to get their resignations down on paper. Then he began accepting the resignations and changing around people's jobs and reorganizing the Government in the exact way that Congress had said he couldn't.

And then he began bombing North Vietnam back into the Stone Age. It is all very puzzling. Last I heard, "peace was at hand." But Kissinger is back in Paris and perhaps Nixon just forgot, in a moment's irritation, what the game plan really was. Or maybe Kissinger misunderstood. We don't really know, because Nixon won't tell us, and even Secretary of State Rogers, who usually doesn't know, won't talk to us or the Congress.

Nixon does want the Redskins to win the Super Bowl; we do know that. If he loses, watch out. Maybe we'll bomb Miami.

It is easy—or, it's so easy—to be facetious, but this really is something of a problem. How can the Congress proceed, even in its ancient, clumsy way, if it doesn't know what the people down Pennsylvania Avenue are doing? How can we the people react when no one will tell us what's happening?

Goldwater, among others, tells us to shut up because the President, with all his intelligence resources, knows best. Well, John Kennedy knew best when he foundered in the Bay of Pigs and Lyndon Johnson knew best when he sent ground troops to Vietnam.

What we need most right now, it seems to me, is openness—by the President and by the Congress. It is here that Congress is on such treacherous ground itself because it has long believed it is some kind of club—two clubs, really, the Senate and the House, and never the twain shall meet.

If the Congress really is ready to take on the White House, it could begin by opening its own windows, and let the sunshine in. Let it be, Let it be.

NEW DIMENSIONS ADDED TO FUELS AND ENERGY CRISIS—TRUCK STOP OPERATORS URGE HIGH PRIORITY ON DIESEL FUEL FOR HAULING LIVESTOCK AND PERISHABLE FOODS; ASK FOR SPEED IN DELIVERY OF OIL IMPORTS AND FOR LESS RESTRICTIONS ON COAL FOR USE IN UTILITY PLANTS

Mr. RANDOLPH. Mr. President, from the National Association of Truck Stop Operators comes further evidence of the breadth and depth of the energy crisis. We learn from this organization that oil companies increased prices and rationed allocations of diesel fuel as early as November 1972—and more and more truck stops are being included each week in the percentage allocations. In turn, the truck stop operators are being forced by these circumstances to both ration diesel fuel to their truck driver customers and charge higher prices.

Perhaps, Mr. President, too few of us pause to realize what the rationing of diesel fuel affects, because, in our energy crisis considerations, so much accent is placed on the shortages of heating fuels and on the threat to the supply of electric energy.

Special concern should be given to the fact that trucks on our highways are hauling vital foodstuffs—58 percent of all trucking, household furnishings and other items for moving and storage—21 percent, steel and steel products—15 percent, and new passenger automobiles, trucks and other vehicles—6 percent. Diesel shortages are occurring not only in the fuels which power the Nation's diesel trucks and tractor-trailers, but also in those which power highway and other heavy construction and earth-moving equipment vital to numerous industries.

Our *country*—Government and private sector alike—seem to have so mismanaged the fuels and energy segments of our economy that the crisis which was being forecasted as many as a dozen years ago by some of us is growing at a near-catastrophic rate.

In some broad aspects, chaos already exists—and realists in both Government and the private sector are aware of these conditions.

Yet, Mr. President, as I declared in this forum last week: The energy crisis is now, and we need action—not rhetoric—to establish policies as the basis for solutions, beginning now—not later. Such policies cannot successfully be established on an ad hoc basis within the executive branch alone—and certainly not by fiat within private industry alone. Congress has not fully faced up to its responsibilities and, in this absence, the executive branch also has failed miserably over the span of the last 12 years to fill the void left by inadequate congressional action.

Just as we have failed through legislation and regulation to totally halt and to repair the results of many decades of environmental excesses and destruction, so will we find it impossible to immediately right all of the wrongs perpetrated against fuels and energy. An almost boundless demand for energy has been created by our high standard of living. We must quicken the pace of our efforts to develop and set forth in law the fuels and energy policies already too long undeveloped and undeclared. We will flounder and fall into a serious state of chaos if we delay longer the compromising that will be necessary to reach policy conclusions.

In my speech, "National Energy Policy—The Key to National Well-Being; 26 Proposals for Action," in the Senate on January 16, 1973, I spoke of what I consider to be necessary ingredients of such a national policy, and, as noted in the title, I listed 26 proposals for action in the development and structuring of policy.

The National Association of Truck Stop Operators, in a January 22, 1973, letter to this Senator and others, suggested that

> The lifting of oil import quotas by the Executive Branch . . . is a help but is too late in coming to ease the current dilemma of the nation's truck stop/trucking industry.

It was noted, furthermore, that:

> The effect of the lifting of oil import quotas will not be felt for perhaps 2 to 3 weeks, and, in the interim, more cold weather . . . will further accentuate the (diesel fuel) crisis. Livestock could freeze to death at some truck stop, as we understand has happened. Inflation will soar, and the economy will be hit drastically. . . . May we suggest that the following steps be taken at once, even by Executive Order, if necessary:
>
> 1. Establish a list of priority users of diesel fuel. And, with 58 percent of the nation's trucks hauling food, the truck stop operator, as a supplier to these trucks, should receive top consideration.
> 2. Accelerate the government machinery to rush through the delivery of oil imports.
> 3. Permit the utilities which are burning oil to generate electrical energy to revert back to burning high-grade coal—especially those utility plants with high stacks.

Mr. President, there cannot be any doubt that the domestic fuels and energy industries have so mismanaged their affairs or the Federal Government has failed so badly in meeting its responsibilities that our country is at a point where it is far, far too dependent on foreign sources for fuel to energize the Nation.

I have believed in the import quota system because I had faith that, in America, we could produce from our vast supply of fossil fuels—and from atomic energy—so much total energy that we would not have to call on foreign sources to the degree that we are now forced to call on imports of oil and liquefied nattural gas. I continue to believe that we not only should have done so but that we could have more domestic natural gas than is in production and supply today. Also, we should be supplementing our pipeline gas supply with gasified coal. And I continue to believe that we could have more American oil than we have. In fact, we also could be supplementing or replacing a considerable amount of natural gas and oil under utility boilers with low-B.t.u. gas produced from our abundant coal reserves.

Although the direct burning of coal under utility boilers creates environmental problems there is no reason to let the coal industry dwindle away and die for want of the kinds of markets for coal that pipeline quality gas, low-B.t.u. gasification for the advanced power cycle generation of electricity, and coal liquefaction can provide. These processes are reliably reported to be potentially as environmentally clean in their production and in their end product uses as is the burning of natural gas and most oil. So, why are they being neglected or pushed so far into the future as to be practically useless as solutions for today's energy crisis?

There are too many voices crying for oil—foreign oil, no less—or foreign liquefied natural gas—imported, no less—to do the whole job. This, to me, is worse than playing Russian roulette with our country's energy supplies, with the stakes being security, and, indeed, America's economic future.

We have spent billions upon billions of dollars allegedly to stop the thrust of communism in Southeast Asia. We have spent billions on space shots to the moon. Are we left in such a limp and impotent condition that we cannot provide a foundation for our own energy supplies from our own domestic sources. We are making a mockery of our national will and of our Nation's technological competence by spending so much of our treasure on foreign oil and gas. It is sad to see more than 2,000 coal mining jobs lost in my home State recently because of environmental considerations and other factors which could be overcome if there was a will and an inclination to do so.

WHY NOT APPLY NIXON SELF-RELIANCE FOR POOR TO WELL-TO-DO?

Mr. PROXMIRE. Mr. President, in President Nixon's second inaugural address there were some stirring lines which seemed to echo President Kennedy's inaugural address.

President Nixon admonished the people of the United States as follows:

> Let us remember that America was built not by Government, but by people—not by welfare, but by work—not by shirking responsibility, but by seeking responsibility.
>
> In our own lives, let each of us ask not just what will Government do for me, but what can I do for myself?
>
> In the challenges we face together let each of us ask not just how Government can help, but how can I help?

No one can object to these admonitions and exhortations. They echo Abraham Lincoln's definition of the legitimate objects of Government that Government should do for the people "whatever they need to have done, but cannot do at all, or cannot so well do for themselves, in their separate and individual capacities."

FREEZE ON FUNDS CARRIES OUT PRINCIPLES

Now the President has begun to carry out those principles as well as to assert them.

He has asked those on welfare to find work and to get off welfare.

He has asked those with very low incomes to find their own house to live in instead of waiting for the Government to provide them a house to live in at rents they can afford.

He has told farmers who need disaster loans under the Farmer's Home Administration's disaster loan program that in the future they will have to look elsewhere—probably to themselves—for help.

THE POOR, BLACKS, AND FARMERS ALREADY AFFECTED

President Nixon has put these principles into effect, especially for the poor, the black, and the farmer struck by disaster. My own view is that he has carried the matter somewhat too far and has forgotten Lincoln's view that these are the individuals Government can rightfully help.

But I am waiting for the President to apply his principles more broadly.

Why not ask Lockheed Aircraft to ask not just what the Government can do for Lockheed but what Lockheed can do for itself? We could immediately revoke the $250 million loan guarantee the Government has granted them.

How about asking the Gap Instrument Corp. to ask "not just how Government can help," but how the Gap Corp. can help itself? The Government could sell the $1.7 million in preferred Gap stock it bought only recently to help bail out that company.

MAY ASK OIL INDUSTRY TO GIVE UP PRIVILEGES

How about asking the gas and oil industry to "seek responsibility" and voluntarily begin to pay Federal taxes at a rate equal to that paid by other American corporations? Of course this would require great sacrifice and self-reliance on the part of this industry. They would have to give up the depletion allowance, the intangible drilling and development cost provision, and the masking of foreign royalties paid as domestic tax payments. In totality, this would cost from $3.5 to $4 billion a year if the industry was to follow the President's admonition. But as they are among his most loyal supporters, it may be that they will step forward and voluntarily help make the President's stirring inaugural words a reality. Think what that would do to help us out of the present dire financial circumstances in which we find ourselves.

WHAT IF PROCESS BEGAN TO CATCH ON?

The process might even begin to be catching—

Grumman Aircraft would build the F-14 without additional funds;

The sugar subsidy to the big producers would end;

The big banks would begin to pay interest on the several billion dollars a year in government tax and loan accounts they now hold interest free;

Farmers receiving more than $20,000 a year in subsidies would return them to the Treasury;

The big landowners who now get the benefits of reclamation funds would agree to pay back interest on those funds as well as the capital;

American firms who benefit from cheap loans under the Export-Import Bank program would agree to pay the market rate;

Radio and TV station owners would voluntarily grant the Government a cut on the vast sums they have earned from the privilege of using the limited airways owned by the people of the United States;

Those who use the airlines would agree to pay higher prices for tickets so that the lines could be self-sustaining instead of depending upon the Government to build airports, provide weather services, install safety and landing equipment, and the other subsidies so necessary to their business;

Government executives might voluntarily agree to give up their limousines; the military might be willing to forgo their commissary privileges which lets them buy food at prices far below those found elsewhere.

Doctors might agree to a freeze on their charges under medicare.

The more than 100 individuals with annual incomes in excess of $200,000 who now pay no Federal taxes at all might agree to pay at the same level as a high school teacher making $15,000 a year.

United States Steel might agree to reimburse the Government for the cost of dredging the Delaware River up to its Fairless Works which let it get its ore barges to the plant more cheaply.

Our ambassadors might even agree to forgo public funds to pay for their servants when abroad.

In a fit of patriotic fervor Members of Congress might even voluntarily limit, if not forgo altogether, the annual junkets abroad which now seem to have become one of the unnecessary prerequisites of office.

VAST CHANGES WOULD BE BROUGHT ABOUT

If the opulent as well as the poor were required to carry out President Nixon's admonitions to seek responsibility rather than to shirk it, to ask what I can do for myself rather than what the Government can do for me, and to ask how can I help myself rather than how Uncle Sam can help me, vast changes would occur in the country.

The budget itself could be balanced, the deficit would end, the pressures caused by these factors on our balance of payments and balance of trade would halt, inflation would be stopped, the Federal payroll would be reduced, the security of the country would increase from the greater efficiency at the Department of Defense, and miracles upon miracles, we might even be able to reduce taxes and let individuals spend a greater share of their hard earned wages on the things they choose to spend them on themselves.

WHY NOT APPLY IT TO LITTON INDUSTRIES?

I hope, Mr. President, that you will issue orders to your new Director of the Office of Management and Budget that you meant business when you uttered those general words in your inaugural address and inform Mr. Ash that when you said that America was built not by welfare but by work, you were including his old company, Litton Industries, in the compass of your words.

UKRAINIAN INDEPENDENCE DAY

Mr. YOUNG. Mr. President, Monday, January 22, was the 55th anniversary of the proclamation of the independence of the Ukraine and the 54th anniversary of the act of union which united all Ukrainian lands into one independent and sovereign state. I want to join with others in observing these two very important events.

Dr. Anthony Zukowsky, a physician from Steele, N. Dak., and the national vice president of the Ukrainian Congress Committee of America, has written a letter to me which very effectively sets forth the tragic treatment Ukrainians received from Soviet Russia over a period of more than half a century.

I agree wholeheartedly with Dr. Zukowsky and the people he represents. There has never been any question about their loyalty to the United States of America and our form of government. This is especially appreciated at a time when, to say the least, there is a lack of appreciation in many people for our form of government.

Mr. President, I ask unanimous consent that Dr. Zukowsky's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UKRAINIAN CONGRESS COMMITTEE OF
AMERICA, INC., STATE BRANCH OF
NORTH DAKOTA,
Steele, N. Dak., January 12, 1973.

Hon. MILTON R. YOUNG,
U.S. Senator, U.S. Senate Building, Washington, D.C.

DEAR SENATOR YOUNG: January 22, 1973, will mark the 55th Anniversary of the proclamation of the Independence of the Ukraine, and the 54th Anniversary of the Act of Union, whereby all Ukrainian ethnographic lands were united into one independent and sovereign state of the Ukrainian nation. Both the Independence of Ukraine and the Act of Union were proclaimed in Kiev, capital of Ukraine, on January 22, 1918 and January 22, 1919.

Regrettably, the young Ukrainian democratic republic was immediately attacked by Communist Russia, despite the fact that the new Soviet Russian government had officially recognized Ukraine as an independent and sovereign state. The same recognition to Ukraine was granted by the Central Powers and the number of states of the *Entente*, including France and Great Britain. By 1920, Ukriane, alone and unaided succumbed to the vastly superior forces of Communist Russia, which destroyed the Ukrainian National Republic, created a Communist puppet government in Ukraine known as the "Ukrainian Soviet Socialist Republic," and incorporated it *forcibly* into the "Union of Soviet Socialist Republics" (USSR).

Today, the Kremlin is preparing whole-year celebrations throughout the Soviet Russian empire to commemorate the 50th anniversary of the "founding" of the Soviet Union, which was established on December 30, 1922.

In this connection, the Central Committee of the Communist Party of the Soviet Russian empire (CPSU) and all its subservient branches in the so-called "union republics" are conducting a mammoth propaganda campaign for the purpose of creating another Soviet myth, namely, that the USSR is a model multinational state, in which all component member-republics are truly "sovereign" in which the nationality problem has been "solved" satisfactorily and in which relations between the various nations are based on the "principles of true equality and friendship."

But, the reality is something different, as we can see in the case of Ukraine and the 47-million Ukrianian nation.

The entire history of Soviet-dominated Ukraine is a ghastly record in inhumanity, outright persecution and genocide, Russification and violations of human rights on a scale not known in mankind's history. Under Stalin, Ukraine was marked for physical destruction and denationalization; under Khrushchev and Brezhnev-Kosygin the outright terror was replaced by the subtle process of destroying the Ukrainian national consciousness and identity through Russification, persecution of "Ukrainian bourgeois nationalism," and the propagation of "fusion" of all non-Russian nations in a spurious "all-Soviet people" which essentially would be the Russian people.

In summing up the Soviet Russian rule in Ukraine, the following results exemplify the enslavement of Ukraine:

During the 50-year rule of Moscow over Ukrainian literally millions of Ukrainians have been annihilated by the man-made famines, deportations and outright executions;

Both the Ukrainian Autocephalic Orthodox Church and the Ukrainian Catholic Church were ruthlessly destroyed and their faithful members were incorporated into the Kremlin-controlled Russian Orthodox Church;

All aspects of Ukrainian life are rigidly controlled and directed by Moscow; the Academy of Sciences, all scientific and research institutions, universities, technicums, publications, the press, party and government apparatuses, youth, women's organizations, trade unions, and so forth;

Arrests, trials and convictions of hundreds of young Ukrainian intellectuals—poets, writers, literary critics, playwrights, professors and students are charged with "anti-Soviet propaganda and agitation" though, in fact, these people profess loyalty to the Soviet state, but fight against its abuses, violations and police rule. Among them are noted writers and thinkers such as V. Chornovil, I. Dzyuba, I. Svitlychy, E. Sverstiuk, V. Moroz, L. Plushch, and many others. Yuriy Schukhevych, the son of General Roman Shukhevych, commander-in-chief of the UPA, has been in and out of Soviet concentration camps since the age of 15; in September 1972, he was again sentenced to ten years at hard labor for refusing to denounce his assassinated father and the ideal for which he was killed: a free Ukraine.

Today, Ukraine more than ever is a colony of Communist Russia, a land of inhuman persecution and economic exploitation.

Therefore, we kindly request that you make appropriate statement on January 22nd on the floor of the United States Senate in support of the Ukrainian people in their undaunted struggle for human rights and freedom, which are the basic presents of our modern and civilized society.

Respectfully yours,

Dr. ANTHONY ZUKOWSKY,
President, UCCA, State Branch of North Dakota, National Vice-President of UCCA.

THE BOMBING OF NORTH VIETNAM

Mr. MONDALE. Mr. President, the bombing of North Vietnam last December was costly to our Nation in many ways. Morally, psychologically, and spiritually this bombing cost each and every one of us a great deal. But we should also not forget the cost in dollars which this bombing meant. An editorial which appeared in the Duluth News-Tribune on December 28 brings home these costs very concretely. This editorial forcefully relates the cost of each B–52 bomber lost during these attacks to projects such as schools, hospitals, and cultural centers which enrich—rather than destroy—life. It is a lesson which each of us should remember.

I request unanimous consent that a copy of this editorial be printed at the closing of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

AN EXPENSIVE 10 DAYS

Sen. George McGovern gets better looking every day, doesn't he?

He simply wanted to pull the United States out of Vietnam, almost regardless of the consequences. We remain there, now as involved as ever, and as each new B–52 bomber goes down over North Vietnam, McGovern's stock seems to rise.

A concern for the political and military risks of this new bombing offensive was expressed in this space on Sunday. Let us consider now simply the economics of this offensive.

North Vietnam claims it has shot down 61 American planes since the new air attacks began on Dec. 18. North Vietnam reports that 21 of these planes are B–52 bombers.

United States military authorities report, however, the loss of only 12 such bombers. So it's a difference of give or take 9, a difference which is substantial.

But it is a difference that diminishes when you consider what one B–52 bomber is worth: $8 million. The dollar loss thus far, then, is between $96 million and $168 million in just 10 days of bombing. At best, American dollars are being shot from the sky at a rate of $9.6 million a day. At worst, it's $16.8 million a day.

Think of it. Little wonder that people like McGovern said we have to reorder national priorities. No, we don't want to beat every sword into a plowshare. Maybe McGovern was wrong in seeking too much of a cutback in military spending. But when you consider the way we are currently spending money over North Vietnam, you must concede that McGovern and his followers had a point, however much they exaggerated it, or overpressed it.

Take the $8 million of one downed bomber. The Duluth Arena-Auditorium was built for $6.5 million. Duluth Central High School cost $6 million. The recent addition and modernization of Miller-Dwan Hospital cost about $6.7 million. The planned Area Cultural Center in the old Union Depot is estimated to cost about $2.3 million. The total cost of new construction at UMD during the current fiscal year—including a food service center, a performing arts building, a classroom and laboratory building for the dental hygiene program, a residence hall, a new heating plant boiler, and a remodeling of the science building—is estimated at $7.7 million.

All these major additions to the various health, educational, and cultural services of this city, in other words, could be more than paid for by the cost of only four of those large bombers. Think of the housing, food, and clothing that this money could buy.

Certainly there are extenuating circumstances. The war is complex beyond any one man's description or point of view. But for perspective, and perhaps for some reconsideration of national priorities in the future, it would seem constructive to look frankly at the dollars that have been blown up and shot down in the past 10 days over Vietnam.

VA ADMINISTRATOR REPLIES TO VIETNAM VET

Mr. HANSEN. Mr. President, knowing that Senators want to have all the facts so that they can make informed judgments on the issues confronting us, I would like to give them the benefit of the letter which Administrator of Veterans' Affairs Donald E. Johnson wrote to the producer of the "Today Show" following the December 14 program on which Vietnam veteran, Robert Muller, was interviewed by Joe Garagiola and Frank McGee.

The Administrator's letter was written and sent to the "Today Show" producer the day before that interview was carried in the December 21 Washington Post as an article entitled "Disabled GI: 'Civil Rights for Us All'."

Since the Washington Post article was reprinted in the January 11 RECORD, I ask unanimous consent that Administrator Johnson's letter responding to the Muller interview be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

VETERANS' ADMINISTRATION,
Washington, D.C., December 21, 1972.

Mr. STUART SCHULBERG,
Producer, the Today Show, National Broadcasting Co. (TV), New York, N.Y.

DEAR MR. SCHULBERG: On December 14, 1972, Robert Muller, a paraplegic veteran of service in Vietnam, was interviewed on the Today show.

Although we salute the determination and fortitude of this young veteran who is making commendable progress in overcoming his war-incurred disability, we must protest the grossly distorted picture of service provided by the Veterans Administration conveyed to your millions of viewers.

I would add that even a cursory check for accuracy by your program officials would have established the absurdity of some of the statements made on the program.

Mr. Muller, for instance, said that VA hospital staffs are at the lowest level ever. The truth: VA hospital staffs are now at the *highest* levels in history. The ratio of hospital employees to patients has increased more than 40-percent from 104 for each 100 patients as recently as 1965 to the 149 for each 100 patients provided in the President's budget for the current fiscal year.

Mr. Muller deplored the dearth of doctors and nurses in the VA system. The truth: The nearly 17,000 medical employees *added* in the past six years include 1,788 more doctors, and 3,163 more nurses.

Throughout the veteran's commentary the implication rang loud and clear that the Government is refusing to provide money to give adequate care to veterans in VA hospitals. The truth: VA's current budget includes $2.6-billion for hospital and medical care, the highest appropriation in VA annals. VA's medical budget this year is more than twice what it was in 1965.

Mr. Muller accused President Nixon of recently vetoing legislation that appropriated funds for VA hospitals. He apparently was referring to H.R. 10880, which the President declined to approve on October 27, 1972.

No appropriated funds were involved in this measure. It was an authorization bill. Many of the provisions of H.R. 10880 were recommended initially to Congress by the Administration, but the legislation was amended by Congress, including the addition of a provision opening the VA hospital system for the care of non-veterans for the first time. The bill also set a mandatory base on the number of patients treated in VA hospitals, which VA opposed as a totally unnecessary provision that would lead to inefficient medical treatment and wasteful administrative practices.

"The tragic result," the President said in a statement, "would be a lower quality of medical care to all patients. While I strongly support the VA health care system and will continue to encourage its improvement in the future, I cannot approve a bad bill."

The veteran claims that VA hospitals in the early 1950's were the best in the country, but have deteriorated sadly since then. Although the VA agrees that its hospital system was excellent at that stage in time, the system is even better today with the great advances that have been made in sophistication of treatment and equipment, and the added budget and staffing support VA hospitals now receive.

VA today is providing better care for far more veterans than it did in the 1950's.

In 1955, for instance, VA hospitals treated 584,000 patients, and handled 3.6-million visits by veterans to fee-basis private practice doctors and VA clinics for outpatient care. In the fiscal year just concluded, VA treated more than 846,000 patients in its facilities, and handled nearly 9.5-million outpatient visits. There have been big increases in the hospital staffs since 1955. The VA medical care appropriation today is almost four-times the $687-million appropriation in 1955.

The veteran narrated for your viewers what he seemed to feel was almost a personal vendetta against him by the VA. He talked of a refusal to provide braces for him, and claimed the VA "let me know . . . when I came back that if I wanted anything in life, anything, it was up to me because they weren't going to help me."

This just does not make sense, for the sole mission of the VA is to help veterans, and those who have been disabled in the service of their country have a special priority. Helping to carry out this empathetic mission are nearly 88,000 employees in the VA work force who themselves are veterans, including nearly 15,500 war-disabled veterans as well as more than 18,000 younger Vietnam Era veterans.

Mr. Muller was provided braces, as are all paraplegic patients who can benefit by their use, but the determination as to *when* braces can best be provided without detriment to the individual must be made by the medical staff, not the patient.

There is just no way, of course, to ever do enough to fully compensate those who suffered severely disabling war injuries, but the VA, acting on behalf of the American people, does do everything humanly possible to help.

Benefits available to these veterans include lifetime medical care, prosthetic devices, up to $1,232-per-month in disability compensation payments, $170-per-month allowances plus paid-for tuition, fees and books for vocational rehabilitation training, free life insurance, a grant of $2,800 for the purchase of an automobile plus purchase of necessary adaptive equipment, and a VA grant of $17,500 toward the purchase of a so-called wheelchair home.

I do want to repeat that the VA has full admiration for the manner in which Mr. Muller is overcoming his disability, and we are grateful our agency has been able to assist in his readjustment process.

Mr. Muller is fully entitled to his views, but we believe the TODAY show has an obligation to place these views in proper perspective by acquainting your audience with the facts I have outlined.

Sincerely,

DONALD E. JOHNSON,
Administrator.

TRIBUTE TO SECRETARY OF DEFENSE MELVIN LAIRD

Mr. BELLMON. Mr. President, the imminent cessation of hostilities in Vietnam has understandably raised the expectations and hopes of all Americans for a prolonged period of peace in Southeast Asia.

Realistically, however, it needs to be recognized that a cease-fire agreement may not bring a total or lasting end to the bloodshed. Vietnam may enjoy a period of calm, but conditions are such that civil strife of a serious nature may recur and continue for some time to come. Members may remember that such was the pattern in Korea where only now have conditions begun to develop which offer hope for true peace between the North and South.

As a result of the administration's Vietnamization program, South Vietnam has been greatly strengthened. It now has one of the world's largest air and land forces equipped with the most modern and sophisticated military hardware. The United States has done everything realistically possible to assure South Vietnam the opportunity and the ability to provide for its own defense and for the security of its people.

It is in the best interests of both nations for the United States to withdraw its forces so the South Vietnamese can stand alone. For the United States to stay longer would be to gamble that South Vietnam would become totally and permanently dependent upon other countries for its defense and internal security.

As South Vietnam assumes full responsibility for its own defense, we pray that it will be strong enough—morally and politically, as well as militarily—to defend itself from further aggression, and that its leaders will use wisely their political and military capability for the security and welfare of the Vietnamese people. With equal ardor we pray that the leaders of North Vietnam and their allies will abandon the use of arms as the means to achieve their goals.

Mr. President, much of the credit for the strengthening of the South Vietnamese forces and the orderly withdrawal of American military forces from Southeast Asia must be given to the Secretary of Defense, Melvin Laird. During his 4 years as Secretary of Defense, he has presided over the Vietnamization program. Secretary Laird has performed superbly in scaling down American participation in the Vietnam war while equipping the Vietnamese to provide for their own defense. He has held the key position in the eye of the tempest which has raged in this country over Vietnam during a 4-year period and has won the confidence and admiration of American people everywhere by his firm, fair, courageous, and skillful administration.

As Mel Laird steps down as Secretary of Defense and retires from Government service, it seems appropriate that we take note of his many accomplishments over the past 4 years.

Even though Mel Laird inherited a full-scale war which dominated much of his attention, he still found time to initiate a complete overhaul of the Department of Defense. Under his direction, a new concept of management emerged, which among other things, returned to the military much of the weapons acquisitions process. He also reorganized the Pentagon, and established a new position of Assistant Secretary of Intelligence to oversee the Department's intelligence activities. And by presidential directive, a Defense Investigative Service was established to centralize control of all personal security investigations.

Throughout his tenure, Mel Laird was the leading proponent of an all-volunteer Army, and in keeping with this objective he has steadily moved toward abolishing the draft.

Soon after his appointment as Secretary of Defense, he recognized the need to improve combat readiness of the National Guard and Reserve units, as well as the need of more balanced mix and levels among the Active, Guard, and Reserve military units in order to maintain national security most economically. He sought to achieve these goals by establishing greater incentives for volunteer service, and by greatly improving both the quantity and quality of equipment and training for Reserve Forces.

Mr. President, these are but a few of the many contributions of Mel Laird during the past 4 years. The list is long and impressive, and he has clearly established himself as one of the greatest Secretaries of Defense.

I join Senators in offering our thanks to Mel Laird for his many years to service to his country, and wish him the very best in the years ahead.

LIVING STANDARDS FOR RURAL CITIZENS

Mr. FULBRIGHT. Mr. President, in the past several weeks, we have witnessed sweeping cuts and changes in a number of programs which have been the mainstay of the Federal Government's efforts to insure a decent standard of living for our rural citizens.

In a series of unilateral actions Mr. Nixon has taken steps to withhold more than $1.5 billion which the Congress had appropriated and change the entire direction of farm spending and rural programs.

He has discontinued the rural emergency loan program thus halting the flow of low-interest loans to farmers in counties designated disaster areas as a result of severe weather damage to crops, livestock, and other property.

He has arrogantly converted the REA electric and telephone 2 percent direct loan program into a guaranteed loan program with 5 percent interest rates. If allowed to stand, this action will mean higher electric bills for some 25 million rural electric consumers, not to mention the impairment of essential services for millions of others.

He has instituted a freeze on three major rural housing programs which Congress established to insure that decent housing would be within the reach of low income families. It has been estimated that this will result in depriving more than 80,000 families of some $1.5 billion in loan assistance in the new fiscal year. The freeze will also impair a number of smaller programs which provide much needed credit for farm labor housing, rural rental and cooperative housing, and direct grants to small communities for installing water and sewer systems.

He has terminated the $210 million rural environmental assistance program, which for more than three decades has proved highly successful in meeting the pressing conservation and environmental problems of our Nation's farms. The discontinuation of this important program and the $10 million water bank program certainly violates the intent of Congress and will severely hamper important environmntal efforts which substantially benefit the public at large.

Mr. President, these actions must be reversed by the Congress. Mr. Nixon is now using the procedure of impoundment in an unprecedented manner to alter and eliminate congressional authorization and funding of essential rural programs. In my judgment, his decisions in regard to these programs represent a further indication of his disregard for the constitutional powers of Congress as a co-equal branch of government.

I believe, however, that we can and will meet these most recent threats to our constitutionally assigned role and responsibility. In this spirit, I have joined Senator ERVIN and a number of other Senators in sponsoring legislation aimed at ending this unconstitutional practice of impoundment and curbing the powers of the Office of Management and Budget. In addition, I think that the measure which Senator HUMPHREY introduced, which I have also cosponsored, dealing with the REA problem is a definite step in the right direction. It lets the President know that we view his actions in under*mining* the REA direct loan program and in changing and terminating the other programs I have mentioned as a usurpation of our powers as set forth in the Constitution.

In his 1972 message to Congress on rural development, Mr. Nixon stated:

> From the beginning of our history the vitality of rural America has been at the heart of our nation's strength. It is essential that we preserve and expand that vitality in the years ahead.

Certainly, the cuts and changes in rural programs which we have observed in recent weeks are totally inconsistent with preserving and expanding rural America. It is now up to Congress to correct this breach of promise to our rural citizens.

I ask unanimous consent to have printed in the RECORD a number of letters and articles which clearly illustrate the impact that the President's action will have on my own State and its people.

There being no objection; the items were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Dec. 29, 1972]

EMERGENCY FARM AID SHUT OFF

The Nixon Administration has shut off emergency disaster loans to farmers in another move to hold federal spending to the $250 billion ceiling the President has imposed.

The Farmers Home Administration was ordered Wednesday to halt the flow of loans to farmers in counties designated disaster areas as a result of severe weather damage to crops, livestock, and other property.

The Agriculture Department said FHA field offices were instructed to stop accepting applications in counties where the loans had been available for 60 days or more, and in other counties when the two-month deadline expires.

George C. Knapp, an FHA assistant administrator, said he has no idea how much money the government might save by the order.

Emergency FHA loans since July 1 totaled $79 million to 15,855 borrowers as of Nov. 30. A total of $140 million in emergency assistance had been projected for the fiscal year ending June 30.

But other USDA sources put the figure much higher, perhaps near $600 million by next summer.

Farmers throughout much of the country, including the Corn Belt, have suffered extensive crop losses this fall because of poor harvest weather.

In its brief announcement, USDA said the loan shutdown "was taken to counteract inflationary pressures" and to keep the federal budget within a $250 billion limit set by Mr. Nixon for the current fiscal year.

One factor in the decision, sources said, was the administration view that emergency loans had increased at an "alarming rate" after congressional moves this year to liberalize the assistance program.

The action provoked a sharp response from the Ohio Farm Bureau Federation, which accused the Nixon Administration of "turning its back on farmers in the hour of their greatest need."

"Farmers are not asking for a handout. All we request are loans to cover bona fide losses which are totally beyond the control of the farmer," said federation president Leonard Schnell.

Ohio's crop loss is estimated at $250 million, with some areas reporting 50 per cent of their soybeans still unharvested because of wet weather.

R. BLOCK & SONS CO.,
Wynne, Ark., December 29, 1972.

DEAR SENATOR FULBRIGHT: The President's action in denying disaster loans to farmers for production of crops in 1973 is shocking and callous.

Please exert your considerable powers to force reconsideration of this ill advised decision. If Government can aid hurricane victims in the Wyoming Valley of Pennsylvania and a stricken company like Lockheed surely it can do no less for stricken farmers across wide areas of the Midwest and Central South.

With all best wishes in your effort.

Sincerely yours,

DAVE BLOCK, Jr.

EUDONA, ARK.,
January 12, 1972.

J. W. FULBRIGHT.

DEAR SIR: I'm a resident of Chicot County, Ark., and a farmer. I'm writing you to let you know I'm in need of help. As you know our crops burned up in the summer to lack of rain. And in the fall it rained to where we farmers couldn't gather much of it. We still have crops in the field but can't gather it for being so wet. Mcst of it is ruined. I've gone to Farmers Home Administration for loan and help. The man tells me no money available. I need money for land payment, equipment payment and a loan for this year. Sure would appreciate it if you all could help me and farmers in this area. At this point I'm about to lose everything I have. Farming is my way of making a living. I need help now. We need somebody to talk to for some help.

Sincerely yours,

JIM ALLEN.

January 1, 1973.

Senator J. W. FULBRIGHT,
Senate Office Building,
Washington, D.C.

DEAR SENATOR FULBRIGHT: I am writing this letter to protest the recent cutbacks in federal cost-sharing funds. This action comes at a time when farmers in this area are experiencing the worst harvest time ever. I have been a farmer for twenty-six years, and I have been a member of the Yell County ASCS committee for the past fifteen years, and I can assure you that this past year has been the most adverse year for Yell County farmers that any of us can remember. If FHA emergency loans are not available, then many of us will be unable to continue farming.

Sincerely yours,

M. Y. CHIVERS, Jr.

[From the Washington Post, Dec. 30, 1972]

CRACKDOWN ENDS CHEAP REA LOANS

(By Bernard Brenner)

Continuing a sweeping budget crackdown on federal rural and farm spending, the administration yesterday wiped out the low-cost REA rural electric credit system launched in New Deal days and replaced it with a system of higher-interest loans.

A spokesman for rural cooperatives promptly denounced the cutback, which is expected to cut federal spending in the current fiscal year by perhaps up to $279 million, and vowed to fight the move on Capitol Hill "with all the resources at our command."

Bitter protests also were expected from other rural groups and lawmakers already up in arms over recent orders to curtail or eliminate conservation subsidy and emergency farm loan programs.

Acting on orders from the White House Office of Management and Budget (OMB), the Agriculture Department announced the REA change. It said the Rural Electrification Administration (REA) would halt its traditional program of direct federal loans to rural electric and telephone systems, at a fixed 2 per cent interest rate, effective Jan. 1.

The REA program, launched in 1935 to bring light to a countryside still partly living in an oil lamp and candle age since has electrified practically all rural areas.

In place of the old program, officials said future REA loans would be made with a private fund insured or guaranteed by the government. Interest on the insured loans will be 5 per cent, a spokesman said.

Robert D. Partridge, general manager of the National Rural Electric Cooperative Association, a trade association for some 1,000 REA co-ops, told newsmen his group would urge President Nixon to reverse the action and fight on Capitol Hill should that fail.

January 9, 1973.

DEAR SENATOR FULBRIGHT: Will you please tell me why the Administration abolished the Rural Electrification Act?

Our government gives millions of dollars to other countries. My husband worked hard all his life, and gave payments to Social Security. Now I am an eighty year old widow living on Social Security. I do without foods that I need, because they cost too much. I feel around the house in the dark instead of turning on a light, trying to save on my electric bill. If the abolishment of the Rural Electrification Act is permitted to stand my electric bills will be increased.

Will you please do what you can to see that my, and many others, condition is not made worse?

Yours truly,

Mrs. BEATRICE CLAYTON.

MT. JUDEA, ARK.,
January 13, 1973.

SENATOR J. W. FULBRIGHT,
New Senate Office Building,
Washington, D.C.

DEAR SIR: Due to the abolishment, by executive action, of the REA 2% Loan Program, I feel it necessary to send this letter to let you know that we of the Newton County Area are opposed to such action.

We request, since the borrowed money is being repayed, that you oppose this action also.

My yearly salary is hardly above the $5,000 bracket, but I do try to make an honest living. Such action causing an increase in retail prices for electric service could make the difference in getting by and becoming a poverty victim.

So many other programs and actions such as the War Debts and various poverty programs have proved futile, and are not paying off! But this program is.

Please voice opposition to the abolishment of the REA 2% Loan Program.

Yours truly,

STANLEY TAYLOR.

GENTRY, ARK.,
January 13, 1973.

DEAR SENATOR: I know you are real busy but we would like for you to do what ever you can to help retract what the administration has done to the R.E.A. It will make a good many if we older people have to be without for we are on a limit income it seems to me like they are letting the ax fall on the ones least able to bear the burden so what ever you can do will be appreciated Thanks.

Mrs. WINNIE SEVERN.

GENTRY, ARK.

SENATOR J. W. FULBRIGHT,
New Senate Office Building,
Washington, D.C.

DEAR SIR: We are writing to you in regards to the abolishing of the Rural Electrification Act.

We raise broilers on our farm and I am sure you are aware of the threat to this industry. Having the danger of higher electric rates with added deduction in income—would certainly cause us and other farmers financial disaster. I am sure you can understand we could not continue farming with any kind of a living if these things come about. We like the farm and want our children reared on the farm, but we need to make a living also. Please do not allow them to abolish the Rural Electrification Act as we certainly do not need the added expense of higher electric rates. Thank you.

Mr. and Mrs. CECIL SARRATT.

BENTONVILLE, ARK.,
January 19, 1973.

DEAR SIR: Please don't let them abolish the REA 2% loan.

Here are our reasons. First off we're farmers. We have come to depend upon the use of electric service.

We use it to cook with—heat with—hot water heater; it also supplies all of our water for the home and the feed lots.

We also use it to heat the farrowing houses for our sows and little pigs.

If the REA low loan cost is abolished, the price of the electric service would be out of our means. And I don't know what we would do without this service.

Sincerely,

Mr. and Mrs. HOWARD TURNER,
Rt. 2, Box 194A, Bentonville, Ark. 72712.

ROGERS, ARK.,
January 8, 1973.

J. W. FULBRIGHT.

DEAR SIR: I understand the Rural Electrification Act of 1944 has been abolished by the Administration. I think it will mean higher electric rates. It has been the means of helping the rural people to a better life. It still is needed to help rural people who want to build homes and enjoy rural living.

Sincerely,

P. G. KIRK.

ROGERS, ARK.

Honorable Senator FULBRIGHT: I am writing this letter as an urgent message to all Arkansas Congressmen and Senators, asking each one's help in solving the greatest problem ever to face the Rural Electrification Program.

As you know, last week the Administration, by Executive action, abolished the Rural Electrification Act. If permitted to stand, it will destroy the REA low interest loan program and with it many of the rural electric systems.

The REA program is not a give-away such as many we know today. In fact the government has not lost one dime on the program in its 36 years of existence. It is in fact being repaid with interest.

As a citizen of the great state of Arkansas I ask you not to let the abolishment of the REA 2% loan program be permitted.

There is no need for this type of action, as we taxpayers cannot much longer handle these high cost money increases.

I am sure you will not let this change be made.

Respectfully,

Mr. & Mrs. RICHARD B. HYLTON.

GENTRY, ARK.
December 8, 1972.

Senator J. W. FULBRIGHT,
Washington, D.C.

SIR: It has been brought to our attention that the Rural Electrification Act has been abolished as of last week. Also that it will force the patrons to pay prices much above our ability to pay. Especially the older people like us who are trying to live in our own homes on a very limited income.

We may be forced to burn wood, use coal oil lamps and draw water from the well.

Please help—help.

Mr. & Mrs. WM. MULLEN.

JASPER, ARK.,
January 9, 1973.

Senator J. W. FULBRIGHT,
Washington, D.C.

DEAR SIR: We have never written to a Senator before; but now, all of us country people, who depend on Rural Electric, need your help desperately.

Last week the Rural Electrification Act was abolished. As we understand it, loans to the REA at 2% interest, as made possible by the Pace Act of 1944, will not be available any longer.

We wonder if the Administration would have abolished this Act if they had known how many elderly and disabled persons now live in rural areas, because they can not afford the high taxes and expensive property in town. Many of us live on Social Security, Pensions, and Welfare checks. Rural electric rates are already higher than in town; and unless the REA is able to get the 2% loans, they will have to increase the retail rates to us members.

Will you please do all you can to help us rural people, who need to have the Rural Electrification Act reinstated?

Thank you for your help.

Respectfully,

WILLIAM K. BARRETT.
WINIFRED C. BARRETT.

BENTONVILLE, ARK.,
January 8, 1973.

Senator J. W. FULBRIGHT,
Washington, D.C.

HONORABLE SENATOR: We are writing to ask your opposition to the abolishment of the R.E.A. 2% loan programs.

We feel that if these cooperatives are forced to pay a high rate of interest, many of them will be destroyed, leaving rural people without electricity. Those who survive will be forced to raise rates and this will truly hurt the farmer. Since the government is not losing on the program, we can see no reason for the abolishment. Please oppose it.

Yours truly,

Mr. and Mrs. ARTHUR TOWNSEND.

ROGERS, ARK.

Senator J. W. FULBRIGHT,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR FULBRIGHT: I aw writing to you in regards to the Rural Electrification Act, which last week was abolished by executive action, and this will hurt all of your constituents that have been loyal to you here in Arkansas, that are covered by R.E.A. (Carroll Electric Coop).

We are paying a large rate now and if they have to raise rates like they say they will have to, it makes it hard on people like us with fixed income or low incomes with no other source of power. Please isn't there something you and our other Senators from Arkansas can do, to help the average person in your state. Would like to hear from you on the matter if you have time.

Respectfully yours,

JOE SCANLON.

ROGERS, ARK.,
January 10, 1973.

Senator J. W. FULBRIGHT,
New Senate Office Building,
Washington, D.C.

SENATOR: In the last 24 months we in northwest Arkansas have been subjected to spiraling prices for everything from groceries and daily living expenses to payroll deduction taxes and social security increases. This is very discouraging to me, as a wage earner for my family, to see my dollars siphoned away by our bureaucratic process and spent in a reckless and foolish manner.

To be specific, I refer to the recent abolishment of the Rural Electrification Act by the current administration. I disapprove of this action since this would mean another increase in our cost of living. I appeal to you as a concerned citizen to use your capable influence to reverse this administrative act.

Respectively,

PRESTON L. GARDNER.

KECK'S COLONIAL HOUSE,
Bella Vista, Ark.

Senator J. W. FULBRIGHT.

GREETINGS SIR: Don't kill the R.E.A. Program. If you are for the little man—The small farmer, The Small Business Man, The Poor boys—then Vote to keep R.E.A. Cut the Graft and Greed of the Big Boys.

The big get bigger—the Small get Smaller—with the help of the Senate & Congress. Why?

Respectfully,

Mr. CLARK KECK,
Mr. E. E. KECK.

[From the Arkansas Gazette, Jan. 13, 1973]

ORDER TO END LOAN PROGRAM HURTS ARKANSAS

Arkansas will be one of the states hardest hit by the Nixon administration's cancellation of cut-rate housing loans for rural families.

The administration Tuesday ordered field officers of the Farmers Home Administration to cancel immediately rural low-interest housing loans grants and 1 per cent loans to build farm labor housing, and rental and cooperative housing loans for rural areas. Loans for individual family housing comprise the largest portion of the FHA housing program.

In fiscal year 1972 Arkansas ranked fifth in the nation in the receipt of FHA housing loans.

At the end of the last fiscal year the Arkansas office of the FHA had made 5,467 housing loans totaling $64,971,090. Of those loans, 3,095 were subsidized low-interest loans totaling $40,401,380.

The FHA has the authority to make housing loans at 7.25 per cent interest to families who live in communities with a population of less than 10,000 and who cannot find housing loans elsewhere. If the family's income is less than $7,000, the FHA had the authority, until Tuesday, to give that family a subsidized loan for as low as 1 per cent interest. Only the subsidized loans have been canceled.

As of November 30, in fiscal year 1973 the Little Rock office of the FHA had made 2,382 housing loans totaling $30,846,570. Of those loans, 1,380 were low-interest loans totaling $19,424,380.

The FHA has also been ordered to cease giving "conditional commitments" to rural housing builders. Formerly the FHA had the authority to tell a builder that if his housing met FHA specifications, the FHA would give an eligible applicant a loan to buy the house if the funds were available.

McClure Realty Co.,
Malvern, Ark., January 10, 1973.
Senator J. William Fulbright,
Senate Office Building,
Washington, D.C.

Dear Senator: It was with a great deal of concern and disappointment that I read today's paper which sets out the fact that the Nixon administration has frozen the rural housing loans. I am particularly concerned about the Farmer's Home Administration loan program which has been so useful and successful in our area. This program has provided many modern homes for rural low income families who could not afford one any other way.

If there is anything that you can do to reverse the current decision by the Nixon administration, I would certainly appreciate your help. I am sure I speak for most of the other citizens of the state of Arkansas.

Thanks very much for your consideration.

Yours very truly,

George L. McClure.

Dover, Ark.,
January 12, 1973.
Hon. J. W. Fulbright,
U.S. Senate,
Washington, D.C.

Dear Senator Fulbright: I am a VISTA Volunteer working as a housing aide with a Community Action Agency here in West Central Arkansas called the Arkansas River Valley Area Council (ARVAC).

I have become increasingly aware of alarming indications that the rural housing program and Federally assisted programs generally are being drastically cut back. I understand that the Administration plans to curtail some housing programs, eliminate others, and impose moratoriums on still others.

As an omen of what may be coming, I have just found out that the interest credit program of the Farmers Home Administration has been frozen. The interest credit program when combined with a FmHA 502 New Home Loan or a FmHA 504 Home Repair Loan is the *only* large-scale ongoing housing program in rural areas which can and has brought decent housing into the reach of low income peoples.

It would seem that only immediate and effective Congressional pressure can prevent the elimination of the rural housing program.

I urge you to do what you can to reverse the present Administration plans for the sake of the many low income people who are so desperately in need of decent living conditions.

Thank you for your time and attention.

Sincerely yours,

Greg Haag,
VISTA Volunteer.

Bearden, Ark., *January 12, 1973.*
Hon. J. W. Fulbright,
U.S. Senator, U.S. Senate,
Washington, D.C.

Dear Sir: I am alarmed that the Administration may curtail some housing programs, particularly the programs that are designed to help low income families. I am an Action Volunteer working in a rural area and assigned to aiding low income families obtain loans for housing. I am able to help some of these families obtain or improve their housing through the subsidy programs of the Farmers Home Administration. However there are still a great number that cannot even qualify for these subsidized loans.

The emphasis should be aimed at improving rather than curtailing our present housing programs if we are to help reduce the blight of shameful housing in America.

I urge that you propose or support legislation that will persuade the Administration to reverse its present plans in respect to curtailing subsidized housing programs for the poor.

Respectfully,

William J. Mason.

Heber Homes, Inc.,
Heber Springs, Ark., January 9, 1973.
J. William Fulbright,
Congressman from Arkansas,
Washington, D.C.

Gentlemen: I was just informed that the President has stopped all government subsidized housing programs. As you know, this is a very badly needed program for Arkansas and, over all, it has been a big success in helping those people who needed it most in this country. Undoubtedly, the President has gone off the deep end since his overwhelming re-election vote.

I was under the impression that we were to stop sending money overseas, such as to the stupid Viet Nam war, and use the money for our own people. No sooner does this program get started good than it is stopped.

I would appreciate your using your influence to get this program reinstated as soon as possible; by "this program" I mean the Farmers Home Administration low-income, government subsidy loans. This program is very vital to our area's economy. I would appreciate your immediate attention on this matter.

Please advise me your course of action and feelings regarding this situation.

Very truly yours,

Ben F. Caston,
An Arkansas Constituent.

[From the Arkansas Gazette, Jan. 3, 1973]

History Recalled in Death of REAP

(By Leland DuVall)

Rural Environmental Assistance Program is a new name for one of the oldest farm programs. Perhaps it should be referred to in the past tense; the Nixon administration killed it by edict with an announcement released this week and retroactive to December 22.

REAP, operated under its earlier names, dates back to the New Deal and one form was included in the old Agricultural Adjustment Act, which also was known as the Triple-A. From the beginning, the mission has been unchanged. It was designed and operated as a government-assisted effort to make certain that the land and water resources of this country would be used wisely and would be preserved for the benefit of future generations.

About two thirds to three fourths of the raw materials on which the American economy is based are agricultural in origin. The demand for these raw materials has been expanding rapidly because of increased population, greater demands in the export markets and the expansion of per capita consumption resulting from improved income and corresponding gains in the standard of living of consumers.

The Agricultural Conservation Program, which was renamed REAP, was a national effort to make certain that soil and water resources would be adequate to meet these growing needs. In the early days of the republic, no one considered this matter. Land resources were regarded as inexhaustible. Each squatter homesteaded a little plot, cleared and burned the trees and farmed the new land until the fertility declined. Then he moved to a new location and homesteaded another farm.

In time, the process covered almost all the land that was suitable for farming—and a great deal that should never have been cleared or broken in the first place. The early farmers simply mined the soil of its nutrients and their legacy was about as valuable as an abandoned strip mine. Crop rows often ran down steep hills and marked the paths of future gullies. Soil melted and flowed in a thick slurry to the creeks and, eventually, to the mouths of the rivers.

On the plains, farmers stripped the cover from the fields—in the process of mining the soil—and wind erosion proved to be at least as destructive as the washing.

The climax was reached in the 1930 decade. Land fertility in the uneven sectors of states such as Arkansas had dropped to a level that made farming an impossible assignment. Even when the land was new, farming had been a subsistence occupation that offered little opportunity for profit. When the fertility, accumulated over the centuries by the process of plant growth and decay, was used (or mined out) survival became impossible and large numbers of farms were abandoned.

For the most part, the act of packing up and moving away was not particularly spectacular. It attracted attention only when the migration became massive as families herded together on the roads to California or some other promised land. Observers, writers, conservationist and politicians noted the lemming-like flights from the desolate regions.

On the Great Plains, the results of soil abuse were quite spectacular. They took the form of massive dust storms that buried fences smothered houses and utterly destroyed the fertility that remained after the years of unwise cropping. Land that once had supported a variety of living creatures threatened to become a permanent desert. (This statement is not an exaggeration. Similar disasters have been experienced around the world and some of the great deserts once supported important civilizations.)

Our current ecologists and environmentalists who may not remember the "black dusters" and the red rivers may take a less dismal view of current conditions if they would examine the huge problem in relation to the past and the possible developments of the future. The added perspective might enable them to see that the worst water pollution even known on this continent was registered when soil erosion was a natural byproduct of farming. In those days, virtually all the rivers ran thick with mud, which is a serious pollutant. The black duster probably was the worst form of air pollution ever encountered in this country and it certainly covered a larger area than any of our current trouble spots. The whole Los Angeles smudge pot would cover no more territory than Hall County, Tex.; the black dusters swept across many states—from North Dakota to the Gulf—and their pollution spread its films in Arkansas and many states that contributed nothing to the contamination of the atmosphere.

This little recounting of recent history is necessary in order to bring into focus the government program that became known as REAP.

Back in the 1930 decade—when the hills were melting in the spring rains and running down to the sea and when the Great Plains were being rearranged into a desert—the true conservationists knew that landowners, as a group, would not and could not solve the problems without assistance. The tradition of "mining the soil" was so well established that an incentive for change was essential. Proceeding by trial and error, the conservationists (in and out of government) developed a plan that would provide both the incentive and the technical assistance that would assure success of the effort to save and use the country's soil and water resources.

The Soil Conservation Service would provide the technical assistance and would help the landowners learn and apply the techniques that would make the best use of soil and water resources.

Predecessors of the agency now known as the Agricultural Stabilization and Conservation Service would provide assistance in a number of ways, including cost-sharing for the work that could not be justified completely on the basis of economic benefits to the owners.

Other agencies would contribute to the effort to stimulate conservation of the basic soil and water resources. The Agricultural Extension Service, primarily an "educational" agency, would emphasize the benefits of conservation as part of its comprehensive program. Farmers Home Administration would make loans to help finance some conservation projects. The Forest Service would demonstrate the benefits of good conservation practices on its land. In the early days of the program, the Civilian Conservation Corps constructed demonstration projects and helped spread the gospel of conservation. Virtually all the farm-oriented agencies (and some in the Interior Department) got into the act.

The net result of this essential effort was that the "traditions" of agriculture were rewritten. The idea of "mining" the soil was replaced by farming methods designed to rebuild fertility while continuing the process of growing crops.

No one should need to be reminded of the importance of this new concept, not only to the landowners but to the country as a whole. The six-inch crust of topsoil provides two thirds to three fourths of the raw materials for the American economy; if too much of it is destroyed, everyone suffers. Fortunately, soil and water are "renewable" resources.

REAP and its predecessor programs served as a sort of extra incentive to induce landowners to carry out conservation practices that could not be justified by the immediate returns to farmers but that had lasting benefits for the country as a whole. Costs were shared by the government only on practices which farmers and ranchers would not have carried out (to the needed extent) without assistance. These practices included cover crops and reforestation on worn-out fields where the owner could not expect to derive a near-term return on the investment. They also included water impoundments, erosion control and the addition of phosphate or limestone to fields that were so poor that nature could hardly gain a foothold in her effort to rebuild the topsoil.

The program has been in operation for almost four decades. During the period, the fertility of farm land in the United States has been improved significantly. Yields of food and feed crops have risen at a spectacular rate. Admittedly, REAP and its predecessors were responsible for only part of the gain. Better seed and improved farming methods may have been responsible for most of the improvement but the best hybrid corn produces only a poor yield when it is planted on an eroded field.

The net result of all the improvements—conservation, better management and other upgraded farming practices—has been ample supplies of food and fiber for an expanded population with increased buying power. In addition, agriculture has produced for an expanded export market.

All this would not have been possible if the general fertility of the nation's soil had not been improved over the years and REAP and its predecessors (in conjunction with the other government agencies) contributed to the improvement.

The other major benefit derived from the special effort has been a general upgrading of the environment. Streams run clearer than ever before, which means that the potential water supplies for cities have been increased and improved. Dust storms have been halted and the wind no longer rearranges the landscape and threatens to create deserts.

Now President Nixon has killed REAP with a stroke of his executive pen. His argument, as restated by a spokesman for the Agriculture Department, was that the program no longer was needed. The battle has been won.

Persons familiar with the situation believe there are still marginal projects—those that benefit the community and the nation as a whole but may not provide an immediate profit to the landowner—which will be postponed or abandoned if the government does not share the cost.

GREEN FOREST SCHOOLS,
Green Forest, Ark., January 12, 1973.

Senator J. W. FULBRIGHT,
New Senate Office Building,
Washington, D.C.

DEAR MR. FULBRIGHT: Many of the people in our area are deeply concerned with the President's program as it applies to the people of the rural areas of our state and nation.

We understand he is terminating the R. E. A. P. program, which has been very beneficial to the small farmers of Arkansas, as well as a fine conservation program.

Also, we have been informed that the Rural Electrification Act has been abolished. Having lived in the rural area all my life, I remember what country life was like before R. E. A.

Last, but very important, I understand the appropriation for the Elementary Secondary Education Act of 1965 is being drastically curtailed, and probably eliminated in the near future.

It seems to me that all the above programs are vital to the economy of our country and we hope you will do what you can to see that they are continued.

I get the impression that the President's program is to make the rich richer, and the poor poorer. I think, if he is really sincere about economizing, he should begin abroad by eliminating some of the waste which is so prevalent.

Sincerely yours,

RUE GRIFFITH,
Superintendent of Schools.

PEOPLES BANK AND TRUST CO.,
Mountain Home, Ark., January 2, 1973.

Hon. J. W. FULBRIGHT,
U.S. Senate,
Senate Office Building,
Washington, D.C.

DEAR SENATOR FULBRIGHT: This letter is in regard to the termination of the Rural Environmental Assistance Program (REAP).

Our area is made up primarily of small farmers who match the cost-sharing of the REAP program with their own funds for conservation practices totaling approximately $100 thousand annually. We feel the termination of this program will be detrimental to the Nation's economy. This program has been more beneficial to farm people and the entire Nation than any other government farm program since it was established under the Soil Conservation and Domestic Allotment Act of 1936.

We, as a financial institution, urge you to make a vigorous effort to restore the Rural Environmental Assistance program as funded by Congress.

Yours truly,

NEIL NELSON,
Executive Vice-President.

DE QUEEN, ARK.,
December 27, 1972.

Hon. J. WILLIAM FULBRIGHT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FULBRIGHT: Once again the battle is on for the ACP–REAP (Rural Environmental Assistance Program), and we urgently need your support.

There was a notice in our local paper today that the REAP program is terminated to assist in curbing government spending. So once again we farmers are to bear the brunt of cut in government spending.

Sir, I know this ACP–REAP Program has been brought to your attention time and time again by our state farmers.

I hope you will give this battle your wholehearted support for the benefit of Arkansas farmers and for the nation as a whole.

Thank you sincerely,

ROBERT HIGGINS.

HORATIO, ARK.,
December 28, 1972.

DEAR SENATOR FULBRIGHT: In as much as the land and other natural resources are America's most valuable possessions. I was disappointed to read in my local paper that the President has cancelled the Rural Environmental Assistance Program. In my opinion the importance of this program has been under-estimated.

Please get behind a movement to re-instate this valuable environmental protection program.

Thank you,

TY COBB.

DE QUEEN, ARK.,
December 27, 1972.

DEAR SENATOR FULBRIGHT: We small farmers and the Nation as a whole needs the REAP Program.

Please try to get it reinstated.

Thank you,

DAN CALDWELL.

LAMAR, ARK.,
January 3, 1973.

Hon. J. W. FULBRIGHT,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: We the farmers know that in the past you have supported our program, and at this time we need your help on the Rural Environmental Assistance Program.

The farmers in this area depend on this program to better establish permanent pastures and conserve *our soil for* the future generation.

We greatly appreciate your voting record in the past Legislation, affecting the farmers in the past.

Sincerely,

LLOYD RENOLDS.

HORATIO, ARK.,
December 28, 1972.

Hon. J. WILLIAM FULBRIGHT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FULBRIGHT: The paper here stated yesterday that the Rural Environmental Assistance Program has been terminated to cut down government spending.

As a farmer in a small rural community I am directly affected—as are countless others—I'm a bit puzzled as to how ending this program will be more effective in curbing government spending than say cutting down on space and defense programs. Surely saving our environment can't be any less important.

I am asking you to check into this matter and work to get this program started again.

Sincerely,

DEAN WATSON.

EUGENE L. WYMAN

Mr. CRANSTON. Mr. President, last week I, along with many Members of this Congress and thousands more who knew him in California, lost a great friend, Eugene L. Wyman of Los Angeles.

Gene Wyman, husband of Rosalind Wiener Wyman, the first woman and youngest person ever to be elected to the

Los Angeles City Council, and father of three fine children, died at the age of 47, at the peak of his brilliant career as a lawyer, political leader, and benefactor of many causes.

Gene was active in Democratic politics most of his life. No one worked harder and no one raised more money for our party in California than Gene Wyman.

Gene once said about politics:

> There are lots of writers and thinkers in a campaign but fund-raising is the tough job, the one nobody wants. If you can do it, you're in.

Gene Wyman could do it, and he did do it. He raised millions of dollars for John F. Kennedy, Lyndon Johnson, and Hubert Humphrey. He was the top fundraiser for Gov. Edmund G. Brown's campaigns and he worked hard for Pierre Salinger, John Tunney, and me. Last fall he raised a great deal of money for the congressional election fund and at the time of his death he had begun work on a fund-raising dinner which will be held in Washington on May 23.

Gene Wyman also put his great talents to work for the State of Israel and helped raise many millions of dollars in bonds that assisted that young State in growing and developing.

A brilliant lawyer, he formed one of the most successful law firms in the West with offices in Washington, Paris, and London. But great success never really changed Gene Wyman from the quiet, kind, thoughtful person he always was.

Politics and his law work were his professional passion, but they were never allowed to interfere with his family life, his marriage, and his children. Gene Wyman asked for nothing from his work for others, but his rewards in friendship, love, respect, and admiration from the thousands who knew him were great.

Eugene L. Wyman, American, family man, lawyer and leader. January 19, 1973. He will be remembered.

FACE THE NATION

Mr. GRIFFIN. Mr. President, I ask unanimous consent that a transcript of the program "Face the Nation," as it was broadcast over the CBS network on Sunday, January 21, be printed in the Record.

There being no objection, the transcript was ordered to be printed in the Record, as follows:

Face the Nation

George Herman. Senator Griffin, President Nixon said in his inaugural address yesterday that we recognize the responsibility of each nation to secure its own future. Is this the ending of the 25-year period of American history, beginning perhaps with the Truman Doctrine in which America aided democracies and free nations everywhere around the world whenever they called upon us?

Senator Griffin. I think it's a brief statement of Nixon doctrine, which indicated earlier in this administration that we stand ready to help other nations, but we want to know whether they're going to help themselves, and the United States doesn't expect to play policeman for the whole world, once we bring this present Viet Nam war to an end.

Announcer. From CBS Washington, Face the Nation, a spontaneous and unrehearsed news interview with the Senate Republican Whip. Senator Robert P. Griffin of Michigan. Senator Griffin will be questioned by CBS News correspondent Marva McLaughlin, J. F. terHorst, Washington Bureau Chief of the Detroit News, and CBS News Correspondent George Herman.

Herman. Senator Griffin, it struck me in the inaugural address yesterday that the President was really signaling a drastic change, a dramatic change in our foreign policy, quite a difference from John F. Kennedy's we'll bear any burden, meet any foe, and so forth, when he said the time is past when America will make every other nation's conflict our own.

Senator Griffin. Well, I think that he was, in his inaugural address, indicating that we've reached the stage in foreign affairs where we are bringing a war to an end, we have established new relationships with the great powers of the Soviet Union and Red China. There is hope on the horizon that there will not be so much of a tendency toward taking other countries by aggression, that there is a realization of responsibility abroad, because it's been communicated by President Nixon that other nations have got to bear their own responsibility for their defense if they expect us to help them. I think this is all to the good. I think it is moving in the direction that this country ought to be moving in, and it coincides, I think, with an opportunity for a new era of peace. I don't think that's just rhetoric; I think that the circumstances are falling into place where we do have a chance now for a generation, perhaps more than a generation, of peace, largely through the leadership of President Nixon, and to some extent bringing about circumstances—in another respect, recognizing opportunities and taking advantage of them.

TerHorst. Senator, on that very point, the President yesterday spoke quite directly about the need for bold new initiatives and for coming up with new solutions to old problems, and in terms of domestic problems how can he come up with bold, new initiatives and new solutions and put these before the Congress, at the same time the White House constantly reminds everybody that we are about to cut back on everything that has been enacted by Congress recently?

Senator Griffin. Well, I would say that one of the most significant things about his inaugural speech was his focus on the domestic scene and his serving of notice, so to speak, that he doesn't intend to be a passive President with respect to our problems at home.

In a sense, he's saying we've reached the stage, in terms of our foreign relations, and he's been working on that for four years and he considers he's achieved a certain amount of success—now we can look to our problems at home, and what are they? Well, I think the solutions don't lie so much in passing more and more laws and creating more and more programs. Frankly, I think what's wrong, and as he expressed it so eloquently yesterday, we probably have too doggone many programs, and what we need to do is to deliver the services more efficiently and more effectively.

You know there's a great debate going on, and perhaps you're going to get into it, about whether Congress should have more power or the President should have more power. The issue shouldn't be so much this jealous quibbling about whether the power should be on one end or the other of Pennsylvania Avenue; what we really need to do is to shift more power back where the people are, and where the problems are, and President Nixon's initiatives, his bold initiatives on the domestic field are going to be in that direction, to try to shift responsibilities for allocating funds and solving problems back to the local levels of government, where the problems are and where the people know how to deal with them.

McLaughlin. Senator, talking about who's going to solve the problems, it does take money. I noticed again yesterday in his speech, the President said it is important we understand both the necessity and the limitations of America's role in maintaining that peace, assuming Viet Nam is the peace he was speaking of there. What is our role and how expensive is going to be our role in maintaining the peace in Viet Nam, and what effect is that going to have on us doing some new and innovative things here in this country?

Senator Griffin. Well, I can't anticipate exactly what the peace agreement is going to contain. I think we can expect, however, that there's going to be some obligation to rehabilitate areas in Southeast Asia, and that there will be some costs involved there. I don't think our foreign aid program is going to come to an end, although we are reassessing it, and should be. I think in terms of our defense we need to continue to stay strong. I think that one of the worst mistakes that we could make in seeking peace is to unilaterally disarm, as some of President Nixon's critics are advocating continually.

We ought to recognize, though, that during the four years of President Nixon's administration, we've actually reduced the percentage of funds that have been going for defense. It was something like 40 percent of the budget was being spent on defense when President Nixon took office, and now it's down to 30 percent, so actually there's been a reordering of priorities. And we want to keep in mind that there's been a tremendous increase in the pay of military personnel, so that we could have a volunteer army and not have a draft. So we're going to continue to need a strong defense if we want to have peace, but I think that we will still have money left over to be able to solve our problems at home if we allocate it wisely and if we don't have such a large bureaucracy in Washington wasting so much of it.

McLaughlin. I don't think I've ever heard a Senator say we're going to have money left over from anything, but how willing do you thing the Congress is going to be to spend a lot of money for, say for example, rehabilitation in Southeast Asia, and then also the demands that their constituents are making as home to do something about the problems here at home?

Senator Griffin. Well, without a doubt there will be arguments and debates and so forth. I think that all of us are so anxious for peace, we want peace, and we realize—and it isn't anything new for the United States, following a war, to help in the rehabilitation effort. Look what we did following World War II, and how we helped our enemy there. And I think we're going to have that kind of spirit. I think the nation will rise to it, and to a reasonable degree will support what the President will recommend in that area, and I'm not prepared to say what it will be, but undoubtedly it will be part of the obligation involved in peace.

TerHorst. I fail to follow the logic of the administration on one point, and that is the idea that by sending the problems back to where they really are, at home, we thereby solve the problems. Didn't these problems come to Washington because they had not been solved at home, and doesn't every other country in the world end up having to tackle problems like national health and education in a national way, rather than in a localized state way?

Senator Griffin. I think it would be a mistake to interpret what I said as indicating a complete abdication, of course, by Congress of any responsibility. There are many areas, and you've mentioned some of them, I think, where Congress definitely does have an important role to play, but since the advent of the so-called Great Society in the Johnson administration, as I last remember the figure, and I kind of lose track of the numbers, to tell you the truth, it seems to me there were three or four hundred separate, categorical, federal aid programs that have been enacted, each one with separate guidelines and forms and applications and red tape and bureaucracy, and people at home, local community officials and so forth, are supposed to know about all these programs and be able to take advantage of them. They haven't worked. They've cost a tremendous amount of money. Even those who consider themselves liberals and who were originally advocating such programs in many cases have come around to recognize that they just haven't worked. Now President Nixon is trying to fold in or consolidate some of these programs into special revenue sharing, make large blocks of federal monies, not that we're not going to provide any help—make large blocks of federal money available where it can be used at the local level to solve some of these problems. Sure, I think that we still in a broad way want to help to set some of the educational policies; I don't think we want to set them in great detail, but we do want to play an important and growing role in funding education.

HERMAN. Senator, let me go back to the inaugural address once again. The President listed a whole series of things—we have a chance today to do more than ever before in education, health, housing, transportation, cleaner environment, respect for law, make our communities more livable, full and equal opportunity. And then he said let us be bold in our determination to meet these needs in new ways. Now almost every one of these that he listed in that paragraph is a field in which he has announced, or seems ready to announce, if he has not already, budget cuts in the federal budget. So, presumably, when he says he's bold in our determination to meet them in new ways he means without federal money or with less federal money. How do you think he plans to meet them in a new way with less funds?

Senator GRIFFIN. Well, first of all, let's just take a look at something like housing. This is one of the areas where he's holding back funds, great deal of criticism. His order, which affects subsidized housing programs, will not affect construction during the next 18 months on the commitments that have already been made, but it does put a moratorium on any new commitments in that area, and I can't think of an area where there are such failures and such problems as there are in the housing field. The idea that the federal government would encourage people on a $300 down payment, with one percent interest, to become homeowners brought in a lot of unscrupulous speculators and people who took advantage of the low risk, no risk government assumption in that area. There have been terrible scandals because the program is basically unsound and hasn't been administered in some instances too well. There are thousands and thousands of abandoned homes in cities around the country, and Detroit is one of the most horrible examples that we have, showing that these programs have not worked.

Now the President is saying, let's stop and take a look at this, let's not just renew it as Congress almost did in the last session, let's see if there aren't some better alternatives, and surely there are some better alternatives, and his is what he is saying in this particular area, as an example.

MCLAUGHLIN. Senator, are you saying then that what the President is saying is less red tape, less, you know, government bureaucracy, but maybe not less money—in other words, less money the way it is established now, but maybe the same amount of money if we can, you know, change the programs, change the direction?

Senator GRIFFIN. I think there is a limit to how much we can spend, and let's focus on his request in the last session for a $250 billion debt ceiling. Right now there's a big debate raging as to, you know, whether the Congress should determine where the cuts should be made or whether the President is going to be able to impound funds. Let me just say that if the Congress hadn't appropriated and made available for spending more than $250 billion for this current fiscal year there wouldn't be any big argument about the impoundment of funds, because Congress could have determined the allocation and the priorities, and the total would not have exceeded the $250 billion. But when Congress appropriates, makes available for spending, more than an amount which knowledgeable economists in and out of government say is the outer limit, somebody has got to make a decision, and the President has made the decision in terms of impounding funds.

HERMAN. I know Congress has failed to do that in the past, and Congress is now about to start a campaign to get back some of its powers. Doesn't it have to start with self-discipline and will it?

Senator GRIFFIN. Well, the answer to the first question is yes. Congress points a lot of the blame, you know, at the White House. It ought to be pointing the blame at itself. We need to get our own house in order.

HERMAN. The second question is will it?

Senator GRIFFIN. Will it? I hope so, although I must say that I'm not too optimistic about the extent of any reforms that I see on the immediate horizon in the Congress right now. I'm very disappointed, frankly. There's a lot of talk about seniority, and a little bit was done about that, but look at Rule 22——

HERMAN. What about the Joint Committee and the limit on spending? That's the real crux right off the bat, of what they've been talking about. Will there be such a limit on spending?

Senator GRIFFIN. We do have, as you've indicated, we had established a Joint Committee on the budget, which is now meeting, and Congress is going to try, and I hope it will come up with the reforms necessary so that we can establish a realistic ceiling.

HERMAN. Will the Republicans play a strong role in that?

Senator GRIFFIN. Oh, I think so, without question. Republicans were generally very strong in supporting the President's request for a spending ceiling in the last Congress. Now I think one of the things that's involved is Congress has got to equip itself for the modern day that we're living in, and with the technology that we have available, and we've got to staff the Congress committee, particularly the Appropriations Committee with the expertise, so that we will have somewhere near the knowledge available to us that the Executive Branch has available to them.

TERHORST. Senator, one of the problems that is fairly new that has come from the countryside, from the people of Washington, is the question of school busing to achieve racial balance. Surely, Congress is not—or the administration is not going to send this back home and say this is a problem you'll have to solve. The President has said he wants something done by Congress; I believe you yourself have said something has to be done by Congress. What are you going to do about the problem under the new approach?

GRIFFIN. As I say, again, what I—what the President said yesterday and what I said today doesn't mean that Congress is going to close up shop and not have anything to do. There are lots of federal problems, there are always going to be problems, and the Supreme Court, in the matter of some of the decisions that they've handed down, and the way they've been interpreted by local district courts has created a very serious problem as far as the threat and the reality of busing in some communities. I think, of course, that Congress should have acted in the last session. We had the votes in the Senate to pass some effective and meaningful anti-busing legislation, but we couldn't get the two-thirds majority that was needed to halt a filibuster.

TERHORST. How does it look this year?

GRIFFIN. I would say very honestly that as a result of the elections, I don't think that the forces on my side of the issue have gained strength. They're probably about the same, although some of the busing that is being ordered in other areas of the country gradually changes the outlook and the philosophy of some of the senators, but I still don't think that at the moment it would be possible to muster a two-thirds vote in the Senate to pass legislation. What I expect to happen, especially since the Denver case and the Richmond case, now before the Supreme Court, is that Congress will probably take a wait-and-see attitude and see if the Supreme Court does something. I hope they do.

I think that if the Supreme Court would go back to what I think was really the reasoning and the philosophy in the Brown case, and that is that we should have a color blind society; we should not discriminate, not have separate, dual schools, but at the same time, not force integration in the sense that you have to have a certain percentage or quota of blacks and whites in order to meet constitutional requirements. It's unrealistic; it hasn't worked and it's degrading as far as the black race is concerned, to suggest, as busing orders do, you know, that you have to be in a school where there's a certain percentage of whites in order to get a good education. I just think that goes counter to the basic philosophy of the Brown decision itself.

TERHORST. But, now, what if the Supreme Court does not hand down a decision in the Richmond case, or in the Denver case, or any other case that in your opinion are those that have effectively stopped school busing, do you think there are votes in Congress to do something about it?

GRIFFIN. I hope there will be by that time. I think that as the national debate on this subject continues, there isn't any question that in terms of public viewpoint, that something in the neighborhood of 80 per cent of all the people are against busing, and generally, most polls show that a majority of blacks are against busing, and eventually, I think that we're going to have that reflected in the Congress and be able to pass legislation if the Supreme Court doesn't handle the problem.

MCLAUGHLIN. Senator Griffin, on another subject, what do you think about the relationship between Congress and the President? Is it close enough, and you're a member of the President's party and you're in a leadership position; do you see him enough? Do you get called down to the White House enough, are you briefed enough? Do you anticipate any change coming up in the next four years?

GRIFFIN. You know, someone has said that the art of politics is the care and feeding of egos, and I think that Congressional relations for a president is somewhat—could be defined the same way. Senators are prima donnas, they like be fully informed—

MCLAUGHLIN. How can you say that? [Laughter.]

GRIFFIN. They are, every one of them.

HERMAN. He can say it as a whip.

GRIFFIN. Nobody would ever say that he has been briefed enough by any president. Now, I don't think there's any question that the style of President Nixon is different than the style of President Kennedy, the style of President Johnson, the style of President Eisenhower. I personally wish he would communicate more with the Congress. I have urged him to in the past. At the joint leadership breakfast that he had after we had our swearing in ceremony, he indicated several times that he is planning to do that, and I certainly hope he follows through on it.

This President, you know, as he gropes with this very, very difficult problem in Viet Nam, a war that he didn't start but he's trying to end, he must often think of what Abraham Lincoln said when—if, you know, if it all comes out right in the end, it isn't going to matter what all these critics have been saying, and if it doesn't come out right, ten angels swearing that he was right won't make any difference. He's engaged right now in a job which only the President can perform. I mean, we'd like to negotiate the peace settlement on the floor of the United States Senate, but it can't be done that way. He's got to do it. You've got to have a certain amount of confidence and faith in at least the motives of the President, and that's true not only of my president but of any president. He's trying to get the war settled, and I think he's doing it, and I think that we'll be very proud of him. History is going to judge him, I think, as one of the great presidents.

Herman. How do you estimate the economic situation as he starts his second term? We're now in Phase III, the war is still on, although winding toward the close. Will he be able to restrain a new outburst of inflation with the minor controls and the powers that are left in effect?

Senator **Griffin.** Well, as you know, the reports on the last quarter of 1972 were very encouraging. The administration did meet its goals as far as inflation is concerned, as far as growth of the Gross National Product is concerned. All of the indications are that jobs are being created at a very significant rate in terms of progress. Someone pointed out to me the other day that as far as the unemployment of men over 25 is concerned, it's the lowest rate since 1955, which was so-called full employment. We do have unemployment, largely in the area of teenagers and one of the reasons that we have that is that we have so many restrictions and so many obstacles to the hiring of teenagers. I hope when we get around to amending the minimum wage laws that we do something to make it easier to hire teenagers who want to work. I think that generally, the outlook for the economy is good. I think that Phase III is a natural evolution. We're moving away from the tightest kinds of price and wage controls, relying more on voluntary compliance. It's a little bit like teaching a youngster to ride a bicycle and there comes a time when you start to take your hand away. I'm not sure that the timing is exactly right, but I hope it is, and I think the timing has been pretty good up till now.

Let me just say that one of the things that will have to be done very early in the Congress is to pass legislation to extend the authority for wage and price controls, and I of course am for that.

McLaughlin. Would you have preferred that this action that the President took, going into Phase III with the voluntary control idea, not have come quite this quickly? Is that what you're saying, that you still have doubts, it's come too soon?

Griffin. Well, the national Cost of Living Council will now be able to focus more time on the major problem, which is food prices, which is good. You will not have all of this approving and processing every wage agreement and every price adjustment in advance, although the Cost of Living Council will still have the power, if they exceed the guidelines, to go back and require adjustments.

McLaughlin. But do you think this was the right—

Griffin. I think that you can make a pretty good argument on both sides. I will say very frankly that as I see the negotiations coming up in such areas as the railroads and the automobiles and electrical and so forth, that I'm a little bit apprehensive; I'm a little concerned. Maybe the timing is too early. On the other hand, if the leaders of organized labor will be cooperative and supportive and will help the unions to be responsible in their demands in the negotiation of contracts, this may be one of the greatest steps that we've taken.

Herman. Why do you concentrate on unions, when the last thing we had while we were still under Phase II was a huge jump in the wholesale price index?

Senator **Griffin.** There isn't any question, but particularly in food, as I say—now, they haven't taken the emphasis off of food; a new commission—or a new cabinet committee, headed by George Schultz is going to focus on food prices, and they should. Otherwise, outside of foods and—the price situation has been very, very good. We've been way ahead of the schedule and we've hit the target, and now I think we ought to focus on the food problem.

Herman. Just one more question: what do you hear from home? Is it popular, Phase III?

Senator **Griffin.** Oh, I think you hear everything. I think that there are some who believe it's good, and you hear lots who are critical.

Herman. Thank you very much, Senator Griffin, for being with us today on Face the Nation.

Announcer. Today on Face the Nation, the Senate Republican Whip, Senator Robert Griffin of Michigan, was interviewed by CBS News Correspondent Marya McLaughlin, J. F. terHorst, Washington Bureau Chief of the Detroit News, and CBS News Correspondent George Herman. Next week, the Speaker of the House, Congressman Carl Albert of Oklahoma, will Face the Nation.

CHILD ABUSE

Mr. HUMPHREY. Mr. President, a very sad aspect of our national life is the increasing evidence of child abuse.

Many Americans were shocked only recently when Chicago newspapers and Time magazine reported the death of 6-year old Johnny Lindquist in Chicago. As stated in a Time magazine article which I am asking be printed in the Record, this youngster had been given up by his natural parents for adoption at an early age. He was soon adopted by foster parents and lived happily with them until natural parents decided they wanted the child returned to them. Although the foster parents were heartbroken and Johnny expressed a fear of his real father; the courts and social agencies ordered him returned to his natural parents. A few months later, states the Time article, Johnny was so severely beaten by his father that he died 4 weeks later.

The Lindquist case is not unique or even unusual. Each year more children are killed by their parents than die of any one disease. Dr. Vincent Fontana, director of pediatrics at St. Vincent's Hospital in New York and chairman of Mayor Lindsay's Task Force on Child Abuse, has said that abuse and neglect is the number one killer of children in this country. At least 700 children are killed annually and 50,000 to 200,000 children suffer serious physical abuse.

It is estimated that the number of child abuse cases is increasing alarmingly. In New York City, for example, the number of reported cases increased 549 percent between 1966 and 1970. And only a fraction of the total number of neglected and abused children are recognized as such and given proper medical attention. Dr. Fontana estimates that for every one case that is reported 10 to 100 go unreported. In many States doctors are legally required to report suspected abuses, but they rarely do.

Child abuse is an ugly disease and in many ways a symptom of other deep problems of our times such as poverty, pollution, and congestion. Some evidence suggests that parents who mistreat their children are usually psycopathic or are reacting to feelings of anxiety. In many cases, the parent was once a victim of child abuse. In 1971, Dr. Fontana's Task Force reported that battered children, if they survive and approach adolescence, begin to show signs of psychologic and emotional disturbances reported as irreversible in most cases.

All of us have a moral responsibility to break this vicious cycle. Physicians and social workers need to become more aware of their responsibility to report abuse. Legislators have a moral responsibility to make available any legal tools which might help to reduce the incidence of abuse.

Child abuse has long been ignored because it is something we would all like to pretend doesn't exist. And, child abuse has been ignored because children have no political muscle, no effective way of articulating their needs to those of us who write the law.

While the causes of child abuse may not be reached by law, I believe we must face the fact that the law is very weak in this area. The lack of children's rights in court is matched by the lack of laws restraining their parents. There is no Federal effort to protect child abuse victims—and State legislation is not adequate.

Child abuse certainly will not evaporate with the passage of new legislation, but a Federal child abuse law may be necessary because of the many inadequacies of State laws.

Let me outline briefly some new directions we might take on the Federal level to protect our children from abuse. Through Federal legislation we can:

Simplify the reporting process so that reporters of abuse are exempt from further involvement after filing a report;

Designate a central reporting agency in each State to be responsible for any necessary follow-up reports;

Make it mandatory for doctors, social workers and other professionals to report abuse;

Reduce the maximum penalties for abuse and reclassify the crime as a misdemeanor so that people will be encouraged to report abuse. The emphasis must be placed on the need for psychological rehabilitation of battering parents;

Help provide the States with funds necessary for the implementation of their programs.

I have outlined just a few suggestions for Federal child abuse legislation. Much work remains to be done on this problem, for the seriousness of child abuse has too long escaped our attention. We must work to build a sound-thinking and emotionally stable adult society by protecting our most precious resource, our Nation's children.

Moreover, we have to work in the larger area of children's rights in general. Laws applied to juvenile offenders often prescribe more severe punishment than that meted out to adults who have committed the same crime. Responsible individuals under the age of 18 are subject to arbitrary and unjust treatment by parents, school administrators, teachers, or any adult who has a frequent contact with them.

Mr. President, I ask unanimous consent that an article on children's rights, published in Time magazine, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

CHILDREN'S RIGHTS: THE LATEST CRUSADE

Young Gerald Gault may have thought it was just a joke. He telephoned a housewife who lived near by in Globe, Ariz., and made what the Supreme Court subsequently called "remarks or questions of the irritatingly offensive, adolescent sex variety." The boy had no lawyer, the housewife never publicly testified, no hearing transcript was kept and no appeal was possible. It took a writ of habeas corpus to get a review of the case. Gault could have received a maximum jail term of two months if he had been an adult; since he was 15, he was committed to the State Industrial School until he became 21. Two years passed before the Supreme Court turned him loose in 1967, declaring that "neither the 14th Amendment nor the Bill of Rights is for adults alone."

That landmark ruling extended to a juvenile offender many rights that an adult can take for granted: the right to prompt notice of the charges against him, the right to consult a lawyer, to avoid self-incrimination and to cross-examine hostile witnesses. But though it was a breakthrough, the *Gault* ruling hardly signalled full legal status for children. "Children are the last 'niggers' of our society," says Larry Brown, director of the Boston Task Force on Children Out of School. But *Gault* at least got some thing started. As Brown observes: "We're on the verge of the last and greatest frontier in civil and legal rights—the rights of children."

Such rights are still relatively few. The problem is complicated by the differences between an infant and an adolescent, but the basic legal principle for all minors is that the parent knows best. In broad terms, says William Aikman of the Massachusetts Law Reform Institute, "the child's legal status is an amalgam of non-citizen, slave, overprotected pet and valuable chattel." He has no legal right to work, to choose his own friends, or to decide on his religion. Adds Henry Foster, who teaches family law at New York University: "Women used to need a guardian before they could enter a court. Now that feudal concept applies only to children."

DANGERS

The concept is not simply arbitrary. "Aristotle separated parental rule from constitutional rule for good reason," observes Monrad Paulsen, dean of the University of Virginia Law School. "He said parental rule is superior because it is based on the personal wisdom of the parents, and because it is guided by love." Unfortunately that is not always the case. Says Professor Sanford N. Katz of the Boston College Law School: "It is in the home that a child's rights are least protected."

Back in 1646, a Massachusetts Bay Colony statute decreed that if a man had "a stubborn or rebellious son" of at least 16 years of age, he could bring him to the magistrate's court where "such a son shall be put to death." The times have grown milder, and yet in many cases the principle of parental rule has continued to defy common sense. Early in this century, for example, the Washington State Supreme Court threw out a suit by a girl named Lulu Roller against her father, who had raped her. The court's ground: "The rule of law prohibiting suits between parent and child is based on the interest that society has in preserving harmony in the domestic relations." As recently as last year, a 14-year-old Filipino girl in Los Angeles sought legal help because her parents ordered her to go back to the Philippines and marry someone they had picked out for her. "She asked me what legal recourse she had," recalls Attorney Riane Eisler, "and I had to tell her she had none."

Far worse can happen when parents are unable to raise a child at all. Consider the case of Pam, now 16. Her mother was struggling to make ends meet after her husband deserted her, and Pam was difficult to handle. So the mother gave her up to the state. "Pam is very bright and fantastically sensitive," explains Chicago Attorney Patrick Murphy, "but she's not very attractive, and that made it hard to find foster parents. So she was sent to a home for delinquents, where she had nothing much to do except watch TV. Then she was sent out to a foster home for a year, then back to the delinquent home, then to the Elgin State Hospital. She'd gotten into fights because other kids taunted her about her looks. At Elgin, things got worse, so they tied her to her bed for 28 days. When they let her go, she hit a matron, and they put her back in restraints for another 30 days. By this time she really needs psychotherapy . . ."

Pam's story is particularly tragic, but it is only one among the many noncriminal cases the law must deal with. In Chicago's Cook County Juvenile Court, the 28,740 cases handled last year included only 3,500 serious offenses but fully 9,200 instances of parental neglect and juvenile runaways. In many cases, the runaways had reason to flee—cruelty, indifference or neglect. "Parents are allowed to beat children," says Sanford Katz, "and no action may be taken unless the child is seriously injured." Nationwide, there are more than 500,000 runaways each year.

RULE

The courts are increasingly puzzled by their responsibilities. In Massachusetts, one intractable 15-year-old girl in a foster home was taken to court after she disobeyed her foster parents' rule that she could not talk to boys. She was held to be a "depraved child," but the court could not decide on any punishment. "What can you do," asks Dean Paulsen, "with someone who commits no crime but won't behave? We're starting to realize that training schools don't work. They don't train, and they breed crime. So there's a move toward letting these children go free, especially the 16- and 17-year-olds."

But younger children cannot simply be turned loose, and that can lead to even bigger problems. Chicago was shocked recently by the case of Johnny Lindquist, age six. He was living happily in a foster home after his parents declared they could not provide for him. Then his parents changed their minds, and social workers returned the boy—even though he expressed fear of his father. Four months later, according to police, the father beat the boy senseless. Johnny's skull was crushed. After lying for four weeks in a coma, he died. As a result, an Illinois senate committee has been holding hearings on whether to change child-care laws to resemble those of California, where "due weight" is given to the child's own wishes about custody if he "is of sufficient age and capacity to reason."

The cruel fights over children occur most often in cases of divorce. More than 750,000 marriages end that way every year, affecting more than a million children. Courts go through at least a ritual of concern for what is best for the children, and recently judges have become slightly less automatic in granting custody to the mother. Still "the rights of children in divorce cases have been virtually ignored," says Marie Kargman, an attorney who works with the Massachusetts Advisory Council on Home and Family. "Rights to property or continuity of residence have never been defined." When a child inherits money, his legal interests are usually protected by court order. Yet in a divorce, complains Los Angeles Attorney Eisler, where the entire fabric of a child's life is involved, "the husband and wife are entitled to counsel, but not the children."

One area where there has been marked progress toward children's rights is, appropriately, the first environment that the growing child encounters when he leaves home; the school. In many ways schools had and still have the transferred power of the parent, and they recognize little law but their own regulations. Only last month the Supreme Court declined to interfere with the power of teachers in Dallas to administer corporal punishment. The court has also been unwilling to hear arguments on the question of boys' refusal to cut their hair. But this issue has prompted case after case, fought out in state and federal courts across the country, and in about half of them long hair has won legal protection. The seemingly absurd constitutional controversy has been an important wedge in support of students' rights.

ARMBANDS

Beyond the right to long hair—or blue jeans or nail polish or miniskirts or whatever teen-agers might impulsively want to put on—students in several Des Moines high schools sought the right to wear black armbands as part of a protest against the Viet Nam War. In *Tinker* v. *Des Moines Independent Community School District* (1969), the Supreme Court firmly struck down the schools' refusal to allow them, saying that neither "students nor teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate." Some courts have spread this protection to student newspapers, pamphlets and petitions, but many schools are still reluctant to comply with the spirit of the ruling. Los Angeles Poverty Lawyer Ernest Aubry observes: "If somebody goes to class with a button that says 'Chicago Power,' the authorities immediately say, "Well, that's not a black armband.'"

Even when courts do endorse the principle of student rights, they usually allow suppression of those rights if the school can prove a "disruption" of the educational process. Spot checks for marijuana in lockers, for instance, would be unconstitutional searches if police performed them, but school officials make such checks as part of their duty to maintain order. The pot is then sometimes used as evidence in a criminal prosecution. The apparent basis of such actions is that schools are still seen as acting *in loco parentis* rather than as agents of the police.

Schools are also nervous about sex, and many will expel any girl who becomes pregnant. In Chicago, a 17-year-old, whom the court referred to as Mary Doe, became pregnant while she was a senior. She had an A-minus average and had received an Illinois merit scholarship to a university, but her high school nonetheless ousted her. There are two schools for unwed mothers in the city, but they were full. Mary seemed doomed to miss a year in school and to lose her scholarship until the American Civil Liberties Union brought suit on her behalf. She was readmitted to her old school, and Chicago ended the automatic-expulsion policy. The action was part of a trend extending the right to a hearing to students faced with suspension for misbehavior.

Though adolescent problems burgeon as a child nears his majority, the law has traditionally forbidden young people to get medical help without their parents' permission. In the last five years most states have made an exception in the case of venereal disease. Now concern over drug abuse is also helping to break down the old rules. Both Massachusetts and Michigan have new laws that permit children as young as 13 to see a doctor confidentially about a drug problem. Says one Boston phychiatrist "Almost every kid who comes to me has had some experience with drugs. This gives me the cover to help them any way they need, including contraceptives, without telling their parents—unless they want their parents told."

RUNAWAYS

"Children do not belong to parents," says Edward Zigler, director of the U.S. Government Office of Child Development, and one of a growing breed of advocates who are concerned with children's rights. But the new children's advocates do not propose that the family give way entirely to the courts. "Courts can destroy relationships, but they cannot create them." observes Lawyer-Psychologist Joseph Goldstein of Yale Law School. He thus opposes legalistic custodial laws that assign orphaned children to their nearest blood relatives. He prefers laws that would "acknowledge the emotional realities that exist," allowing the judge discretion to assign the children to a distant relative or even a close friend who is fond of them. His Yale colleague, Jay Katz, proposes in the case of runaways "a provision for legally approved separation between parents and children. Better to have it over than to maintain a fiction."

Children's advocates also urge that juvenile courts should no longer have the authority to enforce so-called incorrigibility statutes, which, like vagrancy laws, are used to sweep the streets of "undesirables." The critics contend that these laws are unconstitutional and should be abandoned, since they outline no specific offense and leave their victims unjustifiably incarcerated. Director Joe Henning of the A.B.A. Youth Education for Citizenship program urges a graduation of rights that would encourage children "to undertake more of the responsibilities of citizenship as they grow older." Forcing a five-year-old to go to bed at 7:30 may be reasonable, but he points out that it would hardly make sense for the law to back up similar parental regulations for someone who is 17.

The possibility of expanded rights calls up the specter of children constantly litigating with their parents, but that is not very likely. The challenge will be to define rights in a way that expands the child's protection against abuse without undermining the psychic benefits of parental authority. "There is no way the government can supply the 24-hour, seven-day, 52-week care of a good parent," says Virginia's Paulsen. That was certainly the case with Pam, who spent those months tied to her bed at Illinois' Elgin State Hospital. Attorney Murphy won a judgment for her. She is now in a private institution where the state pays $45 a day to undo the psychic damage its agents did to her.

THE ROLE OF THE INTERNATIONAL COURT UNDER THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, during the last few days I have been reviewing the various objections to the ratification of the United Nations Genocide Convention. I intend to show that these objections do not have any *factual* basis. Today I would like to turn to the argument sometimes made that article IX of the convention, which provides for the settlement of disputes arising under the convention by the International Court of Justice, would override the Connally amendment and would unreasonably limit the sovereignty of the United States.

The Connally amendment applies only to our acceptance of article 36(2) of the International Court's statute, the so-called optional clause providing for compulsory jurisdiction across the board. Cases arising under the Genocide Convention would fall under article 36 (1) of the Court's statute, which covers the Court's jurisdiction as provided for in specific treaties. The United States has already ratified many treaties containing the same type of provision for the settlement of disputes as is contained in the Genocide Convention. In fact, the inclusion of the provision in international conventions has time and again been championed by the representatives of our Government in international negotiations. It is the Soviet Union that has long opposed such language, not the United States.

Why has the United States been willing to accept the jurisdiction of the International Court in disputes arising out of treaties to which it is a party? The Court provides a useful mechanism for resolving questions of international law in a fair and impartial manner without in any way endangering the basic sovereignty of the United States. The decisions of the Court, while normally binding on the parties in a moral sense, have no means of direct execution other than by voluntary action of the involved parties themselves.

It is true that under the provisions of the Genocide Convention it might be possible for a State to call upon the United Nations Security Council to take action to enforce a decision of the International Court. However, under the Charter of the United Nations such action could only be taken with the concurrence of the representatives of our Government. In the unlikely event, therefore, that the International Court should abuse its authority, the U.S. Government could not be compelled to submit to its decisions.

It is my profound belief that our country has nothing to lose and much to gain through ratification of the Genocide Convention. I hope that the Senate will soon be able to give its long overdue approval to this worthy document.

DRILLING OF GEOTHERMAL WELL IN ARIZONA

Mr. FANNIN. Mr. President, in his inaugural address, President Nixon suggested that our people try solving problems for themselves before turning to the Federal Government. He pointed out that America was built by people, not by the Federal Government.

It was refreshing to hear our President restate this important principle.

It is a philosophy that has been fundamental to the development of my own State of Arizona. True to the pioneer spirit, Arizonans traditionally try to solve their own problems. And if we need help, we seek a helping hand and not a handout.

Even as the President spoke last Saturday work was progressing in Arizona on a bold experiment by private enterprise to help alleviate the energy crisis. I believe this undertaking is a good example of what President Nixon was talking about.

Three major utility companies have joined together to finance the exploratory drilling for Arizona's first geothermal well.

The utilities are Arizona Public Service, Tucson Gas & Electric, and the Salt River Project.

The drilling will be managed by Geothermal Kinetics Systems Corp. of Phoenix and the well will be on leased privately owned land near the city of Chandler.

If the well is successful, they hope to strike a reservoir of superheated water at 6,000 to 8,000 feet. It is envisioned the well could produce the energy to generate enough electricity to supply a community of more than 12,000 persons.

Mr. President, this project is not without pitfalls. There is no guarantee the well will produce the steam or water necessary for the generation of power. If a promising geothermal well is completed, there are many environmental and technological problems still to be overcome. I feel confident, however, that men with such courage and vision can make a success of this project.

More important is the fact that these utilities are proving that they are willing and capable of crossing new frontiers without the dominating hand of the Federal Government. The utilities themselves are funding the program.

The project also demonstrates the agility of private enterprise as compared with the cumbersome movement of Government on such projects. This project could accomplish in months what would take years to get off the Federal drawing board.

Mr. President, the same three utilities involved in the geothermal project also have come up with a novel plan to overcome a major problem at a nuclear powerplant they will construct in the Salt River Valley. They have filed a request to buy sewage effluent to cool the nuclear plant, thus making maximum use of Arizona's precious water resources.

It is developments such as these which give me great confidence that we can and will overcome the energy crisis. I will keep the Senate informed as to the progress of these exciting ventures.

Mr. President, I ask unanimous consent to have reprinted in the Record articles from the Phoenix Gazette, the Tucson Daily Citizen, and the Arizona Republic:

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Phoenix Gazette, Jan. 16, 1973]

HOPES HIGH FOR NEW ENERGY SOURCE—FIRST GEOTHERMAL TAP SLATED

The first exploratory drilling operation to tap what is believed to be a vast underground supply of geothermal energy in Arizona is scheduled to begin Monday.

"Our studies have shown this could be an enormous one," Mike O'Donnell, general manager of Geothermal Kinetics Systems Corporation in Phoenix, said today.

Geothermal Kinetics, which filed for the drilling permit late yesterday, made a joint announcement of the project today with Arizona Public Service Co., the Salt River Project and Tucson Gas and Electric Co., which are sponsoring the project.

The drill site will be nine miles east of Chandler on Power Ranches Inc., part of 7,000 acres Geothermal Kinetics has leased in the area for geothermal exploration.

A deep underground reservoir of superheated water or steam, generated by water far underground passing over molten rock comparatively near the surface, is estimated to be 6,000 feet below the drilling site.

The well will be cased to a depth of 3,500 feet to protect agricultural wells. Five blowout preventers will be incorporated into the drilling system to protect both the source and the drilling rig itself.

O'Donnell said workers will begin moving the rig into place today.

The venture marks the first attempt of any kind to find geothermal resources in the state. The two-year-old Geothermal Kinetics, headquartered at 301 W. Indian School, has been involved in the project for about 18 months.

The project was kept under wraps until today, O'Donnell said, to discourage land speculation and other problems similar to oil exploration projects.

If the project is successful, it could provide a new energy source for power generation in Arizona, and it should meet the demands of environmentalists, he indicated.

O'Donnell said it would be relatively simple to bury all the pipelines underground because the land is relatively flat. Geothermal power plants in California, located in hilly areas, have been criticized for the unsightly networks of above-ground pipe systems surrounding them.

Just if and when the source will be developed remains to be seen. APS spokesman Jack Swift said today, "We want to find out what kind of steam is down there before deciding on whether further development is warranted."

O'Donnell said a source producing more than 100,000 pounds of steam per hour "could really help us in Arizona," but he would not speculate on the eventual output of the well.

A source yielding one million pounds per hour is required to run a 55,000 kilowatt generator, he explained.

By comparison, geothermal sources in California yield 150,000 pounds per hour, a source in New Zealand 600,000 and one in Mexico an even million.

Once the source is established, O'Donnell said, it would require about 18 months for the power companies to acquire and install the needed turbines if they decide to go ahead with the project.

"We think Arizona has tremendous potential for development of geothermal energy," he said.

O'Donnell predicted a geothermal power plant could serve as the base power supply for Arizona, proving both a source of fresh water and enough electric power, when added to the existing system, to eliminate the threat of shortages and "brown-outs" during periods of peak demand.

[From the Tucson Daily Citizen, Jan. 16, 1973]

TG&E Joins in Financing Geothermal Well Drilling

Arizona's three major utility companies today announced they will help finance a geothermal drilling operation nine miles east of Chandler in an attempt to find a new source of electricity for the state.

In a joint announcement, Tucson Gas & Electric, Arizona Public Service and the Salt River Project said Geothermal-Kinetics Corp. of Phoenix will drill the state's first geothermal well to a depth of approximately 6,000 feet.

A drilling permit was filed for the well late yesterday afternoon with the State Oil and Gas Conservation Commission. Drilling is expected to begin next week on the site two miles southeast of Higley.

Geothermal energy is found in an underground reservoir of super heated steam and is piped to a generating plant where the steam turns electric turbines.

In announcing support of the well, a spokesman for TG&E said the site is on 7,000 acres of private land under lease by the Phoenix firm.

The three utilities have been working for 18 months with the firm to find a source of geothermal power for the state.

When and if a source of geothermal energy is found, a spokesman for the utility said the three large companies will have rights to establish an electric generating plant.

The amount of the utilities' investment in the project was not announced.

"We don't know what the cost will be," said Tom Morran, TG&E director of public information. "It is like a wildcat gas well. You don't know what you might run into."

But, he cautioned, the financial backing is "not open-ended."

Finding superheated steam (150 to 400-plus degrees) is the main purpose of the drilling operation, but high-temperature water also could be used by putting it through a heat exchanger and boiling freon to create the steam.

The only geothermal generating field in the U.S. is at The Geysers near San Francisco where Pacific Gas & Electric Co. will have by 1975 the capacity to generate about 600,000 kilowatts of electricity.

[From the Arizona Republic, Jan. 17, 1973]

Hot-Well Drilling To Begin Next Week East of Chandler

Arizona's three major utilities announced yesterday that drilling is expected to begin next week east of Chandler to see whether there's a vast underground reservoir of hot steam more than a mile below the surface that might be tapped as a new energy source.

The exploratory drilling for the state's first geothermal well will be managed by Geothermal Kinetics Systems Corp., 301 W. Indian School, which is considering sinking several other exploratory wells in other areas of the state.

Sharing in the financing of the exploration are Arizona Public Service Co., the Salt River Project, and Tucson Gas and Electric Co.

The well site is located on farmlands owned by Power Ranches, Inc., and leased by Geothermal Kinetics Systems. The area is 2 miles southeast of Higley and about 9 miles east of Chandler.

Mike O'Donnell, general manager of Geothermal Kinetics Systems, said he expects drilling to begin Monday. He said it could be up to 30 days before it is determined whether a hot steam reservoir exists under the surface.

"We've been surveying the state for almost two years," O'Donnell said. "The geologists tell me we've got one of the best chances in the world of hitting it. It looks awfully big, and it looks awfully good."

O'Donnell estimated that if a large reservoir of hot steam or high-temperature water is found east of Chandler, a small power plant could be in operation within two years.

Similar plants already have begun operating in Mexico and in northern California, as well as some other areas of the world. O'Donnell said the major advantages of geothermal power are that it is the "cheapest known energy source, and the cleanest."

In addition, O'Donnell said, geothermal power takes on more importance as an energy source because of the growing "energy crisis," with shortages of fossil fuels producing power blackouts and brownouts across the country.

Despite O'Donnell's optimism, officials at Salt River Project and Arizona Public Service stressed the exploratory nature of the work and the fact that nobody is yet certain there is any hot steambed to be found at the Chandler site.

"We don't know what's down there and the only way to find out is to invest in a drill bit," said M. C. Titus, executive vice president of research and development for Arizona Public Service.

Titus added that if a large steam bed is discovered, "very numerous problems" will remain that will require at least six months of engineering studies before there is any commitment to build even a small geothermal power plant.

He said such problems include the matter of what to do with the effluent created during the power-generating process, and also how to design machinery that will withstand the corrosion that results when dealing with hot steam.

If all those problems are overcome and a plant is built, Titus said, one to three geothermal walls tapped into the hot steam reservoir could supply enough power for a city the size of Chandler.

However, Titus stressed that he doesn't regard geothermal power as anything more than a "very useful supplementary" energy source. He said he expects coal to remain the state's major power source through the 1980's, gradually being replaced by nuclear power and fast-breeder reactors.

Numerous state leaders have been pressing for development of the geothermal resources under Arizona and other parts of the Southwest. Although the main interest of the utilities in the Chandler exploration is power, others say geothermal development ultimately could generate new fresh-water supplies for the state.

[From the Arizona Republic, Jan. 17, 1973]

Power Through Imagination

Back-to-back announcements this week by Arizona's major power suppliers seeking innovative new methods of providing energy for the future illustrate why technology can balance the needs of man and the environment.

First, the Arizona Nuclear Power Project combine filed a request to buy sewage effluent to cool the proposed nuclear power plant scheduled for the late 1970s in the Valley.

Second, the same group signed a contract to drill a geothermal well near Phoenix in search of high-pressure steam to power satellite electric generating plants and to help create a new supply of drinking water though desalinization.

In the case of using sewage treatment plant effluent, the major power companies—Arizona Public Service, Tucson Gas and Electric and Salt River Project—would strike down some of the traditional objections to nuclear power.

Nuclear plants consume enormous amounts of water to cool condensers. Plants on salt water estuaries have been accused of destroying marine life with heated discharges.

And nuclear plants on fresh water estuaries have been accused of depleting drinking water supplies for cities.

The use of sewage effluent ultimately might involve as much as 45 million gallons of water which otherwise might have to be taken from marginal supplies elsewhere in Arizona. The power combine also would reimburse the citizens some $2 million a year at capacity.

But the geothermal project announcement is the most exciting.

As early as *March*, Geothermal Kinetics Systems hopes to have drilled an 8,000-foot well southeast of Phoenix into a subterranean steam field capable of generating 55,000 kilowatts initially, and ultimately enough to service the electrical needs of 1,000,000 people.

Geothermal power—used in Italy since 1904—is an almost endless resource. Geysers in Yellowstone Park are said to have been spouting their powerful energy for 65,000 years.

And scientists studying geothermal power as the salvation of California's energy needs insist that fields in the bowles of the Imperial Valley each hold as much as two or three centuries of reserves.

Steam power does not deplete scarce resources, such as fossil fuels. Nor does steam pollute.

The major by-product—heat—also is the key to desalting water for human use.

In all, Arizona's energy triumvirate scored well this week.

It showed foresight in meeting unprecedented demands.

And the companies are doing it with an eye on the environment, to boot.

VIRGINIA'S INAUGURAL ROLES

Mr. HARRY F. BYRD, JR. Mr. President, Virginia played an important part in President Nixon's inaugural parade Saturday.

Six different Virginia units participated in the parade—and, in addition, two Virginians played prominent roles.

When President Nixon's parade moved away from the Capitol steps, a Richmond native was near the front.

Col. Harvey H. Perritt, Jr., who graduated from John Marshall High School in 1946 and went on to West Point for an Army career, headed the President's escort, a platoon of crack members of the five services, Army, Navy, Marines, Air Force, and Coast Guard.

While a Virginia native was near the head of the parade, students from 20 schools in Fairfax County, 1,976 band members, joined together in the spirit of '76 to give a spectacular and unique ending.

In between were these Virginia units:

A float sponsored by the Jamestown Foundation, reminding us that with the settlement at Jamestown in 1607, Virginia became the "Birthplace of the Nation."

The famed Friendship Veterans Fire Engine Association of Alexandria provided the parade with the original fire apparatus purchased by George Washington and donated to the Friendship Fire Company in 1775. Former Alexandria Mayor Marshall Beverley has been foremost among those perpetuating George Washington's fire company and he was a participant in the parade.

Representing Virginia in the parade, too, were the Virginia Polytech Regimental Band of Blacksburg and the Virginia Military Institute Marching Unit from Lexington.

Arabian horses, known for their stamina, were ridden by 20 members of the Virginia Arabian Horse Association.

Carrying the national colors in the Navy Color Guard unit was James B. Morin of Norfolk.

Following is a list of the schools in Fairfax County whose band members took part in the massed band performance at the inaugural:

Annandale High School, Edison High School, Fairfax High School, Falls Church High School, Fort Hunt High School, Groveton High School, Hayfield Secondary School, Herndon High School, Jefferson High School, Langley High School, Lee High School, Madison High School, Marshall High School, McLean High School, Mount Vernon High School, Oakton High School, Robinson Secondary School, Stuart High School, West Springfield High School, Woodson High School.

UNITED STATES-LATIN AMERICAN RELATIONS

Mr. JAVITS. Mr. President, during the congressional recess following the presidential elections, Secretary of State William P. Rogers made an important policy speech regarding U.S. relations with Latin America over the next 4 years.

It is my hope that this speech signals a greater emphasis on United States-Latin American relations in the years ahead. Both over the short term and the long term, the opportunities for strengthening the political, economic, and commercial ties between the two hemispheres of the Americas are great. At a time when the United States is facing spiraling food costs, creative measures could not only benefit Latin America but also dampen inflationary pressures at home. For example review of the Department of Agriculture's tomato marketing orders could lead to increased supplies of quality tomatoes in the supermarkets during the winter season. Also at a time of worldwide beef shortages, sanitary regulations which presently impede the import of fresh beef into the United States should be carefully reviewed to ascertain whether such sanitary regulations in fact serve health related ends or whether they are a thinly disguised import restraint which continues to contribute to the high cost of beef in the United States.

Over the long term and assuming that investment relations between the United States and Latin America will prosper to the mutual benefit of all parties, Latin America could increasingly become an important supplier of many of the natural resources the United States needs. In turn, the capital, know-how, technology, and taxation that would accrue to the Latin American states by such natural resource development and sales, could give impetus to the economic development of the whole region.

Secretary Rogers, in his fine statement pledged:

> To strengthen and diversify our trade, investment and assistance ties.

Toward this end, it is my firm expectation that a generalized preferences scheme should be incorporated in any comprehensive trade legislation which the administration chooses to send to the Congress. It is my feeling that there may be more support in the Congress for this type of strengthening of the trade ties between the United States and the developing world than many people seem to realize.

Yet, the AID area is a difficult one and the present congressional combined with the budget cutting mood within the administration does not lead to any optimistic assumptions as to increasing development assistance flows to Latin America. Also, serious questions are being raised about the whole role of SDR's in the world monetary system and this in turn casts a long shadow over the SDR-development link which I have consistently supported. There can be great developments, but through private investments and technical assistance and through trade as well as public investments and monetary reform.

I ask unanimous consent that Secretary Rogers speech of November 14, 1972, before the Protocolary session of the OAS Permanent Council be placed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY THE HONORABLE WILLIAM P. ROGERS

I am pleased to join you today to celebrate a century and one-half of diplomatic relations between the United States and the nations of Latin America. It is especially fitting that we hold this commemorative session of the OAS Permanent Council in Philadelphia. This city was long the home and is the resting place of Manuel Torres, the first accredited Latin American diplomatic representative to the United States and a man who helped construct the solid foundations on which our historic association is built.

The idea of this hemisphere as a unique community had begun to take root in 1796 when Manuel Torres arrived in this city a political refugee. It flowered in June of 1822 when President Monroe accepted Torres' credentials as Charge d'Affaires of Gran Colombia. By this act the United States became the first nation outside Latin America to recognize the independence of a Latin American government.

This initial recognition—the first official bond between us—was not fortuitous. Rather, it reflected the conviction of our early leaders that the future of the hemisphere lay in cooperative association. From that beginning there developed a common faith in the benefits of freedom, in the importance of the individual, and in the possibility of human reason to deal with the age-old afflictions of society. This bond was healed when many Latin American countries modelled their constitutions after the one that was drafted in these halls. And our pursuit of a common political destiny was reinforced by rapidly expanding trade—a commerce which appropriately enough found this city at its forefront.

With their breadth of vision, the men who first sketched the outlines of the inter-American community were as alive to its diversities as they were to similarities that existed within the hemisphere. Diversity of historical experience, diversity of economic condition, diversity of culture were all manifestly present. And as was to be expected over the years there have indeed been differences in perception of national interest.

Nevertheless what is impressive to me in the record of our 150-year-old association is the continued vitality of the idea that by circumstance and by choice we are a community—a community which has brought great benefits to its members. We have forged significant intellectual, economic, political and security ties. Particularly, we have created together the inter-American system, which despite its imperfections has served our community in so many ways so well.

We must recognize, however, that the world in which our association began has been dramatically altered.

Modern communications have collapsed time and space. The isolation of the hemisphere has disappeared. While all nations have developed significantly, material disparities still exist and in some instances have grown. Our intellectual community has been challenged by new ideas and changing values.

For our association to continue to draw spirit from the ideas that created it, we have to adjust our purposes to vastly different times and conditions from those in which Manuel Torres walked the streets of Philadelphia. We should welcome the challenge of adjustment since no institution or idea can usefully survive if it is not constantly tested. As we examine our purposes and possibilities, we will need what Elihu Root, a distinguished predecessor of mine, called the "imagination which enlarges the historian's understanding of the past into the statesman's comprehension of the future."

One new development of great promise is the acceleration of Latin America's constructive involvement in an interdependent world. The United States has sought to encourage these trends. For example, Mexico, Brazil, and Argentina are—with our support—among the 20 nations which will be primarily concerned with developing a new international monetary policy. We hope to work closely with them during those negotiations.

We will work on a similar basis with Latin American countries which will be involved in next year's trade negotiations—for our economic interests in a world of freer trade should be mutually supporting. More broadly, we expect to expand our process of consultation with individual Latin American countries on specific international and bilateral issues. The enlargement of our individual roles in international affairs gives us the opportunity to deepen our community of interest on global as well as hemisphere issues.

It is equally important to maintain broad support for the regional organizations of the hemisphere, and in particular for the OAS—the linchpin of the inter-American system. We must continue to work together to find ways to make our system more effective. I hope, for example, we can enhance both the cooperative and consultative role of the OAS by finding ways for the foreign ministers to exchange views more frankly and freely when we meet together at its next General Assembly.

Because economic relations are so vital to our community of interest, I also welcome the initiative of our distinguished Secretary General, Mr. Galo Plaza, to place on the agenda of the next OAS General Assembly a review of inter-American cooperation in economic development with a view towards possible reform. We in the United States Government understand the priority you give to development in all its aspects. We give it the same priority, and we regret that it has not been possible so far to do as much as we both would have liked.

The changes we have undertaken in recent years in our policy toward Latin America are based on a genuine desire to modernize our relationships. President Nixon has asked me to tell you that during his second term we will remain committed to the interests of the hemisphere and determined to make a substantial contribution to its social and economic progress:

We will pursue a policy of cooperation with Latin America in a relationship of greater equality, shared initiatives, and mutual responsibilities.

We will work to ensure that the legitimate interests of all the nations of Latin America are represented in the new international monetary and trade systems to be negotiated.

We will cooperate with you directly in this hemisphere to strengthen and diversify our trade, investment, and assistance ties.

And we will seek to resolve the issues between us—over fisheries, over territorial seas, over investment, and all others—in the spirit of friendship and mutual respect which is the essence of our inter-American system.

This ceremony today reminds us that our community is endowed with a rich heritage. We have an obligation to our forebearers and a duty to our heirs to enrich what we have received. I am certain that working together we can be faithful to the past and worthy of the future. It remains the desire and the intention of the United States Government to help fulfill that trust.

IS EXPORT-IMPORT BANK MORE THAN TAXPAYER HAND OUT TO EXPORTERS?

Mr. PROXMIRE. Mr. President, on June 11, 1972, the Joint Economic Committee published the second volume of a compendium of papers evaluating Federal subsidy programs. This volume contained an evaluation of the U.S. Eximbank by Douglas R. Bohi that has sparked quite a controversy. Professor Bohi's primary conclusion was that the Eximbank's efforts to encourage U.S. exports by providing low-cost credit assistance to foreign buyers are largely ineffective. At the time this study was released I stated:

> Although this does not represent the final word on the Eximbank, it does raise serious doubts about the bank's effectiveness. I hope the bank will therefore cease its practice of justifying itself by polling the business firms subsidized, and begin to seriously evaluate Eximbank operations.

Today my doubts are more serious than ever and I have no evidence that the Eximbank has done any serious self-evaluation.

In response to Professor Bohi's study, the Eximbank commissioned Dr. Howard S. Piquet to write an evaluation. Dr. Piquet's "Reply" has been commented upon by several of my colleagues and his conclusions have been placed in the RECORD. His conclusions are vastly different from Professor Bohi's—and far more favorable to expanding Eximbank activities.

Because these two studies reached completely opposite conclusions, I felt that it would be helpful to the Congress if several outstanding independent economists would comment on them. Accordingly, I sent copies of the two studies to several economists with a cover letter asking for their comments. I am grateful to these economists for their careful respones and I would like to summarize them briefly.

The three basic questions I raised in requesting comments were:

First, what is the best methodological approach to use in determining the impact or effectiveness of the Eximbank on U.S. exports?

Second, if you agree with the approach and methodology used in either of those papers, what improvements would you suggest?

Third, apart from the considerations raised by the two papers, are there any other suggestions you would offer on how to go about evaluating the effectiveness of the Eximbank?

In response to the first question, the general reaction is summarized well by Prof. William H. Branson of Princeton University:

> So in response to the specific question on methodology, I'd say Bohi's paper has the right approach in general, but does not present convincing evidence either way. Piquet's paper does not attempt an orderly evaluation of the problem, but simply snipes at Bohi, who offers many targets.

The weight of opinion is that Bohi's statistical approach to analyzing the effectiveness of the Eximbank is basically a correct one, but that his particular model is too simplistic and his results unconvincing. Several very helpful suggestions for making improved evaluations are also included in these comments. The need for further evaluation is very clear, and this makes it especially regrettable that the Bank itself has refused to undertake any serious evaluation.

One subject which I did *not mention* in my letter but which was commented on is the question of the subsidy content of Eximbank loans. Dr. Piquet argues at great length that the Eximbank's activities do not include subsidies because the Bank is profitable. Let me quote from a statement made in April 1972 by the Eximbank to a subcommittee of the Committee on Appropriations.

> Some confusion exists as to the relationship between any subidy on the Bank's programs and the profit or loss from its operations. As has been shown above, the profit or loss position of the bank does not measure a subsidy (nor does it testify to a lack of one.

Obviously the confusion extends to the Bank's own analyst. I agree with Prof. Charles P. Kindleberger of M.I.T. who states:

> I agree with Bohi that the Export-Import Bank is a subsidy to exports, and find Piquet's argument against this view thoroughly unpersuasive.

Finally, I would like to direct my colleagues attention to a forthcoming report by the General Accounting Office. I understand that this report will examine Eximbank loans to see whether they have been adequately justified or whether they have simply displaced private credit. This report should be available to Congress in early February.

Mr. President, I ask unanimous consent to have included in the RECORD at this point my letter asking for comments on the Bohi and Piquet studies and the replies.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEPTEMBER 29, 1972.

Prof. WASSILY LEONTIEF,
Department of Economics,
Harvard University,
Cambridge, Mass.

DEAR PROFESSOR LEONTIEF: Enclosed you will find copies of two studies on the effectiveness of the U.S. Export-Import Bank. The first of these was written by Douglas R. Bohi and published in *The Economics of Federal Subsidy Programs: A Compendium of Papers Submitted to the Joint Economic Committee.* The second was written by Howard S. Piquet and is titled, "Export Credit Subsidies and U.S. Exports: An Analysis of the U.S. Eximbank,' by Douglas R. Bohi—A Reply."

Since these studies reach quite different conclusions, they leave me, and I am sure, other policymakers somewhat confused. I am sending you these papers and asking you to comment on them with the hope that you can help clarify this problem for the Committee.

There are some basic questions that might be raised in thinking about these papers:

(a) What is the best methodological approach to use in determining the impact or effectiveness of the Ex-Im Bank on U.S. exports?

(b) If you agree with the approach and methodology used in either of these papers, what improvements would you suggest?

(c) Apart from the considerations raised by the two papers, are there any other suggestions you would offer on how to go about evaluating the effectiveness of the Ex-Im Bank?

I will greatly appreciate your advice and comments on this matter. If you would like to discuss these papers further, please contact Mr. Douglas Lee of the Committee staff.

Sincerely,

WILLIAM PROXMIRE, *Chairman.*

COMMENTS ON PIQUET'S CRITIQUE OF "EXPORT CREDIT SUBSIDIES AND U.S. EXPORTS: AN ANALYSIS OF THE EXIMBANK."

(By D. R. Bohi)

Piquet's major points of argument are (1) Eximbank loans do not involve a subsidy and (2) the refutations of Bohi's arguments "support of strong presumption that the Eximbank has been doing an effective job." (p. 17)

On the first point, Piquet argues that "Subsidies would be involved if the Eximbank operated at a loss. On the contrary, the Eximbank has been highly profitable." (p. 4) It is clear that Piquet fails to understand the notion of a subsidy. The Eximbank's "profit" statement is an irrelevant and misleading indicator of the subsidy because of the special backing of the U.S. Treasury.

The Eximbank is able to lend at below private market terms and still cover its operating costs because it has been capitalized with $1 billion from the U.S. Treasury, it can borrow from the U.S. Treasury at the Treasury's cost, and it can borrow from private sources at the same risk of default as the U.S. Treasury since its debt obligations are guaranteed by the full faith and credit of the U.S. Government. There is no private lending institution that can draw upon the same resources as the Eximbank and therefore could conceivably compete with the lending rates of the Eximbank.

In spite of these special circumstances, Piquet has the audacity to say: "The Eximbank is a *bank* in the true sense of the word. It borrows funds for the purpose of lending and, because it borrows at a lower rate than it lends, it earns a profit." (p. 4) Piquet fails to consider how the Eximbank's profit (loss) position might appear if it were forced to borrow its capital under the same circumstances as private banks. As a result, Piquet fails to understand that it is the connection with the U.S. Government that reduces the Eximbank's costs and thereby provides the subsidy in the form of lower lending rates. Since the Eximbank commissioned and released the Piquet study, it appears that Eximbank officials fail to understand this basic issue as well, or are seeking to delude the public into thinking otherwise.

On the second point, Piquet argues that I "try to prove mathematically that Eximbank lending has not had a stimulating effect upon exports." (p. 11) This is from the start an incorrect interpretation of a statistical (not mathematical) procedure. It is clear that nothing can be *proved* with statistics. However, propositions can be tested as to their conformity with available data, where the decision to *reject* the proposition can be made with a high probability of being right.

Piquet's misinterpretation of the procedure is even deeper, however; Piquet argues that there are so many factors that determine the volume and composition of exports that it is not possible to measure the effects of any one of them. This argument is meaningful only in special circumstances, such as cases where any one of many factors is no more important than another and where all factors are colinear. The importance of any analytical study in Economics derives from the ability to cut through the morass of a complex world and concentrate on the primary factors of importance that explain an economic event. Thus, economic theory and statistics are the tools that enable the reasonably successful explanation and prediction of such complex variables as Gross National Product, Personal Consumption Expenditures, or Federal Income Tax Receipts, on the basis of very few, but very important, factors even though there are an infinity of possible factors that act to determine the outcome.

It should also be noted for emphasis that the statistical model was seeking only to account for changes in U.S. exports (by country and by commodity) from one year to the next, and not the entire volume or composition of U.S. exports. That is, the model sought to explain only the increments to or decrements from any given years export level. To do so is generally a much simpler task because one need only consider those important factors that have changed over the year. According to Eximbank officials, one such significant change over the period considered was the volume of Eximbank financing, although the data refute this claim.

The final point to be made in connection with Piquet's argument is that, even though there may be more than one factor of importance in explaining changes in U.S. exports, the fact that I use only Eximbanks loans as an explanatory variable does not discredit the ability to test the significance of Eximbank loans. That is, in particular, this simple model does not bias the results against the significance of Eximbank loans as an explanation of changes in U.S. exports. In fact, the bias would tend to operate in the opposite direction—in favor of the importance of Eximbank loans. This results from the fact that the standard error of the estimated coefficient of Eximbank loans would generally be smaller in the case where Eximbank loans is the only explanatory variable than in the case where additional variables are included. In the case where Eximbank loans is the only explanatory variable the variance of the estimate is given by

$$\sigma u^2/\Sigma (x_i-\bar{x})^2,$$

where

$$\sigma u^2$$

is the variance of the disturbance term. In the case where an additional variable

$$Z_2$$

is included with Eximbank loans, the variance becomes

$$\sigma u^2/\Sigma (x_i-\bar{x})(1-r^2),$$

where r^2 is the simple correlation between Eximbank loans and the variable

$$Z,$$

and necessarily takes on a value between zero and unity. Therefore, the variance is smaller in the first case, and so is its square root or standard deviation.

Piquet concludes his argument with the following chain of reasoning:

"Exports don't just happen. For the most part, they are closely intertwined with financing." (p. 12)

"Professor Bohi has not proved his points and the refutations of his arguments support a strong presumption that the Eximbank has been doing an effective job." (p. 17)

"Because of the strong presumption that the Eximbank has facilitated increased exports, it follows that its activities should be expanded." (p. 17)

This chain of *non-sequitors* boggles the mind. Even if Piquet had demolished my arguments, it does not follow that the Eximbank has been effective. Clearly, exports don't just happen, but even if they are 100% dependent on financing, it does not follow that Eximbank credits are necessary. The argument to expand the Eximbank is based on absolutely no evidence or other analysis that the Eximbank programs deserve to be expanded. The Eximbank has had a long tradition of simply *presuming* that its programs are worthwhile and effective and Mr. Piquet's paper gives us more of the same. Why is it that the Eximbank can do no better than assert its effectiveness? Why can it not hire consultants that will seek to demonstrate its effectiveness? I would summarize the results of my original paper as simply implying that, or the basis of available evidence, there are no grounds for arguing that an expansion of the Eximbank will effectively promote U.S. exports. This does not say that they are or are not effective, but that the evidence is negative, and the Eximbank should demonstrate the value of its programs.

INSTITUTE FOR
INTERNATIONAL ECONOMIC STUDIES,
November 1, 1972.

Senator WILLIAM PROXMIRE,
Chairman, Joint Economic Committee, Congress of the United States, Washington, D.C.

DEAR SENATOR PROXMIRE: Enclosed is a brief report on the issues raised in the Bohi and Piquet discussions of the effectiveness of the Exim bank, which you requested in your letter of Sept. 29, 1972. I think the report is pretty self-contained, so I won't comment here on the substance of the studies. I was disappointed in the quality of the Bohi paper, in that it left such wide openings for Piquet to shoot at.

The basic questions for expansion of the Exim Bank should be (a) do U.S. credit markets discriminate against U.S. exporters, and (b) if so, does the Bank repair this discrimination? I find it hard to imagine that credit markets do so discriminate, and in the absence of a strong showing that they do, would vote not to expand, but perhaps to curtail, the Bank's activity.

I hope my comments are useful to you. I enjoy feeling useful to policy makers in Congress, so feel free to call on me when you have questions concerning these sort of matters.

Sincerely,

WILLIAM H. BRANSON.

EVALUATING THE EXIM BANK: COMMENTS ON BOHI AND PIQUET

(By William H. Branson)

I. INTRODUCTION AND SUMMARY

The following comments respond to Senator William Proxmire's request for an evaluation of the arguments in the two papers:

Douglas R. Bohi, "Export Credit Subsidies and U.S. Exports: An Analysis of the U.S. Eximbank," JEC Compendium, *The Economics of Federal Subsidy Programs*, June 11, 1972.

Howard S. Piquet, "Reply to Bohi", mimeographed, Washington, August 7, 1972.

Following Sen. Proxmire's request, section II below discusses the proper methodology for evaluating the activities of the Export-Import (Exim) Bank. Sections III and IV criticize the Bohi and Piquet papers in light of the methodology suggested in section II. Section V summarizes.

Briefly, the conclusions are as follows.

1. Bohi's methodological approach is about right, while Piquet uses no organized approach but simply snipes at Bohi. A much better job could be done along Bohi's lines. (Maybe he should take another crack at the problem).

2. The evidence marshalled by Bohi, basically against expansion of Exim Bank activities, is weak and in places irrelevant. Piquet's

paper favoring the expansion is weaker yet, presenting little evidence and several logically inconsistent arguments.

3. There is no showing in either paper that expansion of the Exim Bank activities is warranted. In the absence of such evidence, expansion should not be permitted.

II. EVALUATING THE EXIM BANK

The agreed objective of Exim Bank activities is to increase U.S. exports by providing exporters either credit that would not otherwise be available or better credit terms than they can get from private sources. The point is to get more resources allocated to the export industries than we would have if the private sector were left to its own devices.

FALSE AND TRUE JUSTIFICATION OF THE EXIM BANK

There are a number of false justifications presented in the Bohi report end the Piquet rebuttal for expanding the export sector through the Exim Bank credit mechanism, and one good justification, on which evaluation should focus.

First, the false justifications:

a. Exports should be increased for balance-of-payments reasons. We know that if the U.S. exchange rate is near equilibrium, there is no need for special attention to exports. If the exchange rate is not near equilibrium, it should be changed.

b. Exporters should get preferential credit treatment (relative to companies that sell only domestically) because foreign governments give their exporters such treatment. If foreign governments want to subsidize U.S. consumers' purchases of foreign goods, so much the better for U.S. consumers! Why should the U.S. reciprocate? If the subsidy generates a U.S. payments deficit, a small devaluation will offset it.

c. The Exim Bank can shield exporters from the effects of monetary policy. Why should U.S. producers that sell in foreign markets be less exposed to the effects of monetary policy than U.S. producers that sell in the U.S.? This makes no sense unless one simply wants to reduce business risks for exporters as a class.

I won't list the implicit objective that comes to mind in reading the Piquet paper; that the point is simply to subsidize exporters for no good reason at all.

The possibly correct justification is:

d. Exporters are at a disadvantage in competing with non-export firms in domestic credit markets. If so, there is a good reason for removing that disadvantage in order to get the "right" allocation of resource to the export industries.

QUESTIONS TO ASK IN EVALUATION

Viewed in this way, it is apparent that the first question is

1. Are exporters, in fact, discriminated against or at a disadvantage relative to non-export firms in domestic credit markets? If so, a credit market instrument like the Exim Bank is justified.

The Bohi report is on the right track in asking this question (p. 165). The evidence is none too convincing, though, and the report slips into accepting false justification (b) above at the bottom of p. 165. Note here that the quote from Kearns (Bohi, p. 169) implies that this justification does not exist. He claims that the Exim Bank gives our exporters a "real competitive advantage" over foreign competitors, while the objective should be to remove a disadvantage relation to domestic competitors for credit.

The second question, assuming we can show that the answer to the first is yes, is

2. Is the particular instrument being used, the Exim Bank, doing the job? Here we want to know the effects on exports. We also would like to subtract from the desired effects the reduction in the effectiveness of monetary policy caused by the Exim Bank. Here the Bohi report is again on the right track on pp. 171-3 and in the Appendix. But the evidence again, is inconclusive.

So in response to the specific question on methodology, I'd say Bohi's paper has the right approach in general, but does not present convincing evidence either way. Piquet's paper does not attempt an orderly evaluation of the problem, but simply snipes at Bohi, who offers many targets.

III. COMMENTS ON THE BOHI REPORT

While the Bohi report takes basically the right approach to the question, it overdoes the negative arguments considerably. Some arguments are stretched until they lose credibility; some are irrelevant; and the empirical evidence in the appendix is at best unconvincing. Specific comments follow.

Page 162—In first paragraph some possible third-order effects in the balance of payments are discussed with no evidence that they are at all important in fact. Also this negative point concerning balance-of-payments effects is relevant only if you accept false justification (a).

Page 163—At top of page, possible losses of employment from squeezing out domestic investment is introduced. This is likely to be unmeasurably small and not to happen at all if fiscal and monetary policy maintain full employment.

Page 164—The entire argument from second paragraph to end of page is silly. If the loan will place a net burden on the borrowing country, it doesn't have to accept it.

Page 167—Asserts that a large expansion of Exim Bank loans would substantially substitute for private credit. The other possible outcome is to transfer resources to low-productivity marginal export industries.

Page 169—The quote from Kearns says that Exim Bank activities give U.S. exporters a "real competitive advantage". If this is so, Exim Bank is too big now. The object is to remove disadvantage relative to domestic bidders for credit, not to give an advantage over foreign sellers.

Page 170—If U.S. firms are at a "price disadvantage" we should devalue or disinflate, not distort credit markets.

Pages 171–2—The discussion beginning in the middle of the page is beside the point. Nobody argues that credit terms are the source of U.S. comparative advantage. It's true that credit terms have only a marginal effect on exports, but it is just this margin that we're interested in. This problem goes on to page 173.

Appendix—These simple regression results are worthless and should be ignored.

The Bohi report brings in so many irrelevant and thin arguments that one gets the impression that the conclusion came before the analysis. But the basic approach is right, which is more than can be said for Piquet.

IV. COMMENTS ON THE PIQUET REBUTTAL

The Piquet rebuttal is basically a series of critical comments on the Bohi report, with no underlying methodology of its own. I do not think the Piquet paper should be taken seriously. The flaws in its internal logic are apparent from the brief summary at the top of page 2. If the Exim activities are not subsidies, why should they expand exports or otherwise affect exporters' behavior? Assertions (1) and (2) of Piquet's are an attempt to take both sides of an argument: the Exim Bank does not subsidize but it still expands exports. Assertion (3) does not follow from (2), even if it were true. Should we expand all activities that expand exports?

There is one major point in the Piquet paper that needs slightly extended comment before turning to details. This is the question of whether Exim Bank credits are subsidies, on pp. 2–5. Piquet fashions a definition of subsidy that is nonsense and defines Exim Bank activity as non-subsidy. The fact, for example, that Exim Bank makes profits (on p. 4) does not mean it does not subsidize its debtors. The question is, does it provide credit terms easier than they can get in the market? If so, they're subsidized. The logical conclusion from Piquet's argument is that if Exim borrowing rate is below GM's, Exim borrowing to lend to GM isn't a subsidy if Exim is turning a profit. A more reasonable definition of subsidy is that given by Peggy Musgrave in the paper following Bohi's (Musgrave, p. 178). By this definition, Exim Bank activities are subsidies; the question is, are they worth it? This question Bohi tries to answer, if inadequately. Piquet tries to deny there's a question.

Specific comments on Piquet follow:

Page 8—Bohi recognized the fact that Exim Bank gets 6 per cent. See Bohi, p. 159.

Pages 11–12—Discussion of Bohi's empirical results reveals misunderstanding of econometrics (or statistical) procedure. A random error term is not "*constant*" *(p. 11)*. And the whole point of multiple regression is to take into account many determinants of one result (p. 12). It is too bad Bohi didn't use multiple regression.

Page 13—Why guarantee fixed loan rates to exporters and not to domestic firms? The fact that other countries do it is irrelevant. If they make that mistake and subsidize our imports, why should we reciprocate?

Page 16—If commercial banks aren't willing to provide long-term export finance because export business is riskier than domestic business, that's good. We want lending terms to reflect risk .

Page 17—Conclusion in first full paragraph is a non-sequiter. Assuming Exim Bank does increase exports, it does not follow that we should increase Exim activity unless we want exports to increase indefinitely, which is silly.

I am not going to comment specifically on Piquet's part B. which is mainly shooting down the sitting ducks Bohi has set up. Many of these were mentioned already.

V. CONCLUSION—HOW TO DECIDE ON EXIM BANK EXPANSION

Basically, the Exim Bank is an interference with the workings of the credit markets, justified by (a) the assumption that credit markets discriminate against exporters and (b) that the Exim Bank can eliminate this discrimination. One reasonable procedure in deciding whether to extend this activity (or to permit it in the first place) is to require convincing evidence that both conditions are met before deciding yes. This places the burden of proof on the proponents of interference. If we reversed this presumption, there would be no block to increasing and indiscriminate interference, since hard evidence that these conditions are not met is difficult to produce, as we see in the Bohi report.

On balance between the Bohi and Piquet papers, we have some inconclusive evidence that the conditions are not met, provided by Bohi, and some unsupported assertions that they are met, by Piquet. I'd rate this a stand-off with a small edge in favor of Bohi, and thus suggest no expansion of Exim Bank activity. In particular, the Piquet reasoning that the Exim Bank must somehow have increased exports, therefore a large increase in Exim Bank activity is justified, should be rejected.

MASSACHUSETTS INSTITUTE OF TECHNOLOGY,
Cambridge, Mass., October 6, 1972.

Senator PROXMIRE,
Congress of the United States, Joint Economic Committee, Washington, D.C.

Hon. SENATOR PROXMIRE: I have your letter of September 28, with its enclosures about the Export-Import Bank. I assume you do not want me to offer you a point by point analysis of the many arguments on both sides of the debate between Bohi and Piquet, and I do not know enough about the subject, nor have I the time to inform myself in the necessary detail, to make a fine judgement on the complete range of argument.

On a general level, I must say that I agree with Bohi that the Export-Import Bank is a subsidy to exports, and find Piquet's argument against this view thoroughly unpersuasive. The question is not whether the Export-Import Bank earns a positive return, but whether it offers credit to exporters on terms which are below commercial rates, and on risks which would be unacceptable to commercial lenders. This it surely does. The fact that other countries do likewise and that the Export-Import Bank acts to prevent competitive losses to American exports is beside the point. The actions of the bank are a subsidy.

At the same time, I side with Piquet in thinking that the empirical demonstration of Bohi "proving" that the loans of the Export-Import Bank do not affect the level of exports, either by country or by commodity classification, is thoroughly unsatisfactory. I am not an econometrician nor a penetrating student of the subject, but the Bohi techniques appear to me to be rudimentary, and the Piquet criticism of them compelling. The Piquet qualitative evidence from interviews, however, is not in its turn persuasive. I suggest that the subject needs a new investigation from an expert econometric consultant like Robert R. Nathan and Associates in Washington or Charles River Associates in Cambridge, Mass.

You ask whether I have any suggestions about evaluating the effectiveness of the Export-Import Bank? I fear I start with an anterior question, whether I like the essentially mercantilist purposes of the bank in pushing exports. It may be necessary to counter the similar efforts of other countries. I should prefer to see an attempt by the Department of State to make the Berne Agreement work. Mr. Piquet writes about the Berne agreement as if it were successful. My limited information, on the other hand, suggests that the agreement has broken down virtually entirely, especially on the question of limiting credits to the Eastern bloc. It would seem to me most unwise for the Export-Import Bank and the similar entities in Western Europe and Japan to escalate the subsidy of exports to Eastern Europe, with greatly enhanced risks of impairing Eastern credit standings.

Let me repeat that in all this my prejudices are insufficiently supported by information, and that in the press of other duties and commitments, I lack the time to provide a searching and well-informed answer to your queries.

Sincerely yours,

C. P. Kindleberger.

Harvard University,
Department of Economics,
Cambridge, Mass., October 12, 1792.
Hon. William Proxmire,
Chairman, Joint Economic Committee,
U.S. Senate, Washington, D.C.
Attention: Mr. Douglas Lee.

Dear Senator Proxmire: I am writing this in response to your letter dated September 29th. You asked in it for my appraisal of the contradictory views of the U.S. Eximbank presented in two papers that were submitted to your Committee, one by Howard S. Piquet of your own staff and the other by Douglas R. Bohi who is apparently in some way associated with the Bank.

I do not feel that a reliable methodology now exists, or could be developed, capable of measuring in meaningful quantitative terms the effect of export credit granted and credit insurance provided by the Bank on the U.S. exports to specific countries or U.S. exports of specific goods. For reasons which Mr. Bohi correctly states, the underlying economic relationships are far too complex to be identified and measured by the procedure described in the Appendix to Piquet's paper or by any other statistical techniques. Deductive reasoning, or should we call it commonsense, however, leads me to believe that a powerful banking institution sponsored and unconditionally backed by the credit of the United States Government can and actually does offer particularly advantageous terms to the sellers and the foreign buyers of U.S. goods, the export of which it chooses to support.

The amount of capital that such government sponsored institutions can raise and the combined volume of credit guarantees that the United States Government can prudently provide are *limited*. The decision to use these credits and these guarantees to enable foreign buyers to purchase certain U.S.-made goods under particularly favorable conditions obviously represent selective dispensation of special favors to exporting industries, to foreign buyers, or to both. These credits and these guarantees could, instead, be used to finance public housing or, say, to encourage small domestic enterprise.

While it might be questioned whether the activities of the Eximbank could be interpreted as a simple and direct subsidy to certain types of export business, there can hardly be any doubt that the special benefits dispensed by these means are tangible and real and that they could and possibly should be offered instead to other types of private or public economic activities.

To the extent to which the foreign trade policies of the United States Government are aimed at promulgation of free international exchange of goods and services, rather than promotion of Government-sponsored cutthroat competition, the functions of Eximbank do not fit well into the picture. A large increase in the scale of its operation would have to be interpreted as a step up in dispensation of special government favors. Moreover the benefits to the American exporters might turn out to be short-lived. In the present state of international competition, such action can be expected to elicit compensating or retaliatory counteraction.

Please do not hesitate to get in touch with me again in connection with this or any other problem should need to do so arise.

Sincerely,

Wassily Leontief.

Program Analysis Division,
Arlington, Va., November 15, 1972.
Mr. Douglas Lee,
Committee Staff, Joint Economic Committee, Congress of the United States, Washington, D.C.

Dear Mr. Lee: In response to your phone request and Senator Proxmire's letter of September 29, 1972, I have enclosed a commentary on the two papers discussing the U.S. Eximbank.

I had no prior opinion about the usefulness of the Eximbank. It is my opinion that Professor Bohi has a philosophical bias against the Eximbank that shows up in his analysis. Dr. Piquet's paper is a straightforward refutation of Professor Bohi's paper.

I believe that a more sophisticated statistical analysis, as outlined in my comment, could settle the question of the value of the operations of the Eximbank for promoting exports. The question of whether or not the Eximbank's operations represent a subsidy could also be settled by a quantitative study. The question of the best way, for the cost, of promoting exports is not one which can be solved by a purely economic analysis.

If I may be of further help to you, please feel free to contact me.

Sincerely,

Bruce Taylor Grimm.

Enclosure.

A Comment on Two Papers Evaluating the Effectiveness of the U.S. Eximbank

(By Bruce Taylor Grimm)

Two papers on the effectiveness of the U.S. Export-Import Bank (Eximbank) strongly disagree on the effectiveness of the bank in promoting U.S. exports. The first paper, "Export Credit Subsidies and U.S. Exports: An Analysis of the U.S. Eximbank", by Professor Douglas R. Bohi, attempts, by analytical argument, to establish the lack of worth of the Eximbank programs. It also presents a simple statistical analysis which fails to demonstrate the effectiveness of Eximbank loans. The second paper, "'Export Credit Subsidies and U.S. Exports: An Analysis of the U.S. Eximbank', by Douglas R. Bohi—A Reply", by Dr. Howard S. Piquet, is largely a refutation of Professor Bohi's analysis. Dr. Piquet also outlines, in his paper, an argument for the effectiveness of Eximbank programs in expanding U.S. exports.

Professor Bohi's paper contains four sections. After an introductory summary, the first section outlines the major operations of the Eximbank over the last decade. The second section examines the benefits and costs of the Eximbank loans program using a simple partial equilibrium framework. The third section presents statistical analysis, using both real data on international financial operations and hypothetical numbers to argue that Eximbank loans are not needed given the competitiveness of private U.S. credit. The fourth section outlines a hypothesis about how credit provision affects exports. It also summarizes the results of ten regressions made to attempt to test the hypothesis. I have a number of reservations about Professor Bohi's analyses. As my reservations are included in the arguments found in Dr. Piquet's paper, I shall not present them in this comment.

Dr. Piquet's paper begins with a discussion of the mission and operation of the Export-Import Bank. He discusses what the operations of the Eximbank are and what their magnitudes are. He uses this discussion to support an argument that the Eximbank is a true bank, although it has a unique function in financing exports. He also argues that private banks do not and do not wish to provide the type of financing of exports provided by the Eximbank.

Dr. Piquet also argues that, as the Eximbank makes a profit, its operations do not represent a subsidy for exports. The counterargument to this is that private banks would charge higher interest rates, be more profitable, and provide a better sum of interest income. Any resolution of this conflict of claims could only be made with a very detailed careful empirical investigation. I believe that the question of whether or not the Eximbank's operations represent a subsidy must remain moot unless a very great amount of effort is put into its solution.

Dr. Piquet further argues that Professor Bohi's empirical analysis is too simplistic and that, in fact, no adequate statistical test can be made to settle the question of the effectiveness of Eximbank operations. I agree with the first part of this argument, but not the second. Dr. Piquet points out, quite correctly, that Professor Bohi did not take into consideration the entire mix of characteristics which make export sales but concentrated only on price and financing.

A weakness of Dr. Piquet's arguments in this section is that he fails to make a case that there is no other way to efficiently perform the credit functions of the Eximbank. Hence, he fails to establish what he claims (p. 7) is a "strong presumption of the facilitation of exports."

In the second section of his paper, Dr. Piquet summarizes and refutes the major assertions of Professor Bohi's paper. I believe that Dr. Piquet's arguments are correct, given the terms of reference of the two papers. In a few cases, however, I have some comments to make. These are listed below. The quotes are from Dr. Piquet's paper.

"*Asssertion I*. Eximbank lending can have an adverse effect on the U.S. balance of payments". (The argument is that loans, if not offset by additional exports, damage the balance of payments). Neither author points out that when the loans are repaid, with interest, the overall long run gain to the balance of payments is the increase in exports plus interest paid. The repayment of the loan offsets its previous balance of payments cost.

"*Assertion III*. Export credits should be used as a counter-cyclical device". (The argument is that export credits have a high opportunity cost during tight-credit periods of booms). Dr. Piquet points out the difficulties of trying to use long lead time financing arrangements counter-cyclically. Neither author points out that monetary policy can easily be used to neutralize the credit demands of export financing during tight credit periods.

"*Assertion V*. There is no shortage of private capital to finance exports . . ." Professor Bohi argues that aircraft sales with increasing private credit shares over the recent past demonstrate the availability of sufficient private credit availability for export financing. Dr. Piquet counters that prior commitment of credit arrangements, which is hard to get from commercial banks, is essential to many export sales. The Eximbank supplies this commitment and also has strongly expanded guarantee programs for private credit. Mixed private and Eximbank financing also allows advantageous export financing terms. Dr. Piquet's arguments fail to fully counter Professor Bohi's. The assertion is therefore neither proven nor disproven.

"*Assertion VI*. Because the cost of private credit in the United States is lower than the cost of private credit abroad, there is no need to subsidize U.S. exports through Eximbank lending". The argument is based on long term government bond rates in the U.S. and abroad. Dr. Piquet argues that increased foreign government efforts to encourage exports may affect the interest cost differential, as will the U.S. bank flexible interest rate lending policy. This does not fully refute Professor Bohi's argument. A comparison of effective private lending rates of the U.S. and its competitors would be a good way to resolve the question.

"*Assertion X*. The ineffectiveness of Eximbank activities can be demonstrated mathematically". Professor Bohi did very simple regression analysis on limited data. Dr. Piquet points out the analysis is inadequate to test the hypothesis of Eximbank effectiveness. His arguments are correct, but not comprehensive.

Professor Bohi's first set of regressions, of changes in exports relative to changes in Eximbank authorizations for various countries, leave out all the other factors which may affect export levels. Further, they do not work with specific commodities where financing might be important even though the effect of financing would be lost in aggregating over time. The very low coefficients of multiple determination (R^2) also point up the inadequacy of the questions in explaining export changes.

Equations (3) and (4) do reject the hypothesis of no effects of Eximank financing on exports if a loose .7 level of confidence is used. Professor Bohi also seems to have used a "two tailed" test to obtain his results. The correct test for the hypothesis that Eximbank financing does not increase exports is a less demanding "one tailed" test. The same regressions also fail to reject, at the .7 level of confidence, the hypothesis that there is a one-for-one change in the value of exports with a change in the level of Eximbank authorizations. Professor Bohi's hypothesis that Eximbank loans do not affect experts is certainly not accepted by his statistical tests.

The fifth, sixth, and seventh regressions use a coarse commodity breakdown with, again, meaningless results. Negative coefficients and huge swings in measured R^2 statistics point up the lack of meaning for the regression equations. The categories of goods are much too gross and the necessary additional breakdown by countries is not made.

The eighth, ninth, and tenth regressions reverse the independent and dependent variables of the first, sixth, and seventh equations. The above objections hold. Further, the casual relationship cannot work both ways. For these to be meaningful tests, the other equations would be worthless.

A more sophisticated statistical analysis would provide a much better test of the hypothesis that Eximbank loans do not help exports. A breakdown both by commodities, finer than that used by Professor Bohi, and by countries should be used. More data should be gathered so that both cross section and time series analysis could be performed. Further, the large swings in R^2 found by Professor Bohi would be reduced if a longer time period were used for changes in exports levels and the explanatory variables.

A much more sensitive test of export performance could be made by using changes in the U.S. share in the total exports of commodities, to other countries. as the dependent variable. It is vital to examine changes in relative prices, income levels, cyclical demand pressure, and competitive world financing, and a variable simulating time related trends, as well as Eximbank authorizations as explanatory variables. The methodology for using this approach is an accepted and successful part of quantitative economic analysis. It has proven to be sensitive to changes in various aspects of export competitiveness.[1]

Dr. Piquet substantially refutes Professor Bohi's arguments. Dr. Piquet does so by demonstrating that Professor Bohi has been overly simplistic in his analysis and has frequently failed to consider all aspects of export competition and the workings of the Export-Import Bank. Dr. Piquet, however, with the except for mentioning his discussions with importers, exporters, and bankers, has failed to establish a "strong presumption" that the Eximbank is important in promoting exports.

A careful statistical analysis, of the sort suggested above, should be able to establish this presumption if it is true. It is unlikely, however, that this sort of analysis would even prove Professor Bohi's hypothesis of lack of effect for the Eximbank. A critic could always argue that more sophisticated techniques might lead to a rejection of the hypothesis.

Neither author really addresses what is the central question about the Eximbank. The problem is whether or not the Eximbank is the best way, for the cost, to encourage exports. In addition, the question of whether the export encouraging agency should be government or private is not one which cannot be answered by conventional economic analysis. This is a question of political economy, which is the province of congress, and not of economic theorists.

October 20, 1972.

Senator William Proxmire,
Chairman, Joint Economic Committee, U.S. Congress, Washington, D.C.

Dear Senator Proxmire: The following are some comments in response to the questions you raised in your letter of September 29, 1972 about the problems of selecting an appropriate methodology for evaluating the role of the U.S. Export-Import Bank in furthering exports. The studies of Professor Bohi and Mr. Piquet used sharply differing methodologies and arrived at sharply contrasting conclusions.

Professor Bohi utilizes statistical models while Mr. Piquet uses an institutional approach dealing with the relative availability of export credits. Neither approach, as it now stands, appears to me to provide a satisfactory basis for making valid inferences about the effectiveness of the Ex-Im Bank. However, Mr. Piquet, by discussing the structure of the credit markets, appears more persuasive than Professor Bohi.

The basic model employed by Professor Bohi suffers from over simplification as Mr. Piquet points out in his study (page 45 et seq.). Bohi's is a simple two variable linear model. He relates changes in U.S. imports to changes in the Ex-Im's authorizations. (See Appendix of his study.) Clearly, changes in exports depend on many other factors, such as relative credit conditions, relative prices, etc. The fact that Professor Bohi's regressions mostly yield either perverse results (wrong signs) or statistically insignificant coefficients seems to confirm the view that the specifications of the model were inadequate.

Thus, we cannot conclude that the use of models *per se* is inappropriate for trying to test the effectiveness of the U.S. Ex-Im Bank. Whether, however, it would be possible to develop the statistics necessary to test a more complicated model is difficult to say. The chances are that the data are not likely to be adequate.

One final point about Professor Bohi's results: in one of his models he finds that "the implication is that the Ex-Im Bank shifts its loans from commodities showing growth in world markets to commodities that are declining." (Page 75, *The Economics of Federal Subsidy Programs*, Part 2 International Subsidies.) Professor Bohi does not test the validity of this statement which, it seems to me, can easily be done. The data are available. In fact, the conclusion, if true, could have been developed directly without the model.

On the other hand, Professor Piquet's approach seems to me to be too general. What is lacking is an in-depth analysis of a sample of the Ex-Im Bank loans and other activities showing what the conditions were which led to the loan and what might have happened to U.S. exports if the loan or other authorizations were not available. This, I recognize, would involve a great deal of judgment, but I see no way to avoid this. The file of the Ex-Im Bank should provide a good starting point. Only on the basis of a case-by-case analysis would one be able to reach reasonably satisfactory conclusions. In addition, a more general analysis of patterns of loans and other aid by countries and by types of commodities should be helpful in throwing light on the subject.

In the above comments and suggestions I have restricted myself to the issue of how to appraise the initial impact of the Ex-Im Bank's activities on the U.S. exports. By this I mean the question whether the Ex-Im Bank finances exports that would or would not have been made in any event to the same extent. I do not deal with the other issues that Professor Bohi raises which go the ultimate impact of such exports such as their effect in time on the general U.S. export position. These, it seems to me, are part of the more general question of the benefits and losses of international trade and more appropriately discussed in another context.

I trust that these comments will be of some assistance to your Committee's deliberations. I appreciate your courtesy in permitting me to give you my views.

Sincerely,

Benjamin Caplan.

THE INTERNATIONAL EFFORT TO DEAL WITH AIR HIJACKING AND TERRORISM

Mr. JAVITS. Mr. President, a matter that is of great concern to me and, indeed, to the whole civilized world are the barbaric acts of skyjacking and terrorism that continue to jeopardize the safety of all of mankind which travels by air. On September 8, I addressed the Senate on the subject of the Convention of the Legal Subcommittee of the International Civil Aviation Organization, convened in Washington at that time to consider a United States-Canada draft proposal that would require suspension of all air service with any nation that did not punish or extradite airplane hijackers and terrorists. I ask unanimous consent that this statement be printed in the Record at the conclusion of my remarks.

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[1] See, for example, F. G. Adams, H. Eguchi, and F. Meyer-zu-Schlocktern, *An Econometric Analysis of World Trade*, (OECD, 1969).

Following the ICAO Convention, I expressed to Secretary of State Rogers my concern for the need of the civilized world to put a stop to these barbaric acts of skyjacking and terrorism. I have recently received a response from the Department of State, which gives up-to-date information on the various international efforts on several fronts that are being pursued effectively to deal with the threat of skyjacking and terrorism. I ask unanimous consent that this correspondence with Secretary Rogers—released with the permission of the Department of State—be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Javits Calls for Unilateral U.S. Action Against Hijacking if Other Nations Fail to Act

(Statement by Senator Javits)

Mr. President, I have taken the time this morning to call the attention of the Senate and of the country to a conference here in Washington which is taking place right now and has such a great opportunity to strike a blow for justice. It could provide the only memorial that the dead Israeli athletes, I believe, would want. The signs, at the moment, are not favorable for the attainment of this very limited objective.

The occasion is the meeting of the Subcommittee of the International Committee on Civil Aviation which is an organ of the United Nations and which is trying to work out a treaty against plane hijacking.

This week, which has seen the barbarous murders in Munich, has also seen a checkered pattern of national indulgence in concerns with interests which should be subordinate to the overriding interest which the world faces in regard to this matter, so as to leave even the most ardent believer, like myself in the doctrine of international cooperation, profoundly concerned and even shaken.

Now, Mr. President, what is the meeting trying to accomplish?

The United States and Canada have proposed to a group of 17 nations a multilateral agreement, or treaty, which could be subscribed to by the principal nations of the world, which are the communications centers of the world, saying that any nation would be required to suspend air service with any other nation that did not punish or extradite airplane hijackers or saboteurs.

First and foremost, Mr. President, the treaty should be expanded to include the harboring of terrorists, giving them sanctuary, money, a place to train, and an opportunity to operate. Indeed, it is precisely the same kind of piracy which we encountered in hijacking.

Mr. President, I urge that the United States and Canada submit these proposals to the 17 nations as an addition to the treaty or to the proposed multilateral agreement.

What has been the reception, inasmuch as the world has suffered enough hijacking and the mortal danger to passengers and property, in many cases already realized in deaths and destruction of property, jeopardizing the whole civilized system of transportation for all mankind?

We see, first, that the Soviet Union opposes the hijacking pact. That is the news of September 5, 1972. "The Soviet Union sharply opposed today'" says the report, "a United States-Canadian proposal for an international convention"—and then it goes on to describe that convention.

What is the reason why the Soviet Union opposes that convention?

Well, the Soviet Union says that the sanctions—to wit, cutting off air communication from any such violating nation, should be determined by the United Nations Security Council.

That is just a convenient way of stalling the whole undertaking and making it meaningless. The Soviet Union knows as well as we do that a veto by any one nation in the United Nations Security Council will kill off any hope of exercising any sanctions whatever, against a nation, no matter how flagrant the offender.

What is the French and the British attitude, Mr. President?

How could we possibly believe that two such great civilized nations as France and Britain would seek or move for a non-acceptance of this kind of agreement? What is the reason for it?

We find the answer, again, in one of the dispatches, that "Britain is concerned with what might happen to its airlines in the Middle East," says the dispatch.

France is concerned about being forced to boycott Algeria, which has hosted hijackers, and other African ex-colonies with which France still maintains strong economic ties.

How quickly mankind can forget the bloody history resulting from this kind of chauvinism reflected by these arguments.

So, Mr. President, it is absolutely essential to speak out against and to condemn any such narrow nationalism and to do one's best to call the attention of the people of the world, including the peoples of these countries, to what is being done and said in their name.

Mr. President, in addition to the other countries which oppose action, those on the list in opposition, there is also the country of Egypt. Mr. President, this is a nation whose prime minister had the gall to tell the world in connection with the massacre that occurred at the Lod Airport outside of Tel Aviv at the hands of agents of Arab terrorists and to proclaim and brag about the fact that this was their mission. The prime minister applauded the fact that at last a way had been found to defeat Israel.

Mr. President, what has been found is a way to destroy mankind's sense of security and to introduce anarchy into the affairs of mankind. That is all that has been found.

So, Mr. President, because I so deprecate the loss of the opportunity which is here presented in this international subcommittee meeting going on right now in Washington in which there is still a week remaining to do something, I urge the United States to give the utmost consideration to acting unilaterally, if international action is not possible, to exclude any country from any communication with us if that country offends mankind and morality by harboring or receiving hijackers or harboring, aiding, or giving sanctuary to such terrorists in their countries.

We are a very considerable force in the world. I think that all of the efforts to depreciate our importance to the whole world ultimately turns certainly toward matters that are economic and social. That includes Mainland China and the Soviet Union as well.

The fact remains that this country has 50 percent of the production capacity of all mankind and is so far ahead of the production of man on earth that it almost boggles the imagination. We are a moral people and a decent people.

Mr. President, it is time that other nations of the world realized that the United States is deeply serious about this matter and that we cannot accept, even if somehow other nations strain their moral fiber to do so, the position of some of these nations. They must be condemned rather than approved by mankind and by all the people of the world. We cannot accept any act of barbarism, lawlessness, or politics by murder in days when all sovereign nations subscribe to the United Nation Charter and seek a place in the world among civilized men and women. The countries that take this position will become accomplices to terrorism.

U.S. Senate,
Washington, D.C., September 26, 1972.
Hon. William P. Rogers,
Secretary of State,
Department of State, Washington, D.C.

Dear Mr. Secretary: In connection with the recent Convention of the International Civil Aviation Organization's Legal Subcommittee in Washington, I made the enclosed statement on September 8 urging the United States to take unilateral action if international action is not forthcoming, to suppress aid hijacking and terrorism and to act against any nation that aids hijackers and terrorists in any way. In my statement I called for expansion of the proposed U.S.-Canada treaty considered by the ICAO Convention to include sanctions against those nations harboring terrorists, giving them aid, sanctuary, money, a place to train, and an opportunity to operate.

In this regard, on September 21 by a voice vote the Senate adopted a Javits-Tunney amendment to the Anti-Hijacking Act of 1972 to authorize the President to suspend U.S. and foreign air service to and from the United States by any nation determined to have been "used as a base of operations or training or as a sanctuary or which arms, aids, or abets in any way, terrorist organizations which knowingly use the illegal seizure of aircraft or the threat thereof as an instrument of policy."

On September 16 I received a letter from the Ambassador of France, M. Jacques Kosiusko-Morizet, commenting on my September 8 statement. You will note Ambassador Kosiusko-Morizet's statement: "The French government is absolutely determined to do everything in its power to . . . contribute to eliminating the scourge of air piracy." A copy of the Ambassador's letter is enclosed for your information.

I would be very interested to know what steps the United States is taking to achieve an effective treaty to prevent and punish air hijackers and terrorists and to implement international sanctions against any nation harboring, aiding, or abetting these criminals.

With warm regards,
Sincerely,
Jacob K. Javits.

Department of State,
Washington, D.C. December 14, 1972.
Hon. Jacob Javits,
U.S. Senate,
Washington, D.C.

Dear Senator Javits: The Secretary asked me to respond to your letter of September 26, 1972, requesting a report on the status of our efforts to achieve effective international action against air hijackers and terrorists and any nations harboring, aiding or abetting them. I regret the lateness of this response, but your request arrived at a time of fast-developing events.

First, I want to thank you for the compliment to the Secretary on his address to the United Nations General Assembly. The Secretary has been devoting a great deal of time recently to the threat of international terrorism and has often expressed his personal concern and that of the President about this terrible problem.

With respect to air hijacking and air sabotage, the meeting in Washington September 4–15, which you mentioned in your speech, made considerable progress in drafting a convention for the enforcement of international norms for dealing with hijackers, aviation saboteurs and hijacked aircraft by joint action possibly including suspension of air services to a delinquent State. These international norms are incorporated in the 1963 Tokyo Convention which requires prompt return of hijacked aircraft, passengers and crew, the 1970 Hague Convention which requires the extradition or prosecution of hijackers, and the 1971 Montreal Convention recently approved by the Senate, which requires the extradition or prosecution of saboteurs attacking aircraft in service.

In an effort to expedite the process of drafting such an enforcement convention, on September 28 we asked the Council of the International Civil Aviation Organization to schedule a diplomatic conference as soon as possible to complete work on it. Meeting on November 1, after the Washington Conference's report of proceedings had become available, the Council called a special meeting of the full ICAO Legal Committee for January 9–30, 1973, to examine the report. At the same time, the Council also scheduled a conference of plenipotentiaries to adopt a convention on air security enforcement for August 21–September 11, 1973.

With regard to the broader problem of international terrorism, such as the incident at Munich, attacks on diplomats and explosives sent through the mails, we urged the 27th General Assembly to set in motion procedures which would have produced a draft convention for consideration and, hopefully, adoption late next year. We submitted a draft convention on terrorism which we hoped would provide a basis for the negotiation of a final convention. We were disappointed that a non-aligned resolution which contained no provision for concrete measures was adopted by the Sixth (Legal) Committee on December 11 by a vote of 76 to 34 (U.S. with 16 abstentions. We are seeking to have this unsatisfactory text amended in the plenary session of the Assembly.

We are also pressing for action on another new convention, the one on protection of diplomats which was drafted by the International Law Commission. This proposed Convention was recently considered by the U.N. General Assembly which decided to postpone action for a year and submit it to governments for further study so that work on the convention can be finished at the assembly's 1973 session.

I would like to make one further comment on the air security problem with respect to France's position. I appreciate your enclosing the letter sent to you from Ambassador Kosciusko-Morizet in which he notes France's active role in preparation of the Montreal Convention. At the end of the diplomatic conference in Montreal, however, France announced it would not sign the Sabotage Convention, which continues to be its position to this day. In a resolution the United States introduced to the ICAO Council last June calling for prompt ratification of the Tokyo, Hague, and Montreal Conventions and the maximum possible implementation of their provisions pending ratification, France requested a separate vote on each convention, and then abstained on the vote on the Montreal Convention. The Council adopted the resolution on June 19 (copy enclosed) by a vote of 17, including France, to 1. The specific vote on the Montreal Convention, however, was 21 in favor and none opposing, with 4 abstentions including France. Frankly, we do not fully understand France's objection to the Convention, which, as the Ambassador's letter notes, is precisely aimed at combatting air piracy. We still hope France will agree to sign and ratify this Convention.

Second, the Ambassador raises a question about the lawfulness of an air security enforcement convention which might impose an air blockade against a state outside the framework of Article 41 of the United Nations Charter. The French Delegation also raised this point at the recent Washington Conference. The Observer from the legal bureau of the United Nations submitted a paper to the conference which appears to resolve doubts on this matter. We believe ICAO members will take account of this paper as they develop their positions with respect to the air security enforcement convention. A copy of the paper is enclosed for your reference in any further exchanges with the Ambassador.

Please let me know if we can supply you with any additional information on any aspect of our efforts to combat international terrorism.

Sincerely yours,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

RESOLUTION ADOPTED BY THE COUNCIL ON JUNE 19, 1972

The Council deploring the continuing frequency of acts of unlawful interference which cause serious safety problems, endanger lives and undermine confidence in international air transport;

Mindful of the solemn declaration of the 17th Session of the Assembly condemning all acts of violence which may be directed against aircraft, crews and passengers engaged in, and against civil aviation personnel, civil airports and other facilities used by, international civil air transport;

Recalling the resolutions of the ICAO Assembly, the United Nations General Assembly and the Security Council relating to unlawful interference with international civil aviation;

Calls Upon Contracting States to implement to the fullest extent possible the security measures contained in Resolution A17–10, which are amplified in the ICAO Security Manual, and to report, as soon as possible and not later than 31 October 1972, on measures they have taken to implement them, for review and analysis by the Council within 30 days of that date, and DECIDES that all communications in this field with Contracting States should be treated as being of a strictly confidential character;

Directs the Legal Committee to convene immediately a special Subcommittee to work on the preparation of an international convention to establish appropriate multilateral procedures within the ICAO framework for determining whether there is a need for joint action in cases envisaged in the first Resolution adopted by the Council on 1 October 1970 and for deciding on the nature of joint action if it is to be taken;

Urges Contracting States to co-operate in the development of practical and effective security provisions which may form the basis for the adoption of ICAO Standards and Recommended Practices at the earliest possible date, so that the uniform application of such Standards and Recommended Practices will enhance the safety of civil aviation;

Urges States to become parties as soon as possible to the Tokyo Convention on Offences and Certain Other Acts Committed on Board Aircraft; The Hague Convention for the Suppression of Unlawful Seizure of Aircraft; and the Montreal Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation;

Urges States, in the interim prior to their becoming parties to the above-mentioned Conventions, to observe to the maximum extent possible under their national laws the provisions of those Conventions.

STATEMENT BY THE UNITED NATIONS OBSERVER

With regard to the question whether the provisions of Articles 39 and 41 of the United Nations Charter on sanctions which may be decided on by the Security Council are exclusive of all other collective sanctions imposed by other means, it may be pertinent to make some remarks about the Charter and to cite certain actions of States within the framework of the United Nations.

It is evident that any decision of the Security Council which under the Charter is binding on States takes precedence over their obligations under any other international agreement; this is expressly provided in Article 103 of the Charter. One form of binding decision of the Security Council is sanctions decided on under Article 41, after the determination of the existence of a threat to the peace breach of the peace or act of aggression under Article 39. If the Council decides upon such measures, then obviously any inconsistent sanctions imposed under any other agreement must cease to apply. But what if the Security Council has made no determination under Article 39, and has not decided on measures under Article 41? If there is no threat to the peace, breach of the peace or act of aggression, then the Security Council will presumably not impose sanctions. Have States, acting within the United Nations framework, recognized the possibility of collective action in such circumstances?

In at least one field States have recognized such a possibility, i.e., in the United Nations narcotics treaties. The system of international narcotics control, ever since a treaty concluded in 1925, has envisaged the imposition of an embargo on import or export, or both, of narcotics from or to a country or territory where a situation exists which endangers the aims of the control system. The earlier treaties were taken over and amended by the United Nations, without eliminating this feature. In 1953 a United Nations conference adopted the Protocol for Limiting and Regulating the Cultivation of the Poppy Plant, the Production of, International and Wholesale Trade in, and Use of Opium. This Protocol provides, in articles 12 and 13, for a mandatory embargo which may be imposed by the Permanent Central Narcotics Board either upon a party or upon a non-party to that treaty. The conference which adopted the Protocol was called by the Economic and Social Council, which in doing so had before it a draft treaty providing for the mandatory embargo. The Opium Protocol entered into force, and has probably not yet been completely superseded by later treaties.

Other narcotics treaties, in particular the Single Convention on Narcotic Drugs, 1961, and the Convention of 1971 on Psychotropic Substances, also provide for an embargo by States against both parties and non-parties in respect of all substances covered by the Conventions, although, like the treaties before 1953, they authorize the international organ concerned only to recommend an embargo rather than taking a mandatory decision.

Mention may also be made of the constitution of the International Labour Organization, as it existed at the time that the General Assembly approved the relationship agreement which made it a specialized agency of the United Nations. It was provided therein that any member could file a complaint against any other member for failure of effective observance of an international labour convention to which both were parties; and that the complaint could be referred to a Committee of Enquiry, which could indicate "economic sanctions" against the member at fault, which could, as a last resort, be applied by the other members.

It is not desired to draw any conclusion as to whether the legal situations under the treaties which have just been mentioned constitute fully applicable precedents in regard to the problem under discussion in the Subcommittee. It may nevertheless be observed that in some circumstances States have considered that the provisions of the Charter on sanctions by the Security Council did *not* necessarily exclude the possibility of providing for sanctions in certain other agreements.

NIXON ADMINISTRATION SLASHES IN FARM AND RURAL PROGRAMS ARBITRARY, UNFAIR AND CALLOUS

Mr. HUMPHREY. Mr. President, the Nixon administration has moved in recent weeks to either terminate or sharply cut back a number of farm and rural development programs enacted and funded by Congress to strengthen and improve income and other opportunities for farm and rural citizens. All of these actions were taken without advance notice or consultation either with the Congress or the people affected.

In short, I believe these actions by the Nixon administration are arbitrary, unfair, and reflect a callous disregard of both the specific acts of Congress and the genuine need for continuation of these programs. I have always been under the impression that it was the duty and responsibility of Congress to create or expand programs, if needed, and or to abolish or change them when that became necessary. It is time for Congress to reassert its constitutional responsibilities in this regard and put an end to the growing tendency of "faceless" bureaucrats in the executive branch setting national priorities, terminating or cutting back programs, or illegally withholding funds appropriated by Congress. The people of Minnesota sent me to the Senate to represent them, not the President or Federal bureaucracy. Also, the people of this Nation expect Congress to set national priorities not the President. If they do not like what their congressional representatives do in that regard, they have an opportunity every 2 and 6 years, through the ballot box, to express their displeasure.

With respect to the cutbacks in farm and rural programs, I have joined with other Members of Congress in requesting that our Senate Committee on Agriculture and Forestry hold thorough hearings on these decisions, and soon. The chairman of the committee has indicated that he will conduct such hearings to begin in early February.

The termination and cutbacks made in farm and rural programs announced to date by the Nixon administration include:

First. Termination of the FHA and SBA disaster loan programs as they relate to both secretarial and Presidential designated areas.—Although the administration indicates that regular FHA insured farm loans will be made available to farmers now being denied loans under the 1972 Disaster Relief Act, they fail to address themselves to the differential in interest rates between the programs—1 versus 5⅞ percent—or the benefit inequities—loan forgiveness feature versus no forgiveness—created between those people who got their applications in before the cutoff dates and those who did not.

Also, what makes this particular decision so unconscionable, is the fact that FHA personnel readily admit to their advising qualified farmers to take their time in filing their applications, so FHA would not be inundated with filings. Yet, when the administration announced their decision to terminate the program, no forewarning was given to those farmers who tried to cooperate with FHA in this regard, and in the case of the Presidential designated areas, where affected farmers had about 2 weeks to file before the cutoff, local FHA offices were given no instructions to inform farmers and others of the new cutoff dates. This type of procedure can hardly inspire people to have any faith or trust in their Government.

Second. Termination of the rural environmental assistance program—formerly ACP.—Congress provided an advanced contract authorization in the Appropriation Act for this fiscal year of $225 million, of which only $14.5 million was utilized prior to the cutoff. The termination of this important program will also likely necessitate the cut of about 700 conservation engineers from the Soil Conservation Service and the closing of a number of ASCS offices, involving the termination of several thousand ASCS employees.

Prior to last fall's Presidential election, the administration announced an initial allocation of the funds appropriated for this fiscal year of $140 million, leading everyone to believe that the administration was going to act on this program in accordance with the intent and mandate of Congress. However, now that the election is over, the President apparently has decided to break this commitment and kill the program altogether. Also in view of all the administration rhetoric and expressed concern about protecting our natural environment, plus the fact that farmers themselves contribute 50 percent of their own money to this effort, farmers will have little or no reason in the future to have any faith in any commitments made by the administration. I have joined with a number of other Senators in introducing legislation which, if enacted, would hopefully result in reversing this arbitrary decision.

Third. Termination of farmers home administration rural housing loans that require subsidized interest under sections 502 and 235 programs—similar cancellation by HUD.—This particular action strikes directly at low- and moderate-income farm and other rural families in need of housing assistance. It will mean that only those families that can prove 100 percent repayment ability without assistance of interest rate supplements or rent subsidy will be able to qualify in the future for rural housing loans. Over 60,000 of such loans were made in fiscal year 1972, of which over half required some form of interest rate supplement. With rural America still having about two-thirds of the Nation's poor housing, yet receiving less than 20 percent of the housing assistance provided by the Federal Government, I find this action to be highly discriminatory and cruel. It is still another example of the administration's twisted sense of national priorities.

Fourth. Termination of the rural electric and telephone 2 percent loan programs.—On December 29 the 2 percent direct loan programs for rural electric and telephone systems were abolished by the administration, effective January 1, 1973. This action affects more than 1,000 rural electric systems which provide essential electric service to 25 million consumers. In fiscal year 1972, REA provided $260 million for this program; this year's need is estimated at $600 million. If electric and telephone cooperatives, which serve the unprofitable lines with few customers per mile, are forced to pay higher interest rates, these higher costs will, in turn, be placed on their consumers, thereby further increasing their cost of living and productions costs.

While Secretary Butz has announced that credit for these systems will now be made available under the Rural Development Act of 1972—at an interest rate of 5 percent—he failed to point out that this action was again taken without the expressed approval of Congress. If Congress wanted such a shift we would have indicated that in the Rural Development Act. The administration decision regarding this matter is a deliberate "perversion" of the Rural Development Act and the intent of Congress, which I also believe to be "illegal."

In response to this particular action, I have introduced legislation which will prohibit this shift in lending authority to the Rural Development Act. Specifically my bill would prohibit using any lending authority provided under the Rural Development Act in lieu of authority contained in the Rural Electrification Act. This would mean that while credit under the Rural Development Act could not to be used to replace 2-percent credit under the REA Act, credit under the Rural Development Act could be made available to electric and telephone cooperatives to supplement credit made available under the REA Act. My bill also would direct the Administrator of REA to make loans each fiscal year in the amounts appropriated by Congress.

If Congress were to pass this bill, and promptly, I believe it would not only serve to reverse the contemptible decision that has been made in this regard, but also would serve to demonstrate that Congress intends to make a "fight" of reasserting its constitutional policymaking prerogatives, which I feel is essential.

Fifth. Termination of the rural community water, sewer, and soil waste disposal planning and construction grant programs.—This action effectively blocks even from the loan program for these purposes all those small communities in need of such assistance. These are those communities, of course, which have the weakest and thinnest tax base to support the heavy investment such projects entail.

Congress appropriated for this fiscal year $150 million in new and renewed money for such construction grant purposes and $10 million to be used for the planning of such projects. This action means that all those moneys not already expended under these programs for this fiscal year will be withheld from use. FHA estimates itself, that the number of rural communities in need of new or improved systems of this type is over 25,000 nationally.

Sixth. Cutbacks in farm payments and expansion of production and availability of commodities under our farm programs. Secretary Butz already has announced a cutback of $800 million under the 1973 feed grains program and $100 million payment cutback under the 1973 cotton program. In addition, the administration has called for expanded plantings of wheat, feed grains, soybeans and cotton under this year's programs. Furthermore, they are now calling in most of the warehouse and farm-stored crops from previous years, which they will undoubtedly make immediately available to the market.

While I share the Department of Agriculture's concern about having enough grain to meet both our domestic and foreign market needs, I believe cutting farm income payments accompanied by a possible return to the depressed level of prices in 1971, is ill advised and potentially disastrous to millions of farm families throughout this Nation.

Our experiences following the 1967 famine in India and the 1970 corn blight here in the United States should be evidence enough that "overreaction" to unusual market conditions can and usually do result in overproduction, accompanied by low farm prices and lower income.

In Minnesota, the wholesale call-in of previous crop year feed grains and wheat could also place many of our cattle, dairy and poultry producers in serious jeopardy in terms of having readily-at-hand needed supplies locally in the event of national and local production failures. Of course, by calling in all of these crops at once, there is a danger of overloading and depressing the market with grain. This already is being reflected in rail boxcar shortages and preventing cash grain sales from reaching the market in a timely manner.

In short, taking all of these actions in the absence of a guarantee to farmers against lower prices that might develop as a result of expanded production or supply increases is, in my judgment, asking farmers to assume all the risks. If farmers are going to be asked to respond to these increased demands, they are entitled to assurances that they will not be penalized, if overproduction occurs.

It is for these reasons that I believe our Nation should establish a reserve or inventory of these essential commodities which would be insulated from the marketplace to meet only emergency needs here or overseas. I introduced a bill to establish such a reserve program last Congress and will do so again this Congress. Hopefully, I will be able to get sufficient support this time to pass it in view of the increasingly obvious need for it.

Seventh. Interest Rate on Commodity Credit Loans Increased.—Adding further insult to injury was the administration's announcement that it has increased the interest rate on commodity loans to farmers from the present 3.5 percent to 5.5 percent, an increase of over 60 percent. This new rate will be applied to all 1973 crop year loans and to all prior crop year loans which are extended on or after January 1, 1973. This interest rate increase will cost Minnesota farmers almost $1 million more in added costs during the 1972–73 crop year. Given the fact that the number of loans are expected to be much lower than normal this year due to some strengthening in commodity prices, this interest hike can be expected to result in even higher additional costs in normal times.

The administration says it wants to help combat inflation. I hardly think increasing interest rates to farmers is the way to do that. Farmers, probably more than any other business, requires substantial amounts of operating capital, which requires them to borrow heavily. The question of interest rates therefore is of prime importance to farmers in that it represents a sizable portion of their production costs.

In fiscal 1971–72, a total of 1.7 million loans were made to farmers throughout the Nation for a total value of $2.7 billion. The Commodity Credit Corporation of USDA has been involved in commodity farm loan operations since 1933.

Eighth. Water Bank Program Terminated.—In 1970, Congress enacted the water bank program which provided authority for the preservation of wetlands and for providing additional habitat for nesting and brooding places for migratory waterfowl. Although the program was enacted in 1970 it was not until this fiscal year that funds were appropriated for it. Prior to its abrupt cancellation, activities under the program were being planned in 62 counties in 15 States, including Minnesota, North and South Dakota, and Wisconsin.

Under the program, which was to be administered by local ASCS offices of USDA, contracts with farmers and rural landowners are authorized, with planning and technical services to be supplied by the Soil Conservation Service. For a national program, this program would have to be considered small. However, the contribution it could make to the preservation of our Nation's wildlife, particularly waterfowl, would be extensive. This program was developed as a result of many years of work and effort by the Nation's conservation and wildlife interests, then only to be killed in 1 day, even before it got started. Just another example of the Nixon's administration's contempt for Congress and in preserving and protecting our wildlife and natural environment.

Ninth. Meat and Dairy Imports Expanded.—As part of their effort to check and moderate meat and dairy prices, the administration has suspended all meat import quotas for 1973 and have authorized the importation of 25 million pounds of nonfat dry milk. In addition the administration has announced that the ban on grazing cattle on set-aside acres under the 1973 commodity programs has been lifted—another move to encourage more beef production and to lower prices.

These actions which have been taken in concert with several other actions—increased interest rates for commodity loans, acreage expansions, no extensions on previous year crop loans—all are designed to push farm prices downward.

The dairy industry, in particular, is already feeling the pinch of these decisions. Dairy production costs will be pushed even higher than expected by these decisions. The parity ratio for milk already has dropped to a level below the 75 percent legal minimum.

Adding further to these problems is the administration's apparent desire to encourage U.S. farmers to get out of the dairy business entirely as part of a move on their part to liberalize international agricultural trade policy. This proposal is cloaked in secrecy at the moment in an administration document referred to as the "Flanigan Report."

Tenth. Other Cutbacks Rumored to be Made Soon.—Other programs apparently being considered by the administration for cutbacks include: possible termination of the special milk and summer feeding programs for children; sharp reduction if not elimination of surplus commodity feeding programs; no administration budget request for grants authorized by the Rural Development Act of 1972; termination of the EDA, Appalachian and Title V Commission programs; and no funds to be requested by the administration to conduct the 1974 agricultural census.

NEW FARM BILL—MAJOR AGRICULTURAL ISSUES TO BE RESOLVED IN 1973

The year 1973 will be a major one for American agriculture. The Agricultral Act of 1970 expires with the 1973 crops, thus requiring Congress to consider new farm legislation this year.

The administration will probably request a mere extension of the 1970 Act with amendments designed to remove or lower the payment floors that are now provided under that act for wheat, feed grains, cotton and wool. Senator TALMADGE, chairman of our Agriculture Committee has requested Secretary Butz to submit the administration's farm proposal to the committee by February 1.

IF NO FARM BILL IS PASSED

If a new farm bill is not enacted this year price supports for wool would be discontinued and supports for cotton, feed grains, and wheat would revert to those authorized under the Agricultural Act of 1938 and 1949, as amended. Under this situation, corn would be eligible for loans at not less than 50 percent of parity, or about $1.50 per bushel, but with no production adjustment program.

Wheat producers, *under this* situation, would be subject to marketing quotas and would have to vote in a marketing quota referendum by August 1, if the Secretary found that wheat would be in a surplus situation at the close of the 1974 wheat marketing year. However, the Secretary would be required to set acreage allotments *for wheat even* though a marketing quota referendum were not announced or held. Wheat producers who planted within their allotments would be eligible for loans at 65 percent of parity or about $2 per bushel. No certificate payments would be available unless a marketing quota was in effect, and had been approved by two-thirds of the producers.

Should a farm bill not be passed this year, cotton producers would be subject to a marketing quota referendum. If marketing quotas were approved a national allotment of not less than 16 million acres would be announced—13.2 million acres harvested this year. Those who planted within their allotment would be eligible for price support loans at not less than 65 percent of parity or about 37 cents per pound, but with no accompanying payments.

And, any planting of allotments under the situation would result in severe penalties.

If marketing quotas were not approved, cotton producers who planted within their allotments would be eligible for loans at 50 percent of parity or about 28 cents a pound—again with no accompanying payments. Under the current cotton program producers are provided with a price support loan of 19.5 cents, plus a 15 cent payment.

PAYMENT LIMITATIONS

Under the Agricultural Act of 1970, a $55,000 limitation was imposed with respect to payments that could be made under the act to individual wheat, feed grain and cotton producers. When this subject came up for Senate debate in 1971, I introduced a resolution—which was passed—requiring that a study be made to determine alleged circumvention of those provisions of the 1970 act, plus the possible effects that lower than payment limitation level of $20,000 might have. The results of that study, plus the results of a similar study conducted by the General Accounting Office, suggest that a lowering of the payment limitation could be accomplished without adversely affecting wheat and feed in grain production or income or cotton production. However, such a move would result in cutting income payments to many of the larger cotton producers.

These studies also revealed poor administration of these provisions of the act by the Department of Agriculture which permitted many producers and farm corporations to escape having these requirements apply to them.

Further reduction of the present $55,000 payment limitation is certain to be a matter of much debate and discussion during consideration of any general farm legislation this year. In my judgment, I believe a further reduction of these payment limits will be necessary in order to get any farm bill through this Congress. Furthermore, I believe this can be accomplished with minimum damage to producers, including cotton producers, especially if other adjustments in our commodity program can be agreed to—particularly as it relates to possible upward adjustments in loan levels.

PUBLIC LAW 480 PROGRAM TO EXPIRE

As the chief sponsor of this legislation when it was first introduced and enacted in 1954, I am most familiar with the benefits that this program have provided millions of needy people throughout the world and our Nation's farmers.

Titles I and II of Public Law 480 must be extended in this session of Congress in that they are due to expire December 31, 1973.

Exports under these two titles have totaled about $1 billion a year for the past several years. Much of these exports in recent years have gone to Southeast Asia. With hostilities in that area drawing to a close and other potential demands that may develop in India, Bangladesh, and other Middle Eastern nations, a careful reevaluation of these provisions is required.

Other important matters and issues relating to the future of U.S. agricultural exports and trade policy include a new round of negotiations this year of the General Agreement on Tariffs and Trade—GATT—and the agricultural trade policy of the European Common Market—ECM. In addition, as the new chairman of the Agricultural Foreign Policy Subcommittee, I will be holding hearings on the adequacy of existing marketing practices and regulations governing U.S. commodities sold in international trade. Questions to be investigated will include operation of the wheat export subsidy program, the Department of Agriculture's information gathering system relating to foreign production and import demands and the Department's means of obtaining information promptly on the quantities of farm products sold to foreign buyers.

I also intend to examine the adequacy of existing U.S. grain reserves or buffer stock. Sharp year-to-year changes in world trade, plus the ever-present prospect of crop failures both here at home and abroad demands that this matter be very carefully assessed.

My recent trip to Russia and other European and Eastern European nations has given me some valuable insights into all of these export questions. In addition, my membership on the Senate Foreign Relations Committee and the Joint Economic Committee should provide me with a well-rounded view of international trade matters, especially as it relates to agriculture trade.

PROSPECTS FOR PASSAGE OF GENERAL FARM BILL

Getting a general farm bill through Congress this year will be very difficult, however, I believe that it will be possible to get one passed. Furthermore, I believe that it is both possible and important to get a 3- or 4-year bill.

Recent upswings in food prices have given rise to growing public concern about increased farm prices, farm exports, farm program costs and idle acres.

In addition, the number of urban oriented representatives in Congress this year has increased sharply—particularly in the House. This will obviously add to our difficulties in getting a farm bill passed. Also an increasing number of Members of Congress—and Secretary Butz—are now talking again about the need to end Federal farm programs altogether.

However, despite all of these recognized difficulties, I believe that Congress and the people of this Nation will continue to support American agriculture's need for production and income stabilization. In my judgment, they will come to realize in the final analysis that turning their back on the farmer will only result in destroying this Nation's most important and most productive industry, an industry which has produced for them the most abundant and highest quality food that the world or mankind has ever experienced.

FARMER BARGAINING POWER

More than 40 bills to strengthen farmer bargaining power were introduced in the last session of Congress, which included two bills that Senator MONDALE and I cosponsored here in the Senate.

Renewed attempts at gaining passage of this type of legislation are expected again this session of Congress.

FOOD STAMP PROGRAM DUE TO EXPIRE

On June 30, 1973, the food stamp program will expire. Since adoption of the 1970 amendments to this act, participation in this program has increased to about 10.5 million persons. Program outlays have gone from about $1.6 million in fiscal year 1971 to $2.3 million in fiscal 1973. However, the administration has withheld appropriated funds from being expended for further expansion of this program for the past 2 years—$300 million alone in fiscal 1972.

One action I hope to take in connection with this legislation this session is the repeal of those provisions of Public Law 92–603 which would make persons qualifying—or who would qualify upon application—for federalized public assistance programs for the aged, blind and disabled ineligible for food stamps—or commodity assistance—after January 1, 1974. I find these provisions of existing law to be highly discriminatory against those most in need and I hope to get them repealed before they take effect next year.

Contrary to what many people think, the war against hunger and poverty in this Nation has not been won. As a member of both the Senate Select Committee on Nutrition and Human Needs and the Committee on Agriculture I intend to continue the fight to eventually win that war. As a nation with the most productive agriculture in the world, we can hardly accept or tolerate any citizen of our country going hungry or being deprived of an adequate diet.

OUTER CONTINENTAL SHELF REVENUE

Mr. JACKSON. Mr. President, I ask unanimous consent that a letter from the Department of the Interior to the President of the Senate dated October 20, 1972, setting forth the receipts and expenditures for fiscal 1972 of the Department in connection with the administration of the Outer Continental Shelf Lands Act of 1953 be printed in the RECORD at the close of my remarks.

I call the attention of Senators to the large sums of revenues collected from the Federal offshore mineral operations which are transferred into the Land and Water Conservation Fund, thus making this source the biggest single contributor to the success of this important program.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. Department of the Interior,
Washington, D.C., October 20, 1972.
Hon. Spiro T. Agnew,
President of the Senate,
Washington, D.C.

Dear Mr. President: Pursuant to the requirement of Section 15 of the Outer Continental Shelf Lands Act of 1953 (43 U.S.C., sec. 1331, et seq.), following are the receipts and expenditures of the Department in connection with the administration of the Act for the fiscal year 1972:

Receipts	
Rentals	$ 5, 931, 514
Royalties	360, 254, 759
Shut-in gas wells	38, 650
Rights-of-way	22, 805
Bonuses	96, 304, 523
	462, 552, 251
Expenditures	
Salaries	3, 411, 862
Travel and per diem	157, 157
All other	4, 722, 738
	8, 291, 757

Total cumulative collections through June 30, 1972, including bid bonuses, amount to $6,597,024,014 of which $4,013,605,767 has been covered into the General Funds of the Treasury and $668,753,085 transferred to the Land and Water Conservation Fund pursuant to Section 2(c)(2) of Public Law 90–401 (82 Stat. 355) approved July 15, 1968, as amended by Public Law 91–485, approved October 22, 1970. As of June 30, 1972, $1,914,665,162 was held in escrow receipt accounts pending distribution by order of the United States Supreme Court.

Sincerely yours,
Richard R. Hite,
Deputy Assistant Secretary—Management and Budget.

ANNIVERSARY OF UKRAINIAN INDEPENDENCE

Mr. PERCY. Mr. President, this week marks the 55th anniversary of Ukrainian independence, and I want to take this occasion to remind my colleagues in the U.S. Senate and all the people of the United States of the spirit and perseverance of the Ukrainian people through these many years.

I wish especially to salute the people of the Ukraine and all the dedicated Ukrainian Americans who have contributed so much to our national life.

THE REA LOAN PROGRAM

Mr. MONDALE. Mr. President, on December 29, 1972, it was announced that the Department of Agriculture was abandoning the rural electric and telephone 2 percent direct loan program, in favor of 5 percent insured or guaranteed loans under the provisions of the Rural Development Act.

The news of this action stunned affected cooperatives, for there was no prior consultation, and no opportunity for comment by potential borrowers.

Congress—which is constitutionally charged with responsibility for making laws, and for controlling Federal expenditures—was not even given the courtesy of advance notification.

Disregarding the immediate impact of the loan program cancellation, this decision has ominous implications for the integrity of the American constitutional system. The concept of separation of powers, embodied in our Constitution, is designed to prevent any one branch of Government from becoming all powerful, at the expense of a true and stable democracy. Under the Constitution, the President is given veto power if he feels a bill should not be made law. But in their wisdom our Founding Fathers did not invest the Presidency with unlimited power to repeal laws once they have been approved.

Press releases emanating from the Department of Agriculture have attempted to characterize the recent decision as a reform or modification of the traditional rural electric and telephone loan program. This representation is misleading, for the President clearly lacks the authority to adjust unilaterally the interest rates established under the Rural Electrification Act. Administration officials have also attempted to argue that the December 29 decision is not really a cancellation of funds for rural electric and telephone loans, rather that $200 million in new loan authority will be made available above the amounts previously provided. In reality the administration is refusing to spend approximately $450 million in money appropriated by the Congress for the REA electric and telephone loan programs.

The administration's actions are nothing less than usurpation of powers rightfully belonging to the Congress; for, if there were any doubt the actual language and legislative history of the Rural Development Act clearly show that at no time was it the intent of Congress to repeal the Rural Electrification Act.

On January 16, 1973, I joined with Senator Humphrey in cosponsoring a bill to prevent our laws from being haphazardly tossed aside by the Executive. Our bill would require that all appropriations provided for 2 percent rural electric and telephone loans must be spent before supplemental loan authority under the Rural Development Act can be utilized.

Since the December 29 announcement, I have received hundreds of messages from rural cooperatives, farmers, workers, and local communities in Minnesota protesting the administration's action. These letters and telegrams reflect mounting public alarm at this serious threat to our constitutional form of government, as well as strong concern for the fate of rural cooperatives.

I am hopeful that—if the administration does not voluntarily turn back from its present course—the Congress will swiftly approve the bill I cosponsored with Senator Humphrey last week.

Mr. President, I ask unanimous consent that a small sample of the messages I have received from people in Minnesota be printed in full at this point in the Record.

There being no objection, the messages were ordered to be printed in the Record, as follows:

Chokio, Minn.,
January 18, 1973.
Walter F. Mondale,
U.S. Senate,
Washington, D.C.

Senator Mondale: Enclosed you will find a certified copy of a resolution passed by the Board of Directors at its last monthly meeting. We urge you to help do everything possible to reinstate the REA direct loan program. The REA program is one of the greatest things that has happened to rural America and is desperately needed.

The shutdown of REA, the emergency loan program to farmers, REAP, low-cost housing, and other programs is a severe blow to rural America. We must have these programs if rural America is to survive.

Your help will be greatly appreciated.

Yours truly,
Donald Roiland,
Manager.

Certificate

I, Fred Fischer, do hereby certify that: I am the Secretary of Federated Telephone Cooperative of Chokio, Minnesota; the following is a true and correct copy of a Resolution duly adopted by the Board of Directors of the Cooperative at a Regular Meeting thereof held on the 10th day of January, 1973, and entered into the minutebook of the Cooperative; the meeting was duly and regularly held in accordance with the Bylaws of the Cooperative and the following Resolution has never been rescinded or modified.

Whereas, there is a very great need for the continuation of the REA 2%, 35-year direct loan program to both the Telephone and Electric utilities to give adequate service to meet today's needs, and,

Whereas, the REA program was set up by the Congress of the United States of America and should not be destroyed except by them, and not the Administration in office, and,

Whereas, the emergency loan program, REAP, etc., to rural farmers are definitely needed if many of them are to stay in business,

Therefore, be it resolved, that Federated Telephone Cooperative, Chokio, Minnesota, urge the Administration to reconsider this drastic action and reinstate these programs so vital to Rural America.

In witness whereof, I have hereunto set my seal and affixed the seal of the Cooperative this 18th day of January, 1973.

Fred Fischer,
Secretary.

Virginia, Minn.,
January 19, 1973.
Senator Walter F. Mondale,
Old Senate Office Building,
Washington, D.C.

Dear Senator Mondale: The recent decision of the Administration to discontinue the present REA direct loan program, disturbs me. I must confess that I am prejudiced as I live in a rural area, but I have tried to view this objectively. The discontinuation of loans at low rate of interest to our rural electric cooperatives will be a great loss and restrict present services and enlargement of same to an enormous geographic area. I am all in favor of cutting costs of government, and if this is a legitimate place to begin, so be it. However, let's re-evaluate the program before we bury it and see if there isn't some other area in which we can economize that will be less disastrous to rural America.

Thank you for your consideration.

Yours truly,
G. S. Wheeler.

Brainerd, Minn.,
January 3, 1972.
Hon. Walter F. Mondale,
U.S. Senate,
Old Senate Office Building,
Washington, D.C.

My Dear Mr. Mondale: This letter will probably reach you as one of thousands, enlisting your aid *to overturn* the recent decision by the President to discontinue the 2% REA loan program. As a long time champion of the Rural Electrification program, I know you share our concern and astonishment at this latest executive order.

It is indeed ironic that the Rural Development Act of 1972 should be used to hamstring the very program so vital to the purposes of this act.

On behalf of the members and Board of Directors of the Crow Wing Cooperative Power and Light Company, I urge you to assign primary priority to the reversal of this administrative decision that will definitely threaten the survival of the rural electric systems.

Very truly yours,
KENNETH E. WOLLEAT,
General Manager.

PELICAN RAPIDS, MINN.,
January 8, 1973.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.

DEAR FRITZ: We know that you are acutely aware and concerned about President Nixon's recent actions concerning the cutback and elimination of certain programs which are beneficial to rural America and agriculture.

The Board of Directors of Lake Region Co-op. Electrical Association and I want to express to you the concern which we have about the drastic changes which so significantly effect the development and strength of rural America. Particularly, the elimination of the two per cent loan program of the Rural Electrification Administration is a severe blow to rural America and its struggle to maintain the little strength that it has and to improve upon that strength.

We urge your all out effort to curb the circumvention of the Rural Electrification Act of 1936 as amended.

Your vigorous efforts in these matters is urgently requested.

My warmest regards.

Sincerely yours,
CLARENCE W. PETERSON,
General Manager.

ST. PAUL, MINN.,
January 20, 1973.

Senator WALTER MONDALE,
Capitol Hill, D.C.:

Minnesota AFL–CIO stands behind you all the way in your fight to save the low cost REA program. In this most proven of all rural programs, as an organization representing the needs of the people, the Minnesota AFL–CIO has long upheld the objectives of the rural electric program. We are with you further in your fight to restore to the Congress the power of the purse which the Nixon Administration has usurped. We deplore President Nixon's unbelievable action of December 29, in which he seeks to destroy this most proven of all rural programs. As an organization representing the needs of the people, the Minnesota AFL–CIO has long upheld the REA program.

DAVID K. ROE,
President.

MIDDLE EASTERN OIL AND THE UNITED STATES

Mr. HATFIELD. Mr. President, as a member of the Interior Committee and a participant in the study of U.S. energy policies, pursuant to Senate Resolution 45 of the last Congress, I have recently attended a series of hearings on the security of oil and gas imports. On the concluding day of these hearings, I presented testimony which demonstrated that the United States will continue to be dependent upon oil from the Middle East in the foreseeable future, no matter what steps this country takes to develop further its own petroleum resources.

What, then, are the implications of this situation for U.S. policies toward the Middle East? I suggest that a positive and evenhanded U.S. approach to the Middle East will not only enhance possibilities of a durable peace in this area of the world, but will also do much to assure a continued supply of oil to the Western world and Japan.

I ask unanimous consent that my testimony on Middle Eastern oil and the United States be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

MIDDLE EASTERN OIL AND THE UNITED STATES— HARD REALITIES FOR U.S. POLICY GUIDELINES

Today we are facing an energy crisis.

Several committees in Congress, numerous Executive agencies, and countless private and academic organizations have been focusing attention on the energy situation in the United States and the world at large. Considerable human energy to study energy has been expended, and volumes of data and recommendations have resulted from these studies. But we have yet to see a single sound policy promulgated on this subject. As a result, the next 10 to 20 years will present serious difficulties for the U.S. energy supply. As the Secretary of the Interior has testified, our energy resources are probably sufficient to sustain this country in the future, but development of this capability would require decades, if indeed we embarked upon the programs necessary to achieve this goal at all. In the meantime, we must face certain hard realities about supply and demand. Oil is a good example to begin with.

The U.S. consumption of petroleum has been voracious, to say the least—close to 15 million barrels per day (mb/d) in 1971.[1] Consumption is projected to be 24 mb/d in 1980,[2] and 30.2 mb/d by 1985.[3] To satisfy this demand, we produced only 11.2 mb/d in 1971 [4] and imported the rest from Canada, Venezuela, and the Middle East. This rate of production is optimistically projected to increase by less than half a million barrels per day through 1985. In fact, some less optimistic estimates project a decline of some 30% in production from 1970 to 1985.[5] Thus, as our demand rises dramatically, and while production increases insignificantly or even decreases, increase in imports is inevitably going to triple by 1980, and may approach five fold by 1985.

This obviously means increased dependence on foreign governments where the imported petroleum is produced. Except for Canada and Venezuela, the bulk of these imports (about 70%) will come from the Middle East and North Africa.[6] With this realization, one immediately has visions of political instability, local wars, and serious interruption in the flow of oil, not only to the United States, but also to Western Europe and Japan. How then do we minimize potential interruptions or insufficiencies of oil supply? What are our foreign and domestic options?

Alternate sources of oil in the United States include coal, shale oil, and tar sands (mainly in Canada). Coal cannot be burned to power automobiles; and 53% of our refined oil consumption goes into transportation.[7] However, research is progressing toward the production of oil from coal—a process successfully perfected by Germany during World War II. Under favorable circumstances, the most likely possibility of full scale operation would produce some 300,000 barrels per day by 1980.[8] The extraction of oil from shale promises at best some 200,000 b/d,[9] and the tar sands would produce about 150,000 b/d by 1980.[10] Assuming a solution to the thorny problem of managing the residual waste from these operations, and keeping in mind that the tar sands are in Canada, the most we can hope for in the production of oil from these unconventional sources would be about 500,000 b/d. This is a relatively negligible amount compared with the more than 10 million b/d we shall need to import by 1980.

Last, but not least, is the Alaskan oil discovered at Prudhoe Bay. The pipeline needed for transporting this oil has been the subject of heated environmental and economic contentions, and it is doubtful at this time that the pipeline will be fully operational before 1980. Even if it is, however, its full capacity by then would not exceed 2 million b/d—hardly significant in meeting the total domestic demand for oil. Even those who advocate maintaining independence from foreign imports agree that such could be achieved only at a substantial cost penalty to the people and the economy of the United States. There is already a wide gap in production and cost between the U.S. and the Arab world, for example. The average oil well in the United States yields approximately 14 b/d at a cost of about $2.50 per barrel, while the average well in the Arab oil producing countries yields over 5,000 b/d with a cost from less than 10¢ to 20¢ per barrel.[11] And why should the people of this country be so penalized?

We are faced with the fact that, short of emergency cash programs, there is little we can do in this decade that can alter the situation in a significant way. As we survey the known reserves and productive potential around the world, we find that only one area will have the capacity to continue to accommodate the ever-rising level of world petroleum consumption—the Middle East. There is simply no alternative to the Middle Eastern oil, the loss of which could not be effectively compensated in this decade by any other source or combination of sources.

It behooves us, therefore, to look carefully at the stance of Western Europe, Japan, and other oil consuming countries; examine the availability of oil from the Middle East and North Africa; and evaluate our own interests, politically as well as economically. There is no doubt whatsoever that this evaluation is the basis on which our energy policy should be formulated.

The situation in the oil consuming countries of Western Europe and Japan is far more precarious than our own. Petroleum fuels 60% of the economy of Western Europe and 80% of the economy of Japan. By 1980, it is estimated that Western Europe will import 90% of its oil and Japan almost all of hers, mostly from the Middle East and North Africa.[12] By comparison, the United States imports will exceed 50% of her needs. All this serves to dramatize the extent to which the countries of the western world are and will be dependent on the Eastern Hemisphere for their oil supply.

The present situation in the producing countries revolves primarily around their collective bargaining organization—OPEC. What exactly is OPEC's relationship to the energy crisis?

In the last two decades the governments of the oil producing countries have effected significant changes which drastically modified the position of the old concession-holding companies, and provided an effective medium to promote their own national aspirations. The most effective of these changes was the creation of the Organization of Petroleum Exporting Countries (OPEC), and its offshoot—the Organization of Arab Petroleum Exporting Countries (OAPEC).

OPEC was formed in September 1960, at the instigation of Venezuela, for economic purposes, primarily to stabilize and broaden the base of the taxation and royalty system.

Footnotes at end of article.

It was originally composed of Iran, Iraq, Kuwait, Saudi Arabia, and Venezuela. In 1962, OPEC was officially registered with the United Nations, and by June 1972, its membership had grown to include Abu Dhabi, Algeria, Indonesia, Iran, Iraq, Kuwait, Libya, Nigeria, Qatar, Saudi Arabia, Trinidad and Tobago, and Venezuela.

For many years the revenue of an oil producing country was based on the 50–50 concept. This concept began to change with time, however, and in June 1968, OPEC held its sixteenth conference in Vienna, which resulted in a far reaching Declaratory Statement (Resolution SVI, 90) that drastically changed the institutional environment of company-country relationships. The principles in that statement covered mode of development, participation, relinquishment, posted prices or tax reference prices, limited guarantee of fiscal stability, renegotiation, accounts and information, and conservation, among other subjects.

Because of the importance of OPEC to the future availability of imported oil, it is necessary to examine the gist of OPEC's statement. The concepts and principles emphasized in the statement can be summarized as follows:

(1) the principle expressed in a United Nations resolution of "the inalienable right of all countries to exercize permanent sovereignty over their natural resources";

(2) the desirability of direct exploitation of resources by agencies of the producing countries, rather than by outside agencies;

(3) the doctrine of "changing circumstances" which justifies countries in demanding changes in the terms of existing concession agreements;

(4) under the principle of changing circumstances, the right to acquire a participating ownership share for governments under the existing concession agreements;

(5) the right of governments to alter the financial terms of agreements where companies are receiving "excessively high net earnings";

(6) the right of governments to determine posted or tax reference prices;

(7) the accelerated relinquishment of concession territory.

In realizing these principles and implementing their demands, OPEC members have been largely successful in gaining control of the oil operations within their countries. OPEC members began to wield considerable political and economic power. Bargaining was very hard, but OPEC interests progressed in great strides. In September 1970, for example, the companies agreed to increase Libya's posted price by 30 cents per barrel, with 2 cents escalation annually, and generally greatly increased tax rates ranging from 54 to 58%. In December of the same year Venezuela enacted an increase in its statutory tax rate from 52 to 60%. Under similar threats of legislative action the companies signed the Tehran agreement of February 1971, by which the posted price of Persian Gulf oil was raised by 35 cents, and would escalate by about 11 cents annually through 1975.

The significance of these escalations lies in the ultimate revenues to the oil producing countries. Total revenues in 1970 amounted to $7 billion; but based on the recent agreements the revenues in 1975 will exceed $18 billion.[13] The awesome impact of this dollar reserve on the consuming countries cannot be overlooked, and will be considered again later.

At the present time, the most crucial of OPEC's demands is the principle of participation. Essentially, the demand is to acquire a 20% interest, rising to 51%, in existing assets located in those countries, upon cash payment of depreciated book value of those assets. The oil companies would then be entitled to their percentage share of production for sale or use to the extent desired, any excess being offered to the oil producing companies at a formula price or market value. Although Algeria has already nationalized 51%, and Iraq has nationalized the British Petroleum holdings, some of the more moderate OPEC members view participation as a means to bind the interests of the oil companies with those of the producing countries, to prevent competition and make it difficult for any producing country on its own to insist on an abnormal increase in production.

The companies have held the position that agreement with OPEC on the participation issue should be on commercial terms. Failing this, the companies might try to become contractors to the state agencies under mutually agreeable terms which would still leave them the essential function of producing, exporting, and marketing the required oil. If all this does not work, the OPEC countries could legislate their desired participation and the companies would be forced to become crude oil purchasers. Unfortunately, this could lead to threats of sanctions, embargoes, legal action, or some such pressures. This is illustrated by the breakdown last June in the negotiations at Vienna, and the threat of "definite concerted action" by the OPEC countries unless agreement could be reached in subsequent meetings.

These threats are real, and OPEC members have demonstrated that they can act unilaterally as well as collectively and interrupt the flow of oil not only for economic but also for political reasons. Such interruptions occurred in 1948 when Iraq closed the Iraq Petroleum Company's pipeline to Haifa, Israel. In 1951, Iran nationalized the Anglo-Iranian Oil Company and halted all exports for nearly three years. The Suez Canal was closed during the 1956 Arab-Israeli war, and again after the 1967 war, followed by embargoes to the United States, Britain, and West Germany. Two years later, the Trans Arabian Pipeline was sabotaged and was out of commission for eight months.

Outright declaration of political retaliation was recently enunciated by Libya's Colonel Qaddafi following the conquest by Iran of the Islands of Tunb and Abu Musa in the Persian Gulf. Libya contended that Iran acted with the blessings of the British, traditional custodians in the Gulf. In retaliation, Libya nationalized the British Petroleum Company in December 1971, and halted production from its fields. Colonel Qaddafi was quoted as saying: "We nationalized BP for political reasons. We hope that this reason will not occur in the future between Libya and America."

As of June 1, 1972, the latest of these episodes took place when Iraq nationalized the concession, installations and operations of the Iraq Petroleum Company, owned by U.S., British, French, and Dutch interests. Simultaneously, Syria nationalized IPC's pipeline within her borders.

All of these actions and the threat of more effective use of oil as a weapon by the OPEC members serve to point up the urgent need for the United States to have a national oil policy which will best be able to deal effectively with any future eventualities. This is the time for the U.S. Government and other industrialized governments to play a more positive role and assume a realistic stance in their relationships with the OPEC countries because of their dominant position in the all-important energy field.

What exactly is our relationship with the Middle Eastern countries at this time?

In dollars and cents, the economic realities show that the United States has experienced a favorable trade surplus with the Arab nations of at least $500 million annually, totaling more than $5 billion in the last decade. With oil revenues rising to more than $12 billion within the next three years alone, the Arab nations can provide an impressive and exceedingly promising market for American goods. Furthermore, our balance of payments shows a net dollar inflow that has been rising steadily to $2.7 billion in 1970.[14]

More important yet is the surplus dollars that are expected to accumulate in the hands of the OPEC countries within this decade. It is often said sarcastically that the Arabs cannot drink their oil. This is true, and nobody is more aware of this truth than the Arabs themselves. The success of OPEC demands has not been a matter of chance, brute force, or charity on the part of the concessionaires. It has been the result of tough, shrewd, and highly sophisticated negotiations. The last thing the Arabs want to do is turn off the flow of oil. The dependence of their national incomes on oil exports reaches as high as 90% in some countries.[15] And they realize that cutting off the flow of oil is contrary to their long-term national interests. Hence it follows that they are expected to maintain the flow of supplies, even though the more militant governments may choose to impose short-duration embargoes on selected markets.

Our soaring oil imports, and the income to the Arab countries will have ramifications on our balance of payments, balance of trade, and the strength of the dollar that cannot be overlooked. It is estimated that the cost of our oil imports will amount to about $20 billion annually by 1980, and will reach, according to the Chase Manhattan Bank, nearly $30 billion a year in 1985.[16] The control of monetary reserves by the Arab producing countries of the magnitude of $20 billion, which is quite possible in the near future, is not only a cushion which would allow the use of oil as a weapon, it is a weapon in itself. For comparison, the Japanese dollar reserves which caused the recent devaluation of the dollar and revaluation of the Japanese yen was on the order of $16 billion.[17]

With reserves far exceeding those of Japan, the Arab countries would be in an even more powerful bargaining position with regard to the valuation of the dollar.

Thus, *from* a *purely* economic point of view, the immediate dependence of the United States on Arab oil, the balance of payments, balance of trade, the strength of the dollar, and the very well-being of America's economy are compelling facts that dictate a positive policy approach between the United States and the Arab countries in the interests of both.

So much for the economic aspect.

As for the political aspects, the present situation and the future prospects are even more compelling for a positive U.S. approach to the Middle East. The reference here is made to our national security.

A major aspect of national security is our posture and policy overseas. The security of Western Europe and Japan are also at stake here. It was shown earlier that Western Europe and Japan are almost totally dependent on Eastern Hemisphere oil. There was a time when U.S. oil could be made available to these countries when their supply was interrupted. The United States has been a security factor on which Western Europe could count in an emergency. However, as she begins to fall into the grip of an energy crisis herself, the U.S. can no longer guarantee its own energy for security, much less provide others with credible prospects in emergency. Furthermore, the U.S. policy toward the Middle East has resulted in two major developments. First, it has forced our Western allies and Japan to formulate their own independent policies vis-a-vis the Arabs. Second, many Arab countries have become alienated from the U.S. and have turned to the Soviet Union.

Let us evaluate these developments.

(1) The actual implementation of U.S. policy toward the Middle East has, on numerous occasions, cast us into an image contrary to our own declared policy of even-

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Footnotes at end of article.

handedness, of guaranteeing the sovereignty and territorial integrity of all nations in the Middle East, of upholding the international opposition to territorial acquisition by military action, and the implementation of U.N. Resolution 242,[18] for which we cast a supporting vote. Perhaps in the past we could afford such inconsistencies, but our European allies could not. As their very economic survival was at stake, they split with the United States on Middle Eastern policy. This was not merely a breakdown in policy lines among allies; it was the beginning of a more serious isolation of the United States.

Independent action by European oil consumers was dramatically demonstrated last June when Iraq nationalized the Iraq Petroleum Company. It was made clear then that IPC oil is for sale to any buyer, and France, Italy, and Spain immediately responded favorably. This is not to mention the even-readiness of the Soviet Union to step in and capitalize on such circumstances.

(2) It is incontestable that the Soviet Union is becoming more deeply entrenched in the Middle East. The Russian fleet is riding high on a wave of Arab resentment of U.S. policies. The Soviet Union has enhanced its influence in some of the oil producing Arab states and transit countries, and has ominously strengthened its military presence in the Persian Gulf, the Indian Ocean, and the Mediterranean. In the past few years, the Soviets have pursued an aggressive policy in oil matters, and made significant inroads in a number of oil producing countries. Agreements providing for Soviet technical assistance in oil development have been signed with Libya, Iraq, Algeria, and Syria. The Soviets are developing the North Rumailah Field which was part of the IPC concession in Iraq before it was expropriated by the government. Soviet tankers have been shipping oil from that field and from the nationalized Libyan Sarir Field and selling it in Eastern Europe. In addition, the Russians have been active in assisting other producing countries such as Algeria, Egypt, and Syria, and they have moved swiftly to establish economic ties with Kuwait and diplomatic ties with the newly established Union of Arab Emirates.

In short, our policies often have tended to alienate even those Arab states who have been traditionally pro-Western. They are finding it increasingly difficult to maintain such a posture against the tide of resentment. The Soviet Union does not need Arab oil for itself, but it is acutely aware of the western world's increasing dependence on it. The specter of the Soviet Union controlling the production, marketing, or the routes of Middle Eastern oil should be a matter of great concern to us, as it is to the rest of the oil importing countries. The foreign policy implications of the U.S. buying Middle Eastern oil from the Soviet Union are profound.

Recognizing our vital immediate need for imported oil, and the great economic and political benefits that we should utilize, we find that a policy of positive approach to Middle Eastern countries is definitely essential for preserving and promoting our interests.

The course that such a policy should take is no great mystery. Concerning Israel, we have repeatedly enunciated, and dramatically demonstrated, our commitment to her survival. This commitment must and will continue as an essential part of our policy. Israel herself has as much to gain as we do in the positive approach to the Arabs. Israel's very survival, economic as well as military, has depended for the most part on the United States. It follows, therefore, that if the economy of the United States, the strength of the dollar, and the security and welfare of this Nation are jeopardized, so will Israel's.

For the Arabs, all we have to do is act according to all the promises and pronouncements we have been making for years. The policy of evenhandedness should be practiced and implemented truly evenhandedly. It is often painful to see some of the more moderate Arabs reach for the United States in search of moral and ideological support, only to be rebuffed, discouraged, and disappointed by our attitude and execution of policy. The old policy toward that area should be transformed into one based on sincerity and a relentless drive for a durable peace in the Middle East. For therein lies the essence that fuels the economies of a good part of this planet, and makes the industrialized nations function.

FOOTNOTES

[1] *BP statistical review of the world oil industry. 1971*. British Petroleum Company; London, Britannic House, 1972, p. 8.

[2] Akins, James E. The international oil kaleidoscope. Address at the American Petroleum Institute meeting, Los Angeles, Calif.; June 6, 1972.

[3] Winger, John G. and others. *Outlook for energy in the United States to 1985*. Chase Manhattan Bank, Energy Economics Division; June 1972, p. 44. Estimates made earlier by the U.S. Bureau of Mines were 17.9 mb/d for 1975 and 23.5 mb/d for 1985. Most earlier estimates of projected demand have been revised upwards.

[4] *BP statistical review of the world oil industry. 1971. Op. cit.*, p. 19.

[5] *United States energy: A summary review*. U.S. Dept. of the Interior. Washington, Govt. Printing Off.; Jan. 1972, p. 27.

[6] Brougham, Robert I. *U.S. interests in and policy toward the Persian Gulf*. U.S. Congress. House. Hearings before the Subcommittee on the Near East of the Committee on Foreign Affairs. 92d Cong. 2d sess.; June 7, 1972, p. 50. The Chase Manhattan Bank estimates for oil imports from the Middle East and N. Africa are more than 75% by 1985.

[7] *Conservation of Energy*. U.S. Congress. Senate. Committee on Interior and Insular Affairs. Committee Print, 92d Cong., 2d sess.; 1972, p. 48.

[8] Schurr, Sam H. and Paul T. Homan. *Middle Eastern oil and the Western World*. New York, Elsevier; 1971, p. 7.

[9] *Ibid.*, p. 6.

[10] *Ibid.*, p. 7.

[11] Akins, James E. *The Middle East 1971: The need to strengthen the peace*. U.S. Congress. House. Hearings before the Subcommittee on the Near East of the Committee on Foreign Affairs. 92d Cong., 1st sess.; 1971, p. 122.

[12] Shurr and Homan. *Op. cit.*, p. 3.

[13] Levy, Walter J. Oil power. *Foreign Affairs*, Vol. 49, no. 4; July 1971, p. 655.

[14] *Economic realities and the Middle East*. American Committee for Justice in the Middle East, Position Paper No. 13; May 15, 1972, p. 2.

[15] Schurr and Homan. *Op. cit.*, p. 10.

[16] Winger and others. *Op. cit.*, p. 51.

[17] Brougham, Robert I. *Op. cit.*, p. 57.

[18] U.N. Resolution 242, dated Nov. 22, 1967, specifically cites the principle of inadmissibility of territorial expansion by force of arms, and stipulates the right of all nations to exist, withdrawal from territories occupied in the 1967 war, freedom of maritime passage, and a just settlement for the Palestinian refugees who were expelled or fled during the creation of Israel over twenty years ago.

U.S. MIRV BUILDUP UNWISE AT THIS TIME

Mr. PROXMIRE. Mr. President, the proposed Air Force plan to MIRV the entire Minuteman fleet is a dangerous move at this time that could result in a Soviet reaction that eventually could weaken the U.S. defense posture.

There have been newspaper reports that the Air Force is urging the Defense Department to continue producing and deploying the Minuteman III MIRV until the entire fleet of 1,000 missiles is equipped. Present plans only call for the deployment of 550 Minuteman III's by 1975.

There could be several repercussions from such a buildup. First, it will no doubt force the Soviets to accelerate their own reentry vehicle programs. Second, it will make the U.S.S.R. take a tougher bargaining stance at SALT II. Third, it will heighten fears about a U.S. first-strike capability. And finally, it would be an unnecessary added expense to an already inflated defense budget.

THE SOVIET MIRV PROGRAM

One of the mysteries of recent years has been the now-you-see-it-now-you-don't Soviet MIRV program. Since 1969, the Defense Department has been claiming that the Soviets have either tested or deployed a MIRV. In 1969 and 1970, the Secretary of Defense repeatedly claimed that the Soviets were testing a MIRV as opposed to the unguided MIRV. He said that they could deploy a MIRV by mid-1971. He further stated that this was evidence that the Soviet Union was going for a first-strike capability against the United States.

A study of the SS–9 and its triple warhead test system was concluded by TRW in April of 1971. This study confirmed that the SS–9 did not have the accuracy to be a first strike weapon. At about the same time, many defense analysts began to have doubts about the whole Soviet MIRV effort.

This evidence did not stop the Pentagon scare tactics. In April of 1971, the Secretary of Defense said that—

> There is every reason to believe that such activity (deploying MRV's) has gone forward.

By March 1972, he confirmed it.

In June the Secretary told the House Armed Services Committee that the U.S.S.R. had tested a MIRV carrying missile. The State Department denied that a MIRV itself had been tested.

And then the truth came out. The Soviets had given up on their triple MRV program apparently due to its inefficient targeting capability. The preceding years of threatening headlines and reports of ominous progress had come to nothing.

It must be concluded, therefore, that the Soviet MIRV program is at least 4 years behind that of the United States. If previous arms history is any guide, the U.S.S.R. will not accept an overwhelming advantage by the United States in this field. Undoubtedly they will judge a U.S. buildup in MIRV's to be threatening and seek adjustment either by accelerating their own reentry vehicle programs or by emphasizing some other element of their deterrent. Challenges are not met with acquiescence by the U.S.S.R. They are capable of responding in kind. And a MIRV buildup would be a serious challenge.

BARGAINING FROM STRENGTH

The President does not have a monopoly on the bargaining from strength philosophy. Certainly this has been a significant part of Soviet negotiating technique throughout the postwar period.

Applying negotiating pressure by means of continued arms buildups, however, results in ever higher arms levels and degrees of complexity. At some point it must be recognized that we are bargaining ourselves into an arms race.

The Soviets cannot be expected to remain passive in the face of a direct challenge such as the full MIRVing of the Minuteman fleet. We might expect them to insist on some unilateral or asymmetrical advantage of their own during SALT II. Perhaps they would want more SS–9's or new follow-on missiles as compensation. Perhaps more submarine missiles or bombers. Any such reaction would endanger the few agreements previously concluded. We cannot expect that it will make them more submissive or passive. There will be a reaction and that should be made known. If it occurs in the Soviet missile field such as with their large SS–9's or new missiles, it could endanger the survivability of U.S. land-based systems.

FIRST STRIKE FEARS

The accuracy of U.S. missiles has long been a potential source of instability in arms control. Highly accurate missiles, under some circumstances, give rise to the appearance of having a first-strike capability. The Pentagon has been alarmed about Soviet missiles even without this accuracy. Efforts to fund hard-target RV development in the United States have revived this concern.

Any missile force of reasonable accuracy and large numbers presents a threatening potential if launched first. This is accentuated by the deployment of MIRV systems with their capability to dispense several warheads from one missile. Thus, the targeting ratio is greatly enhanced for the force that strikes preemptively.

If the Soviets were to MIRV their entire SS–11 force, the Pentagon would be in an extreme panic. A crisis would be at hand. More appropriations would be requested. American national security would be at stake.

The Defense Department would claim that our deterrent is vulnerable. It would be called a national calamity.

And yet this is exactly what we are planning to do to the Soviet Union. There are about the same number of Soviet SS–11's as U.S. Minutemen I, II, and III.

It is generally recognized that a successful first strike by either country is not possible. In no other area, however, does the distinction between capability and intention become so blurred. Since intentions of first strike are not easily verifiable, military experts rely on the appearance of first strike as determined by the interplay of numbers of missiles, and to lessor degree, megatonnage. In the case of the latter, equivalent megatonnage should be the relevant statistical indicator.

A highly MIRVed force, when coupled with accurate re-entry vehicles, has the appearance of a first strike posture. If it applies to the Soviet Union, it must also apply to the United States. A full MIRVed force looks provocative. It is even more relevant to the United States since we have a significant lead in missile accuracy.

INFLATED DEFENSE BUDGET

The Minuteman III program, as presently envisioned, will cost over $6 billion exclusive of Atomic Energy Commission costs for warhead development and production. The Minuteman II program, which would be entirely converted to Minuteman III under the proposed plan, will cost the taxpayer about $5 billion. By 1975 when total of 550 Minuteman III and 450 Minuteman II's will be operational, these two missile versions will have cost well over $11 billion. Based on rough estimates, it would cost another $3 billion to convert the remaining Minuteman II's to Minuteman III's.

The argument is being made that the production lines for Minuteman III will be closed after fiscal year 1974 unless new force levels are authorized. If the lines are allowed to shut down, it is said start up costs will be very high. Therefore it is economically sound to continue production without interruption.

The production line argument overlooks the most important aspect of any new weapons system: do we need it? Weapon systems must not be justified by profits or assembly line efficiency. First they must be determined to be necessary. Then these other factors come into play.

At this time there is no threat that requires a U.S. reaction of the size of the proposed Minuteman III buildup. With the defense budget heading irrevocably toward the magic $100 billion level, it is more critical than ever that every program be scrutinized solely on the basis of need.

MIRV AND THE U.S. DETERRENT

It may be that at some time in the future, in the face of a direct threat, the United States would have to complete its MIRV deployment. That threat is not now present. SALT I reduced the need for a continued buildup in offensive weapons.

With the severe restrictions placed on ABM systems by SALT I, there is no remaining justification of a saturation strategy. MIRV is not needed to penetrate a heavy ABM system for no such defense has materialized and none is allowed under the SALT treaty. Only two other justifications remain, increased targeting or hard target flexibility.

There is no evidence that there are more lucrative civilian targets to strike in the Soviet Union now than 5 years ago. The U.S.S.R. has a limited number of large cities. For the most part, the civilian targets have remained constant. This means that an increase in U.S. MIRV's will be used on new military targets. The most likely choice would be the growing Soviet land- and sea-based missile sites. With a high number of individual reentry vehicles at hand, it becomes possible to target missiles silos with more than one warhead, thereby significantly increasing the probability of kill. To some this might be called targeting flexibility. The public statements of the President have pointed in this direction. To others, however, it appears to be a hard-target doctrine.

WHY A MIRV BUILDUP NOW?

The proposed MIRV buildup is the result of the three assurances required by the Joint Chiefs of Staff for their support of SALT I. Immediately after this first phase of negotiations, the Defense Department hastily prepared a long list of technological advances that could be put into effect by stretching the treaty to its breaking point. MIRVing the full Minuteman fleet is one of these proposals.

No sooner was the ink dry on the treaty but the United States and the U.S.S.R. were busy attempting to find loopholes and exploiting those areas that were not controlled by agreement. Since the United States is limited to the present 1,054 land-based missiles, it became evident that the only land-based expansion program allowed was one that increased the number of warheads.

THE STATISTIC OF MIRV

By 1977, at the end of the first 5-year period of SALT, the United States will have 9,800 warheads deployed including 6,000 in land- and sea-based missiles and 3,800 in bombers. By contrast, the Soviet Union will have only a total of 3,950, according to the Department of State. Therefore, the United States will have almost 2½ times the number of warheads of the Soviet Union even without the projected increase in the MIRV force.

If the U.S. MIRVs the entire Minuteman force, it would require about 4 years beyond 1975 for full deployment at the present rate of about 120 missiles per year. The total number of warheads for the Minuteman fleet at that time would be about 3,000 or an addition of about 900.

From a Soviet viewpoint, the United States is undertaking a massive crash program in warheads, going from about 6,000 in 1972, to nearly 10,000 in 1977. If the reverse were true, it would be the source of great alarm in this country.

Mr. President, what I argue for is a display of prudence. Let us assess the dynamics of the relationship between the United States and U.S.S.R. and allow the SALT treaty and agreement to be molded into a permanent form of arms reduction. On our present course, we are headed for ever increasing forces and ever lessening security. For the time being, there is no demonstrable need for a fully MIRVed Minuteman force. Let us keep open this option as an implied threat. It will be just as effective.

If funds for MIRVing the full Minuteman fleet appear in the fiscal year 1974 budget, it will be a signal to the Soviets that the United States intends to continue its present buildup of strategic warheads *regardless of SALT* I.

With the exception of the ABM, the United States has not halted one strategic weapon program in progress at the time of the first negotiations. In fact, new programs have been initiated and others accelerated. This is a strange form of arms control.

Coupled with the proposed slash in the budget of the Arms Control and Disarmament Agency, the MIRV buildup raises serious questions about the commitment of this administration to continuing arms control negotiations.

RULES OF COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

Mr. JACKSON. Mr. President, I ask unanimous consent that the text of the Committee Rules adopted by the Committee on Interior and Insular Affairs for the 93d Congress be printed at this point in the Record.

There being no objection, the rules were ordered to be printed in the Record, as follows:

Rules of Committee on Interior and Insular Affairs

COMMITTEE RULES

Rule 1. The Standing Rules of the Senate and the provisions of the Legislative Reorganization Act of 1946, as amended by the Legislative Reorganization Act of 1970, to the extent the provisions of such Acts are applicable to the Committee on Interior and Insular Affairs and as supplemented by these rules, are adopted as the rules of the Committee.

MEETINGS OF THE COMMITTEE

Rule 2. The Committee shall meet on the third Wednesday of each month while the Congress is in session for the purpose of conducting executive business, unless, for the convenience of Members, the Chairman shall set some other day for a meeting. Additional meetings may be called by the Chairman as he may deem necessary. Subcommittee meetings or hearings shall not be scheduled nor held concurrently with full Committee meetings.

EXECUTIVE SESSIONS

Rule 3. Meetings for the transaction of business of the committee or each subcommittee shall be open to the public except when the committee by majority vote orders a closed executive session.

EXECUTIVE SESSION AGENDA

Rule 4. The agenda for full Committee executive sessions shall be provided to each member at least three days prior to such executive session, and no new items may be added after the agenda is published except by the approval of a a majority of the members. The Clerk shall promptly notify absent Members of any action taken by the Committee on matters not included on the regular published agenda.

Rule 5. A legislative measure or subject shall be included on the agenda of the next following executive meeting of the full Committee if a written request for such inclusion has been filed with the Chairman at least one week prior to such meeting. Nothing in this rule shall be construed to limit the Chairman's authority to include legislative measures or subjects on the agenda in the absence of such request.

QUORUMS

Rule 6. (a) Seven members of the Committee shall constitute a quorum for reporting legislative measures or recommendations. Proxy voting will be permitted on all matters, except that no measure or recommendation shall be reported unless a quorum of the Committee were actually present to vote at the time a measure or recommendation was ordered reported.

(b) One member of the Committee or any subcommittee shall constitute a quorum for the purpose of conducting a hearing or taking testimony on any measure before the Committee.

SUBCOMMITTEE MEMBERSHIP

Rule 7. (a) Membership of subcommittee shall be fixed by the Chairman in consultation with the ranking minority member, and, insofar as possible, shall reflect the wishes and preferences of the individual members of the Committee.

(b) Following consultation with the ranking minority member, the Chairman may, from time to time, establish such ad hoc or special subcommittees as he deems necessary to expedite committee business.

CONFIDENTIAL TESTIMONY

Rule 8. No confidential testimony taken or confidential material presented in a closed executive session of the Committee or subcommittees thereof or any report of the proceedings of such an executive session shall be made public, either in whole or in part or by way of summary, unless authorized by a majority of the members of the Committee at a closed executive session called for the purpose of making such a determination.

DEFAMATORY STATEMENTS

Rule 9. Any person whose name is mentioned or who is specifically identified, and who believes that testimony or other evidence presented at a public hearing, tends to defame him or otherwise adversely affect his reputation may file a (sworn) statement of facts relevant to the complained-of testimony or other evidence or comment. Such request and such statement shall be submitted to the Committee for its consideration and action.

BROADCASTING OF HEARINGS

Rule 10. During open public hearings, photographers and other reporters using mechanical recording or filming devices shall position their equipment in such fashion as will not interfere with the seating or vision of Committee Members or staff on the dais, nor with the orderly process of the hearing.

Mr. JACKSON. Mr. President, by unanimous action the Committee on Interior and Insular Affairs this morning adopted a new rule providing that "meetings for the transaction of business of the committee or each subcommittee shall be open to the public except when the committee by majority vote orders a closed executive session." This rule was proposed by the junior Senator from Montana (Mr. Metcalf). As Members of the Senate are aware the junior Senator from Montana was the author of the 1970 Legislative Reorganization Act and has been a leading advocate of making all business of the committees of Congress open to the public.

Mr. President, I commend the Senator from Montana for his amendment and I agree that all public business should be conducted in public session.

The action of the committee today makes the Committee on Interior and Insular Affairs the first committee of the Senate ever to require by formal rule that all formal committee business be conducted in open public session.

AN ACTION PLAN TO HELP KIDNEY PATIENTS

Mr. DOLE. Mr. President, in the 92d Congress I supported a bill that provided financial assistance to individuals suffering from chronic kidney disease. This disease afflicts some 8 million Americans. According to the National Kidney Foundation, kidney disease is the fourth major cause of death in the country. The tragedy lies in the fact that many of those who die could be saved through treatments with the artificial kidney or kidney transplantation. I ask unanimous consent that the article entitled "An Action Plan To Help Kidney Patients," written by Belding Scribner, M.D., taken from the December 1972 issue of Today's Health, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

An Action Plan To Help Kidney Patients

(By Belding Scribner, M.D.)

If the President of the United States were to announce tomorrow a cure for cancer, this would mark a great moment for mankind; if the American Heart Association would declare that a wonder drug had defeated the scourge we know as heart disease, this too would signal a great medical breakthrough.

Regrettably, neither of these events is soon to happen. However, I can issue a pronouncement which I consider equally as dramatic and far-reaching as these two would represent.

I can declare that we have found a way to defeat death from chronic renal failure, commonly known as kidney disease.

Consider, that just 13 years ago chronic kidney failure meant death. Today, through the use of artificial kidney machines and through transplants some 6,000 terminally ill Americans each year are given—for the second time—the gift of life.

But, is there meaningful excitement over this remarkable scientific triumph, now almost 13 years old? Not to my knowledge; indeed, an epidemic of apathy surrounds our "breakthrough" and despite the fact that we continue to spend $100 million a year on kidney disease there is only a ripple in the public consciousness of the problem—a problem, incidentally, which finds eight million Americans with some form of kidney disease and annually claims three times as many lives as are saved.

Here, then, is The Story: *the hard news*.

For, while we unquestionably have the means, the medical skills and the necessary implements, we are failing to save all those who should be—must be—rescued from the horror of uremia.

As *The New York Times* has said:

"Thousands of [kidney] patients are condemned to die of their potentially treatable disease."

So, in allowing two of every three patients with kidney disease to slip off and die somewhere, we are failing ourselves, our society and we're saying to our research scientists:

"Don't find us ways to overcome disease . . . to prolong life, because we lack the will, the money, the diagnostic skills and the administrative knowledge to properly utilize them."

I know because I have given the better part of my professional life to kidney research. And from my own experience I know that we can improve upon our shameful waste of life; moreover, I understand that you cannot talk kidney disease without talking money. Still, the high cost of dialysis (Home dialysis averages about $5,000 a year; hospital dialysis roughly $25,000) isn't the only prohibition to greater progress against endstage kidney disease.

Let me explain:

Eleven years ago there was no hope for the chronic kidney case. Medicine had no answer to this killer-disease. Then, with the help of two colleagues, Dr. David H. Dillard and Wayne E. Quinton, I found a way to allow the kidney patient to "hook up" to the hemodialysis machine, which performs as an artificial kidney. That is, it rids the blood of the poisons which the patient's own malfunctioning kidneys are incapable of handling. The kidney sufferer now could dialyze three times a week, for a total of 30 hours, and at all other times was free to lead a nearly normal life, working, traveling, raising a family. The device permitting the frequent hook-up is about the size of a washing machine and researchers are working to make it even smaller.

People now say to me: "How fulfilling . . . what a great reward for your efforts." Some of these are friends who know that Clyde Shields, the first patient to go on the shunt, lived 11 years.

Of course, I am gratified that Clyde and thousands of others have lived beyond a time when they were so sick they had lost the will to continue. But, there can be little satisfaction and no professional smugness when you realize that we are reaching only one-third of those who are desperately sick and, significantly, too few people care enough to even speak out. I am not one of them.

In my home state of Washington, where we have worked long and hard on the problems and no one need go untreated for lack of money, or any other reason, the average incidence of chronic renal failure is 50 per million population.

Our national average is only 20 per million.

This disparity between the two figures means thousands of Americans with kidney disease aren't being treated. Some, I suspected, because they haven't been correctly diagnosed; others because they mistakenly believe dialysis ("living by a machine . . . not for me!") is too painful, too humiliating, too costly.

I know that certain voices claim that some patients are knowingly, stoically, foolishly choosing death—rather than go on dialysis, or seek a transplant. These pathetic patients argue, sometimes with justification, that they cannot *afford* to live: the price is too high.

Clearly, we have a long way to go and the time to begin is now. Toward this goal, I offer a basic, three-point plan for action:

I firmly believe we need a strong central agency overseeing all our efforts, and astride this agency should be an "enlightened despot." Call him a czar, or a secretary or an ombudsman, but let him perform as did Basil O'Connor for the old Polio Foundation. In short, he must speak loudly and often. He must represent the best interests of the sufferers, as well as their medical and volunteer servants. This man must know about politics, medicine, fund-raising, advertising and, most of all, human dignity.

The Kidney Czar would be an advocate in Washington and all the state capitols. He must be an achiever, bringing awareness, excitement and the pressures that spark progress.

Again and again he would say on television: "Here we sit today with kidney patients dying—and we have the solution at hand. . . ."

At present, there is neither an advocate nor an agency of the kind that is so needed. Perhaps this is why we aren't taking the maximum advantage of our *cure*.

Second, we must reorganize our dialysis programs so that we can service more patients at lower cost. I refer now on the manifold benefits of home dialysis.

As a result of our experience with the Northwest Kidney Center in Seattle, I am convinced that dialysis in the home is superior to hospital dialysis.

We are able to train most patients in three weeks; thereafter, they dialyze at home according to their own schedules and rhythms. In this way, they maintain their self-sufficiency and, in 75 percent of the cases, are able to work full-time.

Moreover, the difference in cost is so great that hospital dialysis must be regarded as an extravagance of both money and medical manpower. For every patient maintained in a hospital, we at the Northwest Kidney Center can care for between five and 10 patients on home dialysis. The obvious savings to the taxpayer, who ultimately pays for everything in this country, are in the millions of dollars.

If the time ever comes when we in the United States are able to accept all the eligible candidates for dialysis, this population will reach between 15,000 and 25,000 persons, depending upon the number and success ratio of transplants. If the figure is 20,000, the annual cost of hospital dialysis would run around $500 million. These same 20,000 patients could be maintained on home dialysis for under $80 million: a savings of $420 million. Hopefully a portion of this savings could be used for research.

It is only through research that we will develop a smaller, less expensive dialysis machine, moving us toward that day when hemodialysis will be as natural to the kidney patient as insulin injections are to the diabetic. Further, it is only through research that we shall improve our tissue matching, opening the way to a greater and surer use of cadaver transplants.

And, of course, research will lead us to the true causes of kidney disease—and a time when neither dialysis nor transplant are needed. This is Nirvana, to be sure; yet, in our lifetime medical science has discovered and perfected a vaccine which has made the iron lung obsolete. The analogy may not be overly far-fetched.

Third, we must have a national kidney registry, much like the one in Europe which promotes an exchange of kidneys between Britain, France, Germany, Holland, Switzerland and the Scandinavian countries.

Under this program, when a cadaver kidney becomes available for transplant information on the donor is fed into a computer and the best-matched recipient chosen.

You see, no country in the world gets more than 30 percent of the kidneys it needs for transplant, so it is imperative that we make the best possible use of every available organ.

And with a kidney registry, I believe we would increase the number of transplants performed while reducing the risk of rejection, and the estimated cost of $10 to $15 million would be earned back in a relatively short time.

Finally, permit me a personal note: on March 9, 1970, we held a 10th "reunion" dinner in Seattle and 130 local dialysis patients signed a posterboard reading, "Thank you, Doctor Scribner."

My wish now is that on this day in 1980 we all meet for dinner again. This time I hope we need a bigger hall and that our keynote speaker is the Kidney Czar who is on hand to report a long list of new achievements.

I can promise him an enthusiastic audience.

COMMITTEE ON RULES AND ADMINISTRATION—RULES OF PROCEDURE

Mr. CANNON. Mr. President, at its organization meeting on January 17, 1973, the Committee on Rules and Administration readopted without amendment the rules of procedure which, pursuant to section 133B of the Legislative Reorganization Act of 1946, as amended, it had adopted on January 17, 1973, at the commencement of the 92d Congress.

In conformity with the provisions of that section, I submit a copy of those rules to the Senate and ask unanimous consent that it be printed in the Record.

There being no objection, the rules were ordered to be printed in the Record, as follows:

Committee on Rules and Administration—Rules of Procedure

[Adopted February 4, 1971 (pursuant to Section 133B of the Legislative Reorganization Act of 1946. as amended). Readopted, without amendment, January 17, 1973.]

TITLE I—MEETINGS OF THE COMMITTEE

1. The regular meeting dates of the committee shall be the second and fourth Wednesdays of each month, at 10 a.m., in room 301, Senate Office Building. Additional meetings may be called by the chairman as he may deem necessary or pursuant to the provisions of sec. 133(a) of the Legislative Reorganization Act of 1946, as amended.

2. Meetings of the committee shall be open to the public except during executive sessions for marking up bills or for voting or when the committee by majority vote orders an executive session. (Sec. 133(b) *of the* Legislative Reorganization Act of 1946, as amended.)

3. Written notices of committee meetings will normally be sent by the committee's staff director to all members of the committee at least 3 days in advance. In addition, the committee staff will telephone reminders of committee meetings to all members of the committee or to the appropriate staff assistants in their offices.

4. A copy of the committee's intended agenda enumerating separate items of legislative business. committee business, and referrals will normally be sent to all members of the committee by the staff director at least 1 day in advance of all meetings. This does not preclude any member of the committee from raising appropriate nonagenda topics.

TITLE II—QUORUMS

1. Pursuant to sec. 133(d) 5 members of the committee shall constitute a quorum for the reporting of legislative measures.

2. Pursuant to rule XXV, sec. 5(a) of the Standing Rules of the Senate 3 members shall constitute a quorum for the transaction of routine business.

3. Pursuant to rule XXV, sec. 5(b) 3 members of the committee shall constitute a quorum for the purpose of taking testimony under oath; provided, however, that once a quorum is established, any one member can continue to take such testimony.

4. Subject to the provisions of rule XXV, sec. 5(a) and sec. 5(b), the subcommittees of this committee are authorized to fix their own quorums for the transaction of business and the taking of sworn testimony.

5. Under no circumstances, may proxies be considered for the establishment of a quorum.

TITLE III—VOTING

1. Voting in the committee on any issue will normally be by voice vote.

2. If a third of the members present so demand, a record vote will be taken on any question by rollcall.

3. The results of rollcall votes taken in any meeting upon any measure, or any amendment thereto. shall be stated in the committee report on that measure unless previously announced by the committee, and such report or announcement shall include a tabulation *of the votes cast in* favor of and the votes cast in opposition to each such measure and amendment by each member of the committee. (Secs. 133 (b) and (d) of the Legislative Reorganization Act of 1946, as amended.)

4. Proxy voting shall be allowed on all measures and matters before the committee. However, the vote of the committee to report a measure or matter shall require the concurrence of a majority of the members of the committee who are physically present at the time of the vote. Proxies will be allowed in such cases solely for the purpose of record-

ing a member's position on the question and then only in those instances when the absentee committee member has been informed of the question and has affirmatively requested that he be recorded. (Sec. 133(d) of the Legislative Reorganization Act of 1946, as amended.)

TITLE IV—DELEGATION OF AUTHORITY TO COMMITTEE CHAIRMAN

1. The chairman is authorized to sign himself or by delegation all necessary vouchers and routine papers for which the committee's approval is required and to decide in the committee's behalf all routine business.

2. The chairman is authorized to engage commercial reporters for the preparation of transcripts of committee meetings and hearings.

3. The chairman is authorized to issue, in behalf of the committee, regulations normally promulgated by the committee at the beginning of each session, including the senatorial long-distance telephone regulations and the senatorial telegram regulations.

TITLE V—HEARINGS

All hearings of the committee shall be conducted in conformity with the provisions of sec. 133A of the Legislative Reorganization Act of 1946, as amended. Since the committee is normally not engaged in typical investigatory proceedings involving significant factual controversies, additional implementory rules for hearing procedures are not presently promulgated.

TITLE VI—SUBCOMMITTEES

1. There shall be seven, three-member subcommittees of the committee as follows:

Standing Rules of the Senate.
Privileges and Elections.
Printing.
Library.
Smithsonian Institution.
Restaurant.
Computer Services.

2. After consultation with the ranking minority member of the committee, the chairman will announce selections among the members (and to the Joint Committee on Printing and the Joint Committee on the Library) subject to committee confirmation.

3. Each subcommittee of the committee is authorized to establish meeting dates, fix quorums, and adopt rules not inconsistent with these rules.

4. Referrals of legislative measures and other items to subcommittees will be made by the chairman subject to approval by the committee members.

UNITED STATES SHOULD TALK WITH THE PEOPLE'S REPUBLIC OF CHINA ABOUT ARMS CONTROL

Mr. PROXMIRE. Mr. President, during November and December of 1972, I exchanged correspondence with the Arms Control and Disarmament Agency about the question of arms control negotiations with the People's Republic of China. My interest was spurred by certain press reports indicating that the Chinese were developing a family of strategic missiles capable of attacking the U.S.S.R. and eventually the United States.

CHINESE TECHNOLOGY GROWING

The acquisition of nuclear and missile technology by China poses serious problems. The bipolar world is gone for good, it seems, and arms control will be infinitely more difficult as a result. It is only prudent that the United States examine ways to open arms control negotiations with the People's Republic of China.

It is apparent that recent Chinese advances in missile technology already have influenced the first round of the United States-U.S.S.R. strategic arms limitation talks—SALT I—by causing the Soviets to insist on retaining an ABM system for Moscow.

As the Chinese gain sophistication in their weapons programs, they will have more impact on the delicate SALT II negotiations. It is time, therefore, to start talking with the Chinese about ways in which to reduce the threat of atomic war. If we do not take Chinese advances seriously, there could be further undesirable consequences on the SALT negotiations.

There is an arms control philosophy currently in vogue that nations can bargain only if they have reached a state of parity or overall equality in strategic weapons. Perhaps there is some truth to this in particular cases.

We cannot afford to wait, however, until the Chinese catch up with the United States and U.S.S.R. The time to begin dealing with this problem is now. Why wait for the problem to get worse before we take steps toward its solution?

Although Chinese missile technology has not developed as quickly as expected, and by U.S. standards they are clearly inferior in all aspects, their technology base is growing. It has been reported that the Chinese are building a family of different types of missiles some of which are deployed in hardened sites. A Chinese ICBM force capable of hitting the United States is not expected to be deployed until 1975 or later.

In addition to missiles, the Chinese have an active nuclear weapons test program, have produced their own new fighter, and a medium range bomber. None of these weapons, however, pose a threat to the United States.

RECOMMENDATIONS FOR ACDA

It may be that only the most preliminary arms control discussions would be appropriate at this time. Perhaps they would be strictly informal and nongovernmental. The Arms Control and Disarmament Agency has responded to one of my letters by indicating that they are maintaining an open door policy toward the Chinese in this field. This is constructive. By itself, however, it may not be enough.

We cannot afford to remain passive in the face of the recent Chinese advances. Though the problem is one of long range and no immediate threat is present, the growth of Chinese nuclear and conventional power will have widespread ramifications throughout Asia.

For this reason, the United States should take positive steps to bring about serious arms control discussions with the Chinese. In lieu of any specific suggestions or actions from the Agency, I offer the following possibilities:

First. Consider responding to the Chinese policy statements of "no first use" of nuclear weapons by reciprocating with a U.S. policy of "no first use against China" as long as nuclear weapons have not been used by any other parties.

Second. The United States could make an initiative regarding a nuclear free zone in Asia.

Third. Begin broad multilateral discussions about conventional arms control in Asia.

Fourth. Start informal discussions with visiting delegations from the People's Republic of China.

Mr. President, I ask unanimous consent that my exchange of letters with the Arms Control and Disarmament Agency be placed in the RECORD at this point along with three newspaper articles describing the recent Chinese missile advances.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NOVEMBER 10, 1972.

GERARD C. SMITH,
Director, Arms Control and Disarmament Agency, Washington, D.C.

DEAR MR. SMITH: I urge you and the Arms Control and Disarmament Agency to undertake serious negotiations with the Peoples Republic of China (PRC) on the issue of strategic arms limitations.

Recent press reports, reportedly from official spokesmen, confirm that the PRC now has the missile capability to attack the Soviet Union including the portion west of the Urals. Apparently the Chinese are developing a family of missiles with different ranges, and some of these are already based in hardened sites.

For many years we have known that the Chinese were experimenting with a variety of launch vehicles. Our estimates of deployment, however, have generally been premature. With the recently released information and the knowledge that they are also developing an ICBM capable of attacking the U.S., it now becomes necessary to begin long range planning with respect to possible U.S./Chinese arms control issues.

In addition to this general precautionary measure, we should consider the potential consequences of Chinese nuclear developments on the SALT II negotiations. It has been said that fear of Chinese technology already has influenced SALT I by causing the Soviets to insist on retaining an ABM system for Moscow. What new developments might adversely affect SALT II?

There is an arms control philosophy currently in vogue that nations can bargain only if they have reached a state of parity or overall equality in strategic weapons. Perhaps there is some truth to this in particular cases. We cannot afford to wait, however, for the Chinese to catch up with the U.S. and USSR or approach some theoretical level of Chinese "sufficiency" before we think about arms control. The time to begin is now, even if at a low level. Why wait for the problem to get worse before we take steps toward possible solutions?

The rise of another nuclear power of fundamentally different ideology greatly complicates arms control. The old bi-polar world is gone for good.

I hope you will take my suggestion seriously and take steps to begin talking with the Chinese about strategic issues.

Sincerely,

——— ———,
Chairman, Joint Economic Committee.

U.S. ARMS CONTROL AND DISARMAMENT AGENCY,
Washington, D.C., November 30, 1972.

Hon. WILLIAM PROXMIRE,
U.S. Senate.

DEAR SENATOR PROXMIRE: We appreciate your thoughtful letter of November 10 urging us to undertake strategic arms negotiations with the People's Republic of China. I assure you that we are giving your suggestions close and serious consideration.

The Administration has taken far-reaching steps to open a dialogue with the People's Republic of China on matters of mutual interest, including measures leading to a more peaceful and secure world. We are studying various ways in which we and the PRC can further our common objective of reducing the danger of international military conflict, an objective set forth in the Joint Communique of President Nixon and Premier Chou at Shanghai.

It has long been apparent to us that it would be desirable to broaden multilateral discussions on arms control in order to include the PRC. The U.S. representative stated specifically at the Conference of the Committee on Disarmament at Geneva in June, 1971 that "we would welcome the participation of all nuclear-weapon states in arms control and disarmament efforts."

The Chinese Government has been very cautious in approaching this sensitive subject. So far it has not gone beyond participation in the annual U.N. disarmament debate in New York, despite urgings from many quarters to play a more active role.

We will of course continue to do what we can to broaden multilateral participation in arms control efforts, and will remain very receptive to any indications from authorities of the People's Republic of China that they wish to discuss such matters.

Sincerely,

James F. Leonard,
Acting Director.

December 4, 1972.

Hon. Gerald C. Smith,
Director, U.S. Arms Control and Disarmament Agency, Washington, D.C.

Dear Mr. Smith: I have received the recent letter from your office regarding my suggestion for preliminary arms control discussions with the People's Republic of China. I appreciate your timely reply and have taken note of your willingness to proceed down this path. May I commend you and your Agency for having the foresight to anticipate these problems and the flexibility to be receptive to approaches by the PRC.

I would urge you, however, to be more than receptive. China has gone through such massive internal upheaval and we know so little about this nuclear power that it may rest with us to make the initiatives. After all, if done carefully and with proper consultation of allies such as Japan, what do we have to lose?

Negotiations are not often culminated without the most painstaking advance preparation, as you know more than anyone else. This argues that the time to begin is now, even if at the lowest levels.

While the US has made some limited initiatives toward the PRC, a stronger stance must be taken. The US should take positive steps to bring about serious discussions with the Chinese. In lieu of any specific suggestions in your previous letter and with respect for your opinions, I offer the following possibilities:

1. Consider responding to the Chinese policy statements of "no first use" of nuclear weapons by reciprocating with a US policy of "no first use against China" as long as nuclear weapons have not been used by any other parties.
2. The US could make an initiative regarding a nuclear free zone in Asia.
3. Begin broad multilateral discussions about conventional arms control in Asia.
4. Start informal discussions with visiting delegations from the People's Republic of China.

Could you supply me with ACDA's position on these points?

Sincerely,

William Proxmire,
U.S. Senator.

U.S. Arms Control and Disarmament Agency,
Washington, D.C., December 20, 1972.

Hon. William Proxmire,
U.S. Senate.

Dear Senator Proxmire: Thank you for your letter of December 4th to Mr. Smith, who is presently at the SALT TWO negotiations in Geneva. I welcome your continued interest in the prospects for progress in arms control with the People's Republic of China.

This Administration has opened serious discussions with the PRC on a range of important questions. This has made a signal contribution towards the normalization of our relations. It is now a matter of building on that foundation, and we will continue in a positive spirit our search for areas of mutual Sino-American interest. Your specific suggestions will naturally receive our careful attention.

Sincerely,

James F. Leonard,
Acting Director.

China's Missiles Can Hit Russia

(By William Beecher)

There is now evidence that China has deployed a handful of strategic missiles capable of reaching Moscow, administration officials report.

The missiles, the officials said, have a range of about 3,500 miles, carry a three-megaton warhead and are installed in launching sites comparable to America's nine-year-old Titan-2 intercontinental ballistic missile silos.

The officials said some missiles are installed in underground concrete-and-steel silos capable of withstanding even a near miss, and others are built into mountain sides.

The officials declined to reveal the nature of their evidence, but presumably it came from reconnaissance satellites.

In addition to these 3,500-mile liquid-fuel missiles, the officials said, China has deployed about 20 other missiles of two types: One with a range up to 1,000 miles, the other with a range up to 2,500 miles.

Further, new launching facilities are under construction for all three types of medium-range and intermediate-range missiles, they said.

SOVIET-CHINA RELATIONS

Most analysts regard those developments as being of major importance in shaping the relations between the Soviet Union and China. They note that China now can target the capital of the Soviet Union with a few missiles, but they disagree over whether this constitutes enough of a retaliatory threat to strike.

Those who tend to doubt it—and they appear to be in the minority—point out that the Soviet Union has recently completed construction of five new storage depots for tactical nuclear weapons along its border with China.

That brings to 19 the number of such hardened depots—for tactical bombs and warheads for tactical missiles—that the Soviet Union has built along the long border with China over the last five years.

"Many of our analysts felt that once China deployed enough 1,000-mile missiles and nuclear-armed TU-16 bombers to be able to destroy cities in Soviet Asia in the event of attack, Russia was deterred," one ranking planner said.

SOVIETS STRENGTHEN BORDER

"But some of us aren't so sure any longer. The Soviets have recently added another three divisions along the border and built five more nuclear storage bunkers. Why does she continue to expend so much effort and wealth on that region if she is not keeping open an option to make a preceptive strike?"

Another analyst put it this way: "Most of my colleagues believe it's silly to even think in terms of a Soviet first strike. But I think the next 18 months are the critical period. By that time, Peking should have 30 to 40 missiles that can strike Moscow and other major cities in European Russia and by then a Soviet first strike really would be too dangerous."

Officials agree that probably the principal reason the Soviet Union insisted on maintaining an antimissile defense around Moscow, in its negotiations with the United States on limitation of strategic armaments, was to retain a capability of defending against a possible Chinese missile attack.

The treaty signed by the United States and the Soviet Union last May permits 100 antimissile missiles each around Moscow and Washington, and 100 defensive missiles around one ICBM complex in called Galosh antiballistic missiles around Moscow. But each nation.

CHINA WORKING ON ICBM

At present there are 64 so-American specialists say this weapon is not regarded as very effective and conceivably could be penetrated by a Chinese attack. The Russians are known to be actively testing advanced defensive missiles and radar systems.

China is believed to be working on an ICBM with a range of up to 6,000 miles, but has not yet fired it outside her borders. Such a range would bring targets in the United States within reach. However, China is not expected to have an operational ICBM for roughly three more years.

Weapons specialists say China has had several successful tests of three-megaton warheads and bombs. A megaton is equivalent in explosive force to one million tons of TNT.

A three-megaton warhead would be larger than most American and Soviet warheads, although the Soviet SS-9 intercontinental missile is believed to carry one 25-megaton warhead in test cases and three five-megaton warheads in some instances.

China Preparing To Deploy Intermediate Range Missiles

(By Joseph Alsop)

China is now briskly preparing to deploy a first group of about 10 nuclear missiles with sufficient range to reach Moscow, Leningrad and other Soviet heartland targets. The Chinese preparations, only recently observed by the United States, are both novel and ingenious; for the missile sites are literally being carved into the sides of mountains, out of living rock.

Just when the missiles themselves will be married to the sites is of course anyone's guess. But it is certain that the Chinese have already successfully tested a new missile with intermediate range of a few thousand miles.

In Soviet eyes, as anyone can figure out, Chinese deployment of these new missiles will surely mean that a new phase has opened. For the missiles in their rough-carved sites must appear altogether different from the earlier Chinese deployment, in completely soft sites, of about 50 missiles with just enough range to reach targets in Siberia.

In the previous phase, there was very little to deter a Soviet preventive attack upon China—provided the Soviets were ready to use nuclear missiles of their own to take out the short-range Chinese missiles in soft sites. In the new phase, such an attack would still be entirely possible—even a rock-carved missile site cannot give full protection against one of the huge warheads of the Soviet SS-9s—but it will be considerably more risky.

The new phase now visibly ahead will obviously look forward, furthermore, to the final phase. This will come when the Chinese add an adequate antimissile warning system to their nuclear panoply. If they then adopt a policy of "launch-on-warning" (as is highly likely), the risks of a Soviet preventive attack will finally become almost unbearably great.

These are the background facts, obtained here, against which one must judge all sorts of facts in China. They mean, to begin with, that the Chinese have not yet reached their long-fought point of no return when the Soviets must discard all thought of the attack on China they have been so expensively preparing.

Instead, the period of maximum danger still lies ahead, but it is now getting fairly close. For the Soviets must certainly make their decision about attacking or not attacking China at one of two points in time: either when missiles that can reach Moscow and Leningrad actually begin to be deployed; or when the Chinese begin to complete the design, with a workable antimissile warning system.

Meanwhile, as noted in the last report in this space, the danger of a Soviet preventive attack is the true mainspring of Chinese policy. Among other things, this mainspring in fact produced the new relationship between China and this country.

Most interestingly, Prime Minister Chou En-lai told me flatly that the first overture came from the United States. Beyond doubt that was in 1969 when President Nixon violently rejected a rather direct Soviet request for tacit American support in immediate action against China.

A long period was then consumed by the complex minuet that culminated in Dr. Henry A. Kissinger's first visit to Peking. Prime Minister Chou mentioned Vietnam as a complicating factor. But it seems clear that an even much greater complicating factor was Chinese internal politics; for the prime minister wanted the new American link, whereas Lin Piao and his group quite bitterly opposed it.

This was why Marshal Yeh Chien-ying was the soldier who talked with Kissinger along with Prime Minister Chou. And since the first Kissinger visit preceded Lin Piao's flight and death, this is also why the Chinese were then so passionately insistent that no one should learn about Kissinger's other Chinese interlocuter, Chou's military ally against Lin, old Marshal Yeh.

Yet it is far more important for Americans to understand the real basis of the new Sino-American relationship. The basis was none of the things that virtuous people have supposed in this country. It was, instead,, the danger of Soviet preventive attack on China, acknowledged by both sides.

For both sides, too, the new relationship was and is founded on hard interests. For if a Soviet preventive attack on China finally materializes, we in the United States will find ourselves living in another Hitler-time albiet with no Hitler.

Chinese Expected To Have Missile To Reach United States by 1975

China is expected to have an operational intercontinental ballistic missile in 1975 which would be capable of striking the United States, U.S. intelligence sources said today.

The sources also said there are indications China has begun deployment of intermediate range missiles which presumably could be targeted against such neighbors as Japan.

The disclosures followed a statement by Sen. Stuart Symington, D-Mo., who said at a Jan. 9 meeting of the Senate Armed Services Committee: "I was shocked to find out how close another power is to becoming a super power in missiles. This, to me, reduces the practical effect of the Strategic Arms Limitations Talks (with the Soviet Union)."

PRIVATE BRIEFING

Symington commented during the confirmation hearing of Elliot L. Richardson, President Nixon's nominee for Defense secretary. He explained later that his comments were based on a private briefing of the armed services panel by outgoing director Richard Helms of the Central Intelligence Agency.

The intelligence experts minimized Symington's dismay, saying the U.S. intelligence community had been keeping close track of China's missile development and while it did not know all the details, the United States was well aware of China's growing missile capability.

Outgoing Defense Secretary Melvin R. Laird said in his defense posture report on Feb. 8, 1972, that China was not expected to deploy more than 10 to 20 long-distance missiles by 1976.

NO EXCESSIVE THREAT

Such a small force would not appear to be an excessive threat to the United States. But it would underline the eventual necessity of engaging the Peking government in disarmament negotiations.

The State Department said Jan. 17 that the United States did not propose to invite China to participate in strategic arms limitation talks with the Soviet Union, which department spokesman Charles W. Bray described as "bilateral."

Bray did say, however, that the United States would welcome China's participation at the Geneva disarmament conference, which resumes Feb. 20. The 25-nation conference will discuss a ban on chemical warfare and a possible ban on underground testing of nuclear weapons.

CHANGES IN OIL IMPORT POLICY

Mr. STAFFORD. Mr. President, last week the President made two major changes in U.S. oil import policy: First, he removed all controls on No. 2 fuel oil imports into districts I–IV until April 30; second, he increased crude oil imports into districts I–IV for 1973 by 50 percent and placed those districts on the supply gap import formula which has long been in effect in district V.

The removal of controls on home heating oil is of vital concern to the people of Vermont and New England, and I should like to comment this morning on what it does and does not mean for our region.

First of all, the fuel oil supply crisis has not been solved by decontrol. This action has simply come too late in the winter to have much effect; fuel oil is a bulk commodity which must be moved over long distances in vast quantities. Removing the import barriers is not like breaking a dike; the oil will not flow quickly in,

Since last spring and summer, we in New England have been seeking a substantial increase in No. 2 fuel oil imports into our region. We knew a crisis was coming; we knew that long leadtime was needed to locate the necessary quantities of fuel oil and to arrange for shipment to assure arrival during the peak demand months of January, February, and March.

We were right, but unfortunately our warnings were not heeded. Unfortunately for the homeowners of New England, the major oil companies gave the administration bland assurances that fuel oil stocks could be built up; the industry laughed off our warnings, saying that we did not understand the oil business.

I am convinced that the action taken last week is not enough, and it does not offer a solution to our fuel oil crisis in either the short or long term.

With reference to the short term, the current winter: Additional steps must be taken to assure that sufficient fuel oil supplies are available to our region and that no homes are without heat. One specific and effective step must be taken immediately; complete removal of the requirement that No. 2 fuel oil imported into New England must be purchased from the Western Hemisphere refineries and manufactured from Western Hemisphere crude oil.

Although we have, since last spring and summer, urged that this restriction be permanently suspended, the Director of the Office of Emergency Preparedness refused to do so; ignoring our warnings, he waited until last month to act and then only ordered supension for a 4-month period, January–April 1973.

The restriction is ridiculous; it hurts New England and is apparently only maintained to please a few bureaucrats in the State Department.

I am aware of the Department's concern about the Venezuelans; but I am frankly more concerned that the homes of New England have heat and the independent marketers have the fuel oil the homeowners need.

Further, I hope that the Department of State and the Venezuelans will realize that the Caribbean producers and refiners will benefit greatly from last week's order; as a result of the import liberalization, these producers and refiners especially the Venezuelans, will be able to market additional quantities of No. 2 fuel and crude oil in our country during 1973.

There is, in short, no longer any justification for the preference, especially since its prompt removal will assure that more No. 2 fuel oil can be imported into New England over the next few months. As the Oil Policy Committee is aware, European refiners have told east coast independent deepwater terminal operators they will produce more No. 2 fuel oil for delivery during the first quarter of 1973, if the terminal operators will also agree to take deliveries during the summer and fall of 1973; and these refiners have offered to sell the summer product at substantially lower prices, thus enabling independents to "average down" the current inflated costs of winter shipments from abroad.

Unfortunately, the independents cannot enter into the long-term contracts necessary to assure these added supplies of No. 2 fuel oil at lower prices.

The reason: They cannot purchase in Europe after April 30, because the U.S. Government puts back the Western Hemisphere restriction on that date.

As I have said, that restriction must be removed permanently; and the Office of Emergency Preparedness must act immediately in order to insure the maximum level of No. 2 fuel oil imports during the next three critical months.

Decontrol is not enough; the Western Hemisphere restriction must be completely removed.

I might add that no other part of the oil import program is subject to such a restriction; crude oil can be imported from anywhere.

I pointed out earlier that the major oil companies misled the Government and precipitated the current crisis; that is, I know, the view of Gen. George Lincoln, retiring chairman of the Oil Policy Committee. The irony is that the action taken by the administration last week will benefit the major oil companies most, for these companies are now permitted to import the massive quantities of No. 2 fuel oil that they have been accumulating abroad and supply their own marketing systems at the expense of the consumer.

I urge that the Government monitor the performance of the majors in the next few months to determine whether they are using imported supplies to reduce domestic refinery runs of No. 2 fuel oil and turn out more gasoline instead or are responding to present emergencies. The majors precipitated this problem; they should not be permitted to profit from it.

I should like now to turn to the long-term implications of the President's actions, their impact on fuel oil supplies in subsequent winters.

In brief, the proclamation of January 17 is not the formula for the instant panacea to New England oil problems. By reimposing controls on April 30 and reducing home heating oil imports to 1972 levels, the administration guarantees that the grim cycle of the current winter will be repeated next year. And it could be even worse in 1973–74.

First. Home heating oil demand will continue to soar, by 5 to 10 percent to at least 150,000 barrels per day.

Second. Gasoline demand will continue to rise—also by 5 to 10 percent.

Third. Domestic refining capacity will remain the same.

Fourth. Import levels seem destined to remain at 50,000 barrels per day.

A fourth grade mathematics student would easily conclude on the basis of these facts that there will be a fuel oil shortage next year and that it could be worse than the current one.

Given these facts, it is clear that action must be taken by April 30, at the latest, to assure that no homes or schools or hospitals are without heat during the winter of 1973–74.

We cannot permit the delays and the miscalculations that have caused the present crisis. And I wish to make clear that a prime objective of the New England delegation, and we will, I am sure, be joined in our effort by delegations from the rest of the east coast and Middle West, will be to assure that effective decisions on next year's heating oil import program are taken by April 30, 1973. We will take this winter's lesson and press for action in time to avoid runouts and crisis and disruption.

Our objectives are simple and they can be easily and promptly implemented by the administration:

First, continuation of the decontrol of No. 2 fuel oil on a permanent basis. District I is the area of the highest consumption of this product, and as imports move into our area, additional domestic supplies will become available to the Middle West.

Second, complete and permanent removal of the Western Hemisphere restriction on all imports of No. 2 fuel oil.

Mr. President, fuel oil shortages need not occur. The crisis which now faces the east coast and the Middle West could have been avoided if the warnings of the past 8 months had been heeded. All of us who represent those areas must pledge now to our citizens to work to assure that the vicious cycle of the past year will never be repeated; and that the outdated bankrupt oil import restrictions that have contributed to the crisis will be completely and permanently removed.

HARRY S TRUMAN

Mr. JACKSON. Mr. President, Harry Truman had the responsibilities of the Presidency thrust upon him overnight. He was confronted with a series of tough, unprecedented decisions—with nothing less than the future security of the free world at stake. He never shrank from those decisions, despite the hostile environment of those postwar years. It can be said that his greatest decisions were made when the public polls gave him the lowest ratings. His courage, his wisdom, and his decisiveness in that period shaped the future course of the Western World.

I am proud to have served in the House of Representatives during the Presidency of Harry Truman and proud to have supported him in his efforts to maintain the security of the free world. With the passing of the years, his place in history—and in the hearts of his countrymen—is ever more assured. He will be known as he is already—as one of our country's greatest Presidents.

VIETNAM

Mr. MONDALE. Mr. President, the recent indiscriminate bombing of North Vietnam, undertaken in the 2 weeks before Christmas, has aroused the indignation of thoughtful citizens across this country.

I believe that a recent editorial in the St. Paul Pioneer Press, which appeared on December 31, is one of the clearest and strongest expressions of opposition to the President's policy which has appeared in any of the print media. This editorial is yet another reminder of the dangers inherent in the bombing campaign of the President, and the need for quick and effective congressional action to reverse the drift of power from Congress to the President.

I ask unanimous consent that this editorial be printed at the conclusion of my remarks.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

United States Should Get Out of War—Now

America, the world's wealthiest, most powerful nation, with a population of 200 million people, has for the past 10 days been engaged in probably the most massive sustained bombing attack in the history of warfare.

The victims are the people of North Vietnam, a small, impoverished, underdeveloped rural Asian country with a population of 21 million peasants. In area, North Vietnam is much smaller than the state of Minnesota, having 61,000 square miles of territory compared with Minnesota's 84,000.

More than 10 million pounds of deadly explosives have been dropped on the heavily populated Hanoi-Haiphong area in a single day. On President Nixon's personal orders, without consultation with Congress, this holocaust has been in progress since Dec. 18. It is part of an American military policy which has wreaked havoc in North and South Vietnam, Cambodia and Laos with more than 7 million tons of bombs since 1965.

Nixon told the American people that peace would come in 1972. Instead, even in friendly South Vietnam, 1972 produced more war victims than any previous year of the conflict—2 million new refugees, 200,000 or more civilian casualties with more than half of these being women and children. And this says nothing of what has happened in North Vietnam.

America's current annihilation campaign in the Hanoi-Haiphong area has brought a wave of moral revulsion in many parts of the world. Members of the West Germany Parliament from Chancellor Willy Brandt's Social Democratic party appealed to Nixon to stop the bombing. In Sweden the leaders of that country's five political parties joined in similar action. In Australia the shipping unions have banned further services to American vessels until the bombing ends. There are protests in France and Japan. Russia and China say friendly relations with the United States are threatened.

President Nixon, keeping himself in seclusion and avoiding direct questioning by the press, lets subordinates explain that the terror bombing is to force Hanoi officials to sign a peace agreement meeting his own terms. These terms are designed to perpetuate the near dictatorial rule of President Thieu in South Vietnam. This is an impossible goal, for the Vietnamese people themselves are divided by civil war and political dissension which will continue in the future, no matter what papers are signed by officials.

If present Washington policies continue, the main hope for American disengagement from the Indochina quagmire appears to be action by the United States Congress in the coming session to deny funds for continuation of this cancerous and futile war.

Such action was voted by the Senate last August but rejected by the House. A majority of members of the new Senate have stated their support for a new effort. A group of House Democrats has appealed to the Democratic National Committee to join a stop-the-war coalition with like-minded Republicans.

Some Republicans who formerly backed President Nixon on the war have shifted their position. One is Senator William Saxbe of Ohio, who said the President "appears to have lost his senses."

A military aid authorization bill is scheduled to come before Congress in the early weeks of the new session. This may become the vehicle for a new expression of antiwar sentiment in the Senate and House.

America has given President Thieu and his Saigon regime every reasonable support to enable it to stand on its own feet in Indochina for the future. Beyond that, the United States should not go. The time is long since past when there was any justification for continued American military action in that part of the world.

If it takes a congressional rebellion against presidential war-making powers to bring the White House to a disengagement policy, then that is the action which should be taken.

American participation in this misguided adventure in Vietnam should be brought to an end.

THE KRESGE FOUNDATION

Mr. GRIFFIN. Mr. President, nearly 50 years ago the Kresge Foundation was established by Sebastian S. Kresge, a giant in the merchandising field. Since then the Kresge Foundation has been of great assistance in many worthy causes in Michigan, in the Nation, and in the world.

The foundation is now under the leadership of the founder's son, Stanley S. Kresge, of Birmingham, Mich., who is one of Michigan's most distinguished citizens.

Mr. President, an excellent article about the Kresge Foundation, its leadership, and activities appeared recently in the Legal Advertiser of Oakland County. It was written by Stephen T. Spilos, a well known Michigan historian who, incidentally, is a member of the U.S. Capitol Historical Society.

I ask unanimous consent that the article by Mr. Spilos be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

KRESGE HAS DEEP ROOTS IN MICHIGAN

(By Steve Spilos)

There is no greater proof that a great institution has a deep and abiding interest in humanity than the fine work of The Kresge Foundation which helps many worthy causes nationally, and internationally, and takes a special interest in Detroit area projects.

In philanthropic circles, it is known as a "bricks and motar" foundation, giving assistance to already established institutions and non-profit organizations when they have a need for additional facilities.

The amazing factor—although it is a phenomenal achievement—is not in the construction of these Kresge buildings, which number into the hundreds, but what goes on inside of them once they are completed.

Good examples are the Kresge Eye Institute of Wayne State University, the Kresge Hearing Center at the University of Michigan, Children's Village, world-renowned for its service to children from broken homes, and what to some may seen a remote endeavor—yet vital to the people it serves—a training center for flying doctors at Nairobi, Kenya, where there is about one doctor for every 40,000 persons.

Since it began nearly 50 years ago, the Kresge Foundation has helped many colleges and universities—510 in all, by the latest count. This is a significant and coincidental number indeed, considering the business of the founder, Sebastian S. Kresge, who opened his first "five and ten" cent store in Detroit in 1899.

Kresge's variety store chain developed very rapidly, and his wealth far exceeded his expectations. Inheritance taxes were not a compelling factor when he established his Foundation "to better serve humanity" on June 11, 1924, during the 25th anniversary of the S. S. Kresge Company.

Including his initial gift of $1,300,000, Kresge made 14 separate endowments to the Foundation for a total of $60,577,183. Today the assets of the Foundation are nearly $900 million. The increase is largely credited to the Kresge stock that was held by the Foundation.

However, apart from stock holdings, the two operations—the Company and the Foundations—are not related in any way.

During its existence Foundation grants have added up to more than $109 million. In response to 700 applicants requesting $150 million in 1972, appropriations were $28 million, indicating there are always more requests for money than there are funds available.

S. S. Kresge worked out his plans for the Foundation with his lawyer, Paul W. Voorhies, who was president of the Foundation for 28 years. Voorhies also served as attorney general for the state of Michigan and trustee of Albion, the first college to receive a sizable grant from the Foundation.

When Voorhies died in 1952, he was succeeded as president by Sebastian's son, Stanley S. Kresge, who is now chairman of the board. Sebastian died Oct. 18, 1966, at the age of 99, and in the next annual report of the Foundation his son expressed a very strong conviction.

"This world will not be greatly improved," he said, "until and unless the teachings, experience and spirit of Jesus Christ are more fully understood and applied in our lives and promoted throughout the land."

The work of those who labored for the purposes of the Foundation throughout the years has been distinguished by harmony and a fine spirit of dedication to the aims of the founder.

Donald F. Valley, who retired in 1971, and the late Howard C. Baldwin also served with distinction, and they were both directors of the S. S. Kresge Company. Baldwin served until his mandatory retirement March 15, 1963, three months before he died. He was succeeded in both positions by his son, William H. Baldwin, president of the Foundation.

Other members of the board of trustees are Amos F. Gregory, treasurer, Wilbur K. Pierpont, George Russell and Bruce A. Kresge, M.D. Additional officers include Wesley R. Baker, secretary and assistant treasurer, and Alfred H. "Ted" Taylor, Jr., vice president of administration.

A competent secretarial staff—Florence M. Johnson, Virginia M. Jeffrey and Shirley A. Mueller—perform the daily functions of the office, keep the officers on schedule, and in 1971 alone sent out approximately 8,000 pieces of correspondence.

The Foundation offices are located at 1500 N. Woodward Avenue in Birmingham, Michigan. Formerly they were situated in the Detroit Bank and Trust Company Building on west Fort Street.

The Foundation was started in the original Kresge Building, now the Kales Building, at Park and Adams. Next spring the Foundation will move to the Standard Federal Savings and Loan Association Building in Somerset Mall on Big Beaver Road in Troy, Michigan.

Although the work of the Kresge Foundation spans many years, a brief summary of its activities shows the variety and magnitude of the projects that concern and interest the Foundation, which serves millions of people in all walks of life.

Foundation grants are as diverse as the activities of the people they reach, ranging from aid in the early days for refugee Chinese intellectuals to present construction of adobe schools by Indians themselves in the pueblos of the southwest.

Detroit and Michigan area grants alone include gifts to the Interlochen National Music Camp, where students from all over the world receive training in music, arts and drama; support of the Artrain of the Michigan Council for the Arts, funds for Camp Oakland—an extensive youth program that provides a summer vacation for 500 underprivileged children every year—libraries for both Wayne State and Oakland Universities, a Medical Center for the University of Michigan, an Art Center for Michigan State University, and substantial contributions to the Meadow Brook Music Festival and Baldwin Memorial Pavilion, where thousands of people every season enjoy the best in music.

Recent citations presented by the Detroit Historical Society and the Detroit Institute of Arts to Stanley S. Kresge praise the Foundation's gift to the Cultural Center, including a Ford-Kresge building for the new Center for Creative Studies—a project of the Detroit Society of Arts and Crafts—renovation of an old mansion to provide a new library for Merrill Palmer Institute, a Kresge Court and a new wing for the Art Institute, sponsorship of the annual Family Book Fair at the Detroit Public Library, a Kresge Exhibit Hall for the Detroit Historical Museum, and the Science Library at Wayne State University.

Many Detroit organizations have received helpful assistance from the Kresge Foundation—the YMCA and YWCA, Friends School, Salvation Army, Lutheran School for the Deaf, Goodwill Industries, League for the Handicapped, World Medical Relief, Michigan Cancer Society, United Foundation, and others.

In its special consideration of Detroit, the Kresge Foundation has made great contributions to New Detroit, Inc., and to the new Medical Center, where Children's Hospital got its start in 1886 with a ward of 12 beds in old Harper Hospital.

Mrs. Gerard Slattery, chairman, has served Children's Hospital for many years. When the Kresge Foundation donated funds for four classrooms and a medical library for student nurses, interns and staff physicians, she was elated.

"Stan and Dorothy Kresge are two of the finest people I know," she said. "They gave us $400,000 from their own funds for an auditorium—on their 40th wedding anniversary."

The auditorium serves many useful purposes. It has a seating capacity of 350 and is used by a great number of medical groups, and for "battered children" conferences, which are attended by parents of these unfortunate youngsters, as well as doctors, lawyers and social workers.

NEW YORK TIMES SALUTES EASTERN WILDERNESS BILL

Mr. CHURCH. Mr. President, Senators JACKSON and BUCKLEY have introduced a bill, S. 316, to add 19 new areas of Eastern wilderness to the National Wilderness Preservation System.

I was proud to cosponsor this measure, and am happy to note that the New York Times endorsed the bill and its need in an editorial entitled "The Wild East," published on Monday, January 22, 1973.

Because it provides such an excellent explanation of the purpose of the bill, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 22, 1973]

THE WILD EAST

If the word "wilderness" were mentioned in a word association test, most people in the eastern United States would immediately respond with the matching word, "West." It is natural to think of the towering Grand Tetons in Wyoming or the rugged Alpine beauty of Glacier National Park. It takes reflection to realize that many stretches of genuine wilderness still exist within a day's drive of the crowded cities of the East.

Senators Jackson, Washington Democrat, and Buckley, New York Conservative-Republican, have reintroduced a bill they sponsored in the last Congress to protect eleven wilderness areas in the East, scattered from

West Virginia to Florida, plus eight newly selected areas in the White Mountains of New Hampshire and the Green Mountains of Vermont.

These oases of wilderness all exist in national forests. They are known as "de facto" wilderness because they are, in fact, wild even though they are not on the list of lands which Congress in the 1964 Wilderness Act specifically required the Forest Service to study. The Forest Service contends that there is little or no wilderness in the East because any land that has ever felt the impact of human activities cannot qualify as wilderness. But that view contradicts the more reasonable, pragmatic language of the Wilderness Act itself, which defines wilderness as an area where "the imprint of man's work [is] substantially unnoticeable."

The Forest Service's purist stance is more responsive to the timber industry's economic objective than to a disinterested concern for the land. The timber industry vehemently opposes extension of the wilderness system because logging is forbidden in areas officially designated as wilderness.

Senators Talmadge, Georgia Democrat, and Aiken, Vermont Republican, chairman and ranking minority member respectively of the Senate Agriculture Committee, are sponsoring a bill to establish so-called "wild lands" in the East. Their bill rests on the Forest Service premise that no or few areas of genuine wilderness quality exist east of the Rockies. Some conservationists endorse this bill as a compromise but the risks of undercutting the Wilderness Act far outweigh any probable gain.

The Jackson-Buckley bill meets the need for new legislation by giving protection to areas which the Forest Service refuses to classify as wilderness. There is no need for a new subcategory of wilderness, be it called "wild lands" or whatever. What is needed is a new, more positive attitude on the part of the Forest Service toward conserving the eastern wilderness, and positive legislative protection, as in the Jackson-Buckley bill, for the few suitable areas that remain.

PHASE II: A FAILURE

Mr. PROXMIRE. Mr. President, there have been repeated statements by the administration reflected in turn by unthinking, uniformed, uncritical newsmen that phase II price controls was a success, that it worked well, slowed down inflation, did the job.

Mr. President, this erroneous view has become so widely held, that I think it must be answered.

The fact is that controls did not work. Surely they were popular, because everyone is against inflation. It seemed that the Government was acting to stop inflation by imposing controls on prices and wages. Since the administration made the decision to put controls into effect, since Congress overwhelmingly approved the decision, and since the country wanted the controls, it is now a simple political ploy to announce blithely that controls worked. It is human for everyone to want to believe they were right, so the assertion is accepted.

But did the controls work?

What are the facts?

At the time controls were imposed, inflation had already slowed considerably. All the economic factors were promoting a further slowdown in prices. Unemployment was high, and it has remained high. So the pressure on wage increases was lessening, as it always does when the labor markets are slack. Vacant plant capacity was high and while it has improved a little, it remains high. And vacant plant capacity of course retards price increases as businessmen are tempted to hold down prices or cut prices in order to increase sales so they can use their additional volume and increase profits—even with stable or lower prices.

So the economic situation was ripe for a further reduction in inflation.

Then controls were imposed.

What was the result? The first 6 or 8 months of controls were not a good test. Here is why: In the first 3 months prices and wages were frozen. That worked, and worked well. When the freeze went off and prices were allowed to rise to reflect cost increases, there was a temporary bulge, while the economic readjusted to the end of the freeze and the beginning of price increases.

But that bulge certainly ended by June of this past year. The last 6 months of phase II is a fair period for judging the effect of phase II in holding down prices. Controls had been in place long enough to work. The freeze and the bulge were over.

Now let us compare the last 6 months of phase II with the period prior to the freeze, the period before President Nixon announced his new economic program. For comparison purposes the Bureau of Labor Statistics selects the period between December of 1970 and August of 1971. On August 15, 1971, President Nixon announced that he was involving at that time wage and price controls.

If we compare the latest 6 months of phase II with the period just before any controls were instituted, do we see an improvement in the cost of living? Do we see a big reduction in inflation stemming from controls, a small reduction, or no reduction at all?

Mr. President, the economic statistics are out today. What do they show? They show that prices actually increased more—I stress more—after controls were firmly in place—that is, in the latest 6 months—than they did before we had any controls. The statistics are the Consumer Price Index, 1971, prior to phase I, December 1970–August 1971. All items up 3.8 percent annual rate, latest 6 months, June 1972–December 1972, up 3.9 percent.

Now think about that for a minute. This Government decided to control the prices in our previously free economy, the result: Prices actually rose more rapidly under controls than with no controls and they did this in spite of the fact that unemployment was still high and plant capacity vacant.

I submit, Mr. President, that this Government should learn a lesson from this experience, it is this:

Wage and price freeze may work for a short period of time, perhaps for 3 or 6 months, but wage and price controls at least as conceived and executed by this administration did not work in this experiment we have just completed. It is imperative that our Government and our people learn this lesson. The temptation to pose wage and price controls is likely to continue to persist, and there may be controls of a kind and a duration that we might find are useful. But the experience we have just had should make us very wary indeed of the glib, politically attractive claim that controls did the job against inflation in 1972. They did not. They failed.

FINANCIAL STATEMENT BY SENATOR MONDALE

Mr. MONDALE. Mr. President, I ask unanimous consent that a statement of my estimated net worth as of December 31, 1972, be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Financial statement of Senator Walter F. Mondale, Dec. 31, 1972

ASSETS	
Residence in Washington	$63,000
Automobiles:	
Chevrolet	1,489
Oldsmobile	1,565
Total automobiles	3,054
Cash in deposits	584
Household and personal goods	5,000
Cash value of life insurance	4,450
Personal contributions to Federal employees retirement system	22,227
Total assets	98,315
LIABILITIES	
Mortgage on residence in Washington	36,557
Miscellaneous personal bills	1,000
Total liabilities	37,557
Estimated net worth	60,758

THE 75TH ANNIVERSARY OF TULSA, OKLA.

Mr. BELLMON. Mr. President, On January 18, 1898, U.S. District Judge William M. Springer signed papers which incorporated a new town in Indian Territory. That city, Tulsa, Okla., is celebrating its 75th anniversary.

As the mayor of Tulsa, Okla., Robert J. LaFortune, puts it:

> No resident of Tulsa or expert on the growth of cities could have envisioned in 1898 that Tulsa would be the dynamic and enterprising city that exists today. Tulsa's growth is a result of the determination of our early day pioneers to build a new, viable, and progressive city in the fresh and invigorating environment of the Southwest.
>
> While advantages of building a new city on the plains included abundant natural resources, ultimate success or failure of this growing city would be based on the courage, determination, and dedication of its citizens.
>
> Tulsa has seen great change in its first 75 years and it will continue to change if it maintains its greatness. Its history, carved by hard working, adventurous pioneers will be carried on in the years ahead by, not only native sons and daughters, but others moving here from areas across the nation who want to be a part of the great promise which Tulsa holds for future generations.

Tulsa deserves to be congratulated on the achievements made during the last 75 years. Because of an abundant supply of natural gas, Tulsa has been able to grow industrially but has avoided the costly degradation of the environment which is closely associated with industry. In addition, the desire of its citizens to have a community which would provide not just basic services but educational, recreational, and cultural advantages uncommon in cities of its size, have played a great part in making Tulsa what it is today.

Mr. President, I ask unanimous consent that the article from the Tulsa Tribune, of Wednesday, January 17, 1973, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

EARLY TULSA ALSO DYNAMIC TOWN

(By Sam Fox)

An exciting transformation was taking place in America in the late 1890s.

Confidence was replacing the despair which marked the years following the Civil War.

President McKinley had been elected and was beginning to talk about "black smoke pouring from factory chimneys" and was promising "the full dinner pail."

This confidence was evident in "Tulsey Town," a settlement in Indian Territory which H. C. Hall had founded a new years earlier.

About 1,000 persons lived in the town on Tuesday, Jan. 18, 1898, the day three prominent citizens returned from Muskogee with news that U.S. Dist. Judge William M. Springer had signed incorporation papers, which had been petitioned a month earlier.

One of the men on the train was a young lawyer named L. M. Poe, who would later become Tulsa's first district judge.

Accounts differ as to the identities of the other men. Several report that they were J. M. Hall, brother of the town's founder, and Col. Edward Calkins, Tulsa's first mayor. Another identifies, them as Jay Forsythe, organizer of the first bank, and Dr. Samuel G. Kennedy.

Except for Forsythe, those men were among the signers of the incorporation petition. Others were P. L. Price, W. T. Brady, the Rev. George W. Mowbray, R. E. Lynch and Capt. John D. Seaman.

The first charter called for a mayor-at-large and two aldermen from each of four wards.

Reports state that in 1890, there were four stores, a small hotel, a livery stable and a blacksmith-saddle shop.

By the beginning of 1898, business was beginning to boom.

The town had a bank, the Tulsa Banking Company, forerunner of First National Bank. It was located next to the Lynch Building, named for merchant R. E. Lynch, on the east side of Main between First and Second streets.

The bank was doing well, as reflected in a statement of March 4, 1898, showing deposits of $43,744.42; demand (deposit) certificates of $3,140.43; and capital stock of $10,000. A profit of $888.16 was reported.

Several structures had been erected, including the first brick building put up by Dr. Kennedy and his brother six years earlier.

The town had a number of churches, not all with buildings. They were First Presbyterian; First Methodist; First Methodist Episcopal Church, South; First Baptist and the Catholic Church.

There was a milk and ice plant, a barber shop and restaurants.

Tom Shackle, who came to town a few years earlier, had just built his own drug store at 10th and Main Streets.

There were 38 "traders" in business in 1898.

On Dec. 5, 1897, about 1½ months before the incorporation news came, several of the businesses burned.

The bank, the Scott (general merchandise) Store, Lewis & Brobeck Hardware, Silver Moon Restaurant, several upstairs offices and other businesses were burned.

Undaunted, the bank's owners moved across the street and were open for business the next day.

A sign, hung on the unburned vault read: "We are a little disfigured but still in the ring and open for business in J. M. Hall and Co. Store. Come and see us."

Most of the others were also determined to start again.

Tate Brady was one of the more enterprising businessmen. Stories of his big sales are legend. People came from miles around when a Brady sale was held.

One report has it that he provided entertainment for his customers. After he built his new building, he would send someone to the second floor of the building to throw small change to the street and watch the people scramble, it is said.

Some of the leading business people were S. Dickson, furniture; L. M. Darrow, music store; P. L. Price and J. M. Gillette, grocers; Ernest Roop, drug store, W. A. Dickason, lumber.

Relative newcomers to the community as 1898 began were J. E. Mills, fur and poultry; Sanford Kelly, clothing; J. H. and Marion Kelly, brickmaking and construction; L. D. Lewis and George R. Brobeck, hardware; and John Moran Sr., freighting.

There were a number of doctors in town, including Dr. S. S. Kimmons.

There were J. M. Hall's general store, J. S. Kallam's City Livery Barn, Price's Harness Store and the R. N. Bynum store.

John H. McAllister was serving his final year as postmaster. He was kept busy by persons coming to town to see if they had any mail since there was no delivery service.

Albert A. Poague was the Frisco agent.

Tulsa was, like many towns of the West, a place where one could either fear or hope for the future.

Lawyer Poe chose hope. He established his law practice in the young town with a partner, Harry Campbell. Fees were from about $5 to $10 per case.

While most of the citizens were upstanding people, the town had its share of outlaws.

Just about five years earlier, two of the Dalton brothers and other members of the Dalton gang were killed in a daring daylight attempt at robbing two banks in Coffeyville, Kan. The Daltons had been frequent visitors to Tulsa.

Other frequent visitors or residents were the Bucks, the Bill Cook gang, Cherokee Bill, Henry Starr and Bill Doolin.

Incorporation of Tulsa was seen by the editor of the weekly newspaper, The Indian Republican, as the dawn of "better and brighter day."

The Republican stated that it was "not safe at night to light up a store or residence without having the light shot out," that "stores are blown up" and "fronts (of stores) are broken out."

The blown-up store incident referred to the time when someone fired a shot into a powder keg at Jeff Archer's store, mortally wounding Archer.

The paper continued that Tom Stufflebeam, ". . . our kangaroo city marshal (chosen by the vigilance committee) . . . gets drunk and falls and would have drowned if it had not been for Burl Cox."

The Republican editor lamented conditions which, he claimed, had caused " a high-class jurist like Elijah Tollett" to leave Tulsa "because of fear of his life at the hands of a band of outlaws. . . ."

But there was a different view expressed of conditions in the town.

Lawyer Campbell, who is credited with drawing up the incorporation petition, stated, "There never was a more law-abiding country in the nineties than Tulsa and its territory."

Tulsa was the center of cattle country, he said, and it was not unusual for 75,000 to 100,000 cattle to be brought into the district in the spring and shipped out again when fattened.

Tulsa was a junction for the Frisco and Katy Railroads, a significant factor in the growth of the town.

The town came close to being located several miles east of its ultimate site.

Founder Hall convinced the Frisco construction engineers that the road should end in the Creek nation instead of the Cherokee nation, because there would be better business opportunities due to more liberal laws.

A government survey team platted the townsite along the railroad in the early 1900s. Different versions set the original plat size at 654.58 and 1,440 acres, respectively.

The land was being settled by "honest, God-fearing people who had come West to build homes for their families," not yet fully aware that pools of oil lay untapped below the ground.

On that Tuesday, Jan. 18, 1898, on which Tulsa was incorporated, the people were begining to run short on feed and supplies. They would have to wait out the rest of the winter, which in those days seemed to keep snow on the gorund until well into March.

There would be other winters. The next one, in fact, would be accompanied by a smallpox epidemic, which would severely curtail activity.

But this was Jan. 18, 1898.

Soon it would be spring, and there would be new life in the land.

THE SHOCK OF A FACTORY SHUTDOWN

Mr. CHURCH. Mr. President, factories throughout the United States are now closing at the alarming rate of seven per week.

Large scale unemployment is usually only one of several disastrous results for the affected communities and their citizens.

In far too many cases a chain reaction is set in motion, with harmful consequences for the economic well-being of a locality.

And the impact upon workers and their families is oftentimes devastating: Economically, socially, and psychologically.

All age groups have been affected by plant shutdowns in one form or another. But, middle-aged and older workers—persons in their forties, fifties, and above—have been especially hard hit.

All too often, mature workers discover that they are the first to be fired, but the last to be hired.

However, the many harmful consequences of a shutdown can be reduced substantially.

One such example is the Middle-Aged and Older Workers Training Act, which would authorize strike forces to assist communities with widespread unemployment, because of a plant closedown or other permanent reduction in the work force. For jobless middle-aged and older workers, these strike forces would provide placement, recruitment, and other services to help them back onto the Nation's payrolls.

Equally important, this legislation is directed at several other unemployment problems confronting persons 45 or older. Another major thrust of this measure is to provide needed training to help unemployed or underemployed mature workers to compete in our technologically advanced society. This is especially crucial, it seems to me, because the typical worker can expect to change jobs six or seven times during his working lifetime.

Despite some improvements in the overall employment situation during the past few months, the picture is not nearly as encouraging for the middle-aged and older workers. One clear-cut example is that more than 500,000 have withdrawn from the work force in 1972 alone. Their unemployment level is now approaching 900,000—almost 50 percent greater than 4 years ago.

For many of these individuals, plant shutdowns have played havoc with their lives.

Mr. President, a recent article by Sylvia Porter describes the immediate and future shock which is caused by a factory closedown.

Moreover, it also provides compelling reasons for favorable action for the Middle-Aged and Older Workers Training Act.

Mr. President, I commend the article entitled "The Shock of a Factory Shutdown" to the Senate and ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Your Money's Worth: The Shock of a Factory Shutdown

(By Sylvia Porter)

What happens when a factory is forced to close—and to lock out men who have spent their lives working in the plant?

A 5.5 percent unemployment rate hides far more than it tells.

Behind it are 4,500,000 Americans still out of work, for the total of unemployed has declined only 100,000 after a year of solid expansion. The rate doesn't count those who are so discouraged they no longer are looking for jobs, who are working part-time because they can't find full-time jobs, who are in jobs far below their skills and capabilities. It certainly doesn't disclose the much steeper jobless rates among blacks, the young, women, unskilled.

In the United States, factories close at the rate of seven each week, estimates the University of Michigan's Institute for Social Research. This percentage could climb sharply in defense-oriented areas unless there is much more sensitive planning for the transition to peacetime production.

ALARMING SITUATION

So what happens?

"An alarming rise in anxiety and illness," writes Alfred Slote in "Transition: The Closing at Baker Plant" (Bobbs-Merrill, $7.50)—with at least half the workers studied suffering from ulcers, arthritis, hypertension requiring hospitalization, alcoholism, depression requiring medical help, even hair loss.

"Job loss, in certain personalities, can have devastating, even fatal, effects if the proper help is not provided."

Slote's book was the result of a research project directed by Sidney Cobb, M.D., of the Institute's program on Social Development and Mental Health. The book looks at an actual closing of a Detroit paint plant through the eyes of the men who worked there.

"Big Dave" Masiak was once described as one of the strongest men at Baker, but the plant closing left him practically disabled—with high blood pressure, bad headaches, arthritis, diabetes and obesity—and getting worse each day.

FUNCTIONED THERE

At Baker, there was a place for him; he functioned there. Now his health has become Masiak's job, way of life, his functioning. When he is not talking about his health, he is usually asleep. He is what Slote describes as an "invisible cripple."

If a man is totally disabled, he can receive Social Security. Masiak, in Cobb's opinion, is totally disabled, but his disablement doesn't show. He is an invisible cripple.

The plant manager who saw the Baker plant through its two years of closing today lives in "hiding" in a remote part of Arkansas—sick and haunted. Of Baker's seven salesmen, three died during the closing. Baker's last production manager has not permitted a visitor in his house in two years. A salaried employe who had worked for Baker for 33½ years was not permitted to work a crucial three months longer, even without pay—he lost his pension.

"The test of a civilized society is how well it takes care of its losers," say Slote and Cobb.

Ways must be found to minimize the suffering caused when workers lose their jobs through no fault of their own. This is clearly not among the Nixon administration's current priorities.

Portable pension plans must become the rule, not the exception, so workers can take their pension protection with them when they must move elsewhere. The overhaul of the private pension system which was promised in 1972 must become reality.

Health insurance coverage should be automatic in unemployment compensation. The unemployed often have extraordinarily high medical bills.

Plants which are about to close, argues Cobb, "should be required to establish a transition period during which employes are helped to find suitable new employment."

UNITED STATES DISINTERESTED

A lot of men at Baker, Slote says, were bitter about the federal government's lack of interest in them. They could understand the company not giving a damn, and many felt the union didn't care either. But the government somehow should have cared.

"As Henry Burns (one of Baker's workers) put it in anger: 'They got law protecting rapists and murderers, but what are they doing about poor slobs like me!' "

FUEL OIL SHORTAGE NOW—GASOLINE SHORTAGE LATER?

Mr. McINTYRE. Mr. President, the National Oil Jobbers Council representing the thousands of small business marketers supplying consumers throughout the country with gasoline and home heating oil among other products held a press conference today in the House Caucus Room urging substantial changes in our present Federal oil policy.

During this morning's meeting, Mr. John G. Buckley, chairman of the Fuel Oil Committee of the council, made a statement clearly outlining the causes of recent fuel oil shortages throughout many sections of the country and urging drastic revision of our present oil import quota system.

In Mr. Buckley's statement, he warned that unless changes are made immediately that the United States will be facing continual shortages of not only home heating oil, but other essential products including gasoline.

Mr. President, it is urgent that immediate action be taken concentrating on long-range solutions to these problems. Petroleum refining capacity in this country has reached its maximum capability along with crude oil production. At least for the short term, for a 4-year minimum, consumers of oil products in this country have no alternative, but to rely on increased imports of oil products to meet their needs.

I urge each Member of Congress to read Mr. Buckley's definitive statement on our present oil crisis and ask unanimous consent that it be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

The Causes, Dimensions, and Implications of the Current Fuel Oil Shortage—A Marketer's Appraisal

(Remarks of John G. Buckley, Chairman, Fuel Oil Committee, National Oil Jobbers Council)

Thank you for allowing the National Oil Jobbers Council to visit with you today here in Washington.

Gentlemen we are here, quite frankly, because our industry, the oil industry, is in a state of disarray, unparalleled in our history as a modern industrial nation. We shall be outlining some of the specifics during this meeting and to those who have always taken a dependable supply of oil energy for granted, these specifics will be frightening. In essence, there are today shortages of kerosene, jet fuel, diesel oil, No. 2 fuel oil used for heating homes, and low sulphur heavy fuel oil.

Yes, to some, the almost daily recitation in the nation's newspapers over the last ten days of school and factory shutdowns, of the closing of public buildings, the cutback in public transportation and run-outs of fuel oil used for heating homes may have come as a shock. To those of us in the independent marketing business, and to many of your colleagues here in Congress, these developments are no surprise at all for the signs have been very clear—just as have the repeated warnings been unheeded.

The public and representatives of the public here in Congress certainly have a right to ask what has happened? I would like to try to answer that question in my remarks this morning. I shall start by outlining briefly the history leading up to today's problems. I shall then comment on some of the steps that have been taken to attempt to forestall this supply crisis and will go on to outline for you what we see coming up over the next several months, the balance of this year and the years beyond. We shall end this meeting with specific short term, and long range solutions for your consideration.

Turning then to the history of this industry it is easy to see three separate phases.

The first phase characterized by surplus producing capability and large scale exports of petroleum from the United States ran through all of the early years *of the* industry and up the middle years of the 1950's. At that time we were starting to import some of the very low-cost Middle East crude oils that had been discovered in the early years after World War II. In 1955 the Reciprocal Trade Act was amended by authorizing the President to impose quotas—quantitative restrictions—on the importation of any product which in his judgment threatened to impair the national security. Under this extremely important Congressional Act President Eisenhower instituted a voluntary quota program on oil imports in 1957. Finally, in 1959, quotas on the importation on oil became mandatory. Oil remains the only product upon which such quotas have been set under the National Security Clause of Reciprocal Trade Act.

The second major historical phase can be clearly identified then as starting in the year 1959. It lasted through year 1971. The second phase can be characterized as a very tight system under which our domestic oil prices have been allowed to be pegged at prices substantially higher than the prices paid for oil energy in every other industrialized nation in the world. State prorationing, under which producing state regulatory bodies set oil production rates to meet demand, insured that there would be no surplus production which could undermine domestic crude oil prices. This program worked in tandem with the oil import program which, in turn, insured that lower-priced foreign crude oil would not be allowed to enter the country in sufficient volume to upset the domestic pricing structure forming the heart of the system. The period featured surplus producing capacity so that whenever supply became tight the state regulatory agencies could simply permit a larger volume to be produced to meet growth in demand.

Now we stand at the threshhold of the third major phase. This new phase is to be characterized by growing imports to meet growing demands. To be sure that mandatory oil imports mechanism is still in place, as is state pro-rationing. But we have topped out on domestic crude oil production and the producing states are now allowing production at 100% capacity. Thus state prorationing as a production deterrent has, in effect, ceased to exist. Similarly, the oil import quota system still functions but has been modified to allow huge quantities of new crude oil imports. This has been done because we have been simply unable to meet U.S. demand from domestic crude oil sources. If you will note, the President's action last week allows an increase in crude oil imports this year of just under 1-million barrels daily of additional crude oil. This comes on top of almost equally large additional imports of crude allowed in 1972.

So today we do stand at the beginning of the third phase in the history of the U.S. oil industry. We should view today's supply situation, then, against the perspective of this historical background. But it must be viewed also in the light of one other major change in our energy picture. I refer to the enormous shifts that have been brought about in our total energy structure as a result of the high priority placed by the nation on environmental improvement. The quest for cleaner air; for example, has had a dramatic impact on both the supply and demand of all of the competing energy fuels—natural gas, oil, coal, and electric energy generated by these fuels and by nuclear fuel.

From the standpoint of air emission purity, natural gas has a built-in environmental plus. Moreover prices for this fuel have been held at very low rate by Federal Regulations for many, many years, As a result demand for natural gas has grown sharply for the past 20 years, (i.e., it's been growing at a rate of 6% per year and currently supplies about 35% of the nation's total energy needs). At the present time, demand for natural gas is over 23-trillion cubic feet annually, but reserves have fallen to only 11 years as compared to 20 years in 1960. More alarming still is the fact that new reserves added each year are now covering only about 2/3rds of our annual use.

In sum, natural gas supplies are short and will be even shorter at least for the next several years. This is what lies behind the sudden cutoffs in interruptable gas supplies to industry. And this is what lies behind the sudden surge of demand for alternative light fuel oils by industry—a surge that could not be met within existing refinery capacity of the oil industry this year.

To be sure we are now importing some liquified natural gas (LNG) from Algeria. We have also started to build some synthetic natural gas capacity which converts oil to pipe-line quality natural gas. I am sure that the President's energy message will include some strong words about allowing natural gas well head prices to rise so that exploration for additional natural gas reserves will be stimulated. I am sure, too, that there will be continuing pressure to import natural gas via pipeline from Alaska and the Canadian Arctic. Looking at all of these alternatives realistically over the next decade only serves to underline the fact that added all together they will be but a trickle of the total volume needed if natural gas were only to retain its current share—not an expanding share—but it's current share of the energy market. This won't be achieved. Oil will have to take up the slack.

Let us now take a look at the environmental impact on coal. Coal is the one fossil fuel we have in great abundance in this country. Yet coal still faces insurmountable short-term problems with sulphur content. One of the largest gains in demand for heavy fuel oil has been the replacement of coal by oil in the industrial Northeast. In my home area of New England very few coal users are still left. And most of these are now being phased out. Given the lead times needed to develop stack technology so that the burning of coal will meet the tough new primary and secondary standards set by the 1970 Clean Air Act, we cannot expect coal to bear much, if any, of the growth in energy demand over the next decade. Again oil is, and will have to continue, to take up the slack.

Atomic energy is yet another situation—with its own special set of environmental problems. The Calvert Cliffs decision has put that whole industry into kind of a semi-permanent holding pattern." The lead time between a decision to build atomic capacity and getting it on stream has now risen to something like 7 to 8 years. We do expect atomic energy to play a role of greater importance in the 1980's. But for the next decade—atomic energy will play a much smaller role in the energy field than had been expected a year or more ago. Here again oil is going to have to take up the slack.

Similarly, the exotic fuels may play an important role after 1985, but no major contribution to our energy supply situation is expected before then from solar, tidal, geothermal, fuel cells and the like.

It seems clear, upon reviewing these facts, that these environmental considerations have thrust oil into a position where it must carry the burden of almost the entire growth of national energy demand, over the next 10 to 12 years. Never before in our history has one fuel been expected to do so much.

But if all these trends have been so clear why hasn't oil been able to take up slack? Why are we now in a state of shortage for so many vital oil products? One of the prime answers to that question is that the mandatory oil import control program has stood in the way. Make no mistake, we are not really in an oil energy crisis. Rather, we are facing an import crisis. We simply don't have the domestic productive capacity or the refining capacity to cover our growing oil demands. That's what's behind the shortages today.

To be sure last week the President ordered the complete suspension of import quotas on home heating oil and a substantial increase in the allowable import of crude-oil. But last week was too little and too late. As a result spot shortages will continue and have spread from home heating oil to diesel fuel, kerosene, jet fuel and now, partly as a result of last week's action, also to low sulphur heavy fuel oil. Last minute crisis action by the Executive branch prevented proper planning, prevented attractive annual contracts, and prevent the lining up of required tankers to carry expected increases in imports. Instead there is a sudden decision which greatly distorts all of these planning factors and leads to exorbitant prices for imported oil and for the freight to carry that oil. That, at best, is what we are facing at the moment.

But what of the rest of the year and the years beyond. Certainly crude oil imports must rise by 1-million barrels per day each year, or more, simply to replace declining domestic production. But that is not enough. All that does is feed the refining capacity now in place. And that refining capacity, as we all know now, is already insufficient to meet our oil product requirements. Thus we must import more refined products this year and every year for the foreseeable future.

It takes no special genius to stand here and tell you that just as soon as the heating season is over and we have solved the heating fuel crisis by virtue of the fact that the weather has turned warmer, we will be plunged immediately into a gasoline shortage. The gasoline shortages, in fact, started last Summer when refiners were unable to meet supply commitments to independent marketers because there wasn't enough supply to meet growing demand. A number of independent companies were granted emergency allocations to tide them over. I understand that even now in mid-January there are some 65 new applications pending for emergency allocations of gasoline this year. One thing I can safely predict is that there will be many more applications.

We simply do not have enough refining capacity to meet gasoline demand. In fact one of the reasons for the heating oil shortage has been the fact that refiners continued to maximize gasoline runs in order to meet demand for that product long after the time when they normally would have been building up inventories of home heating oil.

This year's gasoline demand will be higher than last year's. Each new model year of automobile comes along with the improved emission controls now required. But overall, the engine is less efficient than the old engine that it replaces. The Office of Emergency Preparedness has estimated that one model year such as 1972 requires an additional 300,000 barrels of oil per day simply to get the same number of miles driven as the car replaced. The air emissions are safer but the efficiency of the engine, the miles it gets per gallon, are lower and more total gasoline is consumed.

If our domestic refining capacity was unable to meet last year's gasoline demand, there is no question that this year the shortfall will be even greater. And this means a recurrence next fall of the heating fuel crisis. Our heating fuel demands are growing rapidly—in the 4th quarter of 1972 heating oil use was up 13% from the same quarter a year ago. We estimate for the first quarter of this year it will be up between 6 and 7% assuming a normal winter. We really must all pray for a normal or warmer-than-normal winter at this point, because a 5% below normal first quarter will result in another 150,000 barrels per day of home heating fuel demand. And, unfortunately, there is no way that independent markets can meet their share of such extra demand because of the stringent import controls due to be reimposed on May 1, 1973.

Let me go into that subject just a bit more. It became clear to the independent marketers during the early part of 1972 that they would be unable to meet their home heating oil and diesel fuel need for this winter unless a silly rule called "the Western Hemisphere Restriction" were lifted. That restriction limits the foreign sources from which independent terminal operators may buy foreign-produced home heating oil to refineries in the Western Hemisphere which use Western Hemisphere crude oil.

That curious restriction was placed upon the home heating oil import program established for independent terminal operators by a Government anxious to do a favor for Venezuela. But how costly it has been. Within months of the time it was adopted, the price for home heating oil in the Caribbean rose 50%. All of the consumer benefits that might have flowed from allowing imports of No. 2 fuel oil flowed instead to the refiners—the major company oil refiners in the Caribbean area. Quite logically the Venezuela Government then moved to make sure that it got its fair share of tax revenues from the new, higher prices. Thus Venezuela has raised its tax reference values, from which its taxes are calculated, three times in the past 2½ years. Yet right through 1972 the Administration insisted that despite the higher prices, the independent marketers had to import from these Western Hemisphere sources.

There is, of course, no such restriction on all other oil imports including all of the crude imports brought on by the major oil companies. Only the imports of home heating oil by independents is subjected to such a ruling and the total volume of the independent imports is under 1% of our total imports.

Now all imports, as I indicated earlier, are authorized by the National Security Clause of the 1955 Reciprocal Trade Act. Can anyone in this room tell me how imports of home heating oil from a Canadian refiner using Eastern Hemisphere crude impairs the national security whereas imports from a refiner using Venezuela crude does not impair the national security, especially when the total volume involved is less than 1% of our imports and other imports are allowed to come from any source? I would certainly like to know that answer. This Western Hemisphere limitation is clearly not the kind of thing Congress has in mind, I am sure, when it gave the President authority to control imports of oil. It is not a legitimate exercise of a delegated power.

Now then for the first four months of this year the Administration finally recognized, in December of 1972, that the Western Hemisphere rule was seriously curtailing independent ability to acquire foreign home heating oil. And so the rule was suspended for the first four months of 1973. In fact, the suspension of the rule, even at that late date, did prove helpful. But increasingly in recent weeks European refiners have flatly told us that they will not enter into any more spot sales of distillate oil. They want annual contracts. The same annual contracts that domestic refiners insist upon. So we stand in a position now of being able to get additional distillate oil supply so badly needed in the upcoming months if we can sign annual contracts. But the current regulations and reimposition of the Western Hemisphere restriction on May 1, 1973 prevents us from entering into such contracts. For all of the hoopla last week about the total suspension of distillate oil import quotas, our company has not been able to buy any additional distillate oil in foreign markets.

I suggest to you that if the independents are going to be able to carry their share of the burden of making up the heating oil deficit over the next three and one half months immediate action must be taken to suspend the Western Hemisphere limitation permanently. At the very minimum it must be suspended until May 1, 1974 so that we can enter some annual contracts.

To sum up the balance of this year, then, let us say we expect continuing difficulties with supply the balance of this winter—a substantial gasoline shortage in the spring and summer and an even more critical shortage of heating fuels next winter. For the years beyond 1973 the problems of course will get worse under the existing system. Emergency measures, emergency allocations, last minute stop-gap measures, increasingly will fall short thereby creating chaotic market conditions and shortages. There is no way the United States can escape from the plain fact that each year for at least the next four years and possibly beyond, we shall have to cover all of our increasing product requirements by product imports. There is not one major refinery project under construction in the United States today. That means there can be no relief expected from the domestic refining industry to the problems that will plague us at least until 1976.

Turning now to another aspect of this subject I would like to note that there are a lot of myths that have been swallowed by the government. You will hear them as you examine this issue in more detail. I would like to just explore with you some of the most oft repeated of these myths this morning so that you will be able to recognize them when you hear them in the future.

One such myth is a line of reasoning that says we must keep a tight lid on imports of refined products because if we don't, we will be "exporting our refining capacity". I have heard this stated over and over again by officials of the Interior Department in the past year. Yet, I remember all too clearly back in 1968 when the State of Maine sought a foreign trade zone in order to build a 300,000 barrel per day refinery specializing in the production of low sulfur fuel and home heating oil that the oil industry and the Interior Department opposed it bitterly. The State of Maine stated that building the plant in their state at Machiasport would prevent "exporting refining capacity". But the Interior Department and the oil industry, fearful of a break in the oil import quota system, opposed and eventually killed that proposal. It seems ironic to me now to hear the very men who opposed that project spouting off about "exporting our refining capacity".

Gentlemen, the tight lid imposed on imports by the oil import control program has not contributed to the expansion of domestic refining. The facts are otherwise. Since 1959 there has not been one new refinery built on the entire East Coast of the United States. Nor is any plant, as I indicated earlier, under construction anywhere in the United States at this moment. If the oil import control program was supposed to encourage domestic refining capacity on the East Coast these facts indicate it has been a complete failure and should be scrapped.

To be sure in the last year or two, as import controls opened upon crude oil, there have been a few refinery proposals on East Coast sites. These plans were made in spite of rather than because of the oil import program. Unfortunately, in every case, environmental opposition killed these projects. That's a problem we must face squarely. As long as environmentalists prevent construction of any new refinery capacity, our nation's fuel problems are going to deepen.

Speaking of the environment, I must say I have been disappointed that more ecologically-oriented people have not taken up the banner of energy conservation. For our part, we strongly support every measure which will reduce unnecessary fuel use. It just makes good sense to insulate properly to cut fuel use. Similarly it makes no sense at all to use 2 or 3 barrels of oil to generate electricity to heat a home for 9 days in midwinter then 1 barriel of home heating oil can do the same job.

Getting back to refineries, I would like to note that actually, apart from the environmental pressures, one of the key reasons that new refineries are not being built is that every company, before committing the hundreds of millions of dollars needed to build modern refineries, would like to know what the import rules are going to be. I submit to you that if imports are to be freely allowed, there will be no hestitation by the oil industry in building new capacity in this country. Companies could then be certain that they would be able to bring in the lowest cost crude oil available in the world to run in their plants and the plants would be built. Lack of this knowledge, or indeed, lack of any knowledge of what the Government plans with respect to imports, has been the single largest impediment to refinery construction, certainly on the East Coast where there is access to ocean transport, if not in the entire nation.

Another myth that you will hear, and I would like you to plant a little flag in your mind so that when you hear the words you will recognize them quickly, is that we must not allow increased imports of crude oil and refined products because it will be disastrous to our balance of payments. You will hear oil industry officials stating this balance of payment argument with a great deal of conviction. You will hear also responsible Government officials repeating it. In fact, just four months ago a high administration official appeared before Senator McIntyre's small business sub-committee and stated ". . . dependence upon foreign sources for oil to meet our energy need raises serious questions as to the effect on our dollar in addition to the reliability of supply for the energy needs of all American consumers . . . if the necessity to import increased quantities of petroleum products continues then we will have further jeopardized both the security of the American consumer in his energy supply and the position of the American dollar in the world market."

I wonder just how secure the American consumer feels today in his domestic energy supply. Quite apart from that, what about the position of the American dollar. This high official that appeared before Senator McIntyre's Committee mentioned a balance of payments outflow of $20 to $25-billion a year as a result of increased oil imports. I have seen other estimates by industry sources pegging the amount at $25 to $30-billion per year.

If one delves behind these estimates, one sees that the balance of payments analysis is simplistic at best. It merely assumes a price for crude oil and a price for freight and multiplies the landed cost of the oil times the number of barrels to be imported. That kind of figuring, as a balance of payments analysis, would fail any student in an elementary economics course. The publishing of such statistics are designed to promote fear over product or crude oil imports. It does nothing for the creditability of the oil industry.

Actually an in depth analysis of the balance of payments impact must include any analysis of who produces the crude oil. If the foreign oil is produced and sold by an American oil company, quite obviously the profit element in such sales does not involve a balance of payment drain. Moreover a good part of the cost of producing such American-produced foreign oil does not represent a foreign exchange drain since it is usually American technology and American equipment which is used in the production of such crude.

On the tanker transportation, or freight cost side of the equation, one must also look at who owns the ship. It may well be a tanker registered in Liberia, but if it is owned by an American company there is very little foreign exchange drain associated with the operation. Finally one must look at the propensity of the foreign producing country to spend dollar earnings from tax and royalty income in the United States for other goods and services purchased here. If an oil-producing country spends large sums purchasing U.S. goods in *the U.S. market*, the net balance of payment drain from oil sales to the U.S. is substantially reduced if not entirely eliminated.

Looking at the balance of payments impact from this standpoint is likely to show a balance of payments drain in the mid-

1980's of perhaps $7 to 8-billion annually—not $25 to 30-billion annually. A $7 or 8-billion drain in the mid 1980's out of a total economy of perhaps $1.5-trillion hardly represents a serious threat to the viability of the dollar as an international currency.

The experience of Japan, in this regard, is a case in point. In the United States oil accounts for less than half of the total energy demand. In Japan, by contrast, more than 80% of total energy requirements are met with oil. All Japan's oil requirements are met by imports. Yet despite this enormous drain and dependency on foreign sources of energy (for the most part produced and owned by non-Japanese interests), Japan at present has a balance of payments surplus so large as to be embarrassing. I would suggest to you that one of the reasons for this is the fact that over the last 20 years Japan has had one of the lowest energy costs of any industrialized nation. The reason for its low energy costs can be directly traced to the fact that it allows imports of both crude and heavy fuel products. There is no domestic oil-producing industry to protect. The object lesson for us in Japan's experience should be obvious.

Another statement often heard these days is that the United States is at the end of an era of low cost abundant energy and that henceforth we can expect the cost of energy to rise. This statement, too, should be taken with a large dose of skepticism. While it is true that energy costs will be rising, it is certainly not true that we have just had an era of abundant lost cost energy. At least, it is not true as far as oil is concerned. In fact since 1959 and the imposition of mandatory oil import quotas we have had higher oil costs by a large margin than any other industrial nation in the world. The cost differential has varied but for most of the last thirteen years we have been paying between $1.25 and $1.60 per barrel more for our crude oil than the countries with whom we compete for world markets. This has been a direct result of the quota limitations on imports of foreign crude. It has been an extra cost which has undermined the competitive ability of every industry which has any significant fuel cost in the cost of its production.

It has been a burden, as well, to U.S. consumers—a burden not shared equally but hitting particularly hard at those consumers who just happened to live furthest away from the domestic source of U.S. crude production. The total cost of that consumer burden was estimated by President Nixon's Cabinet Task Force on oil imports in 1970, at about $5 to $7-billion annually.

Ah! yes, you will hear, but we must control foreign imports because we cannot become dependent on "insecure foreign sources." There is a real national security objective to oil import controls it is argued. I don't argue with that, I think that from a national security standpoint a legitimate argument can be made. But oil import controls are not the only way—and are certainly not the cheapest way—to meet legitimate security objections to the free importation of oil. If the government is seriously concerned about security, the Government can use tax money to subsidize the construction of storage facilities that will give us an ample cushion against unexpected foreign actions which result in a diminution of foreign oil flowing into this country. At least such a program would distribute the cost of a national security or national defense objective evenly over the general population. One of the most serious faults of the oil import quota control program is that the cost is borne disproportionately among various regions of the country. This is not fair or equitable and is certainly not the proper way to handle national defense-oriented programs.

Soon we shall all know what the Administration's new national energy policy is to be. I suspect that there will be many objectives to which all of us can agree and towards which all of us will be willing to work. But I am afraid that when it comes to the question of oil imports we are going to be offered more of the same. More of the same bankrupt policy which the Administration, by its action last week in suspending oil import quotas on heating oil, directly recognized as a policy which has failed.

One reason that we were pleased to come here and speak to you today is that we feel independent marketers must have a voice in determining the new national energy policy. We know that the National Petroleum Council has been asked to study various aspects of this problem for the Administration. No one has asked for our views. We would hope that we could express them through you, the Congress. I don't mean to imply that we have all the answers. But I think our answers for the most part make more sense than simply extending the present system and tightening it so that the independent marketer is squeezed out of the market place.

What many of the leaders of the oil industry and many of the key officials in the Administration responsible for energy policy fail to recognize is that in the final analysis the national energy policy rests with you, the Congress. I have seen many learned discussions on subjects affecting the United States foreign policy in which it is argued that there is a real question of whether the Executive Branch or Congressional Branch of the Federal Government has overriding power. There can be no such question about the power of Congress in connection with the oil import program.

Article I, Section VIII, Paragraph 3 of the United States Constitution lays it out quite clearly. It says "Congress shall have the power to regulate commerce with foreign nations and among the several states and with Indian tribes." It does not say Congress and Executive Branch shall have the power to regulate commerce, it says Congress alone shall have that power. In the case of oil imports, of course, Congress back in 1955 delegated its power to the Executive Branch so that quotas could be imposed on any product that threatened to impair the national security.

It is very clear, however, that what Congress delegates, Congress can take back. This year the Act which gave initial authority to the Executive Branch to impose quotas is once again up for Congressional consideration. I could think of a dozen different pithy clauses to add to the clause which grants the authority to the President to impose quotas on products threatening to impair the national security. For example—the clause could go on to read except for the next five years no quota on oil shall be allowed without prior approval of the Congress. I am sure that many of you can think of many other interesting clauses that could end for once and for all the abuses of the current delegation of authority.

I would like to stress at this point that we, the independent marketers of the United States, are not here looking for any special treatment from the Congress. We merely want to be able to compete. Most of us think we are fast-moving and that we have lean organizations which can win increasing business simply by offering better service and lower prices to consumers. We know that when we go into battle with the major oil companies, we are going to lose some battles. But we think we can win our share. All we ask is that the rules of the game be changed so that we truly have equal access to the world market, so that we can buy our oil at competitive prices and use the natural assets, the deepwater terminals, port facilities, storage facilities, and people at our command.

You may wonder if we are worried? The answer to that is yes, we are concerned. We have heard that there are proposals making the rounds for serious consideration in the Executive Branch right now under which the very modest quota that independent marketers have received to import home heating oil would be scrapped. Superimposed in its place would be a provision that allows refiners—the major oil companies—to bring in 7% of their crude oil import in the form of finished products, such as home heating oil, diesel oil and gasoline. Frankly such proposals worry us. We would then be in a position where the major companies would bring in foreign crude at low cost, bring in foreign products at low cost and we would be forced to buy only from them, and then attempt to go out in the market place and compete with them for customers.

From the standpoint of competitive equity, we would be in dire straits indeed. You may wonder if we are just another special interest group here arguing our case. But I think in this industry, the independent marketer provides a measure of protection for the consumer disproportionate to our financial strength and size.

This then is a year of decision for the nation with respect to the path it will follow on energy policy. This is the year that the course will be set. How it's set will be up to you. It will not be a partisan issue. This Administration happens to be Republican, the last two Administrations were Democratic, prior to that there was a Republican Administration. Thus since the imposition of the quota program there have been two Demorcatic Administrations and two Republican Administrations. Both parties can share the blame and the shame of that program. Similarly, there is equal credit to both parties if, here in Congress, present policies can be changed.

Certainly in New England, where the first serious challenge to the oil import quota system began back in 1968, oil imports are a non-partisan matter. Since 1968 all 6 Governors, all 12 Senators, all 25 Congressmen, be they Republican or Democrat have stood side by side fighting for more liberal imports and for a fairer, more equitable deal for New England consumers.

In more recent years the New England delegation has been joined by its colleagues from both sides the aisle from the Middle Atlantic States, New York, New Jersey, Pennsylvania and further down the coast. Now as a direct result of the shortages that have spread from Northeast clear across the country, there is growing anger, growing awareness, growing concern about the oil import program in States that have hitherto viewed the problem as a "regional" problem affecting the Northeast. We would hope that from this new awareness a coalition of consumer states can be formed to bring about much needed change. Your very presence here today is stimulating to us for that reason alone.

I don't want anyone here to think our marketing group is at odds with the industry on most of its basic goals. We, along with the industry, support the concept of more domestic refining, more domestic production, exploration and hopefully production offshore the East Coast and a rapid favorable decision to build the Alaska pipeline. Our only difference with the rest of industry is on the question of what we do as a nation in the meantime. Until this new capacity can be built we need imports. That means that for the next 4 or 5 years at least, the current import rules just don't make sense.

It is my hope that this new consumer-oriented coalition of Republicans and Democrats working together can for once and for all allow us to escape from the Alice in Wonderland days of crises-oriented Presidential Proclamations which characterize the current oil import program.

I don't think there is any other economic issue facing the country and facing the Congress this year that is more important than the question of our future energy policy. Consumers, workers, industry, the United States competitive posture in the World market, our foreign economic policy, and our overall foreign policy generally—all of these are involved in this question. It is perhaps the clearest of all tests facing you with respect to the question of reasserting the power which is rightfully yours so that in the critical energy sector of the economy no one will have to smirk or wink knowingly when he reads the words "The Congress Shall Have The Power To Regulate Commerce With Foreign Nations." In this area of oil imports, there is no question of which Branch of Government has supremacy. Obviously it is our hope that the Congress will reassert the power clearly granted to it by the Constitution. The nation, our people will be better off for it. If such action is taken there will indeed be a silver cloud from these dark days of shortage, layoffs, school close-downs and disruptions of the commercial and personal fabric of our national life.

I have covered a lot of ground in a relatively short period of time. I certainly want to thank you for your patience, interest and understanding.

ASSASSINATION OF AMILCAR CABRAL

Mr. BROOKE. Mr. President, it was with the deepest regret that I learned this morning of the assassination, in Conakry, Guinea, of Amilcar Cabral.

Mr. Cabral was a fervent nationalist and a brilliant man. For many years he has led his people in a tireless fight for freedom. His death is a great loss to his people, to the people of Africa, and to the world.

I ask unanimous consent that the January 22 Washington Post article reporting Amilcar Cabral's death be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Led Fight To Oust Portugal: African Nationalist Slain

(By David B. Ottaway)

Amilcar Cabral, the most prominent African nationalist leader in the struggle to oust Portugal from Africa, was assassinated Saturday night at his exile home in Conakry, Guinea.

Guinean President Sekou Toure said in a broadcast yesterday that the leader of the nationalist movement in Portuguese Guinea had been assassinated "in a cowardly and horrible manner" in front of his home "by the poisoned hand of imperialism and Portuguese colonialism."

In Lisbon, the Portuguese government refused to comment on Cabral's death. But Portuguese sources denied that Portugal had had anything to do with killing him and ascribed his death to an internal rivalry within his nationalist movement.

Toure gave no other details on how Cabral had been killed. But he said that the "principal killers" of the assassination had been arrested, it was reported from the nearby Senegalese capital of Dakar, where the broadcast was monitored.

Cabral, 47, was the second major leader of an anti-Portuguese African nationalist movement to be assassinated. In February, 1969, Eduardo Mondlane, leader of Frelimo, the Mozambique nationalist movement, was killed in Dar es Salaam, capital of Tanzania, by a bomb concealed in a book he received in the mail.

Frelimo charged at the time that Mondlane's death was the work of Portugal's Internal Police for the Defense of the State (PIDE), while the Portuguese said he was probably assassinated in a factional dispute.

Cabral was secretary general of the African Party for the Independence of Guinea and the Cape Verde Islands (PAIGC), which has long claimed to control about two-thirds of Portuguese Guinea.

The West African territory, which Portugal regards as one of its "overseas provinces," is sandwiched between Guinea and Senegal and has a population of about 700,000.

The 15 Cape Verde Islands lying off Portuguese Guinea have a population of about 250,000. Little guerrilla activity has been reported there.

The death of Cabral, who had dominated the PAIGC since its founding in 1956, is a major blow to the nationalist movement in Portuguese Guinea and is likely to have wide repercussions on developments there and in Portugal's two other "overseas provinces" in Africa, Angola and Mozambique.

Cabral was widely regarded abroad as the most brilliant and successful leader of the three nationalist movements in the Portuguese African territories.

Under his leadership, the PAIGC has made far more progress in its guerrilla war than the nationalist movements in the other two Portuguese territories. Most impartial observers agree that the PAIGC controls at least half the territory in Portuguese Guinea and that Portugal faces its toughest struggle there. Lisbon has 25,000 to 30,000 soldiers, plus 15,000 African irregulars, fighting against approximately 7,000 PAIGC guerrillas.

Cabral achieved wide prominence last fall when he was permitted to address the United Nations in New York as spokesman for all the African nationalist movements. In 1970, he was received by Pope Paul VI at the Vatican.

His assassination comes just as the PAIGC was about to declare the "independence" of Portuguese Guinea and to demand recognition by the United Nations, a move intended to increase international pressure on Portugal to leave its African territories.

In preparation for the announcement of independence, the PAIGC had recently held elections for a 120-member national assembly in the territory its controls, and plans were under way to promulgate a constitution and choose a cabinet.

It is likely that Cabral's death will set these plans back as the party grapples with his succession, a prospect the Portuguese could not help but regard with relief.

Cabral's death leaves Holden Roberto and Agostino Neto, heads of the two rival Angolan nationalist movements that recently united, as the best-known leaders of the anti-Portuguese nationalist groups. But neither of them has the prestige and general respect that Cabral and Mondlane had achieved.

A Portuguese-educated agronomist born in the Cape Verde islands, Cabral lived with his wife in Conakry, where the PAIGC has its base of operations.

In November 1970, the PAIGC headquarters in Conakry was one of the prime targets of a Portuguese backed force that invaded Guinea in an attempt to topple Toure. It was also widely believed that one of the chief objectives of the invading force was to kill Cabral, but the PAIGC leader was not in Conakry at the time.

UKRAINIAN INDEPENDENCE DAY

Mr. MONDALE. Mr. President, January 22 marks, once again, the commemoration of Ukrainian Independence Day.

As in past years, we pay homage on this day to millions of Ukrainians in their continuing struggle of justice and freedom. This has been an effort underway for decades, but the essential justice of their cause is only increased with the passage of time.

Together, we must attempt to keep alive this courageous effort to secure fair treatment. Those of Ukrainian descent in my State of Minnesota join with me and their brethren across our Nation in hoping that future years will brighten the prospects for achievement of the type of freedom which we wish for all mankind.

UKRAINIAN INDEPENDENCE

Mr. ROTH. Mr. President, January 22 marked the 55th anniversary of Ukrainian independence.

I am proud to pay tribute to the country of Ukraine and its people. I am proud also to be able to share in the celebration of Ukrainian independence with the wonderful Americans and Delawareans of Ukrainian descent.

Ukraine, however, has not been independent for a half century. In 1921, after 3 short years of freedom, the brave Ukrainians were crushed by the Red Army and a puppet government was established. In 1923, this puppet government was formally incorporated into the Union of Soviet Socialist Republics.

The loss of Ukrainian independence was much more than a political tragedy. Forty years ago, millions of Ukrainians starved to death in what may have been the largest mass starvation in history. The policies of the central Soviet Government, formulated in Moscow, appeared designed to aggravate rather than alleviate this crisis.

Fortunately, free Ukraine survives today in the hearts of Ukrianians both in Ukraine, where it must be cherished in secret, and in the United States, where it is celebrated openly. These Ukrainians keep alive the memory of one of Europe's largest nations, a country which has retained its separate identity and culture in spite of all Soviet attempts to "russify" it.

A nation that lives in the hearts of its people always lives. I have no doubt that one day the people of the Ukraine will realize their political aspirations.

QUESTIONS ON POST-WAR AID TO INDOCHINA

Mr. KENNEDY. Mr. President, over the recent weeks peace negotiations we have heard a great deal about Vietnamization and about the vast quantities of military hardware being sent to South Vietnam to support a cease-fire. But the public record indicates that little thought and even less planning have been given to the massive humanitarian problems resulting from the war—as to what, for example, our country will do in helping to repair a ravaged countryside and rehabilitating at least 15,000,000 war victims throughout Indochina.

At a time now, when the hopes for peace are bright, we regrettably find that some of the tools for really building this peace and restoring the lives of the people of *Indochina have* been all but neglected. There appears to be a vast gap in the administration's projections over the future of Southeast Asia, and we ought to know why.

Mr. President, Congress will soon be called upon to authorize and fund post-war assistance to the nations of Indochina—an obligation that I firmly believe our Nation has. But at a time when our domestic needs cry out for attention—when our priorities must change—we cannot be expected to appropriate such aid funds in the dark. We must have the information and the rationale supporting post-war assistance to Indochina, and we must be assured that it will not simply be more of the same kind of assistance that got involved in the first place. We need to know that the aid we appropriate will be the kind that will heal the wounds and rehabilitate a war devastated land—not military or paramilitary or any other kind of military aid.

Mr. President, to help obtain this information, I wrote last week to Secretary of State William P. Rogers on behalf of the Judiciary Subcommittee on Refugees, to seek information on our Government's plans and projections on post-war assistance to Indochina, particularly for refugees and civilian war victims.

The subcommittee recognizes that our Government has a clear commitment to assist in the rehabilitation of the peoples of Indochina, including North Vietnam. President Nixon has repeated an earlier commitment of President Johnson to accomplish this. But I know that many of us are concerned that the public record suggests that little systematic thought or planning has been given to fully identifying the vast scope of post-war people problems, or to measuring the resources and capabilities of the various political authorities in the countries of Indochina, or in determining the degree and form of America's role in the rehabilitation and reconstruction process.

To help develop this information, the subcommittee has submitted a series of questions to the Department of State regarding post-war assistance programs in Indochina. We are hopeful that a response will be forthcoming soon, so that both the subcommittee and the Congress will have more definitive information on our Government's intentions about post-war aid.

Mr. President, I ask unanimous consent that my letter to Secretary Rogers and the series of questions that I attached to it be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

TEXT *OF* SENATOR EDWARD M. KENNEDY'S LETTER TO SECRETARY ROGERS

DEAR MR. SECRETARY: As you know, since 1965 the Judiciary Subcommittee on Refugees has closely followed war-related civilian problems in Indochina. In this connection, the Subcommittee has continuously sought to encourage an expanding international participation in meeting humanitarian needs among the war victims, and from time to time has raised the issue of planning for post-war relief and rehabilitation under international auspices.

The Subcommittee recognizes that the intentions of our government are clear on the question of our country's assisting in the rehabilitation of the peoples of Indochina, including those in North Vietnam. President Nixon has repeated an earlier commitment of President Johnson to accomplish this end. Other Subcommittee members share my distress, however, over the fact that the public record strongly suggests that little systematic thought has been given to fully identifying the vast scope of post-war people problems, to measuring the resources and capabilities of the various poliitcal authorities in the countries of Indochina, and to helping determine the degree and form of America's role in the rehabilitation and reconstruction process.

Nearly a year ago, on March 27, 1972, the General Accounting Office (GAO) filed a report with the Subcommittee on assistance to war victims in Vietnam. At my request, the GAO inquiry included the issue of post-war planning. The report concluded in part that "the United States has not developed long-range plans for dealing with the long-term human problems of refugees and other war victims who continue to suffer from social and economic disadvantages caused by the war." In a hearing before the Subcommittee on May 8, 1972, Mr. Robert Nooter, a deputy coordinator for the Agency for International Development, in the main confirmed the GAO finding. A fuller excerpt of the GAO finding is attached.

Given the widespread congressional and public concern over post-war people problems in Indochina, and the apparent gap in our government's projections on the future of Southeast Asia, last year I introduced an amendment to the Foreign assistance authorization bill to encourage Presidential initiatives on post-war planning and rehabilitation. The amendment was co-sponsored by Senator George Aiken of Vermont and passed the Senate on July 18. It is my understanding that the Administration fully supported this amendment.

Since that time, and especially in the weeks immediately following Dr. Henry Kissinger's October 26 announcement regarding the prospects for peace in Indochina, there has been much discussion and speculation in the press and elsewhere over the rehabilitation process. Little public comment, however, has been forthcoming from the Executive branch.

In light of persisting hopes among all our citizens for peace in Indochina, and to clarify the President's declared commitment on post-war rehabilitation, I feel it would be extremely helpful if definitive information on the current status of our government's planning could be made available to the Subcommittee. To help develop this information a number of questions are attached to this letter. I am hopeful, Mr. Secretary, that the Subcommittee can anticipate receiving at an early date the responses to these questions and any additional helpful information, and that appropriate officials from the Executive branch will also be available for consultation or hearing.

Many thanks for your consideration.

Sincerely,

EDWARD M. KENNEDY,
Chairman Subcommittee on Refugees.

QUESTIONS CONCERNING THE ROLE OF THE UNITED STATES IN POST-WAR RELIEF AND REHABILITATION AND RECENT PROGRAMS IN INDOCHINA, SUBMITTED TO SECRETARY OF STATE WILLIAM P. ROGERS, BY SENATOR EDWARD M. KENNEDY, CHAIRMAN, JUDICIARY SUBCOMMITTEE ON REFUGEES, JANUARY 12, 1973

1. Generally define our government's understanding of the post-war rehabilitation and reconstruction problems in each country of Indochina.

What, for example, is our government's assessment as to the scope of rehabilitation needs as measured by the numbers of refugees, civilian war casualties, orphans, and other categories of war victims and persons disadvantaged by the war? What is our government's current assessment of damage and destruction to housing, medical facilities, schools, and other civilian installations? What, generally, has been the social, economic, and political impact in each country of the massive displacement of people, and, in South Vietnam, what has been the impact of what is labelled by some as "forced urbanization"?

What more needs to be done in helping to define rehabilitation and reconstruction needs and problems in Indochina? Are field surveys anticipated? If so, which countries, for which needs and problems, and by whom?

2. Generally define American policy toward the post-war rehabilitation and reconstruction of Indochina, including such things as immediate and long-term objectives, anticipated priorities, and so forth.

3. In his third annual report on the state of United States foreign policy (Feb. 9, 1972) President Nixon said "we are prepared to undertake a massive $7.5 billion 5-year reconstruction program as part of an overall agreement, in which North Vietnam would share up to $2.5 billion." Elaborate on this statement.

For example, what is the basis and origin of the $7.5 billion sum? How will this sum be allocated among the countries of Indochina? What is the basis and origin of this allocation for each country, including the $2.5 billion for North Vietnam cited in the President's report? Does the sum of $7.5 billion represent a potential American contribution to the rehabilitation and reconstruction process, or a contribution from the international community at large? If the latter, what is the potential contribution of the United States? What is the projected American commitment on an annual basis for the 5-year period cited in the President's report?

4. In terms of specific priorities, programs, and projects for the entire area and each country of Indochina, define existing contingency plans for our country's participation in post-war rehabilitation and reconstruction. In developing these plans, what considerations have been given to the competing needs of humanitarian relief and rehabilitation versus general economic and reconstruction assistance?

5. Given the very widespread congressional and public concern over children, orphans, and Amer-Asian youngsters, what specific plans currently exist for assistance in this area, particularly in South Vietnam? What specific plans currently exist for the fitting of prosthetic devices?

6. What departments, agencies, and offices within our government have been responsible for post-war planning in Indochina?

7. How will our country's contribution to post-war rehabilitation and reconstruction be implemented—through international agencies, bi-lateral arrangements or both? What considerations are defining these channels for Indochina generally and for each country in the area?

What role is anticipated for the United Nations, its specialized agencies, and other international or regional organizations in participating in the post-war rehabilitation and reconstruction process? Does our government anticipate the creation of a special international agency along the lines previously created in Korea, Bangladesh, and elsewhere? What role is anticipated for the International Committee of the Red Cross, the League of Red Cross Societies, and private voluntary agencies? Discuss the anticipated role of other governments in the rehabilitation and reconstruction process.

8. What kinds of arrangements are anticipated in our government's post-war assistance to North Vietnam? Among other things, does our government anticipate an American presence in North Vietnam?

9. If, under the provisions of a cease-fire agreement for both Vietnams or all of Indochina, different political authorities function within the same country, will all such

authorities be responsible and eligible for administering post-war assistance? In South Vietnam, for example, what is the anticipated role of the National Liberation Front in areas under its control? And who will authorize and monitor displaced persons returning to their home areas across the cease-fire line? Elaborate our government's views on these kinds of problems in South Vietnam, Laos, and Cambodia.

10. What departments, agencies, and offices within our government will be responsible for administering and implementing our country's participation in the post-war rehabilitation and reconstrutcion process? What is the anticipated number of American personnel involved—in the United States and Indochina, under both bilateral and multi-lateral arrangements?

11. Assess the capabilities of the existing governmental authorities in Indochina to absorb rehabilitation and reconstruction assistance, and to contribute to the implementation of specific humanitarian and general economic programs.

12. What U.S. governmental studies and documents currently exist on post-war assistance to Indochina, and could they be made available to the Subcommittee?

TRIBUTE TO REPRESENTATIVE BLATNIK

Mr. MONDALE. Mr. President, on December 4, a tribute was held in Chisholm, Minn., for one of the truly outstanding Members of Congress ever to hold office from our State—John Blatnik. Congressman Blatnik, a veteran of 26 years in the House, holds the distinction of being one of only four Minnesota Congressmen ever to hold the chairmanship of a major House committee. As chairman of the House Public Works Committee, he is in a unique position to benefit both our State and the Nation with his farsighted leadership.

At the tribute to Congressman Blatnik, a moving address was offered by U.S. Civil Service Commissioner L. J. Andolsek. I ask unanimous consent that Commissioner Andolsek's remarks be printed at the conclusion of my statement, as a tribute to the accomplishments of the senior member of Minnesota's congressional delegation, John A. Blatnik.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Tribute to the Honorable John A. Blatnik

Distinguished citizens and friends:

Today—with pride, gratitude, and deep love in our hearts—we honor one of our very own.

We honor him—not because he has achieved greatness . . . which indeed he has done . . . but because he has honored us by making our lives on this earth, in this beloved land of ours, a more pleasant, meaningful, and noble experience.

John Blatnik is the closest personal friend I have and I am so pleased to have had this opportunity to be closely associated with him over these many years. He has reached out and touched my life as he has reached out and touched yours—and the life of every American.

He has demonstrated in words and deeds that he cares. He cares about us, about our God-given natural resources, and about our beautiful land. And most certainly, we care about him.

In the book of Matthew, we find the words: "A prophet is not without honor, save in his own country, and in his own house." John Blatnik is different. He most surely is honored in his own country and in his own house.

Many years ago he saw how we were ravaging our land in quest of virgin timber and later he saw how we were ravaging our land in quest of vital iron ores. He saw how we were polluting our waters. And he could not understand how a proud people—such as we are and always have been—could do this to our land . . . nor how we could leave such a spoiled legacy to our children.

And so, he told us the error of our ways—but more importantly, he did something about it. As much as any man in our history, he devoted his life to saving our country. He has not saved it at the expense of progress, for he has remained in the forefront in moving our nation forward. Countless towns and cities across the length and breadth of our land have new or improved water and sanitation facilities because of him. They have better recreational facilities, transportation systems, lighting and other utilities.

He has saved our country from the greed, the carelessness, the outright stupidity of the human tendency to take today what we need . . . and to let tomorrow take care of itself.

Largely because of John Blatnik, our nation today has the world's finest highway system, the world's best system of flood control and water usage, and some of the world's finest ports and harbors. I could go on and on, enumerating his outstanding contributions to our daily lives.

But perhaps his most important achievement is his teaching us . . . and his showing us . . . what real ecology is all about. He has taught us an enlightened approach to the use of our natural resources—an approach that keeps one steady eye on today and the other on tomorrow.

John Blatnik has devoted his life to a tomorrow in which our streams will flow clearly, our lakes will be safe for recreation as well as for commerce, the air will be sweet and uplifting, and the land will smile back at us through green pastures and spreading forests.

This has been—and is—the John Blatnik dream. This is what he wants for you and for me, and for generations yet unborn. And, largely because of his leadership and personal efforts—this is already becoming the John Blatnik reality.

And so, on this most joyous occasion, it is my deepest honor and personal pleasure to present to you the dean of Minnesota's congressional delegation, the Honorable John A. Blatnik.

UKRAINIAN INDEPENDENCE DAY

Mr. SAXBE. Mr. President, today marks the celebration of Ukrainian Independence Day, and it is appropriate that we pay honor to the Ukrainian people and their constant struggle for freedom and justice. The Ukrainian people have suffered, as few people have suffered in the 20th century, under the domination of first, one form of autocratic rule, and then another, and another. These brave people should take comfort in knowing that many relatives and friends in Ohio and throughout the Nation understand their plight and share their struggle, and that none shall rest until ultimately their freedom and independence are secured.

ARMS CONTROL

Mr. MUSKIE. Mr. President, for the last several weeks, I have been deeply concerned about the commitment of the second Nixon administration to curtail further the arms race. A few days ago I made a statement on the floor of the Senate describing in detail the sources of my concern. Some of these same points were made most forcefully this morning by Marquis Childs in his column in the Washington Post. I ask unanimous consent that Mr. Childs' column be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, Jan. 23, 1973]

Unsettling Signs for Arms Control: Will Momentum Be Lost?

(By Marquis Childs)

To return to this capital from even a brief absence is to feel like Rip Van Winkle confronting a world utterly changed. Questioning those who have lived through the Nixon upheaval is of little help.

Why has so much of the government been turned upside down? We don't know. Only the secretive man in the White House now entered on his second four year term knows the answer. And, in a voice dropped to a whisper, we're not sure he knows.

The most dismaying change, in many ways the most mysterious, is the dismantling of the disarmament and arms control apparatus. Inaugural rhetoric cannot conceal the damage done to the effort that for a decade has made increasing progress toward controlling and to some degreee scaling back the vast mountain of nuclear armaments with the judgment of life and death over all mankind.

What makes this more mysterious is that one of the great achievements of the Nixon first term was the nuclear arms agreement culminating in the President's mission to Moscow. With a limit on defensive missiles and a five year agreement to restrain further building of offensive weapons, it was a small beginning hailed around the world.

A dedicated public servant, Garard C. Smith, with 20 years experience in the nuclear jungle, worked tirelessly for four years as chief American negotiator in the SALT talks at Vienna and Helsinki. When he went back at the start of SALT II he was without any clear and finally arrived at position approved by the White House. On returning from Geneva, the new site of the talks, Smith resigned.

In his place the President appointed U. Alexis Johnson, under secretary of state for political affairs. Johnson is a career diplomat with no experience in nuclear matters. Grievously overworked, suffering from ill health, he is within a year of retirement age. The private word is that his will be a temporary appointment.

But this can mean that the momentum growing out of the modest success of last year will be lost. It can also mean that the Joint Chiefs of Staff who have reluctantly gone along with arms limitation will have the dominant voice. Arms control specialists with long knowledge of the tortuous process of arriving at agreement with the Soviet Union are dismayed by the Johnson appointment, they say that he has been in the lap of the JCS for 10 years.

A further handicap is that Johnson will not be head, as was Smith, of the Arms Control and Disarmament Agency (ACDA). The semi-autonomous agency created in 1961 has played an important part in developing programs and conducting research on the techniques of control and the verification of limitation agreements. A recent agency study showed that in 120 countries surveyed $207 billion was spent in 1970 for military purposes as against only $168 billion for education and $80 billion for health care.

The Arms control agency now seems in the process of being dismantled. A budget slash of 30 per cent will cut the agency back to $6.7 million. Division heads with long experience in disarmament were asked to submit their resignations. They have thus far had no response. Happening throughout government, this is a sure fire prescription for demoralization.

Members of the General Advisory Commission on disarmament also were asked to submit their resignations. The commission includes distinguished men concerned over the years with the growing nuclear burden one of them being William C. Foster who for seven years was head of the arms control agency. Chairman of the commission is John J. McCloy, a Republican with long time credentials in public life. McCloy has been trying in vain for several weeks to see the President and present the commission's view.

The President has made plain his intention of paring down one domestic program after another—education, poverty, welfare. But these parings will not bring the budget into balance. The only real economy can come out of defense with a total somewhere above $80 billion including all the costly new toys for the three services. The only way is a verifiable agreement with the Soviet Union to scale back this appalling burden.

CORPORATE ENVIRONMENTAL CONCERN

Mr. WILLIAMS. Mr. President, in the struggle to protect and preserve our environment, it often seems that ecological concerns are at odds with the policies and objectives of large corporations. However, it is encouraging to see that more and more frequently, our corporate community is involving itself with truly important undertakings to promote environmental quality; in an increasing number of instances, big business is altering not only the image, but also the substance, of its policies, to conform with good environmental practice.

One of the most dramatic displays of corporate environmental concern came just last week when the Union Camp Corp. announced plans to preserve permanently nearly 50,000 acres of the Great Dismal Swamp in Virginia. This land, valued at $12.6 million, is in a wild state, and its ecology is unique on the eastern seaboard of the United States. Union Camp will deed the land over to a private, conservation group, the Nature Conservancy, which in turn will deed it to the Interior Department for preservation as a national wildlife refuge. In announcing the gift, Union Camp President Samuel M. Kinney, Jr. said a wildlife refuge is "the only right thing" to use the land for.

Mr. President, I am proud to note that Union Camp Corp. is headquartered in Wayne, N.J., and I want to add my personal accolades to the many which this company is receiving for its progressive and public-spirited action. The Washington Post of Monday, January 22, carried an editorial explaining the importance of the Great Dismal Swamp, and praising Union Camp. Mr. President, I ask unanimous consent that the editorial be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

"THE RIGHT THING" FOR GREAT DISMAL SWAMP

The Union Camp Corporation has set a superb example for other land-owning companies by donating its vast holdings in Great Dismal Swamp to the Interior Department, through the Nature Conservancy, for preservation as a national wildlife refuge. This remarkable corporate gift, encompassing some 49,000 acres valued at $12.6 million, should ensure the survival of one of the greatest and most intriguing reaches of wilderness in the eastern United States.

The Dismal Swamp has been a place of mystery and fascination since colonial times. Col. William Byrd II, who surveyed the Virginia-North Carolina boundary through the swamp in 1728, saw only its dank, melancholy side: He called it a "vast body of dirt and nastiness" where "the foul damps ascend without ceasing, corrupt the air, and render it unfit for respiration." Another early surveyor, George Washington, found the marshes more appealing. He pronounced it a "glorious paradise" for wildfowl and game, and in 1763 acquired some 40,000 acres of "the finest cypress, juniper and other lofty wood" under the aegis of a company styled as "Adventurers for Draining the Great Dismal Swamp." Since then, generations of entrepreneurs have gradually reduced the peat bog by draining its edges for logging and farming, and by diverting the wine-colored waters of Lake Drummond to the Dismal Swamp Canal which links Norfolk and Albemarle Sound. What remains today is a unique wild area, diminished in size but enhanced by a rich body of legend about early canallers, fugitive slaves, moonshiners and ghostly lights.

Union Camp's significant donation—embracing both Lake Drummond and the acreage once owned by Washington's band of adventurers—puts the future of the swamp squarely in the hands of the federal government. The deeds in fact contain a key reverter clause which would void the transfer if the government should fail to protect and preserve the area. New, perceptive federal policies will be required to carry out this trust, for the Corps of Engineers has controlled water rights to Lake Drummond for years without doing enough to curb drainage and maintain the necessary levels of ground water to sustain the lake. This may also be time to close the Dismal Swamp Canal, or at least severely restrict its use. An alternate intercoastal route is provided by the nearby Chesapeake & Albemarle Canal, and every opening of a lock on the swamp channel for a single pleasure boat drains 3 million gallons of water from Lake Drummond, which can ill afford the loss.

"A refuge is the right thing for this land, the only right thing," Union Camp President Samuel M. Kinney Jr. said recently. He is absolutely right. His firm is not the first to use provisions of the federal tax code which encourage such corporate donations, nor the first to employ the services of the Nature Conservancy. But this is by far the largest single tract ever received by that non-profit organization. The transaction deserves close study by the many other private firms which own properties of singular natural worth.

PRETRIAL DIVERSION

Mr. BURDICK. Mr. President, I am pleased to call to the attention of my colleagues the growing interest and support for pretrial diversion as an added weapon in the war against crime. Good diversion programs can reduce crime and make streets safer. At the same time they can cut the burden the taxpayers must carry to support our criminal justice system.

Diversion of alleged offenders away from the full criminal process is not a new concept to the law, but new legislation is needed to do a better job. The prosecutor always has discretion not to prosecute when the ends of justice can be better met through some other means. The type of crime, and the type of offender, influence this discretion.

At the present, without formal diversion programs available to Federal prosecutors, U.S. attorneys are faced with the dilemma of either dismissing charges against someone who has a real need for supervision and community services, or prosecuting an individual whose chances for rehabilitation would be damaged by conviction. These are the people for whom the opportunities to get jobs, education, or training would be diminished by a record of criminal conviction. They might get their education in a jail or prison side by side with hardened and dangerous men.

Society would not be well served by returning an individual in need of supervision to the streets. On the other hand, the public is also poorly served by increasing the chances that the individual will become a recidivistic criminal.

I am pleased to note that the working papers for the National Conference on Criminal Justice, which convenes this week to discuss standards and goals for criminal justice systems, speaks of diversion as a procedure which "should be preferred over traditional punitive measures for those who do not present a serious threat to others." In the sections of this report dealing with the courts and corrections, standards and goals are established for responsible and responsive diversion programs.

The essence of a good diversion program, according to the standards, requires involvement of the community in planning and establishing practices, and it requires the commitment of community resources to helping these individuals in the community. In addition, the use of diversion requires a high caliber of supervision for the individual who has such a need.

If I may, I would also like to call the attention of my colleagues to others concerned with the problems of recidivistic crime that have spoken to the need to organize resources for the diversion of offenders. In the "Standards Relating to the Prosecution Function and the Defense Function" adopted by the American Bar Association are these criteria:

> The prosecutor should explore the availability of non-criminal disposition including programs of rehabilitation . . . especially in the case of a first offender . . ." In the same ABA standards, the defense attorney "should explore the possibility of an early diversion of the case from the criminal process through the use of other community agencies . . . whenever the nature and circumstances of the case permit."

The advantages of pretrial diversion to the agencies of our criminal justice system is obvious. And that is why a group with national stature such as the Chamber of Commerce of the United States has evaluated pretrial diversion as one of several correctional programs "that have demonstrated value in rehabilitating the offender and reducing the social costs of recidivism." It is described as a "low-cost, high-yield" program which offers aid in breaking up the backlog of court cases as well as giving the rehabilitated individual the opportunity to avoid the stigma of a crime record.

The chamber cites the record of experimental pretrial projects which have been conducted showing substantial reduction in the rate of recidivism for adult participants, as well as the potential cost saving to the people.

BOMBING INDOCHINA: LESSONS TO BE LEARNED?

Mr. KENNEDY. Mr. President, no single aspect of the Indochina war has troubled America more, has caused more death and destruction for as yet unclear purposes, than has the bombing of Indochina.

Since 1965, our Nation has dropped, by Pentagon count, approximatley 7,400,000 tons of aerial bombs. This is roughly 3½ times the total tonnage dropped during all of World War II, and over 10 times the amount dropped in the Korean war. Moreover, this does not include artillery fire or offshore shelling.

But disturbing as is the staggering tonnage of bombs dropped, are the elusive goals for which so many were dropped. As we rained 7.4 million tons of bombs on the people of Indochina, the reasons for doing so—the policy ends and military purposes—changed repeatedly over the years.

First we were told the bombing would reduce infiltration from the north. Next we were told bombing would break the will of the North Vietnamese, or at least make them pay a high price for their involvement in the south. It was said that bombing would increase the morale of the south, presumbly happy that their fellow Vietnamese in the north were suffering, too. Finally, we were assured that bombing would encourage negotiations. But if one carefully reads the Pentagon papers, or the so-called Kissinger memo of 1969, as well as other military analyses, it appears each stated rationale for bombing has, in time, been declared unimportant, ineffective, or of marginal effect.

Yet we continued to bomb—almost because it was easy. Nothing has ever seemed so clean and sterile in war as bombing. With phrases like "precision bombing," "smart bombs," "electronic warfare," among others, even a B–52 raid at 36,000 feet dropping 30 tons of bombs each, almost seems clean and neat. Bombing has become a remote way for us to fight a war for which we are unwilling to die.

But the bombing has never been remote to the peoples of Indochina—as the statistics on refugees and civilian war victims tell us. So as we look back and attempt in the future to learn some of the tragic lessons of Vietnam, we must never let bombing become remote.

In an outstanding series recently published by the Washington Post, bombing is all too real. In a thoroughly researched series of articles, Michael Getler, of the Post, considers several important aspects of America's decision to bomb, and to keep bombing, in Indochina. I commend these articles for the consideration of all Senators.

Mr. President, I ask unanimous consent that the five-part series by Mr. Getler and a statistical review of the bombing, written last week by Thomas Oliphant of the Boston Globe, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Dec. 10, 1972]

DISPUTED DECISION: USE BOMBS, NOT TROOPS—I

(By Michael Getler)

XOMSUOI, SOUTH VIETNAM.—All that is left of Duong Van Sua's house are corner posts and a kitchen table seared by napalm.

At the back of his lot, an unexploded 500-pound bomb lies in the tall, singed grass. About a half-mile away in Sua's small ricefield are two bomb craters, 20 feet wide and 10 feet deep. Mosquitoes swarm around the stagnant water in the craters. Scattered through the ricefield are small pieces of shrapnel that cut the feet of Sua's water buffalo as it worked the fields in October.

October was the month in which Washington proclaimed that "peace is at hand." But it was a bad month for Duong Van Sua and several hundred residents in this small hamlet 40 miles north of Saigon.

Twice during the month, bands of Vietcong (40 or so each time) slipped into the hamlet. Twice South Vietnamese troops failed to dislodge the VC with small arms and mortar fire. Twice the South Vietnamese air force was called in to pound the village with bombs and napalm. All the homes in Xomsuoi were destroyed or damaged in the attacks. None of the villagers died because, as is usually the case in these incidents, government forces made an honest effort to clear Xomsuoi of its civilians before the bombing began. And, after 20 years of war, Vietnamese villagers have developed an uncanny knack for fleeing at the right time.

Nevertheless, the people here and in thousands of other hamlets across this joyless land are the victims of one of warfare's most difficult and most cruel decisions—the decision to use air power, rather than infantry, to fight guerrilla troops.

It is a decision that has been made thousands of times in this unending war, a decision that almost always has the same results and is one of the root causes of despair and dislocation among the Vietnamese people.

How severe is this dislocation? How many have died under the rain of bombs? How badly is the earth and the Vietnamese economy hurt because of the air war? How effective has the air war been?

The purpose of this series of articles is to lay out whatever evidence exists to answer the questions both Americans and Vietnamese have raised about the use of air power in Southeast Asia. Some of the evidence is impressionistic, some of it is "official." Some of it comes from Americans and some from Vietnamese. Some of it is simply opinion.

"Your army is just like ours," says Sen. Tran Quang Thuan, a Buddhist and one of South Vietnam's more independent and outspoken public men. "There is too much reliance on air support. Recently in the province of Binh-duong there were only seven Communist soldiers in the town of Bung. Some other hamlets had only 10 or 12. I think we could have sent in our troops to clear them out quite easily, but we didn't do that. We called for air support and destroyed the whole village.

"You can change things only if you have well trained troops with enough daring . . . and good leadership . . . to do the job. But if their leaders can't instill that, why should the soldiers risk their lives?"

Americans, Thuan says, "value their soldiers' lives very much and you have a lot of materials available like airplanes and bombs. So why not use them? Why engage your troops and be killed? Better to destroy the whole thing and rush in afterward. We have followed the same example.

PEOPLE TOLD TO LEAVE

"So if you consider human life the *most* invaluable thing, then there is justification for it. Usually when we bomb we always tell the people to leave the place. Sometimes the people are not able to move out in those few areas where the Vietcong have a relatively permanent occupation. So when we bomb the Communists there, naturally we bomb our own people."

But bombing in Vietnam, Thuan observes, "is not like bombing Washington. Construction materials are very light and the time between destruction and reconstruction can be very short," though the government lags in its rebuilding because so much of the countryside is insecure.

This philosophical acceptance of the most intensive bombing in the history of warfare is sometimes encountered elsewhere in Vietnam.

In Trangbang District, about 30 miles from Xomsuoi, a group of former soldiers now living in a bombed-out hamlet have their own rationalizations for the bombing. One man, half a leg blown away in a 1968 battle, leads a reporter around to show how deep the VC dig their bunkers. He says it would cost many casualties if infantry were used to drive away these small VC suicide squads.

But many villagers can't understand why their homes, their possessions and in some cases the tombs of their ancestors must be destroyed. They exhibit no love for the Vietcong, nor any desire to see South Vietnamese soldiers die. Still, they see the rooting out of VC soldiers as a job for the army, not for airplanes.

This agrarian society has absorbed in the past few years nearly 5 million tons of bombs—more than the tonnage dropped by U.S. planes in World War II and Korea combined.

There has been great destruction in a country we have been trying to "save." There has been enormous loss of life. But one of the remarkable impressions from motor trips and flights over the country is that so much has survived.

Looking down on the land from the air is like looking at the stars in the night sky: the longer and harder you look, the more bomb craters you see. But Vietnam is much larger than the maps on TV screens suggest, and the craters appear more as pockmarks on a face that still has much clear and fertile area. The jungles, mountains and delta plains seem to absorb the punishment from the sky.

The most devastating, anger-evoking and long-lasting scar on the Vietnamese landscape comes from the five-year U.S. effort (ended in 1971) to defoliate the jungles and kill crops that could help feed the Vietcong. This effort shocked the sensibilities of both Vietnamese and Americans, and today top U.S. commanders admit it wasn't worth the cost. Some 5 millions acres of forests, jungle and mangrove swamps were sprayed.

EASIEST THING TO DO

"It was just like the air bombing," said Sen. Thuan. "We just take the easiest thing to do. It's unavoidable, because when you have the means you tend to use them."

The Vietnamese, perhaps because they are numb from war or because they are afraid to speak out publicly, with an uncertain cease-fire ahead, seem less exercised over the bombing than some American politicans and scientists. The prevailing view seems to be that the bombing was excessive, that much of it in the jungles and along the Ho Chi Minh Trail was useless, but that in several major battles—especially since the big Communist offensive was launched in April—it turned the tide.

This view is most common in Saigon, which is as isolated from the rest of the countryside as Manhattan is isolated from upstate New York. It is also isolated from much of the devastation caused by this war. Nevertheless, specialists both in and out of the government tend to concur in the Saigon view that the bombing has not dealt an irreversible blow to their country's future.

"Everything that has been written about the bombing," says South Vietnam's Economics Minister, Pham Kim Ngoc, "makes it seem evil and senseless. But if this war had been prosecuted by any country but the United States . . . with its air resources . . . we would not have survived."

"I don't say that we are better off for having the war," says Ngoc, "but the war was fought on an agricultural country and that can't be damaged like an industrialized country. I am not being cynical. A dead tree is a dead tree, but there are still vast expanses of live trees.

"For the postwar period, I don't think on balance we have lost. When the peace comes, we will start with something, not with nothing . . . a network of roads, harbors and airfields."

The jungles and rubber plantations were the most heavily bombed, primarily because they are traditional hiding places for Communist troops.

Giant lawnmower swaths across some forests mark where American planes dumped some 20 million gallons of defoliants. Yet enormous expanses of forests and jungles are unmarked by the war; the total forest area in Vietnam is estimated at 6 million hectares or about 15 million acres.

How badly the forests have been hurt, how many metal fragments in timber will break the teeth off mill saws, is unknown. Many of the producing forests are in the no-man's-land of the Central Highlands; inspection teams are unable to enter.

Considerable devastation can be seen as you fly over the rubber plantations near Anloc and over the huge Michelin plantations north of Saigon. But this is not a source of great concern to many Vietnamese; they associate the plantations with French colonialism.

Economics Minister Ngoc says that Vietnam has about 70,000 hectares of exploitable rubber-growing forests, that the Communist offensive this year has cut production by two-thirds, but that only about 10,000 hectares have been damaged by the bombing. Other economists think that damage figure is too low.

Only a rice exporter, Vietnam now is an importer. But the principal reason appears to be the general insecurity in the rice-rich Mekong Delta, where a third of Vietnam's population lives.

Flights over the delta still reveal large areas of neatly laid out paddy dikes and working farms, but there are also vast areas unattended and flooded because they are contested, insecure and abandoned.

RESTRICTION ON FISHING

Similarly, Vietnam's fishing industry, which figures prominently in the postwar plans to help feed Japan in return for Japanese investment, appears to suffer most from wartime restriction on fishing areas and times.

Fruit production has actually increased, and some is being grown in areas once defoliated.

Much of what can be seen here is deceptive. Monsoon rains that sweep through Vietnam twice a year quickly turn bombed areas, even many of the defoliated areas, green again. But the green is ground cover and not trees, and there is still no reliable estimate on how the ecological balance of the country has been affected—whether flood control, for example, will be a new problem.

"The economic potential of Vietnam is still very great," says American anthropologist Gerald C. Hickey, who has been here for 10 years, first with Michigan State University and then with the Rand Corp.

"This is not an overpopulated country; the people are eager for education, hard working, have a rich coastline, good soil and a potential for tourism with excellent beaches all along the coast."

So, despite the lack of precise numbers, it seems that the air war's millions of tons of bombs have not "destroyed" the land and the basic economic resources of South Vietnam.

The effects of the air war on the people are less clear. It has not been genocidal, in the sense that a people has been systematically and deliberately wiped out. There were 14 million people in South Vietnam in 1964; today there are 19 million.

Nevertheless, casualties from the air war have been significant by virtually every standard of judgment. In Washington, Sen. Edward Kennedy and his Judiciary Subcommittee on Refugees have estimated that civilian war casualties in South Vietnam since 1965 from all causes have exceeded 1.25 million, including almost 400,000 deaths.

Here in Vietnam, Kennedy's estimates are thought to be high, but there is a notable lack of specific information.

"I don't think anybody knows how many civilians have been killed here," says Dr. Edward P. Irons, public health director for the U.S. aid mission. "There are no death certificates here. It's a cultural thing. The families claim the body and that's all. Whatever death records (exist) are kept at local, not national, levels. And if the VC take over (a village) no one knows how many civilians were there and how many were killed. You just can't get back in."

Many people have undoubtedly been killed in those areas of the South that have remained under Communist control, in the sparsely populated no-man's-land near the DMZ and in the once peaceful Montagnard villages of the Central Highlands.

Also, the fact that the South Vietnamese army does less long-range reconnaissance and night time patrolling than did the U.S. Army results in less accurate bombing intelligence.

In Laos, where bombing began secretly, and in Cambodia, where less reconnaissance is done after an attack to see what was hit, the air war has also been carried on with less precision.

There are other complicating factors in calculating the loss of life from the air war, and no reliable way to separate these casualties from those of the ground war.

Irons, for example, cites hospital records showing that most civilian casualties sustained in the South between 1967 and mid-1972 came from mines, mortars and booby traps, rather than bombs or napalm.

His report is based on 350,000 recorded cases. But it is far from complete. It included the heavy tolls of battles around Anloc and Quangtri. Also, some 48 medical facilities, ranging from provincial hospitals to hamlet dispensaries, have been overrun since April, losing their records.

Whatever the real numbers, Irons believes most of the deaths have been from shelling and bombing.

Of the two, he attributes more fatalities to the use of 130-mm artillery by the North Vietnamese, while others here link it to very heavy and less accurate use of artillery by the South Vietnamese. Many officials believe that the heaviest civilian losses around Quangtri were caused by a vicious artillery cross-fire.

One forward air controller, who says he came to Vietnam in February harboring cynical feelings about U.S. participation in the war, flew over Anloc virtually every day during its long siege, and the experience changed him completely:

"When I saw those tanks rolling in from Cambodia, and when I saw those 130's open up on the refugees running down Route 13 at the first bend in the road, it just turned me all around."

The civilian toll was limited also because unlike World War II, bombing population centers has not been a U.S. tactic.

'We have never gone in to hit a village where it is not absolutely necessary to do it; never when it was known to have civilians in it," says Gen. John W. Vogt, the Air Force commander in Southeast Asia.

'We have very strict rules against hitting occupied areas. In fact, we don't do it. Even in some areas where we are asked to put in air because the enemy is in there, if my FAC (forward air control) planes look in there and report back that there are civilians in it, that air does not go in. We will not deliberately put civilians in jeopardy."

OFFERS REFUSED

(Flying with FAC pilots, this reporter twice heard U.S. ground advisers refuse the offer of air strikes against enemy positions in hamlets. In another incident, a FAC pilot refused to allow a strike because people remained inside a hamlet).

Many American pilots think the South Vietnamese air force operates under fewer restrictions than the Americans in striking at hamlets. The South Vietnamese deny this but acknowledge that their approval procedure for hamlet strikes—all of which must originate with ground commanders—is often faster than that of the Americans.

Some South Vietnamese critics also maintain that the Saigon government worries less about accidental bombings by its own forces because there is less likelihood that such accidents will be reported in the American press.

In the case of North Vietnam, Sen. Kennedy has urged the Pentagon to provide photographic evidence to refute claims by visitors to North Vietnam that U.S. bombs are causing extensive civilian damage. He has been unable to obtain the photographs, although Gen. Vogt. reports that "every mission the Air Force flies in the North has both pre- and post-flight photos. I have made it a policy that every bomb that is dropped is photographed. Every single Linebacker mission (the bombing campaign in the North) results in a photo which shows where every bomb went. The pilot must report every place where he dropped and we take pictures and if it isn't where he said, he has some explaining to do . . ."

The system is far from foolproof, as will be shown in a subsequent article, and it is easy to see how accidents happen. But there is no doubt that restraints exist.

For all that, the physical and human toll from the air war has been extensive, and the capacity for still further devastation will be left behind even after American missions are ended. A large and expanding South Vietnamese air force has been created. It will be described in the next article in this series.

[From the Washington Post, Dec. 11, 1972]

AIR FORCE WITHOUT GLORY—II

(By Michael Getler)

BINHTHUY, SOUTH VIETNAM.—Maj. Le Mong Hoan pressed forward on the controls of his A-37 light-attack jet and sent the tiny warplane into a steep dive toward a patch of tall trees amid the water-soaked flatness of the Mekong Delta.

A tree line that looked green and tranquil from a mile above now came rushing into view as a charred and twisted bit of jungle where many bombs had fallen.

Two 250-pound bombs dropped from the wings as Hoan snapped the plane out of its dive and rolled it sharply to the left, a maneuver now widely used to evade the Soviet-built Strela missiles which, just days before had shot down an American helicopter, killing all 23 men aboard.

Gray-black bomb smoke rose from the area where just moments earlier a Vietnamese spotter plane had radioed that two companies of Vietcong troops were hiding.

But, as with so many other "targets" in Vietnam, it was impossible to see anything underneath the trees from the fast-moving fighter-bombers.

Twice more Hoan and his wingman in another A–37 would swoop down and deliver their small load of bombs on the designated target with great precision.

The accuracy is understandable. Major Hoan, 35 years old, has been flying since he was 20. He has 4,300 hours of combat flight time, probably three or four times as much as the average American fighter pilot.

If he lived in North Vietnam, where he and many of his squadron mates were born and where pilots of Mig fighters are revered for trying to defend their homeland against constant air attack, or in Israel where airmen are venerated for keeping the war in some-one else's back yard, Hoan would no doubt be a source of national pride.

But Major Hoan is a South Vietnamese air force pilot, and for most of the past 15 years he has been bombing his own country, not that of the enemy.

There is no great love in the bombed-out hamlets and villages for the South Vietnamese air force, or VNAF as it is called, and the pilots at this Mekong Delta air base know that.

"We cannot share the pride of our people, our civilian population, like the Israelis do," says Col. Ong Loi Hong, deputy commander of the Fourth Air Division here. "We are robbed of this because we are forced sometimes to hit civilian areas."

"The VC (Viet Cong) always get in with the people to make our job more difficult. "They shoot from the pagodas and the villages so we have to attack them. Our psychological warfare aircraft fly over the villages and drop leaflets and tell the people to go away from the village. But we must do it. We are military men. We follow orders, and if we bomb a village where there are VC and kill a few people we must do it.

"With this kind of a war in Indochina, if you think too much you cannot do your job."

This clash between what VNAF pilots view as their duty and what many villagers view as needless destruction is characteristic of the long and brutal air war which has hammered South Vietnam with almost 5 million tons of bombs—primarily from American planes.

It is also somewhat ironic, because the evidence strongly suggests that if South Vietnam's own air force had been equipped to take over the air war in the South from the United States years ago, the destruction wrought upon this land might have been vastly reduced.

For one thing the VNAF aircraft are smaller, carry fewer bombs, are slower but far more accurate than the U.S. B-52 heavy bombers, which carry 20 to 30 tons of bombs each, or the high-performance F-4 Phantom fighter bombers. VNAF flies the A-37, the lightweight F-5, the old propeller-driven A-1 attack plane and a few squadrons of ancient AC-119 prop-driven gunships.

Also, VNAF has several hundred of the world's most combat-experienced airmen. They are, as one American forward air controller (FAC) asserted, "the best and most accurate bombers in the war."

The attack pilots are also regarded as extremely courageous, to the point of being fatalistic about death and perhaps a trifle reckless as a result.

There has been no official survey of the impact of the U.S. air effort in Vietnam. But virtually all specialists on the subject here and in Washington say the heaviest destruction inflicted on Communist troops and equipment has been from close air support in such pitched battles as Anloc and Quangtri.

And it is precisely in those close-in battles that the smaller and more accurate planes have been most decisive. Far less effective has been the more massive bombing in the jungles here and along the supply trails and base areas in Laos and Cambodia.

"The B-52s got credit for breaking the siege at Anloc," says one American FAC pilot who flew over that battle area for months.

"But it was really our A-37 squadron from Beinhoa plus the VNAF that turned things around. They dropped all their stuff right on the money every time."

U.S. A–7 and A–4 tactical jets are also credited by these FACs, who have a closer view of the air war than anyone else, with high accuracy against troops, tanks and artillery.

To be sure, the B-52s and F-4s also took a toll of the Communist forces in the South. But there is a clear issue of cost-effectiveness in using millions of tons of bombs and big expensive bombers as opposed to the smaller and more precise aircraft flown by the VNAF.

The further irony in all this is that the South Vietnamese air force, like other air forces throughout the underdeveloped world, wants the bigger, faster American planes, such as the F-4 rather than the planes it has. (South Vietnam will have the third or fourth largest air armada in the world by next year, in numbers though not in striking power. It will grow to about 62,000 men, 60 squadrons and 2,000 planes—half of them helicopters—with the more than 400 new planes that arrived in recent weeks.)

Former Premier Nguyen Cao Ky, who commanded VNAF, reportedly described the new shipments of A37s and F-5s to South Vietnam as "planes for women." Ky and other top South Vietnamese pilots perhaps look back wistfully to the days in 1964 and 1965, when they flew A-raids 200 miles into the North. It is difficult to find Vietnamese pilots who do not want to strike back at the North again—this time with their own F-4s.

"Our policy is not to attack the North," says Col. Nguyen Huu Tan, commander of the air division here. "But we can never win by just being on the defensive. The best defense is the capability to attack the North. But we cannot go there without the F-4."

Col. Tan is not optimistic about a lasting ceasefire. He wants the F-4s not only as a bombing deterrent but as a fighter to deal with the Soviet-built MiG-21s, which he fears will come South eventually. The United States is slated late next year to begin delivering advanced models of the F-5E to cope with the MiGs, but the South Vietnamese are skeptical of U.S. assurances that the F-5 is a match for the Soviet-built fighter. They also want the A-7 for close air support and the smaller A-4 as an aerial refueling tanker.

Mostly, they want an open supply line. "If we have good supply from the U.S.," says Col. Hong, "we can fight this war forever. Even without B-52s, we can do everything, and with precision, if we get enough equipment. Instead of one B-52, we can use 10 or 20 A-37s. It will take more time, but we will get the same results."

At the moment, high-ranking military officials insist there are no plans to give the South Vietnamese these more powerful jets. "It was never contemplated that we were trying to build the kind of air force that could operate around Hanoi," the Air Force Pacific chief Gen. Lucius D. Clay Jr., said in an interview.

It is also possible that a U.S.-Soviet agreement on trying to end the war may have included some tacit limitations on supplying offensive weapons to both sides so that neither could start up the war on a major scale again.

Furthermore, American advisers maintain that the South Vietnamese already have their hands full learning how to operate and maintain what they have now. The rush of new planes has also created a pilot shortage. The F-4, requiring two pilots and carrying complex electronic and missile equipment, would cause the logistical maintenance base of VNAF to cave in.

In the American advisory view the smaller, lighter planes, with their low maintenance requirements and quick takeoff capability, are what is needed here.

Few commanders here believe that VNAF, even in its beefed-up state, could stop another 15-division assault without U.S. help. But these commanders say it would be another 1½ or 2 years before the North could regroup and replace the estimated 120,000 men it lost in the current offensive.

The United States is also certain to keep some of its B-52 and F-4 squadrons in Thailand and on carriers off the coast, within minutes of targets in North and South Vietnam. And intelligence sources here have hinted that the United States has made clear its threat to resume heavy bombing of the North if faced with a new Communist attack.

If there should be a lasting ceasefire in Vietnam, VNAF could institute limited tours of duty instead of the present policy of "fly until you die." Its thousands of technologically trained and English-speaking pilots and mechanics would form a substantial pool of industrial skills in a postwar South Vietnam. Some VNAF-trained technicians are already employed by Air Vietnam and international air carriers that serve Saigon.

VNAF has come a long way from 1951's single squadron of left-over French liaison planes. It is now a 48,000-man force, with 50 squadrons.

Although Saigon's ground armies have been given a mixed rating by most American observers, the consensus is that the VNAF attack pilots flew well and aggressively in battle.

The VNAF suffered heavy losses during the opening rounds of the Communist offensive last spring. "It worried us," said a top U.S. Air Force officer. "But it would have worried us a not more if they had hung back and not stayed with the ground troops."

Some American FAC pilots told of VNAF helicopter and transport pilots who appeared to hold back over Anloc and let U.S. pilots weather the rain of anti-aircraft fire. "There were a helluva lot of guys who seemed to develop engine trouble halfway there," said one U.S. pilot.

But there is also the testimony of a former U.S. Special Forces major who operated with small American teams dropped by helicopter into Laos. He said his group preferred to operate with the VNAF.

"They'd just kind of free-fall from 3,000 feet to get us in, which was a wild ride, but great because you didn't take much ground fire that way. You can't belittle American pilots, but when the VNAF came to get us we were usually under fire. We always knew they'd get us out. They never seemed to show fear."

Saigon's air force has lost 150 pilots and 214 planes, including 100 helicopters, since the spring offensive was launched.

In October the South Vietnamese pilots were flying about 55 per cent of the 5,700 individual combat sorties made by both air forces in South Vietnam. Nearly three quarters of all military cargo now moving inside the South travels in VNAF transports.

But maintenance is the bugaboo. Ten per cent of VNAF's helicopters are grounded at any one time, awaiting the right spare part or the right technician, engine repairmen for transports are scarce.

The Pentagon is now paying 23 civilian contracting firms $150 million a year to help keep VNAF running and to help close the maintenance gap. About 5,000 American civilian technicians are here, and more pour in daily.

The estimate from top American advisers is that it will take at least two more years before VNAF will be even 90 per cent self-sufficient.

The VNAF accident record is roughly the same as the USAF's here, which is good considering the age of many of the Vietnamese planes.

Despite VNAF's problems of rapid expansion, a shooting war and instructors who speak a different language, Americans who have worked closest with VNAF believe its development marks one of the most successful operations undertaken in Vietnam. But some express concern that the flood of material still pouring in may just increase the tendency to rely on the U.S. rather than to do better maintenance work.

There is one lesson VNAF has not picked up from its mentors in the Pentagon. It has only two generals running a force of 50,000 men. The U.S. Air Force has about 30 generals for every 50,000 men.

[From the Washington Post, Dec. 12, 1972]

Computer Calls the Shots for Bombers

(By Michael Getler)

Tansonnhut Air Base, South Vietnam.—In the basement of this sprawling U.S. military headquarters just outside Saigon, a dozen U.S. Air Force officers seated behind consoles preside over the world's first computerized air war.

The officers "preside" because it's the computers located a few miles from here, that really run much of this bombing campaign, the most intensive in history.

What has been happening at this control center and in the skies over North Vietnam for the past eight months is vastly different from the air war carried out against the North between 1964 and 1968.

In those earlier years, waves of American F–105 "Thud" fighter-bombers would take off from bases in Thailand and weave in and around the valleys of what came to be known as "Thud Ridge," a long stretch of small mountain peaks that seemed to point "like a long bony finger" right into what ex-pilot Jack Broughton has described as "the modern fighter pilot's private corner of hell—the fierce defenses and the targets of downtown Hanoi."

Much of the time over the North, the F–105 pilots were on their own, living by their wits. Many did not come back.

Though the numbers are in dispute, Air Force officers say 40 to 50 U.S. fighter-bombers were lost trying to knock down a single target, the Thanhoa Bridge 85 miles south of Hanoi. The bridge was never knocked out until the new laser-guided "smart bombs" were used against it in 1972—with no losses.

Those earlier raids, says one officer, were a testimonial not to Air Force determination, "but to our appalling target planning. That bridge just wasn't worth it militarily. There was a place where they (the North Vietnamese) could have forded the river anyway just a few miles away."

Since the North Vietnamese offensive last April reopened heavy U.S. bombing of the North, the American fondness for technology and for every conceivable type of support aircraft to protect the bombers has brought the air war up to date.

"It's all computer-run now," explains the 7th Air Force chief, Gen. John W. Vogt Jr. "To get all those planes, all this support, in the right place at precisely the right time you need a better brain than man's."

An Air Force F–4 pilot from Takhli airbase in Thailand puts it more simply: "We just got our s— together."

A typical Air Force mission against four bridges and marshaling yards along the vital northeast railroad from China involves as many as 130 planes from all seven bases in Thailand. Only about 40 of the planes carry bombs.

Sixteen F–4 Phantom fighter-bombers, flying in groups of four and each carrying two 2,000-pound laser-guided smart bombs, would hit the bridges. The computer tells each flight what time and from what direction to hit each bridge. Another six flights of four fighter-bombers each would hit the rail yards using conventional 500-pound bombs.

Each four-plane group is escorted in and out by other F–4 protective fighters, and high above the bombers and their escorts fly still more F–4s to provide both groups with a second defensive screen against enemy Mig fighters.

Just before the attack planes go in, EB-66 electronic warfare planes—also on cue from the computer—try to jam the radars of SAM missile sites.

Cruising nearby are F-105 "Wild Weasel" planes carrying radar-seeking missiles, and still more F-4s carrying hundreds of small cluster bombs designed to wipe out the actual SAM site and the people running it.

Most of this entire force needs to be refueled on the way in and out. Some 90 tankers a day take off from the base at Utapao in Thailand, and even from Bangkok's commercial airfield, with the computer telling them where to go, at what time and with how much fuel. There are extra tankers in the air in case a Mig dogfight runs the escorts low on fuel.

Just before the raids, high-flying SR-71 reconnaissance planes from Okinawa take pictures of the areas to be hit, or, if the weather is bad, low flying pilotless photo drones are dropped from the wings of C-130 aircraft based at Danang in South Vietnam to try to fly in below the clouds.

Other four-engine EC-135 jets from Thailand do airborne electronic eaves-dropping in search of the hard-to-spot radars that guide North Vietnamese Migs into the U.S. formations.

"It's all timed to get the fighter-bombers through with minimum losses," says Gen. Vogt.

At the same time, Navy bombers and support planes from four or five carriers off the coast are hitting other targets in both North and South. As many as 100 B-52s a day from Guam and Utapao are also unloading hundreds of tons of bombs north and south of the demilitarized zone. Some of the heavy bombers, flying 5,200-mile round trips from Guam, are met by additional refueling tankers from Okinawa and Thailand.

From Nakhom Phanom airbase in Thailand along the Laotian border, helicopters and fighter escorts are in the air to try to rescue downed airmen.

Since April, some 600 American warplanes have been bombing or flying in support of attack planes throughout Vietnam every day, with the number of sorties divided roughly evenly between North and South.

From a purely tactical standpoint, the electronic and computer air war against the North appears to have scored some successes.

The development of the laser-guided "smart bomb," in the view of virtually all military and civilian specialists, puts it among the technical "heroes" of the war, permitting much more precise bombing in the North of bridges and power stations with fewer bombs and fewer attack aircraft.

Some 5 per cent of the bombs used by the Air Force in the North since this spring are laser types. Senior officers claim that they are always used near populated areas, and that about 85 per cent land within 15 feet of their target. The North Vietnamese have attempted to "fool these bombs by using smoke pots to obscure the target, mirrors to bend the laser light beam, and even hanging ribbons on bridges to alter the contrast. These measures have not worked, the military claims.

(The U.S. and South Vietnamese air forces both use metal-fragmenting cluster bombs as anti-personnel weapons, other kinds of rockets which fire thousands of tiny metal darts or flechettes, and a new exploding-gas cluster bomb designed to knock out troops in deep bunkers through creation of very high pressures, but Gen. Vogt, in an interview, categorically denied any use of so-called plastic pellet bombs against the North and said no such weapon is in the inventory.

In May both Radio Hanoi and a British physician working in Hanoi had claimed evidence of the use of such plastic devices, which don't show up on X-rays of wounds and thus can be even more lethal than other weapons.)

The electronic battle against North Vietnam's thousands of radar-controlled anti-aircraft guns and some 50 batteries of SAM missiles also appears to have paid off.

In 1967, flying about 300 planes a day over the North, the Air Force says 250 planes of all services were shot down. The planes had less protection but the defenses were not as thick as those of recent months.

Since April, flying roughly 260 planes daily over the North, 125 have been shot down cutting the loss rate almost in half.

More than 2,000 SAM missiles have been fired since April, with about 30 Air Force and 19 Navy planes downed as a result. Migs accounted for 24 U.S. plane losses (while 66 Migs were knocked down), with the remainder hit by antiaircraft fire.

Some military men remark that in 1967 virtually all the planes carried bombs, while perhaps only 30 to 50 per cent of the planes on current missions do. Thus, these officers suggest, the low loss rates look good in comparison to the number of planes flown, but less good when compared to the number of targets actually struck.

On the minus side of the air war's technical balance sheet are some costly projects that have not worked well.

Many Air Force officials now concede that hundreds of millions of dollars spent on what was called Task Force Alpha—a secrecy-shrouded, computer-controlled effort to drop hundreds of electronic sensors along the Ho Chi Minh Trail in Laos to detect the movement of men or trucks—was not worth the money.

The project produced more information than could be absorbed and used properly, was foiled on numerous occasions by North Vietnamese tricks and by-pass roads, and required continual reseeding with new sensors.

Asked about the project, Gen. Vogt said he would not quarrel with the assessment that it "was not cost-effective. It was very expensive to operate, complex, and took a lot of resources."

Similarly, reconnaissance planes such as the Navy's RA–5C and the Air Force RF–4 are loaded down with very costly "side-looking" radar which operators in Southeast Asia find virtually useless.

"It's okay if you want to map resources in Brazil or fly straight and level," says one Navy RA–5C flight officer about the radar, "but over here you can't do that. The radar is useless if you have to maneuver."

Similar complaints, though less severe, are voiced about the plane's expensive infrared tracking systems. The radars in these planes cost more than half a million dollars each. The RA–5C itself, the biggest plane to operate from carriers, may also be a maintenance headache.

The Air Force F-111 continues to be plagued with problems. As of this writing, four of the $15 million planes have been lost since late September, when they returned to combat for the first time in four years.

While pilots speak highly of the plane, other Air Force officers here say it should not have been sent to Southeast Asia. "It's designed for nuclear attack. It just isn't accurate enough to hit anything here. About all it does is fly at night and in bad weather, so it keeps the bombs falling when no one else is flying."

The helicopter could turn out to be another technological casualty of the war. Almost 4,900 of these craft, not including Vietnamese choppers, have been lost since 1966, slightly less than half in enemy action and the rest in accidents.

The chopper's current nemeis is the Russian-built Strela heat-seeking missle. Metal exhaust deflectors are being fitted on all engines to try to spoil the Strela's aim.

High-ranking administration officials say the very high 'copter losses might diminish the role these craft can play in future defense strategies.

[From the Washington Post, Dec. 13, 1972]

Discipline, Pride Keep Them Flying

(By Michael Getler)

Saigon.—On Oct. 28, U.S. fighter-bombers swooped down on the hamlets at Datdo, a village 60 miles east of here occupied three days earlier by 150 Vietcong troops.

Gray-white puffs of small caliber anti aircraft fire greeted the U.S. jets.

The strike at Datdo was not unusual, except that two days earlier presidential aide Henry A. Kissinger had told a war-weary public that the fighting would soon be over.

The American pilots were flying in support of South Vietnamese troops that had not been able to retake the hamlets. They had been asked to hit the village by a South Vietnamese army commander.

But the only voices these pilots heard over their cockpit radios were American—an Army ground adviser with the South Vietnamese unit, and an Air Force forward air controller in his tiny spotter plane.

"Those voices on the radio do help keep us motivated," one of the pilots said later. "It still gives you the feeling that there's a company of GIs down there and you've got to help when called. We all know that it's only one guy, but then you know that he may be more dependent on air than ever before, because the troops he's with are an uncertain commodity. That keeps us trying hard."

So, though most of the GIs are gone, American voices in the air still dominate the ground war between the rival Vietnamese. And American pilots and crewmen still brave the enemy's fierce defenses in the North to drop bombs in support of someone else's army.

In one sense, the situation is a testimonial to a well-disciplined air corps (though morale has lately been affected by talk of an early peace). In a larger sense, it demonstrates the ability of the U.S. government to fight a war from the air with public support or at least acquiescence, long after both the public and the government have rejected a continued land war with its higher costs and casualties.

This could be the most significant, result of America's eight-year involvement in this war.

When the Communist invasion came in April, air power was about all the United States had available to strike back with. It was applied massively, to try to preserve South Vietnam, American prestige, political reputations and the sacrifices of 46,000 Americans from being swept away in a quick defeat.

The thrust of the Communist assault was blunted by early summer, yet the air war has continued unabated, and the ability to do this grows out of a unique set of circumstances.

Unlike the half-million GIs thrown into the daily horror of a ground war that to many seemed senseless and unending, professional military men are waging the air war. They are careerists, not given to protest, responsive to orders, and they love to fly.

For both airmen and the public, air warfare is the most remote way to do battle.

Bombing is hard to televise. From fighter-bombers speeding past a target at 400 miles a hour, observation is difficult, and from B-52s seven miles above the battlefield it is all but impossible.

The massive use of B-52 bombers brought a special kind of remoteness to the air war, as did other things. Many of the target decisions are made in Washington, 10,000 miles away. Halfway between Washington and the war is Honolulu, home of the U.S. Pacific Command, which is really the first place in the entire military chain of command that there is a single commander for all U.S. air forces in South east Asia. There is no more unlikely place to think about the consequences of bombing in Vietnam than the plush greenery of Hawaii.

The political support to conduct the air war without a ground war was provided by the North Vietnamese with their April offensive.

As White House informants tell it, the President was under heavy pressure from the military to resume heavy air raids over the North as early as mid-1971, when it was apparent that roads were being built across the DMZ. By December, when a buildup of arms and troops north of the buffer zone was apparent, there was still more pressure.

But roads and alleged troop buildups are imperfect persuaders for a suspicious public. The invasion, much more understandable, provided all that was needed.

As opposed to the darkest days of May, 1968, when 560 Americans a week were being killed on the ground, the 5 or 6 or 10 a week lost in the air war seemed to be tolerable.

As of September, 1972, eight years of air warfare had taken the lives of 2,985 pilots, aircrewmen and non-aircrew personnel lost in flight. Most of the more than 430 prisoners of war in North Vietnam are airmen, as are many of the more than 1,240 listed as missing.

As of Nov. 28, 1,056 American planes have been shot down over North Vietnam since 1965, according to Pentagon figures. Another 464 were lost to hostile action over South Vietnam and 94 went down in Laos. Another 238 crashed or were otherwise lost due to non-combat reasons in the south, with 50 more lost in Laos.

In addition, 4,847 helicopters have been lost, slightly more than half of them in non-hostile action.

Pilot morale these last few months has remained mostly high, though some slippage has occurred since Henry Kissinger's "peace is at hand" announcement of Oct. 26.

"Flying over the north has always been removed from the war elsewhere," one F-4 pilot explained. "It's still three hours in the cockpit and 20 minutes of stark terror. Morale is pretty good, because we know we're hurting them and they're asking us for peace" (a remarkable comment made one week before the White House announcement). "Our losses are pretty low, too. North Vietnam is just totally outclassed.

"I'm no bloodthirsty killer, though," he added. "I want to go home"—a point made almost automatically by scores of pilots in interviews here who felt that criticism of U.S. war policy at home and in the press has scarred their personal integrity.

If there is a touch of "the war lover" here, it is simply impossible to prove.

Pilots said the urge to "get a Mig" also continued to motivate fighter *pilots flying* over the north, and cited "professional pride" as a factor which kept bombing runs accurate against supply targets throughout Vietnam.

On Guam, where B52 crews fly 5,200-mile round trips to hit their targets, there is more diversity of opinion. Many believe their efforts have helped turn the tide, but for others the 12-hour ride to release 20 or 30 tons of bombs has carried them to the brink of boredom. Many have been in Southeast Asia for four or five six-month tours of duty.

"There is very little concern, from the morality point of view, about what we are doing here," a young major on a B-52 crew says, "I think you will find that many of us don't give a damn about the war any more. We'd all just like to go home. But anyone who finds it insufferable ought to get out of the Air Force."

Lt. Gen. Gerald Johnson, Eighth Air Force commander on Guam, thinks the B-52 airman probably does his job "without too much question about whether he is killing anybody on the ground. I don't think it enters his mind.

"It is an impersonal thing. Nothing like hand-to-hand combat. But I think air war has always been this way . . . an impersonal thing."

Gen. John W. Vogt Jr., who commands the Seventh Air Force from Saigon, said in an interview Nov. 7:

"We were asking these guys to fly more often and on tougher missions than ever before, against far tougher odds. They were not dropping bombs against VC in the jungles. They were going into heavily defended areas against all kinds of sophisticated weapons. There was no indication I could see of any let-up.

"People said to me," Vogt adds, "that when they start talking about peace, nobody will want to go out and fly. Why should I stick my neck out? But I've never seen one case of that. I'm very proud of them. If you tell them what has to be done, they do it. These guys are trained to do this. It's their life's work, by choice, and they want to do it well."

But, as the weeks dragged on after the October 26 "peace is at hand" statement, there were in fact instances, according to Air Force, Navy and Marine pilots, in which motivation slipped.

"A few guys were finding reasons to stay off the flight schedules," said one officer in mid-November, some were apt to find reasons to divert from a mission.

Many other pilots did in fact worry about being the last man to die in an unpopular war.

"But there is just no honorable way to get out of it," said one. "If you didn't take your turn, then someone else would have to. And that could wind up being hard to live with."

[From the Washington Post, Dec. 14, 1972]

Was Bombing Worth It? The Question Is Critical, Its Answer Elusive

(By Michael Getler)

Saigon.—The critical questions growing out of the air war in Southeast Asia remain to be answered: What did the bombing accomplish? How *instrumental* was it in moving Hanoi toward a settlement? And, above all, was it worth the tremendous cost in Vietnamese and American lives, resources and money?

Whether those questions ever can be

answered accurately is doubtful. But there is a great deal at stake in trying to deal with them objectively.

At this point, no one but the North Vietnamese leadership knows precisely how bad the country, its people, its economy and military forces were hurt by the bombing. Only they know precisely how important that factor was in leading them toward a settlement in comparison to other diplomatic, political and military factors.

Unlike World War II, there will be no teams of Americans going into the North to interview the people, inspect the damage and to produce a post-war strategic bombing survey (the findings of the World War II survey of Germany are still being debated).

Because Hanoi appeared most anxious to negotiate on the heels of an extensive eight-month bombing campaign against its heartland, *and after* virtually all the half-million U.S. ground troops had gone home, there will be a temptation in some quarters to say that air power won the war.

Yet, if a case-fire comes, a political map of South Vietnam will look much the same as it did five years ago in terms of areas truly under Saigon's control. So others will argue that dropping so many bombs didn't change things enough to warrant the price.

The truth probably lies somewhere in between.

It is hard to find anyone in South Vietnam—American or South Vietnamese—who believes that Hanoi's 15-division assault against Saigon's forces in April could have been stopped without heavy use of American airpower.

But it is easy to find many civilian officials here who believe that much of the bombing throughout Indochina has always been excessive, principally that aimed at halting the flow of supplies—which accounts for most of the bombs—as distinct from that done over the battlefield.

"Certainly this war has not been one of intelligence," says one top South Vietnamese government official. "It was run by the generals, and any war run by the generals will be excessive in military terms. But certainly it has helped to eliminate our enemies. When too many bombs drop, some extra (enemy) soldiers will be killed and that helps."

The problem in trying to assess the bombing campaign, as many observers see it, is that the whole subject is vulnerable to sloganeering by hawks and doves alike.

Accepting the contention that air power won the war, when other factors may have been more important, could lead to higher defense budgets based on overblown strategies, or to acquiescence in the idea that there is a "clean" way to fight from the air without fighting on the ground.

On the other hand, the air war—at least in some areas—was carried out more effectively in recent months than many critics thought possible, its role should not be dismissed.

It may be, as one congressional aide says: "There are enough statistics around to prove anything you want about this war. It will be hard for Congress to come to grips with it . . . to have any effect on the future course of things."

A U.S. embassy official with long experience in Vietnam cautions, however, that "before you even try and answer the question of why it ended . . . and where the bombing fits in . . . you have got to ask: Did it end? It is one thing to explain a change in tactics (by North Vietnam) and another to explain a change in objectives, and I'm not sure I know what it is that Hanoi expects to do in the future."

A senior U.S. Army commander here expands upon that same point: "You could argue that Gen Giap (the North Vietnamese commander) can still look down on this country (South Vietnam) right now and, in spite of the fact that his armies are defeated and his units demoralized and he can't even communicate with some of them, he still sees the seeds of corruption and self-defeat here and can convince himself that this is far from a lost cause."

Three kinds of air war have been carried out agaist North Vietnam: one against the North itself—its military and supply facilities, transportation, power and fuel systems, and whatever supporting industry it had; a second agaist North Vietnamese and Vietcong troops and supplies in South Vietnam; and a third that spilled over heavily at times into Laos and Cambodia against supply trails, base camps and storage areas.

With Hanoi's frame of mind left to guesswork, interviews with dozens of U.S. and Vietnamese military and civilian specialists both in and out of government over the past two months lead to these assessments:

Since the Communists' April offensive began, almost a half-million tons of bombs have been dropped on North Vietnam.

The bombing represented a convenient marriage of objectives between the military, who believed an intensive air effort and mining campaign could choke off virtually all of Hanoi's military supplies, and the White House, which wanted to send Hanoi an unmistakable political signal that the North would not remain a sanctuary while the South was under attack.

The mining of North Vietnam's harbors on May 8, just weeks before the scheduled U.S.-Soviet summit meeting, was another part of the signal.

In interviews during September, before any breakthrough had come in the peace talks, White House officials at high levels explained privately "the resumption of the bombing and the mining prior to the summit meeting were major political factors in trying to achieve a process that has been under way for some time . . . to try and isolate Hanoi from its rear areas in Russia and China."

Officials indicated that President Nixon personally did not believe the bombing and mining would be militarily decisive, nor was he getting that kind of advice from the CIA, the civilians in the Office of the Secretary of Defense or from Henry A. Kissinger.

The idea was to parlay growing Soviet-Chinese military fears of each other, China's unwillingness to see a North Vietnam backed by the Soviet Union as the predominant force in Southeast Asia, and Russia's shifting interests in a better relationship with the United States into a clear signal to Hanoi that it could not succeed.

By mid-summer and into the fall, the bombing and mining had apparently carried other political signals to Hanoi. For one thing, the summit had been held despite the entrapment of Soviet ships in North Vietnamese harbors, and the Soviets had apparently decided they were either unwilling or unable to break the mine blockade.

The bombing had not caused any major protest movement, in the United States, which may have indicated to Hanoi that the last traces of the hesitancy and pauses which marked U.S. bombing policy in the 1965–1968 period were gone and that the renewed bombing could easily go on for a long time.

Early in September, a Harris Survey indicated that the President enjoyed substantial support among the voters for his bombing and mining policy, a finding which probably wiped away any thoughts in Hanoi that the administration was politically vulnerable because of its war policy.

That survey also seemed to show that as long as the GIs were out and the casualties were near zero, the air war against the North might well continue for years with the public either supporting it or not caring enough to repudiate it.

"The political factor has always been the big imponderable in the bombing," says one top military official. "The question was how much longer were we going to use our air to discourage the North as distinct from how long we use our air as necessary to defend South Vietnam."

In Saigon, civilian officials tend to rate the U.S. diplomacy with Russia and China as the squeeze play which was the single most decisive factor in bringing a settlement to a head.

South Vietnam's Sen. Tran Quang Thuan, a former chairman of the Senate Foreign Relations Committee and frequent critic of some government policies, puts it this way, "We had bombing in the past, and it didn't produce this kind of results. The North Vietnamese leaders didn't want to negotiate. So in this case now, I would say that high politics—talks between Nixon and the Chinese and Russians—were more important than the bombing.

"But you know," Thuan adds, "that only talking without any action will be useless. So I would say all these factors—the talks, the bombing and the strengthening of the South Vietnamese army—produced these results."

To these factors, other Vietnamese add the lack of any popular uprising in support of the Vietcong.

The military effectiveness of the bombing in the North is debatable, but there is no evidence that it brought Hanoi to its knees.

Many analysts, both military and civilian, mention the mining of the harbors as a maneuver of great shock value and perhaps as much military significance as the bombing in terms of making things difficult, and it did not cost any lives. The mining had been proposed and rejected in the dark days of the mid-1960s; there was no indication then that U.S.-Soviet relations would be able to take such an act in stride.

The bombing in recent months, largely through the use of laser-guided "smart bombs," was more effective than in the past. The authorized target list was also expanded, though some critical targets such as huge truck parks and railyards inside a 25-mile buffer zone near the Chinese border remained off limits to avoid an incident with Peking. Military commanders on the scene were given more flexibility in hitting approved targets on their own time schedule, though the White House dictated specific times for some raids regardless of bad weather—additional evidence that air power was being used in large part for political effect.

Bombing knocked out about 70 per cent of North Vietnam's power-generating capability; all 11 major bridges on the northeast rail line from China; all seven major ones on the northwest line, and many others farther south. To be sure, several of these were rebuilt, some were knocked down two and three times, and the North Vietnamese made excellent use of hard-to-hit pontoon bridge replacements, ferries, and as many as 500 trucks a day shuttling over by-pass routes.

Transportation to the south was disrupted, but supplies continued to get through. High military commanders say that the amount of supplies coming across the Chinese border was "not a trifle"—between 25 and 50 per cent of the pre-blockade level—and with three new and small pipelines providing all the petroleum necessary.

The principal effect on the North, many civilian analysts believe, was economic, with fertilizers, chemicals and raw materials being sacrificed to push military supplies across the border. Eventually, they say, this would have taken a toll on the North. Also, though Soviet and Chinese military and economic aid continues, officials say it is the North Vietnamese who must do the rebuilding and that the constant bombardment may well have become a national depressant.

There was also great family separation, with children evacuated from the cities and parents split by repaid details.

After World War II, and after the inconclusive bombing campaigns in Vietnam in the late 1960s, it was widely held that bombing actually improved the morale of those being attacked. Many officials here still believe this, but that view is also being challenged in the case of the current campaign by a growing number of civilians in intelligence and economic aid here.

Summing up, many intelligence officials here and in Washington say that the Air Force and Navy probably did as good a job against the North as could have beeen done, under the imposed restriction on targets, but that the military is always more optimistic about what can be done from the air.

"You just can't beat 100,000 ants with 300 airplanes, especially when those ants are probably the world's toughest and most resourceful people," observes a Pentagon civilian official.

"Even with 300 planes a day over the North," another official adds, "the total time over target amounts to half an hour, and you can fix and move a lot of things during the rest of the time."

To many analysts the campaign against the North suffered from the same problems as the interdiction campaign—known as Operation Strangle—against North Korea.

Basically North Vietnam is viewed as simply too big a place to seal off. Too many roads, too many bypasses, too many trucks and bikes. No one ever really knew how many supplies were really needed and how many were already stored in the South.

"Whenever the going got tough, they could simply hold their fire for a while and store up. Or if not enough tons are getting through, you simply put more in at the top of the funnel."

Similar assessments are made about the efforts to check supplies moving down the Ho Chi Minh trail in Laos where, during the dry seasons, an estimated one million tons of bombs have been dropped over the past several years.

"Laos looked like a very attractive target," said one senior Pentagon analyst, "especially the mountain passes" leading from the North.

"We thought we could really cream them. But the trail is a network. There are some choke points, but he got around them and wherever he couldn't he put in lots of air defense. Time was always on his side. If we closed the passes for two weeks, it wasn't good enough to win a battle that might have been decided in three weeks. You just can't keep that trail closed indefinitely. You can't cut off supplies over a long enough period to really be decisive."

Gen. John W. Vogt, the Seventh Air Force commander in Saigon, concedes that "probably more enemy supplies got down there than we anticipated. That's another way of saying it was probably less effective than we thought."

But Vogt and his boss, Gen. Lucius D. Clay Jr., the Pacific Air Force commander, claim that the interdiction campaign really has to be measured against how much the enemy actually expends in ammunition and supplies.

When the enemy is quiet for two years and then explodes in an offensive, interdiction looks like a flop. "But when the enemy has high expenditures," says Clay, in a continuing major offensive like the one started in April, "plus interdiction, then you're creating a problem for him. I don't think anyone in his wildest dreams imagined we could achieve a goal like zero through-put" of enemy supplies.

"One of the great problems," says Clay, "is that people always try and separate air power, and I don't think you can. I'll quite baldly state that if it hadn't been for air power in its broadest sense—Air Force, Army, Navy, even troop-carrying air power—there wouldn't be a South Vietnam today. I think it has been the controlling element to enable the South Vietnamese army to stabilize and start putting together a meaningful counteroffensive."

Clay's views are shared by many civilian and military officials here when it comes to the close air support campaign in South Vietnam.

"When I first came out here" in April, says Gen. Vogt, "the South Vietnamese had had some pretty serious setbacks" around Quangtri, near Anloc and along the Cambodian border.

"People asked me what was the matter with air power. Why isn't it able to prevent all this loss of territory and why can't it prevent them from routing these forces?

"My reply at the time was that it was going to take a little time. If the enemy continued to mass his forces and attempted to take major geographic objectives like provincial capitals . . . at Hue, Kontum and Anloc . . . he would almost certainly pay a price that he couldn't afford to maintain. This is exactly what happened. He massed his forces, brought in the heavy artillery and tanks, and air destroyed "virtually all of them. He suffered tremendous casualties in a short time. The B–52s and tactical air that went in there blasted big holes in his ranks."

"But air by itself," says Vogt, "and I'm the first to admit it, can't do the job. You cannot hold a position on the ground from 5,000 feet in the air. You've got to have the guys on the ground willing to stand and fight."

In Vogt's view, "the President's decision to carry the war at the same time to the North . . . the disruptive effect on the economy and the normal processes of government in the North, was as important as the campaign in the South."

Vogt says he is out of his field discussing where the diplomatic pressure fits in, but "this business of talking to the Soviets and the Chinese at the same time, obviously cooling their ardor to support the North, played a very decisive part in this. It was all part of the same package. All the factors that bore on this man's willingness to sit down and discuss the war on a reasonable basis were applied very skillfully."

The most controversial aspect of the air war in the South is the massive use of American B–52s, each carrying between 20 and 30 tons of bombs.

Since 1965, B–52s alone have dropped more than 2 million tons of bombs in some 100,000 individual flights, the vast majority of them over South Vietnam.

While the use of tactical fighter-bombers is often watched by ground commanders nearby in battle, the bulk of the B–52 bombing is done in places which are not accessible. Post-flight assessments are available on only perhaps 6 or 7 per cent of the missions.

Many Vietnamese believe the Communist troops have somehow been getting warning of the B–52 strikes and have learned to build their bunkers with holes to relieve blast pressure and thus help them survive the crushing raids.

Gerald Hickey, an American anthropologist with long experience here, doubts that military intelligence was very good in planning the B–52 raids. "You just have to look at all the craters in rice paddies to see it. I can't imagine the Vietcong standing around in rice paddies."

Military officials here, however, are virtually unanimous in their belief that the B–52s were a decisive part of the air campaign. They say that bombing of supply areas around the DMZ in recent months was among the most effective work of the war, and that bombing in close support of ground troops either took many enemy casualties or forced enemy troops into closer contact with friendly forces where more accurate gunships could get a shot at them.

These officials say that if the B–52s *only* killed one soldier per sortie, over the years that would mean 100,000 killed.

Through October 1972, 6.9 million tons of bombs had been dropped on Southeast Asia, according to official Pentagon figures. The November and December figures will push the total above 7 million.

But the Pentagon has never made public figures on how much is dropped over individual countries, leaving that to unofficial estimates by congressmen, newsmen and various private groups that have tried to come to grips with the air war.

The unofficial estimate is that more than 4.5 million tons has been dropped on our ally, South Vietnam; about 1 million tons on North Vietnam; slightly more than 1 million tons along the Ho Chi Minh Trail in southern Laos and another 400,000 tons in Northern Laos; some 200,000 tons in Cambodia.

The bombing began in Laos in 1964, and was carried on secretly for several years with no public discussion.

According to Air Force spokesmen, the bombing of Cambodia began with the U.S.-South Vietnamese cross-border invasion of May 1970, though newspaper clippings indicate that both tactical air strikes and raids by B–52s in sparsely populated areas of Cambodia had begun as early as mid-1969.

The unwillingness of the government to disclose where, when and how much it was bombing in each of the four countries of Southeast Asia raises as many questions as the bombing itself about control over military power in a democracy.

Similarly, the lack of public interest in these figures over the years ought to provide an interesting subject for American sociologists.

[From the Boston Globe, Jan. 17, 1973]

TOTAL U.S. BOMB TONNAGE IN INDOCHINA: 7.4 MILLION

(By Thomas Oliphant)

WASHINGTON.—Since the bombing of Indochina began in earnest eight years ago, the United States has dropped more than 7.4 million tons of bombs on the war-ravaged region.

This huge total is roughly 3½ times the total tonnage of bombs dropped during all of World War II.

It is more than 10 times the tonnage dropped during the entire Korean War and more than 10 times the bomb tonnage dropped on all the Pacific battlefields, including the Japanese islands, during World War II.

The 7.4 million ton figure is also nearly 50 times the tonnage dropped on all the Japanese islands during World War II, including the two atomic bombs dropped on the cities of Hiroshima and Nagasaki.

Last year, according to figures available at the Defense Department, approximately 1,084,000 tons of bombs were dropped on Indochina.

This is the third highest figure of the entire war and is not far below the two peak years, 1968 and 1969 when 1.4 million and 1.3 million tons, respectively, were dropped.

Had the bombing for the first three months of this year been at the levels that prevailed for the rest of the year, the 1972 total might have equalled the 1969 figure.

What is most interesting about the 1972 bomb tonnage figures is the relatively stable nature of the monthly totals after April, despite periodic partial bombing halts over

North Vietnam and varying levels of battlefield activity throughout Indochina. The figurges strongly suggest that lulls in one area were marked by bombing stepups in others.

Thus, the Indochina total actually increased during October and November when there was a ban on raids north of the 20th Parallel in North Vietnam, and it decreased last month (from 100,700 tons in November to 95,490 tons) despite the massive 12-day blitz against the Hanoi-Haiphong region.

Although the Pentagon has always refused to break the Indochina total down by country, daily summaries of the air action last month indicate a marked dropoff in raids elsewhere over Indochina during the pounding of the North.

The tonnage dropped on North Vietnam alone in December could easily have been the highest of the entire war.

The various bomb tonnage statistics, although often inadequate, graphically illustrate the extent to which the United States, especially since the beginning of 1968 has fought the Indochina war from the air.

By contrast, during the 10 years or so that the British were stamping out a Communist insurgency in Malaya, only 33,000 tons of bombs were dropped.

THE SEC'S 80–20 RULE

Mr. WILLIAMS. Mr. President, the question of whether and on what terms institutional investors should be permitted to join stock exchanges has plagued the securities industry for over 5 years. Both the Congress and the Securities and Exchange Commission have conducted studies and hearings on the problem. Although there are difficult issues of public policy involved, one point emerges clearly from all of the studies: Institutions want to join stock exchanges in order to avoid unreasonable fixed brokerage rates. If these fixed changes are eliminated and price competition becomes the norm for the securities industry, the "problem" of institutional membership will largely disappear.

In light of this situation, I was extremely disappointed that the SEC chose to adopt its so-called 80–20 Rule. This rule will essentially reinforce the present anticompetitive commission rate structure, rather than providing the incentive that is needed for its elimination. According, together with Senators Bennett and Tower, I have introduced legislation which deals with the separation of brokerage and money management in such a way that the stock exchanges will be encouraged to reduce the level at which rates are subject to competition.

The Wall Street Journal in its lead editorial this past Thursday stated that the legislative approach Senators Bennett and Tower and I have recommended "makes more sense than the SEC's ruling." The Journal points out:

> The 80–20 rule, if left undisturbed, could too easily become an unhappy compromise that would not be in the long-term interest of exchange members, the institutions or the public.

Because this editorial in our leading financial newspaper expresses so well some of the reasons which have led me to oppose the SEC's 80–20 rule and propose an alternative solution, I ask unanimous consent that it be printed in the Record.

There being no objections, the editorial was ordered to be printed in the Record, as follows:

The 80–20 Rule

Suffice it to say, the SEC's new uniform stock exchange membership rule will not be the last word on the puzzling question of how securities markets should deal with institutions that control huge securities holdings. That is just as well.

Congress, it would appear, will become the next arena for the controversy and the dominant issue will be fixed brokerage fees rather than rules covering exchange membership, although the membership question will continue to be closely related. That is as it should be, too, since rates are really what the struggle is mainly about.

Specifically, Sen. Williams (D., N.J.) today will reintroduce a bill that he brought forth last session that would require exchanges to allow unlimited membership until the minimum transaction exempt from fixed commission is lowered to $100,000. Rep. Moss' House subcommittee on commerce and finance is readying a similar bill for introduction in the House, probably within two weeks.

Sen. Tower (R., Tex.) has agreed to cosponsor the Williams bill this time around, which gives it bi-partisan backing. Sponsors think there is a good chance of passage.

In essence, the bills are aimed at forcing the New York Stock Exchange, in particular, to continue moving away from fixed brokerage rates. Yesterday, the NYSE set a board meeting for Jan. 29 to vote on its plan to comply with the 80–20 rule; negotiated rates will be on the agenda as well.

The exchange, under SEC prodding, has trimmed the minimum transaction $300,000 from $500,000. Messrs. Williams and Moss want the minimum down to $100,000 by early 1974, at which time their bill would put restrictions on institutional membership on exchanges.

The restrictions would be contradictory to the 80–20 rule. The Williams bill would require that an exchange member could do no trading for an affiliated fund. The 80–20 rule allows members to do 20% of their business with an affiliate, provided they do 80% with the general public.

While effects on the general public of securities trading rules changes are not easy to predict, it would seem that the legislative approach makes more sense than the SEC ruling. The 80–20 rule, if left undisturbed, could too easily become an unhappy compromise that would not be in the long-term interest of exchange members, the institutions or the public.

One principal effect of the SEC rule most likely will be to encourage insurance companies, mutual funds and other big institutional investors to buy up brokerage houses. And to get that 80% public business they need they may aim for the big ones.

Rep. Moss' subcommittee, which studied this issue last year, doesn't think this kind of acquisition would be healthy for the securities industry and the public. It could lead, the subcommittee felt, to neglect of the broad public interest in favor of the interests of the institutions.

Interestingly, there may well be less disagreement about the future shape of the securities business than would at first seem to be the case. It would appear that the 80–20 rule has done little to encourage movement towards that future.

New York Stock Exchange President James J. Needham wants uniform sets of rules for stock exchange and over-the-counter trading that would work towards a central market system and make a "fish bowl" out of all trading activity. He wants a display tape that would show information about all transactions taking place anywhere in the country. And, he suggested in a speech to the Bond Club of New York last week, that he would "not exclude the possibility of completely competitive rates" as the price of such a system. Further, he would be willing for membership on an exchange to "open to any qualified broker-dealer."

Mr. Needham is mainly concerned about the so-called "third market" trading that goes on privately or on small exchanges by the big institutions. And it would seem that, in principle at least, the price he would be willing to pay for bringing this kind of trading into his envisioned "fish bowl" would be a fair one if it would include competitive rates and relatively free access to the market.

That doesn't seem to be so many miles apart from the competitive-rates thrust of Messrs. Williams and Moss. The issue may be narrowable to the question of who would qualify as a broker-dealer. If that definition excluded the institutions, it is unlikely that they would be so unhappy, provided they were allowed to negotiate on rates.

In other words, what would appear to be desirable would be further movement towards national public trading by broker dealers who are competing on price. If that can happen, perhaps such compromise formulas as the 80–20 rule can somehow get lost along the way.

UKRAINIAN INDEPENDENCE DAY

Mr. BURDICK. Mr. President, I want to join with the 25,000 North Dakotans of Ukrainian descent and with other Ukrainian Americans in celebrating Ukrainian Independence Day, January 22, 1973.

This day marks the 55th anniversary of the proclamation of the independence of the Ukraine, an event which took place in Kiev on January 22, 1918. January 22 not only marks the short-lived independence of the Ukraine, but it should also serve as a grim reminder to all Americans of political and cultural repression still practiced against minority groups in various parts of the world. As a Nation which bases its most fundamental laws on the freedom of the individual, our Government has condemned the persecution of minorities in the Ukraine as well as in other parts of the globe. In commemorating the independence of the Ukraine, I would hope that we would also rededicate ourselves to achieving full recognition of the human rights of all those who seek expression of their cultural heritage.

The Honorable Arthur A. Link, Governor of North Dakota, signed a proclamation declaring January 22 as Ukrainian Independence Day in North Dakota. At this time, I would like to include his proclamation in the Record.

There being no objection, the proclamation was ordered to be printed in the Record, as follows:

Proclamation

Whereas, on January 22, 1973 Ukrainians in North Dakota and throughout the free world will solemnly observe the 55th Anniversary of the proclamation of a free Ukrainian state, and

Whereas, after a defensive war lasting 4 years, the Ukrainian state was destroyed in 1920 and a puppet regime of the Ukrainian Soviet Socialist Republic was installed, later becoming a member state of the Soviet Union, and

Whereas, the United States Congress and the President of the United States of America have recognized the legitimate right of the Ukrainian people to freedom and national independence by respectively enacting and signing the Captive Nations Week Resolutions in July, 1959, and

Whereas, some 25,000 Americans of Ukrainian descent now living in North Dakota have made significant contributions to both state and nation.

Now, therefore, I, Arthur A. Link, Governor of the State of North Dakota, do hereby proclaim Monday, January 22, 1973, as "Ukrainian Independence Day" in North Dakota and urge all citizens to demonstrate their sympathy with an understanding of the aspirations of the Ukrainian nation to again achieve its rightful inheritance of freedom and independence.

CHEMICAL-BIOLOGICAL WARFARE

Mr. GRAVEL. Mr. President, since 1968, when more than 6,000 sheep died at the Dugway Proving Grounds as the result of an errant aerial nerve gas test, securing meaningful and accurate information on the military chemical and biological warfare—CBW—program has been a problem of concern to Congress. In the face of vociferous public and congressional criticism of some aspects of the secret CBW program, President Nixon ordered an Executive review of U.S. programs and policies in this sphere. The resulting decisions, announced by Mr. Nixon November 25, 1969, included the following:

Renunciation of the first use of lethal chemical weapons;

A promise to submit to the Senate for ratification the Geneva Protocol of 1925, which prohibits first use of chemical and biological agents;

Renunciation of the first use of all methods of biological warfare; and

A pledge to destroy existing stocks of biological weapons and to confine biological warfare research to defensive measures such as immunization and safety measures.

In February 1970 the White House announced that the provisions on biological warfare included toxins, the disease-producing byproducts of living pathogens.

Although the CBW program has changed in significant respects since 1968, the problem of monitoring this program continues to challenge us. I have been closely concerned with this problem since 1970, when details concerning secret CBW test operations in my home State of Alaska were made public for the first time. Many Senators may recall that the Army drained a small lake in Alaska in 1969 to remove more than 200 rounds of deadly rockets and artillery shells, filled with nerve gas poison, that had been misplaced on the ice-covered lake in midwinter several years before. Apparently forgotten, these weapons sank to the bottom when the ice thawed several months later.

The entire incident was handled in secrecy; it took months of careful research by Dr. Richard A. Fineberg, then a University of Alaska political scientist, to bring the facts surrounding this bizarre boondoggle to light.[1] The Army's sorry record of belated disclosures and misinformation in this affair comes as no surprise to those who are familiar with the 1969 hearing before the House Government Operations Committee, Subcommittee on Conservation and Natural Resources, entitled "Environmental Dangers of Open-Air Testing of Lethal Chemicals," and the 1970 hearings before the House Committee on Merchant Marine and Fisheries, Subcommittee on Oceanography, entitled, "Ocean Disposal of Unserviceable Chemical Munitions." The former untangles the web of deception surrounding the sheep kill at Dugway; the latter deals with the mismanagement of leaking chemical rockets that were encased in concrete and finally had to be dumped in the Atlantic Ocean.

In section 409 of Public Law 91-121—the Military Appropriations Authorization Act for fiscal year 1970, November 19, 1969—Congress sought to insure effective oversight of the CBW program by requiring, among other things, that the Secretary of Defense provide Congress with semiannual reports on the CBW program. Although such reports have been provided, I do not believe they effectively fulfill the intended function of the law. This document is actually nothing more than a group of status reports in loose-leaf form. Aggregate figures, summary and explanatory materials are not provided. From this report it is difficult to make an informed evaluation of the CBW program. Moreover, the report is classified "Secret," so that no portion is available to the public.

The Senate Armed Services Committee, however, has been helpful in making some of this information available to Members of Congress on a declassified basis. The following budget breakdown of CBW expenditures for fiscal years 1971 through 1973 was prepared for the committee's use and was in turn forwarded to me by the committee when I requested more detailed information on CBW expenditures.

I ask unanimous consent that the budget data entitled "Programed Funds for Selected Systems" be printed at the end of my remarks as exhibit 1.

The PRESIDING OFFICER. There being no objection it is so ordered.

Mr. GRAVEL. Information on the programs listed in exhibit 1 is scattered through the hearings before the Senate Committee on Appropriations, Subcommittee on Defense, entitled "Department of Defense Appropriations for fiscal year 1973." The bulk of this information is found in part 2 between pages 708 and 952.[2] Subsequent to action on the bill, I examined these hearings in detail to learn more about the CBW program we had funded. I was surprised to note that there were significant discrepancies between the information presented to Congress at those hearings and other information available on the CBW program.

For example, one of the projects discussed under "atmospheric investigations" at pages 766–69 of the hearings is concerned with "improved prediction of transport, diffusion, trajectory and fallout pattern of atmospheric aerosols and particulates for chemical, biological and nuclear defense activities, field test design, personnel safety applications, demilitarization and detoxification of munitions, protection against toxic rocket fuels and atmospheric pollution problems on and near Army installations." Although Robert L. Johnson, Assistant Secretary of the Army for Research and Development, told the subcommittee that this project is part of the chemical and biological defense program, the project—1T062111A128—does not appear on the list of CBW projects the Defense Department provided the Senate Armed Services Committee. Moreover, although I understand that this project is performed by the Meteorology Division of the Dugway-Deseret complex, this fact is not indicated in the hearings.

There may be valid reasons for conducting meteorological tests with application to the CBW program at Dugway. However, given the past record of secrecy and misinformation surrounding CBW, I am disturbed that the Defense Department in this instance did not include this CBW-related project within the budget on CBW prepared for the Senate Armed Services Committee and failed to inform the Senate Apropriations Subcommittee that this project was based at Dugway. As Dr. Fineberg has documented, phrases such as "meteorological testing" have been used in Alaska to disguise the real nature of CBW test projects in Alaska.[3] Consequently, I believe that descriptive phrases such as "atmospheric investigations" and "meteorological testing" deserve our careful attention.

In view of President Nixon's pronouncements that Fort Detrick, Md.—for years the hub of the secret biological warfare research program—has been converted to cancer research, I was surprised to learn that Fort Detrick still maintains an expanding program for "medical defense against biological agents." Although the President's CBW policy statement included a loophole for continued "defensive research," most experts agree that at the research level the line between offense and defense is blurred at best. For this reason, I was troubled to note the Appropriations Committee hearing references to work with potential offensive application, including "laboratory identification of potential biological warfare agents." [4] When I looked into this program more closely, I was further surprised to discover that the funding level, reported to the Appropriations Subcommittee as $4.2 million for fiscal 1973, had increased to $7.5 million by November. In keeping with current procedures, which allow DOD to alter line item entries by $5 million without congressional approval, this 75 percent budget hike in a controversial program was not reported to Congress; I am told, however, that this increase will be reflected in the information we receive on the 1974 budget.[5]

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[1] *Washington Post*, Jan. 6, 1971, p. 1, also my remarks in CONGRESSIONAL RECORD, vol. 118, pt. 5, pp. 5439–5441.

[2] References to CBW at the following pages: 708, 709, 712, 713, 714, 715, 716, 720, 721, 736, 737, 738, 752, 753, 754, 755, 765, 766, 767, 768, 769, 774, 775, 776, 865, 866, 873, 874, 888, 889, 903, 904, 905, 906, 907, 912, 913, 929, 930, 947, 948, 957, 958, 959.

[3] Dr. Fineberg's letter of January 15, 1972 (included with my remarks in CONGRESSIONAL RECORD, vol. 118, pt. 5, pp. 5439–5441), describes some *of his difficulties* in obtaining information about the CBW test program in Alaska.

Given the legacy of secrecy that surrounded the biological warfare program at Fort Detrick, and the difficulties one encounters securing information on CBW, I believe that Senators will be interested in an interpretive analysis of the programs at Fort Detrick and Edgewood Arsenal. This review was prepared for the Scientists Committee on Chemical and Biological Warfare by Dr. Richard Novick, M.D., who is a research microbiologist from New York City.

I ask unanimous consent that it be printed at this point in the Record.

There being no objection, the memorandum was ordered to be printed in the Record, as follows:

INTERPRETIVE ANALYSIS OF PROGRAMS AT FORT DETRICK AND EDGEWOOD ARSENAL

(By Richard Novick, M.D.)

This evaluation is basically the result of two major briefing sessions, one held at Fort Detrick (FD) on Nov. 28 and the other at Edgewood Arsenal (EA) on Nov. 29, at the request of Richard A. Fineberg, a Washington-based reporter. Present at the briefings were Fineberg, myself and several other newsmen.

Hosts at the briefings were Col. Dan Crozier, C.O. of USARIID [*] at FD and Col. John K. Stoner, Jr., C.O. of EA.

The general impression throughout the two days was that both installations made a concerted effort to present themselves as openly as possible. For those of us who have experienced consistent frustration in past efforts to secure information on CBW, this was a welcome change. In their presentations, of course, both installations made a vigorous effort to show that the current CBW programs are in full conformity with the Presidential directives of November, 1969 and February, 1970. USAMRIID at FD is ostensibly entirely open, carrying out *no* classified work. Edgewood is still engaged in classified work.

The CBW programs of the two installations are summarized in the two accompanying tables.

By way of explanation, USAMRIID is the only unit left at Detrick, we were told, that is in any way connected with BW. We were also told that consonant with current U.S. policy, including the Russian draft treaty on BW (which has been signed by the U.S. and has been submitted to the Senate for ratification), the USAMRIID program is *entirely* defensive. More specifically, according to Robert L. Johnson, Assistant Secretary of the Army for Research and Development, USAMRIID's program "emphasizes exotic diseases that are not normal public health problems but which may be potential biological warfare agents that could be used against us." According to the written justification submitted to Congress by the DOD, "The objective of the project is to develop an effective medical defense against biological agents. Improved techniques are sought for mass production of vaccines against known and potential biological weapons. A continuing evaluation of the vulnerability of man to potential biological agents is conducted." The project also includes work on "laboratory identification of potential biological warfare agents." There is, it is claimed, no research that can be construed as overtly offensive in nature, either at USAMRIID or elsewhere in the country.

A glance at Table I, however, will reveal that the USAMRIID program is hopelessly inadequate with respect to its major objective, namely "to develop an adequate medical defense against biological agents." This is not surprising since a biological attack is not perceived as a significant threat to the U.S. by either civilian or military authorities; moreover, the appropriation for the BW defense program officially listed at $10.8 million including $7.5 million for USAMRIID, would not begin to cover even the exploratory costs of a full-scale BW defense program.

One may legitimately ask, then, what is USAMRIID actually doing? Can one regard the BW defense program as a cover for something else?

Let us consider three possibilities:

(1) USAMRIID is merely a residuum of the former offensive BW project, serving out its time, if you will, engaged in various projects that have a greater or lesser relationship to BW, so as to justify its appropriation.

(2) USAMRIID is actually engaged in a large-scale clandestine offensive BW project.

(3) USAMRIID, in cooperation with other (unidentified) installations, is actually engaged in the development of offensive BW on a very small scale for projected use in counterinsurgency operations.

The first possibility is consistent with the overt situation. We were provided with an elaborate brochure detailing the types of projects in progress and they read as more or less typical of what one might find in any research institute of infectious diseases. (See Xerox copy of USAMRIID projects.) It will be noted that two phrases, "for BW defense" and "of military medical importance" have been sprinkled like so much sand among the titles. As a result, some sound quite absurd. We were told that this was done to conform with a Congressional directive that all DOD research projects must state their military relevance in their titles. Among the projects, pathogenesis, immunization, and diagnosis stand out as major concerns of the installation. We were informed that diagnosis projects related primarily to possible BW attack but that pathogenesis and immunization studies were related more toward the protection of U.S. troops in exotic places and for the improvement of general public health than toward the development of BW defense.

Noteworthy, in our view, were studies on hemorrhagic fever viruses such as the agents of machupo and cochabamba fever, which are highly infective, highly lethal diseases occurring in South America. With regard to USAMRIID investigations into these diseases, for example, we were told that it was important to be prepared to protect U.S. troops against possible health hazards indigenous to any locale in the world because "you never can tell when we might have troops stationed there." Also among the "pathogenesis" studies was aerobiology research, an old BW standby. At this time, however, the listed projects appeared to be more in line with possible health problems involving troops than with overt offensive BW applications.

The second possibility struck us as unlikely for two reasons. First, in an officially open installation, it would be foolish to carry out a large-scale clandestine project—the risk of exposure is too great. Therefore, if large-scale offensive BW development is going on, it is probably not at Detrick. Second, my view is that the U.S. has never really been interested in BW as a major strategic weapons system; I agree that they have finally realized that BW is absurd both as a deterrent and, militarily, as a strategic weapon. Moreover, it has been the source of much bad public relations, which the military would prefer to avoid, granting that it could do so without significant cost to the military "posture" of the U.S.

The third possibility is one for which we found no direct evidence but one for which a circumstantial case can nevertheless be made. In my view, it is important to make this case because a small-scale offensive BW capacity for counterinsurgency situations could easily be developed and employed almost anywhere without overt manifestations; for such a program there might never be direct evidence such as the indications of the existence of a major offensive BW program prior to 1969. At the briefings we learned of the following research projects that would have clear relevance to such a program:

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[4] Pp. 754, 765–6.

[5] In a listing included in hearings before the House Committee on Appropriations, Subcommittee on Defense entitled "Department of Defense Appropriations for 1973" (pt. 4, p. 75), "Medical Research on Infectious Diseases, Fort Detrick," was erroneously listed at $14.667 million. Although this figure represents more than three times the amount actually requested and is nearly $4 million greater than the entire sum currently earmarked for BW defense (which includes protective equipment, detection and warning devices, as well as the medical defense project), there is no indication that Congress questioned this error until I called its attention to the Senate Armed Services Committee in December. The Armed Services Committee informs me that the error traces back to the justifications book, which was submitted to Congress in January 1972.

[*] USAMRIID, United States Army Medical Research Institute of Infectious Diseases, has continuing responsibility for *medical defense* against BW. The U.S. Army Biological Laboratories (known in its final years as the Biological Defense Research Center), conducted the offensive BW program prior to the President's directive and was finally deactivated June 30, 1972.

EA reports that a total of 76 people were transferred from FD to the EA organization, where they are working on biological detection and protection equipment. This figure includes 13 persons under the Chemical Laboratories and 63 under the Development and Engineering Directorate at EA. 12 persons within the latter group are stationed at the Dugway Proving Grounds and are said to be studying data on "vulnerability" of the U.S. to BW attack.

USAMRIID has hired some researchers from the offensive BW program and integrated them into its expanding defensive program, but we were informed that no other installation outside of Edgewood has received any specific group of individuals for continued BW work, offensive or defensive. The remainder of the nearly 2000 persons working in the offensive BW program have taken other government positions or left government employ.

(a) Research (currently at USAMRIID) on pathogenesis of the newer, highly lethal viral diseases, which could be used as BW agents.

(b) Development of vaccines (at USAMRIID) for these diseases (an obvious necessity for the users of a BW agent).

(c) Development (at EA) of aerosol detection and collection devices (useful to monitor backflow of an aerosol released by U.S. troops).

(d) Diagnostic program (at USAMRIID) involving detection of the incipient disease state *before* the appearance of symptoms (this would be useful knowledge in case of accidental exposure of U.S. troops during an attack, but would be of little or no use in general BW defense).

(e) In this connection, the *lack* of research on a method for rapid identification of organisms trapped by the aerosol collectors is noteworthy. Despite the rather obvious technology that one might employ here, we were informed that there is no research on a rapid identification system (which would be critical if the U.S. were attacked, but would be unnecessary if it were the attacker).

In conclusion, one might add that USAMRIID officials emphasized their view that openness and publication of results constituted a guarantee against offensive BW. While this is possibly true for *strategic* uses of BW (i.e., large-scale attacks against a country with a relatively well-developed public health system), it should be recognized that publication is no guarantee against local, *tactical* BW in a counterinsurgency situation where the local population would be unlikely to have either the available information or the public health machinery required to make effective use of that information.

At Edgewood Arsenal we were briefed extensively on the U.S. chemical weapons program (Table II). In this case there was no attempt to minimize the fact that full-scale development of offensive CW technology was very much in progress. In our view, there were several salient features of the program:

(1) We were informed that at present there was no ongoing procurement of lethal chemical munitions because all military units are presently fully equipped with what is considered to be an adequate supply of nerve gas shells. Additional supplies will not be furnished until the development of an operational "binary" weapon has been completed (binary weapons are nerve gas delivery systems—usually artillery shells or rockets, etc.—in which the lethal agent is produced within the projectile by the mixing of two non-toxic precursors after firing). Binary weapons development is a public relations program designed to detoxify the domestic nerve gas production-storage issue. Meselson has estimated that replacement of existing nerve gas munitions with binaries, would cost about $1 billion exclusive of development costs.

(2) As presented to us, nerve gas shells have a small nose charge that explodes on impact. On raising the question that this seemed a poor way of dispersing a liquid, we were told that there was in fact a serious problem with dispersal. They would not give information on the development of better dispersal systems and when queried directly about dispersal from low-flying supersonic planes, they replied that all information relevant to that question was classified. (Incidentally, such dispersal systems of which the one that misfired at Dugway in 1969 is a prototype, would be useful for binary chemicals as well as for herbicides and BW agents.)

(3) In view of attempts to develop better, longer-acting tear gas type agents and shorter-acting more reliable "incapacitating" agents (anticholinergics), we suggested that perhaps the line between the two was blurred. "Oh, no," we were told, "the two are entirely different: tear gases act on external mucous membranes as irritants, while 'incaps' act systemically and must be absorbed by the system. And besides," they said, "one must *never* confuse chemical warfare agents such as incaps with common ordinary chemicals (such as tear gas and herbicides) which are in widespread every day use by civilians." We did not discuss the fact that there is no essential distinction between nerve gases and common, every day organophosphate insecticides.

(4) New anti-plant agents are being developed that either inhibit plant growth or defoliate but "do not kill"—more public relations to pacify the ecologists. But when queried closely about the way the latter might be used, Edgewood officials admitted that monthly applications would be required to control foliage and that reported defoliation would eventually kill plants. Although these "non-herbicidal" defoliants do not affect monocotyledenous plants, the plant growth inhibitors do and could be used to control grain crops. No information is yet available on toxicity to animals or man or alteration of soil ecology.

(5) *Nerve gases and deterrence*. The military seem finally to have realized that BW is not a deterrent against biological attack. They still maintain, however, that chemical weapons deter chemical attacks and use this argument as justification for continuing offensive weapons development despite the Presidential ban on "first use." (Nb: One can never tell when the President may rescind the ban.) Further, Edgewood officials assert, it is necesary to continue development so as to keep up with the "state of the art," to prevent "technological surprise," and to have "an alternative to total nuclear war."

A very strong argument can be made against the validity of the deterrent based on two factors: It is possible, in contrast to nuclear weapons, to protect a population adequately against nerve gases both by conventional means (protective clothing, air filters, etc.) and now by vaccines (under development and very promising). Protection would be facilitated by the instability of nerve gases in water—a good rainstorm would presumably detoxify the environment. Nerve gases would only be useful in a surprise situation; the potential attacker would surely institute adequate protective measures before launching an attack; this would negate the deterrent. Since the U.S. has foresworn first use and even the theoretical deterrent is rapidly vanishing, why continue?

It struck me that the advent of anti-nerve gas vaccines could trigger an escalatory spiral in the development of lethal chemicals and that now would be a very good time to call the whole thing to a halt internationally. Edgewood officials were either unwilling or unable to deal with the situation at this level, stating that their job was to protect *U.S. troops* by all available means, period. Moreover, they freely admitted having an extensive screening program for newer and better lethal chemicals.

(6) *Other programs*. Edgewood officials showed us in detail and with great pride their programs on ecological monitoring and on biomedical spin-off developments. One had the impression that considerable energy was being devoted to these projects.

(7) *Defense*. In addition to development of protective clothing, etc. Edgewood has developed rather highly sophisticated technology for detecting airborne chemicals at distances up to a kilometer—one instrument measures infrared absorption spectra, another measures raman spectra of backscattered laser light. Edgewood officials pointed enthusiastically to the possible use of such equipment in monitoring pollution of the air by chemical substances other than nerve gases.

In summary, the salient features of the briefing with respect to U.S. CBW policy were, in our opinion, three:

(1) Offensive programs under development seem very much more suitable for counterinsurgency than for global warfare. In particular, the U.S. has every intention of continuing the use of herbicides and "harrassing" agents in warfare in defiance of the Geneva Protocol, the United Nations, and general world opinion. In keeping with this view is the highly secret program for development of dispersal systems using low-flying supersonic aircraft. Biological weapons development, if any, would also be for counterinsurgency.

(2) Consistent with this view is the fact that defensive measures under development are almost exclusively for military use in the field rather than for civilians.

(3) Because of the development of vaccines and other protective measures against nerve gases, now would be a good time to push for an international ban on further R & D of lethal chemicals, as well as for U.S. accession to the unmodified Geneva Protocol.

TABLE I.—*BW defense program*

PROBLEMS	CURRENT PROGRAMS
A. Medical	
Prophylaxis (immunization)	None in progress or planned (vaccine development in progress for other purposes—FD*)
Diagnosis	(a) early diagnosis both *before* and *after* appearance of symptoms (FD) (b) study of aerosol infections to understand clinical picture (FD) (c) study of pathogenesis with possible BW agents including hemorrhagic fever, plague, etc. (FD)
Treatment	up to local medical profession
Antibiotics	No research, development or procurement in progress or planned
Antisera	
Antiviral agents	
B. Biophysical	
Detection	a) air sampling devices under development (EA)

PROBLEMS—Continued *B. Biophysical*—Continued	CURRENT PROGRAMS—Continued
Identification	b) hematin-based *chemiluminescense*: B&V** c) particle staining & microscopy: B only
Protection of population	nothing in progress or planned—no ideas nothing in progress or planned
Public information on dangers & means of protection, etc	Nothing available or planned

*FD=For Detrick (USAMRIID); EA=Edgewood Arsenal

**B=bacteria; V=viruses

TABLE II.—*Chemical warfare*

OFFENSE	PROGRAM
Herbicides (use option—open)	"Less toxic" chemicals under development (EA—Edgewood Arsenal)
Harassing agents (use option—open)	Volatile, long-acting tear gas under development
Incapacitating agents (no first use)	(Anticholinergics)—shorter-acting, more predictable agents under development (BZ no longer under study)
Lethal (no first use)	(Anticholinesterase—"nerve gas") binary weapons under development: public relations campaign to detoxify the issue
DEFENSE	
Herbicides	None
Harassing agents	Nothing new
Incapacitating agents	Do.
Lethal—"nerve gas"	Vaccines—Vaccines using organophosphate nerve agents as haptenic antigens are a new departure in CW defense Detection systems, protective clothing, antidotes, etc. under development for protection of military personnel. No civilian programs

Mr. GRAVEL. Mr. President, I would like to add this footnote to the facts and analysis presented by Dr. Novick. How can one reconcile USAMRIID's description of its research program—a broad-based study of infectious diseases—with the references to "potential biological warfare agents" in the justification to Congress? In an interview with Dr. Fineberg, Col. Dan Crozier, M.D., USAMRIID's commanding officer, explained that the term "potential biological warfare agent" is only "a phrase that is used in Congress."[6] The rubric biological warfare defense is apparently a ploy for funding, rather than an accurate description of USAMRIID's program. Colonel Crozier told Dr. Fineberg that some years back, when Congress dictated that the relevance of military research projects should be stated explicitly in their titles, he and his secretary sat down one day and went through their list of project titles, adding to each a phrase such as "of military importance" or "for BW defense." These phrases still appear in the titles of most USAMRIID projects today. Lamentably, as any administrator can tell you, there is nothing unusual about fudging research titles in order to secure funding. But this particular case of administrative license raises a troubling question: If Congress has been told that biological warfare agent identification work is being performed, when actually it is not, could the converse be true at other installations within the military's farflung panoply of research facilities?

While I am on the subject of congressional oversight, I might mention the projects described at pages 754–755 in the hearings as "Aerobiological Investigations" and "General Biological Investigations." At my request, the Senate Armed Services Committee inquired last month and learned that both projects were part of the old biological warfare program, which was terminated June 30, 1972. Although this action was effected before the March hearings were published, no reference to the phase-out appears in the hearings, nor was this information available through the Senate Armed Services Committee when I queried the committee concerning these points, and they in turn contacted the Pentagon.

In the heyday of the cold war, the need for the offensive biological warfare program was presented to the public on the basis of deterrence theory.[7] As late as April 5, 1969, Dr. John S. Foster, Jr., then DOD Director of Research and Engineering, told then-Representative Richard D. McCarthy—

> It is the policy of the United States to develop and maintain . . . a limited offensive capability in order to deter all use of chemical and biological weapons by threat of retaliation in kind.

But was there in fact an enemy threat requiring the development of biological weapons? This is an important question, for if there was no enemy threat, U.S. activities in this sphere might have engendered one under the inexorable reciprocal principles governing cold war relations among distrustful nations. In the face of U.S. development of biological weapons agents and delivery systems, if Soviet military planners shared the Defense Department's retaliation-in-kind analysis, they would have been remiss in not developing their own offensive biological warfare capabilities.

If an offensive biological warfare capability was necessary to deter the enemy from initiating biological warfare in 1969, how could the United States afford to give up this weapons system 7 months later? Although DOD spokesmen avoid this question because, they say, it involves classified information, there are indications that the U.S. biological warfare program may have been undertaken in the absence of any substantive indications of an enemy biological warfare program. Colonel Crozier, who has headed the biological warfare medical defense program at Fort Detrick for more than a decade, told Drs. Fineberg and Novick that he has no idea whether other countries have developed biological warfare weapons such as those the United States stockpiled at Pine Bluff during the 1960's?

Colonel Crozier notes:

> A number of foreign powers are interested in this method of warfare, and they certainly have the potential for developing a weapons systems. Whether they are developing a weapons system, I simply don't know.

If U.S. intelligence sources came up with information that the Russians or Chinese possessed an offensive system using certain organisms, would USAMRIID be asked to work on a vaccine for possible defense? Colonel Crozier believes so, but he says this has never occurred during his tenure at Fort Detrick:

> They have never come to us and said, "Look, the Russians are developing a rhubarb bacillus." which is very lethal, it's a dangerous organism. They never have. But if they did, I assure you, gentlemen, we'd start working on a vaccine.

Although USAMRIID has never worked on antidotes for agents an enemy might possess, the institute has worked on vaccines for agents the United States developed and stockpiled for possible biological warfare use.

The picture of biological warfare that is now emerging runs directly counter to the impressions that were allowed to filter through the national security curtain that surrounded the biological warfare program. Throughout the 1950's and most of the 1960's, as the soon-to-be-published second volume of the Stockholm International Peace Research Institute study, "The Problem of Chemical and Biological Warfare," indicated, official statements on biological warfare were heavily sprinkled with vague and veiled references to the Soviet Union's germ warfare capabilities. Whether or not there was in fact substantive intelligence information behind the grim reference to the Soviet biological warfare threat has not been revealed; the answers to such questions lie within the arcane realm of classified information.

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[6] Tape-recorded interview, Nov. 30, 1972. I am grateful to Dr. Fineberg and Ronald E. Talcott for sharing their unpublished manuscript on biological warfare, including this revealing interview with Colonel Crozier, with me.

[7] The following review of the strategic implications of the U.S. biological warfare program is taken from the Fineberg-Talcott manuscript and is used with the authors' permission.

At the present time, developments on international agreements to restrict CBW seem to be at a standstill. Because of the complexity of this subject, I believe it will be useful to review briefly U.S. actions of the past few years insofar as international relations are concerned.[8]

Although the President did submit the Geneva Protocol of 1925 to the Senate for ratification, his inclusion of an informal understanding that excludes riot-control agents and herbicides from the ban has stalled ratification for over 2 years. More than 90 nations—including the Soviet Union and every other major power except the United States—have ratified the 1925 prohibition against first use in combat of "asphyxiating, poisonous or other gases and all analogous devices."

After holding hearings on the Protocol in March 1971, the Senate Foreign Relations Committee Chairman J. W. FULBRIGHT wrote the President that many committee members felt that the administration's unique interpretation "cannot help but weaken the effect of the Protocol." On behalf of the committee Senator FULBRIGHT asked the President to consider "whether the need to hold open the option to use tear gas and herbicides is needed so great that it outweighs the long-term advantages to the United States of strengthening existing barriers against chemical warfare by means of ratification without restrictive interpretations." After waiting 18 months for a reply from the White House, the committee published the inconclusive hearings last October.

In the interim, the United Nations Conference Committee on Disarmament negotiated a biological weapons ban which the administration signed last April and sent to the Senate for ratification—the new biological ban is limited to "development, production, and stockpiling" of germ warfare weapons; the Geneva Protocol restricts only usage. I understand that negotiations on a similar ban for chemical weapons were stalled this summer while the conference committee waited for the promised U.S. response to the Soviet-initiated draft chemical treaty.

I hope the material I have presented here will assist Senators in monitoring more effectively the CBW program, for I believe that in view of the unique status of CBW in international relations and the legacy of secrecy and mismanagement that has surrounded the U.S. CBW program, it is vital that Congress keep itself fully informed about recent developments in this field. With congressional initiative, the United States can play a constructive role in establishing meaningful and effective international restraints on these much-abjured weapons. On the other hand, if Congress abdicates its responsibilities in this field, further developments in CBW technology—as Dr. Novick's report indicates—are liable to usher in another escalatory chapter in the history of the arms race.

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[8] Again I am indebted to Dr. Fineberg for the following analysis, which appeared in *The New Republic,* December 2, 1972, pp. 17–19.

APPENDIX 1

PROGRAMED FUNDS FOR SELECTED SYSTEMS (CHEMICAL, BIOLOGICAL, FLAME, INCENDIARY, SMOKE, HERBICIDES, AND RIOT CONTROL)

[Funds in millions]

Description of effort	Fiscal year 1971					Fiscal year 1972					Fiscal year 1973				
	Army	Navy	Marine	Air Force	Total	Army	Navy	Marine	Air Force	Total	Army	Navy	Marine	Air Force	Total
CHEMICAL PROGRAM															
1. Research, development and test and evaluation	31.4	2.1		0.5	34.0	31.2	2.0	0	0.5	33.7	30.2	2.2	0	0.5	32.9
(a) Chemical research	7.8				7.8	8.1				8.1	7.0				7.0
(1) Basic research (6.11.02A)	1.2				1.2	1.5				1.5	1.2				1.2
(2) Gen. chem. investigations (6.21.16A)	6.6				6.6	6.6				6.6	5.8				5.8
(b) Lethal chemicals	4.5				4.5	6.9				6.9	8.0				8.0
(1) Weapons concepts (6.26.07A)	1.5				1.5	.9				.9	1.0				1.0
(2) Agent investigations (6.26.07A)	.6				.6	.6				.6	.7				.7
(3) Agent pilot plant inves. (6.36.14A)	.2				.2	.4				.4	.3				.3
(4) Tactical weapons systems (6.36.14A)	.6				.6	1.0				1.0	2.6				2.6
(5) Ground munition systems (6.46.10A)						1.3				1.3	1.1				1.1
(6) Rocket and missile warheads (6.46.10A)	.4				.4										
(7) Materiel tests (6.57.04A)	1.2				1.2	2.7				2.7	2.3				2.3
(8) Air munition systems (6.46.04N)															
(9) Binary munition systems (6.36.04N)															
(c) Incapacitating chemicals	2.2				2.2	2.7				2.7	1.5				1.5
(1) Weapons Concepts (6.26.07A)	.5				.5	.3				.3	.2				.2
(2) Agent investigations (6.26.07A)	1.0				1.0	.4				.4	.5				.5
(3) Agent pilot plant inves. (6.36.14A)	.3				.3	.5				.5	.3				.3
(4) Weapons systems (6.36.14A)	.2				.2	1.5				1.5	.5				.5
(5) Materiel tests (6.57.04A)	.2				.2										
(d) Defensive equipment	14.9	2.1		.5	17.5	12.4	2.0		.5	14.9	11.4	2.2		.5	14.1
(1) Physical protective investigations (6.27.10A)	2.3				2.3	1.8				1.8	1.4				1.4
(2) Def. equip. concepts (6.27.10A) (6.27.55N)	4.1	1.0			5.1	3.3	1.0			4.3	3.4	.9			4.3
(3) Med. def. against chem. agt. (6.27.10A)	2.4				2.4	2.2				2.2	2.2				2.2
(4) Med. equip. concepts (6.27.10A)	.8				.8	.5				.5	.2				.2
(5) Adv. devel. of def. syst. (6.37.20A, 6.37.81N)	2.4	.7			3.1	2.1	.6			2.7	1.3	.5			1.8
(6) Coll. protec. for shelters (6.47.24A)	.4				.4	.2				.2					
(7) Coll. protec. for vehicles (6.47.24A)	1.6				1.6	1.0				1.0	1.2				1.2
(8) Individual protection (6.47.24A)															
(9) Decon, det, sampl, and warn (6.47.24A) (6.47.81N), (6.46.01F)	.1	.4		.5	1.0	.5	.4		.5	1.4	1.2	.8		.5	2.5
(10) Materiel tests (6.57.04A)	.8				.8	.8				.8	.5				.5
(e) Simulant test support (6.57.04A)	2.0				2.0	1.1				1.1	2.3				2.3
BIOLOGICAL RESEARCH PROGRAM															
1. Research, development, test and evaluation	18.2				18.2	16.0				16.0	11.8				11.8
(a) Biological research	7.5				7.5	7.4				7.4	4.2				4.2
(1) Basic research (6.11.02A)	1.6				1.6	.5				.5	.6				.6
(2) General biological invest. (6.21.10A)	5.9				5.9	6.9				6.9	3.6				3.6
(b) Lethal biologicals															
(1) Weapons concepts															
(2) Munitions systems															
(c) Incapacitating biologicals															
(1) Weapons concepts															
(2) Agent pilot plant invest.															
(d) Vegetation control biologicals															
(1) Agent investigations															
(e) Defensive equipment	10.2				10.2	7.6				7.6	7.6				7.6
(1) Physical protective invest. (6.27.10A)	.4				.4	1.4				1.4	1.5				1.5
(2) Def. equip. concepts (6.27.10A)	2.9				2.9	0				0	0				0
(3) Med. def. against bio. (6.21.10A)	3.3				3.3	4.0				4.0	4.2				4.2
(4) Adv. devel. of def. syst. (6.37.20A)	3.1				3.1	2.1				2.1	1.8				1.8
(5) Det. and warn. syst. (6.47.24A)						0				0	0				0
(6) Materiel tests (6.57.04A)	.5				.5	.1				.1	.1				.1
(f) Simulant test support (6.57.04A)	.5				.5	1.0				1.0					

Description of effort	Fiscal year 1971					Fiscal year 1972					Fiscal year 1973				
	Army	Navy	Marine	Air Force	Total	Army	Navy	Marine	Air Force	Total	Army	Navy	Marine	Air Force	Total
ORDNANCE PROGRAM															
1. Research, development, test and evaluation	11.5			0.4	11.9	10.0			0.7	10.7	7.7		0.2	0.6	8.5
(a) Flame and incendiary program (6.27.08A, 6,36.60M, 6.37.02A, 6.47.25A, 6.26.02F)	.7			.4	1.1	1.2			.7	1.9	1.0		.2	.6	1.8
(b) Smoke program															
(c) Riot control program (6.27.08A, 6.47.25A,6.57.04A)	3.2				3.2	2.7				2.7	1.6				1.6
(d) Herbicide program (6.27.08A)	.5				.5	1.5				1.5	.9				.9
(e) Other support equipment (6.57.04A, 6.27.08A, 6.47.25A)	.9				.9	.5				.5	.3				.3
(f) Test support (range instrumentation and safety) (6.57.04A)	6.2				6.2	4.1				4.1	3.9				3.9

GAO MAKES INITIAL REPORT ON MILITARY PERSONAL AIDES FOR OFFICERS

Mr. PROXMIRE. Mr. President, on November 20, 1972, I wrote to the General Accounting Office asking for an investigation of the use of enlisted military personnel as servants to high ranking officers.

My request came as a result of letters sent me stating that certain high ranking officers have exploited the enlisted men assigned to them to assist in carrying out their military duties. This is not a new situation. It has been going on for years. It has been common knowledge.

The question is why have we all accepted this state of affairs so blithely? Simply because it is traditional, that it is the inevitable relationship that develops between officers and enlisted men? Perhaps.

Regardless of why it has been accepted, now is the time for change. We are no longer living in a 19th-century military environment. The Army is undergoing a painful conversion to a volunteer status. Pay has increased dramatically. Now we must erase one of the last trappings of aristocratic privilege that remain—the use of personal servants.

ABUSES IN THE USE OF MILITARY AIDES

Since I made the request for an investigation, my office has received a large number of letters from individuals involved in the military aide program. Some came from officers who confirm that abuses do take place. Some came from aides who feel that they are being forced to perform illegal services. Some come from the wives of the officers with their rationale for the need for personal servants. I have had phone calls from Filipino enlisted men who state their case in broken English. They say that they must do anything an officer demands or else face retaliation and harassment.

Mr. President, the list of alleged abuses is quite long. I would like to cite a few, however, in order to indicate the type of problems that exist. When an enlisted man volunteers for one of the enlisted aide programs he is not told that he will be called upon to perform duties such as the following:

Take care of the officer's personal car;

Take care of the cars of the officer's family members;

Do the gardening;

Pick up the clothes of dependent sons and daughters;

Cook meals for all members of the family even when the officer is not present;

Be the bartender for private, unofficial parties;

Run errands for wives;

Serve food and drinks for parties for other members of the family when the general or admiral is not present;

Babysitting;

Dog walking; and

Maintain swimming pools.

The list could go on and on but there is no point in it. This is not a healthy situation. Who will say that maintaining a swimming pool is in the national interest? Who will say that walking a dog strengthens national security?

FINDINGS OF THE INITIAL GAO STUDY

I have asked the General Accounting Office to begin their investigation by collecting data from the four services about the numbers of aides, costs to the taxpayer, and regulations concerning how aides are used. In the preliminary report, the GAO makes no assessment as to any illegal or improper activity in the aide program. They simply collected data.

The interim reply contains some startling facts. The report reveals that there are 1,722 soldiers officially designated as personal aides to generals and admirals in the U.S. Armed Forces at a cost to the taxpayer of over $13 million a year for pay and allowances alone. The 1,722 figure does not include any personnel on bases assigned to aide-type duties by commanding officers, a practice that is widespread. It is only the official categories of Army enlisted aides, Navy public quarters stewards, Air Force airman aides and Marine cook specialists and food service technicians. I will refer to all of these as enlisted aides.

The $13 million is for pay and allowances only. The Army spends $3.6 million, Navy $4.4 million, Air Force $4.3 million, and Marine Corps $837,000. Obviously the full costs of the aide program will be much higher when indirect expenditures are added such as for training facilities.

GEOGRAPHIC DISTRIBUTION

Of the 1,722 enlisted aides reported by the services, about one-fifth serve in the Washington, D.C., area; 467 are in posts overseas. The aide per officer ratio is highest in the Washington, D.C., area with 2.6 aides per qualified officer as opposed to 1.7 for the rest of the continental United States and 1.5 for overseas. This reflects the predominance of high ranking officers in the Washington area and their insistence on using personal aides.

WHO GETS PERSONAL AIDES?

Enlisted aides, or servants as many call them, are assigned to 860 of the 1,317 U.S. admirals and generals, not on the basis of need but by rank: one aide per star. The 860 admirals and generals who receive aides are supposed to be in command positions. Besides generals and admirals, 110 Navy captains get aides. Even promotable colonels can be given aides but none have them at present.

There are certain interesting exceptions to this rule. The highest ranking officers are released from the "one aide per star" restriction. The Chairman and Chiefs of the Joint Chiefs of Staff and certain Vice Chiefs receive six to eight aides each. The Chief of Staff for the Army and the Chief of Naval Operations, for example, have eight aides assigned to them or one more than the Chairman of the Joint Chiefs of Staff.

RACIAL IMPLICATIONS

The GAO data also show that there are distinct racial overtones in the military personal aide programs. The report notes that 98 percent of the aides in the Navy are Filipinos. Blacks dominate the proportion in the Marine Corps at 65 percent. In the Air Force, 36 percent are black; and 17 percent are black in the Army.

The Navy has stated that they are trying to recruit Caucasians and blacks for their aide program which has long been dominated by a preference for Filipinos. There is no evidence in this initial report as to the plans and goals of the Marine Corps, Army, or Air Force in this regard.

PROMOTIONS

The GAO study shows that promotions come more slowly for enlisted aides than for the average enlisted man. The Navy, in particular, due to its traditional preference for Filipino servants and their high reenlistment rate, promotes these men very slowly. Past the rating E-5, in every rank and all services, aides are promoted slower than the average for enlisted men. To take one obvious inequity, it takes a Navy enlisted man on the average 9 years at the E–6 rank for promotion. It takes an enlisted aide exactly twice as long, or 18 years.

LENGTH OF SERVICE AND PAY

The average length of service for an enlisted aide varies from 8.3 years in the Army to 16 years in the Air Force. Contrary to the general military practice of rotation, enlisted aides often are transferred with the general or admiral to whom they are attached. This perpetuates the domestic servant relationship.

The average pay for enlisted aides fluctuates from $7,131 in the Army to $8,878 in the Marine Corps. The comparable figures for the Navy and Air Force are $7,788 and $7,921 respectively.

REGULATIONS INADEQUATE

Regulations concerning the use of enlisted aides are inadequate. The Air Force and Army state that no officer may use an enlisted aide as a servant, but no definition of servant is offered or examples of outlawed activity cited. The Navy only provides two examples, care of pets and care of infants, as being illegal. This is an open invitation for serious abuse and this is exactly what has taken place.

According to a Department of Defense directive of February 2, 1960, enlisted aides are authorized only for relieving officers of duties which, if performed by the officer himself, would be at the expense of his primary military and official duties. It further states that the duties of these enlisted personnel shall be concerned with tasks relating to the military and official responsibilities of the officer and must accomplish a necessary military purpose.

If this regulation is taken at face value, many of the tasks aides are called upon to do are illegal. The problem is how can an enlisted aide find protection under the regulations when he is given an order by his superior officer that distinctly violates the official policy?

OTHER AIDES FOR GENERALS AND ADMIRALS

The GAO interim reply also reported that in addition to enlisted aides, generals and admirals are allowed between one and three officers to serve them as aides-de-camp. A general, for example, could have three aides-de-camp serving him—one lieutenant colonel, one major, one captain—and four enlisted men. This may in part be the cause of the U.S. top heavy command structure.

Mr. President, I ask unanimous consent that the interim report and appendices of the GAO be placed in the RECORD at this point along with certain letters about the military servant situation and my correspondence with the Honorable Elmer Staats, Comptroller General of the United States. I regret that some of the letters must be left unsigned in order to protect those who wrote.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C., January 16, 1973.

DEAR SENATOR PROXMIRE: As requested in your letter of December 1, 1972, this is an interim reply to your letter of November 20, 1972, which asked us to obtain information about the use of enlisted men as servants for high ranking officers. Because of the limited time involved, we have not validated the information received from the military services. Our final reply to your request will include our evaluation. On the basis of our work so far, we have insufficient data on which to make an assessment as to illegal or improper activity in the aide and steward programs. The data we have obtained follows.

The statutory justification for the enlisted aide program is contained in 10 USC 3639, 7579, and 8639. (See Appendix I for copies of applicable codes.) The budgetary authority for enlisted aides is the Military Personnel Appropriation. No separate line item is set up for enlisted aides. A copy of the agreement between the United States and the Republic of the Philippines which authorizes the recruitment of Filipinos into the armed forces of the United States is presented as Appendix II.

The enlisted men who work as personal aides to high ranking officers are designated as enlisted aides by the Army, public quarters stewards by the Navy, airman aides by the Air Force and cooks specialist or food service technicians, specialist by the Marine Corps. We will refer to all of these servicemen as enlisted aides in this letter.

Copies of Department of Defense Directive 1315.9, Army Regulation 614–16, Secretary of the Navy Instruction 1306.2A, Air Force Regulation 39–5, and Marine Corps Order 5300.8C are enclosed with this letter. These documents provide the official position of the Department of Defense and the military services. We will obtain official statements of the justification for the enlisted aide program at a later date.

The regulations state that enlisted aides are authorized for the purpose of relieving the officer of those minor details which, if performed by the officer himself, would be done at the expense of his primary military and official duties. The regulations also state that the propriety of the duties of enlisted aides is governed by the purpose the duties serve rather than nature of the duties and that they must further the accomplishment of a necessary military purpose.

A copy of the military occupational specialty description for Army enlisted aides is presented as Appendix III.

Examples of acceptable utilization for enlisted aides as given in Secretary of the Navy Instruction 1306.2A are:

Driving the official vehicle of senior officers who are engaged in military functions;

Preparation and serving of food and beverages including cooking, baking, meat cutting, and scullery duties;

Care for the cleanliness, order, and protective maintenance of the officer's quarters and the furniture, fixtures, and appliances therein; and

Preparation for and duties during official entertaining in the officer's quarters including receiving guests, checking articles of outer clothing, and serving food and beverages.

Examples of unacceptable duties for enlisted aides are:

Care and exercising of pets;

Caring for infants or children; and

Personal services for dependents which do not meet the criteria of furthering the accomplishment of a necessary military purpose by the officer.

In all of the military services, the assignment as an enlisted aide is supposed to be made strictly on a voluntary basis. An enlisted aide is also supposed to be able to transfer out of the program at any time.

The following table shows by service and geographic area the number of enlisted aides and the number of high ranking officers assigned these aides.

GEOGRAPHIC DISTRIBUTION OF OFFICERS AND AIDES, AS OF DEC. 1972

Service location	Army		Navy		Air Force		Marine Corps		Total	
	Officers	Aides	Officers	Aides	Officers	Aides	Officers	Aides	Officers	Aides
Washington, D.C. area	54	132	37	100	30	75	5	19	126	326
Continental United States less Washington	134	220	176	315	196	329	32	65	538	929
Overseas	133	158	82	162	88	141	3	6	306	467
Total	321	510	[1]295	[2]577	314	545	40	90	[1]970	[2]1,722

[1] Includes 110 Navy captains.

[2] Includes 110 enlisted aides assigned to Navy captains.

The following table shows the top military officers in the armed forces and the number of aides assigned to each.

	Number of Aides
Chairman, Joint Chiefs of Staff	7
Chief of Staff, Army	8
Chief of Naval Operations	8
Chief of Staff, Air Force	7
Commandant of the Marine Corps	7
Vice Chief of Staff, Army	6
Vice Chief of Naval Operations	6
Vice Chief of Staff, Air Force	4
Assistant Commandant of the Marine Corps	3

Under current military policies, other admirals and generals in command positions are authorized enlisted aides. The aides are usually assigned to these officers on the basis of one aide for each star. Since all admirals and generals are not in command positions, only 860 of the 1317 generals and admirals in the United States Armed Forces are assigned aides. In addition 110 Navy Captains are assigned enlisted aides (see footnote to chart on page 3). Promotable Colonels in the Army can also be authorized aides, but none are presently assigned.

We do not know at this time how many, if any, of the aides perform exclusively or in part the functions of a domestic servant. Enlisted aides are normally recruited and assigned by one of three methods:

1. The officer or a member of his staff screens and selects an enlisted man for an aide. If the enlisted man volunteers for the aide program, he is assigned to duty in the officers quarters as an on-the-job trainee. In the Army or Marine Corps, after selection and volunteering, the enlisted man can be immediately sent to enlisted aide school or

can be sent there after on-the-job training. Following successful completion of school or sufficient on-the-job training, the enlisted man is designated as an aide.

2. Qualified graduates of cooks schools are recruited into enlisted aide school or as on-the-job trainees if they volunteer to enter the enlisted aide program.

3. Enlisted men who have not been selected by an officer or recruited into enlisted aide school can volunteer to enter the aide program.

The pay and allowances (direct cost) of enlisted aides are:

Army	$3,636,612
Navy	4,439,950
Air Force	4,316,945
Marine Corps	837,752
Total	13,231,259

The indirect cost of the program will be provided later.

The racial composition of enlisted aides is presented in the following table.

RACIAL COMPOSITION OF ENLISTED AIDES

Service/race	Army		Navy		Air Force		Marine Corps	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Caucasian	[1] 422	[1] 83	4	1	338	62	31	34
Black	88	17	5	1	196	36	58	65
Malaysian			568	98			1	1
Other					11	2		
Total	510	100	577	100	545	100	90	100

[1] May include some non-Caucasians who are not black.

The Navy has an ongoing program to increase the number of Caucasians and Blacks in the enlisted aide program. Enlisted aides in the Navy are chosen out of the steward ratings. While 10 percent of the stewards in training to become enlisted aides are now Caucasians, most have insufficient experience to qualify as enlisted aides and thus do not effect the racial statistics according to the Navy. Currently, about 80 percent of the new personnel assigned to the steward ratings are Caucasians and the Navy says that effort will be made to recruit enlisted aides from Caucasian stewards. The Navy expects an increased percentage of Caucasians in its enlisted aide program.

Prior to 1970, Philippine nationals comprised about 95 percent of the input to steward rating. About 10 Filipino volunteers applied for each available enlistment vacancy and this large pool of volunteers resulted in annually filling anticipated steward requirements. Since 1970, however, Filipino input to the steward rating has nearly ceased, according to the Navy. The Navy stated that since 1968 opportunity to convert from steward to other ratings has been enhanced significantly with Filipinos now serving in 63 ratings.

You also asked about the term "Malaysian" as an accounting designator. It is a racial designator for natives of the Malay Peninsula and certain islands, including the Philippines. Almost all of the personnel identified by the designator are Filipinos.

The following tables present the average length of service, average pay, and average rate of promotion of all aides and the types of quarters used by aides in the Washington, D.C. area.

	Army	Navy	Air Force	Marine Corps
Average length of service (years)	8.3	13.6	16.0	13.2
Average pay	$7,131	$7,788	[1] $7,921	$8,878

[1] Based on Air Force-wide budgeting figure for enlisted pay.

PROMOTION RATES OF ENLISTED AIDES VERSUS SERVICE-WIDE AVERAGES

[Years in service to promotion]

Service/rank	Army		Navy		Air Force		Marine Corps	
	All enlisted men	Aides	All enlisted men	Aides	All enlisted men	Aides	All enlisted men	Aides
E-9					21.8	21.5	20.7	24.1
E-8	18.7	18.8			19.3	19.4	17.7	19.5
E-7	14.5	15.1	18.0	22.0	18.5	20.1	14.6	16.3
E-6	7.1	9.0	9.0	18.0	15.7	17.3	6.9	12.8
E-5	2.4	2.1	5.0	11.0	3.7	4.5	3.2	2.7
E-4	(1)	(1)	2.0	6.0	(1)	(1)	2.0	1.9
E-3	(1)	(1)	1.2	1.2	(1)	(1)	(1)	(1)

[1] Automatically promoted when basic eligibility criteria are attained unless there are compelling reasons to deny promotion for cause.

Navy officials indicated that the slower promotion of enlisted aides resulted from the reenlistment of 94.6 percent of stewards as opposed to 54.1 percent Navy-wide. Since very few people leave and therefore openings in the higher grades are few, this high retention rate reduced advancement opportunity within the rating.

WASHINGTON, D.C., AREA HOUSING OF ENLISTED AIDES

Service/Type of housing	Army	Navy	Air Force	Marine Corps	Total
Public officer quarters	1[illegible]		0	[illegible]	18
Government-owned enlisted housing	36	46	23	2	107
Private economy housing	81	51	52	17	201
Private officer housing	0	0	0	0	0

We trust that the information presented in this letter satisfies your immediate requirements.

Sincerely yours,

ELMER B. STAATS,
Comptroller General of the United States.

APPENDIX I

STATUTORY AUTHORITY FOR ENLISTED AIDES

10 USC 3639. Enlisted members: officers not to use as servants.

No officer of the Army may use an enlisted member of the Army as a servant. (Aug. 10, 1956, ch. 1041, 70A Stat. 208.)

10 USC 7579. Officers' messes and quarters: limitations on employment of enlisted members.

(a) Under such regulations as the Secretary of the Navy prescribes, enlisted members of the naval service and enlisted members of the Coast Guard when it is operating as a service in the Navy may be assigned to duty in a service capacity in officers' messes and public quarters where the Secretary finds that this use of the members is desirable for military reasons.

(b) Notwithstanding any other provision of law, retired enlisted members of the naval service and members of the Fleet Reserve and the Fleet Marine Corps Reserve may, when not on active duty, be voluntarily employed in any service capacity in officers' messes and public quarters without additional expense to the United States.

(c) The Secretary, to the extent he considers proper, may delegate the authority conferred by this section, except the authority to prescribe regulations, to any person in the Department of the Navy, with or without the authority to make successive redelegations. (Aug. 10, 1956, ch. 1041, 70A Stat. 470.)

10 USC 8639. Enlisted members: officers not to use as servants.

No officers of the Air Force may use an enlisted member of the Air Force as a servant. (Aug. 10, 1956, ch. 1041, 70A Stat. 553.)

APPENDIX II

AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF THE PHILIPPINES CONCERNING MILITARY BASES

Signed at Manila March 14, 1947; entered into force March 26, 1947

ARTICLE XXVII VOLUNTARY ENLISTMENT OF PHILIPPINE CITIZENS

It is mutually agreed that the United States shall have the right to recruit citizens of the Philippines for voluntary enlistment into the United States armed forces for a fixed term of years, and to train them and to exercise the same degree of control and discipline over them as is exercised in the case of other members of the United States armed forces. The number of such enlistments to be accepted by the armed forces of the United States may from time to time be limited by agreement between the two Governments.

DEPARTMENT OF DEFENSE DIRECTIVE

Subject: Utilization of Enlisted Personnel on Personal Staffs.

References: (a) 10 USC 3639, (b) 10 USC 7579, (c) 10 USC 8639, (d) United States v. Robinson, 6 USCMA 347, 20 CMR 63, 68.

I. PURPOSE

This Directive prescribes the policies governing the use of enlisted personnel on the personal staff of officers.

II. APPLICABILITY

This directive is applicable to all military departments on a continuing basis, and to the Coast Guard when operating as a service in the Navy.

III. POLICY

A. Enlisted personnel on the personal staff of an officer are authorized for the purpose of relieving the officer of those minor tasks and details which, if performed by the officer himself, would be at the expense of his primary military and official duties. The duties of these enlisted personnel shall be concerned with tasks relating to the military and official responsibilities of the officer. The propriety of such duties is governed by the purpose which they serve rather than the nature of the duties. Such duties must also further the accomplishment of a necessary military purpose.

B. Under such regulations as the Secretaries of the military departments prescribe, enlisted personnel on the personal staffs of general and flag officers, and certain other senior officers who are in command positions, may be utilized for:

1. Providing essential services to such officers in the field and aboard ship.

2. Duty in their quarters to assist these officers in the discharge of their official responsibilities to include assistance in the care of the quarters.

C. The assignment of enlisted personnel to duties which contribute only to the personal benefit of officers and which have no reasonable connection with the officers' official responsibilities is prohibited.

D. Nothing contained in this directive precludes the employment of enlisted personnel by officers on a voluntary paid off-duty basis.

IV. ADMINISTRATION

The Secretary of each military department is responsible for the administration of the policies announced herein. Implementing regulations of the military departments will be forwarded to the Assistant Secretary of Defense (MP&R) within ninety days.

V. EFFECTIVE DATE

This Directive is effective immediately.

——— ———,
Secretary of Defense.

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington, D.C.

SECNAV INSTRUCTION 1306.2A

From: Secretary of the Navy.
To: All Ships and Stations.
Subj: Guidelines for Utilization of Enlisted Personnel on Personal Staffs.
Ref. (a) DOD Directive 1315.9 of 2 February, 1960 (NOTAL).

1. Purpose. To prescribe the policies governing the use of enlisted personnel on the personal staff of officers of the Navy and Marine Corps, in order to:

a. Provide general guidance for the efficient utilization of enlisted personnel on personal staffs.

b. Preclude improper utilization of enlisted personnel by assignment to duties which:

(1) Have no reasonable connection with the efficient employment of the Navy and Marine Corps as fighting forces.

(2) Contribute only to the personal benefit of individual officers or their families.

2. Cancellation. SECNAV Instruction 1306.2 is canceled and superseded.

3. Applicability. This directive is applicable to the Department of the Navy on a continuing basis, and to the Coast Guard when operating as a service in the Department of the Navy.

4. Background. Reference (a) cites pertinent legal references and delineates the Secretary of Defense's policy in the premises, to the effect that:

a. Enlisted personnel on the personal staff of an officer are authorized for the purpose of relieving the officer of those minor tasks and details which, if performed by the officer himself, would be at the expense of his primary and official duties.

b. The duties of these enlisted personnel shall be concerned with tasks relating to the military and official responsibility of the officer, to further the accomplishment of a necessary military purpose.

c. The propriety of such duties is governed by the purpose which they serve rather than the nature of the duties.

5. Definitions

a. "Efficient utilization" is defined as proper, appropriate, and gainful employment or use of men, money or facilities. For purposes of this instruction it encompasses the use of personnel for any type of duty that can be construed as personal in nature, regardless of occupational specialty, billet title, or organizational location of the individual performing that duty.

b. "Personal staff" is defined as those personnel who are authorized to the person of an officer by the Chief of Naval Personnel or the Commandant of the Marine Corps for other than command duties and who report directly to the officer concerned. For purposes of this instruction and in addition to its specific meaning, the term will further include any personnel who might be construed by the Service or the public as members of a personal staff because of the duties assigned. This specifically includes personnel assigned to duty in the public quarters of an officer.

c. "Official duty" is defined as those actions and activities which are required by the officer's billet, position, office, or rank. It includes functions of military and military-civilian activities, both temporary and continuing. It encompasses actions initiated by and accomplished through either oral or written media, whether during or after normal working hours.

G. Guidelines for Utilization of Enlisted Personnel on Personal Staffs.

a. Enlisted personnel on the personal staffs of general and flag officers, and certain other senior officers who are in command positions, may be utilized for:

(1) Providing essential services to such officers in the field and aboard ship. The purpose of such services is to assist the senior officer by relieving him of a multitude of details of an administrative and personal nature associated with his position or office in order that he may devote the maximum of time and effort to more important matters relating to military planning, policy, operations, training, exercises or maneuvers.

(2) Duty in their quarters to assist these officers in the discharge of their official responsibilities, to include assistance in the care of the quarters. The purpose of these services is to assist the senior officer in public quarters by relieving him of a multitude of administrative and personal details directly related to his official duties, to assist in the security, upkeep, and police of the public quarters assigned him, and to assist in official military and military-civilian functions therein.

b. The assignment of enlisted personnel to duties contributing solely to the personal benefit of officers and which have no reasonable connection with the officer's official responsibilities is prohibited. The purpose served, not the nature of such duties, determines the propriety. An exhaustive listing of specific duties authorized or prohibited is therefore infeasible; however, the following are clear-cut examples:

(1) Acceptable utilization

(a) Enlisted men driving the official vehicle of senior officers who are engaged in military functions.

(b) Utilization of stewards for the following duties is consistent with the policies of the Secretary of Defense and this instruction:

1. Preparation and serving of food and beverages, including cooking, baking, meat cutting, and scullery duties.

2. Care for the cleanliness, order, and protective maintenance of the officer's quarters and the furniture, fixtures, and appliances therein.

3. Preparation for and duties during official entertaining in the officer's quarters, including receiving guests, checking articles of outer clothing, and serving food and beverages.

4. Services of stewards other than those outlined in (1) through (3) above may be consistent with the Secretary of Defense's policies and this instruction when viewed from the standpoint of the purpose served; however, the official concerned must make a determination in each instance.

(2) Unacceptable utilization

(a) Care and exercising of pets.

(b) Caring for infants or children.

(c) Personal services for dependents which do not fall within the intent of subparagraph 5a above.

c. This instruction does not preclude officers from the employment of enlisted personnel on a voluntary, paid outside-working hours basis. Inasmuch as personnel on active duty are in a 24-hour daily duty status, voluntary employment by officers shall be exercised with care to insure that the time, talents, and attention of enlisted personnel in the performance of their regular duties continue to receive precedence during that entire period.

d. Responsibility for the supervision, direction, and performance of duty of enlisted personnel assigned to duty on the personal staff or in the public quarters of an officer lies solely with this officer.

e. Specific duties of members of a personal staff, and of any enlisted personnel assigned to perform duties which may be construed as being of a personal nature, while generally following the customs of the Services, should be specifically prescribed by the senior officer concerned in each case.

f. Since enlisted personnel assigned to personal staffs may be required to assist the senior officer during normal off-duty hours, compensatory time off should be provided.

7. Action. Implementation of the requirements of this instruction demands discriminating judgment upon the part of all officers of the Navy and Marine Corps. Addresses will insure full compliance with both the letter and the spirit of the guidelines delineated herein.

JOHN W. WARNER,
Under Secretary of the Navy.

DEPARTMENT OF THE AIR FORCE,
Washington, 2 October 1967.

AIR FORCE REGULATION NO. 39-5

ENLISTED PERSONNEL AIR FORCE AIRMAN AIDE POLICY

This regulation states policies and tells how airman aides may be authorized, assigned, and used on the personal staffs of general officers. It implements DOD Directive 1315.9, 2 February 1960.

(See summary of revised material following the signature element)

1. Policy on Assigning Enlisted Personnel to Personal Staffs: Enlisted personnel may be assigned to a general officer's personal staff to perform minor duties and details that the officer could not perform himself except at the expense of his primary military or other official duties. The propriety of assigning a duty to an enlisted aide will be determined by the purpose the duty will serve rather than by its nature. All duties assigned to an aide should be related to the military or other official duties of the officer and must further the accomplishment of a necessary military purpose. Airman aides may not be assigned duties that contribute only to the personal benefit of an officer and have no reasonable connection with the officer's official responsibility.

2. Restrictions on Assignment of Aides:

a. Table 1 shows the maximum number of airman aides that may be assigned to an officer.

b. Airmen assigned as aides must not have grades higher than E–7 and authorizations must come from over-all command bulk allotment.

c. Within authorized allowances, airman aides may be assigned duty in public quarters to help an officer discharge his official responsibilities, including help in caring for quarters. Airman aides may also be assigned duties in private quarters of the following officers who do not have access to adequate public quarters:

Table 1. Number of Airman Aides Authorized.

OFFICER GRADE

General of the Air Force (or Chief of Staff, USAF, maximum number of aides authorized, 5. General, maximum number of aides authorized, 4. Lieutenant General, maximum number of aides authorized, 3. Major General, maximum number of aides authorized, 2. Brigadier General, maximum number of aides authorized, 1.

This regulation supersedes AFR 39–5, 17 October 1961. OPR: AFPDP, Distribution: B.

(1) A general or lieutenant general assigned within Continental US.

(2) Any general officer serving outside Continental US.

d. Nothing in this directive precludes an officer from employing enlisted personnel on a voluntary, paid, off-duty basis.

3. Selection and Reassignment of Aides:

a. To the maximum extent possible, airmen assigned to authorized positions on personal staffs must be selected from volunteers from available command personnel sources and preferably from among airmen assigned at the base where the aides will be used.

b. Any reassignment or retention of airmen for duty on personal staffs under the following conditions must have USAFMPC approval:

(1) Curtailment or extension of an oversea tour prescribed by chapter 7, AFM 39–11, 1 May 1967.

(2) Oversea Assignment.

(3) Intercommand Assignment.

(4) Assignment of airmen in grades E–8 and E–9.

c. When submitting requests for reassignment or retention under one of the conditions in b above, include the following information:

(1) *Information About the Officer.* Grade and name of officer for whom the airman will perform duty.

(2) *Information About the Airman.* Grade, name, AFSN, CAFSC, DOS, ODSD, specific duty to be performed (eg, administrative aide, cook, secretary, driver, etc), normal DEROS (if applicable), desired port date (if applicable), oversea volunteer status (if applicable), unit designation, location to which airman will be assigned, and desired reporting date at new station.

(3) *Other Pertinent Information.* Justification, if curtailment or extension of oversea tour is involved; statement that a qualified airman is not available from gaining major command resources and that losing major command concurs in reassignment, if an intercommand assignment is requested.

d. Airmen assigned to duties under this regulation will be:

(1) Given the same opportunity for oversea service under established selection criteria as other airmen.

(2) CAFSC and DAFSC will be changed to reflect reporting code 99121.

e. An airman who becomes surplus as a result of a previous assignment on a personal staff will be absorbed by normal attrition.

By Order of the Secretary of the Air Force

Official.

J. P. McConnell, *General, USAF,*
Chief of Staff.

R. J. Pugh, *Colonel, USAF,*
Director of Administrative Services.

Summary of Revised Material: This revision updates references in paragraph 3b and substitutes "ODSD" for "FSSD" in paragraph 3c(2).

CHAPTER 1: AIDES-DE-CAMP

1–1. Assignment. *a.* General officers occupying table of organization and equipment positions may be assigned aides-de-camp as prescribed by that table of organization and equipment.

b. General officers occupying table of distribution positions when in command of troops may be assigned aides-de-camp in the numbers and grades prescribed in table 1–1. A general officer who is a deputy or assistant commander and who directs a headquarters at a different location from that of the commander is considered as "in command of troops."

c. General officers occupying table of distribution positions who are not commanding troops are not entitled to aides-de-camp except the Vice Chief of Staff of the Army and those assigned as deputy commanders or Chiefs of MAAGs, JUSMAGs and military missions who may be assigned one aide-de-camp per general officer, not to exceed the maximum grade appropriate for the rank of the general officer as prescribed in table 1–1.

1–2. Selection. Any general officer authorized aides-de-camp may select, from his own command, officers of appropriate grades and may assign such officers to duty as aides-de-camp within the limitations prescribed in paragraph 1–1.

1–3. Reassignment. When a general officer is ordered to perform duty beyond the limits of his command, he may order his aides-de-camp to accompany him. When ordered to change station within, from, or to continental United States, the command from which the general officer is being reassigned is authorized, upon his request, to reassign his aides-de-camp not to exceed the numbers and grades shown in paragraph 1, providing he is authorized aides-de-camp in his new assignment. Any question concerning the authorization for aides-de-camp in the new assignment will be resolved by the commander of the command to which the general officer is to be assigned, prior to issuance of change of station orders for the aides-de-camp. Change of station orders for aides-de-camp will cite the same procurement authority for travel expenses as that under which the general officer travels and will cite this regulation as authority for issuance of the orders. Two copies of orders will be furnished The Adjutant General (HQDA (DAAG–ASL), Washington, D.C. 20310). Change of station between oversea theaters for aides-de-camp will be processed in accordance with AR 614–30.

1–4. Limitation on length of tour. No prescribed tour length is established for officers serving as aides-de-camp. However, due consideration should be given to the impact which unusually long and repetitive tours will have on the career development of the officers concerned.

1–5. Component. Officers selected for assignment as aides-de-camp, within the grade limitations specified in paragraph 1–1, may be assigned irrespective of component.

TABLE 1–1

General officers	Col.	Lt. Col.	Maj.	Capt.	Lt.	Total
General of the Army (or Chief of Staff, USA)	1	1	1			3
General		1	1	1		3
Lieutenant general			1	1		2
Major general				1	1	2
Brigadier general					1	1

November 20, 1972.

Hon. Elmer B. Staats,
Comptroller General of the United States,
Washington, D.C.

Dear Elmer: I understand that certain flag and general rank officers of the United States Armed Forces are routinely assigned enlisted military personnel, including foreign nationals, to serve in the capacity of domestic servants.

These men, I am told, in some cases Philippine nationals, act as cooks, butlers, houseboys, drivers, bartenders at official and unofficial occasions, and perform a variety of other household duties, though they are not quartered with the officers they serve.

Would you please undertake an investigation to determine the following facts:

1. How many officers based in the U.S. are assigned stewards or military aides that perform, exclusively or in part, the functions mentioned above?

2. How many stewards or aides are so employed; how are they recruited and assigned; what are their official duties and job descriptions; and what are the full direct and indirect costs of these activities by budget authority?

3. What statutory justification is there for providing U.S. military officers with de facto personal servants?

4. What is the ethnic and racial composition of Navy stewards?

5. What is the agreement between the U.S. and the Philippines regarding the enlistment in the U.S. Armed Forces of Philippine nationals?

6. Please compute the additional compensation these services represent as an add on to existing flag and general rank salaries.

7. What is meant by the term "Malaysian" as an accounting designation? Of the 10,347 "Malaysians" in the grade of Steward as of June 30, 1972: (a) How many are assigned to jobs in the United States, (b) in the Washington, D.C. area, (c) what is the breakdown by local base, (d) how many Stewards are assigned to individual members of the Joint Chiefs of Staff, the Chief of Naval Operations and his deputies, and other high ranking officers (07–010) in the Washington, D.C. area, (e) what is the average length of service for Stewards, (f) average pay, (g) average rate of promotion, (h) where are they quartered in the Washington, D.C. area?

Your assistance in clarifying the statutory and budgetary justification of these activities would be appreciated. I would hope that this study could be completed in time for Congressional consideration during FY 1974 Military Appropriations Hearings.

Sincerely,

William Proxmire,
United States Senator.

Hon. Senator William Proxmire,
U.S. Congress,
Washington, D.C.

Dear Sir: This is in response to the UPI story which I enclosed. Your sources must be very reliable, for everything said in the article is true.

I am a Navy wife and my husband is a steward (E–4). He is a Philippine national who is now an American citizen. He has been serving in the Admiral's house in Norfolk for the past three years. When I learned of what their "duties" are, I was amazed that this is being tolerated by the United States Navy. He said that this is the way things have been in the Navy, and it cannot be changed anymore. I am very glad to know that you are interested in this practice and I hope that you can initiate a change.

For starter, you can investigate the Admiral's row in Norfolk, Virginia. Here, you will find that a vice-admiral has four stewards, and a rear admiral has three. These enlisted personnel are usually E–3 to E–6. I do not dispute the claim that admirals should have sailors as aides and valets for security reasons. But, why should their wives have sailors for their own "maids"? I believe that two enlisted men are sufficient to take care of an admiral's personal needs and comfort. Right now, the stewards serve not only the admiral, but also his family.

I know for a fact that the stewards clean the house, cook all meals for the admiral's family (and houseguests), do the laundry (not only the officer's uniforms, but also their wives clothes), act as butlers, drive wives on errands (or run errands for them), work as bartenders (which my husband has become proficient) at official and unofficial parties (family gatherings as during the Thanksgiving and Christmas holidays), and serve at the bridge games and picnics of the officers wives. The stewards do not go home until after the evening meal is served, the kitchen cleaned, and the Admiral and the "missus" ready for bed. You may like to know also that to call a steward, an intercom is not used, but a bell (just like calling a servant).

As the article mentioned, most stewards are Filipinos. You are probably wondering why these men (high school graduates and some with college education) would request or stay as stewards at the admiral's house. First, because this is a sure way to stay on shore duty and be close to their families. Second, most of them cannot pass the advancement examinations, because they have no time for study, and because their activities are purely non-military. Another reason is that most Filipinos value the American dollars they earn. The money they can send to the Philippines is a big help to their families and relatives left behind. Also, due to their lack of qualification, (some have been stewards for ten or twelve years) they are afraid to get out and look for jobs as civilians.

I suggest that before assigning stwards to admirals and other high-ranking officers, they and their families be given a handbook as guide to what the duties of the stewards are. I am not exaggerating if I tell you that Navy stewards have been used as baby-sitters for officer's grandchildren, and as chauffeurs for the wives' shopping and partying (without the admiral).

I hope that you will pursue the investigation of this matter. I am supporting you fully.

November 23, 1972.

Dear Senator: I read in this morning's Washington Post that you were asking the G.A.O. to investigate the role of enlisted personnel as stewards for the General Officer Corps of the Military Establishment.

I served 7½ years in the Marine Corps with about 4 years serving as a steward in one capacity or another.

While I was in Vietnam I served as one of the stewards of the Commanding General's Mess of the First Marine Division at Danang. Our duties included serving the general staff their meals and keeping the mess clean, the silver polished, setting the table and cleaning up after the meals.

There was a Vietnamese who washed the breakfast and lunch dishes and one of us would wash the evening dishes. After the evening meal either I or a staff sgt. would show a film for entertainment. I enjoyed the tour in Vietnam as being a good experience and we ate the same food the general's staff ate which was better than what was served down in the mess hall.

I re-enlisted in Vietnam for 3 more years after serving 4½ years because I believed what the military was telling us about how we were defending freedom and democracy and allowing the South Vietnamese to choose their own future. After Vietnam I went to Okinawa as a steward for the Commanding General's Mess F.M.F. PAC. (FWD) whose main base was in Hawaii at Camp Smith where I was a cook in the mess hall before I went to Vietnam.

After my tour in Okinawa I went to Quantico, Virginia. My first few months there were as a cook in the officer's barracks.

One of the generals that served in Okinawa was transferred to Quantico and was looking for a steward to serve in his quarters with his family, so I volunteered.

Much to my surprise serving in a general's quarters in the states is much different than serving in his mess overseas.

Some of the phoniest people in America are general's wives who try to get their husbands promoted and this wife was no exception.

She gave parties and tried to butter up to the wife of the Senior General of the base and the wives of the other General's as her husband was the "low man on the totem pole."

The chores we had to do in their quarters were something else. The two other stewards who were black and senior to me said this wife was the worst one they had ever worked for. She couldn't stand to see dust anyhere, and she just loved to run her fingers along furniture or venetian blinds to pick up dust and show it to us. She had 2 children, a 14 year old daughter and a 19 year old son.

Half the time after her daughter went to school and her mother was too busy to make her daughters bed, she asked us to and to straighten up her room. We would wash their car once a week or just before they were scheduled to go to a party or official function. We would wash their son's car while he was at college just so he could have a clean car when he came home on weekends.

When their washing machine broke down in October I had to take their wash into Quantico and wash it in a coin Laundromat. They didn't buy a new washer until after Christmas. The senior Steward took care of the General's uniform and layed out the proper one for the nert day. I shined the shoes and whenever she could she had me shinning her shoes and her daughters too.

When the General and his wife went out, one of us would have to come back in the evening just to cook their daughter her dinner, like a hamburger.

When their son was home for the summer he had a job at the construction site of the new FBI building at Quantico. We would fix his breakfast before he went to work as well as his fathers and make him a sandwich for his lunch, and sometimes he would complain because the lettuce was gritty or the sandwich wasn't made right or something.

At Christmas when the family was together we had to cook and serve them their Christmas Dinner on Christmas Day while the other Generals ate their Dinner a day earlier or later so their stewards could be off on Christmas.

The Generals' wife said after their Dinner at 6 p.m. that we still had time to have a nice dinner with our families.

Fortunately, the Marine Corps had enough sense to not promote the General after his first star and they are retired in Florida.

Her prejudices showed through and working with the other stewards was a good experience because I was able to recognize the families prejudices and it went in one ear and out the other.

I got out of the Marine Corps in Dec. '70. I enjoyed the experience of having served in the military to be able to really see the fat that is being wasted away in the military, and to know that my generation is going to change the inequities in this country because someone touched my generation and gave us spirit which we carry in our hearts, and we are going to use that spirit to lead this country into its third century. *His name* was John F. Kennedy.

November 28, 1972.

Senator William Proxmire,
U.S. Senate Building,
Washington, D.C.

Dear Senator Proxmire: I saw the November 22, 1972, UPI story regarding your feelings about the use of enlisted men as personal servants to "high ranking military officers." And, I support you in your condemnation of this practice.

It may be of interest to you, in your probe of this "servant question," to learn of my personal observations of one Air Force General and his use of enlisted men and women as personal cooks, servants and drivers.

My business associate resides in an upper income area of West Los Angeles. Living next door to him is a three star Air Force General and his wife. And, working for them each day is a black Staff Sgt., another enlisted man, rank unknown, and an Air Force enlisted lady.

These enlisted people cook, clean, build fences, garden and maintain the swimming pool as a part of, I would guess, their "military assignment." And, the enlisted lady even walks the General's poodle which I as a dog owner object to, since I walk my own dog and am not "fortunate enough" to have done at the taxpayers' expense.

Plus, the driver. The driver picks the General up each morning, returns him to his house each evening, and then is used on the weekends for a variety of driving assignments—some of which do not appear to be of a military nature. Unless you consider going out to a social events as a pressing part of our role in maintaining democracy through our military strength.

Senator, I feel that if a person wants to live in luxury—that is his right. But, he should earn that right through a participation in the free enterprise system. Build a business. Invent a product or service and then sell it. Thus, reaping the rewards of our great economic system.

I think that those people who enter government service must do so out of some personal belief that they are doing something to help their fellowman. Those of us who enter the private business world also are interested in our fellowman—whom we help by expanding business and employment opportunities through our creative efforts.

Senator, I say this, if the Generals and Government Officials of this country want servants, maids, valets and personal help—let them pay for it out of their own pocket!

Generals, for example, earn far above average in salary. They can afford to pay for their own help. Just as high government people can—and do.

Not that I am trying to give you a lesson in economics, or personal integrity, but I do have some strong feelings about your efforts to reduce the use of enlisted men by our high ranking military officers. Especially so because of my personal observations of this odious practice.

Best wishes to you in the coming year.

November 25, 1972.

Senator Proxmire: I regret this must be sent anonymously. My father would lose his career otherwise, and he values his upcoming promotion.

The newspapers tell of your questions about generals having servants. A point that highlights the waste of this question is the servant situation of Lt General William Pitts, the commander of SAC's 15th Air Force.

General Pitts took his three servants (all master sergeants) and their families with him when he went from England to take command of a headquarters in Izmir, Turkey last summer.

Five months later he was assigned to 15th Air Force, and he had a special KC–135 pick him and his wife up from Izmir to fly directly to California along with the exact same servants and their families; he also took along his polar-bear size white dog: he left Turkey on November 21st and arrived in California the next day, dog, servants and their families. These are facts, and the costs of shipping his servants from England to Turkey and California within six months were paid for by taxpayers . . . us.

Senator WILLIAM PROXMIRE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PROXMIRE: After so many years someone of your position is investigating the assignment of aids in the armed forces. Be certain that the majority of the military people welcome your investigation. I wish to report to you an example here in Brussels of the very problem you are investigating. General Milton of the Air Force is the senior US officer in Belgium. He has four full time enlisted men in his house as aids. All four of these men are negro. They cook all the meals for the general and his wife. They clean his house and answer his phone and take his dogs to the shop to be groomed. They keep his dogs while the general and his wife are gone on vacation. All of these men worked a full day on christmas even though they have families. It is said that when the general needed a new aid last year he said that the new man had to be a negro. The assistant to General Milton is a navy admiral (rear admiral). Admiral Kane has aids at his house and they are all from the Philippine Islands.

Today I heard that General Milton will be extended by President Nixon so that he will not retire in 1973. I decided to write you because I cannot understand why the President would let this go on. Why are all the aids here in the military? These generals make more money in a year than most of us here will see in our whole life. They should be made to hire civilians as servants. And even if this is allowed why must these people almost always be other than white? I am white but I can even see the wrong being done to the people here who are aids. Everyone is afraid of the general and his aid de camp so they do not say anything. I am afraid and that is why I have not signed my name to this letter. I will soon be eligible to retire and I do not want to get in trouble. Please investigate the racial conditions in Brussels and the situation involving the aids. We have no one in authority to change the situation. Thank you senator.

Senator WILLIAM PROXMIRE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PROXMIRE: In a recent newspaper I read of your request to have the controller general investigate the use of enlisted men in the military as personal servants for high ranking officers. As a veteran I support you and I am writing to my senator asking him to support you in any way he can.

While in the Coast Guard I saw many incidents that dehumanized enlisted men and made the officers feel even more powerful over the enlisted men's lives than they normally were. Drivers had to drive officers anywhere they wanted while an enlisted man had to clear their destination with a duty officer. The driver for top Coast Guard officers was on standby at all times and drove the Admiral to various social functions along with the usual daily business.

At CG Group Baltimore the captain has a car at his disposal and the duty driver is instructed to take the Captain where ever he wants. And the duty officer at the group makes the enlisted duty section make his bed. It is unheard of for an officer to stand in a line, he gets meals served him by enlisted people, while enlisted people eat like cave people.

The enlisted are used as servants more on the sea than on land. Enlisted men cook, clean, make beds, run errands and any other thing they can think of. During inspections the officers have their enlisted men clean their rooms and then inspect. And of course the Captain won't even settle for an enlisted man who is used by other officers, he has to have one of his own.

So in all I support you and will write the Senator in my state and ask him to support you. I would like information on your request as the article in the paper was short. Thank You.

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25 Nov. 72.

SENATOR: On 22 Nov 72 I read comments you made about "military personnel being assigned as personal servants to some high ranking military officers."

I am retiring on 1 Dec 72. I am too old to giggle, or I would. You have many years on public service. When did you come to the astounding conclusion that personnel in the service in the grades of (yes) Colonel, Brigadier General, Major General, Lt General etc used and still use enlisted members of the service for duties as personal drivers, gardeners, bartenders, cooks, butlers, yeah—drive generals wives on errands, and any other thing that general they are assigned to wants them to do?

Why don't you check out the Air Force Regulation which outlines how many such "servants" each Air Force General can have?

By the time you receive this letter I should be "safely" in retirement, and this is the only reason that I send it to you.

I retire with over 26 years service. During this time (you will have to take my word for this) I have encountered the following: (just some):

1. A base where a Brig. Gen used enlisted personnel to build the NCO club, and "stand guard" and police, while sports car races were held. (Chanute AFB, Ill 1953)
2. A base where a CMSGT had the only duty of assigning enlisted aides to Generals in the Pentagon (Bolling AFB, D.C.)
3. A base where enlisted personnel were used to build a miniature golf course. (Korea).
4. Throughout the Air Force for years it has been the practice of "advertising" for enlisted personnel who might want to be a general's aide. The phrase "cooking experience necessary" is always present.

The only thing I am surprised at is that you indicate that you do not know about this long standing military system. Or did you just want to get the unknowing general public's attention as a political thing? Request you not use my name, but if you chose to do so I won't cry about it.

P.S. Add to the above, a base where a Brigadier General was detailed as "project officer" to build a golf course. The General was detailed by the then Chief of Staff of the Air Force.

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24 NOVEMBER 1972.

Senator WILLIAM PROXMIRE,
U.S. Senate and Office Buildings,
Washington, D.C.

DEAR SENATOR PROXMIRE: As an enlisted aide, I would like to present you with my personal opinion regarding your investigation into the practice of using enlisted men as personal servants for high-ranking officers (Generals and Admirals). No enlisted person, regardless of race, can be forced to serve as an aide to an officer. This is strictly a volunteer program. This is not an unauthorized program as your opinion states. I am a graduate of the U.S. Army Enlisted Aide School located at Fort Lee, Virginia. The training I received there is available nowhere else in the world. I feel very honored to be one of less than 300 school trained enlisted aides.

I hope the above will be of some assistance to you and I would appreciate your reply.

Respectfully,
WILLIAM J. HAYWARD,
Specialist 5, U.S. Army, Enlisted Aide,
Headquarters Company, U.S. Army
Pacific, Ft. Shafter, Hawaii, APO
San Francisco 96558.

ARRANGEMENT FOR FUNERAL SERVICES FOR FORMER PRESIDENT LYNDON BAINES JOHNSON

Mr. MANSFIELD. Mr. President, I have received some tentative information, which will have to be finalized, to the effect that those who intend to go to Texas for the final rites for former President Lyndon Baines Johnson will likely have to leave an hour and a half earlier than the time for the services to be held at the National City Christian Church in Washington. Further information will be announced as soon as it can be obtained, but so far we are operating in the dark.

ORDER FOR RECOGNITION OF SENATORS McCLELLAN, JACKSON, NUNN, STENNIS, AND ALLEN FRIDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Friday, immediately following the recognition of the two leaders or their designees under the standing order, the following Senators be recognized each for not to exceed 15 minutes and in the order stated: Senators McCLELLAN, JACKSON, NUNN, STENNIS, and ALLEN.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS ON FRIDAY, JANUARY 26

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, at the conclusion of the special orders for the recognition of Senators on Friday, there be a period for the transaction of routine morning business for not to exceed 45 minutes, with the statements made therein limited to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR EXECUTIVE SESSION TO DEBATE THE NOMINATION OF MR. ELLIOT RICHARDSON TO BE SECRETARY OF THE DEPARTMENT OF DEFENSE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, at the conclusion of the period for the transaction of routine morning business on Friday, the Senate go into executive session to debate the nomination of Mr. Elliot Richardson to hold the office of Secretary of Defense.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM TOMORROW UNTIL FRIDAY

Mr. ROBERT C. BYRD. I ask unanimous consent that when the Senate completes its business tomorrow, and moves in a body to the rotunda, it stand in adjournment until 12 o'clock meridian on Friday.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will convene tomorrow at 12 o'clock meridian. Following the recognition of the two leaders or their designees under the standing order, there will be eulogies with respect to the late former President Lyndon B. Johnson. At the conclusion of those eulogies, Senators will gather to proceed in a body to the rotunda of the Capitol, at which time the Senate will stand in adjournment until 12 o'clock meridian on Friday.

On Friday, the Senate will convene at 12 o'clock meridian. After the two leaders have been recognized under the standing order, the following Senators will be recognized, each for not to exceed 15 minutes, and in the order stated: Mr. McCLELLAN, Mr. JACKSON, Mr. NUNN, Mr. STENNIS, and Mr. ALLEN.

At the conclusion of the aforesaid special orders, there will be a period for the transaction of routine morning business of not to exceed 45 minutes, with statements therein limited to 3 minutes, after which the Senate will go into executive session to consider the nomination of Mr. Elliot Richardson to be Secretary of Defense.

There will be no vote on the nomination on Friday. That vote will occur on Monday next at 2:30 p.m., and it will be a yea-and-nay vote.

On Monday, it is the present intention of the leadership also to proceed with debate on the confirmation of the nomination of James T. Lynn to be Secretary of Housing and Urban Development, following the vote on the confirmation of the nomination of Mr. Elliot L. Richardson of Massachusetts, to be Secretary of Defense.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum. I assume this will be the last quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BIDEN). Without objection, it is so ordered.

ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock meridian tomorrow.

The motion was agreed to; and at 5:03 p.m. the Senate adjourned until tomorrow, Wednesday, January 24, 1973, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate January 23, 1973:

IN THE COAST GUARD

The following named officers of the Coast Guard for promotion to the grade of rear admiral:

Glen O. Thompson
Julian E. Johansen
Abe H. Siemens
John B. Hayes
Robert H. Scarborough

IN THE ARMY

The following-named officers for appointment in the Regular Army of the United States to the grade indicated under the provisions of title 10, United States Code, sections 3284 and 3307:

To be major general

Maj. Gen. Willis Dale Crittenberger, Jr., [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Jack Carter Fuson, [redacted], Army of the United States, (brigadier general, U.S. Army).

Maj. Gen. William Edward Potts, [redacted] Army of the United States, (brigadier general, U.S. Army).

Maj. Gen. Frederic Ellis Davison, [redacted] Army of the United States (brigadier general, United States Army).

Maj. Gen. Arthur Hamilton Sweeney, Jr., [redacted] Army of the United States (brigadier general, United States Army).

Maj. Gen. Jack Alvin Albright, [redacted] Army of the United States, (brigadier general, United States Army).

Maj. Gen. Hugh Richard Higgins, [redacted] Army of the United States (brigadier general, United States Army).

Maj. Gen. Sidney Michael Marks, [redacted] Army of the United States, (brigadier general, United States Army).

Maj. Gen. Albert Ernest Milloy, [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. John Reiley Guthrie, [redacted] Army of the United States (brigadier general, U.S. Army).

Lt. Gen. William Allen Knowlton, [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Frank Ambler Camm, [redacted] Army of the United States (brigadier general, U.S. Army).

Lt. Gen. Edward Michael Flanagan, Jr., [redacted] Army of the United States (brigadier general, U.S. Army).

Lt. Gen. Bernard William Rogers, [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. John Woodland Morris, [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Allen Mitchell Burdett, Jr., [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Howard Harrison Cooksey, [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. C. J. LeVan, [redacted], Army of the United States (brigadier general, U.S. Army).

Maj. Gen. John Quint Henion, [redacted], Army of the United States (brigadier general, U.S. Army).

Maj. Gen. John Holloway Cushman, [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. David Ewing Ott, [redacted], Army of the United States (brigadier general, U.S. Army).

Maj. Gen. George Samuel Blanchard, [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Harold Ira Hayward, [redacted], Army of the United States (brigadier general, U.S. Army).

Maj. Gen. John Joseph Hennessey, [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Frederick James Kroesen, Jr., [redacted] Army of the United States (brigadier general, U.S. Army).

Gen. Alexander Meigs Haig, Jr., [redacted] Army of the United States (colonel, U.S. Army).

IN THE MARINE CORPS

Lt. Gen. Louis Metzger, U.S. Marine Corps, for appointment to the grade of lieutenant general on the retired list in accordance with the provisions of title 10, United States Code, section 5233 effective from the date of his retirement.

The following named officers of the Marine Corps for permanent appointment to the grade of colonel:

Lewis H. Abrams
Donald W. Anderson
Harry E. Atkinson
David B. Barker
David G. Bates
William R. Beeler
James L. Black
Vincente T. Blaz
Billy D. Bouldin
Bruce G. Brown
Carl E. Buchmann
Hugh R. Bumpas, Jr.
Duncan D. Chaplin III
Charles C. Chisholm, Jr.
Donald K. Cliff
Harlan C. Chase
James P. Connolly II
Alfred J. Croft, Jr.
William M. Cryan
Thomas J. Culkin
Jack E. Dausman
Francis L. Delaney
Frank Dicillo, Jr.
Haig Donabedian
William C. Drumright
John E. Fahey
Thomas C. Fields
Charles Fimian
Herbert G. Fischer
William E. Fitch III
George H. Gentry, Jr.
Walter F. Glowicki
Joseph P. Goodson
Edward Z. Grabowski
John J. Grace
Alfred M. Gray, Jr.
Robert E. Haebel
Elvyn E. Hagedorn
Richard S. Hartman
William H. Heintz
Emil W. Herich
Peter L. Hilgartner
Clarence E. Hogan
Harry H. Holmberg
Eugene R. Howard, Jr.
Robert W. Howland
William E. Hutchison
Gerald H. Hyndman
Raymond B. Ingrando
Richard P. Johnson
Thomas M. Kauffman
Charles J. Keever
Thomas R. Kelly
William R. Kephart
Lavern W. Larson
William A. Lawrence
Charles G. Little
Gordon M. Livingston
John R. Love
Frederick F. Mallard
Richard C. Marsh
Val R. McClure
Max McQuown
John G. Metz
Marc A. Moore
Samuel M. Morrow
Roy E. Moss
Frank J. Murray
Neil A. Nelson
Donald E. Newton
Stephen G. Olmstead
John J. Peeler
Edward F. Penico

Charles R. Poppe, Jr.
Francis X. Quinn
James R. Quisenberry
Stanly H. Rauh
Brooke F. Read, Jr.
John J. Reddy
Robert C. Rice
William H. Rice
William R. Rice
Charles D. Roberts, Jr.
Jack D. Rowley
William A. Scott, Jr.
Donald L. Sellers
Dale E. Shatzer
Paul L. Siegmund
Eugene A. Silverthorn
William C. Simanikas
Benjamin B. Skinner
Louis Z. Slawter, Jr.
Michael E. Spiro
Richard W. Smith
Broman C. Stinemetz
Richard C. Stockton
Thomas R. Stuart
Lawrence F. Sullivan
Richard B. Taber
Gerald C. Thomas, Jr.
Ralph Thuesen
Frank D. Topley
Bernard E. Trainor
Richard B. Twohey
John J. Unterkofler
Morgan W. West
Peter A. Wickwire
Bobby R. Wilkinson
Charles T. Williamson
Theodore J. Willis
Leonard E. Wood
Tullis J. Woodham, Jr.
Richard E. Wray III
Gary L. Yundt

The following named officers of the Marine Corps Reserve for permanent appointment to the grade of colonel:

Donald H. Ahern
George W. Allen
Thornton J. Anderson, Jr.
Frederick M. Bates
Stephen D. Beck
Eugene C. Benbow
Phillip J. Boogaerts
Billie H. Brister
Frank O. Burge, Jr.
Robert R. Carson
Charles C. Caudle
Ronnie W. Cunningham
June M. Dantin
Vaughn L. Deboever
Donald L. Dillon
Edward R. Dipersio
Charles F. Donohue
Raymond M. Erwin
Lawrence P. Flynn
Jett T. Ford, Jr.
Louis W. Futrell
Roger E. Galliher
John A. Gose
Theodore E. Guglin
James W. Hammond, Jr.
James W. Harris
John B. Hirt
John S. Hobbs
John E. Jackson, Jr.
Louis C. Johanson
Kenneth R. Johnson
J. E. Kaish
James S. Kelly
Robert A. Kimbrough III
Vito B. Lasala
Nicholas M. Laslavic, Jr.
William R. Leonard
John R. Lilley II
Howard A. Looney
Thomas E. Lucas
Blair L. Mackenzie
William F. Maughan
Jerry J. Mitchell
Joseph A. Molitoris
James F. Molloy, Jr.
Walter F. Murphy, Jr.
William K. Nicrosi, Jr.
John J. O'Donnell
Gerard P. O'Keefe
Benjamin C. Pratt
Richard S. Reed
Thomas P. Reid
Lavern Rice
Robert W. Rust
Joseph B. Ruth, Jr.
Kenneth A. Seal
Milton Shaw
Richard B. Sheridan
James R. Smith
Keith A. Smith
Charles E. Smitherman
Neil O. Snepp
Richard F. Staar
Richard W. Stone
William H. Stroman
Fred Stutler
Jerome B. Tinling
Arch E. Trimble
George A. Vanhoomissen
Wilcomb E. Washburn
Jerry H. Weiss
Hunter B. Whitesell
Russell H. Whitla, Jr.
John F. Williams, Jr.
William L. Williams
Stanley B. Wilson
Blair D. Woolsey
Thomas E. Workman, Jr.
Barkley B. Yarborough

The following named officers of the Marine Corps Reserve for temporary appointment to the grade of colonel:

Millard S. Abbott
William J. Alford
Allen M. Andreasen
Raymond R. Bareis
Kenneth D. Barnes
William H. Berry III
Arthur F. Boland
William R. Bremer
Clifford J. Brenner
John H. Broujos
Walter J. Bryson III
John L. Caldwell
J. A. Cameron
John C. Chandler, Jr.
George F. Ciampa
John E. Courtney
George M. Crall
Robert G. Davis
John P. Dempsey
Frank H. Denobriga
Horace M. Dubose III
Lowell E. Enslen
James A. Everett
Robert J. Fagot
Fred M. Greene, Jr.
William P. Grimes
Dellas H. Harder
Ulus G. Hudson, Jr.
Robert O. Jones
John E. Kelleher, Jr.
William A. Kneller
William J. Koogan
John J. Krasovich
Paul G. Kuntz
Ney C. Landrum
George H. Laplata
Frank P. Marcus
Thomas M. McCabe
John R. Miller
Allan G. Molitor
William W. Monahan, Jr.
Maurice L. Murphy
Reginald T. Murphy
Walter C. Noakes
Edward C. O'Connell
Herbert R. Oxnam, Jr.
Clayton H. Parker
William D. Powell, Jr.
Ronald L. Pullen
Robert G. Raabe
Charles G. Reynolds
George A. Rilling
William L. Roberts
Richard W. Rockenback
Edgar O. R. Sadler
John P. Sanderson, Jr.
Kenneth R. Seitz
Thomas A. Simpson
Ronald L. Smith
Robert J. Stolarik
Willis Swales
Gordon A. Sweitzer
Ronald Trepas
Edwin F. Vozella
Harold R. Warren, Jr.
Richard P. Weinberg
Norman C. Willcox
Orlow R. Zumwalt

The following named officers of the Marine Corps for permanent appointment to the grade of lieutenant colonel:

Louis R. Abraham
John B. Acey
John A. Adams
Richard J. Adams
Thomas G. Adams
Mars M. Adkins
Francis R. Allen
Dennis N. Anderson
Ira C. Anderson
Harold L. Angle
Phillip T. Arman
B. L. Avera, Jr.
Richard A. Bailey
George A. Baker III
William R. Ball
William H. Barnard
Raymond A. Becker
Herbert T. Berwald, Jr
Donald C. Bickel
Richard K. Biel
George M. Blackburn
Ronald E. Blanchard
James L. Bolton
Jerry T. Bowlin
Lawrence J. Briggs
Robert O. Broad, Jr.
Desmond F. Browne
John J. Burke, Jr.
Mervyn J. Burns
Peter M. Busch
Joseph C. Byram, Jr.
John J. Caldas, Jr.
Robert C. Caldwell
Dougal A. Cameron III
Peter J. Canzano
Richard P. Capatosto
John D. Carlton
Robert T. Carney
Donald S. Carr
Richard W. Carr
Edward P. Carroll
John E. Carroll, Jr.
Donald E. Cathcart
John G. Celli
Charles W. Chain III
Richard J. Cisewski
Arthur B. Clark
George Clark
Edward J. Clarkson
David M. Clauretie
Robert E. Cleveland
Thaddeus S. Coates
Joseph F. Cody, Jr.
John C. Coffin
Barry S. Colassard
Fred J. Cone
Thomas F. Conway
James L. Cooper
Wade H. Cooper
Roy G. Corbett
John M. Coykendall
Ervin J. Crampton
John D. Crawford
Forrest W. Crone
Timothy J. Cronin, Jr.
Donald F. Crowe
James L. Cunningham
John R. Curnutt
Edward W. Cuthbert
John R. Dailey
Donald W. Dane
Clarence L. Davis
William C. Doerner
John B. Donovan, Jr.
Edwin J. Doran
Richard T. Douglas
Bruce W. Driscoll
Allen R. Edens
Franklin P. Eller, Jr.
Gerald L. Ellis
William R. Etter
Arthur P. Finlon
Robert C. Finn
Robert L. Fischer
Albert T. Fisher
Marcus T. Fountain, Jr.
Ray M. Franklin
Bobby H. Freeman
Allen L. Frucci
Laurence S. Fry
John A. Gagen
Dominick R. Gannon
John H. Gary III
Robert F. Goins
Wallace M. Greene III
Billy M. Grimes
Roy M. Gulick, Jr.
Don K. Hanna
Richard O. Harper
Donald J. Hatch
William T. Hewes
John H. Hey
Jimmie A. Hicks
Gregory G. Hoen
Thad A. Hoyer
William S. Humbert III
Ralph S. Huston
Richard C. Hyatt
Donald E. Jacobsen
James D. Jahn
Gerald D. James
Robert C. Johnson
George E. Jones
Carl W. Kachauskas
Billy J. Kahler
Orville R. Kartchner
John F. Keane, Jr.
John M. Keenan
Francis J. Kelly
William L. Kent
Richard J. Kenworthy
Hugh T. Kerr
Donald E. Kirby
James P. Kizer
Joseph B. Knotts
Ronald G. Kropp
Neil M. Larimer II
Ralph L. Lary, Jr.
Herbert F. Lawson, Jr.
Thomas G. Leach
Jerry W. Ledin
Arthur E. Lee
Howard V. Lee
Victor M. Lee
Charles M. Lively
Perry T. Llewellyn
Robert H. Lockwood
Francis M. Logan, Jr.
Edward H. Loney
William J. Lottman
Thomas P. Lougheed
Darwin D. Lundberg
James W. Marks
Harry T. Marren
Lawrence A. Marshall
Frank W. Martino
Robert B. Mason
Carlos K. McCafee
Donald J. McCarthy
Leemon B. McHenry
Jimmy B. McInroe
James L. McManaway
William J. McManus
Donald R. Miller
Ralph D. Miller
Robert G. Mitchell
John P. Monahan
Jack P. Monroe, Jr.
Harvey J. Morgan
Richard J. Morley
McLendon G. Morris
Frank C. Mullen, Jr.
David H. Murch
Douglas G. Murphy
John D. Murray
Marvin R. Nelson
Haril W. Newton
Lloyd B. Nice
Joe B. Noble
Richard A. Noll
Robert L. Obrien
David E. Obuhanych
Leo K. Odrudy, Jr.
Don J. Ogden
Curtis W. Olson
Robert L. O'brien
Patrick E. O'Toole
Ronald L. Owen
Dorsie D. Page, Jr.
Homer R. Palmateer
Ralph K. Park
William K. Parker
Donald C. Pauley
Edward R. Perron
James M. Perryman, Jr
Robert L. Peterson
Reed Phillips, Jr.
Bruce A. Pifel
John L. Pipa
Arthur S. Piper
James A. Poland
Earle G. Poronto
Charles R. Porter
Robert R. Porter
Lee A. Preble
William G. Price
Robert N. Rackham
Henry R. Raines
David A. Ramsey
John T. Rapp
William T. Read
Ralph L. Reed
John A. Reese, Jr.
Michael P. Reeves
Frank C. Regan, Jr.
James K. Reilly
James F. Rice
Richard S. Robertson
Robert T. Roche
Barry P. Rust
Colin J. Ruthven
Louis G. Sasso
James E. Schulken
James A. Schumacher
Leo J. Scolforo, Jr.
Roger F. Scott, Jr.
Henry L. Searle
Donald R. Seay
Robert L. Sfreddo
Paul J. Shank, Jr.
Glenn J. Shaver, Jr.
Jerry L. Shelton
John J. Sheridan
Colben K. Sime, Jr.
John Smallman
Norman H. Smith
Robert W. Smith
Rodgers T. Smith
William D. Smith
Vito M. Solazzo
Robert P. Spaete
Donald R. Sparks
Early W. Spiars
Robert M. Stauffer
Hardy R. Stennis
Walter L. Strain
Michael P. Sullivan
Carter P. Swenson
Robert C. Tashjian
Charles, H. Taylor, Jr.
George H. Taylor III
Richard B. Taylor
John J. Tharp
Jerry R. Thompson
Frederic L. Tolleson
Edward F. Townley, Jr.
David C. Townsend
Everett P. Trader, Jr.
Jerome P. Trehy
Everett L. Tunget
Terry Turner
John T. Tyler
Mario S. Valentini
James H. Vandever
Jan H. Vangorder
Neil R. Vandleeuwen
Fredric J. Vanous
Richard S. Varney
William R. Vonharten
Norman H. Vreeland
Paul H. Wagener
Lorin C. Wallace, Jr.
Robert L. Walsh
William M. Whaley
Thomas M. Wheeler
Francis V. White, Jr.
Fred T. Whitman
William W. Widener
Eric H. Wieler
Walter M. Winoski
Charles E. Yates
Richard C. Yezzi
Lewis J. Zilka

The following named officers of the Marine Corps Reserve for permanent appointment to the grade of lieutenant colonel:

William P. Albaugh
Vincent P. Andaloro
Phillip T. Backer
Douglas B. Barfield
Harry F. Barnes
Gerard J. Baxter
Richard K. Best
Virgil W. Binkley
Charles S. Bishop, Jr.
Claude Black
Joseph L. Blasingame
James C. Boggs, Jr.
Francis E. Bowen, Jr.
Richard S. Brooks
William J. Brooks
Robert J. Buice
Junior L. Bybee
Robert B. Calamari
Kevin H. Cassedy
Cipriano Castillo, Jr.
Herbert F. Chabysek, Jr.
Edward O. Clark III
Richard O. Clark
Francis L. Cleland, Jr.
Arthur B. Conlon
Robert B. D. Crawford
Marvin L. Crowdis
Nova E. Demoney, Jr.
Sheldon C. Downes
Anthony J. Dunleavy
Randall E. Egertson
Ralph D. Fagge, Jr.
Peter G. Fenlon
Peter J. Finley
Travis G. Fitts
Barclay W. Fitzpatrick
Raymond J. Flannery. Jr.
Stephen A. Fritz

Richard G. Frohnen
Howard C. Gentile
Reginald N. Germany, Jr.
Perry L. Glancy
William H. Gossell
Harlan H. Grooms, Jr.
Stephen Grozinski
Herbert C. Haight
Nolan V. Hansen
Marshall B. Haraden, Jr.
Michael H. Harrington
Robert A. Harrison
Albert W. Hecht, Jr.
James A. Heckman
Karl Heyer III
Lee B. Holmes
George M. Hutchins
Robert E. Jacobs
Lester C. Jacobson, Jr.
Gordon E. Johnson III
Owen Keavney
Roy A. Kelley
Roger G. Kidston
Patrick G. Kirby
Douglas J. Kirchner
Tom L. Kornegay
Carmen T. Labianca
Alexander J. Lapinski, Jr.
Thomas R. Larson
Ronald R. Lethin
Ernest P. Lewis, Jr.
Arthur J. Liedel
Joseph D. Mankawich
Bruce A. Martin
Robert S. Martin
William F. McGinn
Daniel V. McLaughlin
Walter C. McLaughlin
Gilbert D. Meeker
Francis X. Moakley
Albert J. Molesphini
Hubert G. Much
John A. Mulcahy
Robert E. Neumann
Thomas J. O'Donnell, Jr.
Thomas W. O'Hanlon
Salvatore L. Olivieri
Frank P. Orlando
Kenton L. Pate
Arthur S. Patron
James D. Pauly
Ronald E. Peduzzi
Leland E. Person
Michael J. Phelan
Leonard E. Porter
Luigi Ragosta
Ronald C. Reed
George P. Reilly
Stephen L. Reveal
Steve E. Richardson
James F. Riley, Jr.
John P. Roos
Merle R. Rose
William W. Rose, Jr.
David W. Santee
William E. Scarbrough
David F. Sheehan
Charles A. Skelton
Elbert G. Smith
Raymond L. Smith
Earl F. Sprong
Carmon L. Stewart
Robert A. Stiglitz
Rodney L. Stone
James R. Tickle
Foster G. Ulrich, Jr.
John R. Whelan
James R. White
Robert J. Wiedemann
David Workman

The following named officers of the Marine Corps for temporary appointment to the grade of major:

Paul R. Aadnesen
David P. Abrams
Robert L. Adams
Bruce M. Albert
David P. Allen
Larry W. Allen
Dennis M. Atkinson
Raymond H. Ambrose
Donald K. Angel
Nickolas J. Angelo
Robert R. Anderson
Robert A. Baer
Glen A. Ballenger
Stephen A. Bamberger
Richard K. Bardo
Brent J. Barents
Charles E. Barnett
Merrill L. Bartlett
Raymond H. Bednarsky
Robert A. Beeler
James A. Bell
William H. Bennett
Coy T. Best, Jr.
George R. Bettle
William C. Blaha
Giles W. Bond, Jr.
Robert G. Bradley
Harold L. Broberg
Gerald P. Brodeur
Charles O. Broughton
Clay A. Brumbaugh
Kenneth T. Brunsvold
James R. Bryan
Earl L. Button, Jr.
John D. Buckelew
Bernard V. Burchette
Arthur E. Burns III
Jerry R. Cadick
William L. Cadieux
Howard L. Callahan
Paul W. Capelle
James E. Carlton, Jr.
Theodore D. Carroll
Thomas C. Carter
Ronald D. Cater
Oscar L. Caudill
Kurt J. Chandler
Leonard F. Chapman III
Charles W. Cheatham
Charles W. Christy
John A. Cirie
Joe Clark
Hary F. Clemence, Jr.
John R. Clickener
Maurice G. Cline
Michael H. Collier
John L. Collins
George M. Connell
Robert A. Connly, Jr.
David C. Corbett
Joseph P. Corcoran
Jerry L. Cornelius
Larry R. Cornwell
Charles R. Corriher
John O. Cotton
Harold W. Courter
Jerry J. Cowart
Edwin J. Coyle
Robert R. Craig
Jerry L. Crouch
Ronald J. Curtis
Ronald M. Damura
Carroll C. Davis
Donald E. Davis
James A. Davis
Oscar M. Dennis, Jr.
Bruce H. Dewoolfson, Jr.
Harold E. Dexter
Richard E. Dietmeier
Harris H. Dinkins
Frederick J. Donegan
Arnold H. Dow
Steven J. Driscoll
John F. Dullaghan
Edward F. Dunne, Jr.
Christian J. Eck, Jr.
Paul R. Ek
Richard W. Elsworth
George R. Emerson
George K. Eubanks
Robert L. Fain
Charles H. Feaselman
Kenneth A. Fehr
Mark F. Felske
George I. Felt, Jr.
Louis J. Ferracane, Jr.
Donald G. Fichthorn
William A. Forney
Paul A. Fratarcangelo
Alvin E. French
Sidney R. Gale
Chester M. Gardner, Jr.
Joel R. Gardner
David P. Garner
George R. Gay
Charles L. George
Aultie G. Gerwig
Michael R. Getsey
Frank J. Ghia, Jr.
James P. Gleason
William J. Gleeson
Humberto Gonzalez
John E. Grant, Jr.
Jerry M. Green
Donald A. Gressly
Richard H. Griffin
Kenneth L. Gross
Harold C. Haase
John J. Hainsworth
James H. Hanson
Bobby L. Harbison
Francis W. Harding, Jr.
Joe M. Hargrove
Christian L. Harkness
Billy M. Harris
Ellis R. Harvey, Jr.
Orville E. Hay
Everett D. Haymore, Jr.
John L. Haynes
Stanley E. Haynes
Robert W. Hein, Jr.
Edward S. Hempel
Jerry G. Henderson
Dennis B. Herbert
Donald H. Hering
Francis G. Hershley
Mendle R. Hester
Edward F. Hodgins, Jr.
James V. Hoekstra
John W. Hogue
Harvey D. Houck, Jr.
Walter F. Hudiburg, Jr.
William E. Hudson
Orlando Ingvoldstad
Vernon E. Innerarity
Jerrold T. Irons
William W. Jackson
Grant G. Jacobsen
Roger M. Jaroch
Robert D. Jassem
Gordon R. Jefferson
Clyde A. Jesse
Gilbert D. Johnson
Kenneth E. Johnson
Paul S. Johnston
Edward T. Jones, Jr.
Harlan E. Jones
Lloyd C. Jones
Virgil W. Jones, Jr.
Karl J. Kabza
Gerard T. Kalt
Dennis W. Kane
Richard R. Kane
Joseph J. Karrer
William M. Kay
Robert M. Keeley
Cary Kelly
Thomas W. Kelly
Rodney P. Kempf
Steven B. Kimple
John R. Kopka
Leonard R. Krolak
Wallace F. Krywko
Lawrence C. Kutchma, Jr.
James E. Lake
James E. Lancaster
Andrew D. Larson
James H. Lavelle
Earl C. Lee
Glenn F. Legge
Granville T. Lemay
Karl F. Liebert
James F. Lloyd, Jr.
George P. Lombardo
Norman A. Long
Brice R. Luedtke
Herbert G. Lyles
Douglas C. Maccaskill
Robert B. Mackenzie
Ronald T. Macy
Rudolph J. Maikis
Stanley W. Main
Robert M. Mallard
William S. Marshall III
John B. Matthews
Ronald R. Matthews
Jeffery W. Maurer
William J. Max
Paul McCoy
Michael D. McCulley
James J. McDonald
Jack D. McHugh
Bruce S. McKenna
Robert J. McWhorter
Robert J. Melanson
Bruce Mellon
William C. Middlebrooks
Donald J. Miller Jr.
Gerald L. Miller
Glenn P. Milliman
William F. Mills
James R. Mires, Jr.
Richard L. Monjeau
Stuart J. Mock
Barry R. Montgomery
William D. Moreland
John R. Morgan
Joseph G. Morra
Donald H. Mosley
John T. Mowrey
Byron J. Mulherin, Jr.
Philip J. Murphy
Peter J. Murray
James W. Nail
David R. Nay
Joseph Q. Nesmith, Jr.
Charles A. Newell
Ernest G. Noll, Jr.
John A. Nordin
Ronald C. Oates
John P. O'Connor
Roy M. Oehlers
Robert L. Oetting
Thomas P. O'Leary
Vincent E. O'Neill
Robert L. Padgett
Joseph J. Paige
Paul A. Pankey
William H. Parks
Walter O. Parr, Jr.
Lawrence Parretti
Paul D. Payne
David T. Penman
James P. Pennell
William F. Percival
Jack F. Perry
Arthur J. Picone, Jr.
John H. Pierson, Jr.
Charles A. Pinney III
Ido E. Pistelli
Samuel J. Pitts
Charley L. Plunkett
Michael E. Popelka
Dirck K. Praeger
Stafford D. Purvis, Jr.
Jon D. Quinn
Robert H. Railey
William H. Rath
Malcolm S. Rawlins
John J. Read
Thomas E. Redican
Henry W. Reed
Michael J. Reilly
Richard M. Reilly
John L. Rhodes
Jesse J. Richardson
David J. Richtsteig
Ronald A. Rick
Robert K. Riggs
Donald G. Ringgold
Thomas J. Romanetz
James H. Rosenthal
Herbert G. Roser
Glenn W. Russell, Jr.
Victor M. Russillo
Christopher B. Salmon
Melvin P. Sams
Richard K. Sanders
Lynn E. Saracino
Nicholas E. Saunders
Neil H. Scarborough
John L. Schensnol
Terry J. Schipporeit
Gordon M. Schlitz
George T. Schmidt
Donald D. Schultz
John W. Schwantes
Norvel M. Scott
John C. Sease
Phillip J. Seep
Stanford E. Sheaffer
Martin Shimek
David L. Siweck
Edward S. Skultety
Howard B. Sligar, Jr.
Darrell M. Smith
Frank E. Smith
Harold W. Smith, Jr.
Larry M. Smith
Phillip R. Smith
Ronald L. Smith
Gary D. Solis
Billy L. Speed
Robert E. Spiker
Robert C. Springer
Robert J. Squires
James B. Sramek
Thomas W. Steele
Kent O. Steen W.
Herbert M. J. Steigelman
George E. Stern, Jr.
John L. Stevens, III.
Joseph D. Stewart
Raymond A. Stewart, Jr.
Frank C. Stolz, Jr.
Frank R. Sutherland
Russell H. Sutton
Charles T. Sweeney
Herbert H. Swinburne, Jr.
Arthur J. Taylor
Theard J. Terrebonne, Jr.
Ky L. Thompson
Harry J. Tobin
Anthony P. Tokarz
David A. Tomasko
Arthur B. Tozzi
Robert L. Tracey
Melvin D. Trimble
John O. Trott
Robert E. Tschan
Phillip E. Tucker
Kenneth W. Turck
John D. Tyson, Jr.
Robert A. Vanhouten, Jr.
Peter J. Vanryzin
Russell D. Verbael
William T. Vincent
Francis Visconti
James A. Vollendorf
John S. Walker
Larry D. Walker
Jack E. Wallace
Richard H. Wallace
Lowell W. Walter
Robert T. Warren
Calvin R. Waters
Francis A. Waters
John D. Weber
Larry L. Weeks
Donald A. Wellman
Ronald R. Welpott
Donald L. Whisnant
John J. Whitehouse
Billy L. Williams
Clarence D. Williams
John C. Williams
Peter D. Williams
Robert D. Williams
Monroe F. Williamson
Russell L. Williamson
William K. Wilsmann
Donald T. Wilson
John W. Winters, Jr.
John A. Woggon, Jr.
Mansel M. Wood
Larry A. Wooldridge
Robert C. Yost
Jack B. Zimmermann

The following-named officers of the Marine Corps for temporary appointment to the grade of captain:

Donald L. Abblitt
Richard P. Adams
Walter A. Akahoshi
Anthony C. Akstin
Walter D. Albritton
Richard L. Alderson
Allen F. Alexander
Edwin A. Allan
John E. Allen
Thomas E. Allen
James L. Allingham
Robert D. Anderson
Scott D. Anderson
Jeffrey H. Andrews
William V. Arbacas, Jr.
Anthony P. Armbrister
Billy T. Babin
Howard R. Bacharach
Edward J. Baker
John G. Baker III
John M. Baldwin
Edward J. Ball III
William F. Ball III
Jeri D. Balsly
Allen Baltezore
Alan N. Bandoli
Charles M. Banks
Deryll B. Banning
Terry L. Barnes
Thomas L. Barrows
Stanley N. Barton
Russell F. Beagent, Jr.
Cameron G. Beals
Paul A. Beames
Stephen A. Beaulieu III
Bruce H. Beckett
Michael R. Beggs
Charles R. Bell, Jr.
Joseph F. Bellegarde, Jr.
Martin R. Bender
Robert G. Bender, Jr.
John W. Bergman
Martin R. Berndt
William D. Berry
James P. Bessey
David F. Bice
Garland S. Bishop
Wayman R. Bishop III
David A. Blakely
Fred W. Boehlke
Harold C. Boehm, Jr.
William J. Boese
Dennis G. Bolton
Alan R. Bonham
Steven A. Bosshard
David F. Boulden
John C. Boulware, Jr.
Rodney L. Bowers
Thomas G. Bowman
William W. Boykin
Charles J. Boyle
James M. Bridges

Richard H. Briggs
Ira E. Brighton
Eugene D. Brindle
Stephen A. Brixey
Emmett R. Brock
Donald G. Brophy
George B. Brown III
Richard F. Brown
Tracey N. Brown
George E. Brudzinski
Arthur H. Bryan III
Joseph A. Bryant
David G. Buell
William N. Bullock
Duncan H. Burgess
Laurence K. Burgess
Robert R. Burke
James J. Burns
Jerry L. Burton
Francis J. Busam
Richard P. Bush
William D. Bushnell
Robert C. Butler
William S. Buttrill
Don E. Caldwell
Richard W. Campbell
Michael A. P. Cardinale
Stanley E. Carlin
Victor E. Carlin
Emerson F. Carr
Jack L. Carter, Jr.
Stephen B. Casey
Lusty L. Cebula
Walter C. Chambers
Marcus P. Chepenik
Thomas R. Childers, Jr.
William R. Christoph
Joseph F. Ciampa
Warren J. Cicerrella
Richard H. Clampitt
Bobbie J. Clardy, Sr.
Charles B. Clark, Jr.
William B. Clark
Robert D. Clarke
Kenton P. Cleary, Jr.
Jose T. Coccovaldez
Johnny D. Cockle
Larry D. Cohen
Dan M. Colglazier
Gary W. Collenborne
James E. Collette
Clarence M. Collins, III
James A. Collins
Stephen W. Comiskey
Michael D. Conrad
Louis C. Consagra
Joel L. Cooley
Robert M. Corrigan
Martin J. Costello
Marion L. Cotten
John D. Counselman, Jr.
John K. Covey
Robert W. Cowin
Kenneth A. Cox
Jerry L. Creed
Michael J. Cross
John L. Croston
Ronald K. Culp
Michael T. Curtis
Larry J. Cushman
Daniel R. Dame
William H. Darrow
Gilbert H. Davis
Kenneth V. Davis
King F. Davis, Jr.
Louis D. Dearman
Michael A. Decker
John R. Defreytas
Richard E. Deneut, Jr.
Terrence M. Denight
Acie N. Derossett
William F. Deubler
Howard Devore
Thomas J. Dewitt
Benjamin F. Dillingham

William A. Doig, Jr.
Raymond S. Dolgert
Daniel H. Dougherty
Roger H. Dougherty
William N. Dove, Jr.
John C. Dowell
John E. Drury
Francis H. Dubay Jr.
David C. Duberstein
Cyril P. Dubrachek
Keith M. Duhe
Gordon L. Duke
George R. Dunham
Clifford D. Dunn, Jr.
Perry R. Dunn
Theodore J. Dunn
Matthew W. Durney
David C. Eberhart, Jr.
Stephen A. Edwards
Jon O. Egaas
Robert C. Eikenberry
John D. Engstrom
Steven C. Erickson
Harold J. Ermish
Kenneth W. Estes
Donald H. Estey, Jr.
Harold W. Evans III
Stephen P. Eyman
Jerry M. Farrow
Robert J. Fawcett
John C. Feeney
William V. Fello, Jr.
Robert G. Fender
Frederick J. Fischer, Jr.
George F. Fish
Carl J. Fisher
Charles S. Fisher
Robert R. Fitzgerald
Thomas A. Flaherty
Peter J. Flatley
Peter Florea
Frederick J. Florian
James J. Flowers
Allen L. Force
Zachary T. Forester III
James R. Forney
Leonard S. Foster
Rodney L. Fox
John A. Frank
Kenneth D. Frantz
Edward R. Friedrich
Kenneth R. Fugate
Charles O. Fulcher
John A. Furman
Gary G. Gage
Gary L. Galiger
David M. Gally
Burton F. Ganeles
Joseph C. Garbrous
William D. Gardner
Robert B. Garey
William R. Garland
Ezra T. Garmon, Jr.
Robert D. Garner
Aldon M. Garrett
Donald R. Garrett
James E. Gass, Jr.
Robert W. Geary
William C. George
Thomas M. Georgi
Lawrence R. Geter
Lonney D. Getlin
Ronald M. Gilbert
Joseph H. Girdwood
Louis P. Glassburner
Bruce A. Gombar
Ronald Gonzalez
Glen D. Graves
John H. Gray
Michael R. Greene
Ronald J. Gross
Richard C. Guess, Jr.
Thomas B. Guiney
Arthur W. Gustaveson
Dennis V. Hacker
Lawrence B. Hagel
Richard A. Hagerman
Thomas H. Hall, Jr.
John M. Hamilton

Charles T. Hammond, Jr.
James D. Hammond
Thomas E. Hampton
Jerry G. Hanks
James R. Hannemann
Bruce R. Harder
Edward L. Hardister
John P. Harrington
Michael B. Harrison
Michael J. Hart
James E. Hatch
David J. Hawkins
Thomas C. Hayden III
Thomas W. Hayes
John W. Heath
Daniel S. Hemphill
James C. Hess
Theodore G. Hess
Christopher R. Hickey
Ross J. Hieb
Patrick H. Hill III
Stephen M. Hill
Kennon D. Hines, Jr.
James K. Hinnant
Earl M. Hinson
Richard C. Hoeschele
George W. Holbert
Herbert S. Holland III
Ronald C. Hood III
David S. Horton
Michael A. Hough
Carl K. Houghton
Dan P. Houston
John E. Howard
Kenneth M. Howard
Richard O. Howard
Randle H. Howell
Lonnie A. Howerton
John W. Hudson, Jr.
Charles W. Hughes
Daniel L. Hughes
Jack M. Hulce
Neil V. Huning
Harry C. Hunt, Jr.
Stephen F. Hurst
David H. Jacobs
William J. Janning
Dennis J. Jenkins
Gordon D. Jennings
Jose L. Jimenez
Edward J. Robin
Erick T. Johanson
Floyd T. Johnson
Zachery T. Johnson
Alan M. Jones
David F. Jones
Perc L. Jones
Sherman C. Jones III
Thomas S. Jones
William K. Jones, Jr.
William R. Jones
Anthony L. Jucenas
Kevin P. Judkins
Martin O. Juve
Carl L. Kah, Jr.
Gordon E. Kampen
John W. Kartunen
John F. Keenan
Eugene V. Kelley, Jr.
Kevin P. Kelley
Terrell T. Kelley
James V. Kelly
Joseph E. Kelly
Kevin M. Kennedy
Dennis W. Kerrigan
Scott D. Ketchie
George S. S. Keys
Wayne E. Kiger
Richard A. Klarmann
Merritt B. Kleber
Christopher M. Klein
John P. Kline, Jr.
Samuel H. Kline III
William E. Knepp
Mac D. Kolar
Phillip J. Kolczynski
Daniel P. Kollay
William J. Kopp
Rudolph J. Kosits

Bazil Kostin
George V. Kuck
Duane E. Kyler
Terry D. Labar
Thomas E. Lakin
James P. Lamphron
Edward R. Langston, Jr.
Jack D. Larson
John R. Lasher, Jr.
Donald J. Lavoy
Arthur W. Leak
Harvey C. Lee
Jewell D. Lee
Robert B. Lees
William H. Leppig
Edward M. Leonard
John E. Leonard
Robert I. Leonard
Kenneth B. Levan
Richard B. Lieb
Roger C. Liesegang
Stephen T. Linder
Dennis C. Lindeman
Douglas E. Lindeman
Daniel J. Long
Henry C. Lorange
Richard C. Lottie
Curtis L. Lowe
James L. Lowery, Jr.
John M. Lowry
William J. Lucas
David A. Lutz
Robert Magnus
Ronald J. Makovitch
Rickey L. Malone
Michael A. Maloney
Ronald A. Malmgren
Gregory K. Manary
Thomas H. Marino
Herbert H. Markle
Mrank J. Martello, Jr.
Orbia B. Martin
Steven E. Martin
Stephen T. Mason
Danny C. Masters
Joseph G. Mates
Roger L. Mauldin
Keith L. Maxfield
John P. May
Timothy A. McBrier
Stephen M. McCartney
John I. McClurkin III
Dennis A. McConaghy
Frederick McConnell
Terry J. McCormack
Ray M. McCormick
John J. McDermott
Peter R. McDonald
Thomas O. McDonald
Robert C. McDonough, Jr.
James T. McDowell
Roger C. McElraft
Michael P. McGee
Dwight R. McGinnis, Jr.
John H. McLees, Jr.
Mark J. MaMahon
Jerry W. McWhorter
Ronald W. Meares
Vernon G. Medinger
James A. Messerschmidt
Elmer L. Messick
Lonnie L. Messick
Peter T. Metzger
Thomas W. Miley, Jr.
Benjamin P. Miller III
Douglas L. Miller
Frank L. Miller
Paul W. Miller
Thomas O. Miller
William F. Milton, Jr.
Ludwig B. D. Miosi

David M. Mize
James M. Montague
David L. Moody
James P. Morgan
William Morgan
Robert V. Morris
Thomas W. Morris
Wayne V. Morris
Richard M. Morrow
Daniel J. Moseler
Stanley J. Mosiej
Robert S. Motley
Charles D. Mowrer
Michael J. Moylan
David C. Moynihan
David A. Mrachek
Lorin L. Mrachek
Robert Mudrak
Wallace L. Mueller
John K. Murphy
Ronald V. Murray
Louis Myers
Richard H. Myers
Freddie Napier
William C. Neasham
Clarence M. Nelson, Jr.
Richard E. Nelson
Michael A. Newlin
Bill R. Newsom, Jr.
Frederick W. Nickel
Miken J. Nielsen
Andrew L. Normand, Jr.
Nicholas O. Norris
Johnnie M. Ochoa
George A. O'Connell
George E. O'Connor
William E. O'Connor
Michael J. O'Hara
Dennis O. Olson
Vaughn B. Olson
Martin E. O'Malley
Hugh J. O'Neill
Calvin K. Oram
Robert M. Orazi
Thomas A. O'Rourke
Henry P. Osman
John F. Otis, Jr.
Donald M. Quellette
Jerry D. Owen
Nat M. Pace, Jr.
Michael G. Pallo
Lewis H. Palumbo
Donald W. Pardue
Garry L. Parks
Thomas D. Pasquale
Christopher R. Pastel
James H. Patterson
James M. Peacock
Ralph E. Pearcy II
Robert L. Pegan
Henry C. Perry
Paul L. Persinger, Jr.
Gregory C. Peterson
Stephen E. Petit
Loren O. Pfautz
Steven G. Pfeif
Jackson C. Pharris II
Terry R. Phelps
William M. Phillips, Jr.
Paul M. Philpott
Russell D. Pilcher
Thomas J. Pitman
John W. Pitz
James G. Plantz
Bruce E. Poley
Sherman A. Poling
Carl W. Polk
Geoffrey W. Pomroy
James R. Ponsford
Charles R. Porter
John H. Post III
Stephen E. Potter
Larry F. Potts
Richard H. Priest
Kenneth L. Priestly
Ronald H. Pritz
Charles R. Provini
Robert W. Prycejones

Randall B. Pyles
Ronald M. Raine
Charles E. Ramsey III
Kerry O. Randel
Cecil R. Rasor
James P. Rathbun, Jr.
James A. Rawls
Michael A. Ray
Ross Rayburn
Richard P. Red
Charles G. Reed
Edwin L. Reffelt
John F. Reiner III
Charles Ribalta
Coy W. Richardson
George R. Rickley
Jeffrey L. Riggs
Robert W. Rivers
John M. Roake
Billy J. Roberts
Richard J. Roberts
Gilford G. Robinson
Mack I. Rogers
Steven G. Rogers
William C. Rogers
Michael P. Rose
David R. Ross
Alfred G. Roth
John F. Rush
David P. Russell III
Stephen Russin
Angelo Salustro
James R. Sandberg
David A. Sannes
Marc A. Scheele
John L. Schell
William P. Schmeisser
John W. Schmidt
Robert C. Schneidler
Walter P. Schortmann
Robert E. Schwab
Richard R. Schwabe
William L. Sciba, Jr.
John R. Scott
Donald R. Selvage
Michael D. Selzer
Walter W. Sevon, Jr.
James G. Shockley
Roy M. Shoemaker
Harold C. Short
John M. Shotwell
Allen D. Shoup
Kenneth P. Shrum
Richard N. Shuck
David S. Simon
Victor A. Simpson
John D. Slattum
Clyde H. Slick
William S. Sloan
Danuel L. Smith
Edward D. Smith, Jr.
Wharton S. Smith, Jr.
John D. Snakenberg
Charles W. Spencer
Asher W. Spittler II
Daniel F. Spond
Clark G. Spurlock
Clifford L. Stanley
Douglas R. Stanley
Harry S. Steever
William R. Stephens
Carlton C. Steubing
David V. Stocks
William G. Strohlein
Russel M. Stromberg
Alan E. Strong
Vincent E. Strote
Thomas L. Stuckey, Jr.
Garth K. Sturdevan
Kenneth M. Sullivan
Timothy D. Sutton
Robert B. Swortwood
Donald H. Tanaka
Jimmy D. Tappon
Sears R. Taylor II
Michael J. Teller
William G. Thomas
Wayne L. Thompson
Edward T. Timperlake
James L. Todd
John S. Tolmie, Jr.

Thomas G. Tomkowiak
Joseph E. Tommaney
Joseph R. Tosi, Jr.
Leonard L. Touney
Frank C. Towers
Thomas B. Trammell, Jr.
David M. Tripp
Charles B. Troutman
Robert D. Tuke
Kenneth M. Ture
James T. Turner, Jr.
Thomas W. Tyler
Arthur F. Uhlemeyer
Bruce W. Vance
Neal W. Vanhouten, Jr.
Robert L. Varner
Joseph R. Waldron
Ronald E. Walker
John E. Walsh
James J. Ward
Stephen A. Ward III
William C. Ward
Walter H. Warme, Jr.
Merrill C. Waters
James C. Weaver, Jr.
Joseph A. Wellington
David A. Wellman
David M. Wells
Edward F. Wells
William J. Wesley
Robert N. Wetzel
John N. Whipple
Edward P. Whitner
Edward B. Wild
John M. Wilkinson
Herbert W. Williams
Rufus T. Williams, Jr.
William T. Williams
Nicholas A. Willich
John M. Wills
James F. Wilson
James W. Wilson II
John T. Wilson, Jr.
Joseph C. Wilson
Marvin L. Wilson, Jr.
Phillip H. Wilson
Richard L. Wilroy
Robert C. Wooten
Charles W. Wright
John D. Wright
John W. Yarrison
Kenneth H. Yazel
Charles F. Young
Paul A. Zeigler
James C. Zimmerman

The following named officers of the Marine Corps for permanent appointment to the grade of first lieutenant:

Lynn Adams III
Bruce J. Adkins
John H. Alico
Edward T. Allard III
Kenneth C. Allison, Jr.
Walters Antin, Jr.
Charles L. Armstrong
Ronald J. Armstrong
Christopher C. Ashby
Gerald D. Badinger
Calvin D. Baker, Jr.
Thomas W. Battaglia
Philip B. Baysden
Larry E. Beagley
Jonathan M. Beall
Peter R. Beavins
George G. Berg
Dan T. Bergstrom
Jill A. Berle
William L. Bettes
Michael J. Bixiones
Robert R. Blackman, Jr.
John N. Bockstanz, Jr.
Harvey L. Borden
John Boyle IV
Floyd D. Braaten
Ronald J. Bradstreet
Richard T. Brady, Jr.
Frank X. Braun IV
Brooks J. Breece
Donald C. Brewer, Jr.
William F. Broderick
Clifton R. Brooks, Jr.
Thomas A. Browne
Paul V. Bruckner
Bruce E. Brunn
David M. Bryan
Thaddeus H. Burak, Jr.
Gary C. Burch
Joseph E. Burch
Timothy L. Burfield
Lawrence A. Butterini
John V. Calkins
Kenneth D. Cameron
John T. Campbell, Jr.
Edward L. Carman
Martin D. Carpenter
Thomas T. Carpenter
William H. Carroll, Jr.
Barry L. Cassidy
Norman A. Chandler II
Jimmy H. Church
Robert M. Churchill
Anthony J. Ciotti, Jr.
James K. Cobb
Henry J. Colyar, Jr.
Leroy J. Cook
James P. Courtney
Glenn B. Cowen
Joseph R. Crockett, Jr.
Eugene P. Cuccaro
Mark L. Danin
James B. Darcy, Jr.
James R. Daugherty
Charles E. Davis, Jr.
John W. Davis
Joseph J. Day
William W. Dehart, Jr.
Timothy G. Delaney
Glenn C. Demunck
Robert J. Depass
Lawrence S. Derrig
Nancy I. Dickey
Kurt M. Dieterle
Alphonso B. Diggs, Jr.
Louis A. Dirker, Jr.
Kenneth R. Dobrovolny
Peter A. Dolan, Jr.
John T. Donahue
Cleve B. Doster
Dennis R. Dowling
Ronald M. Dressin
Will L. Dryer, Jr.
Christian F. Dubia, Jr.
William H. Duff
Paul V. Duncan
Robert A. Edmond
James B. Egan
Robert P. Eichorn
Richard K. Eisert
Thomas L. Ekle
Jeffrey S. Eliason
Roger L. Emch
Richard A. Engel
William J. Esmann
Jot Eve
Charles B. Farber
Phillip F. Fargotstein
Jon W. Farmer
Michael C. Fassino
Paul M. Felix
George W. Fels, Jr.
Vincent L. Fischer, Jr.
Ronald C. Fish
John S. Flack
Jan P. Fladeboe
Homer W. Fogle, Jr.
Robert A. Forrester
Ronald W. Forrester
Percy E. Foster, Jr.
Charles K. Freeman
Joseph B. Freeman
Richard B. French
Roland V. Funk
Edward A. Gabarra, Jr.
Timothy M. Gahan
John M. Gaieski
Dennis O. Garcia
Thomas G. Gasparenas
Vito F. Gentile
Terry A. Geron
William J. Gibbons
Richard A. Glover
Patrick J. Glynn
Phillip M. Gordon
Franz M. Gottleib
John A. Granger
Robert A. Grice
Orrin L. Grover III
William C. Grubb, Jr.
Ronald L. Gruber
Donald E. Guldin, Jr.
Peter R. Gustafson
Ralph T. Gutierrez
William R. Hackney III
Stephen D. Haley
John B. Hall
Robert J. Halliday
Robert R. Hare III
Richard L. Harmon
Roger F. Harris
Robert L. Hart
Michael J. Havrilla
Homer L. Hazel
Dennis J. Hellman
David H. Henderson, Jr.
Michael W. Henig
Leon F. Henley, Jr.
Bruce A. Henry
John P. Hertel
Robin L. Herther
Sean T. Higgins
Judith K. Hildenbrand
Diane S. Hoeft
William D. Holcomb
Louis S. Hollier IV
William D. Hollister
James E. Hollopeter
Vance B. Howerton, Jr.
Richard D. Hoyle
Thomas W. Hoysa
Gary H. Hughey
Dennis B. Ioerger
Timothy J. Ireland
Gordon R. Jackson
Joseph D. Jeffares
Sigurd L. Jensen III
Eddie E. Johansson
Maralee J. Johnson
Robert L. Jones
Timothy J. Joyce
Larry J. Jurica
Kenneth M. Jurjevich
Terry R. Kane
Raymond J. Kaufman
Michael M. Kephart
Robert J. Kimble, Jr.
David L. King
Bruce J. Kirry
Clifford H. Kittle, Jr.
Herbert W. Klein, Jr.
William L. Kleinpeter
Bruce C. Knudson
Clifford J. Kolson II
Gregory C. Koons
Raymond M. Kruse
Walter M. Kubiak
Gregg C. Kubu
Mitchell A. Kudla
William P. Kyle
Leonard Labonia
Paul A. Lambert
Harry J. Landau
Charles E. Landry, Jr.
John Langdon II
James R. Large
Charles R. Larkin, Jr.
Michael W. Leach
David J. Lee
Paul M. Lee, Jr.
Dean J. Legidakes
Gregory G. Lemmer
James F. Leonard
Richard C. Lepley
Leonard W. Lewis
Terry N. Lewis
William J. Lewis
Robert J. Livingston
Carl J. Loguidice
Herbert B. Long II
Michael E. Lowe
John F. Lucas
Edmund A. Lucke
Dolores K. Lyons
John M. Machen
James W. MacMurray, Jr.
Don B. MacNamee
John E. MacQuigg
Thomas A. Manfredi
Edwin C. Mann
Esmond W. Marks
Gary W. Marshall
Thomas M. Marsilio
Terry L. Martin
Harold Mashburn, Jr.
Robert A. Matthews
William L. Maxey
Shelley B. Mayer
Jerry C. McAbee
Robert P. McAleer
Robert F. McCarthy
Larry H. McCollum
Boyd S. McCord
Terry W. McKinsey
Billy D. McMillin
James M. McMurtrey
William J. Melby
David L. Mellott
Charles D. Melson
Richard D. Metcalf
Francis J. Meyers
Robert D. Michael
Gene A. Milleson
Thomas P. Milne
Charles G. Mittnacht
Robert J. Moberg II
Robert A. Mohlin
Donald J. Monroe
William M. Moore
Terrence C. Morgan
Louis R. Moyzan
John C. Mullane, Jr.
Robert S. Mutchler
John W. Muth III
Danny L. Myers
William N. Myers
Gerald N. Nance
Lannie D. Neal
John G. Nemec, Jr.
Raymond K. Noll
William R. Norton III
John B. Nuttall
Ward C. Ogle
Steven E. Olmstead
Paul R. Ottinger
Joseph J. Pantalone
Charles A. Parlier II
James W. Parrish
Clarence F. Patten III
William W. Pattison II
Wiley H. Pearson
Frederick C. Peck
Patricia A. Perkins
Henry N. Pilger
Carl O. Plath, Jr.
Christopher C. Polson
James J. Porter, Jr.
Gregory M. Potter
Ronald G. Powell
Andrew N. Pratt
James L. Pritchard
Bernard C. Proctor
David A. Proffitt
Henry A. Pyzdrowski, Jr.
Mark A. Queern
Linda S. Rains
Brett A. Rayman
Edward J. Reardon, Jr.
Peter J. Reding
James L. Reid
Steven S. Reinemund
John H. Reynolds
Harold P. Rhodes
Carol A. Rice
Larry J. Richardson
Dwight G. Rickman
David W. Riggle
James W. Rinschler
Edward J. Robeson IV
Robert S. Robichaud
David P. Robinson
James R. Robinson II
Earl W. Rogers
Jeffrey A. Rogers
Renee Roller
Richard D. Rollins
Winston E. Rorabaugh
Niley J. Rosemond
James M. Rosen
Jeffrey C. Rupp
Robert A. Rys
Roger A. Sager
James E. Sall, Jr.
David U. Sanasack
Lewis M. Sanders
Edward J. Sandrick
Ervin W. Scarlett, Jr.
Jeffrey E. Scheferman
David K. Schmidt
Robert D. Schow
James R. Schwenk
Ronald R. Seaman
James E. Seay
William J. Seemeyer
Anthony P. Shepard
Steven A. Shepherd
Jimmy R. Shideler
Beverly A. Short
Thomas J. Short
Ronnie E. Sirmans
Joel M. Skousen
James L. Smee
William G. Smith
Jon W. Smythe
Leslie Solymossy
Robert E. Sonnenberg, Jr.
Douglas K. Spaulding
Jerry L. Spencer
Robert H. Spuhler
Joseph F. Startari
Richard M. Stearns
David L. Steele
Robert E. Steinhorst, Jr.
Stephen K. Steinmeyer
Thorys J. Stensrud
Bruce M. Stevens
Ronald L. Stevens
Henri P. Stewart
David A. Stockwell
Timothy F. Stoufer
Gerald L. Stutz
Andre D. Summers
Leonard M. Supko
Donald F. Swanda, Jr.
John R. Switzer
Aloysius Sypniewski
Theodore Z. Szymanski
James M. Tarkington
Rex N. Taylor
Jon D. Terry
Wayne P. Thompson
Erik B. Thueson
Coulter D. Tillett
David G. Titus
Aaron C. Toepfer
Theodore K. Tolle
Dennis E. Tripp
Robert F. Turbyfill
Craig J. Turner
Martin R. Vandenbrook
Lowell F. Vanwagenen
Robert J. Varley
Gerald A. Vianello
William W. Walker
Lawrence C. Walt
Larry D. Walters
James G. Ware
David M. Webster
Steven G. Western
Donnie E. Wheatley
Leo V. Williams III
Nicholas J. Williams Jr.
Norris E. Williams
Douglas G. Wilson
Thomas E. Wilson
Thomas S. Wolfe
Charles E. P. Wood
Gary J. Wright
Douglas D. Wyatt
James L. Young III
Randall H. Young
Thomas H. Young
George E. Zakielarz
William E. Zales, Jr.

The following named officers of the Marine Corps for temporary appointment to the grade of first lieutenant:

Paul R. Ahrens
Frank C. Alvidrez
Donald P. Amiotte
Robert G. Anderson
Rodney E. Angier
Charles P. Annis
Gary D. Appenfelder
Stephen V. Archibald
Peter N. Ard
David O. Bailey
John L. Balcom
Ronald E. Balske
James R. Battaglini
Douglas L. Bayne
Frederick T. Beale, Jr.
Mark T. Beck
Thomas E. Benim
Chris Bennett
Fred S. Bennett
Thomas E. Bjerke
Michael C. Blazanin
David R. Bloomer
Robert B. Blose, Jr.
Richard A. Boeckman
Johal R. Boteler
Michael H. Boyce
Charles E. Boyer
David R. Boyer
Errett J. Bozarth II
Stephen N. Brighton
Clyde S. Brinkley, Jr.
Dennis L. Brown
Mark W. Brown
Michael M. Brown
Stephen R. Brown
Everett R. Buck, Jr.
Daniel J. Buckle, Jr.
Leslie H. Burnett, Jr.
Ralph G. Burnette, Jr.
Richard E. Burton
Robert D. Cabana
Timothy A. Capron
Michael J. Carnevale
James T. Carney
Charles T. Carroll
William B. Carter
Thomas A. Caughlan
Ronald W. Chambless
Richard Chandler
Christopher H. Chaney
Laurel E. Chapman
Stephen A. Cheney
Martin G. Cieszko
Alfred F. Clarkson, Jr.
Gary W. Claunch
Robert Clydesdale III
James P. Cobb
John M. Cocke
James T. Collins

Russel C. Colten
Michael R. Compton
Vincent P. Conroy
Kathryn P. Cooney
Max A. Corley
Stewart I. Craig, Jr.
Louis B. Crayton III
Sam B. Crimaldi
Thomas R. Dalton
Donald L. Davis
Donnie B. Davis
Douglas R. Davis
Hartley R. Davis
John A. Davis
Melvin W. Demars, Jr.
Robert J. Dewey
Van D. Dewitt
Thomas J. Dodson
Geoffry M. Doermann
Stephen E. Downing
Kenneth G. Drescher, Jr.
Stephen L. Dubinsky
Troy L. Duncan
Thomas E. Dunkelberger
Charles J. Dunleavy
Jan M. Durham
Arthur L. Duscheld II
Michael E. Edwards
Russell E. Ellis
Russell H. Erickson
Timothy N. Farlow
Jackie L. Farmer
Gary L. Felder
David F. Fetterman
Bruce V. Finley, Jr.
George W. Flinn
John N. Fliszar
Charles C. Foss II
Nickolas G. Fotinos
Thomas R. Fox
John P. Fremin
Osmund R. Fretz III
David R. Fry
Frank C. Fuchs
Weldon M. Gainey
Joe A. Gale
Frank M. Gallagher, Jr
Donald P. Garcia
Mark S. Gardner
Paul G. Gausch
Jerome L. Geil
Peter J. Giacobbe
Constance G. Gilchrest
Dale E. Giordano
Robert G. Goodchild, Jr.
William R. Gossett
Vincent J. Goulding
Edward J. Grabus
Vernon C. Graham
Leo J. Grassilli, Jr.
Michael J. Greene, Jr.
Christopher J. Gregor
Barry P. Griffin
Emory J. Hagan III
James H. Hale
Charles F. Hamilton
Philip T. Hamilton
Charles W. Hammond,
Timothy J. Hannigan
James R. Harper
Gerald F. Harris
James R. Harris
Thomas E. Harris
Clifford P. Hashimoto
Walter P. Havenstein
Judith L. Hayburn
Thomas A. Hayman
Gregory T. Hedderly
Lambert C. Heikes
John H. Heinz
Jeffrey F. Hemler
Peter E. Hermann
Donald E. Hesse
Steven C. Hibbens
Roger A. Hield, Jr.
John M. Himes
Clyde J. Hindes
Keith T. Holcomb
Sharon E. Holley
Russell J. Howald
Richard A. Huck
Patrick J. Hughes, Jr.
Jeffrey L. Hull
Leroy D. Humann
Thomas G. Hurst
Carl D. Inskeep
Joseph W. Irvine
Elmer R. Jackson
Robert B. Jacobs
Thomas M. Jamison
Reid A. Jecmen
Joseph R. Jelinski, Jr.
Stephen C. Jennings
Barbara Johnson
James P. Johnson
Ronald Y. Kaaekuahiw
James A. Kasica
John E. Kellogg
Philip D. Kessack
William L. King
Neil T. Kinnear III
Joseph R. Kletzel III
David A. Knott
Cathy A. Kocourek
Michael E. Kossey
Frank T. Kremian
Karen A. Laino
Jeffrey R. Lammers
Toy C. Landry
James J. Larkin
James A. Lasswell
James H. Lee
Joseph E. Leinenbach, Jr.
Billy W. Lewis
Kathleen E. Lewis
Michael M. Lincoln
Gregory S. Loring
Douglas E. Lott
John D. Mackenzie
Mark S. Macklin
Donald P. Magers
Roger E. Mahoney
Richard A. Maloney
Gary F. Marte
John J. Martinoli, Jr.
Martin J. Martinson
Robert C. Mayes
John S. Mays
Andrew F. Mazzara
Dennis C. McBride
Ronald L. McClure
Field McConnell
Kevin J. McHale
Scott W. McKenzie
John F. McMahon III
Marshall Mead
Ronald B. Meade
Robert W. Meek
William K. Meisenbach
James S. Mendelson
Ronald L. Meng
Donald J. Mikkelsen
Charles M. Miller
Raymond T. Miller
Stephen W. Miller
James T. Moore II
Jesse Moore
Steven B. Moore
Timothy B. Moore
Henry O. Morris
Charles L. Mott, Jr.
Charles R. Murray, Jr.
Martin L. Musella
Keith E. Nadolski
Joseph A. Najjar
Henry Napoleon, Jr.
Lynda J. Neithammer
Ralph D. Nelson
Melinda A. Nepfel
Thomas E. Nicoletti
John R. North
Michael W. O'Boyle
Thomas P. O'Brien, Jr.
James S. O'Connell
Dennis M. O'Connor
Hugh K. O'Donnell, Jr.
Donal A. Olsen, Jr.
Forrest D. Owen
Richard L. Owen, Jr.
Cruz Pardo
Lowell B. Parkerson
Eugene L. Pate
Philip J. Paul III
Charles P. Peabody
Roger E. Penrod
Ernest R. Perkins
Alfred L. Perry
Dale A. Peterson
Gregory P. Petro
Gerald W. Pickett
Clifford C. Pittman
Lonny D. Pittman
James A. Polk
John F. Porter
J. C. Privett, Jr.
Bruce W. Prout
Paul F. Pugh
Granville D. Pullen
Harld E. Queen II
James E. Queen
John A. Quinn IV
Donald J. Radomski
Donald W. Ramsey
Bruce A. Randall
Dewitt R. Reid, Jr.
John W. Rerucha
Larry R. Rice
Stephen A. Riggs
Francis D. Rineer
Roger L. Rippy
Raymond M. Robertson
John R. Robinson
George L. Rodgers
Robert W. Roesch
Bowen F. Rose
David E. Royal
Ronald L. Rueger
Anthony Rusnak
Joseph L. Russo
Joseph C. Santillo
John F. Sattler
Robert L. Schneider
Paul R. Schroyer
Mark P. Shultz
Karl T. Schwelm
Robert G. Schwetje
George R. Scott
James M. Searing
Michael J. Seeley
Peter A. Seitz
Robert H. Settle
Charles N. Sherman
Stephen L. Shivers
Peter J. Shoaf
Paul R. Smith
Richard C. Snow
Martin J. Speer
Ronald E. Spratt
Terry A. Stephan
Walter C. Stephenson
Clay O. Stiles
Carl M. Stipe
Steven H. Stokes
David K. Storey
James A. Storey III
James N. Strock
Jonathan W. Stull
Patrick H. Sullivan
Frank W. Sultenfuss III
Mario J. Summa
Michael J. Swords
Rudolph L. Tamayo, Jr.
Edward Tavares
Gene A. Taylor
Arleigh E. Thurston
Terry L. Tonkin
Michael R. Touney
Richard F. Travis
Peter L. Treleaven
Joseph S. Uberman
James S. Vintar
Robert C. Vogel
Michael Vontungeln
Gregory J. Vonwald
Paul H. Voss
Sheldon E. Walker, Jr.
Brett N. Watermann
Dale M. Watson
David B. Weber
Terry T. Weiss
James J. Wemlinger
Michael H. Wesner, Jr.
Richard D. West
James P. Wilcox
James L. Wilding
Janice K. Williams
Phillip E. Williams
Christopher S. Wilson
Wallace E. Winslow
Ronald F. Wnek
Margaret M. Wrynn
Wallace E. York
John P. Yost
Stephen M. Young
James M. Younkins
Peter A. Zaudtke

The following named officers of the Marine Corps for temporary appointment to the grade of chief warrant officer (W–4):

David P. Abrams
Robert L. Adams
Bruce M. Albert
Raymond L. Anti
Robert E. Atwood, Sr.
Donald N. Barber
William W. Barber
Donald R. Bean
Earl C. Blount, Jr.
Leon J. Bochenski, Jr.
Robert L. Bonifay
William B. Bovee
Robert G. Bradley
Richard C. Brassington
Ernest V. Bridges
Ferris D. Brown
James E. Brown, Sr.
Frederick A. Buelow
Ernest A. Burgett
Louis G. Bushnell
Jackie M. Carter
Thomas J. Caulfield, Jr.
Wallace E. Cavett
Howard J. Christenson
William J. Cipperly
Roy L. Clark
Jarrett Colbert
Darrell H. Cook
Robert G. Darroch
Frederick Daubenspeck
Carroll C. Davis
James S. Davis
Harold E. Dexter
Kenneth M. Douglas
Charles D. Eicher
John B. Emeney
Robert L. Fain
William F. Flom
Henry D. Flood
Joseph R. Frawley
Harold W. Frazier, Jr.
Alvin E. French
Howard E. Funk, Jr.
Cecil O. Gage
Marvin J. George
Carroll S. Gipson
Donald S. Giusto
Eugene W. Gregorius
Morton L. Hall
Carl D. Hamilton
Robert C. Hankinson
James E. Hill
Ronald G. Hoffmann
Eugene S. Holmberg
Harvey D. Houck, Jr.
Earl M. Jennings
Erich J. Johnston
Edward T. Jones, Jr.
Kenneth K. Keller
James E. Kendall
George P. Kenniston
Herbert S. Kondo
James E. Lake
Earle L. Lambert
Roger E. Larvie
David W. Lathrop, Jr.
Charles A. L. Lawrence
Earl C. Lee
Thomas J. Lesh
Karl F. Liebert
Joel F. Lindsey
Robert B. Mackenzie
Ronald T. Macy
William A. Masker
Bernard L. McIlnay
Bruce Mellon
Johnney W. Moody
Bobby W. Morgan
Dewey E. Mueller
Roy M. Oehlers
David T. Penman
Richard E. Phillips
William A. Poe, Jr.
Cleon H. Rafferty
Edmond W. Reeder
Alfred J. Reyer, Jr.
John L. Rhodes
Martin J. Riley, Jr.
Rodger J. Rodick
Clark H. Rowe
Richard K. Sanders
Stanley F. Sanders
Adolph Schmid
Norvel M. Scott
William W. Schuon
Richard G. Shore
Daniel L. Siemion
Frank E. Smith
Arlon Solomon
Robert E. Spiker
Peter N. Stavros
Richard F. Storch
Edward G. Tardif
Kenneth E. Taylor
John L. Thacker
Edgar D. Thomas
Harry J. Tobin
Richard L. Turcott
Thomas W. Turner
Jimmie Veater
Richard H. Wallace
Norman J. Walker
Calvin R. Waters
Price I. Watkins
Eric P. Watson, Jr.
Donald L. Whisnant
Vance E. White
Howard C. Wolfe
James E. Wright

The following named officers of the Marine Corps for temporary appointment to the grade of chief warrant officer (W–3):

Marion R. Baggs
Sam R. Baker II
Dennis T. Dinota
Donald R. Farrington
Neil W. Goddard
Cecil D. Henninger
Allen L. Jones
Gerald E. Martin
Robert N. McGuire
Freddie M. Morgan
Arthur R. Peter, Jr.
Donald E. Pihl
Ralph R. Scott
Raymond R. Strohschein
Robert G. Volack
Tony A. Weda
Kenneth W. Young

The following named officers of the Marine Corps for temporary appointment to the grade of chief warrant officer (W–2):

James F. Allwein
Meyler R. Anderson
Lorenza T. Baker
John Bartusevics
Michael B. Bennett
Allen D. Beye
Marion W. Brookshier
William C. Broughton, Jr.
John A. Bryant
James R. Bullock, Jr.
Curt C. Buss
Stuart F. Carmichael
Thomas E. Cartier
Tilden U. Click
James H. Coombs
Pat M. Curd
David A. Davis
Herbert L. Day
Joseph L. Deguise
Melvyn A. Douglas
Richard E. Ehrler
Jerry L. Ellis
Timothy J. Euman
Dallas D. Furman
Emil A. Gillberg, Jr.
John D. Hess
Ralph W. Hickman
Calvin M. Hoar
Jack N. Hurley
Larry R. Krouse
Kenneth D. Lewis
Wayne W. Macey
Gerald H. Massey
James H. McGee
Edward R. Miller
James L. Morton
Frank W. Mott
Robert G. Neely
Joseph O. Ortiz
Angelo S. Parise
Ronald L. Phillips
William T. Pope
Joseph Ribeiro
Clifford Robinson
James L. Rodak
Stephen L. Shivers
Theodore F. Singley
James A. Sorley
Joseph Thorpe
Frederick H. Trout
Albert L. Wade
Rufus J. Washington
Leonard R. Webb
Richard L. Wheeler
Richard H. White
Warren W. Winter
Anthony P. Witek
Billy W. Woodard

In the Marine Corps

The following-named (Naval Reserve Officer Training Corps) graduates for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Adams, David L.
Adang, Thomas C.
Aldridge, Michael E.
Anderson, James E.
Anderson, Wilbur C.
Andres, Paul A.
Bach, Robert M.
Bailey, Hudson L.
Barrett, John A.
Bean, Richard A.
Beckhart, Paul E.
Behl, Brian L.
Bohnker, Bruce K.
Bonkoski, Edward J.
Boone, Michael J.
Bray, Philip E.

Burzak, Jay E.
Butcher, Donald R.
Carter, Brett M.
Clark, John T., III
Clark, William M. H.
Collyer, Kenneth L.
Cormani, James M.
Cummins, Thomas J.
Cuny, Terrence J.
Curfiss, Daniel E.
Dahlen, Glenn E.
Dalton, Joseph F., Jr.
Deremiah, Richard E.
Dinehart, Duane A.
Dinwiddie, Brian S.
Dohring, Paul E.
Dotterrer, David G.
Dunnigan, James A.
Elliott, John R.
Ellis, Dan S.
Elwood, Hugh T.
Everman, Vincent P., Jr.
Field, Alan J.
Fleming, Ronald R.
Forney, James C.
Fraser, William B.
Freeman, Mark P.
Galati, David A.
Gapco, Brian S.
Gardner, Emerson N., Jr.
Gardner, Michael W.
Gisolo, Gary G.
Goldenstein, John P.
Good, Alvin L.
Grossman, Stanley L.
Groves, David A.
Hennebeck, Lawrence M.
Hicks, Harry H., Jr.
Hoffer, Nicholas J.
Jackson, Roger L.
Jackson, Wesley T.
Jones, Henry L.
Karnath, Michael W.
Kay, Thomas G.
Koger, Thomas H.
Leader, Charles A., III
Leavis, James M.
Lemoine, John A.
Lennox, Dyer T.
Lever, Brian P.
Lilienthal, John M.
Linnehan, William F.
Long, Jerry E.
Lotito, James C.
Lund, Daniel E.
Martinez, Arthur
McAfee, John M.
McCabe, John M.
McCormick, John
McGinnis, Edward E.
McGuigan, Edward A.
Metcalf, Michael B.
Minerich, Jon T.
Mulholand, James M.
Murphy, Daniel J.
Mutzig, Steven M.
Naster, Mark H.
Natonski, Richard F.
Naughton, James P.
Nelsen, Rex E.
O'Brien, Edward J.
O'Hara, William F., Jr.
Parlova, Erling M.
Patrick, Wayne A.
Peck, Ronald W.
Peterson, Harris-Clichy, Jr.
Peterson, Mark A.
Pickelsimer, Douglas E.
Pillifant, Cleve B.
Pollitt, Mark M.
Propst, Rodney N.
Roach, Jay W.
Roan, Richard W.
Roth, Richard R.
Schmid, Joseph H.
Schmidt, Richard F., Jr.
Schmitt, Robert L.
Schneider, Steven L.
Schwartzel, Joseph H.
Shipman, Larry K.
Shirk, James L.
Smith, Floyd R., Jr.
Sonnenberg, Steven B.
Sorley, James M.
Stevens, Stanley W.
Stolz, Richard A.
Stone, Jacob F., Jr.
Strong, John M.
Suenaga, Jerry L.
Swanson, Clifford R.
Tatone, Don W.
Thoman, Mark C.
Thomiszer, Thomas H.
Thompson, David L.
Tucker, Robert K.
Vanhaute, Edward B.
Voss, James P.
Walliser, Thomas A.
Watson, William P.
Wilson, Timothy T.
Wismer, Lance
Yoder, Billy Q.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 23, 1973:

DEPARTMENT OF AGRICULTURE

William W. Erwin, of Indiana, to be an Assistant Secretary of Agriculture.

Clayton Yeutter, of Nebraska, to be an Assistant Secretary of Agriculture.

John A. Knebel, of Virginia, to be General Counsel of the Department of Agriculture.

DEPARTMENT OF DEFENSE

William P. Clements, Jr., of Texas, to be a Deputy Secretary of Defense.

CENTRAL INTELLIGENCE

James R. Schlesinger, of Virginia, to be Director of Central Intelligence.

EXTENSIONS OF REMARKS

THE EAST ASIATIC LIBRARY AT BERKELEY

HON. ALAN CRANSTON

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Tuesday, January 23, 1973

Mr. CRANSTON. Mr. President, the countries of the Far East are assuming greater importance in American foreign policy day by day. Interest in this area on the part of both leaders in Washington and the general public has grown accordingly. President Nixon's trip to China is only one of the many examples of growing American contact with this part of the world.

I am particularly proud that one of the finest East Asian libraries in the country is located in the State of California. The East Asiatic Library of the University of California at Berkeley is well-known for its excellent collection. As of July 1972, the library's collection had grown to 340,000 books, including 150,000 in Japanese alone.

By serving students, teachers, diplomats, corporations, and Government agencies, the East Asiatic Library contributes to the growth of knowledge and understanding between our country and the countries of East Asia.

Mr. President, I ask unanimous consent that a brief résumé of the history and holdings of the East Asiatic Library at Berkeley, prepared under the direction of the librarian, Mr. Raymond Tang, be printed in the RECORD.

There being no objection, the résumé was ordered to be printed in the RECORD, as follows:

THE EAST ASIATIC LIBRARY OF THE UNIVERSITY OF CALIFORNIA

The East Asiatic Library of the University of California at Berkeley came into being in 1947 for the purposes of conserving, collecting and making readily available the materials in the university's General Library in the languages of China, Japan, Korea, Manchuria, Mongolia and Tibet. At that time there were about 75,000 volumes in those languages in the General Library, the largest proportion of them in Chinese. The history of this collection may be traced back to one hundred years ago, when a far-sighted regent of the University of California, Edward Tompkins, gave a gift to the University to endow the first professorship of Oriental Languages, deeming it "of the utmost consequence" to the State of California to provide instruction in the languages of East Asia. The first holder of the professorship, John Fryer, had been in the Imperial government service of China where he collected many books and materials. Later, with his bequest, his Chinese collection was left to the university. In 1916, another endowment was given by Horace Carpentier for the purchase of oriental books. Other gifts were made to the library, and there developed a steady exchange of library materials between the University of California and institutions of learning in the Far East.

Between 1948 and 1950, special grants made possible extensive acquisitions of desired titles and purchases of private collections. A book-buying expedition to China resulted in the acquisition of some 30,000 volumes in Chinese for the East Asiatic Library. In 1950, after months of negotiation and arrangements in Japan, the entire Mitsui Library of 100,000 volumes was purchased. Later, an outstanding private collection of Korean materials was acquired, and other significant acquisitions in the ensuing years have added to the library's holdings. As of July, 1972, the total number of volumes in the East Asiatic Library had reached a figure of 340,000.

The East Asiatic Library serves the departments of Oriental Languages, Linguistics, Comparative Literature, Art History, Architecture, Political Science, Economics, Sociology, Anthropology and Biological Sciences, as well as the Schools of Law, Education and Business Administration. In addition, it is used by research scholars of the Center for Chinese Studies, the Center for Japanese and Korean Studies, and users from other campuses of the University of California throughout the state.

The East Asiatic Library has been designated by the National Diet Library of Japan as the second depository—after the Library of Congress—in the United States for Japanese government documents. The National Central Library of Taiwan and the National Assembly Library of Korea place it on highest priority for the receipt of government and official documents. Therefore, this library has become a vital resource for the use of private and U.S. Government agencies in the area which are concerned with the Far East. It is also available for reference for the consulates of foreign countries located in San Francisco, the corporations and companies in the area which trade with the Far East, or are concerned with scientific and technical research developments in such countries as Japan.

Scholars, native and foreign, pursuing a wide variety of fields of study, have access to the research materials in this library. The East Asiatic Library circulates about 30,000 volumes annually among the faculty and students of the University of California, as well as to visiting scholars from other institutions here and abroad, alumni, businesses and corporations. Students from Japan, Taiwan, Hong Kong, Korea and elsewhere in the Far East are able to keep in touch with current events and scholarly developments in their home countries through the use of newspapers, periodicals and books on loan at this library. A total of some 2200 serials (the greater part of them Japanese) are currently received at this library.

Funds for the East Asiatic Library have traditionally been received from the State of California and budgeted through the General Library of the University. However, there has been no increase in the amounts budgeted for the East Asiatic Library during the past decade, and there is little hope at this time of there being any increase to meet today's rapidly rising costs. The library system of the university has suffered a 16% drop in book purchasing power. Since the East Asiastic Library must make most of its purchases abroad, it is particularly hard hit. If the level and rate of acquisition should continue to drop, the up-to-dateness and the excellence of this library will be permanently and irrevocably damaged. Prices of Japanese books have risen 400% since 1955. Because of the complex political situation, prices of Chinese books have soared. Korean book prices increased three-fold between 1964 and 1969.

The objective of the East Asiatic Library is to maintain the highest possible quality of acquisitions to uphold its standard of excellence as a research library, and to increase its rate of acquisition in order to keep pace with the output of scholarly works in the nations of the Far East. At present the library holds more than 150,000 volumes in Japanese, and as Japan is the third largest publisher in the world, it will be imperative to continue to build this part of the collection—the largest collection of Japanese materials among American university libraries.

With the relations between United States and Japan so crucial in our world today, a library of this magnitude plays a strategic role. The development of knowledge and understanding of the countries of the Far East has become vitally important to our national self-interest and our performance in international affairs. This East Asiatic Library is destined to play a significant part in the cultural exchange between the United States and Japan. To fulfill this destiny the excellence of the library must be maintained and sources of additional support must be found to enable it to keep a high level of acquisitions and operations.

A volunteer group, the Friends of the East Asiatic Library, is actively engaged in seeking for all possible sources of support—private, governmental and even foreign—so that this library can continue its function as a first class up-to-date research library.

THE AMERICAN HUNGARIAN FEDERATION ON EUROPEAN SECURITY

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. BROYHILL of Virginia. Mr. Speaker, the American Hungarian Federation, representing most American Hungarian churches, fraternal associations, and societies for more than 66 years, unanimously adopted a resolution at its quadrennial convention in Philadelphia on November 4, 1972, on European security.

The resolution, the text of which is being inserted into the RECORD by the gentleman from New Jersey (Mr. PATTEN) contains several valuable ideas and concepts which, I am certain, will be carefully considered by our State Department.

The resolution points out that the real problems of European security as the continued stationing of Soviet military forces in Hungary and other East Central European states and suggests a partial or complete solution to this problem at the coming European security conference and MBFR talks.

Closely interrelated with these suggestions are the resolution's support of our administration's stand on reciprocal cultural exchange, free movement of persons and ideas and the insistence that present conditions cannot be considered politically normal as long as the free development of these East Central European nations is inhibited by superpower military presence.

The nucleus of the resolution is the suggestion to neutralize Hungary and the Danubian countries according to the Austrian pattern which seemed to work well for Austria in the past 17 years.

While the suggestion is sufficiently concretized in the light of present international power realities, it contains the basis for a permanent solution of the problem and takes into consideration Western European and Soviet interests as well. I am certain that our State Department will study these proposals carefully as they are presented by the major national organization of Americans of Hungarian descent and comprise the expertise of many scholars, former diplomats, and economists.

A CRITICAL ENERGY CRISIS

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1973

Mr. PRICE of Texas. Mr. Speaker, we seem to be a Nation of many crises, and at the present time, I doubt that anyone in the Congress would deny that our current energy situation reflects perhaps our most critical crisis.

Very often, it seems we do not act until the crisis is upon us. In the case of the energy problems we now face, energy experts have been warning us for several years that a crisis was building. We now have on hand the events that have proven them right. The time to act to remedy this situation is long overdue.

To this end, I have sponsored legislation to establish a Council on Energy Policy. I think it is evident that the current crisis is one of policy. There is a fuel shortage which has literally crippled hundreds of communities across the Midwestern States of this Nation. Schools and factories stand idle, truck and train fuel is cut back, homes are rationed, and some must do without the heat they need. Yet this is not an absolute shortage of the needed fuel; it is available, but our present system does not provide methods of getting and distributing it. For the citizens affected directly during this cold winter, this failure of organization here in Washington to formulate a flexible policy to meet the needs which should have been obvious means a painful, dangerous physical crisis in their daily lives.

We should delay no longer in setting up a mechanism which can take an overall, unbiased view of our energy needs, and then formulate the kinds of policies that will avert crises of this kind—in both the short run and the long run.

During hearings on the President's proposal for a Department of Natural Resources last year, virtually all the witnesses agreed that the centralization of energy functions in one agency was an important step toward a rational energy policy. At present, some 64 different Federal agencies each have a role in energy affairs. Yet there is no one council or overall point of coordination. Nowhere is the overall data on energy needs and supplies gathered; nowhere is there a government center of responsibility for looking at the "big picture" in the energy field.

The chaotic fragmentation of government organization means no agency is accountable for this crisis—and no agency is responsible for the policy needed to solve it and avoid similar problems in the future.

The Council I propose would have the following functions and responsibilities: it would be a council of three members appointed by the President with the advice and consent of the Senate, and it would serve as the principal adviser to the President and Congress on energy policy. In cooperation with the Council on Environmental Quality, it would prepare an annual energy report by the President to Congress. The Council would make recommendations for resolving conflicting policies of Federal agencies, and develop a comprehensive long-range plan for energy utilization in the United States. The energy report prepared by the Council for the President would contain estimates of energy needs and supplies, trends in the management and utilization of energy resources and the effects of those trends on social, economic, and other requirements of the Nation, an appraisal of technologies employed in energy usage, and recommendations for development and application of new technologies.

I believe this approach to the problems of energy is essential, for although there is obviously much to be gained by centralizing the energy programs of the Federal Government in one "Natural Resources" or Energy Department, there still remains the policy and evaluation function. I believe that this function can best be performed by an independent entity such as the Council on Energy Policy.

We must have within the Federal Government a place where new energy sources and possibilities are carefully considered. I fear that as in the past, the energy-oriented agency will tend to neglect all options except those to which it is committed. We have seen this happen in the case of oil shale development, coal gasification, geothermal energy, and other options which could perhaps have been in advanced stages of development by now, if they had been explored.

By the same token, "new" energy sources such as solar energy, tidal power, and others we may still discover, have received short shrift. They are not being explored even today at anything close to the extent that they should be. Each agency currently involved in energy affairs has its own concerns to take care of. They are quite busy enough handling the programs underway in the more conventional energy fields. No one speaks for and defends these other sources within the Government; and so they continue to be neglected.

This is why we need an Energy Council; a unit that does not directly operate any energy programs, but equipped and charged to evaluate all our present and future needs properly, and then take a comprehensive long view of how we can meet these needs.

I sincerely hope that we do not delay too long coming to grips with our energy problems—this is a crisis that will not wait. Brownouts await us in the summer; and we are still contending with the long, cold winter. Another winter follows next summer. It cannot be too soon to begin planning to avert another crisis like the one we are now experiencing, and I strongly urge this body to an early consideration of the legislation to establish a Council on Energy Policy.

YOUNG WINNERS OF TACKLE AMERICA'S PROBLEMS CONTEST LAUDED

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1973

Mr. KOCH. Mr. Speaker, I would like to bring to your attention four young people who came to Washington this past weekend for the inauguration ceremonies. They are winners of the Tackle America's Problems Contest sponsored by the Colgate-Palmolive Co. Each wrote a prizewinning version of an inaugural address.

The first prize winner and the three second prize winners are as follows:

First. Edward Lautner of Kennedy, Tex., age 14.

Second. Janis Gibbs of Depew, N.Y.; Debra Beran of Oak Park, Ill.; and Cheryl Jenkins of Culpepper, Va.

Mr. Speaker, at this time I would like to place Edward Lautner's inaugural address in the RECORD:

EDWARD W. LAUTNER'S INAUGURAL ADDRESS

Friends and fellow Americans, I am deeply honored to hold the office of President.

Like some other Presidents before, I feel the one most pressing topic is education. I say this because it is the coming generations that will rule this world of ours. They will be our peace makers and our politicians; therefore, we must equip them with knowledge and understanding so that they will be able to perform this great task in the best possible manner.

The students of today require a different means of education from that which my parents had. They need the chance to learn for themselves. In my parent's day, knowledge was limited and a given course could cover most of the required topics; but, in today's world, progress in every field has made this impossible.

In these next 4 years, I will set up committees to find new and more interesting ways to educate these young people of ours. If we are to help these students of America, we must keep them interested in developing their full potentials.

My first step would be to help create a Bill that would appropriate more funds to be used for government scholarships. I would do this because many poentially great minds have never been able to further their education because of lack of funds. The less fortunate people are as much a part of America as the "well-off". They need the chance to learn as much and perhaps more than everyone else.

I would ask for special committees to distribute these funds as equally as possible to elementary and secondary schools around our great country. This would be an increase to the Elementary and Secondary Education Act of 1965 which improved the education of children from low income families. I also find the need to add on to the Fulbright Hays Act of 1961, for the price of financing educational studies abroad has increased.

If we are to keep an honored position in the World's Society, we must continue to study information from and about other countries. More and more specialized courses are only given in European countries. America must educate their great minds whether the schooling is here or abroad.

For those students who for some reason do not have the means or opportunity to continue their education beyond the High School level, I would like to appropriate funds for Vocational Occupation Education courses in our High Schools. This would give those without benefit of a college degree a better chance in the world around us. America's foundation is built around these same people and they deserve a fair chance in life.

For the last part of my program, I would like to set up more funds for Veterans Education. These men that have fought and worked to keep this country strong, have often had their education interrupted and were later unable to continue their education. If veterans are going to get jobs, we must give them an opportunity for an education. Americans must remember that an education is a good foundation for success. When Americans have their chance for schooling they must try and remember this.

I leave all Americans with one last thought: "Never look back in anger, never look forward in fear, but look around in awareness".

TRAFFIC SAFETY DURING THE HOLIDAYS

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1973

Mr. PATTEN. Mr. Speaker, throughout the calendar year, the American people look forward to our national and religious holidays for periods of rest and recreation, for visiting family and friends. On these days, many people stay home to simply relax and unwind, yet many others take to the highways. Most of our holidays are periods of joy and celebration; however, as sure as we are of having the day off, we can be just as sure that the incidence of traffic accidents and fatalities will be greater than ever. The joy is taken out of a festive season when one hears on the radio that hundreds have died on the road as a result of the increased use of our highways.

Allan A. Bass, traffic safety coordinator of the Middlesex County Bureau of Traffic Safety, has written what I consider one of the best pieces I have ever read on the importance of traffic safety. I urge all people to read and heed his suggestions for safe driving. His message was written for the Christmas season, but it is applicable for the entire year.

The message follows:

A FAMILY MESSAGE

Not many weeks from now, our Nation's highways and roads will provide the setting for holiday travel. Unfortunately, there will be automobile accidents . . . over 11,000 every day. It means pain and injury for too many, to say nothing of their loved ones.

The every day citizens (whether or not he drives a car) must face up to the incredible impact of traffic accident statistics.

Would you believe that 10 people are injured every minute, and 6 people are killed in accidents every hour, every day? It begs the question, "WHAT CAN ONE PERSON DO?" May I suggest:

First: Help stamp out the drinking driver; the cause of 50% of all accidents. Nearly 90% at night.

Second: Act out the slogan, "Courteous Driving Saves Lives."

Third: Start a "safer community citizens group" where you live.

Fourth: Many children forget the "rules of safety;" help them remember.

Fifth: Assist your police department; report defaced road signs, pot holes, any traffic hazard, and urge correction where feasible.

Finally: Promise you family that you'll drive defensively on weekends and every day.

GOVERNMENT CONTRACT COST OVERRUNS

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1973

Mr. ANNUNZIO. Mr. Speaker, on January 3, the day the 93d Congress convened, I introduced H.R. 263 which would amend the Legislative Reorganization Act of 1946 to provide for annual reports to the Congress by the Comptroller General concerning certain price increases in Government contracts and certain failures to meet Government contract dates.

The bill would confer additional authority on the Comptroller General of the United States in that it would authorize him to investigate contracts in which the price was increased to an amount 10 percent in excess of the price estimated by the person contracting with the United States at the time the contract was signed or was completed more than 6 months after the completion date estimated by the person contracting with the United States at the time the contract was signed.

The bill would require annual examination by the General Accounting Office of contracts of each agency in the executive department of the Government. Reports of the findings in the instances of overruns of money or time would be reported to the Congress within 90 days following the close of each fiscal year.

It is contemplated that these reports would be by way of analysis so as to show the reasons for the violations, as the Comptroller already has broad general authority to gather information regarding the powers, duties, activities, organization, financial transactions, and methods of business of all departments and establishments.

The term "contract of the United States" as used in the provisions of my bill means any contract executed by the United States for: (1) services, including research and development, (2) the construction, alteration, or repair of any public building or public work of the United States, or (3) the manufacture or furnishing of any materials, supplies, articles, or equipment, in which the price estimated by the person contracting with the United States at the time the contract was signed was $10,000 or more.

Many violations in the area covered by my bill have come to light in recent years, mostly in the area of defense, among which are the B-1 bomber, the F-111, Minuteman II, Minuteman III, Safeguard ABM, the SAM-D missile program. The cost overrun on these programs runs into the billions.

My bill would provide for annual scrutiny of contracts involving these overruns and would provide Congress with information which would enable it to appropriate wisely.

Government programs in areas other than defense under the terms of my bill are, of course, subject to the same annual review as are the defense programs.

The Congress must take whatever steps are necessary to eliminate waste and duplication in Government spending. My bill is an important and timely measure because it will provide the Congress with the information it must have if it is to legislate in the public interest. I urge its early enactment.

MENTAL HEALTH USED TO INTIMIDATE DISSENT IN MARYLAND BUSING CRISIS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1973

Mr. RARICK. Mr. Speaker, the use of mental health, psychiatrists, psychologists, social workers, and mental health associates in the nearby Prince Georges County, Md., school busing crisis can be interpreted in no other way than as a direct attempt to intimidate freedom of speech and dissent by protesting parents. According to the news reports, the mental health people "will be available to check what was called a rising tide of emotional reactions to court ordered transfers."

The announced use of mental health experts to "substitute positive thinking" for "fears and anguishes" in nearby Maryland coincided with the Senate Internal Security Subcommittee's release of their hearings on the "Abuse of Psychiatry for Political Repression in the Soviet Union."

While the public use of psychiatry for suppression of individual expression and intimidation of dissent in the United States has not reached the sophisticated degree used so successfully in the Soviet Union, the Maryland incident may serve as the initial experiment on the American scene.

The implementation of mental health to effect so-called social reform carries with it the reminder that if psychiatry can be used to make sick minds well, it can also be misused to make well minds sick. The related newsclippings follow:

[From the Washington Evening Star and Daily News, Jan. 16, 1973]

BUSING

Judge Frank A. Kaufman of the U.S. District Court in Baltimore ruled Dec. 29 that the county must put into effect by Jan. 29 a desegregation plan drawn by local school administrators. It calls for the reassignment of 32,823 pupils and the busing of 12,290 more pupils who now walk.

Meanwhile, the Prince George's Bureau of Mental Health says some 65 psychiatrists, psychologists, social workers and mental health associates from the bureau will be available to check what was called a rising tide of "emotional reactions" to court-ordered transfers.

Dr. Sanford Bienen, director of the bureau, said yesterday that members of his staff will meet with students, parents and teachers to "talk about peoples' feelings" in relation to the integration plans.

Bienen said the action was in response to a request from schools officials. He said the staff, which works under the county health department, also will meet with interested non-school related groups.

The groups will discuss means of alleviating what Bienen labeled a "crisis" now existing in the county, largely caused by parental opposition to the new desegregation orders. Such opposition has led to a feeling of emotional stress in many students, Bienen said.

Staff members said they hoped to substitute "positive thinking" for "fears and anguishes" now being expressed over sending students to unfamiliar schools.

BUILDING PLAN TO CUT BUSING IS SUBMITTED

BALTIMORE.—The state has sent to the Prince Georges County School Board a construction plan designed to reduce court-ordered busing.

State officials yesterday handed the plan to Roy L. Parker, Prince Georges school construction director—a week before the county's appeal comes before the 4th U.S. Circuit Court of Appeals.

Parker said school superintendent Karl Hassel would present the blueprint to the school board, whose ratification is assured since the state controls school building by controlling construction funds.

Mandel has pledged the state would submit its plan Jan. 22 when the appellate court considers an appeal of a lower court's busing order.

[From the Washington Evening Star and Daily News, Jan. 19, 1973]

PSYCHOSURGEON HAILS SUCCESS ON CHILDREN

(By Judith Randal)

Over the past 10 years or so, Dr. Orlando J. Andy, chief of neurosurgery at the University of Mississippi, has performed brain operations on "about 30" children to correct what he terms "their erratic hypersensitivity, aggressiveness and emotional instability."

Popularly known as psychosurgery, the procedures some performed on children as young as five years old—consist of the insertion of thin electrodes into small areas of the brain where they are used to stimulate the tissue and then destroy it.

Speaking at the National Institutes of Health here yesterday, Andy said that such surgery should be considered for both children and adults whenever what he calls "the hyper-responsive syndrome" occurs.

Andy was invited to speak at a panel discussion arranged by the National Institutes of Mental Health Ad Hoc Committee on Psychosurgery. The committee has been formed to focus attention on the social and political implications of the behavior-altering surgery and on a request made to Congress by Dr. William Sweet of Harvard University for a $1 million grant to develop centers for the identification and treatment of violent or potentially violent persons.

Sweet, also an advocate of psychosurgery under some circumstances, was invited to participate in the discussion, but declined.

Andy described the conditions he thought justified such surgery.

These, he told an audience of several hundred, included the failure to respond to other treatments. Patients of this kind, he said "are a detriment to themselves and to society." In addition, he said, behavior-altering surgery should be considered when a patient requires "constant attention, supervision and inordinate institutional care . . . or requires such heavy drug dosage that he is nonresponsive and noncommunicative."

Usually, he said, such patients in addition to their antisocial behavior have movement disorders such as cerebral palsy.

PERSONALITY PATTERNS

As for psychosurgery for children who chronically misbehave, he said: "It should be used in the adolescent and pediatric age group in order to allow the developing brain to mature with as normal a reaction to its environment as possible."

The reason for this, he argued, is that personality patterns formed in youth persist in the behavior of adults.

Andy's views did not go unchallenged, Dr. Peter R. Breggin, a psychiatrist at the Washington School of Psychiatry here, called the operations Andy performs "old fashioned lobotomies in a new guise." Patients become "quiet and manageable" after such operations, he conceded, but the surgery "blunts" the emotions and irreversibly "reduces vitality."

Andy had reported that he prefers to operate on both sides of the brain and said of one patient that he had operated on him variously three, five, or six times—he wasn't sure which, although he did know that the boy was "nine or ten" at the time of the first surgery.

Breggin commented: "You operate and operate until you get the blunting effect." He also noted that one of Andy's patient's intelligence quotient tested at the same level when he was 16 that it had when he was 9, thus indicating that the surgery may have impaired his learning ability.

SCIENTISTS WARNED

Other critics included Dr. David Eaton, senior minister of the All Souls Unitarian Church in Washington and Drs. P. D. MacLean and Larry Ng, both of the National Institute of Mental Health.

Eaton expressed fear that the poor, in general and blacks and other minority groups in particular, have been and will be used as guinea pigs for psychosurgery. He warned scientists that it will no longer be possible for them "to hide behind a white coat and say 'I'm being medically objective . . . and devoid of politics.' "

MacLean, said that his experience with brain surgery on animals has convinced him that psychosurgery is unjustified except when there is clearly something wrong with brain tissues. Dr. A. K. Ommaya of the NIH, however, disagreed. Ommaya, a neurosurgeon himself, said there are some rare exceptions. He cited some cases of intractible pain and chronic inability to eat because of an anxiety-producing disorder known as anorexia nervosa as examples.

Ng, a neurologist, summed up the psychosurgery dilemma.

"Compassion and curiosity", he said, "are two powerful elements in human existence. Compassion without curiosity is ineffectual but curiosity without compassion is inhuman . . . We can now ask not whether something can be done, but whether it should be done . . ."

[From the Herald of Freedom, Jan. 19, 1973]

PSYCHIATRIC REPRESSION AND PERSECUTION

The Senate Internal Security Subcommittee held hearings late in September 1972 on the "Abuse of Psychiatry for Political Repression in the Soviet Union." Committee chairman, Senator James Eastland, in releasing the testimony on December 4, 1972, pointed out how Soviet intellectual dissenters and persons who criticize or oppose the actions of the Kremlin are subjected to psychiatric persecution. Many of the facts brought out during this Senate committee investigation are applicable to conditions and situations in the United States.

An important witness who testified was Dr. Alexander Sergeyovich Yesenin-Volpin, a distinguished Soviet mathematician, described as "one of the most celebrated dissidents to emerge from a fraudulent confinement in a Soviet mental institution." Dr. Yesenin-Volpin, who had just arrived in the United States, told the Senate committee that he welcomed the opportunity to inform the Congress of the United States and the American people of the treatment inflicted by the Soviet authorities on intellectual dissidents and persons who criticize or expose the actions of the Kremlin. He stated that he believed the situation has implications for the security of the United States and the entire world.

He called attention to the fact that in the USSR it is not only the psychotic and criminally insane who are exposed to compulsory hospitalization but also committed to such hospitals are men and women whose "abnormalities" stem from their unorthodox views, their criticism of the authorities, or from the simple reason that the investigators were unable to prepare their cases for regular prosecution in court.

In order to be released from a Soviet "mental hospital" a favorable determination must be made by a medical commission which advises that the detainee has recovered his sanity. Such a favorable determination depends on the readiness of the patient to give the desired answers to certain questions, mainly recognition of the correctness of the patient's confinement, admission that his views were wrong, and the promise to conform with the established ideology in the future. It is evident that for persons free of any guilt such admissions are often impossible on a moral basis. In such cases compulsory treatment may continue indefinitely, even until the end of a patient's life. Soviet legislation provides no limit for compulsory treatment.

The Senate testimony was documented by 18 cases of persons who are or were being subjected to compulsory treatment in Soviet special psychiatric hospitals in spite of protests and testimonies of their closest relatives, friends and acquaintances and, in several cases, in defiance of public protest. They had not committed any violent criminal offenses and their behavior had never threatened the life or property of anyone. Sentence was purely on the basis of political considerations such as the alleged dissemination of falsehoods discrediting the Soviet political and social system.

Imprisoned persons are often given drugs over a period of several days which produce intense pain, fever, and severe stomach cramps. Another drug given for 10 days induces sleep and dulls the brain. Victims of this treatment awaken as human vegetables. Fortunate ones regain their senses after a couple of months; others do not.

Imprisoned persons may be sentenced in absentia, and in such cases the question of guilt or innocence does not arise; this is immaterial in a case where a person is not responsible for his actions. The courts automatically apply the concept of obvious falsity to all statements contradicting the official views or the official propaganda line.

Dr. Yesenin-Volpin testified that he had been arrested in 1949 for having engaged in anti-Soviet agitation. For several weeks he was kept in jail and then sent to the Serbsky Institute of Forensic Psychiatry in Moscow. This is a KGB facility just as the Medical Center for Federal Prisoners in Springfield, Missouri is a facility of the U.S. Department of Justice. At Serbsky Institute he was declared not responsible for his actions and interned in a Leningrad prison-hospital where he was kept for a year. In 1957 he was again arrested by the secret police for talking to a foreigner and as a result was incarcerated for three weeks in the Ganushkin Psychiatric Hospital in Moscow. In 1959 he was again arrested by the KGB because he refused to denounce and report a person on false charges. He insisted on a trial and the opportunity to defend himself in court. An examining psychiatrist interpreted this insistence as a symptom of a paranoid form of schizophrenia. On the basis of this diagnosis he was sent to a Leningrad hospital and kept a year. In 1968, on the recommendation of the KGB, he was again confined to a psychiatric hospital on false charges.

Alexander Solzhenitsyn, the courageous writer-scientist, smuggled a letter out of Russia which became an exhibit in the Senate hearing and which states in part: "This is how we live: without any arrest warrant or medical justification four policemen and two doctors come to a healthy man's house. The doctors declare that he is crazy, the police Major shouts: "We are an Organ of Coercion! Get up!' They twist his arms and drive him off to the madhouse . . . It is time to think clearly: the incarceration of free-thinking healthy people in madhouses is Spiritual Murder, it is a variation of the Gas Chamber, but is even more cruel: the torture of the people being killed is more malicious and more prolonged. Like the gas chambers these crimes will never be forgotten, and all those involved in them will be condemned for all time . . ."

In addition to regular and special mental hospitals in the Soviet Union, there are psychiatric colonies for patients who are considered incurable and socially dangerous because of their opposition to government policies. Imprisonment in such cases is ordered without trials or hearings. Those confined have not committed any violent crimes or offenses or threatened anyone's life or property. All of the prisoners were sentenced and committed on the basis of purely political considerations. Many of the Soviet political prisoners are used as human guinea pigs while confined in mental hospitals.

As columnist Paul Scott recently noted: "A government that uses terror against its own people will sooner or later use it against other nations that do not bend to its will. All the trade and credit and other types of aid will not change this. It will only make the U.S. a silent partner in destruction of those whose voices could some day free the Russian people."

The standards of psychiatry and "mental health" have been influenced by the World Health Organization, an affiliate of the U.N. For many years the director of the W.H.O. was Dr. Brock Chisholm, who urged the creation of a world police force with power to crush any uprising anywhere at any time and the redistribution of material wealth so all the people of the world can live comfortably. Through the W.H.O. with enormous funds supplied by the U.N. Dr. Chisholm issued bulletins and recommendations, propaganda which was distributed throughout the world and believed to have considerable influence in the field of psychiatry. Belief in the conviction of sin, according to Dr. Chisholm, makes it impossible to enjoy living, "prevents free thinking, imposes local and familial and national loyalties and with which to blind children to their glorious intellectual heritage.

Misguided by authoritarian dogma, bound by exclusive faith, stunted by inculcated loyalty, torn by frantic heresy, bedeviled by insistent schism, drugged by ecstatic experience, confused by conflicting certainty, bewildered by invented mystery and loaded down by the weight of guilt and fear engendered by its own original promises, the unfortunate human race, deprived by these incubi of its only defenses and its only reasons for striving, its reasoning power and its natural capacity to enjoy the satisfaction of its natural urges, struggles along under its ghastly self-imposed burden. The results, the inevitable results, are frustration, inferiority, neurosis and inability to enjoy living, to reason clearly or to make a world fit to live in."

The World Health Organization is headquartered in the Palais des Nations, Geneva, Switzerland and the present director general is Dr. Marcolino Gomes Candau. Dr. Candau, who was educated in Brazil and the United States, holds honorary degrees given to him by the Charles University in Communist Czechoslovakia in 1967 and the Institute of Medicine and Pharmacy of Bucharest in Communist Rumania in 1970. Dr. Candau served as an assistant to Dr. Brock Chisholm for many years and became director general upon Chisholm's retirement in 1953. W.H.O. maintains a regional office for the Americas at 525—23rd St. Washington, D.C., which is directed by Dr. Abraham Horowitz-Barak who was born in Chile, educated in Chile and the U.S. and who is a former Rockefeller Foundation fellow.

One of the psychiatric abuses prevalent in the United States is compulsory pre-trial psychiatric examination. The original intent of the Federal statute which allows this operation was to aid defendants who were incompetent to stand trial. It was not intended to be used by the prosecution as a tool to avoid embarrassment of a trial that would either fail for lack of evidence or cause political repercussions. The weapon of pretrial psychiatric examination was instituted to aid the accused—not the accuser. It is indicated in cases where the defendant cannot comprehend the elements of a trial.

If, on the other hand, he knows there is a judge, a jury, a prosecution and their functions and has the capacity to recollect events surrounding the alleged commission of crime, he is then permitted to stand trial. Overzealous psychiatrists and prosecutors abuse the practice of involuntary psychiatric diognosis and confinement, an extremely dangerous practice since there are no generally accepted standards of psychiatric behavior or mental health.

As Dr. Robert Morris, former Chief Counsel of the Senate Internal Security Subcommittee, pointed out in an article some time ago, what makes this already dangerous practice even more serious is that Communists are moving into the field of psychiatry to seize power over human beings. One wonders how many people Dr. Robert Soblon, psychiatrist and convicted Soviet agent, caused to be committed and what were his norms. Dr. Morris stated: "I have seen not only among practicing psychiatrists but, even more serious, on the councils of some psychiatric groups that are trying to set up norms of behavior, the names of psychiatrists who could not deny the evidence of their participation in the Communist Conspiracy before the Senate Committee I served and instead invoked the Fifth Amendment, lest they incriminate themselves."

John F. Graham, of 2022 Columbia Rd., N.W., Washington, D.C., a former Major in the U.S. Army, a journalist and researcher, has spent several years probing the misuse of psychiatry and improper commitment and confinement of individuals who have never been tried in a court and the cruel mistreatment of patients in federal mental institutions. In a resulting case pending in the U.S. Court of Claims, it is alleged that Dr. Carol Jacob was a psychiatrist on the staff of St. Elizabeth's Hospital in Washington, D.C.

According to a motion filed in the case, Dr. Jacob was born in Germany in 1921, came to the U.S. at the age of 18, graduated from Women's Medical College of Pennsylvania in 1961, interned at Montefiore Hospital in Pittsburgh, Pa. from July 1, 1961 to June 30, 1962, and was a resident at Western Psychiatric Institute and Clinic in Pittsburgh. She was a senior psychiatric resident at St. Elizabeth's Hospital from 1966 to 1967. In the motion it was alleged that Dr. Jacob was an admitted lesbian, spoke in obscenities and used hospital attendants as goons to beat up patients who displeased her, that she was present only four out of five mornings—on the fifth she was with her own psychoanalyst.

St. Elizabeth's Hospital now functions under the National Institute of Mental Health. In 1961 the N.I.M.R. expenditures were approximately $92 million. In 1971 the figure had risen to over $420 million, an increase of over 357%. Community health centers were supposed to replace the public mental hospitals but the number of public health hospitals has increased from 286 in 1961 to 321 in 1971. As Major Graham noted, of the $430 million allocated to N.I.M.H. in 1961, $4 million was to be used for various types of self-serving publicity to promote the belief that more than 20 million Americans are mentally ill.

This estimate was recently pushed to 60 million by a N.I.M.H. psychologist, an estimate that got a big play on television network broadcasts. To the author of the estimate, Dr. David Rosenthal, chief of the laboratory of psychology of N.I.M.H., "mental illness" includes schizophrenia, manic-depressive psychosis, psychoneurosis, psychosomatic disorders, sexual disabilities, alcoholism, drug addiction, suicide, minimal brain disfunction, reading disability, stuttering and senility. Rosenthal said he had made some studies in Denmark and concluded that "if the same ratio were to apply in this country, we would find more than sixty million people in the United States with some form of what we call schizophrenic spectrum disorder."

According to Dr. Stanley F. Yolles, director of N.I.M.H. at the time he testified before the Senate Subcommittee on Appropriations in May of 1968, there are about ½ million children in the U.S. suffering from frank, open or borderline psychosis and another million children who are suffering from severe emotional problems. He estimated that about ½ million need psychiatric care right now and about only 1% of the mentally ill children in the U.S. are receiving care. Major Graham states: "If Yolles' estimates are to be believed, they are terrifying to those who are familiar with mental hospitals. These hospitals provide little or no schooling for adults or children; work therapy is menial, and recreation, other than watching television or card-playing, is practically nonexistent. Children are not assigned to children's wards; they are caged with adults of every known perversion and aberration.

"As mental patients children are preferable to adults because they can be kept in a mental hospital longer, and they are more tractable. A child committed to a mental hospital at, say, age 15, will not even be considered for discharge until he's 21 and by that time he should be so 'anti-social' there's no purpose in releasing him at all. By picking off the young, mental hospitals can be assured of a stable number of permanent guests (and a steady income from the taxpayers).

"Children are also an advantage to mental hospitals in that psychiatric experimentation with drugs and electric convulsion therapy can be imposed on children with less protest than they can be imposed on adults. The medical literature describes not only experimentation on children with electric convulsion therapy but with lobotomies, too. Under treatment as it is defined in state and county mental hospitals, a child does not even have a fighting chance for recovery. If he is schizophrenic, he is at the mercy of psychiatrists who admittedly do not know what causes schizophrenia. If he sees a psychiatrist at all the psychiatrist is likely to be an unlicensed, foreign-born doctor with a limited knowledge of English."

Major Graham, who was an intelligence officer under General Douglas MacArthur and had studied psychological warfare and "brainwashing," came to the conclusion that "It is self-delusion to believe that the primary mission of public mental hospitals is—or ever was—to treat the mentally ill. Their purpose is to remove those who are a nuisance to somebody from circulation."

"To provide legal as well as medical justification for depriving a person of his liberty and property without the courtesty of due process," Graham continues, a new medical specialty has been developed—forensic psychiatry. Practitioners of this specialty are those psychiatrists on the mental hospital staffs who go into court to persuade the judge that a certain person is 'mentally ill' and a fit subject for commitment. Lawabiding citizens though they may be, forensic psychiatrists are dedicated, under color of law, to pervert the law; they visualize a society where non-conformity is mental illness and where the psychiatrist is judge, jury, and jailer. Unfortunately, some courts in the United States have agreed with them."

While there undoubtedly are many psychiatrists and psychologists who are completely ethical and pro-American, it is a fact that this profession has been infiltrated by Communists, Socialists, and one-worlders. A study made some years ago revealed that over 50% of the practicing psychiatrists admitted to being atheists. It is only recently that detailed information concerning political repression through psychiatry in the Soviet Union has been documented, although it has been going on for many years.

There have been cases in the U.S. but, unfortunately, few of them have been revealed. A case in point was that of General Edwin A. Walker who was arrested in Oxford, Mississippi October 1, 1962 on false charges, committed to the Medical Center for Federal Prisoners in Springfield, Missouri on the basis of a report issued by a psychiatrist who had never even met Gen. Walker. He was released on October 5, 1962 and no indictment was ever returned against him.

There is also the case of Fred Seelig, investigative reporter and journalist, who had uncovered evidence of homosexuality among high government and state officials and also wound up in the Federal hospital-prison in Springfield, where he was kept for months but never brought to trial. The charges against him were dropped but his health was completely ruined and he did not live long after his release.

A report by Dr. Peter R. Breggin, M.D., a practicing psychiatrist, documented the widespread use of lobotomies in mental hospitals in the U.S. The report inserted in the Congressional Record of March 30, 1972 showed that Dr. Orlando J. Andy of the University of Mississippi School of Medicine had operated on several dozen children, most of them only five years old. The study also brought out the fact that over 50,000 Americans have had lobotomy operations performed on them and virtually every state hospital still harbors the pitiful remnants of the results.

Dr. Thomas S. Szaz, a professor of psychiatry, has correctly stated: "The right to a public trial and to decent limits on methods permitted the prosecution for incriminating the accused are among the most important features of a free society. The more these liberties are compromised, the more tyrannical is the government's hold over the people.

"The expanding use of psychiatric intervention in the enforcement of the criminal law has, in my opinion, steadily diminished our constitutional liberties. The recent practice of pre-trial psychiatric examination of defendants, on the order of the court and against the wishes of the accused, promises to effectively nullify some of our most important constitutional rights . . ."

While the use of psychiatry for repression and persecution in the United States has not reached the degree found in the Soviet Union, it is a serious matter and is a weapon that can and probably will be used to remove opposition here as it is in the USSR.

THE AMERICAN HUNGARIAN FEDERATION ON EUROPEAN SECURITY

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. SCHERLE. Mr. Speaker, I rise to join my colleagues, ably led by the gentleman from New Jersey (Mr. PATTEN), in discussing the proposals of the American Hungarian Federation and the Coordinating Committee of Hungarian Organizations in North America in regard to the forthcoming Conference on European Security and the mutual and balanced force reduction negotiations. We are fortunate to have these groups explain their proposals and comments on the new ventures in diplomacy. Among them is the Hungarian Freedom Fighters' Federation, of which I am a proud honorary member.

While we all agree that negotiations are necessary and a European Security Conference inevitable, we must insure that they do not inadvertently serve an expansive and aggressive Soviet policy in Europe. We must also try positively to foster the free political development of East Central Europe. Otherwise we will only witness the recognition of the territorial and political status quo and the Brezhnev doctrine as well. Raising new ideas like neutralization of the region between Germany and Russia and complete Soviet withdrawal from Hungary at the upcoming MBFR talks would be well in line with these goals, as would promoting the expansion of the free movement of men, ideas and goods between the two halves of Europe.

Since my colleague has already submitted the text of the memorandum of the American Hungarian Federation, I am inserting the text of the resolution of the Coordinating Committee of Hungarian Organizations in North America at this point:

WASHINGTON, D.C.,
December 1, 1972.

The Coordinating Committee of Hungarian Organizations in North America, meeting in New York City, discussed reports on preparations for the coming Conference on European Security and Cooperation, and the proposed negotiations on a Mutual Balanced Force Reduction. The representatives of the member organizations expressed the opinion that both conferences will affect the future of Central Europe. Bearing in mind the present situation in Hungary, the Committee accepted the following recommendations to be submitted for consideration to the representatives of the western participants at the Conference of European Security and Cooperation:

1. *Complete withdrawal of Soviet troops from Hungary.*

2. *Internationally guaranteed neutralization of Hungary—a similar status to that of Austria;* possibly within a Central European neutralized zone separating Germany from Russia.

3. *Correct implementation* of some of the ambiguous terms of the Moscow Joint U.S.-Soviet Communique of May 29, 1972.

4. Practical application of *individual human rights and national self-determination* in the present Soviet orbit in Europe.

The above recommendations are supported by the following:

1. Soviet troops have been stationed in Hungary for more than twenty-seven years notwithstanding the Peace Treaty signed with the Allied and Associated Powers in Paris on February 10, 1947, and ratified by all participants including the four great powers. Part IV, paragraph 22 of the treaty established the right of the U.S.S.R. to maintain armed forces on Hungarian territory as long as Soviet forces are maintained in Austria (see text under Appendix A).

The Austrian State Treaty was signed in Vienna on May 15, 1955. Ninety days after this date, in accordance with the Peace Treaty, Soviet troops should have left Hungary. In open violation of this international treaty, the Soviet Union has kept its troops in Hungary until the present time. A partial reduction of Soviet forces would be unacceptable because it would give the right to the Soviet Union to maintain the remainder of its troops in Hungary. The full evacuation of the troops of the U.S.S.R. from Hungary should be a primary aim of the negotiations on the reduction of armed forces. At the present, Hungary is the neighbor of a neutralized Austria, non-aligned Yugoslavia and Warsaw Pact member states. It is, therefore, not endangered by any outside military aggression.

2. The Coordinating Committee of Hungarian Organizations in North America came to the conclusion to recommend the *neutralization of Hungary* under international guarantees similar to the status enjoyed by Austria. Being an immediate neighbor of a nuclear superpower, no other solution could fully satisfy Hungary's need for independence, sovereign equality, and non-interference in her internal affairs. Neutrality would lead to a maximum of security possible under the present balance of power. In the name of the people of Hungary and its government, Prime Minister Imre Nagy demanded on November 1, 1956, the neutralization of Hungary guaranteed by the Great Powers (see text under Appendix B).

3. The words contained in the Moscow U.S.-Soviet Joint Communique on May 29, 1972, i.e., "non-interference in internal affairs, sovereign equality, independence and renunciation of the use or threat of force" *should be the targets* of the coming conferences creating a new situation in Europe, in the opinion of the member organizations. By no means can these expressions refer to the existing conditions in Hungary and Central Europe where the Soviet Union practices interference in internal affairs and negates sovereign equality of states and constrains their independence. The U.S.S.R. also used, and several times threatened the use of force and defended such steps in the "Brezhnev Doctrine". The Soviet interpretation of these terms as acceptance of the *status* quo is erroneous and is in direct contrast to the accepted Western interpretation of these words. Secretary of State William Rogers repeatedly declared that the planned conferences cannot result in an acceptance of the political and military *status quo* in Europe. The North American Hungarian organizations herewith reaffirm their fervent support of the necessity to change the present *status quo* by peaceful international negotiations and agreements.

While at Harvard, Dr. Henry A. Kissinger also wrote favorably on a neutralization of Hungary in his article "The Search for Stability" in *Foreign Affairs,* (July 1959) (see Appendix C).

The quarterly, *Studies for a New Central Europe,* (published by the Mid-European Institute in New York) sent out a questionnaire in the summer of 1972 to Hungarian and Central European experts, former diplomats, university professors and leaders of ethnic associations in regard to the *neutralization of Hungary and the region between the Soviet Union and Germany.* The results (see Appendix D) show that the overwhelming majority voted in favor of guaranteed neutralization and the inclusion of this item on the agenda of the coming Conference.

4. The desired goal of a genuine detente and the expansion of peaceful cooperation between Eastern and Western Europe cannot be achieved without an improved implementation of human rights, national self-determination and a freer intercourse of ideas, freedom of the press and travel in Soviet-dominated Europe.

10 million signatures collected in the United States, Canada and Western Europe in favor of independence of Hungary with political amnesty and free elections have been submitted to the United Nations (in 1962).

The representatives of North American Hungarian Organizations expressed their utmost concern about conditions in Yugoslavia. The possibility of an imminent war on the borders of Hungary could, however, be eliminated by the proposed guaranteed neutralization following the withdrawal of Soviet troops from the Yugoslav border.

These considerations make the recommendations vital in attaining lasting peace, with security, in Central Europe and could lead to fruitful cooperation between East and West.

On behalf of the member organizations.

THE MAIL COMES THROUGH

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1973

Mr. UDALL. Mr. Speaker, recently the largest circulation daily newspaper in Arizona, the Arizona Republic, had an editorial praising the intent of the U.S. Postal Service in its efforts to provide good service while at the same time improving its efficiency.

Nowadays, it is unusual to hear about the good work being done by the Postal Service so I wanted to take this occasion to share the following editorial with my colleagues:

[From the Arizona Republic, Jan. 8, 1973]

THE MAIL COMES THROUGH

On July 1, 1971, the United States took that ancient omnibus of political patronage, the Post Office Department, out of the government and made it an independent agency with authority to provide mail service to all Americans.

The final report for the first year of operations has now been made public by Postmaster General E. T. Klassen.

From all appearances, the change from political to independent control has borne fruit.

First, the average time required to deliver 49 billion first class letters was cut from 1.7 to 1.6 days. In the final quarter of the first fiscal year, the time required to deliver a package sent parcel post dropped to 4.3 days from 4.9 days for the same quarter in the previous year.

Second, the fees and income of the postal service paid 84 per cent of the cost of operations, compared with 80 per cent during the three-year period from 1969 through 1971.

The employment level was reduced through attrition, by 33,000 people. In the summer of 1972 the service was able to announce that it would not put into effect a previously budgeted $450 million postal rate increase scheduled for Jan. 1, 1973.

Rome wasn't built in a day, and the postal service won't emerge as a shining example of efficiency for some time to come. It may never do so if it is required to subsidize the mailing of county newspapers, educational materials and non-profit publications.

But the first annual report of the U.S. Postal Service makes pleasant reading. That's one corporation every American has a vested interest in, whether he wants to or not.

THE AMERICAN HUNGARIAN FEDERATION AND THE HUNGARIAN ASSOCIATION OF EUROPEAN SECURITY

HON. RAY J. MADDEN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. MADDEN. Mr. Speaker, I commend the gentleman from New Jersey, Congressman PATTEN, for setting aside this time to give the Members an opportunity to state their views with regard to the coming European Security Conference. A number of organizations have ratified the movement calling for the withdrawal of Soviet troops from Hungary and also supporting the MBFR setting out proposals of a neutral zone in East Central Europe. I commend them for the submission of these ideas and ask that our delegations to these talks give indepth study and the consideration to these suggestions which they so richly deserve in order to restore the diplomatic initiative to support the resolution.

I feel that it is the unanimous consensus of the U.S. Congress that every support be given toward eventually restoring to the Hungarian nation a free and independent government—free from outside denomination. A resolution follows:

RESOLUTION ADOPTED BY THE HUNGARIAN ASSOCIATION ANNUAL CONFERENCE ON NOVEMBER 26, 1972

1. Lasting European peace and security can hardly be achieved without a just settlement in East Central Europe.

2. The basic requirement for a just settlement in East Central Europe includes the restoration of sovereign independence of the countries and territories involved and the termination of foreign military presence dating back to World War II.

3. Insistence upon the status quo precludes the possibility of a just order in East Central Europe and, therefore the status quo is unacceptable to the majority of Hungarians.

4. The settlement of the East Central European question as well as European security and lasting peace would be greatly fostered by the creation of a neutral zone from about the 11th Longitude East to the 24th Longitude East inclusive.

5. The great majority of citizens of Hungarian descent in the West is supporting the cause of a just and lasting peace and is

asking the Western Governments to place on the agenda of the CSCE the proposal for the establishment of a neutral zone in East Central Europe as one of the fundamental requirements for European security and cooperation.

NEW ENGLAND FUEL CRISIS CONTINUES

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1973

Mr. BURKE of Massachusetts. Mr. Speaker, today I rise again to speak of the continuing fuel crisis, not only in New England, but across the Nation. Last week, I filed legislation which would authorize emergency importation of oil into the United States: The suspension for crude oil would extend through the current winter season or 90 days while the suspension for heating oil would remain in effect through next year's winter season or April 1, 1974. I am pleased to join my esteemed colleague and senior Senator from Massachusetts, Senator Edward M. Kennedy and Senator Adlai E. Stevenson from Illinois as well as my colleague Congressman Dan Rostenkowski of Illinois in pressing for this urgently needed legislation.

The administration, through its Office of Emergency Preparedness, has again failed to listen to the warnings of Congress. Last summer, my fellow colleagues of the Massachusetts congressional delegation warned the President and General Lincoln of the Office of Emergency Preparedness that if the Federal Government waits too long, it may be too late to avoid a supply crisis. The OEP promised an adequate fuel supply yet here we are faced with another fuel crisis—I can only ask how the Office of Emergency Preparedness can claim to be preparing for such emergencies?

The latest Presidential action to temporarily suspend import quotas on heating oils for the next 4 months is merely another stopgap measure—like putting a bandaid on a terminal cancer patient. As it is, New England homeowners will all shiver more through the month of January until the effect of lifting the import quota is felt.

To relieve the immediate situation, I have joined with Congressman Michael J. Harrington and other Members of the Massachusetts congressional delegation in urging the President to declare New England a disaster area in order to release 400,000 barrels of heating oil stored by the Navy in Newport, R.I. This would help alleviate the threats of loss of heat to New England homes, schools, hospitals, and businesses.

These stopgap measures may temporarily ease the fuel crisis we are now facing but they will not prevent similar crises from occurring. It is necessary to act now to prevent the recurrence of such emergency situations. The year-long moratorium on import quotas for heating oil, featured in the Burke-Kennedy joint resolution would aid in this goal. It would allow the oil distribution industry to plan in advance instead of simply reacting to emergency situations as they arise. For the first time, these companies would be able to anticipate shortages and be prepared for the cold winter season ahead.

All of this is, of course, in lieu of abolition of the entire import quota system which limits the necessary supply of fuel and causes the consumer to suffer high prices and uncomfortable living conditions particularly in the Northeast section of the country.

The following editorial appeared in the Boston Globe, January 16, 1973.

I feel that this editorial points out the lack of foresight on the part of the administration with regard to the oil import policy and wish to include it with my remarks. The editorial follows:

Oil Shortages and Imports

Reports of petroleum shortages around the country have served to focus attention again on a persistent problem felt most acutely in New England but now being shared with the Midwest—the unfair restrictiveness of oil import quotas.

The recent shortages are localized in nature. A few distributors find themselves unable to meet their customers' demands. A school system closes its doors for several weeks. A big oil company runs low on jet fuel at Kennedy International Airport. Talk begins of setting up a rationing system.

Such developments are beginning to seem commonplace when the temperature drops toward or below 20 degrees. They somehow omit mentioning that there are more than 63 million barrels of oil, gasoline, and other petroleum products in storage on the East Coast and that US refineries operating at less than 90 percent of capacity are turning out more than 12 million barrels of distillate daily.

Indeed, a suspicious person might think in these early hours of Phase 3 that the talk of shortages could somehow be linked with a desire to increase prices to a public that has been conditioned to fear that the oil truck won't pull up on its regular rounds because the tanks have run dry.

But the larger question of public policy goes back to the matter of imports. This country is going to have to import increasingly large quantities of oil in the years ahead, barring some totally unexpected and spectacular energy breakthrough to eliminate our dependence on fossil fuels.

The Administration is not wholly blind to this fact. Rogers C. B. Morton, Secretary of the Interior, told Congress the other day that by 1985 the US will have to import four times as much oil and gas as it does today.

But that recognition by Morton still has not translated itself into a realistic petroleum import policy. The Administration has, to be sure, expanded or eliminated quotas in response to reports of shortages. But reacting to problems is far less useful than anticipating them.

It seems preposterous that in November the Administration could not realize that there would be cold weather in January and February. But it acts that way, holding back imports so that reserves are not built up to optimal levels. Those 63 million barrels are comforting, but a year before there were 74.6 million barrels—and that would have been a still better cushion.

It's long past time that our oil import policy faced facts.

REDUCED FARES FOR SENIOR CITIZENS

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1973

Mr. KEATING. Mr. Speaker, today I am introducing a bill which would permit the airlines to institute reduced fares on a standby basis for our senior citizens. The bill would also permit the continuation of the present youth fares on a standby basis.

I believe there are compelling reasons for adoption of this legislation, and it is my fervent hope that Congress will take action on this measure early in the first session.

Anticipating the numerous questions which may arise on this bill, I would like to have what are perhaps the most frequently asked questions, and the appropriate responses, printed in the Record:

1. If the Congress acts to offer reduced fares for youth or senior citizens on the airlines isn't this shifting rate making from the CAB to the Congress?

No. The amendment has nothing to do with rate setting, it is a simple question of policy. The Congress has full power to authorize reduced rate transportation for any group if it provides a "rational basis" for treating this group differently from the rest of society. The CAB would still set the rates and fare structure after considering economic and transportation factors.

2. Would the reduced fare proposal compel or require airlines to institute special rates?

No. The amendment is permissive. It would authorize reduced rate transportation. Airlines could institute such fares or not as they chose.

3. Aren't there plenty of promotional fares now to encourage people to fly more and to fly during the Tuesday through Thursday slack period?

True, there are a great many promotional fares and some airlines have used them to take passengers away from each other rather than to attract new passengers into the marketplace. However, airline load factors over the last four years still averaged less than 50 percent—this means our airlines continue to fly half empty. Further, senior citizens don't fly now (they make up about 5% of airline passengers) because they can't afford it. If reduced fares were offered a great many more seniors would fly. In this instance promotional fares would work the way they are supposed to—by attracting new people into the marketplace.

With regard to "youth fare" the principal problem is caused by so-called "student fares" or fares which offer a guaranteed seat. Under these circumstances there is no incentive for the youth to pay full fare. Under the old system, some would rather have a guaranteed seat and pay more than go through the hassle of "stand-by."

4. In authorizing reduced fares for senior citizens on a space available basis, won't this mean that the elderly will be flying "stand-by" and is "stand-by" really suitable for senior citizens?

First, in this society we paternalistically tend to think of anybody over 65 as helpless and incompetent. This simply isn't true. Age 65 is young today with more and more people living into their 70's and 80's. Second, the recent White House Conference on Aging—experts on aging and almost 5,000 senior citizen delegates considered this question and asked for reduced rate transportation "on a space available basis". Third, in terms of the inconvenience, seniors can plan their time to use the airlines when they are least busy. With load factors of less than 50 percent overall, their chances of getting a stand-by flight are very good. Further, the possible inconvenience of waiting at the airline terminal for several hours to catch a 2 hour non-stop flight to Chicago does not compare to the strain of a 16 to 18 trip to Chicago by bus. Fourth, in recognition of their low incomes, if senior citizens are to be encouraged to fly the fares must be cut as deep as possible. Fare cuts of 40 to 50 percent would not be economically feasible on a positive space (guaranteed seat) basis. Last, Hawaiian Airlines, which has "stand-by" senior citizen fares, has shown great success. From 1968 to 1971 total air passengers have increased 38%. Senior citizens fares started in 1968 and over the same period passengers aged 65 and over increased 400%. Senior citizens stand-by revenues over the period increased by more than 400%.

5. Discount fares are designed to stimulate travel by people who do not ordinarily fly. Won't the effect of senior citizens discounts be self-diversion of scheduled passengers from full to discount fares with an accompanying loss to the airlines?

First, few senior citizens now fly. According to best data they constitute 5 percent or less of airline passengers. Those who are wealthy enough to fly would continue to do so and pay full fares, particularly if the alternative was a fare reduction accompanied by the necessity of flying "stand-by". The "stand-by" fares on the other hand would attract new passengers who could under no circumstances afford full fare.

6. Won't these fare reductions for senior citizens result in losses to the airlines and won't the airlines have to come to the government for subsidy money?

Under the current proposal which authorizes reduced fares on a stand-by basis the airlines are receiving revenue where they would have had an empty seat. It would be very difficult to see how the airlines could lose money. No subsidy is contained with the current proposal. However, Local Service Carriers, Air West, North Central Airlines, etc.—those that serve certain areas of the country over shorthauls—currently do receive Federal subsidy. Some people argue that if the reduced fare proposal on a "stand-by" basis reached its true potential that these subsidies can actually be reduced. Local service carriers have a load factor of 43 percent—they are flying 57 percent empty.

7. Isn't the CAB conducting an investigation on the subject of promotional fares—primarily "youth fares" which are allegedly discriminatory. Won't this decision have an impact on proposals for reduced fares for senior citizens? If so, why is the Congress intervening?

Yes, the CAB has had youth fare under investigation since 1967 when the Fifth Circuit asked it to take another look at youth fare and the possibility of its being discriminating against other aged groups. The CAB issued a preliminary ruling in 1969 that the fare was not discriminatory but the investigation continued. In July of 1971 hearings on reduced fare proposals before the Aviation Subcommittee of the Commerce Committee were postponed because the CAB was not ready to issue its decision. On June 14, 1972, the General Counsel of the CAB promised a decision by the first week of July, noting that the decision was complete and was in final clearing. The decision is important because of CAB's ruling that if youth fares are discriminatory and prohibited, then senior citizen fares would be similarly prohibited. The Congress has waited and waited for the Board to act. The first week in September, the Staff of the Senate Committee on Aging heard from one airline spokesman that it was common knowledge in the trade that the Board's decision would strike down "youth fare" and that airlines were preparing to cope with the consequences. The staff polled 10 of the major airlines whose spokesmen 9 out of 10 stated that they had positive knowledge that the Board would strike down youth fare.

It appears clear the board will overrule youth and senior citizen fares, and if they are to be continued the Congress must act. Even if the Board should do a 180 degree turnabout, youth fare or reduced fares for senior citizens could be challenged again in court since they are not expressly authorized under the statute. Clearly, Congress should act and keep faith with the White House Conference on Aging who made this proposal one of their priority resolutions.

8. Rather than give special treatment to selected groups, shouldn't fares be dropped as low as possible for all members of the traveling public?

In offering "stand-by" fare reductions, the airlines are picking up extra revenue from what would be empty seats. This hardly constitutes "special treatment". Further, anyone who thinks that elimination of "youth" fare will result in lower fares for all airline passengers is naive. Some airlines are asking for fare increases. Further, the most important cost factor in air travel is: How full is the aircraft? Charter airlines achieve economies by spreading costs over a full aircraft, 146 people in the case of a Boeing 707 and 362 seats on a 747. With airline load factors averaging at less than 50 percent, the airlines are spreading their costs over 73 or 181 people, depending on the size of aircraft. "Stand-by fares result in fuller aircraft and reduced operating costs. According to Senator Montoya, whose staff researched the proposal, 5 million youths used "youth fare" in 1968, saving themselves $112 million, but at the same time, the airlines still made $21 million profit on youth fare in the same year.

9. Don't reduced fares for the youth and for senior citizens discriminate against members of the traveling public not falling within these age groups?

On its face, a reduced fare for senior citizens or the youth does discriminate against other age groups. However, Congress every day passes legislation which designates a particular beneficiary class. Such legislation can be challenged in the Courts under the "Equal Protection" clause of the Constitution. The current role in Constitutional law is that if the Congress provides a "rational basis" for treating one group differently from another or the rest of society, then the legislation is allowed to stand.

Once again, the current proposal is offered on a "stand-by" basis and so the discrimination against other age groups is slight. However, there is a rational basis for treating senior citizens and the youth differently from the rest of America. The argument can be made on social policy issues which are reserved to the Congress and on the transportation and economic factors that are the province of the CAB.

"Youth fare" on a stand-by basis can be defended because of its financial success as related previously. It is in part a recognition of the limited incomes of the 21 and under population and the fare reduction serves to increase the number of passengers from this age group and to foster in them the flying habit.

The "youth fare" proposal got into trouble when some airlines offered a reserved seat at a reduced rate. Some offered fare reductions to students and not to individuals 21 and under generally. The question of discrimination is much stronger here and there is no incentive for the youth to fly at full fare. These positive space fares should not be continued.

Reduced fares for senior citizens should be implemented because there is empty space on airlines at present; senior citizens are precisely the group that could plan to use the flights when travel is lightest; senior citizens constitute only 5 percent of airline passengers and don't fly because they can't afford it. Accordingly, a reduction in fares will mean an increase in ridership. Examples: New York reduced buses and subway 50 percent for senior citizens during off-peak hours and ridership increased 26.7%. Chicago's experiment showed similar results with their mass transit system. Over 50 cities now offer such reductions. Further, Hawaiian Airlines which has the only on-going program of reduced fares for senior citizens has shown a growth rate of 32 percent for all passengers between 1968 and 1971. Reduced fares for senior citizens on a stand-by basis were instituted in 1968 and during this same time period, 1968–1971, Hawaiian experienced a 400 percent increase in over 65 passengers and a 400 percent increase in senior citizen stand-by revenues.

Arguing the social policy questions, one out of four senior citizens has an income placing him below the poverty line; Medicare covers only 42 percent of his health needs, and 6 million senior citizens or 30 percent live in substandard housing. The enactment of reduced fares proposals would be an important psychological victory for the elderly—many of whom feel lost and forgotten in society.

Last, many middle aged people who cry "discrimination" are businessmen who claim air travel as a business expense and write it off on their income tax. All of us age. In some sense we may be the victims of fare discrimination today but the beneficiaries tomorrow.

10. Is legislation necesary to grant reduced fares for the elderly and for the youth?

Youth fare was being allowed by the CAB absent statutory authority which occasioned the whole "youth" fare controversy. Congress should act to clear the air and prevent additional suits which will surely result if the CAB allows youth and senior citizen fare (current information is to the contrary).

11. Are there any other reasons why senior citizens should be reduced fares?

The elderly today have the feeling of being cut off from society—of forced isolation. The extended family concept is gone—grandmother and grandfather no longer live with the family in our society. Parents often live hundreds or thousands of miles from their loved ones and the only feasible way to travel is by air. Yet, few seniors can afford to do so. Younger and Middle-aged Americans fly but older Americans take the bus. Traveling by bus over great distances is a great inconvenience and very taxing physically. Medical assistance for the needs of the elderly would be more available if air travel was feasible.

12. Since the offered legislation is only "permissive", would the airlines offer reduced fares for senior citizens?

No airline would be required to offer the fare which would be strictly "stand-by" but some would. Najeeb Halaby, President of Pan American Airways recently stated. "Why not fill those empty flights with oldsters as well? They are seeking a bargain and are willing to contract 3 to 6 months in advance."

13. Wouldn't reduced fares for senior citizens mean a lot of trouble for the airlines, particularly if the handicapped elderly, the sick and the disabled flooded the airports?

The airlines can and have required medical evidence that an individual is competent to fly or that he be accompanied by a respon-

sible person. These same requirements could be made applicable to the senior citizen fare.

14. What types of senior citizens discounts exist at the present time?

Discounts on prescriptions and other products of drug stores, are offered in a great many cities. Some banks offer free checking accounts or other banking services. San Francisco, Chicago and Minneapolis-St. Paul have discounts on meals in restaurants outside regular meal hours. Entertainment such as movies and ballgames also is reduced in some cities. More than 50 cities offer reduced rates on mass transit.

15. Under the present law what groups are authorized to receive reduced rate transportation of the airlines?

Armed forces, those blind and disabled as a result of an airline accident, families of airline employees and ministers of religion on a space available basis.

Youth fare and other promotional fares have been allowed by the Board under its general authority "to promote adequate economical and efficient service by air carriers at reasonable charges without injust discrimination. . . ."

HARRY S TRUMAN

HON. DOUGLAS W. OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 9, 1973

Mr. OWENS. Mr. Speaker, in 1948 when I was 11 years old, I found my first national hero in the form of the tough-minded, fighting man from Missouri then facing an apparently impossible campaign. It was in that year that I made my first political commitment by writing on the sidewalks in chalk in my hometown of Panguitch, Utah, "Vote for Harry Truman."

In 1952 I traveled 250 miles for the opportunity for an introduction and brief conversation with President Truman. I found him gracious, yet awesome, and it has been my opportunity over the years to meet him on two other occasions and in that way, to touch as it were, contemporary world history.

He taught that politics was an honorable profession. He proved that a politician could be independent, strong, personally straightforward, yet also win high office. I believe that history will judge him, after the 50 years' interim period he requested, as one of the greatest and strongest leaders of our time. At this point, 20 years past his departure from office, as a very amateur American politician, I place him among the all-time great American Presidents.

President Truman refused to be bullied about by political opponents at home or abroad and effected more than any other person, the reconstruction of Europe and saved them from external domination.

The name of Harry Truman will not be forgotten in the Owens household, just as it will live on in millions of homes where stories of unusual men are retold. My repertory of Harry Truman stories is extensive and illustrative of all that is good about the American political system. I am proud, indeed, of having been alive to watch the formation of the Truman heritage.

HALE BOGGS

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1973

Mr. DON H. CLAUSEN. Mr. Speaker, I take the floor at this time to attempt to express the deep and sincere sense of mourning I feel at the loss of Hale Boggs.

Although we were of opposite parties, I very much appreciated his obvious display of friendship toward me. He was always ready to listen to constructive suggestions.

While he is widely recognized as a fierce partisan advocate for his party, I found him to be a very warm, responsive, and respected friend and leader I could always go to with a special request.

One of the more enjoyable and rewarding events, in which I participated with Congressman and Mrs. Boggs, was the historic dedication of the "Lady Bird Johnson Redwood Grove" in the Redwood National Park located in my congressional district.

Those in attendance represented a kind of "Who's Who in America." President Nixon, former President Johnson and their families along with many other public officials. Hale and Lindy Boggs, of course, were among those invited to the platform. Hale mentioned to me many times how genuinely pleased and impressed he was with the ceremony, the setting and the recognition we gave to his close friends, the Johnson family, through President Nixon's proclamation naming this very select grove of redwoods for Mrs. Johnson.

During his service in the leadership he made a substantial contribution toward the advancement of five major national conservation projects in our redwood empire—the Redwood National Park; Point Reyes National Seashore; King Range National Conservation Area; Golden Gate National Recreation Area and expansion of the John Muir Woods National Monument. Each will stand forever as examples of his legislative expertise, his dedication to conservation, and his willingness to cooperate with his colleagues.

My wife Ollie and I join the rest of the Nation in expressing sympathy to Mrs. Boggs who is a very close friend and one of the most gracious ladies we have been privileged to know. Being the wife of a Member of Congress is difficult at best but being the wife of one in a leadership position requires a very understanding and patient marital partner.

I believe anyone would agree that any reference or comment relating to Congressman Hale Boggs would be incomplete unless one recognizes the very beautiful partnership which existed between Hale and Mrs. Boggs.

Along with his many friends in and out of Congress, I shall miss Hale very much but I do take consolation in the fact that we were able to do so much together in a personal and legislative sense, working to advance legislative proposals for a better America.

My life is much the richer, as is the case of all Americans, for having been associated with this courageous, considerate, and congenial southern gentleman, Hale Boggs of Louisiana.

THE AMERICAN HUNGARIAN FEDERATION ON EUROPEAN SECURITY

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. MINSHALL of Ohio. Mr. Speaker, this promises to be a decisive year in American-European relations and European-Soviet relations alike. The coming conference on security, cooperation, and mutual balanced force reductions, the issues raised economically by the nine-member European Economic Community and other powers, will determine for decades the directions Europe and the entire free world will take.

As our President said in 1971, we can as little detach ourselves from Europe as we could from Alaska. American and European interest are intertwined.

The present political atmosphere in Europe is cause for both hope and concern. For the present the outlook is hopeful, but there are several disturbing questions.

We all applaud decreasing tensions and the temporary settlement of issues created by Soviet-enforced partition of Germany between the Federal Republic of Germany, the U.S.S.R. and its East European allies. We still cannot help but feel concern about the leftward shift in continental politics which could ultimately undermine the hitherto invulnerable political systems of Western Europe while euphoric expectations constrain the will to spend the necessary funds for defense among NATO members.

In this era of transition we must find new methods and ideas in order to express our unaltered objectives; that is, to foster free political and national development and self-determination of other peoples, including those living in East Central Europe which share their culture and history with the other nations of Western Europe.

One such concept is being espoused by reputable experts who call for the neutralization of East Central Europe, or at least of Hungary, Czechoslovakia, and Rumania along with neutral Austria and nonalined Yugoslavia.

The American Hungarian Federation, together with the Hungarian Freedom-Fighters Association of America and the Federation of Free Hungarian Jurists, in 1969, submitted a detailed memorandum on this subject to the President and the Department of State. The American Hungarian Federation uses every suitable occasion to repeat its plea in the light of further international developments. Most recently it has done so at its quadrennial convention in Philadelphia, last November 3 and 4.

Its action was paralleled by a memorandum of the Coordinating Council of North American Hungarian organizations which include groups in Canada. The Council adopted a substantially identical resolution, which it sent not only to the President and State Department but to the foreign Ministers of the NATO and neutral countries as well. In addition, a similar resolution also was accepted by the Board of Directors of the Polish-Hungarian World Federation in Chicago last November 26 calling for neutralization of the region.

I wish to commend the excellent work and zeal of these organizations and I am sure that our administration will be responsive to them within the given framework of the international balance of power and diplomatic rules.

I would like to submit for the RECORD the text of the resolution:

RESOLUTION

(Unanimously passed by the national convention of the American Hungarian Federation meeting on November 4, 1972 at the Sheraton Hotel in Philadelphia, Pa., a quorum being present.)

The American Hungarian Federation is addressing the President of the United States about the suggestions of the American Hungarian community and its needs as follows:

1. At the MBFR talks priority should be awarded to the complete withdrawal of Soviet troops from Hungary without, however, interfering unfavorably with the security interests of NATO.

2. As the small states living in the immediate vicinity of the nuclear superpower, i.e., the U.S.S.R., would even then remain in a defenseless position, Hungary and other countries of East Central Europe should be neutralized in accordance with the Austrian patterns, and their neutral status should be guaranteed by the major powers and the United Nations.

3. The principles agreed upon in the Moscow Agreements of 1972 i.e., non-interference with domestic affairs, sovereign equality, independence, abstention from the use or the threat of force" were not kept in the past and therefore, they can only be applied in the future to such state of affairs in which they have already become realities.

4. The American Hungarian Federation does not recognize the final permanence of European frontiers.

5. The common goal: normalization of life, general security and cooperation may not be attained without a replacement of present constraints by respect for human rights and civil liberties, free communications, mutual and free cultural relations and religious and press freedoms. These liberties should also extend to the national minorities of the various European states.

THE AMERICAN HUNGARIAN FEDERATION ON EUROPEAN SECURITY

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. DICKINSON. Mr. Speaker, recent events in Europe make us refocus our attention on our relationship with our NATO allies and east central Europe and the U.S.S.R. Both hope and danger permeate the coming negotiations about MBFR in central Europe, the Helsinki talks on CSCE and the West German Ostpolitik.

Hope that the development of detente may base our relations with east central Europe upon an ideologically competitive, but politically friendly coexistence. and by reducing tensions enable the still unfree nations of the region to regain control of their own political and foreign affairs in east-central Europe.

Danger is that detente might lead to inadequately prepared or secured concessions and to a euphoric atmosphere which would have adverse effect on NATO and its defense efforts. Soviet diplomatic influence might thus be greatly increased and may even obstruct western Europe's progress toward a political and economic confederation. Danger that our relationship with Europe will begin to cool and domestic pressures for withdrawal might increase.

I would like to commend the leadership of the American Hungarian Federation for their diligent work in the fight for human freedom and dignity and pray that through their concerted efforts one of the major causes of European tensions can be removed—the continued presence of large Red army units in the east-central European region.

THE VOLUNTARY MILITARY SPECIAL PAY ACT OF 1973

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1973

Mr. RAILSBACK. Mr. Speaker, we are within several months of eliminating our reliance on the draft and of achieving an all-volunteer force composed of 2.3 million active duty and 1 million Selected Reserve members. It is important for us to recognize that incentives are a necessary ingredient in raising and maintaining an all-volunteer force. A career in the military must be reasonably competitive with civilian employment in terms of pay if it is to attract and retain able and dedicated personnel. For this reason, I regard the Voluntary Military Special Pay Act of 1973 as a highly significant piece of legislation. Its provisions establish a special incentive authority for military enlistment programs and refine present law to improve career reenlistment rates. Both President Nixon and former Secretary of Defense Laird have urged passage of the bill as presented during the previous 92d Congress. The House of Representatives approved it by the overwhelming margin of 337 to 35, but the Senate was unable to take up the legislation prior to adjournment.

As a cosponsor of the Voluntary Military Special Pay Act of 1973, I am pleased to recommend prompt approval of this important bill. The security and welfare of our Nation depend on an all-volunteer force composed of individuals who are highly motivated and qualified. If enacted, the Voluntary Military Special Pay Act of 1973 will help the country to attain this objective.

PROF. VENIAMIN G. LEVICH: FOR SOVIET SCIENTISTS' FREEDOM

HON. ALAN CRANSTON

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Tuesday, January 23, 1973

Mr. CRANSTON. Mr. President, it appears that Richard Nixon was not the only leader who used the occasion of our Christmas festivities to cover up bad news. At the same time that he was ordering massive bombing raids on North Vietnam, Soviet leaders were apparently intensifying their harassment of Jewish activists in the U.S.S.R. Last December, at an unauthorized news conference in Moscow, Jewish leaders documented a new wave of arrests and new obstacles to free emigration.

One of the many victims of the Soviets' prohibitive emigration policies is Prof. Veniamin "Benjamin" Levich of Moscow University.

Professor Levich is an outstanding electrochemist who has been trying to leave the Soviet Union since the spring of 1972. To date, his visa has been refused, and he and his family live under a growing fear of arrest.

The Soviet Academy of Sciences, of which Professor Levich is a corresponding member, will do nothing to help him. It is up to us to exert whatever public pressure we can to help him win his fight to emigrate.

In support of his case, a group of scientists and engineers in electrochemistry and allied fields recently signed a petition to the Soviet Government urging freedom for Professor Levich. Meanwhile, I have received from Dr. Yuval Ne'eman, president of Tel Aviv University, a list of Soviet Jewish scientists who are currently seeking to emigrate to Israel. I ask unanimous consent that both of these documents be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

PETITION

We, the undersigned, scientists and engineers in electrochemistry and allied fields, hereby protest to the Soviet Government on account of its refusal to allow Professor Veniamin G. Levich, the Vice President of the International Society of Electrochemistry (ISE) to attend its September 1972 meeting in Stockholm and to present his scheduled invited lecture. This represents Government interference with scientific freedom which the international community cannot condone.

We further urge the Soviet authorities to grant Professor Levich his request for an emigration visa to enable him to pursue his preferred personal and scientific career in accordance with his conscience and judgment.

We further protest the recently announced system of ransom payments for exit visas of Soviet scientists. Such a system would convert Soviet scientists into virtual 20th century slaves of the State. This is abhorrent to civilized men and a violation of the basic standards of international morality.

The future of cultural, scientific, and economic exchanges between the Soviet Union and the western world may well depend on the Soviet responsiveness in this and similar cases.

(Partial list of signatories in alphabetical order.)

NAME, ADDRESS, AND COUNTRY

J. C. Alou, Riverdale, New Jersey, USA.
Robert F. Amlie, Milwaukee, Wisconsin, USA.
N. A. Aumora, Hillsdale, New Jersey, USA.
R. G. Barradas (Prof.), Carleton University, Ottawa, Canada.
R. W. Bartlett (Prof.), Stanford University, California, USA.
Seward Beacom, Gross Pointe, Michigan, USA.
Francis Betz, Cliffside Park, New Jersey, USA.
Gabriel Bitton, Harvard University, USA.
Michael Black, Montgomeryville, Pa., USA.
K. F. Blenton, Ossining, New York, USA.
G. E. Blomgren, Lakewood, Ohio, USA.
George Brenenstrock, Rahway, New Jersey, USA.
A. Borucka, ZAromb Research Corp.., USA.
Robert Brink, Doylestown, Pa., USA.
James Butler (Prof.), Harvard University, USA.
V. J. Cable, Montclair, New Jersey, USA.
J. A. Carter, Warminster, Pennsylvania, USA.
Frank R. Cervi, Feasterville, Pennsylvania, USA.
H. Y. Cheh, Columbia University, USA.
James Clauss, Ridgewood, New Jersey, USA.
Douglas W. Cooper, Harvard University, USA.
Jack Davis, West Orange, New Jersey, USA.
Ellen R. Dettwiler, Milwaukee, Wisconsin, USA.
Michael B. Dowell, Hudson, Ohio, USA.
M. Eisenberg, Mountain View, California, USA.
Steve Eisner, Troy, New York, USA.
Per B. Engseth (Prof.), Techn. University of Norway, Norway.
William Eppley, Skippack, Pennsylvania, USA.
Robert Fairman, Sunnyvale, California, USA.
M. Feinleib, Los Altos, California, USA.
Nathan Feldstein, Kendall Park, NJ, USA.
Michael Fenegy, Cedar Grove, New Jersey, USA.
Robert Gepson, University of Missouri-Rolla, USA.
Steven A. Ghermi, Harvard University, USA.
Charles Goben, University of Missouri-Rolla, USA.
Martin Goffman, Edison, New Jersey, USA.
G. Goodman, Milwaukee, Wisconsin, USA.
Jon S. Gore, Lansdale, Pennsylvania, USA.
Avraham Gover, California Inst. of Technology, USA.
J. A. S. Green, Baltimore, Maryland, USA.
William Griglak, West Milford, New Jersey, USA.
Fred Gunn, Chatham, New Jersey, USA.
H. N. Hammer, Emerson, New Jersey, USA.
Judith Harris, Harvard University, USA.
H. W. Hayden, Research Institute for Advanced Studies, USA.
George Hilsdorf, Jersey City, New Jersey, USA.
Robert G. Hoyt, Cranford, New Jersey, USA.
Frank J. Hughes, Montgomeryville, Pennsylvania, USA.
Arnold Hultquist, Palo Alto, California, USA.
R. Huntington, Baltimore, Maryland, USA.
Barry Jackson, Bohemia, New York, USA.
G. W. Jackson, Cleveland, Ohio, USA.
W. J. James, University of Missouri-Rolla, USA.
Jue Jiu, Saint James, New York, USA.
J. W. Johnson, University of Missouri-Rolla, USA.
Walter J. Kineta, Dumont, New Jersey, USA.
P. H. Kleiner, Dunellen, New Jersey, USA.
Walter B. Kleiner, Dunellen, New Jersey, USA.
Fred Kornfeil, Neptune, New Jersey, USA.
C. V. Krug, American Gas & Chemicals, New York, USA.
M. L. Kunenberg, Cleveland, Ohio, USA.
Edwin C. Laird, Hartland, Wisconsin, USA.
Maurice Lang, Yardley, Pennsylvania, USA.
Palmer Langdon, Englewood, New Jersey, USA.
Klaus P. Lange, Huntington Valley, Pennsylvania, USA.
T. S. Laurek, Zionsville, Pennsylvania, USA.
R. M. Latanision, Baltimore, Maryland, USA.
Leonard L. Levenson (Prof.), University of Missouri-Rolla, USA.
Gordon Lewis, University of Missouri-Rolla, USA.
I. Lewis, Lakewood, Ohio, USA.
S. C. Lindner, Lansdale, Pennsylvania, USA.
S. R. Locke, Baltimore, Maryland, USA.
Laurel Loeblich, Harvard University, USA.
Max R. Lorenz, San Jose, California, USA.
Philip Lowenter, Great Neck, New York, USA.
Robert Lowenter, Linden, New Jersey, USA.
L. B. Magnusson, Langhorne, Pennsylvania, USA.
Basanta Mahato, Milwaukee, Wisconsin, USA.
R. J. Marr, Martin-Marietta, USA.
George McCutcheon, Clark, New Jersey, USA.
W. McHolton, Baltimore, Maryland, USA.
R. M. Meighon, Lansdale, Pennsylvania, USA.
W. C. Merz, Aldan, Pennsylvania, USA.
E. H. Miller, Research Inst. for Advanced Studies, USA.
John J. Minnurer, Baltimore, Maryland, USA.
John Mooney, Saratoga, California, USA.
Marvin Muniza, Los Angeles, California, USA.
Charles Nathan, Abington, Pennsylvania, USA.
G. H. Newman, Strongsville, Ohio, USA.
Robert R. Norman, San Jose, California, USA.
Harold H. Norrish, Roselle Park, New Jersey, USA.
D. Oermesland, Inst. of Electrochemistry, Norway.
T. J. O'Keefe, University of Missouri-Rolla, Rolla, USA.
Keith Oldham, Trent University, Canada.
G. R. Olson, KemaNord, Trollhattan, Sweden.
Harold A. Oye, University of Norway, Trandheim, Norway.
M. A. Ozol, Research Institute for Advanced Studies, USA.
H. T. Palmer, Baltimore, Maryland, USA.
Guy Parr, Baltimore, Maryland, USA.
Knut Paulsen, Techn. University of Norway, Norway.
John Peters, Clifton, New Jersey, USA.
J. L. Plonge, University of Missouri-Rolla, USA.
A. Preis, Baltimore, Maryland, USA.
M. A. Pressman, Longhorne, Pennsylvania, USA.
Mary M. Qureshi, Hartland, Wisconsin, USA.
David W. Riley, Plainfield, New Jersey, USA.
Joseph Ross, Cleveland, Ohio, USA.
Jose Saquinsin, Harvard University, USA.
Robert F. Scarr, Olmsted Falls, Ohio, USA.
Charles Schill, Feasterville, Pennsylvania, USA.
Fred Schmit, Northridge, California, USA.
Robert Schulters, Milwaukee, Wisconsin, USA.
Nathaniel Schurer, Elizabeth, New Jersey, USA.
Harvey Seiger, Granada Hills, California, USA.
P. S. Seiger, Berea, Ohio, USA.
E. J. Seldin, Cleveland, Ohio, USA.
Floyd Shaffer, Stamford, Connecticut, USA.
Jules Shapiro, Cleveland, Ohio, USA.
Armund Sherten, Techn. University of Norway, Norway.
F. Solomon, Great Neck, New York, USA.
Howard Sombry, Woodland Hills, California, USA.
G. D. Stendahl, Avenel, New Jersey, USA.
Arthur Stern, Morrisville, Pennsylvania, USA.
W. A. Sterne, Somerset, New Jersey, USA.
Martin Sulkes, Freehold, New Jersey, USA.
Daniel Szidon, Buckingham, Pennsylvania, USA.
M. R. Straumanis (Prof.), University of Missouri-Rolla, USA.
William Tiedemann, Cedarbury, Wisconsin, USA.
Harold A. Tucker, Shaker Heights, Ohio, USA.
Reidar Tunold, Technical University, Trondheim, Norway.
S. J. Turchen, Research Institute for Advanced Studies, USA.
Clem Turner, Passaic, New Jersey, USA.
D. R. Turner, Chatham, New Jersey, USA.
Jan van Lier, Cleveland, Ohio, USA.
H. Vardyanathan, University of Missouri–Rolla, USA.
Dirk Veenstra, Paterson, New Jersey, USA.
Norman Vorckheimer, Buckingham, Pennsylvania, USA.
Paul Voynow, Harvard University, USA.
Charles Walk, Skippack, Pennsylvania, USA.
B. Warszawski, Massy, France.
Eugene Weissman, Milwaukee, Wisconsin, USA.
Aaron Weisstuch, Yardley, Pennsylvania, USA.
Roy Werl, West Orange, New Jersey, USA.
E. M. Wroblewski, Doylestown, Pennsylvania, USA.
H. Yamaoka (Prof.), Technical University of Denmark, Denmark.
S. Zaromb, Passaic, New Jersey, USA.
Peter Zinkelem, East Setauket, New York, USA.
Walter Zloczower, Glen Cove, New York, USA.
Odd Corneliusen (Prof.), Hovlandon, 30 Norway.
Arne Hansen (Prof.), Sandefjord, Norway.
Finn Hansen (Prof.), N.S.F.I., Oslo, Norway.
R. J. Madix (Prof.), Stanford University, CA, USA.
Douglas Wilde (Prof.), Stanford University, CA, USA.
Karel Wong, Mountain View, CA, USA.
Richard Wright, Mountain View, CA, USA.

List of Soviet Jewish Scientists Fighting for Their Right To Go to Israel as of November 20, 1972

SURNAME, NAME, ADDRESS, AND DATA

Ainbinder, Boris, Klimashkina St. 22–86, Moscow, Tel. 255–56–16, Uncle in Haifa, Tel. 04–537–547: Born in 1940, married with one child, physicist; was employed at the Chemistry-Physics Institute of the U.S.S.R., first applied for emigration in December, 1971.

Azbel, David, Leningradskoye Shosse 104, cor. 3, apt. 328, Moscow, Tel. 4574424: Born in 1911, married with one child and one parent, Professor of Physics, applied for emigration in May, 1972.

Begun, Josif, Melnikova St. 14–14, Moscow, Zh-44, Tel. 2763233: Born in 1932, Candidate of Technical Sciences, was employed at the Radio-Technical Institute, applied for emigration in September, 1970.

Braun, Sergai, 15 Lenin Street, Apt. 46, Tel. 282494, Riga, Olraena: Age 31, chemical engineer, married with two children, Alexander age 1, Elena age 10. Worked as a chemist in the Riga Chemical Institute. Was dismissed from work and now works as a porter.

Braun, Lilia, wife of S. Braun, address—see above: Teacher of Russian, age 34, dismissed from work. They first applied for emigration in October, 1971. Second application now.

V. M. Ginzburg: Publications include—Automatic control and economics with Trapeznikov—Autom. and Remote Control vol. 27 p. 2143, 1966. Dokl. An. USSR vol 134 p. 300, 1960, Automatika i Telemekhanika vol. 27, p. 154, 1966.

Karpovsky, Marc, Leningrad: Doctor of Mathematics. Institute of Electric Engineering. Married, wife in Israel (Bolotina).

Kogan, Joseph, Moscow: Ph.D. in Mechanical Engineering. More than 100 publications, 60 patents, books now in Technion library.

Lerner, Alexander, Dimitry Ulyanova St. 4, corp. 2, apt. 322, Moscow—B-333, Tel. 1375396: Born in 1919, married with two children, Dr. of Technical Sciences, was employed at Institute of Control Science of the Academy of Sciences of the USSR, applied for emigration in July, 1971.

Levich, Benyamin, Lenisky Pr. 11-5, Moscow M-4a, Tel. 2324116: Born in 1917, married, physicist, Corr. Member of the Academy of Sciences of the USSR, was employed at the Moscow University, applied for emigration in April, 1972.

Levitin, Lev. B., Storochevaya ul. D. 30, KOR 2 KV 26: Born in 1935, working at the Academy of Sciences in Moscow with Professor Lerner, published approximately 30 papers.

Libov, Lev, Trubnava St. 25-37, Moscow, Tel. 2943899: Born in 1932, married with one child, physicist, was employed at the STAR plant, applied for emigration on May 20, 1971.

Lobinsky, Lenold, Moskovskaya St. 9, apt. 23, Dnepropetrovsk: Candidate of Technical Sciences, was employed as Senior Scientific Worker of the Calculating Centre of the Dnepropetrovsk Institute of Engineering Transport, applied for emigration Feb., 1972.

Mandeltsvelg, Viktor, Lavochkina St. 48, corp. 3, apt. 591, Moscow A-414, Tel. 4540814: Born in 1939, Candidate of Physics & Technical Sciences, was employed as senior worker at the Institute of Theoretical and Experimental Physics of the Academy of Sciences of the USSR, applied for emigration in Feb., 1972.

Polsky, Viktor, Krasnokazarmennaya St. 23-62, Moscow, Tel. 2741631: Born in 1930, married with two children, Candidate of Technical Sciences, applied for emigration in November, 1968.

Poltinnikov, Issak, Novosibirsk 63, Tolstoy St. 243/18: Doctor of Medicine.

Ratner, Yevsey, Vavilova St. 48-329, Moscow V-33, Tel. 1375572: Born in 1900, Doctor of Biological Sciences, married, pensioneer, applied for emigration in Nov., 1966.

Roginsky, Vladmir, Lobachevskovo St. 48/87-16, Moscow, Tel. 1316257: Born in 1939, married, Candidate of Physics & Mathematics, applied for emigration in July, 1971.

Rubistein, Boris, Leningrad, Gavzskaja, 11, KV 88, Tel. 447255: Doctor of Physics, Ferrit Institute.

Shapiro, Benjamin, Frunze St. 21, apt. 37, Belgorod Oblastnov, Tel. 33597: Born in 1933, married with two children, Candidate of Chemistry, was employed as director of a factory for medical preparations, applied for emigration in June, 1972.

Shifrin, Eduard, Brspekt Mira 99, apt. 105, Moscow: Born in 1932, married with two children, Candidate of Medical Sciences, was employed at the Institute of Transplantation of Organs, applied for emigration in February, 1972.

Tarassyuk, Leonid, Nevskv Propsekt 28/6, Leningrad, Tel. 116676: Born in 1925, married with two children and one parent, Doctor's Degree, was employed at the Hermitage, applied for emigration in December, 1971.

Temkin, Aleksandr, Smolensky Blvd. 7, apt. 91, Moscow, G-117: Born in 1930, divorced with one child, Candidate of Technical Sciences, was employed at the Institute of Petroleum-Chemical Synthesis, applied for emigration in February, 1972.

Varnavitzkaja, Ludmila, Leningrad, prospext M. Tozeza 102, KOZ, p, 2 KV1: Chemist. Institute of Synthetic Rubber. Married with one son.

Voronel, Alexander, Narodnovo Opolchenia St., 45/103, Moscow, D-60: Born in 1931, married, Professor of Physics, was employed as Department Head in the Institute of Radio-Physics & Physics-Technical Measurements, applied for emigration in January, 1972.

Yakhot, Viktor, Festivalnaya St., 53, corp 4, apt. 26, Moscow, Tel. 4543852: Born in 1944, physicist, was employed at the Institute of Nuclear Physics of the Academy of Sciences of the USSR, applied for emigration in July, 1971.

Fairmark, Viktor, Moscow: Physicist.

Brairlovosky, Viktor, Prospekt Vernadskogo, house 99, campus 1 apt. 128: Doctor of Physics and Mathematics.

Libgober, Anatoli, Tel. 1673406: Mathematician, studied at University of Moscow, worked at Moscow Aviation Institute.

Skoblinsky, Constantine, Pereulok Krauzova, house 17, apt. 45, Charkov 3: Mathematician, studied at the University of Moscow.

Tchernavsky, Valdamir, Garibaldi St., house 15, campus 2, apt. 107, Moscow: Doctor of Physics and Mathematics—Applied Mathematican.

Karpis, Alexander, Tzumrudnaya St., house 14, apt. 79, Moscow: Mathematician, studied at University of Moscow.

Belfor, Moisey, Novo Lesnaja Street 18, apt. 66, Moscow, Tel. 253-18-45: Radio engineer, married wife Nina, son Zvi.

Babchin, Alexander, Tel 131-75-95, Moscow: Candidate for Chemistry, worked at the United Institute for Industrial Print.

(NOTE: Upon application for emigration to Israel all of the above lost their jobs.)

THE LATE HONORABLE LEO E. ALLEN

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 22, 1973

Mr. COLLIER. Mr. Speaker, when I became a Member of this body in the 85th Congress, Leo E. Allen was the dean of the Illinois delegation and ranking member of the House Rules Committee. In the years that followed I, like other Members of the House before me, developed a deep sense of respect and affection for him.

Not only was he a man of great compassion and understanding, but he served his State and Nation well as an outstanding legislator. He was the type of level-headed legislator who was practical and knowledgeable and never yielded to the pressures which so often result in hastily conceived legislation.

A couple of years after his retirement from the Congress in 1961, I visited him in Galena, Ill. It was evident that his years of service had gained him the admiration and respect of the people in his district with whom I conversed during my visit in his community.

Leo Allen left a rich heritage for other Members of Congress who can only become better public servants by pursuing the ideals and principles which marked his long service in this body.

I extend my condolences to the members of his family who survive him, including two sons, three daughters, and 12 grandchildren.

LYNDON B. JOHNSON

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1973

Mr. COLLINS. Mr. Speaker, the death of Lyndon B. Johnson marks the end of the trail of one of America's greatest Presidents. This man who came from the heart of Texas has left his L. B. J. brand on American history.

Whether you were for or against Lyndon B. Johnson, you were bound to admire him. And I am one who admired this man of action.

Back in 1948, we only had one party in Texas and Lyndon Johnson was making a bid for the U.S. Senate. As the runoff headed to election day, he looked like a hopeless second. I remember as we worked in Dallas on that campaign, and I remember his drive and enthusiasm. In an uphill fight his tremendous energy led the way as he came through the winner.

The untiring energy was the Johnson trademark. He worked hard and he expected everyone around him to work hard. He was in action every minute of the day.

He understood Congress. He came up through the ranks. He knew how the wheels turned. But even more he knew every wheel in Congress. As the Senate leader, as the President, he kept the wheels rolling. He talked, he listened, and one of L. B. J.'s greatest statements was "Come and reason together."

But I remember President Johnson most as a friendly man. He loved people. He had a warm handshake. The Johnson smile was always a friendly smile. And the warm pat he gave you on the back was a sincere friendly greeting.

Just a short time ago, Dee and I attended the opening of the great Lyndon B. Johnson Library at the University of Texas in Austin. This was undoubtedly the best organized and most impressive dedication of any building in this country. With all the dignitaries, with all the precision of the program, with all the pomp and ceremony, the thing that stood out above all else was the friendly hospitality of the Lyndon B. Johnson family.

Dee and I extend our deepest sympathy to Lady Bird Johnson. She has spent her life with President Johnson through turbulent politics. And in all those years, I have never heard an unkind word raised about this lovely lady. The Nation admires her, Texas loves her, and we all share in her sorrow at the loss of our great President.

Texas has raised many great leaders for the Democratic Party. From my position on the other side of the aisle, I can objectively state that Lyndon B. Johnson will go down in history as the greatest Democrat of them all.

Texas will always be proud of her great

traditions and her sons and daughters. And none will stand higher or prouder than the legend of the son Texas gave to the United States as its President, Lyndon B. Johnson.

SUNLIGHT IS THE FINEST DISINFECTANT

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1973

Mr. BRASCO. Mr. Speaker, a nation is only as strong as the best and most vital of its institutions. No institution is more basic or vital to the survival of a republic than its most representative body. Such an entity is the Congress of the United States.

Every Member of this Congress must feel keenly, as I do, that those news stories over the loss of faith on the part of the overwhelming majority of the American people in the Congress, have a ring of truth to them. It seems that wherever I have turned, there has been some thought-provoking story on such a loss of belief on the part of the people in those who supposedly are their closest and theoretically most responsive elected national officials.

These are not sensation-seeking yellow journalists putting these tales to print. Rather, they are sober estimates based upon public opinion polls taken across the Nation.

In the past, the response on the part of the majority in the Congress has been to shrug off such reporting. The attitude has been, "It will blow away," and "the majority of my constituents don't read such tales."

Such attitudes are in themselves one of the reasons why this body stands in such low national public esteem.

If the people begin to lose faith in such a body as the one we are privileged to be a part of, then the Nation is truly in peril. As our body loses public standing, the already acknowledged imbalance between the various branches of government becomes far more pronounced. And once that delicate system of checks and balances gets too far out of whack, it cannot be restored.

It is incumbent upon this Congress to act to reform the system itself, here in the Congress, which is where the evils have become so pronounced. At the core of this morass of nonperformance is the root cause; secrecy on the part of the people's representatives in the daily conduct of the people's business.

The overwhelming majority of certain vital committee meetings on Capitol Hill are still secrets to the press, to the people, and even to the elected Members of this body who might have some concern with them. For several years, this condition has commanded growing attention in the public prints. Much ado has centered around previous promises on the part of the powers-that-be to lift the curtain of congressional secrecy and let the public, the Congress, and the press peek in occasionally.

That is literally all we have been granted; an occasional glimpse. The Congress appropriates close to $250 billion of the people's money every year. How many Members of the House have any say, much less any knowledge, of how these moneys are allotted in the House?

Why are the meetings of many committees held behind closed doors consistently, when there is no possible consideration of national security or personal privacy?

What is so sacred or secret about a highway bill?

Why can we not know what is being done in the holy name of space?

How come we are not allowed the privilege of knowing what is being done with national park lands and mining?

The list is endless. All this is the people's business. Most assuredly, there is no reason to expose the inner workings of committee deliberations on secret military hardware or on the intelligence establishment. But these are the only barriers to public knowledge, as far as I can ascertain, except perhaps the occasional rare exception.

Yet approximately half, according to what figures you consult, of all committee meetings on Capitol Hill are closed, totally closed, to the people whose business is being conducted within. And this, my dear colleagues, is one basic reason why the masses of Americans no longer repose major trust in this body and the men and women who make it up.

A "sunshine in the Government" bill is the first step toward reform. First advanced in the Senate by Senator CHILES of Florida, it has aroused considerable interest here as well. It is being introduced here in the House, and I am honored and privileged not only to join in sponsoring it, but in urgently advocating its passage by this body.

It requires that all meetings of Government agencies at which official action is taken, considered, or discussed, be open to the public, with certain exceptions. It requires that most meetings of congressional committees be open to the public. It requires that a transcript of all meetings described be made available to the public. It finally provides for court enforcement of the open meetings requirement for Federal agencies.

It is vital to note that the habit of governmental secrecy has become so ingrained in various Federal departments as to work solidly against the best interests of the majority of the people of the Nation.

Who can get any sense out of many of the great governmental departments? Does the Department of Agriculture operate on behalf of the small man who lives on the land? I think not. Rather, it works on behalf of agribusiness, as the recent scandals over the Russian grain deal indicate.

Do any of the Federal regulatory agencies actually regulate on behalf of the people, or do they operate as a fourth arm of Government on behalf of those major business industries they are supposed to regulate? We all know how sad the tale is in agency after agency. The people come last.

How is this accomplished? By use of secrecy, bureaucratic delay, and governmental gobbledegook. Tell them nothing. Delay as long as possible. And when finally trapped, regurgitate some untranslatable garbage that would make a linguist go mad.

In effect, Washington, from Congress down to the smallest Government agency, has become a no-man's land for the average person seeking assistance or knowledge. That is why many congressional offices are becoming mere ombudsmen for constituent complaints rather than legislative centers. Cutting through the veil of secrecy is vital, and must be accomplished before any effective business is transacted in this Congress.

COMMISSIONER FRED FRIEND ON THE WELFARE PROGRAM

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1973

Mr. BAKER. Mr. Speaker, during the extended debate on welfare reform in the last session of Congress, a great deal was said about placing the responsibility for the welfare program within the Federal bureaucracy.

A State official who disagrees with that approach, and knows whereof he speaks, is Fred Friend, commissioner of welfare for the State of Tennessee.

Commissioner Friend has had wide experience in administering the welfare program in our State and he recently set forth his views on where the responsibility should lie when he wrote his "Comments from the Commissioner" column for the December 1972, issue of the Tennessee Public Welfare Record.

Commissioner Friend makes a strong case for keeping the major responsibility for the welfare program in State hands, and I am sure his comments will be welcomed by many who have to deal with the complexities of the program.

Under leave to extend my remarks, I ask that these comments by Commissioner Fred Friend appear in the Extensions of Remarks of the RECORD. His comments follow:

WHERE RESPONSIBILITY SHOULD LIE

(By Fred Friend)

A long period of controversy and uncertainty about so-called "welfare reform" was brought to a close on October 30 when President Nixon signed into law the much debated Social Security Amendments of 1972. While the new legislation makes far-reaching changes in provisions governing Social Security payments, Medicare and Medicaid benefits, and the administration of assistance payments for the needy aged, blind and disabled, the proposal for reforming the welfare system for families with dependent children was not included. This I consider to be of major importance. The Congress finally realized that the American people are not in favor of any such drastic measure.

My experience in working with Tennessee's welfare programs has convinced me that the responsibility of administration of public assistance as well as social services should be vested in the states rather than the federal government. By this, I mean that the states plan, implement, and control all programs. The federal portion of the cost should be provided through block grants to the states. The precedent for this has already been established by the Revenue Sharing Act, itself a landmark piece of legislation.

If we at the state level want more responsibility of policy-making as well as administration, we must prove ourselves accountable for our actions. We owe the taxpayer the same careful management that the stockholders of a business or industrial corporation demand of their executive officers. Only through sound fiscal management can we earn the right to make decisions.

We in Tennessee are earning that right through careful budgeting, emphasis on quality control, the establishment of additional fiscal controls, including an internal audit unit, strict monitoring of our contracts for the purchase of social services, and special attention to staff training and safeguards against fraud and overpayment. During the coming year we will continue to stress efficiency and economy in administration of the welfare program in order to ensure that tax funds are conserved for the benefit of people who are *truly in need*. These we will undertake to help with all the resources of this Department.

THIRD ANNIVERSARY OF THE CAPTURE OF LITHUANIAN SEAMAN

HON. ROBERT P. HANRAHAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1973

Mr. HANRAHAN. Mr. Speaker, I would like to again call to the attention of my colleagues the plight of the brave Lithuanian seaman, Simas Kudirka. The third anniversary of his capture by Soviet authorities occurred in November 1972 after my election but prior to my seating as a Member of the 93d Congress.

I feel it is vitally important that Congress strongly urge the President of the United States and the Secretary General of the United Nations to make every effort possible to secure the release of Simas Kudirka. I should like to emphasize my firm commitment to freeing this brave patriot by including the following two letters written by me in the RECORD.

HOMEWOOD, ILL.,
November 20, 1972.

Hon. RICHARD M. NIXON,
The President of the United States of America, the White House, Washington, D.C.

DEAR MR. PRESIDENT: This month the Lithuanian community of America is commemorating the third anniversary of the Simas Kudrika incident. I am sure that you will recall that episode in which a seaman of Lithuanian nationality attempted to defect from the U.S.S.R. while on duty with a fishing fleet. He sought sanctuary on the U.S. Coast Guard cutter Vigilant, several miles off the coast of Massachusetts, but was denied the protection of the United States.

In an incredible sequence of events, contrary to the best traditions of our Nation, Simas Kudirka was brutalized in the presence of American seamen and literally dragged from the Vigilant by a Soviet boarding party. A sense of outrage and shame pervaded the World as a result of this incident.

Your pronouncements following the occurence did much to assuage the feelings of bitterness and humiliation experienced by all Americans. Especially, your words gave a measure of comfort to Lithuanian-Americans, a large number of whom I am proud to represent as their United States Representative-Elect from the Third Congressional District, Illinois.

The purpose of this letter is a. to call upon you to join with me and my constituents, in the name of Simas Kudirka, in a reaffirmation of the United States support of the policy of self-determination and freedom for all peoples, and b. to request any and all efforts on your part to assist Simas Kudirka and his poor family who have been so severely punished for his attempted escape to our shores.

We are confident that with a dedication to this principle we shall secure peace and dignity for all mankind.

Respectfully,
ROBERT P. HANRAHAN,
Representative-Elect, U.S. Congress.

HOMEWOOD, ILL.,
November 20, 1972.

His Excellency KURT WALDHEIM,
Secretary General of the United Nations, New York, N.Y.

DEAR MR. SECRETARY GENERAL: As United States Representative-Elect for the Third Congressional District, Illinois, I am privileged to address this letter to you on behalf of my constituency and notably those Americans of Lithuanian heritage that I represent in the greater metropolitan area of the City of Chicago, Illinois.

This month we are commemorating the gallantry of Simas Kudirka, a Lithuanian now imprisoned in the Soviet Union because he dared to be free. His attempt to escape from Soviet domination drew international attention. He has become a symbol of the Lithuanian spirit of freedom.

The people of Lithuania will never submit to the oppression of their state and religious institutions by foreign authority. Recently their indominatable will to maintain their independence was illustrated by public demonstrations against their oppressors, self-immolations, and the courageous acts of 17,000 Lithuanians who signed petitions of protest delivered to you at great peril to themselves and their families.

I call these events to your attention to remind the United Nations that the people of this great Nation are ever mindful of their responsibilities to the international community. We join with you in the search for a better world in which men may live side by side in freedom and security. To this end we request that the United Nations undertake to vouchsafe the rights of men such as Simas Kudirka. We call upon you to bend every effort in this respect. An anxious world awaits your deliberations, both as to Simas Kudirka's fate and your response to the petition of 17,000 Lithuanians.

Respectfully,
ROBERT P. HANRAHAN,
Representative-Elect, U.S. Congress.

LEGISLATION TO PERMIT PRAYER IN PUBLIC BUILDINGS

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1973

Mr. DE LA GARZA. Mr. Speaker, I offer for consideration by the House a resolution proposing an amendment to the Constitution of the United States that would permit prayer in public buildings.

The language of the proposed amendment is simple and direct. Here is what it says:

> Nothing contained in this Constitution shall abridge the right of persons lawfully assembled, in any public building which is supported in whole or in part through the expenditure of public funds, to participate in non-denominational prayer.

During most of the existence of the Republic, many schools opened each day's session with prayer. When citizens gathered for meetings in county courthouses and city halls, prayers were frequently offered. In this body, the House chaplain precedes our sessions with prayer.

Prayer in schools was ruled unconstitutional by the Supreme Court some 10 years ago. It is the right of the people to make their own decision on a matter of such fundamental importance to many of them. My proposed amendment to the Constitution would give them an opportunity to exercise that right.

TRIBUTE TO J. C. PHILLIPS, EDITOR OF BORGER NEWS HERALD

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1973

Mr. PRICE of Texas. Mr. Speaker, the history of our great Nation is punctuated throughout with names which are synonymous with courage, foresight, and ingenuity. Giants such as George Washington, Thomas Jefferson, Thomas A. Edison, Abraham Lincoln, Alexander Hamilton, Douglas MacArthur are universally known and revered.

But this is also a land of unsung heroes. How many thousands and even millions of our countrymen have sacrificed and given a labor of love for America, without compensation or the praise of men? It is not always easy to be a patriot, nor are those who are willing to be visible immune from assault or criticism.

Fortunately, there are those who view principle above self; it is with their faithful support that we are able to forge on. Mr. Speaker, today I rise to pay respect to just such a man. I am privileged to represent him in the U.S. Congress, and am fortunate to have the counsel of his wisdom. Mr. J. C. Phillips is not an average man; he is extraordinary. The editor of a smalltown newspaper in the Texas Panhandle, Mr. Phillips has a constituency and following that is nationwide. He has come to symbolize that which is wholesome, sacred, and good about America, and his pen has moved the thoughts and hearts of many whose eyes have crossed the pages of his newspaper.

Mr. Speaker, for many years J. C. Phillips has worked tirelessly for a cause to which he is fully dedicated, our Nation. Recently he wrote a letter to a friend which I have been privileged to share. I believe he offers a message worthy of our consideration; certainly he is deserving of our thanks:

BORGER NEWS-HERALD,
Borger, Texas, January 20, 1973.
DR. GEORGE S. BENSON,
National Education Program,
Searcy, Arkansas

DEAR DR. BENSON: Thank you for your thoughtful letter of January 15, 1973, with which you enclosed a check for $25 for the Americanism Fund. You are one of a very few who have ever thought to do this. Usually there is a little left over from National Newspaper Week advertising to help keep alive the Americanism Fund, and in no time at all this is exhausted.

When Ruth and I observed our 50th wedding anniversary, September 22, 1970, all of a sudden the realization came to me that up until that time, I always took it for granted that only old people had golden wedding anniversaries.

Having reached the enviable status of middle age, when on December 23, 1972, I observed my 73rd birthday, I feel that it is proper that I should take time to reflect on whatever contribution my being here might be worthy of note.

Although I have friendly and pleasant contact by mail with many dedicated patriots throughout our beloved country, I am forced to recognize the obvious, which is, "The poet is honored save in his own home community, and a man only becomes an expert when discussing controversial matters when he is far away from home."

To be sure, having lived here in Borger since July 27, 1931, as manager of the Borger News-Herald, Ruth and I have many friends in the immediate community of our home surroundings. Strangely enough, Hutchinson County votes about 65 percent Republican (presumably conservative) and at least four or five people in the city of Borger have, of their own volition, extended more than just a slap on the back or verbal compliments for what I consider my service to God and Country.

You can understand what I am talking about, and I am sure the same applies to others who dare to expose names and faces of our enemies, when I say that it takes a somewhat different kind of courage or the simplicity of naivety, to fight subversion and treason continually in the local newspaper of which they happen to be an editor.

Imagine the home town football team, for example the Borger Bulldogs, playing a conference team in their own football stadium, opposed by a strong team either from Amarillo or Lubbock, and there are only four or five Borger people present to view the game in the cheering section set aside for what should be the loyal home town supporters of the team.

This will give you some understanding of the strain under which an editor works when sincerely down through the years, he has attempted to give to his readership vital information not otherwise obtainable in the national news media, either in print or over the air, or voiced by elected representatives who are the ones who should be defending our country instead of fighting and shaming the handful of patriots who dare to defend our national sovereignty and demand that our representative Republic be completely free of alien control or influence.

Such a letter as you wrote, with which you sent the check for $25, is like a candle burning in a dark room where a friendly light is greatly needed.

As you probably know, I have never solicited contributions; although, I have spent considerable time and money sending out pertinent data to equally concerned patriots.

During the 1964 effort to elect Goldwater Republicans really thought I was a great guy. You live and learn. Most of them could care less whether I was fighting Communism; but just so long as it helped to put Republicans in office, it satisfied their political whims for me to blast off as I have been doing.

Just why I have been prompted to write this letter is not quite clear to me. I am not asking for sympathy. I would like for those who are doing what I am doing to be better understood by the people who believe in them but do nothing to help them.

Because you are truly a great dedicated patriot, it means a great deal for you to recognize my humble efforts as you have done.

Continuing with you in the service of God and Country, and may God bless you and keep you, I am,

Sincerely,

J. C. PHILLIPS.

FIRE SAFETY IN NURSING HOMES

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1973

Mr. KEATING. Mr. Speaker, on January 26 of last year, tragedy struck in my congressional district. The Green Nursing Home burned to the ground during the early morning hours, and all 10 persons inside the home were killed.

Unfortunately, this tragedy was not the first of its kind in the United States. National Fire Protection Association records show that since 1961, there have been 34 multiple fire deaths in nursing homes in which three or more lives were lost, with an overall total of 283 deaths. This is an average of more than eight persons per fire and an average of more than three fires per year.

Moreover, even though there seem to be few reliable statistics on the number of fires in nursing homes in which one or two persons have lost their lives, the American Nursing Home Association has estimated that there may be as many as 500 single death fires in nursing homes each year.

Accordingly, regardless of the causes of any of these fires, there is one aspect about fire safety in our country's nursing homes which remains abundantly clear: The record is appalling.

In an effort to assure that Federal responsibilities in these matters are met, I am today reintroducing three bills which were presented to Congress in the aftermath of the Green Nursing Home fire in my district. This legislative program would, in essence, accomplish the following objectives:

First, it would require that intermediate care facilities, by far the most fire prone of any class of nursing homes, meet the same standards of safety now required of extended care facilities and skilled nursing homes certified under the medicare and medicaid programs;

Second, it would authorize the Federal Housing Administration to guarantee the loan of funds to any nursing home facility for the expressed purpose of purchasing fire safety equipment; and

Third, it would require, as a condition of eligibility for the receipt of funds under section 232 of the National Housing act and title VI of the Public Health Service Act, that nursing home facilities be in conformity with the provisions of the life safety code, or that they be striving to meet the code's fire safety standards.

Now is the time to act on these proposals. We cannot sit back idly and wait for tragedy to strike again. Our older Americans have been victimized by neglect for too long, and nothing less than a total commitment to their safety and well-being is needed to confront the problems of fire safety in America's nursing homes.

Mr. Speaker, I believe it would be worthwhile at this point to recall the words of Mr. Richard E. Stevens, director of engineering services of the National Fire Protection Association, when testifying before the special studies subcommittee of the Committee on Government Operations:

> Why do facilities for the care and housing of the elderly have such a poor fire record? Fire experience in places where the elderly are housed and cared for indicates that the elderly present a special and unique fire problem. They are responsible for a significant number of fires due to the physical and mental circumstances which accompany old age. In addition, their reaction to the discovery of fire does not necessarily suggest to them the need to alert other occupants of the buildings or to save themselves. In a fire, the elderly are not only more helpless than the average person trapped by fire but they are often transfixed by the emergency, even refusing to leave their quarters and refusing efforts to remove them from the building. Having been taken out of the building, the elderly are apt to return to the burning structure.
>
> The characteristics, which I believe are the most applicable to the discussion here, have occurred time after time in fire emergencies where patients are nonambulatory or are heavily sedated or strapped in their beds.

Mr. Speaker, while the above-mentioned program is not intended to constitute a comprehensive approach to problems of the aging, this program will correct the most glaring deficiencies in Federal law which permit the existence of nursing homes with substandard fire safety devices.

It is my strong conviction that enactment of this program should be one of the first orders of business during the 93d Congress. It would be the right thing to do for our older Americans.

HEROIN MAINTENANCE

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1973

Mr. PEYSER. Mr. Speaker, there has been much controversy lately over the issue of heroin maintenance programs. As one who vigorously opposes this concept, and has introduced legislation to prohibit such a program in this country, I was pleased to see the following item appear in the Jack Anderson column of the Washington Post, January 19, 1973:

> On a confidential mission to Britain, the federal government's top "narc doctor" investigated the British system of permitting heroin addicts to receive legal "fixes". In theory, this cuts the profit motive from illicit narcotics, and some Americans are eager

to try it here. But Dr. Edward Lewis, medical officer for the Federal Bureau of Narcotics and Dangerous Drugs, concluded the British system would be of dubious value in the United States. He found that even the British clinics are leaning away from heroin and toward intravenous doses of methadone. Lewis also noted that Britain has less than 3,000 addicts far more controllable than the estimated 500,000 in the United States. Providing legal heroin for American addicts, Lewis believes, would create new addicts without curing old ones.

THE 1972 SYNERGY AWARD

HON. KENNETH J. GRAY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1973

Mr. GRAY. Mr. Speaker, as chairman of the Subcommittee on Public Buildings and Grounds of the House Committee on Public Works, I have enjoyed a close and constructive working relationship with the General Services Administration and its Public Buildings Service. It was, therefore, with special pleasure that I learned that GSA Acting Administrator Arthur F. Sampson had received a very high honor in recognition of his outstanding leadership as both Acting Administrator and as Commissioner of the Public Buildings Service.

On November 19, 1972, the Society of American Registered Architects presented Art Sampson with its Synergy III Award, given annually to the individual who has contributed most, in its opinion, to the advancement of architecture, environment, and the fine arts. Mr. Sampson was the unanimous selection of the society for this award, previous recipients of which have included Buckminster Fuller, Luigi Nervi, and J. Irwin Miller, chairman of the board of the Cummins Engine Co.

With your permission, I insert in the RECORD at this point the text of the remarks made at the time of the presentation, since I feel they reflect quite accurately on the high quality of Art Sampson's leadership and dedication to public service, as well as the respect with which he is viewed by the private sector:

THE 1972 SYNERGY AWARD

(Remarks made by Blake Hughes, publisher of Architectural Record)

The Synergy Award of the Society of American Registered Architects is given each year to an individual who has made a significant contribution towards the advancement of the profession.

I shall remind you of just two recent distinguished recipients of this award.

In 1970, Buckminster Fuller was honored for his tireless efforts to make us understand that we live in a spaceship—Earth—with *an exhaustible* supply of energy and resources that must be husbanded.

And in 1971, the award was given to J. Irwin Miller, Chairman of the Board of the Cummins Engine Company for fostering the highest quality of architectural design not only in the corporate buildings of his far-flung company, but in the public buildings of Columbus, Indiana, where his firm is headquartered.

This year's recipient has made—and continues with each passing month to make—new, significant, and often unique contributions to the advancement of the architectural profession, from his very powerful position in the high councils of our Federal government.

He makes these contributions from not one but *two* major offices: He is at one and the same time Commissioner of the Public Buildings Service *and* Acting Administrator of the General Services Administration. Arthur Sampson has been the Commissioner of the Public Buildings Service for three years—and as such is (if you think about it) surely the largest client for architecture and building in the history of the world—and I do not except the Pyramid-building Pharoahs or the Caesars who built Rome.

Here are some numbers:

As PBS Commissioner, Arthur Sampson manages (and when I say "manages" I do not *just mean* is titular head of, I mean *manages*) 25,000 employees including nearly 1,000 professionals. He is the landlord of nearly one quarter of a billion square feet of building space in 10,000 buildings owned or leased. At this moment he has 1,500 (give or take a few) building projects underway—accounting for three-quarters of a *billion* dollars worth of building contracts (give or take ten or twenty million). His annual budget is about one *billion* dollars!

Mr. Sampson has new ideas and new concepts—many of them revolutionary, most of them well accepted by the building industry—bouncing off all four sides of that billion dollar framework.

For example: He devised—and got through Congress with, as they say, "a little help from his friends"—a totally new financing technique for Federal construction. In brief, it establishes a revolving Federal buildings fund, made up from unexpended balances of GSA appropriations, and income from all Federal agencies who occupy space provided by GSA. The income from these rental charges will provide for GSA's operation and maintenance of all buildings, rental payments for its leased space, with enough left over to fund future construction.

In addition, Administrator Sampson charted and championed legislation authorizing GSA's Public Buildings Service to enter into *lease-purchase* and *lease-construction* contracts making possible the rapid liquidation of a large backlog of authorized buildings without huge current Congressional appropriations.

In simplest terms, the buildings would be privately-financed giving the Federal government valuable new options either to use available funds for higher priority programs or to reduce appropriations.

This is all very complicated, and it took the Administrator two pages of fine print to explain it to the readers of Architectural Record.

These new techniques—the revolving fund plus the leasing methods—are indeed innovative—they make sense, they get buildings built, they put the financial responsibility clearly where it belongs, they keep the new buildings and their land on the local tax roles, they could boost the GNP by no less than $1.5 billion in 1973—and they might even help hold down our taxes, and *that's* revolutionary!

But this is just the beginning: Consider also *these* accomplishments of our honoree: He has created a whole new management information system to keep his agency and *all professionals and builders involved* up-to-date on all developments affecting jobs—in short, he has in large measure converted the loopy red tape in his agency into a straight and direct route from conception of a *job need* to a Certificate of Occupany.

He has, as everyone in the industry knows by now, issued construction management contracts on a wide variety of jobs—from the huge multi-building Social Security project to some really quite modest jobs; and he is working with all kinds of professionals—contractors, consultants, and architects—to see who will do the best job of managing. He is, in the best sense of the word—experimenting with ways to bring a new standard of efficiency to the building process.

Also he has, without getting caught up as so many have in the *Buck-Rogers* aspects, or on the other hand, with the dubious proprietary technology so many are peddling, effectively experimented with *systems building*.

And he has introduced to the Federal building program the concept of *life-cycle costing*—demanding of architects and engineers *not* lowest *first* cost, (that tragic concept which has brought us so many bad buildings) but the concept of *lowest* cost for the life of the building.

This interest in *life-cycle costing* catalyzed his interest in energy conservation long before it became the "popular" subject it is today. He took time out of his tight schedule to contribute thoughtfully to Architectural Record's Roundtable on Energy Conservation last fall, and has since held a similar Roundtable on ways to conserve energy *in build-within the Federal agencies.*

Moreover, he has initiated major studies in the area of *building fire safety*, including recently a $600,000, three-year study of combustibility of building materials to be conducted by BRAB.

It is not possible here to more than hint at the scope of Arthur Sampson's achievements. But we must provide a balanced picture. Yes, he is an outstanding innovator—and surely we can already deduce his energy and enthusiasm, his salesmanship and showmanship, his expertise in administration and finance.

Already we see that he is a man who knows how to root out waste, motivate people; breakthrough *the rusty barricades of custom, get things* done.

But that's not all. For, let's face it, it is possible to organize ordinariness, mass produce mediocrity and finance cut-rate solutions. So I want to emphasize here tonight that Administrator Sampson's persistent pursuit of excellence—of quality—is the counterpart of his genius for efficiency and financial reform. Indeed he views the latter as merely instrumental to the former.

He has stated categorically that GSA will no longer tolerate shoddy construction and design. At the same time he has recognized that, in a period of rising costs and stiff competition for capital, waste and inefficiency are killers of quality. Good architecture doesn't come cheap; therefore, cost must be reduced be they initial costs or life-cycle costs.

Again and again we are made aware of Arthur Sampson's concern with quality—his *ethic of excellence.*

He said recently, "Environmental, social and quality concerns are a *luxury* in a primitive industry but an essential part in the *civilization* of construction."

Evidence of his search for excellence is abundant. For example . . .

His eagerness not only to contribute, but to listen and learn—*be it* from dedicated experts: (witness "the GSA-Sponsored International Environmental Conference on Building Construction and Use" and the already mentioned GSA-National Bureau of Standards Roundtable on Energy Conservation in Public Buildings)—*or* be it in the classroom where he, who could teach the subject, studies for a master's degree in Public Administration.

More evidence—his ardent support of the Presidential program to strengthen the relationship between the government and the arts by placing works of art in new Federal buildings and alloting a percentage of a building's cost for works of art.

His championing of excellence in office design because, as he put it, "that means happier people and happier people turn out more and better work."

His leadership in GSA's positive moves on building preservation—not just in terms of giving new life to old buildings (as in the designation last month of the St. Paul, Minnesota Federal Courts Building as an Historic Monument, but also in terms of rehabilitation and restoration (as with the major mural restoration project at the Department of Justice Building).

Since June 2nd, Arthur Sampson has been the *Acting* Administrator of the General Services Administration, which puts him in charge of nearly 40,000 employees and assets of nearly 12 billion dollars and *it is no* special secret that when he emerges from his protocol retirement, he'd like President Nixon to remove the adjective in front of Administrator. We'd like that, too, and I doubt if he'd mind if you felt moved on this occasion to write your Congressmen along those lines.

I would remind you that since taking on that post, he has appointed a top-level staff to participate in a Presidential Task Force that is now reviewing Civil Service procedures for examining, testing and employing architects (among others) in the Federal agencies, and . . .

Working with the National Public Advisory panel, Administrator Sampson and the GSA have strengthened the GSA design policy as originally formulated in the excellent document, "Guiding Principles for Federal Architecture."

And *that's* a move in the right direction . . .

For *that* move in the right direction—along with so many others over these past three years—it is my pleasure, Administrator Sampson, on behalf of the members of the Society of American Registered Architects, to present to you that organization's highest award—for service to the profession—the 1972 Synergy Award.

HAIL TO THE REDSKINS

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1973

Mr. NELSEN. Mr. Speaker, the Washington Post on this past Tuesday said it well for all of us in hailing the Redskins home from Super Bowl VII. Our Nation's Capital has all too often been divided, full of suspicion, distrust, and lack of knowledge about fellow citizens.

But as the Post noted,

> When losers become winners something almost mystical begins to happen. At the stadium, people from Prince George's exchange exhilarated shouts with people from Shaw, people from Anacostia buy beer for people from Fairfax and the governor of Virginia starts to call the team "The Virginia Redskins."
>
> People who were perpetual losers take on new life and their spirits begin to swell as do their human capacities. Race, class, geography, income and status diminish as dividers between people in the wash of euphoria that a winning team engenders. For a little while, thanks to the Redskins, this area became more of a community and was given a glimpse of what people can be when they are just being people and have a common thing to care about—even when that common thing is as frivolous as football or as important as not being a loser any more.

Mr. Speaker, the Redskins have done so much for this town, even in losing they deserve a pat on the back.

OPENING NIGHT U.S.A.

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1973

Mr. MURPHY of New York. Mr. Speaker, I am sure many of my colleagues had the opportunity over the holidays to view an unprecedented creative marriage of entertainment and public service in the December 25, 1972, television special "Opening Night U.S.A." I am prompted to commend this effort that brought several firsts to television.

The special was brought to viewers in select prime time in a holiday period that usually offers a wide selection of perennial repeats. CBS–TV and its sponsor, the International Brotherhood of Teamsters and General President Frank E. Fitzsimmons, are to be congratulated for meeting a public need with outstanding entertainment during the holidays. Further, the host Mr. Ed McMahon, noted for quality programs, provided a vital link in presenting superstar talent with family appeal in a unique first time on television format.

It served the public by bringing brilliant Broadway and night club "Opening Night" performances of Sammy Davis, Jr., Milton Berle, 5th Dimension, and Debbie Reynolds to the free medium of television that only select upper-income families could normally afford to attend.

Further, this new thinking program is notable because it was presented in an uncluttered institutional atmosphere by the Teamsters who are the first labor group to tell of their little known community activities to a mass audience.

Astronaut/environmentalist, Wally Schirra, spokesman for the Teamsters, told with confident ease of the "America on the Move" van which is traveling to more than 80 cities expressing the Teamsters' concern for unsolved problems in America by contributing to drug abuse prevention and the improvement of our environment.

Hundreds of thousands of copies of a 24-page authoritative free booklet on the drug tragedy are being distributed through educators and law enforcement officers by the touring van. It is available free by writing "America on The Move Productions" 1041 North Formosa Avenue, Los Angeles, Calif., 90046.

As its contribution to ecology, the project has joined with the Boy Scouts of America to distribute millions of litter bags, an additional step to the planting of miles of red, white, and blue flowers.

Further, the Teamsters are sponsoring a national essay contest designed to get our young people thinking about what America on the move means to them, with prizes of $15,000 in scholarships and U.S. savings bonds.

The Teamsters are focusing on major national problems and I am convinced that the start of the cure begins with public understanding which is being accomplished by this project's unique use of effective sponsor messages in the mass medium of television.

Mr. Speaker, I congratulate CBS–TV, the producers of the program, Mr. Ed McMahon and Mr. Nicholas Torzeski, the International Brotherhood of Teamsters and its general president Mr. Frank E. Fitzsimmons that brought this inspirational, entertaining, and much needed "first" to television and I wish to call it to the attention of the FCC and the many committees that have an interest in television service to the Nation.

POLICEMAN'S "BILL OF RIGHTS" AND POLICE COURT COSTS

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1973

Mr. ANNUNZIO. Mr. Speaker, on January 3, I reintroduced two bills, H.R. 266 and H.R. 269, which would provide benefits for the rank and file officer who is fighting crime on the "front lines."

H.R. 266 would authorize the Attorney General to make grants to every law enforcement official who is a defendant in any civil action arising out of the performance of his official duties. These grants would include the reasonable costs of investigation and legal fees.

Many times an officer has had to defend himself for actions he has had to take while simply doing his job, yet he has been forced to pay such expenses out of his own pocket. It has been shown that these complaints are usually nothing more than nuisance suits. Such lawsuits are even more frivolous when one realizes police departments across the Nation have disciplinary procedures for processing complaints against officers to which citizens can appeal if there is an actual offense.

H.R. 269, the law enforcement officers bill of rights, is identical to legislation cosponsored by 125 colleagues in the 92d Congress. It would provide for the right of a police officer to engage in political activity during his off-duty time; guarantee police officers the same civil rights enjoyed by all other citizens; set up a grievance panel to hear the grievances of police officers who claim their civil rights had been violated; and would deny LEAA funds to any community that did not conform to the provisions of this bill.

It is regrettable that legislation of this nature is needed at all. Law enforcement officers should be entitled to the same protection of the laws they are required to enforce. Policemen should be as free of intimidation and harassment during the process of a hearing as is the average citizen, and my bill would accomplish this objective.

The job of a policeman has never been easy. In spite of the additional demands, dangers, and harassment that today's officer has to cope with, the caliber of policemen willing to serve our communities is admirably high. We have increased the rights of the defendant with little regard for the civil rights of the policeman, making his job more difficult and at the same time we have failed to understand the problems of the officer on the street.

We owe this bill of rights to our police. It is a visible symbol that we in the Congress can offer, as Representatives of the people of the United States, to demonstrate that we do indeed give full support to our law enforcement personnel. This policeman's bill of rights is merely a formal statement of that fundamental fact.

I urge the continued support of my colleagues to assist in the passage of these timely and important bills.

MASSACHUSETTS RESOLUTION

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1973

Mr. HARRINGTON. Mr. Speaker, it has been over 2½ months since we were informed that "peace was at hand." Yet, the bombing and killing continues. The time has indeed come for the Congress to reassert its constitutional powers and take action to end the war unless a peace treaty is signed immediately.

At this time, Mr. Speaker, I would like to submit to the House a resolution adopted by the Massachusetts House of Representatives calling upon the Congress of the United States to pass legislation for the complete and immediate withdrawal of all American Forces from Southeast Asia.

The resolution is as follows:

RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION FOR COMPLETE U.S. WITHDRAWAL FROM SOUTHEAST ASIA

Whereas, the bombing of the people and territory of Vietnam and Southeast Asia is a wrongful and immoral escalation of our role in the Indochina war; and

Whereas, continued bombing in Vietnam and Southeast Asia is a flagrant and direct violation of the declared policy of the Nixon Administration to end the war; and

Whereas, the national interest would be best served by a negotiated agreement for prisoner release and by the immediate and complete withdrawal of all material and armed forces—land, sea and air—in and over all of Southeast Asia; and

Whereas, it is within the scope and authority of Congressional power and responsibility to cut all funds from the military budget for military expenditures in Southeast Asia; now, therefore, be it

Resolved, that the Massachusetts House of Representatives respectfully urges the Congress of the United States to prepare at once legislation designated to accomplish the aforesaid objective and requests the President of the United States to expedite the implementation of such action; and be it further

Resolved, that copies of these resolutions be transmitted by the Secretary of the Commonwealth to the President of the United States, to the presiding officer of each branch of Congress and to each member thereof from the Commonwealth.

House of Representatives, adopted, January 10, 1973.

LYNDON BAINES JOHNSON

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1973

Mr. TEAGUE of Texas. Mr. Speaker, the United States of America has lost one of its greatest citizens and one of the most courageous leaders of its history, through the death of Lyndon Baines Johnson.

And through the death of Lyndon Baines Johnson, many of us—and I am proud to count myself among them—have lost a loyal and devoted friend.

It is ironic that our two surviving former Presidents—Harry S Truman and Lyndon B. Johnson—should have died within a few weeks of each other. They had so much in common. Both were men of the people, rising from the most discouraging poverty to the highest office in the Nation. Both were suddenly catapulted into the Presidency to succeed men almost totally different from them in style of thought and action.

Through circumstances beyond their control, neither man was totally popular in the White House. But both men had the integrity and courage to scorn easy popularity in search of more lasting and worthwhile goals.

Harry S Truman lived to see much of his record vindicated and to hear men who once scorned him, call him great. And I am convinced that history, eventually, will take a generous and approving backward look at the Presidency of Lyndon B. Johnson.

Certainly no man can doubt Lyndon Johnson's courage in office. No man can doubt his burning desire to serve the American people as well, if not better, than any man who ever occupied the White House. Nobody can doubt his sincere passion to build a truly great society in which all men would be at peace, and hunger, poverty and ignorance would be banished from the earth.

He wanted desperately to be remembered as a great President.

Some of us—including myself—disagreed with the methods he chose or with particular segments of the future society that he envisaged.

On many occasions I found it necessary to disagree with his philosophy—sometimes quite vigorously. But I did so always with great respect for his courage and his intentions. I am proud to say I never lost his friendship or his trust.

Mr. Speaker, Lyndon Johnson was a child of Capitol Hill. He was a distinguished Member of this House and an even more distinguished leader of the other body. I do not think he was ever as happy in any other capacity as he was while serving in the Congress of the United States. And few men have served here as effectively as he served.

With the death of Lyndon Baines Johnson, every citizen is diminished a little. Indeed, the entire Nation is diminished a little, for he served us well and he served his country well. With our sorrow today we should mingle both gratitude and pride that we produced from our soil a citizen of his magnitude, a leader of his stature and vision.

I would like to extend the most sincere sympathy of Mrs. Teague and myself to his wonderful widow, Lady Bird, and to his two fine daughters, Luci and Lynda.

NCC EXPLOITS ITS CHRISTIAN MEMBERSHIP

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1973

Mr. RARICK. Mr. Speaker, the National Council of Churches, under its new leadership of Rev. W. Sterling Cary, has lost little time in attacking the profit incentive of free enterprise.

Strangely, Reverend Cary and his voiceless membership make no demands against monopolistic operations of Communist nations or some black majority-ruled countries in Africa, nor do they demand to know why the Soviet Union or Red China chooses to make "investments" in "developing" nations.

Perhaps the U.S. corporations should ask the National Council of Churches to explain some of the tax dodges of that quasi-religious lobbying organization including guaranteeing lecture fees to non-Christians like Imamu Baraka to deliver hate American and hate whitey lectures.

I insert in the RECORD related news clippings:

[From the Baton Rouge (La.) State-Times, January 17, 1973]

FIRMS QUESTIONED ON INVESTMENTS IN AFRICAN STATES

NEW YORK.—Six Protestant church groups said today they have asked 12 U.S. corporations in which they own stock to explain their involvement in the Republic of South Africa and Angola.

"For decades, U.S. companies have invested in South Africa, where apartheid is the law of the land. These operations have been virtually unscrutinized. They have made huge profits there, while paying their black workers pitifully inadequate wages," said the Rev. Sterling Cary, president of the National Council of Churches, at a news conference.

Cary said the churches have asked the corporations to include the request on annual stockholder proxy statements.

The corporations are Caterpillar, Chrysler, Eastman Kodak, First National City Bank, General Electric, International Business Machines, International Telephone & Telegraph, Minnesota Mining and Manufacturing, Texaco, Xerox, Phillips Petroleum and Exxon.

The churches, besides the National Council are American Baptist, Protestant Episcopal, United Methodist, United Presbyterian and Unitarian Universalist. They claim 41 million members.

[From the Evening Star and Daily News, Washington, D.C., Dec. 22, 1972]

CAN THE NCC SURVIVE MR. CARY?

(By Lester Kinsolving)

DALLAS.—The National Council of Churches possibly may survive the three-year presidency of the Rev. W. Sterling Cary—but not if his administration is anything like the General Assembly which met here.

Cary, a United Church of Christ official from New York City, spent nine months as chairman of planning for the triennial meeting.

The result was disastrous from the very first day, when the NCC invited black militant poet Imamu Amiri Baraka (formerly LeRoi Jones of Newark) as one of its featured lecturers.

Baraka, a playwright and porny poet, delivered a 90-minute, obviously ill-prepared, rambling hate-America-and-whitey war dance with the flatulence of a poison gas bag. It virtually could have been duplicated by using old tape recordings of anachronistic people such as Stokely Carmichael.

Baraka's ranting was devoid of the frequent and vicious anti-Semitism ("cracking steel knuckles in a Jew lady's mouth") which has been so recurrent in his writing that his invitation by the NCC evoked strong protest from the leaders of the American Jewish Committee, the Anti-Defamation League and the Union of American Hebrew Congregations.

During a press conference Baraka declined to repudiate such sentiments.

It took newsmen two days to pry loose the fact that the NCC had guaranteed payment of $1,500 to meet Baraka's lecture fee.

"His fee is of no concern to the press!" Cary loftily informed numerous reporters from national and church media.

And Dr. David Hunter, the NCC's deputy general secretary, reacted with: "It's nobody's damned business! And you can quote me!"

It subsequently became apparent why there was such a fervent attempt to conceal expenditures of money contributed by the estimated 42 million members of 33 denominations who comprise the NCC.

It was learned that San Antonio's Catholic auxiliary Bishop Patrick Flores—who was put on the same platform as the $1,500 Baraka, but who by contrast, had his lecture prepared—was not paid a dime.

When asked how he thought this astounding financial discrimination will appear to the nation's Catholics, including Chicanos, Cary laughed and replied, "I think they will celebrate the fact that the bishop was close enough and had enough of a budget to be with us."

Flores two years ago pawned his bishop's ring so he could help the poor.

Commented Orthodox Bishop Mark Lipa of Massachusetts after hearing Baraka's demand for revolution and the destruction of capitalism: "This is the end of the NCC."

And Houston's Methodist Bishop Kenneth Copeland added: "I'm critical of a program which does not provide someone to answer a man of this sort."

Cary, a generally soft-spoken and affable 44-year-old who bears something of a physical resemblance to the late Dr. Martin Luther King, also disclosed, when asked, that he was a signer of the notorious Black Manifesto.

When asked during a press conference if he had ever repudiated this violent, bigoted and hate-filled document, he replied instead: "Conditions in America made the Black Manifesto a necessity. And those conditions are worse now."

[From the Dallas Morning News, Dec. 8, 1972]

Drugs, Lettuce: Varied Resolutions Approved by NCC

(By Helen Parmley)

In the final hours of the ninth triennial meeting of the General Assembly of the National Council of Churches, delegates debated and adopted 12 resolutions ranging from the rights of children and the drug traffic to a boycott on lettuce picked by non-United Farm Workers at hotels where the council meets in the future.

In a "rump session" of the Assembly, which will be eliminated in favor of a smaller, more representative board in the future, the 800 denominational representatives passed a resolution on Indochina that urged all parties in conflict to conclude the announced peace agreement "including a cease-fire without further delay."

An approved amendment added, "and until such a cease-fire is possible, the United States immediately cease its bombing attacks."

One of these opposing the resolution was the Rev. Douglas Oyan, United Presbyterian minister from Peoria, Ill., and former pastor to Defense Secretary Melvin Laird. Declaring that the resolution was too judgmental, the Rev. Mr. Oyan said, "They (Laird and other government officials) struggle for peace as much as you and I in seeking the will of God."

Other resolutions adopted included:

"The Rights of Children" which urged "quality developmental child care services" rather than "custodial child care" and opposed legislation that forces children of welfare mothers into custodial day care.

"An Appeal for Concern for Fellow Christians in the Middle East" which urged all member churches of NCC to "develop contacts by which they may reach a more compassionate understanding of the plight of all people in the Middle East."

"The Drug Traffic," which expressed concern for the education of all persons regarding abuse of drugs, tobacco and alcoholic beverages and encouraged churches to "more vigorously lift the religious values which under gird the sanctity of human life"

"Human Rights," which urged all denominations as well as individual Christians to consider implementation of the Universal Declaration of Human Rights as one of their highest priorities.

"Funding of Higher Education," which encouraged support for legislation to approprite" Basic Opportunity Grants" to disadvantaged persons living below the poverty level. This resolution was referred to the council's governing board.

During the plenary session Wednesday night, delegates adopted a resolution to demilitarize American society, encourage defense industries to engage in production for peaceful purposes, urge Congress to reassert its powers concerning U.S. commitments abroad and to eliminate war.

In introducing the resolution, Dr. William P. Thompson of New York, stated clerk of the General Assembly of the United Presbyterian Church and chairman of a national inquiry group on war crimes, said, "War crimes are not only war crimes, but sins.

"They are not limited to the Lieutenant Calleys. They are a corporate sin . . . of the body politic of which you and I are part . . . If the NCC has anything to say about the situation, it has to say something about that sin."

DAVID VAN VACTOR

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1973

Mr. DUNCAN. Mr. Speaker, after enriching the lives of many Tennesseans for 25 years with the sound of symphonic music, David Van Vactor has retired as conductor and musical director of the Knoxville Symphony Orchestra. Mr. Van Vactor's retirement clearly represents a great loss to the musical arts in our community. All of us will miss hearing the sound of David Van Vactor's special musical genius.

Mr. Van Vactor joined the Knoxville Symphony Orchestra in 1947 after distinguishing himself with the Chicago and Kansas City Symphony Orchestras. On the international scene, David Van Vactor guest conducted such famous orchestras as the London Philharmonic, the Frankfurt Jugend Symphonie, the Palmengarten Symphony, and the State Symphony Orchestra of Chile.

Musical composition also filled the career of David Van Vactor as witness the many commissions which he fulfilled for symphony societies both in the United States and abroad.

David Van Vactor may have taken his final bow as the conductor of the Knoxville Symphony Orchestra, but the applause for his work will follow him into retirement.

The enclosed editorial from the Knoxville News Sentinel sums up the admiration and appreciation we all share for David Van Vactor.

Good Luck, David

David Van Vactor, for 25 years the conductor and musical director of the Knoxville Symphony Orchestra, has decided to hang up his baton. His resignation leaves a void in the cultural life of the community which will be difficult to fill. Music is his life—composing, arranging, teaching, conducting—as it also is for thousands of Knoxville music lovers and others elsewhere where his impact is felt.

Music will continue to dominate as he remains a professor of music at the University of Tennessee where he has taught since 1947. Music has brought him many rewards both here and abroad and we are more culturally aware because of his devotion to the art.

We wish David and his wife, Ginger, the very best.

BILL FOR TAXPAYERS

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1973

Mr. KOCH. Mr. Speaker, I would like to bring to the attention of my colleagues a bill I am introducing today to give all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns. In application, this means that the single and head of household taxpayers would be able to use the "joint return" schedule.

The current discrimination against single taxpayers is the result of an historical quirk. In the 1940's many States adopted community property laws which provided that one-half of a couple's income had been earned by the spouse, whether or not the spouse was working. Congress then changed the Federal tax laws to conform to this situation, thereby lowering the Federal tax burden on married people in all States, but neglecting to take into account the economic hardship imposed on the unmarried.

This bill would not discriminate against married persons filing joint returns, but would simply remove the unfair and inequitable rates now paid by single taxpayers. The Tax Reform Act of 1969 attempted to mitigate the discrimination against the single taxpayer, but unfortunately it did not go far enough. A single taxpayer can still pay as much as 20 percent more in taxes than the married taxpayer, and a head of household taxpayer, 10 percent more. Approximately 25 million taxpayers would be affected by this legislation. I believe that taxes should reflect the differences in the taxpayer's responsibilities for dependent support, but the way to do this is through exemptions for dependents, not through different tax rate schedules.

This legislation presently has bipartisan support from 77 Members of Congress. Similar legislation has been introduced in the Senate by Robert Packwood, Republican of Oregon. I also am pleased to report that this measure will be considered with the tax reform legislation by the House Ways and Means Committee later this year.

LEGISLATIVE REORGANIZATION ACT OF 1970

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1973

Mr. CRANE. Mr. Speaker, on behalf of the members of the minority party of the House of Representatives, my distinguished colleague, the gentleman from Michigan (Mr. Gerald R. Ford) and my colleague, the gentleman from Illinois (Mr. Arends) have dispatched a telegram which I believe is of serious concern to every Member of the House whether Democrat or Republican.

The deliberations which my colleagues on the other side of the aisle are undergoing on this subject will, I sincerely hope, lead to a correction of this unfair and inequitable situation. I include the text of the telegram in the Record at this point:

Telegram

January 19, 1973.

Hon. John W. Gardner,
Common Cause,
Washington, D.C.
Mr. Ralph Nader,
Center for Study of Responsive Law,
Washington, D.C.

Because of your continued public expression of interest in the whole matter of Congressional reform, the 191 Republican Members of the House of Representatives hope you will take a public position in support of that provision of the Legislative Reorganization Act of 1970 which calls for a full one-third of the Committee staffs to be allocated to the minority party.

You will recall that in their January 1971 caucus, the Democratic Members of the House voted to negate the effectiveness of this provision of law in an arbitrary and capricious manner.

We firmly believe that full minority staffing as it was supported on a broad bipartisan basis in debate and in the voting on the Legislative Reorganization Act is a prerequisite to the effective functioning of the minority in the House and a vital step in restoring strength and vigor to the Federal System.

May we hear from you at your earliest convenience on this matter and may we schedule a joint press conference to air this matter publicly?

Cordially,

Gerald R. Ford,
Minority Leader.
Leslie C. Arends,
Minority Whip.

MEMORIAL ADDRESS FOR HARRY S TRUMAN

HON. EDWIN D. ESHLEMAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1973

Mr. ESHLEMAN. Mr. Speaker, for the benefit of my colleagues and others who read the Congressional Record, I wish to include in the Record the remarks of Dr. Wallace E. Fisher, senior pastor of Trinity Lutheran Church, Lancaster, Pa., when the citizens of our community paid tribute to the life and service of the late President Harry S Truman at a memorial service held on December 28, 1972.

Dr. Fisher's remarks follow:

Memorial Address for Harry S Truman

Dean Acheson in his enlightening volume of memoirs, "Present At The Creation," wrote of the seven years from 1945 to 1952 (the years of Mr. Truman's Presidency): "Only slowly did it dawn on us that the whole world structure and order that we had inherited was gone . . ." And it was. It had begun to crumble in 1914.

For the first time in *America's national history* the British Empire fell apart; Stalinist Russia emerged as one of two competitive power centers in the world; the birth of Communist China was imminent; nuclear weapons were first used and then developed competitively to frightful potential; the speed and load of fighter planes and bombers increased radically; the Third World took shape; the dispossessed in America and throughout the world began to demand their place in the sun. In that chaotic decade after World War II, Harry S Truman served as the thirty-third President of the United States.

Never in the history of American government had any president, more untrained and inexperienced, faced so many awesome changes on so many domestic and international fronts. George Washington presided over the establishment of our national government, but *that* government embraced only several millions of people and the geographic isolation of the new nation was almost absolute. Abraham Lincoln came to office as eleven Southern states seceeded and formed a rival government. But states' rights and secession had been debated philosophically and probed pragmatically in the North and South for fifty years. And the explosive socio-economic issue—slavery—had been argued pro and con in households North and South since 1787. Franklin Roosevelt came to office when the economy and spirit of America had drooped to its bootstraps. But Mr. Roosevelt was relatively free to concentrate on domestic issues until 1938.

Harry S Truman—untrained for the President's office, lacking any first-hand knowledge of secret international agreements, and unaware until he took office that the atomic bomb was almost operable—was called to guide the nation in a period of cataclysmic political, economic, technological, and social change.

Those unprecedented changes required President Truman to make a series of far-reaching decisions that ranged from using the atomic bomb to the firing of a military leader who had become a legend in his own time. Mr. Truman, during his almost eight years in office, was criticized, caricatured, ridiculed, villified. He was also respected, appreciated, trusted, and followed, first by ordinary citizens, and then by urbane intellectuals like Dean Acheson who called him, "the captain with the mighty heart."

Mr. Truman, stepping down from the Presidency in January, 1953, declared that he would like the epitaph he had found on a particular grave marker in Tombstone, Arizona, to be applied descriptively to his administration: "Here lies Jack Williams. He done his damnest." Millions of Americans agreed to that epitaph the day Harry Truman left office. Twenty years later, knowledgeable students of American government were suggesting that Mr. Truman would win a place alongside Washington, Jefferson, Lincoln, Wilson, and Franklin D. Roosevelt; some, without equivocation, had already given him that place.

What sort of person and president was this man who, entering office so humbly, carved so boldly such a distinguished niche in American history?

Harry S Truman was a gentle family man. Unlike Franklin Roosevelt who first broke his marital vow when he was Assistant Secretary of the Navy and apparently cherished that relationship to the day he died, Harry Truman was devoted to the childhood sweetheart who eventually became his wife. His meanest critics never intimated that he was untrue to the woman he married. The worst they suggested was that he was gauche in speaking publicly of Mrs. Truman as his "Sweetheart" and as "The Boss."

Mr. Truman's life-long devotion to his daughter, Mary Margaret, flashed into world view when he wrote a petty letter to a music critic who had suggested that Mary Margaret was not overly talented musically! Margaret Truman's recent book about her father is not especially helpful to the critical historian when she talks about him as a public figure. It is invaluable to the historian, however, when she writes insightfully about the father she loved and who loved her.

From first to last, Harry Truman—in spite of heavy public responsibilities—enjoyed a meaningful relationship with his wife, daughter, sister, and mother. When he retired from office twenty years ago, Harry and Bess Truman went eagerly to their unpretentious home in Independence, Missouri. After her marriage to Clifton Daniel, Margaret and her family visited Independence regularly and happily. Her father's relationship with his grandchildren was proud and warm. Harry S Truman was a gentle, responsible family man.

Harry S Truman was a tough-minded, stout-hearted politician. When he came to the Senate at fifty-one, he was referred to disdainfully as "the man from Pendergast." Indeed, without that particular political boss, Mr. Truman would not have gained a place in the United States Senate. He never pretended otherwise. Refreshingly, he acknowledged his personal debt. Boss Tom Pendergast, imprisoned for graft during Truman's first term as a Senator, came home to Missouri to die. Senator Truman was the only national figure present at Pendergast's funeral. The Hagues, the Pendergasts, the Daleys, and other political bosses have had a large hand in bringing hundreds of effective politicians to state and national power in our American system, but I can recall no national figure who was more candid about his political origins than Harry S Truman.

When Senator Truman ran for reelection

to the United States Senate, President Roosevelt endorsed Truman's opposition in the primaries. But Senator Truman, a rugged political in-fighter, slugged it out in a mean campaign in the primaries, winning the state election with the slim majority of eight thousand votes.

During Mr. Truman's second term in the Senate, he served as the Chairman of the committee appointed to investigate war contracts. He proceeded without regard for party or person, saving the United States thousands of lives and millions of dollars by keeping government contractors reasonably reliable and honest.

Everyone remembers Mr. Truman's courageous uphill fight for the Presidency in his own right. Certain members in his own party, most Republicans, the political opinion polls, and the majority of newspapers named Thomas Dewey a hands-down winner. But all these had underestimated Harry Truman *and* the rank and file voter. Truman whistle-stopped thirty thousand miles around the country, speaking extemporaneously. When the ballots were tallied, he had over-matched the platitudinous Thomas Dewey, the reactionary Strom Thurmond, and the starry-eyed Henry Wallace.

That same politician's skill served Mr. Truman and the nation well during his years at Blair House and in the White House. In the American political system, a president without poiltical know-how is severely handicapped. Harry Truman—like Abraham Lincoln and Franklin Roosevelt—was a master politician. He also loved rough-and-tumble politics, stating bluntly that public figures "who couldn't stand the heat should get out of the kitchen."

Harry S Truman was a stout-hearted, tough-minded politician.

Harry S Truman was a bold, imaginative, decisive statesman. Ethicists will debate for centuries the rightness of his decision to drop two atomic bombs on Japan. But judging President Truman's decision in historical context—the evident possibility of saving several million American and Japanese lives; his newly gained knowledge of the weapon; the uncertainty of its potential; and the national psychological conditioning effected by the Allies' insistence on unconditional surrender—one accepts that he did his duty as President.

Nonetheless, I have wished since August, 1945—and expressed that wish publicly on occasion—that the American government had first demonstrated the effectiveness of its new weapon to Japanese observers before dropping it on Hiroshima and Nagasaki. I have also said publicly that one bomb was certainly enough; Nagasaki need not have been hit. But neither then nor since have I been a self-righteous critic of Mr. Truman on this issue. My remembrance of the historical situation in 1945 has restrained me. And from that day to this, I have admired Mr. Truman for not shifting the responsibility for that decision on other members of his government.

But that was only his first unprecedented decision! History asked Harry S Truman to make scores of other far-reaching decisions. He made them with caution, insight, and boldness: support for the United Nations, aid to Greece and Turkey, the rebuilding of Western Europe, the fashioning of NATO, a firm but reasoned resistance to Communism, the Korean War, the firing of Douglas MacArthur, a firm if modest fight for civil rights legislation, a continuing plea for Medicare—and more.

Decisions—Decisions—Decisions. The farmer from Missouri, the politician from Pendergast, the ordinary citizen from Independence, "the captain with the mighty heart"—Harry S Truman, thirty-third President of the United States—decided so boldly and so wisely that before he died this week at eighty-eight, he knew that most of his fellow-citizens had rated him a near-great President and that some had rated him a great President.

Harry S Truman, the ordinary citizen from Independence, Missouri, was an extraordinary President of the United States.

HEATING OIL IMPORTS FOR MIDWEST STATES

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1973

Mr. FRASER. Mr. Speaker, my colleague from Minnesota, BILL FRENZEL, and I are introducing legislation today which would lift import controls on home heating oil coming into the Midwest. The suspension last week by the President of heating oil import quotas for the first 4 months of 1973 neither totally solves the crisis this year nor will it prevent a similar crisis from occurring next year. Moreover, it is hard to understand why this action was so long in coming. Disaster signals could be clearly read many months ago .

The people of the Midwest States should not have to depend on 11th-hour emergency measures. Advance time is needed to contract abroad for fuel. We should be able to plan this year for the next, in order to insure an adequate fuel supply. Furthermore, distribution problems arising out of the geography and climate of the Midwest region deserve special consideration.

The fuel crisis this year clearly shows that our present oil quota system cannot assure sufficient supplies. I hope that the Congress will end the current restrictive policy, one of the effects of which has been to safeguard the profits of the oil industry at the expense of the American consumer. The bill we are introducing would make a small but important contribution toward permanent liberalization of our oil import program.

Title I of the Midwest States Fuel Oil Act would permit unrestricted imports of home heating oil into the following nine Midwestern States: North Dakota, South Dakota, Nebraska, Kansas, Missouri, Iowa, Minnesota, Wisconsin and Michigan. A separate oil district has been established for the west coast States because of their special problems. In the same way, in this bill, the special problems of the Midwest States would be recognized. This title would enable independent dealers to obtain fuel supplies overseas. They would no longer have to rely primarily upon the major oil companies and could be sure of an ample supply of fuel for themselves and their customers.

Title II of the bill would eliminate the tariff on all oil imports from non-Communist countries, thereby freeing consumers from a $90 million charge they have paid each year.

Title III would direct the Secretary of State to enter into negotiations with Canada to establish a "North-central Regional Oil Area," a free trade area in petroleum and petroleum products for the Midwestern States and their northern neighboring Provinces.

Temporary measures, like those taken last week, are not sufficient. What is needed is the creation and execution of a national energy plan. The current heating oil crisis has proved that a national energy policy is now an immediate necessity and not a long-term convenience.

At the least, the lifting of restrictions on imports of heating oil should be made part of a continuing program. The bill we propose would do this for an area of the country where cold winters, frozen rivers, and insufficient local production make supplementary sources of supplies a necessity.

BORIS SMOLAR AWARD

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1973

Mr. BROOMFIELD. Mr. Speaker, I am pleased and proud to congratulate Mr. Philip Slomovitz, editor of the Detroit Jewish News, who has been awarded the first annual Smolar Award for Excellence in American Jewish Journalism. It has been my pleasure to know Phil Slomovitz for many years and as such I can personally attest to the contribution that this one individual has made to American and Jewish letters. It should be noted that Phil was selected to receive this award, given in honor of Boris Smolar, editor in chief emeritus of the Jewish Telegraphic Agency and a distinguished journalist and author, from among 75 other nominees.

Mr. Speaker, I must confess that I am less than surprised that Phil Slomovitz has been chosen to receive this coveted award. As one who has for years admired his work, which spans every facet of journalism, from editorials, straight report, book reviews to columns, I know Phil as a distinguished and accomplished journalist with few equals. I, too, have been struck by the clarity and depth of his writing and from time to time I have inserted his work in the CONGRESSIONAL RECORD. It is good to know that others have taken note of his efforts.

Mr. Speaker, Phil Slomovitz is truly one of the deans of American Jewish journalism and there is no greater proof of this than the Smolar Award given to him by his peers. Before I include the following news articles concerning this award in the RECORD, I would like to note one more aspect of Phil Slomovitz's character.

Presented with a $500 check which accompanied the Smolar prize, he immediately announced that he would donate the money to the Jewish Telegraphic Agency's journalism internship program which he helped to institute 2 years ago. It is characteristic of Phil Slomovitz that he, who has devoted so much of his own life to the development of the Jewish press, should also be devoted to its continued growth and excellence in the future.

Mr. Speaker, two articles describing the award and its presentation follow:

Text of Jerold C. Hoffberger's Address Presenting First CJF Boris Smolar Award

(In his address to the 2,000 U.S. and Canadian Jewish leaders at the banquet session of the 41st general assembly of the Council of Jewish Federations and Welfare Funds, at the Royal York Hotel, Toronto, Saturday evening, to mark the presentation of the Boris Smolar Award to Philip Slomovitz, editor of The Detroit Jewish News, Jerold C. Hoffberger, Baltimore, said:)

Woven into the fabric of this general assembly and constantly a subject of discussion at meetings in every level of Jewish life is the importance of the Jewish press. All of us in this room would admit that we cannot even come close to absorbing the huge mass of information which comes to our attention.

It is simply too overwhelming.

We have to pick and choose the areas we want to know about. And, we obtain that information in a variety of ways. It can come from traveling, from watching television, from talking with leaders and experts, and, most importantly, from reading.

"Of all of our experiences that lead to learning, reading is the foundation. What we see, what we hear and what we say are important, but they serve to reinforce or enlarge the perspective and insight we gain by what we read.

"This is particularly true when our interest is as specialized as the many faceted world of Jewish affairs. In this field, we essentially have rather limited sources of information on which to rely. Primary among them are the American Jewish newspapers that serve Jewish communities, large and small, in both Canada and the United States.

"Apart from events of critical national or international significance, for most of us, the regular medium for news and commentary on Jewish affairs and issues is the weekly, biweekly or monthly Jewish newspaper.

"This is why the Council of Jewish Federations, motivated by Boris Smolar, established the Smolar Award for excellence in American Jewish journalism a little over a year ago. I was given the honor of serving as chairman of a distinguished award committee which was responsible for developing the guidelines, publicizing the award, screening the entries and determining the first winner of what will be an annual prize.

"Boris Smolar has spent his life writing about Jewish affairs. He is vitally aware of the importance to the Jewish community of a vibrant and constantly improving Jewish press. Like many others he dispaired at the demise of many publications which reported and interpreted Jewish news.

"Boris Smolar, as he reached the pinnacle of a long and productive career, did not look back to see a large number of young people following in his journalistic footsteps.

"He knew that important journalism appeared on the pages of the Jewish press, and his aim was to bring it to the fore and focus public attention on the high caliber of writing and reporting.

"By virtue of this award, Mr. Smolar and the Council of federations are hoping to elevate the esteem in which Jewish journalism is held throughout North America and to encourage promising reporters and editors to enter the field.

"The response we have had in this inaugural year has been gratifying. There were 75 entries for the journalistic award. The level of excellence in the articles and publications submitted to the committee encouraged us.

The applicants were narrowed to a field of six, and because of the uniformly high quality of the entries, it was decided to cite five of them for honorable mention in addition to the first prize winner.

"These whose work warranted special mention are: Anald Ages, editor of the Toronto Chronicle Review; Esther Blaustein, editor of the Jewish Community News of Union City, N. J.; Jack I. Fishbein, editor-publisher of the Chicago Sentinel; Earl Lefkowitz, a reporter for the Boston Jewish Advocate; and Joseph G. Weisberg, executive editor-publisher of the Boston Jewish Advocate.

"As the first recipient of the Smolar Award, the committee has selected Mr. Phillip Slomovitz, editor-publisher of The Detroit Jewish News.

"Mr. Slomovitz is a veteran newspaperman and editor. He is a journalist of considerable range and scope. His reporting and commentary touched on a host of local, national and international issues affecting the American Jewish community. He is as adept in straight reporting as he is in writing editorials, book reviews or columns.

"He did his job with style and clarity. His reporting was fair and creditable. His commentary, his interpretative writing expressed a point of view in understandable and persuasive terms.

"Mr. Slomovitz brought to the entries we reviewed—(covering a period between June 1, 1971, and May 31, 1972)—the experience of many years in the newspaper business. He began as a student editor of the University of Michigan Daily, continuing in journalism with the Detroit News and now The Detroit Jewish News.

"As a diplomatic correspondent, Mr. Slomovitz covered the founding of the United Nations in San Francisco in 1945, and the United Nations itself from 1946 to 1949.

"He personally reported the Eichmann Trial and the Six-Day War in 1967 among other ventures abroad.

His is a distinguished career. He richly deserves the Smolar Award.

"Presenting this award to Phil Slomovitz is a distinct pleasure for me. It is a Council first—it goes to a dedicated Jew. It recognizes excellence in a profession which is aware as never before of the need for excellence."

Jewish News Editor Honored at CJF Assembly; Presented With Smolar Award by Hoffberger

TORONTO.—Philip Slomovitz, editor of The Detroit Jewish News, has been named first recipient of the Smolar Award for Excellence in American Jewish Journalism.

Jerold C. Hoffberger, chairman of the Council of Jewish Federations and Welfare Funds' Smolar Award committee, made the presentation of a $500 prize and a citation recognizing Slomovitz's "outstanding reportage and writing on Jewish communal developments" during the contest period, June 1, 1971, to May 31, 1972, at the Saturday evening banquet, a highlight of CJF's 41st general assembly, at the Royal York Hotel here.

In his response, accepting the plaque and check from Hoffberger, Slomovitz announced that he was presenting the $500 award money for expansion of the internship program for the training of prospective Jewish journalists conducted by the Jewish Telegraphic Agency.

The award was established by the CJF in honor of Boris Smolar, editor-in-chief emeritus of the Jewish Telegraphic Agency and a distinguished journalist of long standing in both the general and Jewish newspaper fields, as well as an author on Jewish affairs.

In discussing the selection of Slomovitz by the award committee, Hoffberger said that the award has been earned by the Detroit newspaperman for "his comprehensive coverage of the main currents and concerns before the American Jewish community; and for the consistently high quality of his reportage and writing which ranged during the year from book reviews to straight reporting, from pertinent commentary on scholarly, historical research to critical editorial opinion on the topical Jewish issues and stories of the day."

A total of 75 journalists—men and women, newcomers to the field and veterans, appearing in American-Jewish newspapers in the United States and Canada, submitted entries for the 1972 Smolar Award.

"The keen interest and competition, while both a widespread and gratifying response to this first award, also gives promise of a revitalized American-Jewish press, alert to the growing needs of the community," Hoffberger said.

In its review, the committee narrowed the field of 75 to six newsmen and women and was "impressed by the journalistic standards, competence and vigor they manifested."

The finalists are listed in Hoffberger's address.

During his career, Slomovitz served as both foreign and diplomatic correspondent. He covered the founding of the United Nations in San Francisco in 1945 and the United Nations from 1946 to 1949. His foreign assignments included 16 trips to Israel as correspondent for the Jewish News, other American Jewish newspapers as well as for the Detroit Free Press. Slomovitz also covered both the Eichmann trial and the Six-Day War of 1967.

The Smolar Award winner is a vice president of the Jewish Telegraphic Agency and a founder of the American Jewish Press Association, which he served as president for 10 years. He has held a score of national and Michigan posts in communal services and Zionism. He is a contributor to the Universal Jewish Encyclopedia, Encyclopedia Judaica and to numerous magazines and has long been active in many Jewish organizations.

Nominations for the 1973 Smolar Award are now open and will cover reporting and writing published in the American-Jewish press between June 1, 1972, and May 31, 1973.

The Smolar Award committee, chaired by Hoffberger, who also serves as chairman of the executive committee of the Jewish Telegraphic Agency, includes representatives of the Jewish and general press, of the arts and letters, the field of public relations, community leadership and the CFJ board of directors. They are: Elie Abel, New York; Robert H. Arnow, New York; Lavy M. Becker, Montreal; Mrs. Louis A. Bernhard, Milwaukee; Alfred Fleishman, St. Louis; Irving R. Isaacs, Pittsburgh; Max Jacobs, Buffalo; Elmer Louis, Rochester, Dr. John Slawson, New York; Isidore Sobeloff, Los Angeles; David Starr, New York; Saul Viener, Richmond; Elie Wiesel, New York; Jimmy Wisch, Fort Worth; and Max M. Fisher, Detroit, ex-officio.

HARRY S TRUMAN

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 9, 1973

Mr. SHRIVER. Mr. Speaker, I join with my colleagues in the House of Representatives to pay tribute to the memory of former President Harry S Truman. His passing is truly a great loss to all Americans. Harry Truman was a man who assumed the responsibilities of the Presidency in a difficult and critical time in our history, and went on to prove that he was a man who could act decisively and shoulder the responsibility for the decisions he made.

Harry Truman brought World War II to an end with the decision to bomb Hiroshima. He set up the Marshall plan to assist war-torn nations abroad, and gave vital support during the establishment of the United Nations. He fought Communist takeover wherever it threatened, with such actions as the Truman doctrine in Turkey and Greece, and the Berlin airlift. Harry S Truman gave our Nation courageous leadership in a time when such leadership was essential.

He was also a man who was not self-impressed with his role as President. He knew his shortcomings and never thought of himself as infallible. He always considered himself "just a simple man from Missouri." His courage and integrity, his compassion and commonsense, and his ability to reach the people of this Nation and gain their trust, should stand as shining examples to all of us in government today.

Mrs. Shriver joins with me in extending deepest sympathy to Mr. Truman's family.

LEE HAMILTON'S JANUARY 8, 1973, WASHINGTON REPORT ON THE MAJOR ISSUES FACING THE 93D CONGRESS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1973

Mr. HAMILTON. Mr. Speaker, I include my January 8, 1973, Washington report on the major issues facing the 93d Congress in the RECORD at this point:

WASHINGTON REPORT BY CONGRESSMAN LEE HAMILTON

The dominant theme of the opening days of the 93d Congress is the urgent necessity for the Congress to regain some of the authority surrendered to the President in recent years. A mood of anxiety about the expansion of Presidential power at the expense of the Congress dominates the speeches and the conversations of the lawmakers. This theme is present in practically every legislative issue before the Congress, but it is most obvious in two paramount issues: Vietnam and federal spending.

Concern about continued U.S. military involvement in Vietnam is the most hotly discussed issue as the Congressmen reassemble, and, if a cease-fire is not negotiated soon, renewed Congressional efforts to end the war are certain. Foremost among the domestic issues, and cutting across a great variety of specific legislative issues, will be the fight over where and how many federal dollars are spent and whether a firm spending ceiling should be enacted. Among the major issues on the staggering agenda to be faced by the 93d Congress are:

AGRICULTURE

The 1970 Agriculture act expires Dec. 31, 1973, and a major battle can be expected on the controversial farm price support program, and on the limit on the amount a farmer can be paid.

CONSUMER AFFAIRS

Prospects for no-fault automobile insurance, the creation of an independent consumer protection agency, minimum warranty standards, and truth-in-advertising will be the consumer issues of the 93d Congress.

ECONOMIC POLICY

Federal spending, tax reform, extension of wage and price controls, the way the Congress handles the federal budget, and trade policy will easily make the economy the most lively domestic issue before the Congress.

EDUCATION

Since most aid to elementary and secondary education programs expires in 1973, the federal role in education will be reviewed by the Congress. Tax credits for children attending non-public schools and anti-busing legislation also will be considered.

ENVIRONMENT

Department of an energy policy will emerge as a major issue in the 93rd Congress. Priority attention will be given to a federal policy on the use of the nation's public and private lands, the regulation of strip mining, and how to handle the rapidly increasing volume of solid wastes.

FOREIGN AFFAIRS

Vietnam, the unsolved problem of what to do with foreign aid, and efforts to limit the President's war powers will be the major foreign policy issues of the session.

GENERAL GOVERNMENT

No new civil rights proposals are expected in 1973. The President may concentrate much of his attention on reorganization of the federal bureaucracy and the seven existing departments of government. In law enforcement, substantial proposals are underway to reform the entire federal criminal code, federal judiciary, the bankruptcy system, and the program of assistance to state and local law enforcement agencies.

HEALTH

Comprehensive health insurance proposals will headline major clashes over health legislation in the 93rd Congress. Health Maintenance Organizations, to provide comprehensive health services to voluntarily enrolled membership groups on a prepaid basis, the extension of present legislation for hospital construction, community mental health centers, regional medical assistance and health professions will make the health issue a major focus of this Congress.

LABOR AND MANPOWER

Although no legislation is presently being proposed, Congress may be forced to grapple with a series of major labor disputes since several major contracts are open for negotiation this year. Attempts to regulate pension plans, an increase in the minimum wage, improvements in the Occupational Health and Safety law, reform of the federal manpower programs, and extension of public service jobs are certain to be considered by the Congress.

TRANSPORTATION

Extension of the federal highway program is the priority program in transportation, and that will bring up the controversial issue of whether to open the highway trust fund for mass transit systems. Review of Amtrak (the national railroad passenger corporation) and the supersonic transport can also be expected.

URBAN AFFAIRS

Passage of legislation to restructure the massive federal housing and community development programs is open to doubt because issues are so complex and contentious.

WELFARE

Although most everyone acknowledges the need for change, welfare reform remains a major question mark in 1973 since the President's approach is not clear, and Congressional leaders are not in agreement on the approach to it.

TRIBUTE TO JIM SMITH

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. DON H. CLAUSEN. Mr. Speaker, I am pleased to join in this warm tribute to my good friend Jim Smith who is leaving his position as Administrator of the Farmers Home Administration.

It has been my great personal pleasure to have worked closely with Jim for many years and I am grateful for the opportunity.

Jim always exhibited a keen interest in our efforts to bring about economic diversification and stability to the Redwood Empire and rural America. His interest and diligence have allowed us to advance a number of FHA projects that have improved the standard of living and enhanced the quality of life in the small communities all along the north coast of California.

You have heard me here many times, Mr. Speaker, urging a full-scale program of rural revitalization and diversification in order to ease much of the population and ecological pressures on our already overcrowded and polluted major metropolitan centers.

Jim Smith has done as much as anyone to help advance this goal. I look forward to his continuing efforts in this regard even though he is leaving Government service. In fact, I suppose his return to his hometown of Chickasa, Okla., demonstrates his personal commitment to reversing the trend of migration to urban centers.

A public servant in the finest sense of the word, Jim Smith will be missed by all Members of the Congress for both our personal and professional relationships with him. I wish him the very best.

TRIBUTE TO THE LATE CONGRESSMAN LEO E. ALLEN

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 22, 1973

Mr. McCLORY. Mr. Speaker, it is some years now since I last saw former Representative Leo E. Allen, who retired from Congress as Representative of the 15th Illinois District just 2 years before my election to this Chamber.

Mr. Speaker, notwithstanding this absence of recent contact, I recall vividly the many years of congressional leadership of Leo Allen, principally during a period when I was serving in the Illinois House of Representatives and State Senate. Leo Allen's district adjoined my senatorial district at that time, and I followed his career, and embraced in a general way, his philosophy which he articulated so eloquently and earnestly in this House of Representatives.

Mr. Speaker, the 15th District of Illinois benefited from Representative Leo Allen's 28 years of service in this body. His capable service, including 4 years as chairman of the House Rules Committee, attests to the successful leadership role which he enjoyed during that time.

Mr. Speaker, I feel privileged today to pay tribute to Leo Allen, and to his career of distinguished service. I extend to his children and other members of the family my respect and deep sympathy.

NEW SECTION ESTABLISHED TO ASSIST IN SETTLING INTERNATIONAL DISPUTES

HON. WILLIAM J. GREEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1973

Mr. GREEN of Pennsylvania. Mr. Speaker, recently, the World Peace Through Law Center announced the formation of a new section on International Legal Education. The citizens of Philadelphia are proud that a distinguished member of the common pleas bench, senior Judge Raymond Pace Alexander, was named chairman of the new section. As chairman, Judge Alexander will work closely with prominent legal scholars and jurists from throughout the world to define a flexible basis and a common ground upon which to strengthen the facility international law and legal institutions for settling international disputes.

Judge Alexander is one of the most able jurists on the Philadelphia bench, and widely respected as an eminent legal scholar. His cochairmen on this new section will be Dean Peter J. Liacouras of Temple Univerity Law School and Dean Bernard Wolfman of the University of Pennsylvania Law School, both eminent legal scholars and distinguished Philadelphians.

I include, for my colleagues information and convenience, a copy of the news release announcing the creation of this section and Judge Alexander's statement regarding the purpose of this new section.

The material follows:

INTERNATIONAL LEGAL EDUCATION SECTION CREATED

Charles S. Rhyne, President of the World Peace Through Law Center, announces the formation of a new and important Section of the Center, the Section on International Legal Education. Judge Raymond Pace Alexander, Senior Judge of the Court of Common Pleas, Philadelphia, Pennsylvania, U.S.A., has been named Chairman of the Section. Dean Peter J. Liacouras of Temple University Law School, Philadelphia, and Dean Bernard Wolfman of the University of Pennsylvania Law School, Pennsylvania, have been designated co-chairmen of this newly formed Section.

The Section will also have a working Executive Committee of 30 prominent legal scholars and jurists from throughout the world. A membership drive is in the process of being conducted to obtain active support from prominent lawyers, judges and legal scholars from all nations.

The Section on International Legal Education provides the first opportunity for the deans, professors, alumni, and, indeed, students of Law School from all nations in the world to work together in common to strengthen existing international laws and legal institutions. The Chairman, Judge Raymond Pace Alexander, will work closely with these legal scholars throughout the world in defining a flexible basis and a common ground upon which international disputes can be settled. The Section will seek to instill a greater respect for the United Nations and the International Court of Justice. In Judge Alexander's words:

"We should cause the scholars of the world to recognize that the controlling ethic of the legal profession and the judiciary is a profound respect for the dignity of the personality of the individual. In directing our efforts toward the educational process, we will be equipping future lawyers with the all important ethic with which to approach international problems and disputes by means of the Law."

The Section of International Legal Education will be represented at the Sixth World Conference of the World Peace Through Law Center, to be held in Abidjan, Ivory Coast, Africa on August 26–31, 1973. The Section will formulate a program for the Conference that is aimed at attracting lawyers, legal experts and jurists, as well as representatives from the law schools of the world to present their views and provide a firm starting point for the Section.

It is the hope of the Chairman of this new Section, Senior Judge Raymond Pace Alexander of the Common Pleas Court of Philadelphia to attract not only the graduate legal scholars, teachers, and writers of law, but also those who are in law schools or who expect to study law and, in addition, college and graduate students whose future will be in the field of Diplomacy. The Abidjan Conference expects to have on its agenda such subjects as "The Need for Legal Minds in a Changing Diplomatic World," "New Dimensions in International Law," "Law Students, Their Potential and Service to the Community," "Modern Trends in Legal Education," "How Tourism and International Athletic Competition Can Promote Better International Law and Understanding," "The Need for a World Charter for the Rules of Law" and "The Alienation & Polarization of Races as Serious Threats to the Rule of Law."

In the words of Mr. Rhyne, "No area of legal development is in more need of modernization, reform, and expansion so as to attune it to the needs of today than that of legal education. Change through research and cooperative exchange of information and experience is required. Much can be gained by the exchange of experience through new activities of law schools such as research on law of developing nations, law students assistance to those unable to afford lawyers, new types of law courses, legal materials and text books, courses for para-professionals, court managers, judges, and seminars in the nature of continuing legal education to bring to lawyers new ideas and experience from throughout the world. No worldwide organization to supply these needs exists in the field of international legal education. That is the purpose of the new Section on International Education."

COURT OF COMMON PLEAS,
Philadelphia, Pa., December 1, 1972.

I take pleasure in enclosing an article just released by Honorable Charles S. Rhyne, President of the World Peace Thru Law Center, headquartered in Washington and Geneva, announcing the creation of the new International Legal Education Section over which I have been named Chairman. The article goes into some detail on the purposes of this new Section in the field of International Law.

It would give me great pleasure if your valued publication would kindly let its readers know not only of the creation of this new Section which is quite a departure from the traditional field of International Law. The purpose of this Section will be to restructure this field of legal education and widen the scope of international legal studies in order to keep pace with the rapidly changing laws under which we now live and the complexities faced in the field of international law, comparative law and particularly the laws of the new emerging nations on the Continent of Africa and Middle East as well as other sections of the world. We must face the realization that at this time, international cooperation has become the dominant factor in international law.

If I may enlarge further on the enclosed release from the Washington Office of WPTL, I would add that one of the most important studies we are undertaking and expect to present for thorough debate and resolution at our World Conference to be held in Abidjan, Ivory Coast (West Africa), August 26–31, 1973, will be how to restore respect for and confidence in the United Nations as a Peace Making Body with real power to prevent the outbreak of the all too frequent brush wars that have threatened the peace of the entire world since the end of World War II.

We must recognize that we are dealing with new and ever more complex problems in the field of international law. We are seeking new solutions to the old and emerging problems. We must create new laws, new legal institutions. These problems are as new and difficult as those that challenge the law enforcement officials of the world, the jurists, the pilots of the world, the scientists of the world, now studying the horrendous and alarming number of national and international skyjackings which stagger the imagination and the skills of the entire world. Therefore, the obsolete and defective machinery for handling these crimes *must be updated* from the "4 cylinder Ford buggy" age to the Moon Age in which we now live.

America's hopes, indeed the hopes of the world, at the time of the creation of the United Nations were amazingly high. But, a few years later, even at this very moment, that great worldwide body is in a state of near paralysis. However, since the recent rapport by President Nixon with two of the world's great powers, China and the Soviet Union, the United Nations may become more than a sounding board of unilateral acts of the formerly three great nations of the world, now increased to four since the acceptance of China.

Our International Legal Education Section recognizes that the movement of law reform is sweeping the world and we in the United States must lend positive, organized leadership to that movement.

We urge, as one example, that the jurisdiction of the World Court should be enlarged by the creation of one or more inferior courts having jurisdiction in matters arising between citizens of different states or between residents of one nation-state and that state which refuses to recognize long term residence or even birth therein, or between citizens of one state and another state not claiming immunity, and that such decision shall have the same effect as a judgment therein, with a right of appeal to the World Court by either party.

We hope in this way that there shall never be another Bangladesh-Pakistan crisis that caused the death of hundreds of thousands of innocent people.

We hope there shall never again be the ejection of 40,000 persons from one of the newly formed nation-states in Africa, some of whom were born in that country but whose parents held British citizenship.

And, indeed, we hope again that in this way the cruel and utterly frightening and unjust religious war in Northern Ireland may be forced into compulsory arbitration before the high tribunal of the World Court for the earliest possible solution and an end to the needless bloodshed in that country.

Finally, with the aid of the world's great jurists, law deans, lawyers and the legal scholars in the Middle East, the United Arab Republic and in Israel who will participate in this Section of the Conference and who will appear at the Abidjan Conference, hopefully, en masse in August, 1973, it is our fervent hope that there may come from this Conference, an agreement between all the countries of the Middle East, which will bring to a permanent end the bitter, senseless and long standing differences that have existed ever since the founding of the new State of Israel in the year 1947. We pray and hope that our new Section on International Legal Education will help Israel and the surrounding countries as well as the United Arab Republic celebrate the 25th Anniversary of the new State of Israel with an honorable peace to all countries concerned.

Very truly yours,

RAYMOND PACE ALEXANDER,
Senior Judge, Chairman, Section on International Legal Education.

THE FUTURE OF THE MARITIME INDUSTRY—DOES IT HAVE A FUTURE?

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1973

Mrs. SULLIVAN. Mr. Speaker, as the majority member of the House Committee on Merchant Marine and Fisheries with the longest record of continuous service, and therefore as its prospective chairman, I was invited recently to speak today to the Propeller Club of Washington, an outstanding organization of men and women deeply interested in maritime matters. When I was invited and accepted, it was assumed that House committee chairmanships would be decided upon and formalized by now, but since the final determinations have not yet been made by the House, my remarks to the Propeller Club reflect the views I would bring to the chairmanship if seniority is followed in the selection of the committee chairman.

These views are consistent with those I have expressed on many, many occasions during my 20 year service on the Committee on Merchant Marine and Fisheries, and which I have voiced during many debates on the House floor on legislation originating in our committee. Thus, while there are hardly any surprises in these remarks to those who have followed the work of the committee over the years, they may be of interest to the Members in contemplating some of the problems which the 93d Congress will face in a major area of our national economy.

The jobs of thousands of Americans, the status of our balance-of-payments situation, and the cost to consumers of innumerable products made from imported materials depend on the health of the American-flag merchant marine.

Therefore, I submit my remarks to the Propeller Club today for inclusion in the RECORD, as follows:

THE FUTURE OF THE MARITIME INDUSTRY—DOES IT HAVE A FUTURE?

(Address by Congresswoman LEONOR K. SULLIVAN Democrat, of Missouri, before the Propeller Club of Washington, Tuesday, January 23, 1973, in room B340, Rayburn House Office Building)

I am delighted to be with you today and to be introduced by one whom I greatly admire. I have known and admired Helen Bentley both as an able and hard working maritime reporter for the Baltimore Sun and as a completely competent Chairman of a Commission charged with highly intricate regulatory responsibilities. In both of these capacities Mrs. Bentley has been a real inspiration to women and has earned the respect of everyone for her energy, forthrightness, and ability to get the job done.

The Propeller Club shares with the Congress a commitment to the promotion of the American Merchant Marine. That is why I consider your organization a particularly appropriate forum in which to discuss a subject of mutual and vital concern, and that is the future of the maritime industry; or put more accurately, whether the maritime industry in this country has a future.

As we are all aware, the Merchant Marine Act of 1970 set as a goal the building of three hundred ships by 1980 in phases of thirty ships each year for a period of ten years. While this goal is not currently being met, at least in terms of *numbers* of ships, over the past two years about thirty-six new ships and sixteen conversions have been contracted for. This represents not only the largest merchant shipbuilding financial outlay in this nation's peacetime history, but an act of faith by the American people in the ability of this industry to become viable and profitable.

Present indications are that shipbuilding in this country is on the threshold of a boom period, especially in tanker building. In spite of these glimmers of hope, the task of putting this industry on its feet is far from accomplished. The outcome is far from certain.

As we enter the ninety-third Congress, I think one of the fundamental issues before the Merchant Marine and Fisheries Committee is whether our maritime capability can be successfully increased to meet the present and future needs of our trade and economy in peacetime in a way which is fair and equitable to the largest single investor in our merchant marine, the American taxpayer. Can we make what is good for the merchant marine good for the country?

A NEW CHAPTER IN OUR MARITIME HISTORY

I am confident that, just as the Congress has lent its support to the effort to rejuvenate and modernize our merchant fleet, it is the desire of the maritime industry that this undertaking translate into significant benefits to the public.

We have begun a new chapter in our maritime history. In the past it has been war which has provided the impetus for resuscitating our shipbuilding industry. Today the needs of peace are becoming urgent.

The United States has seriously depleted its gas reserves in each of the last four years just to meet current consumer needs. Certain parts of the country have required emergency imports of liquified gas during the past several winters. At least twenty-one states have been forced to place limits on consumers' demands for gas. Experts have estimated that by 1985 the gap between our natural gas demand and new gas discoveries will be as large as the entire American gas consumption in 1969.

Our energy requirements between 1960 and 1970 rose some 41% or three and one-half times the rate of our population.

The trend in these markets of increasing dependence on foreign sources is but part of a general pattern. In 1972 we suffered a record six billion dollar trade deficit, triple the amount of 1971, when the United States suffered its first trade deficit since 1888. Another deficit looms for this year.

On the other hand, the rise of developing nations, the recent bilateral accord with the Soviet Union, the expansion of the Common Market, and other worldwide commercial growth all point to the continued acceleration of international trade.

KNOWING WHAT KIND OF SHIPS TO BUILD

If the maritime industry of the United States is to survive and prosper in such a climate, we must recognize that intelligent planning is as essential as modern shipbuilding. We know only too well the saying "ships do not move cargo; cargo moves ships." But are sufficiently intense efforts being made to locate new markets for our exports? Are we matching projected cargo, available tonnage and port facilities with the same precision with which we plan series production of ships, so that we know what kind of ships to build? Are we exploring all of the possibilities opened to us by new shipping technology both in our ocean commerce and on our inland waterways? Are we taking meaningful steps to educate our citizens concerning the contributions which our merchant marine is capable of making to our labor markets, balance of payments and defense needs? Is there a sufficiently free flow of information concerning our present and future needs? If this industry is to develop an economic and service advantage over its foreign flag competition, its attitude must be aggressive, its leadership determined, its sights high. I know that industry does not expect the Government to supply its cargo so it must find ways to compete for world shipping so that ships under the U.S. Flag get their rightful share of the trade.

Recent estimates reveal that our gas import needs by 1985 will require more than one hundred liquified natural gas tankers. How can this need be met in a manner which is compatible with the preservation of our environment and marine life? If we are to look to our own industry to supply this fleet, our future course must be carefully charted. What kinds of comprehensive and long range programs should be undertaken to coordinate such shipbuilding with the building of gas liquification plants, pipelines and storage facilities? What types of trained personnel will be needed? How should the financial burden be apportioned?

SETTING THE INDUSTRY'S HOUSE IN ORDER

If super tankers are to be used, what is the best way of planning and constructing the complex of ports needed to accommodate these vessels? Should they all be off-shore? What would be a proper geographical distribution of off-shore terminals?

If this industry is to assume its rightful role in developing solutions to these and countless other problems with which we will find ourselves grappling in the coming years, it must first set its own house in order. A house divided against itself cannot stand much less flourish. I have always believed that the workingman has a legitimate stake in this industry. But I also believe that the public has a stake in the maritime worker, and in the quality of his services and product. Labor must be willing to demonstrate its realization that a short term gain in wages which far exceeds productivity and results in a long term loss of jobs is as detrimental to its interests as to the future of this industry. Management must be willing to demonstrate its realization that the worries and frustrations of workers in an increasingly automated and capital intensive industry result in low productivity, bad morale and economic loss.

I cannot accept the proposition that the industry which gave birth to the container revolution in ocean shipping is incapable of developing effective machinery to reach settlements which avoid strikes, lockouts and work stoppages. Reliable service is mandatory if our merchant marine is to carry an increased share of our cargo. Reliable service means assurance that the cargoes will move on schedule.

Woodrow Wilson once said that "the best form of efficiency is the spontaneous cooperation of a free people."

ROLE OF THE NATIONAL MARITIME COUNCIL

If this history is to continue to claim public subsidy in reliance upon its ability to grow more efficient and productive, it cannot remain exposed to possible devastation by labor-management disputes. Labor and management must once and for all, in the form of concrete and effective measures, prove that they know they need each other. Some efforts have been made in this direction. As one who has long advocated the coalescence of the diverse maritime interests, I am delighted with the establishment of the National Maritime Council. I think it can go a long way in helping to plan for the future of the industry. New approaches must be tried and no stone left unturned until diversion of cargo traffic to foreign shipping resulting from long and costly strikes and unconscionable delays are rendered phenomena of purely historical interest.

This country is not unique in including its merchant marine among its national priorities.

Although the costs of constructing and operating a merchant fleet vary greatly throughout the world, most, if not all, countries with commercial fleets provide some direct or indirect subsidies. The methods may vary but the objective of building a merchant marine capable of serving the military, strategic and essential commercial needs of the country is the same.

ASSURING CARGO FOR OUR SHIPS—AND SHIPS FOR OUR CARGO

The Merchant Marine and Fisheries Committee has fought for years—and has persuaded the Congress to insist upon—a 50-50 cargo allocation of Government-aided shipments abroad. Whenever this issue comes up, it is highly controversial and leads to a bitter battle. The American Flag merchant marine—both management and labor—cheers us on in this fight, but when the time comes to provide the ships to meet this requirement, they are not always available. Right now, for instance, U.S. flag ships are not even utilizing their one-third allocation of the shipments of grain to Russia under the arrangement worked out with the Soviets, that 33% would go in Russian ships, 33% in other foreign flag vessels, and 33% in U.S. ships. If the principle of a fair share for American ships is worth fighting for in the legislation we pass, it seems to me that we should be able to count on American ships being made available to carry the cargoes for which special preference is provided. It may not always be the most profitable business available at any given time, but it is business the shipping lines should make sure they are able and willing to carry in order to maintain the franchise, so to speak, for keeping this preference in the future.

Was the Maritime Administration in on the negotiations for the Soviet wheat deal when it was first being discussed, or was the whole thing worked without regard to any shipping aspects until *after* the deal was made? Does Maritime know what Agriculture is up to? Does Maritime know what its own Department of Commerce is doing it connection with the development of new trade programs which might entail opportunities for American shipping?

LOOKING TO FUTURE NEEDS AND OPPORTUNITIES

Are we looking ahead to 1975 and 1985 in terms of international trade to know what kind of cargoes will be leaving the United States and what types of cargoes will be coming in, and what kind of ships will be needed to carry those cargoes so that we can have those ships coming off the ways and going into commission in time to compete for this business? How many tankers, or LASH ships, or bulk carriers, or container vessels will we need? Who can build them? Will there be discussions and agreements in advance between management and labor as to the manning of those ships and the handling of the cargoes? I was amazed several years ago to find that the containerized revolution was progressing without firm understandings with the unions involved that they would load and unload the containers.

These are the kinds of questions which are uppermost in my mind as I prepare to take over the responsibility of chairing a Committee geared to assist American industry to compete for maritime business with the ships of other nations. It will be my intention to set up hearings of the Committee delving into these overall policy questions and to bring into them not only the industry leaders and labor spokesmen and government officials in the maritime fields but those of other agencies of government whose programs and policies can affect—one way or another—the opportunities in foreign trade for the American merchant marine.

As I think all of you know I am a great believer in the revival of American flag passenger service. The resort and travel pages of the Sunday New York Times and of other newspapers and magazines are full of enticing ads of foreign flag ships luring Americans to the delights of cruising and ocean travel. It is a booming business dependent on American tourists. Yet one by one our own few remaining passenger ships are giving up. This to me is a national disgrace and a heavy national economic loss. We are losing hundreds of millions of dollars to foreign cruise ships carrying American passengers on vacation jaunts tailored to American tastes. Don't tell me we can't compete if we set our minds to do so. What I would like this audience to tell me instead, is how we can revitalize this segment of our economy, and bring these dollars back to the U.S. where they belong.

MARITIME INDUSTRY REFLECTS HEALTH OF OUR ECONOMY

In the months to come, we in the Congress will have the difficult job of assessing the adequacy, fairness and results of many of our existing maritime laws. Where forward-looking legislation is needed, I promise you my best efforts to see that it is forthcoming. Where more effective administration of existing statutory provisions is necesary, the Committee intends to meet its responsibilities. I know that I speak for all the members of the Committee when I tell you that we want our role to be one of complete cooperation with all segments of the maritime community to improve the maritime industry. We are looking forward to a continuous and fruitful dialogue with every element of this diverse industry.

It is my hope that the Committee will be able to make a constructive contribution to the future success of this industry in the form of a good and complete oversight study of our maritime legislation and its implementation.

It has been said that what distinguishes an optimist from a pessimist is that pessimists make difficulties out of their opportunities; optimists turn their difficulties into opportunities. Let us move ahead as a team of optimists with the challenging work of building a merchant marine that we know can meet the needs of a dynamic American economy in a world of stiff competition. In the past this country has always found the way to do that when it had to. It has to do so now or the inflation that plagues us, the unemployment which persists and the underuse of facilities which contributes to our balance of payments problem will not be solved. The maritime industry is a basic guage of the health of the entire economy. Let us prove to the doubters that we can each do our part.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM. J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1973

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,757 American prisoners of war and their families.

How long?

THE CHILDREN'S DENTAL HEALTH ACT OF 1973

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 11, 1973

Mr. ROGERS. Mr. Speaker, I am today joining my colleagues Mr. Kyros, Mr. Preyer, Mr. Symington, Mr. Roy, Mr. Nelsen, Mr. Carter, and Mr. Hastings, in introducing the Children's Dental Health Act of 1973. This measure is designed to permit the Federal Government to begin giving coordinated and positive attention to a health need it has neglected for too many years.

The sections of the bill have one coordinated aim: to improve the dental health of America's children. To that end the measure authorizes two related programs. One would mount a 3-year series of grants to establish preventive and therapeutic dental care services for poor children and other children who, for reasons beyond their control, lack reasonable access to such care. Second, the bill would permit greater Federal support for programs training various kinds of dental auxiliaries, now in desperately short supply, in order to give our dental care system the productivity muscle it needs.

One need not be a dental public health expert to be aware of the unsatisfactory level of dental health of today's American child. The average American boy or girl, at the time he or she begins school, is already suffering from a significant amount of dental disease. Nearly half of our children suffer to some extent from gum diseases which are, in adult Americans, a major cause of tooth loss. The average 15-year-old American has 11 decayed, missing, or filled teeth and nearly half of all our children reach that age without having been to a dentist.

Among childern of poor families, the statistics are not merely unsatisfactory, they are shocking. It is estimated that as many as seven out of 10 had not seen a dentist by the time they are 15 years of age. Data from various national health surveys indicates that poor children, when they are seen by a dentist, need extractions at a rate seven times higher than do children for well-to-do families. A 1967 survey of some 4,000 children of 5 years of age in one California county indicated that while only 14 percent of the children from median income levels had not been to a dentist before, some 52 percent of poor children were in that category.

In reviewing such statistics, what must be kept in mind is that most manifestations of dental disease are quite preventable. A carefully designed, vigorously implemented program of preventive services for children would pay vast dividends in reversing the present situation. A major section of this Children's Dental Health Act of 1973 would take the first step toward such a program.

The section does not merely provide care for needy children, important as that is. It is so designed as to permit experimentation with various methods of administering and delivering the care to help discover which methods work most effectively and economically in differing rural, suburban, and innercity sites. With the weighty decisions respecting health care delivery facing this body, the vital importance of such information is obvious.

Some may ask if activities of this kind are not already being undertaken, and thus rendering new legislation unnecessary. I can tell you that there is no such Federal activity at present and there never has been. It is worthy of note, in this regard, that while Americans generally allocate about 10 percent of their personal health care expenditures to dentists' services, less than 1 percent of public funds used to support personal health care expenditures were for dentists' services. These contrasting percentages indicate both the high priority that Americans place on good dental health and also show how far behind the Federal Government lags in helping our citizens achieve this goal.

Under the maternal and child health programs, a section does exist, though it now nears expiration, that would have permitted activities similar to those I am proposing. That section came into being in 1968, but nothing was done that year nor in the following year nor in the year after that. During the entire existence of that section, barely $3 million has been expended in total under that section. Moreover, no shred of evidence exists that even that small amount of money was spent in such a way as to fulfill the vital co-purpose of my measure, to engage in innovating experimentation with respect to administration and delivery. If, at long last, something is to be done, then Congress must take the initiative with early passage of the Children's Dental Health Act of 1973.

If we are going to do something, however, we need not only a program but the trained personnel to carry out that program. We need not only dentists but well qualified dental auxiliaries. Without sufficient auxiliary personnel, passage of a program would merely express good intentions rather than being a blueprint for action.

For this reason, the measure I introduce contains a section that will stimulate greater Federal support for programs training dental hygienists, dental assistants, and dental laboratory technicians.

Beyond merely training greater numbers of people, we must train them properly by taking advantage of new knowledge and applying it in the most appropriate ways. Accordingly, this section respecting auxiliaries would help establish experimentation and demonstration programs to investigate the most efficient and effective ways in which auxiliaries can be employed. It would help teach the dental student how to work with auxiliaries so that when he graduates and enters practice he will be skilled in this approach. And it will help achieve this training not just inside the walls of the school but out in the community where his work will benefit not only the dental and dental auxiliary students but, as well, people who need that help.

Let me say as clearly as I can that I believe this section is of such importance and the need has been so neglected that the categorical approach I recommend is not only justified but is mandatory. A review of the funding history of the Allied Health Professions Personnel Training Act, which more accurately is a history of nonfunding, will I believe, bear out my view.

These, then, are the major thrusts of the Children's Dental Health Act of 1973. It seems to me to be a measure that can attract the positive support of nearly every Member of this body. I have every hope that the bill will have the benefit of early hearings and be the recipient of an overwhelmingly favorable vote during the early months of this 93d Congress.

TAX CREDITS FOR PARENTS OF CHILDREN IN PRIVATE OR PAROCHIAL SCHOOL

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1973

Mr. VANIK. Mr. Speaker, on December 29, 1972, a three-judge Federal district court panel declared an Ohio statute granting cost of education tax credits to parents of children attending nonpublic elementary and secondary schools—unconstitutional. This court decision will close some and endanger many of Cleveland's private and parochial schools.

It has been reported that this decision will deprive the parents of 276,991 children of the relief provided for them by the Ohio Legislature. These parents were to receive $24,929,190 in tax credits in 1972. These credits have been budgeted and expected. Without this relief 40 nonpublic schools will be forced to close in Cleveland. The Cleveland public school system will not be able to absorb the children from those schools. In the State of Ohio, the public schools will not receive any more tax revenue than they now receive yet they will be expected to handle about 300,000 more children. If the private and parochial schools are not kept open the educational future of our children is headed for a disastrous crunch.

The decision of the court will mean that Ohio taxpayers will have to come up with another $200 million to support the "would be" needed expansion of the public school system. The tax credit law is clearly intended to provide partial tax relief to parents who at their own expense are providing a private or parochial education, therefore, relieving the State of an obligation that it would otherwise be required to perform.

Although the public schools constitute the backbone of our educational system, the private and parochial schools of America have played a vital role in providing an alternate choice which has served to improve the American educational systems. In many communities, the private and parochial schools offer accommodation in school systems of quality and low cost per capita to all who apply. This kind of competitive endeavor in education serves to make the public school system more effective and more productive.

Instead of penalizing parents for exercising their constitutional right to send their children to nonpublic schools, the Ohio Legislature gave these parents partial tax relief. The purpose was to encourage continued private interest in education.

We must maintain the quality of the public school system and avoid the increased tax burden which would be incurred if the nonpublic schools were to close. It would cost American taxpayers $8 billion a year if all parochial and private schoolchildren poured into public schools. The tax credit approach will cost $362 million. The vitality of both the public and nonpublic education could then be maintained.

The decision of the Federal district court in Ohio is presently on appeal to the Supreme Court, because it conflicts with a Federal court decision in New York which found a similar tax credit approach to be constitutional. It should also be noted that in 1971, a Minnesota State court held the tax credit approach to be constitutional. As a result the parents of New York and Minnesota children in private and parochial schools now enjoy the credit while the parents in Ohio are denied the credit.

On the Federal level, I am reintroducing legislation that will provide a tax credit to the taxpayer for tuition paid to a private nonprofit elementary or secondary school. The credit provided by this legislation would be equal to one-half of the tuition paid up to an overall limit of $400 per dependent. This credit will be gradually reduced for taxpayers in higher income brackets.

This straightforward and needed approach improves the equity of the situation and provides the needed financial relief within the framework of administrative simplicity. My bill will strengthen our entire elementary and secondary educational systems, both public and private. This legislation will provide direct tax relief to those with dependents in private or parochial schools. It will provide indirect tax relief to those taxpayers with children in public schools who would face increased tax burdens in educating an additional 5.2 million students.

Recent court decisions have overturned the "Ohio" plan for private educational support; notwithstanding the fact that considerable support for Ohio's increased taxes was developed on the promise that considerable support would be given to substain these vital alternative educational systems.

This tax credit approach can overcome constitutional barriers. The tax credit is provided to parents of children and not the schools. This tax proposal will give parents of nonpublic schoolchildren a credit for part of their tuition costs.

There are more than 18,600 elementary and secondary nonpublic schools in this country, many of which are soon to run out of funds.

We cannot allow these school system to die. We will be inviting chaos in our educational systems at a massive added expense to the taxpayers.

INDIANA AND FOREIGN TRADE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1973

Mr. HAMILTON. Mr. Speaker, I would like to draw my colleagues' attention to an article in the January 15, 1973, issue of the Journal of Commerce. The article describes Indiana's active program to attract foreign investment and to enlarge foreign markets for its exports.

Like most States, Indiana has a vital stake in foreign trade and I am pleased that State officials are trying to improve its trade position.

The article follows:

INDIANA TO EXPAND OVERSEAS DRIVE BASED ON STUDY OF STATE'S POTENTIAL

INDIANAPOLIS.—Indiana has completed a comprehensive study of its international trade and foreign investment potential, and the legislature will be asked later this month to approve the most far-reaching international program ever undertaken by the Hoosier State.

"We feel that we are on the threshold of a major expansion of the state's international economy," said Indiana's Commerce Department industrial and international director, V. Basil Kafiris.

STATE-SPONSORED DRIVE

The program includes: seeking approval to open three, and possibly four, trade offices in cities in Western Europe, Japan and Central America; a state-sponsored drive to encourage more foreign investment in the state; and a multi-million dollar program to develop the state's ports for the use of shippers seeking low-cost transportation to move their raw materials into the state and their manufactured goods to other markets outside the state.

Mr. Kafiris, who is widely regarded as an expert in international trade matters and who has played a major role in prior development of the state's international programs, predicts that Indiana will improve both its trade and investment economy during the coming months.

The Indiana Port Commission, a state agency, is seeking legislative approval of a $2 million plus appropriation to begin work on the proposed Ohio River port, between Mount Vernon and Evansville, to go with the deepwater port at Burns Harbor on Lake Michigan, at Portage.

BURNS HARBOR POTENTIAL

The state is pinning a lot of its future planning on these ports, because of their ability to move large quantities of bulk and manufactured goods, and because of their diversified facilities, which can handle a large flow of raw materials.

Burns Harbor is presently operating, and promises to become one of the major ports on the Great Lakes for the handling of export farm goods, an item which the state is determined to move into foreign markets on a bigger scale.

Mr. Kafiris feels that location will mean a lot in developing the state's new international program, pointing out that almost every heavily populated area in the country can be reached from Indiana within a very short time.

HIGHLY TRAINED WORKERS

Another factor is the state's plan to provide highly trained workers for any incoming plant operator, Mr. Kafiris notes, pointing to the many schools and other institutions geared to train and develop labor forces in almost any capacity.

Indiana hopes to encourage some manufacturing plants to move into the state. Exportwise, Indiana stands 11th in the nation in manufactured exports, and stands equally high in farm exports.

Speaking of investment opportunities in Indiana, Mr. Kafiris said: "Indiana truly is in the center of things, and our geographic location is a key atraction of our state."

Its central U.S. location, he added, offers excellent distributional opportunities for all types of products and services.

"The locational desirability is completed by outstanding transportation facilities," Mr. Kafiris said. "These facilities are important attributes for access to markets in several ways through sales centers, distribution centers, and service centers, including manufacturing and assembly facilities."

Among other advantages that Indiana has to offer the foreign investor, he listed as the state's water transportation network, both via the Great Lakes to the north, and via the planned Ohio River outlet in the South. He also noted that railroads operating in the state give exporters and importers service to all the major Great Lakes ports.

EYEING JOINT VENTURES

"There is also a need for capital financing of new foreign investment, which is, of course, vital, and we feel that this matter can best be carried out by the banks in our state, many of which are providing this kind of international activity," said Mr. Kafiris. "They also can provide access to the bond markets and equity outlets."

SALLY WARD CLIMBS MOUNT KILIMANJARO

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1973

Mr. BYRON. Mr. Speaker, last year an intrepid young lady from the Sixth District, Miss Sally Ward, fulfilled a lifetime ambition. Traveling alone to Africa, she met several other climbers and took on the challenge of climbing Mount Kilimanjaro in Tanzania.

Miss Ward is no stranger to challenges. She is an active athlete who has participated in the Women's Olympic Trials in Frederick, Md., as well as in international competition in the period 1965–1967. She is presently a physical education teacher at the high school level. On August 10, 1972, Sally accomplished her dream of reaching the summit of Mount Kilimanjaro. Although she had never done any climbing before she reached the summit at Gilman's Point at 18,635 feet, the highest point in Africa.

I would like to commend Sally Ward for her determination and courage and her interest in physical fitness. As Libbie Powell said in her article in the Hagerstown Daily Mail:

This accomplishment that sent seasoned Alpine climbers to the base after they reached 17,000 feet . . . was the fulfillment of Sally Ward's dream from childhood. . . .

TIMES RECOGNIZES FARM PROBLEMS

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1973

Mr. NELSEN. Mr. Speaker, recently the New York Times published a special national economic survey and in it reviewed the present business situation in each section of the country. I would like to bring the article pertaining to our Midwestern States to the attention of my colleagues, particularly since this is a major, urban oriented paper. Even it is able to recognize some of the acute needs and problems of our rural areas.

The statistics and examples on farm income versus the cost of doing business are particularly instructive and deserve special attention. What is most telling, however, is the impact of families leaving the farm not only on the locality they leave, but also on the one to which they migrate. While the article fails to mention the farmers of Minnesota, it tells a tale of difficulty which we also face in our State.

We in the Congress and the Government can and must do more to make the rural areas of our country better places for our people, and particularly our young people, to live and work.

The article follows:

THE MIDWEST: GOLDEN HARVEST IS BROUGHT BY RAIN AND SURGING DEMAND

(By B. Drummond Ayres, Jr.)

KANSAS CITY.—Agriculture is the economic lifeblood of mid-America, and things on the farm are looking up for 1973.

Fall rains and winter snows have thoroughly saturated the black earth that stretches all the way from the western slopes of the Appalachians into the Dakotas, Nebraska and Kansas. Demand for beef, pork and grain is steadily rising, particularly foreign demand.

The economic outlook for the roaring manufacturing centers of the Middle West also seems bright, provided that recovery from the recent recession continues and provided that auto workers in Detroit, rubber workers in Akron and teamsters in Chicago can be induced to sign new wage contracts without walkouts.

"Over-all, the year 1973 looks pretty good," said Raymond Dahl, a Federal Reserve Bank economist in Kansas City.

Citing a personal example of optimism, Mr. Dahl added: "I own part of a wheat farm near Dodge City, out where drought can ruin you. But we've had more rain in the past few months than we normally get in a year, and you can't beat that for starting a new growing season."

A North Dakota grain farmer, Ken Spitzer of Kensal, said he was "greatly encouraged" about 1973 because of record American agricultural exports.

He continued: "We made a lot of money selling wheat to Russia last year, and every indication is that 1973 will be OK, too."

The industrial picture for mid-America in the coming year is summed up by Roger Roth, who manages the Owens-Corning Fiberglas factory in Kansas City. He said: "Things are looking good because of the increase in construction. Our gross increased 20 per cent in 1972, and we're looking for another good year in 1973."

Some problems remain, however.

The flight from rural America to urban America continues. Small towns struggle for survival as the farmers who support them leave. Cities reel under the impact of more and more rural and small-town refugees.

The flight from the farm is traceable directly to a choking cost-price squeeze.

Twenty years ago, the average farmers in mid-America tilled about 250 acres. Production expenses ate up about 65 cents of every dollar he made. At the start of 1973 the average Midwest farmer tills about 400 acres, a much more costly investment but the only way to produce volume that beats the cost-price squeeze. However, production expenses now eat up about 75 cents of every dollar taken in.

Jack Hackethorn, an official of the Missouri Farmers Association, estimated that a young man needed about $100,000 to start a "viable" farming operation today.

He added: "The only alternative is a rich daddy."

Land costs $300 or more an acre. Tractors start selling at about $8,000, roughly a dollar a pound, or $100 per horsepower.

The people of mid-America want to stay down on the farm these days, particularly after they've seen the hassle that makes everything up to date in Kansas City, St. Louis, Cincinnati and Chicago. But who can afford to stay?

Newspapers in small towns like Dyersville, Iowa, and Kinsley, Kan., and Fulton, Ky., are sprinkled with farm-sale advertisements.

In June, most of the graduates from the high schools in those quiet, pleasant hamlets will head for more hectic, more robust places—Des Moines, Louisville, Topeka, even New York. It is simply a matter of jobs.

Rural sociologists and demographers say that whenever half a dozen or so farm families move out of a particular area a feed store or implement dealer or general merchant in a nearby town goes bankrupt.

The rural towns that remain economically healthy do so by attracting industry. Take Marshall, a central Missouri town of 12,000 people.

Aware of the damage that rural exodus had wreaked elsewhere, Marshall's leaders got together and aggressively began seeking small, clean industry. Today, the town has a meat-packaging plant, a shoe factory and a TV-dinner producer.

Peter V. McCoy, editor of The Marshall Democrat-News, says: "We're a perfect example of what can be done if a town will really get together and go after industry. Now we have a sound, stable economic base, and people are moving in instead of out."

The larger towns and cities of the Midwest carry roughly the same problems into 1973 as other metropolitan areas in the United States. There is smog in Chicago, unemployment in Detroit, poverty in St. Louis and urban sprawl in Indianapolis.

Still, despite smog and other urban problems, a number of sunny economic spots are showing up in Midwestern cities as the new year begins.

The aerospace industry is making a comeback in Wichita. Oklahoma City is rebuilding its downtown area. Cleveland is springing back from a slump in machine-tool orders. Kansas City is in the middle of a construction boom.

In fact, a new Kansas City slogan, "Prime Time," seems to sum up the over-all economic outlook for rural and urban mid-America.

ANNIVERSARY OF 1863 POLISH INSURRECTION

HON. ROBERT P. HANRAHAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1973

Mr. HANRAHAN. Mr. Speaker, yesterday was the anniversary of the 1863 Polish Insurrection. I feel that on such a historic occasion a few words should be mentioned in commemoration.

The insurrection stemmed from abuses in carrying out educational and political reforms ordered by Czar Alexander II as concessions to the Poles. For almost 2 years, bands of youthful guerrillas fought from forest hideouts as their movement succeeded in establishing a secret national government in Warsaw which spread to Lithuania.

The uprising was followed by a wave of repression and, with the movement crushed, Poland became a Russian province.

The anniversary serves as a reminder that freedom-loving Poles have battled against Russian dominance, whether czarist or Communist, right up to the time of the 1956 Pozan worker's uprising.

RAISING THE DOUBLE STANDARD OVER GREECE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1973

Mr. DERWINSKI. Mr. Speaker, a column by James J. Kilpatrick in the Star-News of January 14, 1973, commenting on a House subcommittee report, reflects the views that I have concerning that document.

I believe Mr. Kilpatrick is absolutely correct when he points out the inconsistency which is the standard behavior of the ultraliberals responsible for the report.

The article follows:

RAISING THE DOUBLE STANDARD OVER GREECE

(By James J Kilpatrick)

A House subcommittee filed a bitchy little report two weeks ago, complaining petulantly of the Navy's decision to homeport a part of the Sixth Fleet in Greece. But the thrust of the report wasn't directed at American admirals; it was directed at Greek colonels instead.

The authors of this report agreed that the United States has legitimate military and security interests in Greece, relating both to NATO and to the Middle East. They could not convincingly challenge the Navy's choice of Athens in terms of the city's housing facilities and the like. This was their point:

"The circumstances of that choice indicate that our government is more concerned about obtaining the minor advantages and conveniences of homeporting in Greece (instead of Italy, for example) than about expressing our opposition to the Greek dictatorship through a policy of minimal and cool relations until democracy is restored in that country. The world looks to the United States to stand up for democratic principles and if we shirk that responsibility, we are negating the most important principle on which this country stands."

Members of the subcommittee, headed by Benjamin S Rosenthal of New York, took a lugubrious view of the present government in Greece. It is not, they believe, "stable." There may be some short-term advantage in the homeporting decision, but "our long-term need is for a stable Greek government which will come through a democratic restoration." The Navy, they insist, should have chosen Naples, Livorno or Taranto instead.

The authors' conclusions, viewed on their merits, have no merit. Whatever else may be said of the government in Greece, like it or not, it is stable. The colonels have been firmly in power for nearly six years. Their opposition is divided, disorganized, and impotent. Restoration of what is euphemistically known as "democratic rule" would invite a return of the chaotic conditions that obtained prior to 1967. If forces of the extreme left wing should gain power, it could well mean a swift end not only to democratic rule, but also to Greek participation in NATO.

By contrast, if "stability" is the desideratum, one may recall that Italy has had 34 governments since World War II.

Never mind the merits. What is baffling to the observer of foreign affairs is the double standard one constantly encounters. Indeed, when it comes to our relations with the rest of the world, we seem to have double standards for double standards.

Surely this is true in the matter of Communist regimes. This past year saw the President of the United States toasting the Communists of China and Russia, and bombing the Communists of North Vietnam. It is equally true of dictatorships. Rosenthal and his colleagues despise the dictatorship in Greece. They never cease to mourn the absence of democracy in Portugal, Rhodesia, and South Africa. But you will not see them standing up for democratic principles in Zambia, Tanzania, and the Sudan.

We see the same double standard in the matter of moral outrage. When U.S. bombs fall on Hanoi, it is barbarism; when Soviet missiles fall on Quang Tri, it is no more than the fortunes of war. The history of the bloody conflict in Vietnam is in part a history of the torture, mutilation and murder imposed by terrorists from the North upon peasants of the South. This part of the history seems to affect congressional liberals not at all.

We ought to weep for the dead of war, whoever they are, however they die. And when it comes to dealing with governments we find distasteful, we ought in charity to give some account to the taste of others.

In some millennium, all nations will be as democratic as the Eighth Congressional District of New York; meanwhile we ought to work with governments as they are. We ought to tolerate Greek colonels, Spanish generals, African despots, and everyone else. After all, they tolerate us—or most nations do—and that in itself is no easy job.

TRIBUTE TO WILLARD EDWARDS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. CRANE. Mr. Speaker, I would like to join my colleagues in paying tribute to Willard Edwards on the occasion of his retirement from the Chicago Tribune.

Shortly after coming to Congress in 1969, I had the opportunity to chat with Mr. Edwards and I learned at that time that he was truly one of the most informed reporters covering Capitol Hill. In his 47-year career with the Chicago Tribune, Mr. Edwards not only won the respect and admiration of his colleagues, but also that of his many news sources and contacts. And more importantly, he earned the trust and confidence of his many readers in Chicago and elsewhere.

I would like to thank Mr. Edwards for his dedicated service to the public by keeping them informed on events in Congress and I wish him happiness in his retirement.

REAP FUNDING SHOULD BE CONTINUED

HON. K. GUNN McKAY

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1973

Mr. McKAY. Mr. Speaker, I recently received a letter from Joe Francis, the commissioner of agriculture in the State of Utah. I have known Commissioner Francis for many years, and I know him to be a wise and sensitive administrator. Because of the faith I have in Mr. Francis, his assessment of the curtailment of REAP funding was especially discouraging. He recognizes this as a serious loss to farmers and rural homeowners, and I include his very pertinent remarks for the benefit of my colleagues:

STATEMENT SETTING FORTH THE REASONS FOR CONTINUATION OF THE RURAL ENVIRONMENTAL ASSISTANCE PROGRAM

I am deeply concerned with the recent announcement eliminating the Rural Environmental Assistance Program. This program has had a tremendous impact in Utah. It has provided the greatest incentive there is—Federal cost-share—to get farmers and ranchers to take care of erosion, sediment, and pollution abatement problems on land under their control. These problems just don't get taken care of without some incentive. I have always felt that the public as well as the private landowner has a responsibility to help preserve our natural resources for future generations.

Many years ago, a soil and water conservation "team" was organized in Utah. This team was made up of:

Soil Conservation Service, Technical service;

Agricultural Stabilization & Conservation Service, Cost-share;

Extension Service, Education and information;

Soil Conservation District, Conservation planning;

State Division of Water Resources, Interest-free loans; and

Farmers Home Administration, Loans.

It is through the success of this program, with the farmer providing 60 percent plus of the actual cost, that agriculture has been able to maintain a high level of production, that dust no longer clouds the atmosphere, that our streams are not completely polluted with sediment, that our privately owned rangelands are not denuded and have been able to withstand the pressure of private and public use, and that our wildlife resource has been able to survive.

The conservation of our soil and water resources should be the goal of every American. Private landowners cannot be expected to stand the total cost of erosion control, sediment retention, and salt balance in the substrata. To think that the job is now complete or that this effort should be temporarily shelved in preference to other programs is, in my judgment, false economy.

The elimination of the Rural Environmental Assistance Program is particularly disturbing at a time when the public is demanding a so-called "Cleanup of the environment," and when the Environmental Protection Agency is invoking new regulations daily on discharge into livestreams. It is beyond comprehension to expect farmers and ranchers to fully finance the cost of structures and land treatment measures necessary to comply with these new demands. Many will be forced out of business.

Maybe Utah has problems which are not prevalent in other areas. The pioneers, in settling the mountain west, concentrated as a matter of necessity on alluvial fans created by mountain streams. The increased concentration of humans and animals along these streams has created a pollution problem of substantial proportion.

We recognize the need for corrective action and feel that some very successful coordinated programs have been developed during the past two years. For example, an action committee consisting of the State Division of Environmental Health, State Department of Agriculture, State Extension Service, and the U.S. Department of Agriculture's Agricultural Stabilization and Conservation Service and Soil Conservation Service, was formulated and a plan of action established to abate pollution of livestreams by animal waste. This program was just getting a good start, with 276 projects initiated.

Without the cost-share incentive, this plan will come to a halt, as farmers will not (cannot) voluntarily perform these expensive measures without assistance.

One outstanding feature in the Utah program has been the fact that 100 percent of the Federal funds provided were used in the application of enduring-type conservation measures having a lifespan varying from 8 to 50 years.

In light of these facts, I sincerely hope that some appropriate action will be taken to re-evaluate and reinstate the Rural Environmental Assistance Program.

LYNDON BAINES JOHNSON

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1973

Mr. KOCH. Mr. Speaker, today the country mourns the death of a great leader and a great American President.

In this hour of Lyndon Johnson's passing, let us put aside the disagreement that many of us had with him over Vietnam. He was a man with great courage and fortitude, a man who did what he thought was right, misguided though some of his decisions may have been.

At home Lyndon Johnson had the courage and compassion to grapple with some of the most difficult problems of our times: poverty and racial discrimination. He did not retreat from these challenges; indeed, he pursued them with great vision and determination. History will most fondly remember Lyndon Johnson for his civil rights legislation and for the commitment the Federal Government made under his leadership to improving the quality of life for all Americans.

Lyndon Johnson was a big man in every regard: in stature, in energy, in vision, in capacity, and in compassion. He was a man who embodied almost every human quality in such magnitude that he will be remembered not only for what he did but for the man he was and the dimensions of his leadership.

We all remember the many pictures of the man in the Oval Office who often looked tired and haggard. But, that craggy face reassured us that a man was in the White House who knew and cared about what was going on in the Federal Government and in the country.

It is tragic that Lyndon Johnson should have died before the signing of a peace accord settling the Vietnam conflict that through the months of his administration had become so personally consuming and finally his political nemesis.

Within the past month we have lost two great men our country has known. Let this be a period in which we reaffirm our resolve to meet the ideals on which our country was founded.

Mr. Speaker, in remembering President Johnson today, my sympathy goes to Lady Bird, Lynda and Luci and the rest of the Johnson family who gave him such support and comfort during his years in Washington and in his retirement.

COMMUNIST USE OF GUN CONTROL LAWS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1973

Mr. RARICK. Mr. Speaker, the Communist Party line on disarming the individual citizen is noteworthy. Certainly not all promoters of antigun legislation are Communists, but every Communist wants firearms registered or confiscated, except those that belong to party members and are essential to Communist domination or the "Revolution."

An editorial which appeared in the August 1970 American Rifleman and was reprinted in the January 1973 issue of that magazine sets forth some interesting quotes of Communist Party bosses on firearm control and purpose. Unfortunately, we do not have the text of the SALT talks, or disarmament hearings, which would confirm the party line on disarmament today.

I insert the two editorials and a report on the Düsseldorf rules at this point:

COMMUNISM VERSUS GUN OWNERSHIP

"Lenin has indicated that the Communist strategy is deeply concerned with two objectives: (1) the arming of the 'right' people, and (2) the disarming of those 'reactionaries' who might meet violence with violence. Communists, like holdup men, have no overweening desire to be shot. Both the Communist and the thug prefer to deal with a disarmed citizenry. Both the Communist and the criminal have proven through the years that they can and will obtain the arms and explosives that they want."

The foregoing is quoted from an American Rifleman editorial of Nov., 1949, entitled "Simple Arithmetic." The last paragraph of the editorial explains what the title means:

"Only when the loyal majority has been legally disarmed do we need fear the violence of the illegally armed, disloyal minority. This is not ideology. It is simple arithmetic." . . .

Quite obviously it appears from Trud, Izvestia (See American Rifleman, June 1968, p. 16–17) and some other publications issued closer to home that the Communists would like to see private citizens in the United States deprived of firearms. There is hardly any secret about this. Certainly it is communist policy wherever in the world Communism has been felt.

When a Lutheran church in Oregon sponsored 28 Latvian and Estonian immigrant refugees from Communism, one of them with a doctor's degree and command of seven languages told NRA member Henry L. Bottemiller that only about 5% of the Russians are Communists. "When I asked how 5%

could control the rest," Bottemiller wrote, "my friend answered with a remark that I will never forget. He said: "They have all of the guns."

Some Americans still aren't capable of believing that the Communists, abroad and at home, are among those who eagerly want to see Americans disarmed. They dismiss this as a silly notion and lecture anyone who suggests it as if he were a stupid child.

So The American Rifleman went directly to the authenticated declarations of Communist leaders in the Library of Congress to determine their attitude toward private ownership of firearms. Assistant Editor John M. Snyder, who holds a master's degree in political science, was assigned to research the writings of the so-called fathers of the Communist Russian Revolution of 1917: Lenin (nearly assassinated in 1918 by a disillusioned woman radical with a pistol), Trotsky (assassinated in 1940 with an ax) and Stalin (supposedly victim of a medical plot in 1953). Here is just a part of what he found:

From Lenin:

". . . one of the basic conditions for the victory of socialism—the arming of the workers and the disarming of the bourgeoisie." (From Lenin's Collected Works, The Basic Tasks of the Dictatorship of the Proletariat in Russia, Moscow: Progress Publishers, 1965. Vol. 29, p. 108. U.S. Library of Congress reference: English. DK254.L3A2323.)

"Make mass searches and hold executions for found arms." (From Lenin's Collected Works, Vol. 35, 4th edition, p. 286. Congressional Record, vol. 116, pt. 10, p. 13309.)

"Only the Soviets can effectively arm the proletariat and disarm the bourgeoisie. Unless this is done, the victory of socialism is impossible." (From Lenin's Collected Works, Theses and Report on Bourgeoisie Democracy and the Dictatorship of the Proletariat, March 4, 1919. Vol. 28, p. 466. U.S. Library of Congress Reference: English DK254.L3A2323.)

From Trotsky:

To insure quick Communist victory in civil warfare, there "arises the necessity of disarming the bourgeoisie and arming the workers, of creating a Communist army. . . ." (From Manifesto of the Communist International to the Proletariat of the entire World in A Documentary History of Communism, ed. by Robert V. Daniels, New York, Random House, 1960, Vol. 2, p. 90. U.S. Library of Congress Reference: HX40.D3.)

From Stalin:

"If the opposition disarms, well and good. If it refuses to disarm, we shall disarm it ourselves." (J. V. Stalin, Reply to the discussion on the Political Reports of the Central Committee, Dec. 7, 1927. Stalin's Works, Vol. 10, p. 378. U.S. Library of Congress Reference: English, DK268.S75A267.)

The word bourgeoisie which crops up so often in the remarks of Lenin and Trotsky is French for middle class. The Communists twisted it into an epithet or dirty word for anyone who disagreed with them. Nowadays the bourgeoisie who are to be disarmed include everyone who would oppose a Communist takeover of any country including the United States. The thrust of current Soviet propaganda makes that clear.

WILL REVOLUTIONARIES WITH GUNS HEED THE 1968 GUN CONTROL ACT?

While Communist leaders and their henchmen or unwitting tools continue to demand that U.S. citizens give up their guns, a Communist organization that favors shooting its way to power has expanded and quietly armed its members.

The FBI's annual report, released this winter, reveals that the "Revolutionary Union (RU) has now spread to 10 States. . . . RU members have been accumulating weapons while engaging in firearms and guerrilla warfare training."

The RU was formed in San Francisco five years ago by young radicals who split away from the older Communist Party, USA, and the Progressive Labor Party (PLP), a newer Marxist-Leninist group.

"Although still operating in a semicovert fashion," the FBI reported, "the RU does not conceal its objectives 'to smash the existing state apparatus' (U.S. Government) through organized armed struggle and to establish a new revolutionary organization based upon Marxist-Leninism as developed by Chairman Mao Tse-tung." (FBI Annual Report, Dec. 12, 1972, p. 27.)

The RU developed after some younger radicals grew impatient with the oldline Communist Party, USA, which still quaintly nominates Communist candidates for the U.S. Presidency and Vice Presidency and says little or nothing these days about overthrowing the government by violence.

But some still farther left in the RU want to speed up movements for violent revolution. A minority faction in this frame of mind broke away from the RU to form the Castro-labelled Venceremos ("We will win") organization. By early 1971, many RU members enrolled in this group with the avowed goal of eliminating "U.S. imperialism" by force of arms.

"Every member (of Venceremos) is required to learn to operate and service weapons, to have arms available, and to teach the 'oppressed' methods of armed and organized self-defense," the FBI report said. "While still consolidating in northern California, Venceremos is making efforts to expand to the East Coast. . . ."

Naturally, the Revolutionary Union, Venceremos and the rest—there are other Communist or Marxist movements afoot in the land—would like to disarm as many American gun owners as possible.

That, in fact, is just what additional gun laws directed at law-abiding citizens do. They do not seem to disarm criminals or radicals. But they do very often affect good Americans who obey the law.

More and more sincere American lawmakers have come to recognize the alarming element of national suicide inherent in gun laws that disarm good citizens. That is why such measures often get rejected these days.

ENDING THE MYSTERY OF THE "RULES"

(By Ashley Halsey, Jr.)

(NOTE.—In Aug. 1946 and again in Sept., 1970, The American Rifleman published a controversial document variously known as the "Rules for Revolution" or "Dusseldorf Rules." The document is controversial partly because some Americans persist in doubting that Communism seeks world domination by disarming the populace everywhere. The most recent warning on the "rules" appeared in a column by E. B. Mann in Gun World for Dec., 1972. Mann stated as The American Rifleman had done previously, that he was not in position to vouch for the rules. However, continued research has produced fresh evidence pointing to the authenticity of the rules. It is presented for the first time in this report.)

This is a factual account of how an anti-gun policy of world Communism was revealed, published, verified to the Library of Congress and later "unverified" by a branch of the Library of Congress while anti-gun spokesmen and others attempted to bury it by scoffing at it as a hoax.

The story begins with a raid of Allied intelligence officers in 1919 on the headquarters of a Communist action group, the Spartacist League, in Dusseldorf, Germany. There they seized the "rules", a handy blueprint for the overthrow of anti-Communist countries.

Brief enough to go on a single sheet of paper, the rules concluded: "Cause the registration of all firearms on some pretext, with a view to confiscating them and leaving the population helpless."

By no coincidence at all, this conforms with the avowed policies of Communist world leaders as stated in the editorial reprinted on the previous page.

By no coincidence at all, it is exactly what Communists did do in Latvia, Lithuania, Estonia (remember them?), Poland, Hungary, Czechoslovakia, Romania, China, North Korea, and other areas to fall under their domination.

Yet some U.S. Senators, Congressmen, officials and newspapers, notably including, of course, The New York Times and Washington Post, have examined the rules and their background and pronounced them nothing more than pro-gun or rightwing propaganda.

For those who honestly wonder about the rules, there can now be offered the following:

The rules were originally in German, as the Spartacist League, named after the Roman slave Spartacus who led an ancient uprising, was a German Communist organization.

A Capt. Thomas H. Barber, U.S. Army, translated them soon after their seizure and subsequently furnished a copy to New World News, periodical of the Moral Rearmament movement, which in Feb., 1946, published the version reprinted later that year in The American Rifleman.

This was confirmed by Editor John U. Sturdevant of *New World News,* who wrote *The American Rifleman* (see letter, reproduced) that "Captain Barber had access to the safe after the raid described in the article."

Editor Sturdevant said that Barber was, at the time in 1919, "Aide to the Officer in Charge of Civil Affairs in the American-occupied zone headquartered at Coblenz, Germany."

This description agrees with data in official Government records. There is a detailed history of Capt. Barber in the files of the National Personnel Center, 9700 Page Blvd, St. Louis, Mo.

According to this documentation, Thomas Hunter Barber, service number 0148058, was born in New York City Jan. 20, 1889, commissioned a captain June 24, 1916, and stationed for a period of months beginning in May, 1919, the month of the raid, in the Civil Affairs Office of the US Army Occupied Zone headquarters at Coblenz.

After his World War I service, Capt. Barber became a major, infantry reserve, and received a Silver Star citation In 1961, he was living at 1170 Fifth Ave., New York, and apparently confirming to all questions the authenticity of the rules. He died in 1962 on Nov. 11—the Armistice Day anniversary of World War I.

A set of the rules in what purports to be Capt. Barber's own handwriting accompanies this report. Except for placing the time of the raid as "mid-summer" instead of May, the penned version appears to be identical with the ones published in the 1940's. It was made available to *The American Rifleman* by NRA Member Dwayne G. Nelson, of Monticello, Ill., who said he got it from a friend who corresponded with Capt. Barber some years ago.

So there was a Capt. Barber, he did serve in the occupied zone during the period when the raid took place, he later vouched for the rules, and he apparently sat around ready and willing to answer questions on the subject until his demise just over 10 years ago.

Although he certainly never intended it and probably never realized it, Capt. Barber now stands out as one of the most elusive minor figures in American history. Among those whom he unknowingly eluded were the FBI, the Library of Congress, and newsmen of several large metropolitan dailies. All of them searched for the source of the rules, but there is nothing to indicate that they ever learned of his existence.

Part of the confusion was caused by the way that the rules surfaced periodically in patriotic, civic and other publications. They bobbed up in The American Legion magazine for Nov, 1954, attributed to State's Attorney George A. Brautigam, of Dade County, Fla., an anti-Communism campaign. Brautigham supposedly seized them with other Communistic literature in Miami, or so he informed a Dade County grand jury in 1954. He died in 1957.

When the issue of authenticity flared up in 1969, FBI Director J. Edgar Hoover, himself known as a foe of Communism, testified April 17 before a House subcommittee that, "significantly, our (FBI) files reflect no other information (than Brautigam's) regarding those 'rules', and, therefore, we can logically speculate that that the document is spurious."

Soon anti-gun spokesmen were claiming that J. Edgar Hoover had "branded the document as spurious." Branded, of course, is far more definite than speculated. So Mr. Hoover's guess, based on some weak leg work by someone in the FBI, became misrepresented as an official rejection of the rules—at least to those who wanted to reject them.

The Hoover reply was correctly quoted in a 5½ page letter from the Congressional Research Service, Library of Congress, to Rep. Joe L. Evins (4th Dist., Tenn.), who asked for available data to substantiate the rules. The letter, signed Michael Renshawe, revealed considerable research and effort. According to it, among those questioned who could not authenticate the rules were:

The Slavic and Central European Division, Library of Congress.

The Office of the Chief of Military History, U.S. Army.

Florida State Attorney Richard D. Gerstein, except to the extent brought out by Brautigam.

News Commentator Fulton Lewis, III, who quoted the rules but said he quoted from a copy somebody sent him.

What made this strenuous but inconclusive effort by the Library of Congress seem all the stranger was the fact that, according to *New World News* Editor John Sturdevant in 1970, the information concerning Capt. Barber and the rules was furnished in Jan., 1962, to the History and Government Division, Library of Congress.

While Library of Congress researchers later went in circles, and apparently not in the right circles, *The New York Times* and *The Washington Post* both published lengthy articles in which they looked everywhere but the right place for the answer and, lacking it, trumpeted that the rules were false.

The *Times* article July 10, 1970, by Donald Janson, was headlined: "Communist 'Rules' for Revolt Viewed as Durable Fraud." The writer sought to link them to rightwing organizations including the John Birch Society, the Network of Patriotic Letter Writers, and the Association to Preserve Our Right to Keep and Bear Arms. The *Post* article, published about the same time, was inserted in the *Congressional Record* (vol. 116, pt. 19, p. 26296) by Sen. Gale McGee (Wyo.) It was headlined "Rightwing Hoax Survives Exposure."

In the 1970 American Rifleman editorial, republished by request in this issue, we quoted the Russian leaders of world Communism as being opposed to permitting private citizens in general to own guns. Only Communists, they felt, should be entrusted with guns.

American leaders of Communism have expressed a similar view. Earl R. Browder, General Secretary of the Communist Party, U.S.A., and Communist candidate for President of the United States in 1936 and 1940, before the party threw him out, declared that "all revolutions have been made with weapons which the overthrown rulers had relied on for their protection." (Browder, *What Is Communism?*, Vanguard Press, New York, 1936, p. 1665).

William Z. Foster, longtime National Chairman of the Communist Party, U.S.A., and a perennial candidate for President before Browder, outlined a seizure of the United States by armed Communists, later to be "developed into a firmly-knit, well disciplined Red Army," while the "class enemies of the revolution" would be unable to fight back. (William Z. Foster, *Toward Soviet America*, Elgin Publications, 1961, p. 274–275, etc.)

Foster died Sept. 1, 1961, while under indictment with 11 other Communist leaders for criminal conspiracy to overthrow the U.S. Government by violence. The others were convicted and sentenced to prison.

Not everyone who wants guns registered or confiscated is a Communist, of course, but there can be little question that nearly every Communist wants guns registered *and* confiscated—your guns and mine. Why? Recent history gives a solemn answer.

ANNUNZIO URGES FULL DISCLOSURE OF ADDITIVES AND NUTRITIONAL VALUE OF FOOD

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1973

Mr. ANNUNZIO. Mr. Speaker, before the 93d Congress are a number of proposals to make it easier for consumers to judge for themselves the nutritional value of the food they eat and see exactly what this food consists of. There are bills requiring food processors, packers, and manufacturers to list additives and preservatives in addition to provisions for third-party testing of these various chemicals to insure their safety for general use.

Along with other House Members, I have cosponsored the Truth in Food Labeling Act, the Nutritional Labeling Act, and the Open Dating Perishable Food Act.

It has been estimated that as many as 80 million Americans have to know what they are eating, because of allergies, dietary problems, religious reasons, or their general interest in good health. Because of conflicting regulations, it is difficult or impossible to tell what is in a food product. In most food items, even if the ingredients are listed, the list is often incomplete and the percentages of the ingredients contained are not included at all.

I urge my colleagues in the Congress to accord these vital consumer proposals the earliest possible consideration.

Mr. Speaker, I include two editorials on this subject from the Washington Post of January 17 and January 23, 1973, at this point in the RECORD.

[From the Washington Post, Jan. 17, 1973]

CONTROLLING ADDITIVES

It is no secret that large numbers of Americans live on food that does little nutritionally for their physical health. It is not so much poverty of income that causes this disruption as poverty of interest in healthy food. It has been reported that in 1970, for the first time, we spent more money for processed, convenience, snack and franchised foods than for fresh foods. It is small wonder that the Department of Agriculture recently rated only 50 per cent of family diets as good, compared with 60 per cent of families who were rated as having a good diet 10 years earlier.

As dismal as the American table may be, there is still the fact that healthy food cannot be forced on consumers; the right to eat empty calories and junk food is an inalienable one. For those, however, who care about the quality of their food—another inalienable right—Senator Gaylord Nelson of Wisconsin has recently offered useful legislation. It seeks the elimination of unsafe, poorly tested and unnecessary chemicals in the food supply. Senator Nelson cited industry and government figures that showed some 3,000 chemicals used in food processing, with roughly 1,000 of these used directly as additives. Already, the average American spoons in five pounds of additives a year.

The argument made by Senator Nelson and others is not that additives are automatically dangerous but that they are not automatically safe—merely because a food company says so. Dr. Michael Jacobson notes in "Eater's Digest" (Doubleday), a valuable guide for consumer's questions on additives: "At present, most testing of food additives is done by the food industry itself. The company that wishes to market a new additive, and to profit from its use, is in charge of the testing program to evaluate its safety." In recent years the list has grown of chemical additives once served to the public as "safe" but now known to be hazardous: cyclamate, agene, dulcin, butter yellow, oil of calumus, safrole, DES.

The Nelson legislation has the excellent provision that would require third-party testing of additives; approval would thus be based on facts gathered independently of the additive's owner. In addition, the substances would need to show a demonstrable benefit before receiving federal approval. These provisions are certainly not the whole answer—a nutritional revolution is needed for that—but they go a long way towards controlling a problem that should have been controlled long ago.

[From the Washington Post, Jan. 23, 1973]

LABELS FOR NUTRITION

First steps are important, even though the whole journeys is a long one. Essentially, this is what the Food and Drug Administration's new rules in food labeling represent. The state of the American diet is so bleak—and the processed food industry's contribution to that bleakness so large—that any reforms must necessarily be, as Dr. Charles C. Edwards of the FDA said, "just a beginning." There is also the question of how large a part of the public really cares about the kind of nutritional education that the new labeling will create. Countless tons of empty foods are consumed annually by Americans, in full awareness that they are getting little nutritionally for their muscles or bones. Yet, sales soar and food company chemists strive to create new concoctions of junk foods.

Presumably, the FDA did not have this group of consumers in mind. Instead, the new labeling is meant to provide specific information for those who do care about the quality of food, as measured by such contents as vitamins, calories, cholesterol and ascorbic acid. It is regrettable that compliance with the rules will not be mandatory, but instead will only be voluntary. The FDA claims that competitive pressures will bring food companies into compliance. Perhaps. There is still a suspicion, however, and Rep. Benjamin Rosenthal (D-N.Y.) expressed it: the new "program is built on the quicksand of those two oft-discredited concepts—voluntary compliance and self-regulation. . . . If the FDA truly believes these new programs are necessary, then it should make them mandatory."

For now, consumers can be grateful the FDA has at least taken this first step. The agency's past record of frequent indifference to consumer problems is well known. If anything, the new labeling suggests that the FDA now knows that parts of the public are demanding more knowledge about food. This should have been the transaction all along:

paying your money and knowing exactly what was put into the food product. Somehow, concealing the facts from the public has been going on so long that now, when nutritional labeling comes along, it looks revolutionary. It isn't. It is only a long-needed move toward fairness in the marketplace.

PRICE CALLS FOR THE REINSTATEMENT OF REAP

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1973

Mr. PRICE of Texas. Mr. Speaker, today I am introducing legislation which will require the Secretary of Agriculture to carry out the provisions of the existing law providing for the authorization and funding of the rural environmental assistance program. While I agree in principle with and applaud the President's efforts to keep Federal expenditures within reasonable limits, I feel that the effects brought about through the discontinuance of this important program would be detrimental to the long-range preservation of our most vital human resources—namely our soil, water, and air.

Begun during the 1930's, the rural environmental assistance program has worked effectively as a Federal cost-sharing program for conservation programs installed by farmers. Through this program, our farmers have done more to clean up and preserve our environment than any other federally sponsored program. This program has enabled our farmers to protect our soil through the establishment and improvement of vegetative cover, stripcropping systems, terracing, the reseeding of marginal land, and cross-fencing for grazing. REAP has also provided for strides to be made in the areas of sediment retention and chemical runoff control, drainage, irrigation and related practices and livestock water utilization and distribution on ranches. Through this program our farmers have also been able to embark upon activities which have slowed the spread of noxious brush and weeds, accounted for a major portion of our reforestation program on private lands, helped aid wildlife conservation and increased the development of recreational areas. It is evident that REAP has benefited not only rural America, but our Nation as a whole. Not only would it be unfair of us at this time to demand America's farmers to take on the burden of the conservation of our natural resources single-handed, it is not feasible for family farmers to initiate and continue these long-range programs without the aid of cost-sharing initiatives provided by the Federal Government. This is especially true if we are to continue to feed our own Nation while helping to feed the starving millions abroad.

I am looking forward to the hearings which will soon be held on this matter by the Committee on Agriculture of whhich I am a member and I am hopeful that the administration will reconsider its action with regard to this important program.

SENATE—*Wednesday, January 24, 1973*

The Senate met at 12 o'clock meridian and was called to order by Hon. DICK CLARK, a Senator from the State of Iowa.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, we lift our hearts to Thee in thanksgiving for the tidings of peace and reconciliation. Guide us through this day by Thy Holy Spirit that the tributes of affection and gratitude for Thy servant Lyndon Baines Johnson may be to Thy glory and the honor of this Nation. May the words of our mouths and the meditations of our hearts be acceptable in Thy sight, O Lord our strength and our Redeemer. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The assistant legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, D.C., January 24, 1973.*
>
> *To the Senate:*
>
> Being temporarily absent from the Senate on official duties, I appoint Hon. DICK CLARK, a Senator from the State of Iowa, to perform the duties of the Chair during my absence.
>
> JAMES O. EASTLAND,
> *President pro tempore.*

Mr. CLARK thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, January 23, 1973, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that time for the eulogies today be under the control of the distinguished majority leader or his designee and the distinguished Republican leader or his designee, and that the eulogies begin with the distinguished Senator from Texas (Mr. BENTSEN).

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Does the Senator from Pennsylvania (Mr. SCOTT) desire to be heard?

Mr. MANSFIELD. Mr. President, the Senator from Texas is being recognized in my place.

The ACTING PRESIDENT pro tempore. The Senator from Texas (Mr. BENTSEN) is recognized.

LYNDON BAINES JOHNSON—IN MEMORIAM

Mr. BENTSEN. Mr. President, today is a somber day for all Americans.

With the death of Lyndon Johnson, the country has lost one of its strongest leaders, the disadvantaged one of their greatest champions, and I have lost a dear friend. Lyndon Johnson's humanity will, in my opinion, be his greatest legacy. His humanity encompassed all men and it included the flaws that we all share. But it was a humanity that carried him through a life of political power without allowing him to forget those who had no power. It was a humanity that enabled him to enjoy the ultimate ambition of American political life while remembering those who never shared in the abundance and success that we know as Americans.

In the terms of the Texas hill country—"He never forgot his beginnings," and the memory of those beginnings provided us with a legacy of social programs that cover the entire spectrum of life in our society.

Lyndon Johnson translated the dreams of a generation of political leaders into an administration of action that will be remembered in history as one of our most exciting eras of domestic achievements.

Lyndon Johnson felt that the poor, the black, the aged, the Mexican American, and the Indian were Americans, who continued to face severe handicaps in language, jobs, education, health, and housing opportunities.

For they had sought, but too often had been denied, the dignity of well-paid labor. They had sought, but often had been denied, the proper tools of education for their children. They had sought—but had suffered often because of it—to maintain their own proud traditions in a free society where differences should be respected and cultural diversity honored.

Lyndon Johnson was well acquainted with the problems of the poor and the disadvantaged, for he had taught Mexican-American children in the public schools of south Texas. It was here and then that he developed a deep compassion and understanding for the Spanish speaking, who, like many other minority groups, have often had to turn to government to protect their rights and encourage their advancement.

When he became President, Lyndon Johnson said:

> Government has an obligation to match the promise of American opportunity with action—in employment, a decent wage, better education, improved housing, improved community facilities, and the guarantee of civil rights which every American expects.

The man's legislative accomplishments were legion. Ideas and social programs that had languished in the Congress for years were placed on the books during his 5 crowded years in office.

Lyndon Johnson knew his years in the Presidency were limited, and he also knew that given the nature of Congress and the realities of public opinion, he would have to act swiftly. And so he did.

Medical protection for the elderly and poor had been discussed since the days of social security; he passed the bills creating the medicare and medicaid program.

The precious right to vote had been sought by minorities for decades; the President noted that—

> We have been talking about equal rights for a hundred years of more . . . Now it is time to write them into law.

And the Voting Rights Act was signed into law.

Expanded Federal aid to education had been a dream almost brought to fruition by John Kennedy. Lyndon Johnson succeeded in passing the Elementary and Secondary Education Act of 1965, the higher education, the Bilingual Education Act, and a series of landmark educational measures.

Our outmoded immigration laws had been decried as a national scandal since the 1920's; Lyndon Johnson succeeded in having them changed.

All of these measures and more were not the hasty creation of a man bent on revolutionary social change. They were the measures delayed by inaction, frustration, competing interest groups, and the absence of forceful leadership. And Lyndon Johnson provided the leadership and made these ideas into reality.

But it is important to remember that improvements in education, equal rights for our citizens, more humane immigration laws, and the rest of the Johnson program were not abstractions to Lyndon Johnson.

When he worked for education, he thought of the individual children who were denied an equal chance, because their schools and their materials did not measure up. When he worked for more adequate medical protection, he thought in terms of the elderly man or woman who cannot pay his medical bills and who is cast away on the fragile mercy of the State.

When he sought voting rights for all, he spoke of the individual who deserves a voice in choosing the direction his Government will take.

It has been said that Lyndon Johnson concentrated on the quantity of legislation rather than on the effects of legislation. I could not disagree more. A bill to him was only significant in that it made life better for people, people who were underfed and underemployed, people who were undereducated and who did not receive decent medical care. I have never known a man more intimately involved with the needs of his individual countrymen than Lyndon Johnson. And it is that quality of caring that I remember most vividly.

Mr. President, Lyndon Johnson's life touched every American and shaped a future for this country that will be his living monument. He was a lion of a man: He held tenaciously to his convictions and possessed a sense of duty to country that never waivered.

He was a restless, impatient man who found too few hours in a day and too little done at each day's end. He is at rest now and the memory of his time here will be a personal treasury for me and a source of pride for his countrymen.

He once said:

> I have devoted my time on this earth to working toward the day when there would be no second-class citizenship in America, no second-quality opportunity, no second-hand justice at home, no second-place status in the world for our ideals and benefits.

That could well be his epitaph.

Mr. SCOTT of Pennsylvania. Mr. President, I yield such part of my time as he may require to the distinguished senior Senator from Texas (Mr. TOWER).

Mr. TOWER. Mr. President, Lyndon Baines Johnson—the 36th President of the United States—was a Texan in every good sense of the word. He was a superb leader in the Congress of the United States and he was an able President. He was a man of great compassion for his fellow man. His enormous energy and his driving ambition consumed him and those around him. He pushed himself beyond his own physical capabilities to get done the job he felt must be done, and this, no doubt, shortened his years here with us.

President Johnson confronted the critical and fast moving events of his day with the determination to make decisions that would serve the greatest good for the greatest number of people. History likely will remember him best for his leadership in the field of human rights. He also will be remembered for his great ability in the field of legislation—as a member of both the legislative and executive branches of our Government.

It was characteristic of the 36th President of the United States that he was able to maintain warmth and to extend the right hand of friendship even to those who opposed him. He was a man who had a forgiving nature, who never carried a grudge—a man who never became dissolved in any sense of bitterness or frustration. It is indeed unfortunate that he was taken from us at this time in his life when there was so much more in the way of good counsel and advice that he could have given to many of us, and so much more he could have taught our young people, in whom he had such a deep and abiding interest.

As much as the war in Southeast Asia dominated his Presidency, it is tragically ironic that he was taken from us only hours before an agreement was announced ending that long and costly entanglement. He yearned for peace which eluded him during those lonely years in the White House.

We shall sorely miss him. Those of us who are Texans can think better of ourselves, because we came from a society that produced Lyndon Baines Johnson.

Mr. SCOTT of Pennsylvania. Mr. President, one of the mysteries of Heaven's design lies in the ironies with which it revises our human scripts.

Lyndon Johnson loved people and loved to be with people, and he loved an audience and he entertained an audience; and it is sadly tragic that at the moment of his death he died alone.

He would have liked, I think, some last words to leave with us; I feel that, indeed, he did leave us those last words. From the moment he became President and stood in that somber light on that tragic day in Dallas and said,

> I will do the best I can; I ask your help and God's.

He had the last words.

At the very end of his life, in his last appearance as a public man, he said that some Americans stand on uneven ground and that all men aspire to stand on the level, one with another. He ended as he had so many times, using the same refrain, with the words "We shall overcome."

It seems to me that, as always, our friend Lyndon Johnson had the last word.

Mr. MANSFIELD. Mr. President, I yield to the distinguished Senator from Louisiana (Mr. LONG).

Mr. LONG. Mr. President, today we mourn the passing of Lyndon Baines Johnson, a friend to most of us here and the man whom I hold above any American of his time. With all of my colleagues I join in extending sympathy to his widow, Lady Bird, his daughters, and other family relatives.

Lyndon Johnson was the greatest legislative leader in our history by any standard. His record of accomplishments is massive in number and impressive in scope.

I remember his words upon leaving the White House:

> What really matters is not the ultimate judgment that historians will pass but whether there was a change for the better in the way our people live. I think there was.

The Johnson administration recommended 200 major measures to the Congress; 181 of them were passed. Most are still with us today, a body of law designed to benefit all Americans, in every walk of life.

Perhaps his most important legacy to our Nation is his resolution of the age-old quarrels over civil rights and equal opportunity for all. In his first address to the Congress as President he called for the enactment of a strong civil rights bill. He signed it into law in July 1964, 6 months after taking office. It was the most sweeping civil rights bill since Reconstruction days.

Another milestone in his Great Society program was the passage of medicare and medicaid legislation, breaking the impasse over the issue of medical care for the aged. I was privileged to manage that milestone law and probably view it with more emphasis than some. It fit L. B. J.'s philosophy—and mine—to help those who cannot adequately help themselves.

He also broke the years of deadlock over Federal aid to elementary and secondary education, assuring a good education for all our children.

Lyndon Johnson tried to correct every evil and injustice known to him. He declared his war on poverty to uplift the lives of so many Americans. It will be many years before we fully appreciate all he did for this Nation.

As his achievements were greatest in the field of domestic reform, his greatest frustration was in the war in Southeast Asia. Unlike Harry Truman, Lyndon Johnson did not live to see vindicated his decision to commit American troops against aggression; but, history may yet prove that this was the wisest, although the most costly and disappointing, experience of his life.

In October 1966 in addressing our troops at Cam Ranh Bay, he said,

> You know what you are fighting against: A vicious and illegal aggression across this little nation's frontier. You know what you are fighting for: To give the Vietnamese people a chance to build the kind of nation they want—free from terror, free from intimidation, and free from fear.

History may show that by resisting aggression in the jungles and rice paddies of Vietnam, Lyndon Johnson saved the world from the course of events that could have ended in a war of atomic devastation.

Lyndon Johnson began his life 64 years ago in Stonewall, a small town in Texas. At his birth, his grandfather prophetically said:

> He'll be a United States Senator someday.

He was a Senator some day; he was one of our greatest, and it was my privilege to serve with him for many years.

He came to the Senate from the House in 1948, winning the election by only 87 votes, thus earning him the nickname of "Landslide Lyndon." He was a powerful legislator from the very beginning. Before he completed his first term, he became minority leader; and in 1954, when the Democrats regained power, he became majority leader.

From Capitol Hill, Johnson assumed the second highest office in the United States. As Vice President not only did he fulfill the traditional constitutional role of the office by presiding over the Senate, he was also chairman of the President's Space Council, headed the President's Commission on Equal Employment Opportunities, and served on the National Security Council.

Lyndon Johnson was 55 years old when, in that time of national grief and horror, an assassin's bullet made him President.

He said to the Nation:

> I will do my best. That is all I can do.

Mr. President, he served in the highest office of our country for 5 years and he did his best. His best was great, indeed, and I believe history will record it as such. Lyndon Johnson may well have been our greatest President.

Mr. MANSFIELD. Mr. President, death can, at times, be delayed but, in the end, cannot be avoided. Within the past month, two former Presidents of the United States, Harry S Truman and Lyndon Baines Johnson, have left their existence here on earth. Both were Senators of the United States. Both were Vice Presidents of the United States. Both, through the death of others, became Presidents of the United States and, then, in their own right, became Presidents again.

It was my privilege to work with these men but most closely with Lyndon Baines Johnson. I served with him for 4 years as the assistant majority leader when he was majority leader of the Senate. I succeeded him as majority leader when he became Vice President in 1961 and continued in that capacity throughout his Presidency.

We were in friendly and fairly close contact for those many years. As President, Lyndon Johnson was the head of the executive branch and, as the majority leader, I was the representative of the Senate. As might be expected, we did not always agree but at no time did our disagreements impair the civility of our relationship.

Lyndon Johnson came from humble origins but he was not a humble man. Rather, he was a man of great pride and his Presidency was a Presidency which bore the hallmark of this pride. We shall not see his like again, nor shall we see the kind of legislative program which was enacted in response to his determined leadership in the pursuit of equal opportunity for all Americans.

Insofar as proposing and enacting legislation in the field of domestic and social reform, Lyndon Johnson was, in my judgment, the greatest of Presidents. Historically, his record in that respect will emerge as superior to any other President or any combination of Presidents. He was in the tradition of Franklin D. Roosevelt, the man he so much admired, and his dream of a great society of free men will be his enduring monument in the history of this Republic.

Mrs. Mansfield, our daughter Anne, and I wish to extend our deepest condolences and sympathy to Lady Bird Johnson, one of the outstanding First Ladies of this Republic, to the Johnson daughters, Lynda and Luci, and to all their families in this hour of sorrow and bereavement. May his restless soul find peace.

Mr. President, I yield to the distinguished Senator from Alabama (Mr. SPARKMAN).

Mr. SPARKMAN. Mr. President, I am pleased to have the opportunity to join my colleagues in paying tribute to a man who all of us knew and with whom we all served, former President of the United States Lyndon B. Johnson.

Lyndon Johnson entered Congress—the House of Representatives—approximately 3½ months after I did. He served on the Naval Affairs Committee; I served on the Military Affairs Committee. We were closely associated. I knew him throughout the years. Our families were friends.

I have always admired Lyndon Johnson for the tremendous job he did in the Senate and as President of the United States. I think we never had a majority leader who was more active, more attentive, more aggressive, and more effective than he was. During part of the time, he was the minority leader, and he showed the same interest and the same activity.

As others have pointed out, he sponsored and put through the Senate—and it may well be said that he put through the entire Congress—some of the most helpful legislation we have seen enacted. He was interested in all general legislation, but he was especially interested in some of the things that were new and some of the things that were special.

I recall, for example, the very active interest he took in the development of the space program. He really took the leadership in that matter.

I recall his activity in the field of small business. He was actively interested in good housing and all the programs for the good of the people generally throughout the United States.

I shall always remember one thing about him. When President Eisenhower was elected, he brought a Republican Congress with him. Lyndon was our minority leader—the Democratic leader—but I recall the stand he took, right in the beginning, that:

> We are not going to be an opposition party as such. We are going to do our best to cooperate and make this a good administration.

I recall some of the things that happened in connection with foreign policy and the activity in the Committee on Foreign Relations and the attitude and the results of the expressed attitude of Lyndon Johnson.

He was active when he was President, one of the most active Presidents we have had. He came into the Presidency as the result of a great tragedy, but he took hold quickly; and I feel that he did his best to carry out the policies that had been carried along by President Kennedy, with whom he was serving as Vice President.

I recall an appointment that I had with President Kennedy for December 2, 1963. Following his death and the taking over of the Presidency by President Johnson, I called him one day and told him that I had that appointment to talk about a matter of great concern to my State and my part of the country, and that I should like to see him as soon as I could.

He said to me,

> Give me a little time, let me get settled in this job, and I will call you.

Not long after that, he did call me. I talked to him about the project in which he was particularly interested, and he suggested an action that we might take. He said it would require $100,000 to carry out what he had in mind, that he had that money available, and that we would not have to call for an appropriation. So the study he proposed was made, and it proved most helpful in the clearance of the project at a later time.

A great deal has been said, and even more will be said, about the war, in which he was so deeply absorbed.

I remember being at the White House on different occasions, when he would have a small group of Members, primarily of the Foreign Relations Committee, to discuss the war with him. Several of us were there on the morning that he made his decision with reference to what has been called an escalation of the war. He spent a couple of hours discussing the different alternatives that might be taken; then he asked for the advice of those present. I believe I never saw any person deeper in anguish or more troubled than he was on that morning in trying to reach the fateful decision that would be for the best interests of the country and for the world as a whole.

I remember when President Johnson made his announcement that he would not be a candidate for renomination. I was in my home in Huntsville, Ala. After listening to him, I immediately called him on the telephone and asked him if he really meant that I said:

> Surely you don't mean that.

He said:

> Yes, I think it is best.

I have believed all along, from the things that he told me that night, that he believed that his leaving office might make it easier for someone else to come in and solve this difficult problem with which the country was confronted, and to bring peace. I wish he might have lived long enough to know the developments that have just taken place.

We have sustained a great loss in the going of former President Lyndon Johnson. Mrs. Sparkman, my daughter, and I all join with our colleagues here in expressing our sympathy to Lady Bird Johnson, to Lynda Bird, to Luci, and to the whole family. We extend to them our deepest sympathy and pray that the good Lord will comfort them and look over them in these difficult times.

Mr. MANSFIELD. Mr. President, I yield to the distinguished Senator from Nevada (Mr. BIBLE).

Mr. BIBLE. Mr. President, Lyndon Baines Johnson was a dynamic leader whose life touched closely on us all, and there is shock as well as grief at his passing. No one in Congress or across the Nation was prepared for the suddenness with which death came to this great American. Indeed, it is still difficult to believe his unceasing energy has been stilled.

We mourn the departure of a remarkable political leader, a man who will be regarded by history as one of our greatest Presidents. Here in the Senate, where Lyndon Johnson left the indelible mark of his forceful personality, we feel a deep personal loss. He was a commanding figure in both Congress and the White House and I cherish the memory of our close friendship which spanned more than two decades. I shall be ever grateful for his wise counsel when I first entered the Senate. He visited Nevada on innumerable occasions, where he gained many lasting friendships. He was never too busy to assist his friends and his party.

President Johnson devoted his entire life to public service, starting with a humble teaching position in his beloved Texas and culminating in the Nation's highest office. His public career kept him at the Capital much of his life, but he never lost touch with the people and the land and with his home on the Pedernales.

It was this close touch with the people and the land that made him a great President. And it was his long service in Congress—an institution he revered—that made him such an effective President. As perhaps no other Chief Executive, he surmounted the legislative and executive division to achieve an unparalleled spirit of cooperation and unity of purpose between the White House and Capitol Hill.

His energy and drive, his zest for the high challenge of national political leadership—all these were legendary. As President he met those challenges head-on. His remarkable record of achievement in the areas of human rights and opportunities is unmatched. He worked incessantly against hunger, poverty, illiteracy, and bigotry. And yet this man of peace found himself prosecuting a destructive, bloody, and unpopular war in Southeast Asia. He met the military challenge abroad with the same determination—if not the personal conviction—that marked his pursuit of social goals.

History will remember Lyndon Johnson not as a leader in war, but as a crusader for peace and justice. On that basis it will judge him, and it will judge him a President of immense stature and compassion whose mark will always remain on the social progress of our Nation.

It is perhaps fitting that he died close to the people and the land he loved so much. But this does not ease the great sense of loss our Nation feels.

A remarkable leader has gone. There will never be another like him. Our grief is deep.

Mr. MANSFIELD. Mr. President, I yield to the distinguished Senator from Mississippi (Mr. STENNIS).

Mr. STENNIS. I thank the Senator from Montana for yielding to me.

Mr. President, along with many other Senators, I have a great deal of feeling on this occasion. Our late friend and I had, for years, identical committee assignments in the Senate. On two of those committees we sat side by side for more than 10 years. I know of many of the major decisions he made then, and even more particularly as floor leader of this body.

I was with him a good deal when he was Vice President, and I know much of what he went through as President of the United States. He was a remarkable man. He was, as we know, a man of action, of great ability. He was always up front, where the action was. Not as an eager beaver, as we use that term, but because he liked the action, and he wanted to do things. He was willing to pay the price. He was not afraid and never dodged a problem because it was hard. But I am going to mention particularly two instances that I remember in which he rendered great service to this country in time of crisis; and he was always ready to respond to crises:

The first was at the time of sputnik, when the Soviet Union orbited the first man-made satellite. Most of us in Congress and many people over the Nation were uncertain. I will not say they were afraid, but there was an air of uncertainty. The feeling of the people was not despair, but the deepest concern as to what this event meant and where the United States stood. These questions were asked, "How delinquent, if at all, was the United States in being prepared; and What was the potential power of the Soviet Union and its technology; and What was our defense, if any?" He held the first hearings on the situation as chairman of the Preparedness Subcommittee of the Armed Services Committee, and I sat right next to him on that committee.

I thought he rendered a tremendous service at that time. The question developed as to whether or not we were going to make space exploration a civilian program or have it under the military, as had been the case with atomic energy a few years before. He cast his thinking, his lot finally, on the idea of creating a separate, nonmilitary agency which we now call NASA.

The creation of a civilian agency and civilian space program was a successful policy. He was closely connected with it during the first years of the program, and it was truly a pioneer work. He rendered great service in the beginning and development of the space program.

Another crisis that tested him greatly, one which was graver than the first, was the tragic death of the late President John Kennedy. In that confusion, turmoil, international crisis, and crisis at home, I think Lyndon Johnson showed his worth as a man of tremendous inner courage, steadfastness, and determination. At the same time, he showed the greatest deference to our fallen President and the first famliy and the grief of the Nation. He was placed in as difficult a position as one could be placed. He had to assemble his thoughts in a matter of a few minutes, take the tremendous burden of being President of the United States, assure the people and pull them together, assure the free world of our course and his course, and also let all nations know that we could be firm.

It was a tremendous accomplishment amidst criticism on the part of some. A lesser man could not have carried that load the way he did. In a very short time things had settled down due largely to his assurances. The assurances came from his conduct and in the way he took charge.

I want to mention another event here that I feel throws some light on our late friend that might have passed unnoticed unless someone had had some special experience with it. Many will remember during the time of his first heart attack he was a very, very ill man for days and weeks. I lived near Bethesda Naval Hospital, and I would go out to see him after he was able to have company. On one visit, we talked about what is now known as the Jefferson Bible. As many will recall, Jefferson clipped out certain parts of the Bible and put them in a little book. This book is now known as the Jefferson Bible. Senator Johnson was very much interested in it then. I got one at the bookstore and took it to him.

He read it all and reported back to me. He was already familiar with the Bible. I do not want to be misunderstood. But he did not have knowledge of Jefferson's particular approach. He never forgot that I had given him a Bible. In the heat of controversy surrounding the White House about the war, he would quote something out of that Bible in his efforts to try to persuade a person. That showed the spiritual current that ran through his character and ran through his mind all the time. This feature surfaced when he was under stress and making hard decisions in a crisis of one kind or another.

I think the greatest difficulty he encountered in the White House was in connection with the war. He was unable to do all he wanted to do. He could not overcome that war obstacle during his term. He was surrounded in such a way that a solution could not be found. I do not say it was his failure. He tried hard. I think, most unfortunately, he received some advice from others that turned out to be based on erroneous facts, particularly in the early years of the war. They were miscalculations of others. He, and any President has to act, at least in part, on the advice and recommendations of others, but the advice and counsel given to the late President as to what could be done under certain circumstances was under a grave error. I state this for the record deliberately, only to make my little comment on the record a little clearer what he was up against. He never made such a claim to me. I never heard him blame anyone. I am not trying to assess blame, but those of us who were close enough to know what he went through and what the facts were know how those miscalculations misfired.

To Lady Bird Johnson, who I think was one of our truly great First Ladies, and to all the family, Mrs. Stennis and I extend our condolences in their great loss. And may God bless them now and sustain them now and in the years ahead.

Mr. MANSFIELD. Mr. President, I yield to the Senator from Ohio.

Mr. TAFT. Mr. President, I thank the distinguished majority leader for yielding. I join in the tributes to Lyndon B. Johnson. He was one of those unique men with great capacity for leadership. His meteoric rise in the Senate was itself testimony to that fact and acceptance of this quality by his colleagues. Of this he was most proud.

In a number of pleasant, personal contacts with him, he appeared to like nothing more than to reflect on his legislative battles in the Senate in which my father was often a strong adversary. But they were adversaries with great mutual respect and friendship, even in disagreement.

This man's strength and dedication to service and loyalty to his American heritage was admired by all. And, with his great legislative skill, they have already earned him great recognition in history, especially through the many great landmark pieces of legislation which were passed during his administration. I refer particularly to the Civil Rights Act, in which I was very active while a Member of the House. I do not believe that measure could have passed without his strong leadership and the support of the White House. This legislation was in the best interest of the Nation.

I remember particularly when our intelligence ship was attacked over North Korea that I made some comments to him with regard to it, expressing disagreement and caution as to what occurred. He hen asked me to visit with him and Walt Rostow at the White House to be sure that I had a full understanding of the situation and the national implications involved. This, I think, was typical of him, rising above, and recogizing that others were capable of rising above, a given situation.

Partisan though he could be, he never allowed partisanship to deter him from pursuing courses of action, no matter how difficult, that he felt were in the best interest of the Nation.

He will be remembered as a legend and will be deeply missed for his sound and careful advice that he often offered to those who knew him.

I join in expressing sympathy to Mrs. Johnson and to the entire Johnson family.

Mr. MANSFIELD. Mr. President, I yield now to the distinguished senior Senator from West Virginia.

The ACTING PRESIDENT pro tempore. The senior Senator from West Virginia is recognized.

Mr. RANDOLPH. Mr. President, I am appreciative of the opportunity provided to me by the majority leader to express a tribute during this period of eulogy.

Mr. President, our feeling for Lyndon Johnson goes back a long time. Perhaps of all of the Members in this Chamber, I actually knew him first on Capitol Hill. I came to the House of Representatives and was sworn into office in March of 1933, almost 40 years ago. There are only two Members of the Congress, Representative WRIGHT PATMAN of Texas and the Senator who now speaks, who were Members of the Congress when Franklin D. Roosevelt became the President of the United States of America.

I remember sitting in the House of Representatives on May 13, 1937, when Lyndon Johnson took his oath of office after having been elected in a special election on April 10, 1933, from a congressional district in Texas. As I recall, he had 10 or 11 opponents in the primary. He succeeded Representative Buchanan, who had died in office.

I recall that on the next day, May 14, 1937, I sat talking with Lyndon Johnson. I had known him as one of the doorkeepers in the House of Representatives. I had also known him as a member of the staff of Representative Richard Kleberg of Texas.

Mr. President, I asked him where he was going to be living. He replied:

> You know, with all the thousands of people who are coming into Washington under the New Deal agencies, and with the depression that resulted in no construction of new housing, it is not easy to find a place in which to live.

It was my time to try to be helpful, saying:

> I have two friends who have a furnished apartment in Washington. Their names are Edith and Sam Ourbacker. He is with the Social Security Board and has been asked to take over the office in Cleveland, Ohio. They have contacted me and asked if, perhaps, I might know of someone who would like to rent their apartment.

As always he acted at once. He said:

> Give me that telephone number.

I did so. He hurried into the Democratic cloakroom and called the Ourbackers. Early that evening he was at their apartment to see whether he would like it and whether their family would like him. He rented that apartment.

I will never forget what he later said to me:

> Jennings, I think I will have to give you a finder's fee. I like that apartment. It has a 4-poster canopy bed that is very large, and I can stretch my legs on it.

We have poignant memories that come from earlier or later experiences with Lyndon Johnson. His careers, certainly in Congress, and his career in the White House were as one because he was a forceful and dedicated leader in every job he held or place of leadership he attained. I recall very well that he came to West Virginia, a number of times. My able colleague, Senator ROBERT C. BYRD, who is in the Chamber now, remembers many of these visits. However, before mentioning the three or four times that Senator BYRD and I were able to be with him in our State, I recall that Lyndon Johnson said to both of us in 1959 as we were sworn into service in this Chamber:

> I want to be considered as the third Senator from West Virginia.

Yes, he was, in a sense, a third Senator from the State of West Virginia. He was very helpful to us.

And the former Vice President of the United States HUBERT H. HUMPHREY, now a Senator again from the State of Minnesota who is in the Chamber at this time, remembers the day, because he was presiding in this Chamber, when the Appalachian Regional Development Act passed the Senate in 1965. I recall vividly the signing at the White House of that important bill.

President Johnson said:

> This is a measure, I believe, that will help people in the Appalachian region to help themselves.

And it was true. We in Appalachia are better able to help ourselves—and each other.

Lyndon came to visit the State of West Virginia more than a dozen times. He came not only as a candidate for public office, but to be with the people in the hills and valleys of our State, sharing our concerns and hopes.

It was on September 20, 1964, that he came to Morgantown, W. Va., where he was a dedicatory speaker for new airport facilities. Some 25,000 persons were present for that ceremony. The emphasis then was on the development of transportation. He spoke of the movement of people, the movement of products, and the mobility of our Nation, and the closer ties between sections of our great country.

We remember all of the challenging speeches he gave. We remember when he came on September 3, 1966, to talk on another subject in West Virginia.

He journeyed into the hill country—into the mountains—and there he dedicated the beautiful Summersville Lake. He talked about conservation, the preservation of natural resources, the strength of people who came from the land, and he understood what he was talking about, for he was from the land—a man of the soil and the sky. Some 20,000 people gathered from over the hills and out of the valleys to hear that Nicholas County speech.

I remember so very well when the president of Bethany College, now the president emeritus, Dr. Perry Gresham, called and said,

> Lyndon Johnson, the majority leader of the Senate, is a member of the Christian Church. Bethany College, in West Virginia, is a college of his denomination. We would like to have him come and make the commencement address, and present him with an honorary degree.

On June 7, 1959, he was in Bethany, W. Va., in what we call the Northern Panhandle of our State—a few miles from Wheeling—and on that occasion he talked about the need for education for the children of the United States of America. He talked about those who, for various reasons, had not had the broader opportunities for education which some portions of our population enjoy.

I have not given these incidents chronologically, because I wanted to come to one that exemplifies, in a sense, what is in our hearts today—a yearning for peace. Lyndon Johnson wanted that very much for all mankind.

We were privileged to have Lyndon Johnson in West Virginia to deliver what we then called the Armistice Day address. It was deep in the mountain country at Welch, in McDowell County, some 18,000 people were to hear him on that occasion as he told of the torment and the tribulation that was in his heart, even then as Vice President, because of the tragedy of the conflict in Southeast Asia. Bob Byrd will remember that we rode from the Mercer County Airport, located near Bluefield, in a helicopter to the Welch area, because of the rugged terrain. That was on November 11, 1963; he was to undertake the awesome duties of the Presidency of the United States because of the tragedy which befell this Nation with the death of President John Kennedy. He seemed sad on that trip as he thought of brave men who were dying in battle in Vietnam.

I have spoken intimately, but I think that is the only way I would want to discuss Lyndon Johnson today. I never saw him stepping from one point to another; he was always striding from one point to another. I never saw him walking; he was always quickly going somewhere. I think that typified his life here on Capitol Hill and in the White House. And he moved the country with him.

I do remember, as do all of us, the civil rights fight in the Senate, when he kept us in session for extended periods because he believed that the filibuster should be broken and that Members of the Senate of the United States should vote on the civil rights issue. Yes, a man from the South, or the Southwest, led the fight.

Sometimes we have forgotten—perhaps even the leaders in that battle—the breakthrough which he made possible. He must never be forgotten for the work done in the area of human rights, nor should he be forgotten for his vital leadership in the fields of education, better health, and decent housing for the people of the United States of America. Sometime in our history people will understand the constructive contributions which he made during his vigorous lifetime. It was not so long in actual years, 64, but he crowded much into those years, always pressing, always working, always thinking, always, above all else—though some might have thought of him as an operator—endeavoring to secure programs to benefit people. He was a humanitarian, because he loved humanity—and helped humanity in dignity.

My wife Mary, and Lady Bird, were dear and cherished friends. She joins me in our sympathy to the Johnson family.

I remember his congratulatory message following our reelection to the Senate in November of last year—remembering, as always, one of the many colleagues with whom he had worked on Capitol Hill and in the White House. I responded, in part by stating:

> I often recall the wonderful years I served for and with you in public life.

In an hour or so, the body of Lyndon Johnson will be carried into the rotunda of the Capitol. His spirit, however, will inspire us because his was a boundless spirit that will be captured, if it is ever to be captured, only in American history.

Mr. ROBERT C. BYRD. Mr. President, I yield to the distinguished senior Senator from Rhode Island (Mr. PASTORE).

Mr. PASTORE. Mr. President, on an occasion as solemn as this, I do not think what we have to say really counts for as much as what we feel. In my heart I feel that I have lost a dear friend.

I came to the Senate in December of 1950. Before that time I had never met Lyndon Johnson. But from the day that I did meet him until the day he died, I always cherished his friendship and admired his strength and the power of his character. He was very close to me, and I feel that I was very close to him. He stepped aside as a member of the Joint Committee on Atomic Energy to make room for me, and I have been a member of that committee from that day forward.

I shall never forget, in June of 1964, when I received word from one of the staff in the cloakroom—

> The President of the United States is on the phone, and he would like to talk to you.

I picked up the phone and heard him say, "JOHNNY, is this you?"

I said, "Yes, this is I."

He said, "I want you to make a speech for me at the convention."

I said, "What do you mean by that, Mr. President?"

He said, "I want you to make my keynote address."

And he said, "I want you to make a good speech, good for you and good for me."

He asked me on numerous occasions before the convention to show him the speech that I was preparing. I must say that I refused to do so, because I never showed that speech to anyone. I never made that speech before I made it on the floor of the convention in Atlantic City. As I am doing now, I thought the spontaneity of the moment was required for the effectiveness that one expects to give to his utterances.

The first time I made that speech I never recorded it, but it was recorded at the convention even as I made it. When at Atlantic City I had finished speaking, President Johnson was on the telephone again from the White House, congratulating me for what I had said on his behalf. I recall vividly what I said on that occasion, that no man in such a short period of time, the 7 months of his succession, had done more for the people of the country than Lyndon Johnson.

He was the father of the civil rights movement. For 100 years, we had struggled to carry out the issue of a civil war and the fiat of the Declaration of Independence that all men are created equal, and here was a southerner gifted with the humaneness and the humanity to realize that the color of a person's skin in America should not stand in the way of achieving his aspirations and ambitions. Lyndon Johnson fought hard. The first black man on the Supreme Court was appointed by Lyndon Johnson. The first time we heard of aid to education by the Federal Government was under Lyndon Johnson. It was the dream of President Kennedy, but it was the fulfillment of President Johnson.

These are the monuments that will endure as a reminder to all future Americans of what a good-hearted man can do.

In November of 1967, at his invitation, I sat alone with him in the Oval Room of the White House. He told me of his agony, that the war in Vietnam had accelerated to the divisive point that it had, and that he had been unable to unite the country.

He asked me this pointed question: He said:

> Johnny, do you think I should step aside?

I looked him straight in the eye—I could not believe what he was saying to me—and I asked:

> Mr. President, do you believe that what you are doing is right even though I disagree with you?

He said:

> From my heart I believe that what I am doing is right.

I said:

> Well, under those circumstances, if you are right, history will record you as being right; but if you are right and you step aside, history might record that you had failed the people of your country.

Frankly, I thought he was pulling my leg. I could not imagine that the President was serious about stepping aside. Yet I sat in the living room of my home with my wife on that night of March 31, 1968, when, at the conclusion of his speech, Lyndon Johnson said that he would not seek renomination and would refuse it if it was granted to him by the Democratic National Convention. Then I realized how serious he had been and how deep his personal agony really had been that previous November of 1967.

Yes, he stepped aside so that peace negotiations might be advanced. He gave up the Presidency because he loved his country. If Lyndon Johnson had run for reelection in 1968, he might not have achieved the overwhelming plurality of votes he received in 1964, but surely, in my heart, I believe he would have been elected.

But he said on that occasion:

> If I step aside, maybe North Vietnam will realize that I am sincere and they will come to the negotiating table.

Mr. President, is it not ironic that today, when Henry Kissinger is detailing the agreement that we have achieved on a cease-fire and the termination of hostilities in Vietnam, the body of Lyndon Johnson is lying in state in the rotunda of the Capitol of the United States which he loved so intensely.

Perhaps it is prophetic—perhaps it is God's will—that this is the time peace was to come—the end of a war—the end of a life. History will judge the wisdom of his way—but right or wrong I shall remember Lyndon Johnson as my friend. He cherished his family. He adored his Lady Bird. He loved his children. A man who has that intensity of love, has love for his fellow man.

Lyndon Johnson knew hard times. He was a young man during the depression years of the 1920's. He worked for a dollar a day. He helped the underprivileged and the suffering because he knew suffering. No man can be big unless he learns to be little. When the chips were down, Lyndon Johnson had a heart for the little people.

Thus, on the occasion of his requiem today, I cannot find the words to match the greatness of this individual, because the Lord, with all His generosity, has not blessed any person with adequacy of tongue and mind to say fully what is in his heart.

I say it, as simply and as sincerely as I can—even though it be inadequate—that I mourn his passing. My home extends to his home our deepest sympathy.

I pray that God will give the family of Lyndon Johnson the strength to remember the years of happiness they spent together. Let this serve as the premise and the promise for their future good fortune, good health, and happiness.

Mr. ROBERT C. BYRD. Mr. President, I now yield to the distinguished Senator from Rhode Island (Mr. PELL).

Mr. PELL. Mr. President, the news of the death Monday night of President Lyndon Johnson saddened me very deeply, for the world seems an emptier place without his immense energy.

Lyndon Johnson was a true leader of men during the 31 consecutive years that he served his State and his country as a Congressman, Senator, naval officer, Vice President, and President.

Guided by his deep compassion and concern for the problems of all our people, he directed his driving force toward improving the quality of life for our people.

The list of his legislative accomplishments, both in the Congress and as President, seems limitless. So many of the programs that we almost take for granted today would not be on the lawbooks were it not for his singular determination and his masterful skill as a legislator.

He was a man who put less stock in rhetoric than in accomplishment. He told us that we as a Nation had talked too long about equality of opportunity for all our citizens. He sought action and he saw to it that we passed the most comprehensive civil rights bill in 100 years.

He sought and obtained action in other fields: medical care for the aged, a higher minimum wage, a major new housing program, and a start toward cleaning up our polluted environment.

And he provided the impetus for a massive infusion of Federal funds into our elementary and secondary schools, programs that I have had the opportunity to oversee for the past 4 years.

No matter what may have been our views on various subjects, I never failed to admire his determination to do what he thought was right for the people who had chosen him as their leader.

Lyndon Johnson was a big man who thought in big terms. The world today is a smaller place without him.

My wife and I extend all our sympathy and condolences to his lovely wife and family.

Mr. ROBERT C. BYRD. Mr. President, I now yield to the distinguished Senator from Mississippi (Mr. EASTLAND).

Mr. EASTLAND. Mr. President, even as we mourn the loss of Harry Truman—accomplished Senator and great President—we suffer yet another lessening in the thin ranks of America's giants of this era.

Lyndon Johnson—Senator without peer, President awaiting history's assessment of his labors—is no longer with us.

It seems to me fitting and proper that Texas placed this man on the national stage and the international scene. One of our largest States gave us a leader almost larger than life.

President Johnson was, in every sense, a big man. His goals, his desire to serve his country and her people, his hopes for a better future for mankind, his unwavering faith in that future, were all on a towering scale.

None of us in this body can ever forget that Lyndon Johnson stood here and symbolized the title of Senator. He was a driving, striving, tireless leader, and he gave real meaning to the honored concept of "the loyal opposition"—a meaning carried forward in outstanding fashion by our present, distinguished majority leader.

He reached out his strong hand to a Chief Executive from our other great political party, and he contributed mightily to the effective functioning of this Government during the Eisenhower years.

When he sought—and lost—the presidential nomination, the breadth of his talent was, of course, recognized by President Kennedy. He became, as always, a working member of the Kennedy team and served with a loyalty that testified to the depth of his character.

When tragedy overtook us—when an assassin struck down John Kennedy and crisis was thrust upon us—Lyndon Johnson met and measured up to that gravest of tests.

He assumed the burden of the Presidency. He took the reins firmly and courageously and spoke to the American people, saying, with a calm and steady faith in them, and in the way of freedom, "Let us continue."

Continue we did—and as we will—under leadership selected by our citizens—until the end of time.

Lyndon Johnson cast a giant shadow across America and across the earth. It is a sad shadow today because of his passing. However, I believe that in the decades ahead it will be a sheltering shadow for men—here and everywhere—against the evils that beset mankind. I believe this land and the world are better because he tried so very hard to make them better.

If we who knew him and worked with him—and against him, at times—would raise up a monument to President Johnson, I suggest that it might be done here, in the Senate he loved with all his heart.

Let us, in this Chamber, salute him by continuing in the work we are in—the work he gave a lifetime to—the ongoing task of dedicating all of the strength and whatever talent we possess to fashioning a brighter tomorrow for each American and for everyone on this earth.

Mr. ROBERT C. BYRD. Mr. President, I now yield to the Senator from New Hampshire (Mr. MCINTYRE) and then to the Senator from South Carolina (Mr. THURMOND).

Mr. McINTYRE. Mr. President, no President since Abraham Lincoln bore the barbs of criticism and the stings of abuse with more grace than Lyndon Johnson.

This proud and sensitive man must have had his moments of bitter anguish, must have had his moments of despair, must have had his share of heartbreak as he watched his monumental accomplishments for this country sullied and disdained in the wash of disenchantment over a war that deceived both predecessors and successor—and many of us in this very Chamber.

But let us look behind this greatest tragedy of our times, a tragedy now, thank God, about to end, and remember once again what Lyndon Johnson really was, what Lyndon Johnson did for us.

When John F. Kennedy was taken from us in November of 1963, it remained for Lyndon Johnson to restore our national spirit and renew our determination.

I wonder, Mr. President, if there was any other man in Government at that time who had the will, the courage, and the skill to set this Nation back on its feet and start it moving again.

And 1 year later a landslide victory at the polls gave him the mandate he needed to start building the Great Society, on the leading edge of the New Frontier.

He accepted that mandate, and in the next 3½ years he started more programs for social progress than any other administration in our history.

He sought to care for the sick through medicare and medicaid, to feed the hungry through food stamps and surplus food, to secure the golden years with landmark increases in social security, to educate the young through a tripling of Federal money for schools, to give to the able-bodied through manpower training and vocational rehabilitation, to provide equal rights and human dignity for all men with civil rights legislation that advanced the cause more significantly than any measure since the Emancipation Proclamation.

Let us think about that legislation for a moment: voting rights, elementary and secondary education, higher education, model cities, rent supplements, minimum wage, the Department of Housing and Urban Development, the Department of

Transportation, Job Corps, VISTA, food stamps, a host of antipoverty measures, food for freedom.

Now, Mr. President, it is politically fashionable these days to belittle the accomplishments of these nobly inspired Great Society programs. And perhaps the critics are right. Perhaps it is, indeed, true that legislation alone, money alone, will not cure our social ills.

But this conclusion, even if valid, cannot, shall not, dull the luster of Lyndon Johnson's intent.

This son of the Southwest believed, truly believed, in America's promise for every man—and he worked, as best he knew how, toward that end.

He was brought down, finally, by a war that deceived him, and by the flames of rising expectations that he himself had kindled with the very highest of purpose.

Mr. President, 144 years ago Alexis de Toqueville wrote something poignantly appropriate to any consideration of Lyndon Johnson. De Toqueville wrote:

> Only great ingenuity can save one who undertakes to give relief to subjects after long oppression. The sufferings that are endured patiently as being inevitable, become intolerable the moment it appears there might be an escape. Reform then only serves to reveal more clearly what still remains oppressive and now all the more unbearable. The suffering—it's true—has been reduced. But one's sensitivity has become more acute.

And so it was with Lyndon Johnson, Mr. President. He began to lift the oppression of bigotry minorities bore so patiently for so many years. He began to lift the oppression of poverty which millions—white and black—endured as inevitable.

But in so doing, he acutely sensitized those who had suffered before in silence. So along with hope, came frustration and turmoil.

From those on the right with a pathological resistance to change, Lyndon Johnson was criticized for even raising these hopes. From his critics on the left, he was condemned for not righting the wrongs of centuries in 4 short years.

But history will be kind to Lyndon Johnson, Mr. President. History will be kind, because history does not perceive with tunnel vision. History will see a big picture of a very big man, a very great President.

May he rest in the peace he so richly deserves.

Mr. ROBERT C. BYRD. Mr. President, I now yield to the Senator from South Carolina (Mr. THURMOND) and then to the Senator from Utah (Mr. MOSS).

Mr. THURMOND. Mr. President, today we are here to eulogize a man who, had he never served his country beyond his service in the Senate, would still be regarded as a distinguished figure in American history. During his tenure in this body, Lyndon Johnson made the Senate a focal point of government and politics on the national scene. He was a man of purpose who believed those purposes useless if not acted upon. With great skill, determination, and courage, he became a master of the legislative process and his stamp was firmly placed on the Senate and the laws which emanated from it. Where opportunity existed, he seized it; where no opportunity was apparent, he created it.

Although Lyndon Johnson would have made his place in history with his record as a U.S. Senator, he later brought the same impressive abilities and qualities which served him so well as a member of the legislative branch to the Presidency.

Mr. President, it is only natural that students of government, and indeed the American people, will differ in their individual assessments of President Johnson's policies. That, after all, is the premise upon which this country was founded. It is my opinion that history will judge Lyndon Johnson as a man, as a Senator, and as a President far more charitably than many of his contemporary critics.

I believe it will be seen that he accepted the responsibility thrust upon him, that he made the decisions required of him, and that he did not retreat when lesser men might have. While reasonable men disagree as to the wisdom of his policies, reasonable men of good will, I believe, agree that our country has lost a giant of a man.

Mr. President, my deepest sympathies are with his gracious and dedicated wife, Lady Bird, and to the members of his family. Let us hope our concern for them and their loss will be a comfort to them.

Mr. ROBERT C. BYRD. Mr. President, I now yield to the distinguished Senator from Utah (Mr. MOSS).

Mr. MOSS. Mr. President, for those of us who served with Lyndon Baines Johnson in the Senate, and who worked with him during his White House years to achieve a more equitable measure of human decency for all, his passing leaves a great void. He was always one of us in a special sort of way.

He towers over his times as a colossus—a man who was larger than life size almost from the beginning of his public career. He was an outstanding Representative and an outstanding Senator. The consummate legislative skill with which he operated as majority leader in the Senate has seldom been surpassed, or equaled in our history. And no President ever worked harder, or with more compassion, to obtain his goals.

It was in the field of domestic legislation that he leaves his greatest legacy. He used his understanding of the legislative process to drive through Congress measures which produced the most substantial advance in civil rights since the time of Lincoln, and spelled the end of an apartheid society in America. It was his leadership which helped us achieve Federal aid to education, medicare, and medicaid, some of our best antipollution programs, a revised concept of immigration, the Teacher Corps, and increased assistance to the least of us—the poor—through a series of programs to help them help themselves.

More than anything else Lyndon Johnson wanted to help people—and more than anything else he did just that.

That he could not end the war in Vietnam and bring peace to Southeast Asia was a heavy affliction to him. He sought only for the people of South Vietnam the freedom to choose their own destiny, and he hoped for them the benefits of a democratic way of life. It was a noble aspiration, and one which most people of America shared with him. When he found his objective was out of reach, under the terms the Nation had set for itself in the war in Vietnam, he sought to end the hostilities. That he could not, and did not do so, was his greatest agony. He lived with that agony to the end of his days, and it is a bitter irony of fate that he died on the eve of a cease-fire in Vietnam. No one would have been more grateful for last night's news than Lyndon Baines Johnson.

Lyndon Johnson was my friend and colleague. He was also a great friend of the State I represent. I recall one incident, especially. Legislation to clarify the status of the relicted lands around Great Salt Lake had passed the 89th Congress, after extensive consideration and debate. Its enactment was most important to Utah. It reached President Johnson's desk with a recommendation for a veto from his legal advisers. I discussed the bill with his staff and appealed to the President to sign it. Shortly before the deadline for taking final action on the bill, I received a call from President Johnson at his ranch in Texas. I was in Utah. He read to me the veto message prepared for him. The defect noted in the bill was that Federal interests were subjected to State action. In our conversation, the President, ever ready to find a way to get things done, said that an amendment to protect the interests of the Federal Government would satisfy the deficiency in the bill. I promised I would promptly introduce in the Senate such an amendment. So, in a spirit of trust and friendship, the President signed the Great Salt Lake bill. Thereafter, my amendment was introduced and enacted promptly by the Congress.

Lyndon Johnson proved that night to me that he was willing to walk the extra mile to get a bill of immense importance to the people of my State. He was, indeed, President of all of America—of all of the people.

The world mourns the passing of this compassionate, forceful, wise, and dedicated leader. Phyllis joins me in expressing deepest sympathy to his charming and gifted wife, Lady Bird, for whom we have the warmest feeling of friendship, and to his two attractive daughters. Their loss is immense, because a great man is gone. But they will live in the glow of his greatness for the rest of their lives.

Mr. ROBERT C. BYRD. Mr. President, I now yield to the distinguished Senator from Vermont (Mr. AIKEN).

Mr. AIKEN. Mr. President, I come from a rural State, and in the loss of President Lyndon B. Johnson I do not hesitate to say that the rural areas and the agricultural areas of America have lost one of the best friends, if not, indeed, the best friend, they ever had in the White House.

Lyndon Johnson was human.

He had human virtues and he made human mistakes occasionally, but his loyalty to the people of this country could never be questioned.

I recall many a time when the farm people of America were in difficulty or faced a crisis.

Under such circumstances, I found that I could call him at any time, day or night, even before breakfast, and he would respond with action appropriate to averting the danger.

I could go on reciting incident after incident where his prompt action kept the people of our great country out of difficulty.

In the field of foreign policy he made enemies who rejoiced in making charges against him.

This was particularly true in the case of our involvement in Indochina.

And I disagreed with him from time to time myself, but I will say here and now that whenever, in my opinion, he made a mistake he thought he was doing that which would shorten our military involvement in Southeast Asia.

I know that he always hoped to bring that conflict to an early close.

I know, too, that he contemplated giving our aid for reconstruction work even in North Vietnam after the turmoil was over.

Probably I saw more of Lyndon B. Johnson than any other President under whom I have served.

I worked with him on domestic matters.

I know his sympathy for the needy people of America and, above all else, his loyalty to his flag and his country.

I never knew anyone else just like him and my wife, Lola, and I extend our deepest sympathy to Lady Bird, Lynda, and Luci during this period of sadness.

Mr. ROBERT C. BYRD. Mr. President, I yield now to the distinguished Senator from Minnesota (Mr. HUMPHREY).

Mr. HUMPHREY. Mr. President, when great men pass on, it is most fitting to talk about their legacies to the Nation; and when great men pass on, men who have enriched one's life with the gift of their friendship, then the remarks concerning that individual take on a very special meaning.

I have been a very fortunate man. Life has been good to me. The rewards of my life have been in the treasured friendships that have come from the Members of this body, neighbors, associates back in my home State, and, above all, the men and women of fame and responsibility who from time to time cross the path of our lives.

I came to the U.S. Senate in 1949, as a Member of the 81st Congress. Another Member of that Congress was Lyndon Baines Johnson, the then junior Senator from the State of Texas. Senator Johnson was no newcomer to Washington, however, in 1949. He had been a Member of the House of Representatives. He had worked as an aide to a Congressman. He had been employed on a congressional staff. He knew Capitol Hill and he knew all the prominent people of this interesting city on the American scene.

He always took pride in saying that Capitol Hill was his second home. If there were any two areas of this Nation that he loved, they were the hill country of Texas, his home, his ranch, Johnson City, and Capitol Hill. He was, every inch of him, a Member of the Congress of the United States, even in the days when he served in the Presidency.

But I remember so well that Lyndon Johnson, as a Senator in that year of 1949, seemed to know the powerful people in this city.

I was a newcomer to Washington. My background in politics had been as mayor of Minneapolis. Frankly, I knew no one here except what I had read about them. Within the first 2 weeks of my being in the Senate, Lyndon Johnson took time to visit with me. He called on me at the office, we visited in this cloakroom right off the Senate floor.

I can say to my colleagues that I was a very lonesome young Senator in those days. This body was much different than it is now. There were rigid lines of division, not only on the basis of party and region and ideology, but also seniority and position. Freshmen Senators were not given important assignments. Freshmen Senators were told not to speak. I am generally considered as one who is rather loquacious, but, Mr. President, I did not speak a word in this body until April 1949.

It was a different Senate—a very different Senate—but there was a young Senator who was not young to Washington, to experience in this city, who was a protege of Franklin D. Roosevelt, an intimate friend of the respected Speaker of the House, Sam Rayburn, an associate of the then senior Senator from Texas, Tom Connally, a man who knew distinguished Senators such as Richard Russell and Walter George of Georgia and Harry Flood Byrd of Virginia, just to mention a few. And it meant so much to me that this man cared enough just to say hello to a young Senator from Minnesota, a man he had never met, and, for no particular reason, to want to take time to be friendly.

That was the beginning of our relationship, and that relationship developed over the years. Many were the times that I was privileged to go to his home here in Washington to meet his young daughters, to be with his marvelous and wonderful wife, Lady Bird Johnson, to meet his friends. Yes, I always knew that he was an unusual man.

When you come to talk about a man of the quality of Lyndon Johnson—Congressman, Senator, Vice President, and President—we generally try to make it look as though, somehow or other, here was the perfect man. But Lyndon Johnson would be the last person to want this record to so appear. He was a very human, earthy, strong, outgoing, forceful, relentless in pursuit of his objectives. He was a total political man, giving of himself to politics, if it were possible, 24 hours a day, 7 days a week. He was a man of ambition, he asked much from others and gave much. He understood that the purpose of knowledge was action. Lyndon Johnson was a man who understood people and things, not an intellectual, but a man of great commonsense and understanding. And he was surely not a modest man, but I say he knew his capacity. He had faith in himself.

He also had an unlimited faith in this country and its ability to do anything that needed to be done. He was, as I said here yesteday, an unusual, unique, remarkable individual. You could not label him, Mr. President.

I remember when we came here, you were either a liberal or a conservative. You were either a reactionary or a progressive. You were either a northerner or a southerner. That is the way it used to be. How many times I heard Lyndon Johnson say he was first a free man, then an American, a public servant and a member of the Democratic Party and in that order. His respect for the Senate was an article of faith with him. But above all, while he was from the Southwest and he was a Texan and he was a Democrat, he reminded us that what he really was was an American; he knew neither North nor South, East nor West, in that sense. He quoted frequently from Sam Rayburn, who often reminded his colleagues in the other body, and this country, of the necessity of thinking in terms of the Nation rather than in terms of groups or segments or regions or sections.

I can remember the columnists and the writers and the commentators trying to put a label on Lyndon Johnson. What was he? Who was he? How would you classify him? It is so much easier around here, particularly for the purposes of contemporary history, to be able to put a person in a slot or column, to compartmentalize him. He defied all of them. He was far too complex a personality to submit to easy description. Here was a man from the South who led the fight from the Capitol and the White House for civil rights. Here was a man from the South who in 1957 and 1960 helped put through Congress the very first legislation in the field of civil rights. Here was a man from the South who refused to sign the Southern Manifesto.

We tend to forget those facts. Those were days when you were really almost compelled by party politics, if you were from a certain region of this country, to line up with the prejudices and parochial attitudes of that region. Lyndon Johnson was proud to be a Texan, and he would let you know about it. He was not always the silent man, and he surely was not the most suave and sophisticated in his approach. He would tell you bluntly he was from Texas and, as far he was concerned, that was it.

He talked with great pride of having a vision about this country that was far greater than any State, community, or section. He was inspired by Franklin Roosevelt. Many were the days he would tell us in intimate conversation about when he first met Roosevelt.

I think he was so pleased that he was looked upon in the public print and by the public as one of the young Members of Congress in those days, in the late thirties and the early forties, who shared in Roosevelt's fellowship and trust. He was a New Dealer in that sense. However, again it was not 100 percent. Again, you could not put a label on him.

Lyndon Johnson had the most amazing set of friends. In this body, possibly the closest friend was the esteemed and revered late Richard Russell. They were intimate friends. This I know. Yet they did not always vote alike. And surely in the days of his Presidency, President Johnson recommended many things that Richard Russell could not support. But the same man who was a friend of Richard Russell was also a friend of Herbert Lehman, that marvelous humanitarian, the beloved Senator from New York. The very first person from the Senate who came to the bedside of Lyndon Johnson when Lyndon was stricken with a heart attack was Herbert Lehman. Lyndon Johnson never forgot that.

The same man who was a friend of Harry Flood Byrd, Sr., the very essence of what we call American political conservatism, shared the friendship of a man who used to stand in this Chamber, a man by the name of Senator Wayne Morse, the maverick and the progressive.

Mr. President, I was fortunate to be one of Lyndon Johnson's friends. And in those days in the Senate, he sort of looked to me as a kind of bridge between what he called the liberals—and he even used to refer to them and use the term "bomb throwers." We all know that he had a way of needling you and putting you on, and that was just his way.

Many were the times that I discussed with him many matters relating to the policy committee. I remember one time when he said to me, "Whom would you like to recommend?" I do not want to go into details because it is rather personal. However, the recommendation was made and the appointment was made.

I can remember in 1953 when Lyndon Johnson called me when I was visiting in New York City with Adlai Stevenson. At that time he said to me: "I want you to get off the Committee on Agriculture and Forestry and the Committee on Labor." They were the two committees that meant more to me than almost anything in Congress at that time. He said: "We want to put you on the Foreign Relations Committee, and we also want to have MIKE MANSFIELD on it."

I said: "I can't do that."

He said: "We have already discussed it. I have been speaking with Sam Rayburn, the Speaker, and we have been talking about adding some new faces on the Committee on Foreign Relations."

I do not think I need to tell you, Mr. President, that he was a very persuasive man. There was hardly a Member of the Senate here who did not have to have his lapels repaired from time to time after a session with Lyndon Johnson. I want to talk about my friend, Lyndon Johnson, as he was. There was hardly a Member of the Senate who served in this body who did not have to have his ears patched up from time to time as a result of having spoken with Lyndon Johnson.

How many of us remember how he would come over and talk to us. I used to say that he knew more about every individual Member of this body than J. Edgar Hoover or a psychiatrist. He was a master in the art of politics, particularly in the legislative body. Many people did not like it because many people do not like to be known that well. He not only knew the Senators, but he also knew their families. He knew all about them. And he was a considerate man.

Many a Senator will remember how former Senator Johnson used to call a member of his family who was ill or how he would call the Senator's wife and explain that the husband could not be home that night because the Senate was going to have a late session.

Mr. President, I have a storehouse full of stories that I could tell about Lyndon Johnson's capacity for compassion and human understanding.

I shall never forget the time that the late Theodore Francis Green walked out of this Chamber after talking with former Senator Lyndon Johnson. Lyndon Johnson was occupying a seat about where the Senator from West Virginia (Mr. ROBERT C. BYRD) is sitting now. And dear Senator Green said to Lyndon: "I have to go to a very important meeting. Would you consider handling this little voting rights bill for servicemen for me. If you can take care of it for me, it will help me so much. It is noncontroversial."

This happened to be a night on which Mrs. Johnson expected her husband at a particular affair at the Australian Embassy. That meeting meant a great deal to them because he had been in Australia during the war, and they had friends there that they were supposed to meet.

A bitter argument went on over this little bill of former Senator Green's, and we were here until 11 o'clock at night. When Lyndon Johnson got home, his wife asked him why he had not been able to leave. He said to her, "You must understand that we have a job to do in the Senate." She said, "Is that right?"

He said, "One of the most important Members of the United States Senate wanted us to be there for a bill."

She said, "Who was that?"

He said, "It was that beloved man, Senator Theodore Francis Green."

There were even times that this shrewd, remarkable man could be outmaneuvered by a man who seemed so quiet and modest as the late Theodore Francis Green.

We could fill this RECORD with stories about this man's contribution to our Nation.

Lyndon Johnson could be angry. He could take a bite out of you as big as a Texas T-bone steak. Yet, the very next day he would throw his arms around you as though you were a long-lost brother.

I can remember many times when there were reports that there must be some problems existing between the President and Vice President. That only indicated that they did not understand the man in the White House.

When I happened to get public criticism on a matter, I could be sure of getting sympathy from the President.

I knew the man very well. And I really miss him. Many of us here knew him very well. And in a real sense we talk of him in the present because we remember him so well.

I was on a television show with Joe Califano yesterday. And we were talking about Lyndon Johnson. The telephone rang, and I said: "Joe, don't you be surprised if he is calling."

Many of us remember the calls we used to get when he was our leader and when he was our President. The telephone was not an electronic instrument. It was an extension of his body. It was an instrument of persuasion. He was a master of the use of the telephone.

Mr. President, these are just a few reflections. I thought I would add a little human touch today, because I shall write about him in the years to come. And I shall write about him as he was.

This was a very strong, powerful, dedicated, and able human being. I repeat that he was a master of the art of colloquy and the art of politics.

So when we talk about the legacies that people leave, I want to talk about the legacy of Lyndon Johnson. History books are full of legacies of great men of politics. They speak, for example, of Washington's legacy of independence as the father of our country; of Jefferson's legacy of freedom as the author of the Declaration of Independence, and of his passionate dedication to education.

They speak of Lincoln's legacy of the Union preserved, with justice for all; of Wilson's legacy of peace and international order; of Franklin Roosevelt's legacy of hope and compassion; of Harry Truman's legacy of reconstruction for a war-ravaged world; of the remarkable decisiveness and courage of John Kennedy's legacy of dynamism, of a new generation at the helm of government and power.

So it is well to ask, what will be the legacy of Lyndon Johnson?

Well, that legacy will be recorded in the history books; and, by the way, any real, truly objective evaluation of a strong and great man is never possible by his contemporaries. No President who has ever served this country well has been judged fairly by his contemporaries. Lincoln was not popular in his day. Neither was Jefferson nor Jackson. There were people who abhorred and denounced Woodrow Wilson, and there were the Roosevelt haters who became almost a cult. I remind the Members of this body that when Harry Truman left the Presidency, he was one of the most unpopular men who ever left Washington, D.C. He departed from Union Station almost by himself, he and his beloved wife, Bess.

Very few great men are popular in their time; and we will never be able to get a truly objective judgment of Lyndon Baines Johnson at this hour, in this day. It will require the refinement of time to filter out the dust of minutiae, in order to find the solid rock of character and accomplishment.

But it will come. And I predict we will see that Lyndon Johnson's legacy is a living one. In fact, it is here now. It is the legacy of a black or a brown child who will never have to face a segregated hotel or restaurant; who, in this time of our life, can walk tall and strong as a free man or woman—a child who will never have to live in a society that has been divided by law on the basis of race.

It will be the legacy of universal suffrage for all: rich, poor, black, and white. How well I remember President Johnson saying to me that the one thing that we must do for black people is guarantee them their precious right on the vote. He said, "Until they have that, they will always be living at the sufferance of someone else. The way to make the powerless powerful is to give them the precious right of the vote, and protect that right." And he led the fight in this body for the right to vote, and not only for the right, but for the protection of the right to vote. I shall never forget that joint session of Congress when the President came to us with the Voting Rights Act, when he took those words of Dr. Martin Luther King, Jr., as he ended that message by saying, "We shall overcome." The Voting Rights Act alone has changed America.

It will be the legacy of hope for more than 20 million elderly Americans that they can have greater security in their final years. Yes, Lyndon Johnson would have changed the life of this Nation if he had done nothing more than to see through this Congress the passage of medicare.

And he did not forget, by the way, that medicare was initiated originally by Harry Truman. Where did he go to sign the bill? To Independence, Mo., in the presence of the man who pioneered the idea, Harry Truman.

The legacy of Lyndon Johnson will be the legacy of an education for every boy and girl in this country. He was a schoolteacher who never forgot that education was the key to opportunity, a man who knew that civil rights was meaningless in ignorance; a man who knew that there was no human dignity in ignorance. And, as has been said from this floor today, he moved mountains to pass the Elementary and Secondary Education Act. Federal aid to education died in Congress year after year on the anvil of either race or religion. We would pass it here, and it would be killed in the House of Representatives, or it would pass the House of Representatives and be killed here, one or the other. But Lyndon Johnson rose above that, and we have today massive infusions of Federal funds to the educational structure of this country. We have all the little children in project Headstart. There are hundreds of thousands of parents today who will remember Lyndon Johnson because their child got a chance in a Headstart class.

There is a young man, who is heavyweight champion of the world today, by the name of George Foreman. He got a chance in a Job Corps camp. George Foreman traveled with me in 1968 for more than a month in my campaign. His wife lives in the Twin Cities, and he is a friend of mine. George Foreman, a clean-cut American youth, the Olympic boxing champion, who stood in Mexico City after he won the heavyweight boxing championship in the Olympics proudly holding that little American flag. George Foreman will never forget Lyndon Johnson. Regrettably, Lyndon Johnson lived to see the closing of some Job Corps camps.

There are thousands of people in the ghettos who got their first chance under the program known as VISTA, and the youth opportunity centers that opened across this land. I traveled with this program to every one of the major cities of this land, Mr. President. President Johnson sent my wife and me to the ghettos of Philadelphia, Chicago, New York, and Cleveland, to open up programs that we dared to ask the country to undertake.

Yes, the legacy of Lyndon Johnson is a living one. It is the legacy of economic opportunity for hundreds of thousands who needed help and assistance. He was the man who had the courage to declare war on poverty; and I remember all the smart ones in this city who said, "He will never do it." I wonder how many Senators know that a special task force report had been prepared and that in the so-called inside communities of Washington, where they really figure out everything in advance that generally does not happen, the betting was about 10 to 1 that Lyndon Johnson would never act on the report that had been made, which came forth with the recommendation for the creation of the Office of Economic Opportunity. The war on poverty; I helped draft some of the provisions of that bill. Lyndon Johnson dared to try.

These are some of Lyndon Johnson's living legacies, which are today more valuable than any page in history. There are so many others, including the first moves in the field of environmental control. And let us not forget at all times, he pledged more to those who had less. Yes, he was a populist. He was the farmer's friend. He had the trust of the working people.

I can recall serving with him as Vice President when, at the White House, men of industry and of labor would be brought together at the same table because President Johnson believed in partnership, in cooperation, and not in confrontation.

There is so much to be said, and today we cannot say it all.

Finally, let me point out that it is tragic that in light of major accomplishments in the domestic area that President Johnson's administration has been marked in the public view primarily by the tragic war in Vietnam. He told us many times that he did not seek a military victory, that he sought only to prevent the success of aggression, that he sought only to see to it that force should not determine the future course of a people, that he sought only to protect the right of self-determination.

Only history will judge all of this war. But we know now that it lasted too long and most of us wish it had never happened.

But, Mr. President, I think I am in a position to tell this body that no man agonized more over the war in Vietnam than the man who was President then, Lyndon Johnson. I am sure that one of the reasons he is not with us now is due to the hours of pain, worry, and anguish that he endured because of that war.

I heard the distinguished Senator from Rhode Island (Mr. PASTORE) speak of the message of the President of the United States, when he decided he would not be a candidate for reelection. I recall that he had said, "I do not think I will ever run again." I never believed him, because all of us in politics resign about once a month, only we are so worried that someone will take us up on it, but we get so frustrated and discouraged.

But I remember, on March 31, 1968, Mrs. Humphrey and I were at home, and I had been asked by President Johnson to represent the United States in Mexico City at the signing of a treaty to prohibit the stationing of nuclear weapons of mass destruction in Latin America. I had interested myself in that subject matter when I was a Senator. He came to me that day—he had been to church—and he said, "I need to talk to you." We sat down, and he read to me the message that I knew he had been working on the week before, which was primarily a message about the economy and the war. And then he read me the paragraph that said he would not seek reelection, that he would not accept the nomination if it were offered to him, nor would he run. I urged upon him not to make that statement.

I said, "Mr. President, you can be reelected. It will be difficult, but you can be reelected. What is more, no one is better capable of carrying out what you want than you yourself."

I shall never forget when he told me that the main reason he was taking that action was that he knew, if he had to stand for reelection, his motives would be questioned as he sought peace in Vietnam, that he would be under suspicion and, more significantly, he would have to give time to the campaign that he should be giving to the search for peace. He said, "I have made up my mind." Then he said something else. He said, "Hubert, a campaign is an arduous and exhausting experience. I have not had the best of health. For me to undertake another campaign might be too much."

Then he said, "The men in my family have not lived long." How well I remember that.

Well, Mr. President, as I have said two or three times these past days, the conference in Paris that made possible the agreement which the President of the United States announced last evening, was initiated by Lyndon Johnson. It was on October 31, 1968, that he stopped the bombing. It was during the summer of 1968 that he encouraged and was able to get the representatives of North Vietnam and South Vietnam to come to the conference table in Paris.

I know, too, that he was as disappointed as I was when President Thieu of South Vietnam, during the first part of November 1968, had indicated for a while that he would not come to the conference table.

But the forum—yes indeed, the table that made possible the negotiations was, in a sense, constructed by the man we mourn today.

I believe that history will also note that this man set the course for better relationships with the Soviet Union. I want my colleagues to know that he gave instructions to his Cabinet that we should not speak in cold war terms. Not once during those years did President Johnson use the rhetoric that was so customary in many places in this country concerning the Soviet Union.

He diligently prepared the way for the strategic arms limitation talks which we entered into in 1969. He would have initiated those talks but for the fact that the Soviet Union moved in to attack Czechoslovakia in August of 1968.

Furthermore, Mr. President, I remember the order to his Cabinet that we should speak with great respect of the President of the Republic of France, Charles de Gaulle, that he did not want us to engage in the oratory and the rhetoric of division.

There were many other things, Mr. President, that were accomplished during those days.

As we look to the future, as we look to Asia, remember that the Asian Development Bank, that program for the economic reconstruction of Asia, was a part of that administration.

So, Mr. President, the legacy of Lyndon Johnson is to be found in the faces of children today who have better health, because he cared; to be found in the smiles on the faces of senior citizens who needed medical care and can get it now, because he cared.

The legacy of Lyndon Johnson is to be found in the schools and colleges of this land whose programs he so greatly strengthened. In the legacy of Lyndon Johnson is to be found the fact that hundreds of thousands, yes, millions of impoverished people were recognized for the first time by their Government as being worthy of attention and help.

I want to say, while the time is mine, that we are not going to turn back from that course of humanitarianism and the enrichment of human resources. I am not going to let this day of remembrance of Lyndon Johnson be just a testimonial to the man.

I say to every Senator who has spoken of him today: Remember what he stood for. As efforts are being made to weaken the programs of health, education, and child care, to weaken programs to clean up our cities and make them livable again, remember that a testimonial to a dead President, honoring him for what he did but failing to stand up in the days to come for what we need and for what he fought for would be so unfortunate and so false.

I mourn the loss of my friend. Mrs. Humphrey and I have been very sad these days. There is no way to express this sorrow except to say unashamedly that tears have filled our eyes. Our sadness is, of course, but a little, compared with the grief of that lovely family.

The reward of public life is the privilege to know great, unusual, remarkable, and gifted men and women. I have had many rewards based on that standard, but none was more generous, more meaningful, or more rich than the reward of being a companion, a colleague, an associate, a fellow Senator, a friend, and a Vice President with Lyndon Baines Johnson.

Mr. ROBERT C. BYRD. I now yield to the distinguished Senator from North Carolina.

Mr. ERVIN. Mr. President, this is an occasion on which we are reminded, once again, of the poignant words of the Persian poet:

For some we loved, the loveliest and the best
That from his Vintage rolling Time hath prest,
Have drunk their Cup a Round or two before,
And one by one crept silently to rest.

Those of us who were privileged to serve in the U.S. Senate with Lyndon Johnson as majority leader mourn his passing. We recognize that he was a big man physically and that he was a big man in all other aspects. I shall not undertake to review at any great length his achievements as a public figure.

As the distinguished Senator from Minnesota (Mr. HUMPHREY) has just stated, Lyndon Johnson was of the earth, earthy. He was quite a human individual. As a public figure, he was more of a man of action than he was a philosopher. As a consequence, he was more concerned with political objectives than he was with basic constitutional or governmental principles.

I had the privilege of knowing him when he was a Member of the House from Texas, back in 1946. As the majority leader of the Senate, after I came to the Senate, he gave me several important assignments, such as serving on the committee to study the censure of Senator Joseph McCarthy, and the committee to investigate improper activities in the labor-management area, and membership upon the Commission on Intergovernmental Relationships. After he became President, he appointed me to membership on the National Commission.

I like to think of Lyndon Johnson as a friendly, loving human being. His great achievements in the realm of public affairs have been recounted, and will be recounted, by others.

Lyndon Johnson had the uncanny capacity of making anyone with whom he had contact feel that in Lyndon Johnson's mind, he was one of the greatest of human beings. This won for Lyndon many friends. All of us like appreciation from others.

Lyndon Johnson had a genuine love for those with whom he came in contact. He never forgot his personal affection for others. I recall that on one occasion I had the privilege of flying down to North Carolina, where he made a speech and received an honorary degree at Elon College. I asked him for an autograph of the program of the event for my little grandson Jimmy. Lyndon Johnson never forgot Jimmy. Every time he saw me after that, he would ask me how Jimmy was getting along. That was the kind of man Lyndon Johnson was. Although he had some opponents, he was on friendly terms with virtually everyone. I think that of all the men who walked earth's surface during his lifetime, the man he loved most was Sam Rayburn. Lyndon Johnson would take advice from Sam Rayburn which he would not have taken from any other human being.

When Sam Rayburn was Speaker of the House, Lyndon Johnson was leader of the Senate.

I have always thought that perhaps the greatest tragedy that came to Lyndon Johnson after he became President was the fact that he did not have Sam Rayburn from whom to seek advice, because Sam Rayburn was a man of great wisdom and vast experience, and all through his life a wise counselor.

Another great tragedy was the occurrence of the Vietnam war during his administration. I think it can be truly said of Lyndon Johnson that he came to the Presidency with the vastest experience on the Washington level of any other President. He had served as an aide to a Member of Congress. He had served in the House of Representatives. He had served in the Senate, where he undoubtedly proved himself to be the most effective majority leader in the history of our Nation. He had served as Vice President. He carried all the experience gained in those offices to the Presidency. The fact that the Vietnam war became accelerated and demanded so much of his attention and time and care seriously handicapped in consummating many of his dreams for our country.

I think we can comprehend why some men are successful if we know their wives. When I was a student at the University of North Carolina I heard Horace Williams, professor of philosophy, speak to my class on the subject of the kind of girls we ought to marry.

He said we ought to marry a girl who would stand beside us as a tower of strength in good times and bad times, in joy and in sorrow, and in victory and defeat. He also said we should marry a girl who would make for us a good home in which we could find rest and relaxation, as well as inspiration.

Lyndon Johnson was most fortunate in that he married a girl who answered to all of those descriptions. I do not think the Nation has ever had a more charming First Lady than Lady Bird Johnson.

She stood by Lyndon at all times. She was his constant inspiration. A great deal of his success, which led from comparatively humble beginnings in Texas to the highest office within the gift of the American people, was due to the fact that she walked beside him and encouraged him. She supported his efforts at all times. She made a home in which he could find such relaxation as so restless a man as Lyndon could find anywhere on earth.

On behalf of my wife, who shares my great admiration and deep affection for Lady Bird Johnson, and myself, I wish to extend to Lady Bird Johnson our deepest sympathy in the irreparable loss which she and our country have sustained.

Mr. ROBERT C. BYRD. Mr. President, I yield to the distinguished Senator from Wyoming (Mr. McGEE).

Mr. McGEE. Mr. President, I shall take the minute we have before we go elsewhere to call the attention of Senators to the richness and the warmth of the remarks of the Senator from Minnesota (Mr. HUMPHREY), who added more chapters of understanding to the history of this great American, Lyndon Johnson, than I think have been available to most of us until now.

I would only wish that more had been able to attend his remarks at the time.

I would like to reserve the privilege, Mr. President, of injecting the remarks that I have been collecting at a more leisurely moment, but to urge my colleagues to address themselves to HUBERT HUMPHREY's very wide-ranging and very deeply moving reminiscences of his associations with Lyndon B. Johnson.

Mr. ROBERT C. BYRD. Mr. President, I yield to the distinguished Senator from New Hampshire (Mr. COTTON).

Mr. COTTON. Mr. President, as I sought to put into words my own feelings as we all join in paying tribute to former President Lyndon Johnson, I suddenly realized that for the first time in all my years here, I was speaking not only of a departed President and would leader but also of a personal friend. In company with my colleagues, I had on many occasions met and conferred with the first three Presidents under whom I served, but Lyndon Johnson was the first President who I could honestly call a warm personal friend. He was a Member of the House of Representatives when I entered it but quickly departed to the Senate. From 1954 when I came to the Senate, I served under him as majority leader, as Vice President, and as the President of the United States.

Lyndon Johnson was a powerful floor leader. He was not necessarily greater or more effective than other floor leaders before and since, but he was different. Lyndon Johnson was dramatic in whatever role he appeared. It was his nature and he could not help it any more than he could control the shape of his head or the color of his eyes. Had he been a man of lesser intellect and abilities, he might have been called flamboyant. None of us will ever forget his dynamic personality so clearly displayed in the place where he was at his best—the Senate. We remember how he used to persuade and cajole us as he moved about, putting his hand on our shoulder, straightening our tie, while he confided to us what he was seeking to accomplish on some particular occasion and how we could help. We remember him equally well in moments of deep tension when he moved the Senate by his eloquence and sometimes even stormed at us. He was a man of many moods—passionate, forceful, harsh, humorous, sympathetic, and kind. But in the end he was our friend in those days of intimate association and, as such, will always live in our hearts. Despite political and partisan differences, I always supported and never criticized him in his darkest days in the White House. That remains my solace and comfort today.

Others may analyze his leadership as President of the United States, his role in world affairs, his successes, his failures, and his place in history. I choose on this sad day to remember him, affectionately, as my friend who was kind and helpful to me when I came here as a freshman Senator and who continued his kindness through all the years since.

Over whatever seas he is sailing
  Whatever strange winds fan his brow,
What company rare he's regaling,
  I know it is well with him now.
And when my last voyage I am making
  May I go, as he went, unafraid,
And, the Pilot that guided him taking,
  May I make the same port he has made.

Mr. ROBERT C. BYRD. Mr. President, I yield now to the distinguished Senator from Massachusetts (Mr. KENNEDY).

Mr. KENNEDY. Mr. President, so long as the story of America is told, Lyndon Johnson will be remembered as one of our Nation's greatest public servants. Throughout a lifetime of dedicated service to his country, he was an outstanding Congressman, Senate majority leader, Vice President, and President. He was a loyal Vice President to President John F. Kennedy. He had the deep respect and affection of my brother, and I shall never forget the many, many private kindnesses he showed to all the members of our family over the years.

As President, his brilliant leadership on the Civil Rights Act of 1964 and the Voting Rights Act of 1965 has earned him a place in the history of civil rights alongside Abraham Lincoln. And his immense efforts to help the poor, the sick, and the oppressed stand out as landmarks of America's concern for those too weak to help themselves. The Great Society, of which he dreamed and for which he worked, still endures in the hearts and minds of all who believe in equality and social justice in America, and who share his faith that "We shall overcome."

Today, as we celebrate his life and mourn his death, we also celebrate the advent of the peace he sought in Indochina. As the long years of national sacrifice and tragedy and bitterness over the war now pass, we see more clearly the immense achievements of President Johnson in so many areas. Now, he belongs to history, and history will record him as one of our finest leaders. Without him, America is the poorer.

Mr. President, so that these proceedings may reflect some of the enduring monuments to Lyndon Johnson's greatness, I ask unanimous consent to include in these remarks the texts of the Civil Rights Act of 1964 and the Voting Rights Act of 1965, together with the statements made by President Johnson when he signed these measures into law. I also ask unanimous consent to include the text of his address, "The American Promise," delivered to Congress on March 15, 1965. That address, one of the most eloquent and inspiring by any President, contains the famous passage that stated his faith in the promise of America so well:

> This great, rich, restless country can offer opportunity and education and hope to all: black and white, North and South, sharecropper and city dweller. These are the enemies: poverty, ignorance, disease. They are enemies and not our fellow man, not our neighbor. And these enemies too, poverty, disease and ignorance, we shall overcome.

There being no objection, the text of the acts and address were ordered to be printed in the RECORD, as follows:

CIVIL RIGHTS ACT OF 1964

(88th Congress, H.R. 7152, July 2, 1964)

An act to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Civil Rights Act of 1964".

TITLE I—VOTING RIGHTS

SEC. 101. Section 2004 of the Revised Statutes (42 U.S.C. 1971), as amended by section 131 of the Civil Rights Act of 1957 (71 Stat. 637), and as further amended by section 601 of the Civil Rights Act of 1960 (74 Stat. 90), is further amended as follows:

(a) Insert "1" after "(a)" in subsection (a) and add at the end of subsection (a) the following new paragraphs:

"(2) No person acting under color of law shall—

"(A) in determining whether any individual is qualified under State law or laws to vote in any Federal election, apply any standard, practice, or procedure different from the standards, practices, or procedures applied under such law or laws to other individuals within the same county, parish, or similar political subdivision who have been found by State officials to be qualified to vote;

"(B) deny the right of any individual to vote in any Federal election because of an error or omission on any record to requisite to voting, if such error or omission is not material in determining whether such individual is qualified under State law to vote in such election; or

"(C) employ any literacy test as a qualification for voting in any Federal election unless (i) such test is administered to each individual and is conducted wholly in writing, and (ii) a certified copy of the test and of the answers given by the individual is furnished to him within twenty-five days of the submission of his request made within the period of time during which records and papers are required to be retained and preserved pursuant to title III of the Civil Rights Act of 1960 (42 U.S.C. 1974–74e; 74 Stat. 88): *Provided, however,* That the Attorney General may enter into agreements with appropriate State or local authorities that preparation, conduct, and maintenance of such tests in accordance with the provisions of applicable State or local law, including such special provisions as are necessary in the preparation, conduct, and maintenance of such tests for persons who are blind or otherwise physically handicapped, meet the purposes of this subparagraph and constitute compliance therewith.

"(3) For purposes of this subsection—

"(A) the term 'vote' shall have the same meaning as in subsection (e) of this section;

"(B) the phrase 'literacy test' includes any test of the ability to read, write, understand, or interpret any matter."

(b) Insert immediately following the period at the end of the first sentence of subsection (c) the following new sentence: "If in any such proceeding literacy is a relevant fact there shall be a rebuttable presumption that any person who has not been adjudged an incompetent and who has completed the sixth grade in a public school in, or a private school accredited by, any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico where instruction is carried on predominantly in the English language, possesses sufficient literacy, comprehension, and intelligence to vote in any Federal election."

(c) Add the following subsection "(f)" and designate the present subsection "(f)" as subsection "(g)":

"(f) When used in subsection (a) or (c) of this section, the words 'Federal election' shall mean any general, special, or primary election held solely or in part for the purpose of electing or selecting any candidate for the office of President, Vice President, presidential elector, Member of the Senate, or Member of the House of Representatives."

(d) Add the following subsection "(h)":

"(h) In any proceeding instituted by the United States in any district court of the United States under this section in which the Attorney General requests a finding of a pattern or practice of discrimination pursuant to subsection (e) of this section the Attorney General, at the time he files the complaint, or any defendant in the proceeding, within twenty days after service upon him of the complaint, may file with the clerk of such court a request that a court of three judges be convened to hear and determine the entire case. A copy of the request for a three-judge court shall be immediately furnished by such clerk to the chief judge of the circuit (or in his absence, the presiding circuit judge of the circuit) in which the case is pending. Upon receipt of the copy of such request it shall be the duty of the chief judge of the circuit or the presiding circuit judge, as the case may be, to designate immediately three judges in such circuit, of whom at least one shall be a circuit judge and another of whom shall be a district judge of the court in which the proceeding was instituted to hear and determine such case, and it shall be the duty of the judges so designated to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited. An appeal from the final judgment of such court will lie to the Supreme Court.

"In any proceeding brought under subsection (c) of this section to enforce subsection (b) of this section, or in the event neither the Attorney General nor any defendant files a request for a three-judge court in any proceeding authorized by this subsection, it shall be the duty of the chief judge of the district (or in his absence, the acting chief judge) in which the case is pending immediately to designate a judge in such district to hear and determine the case. In the event that no judge in the district is available to hear and determine the case, the chief judge of the district, or the acting chief judge, as the case may be, shall certify this fact to the chief judge of the circuit (or, in his absence, the acting chief judge) who shall then designate a district or circuit judge of the circuit to hear and determine the case.

"It shall be the duty of the judge designated pursuant to this section to assign the case for hearing at the earliest practicable date and to cause the case to be in every way expedited."

TITLE II—INJUNCTIVE RELIEF AGAINST DISCRIMINATION IN PLACES OF PUBLIC ACCOMMODATION

Sec. 201. (a) All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation, as defined in this section, without discrimination or segregation on the ground of race, color, religion, or national origin.

(b) Each of the following establishments which serves the public is a place of public accommodation within the meaning of this title if its operations affect commerce, or if discrimination or segregation by it is supported by State action:

(1) any inn, hotel, motel, or other establishment which provides lodging to transient guests, other than an establishment located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the proprietor of such establishment as his residence;

(2) any restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other facility principally engaged in selling food for consumption on the premises, including, but not limited to, any such facility located on the premises of any retail establishment; or any gasoline station;

(3) any motion picture house, theater, concert hall, sports arena, stadium or other place of exhibition or entertainment; and

(4) any establishment (A)(i) which is physically located within the premises of any establishment otherwise covered by this subsection, or (ii) within the premises of which is physically located any such covered establishment, and (B) which holds itself out as serving patrons of such covered establishment.

(c) The operations of an establishment affect commerce within the meaning of this title if (1) it is one of the establishments described in paragraph (1) of subsection (b); (2) in the case of an establishment described in paragraph (2) of subsection (b), it serves or offers to serve interstate travelers or a substantial portion of the food which it serves, or gasoline or other products which it sells, has moved in commerce; (3) in the case of an establishment described in paragraph (3) of subsection (b), it customarily presents films, performances, athletic teams, exhibitions, or other sources of entertainment which more in commerce; and (4) in the case of an establishment described in paragraph (4) of subsection (b), it is physically located within the premises of, or there is physically located within its premises, an establishment of the operations of which affect commerce within the meaning of this subsection. For purposes of this section, "commerce" means travel, trade, traffic, commerce, transportation, or communication among the several States, or between the District of Columbia and any State, or between any foreign country or any territory or possession and any State or the District of Columbia, or between points in the same State but through any other State or the District of Columbia or a foreign country.

(d) Discrimination or segregation by an establishment is supported by State action within the meaning of this title if such discrimination or segregation (1) is carried on under color of any law, statute, ordinance, or regulation; or (2) is carried on under color of any custom or usage required or enforced by officials of the State or political subdivision thereof; or (3) is required by action of the State or political subdivision thereof.

(e) The provisions of this title shall not apply to a private club or other establishment not in fact open to the public, except to the extent that the facilities of such establishment are made available to the customers or patrons of an establishment within the scope of subsection (b).

Sec. 202. All persons shall be entitled to be free, at any establishment or place, from discrimination or segregation of any kind on the ground of race, color, religion, or national origin, if such discrimination or segregation is or purports to be required by any law, statute, ordinance, regulation, rule, or order of a State or any agency or political subdivision thereof.

Sec. 203. No person shall (a) withhold, deny, or attempt to withhold or deny, or deprive or attempt to deprive, any person of any right or privilege secured by section 201 or 202, or (b) intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person with the purpose of interfering with any right or privilege secured by section 201 or 202, or (c) punish or attempt to punish any person for exercising or attempting to exercise any right or privilege secured by section 201 or 202.

Sec. 204. (a) Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice prohibited by section 203, a civil action for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order, may be instituted by the person aggrieved and, upon timely application, the court may, in its discretion, permit the Attorney General to intervene in such civil action if he certifies that the case is of general public importance. Upon application by the complainant and in such circumstances as the court may deem just, the court may appoint an attorney for such complainant and may authorize the commencement of the civil action without the payment of fees, costs, or security.

(b) In any action commenced pursuant to this title, the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee as part of the costs, and the United States shall be liable for costs the same as a private person.

(c) In the case of an alleged act or practice prohibited by this title which occurs in a State, or political subdivision of a State, which has a State or local law prohibiting such act or practice and establishing or authorizing a State or local authority to grant or seek relief from such practice or to institute criminal proceedings with respect thereto upon receiving notice thereof, no civil action may be brought under subsection (a) before the expiration of thirty days after written notice of such alleged act or practice has been given to the appropriate State or local authority by registered mail or in person, provided that the court may stay proceedings in such civil action pending the termination of State or local enforcement proceedings.

(d) In the case of an alleged act or practice prohibited by this title which occurs in a State, or political subdivision of a State, which has no State or local law prohibiting such act or practice, a civil action may be brought under subsection (a): *Provided*, That the court may refer the matter to the Community Relations Service established by title X of this Act for as long as the court believes there is a reasonable possibility of obtaining voluntary compliance, but for not more than sixty days: *Provided further*, That upon expiration of such sixty-day period, the court may extend such period for an additional period, not to exceed a cumulative total of one hundred and twenty days, if it believes there then exists a reasonable possibility of securing voluntary compliance.

Sec. 205. The Service is authorized to make a full investigation of any complaint referred to it by the court under section 204(d) and may hold such hearings with respect thereto as may be necessary. The Service shall conduct any hearings with respect to any such complaint in executive session, and shall not release any testimony given therein except by agreement of all parties involved in the complaint with the permission of the court, and the Service shall endeavor to bring about a voluntary settlement between the parties.

Sec. 206. (a) Whenever the Attorney General has reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights secured by this title, and that the pattern or practice is of such a nature and is intended to deny the full exercise of the rights herein described, the Attorney General may bring a civil action in the appropriate district court of the United States by filing with it a complaint (1) signed by him (or in his absence the Acting Attorney General), (2) setting forth facts pertaining to such pattern or practice, and (3) requesting such preventive relief, including an application for a permanent or temporary injunction, restraining order or other order against the person or persons responsible for such pattern or practice, as he deems necessary to insure the full enjoyment of the rights herein described.

(b) In any such proceeding the Attorney General may file with the clerk of such court a request that a court of three judges be convened to hear and determine the case. Such request by the *Attorney General* shall be accompanied by a certificate that, in his opinion, the case is of general public importance. A copy of the certificate and request for a three-judge court shall be immediately furnished by such clerk to the chief judge of the circuit (or in his absence, the presiding circuit judge of the circuit) in which the case is pending. Upon receipt of the copy of such request it shall be the duty of the chief judge of the circuit or the presiding circuit judge, as the case may be, to designate immediately three judges in such circuit, of whom at least one shall be a circuit judge and another of whom shall be a district judge of the court in which the proceeding was instituted, to hear and determine such case, and it shall be the duty of the judges so designated to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited. An appeal from the final judgment of such court will lie to the Supreme Court.

In the event the Attorney General fails to file such a request in any such proceeding, it shall be the duty of the chief judge of the district (or in his absence, the acting chief judge) in which the case is pending immediately to designate a judge in such district to hear and determine the case. In the event that no judge in the district is available to hear and determine the case, the chief judge of the district, or the acting chief judge, as the case may be, shall certify this fact to the chief judge of the circuit (or in his absence, the acting chief judge) who shall then designate a district or circuit judge of the circuit to hear and determine the case.

It shall be the duty of the judge designated pursuant to this section to assign the case for hearing at the earliest practicable date and to cause the case to be in every way expedited.

SEC. 207. (a) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this title and shall exercise the same without regard to whether the aggrieved party shall have exhausted any administrative or other remedies that may be provided by law.

(b) The remedies provided in this title shall be the exclusive means of enforcing the rights based on this title, but nothing in this title shall preclude any individual or any State or local agency from assserting any right based on any other Federal or State law not inconsistent with this title, including any statute or ordinance requiring nondiscrimination in public establishments or accommodations, or from pursuing any remedy, civil or criminal, which may be available for the vindication or enforcement of such right.

TITLE III—DESEGREGATION OF PUBLIC FACILITIES

SEC. 301. (a) Whenever the Attorney General receives a complaint in writing signed by an individual to the effect that he is being deprived of or threatened with the loss of his right to the equal protection of the laws, on account of his race, color, religion, or national origin, by being denied equal utilization of any public facility which is owned, operated, or managed by or on behalf of any State or subdvision thereof, other than a public school or public college as defined in section 401 of title IV hereof, and the Attorney General believes the complaint is meritorious and certifies that the signer or signers of such complaint are unable, in his judgment, to initiate and maintain appropriate legal proceedings for relief and that the institution of an action will materially further the orderly progress of desegregation in public facilities, the Attorney General is authorized to institute for or in the name of the United States a civil action in any appropriate district court of the United States against such parties and for such relief as may be appropriate, and such court shall have and shall exercise jurisdiction of proceedings instituted pursuant to this section. The Attorney General may implead as defendants such additional parties as are or become necessary to the grant of effective relief hereunder.

(b) The Attorney General may deem a person or persons unable to initiate and maintain appropriate legal proceedings within the meaning of subsection (a) of this section when such person or persons are unable, either directly or through other interested persons or organizations, to bear the expense of the litigation or to obtain effective legal representation; or whenever he is satisfied that the institution of such litigation would jeopardize the personal safety, employment, or economic standing of such person or persons, their families, or their property.

SEC. 302. In any action or proceeding under this title the United States shall be liable for costs, including a reasonable attorney's fee, the same as a private person.

SEC. 303. Nothing in this title shall affect adversely the right of any person to sue for or obtain relief in any court against discrimination in any facility covered by this title.

SEC. 304. A complaint as used in this title is a writing or document within the meaning of section 1001, title 18, United States Code.

TITLE IV—DESEGREGATION OF PUBLIC EDUCATION

DEFINITIONS

SEC. 401. As used in this title—

(a) "Commissioner" means the Commissioner of Education.

(b) "Desegregation" means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin, but "desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance.

(c) "Public school" means any elementary or secondary educational institution, and "public college" means any institution of higher education or any technical or vocational school above the secondary school level, provided that such public school or public college is operated by a State, subdivision of a State, or governmental agency within a State, or operated wholly or predominantly from or through the use of governmental funds or property, or funds or property derived from a governmental source.

(d) "School board" means any agency or agencies which administer a system of one or more public schools and any other agency which is responsible for the assignment of students to or within such system.

SURVEY AND REPORT OF EDUCATIONAL OPPORTUNITIES

SEC. 402. The Commissioner shall conduct a survey and make a report to the President and the Congress, within two years of the enactment of this title, concerning the lack of availability of equal educational opportunities for individuals by reason of race, color, religion, or national origin in public educational institutions at all levels in the United States, its territories and possessions, and the District of Columbia.

TECHNICAL ASSISTANCE

SEC. 403. The Commissioner is authorized, upon the application of any school board, State, municipality, school district, or other governmental unit legally responsible for operating a public school or schools, to render technical assistance to such applicant in the preparation, adoption, and implementation of plans for the desegregation of public schools. Such technical assistance may, among other activities, include making available to such agencies information regarding effective methods of coping with special educational problems occasioned by desegregation, and making available to such agencies personnel of the Office of Education or other persons specially equipped to advise and assist them in coping with such problems.

TRAINING INSTITUTES

SEC. 404. The Commissioner is authorized to arrange, through grants or contracts, with institutions of higher education for the operation of short-term or regular session institutes for special training designed to improve the ability of teachers, supervisors, counselors, and other elementary or secondary school personnel to deal effectively with special educational problems occasioned by desegregation. Individuals who attend such an institute on a full-time basis may be paid stipends for the period of their attendance at such institute in amounts specified by the Commissioner in regulations, including allowances for travel to attend such institute.

GRANTS

SEC. 405. (a) The Commissioner is authorized, upon application of a school board, to make grants to such board to pay, in whole

(1) giving to teachers and other school personnel inservice training in dealing with problems incident to desegregation, and

(2) employing specialists to advise in problems incident to desegregation.

(b) In determining whether to make a grant, and in fixing the amount thereof and the terms and conditions on which it will be made, the Commissioner shall take into consideration the amount available for grants under this section and the other applications which are pending before him; the financial condition of the applicant and the other resources available to it; the nature, extent, and gravity of its problems incident to desegregation; and such other factors as he finds relevant.

PAYMENTS

SEC. 406. Payments pursuant to a grant or contract under this title may be made (after necessary adjustments on account of previously made overpayments or underpayments) in advance by way of reimbursement, and in such installments, as the Commissioner may determine.

SUITS BY THE ATTORNEY GENERAL

SEC. 407. (a) Whenever the Attorney General receives a complaint in writing—

(1) signed by a parent or group of parents to the effect that his or their minor children, as members of a class of persons similarly situated, are being deprived by a school board of the equal protection of the laws, or

(2) signed by an individual, or his parent, to the effect that he has been denied admission to or not permitted to continue in attendance at a public college by reason of race, color, religion, or national origin,

and the Attorney General believes the complaint is meritorious and certifies that the signer or signers of such complaint are unable, in his judgment, to initiate and maintain appropriate legal proceedings for relief and that the institution of an action will materially further the orderly achievement of desegregation in public education, the Attorney General is authorized, after giving notice of such complaint to the appropriate school board or college authority and after certifying that he is satisfied that such school board or authority has had a reasonable time to adjust the conditions alleged in such complaint, to institute for or in the name of the United States a civil action in any appropriate district court of the United States against such parties and for such relief as may be appropriate, and such court shall have and shall exercise jurisdiction of proceedings instituted pursuant to this section, provided that nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance, or otherwise enlarge the existing power of the court to insure compliance with constitutional standards. The Attorney General may implead as defendants such additional parties as are or become necessary to the grant of effective relief hereunder.

(b) The Attorney General may deem a person or persons unable to initiate and maintain appropriate legal proceedings within the meaning of subsection (a) of this section when such person or persons are unable, either directly or through other interested persons or organizations, to bear the expense of the litigation or to obtain effective legal representation; or whenever he is satisfied that the institution of such litigation would jeopardize the personal safety, employment, or economic standing of such person or persons, their families, or their property.

(c) The term "parent" as used in this section includes any person standing in loco parentis. A "complaint" as used in this section is a writing or document within the meaning of section 1001, title 18, United States Code.

Sec. 408. In any action or proceeding under this title the United States shall be liable for costs the same as a private person.

Sec. 409. Nothing in this title shall affect adversely the right of any person to sue for or obtain relief in any court against discrimination in public education.

Sec. 410. Nothing in this title shall prohibit classification and assignment for reasons other than race, color, religion, or national origin.

TITLE V—COMMISSION ON CIVIL RIGHTS

Sec. 501. Section 102 of the Civil Rights Act of 1957 (42 U.S.C. 1975a; 71 Stat. 634) is amended to read as follows:

"RULES OF PROCEDURE OF THE COMMISSION HEARINGS

"Sec. 102. (a) At least thirty days prior to the commencement of any hearing, the Commission shall cause to be published in the Federal Register notice of the date on which such hearing is to commence, the place at which it is to be held and the subject of the hearing. The Chairman, or one designated by him to act as Chairman at a hearing of the Commission, shall announce in an opening statement the subject of the hearing.

"(b) A copy of the Commission's rules shall be made available to any witness before the Commission or required to produce written or other matter shall be served with a copy of the Commission's ruels at the time of service of the subpena.

"(c) Any person compelled to appear in person before the Commission shall be accorded the right to be accompanied and advised by counsel, who shall have the right to subject his client to reasonable examination, and to make objections on the record and to argue briefly the basis for such objections. The Commission shall proceed with reasonable dispatch to conclude any hearing in which it is engaged. Due regard shall be had for the convenience and necessity of witnesses.

"(d) The Chairman or Acting Chairman may punish breaches of order and decorum by censure and exclusion from the hearings.

"(e) If the Commission determines that evidence or testimony at any hearing may tend to defame, degrade, or incriminate any person, it shall receive such evidence or testimony or summary of such evidence or testimony in executive session. The Commission shall afford any person defamed, degraded, or incriminated by such evidence or testimony any opportunity to appear and be heard in executive session, with a reasonable number of additional witnesses requested by him, before deciding to use such evidence or testimony. In the event the Commission determines to release or use such evidence or testimony in such manner as to reveal publicly the identity of the person defamed, degraded, or incriminated, such evidence as testimony, prior to such public release or use, shall be given at a public session, and the Commission shall afford such person an opportunity to appear as a voluntary witness or to file a sworn statement in his behalf and to submit brief and pertinent sworn statements of others. The Commission shall receive and dispose of requests from such person to subpena additional witnesses.

"(f) Except as provided in sections 102 and 105(f) of this Act, the Chairman shall receive and the Commission shall dispose of requests to subpena additional witnesses.

"(g) No evidence or testimony or summary of evidence or testimony taken in executive session may be released or used in public sessions without the consent of the Commission. Whoever releases or uses in public without the consent of the Commission such evidence or testimony taken in executive session shall be fined not more than $1,000, or imprisoned for not more than one year.

"(h) In the discretion of the Commission, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The Commission shall determine the pertinency of testimony and evidence adduced at its hearings.

"(i) Every person who submits data or evidence shall be entitled to retain or, on payment of lawfully prescribed costs, procure a copy or transcript thereof, except that a witness in a hearing held in executive session may for good cause be limited to inspection of the official transcript of his testimony. Transcript copies of public sessions may be obtained by the public upon the payment of the cost thereof. An accurate transcript shall be made of the testimony of all witnesses at all hearings, either public or executive sessions, of the Commission or of any subcommittee thereof.

"(j) A witness attending any session of the Commission shall receive $6 for each day's attendance and for the time necessarily occupied in going to and returning from the same, and 10 cents per mile for going from and returning to his place of residence. Witnesses who attend at points so far removed from their respective residences as to prohibit return thereto from day to day shall be entitled to an additional allowance of $10 per day for expenses of subsistence, including the time necessarily occupied in going to and returning from the place of attendance. Mileage payments shall be tendered to the witness upon service of a subpena issued on behalf of the Commission or any subcommittee thereof.

"(k) The Commission shall not issue any subpena for the attendance and testimony of witnesses or for the production of written or other matter which would require the presence of the party subpenaed at a hearing to be held outside of the State wherein the witness is found or resides or is domiciled or transacts business, or has appointed an agent for receipt of service of process except that, in any event, the Commission may issue subpenas for the attendance and testimony of witnesses and the production of written or other matter at a hearing held within fifty miles of the place where the witness is found or resides or is domiciled or transacts business or has appointed an agent for receipt of service of process.

"(1) The Commission shall separately state and currently publish in the Federal Register (1) descriptions of its central and field organization including the established places at which, and methods whereby, the public may secure information or make requests; (2) statements of the general course and method by which its functions are channeled and determined, and (3) rules adopted as authorized by law. No person shall in any manner be subject to or required to resort to rules, organization, or procedure not so published."

Sec. 502. Section 103(a) of the Civil Rights Act of 1957 (42 U.S.C. 1975b(a); 71 Stat. 634) is amended to read as follows:

"Sec. 103. (a) Each member of the Commission who is not otherwise in the service of the Government of the United States shall receive the sum of $75 per day for each day spent in the work of the Commission, shall be paid actual travel expenses, and per diem in lieu of subsistence expenses when away from his usual place of residence, in accordance with section 5 of the Administrative Expenses Act of 1946, as amended (5 U.S.C. 73b–2; 60 Stat. 808)."

Sec. 503. Section 103(b) of the Civil Rights Act of 1957 (42 U.S.C. 1975b(b); 71 Stat. 634) is amended to read as follows:

"(b) Each member of the Commission who is otherwise in the service of the Government of the United States shall serve without compensation in addition to that received for such other service, but while engaged in the work of the Commission shall be paid actual travel expenses, and per diem in lieu of subsistence expenses when away from his usual place of residence, in accordance with the provisions of the Travel Expenses Act of 1949, as amended (5 U.S.C. 835–42; 63 Stat. 166)."

Sec. 504. (a) Section 104(a) of the Civil Rights Act of 1957 (42 U.S.C 1975c(a); 71 Stat. 635), as amended, is further amended to read as follows:

"DUTIES OF THE COMMISSION

"Sec 104. (a) The Commission shall—

"(1) investigate allegations in writing under oath or affirmation that certain citizens of the United States are being deprived of their right to vote and have that vote counted by reason of their color, race, religion, or national origin; which writing, under oath or affirmation, shall set forth the facts upon which such belief or beliefs are based;

"(2) study and collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution because of race, color, religion or national origin or in the administration of justice;

"(3) appraise the laws and policies of the Federal Government with respect to denials of equal protection of the laws under the Constitution because of race, color, religion or national origin or in the administration of justice;

"(4) serve as a national clearinghouse for information in respect to denials of equal protection of the laws because of race, color, religion or national origin, including but not limited to the fields of voting, education, housing, employment, the use of public facilities, and transportation, or in the administration of justice;

"(5) investigate allegations, made in writing and under oath or affirmation, that citizens of the United States are unlawfully being accorded or denied the right to vote, or to have their votes properly counted, in any election of presidential electors, Members of the United States Senate, or of the House of Representatives, as a result of any patterns or practice of fraud or discrimination in the conduct of such election; and

"(6) Nothing in this or any other Act shall be construed as authorizing the Commission, its Advisory Committees, or any person under its supervision or control to inquire into or investigate any membership practices or internal operations of any fraternal organization, any college or university fraternity or sorority, any private club or any religious organization."

(b) Section 104(b) of the Civil Rights Act of 1957 (42 U.S.C. 1975c(b); 71 Stat. 635), as amended, is further amended by striking out the present subsection "(b)" and by substituting therefor:

"(b) The Commission shall submit interim reports to the President and to the Congress at such times as the Commission, the Congress or the President shall deem desirable, and shall submit to the President and to the Congress a final report of its activities, findings, and recommendations not later than January 31, 1968."

Sec. 505. Section 105(a) of the Civil Rights Act of 1957 (42 U.S.C. 1975d(a); 71 Stat. 636) is amended by striking out in the last sentence thereof "$50 per diem" and inserting in lieu thereof "$75 per diem."

Sec. 506. Section 105(f) and section 105(g) of the Civil Rights Act of 1957 (42 U.S.C. 1975d (f) and (g); 71 Stat. 636) are amended to read as follows:

"(f) The Commission, or on the authorization of the Commission any subcommittee of two or more members, at least one of whom shall be of each major political party, may, for the purpose of carrying out the provisions of this Act, hold such hearings and act at such times and places as the Commission or such authorized subcommittee may deem advisable. Subpenas for the attendance and testimony of witnesses or the production of written or other matter may be issued in accordance with the rules of the Commission as contained in section 102 (j) and (k) of this Act, over the signature of the Chairman of the Commission or of such subcommittee, and may be served by any person designated by such Chairman. The holding of hearings by the Commission, or the appointment of a subcommittee to hold hearings pursuant to this subparagraph, must be approved by a majority of the Commission, or by a majority of the members present at a meeting at which at least a quorum of four members is present.

"(g) In case of contumacy or refusal to obey a subpena, any district court of the United States or the United States court of any territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or is domiciled or transacts business, or has appointed an agent for receipt of service of process, upon application by the Attorney General of the United States shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or a subcommitte thereof, there to produce pertinent, relevant and nonprivileged evidence if so ordered, or there to give testimony touching the matter under investigation; and any failure to obey such order of the court may be punished by said court as a contempt thereof."

SEC. 507. Section 105 of the Civil Rights Act of 1957 (42 U.S.C. 1975d; 71 Stat. 636), as amended by section 401 of the Civil Rights Act of 1960 (42 U.S.C. 1975d(h); 74 Stat. 89), is further amended by adding a new subsection at the end to read as follows:

"(i) The Commission shall have the power to make such rules and regulations as are necessary to carry out the purposes of this Act."

TITLE VI—NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS

SEC. 601. No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

SEC. 602. Each Federal department and agency which is empowered to extend Federal financial assistance to any program or activity, by way of grant, loan, or contract other than a contract of insurance or guaranty, is authorized and directed to effectuate the provisions of section 601 with respect to such program or activity by issuing rules, regulations, or orders of general applicability which shall be consistent with achievement of the objectives of the statute authorizing the financial assistance in connection with which the action is taken. No such rule, regulation, or order shall become effective unless and until approved by the President. Compliance with any requirement adopted pursuant to this section may be effected (1) by the termination of or refusal to grant or to continue assistance under such program or activity to any recipient as to whom there has been an express finding on the record, after opportunity for hearing, of a failure to comply with such requirement, but such termination or refusal shall be limited to the particular political entity, or part thereof, or other recipient as to whom such a finding has been made and, shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found, or (2) by any other means authorized by law: *Provided, however*, That no such action shall be taken until the department or agency concerned has advised the appropriate person or persons of the failure to comply with the requirement and has determined that compliance cannot be secured by voluntary means. In the case of any action terminating, or refusing to grant or continue, assistance because of the failure to comply with a requirement imposed pursuant to this section, the head of the Federal department or agency shall file with the committees of the House and Senate having legislative jurisdiction over the program or activity involved a full written report of the circumstances and the grounds for such action. No such action shall become effective until thirty days have elapsed after the filing of such report.

SEC. 603. Any department or agency action taken pursuant to section 602 shall be subject to such judicial review as may otherwise be provided by law for similar action taken by such department or agency on other grounds. In the case of action, not otherwise subject to judicial review, terminating or refusing to grant or to continue financial assistance upon a finding of failure to comply with any requirement imposed pursuant to section 602, any person aggrieved (including any State or political subdivision thereof and agency of either) may obtain judicial review of such action in accordance with section 10 of the Administrative Procedure Act, and such action shall not be deemed committed to unreviewable agency discretion within the meaning of that section.

SEC. 604. Nothing contained in this title shall be construed to authorize action under this title by any department or agency with respect to any employment practice of any employer, employment agency, or labor organization except where a primary objective of the Federal financial assistance is to provide employment.

SEC. 605. Nothing in this title shall add to or detract from any existing authority with respect to any program or activity under which Federal financial assistance is extended by way of a contract of insurance or guaranty.

TITLE VII—EQUAL EMPLOYMENT OPPORTUNITY

DEFINITIONS

SEC. 701. For the purposes of this title—

(a) The term "person" includes one or more individuals, labor unions, partnerships, associations, corporations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees in bankruptcy, or receivers.

(b) The term "employer" means a person engaged in an industry affecting commerce who has twenty-five or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year, and any agent of such a person, but such term does not include (1) the United States, a corporation wholly owned by the Government of the United States, an Indian tribe, or a State or political subdivision thereof, (2) a bona fide private membership club (other than a labor organization) which is exempt from taxation under section 501(c) of the Internal Revenue Code of 1954: *Provided*, That during the first year after the effective date prescribed in subsection (a) of section 716, persons having fewer than one hundred employees (and their agents) shall not be considered employers, and, during the second year after such date, persons having fewer than seventy-five employees (and their agents) shall not be considered employers, and, during the third year after such date, persons having fewer than fifty employees (and their agents) shall not be considered employers: *Provided further*, That it shall be the policy of the United States to insure equal employment opportunities for Federal employees without discrimination because of race, color, religion, sex or national origin and the President shall utilize his existing authority to effectuate this policy.

(c) The term "employment agency" means any person regularly undertaking with or without compensation to procure employees for an employer or to procure for employees opportunities to work for an employer and includes an agent of such a person; but shall not include an agency of the United States, or an agency of a State or political subdivision of a State, except that such term shall include the United States Employment Service and the system of State and local employment services receiving Federal assistance.

(d) The term "labor organization" means a labor organization engaged in an industry affecting commerce, and any agent of such an organization, and includes any organization of any kind, any agency, or employee representation committee, group, association, or plan so engaged in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment, and any conference, general committee, joint or system board, or joint council so engaged which is subordinate to a national or international labor organization.

(e) A labor organization shall be deemed to be engaged in an industry affecting commerce if (1) it maintains or operates a hiring hall or hiring office which procures employees for an employer or procures for employees opportunities to work for an employer, or (2) the number of its members (or, where it is a labor organization composed of other labor organizations or their representatives, if the aggregate number of the members of such other labor organization) is (A) one hundred or more during the first year after the effective date prescribed in subsection (a) of section 716, (B) seventy-five or more during the second year after such date or fifty or more during the third year, or (C) twenty-five or more thereafter, and such labor organization—

(1) is the certified representative of employees under the provisions of the National Labor Relations Act, as amended, or the Railway Labor Act, as amended;

(2) although not certified, is a national or international labor organization or a local labor organization recognized or acting as the representative of employees of an employer or employers engaged in an industry affecting commerce; or

(3) has chartered a local labor organization or subsidiary body which is representing or actively seeking to represent employees of employers within the meaning of paragraph (1) or (2); or

(4) has been chartered by a labor organization representing or actively seeking to represent employees within the meaning of paragraph (1) or (2) as the local or subordinate body through which such employees may enjoy membership or become affiliated with such labor organization; or

(5) is a conference, general committee, joint or system board, or joint council subordinate to a national or international labor organization, which includes a labor organization engaged in an industry affecting commerce within the meaning of any of the preceding paragraphs of this subsection.

(f) The term "employee" means an individual employed by an employer.

(g) The term "commerce" means trade, traffic, commerce, transportation, transmission, or communication among the several States; or between a State and any place outside thereof; or within the District of Columbia, or a possession of the United States; or between points in the same State but through a point outside thereof.

(h) The term "industry affecting commerce" means any activity, business, or industry in commerce or in which a labor dispute would hinder or obstruct commerce or the free flow of commerce and includes any activity or industry "affecting commerce" within the meaning of the Labor-Management Reporting and Disclosure Act of 1959.

(i) The term "State" includes a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, the Canal Zone, and Outer Continental Shelf lands defined in the Outer Continental Shelf Lands Act.

EXEMPTION

SEC. 702. This title shall not apply to an employer with respect to the employment of aliens outside any State, or to a religious corporation, association, or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, or society of its religious activities or to an educatonal institution with respect to the employment of individuals to perform work connected with the educational activities of such institution.

DISCRIMINATION BECAUSE OF RACE, COLOR, RELIGION, SEX, OR NATIONAL ORIGIN

SEC. 703. (a) It shall be an unlawful employment practice for an employer—

(1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin; or

(2) to limit, segregate, or classify his employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex, or national origin.

(b) It shall be an unlawful employment practice for an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against, any individual because of his race, color, religion, sex, or national origin, or to classify or refer for employment any individual on the basis of his race, color, religion, sex, or national origin.

(c) It shall be an unlawful employment practice for a labor organization—

(1) to exclude or to expel from its membership, or otherwise to discriminate against, any individual because of his race, color, religion, sex, or national origin;

(2) to limit, segregate, or classify its membership, or to classify or fail or refuse to refer for employment any individual, in any way which would deprive or tend to deprive any individual of employment opportunities, or otherwise adversely affect his status as an employee or as an applicant for employment, because of such individual's race, color, religion, sex, or national origin; or

(3) to cause or attempt to cause an employer to discriminate against an individual in violation of this section.

(d) It shall be an unlawful employment practice for any employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs to discriminate against any individual because of his race, color, religion, sex, or national origin in admission to, or employment in, any program established to provide apprenticeship or other training.

(e) Notwithstanding any other provision of this title, (1) it shall not be an unlawful employment practice for an employer to hire and employ employees, for an employment agency to classify, or refer for employment any individual, for a labor organization to classify its membership or to classify or refer for employment any individual, or for an employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining programs to admit or employ any individual in any such program, on the basis of his religion, sex, or national origin in those certain instances where religion, sex, or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise, and (2) it shall not be an unlawful employment practice for a school, college, university, or other educational institution or institution of learning to hire and employ employees of a particular religion if such school, college, university, or other educational institution or institution of learning is, in whole or in substantial part, owned, supported, controlled, or managed by a particular religion or by a particular religious corporation, association, or society, or if the curriculum of such school, college, university, or other educational institution or institution of learning is directed toward the propagation of a particular religion.

(f) As used in this title, the phrase "unlawful employment practice" shall not be deemed to include any action or measure taken by an employer, labor organization, joint labor-management committee, or employment agency with respect to an individual who is a member of the Communist Party of the United States or of any other organization required to register as a Communist-action or Communist-front organization by final order of the Subversive Activities Control Board pursuant to the Subversive Activities Control Act of 1950.

(g) Notwithstanding any other provision of this title, it shall not be an unlawful employment practice for an employer to fail or refuse to hire and employ any individual for any position, for an employer to discharge any individual from any position, or for an employment agency to fail or refuse to refer any individual for employment in any position, or for a labor organization to fail or refuse to refer any individual for employment in any position, if—

(1) the occupancy of such position, or access to the premises in or upon which any part of the duties of such position is performed or is to be performed, is subject to any requirement imposed in the interest of the national security of the United States under any security program in effect pursuant to or administered under any statute of the United States or any Executive order of the President; and

(2) such individual has not fulfilled or has ceased to fulfill that requirement.

(h) Notwithstanding any other provision of this title, it shall not be an unlawful employment practice for an employer to apply different standards of compensation, or different terms, conditions, or privileges of employment pursuant to a bona fide seniority or merit system, or a system which measures earnings by quantity or quality of production or to employees who work in different locations, provided that such differences are not the result of an intention to discriminate because of race, color, religion, sex, or national origin, nor shall it be an unlawful employment practice for an employer to give and to act upon the results of any professionally developed ability test provided that such test, its administration or action upon the results is not designed, intended or used to discriminate because of race, color, religion, sex or national origin. It shall not be an unlawful employment practice under this title for any employer to differentiate upon the basis of sex in determining the amount of the wages or compensation paid or to be paid to employees of such employer if such differentiation is authorized by the provisions of section 6(d) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 206(d)).

(i) Nothing contained in this title shall apply to any business or enterprise on or near an Indian reservation with respect to any publicly announced employment practice of such business or enterprise under which a preferential treatment is given to any individual because he is an Indian living on or near a reservation.

(j) Nothing contained in this title shall be interpreted to require any employer, employment agency, labor organization, or joint labor-management committee subject to this title to grant preferential treatment to any individual or to any group because of the race, color, religion, sex, or national origin of such individual or group on account of an imbalance which may exist with respect to the total number or percentage of persons of any race, color, religion, sex, or national origin employed by any employer, referred or classified for employment by any employment agency or labor organization, admitted to membership or classified by any labor organization, or admitted to, or employed in, any apprenticeship or other training program, in comparison with the total number or percentage of persons of such race, color, religion, sex, or national origin in any community, State, section, or other area, or in the available work force in any community, State, section, or other area.

OTHER UNLAWFUL EMPLOYMENT PRACTICES

SEC. 704. (a) It shall be an unlawful employment practice for an employer to discriminate against any of his employees or applicants for employment, for an employment agency to discriminate against any individual, or for a labor organization to discriminate against any member thereof or applicant for membership, because he has opposed any practice made an unlawful employment practice by this title, or because he has made a change, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this title.

(b) It shall be an unlawful employment practice for an employer, labor organization, or employment agency to print or publish or cause to be printed or published any notice or advertisement relating to employment by such an employer or membership in or any classification or referral for employment by such a labor organization, or relating to any classification or referral for employment by such an employment agency, indicating any preference, limitation, specification, or discrimination, based on race, color, religion, sex, or national origin, except that such a notice or advertisement may indicate a preference, limitation, specification, or discrimination based on religion, sex, or national origin when religion, sex, or national origin is a bona fide occupation qualification for employment.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SEC. 705. (a) There is hereby created a Commission to be known as the Equal Employment Opportunity Commission, which shall be composed of five members, not more than three of whom shall be members of the same political party, who shall be appointed by the President by and with the advice and consent of the Senate. One of the original members shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years, beginning from the date of enactment of this title, but their successors shall be appointed for terms of five years each, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as Chairman of the Commission, and one member to serve as Vice Chairman. The Chairman shall be responsible on behalf of the Commission for the administrative operations of the Commission, and shall appoint, in accordance with the civil service laws, such officers, agents, attorneys, and employees as it deems necessary to assist it in the performance of its functions and to fix their compensation in accordance with the Classification Act of 1949, as amended. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman or in the event of a vacancy in that office.

(b) A vacancy in the Commission shall not impair the right of the remaining members to exercise all the powers of the Commission and three members thereof shall constitute a quorum.

(c) The Commission shall have an official seal which shall be judicially noticed.

(d) The Commission shall at the close of each fiscal year report to the Congress and to the President concerning the action it has taken; the names, salaries, and duties of all individuals in its employ and the moneys it has disbursed; and shall make such further reports on the cause of and means of eliminating discrimination and such recommendations for further legislation as may appear desirable.

(e) The Federal Executive Pay Act of 1956, as amended (5 U.S.C. 2201–2209), is further amended—

(1) by adding to section 105 thereof (5 U.S.C. 2204) the following clause:

"(32) Chairman, Equal Employment Opportunity Commission"; and

(2) by adding to clause (45) of section 106(a) thereof (5 U.S.C. 2205(a)) the following: "Equal Employment Opportunity Commission (4)."

(f) The principal office of the Commission shall be in or near the District of Columbia, but it may meet or exercise any or all its powers at any other place. The Commission may establish such regional or State offices as it deems necessary to accomplish the purpose of this title.

(g) The Commission shall have power—

(1) to cooperate with and, with their consent, utilize regional, State, local, and other agencies, both public and private, and individuals;

(2) to pay to witnesses whose depositions are taken or who are summoned before the Commission or any of its agents the same witness and mileage fees as are paid to witnesses in the courts of the United States;

(3) to furnish to persons subject to this title such technical assistance as they may request to further their compliance with this title or an order issued thereunder;

(4) upon the request of (i) any employer, whose employees or some of them, or (ii) any labor organization, whose members or some of them, refuse or threaten to refuse to cooperate in effectuating the provisions of this title, to assist in such effectuation by conciliation or such other remedial action as is provided by this title;

(5) to make such technical studies as are appropriate to effectuate the purposes and policies of this title and to make the results of such studies available to the public;

(6) to refer matters to the Attorney General with recommendations for intervention in a civil action brought by an aggrieved party under section 706, or for the institution of a civil action by the Attorney General under section 707, and to advise, consult, and assist the Attorney General on such matters.

(h) Attorneys appointed under this section may, at the direction of the Commission, appear for and represent the Commission in any case in court.

(i) The Commission shall, in any of its educational or promotional activities, cooperate with other departments and agencies in the performance of such educational and promotional activities.

(j) All officers, agents, attorneys, and employees of the Commission shall be subject to the provisions of section 9 of the Act of August 2, 1939, as amended (the Hatch Act), notwithstanding any exemption contained in such section.

PREVENTION OF UNLAWFUL EMPLOYMENT PRACTICES

SEC. 706. (a) Whenever it is charged in writing under oath by a person claiming to be aggrieved, or a written charge has been filed by a member of the Commission where he has reasonable cause to believe a violation of this title has occurred (and such charge sets forth the facts upon which it is based) that an employer, employment agency, or labor organization has engaged in an unlawful employment practice, the Commission shall furnish such employer, employment agency, or labor organization (hereinafter referred to as the "respondent") with a copy of such charge and shall make an investigation of such charge, provided that such charge shall not be made public by the Commission. If the Commission shall determine, after such investigation, that there is reasonable cause to believe that the charge is true, the Commission shall endeavor to eliminate any such alleged unlawful employment practice by informal methods of conference, conciliation, and persuasion. Nothing said or done during and as a part of such endeavors may be made public by the Commission without the written consent of the parties, or used as evidence in a subsequent proceeding. Any officer or employee of the Commission, who shall make public in any manner whatever any information in violation of this subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than $1,000 or imprisoned not more than one year.

(b) In the case of an alleged unlawful employment practice occurring in a State, or political subdivision of a State, which has a State or local law prohibiting the unlawful employment practice alleged and establishing or authorizing a State or local authority to grant or seek relief from such practice or to institute criminal proceedings with respect thereto upon receiving notice thereof, no charge may be filed under subsection (a) by the person aggrieved before the expiration of sixty days after proceedings have been commenced under the State or local law, unless such proceedings have been earlier terminated, provided that such sixty-day period shall be extended to one hundred and twenty days during the first year after the effective date of such State or local law. If any requirement for the commencement of such proceedings is imposed by a State or local authority other than a requirement of the filing of a written and signed statement of the facts upon which the proceeding is based, the proceeding shall be deemed to have been commenced for the purposes of this subsection at the time such statement is sent by registered mail to the appropriate State or local authority.

(c) In the case of any charges filed by a member of the Commission alleging an unlawful employment practice occurring in a State or political subdivision of a State, which has a State or local law prohibiting the practice alleged and establishing or authorizing a State or local authority to grant or seek relief from such practice or to institute criminal proceedings with respect thereto upon receiving notice thereof, the Commission shall, before taking any action with respect to such charge, notify the appropriate State or local officials and, upon request, afford them a reasonable time, but not less than sixty days (provided that such sixty-day period shall be extended to one hundred and twenty days during the first year after the effective day of such State or local law), unless a shorter period is requested, to act under such State or local law to remedy the practice alleged.

(d) A charge under subsection (a) shall be filed within ninety days after the alleged unlawful employment practice occurred, except that in the case of an unlawful employment practice with respect to which the person aggrieved has followed the procedure set out in subsection (b), such charge shall be filed by the person aggrieved within two hundred and ten days after the alleged unlawful employment practice occurred, or within thirty days after receiving notice that the State or local agency has terminated the proceedings under the State or local law, whichever is earlier, and a copy of such charge shall be filed by the Commission with the State or local agency.

(e) If within thirty days after a charge is filed with the Commission or within thirty days after expiration of any period of reference under subsection (c) (except that in either case such period may be extended to not more than sixty days upon a determination by the Commission that further efforts to secure voluntary compliance are warranted), the Commission has been unable to obtain voluntary compliance with this title, the Commission shall so notify the person aggrieved and a civil action may, within thirty days thereafter, be brought against the respondent named in the charge (1) by the person claiming to be aggrieved, or (2) if such charge was filed by a member of the Commission, by any person whom the charge alleges was aggrieved by the alleged unlawful employment practice. Upon application by the complainant and in such circumstances as the court may deem just, the court may appoint an attorney for such complainant and may authorize the commencement of the action without the payment of fees, costs, or security. Upon timely application, the court may, in its discretion, permit the Attorney General to intervene in such civil action if he certifies that the case is of general public importance. Upon request, the court may, in its discretion, stay further proceedings for not more than sixty days pending the termination of State or local proceedings described in subsection (b) or the efforts of the Commission to obtain voluntary compliance.

(f) Each United States district court and each United States court of a place subject to the jurisdiction of the United States shall have jurisdiction of actions brought under this title. Such an action may be brought in any judicial district in the State in which the unlawful employment practice is alleged to have been committed, in the judicial district in which the employment records relevant to such practice are maintained and administered, or in the judicial district in which the plaintiff would have worked but for the alleged unlawful employment practice, but if the respondent is not found within any such district, such an action may be brought within the judicial district in which the respondent has his principal office. For purposes of sections 1404 and 1406 of title 28 of the United States Code, the judicial district in which the respondent has his principal office shall in all cases be considered a district in which the action might have been brought.

(g) If the court finds that the respondent has intentionally engaged in or is intentionally engaging in an unlawful employment practice charged in the complaint, the court may enjoin the respondent from engaging in such unlawful employment practice, and order such affirmative action as may be appropriate, which may include reinstatement or hiring of employees, with or without back pay (payable by the employer, employment agency, or labor organization, as the case may be, responsible for the unlawful employment practice). Interim earnings or amounts earnable with reasonable diligence by the person or persons discriminated against shall operate to reduce the back pay otherwise allowable. No order of the court shall require the admission or reinstatement of an individual as a member of a union or the hiring, reinstatement, or promotion of an individual as an employee, or the payment to him of any back pay, if such individual was refused admission, suspended, or expelled or was refused employment or advancement or was suspended or discharged for any reason other than discrimination on account of race, color, religion, sex or national origin or in violation of section 704(a).

(h) The provisions of the Act entitled "An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes," approved

March 23, 1932 (29 U.S.C. 101–115), shall not apply with respect to civil actions brought under this section.

(i) In any case in which an employer, employment agency, or labor organization fails to comply with an order of a court issued in a civil action brought under subsection (e), the Commission may commence proceedings to compel compliance with such order.

(j) Any civil action brought under subsection (e) and any proceeding brought under subsection (i) shall be subject to appeal as provided in sections 1291 and 1292, title 28, United States Code.

(k) In any action or proceeding under this title the court, in its discretion, may allow the prevailing party, other than the Commission or the United States, a reasonable attorney's fee as part of the costs, and the Commission and the United States shall be liable for costs the same as a private person.

SEC. 707. (a) Whenever the Attorney General has reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights secured by this title, and that the pattern or practice is of such a nature and is intended to deny the full exercise of the rights herein described, the Attorney General may bring a civil action in the appropriate district court of the United States by filing with it a complaint (1) signed by him (or in his absence the Acting Attorney General), (2) setting forth facts pertaining to such pattern or practice, and (3) requesting such relief, including an application for a permanent or temporary injunction, restraining order or other order against the person or persons responsible for such pattern or practice, as he deems necessary to insure the full enjoyment of the rights herein described.

(b) The district courts of the United States shall have and shall exercise jurisdiction of proceedings instituted pursuant to this section, and in any such proceeding the Attorney General may file with the clerk of such court a request that a court of three judges be convened to hear and determine the case. Such request by the Attorney General shall be accompanied by a certificate that, in his opinion, the case is of general public importance. A copy of the certificate and request for a three-judge court shall be immediately furnished by such clerk to the chief judge of the circuit (or in his absence, the presiding circuit judge of the circuit) in which the case is pending. Upon receipt of such request it shall be the duty of the chief judge of the circuit or the presiding circuit judge, as the case may be, to designate immediately three judges in such circuit, of whom at least one shall be a circuit judge and another of whom shall be a district judge of the court in which the proceeding was instituted, to hear and determine such case, and it shall be the duty of the judges so designated to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited. An appeal from the final judgment of such court will lie to the Supreme Court.

In the event the Attorney General fails to file such a request in any such proceeding, it shall be the duty of the chief judge of the district (or in his absence, the acting chief judge) in which the case is pending immediately to designate a judge in such district is available to hear and determine the case, the chief judge of the district, or the acting chief judge, as the case may be, shall certify this fact to the chief judge of the circuit (or in his absence, the acting chief judge) who shall then designate a district or circuit judge of the circuit to hear and determine the case.

It shall be the duty of the judge designated pursuant to this section to assign the case for hearing at the earliest practicable date and to cause the case to be in every way expedited.

EFFECT ON STATE LAWS

SEC. 708. Nothing in this title shall be deemed to exempt or relieve any person from any liability, duty, penalty, or punishment provided by any present or future law of any State or political subdivision of a State, other than any such law which purports to require or permit the doing of any act which would be an unlawful employment practice under this title.

INVESTIGATIONS, INSPECTIONS, RECORDS, STATE AGENCIES

SEC. 709. (a) In connection with any investigation of a charge filed under section 706, the Commission or its designated representative shall at all reasonable times have access to, for the purposes of examination, and the right to copy any evidence of any person being investigated or proceeded against that relates to unlawful employment practices covered by this title and is relevant to the charge under investigation.

(b) The Commission may cooperate with State and local agencies charged with the administration of State fair employment practices laws and, with the consent of such agencies, may for the purpose of carrying out its functions and duties under this title and within the limitation of funds appropriated specifically for such purpose, utilize the services of such agencies and their employees and, notwithstanding any other provision of law, may reimburse such agencies and their employees for services rendered to assist the Commission in carrying out this title. In furtherance of such cooperative efforts, the Commission may enter into written agreements with such State or local agencies and such agreements may include provisions under which the Commission shall refrain from processing a charge in any cases or class of cases specified in such agreements and under which no person may bring a civil action under section 706 in any cases or class of cases so specified, or under which the Commission shall relieve any person or class of persons in such State or locality from requirements imposed under this section. The Commission shall rescind any such agreement whenever it determines that the agreement no longer serves the interest of effective enforcment of this title.

(c) Except as provided in subsection (d), every employer, employment agency, and labor organization subject to this title shall (1) make and keep such records relevant to the determinations of whether unlawful employment practices have been or are being committed, (2) preserve such records for such periods, and (3) make such reports therefrom, as the Commission shall prescribe by regulation or order, after public hearing, as reasonable, necessary, or appropriate for the enforcement of this title or the regulations or orders thereunder. The Commission shall, by regulation, require each employer, labor organization, and joint labor-management committee subject to this title which controls an apprenticeship or other training program to maintain such records as are reasonably necessary to carry out the purpose of this title, including, but not limited to, a list of applicants who wish to participate in such program, including the chronological order in which such applications were received, and shall furnish to the Commission, upon request, a detailed description of the manner in which persons are selected to participate in the apprenticeship or other training program. Any employer, employment agency, labor organization, or joint labor-management committee which believes that the application to it of any regulation or order issued under this section would result in undue hardship may (1) apply to the Commission for an exemption from the application of such regulation or order, or (2) bring a civil action in the United States district court for the district where such records are kept. If the Commission or the court, as the case may be, finds that the application of the regulation or order to the employer, employment agency, or labor organization in question would impose an undue hardship, the Commission or the court, as the case may be, may grant appropriate relief.

(d) The provisions of subsection (c) shall not apply to any employer, employment agency, labor organization, or joint labor-management committee with respect to matters occurring in any State or political subdivision thereof which has a fair employment practice law during any period in which such employer, employment agency, labor organization, or joint labor-management committee is subject to such law, except that the Commission may require such notations on records which such employer, employment agency, labor organization, or joint labor-management committee keeps or is required to keep as are necessary because of differences in coverage or methods of enforcement between the State or local law and the provisions of this title. Where an employer is required by Executive Order 10925, issued March 6, 1961, or by any other Executive order prescribing fair employment practices for Government contractors and subcontractors, or by rules or regulations issued thereunder, to file reports relating to his employment practices with any Federal agency or committee, and he is substantially in compliance with such requirements, the Commission shall not require him to file additional reports pursuant to subsection (c) of this section.

(e) It shall be unlawful for any officer or employee of the Commission to make public in any manner whatever any information obtained by the Commisison pursuant to its authority under this section prior to the institution of any proceeding under this title involving such information. Any officer or employee of the Commission who shall make public in any manner whatever any information in violation of this subsection shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not more than $1,000, or imprisoned not more than one year.

INVESTIGATORY POWERS

SEC. 710. (a) For the purposes of any investigation of a charge filed under the authority contained in section 706, the Commission shall have authority to examine witnesses under oath and to require the production of documentary evidence relevant or material to the charge under investigation.

(b) If the respondent named in a charge filed under section 706 fails or refuses to comply with a demand of the Commission for permission to examine or to copy evidence in conformity with the provisions of section 709(a), or if any person required to comply with the provisions of section 709 (c) or (d) fails or refuses to do so, or if any person fails or refuses to comply with a demand by the Commission to give testimony under oath, the United States district court for the district in which such person is found, resides, or transacts business, shall, upon application of the Commission, have jurisdiction to issue to such person an order requiring him to comply with the provisions of section 709 (c) or (d) or to comply with the demand of the Commission, but the attendance of a witness may not be required outside the State where he is found, resides, or transacts business and the production of evidence may not be required outside the State where such evidence is kept.

(c) Within twenty days after the service upon any person charged under section 706 of a demand by the Commission for the production of documentary evidence or for permission to examine or to copy evidence in conformity with the provisions of section 709(a), such person may file in the district court of the United States for the judicial district in which he resides, is found, or transacts business, and serve upon the Commission a petition for an order of such court modifying or setting aside such demand. The time allowed for compliance with the demand in whole or in part as deemed proper and ordered by the court shall not run during the pendency of such petition in the court. Such petition shall specify each ground upon which the petitioner relies in seeking such relief, and may be based upon any failure of such demand to comply with the provisions of this title or with the limitations generally applicable to compulsory process or upon any constitutional or other legal right or privilege of such person. No objection which is not raised by such a petition may be urged in the defense to a proceeding initiated by the Commission under subsection (b) for enforcement of such a demand unless such proceeding is commenced by the Commission prior to the expiration of the twenty-day period, or unless the court determines that the defendant could not reasonably have been aware of the availability of such ground of objection.

(d) In any proceeding brought by the Commission under subsection (b), except as provided in subsection (c) of this section, the defendant may petition the court for an order modifying or setting aside the demand of the Commission.

NOTICES TO BE POSTED

Sec. 711. (a) Every employer, employment agency, and labor organization, as the case may be, shall post and keep posted in conspicuous places upon its premises where notices to employees, applicants for employment, and members are customarily posted a notice to be prepared or approved by the Commission setting forth excerpts from or, summaries of, the pertinent provisions of this title and information pertinent to the filing of a complaint.

(b) A willful violation of this section shall be punishable by a fine of not more than $100 for each separate offense.

VETERANS' PREFERENCE

Sec. 712. Nothing contained in this title shall be construed to repeal or modify any Federal, State, territorial, or local law creating special rights or preference for veterans.

RULES AND REGULATIONS

Sec. 713. (a) The Commission shall have authority from time to time to issue, amend, or rescind suitable procedural regulations to carry out the provisions of this title. Regulations issued under this section shall be in conformity with the standards and limitations of the Administrative Procedure Act.

(b) In any action or proceeding based on any alleged unlawful employment practice, no person shall be subject to any liability or punishment for or on account of (1) the commission by such person of an unlawful employment practice if he pleads and proves that the act or omission complained of was in good faith, in conformity with, and in reliance on any written interpretation or opinion of the Commission, or (2) the failure of such person to publish and file any information required by any provision of this title if he pleads and proves that he failed to publish and file such information in good faith, in conformity with the instructions of the Commission issued under this title regarding the filing of such information. Such a defense, if established, shall be a bar to the action or proceeding, notwithstanding that (A) after such act or omission, such interpretation or opinion is modified or rescinded or is determined by judicial authority to be invalid or of no legal effect, or (B) after publishing or filing the description and annual reports, such publication or filing is determined by judicial authority not to be in conformity with the requirements of this title.

FORCIBLY RESISTING THE COMMISSION OR ITS REPRESENTATIVES

Sec. 714. The provisions of section 111, title 18, United States Code, shall apply to officers, agents, and employees of the Commission in the performance of their official duties.

SPECIAL STUDY BY SECRETARY OF LABOR

Sec. 715. The Secretary of Labor shall make a full and complete study of the factors which might tend to result in discrimination in employment because of age and of the the economy and individuals affected. The Secretary of Labor shall make a report to the Congress not later than June 30, 1965, containing the result of such study and shall include in such report such recommendations for legislation to prevent arbitrary discrimination in employment because of age as he determines advisable.

EFFECTIVE DATE

Sec. 716. (a) This title shall become effective one year after the date of enactment.

(b) Notwithstanding subsection (a), sections of this title other than sections 703, 704, 706, and 707 shall become effective immediately.

(c) The President shall, as soon as feasible after the enactment of this title, convene one or more conferences for the purpose of enabling the leaders of groups whose members will be affected by this title to become familiar with the rights afforded and obligations imposed by its provisions, and for the purpose of making plans which will result in the fair and effective administration of this title when all of its provisions become effective. The President shall invite the participation in such conference or conferences of (1) the members of the President's Committee on Equal Employment Opportunity, (2) the members of the Commission on Civil Rights, (3) representatives of State and local agencies engaged in furthering equal employment opportunity, (4) representatives of private agencies engaged in furthering equal employment opportunity, and (5) representatives of employers, labor organizations, and employment agencies who will be subject to this title.

TITLE VIII—REGISTRATION AND VOTING STATISTICS

Sec. 801. The Secretary of Commerce shall promptly conduct a survey to compile registration and voting statistics in such geographic areas as may be recommended by the Commission on Civil Rights. Such a survey and compilation shall, to the extent recommended by the Commission on Civil Rights, only include a count of persons of voting age by race, color, and national origin, and determination of the extent to which such persons are registered to vote, and have voted in any statewide primary or general election in which the Members of the United States House of Representatives are nominated or elected, since January 1, 1960. Such information shall also be collected and compiled in connection with the Nineteenth Decennial Census, and at such other times as the Congress may prescribe. The provisions of section 9 and chapter 7 of title 13, United States Code, shall apply to any survey, collection, or compilation of registration and voting statistics carried out under this title: *Provided, however,* That no person shall be compelled to disclose his race, color, national origin, or questioned about his political party affiliation, how he voted, or the reasons therefore, nor shall any penalty be imposed for his failure or refusal to make such disclosure. Every person interrogated orally, by written survey or questionnaire or by any other means with respect to such information shall be fully advised with respect to his right to fail or refuse to furnish such information.

TITLE IX—INTERVENTION AND PROCEDURE AFTER REMOVAL IN CIVIL RIGHTS CASES

Sec. 901. Title 28 of the United States Code, section 1447(d), is amended to read as follows:

"An order remanding a case to the State court from which it was removed is not reviewable on appeal or otherwise, except that an order remanding a case to the State court from which it was removed pursuant to section 1443 of this title shall be reviewable by appeal or otherwise."

Sec. 902. Whenever an action has been commenced in any court of the United States seeking relief from the denial of equal protection of the laws under the fourteenth amendment to the Constitution on account of race, color, religion, or national origin, the Attorney General for or in the name of the United States may intervene in such action upon timely application if the Attorney General certifies that the case is of general public importance. In such action the United States shall be entitled to the same relief as if it had instituted the action.

TITLE X—ESTABLISHMENT OF COMMUNITY RELATIONS SERVICE

Sec. 1001. (a) There is hereby established in and as a part of the Department of Commerce a Community Relations Service (hereinafter referred to as the "Service"), which shall be headed by a Director who shall be appointed by the President with the advice and consent of the Senate for a term of four years. The Director is authorized to appoint, subject to the civil service laws and regulations, such other personnel as may be necessary to enable the Service to carry out its functions and duties, and to fix their compensation in accordance with the Classification Act of 1949, as amended. The Director is further authorized to procure services as authorized by section 15 of the Act of August 2, 1946 (60 Stat. 810; 5 U.S.C. 55(a)), but at rates for individuals not in excess of $75 per diem.

(b) Section 106(a) of the Federal Executive Pay Act of 1956, as amended (5 U.S.C. 2205(a)), is further amended by adding the following clause thereto:

"(52) Director, Community Relations Service."

Sec. 1002. It shall be the function of the Service to provide assistance to communities and persons therein in resolving disputes, disagreements, or difficulties relating to discriminatory practices based on race, color, or national origin which impair the rights of persons in such communities under the Constitution or laws of the United States or which affect or may affect interstate commerce. The Service may offer its services in cases of such disputes, disagreements, or difficulties whenever, in its judgment, peaceful relations among the citizens of the community involved are threatened thereby, and it may offer its services either upon its own motion or upon the request of an appropriate State or local official or other interested person.

Sec. 1003. (a) The Service shall, whenever possible, in performing its functions, seek and utilize the cooperation of appropriate State or local, public, or private agencies.

(b) The activities of all officers and employees of the Service in providing conciliation assistance shall be conducted in confidence and without publicity, and the Service shall hold confidential any information acquired in the regular performance of its duties upon the understanding that it would be so held. No officer or employee of the Service shall engage in the performance of investigative or prosecuting functions of any department or agency in any litigation arising out of a dispute in which he acted on behalf of the Service. Any officer or other employee of the Service, who shall make public in any manner whatever any information in violation of this subsection, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $1,000 or imprisoned not more than one year.

Sec. 1004. Subject to the provisions of sections 205 and 1003(b), the Director shall, on or before January 31 of each year, submit to the Congress a report of the activities of the Service during the preceding fiscal year.

TITLE XI—MISCELLANEOUS

SEC. 1101. In any proceeding for criminal contempt arising under title II, III, IV, V, VI, or VII of this Act, the accused, upon demand therefor, shall be entitled to a trial by jury, which shall conform as near as may be to the practice in criminal cases. Upon conviction, the accused shall not be fined more than $1,000 or imprisoned for more than six months.

This section shall not apply to contempts committed in the presence of the court, or so near thereto as to obstruct the administration of justice, nor to the misbehavior, misconduct, or disobedience of any officer of the court in respect to writs, orders, or process of the court. No person shall be convicted of criminal contempt hereunder unless the act or omission constituting such contempt shall have been intentional, as required in other cases of criminal contempt.

Nor shall anything herein be construed to deprive courts of their power, by civil contempt proceedings, without a jury, to secure compliance with or to prevent obstruction of, as distinguished from punishment for violations of, any lawful writ, process, order, rule, decree, or command of the court in accordance with the prevailing usages of law and equity, including the power of detention.

SEC. 1102. No person should be put twice in jeopardy under the laws of the United States for the same act or omission. For this reason, an acquittal or conviction in a prosecution for a specific crime under the laws of the United States shall bar a proceeding for criminal contempt, which is based upon the same act or omission and which arises under the provisions of this Act; and an acquittal or conviction in a proceeding for criminal contempt, which arises under the provisions of this Act, shall bar a prosecution for a specific crime under the laws of the United States based upon the same act or omission.

SEC. 1103. Nothing in this Act shall be construed to deny, impair, or otherwise affect any right or authority of the Attorney General or of the United States or any agency or officer thereof under existing law to institute or intervene in any action or proceeding.

SEC. 1104. Nothing contained in any title of this Act shall be construed as indicating an intent on the part of Congress to occupy the field in which any such title operates to the exclusion of State laws on the same subject matter, nor shall any provision of this Act be construed as invalidating any provision of State law unless such provision is inconsistent with any of the purposes of this Act, or any provision thereof.

SEC. 1105. There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

SEC. 1106. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

Approved July 2, 1964.

(Public Law 89–110, 89th Congress, S. 1564, August 6, 1965)

VOTING RIGHTS ACT OF 1965

An act to enforce the fifteenth amendment to the Constitution of the United States and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be known as the "Voting Rights Act of 1965".

SEC. 2. No voting qualification or prerequisite to voting, or standard, practice, or procedure shall be imposed or applied by any State or political subdivision to deny or abridge the right of any citizen of the United States to vote on account of race or color.

SEC. 3. (a) Whenever the Attorney General institutes a proceeding under any statute to enforce the guarantees of the fifteenth amendment in any State or political subdivision the court shall authorize the appointment of Federal examiners by the United States Civil Service Commission in accordance with section 6 to serve for such period of time and for such political subdivisions as the court shall determine is appropriate to enforce the guarantees of the fifteenth amendment (1) as part of any interlocutory order if the court determines that the appointment of such examiners is necessary to enforce such guarantees or (2) as part of any final judgment if the court finds that violations of the fifteenth amendment justifying equitable relief have occurred in such State or subdivision: *Provided,* That the court need not authorize the appointment of examiners if any incidents of denial or abridgement of the right to vote on account of race or color (1) have been few in number and have been promptly and effectively corrected by State or local action, (2) the continuing effect of such incidents has been eliminated, and (3) there is no reasonable probability of their recurrence in the future.

(b) If in a proceeding instituted by the Attorney General under any statute to enforce the guarantees of the fifteenth amendment in any State or political subdivision the court finds that a test or device has been used for the purpose or with the effect of denying or abridging the right of any citizen of the United States to vote on account of race or color, it shall suspend the use of tests and devices in such State or political subdivisions as the court shall determine is appropriate and for such period as it deems necessary.

(c) If in any proceeding instituted by the Attorney General under any statute to enforce the guarantees of the fifteenth amendment in any State or political subdivision the court finds that violations of the fifteenth amendment justifying equitable relief have occurred within the territory of such State or political subdivision, the court, in addition to such relief as it may grant, shall retain jurisdiction for such period as it may deem appropriate and during such period no voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect at the time the proceeding was commenced shall be enforced unless and until the court finds that such qualification, prerequisite, standard, practice, or procedure does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color: *Provided,* That such qualification, prerequisite, standard, practice, or procedure may be enforced if the qualification, prerequisite, standard, practice, or procedure has been submitted by the chief legal officer or other appropriate official of such State or subdivision to the Attorney General and the Attorney General has not interposed an objection within sixty days after such Attorney General certifies with respect to any political subdivision named in, or included within the scope of, determinations made under section 4(b) that (1) he has received complaints in writing from twenty or more residents of such political subdivision alleging that they have been denied the right to vote under color of law on account of race or color, and that he believes such complaints to be meritorious, or (2) that in his judgment (considering, among other factors, whether the ratio of nonwhite persons to white persons registered to vote within such subdivision appears to him to be reasonably attributable to violations of the fifteenth amendment or whether substantial evidence exists that bona fide efforts are being made within such subdivision to comply with the fifteenth amendment), the appointment of examiners is otherwise necessary to enforce the guarantees of the fifteenth amendment, the Civil Service Commission shall appoint as many examiners for such subdivision as it may deem appropriate to prepare and maintain lists of persons eligible to vote in Federal, State, and local elections. Such examiners, hearing officers provided for in section 9(a), and other persons deemed necessary by the Commission to carry out the provisions and purposes of this Act shall be appointed, compensated, and separated without regard to the provisions of any statute administered by the Civil Service Commission, and service under this Act shall not be considered employment for the purposes of any statute administered by the Civil Service Commission, except the provisions of section 9 of the Act of August 2, 1939, as amended (5 U.S.C. 118i), prohibiting partisan political activity: *Provided,* That the Commission is authorized, after consulting the head of the appropriate department or agency, to designate suitable persons in the official service of the United States, with their consent, to serve in these positions. Examiners and hearing officers shall have the power to administer oaths.

SEC. 7. (a) The examiners for each political subdivision shall, at such places as the Civil Service Commission shall by regulation designate, examine applicants concerning their qualifications for voting. An application to an examiner shall be in such form as the Commission may require and shall contain allegations that the applicant is not otherwise registered to vote.

(b) Any person whom the examiner finds, in accordance with instructions received under section 9(b), to have the qualifications prescribed by State law not inconsistent with the Constitution and laws of the United States shall promptly be placed on a list of eligible voters. A challenge to such listing may be made in accordance with section 9(a) and shall not be the basis for a prosecution under section 12 of this Act. The examiner shall certify and transmit such list, and any supplements as appropriate, at least once a month, to the offices of the appropriate election officials, with copies to the Attorney General and the attorney general of the State, and any such lists and supplements thereto transmitted during the month shall be available for public inspection on the last business day of the month and in any event not later than the forty-fifth day prior to any election. The appropriate State or local election official shall place such names on the official voting list. Any person whose name appears on the examiner's list shall be entitled and allowed to vote in the election district of his residence unless and until the appropriate election officials shall have been notified that such person has been removed from such list in accordance with subsection (d): *Provided,* That no person shall be entitled to vote in any election by virtue of this Act unless his name shall have been certified and transmitted on such a list to the offices of the appropriate election officials at least forty-five days prior to such election.

(c) The examiner shall issue to such person whose name appears on such a list a certificate evidencing his eligibility to vote.

(d) A person whose name appears on such a list shall be removed therefrom by an examiner if (1) such person has been successfully challenged in accordance with the procedure prescribed in section 9, or (2) he has been determined by an examiner to have lost his eligibility to vote under State law not inconsistent with the Constitution and the laws of the United States.

SEC. 8. Whenever an examiner is serving under this Act in any political subdivision, the Civil Service Commission may assign, at the request of the Attorney General, one or more persons, who may be officers of the United States, (1) to enter and attend at any place for holding an election in such subdivision for the purpose of observing whether persons who are entitled to vote are being permitted to vote, and (2) to enter and attend at any place for tabulating the votes cast at any election held in such subdivision for the purpose of observing whether votes cast by persons entitled to vote are being properly tabulated. Such persons so assigned shall report to an examiner appointed for such political subdivision, to the Attorney General, and if the appointment of examiners has been authorized pursuant to section 3(a), to the court.

SEC. 9. (a) Any challenge to a listing on an eligibility list prepared by an examiner shall be heard and determined by a hearing officer appointed by and responsible to the Civil Service Commission and under such rules as the Commission shall by regulation prescribe. Such challenge shall be entertained only if filed at such office within the State as the Civil Service Commission shall by regulation designate, and within ten days after the listing of the challenged person is made available for public inspection, and if supported by (1) the affidavits of at least two persons having personal knowledge of the facts constituting grounds for the challenge and (2) a certification that a copy of the challenge and affidavits have been served by mail or in person upon the person challenged at his place of residence set out in the application. Such challenge shall be determined within fifteen days after it has been filed. A petition for review of the decision of the hearing officer may be filed in the United States court of appeals for the circuit in which the person challenged resides within fifteen days after service of such decision by mail on the person petitioning for review but no decision of a hearing officer shall be reversed unless clearly erroneous. Any person listed shall be entitled and allowed to vote pending final determination by the hearing officer and by the court.

(b) The times, places, procedures, and form for application and listing pursuant to this Act and removals from the eligibility lists shall be prescribed by regulations promulgated by the Civil Service Commission and the Commission shall, after consultation with the Attorney General, instruct examiners concerning applicable State law not inconsistent with the Constitution and laws of the United States with respect to (1) the qualifications required for listing, and (2) loss of eligibility to vote.

(c) Upon the request of the application or the challenger or on its own motion the Civil Service Commission shall have the power to require by subpena the attendance and testimony of witnesses and the production of documentary evidence relating to any matter pending before it under the authority of this section. In case of contumacy or refusal to obey a subpena, any district court of the United States or the United States court of any territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or is domiciled or transacts business, or has appointed an agent for receipt of service of process, upon application by the Attorney General of the United States shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or a hearing officer, there to produce pertinent, relevant, and nonprivileged documentary evidence if so ordered, or there to give testimony touching the matter under investigation; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

SEC. 10. (a) The Congress finds that the requirement of the payment of a poll tax as a precondition to voting (i) precludes persons of limited means from voting or imposes unreasonable financial hardship upon such persons as a precondition to their exercise of the franchise, (ii) does not bear a reasonable relationship to any legitimate State interest in the conduct of elections, and (iii) in some areas has the purpose or effect of denying persons the right to vote because of race or color. Upon the basis of these findings, Congress declares that the constitutional right of citizens to vote is denied or abridged in some areas by the requirement of the payment of a poll tax as a precondition to voting.

(b) In the exercise of the powers of Congress under section 5 of the fourteenth amendment and section 2 of the fifteenth amendment, the Attorney General is authorized and directed to institute forthwith in the name of the United States such actions, including actions against States or political subdivisions, for declaratory judgment or injunctive relief against the enforcement of any requirement of the payment of a poll tax as a precondition to voting, or substitute therefor enacted after November 1, 1964, as will be necessary to implement the declaration of subsection (a) and the purposes of this section.

(c) The district courts of the United States shall have jurisdiction of such actions which shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited.

(d) During the pendency of such actions, and thereafter if the courts, notwithstanding this action by the Congress, should declare the requirement of the payment of a poll tax to be constitutional, no citizen of the United States who is a resident of a State or political subdivision with respect to which determinations have been made under subsection 4(b) and a declaratory judgment has not been entered under subsection 4(a), during the first year he becomes otherwise entitled to vote by reason of registration by State or local officials or listing by an examiner, shall be denied the right to vote for failure to pay a poll tax if he tenders payment of such tax for the current year to an examiner or to the appropriate State or local official at least forty-five days prior to election, whether or not such tender would be timely or adequate under State law. An examiner shall have authority to accept such payment from any person authorized by this Act to make an application for listing, and shall issue a receipt for such payment. The examiner shall transmit promptly any such poll tax payment to the office of the State or local official authorized to receive such payment under State law, together with the name and address of the applicant.

SEC. 11. (a) No person acting under color of law shall fail or refuse to permit any person to vote who is entitled to vote under any provision of this Act or is otherwise qualified to vote, or willfully fail or refuse to tabulate, count, and report such person's vote.

(b) No person, whether acting under color of law or otherwise, shall intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person for voting or attempting to vote, or intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce any person for urging or aiding any person to vote or attempt to vote, or intimidate, threaten, or coerce any person for exercising any powers or duties under section 3(a), 6, 8, 9, 10, or 12(e).

(c) Whoever knowingly or willfully gives false information as to his name, address, or period of residence in the voting district for the purpose of establishing his eligibility to register or vote, or conspires with another individual for the purpose of encouraging his false registration to vote or illegal voting, or pays or offers to pay or accepts payment either for registration to vote or for voting shall be fined not more than $10,000 or imprisoned not more than five years, or both: *Provided, however,* That this provision shall be applicable only to general, special, or primary elections held solely or in part for the purpose of selecting or electing any candidate for the office of President, Vice President, presidential elector, Member of the United States Senate, Member of the United States House of Representatives, or Delegates or Commissioners from the territories or possessions, or Resident Commissioner of the Commonwealth of Puerto Rico.

(d) Whoever, in any matter within the jurisdiction of an examiner or hearing officer knowingly and willfully falsifies or conceals a material fact, or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than five years, or both.

SEC. 12. (a) Whoever shall deprive or attempt to deprive any person of any right secured by section 2, 3, 4, 5, 7, or 10 or shall violate section 11(a) or (b), shall be fined not more than $5,000, or imprisoned not more than five years, or both.

(b) Whoever, within a year following an election in a political subdivision in which an examiner has been appointed (1) destroys, defaces, mutilates, or otherwise alters the marking of a paper ballot which has been cast in such election, or (2) alters any official record of voting in such election tabulated from a voting machine or otherwise, shall be fined not more than $5,000, or imprisoned not more than five years, or both.

(c) Whoever conspires to violate the provisions of subsection (a) or (b) of this section, or interferes with any right secured by section 2, 3, 4, 5, 7, 10, or 11 (a) or (b) shall be fined not more than $5,000, or imprisoned not more than five years, or both.

(d) Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice prohibited by section 2, 3, 4, 5, 7, 10, 11, or subsection (b) of this section, the Attorney General may institute for the United States, or in the name of the United States, an action for preventive relief, including an application for a temporary or permanent injunction, restraining order, or other order, and including an order directed to the State and State or local election officials to require them (1) to permit persons listed under this Act to vote and (2) to count such votes.

(e) Whenever in any political subdivision in which there are examiners appointed pursuant to this Act any persons allege to such an examiner within forty-eight hours after the closing of the polls that notwithstanding (1) their listing under this Act or registration by an appropriate election official and (2) their eligibility to vote, they have not been permitted to vote in such election, the examiner shall forthwith notify the Attorney General if such allegations in his opinion appear to be well founded. Upon receipt of such notification, the Attorney General may forthwith file with the district court an application for an order providing for the marking, casting, and counting of the ballots of such persons and requiring the inclusion of their votes in the total vote before the results of such election shall be deemed final and any force or effect given thereto. The district court shall hear and determine such matters immediately after the filing of such application. The remedy provided in this subsection shall not preclude any remedy available under State or Federal law.

(f) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section and shall exercise the same without regard to whether a person asserting rights under the provisions of this Act shall have exhausted any administrative or other remedies that may be provided by law:

SEC. 13. Listing procedures shall be terminated in any political subdivision of any

State (a) with respect to examiners appointed pursuant to clause (b) of section 6 whenever the Attorney General notifies the Civil Service Commision, or whenever the District Court for the District of Columbia determines in an action for declaratory judgment brought by any political subdivision with respect to which the Director of the Census has determined that more than 50 per centum of the nonwhite persons of voting age residing therein are registered to vote, (1) that all persons listed by an examiner for such subdivision have been placed on the appropriate voting registration roll, and (2) that there is no longer reasonable cause to believe that persons will be deprived of or denied the right to vote on account of race or color in such subdivision, and (b), with respect to examiners appointed pursuant to section 3(a), upon order of the authorizing court. A political subdivision may petition the Attorney General for the termination of listing procedures under clause (a) of this section, and may petition the Attorney General to request the Director of the Census to take such survey or census as may be appropriate for the making of the determination provided for in this section. The District Court for the District of Columbia shall have jurisdiction to require such survey or census to be made by the Director of the Census and it shall require him to do so if it deems the Attorney General's refusal to request such survey or census to be arbitrary or unreasonable.

Sec. 14. (a) All cases of criminal contempt arising under the provisions of this Act shall be governed by section 151 of the Civil Rights Act of 1957 (42 U.S.C. 1995).

(b) No court other than the District Court for the District of Columbia or a court of appeals in any proceeding under section 9 shall have jurisdiction to issue any declaratory judgment pursuant to section 4 or section 5 or any restraining order or temporary or permanent injunction against the execution or enforcement of any provision of this Act or any action of any Federal officer or employee pursuant hereto.

(c) (1) The terms "vote" or "voting" shall include all action necessary to make a vote effective in any primary, special, or general election, including, but not limited to, registration, listing pursuant to this Act, or other action required by law prerequisite to voting, casting a ballot, and having such ballot counted properly and included in the appropriate totals of votes cast with respect to candidates for public or party office and propositions for which votes are received in an election.

(2) The term "political subdivision" shall mean any county or parish, except that where registration for voting is not conducted under the supervision of a county or parish, the term shall include any other subdivision of a State which conducts registration for voting.

(d) In any action for a declaratory judgment brought pursuant to section 4 or section 5 of this Act, subpenas for witnesses who are required to attend the District Court for the District of Columbia may be served in any judicial district of the United States: *Provided,* That no writ of subpena shall issue for witnesses without the District of Columbia at a greater distance than one hundred miles from the place of holding court without the permission of the District Court for the District of Columbia being first had upon proper application and cause shown.

Sec. 15. Section 2004 of the Revised Statutes (42 U.S.C. 1971), as amended by section 131 of the Civil Rights Act of 1957 (71 Stat. 637), and amended by section 601 of the Civil Rights Act of 1960 (74 Stat. 90), and as further amended by section 101 of the Civil Rights Act of 1964 (78 Stat. 241), is further amended as follows:

(a) Delete the word "Federal" wherever it appears in subsections (a) and (c);

(b) Repeal subsection (f) and designate the present subsections (g) and (h) as (f) and (g), respectively.

Sec. 16. The Attorney General and the Secretary of Defense, jointly, shall make a full and complete study to determine whether, under the laws or practices of any State or States, there are preconditions to voting, which might tend to result in discrimination against citizens serving in the Armed Forces of the United States seeking to vote. Such officials shall, jointly, make a report to the Congress not later than June 30, 1966, containing the results of such study, together with a list of any States in which such preconditions exist, and shall include in such report such recommendations for legislation as they deem advisable to prevent discrimination in voting against citizens serving in the Armed Forces of the United States.

Sec. 17. Nothing in this Act shall be construed to deny, impair, or otherwise adversely affect the right to vote of any person registered to vote under the law of any State or political subdivision.

Sec. 18. There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

Sec. 19. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected there by.

Approved August 6, 1965.

Radio and Television Remarks Upon Signing the Civil Rights Bill

(Broadcast from the East Room at the White House, July 2, 1964, at 6:45 p.m.)

My fellow Americans: I am about to sign into law the Civil Rights Act of 1964. I want to take this occasion to talk to you about what that law means to every American.

One hundred and eighty-eight years ago this week a small band of valiant men began a long struggle for freedom. They pledged their lives, their fortunes, and their sacred honor not only to found a nation, but to forge an ideal of freedom—not only for political independence, but for personal liberty—not only to eliminate foreign rule, but to establish the rule of justice in the affairs of men.

That struggle was a turning point in our history. Today in far corners of distant continents, the ideals of those American patriots still shape the struggles of men who hunger for freedom.

This is a proud triumph. Yet those who founded our country knew that freedom would be secure only if each generation fought to renew and enlarge its meaning. From the minutemen at Concord to the soldiers in Viet-Nam, each generation has been equal to that trust.

Americans of every race and color have died in battle to protect our freedom. Americans of every race and color have worked to build a nation of widening opportunities. Now our generation of Americans has been called on to continue the unending search for justice within our own borders.

We believe that all men are created equal. Yet many are denied equal treatment.

We believe that all men have certain unalienable rights. Yet many Americans do not enjoy those rights.

We believe that all men are entitled to the blessings of liberty. Yet millions are being deprived of those blessings—not because of their own failures, but because of the color of their skin.

The reasons are deeply imbedded in history and tradition and the nature of man. We can understand—without rancor or hatred—how this all happened.

But it cannot continue. Our Constitution, the foundation of our Republic, forbids it. The principles of our freedom forbid it. Morality forbids it. And the law I will sign tonight forbids it.

That law is the product of months of the most careful debate and discussion. It was proposed more than one year ago by our late and beloved President John F. Kennedy. It received the bipartisan support of more than two-thirds of the Members of both the House and the Senate. An overwhelming majority of Republicans as well as Democrats voted for it.

It has received the thoughtful support of tens of thousands of civic and religious leaders in all parts of this Nation. And it is supported by the great majority of the American people.

The purpose of the law is simple.

It does not restrict the freedom of any American, so long as he respects the rights of others.

It does not give special treatment to any citizen.

It does say the only limit to a man's hope for happiness, and for the future of his children, shall be his own ability.

It does say that there are those who are equal before God shall now also be equal in the polling booths, in the classrooms, in the factories, and in hotels, restaurants, movie theaters, and other places that provide service to the public.

I am taking steps to implement the law under my constitutional obligation to "take care that the laws are faithfully executed."

First, I will send to the Senate my nomination of LeRoy Collins to be Director of the Community Relations Service. Governor Collins will bring the experience of a long career of distinguished public service to the task of helping communities solve problems of human relations through reason and commonsense.

Second, I shall appoint an advisory committee of distinguished Americans to assist Governor Collins in his assignment.

Third, I am sending Congress a request for supplemental appropriations to pay for necessary costs of implementing the law, and asking for immediate action.

Fourth, already today in a meeting of my Cabinet this afternoon I directed the agencies of this Government to fully discharge the new responsibilities imposed upon them by the law and to do it without delay, and to keep me personally informed of their progress.

Fifth, I am asking appropriate officials to meet with representative groups to promote greater understanding of the law and to achieve a spirit of compliance.

We must not approach the observance and enforcement of this law in a vengeful spirit. Its purpose is not to punish. Its purpose is not to divide, but to end divisions—divisions which have all lasted too long. Its purpose is national, not regional.

Its purpose is to promote a more abiding commitment to freedom, a more constant pursuit of justice, and a deeper respect for human dignity.

We will achieve these goals because most Americans are law-abiding citizens who want to do what is right.

This is why the Civil Rights Act relies first on voluntary compliance, then on the efforts of local communities and States to secure the rights of citizens. It provides for the national authority to step in only when others cannot or will not do the job.

This Civil Rights Act is a challenge to all of us to go to work in our communities and our States, in our homes and in our hearts, to eliminate the last vestiges of injustice in our beloved *country.*

So tonight I urge every public official, every religious leader, every business and professional man, every workingman, every housewife—I urge every American—to join in this effort to bring justice and hope to all our people—and to bring peace to our land.

My fellow citizens, we have come now to a time of testing. We must not fail.

Let us close the springs of racial poison. Let us pray for wise and understanding hearts. Let us lay aside irrelevant differences and make our Nation whole. Let us hasten that day when our unmeasured strength and our unbounded spirit will be free to do the great works ordained for this Nation by the just and wise God who is the Father of us all.

Thank you and good night.

Remarks in the Capitol Rotunda at the Signing of the Voting Rights Act, August 6, 1965

Mr. Vice President, Mr. Speaker, Members of Congress, members of the Cabinet, distinguished guests, my fellow Americans:

Today is a triumph for freedom as huge as any victory that has ever been won on any battlefield. Yet to seize the meaning of this day, we must recall darker times.

Three and a half centuries ago the first Negroes arrived at Jamestown. They did not arrive in brave ships in search of a home for freedom. They did not mingle fear and joy, in expectation that in this New World anything would be possible to a man strong enough to reach for it.

They came in darkness and they came in chains.

And today we strike away the last major shackle of those fierce and ancient bonds. Today the Negro story and the American story fuse and blend.

And let us remember that it was not always so. The stories of our Nation and of the American Negro are like two great rivers. Welling up from that tiny Jamestown spring they flow through the centuries along divided channels.

When pioneers subdued a continent to the need of man, they did not tame it for the Negro. When the Liberty Bell rang out in Philadelphia, it did not toll for the Negro. When Andrew Jackson threw open the doors of democracy, they did not open for the Negro.

It was only at Appomattox, a century ago, that an American victory was also a Negro victory. And the two rivers—one shining with promise, the other dark-stained with oppression—began to move toward one another.

THE PROMISE KEPT

Yet, for almost a century the promise of that day was not fulfilled. Today is a towering and certain mark that, in this generation, that promise will be kept. In our time the two currents will finally mingle and rush as one great stream across the uncertain and the marvelous years of the America that is yet to come.

This act flows from a clear and simple wrong. Its only purpose is to right that wrong. Millions of Americans are denied the right to vote because of their color. This law will ensure them the right to vote. The wrong is one which no American, in his heart, can justify. The right is one which no American, true to our principles, can deny.

In 1957, as the leader of the majority in the United States Senate, speaking in support of legislation to guarantee the right of all men to vote, I said, "This right to vote is the basic right without which all others are meaningless. It gives people, people are individuals, control over their own destinies."

Last year I said, "Until every qualified person regardless of . . . the color of his skin has the right, unquestioned and unrestrained, to go in and cast his ballot in every precinct in this great land of ours, I am not going to be satisfied."

Immediately after the election I directed the Attorney General to explore, as rapidly as possible, the ways to ensure the right to vote.

And then last March, with the outrage of Selma still fresh, I came down to this Capitol one evening and asked the Congress and the people for swift and for sweeping action to guarantee to every man and woman the right to vote. In less than 48 hours I sent the Voting Rights Act of 1965 to the Congress. In little more than 4 months the Congress with overwhelming majorities, enacted one of the most monumental laws in the entire history of American freedom.

THE WAITING IS GONE

The Members of the Congress, and the many private citizens, who worked to shape and pass this bill will share a place of honor in our history for this one act alone.

There were those who said this is an old injustice, and there is no need to hurry. But 95 years have passed since the 15th amendment gave all Negroes the right to vote.

And the time for waiting is gone.

There were those who said smaller and more gradual measures should be tried. But they had been tried. For years and years they had been tried, and tried, and tried, and they had failed, and failed, and failed.

And the time for failure is gone.

There were those who said that this is a many-sided and very complex problem. But however viewed, the denial of the right to vote is still a deadly wrong.

And the time for injustice has gone.

This law covers many pages. But the heart of the act is plain. Wherever, by clear and objective standards, States and counties are using regulations, or laws, or tests to deny the right to vote, then they will be struck down. If it is clear that State officials still intend to discriminate, then Federal examiners will be sent in to register all eligible voters. When the prospect of discrimination is gone, the examiners will be immediately withdrawn.

And, under this act, if any county anywhere in this Nation does not want Federal intervention it need only open its polling places to all of its people.

THE GOVERNMENT ACTS

This good Congress, the 89th Congress, acted swiftly in passing this act. I intend to act with equal dispatch in enforcing this act.

And tomorrow at 1 p.m., the Attorney General has been directed to file a lawsuit challenging the constitutionality of the poll tax in the State of Mississippi. This will begin the legal process which, I confidently believe, will very soon prohibit any State from requiring the payment of money in order to exercise the right to vote.

And also by tomorrow the Justice Department, through publication in the Federal Register, will have officially certified the States where discrimination exists.

I have, in addition, requested the Department of Justice to work all through this weekend so that on Monday morning next, they can designate many counties where past experience clearly shows that Federal action is necessary and required. And by Tuesday morning, trained Federal examiners will be at work registering eligible men and women in 10 to 15 counties.

And on that same day, next Tuesday, additional poll tax suits will be filed in the States of Texas, Alabama, and Virginia.

And I pledge you that we will not delay, or we will not hesitate, or we will not turn aside until Americans of every race and color and origin in this country have the same right as all others to share in the process of democracy.

So, through this act, and its enforcement, an important instrument of freedom passes into the hands of millions of our citizens.

But that instrument must be used.

Presidents and Congresses, laws and lawsuits can open the doors to the polling places and open the doors to the wondrous rewards which await the wise use of the ballot.

THE VOTE BECOMES JUSTICE

But only the individual Negro, and all others who have been denied the right to vote, can really walk through those doors, and can use that right, and can transform the vote into an instrument of justice and fulfillment.

So, let me now say to every Negro in this country: You must register. You must vote. You must learn, so your choice advances your interest and the interest of our beloved Nation. Your future, and your children's future, depend upon it, and I don't believe that you are going to let them down.

This act is not only a victory for Negro leadership. This act is a great challenge to that leadership. It is a challenge which cannot be met simply by protests and demonstrations. It means that dedicated leaders must work around the clock to teach people their rights and their responsibilities and to lead them to exercise those rights and to fulfill those responsibilities and those duties to their country.

If you do this, then you will find, as others have found before you, that the vote is the most powerful instrument ever devised by man for breaking down injustice and destroying the terrible walls which imprison men because they are different from other men.

THE LAST OF THE BARRIERS TUMBLE

Today what is perhaps the last of the legal barriers is tumbling. There will be many actions and many difficulties before the rights woven into law are also woven into the fabric of our Nation. But the struggle for equality must now move toward a different battlefield.

It is nothing less than granting every American Negro his freedom to enter the mainstream of American life: not the conformity that blurs enriching differences of culture and tradition, but rather the opportunity that gives each a chance to choose.

For centuries of oppression and hatred have already taken their painful toll. It can be seen throughout our land in men without skills, in children without fathers, in families that are imprisoned in slums and in poverty.

RIGHTS ARE NOT ENOUGH

For it is not enough just to give men rights. They must be able to use those rights in their personal pursuit of happiness. The wounds and the weaknesses, the outward walls and the inward scars which diminish achievement are the work of American society. We must all now help to end them—help to end them through expanding programs already devised and through new ones to search out and forever end the special handicaps of those who are black in a Nation that happens to be mostly white.

So, it is for this purpose—to fulfill the rights that we now secure—that I have already called a White House conference to meet here in the Nation's Capital this fall.

So, we will move step by step—often painfully but, I think, with clear vision—along the path toward American freedom.

It is difficult to fight for freedom. But I also know how difficult it can be to bend long years of habit and custom to grant it. There is no room for injustice anywhere in the American mansion. But there is always room for understanding toward those who see the old ways crumbling. And to them today I say simply this: It must come. It is right that it should come. And when it has, you will find that a burden has been lifted from your shoulders, too.

It is not just a question of guilt, although there is that. It is that men cannot live with a lie and not be stained by it.

DIGNITY IS NOT JUST A WORD

The central fact of American civilization—one so hard for others to understand—is that freedom and justice and the dignity of man are not just words to us. We believe in them. Under all the growth and the tumult and abundance, we believe. And so, as long as some among us are oppressed—and we are part of that oppression—it must blunt our faith and sap the strength of our high purpose.

Thus, this is a victory for the freedom of the American Negro. But it is also a victory for the freedom of the American Nation. And every family across this great, entire, searching land will live stronger in liberty, will live more splendid in expectation, and will be prouder to be American because of the act that you have passed that I will sign today.

Thank you.

SPECIAL MESSAGE TO THE CONGRESS: THE AMERICAN PROMISE

(As delivered in person before a joint session March 15, 1965 at 9:02 p.m.)

Mr. Speaker, Mr. President, Members of the Congress:

I speak tonight for the dignity of man and the destiny of democracy.

I urge every member of both parties, Americans of all religions and of all colors, from every section of this country, to join me in that cause.

At times history and fate meet at a single time in a single place to shape a turning point in man's unending search for freedom. So it was at Lexington and Concord. So it was a century ago at Appomattox. So it was last week in Selma, Alabama.

There, long-suffering men and women peacefully protested the denial of their rights as Americans. Many were brutally assaulted. One good man, a man of God was killed.

There is no cause for pride in what has happened in Selma. There is no cause for self-satisfaction in the long denial of equal rights of millions of Americans. But there is cause for hope and for faith in our democracy in what is happening here tonight.

For the cries of pain and the hymns and protests of oppressed people have summoned into convocation all the majesty of this great Government—the Government of the greatest Nation on earth.

Our mission is at once the oldest and the most basic of this country: to right wrong, to do justice, to serve man.

In our time we have come to live with moments of great crisis. Our lives have been marked with debate about great issues; issues of war and peace, issues of prosperity and depression. But rarely in any time does an issue lay bare the secret heart of America itself. Rarely are we met with a challenge, not to our growth or abundance, our welfare or our security, but rather to the values and the purposes and the meaning of our beloved Nation.

The issue of equal rights for American Negroes is such an issue. And should we defeat every enemy, should we double our wealth and conquer the stars, and still be unequal to this issue, then we will have failed as a people and as a nation.

For with a country as with a person, "What is a man profited, if he shall gain the whole world, and lose his own soul?"

There is no Negro problem. There is no Southern problem. There is no Northern problem. There is only an American problem. And we are met here tonight as Americans—not as Democrats or Republicans—we are met here as Americans to solve that problem.

This was the first nation in the history of the world to be founded with a purpose. The great phrases of that purpose still sound in every American heart, North and South: "All men are created equal"—"government by consent of the governed"—"give me liberty or give me death." Well, those are not just clever words, or those are not just empty theories. In their name Americans have fought and died for two centuries, and tonight around the world they stand there as guardians of our liberty, risking their lives.

Those words are a promise to every citizen that he shall share in the dignity of man. This dignity cannot be found in a man's possessions; it cannot be found in his power or in his position. It really rests on his right to be treated as a man equal in opportunity to all others. It says that he shall share in freedom, he shall choose his leaders, educate his children, and provide for his family according to his ability and his merits as a human being.

To apply any other test—to deny a man his hopes because of his color or race, his religion or the place of his birth—is not only to do injustice, it is to deny America and to dishonor the dead who gave their lives for American freedom.

THE RIGHT TO VOTE

Our fathers believed that if this noble view of the rights of man was to flourish, it must be rooted in democracy. The most basic right of all was the right to choose your own leaders. The history of this country, in large measure, is the history of the expansion of that right to all of our people.

Many of the issues of civil rights are very complex and most difficult. But about this there can and should be no argument. Every American citizen must have an equal right to vote. There is no reason which can excuse the denial of that right. There is no duty which weighs more heavily on us than the duty we have to ensure that right.

Yet the harsh fact is that in many places in this country men and women are kept from voting simply because they are Negroes.

Every device of which human ingenuity is capable has been used to deny this right. The Negro citizen may go to register only to be told that the day is wrong, or the hour is late, or the official in charge is absent. And if he persists, and if he manages to present himself to the registrar, he may be disqualified because he did not spell out his middle name or because he abbreviated a word on the application.

And if he manages to fill out an application he is given a test. The registrar is the sole judge of whether he passes this test. He may be asked to recite the entire Constitution, or explain the most complex provisions of State law. And even a college degree cannot be used to prove that he can read and write.

For the fact is that the only way to pass these barriers is to show a white skin.

Experience has clearly shown that the existing process of law cannot overcome systematic and ingenious discrimination. No law that we now have on the books—and I have helped to put three of them there—can ensure the right to vote when local officials are determined to deny it.

In such a case our duty must be clear to all of us. The Constitution says that no person shall be kept from voting because of his race or his color. We have all sworn an oath before God to support and to defend that Constitution. We must now act in obedience to that oath.

GUARANTEEING THE RIGHT TO VOTE

Wednesday I will send to Congress a law designed to eliminate illegal barriers to the right to vote.

The broad principles of that bill will be in the hands of the Democratic and Republican leaders tomorrow. After they have reviewed it, it will come here formally as a bill. I am grateful for this opportunity to come here tonight at the invitation of the leadership to reason with my friends, to give them my views, and to visit with my former colleagues.

I have had prepared a more comprehensive analysis of the legislation which I had intended to transmit to the clerk tomorrow but which I will submit to the clerks tonight. But I want to really discuss with you now briefly the main proposals of this legislation.

This bill will strike down restrictions to voting in all elections—Federal, State, and local—which have been used to deny Negroes the right to vote.

This bill will establish a simple, uniform standard which cannot be used, however ingenious the effort, to flout our Constitution.

It will provide for citizens to be registered by officials of the United States Government if the State officials refuse to register them.

It will eliminate tedious, unnecessary lawsuits which delay the right to vote.

Finally, this legislation will ensure that properly registered individuals are not prohibited from voting.

I will welcome the suggestions from all of the Members of Congress—I have no doubt that I will get some—on ways and means to strengthen this law and to make it effective. But experience has plainly shown that this is the only path to carry out the command of the Constitution.

To those who seek to avoid action by their National Government in their own communities; who want to and who seek to maintain purely local control over elections, the answer is simple:

Open your polling places to all your people.

Allow men and women to register and vote whatever the color of their skin.

Extend the rights of citizenship to every citizen of this land.

THE NEED FOR ACTION

There is no constitutional issue here. The command of the Constitution is plain.

There is no moral issue. It is wrong—deadly wrong—to deny any of your fellow Americans the right to vote in this country.

There is no issue of States rights or national rights. There is only the struggle for human rights.

I have not the slightest doubt what will be your answer.

The last time a President sent a civil rights bill to the Congress it contained a provision to protect voting rights in Federal elections. That civil rights bill was passed after 8 long months of debate. And when that bill came to my desk from the Congress for my signature, the heart of the voting provision had been eliminated.

This time, on this issue, there must be no delay, no hesitation and no compromise with our purpose.

We cannot, we must not, refuse to protect the right of every American to vote in every election that he may desire to participate in. And we ought not and we cannot and we must not wait another 8 months before we get a bill. We have already waited a hundred years and more, and the time for waiting is gone.

So I ask you to join me in working long hours—nights and weekends, if necessary—to pass this bill. And I don't make that request lightly. For from the window where I sit with the problems of our country I recognize that outside this chamber is the outraged conscience of a nation, the grave concern of many nations, and the harsh judgment of history on our acts.

WE SHALL OVERCOME

But even if we pass this bill, the battle will not be over. What happened in Selma is part of a far larger movement which reaches into every section and State of America. It is the effort of American Negroes to secure for themselves the full blessings of American life.

Their cause must be our cause too. Because it is not just Negroes, but really it is all of us, who must overcome the crippling legacy of bigotry and injustice.

And we shall overcome.

As a man whose roots go deeply into Southern soil I know how agonizing racial feelings are. I know how difficult it is to reshape the attitudes and the structure of our society.

But a century has passed, more than a hundred years, since the Negro was freed. And he is not fully free tonight.

It was more than a hundred years ago that Abraham Lincoln, a great President of another party, signed the Emancipation Proclamation, but emancipation is a proclamation and not a fact.

A century has passed, more than a hundred years, since equality was promised. And yet the Negro is not equal.

A century has passed since the day of promise. And the promise is unkept.

The time of justice has now come. I tell you that I believe sincerely that no force can hold it back. It is right in the eyes of man and God that it should come. And when it does, I think that day will brighten the lives of every American.

For Negroes are not the only victims. How many white children have gone uneducated, how many white families have lived in stark poverty, how many white lives have been scarred by fear, because we have wasted our energy and our substance to maintain the barriers of hatred and terror?

So I say to all of you here, and to all in the Nation tonight, that those who appeal to you to hold on to the past do so at the cost of denying you your future.

This great, rich, restless country can offer opportunity and education and hope to all: black and white, North and South, sharecropper and city dweller. These are the enemies: poverty, ignorance, disease. They are the enemies and not our fellow man, not our neighbor. And these enemies too, poverty, disease and ignorance, we shall overcome.

AN AMERICAN PROBLEM

Now let none of us in any sections look with prideful righteousness on the troubles in another section, or on the problems of our neighbors. There is really no part of America where the promise of equality has been fully kept. In Buffalo as well as in Birmingham, in Philadelphia as well as in Selma, Americans are struggling for the fruits of freedom.

This is one Nation. What happens in Selma or in Cincinnati is a matter of legitimate concern to every American. But let each of us look within our own hearts and our own communities, and let each of us put our shoulder to the wheel to root out injustice wherever it exists.

As we meet here in this peaceful, historic chamber tonight, men from the South, some of whom were at Iwo Jima, men from the North who have carried Old Glory to far corners of the world and brought it back without a stain on it, men from the East and from the West, are all fighting together without regard to religion, or color, or region, in Viet-Nam. Men from every region fought for us across the world 20 years ago.

And in these common dangers and these common sacrifices the South made its contribution of honor and gallantry no less than any other region of the great Republic—and in some instances, a great many of them, more.

And I have not the slightest doubt that good men from everywhere in this country, from the Great Lakes to the Gulf of Mexico, from the Golden Gate to the harbors along the Atlantic, will rally together now in this cause to vindicate the freedom of all Americans. For all of us owe this duty; and I believe that all of us will respond to it.

Your President makes that request of every American.

PROGRESS THROUGH THE DEMOCRATIC PROCESS

The real hero of this struggle is the American Negro. His actions and protests, his courage to risk safety and even to risk his life, have awakened the conscience of this Nation. His demonstrations have been designed to call attention to injustice, designed to provoke change, designed to stir reform. He has called upon us to make good the promise of America. And who among us can say that we would have made the same progress were it not for his persistent bravery, and his faith in American democracy.

For at the real heart of battle for equality is a deep-seated belief in the democratic process. Equality depends not on the force of arms or tear gas but upon the force of moral right; not on recourse to violence but on respect for law and order.

There have been many pressures upon your President and there will be others as the days come and go. But I pledge you tonight that we intend to fight this battle where it should be fought; in the courts, and in the Congress, and in the hearts of men.

We must preserve the right of free speech and the right of free assembly. But the right of free speech does not carry with it, as has been said, the right to holler fire in a crowded theater. We must preserve the right to free assembly, but free assembly does not carry with it the right to block public thoroughfares to traffic.

We do have a right to protest, and a right to march under conditions that do not infringe the constitutional rights of our neighbors. And I intend to protect all those rights as long as I am permitted to serve in this office.

We will guard against violence, knowing it strikes from our hands the very weapons which we seek—progress, obedience to law, and belief in American values.

In Selma as elsewhere we seek and pray for peace. We seek order. We seek unity. But we will not accept the peace of stifled rights, or the order imposed by fear, or the unity that stifles protest. For peace cannot be purchased at the cost of liberty.

In Selma tonight, as in every—and we had a good day there—as in every city, we are working for just and peaceful settlement. We must all remember that after this speech I am making tonight, after the police and the FBI and the Marshals have all gone, and after you have promptly passed this bill, the people of Selma and the other cities of the Nation must still live and work together. And when the attention of the Nation has gone elsewhere they must try to heal the wounds and to build a new community.

This cannot be easily done on a battleground of violence, as the history of the South itself shows. It is in recognition of this that men of both races have shown such an outstandingly impressive responsibility in recent days—last Tuesday, again today.

RIGHTS MUST BE OPPORTUNITIES

The bill that I am presenting to you will be known as a civil rights bill. But, in a larger sense, most of the program I am recommending is a civil rights program. Its object is to open the city of hope to all people of all races.

Because all Americans just must have the right to vote. And we are going to give them that right.

All Americans must have the privileges of citizenship regardless of race. And they are going to have those privileges of citizenship regardless of race.

But I would like to caution you and remind you that to exercise these privileges takes much more than just legal right. It requires a trained mind and a healthy body. It requires a decent home, and the chance to find a job, and the opportunity to escape from the clutches of poverty.

Of course, people cannot contribute to the Nation if they are never taught to read or write, if their bodies are stunted from hunger, if their sickness goes untended, if their life is spent in hopeless poverty just drawing a welfare check.

So we want to open the gates to opportunity. But we are also going to give all our people, black and white, the help that they need to walk through those gates.

THE PURPOSE OF THIS GOVERNMENT

My first job after college was as a teacher in Cotulla, Tex., in a small Mexican-American school. Few of them could speak English, and I couldn't speak much Spanish. My students were poor and they often came to class without breakfast, hungry. They knew even in their youth the pain of prejudice. They never seemed to know why people disliked them. But they knew it was so, because I saw it in their eyes. I often walked home late in the afternoon, after the classes were finished, wishing there was more that I could do. But all I knew was to teach them the little that I knew, hoping that it might help them against the hardships that lay ahead.

Somehow you never forget what poverty and hatred can do when you see its scars on the hopeful face of a young child.

I never thought then, in 1928, that I would be standing here in 1965. It never even occurred to me in my fondest dreams that I might have the chance to help the sons and daughters of those students and to help people like them all over this country.

But now I do have that chance—and I'll let you in on a secret—I mean to use it. And I hope that you will use it with me.

This is the richest and most powerful country which ever occupied the globe. The might of past empires is little compared to ours. But I do not want to be the President who built empires, or sought grandeur, or extended dominion.

I want to be the President who educated young children to the wonders of their world. I want to be the President who helped to feed the hungry and to prepare them to be taxpayers instead of taxeaters.

I want to be the President who helped the poor to find their own way and who protected the right of every citizen to vote in every election.

I want to be the President who helped to end hatred among his fellow men and who promoted love among the people of all races and all religions and all parties.

I want to be the President who helped to end war among the brothers of this earth.

And so at the request of your beloved majority leader, the Senator from Illinois; the minority leader, Mr. McCulloch, and other Members of both parties, I came here tonight—not as President Roosevelt came down one time in person to veto a bonus bill, not as President Truman came down one time to urge the passage of a railroad bill—but I came down here to ask you to share this task with me and to share it with the people that we both work for. I want this to be the Congress, Republicans and Democrats alike, which did all these things for all these people.

Beyond this great chamber, out yonder in 50 States, are the people that we serve. Who can tell what deep and unspoken hopes are in their hearts tonight as they sit there and listen. We all can guess, from our own lives, how difficult they often find their own pursuit of happiness, how many problems each little family has. They look most of all to themselves for their futures. But I think that they also look to each of us.

Above the pyramid on the great seal of the United States it says—in Latin—"God has favored our undertaking."

God will not favor everything that we do. It is rather our duty to divine His will. But I cannot help believing that He truly understands and that He really favors the undertaking that we begin here tonight.

NOTE.—The address was broadcast nationally.

Mr. ROBERT C. BYRD. Mr. President, I yield now to the distinguished Senator from Illinois (Mr. STEVENSON).

Mr. STEVENSON. Mr. President, it is said that Lyndon Johnson was a difficult man. I suspect that secretly he rather enjoyed that reputation. And now, even in death, he continues to frustrate those who try to capture him in words.

Lyndon Johnson was so large he defied normal description. Even those close to him saw only aspects of the man; it was impossible to see the entirety of such an enormous figure. Those of us who knew him only slightly came away with vivid impressions. My foremost impression is of a man whose whole approach to life and politics was always deeply personal, emotional, even sentimental.

To President Johnson, politics was never merely a matter of loyalty to abstract ideals. It was a matter of personalities—of real men, their problems, their families, and their lives.

He never thought of his constituents as a vast, faceless mass, to be measured by the Gallup poll and manipulated by Madison Avenue. He saw the American people as individuals and families, in real homes under real rooftops with real hopes and real difficulties. When he talked about them, he described them as "Molly and the babies"—a phrase that to sophisticates seemed naive, but to him represented the people he knew and served.

His approach to his colleagues in politics was similarly human, emotional, and sentimental. His was the politics not of abstractions, but of human encounter: the handshake; the hurried conversation in a hallway; the long, pleading telephone call, the personal favor, the friendly drink, the unexpected gesture of friendship or sympathy. If he was a shrewd and canny political animal, he was also a man who went to weddings and funerals and shed real tears.

To my father, his contemporary in American politics, President Johnson was not only correct and courteous, but generous and thoughtful. Though they sometimes differed on issues, they were always friends, who saw themselves as laborers in common for the public good. And after my father's death, President Johnson's kindness was directed toward our family. He came to the funeral in Bloomington, Ill. At the height of Mr. Johnson's difficulties during the Vietnam conflict, he took time out to unveil a bust of my father in the White House Cabinet Room. And though my father had been a critic of that conflict, the President spoke of him with warmth and magnanimity and showed our family the most genuine courtesy.

Lyndon Johnson was a product of the countryside and the small town. He brought to our highest national affairs the virtues of the small town; real, not synthetic emotion, and the human touch.

Others will elaborate upon his public achievements. I will close by offering my warmest respect and sympathy to Mrs. Johnson and all his family, and by quoting Stephen Spender's words about those who "were truly great." Spender speaks of:

> Those who in their lives fought for life, who wore at their hearts the fire's center.

Lyndon Johnson, in his life, fought for life. And in his tempestuous, achieving career, he stood near the fire's center.

It is tempting to say that losing President Johnson is like losing a part of our national landscape. But Lyndon Johnson was always too restless and fast-moving to be described as a mere landmark. Losing him is more like losing a part of the weather. We will miss him.

Mr. MANSFIELD. Mr. President, I yield to the Senator from Washington.

Mr. MAGNUSON. Mr. President, it is with the deepest kind of sorrow that I stand here today. We are paying our tributes, making our eulogies, to a President of the United States. But I have also lost a friend.

It is a lucky man, after a good life, who can count his friends on the fingers of his hands. I am especially lucky, because I always could count Lyndon Johnson among mine.

Today, on this day of such mixed emotions, I am luckier than most because I can look back upon good memories and warm times. Lyndon Johnson and I came to Congress together more than three decades ago. We served on the same committees and went to war together in the Pacific. It was my great privilege that Lyndon Johnson stood up for me at my wedding and my bride's great privilege that Lady Bird Johnson stood for her. Those memories are my treasures now.

Life is not always kind and Lyndon Johnson took its thorns with its roses. He presided over this Nation at a time of great accomplishment and of great agony. Only history can be the final judge on those times.

But I have my own personal judgments about President Johnson—and there is no doubt in my mind about his place in history. Can any of us on this floor forget those heady days in 1964 when we approved more progressive legislation than perhaps any Congress in history?

It was Lyndon Johnson who saw medicare through to passage after two decades of bickering. Millions of Americans will never forget. But it only began there—a stream of accomplishments that uplifted that part of our Nation that had been held down so long.

If there is to be a memorial to Lyndon Baines Johnson, it seems clear to me what that memorial should be. Washington is ripe these days with rumors of the dismanteling of the great social programs enacted in the 1960's. Our memorial should be a simple one—to assure that what Lyndon Johnson did is not undone, that the memorial he erected is not torn down.

Now that the war that tortured him is all but over, let us turn ourselves to the priorities that Lyndon Johnson himself would have established. He set out to build a great society. And, at least he set its foundations.

Which of our Presidents did more for the impoverished, more for the ghetto dwellers and the underprivileged, more for the frustrated and the disenfranchised?

That is his legacy now, and a legacy we should devote our own energies to maintaining. We can, as he would have wished, build our fair and great Nation into a fairer and greater Nation.

Just over 10 years ago, when Lyndon Johnson was elevated to the Presidency on one of the saddest days in our Nation's history, he quietly urged: "Let us continue." He would urge the same thing today. As a friend—and as a believer—I make the pledge now to do what I can to continue.

Aside from his beloved land on the Pedernales, this place in which we now stand—the Senate—is the place that gave Lyndon Johnson his greatest sustenance. I would hope that here in this Senate his work will go on. Let us, his colleagues, not allow his dream to die. There still is so much to be done.

Mr. HUDDLESTON. Mr. President, the Nation has lost a dedicated and humane leader. President Johnson cared about people and their needs, and this was reflected in a lifetime of public service dedicated to providing his fellow citizens with better education, improved health care, equal rights, a cleaner environment, and many other amenities of the good life.

I believe history will remember Lyndon Johnson as one who demonstrated great concern for his fellow man—especially the "little man" born in poverty and want. To demonstrate such concern for the less fortunate is not always politically popular; but that does not deny the moral imperative to do so. That Lyndon Johnson sought to fulfill this moral imperative is a tribute to his courage and humanity.

President Johnson assumed the high office of President following a national tragedy, and not the least of his many accomplishments was his ability to take hold of the office and carry on the Nation's business during a very trying period. A lesser man might well have been overwhelmed by the magnitude of such responsibilities thrust upon him so suddenly, and in such trying times.

But President Johnson took firm hold of the reins of leadership and moved forward to some of his greatest accomplishments immediately after he became President. His leadership led to passage of legislation outlawing discrimination in places of public accommodation, programs to alleviate poverty, medicare, and health care for the aged, and a program for improving living conditions in Appalachia.

These are the things for which Lyndon Johnson will be remembered. They are his living monuments, and the Nation is highly indebted to him for providing the leadership and determination necessary to bring them about.

It has often been said that Lyndon Johnson's happiest days were spent right here in the U.S. Senate. That is easy to understand when you consider his many legislative accomplishments while serving in this body.

We in Kentucky have always felt a close kinship to Lyndon Johnson. Although he was a Texan by birth he had roots in Kentucky through both sides of his family. The President's grandmother, Elizah Bunton, was born in Russelville, Ky. and later moved to Texas. His mother was Rebecca Baines, whose maternal grandparents were natives of Kentucky.

But whether he is linked to Kentucky or to Texas, his real constituency was the Nation and he served it well.

I think all will agree that he was a dedicated American, who sought what he thought best for his country and his people. It is hard to ask any more of a public servant, or of a man.

Mr. BELLMON. Mr. President, President Lyndon Johnson will principally be remembered by many for his role in the Vietnam war. Such narrow identity overlooks the fact that he was a courageous, effective President who was probably the alltime master of the legislative art.

Throughout his long career, he remained a southwesterner. He maintained his direct, sometimes blunt manner, which sometimes caused him problems after he went to the White House.

While I differed with him on occasion, it is my opinion that history will be kind to the record and the memory of President Lyndon Johnson. I feel that our world today would have been a vastly different and less desirable place had he not taken his courageous yet unpopular stand in Southeast Asia and persevered even at the cost of his personal political career.

Mr. HRUSKA. Mr. President, this Senator notes the passing of Lyndon Baines Johnson, 36th President of the United States, with sorrow and regret. I wish to extend my deepest sympathy to Lady Bird, her two daughters, and their children.

We of the Senate will never forget L. B. J. We will remember him as a man driven to achieve greatness by some inner power. We will remember him as a Senator who was perhaps one of the most skilled statesmen to walk and speak in our halls and chambers. We will remember him as a President who could cover 31,500 miles in a 17-day factfinding tour and still remain ready for more work.

He was, indeed, a leader, who as President Nixon has said of him, was a "partisan of principle." Those of us who knew him and sometimes disagreed with him in the Senate can attest to his unfailing principle and devotion to the Republic. He was a man who viewed America's future with optimism.

Although fate has chosen to take him from us at the age of 64, all of us have a responsibility to do justice to his expectations for America. He would have expected no less from us.

We of the Senate shall miss his principle. The Nation shall miss his guidance, expertise, and insight. The passing of a great man is like the stillness after thunder. This Nation is smaller today without Lyndon Johnson.

Mr. MONDALE. Mr. President, this Nation has suffered a tragic loss in the death of our 36th President, Lyndon Baines Johnson.

We have lost a strong man who, by sheer force of character and ability, exercised unparalleled influence over the history of this Nation in the last quarter century.

As Senate majority leader and President, he worked tirelessly to transform the 14th amendment's commitment to racial equality into a living national purpose.

He sponsored the greatest social reform since the New Deal—medicare, medicaid, and expanded social security benefits fo rthe elderly, aid to public education, a national commitment to end poverty and hunger.

And when he saw that the war in Southeast Asia had irrevocably divided the American people, he stepped aside in an unselfish effort to end the war and to unite the American people.

He left us an unfinished agenda for social justice—an end to hunger and malnutrition; decent housing for all American families; safe working conditions, a fair wage and a secure retirement for working men and women; real educational opportunities, and a chance in life for children of all backgrounds.

We will honor the memory of a man who cared deeply about the lives of the American people, who knew and hated poverty, and who longed for the peace which he tragically did not live to see.

Mr. HUGHES. Mr. President, I join with my colleagues and with Americans everywhere in bidding goodbye to a great President and in extending to his lovely wife and family my deepest sympathy.

To me, as to many other Americans, President Johnson was an enigma, but I never doubted his greatness, his devotion to his country, his determination to carry out what he believed to be the right things no matter what effort was required.

Having experienced both his generosity and his anger, I can personally attest to the fact that both were king size. We parted friendly relations over Vietnam. It was an honest difference of opinion that I have always regretted, but it had to be. But this in no sense diminished my admiration for this President's colossal record of service to his country—in civil rights, in medical care for the aged, in elementary and secondary education, in housing, in the alleviation of poverty, in raising the minimum wage, in pioneering environmental protection, and in countless other areas.

To me the most remarkable quality of Lyndon Johnson as President was not his strength as a decisionmaker, which was undeniable, or his skill as a leader—as in his relations with Congress—which was awesome, but in the fact that I always knew he cared, cared about people and the problems they have, including the run of the mill, the afflicted and the victims of discrimination.

And, of course, he built a mighty edifice of laws and administrative acts built on this capacity to care.

As the country is mourning the loss of this very complex and human President, it is reported that the people value programs he innovated and put through Congress with his incomparable skill and energy are now being dismantled and laid aside.

It appears to be true, but in my judgment, this is only a temporary phase. It is probably true that too much was attempted by the Johnson administration in too short a time to help too many people. But thank God, somebody cared enough to make the effort.

As I see it, the idea of the Great Society is not dead. It will rise again, in a different, more workable and lasting form, because the concept fundamentally is right and just and we are a nation of conscience.

And when this concept lives again, it seems to me that it will be the most splendid memorial that any President could have. It could be written as an epitaph that on a big scale, as with everything else he did, Lyndon Johnson cared.

Mr. HART. Mr. President, President Johnson lies in state today just as the war that caused him so much anguish appears to be coming to an end.

History has played a curious trick on us, giving us great cause to rejoice but compelling us at the same time to mourn and sorrow.

The tragedy of this day, January 24, lies in the timing of President Johnson's death.

He died almost precisely at the moment when the dust clouds of an unfortunate war appear to be subsiding. And now, as they subside, they reveal—for the first time to many—the memorials that will honor the name of Lyndon B. Johnson for many generations.

His true memorials stand among us.

They are those millions of black Americans who now vote because of Lyndon Johnson's ceaseless efforts and his devotion to democracy.

They are those millions of Americans who are better schooled today because of his determined pursuit of more educational funds.

They are those other millions who have achieved a greater measure of dignity in their old age because he pressed hard and long for medicare.

Those millions will continue to have a benign effect on the course of the Nation long after the Vietnam war is a footnote in the history books.

When Lyndon Johnson left office, he could look across this country and honestly tell himself, "Well, I fixed something."

That is a sentence, I suppose, that many politicians utter to themselves at one time or another. But Lyndon Johnson had the record to back it up.

If 30 years ago you had asked American blacks to guess the origin of this century's greatest civil rights President, not many of them would have named Texas.

His fervor for equality was not generated by political need, because I suspect he could have slid through in this area by making encouraging noises and symbolic gestures.

He did not.

He had identified the racial problem as one crucial to the survival of the Nation. And he moved. He moved with all the energy and skill at his command—and that was considerable.

As a consequence, we had the Omnibus Civil Rights Act of 1964. In retrospect, that one does not seem much. Its principal concept—one that seems rather quaintly anachronistic in 1973—was that blacks have the right to eat in restaurants and sleep in hotels.

But it forced the Nation to confront the problem. It set events in motion.

And a year later, President Johnson was back to Congress again, this time with the Voting Rights Act. It passed. But when it passed it did not seem as important as the bill that had gone before, for some reason. Perhaps because it was shorter, because it did not have as many titles, because it applied to fewer States.

But I think Lyndon Johnson knew what it would do. He knew it would change things, and not just in the South. Its ripples have now been felt in one way or another throughout the country. And I think we are the better for it, the stronger for it.

Late last year, while driving to a vacation in Mexico with two of my sons, the highway took us through a Mississippi town called Fayette.

It distresses me to admit that I could not immediately recall why the name rang a bell. Then, of course, it came. Fayette had a mayor named Charles Evers.

We stopped. We saw the town. We saw the mayor. We heard the history of the first black administration in the community's history. We talked to whites.

And it is reassuring to report that we could find no indication anywhere that democracy is a mistake.

Charles Evers knew who was primarily responsible for that concept of democracy. And he said he had made it a point frequently to call the L.B.J. ranch and thank the man he held most responsible.

As the years pass, we will all have more and more cause to reflect on Mr. Johnson's accomplishments. They will be about us for generations. And they will not be mere forgotten milestones on unremembered roads. They will be growing oaks that will soften our landscape and shade us for as far into the future as we can see now.

Yes, we will reflect on his career. And as we do, all of us, I think, will become more and more appreciative that he was here—and that he had the wisdom to fix some things that need fixing.

Mr. WILLIAMS. Mr. President, history is marked by islands of time on which are clustered several events of great magnitude which occur, coincidentally, within historical moments of each other; we are living through one of those time islands now.

Less than 1 month ago, our Nation was deeply saddened at the news that former President Harry S Truman had died. But, within weeks of that unhappy time, our spirits were lifted by reports that the awful ordeal in Southeast Asia might soon be at an end. And then, at virtually the same time that the dream of peace was being transformed into reality, we were shocked by the unexpected tragedy of the death of former President Lyndon Baines Johnson.

It is ironic that Lyndon Johnson died 2 days after the expiration of what would have been his second term as President. And it is a cruel irony indeed, that his death came shortly before a treaty to end the war in Vietnam was to be finally agreed to. There can be no doubt that Lyndon Johnson longed for an end to this war as fervently as anyone in this country.

Mr. President, I know I do not have to remind any Member of this body that Lyndon Johnson has left behind him a magnificent legacy of social progress for millions of Americans—and for millions more yet unborn. Virtually his entire life was dedicated to public service; it was a career marked by compassion for human needs, and a fierce dedication to making the promise of America a reality for all Americans.

Lyndon Johnson summed up his philosophy of government in a speech he made near the beginning of his full term as President in 1964, when he said:

> I want a happy nation, not a harassed people—a people who love instead of hate—a people who are fearless instead of fearful—men with pride in their ancestry and hope for their posterity—but humble before their God and concerned always with the wants and needs of their fellow human beings.

Mr. President, Lyndon Johnson's life in itself was an embodiment of the American experience. His ancestors helped settle the West, and he grew up living close to the land. He started work as a construction worker, went on to become a teacher, and was introduced to National Government as a congressional staff member during the depths of the depression. He went on, of course, to become one of the most powerful leaders this body has ever had, and then to the highest office in American political life.

Those of us who were privileged to serve in the Senate when Lyndon Johnson was majority leader, and later when he was Vice President and then President, know very well that he was a grand master of the political process. The politics he practiced was sometimes rough, usually colorful, and almost always effective. He knew better than any of us how to pass legislation, and he used his skill to its utmost to compile one of the most magnificent legislative records in our Nation's history.

Lyndon Johnson knew the needs of average Americans, and the legislation he worked for was addressed to those needs. He was an ardent supporter of the kind of economic reforms begun by Franklin Roosevelt's New Deal, and he was one of the first Members of Congress to recognize the urgent need for legislation to erase discrimination in all phases of American life.

When the tragedy in Dallas left Lyndon Johnson heir to the Presidency, he was scrupulously loyal to the programs he inherited from John F. Kennedy. And when he won a great mandate to his own term in the White House, he consolidated his dreams for America in a program he called "The Great Society"; it was a program he described this way:

> The Great Society asks not only how much, but how good; not only how to create wealth but how to use it; not only how fast we are going, but where we are going.

Lyndon Johnson was more successful than probably any President—with the possible exception of his hero, F. D. R.—in getting his program enacted into law. As one who was privileged to play some part in achieving passage of that great and visionary program, I can only say that it was a unique and memorable experience. The great legislation on education, civil rights, economic opportunity, health care for the elderly, environmental quality, and housing and urban development, which was passed during those years, stands today as a monument to Lyndon Johnson's Presidency.

Mr. President, perhaps the most fitting description we can attribute to Lyndon Baines Johnson is to say simply that he cared deeply about all the people of our country, and did all in his power to make their lives better. I join today with my colleagues in expressing the deepest sense of personal loss at his death, and extending my sincerest condolences to the Johnson family.

Mr. FONG. Mr. President, I join my colleagues in paying tribute to former President Lyndon B. Johnson, whose sudden death this week at age 64, shocked all of us.

It was my privilege to know Lyndon Johnson as majority leader of the Senate, as Vice President, and as President. I was always impressed by his warmth and charm and friendliness to me, and I am deeply saddened by his death. America is the poorer to lose such a dynamic elder statesman. We had hoped to have the benefit of his counsel for many years to come.

To capsulize the life and achievements of this dynamic and complex man through his 31 years of public service in the legislative and executive branches of our National Government is difficult indeed. This we can say: our Nation owes him much.

Certainly those who lived through the horror of the assassination of President John F. Kennedy will always be grateful to Lyndon Johnson for the masterly manner in which he promptly and firmly took hold of the reins of government. We could have had chaos and turmoil. Instead we had order and continuity and inspiration. Through his courage, strength, and skill, Lyndon Johnson rallied the American people to weather the tragedy an assassin's bullet had inflicted upon us. His conduct and leadership during those difficult circumstances were exemplary.

Lyndon Johnson leaves a record of tremendous achievements and some disappointments, the most notable of course his failure to end the war in Vietnam that he inherited. He felt he had done everything he possibly could, including sacrificing a bid for a second elective term, to no avail. Yet it is a mark of the man that he would not settle for a peace that would only be surrender in disguise.

On those other issues that remain unfinished and controversial, only time and future events will give us the necessary perspective and tell us whether he was right or wrong. At this time, however, there is no doubt that in the death of Lyndon Johnson, our Nation has lost a leader whose life was marked by enormous energy, vitality, and a capacity for leadership few men possess.

We know he was a master of the legislative process as his effective tenure as majority leader of the Senate attests. And, as President, his knowledge of Congress and Congressmen enabled him to push to enactment a record number of new domestic programs.

The Civil Rights Act of 1964 and the Voting Rights Act of 1965 stand as noble monuments to his tireless work as President in behalf of all Americans.

Imbued with a deep-rooted love of America, he was a man in the familiar tradition of our country, rising from humble beginnings to the highest elective offices in the land. And it is to his everlasting credit that he never forgot his humble origins. Undoubtedly his zeal for wiping out poverty and his strong support of better education for all had their roots in his early life. Those American citizens disadvantaged by color, race, or poverty knew that in Lyndon Johnson they had a stanch champion.

Born and raised in the dirt-poor hill country of central Texas, Lyndon Johnson knew what it was for people to scratch for a living. But he also knew that in America a person could get an education and work his way up. Throughout his public career, he strove mightily to widen that opportunity for those Americans in need.

Lyndon Johnson was a big man from big country. Six feet two inches tall and large of frame, he came from Texas, our largest State until Alaska entered the Union. He thought big. He planned big. His horizons were so big they had no finite limits. He dreamed big dreams for America and he labored tirelessly to make those dreams come true.

It was this capacity for dreaming big and thinking big that enabled Lyndon Johnson to embrace enthuiastically the idea of statehood for Alaska and Hawaii. While others clung to a United States of America with only contiguous States, Lyndon Johnson saw the feasibility of accepting noncontiguous Alaska and mid-Pacific Hawaii. Lyndon Johnson was one of the architects of statehood for Alaska and Hawaii. I am sure I speak for all citizens of Hawaii when I say the people of the 50th State will always have a special aloha for Lyndon Johnson.

Just as Lyndon Johnson led the drive for statehood for Alaska and Hawaii in 1959, so in 1960, he made possible enactment of legislation to establish in Hawaii the Center for Cultural and Technical Interchange between East and West. He agreed that Hawaii, a crossroads between the United States and Asian-Pacific lands, should be the site of a Federal institution supported by the people of America to promote understanding between our people and our neighbors in Asia and the Pacific. The East-West Center has been in operation for more than a decade in the work he envisioned.

Many years ago, when ground-breaking ceremonies were scheduled for the East-West Center, President and Mrs. Johnson agreed to attend and they invited Mrs. Fong and myself to fly to Hawaii with them and join in the ceremonies. The aircraft assigned us had only two sleeping bunks. President Johnson insisted that Mrs. Fong and I take one of the bunks and he and Mrs. Johnson would take the other. We, of course, demurred and tried to persuade them to keep both bunks. But in his customary generous and warm-hearted way, President Johnson would not take "No" for an answer. He and Mrs. Johnson gave up one bunk so that we could be comfortable. It is such acts of kindness that we recall on this sad occasion.

It is little wonder that in 1964, Hawaii gave Lyndon Johnson an overwhelming vote of thanks and confidence. In his election campaign, 79 percent of Hawaii's voters cast their ballots for Lyndon Johnson.

We in Hawaii are very, very sorry to lose such a stanch friend and we bid him a sad aloha.

My wife Ellyn joins me in extending to Mrs. Johnson, to daughters Lynda and Luci, and to their families our deepest condolences in their bereavement. We know how proud he was of them and how much comfort he derived from their love and loyalty.

Mr. CHURCH. Mr. President, the death of former President Lyndon Johnson leaves a great void, nowhere felt more poignantly than in this Capital.

For it was in Washington that Lyndon Johnson pursued his remarkable career during most of his adult life. And it was here in Washington that his friends were legion, his talents most appreciated and best understood.

As a man, Lyndon Johnson was bigger than life; as a Senator, he was bigger than Texas; as majority leader of the Senate, he soon became the second biggest man in the Government. Only the Presidency itself was cut to fit his size.

The irony is that the people never knew Lyndon Johnson for what he really was, a man of warmth who cared deeply about the dispossessed. The public could not know the private Lyndon Johnson, so pungent, volatile, folksy, and sentimental.

I will remember him for these intensely human qualities; for the leadership he gave to good causes such as civil rights; for the landmark legislation he pulled through Congress, medicare for the elderly and better education for the young.

His life, so full of struggle, was buoyed by the constant companionship and encouragement of his faithful wife, Lady Bird. She matched his energies and shared his ideals. To her, their children, and grandchildren, my wife, Bethine, and I extend our heartfelt sympathy.

Though we differed on the question of the war, my regard for Lyndon Johnson never faltered. He was a giant of a man, and I will miss him.

Mr. MUSKIE. Mr. President, Lyndon Johnson was, in many ways, larger than life. In a political career spanning nearly four decades, he exemplified so many of the attributes commonly associated with his beloved State of Texas—flamboyance and pride, coupled with enormous charm and a canny perception of the frailties and strengths of those with whom he worked.

All of us who worked closely with him marvelled at his energy, respected his vigorous dedication and were amazed by his tenacity and persuasive qualities. During his 12 years as majority leader, we could be sure that when Lyndon Johnson promised a night-long session, we would be at our desks through the night. He was totally absorbed in his work, and I suspect that if it had been within his power, he would have created 25-hour work days.

His personality enveloped the Senate, and it will be a rare leader who will run the Senate Lyndon's way again.

He proved here that he was master in the art of the possible, but he also demonstrated that he had dreams and the courage and talent to make many of those dreams reality.

After the tragedy in Dallas, Lyndon Johnson was thrust without warning into the Nation's highest office. He met the challenge with characteristic energy, vision, and remarkable strength of leadership. And he presided with great personal dignity over the most tumultuous and troubling period in recent American history.

He understood that continuity was vital to the country and the world, vital to demonstrate the durability of our institutions and the stability of our society and our political mechanisms. President Johnson's first message to Congress began with the ringing:

> We shall continue.

And he did continue. His mastery of the intricacies of the Senate and Congress' responsiveness to programs begun by President Kennedy provided some momentum, but his ultimate success came for his own deep commitment to the American system and to its political institutions.

Lyndon Johnson was a big man: in body, in vision, and in ambition. His ambition stretched far beyond himself to his country. He dreamed not just of a new society, but of a Great Society, one that dealt justly and shared its riches widely with all its citizens.

The simple, inescapable fact was that this big man cared, and he cared intensely, about the farmer in Iowa, the fisherman in Massachusetts, and the rancher in Texas, and the disadvantaged of all colors, all of whom shared the same hopes and harbored the same fears. It was the task of political leaders, Johnson said in 1964, to make Americans aware of their fundamental unity of interest, purposes and belief. And it was his highest ambition "to satisfy the simple wants of the people." He demanded a better quality of life for those Americans, he saw ringed into ghettos of indifference, of prejudice, of ignorance.

A distinguishing quality of a great free society is its freedom to experiment, freedom to make mistakes, freedom to change direction, to back away from failure and to enlarge on success. President Johnson had the courage to risk uncertain results in his determination to find bold new ways of reducing domestic problems of staggering complexity and magnitude—problems stemming from quiet words—poverty—hunger—education—opportunity.

Most importantly, Lyndon Johnson made a commitment to those American society had treated unfairly. "We shall overcome," he said. And he put those words into action, enacting sweeping civil rights reforms which America is still building on today in order to make this a truly just society.

When history judges Lyndon Johnson, I am certain that that effort will not be forgotten.

All of us who knew him have personal recollections of his unique personality. I came to know his bite and his bark, his warmth and his charm, his icy disapproval and his overgenerous praise. He was the most fascinating human being I have known in my political life.

So many of us shared with him the tragedy of the war which marked his Presidency so indelibly. I was always conscious of his agonizing desire to know what was right; and now history must write the final judgment.

Mr. HOLLINGS. Mr. President, I was both surprised and saddened to learn of the untimely passing of Lyndon Baines Johnson. Coming so closely as it does to the death of another of the architects of modern times—Harry S Truman—President Johnson's passing leaves a certain silence on our tongues as well as a pain in our hearts. The words to express any judgment on the tumultuous events of the Johnson years come slowly. So close are we to the events themselves that we are denied the luxury of perspective and judgment. It remains for the future to determine the outcome of the many fateful decisions it was Lyndon Johnson's destiny to make.

As Congressman, Senator, majority leader, Vice President, and finally President of the United States, Lyndon Johnson was a man of true compassion. He cared greatly about people. At the pinnacle of power, he never forgot the underprivileged and downtrodden. Indeed, once he found himself in a position to really make a difference, he bent his every effort to improving the lives of those who needed help. No President was more passionately committed to improving the health and education and housing of the American people. None was more convinced of the essential equality of men. And none did more to insure that every American—regardless of race—enjoyed the blessings of liberty and democracy.

Lyndon Johnson was—more than most men—a son of the soil. Time and again throughout his life, he returned to the Texas hill country for sustenance and reinvigoration. From his early experiences with friends and neighbors who had to struggle to survive, he drew his fundamental faith in the goodness of people.

He knew that given a chance, most Americans would work long and hard to vindicate the hopes and dreams of those who built America. He knew the American dream was reality because he lived it.

His experiences as a young man developed in the future President a sincere and intense love of country. Lyndon Johnson was a patriot. He was proud of America, and he did what be believed was right for his country. Never a prisoner of party, Johnson was—as President Nixon observed so well—a partisan of principle. As majority leader of the U.S. Senate, Johnson developed a fine working relationship with President Dwight Eisenhower. It was a case of two men rising above party and dedicating themselves to the greater good.

Many of President Johnson's decisions were highly controversial. None, of course, knew this better than the President himself. I think immediately of the tough decisions on Vietnam. The wisdom of some of those decisions will long be debated. But one thing is certain—President Johnson made his decisions with the well-being of his country uppermost in mind. When he realized in 1968 that his continuance in office might make it even more difficult to achieve a peace, he decided to forgo the Presidency by not running again. It must have been a difficult decision for a proud man to make—but he stuck with it because he believed it was the right thing to do.

Probably my most vivid and enduring memory of the Johnson Presidency is the leadership given in the wake of John F. Kennedy's assassination. In a time of confusion and fear, Johnson provided direction and assurance. He assumed the reins of government with confidence; he provided a program; and he immediately got down to the business of first calming—and then moving—a nation. His address to the Congress just a few days after the assassination is among the most moving and eloquent addresses in all the annals of the Presidency. It did credit to Johnson, and Johnson did credit to the Nation.

Now, in this Chamber that he loved so much, we mourn the passing of another of the giants. He was a controversial man in difficult times, but Lyndon Johnson never recoiled from either controversy or difficulty. He was more than willing to have his case submitted to posterity. He died confident in the belief that history would vindicate his actions. I am sure that history will smile upon much of the Johnson legacy, and I am consoled by the thought that this true patriot kept his confidence and pride in country to the very end. Mr. President, I join the Nation in mourning the passing of Lyndon Johnson, and I extend my condolences to the Johnson family.

Mr. SYMINGTON. Mr. President, those of us who enjoyed the friendship of our late President Lyndon B. Johnson knew of his incredible capacity for hard work, his rare natural gift of leadership, his determination to carry out the programs he felt wise and good for the people, especially the little people, of America.

No American, no citizen of any country at any time in history, has ever done more to improve the lot of millions of his fellow men and women.

A large part of his great success as a statesman resulted from his fortunate marriage. The inspiring lady who stood by his side for so many years was equally responsible for the love story that has become a saga in the history of the country they both loved so well.

To her, to the daughters he loved so ardently, and to his family, speaking for his legion of friends in Missouri, I extend my heartfelt sympathy.

Mr. McCLELLAN. Mr. President, Lyndon Baines Johnson is dead—and we are all diminished by his passing. Today, the Nation mourns a lost leader—and I have lost a friend. Coming so soon and so unexpectedly after the death of Harry S Truman, the only other living former Chief Executive, Lyndon Johnson's death leaves a sorrowful void in American life.

It is altogether fitting that we pay tribute to him in this Chamber. Lyndon Johnson loved the Senate. Here he spent some of the happiest and most rewarding years of his life—as Senator from Texas, member of the Committee on Appropriations, where we served together from 1956 to 1961, majority leader and, finally, as Vice President. Few men have known and understood the heart and mind of this body so well.

Many of us here today knew him as a colleague and were proud to call him our friend. We all have memories of this tall Texan, who often seemed to embody in himself all the exuberance associated with his native State. Sometimes, both as a colleague and as President, we disagreed with him—but I am firmly convinced that none doubted his sincerity or his conviction that whatever he was doing was in the best interests of the American people.

Lyndon Johnson's life was a fulfillment of the American dream. When he summoned the Nation to a war on poverty, he knew the enemy at first hand. He had been born in a three-room house in the back-country hills of Texas. When he introduced legislation to improve our schools, it was based upon his own experience. A hard-won education had set him on the path to leadership.

Lyndon Johnson was a son of the frontier. This is not so much a geographic place as it is a symbol—a symbol of America's confidence that beyond the moment, over the horizon, the world will be brighter, the future better.

The United States has become a more populous and far more urbanized nation, but Lyndon Johnson labored to preserve the heritage of the frontier. Open country, clear skies, clean streams, equality of opportunity, the dignity of the individual, the commitment to justice for all—are derived from this legacy.

Lyndon Johnson believed that political unrest, economic uncertainty, and social upheaval have not dulled the values that our historical experience has taught us.

I am reminded of something that Lyndon Johnson once wrote in a forward to "The Texas Rangers," a book by his good friend and fellow Texan, Dr. Walter P. Webb, where he recalled that one Ranger had defined courage as "a man who keeps on coming on."

Lyndon Johnson said:

> You can slow a man like that, but you can't defeat him—the man who keeps on coming on is either going to get there himself, or make it possible for a later man to reach the goal.

In these challenging and perilous times, free men everywhere might profitably consider this motto. We cannot be certain we will reach and fulfill the goals of our society or the ideals upon which our system stands. But we can, by dedication and commitment, be the kind of people who "keep coming on."

Mr. President, Lyndon Baines Johnson was such a man.

Mr. HATHAWAY. Mr. President, Lyndon Johnson's life was a chronicle of great achievement. Like all men who are doers, he knew the taste of both victory and defeat; of great satisfaction and deep despair.

He will be remembered most for his

passionate commitment to social justice; for his efforts to redeem our national pledge of equal justice and protection under law.

While the great personages of the world will eulogize him, the lowly will recall him as one who, with unprecedented zeal, sought to better educate our young; feed our undernourished, improve the condition of our poor, and eliminate the barriers to equal opportunity in our society.

Lyndon Johnson envisioned a great society for America, one in which the promises set forth by our Founding Fathers will finally be fulfilled.

This vision is his legacy to us. He pointed the way and led us part way down the path. It is now incumbent on us who labor in these halls he once trod to honor him in the manner most appropriate to this body—by continuing his efforts to build a country "with liberty and justice for all."

Mr. PERCY. Mr. President, I join with my Senate colleagues here today and Americans from every part of the country in mourning the death of President Lyndon Baines Johnson. In the short time since the President's death, I have been remembering my personal encounters with him and rereading the accounts of his life—from his boyhood in the Texas hills to the zenith of his career in the White House. In my opinion, no single sentence has captured the whole of the man's personality and accomplishment more effectively than the comment his wife made when she was recounting their whirlwind courtship and marriage. She said:

> Sometimes Lyndon simply takes your breath away.

Lyndon Johnson's astonishing career in the political arena did, indeed, take away the breath of all who followed it. As a young Congressman, he carefully watched and absorbed the way the political process operates in the Congress. Under the tutelage of such political greats as President Franklin Roosevelt and House Speaker Sam Rayburn, young Congressman Johnson developed into the greatest politician of them all.

As he rose through the ranks in the Congress until he became the powerful Senate majority leader, he learned the political art of bargaining and compromise as no other man had done. And as his influence grew, so did his compassion and his understanding of the average citizen and his needs.

There is no need to recount here the circumstances of his accession to the Presidency. But it is good to remember that he presided over the country during that difficult, painful time with an uncommon grace and a strength which enabled all of us to move out of our anguish over President Kennedy's death and move forward to accomplish so much of the program he had hoped to achieve.

Lyndon Johnson took the reins of Government and channeled our energy toward solving the massive social problems that had come to a head in the early 1960's. As was his wont, he took on the issues with gusto, sending to the Congress for consideration and action more social legislation than any President had ever offered. Out of this highly productive time came the most important civil rights legislation ever enacted in this country. He saw the need for quality housing and fought for legislation that would make that possible. He knew the needs of the elderly and the poor of this country, and he offered the medicare program as a solution.

It is safe to say that no President, not even his teacher and hero Franklin D. Roosevelt, compiled a greater record of domestic legislation than Lyndon Johnson.

It would be less than honest in any discussion of President Johnson not to mention the Vietnam war, which was to divide our Nation and end one of the most extraordinary political careers in our history. I, along with many other Americans, am sorry that President Johnson did not live to see the end of this war. I did not agree with his policies in Indochina, but I believed him when he said that no man living wished more profoundly for an end to the war than he did.

Lyndon Johnson was a powerful man. Although he has been far from the public eye on all but the rarest occasions since he left the White House just 4 years ago, we shall all miss the presence which once dominated our lives. He was a good man, who did what he believed was right in every situation, both when the public, whose admiration he desired so intensely, was with him and, in the end, when it was turned against him. His devotion to principle should be a lesson to every one of us here.

It took a man of Lyndon Johnson's imagination and magnitude to call for the creation of a great society. If he did not see the fulfillment of his dream of a great society; if that dream was shattered by the sheer profundity of the problems all Americans faced; if, indeed, the great society he longed for took second place while he waged a war that fewer and fewer Americans believed was right, he should have—and I deeply hope he did—take pride, great pride, in the fact that he made this country better for his efforts.

Mr. President, Mrs. Percy and our children, to whom the entire Johnson family was always very kind, join me in extending to Mrs. Johnson and her children and grandchildren our deepest sympathy in this time of sorrow. I hope that they can take some measure of comfort in the realization that their unfailing devotion to him was returned in full measure.

Mr. FANNIN. Mr. President, Lyndon B. Johnson was a remarkable man who worked mightily to improve the Nation he loved.

His life itself was a fulfillment of the American dream—from humble origins to schoolteacher to Congressman to Senator to Senate Leader to Vice President to President.

He was—and I say this with greatest admiration and respect—perhaps the most effective politician in recent American history.

For himself and for the Nation he set lofty goals and he had the capacity to bring about the means he believed would achieve these goals.

He sought to wipe out discrimination, to eradicate poverty, to advance medical care, and to improve education in America.

Abroad, he vowed to keep America's commitment to help defend free nations against aggression.

Once committed to these goals, President Johnson remained steadfast even when he was abandoned by former supporters when the going got rough.

As a member of the opposition party I often differed with President Johnson regarding his programs for achieving national goals, but I certainly agreed with him on the objectives.

As President Nixon has observed, it is especially saddening that Mr. Johnson passed away on the eve of the announcement that a peace agreement has been reached in Vietnam. President Johnson sacrificed his political life in his determination to bring the Vietnam war to a conclusion. It is ironic that on this day when we celebrate the reaching of a peace agreement we also mourn the death of the man who suffered and struggled so long to resolve this conflict.

In my experience with President Johnson he was always very cordial. He was a man who lived and enjoyed life to the fullest.

Mr. President, I mourn the passing of this man whose brand is on such a long and important segment of American history. I join the Senate and my fellow Americans in extending condolences to Mrs. Johnson and members of the family.

Mr. YOUNG. Mr. President, this is a sad day for the Senate of the United States. Death has taken one of our great men of this country, President Lyndon Baines Johnson.

He was one who for most of his life served as a devoted, dedicated, and able public servant. He was one of our ablest and best liked majority leaders of the Senate.

President Johnson was the most personable and likable President in my time. He was the easiest to contact and visit with. Part of this was because we were so closely associated for many years while he was in the Senate. Following his years as a great leader of the Senate, he was to be elected Vice President of the United States, during which time he endeared himself to Members of the Senate even more—if that were possible.

No President ever was responsible for getting more domestic programs enacted by Congress. He fought very hard for many of them, even though they were not always popular in his own State, because he believed they were right and necessary.

President Johnson was the closest to agriculture and rural America of any President I have ever known. He was a man of the soil and this had much to do with his overall philosophy of life.

He succeeded to the Presidency at a most difficult time when we were already halfway into the war in Vietnam. He inherited many top government officials who were very war minded. Largely because of this, he got deeply involved in the war in Vietnam and I cannot help but believe this had much to do with the decisions he later made. I am sure this kindly, considerate man wanted more than anyone to end our involvement in this unpopular war.

I share the sadness of all of the Members of the Senate in the passing of this great man.

I cannot help but feel that history will deal kindly with his long record as a public servant, and particularly in his capacity as President of the United States.

Patricia and I extend our deepest sympathy to his beloved wife, Lady Bird, and all of his wonderful family.

Mr. BROCK. Mr. President, I deeply regret the passing of former President Johnson.

While our Nation's flag is still at halfmast in mourning the passing of former President Truman, we have lost another leader.

Lyndon Johnson was a unique man of the Congress. While his Nation honored him by electing him Vice President and President, it was in the Senate that his mastery of the political process was displayed most keenly.

Thrust into the Presidency by the tragedy of assassination, he led the Nation through many troubled days. History will record his strength and ability under the most difficult circumstances.

My deepest sympathy goes to his family and many friends.

Mr. JAVITS. Mr. President, "The greatest civil rights President since Lincoln," said Roy Wilkins of Lyndon Johnson. High praise from the head of the NAACP to the first southerner to sit in the White House since reconstruction, but those of us who served in this body during the midsixties and who worked with him to enact landmark civil rights legislation would agree.

President Johnson did not originate the comprehensive 1964 act, he inherited it—the work of many civil rights advocates and the legacy of President Kennedy—he made it his first legislative priority. He urged, pleaded, cajoled, demanded, and implored the Congress—and his commitment and leadership played a large part in winning the votes we needed for cloture and passage. He also provided the moral leadership which moved the American people not simply to accept, but to demand the civil rights revolution of the sixties. The phrase may be cliche now, but those of us who were present at the joint session of Congress on March 15, 1965, will never forget the words of the President still shocked by Selma: "We shall overcome." We knew then, for he had promised in the language of the movement itself, that his commitment was moral as well as political, that he understood personally the cause of the black Americans who had suffered so much and that his determination to see justice done was formidable. We passed the Voting Rights Act, and he enforced it to the hilt.

His initiatives in the war on poverty, his advocacy of medicare and medicaid, the Job Corps, the Headstart program, and his support of large-scale Federal aid to education are all major milestones in American history. They reflect a deep and real concern for people, especially the poor and disadvantaged.

His responsibility in the Vietnam war will be better understood, especially by those who differed with him, as an intense loyalty, according to his lights, to the principle of self-determination of peoples, which he held most dear.

When history is written, I believe the greatest achievements of his administration will be the Civil Rights Acts of 1964, 1965, and 1968. Just last month, in addressing a convocation at the Johnson Library in Austin, President Johnson spoke with pride of these achievements, and with hope for the future of racial harmony in America. When we do achieve complete equality of opportunity for black and white, rich and poor, it will be in large measure due to the progress we made during Lyndon Johnson's Presidency.

Mr. HARTKE. Mr. President, with the passing of Lyndon Baines Johnson the Nation and the world have lost a most courageous and energetic leader. The final clouded and stormy years of his Presidency cannot belie a life of service to the American people. President Johnson took great strides toward full racial equality for all Americans. He focused our attention on the persistent problems of poverty and left us an enduring dream of a better America. History will long remember President Johnson as one of the powerful political figures in our Nation, but today let us remember him as spokesman for the underprivileged and the neglected.

Mr. COOK. Mr. President, for the second time in a period of weeks our Nation is steeped in mourning over the passing of a great leader. The sudden and untimely death of former President Lyndon Baines Johnson is a tremendous loss to our great society which he worked so diligently to improve. His contributions to domestic projects in America will have an impact on all of our lives for many years to come.

A forceful leader, Lyndon Johnson was able to set aside parochialism and partisanship as he attempted to apply the doctrines of equity and fairness across the entire spectrum of American society. He met every challenge with dedication and forthrightness and never acted other than to promote the best interests of all people. When finally beset by a nation in turmoil, he chose to dedicate all his energies to the resolution of internal and foreign conflicts rather than to engage in partisan political activity. This was perhaps one of the most difficult decisions ever made by a Chief Executive of the United States. That action typified the devotion to duty which Lyndon Johnson obviously felt. The memory of his leadership and spirit will continue to serve as an inspiration to the American people.

Mr. INOUYE. Mr. President, the death of Lyndon Baines Johnson marks the passing of a great and a good man and the loss of a personal friend. He left his deep imprint upon this body, upon our Nation's Capital, and upon our country. Lyndon Johnson was a big man who felt strongly about the Senate, about our Government, and about our Nation.

It was also very difficult, if not impossible, not to feel strongly about Lyndon Johnson. I did and I liked him, respected him, and admired him. I admired his tremendous energy, knowledge, and drive. But most of all, I admired his deep commitment to the principle of human equality.

The steps which our Nation took under his tireless prodding toward making it possible for all of our people to walk upright in full participation and citizenship truly marked a second proclamation of emancipation. It was, therefore, particularly appropriate that his last major public appearance was to be at ceremonies for the opening of his civil rights papers this past month.

At that time he said:

> We know there is injustice. We know there is intolerance. We know there is discrimination and suspicion and division among us.
>
> But there is a larger truth. We have proved that great progress is possible.

And he added:

> We know that much remains to be done.

Despite his achievements in this field of endeavor—achievements unequalled in modern history—Lyndon Johnson was not satisfied. A mark of his greatness, and of the depth of his concern, was his unwillingness to rest on the laurels of half-way measures and half-met goals.

And although the road to his envisioned Great Society proved to be a very long and difficult one, it must be said of Lyndon Johnson that he had the courage to embark upon it. He not only had the courage to begin that journey but the will to drive ever forward even when the going proved stormy and rough. His was not the dedication of the fainthearted. His was not the patriotism of the summer soldier.

It is my firm belief that the trail which he blazed, the benchmarks to progress which he erected thereon, will remain long and beyond the efforts of lesser men who flee that field of endeavor in a denial of responsibility and in a search for escape from conflict.

Lyndon Johnson had a voracious appetite for involvement and for action. As he once remarked:

> To hunger for use and to go unused is the worst hunger of all.

While even he was not able to shape all of history's forces to his indomitable will he has left us a rich legacy indeed. Enriched by his presence, warmed by his friendship, we are much saddened by his passing. The Halls of this Congress, the streets of this city, and the highways and byways of this Nation, will not see the equal of this man for many a year.

Mr. BURDICK. Mr. President, words cannot do justice to the accomplishments of Lyndon Johnson as Congressman, Senator, Vice President, and President of the United States.

His true monument will not be one of stone. It will be in the way his dreams and achievements touch the daily life of American citizens. Because of Lyndon Johnson and his works, our elderly look forward to increased financial security and improved health care; millions of young people can give thanks for better educational opportunities; members of minority groups can hold their heads high; and residents of the most underdeveloped areas of the country have been given some hope for improved lives.

Through the years he held steadfast to his belief that this country was one that should offer opportunity for all people, rural and city, black and white, young and old.

And Lyndon Johnson was the true friend of the farmer throughout his career. He had firsthand knowledge of the hazards and problems farmers face. He strongly supported rural electrification, farm commodity price supports, soil and water conservation, and the programs of the Farmers Home Administration. He believed in the development of rural areas and communities as well as the rebirth of urban areas.

The problems of people shaped the course of Lyndon Johnson's life and in return his labor and energy and vision helped shape the lives of millions of his countrymen for the better.

We must make sure that these accomplishments are not obscured by the tragedy of a war which he tried vainly to bring to a conclusion.

My heartfelt sympathies go out today to that great lady, Mrs. Johnson, and to her family.

Mr. BAKER. Mr. President, former President Lyndon Johnson was a man of great actions and great expectations. He was one of the most energetic and effective Presidents this Nation has ever known—a skilled legislative leader and a strong Chief Executive who worked untiringly to translate his beliefs into solid accomplishments.

In both triumph and tragedy, President Johnson was a man satisfied with nothing less than attempting to move the Nation at the same hectic pace he required of himself. He was an ambitious man in the best sense of the word. He set great goals and committed his time and his talents to their fulfillment.

As a champion of the disadvantages, Lyndon Johnson had few equals. He helped bring about the enactment of the greatest volume of social reform legislation in the Nation's history. He acted boldly and with compassion in the fields of job training, education, poverty relief, health care, civil rights, urban development, and care for the aged. If he fell short of achieving his Great Society, it was not for a lack of good intentions.

President Johnson was a man characterized by his commitments. As Senate majority leader during President Eisenhower's administration, he played an important and responsible role as the leader of the loyal opposition. He was a dedicated partisan who rose above partisanship to meet his commitments to the Nation.

As Vice President under President John Kennedy, Lyndon Johnson was dedicated to an activist role. Serving as an international good will ambassador, Chairman of the National Aeronautics and Space Council, and a spokesman for the National Government, he helped to further elevate the office of the Vice-Presidency.

Thrust into the Presidency at a time of tragedy, President Johnson accomplished a smooth changeover in the national leadership which encouraged and inspired his fellow citizens. He carried out his commitment to the unfinished work of his predecessor and went beyond in attempting to fashion a society dedicated to his concepts of social reform. At the same time, he dedicated himself to other commitments abroad with the same intensity. That he never accepted limitations of what he felt could be accomplished through the exercise of national power was the source of his greatest achievements and his greatest sorrows.

Lyndon Johnson stood by his commitments to what he believed to be the best interests of his Nation, even in time of great national conflict over his foreign and domestic programs. In the end he laid down his career to help seek a peaceful settlement of that most perplexing conflict in Southeast Asia.

The passing of such a renowned national leader is always a somber experience, but it is especially sad at this instance. We are now achieving that peace abroad which eluded President Johnson and which he so sincerely sought when he stepped down.

President Johnson deserves to be remembered as something more than the last casualty of the Vietnam era. With the coming of peace, the Nation will have the opportunity for a more objective evaluation of this man and his administration.

He showed us what could be accomplished through Government action—and what could never be accomplished through Government action. He showed us what Government could do for the people—and we learned what people, and nations, must do for themselves. If we have not yet achieved the Great Society, we can work to build a better society—and perhaps this commitment will be Lyndon Johnson's most fitting memorial.

Mr. MONTOYA. Mr. President, we are gathered today to pay homage to a great man. A man who we all respected and one whom many of us here knew personally.

For all of us, the death of Lyndon Baines Johnson is a profoundly saddening event.

But for me, the death of this great man is especially poignant. I was proud to know President Johnson as a friend. I spent many hours in his company at his home where I learned to know him as a warm and compassionate man.

The public record of President Johnson's administration was a true reflection of the private record of the man.

President Johnson, during a career in public office that spanned more than three decades and reached the apex of American political life, never forgot his humble origins in the hill country of Texas. He never forgot the people back home—and for him "back home" meant all of the United States, while the people meant all the people.

During his long career, President Johnson was often faced with decisions that would make a smaller man shrink away and allow the tides of history to carry him along.

But confronted with the giant and enormously complex problems of America in the 1950's, as Senate majority leader, and the 1960's as Vice President and President, President Johnson took the bull by the horns and sought solutions instead of procrastination. He was a man who recognized that problems must be solved, not merely identified.

His response to the problems facing America was a galaxy of legislation that reflected all the best things in him and his dreams for America.

An end to poverty, equality for all Americans, better social security benefits and increased medical care were goals that motivated President Johnson.

These goals sprung from the innermost depths of President Johnson. But without his political acumen and plain commonsense, they would have remained little more than goals and dreams for millions of Americans.

The legislation that President Johnson sponsored and saw passed stands as a true and honest memorial to him.

Although in recent years, President Johnson had lived a private life, he was always ready to offer his wise counsel when it was sought. He stood like rock anchoring an important part of America's social fabric.

My family and the people of New Mexico join with me simply to say to President Johnson: Vaya con Dios. We will miss you.

Mr. JACKSON. Mr. President, I wish to join my Senate colleagues today in tribute and heartfelt remembrance of Lyndon Johnson. It was my good fortune to serve with him in the House as well as here in the Senate and to witness his steady and remarkable growth as a skilled and dynamic legislative leader. As majority leader of the Senate he knew how to get things done. He was a master of the legislative process—he consulted, he urged, he prodded, he beguiled, and the Senate responded. He was the greatest legislative leader in all our history.

I can think of few men who so completely embodied those qualities we think of as quintessentially American. Like America itself, he proceeded on the basis of large dreams, and tried to move the country toward them with boundless energy.

Lyndon Johnson assumed the Presidency in a traumatic and difficult hour. But he rose to the challenge. Under his administration, our Nation moved to correct social injustice, improve health care, advance educational opportunity, expand conservation efforts and launch new environmental programs. Tragically, the division in this country over the unfortunate and long-drawn-out Vietnam war tended to obscure Lyndon Johnson's great domestic achievements.

Certainly, Lyndon Johnson was a controversial figure. But the debate over the wisdom of his policies became for many an opportunity to abandon constructive criticism for harassment and abuse. Few of our Presidents had to endure this kind of purely personal animosity.

It is tragic that Lyndon Johnson could not have lived 48 hours longer to see the Vietnam agreement.

Lyndon Johnson was a strong man who put his own indelible stamp of leadership on everything he did. I believe history will judge him a great President.

Mr. DOMINICK. Mr. President, having

served in the House and Senate for 8 years while Lyndon Johnson was Vice President and President, I have many bright memories of him and of his lovely wife whether we were in agreement or disagreement on specific issues.

President and Mrs. Johnson came to Colorado on one occasion about a year after the 1964 Civil Rights Act had passed with my strong support. We drove through a fine residential area of Denver to which many blacks had moved following the passage by the State Legislature in 1959 while I was serving there. Mrs. Johnson was so pleased with the area and we discussed at length the upward surge which I believed the 1964 Civil Rights Act would insure for the minorities opportunities which we both thought was imperative.

President Johnson was a great believer in this wonderful country of ours, he was a man of great vitality and enthusiasm; a man fashioned by the New Deal and still trying to put those ideas into effective programs.

He went out of his way to help all Members of the Senate in the Indochina situation and went to extraordinary length to persuade the membership of the rightness of the course in which he had embarked in Vietnam.

The country will miss his experience and his strength as we continue our course through history.

My deep sympathy is extended to Mrs. Johnson and his fine family.

Mr. BAYH. Mr. President, great men do not live placid lives; they never enjoy the luxury of general acclamation. To the contrary, the conditions in which good men are elevated to greatness are inevitably marked by difficult decision-making amid sharp disagreement.

Lyndon Baines Johnson was a good man; a compassionate soul who sought power not for itself, but as the means of improving the lot of others.

But he was more than a good man. Without doubt Lyndon Johnson was a great man; a courageous individual who did not run from the hard decisions. Instead he was a noble leader who set as his high purpose the goal of sharing among all our people the fruits of our national wealth.

Racial discrimination affronted his deep moral sense that all people, regardless of color, deserved individual dignity and respect. Ignoring the pleas of those who urged him to "go slow," Lyndon Johnson moved rapidly and forcefully to extend civil rights to all Americans.

It hurt Lyndon Johnson to know that there were children who were hungry in this country and abroad. He sought to feed them, and while welcoming progress never stopped striving to do better.

Lyndon Johnson could not accept the existence of poverty in the world's wealthiest Nation. With characteristic forcefulness and conviction he declared war on poverty and sought to mobilize the American people to win that war.

The inadequacy and sometimes prohibitive cost of medical care for older Americans ran counter to Lyndon Johnson's conception of what was fair and just. The situation demanded more than lipservice, and Lyndon Johnson provided the leadership which made medicare a reality.

Lyndon Johnson never took for granted the precious freedom that we are privileged to live with in this Nation. He wanted to prevent any erosion of that freedom, and to share it with others. This required hard decisions, decisions for which he was later vilified by some. There were some of us in this body who disagreed with some of those decisions, but no one who ever knew this great man doubted for an instant the sincerity and high purpose with which he made those decisions.

And those of us who had the opportunity to know Lyndon Johnson remember well that his desire for peace was as strong as his desire for justice and freedom. If anyone ever doubted the utter selflessness and decency of Lyndon Johnson those doubts were certainly dispelled when he forswore another term as President in the hope that his standing aside might hasten the peace he so desperately wanted to give to his countrymen.

There was much speculation when Lyndon Johnson left office about how history would view his Presidency. That speculation has been renewed with his sudden, shocking death.

I know that if history is fair and just, room will have to be made in the litany of great Presidents for Lyndon Baines Johnson.

For the purpose he gave his countrymen;

For the dream of a better life for the poor, the hungry;

For the courage to stand firmly and with unflinching resolve against racial discrimination;

For the commitment to bring decent housing, adequate education, and hope to all Americans;

For the unyielding devotion to democracy and freedom—the ideals we hold most dear;

For all of these things, and for much more, Lyndon Johnson unquestionably deserves to be recognized as a great man, indeed, as a great President.

And it would be shortsighted to cite only his Presidency as evidence of his greatness.

In the other body and then in this Chamber Lyndon Johnson clearly demonstrated the qualities of decency and courage which were to mark his Presidency. He made his mark and he made it indelible. When, in 1965, President Johnson told a joint session of the Congress that "We shall overcome" he was not a newcomer to civil rights. Majority Leader Johnson was pushing for civil rights in 1957 when the first modern Civil Rights Act was passed.

The earnestness of his commitment to freedom, manifest in his resolve as President, was evidenced more than two decades earlier when he left the relatively safe Halls of Congress to take a naval commission in World War II. Suffice to say that he was decorated with a Silver Star for personal courage.

Through three decades of public service Lyndon Johnson never wavered from his commitment to helping others. He never showed anything but the greatest courage and uncompromising decency.

He was a great man because of that courage and decency. Perhaps, as important in honoring his memory, let us remember that before he was anything else, before he was a Congressman, a Senator, a Vice President, a President, before all else Lyndon Johnson was a good man.

If I may be permitted a personal note, Mr. President, I am reluctant to let my reflection on this towering personality rest with Lyndon Johnson, the public man. Mrs. Bayh and I had the opportunity, for which we will be forever grateful, to know Lyndon Johnson and his dear wife, Lady Bird, his daughters Lynda and Luci and their husbands, on a treasured, personal basis.

President and Mrs. Johnson had a beautiful marriage; two strong people who gave and took strength and love from each other. The goodness which lay behind the public Lyndon Johnson was very much a part of the private Lyndon Johnson. And it is shared by Lady Bird. Never have I known anyone who cared so deeply for the well-being of others as did Lyndon Johnson. He could personalize and despair over the hunger, hopelessness, and illness of thousands of anonymous people, who for others were only statistics.

This Nation has not only lost a great leader. The community of man has lost a noble soul whose most fitting epitath may well be, "He cared and he tried."

Marvella joins me in extending to Lady Bird and her daughters a sympathy which is so rooted in our hearts that words are inadequate for its expression. Your loss is our loss; your sadness is our sadness—and the Nation's.

Many memorials will be erected to Lyndon Baines Johnson. But it may be said rightfully that no memorial will be as fitting nor as important as the ultimate victory over the social and human evils whose eradication was his life's work.

Mr. EAGLETON. Mr. President, all Americans mourn the passing of Lyndon B. Johnson, 36th President of the United States.

It was the fate of this man to stand at the center of one of the more turbulent periods in our history. We are still too close to its promises, its conflicts, and its tragedies to fairly judge his place in history. No doubt, as with other Presidents of stature, his reputation will rise and fall with the changing perspectives of succeeding generations.

But these things we do know.

Lyndon Johnson was a large man who dreamed large dreams. He wanted to care for the ill and the elderly. He wanted to educate the young. He wanted to provide decent housing for the poor and training for the unemployed. And he wanted to assure black Americans the rights and opportunities that would enable them to move into the mainstream of our national life.

In short, he wanted to lead the American people into a great and united and just society.

And President Johnson acted upon his dreams. No President ever pursued with more vigor and persistence those policies and programs he believed to be right.

As a result he achieved the enactment

of the most comprehensive program of social legislation in our history.

Aid to education, civil rights, medicare, low-cost housing, the war on poverty—each of these landmark measures and others bore the stamp of his concern and his determination.

President Johnson loved this country, and he spent his life in its service—as Congressman, Senator, Vice President, and President.

For all of this he deserved in life—and deserves now in death—the respect and gratitude of his countrymen.

We will honor him most truly by keeping alive his vision of the Great Society and by preserving and building on the best of what he began.

Mr. NUNN. Mr. President, we are gathered here today for the second time in less than 30 days to pay homage to a fellow Senator who went on to lead our Nation at one of its most troubled times. In both instances, Harry Truman and Lyndon Johnson had to step in to lead this Nation upon the untimely death of a President.

Lyndon B. Johnson demonstrated to an anxious world that he was a singular man, of unique ability, who had prepared himself to assume the monumental role of Chief Executive at a moment's notice.

Although I have been in the U.S. Senate for only a brief time, I have developed a new dimension of respect and admiration for Lyndon B. Johnson. He is revered as the strongest leader in the history of the U.S. Senate.

I received a long telegram from former President Johnson and Lady Bird on the night of my election, reflecting not only his congratulations, but also an intimate knowledge of the campaign in Georgia. His love of political life and his deep consideration for those battling in this arena were prominent among the many traits which made him the most effective legislator in modern history and led him to the zenith of power in this Nation.

History will indelibly record his deep love for this Nation, his total dedication to his fellow man, and his great faith in the future of America.

Mr. CANNON. Mr. President, it was with great sadness that this Nation received the death of former President Lyndon Baines Johnson. This remarkable man was one of America's most outstanding Presidents, and as we here assembled know and appreciate fully, he was the greatest legislative leader in our history.

The years that President Johnson spent in the White House were troubled years, beset by war and domestic strife. Yet his was a tremendous legacy measured by a distinguished list of accomplishments for the education, the health and the civil rights of all Americans. Race, regionalism, public education, housing, and medical care found in him a tireless worker for the common good.

Lyndon Baines Johnson was the majority leader when I came to the Senate in 1959 and he was an awesome and inspiring figure during the years we served together in that body. I knew him as a most powerful leader, compiling one of the most successful records in this body.

He knew the intricacies of every piece of legislation that passed through his desk. From his leadership came the passage of the first civil rights bill to pass the Senate in 82 years. On a personal level, he took me under his wing and gave me encouragement as I aimed for committee assignments on which I felt I could most contribute.

Lyndon Johnson will not only be remembered for carrying out with zeal and with force the programs of his predecessor John Fitzgerald Kennedy. He soared even beyond these dreams as he established himself as the greatest proponent of social reform legislation in modern times. And although the tragedy of Vietnam overshadowed in public view his many and great accomplishments in the domestic field, I am convinced history will judge him as having acted with forthrightness and courage in fulfilling our international obligations. It is for this reason that I am especially saddened that Lyndon Johnson could not have lived to see the final end of this long and tragic Indochina war, a cause toward which he aimed every moment during his Presidency.

PRESIDENT JOHNSON A HUMANITARIAN

Mr. SCHWEIKER. Mr. President, I would like to join all Pennsylvanians, and all Americans, in expressing the profound loss we feel over the sudden death of President Lyndon B. Johnson.

During his long tenure as U.S. Senator from Texas, Senate majority leader, Vice President, and our Nation's 36th President, Lyndon Johnson made a significant mark on the policies and progress of America.

His sense of compassion for all Americans, his determination to make this country a more decent place for all citizens, and his sensitive sense of social justice resulted in national leadership to move our country forward with important domestic programs. His image of a Great Society included equality and prosperity for everyone, and he utilized his vast governmental experience and leadership to encourage all to join him in this effort.

In carrying on debate over what programs are most effective to accomplish these goals, and over what units of government are in the best position to provide meaningful services to our communities, we must never forget the goals and aspirations that inspired President Johnson to formulate his Great Society programs. Although times and conditions change, the overriding concern for the health and welfare of all citizens remains paramount, and President Johnson's leadership and compassion in this area still stands out as an example for every legislator and every citizen.

In recent years, the memory of the work of Lyndon Johnson has tended to be concentrated on Vietnam, and his involvement in this tragic war. With the ending of this conflict this week, it is particularly appropriate for us to remember the great domestic leadership and social consciousness of President Johnson.

The Nation mourns a great humanitarian and a great leader.

Mr. McCLURE. Mr. President, twice in the past month, the American people have endured the tragic death of a former leader. In the case of Lyndon Johnson, it is particularly sad that he did not live to see an end to the Vietnamese conflict—the war which plagued his years in the Presidency.

If I were to pick one quality which best characterized Lyndon Johnson, the public servant, it would be this: More than any other man in our time, he understood the necessity for cooperation between the White House and Capitol Hill. What achievements history accords the Johnson administration were due almost solely to this quality and his ability to use the political process. First as Senate leader working with a Republican President, then as a President facing a sometimes hostile Congress, he understood the meaning of the words cooperation and bipartisan. Our country is the better for it.

Like all of those in Washington who have viewed the political process and seen its relationship to our personal freedoms, I salute the man who understood it better than anyone else. I also want to express my sadness at his passing.

Mr. GURNEY. Mr. President, for a man who loves his country, there can be no higher calling than public service. Lyndon Johnson loved his country, and for 37 years he served it to the best of his ability—as a congressional aide, a youth program administrator, a Congressman, a Senator, a Vice President and, finally as the 36th President of the United States. While there were some who questioned his policies over the years, which is always true of any strong, dynamic leader, no one could question his dedication, his commitment to doing what he believed was right for America. For this he will be well remembered.

Amidst all the hue and cry about what was wrong with America, President Johnson stood for what is right about America—its ideals, its dreams, it hopes and its commitment to freedom, not only in this country but around the world. At home, he strove to make the American dream a reality, and abroad, he fought to give others a chance to share our dream. His efforts on behalf of the cause of freedom in which he so deeply believed deserve the highest praise.

In remembering him today, we should not forget President Johnson's contributions as a Senator and as Senate majority leader. In the latter capacity, he was extremely effective; some say he was the most outstanding in the Senate history. Yet he never let partisanship interfere with what he believed to be the best interest of the country. At times of crisis during the Eisenhower years, Lyndon Johnson was there to offer support and to help unite the country.

Indeed, President Johnson was a uniter; he pulled the Nation together after the assassination of the late President John F. Kennedy and he gave up the Presidency rather than see the country further divided over the war in Southeast Asia.

I am sure, that were he alive, there would be no one happier about what happened at Paris yesterday than President Johnson. When the history books are written, I think they will show that his determination to prevent a Communist takeover of South Vietnam laid the groundwork for the honorable settlement that has now been secured.

That is no small accomplishment. Rather, it is a fitting legacy for a man who loved his country—and the cause of freedom—as much as Lyndon Johnson. His advice and counsel will be sorely missed.

Mr. MANSFIELD. Mr. President, I ask that the RECORD remain open for 15 days so that those of our colleagues who have not had the opportunity to make their remarks today can do so within that period.

The PRESIDING OFFICER (Mr. SCOTT of Virginia). Without objection, it is so ordered.

PAYMENT OF EXPENSES WITH RESPECT TO ATTENDANCE AT THE FUNERAL OF FORMER PRESIDENT LYNDON B. JOHNSON

Mr. MANSFIELD. Mr. President, on behalf of the distinguished minority leader and myself I send to the desk a resolution and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution (S. Res. 34) was considered and agreed to as follows:

S. RES. 34

Resolved, That the Sergeant at Arms of the Senate shall take such steps as may be necessary to carry out the provisions of Senate Resolution 24, 93d Congress, agreed to January 23, 1973, and necessary expenses in carrying out such resolution shall be paid out of the contingent fund of the Senate.

HARRY S TRUMAN

Mr. COOK. Mr. President, it is with deep regret that I note the passing of the late President from Missouri, Harry S Truman. In the brief but abundant history of our great Nation, there are few who have served with such dedication, tenacity, and consistency. During his life, Mr. Truman served his country in many pursuits; as a soldier during the First World War, as a judge, as a U.S. Senator, as Vice President, and President of the United States. Throughout all these endeavors, the skill, judgment, candidness, and conscious dedication which he displayed were qualities of a fine individual and a great leader, which this Nation will sorely miss.

Mr. GURNEY. Mr. President, in this time of tough decisions, it is most fitting to honor the memory of a man who, as the 33d President of the United States, had to make some of the toughest decisions any man has had to make.

President Harry S Truman became a symbol for many Americans—a symbol of America's emergence as a full fledged world power. He rose from humble beginnings to the highest office in the land—in the finest American tradition. Prior to becoming President he served his country with distinction—as an Army officer, a judge, a Senator, and, for a brief time, as Vice President. After assuming the Presidency, he served with even greater distinction in a period beset by crises.

It took a man of courage to make the decision to use the atomic bomb; it took a man of vision to implement the Marshall plan; it took a man of wisdom to check Communist aggression in Greece and Turkey and to formulate the Truman doctrine, and it took a man of strength to deal with the conflicting pressures of the Korean war—the first war ever fought under the nuclear shadow. Indeed, President Truman was a man of ample courage, vision, wisdom, and strength—and the record he compiled during 7 years in the White House is testimony to that.

Historians are already writing up President Truman as one of our best Presidents. Certainly, his contributions are manifold and he became recognized around the world as a stalwart in the struggle for freedom. Some may question his judgment on this or that issue, but no one can deny that President Truman was a dedicated man who loved his country and who served it well. At age 60, he did not have to accept the Vice Presidency, knowing as he did that he was likely to become President under the most difficult of circumstances, but when duty called he responded. That is the mark of statesmanship, and from the day he took office to the day he died, President Truman was every inch a statesman. His presence will be sorely missed, but his record should shine brightly in the annals of history. We can all learn from what he did.

RECOGNITION OF SENATOR ROBERT C. BYRD ON FRIDAY, JANUARY 26

Mr. ROBERT C. BYRD. Mr. President I ask unanimous consent that on Friday, following the remarks of the distinguished Senator from Alabama (Mr. ALLEN) I be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE—ENROLLED JOINT RESOLUTION SIGNED

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled joint resolution (H.J. Res. 163) designating the week commencing January 28, 1973, as "International Clergy Week in the United States," and for other purposes.

The enrolled joint resolution was subsequently signed by the Acting President pro tempore (Mr. CLARK).

POSTPONEMENT OF HEARINGS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the distinguished Senator from Georgia (Mr. TALMADGE).

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR TALMADGE

The hearings on the boxcar shortage scheduled for tomorrow, January 25, have been postponed until 10:00 a.m. Monday, January 29 because of the death of President Johnson. The hearings are being held by the Subcommittee on Agricultural Production, Marketing, and Stabilization of Prices of the Committee on Agriculture and Forestry in Room 324, Russell Office Building. Anyone wishing to testify should contact the Committee Clerk as soon as possible.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for Friday, January 26, is as follows:

The Senate will convene at 12 o'clock meridian. After the two leaders or their designees have been recognized under the standing order, the following Senators will be recognized, each for not to exceed 15 minutes and in the order stated: Mr. MCCLELLAN, Mr. JACKSON, Mr. NUNN, Mr. STENNIS, Mr. ALLEN, and Mr. ROBERT C. BYRD.

At the conclusion of the aforesaid special orders, there will be a period for the transaction of routine morning business not to exceed 45 minutes, with statements therein limited to 5 minutes, after which the Senate will go into executive session to consider the nomination of Mr. Elliot Richardson to be Secretary of Defense.

There will be no vote on the nomination on Friday. That vote will occur on Monday next at 2:30 p.m., and it will be a yea-and-nay vote.

ADJOURNMENT UNTIL FRIDAY, JANUARY 26, 1973

Mr. MANSFIELD. Mr. President, I move that the Senate stand in adjournment, under the previous order, until 12 o'clock meridian Friday next.

The motion was agreed to; and at 2:31 p.m. the Senate adjourned until Friday, January 26, 1973.

(The Senate, preceded by the Secretary of the Senate, Mr. Francis R. Valeo, and the Sergeant at Arms, Mr. William H. Wannall, proceeded to the rotunda of the Capitol to attend the memorial services for the late President Lyndon B. Johnson.)

HOUSE OF REPRESENTATIVES—*Wednesday, January 24, 1973*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D. D., offered the following prayer:

Yea, though I walk through the valley of the shadow of death, I will fear no evil, for Thou art with me.—Psalm 23: 4.

O God and Father of us all, in deep sadness of heart we lift our spirits unto Thee as we journey through the valley of the shadow of death with the family of our beloved Lyndon Baines Johnson. We thank Thee for his long and distinguished service to his State and our country, for his contribution as a Member of this body, as Senator, as Vice President, and for his leadership as President of our Republic.

We are grateful for his integrity of mind, his sincerity of heart, his seeking the best ways to do the best things, for his dedication to freedom among men and to justice for men and for his efforts on behalf of peace in our world.

Grant unto his family and friends the comfort of Thy presence and the assurance of Thy love. Strengthen them with courage and faith for the days that lie ahead.

O Lord, we are most grateful for the coming peace to our world. May it continue forever and ever and ever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a resolution of the following title as follows:

S. RES. 24

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of Honorable Lyndon B. Johnson, a former President of the United States, and a former Representative and former Senator from the State of Texas.

Resolved, That in recognition of his illustrious statesmanship, his leadership in national and world affairs, his distinguished public service to his State and his Nation, and as a mark of respect to one who has held such eminent public station in life, the Presiding Officer of the Senate appoint a committee to consist of all of the Members of the Senate to attend the funeral of the former President.

Resolved, That the Senate hereby tender its deep sympathy to the members of the family of the former President in their sad bereavement.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the former President.

The message also announced that the Senate had passed without amendment a joint and concurrent resolution of the House of the following titles:

H.J. Res. 163. Joint resolution designating the week commencing January 28, 1973, as "International Clergy Week in the United States", and for other purposes; and

H. Con. Res. 90. Concurrent resolution authorizing the remains of former President Lyndon B. Johnson to lie in state in the rotunda of the Capitol.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 421. An act to provide that appointments to the Office of Director of the Cost of Living Council shall be subject to confirmation by the Senate.

NATIONAL VOCATIONAL EDUCATION WEEK

Mr. LANDRUM. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the joint resolution (H.J. Res. 136) to provide for the designation of the week of February 11 to 17, 1973, as "National Vocational Education Week," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There being no objection, the Clerk read the joint resolution, as follows:

H.J. RES. 136

Whereas the well-being of the citizens of the United States depends to a great extent on education and training that prepares people for entry and advancement in the work force; and

Whereas the educational system of the Nation is the only such institution in our society available to all people; and

Whereas since 1917 the Federal Government has recognized the importance of vocational education and has enacted authorizing legislation, appropriated Federal funds, and provided technical assistance to the States to assist in the development of vocational education programs; and

Whereas profound sociological, economic, and technological changes in our society are bringing about rapid changes in the structure and nature of the work force and are placing new and additional responsibilities on the educational system; and

Whereas graduates of vocational education programs enter the work force much easier and progress much faster than those who enter employment without the benefit of vocational education; and

Whereas the outstanding efforts of professional educators, legislators, citizen advisory groups, taxpayers, and many other individuals are contributing substantially to the development of a competent and efficient labor supply for the future through the process and product of vocational education: Now therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized and requested to issue a proclamation: (1) declaring the week of February 11 to 17, 1973, to be "National Vocational Education Week"; (2) inviting the Governors of the States and the heads of local governments to issue similar proclamations; and (3) calling on the people of the United States to become better acquainted with the services available through vocational education.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ADJOURNMENT TO FRIDAY, JANUARY 26, 1973

Mr. McFALL. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Friday, January 26.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

FUNERAL ARRANGEMENTS FOR FORMER PRESIDENT LYNDON BAINES JOHNSON

(Mr. McFALL asked and was given permission to address the House for 1 minute.)

Mr. McFALL. Mr. Speaker, I take this time to make a brief announcement with respect to the funeral arrangements for former President Johnson.

Members who plan to attend the services in Washington, at 10 a.m. Thursday, at the National City Christian Church should contact the Sergeant at Arms with respect to tickets and transportation. Only a limited number of tickets are available for the House delegation. Bus transportation to these services will depart from New Jersey Avenue, between the Longworth and Cannon Office Buildings, at 9:10 tomorrow morning and will return to the Capitol after the services.

Members appointed to attend the services in Texas should also contact the Sergeant at Arms with respect to transportation. I understand that the scheduling of transportation to Texas is such that it will not be possible for Members going on that flight to attend the services at the National City Christian Church.

Mr. GERALD R. FORD. Mr. Speaker, would the gentleman from California yield?

Mr. McFALL. I will be glad to yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Speaker, it was my understanding that some arrangements were made with the Speaker and with the majority leader and myself for a briefing by Dr. Kissinger on Friday. Does the gentleman from California wish to make an announcement to that effect?

Mr. McFALL. I would state to the gentleman from Michigan that there will be an announcement to that effect, but

I would like to discuss that matter with the gentleman from Michigan, especially concerning the place of that meeting. Following that, I will make an announcement in just a few moments on that subject.

Mr. GERALD R. FORD. I thank the gentleman.

APPOINTMENT OF DELEGATION TO ATTEND FUNERAL SERVICES FOR FORMER PRESIDENT LYNDON BAINES JOHNSON IN WASHINGTON, D.C.

The SPEAKER. The Speaker appoints himself and the entire membership of the House to attend the funeral services for former President Lyndon Baines Johnson which are to be held this afternoon, at 2:30 p.m., in the rotunda of the Capitol.

The Chair suggests that all Members attending these services should take their places in that portion of the rotunda set aside for the House delegation not later than 2:15 p.m.

The Chair appoints the entire membership of the House to attend the funeral services for former President Lyndon Baines Johnson which are to be held in the National City Christian Church, Washington, D.C., on Thursday morning, at 10 a.m.

APPOINTMENT OF MEMBERS TO ATTEND FUNERAL SERVICES FOR FORMER PRESIDENT LYNDON BAINES JOHNSON IN TEXAS

The SPEAKER. The Chair appoints the following Members of the House to attend the funeral services for former President Lyndon Baines Johnson which are to be held in Texas on Thursday afternoon: The Speaker, Mr. McFall, Mr. Gerald R. Ford, Mr. Arends, Mr. Patman, Mr. Mahon, Mr. Poage, Mr. Fisher, Mr. Teague of Texas, Mr. Burleson of Texas, Mr. Brooks, Mr. Wright, Mr. Young of Texas, Mr. Casey of Texas, Mr. Gonzalez, Mr. Roberts, Mr. Pickle, Mr. E de la Garza, Mr. White, Mr. Eckhardt, Mr. Kazen, Mr. Price of Texas, Mr. Collins, Mr. Archer, Miss Jordan, Mr. Milford, Mr. Steelman, Mr. Charles Wilson of Texas, Mr. Rooney of New York, Mr. Hays, Mr. Steed, Mr. Dorn, Mr. Fountain, Mr. Landrum, Mr. Sisk, Mr. Brademas, Mr. Randall, Mr. Taylor of North Carolina, Mr. Anderson of Illinois, Mr. Pepper, Mr. Rooney of Pennsylvania, Mr. Foley, Mr. Hanley, Mr. Stokes, and Mr. Jones of Oklahoma.

(Mr. McFALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McFALL. Mr. Speaker, with reference to the meeting to be held on Friday that the minority leader discussed, that will be held on Friday at 3 o'clock in the Ways and Means Committee room and will be a briefing. I would be glad to yield to the minority leader concerning this.

Mr. GERALD R. FORD. I appreciate the gentleman from California's yielding. As I understand the arrangements that were discussed last night with the Speaker and with the majority leader and myself, with the White House, Dr. Kissinger and General Haig will be available beginning at 3 o'clock or shortly thereafter to brief the Members of the House on both sides of the aisle on the negotiations and the agreement that has now been initialed and will be signed on Saturday of this week.

Mr. McFALL. Mr. Speaker, I would say to the minority leader the only problem is the matter of the meeting place, and that will be in the Ways and Means Committee room, rather than in the Chamber of the House.

COMPOSITION OF COMMITTEES OF THE HOUSE OF REPRESENTATIVES

Mr. McFALL. Mr. Speaker, I offer a unanimous consent resolution (H. Res. 158), and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 158

Resolved, That during the Ninety-third Congress the Committee on Agriculture shall be composed of thirty-six members;

The Committee on Appropriations shall be composed of fifty-five members;

The Committee on Armed Services shall be composed of forty-three members;

The Committee on Banking and Currency shall be composed of thirty-nine members;

The Committee on Education and Labor shall be composed of thirty-eight members;

The Committee on Foreign Affairs shall be composed of forty members;

The Committee on Government Operations shall be composed of forty-one members;

The Committee on House Administration shall be composed of twenty-six members;

The Committee on Interior and Insular Affairs shall be composed of forty-one members;

The Committee on Interstate and Foreign Commerce shall be composed of forty-three members;

The Committee on the Judiciary shall be composed of thirty-eight members;

The Committee on Merchant Marine and Fisheries shall be composed of thirty-nine members;

The Committee on Post Office and Civil Service shall be composed of twenty-six members;

The Committee on Public Works shall be composed of thirty-nine members;

The Committee on Science and Astronautics shall be composed of thirty members; and

The Committee on Veterans' Affairs shall be composed of twenty-six members.

Mr. McFALL (during the reading). I ask unanimous consent that the resolution be considered as read and printed in the Record.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ELECTION OF MEMBERS TO STANDING COMMITTEES

Mr. MILLS of Arkansas. Mr. Speaker, I offer a privileged resolution (H. Res. 159), and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 159

Resolved, That the following-named Members, Delegates, and Resident Commissioner be, and they are hereby, elected to the following standing committees of the House of Representatives:

Committee on Agriculture: W. R. Poage (chairman), Texas; Frank A. Stubblefield, Kentucky; Thomas S. Foley, Washington; E (Kika) de la Garza, Texas; Joseph P. Vigorito, Pennsylvania; Walter B. Jones, North Carolina; B. F. Sisk, California; Bill Alexander, Arkansas; John R. Rarick, Louisiana; Ed Jones, Tennessee; John Melcher, Montana; Dawson Mathis, Georgia; Bob Bergland, Minnesota; Frank E. Denholm, South Dakota; Spark M. Matsunaga, Hawaii; George E. Brown, Jr., California; David R. Bowen, Mississippi; Charles Rose, North Carolina; Jerry Litton, Missouri; Bill Gunter, Florida.

Committee on Appropriations: George H. Mahon (chairman), Texas; Jamie L. Whitten, Mississippi; John J. Rooney, New York; Robert L. F. Sikes, Florida; Otto E. Passman, Louisiana; Joe L. Evins, Tennessee; Edward P. Boland, Massachusetts; William H. Natcher, Kentucky; Daniel J. Flood, Pennsylvania; Tom Steed, Oklahoma; George E. Shipley, Illinois; John M. Slack, West Virginia; John J. Flynt, Jr., Georgia; Neal Smith, Iowa; Robert N. Giaimo, Connecticut; Julia Butler Hansen, Washington; Joseph P. Addabbo, New York; John J. McFall, California; Edward J. Patten, New Jersey; Clarence D. Long, Maryland; Sidney R. Yates, Illinois; Bob Casey, Texas; Frank E. Evans, Colorado; David R. Obey, Wisconsin; Edward R. Roybal, California; Louis Stokes, Ohio; J. Edward Roush, Indiana; K. Gunn McKay, Utah; Tom Bevill, Alabama; Edith Green, Oregon; Robert O. Tiernan, Rhode Island; Bill Chappell, Jr., Florida; Bill D. Burlison, Missouri.

Committee on Armed Services: F. Edward Hébert (chairman), Louisiana; Melvin Price, Illinois; O. C. Fisher, Texas; Charles E. Bennett, Florida; Samuel S. Stratton, New York; Otis G. Pike, New York; Richard H. Ichord, Missouri; Lucien N. Nedzi, Michigan; Wm. J. Randall, Missouri; Charles H. Wilson, California; Robert L. Leggett, California; Floyd V. Hicks, Washington; Richard C. White, Texas; Bill Nichols, Alabama; Jack Brinkley, Georgia; Robert H. Mollohan, West Virginia; Dan Daniel, Virginia; G. V. (Sonny) Montgomery, Mississippi; Harold Runnels, New Mexico; Les Aspin, Wisconsin; Ronald V. Dellums, California; Mendel J. Davis, South Carolina; James R. Jones, Oklahoma; Patricia Schroeder, Colorado.

Committee on Banking and Currency: Wright Patman (chairman), Texas; William A. Barrett, Pennsylvania; Leonor K. (Mrs. John B.) Sullivan, Missouri; Henry S. Reuss, Wisconsin; Thomas L. Ashley, Ohio; William S. Moorhead, Pennsylvania; Robert G. Stephens, Jr., Georgia; Fernand J. St Germain, Rhode Island; Henry B. Gonzalez, Texas; Joseph G. Minish, New Jersey; Richard T. Hanna, California; Tom S. Gettys, South Carolina; Frank Annunzio, Illinois; Thomas M. Rees, California; James M. Hanley, New York; Frank J. Brasco, New York; Edward I. Koch, New York; William R. Cotter, Connecticut; Parren J. Mitchell, Maryland; Walter E. Fauntroy, District of Columbia; Andrew Young, Georgia; John Joseph Moakley, Massachusetts; Fortney H. (Pete) Stark, Jr., California.

Committee on the District of Columbia: Charles C. Diggs, Jr. (chairman), Michigan; Donald M. Fraser, Minnesota; W. S. (Bill) Stuckey, Jr., Georgia; Donald V. Dellums, California; Thomas M. Rees, California; Brock Adams, Washington; Walter E. Fauntroy, District of Columbia; James J. Howard, New Jersey; James R. Mann, South Carolina; Romano L. Mazzoli, Kentucky; Les Aspin, Wisconsin; Charles B. Rangel, New York; John Breckinridge, Kentucky; Fortney H. (Pete) Stark, Jr., California.

Committee on Education and Labor: Carl D. Perkins (chairman), Kentucky; Frank Thompson, Jr., New Jersey; John H. Dent, Pennsylvania; Dominick V. Daniels, New Jersey; John Brademas, Indiana; James G. O'Hara, Michigan; Augustus F. Hawkins, California; William D. Ford, Michigan; Patsy T. Mink, Hawaii; Lloyd Meeds, Washington; Phillip Burton, California; Joseph M. Gaydos, Pennsylvania; William (Bill) Clay, Missouri; Shirley Chisholm, New York; Mario Biaggi, New York; Ella T. Grasso, Connecticut; Romano L. Mazzoli, Kentucky; Herman Badillo, New York; Ike F. Andrews, North Carolina; William Lehman, Florida; Jaime Benitez, Puerto Rico.

Committee on Foreign Affairs: Thomas E. Morgan (chairman), Pennsylvania; Clement J. Zablocki, Wisconsin; Wayne L. Hays, Ohio; L. H. Fountain, North Carolina; Dante B. Fascell, Florida; Charles C. Diggs, Jr., Michigan; Robert N. C. Nix, Pennsylvania; Donald M. Fraser, Minnesota; Benjamin S. Rosenthal, New York; John C. Culver, Iowa; Lee H. Hamilton, Indiana; Abraham Kazen, Jr., Texas; Lester L. Wolff, New York; Jonathan B. Bingham, New York; Gus Yatron, Pennsylvania; Roy A. Taylor, North Carolina; John W. Davis, Georgia; Ogden R. Reid, New York; Michael Harrington, Massachusetts; Leo J. Ryan, California; Charles Wilson, Texas.

Committee on Government Operations: Chet Holifield (chairman), California; Jack Brooks, Texas; L. H. Fountain, North Carolina; Robert E. Jones, Alabama; John E. Moss, California; Dante B. Fascell, Florida; Henry S. Reuss, Wisconsin; Torbert H. Macdonald, Massachusetts; William S. Moorhead, Pennsylvania; Wm. J. Randall, Missouri; Benjamin S. Rosenthal, New York; Jim Wright, Texas; Fernand J. St Germain, Rhode Island; John C. Culver, Iowa; Floyd V. Hicks, Washington; Don Fuqua, Florida; John Conyers, Jr., Michigan; Bill Alexander, Arkansas; Bella S. Abzug, New York; Harold D. Donohue, Massachusetts; James V. Stanton, Ohio; Leo J. Ryan, California.

Committee on House Administration: Wayne L. Hays (chairman), Ohio; Frank Thompson, Jr., New Jersey; John H. Dent, Pennsylvania; Lucien N. Nedzi, Michigan; John Brademas, Indiana; Kenneth J. Gray, Illinois; Augustus F. Hawkins, California; Tom S. Gettys, South Carolina; Bertram L. Podell, New York; Frank Annunzio, Illinois; Joseph M. Gaydos, Pennsylvania; Ed Jones, Tennessee; Robert H. Mollohan, West Virginia; Edward I. Koch, New York; Dawson Mathis, Georgia.

Committee on Interior and Insular Affairs: James A. Haley (chairman), Florida; Roy A. Taylor, North Carolina; Harold T. Johnson, California; Morris K. Udall, Arizona; Phillip Burton, California; Thomas S. Foley, Washington; Robert W. Kastenmeier, Wisconsin; James G. O'Hara, Michigan; Patsy T. Mink, Hawaii; Lloyd Meeds, Washington; Abraham Kazen, Jr., Texas; Robert G. Stephens, Jr., Georgia; Joseph P. Vigorito, Pennsylvania; John Melcher, Montana; Teno Roncalio, Wyoming; Jonathan B. Bingham, New York; John F. Seiberling, Ohio; Harold Runnels, New Mexico; Yvonne Brathwaite Burke, California; Antonio Borja Won Pat, Guam; Wayne Owens, Utah; Ron de Lugo, Virgin Islands; James R. Jones, Oklahoma.

Committee on Internal Security: Richard H. Ichord (chairman), Missouri; Claude Pepper, Florida; Richardson Preyer, North Carolina; Robert F. Drinan, Massachusetts; Mendel J. Davis, South Carolina.

Committee on Interstate and Foreign Commerce: Harley O. Staggers (chairman), West Virginia; Torbet H. Macdonald, Massachusetts; John Jarman, Oklahoma; John E. Moss, California; John D. Dingell, Michigan; Paul G. Rogers, Florida; Lionel Van Deerlin, California; J. J. Pickle, Texas; Fred B. Rooney, Pennsylvania; John M. Murphy, New York; David E. Satterfield III, Virginia; Brock Adams, Washington; W. S. (Bill) Stuckey, Jr., Georgia; Peter N. Kyros, Maine; Bob Eckhardt, Texas; Richardson Preyer, North Carolina; Bertram L. Podell, New York; Henry Helstoski, New Jersey; James W. Symington, Missouri; Charles J. Carney, Ohio; Ralph H. Metcalfe, Illinois; Goodloe E. Byron, Maryland; William R. Roy, Kansas; John Breckinridge, Kentucky.

Committee on the Judiciary: Peter W. Rodino, Jr. (chairman), New Jersey; Harold D. Donohue, Massachusetts; Jack Brooks, Texas; Robert W. Kastenmeier, Wisconsin; Don Edwards, California; William L. Hungate, Missouri; John Conyers, Jr., Michigan; Joshua Eilberg, Pennsylvania; Jerome R. Waldie, California; Walter Flowers, Alabama; James R. Mann, South Carolina; Paul S. Sarbanes, Maryland; John F. Seiberling, Ohio; George E. Danielson, California; Robert F. Drinan, Massachusetts; Charles B. Rangel, New York; Barbara Jordan, Texas; Ray Thornton, Arkansas; Elizabeth Holtzman, New York; Wayne Owens, Utah; Edward Mezvinsky, Iowa.

Committee on Merchant Marine and Fisheries: Leonor K. (Mrs. John B.) Sullivan (chairman), Missouri; Frank M. Clark, Pennsylvania; Thomas L. Ashley, Ohio; John D. Dingell, Michigan; Thomas N. Downing, Virginia; Paul G. Rogers, Florida; Frank A. Stubblefield, Kentucky; John M. Murphy; New York; Walter B. Jones, North Carolina; Robert L. Leggett, California; Mario Biaggi, New York; Glenn M. Anderson, California; E (Kika) de la Garza, Texas; Peter N. Kyros, Maine; Ralph H. Metcalfe, Illinois; John B. Breaux, Louisiana; Fred B. Rooney, Pennsylvania; Bob Eckhardt, Texas; Paul S. Sarbanes, Maryland; Bo Ginn, Georgia; Gerry E. Studds, Massachusetts; David R. Bowen, Mississippi.

Committee on Post Office and Civil Service: Thaddeus J. Dulski (chairman), New York; David N. Henderson, North Carolina; Morris K. Udall, Arizona; Dominick V. Daniels, New Jersey; Robert N. C. Nix, Pennsylvania; James M. Hanley, New York; Charles H. Wilson, California; Jerome R. Waldie, California; Richard C. White, Texas; William D. Ford, Michigan; Frank J. Brasco, New York; William (Bill) Clay, Missouri; Patricia Schroeder, Colorado; John Joseph Moakley, Massachusetts; William Lehman, Florida.

Committee on Public Works: John A. Blatnik (chairman), Minnesota; Robert E. Jones, Alabama; John C. Kluczynski, Illinois; Jim Wright, Texas; Kenneth J. Gray, Illinois; Frank M. Clark, Pennsylvania; Harold T. Johnson, California; Wm. Jennings Bryan Dorn, South Carolina; David N. Henderson, North Carolina; Ray Roberts, Texas; James J. Howard, New Jersey; Glenn M. Anderson, California; Robert A. Roe, New Jersey; Teno Roncalio, Wyoming; Mike McCormack, Washington; James V. Stanton, Ohio; Bella S. Abzug, New York; John B. Breaux, Louisiana; Gerry E. Studds, Massachusetts; Yvonne Brathwaite Burke, California; Bo Ginn, Georgia; Dale Milford, Texas.

Committee on Rules: Ray J. Madden, (chairman), Indiana; James J. Delaney, New York; Richard Bolling, Missouri; B. F. Sisk, California; John Young, Texas; Claude Pepper, Florida; Spark M. Matsunaga, Hawaii; Morgan F. Murphy, Illinois; Gillis W. Long, Louisiana; Clem Rogers McSpadden, Oklahoma.

Committee on Science and Astronautics: Olin E. Teague (chairman), Texas; Ken Hechler, West Virginia; John W. Davis, Georgia; Thomas N. Downing, Virginia; Don Fuqua, Florida; James W. Symington, Missouri; Richard T. Hanna, California; Walter Flowers, Alabama; Robert A. Roe, New Jersey; William R. Cotter, Connecticut; Mike McCormack, Washington; Bob Bergland, Minnesota; J. J. Pickle, Texas; George E. Brown, Jr., California; Dale Milford, Texas; Ray Thornton, Arkansas; Bill Gunter, Florida.

Committee on Standards of Official Conduct: Melvin Price (chairman), Illinois; Olin E. Teague, Texas; F. Edward Hébert, Louisiana; Chet Holifield, California; John J. Flynt, Jr., Georgia; Thomas S. Foley, Washington.

Committee on Veterans' Affairs: Wm. Jennings Bryan Dorn (chairman), South Carolina; Olin E. Teague, Texas; James A. Haley, Florida; Thaddeus J. Dulski, New York; Ray Roberts, Texas; David E. Satterfield III, Virginia; Henry Helstoski, New Jersey; Don Edwards, California; G. V. (Sonny) Montgomery, Mississippi; Charles J. Carney, Ohio; George E. Danielson, California; Ella T. Grasso, Connecticut; Lester L. Wolff, New York; Jack Brinkley, Georgia; Charles Wilson, Texas.

Committee on Ways and Means: Wilbur D. Mills (chairman), Arkansas; Al Ullman, Oregon; James A. Burke, Massachusetts; Martha W. Griffiths, Michigan; Dan Rostenkowski, Illinois; Phil M. Landrum, Georgia; Charles A. Vanik, Ohio; Richard H. Fulton, Tennessee; Omar Burleson, Texas; James C. Corman, California; William J. Green, Pennsylvania; Sam M. Gibbons, Florida; Hugh L. Carey, New York; Joe D. Waggonner, Jr., Louisiana; Joseph E. Karth, Minnesota.

Mr. MILLS of Arkansas (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ELECTION OF MEMBERS TO STANDING COMMITTEES

Mr. GERALD R. FORD. Mr. Speaker, I offer a privileged resolution (H. Res. 160) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 160

Resolved, That the following-named Members be, and they are hereby, elected members of the following standing committees of the House of Representatives:

Committee on Agriculture: Charles M. Teague, California; William C. Wampler, Virginia; George A. Goodling, Pennsylvania; Robert B. (Bob) Mathias, California; Wiley Mayne, Iowa; John M. Zwach, Minnesota; Robert Price, Texas; Keith G. Sebelius, Kansas; Wilmer (Vinegar Bend) Mizell, North Carolina; Paul Findley, Illinois; LaMar Baker, Tennessee; Charles Thone, Nebraska; Steven D. Symms, Idaho; Edward Young, South Carolina; James P. Johnson, Colorado; Edward R. Madigan, Illinois.

Committee on Appropriations: Clarence E. Miller, Ohio; Earl B. Ruth, North Carolina; Victor V. Veysey, California.

Committee on Armed Services: William G. Bray, Indiana; Leslie C. Arends, Illinois; Bob Wilson, California; Charles S. Gubser, California; Carleton J. King, New York; William L. Dickinson, Alabama; John E. Hunt, New Jersey; G. William Whitehurst, Virginia; C. W. Bill Young, Florida; Floyd D. Spence, South Carolina; Walter E. Powell, Ohio; Robert Price, Texas; David C. Treen, Louisiana; William L. Armstrong, Colorado; George M. O'Brien, Illinois; Robin L. Beard, Tennessee; Donald J. Mitchell, New York; Marjorie S.

Holt, Maryland; Robert W. Daniel, Jr., Virginia.

Committee on Banking and Currency: William B. Widnall, New Jersey; Albert W. Johnson, Pennsylvania; J. William Stanton, Ohio; Ben B. Blackburn, Georgia; Gary Brown, Michigan; Lawrence G. Williams, Pennsylvania; Chalmers P. Wylie, Ohio; Margaret M. Heckler, Massachusetts; Philip M. Crane, Illinois; John M. Rousselot, California; Stewart B. McKinney, Connecticut; Bill Frenzel, Minnesota; Angelo D. Roncallo, New York; John B. Conlan, Arizona; Clair W. Burgener, California; Matthew J. Rinaldo, New Jersey.

Committee on District of Columbia: Ancher Nelsen, Minnesota; William H. Harsha, Ohio; Joel T. Broyhill, Virginia; Gilbert Gude, Maryland; Vernon W. Thomson, Wisconsin; Henry P. Smith, III, New York; Earl F. Landgrebe, Indiana; Stewart B. McKinney, Connecticut; Steven D. Symms, Idaho; William M. Ketchum, California; Gene Taylor, Missouri.

Committee on Education and Labor: Albert H. Quie, Minnesota; John M. Ashbrook, Ohio; Alphonzo Bell, California; John N. Erlenborn, Illinois; John Dellenback, Oregon; Marvin L. Esch, Michigan; Edwin D. Eshleman, Pennsylvania; William A. Steiger, Wisconsin; Earl F. Landgrebe, Indiana; Orval Hansen. Idaho; Edwin B. Forsythe, New Jersey; Jack F. Kemp, New York; Peter A. Peyser, New York; David Towell, Nevada; Ronald A. Sarasin, Connecticut; Robert J. Huber, Michigan.

Committee on Foreign Affairs: William S. Mailliard, California; Peter H. B. Frelinghuysen, New Jersey; William S. Broomfield, Michigan; H. R. Gross, Iowa; Edward J. Derwinski, Illinois; Vernon W. Thomson, Wisconsin; Paul Findley, Illinois; John Buchanan, Alabama; J. Herbert Burke, Florida; Guy Vander Jagt, Michigan; Robert H. Steele, Connecticut; Pierre S. (Pete) du Pont, Delaware; Charles W. Whalen, Jr., Ohio; Robert B. (Bob) Mathias, California; Edward G. Biester, Jr., Pennsylvania; Larry Winn, Jr., Kansas; Benjamin A. Gilman, New York; Tennyson Guyer, Ohio.

Committee on Government Operations: Frank Horton, New York; John N. Erlenborn, Illinois; John W. Wydler, New York; Clarence J. Brown, Ohio; Guy Vander Jagt, Michigan; Gilbert Gude, Maryland; Paul N. McCloskey, Jr., California; John Buchanan, Alabama; Sam Steiger, Arizona; Gary Brown, Michigan; Charles Thone, Nebraska; Richard W. Mallary, Vermont; Stanford E. Parris, Virginia; Ralph S. Regula, Ohio; Andrew J. Hinshaw, California; Alan Steelman, Texas; Joel M. Pritchard, Washington; Robert P. Hanrahan, Illinois.

Committee on House Administration: William L. Dickinson, Alabama; Samuel L. Devine, Ohio; James C. Cleveland, New Hampshire; James Harvey, Michigan; Orval Hansen, Idaho; Philip M. Crane, Illinois; John Ware, Pennsylvania; Bill Frenzel, Minnesota; Charles E. Wiggins, California; James F. Hastings, New York; Harold V. Froehlich, Wisconsin.

Committee on Interior and Insular Affairs: John P. Saylor, Pennsylvania; Craig Hosmer, California; Joe Skubitz, Kansas; Sam Steiger, Arizona; Don H. Clausen, California; Philip E. Ruppe, Michigan; John N. Happy Camp, Oklahoma; Manuel Lujan, Jr., New Mexico; John Dellenback, Oregon; Keith G. Sebelius, Kansas; Ralph S. Regula, Ohio; Alan Steelman, Texas; Joseph J. Maraziti, New Jersey; David Towell, Nevada; James G. Martin, North Carolina; William M. Ketchum, California; Paul W. Cronin, Massachusetts.

Committee on Internal Security: John M. Ashbrook, Ohio; Roger H. Zion, Indiana; J. Herbert Burke, Florida; Tennyson Guyer, Ohio.

Committee on Interstate and Foreign Commerce: Samuel L. Devine, Ohio; Ancher Nelsen, Minnesota; James T. Broyhill, North Carolina; James Harvey, Michigan; Tim Lee Carter, Kentucky; Clarence J. Brown, Ohio; Dan Kuykendall, Tennessee; Joe Skubitz, Kansas; James F. Hastings, New York; James M. Collins, Texas; Louis Frey, Jr., Florida; John Ware, Pennsylvania; John Y. McCollister, Nebraska; Richard G. Shoup, Montana; Barry M. Goldwater, Jr., California; Norman F. Lent, New York; H. John Heinz, III, Pennsylvania; William H. Hudnut, III, Indiana; Samuel H. Young, Illinois.

Committee on Judiciary: Edward Hutchinson, Michigan; Robert McClory, Illinois; Henry P. Smith, III, New York; Charles W. Sandman, Jr., New Jersey; Tom Railsback, Illinois; Charles E. Wiggins, California; David W. Dennis, Indiana; Hamilton Fish, Jr., New York; Lawrence Coughlin, Pennsylvania; Wiley Mayne, Iowa; Lawrence J. Hogan, Maryland; William J. Keating, Ohio; M. Caldwell Butler, Virginia; William S. Cohen, Maine; Trent Lott, Mississippi; Harold V. Froehlich, Wisconsin; Carlos J. Moorhead, California.

Committee on Merchant Marine and Fisheries: James R. Grover, Jr., New York; William S. Mailliard, California; Charles A. Mosher, Ohio; Philip E. Ruppe, Michigan; George A. Goodling, Pennsylvania; William G. Bray, Indiana; Paul N. McCloskey, Jr., California; Gene Snyder, Kentucky; Robert H. Steele, Connecticut; Edwin B. Forsythe, New Jersey; Pierre S. du Pont, Delaware; William O. Mills, Maryland; William S. Cohen, Maine; Trent Lott, Mississippi; David C. Treen, Louisiana; Joel M. Pritchard, Washington.

Committee on Post Office and Civil Service: H. R. Gross, Iowa; Edward J. Derwinski, Illinois; Albert W. Johnson, Pennsylvania; Lawrence J. Hogan, Maryland; John H. Rousselot, California; Elwood Hillis, Indiana; Walter E. Powell, Ohio; William O. Mills, Maryland; Richard W. Mallary, Vermont; Andrew J. Hinshaw, California; L. A. (Skip) Bafalis, Florida.

Committee on Public Works: William Harsha, Ohio; James R. Grover, Jr., New York; James C. Cleveland, New Hampshire; Don H. Clausen, California; Gene Snyder, Kentucky; Roger H. Zion, Indiana; John Paul Hammerschmidt, Arkansas; Wilmer (Vinegar Bend) Mizell, North Carolina; LaMar Baker, Tennessee; E. G. Shuster, Pennsylvania; William F. Walsh, New York; Thad Cochran, Mississippi; L. A. (Skip) Bafalis, Florida; James D. Abdnor, South Dakota; Robert P. Hanrahan, Illinois; Gene Taylor, Missouri.

Committee on Rules: Del Clawson, California.

Committee on Science and Astronautics: Charles A. Mosher, Ohio; Alphonzo Bell, California; John W. Wydler, New York; Larry Winn, Jr., Kansas; Louis Frey, Jr., Florida; Barry M. Goldwater, Jr., California; Marvin L. Esch, Michigan; Lawrence Coughlin, Pennsylvania; John N. Happy Camp, Oklahoma; John B. Conlan, Arizona; Stanford E. Parris, Virginia; Paul W. Cronin, Massachusetts; James G. Martin, North Carolina.

Committee on Standards of Official Conduct: James H. (Jimmy) Quillen, Tennessee; Lawrence G. Williams, Pennsylvania; Edward Hutchinson, Michigan; Carleton J. King, New York; Floyd D. Spence, South Carolina; John E. Hunt, New Jersey.

Committee on Veterans' Affairs: John Paul Hammerschmidt, Arkansas; John P. Saylor, Pennsylvania; Charles M. Teague, California; Margaret M. Heckler, Massachusetts; John M. Zwach, Minnesota; Chalmers P. Wylie, Ohio; Elwood Hillis, Indiana; Joseph J. Maraziti, New Jersey; James Abdnor, South Dakota; Robert J. Huber, Michigan; William F. Walsh, New York.

Committee on Ways and Means: Herman T. Schneebeli, Pennsylvania; Harold R. Collier, Illinois; Joel T. Broyhill, Virginia; Barber B. Conable, Jr., New York; Charles E. Chamberlain, Michigan; Jerry L. Pettis, California; John J. Duncan, Tennessee; Donald G. Brotzman, Colorado; Donald D. Clancy, Ohio; Bill Archer, Texas.

Mr. GERALD R. FORD (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT OF HEARINGS ON GENERAL TAX REFORM PRECEDED BY 1-DAY HEARING ON INTEREST EQUALIZATION TAX ACT

(Mr. MILLS of Arkansas asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MILLS of Arkansas. Mr. Speaker, today an announcement is being made by the Committee on Ways and Means of a hearing on Tuesday, January 30, on the administration's request to extend the Interest Equalization Tax Act, and following that, on Monday, February 5, commencement of our discussion of general tax reform beginning with invited panels on Monday, February 5, through Friday, February 9, resuming again Monday, February 19, through Friday, February 23, and with the public witnesses to commence their statements on Monday, February 26.

Mr. Speaker, I ask unanimous consent that the entire announcement may be included in the Record at this point.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Chairman Wilbur D. Mills, Democrat, of Arkansas, Committee on Ways and Means, U.S. House of Representatives, Announces Extensive Panel Discussions and Public Hearings on Tax Reform, To Be Preceded by a 1-Day Public Hearing on Administration Proposal To Extend Interest Equalization Tax Act

Chairman Wilbur D. Mills (D., Ark.), Committee on Ways and Means, U.S. House of Representatives, today announced the plans of the Committee to conduct extensive panel discussions and public hearings on the subject of tax reform. This will be preceded by a one-day public hearing on extension of the Interest Equalization Tax Act.

It will be recalled that Chairman Mills has stated on numerous occasions, both on the Floor of the House of Representatives, and in speeches and press conferences, that general tax reform would be the first order of major business for the Committee on Ways and Means in the 93d Congress. All interested individuals and organizations therefore should be prepared to testify on the day on which they may be scheduled. Chairman Mills indicated that these tax reform hearings will cover all areas of the Internal Revenue Code.

The chronological order and dates of these hearings will be as follows:

First, the Committee will conduct a one-day public hearing on Tuesday, January 30, 1973, on the Administration request to extend the Interest Equalization Tax Act for two years through March 31, 1975. The cut-off date for requests to be heard on this is Friday, January 26, 1973, as more fully set forth later in this release.

Upon completion of the Committee consideration of the extension of the Interest

Equalization Tax Act, on Monday, February 5, 1973, the Committee will begin general tax reform panel discussions consisting of invited tax specialists involving many broad areas of the Internal Revenue Code. These panel discussions will run from Monday, February 5 through Friday, February 9, and then continue from Monday, February 19 through Friday, February 23.

Finally, presentation of testimony from the interested public on the subject of broad tax reform will begin on Monday, February 26, and continue until completed. The cutoff date for requests to be heard on tax reform is Friday, February 16, 1973, as more fully specified later in this release.

Set forth below are the necessary details with regard to the interest Equalization tax hearing as well as the general tax reform panel discussions and hearings.

INTEREST EQUALIZATION TAX ACT HEARING

This public hearing will be a one-day hearing only, to be conducted on Tuesday, January 30, 1973, starting at 10:00 a.m. in the Main Committee Hearing Room in the Longworth House Office Building.

The first witness at this public hearing will be the Honorable Paul A. Volcker, Under Secretary of the Treasury for Monetary Affairs, to be followed by receipt of testimony from public witnesses.

All interested persons and organizations must designate one spokesman to represent them where they have the same general interest. Any interested person or organization desiring to do so may file a written statement for inclusion in the printed record of the hearing in lieu of a personal appearance.

The cutoff date for requests to be heard is no later than the close of business Friday, January 26, 1973. The requests should be directed to John M. Martin, Jr., Chief Counsel, Committee on Ways and Means, Room 1102 Longworth House Office Building, Washington, D.C. 20515, telephone number (202) 225-3625. Because of the shortness in time in which to make requests to be heard, it will be necessary to advise the Committee by telephone (preferably), or telegram, as to interest in appearing before the Committee, using the telephone number or address indicated immediately above, so that arrangements can be made at that time for the appearance.

If it is feasible, it is requested that the witness supply the Committee on Tuesday, January 30 at 9:00 a.m. with seventy-five (75) copies of any written statement he may have prepared for his presentation. Persons submitting a written statement in lieu of a personal appearance should submit at least three copies for that purpose by the close of business Tuesday.

This one-day hearing will be followed by an executive session on this subject on Wednesday, January 31.

TAX REFORM PANEL DISCUSSIONS AND PUBLIC HEARINGS

I. Panel discussions

Beginning on Monday, February 5, the Committee on Ways and Means will begin two weeks of Panel discussions on selected areas of tax reform. The participants in these panel discussions will include only those witnesses who have been specially invited by the Committee, but the hearing room will be open for anyone who may wish to attend the hearing. These witnesses have already been contacted individually and the panels constituted. These panel discussions will take place beginning on Monday, February 5, run through Friday, February 9, and then continue on Monday, February 19, and conclude on Friday, February 23. A day-by-day schedule of these panel discussions follows:

Monday, February 5—Objectives and Approaches to Tax Reform and Simplification.

Tuesday, February 6—Capital Gains and Losses.

Wednesday, February 7—Tax Treatment of Capital Recovery (Investment Credit, Accelerated Depreciation and Amortization).

Thursday, February 8—Tax Treatment of Real Estate.

Friday, February 9—Natural Resources.

Monday, February 19—Estate and Gift Tax Revision.

Tuesday, February 20—Farm Operations; Minimum Tax and Tax Shelter Devices.

Wednesday, February 21—Taxation of Foreign Income.

Thursday, February 22—Pensions, Profit Sharing, and Deferred Compensation.

Friday, February 23—An Alternative to Tax-Exempt State and Local Bonds.

A list of the panelists will be released at a later date.

II. Tax reform public hearnigs

The second phase of the public hearing on tax reform will begin immediately upon the conclusion of the panel discussions—on Monday, February 26. While the panel discussions will involve only the above enumerated specific areas of tax reform, the second phase of the hearing will not be confined to those areas, but will encompass all areas of the Internal Revenue Code, particularly concentrating on the following major subjects:

Major Topics Included in Tax Hearings for General Public Witnesses

(NOTE: These subjects are *not* necessarily listed in the order in which they will be heard by the Committee.)

I. Estate and Gift Tax Revision.—This category would include but is not limited to proposals for taxing gains at death, a carryover basis of property transferred at death and other alternative treatment for transfers at death, unification of estate and gift taxes, transfers involving generation skipping, changes in the unlimited contribution deduction, increasing the size of the marital deduction, changing estate and gift tax rates and exemptions, problems of liquidity of paying estate and gift taxes, and the estate and gift tax treatment of life insurance.

II. Treatment of Capital Recovery for Tax Purposes.—This includes but is not limited to proposals with respect to the investment tax credit, additional first year depreciation allowance, accelerated depreciation (including the 20-percent variance allowed under ADR) and the amortization provisions having expiration dates (rehabilitation—low-income rental, pollution control, railroad rolling stock, coal mine safety equipment and on-the-job training and child care facilities), and amortization of railroad grading and tunnel bores.

III. Taxation of Capital Gains and Losses.—This category would include but is not limited to a discussion of the holding period for capital gains, the alternative tax for individuals, the level of exclusion (and possibility of varying it with the period the asset is held), the capital gains tax rate for corporations, capital loss carrybacks and carryovers, and the tax treatment of timber, cattle, coal and iron ore royalties and patents. (For tax treatment of lump sum pension treatment, see category below on pension and profit sharing plans.)

IV. Tax Treatment of Real Estate.—This category would include but is not limited to depreciation method and life (including any distinction for this purpose between borrowings and equity), recapture rules for excess depreciation and the treatment of interest and taxes during the period of construction.

V. Natural Resources.—This category includes but is not limited to the rate of percentage depletion, intangible drilling expense and the deduction for development and other exploration costs.

VI. Farm Operations.—This includes but is not limited to the treatment of development costs in the case of fruits and other food products with long development periods, the deduction of farm losses, and so-called hobby loss operations.

VII. Personal Property Leasing.

VIII. Treatment of Interest Deductions.—This includes but is not limited to consideration of the present provision providing a limitation on the extent to which investment interest can be taken as a deduction, the interest deduction for home mortgages, etc.

IX. Tax Treatment of Limited Partnerships.—This includes, for example, considerations involving the basis for nonrecourse loans.

X. Minimum Tax.—This includes but is not limited to a consideration of the exemption level, the rate of tax, the allowance of a deduction for the regular or individual corporate income tax, and the possibility of adding other preference items to the base of the tax.

XI. Tax Treatment of Employee Stock Options.

XII. An Election To Issue Taxable Bonds with a Federal Subsidy as an Alternative to Tax-Exempt State and Local Bonds.

XIII. Taxation of Foreign Income.—This includes but is not limited to consideration of the foreign tax credit (including consideration of the per-country and overall limitations), the deferral of income of controlled foreign subsidiaries, the tax treatment of Western Hemisphere Trade Corporations, whether the present exclusion of "gross-up" on dividends of less developed country corporations should be continued, tax exemptions of ships under foreign flags, DISC corporations, the exclusion of income earned in U.S. possessions and the exemption for income earned abroad by U.S. citizens.

XIV. Pension and Profit Sharing Plans and Other Deferred Compensation.—This includes but is not limited to vesting, eligibility requirements (age and service) and portability, funding and termination insurance, deductions in the case of self-employed, closely held corporations, subchapter S corporations, and professional corporations, tax treatment of lump sum pension and profit sharing payments and deferred compensation plans of exempt organizations and governmental units.

XV. Tax Treatment of Political Contributions.—This includes but is not limited to the tax treatment of gifts of appreciated property and earnings on funds held by political organizations.

XVI. Corporate Tax Provisions Not Included Specifically Elsewhere.

XVII. Special Industry Tax Problems.—This includes but is not limited to the bank holding company tax provisions, the tax treatment of cooperatives, the tax treatment of financial institutions (including mutual savings and savings and loan associations, and credit unions) and the tax treatment of subchapter S (or small) corporations.

XVIII. Tax Treatment of Other Items Specially Affecting Individuals.—This is intended to include but is not limited to converting deductions into credits, possible consideration of deductions outside of the standard deduction (for example, the medical expense deduction, the deduction for nonbusiness casualty losses, etc.), limitations and modifications of existing deductions, withholding on dividends and interest, the dividend exclusion, the exclusion of group term insurance, the exclusion of sick pay, and the tax treatment of losses on nonbusiness guarantees.

XIX. Tax Treatment of Foundations and Charitable Contributions.

XX. Tax Simplification.—The intent here at this point is to deal with proposals for simplification in the tax law without major substantive changes in the underlying provisions. Areas in which the staffs have already done a considerable amount of work toward tax simplification include the present annuity rule, the retirement income credit, the sick pay exclusion, moving expense deduction, section 367 (advance approval for tax-free exchanges involving foreign corporations), child care deduction, accumulation trust (throwback provisions) and the so-called deadwood or tax simplification bill introduced in the last Congress by Chairman Mills. Tax simplification proposals presented in the public testimony, of course, need not be limited to these areas.

(Note: The foregoing list of subjects is not necessarily in the order in which they will be considered.)

The second phase of this public hearing is open to all persons and organizations interested in presenting testimony to the Committee on any one, some, or all of the foregoing subjects, or other areas, including, for example, subjects involved in tax bills reported from the Committee in the 92nd Congress but which did not become law.

Witnesses who will be testifying on more than one major subject will be listed in the category of "general witnesses" and will be heard at the beginning of this phase of the hearing. In cases where a witness wishes to concentrate his testimony on one major subject, but comment in a lesser way on other subjects, he will be scheduled under the major subject and can submit his statement for the record on the minor areas.

Administration witnesses will be scheduled at the end of the hearings.

Details for submission of requests to be heard

Cutoff Date for Requests to be Heard—Requests to be heard must be submitted by no later than the close of business Friday, February 16, 1973. As previously indicated, individuals and organizations desiring to testify on most or all of the subjects listed herein will be heard at the beginning of this phase of the hearing, i.e., "general testimony" will be the first category to be heard.

All requests should be submitted to John M. Martin, Jr., Chief Counsel, Committee on Ways and Means, Room 1102 Longworth House Office Building, Washington, D.C. 20515 (telephone: (202) 225–3625). Notification will be made as promptly as possible after the cutoff date as to when witnesses have been scheduled to appear. Once the witness has been advised of his date of appearance, it is not possible for this date to be changed. If a witness finds that he cannot appear on that day, he may wish to either substitute another spokesman in his stead or file a written statement for the record of the hearing in lieu of a personal appearance.

Coordination of Testimony—In view of the heavy schedule of the Committee ahead and the limited time available to the Committee to conduct this hearing, it is requested and it is most important that all persons and organizations with the same general interest designate one spokesman to represent them so as to conserve the time of the Committee and the other witnesses, prevent repetition and assure that all aspects of the subjects being discussed at this hearing can be given appropriate attention.

The Committee will be pleased to receive from any interested organization or person a written statement for consideration for inclusion in the printed record of the hearing in lieu of a personal appearance. These statements will be given the same full consideration as though the statements had been presented in person. In such cases, a minimum of three copies of the statement should be submitted by a date to be specified later.

Allocation of Time of Witnesses—Because of the Committee's heavy legislative schedule, which will limit the total time available to the Committee in which to conduct these hearings, and to assure fairness to all witnesses and all points of view, it will be necessary to allocate time to witnesses for the presentation of their direct oral testimony. If the witness wishes to present a long and detailed statement to the Committee, it will be necessary for him to confine his oral presentation to a summary of his views while submitting a detailed written statement for the Committee members' consideration and for inclusion in the record of the hearing.

Contents of Requests to be Heard—The request to be heard *must* contain the following information, otherwise delay may result in the proper processing of a request:

(1) the name, address and capacity in which the witness will appear;

(2) the list of persons or organizations the witness represents and in the case of associations and organizations their total membership and where possible a membership list;

(3) the amount of time the witness desires in which to present his direct oral testimony (not including answers to questions of Committee members);

(4) an indication of whether or not the witness is supporting or opposing any specific proposal or proposals on which he desires to testify; and

(5) a topical outline or summary of the comments and recommendations which the witness proposes to make.

Submission of Prepared Written Statements—With respect to oral testimony, the rules of the Committee require that prepared statements be submitted to the Committee office no later than 48 hours prior to the scheduled appearance of the witness. Seventy-five (75) copies of the written statements would be required in this instance; an additional seventy-five (75) copies may be submitted for distribution to the press and the interested public on the witness' date of appearance.

Any interested organization or person may submit a written statement in lieu of a personal appearance for consideration for inclusion in the printed record of the hearing. Such statements should be submitted by a date to be specified later, in triplicate. An additional seventy-five (75) copies of written statements for the printed record will be accepted for distribution to the press and the interested public if submitted before the final day of the public hearing.

Format of All Written Statements—It is very important that all prepared statements contain a *summary* of the testimony and recommendations and that throughout the statement itself pertinent subject headings be used.

Re-submission of Requests to be Heard where Request Already Made—If a prospective witness has already submitted a request to be heard on any of the subjects covered by this hearing, the request should be resubmitted furnishing the above information and otherwise conforming to the rules set forth for conducting this hearing.

AGREEMENT ON ENDING THE WAR AND RESTORING PEACE IN VIETNAM

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, all of us are overjoyed that a cease-fire will go into effect at 7 p.m. Saturday in Vietnam and that a peace agreement has been achieved.

After learning the provisions of the peace agreement, I personally am convinced that the peace President Nixon has negotiated is one which will last.

We must "win the peace" in Vietnam. As President Nixon told the Nation last night—

> Ending the war is only the first step toward building the peace.

Careful perusal of the provisions in the peace agreement hammered out by Henry Kissinger in Paris should give every American reason to believe that the fighting may indeed have ended in Indochina.

The struggle now will be one for political control, and I hope it will not flare into renewed military conflict between North and South Vietnam.

I am sure all Members of the House will be interested in studying the provisions of the Vietnam peace agreement, and so I will insert them in the Record at this point. I am also inserting the text of the President's speech to the Nation:

Text of a Radio and Television Address by the President on an Agreement on Ending the War and Restoring Peace in Vietnam

I have asked for this radio and television time for the purpose of announcing that we have today concluded an agreement to end the war and bring peace with honor in Vietnam and Southeast Asia.

The following statement is being issued at this moment in Washington and in Hanoi:

"At 12:30 p.m. Paris time today, January 23, 1973, The Agreement on Ending the War and Restoring Peace in Vietnam was initialed by Dr. Henry Kissinger on behalf of the United States and Special Advisor Le Duc Tho on behalf of the Democratic Republic of Vietnam.

"The Agreement will be formally signed by the Parties participating in the Paris Conference on Vietnam on January 27, 1973, at the International Conference Center in Paris. The cease-fire will take effect at 2400 Greenwich Mean Time January 27, 1973.

"The United States and the Democratic Republic of Vietnam express the hope that this Agreement will ensure stable peace in Vietnam and contribute to the preservation of lasting peace in Indochina and Southeast Asia."

Throughout the years of negotiations, we have insisted on peace with honor. In my addresses of January 25 and May 8, I set forth the goals that we considered essential to peace with honor. In the settlement that has now been agreed to, the conditions that I laid down then have all been met:

A cease-fire, internationally supervised, will begin at 7:00 p.m. this Saturday, January 27, Washington time.

Within 60 days from this Saturday, all Americans held prisoner throughout Indochina will be released. There will be the fullest possible accounting for all those who are missing in action.

During the same 60-day period, all American forces will be withdrawn from South Vietnam.

The people of South Vietnam have been guaranteed the right to determine their own future without outside interference.

By joint agreement, the full text of the Agreement and of the protocols to carry it out will be released tomorrow.

Throughout the negotiations, we have been in the closest consultation with President Thieu and other representatives of the Republic of Vietnam. This settlement meets the goals and has the full support of President Thieu and the Government of the Republic of Vietnam, as well as that of our other allies who are effected.

The United States will continue to recognize the Government of the Republic of Vietnam as the sole legitimate government of South Vietnam.

We shall continue to aid South Vietnam within the terms of the Agreement, and we shall support efforts by the people of South Vietnam to settle their problems peacefully among themselves.

We must recognize that ending the war is only the first step toward building the peace.

All parties must now see to it that this is a peace that lasts, a peace that heals—and a peace that not only ends the war in Southeast Asia, but contributes to the prospects of peace in the world.

This will mean that the terms of the Agreement must be scrupulously adhered to. We shall do everything the Agreement requires of us, and we shall expect the other parties to do everything it requires of them. We shall also expect other interested nations to help ensure that the Agreement is carried out and the peace maintained.

As this long and difficult war ends, I would like to address a few special words to each of those who have been parties to the conflict.

To the people and the Government of South Vietnam:

By your courage, by your sacrifice, you have won the precious right to determine your own future. You have developed the strength to defend that right. We look forward to working with you in the future, friends in peace as we have been allies in war.

To the leaders of North Vietnam:

As we have ended the war through negotiations, let us build a peace of reconciliation. For our part, we are prepared to make a major effort to help achieve that goal. But just as reciprocity was needed to end the war, so too will it be needed to build and strengthen the peace.

To the other major powers that have been involved, even indirectly;

Now is the time for mutual restraint, so that the peace we have achieved can be kept.

And finally, to the American people:

Your steadfastness in supporting our insistence on peace with honor has made peace with honor possible. I know that you would not have wanted that peace jeopardized.

With our secret negotiations at the sensitive stage they were in during this recent period, for me to have discussed publicly our efforts to secure peace would not only have violated our understanding with North Vietnam; it would have seriously harmed and possibly destroyed the chances for peace. Therefore, I know that you now can understand why, during these past several weeks, I have not made any public statements about those efforts. The important thing was not to talk about peace, but to get peace—and to get the right kind of peace. This we have done.

Now that we have achieved an honorable agreement, let us be proud that America did not settle for a peace that would have betrayed our allies, that would have abandoned our prisoners of war, or that would have ended the war for us but would have continued the war for the 50 million people of Indochina.

Let us be proud of the two and a half million young Americans who served in Vietnam—who served with honor and distinction in one of the most selfless enterprises in the history of nations.

Let us be proud of those who sacrificed—who gave their lives—so that the people of South Vietnam might live in freedom and so that the world might live in peace.

In particular, I would like to say a word to some of the bravest people I have ever met: the wives, the children, the families, of our prisoners of war and of the missing in action.

When others called on us to settle on any terms, you had the courage to stand for the right kind of peace, so that those who died and those who suffered would not have died and suffered in vain, and so that where this generation knew war the next generation could know peace.

Nothing means more to me now than the fact that your long vigil is coming to an end.

Just yesterday, a great American died.

In his life, President Johnson endured the vilification of those who sought to portray him as a man of war. But there was nothing he cared about more deeply than achieving a lasting peace in the world.

I remember the last time I talked with him, just the day after New Year's. He spoke then of his concern with bringing peace, and with making it the right kind of peace, and I was grateful that he once again expressed his support for my efforts to gain such a peace.

No one would have welcomed this peace more than he. And I know he would join me in asking—for those who died, and for those who live—let us consecrate this moment by resolving together to make the peace we have achieved a peace that will last.

Fact Sheet: Basic Elements of Vietnam Agreement

MILITARY PROVISIONS

Cease-fire

Internationally supervised cease-fire throughout South and North Vietnam, effective at 7:00 pm EST, Saturday, January 27, 1973.

American Forces

Release within 60 days of all American servicemen and civilians captured and held throughout Indochina, and fullest possible accounting for missing in action.

Return of all United States forces and military personnel from South Vietnam within 60 days.

Security of South Vietnam

Ban on infiltration of troops and war supplies into South Vietnam.

The right to unlimited military replacement aid for the Republic of Vietnam.

Respect for the Demilitarized Zone.

Reunification only by peaceful means, through negotiation between North and South Vietnam without coercion or annexation.

Reduction and demobilization of Communist and Government forces in the South.

Ban on use of Laotian or Cambodian base areas to encroach on sovereignty and security of South Vietnam.

Withdrawal of all foreign troops from Laos and Cambodia.

POLITICAL PROVISIONS

Joint United States—Democratic Republic of Vietnam statement that the South Vietnamese people have the right to self-determination.

The Government of the Republic of Vietnam continues in existence, recognized by the United States, its constitutional structure and leadership intact and unchanged.

The right to unlimited economic aid for the Republic of Vietnam.

Formation of a non-governmental National Council of National Reconciliation and Concord, operating by unanimity, to organize elections as agreed by the parties and to promote conciliation and implementation of the Agreement.

INDOCHINA

Reaffirmation of the 1954 and 1962 Geneva Agreements on Cambodia and Laos.

Respect for the independence, sovereignty, unity, territorial integrity and neutrality of Cambodia and Laos.

Ban on inflation of troops and war supplies into Cambodia and Laos.

Ban on use of Laotian and Cambodian base areas to encroach on sovereignty and security of one another and of other countries.

Withdrawal of all foreign troops from Laos and Cambodia.

In accordance with traditional United States policy, U.S. participation in postwar reconstruction efforts throughout Indochina.

With the ending of the war, a new basis for U.S. relations with North Vietnam.

CONTROL AND SUPERVISION

An International Commission of Control and Supervision, with 1160 international supervisory personnel, to control and supervise the elections and various military provisions of the Agreement.

An International Conference within 30 days to guarantee the Agreement and the ending of the war.

Joint Military Commissions of the parties to implement appropriate provisions of the Agreement.

[To be signed at the International Conference Center, Paris, Saturday morning, Paris time, January 27, 1973]

Agreement on Ending the War and Restoring Peace in Vietnam

The Parties participating in the Paris Conference on Vietnam,

With a view to ending the war and restoring peace in Vietnam on the basis of respect for the Vietnamese people's fundamental national rights and the South Vietnamese people's right to self-determination, and to contributing to the consolidation of peace in Asia and the world,

Have agreed on the following provisions and undertake to respect and to implement them:

CHAPTER I—THE VIETNAMESE PEOPLE'S FUNDAMENTAL NATIONAL RIGHTS

Article 1

The United States and all other countries respect the independence, sovereignty, unity, and territorial integrity of Vietnam as recognized by the 1954 Geneva Agreements on Vietnam.

CHAPTER II—CESSATION OF HOSTILITIES—WITHDRAWAL OF TROOPS

Article 2

A cease-fire shall be observed throughout South Vietnam as of 2400 hours G.M.T., on January 27, 1973.

At the same hour, the United States will stop all its military activities against the territory of the Democratic Republic of Vietnam by ground, air and naval forces, wherever they may be based, and end the mining of the territorial waters, ports, harbors, and waterways of the Democratic Republic of Vietnam. The United States will remove, permanently deactivate or destroy all the mines in the territorial waters, ports, harbors, and waterways of North Vietnam as soon as this Agreement goes into effect.

The complete cessation of hostilities mentioned in this Article shall be durable and without limit of time.

Article 3

The parties undertake to maintain the cease-fire and to ensure a lasting and stable peace.

As soon as the cease-fire goes into effect:

(a) The United States forces and those of the other foreign countries allied with the United States and the Republic of Vietnam shall remain in-place pending the implementation of the plan of troop withdrawal. The Four-Party Joint Military Commission described in Article 16 shall determine the modalities.

(b) The armed forces of the two South Vietnamese parties shall remain in-place. The Two-Party Joint Military Commission described in Article 17 shall determine the areas controlled by each party and the modalities of stationing.

(c) The regular forces of all services and arms and the irregular forces of the parties in South Vietnam shall stop all offensive activities against each other and shall strictly abide by the following stipulations:

All acts of force on the ground, in the air, and on the sea shall be prohibited;

All hostile acts, terrorism and reprisals by both sides will be banned.

Article 4

The United States will not continue its military involvement or intervene in the internal affairs of South Vietnam.

Article 5

Within sixty days of the signing of this Agreement, there will be a total withdrawal from South Vietnam of troops, military advisers, and military personnel, including technical military personnel and military personnel associated with the pacification program, armaments, munitions, and war material of the United States and those of the other foreign countries mentioned in Article 3(a). Advisers from the above-mentioned countries to all paramilitary organizations and the police force will also be withdrawn within the same period of time.

Article 6

The dismantlement of all military bases in South Vietnam of the United States and of the other foreign countries mentioned in Article 3(a) shall be completed within sixty days of the signing of this Agreement.

Article 7

From the enforcement of the cease-fire to the formation of the government provided for in Articles 9(b) and 14 of this Agreement, the two South Vietnamese parties shall not accept the introduction of troops, military advisers, and military personnel including technical military personnel, armaments, munitions, and war material into South Vietnam.

The two South Vietnamese parties shall be permitted to make periodic replacement of armaments, munitions and war material which have been destroyed, damaged, worn out or used up after the cease-fire, on the basis of piece-for-piece, of the same characteristics and properties, under the supervision of the Joint Military Commission of the two South Vietnamese parties and of the International Commission of Control and Supervision.

CHAPTER III—THE RETURN OF CAPTURED MILITARY PERSONNEL AND FOREIGN CIVILIANS, AND CAPTURED AND DETAINED VIETNAMESE CIVILIAN PERSONNEL

Article 8

(a) The return of captured military personnel and foreign civilians of the parties shall be carried out simultaneously with and completed not later than the same day as the troop withdrawal mentioned in Article 5. The parties shall exchange complete lists of the above-mentioned captured military personnel and foreign civilians on the day of the signing of this Agreement.

(b) The parties shall help each other to get information about those military personnel and foreign civilians of the parties missing in action, to determine the location and take care of the graves of the dead so as to facilitate the exhumation and repatriation of the remains, and to take any such other measures as may be required to get information about those still considered missing in action.

(c) The question of the return of Vietnamese civilian personnel captured and detained in South Vietnam will be resolved by the two South Vietnamese parties on the basis of the principles of Article 21(b) of the Agreement on the Cessation of Hostilities in Vietnam of July 20, 1954. The two South Vietnamese parties will do so in a spirit of national reconciliation and concord, with a view to ending hatred and enmity, in order to ease suffering and to reunite families. The two South Vietnamese parties will do their utmost to resolve this question within ninety days after the cease-fire comes into effect.

CHAPTER IV—THE EXERCISE OF THE SOUTH VIETNAMESE PEOPLE'S RIGHT TO SELF-DETERMINATION

Article 9

The Government of the United States of America and the Government of the Democratic Republic of Vietnam undertake to respect the following principles for the exercise of the South Vietnamese people's right to self-determination:

(a) The South Vietnamese people's right to self-determination is sacred, inalienable, and shall be respected by all countries.

(b) The South Vietnamese people shall decide themselves the political future of South Vietnam through genuinely free and democratic general elections under international supervision.

(c) Foreign countries shall not impose any political tendency or personality on the South Vietnamese people.

Article 10

The two South Vietnamese parties undertake to respect the cease-fire and maintain peace in South Vietnam, settle all matters of contention through negotiations, and avoid all armed conflict.

Article 11

Immediately after the cease-fire, the two South Vietnamese parties will:

Achieve national reconciliation and concord, end hatred and enmity, prohibit all acts of reprisal and discrimination against individuals or organizations that have collaborated with one side or the other;

Ensure the democratic liberties of the people: personal freedom, freedom of speech, freedom of the press, freedom of meeting, freedom of organization, freedom of political activities, freedom of belief, freedom of movement, freedom of residence, freedom of work, right to property ownership, and right to free enterprise.

Article 12

(a) Immediately after the cease-fire, the two South Vietnamese parties shall hold consultations in a spirit of national reconciliation and concord, mutual respect, and mutual non-elimination to set up a National Council of National Reconciliation and Concord of three equal segments. The Council shall operate on the principle of unanimity. After the National Council of National Reconciliation and Concord has assumed its functions, the two South Vietnamese parties will consult about the formation of councils at lower levels. The two South Vietnamese parties shall sign an agreement on the internal matters of South Vietnam as soon as possible and do their utmost to accomplish this within ninety days after the cease-fire comes into effect, in keeping with the South Vietnamese people's aspirations for peace, independence and democracy.

(b) The National Council of National Reconciliation and Concord shall have the task of promoting the two South Vietnamese parties' implementation of this Agreement, achievement of national reconciliation and concord and ensurance of democratic liberties. The National Council of National Reconciliation and Concord will organize the free and democratic general elections provided for in Article 9(b) and decide the procedures and modalities of these general elections. The institutions for which the general elections are to be held will be agreed upon through consultations between the two South Vietnamese parties. The National Council of National Reconciliation and Concord will also decide the procedures and modalities of such local elections as the two South Vietnamese parties agree upon.

Article 13

The question of Vietnamese armed forces in South Vietnam shall be settled by the two South Vietnamese parties in a spirit of national reconciliation and concord, equality and mutual respect, without foreign interference, in accordance with the postwar situation. Among the questions to be discussed by the two South Vietnamese parties are steps to reduce their military effectives and to demobilize the troops being reduced. The two South Vietnamese parties will accomplish this as soon as possible.

Article 14

South Vietnam will pursue a foreign policy of peace and independence. It will be prepared to establish relations with all countries irrespective of their political and social systems on the basis of mutual respect for independence and sovereignty and accept economic and technical aid from any country with no political conditions attached. The acceptance of military aid by South Vietnam in the future shall come under the authority of the government set up after the general elections in South Vietnam provided for in Article 9(b).

CHAPTER V—THE REUNIFICATION OF VIETNAM AND THE RELATIONSHIP BETWEEN NORTH AND SOUTH VIETNAM

Article 15

The reunification of Vietnam shall be carried out step by step through peaceful means on the basis of discussions and agreements between North and South Vietnam, without coercion or annexation by either party, and without foreign interference. The time for reunification will be agreed upon by North and South Vietnam.

Pending reunification:

(a) The military demarcation line between the two zones at the 17th parallel is only provisional and not a political or territorial boundary, as provided for in paragraph 6 of the Final Declaration of the 1954 Geneva Conference.

(b) North and South Vietnam shall respect the Demilitarized Zone on either side of the Provisional Military Demarcation Line.

(c) North and South Vietnam shall promptly start negotiations with a view to reestablishing normal relations in various fields. Among the questions to be negotiated are the modalities of civilian movement across the Provisional Military Demarcation Line.

(d) North and South Vietnam shall not join any military alliance or military bloc and shall not allow foreign powers to maintain military bases, troops, military advisers, and military personnel on their respective territories, as stipulated in the 1954 Geneva Agreements on Vietnam.

CHAPTER VI—THE JOINT MILITARY COMMISSIONS, THE INTERNATIONAL COMMISSION OF CONTROL AND SUPERVISION, THE INTERNATIONAL CONFERENCE

Article 16

(a) The Parties participating in the Paris Conference on Vietnam shall immediately designate representatives to form a Four-Party Joint Military Commission with the task of ensuring joint action by the parties in implementing the following provisions of this Agreement:

The first paragraph of Article 2, regarding the enforcement of the cease-fire throughout South Vietnam;

Article 3(a), regarding the cease-fire by U.S. forces and those of the other foreign countries referred to in that Article;

Article 3(c), regarding the cease-fire between all parties in South Vietnam;

Article 5, regarding the withdrawal from South Vietnam of U.S. troops and those of the other foreign countries mentioned in Article 3(a);

Article 6, regarding the dismantlement of military bases in South Vietnam of the United States and those of the other foreign countries mentioned in Article 3(a);

Article 8(a), regarding the return of captured military personnel and foreign civilians of the parties;

Article 8(b), regarding the mutual assistance of the parties in getting information about those military personnel and foreign civilians of the parties missing in action.

(b) The Four-Party Joint Military Commission shall operate in accordance with the principle of consultations and unanimity. Disagreements shall be referred to the International Commission of Control and Supervision.

(c) The Four-Party Joint Military Commission shall begin operating immediately after the signing of this Agreement and end its activities in sixty days, after the completion of the withdrawal of U.S. troops and those of the other foreign countries mentioned in Article 3(a) and the completion of the return of captured military personnel and foreign civilians of the parties.

(d) The four parties shall agree immediately on the organization, the working procedure, means of activity, and expenditures of the Four-Party Joint Military Commission.

Article 17

(a) The two South Vietnamese parties shall immediately designate representatives to form a Two-Party Joint Military Commission with the task of ensuring joint action by the two South Vietnamese parties in implementing the following provisions of this Agreement:

The first paragraph of Article 2, regarding the enforcement of the cease-fire throughout South Vietnam, when the Four-Party Joint Military Commission has ended its activities;

Article 3(b), regarding the cease-fire between the two South Vietnamese parties;

Article 3(c), regarding the cease-fire between all parties in South Vietnam, when the Four-Party Joint Military Commission has ended its activities;

Article 7, regarding the prohibition of the introduction of troops into South Vietnam and all other provisions of this article;

Article 8(c), regarding the question of the return of Vietnamese civilian personnel captured and detained in South Vietnam;

Article 13, regarding the reduction of the military effectives of the two South Vietnamese parties and the demobilization of the troops being reduced.

(b) Disagreements shall be referred to the International Commission of Control and Supervision.

(c) After the signing of this Agreement, the Two-Party Joint Military Commission shall agree immediately on the measures and organization aimed at enforcing the cease-fire and preserving peace in South Vietnam.

Article 18

(a) After the signing of this Agreement, an International Commission of Control and Supervision shall be established immediately.

(b) Until the International Conference provided for in Article 19 makes definitive arrangements, the International Commission of Control and Supervision will report to the four parties on matters concerning the control and supervision of the implementation of the following provisions of this Agreement:

The first paragraph of Article 2, regarding the enforcement of the cease-fire throughout South Vietnam;

Article 3(a), regarding the cease-fire by U.S. forces and those of the other foreign countries referred to in that Article;

Article 3(c) regarding the cease-fire between all the parties in South Vietnam;

Article 5, regarding the withdrawal from South Vietnam of U.S. troops and those of the other foreign countries mentioned in Article 3(a);

Article 6, regarding the dismantlement of military bases in South Vietnam of the United States and those of the other foreign countries mentioned in Article 3(a);

Article 8(a), regarding the return of captured military personnel and foreign civilians of the parties.

The International Commission of Control and Supervision shall form control teams for carrying out its tasks. The four parties shall agree immediately on the location and operation of these teams. The parties will facilitate their operation.

(c) Until the International Conference makes definitive arrangements, the International Commission of Control and Supervision will report to the two South Vietnamese parties on matters concerning the control and supervision of the implementation of the following provisions of this Agreement;

The first paragraph of Article 2, regarding the enforcement of the cease-fire throughout South Vietnam, when the Four-Party Joint Military Commission has ended its activities;

Article 3(b), regarding the cease-fire between the two South Vietnamese parties;

Article 3(c), regarding the cease-fire between all parties in South Vietnam, when the Four-Party Joint Military Commission has ended its activities;

Article 7, regarding the prohibition of the introduction of troops into South Vietnam and all other provisions of this Article;

Article 8(c), regarding the question of the return of Vietnamese civilian personnel captured and detained in South Vietnam;

Article 9(b), regarding the free and democratic general elections in South Vietnam;

Article 13, regarding the reduction of the military effectives of the two South Vietnamese parties and demobilization of the troops being reduced.

The International Commission of Control and Supervision shall form control teams for carrying out its tasks. The two South Vietnamese parties shall agree immediately on the location and operation of these teams. The two South Vietnamese parties will facilitate their operation.

(d) The International Commission of Control and Supervision shall be composed of representatives of four countries: Canada, Hungary, Indonesia and Poland. The chairmanship of this Commission will rotate among the members for specific periods to be determined by the Commission.

(e) The International Commission of Control and Supervision shall carry out its tasks in accordance with the principle of respect for the sovereignty of South Vietnam.

(f) The International Commission of Control and Supervision shall operate in accordance with the principle of consultations and unanimity.

(g) The International Commission of Control and Supervision shall begin operating when a cease-fire comes into force in Vietnam. As regards the provisions in Article 18 (b) concerning the four parties, the International Commission of Control and Supervision shall end its activities when the Commission's tasks of control and supervision regarding these provisions have been fulfilled. As regards the provisions in Article 18(c) concerning the two South Vietnamese parties, the International Commission of Control and Supervision shall end its activities on the request of the government formed after the general elections in South Vietnam provided for in Article 9(b).

(h) The four parties shall agree immediately on the organization, means of activity, and expenditures of the International Commission of Control and Supervision. The relationship between the International Commission and the International Conference will be agreed upon by the International Commission and the International Conference.

Article 19

The parties agree on the convening of an International Conference within thirty days of the signing of this Agreement to acknowledge the signed agreements; to guarantee the ending of the war, the maintenance of peace in Vietnam, the respect of the Vietnamese people's fundamental national rights, and the South Vietnamese people's right to self-determination; and to contribute to and guarantee peace in Indochina.

The United States and the Democratic Republic of Vietnam, on behalf of the parties participating in the Paris Conference on Vietnam, will propose to the following parties that they participate in this International Conference: the People's Republic of China, the Republic of France, the Union of Soviet Socialist Republics, the United Kingdom, the four countries of the International Commission of Control and Supervision, and the Secretary General of the United Nations, together with the parties participating in the Paris Conference on Vietnam.

CHAPTER VII—REGARDING CAMBODIA AND LAOS

Article 20

(a) The parties participating in the Paris Conference on Vietnam shall strictly respect the 1954 Geneva Agreements on Cambodia and the 1962 Geneva Agreements on Laos, which recognized the Cambodian and the Lao peoples' fundamental national rights, i.e., the independence, sovereignty, unity, and territorial integrity of these countries. The parties shall respect the neutrality of Cambodia and Laos.

The parties participating in the Paris Conference on Vietnam undertake to refrain from using the territory of Cambodia and the territory of Laos to encroach on the sovereignty and security of one another and of other countries.

(b) Foreign countries shall put an end to all military activities in Cambodia and Laos, totally withdraw from and refrain from reintroducing into these two countries troops, military advisers and military personnel, armaments, munitions and war material.

(c) The internal affairs of Cambodia and Laos shall be settled by the people of each of these countries without foreign interference.

(d) The problems existing between the Indochinese countries shall be settled by the Indochinese parties on the basis of respect for each other's independence, sovereignty, and territorial integrity, and non-interference in each other's internal affairs.

CHAPTER VIII—THE RELATIONSHIP BETWEEN THE UNITED STATES AND THE DEMOCRATIC REPUBLIC OF VIETNAM

Article 21

The United States anticipates that this Agreement will usher in an era of reconciliation with the Democratic Republic of Vietnam as with all the peoples of Indochina. In pursuance of its traditional policy, the United States will contribute to healing the wounds of war and to postwar reconstruction of the Democratic Republic of Vietnam and throughout Indochina.

Article 22

The ending of the war, the restoration of peace in Vietnam, and the strict implementation of this Agreement will create conditions for establishing a new, equal and mutually beneficial relationship between the United States and the Democratic Republic of Vietnam on the basis of respect for each other's independence and sovereignty, and non-interference in each other's internal affairs. At the same time this will ensure stable peace in Vietnam and contribute to the preservation of lasting peace in Indochina and Southeast Asia.

CHAPTER IX—OTHER PROVISIONS

Article 23

This agreement shall enter into force upon signature by plenipotentiary representatives of the parties participating in the Paris Conference on Vietnam. All the parties concerned shall strictly implement this Agreement and its Protocols.

Done in Paris this twenty-seventh day of January, One Thousand Nine Hundred and Seventy-Three, in Vietnamese and English. The Vietnamese and English texts are official and equally authentic.

[Separate Numbered Page]

For the Government of the United States of America; William P. Rogers, Secretary of State.

For the Government of the Republic of Vietnam; Tran Van Lam, Minister for Foreign Affairs.

[Separate Numbered Page]

For the Government of the Democratic Republic of Vietnam; Nguyen Duy Trinh, Minister for Foreign Affairs.

For the Provisional Revolutionary Government of the Republic of South Vietnam; Nguyen Thi Binh, Minister for Foreign Affairs.

[To be signed at the International Conference Center, Paris, Saturday afternoon, Paris time, January 27, 1973]

AGREEMENT ON ENDING THE WAR AND RESTORING PEACE IN VIETNAM

The Government of the United States of America, with the concurrence of the Government of the Republic of Vietnam,

The Government of the Democratic Republic of Vietnam, with the concurrence of the Provisional Revolutionary Government of the Republic of South Vietnam,

With a view to ending the war and restoring peace in Vietnam on the basis of respect for the Vietnamese people's fundamental national rights and the South Vietnamese people's right to self-determination, and to contributing to the consolidation of peace in Asia and the world,

Have agreed on the following provisions and undertake to respect and to implement them:

[Text of Agreement Chapters I–VIII Same as Above]

CHAPTER IX—OTHER PROVISIONS

Article 23

The Paris Agreement on Ending the War and Restoring Peace in Vietnam shall enter into force upon signature of this document by the Secretary of State of the Government of the United States of America and the Minister for Foreign Affairs of the Government of the Democratic Republic of Vietnam, and upon signature of a document in the same terms by the Secretary of State of the Government of the United States of America, the Minister for Foreign Affairs of the Government of the Republic of Vietnam, the Minister for Foreign Affairs of the Government of the Democratic Republic of Vietnam, and the Minister for Foreign Affairs of the Provisional Revolutionary Government of the Republic of South Vietnam. The Agreement and the protocols to it shall be strictly implemented by all the parties concerned.

Done in Paris this twenty-seventh day of January, One Thousand Nine Hundred and Seventy-Three, in Vietnamese and English. The Vietnamese and English texts are official and equally authentic.

For the Government of the United States of America: William P. Rogers, Secretary of State.

For the Government of the Democratic Republic of Vietnam: Nguyen Duy Trinh, Minister for Foreign Affairs.

[To be signed at the International Conference Center, Paris, Saturday morning, Paris time, January 27, 1973]

PROTOCOL TO THE AGREEMENT ON ENDING THE WAR AND RESTORING PEACE IN VIETNAM CONCERNING THE INTERNATIONAL COMMISSION OF CONTROL AND SUPERVISION

The parties participating in the Paris Conference on Vietnam,

In implementation of Article 18 of the Agreement on Ending the War and Restoring Peace in Vietnam signed on this date providing for the formation of the International Commission of Control and Supervision,

Have agreed as follows:

ARTICLE 1

The implementation of the Agreement is the responsibility of the parties signatory to the Agreement.

The functions of the International Commission are to control and supervise the implementation of the provisions mentioned in Article 18 of the Agreement. In carrying out these functions, the International Commission shall:

(a) Follow the implementation of the above-mentioned provisions of the Agreement through communication with the parties and on-the-spot observation at the places where this is required;

(b) Investigate violations of the provisions which fall under the control and supervision of the Commission;

(c) When necessary, cooperate with the Joint Military Commissions in deterring and detecting violations of the above-mentioned provisions.

ARTICLE 2

The International Commission shall investigate violations of the provisions described in Article 18 of the Agreement on the request of the Four-Party Joint Military Commission, or of the Two-Party Joint Military Commission, or of any party, or, with respect to Article 9 (b) of the Agreement on general elections, of the National Council of National Reconciliation and Concord, or in any case where the International Commission has other adequate grounds for considering that there has been a violation of those provisions. It is understood that, in carrying out this task, the International Commission shall function with the concerned parties' assistance and cooperation as required.

ARTICLE 3

(a) When the International Commission finds that there is a serious violation in the implementation of the Agreement or a threat to peace against which the Commission can find no appropriate measure, the Commission shall report this to the four parties to the Agreement so that they can hold consultations to find a solution.

(b) In accordance with Article 18 (f) of the Agreement, the International Commission's reports shall be made with the unanimous agreement of the representatives of all the four members. In case no unanimity is reached, the Commission shall forward the different views to the four parties in accordance with Article 18 (b) of the Agreement, or to the two South Vietnamese parties in accordance with Article 18 (c) of the Agreement, but these shall not be considered as reports of the Commission.

ARTICLE 4

(a) The headquarters of the International Commission shall be at Saigon.

(b) There shall be seven regional teams located in the regions shown on the annexed map and based at the following places:

Regions:	*Places*
I	Hue
II	Danang
III	Pleiku
IV	Phan Thiet
V	Bien Hoa
VI	My Tho
VII	Can Tho

The International Commission shall designate three teams for the region of Saigon-Gia Dinh.

(c) There shall be twenty-six teams operating in the areas shown on the annexed map and based at the following places in South Vietnam:

Region I: Quang Tri, Phu Bai.

Region II: Hoi An, Tam Ky, Chu Lai.

Region III: Kontum, Hau Bon, Phu Cat, Tuy An, Ninh Hoa, Ban Me Thuot.

Region IV: Da Lat, Bao Loc, Phan Rang.

Region V: An Loc, Xuan Loc, Ben Cat, Cu Chi, Tan An.

Region VI: Moc Hoa, Giong Trom.

Region VII: Tri Ton, Vinh Long, Vi Thanh, Khanh Hung, Quan Long.

(d) There shall be twelve teams located as shown on the annexed map and based at the following places:

Gio Linh (to cover the area south of the Provisional Military Demarcation Line).
Lao Bao.
Ben Het.
Duc Co.
Chu Lai.
Qui Nhon.
Nha Trang.
Vung Tau.
Xa Mat.
Bien Hoa Airfield.
Hong Ngu.
Can Tho.

(e) There shall be seven teams, six of which shall be available for assignment to the points of entry which are not listed in paragraph (d) above and which the two South Vietnamese parties choose as points for legitimate entry to South Vietnam for replacement of armaments, munitions, and war material permitted by Article 7 of the Agreement. Any team or teams not needed for the above-mentioned assignment shall be available for other tasks, in keeping with the Commission's responsibility for control and supervision.

(f) There shall be seven teams to control and supervise the return of captured and detained personnel of the parties.

ARTICLE 5

(a) To carry out its tasks concerning the return of the captured military personnel and foreign civilians of the parties as stipulated by Article 8(a) of the Agreement, the International Commission shall, during the time of such return, send one control and supervision team to each place in Vietnam where the captured persons are being returned, and to the last detention places from which these persons will be taken to the places of return.

(b) To carry out its tasks concerning the return of the Vietnamese civilian personnel captured and detained in South Vietnam mentioned in Article 8(c) of the Agreement, the International Commission shall, during the time of such return, send one control and supervision team to each place in South Vietnam where the above-mentioned captured and detained persons are being returned, and to the last detention places from which these persons shall be taken to the places of return.

ARTICLE 6

To carry out its tasks regarding Article 9 (b) of the Agreement on the free and democratic general elections in South Vietnam, the International Commission shall organize additional teams, when necessary. The International Commission shall discuss this question in advance with the National Council of National Reconciliation and Concord. If additional teams are necessary for this purpose, they shall be formed thirty days before the general elections.

ARTICLE 7

The International Commission shall continually keep under review its size, and shall reduce the number of its teams, its representatives or other personnel, or both, when those teams, representatives or personnel have accomplished the tasks assigned to them and are not required for other tasks. At the same time, the expenditures of the International Commission shall be reduced correspondingly.

ARTICLE 8

Each member of the International Commission shall make available at all times the following numbers of qualified personnel:

(a) One senior representative and twenty-six others for the headquarters staff.

(b) Five for each of the seven regional teams.

(c) Two for each of the other international control teams, except for the teams at Gio Linh and Vung Tau, each of which shall have three.

(d) One hundred sixteen for the purpose of providing support to the Commission Headquarters and its teams.

ARTICLE 9

(a) The International Commission, and each of its teams, shall act as a single body comprising representatives of all four members.

(b) Each member has the responsibility to ensure the presence of its representatives at all levels of the International Commission. In case a representative is absent, the member concerned shall immediately designate a replacement.

ARTICLE 10

(a) The parties shall afford full cooperation, assistance, and protection to the International Commission.

(b) The parties shall at all times maintain regular and continuous liaison with the International Commission. During the existence of the Four-Party Joint Military Commission, the delegations of the parties to that Commission shall also perform liaison functions with the International Commission. After the Four-Party Joint Military Commission has ended its activities, such liaison shall be maintained through the Two-Party Joint Military Commission, liaison missions, or other adequate means.

(c) The International Commission and the Joint Military Commissions shall closely cooperate with and assist each other in carrying out their respective functions.

(d) Wherever a team is stationed or operating, the concerned party shall designate a liaison officer to the team to cooperate with and assist it in carrying out without hindrance its task of control and supervision. When a team is carrying out an investigation, a liaison officer from each concerned party shall have the opportunity to accompany it, provided the investigation is not thereby delayed.

(e) Each party shall give the International Commission reasonable advance notice of all proposed actions concerning those provisions of the Agreement that are to be controlled and supervised by the International Commission.

(f) The International Commission, including its teams, is allowed such movement for observation as is reasonably required for the proper exercise of its functions as stipulated in the Agreement. In carrying out these functions, the International Commission, including its teams, shall enjoy all necessary assistance and cooperation from the parties concerned.

ARTICLE 11

In supervising the holding of the free and democratic general elections described in Articles 9 (b) and 12 (b) of the Agreement in accordance with modalities to be agreed upon between the National Council of National Reconciliation and Concord and the International Commission, the latter shall receive full cooperation and assistance from the National Council.

ARTICLE 12

The International Commission and its personnel who have the nationality of a member state shall, while carrying out their tasks, enjoy privileges and immunities equivalent to those accorded diplomatic missions and diplomatic agents.

ARTICLE 13

The International Commission may use the means of communication and transport necessary to perform its functions. Each South Vietnamese party shall make available for rent to the International Commission appropriate office and accommodation facilities and shall assist it in obtaining such facilities. The International Commission may receive from the parties, on mutually agreeable terms, the necessary means of communication and transport and may purchase from any source necessary equipment and services not obtained from the parties. The International Commission shall possess these means.

ARTICLE 14

The expenses for the activities of the International Commission shall be borne by the parties and the members of the International Commission in accordance with the provisions of this Article:

(a) Each member country of the International Commission shall pay the salaries and allowances of its personnel.

(b) All other expenses incurred by the International Commission shall be met from a fund to which each of the four parties shall contribute twenty-three percent (23%) and to which each member of the International Commission shall contribute two percent (2%).

(c) Within thirty days of the date of entry into force of this Protocol, each of the four parties shall provide the International Commission with an initial sum equivalent to four million, five hundred thousand (4,500,000) French francs in convertible currency, which sum shall be credited against the amounts due from that party under the first budget.

(d) The International Commission shall prepare its own budgets. After the International Commission approves a budget, it shall transmit it to all parties signatory to the Agreement for their approval. Only after the budgets have been approved by the four parties to the Agreement shall they be obliged to make their contributions. However, in case the parties to the Agreement do not agree on a new budget, the International Commission shall temporarily base its expenditures on the previous budget, except for the extraordinary, one-time expenditures for installation or for the acquisition of equipment, and the parties shall continue to make their contributions on that basis until a new budget is approved.

ARTICLE 15

(a) The headquarters shall be operational and in place within 24 hours after the cease-fire.

(b) The regional teams shall be operational and in place, and three teams for supervision and control of the return of the captured and detained personnel shall be operational and ready for dispatch within 48 hours after the cease-fire.

(c) Other teams shall be operational and in place within fifteen to thirty days after the cease-fire.

ARTICLE 16

Meetings shall be convened at the call of the Chairman. The International Commission shall adopt other working procedures appropriate for the effective discharge of its functions and consistent with respect for the sovereignty of South Vietnam.

ARTICLE 17

The Members of the International Commission may accept the obligations of this Protocol by sending notes of acceptance to the four parties signatory to the Agreement. Should a member of the International Commission decide to withdraw from the International Commission, it may do so by giving three months notice by means of notes to the four parties to the Agreement, in which case those four parties shall consult among themselves for the purpose of agreeing upon a replacement member.

ARTICLE 18

This Protocol shall enter into force upon signature by plenipotentiary representatives of all the parties participating in the Paris Conference on Vietnam. It shall be strictly implemented by all the parties concerned.

Done in Paris this twenty-seventh day of January, One Thousand Nine Hundred and Seventy-Three, in Vietnamese and English. The Vietnamese and English texts are officially and equally authentic.

[Separate Numbered Page]

For the Government of the United States of America: William P. Rogers, Secretary of State.

For the Government of the Republic of Vietnam: Tran Van Lam, Minister for Foreign Affairs.

[Separate Numbered Page]

For the Government of the Democratic Republic of Vietnam: Nguyen Duy Trinh, Minister for Foreign Affairs.

For the Provisional Revolutionary Government of the Republic of South Vietnam: Nguyen Thi Binh, Minister for Foreign Affairs.

[To be signed at the International Conference Center, Paris, Saturday afternoon, Paris time, January 27, 1973]

PROTOCOL TO THE AGREEMENT ON ENDING THE WAR AND RESTORING PEACE IN VIETNAM CONCERNING THE INTERNATIONAL COMMISSION OF CONTROL AND SUPERVISION

The Government of the United States of America, with the concurrence of the Government of the Republic of Vietnam,

The Government of the Democratic Republic of Vietnam, with the concurrence of the Provisional Revolutionary Government of the Republic of South Vietnam,

In implementation of Article 18 of the Agreement on Ending the War and Restoring Peace in Vietnam signed on this date providing for the formation of the International Commission of Control and Supervision,

Have agreed as follows:

[Text of Protocol Articles 1–17 same as above.]

ARTICLE 18

The Protocol to the Paris Agreement on Ending the War and Restoring Peace in Vietnam concerning the International Commission of Control and Supervision shall enter into force upon signature of this document by the Secretary of State of the Government of the United States of America and the Minister for Foreign Affairs of the Government of the Democratic Republic of Vietnam, and upon signature of a document in the same terms by the Secretary of State of the Government of the United States of America, the Minister for Foreign Affairs of the Government of the Republic of Vietnam, the Minister for Foreign Affairs of the Government of the Democratic Republic of Vietnam, and the Minister for Foreign Affairs of the Provisional Revolutionary Government of the Republic of South Vietnam. The Protocol shall be strictly implemented by all the parties concerned.

Done in Paris this twenty-seventh day of January, One Thousand Nine Hundred and Seventy-Three, in Vietnamese and English. The Vietnamese and English texts are official and equally authentic.

For the Government of the United States of America: William P. Rogers, Secretary of State.

For the Government of the Democratic Republic of Vietnam: Nguyen Duy Trinh, Minister for Foreign Affairs.

[To be signed at the International Conference Center, Paris, Saturday morning, Paris time, January 27, 1973]

PROTOCOL TO THE AGREEMENT ON ENDING THE WAR AND RESTORING PEACE IN VIETNAM AND CEASE-FIRE IN SOUTH VIETNAM AND THE JOINT MILITARY COMMISSIONS

The parties participating in the Paris Conference on Vietnam.

In implementation of the first paragraph of Article 2, Article 3, Article 5, Article 6, Article 16 and Article 17 of the Agreement on Ending the War and Restoring Peace in Vietnam signed on this date which provide for the cease-fire in South Vietnam and the establishment of a Four-Party Joint Military Commission and a Two-Party Joint Military Commission,

Have agreed as follows:

CEASE-FIRE IN SOUTH VIETNAM

Article 1

The High Commands of the parties in South Vietnam shall issue prompt and timely orders to all regular and irregular armed forces and the armed police under their command to completely end hostilities throughout South Vietnam, at the exact time stipulated in Article 2 of the Agreement and ensure that these armed forces and armed police comply with these orders and respect the cease-fire.

Article 2

(a) As soon as the cease-fire comes into force and until regulations are issued by the Joint Military Commissions, all ground, river, sea and air combat forces of the parties in South Vietnam shall remain in place; that is, in order to ensure a stable cease-fire, there shall be no major redeployments or movements that would extend each party's area of control or would result in contact between opposing armed forces and clashes which might take place.

(b) All regular and irregular armed forces and the armed police of the parties in South Vietnam shall observe the prohibition of the following acts:

(1) Armed patrols into areas controlled by opposing armed forces and flights by bomber and fighter aircraft of all types, except for unarmed flights for proficiency training and maintenance;

(2) Armed attacks against any person, either military or civilian, by any means whatsoever, including the use of small arms, mortars, artillery, bombing and strafing by airplanes and any other type of weapon or explosive device;

(3) All combat operations on the ground, on rivers, on the sea and in the air;

(4) All hostile acts, terrorism or reprisals; and

(5) All acts endangering lives or public or private property.

Article 3

(a) The above-mentioned prohibitions shall not hamper or restrict:

(1) Civilian supply, freedom of movement, freedom to work, and freedom of the people to engage in trade, and civilian communication and transportation between and among all areas in South Vietnam;

(2) The use of each party in areas under its control of military support elements, such as engineer and transportation units, in repair and construction of public facilities and the transportation and supplying of the population;

(3) Normal military proficiency training conducted by the parties in the areas under their respective control with due regard for public safety.

(b) The Joint Military Commissions shall immediately agree on corridors, routes, and other regulations governing the movement of military transport aircraft, military transport vehicles, and military transport vessels of all types of one party going through areas under the control of other parties.

Article 4

In order to avert conflict and ensure normal conditions for those armed forces which are in direct contact, and pending regulation by the Joint Military Commissions, the commanders of the opposing armed forces at those places of direct contact shall meet as soon as the cease-fire comes into force with a view to reaching an agreement on temporary measures to avert conflict and to ensure supply and medical care for these armed forces.

Article 5

(a) Within fifteen days after the cease-fire comes into effect, each party shall do its utmost to complete the removal or deactivation of all demolition objects, minefields, traps, obstacles or other dangerous objects placed previously, so as not to hamper the population's movement and work, in the first place on waterways, roads and railroads in South Vietnam. Those mines which cannot be removed or deactivated within that time shall be clearly marked and must be removed or deactivated as soon as possible.

(b) Emplacement of mines is prohibited, except as a defensive measure around the edges of military installations in places where they do not hamper the population's movement and work, and movement on waterways, roads and railroads. Mines and other obstacles already in place at the edges of military installations may remain in place if they are in places where they do not hamper the population's movement and work, and movement on waterways, roads and railroads.

Article 6

Civilian police and civilian security personnel of the parties in South Vietnam, who are responsible for the maintenance of law and order, shall strictly respect the prohibitions set forth in Article 2 of this Protocol. As required by their responsibilities, normally they shall be authorized to carry pistols, but when required by unusual circumstances, they shall be allowed to carry other small individual arms.

Article 7

(a) The entry into South Vietnam of replacement armaments, munitions, and war material permitted under Article 7 of the Agreement shall take place under the supervision and control of the Two-Party Joint Military Commission and of the International Commission of Control and Supervision and through such points of entry only as are designated by the two South Vietnamese parties. The two South Vietnamese parties shall agree on these points of entry within fifteen days after the entry into force of the cease-fire. The two South Vietnamese parties may select as many as six points of entry which are not included in the list of places where teams of the International Commission of Control and Supervision are to be based contained in Article 4(d) of the Protocol concerning the International Commission. At the same time, the two South Vietnamese parties may also select points of entry from the list of places set forth in Article 4(d) of that Protocol.

(b) Each of the designated points of entry shall be available only for that South Vietnamese party which is in control of that point. The two South Vietnamese parties shall have an equal number of points of entry.

Article 8

(a) In implementation of Article 5 of the Agreement, the United States and the other foreign countries referred to in Article 5 of the Agreement shall take with them all their armaments, munitions, and war material. Transfers of such items which would leave them in South Vietnam shall not be made subsequent to the entry into force of the Agreement except for transfers of communications, transport, and other non-combat material to the Four-Party Joint Military Commission or the International Commission of Control and Supervision.

(b) Within five days after the entry into force of the cease-fire, the United States shall inform the Four-Party Joint Military Commission and the International Commission of Control and Supervision of the general plans for timing of complete troop withdrawals which shall take place in four phases of fifteen days each. It is anticipated that the numbers of troops withdrawn in each phase are not likely to be widely different, although it is not feasible to ensure equal numbers. The approximate numbers to be withdrawn in each phase shall be given to the Four-Party Joint Military Commission and the International Commission of Control and Supervision sufficiently in advance of actual withdrawals so that they can properly carry out their tasks in relation thereto.

Article 9

(a) In implementation of Article 6 of the Agreement, the United States and the other foreign countries referred to in that Article shall dismantle and remove from South Vietnam or destroy all military bases in South Vietnam of the United States and of the other foreign countries referred to in that Article, including weapons, mines, and other military equipment at these bases, for the purpose of making them unusable for military purposes.

(b) The United States shall supply the Four-Party Joint Military Commission and the International Commission of Control and Supervision with necessary information on plans for base dismantlement so that those Commissions can properly carry out their tasks in relation thereto.

THE JOINT MILITARY COMMISSIONS

Article 10

(a) The implementation of the Agreement is the responsibility of the parties signatory to the Agreement.

The Four-Party Military Commission has the task of ensuring joint action by the parties in implementing the Agreement by serving as a channel of communication among the parties, by drawing up plans and fixing the modalities to carry out, coordinate, follow and inspect the implementation of the provisions mentioned in Article 16 of the Agreement, and by negotiating and settling all matters concerning the implementation of those provisions.

(b) The concrete tasks of the Four-Party Joint Military Commission are:

(1) To coordinate, follow and inspect the implementation of the above-mentioned provisions of the Agreement by the four parties;

(2) To deter and detect violations, to deal with cases of violation, and to settle conflicts and matters of contention between the parties relating to the above-mentioned provisions;

(3) To dispatch without delay one or more joint teams, as required by specific cases, to any part of South Vietnam, to investigate alleged violations of the Agreement and to assist the parties in finding measures to prevent recurrence of similar cases;

(4) To engage in observation at the places where this is necessary in the exercise of its functions;

(5) To perform such additional tasks as it may, by unanimous decision, determine.

Article 11

(a) There shall be a Central Joint Military Commission located in Saigon. Each party shall designate immediately a military delegation of fifty-nine persons to represent it on the Central Commission. The senior officer designated by each party shall be a general officer, or equivalent.

(b) There shall be seven Regional Joint Military Commissions located in the regions shown on the annexed map and based at the following places:

Regions and Places

I	Hue
II	Danang
III	Pleiku
IV	Phan Thiet
V	Bien Hoa
VI	My Tho
VII	Can Tho

Each party shall designate a military delegation of sixteen persons to represent it on each Regional Commission. The senior officer designated by each party shall be an officer from the rank of Lieutenant Colonel to Colonel, or equivalent.

(c) There shall be a joint military team operating in each of the areas shown on the annexed map and based at each of the following places in South Vietnam:

Region I: Quang Tri, Phu Bai.

Region II: Hoi An, Tam Ky, Chu Lai.

Region III: Kontum, Hau Bon, Phu Cat, Tuy An, Ninh Hao, Ban Me Thuot.

Region IV: Da Lat, Bao Loc, Phan Rang.

Region V: An Loc, Xuan Loc, Ben Cat, Cu Chi, Tan An.

Region VI: Moc Hoa, Giong Trom.

Region VII: Tri Ton, Vinh Long, Vi Thanh, Khanh Hung, Quan Long.

Each party shall provide four qualified persons for each joint military team. The senior person designated by each party shall be an officer from the rank of Major to Lieutenant Colonel, or equivalent.

(d) The Regional Joint Military Commissions shall assist the Central Joint Military Commission in performing its tasks and shall supervise the operations of the joint military teams. The region of Saigon-Gia Dinh is placed under the responsibility of the Central Commission which shall designate joint military teams to operate in this region.

(e) Each party shall be authorized to provide support and guard personnel for its delegations to the Central Joint Military Commission and Regional Joint Military Commissions, and for its members of the joint military teams. The total number of support and guard personnel for each party shall not exceed five hundred and fifty.

(f) The Central Joint Military Commission may establish such joint sub-commissions, joint staffs and joint military teams as circumstances may require. The Central Commission shall determine the numbers of personnel required for any additional sub-commissions, staffs or teams it establishes, provided that each party shall designate one-fourth of the number of personnel required and that the total number of personnel for the Four-Party Joint Military Commission, to include its staffs, teams, and support personnel, shall not exceed three thousand three hundred.

(g) The delegations of the two South Vietnamese parties may, by agreement, establish provisional sub-commissions and joint military teams to carry out the tasks specifically assigned to them by Article 17 of the Agreement. With respect to Article 7 of the Agreement, the two South Vietnamese parties' delegations to the Four-Party Joint Military Commission shall establish joint military teams at the points of entry into South Vietnam used for replacement of armaments, munition and war material which are designated in accordance with Article 7 of this Protocol. From the time the cease-fire comes into force to the time when the Two-Party Joint Military Commission becomes operational, the two South Vietnamese parties' delegations to the Four-Party Joint Military Commission shall form a provisional sub-commission and provisional joint military teams to carry out its tasks concerning captured and detained Vietnamese civilian personnel. Where necessary for the above purposes, the two South Vietnamese delegations to the Four-Party Joint Military Commission.

Article 12

(a) In accordance with Article 17 of the Agreement which stipulates that the two South Vietnamese parties shall immediately designate their respective representatives to form the Two-Party Joint Military Commission, twenty-four hours after the cease-fire comes into force, the two designated South Vietnamese parties' delegations to the Two-Party Joint Military Commission shall meet in Saigon so as to reach an agreement as soon as possible on organization and operation of the Two-Party Joint Military Commission, as well as the measures and organization aimed at enforcing the cease-fire and preserving peace in South Vietnam.

(b) From the time the cease-fire comes into force to the time when the Two-Party Joint Military Commission become operational, the two South Vietnamese parties' delegations to the Four-Party Joint Military Commission at all levels shall simultaneously assume the tasks of the Two-Party Joint Military Commission at all levels, in addition to their functions as delegations to the Four-Party Joint Military Commission.

(c) If, at the time the Four-Party Joint Military Commission ceases its operation in accordance with Article 16 of the Agreement, agreement has not been reached on organization of the Two-Party Joint Military Commission, the delegations of the two South Vietnamese parties serving with the Four-Party Joint Military Commission at all levels shall continue temporarily to work together as a provisional two-party joint military commission and to assume the tasks of the Two-Party Joint Military Commission at all levels until the Two-Party Joint Military Commission becomes operational.

Article 13

In application of the principle of unanimity, the Joint Military Commissions shall have no chairmen, and meetings shall be convened at the request of any representative. The Joint Military Commissions shall adopt working procedures appropriate for the effective discharge of their functions and responsibilities.

Article 14

The Joint Military Commissions and the International Commission of Control and Supervision shall closely cooperate with and assist each other in carrying out their respective functions. Each Joint Military Commission shall inform the International Commission about the implementation of those provisions of the Agreement for which that Joint Military Commission has responsibility and which are within the competence of the International Commission. Each Joint Military Commission may request the International Commission to carry out specific observation activities.

Article 15

The Central Four-Party Joint Military Commission shall begin operating twenty-four hours after the cease-fire comes into force. The Regional Four-Party Joint Military Commissions shall begin operating forty-eight hours after the cease-fire comes into force. The joint military teams based at the places listed in Aricle 11(c) of this Protocol shall begin operating no later than fifteen days after the cease-fire comes into force. The delegations of the two South Vietnamese parties shall simultaneously begin to assume the tasks of the Two-Party Joint Military Commission as provided in Article 12 of this Protocol.

Article 16

(a) The parties shall provide full protection and all necessary assistance and cooperation to the Joint Military Commissions at all levels, in the discharge of their tasks.

(b) Each party, in its areas of control shall their personnel, while carrying out their tasks, shall enjoy privileges and immunities equivalent to those accorded diplomatic missions and diplomatic agents.

(c) The personnel of the Joint Military Commissions may carry pistols and wear special insignia decided upon by each Central Joint Military Commission. The personnel of each party while guarding Commission installations or equipment may be authorized to carry other individual small arms, as determined by each Central Joint Military Commission.

Article 17

(a) The delegation of each party to the Four-Party Joint Military Commission and the Two-Party Joint Military Commission shall have its own offices, communication, logistics and transportation means, including aircraft when necessary.

(b) Each party, in its areas of control shall provide appropriate office and accommodation facilities to the Four-Party Joint Military Commission and the Two-Party Joint Military Commission at all levels.

(c) The parties shall endeavor to provide to the Four-Party Joint Military Commission and the Two-Party Joint Military Commission, by means of loan, lease, or gift, the common means of operation, including equipment for communication, supply, and transport, including aircraft when necessary. The Joint Military Commission may purchase from any source necessary facilities, equipment, and services which are not supplied by the parties. The Joint Military Commissions shall possess and use these facilities and this equipment.

(d) The facilities and the equipment for common use mentioned above shall be returned to the parties when the Joint Military Commissions have ended their activities.

Article 18

The common expenses of the Four-Party Joint Military Commission shall be borne equally by the four parties, and the common expenses of the Two-Party Joint Military Commission in South Vietnam shall be borne equally by these two parties.

Article 19

This Protocol shall enter into force upon signature by plenipotentiary representatives of all the parties participating in the Paris Conference on Vietnam. It shall be strictly implemented by all the parties concerned.

Done in Paris this twenty-seventh day of January, One Thousand Nine Hundred and Seventy-Three, in Vietnamese and English. The Vietnamese and English texts are official and equally authentic.

[Separate Numbered Page.]

For the Government of the United States of America: William P. Rogers, Secretary of State.

For the Government of the Republic of Vietnam: Tran Van Lam, Minister for Foreign Affairs.

[Separate Numbered Page.]

For the Government of the Democratic Republic of Vietnam: Nguyen Duy Trinh, Minister for Foreign Affairs.

For the Provisional Revolutionary Government of the Republic of South Vietnam: Nguyen Thi Binh, Minister for Foreign Affairs.

[To be signed at the International Conference Center, Paris, Saturday afternoon, Paris time, January 27, 1973]

PROTOCOL TO THE AGREEMENT ON ENDING THE WAR AND RESTORING PEACE IN VIETNAM CONCERNING THE CEASE-FIRE IN SOUTH VIETNAM AND THE JOINT MILITARY COMMISSIONS

The Government of the United States of America, with the concurrence of the Government of the Republic of Vietnam.

The Goverment of the Democratic Republic of Vietnam, with the concurrence of the Provisional Revolutionary Government of the Republic of South Vietnam,

In implementation of the first paragraph of Article 2, Article 3, Article 5, Article 6, Article 16 and Article 17 of the Agreement on Ending the War and Restoring Peace in Vietnam signed on this date which provide for the cease-fire in South Vietnam and the establishment of a Four-Party Joint Military Commission and a Two-Party Joint Military Commission,

Have agreed as follows:

[Text of Protocol Articles 1–18 same as above.]

Article 19

The Protocol to the Paris Agreement on Ending the War and Restoring Peace in Vietnam concerning the Cease-fire in South Vietnam and the Joint Military Commissions shall enter into force upon signature of this document by the Secretary of State of the Government of the United States of America and the Minister for Foreign Affairs of the Government of the Democratic Republic of Vietnam, and upon signature of a document in the same terms by the Secretary of State of the Government of the United States of America, the Minister for Foreign Affairs of the Government of the Republic of Vietnam, the Minister for Foreign Affairs of the Democratic Republic of Vietnam, and the Minister for Foreign Affairs of the Provisional Revolutionary Government of the Republic of South Vietnam. The Protocol shall be strictly implemented by all the parties concerned.

Done in Paris this twenty-seventh day of January, One Thousand Nine Hundred and Seventy-Three, in Vietnamese and English. The Vietnamese and English texts are official and equally authentic.

For the Government of the United States of America: William P. Rogers, Secretary of State.

For the Government of the Democratic Republic of Vietnam: Nguyen Duy Trinh, Minister for Foreign Affairs.

FACT SHEET: FOUR-PARTY JOINT MILITARY COMMISSION

Participants: The four parties to the Agreement.

Numbers of Teams: 1 Central Joint Military Commission—Saigon; 7 Regional Joint Military Commissions; 26 Teams based at localities throughout South Vietnam; Such other sub-commissions, staffs, and teams as Central Joint Military Commission establishes.

Number of Personnel: [Each party contributes one-fourth of the total in each case.]

Central Joint Military Commission, 236.

Each Regional Joint Military Commission, 64.

Each team, 16.

Support and Guard personnel (ceiling), 2,200.

Total ceiling, 3,300.

Functions: To coordinate implementation of those provisions of the Agreement listed in Article 16; to deter and detect violations of those provisions; to carry out necessary observations and investigations; and to be a forum to settle differences.

Voting: Unanimity.

Equipment: The parties may supply it with common means of communication and transport. Each delegation shall have its own means of communication and transport.

Duration: 60 days, except for one team which shall continue as long as necessary to account for missing in action and location of graves.

Provisional Two-Party Commission: Pending the establishment of the Two-Party Joint Military Commission by agreement of the two South Vietnamese parties, the delegations of those two parties to the Four-Party Joint Military Commission shall provisionally carry out the functions of the Two-Party Commission.

[To be signed at the International Conference Center, Saturday morning, Paris time, January 27, 1973]

PROTOCOL TO THE AGREEMENT ON ENDING THE WAR AND RESTORING PEACE IN VIETNAM CONCERNING THE RETURN OF CAPTURED MILITARY PERSONNEL AND FOREIGN CIVILIANS AND CAPTURED AND DETAINED VIETNAMESE CIVILIAN PERSONNEL

The parties participating in the Paris Conference on Vietnam,

In implementation of Article 8 of the Agreement on Ending the War and Restoring Peace in Vietnam signed on this date providing for the return of captured military personnel and foreign civilians, and captured and detained Vietnamese civilian personnel,

Have agreed as follows:

THE RETURN OF CAPTURED MILITARY PERSONNEL AND FOREIGN CIVILIANS

Article 1

The parties signatory to the Agreement shall return the captured military personnel of the parties mentioned in Article 8(a) of the Agreement as follows:

All captured military personnel of the United States and those of the other foreign countries mentioned in Article 3(a) of the Agreement shall be returned to United States authorities;

All captured Vietnamese military personnel, whether belonging to regular or irregular armed forces, shall be returned to the two South Vietnamese parties; they shall be returned to that South Vietnamese party under whose command they served.

Article 2

All captured civilians who are nationals of the United States or of any other foreign countries mentioned in Article 3(a) of the Agreement shall be returned to United States authorities. All other captured foreign civilians shall be returned to the authorities of their country of nationality by any one of the parties willing and able to do so.

Article 3

The parties shall today exchange complete lists of captured persons mentioned in Articles 1 and 2 of this Protocol.

Article 4

(a) The return of all captured persons mentioned in Articles 1 and 2 of this Protocol shall be completed within sixty days of the signing of the Agreement at a rate no slower than the rate of withdrawal from South Vietnam of United States forces and those of the other foreign countries mentioned in Article 5 of the Agreement.

(b) Persons who are seriously ill, wounded or maimed, old persons and women shall be returned first. The remainder shall be returned either by returning all from one detention place after another or in order of their dates of capture, beginning with those who have been held the longest.

Article 5

The return and reception of the persons mentioned in Articles 1 and 2 of this Protocol shall be carried out at places convenient to the concerned parties. Places of return shall be agreed upon by the Four-Party Joint Military Commission. The parties shall ensure the safety of personnel engaged in the return and reception of those persons.

Article 6

Each party shall return all captured persons mentioned in Articles 1 and 2 of this Protocol without delay and shall facilitate their return and reception. The detaining parties shall not deny or delay their return for any reason, including the fact that captured persons may, on any grounds, have been prosecuted or sentenced.

THE RETURN OF CAPTURED AND DETAINED VIETNAMESE CIVILIAN PERSONNEL

Article 7

(a) The question of the return of Vietnamese civilian personnel captured and detained in South Vietnam will be resolved by the two South Vietnamese parties on the basis of the principles of Article 21(b) of the Agreement on the Cessation of Hostilities in Vietnam of July 20, 1954, which reads as follows:

"The term 'civilian internees' is understood to mean all persons who, having in any way contributed to the political and armed struggle between the two parties, have been arrested for that reason and have been kept in detention by either party during the period of hostilities."

(b) The two South Vietnamese parties will do so in a spirit of national reconciliation and concord with a view to ending hatred and enmity in order to ease suffering and to reunite families. The two South Vietnamese parties will do their utmost to resolve this question within ninety days after the cease-fire comes into effect.

(c) Within fifteen days after the cease-fire comes into effect, the two South Vietnamese parties shall exchange lists of the Vietnamese civilian personnel captured and detained by each party and lists of the places at which they are held.

TREATMENT OF CAPTURED PERSONS DURING DETENTION

Article 8

(a) All captured military personnel of the parties and captured foreign civilians of the parties shall be treated humanely at all times, and in accordance with international practice.

They shall be protected against all violence to life and person, in particular against murder in any form, mutilation, torture and cruel treatment, and outrages upon personal dignity. These persons shall not be forced to join the armed forces of the detaining party.

They shall be given adequate food, clothing, shelter, and the medical attention required for their state of health. They shall be allowed to exchange post cards and letters with their families and receive parcels.

(b) All Vietnamese civilian personnel captured and detained in South Vietnam shall be treated humanely at all times, and in accordance with international practice.

They shall be protected against all violence to life and person, in particular against murder in any form, mutilation, torture and cruel treatment, and outrages against personal dignity. The detaining parties shall not deny or delay their return for any reason, including the fact that captured persons may, on any grounds, have been prosecuted or sentenced. These persons shall not be forced to join the armed forces of the detaining party.

They shall be given adequate food, clothing, shelter, and the medical attention required for their state of health. They shall be allowed to exchange post cards and letters with their families and receive parcels.

Article 9

(a) To contribute to improving the living conditions of the captured military personnel of the parties and foreign civilians of the parties, the parties shall, within fifteen days after the cease-fire comes into effect, agree upon the designation of two or more national Red Cross societies to visit all places where captured military personnel and foreign civilians are held.

(b) To contribute to improving the living conditions of the captured and detained Vietnamese civilian personnel, the two South Vietnamese parties shall, within fifteen days after the cease-fire comes into effect, agree upon the designation of two or more national Red Cross societies to visit all places where the captured and detained Vietnamese civilian personnel are held.

WITH REGARD TO DEAD AND MISSING PERSONS

Article 10

(a) The Four-Party Joint Military Commission shall ensure joint action by the parties in implementing Acticle 8(b) of the Agreement. When the Four-Party Joint Military Commission has ended its activities, a Four-Party Joint Military team shall be maintained to carry on this task.

(b) With regard to Vietnamese civilian personnel dead or missing in South Vietnam, the two South Vietnamese parties shall help each other to obtain information about missing persons, determine the location and take care of the graves of the dead, in a spirit of national reconciliation and concord, in keeping with the people's aspirations.

OTHER PROVISIONS

Article 11

(a) The Four-Party and Two-Party Joint Military Commissions will have the responsibility of determining immediately the modalities of implementing the provisions of this Protocol consistent with their respective responsibilities under Articles 16(a) and 17 (a) of the Agreement. In case the Joint Military Commissions, when carrying out their tasks, cannot reach agreement on a matter pertaining to the return of captured personnel they shall refer to the International Commission for its assistance.

(b) The Four-Party Joint Military Commission shall form, in addition to the teams established by the Protocol concerning the cease-fire in South Vietnam and the Joint Military Commissions, a sub-commission on captured persons and, as required, joint military teams on captured persons to assist the Commission in its tasks.

(c) From the time the cease-fire comes into force to the time when the Two-Party Joint Military Commission becomes operational, the two South Vietnamese parties' delegations to the Four-Party Joint Military Commission shall form a provisional sub-commission and provisional joint military teams to carry out its tasks concerning captured and detained Vietnamese civilian personnel.

(d) The Four-Party Joint Military Commission shall send joint military teams to observe the return of the persons mentioned in Articles 1 and 2 of this Protocol at each place in Vietnam where such persons are being returned, and at the last detention places from which these persons will be taken to the places of return. The Two-Party Joint Military Commission shall send joint military teams to observe the return of Vietnamese civilian personnel captured and detained at each place in South Vietnam where such persons are being returned, and at the last detention places from which these persons will be taken to the places of return.

Article 12

In implementation of Articles 18(b) and 18(c) of the Agreement, the International Commission of Control and Supervision shall have the responsibility to control and supervise the observance of Articles 1 through 7 of this Protocol through observation of the return of captured military personnel, foreign civilians and captured and detained Vietnamese civilian personnel at each place in Vietnam where these persons are being returned, and at the last detention places from which these persons will be taken to the places of return, the examination of lists, and the investigation of violations of the provisions of the above-mentioned Articles.

Article 13

Within five days after signature of this Protocol, each party shall publish the text of the Protocol and communicate it to all the captured persons covered by the Protocol and being detained by that party.

Article 14

This Protocol shall come into force upon signature by plenipotentiary representatives of all the parties participating in the Paris Conference on Vietnam. It shall be strictly implemented by all the parties concerned.

Done in Paris this twenty-seventh day of January, One Thousand Nine Hundred and Seventy-Three, in Vietnamese and English. The Vietnamese and English texts are official and equally authentic.

[Separate Numbered Page]

For the Government of the United States of America: William P. Rogers, Secretary of State.

For the Government of the Republic of Vietnam: Tran Van Lam, Minister for Foreign Affairs.

[Separate Numbered Page]

For the Government of the Democratic Republic of Vietnam: Nguyen Duy Trinh, Minister for Foreign Affairs.

For the Provisional Revolutionary Government of the Republic of South Vietnam: Nguyen Thi Binh, Minister for Foreign Affairs.

[To be signed at the International Conference Center, Paris, Saturday afternoon, Paris time, January 27, 1973]

PROTOCOL TO THE AGREEMENT ON ENDING THE WAR AND RESTORING PEACE IN VIETNAM CONCERNING THE RETURN OF CAPTURED MILITARY PERSONNEL AND FOREIGN CIVILIANS AND CAPTURED AND DETAINED VIETNAMESE CIVILIAN PERSONNEL

The Government of the United States of America, with the concurrence of the Government of the Republic of Vietnam,

The Government of the Democratic Republic of Vietnam, with the concurrence of the Provisional Revolutionary Government of the Republic of South Vietnam,

In implementation of Article 8 of the Agreement on Ending the War and Restoring Peace in Vietnam signed on this date providing for the return of captured military personnel and foreign civilians, and captured and detained Vietnamese civilian personnel,

Have agreed as follows:

[Text of Protocol Articles 1–13 same as above]

Article 14

The Protocol to the Paris Agreement on Ending the War and Restoring Peace in Vietnam concerning the Return of Captured Military Personnel and Foreign Civilians and Captured and Detained Vietnamese Civilian Personnel shall enter into force upon signature of this document by the Secretary of State of the Government of the United States of America and the Minister for Foreign Affairs of the Government of the Democratic Republic of Vietnam, and upon signature of a document in the same terms by the Secretary of State of the Government of the United States of America, the Minister for Foreign Affairs of the Government of the Republic of Vietnam, the Minister for Foreign Affairs of the Government of the Democratic Republic of Vietnam, and the Minister for Foreign Affairs of the Provisional Revolutionary Government of the Republic of South Vietnam. The Protocol shall be strictly implemented by all the parties concerned.

Done in Paris this twenty-seventh day of January, One Thousand and Nine Hundred and Seventy-Three, in Vietnamese and English. The Vietnamese and English texts are official and equally authentic.

For the Government of the United States of America: William P. Rogers, Secretary of State.

For the Government of the Democratic Republic of Vietnam: Nguyen Duy Trinh, Minister for Foreign Affairs.

[To be signed at the International Conference Center, Paris, Saturday afternoon, Paris time, January 27, 1973]

PROTOCOL TO THE AGREEMENT ON ENDING THE WAR AND RESTORING PEACE IN VIETNAM CONCERNING THE REMOVAL, PERMANENT DEACTIVATION, OR DESTRUCTION OF MINES IN THE TERRITORIAL WATERS, PORTS, HARBORS, AND WATERWAYS OF THE DEMOCRATIC REPUBLIC OF VIETNAM

The Government of the United States of America,

The Government of the Democratic Republic of Vietnam,

In implementation of the second paragraph of Article 2 of the Agreement on Ending the War and Restoring Peace in Vietnam signed on this date,

Have agreed as follows:

ARTICLE 1

The United States shall clear all the mines it has placed in the territorial waters, ports, harbors, and waterways of the Democratic Republic of Vietnam. This mine clearing operation shall be accomplished by rendering the mines harmless through removal, permanent deactivation, or destruction.

ARTICLE 2

With a view to ensuring lasting safety for the movement of people and watercraft and the protection of important installations, mines shall, on the request of the Democratic Republic of Vietnam, be removed or destroyed in the indicated areas; and whenever their removal or destruction is impossible, mines shall be permanently deactivated and their emplacement clearly marked.

ARTICLE 3

The mine clearing operation shall begin at twenty-four hours (2400) hours GMT on January 27, 1973. The representatives of the two parties shall consult immediately on relevant factors and agree upon the earliest possible target date for the completion of the work.

ARTICLE 4

The mine clearing operation shall be conducted in accordance with priorities and timing agreed upon by the two parties. For this purpose, representatives of the two parties shall meet at an early date to reach agreement on a program and a plan of implementation, to this end:

(a) The United States shall provide its plan for mine clearing operations, including maps of the minefields and information concerning the types, numbers and properties of the mines;

(b) The Democratic Republic of Vietnam shall provide all available maps and hydrographic charts and indicate the mined places and all other potential hazards to the mine clearing operations that the Democratic Republic of Vietnam is aware of;

(c) The two parties shall agree on the timing of implementation of each segment of the plan and provide timely notice to the public at least forty-eight hours in advance of the beginning of mine clearing operations for that segment.

ARTICLE 5

The United States shall be responsible for the mine clearance on inland waterways of the Democratic Republic of Vietnam. The Democratic Republic of Vietnam shall, to the full extent of its capabilities, actively participate in the mine clearance with the means of surveying, removal and destruction and technical advice supplied by the United States.

ARTICLE 6

With a view to ensuring the safe movement of people and watercraft on waterways and at sea, the United States shall in the mine clearing process supply timely information about the progress of mine clearing in each area, and about the remaining mines to be destroyed. The United States shall issue a communique when the operations have been concluded.

ARTICLE 7

In conducting mine clearing operations, the U.S. personnel engaged in these operations shall respect the sovereignty of the Democratic Republic of Vietnam and shall engage in no activities inconsistent with the Agreement on Ending the War and Restoring Peace in Vietnam and this Protocol. The U.S. personnel engaged in the mine clearing operations shall be immune from the jurisdiction of the Democratic Republic of Vietnam for the duration of the mine clearing operations.

The Democratic Republic of Vietnam shall ensure the safety of the U.S. personnel for the duration of their mine clearing activities on the territory of the Democratic Republic of Vietnam, and shall provide this personnel with all possible assistance and the means needed in the Democratic Republic of Vietnam that have been agreed upon by the two parties.

ARTICLE 8

This Protocol to the Paris Agreement on Ending the War and Restoring Peace in Vietnam shall enter into force upon signature by the Secretary of State of the Government of the United States of America and the Minister for Foreign Affairs of the Government of the Democratic Republic of Vietnam. It shall be strictly implemented by the two parties.

Done in Paris this twenty-seventh day of January, One Thousand Nine Hundred and Seventy-Three, in Vietnamese and English. The Vietnamese and English texts are official and equally authentic.

For the Government of the United States of America: William P. Rogers, Secretary of State.

For the Government of the Democratic Republic of Vietnam: Nguyen Duy Trinh, Minister for Foreign Affairs.

FACT SHEET: INTERNATIONAL COMMISSION OF CONTROL AND SUPERVISION

Members: Canada, Hungary, Indonesia, and Poland.

Numbers of Teams:

1 Headquarters—Saigon.

7 Regional Teams.

3 Teams for Saigon—Gia Dinh region.

26 Teams based at localities throughout South Vietnam.

12 Teams at border and coastal points.

7 Teams for return of prisoners.

7 Teams for additional points of entry and general use.

Numbers of Personnel: [Each member contributes one-fourth of the total of each case.]

Headquarters, 108.

Regional Teams, 20 each.

Gio Linh and Vung Tau teams, 12 each.

All other teams, 8 each.

Support personnel, 464.

Total, 1,160.

Functions: To supervise and control implementation of those provisions of the Agreement listed in Article 18, through observation and investigation of violations.

Voting: Unanimity, but must investigate at the request of any one of the parties and must report minority and separate views of its members.

Equipment: Any of the parties may supply it with means of communication and transport, and it may purchase other equipment required for the exercise of its functions not provided by the parties to the agreement.

Duration: Until requested to end its activities by the government formed after the general elections provided for in Article 9 (b).

PEACE AT LAST

(Mr. FUQUA asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FUQUA. Mr. Speaker, this Nation should join in a prayer of thanksgiving and resolve. It should be a period of thanksgiving that this conflict is ending and our prisoners of war will be returned to their long suffering loved ones and our missing in action accounted for.

There is no jubilation nor dancing in the streets as there was after World War II, a conflict we thought would end all wars. Perhaps this means we have matured as a people and have learned a lesson so we will never again engage in such a tragedy.

The details of the settlement are not clear, but somehow they must include all of Indochina if there is truly to be the peace for which we pray.

We must now move in the spirit of nonpartisan determination to fully define the powers of the Executive to send our defense forces into armed conflict. This is essential if we are not to repeat the mistakes of the past and I fully believe that we will have the support of the President in this endeavor.

Finally, if the world has learned that there is a brotherhood of man that transcends nations and governments and we truly achieve peace, then perhaps the sacrifice which so many brave young Americans have made will not have been in vain.

FORESTRY INCENTIVES ACT OF 1973

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, the first session of the 93d Congress faces an unusually complex and broad challenge. The range of issues and problems demanding action by the Members of this body is immense. A sense of urgency is evident throughout—including real concern over the great need to enhance and protect our priceless natural environment.

My purpose today is to discuss an important opportunity to strengthen the Nation's forestry programs in a way which can be of immense value in the years to come. I propose follow-on legislation to the very much needed Public Law 92-288 which was enacted last year.

Prompt action and strong support by the Members of the House in the case of that multipurpose forestry program showed that many of us have a deep awareness of the vital importance of the renewable forest resources on which our Nation must rely.

It was very obvious that the highly successful cooperative wildlife protection program under the Clarke-McNary Law of 1924 should not continue to be constrained by the low dollar ceilings on Federal participation that was set many years ago. Similarly, we saw that it was time to remove the inadequate limits set more than 20 years ago on Federal participation under the Cooperative Forest Management Act of 1950. In the latter case we also recognized and met the need to broaden the scope of the law to include technical assistance in protecting and establishing trees and shrubs which are needed to enhance the environmental quality of urban areas and communities. Unanimous support by the Congress last year paved the way for urgently needed, intensified, and broadened Federal participation in funding forest resource protection and technical assistance in forestry and related activities.

Additional legislation now is urgently needed to complement and round out cooperative forestry efforts. This is the bill I am introducing today. I am speaking of a forestry incentive program. This bill is built upon the foundation of time-tested procedures and arrangements between the U.S. Forest Service, and other Federal agencies, State forestry organizations, private landowners, and others. The bill provides renewed emphasis, a broadened scope of activities, and a positive effort toward motivating nonindustrial forest landowners to increase the flow of forest products and benefits from the management and use of the lands they control. The bill will provide a modest investment in tomorrow's forest potential.

The Members of this distinguished body need no reminder of the fact that the public spotlight is on the Nation's forest lands. Never have I seen more intense interest in what is taking place in the woods. Battle lines are drawn between those who would lock up and preserve the forest landscape intact and those who see the need to increase the flow of timber, water, wildlife, and outdoor recreation opportunities to meet the urgent and growing needs of the American citizen of today and tomorrow. To date the debate has centered on the public lands—particularly the national forests. Difficult problems exist and hard decisions must yet be made by the Congress in this regard.

But, happily, there is another side to the coin—another string to our forestry bow, if you will—the nearly 300 million acres of timberland owned by some 4 million Americans. These smaller tracts constitute 59 percent of the Nation's productive forest land base—more than three times the comparable acreage in the great national forest system. These lands already—in the aggregate—produce huge amounts of the pulpwood, sawlogs, and other timber products needed by America's growing economy. However, these small properties are producing at only a fraction of their potential—half less in terms of wood products. In terms of wildlife production, use for hunting, hiking, and other outdoor recreation activities, the fraction is probably even smaller. Natural beauty and watershed protection are examples of additional public benefits that can be substantially increased from these lands.

Protection from wildfires and adequate technical assistance to guide their efforts are now assured. There is, however, one last remaining obstacle preventing many owners of small forest properties from managing and developing their resources in a fully effectual and up-to-date manner. It is the motivation and the funds needed to make the necessary investments. Planting trees, cultural work in established stands, seeding to prevent soil erosion, creating improved wildlife habitat, providing public access for recreational use—these all cost money. Prospective dollar returns on investments to produce benefits to the public frequently are insufficient to induce the landowner to make the necessary additional expenditures. Let us not lose sight of the fact that landowners already are making sizable investments. The purchase price of the land, or income foregone that could come from sale of the land, the annual taxes, and other expenses are borne by the landowner. Frequently there just is not money left over for forest improvement. A program of financial incentives is needed to trigger the forestry investments that can result in major increases in future years in public benefits from these lands. That is what my forestry incentives bill is all about. I consider such incentives justified because the public benefits that accrue from well-tended forest land are significant.

Without going into detail regarding these public benefits let me cite just three examples. National demands for raw materials, including lumber, pulp, and other products are expected to double in the next three decades. Wood, our only renewable natural resource, can fill its share of the needed supply at less cost in energy than substitutes and thus has a lighter impact on the environment. If the supply of forest products is abundant, their relative price levels will be competitive with other materials, and this will have a favorable effect on housing and other costs. The 300 million acres of forest in private, nonindustrial lands can indeed hold the key to the adequacy of future supplies.

As another example, if we are successful in meeting an increased portion of the total timber demand through harvests on these lands, the extreme pressures now falling on public forest lands will be eased. As landowners are motivated to manage and improve the productivity of their forests there should be a significant "tradeoff" that could help achieve the more balanced use and development of the national forests that my good friends in the Forest Service, and others are seeking.

Another obvious benefit from investments is that thousands of idle or semi-idle acres of forest land can be made productive. New jobs will be created in performing the needed cultural, tree planting, and other work in the forests. Employment will be multiplied in the future as the results of this work are translated into more jobs in timber, recreation, and related industries. Rural communities and families can receive a much needed economic boost now and in the years ahead. New jobs also are important, in the stimulus to rural areas which obviously can result and which is a serious need if we are to reverse the unhealthy migration now taking place from rural areas to metropolitan areas.

The need for this proposed incentives program is well established. It has been clearly identified by the U.S. Forest Service and other Federal agencies. According to recent national inventories, millions of acres of nonindustrial private forest land needs reforestation—and almost half of the 300 million acres in these holdings need cultural treatment to improve the growth and quality of the stand and to replace diseased and defective trees. Forest industries, particularly in the South, have spelled out in detail what is needed. Many of my colleagues are well aware of the report "The South's Third Forest"—a comprehensive review of the current and prospective need for forestry incentives in that key region of the country. State foresters and their staff people have long urged action to motivate forest landowners toward making the necessary investments—as well as to protect their lands from wildfire and to manage the resources they have available to work with on the ground. The American Forestry Association and their cooperators in the current "Trees for People" movement are also working hard to shape and encourage a forestry incentives program. The National Association of Conservation Districts is another example of a major organization that has long recognized the need for forestry incentives.

In short these will be strong and widespread support for the approach proposed in the forestry incentives bill. Enactment of this legislation should rank in long-term significance with other milestone forestry laws. It will add to the framework of the cooperation between private, State, and Federal partners that is the hallmark of American forestry.

The essence of the "Forestry Incentives Act of 1973" is encouragement of nonindustrial forest landowners to apply forestry practices that will result in a wide range of public benefits. The primary incentive will be payments or grants of other aid toward installing forestry practices such as tree planting, cultural treatments of existing stands, soil and water conservation treatments, and treatments to improve wildlife habitat and to protect or enhance environmental quality.

State forestry conservation committees will be formed to determine needs, allocate funds by counties, and establish the level of payments appropriate for approved forestry practices installed under the act. Membership will include landowners, the State forester, the Director of the Rural Environmental Assistance program, and others. Private consultant foresters will be invited to be represented. Full use will be made of existing county agricultural stabilization and conservation committees established under section 8 of the Soil Conservation and Domestic Allotment Act.

State committees may elect to allocate Federal funds available to them for cost sharing by using a bid system. If so, landowners contracting to carry out specific practices at the lowest Federal cost per acre or other unit of measure shall have first priority.

In order to safeguard Federal investments, cooperating landowners will be required to maintain the sound practices on penalty of having to refund the payments.

This act is designed and intended to complement and supplement and be coordinated fully with existing related programs. Full use will be made of private firms, agencies, and individuals available and interested in furnishing services and materials needed in the application of practices included in this program.

Mr. Speaker, the Forestry Incentives Act of 1973 is legislation that I am proud to present for consideration by you and our colleagues in the Congress. I know that many Members share my recognition of the needs that must be met. We know that hundreds of thousands of landowners and millions of citizens are deeply interested in growing trees and doing what they can to protect and improve the natural environment. They will support the approach outlined in the Forestry Incentive Act and applaud enactment of this vital new piece of conservation legislation. I urge your consideration and welcome your support.

THE POW'S AND MIA'S OF PAKISTAN

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, concerned people throughout the world have expressed strong interest in the war in Indochina. Many have been critical of the fact that the United States fought back in kind after continued acts of aggression by North Vietnam. That war is winding down. It should speedily be at an end. It occurs to me that those same concerned people will do well to look elsewhere for conditions which should receive attention. There should be widespread indignation over the continued imprisonment of 92,000 Pakistanis by the Government of India more than 1 year after the cessation of hostilities. An estimated 20,000 of these are civilians including women and children, who are innocent of any war acts except the misfortune of being caught in the middle.

India is a signatory to the Geneva Convention which sets forth clearly the proper procedures for the handling and treatment of prisoners of war. India shows no compassion for these unfortunate individuals and amazingly it appears that most of the nations of the world are equally unconcerned. This includes the United States. Only Red China, of all governments, seems to have been outspoken against the policy followed by India in dealing with Pakistani prisoners of war. This makes it all the more difficult to understand why there has not been a more forceful show of interest on the part of the United States about the plight of these prisoners.

The Geneva Convention provides that prisoners taken during hostilities shall "be released and repatriated without delay after the cessation of hostilities." Nowhere does the Geneva Convention allow for the retention of these prisoners and the attachment of prior condition to their release.

Hostilities between Pakistan and India ceased more than a year ago yet India has made no move to free these tens of thousands of human beings. Rather, India has followed the illegal path of attaching political terms to their release. India has told Pakistan it will hold these prisoners as hostages until such time as Pakistan extends formal recognition to the Government of Bangladesh. This is cruelty of the grossest sort.

Many of those being held in illegal bondage by India are innocent children born in the prison camps. Yet India continues to tell these prisoners that, despite the war's end, they will be held until their country meets other conditions beyond those reached at the cessation of fighting.

It is widely reported that those being held in what amounts to political ransom, are being deprived even from sufficient food. Many of them have been shot by the Indians for alleged infractions of prison rules and regulations. Reports of inhuman torture continue to filter from behind the walls of the encampments.

There is no reason imaginable for the continuation of this practice by the Government of India. These 92,000 human beings including civilian men, women, and children, should be allowed to return to their country and their homes in peace. Surely they have suffered more than enough to satisfy the Indians.

Aside from the humanitarian aspects of this question, the issue of the prisoners of war is critical to the quest for peace on the Asian subcontinent. Logic tells us there can be no lasting peace in that troubled part of the world until and unless the Pakistanis are allowed to go free. Logic further tells us the Pakistani Government cannot bow to political blackmail.

I believe our State Department should take immediate steps individually and in company with other nations to exert influence and pressure on the Government of India to bring about the early release of these prisoners.

I include for reprinting in the RECORD a statement from the Chicago Tribune of January 17, entitled, "India Should Free Prisoners of War" and a statement from the Washington Post of January 18 entitled , "Pakistani POW's: The New Forgotten People":

[From the Chicago Tribune, Jan. 17, 1973]

INDIA SHOULD FREE POW's

India, the great hair splitter, should release forthwith the 93,000 Pakistani soldiers still held as prisoners of war a year after the two nations stopped fighting each other. The Geneva Convention of 1949 states that prisoners shall be released and repatriated after the cessation of active hostilities.

India itself proclaimed a cease-fire after the fighting a year ago. A resolution voted by the United Nations Security Council stated that not only a ceasefire but "a cessation of hostilities" prevailed.

In the face of both this record and the Geneva Convention, how can India justify holding Pakistan's soldiers at all—let alone under the deplorable conditions existing?

The reason, an Indian spokesman told The Tribune's Joseph Zullo at the U.N., is that a cease-fire is "not the same as a cessation of hostilities." With respect to the new nation of Bangladesh, Pakistan is "in an attitude of hostilities in suspension." •

To find a semantic difference between "cease-fire" and "cessation of hostilities" requires hair splitting of a high order of skill. To go a step farther and find a difference between a "cessation of hostilities" and a "suspension of hostilities" calls for a virtuosity in word twisting that borders on the dazzling.

It is obvious that India is holding the 93,000—along with 16,000 civilians—as diplomatic hostages. A spokesman for the New Delhi delegation told Mr. Zullo that the Pakistani forces surrendered to the "joint command" of Indian and Bangladesh forces and that their release depends on the acquiescence of Bangladesh. In other words, Pakistan must recognize this breakaway state which has proclaimed independence with India's backing—or it can't have the POWs.

The Geneva Convention says nothing about the recognition of anyone by anyone; it says that prisoners shall be released after the shooting stops. Its intention is clear. Send the soldiers home as quickly as possible.

India is not in compliance with this convention. The stalling would be wrong no matter who engaged in it. It seems especially deplorable when a rule of international conduct is flouted by this self-appointed moral adviser to the world, which has pointed accusing fingers at so many other nations for many fancied wrongs. Here is a real wrong, and the perpetrator has turned strangely blind to the outrage of it.

[From the Washington Post, Jan. 18, 1973]

PAKISTANI POW's: "THE NEW FORGOTTEN PEOPLE"

North Vietnam's determination to hold American prisoners of war, now close to 600, as hostages against a truce or peace settlement has all along been a grim but accepted reality of the Vietnamese conflict and the parallel Paris negotiations. Yet, the assumption always is that these Americans would be released the moment the hostilities involving United States forces in Vietnam have ceased.

Elsewhere in Asia, however, the precept of international law that prisoners must be freed with the cessation of hostilities does not seem to apply: Pakistani military and civilian personnel are still interned by India in POW camps. They remain there today although the latest subcontinent war ended in mid-December 1971, more than 13 months ago.

For all practical purposes, the estimated 92,000 Pakistanis, including approximately 16,000 civilians, captured in the fighting over the emergence of the new state of Bangladesh (formerly East Pakistan), are hostages to the complex and angry politics of the subcontinent and the ever-deep distrust between India and Pakistan.

This indefinite condition of hostage for the largest number of people in foreign captivity since World War II it is tacitly recognized by Indian officials for reasons they privately admit to be overwhelmingly political. Pakistan, of course, has repeatedly charged that its defeated soldiers are India's hostages. But, incredibly, only the International Committee of the Red Cross, which periodically inspects the 53 POW camps under the provisions of the two Geneva Conventions on war prisoners, has openly and insistently demanded the release of the Pakistanis.

Most of the world appears to be conveniently looking the other way, including the United States which, to say the least, was supportive of Pakistan in the 1971 war. The 92,000 Pakistanis are, then, Asia's new forgotten people: the officers and soldiers, the civilian officials and professionals, the women, the children and the babies born in the camps. This general indifference is, presumably, a reflection of the underlying political stalemate in the subcontinent engaging India and Pakistan on one level and the related interests of each of the superpowers on the other.

At this stage, when New Delhi and Washington actively seek to improve their frayed relations and the Nixon administration hopes to expand the detente with Moscow, nobody in this town is prepared to rock the precarious status quo in South Asia by raising the fate of the Pakistani POW's as a major international issue.

In fact, the United States nowadays seems to feel cooler toward Pakistan as it edges toward better ties with India. Pakistani President Zulfikar Ali Bhutto, for one thing, has publicly condemned the United States Christmas bombings in North Vietnam while India kept mum. Even China, an ally of Pakistan, is singularly quiet on the subject of the POWs. Moscow is India's treaty partner and, therefore, uncritical of her. Only Romania, the Communist maverick, has expressed support for Pakistan over the prisoners.

But beyond all these power considerations there remains an array of moral, legal and political questions concerning the 92,000 captive Pakistanis.

The moral question has two aspects. One is the matter of mass atrocities committed by the West Pakistani forces in Bangladesh before and during the independence war. This is perhaps what the outside world remembers the best: The atrocities set off a wave of indignation here and elsewhere. Thus it may be understandable that Bangladesh wishes to punish through trials those responsible for the murders. But it has indicated that at most 1,500 of the Pakistanis now held in India, less than two per cent of the total, may be wanted for such trials.

This raises the obverse moral question: Is it justifiable to hold 92,000 persons indefinitely in prisoner camps (quite aside from the current controversy between India and the Red Cross over proper treatment of the prisoners, the shooting of escapees, the overcrowding of camps and so on) because a tiny minority may be guilty of war crimes? One wonders—at least for the sake of consistency—about the absence of major international outrage concerning the 92,000 captives.

The legal situation seems to be crystal clear, but this is no solace to the POWs. Article 118 of the 1949 Geneva Convention, to which both India and Pakistan are signatories (Bangladesh acceded to it last August), provides that "prisoners of war shall be released and repatriated without delay after the cessation of active hostilities." When the Pakistani forces capitulated on Dec. 15, 1971, the Indian Chief of Staff, Lt. Gen. Jagjit Singh Aurora, formally assured the Pakistani commander that "I shall abide by the provisions of the Geneva Conventions."

On Dec. 21, the United Nations Security Council noted that "a cessation of hostilities prevails." In the Simla Agreement, signed on July 3, 1972, India's Prime Minister, Mrs. Indira Gandhi, and President Bhutto pledged themselves to the "establishment of durable peace in the subcontinent" and instructed their representatives to discuss outstanding problems, "including the questions of repatriation of prisoners of war and civilian internees," before the next summit meeting.

All of the requirements for the release were thus met, but India (which 20 years ago handled the repatriation of the Korean War POWs) now invokes a host of political and security reasons for refusing to free the Pakistanis.

The first reason cited by India is that she cannot release the prisoners without consent of Bangladesh on whose territory most of them surrendered to the joint Indian-Bangladesh command. But the catch in the intricate subcontinental political game is that the Bangladesh Prime Minister, Sheikh Mujibur Rahman, refuses his consent until Pakistan recognizes his new state and until he has made up his mind about the war trials.

The vicious circle in which the POWs are caught extends to Islamabad where Bhutto, fighting hard to convince his rightwing opposition that ultimately Bangladesh must be recognized, insists for his own political reasons that this must be preceded by a personal meeting between him and Mujibur. Bhutto, who released Mujibur from prison late in 1971 and probably saved his life, argues that such problems as Pakistan's responsibility for prewar external debts for projects in Bangladesh should be settled prior to recognition. But Mujibur refuses to meet Bhutto before recognition.

Late last year, Pakistani diplomats at the United Nations privately asked the Indians whether New Delhi would guarantee in writing that the Bangladesh recognition would bring the POWs' release. Diplomatic reports say that the Indian reply was at best noncommittal, Bhutto's letter to Mrs. Gandhi last Dec. 21, proposing a new summit, has not yet been answered and Indian diplomats here are vague as to when such a meeting might be possible.

Finally, Indian officials have begun talking about Pakistan allegedly preparing a "new round" and rearming with "massive" weapons shipments from China. Significantly, they now speak of the POWs in terms of "four-and-a-half divisions of trained troops." A senior Indian official remarked recently: "How can we let such an army go free when Pakistan is again preparing for war?"

Thirteen months after the cessation of active hostilities, the Geneva Conventions and all the precedents notwithstanding the deadlock seems unbreakable and the 92,000 hostages for an unpredictable period of time. International morality, it would appear has seen better days.

PEACE IS FINALLY HERE

(Mr. SIKES asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SIKES. Mr. Speaker, peace is finally here. America's longest war is ending. We will soon be out of Vietnam. Our POW's and at least some of the MIA's will, at long last, come home, ending one of the most tragic chapters in U.S. history.

Many Americans died in Indochina. Others will always bear the scars of war. Family disruptions and the readjustment of returning veterans have been a major factor. It is time to give thanks to the Almighty that all of this is soon to be in the past. There is much to be done at home. There are adjustments to be made here, too—very important ones. But we can now concentrate on our own problems and tomorrow can be a better day for all Americans if we will it so.

Let us face the future and its problems with courage and determination to keep America the home of the free and the land of opportunity for all to seek a brighter promise.

ELIMINATE PRESENT DUTIES ON COPPER IMPORTS TO CURB RISING PRICE OF COPPER

(Mr. GIBBONS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GIBBONS. Mr. Speaker, today I am reintroducing legislation I sponsored in the last Congress which is designed to curb the rising price of copper by eliminating the present duties on copper imports.

All available studies indicate that the United States will continue to be dependent on copper imports for a certain amount of the copper we need for our expanding economy.

Copper prices have been on the increase and, at a time when we are rightfully concerned about price increases, little purpose seems to be served by a continuation of the duties on copper.

In fact, duties on copper imports were under continuous suspension from February 9, 1966, until June 30, 1972. Last year the Ways and Means Committee favorably reported a bill to continue this suspension of duties until June 30, 1973. Unfortunately, Congress did not get around to approving this bill and the copper duties were therefore reimposed on July 1 of last year.

I sincerely hope that early action will be taken on the legislation I am introducing today. I am sure that this action would be of great benefit to our economy and to the American consumer.

I am introducing two bills today. The first, which some may prefer and which is the type acted on by the committee last year, would suspend copper duties for a temporary period. The second, which is under consideration by the Department of Commerce, would eliminate these duties completely.

SAFE SCHOOLS ACT OF 1973

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, I am today reintroducing for consideration by the 93d Congress the Safe Streets Act of 1973, which I originated and first introduced in 1971. I am gratified by the fact that 21 of our colleagues in the House have joined as cosponsors in introducing this proposal, including the distinguished chairman of the Education and Labor Committee, Mr. PERKINS, who was also a cosponsor in the 92d Congress.

In addition, the following Members have so far agreed to cosponsor this measure: Mr. HAWKINS, Mr. HARRINGTON, Mr. EDWARDS of California, Mr. HECHLER of West Virginia, Mr. ROSENTHAL, Mr. HELSTOSKI, Mr. EILBERG, Mr. FUQUA, Mr. WON PAT, Ms. ABZUG, Mr. DE LUGO, Mr. NEDZI, Mr. ADDABBO, Mr. MOAKLEY, Mrs. CHISHOLM, Mr. CORMAN, Miss HOLTZMAN, Mrs. BURKE of California, Mr. MOORHEAD of Pennsylvania, and Mr. BRASCO.

An identical bill is being introduced today in the Senate by Senator EDWARD GURNEY of Florida and Senator ALAN CRANSTON of California, and I am delighted to have their support for this proposal and the support of the other Members of the Senate who, I understand, will be cosponsoring the Senate bill.

No complete statistics on crimes against students, staff, and property in the Nation's schools are available. But in many urban areas particularly there can be little doubt that the incidence and seriousness of crimes in schools has been increasing as fast or faster than in communities generally.

Increased crime in the schools, of course, reflects conditions in the communities schools serve. But despite the particular vulnerability of the schools to crime, and the special importance of preserving civility in the schools, few resources are available to deal with school crime.

In most States, schools have not been included in safe streets—LEAA—planning and funding. Where they have, use of those funds is heavily influenced by local police and law enforcement agencies. While cooperation between schools and law enforcement agencies is certainly desirable, control over school funds constitutes a police involvement that has traditionally been avoided. Similarly, Federal educational assistance funds administered by the Office of Education under existing school aid programs, have not been available for use specifically to deal with crime in the schools. Consequently, school officials, at best, have devised makeshift means of coping with crime. At worst, they have been forced to ignore or try to define away the problem.

The Safe Schools Act would fill this gap by establishing a new category of grants under the Elementary and Secondary Education Act to enable ESEA title I school districts to develop and implement specific provisions to assure full regard for civil rights and to preserve school atmosphere—including, for example, a restriction against use of the funds for any program involving weapons in the schools.

Mr. Speaker, the General Education Subcommittee of the House Committee on Education and Labor held two hearings on this bill in 1971. Those hearings were conducted in New York City and in Boston, and are now in print. Action was not completed on the bill, however, and I am hopeful that the subcommittee and full committee will continue the hearings in this Congress, looking into the problem in other cities around the country, and that it will act favorably on the safe schools proposal. With the Elementary and Secondary Education Act up for review and renewal by the Congress this year, the opportunity for favorable action would appear to be at hand.

Even without Federal funding, a number of school systems are having to begin to take action to deal in a more organized and sophisticated manner with crime in the schools. I am pleased to note, for example, that in New York City it has been announced that the so-called SCAN alarm system will be installed in several schools. SCAN is a silent alarm, using a pen-size ultrasonic transmitter and a master receiver panel, that would permit teachers to give warning of danger to themselves or students. It was developed by NASA as an outgrowth of space technology, and I urged New York City school officials to install it as a deterent to a recent wave of robberies and assaults in the New York City schools.

SCAN is just one example of what could be done in the schools to make them safer and thereby more conducive to learning. But without the kind of Federal help envisioned by the Safe Schools Act, already financially hard-pressed school systems will find it difficult if not impossible to do what can and desperately needs to be done about this problem.

Since it was first proposed, Mr. Speaker, the Safe Schools Act has attracted a great deal of attention and support. An example of the many supportive letters I have received, a section-by-section summary of the bill, and several articles illustrating and describing various aspects of the school crime problem, follow:

Section-by-Section Summary of Provisions—Safe Schools Act of 1973

Section 1. Safe Schools Act of 1973.

Section 2 states several Congressional *findings*. These findings include the entitlement of school children and employees to security in the schools, the necessity of safety from crime for successful learning and teaching, the particular vulnerability of the school community to crime, the need for special techniques for dealing with crime in the schools, the increasing expenditures by school districts for crime control, and the undesirability of diverting educational funds to provide safety from crime.

Section 3 sets forth the *purpose* of the Safe Schools Act of 1973: namely, to provide Federal financial help to local educational agencies in order to reduce and prevent crimes against school children, employees, and facilities.

Section 4 provides an open-ended *authorization of funds* for programs under the Act and stipulates that funds appropriated will remain available for one fiscal year beyond that for which they are appropriated. It further stipulates that no funds may be appropriated where the Office of Education has withheld any other funds from expenditure.

Section 5 sets a minimum *allocation* of funds to each State, and provides for allotment of 50% of all funds to the States on the basis of each State's relative incidence of crime. The other 50% of all funds remain under the jurisdiction of the Secretary (of HEW). Provision is made for reallocation of any sums the Secretary reasonably determines cannot be used by a State.

Section 6 authorizes the Secretary to make *direct grants* with funds remaining under his jurisdiction to local educational agencies, or in some cases other nonprofit organizations or institutions, for the development or implementation of plans to reduce school crime.

Section 7 authorizes particular *activities* under both State and Federal jurisdictions to carry out the purposes of the Act, and lists some general examples, including training and provision of new staff and the retraining of existing staff, provision of special student or employee services, support of community activities, repair or minor alteration of school facilities, acquisition and modernization of equipment, etc. The section provides, however, that no funds under the Act shall be used to pay for *firearms,* other weapons, or chemical agents in the schools.

Section 8 lists several *criteria* for approval of applications for assistance. These criteria include the need for assistance, degree of parent support, degree of protection provided for the civil rights of school children and employees, etc.

Section 9 specifies *information and "assurances"* required to be part of applications for funds. These include a public evaluation of the plan or program for which assistance is requested by a "representative group" of parents of children to be affected. Applicants must also provide assurances that State educational agencies have been consulted, that per-pupil and total educational expenditures have not and will not be reduced, and "such other information as the Secretary (of H.E.W.) may require." Assurance is specifically required from applicants that no discrimination will be practiced against any minority group, and that civil rights, including the right lawfully to petition or assemble to redress grievances, will not be abridged in the schools. Provision is made for joint administration of projects by more than one local educational agency.

Section 10 authorizes special grants for *"model"* or *"demonstration"* programs.

Section 11 specifies *methods of payment* of assistance funds.

Section 12 *defines* terms employed in the Act. Most importantly, crime (as used in the Act with regard to schools) is defined as "any unlawful act or activity, *not including* any violation of any rule, regulation, or code of behavior established by any organization, agency, or institution not enacted into law."

Section 13 provides for the use of up to 1% of the funds under the Act for *evaluation* of its programs and projects.

Section 14 provides for *joint funding* of projects by more than one Federal agency.

Section 15 establishes a twelve-member *advisory council,* called the National Advisory Council on Safe Schools, to review the administration and operation of the Act and make recommendations for improvement.

Section 16 requires a *report* on the administration and effectiveness of the Act as part of the Secretary's annual report to Congress.

Los Angeles City
Unified School District,
Los Angeles, Calif., December 20, 1972.

Mr. Roger Majack,
Administrative Assistant to Congressman Jonathan B. Bingham, 22d District, New York, House Post Office, Washington, D.C.

Dear Roger: I would like to use this means of thanking you for visting with me on my recent trip to Washington, D.C.

Again, our district is most interested in supporting legislation the Congressman might introduce along the lines of the Safe Schools Act of 1972. Attached are materials that I think will describe our current problems to you. You might add it to your file involving the problems you are currently having with the city schools in New York.

I would appreciate your keeping me informed as to ways that I might participate in supporting the Congressman's efforts.

The next time I am in Washington, I will drop by to see you in order to bring you up-to-date.

Best regards,

William L. Lucas.

[From Women's World Detroit, Mich., Nov. 15, 1972]

Crime in the Classroom

(By Barton Reppert)

New York.—Mrs. Benney Boswell's third graders were jotting down their homework assignment when the slender young man entered the classroom. He walked slowly toward the teacher. One hand held a plastic bookbag: the other was jammed in his jacket pocket.

Mrs. Boswell looked up expecting an inquiry. There was none. "Please check in at the principal's office," she told the youth politely. His reply was calm but:

"There are a lot of children in your class. Walk behind your desk and sit down. If you move I'll blow your brains out."

Quickly, the man, who was about 20, dumped the books from the plastic bag, replaced them with the teacher's purse and fled.

It was over in moments and the terrified Mrs. Boswell of Public School 161 in Harlem had become one of 15 teachers robbed during a two-week period in New York City Schools last month. Most of the incidents happened in full view of school children; the takes ranged from $1 cash to $3,000 in jewelry.

The sudden upsurge of robberies against teachers—two were reported in September—has provoked cries of outrage from city officials, teachers and parents alike and demands for intensified security in the schools.

"We were positively terrified," said a 27-year-old woman teacher, recalling how she and a colleague were robbed while they lunched in a classroom at another Manhattan school. "If there were a policeman around the school building all the time we would feel better."

The teachers are plainly angry and calling for strong action. During a meeting at Richmond Hill High School in Queens, where a teacher fought off two teen-aged robbers, one teacher drew cheers with a declaration it was time "to knock heads, make arrests, get rid of the garbage."

They have been joined by their union, the United Federation of Teachers.

"Elementary schools are like candy boxes—easy to get into and full of goodies," said Edward Muri, a member of a special joint UFT-Board of Education team studying school disruptions.

While high schools and junior highs now have a 400-man security force, the system's 650 primary schools generally have relied on makeshift security arrangements, with teachers, school aides and parent volunteers—nearly all women—assigned to check in visitors, supervise lunchrooms and patrol entrances.

In response, the school system has accelerated steps to hire and train 1,200 unarmed security aides, at a cost of $6 million, for assignment mainly to elementary schools.

School authorities also are seriously considering the use of color-coded photo identification cards to help weed out intruders, as well as the issuing to teachers of pocket-sized silent alarm devices initially developed for an experimental electronic security system at a Sacramento, Calif., high school.

The New York City school system has long been plagued by such incidents as corridor shakedowns, gang fights, rapes and knifings. And it is not the only major American city facing the problem. But because of its size—1.2 million pupils—its problems are perhaps more glaring.

Board of Education files show that the total of "untoward incidents," as school officials prefer to call them, increased from 333 during the 1970 calendar year to 580 in 1971. Through September of this year, there were 642 reported incidents.

Factors contributing to the apparent rise in school crime, school officials say, include widespread drug trafficking, a resurgence of youth gangs, proliferation of weapons—particularly handguns—among students, and lack of enough alternate facilities to handle unmotivated, uncooperative, potentially disruptive pupils.

Also aggravating the situation is a truancy rate of about 60,000 students a day, with many incidents blamed on truants barging into other schools to victimize younger pupils.

Officials say the general trend of school violence within the past three years has shifted away from outbreaks during group confrontations—over student demands for black and Puerto Rican-oriented courses, a stronger voice in school affairs and other reforms—toward an increase in individual, often vicious assaults, usually student against student.

Roughly 80 to 85 per cent of the reported incidents occur in high schools and junior highs. But the board's records indicate that conditions at some elementary schools are not always placid. Teachers have been robbed, assaulted by pupils and beaten by angry parents.

Officials in several other large cities indicated serious concern over school security, but said teachers had not been faced with classroom holdups comparable to the series in New York this month.

In Philadelphia, Frank Sullivan, the teachers union president, said: "There have been instances of people coming in from the outside and either threatening or harming a teacher. But I don't recall robbery as a motive."

"We don't have anything like the New York situation and I certainly hope it doesn't spread," he said.

Authorities in Washington said school violence has subsided.

"We still have problems but the situation has changed drastically," said William Simmons, president of the Washington teachers union. "We only rarely have to call police into the schools."

In Los Angeles, the Board of Education, reacting to a rash of incidents this year involving weapons, recently passed a resolution authorizing administrators to suspend and even expel students found carrying deadly weapons in or around schools. The upsurge of incidents, according to a board spokesman, appeared to stem from increased friction among youth gangs.

[From the Long Branch (N.J.) Daily Record, May 18, 1972]

SAFETY AT SCHOOL CONCERNS PARENTS

LONG BRANCH.—The safety of children in the Long Branch school system was called a "grave situation" during a spirited debate at a Board of Education meeting.

Reports of teachers being attacked by students, students assaulting and brutally beating up one another while arriving and leaving school, in classrooms, lavatories, hallways, stairways and the playground were made known.

Parents of assaulted children or representatives sent by parents who fear reprisals for their children appeared before the board to request that the schools be made a safer place for children to learn.

Frederick Errico, representative of the North End Community Council and a spokesman for two parents whose children were assaulted said, "Judges have let the situation go too far by letting children go free with no admonition; teachers have not exercised the proper authority; parents have not done their duty."

He added, "Schools, churches, the police department, and parents—leave the liberals out—and get together and do something before someone is killed."

Errico offered to represent parents wishing to make known any incident in which their children were accosted.

Board President Seymour Greenspan said he met with the Mayor and City Council asking for assistance.

He has requested and received permission from Mayor Cioffi to provide police protection during the arrival and departure of the students and noted that, "If we need uniformed and armed guards on watch, then we will have them."

He enumerated measures enacted in the school to protect the safety of the children:

There are corridor aides and guards within the halls of the school.

Staggered sessions have gone into effect and lunch periods have been reduced to prevent time for loitering.

Disciplinary action has been taken toward the instigators in assaults.

Additional study programs have been instituted to offer more educational inspiration to students.

Although these steps have been effected to prevent further outbreaks, Greenspan feels that, "apparently they are not adequate."

He urged that all incidents be reported to a teacher, principal, superintendent or board member so that prompt action may be taken.

He added that informants will remain anonymous so that children will not be reprimanded by other students for reporting the incident.

Greenspan said, "There's a part for everyone of this community in this issue and we all have to play our part."

He called for united action to solve the problem and expressed hope that all parents would get together and discuss the problem at hand.

Greenspan pointed out that this is not just a problem in the school. "It is a problem with parent-children relationship, teacher-students relationship. It is a whole city problem, a court problem, and as a result, a school problem, he said.

Agreeing with the president was a resident who wishes to remain unknown. He said, "It stems from a too free life; a too easy life for children today.

"But the problem at hand is in the realm of the Long Branch school system which must be dealt with now, suggested the parents.

They said they will make known all incidents which threaten their childrens safety and Greenspan said, "We will do everything we can."

[From the Los Angeles Times, Nov. 21, 1972]

SCHOOL VIOLENCE MUST BE HALTED, RILES SAYS—SOME CAMPUSES IN STATE HAVE BEEN TURNED INTO "HALLWAYS OF FEAR," OFFICIAL REPORTS

(By Jack McCurdy)

Some California schools have become "hallways of fear" and must be rid of an increasing tide of violence, state School Supt. Wilson Riles told 200 persons at a conference on school tensions here Monday.

The meeting called by Riles was held in conjunction with his task force on school violence, which had been appointed previously to find ways to reduce conflicts on school campuses.

Assembled at the Naval and Marine Reserve Center for the conference were student representatives, police officials, school administrators and community workers.

Riles said the problem of attacks on teachers and students is not limited to any geographical area or ethnic group.

He said he doubted that recent campus violence is a revival of the "blackboard jungle" atmosphere in New York schools 20 years ago, but added, "I'm not willing to wait around and find out."

Riles said his task force will meet with other groups around the state and report to him within six months on recommendations ranging from possible legislation to new programs in the state Department of Education, which he heads.

[From the Los Angeles Times, Oct. 11, 1972]

SCHOOL BOARD EXPECTED TO OK TOUGH NEW GUN CONTROL RULES—PRINCIPALS WILL BE ENCOURAGED TO CONSIDER SUSPENSION OF ANY STUDENT FOUND CARRYING WEAPONS ON CAMPUS

(By Jack McCurdy)

When students come to school armed with handguns in the Los Angeles district, they might be suspended. But then again, they might not.

That has been the unwritten policy—to deal with gun possession in the way which seemed most effective to school people on the spot.

Now, under a tough new policy expected to be adopted by the Board of Education Thursday, principals will be encouraged to seriously consider swift suspension—followed by possible expulsion—when students are discovered carrying weapons on campuses.

"Our thinking changed," said Associate Supt. Jerry Halverson, "because of the tremendous increase in possession of guns at schools."

Incidents involving guns at schools jumped more than 100% this year, he said.

Principals will still exercise their own judgments, but alarm is in the air and the message is clear: crack down in hopes of curbing a dangerously violent trend in the Los Angeles schools.

Police and school officials agree that the upsurge of campus trouble is the spillover of increased "gang" activity in communities surrounding schools, particularly in the predominantly black South-Central Los Angeles area.

One parent reportedly told a school official that she encouraged her child to carry a weapon as protection against threats from gangs.

The increase in gang warfare has been building for nearly two years, but there is no clear indication why it is moving on to school campuses at this moment, Sheriff's Lt. Kenneth Smith said.

"There's not just more gang violence but a large increase in the severity of assault—more killings," said Smith, commander of a special unit which deals with juvenile gangs.

A 16-year-old boy was slain near Locke High School Monday and three suspects were later arrested at the school, 325 E. 111th St., after a car containing the dead youth's assailants was reportedly seen by witnesses turning into the school parking lot.

It was the third slaying attributed to gang activity in a four-day period in the area.

Halverson said the new policy on gun possession was recommended to the school board after a sampling of city schools showed an increase of more than 100% in incidents of students carrying weapons.

Supt. Johnston told the board Monday that there were 83 such incidents between last February and June, compared with 40 just since school started Sept. 12.

Exact figures comparing like periods for 1971 and 1972 will be available in a few days, Halverson said.

The 1971–72 school year was the first in which the district has kept records on such activities, he said.

There were 280 reports of assaults with deadly weapons on campuses, including 125 involving students against students, 95 of students against teachers and 44 of students against security officers or police.

Among these, 17 involved the use of guns—15 against students and two against teachers.

School officials felt this was not too bad considering there are 131 junior and senior high schools and a grand total of 625 schools in the district.

"Gun statistics were not very high and what we were doing last year seemed to fit the needs of individual schools and students." Halverson said.

"We didn't have an upsurge and where the need was obvious to call police and remove a student, that was done."

But the sudden jump in incidents caused a rethinking.

"We found (in discussions with principals) that in many cases where guns or other weapons were carried on campuses, there were no suspensions or expulsions," he said.

Principals, Halverson explained, felt in many instances they could best handle an individual problem through parents or counseling, rather than the more severe penalty of suspension.

"Where there was a case of a youngster found with a knife or some other weapon for the first time," he continued, "it was not the feeling that we had to take as strong a measure as we intend now, simply because there was no great use of the weapon."

But in view of what Halverson called a "tremendous increase in gun possession with an apparent increase in use," Johnston and school board members "felt we had better nail down a tougher policy."

Halverson said "we felt we really had to do something."

He said school officials hope "the crackdown will filter to parents and students." The new policy is as much for their consumption as for local school people, he added.

Lt. Smith said it is difficult to tell just how much gang activity has increased because police do not receive reports of all incidents, either from private persons or schools.

He said that while a number of semipermanent, organized gangs do operate in the area, much of the violence is carried out by small groups of youth which form up only on occasion and then disband.

The severity of the problem, however, is due largely to wider use of factory-made guns, rather than weapons such as "zip guns."

The proposed new school policy states the possession of any deadly weapon described in the state Penal Code on school campuses "constitutes a threat of violence" and "is the basis for immediate suspension and a request (by school officials) for expulsion" by the board.

[From the San Francisco Progress, Nov. 1, 1972]

No Ready Answers on School Violence

(By Carol Pogash)

San Francisco's school administrators are appalled by the series of student stabbings that have occurred in the junior and senior high schools over the last several weeks, but, they say, they're not too sure what they can do about them.

More supervision? Every incident in recent weeks has occurred under close adult supervision.

Policing? The police have been commended for the cooperation and their immediate response. But no school administrator has proposed a cop for every school or a system of daily frisks.

Punishment? Well, maybe. At the Nov. 14 School Board meeting Superintendent Steven Morena is expected to ask for the expulsion of six students involved in various acts of violence over the last few weeks. (Only one student was expelled last year.)

But Morena who says he is "deeply distressed" by the latest rash of incidents, is quick to admit that he has no airtight solution to the problem.

Within a period of two weeks one student was killed by another student (a friend) at Woodrow Wilson High School; four students were stabbed by other students at Lowell High School; one student was stabbed by another at Luther Burbank Junior High; and two old-fashioned fights at Everett Junior High and at Lincoln High School both resulted in serious injury to students.

One incident began over a domino game lost to a girl. The teasing ended in death. Another began as a racial argument between two boys. Several days later four students were stabbed.

School administrators say the incidents are unrelated. And by all accounts they are right. But the incidents do have certain factors in common.

All occurred under close supervision either on the school playground, in the cafeteria or just outside the classroom.

Two of the incidents were preceded by counseling sessions the day before and were thought to have been settled.

All incidents occurred in isolation and thus far have not resulted in any continued feuding.

Not one racial group can be singled out. The incidents involved whites, blacks, Filipinos and a Latino. Although at Lowell and Luther Burbank, Filipino students stabbed students of other races.

Most of the incidents were the culmination of verbal arguments lasting over several days.

All five incidents involved boys between the ages of 14 and 18 (although one girl will be recommended for expulsion for carrying a loaded gun to school).

The schools where the incidents occurred quickly returned to normalcy.

Neither Morena nor any other school administrator is sure why the old fashioned fist fight has been escalated to knife stabbing.

But, according to Robert Figone, the man in charge of the students after they have committed acts of violence, "Things are no worse this year than they were last year."

In fact, the students interviewed at Woodrow Wilson say things have gotten a lot better. In the last year, they say, school spirit has grown and a conscientious principal has made them feel closer to the administration of their school.

Asked whether they think the incidents have racial overtones, the students at Wilson give an emphatic no.

"It was just one incident here of black against black. It's not going to happen again," one black teenager replied.

At Lowell the comments were less reassuring. Every student questioned believed the incident at Lowell did have racial overtones.

"It didn't begin that way. But a guy brings his friends into the conflict and eventually it gets to be a racial dispute," said one young student.

Do Lowell students expect another incident? "No," said one student, who added, "Remember, this is Lowell." School spirit at Lowell never has been a problem.

Asked why the old time solution of a fist fight and bloody nose no longer will suffice, the Lowell students had varying responses. Said one June graduate, who observed the school from his yellow sports car parked just outside, "Guys don't want to lose a fight. With knives you know you can't lose."

Commented one Chinese girl, "Killing doesn't seem so bad any more. The same violence that goes on outside school now is carried into school." Said another thoughtful girl on her way home, "Television violence is to blame. My brother's been watching a lot of TV and now he's got an admiration for switch blades."

At Lowell, as well as at Woodrow Wilson, students say they are disturbed by the incidents but believe they are no more than isolated happenings. And by early this week, students at both schools said they had all but forgotten the violent stabbings at their schools that occurred barely two weeks ago.

[From Parade magazine, Sept. 24, 1972]

The Young Vandals Who Are Wrecking Our Schools

(by Margo Tupper)

It's a cool spring morning of a school holiday in a quiet Maryland suburb. Johnny, a blue-eyed, blond 6-year-old, rises from the breakfast table and tells his mother that he's going to the playground. In her bedroom he finds of pair of nylon stockings, which he stuffs into his pockets. Next, he takes a pair of wire clippers and a hammer from the basement, and puts them inside his jacket.

BREAKS WINDOW

Johnny walks purposefully to his school and pauses near a low window at the back of the building. He hurls his hammer at the window, and the glass shatters. Slipping the stocking onto his hands to prevent fingerprints, he climbs through the jagged hole.

He uses the clippers to shear a wire on the school alarm box. Then he skips upstairs to the library, where he scatters books, empties files, tears index cards, and smashes phonograph records. With his hammer he batters, desks, chairs and typewriters.

But the cut wire did not put the alarm out of order. When Johnny leaves the building, he is met by a security officers, who summons the boy's mother. Since he is too young to be charged with an offense, his mother takes him home.

Johnny is not an isolated case. All over the country, school vandalism by very young children is on the rise. Many of the culprits come from affluent families. "It seems that the better the schools, the more vandalism occurs," sighs Roy Hostetter, security supervisor for the Montgomery County, Md., school system.

LOSS IN MILLIONS

It's impossible to say just how much money school vandalism costs the American taxpayer each year, but informed estimates range from 200 to 500 million dollars. Even these staggering figures are probably on the low side, because so many episodes go unreported. And they don't take into account indirect costs, resulting fom time lost from school, or skyrocketing insurance rates.

Small children who smash school property for a lark are often more destructive than older youngsters who steal for resale. Here are some examples of what pre-teenaged vandals have done:

Ft. Lauderdale, Fla. Two brothers, aged 9 and 11, entered a brand-new, $2.2 million junior high school. Armed with a golf club and a long, single-edged hunting knife, they smashed windows, slashed upholstery, and battered and overturned typewriters and business equipment. They also sprayed walls, furniture and musical instruments with fire extingushers and paint. Asked why they had done it, one replied: "Just for something to do."

Washington, D.C. Three boys—two aged 6 and 7—broke into Parkland Day Care Center on three successive weekends. They killed rabbits, hamsters and guinea pigs, splashed paint on walls and furniture, and opened food, which they threw on the floor or simply left to spoil. Later, they returned with their mothers and helped clean up the mess.

Wichita, Kans. Three children, aged 5, 6 and 12, broke into their school by forcing a lock and set a fire resulting in $4000 worth of damage. Ten days later the same trio set another fire in a different part of the building. The damage this time: $6000.

Houston, Tex. Children forced their way into the Sherman Elementary School and wrecked the kindergarten rooms by throwing paint, breaking toys and play equipment and smashing the television set. At nearby Sharpstown Elementary School, youthful vandals weren't content with breaking nearly every window in the building. Afterward, they set the school on fire.

Not only is vandalism on the increase, but more and more of the vandals are girls. The reason, according to a recent report by the U.S. Department of Health, Education and Welfare, may be "their changing attitude toward society and society's changing attitude toward them. Instead of the passive role assumed by girls in the past and society's protective role toward them, girls are becoming more aggressive and more independent." In Cincinnati, Ohio, for instance, a girl student started a fire in a storage closet at Burdette Elementary School, causing $100,000 in damage and shutting the school down for a month. "We have over 100 public schools in Cincinnati," laments school security chief Frank G. Bornhoffe. "Records show that not one has escaped damage from vandalism."

What can be done about the problem?

PREVENTIVE STEPS

Several communities have launched anti-vandalism campaigns. In Compton, Los Angeles, where vandals destroyed $350,000 worth of school property during the past fiscal year, officials have set up a special phone number for reporting youthful culprits to the police without fear of reprisal. In hard-hit Flint, Mich., the Mott Foundation joined with the Board of Education to create a Police School Cadet Program, whereby potential troublemakers—underachievers, children from broken homes, disruptive pupils—are encouraged to meet policemen and learn about law enforcement. The program, which is part of a "community school concept" fashioned by the Foundation and the Board of Education, is credited with reducing substantially the incidence of juvenile delinquency among pre-teens.

Another approach is to design the schools differently. Nationally known school architect Stanley Arthur reports that some cities are asking for windowless school buildings, although these have been criticized for creating a penal atmosphere. A few schools, Arthur says, are considering installing indestructible iron toilets, of the kind used in many prisons. Toilets are a favorite target of young vandals, who wrench them from their moorings, or set fire to the seats.

FEDERAL FUNDS ASKED

In Congress, Rep. Jonathan B. Bingham (D., N.Y.) has introduced legislation to "assist school districts reduce crime against children, employees, and facilities in the elementary and secondary schools by providing financial assistance for the development and implementation of locally approved school security plans." Bingham's own district has experienced its share of vandalism. Earlier this year, youthful arsonists set a $200,000 fire in P.S. 3 in the Bronx, and then, while the building was being repaired, set a second fire which cost $20,000 more.

Most important of all, perhaps, is the need to awaken the public to the dimensions of the crisis. "Vandalism is not recognized by the majority of school officials as a problem," complains James A. F. Kelley, assistant director of the International Association of Police Chiefs. "Schools must learn to approach the situation in a realistic manner and not hide the facts. They should let the community, parent groups, police and Congress know just how serious vandalism has become."

Above all, experts agree, we must stop viewing vandalism as childish prankishness. Kid stuff it's not.

CEASE-FIRE IN VIETNAM

(Mr. BINGHAM asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, we are all thankful that there is to be a cease-fire in Vietnam and that our long-suffering prisoners of war are to be released and brought home. We rejoice with them and with their families. And we rejoice with the people of Vietnam, North and South, that at long last, after many years of agony, the shooting and the bombing, the killing and the maiming will stop.

We must also compliment Dr. Henry Kissinger and his negotiating team, along with their counterparts from North Vietnam, for the skillful and ingenious way in which they have solved a great many difficulties. Some of the solutions are reminiscent of the world of "Alice in Wonderland," but never mind. The important thing is that innumerable difficulties have been overcome.

But in our euphoria, let us not blind ourselves to the fact that the agreements leave many questions unanswered. The biggest question is, what happens if the agreements break down and fighting resumes in South Vietnam?

My own judgment is that this will not happen during the period immediately ahead. Because it is clearly in the interest of Hanoi that all American forces be withdrawn from Vietnam, I believe Hanoi will meticulously fulfill its obligation to release American POW's and to provide the required accounting for the missing in action.

I profoundly hope that the remainder of the agreement will be carried out, that the internationally supervised cease-fire will hold for as long as necessary, that the Vietnamese parties will be able to reach agreement on the anticipated elections, and that these elections will be held and will lead to true reconciliation between the Vietnamese parties that have been waring for so long.

If these things do happen, I hope that the U.S. Government will provide generous assistance to the Vietnamese, North and South, to help them rebuild their country and bind up the wounds. President Nixon, both directly and through his spokesman, has indicated that this is his intention, as it was the late President Johnson's, and I hope that the Congress will recognize and implement our country's obligations in this regard.

But I must concede that I am profoundly pessimistic as to the future of Vietnam beyond the 60-day period for withdrawal of U.S. forces and release of prisoners.

It seems to me almost inconceivable that opposing parties in Vietnam will be able to agree on the procedure for the proposed elections, or even on the purpose of such elections. With South Vietnam fragmented into scores of areas occupied and controlled by hostile forces, I foresee gradually increasing violence. At some point, whether it be 3 months from now, or 6 months, or a year or 2 years, I am afraid there will be full-scale fighting again, and the agreement will have broken down.

There were ominous overtones in the President's address last night suggesting that the United States intended to police the agreement, to "see to it," as he said, that the agreement was carried out.

Let us face it, there is only one way for the United States to police the agreement, and that is by being prepared to send its forces back into Indochina and its planes back to the bombing runs.

This, I am convinced, the American people do not want. And I believe the Congress must take steps to see that it does not happen.

What, it may well be asked, will be the result if the agreement breaks down and the United States does not intervene? The answer is clear: It will then be up to the Vietnamese, all of them, to work out their own problems. And that is what we should have allowed them to do many years, and many thousands of lives, ago.

TRANSCRIPT OF AN INTERVIEW BETWEEN THE HONORABLE CARL ALBERT, SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND CONGRESSMAN LESTER WOLFF

(Mr. BRADEMAS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, I believe that one of the most important contributions to the current discussion of the respective roles of the President and the Congress is to be found in a recent interview between the Honorable Carl Albert, Speaker of the House of Representatives, and our colleague Congressman Lester Wolff.

Therefore, Mr. Speaker, I would like to include at this point in the Record the transcript of this interview, in order that it might be available to all of the Members.

Transcript of an Interview

From the television studios of the United States House of Representatives in Washington, D.C., this is "Ask Congress." And this is the Speaker of the United States House of Representatives, Carl Albert, who is beginning his second term as Speaker of the House. And I'm Congressman Lester Wolff of New York. "Ask Congress" is a public affairs program designed to bring you, the viewer, a close-up look at our country's legislators as they discuss the issues that are of vital concern to every American. Today we are indeed privileged to welcome the Speaker of the House to our show. Speaker Albert has served in the Congress since 1947. And prior to his election as Speaker two years ago, he served as the Majority Whip and the Majority Leader. Today we will be talking with the Speaker about his plans for the 93rd Congress . . . including his views on Congressional Reform, the Impounding of funds by the Executive, and the reassertion of Congressional authority.

A MANDATE FOR A DEMOCRATIC CONGRESS

Speaker Albert, it's indeed a pleasure to have you here on "Ask Congress" today.

The Speaker. Thank you Congressman Wolff, it is a pleasure to be with you.

Rep. Wolff. Mr. Speaker, President Nixon received an overwhelming vote from the American people, yet they re-elected a Democratic Congress. Do you consider this a mandate to the Congress?

The Speaker. Yes I do—to this extent—I believe that the programs that the Congress put through in the last Congress and the preceding Congress (a Democratic Congress), are in line with the thinking of most Congressional districts. I campaigned in 17 Congressional districts just 2 weeks before the election, and most of the Members for whom I campaigned—some of them new Members—were elected. There was no question but what there was a feeling that they should be elected. The people separated for the first time in Congressional and Presidential races.

Rep. Wolff. Most people split their vote.

The Speaker. I think we have a mandate to go ahead with a progressive program here in the House.

Rep. Wolff. It's been said, Mr. Speaker, that the President intends to virtually emasculate all those programs of the previous Democratic Congress. Will you permit something like this to occur?

The Speaker. Not if I can prevent it. I think that we are heading toward a Constitutional crisis in this regard. Already, we are seeing states joining together. The State of Missouri, for instance, has filed a lawsuit in the impounding of highway funds. School funds have been impounded. Health funds have been impounded. The President pocket-vetoed a $30 billion HEW bill. We have all sorts of things—we had $10 billion impounded when we started the fiscal year. We passed an $18 billion water purification act. He impounded $6 billion of the funds from that bill after we had overriden his veto. So, I think we are headed for a real crisis.

Rep. Wolff. A question that has been sent to "Ask Congress" that I'd like to pass on to you relates to this. This person says, "There has been a great deal of comment of late that Congress has become the "unequal branch" of the federal government, and that the President has usurped many of the powers that were ordained in the Constitution to be handled by the Congress. Do you agree with this criticism? And if you do, will there be any action in the Congress to regain some of that power—and in what areas?

VOCATION OF THE SPIRIT OF THE CONSTITUTION

The SPEAKER. Well, of course, I think the spirit of the Constitution has certainly been violated by the Administration. I have served with several Presidents, and I have noticed a tendency on the part of several of them to try to build up the presidency even though most of them have served in the Congress prior to going to the White House. This to me is a strange phenomenon. President Nixon is one of those. He is trying to concentrate all the power—not in his cabinet which has been set up by the Congress and pursuant to provisions in the Constitution—but in a shadow Cabinet, a little White House Cabinet, a few little people. Just ask anybody in the street. How many people know Henry Kissinger compared to Bill Rogers, the Secretary of State. I'll bet you twenty times as many people recognize the name of the President's Personal Foreign Affairs Advisor as recognize the name of the Secretary of State, which is the oldest and most famous of the Cabinet positions.

Rep. WOLFF. And these people; many of them do not require Congressional or Senate approval.

ABUSE OF EXECUTIVE PRIVILEGE

The SPEAKER. They don't require any. No. And you can't call them in. They won't come. The President will claim his immunity if you call in these people who are his personal aides.

Rep. WOLFF. What about this question of Executive privilege. I know that in our committee we have tried to get various people from the Administration to appear before our committee. We tried to get Mr. Kissinger on our Foreign Affairs Committee as you know, and we weren't able to. We got him to come to an informal breakfast. Do you think Congress will move to either force the appearance of various people or in some way move to gain information which it does not have at the present time?

The SPEAKER. Yes, I do. A lot of thought is being given to the subject of making it a violation of the law for individuals not to appear on a Congressional summons. Whether that will stand the tests of the courts or not, that will have to be seen. I don't know.

Rep. WOLFF. Well, wouldn't our subpeona power give us the opportunity of calling in these people?

The SPEAKER. Well, we can try it. Yes, I would think so, and I think that we may have to do that. After all, what good does it do if we are going to legislate the authority for say the State Department or any other Department of government. Here you've got a super cabinet and you've got a shadow cabinet—that's what it amounts to. And what good does it do if we don't get the information from those who really have the basic information and the basic contact with the President and the basic authority.

Rep. WOLFF. Mr. Speaker, there have been people that have been critical of the idea that this Congress, just because of the fact that this is a Republican President and the Congress is a Democratic Congress, has come into a head-long clash with the President on political lines alone. Would you think that's true?

The SPEAKER. No, I don't think that's true. I think a trend started in the Roosevelt Administration that has carried on the building up of the Executive because of emergencies. We've had one emergency after another starting with the Depression. We've had three wars, and emergencies tend to build up the presidency. And I'd like to add this about the presidency. The American presidency is the nearest thing we have to inheriting the monarchy from England. We were a country that was under a monarch. We looked to one man through the generations. All of our ancestors had. So here we come along.

The President really is the Chief Executive of the country and the Commander in Chief of the Armed Forces. And he's a coequal branch of the government. But what actually has happened—and the press and the media are partly responsible for this; and the people's heritage is partly responsible for this—he is looked on as the nation's leader as the one man in the country who should have all the power. It's amazing. It doesn't matter who the President is, how strong he is, he's going to be number one to the average citizen.

Rep. WOLFF. There was talk, Mr. Speaker, that this Senate might try to end the emergency powers that have been given to the President. Do you think there is any chance of that?

The SPEAKER. I think there is a chance of it. I think there's a better chance in the Senate than in the House.

THE ORGANIZATION OF CONGRESS

Rep. WOLFF. Mr. Speaker, every time the Congress gets organized it seems to take an almost inordinate amount of time. Why is it that it takes so long for the Congress to get organized in a new session?

The SPEAKER. Well, first of all, I think you have to divide the sessions into different types. Every first session is more difficult to organize than the second session. The second session is just a continuation of the first session; so next year there will be no problem comparatively. Then, the Presidential Inauguration Year throws a lot of additional duties in, and a lot of extra time has to be spent by Members of Congress. We've got all of that this year. We had to count the electoral votes, we've got the inauguration coming, we've got the State of the Union Message coming up. We have all of these things which take the time of the leadership and the time of other Members of Congress. Then we've got more retirements than we have had in some Congresses this time.

That starts a musical chair operation on everything from the assignment of rooms to the Committee assignments. Now that we have activated the Caucus, something we have done within the last 2 or 3 terms of Congress, we have to have an extra meeting on everything. We have to have a Caucus as well as a Floor meeting. And on the Committee assignment operation, now they've added the leadership to that and given that responsibility along with the Committee on Committees to the leadership and the Ways and Means Committee. We have to have meetings to assign Members.

These have to be approved by Caucus. Then they have to be approved by the House. It just takes a long time. Sometimes you have individuals to deal with. You have some people who have authority over a certain area under the rules or the practices or given to them by the Caucus, and that individual just doesn't happen to move as fast as the leadership wants him to. That's one of the things. New Members come in—with housing, etc., they have their problems. There are all sorts of things to deal with.

Rep. WOLFF. That doesn't mean that the Congress stops, however. You continue to work.

The SPEAKER. The Congress is busy. I've never been busier. I won't be any busier any time this year than I've been since we've met.

LEGISLATION IN THE 93D CONGRESS

Rep. WOLFF. I can imagine, Mr. Speaker, that in your position, you certainly would be. Mr. Speaker, what legislation are you likely to consider first in the 93rd Congress?

The SPEAKER. Well first I'd like to say one thing because it relates back. I have recommended, and a resolution has been introduced, to study the Committees. This is not legislation, but it is in the nature of legislation. Our Committees haven't been studied since 1946. So, I am going to ask that that be done. Now we have mandatory legislation. There's nothing we can do about it.

We've got to take certain bills up. One is the HEW Appropriation Bill. It was vetoed. It's $30 billion. It's got Health, Education, Welfare, and it's got nearly half of the civilian budget in that one bill. And it expires February 28. We've got other bills that expire at that time, so we've got to take those bills up first. And then we have a number of bills that expire on June 30 that we have to take up before then—like the Debt Limit. We have to raise the debt limit.

The Temporary Debt Limit is $465 billion, the permanent is $400 billion, so we have to get it back up or we won't have money to operate. We cannot cut back the deficit from $465 to $400 billion the next 2 or 3 months. And we have the highway bill which was bogged down and a number of others. Most of what we will be doing early in the session, between now and say April, is passing bills that are expiring that are big bills . . . Appropriation Bills. Elementary and Secondary Education expires July 30 of this year. If we don't pass a bill between now and then we have a flop over bill for next year, but then we're out of business. With President Nixon in the White House and his attitude toward these things, Lord only knows what will happen to these programs.

Rep. WOLFF. Mr. Speaker, the President has been critical of the Congress for over-spending. And he says that this is the one area where there's going to be a great conflict. Do you feel that the Congress has been overspending, or has it been a mis-direction . . .

The SPEAKER. Let me tell you this. There hasn't been a year since President Nixon has been in office that the Congress hasn't appropriated less money than he has asked for. We give him less than what he asks for. He spends all the money that is spent. The Congress spends very little. We only spend the money that we use to operate the Hill; which is just a drop in the bucket of the total amount of money spent by the federal government.

The trouble is that he spends the money where he wants to spend it, over-spends it where he wants to spend it, and he impounds money that we think is necessary. It's not a difference in expenditure, it's a difference in priorities that has caused him to criticize the Congress. He thinks if we spend what we think we ought to spend on Education that we're over spending. We appropriate it, but he doesn't spend it. Who's doing the spending? We don't spend money.

Rep. WOLFF. Where do you think our priorities for this Congress lay?

The SPEAKER. Well, I think the top priority from the standpoint of the long pull is to try to re-establish the position of the House and the Senate—the Congress—in the government, because I think every other problem hinges on how effectively we are able to do that job. Of course, you have people who for political reasons are going to go with the President on that issue right here in the House and in the Senate. I think that is top priority item as a job we've got to do. I think we've got to put our own house in order. And we've done some things along that line and are doing more. We're going to do more. We are still living in the pre-World War II days in a lot of areas of Congressional Operation and we ought to take a look.

That's why I have said that we are trying to get a committee set up, and why the Caucus is looking into various aspects. The Hansen Ad Hoc Committee and others are looking into these things. Then I think priorities should go to those things that affect the American people. I personally put a top priority on health and education of our people. I think we've sadly neglected housing, and I think housing and a lack of adequate housing programs—we didn't get a housing bill last year, this is a major thing—all of these things lead to other problems such as race problems and things that could be solved if they were properly taken care of in advance.

Rep. Wolff. As someone who comes from not an urban area, particularly, you have mentioned many of the urban problems. Does that mean that there's going to be direct emphasis. . . .

The Speaker. These are national problems. Any problem that affects New York City affects Oklahoma. Any problem that affects Agriculture affects New York City, the price of food and the quantity of food. And this is a single country. More single than it ever was because our communication, our transportation, all of those things have changed the nature of this country. Whether you live in a city, whether you live in a suburb, whether you live in town, whether you're a rural area resident, you are a part of the same country. And you're close enough to the rest of it to get there within a matter of hours.

Rep. Wolff. Do you foresee any tax reform legislation in this session?

The Speaker. Yes, I do. The first order of major business the Ways and Means Committee has announced they will consider is tax reform. I hope we do get a tax reform bill. I think there is some difference between the Administration and the Committee as to whether that should take priority over trade reform, but I think tax reform is the first item. I doubt if we'll have a tax increase bill this year unless the budget gets out of balance quite a bit more than it is.

Rep. Wolff. Do you expect that the minimum wage will be raised this year?

The Speaker. Yes, I think it will. It would have been raised last year, but we got tied up into a situation where the House passed one bill and the Senate passed another bill, then some of the Members announced that they were going to take the Senate bill, and the House started instructing, and we got bogged down in the differences between the authors of the bill in the House and their own desire actually to pass the Senate bill. I don't know which bill we'll pass, but we will raise the minimum wage this year.

Rep. Wolff. What priorities do you think the House or the Congress will have regarding the question of Health Maintenance and National Health Insurance?

The Speaker. Well, I hope we make some progress in this area. I would say that it has top priority. I would put it equal to any other area. We must do something about the rising cost of health care in the United States. If you belong to a family (I'm using the impersonal you.) which is average in their income level, with plenty to live on, but not among the really wealthy, and sickness strikes, I don't care how much insurance you've got, the whole family will be knocked out of commission if they have a long illness by one of their members. It's absolutely a tragic thing.

Rep. Wolff. Of course, there are a variety of plans that have been offered.

The Speaker. Yes, I know.

Rep. Wolff. And I imagine we'll be working to sift through those plans to come up with what you and the Congress consider to be the best for the American people.

The Speaker. Right.

FREEDOM OF THE PRESS

Rep. Wolff. Mr. Speaker, there has been a great amount of comment and controversy of late over the question of freedom of the press and the ability of the press to actually do their job under certain restraints that have been placed upon them. How do you feel about this?

The Speaker. Well, I feel that freedom of the press is as basic as the right to representative government in the United States. We couldn't be a democracy if we didn't have freedom of the press.

And I think Congress owes it to the press to make its proceedings as available as possible, and I think the White House owes it to the press. I think the President should speak to the press more than he does lately. I'm beginning to question the wisdom of the lame-duck President theory that came into being because Roosevelt had served more than two terms. Is the President going to be available to the press, and are his men going to be available to the press? I understand that certain people at the White House have been instructed not to say anything about certain areas of the operation of the government. Now, this seems to me to be unfair not only to the press but to the American people which is what is really important.

Rep. Wolff. Of course, too, there is the point of the licensing procedure in television and radio which we are now bearing on and the use of veiled threats not to renew licenses unless a particular station or group of stations go along with the Executive line. Here again . . .

The Speaker. Of course, that's a dictatorship. That really is. That's something that if it happens—actually happens—the proper oversight committees of the Congress should move in immediately . . .

Rep. Wolff. Do we have the power in Congress to do anything about this?

The Speaker. I'm sure we do. I would think that the renewal of licenses for a television or radio station just for political reasons would come close to being a crime.

THE STATE OF THE UNION MESSAGE

Rep. Wolff. Mr. Speaker, the President has decided to send his State of the Union Address to the Congress rather than deliver it as is the President's habit in the past. Do you see any significance in this at all?

The Speaker. Well, I don't think it really makes much difference this year. I hope this is not a precedent, though. The President never subjects himself to questioning by the Congress. That's historic. He doesn't subject himself to questioning by the press when he comes up here. So, we'll have the same message, but I think it would be helpful to the country if he delivered it. I don't think it will make a big difference to the Congress really.

Rep. Wolff. On the question of the Congress and the new Congressmen; we have a goodly number of new Members. Have you been able to meet with them, and how do you appraise them?

The Speaker. I know all the new Democrats. I don't know all the new Republicans. We're still early in the Congress and I haven't had much chance to meet people on the Republican side of the aisle. I have met all the new Democrats and I don't think I was ever more impressed by a new group than by this new group of Congressmen that we have on the Democratic side this year. And they are from all sections of the country.

A HARD WORKING 93D CONGRESS

Rep. Wolff. Congress has also been critized as being somewhat of a Tuesday to Thursday Club over the years. All I know is the fact that I've been here 8 years and I haven't found that we work from Tuesday to Thursday. For the most part we've been working most of the week. Will that be a process that you will continue? In other words, will the Congress work the full week?

The Speaker. We've announced our program. We've announced that every other Friday is a working Friday. Every Monday is a working Monday unless it's a holiday. Then we have only minor business. But we have consent calendar and private calendar alternating Monday and Tuesday and District Day. We have something every Monday. The only question whether we're going to meet five days a week or six days a week, as far as I'm concerned, is do we have the business for the Congress to do, and will the committees get the work out?

Rep. Wolff. Well, I'm sure you'll give us plenty to do, Mr. Speaker, in the year ahead. There are many problems we face. I am certain that we will meet our responsibility in facing them. I am happy to have had you here appearing with us on "Ask Congress" today, but unfortunately, our time is up. I want to thank Speaker Carl Albert for joining us here on "Ask Congress" and for giving us the benefit of his expertise.

REHABILITATION ACT OF 1973

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, on January 3, I joined the gentleman from Kentucky, the distinguished chairman of the Committee on Education and Labor, Mr. Perkins; the gentleman from Minnesota, the ranking minority member of the committee, Mr. Quie; the gentlelady from Hawaii (Mrs. Mink); and the gentleman from Idaho (Mr. Hansen) to introduce H.R. 17, the Rehabilitation Act of 1973, a measure identical to that vetoed by President Nixon after the 92d Congress had adjourned.

The Rehabilitation Act of 1973 would extend the present programs of aid to States for vocational rehabilitation of the handicapped, and would provide special services for the severely handicapped, including persons with serious kidney disease and persons suffering from spinal cord injury.

You will recall, Mr. Speaker, that this bill was passed unanimously by both the House and the Senate in the 92d Congress, and we hope that it will continue to enjoy the wide bipartisan support it received in the past.

I include in the Record at this point, Mr. Speaker, a list of colleagues who have since January 3 joined in sponsoring the Rehabilitation Act of 1973:

Rehabilitation Act of 1973 Cosponsors

Carl Perkins, John Brademas, Albert Quie, Patsy Mink, Orval Hansen, Bella Abzug, Joseph Addabbo, Bill Alexander, Herman Badillo, Alphonzo Bell, Tom Bevill, Mario Biaggi, Jonathan Bingham, and Edward Boland.

David Bowen, Frank Brasco, Herbert Burke of Florida, Phillip Burton, Charles Carney, Frank Clark, Bill Clay, James Cleveland, Silvio Conte, John Conyers, James Corman, Lawrence Coughlin, Paul Cronin, George Danielson, and Mendel Davis of South Carolina.

James Delaney, John Dellenback, Frank Denholm, John Dingell, Robert Drinan, John Duncan, Don Edwards of California, Joshua Eilberg, John Erlenborn, Marvin Esch, Dante Fascell, Walter Fauntroy, Walter Flowers, and William D. Ford.

Edwin Forsythe, Donald Fraser, Henry Gonzalez, Ella Grasso, William Green of Pennsylvania, Gilbert Gude, John Hamerschmidt, Julia Butler Hansen, Michael Harrington, James Hastings, Augustus Hawkins, Ken Hechler, and Henry Helstoski.

Floyd Hicks, Chet Holifield, Elizabeth Holtzman, James Howard, William Hungate, Harold T. Johnson of California, Jack Kemp, Edward Koch, Peter Kyros, Robert Leggett, Manuel Lujan, Mike McCormack, and Stewart McKinney.

Torbert Macdonald, Ray Madden, Spark Matsunaga, Wiley Mayne, Romano Mazzoli, Lloyd Meeds, John Melcher, Ralph Metcalfe, Parren Mitchell of Maryland, John Moakley, Robert Mollohan, and William Moorhead of Pennsylvania.

Charles Mosher, John Moss, Bill Nichols, James O'Hara, Claude Pepper, Jerry Pettis, Peter Peyser, Bertram Podell, Melvin Price of Illinois, Charles Rangel, Ogden Reid, and Don Riegle.

Peter Rodino, Robert Roe, Benjamin Rosenthal, Dan Rostenkowski, Edward Roush, Edward Roybal, Paul Sarbanes, Patricia Schroeder, John Seiberling, Robert Steele, William Steiger of Wisconsin.

Gerry Studds, James Symington, Frank Thompson, Charles Thone, Robert Tiernan, Joseph Vigorito, William Widnall, Lester Wolff, Wendell Wyatt, and Gus Yatron.

Mr. Speaker, those of us who labored on this measure last year found our belief in its necessity vindicated by the unanimous bipartisan support it received in the 92d Congress.

Those of us sponsoring the measure in the 93d, Mr. Speaker, continue to believe it is sound and necessary and, therefore, hope that Congress will act on it early in this session.

COMPREHENSIVE OLDER AMERICANS SERVICES BILL

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, on the first day of the 93d Congress, together with the gentleman from Kentucky, the distinguished chairman of the Committee on Education and Labor (Mr. Perkins), I introduced the comprehensive older Americans services bill, a measure identical to the bill vetoed by President Nixon after the 92d Congress had adjourned.

This measure amends the Older Americans Act of 1965 and provides increased funds to States for a variety of services directed at special problems of the aged, including transportation, nutrition, recreation, housing, and employment programs.

The comprehensive older Americans services bill, Mr. Speaker, enjoyed wide bipartisan support in the last Congress, and the list of Members who have joined in cosponsoring the measure indicates that support will continue in the 93d.

Mr. Speaker, you will recall that this measure was passed unanimously by both the House and the Senate in the 92d Congress.

I include in the Record at this point, a list of colleagues who have joined in sponsoring this measure:

Comprehensive Older Americans Services Act Amendments Cosponsors

John Brademas, Carl Perkins, Bella Abzug, Joseph Addabbo, Brock Adams, Bill Alexander, Frank Annunzio, Herman Badillo, Tom Bevill, Mario Biaggi, Jonathan Bingham, Edward Boland.

David Bowen, Frank Brasco, Herbert Burke of Florida, James Burke of Massachusetts, Phillip Burton, Charles Carney, Frank Clark, Bill Clay, James Cleveland, Silvio Conté, John Conyers, James Corman, Paul Cronin.

George Danielson, Mendel Davis of South Carolina, James Delaney, John Dellenback, Frank Denholm, John Dent, John Dingell, Robert Drinan, John Duncan, Don Edwards of California, Joshua Eilberg, Marvin Esch.

Dante Fascell, Walter Fauntroy, Hamilton Fish, Walter Flowers, L. H. Fountain, Don Fraser, Bill Frenzel, Ella Grasso, William Green of Pennsylvania, Henry Gonzalez, Gilbert Gude, John Hammerschmidt.

Julia Butler Hansen of Washington, Michael Harrington, Augustus Hawkins, Ken Hechler, John Heinz, Henry Helstoski, Floyd Hicks, Chet Holifield, Elizabeth Holtzman, William Hungate, Harold Johnson of California, Walter Jones of North Carolina.

Robert Kastenmeier, William Keating, Jack Kemp, Edward Koch, Peter Kyros, Robert Leggett, Jerry Litton, Mike McCormack, Stewart McKinney, Torbert Macdonald, Ray Madden, William Mailliard.

Spark Matsunaga, Lloyd Meeds, John Melcher, Ralph Metcalfe, Joseph Minish, Patsy Mink, Parren Mitchell of Maryland, John Moakley, Robert Mollohan, William Moorhead of Pennsylvania, Charles Mosher, John Moss.

John Murphy of New York, Morgan Murphy of Illinois, Lucien Nedzi, Robert Nix, David Obey, James O'Hara, Wayne Owens, Claude Pepper, Peter Peyser, Otis Pike, Bertram Podell, Melvin Price of Illinois.

William Randall, Charles Rangel, Thomas Rees, Ogden Reid, Donald Riegle, Peter Rodino, Robert Roe, Fred Rooney of Pennsylvania, Benjamin Rosenthal, Dan Rostenkowski, Edward Roush, Edward Roybal.

Paul Sarbanes, John Seiberling, Robert Steele, Robert Stephens, Gerry Studds, James Symington, Frank Thompson, Jr., Charles Thone, Robert Tiernan, Lester Wolff, Wendell Wyatt, Gus Yatron, Bill Young of Florida.

Mr. Speaker, my colleagues and I continue to believe the comprehensive older Americans services bill is sound and necessary legislation and, therefore, hope that Congress will act expeditiously on it in this session.

DEDICATION OF MARY E. SWITZER BUILDING

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, on January 16, 1973, I was privileged to attend the ceremony marking the dedication of the south building of the Department of Health, Education, and Welfare as the "Mary E. Switzer Memorial Building." I am pleased to say that the naming of this building after the late Miss Switzer was authorized by legislation sponsored by the distinguished Senator from Minnesota, Hon. Hubert H. Humphrey, and me.

Mr. Speaker, when Mary Switzer ended her career in the Federal Government in 1970, this truly remarkable individual was completing 48 years of public service, spanning an era of unprecedented change in the development and delivery of social services—change which Mary Switzer both observed and of which she was a principal catalyst.

A LONG CAREER OF PUBLIC SERVICE

A native of Newton, Mass., Miss Switzer graduated from Radcliffe College in 1921 and began her Federal career the following year as a junior economist with the Treasury Department. At the time of her retirement, she had risen to the position of Administrator of the Social and Administrative Services within the Department of Health, Education, and Welfare, the first Director of this agency, which is responsible for welfare and social programs with a budget exceeding $8 billion annually.

But as early as 1934, Mr. Speaker, Mary Switzer had demonstrated her lifelong concern with health care and the delivery of medical services when she assumed the position of Assistant to the Assistant Secretary of the Treasury Department, who had supervisory responsibility for the U.S. Public Health Service.

When the Public Health Service was transferred in 1939 to the Federal Security, the forerunner of the Department of Health, Education, and Welfare, Mary Switzer became Assistant to the Administrator with special responsibilities for public health and the rehabilitation of the handicapped.

For her work during the Second World War in improving scientific policies and projects in support of the war effort, she received the President's Certificate of Merit, the highest wartime award available to civilians.

The postwar years, Mr. Speaker, presented rehabilitation in America with new challenges and new opportunities, and Mary Switzer was in the forefront of the rehabilitation movement demanding adequate attention and services for the Nation's handicapped.

She was a member of the President's Scientific Research Board, which produced the widely acclaimed series of reports, "Science and Public Policy."

In 1950 she was named Commissioner of the Vocational Rehabilitation Administration, the Federal-State program for rehabilitation of the handicapped, a position which she held through the difficult years of the creation of the Department of Health, Education, and Welfare, and during a period of intense demand for rehabilitation services in America.

In December 1951, Miss Switzer was appointed by President Truman to the Commission on the Health Needs of the Nation, the Magnuson Commission, which generated major new public awareness of the problems of handicapped and crippled Americans.

During her tenure as Commissioner of the Vocational Rehabilitation Service, Miss Switzer made sweeping changes in the rehabilitation program and her recommendations to the Department of Health, Education, and Welfare, and to the Congress, resulted in vastly expanded and improved services to the disabled, as well as new training programs to provide the specialists required for rehabilitation programs.

I would be derelict, Mr. Speaker, if I did not also bring to the attention of my colleagues the *significant* international role Mary Switzer played in the course of her life's work.

In 1960 she instituted an international rehabilitation research program, demonstrating, yet again, an interest that extended back to her undergraduate studies at Radcliffe in international affairs, and to her participation in international conferences leading to the development of the World Health Organization.

In 1969, Mr. Speaker, in recognition of her outstanding contributions to the international understanding of rehabilitation problems, Mary Switzer was elected to the position of Vice President of the World Rehabilitation **Fund.**

A GREAT ADMINISTRATOR OF THE SOCIAL AND REHABILITATION SERVICE

But the undoubted high point of Miss Switzer's career was her assumption in 1967 of the position of Administrator of the new Social and Rehabilitation Service with responsibility for all of the new major welfare and rehabilitation services of the Department of Health, Education, and Welfare, and a mandate to administer them in a new, more effective, direction.

As Administrator of the Social and Rehabilitation Service, she carried out the largest administrative responsibility of any woman in Government and supervised the expenditure of over $8 billion in Federal programs for the aged, the poor, children, youth, and the disabled.

Mr. Speaker, although a powerful "bureaucrat," as she often referred to herself, Mary Switzer never forgot the people for whose benefit those programs were created. On many occasions when testifying before the Education and Labor Committee, Miss Switzer, when asked questions regarding budgetary matters and positions of administrations she served—and she served during the administrations of eight Presidents—would look committee members in the eye and say that we all knew how she felt and would then elaborate, often defying dictates from the Bureau of the Budget, the present Office of Management and Budget. For this courage she gained the respect of both Democrats and Republicans.

Her deep commitment to the welfare of others earned her the tribute of former Secretary of Health, Education, and Welfare Arthur Flemming who called her "one of the 10 career civil servants who has rendered the most to the Nation throughout its entire history."

In 1970 Mary Switzer retired from Government service, and the following year passed away at the George Washington University Hospital, 71 years after her birth in Massachusetts.

A FITTING TRIBUTE

In naming the south building of the Department of Health, Education, and Welfare, the Mary E. Switzer Memorial Building, Congress has added a new honor to those Mary Switzer received during her lifetime, honors that included the President's Certificate of Merit, which I have already mentioned, the Department of Health, Education, and Welfare's Distinguished Service Award, the Albert Lasker Award, and the National Civil Service Award, to mention just a few.

On January 16, 1973, Mary E. Switzer became the first woman to have a Federal building named after her.

And today, as I think of what one might say about this extraordinary woman, I recall some lines she wrote shortly after she began organizing the Social and Rehabilitation Service.

Said Mary Switzer:

> Today, the success of vocational rehabilitation owes much—perhaps all that is distinctive in the program—to the principle that the serving person gives himself to the served: he thinks first of the disabled person as a human being in need of something and, in the giving of that something, the giver receives even more, to store up for the next cycle of sharing.

Mr. Speaker, Mary Switzer was a "giver" to her fellow human beings, and the honor which we now pay to her memory through the naming of this HEW building after her is only a small token of appreciation from those of us who must carry on her work.

At this point, Mr. Speaker, I would like to insert copies of several of the items from the dedication ceremony, including the address by the Secretary of Health, Education, and Welfare, the Honorable Elliot L. Richardson, and Mr. John D. Twiname, Administrator, Social and Rehabilitation Service.

The items follow:

The Mary E. Switzer Memorial Building, Department of Health, Education, and Welfare

DEDICATION CEREMONIES—JANUARY 16, 1973

Named by Act of Congress In Memory Of Mary Elizabeth Switzer, February 16, 1900–October 16, 1971.

"Her many constructive accomplishments live on in tribute to her full life, and will enrich our society for a long time to come"—Richard Nixon.

"Her creative Federal service during almost half a century was devoted to providing new horizons and new hopes for America's disabled and disadvantaged people"—Elliot L. Richardson.

PROGRAM

Prelude Music

Master of Ceremonies—Mr. John D. Twiname, Administrator, Social and Rehabilitation Service.

Presentation of Colors—Joint Armed Forces Color Team.

The National Anthem—The United States Marine Band.

Invocation—Mother Bernadette D'Lourdes, O. Carm.

Introduction of Distinguished Guests

Remarks—The Honorable Elliot L. Richardson, Secretary of Health, Education, and Welfare.

Unveiling of Memorial Plaque—Secretary Richardson, Miss Ann Switzer and Mr. Arthur Switzer.

Remarks—Miss Ann Switzer.

Remarks—Mr. Twiname.

Closing Music.

Recognized as the moving force of a quiet revolution, Mary E. Switzer brought about changes that vastly improved services to America's disabled, to the needy and disadvantaged, to children and youth, and to the aged.

As Commissioner of the State-Federal program for rehabilitating the disabled from 1950 to 1967 and Administrator of Federally supported social and rehabilitation programs from 1967 until her retirement in 1970, Mary Switzer brought to the public service a rare combination of administrative skill and personal warmth.

Under her leadership, research was launched to find better ways of serving people. Training was established to provide the professional and technical skills needed in social and rehabilitation programs. Improved methods were applied to rehabilitate the disabled and the disadvantaged. International cooperation was expanded to enable all nations to share in advancements in rehabilitation and allied fields.

Mary E. Switzer is remembered as an administrator who earned respect, a public servant who won affection, and a champion of people everywhere in need of a helping hand.

Address by the Honorable Elliot L. Richardson, at the Dedication of the Mary E. Switzer Memorial Building

I am very grateful for the opportunity, while still at the Department of Health, Education and Welfare, to participate in this ceremony. As I have said to many of you before, my own service in the Department has always been inspired by the friendship and the example of Mary Switzer. I cannot think of any occasion in which I would feel a greater sense of personal involvement than in the dedication of this building to her memory.

She was a person whose creative Federal service was devoted to providing new horizons and new hopes for the disadvantaged and the vulnerable of America. It is the fondest dream, I am sure, of all of us here today to spur a fresh appreciation of her great accomplishments and a wider understanding of her desire to do all that could be done, as she put it, "to restore lost hopes as well as lost physical capabilities."

MISS SWITZER'S YEARS OF PUBLIC SERVICE

Mary Switzer was—I am proud to note, for any of you who don't know it—a native of Massachusetts. She joined the Federal service more than a half century ago, shortly after her graduation from Radcliffe. Her entry into the field of social and rehabilitation matters came during her early years in the Treasury Department, which then, oddly enough, supervised the U.S. Public Health Service. When that unit joined the newly established Federal Security Agency in 1939, Mary Switzer became Assistant to the Administrator, with special concern for public health and vocational rehabilitation services. Her work in this capacity during World War II won her the President's Certificate of Merit, the highest wartime civilian award. She was named head of the newly established State-Federal rehabilitation program in 1950, a position she held until she became the first Administrator of HEW's Social and Rehabilitation Service when it was formed in 1967.

Miss Switzer retired from Federal service in 1970 to become Vice President of the World Rehabilitation Fund. She had for many years been involved in international health and rehabilitation activities. Right after World War II, she served as United States representative during the conferences leading to the establishment of the World Health Organization. That experience led her to organize an international rehabilitation research program in 1960. Her resourcefulness helped work out the counterpart fund arrangement which supports the valuable program of international research and training.

Mary Switzer's years of public service spanned an era marked by unprecedented growth and major change in social and rehabilitation programs. Her strong personality, her energy, her drive, her charm, her humor, were together and in appropriate combinations key factors in helping to evolve and expand Federally financed programs for millions of people in need of services. She was a prime architect of the Vocational Rehabilitation Act of 1954. She expanded a program that in 1950 was rehabilitating barely more than 50,000 disabled persons a year and only some 200 mentally retarded to a quarter of a million a year, of whom 25,000 are mentally retarded, 8,000 blind and many severely disabled. Her vision brought about the National Technical Institute for the Deaf, the National Theater of the Deaf, the National Center for the Deaf-Blind and numerous other programs for severely disabled individuals. She increased the Federal budget for rehabilitation more than 20-fold in her years of service, but she brought back many times that amount in taxes, in respect and in love.

Under Mary Switzer's guidance, the Social and Rehabilitation Service was established and began to simplify procedures for needy people to obtain public assistance and other services. She led the drive to unify social, welfare and rehabilitation components in a meaningful way for all persons in need of services.

"A SENSE OF PERSONAL COMMITMENT"

Her philosophy expressed a short time before her death was that "the most valuable asset," and I'm quoting her words, "that any staff member in our bureaus can possibly have is a sense of personal commitment—a sense of identification with the cause they are serving and some recognition of the fact that they have to give a little more in those programs than has to be given in programs that do not involve direct relationships with people. The larger we become and the farther away people in Washington get from the places where service is given and the people that we are in business to serve, the more difficult it becomes to preserve this person-to-person feeling, this sense of personal commitment. And, as time goes on, unless we watch it carefully, the kind of people who will perform our tasks will not be people who are primarily interested in persons who are in trouble."

Mary Switzer devoted her whole heart and mind year after year to making HEW the true Department of the people. She was a genuine, a tireless champion of handicapped and vulnerable Americans. In honoring her, we honor a remarkable human being, a magnificent woman, for most of us here a true and inspirational friend who knew to the very fiber of her being that it is indeed better to light a candle than to curse the darkness.

At a retirement party for Mary Switzer in 1970, David Hayes, Director of the National Theater of Deaf, referred to her help to that particular disadvantaged group. He said: "Thanks to Mary, the dark silhouette of an entire people is being illuminated." Our fondest dream—and one I am sure she would support—is that this newly constituted Mary Switzer Memorial Building can forever continue to focus the conscience and understanding of all Americans on the illumination of that "dark silhouette."

REMARKS BY JOHN D. TWINAME, ADMINISTRATOR, SOCIAL AND REHABILITATION SERVICE, HEW, AT THE DEDICATION OF THE MARY E. SWITZER MEMORIAL BUILDING

We had an informal name for this building when Mary Switzer and her staff moved here from the North Building a little more than three years ago—some employees threatened to put a sign over the door with the inscription 'Switzerland." This new formal name is more fitting and appropriate, however.

Let me tell you a few of the building details. This plaque in brass is a model of two identical bronze plaques which are being cast to go into the lobbies of each of the main entrances of the building. I hope many of you will take an opportunity after the ceremony to go into the West Lobby and take a closer look at this plaque and the other exhibits on display. In addition to this building dedication plaque, there is an artist's rendering of another bronze plaque we are having made to describe Miss Switzer's career, a temporary exhibit of mementos presented to her during her lifetime, and an exhibit showing how this building is being changed to make it more accessible to persons with various types of physical handicaps.

The changes in the building were going on right up to the close of business yesterday, although all of us inside had to come out on the street a little after four o'clock. I felt Mary's mischievous spirit in my bones at that time. We were having a planning meeting when the fire alarm went off—and it was no routine fire drill because the alarm was accompanied by the sound of no less than seven engines that drew into this street to put out a basement fire in our publications room. I thought it might be part of our program to cut down on paperwork, but someone else suggested it was just a warm-up for this ceremony today, which kicks off a week of subsequent events and festivities.

I do, however, want to tell the general services people that I was worried until yesterday about them getting this plaque here. Yesterday, I began worrying about having a building here to go with the plaque. In any event, renovation now will go on in an even more serious way.

AN APPROPRIATE BUILDING

This renovation program started under Miss Switzer's direction, and various public facilities—drinking fountains, pay telephones, ramps to the doors, and so forth—were adapted for handicapped employees. We want renovation to be not just the naming of a building, but the making of a model of how existing buildings can be modified to end discrimination against handicapped employees.

We are planning a number of additional modifications to make this building as free as possible of architectural barriers. We have formed an employee committee, of which Mrs. Frances Curtis is a member, to recommend further changes. We will be working with the General Services Administration, which is cooperating in the venture.

The employee committee, furthermore, is working with personnel and examining personnel practices so we can go further and eliminate as well attitudinal barriers to the employment of handicapped people in this building. We want it to be truly a living memorial to Miss Switzer.

I can't close this ceremony without this one personal note. It was about four years ago that Mary Switzer persuaded me to join her, and I began a privileged year by her side as Deputy Administrator, catching her infectious spirit. Three years ago next month we held a memorable dinner for Mary on the occasion of her leaving the Department. As I leave now the post she left to me, I can echo her words that night. She expressed then, as I do now, the wish that we could get across to people outside the government the great excitement of the work here. She said she wanted to dramatize (and did she!) that government *can* make a difference and *does* make a difference. She said she believed government *will* make a difference if we will just give ourselves to its service.

As I consider the many dedicated people in HEW that I know and I have had the privilege to work with—and many of them are here today—I am sure that the spirit of that commitment will be carried on under your new Secretary and under your new Administrator.

My one regret in closing this ceremony is that the Mary E. Switzer Memorial Building is only five stories high, which makes it a building entirely too small to stand beside the towering achievements of her career in public service.

A LEGACY OF HOPE

I would like to express the hope that, in renewing our own commitment to her service in this dedication, we may see the joining of the Administration and the Congress in a practical accommodation to each other to jointly push forward the new Vocational Rehabilitation legislation to honor the work to which Mary Switzer gave her life. I am sure that legislation and this building will provide a memorial to give disadvantaged and handicapped citizens a measure of that quality she most brought to people—hope.

I end this ceremony, and my term as Administrator, with the words she left us at that testimonial to her three years ago:

"Godspeed. God speed you on the road to make real the motto of our Department: 'Hope, the anchor of life.' "

Let us stand now for a moment of reflection as the Marine Band dedicates its hymn to her memory.

TRIBUTE TO FORMER PRESIDENT LYNDON B. JOHNSON

(Mr. WON PAT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WON PAT. Mr. Speaker, the American people have lost a great public servant and a distinguished legislator with the passing of our beloved former President Lyndon B. Johnson.

Truly a product of this country's heritage of self-made men, President Johnson came from a humble beginning, rose through adversity to become an astute legislator, and ended his proud career by serving as one of the most compassionate Presidents America has ever known.

Born in a poor section of Texas, President Johnson grew up fully aware of what the evils of poverty and racial discrimination meant to the Mexican-Americans, the blacks, and other minority groups in our country.

It was this sense of great morality which elevated President Johnson from being merely a good Chief Executive to being the equal of some of our most compassionate Presidents, as were Franklin Roosevelt and Abraham Lincoln.

As the delegate from the territory of Guam, I speak from firsthand knowledge of our late President's sensitivities to his fellow man. During his term in office, our fellow Americans on Guam became eligible for inclusion in more Federal programs than ever before in the territory's history. Much of the credit for our legislative success was due to the new era of good will and sympathetic legislation which President Johnson and Members of Congress urged at every opportunity.

The late President also focused an important measure of attention on Guam when he came to our island to hold the first in a continuing round of peace talks with South Vietnam's leaders, and thus became the first President to ever visit the territory.

And, when President Johnson affixed his signature to the Guam elective Governor bill, on September 11, 1968, he characteristically said:

> It is high time that the people of Guam were accorded this basic right. I am pleased and proud to sign a bill which will permit them to elect their own Chief Executive.

History will remember President Johnson for many reasons, including his unfortunate involvement in the Vietnam war. But, I am certain that history will best remember our late President for the extraordinary and unlimited understanding and sympathy which he felt for the common man. And the Great Society which he strove so mightily for, will continue to live on in the hearts and minds of his fellow man as a lasting tribute to Lyndon Baines Johnson.

COUNCIL ON ENERGY POLICY PROPOSED BY 49 MEMBERS

(Mr. VAN DEERLIN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. VAN DEERLIN. Mr. Speaker, the headlines could scarcely be more ominous. Daily, it seems, there are new and ever more disquieting reports of mounting shortages of precious energy fuels. This type of news is never pleasant, of course, but in the chilly dead of winter the specter of a critical fuel shortage virtually cries out for remedial action.

On January 6, Congressman Conte and I introduced H.R. 1258, calling for the creation of a Council on Energy Policy to advise both Congress and the executive branch.

Admittedly, the Council would not in itself be a final solution to the energy crisis. But it could at least point us in the right direction, and do so in the shortest possible time.

I emphasize that the members of the Council, while appointed by the President, would face confirmation by the Senate. Likewise, the Council members would be required by the bill we are proposing to be responsive to Congress and its committees; there would be no shield of executive privilege for them in their dealings with the legislative branch.

Today, we are reoffering the bill, with 47 cosponsors, a representative cross section of the House membership that includes 25 Democrats and 22 Republicans.

We are hopeful of early hearings on these bills, for we believe that the Council is more urgently needed than ever.

The news release that follows is about the reintroduction of the bill and identifies the cosponsors:

News Release

Legislation to establish a White House-based Council of three master planners to cope with the energy crisis was reintroduced today (Wednesday) by Reps. Lionel Van Deerlin, D-Calif., and Silvio O. Conte, R-Mass. They were joined by 47 co-sponsors.

Conte and Van Deerlin said their proposed Council on Energy Policy would fill a vacuum by "developing coherent national programs for the best use of our diminishing energy resources."

Now, they noted, more than 40 U.S. agencies and at least 12 committees of Congress are involved in energy matters, but none of them speaks for the Government as a whole. "In too many cases," they said, "bureaucratic jurisdictions overlap and the resulting signals are downright contradictory."

Responsibilities assigned the Council would include:

Act as the principal adviser to Congress and the President in the formulation of energy policies.

Develop and then oversee Governmental implementation of a "long-range comprehensive plan" for uses of energy in the United States.

Review energy-related reports and legislative proposals submitted by executive agencies.

Resolve energy policy conflicts among federal agencies.

Recommend measures for federal and state governments to take in dealing with shortages and other power emergencies.

The bill was first introduced last summer, but time ran out on the 92d Congress before it could be considered.

"With critical new shortages of precious energy fuels reported almost daily, we feel the Council is more urgently needed than ever," Van Deerlin and Conte told the House.

Co-sponsors include: Reps. Joseph P. Addabbo, Thomas L. Ashley, Herman Badillo, Frank J. Brasco, Clarence J. Brown,, James T. Broyhill, John Buchanan, James C. Corman, James J. Delaney, John Dellenback, John H. Dent, Edward J. Derwinski, Harold D. Donohue, Pierre S. (Pete) du Pont, Jack Edwards, Joshua Eilberg, Edwin D. Eshleman, Hamilton Fish Jr., Robert N. Giaimo, Ella T. Grasso, Julia Butler Hansen, James Harvey, Elwood Hillis, Albert W. Johnson, Carleton J. King, Gillis Long and Manuel Lujan, Jr.

Also: Reps. William S. Mailliard, Richard W. Mallary, Dawson Mathis, Romano L. Mazzoli, John Moakley, Claude Pepper, Bertram L. Podell, Robert Price, Thomas M. Rees, Peter W. Rodino, Jr., Benjamin S. Rosenthal, Dan Rostenkowski, Edward R. Roybal, Robert H. Steele, Victor V. Veysey, Jerome R. Waldie, John Ware, G. William Whitehurst, Lester L. Wolff and Roger H. Zion.

"TORBY" MACDONALD STAYS ON TARGET

(Mr. VAN DEERLIN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. VAN DEERLIN. Mr. Speaker, there are few among us as cogent and articulate as our distinguished colleague from Massachusetts, the Honorable Torbert H. Macdonald.

As a member of the Communications Subcommittee of the House Committee on Interstate and Foreign Commerce, I feel I can speak with some competence on Mr. Macdonald's contributions. Torby, of course, is chairman of the subcommittee.

In the last year or so, one of Torby's main concerns has been the occasionally blatant attempts in this administration to undermine some of the freedoms which broadcast journalists have shared with their brethren in the print media.

As a former newsman, I could not agree more with Congressman Macdonald. Never before has our traditionally free press been subjected to so much unwarranted pressure from the Federal Government.

In a speech last week to the California Broadcasters Association, Torby said it all, in a masterful review of the threats directed at the media and the steps he thinks broadcasters should and must take to protect themselves.

In this talk, Torby also provided us with a good preview of what this session may hold in store for the broadcasters, particularly the hard-pressed newsmen in their ranks.

I commend the speech, which follows, to the attention of all our colleagues:

Remarks of Congressman Torbert H. Macdonald

Today, I am going to talk about the Nixon Network Neurosis.

I am, of course, talking about the actions of Mr. Whitehead of the Office of Telecommunications Policy and his speech last month. The speech was released with appropriate fanfare, but the bill that was supposed to go with it was not. When the speech had gotten its maximum publicity and Mr. Whitehead himself had auditioned on television for every talk show that would have him, the bill itself was efficiently leaked. Those of you who have taken the time to read the bill carefully—and I suppose most of you have read it as closely as you do your licenses—know that there is a vast gap between the language of the proposed legislation and the clearly threatening language of the speech.

It seems to me there has been an overwhelmingly negative response. With one or two predicatable exceptions among the ranks of broadcasters, most everyone seems to have recognized the menace contained openly in the speech. For once, newspapers and magazines joined television in an outraged chorus. Most everyone called it the carrot-and-stick approach. For want of a better cliche, I'll use that. I'll even steal from the late Winston Churchill, when he scoffed at predictions that England would have her neck wrung like a chicken by the Germans in three weeks—"Some chicken. Some neck." And I say about Mr. Whitehead's approach, "Some carrot. Some stick."

Mr. Whitehead has a bad habit of meddling. In the heat of the last campaign, he carried a message to Hollywood. No more re-runs, he said, speaking directly to the unions who had rightly or wrongly figured that fewer re-runs would automatically mean more jobs for them.

The White House would like to lecture the networks on how to run—or re-run—their business. Well, we all get tired of re-runs, but the re-runs that make me most tired are the re-runs of the Administration's determination to shape the independent voices of television news in their own image.

We've heard the theme articulated with headline-catching alliterations by the Vice President of the United States. We've heard it presented with sweet reason by the White House Director of Communications, Mr. Klein. We've heard it brandished by a White House speech-writer, Mr. Patrick Buchanan, coupled with threats of antitrust action.

And most frequently, we've heard that theme of "Stop the criticism or we'll stop you" explained with patronizing patience by Mr. Whitehead of the O.T.P.

Now, let me take one minute to point out that this tactic is not new. They gave it a trial run in the field of Public Broadcasting last year. Whitehead tried to drive a wedge between the stations and the national interconnected group or, as he labeled them, "the fourth network". In a well-publicized speech in Miami, he told the stations to be dissatisfied with the programs and the service they'd been getting from the Public Broadcasting Network operation, and get in there and take the money away from them for "local" use.

That was the exhibition game, to use the analogy that was so popular around the White House pre-Superbowl. They looked over the film from that one, and evidently decided their game plan was a workable one, so they used Indianapolis for the opening game of the big league regular season. And I use the phrase "opening game" advisedly, because this is just the first month of a long four-year season with the same quarterback. If they win this one, they may think they can go all the way.

When I spoke to the Massachusetts Broadcasters Association in September, I told them that what had happened to public television could happen to them. I don't think they believed me or took my warning. After all, they probably said to themselves, public television depends to a degree on government money, and the Administration can cut that money off. But what could they do to commercial broadcasting, that institution that is free and independent under the laws of this land?

Well, it looks as though they asked that same question within the White House, and Mr. Whitehead's message figures to be one of the answers. Hit them where government can hit them, right in their licenses. Play on natural tensions that exist between an affiliate and its network, between the news centers in New York and Washington and the isolated stations many hundreds of miles away. Give the sanction of the President of the United States to complaints against imagined bias on the network news, and then you'll have frantic reaction.

I don't know if they actually expect each of you out here on the West Coast to hire a staff of national and international news experts, so you can take advantage of those three hours between getting Cronkite and Chancellor and Reasoner down the line, and edit them to fit your own interpretation of the day's news. I doubt that even Whitehead could be so unrealistic and self-deluding. But they obviously expect you to rise to your feet cheering, and put the pressure on network management to soften up the news, play down the commentary, make it nice for those faceless fellows who prepare for the President the famous morning news summary, complete with interpretation of what the networks said.

Perhaps, as I have heard from spokesmen of the industry, no such thing will happen. I deeply hope that is correct. Because if you give up on this one, if you split your ranks as they've been trying to split them for you, no license renewal bill in the long run will be advantageous to you.

Now, what about a license renewal bill? Will there be one during the 93rd Congress?

I guess that depends to some extent on you broadcasters, and to a greater extent on my subcommittee, and to an even greater extent on the 535 members of Congress.

As I read all the signs and portents from the vantage point of ten terms of service in the House, this Congress is in a rebellious mood. We all have witnessed the gradual erosion of the Powers that were delegated to us by the Constitution. We have seen the Executive Branch act more and more like a government within a government, spending unauthorized money on airplanes and bombs, impounding funds appropriated by Congress, withholding money for housing and health, vetoing important bills while Congress is closed down for a short campaign period, and generally patting the Congress on the head and telling it to lie down and play dead.

To me, the Office of Telecommunications Policy is a striking example of this erosion, this diversion of the intent of Congress, this disregard of our historic separation of powers.

When the plan to establish an Office of Telecommunications Policy in the Executive Office of the President was sent up to the Congress in early 1970, hearings were held by the Committee on Government Operations, on which I also serve. During those hearings, Representative Bud Brown of Ohio, a member of my subcommittee as well, quoted an article in Broadcasting magazine which said that Mr. Whitehead quote "Made it clear last week the White House has no qualms about seeking to influence the FCC or other so-called independent agencies." Mr. Brown, rightly, called this a very, very serious matter. The next day, Mr. Whitehead rushed over to the committee a letter denying any undesirable or improper influence on the FCC—but he did hedge it with the statement that "open expressions of viewpoint are not 'influence' ". Well, maybe they're not influence in some sense of the word that I don't quite understand—but when the White House calls the FCC and suggests it would like to see certain decisions made, it does carry a little more weight than when the call comes from one of you.

To underscore what it is Mr. Whitehead doesn't seem to think comes under the definition of influence, I refer you to the *New York Times'* unprecedented publication of the luncheon conversation he had with the *Times* Board of Editors last week. Bear with me, because this speaks directly to the subject of challenges of licenses—something that happened, by sheer coincidence as you know, to the *Washington Post* TV and radio stations in Florida by a group who happened to be strong and close Nixon supporters and contributors. I want to quote the whole exchange, because it is very revealing.

"New York Times: If a station had its license revoked after the FCC decided that the local community challengers were correct that the station had not been attuned to the interest of the community, what would a new company have to prove before it could get a license?

"Whitehead: It would have to show that it could do a better job. It would be comparative. It would have to promise more in terms of what the community says it wants.

"New York Times: That could become very political.

"Whitehead: But it could be very political today. If there's no way of involving the Government in granting television licenses we'd have the opportunity for being very political. The question is what procedures do you want to establish to minimize that input. You're walking this very delicate line between government regulation and the freedoms of the First Amendment.

"New York Times: This would take away a lot of power from the FCC, would it not?

"Whitehead: It would."

Unquote. But remember, no influence.

Now let me pick up the thread that the New York Times luncheon interrupted.

The Congress took the word of the Executive Branch, and approved the President's Reorganization Plan No. 1, creating, among other things, the O.T.P. I would invite you, sometime, to read through the three paragraphs that define the essential roles of this new office. There are only 11 sentences. Ten of them speak in glowing generalities of the need for this office in terms of technological capabilities, sharing more fully in the experience, the insights and forecasts of government and non-government experts, dealing with the worsening spectrum shortage, and coordinating operations for the Federal Government's own vast communications systems.

All perfectly legitimate and perhaps necessary. One sentence seems to contain the loophole through which Mr. Whitehead, his 60-man bureaucracy, and some 300 other bodies hidden in the Department of Commerce who report to him, have driven their ambitious machine. This sentence reads, quote, "The new office would enable the Executive Branch to speak with a clearer voice and to act as a more effective partner in discussions of communications policy with both the Congress and the Federal Communications Commission." Well, it certainly has enabled the Executive Branch to speak with a louder voice. It is regrettable that their definition of being an active partner with the Congress and the FCC takes the form of dispatching Mr. Whitehead around the country making surprise speeches that have only one purpose, as far as I can see—to control what goes on the Nation's TV screens, so that it will conform to the wishes of the Chief Executive.

As I told the broadcasters in Massachusetts last September, this has a familiar ring to it. President DeGaulle of France once expressed privately to a President I knew very well his amazement that the United States Government didn't consider it necessary to control television. Could it be possible that some people in this administration of the U.S. Government have similar feelings?

The Congress has a different message. Legislation on license renewal for broadcasters still must originate in the Congress, and we intend to pursue the matter irrespective of the White House and its broad-handed attempts to dictate to you and your colleagues what news is acceptable and what news is "elitist gossip" or "ideological plugola".

Very shortly, when the committees of the 93rd Congress have been fully formed, we will announce hearings on broadcast license renewals. There may be a number of bills to consider. I have pledged to give special consideration to radio, because *I believe* it has suffered over the years as we have all devoted most of our time and attention to television. These will be long, thorough hearings. It is my sincere hope that they will result in significant legislation.

But in view of the unexpected stick that the White House has seen fit to tie to the carrot of five-year renewals and added protection from challengers, you broadcasters are in a more precarious position than you were before. I want to be perfectly candid with you: If the hearings and the subsequent legislative history of a license renewal bill indicate that broadcasters are willing to give away their news independence in order to please the Government, I predict there will be little sympathy in my committee for your case.

Your licensees will certainly, and correctly, continue to complain to your networks if you think they are misusing their responsibility to present the news fairly and honestly. Your listeners and viewers certainly, and correctly, will be encouraged to file their complaints with you, the networks, and the FCC. And, the industry being a non-eleemosynary institution, your advertisers probably have this right and privilege, too. But obviously the *Government, and I specifically* include the Executive, *does not*.

So I am pleased to leave you with two messages that I hope will be remembered. The first is for your broadcasters, and your colleagues around the country. That message is "Stick to your guns".

Those guns should be in place to protect you from anyone who would try to interfere with your right to present television and radio news in the way qualified newsmen—your employees and the networks'—see it. There are laws and rules to take care of transgressions, and there is a quasi-independent government agency, the FCC, and the courts, to enforce those laws and rules.

The other message is to the Office of Telecommunications Policy, and I have no more qualms about delivering a message to them through you than they had in using Indianapolis journalists to get their message to broadcasters they hoped to intimidate. That message is short and simple: stick to your Congressional-granted authority, and stop trying to force-feed the American people. We don't need news standards that bear a stamp, "Government approved—fit for public consumption".

Thank you.

BABY SEALS THREATENED AGAIN

(Mr. DANIELSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DANIELSON. Mr. Speaker, last year Congress passed the Marine Mammal Protection Act which is now the law of the land. This was done to protect certain endangered species, by prohibiting the importation and resale of their skins in order to remove the profit motive from the capture and slaughter of those species. In its wisdom, Congress recognized that there should be certain exemptions from this general provision, including the importation or taking of marine mammals for scientific or educational purposes and to minimize undue economic hardship.

This morning I find in the Federal Register, at page 2340, a listing of seven applications received by the National Marine Fisheries Service for exemptions under the law in order "to minimize undue economic hardship."

One of these is by the Bergner International Corp. of New York, N.Y. which seeks to import about 10,000 dressed Beater and Blueback sealskins from Canada for resale. According to Webster's Third Edition a "Beater" seal is, "In New Foundland, a young harp seal on its first journey northward from its breeding area."

My office contacted the National Marine Fisheries Service and we have been informed that no standards have been set up for measuring "undue economic hardship" within the meaning of the law.

But what I really want to know is whose undue economic hardship needs to be minimized? Is it that of some poor Eskimos or Indians, each of whom have two or three pelts on hand which should not be wasted? Or is it some ladies who wish to wear the pelts on their own backs? Or are these 10,000 baby seal skins and other sealskins to be imported for resale in order to minimize the undue economic hardship of the fur dealers?

I do not know the answers, but I am seeking this information and will let this body know if and when I can find it.

"WAR POWERS" BILL

(Mrs. GREEN of Oregon asked and was given permission to address the House for 1 minute, to revise and extend her remarks and include extraneous matter.)

Mrs. GREEN of Oregon. Mr. Speaker, today, along with my colleague in the Oregon delegation, WENDELL WYATT, and others, I introduced a "war powers" bill which is identical in all important respects to one I introduced back in October of 1969.

The bill that we have introduced not only defines the conditions for the use of draftees in such contingencies as precipitated the Korean and Vietnamese wars, but defines anew Presidential and congressional prerogatives in such matters, avoiding as far as possible unwarranted encroachment on their mutual and heavy responsibilities.

The essentials of this bill are as follows:

First, the President is allowed, without the prior consent of the Congress to commit troops to a combat area, volunteers without limit, draftees for the first 90 days only.

Second. Within 90 days, Congress by resolution—or declaration of all-out war—must endorse the original Presidential action to permit continuation of assignment of draftees to combat areas or they must be promptly withdrawn.

Third. Within 180 days of the President's initial commitment of troops to a combat area, all are to be promptly withdrawn unless the Congress has formally declared a state of war to exist.

This bill uses a straightforward and practical approach by taking the form of an amendment to the Selective Service Act. The realities, as I see them are: That the President must have the authority and the latitude to respond swiftly to crisis situations—a Pearl Harbor of the future—which may lead to a shooting war, but it is intolerable that the Congress should indefinitely default on its grave constitutional responsibility in such matters; that some legislative mechanism needs to be provided to keep us alert to possibilities of literally backing into a full-fledged war, as we never intended to—but did—in Vietnam; finally, that while it may be proper to demand of youth to share in sacrifices made by the entire Nation, even as their forefathers did, it is intolerable to send them off to fight and die for vaguely defined causes in undeclared wars while the rest of the Nation goes on with business as usual.

The momentous announcement by the President on the evening of January 23 in no way lessens the need for war powers legislation. Finally free of the emotionalism and devisiveness of the longest, costliest conflict in our history, perhaps now the Congress and the President can begin to consider with complete detachment and objectivity legislative procedures to keep us literally from unintentionally blundering into full-scale wars ever again. If we have not discerned this important lesson from the Vietnam experience, we shall have learned little indeed. My fellow Oregonian from the other side of the aisle agrees with me that war powers legislation needs to be considered at the earliest possible time. So, apparently, do other of our distinguished colleagues who have joined in cosponsorship of the bill, including Mr. ALEXANDER, Mr. CAREY of New York, Mr. DENT, Mr. DOWNING, Mr. GAYDOS, Mr. GIAIMO, Mr. GIBBONS, Mr. ICHORD, Mr. LEGGETT, Mr. MAZZOLI, Mr. MOLLOHAN, Mr. PIKE, and Mr. YATES. Needless to say, I am pleased and heartened by the broad representation which has been achieved in this initial group of cosponsors. It indicates to me that this important bill has the potential to units the political spectrum on the essential goal of achieving a redefinition of war powers as shared by the Congress and the President. I hope in time we will be joined by many more from both sides of the aisle.

FOREIGN AID TO NORTH VIETNAM?

(Mr. HAYS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYS. Mr. Speaker, on the way in here some newspaper reporter stopped me and asked me if I knew anything about the agreement to give foreign aid to North Vietnam.

I told him that I had not heard of any such agreement, but hell would be a skating rink when I voted any of my taxpayers' dollars to give any aid to that murderous bunch in Hanoi.

(Mr. MIZELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MIZELL. Mr. Speaker, we meet today, as we have not met in so long a time, in an atmosphere of peace, following President Nixon's announcement to the Nation last evening that a settlement of the Vietnam war has finally and successfully and honorably been achieved.

At the request of representatives of the press, I responded last night to the President's announcement and I would at this time like to share that response with my colleagues. The text of the statement follows:

> The good tidings of peace which President Nixon has announced tonight bring joy to a Nation weary of war and eager to bind up the wounds of division we have so long endured.
>
> I congratulate the President for having the courage to demand an honorable peace and the perseverance and ability to secure it.
>
> But more, I join the Nation in paying well-deserved tribute to the two and one-half million Americans who served in this long and difficult conflict, and in welcoming home American prisoners of war and the men still serving in Vietnam.
>
> Still more, my most profound personal thanks go to the 55,000 brave men who gave their lives in the service of their country, and to their families who have sustained the greatest of losses.
>
> This peace would not be a reality if it were not for the overwhelming support Americans have given the President in his efforts to secure an honorable peace.

CEASE-FIRE IN VIETNAM

(Mr. EDWARDS of Alabama asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. EDWARDS of Alabama. Mr. Speaker, President Nixon has announced a cease-fire in Vietnam beginning Saturday, January 27. He has announced that within 60 days our prisoners of war will be released, our missing in action will be accounted for, and our fighting men will be withdrawn.

The settlement of this long and difficult war is great news for all Americans and especially for the prisoners of war and their families who have been separated for so long. I pray that a full accounting of those missing in action will mean that many more families will be reunited.

I think a special word should be said about the over 2 million American military personnel who served our Nation in Vietnam. And a special word should be said about their families. Some of these men paid the supreme price of their lives and many others were wounded during this conflict. We should never forget that this was probably the hardest war this country has ever had to fight. The issues were never clear, the decisions were never easy, and the support for our fighting men was never unanimous. But these men and their families discharged their duty well, and the country will always be indebted to them for it. I personally salute all those who served in Vietnam as well as their families.

The United States has done its best to help South Vietnam secure the right of self-determination. No nation can provide another nation with the will to determine its own future. But we have provided everything else by seeing that South Vietnam has the best possible equipment. We have provided time for South Vietnam to make its own preparation for the years ahead. Certainly we have done all that reasonably could be expected and it is now time to come home.

I commend President Nixon for his unbending determination to end this war in an honorable manner. He has persevered in the face of steady criticism and has ended the war in such a way that there is the greatest chance for a lasting peace. And it is important to remember that peace is not just the temporary absence of war but peace is the right of a country to chart its own course free of fear and threat.

The Vietnam war has been a long, frustrating, and divisive experience for our country but I am confident that the people of America will now close ranks as they always have before. I am extremely relieved and happy that this war is ending and our boys are coming home.

BILL TO ESTABLISH A COUNCIL ON ENERGY POLICY

(Mr. EDWARDS of Alabama asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. EDWARDS of Alabama. Mr. Speaker, I am cosponsoring a bill today which will establish a Council on Energy Policy in the Executive Office of the President. The Council, to be made up of three knowledgeable authorities, will be charged with weaving together all the loose threads of energy policy which now exist in the Federal governmental fabrics.

The Council would not assume any of the powers now held by existing agencies. But it would seek to provide rhyme and reason to our overall energy policy.

Steps are currently being taken to alleviate our energy shortages on a short-term basis, and other such steps are under consideration. A need remains, however, for long-range planning to guide and coordinate our energy policy so that future shortages will be avoided. I believe the Council on Energy Policy will give us this much needed direction.

CEASE-FIRE IN SOUTHEAST ASIA

(Mr. LATTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. LATTA. Mr. Speaker, President Nixon's announcement of a cease-fire in Southeast Asia was good news to the world but better news to all Americans. The President's negotiation of an honorable peace will help—if this is possible—sustain those who have made untold sacrifices so that others might enjoy freedom.

It is needless to say that this was another no-win war from which it was almost impossible to extricate ourselves with honor and without sacrificing the freedom of 50 million Southeast Asians. Never before in our history, has our Government had to negotiate for peace with an enemy while so many were publicly "tooting" the enemy's horn. The mere fact that the President has been able to conclude an honorable cease-fire under such conditions is a monumental tribute to his leadership and to his patience.

Let us now pray that we can bind up our wounds and live in peace.

TERMINATION OF AMERICAN INVOLVEMENT IN VIETNAM

(Mr. WYLIE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WYLIE. Mr. Speaker, I was very pleased and relieved when I heard the President announce the termination of American involvement in Vietnam. The President must be commended for his persistent courage and steadfastness in bringing about an honorable peace. His insistence on a mutual agreement gives us reason to hope for a lasting peace in our time.

This, our longest war, has divided our Nation for 8 years and has absorbed most of our resources. We cannot be the policemen for the world nor can we rush to the aid of every country and conflict with a nation whose political philosophies are disagreeable to us. Still, we cannot withdraw into a shell. But now we can exert more of our Nation's energies on domestic affairs and human resources.

Over 45,000 brave Americans made the supreme sacrifice in Vietnam. To the families of these men we owe a debt which can never be repaid. Our No. 1 concern must be the release of all prisoners of war and an accounting of our missing in action. We must address ourselves to the problems of those who have been disabled in some way because of their involvement in the Vietnam conflict. Many returning veterans are unemployed. Steps have been taken to satisfy this need. Now that the Vietnam war is concluded, let us unify in our goal to improve our domestic posture. I do not mean that we cannot have political discussion, but political consideration should not be uppermost. In this light, we should unite in our support for the President. I feel he is making a determined conscientious and patriotic effort to solve the many problems facing our Nation.

Having decided to express myself concerning the end of the Vietnam war, I would be remiss if I did not allude to our late President, Lyndon B. Johnson who will soon lie in state across the hall in the Capitol rotunda. History will record that President Johnson gave up any chance to be reelected Prseident in 1968 in a supreme sacrifice effort to effect a peace in Southeast Asia. Would that he could be with us today to share this special moment.

CEASE-FIRE IN SOUTHEAST ASIA

(Mr. DEVINE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEVINE. Mr. Speaker, although bitterly criticized, President Nixon had the courage to make those difficult and tough decisions that resulted in accomplishing his announced objectives: First, cease-fire, internationally supervised; second, release and return of prisoners of war; third, full accounting for those missing in action; fourth, self-determination for the South Vietnamese.

This meets all goals and conditions for a lasting peace with honor, a long stride toward world peace.

All Americans must recognize and commend the President for his tireless, steadfast efforts which finally ended this tragic war that he did not start.

In response to my colleague the gentleman from Ohio (Mr. HAYS), of course, I have not been in on the secret negotiations, but it is my understanding that we have made no secret agreements having to do with the restoration, rehabilitation, or refurbishing of the north, although *traditionally* the United States has had such a posture, as it had with Germany and Japan following World War II.

I do not know what is going to happen. This is a decision which the Congress must make, but there are no secret agreements or commitments, according to my best information.

VIETNAM CEASE-FIRE

(Mr. KING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KING. Mr. Speaker, I am delighted that our prayers have been answered so that the President could announce last night that we have at long last negotiated an honorable settlement to the Vietnam war and that a cease-fire will go into effect this Saturday.

The American people, with the exception of a few, have always wanted a peace founded on justice and one which would at least hold a reasonable chance for South Vietnam to resist the Communist forces which have for years tried to overrun that country.

The President's announcement that all our prisoners will be released; all those missing in action will be accounted for; all U.S. troops removed within 60 days and that the South Vietnamese will be given the right to determine their own future, is indeed the best news we have had in many, many years.

I am proud and pleased to join with President Nixon in fervently hoping that the peace we have achieved—will be a peace that will last. My appreciation and thanks to those who stood behind the President in these trying times.

RELEASE OF AMBASSSADOR TO HAITI KNOX AND U.S. CONSUL CHRISTENSEN

(Mr. FASCELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FASCELL. Mr. Speaker, I am pleased to be able to announce to the House that within the hour our distinguished Ambassador to Haiti, the Honorable Clinton E. Knox and U.S. Consul Ward Christensen were released by 4 or 5 terrorists who had held them at gun point throughout last night. Both men were not harmed.

In return for the release the Haitian Government agreed to release 12 prisoners held by authorities and to provide a plane to fly the terrorists and the prisoners to another country, reportedly Mexico.

Last evening Deputy Under Secretary of State William Macomber, Jr., flew to Port-au-Prince to supervise U.S. efforts to secure the Ambassador's release. I know that all of us are happy that the efforts of the Secretary and his colleagues as well as the Haitian Government have brought to a safe conclusion this unfortunate incident.

The Inter-American Affairs Subcommittee will look into this incident as part of its continuing concern for the safety of U.S. diplomats abroad.

METRIC CONVERSION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BELL) is recognized for 5 minutes.

Mr. BELL. Mr. Speaker, I rise today to introduce the Metric Conversion Act of 1973. Beginning with the legislation of metric measures within the United States in 1866, this Nation has embarked on a slow, gradual course toward adoption of the metric system of measurement. I am convinced that this change is both inevitable and beneficial, and that we must now move to accomplish the change in a planned, orderly, and equitable fashion.

I have *not* reached this conclusion simply on the basis of the simplicity and logic inherent to the metric system, for mere scientific elegance cannot justify the very real costs to society which conversion to the metric system will engender. The most carefully planned conversion program which legislation can provide, entailing massive education programs and gradual change, can only reduce consumer confusion and product orphanage to a minimum; it cannot eliminate it entirely. However, metric conversion will provide three large areas of benefit to the United States which I am convinced outweigh its costs.

First, America's position in international trade will be substantially improved. In an era of balance-of-payments deficits which have tremendous impact on the entire national economy and therefore affect every American citizen, the importance of improving our trade posture cannot be overlooked. Though it is commonly supposed that the incompatibility of our system of measurement with metric is the major bar to greater trade, the descrepancy in the manner in which a measurement system describes a measure is not nearly so important as the manner in which a measurement system influences what measure will be employed for any given purpose. Thus metric conversion will induce increased American exports primarily in indirect fashion by encouraging American engineering standards to meet an international standard promoting interchangeability, and by enabling American industry to create for many products the engineering standards to be used throughout the world. The ability of America to compete in setting engineering standards for products ranging from autos to washing machines should have a substantial and favorable influence on our economy.

Second, metric conversion, once completed, should yield great savings at home because of its inherently great efficiency. Computation in metric terms is far simpler than in our customary measures because of its decimal basis. One expert has declared that the U.S. aerospace industry alone would save some $65 million each year in engineering time by converting to the metric system. Consumers will also benefit, since metric weights and volume measures are much more easily compared than our customary equivalents, thus in effect facilitating unit pricing and comparison shopping.

Finally, Mr. Speaker, metric conversion is a step toward bringing the world closer together in yet another area. The United States is currently joined in its resistance to the metric system only by Barbados, Burma, Gambia, Ghana, Jamaica, Liberia, Muscat and Oman, Nauru, Sierra Leone, Southern Yemen, Tonga, and Trinidad. Our conversion will make a significant aspect of daily life truly international, and thereby remove one more barrier to understanding and harmony among the people of the world.

We cannot afford to inch along in our present haphazard fashion toward adopting the metric system. The bill I am introducing today provides for the design and implementation of a comprehensive plan by the National Metric Conversion Board to convert this Nation to the predominant use of the metric system over a period of 10 years. In keeping with the mandate of article I, section 8 of the Constitution, the plan is to be approved by the Congress as well as the President. Only by enacting this legislation can we assure that the United States will receive the advantages of metric conversion with a minimum of costs, fairly distributed. I expect that the Science and Astronautics Committee will take quick and favorable action on this bill and that the Congress will soon thereafter culminate over a century of debate and convert to the metric system the weights and measures of the United States.

VIETNAM PEACE AGREEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. HANRAHAN) is recognized for 5 minutes.

Mr. HANRAHAN. Mr. Speaker, President Nixon's announcement of a peace agreement in Vietnam last night signals the end of a war which has lasted for almost a decade.

After repeated criticism from some Members of Congress for his past silence on the Vietnam situation, the President has achieved a "peace with honor." It is now apparent that the extreme sensitivity of the negotiations necessitated that veil of secrecy.

During these long months of negotiation the President has refused a settlement which would not insure the sovereignty of South Vietnam and the safe return of our POW's.

Now that "peace with honor" has been achieved the families of those men who gave their lives and fought so diligently will know that their efforts were not in vain. The right to self-determination, upon which this country was founded, will now be insured for the people of South Vietnam.

The most crucial of the conditions in the agreement for the United States is the withdrawal of the remaining 23,700 U.S. troops in South Vietnam and the return of all 587 known American prisoners of war in Indochina.

It is indeed unfortunate that President Lyndon B. Johnson could not have lived to have seen the peace he labored so long and hard to achieve.

It is now the responsibility of those of us in Congress to give the President the support he will need in the coming weeks to achieve our complete withdrawal and in turn to devote our energies toward the pressing domestic needs here at home.

THE OIL SHORTAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. RAILSBACK) is recognized for 5 minutes.

Mr. RAILSBACK. Mr. Speaker, we are all experts now on the shortage of oil. We can talk at length and give specific examples about plants suspending operations, schools closing down, and trucking firms losing business because of inadequate supplies of oil. Unfortunately, few of us are really experts in solving this critical problem. Therefore, I found it most encouraging to learn what representatives of the National Oil Jobbers Council had to say about the oil shortage and what their proposed solutions are. Yesterday they not only held a meeting for interested Congressmen and staffers, but they personally visited as many of their Members as possible. It was especially encouraging to me that most of the people who came by my office support legislation which I have cosponsored to suspend completely our present oil import quota system. The purposes of this program have been to protect the United States from a cutoff of its most important fuel by maintaining domestic production capacity sufficient to supply all domestic needs if foreign imports were discontinued, and to maintain the higher price of domestic crude oil and continue domestic incentives to producers. Despite all efforts, the supply of domestic oil has been failing to meet demand by increasing margins. It is imperative, therefore, that Congress act on such legislation at the earliest possible opportunity.

For the review of my colleagues and for further information about the Oil Jobbers' efforts, I ask unanimous consent that an article from Tuesday night's Evening Star be inserted in the Congressional Record immediately following my remarks.

Imports Fall Short, Fuel Dealers Say

(By John Fialka)

An organization representing the nation's independent oil dealers complained on Capitol Hill today that recent changes made in the oil import program by President Nixon will not prevent further heating oil shortages and a possible gasoline shortage this spring.

The group, the National Oil Jobbers Council, which represents 1,300 dealers, also introduced a parade of local and state officials from the Midwest and New England who warned of further shortages.

Speaking at a meeting of congressmen and oil dealers held at the Cannon House Office Building, Jim Erchul, director of civil defense for Minnesota, said that last week the state ran out of extra supplies of oil. Unless it is able to locate oil in Canada that can be brought down by truck, the state will have a shortage of at least 10 million barrels by the end of February, he said.

Other state officials had a similar message. Col. John Plants, head of Michigan's civil defense unit, said "I don't care who caused it, I just wish people in Washington could figure out some way to solve it," he said, referring to a threat of shortage in his state next month.

In a statement released by the jobbers' group, it charged that dealers have been unable to get extra heating oil into the northern Midwest through existing pipelines.

Amerada Hess, a U.S. oil firm which was recently granted permission to bring in additional heating oil from its refinery in the Virgin Islands, the statement asserted, has so far refused to sell any of the extra oil to Midwest dealers.

John G. Buckley, head of the jobbers' oil supply committee, said that many dealers have been unable to get supplies of heating oil from Europe because European oil refiners are requiring one-year supply contracts and the President's recent action only lifted heating oil import controls for four months.

Buckley suggested that Congress should take the oil import controls away from the President and amend the program to bring in enough oil to prevent further shortages.

He said the jobbers expect "a substantial gasoline shortage in the spring and summer and an even more critical shortage of heating fuels next winter."

"Emergency measures, emergency allocations, last minute stop-gap measures, increasingly will fall short thereby creating chaotic marketing conditions and shortages," he added.

RURAL ENVIRONMENTAL ASSISTANCE PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. SEBELIUS) is recognized for 5 minutes.

Mr. SEBELIUS. Mr. Speaker, I appreciate this opportunity to join the distinguished chairman of the House Agriculture Committee, the Honorable W. R. "BOB" POAGE, in sponsoring legislation to continue the highly successful rural environmental assistance program.

The announcement to terminate funding for the rural environmental assistance program came as a shock to farmers and conservationists who have firsthand knowledge of the benefits of this cost-sharing program. With a limited Federal outlay as an incentive, over 1 million farmers annually invested their own money—many times far in excess of Federal funds—to build terraces, construct diversion dams, and institute pollution abatement practices to halt the flow of sediment into our streams.

From 1967 to 1971 an estimated 54,000 farmers participated one or more times in the REAP program in Kansas. In 1972 an estimated 12,000 separate farms were involved in the cost-sharing provisions of this program. The maximum payment of $2,500 insures that the program will benefit the small farmer.

I would like to stress that the REAP program provides the incentive for farmers to establish costly soil and water conservation practices to fulfill their obligation to preserve our natural resources. The consumer benefits from this stewardship in the abundance of food and fiber that is produced and the fact that this food is available at a lower cost than in any other country.

The benefits of this program have been far-ranging and should be a source of pride for all Americans. REAP has practically eliminated the giant dust storms of the 1930's. Yet, there is much undone. Last year alone over 3 million acre-feet of silt poured into our streams. Contrasting this pollution problem with our urban pollution problem and we find there were only 104,000 acre-feet of sewage—virtually all from metropolitan areas. We have had Government programs to assist in trying to find answers to urban pollution. There must be equal treatment in our rural areas.

Despite recent income gains, the average income of farmers is only 80 percent of the median income of wage earners in the nonfarm sector. Without the investment incentives of the REAP cost-sharing programs, farmers will bypass costly conservation measures. This will not only complicate our efforts to clean up our environment, it also has long-range implications for our food supply already faced with unprecedented demand at home and abroad.

Let me point out what should be an obvious fact to my urban colleagues who are naturally interested in increased food costs. We hear a lot about proposed price controls as a possible alternative to the food cost problem. Food costs are a problem now and the consumer is naturally concerned. However, let us consider the possibility of what kind of problem we will face if the housewife cannot find the food the consumer prefers on the counter. The answer to the food price dilemma rests with productivity and with fair prices for farm products. This, in turn is determined, in part, from the conservation and wise use of our natural resources. That is what the REAP program is all about and why rural spokesmen will point out that a program of this type does not represent a cost, but an investment—an investment that benefits both the farmer and the consumer.

While I am on the subject of cost, I think we should also consider the problem of unemployment that will occur as a result of the termination of this program. Terminating local ASCS positions will have a catalyst effect upon many small rural communities that will in turn cause unemployment for many families involved in contracting work. The effect in our small communities is magnified many times over and in turn reaches the heart of the *communities*—many of which are fighting last-ditch battles to stay economically viable.

While I endorse the administration's goal of holding the 1973 Federal budget to $250 billion, termination of REAP cost-sharing assistance will not represent a savings—in the long run, it will represent a cost. We have an obvious need to establish priorities and trim the fat of wasteful Federal programs.

I am not saying the REAP program cannot be restructured, improved, or even cut back. What I *am saying* is that, before we do anything, we must restore funding. This arbitrary meat-ax approach simply terminates the rural commitment to clean up our environment and also destroys any effort we can make in a bipartisan manner to establish priorities in Federal outlays.

I am pleased that my colleagues, Mr. COCHRAN, Mr. SHRIVER, Mr. SKUBITZ, and Mr. WINN, have joined in this effort in behalf of farmers, environmentalists, and consumers to restore funds for REAP.

I am very pleased to note that an article concerning this particular problem was recently published in the January 20, 1973, edition of the Christian Science Monitor. This article underscores the dividends that the REAP investment-incentive program has produced over the years. With unanimous consent, I would like to insert this article for the benefit of my colleagues who may not have firsthand knowledge of the success of the REAP program.

Fund Cutoff Crimps Farm Projects

(By John Dillin)

CONYERS, GA.—Aubrey Harvey peered from his pickup truck at a new pond in Rockdale County and explained proudly: "This was a swamp infested with mosquitoes before it was cleaned up with federal help." Now, he said, the pond *not only* beautifies the area, but it helps control flooding on adjacent farms.

Mr. Harvey, a county director for the U.S. Department of Agriculture, was showing a reporter areas aided by the federal farm-conservation program—a $200-million-a-year project canceled last month by the Nixon administration.

During its 40-year lifespan, the project, known as the Rural Environmental Assistance Program (REAP), has aided millions of farmers and fostered soil conservation, flood prevention, and timber growing.

FUNDS HELD UP

Congress authorized $225.5 million to continue the program this year, but the White House refused to spend the money.

Angry congressmen, including Sen. Herman E. Talmadge (D) of Georgia, vow to demand explanations from the "faceless bureaucrats" in the White House who scuttled the program. There is even talk of torpedoing the budget for the White House staff unless this and other agricultural programs are carried out.

Senator Talmadge announced Wednesday that his agriculture committee will conduct hearings in two weeks to investigate the farm cutbacks. The Senator will insist that Dr. Earl Butz, Secretary of Agriculture, be the leadoff witness.

The tug-of-war, some have speculated, could grow into a battle over the constitutional powers between the President and the Congress. Either way, the abrupt cutoff has only underlined the declining political clout of the nation's farmers. For there are few Federal-assistance programs which have aided so many Americans over such a long period of time as REAP.

REAP, which before 1971 was known as the Agricultural Conservation Program, started with a whopping $500 million appropriation during the dark depression year of 1933.

Since then, REAP has been scaled back; but even in 1971, the leanest year, 611,000 farmers received grants averaging $239 each. Last year, Texas ($17.5 million) got the most, Iowa ($7.5 million) was the major Midwest recipient, while Southeastern states averaged $4.5 million each. California got $5 million.

No farmer may receive more than $2,500 a year—few get anywhere near that amount—and the farmer must put up an equal amount from his own pocket.

BUTZ QUOTED

"It's not a subsidy in any sense," says an agriculture official in Washington. "It causes farmers to dig down deep to spend for something that should be done. It's really a question who is subsidizing whom."

White House officials, however, didn't see it that way, and this month Secretary Butz explained that farmers henceforth must finance their own conservation programs.

This should be possible, Dr. Butz noted, because farm incomes are rising. It will be administration policy to see that farm incomes continue upward through better prices in the marketplace rather than through federal aid. Increased exports should keep market prices attractive, he indicated.

REAP, in fact, is only one of several farm programs being curtailed by the administration with a possible federal saving of over $1 billion this year.

Initial reaction in the countryside, though, is one of consternation—not only among farmers, but among the 20,000 independent contractors who work for them and build the ponds, terrace the hills, and clear the fields under the conservation program.

Land Improvement Contractors of America represents 1,800 of these small contractors in 24 states. From Chicago, Paul A. Bucha, director of LICA, said in a telephone interview:

"A lot of our members are going to be on the relief rolls if this program is halted. Many of our members have only six or seven employees and do this work full time for farmers. To save a little money, the government will have ruined a lifetime occupation for many of these contractors."

He adds:

"I'm all for cutting government spending, and everybody wants to see somebody else's ox gored, and not his own. But we feel it's ridiculous for Congress to conduct hearings and determine priorities, and then somebody in the President's office suddenly says it's low priority and knocks it out. What's the purpose of all the hearings if the President's office is just going to determine it in a vacuum?"

In Rockdale County, Mr. Harvey's tour of REAP projects included an 85-acre expanse being grazed by cattle. "This won the conservation award for the country," said Mr. Harvey. The field had been eroded with clay gullies, he said, and was dotted with scraggly trees. Now most signs of the erosion were gone and it had a green cover of fescue grass.

"The owner spent $6 for every $1 the government spent," Mr. Harvey said. At the foot of the hill was a newly constructed pond (owner's share, $5,000; government share, $700) which Mr. Harvey said "helps control the water below here."

THE PRESIDENT HAS KEPT HIS PLEDGE TO THE AMERICAN PEOPLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 15 minutes.

Mr. KEMP. Mr. Speaker, with his historic announcement Tuesday evening, President Nixon has kept his 1968 pledge to the people of America.

He has secured peace, with honor, for America.

He has achieved all the U.S. objectives he outlined on May 8. These include: An internationally supervised cease-fire in Vietnam; establishment of a foundation for a just peace; no imposition of a coalition government; no abandonment of the South Vietnamese Government along with a reasonable chance for that Government to survive, pledged by the President; the removal of all American ground forces within 60 days.

The return of all American prisoners within 60 days; the accounting of all Americans missing in action in Indochina; South Vietnam's right to determine its own political future and, the credibility of America's commitment has been upheld.

Much of the credit for the President's announcement belongs to those Americans, including those who have been referred to as the "silent majority," who stood with the President for an honorable peace, throughout the country and in the Congress and to an even greater extent to the perseverence and courage of the President himself.

Time and again, in defense of his policies against relentless, harsh, and even vitriolic attack, he stood his ground and repeatedly made the crucial decisions, the result of which was the peace with honor he has announced.

Mr. Speaker, his announcement is vindication of the wisdom of his policy in holding out for an honorable peace—and his refusal to accept a disguised and dishonorable defeat. Had it not been for the President's courage and steadfastness—during 4 years of unprecedented vilification and attack—the United States would not be honorably ending her involvement in the war.

Mr. Speaker, I believe that Richard Nixon's leadership, often a very lonely responsibility, has helped to produce a settlement of which all Americans may be proud.

After Dr. Kissinger's address on television today, I talked on the telephone to the wife of one of my best friends and Occidental teammate who is missing in action since 1968, Air Force Maj. Don Lyon.

I wear his bracelet and that of Air Force Maj. Robert Rausch.

Mrs. Lyon told me:

> Whether or not I ever get Don back, and God knows I pray I do, at least now I can live with whatever happens because America ended the war the right way.

THE VOLUNTARY MILITARY SPECIAL PAY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. STEIGER) is recognized for 10 minutes.

Mr. STEIGER of Wisconsin. Mr. Speaker, I should like to congratulate two distinguished members of the Armed Services Committee (Mr. BENNETT and Mr. BOB WILSON) and my friend from Hawaii (Mr. MATSUNAGA) for their outstanding effort in obtaining the sponsorship of more than one-quarter of the House for the Voluntary Military Special Pay Act of 1973.

On June 30, 1973, the induction provisions of the Selective Service Act will finally expire, and we shall achieve what the Committee on Armed Services has described as "the commendable national goal of an all-volunteer force." The success of the Defense Department in meeting their timetable can largely be attributed to the leadership of Chairman HÉBERT and the Armed Services Committee.

During the first session of the 92d Congress, the chairman was responsible for the enactment of the most important pay increase in history for our first-term GI's. The committee encouraged the development of improvements in recruiting practices, military housing, and the general quality of life for our men and women in uniform. At the end of the 2d session, the chairman brought the Special Pay Act to the floor of the House, where it won overwhelming approval, in a 337 to 35 vote. The Senate, however, was unable to act prior to adjournment.

Mr. Speaker, the Special Pay Act contains flexible incentives for a smooth transition to an effective volunteer force. I am confident that with the leadership the chairman and the committee have shown in the past, this legislation will receive early and favorable treatment in the 93d Congress.

I have prepared a brief fact sheet on the Voluntary Military Special Pay Act

of 1973, and I ask unanimous consent that it be included in the RECORD immediately following my remarks:

THE VOLUNTARY MILITARY SPECIAL PAY ACT OF 1973

The Special Pay Act will provide the Secretary of Defense with authority for the payment of certain incentive pays in order to attract and retain members of the Armed Forces with special qualifications and skills.

The recent military pay raise made military compensation reasonably competitive with pay in the civilian economy. In normal times the Department of Defense should satisfy the majority of its manpower needs without additional monetary incentives. There are, however, at all times, certain skills and professions which may command a premium because they are in short supply both in the military and civilian sectors. This presents a dynamic problem because skills requiring a premium will change as will the level necessary for a specific skill.

The Special Pay Act provides the authority to the Secretary of Defense to offer incentives to specific volunteers in return for a service commitment for a stipulated number of years. Incentives offered can be readily started, stopped or modified to reflect changing needs of the Armed Forces for quantity, quality and experience level of members in specific skills. They are a traditional military compensation tool. Recent experience of the Department of Defense with a variable bonus applied in the flexible manner envisioned for the future has proved most successful.

A. ENLISTMENT INCENTIVE

Current law authorizes enlistment incentives up to $3,000 for the combat arms, but not for technical specialties. The Special Pay Act will eliminate this discrepancy and allow the military to compete with private industry to attract highly qualified skilled personnel in needed areas of employment.

Existing pay rates will attract most of the volunteers required to man most military skills. However, certain selected skills (such as an Air Force precision photo systems repairman) may require an additional incentive to attract the necessary volunteers. The skills requiring special pay, and the amount of pay required, will vary over time. Since it is not possible to predict the attraction incentive required a cost-effective program will involve varying the amounts of special pay and the skill categories to which it attaches.

B. SELECTIVE REENLISTMENT PROGRAM

Certain trained military personnel can command a wage well above the average on the civilian market. In some military skills, the Government has spent well in excess of $20,000 in training costs. Individuals can command salaries in the civilian nuclear industry in ranges of $17,000 to $20,000 per year after completing their first enlistment. These persons are now leaving the service after receiving expensive training to find employment in civilian industries.

The armed services are thus confronted with the necessity of not only training additional personnel, but also with an increased shortage of experienced personnel to maintain sophisticated equipment. Currently, we have a variety of laws to cope with these problems, the Regular Reenlistment Bonus, the Variable Reenlistment Bonus and Shortage Specialty Pay (Proficiency Pay). However, even in combination, these incentives have not proved to be completely effective in solving our enlisted retention problems because they don't result in spending money where the problem is. And in one major area, that of first-term reenlistments, they presently require payment in many instances where there is no manning problem. This bill combines the most desirable features of the Regular Reenlistment and Variable Reenlistment Bonuses into the Selective Reenlistment Bonus. The cost effectiveness of these incentive dollars is improved. The average bonus paid to an individual serving in a shortage skill would be about $6000. The Department of Defense plans to phase out its payment of the Shortage Specialty Pay (Proficiency Pay) as the Selective Reenlistment bonus proves its effectiveness. A member who reenlists in a skill where no shortage exists (excepting those in the forces now) would not receive a bonus. This actually should result, by Fiscal Year 1978, in a cost saving to the Government of approximately $150 million in savings under the existing system. But it must be pointed out that this year the net additional cost will be approximately $2 million.

C. INCENTIVES FOR OFFICERS

The problem of retention of certain officers having critical specialties has presented difficulties in the past. Authority has been given to the Navy to give additional incentive pay for officers qualified in the nuclear submarine service, and the House of Representatives has passed a bill to provide incentive pay to retain lawyers. This bill would authorize the Secretary of Defense to offer a Variable Incentive of up to $4,000 per year to officers who execute a written agreement to extend their tours beyond the first obligated tour. It would be offered only at times and in amounts needed to solve officer retention problems in a specific skill.

D. INCENTIVE SELECTED RESERVE OF THE READY RESERVE

When the draft was the major source of military manpower, many young men were motivated to join the Guard and Reserve as a means of avoiding the draft and active military service. The combined National Guard and Reserve Force drill strength has averaged about 50,000 below the Congressionally mandated minimum of 976,599. It is estimated that this shortage will be higher still next year unless early and positive action is taken to stimulate enlistment and reenlistments in the Guard and Reserve.

The Special Pay Act would authorize an Enlistment Incentive of up to $1,100 for a six-year enlistment of a non-prior service individual. It would also authorize a Reenlistment Incentive of up to $2,200 for a critical skill; or $1,100 for a non-critical skill for a six-year reenlistment. For a lesser reenlistment, the amounts would be reduced. The Committee which studied the matter included language directing the Secretary concerned to insure that there would be no discrimination in the payments authorized based on geographic location. For example, if there is a shortage of airplane mechanics, each person enlisting, reenlisting or extending his enlistment, who has that skill, will be paid the same amount regardless of whether he lives in Mississippi or Michigan. The bill limits the authority for payment to those whose period of military service does not exceed 12 years, and further puts a ceiling limitation that no one individual can collect this incentive pay in an amount greater than $3,300.

E. MEDICAL SPECIAL PAY

Medical special pay and bonus

Traditionally, the most difficult officer group to retain on active duty beyond their first obligated tour is that of the health care professionals. One of the most important disincentives for military service for these professionals is caused by the relatively high earnings available to young medical and dental specialists in the civilian sector. While it is almost impossible to measure the pay of physicians and dentists in the civilian sector, it is clearly established that civilian specialists in the medical profession can expect to achieve pre-tax annual net earnings of approximately $40,000 shortly after they enter private practice. Civilian dentists can expect to earn approximately $30,000 annually at a similar career stage. Comparable salaries are already available for certain other health professionals such as optometrists.

The problem that the military now faces in obtaining and retaining sufficient doctors will, in all likelihood, be alleviated within the next seven to ten years. This is probable as the number of medical graduates increase from the expanding medical schools of this country, coupled with the scholarship provisions contained in Public Law 92–426, and the military medical university which, in ten years, will also begin producing doctors and dentists who will have an obligation to serve in the military for ten years. However, during this interim period, relief must be granted unless we go to a policy of utilizing civilian health facilities, particularly for military dependents and military retirees and their dependents. This has been costed and represents a much higher cost to the Federal Government than the plan envisioned in this bill.

The objective of this bill is to eliminate the gap between the incomes of the civilian and military health career professionals. It does this by improving the rates in the special pay for physicians and dentists and by substituting an improved variable retention incentive in place of the former continuation pay. The proposed special pay for physicians and dentists amends existing authority by increasing the rates of special pay for officers with at least two years of active duty from $150 per month to $350 per month rate until he has completed at least ten years of active duty. In addition, it makes the special pay permanent. The law today links the duration of this special pay to the Military Selective Service Act.

The incentive for officers of the armed forces in health professions enables the Secretary of Defense to offer a variable incentive, dependent on the severity of the manning problem to officers who execute a written agreement to remain on active duty for a specified number of years. The combined effect of the special pay and the incentive is expected to solve the health professions retention problem. This will permit a significant reduction in the number of professionals required—a corresponding reduction in training investment in improved care for the armed forces. The House Armed Services Committee included the health professionals in each of the uniformed services based on testimony from the Department of Health, Education and Welfare that the Office of Management and Budget desired that the 5,800 commissioned officers of the Public Health Service should continue to be entitled to the same rate of pay including special pays that are available to members of the armed services.

The Committee action, including the Public Health Service, recognizes that the health of the nation is as important as its security. Further, it felt that the Public Health Service should not be placed at an obvious disadvantage in not having the ability in a free market to reasonably compete for the health professionals that it must attract.

SUMMARY: ADVANTAGES OF THIS PROGRAM

1. Experience with the bonus for enlisted infantry, artillery and armor shows direct effect in increasing enlistments.

2. Cost-effective: extends years of initial or subsequent obligation, thus reducing re-

quirement to train new individuals—pays for itself and saves money besides.

3. Cost-effective: paid only to selected groups in short supply when needed, rather than wasteful payment to groups who are already in sufficient supply.

4. Cost-effective: it focuses the money on the decision points, rather than ephemeral future payments.

5. While pay raises in 1971 have been generally sufficient—special pay is needed in hard to attract and retain skilled individuals. Thus, it seeks to maximize quality.

6. Establishes principle of paying a wage-differential related to ability and skill, not just rank. As the House Committee noted, the incentive is attractive to the individual, it provides him a guaranteed amount offered in a lump sum of a sizable amount. In this light, the incentives provided may be viewed as a prepaid wage differential based on the qualifications of the individuals and the needs of the Armed Forces.

7. Insures smooth transition period into all-volunteer force.

8. No run-out costs, as some current programs contain. Can be started and stopped efficiently.

9. Final piece of compensation legislation in the all-volunteer force program.

10. Full package concept—covers the full needs anticipated, each part relying on the others to supplement it so no important sector is discriminated against.

BUDGET COSTS
[In millions of dollars]

Program	Fiscal year— 1974	1975	1976	1977	1978
Enlistment bonus	42.6	89.1	135.6	139.5	139.5
Selective reenlistment bonus	2.3	1.5	−9.2	−32.6	−83.4
Officer active duty agreements	20.0	25.0	25.0	25.0	25.0
Selected Reserve enlistment/reenlistment bonus	85.4	107.1	139.7	97.3	108.9
Health professions	75.0	95.0	105.0	112.0	112.0
Total, DOD	225.3	317.7	396.1	341.2	302.0

TRAINING COST SAVINGS BY EMPLOYMENT OF THE ENLISTMENT INCENTIVE TO GAIN ADDITIONAL INITIAL OBLIGATED SERVICE

Present	Training cost	Cost per productive man-year (3-year enlistment)[1]	Cost per productive man-year (4-year bonus enlistment)[2]	Training cost savings per each 4-year bonus enlistment
Army MOS:				
11B—Infantryman	$9,853	$3,941	$3,244	$2,418
11E—Armor crewman	16,764	6,706	5,218	5,208
13B—Field artillery crewman	15,908	6,363	4,974	4,862

Proposed	Training cost	Cost per productive man-year (4-year enlistment)[3]	Cost per productive man-year (6-year bonus enlistment)[4]	Training cost savings per each 6-year bonus enlistment
Air Force AFSC:				
316X0—Missile systems analysis	$13,927	$4,285	$2,843	$7,570
404X0—Precision photo systems repairman	8,361	2,389	1,702	3,778
904X0—Medical laboratory specialist	18,966	5,836	3,803	10,673

[1] 3-year enlistment. Productive time is 2½ years because 6 months are devoted to initial training.

[2] 4-year enlistment with $1,500 bonus. Productive time is 3½ years because 6 months are devoted to initial training.

[3] 4-year enlistment. Productive time is 3½ years (404X0) and 3¼ years (316X0 and 904X0) because 6 and 9 months respectively are devoted to initial training.

[4] 6-year enlistment with $1,000 bonus. Productive time is 5½ or 5¼ years because similar time is devoted to initial training.

DR. SCHLESINGER LEAVES AEC

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Idaho (Mr. HANSEN) is recognized for 15 minutes.

Mr. HANSEN of Idaho. Mr. Speaker, as a member of the Joint Committee on Atomic Energy, I received with mixed reactions the news of the appointment of Dr. James R. Schlesinger to the position of Director of the CIA. While I harbor no doubts concerning Dr. Schlesinger's ability to fill that position exceptionally well, I do feel that the Atomic Energy Commission is losing an outstanding Chairman.

During the 17 months Dr. Schlesinger has served the Atomic Energy Commission, I had the opportunity to work with him on many matters, but on two occasions I had the particular pleasure to be more closely associated with him.

One venture was to a remote island in the Aleutians. During the Cannikin underground nuclear test of November 1971, my colleague CRAIG HOSMER and I joined Dr. Schlesinger and his wife and two of his children in the test bunker on Amchitka Island. After the successful test, which was an important step in the development of the Safeguard defensive system, Congressman HOSMER and I accompanied Dr. Schlesinger in a helicopter tour of the island and an inspection of ground zero.

Dr. Schlesinger's decision to be closely identified with the controversial Cannikin test was his own, and associates said he took his wife and two daughters to Amchitka to demonstrate to the world that the AEC was fully confident the test could be conducted in complete safety.

My visit to the test site reflected the confidence I have in Dr. Schlesinger and to the dedication he has inspired throughout the AEC and its many important programs. I share the opinion President Nixon has expressed regarding Jim Schlesinger. After Cannikin the President noted—

> Much has been written about the strength of a man, but few men during the past decade have withstood so calmly the level of pressure exerted against you concerning Cannikin. The test was a success, of course—just as you had predicted and, equally important, the test showed most conclusively that the AEC had indeed "done its homework" on the environmental aspects.

Another occasion when we spent several days together was in July 1972, when Dr. Schlesinger visited the national reactor testing station in Idaho. At that time he lucidly outlined the Nation's energy predicament and reaffirmed the AEC's commitment to meet the energy challenge, as well as the environmental challenge. In dealing with what he appropriately calls the "energy dilemma," Dr. Schlesinger reminded the Idaho audience that—

> The public has a right to choose among the energy alternatives, but the haphazard choice, based on immediate emotion, is potentially crippling.

He has rendered a great service by placing the choices and their implications in perspective.

While on this trip to Idaho Falls, Dr. Schlesinger and four of his children spent 3 days with me on a backpacking trip into the Bighorn Crags of the Idaho Primitive Area.

Based on my personal knowledge of Jim Schlesinger, I am confident that he would serve his country effectively no matter what the task. A Harvard-trained economist who once showed the Department of Defense how to trim $6 billion from its budget, Jim Schlesinger assumed control of the AEC at a time when the agency was sagging. It was in difficulty with environmental and conservation groups, was being criticized for lack of candor, and was under pressure from industry to unsnarl the burgeoning stack of applications for nuclear powerplants.

Schlesinger, who has the reputation of being a tough, driving administrator, went to work with zeal. On his second day as AEC Chairman, he told one senior staff member—

> I don't know what the working hours have been around this place, but I sort of like the sound of 7:30 a.m. to 7:30 p.m.

An enthusiastic birdwatcher, Schlesinger has long been concerned over modern society's encroachment on nature. He welcomed criticism from environmental and conservation groups, and convened meetings with leaders of these organizations during his first months in office.

He set about to restructure the Commission's organization, both the operations staff and the regulatory staff, frequently going outside the agency to fill key positions. He took a personal role in recruiting because many of the people he wanted—and got—were taking salary cuts to join government.

The Commission bureaucracy—which Dr. Schlesinger once privately described as the most talented in Government—reacted initially to the strong Schlesinger approach with apprehension, but soon staff morale was going up, and a key Commission official commented—

> We've got the damndest *esprit de corps* in Washington. The man is tough and can be harsh—but he has turned this agency completely around and the people here are with him.

Although recognized for his strong environmental posture at the AEC, Dr.

Schlesinger also commands respect throughout the national security community.

As director of strategic studies at the Rand Corp. at Santa Monica, Calif., from 1963 to 1969, he specialized in strategic analysis with special emphasis on nuclear weapons. He also served as project leader of a study on nuclear proliferation conducted by Rand for the White House.

In December 1969, Senator HENRY M. JACKSON, chairman of the Subcommittee on National Security and International Operations of the U.S. Senate Committee on Government Operations, introduced testimony by Dr. Schlesinger, then Acting Deputy Director of the Bureau of the Budget, as follows:

> . . . The subcommittee is well aware of Dr. Schlesinger's ability to cut through to the heart of problems. His memorandum on "Uses and Abuses of Analysis" contributed to this inquiry in April 1968 and was widely read and reflected upon in this country and abroad in both government and university circles. I recall in particular his closing comment in that memorandum: "Admittedly, analyses vary substantially in quality. Each should be taken with a large grain of salt. On the other hand, if one does not demand too much of it, analysis will prove to be a most serviceable instrument."

At the same hearing, subcommittee member Senator EDWARD J. GURNEY commented:

> I would also say it is most refreshing to see a man in your area, Dr. Schlesinger—budget-making and systems analysis—with the awareness of the political realities of life which you have obviously shown in your statement. I am not talking about partisan politics, but rather the politics of people.

The New York Times, commenting on the scope of Dr. Schlesinger's assignment as Chairman of the Atomic Energy Commission, said—

> He faces the dual problem of assuring conservationists that the AEC does care about the environment and, at the same time, assuring ardent nuclear energy proponents in Congress that he will not limit nuclear progress to satisfy conservationists. Some skeptics doubt that he can reconcile the conflicts, but he has the credentials.

Reviewing Dr. Schlesinger's first few months as Chairman of the Commission, Nucleonics Week, a McGraw-Hill publication, quoted an AEC official as saying:

> When Schlesinger came out, it was like Patton assuming command of a beaten army . . . Schlesinger swept in here with a new sense of purpose and bent the agency to his will overnight.

The article added that—

> The Commission has changed decisively from an unabashed promoter of nuclear energy to an ombudsman weighing environmental problems . . . Schlesinger has treated the industry—and particularly the utilities—with the benign severity of a man house-training a puppy, and there have been yelps and snarls aplenty. But, while it is hard to accurately monitor the feelings of the industry, there seems now to be a consensus that most of the new directions taken by Schlesinger needed to be taken. Generally, the more knowledgeable and the more sophisticated the industry observers, the more favorable their reaction to Schlesinger.

Washington Post writer Thomas O'Toole wrote on July 9, 1972, after an interview:

> Few men speak more straightforwardly about the nation's rising energy needs than James R. Schlesinger. . . . He briefs the White House, lectures the Treasury Department, scolds industry and testifies before Congress on it. He's concerned with all forms and aspects of energy—not just atomic . . . He's regarded on Capitol Hill and in the White House as a man who's truly interested in finding the right solutions to our energy problems.

Dr. Schlesinger was born in New York City on February 15, 1929. At Harvard, where he majored in economics, he earned three degrees, including the Ph. D. in 1956. While at Harvard, he married Rachel Mellinger, a Radcliffe College student from Springfield, Ohio. They have eight children and presently reside in Arlington, Va.

The Joint Committee on Atomic Energy will miss the invigorating appearances of Dr. James R. Schlesinger. Whenever he came over to testify, I, for one, knew we were in for an interesting session. And when his testimony was completed, we knew where the Atomic Energy Commission stood. I regret that he is leaving the atomic energy field, but wish him success in his new assignment.

MAURICE H. THATCHER: INSPIRATION FOR THE YOUTH OF OUR COUNTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 30 minutes.

Mr. FLOOD. Mr. Speaker, one of the greatest compensations for being a Member of the Congress is the privilege of knowing so many present and former colleagues in this distinguished body. Among the latter was former Representative Maurice H. Thatcher, of the Louisville district of Kentucky, who died at his residence in Washington at the age of 102 on January 6, 1973, the 54th anniversary of the death of former President Theodore Roosevelt, the key figure in launching the Panama Canal.

For many years the sole surviving Member of the Isthmian Canal Commission, which supervised construction of the Panama Canal, and as the head of the Department of Civil Administration in the Canal Zone Government, 1910–13, Governor Thatcher was well acquainted with leading Panamanian personages in the Panama revolution of 1903 that brought about the secession of that country from Colombia. He was on the isthmus during the time of peak construction of the great interoceanic link and knew various leaders of the United States in that vast undertaking, such as President William Howard Taft, George W. Goethals, William L. Sibert, David D. Gaillard, and William Crawford Gorgas.

Throughout his congressional tenure—1923–33—Governor Thatcher served with outstanding distinction on the House Committee on Appropriations and was later described by one of his former colleagues on the committee, its late chairman, Clarence Cannon, of Missouri, as the "ablest Member of the Congress" with whom he had served

Thus, long before first meeting Governor Thatcher on May 12, 1956, when I addressed the Panama Canal Society of Washington, D.C., on the subject of "John F. Stevens: Basic Architect of the Panama Canal," he was already a great tradition on the isthmus and a highly respected former Member of the Congress.

Because of his many contributions while in his Canal Zone position, his sustained interest in the Panama Canal after leaving the isthmus, and various beneficent contributions to the people of our country, the Commonwealth of Kentucky, the zone territory, and Panama, the Congress in 1961, under the leadership of his former colleague, the late Chairman Cannon, unanimously designated the great new bridge across the Pacific entrance of the Panama Canal at Balboa as the Thatcher Ferry Bridge.

An able lawyer, and gifted leader, especially in the field of conservation and matters of historical interest, he was also a poet with the abundance of genius. He has left a rich legacy of writings of research value that are enshrined in the Thatcher collection in the House of the Temple of the Scottish Rite Masons, Southern jurisdiction, in Washington The most comprehensive summary of the life and achievements of Governor Thatcher was the program of the Panama Canal Society of Washington, D.C., on August 15, 1970, quoted by Senator STROM THURMOND in an address to the U.S. Senate on September 9, 1970. (CONGRESSIONAL RECORD, 91st Cong., second sess., vol. 116, pt. 23, Sept. 9, 1970, pp. 30960–67).

Acutely aware of current events as well as those in the past, Governor Thatcher not only kept his old friends but made new ones as he grew in age and stature; and was especially interested in young people whom he always encouraged.

A courageous as well as thoughtful man, when he saw the end of his eventful life approaching, and in line with precedent, he participated in the preparation of his own obituary, which supplies an authoritative summary of his major contributions and served as source material for numerous published news stories on his life following his death.

In Washington, the funeral of Governor Thatcher was held on January 9, 1973, in the chapel of the Lee Funeral Home, with Dr. Edward Gardiner Latch, Chaplain of the U.S. House of Representatives, as the officiating clergyman. This part was followed by the Scottish Rite Rose Croix funeral service conducted by Peter Burich, Thomas H. Dyer, and William D. Jackson, all 33d degree Masons.

A second service was held at the graveside located on a commanding hilltop in historic Frankfort Cemetery that affords a dramatic view of the State capitol of Kentucky and that is not far from the grave of Daniel Boone. Dr. Robert J. Laughlin, pastor of the First Presbyterian Church of Frankfort, officiated.

It was singularly appropriate that the eulogy for Governor Thatcher in both ceremonies was given by Capt. Miles P. DuVal, Jr., U.S. Navy retired, the distinguished historian of the Panama Canal, with which project the Governor was so long associated.

In order that the career of Governor Thatcher may be suitably recorded in the permanent annals of the Congress and thus serve as an inspiration to the youth of our country, I quote as part of my remarks the obituary notice which he helped to write, the eulogy by Captain DuVal and three of the major newspaper obituaries as follows:

HON. MAURICE HUDSON THATCHER

Hon. Maurice Hudson Thatcher, last surviving Member of the Isthmian Canal Commission that supervised construction of the Panama Canal, former Governor of the Canal Zone, and former Member of Congress from Kentucky died on 6 January 1973 at his residence in Washington at the unusual age of 102 years with clear mental perception to the last, ending a notable career of dedicated public service of more than 80 years. His wife, the former Anne Bell Chinn, died in 1960.

Born on August 15, 1870, and educated in public and private schools of Kentucky, Governor Thatcher in early life decided upon a career in the law and politics. His first important public position was Clerk of Butler County Circuit Court, Kentucky, 1892–1895. Others were Assistant Attorney General of Kentucky, 1898–1900; Assistant U.S. District Attorney, Western District of Kentucky, 1901–1906; State Inspector and Examiner of Kentucky, 1908–1910; Member of the Isthmian Canal Commission, 1910–1913, with duty as Civil Governor of the Canal Zone; Member of the Board of Safety of Louisville, 1917–1919, and that City's Department Counsel, 1919–1923; and Member of Congress from the Louisville District of Kentucky, 1923–1933.

While a Member of the Isthmian Canal Commission, Governor Thatcher served at the time of peak construction (1910–1913), and with great distinction. While a Member of the Congress, he was throughout his terms of office on the powerful House Committee on Appropriations rendering important services for his district, state and nation, including the Panama Canal and its employees.

Among the pioneer legislative services in the Congress for which he was responsible were: The establishment across the Pacific Entrance of the Panama Canal at Balboa of a toll-free ferry and the construction of a highway in the Canal Zone connecting the ferry with the road system of Panama, both named in his honor; the building of the Gorgas Memorial Laboratory in the City of Panama to house the activities of the Gorgas Memorial Institute of Tropical and Preventive Medicine; the creation of the Mammoth Cave National Park, the Zachary Taylor National Cemetery, and the Abraham Lincoln Birthplace National Historic Site; and the construction of the George Rogers Clark Memorial Bridge at Louisville, the first such bridge project authorized on a self-liquidating basis.

After leaving the Congress in 1933, Governor Thatcher devoted his life to beneficient endeavors. He has served as General Counsel (1939 to date), and Vice President (1948–1969) of the Gorgas Memorial Institute that supervises the work of the Laboratory in Panama—all without compensation.

During his life, Governor Thatcher received many honors. Among them were the naming by Congress in 1961 of the great bridge across the Panama Canal at Balboa to replace the Ferry, as the Thatcher Ferry Bridge; and in 1969, his election by the Gorgas Institute for life as its Honorary President, a position previously held only by Presidents of the United States.

In addition to his many official accomplishments, Governor Thatcher has written an extensive collection or verse of intrinsic merit, including poems on the Pilgrims, the Panama Canal, National Parks, and United States History. His library, writings and papers of historical value, scrap books, and memorabilia, have been placed in the Thatcher Collection at the Temple of the Scottish Rite Masons, Southern Jurisdiction, Washington, D.C., where they will be available for future researchers into his life and achievements. They include much of value concerning the U.S. Congress, the National Park System, the story of the Pilgrims, the Gorgas Institute and the Panama Canal.

Surviving relatives include Howard R. Thatcher of Baltimore, Maryland, and by marriage, Mrs. Prue Mason Darnell and Franklin C. Mason of Frankfort, Kentucky, and Mrs. Robert L. Montague III of Alexandria, Virginia.

A funeral service will be held at 1:30 PM o'clock on 9 January 1973 at the Lee Funeral Home in Washington, D.C., and later at the graveside in the Frankfort Cemetery, Frankfort, Kentucky, with interment alongside his wife.

REMARKS AT THE FUNERAL OF HON. MAURICE H. THATCHER

(By Capt. Miles P. Duval, Jr.)

Friends and Relatives of Governor Thatcher, Ladies and Gentlemen: As a close associate of Governor Thatcher for many years, it was my privilege to have shared various labors with one whose high order of ability, extensive activity, broad vision, and eloquence, caused him to be known as a universal man.

Twelve years ago on the occasion of the funeral of his wife, the former Anne Bell Chinn, he stood before a gathering of friends and, with perfect control, paid her a remarkable tribute. As many of the thoughts then expressed by this dedicated and gifted man are in two verses of sonnets composed soon afterward in her memory, apply with equal force to him, I shall read them:

GOODBYE, MY DEAR, GOODBYE TO ANNE BELL*

Goodbye, my dear, goodbye. Long have we fared
The course of life in mutual helpfulness,
Love, and esteem; and together we have shared
Full many the events that cheer and bless.
We've known the stress of struggle, and the touch
And joy of something done along the way.
I owe you much, O very, very much—
Far more than gratitude can ever pay.
There yet remains, to lend me needed strength,
The mem'ry of yourself and all your worth;
Too many were your gifts to name at length;
You were the One I knew, in all the Earth,
That matched the standard that I raised to test
All that which in a helpmeet seemeth best.

In briefness only would I wish to speak
Of what beyond the grave may lie or ope;
The answers I have sought, and ever seek;
But have them not—tho reason nurtures hope
And broadens faith; and thereby, thinking so,
I leave the matter thus, trusting the Power
That gave to Man his mortal life, to know
What's wise and just—when comes the final hour.
Within your breast, my dear, there gently burned,
Thru all the years, the purest, noblest flame;
A blessed immortality you've earned,
Which should be yours, what'er the form or frame.
Goodbye, my dear, goodbye; and now I pray
To join you later in a new Today.

All who knew Governor Thatcher well recognized his outstanding qualities and appreciated the extent of his accomplishments, which are recorded in the principal libraries of the Nation. His own library, writings and papers of historical value, scrap books and memorabilia are enshrined in the Thatcher Collection in the Temple of the Scottish Rite Masons in Washington, where they are available for researchers of future generations.

Thus, Governor Thatcher's life illustrates again the truth of President Benjamin Harrison's statement:

"Great lives do not go out. They go on."[1]

[From the New York Times, Jan. 7, 1973]

MAURICE THATCHER DIES AT 102; OLDEST FORMER REPRESENTATIVE

WASHINGTON, Jan. 6—Maurice H. Thatcher, the oldest surviving former member of Congress, died here today at the age of 102.

Mr. Thatcher, who served in the House of Representatives from 1923 to 1933, was also the last surviving member of the Isthmian Canal Commission, which oversaw the construction of the Panama Canal.

Born in Chicago in 1870, Mr. Thatcher grew up in the Green River section of Western Kentucky. At the age of 22, he was elected clerk of the circuit court for Butler county.

After studying law, he joined the state government and in 1898 was appointed an assistant attorney general for Kentucky.

On April 12, 1910, President William Howard Taft, searching for a replacement member for the Isthmian Canal Commission, chose Mr. Thatcher to head the Department of Civil Administration and serve as the civil governor of the Canal Zone. On May 6, he sailed from New York for the Isthmus with his bride of two days, the former Anne Bell Chinn.

During the period of the canal's construction, Mr. Thatcher witnessed the first nonstop transcontinental airplane flight when a small seaplane flew in April, 1913, from Panama Bay to the Atlantic entrance of the canal.

FRIEND OF GORGAS

He also became friendly with Col. William C. Gorgas, the canal's chief sanitation officer and a pioneer in the conquest of Yellow Fever. During construction of the canal, Gorgas kept the spread of tropical diseases to a minimum.

In 1922, Mr. Thatcher was elected to the House as a Republican Representative from Louisville. He served on the powerful Appropriations Committee. "The Congressional arena, has indeed been my briar patch."

In the House, he sponsored legislation to expand foreign and domestic airmail service; to convert the temporary World War I Camp Knox into the permanent military post of Fort Knox, and to create Mammoth Cave National Park.

Mr. Thatcher never forgot the Canal Zone. He sponsored legislation to establish a free ferry across the Pacific entrance of the canal and a highway connecting the ferry with the road system in Panama. The ferry and highway were named in Mr. Thatcher's honor. In 1962, the ferry was replaced by a bridge also named for him.

SUPPORTED DISEASE RESEARCH

In 1928, he introduced a bill to establish and fund the Gorgas Memorial Laboratory in Panama City for tropical-disease research.

Mr. Thatcher was nominated for a sixth House term in 1932, but decided instead to run for the Senate. He was defeated, but remained in Washington to practice law.

Here he was chosen vice president and general counsel of the Gorgas Memorial Institute of Tropical and Preventive Medicine, which supervises the work of the Gorgas laboratory. He held these posts until 1969 when at the age of 99, he was elected honorary life president.

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* Mrs. Thatcher passed away October 10, 1960.

[1] Address at Mount McGregor, N.Y., August 20, 1891.

Asked in an interview a few years ago for his secret of long life, Mr. Thatcher replied:

"I don't eat meat. I eat vegetables, eggs and milk. I don't drink, I don't smoke, and I don't drink tea or coffee."

He was a member of the General Society of Mayflower Descendants, the Sons of the American Revolution and the Panama Society of Washington.

Mrs. Thatcher died in 1960 at the age of 84. They had no children.

[From the Washington Star and News, Jan. 8, 1973]

Maurice Thatcher Dies; Ex-Congressman, 102

Former Rep. Maurice H. Thatcher, 102, the only surviving member of the Isthmian Canal Commission and once civil governor of the Panama Canal Zone, died Saturday at his home on 16th Street NW.

Mr. Thatcher also was the oldest surviving member of Congress. A Republican, he represented the Kentucky district that included Louisville from 1923 to 1933. He was nominated for reelection to the House in 1932 but gave up that nomination to seek his party's nomination for the Senate instead. He failed to win the Senate nomination.

After leaving Congress he practiced law here until about two years ago.

Mr. Thatcher was born in Chicago, but when he was 4 years old his family moved to Butler County, Ky., and settled near Morgantown.

After working as a farmer he was employed by a newspaper and by several county offices. From 1882 until he resigned in 1896 to study law, he was clerk of the Butler County Court.

KENTUCKY OFFICIAL

He began practicing law in Frankfort, Ky., in 1898 and later that year began serving as assistant attorney general of Kentucky. He moved to Louisville next and from 1901 to 1906 was assistant U.S. attorney for the western district of Kentucky. From 1908 to 1910 he was the state examiner and inspector for Kentucky.

President William Howard Taft appointed Mr. Thatcher to the Isthmian Canal Commission in 1910 and also as head of the department of civil administration of the Canal Zone. The canal opened in 1914. The only bridge over the canal carries his name.

Mr. Thatcher next returned to his law practice in Louisville, where he later served on the board of public safety and as department counsel for Louisville.

While in Congress, Mr. Thatcher was active in supporting legislation providing Canal area improvements. He returned to the Canal Zone on a number of visits, including a 1956 trip and another in 1958 that was held on the 100th anniversary of the birth of Theodore Roosevelt.

Mr. Thatcher also sponsored legislation that expanded the foreign and domestic airmail services, converted Camp Knox, Ky., of World War I into the permanent military post there, created the Mammouth Cave National Park and expanded the Abraham Lincoln Birthplace National Historical Site and the Zachary Taylor National Cemetery.

He also sponsored legislation establishing a free ferry across the Pacific entrance of the Panama Canal and a highway connecting it to the Panama road system.

Mr. Thatcher was the author of legislation in 1928 that established and continued operation of the Gorgas Memorial Laboratory in Panama City. Named for his friend, Col. William C. Gorgas, a pioneer in yellow fever work, the laboratory is prominent in tropical disease research.

Mr. Thatcher served seven terms as president of the District Society of Mayflower Descendants and also was counselor and deputy governor of the General Society of Mayflower Descendants.

His wife, the former Anne Bell Chinn of Frankfort, Ky., died in 1960. At one time she was a member of the governing board of the League of Republican Women of the District.

Services will be held at 1:30 p.m. tomorrow at the Lee Funeral Home, 4th Street and Massachusetts Avenue NW. It is requested that expressions of sympathy be in the form of contributions to the Scottish Rite Foundation, 1773 16th St. NW, for an educational fund.

[From the Washington Post, Jan. 7, 1973]

Ex-Representative Maurice Thatcher, 102, Dies

(By Martin Weil)

Maurice H. Thatcher, who helped supervise construction of the Panama Canal, served five terms as a congressman from Kentucky and practiced law here until he was 100 years old, died here yesterday at 102.

Mr. Thatcher died in his home at 1801 16th St. NW, where he had been bedridden almost constantly since suffering a fractured thigh on July 15.

From 1910 to 1913, during the period of peak activity, Mr. Thatcher served as one of the seven members of the Isthmian Canal Commission appointed to superintend and carry out the construction of the Panama Canal.

In his four years on the commission, Mr. Thatcher headed the department of civil administration of the Canal Zone, and was known as the Zone's civil governor.

In recent years, he was reported to be the last surviving member of the canal commission, the chairman of which had been Lt. Col. George W. Goethals, the celebrated Army engineer who brought the project to completion in 1914.

When Mr. Thatcher returned to Panama in 1964 at the age of 95 to help mark the canal's 50th anniversary, he was hailed by a local newspaper as the "Grand Old Man of the Panama Canal."

While serving as a Republican congressman from Kentucky from 1923 to 1933, Mr. Thatcher continued to take an interest in the development of the canal and in the welfare of those who built and operated it.

As a member of the Appropriations Committee, he helped make available funds for improvements in the Canal Zone, and for annuities for construction workers and other canal employees.

A ferry across the Pacific entrance of the canal, for which he obtained federal funds, was named the Thatcher Ferry. The bridge, dedicated in 1962 on the site of the ferry, was named the Thatcher Ferry Bridge.

In addition, an important highway in the canal area was named for him.

Moreover, it was Mr. Thatcher who is credited with enactment of the measure creating in Panama the Gorgas Memorial Laboratory of the Gorgas Memorial Institute of Tropical and Preventive Medicine.

It is named for William Crawford Gorgas, the Army doctor who helped make possible the construction of the canal by destroying the mosquitoes that carried yellow fever and malaria. Mr. Thatcher and Dr. Gorgas served together on the canal commission.

After closing his congressional career by making an unsuccessful race for the Senate in 1932, Mr. Thatcher went into the private practice of law here in 1933.

On his 99th birthday, although his activity had declined, he was still in practice, with an office in the Investment Building at 15th and K Streets NW.

"I don't eat meat," he told an interviewer who was interested in his secrets of longevity. "I eat vegetables, eggs and milk. I don't drink, I don't smoke and I don't drink tea or coffee.

"Of course," he added, "You can't escape meat altogether, meat products creep into a lot of things."

Said Mr. Thatcher, who could still hear well, read without glasses, and make himself heard across a room:

"It's not a religious thing. I just wanted to live what I considered a sound, biological life."

A slender, white-haired man with bushy eyebrows, he said, "I just noticed that the smokers and chewers and drinkers had a hard time quitting when they wanted to.

"I just quit early. I'm a good sleeper, always was, and I still get about eight hours' sleep a night."

Mr. Thatcher was born in Chicago, and grew up in Butler County, in the western part of Kentucky. An official congressional biography said that he "attended public and private schools; engaged in agricultural pursuits; (and) was employed in a newspaper office and in various county offices."

His formal career in public life began at the age of 22 when he was elected clerk of the Butler County Circuit Court. He later studied law, was admitted to the bar in 1898, and became an assistant state attorney general.

After moving to Louisville in 1900, he became an assistant U.S. attorney, and later was named to what has been described as the state's chief appointive office: state inspector and examiner.

In that job, he was credited with saving thousands of dollars for the taxpayers and with bringing about numerous needed reforms. He left it in 1910 to join the Isthmian Canal Commission. After leaving Panama, he held municipal posts in Louisville before being elected to Congress.

In addition to championing measures designed to improve the canal, during his House service, Mr. Thatcher was responsible for much other legislation, including that establishing Mammoth Cave National Park in Kentucky.

In later years, when he interested himself increasingly in the writing of poetry, he memorialized the park in verse:

"Caverns immense, wrought thru the endless ages:
What lessons for the human soul and mind!
The great Lord God, in those arresting pages,
Hath writ a matchless story for mankind.

While in Congress, Mr. Thatcher was also credited with writing legislation for federal appropriations for Braille books and equipment for the nation's blind students.

In later years, besides serving as vice president and general counsel of the Gorgas Institute, Mr. Thatcher maintained contact with his old colleagues by attending meetings here of the Panama Canal Society.

But, as he announced in 1958 at the group's 23d annual meeting, "the ranks are thinning . . ."

Looking back on the occasion of his 99th birthday, he told an interviewer: "I don't lay any claims to a great career. But I've done some useful things. I tried to be useful wherever I was, whatever I did. I've lived a busy and useful life."

His wife, the former Anne Bell Chinn, died in 1960.

THE PEACE AGREEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. Abzug) is recognized for 10 minutes.

Ms. ABZUG. Mr. Speaker, it had to end sometime.

Those of us in the peace movement who thought U.S. intervention in the war in Vietnam never had to begin at all can now rejoice 13 years later that the bloodshed and horror will finally stop when the cease-fire goes into effect on January 27. I congratulate every American who has spoken out and demonstrated and worked for peace over these long, hard years.

We have at last stopped a war which the hawks in the Pentagon were prepared to see continue until an entire land was reduced to rubble and all its people wiped out.

It is difficult now to speak in terms of victory for anyone when we consider the cost of this terrible war:

For the Americans, an outlay of $135 billion, 45,933 killed and 303,616 wounded. More than a thousand missing in action and 545 taken prisoner.

Almost a million killed in North Vietnam, 189,528 killed and 499,026 wounded in South Vietnam among the military forces alone.

In South Vietnam, 415,000 civilian men, women, and children killed and 935,000 wounded from 1965 to 1972 alone.

More than 600,000 Vietnamese driven from their homes, their land destroyed by American bombs and herbicides.

More bombs dropped and ammunition expended by the U.S. military forces than in all of World War II. In that war, which spanned three continents and two oceans, U.S. airmen and artillerymen used 2 million tons of bombs and 6 million tons of shells to defeat the Nazis and Japanese. In this war, the U.S. dropped 6.8 million tons of bombs on Indochina and U.S. land and ship-based artillery fired another 7.5 million tons of shells at the people in South and North Vietnam.

For many of us all the horror capsuled in these cold statistics will forever remain in our minds in the photographs of the blood-drenched bodies of women and children scattered on a road in My Lai and of a little girl running naked and screaming down a highway, her body seared by American napalm.

So I cannot share President Nixon's verdict that he has negotiated "peace with honor," a phrase of monumental hypocrisy that he has used to rationalize an unnecessary prolongation of the war for 4 more years of human agony.

For the past decade a succession of U.S. Presidents and their military and civilian advisers have clung to the public myth that American men were fighting in Vietnam to allow the people there the right of self-determination. All wars feed on diplomatic lies, but the war in Indochina has produced among the biggest lies and self-deceptions, as has been chronicled in the Pentagon papers and in the stark contrasts between self-serving Presidential statements and the grisly reportage from the tormented cities and rural areas of Indochina.

The truth is that we intervened to back up President Diem in his decision to prevent the Geneva Agreement of 1954 from being implemented by the promised reunification elections. We used unparalleled force to prevent the people of Vietnam from determining their own destiny and used that force to maintain in power one dictator after another, from Diem to Ky to Thieu.

The unexpected military ability and determination of the North Vietnamese and the National Liberation Front in South Vietnam, as well as massive opposition to U.S. policies among the American people and peace forces throughout the world, stopped the American executive branch and the Pentagon from totally demolishing North Vietnam and most of South Vietnam, Laos, and Cambodia, as they were prepared to do.

Now at last the United States has pledged to withdraw its forces and what we have, in effect, is a cease-fire in place.

We must recognize that President Nixon's insistence on salvaging the Thieu government has delayed the achievement of a lasting and realistic political settlement for the people of Vietnam.

The agreement described today by Henry Kissinger leaves very hazy the actual political future of Vietnam. An election within South Vietnam is provided for at some unstated time, but under the conditions set for the "National Council of Reconciliation and Concord," either party—the Saigon government or the Provisional Revolutionary Government, which represents the National Liberation Front of South Vietnam—can exercise a veto.

The result may well be that President Thieu, who had himself reelected without opposition almost two years ago, will try to dig in and refuse to agree to any election that allows either the Communists or the many neutralist groups in South Vietnam a free role in the political process.

We are now at the crucial moment for Congress to assert its power and to play a responsible role in the months ahead, and particularly in connection with the planned international conference with the Soviet Union and China. We must insist that this conference become the basis for a total military disengagement of the United States from Southeast Asia.

With American sea and air forces still poised in the seas off Vietnam and in Thailand, Congress must use its fund cutoff powers to disabuse the President of any notion that he can reenter or refuse the war in Indochina. We must also use congressional authority to cut off funds for any military or paramilitary assistance to the government of President Thieu. The sooner he knows that he can no longer rely on the Treasury of the United States to support him, the sooner he will be impelled to reach a realistic peace settlement with the Provisional Revolutionary Government and the neutralist groups in South Vietnam.

I believe it is still essential for Congress to use its fund cutoff powers because although the cease-fire agreement specifies the withdrawal of American forces from Vietnam within 60 days, the Pentagon apparently is planning to maintain a long-term military presence in Southeast Asia.

In an article in the New York Times of January 23, 1973, William Beecher reported from Washington:

> Pentagon planners report that United States air power is scheduled to be withdrawn from Southeast Asia very slowly in the initial period following any cease-fire in the Indochina war.
>
> Until every one of our prisoners of war has been returned and the missing accounted for, one high-ranking defense official declared, very few of the approximate total of 1,000 Air Force, Navy and Marine Corps combat aircraft will be pulled back in the first 60 days of any truce.
>
> Thereafter, the Pentagon officials say, many B-52 and fighter-bomber squadrons will be reassigned. But, they add, a force of several hundred strike aircraft probably will remain for several months while American analysts study events in South Vietnam, Laos and Cambodia to see whether any serious truce violations occur.
>
> Over the longer run, assuming there are no major military operations by North Vietnamese forces, the planners continue, the United States will probably scale down to a presence in Thailand of three to six combat squadrons, totaling 72 to 144 aircraft.
>
> This plan would also include one aircraft carrier with 70 to 90 planes aboard that would occasionally cruise off the coast of Indochina to demonstrate the availability of additional air power to respond to any possible invasion of the South by tanks and troops from the North.

Mr. Beecher says further:

> Other Administration officials, in the Pentagon and other departments, said that Henry A. Kissinger had made it clear during his negotiations with North Vietnamese representatives in Paris that President Nixon would not hesitate to reapply air and sea power in Indochina if Hanoi should violate any cease fire agreement in a blatant way.

After the experience of this past December when President Nixon ordered his ferocious temper tantrum bombing of Hanoi and Haiphong in an action that horrified the world, we must guarantee that there be no repetition of this awesome and unconstitutional exercise of Presidential power.

Congress must use its fund cutoff powers to lock the door behind the President so that there can be no continued presence in Indochina, no renewal of bombing, and no further military aid to the Thieu regime.

We must also permanently limit the power of the President to intervene in the affairs of other nations or to use military forces without congressional authorization. There must be no more Vietnams.

SENATOR McGOVERN'S LECTURE AT OXFORD

(Mr. WAGGONNER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WAGGONNER. Mr. Speaker, it is not often that I have the occasion to agree with an editorial in the Washington Post, but when I do, I like to say so.

I call attention to two articles appearing in the Post for Tuesday, January 23. One is the column by the perceptive Joseph Kraft and the other is an editorial related to it on the subject of Senator George McGovern's lecture at Saint Catherine's College, Oxford, England.

Senator McGovern's childish display of sour grapes serves only to affirm what most of the American people had already concluded about his candidacy for the Presidency, manifesting it at the polls in November, that he is too little a man to be President of the United States. McGovern's platform and everything he proposed, including his so-called appeals to the idealism and mortality of America were soundly rejected by the American people. Now the loser searches in vain for a scapegoat. Surely, even Senator McGovern does not believe as he has indicated, that the press was so unfair to him during the campaign, while protecting the President from criticism. Let us call a spade a spade. If there has been anyone who has been attacked and ridiculed constantly by the national press since he assumed office in 1969, it has been President Nixon. The only difference is the President has shown he can take it, the Senator cannot.

I think that Mr. Kraft sums it up well:

> To begin with, the basic deficiency in the McGovern campaign was the candidate himself.

I include the above referred to articles taken from the Post to follow my remarks:

[From the Washington Post, Jan. 23, 1973]

McGovern's Loss Was of His Own Making

(By Joseph Kraft)

Losers in presidential elections generally have the grace to keep quiet for awhile. Not George McGovern.

Privately, and now in a lecture at Oxford, he has been blaming his defeat on the deficiency of the American people, the Congress, the political parties, the liberal tradition and the press. So, despite the custom of going easy on losers, a few home truths are in order.

To begin with, the basic deficiency in the McGovern campaign was the candidate himself. Senator McGovern lacked the toughness of mind, the breadth of experience, the judgment of men and the personal presence that are required for the White House.

Because of these failings, the Senator never had the enthusiastic support of the strong men who have been the mainstays of the Democratic Party in the past. For the same reason, most of us in the press who knew him over a long period were consistently skeptical about his candidacy.

The program the Senator put forward was studded with examples of a poor grasp on issues. For instance, his defense program would have destabilized the nuclear balance by increasing the number of American attack submarines. It would have cost more than necessary because aircraft carriers would have been scrapped instead of being allowed to become obsolescent.

Perhaps the most notable feature of the Senator's staff were the number of former journalists in his entourage. I love the press. But I don't think we have much experience in doing the business of the world—certainly not to the point of knowing how to run the country.

The Senator's slam at the press positively exudes sour grapes. If it is true that we did not, as he puts it, "lay a glove" on President Nixon, that is because Mr. Nixon had the good sense to stay above the battle.

Some sharp criticism was thrown at Senator McGovern, particularly in connection with his handling of the Eagleton affair. But you didn't hear the Senator screaming with pain when he was being built up by the media after the Wisconsin primary as the giant-killer of American politics, farseeing and courageous with a rare inner toughness. The truth is that anybody insubstantial enough to have to live by the media is probably going to die by the media.

A far more serious point comes up for examination when Senator McGovern talks about renegade liberals—"those who charge that liberalism has been tried and found wanting." Certainly the perception that the program of the Great Society did not work is widespread—especially among many former backers of the programs.

That view is endorsed by what anybody can see in the work done by such orthodox liberals as Mayor John Lindsay in New York, and former Mayor Carl Stokes in Cleveland. It is reinforced by some careful studies, including notably Christopher Jencks' monumental work on education entitled "Inequality."

Maybe these perceptions are wrong. If so, the thing to do is to demonstrate the fact by finding and holding up for public admiration examples where the Great Society programs have succeeded. For my own part, I have looked without great success.

A second serious charge the Senator makes is that the country is in danger of "one man rule." In fact, the most recent decisions on Vietnam have been made almost alone by President Nixon. He has gone way beyond precedent in impounding funds appropriated by the Congress and in asserting executive privilege against testimony to the Congress.

But "one man rule?" That sounds far-fetched to me. The Congress, the courts, and the rest of the vast and infinitely filigreed apparatus of due process in this country are still very much in place. The Congress can easily take the President in tow by developing its own budget, and asserting the power of the purse.

Only that requires that many Congressmen and Senators develop an ability once possessed by Senator McGovern which he seems to have lost in the heady whirl of Presidential politics. It requires the ability not to be a prima donna.

Senator McGovern at Oxford

On the page opposite today, the columnist Joseph Kraft has analyzed the unfortunate and rather embarrassing speech Senator McGovern delivered Sunday at St. Catherine's College, Oxford. We think Mr. Kraft's appraisal is correct. It is incredible that Senator McGovern should have chosen this occasion to flail about at the "so-called liberals," the U.S. Congress, the two political parties and the press, and it is equally incredible that he should have chosen to indulge his penchant for casual and damaging overstatement, speaking so glibly of the "elective dictatorship" the presidency is supposedly becoming and blandly asserting that "the exhaustion of American institutions is matched by an exhaustion of the American spirit." For our part, we have no objections to an American politician letting his countrymen have it in a speech overseas. After all—why not? Our objection is to the petulant, self-pitying tone and the inaccurate and misleading conclusions that flowed from it. Can Senator McGovern really believe that his defeat at the polls in November was largely a product of the malefactions of the press? Can he really believe that it represents some larger decline of the national spirit reflected in the decline of our institutions?

Apparently the answer is yes. And the resentment is truly deep. Thus: "some liberal intellectuals . . . seem to draw a curious personal consolation from the evidence that my appeals to the idealism and morality of America were rejected by the majority of Americans." And again: "I was subjected to the close, critical reporting that is a tradition in American politics . . . Mr. Nixon escaped a similar scrutiny . . . Much of this can be blamed on the incestuous character of the White House press corps itself." Believing as we do, that Senator McGovern's problems with the electorate scarcely proceeded from an overdose of idealism or morality, and recalling as we do the prodigious reportorial effort that went into disclosures concerning campaign spending, the Watergate affair and the rest, all this seems to us more appropriate for a letting-off-steam in the immediate wake of defeat than for a speech that is meant to produce something more reflective. Indeed the self-righteousness, the sanctimony, the comprehensive resentments and the pervasive suspicion of bad motive and foul play put us in mind of something else. They put us in mind of Mr. Nixon on a bad day, Mr. Nixon at his speech-making worst.

What is so distressing about all this is what it may portend in the future role Senator McGovern intends to play in his party. For his speech struck us as a model of what a Democratic Party leader should not be thinking or saying at the moment—which is not to deny his God-given right to do both nor to suggest that such remarks are wrong on tactical grounds. They are wrong because they are wrong headed. We do not draw much "consolation"—"curious," "personal" or otherwise—from the fact that the Democratic candidate evidently perceives the meaning of the 1972 election this way, evidently believes that the liberal resurgence of which he speaks so eloquently toward the end of his address can be built on such a perception of events.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Messrs. Derwinski, Burke of Florida, Chamberlain, and McClory (at the request of Mr. Gerald R. Ford), to February 8, on account of official business.

Messrs. Hamilton, Patten, Nedzi, and Jarman (at the request of Mr. McSpadden), to February 8 on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Abdnor) to revise and extend their remarks and include extraneous matter:)

Mr. Bell, for 5 minutes, today.

Mr. Hanrahan, for 5 minutes, today.

Mr. Minshall of Ohio, for 1 hour, on January 31.

Mr. Anderson of Illinois, for 15 minutes, today.

Mr. Railsback, for 5 minutes, today.

Mr. Sebelius, for 5 minutes, today.

Mr. Kemp, for 15 minutes, today.

Mr. Steiger of Wisconsin, for 10 minutes, today.

Mr. Hansen of Idaho, for 15 minutes, today.

(The following Members (at the request of Mr. McSpadden) and to revise and extend their remarks and include extraneous matter:

Mr. Flood, for 30 minutes, today.

Mr. Harrington, for 5 minutes, today.

Ms. Abzug, for 10 minutes, today.

Mr. Benitez, for 60 minutes, on January 30.

Mr. Badillo, for 60 minutes, on January 30.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mrs. GREEN of Oregon in five instances.

Mr. GERALD R. FORD and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the RECORD and will cost over the limit.

Mr. BINGHAM and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $595.

(The following Members (at the request of Mr. ABDNOR) and to include extraneous matter:)

Mr. LENT in five instances.
Mr. VEYSEY.
Mr. BELL.
Mr. ASHBROOK in two instances.
Mr. RINALDO in five instances.
Mr. FREY in two instances.
Mr. BURKE of Florida.
Mr. ERLENBORN in two instances.
Mr. DERWINSKI in three instances.
Mr. ZWACH.
Mr. GILMAN.
Mr. BOB WILSON.
Mr. CONTE.
Mr. *COCHRAN* in two instances.
Mr. MALLARY.
Mr. SHOUP in two instances.
Mr. WYMAN in two instances.
Mr. RAILSBACK in two instances.
Mr. MCCLOSKEY in two instances.
Mr. FINDLEY.
Mr. CHAMBERLAIN in two instances.

(The following Members (at the request of Mr. MCSPADDEN) and to include extraneous matter:)

Mr. ROGERS in five instances.
Mr. GONZALEZ in three instances.
Mr. BREAUX in three instances.
Mr. RARICK in three instances.
Mr. LEHMAN in two instances.
Mrs. SULLIVAN.
Mr. DINGELL in three instances
Mr. GAYDOS in 10 instances.
Mr. CASEY of Texas.
Mr. DULSKI in six instances.
Mr. ZABLOCKI in four instances.
Mr. WALDIE in five instances.
Mr. REID.
Mr. BURLISON of Missouri.
Mr. ANDERSON of California.
Mr. MCSPADDEN.
Mr. CHARLES H. WILSON of California.
Mr. JOHNSON of California.
Mr. ROE in two instances.
Mr. ANNUNZIO in two instances.
Mr DRINAN.
Mr. FOUNTAIN.
Mrs. *GREEN* of Oregon in five instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 421. An act to provide that appointments to the Office of Director of the Cost of Living Council shall be subject to confirmation by the Senate; to the Committee on Banking and Currency.

ENROLLED JOINT RESOLUTION

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 163. Joint resolution designating the week commencing January 28, 1973, as "International Clergy Week in the United States," and for other purposes.

ADJOURNMENT

Mr. McSPADDEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 26 minutes p.m.), under its previous order, the House adjourned until Friday, January 26, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

276. A communication from the President of the United States, transmitting notice of his intention to exercise his authority under section 614(a) of the Foreign Assistance Act of 1961, as amended, to waive the requirements of section 620(m) of the act, so as to allow funding for fiscal year 1973 of the educational-cultural component of the Agreement of Friendship and Cooperation between the United States and Spain, pursuant to section 652 of the act; to the Committee on Foreign Affairs.

277. A letter from the Assistant Secretary of the Navy (Installations and Logistics), transmitting notice of the proposed transfer of the Mine Sweep Boat (MSB–5) to the Pate Museum, Fort Worth, Tex., pursuant to 10 U.S.C. 7308; to the Committee on Armed Services.

278. A letter from the Deputy Assistant Secretary of the Interior, transmitting a report on the acceptance of gifts for the benefit of Indians, covering fiscal year 1972, pursuant to 25 U.S.C. 451 (Public Law 90–333); to the Committee on Interior and Insular Affairs.

279. A letter from the Deputy Assistant Secretary of the Interior, transmitting a copy of a proposed concession contract for the provision, operation, and maintenance of visitor accommodations, facilities and services at Grand Canyon (North Rim), Zion, and Bryce Canyon National Parks, for a term of 10 years ending December 31, 1982, pursuant to 67 Stat. 271 and 70 Stat. 543; to the Committee on Interior and Insular Affairs.

280. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend section 1306(a) of the Federal Aviation Act of 1958, as amended, to authorize the investment of the war risk insurance fund in securities of, or guaranteed by, the United States; to the Committee on Interstate and Foreign Commerce.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANNUNZIO:

H.R. 2773. A bill to make it clear that code standards prescribed for purposes of the Federal laws relating to housing and urban development do not supersede the corresponding standards embodied in local building, plumbing, electrical, fire prevention, or related codes where the local standards are higher; to the Committee on Banking and Currency.

By Mr. BELL:

H.R. 2774. A bill to provide a national program in order to make the international metric system the predominant but not exclusive system of measurement in the United States and to provide for converting to the general use of such system within 10 years; to the Committee on Science and Astronautics.

By Mr. BIAGGI:

H.R. 2775. A bill to amend title 10 of the United States Code to establish procedures providing members of the Armed Forces redress of grievances arising from acts of brutality or other cruelties, and acts which abridge or deny rights guaranteed to them by the Constitution of the United States, suffered by them while serving in the Armed Forces, and for other purposes; to the Committee on Armed Services.

H.R. 2776. A bill to amend the Maritime Academy Act of 1958 in order to authorize the Secretary of the Navy to appoint students at State maritime academies and colleges as Reserve midshipmen in the U.S. Navy, and for other purposes; to the Committee on Armed Services.

H.R. 2777. A bill to require local governmental approval for section 235 or 236 housing; to the Committee on Banking and Currency.

H.R. 2778. A bill to amend the National Housing Act to provide that rentals in housing projects assisted thereunder shall be subject to regulation under State or local laws, with any Federal authority to regulate rentals in such projects being inapplicable where such State or local laws exist, and to assure to tenants in such projects the right of hearing and judicial review on the establishment of such rentals or any increase therein; to the Committee on Banking and Currency.

H.R. 2779. A bill to amend the Economic Stabilization Act of 1970 to authorize the hiring of senior citizens as price control wardens to enforce price and wage control regulations; to the Committee on Banking and Currency.

H.R. 2780. A bill to revise the Welfare and Pension Plans Disclosure Act; to the Committee on Education and Labor.

H.R. 2781. A bill to provide for the comprehensive development of correctional manpower training and employment, and for other purposes; to the Committee on Education and Labor.

H.R. 2782. A bill to amend the Elementary and Secondary Education Act of 1965 to provide Federal assistance for interscholastic athletic programs in secondary schools associated with community improvement programs; to the Committee on Education and Labor.

H.R. 2783. A bill to provide for a Federal loan guarantee and grant program to enable educational institutions and individuals to purchase electronic reading aids for the blind; to the Committee on Education and Labor.

H.R. 2784. A bill to amend the Noise Pollution and Abatement Act of 1970; to the Committee on Interstate and Foreign Commerce.

H.R. 2785. A bill to require the disclosure of the operational noise level of machinery distributed in interstate commerce; to the Committee on Interstate and Foreign Commerce.

H.R. 2786. A bill to make it a Federal crime to kill or assault a fireman or law enforcement officer engaged in the performance of his duties when the offender travels in interstate commerce or uses any facility of interstate commerce for such purpose; to the Committee on the Judiciary.

H.R. 2787. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of certain public safety officers who die in the performance of duty; to the Committee on the Judiciary.

H.R. 2788. A bill to authorize the Attorney General of the United States to delegate to any common carrier by railroad, or any employee thereof, certain functions relating to the enforcement of certain Federal laws affecting railroads and property moving by railroad interstate or foreign commerce and for other purposes; to the Committee on the Judiciary.

H.R. 2789. A bill for the relief of residents of Northern Ireland; to the Committee on the Judiciary.

H.R. 2790. A bill authorizing the President to proclaim the third week of May as "Lone Defenders Week"; to the Committee on the Judiciary.

H.R. 2791. A bill to amend the Postal Reorganization Act of 1970, title 39, United States Code, to eliminate certain restrictions on the rights of officers and employees of the Postal Service, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 2792. A bill to provide for the issuance of a special postage stamp in commemoration of the life and work of Dr. Enrico Fermi; to the Committee on Post Office and Civil Service.

H.R. 2793. A bill to amend title 38 of the United States Code in order to establish a separate nonservice-connected disability pension system for certain veterans age 72 or over, and for other purposes; to the Committee on Veteran's Affairs.

H.R. 2794. A bill to amend title 38 of the United States Code to exclude certain increases in benefits under the Social Security Act from consideration as income for the purpose of determining eligibility for pension under title 38, and for other purposes; to the Committee on Veteran's Affairs.

H.R. 2795. A bill to amend title 38 of the United States Code to provide that Paget's disease developing a 10 percent or more degree of disability within 5 years after separation from active service during a period of war shall be presumed to be service connected; to the Committee on Veteran's Affairs.

H.R. 2796. A bill to provide payments to States for public elementary and secondary education and to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

H.R. 2797. A bill to amend the Internal Revenue Code of 1954 to permit an exemption of the first $5,000 of retirement income received by a taxpayer under a public retirement system or any other system if the taxpayer is at least 65 years of age; to the Committee on Ways and Means.

H.R. 2798. A bill to amend the Internal Revenue Code of 1954 to provide that the personal exemption allowed a taxpayer for a dependent shall be available without regard to the dependent's income in the case of a dependent who is over 65 (the same as in the case of a dependent who is a child under 19); to the Committee on Ways and Means.

H.R. 2799. A bill to amend the Internal Revenue Code of 1954 to permit the full deduction of medical expenses incurred for the care of individuals of 65 years of age and over, without regard to the 3 percent and 1 percent floors; to the Committee on Ways and Means.

H.R. 2800. A bill to amend the Internal Revenue Code of 1954 to provide that tuition for the education of a handicapped dependent at a private school shall be treated as a medical expense of the taxpayer when such education is recommended by a physician; to the Committee on Ways and Means.

H.R. 2801. A bill to provide a deduction for income tax purposes, in the case of a disabled individual, for expenses for transportation to and from work; and to provide an additional exemption for income tax purposes for a taxpayer or spouse who is disabled; to the Committee on Ways and Means:

H.R. 2802. A bill to amend the Internal Revenue Code of 1954 to allow a deduction to tenants of houses or apartments for their proportionate share of the taxes and interest paid by their landlords; to the Committee on Ways and Means.

H.R. 2803. A bill to amend title XVIII of the Social Security Act to provide payment under the supplementary medical insurance program for optometrists' services and eyeglasses; to the Committee on Ways and Means.

H.R. 2804. A bill to amend the Internal Revenue Code of 1954 to allow an itemized deduction for certain amounts expended for marine sanitation devices which comply with the Federal Water Pollution Control Act; to the Committee on Ways and Means.

H.R. 2805. A bill to amend title II of the Social Security Act to increase to $750 in all cases the amount of the lump-sum death payment thereunder; to the Committee on Ways and Means.

By Mr. BROYHILL of North Carolina:

H.R. 2806. A bill to amend section 1402(a) of title 10, United States Code, to revise the rule for entitlement to retired or retainer pay to reflect later active duty; to the Committee on Armed Services.

By Mr. BROYHILL of Virginia:

H.R. 2807. A bill to provide elective coverage under the Federal old-age, survivors, and disability insurance system for all officers and employees of the United States and its instrumentalities; to the Committee on Ways and Means.

By Mr. CAREY of New York:

H.R. 2808. A bill relating to the income tax treatment of charitable contributions of inventory and certain other ordinary income property; to the Committee on Ways and Means.

H.R. 2809. A bill to permit officers and employees of the Federal Government to elect coverage under the old-age, survivors, and disability insurance system; to the Committee on Ways and Means.

H.R. 2810. A bill relating to the treatment of certain changes in wills and trust instruments for purposes of the Tax Reform Act of 1969; to the Committee on Ways and Means.

H.R. 2811. A bill to amend the Internal Revenue Code of 1954 to subject Federal land banks, Federal land bank associations, and Federal intermediate credit banks to the taxes imposed by such code; to the Committee on Ways and Means.

By Mr. CLARK:

H.R. 2812. A bill to amend the Rural Electrification Act of 1936, as amended, to reaffirm that such funds made available for each fiscal year to carry out the programs provided for in such act be fully obligated in said year, and for other purposes; to the Committee on Agriculture.

By Mr. DON H. CLAUSEN:

H.R. 2813. A bill to designate certain lands in the State of California as wilderness; to the Committee on Interior and Insular Affairs.

By Mr. COLLINS (for himself, Mr. Brown of Michigan, Mr. Byron, Mr. W. C. (Dan) Daniel, Mrs. Holt, Mr. Melcher, Mr. Nichols, Mr. Parris, Mr. Powell of Ohio, Mr. Quie, Mr. Rarick, Mr. Roe, Mr. Roy, Mr. Ruppe, Mr. Sebelius, Mr. Shriver, Mr. Steiger of Arizona, Mr. Ware, Mr. Bob Wilson, Mr. Won Pat, Mr. Young of South Carolina, and Mr. Zwach):

H.R. 2814. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. CONTE (for himself, Mr. Bergland, Mr. Cleveland, Mr. Cohen, Mr. Cronin, Mr. Dingell, Mr. Fascell, Mr. Frelinghuysen, Mr. Giaimo, Mrs. Heckler of Massachusetts, Mr. Heinz, Mr. Horton, Mr. McCloskey, Mr. Peyser, Mr. Pike, Mr. Robison of New York, Mr. Sarasin, Mr. Stokes, and Mr. Whalen):

H.R. 2815. A bill to repeal the Connolly Hot Oil Act; to the Committee on Interstate and Foreign Commerce.

By Mr. CONTE (for himself, Mr. Addabbo, Mr. Andrews of North Dakota, Mr. Badillo, Mrs. Chisholm, Mr. Cohen, Mr. Conyers, Mr. Davis of Georgia, Mr. De Lugo, Mr. Drinan, Mr. Eckhardt, Mr. Eilberg, Mr. Fish, and Mr. Gude):

H.R. 2816. A bill to prohibit the President from impounding any funds, or approving the impounding of funds without the consent of the Congress, and to provide a procedure under which the House of Representatives and the Senate may approve the President's proposed impoundment; to the Committee on Rules.

By Mr. CONTE (for himself, Miss Holtzman, Mr. McCloskey, Mr. Minish, Mr. Mitchell of Maryland, Mr. Moakley, Mr. Moorhead of Pennsylvania, Mr. Riegle, Mr. Roybal, Mr. Stephens, Mr. Stokes, Mr. Wolff, Mr. Wright, and Mr. Yatron):

H.R. 2817. A bill to prohibit the President from impounding any funds, or approving the impounding of funds without the consent of the Congress, and to provide a procedure under which the House of Representatives and the Senate may approve the President's proposed impoundment; to the Committee on Rules.

By Mr. CONTE (for himself, Mr. Adams, Mr. Addabbo, Mr. Bergland, Mr. Cleveland, Mr. Cohen, Mr. Danielson, Mr. Dingell, Mr. Drinan, Mr. Fascell, Mr. Frelinghuysen, Mr. Frenzel, Mr. Giaimo, Mrs. Heckler of Massachusetts, Mr. Heinz, Miss Holtzman, Mr. Horton, Mr. King, Mr. McCloskey, and Mr. Mallary):

H.R. 2818. A bill to terminate the oil import control program; to the Committee on Ways and Means.

By Mr. CONTE (for himself, Mr. McClory, Mr. Matsunaga, Mr. Obey, Mr. Peyser, Mr. Railsback, Mr. Reid, Mr. Reuss, Mr. Robison of New York, Mr. Roe, Mr. Ruppe, Mr. St Germain, Mr. Sarasin, Mr. Smith of New York, Mr. Stokes, Mr. J. William Stanton, Mr. Stratton, Mr. Vanik, Mr. Whalen, and Mr. Zwach):

H.R. 2819. A bill to terminate the oil import control program; to the Committee on Ways and Means.

By Mr. DENT:

H.R. 2820. A bill to require the President to notify the Congress whenever he impounds funds, or authorizes the impounding of funds, and to provide a *procedure* under which the House of Representatives and the Senate may approve the President's action or require the President to cease such action; to the Committee on Rules.

By Mr. DEVINE:

H.R. 2821. A bill to amend the Communications Act of 1934 to provide for regulation of television networks to assure that their operations are in the public interest; to the Committee on Interstate and Foreign Commerce.

By Mr. DORN:

H.R. 2822. A bill to raise the Veterans Administration to the status of an executive department of the Government to be known as the Department of Veterans Affairs; to the Committee on Government Operations.

H.R. 2823. A bill to amend title 38 of the United States Code to liberalize the provisions relating to payment of disability and death pension, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 2824. A bill to amend title 38 of the United States Code to permit the furnishing of benefits to certain veterans conditionally discharged or released from active military, naval, or air service; to the Committee on Veterans' Affairs.

H.R. 2825. A bill to amend title 38, United States Code, to provide that payments made to a hospitalized incompetent veteran will not be terminated unless his estate exceeds $2,000, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 2826. A bill to amend title 38, United States Code, to increase the amount payable on burial and funeral expenses; to the Committee on Veterans' Affairs.

H.R. 2827. A bill to amend chapter 23 of title 38, United States Code, so as to provide that where death occurs in a State Home, the Administrator shall pay the actual cost (not to exceed $250) of the burial and funeral, and transport the body to the place of burial in the same or any other State; to the Committee on Veterans' Affairs.

By Mr. DORN (for himself, Mr. Teague of Texas, Mr. Haley, Mr. Dulski, Mr. Roberts, Mr. Satterfield, Mr. Helstoski, Mr. Edwards of California, Mr. Montgomery, Mr. Carney of Ohio, Mr. Danielson, Mrs. Grasso, Mr. Wolff, Mr. Brinkley, Mr. Charles Wilson of Texas, Mr. Hammerschmidt, Mr. Saylor, Mr. Teague of California, Mrs. Heckler of Massachusetts, Mr. Zwach, Mr. Wylie, Mr. Hillis, and Mr. Abdnor):

H.R. 2828. A bill to amend title 38 of the United States Code in order to establish a national cemetery system within the Veterans' Administration, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DOWNING:

H.R. 2829. A bill to amend the Rural Electrification Act of 1936, as amended, to reaffirm that such funds made available for each fiscal year to carry out the programs provided for in such act be fully obligated in said year and for other purposes; to the Committee on Agriculture.

H.R. 2830. A bill to authorize an increase in funds for land acquisition at Colonial National Historical Park, in the State of Virginia, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ERLENBORN (for himself, Mr. Fuqua, Mr. Quie, Mr. Waggonner, and Mr. Anderson of Illinois):

H.R. 2831. A bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rates prescribed by that act, to expand employment opportunities for youths, and for other purposes; to the Committee on Education and Labor.

By Mr. EVANS of Colorado:

H.R. 2832. A bill to amend the Rural Electrification Act of 1936, as amended, to reaffirm that such funds made available for each fiscal year to carry out the programs provided for in such act be fully obligated in said year, and for other purposes; to the Committee on Agriculture.

By Mr. FASCELL:

H.R. 2833. A bill to amend title 10, United States Code, to equalize the retirement pay of members of the uniformed services of equal rank and years of service, and for other purposes; to the Committee on Armed Services.

By Mr. GERALD R. FORD:

H.R. 2834. A bill to create a National Agricultural Bargaining Board, to provide standards for the qualification of associations of producers, to define the mutual obligation of handlers and associations of producers to negotiate regarding agricultural products, and for other purposes; to the Committee on Agriculture.

By Mr. FOUNTAIN:

H.R. 2835. A bill to require the Secretary of Agriculture to carry out a rural environmental assistance program; to the Committee on Agriculture.

By Mr. GAYDOS:

H.R. 2836. A bill to revise the Welfare and Pension Plans Disclosure Act; to the Committee on Education and Labor.

H.R. 2837. A bill to amend the tariff and trade laws of the United States to promote full employment and restore a diversified production base; to amend the Internal Revenue Code of 1954 to stem the outflow of U.S. capital, jobs, technology, and production, and for other purposes; to the Committee on Ways and Means.

By Mr. GIBBONS:

H.R. 2838. A bill to suspend until the close of June 30, 1974, the duties on certain forms of copper; to the Committee on Ways and Means.

H.R. 2839. A bill to provide for the duty-free treatment of the copper content of all copper-bearing ores; to premanently suspend the duty on copper waste, copper scrap, and certain forms of copper; to repeal the market price test for determining rates of duty on copper-bearing materials; and for other purposes; to the Committee on Ways and Means.

By Mrs. GREEN of Oregon (for herself, Mr. Wyatt, Mr. Alexander, Mr. Carey of New York, Mr. Dent, Mr. Downing, Mr. Gaydos, Mr. Giaimo, Mr. Gibbons, Mr. Ichord, Mr. Leggett, Mr. Mazzoli, Mr. Mollohan, Mr. Pike, and Mr. Yates):

H.R. 2840. A bill to provide congressional due process in questions of war powers as required by the Constitution of the United States; to the Committee on Armed Services.

By Mr. GUDE (for himself, Mr. Saylor, Mr. Taylor of North Carolina, and Mr. Skubitz):

H.R. 2841. A bill to provide for the establishment of the Clara Barton House National Histroic Site in the State of Maryland, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. GUYER:

H.R. 2842. A bill to improve and implement procedures for fiscal controls in the U.S. Government, and for other purposes; to the Committee on Rules.

By Mr. HARVEY:

H.R. 2843. A bill to assure an opportunity for employment to every American seeking work and to make available the education and training needed by any person to qualify for employment consistent with his highest potential and capability, and for other purposes; to the Committee on Education and Labor.

H.R. 2844. A bill to amend the Federal Aviation Act of 1958 and the Interstate Commerce Act to authorize reduced-fare transportation on a space-available basis for persons who are 65 years of age or older; to the Committee on Interstate and Foreign Commerce.

H.R. 2845. A bill to amend the Internal Revenue Code of 1954 to promote additional protection for the rights of participants in private pension plans, to establish minimum standards for vesting, to establish an insurance corporation within the Department of the Treasury, and for other purposes; to the Committee on Ways and Means.

H.R. 2846. A bill to amend title II of the Social Security Act to increase to $3,000 the amount of outside earnings permitted each year without any deductions from benefits thereunder; to the Committee on Ways and Means.

H.R. 2847. A bill to amend title II of the Social Security Act to provide that a beneficiary who dies shall (if otherwise qualified) be entitled to a prorated benefit for the month of his death; to the Committee on Ways and Means.

By Mr. JOHNSON of Colorado:

H.R. 2848. A bill to amend the Wild and Scenic Rivers Act of 1968 (82 Stat. 906) by designating a portion of the Colorado River, Colorado, for study as a potential addition to the National Wild and Scenic Rivers system; to the Committee on Interior and Insular Affairs.

By Mr. JONES of Oklahoma:

H.R. 2849. A bill to require the Secretary of Agriculture to carry out a rural environmental assistance program; to the Committee on Agriculture.

By Mr. JONES of Tennessee (for himself and Mr. Wampler):

H.R. 2850. A bill to provide price support for milk at not less than 85 percent of the parity price therefor; to the Committee on Agriculture.

By Mr. MALLARY:

H.R. 2851. A bill to grant a child adopted by a single U.S. citizen the same immigrant status as a child adopted by a U.S. citizen and his spouse; to the Committee on the Judiciary.

H.R. 2852. A bill to provide for the establishment of a national cemetery in the State of Vermont; to the Committee on Veterans' Affairs.

By Mr. MATSUNAGA:

H.R. 2853. A bill to authorize and direct the Librarian of Congress to establish and maintain a library of television and radio programs, and for other purposes; to the Committee on House Administration.

By Mr. MILLS of Arkansas:

H.R. 2854. A bill to amend the Internal Revenue Code of 1954 to exempt certain agricultural aircraft from the aircraft use tax, to provide for the refund of the gasoline tax to the agricultural aircraft operator with the consent of the farmer, and for other purposes; to the Committee on Ways and Means.

By Mr. PERKINS:

H.R. 2855. A bill to amend the Rural Electrification Act of 1936, as amended, to reaffirm that such funds made available for each fiscal year to carry out the programs provided for in such act be fully obligated in said year, and for other purposes; to the Committee on Agriculture.

H.R. 2856. A bill to amend the Communications Act of 1934 in order to provide that licenses for the operation of a broadcasting station shall be issued for a term of 5 years; to the Committee on Interstate and Foreign Commerce.

H.R. 2857. A bill to amend the Railroad Retirement Act of 1937 to remove all of the existing limitations upon the dollar amount of outside income which a disability annuitant or a survivor annuitant may earn while receiving an annuity thereunder; to the Committee on Interstate and Foreign Commerce.

By Mr. PERKINS (for himself, Mr. Dent, Mr. Annunzio, Mr. Ashley, Mr. Badillo, Mr. Bingham, Mr. Blatnik, Mr. Brademas, Mr. Brown of California, Mr. Burke of Massachusetts, Mr. Burton, Mrs. Chisholm, Mr. Clark, Mr. Clay, Mr. Dominick V. Daniels, Mr. Danielson, Mr. Dulski, Mr. Hays, Mr. Hawkins, Mr. Holifield, Mr. Kyros, Mr. Leggett, Mr. Lehman, and Mr. McCormack):

H.R. 2858. A bill to revise the Welfare and Pension Plans Disclosure Act; to the Committee on Education and Labor.

By Mr. PRICE of Illinois:

H.R. 2859. A bill to amend the Urban Mass Transportation Act of 1964 to authorize certain emergency grants to assure adequate rapid transit and commuter railroad service in urban areas, and for other purposes; to the Committee on Banking and Currency.

H.R. 2860. A bill to establish mining and mineral research centers, to promote a more adequate national program of mining and minerals research, to supplement the act of December 31, 1970, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 2861. A bill to provide for cooperation between the Secretary of the Interior and the States with respect to the regulation of surface mining operations, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 2862. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize design standards for schoolbuses, to require certain standards be established for schoolbuses, to require the investigation of certain schoolbus accidents, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 2863. A bill to prohibit common carriers in interstate commerce from charging elderly people more than half fare for their transportation during nonpeak periods of travel, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 2864. A bill to amend the Internal Revenue Code of 1954 so as to permit certain tax exempt organizations to engage in communications with legislative bodies, and committees and members thereof; to the Committee on Ways and Means.

By Mr. RAILSBACK (for himself, Mr. O'Brien, Mr. Milford, Mr. Anderson of Illinois, Mr. Zwach, Mr. McClory, Mr. Hanrahan, and Mr. Fraser):

H.R. 2865. A bill to authorize the President to establish a system to ration fuel oil among civilian users in order to provide for an equitable distribution of fuel oil in areas of shortage; to the Committee on Banking and Currency.

By Mr. RAILSBACK (for himself, Mr. Collins, Mr. Milford, Mr. Zwach, Mr. McClory, and Mr. Hanrahan):

H.R. 2866. A bill to provide for the deregulation of natural gas; to the Committee on Interstate and Foreign Commerce.

By Mr. RARICK:

H.R. 2867. A bill to amend the Duck Stamp Act and other laws to prohibit the charging of any Federal fee to any individual who has attained age 65 for the privilege of hunting, trapping, or fishing; to the Committee on Merchant Marine and Fisheries.

H.R. 2868. A bill to amend chapter 83, title 5, United States Code, to eliminate the reduction in the annuities of employees or members who elected reduced annuities in order to provide a survivor annuity if predeceased by the person named as survivor and permit a retired employee or member to designate a new spouse as survivor if predeceased by the person named as survivor at the time of retirement; to the Committee on Post Office and Civil Service.

H.R. 2869. A bill to amend the Internal Revenue Code of 1954 to encourage higher education, and particularly the private funding thereof, by authorizing a deduction from gross income of reasonable amounts contributed to a qualified higher education fund established by a taxpayer for the purpose of funding the higher education of his dependents; to the Committee on Ways and Means.

H.R. 2870. A bill to amend title II of the Social Security Act to permit an individual receiving benefits thereunder to earn outside income without losing any of such benefits; to the Committee on Ways and Means.

By Mr. ROBERTS:

H.R. 2871. A bill to require the Secretary of Agriculture to carry out a rural environmental assistance program; to the Committee on Agriculture.

H.R. 2872. A bill to abolish the U.S. Postal Service, to repeal the Postal Reorganization Act, to reenact the former provisions of title 39, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 2873. A bill to create a public works program for the purpose of reducing unemployment; to the Committee on Public Works.

H.R. 2874. A bill to authorize and direct the Secretary of the Army to classify project lands at Lake Texoma for sound recreational use; to the Committee on Public Works.

H.R. 2875. A bill to modify the project at Lavon Reservoir, Tex.; to the Committee on Public Works.

By Mr. ROSTENKOWSKI:

H.R. 2876. A bill to permit officers and employees of the Federal Government to elect coverage under the old-age, survivors, and disability insurance system; to the Committee on Ways and Means.

By Mr. ROY:

H.R. 2877. A bill to authorize the payment of a death gratuity to the survivors of certain members of the Armed Forces who have been in a missing-in-action status and subsequently determined to have died during a period when no Government life insurance program was in effect for active duty personnel; to the Committee on Armed Services.

H.R. 2878. A bill to provide for the disposition of funds appropriated to pay judgments in favor of the Sac and Fox Indians, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 2879. A bill to provide for the disposition of funds appropriated to pay certain judgments in favor of the Iowa Tribes of Oklahoma and of Kansas and Nebraska; to the Committee on Interior and Insular Affairs.

H.R. 2880. A bill to provide for the establishment of the Agricultural Hall of Fame National Cultural Park in the State of Kansas, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 2881. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize design standards for schoolbuses and require the establishment of certain standards for schoolbuses; to the Committee on Interstate and Foreign Commerce.

H.R. 2882. A bill to prohibit common carriers in interstate commerce from charging elderly people more than half fare for their transportation during nonpeak periods of travel, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 2883. A bill to reduce pollution which is caused by litter composed of soft drink and beer containers, and to eliminate the threat to the Nation's health, safety, and welfare which is caused by such litter by banning such containers when they are sold in interstate commerce on a no-deposit, no-return basis; to the Committee on Interstate and Foreign Commerce.

H.R. 2884. A bill to amend the Uniform Time Act of 1966 to provide that daylight saving time shall begin on Memorial Day and end on Labor Day of each year; to the Committee on Interstate and Foreign Commerce.

H.R. 2885. A bill to change the minimum age qualification for serving as a juror in Federal courts from 21 years of age to 18 years of age; to the Committee on the Judiciary.

H.R. 2886. A bill to retain November 11 as Veterans Day; to the Committee on the Judiciary.

H.R. 2887. A bill to amend title 39, United States Code, to authorize the transmission, without cost to the sender, of letter mail to the President or Vice President of the United States or to Members of Congress, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 2888. A bill to designate certain segments of the Interstate System as the "Dwight D. Eisenhower Highway"; to the Committee on Public Works.

H.R. 2889. A bill to amend title 38 of the United States Code to insure that beneficiaries under the Servicemen's Group Life Insurance Program of certain members of the Armed Forces in missing status are not denied the benefits of such program; to the Committee on Veterans' Affairs.

H.R. 2890. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

H.R. 2891. A bill to allow a credit against Federal income taxes or a payment from the U.S. Treasury for State and local real property taxes or an equivalent portion of rent paid on their residences by individuals who have attained age 65; to the Committee on Ways and Means.

By Mr. ROYBAL (for himself, Mr. Brasco, Mrs. Chisholm, Mr. Conyers, Mr. Corman, Mr. Danielson, Mr. Edwards of California, Mr. Fuqua, Mr. Hawkins, Mr. Hechler of West Virginia, Mr. Rosenthal, Mr. Charles H. Wilson of California, Mr. Wolff, and Mr. Harrington):

H.R. 2892. A bill to establish a program to replace, through the cooperative efforts of Federal, State, and local governments, elementary and secondary schools which are in dangerous location or unsafe condition or are otherwise deficient; to the Committee on Education and Labor.

By Mr. ROYBAL (for himself, Mr. Anderson of California, Mr. Badillo, Mr. Bell, Mr. Burton, Mr. Conyers, Mr. Corman, Mr. Edwards of California, Mr. Hawkins, Mr. Johnson of California, Mr. Hanna, Mr. Leggett, Mr. Lehman, Mr. Lujan, Mr. McFall, Mr. Mitchell of Maryland, Mr. Moakley, Mr. Murphy of New York, Mr. Podell, Mr. Rees, Mr. Riegle, Mr. Waldie, and Mr. Helstoski):

H.R. 2893. A bill to authorize grants to the Deganawidah-Quetzalcoatl University; to the Committee on Education and Labor.

By Mr. ROYBAL (for himself, Ms. Abzug, Mr. Brown of California, Mrs. Burke of California, Mr. Burton, Mrs. Chisholm, Mr. Corman, Mr. Drinan, Mr. Edwards of California, Mr. Hechler of West Virginia, Mr. Leggett, Mr. Melcher, Mr. Mitchell of Maryland, Mr. Rees, Mr. Riegle, and Mr. Wolff):

H.R. 2894. A bill to provide reimbursement to certain individuals for medical relief for physical injury suffered by them that is directly attributable to the explosions of the atomic bombs on Hiroshima and Nagasaki, Japan, in August 1945 and the radioactive fallout from those explosions; to the Committee on the Judiciary.

By Mr. ROYBAL (for himself, Mr. Bennett, Mr. Burton, Mr. Danielson, Mr. Derwinski, Mr. Harrington, Mr. McFall, Mrs. Mink, Mr. Murphy of New York, Mr. Rees, Mr. Sisk, Mr. Talcott, Mr. Van Deerlin, and Mr. Waldie):

H.R. 2895. A bill to amend the Internal Revenue Code of 1954 to provide that any resident of the Republic of the Philippines may be a dependent for purposes of the income tax deduction for personal exemption; to the Committee on Ways and Means.

By Mr. SATTERFIELD:

H.R. 2896. A bill to amend chapter 17 of title 38, United States Code, so as to authorize reimbursement for hospital care or medical service for any disability of a veteran who has a total service-connected disability permanent in nature; to the Committee on Veterans' Affairs.

H.R. 2897. A bill to amend title 38, United States Code, to provide that the Administrator of Veterans' Affairs may furnish medical services for a nonservice-connected disability to any war veteran who has a disability rated at 50 percent or more resulting from a service-connected disability; to the Committee on Veterans' Affairs.

H.R. 2898. A bill to amend section 620 of title 38, United States Code, to authorize direct admission to community nursing homes of those veterans needing such care for a service-connected condition; to the Committee on Veterans' Affairs.

H.R. 2899. A bill to amend section 620 of title 38, United States Code, to extend the length of time community nursing home care may be provided at the expense of the United States; to the Committee on Veterans' Affairs.

By Mr. SATTERFIELD (for himself, Mr. Dorn, Mr. Teague of Texas, Mr. Haley, Mr. Dulski, Mr. Roberts, Mr. Helstoski, Mr. Edwards of California, Mr. Montgomery, Mr. Carney of Ohio, Mr. Danielson, Mrs. Grasso, Mr. Wolfe, Mr. Brinkley, Mr. Charles Wilson of Texas, Mr. Saylor, Mrs. Heckler of Massachusetts, Mr. Zwack, and Mr. Wylie):

H.R. 2900. A bill to amend title 38 of the United States Code to provide improved medical care to veterans; to provide hospital and medical care to certain dependents and survivors of veterans; to improve recruitment and retention of career personnel in the Department of Medicine and Surgery; to the Committee on Veterans' Affairs.

By Mr. SEBELIUS (for himself, Mr. Cochran, Mr. Shriver, Mr. Skubitz, and Mr. Winn):

H.R. 2901. A bill to require the Secretary of Agriculture to carry out a rural environmental assistance program; to the Committee on Agriculture.

By Mr. SHOUP:

H.R. 2902. A bill to authorize the Secretary of Agriculture to develop and carry out a forestry incentives program to encourage a higher level of forest resource protection, development, and management by small nonindustrial private and non-Federal public forest landowners, and for other purposes; to the Committee on Agriculture.

H.R. 2903. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. SIKES (for himself, Mr. Fisher, Mr. Rarick, Mr. Jones of North Carolina, Mr. Montgomery, Mr. Alexander, Mr. Davis of Georgia, Mr. Haley, Mr. Slack, Mr. Bowen, Mr. Hansen of Idaho, Mr. Leggett, Mr. Denholm, Mr. Scherle, Mr. Lott, Mr. Roybal, Mr. Blackburn, Mr. Meeds, Mr. Derwinski, Mrs. Hansen of Washington, Mr. Bevill, Mr. Latta, Mr. Williams, and Mr. Guyer):

H.R. 2904. A bill to authorize the Secretary of Agriculture to develop and carry out a forestry incentives program to encourage a higher level of forest resource protection, development, and management by small nonindustrial private and non-Federal public forest landowners, and for other purposes; to the Committee on Agriculture.

By Mr. SIKES (for himself, Mr. Johnson of Pennsylvania, Mr. Ichord, Mr. Flood, Mr. Melcher, Mr. Won Pat, Mr. Nichols, Mr. Yatron, Mr. Cleveland, Mr. Whitten, Mr. Huber, Mr. Baker, and Mr. Fuqua):

H.R. 2905. A bill to authorize the Secretary of Agriculture to develop and carry out a forestry incentives program to encourage a higher level of forest resource protection, development, and management by small nonindustrial private and non-Federal public forest landowners, and for other purposes; to the Committee on Agriculture.

By Mr. TEAGUE of Texas:

H.R. 2906. A bill to amend section 3104 of title 38, United States Code, to permit certain service-connected disabled veterans who are retired members of the uniformed services to receive compensation concurrently with retired pay, without deduction from either; to the Committee on Veterans' Affairs.

H.R. 2907. A bill to amend title 38, United States Code, to provide that the effective date of disability pension shall be the date that permanent and total disability is established, if application for such benefit is received within 1 year from such date; to the Committee on Veterans' Affairs.

H.R. 2908. A bill to provide for the payment of aid and attendance benefits to certain totally disabled veterans; to the Committee on Veterans' Affairs.

H.R. 2909. A bill to amend chapter 19, title 38, United States Code, so as to provide a statutory total disability for insurance purposes to any veteran who has undergone kidney or heart transplant or anatomical loss or loss of use of both kidneys; to the Committee on Veterans' Affairs.

H.R. 2910. A bill to amend chapter 11, title 38, United States Code, to provide a statutory compensable rating of not less than 10 percent for any veteran who was a prisoner of war; to the Committee on Veterans' Affairs.

H.R. 2911. A bill to amend title 38 of the United States Code to provide that progressive muscular atrophy developing a 10 percent or more degree of disability within 7 years after separation from active service during a period of war shall be presumed to be service connected; to the Committee on Veterans' Affairs.

H.R. 2912. A bill to amend title 38, United States Code, to provide that psychosis developing a 10-percent degree of disability or more within 2 years after separation from active service during a period of war shall be presumed to be service connected; to the Committee on Veterans' Affairs.

H.R. 2913. A bill to amend section 410 of title 38, United States Code, to provide a statutory presumption of service-connected death of any veteran who has been rated totally disabled by reason of service-connected disability for 10 or more years; to the Committee on Veterans' Affairs.

H.R. 2914. A bill to amend title 38, United States Code, to authorize increased benefits for veterans requiring regularly scheduled hemodialysis; to the Committee on Veterans' Affairs.

H.R. 2915. A bill to amend chapter 11, title 38, United States Code, to increase the statutory rates for certain anatomical loss or loss of use; to the Committee on Veterans' Affairs.

H.R. 2916. A bill to amend title 38 of the United States Code to assist veterans with a permanent and total service-connected disability due to the loss or loss of use of one upper and one lower extremity to acquire specially adapted housing; to the Committee on Veterans' Affairs.

H.R. 2917. A bill to amend section 312 of title 38, United States Code, by providing a 10-year presumptive period of service connection for chronic diseases of certain prisoners of war; to the Committee on Veterans' Affairs.

By Mr. TEAGUE of Texas (for himself and Mr. Satterfield):

H.R. 2918. A bill to amend title 38 of the United States Code to permit veterans to determine how certain drugs and medicines will be supplied to them; to the Committee on Veterans' Affairs.

By Mr. THOMPSON of New Jersey (for himself, Mr. Dent, Mr. Mayne, Mr. Meeds, Mr. Milford, Mr. Mollohan, Mr. Moorhead of Pennsylvania, Mr. Morgan, Mr. Moss, Mr. Murphy of New York, Mr. Nix, Mr. Pepper, Mr. Pike, Mr. Preyer, Mr. Price of Illinois, Mr. Randall, Mr. Rosenthal, Mr. Roybal, Mr. Sarbanes, Mr. Seiberling, Mr. Stokes, Mr. Tiernan, Mr. Won Pat, and Mr. Yatron):

H.R. 2919. A bill to revise the Welfare and Pension Plans Disclosure Act; to the Committee on Education and Labor.

By Mr. VAN DEERLIN (for himself, Mr. Conte, Mr. Addabbo, Mr. Ashley, Mr. Badillo, Mr. Brasco, Mr. Brown of Ohio, Mr. Broyhill of North Carolina, Mr. Buchanan, Mr. Corman, Mr. Delaney, Mr. Dellenback, Mr. Dent, Mr. Derwinski, Mr. Donohue, Mr. du Pont, Mr. Edwards of Alabama, Mr. Eilberg, Mr. Eshleman, Mr. Fish, Mr. Giaimo, Mrs. Grasso, Mrs. Hansen of Washington, Mr. Harvey, and Mr. Hillis):

H.R. 2920. A bill for the establishment of a Council on Energy Policy; to the Committee on Interstate and Foreign Commerce.

By Mr. VAN DEERLIN (for himself, Mr. Conte, Mr. Johnson of Pennsylvania, Mr. King, Mr. Long of Louisiana, Mr. Lujan, Mr. Mailliard, Mr. Mallary, Mr. Mathis of Georgia, Mr. Mazzoli, Mr. Moakley, Mr. Pepper, Mr. Podell, Mr. Price of Illinois, Mr. Rees, Mr. Rodino, Mr. Rosenthal, Mr. Rostenkowski, Mr. Roybal, Mr. Steele, Mr. Veysey, Mr. Waldie, Mr. Ware, Mr. Whitehurst, Mr. Wolff, and Mr. Zion):

H.R. 2921. A bill for the establishment of a Council on Energy Policy; to the Committee on Interstate and Foreign Commerce.

By Mr. WHITE:

H.R. 2922. A bill to authorize the Secretary of Agriculture to cooperate with the governments of Central and South America in order to control outbreaks of certain insect pests when necessary to protect the agriculture of the United States; to the Committee on Agriculture.

H.R. 2923. A bill to authorize Federal cost sharing in promoting public safety through the elimination of hazardous open canals by converting them to closed conduits and by fencing; to the Committee on Interior and Insular Affairs.

H.R. 2924. A bill to authorize the construction of extensions of the American Canal at El Paso, Tex., operation and maintenance, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 2925. A bill to amend the Railroad Retirement Act of 1937 to provide that actual entitlement to a social security benefit shall not have the effect of reducing an individual's railroad retirement annuity by depriving such individual of the full advantage of the so-called social security guarantee formula in the computation of his or her annuity; to the Committee on Interstate and Foreign Commerce.

H.R. 2926. A bill to amend the Civil Service Retirement Act to increase from 2 to 2½ percent the retirement multiplication factor used in computing annuities of certain employees engaged in hazardous duties; to the Committee on Post Office and Civil Service.

By Mr. WHITEHURST:

H.R. 2927. A bill to amend title 10, United States Code, to provide that officers appointed in the Medical Service Corps of the Navy from other commissioned status shall not lose rank or pay or allowances; to the Committee on Armed Services.

By Mr. WHITEHURST (for himself and Mr. Robert W. Daniel, Jr.):

H.R. 2928. A bill to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of January 2, 1971 (Public Law 91-646); to the Committee on Public Works.

By Mr. BOB WILSON:

H.R. 2929. A bill to amend title 10, United States Code, in order to remove an inequity from the laws concerning medical care for dependents of members of the uniformed services; to the Committee on Armed Services.

H.R. 2930. A bill to amend the Strategic and Critical Materials Stock Piling Act, and for other purposes; to the Committee on Armed Services.

H.R. 2931. A bill to further amend the Federal Civil Defense Act of 1950, as amended, to authorize establishment of national standards for threads and couplings of firehoses, and for other purposes; to the Committee on Armed Services.

By Mr. CHARLES H. WILSON of California:

H.R. 2932. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. WYATT:

H.R. 2933. A bill to improve the quality of unshelled filberts and shelled filberts for marketing in the United States; to the Committee on Agriculture.

H.R. 2934. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. WYLIE:

H.R. 2935. A bill to revise the Welfare and Pension Disclosure Act; to the Committee on Education and Labor.

H.R. 2936. A bill to revise the Welfare and Pension Plan Disclosure Act; to the Committee on Education and Labor.

H.R. 2937. A bill to provide procedures for calling constitutional conventions for proposing amendment to the Constitution of the United States, on application of the legislatures of two-thirds of the States, pursuant to article V of the Constitution; to the Committee on the Judiciary.

H.R. 2938. A bill to amend title II of the Social Security Act to increase to $4,200 the annual amount individuals are permitted to earn without suffering deductions from the insurance benefits payable to them under such title; to the Committee on Ways and Means.

By Mr. WYLIE (for himself, Mr. FREY, and Mr. WHALEN):

H.R. 2939. A bill to amend the Internal Revenue Code of 1954 to provide that the first $3,000 of an individual civil service retirement annuity (or other Federal retirement annuity) shall be exempt from income tax; to the Committee on Ways and Means.

By Mr. WYLIE:

H.R. 2940. A bill to amend the Railroad Retirement Act of 1937 to provide for cost-of-living increases in the annuities and pensions (and lump-sum payments) which are payable thereunder; to the Committee on Interstate and Foreign Commerce.

H.R. 2941. A bill to amend title 38 of the United States Code to provide for cost-of-living increases in compensation, dependency, and indemnity compensation, and pension payments; to the Committee on Veterans' Affairs.

By Mr. YOUNG of Florida:

H.R. 2942. A bill to establish a national land use policy, to authorize the Secretary of the Interior to make grants to assist the States to develop and implement State land use programs, to coordinate Federal programs and policies which have a land-use impact, to coordinate planning and management of Federal lands and planning and management of adjacent non-Federal lands, and to establish an Office of Land Use Policy Administration in the Department of the Interior, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 2943. A bill to amend title II of the Social Security Act to increase to $3,000 the amount of outside earnings which (subject to further increases under the automatic adjustment provisions) is permitted each year without any deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. ZWACH:

H.R. 2944. A bill to make the use of a firearm to commit certain felonies a Federal crime where that use violates State law, and for other purposes; to the Committee on the Judiciary.

By Mr. ANDERSON of California:

H.J. Res. 236. Joint resolution proposing an amendment to the Constitution of the United States to prevent a Member of Congress from serving more than 12 consecutive years in either the House or the Senate; to the Committee on the Judiciary.

By Mr. BELL:

H.J. Res. 237. Joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. BIAGGI:

H.J. Res. 238. Joint resolution authorizing the President to proclaim the first day of January of each year as Appreciate America Day; to the Committee on the Judiciary.

By Mr. MILFORD:

H.J. Res. 239. Joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. NEDZI (for himself, Mr. O'HARA, Mrs. GRIFFITHS, Mr. DINGELL, Mr. BROOMFIELD, Mr. WILLIAM D. FORD, and Mr. HUBER):

H.J. Res. 240. Joint resolution proposing an amendment to the Constitution of the United States relative to the assignment of public school students; to the Committee on the Judiciary.

By Mr. ROY:

H.J. Res. 241. Joint resolution expressing the sense of the Congress with respect to the foreign economic policy of the United States in connection with its relations with the Soviet Union and any other country which uses arbitrary and discriminatory methods to limit the right of emigration, and for other purposes; to the Committee on Foreign Affairs.

H.J. Res. 242. Joint resolution proposing an amendment to the Constitution of the United States lowering the age requirements for membership in the Houses of Congress; to the Committee on the Judiciary.

H.J. Res. 243. Joint resolution to provide for a 1974 centennial celebration observing the introduction into the United States of hard red winter wheat; to the Committee on the Judiciary.

H.J. Res. 244. Joint resolution to create a select joint committee to conduct an investigation and study into methods of significantly simplifying Federal income tax return forms; to the Committee on Rules.

By Mr. WYLIE:

H.J. Res. 245. Joint resolution to establish a Joint Committee on the Environment; to the Committee on Rules.

By Mr. BIAGGI:

H. Con. Res. 95. Concurrent resolution expressing congressional recognition of a declaration of general and special rights of the mentally retarded; to the Committee on Interstate and Foreign Commerce.

H. Res. 161. Resolution relative to Irish national self determination; to the Committee on Foreign Affairs.

By Mr. DIGGS:

H. Res. 162. Resolution authorizing the Committee on the District of Columbia to conduct an investigation and study of the organization, management, operation, and administration of departments and agencies of the Government of the District of Columbia; to the Committee on Rules.

By Mr. HALEY:

H. Res. 163. Resolution to authorize the Committee on Interior and Insular Affairs to make investigations into any matter within its jurisdiction, and for other purposes; to the Committee on Rules.

By Mr. ROY:

H. Res. 164. Resolution to create a Select Committee on Aging; to the Committee on Rules.

By Mr. WYLIE:

H. Res. 165. Resolution maintaining U.S. sovereignty, Panama Canal Zone; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BAKER:

H.R. 2945. A bill for the relief of Jesse McCarver, Georgia Villa McCarver, Kathy McCarver, and Edith McCarver, to the Committee on the Judiciary.

By Mr. BROYHILL of Virginia (by request):

H.R. 2946. A bill to convey certain lands located in Spotsylvania County, Va., to J. E. Bashor and Marie J. Bashor; to the Committee on Interior and Insular Affairs.

H.R. 2947. A bill for the relief of Giuseppa Alessandrini (nee Belacchi); to the Committee on the Judiciary.

H.R. 2948. A bill for the relief of Andreas A. Antypas, and his wife Barbel Antypas; to the Committee on the Judiciary.

H.R. 2949. A bill for the relief of Antonio L. Azores; to the Committee on the Judiciary.

H.R. 2950. A bill for the relief of Mrs. Gertrude Berkley; to the Committee on the Judiciary.

H.R. 2951. A bill for the relief of James Phillip Briggs; to the Committee on the Judiciary.

H.R. 2952. A bill for the relief of George E. Chiplock, to the Committee on the Judiciary.

H.R. 2953. A bill for the relief of Edna Clarke; to the Committee on the Judiciary.

H.R. 2954. A bill for the relief of Col. and Mrs. Allen B. Crane; to the Committee on the Judiciary.

H.R. 2955. A bill for the relief of Robert L. Johnston; to the Committee on the Judiciary.

H.R. 2956. A bill for the relief of Thomas A. Lucid; to the Committee on the Judiciary.

H.R. 2957. A bill for the relief of M. Sgt. Robert M. Stachura; to the Committee on the Judiciary.

H.R. 2958. A bill for the relief of Jane M. Vida; to the Committee on the Judiciary.

H.R. 2959. A bill for the relief of Charles D. Waldron; to the Committee on the Judiciary.

By Mrs. HOLT:

H.R. 2960. A bill for the relief of D. Jane Klemer; to the Committee on the Judiciary.

By Mr. RARICK:

H.R. 2961. A bill to incorporate in the District of Columbia the National Inconvenienced Sportsmen's Association; to the Committee on the Judiciary.

By Mr. ROE:

H.R. 2962. A bill for the relief of Sister Amelia Callegarin; to the Committee on the Judiciary.

By Mr. ROY:

H.R. 2963. A bill for the relief of Mrs. Clare McManigal; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of the rule XXII,

32. The SPEAKER presented petition of the city council, Worcester, Mass., relative to the proposed moratorium on urban funds; to the Committee on Banking and Currency.

EXTENSIONS OF REMARKS

EXPERIENCED FARMER COMMENTS ON FARM PROGRAM

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1973

Mr. ALEXANDER. Mr. Speaker, it is often said that experience is the best teacher. G. A. Hale of Burdette who has owned and operated an 800-acre seed farm for the last 25 years has shared some of his experiences and suggestions with me for use in drafting new farm legislation. Mr. Hale was reared on a southwestern Arkansas farm, graduated from the Colleges of Agriculture of Iowa State University and University of Missouri, employed as agronomist and president of Burdette Plantation, assistant agronomist of the Georgia Experiment Station, associate agronomist of the USDA-Soil Conservation Service in Texas, Louisiana, Arkansas, and Oklahoma and is a registered plant breeder by the Arkansas State Plan Board. It is with great pleasure that I share his recommendations and advice with my colleagues:

Recommendations of G. A. Hale

The recommendations and views below are based largely on actual farm records for this time for crops of cotton, soybeans and wheat. My net farm income before income taxes has varied from $38,000 in 1954 and 55 to $9,000 in 1968 and 69, with an average net income of about 3 per cent on my investment in land and equipment. My lowest income has been during the 1965 and 1970 Acts and I am asking that you amend and add to the 1970 Act the following provisions to correct the boom and bust economy of farmers during recent years:

1. CROP SUPPLY AND DEMAND IMBALANCE

If politically feasible, provide in the new Act that determinations of probable demand and supply for crops be made before planting time, similar to a study now under way by Cotton Incorporated for cotton so that growers can have this information as a guide line for planting plans. Much information is available on past crop history, but this is of very little help in making the right decisions for the future. Until we are better organized only the power of the federal government is strong enough to control to a certain degree the supply of farm products. Three million farmers can not control our production without the help of laws to regulate the crop acreages. No matter how efficient we may be and how much advertising, promotion, research and technology we have working for us, if we over-produce and build up unwanted supplies, we are in deep trouble as in past years.

2. GOVERNMENT LOANS AND PRICE SUPPORTS

The original purpose and justification for CCC crop loans was to provide for orderly marketing and a reasonable floor under crop prices, but in recent years loans have been set at very low amounts in an attempt to make our crop prices competitive in foreign markets, which has not proved effective for cotton. The new Act should return crop loans to the original purpose and for such amounts that with direct payments add up to at least 80 per cent of parity prices. Cottonseed is a good example of a crop without a loan or subsidy payment that I sold for $45.00 per ton, with parity price of $85.00 which did not pay for ginning as compared to cotton lint which I sold for 28 cents, with parity of 56 cents, but with a subsidy payment of 15 cents for allotted acres. According to the latest study made in 1969 by the USDA the average cost of producing a pound of cotton lint was 29 cents for this area.

3. DIRECT OR SUBSIDY PAYMENTS

Until crop supplies are more in line with demands, and loans are nearer parity prices, direct or support payments must be provided for some crops. Limitations on the size of these payments should not be made as this practice is socialistic and eliminates many of our most efficient producers and discourages young people from beginning and continuing in farming. The average age of U.S. farmers is now 56 years and getting higher, while the average age of business executives is 35 years. We would prefer to get all our income from profitable marketing instead of the federal treasury.

4. ACREAGE ALLOTMENTS AND SET-ASIDES

Critics of strict crop allotments and penalties or set-aside requirements say that these will not control supplies, but my observation has been that when administrators do their duty and reduce allotments this is not true from past history. Until a better way is found to prevent burdensome crop surpluses, this method must be provided for in new legislation. Freedom to plant all our farm in one crop will return us to conditions before 1933. The program for rice proves that it was a mistake to allow freedom to plant in the case of corn, wheat and cotton, which are not now as profitable to grow as rice in this region. Acreage allotments should be based on the last three to five year history of acreage of each farm, with consideration for good economic and soil conservation practices. Only the wisdom and power of the Congress is strong enough to enforce these allotments until farmers are better organized to do the job for themselves.

5. THE PARITY PRICE CONCEPT, PARTIAL OR FULL

The price I received for cotton was the one factor most closely related to my net income during the 25 years I have farmed the same land. When crop prices plus direct payments equals less than about 80 per cent of full parity, most farmers are in deep economic trouble. Before the Farm Act of 1965, when crop loans were at least 80 per cent, my net income was comparable to that of most non-farmers except in a few years when crop yields were very low. Recently the cost of producing crops has risen rapidly and the new Act should provide for loans plus direct payments to equal at least 80 per cent of parity.

6. EXPORTS AND IMPORTS OF FARM CROPS

My visits to most of the free-world cotton and soybean growing countries during the last decade has convinced me that it is ridiculous to expect our farmers to compete with foreign growers without large subsidies for both farmers and exporters. Likewise, dumping our surplus, or selling it under the P.L. 480 for foreign money, tends to reduce foreign growers incentive to supply their needs and should be outlawed in a new Farm Act. The recent sales of wheat to Russia and China helped the price received by growers very little as I sold my 1972 crop for $1.30 per bushel when the full parity price was about $3.00 per bushel. More than a million bales of raw cotton equivalent in the form of textiles made from foreign-grown cotton is imported and Congress should give our cotton growers, textile workers, and mills tariff protection from this competition like they have for many of our other industries. This action along with the natural increase in population and promotion of Cotton Incorporated and others should provide a market for about three million bales now exported and free us from foreign cotton competition in the domestic markets. From my very limited experience of exporting registered grade soybean planting seed, I have learned that individual farmers have to depend on professional exporters to sell their crops on foreign markets. We are not interested in growing and selling our crops at low prices and below production costs just to reduce our balance of payments and profit exporters and other agri-business that often benefit from large crops. Most of us would prefer to get an American price on the domestic market rather than depending on the failure of foreign production during years of poor crops for the sale of our crops.

No doubt, some of you are not hearing from and getting the views and the advice of the majority of your farm constituency; namely mostly small and retired farmers who are renting their land out, owner-operators and renters who are paying high taxes, high rents and getting low prices as their only source of income. May I suggest that you write the managers of local Production Credit and Federal Land Banks Associations, Farm Supply and Marketing Cooperatives and Country Banks for mailing lists and send these people short yes and no questionnaires on provisions of new farm legislation. If I can help by sending you more details on my experience, please let me know.

PLIGHT OF THE GREAT LAKES

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1973

Mr. KEATING. Mr. Speaker, on January 18, 1973, I cosponsored Congressmen William Stanton and Chuck Vanik's bill to permit the construction of shore protection devices along nonpublic section of U.S. coastlines.

Such legislation is needed with great urgency if we are to protect the shoreline surrounding the Great Lakes. Unusually high water levels on the lakes have resulted in uncontrollable flooding and erosion.

Due to record rainfall during the last year, the rising water level in Lake Erie is expected to reach a record 5 feet above normal in late spring. It is estimated that damage could run into millions of dollars and could involve thousands of acres in the urbanized Great Lakes Basin.

All the water in the Great Lakes eventually flows into Lakes Erie and Ontario before emptying into the St. Lawrence River.

With the water level in Lake Ontario last month only 3 feet below the all-time record and a projected 2-foot rise in the near future, coastlines around Lake Ontario are in imminent danger.

The only way to lower the level of Lake Ontario would be to increase the flow of water through the dams at the mouth of the St. Lawrence River.

Yet this would endanger Montreal, as well as flooding other parts of Canada.

Even extensive lowering of Lake Ontario would have little effect on Lake Erie as there is no way of speeding up the flow of Lake Erie waters over Niagara Falls into Lake Ontario.

Obviously destruction and needless waste of the Great Lakes shorelines is inevitable unless immediate efforts are made to lower the water levels of the lakes and maintain controlled levels in the years to come. I urge my colleagues to give every consideration to this legislation.

RED WOODWARD: A STUDY IN COURAGE

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1973

Mr. CHARLES H. WILSON of California. Mr. Speaker, Sir Winston Churchill said:

> Courage is rightly esteemed the first of human qualities because it is the quality which guarantees all others.

I first met Red Woodward when, as a sergeant in World War II, I danced to his band during my occasional recreational nights at Fort Worth. An ebullient, talented man, Red played a "mean" saxophone, and his smooth sounds and good humor were the perfect antidote for a tired soldier.

Red Woodward has continued to brighten the lives of others; for, after an operation several years ago for throat cancer, he has dedicated much of his time and efforts to helping other laryngectomees learn to use artificial speaking aids.

Red Woodward understands the difficult hurdles these patients face. For 7 months after his operation, he could not talk because his esophagus was not large enough to permit the swallowing and belching of air which some other laryngectomees do in order to form words. During this 7 months of silence, Red dubbed himself, "the fastest slate in the State" because he depended upon a small writing slate to communicate with others.

Yet, through experimentation and a deep desire to speak again, Red Woodward was able, by assiduous and often painful practice, to master the use of a pneumatic speaking device which permitted him to talk through a curved tube fitted into the hole left in his throat by the operation.

But he knew that others were not as fortunate. Many laryngectomees, going for 2 or 3 years without speaking, became resigned to their disability, and that, in the words of Red Woodward, "makes me so mad I could eat nails."

However, this is a man who puts his anger to purposeful use. For those who had given up trying, Red Woodward created an artificial speech aids agency which includes a "voice bank" offering a large assortment of artificial speech aids for those who cannot talk on their own.

And, although he continues to manage and play in the Red Woodward Orchestra—substituting the guitar for his saxophone—he works at a part-time job as well so that he can contribute half his salary to the voice bank. As a result of his selfless efforts, 17 other people have learned to speak through artificial devices. One man learned to talk over the telephone after 11 days—a feat it took Red 2 months to accomplish.

While his help has proved invaluable in giving others a literal "voice" in this life, in his typically modest way Red dismisses his efforts by saying, "I assist them; they teach themselves."

Adversity has met its master in Red Woodward. And he in turn has, by sheer persistence and a contagious joy in living, helped others retrieve optimism from despair and strength from helplessness.

THE CONTINUING PLIGHT OF SOVIET JEWS

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1973

Mr. BELL. Mr. Speaker, in light of the continuing policy of arrest and harassment of Soviet Jews desiring to emigrate to Israel, I should like to submit the following letter from Lev Lerner, who, with his family, recently had the good fortune to be allowed to leave Russia.

The letter was forwarded to me by one of my constituents, Stuart Lotwin. I have entered in the RECORD previous correspondence and the transcript of a telephone conversation between Mr. Lotwin and Mr. Lerner, describing the problems the latter gentleman confronted in his efforts to emigrate.

While I still decry the exorbitant taxes imposed on Soviet Jews, such as the 19,000 Israeli pounds which Mr. Lerner was forced to pay—and have again cosponsored legislation to prohibit the granting of most-favored-nation treatment to the Soviet Union because of this policy—I am nonetheless happy to know of the Lerners' safe arrival in Israel and urge thoughtful consideration of this poignant letter. The text of the letter follows:

DECEMBER 13, 1972.

DEAR MR. STUART J. LOTWIN: I was glad to get your congratulations on the threshold of realization of our dream. I and my family already in Israel. We were excellently welcome. We live in one of the areas of Tel Aviv. I already have seen those jerusalem which every year in our prayers hoped to see only in the next year. My daughter already goes to the school and study those language which lived only in her genes but was quite recently so far from her.

We hope that it will be really for us to see our friends who so much helped us and believed, as it now and then seemed hopelessly, in the realization of our dream.

In the time of our departure we were forced to pay the gigantic sum and to our regret persistent attempts to get in the last days abolition the payment for the education only has redoubled our situation. We were forced to pay even for my mother-in-law who in 1923 studied on the first course of pedogogical institute.

Dear Mr. Lotwin! If it is possible to organize for us the help in the repayment, common sum of which forms 19,000 of Israel pounds, it would help us in the settling our affairs.

Only understand us rightly. We don't consider that anybody must to help us. We are happy that we are here, on that top to which was so hard our way. All the rest is the problem of other order. Do only that which is possible, because the impossible already has took place—we are here.

Here my exact address: Lev Lerner, Bet Milman Tagole 32, Ramat-Aviv, Israel. If for the sending money is necessary some account in the Bank of Israel make this with the help of small sum which we got in the time of our departure from Russia.

Dear Mr. Lotwin! I should want to ask you to help to my friends which as before get only the refusals and now are in the very hard situation. And first of all help to my friend Daniel Teitelbaum. I consider that your help to me was very effective and I hope that you will help to him to see as it is possible soon our homeland too.

I hope on our meeting soon. Shalom to you and your family.

LEV.

The best regards from my wife, daughter and mother-in-law. We are very thankful to you for your picture and shall send our one soon.

MICHAEL CAFFERTY

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1973

Mr. ROSTENKOWSKI. Mr. Speaker, last Wednesday, January 17, 1973, Michael Cafferty, chairman of the Chicago Transit Authority and one of the Nation's best known public transportation figures, passed away after a short illness.

Mr. Cafferty, 48, was appointed to the CTA Board by Mayor Richard J. Daley in April 1971. From 1969 to 1971, while with Secretary John Volpe at the U.S. Department of Transportation, he helped to establish the new office of Assistant Secretary for Environment and Urban Systems. He was Acting Assistant Secretary of Transportation at the time he left the Department to come to Chicago.

Mr. Cafferty believed that the mobility of citizens in a free society was essential to the well-being of that society. He was particularly concerned that the aged, the handicapped and the poor suffered the greatest inequities from insufficient and expensive public transportation.

His environmental concerns, a carryover from his Department of Transportation days, led to the development of programs which controlled rapid transit noise pollution.

Recognized as one of the chief spokesmen on public transportation for the Nation's cities, Mr. Cafferty led the crusade for operating assistance—subsidies, a battle that some think is close to being won, largely due to his efforts. He was frequently called to Washington to testify before various congressional committees on urban problems.

In short, Michael Cafferty was a man of unselfish devotion to his colleagues, his city and his Nation. I join Mayor Daley and the city of Chicago in mourning the loss of a true friend.

SENATOR WILLIAM F. KNOWLAND ON PRESS FREEDOM

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1973

Mr. WALDIE. Mr. Speaker, the distinguished former Senator from California, the Honorable William F. Knowland, recently spoke out forcefully and eloquently regarding the recent court decisions and actions resulting in a very real threat to freedom of the press.

The Senator, now publisher and editor of the Oakland Tribune, rightfully calls to our attention the very real threat raised to the people's right to know if newsmen are compelled to release their sources or source material to the courts or other government bodies.

Mr. Speaker, I think that my colleagues in the House and the other body will find Senator Knowland's comments of great interest.

The article follows:

[From the Oakland Tribune, Jan. 10, 1973]

KNOWLAND'S STAND ON PRESS FREEDOM

William F. Knowland, publisher and editor of The Tribune, said yesterday he'd "personally take the responsibility of declining to furnish" investigative reporting notes if they were sought by subpoena, and would personally take the consequences. "It might be prison," said newsman Trevor Thomas of television station KQED, who interviewed Knowland for last night's "Newsroom."

"It might be," Knowland replied adding:

"I would take that responsibility, and I would not expect one of my reporters, or one of our people here, who was carrying out the job he had been assigned to do by his editors—and, in the final analysis, I have the final responsibility as the editor and publisher—I would not expect him to go to jail carrying out the instructions from this office."

When asked what he'd do if he received a subpoena "and it directed you to supply information, or one of your reporters, of a confidential source, for a story that had been written and published in The Tribune," Knowland replied:

"Assuming it was a case where our people have been doing investigative reporting on a matter which we felt was of great public interest, my instructions would be to the managing editor and the city editor that the notes would not be produced.

"I would suggest respectfully that the publisher himself would of course, obey an order of the court to appear in court, and I would then feel—with great respect, because I have great respect for the courts and the processes of law—that the notes could not be turned over without doing great damage to the whole process of the newspaper performing its function as an agency essential under the Constitution to this country, and I would personally take the responsibility for declining to furnish the material, and the consequences. . . ."

Thomas noted Tribune editorials which have condemned court-ordered jailing of reporters for not identifying a source or refusing to answer grand jury questions, exclusion of newsmen from courtrooms and from access to previously public government documents, and a government official's report of planned legislation to "correct imbalance or consistent bias" in television network news reporting.

Knowland said "no newspaperman, or television or radio, has ever maintained that, if an employe of one of those media were in a bank on his regular banking business and should see a holdup or a teller shot, that he would claim immunity from that sort of thing. This is not what we are talking about."

The issue, he said, basically concerns situations where reporters from any media "are working on a story which may be to uncover corruption in government" or on another topic, and have sources who have disclosed information to them and "by doing so may have placed their own lives in jeopardy from people who would wipe them out if they knew where the material was coming from. . . ."

He said "those raw notes of the reporter, using it in its broad sense, should not be subject to subpoena or being produced in court."

He said that "if you once bring those into court, then I think you dry up sources of information and you do a great disservice to the American public, because ultimately, they would be dependent only on government handouts, on handouts of business institutions that wanted to cover up things which shouldn't be done, even in cases of corruption."

He said "I don't believe that the Nixon administration created the problem. I think it's been existing for a number of years . . . they have enlarged upon the problem, and what I am concerned about, as time passes on and other administrations, whether they be Democrat or Republican, succeed, may enlarge upon what is now confronting us, and this would not be good for the country."

Knowland pointed to nations run by dictatorships and noted that "the first thing that is done is to gain control of the radio, of television and of the press, and this is a historic pattern all over the world.

"Now I do not say that this is the intent of anybody now, but I do say, with what's happened in the world, this country must never take the risk of permitting that to . . . happen, whether it be five, 10 or 50 years from now."

CONGRATULATIONS TO EMPLOYEES OF THE DISTRICT GOVERNMENT SELECTED FOR THE 1972 NATIONAL CIVIL SERVICE LEAGUE AWARDS

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1973

Mr. NELSEN. Mr. Speaker, I have recently been advised by the National Civil Service League, which has undertaken an annual project to spotlight outstanding employees of the District government, that the 1972 winners are:

George A. Grogan, Office of the Zoning Commission.

Mary C. Greenhow Hodges, Department of Human Resources.

Ruth Lee Brown Jackson, District of Columbia Personnel Office.

James E. Quigley, Department of General Services.

Jeane E. Rothman, Department of Human Resources.

Sidney A. Swann, Superior Court of the District of Columbia.

As the ranking minority member of the House District Committee and one who served as Chairman of the Commission on the Organization of the Government of the District of Columbia, which was charged with submitting recommendations for economy, efficiency, and improved services in the District of Columbia, I wish to take this opportunity to extend to these individuals my congratulations upon the presentation of these awards. I also commend the National Civil Service League for undertaking this project, which I consider to be very worthwhile.

ARMS CONTROL: WILL WE LOSE THE MOMENTUM?

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1973

Mr. ZABLOCKI. Mr. Speaker, it was with deep concern that I read recent reports of the Nixon administration's alleged intent to reduce the budget of the Arms Control and Disarmament Agency by one-third during the next fiscal year. It is my sincere hope that this will not be the case. Such a reduction and other developments, including a reported budgetary request by the Pentagon for fiscal year 1974 to put MIRV warheads on all 1,000 of our land-based Minutemen missiles, leave serious doubts as to the priority which will be placed on controlling the arms race.

At the outset let me make clear that U.S. national security has always been uppermost in my mind. As President John F. Kennedy said so eloquently:

> Let us never negotiate out of fear but let us never fear to negotiate.

We must, in other words, remain firm and resolute—negotiating always from a position of strength. However, if the last few years have taught us anything it is that the United States and the Soviet Union share one common foe—a dangerous and costly arms race. Even more importantly, I hope we have also learned that our national security can in fact be enhanced by slowing the arms race and reducing expenditures in that area.

As President Nixon himself said in his February 9, 1972, "U.S. foreign policy for the 1970's" report to the Congress:

> By contributing to international stability and restraint, arms control agreements can provide a greater measure of security than could be achieved by relying solely on military power.

The ABM treaty and the interim agreement on offensive weapons negotiated at SALT I and signed by Mr. Nixon in May in Moscow offer dramatic proof of the truth of his words.

Recognizing that these arms control efforts were truly consistent with our national security they were welcomed by the Congress, the American people, and the entire world. However, reassuring as that progress was and hopeful as we were for continued progress in SALT II, many in this Nation were troubled and perplexed when in the wake of that agreement Pentagon officials recommended that defense spending on offensive weapons had to be increased, not reduced. In the face of such apparent contradiction, one is led to wonder whether in fact the right hand knoweth what the left hand doeth.

Granted that arms control negotiations are complex and results too often slow in coming. It is, in fact, that very complexity—as measured against the importance of results—that compels the wisdom of competent and fully supported and adequately funded machinery for achieving those results. To reduce the funding of the ACDA, the Agency charged with this noble and urgent task, is tragically shortsighted.

From my vantage point as chairman of the House Foreign Affairs Subcommittee on National Security Policy and Scientific Developments I have come to appreciate the distinction and success with which ACDA has met that challenge. For the past 4 years the subcommittee has received periodic and informative briefings from Ambassador Gerard Smith, recently resigned head of ACDA and our chief negotiator at SALT. On the basis of those regular briefings and other extensive review and study it has become abundantly clear that the limited investment made in funding ACDA has paid rich dividends. To curtail that support now would seriously hamper the Agency's role in seeking further arms control agreements. In the eyes of the world it would be the epitome of pennywise, pound foolish myopia.

These and other issues—all of which trouble me greatly—were discussed by Marquis Childs yesterday in his column in the Washington Post. He focuses clearly on various unsettling signs in the arms control area and asks the crucial question of whether our positive momentum in this area will be lost. In particular I agree that unless the Honorable U. Alexis Johnson will be given all the titles, tools, and strength of position necessary for him to exert effective leadership in ACDA, it will be a distinct handicap. It would be indeed unfortunate if, as indicated, the ACDA is dismembered, its budget slashed, and its semiautonomous position destroyed.

These are questions which we in Congress especially should ponder seriously. Because Mr. Childs' remarks merit the attention of my colleagues I place them in the Record at this point and recommend their careful reading:

[From the Washington Post, Jan. 23, 1973]

Unsettling Signs for Arms Control: Will Momentum Be Lost?

(By Marquis Childs)

To return to this capital from even a brief absence is to feel like Rip Van Winkle confronting a world utterly changed. Questioning those who have lived through the Nixon upheaval is of little help.

Why has so much of the government been turned upside down? We don't know. Only the secretive man in the White House now entered on his second four year term knows the answer. And, in a voice dropped to a whisper, we're not sure he knows.

The most dismaying change, in many ways the most mysterious, is the dismantling of the disarmament and arms control apparatus. Inaugural rhetoric cannot conceal the damage done to the effort that for a decade has made increasing progress toward controlling and to some degree scaling back the vast mountain of nuclear armaments with the judgment of life and death over all mankind.

What makes this more mysterious is that one of the great achievements of the Nixon first term was the nuclear arms agreement culminating in the President's mission to Moscow. With a limit on defensive missiles and a five year agreement to restrain further building of offensive weapons, it was a small beginning hailed around the world.

A dedicated public servant, Garard C. Smith, with 20 years experience in the nuclear jungle, worked tirelessly for four years as chief American negotiator in the SALT talks at Vienna and Helsinki. When he went back at the start of SALT II he was without any clear and finally arrived at position approved by the White House. On returning from Geneva, the new site of the talks, Smith resigned.

In his place the President appointed U. Alexis Johnson, under secretary of state for political affairs. Johnson is a career diplomat with no experience in nuclear matters. Grievously overworked, suffering from ill health, he is within a year of retirement age. The private word is that his will be a temporary appointment.

But this can mean that the momentum growing out of the modest success of last year will be lost. It can also mean that the Joint Chiefs of Staff who have reluctantly gone with arms limitation will have the dominant voice. Arms control specialists with long knowledge of the tortuous process of arriving at agreement with the Soviet Union are dismayed by the Johnson appointment. They say that he has been in the lap of the JCS for 10 years.

A further handicap is that Johnson will not be head, as was Smith, of the Arms Control and Disarmament Agency (ACDA). The semi-autonomous agency created in 1961 has played an important part in developing programs and conducting research on the techniques of control and the verification of limitation agreements. A recent agency study showed that in 120 countries surveyed $207 billion was spent in 1970 for military purposes as against only $168 billion for education and $80 billion for health care.

The Arms control agency now seems in the process of being dismantled. A budget slash of 30 per cent will cut the agency back to $6.7 million. Division heads with long experience in disarmament were asked to submit their resignations. They have thus far had no response. Happening throughout government, this is a sure fire prescription for demoralization.

Members of the General Advisory Commission on Disarmament also were asked to submit their resignations. The commission includes distinguished men concerned over the years with the growing nuclear burden one of them being William C. Foster who for seven years was head of the arms control agency. Chairman of the commission is John J. McCloy, a Republican with long time credentials in public life. McCloy has been trying in vain for several weeks to see the President and present the commission's view.

The President has made plain his intention of paring down one domestic program after another—education, poverty, welfare. But these parings will not bring the budget into balance. The only real economy can come out of defense with a total somewhere above $80 billion including all the costly new toys for the three services. The only way is a verifiable agreement with the Soviet Union to scale back this appalling burden.

PEACE, AT LAST

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1973

Mr. ERLENBORN. Mr. Speaker, our war in Vietnam has lasted longer than any of us wanted and, I think, longer than Mr. Nixon expected when he declared his ambition, 4 years ago, to be a peacemaker. His announcement of Tuesday night promises an end to our military involvement; and I hope it will be the beginning of the end of the divisions among Americans.

We have spilled too much blood; and finding a formula for stopping the fighting has been so hard that some Americans have doubted President Nixon's will for peace. I have not shared those doubts.

I thank God for our deliverance from this war. I hope that the doves and the hawks can now join hands so that we Americans can be at peace with ourselves.

If we can do that, there is a chance for an even greater goal—a generation of peace. There is a lot of work still to be done. Let us do it.

TRIBUTE TO JAMES V. SMITH

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. MIZELL. Mr. Speaker, I rise at this time to join my colleagues on the Committee on Agriculture and other distinguished Members of the House in paying well-deserved tribute to James V. Smith, who is leaving Washington after 4 highly successful years as Administrator of the Farmers Home Administration.

Many of my colleagues have already commented on the fact that Jim Smith served in this body with distinction during the 90th Congress before assuming the leadership of FHA.

I came to Washington with the beginning of the 91st Congress and did not have the privilege of serving with Jim here, but over the last 4 years, I developed an excellent working relationship with him as we labored together in the service of rural America.

In the 4 years of Jim Smith's tenure at FHA, that agency has distinguished itself as one of the most effective, efficient, and popular programs in the Government. That excellent record is due in no small measure to the personal efforts and talented guidance that Jim Smith gave to the program.

In the Fifth Congressional District of North Carolina, which I am privileged to represent, Jim Smith's name is a popular one, and his record of service is respected and appreciated there, just as it is throughout rural America and in the Congress.

The cause of rural America is an urgent and vital cause, and Jim Smith has been a strong and tireless advocate of that cause. His departure from the Government represents a great loss for rural America, but his service in the Government has added immeasurably to rural America's strength and vitality.

And so it is with great personal and professional respect and admiration that I join my colleagues in wishing Jim Smith well as he reenters private life. The title of "public servant" has fit him well, and he has worn it proudly. We need more, not fewer, men like James V. Smith.

THE NONIMMIGRANT VISA ACT

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1973

Mr. ANNUNZIO. Mr. Speaker, last week I reintroduced a bill which would amend the Immigration and Nationality Act to facilitate the entry of foreign tourists and to establish penalties for the illegal employment of aliens. The purpose of this proposed legislation is to revamp the outmoded, inefficient, and inhospitable documentary requirements we make would-be visitors to this country go through.

Facilitation of the entry of foreign tourists would benefit the United States both financially and in terms of our image abroad. It would also benefit would-be foreign tourists and their relatives and friends here who have suffered unnecessary hardships under the current provisions of the law. In my 8 years in Congress, I have received countless letters from anguished relatives of all ethnic backgrounds asking why their relatives cannot visit them here briefly. It is in response to these letters, as well as in recognition of the broader implications for U.S. tourism, that I strongly endorse this legislation.

As you well know, the United States has a serious balance-of-trade problem. The international travel market represents the largest item of international world trade, with expenditures by international travelers in 1971, the latest figures available, estimated at $19.9 billion. Of this, the United States received only $2.9 billion, or 14.6 percent. The Department of Commerce says that in 1971, the difference between U.S. receipts and U.S. expenditures in international travel amounted to a deficit of some $2.68 billion. That is, Americans spent approximately $5.56 billion abroad, while foreign tourists spent an estimated $2.88 billion in this country. Estimates indicate that the travel deficit for 1972 will amount to some $2.83 billion. In 1972, Americans took 7,739,499 trips abroad and only 4,728,086 trips were made into this country by foreigners.

This travel deficit accounts for a considerable percentage of our imbalance in international payments. Further, our failure to compete more effectively in the world tourism market has deprived this country of a major source of employment. The potential value of this market to the U.S. economy is abundantly clear from the following statistics provided by the Commerce Department:

> Each tourist from overseas countries equals an export item worth $400.
>
> Each $20,000 spent by foreign tourists in the U.S. creates one job. Hence, in 1971 foreign tourist spending (excluding transportation) provided for 122,580 new jobs.
>
> For every 100 people directly employed in the travel industry, 60 to 100 back-up jobs are created in related industries.
>
> Dollars earned from tourists stay in the local area directly benefiting the residents and small business of the area.

Passage of this bill is long overdue. As long ago as 1967, President Johnson appointed the industry-Government special task force on travel to make, quoting from their transmittal letter, "Specific recommendations on how the United States can best increase foreign travel to this country, thereby improving our balance of payments." In their report submitted in 1968, they noted that the travel deficit gap could range between $2 and $5 billion, should the trend then apparent continue—in 1971 the deficit was $2.6 billion.

They recommended as the most satisfactory solution a seven-step program for stimulating and encouraging foreign travel to the United States, of which step three read as follows:

> Remove barriers to the entry of travelers and to their free and pleasant movement around our country.

The following specific recommendation was made for implementing this proposed step:

> U.S. laws and regulations should be changed to waive the visa requirements for business and pleasure visitors. Legislation has been drafted which would grant the Secretary of State and the Attorney General broad authority to waive visa requirements for business and pleasure visits of up to 90 days on the basis of reciprocity or for other reasons determined by the Secretary of State to be in the national interest. Foreign visitors entering without visas would be required to hold nonrefundable round-trip tickets.

The bill referred to here is essentially embodied in the bill before us today, and the reason for its need was succinctly stated in the 1968 special task force report:

> Present entry procedures for vacation and business visitors to the United States are outmoded. They serve only to project an adverse image of this Nation's willingness to receive foreign guests. They are overly defensive and bespeak an unfriendly attitude based upon feelings of suspicion.

Under the current provisions of the Immigration and Nationality Act, the burden of proof rests with aliens wishing to visit this country to establish to the satisfaction of the American consul at the point of application that they have a residence in a foreign country which they have no intention of abandoning; that they are interested in visiting the United States temporarily for business or pleasure; and that they are not ineligible for entry on approximately 30 different grounds. These requirements are equally applicable to those seeking to enter as permanent residents and to those merely wishing to visit as tourists.

The bill before us would empower the Attorney General and the Secretary of State to exempt visitors coming for 90 days or less from all but the most serious of the 30-odd grounds of ineligibility, as well as from the visa requirement; only a passport would be necessary. This privilege would apply only to nationals of foreign countries designated by the Secretary of State on the basis of reciprocity or on the basis of a determination that such a designation would promote the foreign policy of the United States. Approximately 35 nations do not require visas from American tourists; we require them from nationals of all countries except Canada and Mexico.

There is no danger that this bill would create loopholes in our immigration law or escape hatches for illegal aliens. Sections 6 and 7 are specifically aimed at curbing the employment of illegal aliens by establishing penalties both for their employers and for nonimmigrants who accept employment in violation of their status.

Thorough safeguards are also provided to prevent abuse of the foreign visitor provisions. Aliens entering under this program would have no option either to extend their 90-day time limit or to adjust their status. They would be required to possess a valid passport and a nonrefundable round trip ticket. Any alien who willfully remained beyond the 90-day period would be penalized by a delay of 2 years in his priority date for issuance of an immigrant visa. Those who threaten danger to our people would continue to be totally excluded—the confirmed criminal, the insane, those afflicted with contagious diseases, anarchists, and violators of our narcotics laws, to give example. In brief, the bill would simplify the procedure for granting a visitor's permit without in any way jeopardizing the security of our country.

As I have said before, launching a strong and positive national effort to increase travel to the United States is long overdue. Toward this end, we must insure that citizens of other countries are made to feel welcome, and are able to gain entry to the United States for brief visits with a minimum of redtape. I have referred earlier to the financial benefits involved in tourism. There are others of equal or greater importance. An exchange of visitors enlarges our horizons, it renews our faith in each other, and encourages the friendship of other countries we as a nation have always sought. I urge the consideration and votes of my colleagues for this urgently needed legislation.

WILLARD EDWARDS—OUTSTANDING JOURNALIST

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. ARENDS. Mr. Speaker, I have been privileged to know Willard Edwards, of the Chicago Tribune, longer than most of my colleagues in the Congress; and I want to join with his many admirers in the House and Senate in paying a special tribute to him as he begins a well-earned retirement.

I shall miss Willard Edwards on Capitol Hill. I shall miss not only his keen reporting for the Tribune and his hard-hitting columns, but this long association and our frequent conversations. His was a friendship I value and enjoyed, but I always knew that friendship alone could not win me favor with his pen. That I would have to merit by the manner in which I served the public interest.

Willard Edwards had style. He is an individualist. He knew his profession and the responsibilities that went with it. I have never known him to abuse the privileges of the press or resort to invective.

He reported four of the most eventful and fateful decades in our Nation's history. Willard knew what America was all about—our strengths and our weaknesses—and he wrote from his personal knowledge of the issues. A skillful investigator, his candor was refreshing and sometimes embarrassing, but always fair and forthright. He knew the great and near-great but was never dazzled by their power; and he always had time to listen to the little man.

Willard Edwards may have retired from his daily beat, but I cannot believe that he had laid down his pen—that he has nothing more to say. I hope not, because he represents the finest his profession will ever see. He has my best wishes for good health and abundant happiness in the years ahead.

STRIP MINING

HON. RICHARD G. SHOUP

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1973

Mr. SHOUP. Mr. Speaker, last week, my hometown paper in Missoula, Mont., carried a front-page article on the shortage of heating fuels and diesel fuel. One of the suppliers said, "I'd heard talk of an energy shortage but I really didn't believe it." This shortage is real, is spreading, and will have an ever-increasing effect on associated resources. One of these resources with which I am concerned is coal.

Shortages of oil and gas will be reflected in increasing activity in coal development. It is likely that a large number of electric generating plants will be forced to convert from oil to coal. This conversion appears inevitable. The alternative is increasing dependence on foreign imports of oil and gas.

An increase in imports could provide a short-term solution to the current fuel crisis but even intermediate solutions must focus on the development of domestic oil, gas, and coal resources.

At recent hearings before the Senate Interior Committee. Gen. George Lincoln, outgoing Director of the Office of Emergency Preparedness said national security would best be served by development of coal gasification and new exploration for domestic natural gas. Senator JACKSON said development of U.S. coal resources should "receive highest priority."

Montana is liberally endowed with coal. There is a need for this coal while we develop and build alternative energy sources. While we recognize this need, we also insist that the extraction of coal be carried out in such a way as to cause minimal damage to our environment. Necessary protection can only be provided by legislation on the national level.

On October 11, 1972, the House passed H.R. 6482, strip mining regulations. Had the Senate acted we would have taken a significant step toward the protection of our lands. I am reintroducing this legislation and will work for its enactment.

The bill calls for operators to get permits before any surface mining can take place. The permits will be issued for a nominal fee but not until the operator can show that the land can be reclaimed. He must show that he has notified all interested parties of his interest, he must have a certificate of public liability insurance and must give written permission to Federal agency representatvies for inspection purposes.

Any resident of an area having a valid legal interest involved, or agency representatives, can file written protests with the Secretary of Interior. If the protest fails in hearing, it can be appealed to the Federal district court.

Reclamation provisions are stringent. Applications must describe land use prior to mining, the mining operation, its impact on the land and the manner in which reclamation will be effected. The operator must also make provision for land stabilization and preservation of topsoil, air, water, and other pollution, water accumulation, backfilling, compaction, grading, resoiling, and revegetation.

No permits will be issued for areas within 100 feet of any public road or body of water nor within 1 mile of public lands if adverse impact is anticipated. If slopes involved exceed 20 degrees, the burden is on the operator to show that the land can be effectively reclaimed. No permanent spoils banks will be permitted on slopes steeper than 14 degrees.

The many provisions are tough but fair. The States involved can, if they so desire, adopt their own regulations provided they are no less stringent than the Federal law. The cost of State programs will be borne to a large part by grants from the Secretary.

I feel that this legislation, enacted into law, properly funded and enforced will go far toward answering the problems associated with strip mining. There is even a provision for a coal mine reclamation fund, established for the purpose of reclaiming lands mined prior to this legislation.

I am confident that my colleagues will once again demonstrate their concern for the orderly development of our coal resources and adopt this piece of legislation.

J. LEONARD STARKEY, ACTIVE CITIZEN AND ARTISAN

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1973

Mr. BYRON. Mr. Speaker, there are always some citizens who take their retirement as an opportunity to help others and to pursue important avocations. Such a man is J. Leonard Starkey, of Smithsburg, Md. Mr. Starkey has been active in counseling an alcoholics group, organizing a senior citizens club, and perfecting his unusual hobby of tole painting.

After seeing several baskets full of early tinware, Mr. Starkey became interested in decorating the tinware in the manner of colonial days. With his background in art, he has become an expert in tole painting and now teaches the art to the senior citizens in the group he helped organize. His newest project is to organize local artisans into an association. These artisans in the Smithsburg area include specialists in macrame, decoupage, chair caning, picture framing, and other crafts.

J. Leonard Starkey is an asset to his community, and I join with others in wishing him well in the many endeavors he has undertaken.

UPDATING THE MINIMUM WAGE

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1973

Mr. ERLENBORN. Mr. Speaker, much unfinished business from the 92d Congress remains for this 93d Congress to complete. Prominent among the issues to be resolved is that of bringing our minimum wage law up to date.

So that we may proceed in accomplishing this objective, Mr. FUQUA, Mr. QUIE, Mr. WAGGONNER, Mr. ANDERSON of Illinois, and I are today introducing an updated version of the minimum wage bill which foundered in the 92d Congress.

For the most part, our new proposal parallels the bill which came to be known as the Erlenborn-Fuqua substitute and which the House of Representatives in 1972 accepted in preference to the measure reported by the Education and Labor Committee. Unfortunately, that bill and the Senate-passed version, which closely resembled the committee bill we had turned down, were not sent to conference. The House was unwilling to do so under conditions which placed us in an unfavorable position; that is, with a majority of conferees who supported the committee bill rather than the substitute. This failure to agree on the question of conferees prevented the enactment of a new minimum wage law in 1972.

We believed then and we believe now that increases in the hourly minimum wage rates are in order, hence the introduction of this bill. To demonstrate this and our willingness to compromise some of the differences which were expressed last year, we have made some modifications in that House-passed bill.

First, the new bill proposes to raise the minimum wage for most nonagricultural workers from the present $1.60 an hour to $1.80, with a second increase to $2 per hour a year later. It differs from the 1972 House bill by adding a third step—to $2.10 an hour 1 year after that. These changes would affect jobs covered by the minimum wage law before 1966. They have been at the $1.60 level since 1968.

A second group of nonagricultural workers was not covered by the minimum wage provisions until 1966. The floor under their wages was raised to $1.60 February 1, 1971. Our new proposal would send their pay also to $2.10 an hour, but in four steps, instead of three.

A third class to get higher minimums would be agricultural workers—from the present $1.30 per hour to $1.50, followed by yearly increases to $1.70 after 1 year and $1.80 after 2 years.

For each of these groups, the initial increase would take effect on the first day of the second full month after the bill's enactment; that is, if the President were to sign the measure at any time during March, for example, the first increase would take effect May 1.

The second modification involves young people. In conjunction with the House's insistence on a separate youth minimum rate, we again propose a youth differential; but our new bill departs somewhat from last year's on this aspect.

Our new bill would extend a youth differential rate to 16- and 17-year-olds for a 6-month period. In addition, all full-time students would have the benefit of the differential. That rate would be $1.60 an hour for nonfarm work and $1.30 for farm work or 80 percent of the applicable minimum rate, whichever is higher.

A section-by-section analysis of this proposal follows:

MINIMUM WAGE BILL INTRODUCED JANUARY 24, 1973, BY REPRESENTATIVES ERLENBORN, FUQUA, QUIE, WAGGONNER, AND ANDERSON OF ILLINOIS

SECTION-BY-SECTION ANALYSIS

Short Title—Fair Labor Standards Amendments of 1973.

Title I—Increase in Minimum Wage Rates.

TYPE OF EMPLOYEE, HOURLY RATE, EFFECTIVE DATE

Nonagricultural employees covered under the minimum wage provisions of the Fair Labor Standards Act prior to the effective date of the 1966 amendments (including Federal employees covered by the 1966 amendments). Section 101); $1.80, 30–60 days.*; $2.00, one year later; $2.10, one year after second step.

Nonagricultural employees covered under the minimum wage provisions of the FLSA by the 1966 amendments. (Section 102): $1.70, 30–60 days.*; $1.80, one year later; $2.00, one year after second step; $2.10, one year after third step.

Agricultural employees covered under the minimum wage provisions of the FLSA. (Section 103): $1.50, 30–60 days;* $1.70, one year later; $1.80, one year after second step.

Employees in Puerto Rico and the Virgin Islands (but not less than 60% of mainland minimum). (Section 104);

Nonagricultural employees covered prior to the 1966 amendments: Three steps (12.5%, 12.5%, and 6.25% of wage order issued immediately prior to the effective date of the FLSA of 1973): 60 days after effective date; 60 days after effective date. One year later. One year after second step.

Agricultural employees: Three steps (15.4% 15.4%, and 7.7% of wage order issued immediately prior to the effective date of the FLSA of 1973): 60 days after effective date. One year later. One year after second step.

Nonagricultural employees covered under the 1966 amendments: Four steps (6.25%, 6.25%, 12.5%, and 6.25% of wage order issued immediately prior to the effective date of the FLSA of 1973): 60 days after effective date. One year later. One year after second step. One year after third step.

(NOTE: With regard to employees in Puerto Rico and the Virgin Islands, the bill retains the review committee procedure established by the 1961 amendments and additionally permits the establishment of special industry review committees to make recommendations to the Secretary of Labor concerning the issuance of wage orders to implement the proposed increases.)

Employees in the Canal Zone: Excluded from increases.

Title II—Revision of exemptions.

Sales and Managerial Personnel—provides an exemption from overtime up to 48 hours a week for not more than seven weeks a year for employees in a retail or service establishment if in a sales capacity or as manager if such employee's regular rate of pay is not less than twice the minimum wage rate. (Section 201)

Newspaper Delivery Employees—extends the newsboy exemption from the minimum wage, overtime compensation, and child labor provisions to newsboys delivering shopping news, handbills or other types of advertising material. (Section 202)

House-Parents for Orphans—grants an exemption from the minimum wage and overtime provisions of the Act to house-parents of nonprofit educational institutions who reside on the premises, have a combined cash salary of $10,000 per year, and receive board and lodging. (Section 203)

Title III—Expanding employment opportunities for youths.

Section 301:

Permits employment in any field at an hourly rate of 80% of the applicable minimum wage or $1.60 ($1.30 in agricultural employment), whichever is higher, for:

Full-time students and

16- and 17-year olds who are not full-time students for the first six months on a job.

Eliminates certification by Secretary now required, but provides that the Secretary shall prescribe regulations to insure that such employment will not create a substantial probability of reducing full-time employment opportunities for other workers.

Specifies that violators of this subsection shall be subject to the penalties provided in the Act.

Title IV—Conforming amendments and effective date.

THE LATE HONORABLE LEO ALLEN

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 22, 1973

Mr. GERALD R. FORD. Mr. Speaker, I regret I was unavoidably absent from the floor when the gentleman from Illinois (Mr. ANDERSON) announced the death of his predecessor in the House, the Honorable Leo Allen, on January 19. Leo Allen served with great dedication and distinction for 28 years in this body, and was already a senior Member when I was first elected in 1948. But he was very kind and generous with his counsel to new Members, and perhaps I received some special consideration since he was an alumnus of the University of Michigan. He was an able chairman of the Committee on Rules during the Republican 80th and 83d Congresses and his contributions as a legislator will be long remembered. I extend my deepest sympathy to his family.

ALEXANDER'S BILL SEEN AS CHALLENGE

HON. BILL D. BURLISON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1973

Mr. BURLISON of Missouri. Mr. Speaker, on January 6, I took the floor of the House to express to my colleagues the concern I feel over the adverse actions which the Department of Agriculture has taken against our Nation's farmers. One of the issues about which I spoke was the USDA's termination of operation of the emergency loan program of the Farmers Home Administration.

Among my colleagues who share this concern is Mr. ALEXANDER, of Arkansas, who is a member of the Committee on Agriculture. He has introduced H.R. 1975, a bill designed to continue the emergency loan program which has provided assistance to agricultural producers who have suffered severe losses as a result of natural disasters.

Mr. ALEXANDER's bill was recently the subject of a column by Mr. Leland DuVall of the Arkansas Gazette. I believe that Mr. DuVall's comments on the proposal are worthy of consideration and would like, at this time, to insert it in the RECORD for review by my colleagues:

ALEXANDER'S BILL SEEN AS CHALLENGE

(By Leland DuVall)

Considerable evidence could be offered in support of the proposition that the dominant power center in government moves haphazardly among the legislative, administrative and even the judicial branches. In one season, Congress may be in the saddle; in another, the president holds the reins; and sometimes, even the court asserts its authority in a way that overshadows the other two branches.

Most persons would agree that, at the moment, President Nixon is riding tall in the saddle. This is particularly true in the government's dealing with agriculture—which happens to be the primary subject under consideration here—and Mr. Nixon has made it perfectly clear to everyone that he relishes his role as the lone cowboy. There are those who complain that he has driven some of the venerable farm programs over the cliff while Congress, which had bred and cared for the critters over the years, demonstrated its helplessness.

United States Representative Bill Alexander (Dem., Ark.,) apparently is convinced that the current exercise in presidential high-handedness has gone far enough and that the time has come for Congress to reassert the authority which, he believes, was reserved by the founding fathers for the legislative branch. Alexander believes that when Congress appropriates money for an authorized (farm) program and when the president signs the measure the president has no legal power to decree that the funds will not be spent or—as happened in the case of REAP and certain other segments of the general farm law—that the program no longer exists.

The first maneuver in the campaign was executed this week when Alexander introduced a bill which would, among other things, amend the emergency loan program under the Consolidated Farm and Rural Development Act. In its narrow interpretation, the amendment would "provide immediate relief to farmers who suffered losses due to disastrous weather conditions" last fall. It would provide farmers with long term financing needed to cover their losses by making possible the extension of credit, either directly from the government or from private sources with a government guarantee of repayment.

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*The first day of the second full month after enatcment. E.g., if enacted in March, the effective date would be May 1, 1973.

The broader interpretation of the amendment reveals that it is a direct challenge to Mr. Nixon's decree that the emergency loan program no longer would be operated. Congress authorized the program with a whole body of laws and Alexander apparently is a leader of the group that believes the loans should be available.

Based on the economic interest of his district, Alexander is the logical leader of any move to preserve the emergency loan program. Agriculture is the dominant economic factor among his constituents and farmers suffered severe losses last year from excessive rains during the harvest season.

Despite the need for emergency loans, Mr. Nixon terminated the program. The Alexander bill could make it possible for farmers to obtain credit with which to finance their next crop.

The bill, which contains seven major sections, is not a give away. In fact, it repeals some of the standout features of the old law but Alexander believes the real need is for a source of credit.

"The bill provides farmers with sources of long-term financing which they need to cover their losses," Alexander said. "Farmers need to be able to get long term credit on a realistic basis."

He emphasized that the availability of credit was considerably more important than "cheap" interest.

Here are the major provisions of the bill:

It repeals the $5,000 "forgiveness" clause and the 1 per cent interest provision established by the "Hurricane Agnes" legislation. (Part of the emergency relief provided for the victims of the hurricane made credit available at 1 per cent interest and permitted the write-off of some of the debt under extreme conditions.)

Sections of the Consolidated Farm and Rural Development Act would be clarified with an amendment which would provide for an insurance or a guarantee of the credit.

The Agriculture secretary would be "required" to make, insure or guarantee loans to eligible applicants in areas designated by him as natural disasters and in areas designated by the president as major disasters. These are provided for under the Disaster Relief Act of 1970. (Under terms of the amendment, the secretary would not have to duplicate a designation already made by the president before offering the loans, since the area already would be qualified.)

Interest rates on the emergency loans, under the Consolidated Farm and Rural Development Act would be raised to "not more than 6 per cent". (Under the current arrangement, the interest rate can be as low as 1 per cent, which leaves the program open to criticism as a give-away. Alexander believes the pressing need is not ample credit rather than a drastically-subsidized interest rate.)

The "open money market" authority would be increased from the existing $100 million limit to $500 million.

The Agriculture Department would be authorized to guarantee loans originated, held and serviced by commercial institutions such as banks or Production Credit Associations. (This is the key provision, since it "directs" the Agriculture secretary to make disaster declarations for areas that have been subjected to severe damage. The existing law has been interpreted to mean that the secretary has an "option" in the matter.)

Finally, the bill would repeal parts of the Disaster Relief Act of 1970, which would cause the emergency loan program to revert to the permanent loan legislation. Alexander said the change would permit unlimited long-term loans to farmers victimized by disasters.

In its narrow interpretation, the proposed legislation simply was designed to make certain that farmers who suffered severe crop or property losses would be able to borrow money so that they could continue their business. The funds might come directly from the government or from a private lending institution but they would not be a gift by any means.

In a broader sense, the measure is a challenger to President Nixon's assumed authority under which, in the name of fiscal conservation, be limits or terminates programs that have been written by Congress and signed into law.

If Congress hopes to function in its traditional role as lawmaker and custodian of the nation's purse it will have to reassert its authority and the Alexander bill might be a good place to start. As an alternative, the supply clerk might order a fresh supply of rubber stamps, although this would appear to be an unlikely course at a time when the Democrats are supposed to control Congress while a Republican resides at the White House—or at Key Biscayne or at Camp David or at San Clemente or some alternate seat of power.

BUILDING CODES

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1973

Mr. ANNUNZIO. Mr. Speaker, today I am introducing legislation designed to assure the continued authority of State and local governments to protect the public health and safety of their residents in accordance with the highest building code standards they wish to adopt.

Health and safety features of building and related codes are an exercise of the police powers that were reserved to the States when the Constitution was written. They have been delegated to localities in most instances, because the local governments can be the best administrators of such regulations.

Unfortunately, HUD has sought to encroach upon these powers. It has done so in an indirect manner, by insisting that as part of the workable program for community improvement, which is a prerequisite for certain program grants, building codes have to be adopted which permit lower standards than a community may wish to adopt. This has been done, moreover, despite evidence that such lower standards can be unsatisfactory and dangerous.

In Dade County, Fla., after the code was changed in response to Federal pressure, to permit plastic pipe to be used, there were complaints from homebuyers of new FHA-insured homes that "everything leaks." The danger of bad shocks and even death from electrocution, of which there are a few hundred each year, is increased by the use of plastic sheathed electric cable through which a nail can be driven.

The Federal law should not become an instrument to bludgeon local communities into accepting such code provisions.

My bill would provide that nothing in any other part of the Federal law shall prevent a locality from having in effect a code which the National Bureau of Standards has determined is as high or higher than minimum code standards specified by the Secretary of Housing and Urban Development to qualify under Federal law. Such local standards would be deemed satisfactory for all Federal requirements relating to acceptable code standards.

I believe that every community should have the right to determine its health and safety regulations, when embodied in building or other codes. My legislation would preserve that right, and I urge its early enactment.

PARCEL POST COMPETITION WITH PRIVATE DELIVERY SERVICES

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1973

Mr. WALDIE. Mr. Speaker, recently I met with representatives of the United Parcel Service. The object of their concern was the problem of parcel post competition and the probability that the U.S. Postal Service might be attempting to form a monopoly in this area. It seems that the problem lies in the fact that the Postal Service has not adjusted its rates since 1970—based on costs incurred during 1969—despite the fact that rates for other classifications of mail have increased proportionately to their usage by the general public. The Postal Service claims that parcel post costs have not risen since 1969. It appears that the Postal Service is not cognizant of the fact that parcel post has more of an impact on itself than it is willing to admit and that the costs incurred above the 1969 limit are being subsidized by the other classifications of mail service. The result is the formation of a monopoly to the disadvantage of the United Parcel Service.

Those involved in the business of transportation the mail of our citizens feel that efficiency is the key to achieving success in this very competitive enterprise. These businesses pay 100 percent of the costs involved in their work, in addition to paying all taxes imposed upon them by our Government. Free enterprise was a cornerstone upon which this country was founded and the figures in this article do not further the idea of free enterprise upon which our economy is based. The Postal Reorganization Act of 1970 gave the U.S. Postal Service the freedom to manage its own business, not the freedom to destroy its competition.

The following article is a summation of the problem of parcel post competition and states rather clearly the difficulties that have occurred.

The article follows:

PARCEL POST COMPETITION WITH PRIVATE DELIVERY SERVICES

What was the *intention* of the Congress when parcel post was originated?

Parcel Post was established by act of Congress to fill a transportation void that existed at the turn of the century, particularly in rural areas. The service was designated to supplement the limited capacity of private transportation companies to make service available to all. Congress included in the law the requirement that parcel post pay its own way so that the service would not compete unfairly with existing transportation or discourage the development of new services.

During the first 57 years of parcel post history that preceded the Postal Reorganization Act of 1970, parcel post remained the only class of mail service that was required by law to be self-supporting.

Parcel post began operating on January 1, 1913, by act of August 24, 1912. It authorized the postmaster general, subject to the consent of the Interstate Commerce Commission, to establish classification, weight limits, rates, zones and conditions of parcel post service, and to "insure the receipt of revenue from such service adequate to pay the cost thereof." (Quote from the law.)

This policy that parcel post must pay its own way was reiterated in legislation passed in 1925 and 1928. In 1950 the law was given reinforcement teeth to increase compliance. To encourage cost recovery, Congress prohibited the Post Office from drawing upon its appropriated funds until the postmaster general certified in writing that the rates for parcel post were sufficient to cover the cost of the service, or that rates were to be established that would have this effect.

In 1958 the law was revised to establish a percentage range within which cost recovery must be accomplished. The law required that the revenues from fourth class mail must cover the cost of the service plus or minus 4 percent.

Over the many years the Post Office demonstrated it could comply with the policy of Congress and maintained cost accounting procedures that enabled it to set parcel post rates that reflected the cost of providing this service. It is equally obvious that proper parcel post rates did not drive the Post Office out of the parcel business.

UPS WELCOMES PARCEL POST COMPETITION

Since the Postal Reorganization Act of 1970, both Postmasters General Blount and Klassen have publicly stated their intention to change this tradition in order to recover the parcel deliveries they say have been taken away by private motor carriers. They both singled out United Parcel Service as their prime target.

If they mean to compete fairly we welcome the competition as in the public interest. If they mean to use the vast resources of the U.S. Postal Service to subsidize parcel post in order to drive out private competition, UPS will vigorously oppose such tactics in every way available to us. We have always supported a strong parcel post service. In 1969 UPS president, Paul Oberkotter, appeared before the House Committee on Post Office and Civil Service to testify on legislation proposing postal reorganization. He said:

"Nationwide territorial coverage is an important feature of the government's parcel post service. We believe that this service should be conducted in the most efficient manner possible. It is in our best interest. It keeps us on our toes. We believe that the chief executive officer of the postal establishment must be given the freedoms, the controls, the access to resources and the rules to enable him to operate effectively. Accordingly, we hope to be able to support fully the form of postal reorganization this Committee may adopt, provided that parcel post is required to compete with privately owned carriers on a fair basis."

United Parcel has demonstrated its interest in helping parcel post become a strong but fair competitor through deeds. In the past, the company has established a liaison with top postal officials to provide Post Office technical staff and consultants with access to UPS facilities and information. We would hope that this spirit of cooperation could continue and that the public would benefit from it.

UPS SERVICE CONTINUES TO GROW

UPS operates in 46 of the 48 continental states. We are presently authorized to serve 40 entire states, parts of 6 other states and the District of Columbia.

In our authorized areas we serve every city, town, hamlet and farm. UPS rates are competitive with parcel post.

For those shippers who need an expedited service we provide a combined ground-air service that links up the West Coast states with those in the Midwest, South and East.

If applications now pending before the Interstate Commerce Commission are granted, UPS service will be available for both pickup and delivery at every point in the entire 48 states.

We presently have 225,000 customers using our service every day. We deliver over two and one-half million packages each day, to well over one million and a quarter consignees each day. We estimate that we have served over 15 million different consignees in the past year.

MYTHS THAT HAVE SPRUNG UP ABOUT UPS

There have been references to the fact that UPS "skims the cream" and picks and chooses customers. They are simply unfounded and untrue. Rather than picking and choosing customers with the most profitable volume, United Parcel Service provides total coverage of any area it is authorized to serve. Any person at any address can have a package picked up or delivered to his doorstep. UPS serves large towns, small towns, rural areas, and any remote location where a delivery vehicle can be driven.

By contrast, the Postal Service does not offer a package pickup except for favored large-volume shippers, and any citizen served by one of the 6,838 fourth class post offices gets no package delivery. In addition, the Postal Service limits package delivery from its 12,551 third class post offices. Postal management provides delivery at its option, and such service is usually given to areas that have a specified population density.

Under its tariffs as a common carrier, United Parcel Service cannot and does not refuse to give service to anyone who requests it. Such a refusal, made for the reason that the business would be unprofitable or marginal, would be grounds for revocation of the company's authority to operate. The company makes many deliveries into remote areas where a single package may move down miles of back roads before arriving at its destination.

While United Parcel Service serves many shippers with large volumes, the majority of the users of the service ship relatively low volumes. Of those customers who use the daily pickup service, more than half offer UPS less than four packages a day. About a quarter of these regular pickup customers offer on the average only one package or less a day.

United Parcel Service encourages use of its service by making it accessible to the greatest extent possible. Last year some 12 million packages were brought to the hundreds of United Parcel Service buildings where counters are maintained for the receipt of packages from any who wish to use the service.

The company offers a regular pickup service for a nominal weekly fee. The company's phone number appears in almost all phone books across the nation. Any customer may make a collect toll call and request one-time pickup service. The pickup is made for a nominal fee, usually the next day.

This phone system has been developed to make service available to everyone, even though UPS does not establish an office in every community. The Postal Service has established facilities in most large communities, and these are supported by the billions of dollars of revenue that is collected for the several classes of mail. United Parcel Service, working only with package volume, cannot duplicate the Postal building network, so it uses its package vehicles as mobile post offices that come to the door of the customer.

At present the company's pickup and delivery network covers its service areas so completely that its trucks have the capability of literally traveling down almost every road in America. Any activities designed to discourage the use of this service could reduce the number of packages being carried into areas that already generate too little package activity to be profitable. As long as United Parcel Service operates under the broad territorial grants of authority it now possesses, it must and does hold itself ready to continue to traverse almost every byway in America. It would be illogical for it to try to reduce the packages and revenue in any sparsely populated service area; since a reduction would cut into already thin or nonexistent profit margins for such areas.

UPS EMPLOYEES SHARE IN OUR BUSINESS

Our payroll for 1971 was $525,000,000. Our taxes in 1971 amounted to $94,000,000. We employ 53,000 people and operate a fleet of 28,000 vehicles fom 800 locations across the country.

The employees of UPS have a stake in the company over and above their jobs and pay checks.

With minor exceptions, all UPS stock is owned by 5,100 UPS supervisors and managers who are actively engaged in operating the business, or their families; or by former employees, their estates or heirs. No one shareholder owns as much as 6% of the total UPS stock.

Since 1961, we have had a Thrift Plan available to all employees after one year of service. This is a savings and profit sharing plan. Presently 30,200 UPS employees participate in the Thrift Plan. Those who have been in the plan since 1961 now have $8,000 each invested in the company's success.

This is why our employees are so concerned about the threat of the Postal Service using its monopoly service to subsidize parcel post which has always been considered by Congress to be a service competitive with private motor carriers.

PARCEL POST IS NOT PAYING ITS COSTS

The last parcel post rate increase took effect in November 1970 reflecting 1969 costs. Since then, rate increases have been put into effect for practically every class of mail except parcel post.

It is surprising that every class of mail *except* parcel post needed rate increases which reflected the rising costs of providing the services. It is now 1972 and the position of the Postal Service is that parcel post costs have not increased since 1969 despite substantial wage increases and rising costs in all other items of expenses.

1971 RATE INCREASES

1st Class, letters: up 33%.

2nd Class, newspapers, magazines: up 127%.

3rd Class, advertising: up 26%.

4th Class, parcel post: no increase.

Films, books, educational materials: up 17%.

The Postal Service is not allocating to parcel post costs caused by parcel post.

Of total fiscal 1970 postal costs of $7,981 million, only $435 million were attributed to parcel post service by U.S. Postal Service. We believe that approximately $770 million of those costs can be causally related to parcel post service. In addition, parcel post must bear a reasonable share of the remaining "institutional" costs of the Postal Service. Because 1972 parcel post revenues are projected to be $672 million, we feel a rate increase is clearly indicated.

Parcel post represents 40 percent of the cube and 25 percent of the weight of all mail handled by the Postal Service. Consequently, parcel post has a substantial impact on the costs of the Postal Service.

The Postal Service allocation of costs shown below does not reflect this impact:

[In percent]

Types of costs	U.S. Postal Service allocation of these costs to parcel post	UPS estimate of proper allocation
Sorting of parcel post	100.0	100
Movement between post offices:		
A. By private carriers on subcontract	5.0	15
B. By postal employees	0	30
Parcel post delivery driver:		
Payroll	1.5	5
Postal window service for receiving parcel post from customers	0	10
Motor vehicle costs: Depreciation, repairs, servicing, fuel, tires, etc	0	20
Buildings and equipment, maintenance and depreciation	0	21

Note: Figures based on testimony of USPS and UPS before Postal Rate Commission, Docket R71-1.

The above U.S. Postal Service allocations of costs to parcel post are much lower than the cost allocated to parcel post under the law prior to the Postal Reorganization Act of 1970. The old law required the Post Office to allocate full costs to parcel post and to set rates that would recover such costs.

UPS and the thousands of parcel delivery companies throughout the United States who are competing with parcel post pay 100% of all these costs as well as taxes.

The new law did not intend the allocation interpretations proposed by U.S. Postal Service shown above. Such interpretations, if allowed, would be destructive of private competition with parcel post.

The new law intended to give the U.S. Postal Service the freedom to manage its business—not the freedom to destroy competition.

UKRAINIAN INDEPENDENCE DAY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1973

Mr. GILMAN. Mr. Speaker, last Saturday at the inaugural ceremony of President Richard M. Nixon, I was once again moved by the recital of the inspirational preamble to our Constitution promising to secure "liberty . . . for all."

In reflecting the freedom that our forefathers desperately guaranteed for us, I am reminded of those nations throughout the world which are denied freedom.

One such nation, the Ukraine, a captive nation, celebrated its national independence day on January 22. This 55th celebration of the Ukrainian Independence Day serves as a reminder of a short-lived freedom.

After many years of control by Czarist Russia, on January 22, 1918, the Ukrainian State fought for and won its independence from Russia. However, this brief interlude was terminated in 1920 when Russia asserted force and took control of the Ukraine, making a stalwart people the largest captive nation in the U.S.S.R.

Through these many years of oppression, the spirit of the Ukraine people has not diminished. Both here and abroad, January 22 is sought out as a day for recollecting and reaffirming the hope that the Ukraine will not always be a captive nation.

As we pay our respects to the brave Ukrainian nationalists let us recall that the Ukrainian people have suffered in their subservience. Their fortitude and commitment, untarnished through the years, is an inspiration to the citizens of the free nations of the world.

A CONSTITUTIONAL AMENDMENT TO STOP BUSING

HON. LUCIEN N. NEDZI

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1973

Mr. NEDZI. Mr. Speaker, the time nears when the U.S. Supreme Court will have the opportunity to make the critical decision on cross-district busing and busing in pursuit of racial balance.

The House of Representatives has made its legislative intent abundantly clear that all orders in busing cases be stayed until the Supreme Court has acted; that is, until all appellate review has been exhausted.

Those of us who are convinced busing is wrong hope that the Supreme Court will rule quickly and decisively against busing and thereby decide the question once and for all.

However, if the Court rules otherwise, and, for example, upholds the Roth decision in Michigan, the only alternative is a constitutional amendment.

It is unfortunate that some Federal judges have become like moths fatally attracted to a flame. They have ordered busing in the face of overwhelming public opinion to the contrary, in the face of the fact that busing for racial balance across district lines is a radical departure from case law and tested educational practice, and in the absence of any persuasive evidence that education or racial harmony will be thereby improved.

My constituents and I believe we are in a crisis situation which threatens dire consequences. We believe that the U.S. Constitution is a noble document which should be amended rarely and then only with care. We believe this occasion is so serious that an amendment must be considered.

Any proposed constitutional amendment must travel a difficult path. As we know, the proposal must be passed by two-thirds vote of both House and Senate and then be ratified by the legislatures of three-fourths of the States.

An antibusing majority now exists in the House. As local court cases increase and the problem becomes more immediate in more congressional districts, the necessary two-thirds margin will become attainable.

The Senate presents a formidable obstacle. There, antibusing probably has a bare majority.

It seems likely that Senators, having larger, racially mixed constituencies, are apprehensive lest they offend the black community. And some in the black community, perceiving that some, but not all, antibusing reflects antiblackness as well, react not to the issue of busing itself, but to the antiblackness. Therefore, some Senators are reacting to a divided black community opinion which itself is reacting to a side aspect of the issue and not the issue itself.

It is important that the language of the proposed constitutional amendment be carefully and simply drawn so that Members are not provided with an excuse for opposing it by real or fanciful interpretations of the language. For example, one argument that has been heard already is that a constitutional amendment prohibiting busing would cause a reversion to a totally segregated, dual school system.

Several versions of a constitutional amendment have been suggested. Today I have cosponsored an amendment which reads simply:

> No part of this Constitution shall be construed to require a school system which assigns pupils on the basis of neighborhood attendance areas to assign pupils in any other manner.

Personally, when it comes time to vote, I will support that version of a constitutional amendment which has the best chance to win.

Courts and legislatures should avoid imposing quotas and percentages. The emphasis should be on managing resources, not quotas.

I am for the concept of the neighborhood school, which means that all schoolchildren, without regard to race, color, or creed, have the right to attend schools nearest their homes.

Cross-district busing and race-conscious quotas, if imposed, are likely to mean bitter divisiveness, educational chaos, and a collapse in public support for public schools. There is, moreover, no objective evidence that those for whose benefit these plans are devised will, in fact, be benefited.

Busing children to out-of-neighborhood and even out-of-county schools is really intolerable. Congress, reflecting the thoughtful conviction of an overwhelming majority of Americans in this matter, cannot allow itself to acquiesce.

JIM SMITH

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. RAILSBACK. Mr. Speaker, I have had the privilege of working closely with Jim Smith, who is now leaving as Administrator of the Farmers Home Administration. He will be missed not only by members of his Department, but also by Members of the Congress. Jim was a dedicated public servant in the finest meaning of that word.

Jim Smith was born on July 23, 1926, and grew up on a family farm outside Tuttle, Okla. He was a member of the 4-H Club and Future Farmers; and educated in the Tuttle Public Schools and the Oklahoma College of Liberal Arts at Chickasha, Okla. Jim was engaged in farming and cattle raising, and active in civil affairs. In 1958, he was the Chickasha Junior Chamber of Commerce's "Outstanding Young Farmer," and, in 1965, was given the Chickasha Junior Chamber of Commerce "Outstanding Citizen Award."

Jim was elected to the 90th Congress on February 8, 1966, and on February 3, 1969, President Nixon appointed him as Administrator of the Farmers Home Administration. He was responsible for the implementation of several FHA projects which improved the quality of rural life tremendously. I am certain his dedication to this segment of the American public will continue, and I take this opportunity to wish him and his family every success and happiness in the years to come.

NORTH CAROLINA PLANS PUSH FOR FOREIGN INVESTORS

HON. L. H. FOUNTAIN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1973

Mr. FOUNTAIN. Mr. Speaker, international investment, like international trade is a two-way street. North Carolina's accomplishments in securing foreign investment capital from 11 countries for 67 industries are, therefore, highly significant.

An article detailing some of North Carolina's past and future efforts in this area appeared in the January 15 edition of the Journal of Commerce, and is as follows:

North Carolina Plans Push for Foreign Investors

Raleigh.—North Carolina, like the other Southeastern states, has been sharing in the multi-million dollar bonanza called reverse investment.

So important has it become, that state industrial and tourist resources director, Robert E. Leak, calls it "the highlight of North Carolina's international program."

SIGNIFICANT FACTOR

Since the Tar Heel State started scanning the world for foreign investment capital, North Carolina now counts 67 industries from 11 nations. The significant factor is that more than half of these are in manufacturing. These industries have provided jobs for hundreds of North Carolina workers, and have become the forerunners of several more expected to come to the state this year.

Mr. Leak, who has been a member of several North Carolina missions abroad, and who has been the architect of many of them, sees 1973 as becoming one of the best years ever, on the basis of inquiry from foreign firms and because of information brought back by mission members.

Missions last year took North Carolina industries investment teams to Europe, Scandinavia and Japan, engaging in talks with 60 top industrialists in these countries.

MISSION IN EUROPE

As far as reverse investment is concerned, North Carolina has been one of the most aggressive states in the U.S. in seeking out foreign dollars.

Along with the reverse investment missions, manufacturers of a wide variety of items in the state have traveled abroad seeking what the overseas market can absorb, and to learn how best North Carolina can meet these needs.

The state industrial division in April of last year sent two representatives to Europe to visit over 40 key European industrialists as a follow-up to the 1970 North Carolina Industrial Development mission to the United Kingdom and Europe.

LOCATE IN STATE

Directly resulting from that mission, a number of European companies have located in North Carolina. A recent example is the Funder Company from Austria, which announced plans to construct a plant in Mocksville, N.C. for the manufacture of laminated panels for the furniture industry. The original capital investment of $2.5 million will eventually reach $7 million.

The division participated in reverse investment seminars held in May of last year in Dusseldorf, West Germany, and Stockholm, Sweden, sponsored by the U.S. Department of Commerce and the National Association of State Development Agencies.

About 200 European and Scandinavian companies attended these seminars, with 22 prospects showing interest in North Carolina.

Thereafter, the division's efforts focused upon the Far East. During August, advance arrangements were made in Japan to hold an "All North Carolina" reverse investment seminar in Tokyo.

Prior success in Europe, Scandinavia, and Canada dictated that the North Carolina story be carried to the Japanese industrialist, particularly in view of the realignment of monetary currencies influencing foreign companies to advance their time-tables on plant location decisions.

Over 150 major Japanese companies attended this two-day seminar, entitled "Establishing Manufacturing Facilities in North Carolina, U.S.A.," which was held in October in Tokyo.

Among the topics covered at the seminar, which was opened by Robert S. Ingersoll, Ambassador of the United States to Japan, were labor, wages, industrial training, site, and construction costs, transportation, and utilities, marketing, financing and taxes, pollution, research and development, legal aspects of doing business, and livability.

A number of Japanese companies now are seriously investigating the possibilities of locating plants in North Carolina.

There are several projects under study by the division for 1973.

In terms of reverse investment, a major thrust will be directed toward European and Japanese prospects. From the standpoint of export promotion, the division is considering a North Carolina trade mission to the U.S.S.R. and Eastern Bloc countries.

While 1972 was an exceptionally active year, 1973 is regarded as equally promising.

THE 55TH ANNIVERSARY OF UKRAINIAN INDEPENDENCE

SPEECH OF

HON. JAMES J. DELANEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1973

Mr. DELANEY. Mr. Speaker, I am glad to have this opportunity to join my colleagues today to commemorate the 55th anniversary of Ukrainian Independence, the day when the gallant people of the Ukraine freed themselves from the tyranny of their Russian oppressors.

These great and noble people had been submerged under the czars since the middle of the 17th century. Although their czarist rulers did their utmost to eradicate Ukrainian national traits and make these people Russians, their efforts were in vain. The indomitable Ukrainians steadfastly clung to their national traditions and ideals.

When the czarist government was overthrown by the Revolution of 1917, the Ukarinians proclaimed their independence on January 22, 1918, and the Ukrainian National Republic was born. Unfortunately, the fledgling government was faced by overwhelming odds, and was overthrown by the Red Army in 1920. Tragically, it has been a captive nation since that time.

During the 55 years of bondage, these exceptionally gifted and dedicated people have never lost hope of achieving their eventual freedom. On this anniversary of Ukrainian independence, it is right that we should call to mind our own historic commitment to self-determination, and rededicate ourselves to assuring all people's right to a government of their own choosing is a continuing principle of international justice.

NORM LENT REPORTS

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1973

Mr. LENT. Mr. Speaker, earlier this month I sent my first newsletter of the 93d Congress to my Fourth District constituents. I include the text of my newsletter in the Record at this point:

Your Congressman Norm Lent Reports From Washington

(Congressman Norm Lent's Washington report, January 1973)

NEW CONGRESS CONVENES WITH MUCH TO DO

The new 93rd Congress had scarcely lowered its collective right hand after a January 3rd swearing-in ceremony before hundreds of new legislative proposals had been dropped in the House bill hopper.

The new Congress could be one of the busiest in recent years, but the House leadership must speedily construct the 21 standing committees and dispense quickly with routine organizational functions before the arrival of Spring, lest the 93rd begin as too many of its predecessors—as a turtle race.

In years past, a slow start for new Congressional sessions has impeded legislative progress, and I am going to do all I can to see that we "get off the mark" more quickly this year.

Among some of the more critical legislation likely to see House action this year is a private pension reform measure, a National health care bill, and a new energy policy plan. In addition, I feel strongly the Congress must tackle some unfinished business it skirted before adjourning last November for the 1972 elections.

High on this list must be an effective curb on forced busing of schoolchildren, as well as legislation to effectively waylay proposed offshore oil drilling in the Atlantic until more foolproof environmental safeguards can be developed.

REPRESENTATIVE LENT SAYS: LET'S WORK TOGETHER FOR FOURTH DISTRICT

With the redrawing of Congressional District lines, I now have the honor of representing you in the new Fourth Congressional District. I've represented many of you on the South Shore in years past, either as your State Senator or as your Congressman, and I look forward to continuing what for me has been a rewarding experience as your Representative.

For those of you in Levittown, Hicksville, East Meadow and the communities stretching north to Glenwood Landing and Glen Head, I will be representing you for the first time. I was able to meet personally with many of you during the past campaign, and I look forward to meeting many, many more of you in the months ahead.

For all of us, the just-begun 93rd Congress offers an opportunity of working together to tackle head-on some of the tough National questions that need to be solved. We will not always agree on each and every issue or the method of cure for every problem—but working together we can insure that the new Fourth Congressional District will be "getting in its two cents worth" in Washington.

As your part of the deal, I need to hear from you on the National issues that concern you, the Federal legislation that you're for or against. If you've got something on your mind that concerns our National government, sit down and drop me a letter or a card.

I'll be flying back from Washington, D.C. every weekend and during Congressional recesses so as to be available to attend your functions and meet with you to get your views and help you with your problems. I'll be polling you on your views on some of the major issues via a Congressional questionnaire in the near future and sending you more of these newsletters in the months ahead in an effort to keep you abreast of what the Congress is doing and what it's failing to do.

NEW BALDWIN OFFICE OPENS

On January 1st, my staff and I moved our District Office from Rockville Centre to Baldwin. The Fourth Congressional District Office is now located in Room 207 of the Baldwin Plaza Building, 2280 Grand Avenue, Baldwin (just South of Sunrise Highway and the Baldwin LIRR Station).

My staff and I are delighted with our new location which is convenient to the LIRR and major bus lines. It can easily be reached by car and there is ample parking.

The new Baldwin Congressional Office will be staffed full time with hours from 9 a.m. to 5 p.m. Monday through Friday and 9 a.m. to noon on Saturday. The phone number is BA 3-1616.

If you have a question or just want to voice your thoughts on pending Federal legislation, don't hesitate to call my Baldwin Office. If you are experiencing a problem with the Federal government that is particularly involved, it is best to write to me directly in Washington outlining the details of the matter. In this way, I will be able to provide you with a speedier response.

PROTRACTED BATTLE PAYS OFF—REVENUE SHARING DOLLARS FLOWING BACK TO NASSAU

After a two-year Congressional battle, the Federal Revenue Sharing program which I fought so hard for during the last session of the Congress is beginning to bear fruit for Nassau County and its Towns and Villages.

The Federal Revenue Sharing checks forwarded recently to Nassau localities proved a belated holiday surprise with many villages, as well as the Towns of Hempstead, Oyster Bay and North Hempstead—and Nassau County—receiving sums considerably higher than original estimates which had been based on outdated population and local taxation effort figures.

Freeport's slice of the Revenue Sharing pie, for example, increased from an original estimate of $205,000 to a whopping $319,000.

Both the Town of Hempstead and the Town of Oyster Bay virtually doubled their cut of the Federal monies. Hempstead receiving nearly $3½ million and Oyster Bay nearly $1½ million. Original Treasury Department estimates had allocated Hempstead Town only $1,250,000 and Oyster Bay only $800,000.

This returning of Federal tax monies from Washington to Nassau is a reversal of a longtime enigma which had our taxpayers sending money to Washington with little appreciable return for their dollar. It will translate into more effective and improved local services for Nassau residents and should ease the pressure for increases in local real property taxes.

REVENUE SHARING BOX SCORE

	Orignal estimate 1972	New share 1972
Nassau County	$9,377,773	$13,095,720
Town of Hempstead	1,250,000	3,416,212
Town of Oyster Bay	800,000	1,420,632
Town of North Hempstead	730,000	1,001,548
Brookville Vilage	13,889	13,688
East Rockaway	44,638	50,268
Freeport	205,766	319,510
Island Park	23,333	45,756
Muttontown	0	8,870
Old Brookville	0	7,608
Old Westbury	11,532	11,366
Westbury	66,427	65,470

WILL LONG ISLAND FIRM GET THE AX?—IN THIS CASE WE HOPE SO

After one of the most grueling performance competitions ever, the U.S. Air Force is on the verge of awarding a contract which could spell over 5,000 new jobs on Long Island and a sizeable infusion of money into our local economy.

One of the two finalists aming at the contract to build the AX close-support fighter plane is Farmingdale's Fairchild Republic Corporation, which has developed an outstanding prototype. Although Fairchild is not located in the 4th C.D., many District residents are employed at the Farmingdale firm, and I am devoting all of my energies to see that the nearby plant comes out on top when the award is made on January 19th.

Working in conjunction with the Long Island Association of Commerce and Industry, I have been "lobbying" on Capitol Hill and at the Pentagon to insure that the Fairchild proposal gets closely looked at.

Fairchild Republic officials estimate that $154,000,000 in subcontracting funds will flow to Long Island firms if they win the huge contract, and that is ample reason for us to be battling on behalf of the local firm.

NEVER AGAIN

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1973

Mr. HELSTOSKI. Mr. Speaker, all Americans, I am sure, share our happiness and relief at the announcement of the impending cease-fire in Vietnam, and the ensuing accounting for and return of our prisoners of war. It is vital, however, that this happiness not crowd from our minds the costly lesson we have learned in the Southeast Asian subcontinent.

Both sides have paid a heavy toll in manpower. The devastation of land in Indochina will take much to repair. Unless the signed agreement provides for the elimination of the seeds of discontent in Vietnam, political corruption and the press for land reforms could serve possibly to reignite the Indochinese civil war.

I sincerely hope that all Americans will evaluate and remember the price this Nation has paid in honor, morale, and men. I hope that we will resolve that we will never again allow ourselves to forget through what mazes twisted priorities can lead us; that we will never again allow ourselves to be drawn into such a situation; that we will never again pay such a price for such vague objectives.

Mr. Speaker, in our relief, let us study what Vietnam has to teach us, and remember this lesson. We must resolve that such a tragic war and involvement will never happen again.

END THE ELECTORAL COLLEGE

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1973

Mr. BELL. Mr. Speaker, I have introduced into the House today a constitutional amendment to abolish the institution and functions of the electoral college. I am impatient that 92 Congresses of the United States have permitted this anachronism to continue to exist. Little need be said about it: It is undemocratic. It is uncontrollable. And it is potentially dangerous. I say let us get rid of it.

The text of my proposed amendment, which has strong bipartisan support in the Senate under the leadership of Senator BAYH, follows:

H.J. RES. 237

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE —

"SECTION 1. The people of the several States and the District constituting the seat of government of the United States shall elect the President and Vice President. Each elector shall cast a single vote for two persons who shall have consented to the joining of their names as candidates for the offices of President and Vice President. No candidate shall consent to the joinder of his name with that of more than one other person.

"SEC. 2. The electors of President and Vice President in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature, except that for electors of President and Vice President, the legislature of any State may prescribe less restrictive residence qualifications and for electors of President and Vice President the Congress may establish uniform residence qualifications.

"SEC. 3. The persons joined as candidates for President and Vice President having the greatest number of votes shall be elected President and Vice President, if such number be at least 40 per centum of the total number of votes cast. If none of the persons joined as candidates for President and Vice President shall have at least 40 per centum of the total number of votes, but the persons joined as candidates for President and Vice President having the greatest number of votes cast in the election received the greatest number of votes cast in each of several States which in combination are entitled to a number of Senators and Representatives in the Congress constituting a majority of the whole number of Members of both Houses of the Congress, such persons shall be elected President and Vice President. For the purposes of the preceding sentence, the District of Columbia shall be considered to be a State, and to be entitled to a number to which it would be entitled if it were a State, but in no event more than the number to which the least populous State is entitled.

"If, after any such election, none of the persons joined as candidates for President and Vice President is elected pursuant to the preceding paragraph, the Congress shall assemble in special session, in such manner as the Congress shall prescribe by law, on the thirty-fourth day after the date on which the election occurred. The Congress so assembled in special session shall be composed of those persons who are qualified to serve as Members of the Senate and the House of Representatives for the regular session beginning in the year next following the year in which the election occurred. In that special session the Senate and the House of Representatives so constituted sitting in joint session, each Member having one vote, shall choose immediately, from the two pairs of persons joined as candidates for President and Vice President who received the highest numbers of votes cast in the election, one such pair by ballot. For that purpose a quorum shall consist of three-fourths of the whole number of Senators and Representatives. The vote of each Member of each House shall be publicly announced and recorded. The pair of persons joined as candidates for President and Vice President receiving the greater number of votes shall be elected President and Vice President. Immediately after such choosing, the special session shall be adjourned sine die.

"No business other than the choosing of a President and Vice President shall be transacted in any special session in which the Congress is assembled under this section. A regular session of the Congress shall be adjourned during the period of any such special session, but may be continued after the adjournment of such special session. The assembly of the Congress in special session under this section shall not affect the term of office for which a Member of the Congress theretofore has been elected or appointed, and this section shall not impair the powers of any Member of the Congress with respect to any matter other than proceedings conducted in special session under this section.

"Sec. 4. The times, places, and manner of holding such elections and entitlement to inclusion on the ballot shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations. The days for such elections shall be determined by Congress and shall be uniform throughout the United States. The Congress shall prescribe by law the times, places, and manner in which the results of such elections shall be ascertained and declared. No such election shall be held later than the first Tuesday after the first Monday in November, and the results thereof shall be declared no later than the thirtieth day after the date on which the election occurs.

"Sec. 5. The Congress may by law provide for the case of the death, inability, or withdrawal of any candidate for President or Vice President before a President and Vice President have been elected, and for the case of the death of both the President-elect and Vice President-elect.

"Sec. 6. Sections 1 through 4 of this article shall take effect two years after the ratification of this article.

"Sec. 7. The Congress shall have power to enforce this article by appropriate legislation."

A NATIONAL HOLIDAY ON DR. MARTIN LUTHER KING'S BIRTHDAY

HON. WILLIAM H. HUDNUT III

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. HUDNUT. Mr. Speaker, I rise to support the proposal offered by the gentleman from Ohio (Mr. Stokes) and others to designate the birthday of Dr. Martin Luther King, Jr., as a national holiday.

On January 15, I was privileged to participate in a birthday celebration honoring the late Dr. King at the St. John's Missionary Baptist Church in Indianapolis. It seemed to me fitting and proper, as it does now, that the Congress should be sensitive and responsive to the yearning in the heart of black America for the enactment of legislation creating a national holiday in commemoration of their fallen hero's birthday.

There are several reasons why I believe January 15, or some other day that may be deemed more suitable on the national calendar, should be designated thusly.

First, our national history requires it. At present there is no national holiday that relates specifically to black America's contribution to our natural heritage, much less that of other national and racial minorities in our land. This is hardly an accurate reflection of what they have meant to our country across the generations.

Second, the merits of Dr. King himself require such action. Controversial though he was, I believe he stood for human rights, for equal opportunities for all, for brotherly love and for peaceful change. He was a man of courage, conscience, and conviction, a hero and champion within the black community who inspired many in white America and won worldwide acclaim and fame as well.

A third reason for such a national holiday, is that we live in a pluralistic society in which the rights of an individual to be himself, to make his unique contribution, and to advance to the limits of his ability and ambition, should be recognized. Dr. King perceived these rights as rights for all Americans, and helped his people to work for these goals.

The purpose of any holiday is to serve as a symbol. Obviously, we cannot have too many such holidays, or our country would be surfeited by a plethora of groups each demanding national recognition for their own particular ethnic or racial hero. But one such day, whether it be Dr. King's birthday or some other suitable date, would be an important symbol of our appreciation for many minority group's contributions to American history as well as our affirmation of their dignity and equality.

JAPAN AIR LINES AND THE ARAB BOYCOTT

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1973

Mr. EILBERG. Mr. Speaker, in February 1969, I first reported to my colleagues in the House of Representatives the findings of the Anti-Defamation League of B'nai B'rith that Japanese commercial interests had knuckled under to Arab pressure and were boycotting Israel. I further updated that report on Wednesday, October 14, 1970, with new material from the ADL.

The situation shows little improvement since these two reports, and today the Japan Air Lines still continues to play the Arabs' game with its participation in the Arab boycott.

Japan is one of 76 countries, including the United States and Israel, that are members of GATT—general agreement on tariffs and trade. Therefore, Japan Air Lines' submission to the Arab boycott is not only immoral, but in violation of GATT regulations.

The traditional practice in international commercial aviation is for national airlines to recommend to their respective governments that they enter into treaty agreements on landing rights. Yet, Japan Air Lines has consistently refused to make such a recommendation in relation to Israel and has called the situation an incredible saga of the airline's knuckling under to Arab boycott threats. Meetings and exchanges of correspondence by the ADL with Japan Air Lines over a period of nearly 5 years have been totally nonproductive. Japan Air Lines has used stalling tactics with El Al Israel Airlines while offering ADL abundantly clear is its refusal to change its position.

Last month in Philadelphia, I participated on the opening day of a week-long demonstration protesting Japan Air Lines' participation in the Arab economic boycott of Israel at Japan Air Lines' Philadelphia office, 1518 Walnut Street. The demonstration was organized by Samuel Gaber, regional director of the Anti-Defamation League of B'nai B'rith in cooperation with: B'nai B'rith Council of Greater Philadelphia, B'nai B'rith Women District No. 3, B'nai B'rith Women Greater Philadelphia Council, the Board of Rabbis of Greater Philadelphia, Jewish Community Relations Council of Greater Philadelphia, Jewish Labor Committee—Metropolitan Philadelphia Area, Jewish War Veterans of the U.S.A.—Philadelphia County Council, and the Negro Trade Union Leadership Council.

I place in the Record the ADL fact file on "Japan Air Lines and the Arab Boycott" which was distributed by the ADL office in Philadelphia:

JAPAN AIR LINES AND THE ARAB BOYCOTT

Japan Air Lines is the national air carrier of Japan, with a fleet of 74 aircraft. With fifty percent of the airline owned by the government, the other 50% publicly held, in 1971, JAL flew approximately 1,630,000 international passengers.

In 1970, JAL inaugurated a Tokyo-London service via Moscow in addition to the already existing Tokyo-Paris-via-Moscow route. In its round-the-world flight, it services Honolulu, San Francisco, Los Angeles, New York, London, Paris, Rome, Moscow, Cairo, Beirut, Teheran, Karachi, New Delhi, Calcutta, Bangkok, Singapore, Hong Kong and several other cities along the route. Last year JAL requested landing rights in Chicago and Anchorage, Alaska.

JAL maintains 15 sales offices in the United States, 2 in Canada, 4 in Latin America, 19 in Europe, and 3 in the Middle East (Beirut, Teheran and Cairo). It also maintains over two dozen sales offices in Southeast Asia and Oceania.

BOYCOTT

Following the International Air Transport Association Conference in Manila during the winter of 1967, Mr. Ben-Ari, the Director General of El-Al Air Lines and Israel's Ambassador Bartur met in Japan with the president of Japan Air Lines. It was agreed that their respective business managers would enter into discussions regarding a mutual air agreement between El-Al and JAL, after which government discussions would follow respecting the establishment of an Israel-Japan mutual landing-rights treaty. Simultaneously, the president of JAL received an invitation from El-Al to visit Israel for discussions.

The business managers never met nor did the JAL president ever visit Israel; the reason given by JAL was that their executives were too busy. More than a year later, in the fall of 1968, the president of JAL formally cancelled the proposed trip, claiming that his heavy schedule made the trip unfeasible. Now, five years later, he has still not visited Israel despite repeated invitations.

In July of 1969, at a meeting between Mr. Elmer R. Brown, JAL's Passenger Sales Manager for the New York District, and Anti-Defamation League—B'nai B'rith representatives, the ADL explained that its leadership was troubled by reports that JAL was boycotting Israel. As a result, a second meeting between JAL and ADL— B'nai B'rith representatives took place on October 1, 1969, with Mr. Shigeo Kameda, the Vice President of JAL-American Operations heading the JAL delegation. The B'nai B'rith representatives stated their disappointment over the Japanese Government's tolerance of the JAL boycott. The airline representatives agreed to bring the problem to the attention of both the Japanese Ministry of Transportation and the Japanese Federation of Economic Organizations. On October 24, 1969, Mr. Kameda wrote to the Japanese Ministry of Transportation as promised, requesting that the matter be brought before the Minister of Transportation and before the President of the Federation of Economic Organizations. JAL's Vice President concluded:

"We would appreciate any action on your part to present the problem to the authorities concerned. We have been, and still are, receiving considerable business from B'nai B'rith and it is our sincere wish to be of whatever service we can be to this organization."

THE "NONNEGOTIATIONS"

On March 30, 1970, Mr. Arnold Forster and Mr. Lawrence Peirez met in Tokyo with Mr. Nobuo Matsumura, Director and Vice President of Japan Air Lines, and discussed the state of "non-negotiations" between El-Al and JAL.

Mr. Matsumura then asserted that no formal invitation had ever been extended to the president of JAL by the president of El-Al; that El-Al and the Israeli Government were perfectly content with the attitude and activities of JAL; that JAL would be perfectly happy to entertain propositions by El-Al but had heard none; and that in his talks with an Israeli Embassy representative he had persuaded the Israeli Government that there was no reason for any complaint. All of these statements were completely contrary to the known facts. Mr. Matsumura further stated that JAL business propositions were decided solely on their commercial merit, and that the airline was not planning on opening service to Israel because it was suffering from a shortage of planes and pilots needed for existing routes.

On April 13, 1970, B'nai B'rith, over the signature of the Director of B'nai B'rith National Tours, wrote a letter to JAL, which declared in part:

"It seems that the door has been firmly closed and no interchange is contemplated by JAL. Such a position on the part of your airline is forcing us to terminate the use of JAL by B'nai B'rith and their 600,000 membership."

In a meeting between Mr. Forster of ADL and Mr. Brown of JAL on April 14, 1970, the ADL explained that the evidence that JAL was boycotting Israel was corroborated by: the refusal of the president of JAL to accept the repeated invitations to discuss matters of mutual interest with the president of El-Al, and by the apparent unwillingness of the Japanese Government to open any kind of negotiations with the Israeli Government for a possible treaty on mutual landing rights.

Mr. Forster stated plainly that "any movement, any action, any deed indicating that JAL was not playing the Arab game" that any affirmative step, establishing collaboration between JAL and El-Al or between Japan and Israel (treaty rights) could persuade B'nai B'rith and other Jewish organizations that there was no longer reason to avoid JAL's facilities.

THE DILATORY TACTIC

At this juncture, Mr. Akamara, JAL's London representative, paid a courtesy call on Mr. Y. Rabin, Chief of Civil Aviation for the Ministry of Transport in Israel; nothing came of the visit. But on July 20, 1970, a meeting—we learned, was held in Tokyo between Israeli Government representatives, specifically from the Israel Civil Aviation Board, including the Vice President of El-Al Israel Air Lines, and Japanese Civil Aeronautics Board officials, at which time August, 1971, we were told, was set as a tentative date for the opening of government negotiations which El-Al had requested.

As a follow-up to this meeting, a formal diplomatic note was delivered in August, 1970, to the Japanese Foreign Ministry by the Israeli Ambassador requesting an air treaty between the two countries.

In the United States, Japan Air Lines attempted, from July, 1970, through October, 1970, to persuade ADL that it was not guilty of boycott submission. Accordingly, JAL proposed a series of drafts of a letter that would satisfy Jewish organizations regarding JAL's bona fides. In retrospect, this seems only to have been a tactic to buy time—time during which double-talk and additional promises put off the moment of truth about the boycott.

THE DOUBLE-TALK

Throughout this period, JAL maintained that its decisions were subject to the directives and recommendations from the Japanese Government, while the Japanese Government spokesman continues to advise that the matter was up to Japan Air Lines' decision and recommendations. Throughout that period, Japan Air Lines was writing letters to inquirers, informing them of the July 20th meeting and stating that the result of that meeting was an agreement to conduct a joint study of economics of the air route linking the two countries.

On September 9, 1970, during the IATA Convention in Honolulu, another meeting was held between the commercial managers of Japan Air Lines and El-Al—again no progress was achieved. This turns out to have been just another effort by JAL to extricate itself from pressures in the U.S. with excuses rather than with the actual change in policy.

In November, 1970, we learned that Japan Air Lines advised the Israeli Embassy in Tokyo that negotiations would now begin in May, 1971. When in late April, 1971, no appointments or schedules for negotiations or meetings had been set, the ADL charged Japan Air Lines with not fulfilling its promise to negotiate.

On May 11, 1971, Japan Air Lines issued a news release denying the charges of boycott. In its statement, it announced that "JAL is engaged in the commercial airline business only, and does not participate in any form of politics, either on an international scale or within any country. We are influenced by sound business practices." This statement continued: "In international commercial aviation, reciprocal landing rights are negotiated by governments concerned, on the basis of long, careful study to insure that any new route will be operated at a profit. In the past, such discussions and negotiations have often been lengthy."

JAL was still evading responsibility for the shutting out of Israel in obvious compliance with the regulations of the Arab Boycott Office.

But in a letter dated April 8, 1971, Mr. S. Yamada, Regional Manager, Southwest Region of Japan Air Lines, while admitting that it was the Japanese Government that had to decide on policy, clearly admitted JAL's own responsibility for the first time. He wrote: "It is true that the Japanese Government is withholding action on mutual air treaty with Israel but it is truly based on economic reasons *of its flag carrier*, Japan Air Lines . . . detailed market research has revealed that there is simply not sufficient movement of goods and personnel between these two countries to warrant a desired economic sustenance . . . we reiterate that Japan Air Lines is a money-making enterprise and definitely cannot afford to dash headlong into untried market areas merely to satisfy political objectives . . . We fly for profit and not for protocol. We sincerely look forward to the day when both our countries can enter into agreement to this end."

In response to that analysis, El-Al Israel Air Lines, we were informed, proposed that after negotiation of a mutual landing rights treaty, it (El-Al) would exercise its option of flying to Tokyo and sharing the profits with Japan Air Lines without an obligation on the part of Japan Air Lines to reciprocate in terms of committing planes or flight schedules to Israel. That offer, too, we now learn, has been rejected.

As a result of all the foregoing, to this date, there has been no development in terms of government negotiations on a landing treaty, nor any further negotiations between El-Al and Japan Air Lines.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1973

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks:

"How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,925 American prisoners of war and their families.

How long?

INTIMIDATION OF THE NETWORKS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1973

Mr. WALDIE. Mr. Speaker, the following is an eloquent criticism of the administration's attempts to intimidate the network television news and public affairs bureaus. This Los Angeles Times editorial of December 24, attacks the administration's actual intent in calling for the elimination of "the bias" and "ideological plugola" which allegedly characterize network news coverage. Clearly, the administration's intentions are not related to improving the quality of American television, but rather to the destruction of the news media's right to question, to inform the public free from the influences of governmental coercion.

The article follows:

INTIMIDATION OF THE NETWORKS

The White House has decided that television isn't as good as it should be and says it is going to do something about it. But hold your cheers. For there is evidence that it may be nothing more than a mask for an effort to intimidate network news and programming.

Clay T. Whitehead, director of the President's Office of Telecommunications Policy, unveiled the plan without unveiling the legislation that Mr. Nixon hopes Congress will adopt. In this circumstance, comment of necessity must be limited to what Whitehead said and the emphasis he chose.

What he offered, in essence, was a mix of new regulations on station license renewal, which didn't seem new at all; a broad-brushed attack on network programming, particularly the news function of the networks, and a warning to stations affiliated with networks to bring changes in network program and news operations or risk the loss of their station licenses.

It may be significant that Whitehead aimed most of his shots at the networks and had little to say about those non-network stations that often are the reservoir of the ultimate in warmed-over mediocrity. He was, in effect, beginning his crusade for better television by attacking the areas that at least harbor most of what quality there is in American commercial television.

His attack was the more mischievous because of its imprecision, bordering on smear, as he talked about "so-called professionals who confuse sensationalism with sense and who dispense elitist gossip in the guise of news analysis," of the "ideological plugola" of those who "stress or suppress information in accordance with their beliefs," of the "bias in the network," of unacceptable network standards of taste, violence and decency.

No names. No examples. But a threat. Clean it up, whatever it is. Or there will be no license renewal.

Network officials immediately interpreted Whitehead's words as an effort to drive a wedge between the networks and their affiliated stations. Of course it was. Carried to the ultimate application, his proposals could destroy network television by making its programming susceptible to every local attack, and leaving the affiliated stations more vulnerable to arbitrary loss of their licenses.

But in this regard, a contradiction is evident in what Whitehead has proposed. He has not matched his new threat with new rules. And he himself has defended his proposals as the means "to increase freedom and responsibility in broadcasting."

He proposed two criteria to determine license renewal: (1) a demonstration that the station is in tune with the needs and interests of the community it serves and (2) evidence that reasonable, realistic and practical opportunities have been given to present and discuss conflicting views on controversial issues.

So what's new? Station license renewal presently is tied to the so-called "community ascertainment" formula. And the fairness doctrine haunts every discussion of a controversial issue. If there is anything new, it is his suggestion that the station be evaluated "from the perspective of the people of his community and not the bureaucrat in Washington," but when he was questioned about this, he indicated the job would remain in the hands of the Federal Communications Commission.

His package includes two elements that might ease the chaos and confusion in present renewal procedures, however. He supports extending the term of a license from three years to five. And he argues that the burden of proof should rest with those who challenge a license renewal.

When the legislation is unveiled, it will be for Congress to determine the real intent of the White House. No doubt about it, some reform of procedures is desirable. An improvement of program quality would be welcome. But Whitehead's presentation of the President's ideas seems transparent to us, failing to hide an intent to weaken the networks, and particularly, to intimidate the network news and public affairs departments. That is not welcome.

RURAL ENVIRONMENTAL ASSISTANCE PROGRAM

HON. THAD COCHRAN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1973

Mr. COCHRAN. Mr. Speaker, as my colleagues are aware, the rural environmental assistance program has been terminated by the Department of Agriculture.

Today I am cosponsoring a bill to reinstate this most beneficial program. I am well aware of the aims of the administration to reduce expenditures, and I support efforts in that direction. However, the REAP program is not just an expenditure, it is a wise investment.

This program does more than assist farmers in bettering their productive efforts. It provides needed pollution controls which benefit the entire community.

In my district alone, during fiscal 1972, more than 25 percent of the funds expended were directed toward correcting soil erosion and water pollution.

Surely a program which requires equal participation from the private sector, and which results in increased land productivity, and at the same time helps secure a healthier environment, deserves further consideration by this Congress.

I urge my colleagues to join with me in the effort to reinstate the rural environmental assistance program.

FOREIGN ASSISTANCE APPROPRIATION BILL

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1973

Mr. CONTE. Mr. Speaker, last September 21, an amendment was offered on the foreign assistance bill that would have denied further funds to guarantee or insure future investments by the Overseas Private Investment Corporation—OPIC.

Fortunately, the amendment was defeated by a scant 26 votes, but the attendant debate unleashed a flood of misinformation and misunderstandings about OPIC, its operations, and the overall impact on domestic employment of U.S. foreign investment.

OPIC will be scrutinized by oversight reviews in subcommittees of both the House and the Senate later this year, so that the Members will be accorded the benefit of more deliberative examination than was possible last fall on the floor.

Meanwhile, I would like to share with my colleague an article from the current Business Europe that describes an investment-guarantee plan unveiled last month by the Brussels Commission in the Common Market to improve the competitive edge of EEC companies in the developing world.

This plan is in addition to individual investment-guarantee plans that most of the member countries provide their own oversea investors.

Before we get swept too far along the protectionist wave that is surging through both Chambers, it behooves us to view the world outside with more realism.

The article follows:

EEC TO GUARANTEE INVESTMENTS IN DEVELOPING COUNTRIES

In a move designed to promote EEC investments abroad, the Brussels Commission last month unveiled a comprehensive investment-guarantee scheme that should considerably improve the international competitive position of companies and foreign subsidiaries within the EEC.

The plan, now before the EEC's Council of Ministers, calls for setting up an Office for Private Investment Guarantee (OPIG) with an initial capital of $10.8 million. OPIG should enable the EEC to: expand its foreign trade, particularly with the less developed countries (LDCs); strengthen its economic and political ties with them; and, probably the most important, secure long-term supplies of basic raw materials to its industries.

The scheme, expected to enter into effect this year, would cover three broad categories of noncommercial or political risks: war and revolution; nationalization, expropriation, and confiscation; and transfer of profits and capital, inconvertibility, and foreign exchange losses.

OPIG's guarantee would apply only to direct investments (equity participation, long-term loans, and advances) for the establishment or expansion of manufacturing or trading facilities outside the EEC. Geographically, the program would be extended to all countries that have concluded a bilateral convention on private investments protection with the Community; are associated with the EEC (e.g. Greece, Turkey, the 19 Africa associates, etc.); and provide sufficient legislative guarantees to foreign capital.

Foreign investments by EEC subsidiaries of non-EEC companies would be eligible for OPIG insurance. Coverage would also be available for investment projects carried out jointly by firms within the EEC and state-controlled enterprises of East European or Far Eastern countries. Top priority would be given to multinational foreign ventures (projects developed by firms based in two or more EEC countries), as well as to direct investments abroad considered to be in the overall Community interest.

ELIGIBILITY REQUIREMENTS

To qualify for the EEC guarantee projects in the LDC's would have to be approved by the host country, benefit the latter in terms of economic development, foster intra-LDC economic and trade cooperation, and leave "adequate" participation opportunities to local capital.

OPIG's guarantee would cover 100% of the value of the original equity and/or loan investment. On demand, however, the coverage could be increased to reflect a maximum 3% annual growth of the project's initial net worth due to reinvested earnings and/or new capital contributions.

Annual corporate profits (dividends, interest royalties) would be guaranteed up to 24% of aggregate invested capital. For transfer and inconvertibility risks, however, this ceiling would be lowered to an annual 8% of the investment's value. OPIG coverage would normally be limited to 15 years, but could be extended to 20 years in exceptional (as yet unspecified) cases.

Losses resulting from political risks, including an unfavorable change in the host country's legislation on foreign investments, would be compensated 100% during the first 10 years of guarantee, tapering off by an annual 10% in the next five years with special conditions for guarantees having a 20-year maturity.

THE FORMULA

EEC compensation for losses due to war, revolution, nationalization, expropriation, and confiscation would be computed on the difference between: 1) either the book or the nominal value (less repatriated capital and profits of the investment, whichever the lower; and 2) the residual value of the assets, plus any compensation paid by the host country.

For foreign exchange risks, OPIG would guarantee the exchange rate prevailing at the time the insurance contract was signed, but would not cover a difference of less than 10% between the exchange rate guaranteed and that at which transfers were actually made. The scheme would not provide for the investor's "self-coverage"—a system used by countries such as the US, Sweden, Japan, Switzerland, and Canada, whereby, for indemnification purposes, they deduct from the officially ascertained losses a varying amount—from 1% for the US to 30% for Switzerland.

Although the Commission's proposals fail to spell out the cost to private companies of the OPIG program, it is expected that annual guarantee fees would range between 0.75% and 1% of the investment's value, depending on the foreign country's political and economic situation. These rates would represent the aggregate cost of insurance coverage for the three groups of noncommercial risks.

The EEC scheme would complement, rather than replace, investment-guarantee programs presently operated by individual EEC countries (except Italy, which doesn't have an investment-guarantee program). Most of these national schemes, in fact, are limited not only with respect to their geographic scope, but also as to the type of investments and risks covered. Moreover, none of these programs affords insurance coverage to multinational EEC investments abroad.

STOCK DEALINGS

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1973

Mr. ASPIN. Mr. Speaker, I have written today to Mr. William J. Casey, the Chairman of the Security and Exchange Commission concerning the unloading of more than 86,000 shares of common stock by Litton Industries former president Roy Ash.

Mr. Ash apparently unloaded the stock at a time when it was known privately, but not publicly that Litton was in big trouble on one of its major shipbuilding contracts. Litton failed to inform its stockholders either in its annual report or in its filings to the Security and Exchange Commission of developing problems on what is known as the LHA program.

As many of my colleagues may know, it is prohibited by Federal law for anyone to use insiders information in trading large blocks of stock. While no one is accusing Mr. Ash of insiders trading, the circumstances indicate to me that an investigation by the Security and Exchange Commission is warranted.

Yesterday, the distinguished Senator from North Carolina (Mr. ERVIN) and all of the Senate committee chairman introduced legislation which would require the Senate confirmation of Mr. Ash and his Deputy Director of the Office of Management and Budget. Mr. Ash should appear before both congressional committees and answer questions about his stock dealings and other matters which are relevant to his presidency of Litton and his tenure as the Director of the Office of Management and Budget. Before legislation passes the Congress requiring the confirmation of the Director of the Office of Management and Budget and his Deputy, I believe Mr. Ash should voluntarily appear before the Appropriations Committees of both Houses and discuss his stock dealings and other matters.

My letter to Mr. Casey follows:

CONGRESS OF
THE UNITED STATES,
Washington, D.C., January 24, 1973.

Mr. WILLIAM J. CASEY,
Chairman, Security and Exchange Commission, Washington, D.C.

DEAR MR. CASEY: I am writing to you today to request the Security and Exchange Commission to investigate the unloading of more than 80,000 shares of Litton Industries common stock in 1970 by Roy Ash.

As you know, under 15 U.S.C. 78(u), the Security and Exchange Commission has the right to investigate any violation of the so-called Insider's Rule (15 U.S.C. 78(j)).

15 U.S.C. 78(u) and 15 U.S.C. 78(ff) provide criminal procedures and penalties for anyone who violates the insider's trading rule. It is my belief that Mr. Ash may have violated these statutory provisions by selling more than 80,000 shares of Litton stock on the basis of "insider's information."

As you may know, according to SEC documents, during the months of March 1970—December 1970, Ash sold 86,797 shares of common stock.

By the time Ash was selling massive amounts of stock, evidence was already available privately but not publicly that Litton's LHA shipbuilding program was in deep trouble. Litton was awarded the $900 million contract to build nine landing helicopter assault ships in May 1969.

Evidence that the LHA program was in deep trouble was first revealed in a General Accounting Office staff study which was released in early 1971 but based strictly on mid-1970 data.

To be more specific, at the same time Ash was selling large amounts of stock, the Navy notified Litton that they were seriously considering canceling four of the nine ships. The cancellation did occur, boosting the per ship cost of the program at that time from $158 million per vessel to $197 million.

In addition, the GAO reported, based on its 1970 findings, that "the records show four months slippage in scheduled delivery . . . the contractor is about three months behind in his original schedule on his overall design effort . . . and in view of the indicated slippages in the delivery of the LHA and the total workload of the contractor's shipyards which may impact further on delivery, close surveillance should be maintained over oncoming ship programs such as 30 DD963 destroyers which are scheduled for production in the same yard."

At the same time problems were developing on the LHA and Ash was selling a great deal of stock, Litton lowered its bid from approximately $100 million per ship on the DD963 program to $83 million per vessel. Litton's reduction of its bid by about $213 million is a good sign that Litton is probably involved in some sort of buy-in on the contract. Hence, it was undoubtedly known privately to men like Mr. Ash but clearly not publicly to the stockholders, that the shipbuilding contracts were in trouble.

At the same time Ash was selling substantial amounts of stock and Litton was running into its first problems on the LHA, a rosy picture of Litton's shipbuilding operations was painted for the stockholders.

Immediately after the award of the DD963 contract, a Litton spokesman told Dan Dorfman of the *Wall Street Journal* that this contract will "start making important contributions to earnings in fiscal 1971 (beginning August 1)."

Even when Litton reported sharply decreased earnings in fiscal 1970, company officials pointed to the shipbuilding contracts as a future boost to the company's fortunes. The *Wall Street Journal* reported on Thursday, August 27, 1970, "Litton reiterated however that its major financial problems were due to external influences on its operations and said it was in a 'strong financial position' for the rest of the decade."

Part of Litton's optimism was based on recent bestowal of defense contracts including the DD963 destroyer program and several other smaller contracts.

Even when Litton stockholders tried to question the company about its shipbuilding activities at the 1970 annual meeting there was little response from company officials. The *Wall Street Journal* of Monday, December 14, 1970 reports "Litton Industries Inc., shareholders learned little about their company's plans at a two hour annual meeting here Saturday. Officials declined to answer most stockholders' questions because of a recent registration with the Security and Exchange Commission of a $60 million offering of six-year notes later this month.

In response to holders' questions ranging from the company's shipbuilding activities to its backlog, Charles Thornton, Chairman, replied, "We've got some good comments that—we'll write to you."

Mr. Ash and Mr. Thornton did tell stockholders in the 1970 Annual Report that "Our marine operations became profitable in fiscal 1970 and we look forward to continued profits and increased sales in the 70's. We began fiscal 1971 with longterm contracts in excess of $3 billion for work to be performed in Litton's newest and the world's most automated shipbuilding facility . . . the management, scientific, engineering, production, and marketing talent now assembled at Litton is the strongest it ever has had."

Even in its January 1970 report to the SEC, Litton failed to mention any problems in its defense and maritime system group. Instead, Litton blamed lower earnings on "lower levels of economic activity and machines, tools, materials handling equipment, industrial equipment and motors." The result was a decrease in earnings per share from $1.01 for the six month period ending January 1, 1970 to $0.61 for the same period ending January 31, 1971.

Mr. Ash's massive unloading of stock, developing problems in the shipbuilding programs, and Litton's failure to mention them in either its quarterly reports to the SEC or its annual reports to the stockholders raises serious questions which should be investigated.

While no one is accusing Mr. Ash of insider dealings, the circumstances appear to warrant inquiry by the SEC.

All of these circumstances raise a basic question that both the SEC and Mr. Ash should answer. Did Mr. Ash withhold any information from the public or the stockholders concerning the shipbuilding division at the same time he knew there was trouble and was selling off millions of dollars of stock? This question deserves a straightforward answer directly from Mr. Ash in order to justify to the Litton stockholders and the public his unloading of 86,000 shares of stock when he may have known on the basis of inside information that Litton was in big trouble on its shipbuilding contracts.

I appreciate your attention to this matter.

Sincerely,

Les Aspin,
Member of Congress.

MELVIN R. LAIRD

HON. ROY A. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. TAYLOR of North Carolina. Mr. Speaker, I join my colleagues in paying a tribute to a distinguished Secretary of Defense and an outstanding American, Melvin R. *Laird*. When Melvin Laird was selected as Secretary of Defense 4 years ago those of us who had served with him as a colleague in the House knew that he would perform with devotion, dedication, and distinction. We expected much and we have not been disappointed.

Melvin Laird has served during a turbulent period of American history. An unpopular war and a changing environment on the international scene made difficult his task. Now as Mr. Laird leaves the office of Secretary of Defense he carries with him the respect and admiration of the Congress and the people of this Nation. We are deeply grateful to him for his years of devoted service to our Nation.

TOM WICKER ON WAR POWERS LEGISLATION

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1973

Mr. ZABLOCKI. Mr. Speaker, in a two-part series recently in the New York Times the widely read columnist Mr. Tom Wicker discussed war powers legislation passed by the Senate during the 92d Congress and subsequently reintroduced into the 93d Congress as S. 440.

In his articles he reaches the conclusion of many of us in the House that the Senate bill "might well become a device for underwriting—not restraining—Presidential acts of war."

Unfortunately, Mr. Wicker seems not to have been aware of the joint resolution on war powers which three times has passed the House—a resolution which has been reintroduced into the 93d Congress in revised form as House Joint Resolution 2. This measure, while meeting objections which he has to the Senate bill, would put the Congress firmly on record in the area of war powers without also infringing upon the constitutional powers of the President.

Because Mr. Wicker's columns provide a cogent and convincing argument about the problems involved in S. 440 and similar legislation, I am inserting them in the RECORD at this point and urge my colleagues' attention to them:

[From the New York Times, Jan. 14, 1973]

MAKING WAR, NOT LOVE

(By Tom Wicker)

Senator Barry Goldwater, who sounds as if he'd still like to lob one into the men's room of the Kremlin, thinks it would be "nothing short of disaster" for Congress to supplant or reduce the President's war powers with some legislative procedure. And he is "sick and tired," he said with his usual subtlety, "of hearing demands, especially by the members of a political party whose leaders got us into this war, that President Nixon end the conflict on their terms."

Mr. Goldwater has a solid point about a good many Democrats, including some recent Presidential candidates, whose hawk feathers have turned dovish white since Lyndon Johnson left the White House and Richard Nixon came in. And while the matter still needs a lot of study, Mr. Goldwater also may be right in warning against tampering with the Constitution in reaction to Mr. Nixon's conduct of the war in Vietnam.

Nevertheless, recent events tend to support the conclusion of the historian Arthur Schlesinger Jr., who wrote in an article in The New York Times Magazine: "The inability to control Presidential war is now revealed as the great failure of the Constitution."

The most shocking thing about the Christmas bombing campaign launched by Mr. Nixon, for example, was that by the admission of official Administration sources it was intended to show Hanoi "the extent of his anger over what the officials say he regards as an eleventh-hour reneging on peace terms" and also to force Hanoi to "negotiate seriously." Put briefly, Mr. Nixon ordered out the B-52's for diplomatic reasons, tinged with personal anger.

It is true that this was done in the context of an actual, if undeclared, war; still, no one has seriously argued that the Christmas bombing was demanded by the exigencies of the war. Instead, it was necessary—in Mr. Nixon's view—to his diplomacy. If he can constitutionally order an act of war for a diplomatic purpose, could he order a similar act at any time he thought it could further his diplomatic or even economic policies?

Could a President, for example, bomb Lima in order to forestall or retaliate for some act of expropriation by Peru? If Fidel Castro refuses to help put an end to airline hijackings to Cuba, can Mr. Nixon constitutionally bomb Havana to make him negotiate seriously? Or, during the India-Pakistan war, could he legally have blasted New Delhi in order to show his anger at Mrs. Gandhi's belligerence?

These may seem frivolous questions—until it is recalled that American Presidents have sent in the Marines in numerous cases not much more outlandish. Bombing is quicker and generals would have you believe it is more effective; and a lot of people who might once have thought that American Presidents would not do such things have had a bitter education in the Dominican Republic, Guatemala, Laos, the Bay of Pigs, Cambodia and Vietnam.

Another chilling note was struck this week by William P. Clements, nominated to be Deputy Secretary of Defense, who told a Congressional committee he "wouldn't eliminate" the possibility of using nuclear weapons in Vietnam but in fact was "not prepared to give you a philosophical view" on what he seemed to think was "a very complicated issue."

The White House and the State and Defense Departments immediately put out what appear to be solid pledges that nuclear weapons will not be used in Indochina—whereupon Mr. Clements hastily fell in line. But two points can be fairly made. One is that the Administration has made a promise, which is in no way legally or perhaps even politically binding on Mr. Nixon or a successor; the other is that the American people on occasion have heard a President pledge one thing, then see him finally do another.

On the other hand, it can hardly be denied that in the era of nuclear-tipped missiles a President must have the power to respond quickly and decisively; without that power, the whole idea of a "nuclear deterrent" falls to pieces. Moreover, even if the last decade provides some horrid examples, it is possible to imagine situations in which some quick Presidential action or threat might be necessary to preserve or restore peace.

The problem, therefore, is to retain the President's capacity to function as Commander in Chief, but to define or restrain that function so that he cannot make war, or order acts of war, by whim, impulse, tantrum or imperial decision. The original intent of the framers, after all, was to place a civilian Commander in Chief in restraint of the military—not to make him their Generalissimo.

Restricting President powers in such a fashion—or defining them so that such limits are both understood and enforceable—is not going to be easy and Barry Goldwater is probably right that a legislative substitute is not the answer.

MAKING WAR, NOT LOVE

(By Tom Wicker)

WASHINGTON, Jan. 15.—President Nixon's order for the Christmas carpet-bombing of Hanoi and Haiphong was perhaps the most imperial military decision in American history, although its purpose was diplomatic. It was not taken during a declared war, or in a domestic emergency such as Lincoln had to deal with, or in general consultation with Congress and the United Nations, as was Harry Truman's decision to defend South

Korea, or even with the dubious authorization of the Tonkin Gulf Resolution upon which Lyndon Johnson relied. Mr. Nixon's bombing decision apparently was not discussed even with his own Joint Chiefs of Staff.

But it is unlikely that even this horrendous expansion of the so-called "war powers" of the President as Commander in Chief will lead Congress to decisive action to restrict those powers. For the immediate future, Mr. Nixon remains an active Commander in Chief, ordering both military operations and peace negotiations; no Congress is likely to take the risky political step of attacking a President's powers in those circumstances, particularly in view of the new bombing halt.

In the era of nuclear-tipped missiles, moreover, the President must retain the power to act decisively and swiftly in response to threats from abroad. This necessity, plus the President's role as Commander in Chief, makes it most difficult to frame a satisfactory device for restricting his ability to make Presidential war.

The so-called War Powers Act now pending, for example, would require a President who had sent the Marines to the Dominican Republic or the B–52's to Hanoi to report to Congress within thirty days and to ask for its approval. This would give a President thirty days of war-making license not now specified in the Constitution. Worse, it wraps the President in the flag, gives him the initiative as a Commander in Chief who has acted in what he will surely call the national interest, and puts the onus on Congress to declare that he was wrong and ought not to have done it.

Congress will not often be so lion-like—quite the opposite—so the War Powers Act might well become a device for underwriting—not restraining—Presidential acts of war. But Congressional resolutions of policy, another possible device, have almost no teeth; Mr. Nixon, for example, merely shrugs off as not binding on him the Mansfield resolution which declares it national policy that the war in Vietnam should end on a certain date. As for cutting off funds for the war, Mr. Nixon has only to veto any bill that might attempt to do it. After that a two-thirds vote would be required in each house.

The Supreme Court is hardly the answer. If it tried to define Presidential war powers it would undertake to control the "co-equal" executive branch on the most sensitive questions of national policy. If it actually sought to restrict the Presidency, it might not be able to enforce its decision; or as now constituted, it might even expand the war powers, or confirm Mr. Nixon's view of them. In any case, no Supreme Court is likely to stumble into such a political thicket.

So, as a practical matter, there is no handy device, no quick and easy way to restrict Presidential war powers. But the first necessary step toward that difficult goal surely is an end to the war in Vietnam. While Mr. Nixon is actively functioning as Commander in Chief, while operations proceed, while he can base his actions on the demands of war, while he can clothe his policy in the "national interest," attacking his powers—even, to some extent, his policies—is too much like aiding the enemy; those who do it are even seen to be the enemy by people who consider their President the righteous leader of a peace-loving but mighty nation.

But once the war—or at least overt American participation in it—is over, Congress will not be in the position of attacking the Commander in Chief in wartime. Then, one useful precedent might be the Cooper-Church amendment of 1970, which prohibits the use of any appropriated funds for committing American "ground combat forces" to Laos, Cambodia or Thailand.

This strong amendment was passed and accepted by Mr. Nixon only as part of a Cambodian aid package he desperately wanted, and then only after the Cambodian invasion that produced it had been concluded. In similar circumstances, there might be a chance for an equally strong prohibition against using appropriated funds for renewing at least the ground war—possibly the air war, too—in Indochina.

That would not be the answer to the war powers problem, but it would be a first small step toward what is finally going to be needed—a serious revision in Congress, in the press, in the public they are supposed to serve, of the attitude that in national security affairs, the President knows best.

LAW TO PROTECT POLICE OFFICERS AND FIREMEN

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1973

Mr. MIZELL. Mr. Speaker, I rise at this time to join the distinguished chairman of the Committee on Internal Security, Mr. Ichord, in sponsoring legislation to make it a Federal crime to kill or assault law enforcement officers and firemen engaged in the performance of their official duties.

I cosponsored similar legislation in the last Congress, Mr. Speaker, and at that time I pointed to alarming statistics which showed a marked increase over the last decade in the number of policemen and firemen killed in the line of duty.

The urgent need for this legislation is all the more apparent in view of the recent tragedy in New Orleans, when policemen, firemen, and private citizens alike were the victims of violence and terror.

Our society relies heavily on law enforcement officers to safeguard life and property and "insure domestic tranquility." Thus, their role is a crucial one in today's America, even though it seems fashionable in some circles to criticize and berate the law enforcement officer. In any event, it has always been largely a thankless job, despite its importance and its inherent danger.

I for one believe it is the responsibility of the Federal Government not only to assist the local law enforcement officer in the performance of his duty, by providing funds for training and equipment, but also to insure as best we can that the criminal or terrorists who contemplates an attack on a policeman will have the full weight of Federal law to contend with and to be punished by.

We can only hope that such a law would serve as a deterrent, at least in some cases, but we can demonstrate for certain, to both the peace forces and the criminal forces in America, that it is the sense of this Congress that the law enforcement officer shall have every assistance and every protection we can possibly give him.

I urge my colleagues to join with me in seeking passage of this legislation without delay.

PROPERTY TAX REFORM FOR VERMONT

HON. RICHARD W. MALLARY

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1973

Mr. MALLARY. Mr. Speaker, many States are plagued with the problem of rising property taxes which in many cases have exceeded the ability of property owners to pay. In addition, the holding of the California Supreme Court in Serrano against Priest (1971) has called into question the whole system of educational financing based upon property tax districts of unequal wealth.

A former member of the Vermont House of Representatives, John McClaughry of Lyndonville, has proposed an intriguing plan to couple income and property taxes to better relate overall tax liability to ability to pay, while at the same time making very basic changes in the Vermont system of educational financing.

Since the plan suggested by Mr. McClaughry might have applicability in other States and since it has merit as a conceptual basis for tax reform discussions, I insert his memorandum describing it at this point in the Record. Mr. McClaughry has added several footnotes to explain the Vermont property tax and school financing system.

Property Tax Reform for Vermont

(Proposal by Representative John McClaughry)

The people of Vermont demand a thoroughgoing plan for property tax reform. The reasons for this demand are well known.

In a system based on fair market value, rising prices for Vermont land produce higher valuations. Higher valuations, coupled with a steadily increasing demand for public services, leads to higher tax payments. Senior citizens can no longer afford to live on their homesteads. Young families can often afford only a mobile home. The Vermont working man and his family are driven to the wall.

In addition, the courts have sounded warnings about educational finance systems based on inequalities of taxable wealth among school districts. And the Vermont cost sharing formula for aid to local schools [1] is increasingly criticized. The time has clearly come for a major revision of public finance in Vermont, centering on the property and income taxes.

The McClaughry Plan is based upon the following principles:

I. Property taxation for the support of town services, including education, cannot be totally abolished because there is no feasible alternative source of revenue.

II. The property tax and the income tax must be coupled to better relate tax burden to the ability to pay. This is particularly important for senior citizens, farmers, young families, and persons of modest and low incomes.

III. The fair market value system of appraisal with all its administrative problems is still preferable to a system which bases economic values on political decisions.

IV. Local government should be strengthened and made more responsive, and local control of education should be preserved.

V. Property tax reform must make a special effort to keep Vermont farmers farming, and

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Footnotes at end of article.

not force them to sell out because of crushing property tax burdens.

VI. Property tax reform must also make a special effort to alleviate the tax burdens on lower income senior citizens, particularly those on social security or other retirement plans.

* * * * *

The McClaughry Plan consists of a major tax reform proposal plus four other proposals for coordinated action.

I. Tax Reform: Couple the property tax to the income tax.

A. First, restore to the towns[2] the full fiscal responsibility for both town government and local education, and terminate state aid for current educational expenditures (the Miller formula). This will of course increase local revenue demand by about $30 million.[3]

B. Give each Vermont taxpayer an annual credit against his state income tax based on two separate factors: his adjusted gross income, and the Grand List[4] per child of his school district. The Grand List may be either an equalized grand list, now used in the Miller formula, or a professionally determined grand list using county or regional appraisers.[5] This is a separate and unrelated policy question. The number of children used in the calculation is the total number of children in the town who are attending school, whether public or private school. The tax credit is an absolute tax credit; that is, if the taxpayer's credit is larger than his income tax liability, he receives the difference as a cash payment. The maximum amount of credit for any one income tax payer would be set by the Legislature, probably in the range of $1,500–$2,000. This would prevent excessive benefits to persons who hold large amounts of property but still have low incomes.

C. Install a device to allow renters to claim 25% of their rent payments as property taxes paid. (This device is now used in the senior citizen tax relief program.) This is necessary because rents may be raised to reflect the increased local property taxes. Special rules would be devised to allow landlords to claim credit for property taxes paid on unrented properties.

D. Divide local property tax payments into two semiannual installments: town government tax in the fall, and school tax in the spring. This is to ensure that taxpayers can have their credits before becoming liable to school taxes.

E. Out of state property owners would not be able to claim the Vermont income tax credit unless they subjected their entire incomes to the Vermont income tax. They would, of course, get a credit for income taxes paid to their state of residence in that case.

F. Eliminate the income tax surtax enacted in 1969.[6] This is necessary because higher income taxpayers will be paying higher local property taxes on a progressive basis. This will cause a revenue loss to the state of about $7 million.

G. The amount of tax credit to which an income tax payer is entitled may be simply calculated from a table of credit factors. The table would have adjusted gross income brackets down the left hand side, and grand list per pupil across the top. The individual's credit factor is obtained by taking the number in the box representing the individual's adjusted gross income and the grand list per pupil of the town in which he pays property taxes. This credit factor would then be multiplied by the taxpayer's property tax liability to get the amount of the credit, subject to the maximum mentioned above. (Where an individual owns property in more than one town, the computation is weighted accordingly.)

H. Discussion: The effects of the McClaughry Plan are twofold: taxpayers in towns with low grand lists per child will get larger credits than taxpayers in towns with high grand lists per child. And lower income taxpayers will get larger credits than high income taxpayers in the same town.

While abolishing the Miller formula aid and putting educational costs back on the local property tax will increase those taxes by about 30%, persons with lower incomes will be better able to pay their property taxes (or housing rentals) than they are now. Towns with low grand lists per pupil will in effect have their grand lists increased, measured by the grand list value of property which, if taxed at the town rate, would produce the aggregate credits received by the taxpayers resident in that town. This tends to meet the objections raised in the California Supreme Court case of Serrano v. Priest (1971), depending on the actual numbers used.

Instead of distributing state aid to education to the towns, under the McClaughry Plan the state really distributes state aid to individual taxpayers to enable them to better pay the local costs of education and town government. That distribution is made to favor middle and lower income taxpayers, and the taxpayers of towns with low equalized grand lists per pupil.

The plan can be implemented either with local listing and state equalization, as at present, or with professional area-wide tax administration.

If the principle is adopted that there will be no net impact on the state budget (using fiscal year 1972 estimates), the towns would collect an additional $30 million in local property taxes. About $21 million of this would come from Vermont residents, and about $9 million from non-residents. (This assumes that the non-residents, who own about 30% of Vermont property, also pay about 30% of Vermont property taxes.)[7] At the same time, the towns would not receive $30 million in Miller formula aid.

At the state level, revenues would be reduced by about $30 million: —$7 million from eliminating the income surtax, —$24 million in net collections because of the property tax credits, +$1 net revenues from discontinuing the senior citizen property tax relief program,[8] which is incorporated in the McClaughry Plan. On the expenditure side, this would be balanced by elimination of the $30 million in Miller formula aid.

In effect, the McClaughry Plan reduces the state budget, both net revenues and expenditures, by about $30 million, something probably unprecedented in any state in recent times. The plan leaves these funds in the hands of the taxpayers to enable them to pay the true costs of their local education and town government.

Clearly, the elimination of State aid for current educational expenditures and the restoration of local responsibility for financing education—plus channeling additional resources to local taxpayers to better enable them to pay those costs—restores local control of education.

Property owners who are not subject to Vermont income tax would not be able to claim the credit unless they bring their entire incomes under Vermont income taxation. This means that up to as much as $9 million in additional property tax payments will be made by non-resident property owners. This payment will substantially reduce the tax burden on Vermont taxpayers.

Special rules must be devised to prevent evasion by the use of corporations created only to hold taxable real property which produces little or no taxable income. Such a rule might be a mandatory passthrough of property taxes paid by the corporation, pro rated to all common stockholders. Only the stockholders who are subject to Vermont income taxes could claim the credit, however.

The crucial question in the legislation required to implement the McClaughry Plan is the numbers used in the credit factor table. While the adjusted gross income distribution of taxpayers is known, and the equalized grand lists per pupil, the amount and location of property owned by those taxpayers in those towns is not known. Once taxpayers file their returns the first year, the revenue effect on successive years can be predicted quite accurately, aside from subsequent property turnovers. The credit factors can be adjusted in later years to account for any under- or over-collection in the initial year.

Small Vermont-owned corporations can be accommodated by the previously mentioned pass-through of tax credit to individual shareholders, as in a Subchapter S corporation under the Internal Revenue Code. Special rules may be necessary for large national corporations.

It is necessary to state, finally, that any program as far-reaching as the McClaughry Plan will require considerable refinement before actual drafting and implementation.

FOOTNOTES

[1] The Vermont cost sharing formula for state aid to local education is known as the Miller formula. The state aid percentage is computed as follows:

(a) Each school district determines its "grand list" by local listing (appraising) of all real property, valued at 50% of fair market value, and then divided by 100; plus an entry of $1.00 per adult for poll tax.

(b) This grand list is equalized by the state tax department to achieve uniformity in appraising.

(c) Each district's equalized grand list per pupil in average daily membership in public schools is then obtained.

(d) the "district multiplier" is obtained by dividing this number by the equivalent number for the state as a whole.

(e) The state aid percentage is determined by computing 100—(f) x (District multiplier), where f is a factor computed to make the aggregate distribution of state aid equal to the available appropriations. Originally intended to be 0.60, f has now risen to about 0.68, representing a decline in the state aid percentage from an average 40% to 32%.

(For an exact statement of the law, see 16 Vermont Statutes Annotated § 3470–3472. There is also a "floor" to provide aid to towns which would not otherwise qualify for aid.)

[2] In Vermont the town, usually contiguous with the town school district, is the basic unit of property taxation. There is no significant state or county property taxation.

[3] The figures used relate to the FY 1972 Vermont budget.

[4] The Grand List is explained in note 1 supra.

[5] The "equalization" of the grand list is carried out by the property tax division of the state Department of Taxes, which computes a ratio of the fair market values of a sample of properties in the town with the values listed by the town listers and multiplies the locally-determined grand list by this ratio. Invariably equalization of town grand lists is upward.

[6] The 1969 surtax was a fifteen percent surtax to the basic 25% of Federal income tax liability. The 1972 legislature has programmed the reduction of this surtax to 12% for tax year 1973 (No. 260, Acts of 1972, amending 32 V.S.A. 5830(a).)

[7] This assumption cannot be demonstrated with present data, but is generally accepted as conservative.

[8] The senior citizen tax relief program provides an income tax rebate to senior citizens based on their local property taxes paid. See 32 V.S.A. Chapter 153.

COUNTRYSIDE AMERICA

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1973

Mr. ZWACH. Mr. Speaker, as most of my colleagues know, I have been championing "countryside America" ever since I have been in Congress and for long before that when I served in the Minnesota Senate and House.

There is a lot to be said about the quality of living in countryside America. One of the best brief statements on this subject was an editorial written recently by Dave Gallagher in the Montevideo American-News in our Minnesota Sixth Congressional District.

Mr. Gallagher points to the result of a recent Gallup poll showing that 55 percent of our people would like to live in the countryside. He then points out why they do not and concludes with the hope that the Rural Development Act will help stem the tide to the cities where two out of three Americans already live.

Mr. Speaker, I insert Mr. Gallagher's editorial in the CONGRESSIONAL RECORD and commend its reading to my colleagues:

URBAN DEVELOPMENT

A recent Gallup Poll published a week or so ago indicated that fifty-five percent of the respondents wanted to live in areas other than the metropolian scene. Thirty-two percent said they preferred a small town and twenty-three percent said they preferred the farm.

If fifty-five percent of the people did not like living in the metropolitan area, then why do they continue to do so? And why are more people moving into these congested urban areas all the time?

The problem of rural development is not a new one. As far back as the turn of the century, when many more towns and hamlets dotted the countryside than presently, there were men of vision who realized that it would not last, that the small towns would not be able to compete with the larger cities.

Technology has done as much to help the farmers and the rural area as it has to hurt it. Agriculturally, technology has made the farmer's lot a much easier one, but the expenses have increased so drastically that the small-time farmer simply could not exist on the resources available to him.

Industrially, technology was suited best to the big city, where a ready labor market existed, where air, rail and highway transportation was plentiful, where water and power and other services were abundant-industrially, the small town could never compete.

There have been many reports circulated lately indicating that white and blue collar workers are unhappy with their course in life. They are sick and tired of their jobs, sick and tired of traffic and congestion and pollution and noise and smell and crowds of people and high crime rates and all the rest of it.

Why, then, do they not move away from it? Why put up with it? Because they, like so many Americans, are trapped. They are trapped in a socio-economic jungle that will not let them loose.

It is one thing for a man to say that he has had enough and quite another to take a financial loss on his mortgage, quit a good paying job, settle his accounts and move to a rural area. What will he do when he gets there?

Buy a farm? Not unless he has hundreds of thousands of dollars tucked away somewhere. A farmer is a composite of a banker, an agronomist, a mechanic, an electrician, a carpenter, a veterinarian, gambler and weatherman. No "city slicker" could step right into such a role.

The man on the move will probably find getting the type of employment he left in the metropolitan area impossible to obtain in the rural area and the pay he commanded will be equally out of range in most cases.

Whether the Nixon administration will do anything about the Rural Development Act of 1972 is not certain. Certainly more has to be done in the future than has been done in the past.

Two out of three Americans today live in urban concentrations of 50,000 or more. By the year 2000, that is expected to rise to eighty-five percent. To avoid utter chaos in our urban areas, that trend must be reversed. Maybe serious attention to the Rural Development Act will help stem the tide.

THE GREAT COMPETITION IN SPACE

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1973

Mr. HOSMER. Mr. Speaker, the distinguished physicist-astronomer and director of the Jodrell Bank Observatory, Sir Bernard Lovell, has written an outstanding article for the October issue of Foreign Affairs.

This article was brought to my attention by Paul L. Smith, an aerospace executive in my congressional district, who felt that it represents the feelings of many in the aerospace industry about the space program, its meaning, and its future.

Excerpts from the article follow:

[From Foreign Affairs, Oct. 1972, Vol. 51, No. 1, pp. 124–138]

THE GREAT COMPETITION IN SPACE

(By Sir Bernard Lovell)

II. THE INFLUENCE OF THE SPUTNIK

It is rare for a scientific exploit of one country to monopolize the attention of the entire world. The launching of an artificial earth satellite from the Soviet Union—Sputnik One on October 4, 1957—was such an occasion. Further—and of greater significance—the event was the direct cause of a revolution in the U.S. attitude to science.

The extent of the technological and political shock which the Soviets delivered to the West surprised both sides. Clearly the responsible individuals on both sides of the barrier had little concept of the deep effects of the enforced isolationism. For those within the Soviet Union it appeared inconceivable that Soviet science and technology could have risen to such competitive heights within a decade of utter disruption. For those in the United States it also seemed inconceivable. Actually, there was little excuse for the continued American blind disbelief in the powerful advance of Soviet science and technology. The few contacts within the international unions and the assessments which could be made from the news of the development of the Soviet intercontinental ballistic missile (ICBM) provided evidence of the state of Soviet techniques in those matters. Unfortunately, this was an era of the deepest suspicion, when any individual speaking favorably of Soviet scientific or technical strength was regarded as a Communist or, at the best, a fellow traveler. Further, it was not then appreciated that responsible Soviet scientists, although often evading or refusing to give information, were entirely reliable when making specific statements.

Indeed, the preliminaries to the drama of October 1957 were entirely regular. Many years previously the appropriate international unions had scheduled the period of sunspot maximum (1957–1958) as the International Geophysical Year (IGY). In October 1954 the Special Committee, charged by the International Council of Scientific Unions (ICSU) with detailing the arrangements, met in Rome and recommended that, as part of the worldwide programs for the IGY, "thought be given to the launching of small satellite vehicles, to their scientific instrumentation, and to the new problems associated with satellite experiments, such as power supply, telemetry and orientation."

In accordance with this recommendation, President Eisenhower announced on July 29, 1955, that the United States would launch a satellite during the IGY. A similar announcement was made one day later by the Soviet Union. Those who believed this Soviet statement to be an idle dream, following in the wake of the realistic American plans, were presumably unaware that several months earlier (April 15, 1955) the Soviet Academy of Sciences had announced that it had set up a permanent commission of interplanetary communications, whose work included the development of meteorological satellites; or that the chairman of this commission, Professor Sedov, subsequently stated at a meeting in Copenhagen that Russia would launch a satellite within "the next two years" and that it would be heavier than the satellite proposed by the Americans.

The collective isolationist arrogance displayed by the West in the months immediately preceding the launching of Sputnik One appears today as a fantasy and could be dismissed as a regrettable issue of the past if there were not such serious parallels at the present time. During August 1957 the International Scientific Radio Union (URSI) convened at Boulder, Colorado, and the director of the U.S. Vanguard satellite project described the status of that satellite. The message was that Vanguard could not be ready for launching for several months but that, in any case, it was known also that the Soviets were encountering severe difficulties and there was little risk of competition. Yet in June Academician Nesmeyanov, President of the Soviet Academy of Sciences, had said that both the carrier vehicle and instrumentation for the Soviet satellite were ready. In fact, the Academy had even informed the IGY organization that they would launch their satellite "within a few months." The press reports of the successful testing of the Soviet ICBM which appeared during the course of the Boulder meeting should have removed any lingering doubts about the Soviet space potential.

It must be presumed that at least the intelligence sources of the West had access to the level of scientific information available to those of us who were concerned with the scientific problems of the IGY. In that case, the political treatment of the relative status of the American Vanguard project and of the Soviet Sputnik passes comprehension. Our own information in Britain, based purely on assessments of scientific information provided by scientific contacts from East and West, was that the Soviets would be able to launch a satellite before the Americans. In mid-September Radio Moscow said the launching would be "soon," and on October 1 broadcast the frequencies on which the Sputnik would transmit. Three days later Sputnik One, weighing 184 pounds, was launched. The miniature American Vanguard was not only late but, in the end, a total failure. Scorn about the level of Soviet science and technology had perforce to turn instantly to a vast new evaluation of the state of American science.

III. INTERACTION OF THE SOVIET AND AMERICAN SPACE PROGRAMS

Two important lessons were learned by the United States (but unfortunately, not by the European Communities) as a result of this dramatic public display by the Soviets of their technical status. The first was that no modern power could sustain itself as such unless there was a willingness to make appropriate investments throughout the entire spectrum of scientific research, development and technology. The second was that competitiveness might well be in order as a stimulus to individual effort, but could be disastrous if allowed to manifest itself through competitive projects of national concern.

It is fortunate that there were at that time influential members of the U.S. administration who realized that the Soviet achievement was neither a purely scientific trick nor a "lump of old iron" in space, but the beginning of developments which could have vital military, commercial and political consequences. The effective restoration of the balance of power in these widest aspects is the direct result of the immediate action which was taken to place American science on a more appropriate financial basis.

In 1956 the United States spent only 6.5 billion dollars on all forms of research and development. Until that time the rate of growth was about half a billion dollars per annum. Within a year after Sputnik the figure was 10.5 billion dollars—a dramatic increase of one percent in terms of the gross national product. By contrast, in the six years before Sputnik Russia doubled her expenditure on research and development. Even so, the United States could not achieve parity of growth in the vital decade following Sputnik. In the ten years 1956–66 the U.S. research and development (R & D) expenditure trebled whereas that of the Soviets increased five times. In realistic terms, it has been estimated that at this period the Soviet expenditure on R & D was 6.5 billion rubles—an amount equal to that which was being spent on new housing. Taking account of the housing situation in Russia, this is a quite staggering indication of state policy, which could have no conceivable parallel in Western nations. By 1966 the effective purchasing power of the Soviet R & D budget was estimated as equivalent to 22.8 billion dollars, which was about 15 percent greater than that of the United States at that time.[1]

However, even unlimited resources are useless unless there is a consistent and coherent policy. This was the second lesson of the Sputnik. In 1957 the three U.S. military services were each developing ballistic missiles. Furthermore, in July 1955 when the decision was made to launch a satellite for the IGY a basic error was made: namely it was decided to base the carrier rocket on sounding rocket technology and not on the ballistic weapon developments. The contrast with the single-minded Soviet concentration on the ballistic weapon concept could hardly be more sharply defined.

The navy having failed dismally with Vanguard, the army was authorized to make an attempt with its Juno ballistic rocket (developed by Dr. Wernher von Braun). By the time of this successful launch on January 31, 1958, the Eisenhower administration had already begun the reorganization of the U.S. space effort in the form of the National Aeronautics and Space Administration (NASA). Even so, it was the third U.S. military authority—the air force—which organized the first American attempt to send a rocket (unmanned) to the moon, using the rocket of its Atlas intercontinental ballistic missile for the launching. They were still failing in these attempts even after the Soviets had hit the moon with Lunik 2 (September 13, 1959) and photographed the hidden side with Lunik 3 (October 1959).

As NASA gathered strength, with a budget increasing from $150 million in 1959 to $5,500 million seven years later, a unique international situation evolved: a new form of cold war developed between the Soviet Union and the United States in outer space. The tight security barrier maintained by the Soviets on all aspects of their space program, plus their technical superiority, provided them with a new form of political initiative. The first manned orbital flight by Yuri Gagarin on April 12, 1961, preceded by ten months that of an American astronaut in February 1962. The soft landing of Luna 9 on February 3, 1966, and the transmission to earth of photographs from the surface of the moon, four months ahead of the U.S. Surveyor (May 30, 1966), were indicative of a narrowing technical gap as NASA surmounted formidable technical problems with an efficiency and speed which could never have been realized except in such an international competitive arena.

The landing of men on the moon and their safe return to earth became a prestigious goal. That it was an international race with prodigious stakes has at various times been denied by both sides. That it was so on the American side is implicit in the "new ocean" speech of President Kennedy, with which he initiated the Apollo concept in 1961. Some historians may have the good fortune to uncover official Soviet documents which may reveal the extent to which the incredible and almost miraculous success of Apollo caused the Soviets to change their space program.

A personal assessment is that the break-even point came toward the end of 1968. In September 1968 the Soviets succeeded in sending an instrumented Zond probe on a circumlunar journey. This vehicle contained a transponded voice communication system and was subsequently recovered after splashdown in the Indian Ocean. Two months later another circumlunar probe (Zond 6) with voice transmission was recovered after touchdown in the Soviet Union. The persistent rumors then emanating from Moscow that the Soviets were about to repeat this exploit with a manned vehicle seemed well founded. The exploit never materialized, and at the approach of Christmas 1968, the three American astronauts made their historic circumlunar orbital flight to the moon. In the event, the American program continued its triumphant progress to the landing of Armstrong and Aldrin on the lunar surface on July 20, 1969.

Within a decade the immense resources of America had been harnessed to bring to success this fantastic project, requiring revolutionary scientific and technical concepts and developments in organization and logistics of entirely new dimensions. The Soviets did not expect the project to succeed. To the end they hoped for political gain and the discomfiture of the United States. When Apollo 11 was already on its way to the moon the Russians announced that Luna 15 had been launched from the Soviet Union on July 13. It was injected into lunar orbit on July 17, two days before Apollo. Only an hour before the lift-off of Armstrong and Aldrin, Luna 15 crashed on the lunar surface in a neighboring lunar mare. Luna 15 was meaningless except in the context of an attempt to recover lunar samples automatically. That this was indeed the intention was confirmed by the success of the identical Luna 16 a year later which succeeded in soft landing and returning automatically to earth with samples of the lunar surface. A minor problem with a rocket motor had caused the failure of Luna 15. With the attention of perhaps a third of the world's population concentrated on the moon in July 1969, it needs little imagination to appreciate the effect on world opinion had this little technical difficulty affected Apollo 11 instead of Luna 15.

VI. CONCLUSIONS

For the next decade the U.S. space program is largely ruled by the argument that by spending a further 15 billion dollars to develop the space shuttle, the cost of placing massive satellites in orbit can be reduced. Although scientists will, of course, be glad to mount experiments in such massive satellites, the concept is not justified on scientific merits. The backing for such concepts must be largely strategic. Surveillance satellites are already a common feature of space. The large space platform, made economically viable by the shuttle concept, must be regarded as a desirable space launching pad for these devices and for their extensions into the more active phases of interception and attack. The U.S. interest in the large orbiting platform is clearly a response to the recognized Soviet attempts to establish a similar facility in space.

The military dominance of space activity has been well hidden within the Soviet security screen and by the extroverted nature of the NASA missions. The reality of the military influence is evident from the information given recently to the U.S. Senate.[4] To the end of 1971 America had delivered 764 payloads to space—241 by NASA, the remainder by the Department of Defense, of which 182 are classified as civil and 341 as military. The estimates for Russia are 661 payloads in space, of which 392 were military. Of these latter, 17 are classed as "fractional orbital bombardment" and 25 as "military inspection or destruction."

Any realistic discussion of collaboration in space in the foreseeable future must take account of the unpalatable fact that at least half the space effort of the two major powers involved lies in the military domain, and that an unseen but effective military influence lies behind some of the major trends of the remaining civil space activities. It is in this area of space activities that we look for new collaboration on the basis of the Nixon-Kosygin agreement. The major question is whether duplication of effort can be avoided, thereby freeing major resources for further advance into the unknown. Ten years ago the space agreement between the Soviet Union and the United States provided for coördinated launchings of meteorological satellites, of satellites for measuring the magnetic field, for communication tests and for exchange of data on space biology and medicine. It is in this sphere, together with the new studies of earth resources from space, that properly coördinated activities between the two powers could save overlapping costs and could immediately benefit the human race.

On the essentially scientific aspects of space exploration it is probably unreasonable, and may even be undesirable, to attempt detailed collaboration. The scientific brain requires a driving motive. It is not clear whether scientists are primarily motivated by sheer inquisitiveness about the universe or by the competitive instinct. It is at least probable that the latter is important for the scientist who finds his own level of essential international collaboration and resents bureaucratic or political direction. The continued purely scientific-instrumented flights in earth orbit, in interplanetary space and to the planets are cheap by the standards of space expenditure. This intellectual pursuit of fundamental knowledge of our environment and the universe may with advantage be used to absorb harmlessly the competitive instinct of the space scientist in national, or at least localized international, groups where cost is important.

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[1] The figures for Russia are taken from "Soviet Space Programs, 1962–65," a staff report of the Committee on Aeronautical and Space Sciences, U.S. Senate, Washington, D.C., December 1966.

[4] See "Soviet Space Programs, 1971," a staff report of the Committee on Aeronautical and Space Sciences, U.S. Senate, Washington, D.C., April 1972.

The real problems of international space collaboration lie in the exciting realms of manned excursions to the moon and beyond. After the conclusion of the Apollo program there are no U.S. plans for manned flights beyond earth orbit. No doubt within a few years the Soviets will, in their own time and by their own method, repeat the Apollo exploits. In their approach to these distant manned flights their whole attitude appears to differ essentially from that of the Americans. A fundamental edict of the Marxist-Leninist philosophy is that man can and must conquer his environment. The Soviets have made no secret of the fact that they interpret this, not merely as man conquering the hazards of the terrestrial environment, but moving into and establishing himself in the solar system. The question is not whether they will establish human colonies on the moon and Mars, and perhaps elsewhere in the solar system, but when they will feel ready to embark on these vast enterprises. Throughout the decade of Apollo, the Americans regarded man-on-the-moon as the winning goal. The Soviets no doubt expected to get there first, but their attitude has never wavered in regarding his exploit as a mere staging post to greater adventures.

The withdrawal of the United States from these manned planetary missions must be a cause of great concern. To allow one national group to establish itself unilaterally in lunar or planetary bases would be an incalculable disaster for the peoples of the earth. There are many dangers of local misuse arising from the massive engineering and technical advances which are first necessary on earth. There are more erudite dangers arising from the possibility that the Soviets might eventually attempt to change the planetary atmospheres to facilitate habitation, and the terrifying unknown dangers that might occur by the return of foreign organisms to the terrestrial globe. The ethical problems arising from man's tampering with his own local environment are current issues of concern. But they appear as shadows compared with the ethics of manned colonies in space unless such process are governed and carried out by international agreements. Fortunately, the vast cost of these undertakings, which could well materialize during this century, might erode the military budgets. The tensions between men would then pass to outer space.

THE ANNOUNCEMENT OF A VIETNAM CEASE-FIRE AND RETURN OF POW'S

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1973

Mr. ANDERSON of Illinois. Mr. Speaker, I greet the news of a cease-fire agreement in Vietnam and the release of our POW's with great relief. I rejoice and am grateful to God that the war is now ending even as we are sobered by the thoughts of the great sacrifices that have been made. All Americans owe thanks to the more than 2½ million men and women who have served in this tragic war.

The effort of achieving a peace settlement by negotiation has been both arduous and almost unbelievably difficult, and I congratulate the President on his steadfast efforts to reach a negotiated settlement.

As this war is quickly ended, perhaps the alienation caused by Vietnam will also fade into history. To restore faith in Government and avoid future Vietnams, reasoning and openness in foreign and domestic affairs must be sought and achieved.

Let us now prepare to welcome our heroic countrymen who will soon be released from their prisoner-of-war cells in Southeast Asia. We can celebrate their return and hope that all Americans can now unite in a common endeavor to build the kind of Nation that will inspire freedom loving people with our determination to live at peace.

HARRY TRUMAN: HUMILITY

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1973

Mr. DERWINSKI. Mr. Speaker, when the history books are finally closed on America's great experiment in democracy, the name Harry Truman will occupy a cherished position among this country's great leaders. It does not take much of a prophet to make that statement; historians have already rated him as one of the five best Presidents to serve in the White House.

Mr. Truman was never called an intellectual and rightly so. But while his formal education was merely normal, this great country of ours has never, and probably will never, be led by a man with more backbone. In the face of history's most challenging problems, Mr. Truman never lost his native knack of seeing things in their proper prospective and explaining them simply to all of us.

In addition to a special kind of courage, President Truman possessed another gift—humility. The day after the Presidency was thrust unto him, Truman told a group of reporters:

> Last night the whole weight of the moon and stars and all the planets fell on me. Please pray for me.

Apparently, the prayers were answered as he completed Franklin Roosevelt's term and his own 4-year administration with honor. Never a man to back away from a fight, Mr. Truman faced each crisis with the best interest of the Nation at heart.

Probably the best example of the former President's courage is his decision to use the atom bomb on the Japanese. While experts still argue over the wisdom of his action, there can be little doubt that Truman put the interests of America above his own place in history. An image-minded President-politician would have hesitated while thousands more Americans died in needless battle.

Harry Truman had a straightforward way of saying things. About the Presidency he said: "The buck stops here." When a reporter blasted his daughter's singing, Truman called him an s.o.b. and wrote him a letter on White House stationery offering to punch his face in.

Faced with "certain defeat" at the hands of Thomas Dewey in the 1948 election, Truman defied the "experts" by predicting victory, "I'll give 'em Hell," Harry said. And hell is just what he gave them.

They learned not all Chief Executives have the sound of a public relations man with a Harvard law degree. If Truman was President in this era, people would say he tells it like it is, but in those days the phrase had not been invented. In those days there was no need for such an expression.

Truman was once asked what he thought of the chances of a woman being President. Truman replied:

> I've said for a long time that women have everything else, they might as well have the Presidency.

I am not sure how women's liberation people would react today, but I kind of like that answer.

Mr. Speaker, as a Member of Congress who respects all Presidents regardless of the political controversy which may swirl about them, I pay tribute today to a great President and great American, Harry Truman.

AN INCREDIBLE EXAMPLE OF INTEGRITY, COURAGE, AND LOYALTY

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1973

Mr. ASHBROOK. Mr. Speaker, during the past 2 years the House Internal Security Committee has been holding oversight hearings on the administration of the Federal employee security program. Most of the major departments of the executive branch have come before the committee to explain the operation of the program and to suggest corrective action where necessary. Included were representatives of the State Department who described the circumstances and difficulties peculiar to their jurisdiction. Legislation was introduced based on the information but unfortunately did not get through Congress. In this Congress similar legislation will again be offered.

It is understandable, with this background in mind, why I am especially concerned about the forthcoming luncheon on January 30 at the State Department welcoming as a speaker John Stewart Service who was bounced from the State Department in the 1950's for passing classified information to a source identified by the FBI as a Communist agent. Although the U.S. Supreme Court ordered Service reinstated, the decision was based on a technicality and did not address itself to the charge that he had violated security regulations.

One knowledgeable witness to this era in our history when key Americans helped in the downfall of our wartime ally, Nationalist China, and who told his story before a congressional committee in testimony as yet unpublished is Edward Hunter, a psychological warfare expert with the OSS/CIA and who, incidentally, coined the term "brainwashing." Mr. Hunter's expertise in this area has been used in appearances before various congressional hearings and he is presently the publisher of the monthly psywar publication, Tactics.

Mr. Hunter's article in the January 1973 issue of Tactics gives background information, past and present, on the importance of the upcoming luncheon. For my part, I cannot but help view the extraordinary role assigned to John Stewart Service, designating him as the "symbol" of American diplomatic "integrity, courage, and loyalty" incredible in light of his known serious violations of the Federal Government's security regulations. In effect, this function is a provocation to our Internal Security Committee; the State Department and the American Foreign Service Association are telling us that they regard our efforts to preserve American security as nothing but tilting with windmills.

In effect, they are saying that our hearings are a joke, a sham, and are challenging us to make the most of it.

The above-mentioned article follows:

[From the Tactics, Jan. 20, 1973]

State Department Stages Victory Lunch: Pro-Peking Lobby Celebrating

The Department of State, at a luncheon on January 30, will have gone full circle from the time it was the decisive factor in bringing about the loss of the Chinese mainland to the communists. The affair will celebrate the State Department's role during those years, on the premise that President Nixon's Peking trip vindicated its support of the Red Chinese.

The luncheon has been especially arranged for shortly after the President's inauguration, in order to set the tone for the Nixon administration's Asian policy. The purpose also is to create official support for the "psywar" line that Nixon's journey to the Chinese mainland vindicated the old, pro-Yenan or pro-Mao Tse-tung element in the State Department.

This is considered necessary in order to bring back into the State Department, if only symbolically, those who were discredited for supporting the Chinese communists in their fight against the Republic of China, headed by Chiang Kai-shek as Kuomintang Party leader.

ROGERS OPERATING THROUGH AFSA

The major objective looks toward the future, not to the past. The intent is to nail down a pro-communist policy in Asian affairs generally, which would undercut countries that have been our allies, and give the same backing to the red insurgents in such countries as Thailand and Burma as was given to the red Chinese.

The affair is being arranged pretentiously for the eighth floor, in the diplomatic reception room where the main functions are held. The announced sponsor is the American Foreign Service Association (AFSA), in effect a company *union*.

Sharing the sponsorship behind the scenes is the Carnegie Endowment for International Peace. William P. Rogers, as secretary of state, has cooperated closely on this with William C. Harrop, AFSA chairman. So has Marshall Green, assistant secretary for East Asia and Pacific affairs.

The State Department hopes, too, that this affair will restore prestige that it must have if it is to compete with its rival foreign ministry in the White House, under Dr. Henry A. Kissinger.

The invitations, dated Jan. 5, do not conceal the propaganda intent of the luncheon. The text:

"Dear AFSA colleague: The President's trip to Peking and the new era he has opened in American-Chinese relations have drawn attention to the prophetic quality of much that was written about China by Foreign Service professionals serving there during the years 1942–1945.

"Historians have praised the perception and candor of the analysis that was produced by Foreign Service officers in Embassy Chungking and elsewhere during that turbulent period.

"The facts they reported were unwelcome at home. Many of these officers suffered harsh domestic criticism and were unable to continue their careers.

"At a luncheon on the Department of State's Eighth Floor at noon on Tuesday, Jan. 30, 1973 the American Foreign Service Association will honor these Foreign Service officers in China during the early 1940s who demonstrated their professionalism and integrity by reporting events as they saw them.

"We have asked Mr. John Service and Mrs. Barbara Tuchman to speak at this luncheon about the importance of honest "field reporting" by the Foreign Service, our responsibility as essential today as it was thirty years ago in China.

"In our audience we hope to have a number of Mr. Service's former colleagues in China as well as many of those persons in and out of government who have long been concerned with Asia and who have welcomed the President's visit and the new American policy which it symbolizes.

"Members of AFSA may sign up for the luncheon by returning the enclosed card along with a check for $6.50 to the Association. Since the Association will be inviting a number of academics, government and press leaders to this luncheon, I regret that it will not be possible for individual members to bring guests.

"In fact, we anticipate that many more members than can be accommodated will wish to attend and the Association is endeavoring to arrange for large screen, closed circuit television coverage of the event in the West Auditorium of the State Department.

"As usual, checks received at AFSA after the luncheon is oversubscribed will be returned and we will also telephone those unable to obtain reservations.

"Sincerely,

"William C. Harrop,

"Chairman, Board of Directors, American Foreign Service Association."

TELLTALE MARKS OF CONTROL

The invitation makes plain that this is a psychological warfare ploy of the kind perpetrated in those years when an all-out, pro-Red Chinese campaign was being conducted in the United States by the State Department in collaboration with press organs such as the New York Times.

Congressional inquiry proved beyond the shadow of a doubt that this was a red propaganda drive, conducted in the United States as part of the communist guerrilla warfare and other military operations on the Chinese mainland. Moscow had entrusted the international ramification of this bold, "psywar" effort to conquer China to the Communist Party of the U.S.A. Earl Browder, as its chief, went to China on this mission, as he revealed himself after he broke with the Moscow leadership.

The all-out drive succeeded. The betrayal of China is amply documented. The mainland would not have been captured for communism without the backing of American reds, fellow travelers and dupes, along with unprincipled opportunists.

Now, after an interval of nearly a quarter of a century, when the events of that period have been forgotten, and are not being taught by indoctrinators operating as historians and professors, the State Department is being used as a "psywar" weapon to put across a new, pro-communist project.

The ostensible objective is to remedy an injustice to dedicated men and women who have been proven to have been right by history. The journey to Peking by Nixon is being equated with the judgment of history. This, of course, is a nonsequitur. John Stewart Service's delivery of our most secret documents to red agents of the Philip J. Jaffe type while World War II was being waged is not to be justified by the fact that Mao Tse-tung, assisted by such intrigue, defeated Chiang Kai-shek's troops.

Neither can Nixon's China journey justify the effort by John Paton Davies, then a policy chief in the State Department, to secretly set up a staff in New York consisting mainly of outright and even paid agents of the Communists, to guide U.S. policy as regards the Far East.

EYES NOW ON VIETNAM, THAILAND

The short-range objective, of course, is this whitewash of past transgressors, but the longrange objective is focussed on immediate projects. The most important of these is the Viet Nam war. The formula being employed there to bring about a red victory is precisely the same, in practically every detail, with that which won on the Chinese mainland.

One need only change the name, China, to Indochina, and the scenario would be the same.

A whitewash of the China betrayal, therefore, would easily become the model for a transfer tactic for the betrayal of Indo-China. The communists always plan ahead, as they can because they possess an over-all, worldwide strategy. So we already are reading about preparations for the conquest of Thailand. Once Viet Nam were put into the red bag, Communist forces would simply turn their direction to this next country on their list of "kills."

We would be submitted, then, to a repeat of the same scenario, with the old formula for red conquest being repeated, and the same role in it being performed by the State Department-N.Y. Times-Harvard network.

These are the big stakes for which the sponsors of the January 30 dinner are playing. The U.S. itself, obviously, is the ultimate target:

The invitations were already printed three days before a meeting of the AFSA board of directors at noon, Jan. 8, in room 3524 of the State Department, ostensibly to decide on the affair. The decision had already been made in company union style.

The ostensible purpose of the luncheon was described by David E. Biltchik, properly a Harvard product, on "leave of absence" for an AFSA-Carnegie job.

He declared the affair was intended to honor courage and loyalty in government as exemplified by the "old China hands."

STAGE-MANAGED PERFORMANCE

Every detail is being planned beforehand, even to the exclusion of those who might provide evidence that would refute the pro-red whitewash. Significantly, the members of AFSA are informed in the invitation that they cannot bring any guests, and the reason given is that the sponsors of the luncheon are themselves deciding whom to invite from the press, the academic world and "old China hands."

The objective, of course, is to discredit those with China background who have been proven to have been correct—really correct—in their analyses and alerts, by what happened to the Chinese republic.

The rewriting of history to whitewash such as John Carter Vincent, Anna Louise Strong, Davies and Service, et al., cannot be accomplished without blackening the careers of such as Gen. Claire Chennault, Geraldine Fitch, Freda Utley, Walter Judd, many in American diplomatic and military circles—as well as the author of "Brain-Washing in Red China"—to name a few haphazardly chosen.

A bolder or more unethical maneuver to rewrite recent history, in an effort to influence contemporary history, cannot be found.

The dishonesty surrounding the affair was its 1984, Orwellian "Newspeak" approach in arranging a public vindication of those who collaborated in China's fall to the communists, while ignoring the State Department's large roster of present-day and fairly recent Foreign Service officers and other State Department employes who have been fired and persecuted, even hounded to their suicide, for providing accurate reports even if this reflected at times upon the communists.

A dinner should be arranged in the State Department to honor such as Culver B. Chamberlain, who was hounded out of the State Department because his beating up by Japanese troops in Mukden dramatized Japan's aggressions of that period; George Hanson, who was hounded into suicide because he exposed the machinations in Manchuria of both Tokyo and Moscow; Charles William Thomas, recently hounded into suicide because, although a liberal, he insisted upon writing objective reports, Otto F. Otepka, Stephen Koczak, John Hemenway and many, many others.

The brilliant Angus Ward was never forgiven because the scandal over red occupation of his consulate general in Mukden prevented a secretly prepared recognition of the Maoist regime soon after its capture of Peking. He was exiled to Afghanistan.

Indeed, the Jan. 30 affair could be called a victory luncheon, for those being paid tribute did help bring about the fall of the Chinese mainland to the communists.

The Washington Post on New Year's Day, 1973 finally published a letter by Freda Utley regarding its Dec. 10 editorial on John Carter Vincent's death several days before. Vincent's support of Mao was called "premature prescience," and in accordance with the "collective guilt" theory in communism, the editorial declared "every American of responsibility must feel sympathy and some sense of shame" for the "personal deprivation and humiliation" entailed by his forced separation from the State Department.

BUT HIS ADVICE WAS FOLLOWED

Freda Utley has authored the basic books about this China period. Her letter is a capsule history of how China fared in that dramatic period, and for this reason is presented here in full:

"Your editorial on the death of John Carter Vincent in your Dec. 10th Sunday edition stating that his diplomatic career was terminated on account of his 'political prescience' in foreseeing the Chinese Nationalist defeat and counseling withdrawal of U.S. aid from Chiang Kai-shek begs the question. To say that something will happen, then ensuring that it does happen and thereafter saying how 'prescient' you were is an easy gambit.

"Far from having gone 'unheeded' because unwelcome, as your editorial asserts, the counsel of John Vincent was in fact followed in the fateful years which followed VJ day. Witness the fact that in early 1946 General Marshall, President Truman's plenipotentiary envoy to China, embargoed all small arms and even ammunition to the Nationalist forces, unless and until Chiang formed a coalition government with the Communists, as urged by Vincent before and after he became Director of the State Department's Office of Far Eastern Affairs. The embargo was not lifted until July 1947 at the insistence of Congress. According to the testimony of Col. L. B. Moody, a U.S. ordnance officer who served with the Donald Nelson mission to China, the embargo resulted in the 'foreseen and inevitable defeat of the Nationalist armies.'

"Whether or not it was a 'tragedy' that Vincent was ousted from the State Department and 'personally deprived and humiliated' as you assert, by his retirement and appointment at Harvard, his work there at the East Asian Research Center if 'obscure' was certainly not 'relatively ineffective,' as your obituary editorial asserts. Under the Directorship of Professor Fairbank this prestigious institute has successfully distorted the historical record and paved the way for the resuscitation of old China 'experts' who a quarter of a century ago counseled that we should 'let Chiang fall but not let it look as if we pushed him.'

"Instead of pitying the victims of 'McCarthyism' who were condemned to fellowships at Harvard or to taking well paid jobs with large foundations of 'liberal' persuasion, we should consider how worse a fate was reserved for the premature 'anti-Communists' in and out of government who were condemned to obscurity and often to poverty during the era designated by Eugene Lyons as the 'Red Decade.' "

This comprehensive digest in letter form should be read from the podium at the luncheon, but there is no chance it will be done. Freda Utley, who has been writing her biography, lives in Washington, D.C. (1611 21st St. N.W. 20009).

Wilson C. Lucom, tenacious activist (910 S. Ocean Blvd., Palm Beach, Fla. 33480) has sent a telegram to Rogers, with a copy to the President, as follows:

"I understand that Mr. Service is to speak on the subject of the integrity of field reporting. I am sure that you are well informed about the role Mr. Service played in the infamous Amerasia case. To ask Mr. Service to address himself to the subject of integrity is an unique idea.

"Perhaps we could persuade two of his former friends, Sol Adler and Frank Coe, to abandon their refuge in Communist China and come back and assist him in explaining to young Foreign Service officers how they can win glory by fighting the policies of the elected officials of their country."

The telegram refers to two of the American citizens who have made Red China their headquarters for propaganda warfare on behalf of the Chinese reds.

An appropriate honor guest at the luncheon, if he were presently in the United States, would be Wilfred Burchett. He played a key role in the extraction of fake confessions of germ warfare from American captives of the reds in North Korea.

The AFSA directors meeting of Jan. 8 was attended by John D. Hemenway, an AFSA member, although he was squeezed out of the State Department for frankly supporting Nixon in the 1968 election, on top of writing admittedly correct analyses unfavorable to the communists in Russia and East Germany.

He was given a Pentagon post, but with the naming of Elliot L. Richardson as secretary of defense, the long arm of the State Department might reach to him there.

Hemenway gave the AFSA directors a background column on Service by Clark Mollenhoff, that appeared in the Feb. 27, 1972 Philadelphia Sunday Bulletin. The article declared:

"When Service was separated [dismissed], he appealed to the courts and in 1957 the U.S. Supreme Court held that the State Department had failed to follow its own regulations in connection with the dismissal action and ordered Service reinstated. The Supreme Court decision didn't get into ruling on the substantive issues of delivering classified documents to a man identified by the Federal Bureau of Investigation as a Communist agent."

Hemenway asked Harrop whether the AFSA board had been informed, "Or have you already made a final decision that we are to go ahead with this luncheon?" Harrop replied:

"We are having a series of luncheons over and above the arrangements made by our staff in collaboration with David Biltchik, who is spending this year on leave without pay working jointly for the Association [AFSA] on our 'openness' work and for the Carnegie Foundation, a program we call 'face-to-face,' a program which relates to persons in foreign affairs and people in the private world.

"Mr. Biltchik first made the proposal of a luncheon—I believe it is the very first—at which we would have, we hoped on the eighth floor of the department, a lunch which would discuss some of the context of the President's trip to China and the new American approach to China.

"We would discuss the reporting which was done during the middle and late forties by Foreign Service officers in China and which has subsequently been very harshly criticized as being so utterly out of step with what many people in America wished for at that time.

"And these men suffered, some of them severely, for their reporting which they did. We would like to try to make amends for that and recognize the contribution which these individuals made at that time and really focus the luncheon primarily upon the importance of people reporting from . . . as they see things . . . giving honest analysis . . . calling the shots as they appear to be . . .

"The assistant secretary of state for East African affairs [Marshall Green] has collaborated with us in this endeavor and the secretary of state has approved of the luncheon for Service and others to come as guests of the association.

RALLY OF "LEADERS" ON CHINA

"We expect to have a number of members of the press field; we expect to have a number of academics and other leaders of the country in the China policy taking part in this because it will be a very fine occasion, one which will do credit to the association and to the foreign service.

"The board of directors . . . they are unanimously, I believe, in accord with this and we have discussed this at a number of meetings and there were no objections. Invitations have been extended and the eighth floor of the department is reserved and the luncheon will take place on 30 January. Announcements will be out tomorrow morning."

The *discussion continued.* Excerpts follow:

Hemenway: It struck me as curious why Service was chosen, because as you can see from Mollenhoff's article, Service's problems with the State Department and with our profession were not for inaccurate reporting. They arose out of giving classified material to an unauthorized person.

Whatever the merits of that, if the purpose of the luncheon is to honor integrity and loyalty, then I would have thought someone else would have been selected other than Mr. Service better exemplifying these qualities. It raises the issue of our organization endorsing not just individuals, but the policies for which the individuals stand.

Now, is it the contention of our organization that Service has been proven right in his reporting? And if so, has anyone gone through his reports to see what he actually reported? And if they are quote right end quota, as seen with the wisdom of 1973?

SERVICE AS A "SYMBOL"

Harrop: We have not assigned anyone to do that. We feel that the role that these men played in the forties and fifties is common knowledge; a number of articles have been written on the matter . . . Mrs. Tuchman's article in Foreign Affairs, and the profile that appeared in the N.Y. Times . . . We invited him as somehow sort of symbolizing . . . there were a number of other persons working on China at that time. Service embodies the whole group.

Hemenway: In my judgment, that is not what a loyal Foreign Service officer does, unless you are endorsing—about 20 years earlier—a kind of early version of Ellsberg.

Then there is one last question, Since Mr. Service, with his point of view, and the "old China hands" with their point of view, are being honored for their loyalty and dedication and all the rest of it, does this association intend also to honor people like Charles Thomas, who also suffered in our profession? There are a lot of names that could be mentioned if you are looking around for hard-working, dedicated Foreign Service officers who have been abused professionally. . . . Maybe our organization is not being even-handed. It seems to me more like an endorsement of a policy rather than of individuals.

Harrop: I don't really think that we need another motion on this. I think it is just a case of a disagreement with you on the issue. We can't expect to have the agreement of each of our members on every issue. So we are going ahead on this. In fact, the invitations are out.

IN MEMORIAM TO THE HONORABLE PAUL C. FALLAT, SUPREME PRESIDENT OF THE SLOVAK CATHOLIC SOKOL

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1973

Mr. ROE. Mr. Speaker, as the Slovak Catholic Sokol rallied together to observe Christian Unity Week—January 18 to 25—having as its theme "Lord, teach us to pray," the sad and shocking news of the sudden death of their supreme president, the Honorable Paul C. Fallat, was met with disbelief, wonderment, and heartfelt mourning by the membership, residents of our Eighth Congressional District and the State of New Jersey. I ask my colleagues here in the Congress to join with me in extending our deepest sympathy to his wife Helen "Zidovsky" Fallat; their daughter, Valerie; son-in-law, William G. Stettler; grandchildren, Melissa and Keith Stettler; brother, Joseph of Passaic, N.J.; and two sisters, Mrs. Irene Collier, of East Paterson, N.J., and Mrs. Rita Vissa, of Garfield, N. J.

Paul Fallat was an outstanding American of Slovak heritage who also brought great honor to the historic city and country of his birth Bardejov, Slovakia. He was held in the highest esteem by his fellow citizens in our community, county, State, and Nation. Mr. Speaker, with your permission I would like to insert at this point in our historic journal of Congress the statement issued by one of New Jersey's most prestigious weekly newspapers and official organ of the Slovak Catholic Sokol, Katolicky Sokol, Passaic, N.J., which eloquently manifests his lifetime of outstanding work on behalf of his fellowman as well as the respect and appreciation that are extended to the quality of his leadership and exemplary achievements by all of us who had the good fortune to know him. Their memoriam reads as follows:

PAUL C. FALLAT, SUPREME PRESIDENT OF SLOVAK CATHOLIC SOKOL SUCCUMBS TO HEART ATTACK AT AGE 64—FUNERAL FRIDAY MORNING, JANUARY 19 IN PASSAIC, N.J.; SERVED WITH U.S. NAVY IN WORLD WAR II; HEADED OUR SOKOL ORGANIZATION SINCE 1955

On Tuesday, January 16, 1973, Paul C. Fallat, Supreme President of the Slovak Catholic Sokol, died after a sudden heart attack at the Hackensack General Hospital, Hackensack, New Jersey.

On Monday, the day before his death, he visited our Sokol headquarters and was in good cheer, promising to return to his office the following day.

DIED SUDDENLY AT 10 A.M.

On the fatal morning, he brought his wife, Helen, to the office of Sears and Roebuck in front of our Sokol Building. He parted in the usual way. However, he called on his physician, who detected immediately that he was not well and summoned an ambulance which rushed him to the Hackensack General Hospital. Here he passed away at 10 A.M.

His son-in-law, William G. Stettler, related the shocking news to our Supreme Secretary, Tibor T. Kovalovsky, who could not believe it and telephoned to the Hackensack General Hospital, where they confirmed the sad news.

Brother Kovalovsky immediately informed the local Supreme officers and after a conference with Editor John C. Sciranka, Attorney John D. Pogorelec and George A. Dluhy, member of the Supreme Court, Brother Kovalovsky telephoned Supreme Vice-President, John A. Olejar, and Supreme Treasurer, Stephen R. Olenick, also, members of the Executive Committee, namely, Mrs. Amalia Burican, Supreme Ladies Vice-President; George J. Kostelnik, Chairman of the Board of Supreme Auditors, and John J. Klimchak, Supreme Director of Sports and Athletics, and Rev. Jerome J. Pavlik, O.F.M., Supreme Chaplain. Telegrams were also sent to all Supreme Officers and leading fraternalists and the Associated Press and our Slovak publications notified.

LOCAL SUPREME OFFICERS EXPRESS THEIR CONDOLENCE

The four Supreme Officers, Tibor T. Kovalovsky, John C. Sciranka, John D. Pogorelec and George A. Dluhy called personally on Mrs. Fallat and expressed their condolence and offered their services to her and her daughter, Mrs. Valerie Stettler and her husband, William G. Stettler, who were shocked with the sad news. Mrs. Fallat related to them how he was in the best of health and spirits in the morning and how he drove her to the Passaic Sears and Roebuck office and parted as usual. He did not complain or show any sign of illness.

The funeral arrangements were made for Friday morning at G. Edward Vaxmonsky Funeral Home, 139 Ackerman Ave., Clifton, N.J., where the body will lay until the funeral.

The funeral will be from St. Mary Roman Catholic Slovak Church in Passaic, N.J., of which Father John J. Demkovich is pastor and Rev. Msgr. Andrew J. Romanak, P.A., pastor-emeritus. Interment will be at St. Mary's Parish Cemetery at Saddle Brook, N.J.

BORN IN SLOVAKIA

The late Paul C. Fallat was born in August 12, 1908, in the historic city of Bardejoy, Saris County, Slovakia. He studied art in his native city and also in Padua, Italy. During World War I, he was cut off from his father, the late Andrew Fallat, who left the family in Europe and came to America, where he enlisted into the Czecho-Slovak Legion and fought in France. After the establishment of the first Republic of Czecho-Slovakia, Mr. Fallat returned with other legionnaries to the newly-established country and was given a hero's welcome in his historic city of Bardejov.

Here he was offered a state job, but he insisted on returning to America. The family came to Ellsworth, Pa. After a short time, they moved to Clifton, N.J., and settled in Garfield, New Jersey.

Here young Paul continued in his studies and attended the Newark Academy of Fine and Industrial Arts. Later he also was a Rhodes Scholar.

Living in Garfield, he was soon acquainted with the founders of the Slovak Catholic Sokol and shortly joined our organization as a member of Assembly 162 in Clifton, N.J.

DID OUTSTANDING PAINTINGS

As a young artist he was engaged to do art work for our Sokol organization and also did some outstanding paintings. Among them was a painting of St. Vojtech (Adalbert), patron of Group 1; the plaque of Father Francis Skutil, our first Sokol editor, and General Milan R. Stefanik, which is in Third Ward Park in Passaic; also the portrait of the late Congressman Gordon Canfield. He won praise especially for the painting of "Victory of King Svatopluk over the Franks," the portrait of General Milan R. Stefanik, Msgr. Jozef Tiso and the historical plaque of the purchase of Dundee from the Indians.

His historic sketches from the life of Msgr. Andrej Hlinka were published in the "Topix" and republished in the 1973 annual "Furdek" by the First Catholic Slovak Union, which was edited by Editor Joseph C. Krajsa.

SERVED IN U.S. NAVY DURING WORLD WAR II

He served in the U.S. Navy during World War II and took part with U.S. forces in Italy and the Pacific with the Naval Intelligence and received honorary discharge and commendations.

After returning from the service, he took part in our Sokol life and was elected President of Assembly 289, Slovak Catholic Sokol in Garfield.

In 1946, upon the resignation of the late Joseph A. Kalman, well-known Sokol, he was elected to the Supreme Office as a member of the Supreme Finance Committee.

A few months after this, he was elected Supreme Vice-President at the National Convention of our organization in Milwaukee, Wis.

He was re-elected to this office at the National Convention in 1950 in Wilkes-Barre, Pa., and then elected to the office of Supreme President at the Golden Jubilee National Convention in New York City in 1955.

SERVED FIFTH TERM AS OUR SUPREME PRESIDENT

Brother Fallat was Supreme President for 17 years. He was re-elected at the Reading, Pa., National Convention in 1959 and re-elected at subsequent National Conventions in 1963 at Youngstown, O., in 1967 at Chicago, Ill., and in 1971 at Bethlehem, Pa.

He died preparing for the Annual Meeting of the Supreme Assembly, which is scheduled for the week of February 19th at Sokol Center, Youngstown, O.

As Supreme President, he attended Conventions of the National Fraternal Congress of America, also Conventions of Fraternal State Congresses. He was recently elected member of the Executive Committee of the New Jersey Fraternal Congress.

SURVIVED BY WIFE, DAUGHTER, AND TWO GRANDCHILDREN

He is survived by his wife, Mrs. Helen (Zidovsky) Fallat. They were married on October 9, 1937. Also surviving is a daughter, Mrs. William (Valerie) Stettler and two grandchildren, Melissa and Keith Stettler. Also a brother, Joseph Fallat, a commercial artist of Passaic, and two sisters, Mrs. Irene Collier of East Paterson, N.J., and Mrs. Rita Vissa of Garfield, N.J.

May he rest in peace. We express deep sympathy to the bereaved family!

Mr. Speaker, I know that you and our fellow Members of Congress will want to join with me in a moment of silent prayer in national recognition and farewell salute to the Honorable Paul Fallat. I trust that his wife and family will soon find abiding comfort in the faith that God has given them and in the knowledge that Paul is now under His eternal care. May he rest in peace.

"DIXIE"

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1973

Mr. RARICK. Mr. Speaker, because I share many people's concern at the concerted and organized efforts afoot in our country to suppress many cherished aspects of our American culture, I have introduced House Concurrent Resolution 14, expressing the sense of Congress that no action should be taken on the part of the Federal Government, any State, or political subdivision thereof that would remove the song "Dixie" from its proper place in the history of the United States and in that region of the United States known as the South, or prohibit the same from being played as a part of any public function or gathering.

I can see no useful purpose served by distorting our past in order to recreate a nonexistent heritage when as Americans we have a gallant history of record.

Insinuations that "Dixie" is a song of region or hate is at most a fabrication or witch-hunting expedition by those who would burn the books of history.

[From Lincoln Talks: A Biography in Anecdote, Collected, Collated, and Edited by Emanuel Hertz, Viking Press: New York, 1939. pp. 367–368.]

"DIXIE"

On the night when the news reached Washington of Lee's surrender to Grant, the people of Washington flocked to the White House lawn to serenade the President. A band being there, Lincoln turned to it and said:

"I have always thought 'Dixie' one of the best tunes I ever heard. I insisted yesterday we had fairly captured it. I presented the question to the Attorney-General and he gave the opinion that it was our lawful prize. I have not heard the old tune for four years. Now let the band play 'Dixie'!"—*Newport Mercury*.

The composer, Daniel Decatur Emmett, was born in Mt. Vernon, Ohio. "Dixie," originally called "Dixie's Land" was written in New York City for the celebrated Bryant's Minstrels in the spring of 1859. The original "Dixie's Land" contained one verse and the chorus. However, "Dixie" is best known and sung with verses two, three, and four with the chorus.

I ask that the lyrics of "Dixie" follow, along with the text of my bill to save this great musical work, a part of America's cultural heritage:

"DIXIE"

(Composed by Daniel Decatur Emmett)

1

Dis world waz made in jis six days,
And fivided up in various ways,
Look-a-way—Look-a-way—Look-a-way Dixie land
Dey den made dixit trim and nice,
But Adam call'd it "Paradise"
Look-a-way—Look-a-way—Look-a-way Dixie Land.

CHORUS

Den I wish I wax in Dixie
Hoo-ray—Hoo-ray
In Dixie's land, we'll took our stand,
To lib and die in Dixie
A-way—a-way—a-way day down South in Dixie.

2

I wish I was in the land of cotton,
Old times there are not forgotten,
Look-a-way—Look-a-way—Look-a-way Dixie land,
In Dixie Land where I was born in—
Early on one frosty morn-in
Look-a-way—Look-a-way—Look-a-way Dixie Land.

3

Old Missus marry Will "de weaber",
Willum was a gay deceiver,
Look-a-way—Look-a-way—Look-a-way Dixie Land
But when he put his arm around her
He smil'd as fierce as a forty pounder
Look-a-way—Look-a-way—Look-a-way Dixie Land.

4

His face was sharp as a butcher's cleaver,
But dat not seem to grieve her,
Look-a-way—Look-a-way—Look-a-way Dixie Land
Old Missus acted the foolish part,
And died for a man that broke her heart
Look-a-way—Look-a-way—Look-a-way Dixie Land

5

Buck wheat cakes and stony batter,
Makes you fat or a little fatter;
Here's a health to the next old missus,
And all de galls dat want to kiss us.

6

Now if you want to drive 'way sorrow,
Come and hear dis song to-morrow;
Den hoe it down and scratch yer grabble,
To Dixie land I'm bound to trabble.

H. CON. RES. 14

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that no action should be taken on the part of the Federal Government, any State or political subdivision thereof that would remove the song "Dixie" from its proper place in the history of the United States and that region of the United States known as the South, or prohibit same from being played as a part of any public function or gathering.

MEMORIAL TO LYNDON B. JOHNSON

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1973

Mr. BURKE of Florida. Mr. Speaker, when any national leader, especially a former President passes away, there is certainly a feeling of great loss in the Nation, and I feel this loss. Nevertheless, I cannot be a hypocrite and praise Mr. Johnson's record, for there were too many instances where we disagreed on issues.

Still, it takes a certain kind of dedication and love for one's country to run for elective office, and former President Johnson had this in abundance. Although, I did not agree in toto with Mr. Johnson's proposals, I greatly admired his dedication to public life.

Idealistically I am a conservative and former President Johnson was a liberal. Yet, good government needs a balance of equal quantities of both. The adversary system is used to bring justice in our courts, and it is used in Congress to ascertain proper avenues for government. President Johnson was a liberal warrior and we differed in our views. However, I can honestly say that I had a tremendous respect for his ability and his love of country.

OIL AND GAS SOLUTION—SPARKS STATES FACTS

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1973

Mr. COLLINS. Mr. Speaker, the major domestic industry crisis is in the oil and gas field. Energy is essential to our technological, mechanical economy.

In Washington, we hear many simple solutions but none has economic logic. We must be pragmatic and face the tough solutions that can provide positive answers. With inflation rampant, it is impossible to keep rigid price controls on gas without continuing to strangle gas production.

I was proud to see my neighbor Abbott Sparks who heads Petroleum Engineering Publishing Co. effectively refute misleading public statements. In Oklahoma, the price of gas is 14 cents per thousand cubic feet. Yet, in Lowell, Mass., they allow $1.58 for liquid gas imported from Canada. Imported gas can get a large price, but domestic gas has a wellhead ceiling price.

I know you will find the following portions of a UPI story covering Abbott Sparks' comments on the oil and gas industry to be basic and sound:

The president and publisher of a Dallas-based petroleum publishing house Thursday took sharp issue with statements.

Abbott Sparks, who heads Petroleum Engineer Publishing Co., himself a former Oklahoman, said it is industry which has played and will continue to play such an important role in the growth and security of America.

The publishing company has circulation in 106 countries with staff representation in international oil and gas-producing areas.

Sparks, commenting on condemnation of the petroleum industry for the current shortage of energy, said "it must be a shock to any knowledgeable Oklahoman at a time when Oklahoma gas producers can average only about 14¢ per thousand cubic feet (MCF) for their gas, while Lowell, Mass., is paying $1.58 per MCF for Canadian liquefied natural gas trucked across the border.

"No one cares to estimate the price of liquefied gas proposed to be imported from Algeria or Russia, but it could easily go to $2 per thousand cubic feet. On top of that, the U.S. Petroleum industry provided the technology and the know-how to make it possible for the Algerians and Russians to get in position to market their gas," Sparks said.

We have made continual annual surveys of oil and gas companies with trade in stocks, and the number has grown in recent years. We now have 110 oil companies on our surveyed list, more than we have had since 1953.

"In 1953, however, return on operations was 14.5 per cent. But our last annual report survey showed record low earnings on revenues of 7.3 per cent, about half the level in 1952. You can't pay dividends and finance exploration and facilities on that kind of return in a high risk business. And if it is a 'tax shelter' business, I wonder how many people enjoyed the shelter of the $6-million noncommercial well that was drilled in Elk City, Okla., by Lone Star Gas Company.

"In 1972, U.S. oil and gas firms drilled half as many wells as they did in 1956 just as they had half the profit margins," Sparks said.

"Other countries need energy; the whole world needs energy; and most countries are doing everything they can to encourage energy development. The American companies who have the know-how are being put to work in countries all over the world for that reason. How many people realize that while we pay 30¢ to 40¢ per gallon for gasoline (approximately half of which is tax) in this country, they pay 80¢ to $1.20 in England, France, Italy, Germany, and other European countries.

"How many people realize that although gasoline costs Americans less than the price of distilled water, oil and gas last year provided 76 per cent of the energy for the industrial muscle of America—long selling for less than replacement cost.

"Resources alone are not energy. Without the tools, technology, and the economics, there is no energy supply. The record says oil and gas paid $14 billion in taxes to local, state, and federal governments in 1970, outstripping all other industries in total taxes paid," Sparks said.

CONGRESSIONAL TRIBUTE TO THE "MASTER" BUSBY BERKELEY

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1973

Mr. VEYSEY. Mr. Speaker, I am privileged to have in my congressional district, some of the foremost celebrities of the music and entertainment world. And among the elite of that group is a man who has carved himself the reputation, the master builder of the American musical film.

The master I speak of, Busby Berkeley recently celebrated his 77th birthday, and his 12th year in Palm Springs. On that occasion, the British Broadcasting Corp. broadcast a live telephone conversation with Busby Berkeley—via transoceanic hookup to his bedside in Palm Springs where he was recovering from major surgery. The tribute to this great musical talent was carried throughout the British Isles.

Busby Berkeley came out of retirement recently to lend his hand to the production of "No, No, Nanette," which has now run for three consecutive years on Broadway to sold out houses.

His accomplishments and awards are legion, and on January 27 he will be appropriately honored by the Desert Symphony Association with a special Busby Berkeley Concert in Palm Springs. Highlights will be selections from his many musicals including "The Golddiggers," "42d Street," and "No, No, Nanette."

I ask my colleagues to join me in this congressional tribute to Busby Berkeley, the master builder of the American musical film.

MELVIN R. LAIRD—A GREAT AMERICAN

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. ARENDS. Mr. Speaker, I regret that I could not be present on January 18 when so many paid a special tribute to my former colleague, Melvin R. Laird, who is retiring from his present post as Secretary of Defense.

I was one of the first to greet Mel when he entered these Halls in 1953 following his service in the Wisconsin State Senate, and we became good friends—a friendship which I have cherished over the years. His colleagues immediately recognized that here was a young man of outstanding ability, high intelligence, and a basic decency and genuine concern for his fellow citizens. These qualities characterized not only his service here in the Congress for eight terms but his record as Secretary of Defense during four of the most difficult years in our Nation's history.

Mel Laird is a unique individual. He has a tremendous capacity for work and an incisive mind which goes directly to the heart of any problem. This is one of the reasons Republicans in the 83d Congress selected him as a freshman Member to serve on one of our most important committees of the House—the Committee on Appropriations. He soon became one of its most effective minority members. Mel served on the Defense Appropriations Subcommittee; and as a member of the Committee on Armed Services I conferred with him frequently on the need for maintaining a strong and efficient defense establishment. He was determined that this be accomplished with the lowest possible cost to the taxpayer, and he has acted on this conviction during his service in the Pentagon.

Mel's interest in people makes him a natural leader. In 1964 he was selected to chair the Republican platform committee and the following year became chairman of the House Republican conference. His future here in Congress was bright, to say the least, and he served proudly. I personally was sorry when he resigned from the House; but I recognized, too, that he was one of the few who possessed the experience and ability to oversee our defense establishment in this critical Vietnam period.

In these days when there is much public concern over the relationship between the legislative and executive branches, Mel Laird has demonstrated the value of meaningful cooperation. Few Cabinet members have enjoyed such respect on Capitol Hill or have worked more closely with the Congress. Mel understands Government and its checks and balances. He understands the Congress and its responsibilities to the people and he understands the importance of efficient administration to the success of any endeavor.

The Nation owes Mel Laird a debt of gratitude. I join with colleagues on both sides of the aisle in wishing him well on the occasion of his retirement. Let me express the hope, however, that after a well-earned rest he will return again to public service. We need more like him in Government today.

AN ISSUE OF NATIONAL CONSCIENCE

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1973

Mr. McCLOSKEY. Mr. Speaker, it is not often that a local school board feels impelled to take a position on an issue over national foreign policy.

The Palo Alto Unified School District is widely recognized as operating one of the finest school systems in the United States. I believe the language of the board's resolution to be worthy of study by all of us. The resolution follows:

RESOLUTION: AN ISSUE OF NATIONAL CONSCIENCE

PREAMBLE

Normally a board of education functions by formulating and adopting statements of educational policy, that is, by precept rather than by example. It is not the function of the school board to act as guardian of community or national morals.

In some cases, however, in promoting the teaching of citizenship to our young people, it is justified in setting an example of an act of citizenship by speaking out directly on matters of grave national concern; in some extreme cases of violation of the ethical precepts upon which our Constitution and our ideals of democratic citizenship are based, this Board claims the right and acknowledges the obligation to make public its position on issues of national conscience.

Whereas, The United States has been engaged in an undeclared war in Indo-China for a decade which has caused great human suffering;

Whereas, Peace negotiations appeared to be reaching successful closure;

Whereas, The resumption of bombing of unprecedented ferocity has brought about further unmitigated suffering;

Whereas, Unnecessary imposition of human suffering is not consistent with the ethical principles of western civilization on which our Constitution and the education of a free people are based;

Whereas, The Board of Education is responsible for the teaching of "the principles of morality, truth, justice, patriotism and a true comprehension of the rights, duties and dignity of American citizenship" and "in manners and morals and the principles of a free government" (Education Code 13556.5);

Whereas, One of the duties of citizenship is to protest unethical action in the part of the government;

Therefore be it resolved that, The Board of Education requests the Congress of the United States to take immediate steps to cease funding the war in Indo-China, and

The Secretary of the Board send copies of this Resolution to the President of the United States, to the Vice President, the Speaker of the House of Representatives and representatives to the Congress from the State of California.

Adopted by the Palo Alto Board of Education, January 16, 1973.

Ayes: Mr. Preston Cutler, Mrs. Agnes Robinson, Mr. Theodore Vian.

Noes: Dr. Royce Cole, Mr. Donald Hammond.

PRESIDENT LYNDON B. JOHNSON

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1973

Mr. CHAMBERLAIN. Mr. Speaker, the death of President Lyndon B. Johnson marks the first time since 1933 that this Nation has been without the wisdom and counsel of a living former Chief Executive. As we mourn our great loss, however, I think the American people can take comfort in the knowledge that President Johnson gave fully of his heart, his mind, and physical being to serve our Nation both through periods of crises and time of significant progress.

The editorial in the State Journal of Lansing, Mich., of January 24, 1973, points out that he may best be remembered for the calm and self-confident leadership he provided in the days and weeks following that grim day in November of 1963 when President John F. Kennedy was assassinated.

The editorial follows:

[From the State Journal, Lansing, Mich., Jan. 24, 1973]

Johnson: A Career of Courage

For the second time in a month, the nation mourns the passing of a former President, Lyndon B. Johnson, who died Monday of an apparent heart attack.

Mr. Johnson, like Harry S. Truman, was thrust into office upon the death of an incumbent chief executive during a most turbulent period in American history.

While Truman faced the staggering problems of the post-World War II era, Johnson was burdened with what some historians view as the most serious domestic crisis of the century, complicated by massive entanglement in a grim and divisive war in Southeast Asia.

It was ironic that during his early years in office Lyndon Johnson emerged as one of the most popular Presidents in decades, winning a smashing, landslide re-election in 1964. Unlike his fallen predecessor, John F. Kennedy, he marshalled the support of a balky U.S. Congress to push through the most significant domestic reform and civil rights legislation in a century.

But by the time he left office in 1968 he was the target of widespread attack and vilification because of a deepening and seemingly hopeless involvement in the quagmire of Vietnam.

History will decide whether Mr. Johnson was the victim of poor judgment or perhaps bad advice in his decision to stand and fight the Communist tide in Indochina, or whether that decision, in the long run, may prove a decisive one for preventing future conflicts.

Mr. Johnson was a master at the science of politics and compiled an outstanding record in Congress. But he may best be remembered for the calm and self-confident leadership he provided in the days and weeks following that grim day in November of 1963 when Kennedy was shot.

With the nation still in a state of shock following the assassination of its youthful president, Mr. Johnson emerged as a take-charge leader who, with his famous Texas drawl, appealed for unity to carry on the programs of his predecessor.

This story was not kind to Lyndon Johnson in the turbulent years that followed. But in the task of grappling with the immense problems of his office he demonstrated great courage and determination in fighting for what he believed to be the best interests of his country. And his hallmark efforts in behalf of minority peoples changed the course of the nation.

He Was an American first and last. We are grateful for his service and saddened by his death.

FORESTRY INCENTIVES

HON. RICHARD G. SHOUP

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1973

Mr. SHOUP. Mr. Speaker, pressures on our Nation's forest resources and on our forest resource managers are great and they continue to build. The pressures arise from many demands; from industry homebuilders, recreationists, conservationists, and others. The heaviest pressures are directed at the managers of our publicly owned forest lands.

Public forest lands which make up about 30 percent of our total forest lands are producing half of our timber. Private forests must play a greater role in meeting increased demands for wood fiber, recreation, watershed, and wildlife habitat. Any poor management of these private lands must be remedied.

We have 510 million acres of commercial forest lands in the United States, 365 million acres of these are privately owned, and 65 million acres are owned by commercial forest industries. Only a fraction of the remaining 300 million acres is properly managed. These 300 million acres should be producing half of our timber needs but 25 percent of the land is in need of planting and another 45 percent needs timber stand improvement. Many of the owners have neither the funds nor the technical knowledge to carry out needed improvements.

If the United States is to have the timber needed in the years to come, the Federal Government must render assistance to see that forests—both public and private—are protected from fires, that young trees are planted and that our forests are tended and nurtured.

These private forests of which I speak are the most accessible in the country and are potentially the most productive. Sad to relate, they are in the worst condition. State programs are scarcely adequate. In 1970, State assistance was available to only 2 percent of eligible acreage.

My bill would authorize the Secretary of Agriculture to encourage and assist in the reforestation of private lands that are nonstocked or understocked. It would foster intensive multiple-purpose management, improving timber production, watersheds, forage values, fish and wildlife habitat and recreation.

Cost sharing would be provided for up to 50 percent of costs, not to exceed $2,500 in any fiscal year, for those private ownerships not exceeding 500 acres. The Secretary is directed to provide technical assistance wherever it is requested with no limitations on acreage. Management problems do not stop when a forest reaches 500 acres in size.

The many provisions of this act will provide technical knowledge, manpower, equipment, planting stock and other materials needed to stimulate forest practices desperately needed on our private forest lands.

Mr. Speaker, I insert the text of my bill to be printed in its entirety at this point in the Record.

H.R. 2902

A bill to authorize the Secretary of Agriculture to develop and carry out a forestry incentives program to encourage a higher level of forest resource protection, development, and management by small nonindustrial private and non-Federal public forest landowners, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Forestry Incentives Act of 1973".

Sec. 2. (a) Congress hereby declares that the Nation's growing demands on forests and related land resources cannot be met by intensive management of Federal lands and industrial forests alone; that the three hundred and nine million acres of nonindustrial private land and twenty-nine million acres of non-Federal public forest land contain 65 per centum of the Nation's total forest resource base available to provide timber, water, fish and wildlife habitat, and outdoor recreation opportunities; that the level of protection and management of such forest lands has historically been low; that such lands can provide substantially increased levels of resources and opportunities if judiciously managed and developed; that improved management and development of such lands will enhance and protect environmental values consistent with the National Environmental Policy Act of 1969 (83 Stat. 852); and that a forestry incentives program is necessary to supplement existing forestry assistance programs to further motivate, encourage, and involve the owners of small nonindustrial private forest lands and the owners of non-Federal public forest lands in actions needed to protect, develop, and manage their forest lands at a level adequate to meet emerging national demands.

(b) For the purposes of this Act the term "small non-industrial private forest lands" means commercial forest lands owned by any person whose total ownership of such lands does not exceed five hundred acres. Such term also includes groups or associations owning a total of five hundred acres or less of commercial forest lands, but does not include private corporations manufacturing products or providing public utility services of any type or the subsidiaries of such corporations.

Sec. 3. The Secretary of Agriculture (hereinafter referred to as the "Secretary") is hereby authorized and directed to develop and carry out a forestry incentives program to encourage the protection, development, and management of small nonindustrial private lands and non-Federal public forest lands. The purposes of such a program shall be to encourage landowners to apply practices which will provide for the afforestation of nonforest lands and reforestation of cutover and other nonstocked and understocked forest lands, and for intensive multiple-purpose management and protection of forest resources to provide for production of timber and other benefits, for protection and enhancement of recreation opportunities and of scenic and other environmental values, and for protection and improvement of watersheds, forage values, and fish and wildlife habitat.

Sec. 4. (a) To effectuate the purposes of the forestry incentives program authorized by this Act, the Secretary shall provide a range of forestry incentives which shall include the following:

(1) Cost sharing with the owners of small nonindustrial private forest lands and the owners of non-Federal public forest lands in providing practices on such lands which

carry out the purposes of the forestry incentives program. No cost sharing under this paragraph shall provide for a Federal contribution in excess of 50 per centum of the total cost of practices on non-Federal public forest lands or small non-industrial private forest lands and no one small nonindustrial private forest landowner shall receive cost sharing, under this Act in excess of $2500 in any one fiscal year.

(2) Cost sharing with the owners of small nonindustrial private forest lands for the purposes of providing manpower, equipment, planting stock, and other materials to carry out the practices to be encouraged by the forestry incentives program. No cost sharing under this paragraph shall provide for a Federal contribution in excess of 50 per centum of the total cost of materials equipment, and services.

(3) Neither the definition of "small nonindustrial private forest lands" nor any other provision of this Act is intended to rule out larger landholders from receiving technical assistance. The Secretary is directed to provide such technical assistance to all forest owners to assist them in protecting, developing and managing their forest lands.

(b) The Secretary may, for the purposes of this section, utilize the services of State and local committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended (49 Stat. 1150; 16 U.S.C. 590h(b)), and distribute funds available for cost sharing under this Act by giving consideration to pertinent factors in each State and county, including but not limited to, the total areas of small nonindustrial private forest lands and non-Federal public forest land and to the areas in need of planting or additional stocking, the potential productivity of such areas, and to the need for timber stand improvement on such lands. The Secretary may also designate advisers to serve as ex officio members of such committees for purposes of this Act. Such ex officio members shall be selected from (1) owners of small nonindustrial private forest lands, (2) private forest managers or consulting foresters, and (3) wildlife and other private or public resources interests.

(c) Federal funds available to a county for small nonindustrial private forest lands each year may be allocated for cost sharing among the owners of such lands on a bid basis, with such owners contracting to carry out the approved forestry practices for the smallest Federal cost share having first priority for available Federal funds, subject to the Federal cost sharing limitations prescribed in subsection (a) of this section.

SEC. 5. The Secretary shall consult with the State forester or other appropriate official of each State in the conduct of the forestry incentives program provided for in this Act. Federal assistance under this Act shall be extended in accordance with such terms and conditions as the Secretary deems appropriate to accomplish the purposes of this Act. Funds made available under this Act may be utilized for providing technical assistance to and encouraging non-Federal public landowners, and the owners of small nonindustrial private forest lands in initiating practices which further the purposes of this Act. The Secretary shall coordinate the administration of this Act with other related programs and shall carry out this Act in such a manner as to encourage the utilization of private agencies, firms, and individuals furnishing services and materials needed in the application of practices included in the forestry incentives program.

SEC. 6. There are authorized to be appropriated an amount not to exceed $25,000,000 to carry out the provisions of this Act. Such funds shall remain available until expended.

NATIONAL STANDARDS FOR FIREHOSES

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1973

Mr. BOB WILSON. Mr. Speaker, I am today reintroducing legislation which would authorize the establishment of national standards for threads and couplings of firehoses.

The recent tragic fires in several urban high-rises have focused national attention on the critical importance of firefighting technology. In handling many large blazes, local fire departments must call on other fire departments to assist them. Tragedy may result, however, if their equipment is not compatible.

Robert Ely, the chairman of the Committee on Standardization of Fire Hose Screw Threads of the International Association of Fire Chiefs, has devoted years of unselfish and tireless service to stir official interest and legislative action in the field of standardization.

Several decades ago, Norway adopted hose coupling standardization as the result of a massive fire at the residence of the Crown Prince and Princess. The fire became a major conflagration due to the differences in the hose couplings of the various fire brigades. The Norwegian Fire Protection Association has obtained the permission of His Royal Highness King Olav V to allow the following memorandum to be published in the United States. It succinctly points up the need for immediate adoption of similar legislation in the United States.

STANDARDIZATION OF FIRE HOSE COUPLINGS IN NORWAY

As in other countries, the question of standardized fire hose couplings was also in Norway discussed for a number of years. Thanks to a special case, this matter was solved quickly.

On May 20th, 1930, a fire broke out in the residence of the Norwegian Crownprince and princess, "Skaugum", some 15 miles west of the capital Oslo. The local fire brigade arrived quickly and stretched hoses to a well close to the building. The fire was almost under control when the water supply was exhausted.

The nearest water source was a lake some 3/4 eng. mile from the burning building. In the meantime, also other fire brigades had arrived, and together they had enough hoses to reach this lake. It turned out, however that the various fire brigades had different types of hose couplings, making connections impossible. As an emergency, the couplings were removed, the hoses placed inside each other, and the connections provisionally tightened with towels, etc. in order to reduce the leakage. During the time spent for this, however, the building had caught fire all over, and the efforts were directed towards spraying a large strong room in the basement, where irreplacable valuables were kept, and which were saved from destruction.

Following this fire, The Norwegian Fire Protection Association's Director at the time again took the matter up with the proper Authorities in order to achieve standardization of fire hose couplings. The result was that a Norwegian coupling—NOR coupling—was chosen, and in the course of a short time became standard for all fire brigades in Norway.

This tragic fire of the home of the present King of Norway, His Majesty King Olav V, was therefore a decisive factor contributing to the standardization of fire hose couplings in Norway, years ahead of many other countries. The usefulness and the necessity of such a standardization is beyond discussion today.

THE CASE OF JOHN D. HEMENWAY

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1973

Mr. ASHBROOK. Mr. Speaker, for quite some time now I have inserted into the CONGRESSIONAL RECORD information on the case of John D. Hemenway, the former Foreign Service officer who was selected out of the State Department, who won the right to have a grievance hearing and who is now awaiting the final decision on his case by Deputy Secretary of State John N. Irwin II, recently nominated as our next Ambassador to France.

The first step in the Hemenway case was an extensive review of the case by a three-man panel which ruled in favor of Hemenway. However, William O. Hall, the Director General of the Foreign Service rejected the findings of the panel. From there the case went to Secretary Irwin where the final decision is now being awaited.

An extensive review of the case appeared in the Washington Post of December 11, 1972. I insert this item for the information of the Members, preceded by the favorable findings of the three-man panel which sided with John D. Hemenway, which findings appeared in the December 1972 issue of Tactics, the informative psywar journal published by Edward Hunter:

[From the Washington Post, Dec. 11, 1972]

MAN FIRED BY STATE DEPARTMENT BATTLES FOR VINDICATION

(By H. D. S. Greenway)

Who is John Hemenway and why is he saying all those terrible things about the State Department? Is he an American Dreyfus, as he suggests, "stripped of reputation and career" by a corrupt bureaucracy? Or, is he as a State Department official once claimed, simply a "pain in the bippie?"

John Hemenway is a former Foreign Service Officer who, after 14 years of what even the State Department admits was "consistently good performance," "was selected out" and thereby involuntarily retired in 1969.

According to State Department regulations, any Foreign Service Officer below the level of Career Minister who fails to receive promotion to the next grade within a specified number of years must leave the service.

In the past, many men have found selection out of the Foreign Service to be humiliating and degrading experience. Some have found it difficult to find other jobs in their middle years. Perhaps the most tragic case was that of Charles Thomas, who after selection out, killed himself on Easter Monday of 1971.

Like Thomas, Hemenway thought he had been wronged by the State Department. Even though another job had been found for him in the Defense Department, Hemenway became determined that he was going to leave the State Department with his "integrity intact."

Determination is too mild a word to use in Hemenway's case. For the last three years he has waged war upon the State Department—in the press, in testimony before Congress—exposing what he believes to be corrupt promotion and personnel practices within the Foreign Service.

He is no longer seeking simply to clear his own name. In the years he has been appealing his case through the creaking machinery of the department's grievance proceedings, working at nights and on weekends, he has become an Ahab seeking an almost supernatural revenge upon the body of the bureaucratic whale.

The Hemenway affair has become something of a landmark in the Foreign Service as the longest and bitterest grievance that anyone can remember. After three years, it still remains unresolved.

Under the regulations in effect in 1968, Hemenway, as an FSO4, had eight years to be promoted to FSO 3. Seven selection boards failed to promote him and in January, 1969, he was selected out. Because he had not reached the level of FSO3, or the age of 50, he received no pension.

In 1971 these rules were changed to allow Foreign Service Officers to remain 20 years in FSO grades 3, 4 and 5 with no more than 15 years in any one grade. This new rule makes it practically impossible for a man in the position in which Hemenway found himself two years earlier to be selected out without a pension.

Hemenway felt himself to be the victim of a kind of "reverse McCarthyism." Certain State Department officials had referred to him as a "John Bircher—the type that finds a Communist under every chair," it was later revealed in testimony.

He had been deeply involved in the Berlin problem during the mid-1960s and had had strong differences of opinion with his superiors. He felt that malicious gossip and these differences of opinion over policy were the real reasons for his selection out.

He was given a special grievance hearing—the first in the history of the Foreign Service. The grievance committee was composed of three Foreign Service Officers—one picked by Hemenway, one picked by the State Department and a chairman acceptable to both.

The grievance committee wrestled for three years with what soon became adversary proceedings. Last September, after listening to 40 hours of testimony and sifting through 1,500 pages of documents, the committee recommended that Hemenway be reinstated in the Foreign Service, promoted, tendered an official apology and reimbursed for his legal expenses.

But Hemenway has not been reinstated. William O. Hall, the director general of the Foreign Service and the reviewing officer in this case, studied the grievance committee's report for a month and, in early November, decided against their recommendations for reinstatement, promotion, and reimbursement.

The State Department says that under the rules in effect when Hemenway's grievance hearing was set up, the committee was supposed to be a fact-finding body—not a jury. Their recommendations were not to be binding and the responsibility for a final decision always remained with the reviewing officer.

To Hemenway, the State Department's decision was both capricious and arbitrary.

The case is now under final review by the No. 2 man in the State Department, John Irwin, who has promised a decision in January.

It was subsequently announced that Irwin would be replaced as deputy secretary of state by Kenneth Rush as part of President Nixon's administrative shuffle. How this change will affect the Hemenway case is still in doubt.

But if Irwin, or his replacement, finds against Hemenway, he is prepared to take the State Department to court.

When some of Hemenway's colleagues, back in 1969, suggested that something might be done for Hemenway—some sort of compromise solution—Graham Parsons, one of the men selected by Dean Rusk to investigate the case, complained that Hemenway "had the bit between his teeth" and could not be "bought off." Parsons said that the trouble with Hemenway was that he attacked the system itself, according to sworn testimony brought out during the grievance hearing.

Hemenway would not find fault with that judgment. The unfairness of the system, as he sees it, has become an obsession.

Hemenway lives with his wife and five children in a comfortable house in the Northwest section of this city. His house is filled with musical instruments and he likes to play boogie-woogie and Mozart on a harpsichord—a copy of Handel's harpsichord in the British Museum.

His house is full of papers and documents pertaining to his case and he has the self-taught mastery of the law one expects of a condemned man penciling an appeal to the Supreme Court.

Hemenway was born in Wisconsin 45 years ago and was graduated from the Naval Academy with honors. He was a Rhodes scholar and gave up the military for the State Department in 1955. He is fluent in both Russian and German and served in the American embassy in Moscow for two years in the early '60s.

It was during his job as chief of the Berlin Section of the State Department's European Bureau that he had trouble with his superiors.

"The sum effect of the policies which they promoted and I opposed," Hemenway says, "was to perpetuate the permanent partition of Berlin, Germany and thus all of Europe."

His superiors took a different view. They said that Hemenway overdramatized the situation, and that the differences they had were normal in as sensitive an area as Berlin. Some of Hemenway's views were accepted, his superiors said, some were not. And when they were not it was often because the action he proposed seemed inadequate or insufficiently thought out, they said.

Whatever the case, Hemenway was mustered out.

Even though the State Department has changed the rules allowing for more time in grade, the department defends the selection out process. Without it, the department says, the Foreign Service bureaucracy would be worse than it is. For selection out is a "honing process" that allows talent to rise in the service. President Nixon is taking advantage of the process now to retire some of the older men and make room for younger men in the Foreign Service.

In Hemenway's case, a senior State Department official said, there had been certain weaknesses in his record—"inadequacies in drafting reports, a tendency to be overly vigorous in his point of view and to discount too quickly the views of others," but on the whole his performance was good.

His selection out doesn't reflect on his abilities, which are obviously very great. It was just that in competition with others he fell behind,'" the State Department official said.

"That," Hemenway says, "is a lie."

In Hemenway's view, the Foreign Service is a vicious "old boy" network where the rules are deliberately kept vague and constantly changed to accomodate favorites, but ruthlessly applied to get rid of people who make waves.

Hemenway has given reams of testimony before Congress on lateral appointments and promotion where people less qualified than he, he feels, have been promoted without strict observance of time in grade.

One of the people given a special exemption from the selection out rules was William O. Hall, Hemenway told the Fulbright Committee last spring. But this was before either he or Hall knew that Hall would end up reviewing the Hemenway case.

A 1968 interoffice memo to then-Director of Personnel Howard Mace from his subordinate Donald Tice reveals what the State Department really thought of Hemenway.

Tice wrote that Hemenway was destined to end up being "a pain in someone's bippie," and that the reason Hemenway had not been promoted despite his generally good performance was because Hemenway was "confident to the point of being arrogant and aggressive in a manner that approaches rudeness."

When Hemenway got word that he was about to be selected out, he wrote a memo to the then-Secretary of State, Dean Rusk, explaining his differences with his superiors over Berlin and saying that he was being punished "administratively for having done my duty as I see it."

Rusk, with only a short time left in office, asked former Ambassadors Graham Parsons and James Penfield to investigate the charges.

Parsons and Penfield took the word of Hemenway's superiors that policy differences had not prejudiced Hemenway's promotion and they so reported to Rusk.

But Hemenway felt that by not investigating the charges fully, Parsons and Penfield had effectively slandered him by suggesting to Rusk that "what I had reported was less than the truth."

When the special grievance committee was formed it immediately found itself procedurally at sea precisely because it was the first such committee in the history of the Foreign Service. There were no precedents. They had to formulate their own rules and, although they at first decided to consider only whether the report Hemenway objected to should be expunged from the record, they decided later to address themselves to the issues of promotion and selection out as well.

The grievance committee recommended that the Parsons-Penfield report be expunged and William O. Hall, in his review, upheld this recommendation. It was on the other recommendations for reinstatement, reimbursement and apology that Hall disagreed.

As to matters of fact, Hall said that the committee's findings were for the most part "supported by the evidence," but he disagreed with the committee's conclusions. Also, he held that the committee had exceeded its authority by delving into matters of promotion and selection.

The main thrust of Hall's rejection of the committee's recommendation was his finding that "the grievant failed to establish any impropriety in his involuntary retirement."

While there had been obvious differences between Hemenway and his bosses. Hall said, "the record does not indicate what effect the grievant's policy differences with his superiors may have had on their rating of him.

"This is the central difficulty of [Hemenway's] presentation—the failure to relate such differences as there may have existed to the deliberations of the selection boards, Hall found.

The grievance committee had said it was only "probable" that such conflicts had adversely affected Hemenway's performance ratings. And they said it was "impossible to conclude from the present state of the evidence" whether or not Hemenway would have been promoted even had there not been differences with his superiors.

But the grievance committee's recommendations appear to have been made less on the merits of Hemenway's original charges than on the issue of whether or not Hemenway had been denied due process in his grievance proceedings.

The committee said that the State Department's failure to produce documents had delayed the case for more than a year.

"Several department actions or inactions not only delayed the proceedings," the committee said, "but added to the burden placed upon the committee during the proceedings. . . . Failure to produce essential documents promptly, failure to assign departmental counsel early in the proceedings, failure to take appropriate administrative action to resolve satisfactorily the problems between Hemenway and the department" were all issues on which the committee scored the Department of State.

Hall, in his review, found that the "record does not reveal any arbitrary or capricious act or inpropriety of the department in connection with these proceedings."

But if the case goes to court early next year the central issue may well be whether or not Hemenway was denied due process.

It is not likely that the Hemenway case could occur again in 1971 the State Department overhauled the entire grievance procedure.

The grievance board now consists of four "public" (non-department) members chaired by William Simkin, former director of the Federal Mediation and Conciliation Service, and two members drawn from each of the foreign affairs agencies.

The recommendations of the new board are binding and the State Department claims that many of the inequities of the old system have now been corrected.

Hemenway's own case could not be heard under the new rules, the State Department says, because it had begun under the old system and the new rules prohibit retroactivity.

But in the opinion of other legal sources close to the case, "no rules can wave away as if by magic wand a man's constitutional rights." If the case goes to court. Hemenway may well ask: Is it fair to have the department declare him not aggrieved when he has spent three years before a grievance committee that found him aggrieved?"

The whole question of grievances has been boiling for three years and a bill to take the grievance procedure out of the hands of the State Department entirely passed the Senate only to die in the House Foreign Affairs Subcommittee.

In the past the State Department has fought such legislation, but now its reluctant position is that it no longer opposes it, but hopes that the statute will be general rather than specific and based on the reforms of 1971.

Hemenway feels that although he may never benefit from them himself, the reforms and the congressional action are in no small way due to his case and others like it.

He may not be America's Dreyfus, but if his case can force the bureaucracy to be more responsive to the individual he says it will have all been worth it.

[From Tactics, Dec. 20, 1972]

Full Text of Recommendations: Inquiry Supports Hemenway

A devastating, all-inclusive verdict was handed down on Sept. 27, 1972 by a special hearing board in the John Hemenway case, after an intensive, three-year investigation into his accusations against the State Department. The committee found the State Department wrong and dishonest on all counts. The text of the recommendations, at the end of the exhaustive findings, is given here—nowhere else has it been printed; indeed, the press has hushed up on this whole affair in as unethical and complete a manner as Soviet Russia's Tass news agency operates, with a few exceptions found primarily in the non-news columns. The text, as provided by the Hemenway Grievance Hearing Committee, follows:

The Committee recommends, predicated upon the foregoing findings,

1. that John D. Hemenway be tendered an offer of employment in the Foreign Service of the United States;

2. that he be appointed in Class 3 at the step commensurate with the salary of his present position;

3. that he be credited with the time towards Foreign Service retirement which he has spent in U.S. government service since his selection out and the date of appointment;

4. that the Parsons/Penfield Report, dated Jan. 14–15, 1969, entitled John D. Hemenway, FSO-4. Review of Operation of Foreign Service Selection Systems in His Case, be expunged from the record of John D. Hemenway in any and every way both in the Department of State and in the U.S. Foreign Service, and that no reference thereto be made in any and all future communications of the Department of State concerning the grievant, John D. Hemenway;

5. that the commentary dated Jan. 8, 1969, entitled Comment on Mr. Hemenway's Allegations prepared by Alfred Puhan and Alexander C. Johnpoll be expunged from the record of John D. Hemenway in any and every way both in the Department of State and in the U.S. Foreign Service, and that no reference thereto be made in any and all future communications of the Department of State concerning the grievant, John D. Hemenway;

6. that these recommended expunctions be made complete throughout all records of the Department of State and the U.S. Foreign Service;

7. that any and all references to the Notes for the Secretary, dated Jan. 2, 1969, and prepared by John D. Hemenway be expunged from any and all records of the Department of State, and that this expunction shall include any and all other references thereto in the records of the Department of State;

8. that the Department of State issue a statement or letter to each, every and all persons, businesses and agencies to whom the Department has communicated in response to an inquiry with reference to Mr. Hemenway's selection out setting forth the foregoing findings of fact and recommendations and the action taken thereon;

9. that the Department of State tender to John D. Hemenway an appropriate letter of apology for the manner in which his complaints have been handled and disposed of, including delays in the furnishing of documents and other improprieties which occurred in his case as determined by the Committee;

10. that the Department of State reimburse John D. Hemenway for legal expenses incurred by him in the prosecution of his grievance;

11. that the denial of Mr. Hemenway's motion for preliminary findings accompanied by an offer of additional proof, including a reopening of the hearings, stand.—Paul A. Toussaint, chairman; Phillip H. Burris, and Maj. Gen. Richard C. Hagan, Air Force, retired.

"WOODY" FREE RETIRES

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1973

Mr. BYRON. Mr. Speaker, Woodrow Wilson "Woody" Free, of Brunswick, Md., has been in the business of entertaining people for over 43 years. One of the best known musicians in Frederick County, Woody is now retiring.

Woody began his career at the age of 16 when he and his brothers formed the Free Brothers Trio to play for house parties, dances, and churches. Following this, he joined the dance band of John Funk. He later joined the Jimmy Taylor band in Frederick. After other band stints, Woody worked on the railroad but dropped out to form his own trio. The trio recently consisted of Woody and his son, Gary, and Merle Anderson. Woody was honored on December 30 on the occasion of his retirement, and I would like to add my own personal congratulations on a job well done.

A FATHER'S LETTER TO HIS SON

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1973

Mr. WYMAN. Mr. Speaker, if there is a so-called generation gap it is due in part to a breakdown in communication across the age spans. One of the most distressing aspects of differences between today's young people and their forebears is in the different sets of values that obtain with some values, or the lack therof, that many find it hard to understand whether it be on their merits or demerits, or how they were conceived in the first place.

Recently a letter from a father to his son appeared in the Manchester, N.H., Union Leader's issue of January 23. The young man was off to college, and the father a busy and successful man. This letter is worth the serious consideration of other parents and other young people whether or not fortunate enough to be off to college.

Preserve Our Economic System

(By William F. McCurdy)

(Note.—Following is a speech delivered last year by Mr. McCurdy, who is Vice President, Public Relations, of Sears, Roebuck and Co.)

I am 54 years old and I classify this as middle aged. I have lived through a depression; I have lost four years to war; I am invested with sweat and I am absolutely sick of some of the younger generation; the hippies, the yippies, the dippies, the militants and all of their nonsense.

I am tired, as a member of my generation, of being blamed, maimed, and contrite. I contend that we, my generation, has spent too much time telling the younger generation that they are a different breed—how wonderful they are. I submit to you that youth has always been wonderful. We were wonderful when we were young but that didn't give us any license to tear up the place.

The younger generation tells us today that they're up-tight about a lot of things. I'd like to tell you about some things that I'm up-tight about. I'm disturbed that on few college campuses in the United States today the President of the United States, the Vice President, a member of the Cabinet can come to talk to the students without disruption, physical abuse or intimidation. Yet at the same time, a convicted murderer, a dope peddler or one committed to overthrow our government cannot only get a respectful hearing, but be paid a handsome honorarium to boot.

Recently I sent a son to college. And when I stuffed in his pocketbook the check for his tuition and his room and board and his books and his activity fees and on and on, I also took the time out to write a little letter in the hope that he would read it. I don't know whether it will do him any good, but here's what I said:

* * * * *

DEAR SON:

So you're off to college! Your mother and I hope that it will be a worthwhile experience for you. I'm not sure about this, I have a friend who's had a son in college two or three years and I asked him not long ago: "Has going to college been a worthwhile experience for your son?" He said, "Well, I think so, it sure has cured his mother from bragging on him." And I know another young man who has been in college a couple of years and I asked him: "What do you think of college? Has it been worthwhile for you?" "Well," he said, "I'm not sure." He said, "When I am at college I'm a liberal, when I'm home I'm a conservative and when I'm alone I'm confused." Now we don't want you, my son, to be confused. We like you the way you are right now. We think you think straight about things, but you're going to undergo a new experience and I'd like to talk to you about it a little bit.

It occurs to me that there are many things about you, your actions and about your country that I should have discussed with you already. Now it may come as a shock to you to know this, but I was young once too. And I'd like to tell you that I know more about being young than you know about being old. You are fortunate to be a citizen by birth of the greatest country on this earth. Your generation has been freed of the nagging worries of food, clothing and shelter. You're the product of an affluency, which has been created for you by your parents. Today's generation is able to afford a hypersensitivity to social problems. I would like you to know this, my son; sensitivity is not the property of the young, nor was it invented in 1950. Your generation didn't invent it, you don't own it and what you seek to attain all mankind has sought to attain throughout the ages.

Society, or as your generation sometimes refers to it, "the establishment," is not a foreign thing that we seek to impose on the young. We know that our generation has been far from perfect, but I would remind you that we didn't make it, we have only sought to make it better; and the fact that we have not been 100 per cent successful is the story of all generations, just as it will be the story of your generation.

Society hangs together by the stitching of many threads. No 18-year-old is the product just of his 18 years. He is the product of 3000 years of the development of mankind and I would remind you, my son, that throughout those years injustice has existed and it has been fought. Rules have been out-moded and they have been changed. Doom has hung over man and somehow it has been avoided. Unjust wars have occurred and pain has been the cost of progress. Need I remind you too, that man has always persevered? And so, when your generation says that we must solve all of the country's problems by next Wednesday morning at 9 o'clock or you'll huff and puff and blow our house down, I could only characterize this as stupid, unthinking, irrational immaturity. Mankind can never hope for anything better on earth than to leave this world just a little bit better than he found it.

"All right," you say to me "What has your generation done?" Let's come to grips with this one right now. When you get to college you're going to hear a lot of anti-establishment talk. Now first let's examine just who is the establishment. To begin with it's your mother and your father and your aunts and your uncles and your adult friends that you always seem to think so much of. We're the establishment. We're not perfect but we're rather proud of what we've done. And when you think of the establishment, I'd like you to think of us in this way: We are the people who have increased, in our generation, the life expectancy in this country by more than 50 per cent. We are the people who have eradicated plagues. We are the people who developed the Salk vaccine. It came along too late for us, but without it many of you and your generation would either be dead or crippled today.

We are the people who have reduced the working day by one-third and at the same time more than doubled per capita output. We're the people who have built thousands and thousands of high schools and colleges and have spent billions of dollars on higher education thereby making it available to the millions, when at one time it was the province of the very few. We're the people who without any bloodshed, back in the 1930s effected a social revolution so humane in its consequences that it tends to make the famous French Revolution look like a mere outburst of savagery and the famous Russian Revolution a downright political retrogression.

We're the people who defeated Hitler, contained Stalin and made Khrushchev back down. There is today a flag and a plaque on the moon attesting to the fact that my generation put the first man there. We're the people who split the atom, for good or evil, thereby releasing the primal energy of the cosmos for all mankind. And in my judgment during all of this time we have created a great literature, exciting architecture and have conducted extensive experimentation in all of the arts. And I'm going to restrain my enthusiasm, perhaps, for pointing out to you that we also developed the automatic transmission and maybe that's why so many of your generation are so shiftless.

Your generation has been most articulate in saying what's wrong with my generation. Our generation, on the other hand, has had no voice, no announcers, no press. That which is right, with us has been buried in silence and we tend to lose by default. So my son, in this letter I'm invoking the First Amendment in behalf of my generation. My generation were creatures of the depression.

Not long ago I was invited to a major university in our country to speak to the business college—1800 kids there. They called it a "symposium,"—they should have called it a Spanish Inquisition. This is the way it worked: Every morning at 8:30 I would make a statement for 30 minutes on behalf of the establishment, on the free enterprise system. For the rest of the day, including luncheon, I was attacked by the younger generation.

I'll never forget the first morning, I got through at 9 o'clock and I got the first questioner immediately. The young man stood up with a Custer hair-cut, a Fu-Manchu mustache, naked from the waist up, bare-footed. . . . they dress casually there. You've heard of the "Rambling Wreck from Georgia Tech," this kid looked like the "Total Loss from Holy Cross." And he pointed his finger at me and he said, "I charge you and your generation with being materialistic. I say that every thought and every deed of your generation is prompted by the profit motive, would you care to comment on that?" I said, "I don't think everything we do is dedicated to profit," I said "Of all the profitable investments I've ever known in my life, raising kids is right at the bottom of the list. And if all of your parents ever thought about was profit, they would have drowned you before you ever got your eyes open."

But I think there is something to what you say, I think we're materialistic, yes, I'll admit to it. We're all creatures of our own environment and we came along during the depression days. Things weren't very good back in the depression days, you don't know anything about that, but they weren't very good. Things were so bad that hitch-hikers were asking for rides going in either direction, they didn't care; that's how bad it was.

But how, how can we explain those times to you, my son, you don't know anything about them. You're leaving for college in a car that cost your mother and me three times more than I made the first year I ever worked for Sears, Roebuck and Co. And it wasn't because your car is that big, it's because my salary was that little. That wasn't Sears fault, that was the ball game, that was the ball park, and that was the way we played it in those days. Sure I had a car, in my junior year when I went to school it was a stripped-down Model-T, I needed in order to pick up laundry and cleaning and pressing. I was trying to work my way through school.

In those days I never invited a girl for a date unless she was strong enough to carry 50 pounds of dirty laundry. And this may sound strange to you, but I think we were fortunate in those days because all of our luxuries and most of our necessities came to us a little bit at a time, we savored them and we enjoyed them and we appreciated them and we were thus motivated to work harder to get more. In those days a job was a thing of beauty and a joy forever. But your generation has had too much, too soon.

Let me talk to you just a second about what I think your mother and me owe you. I think we owe you food and clothing and shelter and an education, and all the love and respect you're able to earn for yourself. Now let me talk to you about something I think we don't owe you: our souls, our privacy, our whole lives, our immunity not only from our mistakes or from your own. These are what we don't owe you.

Bob Hope, one of the country's great entertainers and a great citizen, was asked last spring if he would speak to a graduating class in the United States and give them a few words of advice on going out into the world. His message was very brief, he said, "Don't go!"

Well I'm not sure this is exactly right, I think when you graduate from college you'll enjoy testing your wings, I think you'll enjoy a pride of authorship, I think you'll enjoy making a contribution to society, and I want you to know right now, my son, there are many things you and your generation can do. I readily admit every thing my generation has done is not right. In solving an economic problem of the '30s, I know very well we created social problems for the '60s and the '70s and you are concerned about them and you should be. And we're proud of you.

But I think you ought to know it takes time to get these things done. The technology we've delivered to you and your generation today has caused some problems and every action, as you've learned in physics brings about a reaction. And today we've got more automobiles than any country on earth, and some people say we've got more polluted air. We've got more TV sets today than any country on earth and some people say we've got more polluted minds. We've got more food today than any country on earth and more people are dying of obesity.

My research also pointed out we've got more bathtubs than any other country on earth, too, for whatever that's worth. But we hope you could keep the benefits and minimize the risks; we hope your generation can keep the cars and solve the pollution problem; we hope you can keep the TV and solve the programming problem; we hope you can keep food and solve the weight problem. I don't know what you'll do about those bathtubs, but if we ever have prohibition again I'm sure you'll find a functional use for those.

Above all else we hope you will not destroy the private enterprise system in America. We hope rather that you will understand it, appreciate it, learn to cherish it, because if you don't, my son, I predict that 20 years from now you're going to have a son driving off to school during another generation gap and you're going to be defending your generation against his generation and he's going to be saying that your generation turned out to be a bunch of sociological weirdos who were the residual legatees of an economic Garden of Eden and had neither the good sense nor strength to preserve it.

Sincerely,

YOUR DAD.

August 21, 1972.

LYNDON BAINES JOHNSON

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1973

Mr. DULSKI. Mr. Speaker, the sudden passing of former President Lyndon Baines Johnson takes from the American scene our only living former President.

He will be greatly missed.

Within less than 1 month, our last two former Presidents have been called by their Maker. Indeed, when President Johnson died, the flags still were flying at half-mast around our country in mourning for former President Harry S Truman.

President Johnson played an outstanding role as a legislator and leader in the Congress before he moved into the Vice Presidency and then the Presidency.

His record in the executive branch may take precedence in history, but those who know and were a part of that era recall with great respect and admiration his legislative ability. There can be no doubt that his legislative experience and leadership served him well in the White House.

His dedication to his country and his sense of responsibilty toward its citizens are unquestioned. As with anyone in public life, he had his detractors as well as his supporters.

But no one can dispute his compassion for the impoverished, his concern for the realization of the highest goals and opportunities for Americans, and his commitment for using the highest office in our land for the betterment of the quality of life for all men.

I had the opportunity on numerous occasions to meet with President Johnson at the White House and my recollections are of a man who would listen intently to the visitor, a man who was friendly and relaxed, a man who was indeed a leader.

The particular occasion I recall was when I was invited to the White House for the signing of a bill which I had sponsored of interest to philatelists. Postmaster General Marvin Watson was present with me and we found the President very relaxed. A photographer took an excellent series of pictures which now form a montage on my office wall along with the pen he used to sign the bill.

After the bill signing, the President settled back in his chair for a leisurely chat. In the course of the conversation, he asked me if there was anything he could help me with.

I had not expected the question, but I answered quickly that, yes, there was one. I said that we in Buffalo need another $1.5 million in Federal funds to get work started on our new Federal office building.

The President's response was immediate—and favorable. It was the last clearance we needed for the long-pending project which since has been completed in downtown Buffalo.

The job of President is a lonely one and, as President Truman always said, it is where the buck stops. President Johnson was a distinguished and dedicated public servant who served his country well.

The Nation's history is enriched by the long public service of Lyndon Baines Johnson and its future is enhanced—perhaps more than any of us can comprehend fully at this time—by his initiative, tenacity, and foresight.

I join my colleagues in extending deepest sympathy to his family at this difficult time. I also join in expressing sincere gratitude to them for having shared his talents and his life with us.

President Johnson could well be described as "one who loved his fellowman."

Lyndon Baines Johnson will be greatly missed.

HUMAN RIGHTS IN AMERICA

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1973

Mr. REUSS. Mr. Speaker, Mr. Bruno V. Bitker, a distinguished Wisconsin lawyer, has appraised the status of human rights in this country in a De Paul Law Review article titled, "Application of the United Nation's Universal Declaration of Human Rights Within the United States."

Mr. Bitker presents a broad survey of how the principles of the Declaration of Human Rights are woven into the American legal fabric. His work will be of great assistance in furthering international understanding of American adherence to this declaration and will serve as a beginning for further research.

The articles of the declaration, and brief summaries of Mr. Bitker's excellent analyses, follow:

APPLICATION OF THE UNITED NATIONS UNIVERSAL DECLARATION OF HUMAN RIGHTS WITHIN THE UNITED STATES

(By Bruno V. Bitker)

ARTICLE 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

The same basic principle is spelled out in the United States Declaration of Independence as follows: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness."

ARTICLE 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

The ideals expressed in this article are the basic ideals of the United States. But the full attainment of these ideals has not been completely achieved.

ARTICLE 3

Everyone has the right to life, liberty and security of person.

The American Declaration of Independence contains the phrase "life, liberty, and the pursuit of happiness." Within the United States Constitution and the acts of Congress there are a wide variety of expressions supporting individual rights and personal security.

ARTICLE 4

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Adoption in 1865 of the thirteenth amendment to the United States Constitution provided: "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States."

ARTICLE 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

The eighth amendment provides that no "cruel and unusual punishments" shall be inflicted.

ARTICLE 6

Everyone has the right to recognition everywhere as a person before the law.

The fifth amendment to the Constitution provided that no person shall "be deprived of life, liberty, or property, without due process of law." The fourteenth amendment extended this provision beyond the federal government to the several states: "nor shall any State deprive any person of life, liberty, or property, without due process of law." The reference to "any person" emphasizes the right to recognition of everyone before the law in the United States.

ARTICLE 7

All are equal before the law and are entitld without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

The series of Civil Rights Acts adopted by the Congress, beginning with the enactment of the Civil Rights Act of 1957 which established the Commission on Civil Rights, are noteworthy in connection with this article.

ARTICLE 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

There is an extensive system of federal, state, and local courts plus a wide variety of administrative tribunals at state and national levels. The courts are open to all on an equal basis.

ARTICLE 9

No one shall be subjected to arbitrary arrest, detention or exile.

The fourth amendment guarantees the "right of the people to be secure in their persons" and prohibits "unreasonable searches and seizures."

ARTICLE 10

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

The Bill of Rights of the United States Constitution spells out these protections in broad terms: the fifth amendment on self-incrimination; the sixth amendment on a speedy and public trial by an impartial jury and the right to counsel; the seventh amendment on jury trials for common law suits over twenty dollars; and the eighth amendment on excessive bail or fines or the infliction of cruel and unusual punishments.

ARTICLE 11

Everyone charged with a penal offense has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defense.

No one shall be held guilty of any penal offense on account of any act or omission which did not constitute a penal offense, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offense was committed.

The presumption of innocence may be deemed a principle of justice "so rooted in the traditions and conscience of our people as to be ranked as fundamental." Among the guarantees "necessary for his defense" is the right to counsel. The right to counsel is specifically provided for in the sixth amendment. The prohibition against conviction of any penal offense which was not such an offense when committed is embedded in the Constitution itself and applies to both federal and state governments. Under Supreme Court decisions, an *ex post facto* law is one which not only makes something criminal which was not so when the act occurred, but also one which increases the punishment.

ARTICLE 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

The first amendment's bar of Congress from abridging the freedom of speech, assembly and religion; the fourth amendment right of the people "to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures;" and the fifth amendment protection against compelling a person to be a witness against himself, indicate the sharp limits placed on the government to protect the individual's liberties against the state. But the scientific advances of the twentieth century have made possible intrusions into private lives that were hardly conceivable when the Bill of Rights was adopted. The telephone tap, the hidden or invading camera, the sophisticated eavesdropping devices and other technological advances in surveillance have forced a re-evaluation of the extent to which privacy is protected. At this writing, neither the courts nor the Congress have determined how far they can go in protecting the traditional right of privacy as against the need to protect the nation against organized crime and subversive activities.

ARTICLE 13

Everyone has the right to freedom of movement and residence within the borders of each state.

Everyone has the right to leave the country, including his own, and return to his country.

The freedom of movement of American citizens within the United States is traditional and supported by Supreme Court decisions.

ARTICLE 14

Everyone has the right to seek and to enjoy in other countries asylum from persecution.

This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

The Immigration and Nationality Act as amended in 1965 codified previous immigration laws, eliminated previous racial restrictions and the national origin quota system, substituted a non-discretionary method for selecting immigrants and expanded opportunities for discretionary relief to alleviate hardships. No legislation specifically prohibits the departure from or return to the United States by an American citizen. However, passport laws exist.

ARTICLE 15

Everyone has a right to a nationality.

No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

The fourteenth amendment provides that, "all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside." There appears no basis upon which a citizen can be deprived of his citizenship except by his voluntary act.

ARTICLE 16

Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage, and at its dissolution.

Marriage shall be entered into only with the free and full consent of the intending spouses.

The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

The right to select one's spouse free of legal limitations is American tradition spelled out in decisions of the Supreme Court.

ARTICLE 17

Everyone has the right to own property alone as well as in association with others.

No one shall be arbitrarily deprived of his property.

The fifth amendment provides that no person shall "be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation."

ARTICLE 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or believe in teaching, practice, worship and observance.

The right of freedom of thought, conscience and religion is deeply imbedded in American tradition. As to religion, the first amendment provides that: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

ARTICLE 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

The applicability of the first amendment is apparent.

ARTICLE 20

Everyone has the right to freedom of peaceful assembly and association.

No one may be compelled to belong to an association.

This freedom, "the right of the people to assemble peaceably," is set out in the first amendment.

ARTICLE 21

Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

Everyone has the right of equal access to public service in his country.

The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

The applicable phrase in the Declaration of Independence is that governments derive "their just powers from the consent of the governed." Article I of the Constitution provides for a national legislature elected by popular vote. Under article II the President and Vice President are chosen by electors from each State, who in turn are selected in a manner prescribed by the legislature of each State.

ARTICLE 22

Everyone as a member of society, has the right to social security and is entitled to realization, through national effort and international cooperation and in accordance with the organization and resources of each State, of the economic, social, and cultural rights indispensable for his dignity and the free development of his personality.

The Constitution of the United States in its opening clause states: "We the People of the United States in order to promote the General Welfare . . . ," and in article II section 8 Congress is specifically empowered to provide for the "General Welfare."

ARTICLE 23

Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment.

Everyone without any discrimination, has the right to equal pay for equal work.

Everyone who works has the right to just and favorable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

Everyone has the right to form and to join trade unions for the protection of his interests.

The Full Employment Act of 1946 declares that government policy should foster and promote employment opportunities. The right to just and favorable remuneration and decent working conditions is protected by various laws relating to minimum wage rates, safety, health and hours of work. Under the National Labor Relations Act of 1935, employees were guaranteed organizational and bargaining rights.

ARTICLE 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Now through custom and collective bargaining, the normal work week is generally limited to forty hours with paid holidays and vacations.

ARTICLE 25

Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

Motherhood and childhood are entitled to special care and assistance.

The Social Security Act of 1935 and subsequent legislation recognized the right of every American "to a standard of living adequate for the health and well-being of himself and of his family." Despite the several measures, there are a substantial number of individuals who have annual incomes below the poverty line. Health as a human right is recognized and receives specific recognition in the Medicare and Medicaid programs. In the Housing Act of 1949, Congress established as a national objective "a decent home and a suitable living environment for every American family." The goal of twenty-six million new and rehabilitated units in the current decade may not be reached, but every effort is being made.

ARTICLE 26

Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be generally available and higher education shall be equally accessible to all on the basis of merit.

Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

Parents have a prior right to choose the kind of education that shall be given to their children.

Although the United States Constitution does not mention education, it does provide for the "General Welfare." Illiteracy in the United States is estimated at two percent. Often because of racial discrimination, many young Americans do not have access to quality education. In 1954, in the historic decision of *Brown v. Board of Education,* all public schools were required to desegregate. Efforts to expand and improve education have been accompanied by recognition of the prior right of parents to determine the course of their children's education.

ARTICLE 27

Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

The constantly increasing government support for arts was evidenced by the passage of the National Foundation on the Arts and Humanities Act of 1965. The advancement of science and technology in the United States has been supported on the national and local levels. The right of protection to the author of any new scientific, literary or artistic production has its roots in the Constitution.

ARTICLE 28

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

It is evident that the United States has not achieved its own hope for a perfect social order, but Americans are now doing more than ever before to do so. To provide "international order," the United States has played a major role in the United Nations and made important contributions to international law in negotiating vital multinational agreements.

ARTICLE 29

Everyone has duties to the community in which alone the free and full development of his personality is possible.

In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

In the United States, the citizen has a legal duty to obey the law, pay taxes, serve in the armed forces, serve on juries and testify in court. It is difficult to conceive that the rights recognized in the United States Constitution and its amendments would be exercised contrary to the spirit of the United Nations Charter.

ARTICLE 30

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

No government, group, or individual can interpret the Declaration as creating the justification to destroy the rights of other governments, groups, or individuals.

TRAFFIC FATALITIES

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1973

Mr. RHODES. Mr. Speaker, each year the figures that record the death and destruction on our highways increase. These horrible totals have become a national disgrace.

The Tempe Daily News, published in Tempe, Ariz., recently ran two stories that deal with this subject. The first, indicates that the National Safety Council projects 1972 as the deadliest year on the highways in our history. The second reports on 1972's 50 percent decrease in fatal accidents in Tempe, Ariz.

Since it is projected that the Nation's car deaths will continue to go up, I call upon my colleagues to read these articles and to take special note of Tempe's efforts to reduce traffic deaths. Perhaps communities in other congressional districts would be well advised to follow Tempe's lead.

The articles follow:

TRAFFIC FATALITIES MAY REACH TRAGIC NEW HIGH FOR 1972

The National Safety Council has projected 1972 as the deadliest year for traffic safety in the history of the United States.

Howard Pyle, NSC president, said: "Based on figures for the first 10 months of 1972, traffic fatalities for the entire year are expected to reach a tragic 56,700. In addition, the number of persons suffering disabling injuries in traffic is expected to reach two million and the cost to the national economy approximately $16 billion."

The worst year for traffic had been 1969 when 56,000 persons died in motor vehicle mishaps throughout the nation. The toll for 1971 was 54,700.

Pyle said: "Although preliminary data does not allow for in-depth analysis, we can point to certain contributing factors that are believed to be affecting the total increase:

"1) the continued infestation of the nation's roadways by the drinking driver who is involved in about half of the fatal motor vehicle accidents;

"2) the trend by states to lower their minimum drinking age to 18, the age when persons are learning to drive at the same time they are learning to drink, a combination that too often ends with tragic results;

"3) the increasing number of motorcycles and minibikes in the hands of many unskilled operators; and

"4) the 'bicycle boom' in which 11.5 million bikes were sold in the United States during 1972 without necessary bicycle safety instruction."

Pyle added, "The Highway Safety Acts of 1966 enables all levels of government to do much more than is being done for traffic safety. Failure to provide adequate funding continues to be the major problem. Public demand urging government leaders to find the means to implement essential programs is imperative if highway accident losses are to be reduced."

FATAL ACCIDENTS DOWN IN TEMPE FOR 1972

While the state piled up a record 791 traffic fatalities, Tempe saw a 50 percent decrease in fatalities in the city, from seven to 14, according to department records released today.

Lieutenant Dale Douglas of the police traffic bureau, said his men are writing more citations and have tried to bear down on intoxicated drivers. He said he feels this may be responsible or contributing to the reduction.

Douglas said in half of the national fatal accidents, liquor is involved, and said for this purpose, his men went on a special squad this summer to cut down on the drinking driver.

Douglas also said that the motor patrol (motorcycles) have a lasting effect on motorists. He added that when the motors first appeared on Tempe streets, there was a sharp decline in the number of traffic accidents.

While the number of accidents and injury accidents is up, Douglas said this is deceiving. He said comparing the number of accidents to last year will not give the true overall picture, as the accident rate in 1971 was low.

He said a rise in traffic and population should also be considered in the rate, and added that Tempe was "holding their own" in the overall accident picture, while the other cities and state is experiencing increases.

The fatal accidents in Tempe were not of the "usual" variety, with only one resulting from a two car collision.

The other fatals were from a pedestrian accident, two were from motorcycle accidents, and the remaining three were single car accidents.

Douglas said they were "highly unusual" in his opinion, with many of the fatals being odd in nature.

He cited the car-street sweeper accident and the fatal where a woman fell from a moving car, as two of the unusual ones.

The Department of Public Safety said of the 791 fatalities, 487 were in Maricopa County, with 94 of them being inside Phoenix.

In 1971, the division said 274 persons died in Maricopa County from traffic accidents, with 89 in Phoenix.

UKRAINIAN INDEPENDENCE DAY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1973

Mr. DINGELL. Mr. Speaker, I pay tribute to the Ukrainian Independence Day of January 22 and salute the continued search for freedom and independence by the Ukrainian peoples who are under the yoke of the dictates of the Soviet Union, which has denied 47 million non-Russians their God-given right of self-determination.

As Americans, and people throughout the world feel a great sense of relief and thanks today with the announcement of a scheduled ceasefire in Vietnam, there must not be a lessening of the drive to secure peace and justice in all parts of the world. That drive must not be marked with armed aggression nor forceful takeover of any nation by another.

I hope for freedom for the Ukrainian people and a revival in independent thought and expression for Ukrainians suffering under captive confinement.

FORMER SENATOR JOSEPH CLARK URGES CUTS IN DEFENSE SPENDING

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1973

Mr. DRINAN. Mr. Speaker, one of the most perceptive and wise men ever elected to Congress, former Senator Joseph Clark of Pennsylvania, has been a preeminent advocate of new domestic and international priorities. I have been an admirer of Senator Clark for years, as have so many others on Capitol Hill and throughout the world.

I insert in the RECORD at this point a letter by Senator Clark published in the New York Times on November 23, 1972. The letter, urging cuts in defense spending, speaks for itself. I fully agree with it:

FOR CUTS IN DEFENSE SPENDING

To the Editor:

In an exclusive pre-election interview published in The Washington Star-News on Nov. 8, President Nixon reiterated his conviction that cuts that can be made in the defense budget "certainly are minimal, except where we get mutual agreements with other countries." However, he also stated he will continue to work for strategic arms control with the Russians and mutual reductions of forces in Europe.

As a result of the President's landslide victory on Nov. 7, he obviously has complete control of military spending for the foreseeable future. Those, including myself, who believe the military budget can readily be cut unilaterally by many billions of dollars without jeopardy to our national security are thus left with only the hope of a comprehensive arms-control and disarmament agreement to provide the funds for meeting critical and underfunded domestic priorities. It is accordingly pertinent to look at three current possibilities for achieving such substantial cuts.

(1) In the General Assembly of the United Nations a move is afoot to convene a World Disarmament Conference. Such a conference was referred to favorably, at an appropriate time, in the Joint Communiqué issued from Moscow at the time the SALT I agreements were initiated last May. However, the U.S. delegation to the U.N. has stated its adamant opposition to such a conference. Only the People's Republic of China has joined us in this opposition, and it seems at least possible that China will change its mind in the light of its ambition to represent the underdeveloped world which strongly favors disarmament.

(2) The agenda for the SALT II talks has not been made public, but there is every reason to believe that the U.S. will take a most conservative position in this regard when the negotiations resume the end of this month.

If the Administration is really serious about arms control, the following would represent a minimum agenda:

A comprehensive test ban which can be monitored by national means without on-site inspection.

An agreement to destroy all nuclear weapons and build no more or, in the alternative, to restrict such weapons to 800 on each side, a number adequate for mutual destruction of Russian and American civilization.

A drastic cut in military manpower and conventional hardware.

The naming of civilians only to the U.S. delegation at SALT II. The Pentagon dominated the SALT I negotiations. A broad disarmament agreement would enable us to tear down the Pentagon and force the generals and admirals to seek other employment. Of course, they can be useful for the time being as advisers to the delegation.

The bringing up to date of the two treaties of General and Complete Disarmament filed by the U.S.S.R. and the U.S.A. during the Kennedy Administration and a start toward negotiations for an agreement on such treaties.

(3) The Administration should be held to its pledge to support mutual reduction of forces in Europe, not only at the discussions between the NATO-Warsaw Pact nations but also at Geneva. Similar negotiations should be promptly instituted to cut back our naval and air power in Southeast Asia, Korea and the Far East.

I hope that the new Congress will press these objectives on the President.

JOSEPH S. CLARK.

A SALUTE TO JAMES V. SMITH

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. HAMMERSCHMIDT. Mr. Speaker, I join with many other colleagues in extending a special salute to James V. Smith as he leaves his post as Administrator of the Department of Agriculture's Farmers Home Administration. Jim and I were first elected to Congress together in 1966. Since we were elected to represent districts in the neighboring States of Oklahoma and Arkansas, we became close friends through the many mutual interests from our part of the country.

I can speak from personal observation on the respect and friendship which Jim gained during his service in the 90th Congress. He represented the Sixth District of Oklahoma in a highly commendable manner, rendering excellent service to his constituents and proving his abilities in many ways on the Armed Services Committee. Jim always made every effort to act in the best interests of his district, his State, and the Nation. In each area of his congressional work, Jim proved himself to be a Christian gentlemen with high ideals, firm convictions, and absolute integrity.

Some of the philosophy Jim expressed in speeches and writing as Administrator of the Farmers Home Administration seems to me worth having in the RECORD. Here are a few short quotations:

I am completely convinced that all America—and particularly rural America—has an exciting future, that there is great potential for furnishing economic opportunities and a fine quality of life for all.

As I travel this broad and beautiful land, I have seen people and communities who are futures for the sons and daughters of today's rural dwellers. There is a spirit abroad in our countryside that makes me proud to be associated with its people—and to be able to extend help to them through Farmers Home Administration when private credit cannot respond.

Our objective is a better life, with expanding opportunity for all people—both rural and urban. As we tool up to achieve this objective, we must appraise our capability for meeting our national needs. The many demands upon us and upon our resources require that we distinguish between desires and needs.

Here are more of Jim Smith's ideas taken from his speeches:

Government agencies can help people achieve goals to which they aspire but cannot attain alone. We can broaden the range of choice and we can offer maximum benefits to those involved, with minimum impact on the taxpayer through the Farmers Home Administration type of lending.

Under this Administration we have developed methods of marketing our insured note paper so that it is attractive to big private investors. By so doing we have actually reversed a long-time and disastrous trend of money and credit flowing away from rural areas to cities. It is now returning in increasing volume.

Nearly all Farmers Home Administration loan funds are now provided by private investors—thus eliminating direct appropriations by Congress. Since we make loans and the loans are secured by assets, these figures do not appear as a part of our Federal debt. Our goal is to provide help and to work with borrowers to assure repayment.

Without this ability to interest private investors and market billions of dollars of insured loan paper every year, rural credit programs would be described in terms of nickels and dimes instead of $1.6 billion in loan funds for rural housing, another $1.1 billion in farmer credit and $350 million for rural community water and sewer projects. That's the kind of credit Farmers Home Administration made available to rural America in the 1972 fiscal year.

But tax dollars alone are not the single, magical answer to the problem of building the kind of rural America we all want and *must have.*

Innovation is mandatory. It can open doors that will lead to better days. For example, in this past year, more money has been available to farmer-borrowers of Farmers Home Administration than ever before. Imaginative administration brought private lenders and private dollars into the picture so that, for the first time in history, over a billion dollars worth of supplementary credit was available to those who could not qualify for a full line of commercial credit.

Those few quotations indicate Jim Smith's dedication to his job as Administrator. He was a natural with deep feeling for the problems of all Americans—but especially rural America.

The type of inspirational leadership typified by James V. Smith is not frequently found in Government. We wish Jim well in his new endeavors and hope that one day he will return to Washington, so that we may all benefit from his abilities of leadership and from his dedication to this country.

Speaking for my district, the State of Arkansas, and my colleagues in Congress—thank you, Jim, for a capacity for hard work, sincere concern, and complete dedication which will be sorely missed.

MANY GENERATIONS OF PEACE

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1973

Mr. FREY. Mr. Speaker, today is a day of thanksgiving for all Americans. The hostilities in Southeast Asia are finally ending. Thank God.

We are grateful that our prayers have been answered and that our prisoners of war will be coming home and our men missing in action will be accounted for.

We are grateful that we will now be able to concentrate our energies on solving the problems that beset us at home, on erasing poverty and ignorance and disease.

And we are grateful that President Nixon, throughout the long arduous negotiations, has had the courage and the wisdom not to settle for the easy way out, but instead to insist upon a peace with justice and a peace with honor. I hope and pray that we may continue in this path and that we are finally entering "many generations of peace" in the world.

AFSA, JOHN STEWART SERVICE, AND INTEGRITY AND COURAGE

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1973

Mr. ASHBROOK. Mr. Speaker, I have just learned that the American Foreign Service Association, the largest professional organization representing career officers at the State Department, and the Face-to-Face program to the Carnegie Endowment for International Peace have jointly scheduled a luncheon on January 30 in the diplomatic dining area of the State Department to honor John Stewart Service and other "Old China Hands" who supported Mao Tse-tung and the Communists over the Nationalist Chinese with whom we were formally allied in fighting the Japanese in World War II.

The purpose of this luncheon, I am told, is to honor those Foreign Service officers in China during the early 1940's who demonstrated their professionalism and integrity by reporting events as they saw them. The person selected by AFSA for special honors, as "symbolizing" the "integrity" of these officers is John Stewart Service. At the January 8 public board meeting of AFSA, its Chairman William Harrop stated that "Service embodies the whole group."

The nominal organizer of this luncheon is David Biltchik. A Foreign Service officer and an AFSA member, Biltchik was granted official leave of absence from his duties by the State Department to run the affairs of Face-to-Face, a recently created program sponsored jointly by the American Foreign Service Association and the Carnegie Endowment for International Peace. Biltchik's salary, equal to what he was earning at the State Department, is paid from a grant given by the Carnegie Endowment. The current director of the Carnegie Endowment is Thomas Hughes, formerly Director of the State Department's Bureau of Intelligence and Research. Biltchik worked directly under Hughes in that Bureau.

Biltchik has been telling friends that it was his decision to invite Service, claiming that Service "accepted my invitation to be the symbolic representative of the group forced out of Government in the early 1950's."

It is, of course, true that Service was "forced out" of the Government. But not because of "integrity" or because of "reporting," good or bad.

An article in the January 27, 1973 issue of Human Events recalls the real reasons. These include the following:

> On June 7, 1945 Service and four others were arrested by the FBI in the famous *Amerasia* case, which involved the theft of hundreds of secret and other classified documents found in the office of the Communist-controlled magazine, *Amerasia*. Anthony Kubek, in his scholarly *How the Far East Was Lost*, wrote that "Service admitted giving secret government documents to Philip Jaffe, the editor of the magazine. Jaffe was named by a government witness as a Soviet agent.

As a member of the House Internal Security Committee, I am, of course directly concerned about the State Department's attitude regarding John Stewart Service's role in the Amerasia case. But there are other aspects of this luncheon and of the roles of AFSA, the Carnegie Endowment, and State Department management which are of equal concern to me as a member of the House Education and Labor Committee.

There have been even more serious allegations recently in the press and before the Department of Labor and the Employee-Management Relations Commission created under Executive Order No. 11636 that AFSA is a management dominated organization. These allegations claim that AFSA is serving as a front for the State Department to influence Congress, to manipulate public opinion, and to discredit the views of Foreign Service personnel who disagree with it or with State Department management.

It is not my purpose to pass judgment on these allegations. However, I believe that the time has come for an independent examination by the Department of Labor as to whether AFSA is genuinely a "democratic' organization independent of management as defined by Executive Order No. 11636. I trust that that Department, working jointly with the Employee-Management Relations Commission, will appoint a hearing examiner to go into the charges brought against the AFSA board by Foreign Service Officer John Harter and "selected out" Foreign Service Officer John Hemenway, both of whom are AFSA members and both of whom claim the AFSA board illegally denied them their rights.

Among the persons whom such a hearing examiner may wish to question are the present AFSA board members, as well as Marshall Green, Assistant Secretary of State for East Asian Affairs. In connection with the Service luncheon, AFSA board chairman publicly stated the following:

> The Assistant secretary of state for East Asian affairs has collaborated with us in this endeavor and the secretary of state has approved of the luncheon for Service and others to come as guests of the association.

For the information of Members, I am inserting two articles dealing with the Service luncheon which appeared in the issue of Human Events, dated January 27, 1973.

FOREIGN SERVICE GROUP RESUSCITATING OLD CHINA HAND

Just how warped to the left is the predominant thinking in the U.S. Foreign Service can be divined by the recent news that some Old China Hands will be feted at a luncheon, Tuesday, January 30, on the State Department's eighth floor. The American Foreign Service Association, the largest professional organization representing career officers at State, and the Face-to-Face program of the Carnegie Endowment for International Peace, have scheduled the gathering to honor those China experts who suggested we should support Mao Tse-tung and the Communists over Chiang Kai-shek at the very time we were allied with Chiang in fighting the Japanese in World War II.

An AFSA letter, dated January 5 of this year, says the luncheon "will honor those Foreign Service Officers in China during the early 1940s who demonstrated their professionalism and integrity by reporting events as they saw them." The facts they reported at the time, says the AFSA letter, signed by William C. Harrop, chairman, Board of Directors, "were unwelcome at home. Many of these officers suffered harsh domestic criticism and were unable to continue their careers." David Biltchik, director of Face-to-Face, stated the purpose of the luncheon was "to honor courage and loyalty in government as exemplified by the Old China Hands."

Curiously enough, however, the key speaker chosen to represent the Old China Hands is John Stewart Service. Contrary to the myth perpetrated by the AFSA and Face-to-Face, Service was not harassed for his "integrity" during the 1940s.

Service unquestionably wrote anti-Chiang, pro-Mao reports when he was in China, and as early as 1944 he recommended dumping Chiang for Mao. In a report dated Oct. 10, 1944, he tried to portray the Communists as "friendly to the United States." But it was not Service's reporting but his involvement in the theft of hundreds of secret government documents that got him into trouble.

On June 7, 1945, Service and four others were arrested by the FBI in the famous *Amerasia* case, which involved the theft of hundreds of secret and other classified documents found in the office of the Communist-controlled magazine. *Amerasia*. Anthony Kubek, in his scholarly *How the Far East Was Lost*, wrote that "Service admitted giving secret government documents to Philip Jaffe, the editor of the magazine. Jaffe was named by a government witness as a Soviet agent."

Freda Utley, the well-known journalist and a reliable expert on China, summed up the case as follows: "The FBI revealed that it had found a hundred files in the *Amerasia* offices, containing top secret and highly confidential papers stolen from the State Department, from the War and Navy Departments, the OSS and the OWI. It also found a large photocopying department, which could not possibly have been required by *Amerasia* for publishing purposes, and was almost certainly used for photostating of stolen papers for transmission to Moscow.

"The secret papers found in *Amerasia's* offices concerned such subjects as the Navy's schedule and targets for the bombing of Japan; the dispositon of the Japanese fleet; a detailed report showing the complete disposition and strength of the units of the Chinese Nationalist armies, with their exact location and the names of their commanders.

Columnist and author Ralph de Toledano, who was very familiar with the *Amerasia* affair, fills in other parts of the story:

"On 20 April, Service spent the morning in Jaffe's room at the Statler. By his own admission, he gave Jaffe—a man he had never met until the previous day—copies of some of his reports on China. . . . On at least one occasion a microphone was planted in Jaffe's hotel room.

"On 8 May the FBI recorded a discussion between Service and Jaffe about political, military and policy matters, in the course of which Service warned: 'Well, what I said about the military plans is of course, very secret.' A second recording: Jaffe asked Service if we would land on the shores of China; Service answered, 'I don't think it has been decided. I can tell you in a couple of weeks when Stilwell gets back.' "

After numerous clearances from State Department agencies, Service was at last suspended as a "loyalty risk" by order of the Civil Service Orderly Review Board Dec. 13, 1951. The Review Board concluded: "We are not required to find Service guilty of disloyalty, and we do not do so, but for an experienced and trusted representative of the State Department to so far forget his duty to his trust as his conduct with Jaffe so clearly indicates, forces us with regret to conclude that there is reasonable doubt as to his loyalty."

The board handed down its order: "The employe, John Stewart Service, should be forthwith removed from the rolls of the State Department." Service was subsequently suspended, but in 1957, thanks to a Supreme Court ruling that the secretary of state had acted summarily in removing him, he was restored to government service.

In short, the AFSA and Face-to-Face have chosen as their symbol of integrity a career foreign service officer who was caught red-handed slipping secret material to an identified Communist who edited a pro-Communist publication.

HEMENWAY ASKS SOME EMBARRASSING QUESTIONS

Pentagon official John D. Hemenway, the controversial ex-foreign service officer, has embarrassed the AFSA in its role to resuscitate Service, et al. (Hemenway is still battling the State Department's decision to involuntarily retire him in 1969. The department retired him, even though it admits he had a "consistently good performance" record in his job.)

At the January 8, AFSA Board of Directors meeting, Hemenway, who is a member of AFSA, raised some pointed questions about the decision to honor Service.

Addressing himself to the chairman of the AFSA Board, William Harrop, Hemenway asked: "If we are going to stand as an Association that 'history has proved these people right,' I presume that someone from this organization has looked into the matter to see that Service was 'right.' Has anyone done this, Mr. Chairman?" Harrop replied: "We have not assigned anyone to do that, Mr. Hemenway. . . ."

Harrop also indicated he had no knowledge that Service had handed over secret documents to a pro-Communist magazine and, anyway, didn't seem to care if he had.

Hemenway then asked if anyone had ever read major excerpts from Service's reports. In the room of about 20 board members, only two claimed to have read a substantial portion of his work. But both admitted that their areas of expertise did not involve China.

Hemenway also asked David Biltchik, the director of Face-to-Face, which is co-sponsoring the luncheon for Service with AFSA, whether some Old China Hands of a different philosophy would be invited to the affair. Biltchik said they wouldn't be, and specifically stated that such noted Sinologists as Walter Judd, Freda Utley and Edward Hunter would be barred from the Service luncheon.

VIETNAM SETTLEMENT

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1973

Mr. DERWINSKI. Mr. Speaker, we all share a great feeling of relief and satisfaction at what we hope will be a lasting settlement of the Vietnam conflict.

It is clear that the successful culmination of negotiations was due to the tremendous patience and diplomatic initiative that the United States maintained.

I believe that the United States has done more under all of our Presidents who have held the office since the close of World War II to strive for a world of peace than any other nation.

Our record is clear. We have not sought territory, we have not attempted to maintain control over vast parts of the world, but we have instead, respected the rights of people to self-determination and to be served by governments of their own choosing.

I believe that, at a time of rejoicing at the settlement in Vietnam, we should properly reemphasize the positive, altruistic nature of U.S. foreign policy. We realize that the difficult period of the Vietnam war produced a great misunderstanding as to our international role. We have steadfastly maintained since the close of World War II a clear goal of world peace. The tensions that have developed over the last 27 years have all been caused by the attempts of the Communist powers to maintain or seize control of neighboring lands.

I am confident that the details of the settlement will be properly implemented, especially as they apply to the release of our POW's and the fullest possible accounting of those missing in action.

Hopefully, with the Vietnam conflict behind us, we can direct our diplomatic efforts and initiative to solving the Middle East crisis and to further easing tensions in Europe.

President Nixon has hopefully achieved a settlement consistent with his policy of keeping the United States out of similar involvements in the future, and an era of peace and understanding and greater cooperation between nations may at last be at hand.

WISCONSIN AIDS EARTHQUAKE VICTIMS

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1973

Mr. ZABLOCKI. Mr. Speaker, our highly complex, technical, and statistically oriented society sometimes results in the unfortunate depersonalization of its members. It is therefore especially reassuring to know that people can and do respond to those in need in a genuine and human way. Such a case has been dramatically illustrated in the aftermath of the tragic earthquake which struck Managua, Nicaragua last month.

The people of Wisconsin under the auspices of the Wisconsin Partners of the Americas have provided needed emergency relief to the residents of Managua and have spearheaded a nationwide effort to aid the many helpless victims of the tragic earthquake.

I would like to take this opportunity, Mr. Speaker, to commend the many fine people of Wisconsin for their humane response to the victims of this tragic earthquake in Nicaragua. The people of Wisconsin have truly responded in the spirit of the people-to-people component of President Kennedy's Alliance for Progress, the Partners of the Americas program which was founded in 1964 to sponsor and promote all the peoples of the American continent to work together as volunteers on mutual problems and projects of human concern.

I would like at this time to include two recent newspaper articles as evidence of the genuine human concern expressed by the people of Wisconsin for the unfortunate victims of the recent earthquake in Nicaragua.

NICARAGUA AGAIN HELPED BY WISCONSIN PARTNERS

WASHINGTON.—Three days before Christmas, a man walked into a newspaper office in Managua, Nicaragua, and said the chances of an imminent earthquake were 28 percent. He was 72 percent wrong.

The Nicaraguan earthquake is the second major disaster to strike the Central American country in 16 months. For the second time in 16 months, people 3,000 miles away in the state of Wisconsin, led by the Wisconsin Partners of the Americas, are providing emergency relief and spearheading a nationwide effort to help victims of the earthquake.

Wisconsin Governor Patrick J. Lucey inaugurated relief operations by calling a news conference on Christmas Day to appeal for funds. He also made statewide radio and television appeals for assistance to Wisconsin's Partner country, one of 41 similar partnerships between states in the U.S. and countries in Latin America.

In less than two weeks, a special earthquake relief fund set up by Governor Lucey has collected more than $75,000. Contributions have ranged from 25 cents to $1,000, according to the Governor's office in Madison, and money is still coming in.

In September 1971, Governor Lucey made similar appeals after the combined effects of Hurricanes Edith and Irene caused widespread flooding along Nicaragua's east coast. Two planeloads of relief supplies from Wisconsin went to aid victims of the hurricanes. In addition, the Wisconsin Partners of the Americas provided continuing medical assistance in the Rio Coco area of eastern Nicaragua through the auspices of the University.

Shortly after receiving news of the earthquake, Dr. Henry Peters, President of Wisconsin Partners, called an emergency meeting to map out plans for aid, and telegraphed Nicaraguan Ambassador Guillermo Sevilla-Sacasa, pledging to provide whatever assistance was needed.

A three-man survey team, dispatched to Nicaragua by Governor Lucey, returned December 31, after spending four days studying damage and assessing the needs of victims.

One of the team members from the Wisconsin Partners, Dr. Ned Wallace, Director of International Health Affairs at the University of Wisconsin, left January 2 for a second trip to Nicaragua. He says emergency food distribution is proceeding smoothly, contrary to earlier reports in the press.

The most pressing need still is for food, according to Dr. Wallace "The dilemma for the Nicaraguan is further compounded because a severe drought during the past year has caused a food shortage."

Oscar Mayer & Company, a meat processing firm headquartered in Madison, Wisconsin, donated nine tons of canned luncheon meats, ready for immediate consumption and ideal for distribution in refugee camps.

Dr. Jose Canton, Chairman of the Nicaragua Partners Committee and Director of Rural Health Programs in Nicaragua, reported a critical need for syringes to guard against disease. The Wisconsin Partners collected 50,000 disposable syringes the same day. All were flown to Nicaragua January 3 aboard a Wisconsin Air National Guard C–97 transport.

Governor Lucey has ordered the Wisconsin Air National Guard to make daily flights to Nicaragua to deliver food and emergency supplies. The Wisconsin Governor also sent telegrams to the 49 other state governors, asking for their assistance "because the magnitude of relief requirements beggars our resources." Several governors have already responded.

"The response has been fantastic," says Alan A. Rubin, President of the Partners of the Americans national association in Washington, D.C.

Partners of the Americas was founded in 1964 as the people-to-people component of President Kennedy's Alliance for Progress. It works by linking states in the U.S. with regions or countries in Latin America to work together as volunteers on mutual development projects, President Nixon currently serves as Honorary Chairman of Partners of the Americas.

After the 1970 Peruvian earthquake, the Texas-Peru Partners of the Americas coordinated relief efforts in that South American country.

Tax-deductible contributions to the Wisconsin-Nicaragua relief fund are still being accepted. Checks should be made payable to "Partners of the Americas" and sent care of the Governor's Office, Madison, Wisconsin 53702.

Guillermo Sevilla-Sacasa, Nicaraguan Ambassador to the U.S., honored Governor Lucey last summer for his relief efforts after the 1971 hurricanes. The Nicaraguan ambassador also honored Dr. Wallace of the Wisconsin Partners and Robert Dunn, executive assistant to Governor Lucey, who coordinated relief operations.

[From the Wall Street Journal, Jan. 7, 1973]

Quake Aid Latest in Series of State Ties in Nicaragua

Madison, Wis.—The outpouring of aid from Wisconsin to Nicaragua since the Dec. 23 earthquake there is only the latest in a series of actions that have strengthened relationships between the sister states over the last decade.

The bond between Nicaragua and Wisconsin was established first in late 1963 when then Gov. John Reynolds called for formation of a Wisconsin-Nicaragua committee under a federal program, then known as the Alliance for Progress. That program was instituted by President John F. Kennedy to strengthen relations between the two hemispheres.

NAME CHANGED

The program later was known as the Partners of the Alliance and now is called Partners of the Americas. The US State Department invited states to join as sister states with Latin American countries and arbitrarily assigned the sister state relationships. Wisconsin was assigned Nicaragua at that time.

Altogether there are about 40 states with sister state relationships, according to University of Wisconsin Dean Le Roy E. Luberg, secretary of the Wisconsin-Nicaragua Partners of the Americans Committee.

MADE SEVERAL VISITS

One of the men actively engaged in the early stages of the program was John Ellingson, executive assistant to the secretary of the state Department of Transportation. Ellingson at that time worked for the Wisconsin Electric Co-operatives and recalled last week that the general manager of the co-operatives, William V. Thomas of Madison, took an active interest in the program.

He said Thomas made numerous visits to the country to aid rural electrification projects. The co-operatives also raised funds to allow Nicaraguans to roof a hospital, he said.

FIRE ENGINES SENT

Among other projects, Wisconsin sent boats to help firemen travel over waterways to fight fires. Two communities, Shorewood and Fort Atkinson, also contributed fire engines to Nicaragua.

Luberg estimated that 10 tons of medical supplies have been shipped to Nicaragua over the last four years, with the cooperation of the Wisconsin Hospitals Association and Ohio Medical Products.

MED SCHOOL INVOLVED

There has been a continuing relationship between Nicaragua and UW Medical School, Luberg added. The present chairman of the committee is Dr. Henry Peters of the UW School, and Dr. Ned Wallace of the school is now in Nicaragua, representing Wisconsin in determining the needs of earthquake victims.

Wallace had served as a medical missionary in the country before joining the UW and made a trip to the country last year after a hurricane struck.

Since the program began, there has been an exchange program between the medical school and students and doctors from Nicaragua.

In addition, Wisconsin nurses have gone to Nicaragua for a year, giving instruction and providing medical assistance.

High school boys and girls from Nicaragua have been brought to Fort Atkinson to attend school for a year and lived with families there. The city of Wausau has sponsored attendance at the UW Center in Wausau by Nicaraguans, Luberg added.

The UW School of Agriculture has provided potato seed and agricultural information.

HURRICANE IN 1971

Wisconsin's major contribution prior to the earthquake resulted from a destructive hurricane and flooding in the spring of 1971.

Cash, clothing and food contributions, along with donations of aluminum boats, were sent. Gov. Lucey, his executive secretary and others were awarded Nicaraguan government medals for their work.

Among others active in the program have been Robert Ewans, former head of the Wisconsin Manufacturers Association; Richard Falk, former superintendent of schools in Madison, and Wilbur Renk, Sun Prairie farmer.

Fifteen-Day Food Supply

Managua Nicaragua.—AP—A government inventory Saturday of emergency food for Managua showed stocks sufficient for two weeks or more.

The Society said the emergency medical assistance to the area was reported to be sufficient for the time being, but as other volunteers leave, Wisconsin doctors may take their place.

None of the Wisconsin volunteers has left yet * * * but also continuing need for outside help.

The official inventory listed beans sufficient for 15 days and 2,500 tons of potatoes, which also should last 15 days.

A three month supply of corn was on hand and stocks of sugar, powdered milk and concentrated mixed proteins were normal, the government said. Rice was reported in excellent supply.

SOME 150 DOCTORS VOLUNTEER

Some 150 physicians in Wisconsin have volunteered to go to Nicaragua to treat earthquake victims there, the state Medical Society of Wisconsin said Saturday.

ALEXANDER'S BILL SEEN AS CHALLENGE

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1973

Mr. ALEXANDER. Mr. Speaker, I include the article from the Arkansas Gazette in the Record, as follows:

Alexander's Bill Seen as Challenge

(By Leland DuVall)

Considerable evidence could be offered in support of the proposition that the dominant power center in government moves haphazardly among the legislative, administrative and even the judicial branches. In one season, Congress may be in the saddle; in another, the president holds the reins; and sometimes, even the court asserts its authority in a way that overshadows the other two branches.

Most persons would agree that at the moment, President Nixon is riding tall in the saddle. This is particularly true in the government's dealing with agriculture—which happens to be the primary subject under consideration here—and Mr. Nixon has made it perfectly clear to everyone that he relishes his role as the lone cowboy. There are those who complain that he has driven some of the vulnerable farm programs over the cliff while Congress, which has bred and cared for the critters over the years, demonstrated its helplessness.

United States Representative Bill Alexander (Dem., Ark.) apparently is convinced that the current exercise in presidential high-handedness has gone far enough and that the time has come for Congress to reassert the authority which, he believes, was reserved by the founding fathers for the legislative branch. Alexander believes that when Congress appropriates money for an authorized (farm) program and when the President signs the measure, the President has no legal power to decree that the funds will not be spent or—as happened in the case of REAP and certain other segments of the general farm law—that the program no longer exists.

The first maneuver in the campaign was executed this week when Alexander introduced a bill which would, among other things, amend the emergency loan program under the Consolidated Farm and Rural Development Act. In its narrow interpretation, the amendment would "provide immediate relief to farmers who suffered losses due to disastrous weather conditions" last fall. It would provide farmers with long-term financing needed to cover these losses by making possible the extension of credit, either directly from the government or from private sources with a government guarantee or repayment.

The broader interpretation of the amendment reveals that it is a direct challenge to Mr. Nixon's decree that the emergency loan program no longer would be operated. Congress authorized the program with a whole body of laws and Alexander apparently is a leader of the group that believes the loans should be available.

Based on the economic interests of his district, Alexander is the logical leader of any move to preserve the emergency loan program. Agriculture is the dominant economic factor among his constituents and farmers suffered severe losses last year from excessive rains during the harvest season.

Despite the need for emergency loans, Mr. Nixon terminated the program. The Alexander bill would make it possible for farmers to obtain credit with which to finance their next crop.

The bill, which contains seven major sections is not a giveaway. In fact, it repeals some of the abandoned features of the old law, but Alexander believes the real need is for a source of credit.

The bill provides farmers with sources of long-term financing which they need to cover their losses. Alexander said, "Farmers need to be able to get long-term credit on a realistic basis."

He emphasized that the availability of credit was considerably more important than "cheap" interest.

Here are the major provisions of the bill:

It repeals the $5,000 "forgiveness" clause and the 1 per cent interest provision established by the "Hurricane Agnes" legislation. (Part of the emergency relief provided for the victims of the hurricane made credit available at 1 per cent interest and permitted the write-off of some of the debt under extreme conditions.)

Sections of the Consolidated Farm and Rural Development Act would be clarified with an amendment which would provide for an insurance or a guarantee of the credit.

The Agriculture secretary would be "required" to make, insure or guarantee loans to eligible applicants in areas designated by him as natural disasters and in areas designated by the President as major disasters. There are provided for under the Disaster Relief Act of 1970. (Under terms of the amendment, the secretary would not have to duplicate a designation already made by the President before offering the loans since the area already would be qualified.)

Interest rates on the emergency loans, under the Consolidated Farm and Rural Development Act would be raised to "not more than 6 per cent." (Under the current arrangement, the interest rate can be as low as 1 per cent, which leaves the program open to criticism as the give-away. Alexander believes the pressing need is for ample credit rather than a drastically-subsidized interest rate.)

The "open money market" authority would be increased, from the existing $100 million limit to $500 million.

The Agriculture Department would be authorized to guarantee loans originated, held and serviced by commercial institutions such as banks or Production Credit Associations. (This is a key provision, since it "directs" the Agriculture secretary to make disaster declarations for areas that have been subjected to severe damage. The existing law has been interpreted to mean that the secretary has "an option" (in the matter.)

Finally, the bill would repeal parts of the Disaster Relief Act of 1970, which would cause the emergency loan program to revert to the permanent loan legislation. Alexander said the change would permit unlimited long-term loans to farmers victimized by disasters.

In its narrow interpretation, the proposed legislation simply was designed to make certain that farmers who suffered severe crop or property losses would be able to borrow money so that they could continue their business. The funds might come directly from the government or a private lending institution but they would not be a gift by any means.

In a broader sense, the measure is a challenge to President Nixon's assumed authority under which, in the name of fiscal conservatism, he limits or terminates programs that have been written by Congress and signed into law.

If Congress hopes to function in its traditional role as lawmaker and custodian of the nation's purse, it will have to reassert its authority and the Alexander bill might be a good place to start. As an alternative, the supply clerk might order a fresh supply of rubber stamps, although this would appear to be an unlikely course at a time when the Democrats are supposed to control Congress while a Republican resides at the White House—or at Key Biscayne or at Camp David or at San Clemente or some alternate seat of power.

PUBLIC SUPPORT NEEDED FOR NEWSMAN LEGISLATION

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1973

Mr. WALDIE. Mr. Speaker, I have introduced legislation to give unqualified protection to newsmen from compulsion by the courts or other governmental agencies to release names of sources or news materials gathered in pursuit of a news story.

Mr. Speaker, I would like to call the attention of my colleagues in the House of Representatives to a recent editorial in the Concord, Calif., Transcript, in which an eloquent appeal for public *support for* this legislation is made.

I would hope that such public support is generated and that the Congress responds with a no-qualification newsman's privilege bill.

The editorial follows:

PUBLIC SUPPORT NEEDED FOR NEWSMAN LEGISLATION

Public response—or lack of it—to the recent jailings of newsmen for refusing to reveal confidential sources of information has been puzzling. We would expect a great outcry over this obvious infringement on First Amendment guarantees, but this hasn't been the case. Except for the media itself and a few concerned lawmakers, the matter has failed to stir more than a ripple of concern.

The issue is the right of a free people to be informed about matters of vital interest to them. Simply put, if a newsman is unable to protect the identity of his sources, they will soon dry up. The ability of the media to serve as a check on governmental abuse will be severely crippled. Reporters will have to rely more on government press releases for information, and that is not good.

Perhaps we would all be more concerned about personal freedoms—freedom of the press among them—if we lived in a totalitarian dictatorship where there were none. You never know what a good thing you have until you lose it, as the old saying goes.

The gravity of the issue has been seen by Congressman Jerome Waldie and Senator Alan Cranston, who have introduced companion measures providing for total protection to newsmen from forcible disclosure of news sources.

"The need for enactment of this legislation is dramatized more each day that Los Angeles Times reporter Bill Farr is confined to his cell for refusing to buckle under to a court order to disclose his news source," Waldie said, after he had introduced his measure on the first day of the 93rd Congress.

The Transcript fully supports the Waldie and Cranston measures. We further urge everyone to write their representatives in support of this legislation.

SENATE—*Friday, January 26, 1973*

The Senate met at 12 o'clock meridian and was called to order by Hon. JOSEPH R. BIDEN, JR., a Senator from the State of Delaware.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, we lift our hearts to Thee, the giver of wisdom and strength, beseeching Thee to guide us through the deliberations of this day. Keep ever before us the vision of the better world that is yet to be. Enable us to strive for those plans and programs which bring nearer to completion the dreams of those who have gone ahead. Help us to work for that justice and peace which advances Thy kingdom on earth. Strengthen us this day and abide with us when evening comes and our work is done.

We pray in His name who went about doing good. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., January 26, 1973.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. JOSEPH R. BIDEN, JR., a Senator from the State of Delaware, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. BIDEN thereupon took the chair as Acting President pro tempore.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries.

REPORT ON CASH AWARDS MADE DURING 1972—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. BIDEN) laid before the Senate the following message from the President of the United States, which, with the accompanying papers, was referred to the Committee on Armed Services:

To the Congress of the United States:

Recognizing that our military forces must always maintain a high degree of preparedness, the Congress in 1965 authorized a cash incentive program to reward military personnel for imaginative suggestions, inventions and scientific achievements.

Today I am pleased to forward to the Congress the reports of the Secretary of Defense and the Secretary of Transportation on cash awards made during fiscal year 1972. Tangible benefits resulting from suggestions submitted by military personnel that were adopted during that year totalled more than $107 million, bringing the total first-year savings for taxpayers from this worthwhile program to $661 million.

Of the 157,195 suggestions which were submitted by military personnel during the reporting period, 24,580 were adopted. Cash awards totalling $1,822,762 were paid for these adopted suggestions. Enlisted personnel received $1,502,660 in awards, representing 82 percent of the total cash awards paid. The remaining 18 percent was received by officer personnel and amounted to $320,102.

The reports of the Secretary of Defense and the Secretary of Transportation contain more detailed statistical information on the military awards program and also include a few brief descriptions of some of the better ideas of our military personnel during fiscal year 1972. For example, two Air Force sergeants were awarded a total of $25,000 for suggesting a modification to the F–105 weapons control system. Their new idea improved the combat capability of the aircraft, enhanced the safety of aircrews in the Southeast Asia Theater of operations and saved more than $25 million of the taxpayers' money in the first year.

I commend these reports to the attention of the Congress.

RICHARD NIXON.

THE WHITE HOUSE, *January 26, 1973.*

REPORT ON ADMINISTRATION OF ALASKA RAILROAD—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. BIDEN) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Commerce:

To the Congress of the United States:

In accordance with the requirement of Section 4 of the Alaska Railroad Act (43 U.S.C. 975g), I hereby transmit the annual report by the Department of Transportation on the administration of the Alaska Railroad.

RICHARD NIXON.

THE WHITE HOUSE, *January 26, 1973.*

REPORT ON AUTOMOTIVE PRODUCTS TRADE ACT—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. BIDEN) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Finance:

To the Congress of the United States:

I hereby transmit the sixth annual report on the Automotive Products Trade Act of 1965. That act authorized United States implementation of an automotive products agreement with Canada designed to create a broader United States-Canadian market for automotive products. Included in this annual report is information on automotive trade, production, prices, employment and other information relating to activities under the act during 1971.

RICHARD NIXON.

THE WHITE HOUSE, *January 26, 1973.*

REPORT ON UNITED STATES-JAPAN COOPERATIVE MEDICAL SCIENCE PROGRAM—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. BIDEN) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

I am pleased to send to the Congress the Sixth Annual Report of the United States-Japan Cooperative Medical Science Program.

This joint research effort in the medical sciences was undertaken in 1965 following a meeting between the Prime Minister of Japan and the President of the United States.

During 1972 it continued to concentrate on research in the prevention and cure of a number of diseases which are widespread in Asia.

In addition, during the past year, the scientific scope of this program was enlarged to include studies of methods to evaluate certain types of cancer which may be related to environmental pollution. A detailed review of the program's activities in leprosy and parasitic diseases was also completed, and a decision made to continue work in these areas.

The sustained success of this biomedical research program reflects its careful management, its continuously refined scientific focus, and the strong commitment to it by both of our countries. The increasingly effective research planning and communication between investigators in our two countries has intensified our scientific productivity and strengthened our determination to work together toward better health for all mankind.

RICHARD NIXON.

THE WHITE HOUSE, *January 26, 1973.*

REORGANIZATION PLAN NO. 1 OF 1973—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. BIDEN) laid before the Senate the following message from the President of the United States, which, with the accompanying paper, was referred to the Committee on Government Operations:

To the Congress of the United States:

On January 5 I announced a three-part program to streamline the executive branch of the Federal Government. By concentrating less responsibility in the President's immediate staff and more in the hands of the departments and agencies, this program should significantly improve the services of the Government. I believe these reforms have become so urgently necessary that I intend, with the cooperation of the Congress, to pursue them with all of the resources of my office during the coming year.

The first part of this program is a renewed drive to achieve passage of my legislative proposals to overhaul the Cabinet departments. Secondly, I have appointed three Cabinet Secretaries as Counsellors to the President with coordinating responsibilities in the broad areas of human resources, natural resources, and community development, and five Assistants to the President with special responsibilities in the areas of domestic affairs, economic affairs, foreign affairs, executive management, and operations of the White House.

The third part of this program is a sharp reduction in the overall size of the Executive Office of the President and a reorientation of that office back to its original mission as a staff for top-level policy formation and monitoring of policy execution in broad functional areas. The Executive Office of the President should no longer be encumbered with the task of managing or administering programs which can be run more effectively by the departments and agencies. I have therefore concluded that a number of specialized operational and program functions should be shifted out of the Executive Office into the line departments and agencies of the Government. Reorganization Plan No. 1 of 1973, transmitted herewith, would effect such changes with respect to emergency preparedness functions and scientific and technological affairs.

STREAMLINING THE FEDERAL SCIENCE ESTABLISHMENT

When the National Science Foundation was established by an act of the Congress in 1950, its statutory responsibilities included evaluation of the Government's scientific research programs and development of basic science policy. In the late 1950's, however, with the effectiveness of the U.S. science effort under serious scrutiny as a result of Sputnik, the post of Science Adviser to the President was established. The White House became increasingly involved in the evaluation and coordination of research and development programs and in science policy matters, and that involvement was institutionalized in 1962 when a reorganization plan established the Office of Science and Technology within the Executive Office of the President, through transfer of authorities formerly vested in the National Science Foundation.

With advice and assistance from OST during the past decade, the scientific and technological capability of the Government has been markedly strengthened. This Administration is firmly committed to a sustained, broad-based national effort in science and technology, as I made plain last year in the first special message on the subject ever sent by a President to the Congress. The research and development capability of the various executive departments and agencies, civilian as well as defense, has been upgraded. The National Science Foundation has broadened from its earlier concentration on basic research support to take on a significant role in applied research as well. It has matured in its ability to play a coordinating and evaluative role within the Government and between the public and private sectors.

I have therefore concluded that it is timely and appropriate to transfer to the Director of the National Science Foundation all functions presently vested in the Office of Space and Technology, and to abolish that office. Reorganization Plan No. 1 would effect these changes.

The multi-disciplinary staff resources of the Foundation will provide analytic capabilities for performance of the transferred functions. In addition, the Director of the Foundation will be able to draw on expertise from all of the Federal agencies, as well as from outside the Government, for assistance in carrying out his new responsibilities.

It is also my intention, after the transfer of responsibilities is effected, to ask Dr. H. Guyford Stever, the current Director of the Foundation, to take on the additional post of Science Adviser. In this capacity, he would advise and assist the White House, Office of Management and Budget, Domestic Council, and other entities within the Executive Office of the President on matters where scientific and technological expertise is called for, and would act as the President's representative in selected cooperative programs in international scientific affairs, including chairing such joint bodies as the U.S.-U.S.S.R. Joint Commission on Scientific and Technical Cooperation.

In the case of national security, the Department of Defense has strong capabilities for assessing weapons needs and for undertaking new weapons development, and the President will continue to draw primarily on this source for advice regarding military technology. The President in special situations also may seek independent studies or assessments concerning military technology from within or outside the Federal establishment using the machinery of the National Security Council for this purpose, as well as the Science Adviser when appropriate.

In one special area of technology—space and aeronautics—a coordinating council has existed within the Executive Office of the President since 1958. This body, the National Aeronautics and Space Council, met a major need during the evolution of our nation's space program. Vice President Agnew has served with distinction as its chairman for the past four years. At my request, beginning in 1969, the Vice President also chaired a special Space Task Group charged with developing strategy alternatives for a balanced U.S. space program in the coming years.

As a result of this work, basic policy issues in the United States space effort have been resolved, and the necessary interagency relationships have been established. I have therefore concluded, with the Vice President's concurrence, that the Council can be discontinued. Needed policy coordination can now be achieved through the resources of the executive departments and agencies, such as the National Aeronautics and Space Administration, augmented by some of the former Council staff. Accordingly, my reorganization plan proposes the abolition of the National Aeronautics and Space Council.

A NEW APPROACH TO EMERGENCY PREPAREDNESS

The organization within the Executive Office of the President which has been known in recent years as the Office of Emergency Preparedness dates back, through its numerous predecessor agencies, more than 20 years. It has performed valuable functions in developing plans for emergency preparedness, in administering Federal disaster relief, and in overseeing and assisting the agencies in this area.

OEP's work as a coordinating and supervisory authority in this field has in fact been so effective—particularly under the leadership of General George A. Lincoln, its director for the past four years, who retired earlier this month after an exceptional military and public service career—that the line departments and agencies which in the past have shared in the performance of the various preparedness functions now possess the capability to assume full responsibility for those functions. In the interest of efficiency and economy, we can now further streamline the Executive Office of the President by formally relocating those responsibilities and closing the Office of Emergency Preparedness.

I propose to accomplish this reform in two steps. First, Reorganization Plan No. 1 would transfer to the President all functions previously vested by law in the Office or its Director, except the Director's role as a member of the National Security Council, which would be abolished; and it would abolish the Office of Emergency Preparedness.

The functions to be transferred to the President from OEP are largely incidental to emergency authorities already vested in him. They include functions under the Disaster Relief Act of 1970; the function of determining whether a major disaster has occurred within the meaning of (1) Section 7 of the Act of September 30, 1950, as amended, 20 U.S.C. 241-1, or (2) Section 762(a) of the Higher Education Act of 1965, as added by Section 161(a) of the Education Amendments of 1972, Public Law 92-318, 86 Stat. 288 at 299 (relating to the furnishing by the Commissioner of Education of disaster relief assistance for educational purposes); and functions under Section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862), with respect to the conduct of investigations to determine the effects on national security of the importation of certain articles.

The Civil Defense Advisory Council within OEP would also be abolished by this plan, as changes in domestic and international conditions since its establishment in 1950 have now obviated the need for a standing council of this type. Should advice of the kind the Council has provided be required again in the future, State and local officials and experts in the field can be consulted on an ad hoc basis.

Secondly, as soon as the plan became effective, I would delegate OEP's former functions as follows:

- —All OEP responsibilities having to do with preparedness for and relief of civil emergencies and disasters would be transferred to the Department of Housing and Urban Development. This would provide greater field capabilities for coordination of Federal disaster assistance with that provided by States and local communities, and would be in keeping with the objective of creating a broad, new Department of Community Development.
- —OEP's responsibilities for measures to ensure the continuity of civil government operations in the event of major military attack would be reassigned to the General Services Administration, as would responsibility for resource mobilization including the management of national security stockpiles, with policy guidance in both cases to be provided by the National Security Council, and with economic considerations relating to changes in stockpile levels to be coordinated by the Council on Economic Policy.
- —Investigations of imports which might threaten the national security—assigned to OEP by Section 232 of the Trade Expansion Act of 1962—would be reassigned to the Treasury Department, whose other trade studies give it a ready-made capability in this field; the National Security Council would maintain its supervisory role over strategic imports.

Those disaster relief authorities which have been reserved to the President in the past, such as the authority to declare major disasters, will continue to be exercised by him under these new arrangements. In emergency situations calling for rapid interagency coordination, the Federal response will be coordinated by the Executive Office of the President under the general supervision of the Assistant to the President in charge of executive management.

The Oil Policy Committee will continue to function as in the past, unaffected by this reorganization, except that I will designate the Deputy Secretary of the Treasury as chairman in place of the Director of OEP. The Committee will operate under the general supervision of the Assistant to the President in charge of economic affairs.

DECLARATIONS

After investigation, I have found that each action included in the accompanying reorganization plan is necessary to accomplish one or more of the purposes set forth in Section 901(a) of title 5 of the United States Code. In particular, the plan is responsive to the intention of the Congress as expressed in Section 901(a)(1), "to promote better execution of the laws, more effective management of the executive branch and of its agencies and functions, and expeditious administration of the public business;" and in Section 901(a)(3), "to increase the efficiency of the operations of the Government to the fullest extent practicable;" and in Section 901(a)(5), "to reduce the number of agencies by consolidating those having similar functions under a single head, and to abolish such agencies or functions as may not be necessary for the efficient conduct of the Government."

While it is not practicable to specify all of the expenditure reductions and other economies which will result from the actions proposed, personnel and budget savings from abolition of the National Aeronautics and Space Council and the Office of Science and Technology alone will exceed $2 million annually, and additional savings should result from a reduction of Executive Pay Schedule positions now associated with other transferred and delegated functions.

The plan has as its one logically consistent subject matter the streamlining of the Executive Office of the President and the disposition of major responsibilities currently conducted in the Executive Office of the President, which can better be performed elsewhere or abolished.

The functions which would be abolished by this plan, and the statutory authorities for each, are:

(1) the functions of the Director of the Office of Emergency Preparedness with respect to being a member of the National Security Council (Sec. 101, National Security Act of 1947, as amended, 50 U.S.C. 402; and Sec. 4, Reorganization Plan No. 1 of 1958);

(2) the functions of the Civil Defense Advisory Council (Sec. 102(a) Federal Civil Defense Act of 1950; 50 U.S.C. App. 2272(a)); and

(3) the functions of the National Aeronautics and Space Council (Sec. 201, National Aeronautics and Space Act of 1958; 42 U.S.C. 2471).

The proposed reorganization is a necessary part of the restructuring of the Executive Office of the President. It would provide through the Director of the National Science Foundation a strong focus for Federal efforts to encourage the development and application of science and technology to meet national needs. It would mean better preparedness for and swifter response to civil emergencies, and more reliable precautions against threats to the national security. The leaner and less diffuse Presidential staff structure which would result would enhance the President's ability to do his job and would advance the interests of the Congress as well.

I am confident that this reorganization plan would significantly increase the overall efficiency and effectiveness of the Federal Government. I urge the Congress to allow it to become effective.

RICHARD NIXON.

THE WHITE HOUSE, *January 26, 1973.*

REPORT OF NATIONAL COUNCIL ON THE ARTS AND THE NATIONAL ENDOWMENT FOR THE ARTS—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. BIDEN) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

It gives me great pleasure to transmit to the Congress the Annual Report of the National Council on the Arts and the National Endowment for the Arts for fiscal year 1972.

This Nation's cultural heritage is a source of enormous pride. It is also a source of communication, of ideas, of joy and beauty. And increasingly—and perhaps most important—it is a source of creative self-expression for countless millions of Americans.

As this Annual Report shows, the National Endowment for the Arts has an outstanding record of accomplishment in advancing the artistic development of the Nation. Its funds during the year under review, $29,750,000, were nearly double those of the previous year. Through its programs, the Endowment provides essential support for our famous cultural institutions—our opera, theatre, dance companies, our orchestras, our museums. The Endowment encourages our finest artists, providing new opportunities to gifted young creators and performers to expand their talent and to develop their careers. And the Endowment makes available to all of our people the very best our artists can do.

Under the guidance of the National Council on the Arts, the Endowment has effectively used its monies not only to support a wide range of cultural activities, but also to stimulate increased private support for the arts. I view this as essential, for if the arts are to flourish, the broad authority for cultural development must remain with the people of the Nation—not with government.

As our Bicentennial approaches, the cultural activities of America will take on even greater importance. Our art expresses the ideals, the history, the life of the Nation. The cultural heritages of all nations whose citizens came to this country are part of the American heritage. The richness and diversity that characterize the whole of art in the United States reflect both our history and the promise of our future.

I invite every Member of Congress to share my pleasure at the many fine achievements of the National Council on the Arts and the National Endowment for the Arts. And I urge the Congress to continue to make available to the Endowment the resources it needs to fulfill its hopeful task of bringing a more vital life to our Nation.

RICHARD NIXON.

The WHITE HOUSE, *January 26, 1973.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. BIDEN) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed the following joint resolutions, in which it requested the concurrence of the Senate:

H.J. Res. 136. Joint resolution to provide for the designation of the week of February 11 to 17, 1973, as "National Vocational Education Week"; and

H.J. Res. 246. Joint resolution providing for a moment of prayer and thanksgiving and a National Day of Prayer and Thanksgiving.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H.J. Res. 136) to provide for the designation of the week of February 11 to 17, 1973, as "National Vocational Education Week", was read twice by its title and referred to the Committee on the Judiciary.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, January 24, 1973, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DEATH OF EUGENE L. WYMAN

Mr. MANSFIELD. Mr. President, a very dear friend, Eugene L. Wyman, passed away a few days ago. There are many in this Chamber, especially on this side of the aisle, who looked to Gene Wyman and his wife Rosalind for advice, counsel, and assistance through the years.

We will miss him, and miss him greatly.

Mr. President, I ask unanimous consent that a eulogy for Eugene Wyman delivered by Bess Myerson, the New York Commissioner of Consumer Affairs, on January 22, 1973, be printed in the RECORD.

There being no objection, the eulogy was ordered to be printed in the RECORD, as follows:

EULOGY FOR EUGENE L. WYMAN

Our lives are poorer today, now that Gene is gone, but how much poorer we would be, each of us, if his life had never touched ours.

Whatever is best in us has part of Gene in it. His quiet strength renewed our own. His loyalty taught us the deeper meanings of friendship—his compassion drew us out of our own selves.

He cared—one of his friends once said, "When Gene says, 'How are you?', he really means it and he's ready to listen."

He invited other people's lives into his own. He was not reluctant to become involved. If *you* had a problem, *he* had a problem—and he brought the full force of his energy and his talent to those problems—small or large, as a friend, as a neighbor, as a citizen of this country he loved so strongly.

Whenever there was work to be done to try to make lives and conditions better, the word "No" was not in Gene's vocabulary.

For those who didn't care enough to get involved and who tried to mask their indifference by saying, "Well, what can you do, that's the way things are today." Gene had an answer, "Yes, but they don't have to be that way tomorrow." Tomorrow was always the spur of Gene's life because he was a planner of changes and a builder of futures. Gene could find the common denominators of the human condition and bring people together.

"Come on over, we'll talk," he would say—and somehow areas of confrontation would become areas of cooperation and frequently new friendships would be formed.

He always seemed able to handle any problems and rarely burdened his friends with his own.

That's why I was startled one day when he said to me on the telephone, "Something is bothering me and I would like to discuss it with you." He sounded tired and I was concerned—although I couldn't imagine what the problem might be but I was ready to help. I should have known Gene better.

"This is my problem," he said, "I'm worrying because I think you are working too hard on that job of yours and I want you to take it easy for a while—come on out and see Roz and me and the kids and have some fun."

That was his problem—as tired and overworked as he sounded at that moment. "Come on out to see Roz and me and the kids"—that's where Gene's life found its fullest expression.

He was a brilliant lawyer and a concerned and active citizen—but the solid foundations on which those careers were built were his family and his home.

That's where the love and compassion, which were evident in everything he did, had their deep roots—Roz and Betty and Brad and Bobby know better than anyone that this committed man had no greater commitment than as husband and father. No generation gap or human gaps of any kind ever came between the blessed members of this family circle.

Roz and Gene set high standards for their family—for themselves as parents and for their children. No ideas were strangers in their home—and all shared the joy, the excitement and stimulation, as a family and as individuals of the widest variety of learning experiences—learning about each other and about the world and all its people—learning to understand and respect the ideas and work of the great men and women who visited the Wyman home and the anonymous, also, who found friendship and respectful attention there.

It was Home with a capital "H"—one he was always reluctant to leave for an evening or business journey. And the healthiest kind of place in which children (and parents) can grow. One measure of Gene Wyman and Roz Wyman, is their children—minds open with a sense of curiosity and adventure about all ideas and all people with the strength and the courage to accept individual and social responsibility and with the self-reliance to get done what must be done for themselves and for others.

Gene will live in their lives—and in the lives of all of us who knew him and loved him and learned from him how to reach for a better world. There is no more meaningful legacy.

He will be painfully missed by both those who knew him well and by those whose path crossed his only briefly—he will be missed as Husband, as Father, as Son, as Companion, as Partner, as Neighbor, as Concerned Citizen—and always, as Friend.

And, when any of us in the future find ourselves in a rough spot, trying to choose the right way to go, and perhaps overwhelmed by the obstacles, I think we might hear again, inside our heads and our hearts, Gene saying what he said many times to each of us—"You can do it."

And as always, he'll convince us again, and we'll do it! That's his greatest legacy to us, also.

The poet Carl Sandburg wrote and spoke these words at the passing of a great man and friend—and we speak them today for Gene.

"A bell rings in the heart, telling it and the bell rings again and again, remembering what the first bell told, the going away, the great heart still—and they will go on remembering and they is you and you and me and me.

"Can a bell ring proud in the heart—over a voice yet lingering, over a face past any forgetting. Over a shadow alive and speaking, over echoes and lights come keener, come deeper?

"Dreamer, sleep deep, toiler, sleep long, fighter, be rested."

We will go on remembering, always.

TRIBUTE TO SECRETARY OF STATE ROGERS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that an excellent article written by Nick Thimmesch, entitled "State Holds Steady Course with Rogers at Helm" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

STATE HOLDS STEADY COURSE WITH ROGERS AT HELM

(By Nick Thimmesch)

WASHINGTON.—Greater loyalty hath no man than that William Pierce Rogers tenders Richard Milhous Nixon, both born in 1913 in small towns and of Republican auspices. They are friends forever, thus explaining why Rogers has bitten the bullet so many times in running the State Department just the way President Nixon wants.

Under the system whereby Rogers' department supplies most of the intelligence and staffing and Kissinger's operation much of the direct execution, the United States has achieved a desirable station, one protecting our interests and reducing prospects for serious conflict in the world.

The record shows greatly improved relations with the Communist world; the SALT agreements of 1972; improved accord with Western Europe; relative stability in the Middle East growing out of the Israeli-Egyptian cease-fire of 1970, initiated by Rogers; what looks like a highly finagled but still negotiated settlement of our role in the Vietnamese war, and maybe even civil dialogue between the United States and Fidel Castro's Cuba.

Rogers deserves some credit for reducing the anti-American feeling in much of the world over Vietnam, though it flared again during the recent heavy bombing. One effect of any Vietnamese cease-fire and truce is that political factions in some countries which pressured their governments to damn the hell out of the United States will be embarrassed. Another is that the reputation of the United States to stand by its allies will be reaffirmed, and that our hand is strengthened.

The calling card of the United States in the world is much different now from what it was in the mid-'60s. We remain No. 1 militarily, though our military forces have been cut by 40% and are far less evident around the world. The SALT agreement, in the eyes of virtually all nations, shows *the United* States displaying a high sense of responsibility; likewise the Soviet Union. Our military alliances continue, but our allies are less dependent on the United States. The image of "Pax Americana" and/or the ugly American has been substantially corrected. Yet we remain the dominant economic power in the world, with 60% of all foreign investment belonging to us.

Still, Washington's jackals yowl that morale at the State Department is at an all-time low (a charge dating to the '40s). Some of this feeling goes back to the late Sen. Joe McCarthy's time when State was a prime target. Some is associated with the frustration of the Vietnamese war. And some is from the crankiness of age of misanthropic old hands who have been through the cold war and then some.

State is the second smallest department in the Cabinet (12,690 employees), yet looks big in the government. It's been studied to death, the last being a huge in-house analysis. The sensitive souls who work there are given to hand wringing and doubt about the future. Our remedy was the establishment of a *collective bargaining* apparatus through the American Foreign Service Assn.; another is a grievance system ordered by Rogers.

State gets few kudos, but IBM recently described it as having the "most modern management system in the world," and Senate Democratic leader Mike Mansfield wrote President Nixon a letter after Rogers' reappointment, lauding Rogers as one of the most dedicated, proficient and underrated men in government. Indeed, Rogers has greatly improved State's relations with Congress, and even the Senate Foreign Relations Committee chairman, Bill Fulbright, will admit that.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of measures on the calendar to which there is no objection.

The ACTING PRESIDENT *pro tempore*. Without objection, it is so ordered.

INCREASE IN FLOOD AUTHORIZATION

The joint resolution (S.J. Res. 26) to amend section 1319 of the Housing and Urban Development Act of 1968 to increase the limitation on the face amount of flood insurance coverage authorized to be outstanding was considered, ordered, to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1319 of the Housing and Urban Development Act of

1968 is amended by striking out "$2,500,000,000" and inserting in lieu thereof "$4,000,000,000".

AUTHORIZATION FOR PRINTING ADDITIONAL COPIES OF "UNITED STATES GOVERMENT POLICY AND SUPPORTING POSITIONS"

The resolution (S. Res. 19) authorizing the printing for the use of the Committee on Post Office and Civil Service of additional copies of its committee print entitled "United States Government Policy and Supporting Positions" was considered and agreed to, as follows:

Resolved, That there be printed for the use of the Committee on Post Office and Civil Service one thousand seven hundred additional copies of its committee print of the current Congress entitled "United States Government Policy and Supporting Positions".

MARGARET L. HAMILTON

The resolution (S. Res. 32) to pay a gratuity to Margaret L. Hamilton was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Margaret L. Hamilton, widow of Douglas A. Hamilton, an employee of the Architect of the Capitol assigned to duty in the Senate Office Buildings at the time of his death, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

ETHEL E. CLEMMER

The resolution (S. Res. 31) to pay a gratuity to Ethel E. Clemmer was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Ethel E. Clemmer, widow of Kneale W. Clemmer, Senior, an employee of the Architect of the Capitol assigned to duty in the Senate Office Buildings at the time of his death, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

NORINNE B. BRATT

The resolution (S. Res. 30) to pay a gratuity to Norinne B. Bratt was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Norinne B. Bratt, widow of James L. Bratt, Junior, an employee of the Architect of the Capitol assigned to duty in the Senate Office Buildings at the time of his death, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

RICHARD E. BURGESS

The resolution (S. Res. 29) to pay a gratuity to Richard E. Burgess was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Richard E. Burgess, widower of Jeannette A. Burgess, an employee of the Senate at the time of her death, a sum equal to one year's compensation at the rate she was receiving by law at the time of her death, said sum to be considered inclusive of funeral expenses and all other allowances.

ROGER G. ANDERSON

The resolution (S. Res. 27) to pay a gratuity to Roger G. Anderson was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Roger G. Anderson, widower of Marilyn E. Anderson, an employee of the Senate at the time of her death, a sum equal to three months' compensation at the rate she was receiving by law at the time of her death, said sum to be considered inclusive of funeral expenses and all other allowances.

LeROY SPEARS, SR.

The resolution (S. Res. 28) to pay a gratuity to LeRoy Spears, Sr., was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to LeRoy Spears, Senior, father of Joy M. Spears, an employee of the Senate at the time of her death, a sum equal to one year's compensation at the rate she was receiving by law at the time of her death, said sum to be considered inclusive of funeral expenses and all other allowances.

SENATE MEMBERS OF THE JOINT COMMITTEE ON PRINTING AND THE JOINT COMMITTEE OF CONGRESS ON THE LIBRARY

The resolution (S. Res. 26) providing for members on the part of the Senate of the Joint Committee on Printing and the Joint Committee of Congress on the Library was considered and agreed to, as follows:

Resolved, That the following-named Members be, and they are hereby, elected members of the following joint committees of Congress:

Joint Committee on Printing: Mr. Cannon of Nevada, Mr. Allen of Alabama, and Mr. Scott of Pennsylvania.

Joint Committee of Congress on the Library: Mr. Cannon of Nevada, Mr. Pell of Rhode Island, Mr. Williams of New Jersey, Mr. Cook of Kentucky, and Mr. Hatfield of Oregon.

REVISION AND PRINTING OF THE SENATE MANUAL FOR USE DURING THE 93D CONGRESS

The resolution (S. Res. 25) authorizing the revision and printing of the Senate Manual for use during the 93d Congress was considered and agreed to, as follows:

Resolved, That the Committee on Rules and Administration be, and it is hereby, directed to prepare a revised edition of the Senate Rules and Manual for the use of the Ninety-third Congress, that said Rules and Manual shall be printed as a Senate document, and that two thousand additional copies shall be printed and bound, of which one thousand copies shall be for the use of the Senate, five hundred and fifty copies shall be for the use of the Committee on Rules and Administration, and the remaining four hundred and fifty copies shall be bound in full morocco and tagged as to contents and delivered as may be directed by the Committee.

SOLID WASTE DISPOSAL ACT AND THE CLEAN AIR ACT EXTENSIONS

The bill (S. 498) to amend the Solid Waste Disposal Act, as amended, and the Clean Air Act, as amended, for 1 year, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) Paragraph (2) of subsection (a) of section 216 of the Solid Waste Disposal Act, as amended (84 Stat. 1234), is amended to read as follows:

"(2) There are authorized to be appropriated to the Administrator of the Environmental Protection Agency to carry out the provisions of this Act, other than section 208, not to exceed $72,000,000 for the fiscal year ending June 30, 1972, not to exceed $76,000,000 for the fiscal year ending June 30, 1973, and not to exceed $76,000,000 for the fiscal year ending June 30, 1974."

(b) Paragraph (3) of subsection (a) of section 216 of the Solid Waste Disposal Act, as amended (84 Stat. 234), is amended to read as follows:

"(3) There are authorized to be appropriated to the Administrator of the Environmental Protection Agency to carry out section 208 of this Act not to exceed $80,000,000 for the fiscal year ending June 30, 1972, not to exceed $140,000,000 for the fiscal year ending June 30, 1973, and not to exceed $140,000,000 for the fiscal year ending June 30, 1974.".

(c) Subsection (b) of section 216 of the Solid Waste Disposal Act, as amended (84 Stat. 1234), is amended by striking "and not to exceed $22,500,000 for the fiscal year ending June 30, 1973." and inserting in lieu thereof ", not to exceed $22,500,000 for the fiscal year ending June 30, 1973, and not to exceed $22,500,000 for the fiscal year ending June 30, 1974.".

SEC. 2. (a) Subsection (c) of section 104 of the Clean Air Act, as amended (84 Stat. 1709), is amended by striking "and $150,000,000 for the fiscal year ending June 30, 1973." and inserting in lieu thereof ", $150,000,000 for the fiscal year ending June 30, 1973, and $150,000,000 for the fiscal year ending June 30, 1974.".

(b) Subsection (i) of section 212 of the Clean Air Act, as amended (84 Stat. 1703), is amended by striking "two succeeding fiscal years." and inserting in lieu thereof "three succeeding fiscal years.".

(c) Section 316 of the Clean Air Act, as amended (84 Stat. 1709), is amended by striking "and $300,000,000 for the fiscal year ending June 30, 1973." and inserting in lieu thereof ", $300,000,000 for the fiscal year ending June 30, 1973, and $300,000,000 for the fiscal year ending June 3, 1974.".

SENATE JOINT RESOLUTION 33—PROCLAIMING A MOMENT AND A DAY OF PRAYER AND THANKSGIVING FOR PEACE IN VIETNAM

Mr. GRIFFIN. Mr. President, regardless of our past differences about the war in Vietnam and the policies related thereto, all Americans rejoice in the fact that Secretary of State Rogers is on his way to sign an agreement which will bring to an end this war in Vietnam and which, hopefully, will bring peace to Indochina.

On behalf of the distinguished majority leader, the distinguished majority whip, the distinguished Republican leader and myself, I send to the desk a joint resolution calling on the President of the United States to proclaim a moment of prayer and thanksgiving as of 7 p.m. eastern standard time on Saturday, January 27, 1973, and that the 24 hours beginning then be a national day of prayer and thanskiving.

I ask unanimous consent for the immediate consideration of this joint resolution.

The ACTING PRESIDENT pro tempore. The resolution with its preamble will be stated.

The assistant legislative clerk read as follows:

S.J. Res. 33

Joint resolution to authorize and request the President to proclaim a moment and day of prayer and thanksgiving

Whereas the American people have reason to rejoice at the news of a just and honorable end to the long and trying war in Vietnam; and

Whereas our deep and abiding faith as a people reminds us that no great work can be accomplished without the aid and inspiration of Almighty God: Now, therefore, be it

Resolved by the Senate and the House of Representatives of the United States of America, in Congress assembled, That the President of the United States is authorized and requested to issue a proclamation designating the moment of 7:00 P.M., EST, January 27, 1973, a National Moment of Prayer and Thanksgiving for the peaceful end to the Vietnam war, and the 24 hours beginning at the same time as a National Day of Prayer and Thanksgiving.

That the President authorize the flying of the American flag at the appointed hour;

That all men and women of good will be urged to join in prayer that this settlement marks not only the end of the war in Vietnam, but the beginning of a new era of world peace and understanding; and

That copies of this resolution be sent to the Governors of the several States.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

There being no objection, the joint resolution was considered, ordered to a third reading, read the third time and passed.

The preamble was agreed to.

Mr. GRIFFIN. I thank the Chair.

VACATING OF ORDER FOR SENATOR McCLELLAN TO SPEAK TODAY

Mr. ROBERT C. BYRD. Mr. President, under the order previously entered, the distinguished Senator from Arkansas (Mr. McClellan) was to be recognized today for not to exceed 15 minutes.

I have been informed by the Senator from Arkansas that he wishes to vacate the order and I therefore ask unanimous consent that the time allotted to the Senator from Arkansas under the order, or such portion thereof as he may desire to use, be allotted to the distinguished senior Senator from Missouri (Mr. Symington).

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SYMINGTON. Mr. President, I appreciate the courtesy of the distinguished majority whip.

NOMINATION OF SECRETARY ELLIOT RICHARDSON FOR SECRETARY OF DEFENSE

Mr. SYMINGTON. Mr. President, on January 23, I inserted in the Record a series of questions submitted by me to Secretary Richardson with respect to his nomination to be Secretary of Defense. Also inserted were his answers to those questions, along with some additional questions based on those answers, this in an effort further to clarify the nominee's position and philosophy concerning matters that he will be dealing with in his new position.

At that time, I stated that the answers to my second set of questions had not yet been received, but that when they were, I planned to vote for his confirmation.

These answers have now been received; and I ask unanimous consent that they be printed in the Record.

There being no objection, the answers were ordered to be printed in the Record, as follows:

The Secretary of Health,
Education, and Welfare,
Washington, D.C., January 23, 1973.

Hon. Stuart Symington,
U.S. Senate,
Washington, D.C.

Dear Senator Symington: Thank you for your letter of January 18, with additional questions as to my views on certain national defense issues.

First as to the required level of adequacy for U.S. strategic forces, I am glad to restate my general position.

In my response to your earlier questions, I covered in one sentence the two meanings of "strategic sufficiency" which the President noted in his Foreign Policy Report last year: in a narrow military sense, sufficiency requires enough force to inflict a level of damage on a potential aggressor sufficient to deter him from attacking; and in a broader political sense, sufficiency requires forces adequate to prevent us and our allies from being coerced. My use of the term "clear sufficiency" is consonant with concepts spelled out by President Nixon.

I believe that to maintain "clear sufficiency" now and in the future, we must preserve a position of superiority over potential opponents in certain areas, such as in technology, because of the inherent nature of competition with a closed society. In other words, I would view "clear sufficiency" as an end point, with "superiority" in certain areas a requirement to achieve that end point.

Thus, "superiority," as I have discussed it above, does not equate with first-strike capability or with the attempt to obtain a position of first-strike capability. Indeed, I do not believe that a first-strike capability is a realistic, desirable, or responsible avenue for either side, given the strength, and diversity of each side's forces and given the U.S.'s and U.S.S.R.'s evident determination to maintain a credible deterrent. While I obviously do not have first-hand information about what the Soviet Union believes to be adequate for its own strategic forces in relation to ours, it seems to me reasonable to infer that the Soviet Union regards the strategic force levels agreed to in SALT I as "sufficient" to constitute such a deterrent.

With respect to the U.S. objectives in Vietnam, I did not state that any objectives should be achieved by renewed bombing. I said I supported all of the objectives underlying the President's proposal of May 8, 1972. I specifically pointed out that I was not prepared to hypothesize as to conditions or circumstances under which future U.S. military operations in Southeast Asia might be justified.

As I stated during the hearings, I have not been involved since I left the Department of State in the decision-making process with regard to either the negotiations in Paris or the military operations in Southeast Asia. My impressions of the inter-relationships of the many facets of these interrelated problems are derived largely from public sources of information. The minimum objectives of the President could not be secured through the negotiations in the fall of 1972; otherwise an agreement would have been signed. I am hopeful that the current negotiations will soon accomplish the return of our prisoners and an accounting of our missing in action as well as furthering the other objectives which I listed in my response to your earlier set of questions.

As I attempted to make clear in my earlier answers, the United States has targeted only military targets. As I am sure you are aware from the briefings provided to the Committee, some of these targets were in the cities of Haiphong and Hanoi.

As I stated in the hearing, I recognize that on a short-term basis our military operations in Southeast Asia could have an effect on our relationships with some of our allies. In general, however, we need to think in terms of a somewhat longer time span in evaluating the impact upon such relationships, which are based to a large extent on mutual security and other mutual benefits, and from this perspective I would be confident that the recent criticisms of our allies do not in themselves reflect and will not lead to a fundamental weakening of the ties between the United States and our allies.

It is difficult to speculate on the circumstances under which the interest of the United States would warrant involvement in local or regional disputes, and I can only restate for you the generally applicable policy.

This is the course the President has charted under the Nixon Doctrine, which has been implemented under the Strategy of Realistic Deterrence and the Vietnamization program. The President has made it clear that, until such time as they are modified, or abrogated under our constitutional process, we intend to keep our treaty commitments. The whole thrust of our Vietnamization program, however, has been to change the *manner* in which the United States would keep its commitments in future disputes of this nature. As has been said many times, Vietnamization was the first crucial step in implementing that aspect of the Nixon Doctrine, which calls upon the nation immediately threatened to bear responsibility for its own defense. While I obviously cannot rule out the possibility of future involvement by the United States in local conflicts where important United States interests are clearly involved, I do not foresee as either necessary or desirable a degree of involvement comparable to that in Vietnam in the 1960's.

I repeat what I said in response to your earlier question: it would not be appropriate for me to speculate as to what course of action would be appropriate in the event of hypothetical violations of a still-to-be consummated settlement agreement. As the President has stated, there are only two things that he has ruled out until satisfactory settlement of the Vietnam War: reintroduction of United States ground forces and use of nuclear weapons.

As I pointed out *previously* in response to your questions, the restraints on the President of the United States are many and varied, ranging across the spectrum of checks and balances flowing from provisions of our Constitution. Quite obviously, the President is limited to those resources provided by the Congress and is additionally limited by the many Congressional enactments with reference to the size, composition, and use of our military forces. Once these forces are committed to combat, however, the President, as Commander-in-Chief, acting within such statutory limitations as may be applicable, has personal and individual responsibility for directing the operations of the U.S. military forces.

I believe that the record of the military contributions to NATO of our NATO allies over the past several years has been reasonably good. I believe that the record will show that with minor exceptions, they have not reduced their contributions to the NATO defense forces. I believe, nevertheless, that we should continue to encourage still greater efforts on their part and I would expect to pursue the frank discussions on this subject with our allies which Secretary Laird conducted.

I agree that our forces, if they do serve as an adequate deterrent and can protect our people, both now and in the future, would enable us to negotiate from strength.

Turning to your next inquiry, I would like to point out that the term "massive" should refer to the reductions in United States military forces in Southeast Asia since 1969, rather than the forces currently remaining there. As you know, the size of United States military forces in Southeast Asia has been reduced by over 600,000 since 1969. Regardless of the size of United States forces remaining there, or in any other area of the world, I would not and could not support a position that United States military forces should not be committed to combat in the future under any and all circumstances. As I noted above, however, it would not be appropriate for me to speculate as to what conditions or circumstances might justify military operations by the United States.

As you know, any "NATO forces" cost estimate is very sensitive to the manner in which forces maintained in the continental United States for possible assignment to European, Asian, or other contingencies are allocated. It is possible to allocate these forces in different ways, thereby substantially raising or lowering the "cost" of these forces in support of NATO security. One way of making such an estimate is to include costs for the early forces in the U.S. formal commitment to NATO (i.e., those in Europe and those in CONUS ready for early deployment to Europe) and the support costs associated with these forces.

I am informed that the most recent DoD estimate of the costs for the forces and support programs earmarked for NATO is roughly $16 billion annually. This estimate is defined as the annual *savings* to the President's Defense Department budget for FY 1973 that would accrue if all of the following *did not exist*:

All of the U.S. general purpose forces and related support elements and headquarters in Europe.

Some of the U.S. general purpose forces (both active and reserve) that are formally committed to NATO but are not in Europe.

Variable *costs* of U.S.-based support including training, individual support and logistics for the above forces.

Military assistance for European countries (including Greece and Turkey) and the NATO Infrastructure program.

About $7 billion of the $16 billion is related to the cost of U.S. combat forces actually in Europe and their U.S.-based support—i.e., the cost of new equipment and a proportionate share of U.S. based training and logistics support. In order to save this $7 billion, all 300,000 men and associated units in Europe would have to be eliminated from total U.S. forces along with eliminating U.S.-based support units and cancelling of U.S.-based support programs.

The $16 billion estimate assumes that costs for strategic offensive and defensive forces, administration, research and development, and retired pay would be unchanged even if the forces and programs described above were eliminated.

I trust that these replies have adequately answered your questions.

Sincerely,

ELLIOT L. RICHARDSON.

A CRITICISM OF CONGRESSIONAL ACTION BY THE RETIRING SECRETARY OF HEALTH, EDUCATION, AND WELFARE WHICH DESERVES AN ANSWER

Mr. SYMINGTON. Mr. President, it is perhaps an understatement to recognize that this giant Federal bureaucracy is not an unknown target of reproach by Senators and Congressmen, who often describe it as an obstacle between the citizens and the programs Congress has devised for their benefit.

On the other hand, it is also rare for the Secretary of one of these giant bureaus, at the time of transferring to another major department of the Government, to provide Congress with candid comments which place much if not most of the blame for the inadequacies of that bureaucracy squarely on the shoulders of Congress.

Such an indictment is contained within a report issued by the departing Secretary of Health, Education, and Welfare. In an excerpt printed in the Washington Post of January 21, Secretary Richardson alludes to the authorization-appropriation gap and the political mileage sought by Congressmen and Senators by means of a number of relatively narrow categorical bills designed to control "problem of the month." He writes:

> This process reaches an absurd extreme when Congress passes new laws which convey authority that already exists—again with flourishes of press releases and self-congratulation.

The competing claims, he states, make impossible the redemption of the "promissory notes of the authorizing committees" at full face value by the appropriations cashier. The net result, according to the Secretary of Health, Education, and Welfare, is not only underfunding, but also massive inequity, and a citizen-view of some Government institutions as unfair and inept.

Secretary Richardson estimates the cost of extending the present range of HEW programs to all those who are similarly situated, as well as those who, by luck, now participate in the benefits, at approximately one-fourth of a trillion dollars, roughly the equivalent of the entire Federal budget. Even so, he says, more than 85 percent of the HEW budget is now determined not by what the executive branch might request, or Congress might appropriate, but simply by expanding the number of eligible people who claim benefits.

The Secretary charges that:

> The Congress is not organized to bring the process of budgeting under rational control. Expectations—inflated by a political shell game—rise faster than the capacity of the system to perform.

If what Secretary Richardson describes is accurate, when the point of reckoning is reached, it would appear wise to join him in hoping "that the troubled reaction toward the institutions held accountable would be reasoned and responsible."

The Secretary points to the powerful tradition of American idealism, balanced by the tradition of skepticism toward "do-good" efforts. In the words of Thoreau, he says:

> If I knew for a certainty that a man was coming to my house with the conscious design of doing me good, I should run for my life.

As a Senator who has voted for many of these social programs in the belief they were designed to ameliorate some of the difficult problems now facing America, I am concerned by this criticism from the Secretary; and would hope that, on this floor, questions he has raised would be answered by those who have sponsored the legislation he has in mind.

Secretary Richardson suggests two prerequisites as a means for finding effective public answers for health, education, and welfare.

First, he believes we must level with each other about present approaches to the solution of social problems. Intended remediation of these problems through narrow categorical legislation, he believes, would be counterproductive, and might further squander our increasingly limited resources by spreading them too thinly, or by allocating them to areas for which the state of the art is inadequately developed.

Second, he believes that we must recognize, as we have with both foreign affairs and natural resources, that those resources we once thought boundless—human, financial, and intellectual resources—are actually now severely limited.

He concludes with this significant observation:

> There is an unfortunate tendency, on the part of many, to view pragmatism and realism as somehow opposed to high promise and humanism. But we have reached a point at which high promise and humane concern can be responsibly expressed only through operational performance which is pragmatic and realistic.

I urge those Members of the Senate most informed on the matters brought under review to furnish answers to this criticism that has just been levelled at Congress by the outgoing Secretary of Health, Education, and Welfare. Before evaluation is given to the Secretary's criticisms, answers should be forthcoming.

I ask unanimous consent that the excerpt from Secretary Richardson's report printed in the Washington Post of Sunday, January 21, and to which I have previously referred, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE MAZE OF SOCIAL PROGRAMS

(By Elliot L. Richardson)

In the context of rapidly increasing budgets and even more rapidly increasing expectations, it is disheartening to observe the patterns of congressional behavior.

Historically, one set of committees in the House and Senate creates programs and another set actually provides the money for them. The political incentive for a member of an authorizing committee is to pass bills with big price tags—and much publicity—to show he "cares about solving problems." Such an incentive does not apply to members of appropriating committees. Time after time, the figures on the price tag are higher than anything the executive branch can in good conscience request, and higher than anything that appropriations committees are willing to provide. There results, then, an "authorization-appropriation gap"—a gap which has grown by $3 billion in the last year alone and is now over $13 billion.

For the public, the authorization-appropriation process has become, in a sense, a shell game. Hopes are raised by attention to the authorizing hoopla, only to be dashed by the less flamboyant hand of the appropriations process.

The problem is compounded by the apparent political need for each congressman to get credit for authorship of a bill of his own—and if not for a bill of his own, for as many bills as possible. The result is a plethora of narrow categorical bills—maximizing the political benefit—where a more comprehensive bill might better promote the public benefit.

This process reaches an absurd extreme when Congress passes new laws which convey authority that already exists—again, with flourishes of press releases and self-congratulation. In the past three years, Congress has enacted at least 10 such laws affecting the Department of Health, Education and Welfare alone. Each ardently woos a particular constituency, addresses a specific problem. A striking example is the purportedly new authority to make grants for communicable-disease control. It so happens that HEW has had similar authority since 1878. Typically, the enactment misleads the public into believing that nothing has been done before and that something dramatic about to happen.

TOO LITTLE OF TOO MUCH

The problem is further compounded by the rampant fadism which seems to grip the Congress and the public. By an irrational process, some diseases are determined to be "in," others are not. In some cases, a disease which affects but a small percent of the population—and for which there is no known cure—becomes "in." But hypertension, for example—although it afflicts 23 million Americans, better than one in ten; although it directly causes more than 60,000 deaths a year (with a mortality rate 15 times higher among middle-aged blacks than whites); although it contributes to hundreds of thousands of additional deaths annually; and although we know how to control the disease—has not become "in."

We have, in effect, a system of periodic promotions of the disease or problem of the month—with the implicit suggestion that legislative action will effect a cure. And we have "impulse buying"—down the length of a virtually limitless shopping list.

There are, of course, too many competing claims for the promissory notes of the authorizing committees to be redeemed for full face value by the appropriations cashier. But in none of this is there a rational approach to priority-setting. The appropriation process is itself highly fragmented. HEW's resource alloction is determined piecemeal by 10 different subcommittees—with no coordination of any kind.

The net result is too little of too much—and unfulfilled expectations. The dynamic is perverse.

A MATTER OF EQUITY

Just as the proliferation of categorical programs ensures underfunding, a derivative effect is public subsidy and administration of a system which is massively inequitable.

The new nutrition program for older American—enacted in the last year—provides a case in point. The program is intended to provide nutrition services—including one hot meal a day—for older Americans who "cannot afford to eat adequately" or who have "limited capability to shop and cook" or who "lack skills and knowledge to select and prepare nourishing and well-balanced meals" or who experience "feelings of rejection and loneliness." There can be no doubt that the authorizing act reflects a worthy intent—to ensure that older Americans be properly nourished. It authorizes $100 million—a seemingly large sum—to serve this intent, and the President requested that the full $100 million be appropriated.

We can predict with complete confidence that this new program—launched with much fanfare—will not possibly succeed in fulfilling its implicit promise. In point of fact, $100 million represents but a small fraction of the resources needed to get the intended job done. It will allow approximately 250,000 older persons to be served—but we estimate that there are, at a minimum, 5 million older Americans eligible for service according to the definition of eligibility now prescribed by law. To serve that eligible population equitably would require at least $2 billion a year. In effect, for every older American who is served by this program, there will be at least 19 older Americans—eligible and similarly situated in need—who will not be served.

This example is not atypical. HEW now spends about $9 billion a year to finance service programs which provide special benefits to limited numbers of people who, for one reason or another, happen to have the good luck to be chosen to participate. Indeed, there is little cause for wonder that our governmental institutions are viewed as inept and unfair

To disguise the inequity problem, many programs are misleadingly labeled "demonstrations"—although it is clear that their intent is to serve, not to demonstrate in the conventional sense of the word. But this fundamentally inequitable system cannot long survive as such. It is all but certain—and rightly so—that the federal government will be faced with more and more law suits demanding equal opportunity and access to services for those who are similarly situated in need.

It is important to note that the cost of extending the present range of HEW services equitably—to all those who are similarly situated in need—is estimated to be approximately one quarter of a *trillion dollars*. That is, the additional cost would be roughly equivalent to the entire federal budget!

THE BUREAUCRATIC LABYRINTH

Since 1961, the number of different HEW programs has tripled, and now exceeds 300. Fifty-four of these programs overlap each other; 36 overlap programs of other departments. This almost random proliferation has fostered the development of a ridiculous labyrinth of bureaucracies, regulations and guidelines.

The average state now has between 80 and 100 separate service administrations, and the average middle-sized city has between 400 and 500 human service providers—each of which is more typically organized in relation to a federal program than in relation to a set of human problems.

In spite of our efforts at administrative simplification, there are 1,200 pages of regulations devoted to the administration of these programs, with an average of 10 pages of interpretative guidelines for each page of regulations. The regulations typically prescribe accounting requirements that necessitate separate sets of books for each grant; they require reports in different formats for reporting periods that do not mesh; eligibility is determined program by program, without reference to the possible relationship of one program to another; prescribed geographic boundaries for service areas lack congruity. In general, confusion and contradiction are maximized.

Although studies indicate that more than 85 per cent of all HEW clients have multiple problems, that single services provided independently of one another are unlikely to result in changes in clients' dependency status, and that chances are less than 1 in 5 that a client referred from one service to another will ever get there, the present maze encourages fragmentation.

As an administrative matter, the system is, at best, inefficient. As a creative matter, it is stifling. As an intellectual matter, it is almost incomprehensible. And as a human matter, it is downright cruel.

OUT OF CONTROL

The problem, in short, is that—in spite of the fact that the HEW "monster" is now moving toward a reasonably satisfactory condition of administrative control—the larger human resource development system, of which HEW is but a part, is a system out of control.

The HEW budget is spiraling upward—and more than 85 per cent of the budget is determined not by what the executive branch might request or the Congress might appropriate, but simply by the expanding number of eligible people who claim benefits. Pressures for greater equity threaten to force impossible quantum jumps in resource requirements.

The Congress is not organized to bring the process of budgeting under rational control. Expectations—inflated by a *political* shell game—rise faster than the capacity of the system to perform. Proliferating programs foster the development of a fragmented and ill-coordinated service delivery maze—in which clients are literally lost—a complex maze which defies the comprehension of administrators and citizens alike. Subsystems struggle to expand without regard to each other—promising only to compound inefficiency. Social problems remain unsolved. Intuitive tendencies to "do something" too easily follow a line of little resistance: the line to additional "programs." And the perverse dynamic is reinforced.

One can imagine a point of reckoning at which the magnitude of ill-treated problems is fully perceived—along with a profound sense of failure. And one can only hope that the troubled reaction toward the institutions held accountable would be reasoned and responsible.

A TRADITION OF SKEPTICISM

There is—along with a history of idealistic American efforts at organized beneficence—a powerful American tradition of skepticism toward such efforts. The latter strain of concern was succinctly articulated by Justice Brandeis: "Experience should teach us to be most on our guard when the Government's purposes are beneficent. Men born to freedom are naturally alert to repel invasion of their liberty by evil-minded rulers. The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning but without understanding."

It was put more colloquially by Thoreau: "If I knew for a certainty that a man was coming to my house with the conscious design of doing me good, I should run for my life."

In many respects, our present "helping" systems provide empirical support for such skepticism. Yet the development of our society is beyond the point where it is possible—or desirable—to shrink from a major, organized, public responsibility for health, education and welfare objectives. The challenge is to find *means to pursue* these objectives in ways that "work" in a narrow sense—and in ways that also preserve and enrich the dignity and independence of the individual and the capacity of the system to continue to perform.

To begin to find such means, the following are prerequisite:

1. We must first level with each other about present approaches to social problem solving.

We must acknowledge that passing narrow categorical legislation does not in any way ensure the intended remediation of problems; that, indeed, it may be counterproductive; it may further squander limited resources by spreading them too thinly or by allocating them to areas for which the state of the art is inadequately developed; and it may further complicate a service delivery system already paralyzed by ill-organized complexity.

2. We must recognize, as we have with both foreign affairs and natural resources, that resources we once thought boundless—human, financial and intellectual resources—are indeed severely limited.

3. We must radically simplify our conception of the functions of HEW in order to make comprehensive analysis and administration manageable.

There is an unfortunate tendency, on the part of many, to view pragmatism and realism as somehow opposed to high promise and humanism. But we have reached a point at which high promise and humane concern can be responsibly expressed only through operational performance which is pragmatic and realistic. To continue to pretend otherwise would be irresponsible.

ORDER FOR RECOGNITION OF SENATOR JACKSON VACATED

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the previous order recognizing the distinguished Senator from Washington (Mr. Jackson) at this time be vacated.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Georgia (Mr. Nunn) is recognized for not to exceed 15 minutes.

(The remarks of Senator Nunn when he introduced S. 565 are printed in the Record under Statements on Introduced Bills and Joint Resolutions.)

ORDER VACATING ORDER FOR RECOGNITION OF SENATORS STENNIS AND ALLEN

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the orders previously entered for the recognition of the distinguished Senator from Mississippi (Mr. Stennis) and the distinguished Senator from Alabama (Mr. Allen) be vacated.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from West Virginia is recognized for not to exceed 15 minutes.

(The remarks of Senator Robert C. Byrd on the introduction of the following measures are printed in the Record under "Statements on Introduced Bills and Joint Resolutions.")

S. 564, an amendment to the Social Security Act;

S. 570, on Federal financial disclosures;

Senate Joint Resolution 37, to name the Spacecraft Center as the Lyndon B. Johnson Space Center;

Senate Joint Resolution 39, to name the Washington National Airport as the Lyndon B. Johnson Airport.

REMOVAL OF INJUNCTION OF SECRECY (EXECUTIVE B, 93D CONGRESS, FIRST SESSION)

Mr. ROBERT C. BYRD. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from a note of September 16, 1965, from the Government of Ethiopia and a reply note of October 20, 1972, from the Government of the United States which would terminate notes exchanged on September 7, 1951, concerning the administration of justice and constituting an integral part of the treaty of amity and economic relations between the United States and Ethiopia (Executive B, 93d Congress, first session), transmitted to the Senate today by the President of the United States, and that the notes, with accompanying papers, be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the Record.

The ACTING PRESIDENT pro tempore. Without objection, as in executive session, it is so ordered.

The message from the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a note of September 16, 1965 from the Government of Ethiopia and a reply note of October 20, 1972 from the Government of the United States which would terminate notes exchanged on September 7, 1951 concerning the administration of justice and constituting an integral part of the treaty of amity and economic relations between the United States and Ethiopia.

I transmit also, for the information of the Senate, the report of the Department of State with respect to the proposed termination.

The notes which it is proposed be terminated set forth special provisions regarding the trial of cases involving American citizens and regarding the imprisonment of American citizens. The termination of the notes would be in conformity with this Government's policy of basing international agreements in general on the principles of equality and reciprocity.

I recommend that the Senate give early and favorable consideration to the notes submitted herewith and give its advice and consent to termination of the notes exchanged on September 7, 1951.

Richard Nixon.

The White House, *January 26, 1973.*

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, how much time do I have remaining under the order?

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. ROBERT C. BYRD. I thank the Presiding Officer.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order there will now be a period for the transaction of routine morning business not to exceed 45 minutes with the statements made therein limited to 5 minutes each.

QUORUM CALL

Mr. WEICKER. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AGREEMENT ON WITHDRAWAL OF OUR MILITARY FORCE FROM INDOCHINA

Mr. AIKEN. Mr. President, tomorrow night an agreement will be signed in Paris which will result in the complete withdrawal of our military forces from Indochina.

We have waited a long time for this agreement.

We have waited impatiently and have been blaming almost everyone but ourselves for the predicament which has involved us in Southeast Asia for the last 12 years.

The agreement reached in Paris will be signed by all four parties involved in the military controversy of Indochina—the South Vietnamese, the North Vietnamese, the Vietcong, and ourselves.

To reach this agreement has not been easy.

At times it seemed impossible and yet now, 5 years later, we have reached an agreement.

It is true that each of the four parties involved will claim that victory is theirs.

That does not matter.

What matters is that 60 days after the signing of the agreement tomorrow night, all American prisoners of war held by the erstwhile enemy will have been returned to us, and all the remaining military personnel—that is, our military personnel—some 20,000 which are still in South Vietnam, will have been evacuated.

Of course, the agreement is not perfect.

No agreement of this sort was ever perfect.

But, this agreement represents a new epoch in world history and must be made to work, as I am sure it will.

During the next 60 days our troops will be withdrawn and our POWs will be returned to us and missing in action accounted for as far as possible.

The various parties of Indochina will be given a free hand to settle their differences under the watchful eye of a four-nation commission.

And so I say, in quoting one of our famous New England poets: "Let the dead past bury its dead" and concentrate on the work which lies ahead.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. AIKEN. I yield.

Mr. MANSFIELD. Mr. President, I am sorry I did not hear all of the remarks of the distinguished Senator from Vermont, but I do want to make a comment apropos to the settlement in Southeast Asia.

I recall vividly 6 years ago when the distinguished Senator from Vermont made a speech on the floor of the Senate—I repeat, 6 years ago—in which he said that what we ought to do was announce that we have achieved a victory and then withdraw.

Since the announcement of the settlement has become public, I note that all four sides involved, and maybe others, have indicated that they have won, and therefore peace is in hand and certain withdrawals will take place.

May I say that the distinguished Senator showed foresight 6 years ago, and that his formula seems to have been the happy medium by means of which an agreement, at least in part, has been reached or is almost reached, and hopefully will be reached when the various documents are signed tomorrow.

I would hope that once this is done and our troops withdrawn within a 60-day period, as the agreement calls for, and our POWs and recoverable missing in action are released during the same period and brought home, as is called for in the agreement, this would mark the beginning of the end of our participation, or I might say intervention, in the internal affairs of Southeast Asia, and that we would at last recognize that we are not the world's policemen, that we have a limited amount of resources, that our manpower is not unlimited, and that we have problems here at home as well as abroad.

And may I say that I would anticipate that the Nixon doctrine, which was promulgated almost 3 years ago by the President of the United States, would now go into effect. That means, as I interpret it, that we would gradually withdraw militarily from various countries throughout Asia and the world, that those countries would henceforth have to depend upon themselves primarily. As far as our allies are concerned, we would be willing to extend backup help of an economic nature, but would not intervene or interfere in any way in the affairs of any nation.

So I think that while a prophet is supposed to be without honor at home, the proposal made by the distinguished Senator from Vermont 6 years ago has now come through, and I wish to extend to him personally as much credit as I can for the sound suggestion he made at that time and the final promulgation of the Aiken proposal, which now seems to be embraced by every participant in this tragedy which is Indochina.

Mr. AIKEN. Well, Mr. President, I thank the Senator from Montana. I will only say that if I had anything to do with reaching the final agreement which will be signed tomorrow night, and any credit at all is due, it was worth while waiting for. But it was a little longer in coming than I had hoped for.

What I was trying to point out today is that instead of trying to recriminate and place the blame, which has belonged to all of us—we all had a share in it—let us get on with the business at hand.

Mr. MANSFIELD. Mr. President, I agree with the distinguished Senator. It does no good to look to the past, but we all ought to look to the present and prepare for the future, and hope a mistake of this nature will never, never occur again.

Mr. AIKEN. We learned a lesson. We learned it at high cost.

Mr. MANSFIELD. We did.

Mr. AIKEN. But I think we have learned it, and I think the agreement which will be signed tomorrow night will be of tremendous value.

THE REMARKABLE PROGRESS OF THE NORTHWEST NORTH CAROLINA DEVELOPMENT ASSOCIATION

Mr. ROBERT C. BYRD. Mr. President, recently I had the pleasure of being the guest of the Northwest North Carolina Development Association at the association's annual dinner in Winston-Salem.

I was shown great courtesy by the officers of the association, and I am particularly indebted to Mr. Dalton Ruffin, senior vice president of the Wachovia Bank & Trust Co. of Winston-Salem, who invited me to address the members of this 11-county group. This, it gave me much pleasure to do.

I believe my speech was well received by the audience, but if they were in any way impressed, it was nothing compared with the impression I received at firsthand of the truly remarkable progress that the Northwest North Carolina Development Association has made in that richly historical area of North Carolina.

At the risk of trespassing on his modesty, I might mention that northwest North Carolina deserves the gratitude of this body, and of the Nation, for having given us the distinguished senior Senator from North Carolina, whose outstanding service to his State and to his country needs no elaboration from me.

Nineteen years ago, the people of the counties of Alleghany, Alexander, Ashe, Caldwell, Davie, Forsyth, Stokes, Surry, Watauga, Wilkes, and Yadkin undertook a merciless self-analysis, and came to the decision that without positive action toward marked improvement in their economic and social conditions, the future was a bleak prospect.

Fifty percent of the young people growing up in the area left it in the quest for better opportunities elsewhere.

In 1954, the area's agricultural economy rested precariously on a single crop—tobacco. Farms were small and undercapitalized. The total agricultural income from the 11-county area was $116 million annually. In 1972, the total agricultural income had increased to $381 million annually. This has been accomplished by developing an agricultural economy based on a variety of crops and livestock, rather than depending on a static, relatively nonproductive, single-crop economy.

In 1953, northwest North Carolina had little or no industry. Even as recently as 1959, the number of people employed in industrial jobs in the area totaled 64,000. The average weekly wage was but $53. In 1972, with 110 national firms having been encouraged to establish plants in the 11-county area through the cooperative efforts of the development association, 87,000 local residents are now employed in industrial endeavors. The average weekly wage has risen to $102.

These tremendous improvements in the economic health of the area are impressive and important. But they have brought benefits other than those associated with overall economic income and cash flow to individuals and families. They have produced a strong sense of pride in their accomplishments, with a concomitant determination to continue improving the quality of community life. The success of the Northwest North Carolina Development Association in the economic field is obvious. But it has achieved something more, that might in the final analysis, be its most important contribution. It has changed the attitude of the people of the area from one of apathy and quiescent acceptance, to an attitude of vigorous involvement and interest in the possibilities of the future.

Time was in America when neighborliness and genuine interest in, and concern for, all the people of the hamlet, the village, the town or the county, were as natural to the American way of life as the family dinner at Thanksgiving. Today, in our vast urban and suburban reaches, this community spirit is, often virtually nonexistent. To my mind, this is a grievous loss. I am aware that in a highly industrialized society, and in a society where the standard of living offers so many other pleasurable diversions, it is difficult to maintain a strong community identity. I am aware that prosperity militates against the interdependency of people. But I cannot help hoping that some day, in some way, the fabric of our society will once again be interwoven with the threads of human understanding and human kindness.

I know we cannot turn the clock back. I know that the exigencies of the modern world dictate to us conditions and conduct of our everyday affairs that we wish were somewhat different from what they really are. But I like to think that Americans still have within them much of the basic faith and spirit that so characterized this Nation in its formative years when living was less frenetic.

Mr. Atwell Alexander, of Alexander County, a former president of the Northwest North Carolina Development Association, summed up the spirit of this most praiseworthy endeavor, when he said:

> There is no miracle in having an association, but the need for organized communities, with people working together toward common goals, is still as great as it ever was.

Some of the significant history of the very early days of this Republic was made by men and women from this beautiful northwestern corner of the State of North Carolina. If they could return to their birthplaces today, I am sure they would be proud of the way their descendants are honoring their great legacy.

HOUSE JOINT RESOLUTION 246—A JOINT RESOLUTION PROVIDING FOR A MOMENT OF PRAYER AND THANKSGIVING AND A NATIONAL DAY OF PRAYER AND THANKSGIVING

Mr. ROBERT C. BYRD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on House Joint Resolution 246.

The ACTING PRESIDENT pro tempore (Mr. BIDEN) laid before the Senate a message from the House of Representatives on House Joint Resolution 246, providing for a moment of prayer and thanksgiving and a National Day of Prayer and Thanksgiving, which was read twice by its title.

Mr. ROBERT C. BYRD. I ask unanimous consent that the Senate proceed to the immediate consideration of the joint resolution.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from West Virginia?

There being no objection, the joint resolution was considered, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution (H.J. Res. 246), with its preamble, reads as follows:

H.J. Res. 246

Joint resolution providing for a moment of Prayer and Thanksgiving and a National Day of Prayer and Thanksgiving

Whereas the American people have reason to rejoice at the news of a just and honorable end to the long and trying war in Vietnam; and

Whereas our deep and abiding faith as a people reminds us that no great work can be accomplished without the aid and inspiration of Almighty God: Now, therefore, be it

Resolved by the Senate and the House of Representatives of the United States of America, in Congress assembled, That the President of the United States is authorized and requested to issue a proclamation designating the moment of 7 p.m., e.s.t. January 27, 1973, a National Moment of Prayer and Thanksgiving for the peaceful end to the Vietnam War, and the 24 hours beginning at the same time as a National Day of Prayer and Thanksgiving.

That the President authorize the flying of the American flag at the appointed hour;

That all men and women of goodwill be urged to join in prayer that this settlement marks not only the end of the war in Vietnam, but the beginning of a new era of world peace and understanding; and

That copies of this resolution be sent to the Governors of the several States.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. BIDEN) laid before the Senate the following letters, which were referred as indicated:

Report on Operations Under Food Stamp Act

A letter from the Assistant Secretary of Agriculture, transmitting, pursuant to law, a report on operations under the Food Stamp Act of 1964 (with an accompanying report); to the Committee on Agriculture and Forestry.

Drafts of Proposed Legislation Relating to the Navy

A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend title 10, United States Code, to increase below zone selection authorization of commissioned officers of the Regular Navy and Marine Corps and to authorize below zone selection of certain other commissioned officers of the Navy and Marine Corps, and for other purposes (with an accompanying paper); to the Committee on Armed Services.

A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend title 37, United States Code, to provide entitlement to round trip transportation to the home port for a member of the uniformed services on permanent duty aboard a ship being inactivated away from home port whose dependents are residing at the home port (with an accompanying paper); to the Committee on Armed Services.

A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to prevent the loss of pay and allowances by certain officers designated for the performance of duties of great importance and responsibility (with an accompanying paper); to the Committee on Armed Services.

A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend title 10, United States Code, to permit the Secretary of the Navy to establish annually the total number of limited duty officers permitted on the active list of the Navy and Marine Corps, and for other purposes (with an accompanying paper); to the Committee on Armed Services.

A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend title 10, United States Code, to make certain changes in selection board membership and composition, and for other purposes (with an accompanying paper); to the Committee on Armed Services.

A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend title 10, United States Code, to authorize the Secretary of the Navy to establish the amount of compensation paid to members of the Naval Research Advisory Committee (with an accompanying paper); to the Committee on Armed Services.

A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend titles 10, 18, and 37, United States Code, to revise the laws pertaining to conflicts of interest and related matters as they apply to members of the uniformed services, and for other purposes (with an accompanying paper); to the Committee on Armed Services.

Proposed Legislation To Amend Section 2304 (A) of Title 10, United States Code

A letter from the Assistant Secretary of the Air Force, transmitting a draft of proposed legislation to amend section 2304 (a) of title 10, United States Code, to increase from $2,500 to $10,000 the aggregate amount of a purchase or contract authorized to be negotiated (with accompanying papers); to the Committee on Armed Services.

Report on Real and Personal Property of the Department of Defense

A letter from the Secretary of Defense, transmitting, pursuant to law, a report on real and personal property of that Department, as of June 30, 1972 (with an accompanying report); to the Committee on Armed Services.

Report of Balances of Foreign Currencies Acquired Without Payment of Dollars

A letter from the Secretary of the Treasury, transmitting, pursuant to law, a consolidated report of balances of foreign currencies acquired without payment of dollars, as of June 30, 1972 (with an accompanying report); to the Committee on Foreign Relations.

Report on Matters Contained in the Helium Act

A letter from the Secretary of the Interior, transmitting, pursuant to law, a report on matters contained in the Helium Act, for the fiscal year 1972 (with an accompanying report); to the Committee on Interior and Insular Affairs.

Proposed Legislation Relating to Immunity of Certain Foreign States

A letter from the Attorney General, and Secretary of State, transmitting a draft of proposed legislation to define the circumstances in which foreign states are immune from the jurisdiction of United States courts and in which execution may not be levied on their assets, and for other purposes (with accompanying papers); to the Committees on the Judiciary and Foreign Relations.

Report on Findings of Fact in a Certain Case

A letter from the Chief Commissioner, U.S. Court of Claims, transmitting, pursuant to law, copies of the opinion and findings of fact in the case of *Neva Vera Barnes McQuown, as Executrix of the Estate of Carleton R. McQuown* v. *The United States* (Cong. Ref. Case No. 2–70) (with accompanying papers); to the Committee on the Judiciary.

Audit Report of Future Farmers of America

A letter from the chairman, board of directors, Future Farmers of America, transmitting, pursuant to law, an audit report of that organization, for the fiscal year ended June 30, 1972 (with an accompanying report); to the Committee on the Judiciary.

Report of CARE, Inc.

A letter from the executive director, CARE, Inc., transmitting, pursuant to law, a report of that organization, for the fiscal year ended June 30, 1972 (with an accompanying report); to the Committee on the Judiciary.

Proposed Legislation To Amend the Civil Service Retirement Law

A letter from the Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to amend the civil service retirement law to increase the retirement benefits of referees in bankruptcy (with an accompanying paper); to the Committee on Post Office and Civil Service.

Proposed Legislation Relating to U.S. Nationals Employed by the Federal Government

A letter from the Chairman, U.S. Civil Service Commission, transmitting a draft of proposed legislation to extend civil service Federal employees group life insurance and Federal employees health benefits coverage to United States nationals employed by the Federal Government (with accompanying papers); to the Committee on Post Office and Civil Service.

Proposed Legislation Relating To Increases in Civil Service Retirement Annuities

A letter from the Chairman, U.S. Civil Service Commission, transmitting a draft of proposed legislation to liberalize eligibility for cost-of-living increases in civil service retirement annuities (with an accompanying paper); to the Committee on Post Office and Civil Service.

Prospectus Relating To Renewal of Leasehold Interest on Space Occupied by the Defense Supply Agency

A letter from the Acting Administrator, General Services Administration, transmitting, pursuant to law, a prospectus relating to renewal of the leasehold interest on space presently occupied by the Defense Supply Agency, New York, New York (with accompanying papers); to the Committee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. Biden):

The petition of the Lieutenant Governor of the State of California, praying for the enactment of legislation relating to drug traffic; to the Committee on the Judiciary.

A resolution adopted by the Township of Hazlet, N.J., protesting the location of any deep water port facility off the coast of New Jersey; to the Committee on Public Works.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. SPARKMAN, from the Committee on Banking, Housing and Urban Affairs:

Frank C. Herringer, of Virginia, to be Urban Mass Transportation Administrator. (The witness has indicated his willingness to appear before Congressional Committees and testify when requested.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as indicated:

By Mr. SCOTT of Virginia:

S. 551. A bill to encourage truth in newscasting and public affairs broadcasting. Referred to the Committee on Commerce.

S. 552. A bill to amend title 5 of the United States Code with respect to the observance of Memorial Day and Veterans Day. Referred to the Committee on the Judiciary.

S. 553. A bill to establish nondiscriminatory school systems and to preserve the rights of elementary and secondary students to attend their neighborhood schools, and for other purposes;

S. 554. A bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities; and

S. 555. A bill to amend the Railroad Labor Act and the Labor Management Relations Act, 1947, to provide more effective means for protecting the public interest in national emergency disputes, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. TOWER:

S. 556. A bill to amend title 13, United States Code, to provide for a mid-decade census of population in the year 1975 and every 10 years thereafter. Referred to the Committee on Post Office and Civil Service.

By Mr. SCHWEIKER:

S. 557. A bill to provide that U.S. Flag Day shall be a legal public holiday. Referred to the Committee on the Judiciary.

By Mr. HART:

S. 558. A bill to provide for the disposition of funds appropriated to pay a judgment in favor of the Grand River Band of Ottawa Indians in Indian Claims Commission docket numbered 40-K, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. EAGLETON:

S. 559. A bill for the relief of Carmen Valeriano;

S. 560. A bill for the relief of Victoria Vergel;

S. 561. A bill for the relief of Loy Shin Chong, Mui Eng Lim, and Erich Chong; and

S. 562. A bill for the relief of Sang Sup Ham, Koon-Ja Ham and Byung Kyun Ham. Referred to the Committee on the Judiciary.

By Mr. SCHWEIKER:

S. 563. A bill to amend the Internal Revenue Code of 1954 and title II of the Social Security Act so as to permit exclusion from social security coverage and refund of social security tax to members of certain religious groups who are opposed to insurance. Referred to the Committee on Finance.

By Mr. ROBERT C. BYRD (for Mr. Ribicoff):

S. 564. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder. Referred to the Committee on Finance.

By Mr. NUNN (for himself and Mr. Talmadge):

S. 565. A bill to require the Congress to prescribe a ceiling on expenditures for each fiscal year and to establish procedures to effectuate such ceilings. Referred to the Committee on Government Operations.

By Mr. HRUSKA (for himself and Mr. Scott of Pennsylvania):

S. 566. A bill to define the circumstances in which foreign states are immune from the jurisdiction of the U.S. courts and in which execution may not be levied on their assets, and for other purposes. Referred to the Committee on the Judiciary.

S. 567. A bill to revise title 28 of the United States Code. Referred to the Committee on the Judiciary.

By Mr. TOWER:

S. 568. A bill to amend the Outer Continental Shelf Lands Act by providing authority for the issuance of permits to construct, operate, and maintain port and terminal facilities. Referred to the Committee on Interior and Insular Affairs.

S. 569. A bill to provide that persons from whom lands are acquired by the Secretary of the Army for dam and reservoir purposes shall be given priority to lease such lands in any case where such lands are offered for lease for any purpose. Referred to the Committee on Public Works.

By Mr. ROBERT C. BYRD:

S. 570. A bill to promote public confidence in the legislative, executive, and judicial branches of the Government of the United States. Referred to the Committee on Rules and Administration.

By Mr. HANSEN (for himself, Mr. Mansfield, Mr. Bennett, Mr. Allen, Mr. Stevens, Mr. McGee, Mr. Tower, Mr. Young, Mr. Curtis, Mr. Thurmond, Mr. Hatfield, Mr. Bible, Mr. McClellan, Mr. Abourezk, Mr. Fannin, Mr. Dominick, Mr. Dole, and Mr. Gurney):

S. 571. A bill to amend the Federal Meat Inspection Act to require that imported meat and meat food products made in whole or in part of imported meat be labeled "imported" at all stages of distribution until delivery to the ultimate consumer. Referred to the Committee on Agriculture and Forestry.

By Mr. COOK:

S. 572. A bill to waive the statute of limitations with regard to the tort claims of certain individuals against the United States. Referred to the Committee on the Judiciary.

By Mr. ERVIN:

S. 573. A bill for the relief of Elba Sonia Ozeki;

S. 574. A bill for the relief of Roy Ramon Solano Salas; and

S. 575. A bill for the relief of Anton Emil Kamar. Referred to the Committee on the Judiciary.

By Mr. DOMINICK (for himself, Mr. Brock, Mr. Curtis, Mr. Goldwater, Mr. Schweiker, Mr. Stevens, Mr. Bible, Mr. Buckley, and Mr. Bellmon):

S. 576. A bill to amend the Gun Control Act of 1968 to provide for separate offense and consecutive sentencing in felonies involving the use of a firearm. Referred to the Committee on the Judiciary.

By Mr. JACKSON:

S. 577. A bill for the relief of Cmdr. Howard A. Weltner, U.S. Naval Reserve. Referred to the Committee on the Judiciary.

By Mr. CHURCH (for himself and Mr. Case):

S. 578. A bill requiring congressional authorization for the reinvolvement of American Forces in further hostilities in Indochina. Referred to the Committee on Foreign Relations.

By Mr. McCLURE:

S. 579. A bill for the relief of Mr. Arturo Manabat Amoranto, and his wife, Lourdes. Referred to the Committee on the Judiciary.

By Mr. PERCY (for himself, Mr. Pastore, Mr. Moss, Mr. Williams, Mr. Stevenson, Mr. Brock, Mr. Stevens, Mr. McGee, Mr. Nunn, Mr. Randolph, Mr. Hatfield, Mr. Bible, Mr. Humphrey, and Mr. Bayh):

S. 580. A bill to amend title 18 of the United States Code by adding a new chapter 404 to establish an Institute for Continuing Studies of Juvenile Justice. Referred to the Committee on the Judiciary.

By Mr. GRIFFIN (for himself, Mr. Mansfield, Mr. Scott of Pennsylvania, and Mr. Robert C. Byrd):

S.J. Res. 33. A joint resolution to authorize and request the President to proclaim a moment and day of prayer and thanksgiving. Considered and passed.

By Mr. SCOTT of Virginia:

S.J. Res. 34. A joint resolution to direct the Federal Communications Commission to conduct a comprehensive study and investigation of the effects of the display of violence in television programs, and for other purposes. Referred to the Committee on Commerce.

S.J. Res. 35. A joint resolution proposing an amendment to the Constitution of the United States; and

S.J. Res. 36. A joint resolution proposing an amendment to the Constitution of the United States relative to freedom from forced assignment to schools or jobs because of race, creed, or color. Referred to the Committee on the Judiciary.

By Mr. ROBERT C. BYRD (for Mr. Bentsen):

S.J. Res. 37. A joint resolution to designate the Manned Space Craft Center in Houston, Tex., as the Lyndon B. Johnson Space Center in honor of the late President. Referred to the Committee on Aeronautical and Space Sciences.

By Mr. COOK (for himself, Mr. Cannon, Mr. Hatfield, Mr. Randolph, Mr. Stafford, Mr. Talmadge, Mr. Thurmond, and Mr. Young):

S.J. Res. 38. A joint resolution proposing an amendment to the Constitution of the United States with respect to the attendance of Senators and Representatives at sessions of Congress. Referred to the Committee on the Judiciary.

By Mr. ROBERT C. BYRD:

S.J. Res. 39. A joint resolution to redesignate Washington National Airport as the Lyndon B. Johnson Airport. Referred to the Committee on Commerce.

By Mr. PELL:

S.J. Res. 40. A joint resolution to authorize and request the President to call a White House Conference on Library and Information Sciences in 1976. Referred to the Committee on Labor and Public Welfare.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TOWER:

S. 556. A bill to amend title 13, United States Code, to provide for a mid-decade census of population in the year 1975 and every 10 years thereafter. Referred to the Committee on Post Office and Civil Service.

Mr. TOWER. Mr. President, today, I again would like to introduce a measure designed to authorize the Secretary of Commerce to conduct a census in the mid-decade. Under the terms of this legislation, beginning in 1975, and every 10 years thereafter, the Census Bureau would compile figures as of the first day of April of 1975 which would provide more current information than is now available in our present system of a decennial census.

In my opinion, there are two powerful reasons for the establishment of a mid-decade census. First, the amount of Federal funds a community or State receives is in a large part determined by its population. Eligibility for certain types of aid is triggered by population formulas. We are a highly mobile and ever-expanding society and oftentimes an 8- or 9-year-old census is not relevant to the current situation. Therefore, cities and States have a great need for funds and other services and find themselves deprived of such funds and services because the data upon which they are based are outdated. The necessity for more accurate information upon which to base legislation and upon which to distribute Federal funds and services should be readily apparent. Many of the cities and counties in Texas are among the fastest growing in the Nation. In 10 years the population in some areas can change as much as 50 percent. Such cases make it quite clear that there is a need for a mid-decade census.

Second, there is a need for a mid-decade census in order to assist in the area of population growth and control. It would assist in anticipating and guiding future urban growth and provide more current demographic statistics and information which would enable us to see if existing programs are successful or if statistics warrant stronger or different measures. It will allow us to see where this country is going in such related areas to population as environment, energy, and technology in these fields. A 10-year census is just not as relevant as a 5-year census to such a rapidly changing problem as population growth and distribution.

As to concern for the length of the census questionnaire, I have every reason to believe that the questionnaire would be kept as simple and short as possible. This measure does not contain a questionnaire limitation; however, it does state that in cities of over 100,000 there will be no full survey but sampling procedures and special surveys.

I was disappointed that no action was taken on this measure in the 92d Congress and I am certainly hopeful that the appropriate committee will see fit to expedite this most important measure.

By Mr. SCHWEIKER:

S. 557. A bill to provide that the United States Flag Day shall be a legal public holiday. Referred to the Committee on the Judiciary.

Mr. SCHWEIKER. Mr. President, I introduce a bill to provide that United States Flag Day shall be a legal public holiday.

It is noteworthy that, although the United States is one of the world's youngest, the U.S. flag is one of the oldest national emblems. It predates the present Union Jack of Great Britain and the French and Italian flags. Back in 1775, the Continental Congress named a committee composed of Benjamin Franklin, Thomas Lynch, and Benjamin Harrison to develop a design for a new national emblem. As a result, on June 14, 1777, the Continental Congress, sitting in Philadelphia, resolved:

> That the flag of the United States shall be of thirteen stripes of alternate red and white, with a union of thirteen stars of white in a blue field, representing the new constellation.

There is a tradition that the first flag was made by Mrs. John Ross, familiarly known as Betsy Ross, of 239 Arch Street, Philadelphia, at the request of Gen. George Washington. As a matter of fact, the Ross home is now a national shrine and may be visited by citizens interested in seeing where the Stars and Stripes originally came into being.

It is reported that George Washington described the makeup of the new flag as follows:

> We take the stars from heaven, the red from our mother country, separating it by white stripes, thus showing that we have separated from her, and the white stripes shall go down to posterity, representing liberty.

According to one story, General Washington himself had a hand in designing the flag. A star with six points had originally been suggested. General Washington, it is said, did not like this—perhaps because the British flag contained six-pointed stars—and he folded apiece of paper and cut across it with scissors, making a five-pointed star.

Throughout the years after the resolution, the observance of the anniversary of the original adoption of the flag grew slowly throughout the country. In 1893, the mayor of Philadelphia, after receiving a resolution of the Society of Colonial Dames of Pennsylvania, ordered the display of the flag on the public buildings in the city. A direct descendent of Benjamin Franklin, Mrs. Elizabeth Duane Gillespie, president of the Colonial Dames at the time, offered the resolution which proposed that the day be known thereafter as Flag Day and that the flag be displayed by all citizens on their residences and on all business places as well as on public buildings.

The anniversary, however, has never been designated as a legal holiday. It is customary to hold the celebration in the Betsy Ross house in Philadelphia and the Patriotic Order of the Sons of America place a wreath on the grave of Betsy Ross in Mount Moriah Cemetery in Philadelphia. Generally the Daughters of the American Revolution observe the day with ceremonies, as do the Sons of the American Revolution.

Mr. President, it is my feeling that it would be well for us to pause each year to commemorate the anniversary of our national flag. I propose that June 14 be designated as "United States Flag Day" to indicate very clearly that it is the flag of the United States of America which we are honoring. The establishment of U.S. Flag Day as a national holiday would give us the opportunity to reflect on the ideals of the Founding Fathers which have enabled this country to become the great and strong nation that it is.

By Mr. SCHWEIKER:

S. 563. A bill to amend the Internal Revenue Code of 1954 and title II of the Social Security Act so as to permit exclusion from social security coverage and refund of social security tax to members of certain religious groups who are opposed to insurance. Referred to the Committee on Finance.

Mr. SCHWEIKER. Mr. President, I am today introducing again a bill to provide an exemption from the social security employment tax on wages for religious groups opposed to insurance. I first introduced this legislation in the Senate as an amendment to the Social Security Amendments of 1970, H.R. 17550, and it was adopted by the Senate Finance Committee and passed by the Senate. It was dropped in conference with the House. Since then I have introduced the measure as a separate bill and as an amendment to H.R. 1. To date this provision has twice been passed by this body, and twice dropped in conference. Nevertheless, the issue incorporated in this bill is fundamental and I will continue my efforts to see it enacted into law.

I cite the Amish as an example of people who desire and should be offorded this social security exemption due to their religious objection to social security.

The Internal Revenue Code provides an exemption from self-employment tax, if a person can show he is a member of a recognized religious sect which follows the practice of making provisions for its dependent members. I now ask that this exemption be extended from self-employment tax to those who work for others and oppose for religious reasons, payment of social security employment tax on wages.

As part of their religion, the Amish refuse any form of relief or what they call Government handouts. They oppose all forms of social security, including old-age pensions. Regarding it not as a tax but rather as a policy premium in a national insurance system, the Amish are opposed to participation, because of their conscientious objection to all forms of insurance. This belief is embodied in the Dordrecht Confessions, which predates our Constitution. Its doctrine of the church as the visible communion of the saints may be taken as the implicit ground for rejection of insurance in the sense that the congregation of God's people are expected to live by faith and trust in providence. Otherwise it counsels obedience to the state, which is why the Amish have no objection to the payment of taxes.

Forcing people such as the Amish to pay a tax which is a form of insurance, directly opposed by the tenets of their faith, is an impingement on the religious rights of any group, no matter how small.

It is difficult for me to understand why we have not been ready to permit religious groups to conscientiously object to economic regulations when we rightfully recognize their right to object to the military service.

I feel strongly that this Government must not ride roughshod over the religious rights of a minority. Such is the case under present law. In 1961, the Federal Government seized three horses belonging to an Amish farmer in Pennsylvania, and sold them at public auction to obtain money for social security payments which the man refused to make because of his religious convictions.

It was about this time that I began my effort to assist the Amish people to get relief from participating in the social security program to which they are opposed on religious grounds. In 1961 and again in 1963, I introduced a bill in the House which would have provided an exemption from participation in the Federal old-age and survivors insurance program for those whose religious doctrines forbid participation in such a program.

In 1964, there was social security legislation in Congress. Since the House was operating under a closed rule, I was unable to introduce an amendment to the 1964 social security law. However, the Senate version of the bill contained such an amendment. The House-Senate conference committee then had to decide whether to use the House-version of the bill, which had no provision for the Amish exemption, or the Senate version, which included the Senate amendment. I wrote letters to all Congressmen and personally talked to the House Members of the conference committee, urging them to accept the Senate version for the Amish. Fortunately, the Treasury Department, as well as the Justice Department rendered legal opinions saying that the old order Amish exemption met all constitutional requirements and was strictly a matter of legislative policy. Finally, the conferees agreed to accept the Senate Amish amendment, for which I was very pleased.

Unfortunately, the bill died in the conference committee because of the dispute over medicare. It did, however, lay the groundwork for the first relief granted to the Amish.

On July 30, 1965, Congress amended the Internal Revenue Code, allowing a person to apply for exemption from self-employment tax if he is a member of a recognized religious sect which follows the practice of making reasonable provision for its dependent members. We must now take this one step further, and provide an exemption from social security taxes on wages.

Specifically, my bill provides that any member of a recognized religious sect in existence since at least 1950, who can show that he is an adherent of established teachings which cause him to be conscientiously opposed to acceptance of social security benefits, may file an application to be entitled to a credit or refund of the amount of the tax.

The applicant would submit evidence to substantiate his membership in the sect and his adherence to its teachings, and would be asked to show that it has been the practice of the sect to make provision for the care of its elderly or dependent members.

In addition, the employer would continue to pay into the social security fund, thus eliminating any chance that such an amendment would make one employee more desirable than another. The objective here obviously is not to make one group of people more desirable employees than another, but instead to assist those who object to social security coverage because it directly opposed the basic religious tenets of their faith. Since the employer would continue to pay into the social security fund, the exempted employee would offer no financial advantage over the nonexempted employee.

The provisions of this bill are identical to those contained in H.R. 1, the Social Security Amendments of 1972, as reported by the Senate Finance Committee during the 92d Congress and passed by the Senate.

I ask unanimous consent that this bill, additional material regarding the beliefs of the Amish people on social security, and a letter I received in 1965 from the Treasury Department on the constitutionality of this exemption be inserted at this point in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 563

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) (1) section 6413 of the Internal Revenue Code of 1954 (relating to special rules applicable to certain employment taxes) is amended by adding at the end thereof the following new subsection:

"(e) Special Refunds of Social Security Tax to Members of Certain Religious Faiths.—

"(1) In General.—An employee who receives wages with respect to which the tax imposed by section 3101 is deducted during a calendar year for which an authorization granted under this subsection applies shall be entitled (subject to the provisions of section 31(b)) to a credit or refund of the amount of tax so deducted.

"(2) Authorization for credit or refund.—Any individual may file an application (in such form and manner, and with such official, as may be prescribed by regulations under this subsection) for an authorization for credit or refund of the tax imposed by section 3101 if he is a member of a recognized religious sect or division thereof described in section 1402(h) (1) and is an adherent of established tenets or teachings described in such section of such sect or division. Such authorization may be granted only if—

"(A) the application contains or is accompanied by evidence described in section 1402(h) (1) (A) and a waiver described in section 1402 (h) (1) (B), and

"(B) the Secretary of Health, Education, and Welfare makes the findings described in section 1402(h) (1) (C), (D), and (E).

An authorization may not be granted to any individual if any benefit or other payment referred to in section 1402(h) (1) (B) became payable (or, but for section 203 or 222(b) of the Social Security Act, would have become payable) at or before the time of filing of such waiver.

"(3) Effective period of authorization.—An authorization granted to any individual under this subsection shall apply with respect to wages paid to such individual during the period—

"(A) commencing with the first day of the first calendar year after 1970 throughout which such individual meets the requirements specified in paragraph (2) and in which such individual files application for such authorization (except that if such application is filed on or before the date prescribed by law, including any extension thereof, for filing an income tax return for such individual's taxable year, such application may be treated as having been filed in the calendar year in which such taxable year begins), and

"(B) ending with the first day of the calendar year in which (i) such individual ceases to meet the requirements of the first sentence of paragraph (2), or (ii) the sect or division thereof which such individual is a member is found by the Secretary of Health, Education, and Welfare to have ceased to meet the requirements of subparagraph (B) of paragraph (2).

"(4) Application by fiduciaries or survivors.—If an individual who has received wages with respect to which the tax imposed by section 3101 has been deducted during a calendar year dies without having filed an application under paragraph (2), an application may be filed with respect to such individual by a fiduciary acting for such individual's estate or by such individual's survivor (within the meaning of section 205 (c) (1) (C) of the Social Security Act)."

(2) Section 31(b) (1) of such Code (relating to credit for special refunds of social security tax) is amended by striking out "section 6413(c)" and inserting in lieu thereof "section 6413 (c) or (e)".

(b) (1) Section 201(g) (2) and 1817(f) (1) of the Social Security Act are each amended by striking out "section 6413(c)" and inserting in lieu thereof "sections 6413(c) and (e)".

(2) Section 202(v) of the Social Security Act is amended—

(1) by inserting "(1)" after (v)"; and

(2) by adding at the end thereof the following new paragraph:

"(2) Notwithstanding any other provisions of this title, in the case of any individual who files a waiver pursuant to section 6413(e) of the Internal Revenue Code of 1954 and is granted an authorization for credit or refund thereunder, no benefits or other payments shall be payable under this title to him, no payments shall be made on his behalf under part A of title XVIII, and no benefits or other payments under this title shall be payable on the basis of his wages and self-employment income to any other person, after the filing of such waiver; except that, if thereafter such individual's authorization under such section 6413(e) ceases to be effective, such waiver shall cease to be applicable in the case of benefits and other payments under this title and part A of title XVIII to the extent based on his wages beginning with the first day of the calendar year for which such authorization ceases to apply and on his self-employment income for and after his taxable year which begins in or with the beginning of such calendar year."

Background of the Program

The following background information indicates the basic nature of the social security program, the general character of religious objections to participation in social security, and the present situation of the Old Order Amish in relation to social security.

COMPULSORY NATURE OF SOCIAL SECURITY

The social security program is designed to provide old-age, survivors, and disability insurance protection for American families, regardless of family size, income, or other factors. Under this program workers (and their employers) and the self-employed contribute while working so that the contributor and his family may have a continuing income when earnings cease or are greatly reduced because of retirement in old-age, long-term disability, or death. About 9 out of 10 working people and their families are covered under the program.

Social security can carry out its purpose only under conditions of compulsory coverage. Compulsory coverage assures that there will be a given distribution of what might be called poor risks—those who will get considerably more than they pay in—and good risks. Under a voluntary program, there would be an unduly high proportion of poor risks. Many people could predict with reasonable certainty whether or not they would get a large return on their contributions and those choosing coverage would generally be the ones who could expect to receive benefits bargains. This would increase the cost of the program for all who participate. Those given a choice as to coverage would have an unfair advantage over those workers and employers whose coverage would continue to be on a compulsory basis and who would have to help bear the increased cost arising from the individual voluntary coverage. Moreover, under individual voluntary coverage, many who need social security protection most would not participate. Many low income workers would choose not to pay the contributions because of the press of day-to-day financial problems, although in the long run social security protection would be especially valuable to such workers and their *families*.

Individual voluntary coverage is now provided under social security only in respect to services performed in the exercise of the ministry (including the performance of the duties of a Christian Science practitioner). The exclusion from coverage of such services (where coverage is not elected) is not a personal exclusion but an occupational exclusion. Thus, a minister who engages in any employment or self-employment other than the exercise of the ministry—whether or not he elects coverage of his ministerial services—is covered on the same basis as all other persons. Once a minister elects coverage of his services in the ministry, the election is irrevocable and once the time for election passes, a minister who has not elected coverage may no longer do so.

RELIGIOUS OBJECTIONS TO COVERAGE UNDER SOCIAL SECURITY

Representatives of those divisions of the Amish Mennonites generally classed as Old Order Amish (with some 19,000 adult members) have objected to social security taxes on grounds that social security is a form of insurance, and that their participation in an insurance program would show mistrust in the providence and care of God to meet future needs. This basis for objection is shared by the Old Order Mennonites (about 5,000 members) by at least some of the followers of Father Divine (some 300,000 members), and by an unknown number of small sects, such as the Hutterites (a Mennonite group with 2,300 members, who practice communal living) and the division of the Plymouth Brethren known as Exclusives.

Another religious basis for opposing participation in social security is adherence to a principle of separatism—the belief that one's sect or group should keep apart from all other persons. The Old Order Amish, for example, place great importance on the scriptural admonition: "Be ye not unequally yoked together with unbelievers; for what fellowship hath righteousness with unrighteousness? and what communion hath light with darkness?" Separatism is also a cardinal principle of some groups which have not indicated their attitudes toward social security; for example, the Black Muslims, perhaps the prime exponents of separatism, and Jehovah's Witnesses, with 287,000 members in the United States, all of whom are held by the sect to be ministers. There would seem to be considerable doubt that participation in social security is compatible with the belief of Jehovah's Witnesses that the end of the world is close at hand—1984, at latest—and objections to social security have been received from individual members from time to time.

Each of the above-mentioned groups has come into conflict with Federal or State law on questions other than social security. All oppose compulsory military service, and there have been various other conflicts with State or local laws, such as the refusal of the Old Order Amish to permit their children to attend school beyond the 8th grade, and the refusal of Jehovah's Witnesses and the Black Muslims to salute the flag.

The Christian Science Church opposed provision of disability benefits under social security on religious grounds.

OLD ORDER AMISH

The 19,000 Old Order Amish Mennonites live in about 270 communities in 19 States. The communities are known as church districts; however, there are no meeting houses and worship is conducted in private homes. Each community is headed by a bishop. There is no hierarchy above the bishops and no formal organization among the various communities. Thus each bishop is able to interpret doctrine independently of views held in other communities.

Amish who do not belong to old order groups—e.g., a category known as Beachy Amish—have adopted relatively modern ways of living, and are apparently not opposed to social security. There continue to be cleavages in which Old Order Amish communities, or segments of communities, split off to adopt more modern ways of living. One-third or more of the offspring of Old Order Amish parents do not continue in the sect. As in virtually any group there are marginal members, some of whom eventually become separated from the sect. The Amish strive continually to maintain their communities against worldly temptations; and effective means of maintaining has been their stand against high school education and their doctrine of shunning,[1] with its grave economic implications for individuals who are so ill equipped to prosper outside the community.

The Old Order Amish relate practically every detail of their way of living to religious beliefs, which in turn are based on literal interpretation of scriptural texts. The Old Order Amish attempt to pursue a life similar in its course to that of the German peasants of perhaps the 17th or 18th century. The farm way of life is justified on religious grounds because being "in the country" separates the group from more worldly, less firm followers of Scripture. Consideration has been given to the use of nonmechanized farming methods as one way of differentiating (in proposed legislation) the Old Order Amish from other religious objectors to social security. But even among the Old Order Amish there have been various concessions to the changing times. For example, though a tractor may not be used in the field, it is permissible to use a tractor to furnish belt power. The Old Order Amish farmer is generally allowed to have one- or two-cylinder gasoline motors for his farm operations. The Old Order Amish make a significant distinction between owning and merely using modern conveniences. For example, in some communities it is permissible to have electric current and appliances in a mortgaged home but not after the mortgage is paid off. A significant distinction is also made between members of the sect and those who are members of the Amish community but not members of the sect—for example, Amish youngsters, who do not become members of the Old Order Amish until they are baptized (which usually occurs in their later teens). A case has been described in which a young man deferred baptism for a period of time so as to enable continued ownership of an automobile and a tractor, with which he not only provides transportation for his numerous family and neighbors but also works his father's large farm and many of his neighbors.[2]

HISTORY OF THE PROBLEM

The problem of the Old Order Amish with social security dates mainly from 1955 when coverage of self-employed farm operators began. (However, some members of the sect who take employment in town have been covered as far back as 1937.) Although the law does not require that social security benefits must be accepted, the Old Order Amish bishops assert that required payment of social security taxes obliges their members to participate in the social security program—an insurance program—and thus to act contrary to their religious beliefs. Though the social security tax provisions are not included with the benefit provisions in the Social Security Act, but are part of the Internal Revenue Code, the bishops seem to look upon the social security taxes as in the nature of a personal premium paid for insurance. The bishops believe that their members should pay other types of taxes, pursuant to the scriptural admonition to "render unto Caesar the things that are Caesar's." In general, the creed of the sect (also held by some other groups) dictates that members should obey civil laws except where they "militate against the law, will, and commandments of God."[3]

The religious objection to the insurance principle is not clear cut. For example, the Older Order Amish make systematic arrangements for protection against property loss from fire, storm, and other causes, under which, after a loss occurs, members contribute labor and make a monetary contribution related to their net worth. One such group arrangement, known as the Amish Mutual Fire Insurance Association of Atglen, Pa., was organized by the Older Order Amish of Lancaster County in 1875 and was licensed as an insurance company in Maryland and Pennsylvania. The Old Order Amish do not consider this type of arrangement to be insurance because there is no advance funding. Liability insurance is apparently not considered to be contrary to their religious beliefs—a conclusion based on the view that liability insurance provides indemnity not to the insured but to the party suffering damages. It seems clear, however, that the Old Order Amish are strongly opposed to life insurance even though the survivors, not the insured, are protected under it.[4]

There is no question, of course, as to the sincerity of the assertion of the Old Order Amish bishops that participation in social security is contrary to their religious beliefs, and a number of the Amish farmers carry out this objection to the point of open refusal to pay social security taxes and active resistance to the execution by the Government of liens on their bank account to satisfy unpaid taxes. During many discussions with representatives of the Social Security Administration, the bishops have consistently refused to consider any compromise solution short of exclusion from social security coverage. On the other hand, a number of individual members of the sect have claimed old-age insurance benefits under social security when they became eligible for such benefits. It appears that at least some of the Old Order Amish—particularly, younger members—are undergoing a change in attitude toward social security and are coming to regard it as a good thing. This is quite consistent with their increasing acceptance of various innovations of the 20th century.

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[1] "Amish Society," by John A. Hostetler, p. 144.

[2] "Our Amish Neighbors," by William I. Schreiber, p. 77.

[3] "The Dordrecht Confession (1632)." In reference to civil government, this confession also directs believers "faithfully to pay it custom, tax, and tribute." One article of the confession forbids defense by force.

[4] The first reference to insurance in basic documents related to Amish religious background appears in "Christian Fundamentals," adopted by the Mennonite General Conference in 1921, which states that "life insurance is inconsistent with filial trust in the providence and care of our heavenly Father." A more recent commentary, in "The Mennonite Encyclopedia," explains: "This refers to commercial life insurance only. The (Mennonite) brotherhood has a growing awareness of its obligation to make systematic provision for the economic needs of its members including financial assistance for the widows and orphans in event of serious incapacity or death."

As noted, the problem of those Old Order Amish who actively resist social security coverage is related mainly (though not entirely) to the social security self-employment tax.[5] The enforcement problem was thrust on the national scene when one Amishman, Valentine Y. Byler, of New Wilmington, Pa., who had no bank account, could not be persuaded to pay his tax for the years 1956–59. In the spring of 1961 the Government seized three of his six plow horses, sold them at public auction, and applied the proceeds against his outstanding liability. After consultation with an attorney who had become interested in civil liberties cases, Mr. Byler brought suit on the grounds of infringement of the freedom of religion guaranteed under the first amendment.

Given assurance that the constitutionality of the tax would be tested in court, and that the statute of limitations on collection of taxes would be waived by the Amish, the Commissioner of Internal Revenue agreed in October 1961, to suspend all forceful collection of tax until the issue was resolved in court. On January 21, 1963, the suit was dismissed with prejudice on motion of the plaintiffs, Mr. and Mrs. Byler. (This action was apparently based on religious objections to participating in litigation, and was taken without consultation with the plaintiff's attorney.) As an alternative course, Old Order Amish bishops appealed to the Conress and bills were introduced during the 87th Congress to exempt them from the tax. The Treasury Department and the Department of Health, Education, and Welfare pointed out objections to these bills on administrative and precedent grounds. During consideration by the 87th Congress of H.R. 10606, the Public Welfare Amendments of 1962, one of these bills (S. 2301) was adopted as a Senate amendment but was dropped in conference. Appended is a list of bills which have been introduced in the 88th Congress for the purpose of permitting exclusion from social security on grounds of religion or conscience, or to make coverage voluntary for self-employed farmers.

Although the suit to test the constitutionality of the self-employment tax as it applies to the Old Order Amish was never tried, the moratorium on the collection of tax has not been terminated by the Internal Revenue Service. According to the most recent report of the Service, there are some 1,500 delinquent Amish accounts, the delinquencies ranging for the most part for periods from 1 to 3 years and involving nearly $250,000 in tax liabilities.

The moratorium was intended as a temporary measure. Since tax liabilities are not satisfied but only postponed by this moratorium, it cannot be extended for too long a period of time. The 6-year period of limitation on collection of tax will expire this year in some cases. Some Old Order Amish have already indicated that they would not sign waivers to extend the collection period. The Government, therefore, in these cases soon will be forced to take action for the collection of taxes due from these individuals or else allow its collection rights to lapse.

TREASURY DEPARTMENT,
Washington, August 12, 1964.

HON. RICHARD S. SCHWEIKER,
House of Representatives,
Washington, D.C.

DEAR MR. SCHWEIKER: I am enclosing herewith the opinion of Mr. Berlin, the General Counsel of the Treasury Department, relating to the constitutionality of optional exemption of members of a certain religious faith from the social security self-employment tax or optional recovery of the tax paid.

Sincerely yours,
STANLEY S. SURREY,
Assistant Secretary.

THE GENERAL COUNSEL
OF THE TREASURY,
Washington, D.C., August 6, 1964.

CONSTITUTIONALITY OF OFFICIAL EXEMPTION OF MEMBERS OF A CERTAIN RELIGIOUS FAITH FROM THE SOCIAL SECURITY SELF-EMPLOYMENT TAX OR OPTIONAL RECOVERY OF THE TAX PAID

Legislation has been proposed in the present and the previous Congress to provide optional exemption with the social security self-employment tax for "a member or adherent of a recognized religious faith whose established tenets or teachings are such that he cannot in good conscience without violating his faith accept the benefits of insurance," upon a finding by the Secretary of Health, Education, and Welfare that his application for exemption was made in good faith and that the members of such religious faith make adequate provision for elderly members to prevent their becoming public wards.[1] Senators CLARK and SCOTT, among the chief proponents of this legislation, have explained that the faith in question is that of those Amish Mennonites who are known as the plain people or Old Order Amish who live in relative independence and isolation in rural communities and adhere strictly to many literal biblical injunctions, including reliance on divine providence for their care. The consistency and sincerity of the sect is attested to by the refusal of most of their members to accept social security benefits or pay the self-employment tax.

In the consideration of these bills in Congress the question, was raised as to whether the proposed exemption would be constitutional and the views of the Treasury Department were requested. This opinion is in response to that request. Since then, additional legislative proposals, including an alternative proposal of relief for the Amish in the form of tax recovery in place of tax exemption, have been discussed in a joint statement by the Treasury Department and the Department of Health, Education and Welfare, entitled 'Request of the Old Order-Amish for Exemption from the Social Security Self-Employment Tax," which was transmitted to interested Members of Congress by a joint letter dated July 20, 1964. In connection with the earlier request, it is also appropriate to consider the constitutionality of these proposals as well as the constitutionality of the various limitations included, or suggested for inclusion in the definition of the faith whose members or adherents would be eligible for exemption. The joint statement referred to above reviews the religious tenets and modes of life of these Amish and provides an extended analysis of the social security system and the possible effects of an exemption. I will not, therefore, in this opinion cover any of this factual material. A copy of this joint statement is attached hereto.

CONCLUSION ON TAX EXEMPTION AND TAX RECOVERY

My conclusion, based upon a review of the principles of constitutional law, is that there is no valid constitutional objection to the proposed exemption and that the question of exemption is one of public policy for Congress to determine. After discussion of the grounds for this conclusion I will review in the latter part of this opinion the constitutionality of various proposed additional limitations upon the exemption.

This conclusion concerning tax exemption comprehends any provision by Congress for tax recovery, since tax exemption is the most complete relief that could be given. In the subsequent discussion, therefore, the constitutional conclusions with respect to the requirements of uniformity, of the first amendment, and of due process should be read as also extending to a provision for tax recovery.

Congress and the States have provided for the recovery of taxes in various situations where for reason of public policy the legislature has determined this to be appropriate. I have found no constitutional challenge of these provisions. For example, 26 U.S.C. 6420 provides for refund of the gasoline taxes paid for gasoline used for farming purposes. A similar provision in the Virginia Code, section 58-715 (Supp. 1964), includes refunds for gasoline used for public or nonsectarian school buses. Title 26 U.S.C. 6418 provides for refund of the Federal tax on sugar manufactured in the United States to those who use such sugar as livestock feed or in the distillation of alcohol.

If members of the designated religious faith were permitted to choose to recover in monthly installments the amount, and only the amount, of the social security taxes they have paid, they would be under a limitation which operated to their disadvantage as compared with other social security taxpayers to whom an indefinite amount of social security recovery would be available in the form of insurance. Consequently, it would seem that no other social security taxpayer would be in a position to claim that the tax recovery allowed to the Amish in any way discriminated against his or added to his tax burden.

1. The requirement of uniformity: The Constitution provides in article I, section 8, clause 1: "The Congress shall have power to lay and collect taxes, duties, imposts, and excise, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excise shall be uniform throughout the United States; * * *." This canon of uniformity has been long established to be a requirement of geographical uniformity only *Knowlton* v. *Moore*, 178 U.S. 41 (1900); *Brushaber* v. *Union P., Co.*, 240 U.S. 1 (1916); *Fernandez* v. *Weiner*, 326 U.S. 340 (1945). Insofar as uniformity may be required as an element of reasonableness under the due process clause, the problems are dealt with in my discussion of the application of that clause.

2. The first amendment: The proposed exemption, if allowed, would represent a determination by Congress that an accommodation of the self-employment tax law to prevent offense to religious scruples against insurance would not be contrary to public policy. The first amendment provides that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; * * *." The question is whether an exemption from the social se-

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[5] The self-employment tax rate is now 5.4 percent, and is applicable to the first $4,800 of annual net earnings from self-employment. Virtually all self-employment, except self-employment as a doctor of medicine, is compulsorily covered under social security for any year in which an individual has annual net earnings of at least $400 from self-employment. The current social security tax rate for employers and employees is 3⅝ percent each.

[1] S. 294, 88th Cong., H.R. 10606, 87th Cong., among others.

curity tax would be constitutional as an accommodation or mitigation of a general requirement in order to permit the free exercise of a religion or whether it would be an "aid" to the specified religion at the expense of other religions and therefore be an unconstitutional establishment of religion.

It is my conclusion that the proposed exemption would in all probability be held to be a valid accommodation of the general law to permit religious liberty under the free excise clause. The subsidiary question whether the definition of the persons exempted may be a reasonable classification under the due process clause is discussed in a subsequent part of this opinion. I base my conclusion on the following decisions of Federal and State course, particularly the Supreme Court, which interpret the first amendment to permit accommodations to religious beliefs. This discussion will be followed by an analysis of those cases which hold that certain government action is a violation of the establishment clause, in order to make clear that this exemption would not be an establishment of religion.

The classic example of the application of the free exercise clause is the series of cases which have upheld congressional exemption of conscientious objectors from military service. The validity of this exemption was first established by the *Selective Draft Law Cases,* 245 U.S. 366 (1919) upholding the exemption in the draft law of members of religious sects "whose tenets prohibited the moral right to engage in war." The Solicitor General had argued (p. 374) that this exemption did not establish such religions but simply aided their free exercise. The court considered that the Congressional authority to provide such exemption was so obvious that it need not argue the point (p. 389–390).

The present Universal Military Training and Service Act enacted June 24, 1948, c. 625, 62 Stat. 604, as amended, in section 6(j), 50 U.S.C. App. 456(j), exempts from combatant training and service in the Armed Forces a person "who by reason of religious training and belief, is conscientiously opposed to participation in war in any form." This exemption continues to be recognized as constitutional under the free exercise clause, *Clark* v. *United States,* 236 F. 2d 13 (9th Cir. 1956), cert. denied, 352 U.S. 882 409 (2d Cir. 1963), cert, granted 32 L.W. 3385, May 5, 1964. Certiorari was granted in the Jakobson case and in two other conscientious objector cases,[2] apparently in order to reconcile the conflict between the second and ninth circuits as to whether the statutory definition of "religious training and belief" as being a "belief in a relation to a Supreme Being" may constitutionally be applied to exclude a conscientious objector whose belief is based on humanistic principles. This conflict is one essentially concerned with reasonable classification of an exemption under the due process clause, discussed below. It does not concern the constitutional right of Congress to exempt conscientious objectors under the free exercise clause.

In the Jakobson case the second circuit faced the problem whether "making exemption from military service turn on religious training and belief as stated in section 6(j) aids religions, and more particularly religions based on a belief in the existence of God" (p. 414) and thereby conflicts with the holding in *Torcaso* v. *Watkins,* 367 U.S. 488 (1961). There it was determined that Maryland could not require an oath affirming a belief in God as a prerequisite to becoming a notary public. The Jakobson court concluded that "the important distinction seems to us to be that, in contrast to Maryland's notary public oath, Congress enacted this statute, in mitigation of what we assume to be the constitutionally permissible course of denying exemptions to all objectors, for the very purpose of protecting 'the free exercise' or religions by those whose religious beliefs were incompatible with military service which Congress had the right to require" (pp. 414–415).

An exemption identical with that in the 1948 military training act was specifically included in section 387(a) of the Immigration and Naturalization Act of June 27, 1952, c. 477, 66 Stat. 163, 258, 8 U.S.C. 1448(a). This statutory exemption followed the decision of the Supreme Court in *Girouard* v. *United States,* 328 U.S. 61 (1946) ruling that the naturalization law need not be, and should not be, interpreted to exclude an alien who would not promise to bear arms because of religious scruples. Justice Douglas, for the majority, reaffirming principles enunciated in early dissents by Justices Hughes and Holmes, said, "The struggle of religious liberty has through the centuries seen an effort to accommodate the demands of the state to the conscience of the individual" (p. 68).

The general exemption from taxation of religious groups, activities and property is another example of the exercise by legislatures of the constitutional authority to make exemptions to aid in the free exercise of religion, which continues to be upheld against contentions that the exemption operates to establish the religions this benefitted.[3] Under this exemption a unique religious doctrine may make an activity of one religious group exempt as having a religious purpose which would not be exempt when carried on by other groups not holding to the doctrine.[4] The exemption from taxation of religious activities and occupations is incorporated into the Social Security Act itself which provides optional exemptions for ministers, Christian Science practitioners, employees of religious organizations and members of religious orders (26 U.S.C. 1402 (c) and (e) and 3121(b)(8)).

A further illustration of the principle that a legislature may accommodate particular religious beliefs without violating the first amendment is the case of *Zorach* v. *Clauson,* 343 U.S. 306 (1952). Here the Supreme Court held that the New York Legislature did not violate the establishment clause by authorizing public schools to release children 1 hour early every week for religious instruction off the school grounds. It said:

"When the State encourages religious instruction or cooperates with religious authorities by adjusting the schedule of public events to sectarian needs, it follows the best of our traditions. For it then respects the religious nature of our people and accommodates the public service to their spiritual needs" (pp. 313–314).

The distinction between *Zorach and McCollum* v. *Board of Education,* 333 U.S. 203 (1948) well illustrates the distinction between the two first amendment clauses for in McCollum the released time plan was held unconstitutional as an establishment of religion as classrooms and the force of the school were used in that plan.

The most important case, for our purposes, is the recent Supreme Court decision in *Sherbert* v. *Verner,* 374 U.S. 398 (1963). In this case the Court required South Carolina to accommodate the requirements of its unemployment compensation law to the religious scruples of an adherent of a particular sect, the Seventh-day Adventists. In three separate opinions the members of the Court balanced the demands of the free exercise clause against the prohibitions of the establishment clause. The opinion and the concurring opinion determined that the denial of unemployment benefits to a person unavailable for suitable work on Saturday because, being an Adventist she could not for religious beliefs work on Saturday, was a restriction on the free exercise of her religion and, therefore, unconstitutional. The dissenting opinion contended that the accommodation of Adventists was a question of policy for the legislature and that while the legislature could constitutionally exempt the Adventist from the requirements for eligibility placed upon all other persons the legislature was not required to do so. Consequently, the full Court apparently would agree that Congress could constitutionally make an exception from the general requirements of taxation and compulsory insurance of persons who because of religious scruples are unwilling to accept social security insurance. It is solely the constitutional ability of Congress to make this exemption to which this opinion is addressed.

The reasoning in the Sherbert case needs to be examined as it bears upon the power of Congress in this area. The principle of accommodation of a general law to a particular religious scruple is the same in this situation as in Sherbert though the facts differ in that in the Sherbert case the accommodation was for the purpose of enabling the Adventist to receive welfare benefits and in the Amish situation the accommodation would be for the purpose of exempting the Amish from benefits as well as from taxation for these benefits.

First, the Court says that while "the consequences of such a disqualification to religious principles and practices may be only an indirect result of welfare legislation" and that no criminal sanctions compel work on Saturday, the indirect discrimination is nevertheless a burden on the free exercise of the Adventist's religion. It requires her to abandon her religious precept or forgo a welfare benefit generally available (pp. 403, 404). In the social security situation the employment tax is supported by civil and criminal sanctions of assessed penalties and fine, imprisonment and forfeiture, so that the justification for congressional relief is even clearer.

Second, the court points out that while the State may not discriminate invidiously between religions the accommodations required to be allowed to the Adventist would not be discriminatory but rather would remove a discrimination based upon her religion, since the law does not disqualify persons who do not work on Sundays (at 406). An exemption for those sects which cannot in good conscience accept the insurance for which they are taxed would not be an invidious discrimination against other religions which have no such scruple and whose members are therefore able to accept the insurance for which they are taxed.

Third, the court pointed out that the administrative problems concerned and the possibility of spurious claims do not justify a restriction on the free exercise of religion (at 407).

Then the court concludes (at 409) that its holding does not foster the "establishment" of the Seventh-day Adventist religion in South Carolina for the extension of unemployment benefits to Adventists is not like the involvement of religions with secular institutions which the establishment clause is designed to forestall as shown in its decision announced the same day, *School District of Abington Township* v. *Schempp*, 374 U.S. 203 (June 17, 1963). In fact the Sherbert ruling reversed the State court ruling that allowance for the religious obligation of the Adventist would be an unconstitutional discrimination in her favor. See *Sherbert* v. *Verner*, 240 S.C. 286, 125 S.E. 2d 737, 746 (1962).

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[2] *United States* v. *Seeger,* 326 F. 2d 846 (2d Cir. 1964), and the *Jakobson* case, compared with *Peter* v. *United States,* 324 F. 2d–173 (9th Cir. 1963). The *Peter* case followed *Etcheverry* v. *United States,* 320 F. 2d 873 (9th Cir. 1963) on which certiorari was denied, 375 U.S. 320 (1963). The influence of the 2d circuit against the definition is shown in *MacMurray* v. *United States,* 330, F. 2d 928 (9th Cir. 1964).

[3] *Swallow* v. *United States,* 325 F. 2d 97 (10th cir. 1963); *General Finance Corp.* v. *Archetto* (R.I. 1961) 176 A. 2d 73, appeal dismissed, 369 U.S. 423 (1962); *Fellowship of Humanity* v. *County of Alameda,* 315 P. 2d 394 (Cal. Dist. Ct. App. 1957); *Lundberg* v. *County of Alameda,* 298 P. 2d 1 (Cal. 1956), appeal dismissed, sub nom., *Heisey* v. *County of Alameda,* 352 U.S. 921 (1956).

[4] "Golden Rule Church Association," 41 T.C. 719 (1964), (Nonacq. May 19, 1964).

In the Schempp and its companion case, *Murray* v. *Curlett*, decided with the same opinion, the court found that the States were establishing religion in their public schools by requiring Bible reading and the recitation of prayers therein. These decisions are developments of the prior term's opinion in *Engel* v. *Vitale*, 370 U.S. 421 (1962) holding that the requirement of recitation in the public schools of a State-authored prayer was a violation of the establishment clause which prohibits the Government from placing its "power, prestige, and financial support * * * behind a particular religious belief" (p. 431). In the Schempp case the court develops the idea that Government must remain "neutral," a term derived from the 5-to-4 decision in *Everson* v. *Board of Education*, 330 U.S. 1 (1947). In its context in the several Establishment cases this term means an inability of the State to use its powers to require religious observances or to use public funds for the support of religious institutions. None of the holdings applies the establishment clause to forbid the granting of an exemption from Government coercion of a secular action to accommodate religious scruples under the free exercise clause. The latter clause is predicated, says the Schempp court, on Government coercion which impinges on religious practice, 374 U.S. at 223. The distinction between these two historic lines of decisions has permitted the Schempp case to be decided consistently with the Sherbert case on the same day.

In sum, then, an exemption removes a handicap to the free exercise of a particular religion placed upon it by force of Government; it is not a requirement by the Government that the particular religion be practiced or observed or supported by nonadherents.

The meaning of the Sherbert case is made unmistakable in its application by the court in the recent case. *In re Jension*, 375 U.S. 14 (1933). Here the court "in the light of *Sherbert* v. *Verner*" vacated the judgment of the Minnesota Supreme Court in *In re Jenison*, 265 Minn. 96, 120 N.W. 2d 515 (1963). The Minnesota court had held a person selected for jury duty in contempt of court for refusing to serve on the jury because of a religious belief based upon the biblical injunction against judging other persons. The Minnesota court had reasoned that jury duty, being a primary duty of all citizens, was superior to a religious belief deemed by the court contrary to public order, citing *Reynolds* v. *United States*, 98 U.S. 145 (1878) which held that Congress could prohibit polygamy as a violation of the social order.

Since the Supreme Court has now held that Government must accommodate even the highest duties of citizens to sincere religious scruples, it is probable that it would hold that Congress may accommodate the religious scruple against insurance by allowing for such a scruple an optional exemption, or a lesser form of relief, from social security taxation and benefits.

3. The due process clause: Under the due process clause of the fifth amendment tax statutes must provide reasonable classifications of the subjects taxed or regulated and reasonable exemptions, if exemptions are provided. But, as has been firmly established by the Supreme Court, particularly in cases upholding the various exemptions provided in the Social Security Act and State unemployment compensation acts (*Carmichael* v. *Southern Coal Co.*, 301 U.S. 495 (1937); *Stewart Machine Company* v. *Davis*, 301 U.S. 543 (1937); *Helvering* v. *Davis*, 301 U.S. 619 (1937)), the outer bounds of what is a reasonable tax or exemption classification allow a wider play of legislative judgment than many other areas of the law where the "reasonable" standard is applied. In these cases the court assured legislatures that they had the widest powers of selection and classification in taxing some at one rate, others at another and exempting others altogether, where disinctions were based upon "considerations of policy and practical convenience."

Claims of discriminatory treatment under social security continue to be rejected as not "patently arbitrary." *Flemming* v. *Nestor*, 363 U.S. 603, 611 (1960). Recently, *Smart* v. *United States*, 222 F. Supp. 65 (S.D.N.Y. 1963), upheld a higher tax on (American) employees of the United Nations, as the means employed bore a substantial and logical relation to the objective; and *Lesson* v. *Celebreze*, 225 F. Supp. 527 (E.D.N.Y. 1963), accepted differences in dependency determination for children of a deceased mother from that for children of a deceased father, based on family support experience. See also *Cape Shore Fish Co.* v. *United States*, 303 F.2d 961 (Ct. Cl. 1964), and *Abney* v. *Campbell*, 206 F. 2d 836 (5th Cir. 1953) on fishing vessel employment differences and on domestic service differences respectively.

The requirement that exemptions have a reasonable basis applies as well to exemptions based upon religious scruples provided by Congress in conformity with the first amendment. In a nontax area this requirement has been recently reviewed in the second circuit decisions, pending review in the Supreme Court, on the reasonableness of the selective service definition of religious training and belief as being confined to belief in a Supreme Being. *United States* v. *Jakobson*, 325 F. 2d 409 (2d Cir. 1963) and *United States* v. *Seeger*, 326 F. 2d 846 (2d Cir. 1964); certiorari granted in both cases, 32 L.W. 3385, May 5, 1964. In these cases the court determined that an exemption from bearing arms based on religious belief was a constitutional accommodation of religion, but that a restriction of the definition of religion to a Supreme Being was too narrow in view of its conclusion that a conscience sincerely compelled to refrain from bearing arms because of a "mystical force of 'Godness' " or a "compulsion to follow the paths of 'goodness' " might be religious in nature (Seeger, p. 853). In other words, at least in the second circuit, the exemption on the grounds of religious objection must reach all who have sincere objections which could be interpreted as religious in nature.

In the social security situation, however, a classification may be as limited as circumstances require, as indicated in the Smart and other cases, supra.

In fact the Social Security Act and its amendments have characteristically carved out exemptions which are as narrow as required by the sociological facts, including differences among vocations and religious attitudes. Thus, for example, lawyers are covered by the self-employment tax, ministers, including Christian Science practitioners, are optionally covered, but doctors and persons who have taken the vow of poverty as a member of a religious order are completely exempted (26 U.S.C. 1402 (c) and (e), and 42 U.S.C. 411(c) (4) and (5)). When the self-employment tax was passed in 1950 the act excluded the performance of service by a minister of a church or a member of a religious order or by a Christian Science practitioner in the exercise of their callings, in order to avoid impairment of religious liberty (Senate Finance Committee hearings on H.R. 6000, 81st Cong., Jan. 17, 1950, pt. 1, pp. 1 and 3). The exemption was made optional in the 1954 amendment of the act for these classes of persons except the mendicant orders. These exemptions have not been challenged.

The reason for the present proposal to exempt members of religious sects, as such, is solely that they have a religious objection to receiving insurance. Accordingly, a classification of such sects, for exemption purposes, with appropriate safeguards, would reach all those whom Congress would have a reasonable ground to exempt and would, therefore, not be arbitrary nor violative of due process.

This conclusion is the basis of the opinion of the staff of the Joint Committee on Internal Revenue Taxation and that of the American Law Division of the Library of Congress provided to Senator CLARK under dates of November 9, 1962, and September 19, 1962, respectively. These opinions conclude that the proposed exemption would be constitutional as it would apply to all those who fall within the classification and that the classification is reasonable, 109 CONGRESSIONAL RECORD, 643, 464 (1963). A copy of these opinions as reproduced in the CONGRESSIONAL RECORD is attached.

Since, therefore, Congress may exempt those members of a religious faith who have scruples against receiving insurance, the next question is what practical safeguards Congress may designate to assure that only those who come within the policy of the exemption obtain the exemption, without imposing arbitrary limitations.

LIMITATIONS ON THE EXEMPTION

The joint statement by the Treasury Department and the Department of Health, Education, and Welfare reviewing the problems created by the proposed exemption for the Amish contains in section 3 suggested additional limitations upon the exemption. These limitations are proposed as possible means to protect the social security system from an unintended extension of exemptions from compulsory insurance which would weaken and dilute it. The extensions of the exception might occur, according to this joint statement, either through the formation of additional faiths claiming opposition to acceptance of benefits as one of their tenets or through the redefinition by various existing separatist groups of their tenets to include such opposition.

I shall consider each of these proposed additional limitations, designated "a" through "e," to determine whether the limitation may be considered by the courts to be a reasonable classification and consistent with the due process clause. I shall also suggest a limitation, designated "f," which was not among those proposed but which may be found to limit the exemption reasonably and realistically to the groups which Congress intends to accommodate by this exemption.

(a) An explicit limitation of the exemption to the old order Amish: This limitation would probably be considered arbitrary since the designation of one sect to the exclusion of other sects having the same scruple would be inconsistent with the congressional policy of removing the Government coercion of belief which constitutes the denial of the free exercise of religion. It would also probably constitute an invalid preference of one particular faith over those which were similarly situated. The facts presented to Congress indicate that they may be certain other sects of the Amish and possibly other religious groups who have the same religious scruple which is now being coerced. Furthermore, the exemption of a single named group will be held to be arbitrary[5] unless the relation to the public good is clearly demonstrable.[6]

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[5] *Eyers Woolen Co.* v. *Gilsum*, 84 N.H. 1, 146 *Baltimore*, 289 U.S. 36 (1933).

[6] *William* v. *Mayor and City Council of* Atl. 511 (1929); *Baltimore* v. *Starr Methodist Protestant Church*, 106 Md. 281, 67 Atl. 261 (1907). Cf. *United States* v. *Department of Revenue of Illinois*, 191 F. Supp. 723 (N.D. Ill. 1961) invalidating a retail tax on sales to the Federal but not to the State government.

(b) Limitation to members of a sect, excluding adherents who are not members; and (c) limitation to members of sects who "take care of their own": These limitations are being considered together since at least some of the bills before Congress provide that a necessary condition of exemption is a finding by the Secretary of Health, Education, and Welfare that the sect makes provision for its elderly "members." This condition would probably be considered a necessary and proper public policy consideration and, therefore, a reasonable condition upon which to base eligibility for exemption. The purpose of Congress in this legislation would be to assure the fulfillment of the welfare purpose of social security while relaxing that feature of social security which impinges on the free exercise of religion. Moreover, since individuals can seldom guarantee their own future against deprivation and need, it would be reasonable for Congress to provide that to qualify for an exemption a person must be a member of a sect which shares the religious commitment, both with respect to refusing State insurance and providing for that sect's welfare. Consequently, since the sect aspect is essential, it would seem reasonable to limit the qualification for exemption to persons who are members of a qualifying sect. As said by Justices Black and Douglas in *Board of Education* v. *Barnette,* 319 U.S. 624, 643 (1943): "No well-ordered society can leave to the individuals an absolute right to make final decisions, unassailable by the State, as to everything they will or will not do."

(d) Limitation to sects which require members to follow the occupation of farming as a matter of religious principle: This limitation, as phrased, would not be appropriate on the basis of the facts given in the joint statement. It is there stated that "most old-order Amish communities permit members to make their living as self-employed carpenters or masons" (p. 9). The possibility of limiting the exemption to sects which are established in farming communities for religious reasons is suggested and discussed below.

(e) Limitation to religious groups which were established before 1935: Any limitation which designates a cutoff date would generally be less reasonable than one which on its face shows some relationship to the public purpose of the statute. For example, a requirement that the sect shall have demonstrated over a period of years its ability to take care of its own members would probably be more acceptable as a classification. The text of certain of the legislative proposals already contain this principle in that they refer to the sect to be exempted as one which is "established." I would see no reason why the extent or the test of establishment might not be specifically spelled out. There is some authority that a "classification which draws a line in favor of existing businesses as against those later entering the field will be upheld if any reasonable and substantial basis can be found to justify the classification." *Del Mar Canning Co.* v. *Payne,* 29 Cal. 2d 380, 175 P. 2d 231, 232 (1964). The circumstances justifying such a discrimination must provide substantial reasons. *Mayflower Farms* v. *Ten Eyck,* 297 U.S. 266 (1936). It is probable that the unusual situation of the Amish with respect to social security would be considered a substantial reason for a limitation of the classification to established sects.

(f) Limitation to sect established in farming communities for religious reasons: The faith, the members of which are to be exempted, might be described not only as one whose established tenets would be violated by the acceptance of insurance, and one which provides for elderly and dependent members, but as one which for religious reasons is established in farming communities. These limitations might be reasonable if Congress found after sufficient inquiry that they were necessary to assure that the exemption would be confined to sects which were religiously motivated and responsible, and to assure that the welfare purpose of social security would be fulfilled. Congress might reasonably find that the restriction of the exemption to those sects established in farming communities would be justified on the ground that such a sect could be more certainly relied upon to identify and provide for its dependent and elderly members than those in the mobile and transient urban environment. Conversely, the limitation would have the effect of excluding sects which subsequently organize for the purpose of exemption from social security, as it is unlikely that those would or could establish themselves in farming communities for religious or other reasons. The limitation would exclude other present separatist groups whose principles might, but do not specifically include refusal of social security benefits. Legislation which distinguishes farming situations from others because of sociological and economic differences and taken many forms and has been accepted by the courts. See, for example, *Tigner* v. *Texas,* 310 U.S. 141 (1940), rehearing denied, 310 U.S. 659 (1940).

G. d'Andelot, Belin,
General Counsel.

By Mr. ROBERT C. BYRD (for Mr. Ribicoff):

S. 564. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder. Referred to the Committee on Finance.

Mr. ROBERT C. BYRD. Mr. President, on behalf of the distinguished senior Senator from Connecticut (Mr. Ribicoff), I introduce a bill and I ask unanimous consent that a statement prepared by him in connection with the bill be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, both the bill and the statement would have been introduced the day before yesterday but for the fact that that day was set aside for eulogies for the late President Johnson and no bills were to have been introduced on that date.

STATEMENT BY SENATOR RIBICOFF: SOCIAL SECURITY EARNINGS LIMITATION

Today I am introducing legislation to repeal the earnings limitation for all social security beneficiaries. This arbitrary limitation on the right of senior citizens aged 65–72 to work and earn money serves as a major work disincentive.

Social Security should not be a contract to quit work. Those penalized by the earnings limitation often have the greatest need for more income than social security benefits can provide. And the working man is penalized, since income from investments is not counted in determining whether benefits shall be reduced. A man earning thousands of dollars from investments receives his full social security check while the man who has labored for a salary all his life and needs to continue working as a matter of economic survival cannot do so without a penalty.

I have said many times that Social Security is one of the finest domestic programs the federal government administers. But the system is not perfect. And parts of it—the income limitation, for instance—are wrong. Here we take able-bodied men and women who want to work, who are good at their work and who would feel lost without their jobs, and we put pressure on them not to work and then we penalize them if they continue to work. This injustice must be corrected. It should have been corrected years ago.

The impact of eliminating the earnings limit would be widespread. As of January 1, 1972, an estimated 10 million persons aged 65–72 were eligible for social security cash benefits or were dependent on beneficiaries. At least 2.5 million of these people are directly affected by the earnings ceiling. Nearly a million earn enough that their social security benefits are eliminated entirely. Another million earn enough that their benefits are reduced. And a half million more earn amounts which are only $100 or $200 below the ceiling. They receive their full social security benefits only because, in many cases, they intentionally limit their earnings because of the earnings limitation. HEW studies have shown that the greatest deterrent to work occurs at just below the ceiling level.

The estimated additional cost of this proposal does not take into account the fact that the additional money that beneficiaries can earn will produce substantial tax revenues, thereby reducing the cost to the American taxpayer. In addition, the administrative expense of sending out forms, keeping records and collecting rebates from senior citizens who have "overearned" is a needless waste of money—money that would otherwise go directly to those in need.

For too long we have played an arbitrary numbers game with the earnings limitation. Prior to 1973, a beneficiary between the ages of 65 and 72 lost one dollar of benefits for each dollar he earned above $1680. Above $2880 he lost $1 for every dollar earned.

Last year the Finance Committee proposed raising the limitation to $2400. In the Senate, I supported raising this figure to $3000. The Conference Committee, however, lowered the figure to $2100 and provided that a beneficiary would lose a dollar in benefits for every $2 earned above $2100. The bill was enacted into law at the $2100 figure, effective January 1, 1973.

However, simply raising the limit does not remove the inherent inequity of the earnings test. Therefore I propose eliminating the test and allowing senior citizens to play a productive role in society as long as they wish, secure in the knowledge that their government is not penalizing them for working.

By Mr. NUNN (for himself and Mr. Talmadge):

S. 565. A bill to require the Congress to prescribe a ceiling on expenditures for each fiscal year and to establish procedures to effectuate such ceilings. Referred to the Committee on Government Operations.

BUDGET AND EXPENDITURE CEILING

Mr. NUNN. Mr. President, the most crucial domestic problem facing our Nation today is the uncontrolled and seemingly uncontrollable Federal budget. The people of this Nation are fed up with wild Government spending and priorities which are determined many times by the pressures of the moment.

Appropriations and expenditures now appear to have little or no relevancy to sound fiscal planning. If we are to curb inflation and control the national debt, Congress must fulfill its duty. We must begin to control the appropriations and the expenditures of the Government, in practice as well as theory.

I am convinced that the people of this Nation want a budget which is not inflationary and which requires no tax increase, and I am certain that my colleagues share that opinion. I am also convinced that the vast majority of

Americans agree with the constitutional principle requiring that priorities of expenditure be set by the legislative branch. However, the people of this Nation recognize that Congress has in reality lost control of the budget, and I believe that most Americans prefer Executive control of expenditures rather than no control at all.

While this public mood may be dangerous from a constitutional point of view, I believe that it is a reality. Mr. President, the time has come for Congress to reassert its proper constitutional responsibility of controlling the budget and setting priorities of expenditures that will not be altered by Executive whim, which is the case today.

All of us have recently seen that the President has stepped forward and filled the vacuum left by our own inaction. The executive branch has impounded funds and set its own priorities, completely independent of legislative intent. America's budgetary affairs and priorities of expenditures are now being decided by faceless bureaucrats who are not elected or even known by the American people.

Most Members of the Senate agree that the tilt of power has shifted too far toward the executive branch. We hear every day many cries for Congress to again assert its constitutional powers. Mr. President, we have two clear choices, as I see them. We can place sole blame on the Executive and ignore our own failings, or we can reassert our own constitutional prerogatives by adopting methods and procedures leading to a rational budgetary process which will enjoy the confidence of the American people. The shift in the exercise of constitutional authority back to Congress can only take place with a renewed assertion by Congress of its constitutional responsibility over the budget.

Mr. President, toward these ends, I am today introducing a resolution which establishes a new rule of the Senate to make bills containing new obligational authority not in order until we in the Senate establish a limit on the amount of new obligational authority which the Senate will approve for the fiscal year. This resolution requires that the Committee on Appropriations and the Committee on Finance, acting jointly, report to the Senate for its approval a resolution setting forth an appropriation ceiling for the fiscal year.

We can by the adoption of this rule show to all concerned that the U.S. Senate will be responsible in the management of the fiscal affairs of our Nation. By taking this step, we will clearly demonstrate that we are capable of self-discipline, and the Senate can then, with a more creditable voice, call for others to follow our lead. By the passage of this resolution the Senate will clearly require a ceiling on new obligational authority.

Recognizing that the Congress must also establish an expenditure ceiling if there is to be any meaningful attempt by the Congress to regulate Government spending, I have also introduced today a bill to be cited as the "Expenditure Control Act of 1973." This bill creates a rule in both Houses of Congress requiring Congress, after the submission of the budget by the President each fiscal year, to prescribe a limit on the total amount of outlays to be made by the Government during such fiscal year. The consideration of any bill or joint resolution providing new obligational authority would not be in order until the Congress has prescribed by law the limit on total outlays to be made in the fiscal year.

In order to regulate expenditures, the Expenditure Control Act of 1973 also requires the President to regulate outlays in accordance with congressional priorities. If any expenditures would exceed the limit set by Congress, the President, in carrying out the provisions of this act, would be required to reserve amounts proportionately in each functional category of the budget. This bill would assure that the legislative priorities be adhered to by preventing the arbitrary impoundment of funds by the President and by requiring pro rata reductions by the executive branch.

Mr. President, I submit that the resolution and bill being introduced today would have the following positive and practical results:

First. The people of this Nation will know how each and every Senator votes each year on the most crucial of all domestic legislative decisions—the total dollars to be spent by the U.S. Government in each fiscal year.

Second. More meaningful priorities will necessarily result from an overall limit on appropriations. The proponents of various appropriation measures will have the burden not only of justifying the particular request for obligational authority, but also of presenting a case of its treatment as a budgetary priority when weighed against other requests.

Third. The Appropriations Committee and the Finance Committee will each contribute their expertise in recommending the limit to the Senate.

Fourth. The overall appropriations measures will by necessity have to be presented together rather than piecemeal, which is now the case, because of practical considerations. We will have in effect one appropriation bill which will be presented to this body.

Fifth. The legislative branch, rather than the executive branch, will be setting priorities for obligational authority as well as expenditure outlays, thus fulfilling the intent of the Constitution.

Mr. President, I ask my colleagues to favorably consider these two companion proposals which will result in a more responsible and responsive legislative branch.

Mr. ROBERT C. BYRD. Mr. President, I wish to congratulate the distinguished junior Senator from Georgia (Mr. NUNN) on the splendid speech he has just made. I think it reflects a great deal of consideration, thought, and preparation. I think that he has touched on a very important matter, one which is of great interest not only to those of us who serve here in the Senate, but also to all of the American people. I commend him for his foresight, vision, and for his constructive proposals.

Mr. NUNN. Mr. President I ask unanimous consent that a summary of the bill and the resolution, as well as the measures themselves, be printed in the RECORD immediately following my remarks.

There being no objection, the bill and summary were ordered to be printed in the RECORD, as follows:

S. 565

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Expenditure Control Act of 1973".

SEC. 2. After the submission of the Budget of the United States Government by the President for each fiscal year (beginning with the fiscal year ending June 30, 1974), the Congress shall, by law, prescribe a limit on the total amount of outlays (including net lending) to be made by the United States Government during such fiscal year.

SEC. 3. (a) Except as provided in subsection (b), it shall not be in order, in either the Senate or the House of Representatives, to consider any bill or joint resolution providing new obligational authority for any fiscal year (beginning with the fiscal year ending June 30, 1974) prior to the date of the enactment of a law prescribing, pursuant to section 2, a limit on the total amount of outlays to be made by the United States Government during such fiscal year.

(b) Subsection (a) shall not apply with respect to any new obligational authority requested by the President if, in submitting the request, the President certifies that a major disaster or other emergency requires the prompt enactment of legislation providing such new obligational authority.

(c) Subsection (a) shall not be construed to preclude the holding of hearings or other consideration by any committee of the Senate or the House of Representatives, or any Joint Committee of the two Houses, with respect to proposed new obligational authority, proposed outlays, and estimated revenues set forth in the Budget by the United States Government submitted by the President for any fiscal year.

(d) *This* section is enacted by the Congress—

(1) as an exercise of the rulemaking powers of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, respectively, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure in such House) at any time, in the same manner and to the same extent as in the case of any other rule of such House.

SEC. 4. (a) Notwithstanding the provisions of any other law, the President shall, in accordance with subsection (b), reserve from expenditure, from new obligational authority or other obligational authority otherwise available, such amounts as may be necessary to keep outlays during a fiscal year within the limit on the total amount of outlays prescribed by law for that fiscal year pursuant to section 2.

(b) In carrying out the provisions of subsection (a) for any fiscal year, the President shall reserve amounts proportionately from new obligational authority and other obligational authority available for such fiscal year for each functional category (as set forth in the Budget), except that obligational authority for outlays which, within the meaning of the Budget, are not controllable shall not be taken into account.

(c) In the administration of any program as to which—

(1) the amount of expenditures for any fiscal year is limited pursuant to subsection (a), and

(2) the allocation, grant, apportionment, or other distribution of funds among recipients is required to be determined by application of a formula involving the amount

appropriated or otherwise made available for distribution for such fiscal year,
the amount available for expenditure (as determined by the President pursuant to this section) shall be substituted for the amount appropriated or otherwise made available in the application of the formula.

SUMMARY OF S. BILL 565 PRESCRIBING A CEILING ON EXPENDITURES

Section 1. Title.

Section 2. After the President submits his budget the Congress shall, by law, establish a limit on the amount of outlays (including net lending) to be made by the government.

Section 3(a) No bill or resolution providing for new obligational authority shall be in order until the limit is fixed by law, as above.

(b) Notwithstanding subsection (a) the President may request new obligational authority if such additional funds are needed because of a major disaster or other emergency, and he so certifies the same to Congress.

(c) Subsection (a) shall not preclude any Senate or House committee or joint committee from holding hearings as to proposed outlays, proposed new obligational authority, or estimated revenues.

(d) Subsection 3 as enacted pursuant tc the rule making power of the Senate and House of Representatives and supersede any conflicting rules.

Section 4(a) Requires the President to establish a reserve from expenditures, new obligational authority or other obligational authority. The reserve is to prevent outlays from exceeding the ceiling established in Section 2.

(b) In establishing the above reserve the President shall reserve the same from each functional category on a pro rata basis (except that outlays which are not controllable shall not be considered.)

(c) Where a program requires that funds are to be distributed to recipients, according to a formula, the same formula ratio shall apply to the amount of funds available for distribution pursuant to the established limit.

By Mr. HRUSKA (for himself and Mr. SCOTT of Pennsylvania):

S. 566. A bill to define the circumstances in which foreign states are immune from the jurisdiction of the United States courts and in which execution may not be levied on their assets, and for other purposes. Referred to the Committee on the Judiciary.

SOVEREIGN IMMUNITY REFORM

Mr. HRUSKA. Mr. President, I am today introducing for myself and the senior Senator from Pennsylvania a bill, S. 566, to regulate the jurisdictional immunities of foreign states in U.S. courts. The bill establishes a comprehensive statutory regime for determining sovereign immunity issues and would transfer to the courts the task of determining when a foreign state is entitled to immunity.

At present the determination whether a foreign state which is sued in a court of the United States is entitled to immunity is largely governed by suggestions of the Department of State communicated to the courts through the Department of Justice. In making suggestions of immunity, the Department has been guided by the "restrictive theory of sovereign immunity" as set forth in the "Tate Letter" of May 19, 1952, from the Acting Legal Adviser of the Department of State, Jack B. Tate, to the Acting Attorney General. According to the "restrictive theory of immunity," the immunity of the sovereign is recognized with regard to public acts but not with regard to private or commercial acts.

Legal scholars have long urged that sovereign immunity issues should be decided by the courts. The new bill would accomplish this as well as further particularize the restrictive theory of immunity. In the process it would clear up a number of gaps and deficiencies in the existing law. One of the most important of these has been the lack of a clear method of service of process on foreign governments. One consequence of this defect has been a practice of attaching the assets of foreign governments simply as a method of obtaining jurisdiction over them. This practice has in turn sometimes resulted in serious hardships as foreign governments have had their assets tied up. The bill would provide a direct method of service of process on foreign states and would obviate this problem to the advantage of both plaintiffs and foreign states.

The bill also provides that foreign states would no longer be accorded absolute immunity from execution on judgments rendered against them, as is now the case, and their immunity from execution would conform more closely to the restrictive theory of immunity from jurisdiction.

The transfer of decisions concerning the jurisdictional immunities of foreign states to the courts will free the Department of State from pressures by foreign states to suggest immunity and from any adverse consequences resulting from the unwillingness of the Department to suggest immunity. Plaintiffs, the Department of State, and foreign states would thus benefit from the removal of the issue of immunity from the realm of discretion and making it a justiciable question.

The bill would give appropriate guidance, grounded in the restrictive theory of immunity, on the standards to be employed by the courts. These are consistent with those applied in other developed legal systems. In brief, foreign states would not be immune from the jurisdiction of U.S. courts when the foreign state has waived its immunity, when the action is based on a commercial activity, or concerns property present in the United States in connection with a commercial activity, when the action relates to immovables or to rights in property acquired by succession or gift, or when an action is brought against a foreign state for personal injury or death or damage to or loss of property occasioned by the tortious act in the United States of a foreign state. Special provisions would be made for counterclaims and for actions relating to the public debt of a foreign state.

Under the present law, a plaintiff who is able to bring his action against a foreign state because it relates to a commercial act of that state may be denied the fruits of his judgment against the foreign state. The immunity of a foreign state from execution has remained absolute. The draft bill would permit execution on the assets of a foreign state if the foreign state had waived its immunity from execution or if the assets were held for commercial purposes in the United States. The plaintiff could thus recover against commercial accounts, but not against those maintained for governmental purposes.

Finally, the bill would specify the respective jurisdictions of State and Federal courts in actions against foreign states and would specify venue requirements for selecting an appropriate court.

The ideal arrangement concerning the sovereign immunity of foreign states would be the regulation of the question through a general international agreement. The draft bill is looked upon as an arrangement to be applied until such time as a satisfactory convention is drawn up and the United States becomes a party.

This bill has been prepared jointly by the Departments of State and Justice on the basis of a careful study lasting more than 4 years. It is an immensely important reform in the foreign relations law of the United States. It is the hope of this Senator that it can receive prompt attention from the appropriate committee.

Mr. President, I am especially gratified with the cosponsorship of the senior Senator from Pennsylvania on this measure. Heretofore, his interest and concern in this subject stemmed from his membership on the Committee on the Judiciary. He now has the added responsibility of membership on the Foreign Relations Committee. From that vantage point, his assistance in processing this proposal will be more than doubly valuable.

Mr. President, at this point I request that the text of the bill, the transmittal letter from the Attorney General and the Secretary of State, and a section-by-section analysis of the proposal be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 566

A bill to define the circumstances in which foreign states are immune from the jurisdiction of United States courts and in which execution may not be levied on their assets, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 28, United States Code, is amended—

(1) by inserting after Chapter 95 the following new Chapter:

"Chapter 97.—JURISDICTIONAL IMMUNITIES OF FOREIGN STATES

"Sec.
"1602. Findings and declaration of purpose.
"1603. Definitions.
"1604. Immunity of foreign states from jurisdiction.
"1605. General exceptions to the jurisdictional immunity of foreign states.
"1606. Immunity in cases relating to the public debt of a foreign state.
"1607. Counterclaims.
"1608. Service of process in United States district courts.
"1609. Immunity from execution and attachment of assets of foreign states.
"1610. Exceptions to the immunity from execution of assets of foreign states.
"1611. Certain types of assets immune from execution.

"§ 1602. Findings and declaration of purpose.

"The Congress finds that the determination by United States courts of the claims of foreign states to immunity from the jurisdiction of such courts would serve the interests of justice and would protect the rights of both foreign states and litigants in United States courts. Under international law, states are not immune from the jurisdiction of foreign courts in so far as their commercial activities are concerned, and their commercial property may be levied upon for the satisfaction of judgments rendered against them in connection with their commercial activities. Claims of foreign states to immunity should henceforth be decided by United States courts in conformity with these principles as set forth in this chapter and other principles of international law.

"§ 1603. Definitions.

"(a) For the purposes of this chapter, other than sections 1608 and 1610, a "foreign state" includes a political subdivision of that foreign state, or an agency or instrumentality of such a state or subdivision.

"(b) For the purposes of this chapter, a "commercial activity" means either a regular course of commercial conduct or a particular commercial transaction or act. The commercial character of an activity shall be determined by reference to the nature of the course of conduct or particular transaction or act, rather than by reference to its purpose.

"§ 1604. Immunity of foreign states from jurisdiction.

"Subject to existing and future international agreements to which the United States is a party, a foreign state shall be immune from the jurisdiction of the courts of the United States and of the States except as provided in this chapter.

"§ 1605. General exceptions to the jurisdictional immunity of foreign states.

"A foreign state shall not be immune from the jurisdiction of courts of the United States or of the States in any case—

"(1) in which the foreign state has waived its immunity either explicitly or by implication, notwithstanding any withdrawal of the waiver which the foreign state may purport to effect after the claim arose;

"(2) in which the action is based upon a commercial activity carried on in the United States by the foreign state; or upon an act performed in the United States in connection with a commercial activity of the foreign state elsewhere; or upon an act outside the territory of the United States in connection with a commercial activity of the foreign state elsewhere and that act has a direct effect within the territory of the United States;

"(3) in which rights in property taken in violation of international law are in issue and that property or any property exchanged for such property is present in the United States in connection with a commercial activity carried on in the United States by the foreign state or that property or any property exchanged for such property is owned or operated by an agency or instrumentality of the foreign state or of a political subdivision of the foreign state and that agency or instrumentality is engaged in a commercial activity in the United States;

"(4) in which rights in property in the United States, acquired by succession or gift, or rights in immovable property situated in the United States are in issue; or

"(5) in which money damages are sought against a foreign state for personal injury or death, or damage to or loss of property, caused by the negligent or wrongful act or omission in the United States of that foreign state or of any official or employee thereof except that a foreign state shall be immune in any case under this paragraph in which a remedy is available under article VIII of the Agreement Between the Parties to the North Atlantic Treaty Regarding the Status of Their Forces.

"§ 1606. Immunity in cases relating to the public debt of a foreign state.

"(a) A foreign state shall be immune from the jurisdiction of the courts of the United States and of the States in any case relating to its public debt, except if

"(1) the foreign state has waived its immunity explicitly, notwithstanding any withdrawal of the waiver which the foreign state may purport to effect after the claim arose; or

"(2) the case, whether or not falling within the scope of section 1605, relates to the public debt of a political subdivision of a foreign state, or of an agency or instrumentality of such a state or subdivision.

"(b) Nothing in this chapter shall be construed as impairing any remedy afforded under sections 77(a) through 80(b) of title 15, United States Code, as amended, or any other statute which may hereafter be administered by the United States Securities and Exchange Commission.

"§ 1607. Counterclaims.

"In any action brought by a foreign state in a court of the United States or of any State, the foreign state shall not be accorded immunity with respect to

"(1) any counterclaim arising out of the transaction or occurrence that is the subject matter of the claim of the foreign state; or

"(2) any other counterclaim that does not claim relief exceeding in amount or differing in kind from that sought by the foreign state.

"§ 1608. Service of process in United States district courts.

"Service in the district courts shall be made upon a foreign state or a political subdivision of a foreign state and may be made upon an agency or instrumentality of such a state or subdivision, which agency or instrumentality is not a citizen of the United States as defined in section 1332 (c) and (d) of this title by delivering a copy of the summons and complaint by registered or certified mail, to be addressed and dispatched by the clerk of the court to the ambassador or chief of mission of the foreign state accredited to the Government of the United States, to the ambassador or chief of mission of another state then acting as protecting power for such foreign state, or in the case of service upon an agency or instrumentality of a foreign state or political subdivision, to such other officer or agent as is authorized under the law of the foreign state or of the United States to receive service of process in the particular case, and, in each case, by also sending two copies of the summons and of the complaint by registered or certified mail to the Secretary of State at Washington, District of Columbia, who in turn shall transmit one of these copies by a diplomatic note to the department of the government of the foreign state charged with the conduct of the foreign relations of that state.

"§ 1609. Immunity from execution and attachment of assets of foreign states.

"The assets in the United States of a foreign state shall be immune from attachment and from execution, except as provided in section 1610 of this chapter.

"§ 1610. Exceptions to the immunity from execution of assets of foreign states.

"(a) The assets in the United States of a foreign state or political subdivision of a foreign state, to the extent that they are used for a particular commercial activity in the United States, shall not be immune from attachment for purposes of execution or from execution of a judgment rendered against that foreign state or political subdivision if

"(1) such attachment or execution relates to a claim which is based on that commercial activity or on rights in property taken in violation of international law and present in the United States in connection with that activity, or

"(2) the foreign state or political subdivision has waived its immunity from attachment for purposes of execution or from execution of a judgment either explicitly or by implication, notwithstanding any purported withdrawal of the waiver after the claim arose.

"(b) The assets in the United States of an agency or instrumentality of a foreign state or of an agency or instrumentality of a political subdivision of a foreign state, which is engaged in a commercial activity in the United States, or does an act in the United States in connection with such a commercial activity elsewhere, or does an act outside the territory of the United States in connection with a commercial activity elsewhere and the act has a direct effect within the territory of the United States, shall not be immune from attachment for purposes of execution or from execution of a judgment rendered against that agency or instrumentality if

"(1) such attachment or execution relates to a claim which is based on a commercial activity in the United States or such an act, or on the rights in property taken in violation of international law and present in the United States in connection with such a commercial activity in the United States, or on rights in property taken in violation of international law and owned or operated by an agency or instrumentality which is engaged in a commercial activity in the United States; or

"(2) the agency or instrumentality or the foreign state or political subdivision has waived its immunity from attachment for purposes of execution or from execution of a judgment either explicitly or by implication, notwithstanding any purported withdrawal of the waiver after the claim arose.

"§ 1611. Certain types of assets immune from execution.

"Notwithstanding the provisions of section 1610 of this chapter, assets of a foreign state shall be immune from attachment and from execution, if

"(1) the assets are those of a foreign central bank or monetary authority held for its own account; or

"(2) the assets are, or are intended to be, used in connection with a military activity and

"(a) are of a military character, or

"(b) are under the control of a military authority or defense agency."; and

(2) by inserting in the analysis of Part IV, "Jurisdiction and Venue," of that title after

"95. Customs Court.",

the following new item:

"97. Jurisdictional Immunities of Foreign States.".

SEC. 2. Chapter 85 of title 28, United States Code, is amended—

(1) by inserting immediately before section 1331 the following new *section:*

"§ 1330. Actions against foreign states.

"(a) The district courts shall have original jurisdiction of all civil actions, regardless of the amount in controversy, against foreign states or political subdivisions of foreign states, or agencies or instrumentalities of such a state or subdivision, other than agencies or instrumentalities which are citizens of a State of the United States as defined in section 1332 (c) and (d) of this title.

"(b) This section does not affect the jurisdiction of the district courts of the United States with respect to civil actions against agencies or instrumentalities of a foreign state or political subdivision thereof which agencies or instrumentalities are citizens of a State of the United States, as defined in section 1332 (c) and (d) of this title."; and

(2) by inserting in the chapter analysis of that Chapter before—

"1331. Federal question; amount in controversy; costs."

the following new item:

"1330. Actions against foreign states.".

Sec. 3. Section 1391 of title 28, United States Code, is amended by adding a new subsection (f), to read as follows:

"(f) A civil action against a foreign state, or a political subdivision of a foreign state, or an agency or instrumentality of such a state or subdivision which agency or instrumentality is not a citizen of a State of the United States as defined in section 1332(c) and (d) of this title may, except as otherwise provided by law, be brought in a judicial district where: (1) a substantial part of the events or omissions giving rise to the claim occurred, or (2) a substantial part of the property that is the subject of the action is situated, or (3) the agency or instrumentality is licensed to do business or is doing business, if the action is brought against an agency or instrumentality, or (4) in the United States District Court for the District of Columbia if the action is brought against a foreign state or political subdivision. Nothing in this subsection shall affect the venue of actions against agencies or instrumentalities of a foreign state or political subdivision thereof which agencies or instrumentalities are citizens of a State of the United States, as defined in section 1332(c) and (d) of this title."

Sec. 4. Section 1441 of title 28, United States Code, is amended by adding a new subsection (d), to read as follows:

"(d) Any civil action brought in a State court against a foreign state, or a political subdivision of a foreign state, or an agency or instrumentality of such a state or subdivision which agency or instrumentality is not a citizen of a State of the United States as defined in section 1332(c) and (d) of this title, may be removed by the foreign state, subdivision, agency or instrumentality to the district court of the United States for the district and division embracing the place where such action is pending. Nothing in this subsection shall affect the removal of actions against agencies or instrumentalities of a foreign state or political subdivision thereof which agencies or instrumentalities are citizens of a State of the United States, as defined in section 1332(c) and (d) of this title."

Sec. 5. Section 1332 of title 28, United States Code, is amended by striking subsections (a) (2) and (3) and substituting in their place the following:

"(2) citizens of a State and citizens or subjects of a foreign state; and

"(3) citizens of different States and in which citizens or subjects of a foreign state are additional parties."

The Secretary of State,
Washington, D.C., January 22, 1973.

The President of the Senate,
U.S. Senate, Washington, D.C.

Dear Mr. President: There is attached for your consideration and appropriate reference a draft bill, "To define the circumstances in which foreign states are immune from the jurisdiction of United States courts and in which execution may not be levied on their assets, and for other purposes," which is being submitted jointly by the Department of State and the Department of Justice.

At present the determination whether a foreign state which is sued in a court of the United States is entitled to sovereign immunity is made by the court in which the action is brought. However, the courts normally defer to the suggestion of the Department of State that immunity should be accorded and make their own determination of entitlement to immunity only when the Department of State makes no submission to the court.

The law which is applied both by the courts and by the Department of State is thus the result of the joint articulation of the law by the judiciary and the Department. The views expressed by the courts influence the Department of State, and the views expressed by the Department of State influence the courts. In the process of ascertaining and applying the law, both the Department and the courts rely on precedents and trends of decision in foreign as well as United States courts.

The policy of the Department of State, which has been given effect by the courts as well, was set forth in a letter of May 19, 1952 from the Acting Legal Adviser of the Department of State to the Acting Attorney General. The Department of State asserted that its policy would be thereafter "to follow the restrictive theory of sovereign immunity in the consideration of requests of foreign governments for a grant of sovereign immunity." The letter stated:

"According to the newer or restrictive theory of sovereign immunity, the immunity of the sovereign is recognized with regard to sovereign or public acts (*jure imperti*) of a state, but not with respect to private acts (*jure gestionis*). There is agreement by proponents of both theories [i.e. of absolute and of restrictive immunity], supported by practice, that sovereign immunity should not be claimed or granted in actions with respect to real property (diplomatic and perhaps consular property excepted) or with respect to the disposition of the property of a deceased person even though a foreign sovereign is the beneficiary."

The effect of the draft bill would be to accomplish four things:

1. The task of determining whether a foreign state is entitled to immunity would be transferred wholly to the courts, and the Department of State would no longer express itself on requests for immunity directed to it by the courts or by foreign states.

2. The restrictive theory of sovereign immunity would be further particularized in statutory form.

3. Foreign states would no longer be accorded absolute immunity from execution on judgments rendered against them, as is now the case, and their immunity from execution would conform more closely to the restrictive theory of immunity from jurisdiction.

4. The means whereby process may be served on foreign states would be specified.

The central principle of the draft bill is to make the question of a foreign state's entitlement to immunity an issue justifiable by the courts, without participation by the Department of State. As the situation now stands, the courts normally defer to the views of the Department of State, which puts the Department in the difficult position of effectively determining whether the plaintiff will have his day in court. If the Department suggests immunity, the court will normally honor the suggestion, and the case will be dismissed for want of jurisdiction. If the Department does not suggest immunity, the court may either take the silence of the Department as an indication that immunity is not appropriate or will determine the question itself, with due regard for the policy of the Department and the views expressed in the past by the courts. While the Department has attempted to provide internal procedures which will give both the plaintiff and the defendant foreign state a hearing, it is not satisfactory that a department, acting through administrative procedures, should in the generality of cases determine whether the plaintiff will or will not be permitted to pursue his cause of action. Questions of such moment appear particularly appropriate for resolution by the courts, rather than by an executive department.

The transfer of this function to the courts will also free the Department from pressures by foreign states to suggest immunity and from any adverse consequences resulting from the unwillingness of the Department to suggest immunity. The Department would be in a position to assert that the question of immunity is entirely one for the courts.

Plaintiffs, the Department of State, and foreign states would thus benefit from the removal of the issue of immunity from the realm of discretion and making it a justiciable question.

The draft bill would give appropriate guidance, grounded in the restrictive theory of immunity, on the standards to be employed. These are consistent with those applied in other developed legal systems. In brief, foreign states would not be immune from the jurisdiction of United States courts when the foreign state has waived its immunity, when the action is based on a commercial activity or concerns property present in the United States in connection with a commercial activity, when the action relates to immovables or to rights in property acquired by succession or gift, or when an action is brought against a foreign state for personal injury or death or damage to or loss of property occasioned by the tortious act in the United States of a foreign state. Special provisions would be made for counterclaims and for actions relating to the public debt of a foreign state.

Under the present law, a plaintiff who is able to bring his action against a foreign state because it relates to a commercial act (*jure gestionis*) of that state may be denied the fruits of his judgment against the foreign state. The immunity of a foreign state from execution has remained absolute. The draft bill would permit execution on the assets of a foreign state if the foreign state had waived its immunity from execution or if the assets were held for commercial purposes in the United States. The plaintiff could thus recover against commercial accounts, but not against those maintained for governmental purposes. The successful plaintiff would also be precluded from levying on funds deposited in the United States in connection with central banking activities and on military property.

Finally, the draft bill would, in addition to specifying the respective jurisdictions of State and Federal courts in actions against foreign states and venue requirements, clear up the question of how foreign states are to be served. Service would be made either on the ambassador or other person entitled to receive service, and a copy of the complaint, furnished to the Department of State, would in turn be transmitted to the department of the foreign state responsible for the conduct of foreign relations. The initiation of actions through attachment would thus no longer be appropriate.

The ideal arrangement concerning the sovereign immunity of foreign states would be the regulation of the question through a general international agreement. The draft bill is looked upon as an arrangement to be applied until such time as a satisfactory convention is drawn up and the United States becomes a party to it.

The Department of State contemplates that if the draft bill should be enacted, it would propose that the United States file a declaration accepting the compulsory jurisdiction of the International Court of Justice, on condition of reciprocity, with respect to disputes concerning the immunity of foreign states. The resolution of disputed questions of sovereign immunity by the World Court would have the beneficial effect of assuring that the law and practice of this and other countries conform with international law and of imparting further precision to the law in areas where some measure of uncertainty now exists.

The Office of Management and Budget has advised that there is no objection to the enactment of this legislation from the standpoint of the Administration's program.

Sincerely,

Richard G. Kleindienst,
Attorney General,
William P. Rogers,
Secretary of State.

Section-by-Section Analysis

Sec. 1. adds a new Chapter 97 to title 28, United States Code. The new Chapter incorporates and codifies international law with respect to the immunities of foreign states. Together with a new 27 U.S.C. § 1330 (Sec. 2) establishing original jurisdiction in the federal district courts in civil actions against foreign states, and amendments to 28 U.S.C. § 1391 (Sec. 3) and 28 U.S.C. § 1441 (Sec. 4) concerning venue and removal jurisdiction, the new Chapter establishes a coordinated regime for civil actions against foreign states and their political subdivisions and agencies and instrumentalities. It was felt preferable to bring together the provisions dealing with the immunities of foreign states in a clearly identified Chapter except where, in dealing with jurisdiction, venue and removal it would be clearer if the new provisions for actions against foreign states appeared with related provisions of title 28.

The Act has been drafted as an amendment to the present title 28. It has been influenced, however, by the American Law Institute Draft of the Federal Court Jurisdiction Act of 1971 introduced in the 82d Congress as S. 1876, and is consistent with that bill. It would be relatively easy to integrate this Act into any new structure patterned after that bill.

Sec. 1602. Findings and declaration of purpose. This section incorporates the central premises of the new Act, which are that decisions concerning claims of foreign states to immunity are best made by the judiciary on the basis of a statutory regime which incorporates the restrictive theory of sovereign immunity. It has never been clear to what extent the principle of international law governing the sovereign immunity of foreign states in national courts is left to be spelled out by national legislation and by the decisions of national courts. The general immunity seems to be a creation of international law; its further refinement seems to have been left largely to national courts. There is, however, general acceptance of the restrictive principle of immunity. It is this principle that has been applied by the Department of State and by the courts since the "Tate Letter" of May 19, 1952, 26 *Department of State Bulletin* 984 (1952) and which is incorporated and codified in this Chapter.

The existing case law, both United States and foreign, could be drawn upon in aid of the interpretation and application of the provisions of this Act. As the law develops in other jurisdictions, that law may similarly be relied upon to elucidate the provisions of this Act.

Sec. 1603. Definitions. This section defines two terms that are used throughout the new Chapter 97, except as the term "foreign state" is used in Sections 1608 and 1610.

Section 1603 (a) defines "foreign state" in terms of all levels of government within that state. The term thus extends from the central government down to the level of municipalities. The traditional view has been that immunity attaches only to the central government of a state and that other subordinate entities, such as states of a federation, provinces, cantons, countries, and municipalities, are not sovereign and are not entitled to immunity. The practice has not been consistent, however, and some courts have found it difficult to contend that purely governmental acts of governmental subdivisions should be subject to scrutiny by foreign courts. In other areas of international law, the central government is responsible for the acts of political subdivisions and they are considered as its own acts. There is no reason to treat these acts differently for purposes of immunity. If those acts are not in fact commercial, then immunity should be granted to exactly the same extent as it would be extended to the central government in the event those acts were directly attributable to it.

An "agency or instrumentality" of a state or of its political subdivision could assume a variety of forms—a state trading corporation, a transport organization such as a shipping line or airline, or a banking activity. The traditional rule was that such agencies and instrumentalities of a foreign government were entitled to the same immunities as the government itself, especially if they engaged in clearly governmental activities.

When the principle of the absolute immunity of foreign governments was still dominant, the idea of the separability of certain governmental agencies or instrumentalities was used to exempt certain governmental activities from the rule of absolute immunity. If it could be proven that a particular activity was conducted by a separate entity, this enabled some courts to claim that this was not a governmental activity and that the entity in question was not entitled to immunity. When the trend shifted toward restricted immunity, some courts retained the old distinction as well, thus applying a double standard, namely that there is no immunity, if an activity is commercial or if it is conducted by a separate entity. In a third category of instances, immunity was abolished only when the transaction was commercial and the entity was a separate one. Thus, a series of treaties of friendship, commerce, and navigation concluded by the United States with the Federal Republic of Germany, Greece, Iran, Ireland, Israel, Italy, Japan, Korea, the Netherlands, and Nicaragua abolished immunity only for government owned or controlled "enterprises" of one state which are engaged in "commercial, manufacturing, processing, shipping or other business activities" in the territory of the other state (6 Whiteman, Digest of International Law 52 (1968)).

It would seem proper to extend the immunity rules applicable to central governments on an equal basis, and subject to the same exceptions, to political subdivisions of a foreign state and to all agencies and instrumentalities not only of the foreign state but also of its political subdivisions. It is not likely that this extension of the basic rule would result in a large number of immunity cases, as most foregn activities of such entities are likely to be commercial and will not be entitled to immunity.

Section 1603(b) defines a "commercial activity." If a foreign state, as defined in the Act (as including, for example, an agency or instrumentality of the state) carries on what is in effect a commercial enterprise—an airline or a trading corporation, for example—this constitutes a "regular course of commercial conduct" and therefore a "commercial activity." If activity is customarily carried on for profit, its commercial character readily could be assumed. On the other hand, a single contract if of the same character as a contract which might be made by private persons, can constitute a "particular commercial transaction or act." The fact that the goods or services to be procured through the contract are to be used for a public purpose is irrelevant. Such a contract should be considered to be a commercial contract, even if it object is to assist in a public function.

The courts will have a good deal of latitude in determining what is a "commercial activity." It seems unwise to attempt a precise definition in this Act, even if that were practicable. It would include, however, such diverse activities as a contract to manufacture army boots for a foreign government or the sale by a foreign government of a service or product.

Sec. 1604. Immunity of foreign states from jurisdiction. The new Chapter 97 starts from an assumption of immunity and then creates exceptions to the general principle. So long as the law develops in the form of stating when a foreign state is *not* immune in national courts, the codified law will have to be cast in this way. The articulation of the governing principle in terms of immunity will also protect foreign states in doubtful cases.

The immunity is extended to proceedings in both State and Federal courts. It lies within the powers of the Congress to stipulate that an immunity created under customary international law must be respected in State courts.

This Chapter is not intended to alter existing international agreements to which the United States is a party. The "existing . . . agreements to which the United States is a party" include treaties of friendship, commerce, and navigation and bilateral air transport agreements which contain provisions relating to the immunity of foreign states. If the agreement implicitly or explicitly establishes a higher or lower standard of immunity than that stipulated in this Act, or establishes a different basis for determining the liability of a foreign government, the treaty, whether prior to the enactment of the Act or subsequent to it, will prevail. The enactment of this Act might suggest renegotiation of certain of these provisions in order to bring them into conformity with the stipulations of this Act.

Nothing in this Act will in any way alter the rights or duties of the United States under the status of forces agreements for NATO or other countries having military forces in the United States or alter the provisions of commercial contracts calling for exclusive nonjudicial remedies through arbitration or other technique of dispute settlement.

Sec. 1605. General exceptions to the jurisdictional immunities of foreign states. This section sets forth the circumstances in which a foreign state, as defined in Section 1603(a) is not entitled to immunity in United States courts.

Section 1605(1) deals with the case in which the foreign state has waived its immunity. It is generally recognized that whatever rule is followed with respect to the granting of immunity to a foreign state, that state may waive its immunity in whole or in part, explicitly or implicitly. A state may renounce its immunity by treaty, as has been done by the United States with respect to commercial and other activities in a series of treaties of friendship, commerce, and navigation, or a state may waive its immunity in a contract with a private party. In the latter instance, some courts have allowed later unilateral recission of such a waiver, but the more widely accepted view seems to be that a state which has enticed a private person into a contract by promising *not* to invoke its immunity cannot, when a dispute arises, hide behind its immunity and claim the right to revoke the waiver. Courts have also found an implicit waiver in cases where a foreign state agreed to arbitration in another country or where it was agreed that the law of a particular country should govern the contract.

The language "notwithstanding any withdrawal of the waiver which the foreign state may purport to effect after the claim arose" is designed to deal, out of an abundance of caution, with the eventuality that a state may attempt to withdraw its waiver of immunity when a dispute arises. A waiver of immunity, once made by treaty or contract, cannot be withdrawn except within the terms of the treaty or contract.

Section 1605(2) deals with the most important instance in which immunity is denied to foreign states, that in which the foreign state engages in commercial activity. "Commercial activity" is defined in Section 1603(b). The "commercial activity carried on in the United States by the foreign state" may thus be a regular course of business or an individual contract of an ordinary commercial character. Thus a foreign state would not be immune from the jurisdiction of United States courts with respect to an alleged breach of a contract to make repairs on an embassy building.

An "act performed in the United States in connection with a commercial activity of the foreign state elsewhere" looks to any conduct of the foreign state in connection with a regular course of business conducted elsewhere or a particular commercial contract concluded elsewhere. Examples of the causes of action involved would be an action for restitution based on unjust enrichment, a violation of securities regulations, or the wrongful discharge in the United States of an employee of a commercial activity carried on in some third country.

The third category of cases, "an act outside the territory of the United States in connection with a commercial activity of the foreign state elsewhere and that act has a direct effect within the territory of the United States," would embrace conduct falling within the scope of Section 18 of the Restatement of the Law Second, Restatement of the Foreign Relations Law of the United States (1965), dealing with extraterritorial conduct having effects within the United States. Examples of the causes of action involved would be an action for pollution of the air by a factory operated commercially by a foreign state, an action arising out of restrictive trade practices by an agency or instrumentality of a foreign state, or an action for infringement of copyright by a commercial activity of the foreign state.

In each of these instances the conduct, transaction, or act of the foreign state must have a sufficient connection with the United States to justify the jurisdiction of United States courts over the matter. In this respect the jurisdictional standard is the same for the activities of a foreign state as for the activities of a foreign private enterprise.

Section 1605(3) provides that the foreign state will not be immune from jurisdiction in any case "in which rights in property taken in violation of international law are in issue and that property or any property exchanged for such property, is present in the United States in connection with a commercial activity carried on in the United States by the foreign state or that property or any property exchanged for such property, is owned or operated by an agency or instrumentality of the foreign state or of a political subdivision of the foreign state and that agency or instrumentality is engaged in a commercial activity in the United States." Thus, if property has been nationalized or expropriated without payment of compensation as required by international law it will not be immune when it or any property for which it is exchanged are brought into the United States for sale or otherwise in connection with a commercial activity. Similarly, an agency or instrumentality which owns or operates such property and which is engaged in a commercial activity in the United States will not be immune with respect to actions in which rights in such property are in issue. Since this draft bill deals solely with issues of immunity, it in no way affects existing law concerning the extent to which, if at all, the "act of state" doctrine may be applicable in similar circumstances.

Section 1605(4) deals with litigation relating to immovables and to the property of decedents.

It is well established that, as set forth in the "Tate Letter" of 1952, sovereign immunity should not be granted "in actions with respect to real property (diplomatic and perhaps consular property excepted)." It does not matter whether a particular piece of property is used for commercial or public purposes. It is maintainable that the exception mentioned in the "Tate Letter" with respect to diplomatic and consular property is limited to questions of attachment and execution and does not apply to an adjudication of rights in that property. Thus the Vienna Convention on Diplomatic Relations, concluded in 1961, provides in on and the means of transport of the mission their furnishings and other property thereon and the means of transport of the mission are immune from search, requisition, attachment or execution." Actions short of attachment or execution seem to be permitted under the Convention, and a foreign state cannot deny to the local state the right to adjudicate on questions of ownership, rent, servitudes, and other similar matters, as long as the foreign state's possession of the premises is not distributed.

There is general agreement that a foreign state may not claim immunity when the suit against it relates to rights in property, real or personal, obtained by gift or inherited by the state and situated or administered in the country where the suit is brought. As stated in the "Tate Letter," immunity should not be granted "with respect to the disposition of the property of a deceased person even though a foreign sovereign is the beneficiary." The reason seems to be that in claiming rights in a decendent's estate or obtained by gift, the foreign state claims the same right which is enjoyed by private persons.

Section 1605(5) is directed primarily to the problem of traffic accidents but is cast in general terms as applying to all actions for damages (as distinguished from injunctive relief, for example) for personal injury or death or damage to or loss of property. The negligent or wrongful act must make take place in the United States and must not be one for which a remedy is already available under Article VIII of the NATO Status of Forces Agreement.

While the Vienna Convention on Consular Relations of 1963 expressly abolishes the immunity of consular officers with respect to civil actions brought by a third party for "damage arising from an accident in the receiving State caused by a vehicle, vessel or aircraft," there is no such provision in the Vienna Convention on Diplomatic Relations of 1961. Consequently no case relating to a traffic accident can be brought against a member of a diplomatic mission or against the mission itself.

The effect of Section 1605(5) would be to permit the victim of a traffic accident who has been injured through the wrongful or negligent act of an official or employee of a foreign state to have an action against the foreign state to the extent otherwise provided by law.

This section applies only to torts that are not connected with the commercial activities of a foreign state. Under section 1605(2), no act of a foreign state, tortious or not, which is connected with the commercial activities of a foreign state would give rise to immunity if the act takes place in the United States or has a direct effect within the United States.

Section 1606. Immunity in cases relating to the public debt of a foreign state. Public debts do not fall within the scope of Section 1605. The immunity of foreign states in this respect should be maintained by the United States, in its role as one of the principal capital markets of the world. Many national governments are unwilling to issue their securities in a foreign country which subjects them to actions based on such securities. Where the managing underwriters regard immunity as detrimental to the success of the issue, the foreign government may consent to suit by an express waiver.

While there is no clear definition of "public debt," this concept seems to embrace not only direct bank loans but also governmental bonds and securities sold to the general public through bond markets and stock exchanges.

Section 1606(a)(2) recognizes a distinction which has been made between the public debt of the central government and the public debt of "a political subdivision of a foreign state, or of an agency or instrumentality of such a state or subdivision." It is generally accepted that the immunity of the central government is not shared by subordinate political entities or agencies or instrumentalities. Immunity is denied in these cases, whether or not the activity engaged in is of a commercial character or otherwise falls within the scope of Section 1605.

Section 1606(b) preserves any remedies under the federal securities laws applicable to foreign states.

Sec. 1607. Counterclaims. This section deals with compulsory and permissive counterclaims within the meaning of Rule 13(a) and (b) of the Federal Rules of Civil Procedure.

It is in no way intended to create immunity with respect to counterclaims which, if originally brought as actions against a foreign state, would not entitle the foreign state to immunity. It deals instead only with claims which would be barred by immunity unless brought as counterclaims under the rule of § 1607.

The state of the law in the United States is that a foreign state which brings an action in a United States court may not assert the defense of sovereign immunity as to a counterclaim not arising out of the transaction or occurrence that is the subject matter of the claim of the foreign state to the extent that the counterclaim does not exceed the amount claimed by the plaintiff foreign state (National City Bank of New York v. Republic of China, 348 U.S. 356 (1955)). There is no square precedent on a counterclaim that *does* arise out of the transaction or occurrence that is the subject matter of the claim of the foreign state. Section 1607(1) is, however, based on the rule laid down in Restatement of the Law Second, Foreign Relations Law of the United States § 70(2) (1965). A foreign state that brings an action grounded in a particular transaction or occurrence should not, on principle, be allowed to assert its immunity in such a way as to permit it to claim the benefit of the courts of the United States while denying that benefit to the defendant with respect to claims arising out of the same transaction or occurrence. In the words of National City Bank of New York v. Republic of China, supra, "It (the foreign government) wants our law, like any other litigant, but it wants our law free from the claims of justice" (at 361–2).

"[A]ny counterclaim arising out of the transaction or occurrence that is the subject matter of the claim of the foreign state" is the same terminology as that used in Rule 13(a) of the Federal Rules of Civil Procedure.

Sec. 1608. Service of process in United States District Courts. This section is designed to give a foreign state prompt and adequate notice that an action has been brought against it and to provide a method of service of process on foreign states, political subdivisions of foreign states, and their agencies or instrumentalities which are not citizens of the United States.

Service under Section 1608 requires two methods of supplying notification. The first is that a copy of the summons and of the complaint be mailed by the clerk of the court to the ambassador (or if there be none at the time to the charge d'affaires or other chief of mission of that state). In the event of the suspension of diplomatic relations with a foreign state or their interruption in time of war, service may be made in the same way on the ambassador or chief of mission of the state which is then acting as the protecting power for the defendant foreign state. If service is made upon an agency or instrumentality it may sometimes be more appropriate to serve the officer or agent who is authorized to receive service under the law of the foreign state concerned. Accordingly, this method is provided as an alternative way of satisfying the first notification requirement in actions brought against agencies or instrumentalities. Similarly, if a law of the United States or of a State specifies what persons may receive service, service may likewise be made upon such a person in actions brought against agencies or instrumentalities.

The second and concurrent method of providing notification to the foreign state is the sending to the Secretary of State of copies of the summons and complaint. The Secretary of State will then transmit one of these to the ministry of foreign affairs of the defendant state by diplomatic note. In cases where there are no diplomatic relations with the foreign state, a protecting power or other intermediary might be employed to convey the note to the defendant state. This second method of notification will assure that the foreign state is notified even if through some error—such as the receipt of the mailed copy of a summons and complaint by a minor official who fails to bring it to the attention of the ambassador—the foreign state itself does not receive actual notice through the mail.

While both international law and United States law prohibit service of process by a marshal on a foreign ambassador without his consent, it was generally accepted during the drafting of the Vienna Convention on Diplomatic Relations that this prohibition does not apply to service effected by mail.

There has in the past been great uncertainty about the proper mode of service of process on foreign states. The Federal Rules of Civil Procedure contain no stipulation on this subject.

In some cases service has been allowed when the suit was brought in fact against a separate government enterprise. In other cases attempts were made to equate government agencies to separate enterprises and to apply to them the methods of service applicable to foreign corporations. In at least one case the court admitted that there was a gap in the rules and proceeded to fill it under Rule 83, which allows the District Courts in "all cases not provided for by rule" to "regulate their practice in any manner not inconsistent with these rules." Alternatively a district court can authorize a special method of service, as long as the method chosen is consonant with due process. Consequently service by ordinary mail to an office maintained in the United States might be permissible.

It has also been suggested that the rules applicable to service abroad might by analogy be applied to foreign governments.

More recently, a number of plaintiffs have obtained jurisdiction over foreign states by attaching property of those states. The Department of State stated in 1959 (see *Stephen* v. *Zivnostenska Banka National Corp.*, 22 N.Y.S. 2d 128, 134 (App. Div. 1961)) that "where under international law a foreign government is not immune from suit, attachment of its property for the purpose of obtaining jurisdiction is not prohibited." The Department noted that in many cases "jurisdiction could probably not be obtained otherwise." It added, however, that property so attached cannot be retained to satisfy a judgment because "the property of a foreign sovereign is immune from execution even in a case where the foreign sovereign is not immune from suit."

This statement led in several cases to the attachment of various properties of foreign states such as vessels or bank accounts, and to the acquisition by the courts of *quasi in rem* jurisdiction. In other cases a distinction has been made between those assets which are deemed to be subject to attachment because they are used for a commercial activity, even if that particular activity is unrelated to the activity which led to the attachment, and other assets which have been held to be public assets free from attachment. Consequently, difficult questions have been posed with respect to the line between property subject to attachment and that which is not.

It has also been contended that this method of acquiring jurisdiction suffers from a fatal logical flaw, as the very basis of *quasi in rem* jurisdiction is to enable the plaintiff to apply the attached property to the satisfaction of his claim if he prevails on the merits. But the inherent condition of the permission of the Department of State to attach was that such attachment should not lead to execution. This condition destroyed the original premise of this method of acquiring jurisdiction and made it seem nothing more than a technical procedural device with no basis in substance.

In some cases, plaintiffs have attached large sums in many banks, causing confusion and inflicting hardship on the foreign government concerned. Its procedures for payment of its debts may thus have been disrupted, difficulties may have been placed in the way of the functioning of its offices, and in some cases its monetary reserves may have been put in danger. The proceedings relating to the claim of immunity are often prolonged, and during the whole period the financial position of the foreign government is put in jeopardy. Unless the proceeding could be restricted to a temporary attachment which would be dissolved once jurisdiction had been acquired—another negation of the original function of this method—foreign governments might be compelled to remove their funds to other countries where they would not be subject to attachment.

As this new procedure of attachment is not yet firmly embedded in practice, it should be brought to a halt. The procedure prescribed in this section is designed to replace the stopgaps and artificial devices that have been employed in the past.

The provision for service of process provided in section 1608 is mandatory for actions against foreign states or their political subdivisions and permissive for actions against agencies or instrumentalities of foreign states or political subdivisions which agencies or instrumentalities are not citizens of the United States as defined in section 1332(c) and (d) of title 28. Actions against foreign states and political subdivisions may be particularly sensitive and this sensitivity suggests a uniform procedure for service of process. With respect to actions against agencies and instrumentalities not citizens of the United States these provisions create an alternate method of service of process.

Agencies or instrumentalities of a foreign state or political subdivision which are incorporated in the United States or elsewhere may be served pursuant to Rule 4 of the Federal Rules of Civil Procedure. Rule 4 provides in pertinent part:

> Service shall be made as follows: . . .
>
> (3) Upon a domestic or foreign corporation or upon a partnership or other unincorporated association which is subject to suit under a common name, by delivering a copy of the summons and of the complaint to an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process and, if the agent is one authorized by statute to receive service and the statute so requires, by also mailing a copy to the defendant.

It is not wholly clear under Rule 4 whether an unincorporated agency or instrumentalities, particularly if they have their principal place of business in the United States and would thus be citizens of the United States under section 1332(c) or (d) of title 28. Such agencies or instrumentalities would not be covered by the provisions of section 1608 and as such should be brought under the existing Rule 4.

Section 1609. Immunity from execution and attachment of assets of foreign states. As in the case of Section 1604 with respect to jurisdiction, the matter of immunity is dealt with by an initial prohibition on execution and attachment in this section. The exceptions are then carved out in Section 1610.

Sec. 1610. Exception to the immunity from execution of assets of foreign states. The traditional view in the United States has been that the assets of foreign states are immune from execution (Dexter and Carpenter, Inc. v. Kunglig Jarnvagsstyvelsen, 43 F.2d 705 (2d Cir. 1930)). Even after the "Tate letter" of 1952, this continued to be the position of the Department of State and of the courts. The Department expressed the view "that under international law property of a foreign sovereign is immune from execution to satisfy even a judgment obtained in an action against a foreign sovereign where there is no immunity from suit" (Weilamann v. Chase Manhattan Bank, 21 Misc. 2d 1086, 192 N.Y.S. 2d 469–73 (Sup. Ct. 1959)). Thus, even after the Department of State and the courts espoused the restrictive theory of the immunity of foreign states from the jurisdiction of United States courts, a plaintiff who prevailed in his action against a foreign state could not levy execution on the assets of that state. This state of affairs led to assertions that the "Tate Letter," reflecting the changed position of the United States, was only an empty gesture.

Section 1610 is designed to meet this objection by partially lowering the barrier of immunity to execution of the assets of foreign states in order to make the law in this respect consistent with that on immunity from jurisdiction. The governing principle, broadly stated, is that property held for commercial purposes should be available for the satisfaction of judgments rendered in connection with commercial activities. There is thus no question of execution on embassies, warships, or other foreign government property used for non-commercial purposes.

A distinction is made between, on the one hand, a foreign state or political subdivision thereof, and on the other, "an agency or instrumentality of a foreign state or of . . . a . . . political subdivision of a foreign state."

Under Section 1610(a) assets used by a foreign state or political subdivision for a particular commercial activity would be available to satisfy judgments arising out of that activity. It would be inappropriate, and probably in violation of international law, to allow the successful litigant to levy on any assets of a foreign state because these may be used for strictly governmental and sovereign purposes as well as commercial ones. Thus, absent a waiver of immunity if a judgment had been rendered against a foreign state or a political subdivision of that state on a commercial contract signed by an agency or instrumentality of the foreign state or its political subdivision (e.g., a state trading corporation), only the assets of the agency or instrumentality would be considered to have been "used for a particular commercial activity" and thus subject to execution. The reason for limiting execution to assets employed in connection with the particular commercial activity out of which the claim arose is that states, especially those with most of the economy in the public sector, may engage in a great variety of commercial activities. It would not be consistent with Section 1610(b) or with the principles obtaining in the American legal system for assets used in connection with a foreign state's program of importation of machine tools to be available to satisfy a judgment arising out of the commercial telecommunications business of that foreign state. All commercially used assets of a foreign state should no more be available for satisfaction of a judgment than all commercial assets of American firms operating in a foreign state should be available for satisfaction of a judgment against one American company. Indeed, allowing execution on assets of a foreign state attributable to an activity other than that out of which the claim arose could expose American enterprises abroad to like treatment.

There is no such problem in connection with assets of agencies or instrumentalities under Section 1610(b), as it can be expected that each such agency or instrumentality will have its own assets and will act as a separate entity, analogous to an American corporation. The standard of commercial activity in the United States which is used in Section 1610(b) is the same as that in Section 1605 (2). If the action is one arising out of the "commercial activity" in the United States of an agency or instrumentality, as defined in Section 1603(b)—whether as a course of conduct or an individual transaction or act—then any assets of that agency or instrumentality may be used to satisfy judgments arising out of that activity. The normal situation would be one in which a state trading corporation carries on business in the United States and the claim arises out of that activity. If a commercial agency or instrumentality outside the United States has assets in the United States, these may be used to satisfy judgments arising out of acts occurring or having their impact in the United States, provided the judgments are rendered on actions arising out of the commercial activity of the agency or instrumentality.

Under both sections 1610(a) and 1610(b) property taken in violation of international law and present in the United States in connection with a commercial activity would also be subject to execution.

Sections 1610(a) (2) and 1610(b) (2) concern waivers of immunity from execution. Waivers are governed by the same principles that apply to waivers of immunity from jurisdiction under Section 1605(1). A waiver may result from the provisions of a treaty, a contract, or an official statement, or it may be inferred from certain steps taken by a foreign government in the proceedings leading to execution. Such waiver might be more easily presumed when the assets are used for both public and private purposes but only an explicit waiver would allow execution on property that is clearly public, such as an embassy building. In case of doubt, the question whether a waiver has actually been made is a question to be decided by the court which has jurisdiction over the assets subject to execution.

A waiver on behalf of an agency or instrumentality may be made either by that agency or instrumentality or by the foreign state itself under its powers with respect to the conduct of foreign relations.

There is no clear line of practice in foreign courts on the question of immunity of foreign states from execution, but opinion is not unanimously or predominantly in favor of absolute immunity. A number of treaties of friendship, commerce, and navigation concluded by the United States permit execution of judgments against foreign publicly owned commercial enterprises (e.g. Treaty with Japan, April 2, 1953, art. 18(2), 4 U.S.T. 2063, T.I.A.S. No. 2863). There has been widespread departure from the principle of absolute immunity in connection with the activities of state-owned vessels engaged in commercial activity. The widely ratified Brussels Convention for the Unification Rules relating to the Immunity of State-Owned Vessels, April 10, 1926, 176 L.N.T.S. 199, allows execution of judgments against public vessels engaged in commercial service in the same way as against privately owned vessels. Although the United States is not a party to this treaty, it follows a policy of not claiming immunity for its publicly owned or operated merchant vessels (6 Whiteman, Digest of International Law 570 1968)). Articles 20 and 21 of the Geneva Convention on the Territorial Sea and the Contiguous Zone, April 29, 1958 (15 U.S.T. 1606, T.I.A.S. No. 5639), to which the United States is a party, recognize the liability to execution under appropriate circumstances of state-owned vessels used on commercial service.

Sec. 1611. Certain types of assets immune from execution. The purpose of Section 1611 (1) is to prevent in all circumstances attachment of or levy of execution upon two categories of property of foreign states, even if these relate to the commercial activities of a foreign state and would otherwise come within the scope of Section 1610.

Section 1611(1) deals with funds of foreign states which are deposited in the United States, not in connection with purchases by the foreign state or other commercial activities but in connection with central banking activity. The purpose of the provision is to encourage the holding of dollars in the United States by foreign states, particularly in times when the United States has an adverse balance of payments. If execution could be levied on such assets, deposits of foreign funds in the United States might be discouraged, thus adversely affecting our balance of payments.

Section 1611(2) provides immunity from execution for assets which are, or are intended to be, used in connection with a military activity and which fulfill either of two conditions; either they are of a military character or they are under the control of a military authority or defense agency. Under the first condition property is of a military character if it consists of munitions in the broad sense—weapons, ammunition, military transport, warships, tanks, communications equipment, etc. Both the character and the function of the property must be military. The purpose of this condition is to avoid embarrassment to the United States in connection with purchases of military equipment and supplies in the United States by foreign governments. The second condition is intended to protect other military property, such as food, clothing, fuel and office equipment which, although not of a military character, is essential to military operations. "Control" is intended to include authority over disposition and use in addition to physical control and a "defense agency" is intended to mean a civilian defense organization such as the Defense Supply Agency in the United States Government. Each condition is subject to the overall condition that property will be protected only if its present or future use is military (e.g., surplus military equipment withdrawn from military use would not be protected), and both conditions will avoid the possibility that a foreign state might permit execution on military property of the United States abroad under a reciprocal application of the Act.

Sec. 2. Original jurisdiction of the district courts. This section would amend title 28 to add a new § 1330 giving the Federal district courts original jurisdiction over civil actions against foreign states or their political subdivisions, agencies or instrumentalities which are not citizens of the United States as defined in section 1332(c) and (d), regardless of the amount in controversy. Original jurisdiction is accorded to the federal courts because certain actions against foreign states, no longer possessed of absolute immunity, may be politically sensitive and may impinge in an important way on the conduct of foreign relations. Moreover, original jurisdiction in the federal courts should be conducive to uniformity of decision, and the federal courts may be expected to have a greater familiarity with international law and with the trend of decision in foreign states than would be true of courts of the States. The plaintiff, however, will have an election whether to proceed in a federal court or in a court of a State.

The present position is that district courts have original jurisdiction in civil actions between citizens of different States "and in which foreign states . . . are additional parties," provided the matter in controversy exceeds the sum or value of $10,000 (28 U.S.C. § 1332). The Federal courts now also have jurisdiction on the basis of a Federal question ("the matter . . . arises under the Constitution, laws, or treaties of the United States") provided the matter in controversy exceeds the sum of value of $10,000. The amount in controversy or other restrictions of these provisions will no longer be applicable in civil actions against foreign states.

An exception is made in the case of "agencies or instrumentalities of foreign states or of constituent units or political subdivisions of foreign states which are citizens of a State." This citizenship of a State would arise out of incorporation in that State or the possession of a "principal place of business" in that State under 28 U.S.C. § 1332 (c). The sort of agency or instrumentality which might be expected to be locally incorporated in the United States would be a trading, banking, or transport corporation of a foreign state. If an agency or instrumentality has in effect been "naturalized" by local incorporation, it should be treated like any other citizen of the United States. It is a matter of accepting the burdens of local incorporation together with the benefits. If a foreign "agency or instrumentality" is incorporated in the United States, it is treated in exactly the same way as any other American corporation, incorporated or having its principal place of business in a State.

Section 1330(b) makes it clear that the section does not alter the existing law concerning such agencies or instrumentalities. Section 1330, of course, would also not alter the specialized jurisdictional regimes such as those established by § 1333 dealing with admiralty, maritime and prize cases or by § 1338 dealing with patent and copyright cases. Actions in such areas, even if against a foreign state, would continue to be governed by these special regimes.

It is contemplated that in actions brought in the federal district courts under this new § 1330 or removed to the federal courts under the new § 1391(f), whether state or federal law is to be applied will depend on the nature of the issue before the court. Under the *Erie* doctrine state substantive law, including choice of law rules, will be applied if the issue before the court is non-federal. On the other hand, federal law will be applied if the issue is a federal matter. Under the new Chapter 97 issues concerning sovereign immunity, of course, will be determined by federal law. Similarly, issues involving the foreign relations law of the United States, such as the act of state doctrine, should be determined by reference to federal law. Other issues which may arise in actions brought under the new §§ 1330 and 1391(f) may be determined by state law if the issue is one of state law. See IA *J. Moore, Moore's Federal Practice* 3052–57 (2d ed. 1972); Henkin, *The Foreign Affairs Power of the Federal Courts: Sabbatino,* 64 *Col. L. Rev.* 805, 820n.51 (1964). *Sec. 3. Venue.* This section would amend 28 U.S.C. § 1391, which deals with venue generally. As amended, venue would lie in any one of three districts in civil actions brought against foreign states, political subdivisions or their agencies or instrumentalities which are not citizens of the United States as defined in section 1332(c) and (d).

First, the action may be brought in the judicial district where "a substantial part of the events or omissions giving rise to the claim occurred." This provision is analogous to 28 U.S.C. § 1391(e), which allows an action against the United States to be brought, *inter alia,* in any judicial district in which "the cause of action arose." The test adopted, however, is the newer test recommended by the ALI and incorporated in S. 1876, 92d Cong., which does not imply that there is only one such district applicable in each case.

Second, the action may be brought in the judicial district in which "a substantial part of the property that is the subject of the action is situated." No hardship would be caused to the foreign state if it is subject to suit where it has chosen to place the property that may be in dispute. As much of the property of foreign states is in New York, this provision would permit the submission of a large number of cases to the United States District Court for the Southern District of New York, where many immunity cases have arisen in the past and where a particular expertise in such cases is consequently to be found.

Third, if the action is brought against an agency or instrumentality which is not a citizen of the United States as defined in section 1332 (c) and (d) of this title, it may be brought in the judicial district where the agency or instrumentality is licensed to do business or is doing business. If, of course, an agency or instrumentality is incorporated in or has its principal place of business in the United States then it is a citizen of the United States and venue will be governed by other provisions of title 28. And if the action is brought against a foreign state or political subdivision it may be brought in the United States District Court for the District of Columbia. The District of Columbia provides a fallback venue for actions against foreign states and political subdivisions since it is difficult to say where they "reside" under the corporate standards of "incorporated or licensed to do business or is doing business" used in section 1391(c). Moreover, it is in the City of Washington that foreign states have diplomatic representatives and where it would be easiest for them to defend themselves.

Consistent with Section 2 on jurisdiction an exception is made as to foreign agencies or instrumentalities which are citizens of a State. Actions against such agencies or instrumentalities would, under the terms of the exception, be treated in the same way as actions against wholly domestic corporations.

Nothing in this provision is intended to in any way alter the statutory or common law doctrine of *forum non conveniens*. Thus, actions brought in a particular district under § 1391 could be moved to another district for the convenience of the parties and witnesses and in the interest of justice in accordance with § 1404 of Title 28. Similarly, if the convenience of the parties and witnesses or the interest of justice would be better served by dismissing the action subject to a court in a foreign State taking jurisdiction the doctrine of *forum non conveniens* would be available for that purpose.

See *Vanity Fair Mills* v. *T. Eaton Co.*, 234 F.2d 633 (Ct. App. 2d. Cir. 1956), *Prack* v. *Weissinger,* 276 F. 446 (Ct. App. 4th Cir. 1960), *Fitzgerald* v. *Westland Marine Corp.*, 369 F.2d. 499 (Ct. App. 2d. Cir. 1966) and I *J. Moore, Moore's Federal Practice* 1788 (2d. 1972). *Sec. 4.* This section amends section 28 U.S.C. § 1441 to provide for removal to a federal district court of civil actions brought against a foreign state in the courts of a State. In view of the potential sensitivity of actions against foreign states and the importance of developing a uniform body of law in this area, it is of great importance to give foreign states clear authority to remove to a federal forum actions brought against them in the State courts. This section provides such authority in any case which could have been brought originally in a federal district court under the new section 1330 (Sec. 2). It also makes clear that the election for removal may be exercised at the discretion of the foreign state even if there are multiple defendants and one chooses not to remove or is a citizen of the State in which such action is brought This section, like the new provisions for jurisdiction (Sec. 2) and venue (Sec. 3) would not affect existing removal jurisdiction with respect to agencies or instrumentalities which are citizens of a State of the United States as defined in section 1332 (c) and (d) of title 28.

Sec. 5 This section amends 28 U.S.C. § 1332 (a) (2) and (3) by striking the phrase "foreign states" from both subsections. Suits against foreign states are comprehensively treated by the new § 1330 and the other provisions of this bill. Accordingly there is no reason to retain the jurisdictional basis of § 1332 in actions against foreign states and to do so may entail confusion as to whether the jurisdictional amount requirement of § 1332 would be applicable. As such, § 1332 has been amended to conform to the structure of the draft bill for actions against foreign states. This change would not affect the applicability of § 1332 to agencies or instrumentalities of a foreign state or subdivision which agencies or instrumentalities are citizens of a state of the United States as defined in section 1332 (c) and (d) of title 28.

Mr. SCOTT of Pennsylvania. Mr. President, I am pleased to cosponsor the legislation introduced by the Senator from Nebraska (Mr. HRUSKA) "to define the circumstances in which foreign states are immune from the jurisdiction of U.S. courts and in which execution may not be levied on their assets, and for other purposes." This legislation has been jointly prepared by the Departments of State and Justice and is an important milestone in the foreign relations law of the United States. As our trade and other commercial arrangements with foreign governments increase, it will be increasingly important to have a modern regime for dealing with the sovereign immunity issues regulated by this bill.

The central principle of the bill is to make the question of a foreign state's entitlement to jurisdictional immunity an issue justiciable by the courts. As the situation now stands, the courts normally defer to the view of the Department of State on issues of sovereign immunity, which puts the Department in the difficult position of effectively determining whether the plaintiff will have his day in court. If the Department suggests immunity, the court will normally honor the suggestion, and the case will be dismissed for want of jurisdiction. If the Department does not suggest immunity, the court may either take the silence of the Department as an indication that immunity is not appropriate or will determine the question itself, with due regard for the policy of the Department and the views expressed in the past by the courts. While the Department has provided internal procedures which will give both the plaintiff and the defendant foreign state a hearing, it is not satisfactory that a department, acting through administrative procedures, should in the generality of cases determine whether the plaintiff will or will not be permitted to pursue his cause of action. Questions of such moment appear particularly appropriate for resolution by the courts, rather than by an executive department.

The bill also sets out a comprehensive regime for the courts to follow in making determinations of immunity. That regime is based largely on the restrictive theory of immunity which has been followed by the Department since the "Tate Letter" was promulgated in 1952. The bill does, however, make a number of changes intended to fill gaps in the existing law. Thus, it would provide a clear method of service of process on foreign states and end the unfortunate practice of attaching the assets of foreign states for purposes of obtaining jurisdiction. It would also enable recovery against foreign states in cases of personal injury or property damage and would permit execution against the assets of a foreign state in cases related to their commercial rather than their governmental activities.

Since the subject matter of this bill relates to our international legal obligations, the Department of State has indicated that when the bill is enacted it would propose, subject to Senate approval, that the United States file a declaration accepting the compulsory jurisdiction of the International Court of Justice, on condition of reciprocity, with respect to disputes concerning the immunity of foreign states. Such a declaration would recognize the common interest of all nations in reciprocally applicable rules concerning the immunity of foreign states.

By Mr. HRUSKA (for himself and
Mr. SCOTT of Pennsylvania):

S. 567. A bill to revise title 28 of the United States Code. Referred to the Committee on the Judiciary.

HABEAS CORPUS ACT AMENDMENTS OF 1973

Mr. HRUSKA. Mr. President, for myself and for the senior Senator from Pennsylvania (Mr. SCOTT), I send to the desk a bill relating to Federal court review of habeas corpus petitions from State and Federal prisoners pursuant to sections 2253, 2254, and 2255 of title 28 of the United States Code. I ask that the bill be appropriately referred. I might add that this is the same bill I introduced as S. 3833 in the closing days of the 92d Congress. Hopefully, this proposal will be fully considered this session.

It should be stressed that this bill and its sponsors in no way seek to lessen the legitimate constitutionally required use of habeas corpus procedures to test the validity of criminal convictions. The purpose of this bill is to limit resort to this writ to traditional and proper cases only and to reduce the number of frivolous and dilatory petitions now being filed which unduly hamper the work of Federal courts and unnecessarily delay the finality of criminal actions. The bill is not designed to trespass upon the rights, limitations, and bases contained in the Constitution guaranteeing the applicability and availability of this form of legal relief. It is not a repeal of the great writ.

For our system of criminal justice to work effectively we must insure that those citizens charged with crimes are afforded a fair and prompt trial, that the innocent are acquitted, that the guilty are convicted, and that the process for making this determination is one which begins and ends within a reasonable time frame. It is in this context that we must examine this and other proposals to reform our Federal habeas corpus procedures.

As Attorney General Kleindienst has said:

> One of the chief factors that has slowed and frustrated the justice process has been the interminable collateral attacks made possible by the post-trial use of the Federal writ of habeas corpus. While I recognize the place of collateral attack in the justice process, I do deplore the abuse of it that has mushroomed in the last 20 years. I am told of instances in the Federal courts in which prisoners have filed as many as 40 or 50 petitions. It is no problem to cite cases in which the post-trial review has dragged on for a dozen years.
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> One result is that the State or Federal prisoner never reaches the point of accepting his own guilt so that he can begin the process of rehabilitation.
>
> The other result has been to clog the trial system with a mountain of collateral attacks which drains the system's resources away from its regular work. Federal courts have become flooded with *habeas corpus* petitions. State prosecutors are staggered with the burden of answering these petitions, many of them frivolous. And as District Attorney Frank Hogan of New York has said, "Our old cases come back in a great wave, threatening to engulf the gasping trial courts, already up to their chins in current business."
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> Thus a devise originally intended to insure justice is now threatening a breakdown of justice.

The "mushrooming" in the last 20 years and the resulting draining of the trial "system's resources away from its regular work" are firmly and adequately demonstrated by the following statistics:

Prisoner petitions under U.S.C. 2254 and 2255: 1950, 672; 1960, 1,184; and 1970, 10, 792.

The increase from 1960 to 1970 represents a gain of nearly 1,000 percent.

It means that about 20 percent of the appeals to the circuit courts are from decisions on collateral attack petitions. A large expenditure of the circuit court's time is spent in this exercise which is not required by the Constitution. This added time is taken away from the court's ability to concern itself with the demands and needs of those accused but not yet tried. It is an exercise which undermines any effort toward rehabilitation.

The proposed legislation is based in part upon the suggestion of one of this country's most profound legal scholars and outstanding jurists, the Honorable Henry J. Friendly, chief judge of the U.S. Court of Appeals for the Second Circuit, as embodied in a law review article presented at the 1970 Ernest Freund lecture at the University of Chicago (38 Chicago L. Rev. 142 [1970]).

We must, of course, bear in mind the extraordinary prestige of the great writ in Anglo-American jurisprudence. Received into our own law in the colonial period, given explicit recognition in the Federal Constitution, article I, section 9, clause 2, incorporated in the first grant of Federal court jurisdiction, act of September 24, 1789, habeas corpus was early confirmed by Chief Justice John Marshall to be a "great constitutional privilege" (ex parte Bollman, 8 U.S. [4 cranch] 75 [1807]).

There has developed over the years two distinct schools of thought with regard to the power to award the writ by any of the courts of the United States. One doctrine urges that Congress, incident to its authority over the jurisdiction of the Federal courts, must provide legislative authorization. The competing view is that in the case of habeas corpus congressional authorization is not essential and that the Constitution's habeas corpus clause is a directive to all superior courts of record, State as well as Federal, to make the habeas privilege entirely available. (See Paschal, Francis, "The Constitution and Habeas Corpus," 1970 Duke Law Journal, 605–651.)

In 1968, the Senate debated this issue in the context of a crime control bill which would have denied Federal habeas corpus to State prisoners—section 702(a) of S. 917, the Omnibus Crime Control and Safe Streets Act. The Senate's decision to remove the habeas corpus section from the bill was largely the result of constitutional doubts. Indeed, our eloquent minority leader closed the debate by remarking that the proposal "would have about as much chance of being held constitutional as the celebrated celluloid dog chasing the asbestos cat through hell."

The effort in this bill is to extend to everyone convicted all of his constitutional rights but will at the same time deny him the opportunity to abuse the great writ to the detriment of the administration of justice and of the public good.

Through the cooperation of the National Association of Attorneys General—NAAG—representing the several States and the Department of Justice representing the Federal Government, a mutually satisfactory solution has been found to the problems outlined by the Attorney General.

The Habeas Corpus Committee of NAAG drafted legislation which would restrict collateral attacks in the Federal courts on State court proceedings. This proposal would require that collateral attacks be primarily presented in the State courts, rather than in the lower Federal courts, subject to review by the U.S. Supreme Court.

The Department of Justice, working independently on the habeas corpus question, drafted a proposal to restrict the use of collateral attacks to alleged violations of a constitutional right that involves the integrity of the factfinding process or of the appellate process. All other legal objections on behalf of the defendant were to be restricted to the time of the trial or to consideration on direct appeal following the trial. Under the Department's proposal, they could not be subject to collateral attack thereafter. That route would be limited to factors, such as perjured testimony, which show a flaw in the factfinding process.

These two approaches have now been brought together and are embodied in the bill we introduced today. It is my understanding that this measure has the full support of both National Association of Attorneys General and the Department of Justice.

This is an excellent proposal which I am pleased to support. The changes it proposes are necessary, workable, moderate, and legally sound. All who have had a hand in its development should be congratulated for the very real service they have rendered for justice and judicial effectiveness in this Nation.

Mr. President, the House Judiciary Committee has had the general subject of habeas corpus reform under consideration for some time. For this reason, when the drafting work on this bill was concluded, the Attorney General in June of last year had sent the bill and a covering letter to Chairman CELLER. Mr. Kleindienst's letter is an unusually scholarly and comprehensive review of the history and present status of Federal habeas corpus. It supplies well the information needed to understand this proposal. I believe it will be of great assistance and interest to my colleagues.

I ask that the text of the bill, the Attorney General's transmittal letter, and the two articles referred to in my remarks be printed at this point in the RECORD; namely Prof. Francis Paschal's "The Constitution and Habeas Corpus," Duke Law Journal, and Judge Henry J. Friendly's "Is Innocence Irrelevant?"

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 567

A bill to revise title 28 of the United States Code

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Habeas Corpus Act Amendments of 1973".

SEC. 2. That chapter 153 of title 28 of the United States Code, is amended—

(a) by amending sections 2253 to 2255 to read as follows:

"§ 2253. Appeal; State and Federal custody

"In a habeas corpus proceeding or a proceeding under section 2255 of this title before a circuit or district judge, the final order shall be subject to review, on appeal, by the court of appeals for the circuit where the proceeding is had.

"There shall be no right to appeal from such an order in a proceeding to test the validity of a warrant to remove, to another district or place for commitment or trial, a person charged with a criminal offense against the United States, or to test the validity of his detention pending removal proceedings.

"An appeal may be taken to the court of appeals from the final order in a habeas corpus proceeding or a proceeding under section 2255 of this title only if the court of appeals issues a certificate of probable cause: *Provided, however,* That the certificate need not issue in order for a State or the Federal Government to appeal the final order.

"§ 2254. State custody; remedies in State courts

"(a) The Supreme Court, a Justice thereof, a circuit judge, or a district court shall entertain an application for a writ of habeas corpus in behalf of a person in custody pursuant to the judgment of a State court only on the grounds that either:

"(1) (i) he is in custody in violation of the Constitution of the United States, and

"(ii) the claimed constitutional violation presents a substantial question—

"(aa) which was not theretofore raised and determined, and

"(bb) which there was no fair and adequate opportunity theretofore to raise and have determined, and

"(cc) which cannot thereafter be raised and determined in the State court, and

"(iii) the claimed constitutional violation is of a right which has as its primary purpose the protection of the reliability of either the factfinding process at the trial or the appellate process on appeal from the judgment of conviction: *Provided*, That insofar as any constitutional claim of incompetency of counsel is based on conduct of the counsel with respect to constitutional claims barred by the previous language of this subsection, the claim of incompetency of counsel shall to that extent be likewise barred, and

"(iv) the petitioner shows that a different result would probably have obtained if such constitutional violation had not occurred;

or

"(2) he is in custody in violation of the laws or treaties of the United States.

"(b) A copy of the official records of the State court duly certified by the clerk of such court to be a true and correct copy of a finding, judicial opinion, or other reliable written indicia showing a factual determination by the State court, shall be admissible in the Federal court proceeding.

"§ 2255. Federal custody; remedies on motion attacking sentence.

"(a) A prisoner in custody under sentence of a court established by Act of Congress may move the court which imposed the sentence to vacate, set aside, or correct the sentence, if—

"(1) (A) he is in custody in violation of the Constitution of the United States, and

"(B) the claimed constitutional violation presents a substantial question—

"(i) which was not therefore raised and determined, and

"(ii) which there was no fair and adequate opportunity therefore to raise and have determined, and

"(C) the claimed constitutional violation is of a right which has as its primary purpose the protection of the reliability of either the factfinding process at the trial or the appellate process on appeal from the judgment of conviction: *Provided*, That insofar as any constitutional claim of incompetency of counsel is based on conduct of the counsel with respect to constitutional claims barred by the previous language of this subsection, the claim of incompetency of counsel shall to that extent be likewise barred, and

"(D) the petitioner shows that a different result would probably have obtained if such constitutional violation had not occurred; or

"(2) he is in custody in violation of the laws of the United States; or

"(3) the sentence was imposed in violation of the laws of the United States; or

"(4) the court was without jurisdiction to impose such sentence; or

"(5) the sentence was in excess of the maximum authorization by law; or

"(6) the sentence is otherwise subject to collateral attack.

"(b) A motion for such relief may be made at any time.

"(c) Unless the motion and the files and records of the case conclusively show that the prisoner is entitled to no relief, the court shall cause notice thereof to be served upon the United States attorney, grant a prompt hearing thereon, determine the issues and make findings of fact and conclusions of law with respect thereto. If the court finds that the judgment was rendered without jurisdiction, or that the sentence imposed was not authorized by law or is otherwise open to collateral attack, or that there has been a denial or infringement of the constitutional rights of the prisoner as described in subsection (a) of this section, the court shall discharge the prisoner or resentence him or grant a new trial or correct the sentence as may appear appropriate.

"(d) A court may entertain and determine such motion without requiring the production of the prisoner at the hearing.

"(e) The sentencing court shall not be required to entertain a second or successive motion for similar relief on behalf of the same prisoner.

"(f) An appeal may be taken to the court of appeals from the order entered on the motion in accordance with section 2253 of this title.

"(g) An application for a writ of habeas corpus in behalf of a prisoner who is authorized to apply for relief by motion pursuant to this section, shall not be entertained if it appears that the applicant has failed to apply for relief, by motion, to the court which sentenced him or that such court has denied him relief, unless it also appears that the remedy by motion is inadequate or ineffective to test the legality of his detention."

(b) by amending the analysis at the beginning of the chapter by deleting

"2253. Appeal."

and inserting in lieu thereof

"2253. Appeal; State and Federal custody.".

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., June 21, 1972.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice on H.R. 11441, a bill "To amend section 2254 of title 28, United States Code, with respect to Federal habeas corpus." This report will be addressed primarily to the provisions of H.R. 13722, which we understand is a substitute for H.R. 11441.

The Department of Justice recommends enactment of H.R. 13722, amended to include provisions relating to appeal from habeas corpus orders and to motions by prisoners attacking sentences of Federal courts. We have attached an appendix incorporating our proposed amendments with the provisions of H.R. 13722 (with some editorial changes in the provisions of H.R. 13722). A substantially similar draft bill was submitted to the Senate Judiciary Subcommittee on Constitutional Rights by letter from then Assistant Attorney General William H. Rehnquist to Senator Ervin dated October 19, 1971. Following is a discussion of the need for Federal habeas corpus reform, the constitutionality of such reform, and the specific provisions of H.R. 13722 and the recommended amendments of the Department of Justice. In using the term "habeas corpus" in this report, we refer to the concept of collateral attack in its broadest sense, to include all remedies under chapter 153 of title 28, United States Code, and also common law writs of collateral attack, such as *coram nobis*.

I. THE NEED FOR FEDERAL HABEAS CORPUS REFORM

"A procedural system which permits an endless repetition of inquiry into facts and law in a vain search for ultimate certitude implies a lack of confidence about the possibilities of justice that cannot but war with the effectiveness of the underlying substantive commands. Furthermore, we should at least tentatively inquire whether an endless reopening of convictions, with its continuing underlying implication that perhaps the defendant can escape from corrective sanctions after all, can be consistent with the aim of rehabilitating offenders." Bator, *Finality in Criminal Law and Federal Habeas Corpus for State Prisoners*, 76 Harv. L. Rev. 441, 452 (1963).

Collateral attack in the Federal courts on State and Federal criminal judgments has become the ultimate outgrowth of the endless search for certitude in our criminal justice system. Americans, as a people, are well aware, and justly so, of the serious nature of an ultimate decision of a government, through its criminal justice system, to impose a final criminal sanction on a defendant. We hesitate, at that last instant before sending our convicted criminals to prison, and wonder if we have indeed "done justice." As a result of this laudable concern, however, we have countenanced a system of collateral attack on these final criminal judgments which literally staggers the imagination. Issues of law, issues of fact relating to people, places, and things may all be raised and relitigated time and time again through the mechanism of collateral attack. Concern for the search for ultimate justice, however, must nevertheless at some point be met with the realization that at some time, at some place, the decision of someone must be regarded as conclusive. We are hopefully not so uncomfortable with or unsure of our system of criminal justice that we cannot bring ourselves to tell a defendant that at some point his conviction is final and not thereafter open to attack. Nearly 200 years of experience with what, for all its imperfections, is surely the most equitable system of justice ever conceived teaches us that at some point the interest in finality must be regarded as paramount.

There are two reasons why the system of collateral attack that exists today seriously impairs the operation of our system of criminal justice. A system that allows an endless inquiry into the finality of criminal judgments cannot but undermine any effort it makes to rehabilitate its criminals. In addition, that system will also be forced, in allocating available judicial time, to choose between the demands of the accused but not yet tried, and the demands of those already convicted.

Penologists seem virtually unanimous in their conclusions that speed and certainty of punishment, even more than its severity, are crucial factors in its efficacy as a deterrent to crime. Professor Bator has examined the impact of the lack of finality upon the rehabilitation process. He concludes that what is needed is "a realization by the convict that he is justly subject to sanction, that he stands in need of rehabilitation; and a process of reeducation cannot, perhaps, even begin if we make sure that the cardinal moral predicate is missing, if society itself continuously tells the convict that he may not be justly subject to reeducation and treatment in the first place. The idea of just condemnation lies at the heart of the criminal law, and we should not lightly create processes which implicitly belie its possibility." Bator, *supra*, at 452.

The lack of finality under the present system of habeas corpus has also been decried by more than one member of the Supreme Court:

"No one, not criminal defendants, not the judicial system, not society as a whole is benefited by a judgment providing a man shall tentatively go to jail today, but tomorrow and every day thereafter his continued incarceration shall be subject to fresh litigation on issues already resolved." *Mackey* v. *United States*, 401 U.S. 667, 691 (1971) (opinion of Harlan, J.). See also Friendly, *Is Innocence Irrelevant? Collateral Attack on Criminal Judgments*, 30 U. Chi. L. Rev. 142 (1970).

Our present habeas corpus practice is unwise not merely *because it prevents* a final adjudication of criminal cases in either the State or Federal courts, but also because it must inevitably require the expenditure of valuable judge hours to dispose of its progeny. In 1950, the number of petitions for habeas corpus filed annually in the Federal courts was 672. By 1960 that number had reached 1184. By 1970 petitions had reached the staggering number of 10,792. The following table will give some idea of the problem:

Years	Total civil filings	Motions to vacate sentence by State prisoners under 28 U.S.C. § 2254	Motions to vacate sentence by Federal prisoners under 28 U.S.C. § 2255	Total prisoner petitions
1950	(1)	560	112	672
1960	59, 284	871	313	1, 184
1970	87, 321	9, 063	1, 729	10, 792

[1] Unavailable.

These figures include only motions by State and Federal prisoners to vacate sentence under 28 U.S.C. §§ 2254 and 2255 respectively. They do not include habeas corpus petitions challenging such matters as the conduct of prison officials, or petitions seeking United States Parole Board review. Thus in 1960, petitions to vacate, by State and Federal prisoners, accounted for about 5 percent of the total civil filings. By 1970, the percentage had grown to about 13 percent. The increase in the number of petitions from 1960 (1,184) to 1970 (10,792) represents a gain of nearly 1,000 percent.

Eighteen years ago, Justice Jackson, in his concurring opinion in *Brown* v. *Allen*, 344 U.S. 443, 532, 536 and n. 8 (1953), expressed deep concern over the "floods of sale frivolous and repetitious petitions [for Federal habeas corpus by State prisoners which] inundate the docket of the lower courts and swell our own." The petitions at that time totaled 541. As Chief Judge Friendly of the Second Circuit has noted:

"If 541 annual petitions for federal habeas corpus by state prisoners were an 'inundation,' what is the right word for 7,500 (the 1968 figure)?" Friendly, *supra*, at 144.

Chief Judge Friendly also has raised various other problems thrust upon the criminal justice system by the glut of habeas petitions. He notes that approximately twenty percent of the appeals from Federal district courts are from decisions on collateral attack petitions. A petition may require a large expenditure of time by district and circuit judges even if no evidentiary hearing is held. Since the Federal courts in many cases can dispense with such a hearing only because of *State* post-conviction proceedings (due to the requirement in 28 U.S.C. § 2254 that a State prisoner exhaust available State collateral remedies before filing a Federal petition), the burden in terms of the whole system, State and Federal, is tremendous. See Friendly, *supra*, at 144 & nn. 9–10. Indeed, if such a volume of filings did *not* impose a severe burden on the Federal courts, it would be an indication that these petitions have acquired a status as "second-class" litigation which is not taken seriously—a fact which by itself would be strong evidence of the need for reform.

We do not, of course, advocate a complete abolition of habeas corpus relief, but we think an examination of the history and the aims of our criminal justice system strongly suggests that rational reform of existing Federal habeas corpus practice is both desirable and necessary.

II. CONGRESS CAN, WITHIN THE LIMITS OF THE SUSPENSION CLAUSE, AMEND THE HABEAS CORPUS STATUTES

It is only in the so-called "Suspension Clause" of the Constitution that the framers mention the privilege of habeas corpus:

"The privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public safety may require it." U.S. Const. art. I, sect. 9, cl. 2.

Since this clause forms the entire constitutional basis for the exercise of the privilege, it is imperative that its exact implications be investigated.

It is clear that the writ protected by the Suspension Clause "is the writ as known to the framers, not as Congress may have chosen to expand it or, more pertinently, as the Supreme Court has interpreted what Congress did." Friendly, *supra*, at 170. Therefore, the nature of the writ at the time of the Constitution becomes extremely important in order to elicit the scope of the protected privilege as conceived by the framers.

A. The writ of habeas corpus at common law

The writ of habeas corpus originated as a mesne process by which the courts compelled the attendance of parties whose presence would facilitate the proceedings. The subsequent development of the writ as an independent remedy was along two classical lines.

First, habeas corpus was a weapon whereby the Court of King's Bench sought to establish its jurisdictional supremacy over the other courts. The writ became the appropriate process for checking illegal imprisonment by the inferior courts. Collings, *Habeas Corpus for Convicts—Constitutional Right or Legislative Grace?*, 40 Cal. L. Rev. 335, 336 (1952); Oaks, *Legal History in the High Court—Habeas Corpus*, 64 Mich. L. Rev. 451, 459 (1964). This jurisdictional check was of an extremely limited nature, because of the principle of the "incontrovertibility of the return." At common law, a petitioner could not controvert a return filed in response to a writ of habeas corpus; it was sufficient that the return stated a valid explanation for the confinement, such as the judgment and sentence of a court. Oaks, *supra*, at 453. Thus, at common law, a person could not attack the final judgment of a court of competent jurisdiction. Second, habeas corpus functioned as a remedy "to assure the liberty of subjects against detention by the executive or the military without any court process at all." Bator, *supra*, at 475. See Collings, *supra*, at 336.

These principles were firmly embedded in the Habeas Corpus Act of 1679, which clarified, but did not enlarge, the types of confinement for which the writ could be issued. The Act specifically exempted from the benefits of the writ persons committed for "felony or treason plainly expressed in the warrant of commitment" and "persons convict[ed] or in execution by legal process." Bator, *supra*, at 466; Collings, *supra*, at 337; Oaks, *supra*, at 460–61. Subsequent interpretation of this Act by the English courts, until the time of ratification of the Constitution of the United States, did not expand the writ. Collings, *supra*, 337–38; Oaks, *supra*, at 461.

B. Habeas corpus in the early United States

Habeas corpus as above described, then, was the writ that existed at the time of the Constitutional Convention. The framers mandated that the privilege of that writ should not be "suspended." An examination of English laws shows that a suspension was conceived to be a legislative enactment which denied the privilege of habeas corpus, allowing confinement without bail, indictment, or other judicial process. Collings, *supra*, at 340. Similar views of suspension were taken by members of the House in 1807, when suspension was proposed by President Jefferson following exposure of the Burr conspiracy. 16 Annals of Congress 807–20 (1807):

"These historical incidents all lead to the conclusion that to suspend the privilege of habeas corpus in the constitutional sense is to deprive persons accused of crime of their right either to be speedily accused and tried or to be set free. Certainly nowhere is there any hint that it would be suspension to postpone the right of a convicted prisoner to habeas corpus. Suspension statutes were aimed at suspects, never at convicts." Collings, *supra*, at 340–41.

The original statutory authorization for the writ was contained in the Judiciary Act of 1789, which merely gave the courts of the United States the "power to issue writs" of habeas corpus. Act of Sept. 24, 1789, ch. 20, § 14, 1 Stat. 81.

"It is thus not surprising that we soon find the Supreme Court accepting the black-letter principle of the common law that the writ was simply not available at all to one convicted of crime by a court of competent jurisdiction. Ex parte *Watkins* [28 U.S. (3 Pet.) 193 (1830)] is the great case. . . . The principle [of *Watkins*] is clear: substantive error on the part of a court of competent jurisdiction does not render a detention 'illegal' for purposes of habeas corpus, because, to use Chief Justice Marshall's striking phrase, 'the law trusts that court with the whole subject.'" Bator, *supra*, at 466.

This strict jurisdictional principle was overwhelmingly adhered to in the nineteenth century by the Supreme Court.[1]

The Habeas Corpus Act of 1867 (Act of Feb. 5, 1867, ch. 28, § 1, 14 Stat. 385) was the first legislative expansion of the traditional limits of habeas corpus as understood by the framers. It not only broadened the application of habeas corpus to Federal prisoners, but also made it applicable to State prisoners:

"[The Federal courts], in addition to the authority already conferred by law, shall have power to grant writs of habeas corups in all cases where *any person* may be restrained of his or her liberty in violation of the constitution, or any treaty or law of the United States." *Id.* (Emphasis added.)

Congress thus decided that any constitutional violation could be the basis for the exercise by the Federal courts of habeas corpus jurisdiction.

C. Present status of habeas corpus

It was in construing the 1867 Act that the Supreme Court thereafter also began to broaden the concept of habeas corpus.[2] At no time did the Court, in interpreting the 1867 Act, indicate that its decisions resulted from any constitutional mandate. Collings, *supra*, at 356–57. The only constitutional basis for the decisions was that the Act specifically allowed relief to persons held in violation of their constitutional rights. While it is implicit in the due process clause that same corrective process should be supplied for such violations, nothing in the decisions indicated that the process need be habeas corpus.

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[1] There were two narrow exceptions: (1) where was an allegation that the conviction was had under an unconstitutional statute, *Ex parte Siebold*, 100 U.S. 371 (1879); this was a doctrine necessitated by the fact that Federal criminal convictions were not appealable throughout most of this period, and when appropriate statutory appeal routes were later given, the Supreme Court repudiated the doctrine of *Siebold*. See, *e.g.*, *In re Lincoln*, 202 U.S. 178 (1906); (2) where the court viewed the problem in terms of illegality of sentence rather than that of judgment, *e.g.*, *Ex parte Lange*, 85 U.S. (18 Wall.) 163 (1873) (imposition of two sentences where statute authorized only one). See Bator, *supra*, at 467–74.

[2] It has been argued that it was not the purpose of the Act to give to the Federal courts jurisdiction to redetermine the merits of all Federal questions decided in State litigation, contrary to the feelings of Justice Frankfurter in *Brown* v. *Allen*, 344 U.S. 443, 488 (1952) (concurring opinion). Professor Bator says that to so reason would fly directly in the face of the "deeply embedded" principle that a detention pursuant to the judgment of a competent tribunal is not illegal or subject to attack even if error occurred. This principle retained its vitality into the 1870's, and indeed, it was not until the *Lange* case, *supra*, that its strictness began to be lessened. The sparseness of the legislative history of the Act lends credence to a likelihood that Congress did not intend such a drastic departure from the existing status of the writ. See Bator, *supra, at* 475–76.

Habeas corpus thus exists today in its expanded state primarily as a matter of statutory construction, and not as a matter of constitutional requirement. The limited common law writ was the one that the framers knew at the time of the drafting of the Constitution. As late as 1952, the Supreme Court in *United States.* v. *Hayman,* 342 U.S. 205, recognized that at common law a judgment of conviction rendered by a court of general criminal jurisdiction was conclusive proof of the legality of the confinement. Although the Court in *Fay* v. *Noia,* 372 U.S. 391, 405 (1963), said that at the time of the adoption of the Constitution, "there was respectable common-law authority for the proposition that habeas was available to remedy any kind of governmental restraint contrary to fundamental law," it has been convincingly argued by various commentators that this historical analysis was incorrect. *E.g.,* Friendly, *supra,* at 170–71; Oaks, *supra,* at 456–68. See also the dissenting opinion of Justice Harlan in *Noia,* 372 U.S. at 448. It is therefore Congress, through the Act of 1867, which gave the courts the opportunity to broaden the scope of habeas corpus. The writ is not constitutionally *required* to be any broader than it was in common law. Congress can amend the law dealing with habeas corpus if it so chooses.

The only intimation from the Court that constitutional problems are raised is found in a dictum, by Justice Brennan, in *Sanders* v. *United States* 373 U.S. 1, 11–12 (1963): "If construed to derogate from the traditional liberality of the writ . . . § 2244 [dealing with finality of determinations on prior applications] might raise serious constitutional questions." We do not believe that this tentative dictum in a case in which the Court even at that time was divided, should be regarded as an obstacle to amendment of the statute.

III. H.R. 13722 AND PROPOSED AMENDMENTS OF THE DEPARTMENT OF JUSTICE RELATING TO PETITIONS BY FEDERAL PRISONERS

H.R. 13722 would amend section 2254(a) of title 28, United States Code, to limit the constitutional claims which could be raised on collateral attack in Federal courts by State prisoners to those (1) which were not theretofore raised and determined in a State court, *and* (2) which there was no fair and adequate opportunity theretofore to have raised and determined in a State court, *and* (3) which could not thereafter be raised and determined in a State court. The effect of this provision would be to add a significant degree of finality to the determinations of State courts on the merits of constitutional claims, and to require the defendant to raise in the State proceedings all claims reasonably available to him at that time.

The effect of two Supreme Court cases in the habeas area would be limited by this provision. Neither case is based upon a constitutional interpretation, since both decisions involved statutory construction. Prior to the Court's decision in *Brown* v. *Allen, supra,* Federal district courts would not provide review on the merits of constitutional claims fully litigated in the State courts. Since the decision in *Brown,* however, Federal courts have routinely reviewed the merits of final State court decisions. Under H.R. 13722, final decisions on the merits by the State courts on Federal constitutional issues would be entitled to conclusive effect subject only to ultimate Supreme Court review. In *Fay* v. *Noia, supra,* the Court held that a State petitioner for Federal habeas corpus need only have exhausted the remedies available to him at the time he makes his petition. Prior procedural defaults, such as a failure to appeal, could not be regarded as constituting a waiver of the right to petition for habeas corpus, said the Court, unless they could be characterized as a "deliberate by-pass" of the State procedures. H.R. 13722 would compel the petitioner to raise in the State proceedings, at trial or on appeal, all claims reasonably available to him at that time. If a claim had not been raised and could not have been raised, H.R. 13722 would still preclude Federal habeas corpus if there was an adequate collateral remedy available in the State courts. This final requirement would, of course, encourage the States to continue to provide adequate collateral remedies in their courts.

H.R. 13722 would delete subsections (b) and (c) of present section 2254. These subsections deal with exhaustion of available State remedies (as interpreted by *Fay* v. *Noia, supra*) as a prelude to Federal habeas corpus for State prisoners. We favor deletion of these subsections for two reasons. First, proposed subsection (a)(1)(ii) of section 2254 would effectively state a new concept of exhaustion of remedies that would apply to State prisoners, *i.e.,* the only time the exhaustion of State remedies would be controlling would be if the claim were one which was not raised and could not have been raised. In this instance, the determination would still have to be made that the claim could not thereafter be raised and determined in State court before Federal habeas corpus may be obtained. Second, the elimination of the existing exhaustion provisions would also eliminate certain exceptions to those provisions which are stated in existing subsection (b) of section 2254, *i.e.,* that "there is either an absence of available State corrective process or the existence of circumstances rendering such process ineffective to protect the rights of the prisoner." Proposed subsection (a)(1)(ii) of section 2254 would allow the use of Federal habeas corpus by State prisoners only if they are unable to raise collaterally in the State courts the constitutional issue involved.

Proposed section 2254 (a)(1)(iii) would limit the type of claim that could be raised on Federal habeas corpus to violations of the Constitution where the right violated "has as its primary purpose the protection of the reliability of either the factfinding process at the trial or the appellate process on appeal from the judgment of conviction." It would also provide that a claim of incompetency of counsel would be barred to the extent that it is based on conduct of counsel with respect to the type of constitutional claims barred by the previous language.

The concept of the "reliability" of trial and appellate processes, on which H.R. 13722 is based, is derived from principles developed by the Supreme Court of the United States in another context. In order to determine whether newly enunciated constitutional rights of criminal defendants should be applied retroactively, the Court has drawn a distinction between those constitutional rights which primarily protect the reliability of the trial and appellate processes, and those which do not.

The criteria that the Court has evolved to make the retroactivity decision have been stated as follows:

"(a) the purpose to be served by the new standards, (b) the extent of reliance by law enforcement authorities on the old standards, and (c) the effect on the administration of justice of a retroactive application of the new standards." *Stovall* v. *Denno,* 388 U.S. 293, 297 (1967).

It is in deciding what purpose the new standard is to serve that the Court looks to the reliability of the process used to convict the defendant. Since the Court has recognized that "whether a constitutional rule of criminal procedure does or does not enhance the reliability of the factfinding process at trial is necessarily a matter of degree," *Johnson* v. *New Jersey,* 384 U.S. 719, 728–29 (1966), it is the extent of the effect on the reliability that becomes important.

The impact of the criteria of reliance by law enforcement officials and of the burden on the administration of justice seems to be less crucial to the ultimate determination of the Court, with regard to retroactivity, than does the purpose criterion:

"It is to be noted also that we have relied heavily on the factors of the extent of reliance and consequent burden on the administration of justice only when the purpose of the rule in question did not clearly favor either retroactivity or prospectivity." *Desist* v. *United States,* 394 U.S. 244, 251–52 (1969) (footnote omitted).[3]

Thus the Court looks initially and primarily at the purpose criterion to decide retroactivity. The degree of the required effect on the factfinding process is perhaps best described in *Linkletter* v. *Walker,* where the Court indicated that retroactive application is justified where the new rule affects "the very integrity of the factfinding process." 381 U.S. 618, 639 (1965).

That the Court regards the purpose criterion as one of degree is further emphasized by the following language in *Johnson* v. *New Jersey, supra:*

"We are thus concerned with a question of probabilities and must take account, among other factors, of the extent to which other safeguards are available to protect the integrity of the truth-determining process at trial. . . . The problem presented here is whether *Escobedo* and *Miranda* should be applied retroactively. . . . Thus while *Escobedo* and *Miranda* guard against the possibility of unreliable statements in every instance of in-custody interrogation, they encompass situations in which the danger is not necessarily as great as when the accused is subjected to overt and obvious coercion." 384 U.S. at 729–30 (refusing retroactive application of *Escobeda* and *Miranda*).

In describing the types of constitutional violation for which the habeas corpus remedy would be available, therefore, the language, "one which as as its primary purpose the protection of the reliability of either the factfinding process at the trial or the appellate process on appeal from the judgment of conviction," has been used. This language makes it clear that the types of violations with which the bill is concerned are those which do not allow a fair trial or appeal, *i.e.,* those which cannot be corrected though these processes. We think that this language fairly reflects the approach of the Court to the retroactivity problem, and identifies the types of constitutional violation we believe should be excluded from habeas corpus.

The counsel limitation would preclude the use of an allegation of incompetent counsel as a vehicle to raise and have decided the very issues the bill seeks to bar on habeas corpus. To the extent that an allegation of incompetent counsel is based on either a failure to raise or an incompetent raising of a claim which does not have as its primary purpose the protection of the reliability of the trial or appellate process, it too would be barred.

Finally, H.R. 13722 would require, in proposed subsection (a)(1)(iv) of section 2254, that the petitioner show that a different result would probably have obtained if the violation of the constitutional right had not occurred. The petitioner would only have to show a probability of acquittal on the actual charge on which a verdict was returned, or that without the violation he would have been convicted only of a lesser included offense. He would not need to show that he would also have been acquitted of all lesser included offenses or that he was in fact innocent. This provision is a modification of the principle, as evolved by the Court, that some constitutional errors occurring at trial can be characterized as "harmless." See *e.g.*, *Chapman* v. *California*, 386 U.S. 18 (1967); *Fahy* v. *Connecticut*, 375 U.S. 85 (1963). The requirement of some showing of prejudice to the petitioner would have the effect of eliminating frivolous petitions, in order that those of true merit might be more conscientiously reviewed.

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[3] See, *e.g.,* Haddad, *"Retroactivity Should be Rethought": A Call for the End of the Linkletter Doctrine,* 60 J. Crim. L.C. & P.S. 417, 436 (1969); Mallamud, *Prospective Limitation and the Rights of the Accused,* 56 Iowa L. Rev. 321, 347–54 (1970). Many opponents of prospective limitation argue that the only criterion should be the effect on the reliability of the factfinding process and not reliance and burden.

The proposed amendments to section 2254 which would be made by H.R. 13722 are an alternative formulation of concepts originally proposed in H.R. 11441, which provides that a Federal judge could not issue a writ of habeas corpus on behalf of the State prisoner unless he found (1) that the applicant suffered a substantial deprivation of his constitutional rights at his trial, *and* (2) that this deprivation was not harmless, *and* (3) that there is substantial doubt as to the guilt of the applicant.

The language of H.R. 11441 requiring "substantial doubt of the guilt of the applicant" would introduce into habeas corpus a concept which should not be a focus of injury, and the Department of Justice therefore supports its omission from the language of H.R. 13722. The basic purpose of the factfinding process approach is to limit cognizable claims on habeas corpus to those which go to the basic fairness of the trial and appeal. The basic fairness of the procedures used to convict the defendant, without reference to his guilt or innocence, should remain the primary focus of Federal habeas corpus. Similarly, we think the replacement in H.R. 13722 of the language of H.R. 11441 requiring a "substantial deprivation" of constitutional rights with language requiring the petitioner to show that a "different result would probably have obtained if such constitutional violation had not occurred" is a considerable improvement.

We feel that H.R. 13722 in combining the "finality" and factfinding process approaches is a necessary and desirable reform of habeas corpus with regard to State prisoners. We suggest, however, that similar changes be made by H.R. 13722 in section 2255 of title 28, relating to collateral attacks on Federal convictions, the statutory substitute for Federal habeas corpus for Federal prisoners who seek to vacate a Federal court judgment and sentence pursuant to which they are in custody.[4] See *United States* v. *Hayman*, *supra*. Thus Federal prisoners would also not be able to raise claims on habeas corpus which were determined or could reasonably have been raised in the original proceedings. Additionally, the Federal prisoner would have to allege a violation of a constitutional right which has as its primary purpose the protection of the reliability of either the trial or appellate processes, and that, but for the alleged constitutional violation, a different result was probable.[5]

As outlined above, the Department supports the language of H.R. 13722 with regard to State prisoners (section 2254), and we recommend its combination with the Department's language with respect to Federal prisoners (section 2255) to accomplish a significant reform of Federal habeas corpus both by providing uniform treatment of State and Federal prisoners and by substantially alleviating the major problems caused by the present expansive system of Federal habeas corpus.

IV. EFFECT OF H.R. 13722 AND OF THE PROPOSED DEPARTMENT AMENDMENTS RELATING TO PETITIONS BY FEDERAL PRISONERS

While H.R. 13722, amended as we have suggested, seeks to substantially adopt for purposes of habeas corpus the decisions of the Court in the retroactivity area, we think a description of the types of constitutional claims that would be cognizable and those that would be barred only on collateral attack under the suggested approach would be helpful.

There are three principal types of claims that the "reliability" approach would bar on habeas corpus, following decisions of the Court that such claims would not be retroactively vindicated: First, claims objecting to the admissibility of voluntary confessions because of the lack of constitutionally prescribed warnings could not be alleged. The Supreme Court has held that the *Miranda* decision will not be given retroactive effect. *Johnson* v. *New Jersey*, *supra*. Second, claims objecting to the admissibility of evidence gained as a result of an alleged illegal search and seizure could not be raised collaterally. The Court has held that the exclusionary rules of *Mapp* and *Katz* will not be applied retroactively. *Linkletter* v. *Walker*, *supra; Desist* v. *United States*, *supra*.[6] Third, any claim objecting to the admissibility of identifications made in lineups conducted without counsel would also not be cognizable on habeas corpus. The Court has held that the *Wade* requirement of counsel at lineups does not apply retroactively. *Stovall* v. *Denno*, *supra*.

The endless relitigation of claims based on the decision in *Miranda*, *Mapp*, and *Wade* presents a poor image of our system of criminal justice. It is generally agreed by those who have studied the subject that the exclusionary rule, based on these and other cases, is designed not to insure the fairness of the trial, but rather to discipline police officers. The extent of the impact of the rule in such discipline is certainly open to question. Oaks, *Studying the Exclusionary Rule in Search and Seizure*, 37 U. Chi. L. Rev. 665 (1970).

But assuming that the rule has some impact on the conduct of police officers when recently seized evidence is excluded, it is impossible to assume that the exclusion of evidence illegally obtained years earlier by a police officer will have any appreciable deterrent effect on present police conduct.

In addition, various other types of claims would not be cognizable on habeas corpus: (1) claims that there was a denial of a request for jury trial in serious criminal cases or that there was a right to jury trial in a trial for serious ciminal contempt, see *DeStefano* v. *Woods*, 392 U.S. 631 (1968) (per curiam); (2) although not a claim involving a constitutional rule, the new standards governing guilty pleas, as set forth in *McCarthy* v. *United States*, 394 U.S. 459 (1969), which have been held to be nonretroactive in *Halliday* v. *United States*, 394 U.S. 831 (1969) (per curiam). In addition, we note one other nonconstitutional claim that could not be alleged under this approach. The Court held in *Boykin* v. *Alabama*, 395 U.S. 238 (1969), that before State courts can accept a guilty plea of a defendant, there must be an affirmative showing that it was intelligently and voluntarily given. On the basis of the *Halliday* decision, we do not think the Court would apply this new standard retroactively to pleas accepted before the date of the decision in *Boykin*.

The legislation would not, however, tie habeas corpus inflexibility and invariably to retroactively. Unless a habeas corpus petitioner could show that a holding was designed to protect the reliability of the factfinding process at the trial or of the appellate process on appeal from the judgment of conviction, he would not be entitled to have a writ issue.

There are various constitutional claims that would continue to be available on habeas corpus. Claims that the Court was without jurisdiction to try the case and sentence the defendant are a traditional basis for habeas relief. Other classic claims requiring habeas corpus relief are those relating to prejudicial publicity or mob-dominated juries. Cognizable claims that relate to the "very integrity" of the trial and appellate process would be the right to counsel at trial for an indigent, and the right of an indigent to a transcript and to counsel for an appeal. The lack of appropriate confrontation rights at trial, or the use of perjured testimony by the prosecution would also be cognizable under our amendments. Similarly, a prisoner could claim that a confession was in fact coerced.

H.R. 13722, amended as we have suggested, would be a moderate solution to limiting the availability of collateral attack in the Federal courts. The more limited availability of habeas corpus relief in the Federal courts would aid in solving both court congestion and problems in rehabilitating convicted criminals. The result of H.R. 13722, amended as suggested, would be that the basic fairness of the trial and appellate process would remain subject to collateral attack. But claims of constitutional deprivation not related to the basic fairness of the trial or appellate process, which the defendant had already had an opportunity to litigate at trial or on appeal, would no longer be cognizable on Federal habeas corpus.

V. DEPARTMENT OF JUSTICE PROPOSED AMENDMENTS RELATING THE APPEAL OF HABEAS CORPUS ORDERS

We note finally that H.R. 13722 does not deal with the appeal of final orders in habeas corpus proceedings. In terms of effect on the resources of the entire criminal justice system, the impact of appeals of habeas corpus orders is significant.

The Department of Justice suggests that H.R. 13722 include amendments to section 2253 of title 28 to: (1) provide that Federal prisoners must obtain a certificate of probable cause to appeal a denial of habeas corpus by the Federal court, as is presently required only of State prisoners (see *In re Marmol*, 221 F.2d 565 (9th Cir. 1955)); (2)

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[4] Our suggested amendments to section 2255 are not intended to limit the ability of a Federal prisoner to seek the actual writ of habeas corpus to challenge executive detentions or prison conditions, which is allowed by the last sentence of present section 2255. That sentence allows the Federal prisoner to seek the actual writ if it appears that the remedy by motion for section 2255 relief "is inadequate or ineffective to test the legality of his detention." It is intended that our suggested amendments to section 2255 preclude a Federal prisoner, who had sought by a 2255 motion to vacate his sentence, from thereafter again *attacking the sentence* by applying for a writ of habeas corpus, claiming the section 2255 relief was "inadequate" to test the legality of his detention.

[5] It should be noted here that one of the arguments that has been made in favor of the expanded state of habeas corpus today, as it relates to *State* prisoners, is that the vindication of Federal constitutional rights requires consideration in a Federal forum. Obviously, this argument does not apply to persons who are tried (and therefore appeal) in the Federal courts, and is questionable as it relates to State prisoners since ultimate Supreme Court review is available to them through a writ of certiorari.

[6] We note, of course, that the Supreme Court has held that claims of illegal search and seizure may be raised by both State and Federal prisoners on habeas corpus. See *Kaufman* v. *United States*, 394 U.S. 217 (1969); *Whiteley* v. *Warden*, 401 U.S. 560 (1971).

in order to achieve uniformity in the various circuits, provide that for the State or Federal government to appeal the issuance of the writ, no certificate need issue; and (3) provide that the certificate may only be issued by the court of appeals instead of by either the district judge or a single judge of the court of appeals, as is presently allowed.

Chief Judge Friendly's article, *Is Innocence Irrelevant? Collateral Attack on Criminal Judgments,* 38 U. Chi. L. Rev. 142, 144 (1970), indicates that "despite the safeguard intended to be afforded by the requirement of a certificate of probable cause, there were over twice as many appeals by state prisoners in 1969 as there were *petitions* in 1952." (Emphasis original) in 1969, 20 percent of all appeals from district courts were from final orders in collateral attack proceedings by State and Federal prisoners. Most importantly, Chief Judge Friendly notes that:

"For most circuits the state prisoner figures do not include unsuccessful applications by state prisoners for the issuance of certificates of probable cause. On the other hand, they do include cases where the district court has issued a certificate and, under Nowakowski v. Maroney, 386 U.S. 542 (1967), the court of appeals has been obliged to hear the appeal although it believed the certificate was improvidently issued. See Garrison v. Patterson, 391 U.S. 464, 465–67 (1968)." *Id.* at 144 n.9.

While the affirmance rate is exceedingly high in all types of State prisoner cases, Chief Judge Friendly informs us that the experience of the Second Circuit is that it is particularly so in cases where the certificate has been issued by the district judge rather than by a panel of the court of appeals. He additionally points out that the time that will be spent by the panel of the court of appeals in deciding whether to issue the certificate is small "as compared to the time spent in hearing an appeal and the burden on assigned counsel of having to argue a hopeless case." *Id.*

There also exists an additional problem with the construction of the certificate requirement in 28 U.S.C. § 2253. The question is whether the certificate requirement applies to the State or to the warden of the prison against whom the writ is issued, if they seek to appeal the issuance of the writ, or only to the prisoner. While the language of the statute is ambiguous, and seems to require that the State or warden obtain the certificate, four circuits have held that the requirement does *not* apply to the State or warden, but only to the prisoner. *Texas* v. *Graves,* 352 F.2d 514 (5th Cir. 1965); *United States ex. rel. Calhoun* v. *Pate,* 341 F.2d 885 (7th Cir. 1965), *cert. denied,* 382 U.S. 1002 (1965); *Buder* v. *Bell,* 306 F.2d 71 (6th Cir. 1962); *United States ex. rel. Tillery* v. *Cavell,* 294 F.2d 12 (3d Cir. 1961), *cert. denied,* 370 U.S. 945 (1962). The *Tillery* case emphasizes that the legislative history of the provision clearly indicates that the purpose of the certificate requirement was to insure that State *prisoners* could not use appeals as a delaying tactic to avoid the execution of their sentence.

Only the Second Circuit requires that the State or warden obtain a certificate of probable cause in order to appeal. See *United States ex rel. Carrol* v. *LaVallee,* 342 F.2d 641 (2d Cir. 1965). Chief Judge Friendly informs us, however, that the certificate is almost always issued to the State or warden. We propose, therefore, to add a provision to the appeal provisions clarifying that neither the State (nor the warden) nor the Federal Government (under our suggested amendment that the certificate requirement apply to Federal prisoners also) be required to obtain a certificate of probable cause in order to appeal the granting of an application or motion for habeas corpus. This would insure uniformity in each of the circuits, and would adopt the approach of the *Tillery* case, *supra.*

The proposed amendatory language to section 2253 is also set forth in the attached draft bill.

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The increasing volume of habeas corpus petitions is one of the causes of the overall problem of court congestion and trial delays in the Federal courts. Through habeas corpus reforms like those in H.R. 13722 and those suggested in this report, this problem can at least be partially alleviated. Our system of justice will thereby be advanced in its striving for fair and speedy adjudication of guilt or innocence.

The Department of Justice urges early consideration and approval of H.R. 13722, amended as we have suggested.

The Office of Management and Budget has advised that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

RICHARD G. KLEINDIENST,
Attorney General.

[From the Duke Law Journal, August 1970]

THE CONSTITUTION AND HABEAS CORPUS

(By Francis Paschal*)

The Constitution declares:

"The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it."[1]

In spite of the categorical character of this language, from the time of John Marshall's opinion in Ex parte *Bollman*[2] there has been a doctrine that Congress can suspend the privilege in the federal courts at its pleasure, whether or not there is a case of rebellion or invasion and whether or not the public safety requires it. The doctrine is derived from another: that the courts of the United States are, in respect to their power in habeas corpus cases, dependent on an Act of Congress. Marshall put the matter unequivocally: "[T]he power to award the writ by any of the courts of the United States, must be given by written law."[3] And, while conceding that Congress had an "obligation" to make the privilege available,[4] Marshall explicitly sanctioned a congressional power to deny the privilege to the most numerous class of those now in need of it—prisoners in state custody.[5]

Marshall's conclusions, I am convinced, are unsupportable. They have enjoyed an illusion of vitality[6] because they have, as a practical matter, been generally immune from challenge in the federal courts. The commonly accepted learning has it that, except perhaps for the brief period when the Judiciary Act of 1801 was in force, there have been since 1789 congressional enactments conferring on the federal courts jurisdiction to grant the writ.[7] Accordingly, the habeas applicant has rarely been driven to challenge Marshall's view that congressional authorization is necessary before the federal courts can award the writ.[8] The supposedly necessary authorization has usually been considered to be available.

In 1968 it appeared that an occasion might develop when the Marshall views of the habeas corpus clause would be subjected to challenge in the courts. The Senate had before it a crime control bill which was said to deny federal habeas corpus to state prisoners.[9] Debate was waged in terms of constitutionality,[10] and the Senate's decision to remove the habeas section from the bill was beyond peradventure largely the result of constitutional doubts.[11] Nevertheless, the question whether congressional authorization is a necessary predicate for habeas action by the federal courts remains. The thesis of this article is that in the case of habeas corpus congressional authorization is not essential. The thesis is broader yet. It is that the Constitution's habeas corpus clause is a directive to all superior courts of records, state as well as federal, to make the habeas privilege routinely available.

Let me be explicit in setting the limits of my thesis. I have nothing to do with any argument that article III by its own force vests in courts the entire judicial power known to the Constitution.[12] Nor am I concerned with whether article III is a mandate to Congress to vest this power in courts.[13] Similarly, I have nothing to do with any theory of a common law jurisdiction in the federal courts or elsewhere.[14] I am concerned only with habeas corpus and the habeas corpus clause of the Constitution. My thesis, once again, is that this clause is a direction to all superior courts of record, state as well as federal, to make the habeas privilege routinely available.

My principal reliance in establishing this thesis is what I believe to be the near certainty that the Congress of 1789 in enacting the Judiciary Act *not, contra* Marshall in Ex parte *Bollman,* bother to confer on the federal courts jurisdiction to issue the Great Writ. My second reliance, although First presented, is the constitutional provision itself and the relevant history. Admittedly, I cannot here be so certain when only the bare language of the Constitution is considered or when the scanty record in the Philadelphia Convention is examined. Yet the language of the Constitution and the record of the Convention will be found to be altogether consistent with my thesis and somewhat suggestive of it. Moreover, the thesis will accommodate the known data from Philadelphia at least as well as any other. And, as the latter part of this article will explain, only a recognition of a habeas jurisdiction in the courts irrespective of statute can account for the actions of the Congress of 1789.

I

I shall not here undertake to retrace the work of others in delineating the history of habeas corpus in America before 1787.[15] For present purposes, it is sufficient to state that there is abundant evidence of an early and persisting attachment to "this darling privilege" in pre-1787 America.[16] Indeed, in the Philadelphia Convention and in the struggle for ratification, there was never the slightest objection to according a special preeminence to the Great Writ.[17] Rather, such controversy as there was centered exclusively on whether the writ was always to be available or whether, in some very restricted circumstances, some possibility of suspension should be admitted.[18] This concern with the suspension problem logically accounts for the peculiar structure of the habeas clause and particularly, the negative phraseology employed: "The privilege of the Writ of Habeas Corpus shall not be suspended, unless . . ."[19] The Convention was chary of directly and affirmatively proclaiming a power to suspend.

This preoccupation with the suspension problem is plainly evident in Madison's abbreviated chronicle. According to Madison, the first mention of habeas corpus in the Convention came on August 20 when Charles Pinkney submitted to the Committee on Detail a proposition "securing the benefit of the writ of habeas corpus." The exact wording of Pinkney's proposal was:

"The privileges and benefit of the Writ of Habeas corpus shall be enjoyed in this Government in the most expeditious and ample manner, and shall not be suspended by the legislature except upon the most urgent and pressing occasions, and for a limited time not exceeding —— months."[20]

The next mention of habeas corpus was on August 28 when the Convention was considering article XI of the plan presented by the Committee on Detail twenty-two days previously.[21] This article, it is important to

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Footnotes at end of article.

note, was the judiciary article of the plan, and it was as an amendment to this judiciary article that the habeas corpus clause was approved by the Convention in virtually its present form. On habeas corpus, Madison's complete entry for August 28 states:

"Mr. Pinkney, urging the propriety of securing the benefit of the Habeas corpus in the most ample manner, moved "that it should not be suspended but on the most urgent occasions, & then only for a limited time not exceeding twelve months."

"Mr. Rutlidge was for declaring the Habeas Corpus inviolable—He did (not) conceive that a suspension could ever be necessary at the same time through all the States—

"Mr. Govr Morris moved that 'The privilege of the writ of Habeas Corpus shall not be suspended, unless where in cases of Rebellion or invasion the public safety may require it.'

"Mr. Wilson doubted whether in any case (a suspension) could be necessary, as the discretion now exists with Judges, in most important cases to keep in Gaol or admit to Bail.

"The first part of Mr. Govr Morris' (motion,) to the word 'unless' agreed to nem con:—on the remaining part; N.H. ay, Mas, ay, Ct. ay. Pa. ay Del. ay, Va. ay, N.C. no, S.C. no, Geo, no [Ayes——7; noes—3]." [2]

The foregoing record is obviously incomplete, but it is all that we have. Some light is afforded by a comparison of Pinkney's position on August 20 and his position eight days later. In his first submission, he combined an affirmative guarantee with a qualified prohibition of suspension. In his second, while he again stated his original purpose of an affirmative guarantee, he omitted this guarantee from his formal motion, relying altogether on the qualified prohibition. Clearly, as to Pinkney, reliance on the negative phraseology did not connote any retreat. On both occasions he sought to secure the benefits of the writ in the "most ample" manner.

But Pinkney did, after eight days, offer highly significant departures from his original proposition. In his second motion, he abandoned all reference to the "legislature," and he also abandoned the limiting words, "in this Government," which had qualified his first guarantee. Still, his proposal was unacceptable to the Convention, and we are not left in doubt as to the reasons. His rigid time limitation on suspension was rejected. His dangerously vague "urgent occasions" was rejected and the sharply refined phraseology of the eventual draft substituted. All this was accomplished with only a single disagreement, and that disagreement reveals a determination to have habeas corpus in any event. There were three states that insisted on eliminating the possibility of suspension.[23]

From this record, the Convention's overriding purpose is reasonably clear. Even as he proposed the negative phraseology, Pinkney gave voice to an affirmative purpose which all the evidence suggests was embraced by the Convention. John Rutledge was for *making* habeas corpus "inviolable", and three states joined him in a vote to that effect. No one dissented from the proposition that the writ should be routinely available. The negative phraseology was, it is safe to say, only a circumlocution to propose a suspending power in the least offensive way. And the changes wrought in Pinkney's original proposal were for the purpose of supplying an even stronger guarantee than he had at first in mind, the strongest guarantee consistent with a power of self-preservation.[24]

Madison's record also supplies a justification for holding the habeas clause to be a grant of power to suspend. Without definitely identifying the grantee, the clause grants power to suspend the privilege on certain occasions. Unless the clause be so regarded, the vote of the three states against any power to suspend loses all meaning. Why vote against the suspension member of the clause if suspension were to be permitted by some other provision of the Constitution irrespective of the outcome of the vote.[25]

The Madison record is suggestive in another particular. There is perhaps more significance than has yet been indicated in the clear picture it gives of the Convention's abandonment of Pinkney's specific reference to Congress.[26] Why was the reference to Congress abandoned? While one cannot be certain, arguably the Convention contemplated no necessary role for Congress in respect to habeas corpus. This argument gains force when the Convention's final conclusion concerning when suspension was to be permitted, "when in Cases of Rebellion or Invasion the Public Safety may require it," is compared to Pinkney's, "most urgent and pressing occasions." Pinkney's formula obviously required a very considerable, essentially legislative elaboration before it could be made effective; therefore, Congress was brought into the picture. The Convention in its formula had arguably done all that a legislature necessarily had to do, and therefore a reference to Congress was omitted. It had supplied all the detail which a legislature might supply; it had performed the essential tasks that a legislature was component to perform. The courts could do the rest.

Beguiled by a supposed analogy to the English practice of Parliamentary suspension, some writers have insisted that the suspension power lies with Congress.[27] The analogy is inapt, as Horace Binney showed.[28] Under the English Constitution, the only thing that can halt the operation of an act of Parliament is a subsequent act of Parliament. If England's Habeas Corpus Act is to be deprived of effect, the only possible recourse is to Parliament. But our Constitution proceeds on a different principle. There is no necessity for Congress to act when the Constitution itself has precisely laid down the occasions when a suspension is permissable. All that remains to be done is to execute the power that the Constitution has granted. And for this task, Congress lacks institutional capacity. All that it could ever do, had it been granted the power, is merely to *authorize* a suspension.

Citing the Convention's rejection of an explicitly mentioned role for Congress and the marked refinement of its final draft of the habeas clause, Binney theorized that the Constitution, rather than an act of Congress, supplied the apt analogy to the English practice of utilizing an act of Parliament in suspension cases. As he put it, "the Constitution . . . stands in the place of the English Act of Parliament. It ordains the suspension in the conditioned cases . . . as Parliament does from time to time. Neither is mandatory in suspending, but only authoritative." [29]

"Authoritative" of what? Binney's response was *suspension itself*, not the intermediate power of *authorizing* a suspension by somebody else. Parliament attempted no more in suspension cases, leaving it to the Crown to determine if the exigencies of the situation required the execution of the granted power. [30] A year after Binney wrote, the Act of March 3, 1863, appeared to confirm his analysis. It declared "[t]hat, during the present rebellion, the President of the United States, whenever, in his judgment the public safety may require it, is authorized to suspend the Privilege of the Writ of Habeas Corpus in any case throughout the United States or any part thereof. . . . " [31] If one asks what this sentence added beyond what the express words of the Constitution had already accomplished, it seems that the answer can only be; an identification of the suspending power. But Congress has nowhere been authorized to make such an identification. Indeed, one could contend that such an identification could appropriately be made only by the Constitution itself.

One further item from the record of the Convention requires examination if the habeas problem is to seen as the Convention saw it. On August 28, when the habeas clause assumed substantially its final form, the Convention had already firmly fixed on the notion that lower federal courts were to be optional with Congress. This notion had been embraced as early as June 5, affirmed on July 18, and reaffirmed in the report of the Committee on Detail on August 6.[32] Accordingly, the interpretation of the habeas clause must take full account of the Convention's advertence to the possibility that there would be no lower federal courts. Given this possibility, the contention that the habeas clause directly commands courts to make habeas available is not weakened by the thought that the cooperation of Congress in constituting federal courts was required in any event if habeas was to be available. This cooperation was not required, nor even clearly provided for, and the Convention cannot be held to have depended on Congress for the realization of its hopes in respect to habeas corpus. The simplest view is that the Convention dealt with the possibility of no lower federal courts by directly commanding the courts, federal and state alike, to make the privilege of the writ routinely available.[33]

This view was to some extent confirmed by Edmund Randolph, the only member of the Convention who ever spoke to the point. In 1792 Randolph argued before the Supreme Court the case of *Chisholm v. Georgia* [34] which determind the amenability of a state to suit brought against it in a federal court by a citizen of another state. In urging that jurisdiction be sustained, Randolph cited the Constitution and the "various action of *states* which are to be annulled." [35] His very first example of a *state* action to be annulled was a constitutionality impermissible suspension of the habeas privilege. Obviously considering the habeas clause as binding on the *states,* he treated it as being of the same genre as the bill of attainder clause, the ex post facto clause, the contract clause—indeed of the same genre as all the clauses in section 10 of article I, each of which is in terms directed to the states. His point was that while some impermissible state actions could be remedied without a suit against the state, others could not. His very first example of a remedy available (to the state's prisoner) not involving a suit against the state was the power of the courts, presumably state and federal alike, to issue the writ of habeas corpus.[36]

For present purposes, the argument to be drawn from the proceedings of the Philadelphia Convention comes to this: The Convention had the firm purpose of guaranteeing the routine availability of the privilege of the writ. Given such a purpose, the surest method of guaranteeing its achievement would be a recognition of a power in the only officials necessarily involved. Nothing from Philadelphia refutes the conclusion that this is exactly what the Convention did. It did so in a clause originating in the Convention's consideration of the judiciary—a clause complete in itself with reference to Congress carefully deleted. Again, the clause is in some respects a grant of power.[37] Moreover, the Convention had fully in mind the possibility that there would be no lower federal courts. Under the circumstances, a direct grant of power to whatever superior courts that might exist is the most reasonable explanation of the available data.[38]

II

My principal reliance in establishing my thesis is, as I have said, the near certainty that the Judiciary Act of 1789 [39] did *not* con-

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Footnotes at end of article.

fer on the federal courts jurisdiction to award the writ of habeas corpus *ad subjiciendum.*[40] The uncritical acceptance of Marshall's conclusions in Ex parte *Bollman* that the act did confer this jurisdiction has enfeebled inquiry in respect to the habeas clause ever since Marshall spoke.[41] But once Marshall's conclusion is abandoned, as it must be, it can be seen that after 1789 the federal courts either had no habeas jurisdiction, or they had such a jurisdiction independent of statute. A contention that the first alternative should be accepted can be dismissed as frivolous, since it is abundantly clear that the jurisdiction was assumed by Congress[42] and exercised by the courts[43] in the years before 1807 when Ex parte *Bollman* was decided. The problem is the source of that jurisdiction.

Those who contend that a statute was the jurisdictional source confidently point to the act of 1789.[44] They argue that the 1789 Congress evidently thought that legislation was necessary, and they have drawn immense comfort from Marshall's assertion that the Constitution did no more than impose on Congress an "obligation" to make habeas corpus available.[45] Believing that their case is impregnable on the basis of the specifics of the 1789 legislation and its ensuing history, they point in particular to the provisions embraced in the Judiciary Act's section 14 which reads as follows:

"*And be it further enacted,* That all the beforementioned courts of the United States shall have power to issue writs of *scire facias, habeas corpus,* and all other writs not specially provided for by statute, which may be necessary for the exercise of their respective jurisdictions, and agreeable to the principles and usages of law. And that either of the justices of the supreme court, as well as judges of the district courts, shall have power to grant writs of *habeas corpus* for the purpose of an inquiry into the cause of commitment.—*Provided,* That writs of *habeas corpus* shall in no case extend to prisoners in gaol, unless where they are in custody, under or by colour of the authority of the United States, or are committed for trial before some court of the same, or are necessary to be brought into court to testify."[46]

The opponents of my thesis contend that not only did Congress legislate but also that it legislated restrictively, citing Congress' failure to provide nearly so broad a habeas jurisdiction as it might have. They argue that habeas was not to issue from either courts or judges, as a general rule, unless the prisoner was held in custody or under the authority of the United States. This was Marshall's reading of section 14 in Ex parte *Bollman,*[47] and it has scarcely been questioned since. Accordingly, those who have followed Marshall have easily argued that when Congress in 1833 wanted to make federal habeas available to federal officials entrapped by state law, new legislation was necessary.[48] A similar experience, they contend, came in 1842 when Congress desired to protect foreign nationals detained by a state in violation of a treaty. Again, there was a fresh resort to legislation.[49] And finally, as if to put the matter beyond all dispute, we are reminded that it was only in 1867 during Reconstruction that federal habeas corpus became generally available to state prisoners.[50] "But before that time," says Senator Ervin, "from the time of the morning star hanging in glory to 1867 [the federal courts] had no such jurisdiction."[51]

For all its surface plausibility, this restrictive view of habeas availability in the federal courts after 1789 must be rejected. Its central premise that section 14 is a habeas jurisdiction grant to courts is demonstrably false. All that Congress was doing in section 14 as to courts was ratifying a court's power to employ habeas corpus and other writs in aid of jurisdiction elsewhere conferred. For justices and judges acting individually the concern was different and more was done. Power to issue writs of habeas corpus was conferred on them, and then limitations applicable solely to powers of the individual justices and judges were added. And we shall see that Marshall's holding and dicta in Ex parte *Bollman* are unsupported by him, and are, indeed, unsupportable.

Whatever one's views on these problems, even a casual reading of section 14 raises at least two questions which do not today have obvious answers. First, why should there be specific mention, not only of habeas corpus, but also, and in prior position at that, of scire facias?[52] Neither the much-copied English Habeas Corpus Act of 1679[53] nor any one of the state acts made any mention of scire facias.[54] While the most searching modern scholarship has discovered a tangential relationship between scire facias and habeas corpus in the 15th century,[55] any affinity between the two in the 18th century is not readily apparent. Blackstone does not connect the two, nor does Alexander Hamilton, although each discusses one writ or the other in considerable detail.[56] Second, why is there separate and markedly different treatment, under any reading of section 14, of courts on the one hand and individual justices and judges on the other?

When one considers section 14 in relation to its companion sections in the Judiciary Act of 1789, other questions arise. Side by side with section 14, section 13 also deals with writs. Section 13 declares that the Supreme Court "shall have power to issue writs of prohibition . . . and writs of *mandamus.*"[57] Why this split treatment of the Supreme Court's writ power? Why talk in section 13 of the Supreme Court's power to issue writs of prohibition and mandamus and in section 14 of that same Court's power to issue the "writs of *scire facias, habeas corpus* and all other writs . . . ?"

Moreover, examining the 1789 Act in its entirety, what is the significance for the interpretation of section 14 of the arrangement of the Act's thirty-five sections? What meaning can be derived from their precise ordering and sequence? The first eight sections create, staff, and organize the various courts. Then, in ascending scale, the *jurisdiction* of the various courts is stipulated in the next five sections. With section 14, there is an abrupt change in terminology, and thereafter, in sections 15, 16, and 17, prescriptions are laid down for the courts to follow in the *exercise* of the jurisdiction previously conferred.[58] Section 15 states that it will be proper for courts to compel the production of documents;[59] section 16 explains that courts should not grant equitable relief when there is an adequate remedy at law;[60] and section 17 tells when it is proper for courts to grant new trials.[61] To use the terminology of the space age, which sectional grouping does section 14 more easily "dock" with, the jurisdictional group immediately preceding it or the prescriptive group immediately following it?

Finally, what insight can be gathered from prior and subsequent legislation, particularly the Habeas Corpus Act of 1679[62] and the Judiciary Act of 1801?[63] The prestige of the 1679 Act was so high that several states enacted almost word-for-word copies and others almost certainly regarded it as a part of their common law.[64] It was provoked by a problem highly similar to that facing the Congress of 1789—settling the habeas power of individual justices and judges.[65] As for the Judiciary Act of 1801, its chief interest is that it treated in one section the Supreme Court's writ power and in an altogether separate section the habeas power of individual justices and judges.[66] Both of these historic enactments illumine the meaning of section 14.

III

The problems raised by section 14 did not receive anything approaching a full-scale judicial treatment until the case of Ex parte *Bollman*[67] in 1807. Eighteen eventful years had passed since its enactment. John Marshall had become Chief Justice; the political control of the Government had shifted from the Federalists to Jefferson and his Republicans; and *Marbury* v. *Madison*[68] had declared not only that an act of Congress unauthorized by the Court's reading of the Constitution would be treated as a nullity but also that Congress could not add to the original jurisdiction of the Supreme Court beyond the listing in article III, that is, cases involving Ambassadors and other public ministers and cases in which a state is a party.

The *Bollman* case grew out of Aaron Burr's strange doings in the West. On January 22, 1807, President Jefferson informed Congress that one of Burr's alleged conspirators had already been released on habeas corpus and that two more of his confederates were on their way to Washington in custody.[69] The Senate took the hint and the next day in secret session agreed to a bill purportedly suspending habeas corpus for a period of three months.[70] Moreover, the Senate adopted the unusual expedient of asking the House to go immediately into secret session and add its concurrence with all possible speed.[71] After heated debate, the House voted overwhelmingly on January 26, to "reject" the bill, that is, to treat it as one unworthy of consideration.[72]

When the prisoners reached Washington they sought their release in the circuit court but that court, in a partisan division and an atmophere of the most intense excitement, committed the prisoners for trial.[73] A writ of error from the Supreme Court to review the circuit court's action was plainly barred by the Judiciary Act. There could be no such writ in criminal cases. Accordingly, counsel for the prisoners invoked the Supreme Court's habeas corpus jurisdiction early in February. Immediately, Justices Johnson and Chase voiced doubts that the Supreme Court had any such jurisdiction.[74] As a result, the jurisdiction question was set for preliminary argument and determination.[75] Interest in the argument that followed was at fever pitch, almost the whole of Congress being in attendance. The intensity of feeling was reflected in the words of counsel.[76] The justices were unblushingly reminded that they were not to yield to the prevailing "passions and prejudices" or to "external influences." They were to recall *Hamilton's* case,[77] decided in 1795 "when little progress had been made in the growth of party passions and interests," and *Burford's*[78] as well, a case "wholly connected with political considerations or party feelings."[79]

The Supreme Court had indeed on the two prior occasions exercised a habeas jurisdiction. In *Hamilton,*[80] the prisoner had been arrested for high treason, a crime punishable by death, and thus an offense where bail was discretionary under section 33 of the Judiciary Act.[81] He had sought admission to bail by a district judge and had been denied. In the Supreme Court, Government counsel did not argue that the Court was without power to issue the writ but were content with a reminder to the Court that it had *no* review power in criminal cases, and, as for habeas, the Court should deny it because the Supreme Court, it was said, had only "concurrent" authority with the district judge. The Court and the judge alike were governed by a single phrase from section 33. One habeas authority should not revise the determination of another unless "new matter" was adduced. This was all. As for the Supreme Court's power to issue the writ, there was an easy assumption by counsel and Court alike that it did exist.[82]

By the time of *Burford's* case[83] in 1806, *Marbury v. Madison*[84] had been decided, and there was a recognition in argument that the *Marbury* holding, that Congress could not

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add to the original jurisdiction beyond that stipulated in article III of the Constitution, posed an embarrassing problem.[85] Habeas jurisdiction was certainly exercised in original proceedings. After all, the district court had habeas jurisdiction, and it surely was not in any sense an appellate court. Moreover, a court in habeas could not function as a reviewing court correcting an erroneous judgment but was limited to an inquiry into the legality of commitment.[86] In *Burford*, counsel informed the Court that he was well aware of the holding in *Marbury*, but *Marbury*, he said, involved only a prerogative writ, a writ which issued at the discretion of the court. It was one thing, he continued, to say as the Court had said in *Marbury* that the Supreme Court cannot issue a prerogative writ such as mandamus in its original jurisdiction. It was quite another to say that it cannot issue a writ commanded by the Constitution. Counsel maintained that habeas corpus was not a prerogative writ but by the Constitution was *"a writ of right and cannot be refused."* [87] The *Marbury* doctrine was thus confronted with the Constitution's habeas corpus clause. In the *Buford* opinion, there was no attempt at a resolution of the problem nor was any attention paid to a suggestion of counsel that the embarrassment of *Marbury* could be removed if only the Supreme Court's jurisdiction could somehow be termed appellate.[88] A divided Court sustained the jurisdiction. All that Marshall tells us is that

"[t]here is some obscurity in the act of Congress, and some doubts were entertained by the court as to the construction of the constitution. The court, however, in favor of liberty, was willing to grant the *habeas corpus*. But the case of *United States v. Hamilton*, 3 Dall. 17, is decisive. It was there determined, that this court could grant a habeas corpus.". . .[89]

The major problem facing the Court in *Bollman* can now be seen to be the reconciliation of *Hamilton* and *Burford* on the one hand and *Marbury* on the other. *Hamilton* and *Burford* had established that the Supreme Court had jurisdiction to issue the writ. Indeed, they seemed to have established that the Court had original jurisdiction for there was for review in *Hamilton* no action by a court at all but only the ruling of a judge in chambers. Moreover, the Court had appeared to act just as any other habeas tribunal, where undeniably the jurisdiction exercised was original. But there was *Marbury*, and come what may, it must be left intact, especially in its holding that the Court could not exercise an original jurisdiction beyond that listed in article III. Marshall's opinion in *Bollman* sought a solution by characterizing the habeas jurisdiction not as original, but as appellate. He argued that the Court was being asked to revise "a decision of an inferior court, by which a citizen has been committed to gaol." "The decision," said Marshall, "that the individual shall be imprisoned, must always precede the application for a writ of *habeas corpus*, and this must always be for the purpose of revising that decision, and therefore, appellate in its nature." [90] To this, Marshall added the wholly reckless claim that "this point is also decided in *Hamilton's Case*. . . ." [91]

The other problems presented in *Bollman* were, with a single exception, disposed of in the same unargued, assertive, and summary fashion. Evidence of the haste with which the opinion was prepared is everywhere.[92] To the argument that all superior courts of record had a common law habeas jurisdiction, whether or not they had a criminal jurisdiction, Marshall curtly rejoined that there was a distinction between courts originating in the common law and courts created by statute, and that "as the reasoning has been repeatedly given by this court," the matter would not be pursued further.[93] Where this reasoning had been given Marshall was not able to say, not because he had no time to collect the citations, but because there were none to collect.[94] Marshall similarly declined to discuss the question whether one habeas court could properly revise the determination of another, saying that he could add nothing to what was said in the argument.[95] And as for the problems raised by the habeas corpus clause of the Constitution itself, quick, self-abasing deference to Congress was the style of the day. The suspending power, which later excited volumes of exegesis,[96] was handed to Congress in a single sentence.[97] Just as swiftly, Marshall reduced the positive force of the Constitutional command that "the privilege of the writ of habeas corpus shall not be suspended," to a hortatory preachment to Congress for that body to honor as it pleased. To sustain this conclusion, all that was necessary was a few words of tribute to the Great Writ and a decisive misquotation or rather amendment of the Constitution on the spot so that it read: "the privilege of the writ of habeas corpus should [*sic*] not be suspended. . . ." [98]

The only problem with which Marshall dealt in any depth in *Bollman* was whether section 14's "necessary for the exercise of their respective jurisdictions" language was a limitation on the power of *courts* to grant habeas corpus.[99] If it was, given Marshall's ruling assumption,[100] then the Supreme Court could have a habeas jurisdiction only in the rare case of original jurisdiction exercised in a criminal proceeding involving an ambassador.[101] But Marshall concluded that the limiting language did not apply to habeas corpus. Disdaining reliance on a strict grammatical construction although it tended to support his conclusion, Marshall's firt thrust was the sound observation that to read the limiting language as applicable to courts would result in the individual justices having greater power than the Court itself, as plainly this particular limiting language was not applicable to the individual justices. This, of course, would be "strange," not consistent with the genius of our legislation, nor with the course of our judicial proceedings." [102] Moreover, since the language had equal applicability to all courts, not merely the Supreme Court, all would be affected. A district judge would be in the curious position of having full power in the secrecy of his chambers but only a limited power once he ascended the bench. This interpretation was contrary to good sense and also contrary to the assumption of section 33 that the Supreme Court and circuit courts had jurisdiction to grant the writ. That section gave the courts discretion to admit to bail those charged with a capital crime. In the exercise of this authority, habeas corpus was the usual resort. The section, Marshall argued, obviously assumed that authority had already been granted to courts to issue the writ. Having already summarily dismissed the common law and the Constitution as possible sources for this authority, Marshall in equally summary fashion tells us that its source is section 14.[103]

Marshall did labor at some length to find a supposed absurdity in section 14 if not construed as an independent grant of habeas jurisdiction. If section 14 was merely ancillary for courts, said Marshall, then all that the section would have accomplished would have been to endow courts with the relatively trivial power of issuing that variety of the writ known as habeas corpus *ad testificandum*, the form employed when a prisoner was to be produced to give testimony. In his view, erroneous as I shall show, other ancillary uses of habeas corpus were for the federal courts impossible or irrelevant.[104]

We pass for the moment any account of how Marshall achieved this gigantic diminution in the possible ancillary uses of the writ in the federal courts to consider how he disposed of a question that he had gratuitously contrived: Even though the *ad testificandum* power is relatively trivial, might this not be all that Congress intended? Marshall's response is intricate, and here one must recall, as Marshall did, the proviso with which section 14 concludes: "That writs of *habeas corpus* shall in no case extend to prisoners in gaol, unless where they are in custody under or by colour of the authority of the United States, or are committed for trial before some court of the same, *or are necessary to be brought into court to testify*." [105] The proviso, Marshall contended, limited *the first sentence* of section 14 dealing with courts as well as the second sentence dealing with individual justices and judges. Accordingly, since an ancillary use of habeas corpus would mean for the federal courts an increment only of the *ad testificandum* power, Marshall contended that the Court was being asked to construe the first sentence of section 14 as if in substance it read: "All the courts of the United States shall have power to grant the writ of habeas corpus *in order to bring a prisoner into court to testify*, provided that writs of habeas corpus shall in no case extend to prisoners in gaol, unless they are in custody under or by colour of the authority of the United States, or are committed for trial before some court of the same, *or are necessary to be brought into court to testify*." It could not be contemplated, he argued, that the whole power granted—the power to order a prisoner brought in to testify—could be excepted from the operation of the proviso. Thus, the tendered restrictive construction of the habeas grant must be rejected.

The trouble with this argument is Marshall's joinder of the proviso, all of it, to the first sentence of section 14 as well as the second. In justification, he argued that the *ad testificandum* power had relevance "particularly" and only for courts; therefore, to give it any effect, the proviso must be applicable to the sentence that referred to courts.[106] His premise is hardly a logical one. *Ad testificandum* was obviously "particularly" useful to the *chambers judge* as he went about planning the work of a term. Not surprisingly, the cases and the text writers unanimously state that the proper practice was an application to a judge at chambers.[107] But the significant point for our purposes is not so much that Marshall's argument was factually groundless but rather that merely by way of that specious argument he denied the right to state prisoners to federal habeas corpus. His factitious answer to an altogether factitious question can hardly be accepted as a definitive resolution of this major problem in the law of our Constitution.[108]

IV

While one cannot accept as final Marshall's casual allocation to Congress of the suspending power or his unargued dismissal of the notion of a common law habeas jurisdiction, I pass these problems by to center on his determination that the habeas jurisdiction for courts involved in section 14 was independent and unrelated to any other statutory jurisdiction and his subsidiary and argumentative conclusion that section 14's proviso applied to courts as well as to justices and judges. Surely, Marshall was wrong on both counts. Although the vindication of this assertion lies outside the bounds of Marshall's opinion, in considerations that Marshall did not discuss, the opinion itself arouses suspicions in addition to those suggested earlier when the inordinate haste attending the decision was noted.[109] This is not to deny the opinion all force. Grammatically, on the ancillary jurisdiction point, section 14 did lend itself more easily to Marshall's reading than another. And, given Marshall's assumption that the Constitution by itself does not endow the federal courts with habeas power, he is persuasive when he

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points to the prospect of judges having more power than courts, and when he invokes the assumptions of section 33. It would indeed be a "strange" circumstance if judges were given greater power when they acted in secret rather than in open court. Section 33 clearly did premise, as Marshall said, habeas power in courts and judges alike. But these considerations can have no tendency to prove Marshall's basic assumption that a statute was necessary for the Court to exercise jurisdiction. Whatever persuasive force they may have in the interpretation of section 14 will dissolve when presently that section is examined.

Probably the most suspicious feature of Marshall's opinion is his wholly unconvincing effort to hew an ancillary habeas jurisdiction down to meaningless proportions. He takes the ancillary varieties of habeas corpus mentioned by Blackstone and holds them up as either superfluous or impossible in the federal courts. The example he gives in the latter connection is the habeas corpus *ad satisfaciendum*, "when a prisoner hath had judgment against him in an action, and the plaintiff is desirous to bring him up to some superior court to *charge him with process of execution*." Marshall blithely asserts that "this case can *never* occur in the courts of the United States. One court never awards execution on the judgment of another. Our whole judicial system forbids it." [110] Nevertheless, section 1963 of our present Judicial Code provides for just such an award.[111] And if it be objected that this is belaboring Marshall with a weapon forged 150 years later and that all Marshall was talking about was the juridical system as it existed under the statutes of 1807, there is the Act approved by Congress on March 2, 1799.[112] Generally, this Act provided for the discharge of liability for those who had provided bail for a defendant sued in one district but later arrested and committed to jail in another district. The final section squarely contradicts Marshall on what was possible in 1807 in respect to execution in the federal courts. It provided "that in every case of commitment [in another district] as aforesaid, by virtue of such order as aforesaid, the person so committed shall, unless sooner discharged by law, be holden in gaol until final judgment be rendered in the suit in which he procured bail as aforesaid, and sixty days thereafter, if such judgment shall be rendered against him, that he may be *charged in execution, which may be directed to and served by the Marshal in whose custody he is*." . . .[113]

Moving outside Marshall's opinion, we immediately come on considerations compelling the conclusion that he altogether misread section 14. Whatever jurisdiction section 14 granted to courts in respect to habeas corpus, it undeniably granted the same jurisdiction in respect to scire facias. Section 14 begins: "That all the beforementioned courts of the United States shall have power to issue writs of *scire facias, habeas corpus*. . . ." Scire facias, the first, and one of only two writs specifically mentioned, was not treated at all by Marshall, and yet it cannot be altogether ignored. A scire facias should have only ancillary uses, then merely as a matter of grammar the uses contemplated for habeas corpus in this context must likewise have been only ancillary. That scire facias was wholly an ancillary writ or, as Marshall put it, a writ to be employed by courts only in "causes which they are capable of finally deciding" can very nearly be demonstrated. Scire facias was, as the cases and text writers unvaryingly tell us, 'founded on some matter of record." [114] In all but one instance, which I shall presently discuss, the record involved was a judicial record—a record in a law suit—such as a judgment or a bail bond or a costs guarantee. Scire facias lay to "enforce the execution of them or to vacate or set them aside." [115] Furthermore, and this is decisive, it lay only in the court where the record was.[116] Thus, if one wished to enforce a bail bond, he sued out a scire facias in the court where the bond was taken. If one wished to revive a judgment, he sought scire facias in the court where the judgment was rendered. And the same was done for all the other records to be enforced or set aside. A circuit court was entirely correct in a costs bond case when, after a recital along the lines given above, it declared:

"It therefore follows that, as this particular writ cannot initiate litigation, it only marks a stage in the course of proceedings already commenced, in whatever terms that stage may be characterized. It follows, further, that proceedings by scire facias of the character which we are considering fall into the class commonly known in the language of the federal courts as ancillary." [117]

As indicated above, the matter of record on which scire facias would lie was always a judicial record, a record in a prior suit in the court issuing the scire facias, save in a single instance, that of revoking a patent. Even this exception was apparently denied by the Supreme Court in 1888 when it held that a bill in equity rather than a scire facias was the appropriate procedure to revoke either an invention or a land patent.[118] Unquestionably in pre-1789 England scire facias was the more usual method for revoking patents. It lay when "the King doth grant . . . one and the self same Thing to several Persons," or "when the King doth grant any Thing which by Law he cannot grant," or when a grant was made "upon a false suggestion." [119] Moreover, suit lay not only at the instance of the Crown but at that of the subject as well when he was prejudiced.[120]

In this country, examples of this use of scire facias are difficult to find. The reporter of an 1874 Pennsylvania case believed that it was one of only two where scire facias was used in the United States to repeal a land patent.[121] But such a use is reported in Maryland in 1678,[122] and Chancellor Kent, in 1813, could write:

"Letters-patent are matter of record, and the general rule is, that they can only be avoided in chancery, by a writ of *scire facias* sued out on the part of the government, or by some individual prosecuting in its name. This is the settled *English* course, sanctioned by numerous precedents; and we have no statute or precedent establishing a different course. . . .

"In addition to the remedy by *scire facias* which the younger patentee has in this case, there is another." . . .[123]

In addition to this recognition by Kent in 1813 of scire facias as a then existing remedy in land patent litigation, a 1798 North Carolina statute also expressly acknowledged a right to a scire facias in any person "aggrieved by any grant or patent issued." [124]

As to scire facias then, it is fair to conclude that while its predominant role in 1789 unquestionably related to a suit which the issuing court already had within its bosom, it would lie independently of any other suit in the case of a land patent. Here, there was in theory scope for the independent scire facias jurisdiction demanded by Marshall's reading of section 14. But the evidence is compelling that no such jurisdiction was contemplated by the drafters of the Judiciary Act of 1789.

That Act, when sanctioning jurisdiction, uniformly spoke in limited terms. Thus, jurisdiction was granted "of crimes and offenses that shall be cognizable under the authority of the United States;" [125] of "all civil causes of admiralty and maritime jurisdiction;" [126] of "all suits of a civil nature at common law where the United States sue;" [127] of "all suits of a civil nature at common law or in equity, where the matter in dispute exceeds, exclusive of costs, the sum or value of five hundred dollars, and . . . the suit is between a citizen of the State where the suit is brought, and a citizen of another State." [128] In every instance, the jurisdiction granted is particularized with definite, if rather large, ends in view. On the other hand, if section 14 were an independent grant of scire facias jurisdiction, it was subject to no statutory bounds and was limited only by the Constitution. Thus, the farthest reaches of the "arising under" jurisdiction, of diversity jurisdiction, and of all the other provisions in article III could be exploited to gain access to the federal courts. The situation can be appreciated by the lawyer of today if he could imagine coming on a section of the United States Code that nakedly declares that "the courts of the United States shall have jurisdiction to issue the writ of certiorari." A comparable abandon *cannot* be attributed to the Congress of 1789. Even a casual reading of the Judiciary Act will reveal that a judicial power limited only by the restrictions of the Constitution was a result that Congress had guarded against with the most meticulous diligence. Congress was desirous in one instance, and in one instance alone, of making the federal courts available for the trial of land suits, irrespective of diversity. It therefore carefully provided, in addition to diversity jurisdiction, the right of removal, and removal only, where a land suit was begun in a state court and the parties relied on land grants from two different states, even though all the parties were of common citizenship.[129] To suppose that section 14 granted original jurisdiction as well in all federal courts whenever the requirements of scire facias and article III jurisdiction could be met borders on fantasy.

An additional circumstance further indicates that Marshall was in error in regarding section 14 as a grant of independent jurisdiction. It lies in the fact that section 14 makes no distinction in terms of original and appellate jurisdiction. Marshall holds that section 14 is a grant to the Supreme Court not only of independent jurisdiction but that it is a grant of appellate jurisdiction as well. And yet the grant to the district court, where the jurisdiction could be only original, is included in the very same words. While a highly specialized authorization for appellate use of habeas corpus by the Supreme Court was divined, the possible original use of habeas corpus by that Court in a case properly within its original jurisdiction was not denied nor could it be. Thus, as Marshall saw it, section 14 by the same words dealt with both original and appellate jurisdiction in the Supreme Court, and these same few words communicated vastly different powers to the district courts. This is a greater burden than the words can comfortably bear. There is no *strain* when section 14 is read as altogether ancillary for the courts.

That Marshall was grievously in error in his attribution to section 14 of something more than ancillary significance for courts is also strongly suggested when section 13 is considered along with it, and the relationship of the two sections is explored. Section 13, after dealing with the Supreme Court's original jurisdiction,[130] concludes with this sentence:

"The Supreme Court shall also have appellate jurisdiction from the circuit courts and courts of the several states, in the cases hereinafter specifically provided for, and shall have power to issue writs of prohibition to the district courts, where proceeding as courts of admiralty and maritime jurisdiction, and writs of *mandamus*, in cases warranted by the principles and usages of law, to any courts appointed or persons holding office, under the authority of the United States." [131]

Marshall assumed without discussion in *Marbury* that these words attempt to confer an original and also an independent

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jurisdiction on the Supreme Court. Following immediately on a grant of appellate jurisdiction to the Supreme Court and employing a change of phraseology from "jurisdiction" to "power," the words seem more likely merely to lay down rules to guide the Supreme Court in the exercise of its appellate jurisdiction. But accepting Marshall's reading in *Marbury* of section 13 as an independent grant, one must ask why when the section speaks of two writs, does it not speak of the other two writs of which the Supreme Court is to have independent jurisdiction? There is no sensible answer. But once section 14 is recognized as being for courts wholly ancillary, treatment of the Supreme Court's writ power in two sections does make sense. Section 13 concerns the independent writ power of the Supreme Court; section 14 takes care of the ancillary writ power of the Supreme Court and all other courts as well.[132]

Finally, a near airtight proof that section 14 was for courts altogether ancillary in purpose is furnished by section 2 of the short-lived Federalist Judiciary Act of 1801.[133] In that Act, the treatment of the Supreme Court's writ power was combined in a single section providing:

> "*And be it further enacted,* That the said [Supreme Court] shall have power, and is hereby authorized, to issue writs of prohibition, mandamus, scire facias, habeas corpus, certiorari, procedendo and all other writs not specially provided for by statute which may be necessary for the exercise of its jurisdiction, and agreeable to the principles and usages of law." [134]

It will be observed that the restrictions on mandamus and prohibition contained in section 13 of the 1789 Act are abandoned. Nothing is said, as section 13 provided, about mandamus issuing only to courts or officers appointed by the authority of the United States or about prohibition issuing only to district courts when they sat as courts of admiralty.[135] But this can hardly mean that these writs will lie whenever the constitutional prerequisites to jurisdiction are satisfied. Since mandamus and prohibition are now spoken of in a section that has no other reference to the Supreme Court's jurisdiction and mention of the two writs does not immediately follow a sentence conferring jurisdiction the new section had a feature that the old one did not. Mandamus and prohibition, as well as other writs, may be employed when "necessary for the exercise of . . . jurisdiction." [136]

Inspection of the 1801 Act will also reveal that in addition to mandamus, prohibition, scire facias, and habeas corpus, two writs, certiorari and procedendo, are mentioned by name for the first time. Why specific mention of these six writs? What is the common nexus? If we could substitute for scire facias the writ of quo warranto, we would have the six prerogative writs of the common law.[137] But quo warranto was omitted for a very good reason. It had no ancillary function to serve but was altogether a substantive writ.[138] Scire facias, on the other hand, had an important role in 18th century appellate procedure. After a plaintiff in error had transferred a record to a reviewing court and assigned errors, he had to sue of a *scire facias ad audiendum errores* to compel his adversary to plead to the assignment. If the plaintiff in error took no action, with even-handed justice the common law supplied the defendant in error with a *scire facias quare executionem non* to effect the plaintiff's dismissal.[139] And with all the other writs mentioned, there was a similar situation. They were all important to appellate procedure as ancillary aids in disposing of cases otherwise before the court or, at least, of cases of which the court could eventually take cognizance.[140] And just as it is impossible to think that the Act of 1801, with all its careful limitations on the jurisdiction of the Supreme Court, authorized mandamus and prohibition wherever the Constitution might permit it, it is similarly impossible to think that the 1801 Act authorized any such use of the writ of certiorari, however minimally its review potential in the 18th century is regarded.[141] The same can be said for scire facias, procedendo, and habeas corpus. And if the Act of 1801, by section 2, contemplated only ancillary uses for the writs mentioned, it is impossible to see how the Act of 1789 was any different. It has never been suggested that the Federalists in 1801 were at pains to deprive the Supreme Court of powers it had theretofore possessed.

In summary, the considerations advanced persuade me that the most sensible and most likely reading of sections 13 and 14 together is one that regards section 13 as dealing with the writ power of the Supreme Court ancillary to its *appellate* jurisdiction and section 14 as dealing with the writ power of all courts ancillary to their *original* jurisdiction. In any event, when section 14 speaks of habeas corpus and courts, it is speaking only of an ancillary use of the writ.

V

Consideration must now be given to the proviso of section 14 of the 1789 Act and Marshall's argumentative conclusion that the proviso applied to courts as well as to individual justices and judges. The proviso's effect would be rather minimal if section 14 was concerned, in respect to courts, only with the ancillary uses of habeas corpus. The proviso could not then be held to limit their independent use of habeas corpus *ad subjiciendum*. But even as to ancillary uses by *courts* of habeas corpus, it is virtually certain that the proviso, properly read, was inapplicable. Marshall's contention that it was applicable to courts rests altogether on his spurious depreciation of the ancillary uses of habeas corpus to the point where, he said, the only significant use of habeas corpus for the federal courts was the *ad testificandum* writ. But Congress, he contended, surely meant to give more than the *ad testificandum* power, a fact attested to by the exception made for *ad testificandum* in the proviso. The whole power given, he argued, would not be the subject of an exception. And did the proviso and its exception apply to the courts? Yes, he answered, because judges in chambers have no interest in *ad testificandum*.[142]

This tortuous and false reasoning would seem to carry with it its own refutation. In addition, a number of countervailing considerations can be arrayed against it and Marshall's conclusion concerning the proviso. To begin with, there is the question of grammar and the grammatical structure of section 14. The first sentence speaks of power in courts; the second sentence speaks of power in individual justices and judges. Immediately following the second sentence—perhaps attached to it, perhaps not [143]—is a proviso in which is expressed a limitation of the habeas corpus privilege to those detained by the authority of the United States. Marshall would have us extend the reach of the proviso all the way back through the "judge" sentence immediately preceding it and further back yet through a most complex sentence to modify "courts." This is not impossible grammatically, but it does more credit, stylistically, to the drafters if we attribute to them a purpose to deal separately with two discrete objects, courts on the one hand and justices and judges on the other.[144] There would be no problem of construction at all if the second sentence along with the proviso had been incorporated, just as it was written, in a separate section. *This is precisely what Congress did in the Judiciary Act of 1801,*[145] a step that can only be regarded as explanatory of the Act of 1789.[146]

The second sentence, along with the proviso, yields simple, understandable results when brought singly into focus. The sentence and its proviso bear repeating:

> "And that either of the justices of the supreme court, as well as judges of the district courts, shall have power to grant writs of *habeas corpus* for the purpose of an inquiry into the cause of commitment.—*Provided,* That writs of *habeas corpus* shall in no case extend to prisoners in gaol, unless where they are in custody, under or by colour of the authority of the United States, or are committed for trial before some court of the same, or are necessary to be brought into court to testify." [147]

First, the individual justices and judges are given "power" to grant only one *writ* and that writ only for a single purpose, that of "inquiry into the cause of commitment" or habeas corpus *ad subjiciendum*. Second, the proviso lays down a general rule for the one variety of habeas corpus then being authorized. Habeas corpus is not to issue unless the prisoner is in jail "under or by colour of the authority of the United States." Third, there is an exception to the general rule just stated; a federal judge may grant habeas corpus, even though a prisoner has not been committed under federal authority, if he is nevertheless going to be handed over to federal authority for trial. Fourth, there is what *in form* appears to be a second exception to the limitation on the power of granting habeas corpus *ad subjiciendum*. If a prisoner must be brought into court to testify, the sentence and proviso together seem to allow habeas corpus *ad subjiciendum* to issue irrespective of the charter of the prisoner's custody. In one view, this produces a legal absurdity because the *ad subjiciendum* variety of habeas corpus was never used for the purpose of getting one who was merely a witness into court. The variety of writ serving that purpose was habeas corpus *ad testificandum*. But the explanation seized upon by the courts is a sensible one. The "evidence" clause is not an exception to a limitation on a power previously given but the rather inartful grant of an unencumbered second power—that of issuing a writ of habeas corpus *ad testificandum*.[148]

Perhaps more compelling than the grammatical consideration is the view of the legislative task facing the Congress of 1789 as the men of that day perceived it. In respect to habeas corpus, there were two main problems—one old and one altogether new. The old problem was the power of individual judges, out of term, to issue the writ. This problem was the immediate incitement for the most significant habeas corpus legislation ever enacted, the English Habeas Corpus Act of 1679.[149] In 1676 one Francis Jenkes was thrown into prison and charged with the offense of urging that a new Parliament be called. He sought habeas corpus from the Lord Chief Justice "but his lordship denied to grant it, alleging no other reason but that was vacation." When the contrary authority of Coke was later pressed on his lordship, that worthy made "light of the lord Coke's opinion, saying 'The Lord Coke was not infallible.' " [150] Even the reporter notes "that this case contributed to the passing of the Habeas Corpus Act." [151]

Thus in 1789 it appeared that a statute had been necessary to settle the question of the power of individual judges out of court "in vacation." The solution adopted in 1679 had been to grant power "to the lord chancellor or lord keeper, or any one of his majesty's justices, either of the one bench or of the other, or the barons of the exchequer of the degree of the coif," [152] that is, all the justices and judges of superior courts of record. But this grant of power had to be distinguished from the power of courts. Some things properly done in open court could not be permitted to a judge in chambers. Thus, if a prisoner neglected for two whole terms to

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Footnotes at end of article.

present his petition, relief "in vacation time" was not available.[153] Or if an assize had already been proclaimed for a county, any habeas corpus must be considered by the assize judge in open court.[154] The grant to individual judges of specific powers accompanied by applicable restrictions was the pattern seen by the men of 1789 as they pondered the one overbrooding legislative precedent, the Act called by Blackstone "another *magna charta*." [155] They could not be sure that a common law power would attach to the various judges in the federal system. A statute had been necessary in England to settle the question. Perhaps a statute was necessary in America. Accordingly, Congress recognized the power in individual judges in specific terms. But just as the English Act made special regulations applicable only to individual judges as contrasted to courts, so Congress one hundred and ten years later made comparable special provisions for federal judges.

The *new* problem in respect to habeas corpus facing the Congress of 1789 grew out of the Philadelphia Convention's most creative contribution, the idea of a federal union. How could the workings of habeas corpus best be arranged in a federal union pervaded in all of its branches by an almost holy regard for the writ? The answer given in 1789 clearly was mistaken by Chief Justice Taney in *Ableman v. Booth*.[156] Faced with a *state's* claim that it could by habeas corpus liberate a federal prisoner, he stated

> "[T]he powers of the General Government, and of the state . . . are . . . separate and distinct sovereignties, acting separately and independently of each other, within their respective spheres. And the sphere of action appropriated to the United States, is as far beyond the reach of the judicial process issued by a State judge or a State court, as if the line of division was traced by landmarks and monuments visible to the eye." [157]

Presumably, the converse would also be valid. But the Act of 1789 made specific arrangements, at least in the instance of producing a prisoner to testify, for process reaching across Taney's "line of division." Under the Constitution as it existed in 1789, the states had nothing to fear from federal habeas corpus. The federal judicial power was for practical purposes limited to those cases arising under the Constitution, laws and treaties of the United States. In the entire Constitution, there were few provisions *directly* conferring benefits on state prisoners. They were not to be made subject to ex post facto laws,[158] and if a prisoner was a member of Congress, he could in some instances assert a privilege from arrest.[159] There was in these provisions certainly no portent of the massive use of federal habeas corpus by state prisoners, and these provisions furnish no provocation for nullifying as to state prisoners the commanding language of the habeas corpus clause. The occasions when federal habeas corpus could possibly lie were certain to be exceedingly rare, and the states could have had no legitimate fear.

There were reasons in 1789, and in 1787 as well, for apprehension on the part of those concerned for the national interest. The thwarting and frustrating of this interest by one state or another produced the impetus for the Constitution. And the Constitution deals with these state propensities. In particular, it sought to deny to the states opportunities to imperil the very existence of the national government.[160] But why undertake, for example, to assure attendance in Congress if no federal remedy is available for that purpose? Why leave the members of Congress altogether to the mercies of the state that arrested them? With its habeas corpus clause, the Constitution provided the federal remedy. The Congress of 1789 provided, in addition to the federal remedy, a federal tribunal where the remedy could be secured. Congress can fairly be held to have had in view another highly important objective. It knew that a state prisoner was likely to claim the benefit of federal habeas corpus, not when he was being denied some directly conferred constitutional right, but when he was responsible for or the beneficiary of a federal program. The tax collector harassed by state arrests,[161] the foreign diplomat denied the immunity from arrest which the federal government wished to accord him,[162] the foreign national arrested in violation of a treaty [163]—these were the typical instances where a state prisoner would seek federal habeas corpus. In the absence of habeas, damage to the federal programs could be enormous and irremediable.

This second purpose of the habeas clause as an instrument for assuring the supremacy of national law prescribed by article VI can hardly have been overlooked by the framers. It was not overlooked by Edmund Randolph in 1792 [164] or by the Congress of 1800 when it enacted the Bankruptcy Act. Section 38 of that Act announced that resort to habeas was proper whenever any bankrupt was detained in prison after obtaining his certificate of discharge in bankruptcy by reason of a judgment on a debt obtained before his discharge. The Act provided that "it shall be lawful for any of the judges of the court wherein judgment was so obtained, or for any court, judge, or justice, within the district in which such bankrupt shall be detained, having powers to award or allow the writ of habeas corpus, on such bankrupt producing his certificate . . ., to order any sheriff or gaoler who shall have such bankrupt in custody, to discharge such bankrupt." . . .[166]

Congress was here attempting fully to effectuate its purposes in passing the Bankruptcy Act. It was laying down a rule of law in respect to habeas corpus directed to courts and judges, state and federal alike. It was dealing with the case of the pre-discharge judgment on a prior debt; the post-discharge judgment on a prior debt presented no problem. Although the release of *state* prisoners was clearly contemplated, there was no reference whatsoever to section 14 of the Judiciary Act of 1789, nor is there any talk of jurisdiction beyond a reference to courts or judges "having powers to award or allow the writ of habeas corpus." The plain assumption is that courts, state and federal alike, did have jurisdiction as did individual justices and judges in some circumstances.

Thus grammar, the subsequent legislation of 1801, legislative precedent, the baselessness of altogether imaginary state apprehensions, and the federal government's potential gain combine to dictate the conclusion that section 14's proviso spoke only to justices and judges in their individual capacities. The section's answer to the novel problem of habeas corpus in a federal union was not the destructive, unreasoned one that has been imagined but one eminently sensible. Essentially, what the proviso said that before a prisoner could be taken from state authority even in a case indubitably arising under federal law, proceedings in open *court* were necessary. Such proceedings could be depended on to preclude removal except where there was a substantial federal interest, and then removal was desirable as well as required.

VI

On Ex parte *Bollman* one final and confessedly hazardous word—hazardous because it indulges in speculation as to a man's innermost motives. What could have moved John Marshall to impose on American law such a misconception? Some may say that the consideration of supreme moment with him was to smite his old adversaries, Thomas Jefferson and the Republicans, as the Jeffersonian Party was then known. Any old stick was good enough for that purpose. Some may be more fastidious and credit Marshall with a shrewd, dissembling, rear-guard action to serve a more compelling and a more noble end—avoidance of impeachment by making ingratiating bows to Congress and to the states, while at the same time preserving as much as possible of the national power. These explanations do not satisfy. The first is contradicted by Marshall's known behavior.[167] The second is based on a false premise. There is no escaping the fact that as long as Ex parte *Bollman* stands, the fundamental guarantee of American liberty is subject to total obliteration in the case of state prisoners.[168]

A sufficient answer to the conundrum posed is that Marshall was in flight from himself and his holding in the most important case ever adjudicated in the United States, *Marbury v. Madison*.[169] In *Marbury*, Marshall had simply forgotten the habeas corpus clause, which was not directly involved. Marshall had claimed for the courts the power to nullify acts of Congress unauthorized by the Court's reading of the Constitution. The occasion for this claim was the Court's discovery that section 13 of the Judiciary Act attempted to confer on the Supreme Court original jurisdiction to issue the writ of mandamus. Holding that the Congressional Act was a nullity, the Supreme Court announced that it could take original jurisdiction only of cases mentioned in article III, those "affecting Ambassadors, other public Ministers and Consuls, and those in which a state Shall be a Party . . ." [170] There could have been on Marshall's part *no* stronger commitment to the proposition that this listing in article III exhausted the possibilities of original jurisdiction. To acknowledge another original jurisdiction existing all the time was unthinkable, even though this jurisdiction was commanded by the Constitution and assumed by Congress in its first Judiciary Act.

But the exigencies of decision that produced Ex parte *Bollman* are no longer with us. We can now discard its sophistries and misrepresentations and accept Mr. Justice Black's simple statement:

> "Habeas Corpus, as an instrument to protect against illegal imprisonment, is written into the Constitution. Its use by courts cannot . . . be constitutionally abridged by Executive or by Congress." [171]

FOOTNOTES

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[1] U.S. CONST. art. I, § 9.

[2] 8 U.S. (4 Cranch) 75 (1807).

[3] *Id.* at 94. In the context it is certain that Marshal was speaking of a statute.

[4] *Id.* at 95.

[5] *Id.* at 99.

[6] *See e.g.*, Carbo v. United States, 364 U.S. 611, 614 (1961).

[7] Revised Statutes of 1874, ch. 13, §§ 751-6, 18 Stat. 142; Act of February 5, 1867, ch. 27, 14 Stat. 385; Act of August 29, 1842, ch. 257, 5 Stat. 539; Act of March 2, 1833, ch. 57, § 7, 4 Stat. 634; Judiciary Act of 1801, ch. 4, §§ 2, 30, 2. Stat. 89, 98; Judiciary Act of 1789, ch. 20, § 14, 1 Stat. 81. For the situation prevailing during the brief period when the Judiciary Act of 1801, ch. 4, 2 Stat. 289, was in force, see the text at note 145 and note 146 *infra*. The habeas corpus provisions are currently codified in 28 U.S.C. §§ 2241–54 (1964).

[8] *Cf.* Eisentrager v. Forrestal, 174 F.2d 961 (D.C. Cir. 1949).

[9] For the complete text of the bill as *it* emerged from committee, see 114 CONG. REC. 11186 (1968). Section 702, dealing with habeas corpus, proposed to add to title 28 of the United States Code a new section 2256 reading as follows:

> The judgment of a court of a State upon a plea or verdict of guilty in a criminal action shall be conclusive with respect to all questions of law or fact which were determined, or which could have been determined, in that action until such judgment is reversed,

vacated, or modified by a court having jurisdiction to review by appeal or certiorari such judgment; and neither the Supreme Court nor any inferior court ordained and established by Congress under article III of the Constitution of the United States shall have jurisdiction to reverse, vacate, or modify any such judgment of a State court except upon appeal from, or writ of certiorari granted to review, a determination made with respect to such judgment upon review thereof by the highest court of that State having jurisdiction to review such judgment. *Id.* at 11189.

It is perhaps not material that the proposed section does not in terms deprive the federal courts of *jurisdiction* to accord habeas corpus relief to state prisoners. The proposal speaks of jurisdiction "to reverse, vacate, or modify any such judgment . . . ." Of course, on habeas corpus a court does not purport to reverse, vacate, or modify a judgment. As the Court has explained:

> The jurisdictional prerequisite is not the judgment of a state court but detention *simpliciter*. The entire course of decisions in this Court . . . is wholly incompatible with the proposition that a state court *judgment* is required to confer federal habeas jurisdiction. And the broad power of the federal courts under 28 U.S.C. § 2243 summarily to hear the application and to "determine the facts, and dispose of the matter as law and justice require," is hardly characteristic of an appellate jurisdiction. Habeas lies to enforce the right of personal liberty; when that right is denied and a person confined, the federal court has the power to release him. Indeed, it has no other power; it cannot revise the state court judgment; it can only act on the body of the petitioner. Fay v. Noia, 372 U.S. 391, 430–31 (1963).

Compare id. with Peyton v. Rowe, 391 U.S. 54, 58 (1968) *and Ex parte* Bollman, 8 U.S. (4 Cranch) 75, 101 (1807).

[10] *See, e.g.,* 114 Cong. Rec. 13990 (1968). Senator Tydings, the leader of those opposing the section, resorted to an increasingly routine tactic in Senate debate. He sought and received expressions from the faculties of the law schools. The academicians uniformly denounced the proposal, either on constitutional or policy grounds. For their comments, see 114 Cong. Rec. 13850 (1968).

[11] Senator Scott closed the debate by remarking: "Mr. President, it is my feeling . . . if Congress tampers with the great writ, its action would have about as much chance of being held constitutional as the celebrated celluloid dog chasing the asbestos cat through hell." 115 Cong. Rec. 14183 (1968).

[12] See Eisentrager v. Forrestal, 174 F.2d 961 (D.C. Cir. 1949); 1 W. Crosskey, Politics and the Constitution 610–20 (1953).

[13] *See* Martin v. Hunter's Lessee, 14 U.S. (1 Wheat.) 304 (1816).

[14] I should not like to be understood as rejecting this theory, especially as to habeas corpus. For an express recognition of a common law habeas jurisdiction in the Supreme Court of North Carolina, *see In re* Bryan, 60 N.C. 1, 44(1863). The Supreme Court of the United States, while it has frequently disclaimed a *common* law jurisdiction for the federal courts, has never to my mind adequately explained why such a jurisdiction is lacking. In Ex parte *Bollman*, Marshall indicated that the lack of a common law jurisdiction in the federal courts results since these courts are created by written law. 8 U.S. (4 Cranch) at 93. But so were many other courts which do exercise a common law jurisdiction. The Supreme Court of North Carolina, for example, at the time of the *Bryan* decision, owed its existence entirely to a statute. Ch. 1, [1818] Laws of North Carolina 3.

[15] *See* R. Walker, The American Reception of the Writ of Liberty (Okla. State U. Political Science Monograph No. 1, 1961); Collings, *Habeas Corpus for Convicts—Constitutional Right or Legislative Grace?*, 40 Calif. L. Rev. 335 (1952); Oaks, *Habeas Corpus in the States, 1776-1865*, 32 U. Chi. L. Rev. 243 (1965).

[16] The quoted phrase is taken from the remarks of Dr. John Taylor in the Massachusetts Convention. 2 Elliott's Debates 108 (2d ed. 1836).

A variety of habeas corpus was used in America at least as early as 1685 in New Jersey. Journal of the Courts of Common Right and Chancery of East New Jersey 1683–1702 206 (P. Edsall ed. 1937). Professor Edsall's incomparable volume shows frequent resort to habeas corpus for the purposes of appellate procedure. *Id.* at 264–65, 304.

[17] For Madison's record of the Convention's consideration of the habeas corpus clause, see the text accompanying note 20 *infra*. The most thorough and searching examination of the genesis of the habeas corpus clause that I have seen is in the three pamphlets published by Horace Binney in support of Lincoln's Civil War suspensions. H. Binny, The Privilege of the Writ of Habeas Corpus Under the Constitution (1862); The Privilege of the Writ of Habeas Corpus Under the Constitution (second part) (1862); The Privilege of the Writ of Habeas Corpus Under the Constitution (third part) (1865) [hereinafter cited as Binney I, Binney II, & Binney III]. While Binney was principally concerned with the "suspension member" of the clause, he indicated that he, following Marshall and Story, subscribed to the "obligation" theory. But he stated the theory in the strongest possible terms, leaving Congress no discretion whatsoever to withhold jurisdiction of a remedy for arbitrary imprisonment. "If this be constitutional, Congress may constitutionally destroy the Constitution." Binney II 14.

Binney's arguments are directed to supporting a view of the habeas clause as including a grant of power to the President in respect to suspension. In so far as he establishes the nature of the clause as power-granting, he helps in establishing the thesis that the clause is a grant of power to courts as well as the President. Binney's rejection of this view is clear and, I must confess, forceful. He notes that the Constitution is not concerned with the "Writ of Habeas Corpus" or a "Habeas Corpus Act" but with the "privilege." From this, he reasons that when the Constitution declares that the "privilege . . . shall not be suspended . . ." it is doing no more than making a general statement of a right of immunity from arbitrary imprisonment. "The reference to the Writ," says Binney, "was to describe the privilege intelligibly, not to bind it to a certain form." Binney I 40.

[18] Binney I 24; 3 Elliot's Debates 462 (2d ed. 1836) (Patrick Henry in the Virginia Convention); 3 M. Farrand, Records of the Federal Convention of 1787 at 213 (1911) (quoting Luther Martin in his "The Genuine Information" transmitted to the Maryland Convention).

[19] U.S. Const. art. I, § 9, cl. 2.

[20] 2 M. Farrand, *supra* note 18, at 341. I have omitted the mention of habeas corpus embodied in the Pinkney Plan allegedly presented to the Convention on May 29. *Id.* at 131. The judgment of a number of writers is that the Plan given in Madison's Notes cannot be representative of what Pinkney offered on May 29. *See* 31. Brant, James Madison: Father of the Constitution 27–29 (1950) and authorities there cited.

[21] *See* 5 Elliot's Debates 376–81 (2d ed. 1836).

[22] 2 M. Farrand, *supra* note 18, at 438–39.

[23] In the ratifying conventions, the only serious complaint with the Convention's draft was that it admitted the possibility of suspension. See note 18 *supra*.

As to the effect of the habeas corpus clause there are cryptic, yet noteworthy, expressions in the conventions from James Wilson and Alexander Hamilton indicating their belief that the Constitution itself had provided for habeas corpus without any necessary resort to legislation. In the course of a speech of several days duration to the Pennsylvania Convention, Wilson undertook to explain why there was no bill of rights. His main point was that it was impractical:

> Enumerate all the rights of men! I am sure, sir, that no gentleman in the late Convention would have attempted such a thing. . . .
>
> . . . But this subject will be more properly discussed when we come to consider the FORM of government itself; [*i.e.,* its federal quality and the separation of powers?] and then I mean to show the reason why the right of *habeas corpus* WAS SECURED by a particular provision in its favor. 2 Elliott's Debates 454–55 (2d ed. 1836) (original in lower case).

Unfortunately, Wilson did not keep his promise.

In *The Federalist* Hamilton evidently considered that habeas corpus had been established as surely as ex post facto laws had been nullified. He wrote: "The establishment of the writ of *habeas corpus,* the prohibition of ex post facto laws . . . are perhaps greater securities to liberty and republicanism than any [the New York Constitution] contains." The Federalist No. 84. In another place he even speaks of "the *habeas corpus* act as if the Constitution was to continue it in operation. The Federalist No. 83. He was, of course, referring to the English Act of 1679, 31 Car. 2, c. 2. See the remark of Luther Martin quoted in note 25 *infra.*

[24] One commentator has suggested that the negative wording of the habeas clause implies a purpose in the Convention merely to give assurance that Congress would not prevent state courts from making the writ available. Collings, *supra* note 15, at 355, 351 (1952). Pondering and finally rejecting this view, the most recent commentary says that the clause "is apparently directed to federal government action somehow destructive of a judicial power neither defined nor in terms compelled." The commentary argues that the negative form was the result of the prevailing view among the framers rendering "superfluous positive guarantees of personal rights." This philosophy, it is said, moved the framers to "prevent the federal government from imposing severe restraints upon individuals without opportunity for collateral judicial review." Accordingly, the commentary concludes: "A purposive analysis, then supports a constitutional requirement that there be *some* court with habeas jurisdiction over federal prisoners." *Developments in the law—Federal Habeas Corpus,* 83 Harv. L. Rev. 1038, 1267 (1970) [hereinafter cited as *Developments*].

[25] Edmund Randolph, in the Virginia Convention, attributed the suspension power to a power to "regulate courts," 3 Elliot's Debates 464 (2d ed. 1836). But in Maryland, Luther Martin pointedly involved the habeas clause. "By the next paragraph, [indicating the habeas clause] the general government is to have a *power* of *susepnding the habeas corpus act,* in case of *rebellion or invasion"* 3 M. Farrand, *supra note* 18, at 213.

Chief Justice Taney also attributed the suspending power to the habeas clause: "The clause in the Constitution which authorizes the suspension of the writ of habeas corpus, is in the 9th section of the first article." *Ex parte* Merryman, 17 F. Cas. 144, 148 (No. 9,487) (C.C.D. Md. 1861). Horace Binney argued the question exhaustively. Binney II 1–38. His principal reliance, other than Martin and the point made in the text concerning a meaningful interpretation of the vote against suspension, was that no other clause of the Constitution was a likely source.

Without regard to the witness of Martin or the authority of Taney, it has been ventured that the source of the suspension power "might not" be the habeas clause and that it "might" be derived from some unspecified article I "war powers" and the necessary and proper clause. *Developments* 1267–68. Responding to a comparable if less timid suggestion, Horace Binney remarked:

It is impossible to treat this argument seriously. The writer has transcribed nearly half the express powers of Congress, and left his readers a perfectly uncontrolled liberty to select one or another, or half a dozen, without the least influence from himself, or an intimation of the slightest preference on his part for one more than for another. Nay, he does not give the least hint of the nature or mode of application of the incidental or implied power, which, according to his notion, arises from any one of these express powers, to suspend the Writ of Habeas Corpus. He names eight express powers, and there are but eighteen in the Eighth Section; and it is true to the very letter, that the member of the Philadelphia Bar neither makes a choice himself, nor writes a word to influence the choice, of one rather than another of them. He contents himself with saying, "that there are such grants of power, in language amply sufficient to vest discretion on the subject matter in Congress, we think may be safely asserted by any one reading the clauses conferring legislative power in the several particulars we have recited above." This is not argument, but dogmatism. Binney II 35.

[26] This becomes all the more striking when the habeas clause is compared to its immediate predecessor in section 9: "The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the *Congress* prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person." U.S. Const. art. 1, § 9, cl. 1 (emphasis added).

Examination of the remainder of section 9 shows that while most of its prohibitions are directed to Congress, one of the prohibitions is a restraint on the Executive: "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law." *Id.* cl. 7. Another is addressed to all branches of the government: "[N]o Person holding any Office of Profit or Trust . . . shall . . . accept of any present, Emolument, Office, or Title of any kind whatever, from any King, Prince, or foreign State." *Id.* cl. 8. One would think that the foregoing is sufficient to refute an argument, based merely on the position of the clause, that it is addressed only to Congress. For an expression of the position argument, see *Developments* 1264.

Of all the clauses in section 9, the habeas clause alone raises doubts as to the governmental branch immediately addressed. It could well have been the habeas clause that its author, Gouverneur Morris, had in mind when he wrote Timothy Pickering in 1814:

"But, my dear sir, what can a history of the Constitution avail, towards interpreting its provisions? This must be done by comparing the plain import of the words with the general tenor and object of the instrument. That instrument was written by the fingers which write this letter.

"Having rejected redundant and equivocal terms, I believe it to be as clear as our language would permit, *excepting, nevertheless, a part of what relates to the Judiciary*. On that subject, conflicting opinions had been maintained with so much professional astuteness, that it became necessary to select phrases, which, expressing my own notions, would not alarm others, nor shocking their self-love; and, to the best of my recollection, this was the only part which passed without cavil. *Quoted in* Binney III 21.

[27] J. Bullit, A Review of Mr. Binney's Pamphlet 47 (1862); *Developments* 1264. The latter also relies on the fact that suspension in Massachusetts during Shays' Rebellion was by legislative act, citing ch. 41, [1786] Mass. Acts & Laws 102. But this commentary neglects to explain that at that time, the Massachusetts Constitution stipulated, as the U.S. Constitution does not, that suspension was to be "by the legislature." Mass. Const. ch. VI, art VII (1780). 1 B. Poore, The Federal and State Constitutions, Colonial Charters, and Other Organic Laws of the United States 972 (1877).

[28] Binney I 1–24.

[29] *Id.* at 51–52.

[30] *Id.* Parliament, according to Binney, typically provided in suspension cases that "all or any persons that *are or shall* be in prison within that part of the United Kingdom called Great Britain, at or upon the day on which this Act shall receive his Majesty's Royal assent, *or after*, by warrant of his said Majesty's most honorable Privy Council . . . for high treason, suspicion of high treason, or treasonable practices . . . may be detained in safe custody without bail or mainprise . . ." Binney II, 17. *See, e.g.,* An Act to Empower His Majesty to Secure and detain such Persons as His Majesty shall suspect are conspiring against His Person and Government, 57 Geo. 3, c. (1817).

While I am not principally concerned with locating the suspending power, it may be useful to point out that it is fairly clear that the courts cannot be deprived of some part in the process: "The suspension of the privilege of the writ of *habeas corpus* does not suspend the writ itself." *Ex parte* Milligan, 71 U.S. (4 Wall.) 2, 130 (1866); Binney III 69; *Developments* 1265. Binney explains:

Supposing the power of suspending the privilege of the Writ of Habeas Corpus, to be what I have described it as being, and exercisable in the manner described, then it must follow, that the Judicial power cannot be altogether displaced or superseded by it, though it may be so far abridged as only to maintain the rights of persons under a limitation, which confines the Judiciary to the observation of the forms of things rather than of their substance. Nevertheless, those forms are of infinite value, as they exclude dangerous substances, though it may be uncertain what they precisely include; and they decidedly benefit the people at large, though they may not much benefit the prisoner himself. Within the more limited area, I am not able to perceive that the Judicial authorities are not as competent as in other cases, so far as to inquire if the power has been apparently pursued, and to relieve if it has not. On the contrary, I submit with some confidence, that the Judicial Department is competent to inquire into the exercise of the power, and to see that the power has *ostensibly* been exercised within its prescribed limits, if it has any; not indeed to examine into the particular grounds of the suspicion of treasonable design which may be charged, and to judge whether the imputation upon the party imprisoned be well or ill founded in fact or probalility; nothing like this; but to know whether the limitations of the power have been ostensibly observed in the execution of the power. Binney III 69.

[31] Act of March 3, 1863, ch. 81, § 1, 12 Stat. 755. This statute was considered by Congress for nearly two years. For a full review of the legislative history. See Sellery, *Lincoln's Suspension of Habeas Corpus as Viewed by* Congress, 1 U. Wis. History Bull. 213 (1970).

[32] Elliott's Debates 159–60, 331–32, 376–81 (2d ed. 1836). The notion is reflected in the Constitution. U.S. Const. art. 3, § 1.

[33] My notion is that the "obligation" theory is demonstrably untenable if Congress is without power to impose a jurisdiction on the state courts. In the event of a congressional decision to have no lower federal courts, it could be contended by the advocates of the "obligation" theory that the Constitution then contemplates that Congress will discharge its obligation by commanding the state courts to make the writ available. Congressional authority to impose this jurisdiction on the state court could be argued to be a necessary implication of the choice left to Congress. It has also been suggested that the necessary and proper clause provides congressional power to impose jurisdiction on state courts. Sandalow, *Henry* v. *Mississippi and the Adequate State Ground: Proposals for a Revised Doctrine*, 1965 Sup. Ct. Rev. 187, 207, *See also* Testa v. Katt, 330 U.S. 386, 393 (1947). But the congressional power to impose a jurisdiction on the state courts has often been denied. *See, e.g.*, Brown v. Gerdes, 321 U.S. 178, 188–89 (1944) (Frankfurter, J., concurring); Kendall v. United States, 37 U.S. (12 Pet.) 524, 645 (1838) (Barbour, J., dissenting); Houston v. Moore, 18 U.S. (5 Wheat.) 1, 27 (1820).

[34] 2 U.S. (2 Dall.) 419 (1973).

[35] *Id.* at 421 (emphasis added).

[36] "In our solicitude for a remedy, we meet with no difficulty, where the conduct of a state can be animadverted on, through the medium of an individual. For instance, without suing a state, a person arrested may be liberated by *habeas corpus* . . . ." *Id.* at 422.

[37] See note 25 *supra*.

[38] That the Convention did not speak with greater clarity may perhaps be explained by the Convention's preoccupation with the suspension problem toward which opaqueness may well have been deliberate. Two other contradictory explanations might be suggested. On the one hand, commanding the state courts to respect habeas corpus may have been a matter of too great delicacy to bear explicit statement. On the other, no superior court known to the framers had ever denied a habeas jurisdiction.

[39] Ch. 20, 1 Stat. 73.

[40] The term "habeas corpus" normally refers to the *adsubjiciendum* variety of the writ, that is, the writ "directed to the person detaining another, and commanding him to produce the body of the prisoner . . . ." 3 W. Blackstone Commentaries *131. For a discussion of the other types of the writ, see 8 U.S. (4 Cranch) at 95–97, *citing* 3 W. Blackstone, Commentaries *129.

[41] For perhaps the most recent example, see *Developments* 1263–74.

[42] Act of April 4, 1800, ch. 19 § 38, 2 Stat. 32. For a discussion of this statute, see the text at note 165 *infra*.

[43] *Ex parte* Burford, 7 U.S. (3 Cranch) 448 (1806); United States v. Hamilton, 3 U.S. (3 Dall.) 17 (1795).

[44] *See, e.g.*, W. Church, Writ of Habeas Corpus 37 (1884); R. Hurd, Writ of Habeas Corpus 149 (1858); 114 Cong. Rec. 13996–97 (1968) (remarks of Senator Ervin).

[45] 8 U.S. (4 Cranch) at 95.

[46] Judiciary Act of 1789, ch. 20, § 14, 1 Stat. 81. I refer to this section so often that I would urge any reader who may be interested in finding out what this article has to say to arm himself with a copy of the section.

[47] 8 U.S. (4 Cranch) at 99.

[48] Act of March 2, 1833, ch. 57, § 7, 4 Stat. 634.

[49] Act of August 29, 1842, ch. 257, 5 Stat. 539.

[50] Act of February 5, 1867, ch. 27, 14 Stat. 385.

[51] 114 Cong. Rec. 13997 (1968).

[52] For a discussion of scire facias, see the text accompanying notes 114–24 *infra*.

[53] The Habeas Corpus Act of 1679, 31 Car. 2, c. 2.

[54] On the early colonial and state statutory development, see Oaks, *supra* note 15, at 251–55.

[55] Cohen, *Habeas Corpus Cum Causa—The Emergence of the Modern Writ—I*, 18 Can. B. Rev. 10, 15 (1940).

[56] 3 W. Blackstone, Commentaries *129–37 (habeas corpus); A. Hamilton, Practical Proceedings in The Supreme Court of the State of New York 99–103 [printed in 1 J. Goebel, The Law Practice of Alexander Hamilton 101–03 (1964)] (scire facias).

[57] Judiciary Act of 1789, ch. 20, § 13, 1 Stat. 80.

[58] Actually, the change is first introduced in section 13 as I shall elaborate below. In provisions that are undoubtedly grants of power in the most elemental sense, the terminology employed, except in cases of removal where the meaning is unmistakable, is that specific courts shall have "cognizance" or "jurisdiction." Thus, the district courts are to have *"cognizance"* of crimes, "exclusive original *cognizance* of all civil causes of admiralty and maritime jurisdiction," exclusive original *cognizance* of all seizures on land," *"cognizance* . . . of all causes where an alien sues for a tort only in violation of the law of nations or a treaty of the United States," *"cognizance* . . . of all suits at common law where the United States sue." "And shall also have *jurisdiction* exclusively of the courts of the several States, of all suits against consuls. . . ." *Id.* § 9 (emphasis added). The circuit courts are to have *"cognizance"* of diversity cases *"cognizance"* of certain crimes and offenses, and "appellate *jurisdiction* from the district courts" in certain instances. *Id.* § 11 (emphasis added). The Supreme Court is given "exclusive *jurisdiction*" in civil suits where a state is a party with certain exceptions; exclusive *"jurisdiction"* of suits against ambassadors and concurrent *"jurisdiction"* of suits brought by them; and "appellate jurisdiction" from the circuit courts. *Id.* § 13 (emphasis added). At this point comes the change. The terminology no longer is of "cognizance" or "jurisdiction" but of "power." And the "power" wording continues in sections where clearly the Act is speaking not of competence but of propriety. See especially § 15 reproduced at note 59 *infra*.

The use of the terms "jurisdiction," "cognizance," and "power" in the two early Judiciary Acts was the subject of inconclusive comment in all three opinions in Kendall v. United States, 37 U.S. (12 Pet.) 522 (1838). For the Court, Mr. Justice Thompson remarked:

> Some criticisms have been made at the bar, between the use of the terms power and cognizance. . . . That there is a distinction, in some respects, cannot be doubted; and, generally speaking, the word "power" is used in reference to the means employed in carrying jurisdiction into execution. But it may well be doubted, whether any marked distinction is observed and kept up in our laws; so as in any measure to affect the construction of those laws. Power must include jurisdiction, which is generally used in reference to the exercise of that power in courts of justice . . . *Id.* at 622–23.

Dissenting, Chief Justice Taney remarked:

> Much has been said about the meaning of the words "powers" and "cognisance" as used in these acts of Congress. These words are no doubt generally used in reference to courts of justice, as meaning the same thing. . . . But it is manifest, that they are not so used in the acts of Congress establishing the judicial system of the United States, and that the word "power" is employed to denote the process, the means, the modes of proceeding, which the *courts* are authorized to use in exercising their jurisdiction in the cases specially enumerated in the law as committed to their "cognisance." Thus, in the act of 1789, ch. 20, the 11th section specifically enumerates the cases, or subject-matter of which the circuit courts shall have "cognisance," and subsequent sections, under the name of "powers," describe the process, the means which the courts may employ in exercising their jurisdiction in the cases specified. *Id.* at 636.

Dissenting, Mr. Justice Barbour remarked:

> Again, the act of 1789, after defining the jurisdiction of the different courts in different sections, viz., that of the district courts in the 9th, that of the circuit courts, in the 11th, and that of the supreme court, in the 13th, together with the power to issue writs of prohibition and *mandamus*, proceeds, in subsequent sections, to give certain powers to all the courts of the United States. Thus, in the 14th, to issue writs of *scire facias, habeas corpus*, & c.; in the 15th, to require the production of books and writings; in the 17th, to grant new trials, to administer oaths, punish contempts, & c. It is thus apparent, that congress used the terms, "jurisdiction," and "powers," as being of different import. The sections giving jurisdiction describe the subject-matter, and the parties of which the courts may take cognisance; the sections giving powers, import authority to issue certain writs, and do certain acts incidentally becoming necessary in, and being auxiliary to, the exercise of their jurisdiction. In regard to all the powers in the 15th and 17th sections, this is apparent beyond all doubt, as every power given in both those sections, necessarily presupposes that it is to be exercised in a suit actually before them, except the last in the 17th section, and that is clearly an incidental one, it being a power "to make and establish all necessary rules for the orderly conducting business in the said courts." & c. *Id.* at 648–49.

[59] Judiciary Act of 1789, ch. 20, § 15, 1 Stat. 82. The section in its entirety reads:

> SEC. 15. *And be it further enacted*, That all the said courts of the United States, shall have power in the trial of actions at law, on motion and due notice thereof being given, to require the parties to produce books or writings in their possession or power, which contain evidence pertinent to the issue, in cases and under circumstances where they might be compelled to produce the same by the ordinary rules of proceeding in chancery; and if a plaintiff shall fail to comply with such order, to produce books or writings, it shall be lawful for the courts respectively, on motion, to give the like judgment for the defendant as in cases of nonsuit; and if a defendant shall fail to comply with such order, to produce books or writings, it shall be lawful for the courts respectively on motion as aforesaid, to give judgment against him or her by default.

[60] *Id.* § 16. The section in its entirety reads:

> SEC. 16. *And be it further enacted*, That suits in equity shall not be sustained in either of the courts of the United States, in any case where plain, adequate and complete remedy may be had at law.

[61] Id. § 17. The section in its entirety reads:

> SEC. 17. *And be it further enacted*. That all the said courts of the United States shall have power to grant new trials, in cases where there has been a trial by jury for reasons for which new trials have usually been granted in the courts of law; and shall have power to impose and administer all necessary oaths or affirmations, and to punish by fine or imprisonment, at the discretion of said courts, all contempts of authority in any cause or hearing before the same; and to make and establish all necessary rules for the orderly conducting of business in the said courts, provided such rules are not repugnant to the laws of the United States.

[62] 31 Car. 2, c. 2.

[63] Ch. 4, 2 Stat. 89 (repealed by Act of April 29, 1801, ch. 31, 2 Stat. 122).

[64] In respect to statutory enactment, see Act of March 16, 1785, 1 LAWS OF MASS. 1780–1800, at 236(1801). In Georgia, art. LX of the Constitution of 1777 declared: "The principles of the *habeas-corpus* act shall be a part of this constitution." 1 B. POORE, *supra* note 27, at 383. The English Act was reproduced in its entirety in W. SCHLEY, A DIGEST OF THE ENGLISH STATUTES OF FORCE IN THE STATE OF GEORGIA 262 (1826). Apparently the only legislative enactment apart from the Constitution giving force to the English Act was the Act of February 25, 1784: "the common laws of England, and such of the statute laws as were usually in force in the said province (Georgia) on the fourteenth day of May, 1776 . . . shall be in force until repealed." *Id.* at xx–xxi.

[65] See the text at note 151 *infra*.

[66] Judiciary Act of 1801, ch. 4, §§ 2, 30, 2 Stat. 89, 98 (repealed by Act of April 29, 1801, ch. 31, 2 Stat. 122).

[67] 8 U.S. (4 Cranch) 75 (1807).

[68] 5 U.S. (1 Cranch) 137 (1803).

[69] 3 BENTON'S ABRIDGEMENT OF THE DEBATES OF CONGRESS FROM 1789 TO 1856 AT 490 (1857).

[70] *Id.* The proposed statute read:

> That in all cases, where any person or persons, charged on oath with treason, misprision of treason, or other high crime or misdemeanor, endangering the peace, safety, or neutrality of the United States, have been or shall be arrested or imprisoned, by virtue of any warrant or authority of the President of the United States, or from the Chief Executive Magistrate of any State or Territorial Government, or from any person acting under the direction or authority of the President of the United States, the privilege of the writ of *habeas corpus* shall be, and the same hereby is suspended, for and during the term of three months from and after the passage of this act, and no longer. *Id.* at 504.

At least two comments are appropriate: (1) The draftsman of this extraordinary proposal did not seek to limit its effect to only the federal courts; (2) the draftsman, in so far as he considered the Constitution at all, evidently thought that a state prisoner, one held by the authority of a state's "Chief Executive Magistrate," would have habeas protection in the absence of the proposed statute.

[71] *Id.* at 504.

[72] *Id.* at 515. The vote was 113 to 19. Some weeks later, after the opinion in Ex parte *Bollman* came down, there was further debate in the House of Representatives on habeas corpus. It was provoked by a resolution declaring that it was "expedient to make further provision . . . for securing the privilege of the writ of habeas corpus . . ." 16 ANNALS OF CONGRESS 502 (1807). In the course of the debate, various theories were advanced in respect to the habeas clause. John G. Jackson, a Representative from Virginia and the brother-in-law of James Madison, advanced the thesis urged in this article. *Id.* at 558.

[73] United States v. Bollman, 24 F. Cas. 1189 (No. 14622) (C.C.D.C. 1807). For full accounts see 3 A. BEVERIDGE, THE LIFE OF JOHN MARSHALL, 274–357 (1919); Oaks, *The "Original" Writ of Habeas Corpus in the Supreme Court*, 1962 SUP. CT. REV. 153, 159–61; 1 C. WARREN, THE SUPREME COURT IN UNITED STATES HISTORY 301–15 (1928).

[74] Chase, J., . . . wished the motion might lay [sic] over to the next day. He was not prepared to give an opinion. He doubted the jurisdiction of this court to issue a *habeas corpus* in any case.

Johnson, J., doubted whether the power given by the act of Congress . . . of issuing the writ of *habeas corpus*, was not intended as a mere auxiliary power to enable courts to exercise some other jurisdiction given by law. He intimated an opinion, that either of the judges, at his chambers might issue the writ, although the court collectively could not. 8 U.S. (4 Cranch) at 76.

[75] *Id.*

[76] *Id.* at 87. Counsel for the petitioners was Robert Goodloe Harper, assisted by Charles Lee and Luther Martin. Justice Johnson in his opinion took pointed exceptions to the "very unnecessary display of energy and pathos" in the argument, as well as to the "animated address calculated to enlist the passions or prejudices of an audience." *Id.* at 103, 107.

[77] United States v. Hamilton, 3 U.S. (3 Dall.) 17 (1795).

[78] *Ex parte* Burford, 7 U.S. (3 Cranch) 448 (1806).

[79] 8 U.S. (4 Cranch) at 88.

[80] 3 U.S. (3 Dall.) 17.

[81] Section 33 provided in part:

> *And be it further enacted*, That for any crime or offence against the United States, the offender may, by any justice or judge

of the United States . . . be arrested, and imprisoned or bailed, as the case may be, for trial before such court of the United States as by this act has cognizance of the offence. . . . And upon all arrests in criminal cases, bail shall be admitted, except where the punishment may be death, in which cases it shall not be admitted but by the supreme court or a circuit court, or by a justice of the supreme court, or a judge of a district court, who shall exercise their discretion therein, regarding the nature and circumstances of the offence, and of the evidence, and the usages of law. Judiciary Act of 1789, ch. 20, § 33, 1 Stat. 91.

[82] 3 U.S. (3 Dall.) at 17.

[83] *Exparte* Burford, 7 U.S. (3 Cranch) 448 (1806).

[84] 5 U.S. (1 Cranch) 137 (1803).

[85] 7 U.S. (3 Cranch) at 448.

[86] *In re* Metzger, 46 U.S. (5 How.) 176 (1847); Oaks, *supra* note 73, at 178.

[87] 7 U.S. (3 Cranch) at 448.

[88] *Id.* at 449.

[89] *Id.*

[90] 8 U.S. (4 Cranch) at 101.

[91] *Id.* In the *Hamilton* case there is, of course, not a single word indicating that the jurisdiction exercised was appellate. On the propriety of the jurisdiction in *Hamilton*, Marshall was repudiated by the Supreme Court in *In re* Metzger, 46 U.S. (5 How.) 176 (1847), where a district judge, at chambers, had committed Metzger to custody for extradition to France. The Court denied Metzger's habeas petition for want of appellate juridiction. *Id.* at 191. The Court in the *Metzger* case did attempt to reconcile *Bollman* and *Marbury* by pointing out that in *Bollman* a decision of the circuit court was considered for revision while in *Marbury*, there was no court decision for the Supreme Court to revise. The Court's own words show how uncomfortable it felt with Marshall's doctrine:

> It may be admitted that there is some refinement in denominating that an appellate power which is exercised through the instrumentality of a writ of *habeas corpus*. In this form nothing more can be examined into than the legality of the commitment. However erroneous the judgment of the court may be, either in a civil or a criminal case, if it had jurisdiction, and the defendant had been duly committed, under an execution or sentence, he cannot be discharged by this writ. In criminal cases, this court have no revisory power over the decisions of the Circuit Court; and yet as appears from the cases cited [Ex parte *Bollman* and its compansion case, Ex parte *Swartwout*], "the cause of commitment" in that court may be examined in this, on a writ of *habeas corpus*. And this is done by the exercise of an appellate power,—a power to inquire merely into the legality of the imprisonment, but not to correct the errors of the judgment of the Circuit Court. This does not conflict with the principles laid down in *Marbury v. Madison*, 1 Cranch, 137. In that case, the court refused to exercise an original jurisdiction by issuing a mandamus to the Secretary of State; and they held that "Congress have not power to give original jurisdiction to the Supreme Court in other cases than those described in the constitution." *Id.* at 190–91.

[92] The opinion was announced on Friday, February 13, not forty-eight hours after the conclusion of a lengthy argument on Wednesday. We know that Marshall presided at a regular session of the Court on Thursday, National Intelligencer, Feb. 13, 1807, at 3, col. 3.

[93] 8 U.S. (4 Cranch) at 93.

[94] The fullest statement theretofore given was that of Mr. Justice Chase speaking only for himself in Turner v. Bank of North America, 4 U.S. (4 Dall.) 8 (1799). He remarked:

> The notion has frequently been entertained, that the federal courts derive their judicial power immediately from the constitution; but the political truth is, that the disposal of the judicial power (*except in a few specified instances*) belongs to congress. If congress has given the power to this court, we possess it, not otherwise: and if congress has not given the power to us, or to any other court, it still remains at the legislative disposal. Besides, congress is not bound, and it would, perhaps be inexpedient, to enlarge the jurisdiction of the federal courts, to every subject, in every form, which the constitution might warrant. *Id.* at 10 n. (a) (emphasis added).

For a case upholding a state supreme court's common law power to issue the writ, see *In re* Bryan, 60 N.C. 1 (1863).

[95] 8 U.S. (4 Cranch) 98, 100. Hurd indicates that it was somewhat uncertain just what effect one habeas court would accord the decision of another. R. Hurd, *supra* note 44, at 568. *See* Fay v. Noia, 372 U.S. 391, 424 (1963); *Ex parte* Lawrence, 14 Pa. (5 Binn.) 304 (1812); 28 U.S.C. § 2244 (1964).

[96] *See, e.g.*, Binney I, II, & III; J Randall, Constitutional Problems Under Lincoln (1926); Sellery, *supra* note 31.

[97] "If at any time the public safety should require the suspension of the powers vested by this act in the courts of the United States, it is for the legislature to say so." 8 U.S. (4 Cranch) at 101. Marshall knew, of course, that Congress three weeks before had refused to suspend the privilege.

[98] *Id.* at 95. A comparable instance of the Court's decisively misquoting the Constitution with all the paraphernalia of quotation marks and citation is unknown to this writer. Perhaps the closest to it is Mr. Justice Day's interpolation of "expressly" into the 10th Amendment. Hammer v. Dagenhart, 247 U.S. 251, 275 (1918). But Mr. Justice Day did eschew quotation marks and citation to the Constitution.

[99] Marshall states the problem as follows:

> The only doubt of which this section can be susceptible is, whether the restrictive words of the first sentence limit the power to the award of such writs of *habeas corpus* as are necessary to enable the courts of the United States to exercise their respective jurisdictions in some causes which they are capable of finally deciding. 8 U.S. (4 Cranch) at 95.

[100] That is, that there was no habeas corpus power in courts not confirmed by statute. *Id.* at 93–94.

[101] This was the limit of the power conceded to the Supreme Court by Justice Johnson in his dissent. 8 U.S. (4 Cranch) at 106.

[102] *Id.* at 96.

[103] *Id.* at 99–100. For the text of section 33, see note 81 *supra*. After quoting from the section, Marshall went on to remark:

> The appropriate process of bringing up a prisoner, not committed by the court itself, to be bailed, is by the writ now applied for. Of consequence, a court possessing the power to bail prisoners, not committed by itself, may award a writ of *habeas corpus* for the exercise of that power. The clause under consideration obviously proceeds on the supposition that this power was previously given, and is explanatory of the 14th section. *Id.* at 100.

[104] *Id.* at 97–100.

[105] Ch. 20, § 14, 1 Stat. 81 (emphasis added).

[106] Marshall's entire discussion was comprised in this paragraph:

> This proviso extends to the whole section. It limits the powers previously granted to the *courts, because it specifies a case in which it is particularly applicable to the use of power by courts*—where the person is necessary to be brought into court to testify. That construction cannot be a fair one, which would make the legislature except from the operation of a proviso, limiting the express grant of a power, the whole power intended to be granted. *Ex parte* Bollman, 8 U.S. (4 Cranch) 75, 99 (1807) (emphasis added).

[107] *See In re* Thaw, 166 F. 71 (3d Cir. 1908); People v. Willard,, 92 Cal. 482, 483, 28 P. 585, 587 (1891); Geery v. Hopkins, 92 Eng. Rep. 69 (K.B. 1702) (semble); Gordon's Case, 105 Eng. Rep. 498 (K.B. 1814); Brown v. Gisborne, 2 Dowling (N.S.) 963 (Q.B. 1843); W. Church, *supra* note 44, at 91.

I have been unable to find any unambiguous case authority previous to *Ex parte* Bollman. However, the preamble of an English statute of 1803 refers to the fact that *ad testificandum* writs had been "frequently awarded by the judges of his majesty's courts of record" to produce prisoners to give testimony before those courts. The statute went on to provide that the writ might be issued by these judges to produce a prisoner to give testimony before a court martial. Act of 1803, 43 Geo. 3, c. 140.

[108] In determining the reach of the habeas corpus, Gasquet v. Lapeyre, 242 U.S. 367 (1917), can hardly be authoritative. It is true that Mr. Justice Van Devanter did say that "Section 9 of article 1, as has long been settled, is not restrictive of state, but only of national, action." *Id.* at 369. But he cited only cases dealing with the 6th clause of section 9, prohibiting a preference for the ports of one state over those of another. More decisive is the fact that the person in the *Gasquet* case who invoked the protection of the habeas clause obtained in the state court not only the writ but his discharge. *Id.* at 368–69. A judgment of "interdiction," or guardianship had been entered in the Louisiana civil trial court on the basis that Gasquet was incompetent to handle his affairs. Contemporaneously, a Louisiana criminal court had ordered Gasquet confined because of his alleged incompetency. Gasquet appealed the civil court proceeding to the supreme court of Louisiana and, before his appeal was heard, sought and won his release on habeas corpus in the court of appeal of that state on the ground that he was competent. It was merely the failure of the Louisiana Supreme Court to give collateral effect to the court of appeal's decision *on* competency which Gasquet protested in the Supreme Court. The Louisiana Supreme Court said: "[I]f the court of appeal had authority to set aside the commitment of the criminal district court and release Mr. Gasquet . . . the judgment of the court of appeal would nevertheless have no effect upon the judgment of interdiction . . ." Interdiction of Gasquet, 136 La. 957, 962–63, 68 So. 89, 91 (1915).

[109] See text following note 91 *supra*.

[110] 8 U.S. (4 Cranch) at 98 (emphasis added).

[111] A judgment in an action for the recovery of money or property now or hereafter entered in any district court which has become final by appeal or expiration of time for appeal may be registered in any other district by filing therein a certified copy of such judgment. A judgment so registered shall have the same effect as a judgment of the district court of the district where registered and may be enforced in like manner. 28 U.S.C. § 1963 (1964).

[112] Ch. 32, 1 Stat. 727.

[113] Id. § (emphasis added). Marshall's depreciation of the ancillary uses *of* habeas corpus for the courts of the United States was shortly shown to be mistaken. In United States v. French, 25 F. Cas. 1217 (No. 15,165) (C.C.D.N.H. 1812), French on being arrested by United States authorities, was admitted to bail to appear at a later term. In the meantime, he was confined in state custody *on* civil process. His bail sought habeas corpus so that they might be discharged but were unsuccessful, presumably because of the force given the proviso *of section* 14. This attempted use of habeas corpus was extremely well-founded in precedent. *See* French's Case, 91 Eng. Rep. 308 (K.B. 1704).

[114] Winder v. Caldwell, 55 U.S. (14 How.) 434, 443 (1852); Holland's Heirs v. Crow, 27 N.C. 448 (1845); 4 M. Bacon, A New Abridgement of the Law 409 (5th ed. 1786) [hereinafter cited as Bacon]; T. Foster, A Treat-

ISE ON THE WRIT OF SCIRE FACIAS 2 (1851); 2 W. TIDD, THE PRACTICE OF THE COURTS OF KING'S BENCH AND COMMON PLEAS 1090 (9th ed. 1828).

[115] 4 BACON 409.

[116] "A *scire facias* is a judicial writ, issued for the purpose of substantiating and carrying into effect an antecedent judgment; and ought therefore to issue from the court rendering such judgment, and where the records of it remain." Jarvis v. Rathburn, 1 Kirby (Conn.) 220 (1787). "These points are to be considered settled . . . That the proceedings on sci. fa. must be in the same court where the proceedings on the original action are kept of record." Grimske's Executor v. Mayrant, 2 Brev. (S.C.) 202, 209–10 (1807). "It is also a principle well settled, that a *scire facias* can issue from no court but one in possession of the record upon which it issues." Commonwealth v. Downey, 9 Mass. 520, 552 (1813). "A *scire facias* is a writ necessarily founded on some matter of record, and must issue out of the court where that record is." T. FOSTER, *supra* note 114, at 2.

[117] Pullman's Palace-Car Co. v. Washburn, 66 F. 790, 793 (C.C.D. Mass. 1895). Marshall himself in 1810 declared a scire facias to be "a continuance of the original action." M'-Knight v. Craig's Adm'r, 10 U.S. (6 Cranch) 183, 187 (1810).

[118] United States v. American Bell Tel. Co., 128 U.S. 315 (1888).

[119] 4 BACON 415–16.

[120] *Id.*

[121] Pennsylvania *ex rel.* Attorney Gen. v. Boley, 1 Weekly Notes 303 (Pa. 1874). *See also* Holland's Heirs v. Crow, 27 N.C. 448 (1845).

[122] Carroll's Lessee v. Llewellin, 1 Md. 162, 165 (1750). This was an action of ejectment where one of the parties was relying on a scire facias obtained in 1678.

[123] Jackson *ex dem.* Manicus v. Lawton, 10 Johns, 23, 24–25 (N.Y. 1813). Kent here dealt with the problem of whether a second patentee could sue out a scire facias as well as the first. The English rule was that he could not. Kent, in explaining the English rule, remarked: "The *English* practice of suing out a *scire facias* by the first patentee may have grown out of the rights of the prerogative, and it ceases to be applicable with us." *Id.* at 25. In the *American Bell Telephone Co.* case Mr. Justice Miller misread this remark to mean that scire facias to cancel land patents had no application in America. United States v. American Bell Tel. Co., 128 U.S. 315, 364 (1888).

[124] Ch. 7, § 10, [1798] N.C. Laws.

[125] Judiciary Act of 1789, ch. 20, § 9, 1 Stat. 76.

[126] *Id.*

[127] *Id.*

[128] *Id.* § 11, 1 Stat. 78.

[129] *Id.* § 12.

[130] The preceding part of the section is:

> *And be it further enacted,* That the Supreme Court shall have exclusive jurisdiction of all controversies of a civil nature, where a state is a party, except between a state and its citizens; and except also between a state and citizens of other states or aliens, in which latter case it shall have original but not exclusive jurisdiction. And shall have exclusively all such jurisdiction of suits or proceedings against ambassadors, or other public ministers, or their domestics, or domestic servants, as a court of law can have or exercise consistently with the law of nations; and original but not exclusive jurisdiction of all suits brought by ambassadors, or other public ministers, or in which a consul, or vice-consul shall be a party. And the trial of issues of fact in the Supreme Court, in all actions at law against citizens of the United States, shall be by jury. *Id.* § 13.

[131] *Id.*

[132] This appears to have been the view of Mr. Justice Barbour, Kendall v. United States, 37 U.S. (12 Pet.) 524, 650–51 (1838).

[133] Judiciary Act of 1801, ch. 4, § 2, 2 Stat. 89 (repealed by Act of April 29, 1801, ch. 31, 2 Stat. 122).

[134] *Id.*

[135] See text accompanying note 131 *supra.*

[136] Judiciary Act of 1801, ch. 4, § 2, 2 Stat. 89. *Compare id. with* Judiciary Act of 1789, ch. 20, § 13, 1 Stat. 80 (reproduced in note 130 *supra*).

[137] These writs were characterized as "prerogative" since they always marked an extraordinary royal intervention which, with the crown, was discretionary. The term "prerogative writ" therefore is used in contradistinction to the writ "of right." There is some confusion in applying this terminology to the various writs. Bacon says, for example, that habeas corpus "is deemed a Prerogative Writ, which the King may issue to any place as he has a Right to be informed of the State and Condition of the Prisoner, and for what Reasons he is confined. It is also in regard to the Subject deemed his Writ of Right. . . ." 3 BACON 2. *See also* Goodnow, *The Writ of Certiorari,* 6 POL. SCI. Q. 493, 497 (1891).

[138] A writ of quo warranto is in the nature of a writ of right for the King, against him who claims or usurps any office, franchise, or liberty, to inquire by what authority he supports his claims, in order to determine the right. It lies also in case of non-user or long neglect of a franchise, or misuser or abuse of it . . ." 3 W. BLACKSTONE, COMMENTARIES *262.

[139] 2. BACON 207–09; R. POUND, APPELLATE PROCEDURE IN CIVIL CASES 54 (1941).

[140] Certiorari was used by a reviewing court to supply defects in a record. 2 BACON 204. Habeus corpus was used "where a person is sued, and in Gaol, in some inferior Jurisdiction, and is willing to have the Cause determined in some superior court, which hath Jurisdiction over the Matter; in this Case the body is to be removed by *Habeus Corpus*, but the Proceedings must be removed by *Certiorari.*" 3 BACON 2. Mandamus obviously had a variety of appellate uses. For example, it issued to compel a judge to sign a bill of exceptions. *Ex parte* Crane, 30 U.S. (5 Pet.) 190 (1831). Procedendo was used to remand when a case had been improvidently removed to a higher court. 3 W. BLACKSTONE, COMMENTARIES * 110. Prohibition was used to provide a sort of "anticipatory review." *Ex parte* Peru, 318 U.S. 578, 591 (1943) (Frankfurter, J., dissenting). *See also* Goddard, *The Prerogative Writs,* 32 N.Z.L.J. 199 (1956).

[141] Certiorari in the 18th century could not be used when a writ of error would lie. As an independent writ of review, it lay only to challenge jurisdictional errors. Goddard, *supra* note 140, at 214.

[142] I have here tried merely to restate the exposition given in the text following note 105 *supra.*

[143] I have not been able to determine if there is any special significance in the peculiar punctuation used—a period followed by a dash.

[144] In the argument in *In re Metzger,* 46 U.S. (5 How.) 176 (1847), Attorney General, later Justice, Nathan Clifford noticed the dual character of section 14. Metzger had sought habeas corpus in the Supreme Court after a district judge in chambers had remanded him for extradition to France. One of Clifford's arguments against the jurisdiction of the Supreme Court was that the only grant of the *ad subjiciendum* power in section 14 was to individual justices and judges:

> There are two clauses in the section upon this subject which should be treated separately. The seeming inconsistency, if any exists, in the cases decided, has doubtless arisen by omitting to keep clearly in view the manifest distinction in the nature and character of the power conferred by these two clauses. The first provides, that "all the before mentioned courts of the United States shall have power to issue writs of *scire facias, habeas corpus,* and all other writs not specially provided for by statute, which may be necessary for the exercise of their respective jurisdictions, and agreeable to the principles and usages of law." This clause undoubtedly authorizes the issuing of inferior writs of *habeas corpus* in aid of jurisdiction, which have been long known in the practice of courts, and are indispensable in the course of legal proceedings. Bac. Abr., *Habeas Corpus,* A; 2 Chitty's B. Com., 130. The second clause is in these words: "And that either of the justices of the Supreme Court, as well as the judges of the District Courts, shall have power to grant writs of *habeas corpus,* for the purpose of an inquiry into the cause of commitment." Undoubtedly this clause authorizes the issue of the great writ of *habeas corpus ad subjiciendum,* which is of general use to examine the legality of commitments in criminal cases. The power conferred by this clause is expressly delegated to either of the justices of the Supreme Court, and not to the whole, when convened for the trial of causes. If the question were one of new impression, it would seem to follow, that the authority to be derived from the law should be exercised according to the language of the act. *Id.* at 187.

[145] Judiciary Act of 1801, ch. 4, § 30, 2 Stat. 98. The section reads:

> *And be it further enacted,* That every justice of the supreme court of the United States, and every judge of any circuit or district court shall be, and hereby is authorized and empowered, to grant writs of habeas corpus, for the purpose of inquiring into the cause of commitment, and thereupon to discharge from confinement, on bail or otherwise: *Provided always,* that no writ of habeas corpus, to be granted under this act, shall extend to any prisoner or prisoners in gaol, unless such prisoner or prisoners be in custody, under or by colour of the authority of the United States, or be committed for trial before some court of the same; or be necessary to be brought into court to give testimony.

[146] In making this statement, I have given due allowance to the fact that the proviso makes itself applicable to writs of habeas "granted under this *act.*" It is clear from the context that the only writs of habeas corpus that were referred to were those for the "purpose of inquiring into the cause of commitment," or *ad subjiciendum* writs, when issued by individual justices and judges. The Act of 1801 speaks in terms of habeas corpus in only one other place, in section 2 dealing with the writ power of the Supreme Court. See the text accompanying note 134 *supra.*

It is possible to argue that for habeas the prohibition of the proviso in the 1801 Act, ch. 4, 2 Stat. 89, applied, in addition to justices and judges, not only to the Supreme Court, but to the circuit courts; any argument that it applied to the district courts is impossible. The Act of 1801 gave to the circuit courts "all the powers heretofore granted by law to the circuit courts of the United States, unless where otherwise provided by this act." *Id.* § 10. It possibly could be contended that section 10 is a re-grant to the circuit court of the power given the circuit court by the 1789 Act's section 14. While section 2 of the 1801 Act clearly displaced section 14 as far as the Supreme Court is concerned, and while section 30 of the 1801 Act clearly displaced section 14 in respect to individual judges and the proviso, a small stub of section 14 remains—that part of its first sentence applicable to circuit and district courts. Thus, after the 1801 Act, section 14 of the 1789 Act is modified as if it read: "The circuit and district courts shall have power to issue writs of *scire facias, habeas corpus,* and all other writs not specially provided for by statute, which may be necessary in the exercise of their respective jurisdictions, and agreeable to the principles and usages of law."

[147] Judiciary Act of 1789, ch. 20, § 14, 1 Stat. 81.

[148] In another view, however, one might follow rigorously the formal organization of the

sentence and proviso and adhere to the notion that only habeas corpus *ad subjiciendum* was authorized. The "evidence" clause under this view is directed to the situation where the prisoner is needed to testify in his *own* habeas corpus hearing. What may have been involved was merely a matter of habeas corpus procedure. Before 1789, the usual practice was for habeas corpus to issue; then the prisoner was produced, thereby expending the force of the writ; then, the judge made an order for discharge or bail or remand. Toward the end of the 18th century a procedure developed whereby the prisoner was not always produced but rather the gaoler was called upon to show cause why the writ should not issue. Since permissible factual disputes were few (the return was not traversable), there would not ordinarily be any need to issue the writ, but the legality of the prisoner's detention could be adjudged in his absence. If it should be found that the prisoner was illegally detained, his discharge could be ordered. Thus, all that the proviso may have been trying to accomplish was to tell federal judges to resort to this "show cause" procedure in all cases where the prisoner was not held by federal authority. Considering only the face of the statute, this view is grammatically more tenable than that given in the text, and it of course renders the proviso insignificant. On the procedure in habeas corpus, see Goddard, *supra* note 140, at 214.

[149] 31 Car. 2, c.2.

[150] Jenkes Case [1676], 6 State Trials 1190, 1196 (T. Howell comp. 1816).

[151] *Id.* Another relevant purpose of the English Act was to deal with the problem of judges subservient to the crown. The solution was to impose heavy penalties on judges who improperly refused the writ. Habeas Corpus Act of 1679, 31 Car. 2, c.2, § 10. As in other respects, here too the Constitution with its provision for an independent judiciary legislation unnecessary.

[152] *Id.* § 3.

[153] *Id.* § 4.

[154] *Id.* § 18.

[155] 3 W. Blackstone, Commentaries *135.

[156] 62 U.S. (21 How.) 506 (1858). The sustained effort by the states in the teeth of the supremacy clause to make their habeas corpus remedies available to those in federal detention would seem proof enough that federalism does not *require* federal abstention in state prisoner habeas cases. The effort did not abate until Tarble's Case, 80 U.S. (13 Wall.) 397 (1872). Furthermore, in all the speculation spawned by the appearance of the Constitution there is no suggestion that federal habeas corpus should be unavailable to state prisoners. Indeed, the speculation points the other way. *The Federalist* preaches the doctrine of the usefulness of a federal judicial power to protect federal interests. The Federalist Nos. 80, 81 (A. Hamilton).

[157] 62 U.S. (21 How.) at 516.

[158] U.S. Const. art. I, § 10.

[159] *Id.* § 6. This minimal projection of federal habeas corpus for state prisoners is not rendered invalid by the habeas corpus clause itself. Habeas corpus, of course, is preeminently remedial. Fay v. Noia, 372 U.S. 391, 427–28 (1963).

[160] *E.g.*, U.S. Const. art. I, § 2 (providing for congressional action in respect to elections). In respect to this clause, Hamilton argued:

> Nothing can be more evident, than that an exclusive power of regulating elections for the National Government, in the hands of the State Legislatures, would leave the existence of the Union entirely at their mercy. They could at any moment annihilate it, by neglecting to provide for the choice of persons to administer its affairs. It is to little purpose to say that a neglect or omission of this kind, would not be likely to take place. The constitutional possibility of the thing, without an equivalent for the risk is an unanswerable objection. The Federalist No. 59 (A. Hamilton).

[161] It was this problem, which I cannot believe that the Congress of 1789 thought that it had neglected, that inspired the habeas legislation of 1833. Act of March 2, 1833, ch. 57, § 7, 4 Stat. 634. This Act specifically vested only justices and judges with habeas power. One commentator has suggested that this represented a conscious choice by Congress to leave the *courts* out of habeas administration, and to rely altogether on the individually justices and judges. Oaks, *supra* note 73, at 176. The form of the congressional enactment, specifically empowering only justices and judges, may well have been a result of the lingering notion that for courts no legislation was necessary. The same can be said for the Act of August 29, 1842, ch. 257, 5 Stat. 539, securing habeas protection for foreign nationals held in violation of a treaty or the law of nations. Thus I agree with Marshall in at least this regard: It is not likely that Congress intended individual justices and judges to have powers beyond those of courts.

[162] This problem was presented in *Ex parte* Cabrera, 4 F. Cas. 964 (No. 2278) (C.C.D. Pa. 1805) where the State of Pennsylvania threw a Spanish consul in jail on a charge of passing bad checks. Justice Washington, speaking for the circuit court, denied habeas corpus by reading the proviso into the first sentence of section 14. He accomplished this by resort to misquotation albeit indirect: "The 14th section . . . declares that all the courts of the United States, as well as the justices thereof, shall have power to issue wits of habeas corpus provided that such writs shall in no case extend to prisoners in jail, unless where they are in custody under, or by colour of the authority of the United States. . . ." *Id.* at 966. Section 14's susceptibility to misquotation endures to the present day. *See Developments* 1045.

[163] See Elkison v. Delisseline, 8 F. Cas. 493 (No. 4366) (C.C.D.S.C. 1823). The State of South Carolina, fearing the subversive effect of a free Negro circulating among the slave population, provided without judicial proceedings for the incarceration of Negro members of the crew of a foreign ship while the ship was in port. This was plainly in violation of the treaty rights of British nationals. It was also in violation of the commerce clause of the Constitution. U.S. Const. art. 1, § 8. The circuit court, speaking through Justice Johnson, deemed itself powerless to effect the release of a British sailor who happened to be black.

Justice Johnson denounced the state's action in no uncertain terms as violative of the treaty and unconstitutional as well. Further, he noted that no prospect of federal review existed even on the Supreme Court level since there was no judicial proceeding to review. 8 F. Cas. at 496. He condemned the "obvious mockery" that a party should have a right to his liberty but "no remedy to obtain it." *Id.* Nevertheless, he considered the proviso a bar to relief. But he went on to suggest that if someone brought for the prisoner the writ *de homine replegiando*, he might succeed. *Id.* at 497. *De homine replegiando*, used to "replevy a man," was "entirely antiquated" even in Blackstone's time. 3 W. Blackstone, Commentaries * 128–29.

Johnson's denunciation of the South Carolina statute involved him in a protracted controversy in the public press. *See* Morgan, *Justice William Johnson on the Treaty-Making Power*, 22 Geo. Wash. L. Rev. 187 (1953).

[164] See the text at note 35 *supra*.

[165] Act of April 4, 1800, ch. 19, 1 Stat. 19.

[166] *Id.* § 38, 1 Stat. 32.

[167] In Livingston v. Jefferson, 15 F. Cas. 660 (No. 8411) (C.C.D. Va. 1811), Marshall dismissed a rather substantial suit for damages against Jefferson, paying obeisance to the highly vulnerable rule that an action for trespass to reality must be brought in the district where the land lies. Marshall's opinion is still the best criticism of the rule.

[168] A recent commentary suggests that the adoption of the fourteenth amendment in combination with the passage of two acts of Congress, the Judiciary Act of 1789 and the Act of February 5, 1867, "may have served to broaden the protection of the writ by the suspension clause" to the point that so long as there are lower federal courts, state prisoners have a constitutional right of access to them to press habeas claims. *Developments* 1272–73. Just how the passage of acts of Congress can modify the Constitution is not explained, and the commentary seems to admit that by itself the fourteenth amendment has no relation to habeas. *Id.* at 1273 n.56.

The authors' difficulty is entirely self-made. They vary between insisting that the habeas clause is addressed "exclusively to Congress," *id.* at 1264, or to the "federal government," *id.* at 1267, or to the state courts in the event Congress decided to have no lower federal courts. *Id.* at 1271. But they are consistent, without citing a shred of evidence, in asserting that the original purpose of the habeas corpus was merely to provide protection for federal prisoners. *Id.* at 1267, 1271–72. Certainly, the testimony of Edmund Randolph points the other way. See the text at note 35 *supra*. More central to the authors' difficulty is their apparent supposition that it was only the adoption of the fourteenth amendment that gave state prisoners significant rights under the Constitution. *Id.* at 1273. But, of course, there were rights flowing from the supremacy clause important to the prisoner and essential to the preservation of the federal government as a going proposition. See the text at notes 159 and 161–62 *supra*. A "purposive analysis" of the habeas clause would include a purpose to supply a remedy to vindicate these rights.

By resort to a "purposive analysis," the commentary finds a "constitutional requirement that there be *some* court with habeas jurisdiction over federal prisoners." *Id* at 1267. So far as it goes, I find no difference in practical result between this approach and the one I have advocated. In the critical situation where Congress has provided federal courts but conferred no habeas jurisdiction, a habeas petition would have to be honored by the first court approached if the proposal is to have any effect.

[169] 5 U.S. (I Cranch) 137 (1803).

[170] U.S. Const. art. III § 2.

[171] Johnson v. Eisentrager, 339 U.S. 763, 798 (1950) (Black, J. dissenting).

Is Innocence Irrelevant? Collateral Attack on Criminal Judgments

(By Henry J. Friendly) †

Legal history has many instances where a remedy initially serving a felt need has expanded bit by bit, without much thought being given to any single step, until it has assumed an aspect so different from its origin as to demand reappraisal—agonizing or not. That, in my view, is what has happened with respect to collateral attack on criminal convictions. After trial, conviction, sentence, appeal, affirmance, and denial of certiorari by the Supreme Court, in proceedings where the defendant had the assistance of *counsel* at every step, the criminal process, in Winston Churchill's phrase, has not reached the end, or even the beginning of the end, but only the end of the beginning. Any murmur of dissatisfaction with this situation provokes immediate incantation of the Great Writ, with the inevitable initial capitals, often accompanied by a suggestion that the objector is the sort of person who would

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cheerfully desecrate the Ark of the Covenant. My thesis is that, with a few important exceptions, convictions should be subject to collateral attack only when the prisoner supplements his constitutional plea with a colorable claim of innocence.

If there be fear that merely listening to such a proposal may contaminate, let me attempt to establish respectability by quoting two statements of Mr. Justice Black:

> ". . . the defendant's guilt or innocence is at *least* one of the vital considerations in determining whether collateral relief should be available to a convicted defendant."[1]

And more strongly:

> "In collateral attacks . . . I would always require that the convicted defendant raise the kind of constitutional claim that casts some shadow of doubt on his guilt."[2]

Incredibly, these statements were made in dissent. Even more incredibly, the two other dissenting Justices expressed qualms about them.[3] I believe, with qualifications I will elaborate, that this position ought to be the law and that legislation can and should make it so. When I speak of legislation, I am thinking mainly of federal habeas corpus for state prisoners and its equivalent for federal prisoners, since no other course seems realistic in light of Supreme Court opinions. In many states it may still be possible to reach the proper result by judicial decision. Although, if past experience is any guide, I am sure I will be accused of proposing to abolish habeas corpus, my aim is rather to restore the Great Writ to its deservedly high estate and rescue it from the disrepute invited by current excesses.

Seventeen years ago, in his concurring opinion in *Brown* v. *Allen*,[4] Mr. Justice Jackson expressed deep concern over the "floods of stale, frivolous and repetitious petitions [for federal habeas corpus by state prisoners which] inundate the docket of the lower courts and swell our own." The inundation consisted of 541 such petitions. In 1969, state prisoners filed 7,359 petitions for habeas corpus in the federal district courts, a 100 per cent increase over 1964.[5] Federal prisoners filed 2,817 petitions challenging convictions or sentences, a 50 per cent increase over 1964.[6] Prisoner petitions, including those attacking the conduct of prison officials, totaled 12,924. These "comprise the largest single element in the civil caseload of the district courts" and "accounted for more than one-sixth of the civil filings."[7] There has been a corresponding increase in the load imposed by post-conviction petitions upon the federal courts of appeals. Despite the safeguard intended to be afforded by the requirement of a certificate of probable cause,[8] there were over twice as many *appeals* by state prisoners in 1969 as there were *petitions* in 1952.[9] A similar explosion of collateral attack has occurred in the courts of many of the states. If 541 annual petitions for federal habeas corpus by state prisoners were an "inundation," what is the right word for 7,500?[10]

The proverbial man from Mars would surely think we must consider our system of criminal justice terribly bad if we are willing to tolerate such efforts at undoing judgments of conviction. He would be surprised, I should suppose, to be told both that it never was really bad and that it has been steadily improving, particularly because of the Supreme Court's decision that an accused, whatever his financial means, is entitled to the assistance of counsel at every critical stage.[11] His astonishment would grow when we told him that the one thing almost never suggested on collateral attack is that the prisoner was innocent of the crime.[12] His surprise would mount when he learned that collateral attack on a criminal conviction by a court of general jurisdiction is almost unknown in the country that gave us the writ of habeas corpus and has been long admired for its fair treatment of accused persons.[13] With all this, and with the American Bar Association having proposed standards relating to post-conviction remedies[14] which, despite some kind words about finality, in effect largely repudiate it, the time is ripe for reflection on the right road for the future.

I wish to emphasize at the outset that my chief concern is about the basic principle of collateral attack, rather than with the special problem of federal relief for state prisoners which has absorbed so much attention since *Brown* v. *Allen*. I must therefore make my main analysis in the context of a unitary system. My model will be designed for our only pure example of a unitary structure, the federal system when dealing with federal convictions. Later I shall advocate adoption of the same model by the states for their much larger number of prisoners and of corresponding changes with respect to federal habeas for state prisoners. I shall conclude by showing that these proposals are wholly consistent with the Constitution.

I

For many reasons, collateral on criminal convictions carries a serious burden of justification.

First, as Professor Bator has written, "it is essential to the educational and deterrent functions of the criminal law that we be able to say that one violating that law will swiftly and certainly become subject to punishment, just punishment."[15] It is not an answer that a convicted defendant generally remains in prison while collateral attack is pending. Unbounded willingness to entertain attacks on convictions must interfere with at least one aim of punishment—"a realization by the convict that he is justly subject to sanction, that he stands in need of rehabilitation." This process can hardly begin "if society continuously tells the convict that he may not be justly subject to reeducation and treatment in the first place."[16] Neither is it an adequate answer that repentance and rehabilitation may be thought unlikely in many of today's prisons. That is a separate and serious problem, demanding our best thought[17] but irrelevant to the issue here.

A second set of difficulties arises from the fact that under our present system collateral attack may be long delayed—in *habeas corpus* as long as the custody endures,[18] in federal *coran nobis* forever.[19] The longer the delay, the less the reliability of the determination of any factual issue giving rise to the attack.[20] It is chimerical to suppose that police officers can remember what warnings they gave to a particular suspect ten years ago, although the prisoner will claim to remember very well. Moreover, although successful attack usually entitles the prisoner only to a retrial, a long delay makes this a matter of theory only.[21] Inability to try the prisoner is even more likely in the case of collateral attack on convictions after guilty pleas, since there will be no transcript of testimony of witnesses who are no longer available.[22] Although the longer the attack has been postponed, the larger the proportion of the sentence that will have been served, we must assume that the entire sentence was warranted.[23] The argument against this, that only a handful of prisoners gain release, whether absolute or conditional, by post-conviction remedies, is essentially self-defeating,[24] even if it is factually correct. To such extent as accurate figures might indicate the problem of release to have been exaggerated, they would also show what a gigantic waste of effort collateral attack has come to be. A remedy that produces no result in the overwhelming majority of cases, apparently well over ninety per cent, an unjust one to the state in much of the exceedingly small minority, and a truly good one only rarely,[25] would seem to need reconsideration with a view to caring for the unusual case of the innocent man without being burdened by so much dross in the process.

Indeed, the most serious single evil with today's proliferation of collateral attack is its drain upon the resources of the community—judges, prosecutors, and attorneys appointed to aid the accused, and even of that oft overlooked necessity, courtrooms. Today of all times we should be conscious of the falsity of the bland assumption that these are in endless supply.[26] Everyone concerned with the criminal process, whether his interest is with the prosecution, with the defense, or with neither, agrees that our greatest single problem is the long delay in bringing accused persons to trial.[27] The time of judges, prosecutors, and lawyers now devoted to collateral attacks, most of them frivolous, would be much better spent in trying cases. To say we must provide fully for both has a virtuous sound but ignores the finite amount of funds available in the face of competing demands.

A fourth consideration is Justice Jackson's never refuted observation that "[i]t must prejudice the occasional meritorious application to be buried in a flood of worthless ones."[28] The thought may be distasteful but no judge can honestly deny it is real.

Finally, there is the point which, as Professor Bator says, is "difficult to formulate because so easily twisted into an expression of mere complacency."[29] This is the human desire that things must sometime come to an end. Mr. Justice Harlan has put it as well as anyone:

> "Both the individual criminal defendant and society have an interest in insuring that there will at some point be the certainty that comes with an end to litigation, and that attention will ultimately be focused not on whether a conviction was free from error but rather on whether the prisoner can be restored to a useful place in the communty."[30]

Beyond this, it is difficult to urge public respect for the judgments of criminal courts in one breath and to countenance free reopening of them in the next. I say "free" because, as I will later show, the limitation of collateral attack to "constitutional" grounds has become almost meaningless.

These five objections are not at all answered by the Supreme Court's conclusory pronouncement: "Conventional notions of finality of litigation have no place where life or liberty is at stake and infringement of constitutional rights is alleged."[31] Why do they have *no* place? One will readily agree that "where life or liberty is at stake," different rules should govern the determination of guilt than when only property is at issue: The prosecution must establish guilt beyond a reasonable doubt, the jury must be unanimous, the defendant need not testify, and so on. The defendant must also have a full and fair opportunity to show an infringement of constitutional rights by the prosecution even though his guilt is clear. I would agree that even when he has had all this at trial and on appeal, "[t]he policy against incarcerating or executing an innocent man . . . should far outweigh the desired termination of litigation."[32] But this shows only that "conventional notions of finality" should not have *as much* place in criminal as in civil litigation, not that they should have *none*. A statement like that just quoted, entirely sound with respect to a man who is or may be innocent, is readily metamorphosed into broader ones, such as the Supreme Court's pronouncement mentioned above,[33] expansive enough to cover a man steeped in guilt who attacks his conviction years later because of some technical error by the police that was or could have been considered at his trial.

Admittedly, reforms such as I am about to propose might not immediately meet some of these points. Aside from the most drastic

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measures,[34] changes that would narrow the grounds available for collateral attack would not necessarily discourage prisoners from trying; they have everything to gain and nothing to lose. Indeed, collateral attack may have become so much a way of prison life as to have created its own self-generating force; it may now be considered merely something done as a matter of course during long incarceration. Today's growing number of prisoner petitions despite the minute percentage granted points that way. But I would hope that over a period of time the trend could be reversed, although the immediate response might be less than dramatic. Furthermore, a requirement that, with certain exceptions, an applicant for habeas corpus must make a colorable showing of innocence would enable courts of first instance to screen out rather rapidly a great multitude of applications not deserving their attention and devote their time to those few where injustice may have been done, and would effect an even greater reduction in the burden on appellate courts. In any event, if we are dissatisfied with the present efflorescence of collateral attack on criminal convictions and yet are as unwilling as I am to outlaw it and rely, as in England, solely on executive clemency,[35] it is important to consider reform. If mine is not the best mousetrap, perhaps it may lead others to develop a better one.

II

Broadly speaking, the original sphere for collateral attack on a conviction was where the tribunal lacked jurisdiction either in the usual sense[36] or because the statute under which the defendant had been prosecuted was unconstitutional[37] or because the sentence was one the court could not lawfully impose.[38] Thirty years ago, in approving the use of habeas corpus to invalidate a federal conviction where the defendant had lacked the assistance of counsel, Mr. Justice Black was careful to kiss the jurisdictional book.[39] He said that although the court may indeed have had "jurisdiction" at the beginning of the trial, this could be lost "due to failure to complete the court" as the sixth amendment was thought to require.[40]

Many of the most famous and salutary uses of habeas can be fitted under this rubric. *Moore v. Dempsey*[41] was clearly such a case, and insofar as *Brown v. Allen* and its companion case, *Speller v. Allen*,[42] dealt with racial discrimination in the selection of the jury, they also could be considered as such. Claims that a jury was subjected to improper influences by a court officer[43] or had been overcome by excessive publicity[44] are also of this sort. In such cases the criminal process itself has broken down; the defendant has not had the kind of trial the Constitution guarantees. To be sure, there remains a question why, if the issue could have been raised on appeal and either was not or was decided adversely, the defendant should have a further opportunity to air it.[45] Still, in these cases where the attack concerns the very basis of the criminal process, few would object to allowing collateral attack regardless of the defendant's probable guilt. These cases would include all those in which the defendant claims he was without counsel to whom he was constitutionally entitled. This need not rest on Justice Black's "jurisdictional" approach. For, as Justice Schaefer of Illinois has so wisely said, "Of all the rights that an accused person has, the right to be represented by counsel is by far the most pervasive, for it affects his ability to assert any other rights he may have."[46]

Another area in which collateral attack is readily justified irrespective of any question of innocence is where a denial of constitutional rights is claimed on the basis of facts which "are *dehors* the record and their effect on the judgment was not open to consideration and review on appeal."[47] The original judgment is claimed to have been perverted, and collateral attack is the only avenue for the defendant to vindicate his rights. Examples are convictions on pleas of guilty obtained by improper means,[48] or on evidence known to the prosecution to be perjured,[49] or where it later appears that the defendant was incompetent to stand trial.[50]

A third justifiable area for collateral attack irrespective of innocence is where the state has failed to provide proper procedure for making a defense at trial and on appeal. The paradigm is *Jackson v. Denno*,[51] allowing collateral attack by federal habeas corpus on all New York convictions where the voluntariness of a confession had been submitted to the jury without a prior determination by the judge. Whether the case called for the retroactive remedy imposed may be debatable; in my view, the former New York procedure, although surely inferior to that prescribed by the Supreme Court, was a long way from being so shocking that it demanded the hundreds of state *coram nobis* and federal habeas corpus proceedings for past convictions which *Jackson* spawned.[52] Still, one can hardly quarrel with the proposition that if a state does not afford a proper way of raising a constitutional defense at trial, it must afford one thereafter, and this without a colorable showing of innocence by the defendant.

New constitutional developments relating to criminal procedure are another special case. The American Bar Association Report says that these produce a growing pressure for post-conviction remedies.[53] But here the Supreme Court itself has given us the lead. In only a few instances has it determined that its decisions shall be fully retroactive—the right to counsel, *Jackson v. Denno*, equal protection claims,[54] the sixth amendment right of confrontation,[55] and double jeopardy.[56] In most cases the Court has ruled that its new constitutional decisions concerning criminal procedure need not be made available for collateral attack on earlier convictions. These include the extension to the states of the exclusionary rule with respect to illegally seized evidence,[57] the prohibition of comment on a defendant's failure to take the stand,[58] the rules concerning interrogation of persons in custody,[59] the right to a jury trial in state criminal cases,[60] the requirement of counsel at line-ups,[61] and the application of the fourth amendment to non-trespassory wiretapping.[62] While neither a state nor the United States is bound to limit collateral attack on the basis of a new constitutional rule of criminal procedure to what the Supreme Court holds to be demanded, I see no occasion to be holier than the pope.

None of these four important but limited lines of decision supports the broad proposition that collateral attack should always be open for the asserted denial of a "constitutional" right, even though this was or could have been litigated in the criminal trial and on appeal. The belief that it should stems mainly from the Supreme Court's construction of the Habeas Corpus Act of 1876[63] and its successor,[64] providing that the writ may issue "in all cases where any person may be restrained of his or her liberty in violation of the constitution, or of any treaty or law of the United States." Despite this language no one supposes that a person who is confined, after a proper trial, may mount a collateral attack because the court has misinterpreted a law of the United States;[65] indeed the Supreme Court has explicitly decided the contrary even where the error was as apparent as could be.[66] In such instances we are content that "conventional notions of finality" should keep an innocent man in prison unless, as one would hope, executive clemency releases him.

As a matter of the ordinary reading of language, it is hard to see how the result can be different when a constitutional claim has been rejected, allegedly in error, after thoroughly constitutional proceedings, and the history does not suggest that the statute was so intended.[67] The reason why the Supreme Court did so construe the Act in *Brown v. Allen*[68] was, I believe, its consciousness that, with the growth of the country and the attendant increase in the Court's business, it could no longer perform its historic function of correcting constitutional error in *criminal* cases by review of judgments of state courts and had to summon the inferior federal judges to its aid.[69] Once it was held that state prisoners could maintain proceedings in the federal courts to attack convictions for constitutional error after full and fair proceedings in the state courts, it was hard to read the same statutory words as meaning less for federal prisoners, even though the policy considerations were quite different.[70] And once all this was decided, it was easy to slide into the belief that the states should, or even must, similarly expand their own procedures for collateral attack.

With a commentator's ability to consider policy free from imprisonment by statutory language, I perceive no general principle mandating a second round of attacks simply because the alleged error is a "constitutional" one. We have been conclusorily told there is an institutional need for a separate proceeding—one insulated from inquiry into the guilt or innocence of the defendant and designed specifically to protect constitutional rights."[71] No empirical data is cited to support this, and so far as concerns proceeding within the same system, it seems fanciful. The supposition that the judge who has overlooked or disparaged constitutional contentions presented on pre-trial motions to suppress evidence or in the course of trial will avidly entertain claims of his own error after completion of the trial and a guilty verdict defies common sense.[72]

The dimensions of the problem of collateral attack today are a consequence of two developments.[73] One has been the Supreme Court's imposition of the rules of the fourth, fifth, sixth and eighth amendments concerning unreasonable searches and seizures, double jeopardy, speedy trial, compulsory self-incrimination, jury trial in criminal cases, confrontation of adverse witnesses, assistance of counsel, and cruel and unusual punishments, upon state criminal trials. The other has been a tendency to read these provisions with ever increasing breadth. The Bill of Rights, as I warned in 1965, has become a detailed Code of Criminal Procedure,[74] to which a new chapter is added every year. The result of these two developments has been a vast expansion of the claims of error in criminal cases for which a resourceful defense lawyer can find a constitutional basis.

Any claimed violation of the hearsay rule is now regularly presented not as a mere trial error but as an infringement of the sixth amendment right to confrontation.[75] Denial of adequate opportunity for impeachment would seem as much a violation of the confrontation clause as other restrictions on cross-examination have been held to be.[76] Refusal to give the name and address of an informer can be cast as a denial of the sixth amendment's guarantee of "compulsory process for obtaining witnesses." Inflammatory summations or an erroneous charge on the prosecution's burden of proof[77] become denials of due process. So are errors in identification procedures.[78] Instructing a deadlocked jury of its duty to attempt to reach a verdict[79] or undue participation by the judge in the examination of witnesses can be characterized as violations of the sixth amendment right to a jury trial. Examples could readily be multiplied. Today it is the rare criminal appeal that does *not* involve a "constitutional" claim.

Footnotes at end of article.

I am not now concerned with the merits of these decisions which, whether right or wrong, have become part of our way of life. What I do challenge is the assumption that simply because a claim can be characterized as "constitutional," it should necessarily constitute a basis for collateral attack when there has been fair opportunity to litigate it at trial and on appeal. Whatever may have been true when the Bill of Rights was read to protect a state criminal defendant only if the state had acted in a manner "repugnant to the conscience of mankind,"[80] the rule prevailing when *Brown* v. *Allen* was decided, the "constitutional" label no longer assists in appraising how far society should go in permitting relitigation of criminal convictions. It carries a connotation of outrage—the mob-dominated jury, the confession extorted by the rack, the defendant deprived of counsel—which is wholly misplaced when, for example, the claim is a pardonable but allegedly mistaken belief that probable cause existed for an arrest or that a statement by a person not available for cross-examination came within an exception to the hearsay rule. A judge's overly broad construction of a penal statute can be much more harmful to a defendant than unwarranted refusal to compel a prosecution witness on some peripheral element of the case to reveal his address.[81] If a second round on the former is not permitted, and no one suggests it should be, I see no justification for one on the latter in the absence of a colorable showing of innocence.

It defies good sense to say that after government has afforded a defendant every means to avoid conviction, not only on the merits but by preventing the prosecution from utilizing probative evidence obtained in violation of his constitutional rights, he is entitled to repeat engagements directed to issues of the latter type even though his guilt is patent. A rule recognizing this would go a long way toward halting the "innundation;" it would permit the speedy elimination of most of the petitions that are hopeless on the facts and the law, themselves a great preponderance of the total, and of others where, because of previous opportunity to litigate the point. release of a guilty man is not required in the interest of justice even though he might have escaped deserved punishment in the first instance with a brighter lawyer or a different judge.

III

This is an appropriate place to consider how far the recent ABA Report on Post-Conviction Review helps toward achieving what I think is the proper result. I submit it works in exactly the wrong direction.

A reader taking only a casual look at the Report might regard it as going a long way in the direction of promoting finality. The Introduction proclaims:

"A general principle underlying these standards is that once an issue of fact or law has been finaly determined that adjudication ought to be final and binding."[82]

Section 6.1 states: "Unless otherwise required in the interest of justice, any grounds for post-conviction relief as set forth in section 2.1 which have been fully and finally litigated in the proceedings leading to the judgment of conviction should not be relitigated in post-conviction proceedings."[83] However, what would otherwise be the salutary effect of this is largely destroyed by the definition, § 6.1(a)(ii), that a question has been "fully and finally litigated" only "when the highest court of the state to which a defendant can appeal as of right has ruled on the merits of the question." If, for example, the defendant did not appeal because his lawyer thought that the trial court was correct or that any error would be found immaterial or that he would be convicted on a retrial, the issue remains open for collateral attack under the ABA draft unless there has been what is called an "abuse of process." Moreover, absent "abuse of process," claims that might have been put were not raised even in the trial court also remain open. The "abuse of process" exception, § 6.1(c), is put in terms of "deliberately and inexcusably" failing to pursue the point. While we are not told exactly what these adverbs mean, they clearly refer to something considerably beyond a negligent or even a considered decision not to utilize an available remedy; the state does not bring itself within them even by showing a deliberate failure *simpliciter* but must demonstrate "a deliberate failure to present an issue *with an intention to present it later*."[84]

Save for the rare instance when the state is known to have evidence to refute a claim which it may not have later, it is exceedingly hard to visualize a case where a defendant or his lawyer would deliberately lay aside a meritorious claim so as to raise it after the defendant was jailed. It is even more difficult to imagine how the state could ever prove this. But if these are the only cases in which collateral attack is precluded by failure to raise a claim or to appeal from its denial, the ABA Report, while professing devotion to finality, would in fact work a wholesale repudiation of it.[85] The explanation, in a somewhat different context, that "since the inquiry required to establish abuse of process is far more burdensome than that required to determine the validity of the claim, and since most applications do not present valid claims, it is simpler and more expeditious to reach the merits of claims before consideration of any suggestions of abuse of process,"[86] does not explain at all. The high proportion of invalid claims would seem rather to be a reason for imposing measures to protect the courts from the heavy burden of considering them,[87] and "the inquiry required to establish abuse of process" is "burdensome" only because the Report gives the term a meaning all its own.

Meaningful discussion of the preclusive effect of failing to raise a point at trial or pursue an appeal has been bedevilled by the concept of waiver. "Waiver" has been well said to be "a troublesome term in the law."[88] The ABA Report concedes that "[t]he term is subject to multiple meanings or shades of meanings which can result in confusion in communication and, perhaps, in thought."[89] Not only they can, they do. The initial and still the most cited use of this concept in the field with which we are here concerned, that by Mr. Justice Black in *Johnson v. Zerbst*,[90] was wholly appropriate. The sixth amendment, as he read it, required the provision of counsel; none had been provided; therefore the writ should issue unless the defendant had waived his right. Similar considerations are applicable to coercive interrogation or illegal search. The Constitution protects against compelled self-incrimination; thus an incriminating statement made under compulsion cannot be used over timely objection unless before answering the defendant had waived his privilege not to speak. It protects also against unreasonable searches; if there has been a search of a home without a warrant, the fruits thus cannot be used over objection unless the defendant has consented to the search. But it is a serious confusion of thought to transpose this doctrine of substantive law into the courtroom.[91] At that stage the defendant's constitutional right is to have a full and fair opportunity to raise his claims on trial and appeal and the assistantance of counsel in doing so. There is no need to find a "waiver" when the defendant or his counsel has simply failed to raise a point in court, since the state has not deprived him of anything to which he is constitutionally entitled.[92]

If the only available choices were to preclude collateral attack in all cases where the issue was or could have been raised at trial and on appeal except in the four special situations heretofore enumerated, or to allow it under the scant limitations provided in the ABA Report, the former would be preferable. But, as indicated, I would also allow an exception to the concept of finality where a convicted defendant makes a colorable showing that an error, whether "constitutional" or not,[93] may be producing the continued punishment of an innocent man.

IV

Before going further I should clarify what I mean by a colorable showing of innocence. I can begin with a negative. A defendant would not bring himself within this criterion by showing that he might not, or even would not, have been convicted in the absence of evidence claimed to have been unconstitutionally obtained. Many offenders, for example, could not be convicted within the introduction of property seized from their persons, homes or offices. On the other hand, except for the unusual case where there is an issue with respect to the defendant's connection with the property, such evidence is the clearest proof of guilt, and a defendant would not come within the criterion simply because the jury might not, or even probably would not, have convicted without the seized property being in evidence. Perhaps as good a formulation of the criterion as any is that the petitioner for collateral attack must show a fair probability that, in light of all the evidence, including that alleged to have been illegally admitted (but with due regard to any unreliability of it) and evidence tenably claimed to have been wrongly excluded or to have become available only after the trial, the trier of the facts would have entertained a reasonable doubt of his guilt.[94]

As indicated, my proposal would almost always preclude collateral attack on claims of illegal search and seizure. This is in sharp contrast to the decision in *Kaufman v. United States*,[95] where the Supreme Court adopted the view of a minority of the courts of appeals.[96] Here I am merely following a trail blazed some years ago by Professor Amsterdam,[97] who surely cannot be accused of lack of sympathy for the criminal defendant He urged that, subject to certain minor qualifications,[98] society not only has no interest in the collateral enforcement of a claim to suppression of illegally obtained evidence but "has the strongest sort of interest against its enforcement."[99] So far as the defendant is concerned, the exclusionary rule is a bonanza conferring a benefit altogether disproportionate to any damage suffered, not so much in his own interest as in that of society.[100] I cannot do better than to quote: "The rule is unsupportable as reparation or compensatory dispensation to the injured criminal; its sole rational justification is the experience of its indispensability in 'exert[ing] general legal pressures to secure obedience to the Fourth Amendment on the part of . . . law enforcing officers'"[101] "As the exclusionary rule is applied time after time, it seems that its deterrent efficacy at some stage reaches a point of diminishing returns, and beyond that point its continued application is a public nuisance."[102] And "if there is one class of cases that I would hazard to say is very probably beyond the point of diminishing returns, it is the class of search and seizure claims raised collaterally. For, so far as the law enforcement officer or the prosecutor is concerned, the incidence of such cases is as unforeseeable as the flip of a coin, the option to raise the claim directly lies solely with the defense."[103]

I find no adequate answer in the majority opinion in *Kaufman v. United States* to these arguments, which Mr. Justice Black recounted in dissent with characteristic vigor and persuasiveness.[104] The majority compendiously tells us that "adequate protection of constitutional rights relating to the criminal trial process requires the continuing

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Footnotes at end of article.

availability of a mechanism for relief."[105] This gives everything but the why. If a defendant represented by counsel has had one full and fair opportunity to raise a search and seirzure claim, why is there any more need for continuing possibility to litigate this issue than any other? We are instructed that "[t]he availability of post-conviction relief serves significantly to secure the integrity of proceedings at or before trial and on appeal."[106] If "integrity" is being used in its sense of a "quality or state of being complete or undivided," just the opposite is true. I suppose the word is being used in its other sense of "utter sincerity, honesty, and candor," but even so the conclusion is hard to accept. As Mr. Justice Harlan has observed, *Kaufman* seems to rest on the idea that "the threat of habeas serves as a necessary additional incentive for trial and appellate courts throughout the land to conduct their proceedings in a manner consistent with established constitutional standards."[107] This is an exceedingly serious indictment of the lower federal courts, for which I perceive no adequate factual basis. With today's awareness of constitutional rights, flagrant cases of police misconduct in search and seizure will rarely escape detection and correction in the trial or appellate process, even with the most slothful of defense counsel and the most careless of judges. The non-frivolous fourth amendment cases likely to give rise to collateral attack are those near the borderline, presenting hard questions of the meaning or application of Supreme Court decisions. Yet these are the cases where the deterrent function of the exclusionary rule is least important,[108] and the argument for limiting collateral attack to instances, almost never present in search and seizure, where constitutional error may have led to the conviction of an innocent man is the strongest.[109]

Another type of claim, certain to be a prodigious litigation breeder, concerning which I would forbid collateral attack in the absence of a colorable showing of innocence, consists of cases arising under *Miranda v. Arizona*.[110] Consider, for example, one of the knottiest problems in the application of that case, namely, whether questioning by law enforcement officers without the *Miranda* warnings took place "after a person had been taken into custody or otherwise deprived of his freedom of action in any significant way."[111] Almost all defense lawyers, indeed many defendants themselves, must be aware of the Supreme Court's new requirements about questioning in the station house. But suppose the lawyer does not know that *Miranda* may apply prior to the defendant's arrival there, or that he does not correctly understand what the field of application is, or that a court properly seized of the problem has held *Miranda* to be inapplicable and this is arguably wrong under existing or later decisions. This is generally not "the kind of constitutional claim that casts some shadow of doubt" upon the defendant's guilt.[112] The mere failure to administer *Miranda* warnings in on-the-scene questioning creates little risk of unreliability, and the deterrent value of permitting collateral attack goes beyond the point of diminishing returns for the same reasons developed in Professor Amsterdam's discussion of search and seizure. I would take the same view of collateral attack based on claims of lack of full warnings or voluntary waiver with respect to station-house questioning where there is no indication of the use of methods that might cast doubt on the reliability of the answers.

The confession involuntary in the pre-*Miranda* sense helps to illustrate where I would draw the line. In a case where the prosecution had no other substantial evidence, as, for example, when identification testimony was weak or conflicting and there was nothing else, I would allow collateral attack regardless of what happened in the original proceedings. Such a case fits the formula that considerations of finality should not keep a possibly innocent man in jail. I would take a contrary view where the state had so much other evidence, even though some of this was obtained as a result of the confession,[113] as to eliminate any reasonable doubt of guilt.

Neither your patience nor mine would tolerate similar examination of the application of my proposal to all constitutional claims. Such soundings as I have taken convince me that in other contexts as well the proposal would fully protect the innocent, while relieving the courts of most of the collateral challenges with which they are now unnecessarily burdened.

V

Assuming that collateral attack by federal prisoners should be restricted as I have suggested, what should be done with respect to the far more numerous prisoners held by the states, in whose hands the maintenance of public order largely rests?[114] The subject has two aspects: The first is whether any changes be made with respect to federal habeas corpus for state prisoners. The second is whether, in formulating their own procedures, the states should do what they would deem appropriate in the absence of the likelihood of a federal proceeding or should allow collateral attack in every case where the eyes of the federal big brother may penetrate.

At first blush it might seem that to whatever extent collateral attack on criminal judgments should be restricted within a unitary system, it ought to be even more so when one system operates on the judgments of another. The case to the contrary rests primarily on the practical inability of the Supreme Court to correct "constitutional" errors in state criminal proceedings through the appellate process.[115] There is, of course, no such impediment when the issue is an important rule of criminal procedure as contrasted to its application in a particular case. The attack on the New York procedure concerning confessions is a good illustration,[116] although the decision chanced to be made in federal habeas corpus, it could have been made just as well when the issue had been presented eleven years earlier on direct review,[117] and the problem would surely again arisen in that form if the *Jackson* case had not come along. Almost all the Court's most important decisions on criminal procedure, for example, those relating to equal protection for indigent defendants,[118] comment on a defendant's failure to testify,[119] the extension to the states of the exclusionary rule with respect to illegally seized evidence,[120] confrontation,[121] and custodial interrogation,[122] have been made on direct review of state judgments.[123]

The argument for federal habeas corpus with respect to prisoners who have had a full and fair hearing and determination of their constitutional claims in the state courts thus must relate to two other categories of constitutional claims—disputed determinations of fact and the application of recognized legal standards. The contention is that only federal judges, with the protection of life tenure and supposedly greater knowledge of any sympathy for the Supreme Court's interpretations of the Constitution, can be trusted with the "final say" in such matters, although great deference to state factual determinations is required.[124] While, if I were to rely solely on my own limited experience, I would think the case for the final federal say has been considerably exaggerated,[125] I do not wish to add to the large amount of literature on this point.[126]

Assuming the final federal say is here to stay, is there any way to accelerate it and thereby avoid the upsetting of a conviction by a federal court when the state can no longer conduct a retrial? One way would be to route appeals from state criminal decisions, whether on direct or on collateral attack, to a federal appellate tribunal—either the appropriate court of appeals or a newly created court[127]—and preclude federal habeas corpus as to issues for which that remedy is available. Although a number of different models could be visualized, one possibility would be this: After a state conviction or denial of post-conviction attack had become final, in those cases where the attack was not upon the constitutionality of a state rule but upon state fact-finding or application of a federal constitutional rule,[128] a petition for review would lie not to the Supreme Court but to the federal appellate court.[129] The standard for granting such review would be quite different from he Supreme Court's on certiorari. It would be more like what the courts of appeals now apply with respect to certificates of probable cause in state prisoner cases—not whether the issue was important to the law but whether the appeal raised a substantial claim of violation of constitutional rights. The criterion for such *appellate* review would thus be considerably more liberal than I have proposed with respect to *collateral attack* within a unitary system. When a prisoner had failed to seek such review, or the appellate court had declined to grant it or had decided adversely, federal habeas corpus with respect to any issue that could have been so presented would be foreclosed, except for those cases where I would preserve collateral attack within a unitary system, and for them only if the state had not provided a means for collateral attack in its own courts. Where it did, the prisoner must use it, and final state decisions would be reviewable in the same manner as proposed for state decisions on direct appeal.

Such a scheme would preserve the original understanding that judgments of the highest courts of the states are to be re-examined only by a federal appellate court rather than at nisi prius.[130] More important, it would force the prisoner to use his federal remedy while the record is reasonably fresh and a retrial is practical. While the proposal depends on the state court's having made an adequate record and findings, the court of appeals could remand where it had not. Perhaps the most serious objection is that unless review by the Supreme Court were severely restricted, or stays in non-capital cases pending application for such review were forbidden, insertion of an appeal to a lower federal appellate tribunal would further postpone the date when a convicted state prisoner begins to serve his sentence. I advance the suggestion only as one warranting discussion, to take place in the larger context of whether the time has not come when the Supreme Court should be relieved of some of its burdens.

Whether there is merit in this proposal or not, I would subject federal habeas for state prisoners to the same limitations that I have proposed for federal prisoners. With the four exceptions noted at the outset, I see no sufficient reason for federal intervention on behalf of a state prisoner who raised or had an opportunity to raise his constitutional claim in the state courts, in the absence of a colorable showing of innocence. It is sufficient if the benefit of fact-finding and the application of constitutional standards by a federal judge is available in cases of that sort.

Assuming that nothing happens on the federal scene, whether through congressional inertia or otherwise, what should the states do with respect to their own systems for collateral attack on convictions? In my view, if a state considers that its system of post-conviction remedies should take the lines I have proposed, it should feel no obligation to go further[131] simply because this will leave some cases whether the only post-conviction review will be in a federal court.

I realize this may seem to run counter to

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what has become the received wisdom, even among many state judges and prosecutors. One part of the angry reaction of the Conference of State Chief Justices to *Brown* v. *Allen* [132] was the recommendation that:

"State statutes should provide a post-conviction process at least as broad in scope as existing Federal statutes under which claims of violation of constitutional right asserted by State prisoners are determined in Federal courts under Federal habeas corpus statutes." [133]

The recommendation for broadening state post-conviction remedies was doubtless salutary in 1954 when many states had few or none.[134] As my remarks have made evident, I recognize a considerable area for collateral attack; indeed, I think there are circumstances, such as post-trial discovery of the knowing use of material perjured evidence by the prosecutor or claims of coercion to plead guilty, where failure to provide this would deny due process of law.[135] My submission here is simply that when a state has done what it considers right and has met due process standards, it should not feel oblige to do more *merely* because federal habeas may be available in some cases where it declines to allow state collateral attack.

The argument against this is that making the state post-conviction remedy fully congruent with federal habeas for state prisoners (1) will economize judicial time, (2) will reduce state-federal conflict, and (3) will provide a record on which the federal judge can act. Except for the few cases where pursuit of the state remedy will result in a release, absolute or conditional, the first argument rests on the premise that many state prisoners will accept the state's adverse judgment. I know of no solid evidence to support this,[136] my impression is that prisoners unsuccessful in their post-conviction applications through the state hierarchy almost inevitably have a go at federal habeas, save when their sentences have expired. In the great majority of cases the job simply has to be done twice. Pleasant though it is for federal judges to have the task initially performed by their state brethren, the overall result is to increase the claims on judicial and prosecutorial time. The conflict that would otherwise exist is avoided only in the rare instances where the state itself grants release and, more important, in cases where it finds the facts more favorably to the prosecution than a federal judge would do independently, but the latter respects the state determination.[137] This last is also the real bite in the point about record making.[138] It is, of course, somewhat ironic that after federal habeas has been justified in part on the basis of the superiority of fact determinations by the federal judge, the states should be urged to elaborate their post-conviction remedies so as to enable him to avoid the task. Moreover, conflict is even more acrid when a federal judge rejects not simply a state determination after trial and appeal but also its denial of post-conviction.[139] It should be remembered also that my proposal contemplates state post-conviction record making when *there* is new evidence that was not available at trial, and that the state trial or pre-trial proceedings will contain a record whenever the point was then raised. The problem areas would thus largely be cases where the point could have been but was not raised at the state trial.[140] Be all this as it may, such considerations are for the state to weigh against what it may well consider an excessive expenditure of effort in dealing with collateral attack. While the immediate result of a state's failure to provide the full panoply of post-conviction remedies now available in federal habeas would be an increase in the burdens on the federal courts, this might afford the impetus necessary to prod Congress into action.

VI

The final question is whether this or any other proposal for reform is vain imagining since any change in the Supreme Court's construction of the Habeas Corpus Act of 1867 would be unconstitutional.

Taking federal prisoners first, I recognize the existence of some cases where, quite apart from the suspension clause, refusal to provide post-conviction relief would be a denial of due process. My proposal goes well beyond these; it takes care of all challenges to the validity of the criminal process itself including lack of counsel, of all cases where the defendant poses constitutional claims he could not practically have advanced before conviction or where proper procedures were not provided for doing this, of constitutional claims resulting from changes in the rules of the game to whatever extent the Supreme Court indicates, and, finally, of all other constitutional claims subject only to a colorable showing of innocence. The question is whether limitation of habeas for federal prisoners to these cases, plainly consistent with due process as I consider it to be, runs afoul of the framers' mandate that:

"The privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it." [141]

It can scarcely be doubted that the writ protected by the suspension clause is the writ as known to the framers, not as Congress may have chosen to expand it or, more pertinently, as the Supreme Court has interpreted what Congress did.[142] The argument against such a moderate turning back from these decilsons as I have proposed thus must rest on the extended historical exercise in *Fay v. Noia*, culminating in the statement:

"Thus, at the time that the Suspension Clause was written into our Federal Constitution and the first Judiciary Act was passed conferring habeas corpus jurisdiction upon the federal judiciary, there was respectable common-law authority for the proposition that habeas was available to remedy any kind of governmental restraint contrary to fundamental law." [143]

It has now been shown with as close to certainty as can ever be expected in such matters [144] that, despite the "prodigious research" evidenced by the *Noia* opinion, the assertion that habeas as known at common law permitted going behind a conviction by a court of general jurisdiction is simply wrong. The very historians cited in the opinion disagree with any such conclusion.[145] *Bushell's Case*,[146] the only authority cited that gives even slight support to the thesis espounded in the elaborate dictum, is wholly inadequate to sustain the view that English courts used the writ to penetrate convictions of felony and treason and seek out violations of Magna Carta.[147]

While I do not share the anticipation of some that the Burger Court will indulge in wholesale overrulings in the field of criminal procedure, it should not feel bound by an historical essay, that now appears to have been clearly erroneous, on a point not in issue and as to which the Court consequently did not have the benefit of an adversary presentation.[148] It is quite unrealistic to suppose that the other Justices had the time or, in view of the irrelevance of the discussion, the incentive to subject this historical essay to critical analysis, and one would hope that even its distinguished author might be willing to reconsider it in the light of what disinterested research has shown. Indeed, the last relevant pronouncement of the Warren Court on the subject seemed to recognize that the Act of 1867 "expanded" the writ *beyond* its status at common law, and that it is Congress that "has determined that the full protection of their [federal and state prisoners'] constitutional rights requires the availability of a mechanism for collateral attack." [149] What Congress has given, Congress can partially take away.

I likewise do not quail before another statement [150] that if the provision in 28 U.S.C. § 2255 (1964) with respect to repetitive applications by federal prisoners were "construed to derogate from the traditional liberality of the writ of habeas corpus," it "might raise serious constitutional questions." For the reason just indicated I do not regard the questions as serious, but even if they were, Congress has not merely the right but sometimes the duty to raise such questions. To seek legislative consideration of a proposal to cut back on the Supreme Court's expansive construction of the Act of 1867 but leave the Great Writ with a much broader scope than anything of which the framers could have dreamed would not be asking nearly so much as President Roosevelt did in his famous statement that Congress should not "permit doubts as to constitutionality, however reasonable, to block the suggested legislation." [151] It is surely not irrelevant in this context that the valiant champion of every syllable of the Constitution would confine collateral attack to a claim by a defendant which "casts some shadow of doubt upon his guilt." [152]

If my proposal with regard to federal prisoners is thus constitutional, the same is a fortiori true concerning federal habeas for state prisoners.[153] And the suggestion that the states need go no further with respect to their own post-conviction procedures is even more clearly so. The suspension clause applies only to the federal government and, while complete denial of post-conviction remedies by a state would violate the due process clause of the fourteenth amendment in some cases, nothing in the Constitution requires a state to allow collateral attack simply because Congress has authorized federal habeas corpus to challenge the state conviction.[154] Although the state is bound by the supremacy clause to honor all constitutional guarantees, it is not bound to honor them more than once.

My submission, therefore, is that innocence should not be irrelevant on collateral attack even though it may continue to be largely so on direct appeal. To such extent as we have gone beyond this, and it is an enormous extent, the system needs revision to prevent abuse by prisoners, a waste of the precious and limited resources available for the criminal process, and public disrespect for the judgments of criminal courts.

FOOTNOTES

† Judge, United States Court of Appeals for the Second Circuit. This article was presented as the 1970 Ernst Freund lecture at the University of Chicago Law School. It constituted a revision of the Gifford lecture given in April, 1970, at the Syracuse University Law School.

[1] Kaufman v. United States, 394 U.S. 217, 235–36 (1969) (dissenting opinion).

[2] *Id.* at 242.

[3] *Id.* at 242 (dissenting opinion of Harlan, J., speaking also for Stewart, J.).

The conflict between Justice Black and his brethren on this score surfaced again in Wade v. Wilson, 396 U.S. 282 (1970). The majority was there concerned with "a question of first impression," namely, whether the Constitution requires a state to provide an indigent prisoner with a transcript of his eight-year-old trial so that he may "comb the record in the hope of discovering some flaw," 390 F.2d 632, 634 (9th Cir. 1968), although he had previously had access to a transcript and his request for a new one made no claim that any error actually existed. Reversing a decision of the court of appeals directing denial of the petition, the majority instructed the district court to hold the case in the hope that somehow a transcript might become available and the supposedly serious constitutional issue might thus be avoided. Justice Black thought the writ should be dismissed as improvidently granted, stating:

"This case is but another of the multitudinous instances in which courts are asked interminably to hash and rehash points that have already been determined after full deliberation and review. One considered appeal is enough, in the absence of factors which show a possibility that a substantial injustice has been inflicted on the defendant."

396 U.S. at 289.

[4] 344 U.S. 443, 532, 536 & n.8 (1953).

[5] 1969 Ann. Rep. of the Director of the Administrative Office of the United States Courts 144 [hereinafter cited as 1969 Annual Report]. The most recent figures available, those for the third quarter of fiscal 1970, show a 19% increase over the same quarter of 1969, 1969 Annual Report Fig. O.

[6] *Id.* The increase is to be contrasted with the declining number of federal convictions and the rather static number of incarcerations in substantially the same period. Administrative Office of the United States Courts, Federal Offenders in the United States District Courts 5–8, 30–37 (1970). There was a further increase of 20% in the third quarter of 1970 over the corresponding quarter of 1969, 1969 Annual Report Fig. D.

[7] 1969 Annual Report 141.

[8] 28 U.S.C. § 2253 (1964).

[9] In 1969, collateral attacks by state prisoners accounted for 1197 appeals and by federal prisoners for 591. These comprised more than 20% of all appeals from district courts. *See* 1969 Annual Report 196–97. It is not generally realized to what extent the courts of appeals are becoming criminal courts. The combination of the two categories cited and direct criminal appeals amounted to 50% of all appeals from the district courts.

For most circuits the state prisoner figures do not include unsuccessful applications by state prisoners for the issuance of certificates of probable cause. On the other hand, they do include cases where the district court has issued a certificate and, under Nowakowski v. Maroney, 386 U.S. 542 (1967), the court of appeals has been obliged to hear the appeal although it believed the certificate was improvidently issued. *See* Garrison v. Patterson, 391 U.S. 464, 465–67 (1968). In view of the staggering growth in the case loads of the courts of appeals and prospective further increases as the ratio of criminal appeals to convictions after trial approaches 100% (*see* Carrington, *Crowded Dockets and the Courts of Appeals: The Threat to the Function of Review and the National Law*, 82 Harv. L. Rev. 542, 578 (1969)), Congress should move promptly to amend 28 U.S.C. § 2253 (1964) so as to place the authority to issue certificates of probable cause solely in the courts of appeals and require similar authorization for appeals by federal prisoners in cases under 28 U.S.C. § 2255 (1964) and Fed. R. Crim. P. 35. This is the opposite of the solution proposed in an elaborate 240-page note, *Development in the Law—Federal Habeas* Corpus, 83 Harv. L. Rev. 1038, 1195 (1970) [hereinafter cited as *Developments Note*]. While the authors profess concern over "the time spent on deciding whether to issue a certificate," any judge could have told them how small this is as compared to the time spent in hearing an appeal and the burden on assigned counsel of having to argue a hopeless case. The Note suggests that "appeals courts can institute summary procedures if the burden of petitions is too great." Why not the existing "summary procedure" for screening out hopeless cases by requiring applications for a certificate, which are carefully processed for the judges by well-trained clerks assigned for the purpose?

[10] The *Developments Note, supra* note 9, at 1041 seeks to minimize the burden on the basis that in 1968 "[m]ost of the petitions were quickly dismissed" since less than 500 "reached the hearing stage"—meaning a trial of the petition. The conclusion does not follow at all: a petition may require large expenditure of time by district and circuit judges even though no evidentiary hearing is held. Furthermore, the ability of the *federal* courts to dispense with evidentiary hearings in a large proportion of the state prisoner petitions is due in considerable measure to *state* post-conviction trials, and my concern is with the *total* burden.

[11] Gideon v. Wainwright, 372 U.S. 335 (1962) (trials); Doughty v. Maxwell, 376 U.S. 202 (1964) (guilty pleas); Douglas v. California, 372 U.S. 353 (1963) (appeals).

[12] Chief Justice Burger has recently spoken to this point:

"In some of these multiple trial and appeal cases the accused continued his warfare with society for eight, nine, ten years and more. In one case more than sixty jurors and alternates were involved in five trials, a dozen trial judges heard an array of motions and presided over these trials; more than thirty different lawyers participated either as court-appointed counsel or prosecutors and in all more than fifty appellate judges reviewed the case on appeals.

"I tried to calculate the costs of all this for one criminal act and the ultimate conviction. The best estimates could not be very accurate, but they added up to *a quarter of a million dollars*. The tragic aspect was the waste and futility, since every lawyer, every judge and every juror was fully convinced of defendant's guilt from the beginning to the end."

Address before the Association of the Bar of the City of New York, N.Y.L.J., Feb. 19, 1970, at 1; 25 Record of N.Y.C.B.A. 14, 15–16 (Supp. 1970). Along the same lines Justice Schaefer of Illinois remarked at a conference of the Center for the Study of Democratic Institutions in June, 1968:

"What bothers me is that almost never do we have a genuine issue of guilt or innocence today. The system has so changed that what we are doing in the courtroom is trying the conduct of the police and that of the prosecutor all along the line. Has there been a misstep at this point? At that point? You know very well that the man is guilty; there is no doubt about the proof. But you must ask, for example: Was there something technicaly wrong, with the arrest? You're always trying something irrelevant. The case is determined on something that really hasn't anything to do with guilt or innocence. To the extent you are doing that to perserve other significant values, I think it is unobjectionable and must be accepted. But with a great many derailing factors there is either no moral justification or only a very minimal justification."

[13] Three cases a century apart, *Ex parte* Lees, 120 Eng. Rep. 718 (Q.B. 1860); *Re* Featherstone, [1953] 37 Crim. App. 146; and *Re* Corke, [1954] 1 W.L.R. 899, sufficiently illustrate the unawareness by the English courts of the extensive "common-law powers of the habeaus judge," discovered in the extensive obiter in Fay v. Noia, 372 U.. 391, 416 n.27 (1963). *See* Oaks, *Legal History in the High Court—Habeas Corpus*, 64 Mich. L. Rev. 451, 452–56, 461–68 (1966). The safeguard lies in exercise of royal prerogative by the Home Secretary, who can at any time refer a petition to the Court of Appeal if he wishes judicial aid. *See* Criminal Appeal Act 1968, c. 19, § 17.

[14] ABA Standards Relating to Post-Conviction Remedies [hereinafter cited as ABA Report]. The Tentative Draft, issued in January, 1967, was approved by the House of Delegates in February, 1968.

[15] Bator, *Finality in Criminal Law and Federal Habeas Corpus for State Prisoners*, 76 Harv. L. Rev. 441, 452 (1963) [hereinafter cited as Bator], an article from which I have drawn heavily. *See also* Amsterdam, *Search, Seizure and Section 2255: A Comment*, 112 U. Pa. L. Rev. 378, 387 (1964) [hereinafter cited as Amsterdam]; President's Commission on Law Enforcement and the Administration of Justice, Task Force Report: The Courts 45–47 (1967).

[16] Bator, *supra* note 15, at 452.

[17] See the address of Chief Justice Burger referred to in note 12 *supra*.

[18] This is an understatement. The Supreme Court has held that if habeas corpus is begun during custody, subsequent release does not moot the case. Carafas v. LaVallee, 391 U.S. 234 (1968). *See also* Jones v. Cunningham, 371 U.S. 236 (1963), allowing a petition to be brought by a prisoner released on parole, and United States *ex rel.* Di Rienzo v. New Jersey, 423 F.2d 224 (3rd Cir. 1970), allowing habeas corpus when the sentence had been completed but it was possible that time could be credited on a second sentence being served.

[19] United States v. Morgan, 346 U.S. 502 (1954).

[20] Note Mr. Justice Douglas' recent statement in Illinois v. Allen, 397 U.S. 337, 351 (1970) (concurring opinion), that while "elapse of time is not necessarily a barrier to a challenge of the constitutionality of a criminal conviction . . . in this case it should be."

[21] *See* Peyton v. Rowe, 391 U.S. 59, 62–63 (1968), and Judge Wyzanski's comment in Geagan v. Gavin, 181 F. Supp. 466, 469 (D. Mass. 1960), *aff'd* 292, F.2d 244 (1st Cir. 1961), *cert. denied*, 370 U.S. 903 (1962).

[22] Although the decision in McMann v. Richardson, 397 U.S. 759 (1970), wards off the worst threats with respect to collateral attack on convictions after guilty pleas, others remain. The Court expressly did not decide whether federal habeas will lie where state statutes, such as N.Y. Code Crim. Proc. §§ 813a and 813g, allow appeals from convictions on pleas of guilty following adverse decisions on motions to suppress evidence alleged to have been illegally seized or a confession claimed to have been unlawfully obtained, as held in United States *ex. rel.* Rogers v. Warden, 381 F.2d 209 (2d Cir. 1967), and United States *ex rel.* Molloy v. Follette, 391 F.2d 231 (2d Cir.), *cert. denied*, 391 U.S. 917 (1968). At the very least there should be a requirement that federal mabeas be instituted promptly after conclusion *of the state* appeal.

[23] When the sentence has been fully served, it is almost certain that the state will not bother with a retrial. *See* United States v. Keogh, 391 F.2d 138, 148 (2d Cir. 1968). Successful collateral attack, very likely on a ground having no bearing on guilt, thus will mean wiping out the conviction of a guilty man. *See, e.g.*, United States *ex rel.* Scanlon v. LaValle, 2d Cir. 1970, in which a prisoner who had admitted guilt sought habeas corpus after completing his sentence because his lawyers allegedly had misinformed him of how long this might be. Such cases pointedly raise the question whether the only goal served by post-sentence collateral attack, namely, eradicating civil disabilities and social stigma, warrants the effort expended on the many attacks that fail and the likelihood of an essential unjust result in the few that succeed. *See* Hewett v. North Carolina, 415 F.2d 1316, 1325–26 (4th Cir. 1969) (Haynsworth, C.J., concurring). Certainly these would be prime cases for requiring a colorable showing of innocence save in most exceptional instances.

[24] *Developments Note, supra*, note 9, at 1041. The basis for this assertion is that the federal courts released only 125 state prisoners in fiscal 1964 as against 3220 petitions filed, and that 350 *reported* district court decisions in 1968 showed outright releases of only 14 and remands of 25 to state courts for retrial or release. These figures do not take account of prisoners released by the states or under 28 U.S.C. § 2255 (1964). Wright and Sofaer regard the federal figures as showing a number of releases of state prisoners, about 4% of the cases, that is "surprisingly high." They cite a few examples where federal habeas unquestionably served a good purpose. Wright

& Sofaer, *Federal Habeas Corpus for State Prisoners: The Allocation of Fact-Finding Responsibility*, 75 Yale L.J. 895, 899 & nn.15 & 16 (1966).

[25] Accepting the figure of 4% absolute or conditional release in federal habeas for state prisoners, we lack information as to what happened on a retrial. On the assumption that half were again convicted, this leaves only 2% of the petitioners who benefited. Here again we do not know how many of these cases represented prisoners "whom society has grievously wronged and for whom belated liberation is little enough compensation," Fay v. Noia, 372 U.S. 391, 440–41 (1963), or how many were black with guilt. The assumption that many of them fall in the former category is wholly unsupported.

[26] The Supreme Court in another context has recently adverted to "scarce judicial and prosecutorial resources" and has emphasized the desirability of conserving these "for those cases in which there is a substantial issue of the defendant's guilt or in which there is substantial doubt that the State can sustain its burden of proof." Brady v. United States, 397 U.S. 742, 752 (1970).

[27] *See* Report of the President's Commission on Crime in the District of Columbia 255–56 (1966); Report of the President's Commission on Law Enforcement and Administration of Justice 154 (1967). Excluding cases involving defendants who are fugitives or in the armed forces, 16.9% of all criminal cases in the United States district courts have been pending for more than a year—in many districts the figure is much higher. 1969 Annual Report, *supra* note 5, at 270–72. At the end of 1953, New York City had a non-traffic criminal backlog of more than 520,000 cases, 177,000 of which involved defendants who could no longer be located. New York City Criminal Justice Information Bureau, The New York City Criminal Court: Case Flow and Congestion from 1959 to 1968, 12–13. It seems likely that the *average* delay between indictment and trial is at least a year.

[28] Brown v. Allen, 344 U.S. 443, 537 (1953).

[29] Bator, *supra* note 15, at 452.

[30] Sanders v. United States, 373 U.S. 1, 24–25 (1963) (dissenting opinion).

[31] *Id.* at 8.

[32] Note, *Federal Habeas Corpus Review of State Convictions: An Interplay of Appellate Ambiguity and District Court Discretion*, 68 Yale L.J. 98, 101 n. 13 (1958).

[33] Another example is Professor Pollak's statement that "where personal liberty is involved, a democratic society employs a different arithmetic and insists that it is less important to reach and unshakable decision than to do justice." Pollak, *Proposals to Curtail Habeas Corpus for State Prisoners: Collateral Attack on the Great Write*, 66 Yale L.J. 50, 65 (1956). Valid though this is when there is some question of an innocent man languishing in prison, why does "justice" require repeated opportunities to litigate issues of police or prosecutorial misconduct having no bearing on guilt? Does not Chief Justice Ellsworth's statement, "But, surely, it cannot be deemed a denial of justice, that a man shall not be permitted to try his case two or three times over," Wiscart v. D'Auchy, 3 U.S. (3 Dall.) 320, 328 (1796), have *some* application in criminal cases?

[34] For example, a statute of limitations in the avaliability of collateral attack.

[35] However, it is amazing how far current discussions ignore this possibility of relief. One wonders whether some lawyers assigned to represent habeas petitioners may not be this connection, the comment in Fortas, in getting their clients out of jail. See, in more interested in establishing a point than *Thurman Arnold and the Theatre of the Law*, 79 Yale L.J. 988, 995 (1970). On the other side, I am always surprised at the willingness of prosecutors to let hard cases get to the Supreme Court rather than prevent the making of bad law by recommending clemency at an early stage. *See* Fay v. Noia, 372 U.S. 391, 476 n.28 (1963) (Harlan, J., dissenting).

[36] *Ex parte* Watkins, 28 U.S. (3 Pet.) 193 (1830).

[37] *Ex parte* Siebold, 100 U.S. 371 (1879). *See* Amsterdam, *supra* note 15, at 384 & n.30. This, of course, is quite consistent with a view that the prime objective of collateral attack should be to protect the innocent.

[38] *Ex parte* Lange, 85 U.S. (18 Wall.) 163 (1873).

[39] Johnson v. Zerbst, 304 U.S. 458 (1938).

[40] *Id.* at 468.

[41] 261 U.S. 86 (1923).

[42] 344 U.S. 443 (1953).

[43] Parker v. Gladden, 385 U.S. 363 (1966).

[44] Sheppard v. Maxwell, 384 U.S. 333 (1966).

[45] *See* Bator, *supra* note 15, at 457.

[46] Schaefer, *Federalism and State Criminal Trials*, 70 Harv. L. Rev. 1, 8 (1956).

I would not be inclined to apply the same rule of automatic entitlement to collateral attack to *all* cases where the claim is lack of effective assistance of counsel—a claim that is bound to be raised ever more frequently as claims of total lack of counsel diminish in the course of time. I would assimilate cases where the state is alleged to have *prevented* counsel from doing his job—for example, by forcing him to trial without adequate opportunity for preparation, as in Powell v. Alabama, 287 U.S. 45 (1932)—to those where counsel was not provided at all. It is tempting to extend this principle to other cases where the ineffectiveness of counsel is flagrant and apparent. But the difficulty of drawing a line between such cases and the more frequent claims of ineffectiveness by hindsight would lead me to place all these in the category where a colorable showing of innocence should be required.

[47] Waley v. Johnston, 316 U.S. 101, 104-05 (1942) (coerced plea of guilty).

[48] *Id.;* Herman v. Claudy, 350 U.S. 116 (1956).

[49] Mooney v. Holohan, 294 U.S. 103 (1935), where, however, the Court declined to issue the writ because it was not convinced of the absence of corrective process in the California state courts, Miller v. Pate, 386 U.S. 1 (1967). It should be clear that a case like the last, one of the glories of federal habeas corpus for state prisoners, remains wholly untouched by my proposal.

[50] Pate v. Robinson, 383 U.S. 375 (1966).

[51] 378 U. S. 368 (1964).

[52] Some such second thoughts may be detected in the majority opinion in McMann v. Richardson, 397 U.S. 759, 771–74 (1970), by the writer of *Jackson v. Denno.*

[53] ABA Report, *supra note* 14, at 1. Professor Bator's 1963 belief that "[i]t is not fanciful to suppose that the law of due process for criminal defendants will, in the foreseeable future, reach a resting point, will become stabilized,'" proved an exceedingly poor prediction. Bator, *supra* note 15, at 523–24.

[54] Eskridge v. Washington Prison Bd., 357 U.S. 214 (1958), *with respect to* Griffin v. Illinois, 351 U.S. 12 (1956) (free transcript on appeal); Daegele v. Kansas, 375 U.S. 1 (1963), *with respect to* Douglas v. California, 372 U.S. 353 (1963) (right to counsel on appeal).

[55] Roberts v. Russell, 392 U.S. 293 (1968), *with respect to* Bruton v. United States, 391 U.S. 123 (1968); Berger v. California, 393 U.S. 314 (1969), *with respect to* Barber v. Page, 390 U.S. 719 (1969).

[56] North Carolina v. Pearce, 395 U.S. 711 (1969), *with respect to* Benton v. Maryland, 395 U.S. 784 (1969).

[57] Linkletter v. Walker, 381 U.S. 618 (1965), *with respect to* Mapp v. Ohio, 367 U.S. 643 (1961).

[58] Tehan v. Schott, 382 U.S. 406 (1966), *with respect to* Griffin v. California, 380 U.S. 609 (1965).

[59] Johnson v. New Jersey, 384 U.S .719 (1966), *with respect to* Escobedo v. Illinois, 378 U.S. 478 (1964), *and* Miranda v. Arizona, 384 U.S. 436 (1966).

[60] DeStefano v. Woods, 392 U.S. 631 (1968), *with respect to* Duncan v. Louisiana, 391 U.S. 145 (1968).

[61] Stovall v. Denno, 388 U.S. 293 (1967), *with respect to* United States v. Wade, 388 U.S. 218 (1967), *and* Gilbert v. California, 388 U.S. 263 (1967).

[62] Desist v. United States, 394 U.S. 244 (1969), *with respect to* Katz v. United States, 389 U.S. 347 (1967).

[63] 14 Stat. 385 (1867).

[64] 28 U.S.C. §§ 2241, 2254, 2255 (1964).

[65] *See* H. M. Hart & H. Wechsler, The Federal Courts and the Federal System 1238 (1953); "There is a sense, therefore, in which is a prisoner is legally detained if he is held pursuant to the judgment or decision of a competent tribunal or authority, even though the decision to detain rested on an error of law or fact."

[66] Sunal v. Large, 332 U.S. 174 (1947).

[67] *See* Mayers, *The Habeas Corpus Act of 1867: The Supreme Court as Legal Historian*, 33 U. Chi L. Rev. 31 (1965); Geagan v. Gavin, 181 F. Supp. 466, 468 (1960).

[68] 344 U.S. 443 (1953).

[69] See the excellent statement of this point of view by Judge Wyzanski in Geagan v. Gavin, 181 F. Supp. 466, 469 (1960). *See also* Wright & Sofaer, *supra* note 24, at 897–99.

[70] See the discussion in Kaufman v. United States, 394 U.S. 217, 224–26 (1969). The *Kaufman* decision, although not the opinion, can be defended on this basis.

[71] *Developments Note, supra* note 9, at 1057.

[72] *See* Kitch, *The Supreme Court's Code of Criminal Procedure: 1968–1969 Edition*, 1969 Sup. Ct. Rev. 155, 182–83. The *Developments Note* later concedes, at 1059 that "[i]n many cases, the interests described above in a second proceeding can be filled by appellate review" and "[p]erhaps, then, only when appellate review is inadequate—for example because the appeals court cannot look beyond the record—should collateral attack be available." Why not, indeed?

[73] This was forecast by Judge Wyzanski a decade ago in Geagan v. Gavin, 181 F. Supp. 466, 469 (1960).

[74] H. J. Friendly, *The Bill of Rights as a Code of Criminal Procedure, in* Benchmarks 235 (1967).

[75] This is true despite the holding in California v. Green, 399 U.S. 149 (1970), that the confrontation clause and the hearsay rule are not wholly congruent in scope.

[76] Smith v. Illinois, 390 U.S. 129 (1968).

[77] *Cf. In re* Winship, 397 U.S. 358 (1970).

[78] Stovall v. Denno, 388 U.S. 293 (1967); Simmons v. United States, 390 U.S. 377 (1968); Foster v. California, 394 U.S. 440 (1969).

[79] Allen v. United States, 164 U.S. 492, 501 (1896).

[80] Palko v. Connecticut, 302 U.S. 319, 325 (1937).

[81] While the "harmless error" rule of Chapman v. California, 386 U.S. 18 (1967), and Harrington v. California, 395 U.S. 250 (1969), affords relief against constitutional claims on immaterial points, the test on collateral attack generally should be not whether the error could have affected the result but whether it could have caused the punishment of an innocent man. Note, *Harmless Constitutional Error: A Reappraisal*, 83 Harv. L. Rev. 814 (1970) fails to distinguish between the problem on direct appeal and on collateral attack.

[82] ABA Report, *supra* note 14, at 3.

[83] *Id.* at 85.

[84] *Id.* at 88 (emphasis added).

[85] This is hardly surprising since the Reporter, Professor Curtis Reitz, has long been an enthusiastic advocate of collateral attack. *See* the articles cited in the note 126 *infra*.

[86] ABA Report, *supra* note 14, at 36.

[87] One item in the ABA Report which I applaud is the inclusion as a ground of collateral attack "that there exists evidence of material facts, not theretofore presented and heard, which require vacation of the conviction or sentence in the interest of justice," id. § 2.1(a)(iv), at 32, if this were limited, as it obviously should be, to facts which could not have been presented in the exercise of due diligence. This would end the anomaly that newly discovered evidence proving or strongly tending to prove the defendant's innocence is not generally a ground for obtaining a new trial unless the evidence is discovered within a stated short period or was deliberately suppressed by the state, whereas, for example, a defendant who has voluntarily confessed guilt can obtain collateral relief on a plea that the court erred in finding full compliance with *Miranda*. *See* Bator, *supra* note 15, at 509. In this way the ABA Report recognizes how invalid the obeisance to "constitutional" claims has become.

[88] 5 Williston, Contracts § 678, at 239 (3d ed. 1961).

[89] ABA Report, *supra* note 14, at 88.

[90] 304 U.S. 464 (1938).

[91] The fountainhead of this error in Fay v. Noia, 372 U.S. 391, 439–40 (1963).

[92] Sunal v. Large, 332 U.S. 174, 177–78 (1947).

[93] *See* note 87 *supra*.

[94] For an example that would have met this criterion if it had arisen by way of collateral attack, see United States v. Miller, 411 F.2d 825 (2d Cir. 1969)—one of the half dozen cases where, in eleven years of judicial experience, I entertained real doubt about a defendant's guilt. On the new trial the defendant testified (as he had not on the first) and was acquitted.

[95] 394 U.S. 217 (1969).

[96] *Id.* at 220–21 nn. 3 & 4.

[97] Amsterdam, *supra* note 15, at 378.

[98] These are considered in an elaborate footnote, *id.* at 391–92. I would add the rare case where the defendant's connection with the seized evidence was tenuous and the other evidence was thin.

[99] *Id.* at 388.

[100] *See* United States v. Dunnings, 425 F.2d 836, 840 (2d Cir. 1969). While "guilty defendants . . . are entitled to have the integrity of their persons and homes protected," Griffiths, *Ideology in Criminal Procedure, or a Third Model of the Criminal Process*, 79 Yale L.J. 359, 385 (1970), in Hohfeldian theory the consequence of this should be an action against the transgressor, not immunity from effective prosecution. The Supreme Court has consistently stressed that "the exclusionary rule . . . is calculated to prevent, not to repair" Elkins v. United States, 364 U.S. 206, 217 (1960). *See also* Linkletter v. Walker, 381 U.S. 618, 636–37 (1965).

[101] Amsterdam, *supra* note 15, at 388–89. The inner quotation is from Mr. Justice Frankfurter's dissent in Elkins v. United States, 364 U.S. 206, 235 (1960). The efficacy of the exclusionary rule as a deterrent has been questioned in a remarkable article in this *Review*. Oaks, *Studying the Exclusionary Rule in Search and Seizure*, 37 U. Chi. L. Rev. 665 (1970).

[102] Amsterdam, *supra* note 15, at 389.

[103] *Id.* at 390.

[104] 394 U.S. at 231–42.

[105] *Id.* at 226.

[106] *Id.* at 229.

[107] Desist v. United States, 394 U.S. 244, 262–63 (1969) (dissenting opinion).

[108] *See* H.J. Friendly, Benchmarks 260–61 (1967), suggesting that even at trial the exclusionary rule should be limited to exclusion of "the fruit of activity intentionally or flagrantly illegal."

[109] The *Developments Note*, *supra* note 9, at 1064–66, would justify *Kaufman* on the basis that the petitioner had not succeeded in having his claim considered on his appeal, and would limit the decision accordingly. Although appellate counsel had evidently thought the point too lacking in merit to raise, Kaufman himself had brought the matter to the attention of the court of appeals, 394 U.S. at 220 n.3, but the court did not discuss it. *See* 350 F.2d 408 (8th Cir. 1965) and 394 U.S. at 220 n.3. There is reason to think that Mr. Justice Brennan would accept the proposed limitation. *See* 394 U.S. at 227 n.8 and the quotation from Judge Wright's dissent in Thornton v. United States, 368 F.2d 822, 831 (D.C. Cir. 1966), at 394 U.S. 230–31. *Cf.* Kapatos v. United States, — F2d—(2d Cir. 1970). My position is that opportunity to appeal should be enough.

[110] 384 U.S. 436 (1966). I am not here considering the effect of 18 U.S.C. § 3501 (1964).

[111] 384 U.S. at 444.

[112] Kaufman v. United States, 394 U.S. 217, 242 (1969). *See* Johnson v. New Jersey, 384 U.S. 719, 730 (1966).

[113] The paradigm is where a confession of homicide leads to the discovery of a body bearing pieces of the defendant's hair, nails or clothing, or of weapons covered with defendant's fingerprints.

[114] *See* H.J. Friendly, Benchmarks 243 & n.40 (1967).

[115] *See* text at note 68 *supra*.

[116] Jackson v. Denno, 378 U.S. (1964).

[117] Stein v. New York, 346 U.S. 156 (1953).

[118] Griffin v. Illinois, 351 U.S. 12 (1956); Douglas v. California, 372 U.S. 353 (1963).

[119] Griffin v. California, 380 U.S. 609 (1965).

[120] Mapp v. Ohio, 367 U.S. 643 (1961).

[121] Pointer v. Texas, 380 U.S. 400 (1965).

[122] Miranda v. Arizona 384 U.S. 436 (1966).

[123] Others, such as Gideon v. Wainwright, 372 U.S. 335 (1963), applying the requirement of appointed counsel to the states, and Malloy v. Hogan, 378 U.S. 1 (1964), applying the fifth amendment privilege against self-incrimination to them, have been made on review of state post-conviction attacks. The only significant decisions setting out new rules of criminal porcedure (other than procedure in habeas itself) which were made on federal habeas for state prisoners appear to have been Jackson v. Denno, 378 U.S. 368 (1964), and Sheppard v. Maxwell, 384 U.S. 333 (1966).

[124] 28 U.S.C. § 2254(d) (1964).

[125] My observation of the work of the excellent state courts of New York, Connecticut and Vermont does not suggest that federal determination of such questions is notably better. In the vast majority of cases we agree with the state courts, after a large expenditure of judges' and lawyers' time. In the few where we disagree, I feel no assurance that the federal determination is superior. When I am confident that the issue has received real attention and the state trial and appellate judges have been in accord among themselves, I see no sufficient reason to elevate my views over theirs in a close case. *See* United States *ex rel.* Romeo v. McMann, 418 F.2d 860, 866 (2d Cir. 1969) (concurring opinion). The main difficulty is when one cannot be sure that the state courts, or at any rate the state appellate courts, have focused on the issue. Greater writing of opinions, however brief and informal, would alleviate the problem.

[126] *See, e.g.*, Bator, *supra* note 15; Brennan, *Some Aspects of Federalism*, 39 N.Y.U.L. Rev. 945 (1964); Hart, *Foreword: The Time Chart of the Justices, The Supreme Court, 1958 Term*, 73 Harv. L. Rev. 84, 104 (1959); Reitz, *Federal Hebeas Corpus Impact of an Abortive State Proceeding*, 74 Harv. L. Rev. 1315 (1961); Reitz, *Federal Habeas Corpus: Post-conviction Remedy for State Prisoners*, 108 U. Pa. L. Rev. 461 (1960); Wright & Sofaer, *supra* note 24; *Developments Note*, *supra* note 9.

[127] One argument against utilizing the existing courts of appeals is that they are already overburdened. But many of the cases that would come to them under this proposal reach them now in federal habeas, either on applications for certificates of probable cause or for full-dress argument when such certificates have been granted. Considerations in favor of utilizing the existing courts are their geographical convenience, their greater knowledge of relevant state procedures and the quality of particular state judges, the difficulty in manning a specialized court, and the historic prejudice against tribunals of specialized jurisdiction. On the other side are the possibly greater acceptability of review by a "super court" to the highest courts of the states, *see* note 130 *infra*, and the uniformity that would result from review by such a court.

[128] Alternatively, a petition to review in the federal appellate court would be required whenever the attack was based on procedural due process, including the selectively incorporated provisions of the Bill of Rights, as distinguished from substantive attack on a state criminal statute, *e.g.*, as violating the first amendment.

[129] Any legislation would include familiar procedures for transfer where application had been made to the wrong court.

[130] On the other hand, some judges with whom I have discussed this believe that the highest state courts would find it even more offensive to have their constitutional decisions reviewed by the existing federal courts of appeals; if so, this might argue that a new "super court" would be preferable if this procedure is to be used at all. *See* note 127 *supra*.

[131] This is recognized in the ABA Report, *supra* note 14, at 86.

[132] 344 U.S. 443 (1953).

[133] H.R. Rep. No. 1293, 85th Cong., 2d Sess. 7 (1958).

[134] *See* the 1958 report of the Burton Committee, quoted in part in Case v. Nebraska, 381 U.S. 336, 339 (1965) (Clark, J., concurring).

[135] *Cf.* Mooney v. Holohan, 294 U.S. 103 (1934); Young v. Ragen, 337 U.S. 235 (1949).

[136] Mr. Justice Clark said in Case 1. Nebraska, 381 U.S. 336, 340 (1945) (concurring opinion), that it was reported that federal applications from state prisoners in Illinois "dropped considerably after its [post-conviction] Act was adopted." One would expect that to happen while the new state remedies were being exhausted; whether the decrease was other than temporary is another matter. The district courts for Illinois had 286 state prisoner petitions in the year ended June 30, 1969, 1969 Annual Report, *supra* note 5, at 211. The nationwide figures cited above, *see* text and note at note 5 *supra*, show constant increases despite greatly expanded state post-conviction remedies.

[137] Presumably this is what Mr. Justice Brennan meant in saying, in Case v. Nebraska, 381 U.S. 336, 345 (1945) (concurring opinion), "Greater finality would inevitably attach to state court determinations of federal constitutional questions, because further evidentiary hearings on federal habeas corpus would, if the conditions of Townsend v. Sain were met, prove unnecessary."

[138] Note Mr. Justice Brennan's statement in Case v. Nebraska, 381 U.S. 336, 345 (1945), that, "nonmeritorious claims would be fully ventilated, making easier the task of the federal judge if the state prisoner pursued his cause further."

[139] For an example see United States *ex rel.* Stephen J. B. v. Shelly, 430 F.2d 215 (2d Cir. 1970), where a district judge, without hearing any further evidence, annulled the unanimous holdings of 13 New York judges, culminating in an opinion by the Court of Appeals, People v. Stephen J.B., N.Y.2d 611, 246 N.E.2d 344, 298 N.Y.S.2d 489 (1969), on a close question relating to *Miranda*—and this in a case where the defendant had been placed on probation and, because he was a juvenile, his conviction had no civil consequences!

[140] As to these I would favor an amendment to 28 U.S.C. § 2254 (1964) which would make

it clear that the rule of Henry v. Mississippi, 379 U.S. 443 (1965), applies to federal habeas for state prisoners, without any of the doubts now existing, either there or on direct appeal, in regard to the need of personal participation by the defendant in feasance or nonfeasance by his attorney. *See* Sandalow, Henry v. Mississippi *and the Adequate State Ground: Proposals for a Revised Doctrine,* 1965 Sup. Ct. Rev. 187.

[141] U.S. Const. art. I, § 9, cl. 2.

[142] A contrary view is taken, quite unconvincingly, in *Developments Note, supra* note 9, at 1269.

[143] 372 U.S. at 405.

[144] Oaks, *supra* note 13., at 456–68.

[145] *Id.* at 459 In. 47. *See also* Rubinstein, *Habeas Corpus as a Means of Review,* 27 Mod. L. Rev. 322, 326 (1964): "Superior and other common law courts enjoy, therefore, an almost complete immunity from review on habeas corpus."

[146] 124 Eng. Rep. 1006 (C.P. 1670).

[147] As Professor Oaks has pointed out, any such reading of the opinion in *Bushell's Case* would bring it into conflict with three fundamental principles of seventeenth and eighteenth century habeas corpus law—that a general return that the prisoner had been committed for treason or felony was sufficient; that petitioners were forbidden to challenge the truth of particulars set out in the return; and that once a person had been convicted by a superior court of general jurisdiction, a court seized of a habeas petition could not go behind the conviction for any purpose other than to verify the jurisdiction of the convicting courts. Oaks, *supra* note 13, at 468.

[148] *Id.* at 458.

[149] Kaufman v. United States, 394 U.S. 217, 221, 228 (1969).

[150] Sanders v. United States, 373 U.S. 1, 11–12 (1963).

[151] 79 Cong. Rec. 13449 (1935), *cited in* D. Morgan, Congress and the Constitution 6 (1966).

[152] Kaufman v. United States, 394 U.S. 217, 235 (Black, J., dissenting).

[153] *See* Pollack, *Supra* note 33, at 63 & n. 73, *But see Developments Note, supra* note 9, at 1272–74. I indicate no view on the current status of *Ex parte* Bollman, 8 U.S. (4 Cranch) 75 (1807), discussed in Paschel, *The Constitution and Habeas Corpus,* 1970 Duke L.J. 605.

[154] Case v. Nebraska, 381 U.S. 336 (1965), does not decide otherwise, although on the facts—a claim of a coerced guilty plea—denial of a post-conviction remedy could well have violated due process. *See* Sandalow, *supra* note 140, at 210–15.

By Mr. TOWER:

S. 568. A bill to amend the Outer Continental Shelf Lands Act by providing authority for the issuance of permits to construct, operate, and maintain port and terminal facilities. Referred to the Committee on Interior and Insular Affairs.

Mr. TOWER. Mr. President, over the past several years the United States has experienced a decline in exploration activities for new reserves of oil and gas. I will not examine the causes of this decline at this time as I have discussed them many times before in this Chamber. I would only reiterate that this trend must be reversed. Rather, I would like to focus attention on one ramification of the decline in domestic exploration activity—our urgent need for superports.

There is necessarily a long leadtime required to reverse the declining trend in domestic activity and to find and produce significant quantities of petroleum products from newly discovered domestic petroleum reservoirs.

Since the U.S. petroleum industry is producing at virtually maximum capacity, we will be forced to import petroleum from foreign sources in order to meet increased consumer demand for energy supplies. If current economic, political, and environmental factors remain unchanged, these imports have been projected by the National Petroleum Council to increase from a level of 3.4 million barrels per day imported during 1970, to some 9.7 million barrels per day in 1975, to 11.4 million barrels per day in 1980, and to 19.2 million barrels per day in 1985. Compared with projected demand, the level of our petroleum imports can be expected to increase from 26 percent of our total petroleum supply in 1970 to some 65 percent in 1985. The National Petroleum Council, from which I obtained these facts, is an official advisory body to the Department of the Interior.

The Secretary of the Interior recently commented before the Senate Interior and Insular Affairs Committee on the inevitability of petroleum importation. He said:

> In the short term, little can be done to augment domestic production of clean energy sources. The only major short-term alternatives are to restrict energy use, which may impair personal comfort and continued economic progress, or to increase imports.

There are many alarming implications inherent in these projections. Not only will we be depending upon a petroleum source which might compromise future foreign policy positions, but we also face a major logistical problem in handling the large quantities of imports that we have little choice but to purchase.

The logical question arises: Do we possess the facilities to handle the huge tankers which must transport the millions of barrels of oil each day to our shores? The answer is no, not now. In November, 1971, the National Petroleum Council reported:

> The prospect of having to increase waterborne imports into the United States at 6 to 7 times the rate experienced in the past decade adds a completely new dimension to U.S. external petroleum logistics, particularly with respect to tank ships and port facilities to accommodate them.
>
> The optimal sized tanker in international petroleum trade during the 1971–1985 period may range from 300,000 to 400,000 DWT (dead weight tons) in long-haul trades, and 70,000 to 120,000 DWT in short-haul coastal service. . . .
>
> . . . Most of the increase in U.S. oil import requirements will have to originate in the Eastern Hemisphere . . .
>
> Vessels of 300,000 DWT and over draw a minimum of 72 feet of water when laden, but there are no ports in the United States presently capable of handling vessels of this size."

Mr. President, the U.S. port capabilities for handling huge tankers has not improved since that statement. The United States is facing an inevitable demand for imported petroleum. The petroleum can be brought to this country most economically in tankers so large that our port facilities cannot handle them. So, a solution to this problem is the construction of offshore superport facilities. And since a significant concentration of our petroleum refining and petrochemical industries is located on the coast of Texas, I hope that we can begin the construction of an offshore deep water terminal there soon.

Last year, I introduced in the Congress legislation to authorize the Secretary of the Interior to issue permits for the construction of such offshore superports. Now, I again introduce the bill in the hopes that the Congress will be able to act expeditiously to specifically authorize the Secretary of the Interior to allow the construction of the huge offshore port facilities we need. Of course, this authorization must be in strict compliance with all environmental laws.

I ask that a text of my bill appear in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 568

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Outer Continental Shelf Ports and Facilities Amendments of 1972".

Sec. 2. Section 5(c) of the Outer Continental Shelf Lands Act (67 Stat. 464; 43 U.S.C. 1334(c)) is amended by striking the words "produced from said submerged lands in the vicinity of the pipeline".

Sec. 3. Section 5 of the Outer Continental Shelf Lands Act is amended by adding at the end thereof the following new subsection (d):

"(d) Permits for the construction, operation, and maintenance of port and terminal facilities on the submerged lands of the Outer Continental Shelf may be granted by the Secretary under such regulations and upon such conditions as may be prescribed by the Secretary: *Provided however,* That in the issuance of any such permit and the promulgation of such regulations and conditions, the Secretary shall:

"(1) take into account the need for such port or terminal facility as a means of supplying the energy needs of the Nation;

"(2) consider the environmental impact of any such port or terminal facility;

"(3) consider the availability of alternative sites and methods of construction;

"(4) provide for such public hearings as he deems necessary to assure thorough consideration of the factors herein identified."

By Mr. TOWER:

S. 569. A bill to provide that persons from whom lands are acquired by the Secretary of the Army for dam and reservoir purposes shall be given priority to lease such lands in any case where such lands are offered for lease for any purpose. Referred to the Committee on Public Works.

Mr. TOWER. Mr. President, today, I am reintroducing a bill to give prior owners the right of first refusal when their lands are acquired by the Corps of Engineers for the building of dams or reservoirs. The interest in the passage of this legislation has not in the least abated since the last session of Congress.

Granted, the Corps of Engineers will lease the land back to prior owners for the first 5 years but, at that time, if the land is still available, the property is advertised and a lease granted on the basis of competitive bids.

The prior owners many times have a great interest in continuing to lease these lands because of their uses or the facilities located on them. The passage of this legislation will help prevent an inequity that now exists and will encourage continuous, productive use of land under Corps of Engineers control.

Mr. President, at this time, I ask unanimous consent that the text of this bill be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 569

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in any case where land is acquired by the Secretary of the Army for the purpose of any dam and reservoir project being carried out through the Corps of Engineers and thereafter offered for lease for any purpose the person or persons from whom such land was acquired shall during their lifetime be given priority to enter into such lease upon reasonable terms determined by the Secretary.

Sec. 2 The term "person" as used in this Act includes a corporation, company, association, firm, partnership, society, joint stock company, or other such organization as well as an individual but in any case where such term is used to apply to such an organization the term "lifetime" as used in this first section shall not exceed fifty years.

By Mr. ROBERT C. BYRD:

S. 570. A bill to promote public confidence in the legislative, executive, and judicial branches of the Government of the United States. Referred to the Committee on Rules and Administration.

FEDERAL FINANCIAL DISCLOSURE

Mr. ROBERT C. BYRD. Mr. President, I am today introducing a Federal financial disclosure bill which I believe will help to restore public confidence in the legislative, executive, and judicial branches of our Government. Today, more than ever, I am convinced that the public interest requires a clearly defined, enforceable disclosure statute for all three branches of our Government. The existing diverse standards of conduct and requirements for financial disclosure which have developed through the years make the passage of this legislation necessary, I believe.

It is my conviction that there are few issues more crucial to the future of our democratic system than the crisis of public confidence in the honesty and accountability of elected public officials. No one doubts that ethical standards have come a long way since the days of the Credit Mobilier, the Teapot Dome scandals, the Whisky Ring, and the "Ohio Gang." The vast majority of elected officials—including Members of Congress—are honorable, hard-working, dedicated public servants. Yet, we cannot afford to ignore the growing belief that many or most elected representatives use their public positions for private gain or the increasing tendency of the average citizen to view all participants in the governmental process with suspicion and even contempt.

In 1958, Congress adopted a code of ethics covering all persons engaged in Government service. Yet, this code consists of language too general to provide real standards and means of enforcement, much less the fact that there were no provisions for financial disclosure.

In May of 1965, President Lyndon Johnson issued an Executive order requiring the head of each agency, each Presidential appointee in the Executive Office of the President who is not subordinate to the head of an agency in that Office, and each full-time member of a committee, board, or commission appointed by the President to submit to the Chairman of the Civil Service Commission, on a quarterly basis, a statement containing:

First. A list of the names of all corporations, companies, firms, or other business enterprises, partnerships, nonprofit organizations, and educational or other institutions with which he is connected as an employee, officer, owner, director, trustee, partner, adviser, or consultant; or in which he has any continuing financial interests, through a pension or retirement plan, shared income, or otherwise, as a result of any current or prior employment or business or professional association; or in which he has any financial interests through the ownership of stocks, bonds, or other securities.

Second. A list of the names of his creditors, other than those involving a mortgage on property which he occupies as a personal residence or current and ordinary household and living expenses.

Third. A list of his interests in real property or rights in lands, other than property used as a personal residence.

This information is held in confidence, and no information as to its content can be disclosed except as the Chairman of the Civil Service Commission or the head of the agency concerned may determine, for good cause shown. Any changes in the statement are to be reported at the end of each quarter in which an alteration occurs.

In June of 1966, an addition was made to title 3 of the Code of Federal Regulations. It required each employee listed in the Federal Executive Salary Schedule, except a Presidential appointee falling under the stipulations of the 1965 Executive order and employees in classified positions of grade GS–13 or above, or the equivalent thereof, to submit a statement of financial holdings to his agency head by June 30 each year.

This information is basically the same as that required in the earlier Executive order, and any changes that occur are also to be reported quarterly.

Each agency head holds the statement in confidence. An agency may not disclose information from a statement except as the Civil Service Commission or the agency head may determine and for good cause shown. In addition, many executive agencies, as a matter of administrative or agency policy, have regulations calling for financial disclosures by their employees. However, the present situation of diverse regulations and uneven requirements points to a wholly inadequate system of disclosure for Federal employees. Legislation to redress this situation should be of immediate concern to the Congress.

Federal judges, with the exception of Supreme Court members, are required to report every 3 months any extrajudicial earnings to a panel of Federal judges. In the wake of the 1969 controversies surrounding former Supreme Court Justices Abe Fortas and William O. Douglas, bills were introduced in both Houses of the Congress proposing that Federal judges and Supreme Court Justices be required to make public statements of their financial circumstances and sources of income.

A special session of the U.S. Judicial Conference, the administrative policy body of the Federal judiciary, was called by former Chief Justice Earl Warren. The Conference adopted resolutions forbidding Federal judges to accept any compensation other than their judicial salary and requiring each judge to file an annual financial statement with the Conference. The Judicial Council of the circuit was permitted to approve the acceptance of compensation for certain outside services.

The new resolution did not apply to the Supreme Court Justices because they are beyond the Conference as established by Congress.

The members of the High Court refused to adopt the rules approved by the Conference and it later rescinded the rules, replacing them with the requirement of a quarterly report of extrajudicial earnings. The Conference also adopted a resolution which permitted judges to perform extrajudicial work without prior approval.

In August 1972, the American Bar Association endorsed a new code of judicial conduct which would require State and Federal judges to stay out of most commercial activities and file reports of income from off-the-bench work and gifts of $100 or more. This code includes provisions that would disqualify a judge from adjudicating a case in which he had only the slightest financial interests. State legislatures and State supreme courts would have the responsibilities for implementing the code. Federally, the canons would be imposed by the Judicial Conference, which will announce its acceptance or rejection of them by April. Mr. President, the immunity of the Supreme Court Justices from these disclosure regulations continues to substantiate my plea for a Federal financial disclosure act which would encompass the entire judicial branch.

Both Houses of Congress adopted rules in 1968 for annual disclosure of certain financial interests, with the House making certain additional requirements in 1970. The House requirement covers Members, officers, principal assistants to Members and officers, and professional committee staff members, while the Senate rule includes Senators, candidates for that office, and officers or employees of the Senate who are compensated at a rate in excess of $15,000 a year. The House code requires some measure of disclosure of investments and business connections to the public, although the Senate counterpart adds nothing to the public knowledge in this area since its public disclosure rules apply only to contributions and honoraria.

Presently, the House requires a two-part disclosure report to be filed annually with the Committee on Standards of Official Conduct. The information contained in part A, which is made available for "responsible public inquiry," requires each House Member to report the following:

First. The name, instrument of ownership, and any position of management held in any business entity doing a substantial business with the Federal Government or subject to Federal regulatory agencies in which the ownership is in excess of $5,000 fair market value as of the date of filing or from which income of $1,000 or more was derived during the preceding calendar year.

Second. The name, address, and type of practice of any professional organization in which the person reporting, or his spouse, is an officer or director, or partner, or serves in any advisory capacity, from which income of $1,000 or more was derived during the preceding calendar year.

Third. The source of each of the following items received during the preceding calendar year:

Any income for services rendered—other than from the U.S. Government—exceeding $5,000 and not reported in section 2.

Any capital gain from a single source exceeding $5,000 other than from the sale of a residence occupied by the person reporting—as reportable to Internal Revenue Service.

Reimbursement for expenditures—other than from the U.S. Government—exceeding $1,000 in each instance.

Sources of honoraria aggregating $300 or more from a single source.

Fourth. Each creditor to whom the person reporting was indebted for a period of 90 consecutive days or more in the preceding calendar year in an aggregate amount in excess of $10,000 excluding any indebtedness specifically secured by the pledge of assets of the person reporting the appropriate value.

Part B of the disclosure report requires more detail, but this part is sealed and held to be confidential unless the Committee on Standards of Official Conduct determines the information is essential to an official investigation. It includes the fair market value of the business holdings and the amount of income from each source reported publicly.

The majority of the Senate information is filed with the Comptroller General, although those parts of the report accessible to the public are filed with the Secretary of the Senate. Included in the sealed envelope of information held by the Comptroller General are the following items:

First. A copy of the individual's income tax returns.

Second. The amount and source of each fee of $1,000 or more received from a client.

Third. The name and address of each business or professional enterprise in which he is an officer or employee, and the amount of compensation received.

Fourth. The identity of real or personal property he owns worth $10,000 or more.

Fifth. The identity of each trust or fiduciary relation in which he holds a beneficial interest worth $10,000 or more and the identity, if known, of any interest the trust holds in real or personal property over $10,000.

Sixth. The identity of each liability of $5,000 or more owed by him or by him and his spouse jointly.

Seventh. The source and value of all gifts worth $50 or more received from a single source.

The Senate Select Committee on Standards and Conduct, by a majority vote, may examine this confidential information and make it available for a staff investigation. Otherwise, it is held by the Comptroller General for 7 years unless returned earlier when an individual dies or retires.

The disclosure information open to the public and filed with the Secretary of the Senate includes those gifts as specified in Senate rule 42 and the amount, value, and source of any honorarium worth $300 or more as required in Senate rule 44.

Mr. President, enumeration of these varied disclosure regulations in our Federal Government, underscores the need for a uniform measure which would encompass the legislative, executive, and judicial branches.

I joined in cosponsoring the Federal Financial Disclosure Act when it was introduced in the 92d Congress. And, as a member of the Subcommittee on Privileges and Elections, I voted with the majority to report that bill to the full Senate Rules Committee on August 9, 1972. On September 20, 1972, I made a motion in the full committee to report the bill to the floor. Unfortunately, that motion failed; but I am hopeful that, since time is on our side now, the 93d Congress will enact a comprehensive uniform financial disclosure law.

Establishment of such a law would offer a most effective way to protect the integrity of our governmental process. There is no denying the fact that the American people are losing confidence in the Government to govern and the leaders to lead. It is clear that this disillusionment pervades our entire society and is one of the most serious problems facing this Nation and this Congress. Evidence can be presented by examining some recent polls.

A 1967 Gallup survey revealed that six out of 10 Americans believed that shady conduct among Congressmen was fairly common. A Harris poll conducted during the same period noted that over half of the Nation's population felt that at least some Congressmen were personally receiving money for voting a certain way. Moreover, a survey published by Harris in 1971 indicated that during the period 1965–71, the percentage of the public which gave Congress a positive rating, declined from 64 to 26 percent.

Further evidence of this continuing decline of public confidence is manifested by another Harris survey, taken in November 1971, which revealed that 63 percent of all Americans felt that politicians are out to make money. This reflected a dramatic increase since 1967 when the same question was asked and only a close plurality registered the same viewpoint. This same survey also found that 59 percent of those polled held the opinion that "most politicians take graft."

In October 1972 a Harris poll revealed that public confidence in the leaders of both public and private institutions in this country continues at an all-time low. Not one of the three branches of the Federal Government could generate as much as 30 percent of the public to express a "great deal of confidence" in those in charge.

The current financial disclosure laws are not sufficiently far-reaching to eliminate the public climate of skepticism respecting the integrity and public performance of our national leaders and to rehabilitate their public image. Disclosure is hardly a sanction and certainly not a penalty.

Mr. President, passage of the bill I am proposing would set aside all speculation and enable the press and the public to make their own sound judgments about the financial status of the individuals in the three branches of Government. It affects not only the President and the Vice President, but also each Member of Congress, each delegate or resident commissioner, each officer and employee of the United States—including members in uniformed service—who is compensated at the rates of $24,000 or more per year or occupying grade GS–16 or higher of the General Schedule, and each individual who is a candidate for the office of Member of the House of Representatives. Presently, only candidates for the Senate and prospective appointees to the Supreme Court have to disclose their financial holdings and professional connections. The information filed by the candidates is not for public consumption; and once an individual attains a seat on the High Court, this type of disclosure is not required.

The Federal Financial Disclosure Act which I am proposing would cure the ills of existing law by bringing members of the Supreme Court within the scope of financial disclosure and requiring public disclosure by all candidates running for Congress as well as incumbents. Finally, it would hold the financial transactions of the President and Vice President accountable to the electorate.

If enacted, this legislation would require each of these individuals to file annually with the Comptroller General the following data:

First. The amount and source of each item of income, reimbursement for any expenditure, and each gift or aggregate of gifts from one source—other than gifts received from his spouse or other member of his immediate family—received by him or jointly with his wife which exceeds $100 in amount or value. It includes any fee or other honorarium received or in connection with the preparation of delivery of any speech or address, attendance at any convention or other assembly of individuals, or the preparation of any article or other composition for publication, and the monetary value of subsistance, entertainment, travel, and other facilities received by him in kind.

Second. The value of each asset held and the amount of each liability owed singularly or jointly with his spouse which has a value of or is in excess of $1,000 or more.

Third. Any transactions in securities of any business entity and all transactions in commodities by him, or by him and his spouse, jointly, or by any person acting in his behalf or pursuant to his direction if the aggregate amount involved exceeds $1,000.

Fourth, any purchase or sale, of real property or any interest by him, jointly with his spouse, or by any person acting on his behalf or following his direction, if the value of property involved exceeds $1,000.

Fifth. Any position held in any public or private organization, any service rendered to any person, and any employment other than employment by the United States, during the preceding calendar year, without regard to whether compensation was received for holding the position, rendering the service, or on account of that employment.

The Civil Service Commission estimates that if my bill is enacted, 42,000 civilian workers would have to file under its provisions, and the Department of Defense estimates that 24,000 members of the uniformed services would be covered, making a total of 66,000 statements which would be required under the disclosure act which I am proposing.

Mr. President, a public office is a public trust, and so must public disclosure be the responsibility of any public official. The disclosure idea, it has been said, comes as close as anything to being the all-purpose cleanser of the Federal Government. It attaches no moral overtones to the financial situation of a public servant. Rather it recognizes the final arbiter in any controversy to be the American public, which must have the knowledge of all such facts in order to assess the activities of those who control our great Nation and in order to express sound opinions as to the course being taken. It is one of the best means available to us to help restore confidence in Government.

If we are to require public financial disclosure, we should see that it is adequate for the purposes intended. Therefore, I urge prompt consideration by the Senate Committee on Rules and Administration of my bill, so that we may enact a Federal Financial Disclosure Act during this Congress.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 570

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Financial Disclosure Act of 1973".

SEC. 2. (a) The President, the Vice President, each Member of Congress, each officer and employee of the United States (including any member of a uniformed service) who is compensated at a rate in excess of $24,000 per annum, and any individual occupying the position of an officer or employee of the United States who performs duties of the type generally performed by an individual occupying grade GS-16 of the General Schedule or any higher grade or position, as determined by the Comptroller General, regardless of the rate of compensation of such individual, shall file annually, and each individual who is a candidate of a political party in a general election for the office of a Member of Congress but who, at the time he becomes a candidate, does not occupy any such office, shall file within one month after he becomes a candidate for such office, with the Comptroller General a report containing a full and complete statement of—

(1) the amount and source of each item of income, each item of reimbursement for any expenditure, and each gift or aggregate of gifts from one source (other than gifts received from his spouse or any member of his immediate family) received by him or by him and his spouse jointly during the preceding calendar year which exceeds $100 in amount or value, including any fee or other honorarium received by him for or in connection with the preparation or delivery of any speech or address, attendance at any convention or other assembly of individuals, or the preparation of any article or other composition for publication, and the monetary value of subsistence, entertainment, travel, and other facilities received by him in kind;

(2) the value of each asset held by him, or by him and his spouse jointly which has a value in excess of $1,000, and the amount of each liability owed by him, or by him and his spouse jointly, which is in excess of $1,000 as of the close of the preceding calendar year;

(3) any transactions in securities of any business entity by him, or by him and his spouse jointly, or by any person acting on his behalf or pursuant to his direction during the preceding calendar year if the aggregate amount involved in transactions in the securities of such business entity exceeds $1,000 during such year;

(4) all transactions in commodities by him, or by him and his spouse jointly, or by any person acting on his behalf or pursuant to his direction during the preceding calendar year if the aggregate amount involved in such transactions exceeds $1,000;

(5) any purchase or sale of real property or any interest therein by him, or by him and his spouse jointly, or by any person acting on his behalf or pursuant to his direction, during the preceding calendar year if the value of property involved in such purchase or sale exceeds $1,000; and

(6) any position held in any public or private organization, any service rendered to any person, and any employment other than employment by the United States, during the preceding calendar year, without regard to whether compensation was received for holding the position, rendering the service, or on account of that employment.

(b) Reports required by this section (other than reports so required by candidates of political parties) shall be filed not later than May 15 of each year. In the case of any person who ceases, prior to such date in any year, to occupy the office or position the occupancy of which imposes upon him the reporting requirements contained in subsection (a) shall file such report on the last day he occupies such office or position, or on such later date, not more than three months after such last day, as the Comptroller General may prescribe.

(c) Reports required by this section shall be in such form and detail as the Comptroller General may prescribe. The Comptroller General may provide for the grouping of items of income, sources of income, assets, liabilities, dealings in securities or commodities, and purchases and sales of real property, when separate itemization is not feasible or is not necessary for an accurate disclosure of the income, net worth, dealing in securities and commodities, or purchases and sales of real property of any individual.

(d) Any person who willfully fails to file a report required by this section, or who knowingly and willfully files a false report under this section, shall be fined $2,000, or imprisoned for not more than five years, or both.

(e) All reports filed under this section shall be maintained by the Comptroller General as public records which, under such reasonable regulations as he shall prescribe, shall be available for inspection by members of the public.

(f) For the purposes of any report required by this section, an individual shall be considered to have been President, Vice President, a Member of Congress, an officer or employee of the United States, or a member of a uniformed service, during any calendar year if he served in any such position for more than six months during such calendar year.

(g) As used in this section—

(1) the term "income" means gross income as defined in section 61 of the Internal Revenue Code of 1954.

(2) the term "security" means security as defined in section 2 of the Securities Act of 1933, as amended (15 U.S.C. 77b).

(3) the term "commodity" means commodity as defined in section 2 of the Commodity Exchange Act, as amended (7 U.S.C. 2).

(4) the term "transactions in securities or commodities" means any acquisition, holding, withholding, use, transfer, or other disposition involving any security or commodity.

(5) the term "Member of Congress" means a Senator, a Representative, a Resident Commissioner, or a Delegate.

(6) the term "officer" has the same meaning as in section 2104 of title 5, United States Code.

(7) the term "employee" has the same meaning as in section 2105 of such title.

(8) the term "uniformed service" means any of the Armed Forces, the commissioned corps of the Public Health Service, or the commissioned corps of the National Oceanic and Atmospheric Administration.

(9) the term "immediate family" means the child, parent, grandparent, brother, or sister of an individual, and the spouses of such person.

SEC. 3. Section 554 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(f) All written communications and memorandums stating the circumstances, source, and substance of all oral communications made to the agency, or any officer or employee thereof, with respect to any case which is subject to the provisions of this section by any person who is not an officer or employee of the agency shall be made a part of the public record of such case. This subsection shall not apply to communications to any officer, employee, or agent of the agency engaged in the performance of investigative or prosecuting functions for the agency with respect to such case."

EFFECTIVE DATE

SEC. 4. The first report required under this Act shall be due on the 15th day of May occurring at least thirty days after the date of enactment.

By Mr. HANSEN (for himself, Mr. MANSFIELD, Mr. BENNETT, Mr. ALLEN, Mr. STEVENS, Mr. MCGEE, Mr. TOWER, Mr. YOUNG, Mr. CURTIS, Mr. THURMOND, Mr. HATFIELD, Mr. BIBLE, Mr. McCLELLAN, Mr. ABOUREZK, Mr. FANNIN, Mr. DOMINICK, Mr. DOLE, and Mr. GURNEY):

S. 571. A bill to amend the Federal Meat Inspection Act to require that imported meat and meat food products made in whole or in part of imported meat be labeled "imported" at all stages of distribution until delivery to the ultimate consumer. Referred to the Committee on Agriculture and Forestry.

Mr. HANSEN. Mr. President, today I am introducing a bill for myself and several cosponsors which would amend the Federal Meat Inspection Act to require that imported meat and meat products made in whole or in part of imported meat be labeled "imported" at all stages of distributions until delivery to the ultimate consumer.

The cosponsors are Mr. MANSFIELD of Montana; Mr. BENNETT of Utah; Mr. ALLEN of Alabama; Mr. STEVENS of Alaska; Mr. MCGEE of Wyoming; Mr. TOWER of Texas; Mr. YOUNG of North Dakota; Mr. CURTIS of Nebraska; Mr. THURMOND of South Carolina; Mr. DOLE of Kansas; Mr. HATFIELD of Oregon; Mr. BIBLE of Nevada; Mr. MCCLELLAN of Arkansas; Mr. ABOUREZK of South Dakota; Mr. FANNIN of Arizona; Mr. DOMINICK of Colorado; and Mr. GURNEY of Florida.

This legislation would enable the consumer in the food store to recognize and choose between foreign and domestically produced meat. I am sure there are many Americans who, if they had their choice, would prefer to purchase meat which has been raised and processed here in the United States. To the housewife who demands top quality in wholesomeness and cleanliness in the products which she serves to her family, there is much to be said for the domestically produced meat which passes through the strict inspection system we have here in the United States.

Aside from this, there is another very valid reason why the American consumer should be told whether the meat he is buying is domestic or foreign.

Under existing laws and regulations which control the Department of Agriculture's meat inspection system, foreign meat imported for manufacturing or processing purposes is normally shipped in frozen blocks of 50 to 60 pounds. These blocks are labeled as to origin. However, after processing in this country, the product is not further identified as being of foreign origin.

In other words, the processor, packer, canner, or distributor who purchases the meat at port of entry is considered the "ultimate consumer" and no further labeling of the origin of the meat is required.

In this situation, a problem develops from the fact that the greatest part of the total red meat imported is frozen boned beef which is thawed, ground, blended with fat trimmings from domestic beef, and then sold as hamburger. A housewife has no way of knowing when she purchases a package of hamburger at the retail outlet whether it is all or part imported beef, or, more significantly, whether it has been previously frozen.

The freezing, thawing, and possible refreezing of imported meat seems inconsequential until we realize that Department of Agriculture bulletins warn:

> Cook thawed meat immediately or keep only a short time in a refrigerator. Avoid refreezing thawed meat.

Despite this clear instruction from the Department, there is no way for the housewife to know whether she should freeze the hamburger she buys at the retail outlet. If the hamburger is made of imported meat, it has already been frozen and thawed once.

Mr. President, this is a fraud on the consumer, and I believe we are justified in taking steps to see that the consumer realizes the problems which could result from purchasing meat which has already been frozen.

This is good legislation, and I hope it will receive favorable consideration by Congress.

Mr. ABOUREZK. Mr. President, I am pleased to join the distinguished Senator from Wyoming (Mr. HANSEN) in cosponsoring this needed legislation. I have long been concerned about the adequacy of inspection of meat imported into this country.

Sixty-seven years ago Upton Sinclair alerted the American public to the outrageous conditions that then prevailed in American meatpacking plants. The public outcry that followed the publication of "The Jungle" resulted in the establishment of an inspection system of domestic meatpacking plants that has enabled the American public to assume that all meat products meet the highest standards.

Fortunately, that assumption is generally valid in terms of the 1,062 meatpacking plants in the United States. These are monitored by nearly 7,000 Federal meat inspectors who assure that our domestically produced meat products meet the highest standards of quality. But the quality of imported meat is another story.

There are nearly 1,100 plants which pack meat for import into this country. These are inspected by an equivalent of 75 inspectors. As a result, only 1 percent of the 1.6 billion pounds, and I would point out that that figure is increasing because of the change in import policy implemented by the administration, of imported meat brought into this country is ever inspected.

The sad fact is that this kind of hit-or-miss inspection of imported meat is simply inadequate. This system cannot get us clean and sanitary meat from abroad. At best we are getting relatively clean meat but we are still accepting meat with an allowable number of defects ranging from dirt and blood clots on up to and including manure.

There is absolutely no reason why the American consumer cannot expect that meat that is imported should meet the same standards as that produced domestically. Much of the imported meat ends up in hamburger, or weiners or bologna. This is an additional convenient way to disguise the dirt, blood clots and other foreign matter that is in imported meats. There is no identification at the meat counter to separate the fresh, clean and thoroughly inspected meat from our American farms and ranches and the meat from foreign sources.

I strongly feel that we should strengthen our inspection of imported meats. While a Member of the House of Representatives I cosponsored a measure introduced by Congressman JOHN MELCHER that would do this. I hope that Congressman MELCHER will continue his efforts for this measure. I feel that this measure by Senator HANSEN also directs itself to this problem.

The American consumer has the right to know the story of meat imports in this country. It is time that we had a version of "The Jungle" to alert the public to this situation. And it is time that we had some means of identifying foreign meat from domestic meat.

That is the purpose of this bill and I again commend Mr. HANSEN for his foresight in identifying this problem and seeking a means of solving it.

Mr. TOWER. Mr. President, I am pleased today to join my colleague from Wyoming (Mr. HANSEN) in sponsoring a measure to require the labeling of all imported meat products.

In a time when the price of meat products is being widely discussed, and when import markets have been opened to increase the supply, I feel it is only fair to our domestic producers and to the Nation's consumers to provide for the labeling of all meat and meat products, which enter market channels through importation, to be labeled as "imported." In some instances, only a portion of a particular product contains imported meat. Much meat is sold over the counter as processed meat and is many times blended with domestically-produced meat. This fact should be available to the consumer when he makes his selection.

Certainly I am pleased that the demand for meat today is so great. I am pleased too that the income of Americans is such that it allows for a good diet. Nevertheless, with the new import markets, American cattlemen are forced to compete with products produced in other countries. Because I feel many consumers would prefer to purchase domestically produced beef. I feel this option should be open to them. This measure would provide for labeling procedures indicating the origin of all meat other than domestic products.

I urge the Congress to act on this measure at the earliest possible date.

By Mr. DOMINICK (for himself, Mr. BROCK, Mr. CURTIS, Mr. GOLDWATER, Mr. SCHWEIKER, Mr. STEVENS, Mr. BIBLE, Mr. BUCKLEY, and Mr. BELLMON):

S. 576. A bill to amend the Gun Control Act of 1968 to provide for separate offense and consecutive sentencing in felonies involving the use of a firearm. Referred to the Committee on the Judiciary.

Mr. DOMINICK. Mr. President, 1971 was a banner year for crime with almost 6 million crimes occurring, an increase of almost 6 percent over the previous years. The preliminary figure for the first 9 months of 1972 indicate a further increase. While the national rate of violent crimes in 1971 was 392 per 100,000 people, Colorado had a State rate of 373 per 100,000 people, and the Denver Standard Metropolitan Statistical Area—Adams, Arapahoe, Boulder, Denver, and Jefferson Counties—had a rate of 514 per 100,000 citizens. One of the saddest statistics for 1972 was the killing, with firearms, of 108 Americans who were employed as police officers. One of the most telling statistics is that the risk of being a victim of a crime has increased 74 percent since 1966.

I have long subscribed to the belief that the most effective method of deterring crime is to deal swiftly and sternly with criminals. I am also of the opinion that violent crime is deterred by dealing most harshly with criminals who use firearms in the commission of their offenses.

I have consistently opposed Federal efforts with regard to registration of firearms. The wiser strategy is to reach the criminals rather than just dealing with the gun. I offer this bill as an alternative to registration and I am firmly of the opinion that strict criminal penalties will do far more good than will strict registration requirements.

I introduce today a bill to amend title 18, section 924(c) of the United States Code, and ask unanimous consent that the bill be printed at the conclusion of my remarks. This section is more commonly known as the Mansfield amendment to the Omnibus Crime Control Act of 1970.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit A.)

Mr. DOMINICK. Mr. President, the Senate has focused its attention on this section on at least four prior occasions—most recently adopting this legislation by a vote of 84 to 11 as an amendment to the Handgun Control Act of 1972 last August. On each occasion, the Senate has intended to create a separate and distinct crime of carrying or using a firearm in the commission of a felony and to require that upon conviction, sentences imposed must be served consecutively. This bill is designed to insure congressional intent as expressed in section 924(c) which provides that—

> (c) Whoever—(1) uses a firearm to commit any felony which may be prosecuted in a court of the United States, or (2) carries a firearm unlawfully during the commission of any felony which may be prosecuted in a court of the United States, shall, in addition to the punishment provided for the commission of such felony, be sentenced to a term of imprisonment for not less than one year nor more than ten years. In the case of his second or subsequent conviction under this subsection, such person shall be sentenced to a term of imprisonment for not less than five years nor more than 25 years, and, notwithstanding any other provision of law, the court shall not suspend the sentence of such person or give him a probationary sentence.

The necessity for this bill, Mr. President, springs from a recent Colorado case, and I ask unanimous consent that the official reports of this case be printed at this point in the Record. (*U.S.* v. *Sudduth*, 330 F. Supp. 285 (1971) and 457 F. 2d 1198 (10 Cir. 1972)).

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 1 and 2.)

Mr. DOMINICK. Mr. President, in this case the defendant was charged with one count of selling heroin and one count of carrying a firearm during the commission of a felony under section 924(c) or the Mansfield amendment. To the best of my knowledge, this is the first reported case involving this new legislation. At a pretrial hearing, the district court dismissed the count under section 924(c) on the grounds that the section did not and was not intended by Congress to create a substantive offense. The defendant was convicted of selling heroin; and the court imposed an additional 1-year concurrent sentence under section 924(c) on the theory that this section, like habitual criminal statutes, is directed to punishment, rather than defining substantive offenses.

On appeal to the 10th Circuit Court of Appeals, the district court was reversed and it was ruled that section 924(c) did create a separate chargeable offense, but the consecutive sentence imposed by the district court could not stand because the second count under section 924(c) was dismissed. The appeals court also ruled that the section's consecutive sentencing provisions apply only to second or subsequent convictions so that a first offender under this section could receive a concurrent sentence.

Mr. President, I bespeak the obvious in indicating that one circuit court of appeals decision, while it may be persuasive, is not binding on the other circuits. This issue might be litigated in each circuit. My bill clarifies this situation and only gives effect to congressional intent as manifested on at least four prior occasions.

My bill, in addition, would drop the present requirement that the carrying of a firearm be "unlawful" during the commission of a felony. Prosecutors would only have to prove an actual or constructive—within easy reach—carrying of the firearm during the crime.

Mr. President, this legislation clearly states that use of or carrying a firearm during the commission of a felony creates a separate and distinct chargeable felony, sentencing for which must be imposed consecutively with the sentence imposed for the underlying felony. The terms of imprisonment remain the same as are presently embodied in section 924(c). This bill does, however, give forceful expression of our abhorrence of violence in crime by providing that upon imposition or execution of the terms of punishment imposed by the courts, the sentence may not be suspended nor may probation be granted.

Mr. President, it is my earnest belief that enactment of this legislation, when compared with other gun control proposals, will operate as a more effective deterrent to the use of firearms by criminals. I urge expeditious action by the Congress in fulfillment of our responsibility to protect law-abiding Americans from injury or death at the hands of criminals who would use firearms. This is a just demand by Americans on their Government.

Mr. President, in conclusion, I would just like to say that I am most pleased that a number of my colleagues have joined me in sponsoring this measure. They are the Senator from Tennessee (Mr. Brock), the Senator from New York (Mr. Buckley), the Senator from Nebraska (Mr. Curtis), the Senator from Arizona (Mr. Goldwater), the Senator from Pennsylvania (Mr. Schweiker), the Senator from Alaska (Mr. Stevens), the Senator from Nevada (Mr. Bible), and the Senator from Oklahoma (Mr. Bellmon).

Mr. President, I have here a statement by the Senator from Pennsylvania (Mr. Schweiker) and one by the Senator from Alaska (Mr. Stevens), who are cosponsors, also reporting on the validity and the necessity of this bill. I ask unanimous consent that these statements also be printed in the Record, following the court proceedings and the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 3 and 4.)

Exhibit A

S. 576

A bill to amend the Gun Control Act of 1968 to provide for separate offense and consecutive sentencing in felonies involving the use of a firearm

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 924(c) of the Gun Control Act of 1968 (Public Law 90 618; 18 U.S.C. 924(c)) read as follows:

"(c) Whoever—

"(1) uses a firearm to commit any felony for which he may be prosecuted in a court of the United States; or

"(2) carries a firearm during the commission of any felony for which he may be prosecuted in a court of the United States, shall, in addition to the punishment provided for the commission of such felony, be sentenced for the additional offense defined in this subsection to a term of imprisonment for not less than one year nor more than ten years. In the case of his second or subsequent conviction under this subsection, such person shall be sentenced to a term of imprisonment for not less than two nor more than twenty-five years.

"The execution or imposition of any term of imprisonment imposed under this subsection may not be suspended, and probation may not be granted. Any term or imprisonment imposed under this subsection may not be imposed to run concurrently with any term or imprisonment imposed for the commission of such felony."

Exhibit 1

United States of America, Plaintiff, v. Dale Edward Sudduth, Defendant

(Crim. A. No. 71–CR–82, U.S. District Court, D. Colorado, July 22, 1971)

Prosecution on a two-count indictment including a count for the sale of heroin and a count for knowingly carrying a firearm unlawfully during the commission of such felony. The District Court, Winner, J., held that the federal statute providing for additional sentence if a defendant is convicted of a felony prosecutable in a court of the United States and is shown to have used or to have been unlawfully carrying a firearm in the commission of such offense does not and was not intended to create any substantive offense.

Second count dismissed.

Richard J. Spelts, Asst. U.S. Atty., Denver, Colo., for plaintiff.

William R. Young, Theodore B. Isaacson, Denver, Colo., for defendant.

MEMORANDUM OPINION

Winner, District Judge.

Defendant was charged in a two-count indictment. Count I charged a sale of heroin in violation of 26 U.S.C. §§ 4705(a) and 7237. A jury convicted him of this offense. Count II of the indictment charged:

"That on or about January 27, 1971, in the vicinity of Denver, State and District of Colorado, Dale Edward Sudduth willfully and knowingly carried a firearm unlawfully during the commission of a felony prosecutable in a court of the United States, that is, the said Dale Edward Sudduth carried a small caliber revolver during the time when he did sell, barter, exchange and give away to Ronald L. Wilson a narcotic drug (approximately 77.4 grams of heroin) not in pursuance of a written order of the said Ronald L. Wilson on a form issued in blank for that purpose by the Secretary of the Treasury or his delegate as required by Section 4705(a), Title 26, United States Code; all of the foregoing in violation of Section 924(c), Title 18, United States Code, as amended January 2, 1971."

Count II of the indictment was dismissed by the Court at time of trial for failure to state an offense since 18 U.S.C. § 924(c) does not create an offense. Instead, 18 U.S.C. § 924(c) provides only for an additional sentence if a defendant is convicted of a felony prosecutable in a court of the United States and is shown to have used or to have been unlawfully carrying a firearm in the commission of that offense. The statute is new, and no reported case has been called to our attention, nor have we found a case interpreting the particular subsection of the statute here considered. However, an analysis of that subsection's language and the legislative history leads inevitably to the conclusion that this particular subsection of the statute does not and was not intended by Congress to create a substantive offense.

We start with the Omnibus Crime Control and Safe Streets Act of 1968, and more particularly with Title IV of that Act, 1968 U.S. Code Cong. and Adm. News p. 2163 has to do with "Title IV—Firearms Control and Assistance." At page 2216 et seq., the scope of the Act's coverage is discussed, and it appears that Congress wished to control (a) the interstate traffic in mail-order firearms, other than rifles and shotguns, (b) acquisition of firearms by juveniles and minors, (c) out-of-state purchase of concealable firearms, (d) importation of nonsporting and military surplus firearms, (e) highly destructive weapons, (f) licensing of importers, manufacturers and dealers, and (g) certain record keeping procedures. The sectional analysis of Title IV commences on page 2197 of 1968 U.S. Code Cong. and Adm. News, and it is there said that Sec. 922 sets forth the prohibitions of the Act. Sec. 923 is said to contain the licensing provisions, while Sec. 924 is described as the penalty and forfeitures provisions of the Act. Nothing comparable to present Sec. 924(c) was contained in the original Act, [P.L. 90-351—82 Stat. 197] but, rather, Sec. 924(c) of that Act is Sec. 924(d) of the present law.

Section 924 was first amended in 1968 by P.L. 90-618, 82 Stat. 1223, the Gun Control Act of 1968, and that year's U.S. Code Cong. and Adm. News p. 4411 says that the principal purpose of the amended Act "is to strengthen Federal controls over interstate and foreign commerce in firearms and to assist the States effectively to regulate firearms traffic within their borders." With this amendment, a subsection approximating present subsection (c) was added, and effective October 22, 1968, U.S.C. § 924(c) provided:

"(c) Whoever—

"(1) uses a firearm to commit any felony which may be prosecuted in a court of the United States, or

"(2) carries a firearm unlawfully during the commission of any felony which may be prosecuted in a court of the United States,

"shall be sentenced to a term of imprisonment for not less than one year nor more than 10 years. In the case of his second or subsequent conviction under this subsection, such person shall be sentenced to a term of imprisonment for not less than five years nor more than 25 years, and, notwithstanding any other provision of law, the court shall not suspend the sentence of such person or give him a probationary sentence."

1968 U.S. Code Cong. and Adm. News p. 4431 comments with reference to the Conference Report on the new subsection as follows:

"Use of firearms in commission of crimes.—The House bill provided—in a provision added to chapter 44 of title 18—for a sentence of from 1 to 10 years for a first offense, and a sentence of from 5 to 25 years for a subsequent offense, where a person uses a firearm to commit, or carries a firearm unlawfully during the commission of, a Federal felony. The House bill further provided that such sentence could not be suspended, that probation could not be granted, and that such sentence could not be imposed to run concurrently with any sentence imposed for such Federal felony committed.

"The Senate amendment provided—in a new chapter 116 added to title 18—for the imposition of an additional sentence of an indeterminate number of years up to life upon any person armed with a firearm while engaged in the commission of certain enumerated Federal felonies. The Senate amendment further provided that in the case of a subsequent conviction, the court could not suspend the sentence or grant probation.

"The conference substitute is identical to the House bill, except that the prohibitions on suspension of sentence and probation are applicable only to second and subsequent convictions and that concurrent sentencing under the section is not prohibited."

As background to the 1968 amendment, in the July 19, 1968, Congressional Record—House, p. 22229 et seq. we find that Mr. Casey offered an amendment seemingly making the use or carrying of any firearm in the commission of specified major offenses separated punishable. Mr. Poff then offered a substitute amendment which later became § 924(c). It is true that Mr. Poff said (p. 22231), "My substitute makes it a separate Federal crime to use a firearm in the commission of another Federal crime and invokes separate and supplemental penalties." However, on the next page of the Congressional Record the following exchange appears:

"Mr. Ichord. * * * Are you contemplating—the gentleman makes it a Federal offense, another separate Federal offense to use a firearm to commit any felony which may be committed. If during the commission of any felony wherein such firearm is used the party may be prosecuted in any court of the United States? Does the gentleman contemplate the second criminal proceeding or can this man be tried in the original proceeding where he was first tried?

"Mr. Poff. * * * The answer (to Mr. Ichord's) question is in the affirmative; namely, it would be expected that the prosecution for the basic felony and the prosecution under my substitute would constitute one proceeding out of which two separate penalties may grow."

In the September 16, 1968, Congressional Record—Senate, p. 26896, we find that Senator Hruska said:

"Penalty Provisions. Section 924 of title I of the committee bill contains an amendment offered by this Senator to increase the maximum penalties for violation of the law * * * *This amendment substantially increases the maximum penalties for violation of the act* but retains flexibility in the hands of appropriate Federal correctional officials to deal with those who show a substantial potential for rehabilitation * * *"

In the next day's Senate Congressional Record it appears that Senator Dominick offered an amendment entitled "Use of Firearms in the Commission of Certain Crimes of Violence." That amendment provided:

"Whoever, while engaged in the commission of any offense which is a crime of violence punishable under this title, is armed with any firearm, may in addition to the punishment provided for the crime be punished by imprisonment for an indeterminate term of years up to life, as determined by the court * * *"

As to his proposed amendment, Senator Dominick said:

"No new crime would be created. Penalties have just been increased when one particular element—a gun—is presented in the perpetration of the enumerated crimes. As a result, there would be no additional strain on already overburdened courts."

This, then, is most of the legislative history of 18 U.S.C. § 924(c) as it was amended in 1968. It is difficult, indeed to spell out of this legislative history any Congressional intent to create a separate substantive crime, and it is even more difficult to read into the language of the subsection a meaning which would in fact create such a crime.

As has been noted, the indictment here lies under a still later amendment—P.L. 91-644, Title II, § 13, 84 Stat. 1889, effective January 2, 1971. A study of that law discloses that Sec. 924(c) was the only section of 18 U.S.C. Chapter 44—Firearms—which was amended by the 1970 Act, and that study lends no support to the government's argument. The definitions (§ 921), the unlawful acts (§ 922) and the licensing provisions (§ 923) all remain unchanged. The amendment in question appears in Laws of 91st Congress, 2nd Session, at page 2216. The full amendment was:

"Title II—Stricter Sentences.

"Sec. 13. Section 924(c) of title 18, United States Code, is amended to read as follows:

"(c) Whoever—

"(1) uses a firearm to commit any felony for which he may be prosecuted in a court of the United States, or

"(2) carries a firearm unlawfully during the commission of any felony for which he may be prosecuted in a court of the United States,

"*shall, in addition to the punishment provided for the commission of such felony, be sentenced* to a term of imprisonment for not less than one year nor more than ten years. In the case of his second or subsequent conviction under this subsection, such person shall be sentenced to a term of imprisonment for not less than two nor more than twenty-five years, and, notwithstanding any other provision of law, the court shall not suspend the sentence in the case of a second or subsequent conviction of such person or give him a probationary sentence, *nor shall the term of imprisonment imposed under this subsection run concurrently* with any term of imprisonment imposed for the commission of such felony."

To us, it is impossible to read this section as creating a separate substantive offense. The statute says only that a person who uses a firearm in the commission of a felony or who carries a firearm unlawfully during the commission of a felony, "shall, *in addition to the punishment provided for the commission of such felony, be sentenced.* * * *" The statute does not say that use or possession of a gun is a separate crime. It deals only with punishment to be imposed upon conviction of "the commission of such felony," i.e., a felony prosecutable in the Federal Court. No other reading could be grammatical.

Admittedly, the Congressional Record underlying the 1970 amendment is somewhat self-contradictory. Senator Scott said as to the amendment [Congressional Record, vol. 116, pt. 26, p. 35734] that the Act "was to provide stricter sentences for criminals using firearms in the commission of Federal felonies." On the same page, Senator Mansfield described the amendment:

"* * * what this does is to make it a

crime itself the mere carrying of a gun in the commission of a crime. The sentence imposed will be in addition to and not concurrent, with the sentence for the underlying crime."

However, on December 17, 1970, [Congressional Record, vol. 116, pt. 31, p. 42150] Senator Mansfield said:

"It was for this reason as well that I introduced S. 849, the stricter sentencing bill and am gratified to know that the bill—having passed the Senate unanimously—has become Title II of the pending measure * * * With this stricter gun sentencing provision we have taken an effective step in the right direction."

The same page of the Congressional Record discloses that Senator McClellan said:

"It is quite simple. It means that the gun offender will be required to serve a separate and additional sentence for his act of using a gun. There is no discretion given. There is no way this additional sentence can be avoided."

1970 U.S. Code Cong. and Adm. News p. 5848 describes the amendment as being an amendment of the 1968 Gun Control Act and says:

"AMENDMENT TO THE GUN CONTROL ACT OF 1968

"The Senate amendment contained a provision not in the House bill *amending a section of the Gun Control Act of 1968 that imposes additional penalties for the use of a firearm to commit, or for carriage of a firearm unlawfully during the commission of a Federal felony.* The Senate amendment reduced the minimum sentence for a second or subsequent offense from five to two years, and also provided that a sentence could not run concurrently with any sentence imposed for the underlying Federal felony. The conference substitute adopts the Senate amendment."

With all of this, the argument of the United States Attorney that 18 U.S.C. § 924 (c) creates a separate substantive offense just does not jell. When Congress devoted several pages to phrasing Sec. 922 which creates the unlawful acts, it is difficult to accept an argument that Congress impliedly intended to create an offense under the section of the Act headed "Penalties." It may well be that from a defendant's standpoint, it doesn't make a whole lot of difference, because, if convicted, and if the factual requirements of Sec. 924(c) are established, he is going to get the same sentence anyway. But, this fact doesn't justify or permit the Government to charge a separate substantive offense, and a defendant can't be required to have a separate count of an indictment submitted to a jury. Also, whether the offense is separate could be of vital importance under some habitual criminal laws.

It is elementary that there are no constructive criminal offenses. United States v. Alpers, 338 U.S. 680, 70 S.Ct. 352, 94 L.Ed. 457. Nothing is better settled than is the proposition that criminal statutes are to be strictly construed. United States v. Gaskin, 320 U.S. 527, 64 S.Ct. 318, 88 L.Ed. 287. We are not here directly concerned with the myriad of cases involving vagueness in a statute; rather, we are confronted with a statute which by its terms does not create an offense, although another section of the same Act spells out in careful detail the acts made unlawful by the statute, but omits from its coverage any suggestion that the act charged in Count II of this indictment is, in and of itself, a separate crime.

Sec. 924(c) is not a true recidivist statute, but it has many similarities. It is more nearly a "second offender's" statute, quite similar in impact with 26 U.S.C. § 7237(c), and under that section, counts charging a second substantive offense merely because of a prior conviction are not recognized—rather, the section is treated as one requiring stricter and additional punishment. United States v. Bell, (7 Cir.) (1965) 345 F.2d 354; Munich v. United States, (9 Cir.) (1964) 337 F.2d 356; Sorey v. United States, (5 Cir.) (1961) 291 F.2d 826; United States v. Wilson, (2 Cir.) (1968) 404 F.2d 531; United States v. Beltram, (2 Cir.) (1968) 388 F.2d 449.

In Gryger v. Burke, (1947) 334 U.S. 728, 68 S.Ct. 1256, 92 L.Ed. 1683, under consideration was Pennsylvania's habitual criminal law. The Court there said:

"The sentence as a fourth offender or habitual criminal is not to be viewed as either a jeopardy or additional penalty for the earlier crimes. *It is a stiffened penalty for the latest crime, which is considered to be an aggravated offense because a repetitive one.*"

Here, Congress has directed that where a man is unlawfully carrying a gun in the commission of an offense which is subject to prosecution in a Federal Court, a stiffer penalty must be imposed, and the evidence showed that defendant's possession of a gun was unlawful because of a prior state court conviction.[1] Under that evidence, the stricter penalty demanded by 18 U.S.C. § 924(c) must be imposed, but it is to be imposed after and as a result of defendant's conviction under Count I—not on the basis of an attempt to charge in Count II that defendant violated the sentencing provisions of Section 924(c).

It is for these reasons that Count II of the indictment was dismissed.

EXHIBIT 2

UNITED STATES OF AMERICA v. DALE EDWARD SUDDUTH

(Appeal from the U.S. District Court for the District of Colorado (D.G. #71–CR–82))

Richard J. Spelts, Assistant United States Attorney (James L. Treece, United States Attorney, with him on the Brief), for Appellant.

Tom W. Lamm, Denver, Colorado, for Appellee.

Before Seth and Barrett, Circuit Judges, and Mechem, District Judge.

Seth, Circuit Judge.

The defendant was charged in a two count indictment, Count I thereof being for the sale of heroin in violation of 26 U.S.C. § 4705(a). Count II charged that the defendant carried a firearm "unlawfully" during the commission of the felony charged in Count I in violation of 18 U.S.C. § 924(c). At the pretrial of the case the trial court dismissed Count II. The trial was had on Count I and the defendant was convicted by a jury and the court imposed a sentence of five years. The trial court also imposed a sentence of one year to run consecutively with the five-year term. This one-year sentence was imposed under 18 U.S.C. § 924(c), the trial court thereby treating the subsection as relating to the matter of the penalty to be imposed. It thereby held that the subsection did not create a separate crime. The trial court also construed the wording of the subsection to require that the one-year term under section 924(c) was required to be a consecutive sentence on the first "offense."

The principal issue on the appeal is whether or not the construction of 18 U.S.C. § 924(c) by the trial court was correct. The Government here urges that the subsection creates a separate crime rather than an enhancement of the penalty as found by the trial court. The issue is also presented as to whether or not the subsection requires the sentence, whether it be an enhancement in penalty or a separate offense, to be consecutive to the confinement imposed under Count I, or whether for a "first offense." 18 U.S.C. § 924(c) reads as follows:

"(c) Whoever—

(1) uses a firearm to commit any felony for which he may be prosecuted in a court of the United States, or

(2) carries a firearm unlawfully during the commission of any felony for which he may be prosecuted in a court of the United States.

shall, in addition to the punishment provided for the commission of such felony, be sentenced to a term of imprisonment for not less than one year nor more than ten years. In the case of his second or subsequent conviction under this subsection, such person shall be sentenced to a term of imprisonment for not less than two nor more than twenty-five years and, notwithstanding any other provision of law, the court shall not suspend the sentence of such person or give him a probationary sentence, nor shall the term of imprisonment imposed under this subsection run concurrently with any term of imprisonment imposed for the commission of such felony."

Some examination of the legislative procedure which was followed in the enactment of section 924(c) and its predecessor is necessary in order to properly construe the section. This present subsection to Title 18 was part of the original Omnibus Crime Control and Safe Streets Act of 1968. The section originally contained penalties in subsection (a) thereof which related to Chapter 44 as a whole. These penalties thus related directly to the recitation of "unlawful acts" in the body of the Act. Section 924(c) was added and the original section 924(c) was redesignated (d) as a House Floor Amendment during the course of the debates on the Gun Control Act (H.R. 17735). Apparently no public hearings were held on this Bill. The floor debate in the House was extensive and several amendments were there considered. Finally the amendment which became the basis of section 924(c) in the 1968 Omnibus Crime Control Act was passed by the House. Some of the amendments considered during the course of the floor debate presented somewhat different methods of handling the use of guns during the commission of a felony. It should be pointed out that the use of a gun during the commission of a felony constituted an entirely different subject than had theretofore been considered during the course of the debates on the original Omnibus Crime Control Act of 1968. The penalties in the original Act related to the acts which were declared unlawful in the Omnibus Bill, and which acts were for the most part related to the sale, importation and transportation of firearms.

The Senate considered its Gun Control Bill which was S. 3633, after the House had passed its Gun Control Act considered above. During the course of the Senate debate various methods to increase the penalty under the Omnibus Crime Control Act of 1968 were discussed on the floor and amendments were then offered. Among these amendments was the first by the Senate directly related to the possession and use of a gun while committing a felony. The Dominick amendment to the Gun Control Act was passed by the Senate and the matter went to the House Senate Conference Committee which adopted the House version of section 924 but with some reduction in the penalties originally proposed. The committee report was adopted and the Bill became the Gun Control Act of 1968, P.L. 90–618. It was an amendment to Chapter 44, Title 18 of the United States Code.

In 1970, the matter of the use of firearms during the commission of a felony was again considered, and again it arose by way of floor amendments. This was during the course of debate on the Omnibus Crime Control Act of 1970. The provisions were suggested as a "rider" to the Bill. The subject matter thereof had been formerly contained in a separate Senate Bill. The floor debate centered on the matter of increasing the severity of the punishment and the debate was directed to this point. The Omnibus Bill of 1970 with the "rider" referred to was passed by the

Senate, went to the House Senate Conference Committee and the Senate version was adopted by the committee and the committee report was adopted by both houses and became the present 18 U.S.C. § 924(c).

The manner in which section 924(c) was adopted by Congress and the fact that it originated in both 1963 and 1970 versions by way of floor amendment helps in understanding why the subsection was placed in the Act where it was. This legislative procedure shows why the subject matter of the subsection is somewhat foreign to the balance of section 924. The subject matter was in fact not related to the basic provisions of the Act which relate primarily as we have indicated to restrictions and control in the sale and transportation of firearms. The Act started with the general penalty provisions relating to such matter and can be related directly to the substance of the Act We have seen how the present subsection (c) was added to meet a somewhat different problem and one which was not covered in the substance of the Act. It was a new subject which was added and its placement and wording give rise to the doubts which prompted the appeal in this case. This general placement of the subsection obviously causes much of the present concern as to the intention of Congress. The penalty section of the Act was probably the best place to insert such a rider, but as we have seen, it has to stand on its own feet since it cannot be related to any recitations in the body of the Act.

In addition to the placement of the subsection, the construction is complicated and is by no means free from doubt by reason of the fact that it refers to and is dependent upon the basic felony. Its placement and the initial wording thereby gives the appearance that the matter relates to the enhancement of the penalty and not to the creation of a separate crime.

As might be expected, the record of the debates of the floor amendments are not particularly helpful in determining the intention of Congress as the attention of the members was directed to the severity of the penalty rather than how the penalty was to be imposed. The several Senators and Congressmen referred to the subsection as "an offense," or as "a penalty," or as "a crime," or as "a felony." Since the emphasis was otherwise directed, it appears that no unanimity should be expected from such references to the subsection and are not of assistance to us in determining the intention of Congress. The severity and the need for severity of the penalty was debated at length.

An examination of the events surrounding the enactment of section 924(c) and an evaluation of its wording leads us to the conclusion that it was intended to create a separate crime. It is obvious, however, that the matter is by no means free of doubt and we have given careful consideration to the views of the trial judge in this respect, but are led to a contrary result.

If the subsection 924(c) is considered as a separate Act taken out of the context in which it was placed, it takes on the appearance of an ordinary provision defining a crime. As the wording is typical of such a definition, it is perhaps unusual to take such a subsection out of context, but we think it should be done because it is in fact a stranger where it is placed. It is apparent also that the language in the subsection making the crime dependent upon the proof of another crime is unusual, but again it does not necessarily convert it into merely an increase in the penalty for the basic crime. This aspect does not overcome the other indications of the construction of the subsection as an independent crime.

Perhaps the strongest single phrase in the subsection to indicate it as a separate crime is the reference to ". . . subsequent convictions under this subsection. . ." This, of course, is typical of a definition of a separate crime and provisions relating to the increase in punishment upon the second or third conviction thereof.

In construction of the Act, we must consider the acts sought to be punished as something done which must be demonstrated to have taken place or to have existed during the commission of the basic felony. This showing can in some instances become a relatively uncomplicated matter. Provisions relating to the use of a firearm during the commission of a crime are not unusual in the criminal statutes but for the most part they are facts to be proved by the prosecution during the course of the proof and as part of the basic crime, and not as a separate felony. Under the statutory provision we are considering, the basic crime and the use of firearms are separated into two felonies, otherwise the matter is much the same as under statutes where both are combined. The issue will frequently involve a group of facts or inferences which will be disputed or contested and from which different inferences may be drawn. We are of the opinion that these possibilities make the matter properly to be demonstrated to the satisfaction of the jury rather than to be handled, for example, in the manner in which prior convictions are presently demonstrated under most recidivist statutes, as would be done if a penalty only was intended. The proof here used by the trial judge in sentencing the defendant demonstrates the point to a limited extent. The proof on the implementation of the penalty before the trial judge included the testimony relating to certain Denver city records by a witness who apparently handled for the city the matter of issuance or recordkeeping for permits to carry firearms in the city. There was also proof introduced that the defendant was not eligible for a permit, or that he could not lawfully carry a gun in Denver or Colorado by reason of previous convictions. The proof was thus of a relatively simple fact situation, but it is apparent that complications can arise by reason of the place where the felony may have been committed or by reason of the delays in arrest after the commission of the felony and many other situations. We thus conclude that the subject matter of the subsection persuades us to hold that it was intended and should be proved as a separate crime. See United States of America v. Chick, et al. U.S.D.C., District of Arizona, No. CR–71–381–Tuc., which reaches the same result.

As to the question of first offenses, we hold that the limitations on concurrent sentences and suspended sentences in 18 U.S.C. § 924(c) refer only to second and subsequent offenses.

We have considered only the construction of the statute concerned as it relates to the issue of a separate crime or an enhancement of penalty and express no opinion as to whether the "unlawful" carrying of a firearm refers to state or municipal regulations, and if so whether it creates a federal offense for the violation of a state law, and if it does, so whether this may properly be done.

We thus conclude that the statute was intended to create a separate offense, and that Count II of the indictment here concerned should not have been dismissed. The dismissal of and the sentence on Count II therefore are vacated, the case is remanded to the trial court for further proceedings in conformance herewith.

EXHIBIT 3

STATEMENT BY SENATOR SCHWEIKER

Mr. President, I am pleased to join with my distinguished colleague from Colorado as a cosponsor of this legislation, which will create a separate crime for using or carrying a firearm during the commission of a crime, and will require that the sentencing for the two felonies run consecutively.

I strongly supported a similar amendment offered by Senator Dominick to the Handgun Control Act last year. The amendment passed by the overwhelming vote of 84 to 11. The Senate has passed other similar amendments on at least three separate occasions, and the distinguished Majority Leader, Senator Mansfield, has strongly supported these provisions for years.

The bill introduced today provides for a mandatory sentence for using or carrying a firearm during the commission of any felony punishable under the laws of the United States. It seems to me that this makes great sense. When a person chooses to arm himself with a gun before he sets out to commit a crime, there is a considerable degree of "malice aforethought" in his actions. Criminals do not choose to carry guns unless they intend to use them if the need arises. That is why an additional sentence is warranted in these cases. If a criminal knows he will be required to serve an additional term for having a gun with him, he will think twice about carrying it.

In addition, this bill provides that any prison term imposed under these provisions may not be suspended, and probation may not be granted. In other words, if you commit a felony with a gun, you are going to get an additional, separate sentence for it, and you are going to have to serve the full sentence. No discretion is left to the courts. No judge can decide on his own that he'll let a gun-toting criminal out on the streets before his full, separate sentence is served.

This is the kind of legislation we urgently need. It protects the rights of law-abiding citizens, but cracks down hard on dangerous criminals. I think when this bill becomes law, we will see an immediate decline in the use of guns in the commission of crimes. I strongly support it, and hope that it will be acted on swiftly by the Senate.

EXHIBIT 4

STATEMENT BY SENATOR STEVENS

Mr. President, the bill which I am cosponsoring today presents a viable alternative to the onerous provisions of the Gun Control Act of 1968.

This bill would punish those who misuse firearms while preserving the constitutional right of law-abiding citizens to purchase and own guns and ammunition. Specifically this measure would impose mandatory penalties on those who use a firearm in the commission of a federal felony or unlawfully carry a firearm during the commission of such a felony. The penalty assessed under this legislation would be in addition to the punishment provided for committing the felony itself. Under this bill, first offenders would be subject to a prison sentence of not less than one year nor more than ten years. Upon conviction of a second or subsequent offense they would be subject to a sentence of not less than two nor more than 25 years. Notwithstanding any other provision of law, the term of sentence would be mandatory and the trial court would not be permitted to suspend a sentence nor impose a probationary or concurrent sentence.

The bill which I have just outlined preserves the right of law abiding citizens to purchase and own guns and ammunition. Moreover, it takes cognizance of the fact that regulatory legislation, such as the Gun Control Act of 1968, has failed to accomplish its intended purpose. Law abiding citizens have been unduly burdened and harassed; yet criminals have been able with great ease to acquire unregistered firearms. Thus, in the period since the enactment of the Gun Control Act, the incidence of crimes involving the use of firearms has significantly increased.

Some people have used these statistics to argue that more stringent regulatory controls should be enacted. I oppose this well meaning but misguided philosophy. More restrictive legislation would do nothing more than create a more lucrative black market in the sale of guns and ammunition. The end result would be to enlarge the already swollen coffers of organized criminal syndicates. Furthermore, the enactment of more stringent legislation would leave peaceful citizens at the mercy of gun brandishing hoodlums.

If restrictions on the purchase of guns and ammunition are ever necessary, such controls should emanate from state and local governments, which are uniquely capable of responding to local needs and problems. The gun control problems in my state of Alaska, where many people rely on firearms for their subsistence, are different in nature and scope from those of a highly populous, urban state. Hence, a uniform Federal law is not capable of meeting the problems which do exist, and results in the unnecessary imposition of a burden on many citizens. The most graphic example of the latter observation is in rural Alaska, where the provisions of the Gun Control Act have resulted in great hardship for many citizens living in areas which are not easily accessible to sellers of firearms and ammunition. For these reasons, I have strongly opposed the onerous provisions of the 1968 Act.

On August 9, 1972, the Senate passed S. 2507, otherwise known as the "Saturday night special" bill. The bill primarily applied to short, or snub-nosed, concealable handguns and did not affect the sale of rifles, shotguns, or larger handguns. It only applied to future sales of importers, dealers, and manufacturers, and would leave unaffected guns presently in private possession. At the close of the 92d Congress, the measure was pending before the House of Representatives and no further action was taken on the bill. The passage of legislation providing for the exemption of rifle and shotgun ammunition sales from the record-keeping requirements of the Gun Control Act is reasonable and positive, as is the elimination of record-keeping requirements for .22-caliber rimfire ammunition, since this ammunition is used almost exclusively for sporting purposes. We should also re-examine the advisability of using the interstate commerce clause of the U.S. Constitution to regulate the sale of firearms, a subject which traditionally has been under the exclusive jurisdiction of state and local governments. I am confident that such a re-examination would reveal the dangerous precedent inherent in using the interstate commerce clause to regulate activities of this kind.

Mr. President, for the reasons outlined above, I am hopeful that we shall soon adopt the alternative approach which is exemplified by legislation which would impose mandatory penalties on those who abuse their constitutional right to keep and bear firearms, and am therefore pleased to cosponsor this bill. I request unanimous consent that my remarks be printed in the CONGRESSIONAL RECORD at this point.

By Mr. CHURCH (for himself and Mr. CASE):

S. 578. A bill requiring congressional authorization for the reinvolvement of American forces in further hostilities in Indochina. Referred to the Committee on Foreign Relations.

Mr. CHURCH. Mr. President, today the senior Senator from New Jersey (Mr. CASE) and I are introducing legislation—and this is our joint statement—that both welcomes President Nixon's achievement in reaching a negotiated peace settlement in Vietnam and involves Congress in any decisions concerning the reentry of U.S. military forces in hostilities in that part of the world.

Our bill provides that no U.S. Government funds may be used to finance the reinvolvement of U.S. military forces in hostilities in, over, or from off the shores of North or South Vietnam, Laos, or Cambodia, without prior, specific congressional authorization. The bill would take effect at the end of the 60-day period, starting tomorrow, during which the prisoners will be released, the missing in action will be accounted for, and American forces still remaining in Indochina will be withdrawn. If the bill is enacted after the end of that 60-day period, then it will become effective forthwith.

When our Secretary of State and the foreign ministers of the other parties sign the agreement in Paris tomorrow, it is to be hoped that the killing will cease throughout Indochina, and that the cease-fire will endure.

But, having fought the war with so many illusions, let us not have any illusions about the peace. Congress must recognize the possibility of a breakdown of what President Nixon has described as a "fragile" peace. It should be Congress' role to assure that the United States does not become reinvolved in military activities in Indochina—except by prior and specific authorization of Congress, in accordance with the requirements of the Constitution.

The point is that having come at last to the end of American military involvement, everyone must recognize that it is the end and that any reinvolvement of American military forces would be a new war—one not to be undertaken, if at all, except by the considered decision of Congress and, through it, the American people. The Congress, not the President, not the military, nor anyone else, has the power to declare war.

It is not our purpose in this legislation to prejudge the question of whether or not the United States should intervene if the agreements break down. It is our purpose to make it clear that this question is one to be decided by Congress.

Among others, we want to make this clear to the Thieu regime so that it will not count on the United States automatically bailing it out in case of future trouble.

Over the past 10 years, the Vietnamese have let Americans do their job. From now on, the Thieu regime must survive or fall on its own strengths or weaknesses. Even today, before the Paris Accords are signed, news accounts from Saigon are sufficiently negative to give us pause.

America will still have vast air armadas in Thailand, on Guam, on offshore aircraft carriers in the Tonkin Gulf and South China Sea. They must not be reengaged except pursuant to action by Congress as the Constitution requires. And so our bill provides that no funds can be spent for the purpose of resuming the war without the prior authorization of Congress.

Since the repeal of the Gulf of Tonkin resolution, the only color of authority for the President's conduct of military operations in Indochina has been whatever authority he may possess under the Constitution as commander in chief of the Armed Forces to protect U.S. forces in the field.

Now all American military forces will be withdrawn. There can be no question that this will terminate any claim of right to engage in further military operations in Vietnam. The President's power as commander in chief does not extend to his unilateral decision to protect another government by military action. If it were otherwise, the President would be free to engage our military forces whenever and wherever he pleases. Denying any such unfettered executive authority, our Founding Fathers carefully counterposed against the President's power as commander in chief of our military forces the Congress' power to declare war and control the pursestrings. We must restore this vital part to our constitutional system of checks and balances.

Accordingly, Mr. President, I send the bill to the desk for appropriate reference, and ask unanimous consent that the text of the bill be printed in the RECORD at this point.

The PRESIDING OFFICER. The bill will be received and appropriately referred and, without objection, will be printed in the RECORD in accordance with the Senator's request.

The bill is as follows:

S. 578

A bill requiring congressional authorization for the reinvolvement of American Forces in Further Hostilities in Indochina

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. Congress welcomes the President's achievement in reaching an agreement with the Democratic Republic of Vietnam and its allies, signed in Paris on January 27, 1973, designed to bring about an end to military hostilities in Indochina, to secure the return of United States prisoners of war, to obtain an accounting of United States personnel missing in action, and to complete the withdrawal of United States military forces from Indochina.

In order to prevent further American involvement in hostilities in Indochina, Congress directs that no funds heretofore or hereafter appropriated may be expended to finance the reinvolvement of United States military forces in hostilities in or over or from off the shores of North and South Vietnam, Laos, or Cambodia, without prior, specific authorization by Congress.

SEC. 2. The provisions of Section 1 shall take effect 60 days after the agreement is signed in Paris on January 27, 1973, or upon the release of all United States prisoners of war held by the Democratic Republic of Vietnam and its allies and an accounting of United States personnel missing in action, or upon the enactment of the Act, whichever is later.

Mr. CASE. Mr. President, will the Senator from Idaho yield?

Mr. CHURCH. I am happy to yield to the distinguished sponsor of the bill.

Mr. CASE. I have asked the Senator to yield only to underscore the fact that not only is the introduction of this bill a joint venture but the statement the

Senator has just read is a statement by both of us.

Mr. CHURCH. I thank the Senator. This is a joint statement and is to accompany the introduction of the bill. It speaks for the Senator from New Jersey (Mr. CASE) as well as for myself.

Mr. GRIFFIN. Mr. President, I shall be brief, but I cannot help expressing regret that this bill has been introduced today.

Whatever the powers of the President are under the Constitution, it should be obvious that they cannot be changed by legislation of this sort.

The President in the White House now did not involve us in the war which he is bringing to an end, after a long struggle and great difficulty, with the exercise of skill and patience.

Surely, there must be few in this country or in the world who really believe that this President would now want to reinvolve us after finally succeeding in bringing the hostilities to an end.

But, it would be foolhardy in the extreme for Congress to pass a bill of the nature now proposed and say to the enemy, "You can disregard and ignore the peace agreement being signed with the assurance in advance that you can do so with impunity."

I realize that many are skeptical about the effectiveness of the peace agreement and whether it will actually be observed by the parties after it is signed.

But I say this: A great deal depends on whether we expect the other parties to observe it and to comply with its terms.

After being briefed at the White House along with other leaders the other day, this Senator came away with much higher hopes and confidence that the agreement is meaningful, and that the parties signing it really do intend to comply with its terms. But if we should deliberately convey the impression to the other side that they are not expected to comply with the agreement, or that they can violate its terms with impunity, then we shall ourselves destroy the agreement we have worked so hard to achieve.

I could understand advocacy of a general war powers bill—of the kind which has been debated before and which will surely be debated again in the Senate. Incidentally, even that general war powers bill, as I recall, recognizes a limited 30-day power in the President which the bill introduced today presumably would not acknowledge.

Whatever may be the will of the Senate in connection with an effort to delineate and to define in general terms the relative powers as between the President and Congress with regard to war, surely it ought to be done that way. We might not consider specific legislation of the nature introduced today which can be easily misunderstood and misinterpreted as interference with the success, observance, and fulfillment of the peace agreement.

Of course, I realize that the sponsors introduced this legislation with the best of motives. I do not question their motives. I do disagree with them, very vigorously, regarding the possible effect of what they do.

To some extent, this bill is reminiscent of the so-called end-the-war amendments which were offered over and over again in the Senate.

History will have to judge as to whether, and for how long, peace was delayed because of those repeated and continued debates in the Senate—debates which could have led the enemy to believe that it was not necessary to negotiate seriously. The amendments held out a false hope to the enemy that Congress would by legislation hand to the enemy on a silver platter what he could not win on the battlefield and what he would not then agree to at the negotiating table.

But, despite all the obstacles all difficulties, President Nixon has finally been able to achieve this peace settlement.

I implore the Senate, and pray to God, that the parties will at least be given a chance to carry out the terms of this peace agreement and bring peace to Southeast Asia.

Mr. CASE. Mr. President, the distinguished Senator from Michigan and I often agree about matters, but we disagree in this instance. As I have suggested, the disagreement is one of judgment and in no sense a disagreement as to motivation. That does not, however, negate the fact that our disagreement is clear and sharp.

I repudiate entirely any suggestion that this action is irresponsible. The Senator from Michigan did not use that word—I probably should not be using it—but the suggestion was that this legislation might interfere with the peace outcome.

I disagree with that suggestion entirely.

If the realization of peace depends on the United States standing by to intervene again with bombs, troops, or other military activity, then indeed the settlement is more fragile than the President, I believe, had in mind or suggested.

In my very considered judgment, the basic question always has been, and still is, whether the North Vietnamese think they can make a better peace now or if they wait; and that, finally, the reason they were willing to come to the negotiating table was that they began to think that possibly South Vietnam, if they waited, would become stronger in relation to themselves and that time had come to make the peace. That is about it. It still is so.

No matter how convenient it may be for people who describe the current scene to talk about some of us as doves or hawks, that is an inadequate way of looking at the situation. I have never been a dove. I have never wanted the North Vietnamese to win. I have never thought we got into this war in either stupidity or for any unworthy motive, but quite the reverse. I never felt that the war was a useless exercise on our part until the time came a few years ago when it became clear that we would indeed, by continuing, be doing more harm than good.

I think that much good was done by those who served in the war and died if their serving and dying in a great cause established a measure of stability in that part of the world which would not have come without American efforts. I do not think this was unworthy or stupid. It became unprofitable, and therefore it became wrong to continue. That is the whole thing, so far as I am concerned.

I do not accept the suggestion that the only way the peace settlement is going to work is if the North Vietnamese think we are going to intervene, if they violate the agreement. But even if that were so, we have a Constitution; and the question that the Senator from Idaho and I have raised by this bill is not whether we should or should not intervene in particular hypothetical circumstances. The question is: Who should make that decision? That is the question. Should the President be allowed to make it? Should Congress insist upon not only its right but also its duty to declare or refuse to declare war? That is the question.

I do not think the situation in that respect has become obsolete. I do not think we must accept it as obsolete.

The Founding Fathers, as Abraham Lincoln pointed out to his partner, Herndon, in a letter written around 1848, made it very clear that they regarded as the most pernicious authority of kings the authority to declare war and to make war against a foreign power. The Founding Fathers not only gave Congress the constitutional authority of parliaments to withhold funds from particular ventures, they gave Congress the power to declare war and to start war, whether the President happened to have money on hand or not.

The Senator from Michigan and I are at one in our pride and our satisfaction that a President of our party has brought matters to the point where they are. It was a great achievement. I am not now going to urge the question or discuss the question of whether it could have happened sooner if certain other courses had been followed. But I do repudiate any suggestion that activity in this body to bring an end to the war in any sense delayed its end. But that is another question.

The question here, as I want to emphasize again—and we raise it and insist that it be looked at sharply and clearly by the Senate of the United States—is whether, in the event things break down, and we pray that they will not, the United States will reenter the war.

This is a matter for Congress to decide—not the President, not the military, and not any other person or agency at all.

Congress has the power to declare war. Congress, therefore, has the power not to declare war, and it must exercise that power if it is to be responsible in fulfilling its obligation under the Constitution.

Mr. CHURCH. Mr. President, I commend the distinguished senior Senator from New Jersey for the excellent statement he has made.

We often decry the low estate into which Congress has fallen. If it is so—and I think it is so—the reason is the weakness of this body and the men in it. In saying that, I must include myself and all other Members who, during their period of service here, have permitted the powers of Congress to atrophy and the concentration of power to move ever increasingly into the hands of the Executive. Historians, I believe, will record this as the most significant change occurring in our system of constitutional Government over this period of time.

I have opposed the American involvement in Vietnam for 8 years. I have tried to do what I could to persuade Congress to assert its own power to limit and to shorten our part in this war. Yet every time a peace proposal was put forward in this body, many rose to say that this was not the time. Of course, the truth was that, in the judgment of those men who so protested, there was never an appropriate time for Congress to act.

For years, the convenient argument has been made that for Congress to assert its constitutional role would somehow jeopardize the negotiations for peace or, even worse, tie the President's hands in his conduct of the war. Now that a settlement has been achieved and those negotiations have been consummated, the argument is that action on the part of Congress will somehow jeopardize the settlement or, to use the old rhubarb, that it will in some way prove of comfort to those whom we opposed in Indochina. I strongly disagree with such argumentation now, as I have in years past.

This settlement, by the President's own admission, is a fragile one. The surest way, in my opinion, that we can weaken whatever prospect the Paris Accords may have for success is to leave the Thieu regime with the impression that we will readily come to its rescue if the settlement is not fulfilled.

Now, the junior Senator from Michigan has said that the effect of this bill would be to give notice to Hanoi that it could violate the terms of the settlement with impunity. Nothing, I suggest, could be further from the truth or constitute a greater distortion of the provisions of the bill. If the truce should break down—and who knows under what circumstances this might happen; who on this floor is wise enough to forecast the guilt that might be involved on one side or another—and if a renewal of the fighting should occur, this bill would prescribe that the question of our reentry in the war should be taken in accord with the constitutional processes, that the executive and the legislative branches would share in making national policy.

How one can argue with that proposition, unless one wants to put the role of Congress aside, the role it is supposed to play in passing on questions of war or peace under the supreme law of the land. I, for one, think we have had too much presidential war. In my time, we have twice been involved in war in Asia on the decision of the President and his generals—without the prior authorization of Congress.

I do not lay the blame exclusively at the feet of President Nixon. It is quite preposterous, I think, to make such a charge or to entertain such a belief. President Nixon was not in the White House at the time we first became involved in Vietnam. Four American presidents are accountable.

The Case-Church bill has no partisan coloration; that is why it has been sponsored by a senior Republican and a senior Democrat. The bill's objective is to restore the Constitution and the role of Congress in determining questions of war or peace in the future. Have we not had enough experience in leaving such fateful decisions to the President alone? Have we not decried the atrophying role of Congress, its abdication of responsibility long enough now to take action to make certain that, in the future, if this fragile peace should crumble, Congress would play its rightful constitutional role in determining what course of action the United States should take?

I hope this broader and less partisan view would be taken of the proposal that we have submitted this afternoon. I think it will stand up under a constitutional test, and the test of history, considering the long agony through which we have passed as a Nation.

(Mr. CASE assumed the Chair.)

Mr. GRIFFIN. Mr. President, I do not intend to respond further concerning the particular bill which the distinguished Senator from Idaho and the distinguished Senator from New Jersey have today introduced. But I do not intend to remain silent while the Senator from Idaho refers to Congress, and particularly the Senate, in the light that he did.

I suppose, as a member of the minority party, I might take another view. After all, the Congress and the Senate are now controlled by the opposite political party.

I have read statements in the press from time to time which reflect on Congress and the Senate, but at least up until now I have not heard another Member of the Senate make such statements. I disagree with the Senator from Idaho, I say most respectfully.

I am not going to review the matter of the war powers. It has been debated and debated; and it will be debated again. But the Senator from Idaho surely knows, as others know, that Vietnam was not the first occasion when a President has involved the country in hostilities without benefit of a declaration of war by Congress. It has happened not just once or twice before, but many times before throughout our history. The point I make now relates only to the relative strength or power of this Congress—of this Senate in these times.

We might do well to look to some other areas as well in judging whether the Senate in this day and age has allowed itself to become the "sapless branch"—to become weaker, as the Senator from Idaho has put it.

I recall that in 1968 the Senate rejected the nomination by a President for Chief Justice of the Supreme Court. With that assertion by the Senate, after decades of neglect of its constitutional advise and consent power, the Senate became stronger, not weaker, vis-a-vis the executive branch of Government.

Since then, the Senate has played an active, coequal role in the appointment of Justices to the Supreme Court of the United States. Each and every nomination to the High Court since then has been scrutinized carefully by this body, to its great credit; and I am confident that the Supreme Court and the Nation are much better for it.

No, this Senate is not a weak institution nor is it a body made up of weak men. It is true that we do now have an active and a strong President in the White House—and the people of the country are glad of it.

I cannot help but observe that many of the critics who are so concerned now about the powers of this President were not nearly so concerned when equally strong Presidents of the recent past espoused policies which coincided more closely to the critics' philosophy.

I do not recall the same critics then using Congress as a "whipping boy" or claiming that the Congress is no longer a coequal branch of the Government.

Oh, do not misunderstand me—I am keenly jealous of the powers of the Senate, and I stand with the Members of the Senate who seek to preserve and to exercise every constitutional power and responsibility that is ours. But I believe we can do that and continue to be proud of the Senate in which we serve.

Mr. CASE. I do not think anyone should seriously accept the suggestion that when the Senate is asked to exercise a constitutional function, it is being used as a whipping boy. I do not accept that. It would perhaps be a little closer to the mark to class the Senate as an instrument, but an instrument that is supposed to be used for the purpose for which I think we would like to use it.

I was glad the Senator from Michigan raised the question of confirmation of appointments to high position. He has a distinguished record of involvement in that, himself. This was only one of many occasions in which the Senator from New Jersey was happy to associate himself with the Senator from Michigan.

I have never accepted the designation of this body as a sapless branch. We are, I think, vigorous men, and the body can rise on occasion to strong action. I think this is an occasion in which we should demonstrate the truth of that suggestion.

By Mr. PERCY (for himself, Mr. Pastore, Mr. Moss, Mr. Williams, Mr. Stevenson, Mr. Brock, Mr. Stevens, Mr. McGee, Mr. Nunn, Mr. Randolph, Mr. Hatfield, Mr. Bible, Mr. Humphrey, and Mr. Bayh):

S. 580. A bill to amend title 18 of the United States Code by adding a new chapter 404 to establish an Institute for Continuing Studies of Juvenile Justice. Referred to the Committee on the Judiciary.

Mr. PERCY. Mr. President, today I am reintroducing, along with Senators Pastore, Moss, Williams, Stevenson, Brock, Stevens, McGee, Nunn, Randolph, Hatfield, Bible, Humphrey, and Bayh, a bill to establish an Institute for the Continuing Studies of Juvenile Justice. This is the same bill as S. 1428 which I introduced last year and which Congressman Tom Railsback introduced as H.R. 45. Though this bill passed the House on April 18, 1972, it was never considered by the full Senate.

Congressman Railsback, who first introduced this legislation in the 91st Congress, has again reintroduced H.R. 45 in the House, along with over 80 cosponsors. I am pleased to be able to offer this legislation for the consideration of the Senate.

Congressman Railsback is to be complimented for the outstanding leadership that he has shown in connection with this bill. Not only does the bill address a very serious problem in our modern society—that of crime committed by juveniles—but it also has received the overwhelming support of almost every major group in the country concerned with juvenile justice. Endorsements of this bill have come from the National Council on Crime and Delinquency, the American Bar Association, the National Council of Juvenile Court Judges, the American Parents Committee, the American Civil Liberties Union, the National Council of Parents and Teachers, and many more individuals who have been grappling with this problem. They see this bill as a way to begin to look for the answers to the questions presented by criminal activity on the part of the children of this Nation.

The subject of juvenile crime has been thoroughly studied and documented in the last few years. Yet, if the reiteration of the statistical facts helps us focus our attention toward constructive action, then they do bear repeating.

Juvenile court statistics for 1969, published by the National Center for Social Sciences of the Department of Health, Education, and Welfare, reveal that almost 1 million juvenile delinquency cases were handled by juvenile courts in 1969, representing a 10-percent increase over the previous year. Young people involved in court action constitute 2.7 percent of all children between the ages of 10 and 17.

For the period 1960–69, juvenile arrests increased by 90 percent, compared to an overall 71-percent increase in total arrests. Even more alarming is the fact that juvenile arrests for violent crimes rose by 148 percent during the same period, according to FBI accounts. Not only are youths becoming increasingly involved in all antisocial behavior, but they are participating to greater degrees in the serious crimes of murder, forcible rape, robbery, and aggravated assault. When serious crimes are considered, persons under the age of 15 make up 22 percent of all arrests and those under 18 almost one-half. We are forced to ask ourselves what conditions in our society and judicial system give rise to such increases and cause more than 75 percent of those juveniles in detentions to one day reenter the correction process.

What chance does a juvenile have to be rehabilitated, when over 39 percent of our Nation's juvenile courts have no provisions for separate juvenile facilities? Young people are often tossed into jails and prisons along with derilicts and hardened criminals. Of those States that do have juvenile detention homes, more than half of them do not offer any diagnostic services or studies. Only a few States have gone so far as to develop regional detention faciltities that can provide more direct attention to the juvenile's personal reasons for being there. I am pleased to say that Illinois is currently moving toward a regionalization of correctional treatment centers and improving its facilities along the goal of community-based institutions.

There is no question but that the special problems of youth and the techniques and procedures we utilize for handling delinquents in juvenile courts require flexibility, significantly more understanding, and greater expertise by all personnel who work with juvenile offenders. The ultimate goal of our juvenile program must be to prevent youths from establishing a pattern of deviant behavior and serious crime that will eventually bring them back into our prisons and jails. Such a goal requires community support, for our institutions must be community based for optimum effectiveness. These programs will require a new leadership and coordination from the Federal level, both of which have been seriously lacking.

In the annual report of the Youth Development and Delinquency Prevention Administration, submitted to Congress by the President in March of 1971, the case for national leadership and coordination was well presented. The summary of major findings reports the following:

> There is little coherent national planning or established priority structure among the major programs dealing with the problems of youth development and delinquency prevention. . . . There is a strong indication that although bits and pieces of the Federal response to the problems of youth and delinquency may be achieving their discrete objectives, the whole, in terms of the overall effectiveness of Federal efforts, may be less than the sum of its parts. . . . There is a lack of effective national leadership dealing with all youth including delinquents. . . . State planning has been spasmodic and ineffective. . . . No model systems for the prevention of delinquency or the rehabilitation of delinquent youth that have been developed or implemented.

The report recommends a new national program strategy and a concentration of emphasis on new knowledge and techniques into a model system for guiding State and local agencies.

The Institute for the Continuing Studies of Juvenile Justice which would be created under the legislation I am proposing today offers the unification and Federal leadership that is called for. The purpose of the Institute is to serve as an information bank for the systematic collection of data obtained from studies and research by public and private agencies on juvenile delinquency, including, but not limited to, programs for the prevention of juvenile delinquency, training of youth corrections personnel, and rehabilitation and treatment of juvenile offenders. Aside from the packaging of a vast amount of data on delinquent behavior, the center would provide short-term training for corrections personnel and would assist State and local agencies in developing technical training programs within the States.

The Institute is to function independently of any other Federal agency, although it will coordinate its efforts with those of the Department of Justice and the Department of Health, Education, and Welfare. A director is to be appointed by the President with the consent of the Senate and will serve as administrator and coordinator of the Institute's personnel for a term of 4 years. Policy and planning for the Institute will be the responsibility of an advisory commission, consisting of the Attorney General, the Secretary of Health, Education, and Welfare, the Director of the U.S. Judicial Center, the Director of the National Institute of Mental Health, and 14 other members who have training and experience in the area of juvenile delinquency.

The value of a national institute for juvenile justice has been clearly pointed out in the hearings held in the House by both the Judiciary Committee and the Select Committee on Crime in 1970 and in testimony before the Senate Subcommittee To Investigate Juvenile Delinquency.

The cost of our continued inaction may be greater than we think. We can no longer afford to ignore one of the most serious social problems confronting our society.

I believe that our juvenile corrections personnel should be fully prepared to handle the special problems of the young offender, and that they should have the latest, most comprehensive information and training possible. To deny this would mean an agreement to let yet another generation of our youth experience a further increase in delinquent behavior. This can only mean wasted and useless lives. I do not believe that we should tolerate this further human destruction. Why should we willingly accept the fact of juvenile crime when passage of the legislation I am introducing today would mean a difference that we could all see within our own time?

Mr. President, I am hopeful that the Senate will not delay in considering this legislation. As I pointed out earlier, it has already passed the House once. It deserves to be passed by the 93d Congress.

Mr. BROCK. Mr. President, there are few more perplexing problems in the Nation today than the problem of providing a workable system of justice for juveniles.

This is an area plagued with uncertainties and controversy. Some say we must stop "coddling" offenders, and provide a deterrent to crime through a harsh system of punishment. Others believe that only by turning our corrections facilities into true rehabilitative centers will we ever solve the problem. Between and within these positions are countless shades of gray, and countless disputes.

Like the fabled Officer Krupke in "West Side Story," most authorities are not sure what the problem is, but very sure indeed that our present approach is wrong:

> The trouble is he's lazy.
> The trouble is he drinks.
> The trouble is he's crazy.
> The trouble is he stinks.
> The trouble is he's growing.
> The trouble is he's grown.
> Krupke, we've got troubles of our own.

What we desperately need is to cut through all the noise and really come to grips with the problem of how to promote juvenile justice. We desperately need to find the best way to turn youthful offenders into responsible adults, and to prevent other youths from becoming offenders. This much we know: the present system is self-defeating.

The distinguished Senator from Illinois (Mr. PERCY) has introduced a bill providing for an Institute for the Continuing Studies of Juvenile Justice.

The bill would provide for a three-part program aimed at improving our system of juvenile justice. The first would provide training for personnel involved in the juvenile justice system, aimed at improving their ability to deal with the very heavy responsibilities with which they are charged. The second provision would provide a center for the collection and dissemination of useful data on treatment and control of juvenile offenders and the juvenile system in general. This should allow us to see to it that new developments and concepts in the fields are given wide currency quickly.

The third provision will set up a system for indepth studies of the whole system, including comparative analysis of various State and Federal laws, thereby giving us a chance to examine various systems to see how they are working.

This is an area where action is urgently needed, and this particular bill is an excellent step in the right direction. For that reason, I am pleased to join with the Senator from Illinois as a cosponsor, and I urge Senators to give it their most earnest consideration.

By Mr. ROBERT C. BYRD (for Mr. Bentsen):

S.J. Res. 37. A joint resolution to designate the Manned Spacecraft Center in Houston, Tex., as the Lyndon B. Johnson Space Center in honor of the late President. Referred to the Committee on Aeronautical and Space Sciences.

Mr. ROBERT C. BYRD. Mr. President, on behalf of the Senator from Texas (Mr. Bentsen) I ask unanimous consent to introduce a joint resolution for appropriate referral to designate the Manned Spacecraft Center at Houston, Tex., as the Lyndon B. Johnson Space Center, in honor of our late President. I ask unanimous consent that the joint resolution be printed in the Record, and I ask unanimous consent to insert in the Record a statement by the distinguished Senator from Texas in connection with the joint resolution which is being offered.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

S.J. Res. 37

Joint resolution to designate the Manned Space Craft Center in Houston, Texas, as the Lyndon B. Johnson Space Center in honor of the late President

Whereas President Lyndon B. Johnson was one of the first of our National leaders to recognize the long-range benefits of an intensive space exploration effort;

Whereas President Johnson as Senate Majority Leader, established and served as Chairman of the Special Committee on Science and Astronautics which gave the initial direction to the U.S. space effort;

Whereas President Johnson as Vice President of the United States, served as Chairman of the National Aeronautics and Space Council which recommended the goals for the manned space program;

Whereas President Johnson for five years as President of the United States, bore ultimate responsibility for the development of the Gemini and Apollo programs which resulted in man's first landing on the moon;

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Manned Space Craft Center, located in Houston, Texas, shall hereafter be known and designated as the Lyndon B. Johnson Space Center. Any reference to such facility in any law, or other paper of the United States shall be deemed a reference to it as the Lyndon B. Johnson Space Center.

Statement by Senator Bentsen

Mr. President, I am today introducing a joint resolution to change the name of the Manned Spacecraft Center in Houston, Texas to the Lyndon B. Johnson Space Center.

No President has been more closely identified with the creation and the operation of American's space program than Lyndon Johnson.

His interest in space started during his years in the Senate, long before America put its first satellite in orbit.

As Chairman of the Senate Armed Services Preparedness Subcommittee in the late fifties, he chaired hearings on the appropriate American response to the Russian sputnik. As a result of these hearings, the Senate Special Committee on Science and Astronautics was established. Lyndon Johnson served as Chairman of that Committee from January 1958 through August, 1958 and conducted hearings which led to the establishment of the permanent Senate Committee on Aeronautical and Space Sciences.

He served as Chairman of that Committee from August of 1958 until he left the Senate to become Vice President in January of 1961.

John F. Kennedy recognized the Vice President's long association with the space program and appointed him the Chairman of the National Aeronautics and Space Council, a creature of the Executive Branch, which was responsible for coordinating all of the aeronautical and space activities of our executive agencies.

President Kennedy also asked his Vice President to be in charge of a panel to determine what could be done to close the "missile gap", a major issue during the campaign of 1960.

From the studies on this issue came a recommendation from the Vice President that the United States should make an effort to go to the moon in the 1960's. And, of course, the Apollo Program, which landed an American on the moon, led to the establishment of the Manned Spacecraft Center in Houston.

During his Presidency, Lyndon Johnson continued his keen interest in the space program. The entire series of Gemini flights was flown during the Johnson years, and the Apollo program, through Apollo 8 was successfully completed.

When Lyndon Johnson left the White House, Frank Borman and his crew had already completed their flight around the moon, setting the stage for the manned landing in July, 1969.

Mr. President, Lyndon Johnson knew the space program from its early beginnings and he lived to see his vision of that program accomplished.

I believe that his interest in space grew from his sense of challenge and his absolute belief in Ameria's destiny. He believed that this country could do anything it set out to do, and, with his support America marshalled the greatest scientific team the world has ever known and harnessed its talents to achieve one of mankind's greatest adventures.

But he did not see space as something "out there", unrelated to life on this planet. As with most men of vision, he had the ability to see beyond the spectacular, momentary achievements of space exploration to the time when the knowledge we gain from space can be put to use in improving the quality of life on Earth.

Mr. President, Lyndon Johnson is one of the Fathers of our space program. The legislation I introduce today seeks to honor him for his role in that great effort.

By Mr. ROBERT C. BYRD:

S.J. Res. 39. A joint resolution to redesignate Washington National Airport as the Lyndon B. Johnson Airport. Referred to the Committee on Commerce.

Mr. ROBERT C. BYRD. Mr. President, I am today introducing a joint resolution for appropriate reference to name Lyndon Johnson Airport.

Lyndon Baines Johnson, 36th President of the United States, spent almost four decades of his life in this Capital City on the Potomac River. His love for Washington, for its institutions and for its people, was very close to his love for the Pedernales River in the rugged hill country of east Texas, and for the people he knew in his boyhood and in his youth.

History will write its verdict on Lyndon Johnson's stewardship in the affairs of this great Nation, and it is my sincere belief that history will deal with this dynamic man a great deal more kindly than have some of his contemporaries.

The 13th Chapter of the Book of Matthew tells us:

A prophet is not without honour, save in his own country.

Lyndon Johnson would never have claimed to be a prophet. All he ever claimed was that he was an American who loved his country, and who devoted every moment of his public service to the often thankless task of improving the quality of life for his fellow men.

Lyndon Johnson's life was seldom calm, and often tempestuous. He was a man of immense strengths, and immense compassions.

He could summon the thunder. But when the storm had subsided, he could bathe the mountain in soothing gentleness.

He was strong and sure in times of crisis. He was warm and human in times of calm. In the dark and tragic days of November 1963, he rallied a shaken nation and led us from the abyss of despair to the high ground of confidence and rededication to the ideals and destiny of this Republic—50,000 Americans died in the devastating war in Southeast Asia, which God willing, is now ended. On land, at sea, and in the air, all of those who gave their lives took with them a minute, or an hour of the life of the man who fought for the same cause on a different battlefield. For courage of the heart and of the spirit was the dominant quality in both places.

Lyndon Johnson did not die in the rice paddies or the jungles of South Vietnam. But he just as surely gave his life to the cause of freedom. He, like the soldiers, the sailors and the airmen, is one of the fallen.

They shall not grow old, as we that are left
grow old:
Age shall not weary them, nor the years
condemn.
At the going down of the sun and in the
morning
We will remember them.

Mr. President, to what committee will this joint resolution be referred?

The ACTING PRESIDENT pro tempore. The Parliamentarian is not quite sure whether it should go to the Committee on Public Works or to the Committee on Commerce. It is still being decided.

Mr. ROBERT C. BYRD. I thank the Chair.

Mr. WEICKER. Mr. President, will the Senator from West Virginia yield relative to an observation on his statement, the import of which I commend.

Mr. ROBERT C. BYRD. Yes, I yield.

Mr. WEICKER. In the direction of his request for reference to a committee, and also the measure offered by the Senator from Texas which preceded it, one thing becomes very clear. That is that in a very short space of time—three great former Presidents of the United States have passed on—Presidents Eisenhower, Truman, and now Johnson.

And I would hope, whichever committee hears the request of the Senator from West Virginia, would give cognizance to this fact, that we might have before us, at some time in the very near future, a recommendation which would allow us to do appropriate honor to all three men. The naming of a Federal facility is equally deserved on the basis of three distinguished careers.

Mr. ROBERT C. BYRD. I thank the distinguished Senator, and I share his hope that this will be done.

Mr. President, I ask unanimous consent that the joint resolution changing the name of National Airport to that of Lyndon B. Johnson Airport be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 39

Joint resolution to redesignate Washington National Airport as the Lyndon B. Johnson Airport

Whereas Lyndon B. Johnson served his country with distinction and honor as Representative, Senator, Vice President, and President;

Whereas he guided the destinies of this Nation throughout some of the most searing years in our history;

Whereas his compassion for his fellow-Americans, and his deep love for his country, characterized every moment of his 37 years of service in the capital of the United States; and

Whereas his life was devoted to the fulfillment of the promise of a better life for all the people of this Nation, whatever their origin or their circumstances: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Washington National Airport, as described in subsection (b) of the first section of the Act of June 29, 1940 (54 Stat. 686), is redesignated as the Lyndon B. Johnson Airport, and any law, regulation, document, or record of the United States or the District of Columbia in which such airport is designated or referred to shall be held to refer to such airport under and by the name of the "Lyndon B. Johnson Airport".

By Mr. PELL:

S.J. Res. 40. A joint resolution to authorize and request the President to call a White House Conference on Library and Information Sciences in 1976. Referred to the Committee on Labor and Public Welfare.

Mr. PELL. Mr. President, I introduce a Senate joint resolution to express the sense of Congress in support of a White House Conference on Library and Information Services in 1976, and ask that it be referred to the appropriate committee.

Examintion of our Nation's needs for library and information services from a national perspective is an ongoing function of the National Commission on Libraries and Information Science established by Public Law 91-345. Concomitant with that effort, the Library Services and Construction Act, most recently reauthorized in 1971, has provided for long-range and annual planning in every State in order to achieve cooperation among all types of libraries and to extend their services to communities and individuals denied access to them.

However, missing from this process is a forum in which representatives of the general public can contribute to the determination of priorities as the Nation prepares to realize the potential of the new technologies for our more than 7,000 public libraries, our 50,000 school libraries, over 2,000 academic libraries, and tens of thousands of special libraries and information centers. Many think that this new technology confronts libraries with a crisis. This does not seem to me to be the case. Rather, I believe they are being represented with an unprecedented challenge and opportunity. It is now possible, through technology developed in recent decades, to link together, in very productive and economical ways, libraries of many kinds located throughout the Nation. Already there are some library networks of this kind. Many operate within the borders of one State or a portion of a State. Others are nationwide in scope but limited to particular fields of knowledge. Those in the library profession and others interested in greater access to information and ideas are working toward expansion of the flow of knowledge and culture among our people. A White House conference is needed to give impetus to this work.

The proposed White House Conference on Library and Information Services would consider the manifold services now provided by libraries, assess their resources, indicate the services needed from libraries, appraise the opportunities for greater cooperation among them, and evaluate the costs and benefits to the Nation of expanding access to information and understanding by all our people, from the youngest child learning to read, to the scholar or professional of the highest intellectual stature.

The bill I have introduced will authorize the President to convene a White House Conference on Library and Information Services and provide that the conference be planned by the National Commission on Libraries and Information Science. This format will permit preparation of background documents outlining the problems and prospects of various segments of the field from the broadest viewpoint.

One could ask, "Why is such a White House Conference needed, since the law already provides for Library Services and Construction, as well as the National Commission on Libraries and Information Science?" What is now needed is a public forum to bring together a body of interested citizens to consider the recommendations of the Commission and the proposals of other organizations and institutions, public and private. A White House Conference would provide an efficient way of arriving at a truly national consensus regarding the further development of our libraries and information services, and their coordination through greater coöperation and interconnection, making use of the technological resources we now have.

It is my hope also that conferences will be held in each State in conjunction with the White House Conference. It may also prove fruitful to hold specific conferences dealing with the special needs of certain kinds of libraries and information services. For example, there are in the Nation about 15 independent research libraries, standing apart from institutions, solely self-supporting.

Nowhere in Federal legislation is there any mention made of these libraries, the valuable works of scholarship they support, and, of course, the extensive collections they hold. Indeed, not more than two blocks from this Chamber there is situated the most valuable and extensive collection of Shakespearean and Shakespearean-related literature in the world. Yet the Folger Library which also contains a massive collection of original literature about our own colonial experience, can in no way benefit from present Federal programs of continuing support.

It is common to decry White House conferences and to assert that they are merely public relations exercises, devoid of lasting impact. I do not share this view. Indeed, the bipartisan support for education legislation so evident in Congress today is to no small degree the result of the two White House Conferences on Education, the first convened by President Eisenhower and the second by President Johnson. Similarly, there was an increase in programs benefitting older people after the first White House Conference on Aging in 1961, and another increase in congressional as well as State and local support for these programs after the White House Conference on Aging held last year. White House Conferences serve to educate many members of the general public and to enlist their support for constructive new programs.

I am confident that a White House Conference on Library and Information Services—held during our Nation's bicentennial year, which is also the centennial of the American Library Association—will evoke renewed appreciation and support for our libraries and specialized information services. It will call to the attention of legislators, public officials, the news media, and the public the concerns of library trustees, the governing boards of school systems and institutions of higher education, educators, and librarians. It will take stock of the accomplishments, the shortcomings and above all, the potentialities of our libraries and information services, and, given the facts, I am confident that the people will find it feasible and desirable to increase their support of these vital educational resources.

I ask unanimous consent that the text of the proposed resolution be printed at this point in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S. J. RES. 40

Joint resolution to authorize and request the President to call a White House Conference on Library and Information Sciences in 1976

Whereas access to information and ideas is indispensable to the development of human potential, the advancement of civilization, and the continuance of enlightened self-government; and

Whereas the preservation and dissemination of information and ideas is the primary purpose and function of libraries and information centers;

Whereas the growth and augmentation of the Nation's libraries and information centers are essential if all Americans are to have reasonable access to adequate services of libraries and information centers; and

Whereas new achievements in technology offer a potential for enabling libraries and information centers to serve the public more fully, expeditiously, and economically; and

Whereass maximum realization of the potential inherent in the use of advanced technology by libraries and information centers requires cooperation through planning for, and coordination of, the services of libaries and information centers; and

Whereas the National Commission on Libraries and Information Science is developing plans for meeting national needs for library and information services and for coordinating activities to meet those needs; and

Whereas productive recommendations for expanding access to libraries and information services will require public understanding and support as well as that of public and private libraries and information centers: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the President of the United States is authorized to call a White House Conference on Library and Information Services in 1976.

(b)(1) The purpose of the White House Conference on Library and Information Services (hereinafter referred to as the "Conference") shall be to develop recommendations for the further improvement of the Nation's libraries and information centers, in accordance with the policies set forth in the preamble to this joint resolution.

(2) The conference shall be composed of, and bring together,

(A) representatives of local, State-wide, and national institutions, agencies, organizations, and associations which provide library and information services to the public;

(B) representatives of educational institutions, agencies, organizations, and associations (including professional and scholarly associations for the advancement of education and research);

(C) persons with special knowledge of, and special competence with, technology as it may be used for the improvement of library and information services; and

(D) representatives of the general public.

(c)(1) The Conference shall be planned and conducted under the direction of the National Commission on Libraries and Information Science (hereinafter referred to as the "Commission"). All Federal departments and agencies shall cooperate with and give assistance to the Commission in order to enable it to carry out its responsibilities under this joint resolution.

(2) In administering this joint resolution, the Commission shall—

(A) when appropriate, request the cooperation and assistance of other Federal departments and agencies in order to carry out its responsibilities;

(B) make technical and financial assistance (by grant, contract or otherwise) available to the States to enable them to organize and conduct conferences and other meetings in order to prepare for the Conference; and

(C) prepare and make available background materials for the use of delegates to the Conference and associated State conferences, and prepare and distribute such reports of the Conference as may be appropriate.

(d) A final report of the Conference, containing such findings and recommendations as may be made by the Conference, shall be submitted to the President not later than one hundred and twenty days following the close of the Conference. Such report shall be submitted to the Congress not later than one hundred twenty days after the date of the adjournment of the Conference, which final report shall be made public and, within ninety days after its receipt by the President, transmitted to the Congress together with a statement of the President containing the President's recommendations with respect to such report.

(e)(1) There is hereby established an advisory committee to the Conference composed of twenty-eight members, appointed by the President, which shall advise and assist the National Commission in planning and conducting the Conference.

(2) The President is authorized to establish such other advisory and technical committees as may be necessary to assist the Conference in carrying out its functions.

(3) Members of any committee established under this subsection who are not regular full-time officers or employees of the United States shall, while attending to the business of the Conference, be entitled to receive compensation therefor at a rate fixed by the President but not exceeding $100 per diem, including travel time. Such members may, while away from their homes or regular places of business, be allowed travel expenses, including per diem in lieu of subsistence, as may be authorized under section 5703 of title 5, United States Code, for persons in the Government intermittently.

(f) For the purpose of this joint resolution, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(g) There is authorized to be appropriated such sums as may be necessary to carry out this joint resolution.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 7

At his own request, the Senator from Texas (Mr. TOWER) was added as a cosponsor of S. 7, the Vocational Rehabilitation Act of 1973.

S. 254

At the request of Mr. SCHWEIKER, the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 254, a bill to prohibit assaults on State and local law enforcement officers, firemen, and judicial officers.

S. 268

At the request of Mr. ROBERT C. BYRD (on behalf of Mr. JACKSON), the Senator from California (Mr. CRANSTON) was added as a cosponsor of S. 268, to establish a national land use policy, to authorize the Secretary of the Interior to make grants to assist the States to develop and implement State land use programs, to coordinate Federal programs and policies which have a land use impact, to coordinate planning and management of Federal lands and planning and management of adjacent non-Federal lands, and to establish an Office of Land Use Policy Administration in the Department of the Interior.

S. 272

At the request of Mr. CANNON, the Senator from Georgia (Mr. TALMADGE) was added as a cosponsor of S. 272, a bill to amend the Communications Act of 1934 with respect to the consideration of applications for renewal of station licenses.

S. 316

Mr. HUDDLESTON. Mr. President, on behalf of the distinguished Senator from Washington. I ask unanimous consent that at the next printing of S. 316, a bill to further the purposes of the Wilderness Act of 1964 by designating certain lands for inclusion in the wilderness preservation system, and for other purposes, the names of the following Senators be added as cosponsors: Senators WILLIAMS and MCCLELLAN.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 359

At the request of Mr. MCCLURE, the Senator from Idaho (Mr. CHURCH) was added as a cosponsor of S. 359, to permit American citizens to hold gold.

S. 371

At the request of Mr. TOWER, the Senator from Kansas (Mr. DOLE) was added as a cosponsor of S. 371, a bill to provide that certain provisions of the Natural Gas Act relating to rates and charges shall not apply to persons engaged in the production or gathering and sale but not in the transmission of natural gas.

S. 414

At the request of Mr. TOWER, the Senator from Nevada (Mr. CANNON), the Senator from New Jersey (Mr. CASE), and the Senator from Kansas (Mr. DOLE), were added as cosponsors of S. 414, the Bilingual Job Training Act of 1973.

S. 416

At the request of Mr. ALLEN, the Senator from Georgia (Mr. NUNN) was added as a cosponsor of S. 416, the Equal Educational Opportunities Act of 1973.

S. 516

Mr. HUDDLESTON. Mr. President, on behalf of the distinguished assistant majority leader, the Senator from West Virginia (Mr. ROBERT C. BYRD), I ask unanimous consent that the names of the following Senators be added as cosponsors of S. 516, a bill requiring Senate confirmation of the Director of the Federal Bureau of Investigation every 4 years: Senators RANDOLPH, MAGNUSON, SPARKMAN, WILLIAMS, CANNON, MCGEE, HARTKE, MCCLELLAN, and EAGLETON.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 518

At the request of Mr. Mansfield, the Senator from Mississippi (Mr. Eastland), the Senator from Montana (Mr. Mansfield), the Senator from West Virginia (Mr. Robert C. Byrd), the Senator from Arkansas (Mr. McClellan), the Senator from Mississippi (Mr. Stennis), the Senator from Louisiana (Mr. Long), the Senator from Georgia (Mr. Talmadge), the Senator from Alabama (Mr. Sparkman), the Senator from Washington (Mr. Magnuson), the Senator from Missouri (Mr. Eagleton), the Senator from Arkansas (Mr. Fulbright), the Senator from Washington (Mr. Jackson), the Senator from New Jersey (Mr. Williams), the Senator from Wyoming (Mr. McGee), the Senator from West Virginia, (Mr. Randolph), the Senator from Nevada (Mr. Cannon), the Senator from Indiana (Mr. Hartke), the Senator from Utah (Mr. Moss), the Senator from Montana (Mr. Metcalf), the Senator from Florida (Mr. Chiles), the Senator from Maine (Mr. Muskie), the Senator from Kentucky (Mr. Huddleston), the Senator from Georgia (Mr. Nunn), the Senator from Connecticut (Mr. Ribicoff), the Senator from New York (Mr. Javits), the Senator from Florida (Mr. Gurney), and the Senator from Illinois (Mr. Percy) were added as cosponsors of S. 518, a bill to provide that appointments to the offices of Director and Deputy Director of the Office of Management and Budget shall be subject to confirmation by the Senate.

S. 521

At the request of Mr. Bellmon, the Senator from Oklahoma (Mr. Bartlett) was added as a cosponsor of S. 521, to declare that certain land of the United States is held by the United States in trust for the Cheyenne-Arapaho Tribes of Oklahoma.

S. 548

At the request of Mr. Humphrey, the Senator from Arkansas (Mr. Fulbright) was added as a cosponsor of S. 548, a bill to provide price support for milk at not less than 85 percent of the parity price therefor.

SENATE CONCURRENT RESOLUTION 7—SUBMISSION OF A CONCURRENT RESOLUTION RELATING TO ARMED ATTACKS ON AIRCRAFT

(Referred to the Committee on Foreign Relations.)

Mr. SCOTT of Virginia submitted the following concurrent resolution:

S. Con. Res. 7

Whereas the number of attacks with firearms and bombs against aircraft and passengers engaged in international travel has been increasing; and

Whereas such attacks have resulted in the death and wounding of passengers and in the damage or destruction of aircraft by attacks in the air and on the ground; and

Whereas such attacks seriously impair the operation of international air service and undermine the confidence of people of the world in civil aviation; and

Whereas such attacks are a matter of grave concern to the people of the United States of America and of every country seeking to foster international air travel; and

Whereas it is necessary and desirable that such attacks be recognized as an international crime and that means be found whereby appropriate punishment can be administered to persons who engage in such attacks; and

Whereas any country which approve or endorses such attacks by sheltering or protecting individuals or organizations responsible for perpetrating such attacks should be subject to punishment by the imposition of appropriate sanctions: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the President should immediately undertake—

(1) to seek international arrangements and agreements with other nations desiring to foster international air service (including the use of an international tribunal with appropriate jurisdiction) for the purpose of finding ways and means to prohibit and punish effectively armed attacks on aircraft and passengers engaged in international commerce;

(2) to seek international arrangements and agreements for the imposition of sanctions (including but not limited to suspension or repeal of air landing rights) against any nation which approves or condones such attacks by sheltering or protecting individuals or organizations responsible for perpetrating such attacks; and

(3) to report to the Congress within six months from the day of enactment of this resolution of the results of the efforts undertaken in accordance with paragraphs (1) and (2) above.

SENATE RESOLUTION 35—ORIGINAL RESOLUTION REPORTED AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON FOREIGN RELATIONS

(Referred to the Committee on Rules and Administration.)

Mr. MANSFIELD, for Mr. Fulbright, from the Committee on Foreign Relations, reported the following original resolution:

S. Res. 35

Resolution authorizing additional expenditures by the Committee on Foreign Relations for a study of matters pertaining to the foreign policy of the United States

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Foreign Relations, or any subcommittee thereof, is authorized from March 1, 1973, through February 28, 1974, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

Sec. 2. The expenses of the committee under this resolution shall not exceed $725,000, of which amount not to exceed $75,000 shall be available for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

Sec. 3. For the purpose of this resolution the committee, or any duly authorized subcommittee thereof, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from March 1, 1973, through February 28, 1974, is authorized, in its, his, or their discretion, (1) to require by subpena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents; (2) to hold hearings; (3) to sit and act at any time or place during the sessions, recesses, and adjournment periods of the Senate; (4) to administer oaths; and (5) take testimony, either orally or by sworn statement.

Sec. 4. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1974.

Sec. 5. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 36—SUBMISSION OF A RESOLUTION PRESCRIBING CERTAIN PROCEDURES FOR THE SENATE

(Referred to the Committee on Rules and Administration.)

Mr. NUNN. Mr. President, on behalf of myself and my colleague, the senior Senator from Georgia (Mr. Talmadge) I submit a resolution prescribing procedures for the Senate to establish a limit on the amount of new obligational authority which it will approve for each fiscal year. I ask unanimous consent that a summary of the resolution and the resolution be printed in the Record.

There being no objection, the resolution and summary, were ordered to be printed in the Record, as follows:

S. Res. 36

Resolution prescribing procedures for the Senate to establish a limit on the amount of new obligational authority which it will approve for each fiscal year

Resolved, That (a) upon the submission of the Budget of the United States Government by the President for each fiscal year (beginning with the fiscal year ending June 30, 1974), the Committee on Appropriations and the Committee on Finance, acting jointly, shall promptly review the Budget, and, in particular, shall review requests for new obligational authority, taking into account proposed outlays and estimated revenues for that fiscal year. As soon as possible thereafter, the two Committees, acting jointly, shall report to the Senate a resolution in substantially the following form (the blanks being appropriately filled):

"*Resolved*, That the total amount of new obligational authority to be approved by the Senate in all bills and joint resolutions making appropriations for the fiscal year ending June 30, ——, shall not exceed $——."

(b)(1) A resolution reported pursuant to subsection (a) shall be highly privileged. It shall be in order at any time after the third day following the day on which such a resolution is reported to move to proceed to the consideration of the resolution (even though a previous motion to the same effect has been disagreed to). Such a motion shall be highly privileged and shall not be debatable. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) Debate on the resolution, and all amendments thereto, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate shall not be debatable. A motion to recommit the resolution shall not be in order, and it shall not be in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

(3) Motions to postpone, made with re-

spect to the consideration of the resolution and motions to proceed to the consideration of other business, shall be decided without debate.

(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate (including this subsection) to the procedure relating to the resolution shall be decided without debate.

Sec. 2. (a) For purposes of this section, the term "new obligational authority limit" means, with respect to any fiscal year—

(1) the total amount of new obligational authority specified in a resolution reported with respect to that fiscal year pursuant to the first section, as such resolution is agreed to by the Senate, or

(2) in the event that no such resolution is reported, or if reported is not agreed to by the Senate, the total amount of new obligational authority requested in the Budget submitted by the President for that fiscal year.

(b) (1) It shall not be in order to consider any bill or joint resolution providing new obligational authority for any fiscal year which is reported by the Committee on Appropriations (or if such bill or joint resolution is not referred to such Committee, which is passed by the House of Representatives), if the amount of new obligational authority provided in such bill or joint resolution, as reported (or as passed by the House, as the case may be), when added to the amounts of new obligational authority provided for that fiscal year in bills and joint resolutions previously passed by the Senate, exceeds the new obligational authority limit for that fiscal year.

(2) It shall not be in order to consider any amendment to a bill or joint resolution providing new obligational authority for any fiscal year if the amount of new obligational authority provided by such amendment, when added to—

(A) the amount of new obligational authority provided in such bill or joint resolution immediately prior to the offering of such amendment, and

(B) the amount of new obligational authority provided for that fiscal year in bills and joint resolutions previously passed by the Senate,

exceeds the new obligational authority limit for that fiscal year.

(3) For purposes of paragraphs (1) and (2), the amount of new obligational authority for a fiscal year provided in a bill or joint resolution previously passed by the Senate is—

(A) if such bill or joint resolution has been enacted into law, the amount of new obligational authority provided in such law,

(B) if such bill or joint resolution has been passed by the Senate and the House of Representatives and has neither been approved nor vetoed by the President, the amount of new obligational authority provided in such bill or joint resolution as passed by the two Houses, and

(C) in the case of any other bill or joint resolution, the amount of new obligational authority provided in such bill or joint resolution as passed by the Senate.

For purposes of this paragraph, any bill or joint resolution which has been vetoed by the President shall not be taken into account.

Sec. 3. The report of the Committee on Appropriations accompanying any bill or joint resolution providing new obligational authority for any fiscal year shall contain an analysis of the amount of new obligational authority provided in such bill or joint resolution, as reported, in view of the new obligational authority limit for that fiscal year prescribed pursuant to the first section. Such analysis shall take into account—

(1) the relation of (A) the new obligational authority limit for that fiscal year to (B) the total amount of new obligational authority requested in the Budget submitted by the President for that fiscal year, and

(2) the relation of (A) the amount of new obligational authority provided in such bill or joint resolution, as reported, to (B) the amount of new obligational authority requested for inclusion in such bill or joint resolution in Budget requests submitted by the President.

Summary of Senate Resolution 36 Establishing a Limit on the Amount on New Obligational Authority—Amending the Senate Rules

Section 1. After the President has submitted his annual budget to Congress, the Committee on Appropriations and the Committee on Finance, acting jointly, shall report a resolution to the Senate setting a limit for new obligational authority.

Section 2. (a) New obligational authority means the amount set out in the above resolution or, in the absence of a resolution being passed, the amount contained in the President's budget.

(b) (1) A bill or resolution providing new obligational authority is out of order if the amount of new obligational authority contained in said bill or resolution when added to the amounts of new obligational authority previously passed by the Senate exceeds the limit established in the above resolution.

(2) An amendment to a bill or resolution is out of order if it creates new obligational authority above the amount set by the resolution.

(3) New obligational authority previously passed by the Senate means

(a) The said amount as contained in a bill or resolution enacted into law,

(b) The said amount as contained in a bill or resolution passed by Congress and awaiting the President's approval,

(c) The said amount as contained in a bill or resolution passed by the Senate and awaiting House action,

(d) It does not contain the said amount as contained in a vetoed bill or resolution.

Section 3. Every bill or resolution providing for new obligational authority shall contain an analysis of the same by the Appropriations Committee. The analysis shall show the relationship of the new obligational authority to the ceiling for all new obligational authority, and to the amount of new obligational authority contained in the President's budget, generally and by function.

SENATE RESOLUTION 37—ORIGINAL RESOLUTION REPORTED AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON THE DISTRICT OF COLUMBIA

(Referred to the Committee on Rules and Administration.)

Mr. EAGLETON, from the Committee on the District of Columbia, reported the following original resolution:

S. Res. 37

RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON THE DISTRICT OF COLUMBIA FOR INQUIRIES AND INVESTIGATIONS

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on the District of Columbia, or any subcommittee thereof, is authorized from March 1, 1973, through February 28, 1974, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

Sec. 2. The expenses of the committee under this resolution shall not exceed $185,000, of which amount not to exceed $20,000 shall be available for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended.

Sec. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1974.

Sec. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 38—SUBMISSION OF A RESOLUTION RELATING TO SELECT COMMITTEE ON SMALL BUSINESS

(Referred to the Committee on Rules and Administration.)

Mr. STEVENS. Mr. President on behalf of myself and Senators McGee, Randolph, Young, Scott of Virginia, Javits, Hansen, Pell, Gurney, Beall, Case, and Gravel, I submit for appropriate reference a resolution designed to give to the Select Committee on Small Business the authority necessary for it to receive bills and resolutions relating to the problems of small business and to report bills and resolutions to the Senate for its consideration.

Mr. President, as a Senator from a small State, I know firsthand the importance that small business has to millions of Americans. In thousands of small communities throughout this country, small business constitutes the very backbone of community existence.

On the other hand, Mr. President, small business also constitutes the economic backbone for our larger urban areas.

In our highly technologically advanced society, we sometimes think of business only in terms of General Motors, General Electric, or other large well-known corporations. Big business certainly is important to the Nation's economic well-being, but small business continues to be the most important factor in our overall economy. There are nearly 5 million small businesses in this country. These small businesses, which constitute 95 percent of the total number of businesses in the country, provide employment for over 30 million Americans. Both in rural and urban areas, small businesses furnish a livelihood for nearly 60 percent of the population and provide direct employment for 40 percent of the population.

Mr. President, at the present time most of the small business legislation offered in the Senate is considered by the Small Business Subcommittee of the Committee on Banking, Housing and Urban Affairs. Over the years that committee has had a distinguished record of protecting the interests of small business. The resolution I am introducing today is in no way intended to diminish or criticize the hard work and dedication of the Small Business Subcommittee of that committee.

However, Mr. President, if we in this 93d Congress are to be dedicated to streamlining the legislative process on a more functional basis, we must realize that the problems of small business have little relationship to the problems of banking, housing or urban affairs. All of us want our country to grow and prosper without the source of inflation. Such growth and prosperity depends in large measure on the health, effectiveness, and responsiveness of the nearly 5 million small businesses which form the backbone of our economy.

Now is the time, Mr. President, for we in the Senate to give a higher priority to the small businesses in this Nation. I sincerely hope that in organizing this 93d Congress we in the Senate will adopt the resolution I am introducing today. This resolution does not establish a new standing committee, but it does give a higher priority to the needs of small business and greatly increases the efficiency of the Senate.

The resolution is as follows:

S. Res. 38

Resolved, That S. Res. 58, Eighty-first Congress, agreed to February 20, 1950, as amended is amended to read as follows:

"That there is hereby created a select committee to be known as the Committee on Small Business, to consist of seventeen Senators to be appointed in the same manner and at the same time as the chairman and members of the standing committees of the Senate at the beginning of each Congress, and to which shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the problems of American small business enterprises.

"It shall be the duty of such committee to study and survey by means of research and investigation all problems of American small business enterprises, and to obtain all facts possible in relation thereto which would not only be of public interest, but which would aid the Congress in enacting remedial legislation.

"Such committee shall from time to time report to the Senate, by bill or otherwise, its recommendations with respect to matters referred to the committee or otherwise within its jurisdiction."

Sec. 2. Subsection (e) of rule XXV of the Standing Rules of the Senate is amended by striking out in paragraph 2 the words "under this rule".

SENATE RESOLUTION 39—SUBMISSION OF A SENATE RESOLUTION TO ESTABLISH A SENATE OVERSIGHT COMMITTEE ON THE CONFERENCE ON SECURITY AND COOPERATION IN EUROPE, THE CONFERENCE ON MUTUAL AND BALANCED FORCE REDUCTION, AND THE STRATEGIC ARMS LIMITATION TALKS II

(Referred to the Committee on Armed Services.)

Mr. BELLMON. Mr. President, in its desire to ease tension, the United States has entered into negotiations that could dramatically affect the common defensive posture and the military security of this country; discussions that could significantly alter the composition of our Army, Navy, and Air Force, and discussions that will undoubtedly place a heavy burden upon the Congress to reevaluate our entire Military Establishment.

These negotiations, such as the Conference on Security and Cooperation in Europe, the Strategic Arms Limitation Talks II, and the upcoming Conference on Mutual and Balanced Force Reduction, require that the Congress and the American people achieve a higher degree of understanding and awareness of the substance of these discussions than ever before in order to assess for themselves the impact of these deliberations upon the defensive capability of the United States.

Only through the Congress focusing specifically upon these talks via congressional oversight can its Members keep abreast of changing military requirements and be responsive to future military security needs, an oversight capability that in my opinion was severely lacking in the Congress during the SALT I deliberations. For this reason, Mr. President, I submit for myself and on behalf of Senators Baker, Bartlett, Beall, Brock, Cannon, Curtis, Gravel, Helms, Hruska, McClure, Moss, Scott of Virginia, Stevens, and Thurmond, a resolution that calls for the establishment of a Senate Oversight Committee on the Conference on Security and Cooperation in Europe and the Conference on Mutual and Balanced Force Reduction, and the Strategic Arms Limitation Talks II.

I ask unanimous consent that this resolution be printed in full in the Record at the conclusion of my remarks.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

S. Res. 39

Resolved, That an eight-member Ad Hoc Senate Committee on Military Oversight be established for the purpose of keeping abreast of changing military requirements resulting from developments of the Conference on Security and Cooperation in Europe and the Conference on Mutual and Balanced Force Reduction, and the Strategic Arms Limitation Talks II in order to ascertain the proper level of our future military security posture, with two members, including the Chairman, to be selected by the Majority Leader of the Senate, two members to be selected by the Minority Leader of the Senate, and four members appointed by the Chairman of the Armed Services Committee.

There is hereby authorized to be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee a sum not to exceed $250,000.

SENATE RESOLUTION 40—SUBMISSION OF A RESOLUTION PROVIDING ADDITIONAL STAFF MEMBERS

(Referred to the Committee on Finance.)

Mr. LONG submitted the following resolution:

S. Res. 40

Resolution to provide four additional professional staff members and four additional clerical assistants for the Committee on Finance

Resolved, That the Committee on Finance is authorized, until otherwise provided by law, to employ four additional professional staff members and four additional clerical assistants, to be paid from the contingent fund of the Senate at rates of compensation to be fixed by the chairman in accordance with the provisions of section 105(e) of the Legislative Branch Appropriation Act, 1968, as amended.

SENATE RESOLUTION 41—ORIGINAL RESOLUTION REPORTED AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

(Referred to the Committee on Rules and Administration.)

Mr. SPARKMAN, from the Committee on Banking, Housing and Urban Affairs, reported the following resolution:

S. Res. 41

Resolution authorizing additional expenditures by the Committee on Banking, Housing and Urban Affairs for inquiries and investigations

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Banking, Housing and Urban Affairs, or any subcommittee thereof, is authorized from March 1, 1973, through February 28, 1974, for the purposes stated and within the limitations imposed by the following sections, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

Sec. 2. The Committee on Banking, Housing and Urban Affairs, or any subcommittee thereof, is authorized from March 1, 1973, through February 28, 1974, to expend not to exceed $660,000 to examine, investigate, and make a complete study of any and all matters pertaining to each of the subjects set forth below in succeeding sections of this resolution, said funds to be allocated to the respective specific inquiries in accordance with such succeeding sections of this resolution.

Sec. 3. Not to exceed $320,000 shall be available for a study or investigation of—

(1) banking and currency generally;

(2) financial aid to commerce and industry;

(3) deposit insurance;

(4) the Federal Reserve System, including monetary and credit policies;

(5) economic stabilization, production, and mobilization;

(6) valuation and revaluation of the dollar;

(7) prices of commodities, rents, and services;

(8) securities and exchange regulations;

(9) credit problems of small business; and

(10) international finance through agencies within legislative jurisdiction of the committee.

Sec. 4. Not to exceed $210,000 shall be available for a study or investigation of public and private housing and urban affairs generally.

Sec. 5. Not to exceed $130,000 shall be available for an inquiry and investigation pertaining to the securities industry.

Sec. 6. The committee shall report its findings, together with such recommendations for legislation as it deems advisable with respect to each study or investigation for which expenditure is authorized by this resolution, to the Senate at the earliest practicable date, but not later than February 28, 1974.

Sec. 7. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

ADDITIONAL COSPONSOR OF A RESOLUTION

SENATE RESOLUTION 14

At the request of Mr. SCHWEIKER, the Senator from Rhode Island (Mr. PELL) was added as a cosponsor of Senate Resolution 14, to amend rule XXVII of the standing rules to provide for the appointment of Senate conferees.

SENATE JOINT RESOLUTION 28—CORRECTION OF COSPONSOR AND ORDER FOR STAR PRINT

Mr. ROBERT C. BYRD. Mr. President, on behalf of the distinguished Senator from Alabama (Mr. ALLEN) I make the following statement:

Mr. President, by mistake the name of the distinguished Senator from Washington (Mr. JACKSON) was listed as a cosponsor of Senate Joint Resolution 28 while the name of my distinguished senior colleague (Mr. SPARKMAN) was omitted. I ask unanimous consent that Mr. JACKSON's name be removed and that Mr. SPARKMAN's name be added as a cosponsor; also that there be a star print of the measure; and that the RECORD, page 1925, first column, be corrected accordingly in the two places where Mr. JACKSON's name appears. Mr. JACKSON did not ask to be a cosponsor of the resolution and his name was listed by mistake. Mr. SPARKMAN had asked to be a cosponsor and his name was omitted by mistake. To both of these distinguished Senators, I offer my sincerest apologies for the mistake.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXTENSION OF ECONOMIC STABILIZATION ACT OF 1970—AMENDMENT

AMENDMENT NO. 93–2

(Referred to the Committee on Banking, Housing and Urban Affairs and ordered to be printed.)

ESTABLISHING AN UNEMPLOYMENT RATE GOAL

Mr. PROXMIRE. Mr. President, I send to the desk an amendment establishing a national goal for reducing the rate of unemployment to 4 percent by the end of 1973. The current unemployment rate was 5.2 percent at the end of 1972.

My amendment is in the form of an amendment to the Economic Stabilization Act which expires on April 30. The Senate Banking Committee has scheduled hearings on extending the act beginning on January 29, and I expect my amendment will be discussed during these hearings.

My amendment declares as a matter of national policy that it is feasible to reduce the rate of unemployment to 4 percent by the end of 1973 while maintaining reasonable price stability. The amendment directs the President to undertake the policies needed to bring the rate of unemployment down by the end of the year and to recommend any legislation needed to achieve this goal.

A declaration of congressional policy on the unemployment situation is necessary because the President's phase III economic program fails to set a specific goal for reducing the rate of unemployment. The phase III program is quite specific in establishing a target for reducing the rate of inflation, but it is completely silent on reducing the rate of unemployment. I believe we should have specific targets for both.

In passing the Economic Stabilization Act authorizing price and wage controls, Congress specifically determined that one of the major purposes of the act was to minimize unemployment. The administration has also mentioned the need to reduce unemployment as a justification for seeking price and wage control authority. By controlling prices and wages, it is possible to stimulate the economy more through fiscal and monetary policy without adding to inflation.

If we are going to give the President the authority to control prices and wages for another year, the Congress should insist that the administration do more than it is doing to bring down the rate of unemployment.

I believe the administration has given up on making further reductions in the rate of unemployment and is willing to tolerate a rate of 5 percent for the indefinite future. If the administration fails to set an appropriate target for itself, then the Congress must step in and set the goal.

The difference between an unemployment rate of 5 percent and 4 percent is 800,000 more jobs, $35 billion more in GNP, $12 billion more in Federal tax revenues and reduced expenditures for welfare, unemployment compensation, and the like.

Congress cannot force the President to pursue a full employment policy if he does not want to. Nonetheless Congress can set a goal and hold the President accountable. We have set specific goals in other areas such as housing, highways and the space program, and there is no reason we cannot apply the same approach to unemployment. In the event the unemployment rate is not reduced to 4 percent or less by the end of the year, the President is required to explain why in the economic report for 1973 and to propose a specific program for coming down to 4 percent as early as possible in 1974.

NOTICE OF HEARINGS BY THE SUBCOMMITTEE ON THE HANDICAPPED

Mr. MANSFIELD. Mr. President, on behalf of the distinguished senior Senator from Massachusetts (Mr. KENNEDY), it is announced that he will chair hearings of the Senate Subcommittee on the Handicapped on S. 427 and S. 458 on Friday, February 2, and Monday, February 5. Anyone wishing to testify should contact room 4226, Dirksen Building, Washington, D.C., 202–225–8937.

NOTICE OF HEARINGS ON CRITICAL DOMESTIC FUEL SHORTAGES

Mr. JACKSON. Mr. President, I wish to announce for the benefit of Senators that the Committee on Interior and Insular Affairs will open hearings next Thursday, February 1, to examine the nature, extent, and causes of the fuel shortages experienced by consumers across the Nation in recent weeks. These hearings, which will begin at 10 a.m. in room 3110 of the New Senate Office Building, are a part of the national fuels and energy policy study authorized by the 92d Congress.

Many Senators are aware that significant shortages of jet fuel, diesel oil, and fuel oil—as well as shortages of natural gas—have occurred in recent weeks. These shortages have already caused serious economic disruptions and public inconvenience. They have led to the closing of factories and schools, and to the disruption of trucking and airline transportation. If reports received by the committee are correct, more of the same is yet to come.

In light of these circumstances, Mr. President, it is imperative that Congress understand the dimensions of the shortage and what has caused this apparent breakdown in our energy distribution system. In particular, we need to know what action or inaction by the Federal Government, if any, has contributed to the problem. If congressional action is required to forestall future shortages, the sooner we have the facts the better. Hopefully, the hearings by the Senate Interior Committee will lay the foundation for whatever action is required to prevent a repetition of the current shortages.

Mr. President, I ask unanimous consent that a series of recent newspaper articles reporting on fuel shortages be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 9, 1973]

OIL QUOTAS LIFTED TO EASE LACK OF FUEL

(By Thomas O'Toole)

The White House yesterday authorized more than a four-fold increase in heating oil imports to erase the fuel shortages threatening a six-state region of the Midwest.

The Office of Emergency Preparedness said that the lifting of the import quotas means some 252 million additional gallons of No. 2 heating oil would become available to most of the nation over the next 90 days, which covers the remainder of the winter.

Easing the quotas will raise heating oil imports from 630,000 gallons to 2,730,000 gallons a day, all of it to be funneled into the United States through the Amerada-Hess refineries in the U.S. Virgin Islands. The new quotas will allow the issuance of new import licenses to distributors selling heating oil in all areas east of the Rocky Mountains.

The more liberal quotas will release heating oils to most of the country, but they are designed to loosen fuel supplies to six Midwestern states going through their second week of a fuel shortage.

"The new quotas will bring heating oils from the Virgin Islands into East Coast ports," said a spokesman for the Office of Emergency Preparedness. "Some of this fuel will make its way to the Midwest, but its primary purpose will be to divert Gulf Coast shipments of heating oils to the Midwest that had previously been committed to Eastern customers."

The Midwest shortage was triggered by a cold wave that has shown no signs of abating, although by yesterday it had turned into a dry cold that allowed some harvesting of corn and grains in Nebraska and Iowa.

The OEP estimated yesterday that only 10 percent of the corn and grain crops were still in the fields in those two states.

Drier weather also allowed more barge and truck shipments of heating oil into the Midwest, though a shortage of diesel fuel tied up barges of the Mississippi and Ohio rivers that had been contracted to carry heating oils into the Midwest.

"These same barges were to be used to transport wheat out of the Midwest for sale to the Soviet Union," an OEP spokesman declared. "We don't know when these barges will begin to move freely, a lot depends on the weather."

The Federal Power Commission told the OEP that shortages of natural gas has spread from the Midwest into parts of New Mexico, Arizona and California as the cold wave spread into those Southwestern regions.

El Paso Natural Gas is cutting back on customers in this region that can use alternate fuels, an FPC official said. "It's all due to unusually cold weather," he said.

While the weather took its share of the blame, the OEP laid at least part of the responsibility on Midwest refineries it said persisted in producing gasoline at a time when heating oils began to run short.

The OEP said some 70 refineries in nine states have been producing twice as much gasoline as heating oil every week of the last three months. A glut of gasoline led to gas wars in Michigan and Wisconsin that have resulted in prices about seven cents a gallon lower than surrounding states, the OEP said.

[From the Wall Street Journal, Jan. 9, 1973]

FUEL-OIL SHORTAGE NEARS THE CRITICAL STAGE IN PARTS OF NATION AS TEMPERATURES DROP

Low temperatures are depleting already-short fuel oil supplies to near-critical levels in parts of the nation.

In Denver, where temperatures have been hovering around zero at night, some schools are open only part-time and the Gardner-Denver Co. plant is closed because of a lack of fuel. On Midwest waterways, grain shipments are stalled because not enough fuel is available to move them. And in the Boston area, fuel-oil suppliers and terminal operators report they're in desperate straits.

"We're living from ship-to-ship delivery," Herbert Sostek, executive vice president of Gibbs Oil Co., Revere, Mass., said. "If this weather keeps up, there will be a real clamoring for oil in about seven days."

So far, at least, suppliers have been able to keep up with home-heating requirements for fuel oil. But much depends on the weather. And in Washington, government officials were pessimistic on the outlook for the next several days.

The Office of Emergency Preparedness, which is coordinating federal fuel-supply efforts, cautioned that weather predictions indicate temperatures for the next five days in the Midwest will average 10 degrees below normal. Nationwide the five-day forecast is for temperatures five to 10 degrees below normal. "That means a lot more fuel consumption; nothing could be plainer," a spokesman for the OEP, said.

ANOTHER DARK FACTOR

Government officials also see another dark factor in the fuel outlook. They fear a Penn Central Railroad strike may be inevitable and that it will compound the tightening fuel supply problem, particularly in the Midwest, where shortages and cutbacks have already developed.

The OEP spokesman said it has been advised by the Interstate Commerce Commission that a settlement of the conflict between the carrier and the United Transportation Union before the 12:01 a.m. Friday deadline is unlikely. (The UTU called for the strike after Penn Central announced plans for a unilateral cut in train crew size.) The OEP spokesman added that the railroad carries some fuels and large amounts of coal for utilities. If the utilities couldn't get coal, they'd have to run on fuel oil, the spokesman said.

The Nixon administration is proceeding with previously announced plans to expand the oil import program so that more fuel oil—specifically No. 2, the main home-heating oil—can be brought into the U.S. Federal agencies also are trying to round up emergency supplies of fuel for the hardest-hit areas.

Over the weekend, the OEP, the Interior Department and the Colorado Public Utilities Commission collected 258,000 gallons of fuel oil so Denver's public schools could open, if only part-time, this week.

Last night, the Interior Department ordered the release of imported jet fuel held in bond in New York to prevent a threatened closedown of some airline operations at Kennedy, LaGuardia and Newark airports.

OTHER CUTBACKS

Airlines as well as railroads and other transporters face cutbacks in parts of the Midwest. Standard Oil Co. (Indiana) announced yesterday that it is reducing fuel oil deliveries to commercial customers by 25% in the central Midwest states, excluding Wisconsin and Illinois.

An Indiana Standard spokesman said commercial customers including rail, airline, trucking and utility companies will receive deliveries cut to 75% of those of January 1972.

Several other oil companies also have recently rationed fuel oil to their customers, generally giving them as much, but not more, than they received a year ago. Shell Oil Co. has notified its regular customers they can count on supplies only equal to what they ordered last year. Shell also is declining to take on new fuel oil customers.

Exxon Corp., formerly Standard Oil Co. (New Jersey), said it has asked heating oil distributors in the Carolinas to temporarily reduce their inventories to alleviate what the company calls a "temporary supply problem" in that area.

Exxon and other major oil companies said they are producing more heating oil this winter than last. Latest refining statistics support their point. In the week ended Dec. 29, the nation's refiners processed nearly 21 million barrels of No. 2 fuel, up from 18.9 million barrels in the year-earlier period.

HARDLY ENOUGH

This is hardly enough, however, to keep pace with the increasing demand for No. 2 fuel. Home-heating oils are being consumed at a rate nearly 7% higher than last winter, and No. 2 fuel is being burned at a weekly rate of 28 million barrels while the refiners are turning out 21 million barrels weekly.

As a result, stocks of No. 2 fuel have plummeted to less than 160 million barrels, over 34 million barrels below the level of a year ago when inventories were considered satisfactory for only a "normal" winter.

Petroleum refiners say they are operating at capacity. But government officials monitoring supplies aren't convinced the oil industry is doing all it should to prevent shortages. OEP Director George A. Lincoln has been urging refiners to increase their No. 2 output even more.

INEXCO GAS SALES PACT SET AT A STEEP 52-CENT RATE

(By a Wall Street Journal Staff Reporter)

HOUSTON.—Inexco Oil Co. said it contracted to sell New Mexico natural gas to Southern Union Gas Co., Dallas, at a price "believed to be the highest ever paid" in New Mexico.

Inexco said the 10-year contract initially calls for Southern Union to pay 52 cents per thousand cubic feet of gas. An Inexco spokesman said he expects Southern Union to buy between three million and four million cubic feet of gas daily from each of two wells in the Catclaw Draw field in Eddy County, N.M.

Inexco said the contract provides for a one-cent-a-year price escalation and a price redetermination every two years, at Inexco's option.

Inexco said that under the contract, production from 1,876 net acres in the field has been dedicated to Southern Union by a group that includes Inexco Oil, Inexco Northern Exploration Co. and Inexco Oil & Gas Funds Ltd., No. 71–2.

Inexco said the gas would be resold by Southern Union to users within New Mexico.

JET-FUEL SHORTAGE AT NEW YORK AIRPORTS DISRUPTS OPERATIONS OF SEVERAL AIRLINES

NEW YORK.—The nation's long forecast "energy crisis" has become a reality in the airline industry.

This became evident early this week when operations of several major airlines were disrupted because of a critical shortage of jet fuel—kerosene—at the New York area's three major airports.

But inquiries disclosed that the New York situation had been developing for about a month and that spot shortages of plane fuel are being monitored closely by airlines at several other locations around the nation. Even more significant are worries of several airline officials that the current troubles are symptoms of a critical problem that will be around for some time.

Airlines apparently haven't been forced to cancel flights because of a lack of fuel. But at least two major airlines, Trans World and American, said they've been forced this week to make unscheduled landings at such cities as Pittsburgh and Washington to take on fuel before coming into New York where fuel temporarily was unavailable from their supplier, Texaco Inc.

A TWA spokesman said the airline began making unscheduled intermediate landings for fuel on Monday and did so 13 times Tuesday, primarily with transcontinental flights from the West Coast. American Airlines, which consumes about 610,000 gallons of jet fuel daily at the three New York airports, said yesterday it had made unscheduled landings this week but hadn't cancelled any flights due to fuel shortage, "although the situation could change hour by hour."

Both airlines, and several others, said they've also been forced extensively to load up on fuel at scheduled departure points and intermediate stops outside New York to compensate for the shortage there. The practice, known as "fuel ferrying," is costly and inefficient, partly because the weight of additional fuel increases fuel consumption.

Further, the effect of fuel ferrying over the last few weeks has contributed to tight supplies at other airports, such as Chicago's O'Hare International, which had a temporary problem last month because of excess airline demands there, an official of the Air Transport Association said.

The nation's largest airline, United, a unit of UAL Inc., said it doesn't anticipate schedule disruptions and has received guarantees from its major suppliers that they'll meet contract commitments covering United's needs—over 1.6 billion gallons annually.

However, United recently had temporary fuel supply disruptions in several cities, including Denver, Omaha and Salt Lake City, and currently is monitoring a tight supply situation in Buffalo, Rochester and Hartford, one official said. United is supplied by Texaco at the latter three cities but uses fuel from Exxon Co. U.S.A. (formerly Humble Oil & Refining Co.), a unit of Exxon Corp., at the New York airports.

"Although the problem right now is limited to the New York area and one major supplier in particular (Texaco), we're concerned that this is quite possibly the beginning of a pattern of fuel shortages elsewhere," said Michael Strok, director of materials management for the Air Transport Association, the airline industry group. Mr. Strok said the association was having difficulty finding why supplies are short.

Mr. Strok and other airline industry sources said fuel suppliers in New York had followed the usual practice of borrowing or trading jet fuel with each other to alleviate the growing shortage in recent weeks but the practice had to be halted because the companies loaning fuel began to run low, endangering supplies for their regular customers.

Some airline sources said the New York fuel shortage was partly caused by mechanical difficulties at certain refineries producing jet fuel and by storing, at federal government urging, heating oil in facilities normally used for jet fuel. Because of the unusually mild winter temperatures this season in the New York area, heating oil supplies haven't been depleted as fast as expected to make room for jet fuel, one airline source said.

Airline officials said the one available immediaate solution to the New York problem would be the release for use on domestic flights of bonded fuel being held for use on international flights. Several airlines have urged the Office of Emergency Preparedness to take such action. Recently the Interior Department ordered the release of some bonded fuel at New York's Kennedy Airport at Texaco's request.

The ATA's Mr. Strok said commercial jet fuel needs are estimated this year at 10.5 billion gallons, up from about 9.7 billion last year. "We're beginning to get some fuzzy indications from oil companies to the effect that we shouldn't expect a big increase in the supply this year," he said. "It's a real concern because the airlines already are running so close to the line."

One airline executive, expressing concern over jet fuel supplies over the next few years, said he believes the major factor for the shortage is the pressure on utilities to switch from burning coal and heavy fuel oils to cleaner distillates, like kerosene. Opening the import door is the short term solution but in the long run "the only obvious solution" to the airline fuel problem will be the relaxation of these ecological restraints on utilities, he said.

Fuel Oil Pinch Tightens; Texaco Sets Rationing Below Year-Ago Levels

New York.—The nation's fuel oil supplies continued to shrink, and another major oil company began rationing deliveries.

Stocks of light fuels, or distillates used largely for home heating and industrial purposes, declined nearly 4.8 million barrels to 154.4 million barrels in the week ended last Friday, the American Petroleum Institute reported. That is less than six weeks' supply at present rates of consumption and 36 million barrels below year-earlier inventories.

Citing the general tightness in supply, Texaco, Inc. said it had begun allocating supplies of distillate fuels to customers. Included in the allocations, the company said, are some heating oils, kerosene, diesel fuel and aviation jet fuel.

Texaco, which is the nation's biggest gasoline marketer, also ranks among the largest suppliers of distillates. It declined to say how much it was cutting back deliveries or what fuels might be reduced the most.

Most other major oil companies that have gone on an allocation basis in recent days are holding deliveries to established customers at year-ago levels. Texaco indicated, however, that it was reducing deliveries on some fuels below year-earlier amounts.

HARDSHIP CASES CITED

"Because of varied supply-and-demand patterns," the company said, "allocations will vary, depending upon the type of fuel used and the supply location involved." Texaco added, however, that it will attempt, "to the best of our ability," to maintain essential supplies to schools, hospitals and other places where lack of fuels would create unusually severe hardships.

"The allocation program results from a general shortage of middle distillate fuels and is in the face of dwindling domestic crude oil production, unreasonable import restrictions on major refiners and other factors beyond our control," Texaco said.

The company contended that a solution to "this current crisis in middle distillate supply" was being hampered by "inequitable oil import regulations, by unrealistic environmental restrictions and by restrictive price controls on heating oils, natural gas and crude oil."

"OTHER FACTORS" BLAMED

Texaco said its refineries had been producing as much of distillates as possible since early fall. "But other factors," the company asserted, "have restricted production of middle distillates and prevented us from keeping pace with unusually strong increases in demand."

Other major oil companies that have gone to allocations of distillates include Shell Oil Co. and Mobil Oil Corp. This week, Standard Oil Co. (Indiana) announced it was reducing fuel oil deliveries to commercial customers 25% in some Midwest areas.

According to the American Petroleum Institute report, the nation's refineries, operating at 89.4% of capacity, produced 21.5 million barrels of light fuels in the Jan. 5 week, 507,000 barrels more than the preceding week and 3.1 million barrels more than a year earlier.

This has been hardly enough, however, to keep up with distillate demand, which has been increased sharply by cold weather over much of the country.

[From the Dallas (Tex.) Morning News, Jan. 19, 1973]

Fuel Shortage Turning Into Crisis

(By John Cranfill)

The energy crisis has arrived in Dallas.

It is here, if you consider that one of the largest truck stops in Dallas has had its diesel fuel supply cut by 43 per cent and will run out next week.

It is here, if you consider that Dallas-based REA Express truck rigs will run out of fuel Monday and will come to a halt if diesel fuel is not found.

And if trucking in Dallas comes to a halt, or even slows down, not many residents will be able to escape the effects, especially if the diesel fuel shortage continues through the winter heating season, as it is almost certain to do.

The situation is serious, perhaps more serious than gas curtailments experienced recently. Almost all supplies brought to Dallas arrive by truck, including food. And many hospitals and generating plants use diesel power as back-up.

"Two days ago Texaco representatives came by and told me I was being cut on the amount of diesel fuel I could buy," said A. S. Crosby, operator of Dick Price Truck Stop on Industrial Boulevard.

"They said my January allotment is 75,000 gallons, and 80,000 gallons for February. After that, I don't know. Already I've sold 65,900 gallons in January and I'll run out next week," Crosby said.

"American Oil Co. cut me off last Friday," said A. E. Brandon, manager of fleet maintenance for REA Express in Dallas, which operates 24 trucks in Texas and Louisiana.

"I bought some fuel from an independent that will last until Monday. After that, I do not know what I'll do. It's this way all over the country, I understand. I went to Texaco, Shell and Mobil, but they're not taking any new customers," Brandon said.

A spokesman for Texaco in Houston said the company is doing what it said it would do last week—rationing supplies of middle distillates (fuel oil, diesel fuel, jet fuel, kerosene), but doing it by regions with no specific standard applying across the nation. The Associated Press had previously said Texaco's move applied mainly to wholesalers, not retailers like A. S. Crosby here.

The Texaco spokesman would not comment on any other aspect of the cutbacks.

A Shell spokesman said Thursday the company, effective Jan. 1, had placed all its diesel customers on an allocation system—they can get the same amount of fuel they ordered from Shell at this time last year.

American Petrofina in Dallas said all of its 451 suppliers in 26 states have been allocated 85 per cent of their normal diesel supplies, until further notice.

The diesel fuel shortage is nationwide says Lloyd Golding, executive vice-president of the National Association of Truck Stop Operators in Washington.

Golding said his group and representatives from all the transportation industry, including rails and water, were meeting Thursday with George Lincoln, director of the Office of Emergency Preparedness, "to ask for help."

Golding said "there are several truck stops that are completely out of diesel fuel. And that means they are out of business until they can get more.

"At least 25 stops have called saying fuel will last until the middle of next week. Maybe 100 more truck stops will be out of fuel before the end of the month. That's serious," Golding said.

The problem of shortages at truck stops is compounded by the fact that several oil companies have cut off trucking companies, he explained, putting them on the open market to compete with trucks passing through.

"Many truck stops are rationing, and they won't take on any new customers," Golding said.

The reason for the shortage?

"I know, but I won't say," Golding said.

"When an oil company cuts back 40 percent, they're the one's doing it," he said. "But when you start making statements about oil companies, you're in the hot seat."

The Mid-Continent Truck Stop on Big Town Boulevard has had no problems supplying its customers with Gulf diesel fuel.

"Right now, we're not hurting for fuel, but we know there's a shortage. We have a contract for over 300,000 gallons of diesel fuel a month and Gulf's meeting it."

"Every truck stop in the United States has been cut," said Charles Safley, co-owner of a truck stop in West Memphis, Ark., and a partner in Mid-Continent Inc., a nationwide network of over 300 credit affiliated truck stops, including some in Alaska and Canada.

"We found this out from truck stops calling us from all over the country. We've been cut on our allotment from Shell and its' not enough to last the month.

"When we're out, we'll try to buy from independent suppliers, but we haven't had any luck yet," Safley said.

"Texaco told me the dealers who didn't have a fuel contract with them will be cut off completely. One man here called me who doesn't have a contract with Texaco and he's out of fuel," Crosby said. "Some of my customers are leasing gasoline burning rigs for local pick-up and delivery runs.

"I haven't really known what to do. I don't have a plan yet. I'm gonna make a lot of people mad whichever way I go.

"If I ration, it means a trucker who needs 300 gallons of fuel will get 25 or 50—just enough to get him down the road. And those rigs don't get but 5 miles to a gallon. What will a driver do out in West Texas or New Mexico, where stations are 200 to 300 miles apart?

"What do I tell the driver of a diesel refrigeration unit, hauling fresh produce and perishables from the Valley or California? They need fuel for their truck and the refrigerator unit. Those boys can't afford to run out. They've got to keep frozen food at 15 to 20 degrees below zero.

"Suppose a guy is carrying 45,000 pounds of shrimp that's worth $1.25 a pound wholesale? We've got to work with these boys. Even cold weather won't keep their load cool enough," he said.

"Then there's all the construction work going on around here. It'll all come to a stop, if they have to use the big machines and there's no fuel.

"I'm on the spot," Crosby said.

[From the Washington Star, Jan. 19, 1973]

United States Is Asked To Alleviate Fuel Shortage

(By John Holusha)

Representatives of the transportation industry, contending that there is a critical shortage of diesel and other fuels, have asked the administration to step in and allocate supplies on a priority basis.

"If something is none done soon, there are going to be cutbacks and curtailments of essential services" says Gerald C. Collins, executive vice president of the National Defense Transportation Association.

The NDTA and associations representing the truck, intercity bus, mass transit, barge, airline and railroad industries presented their pleas for allocation—they shy away from the word "rationing"—to Office of Emergency Planning Chief George A. Lincoln yesterday.

PRIORITIES URGED

They say President Nixon's decision to lift oil import quotas for the next four months will be of no help to transport because all the extra fuel will go for home heating.

Lincoln was asked to press the White House on priority allocation and to investigate other methods of increasing the supply of fuel. Alternatives that have been suggested include dipping into military stocks and relaxing air-quality standards enough to divert clean-burning oil from industrial and power plants to transport.

"All modes of transport are reporting 20 to 25 percent reduction in fuel supplies and in some areas the situation is critical.

Mass transit systems appear to be the hardest hit. All transit operations in Des Moines, Iowa, will stop on Sunday and those in Minneapolis on Monday unless fuel can be found, the American Transit Association says.

SITUATION ASSESSED

Industry associations gave this summary of their fuel situations:

Mass transit: Most Midwestern and Southeastern systems are reporting cutbacks from suppliers and shortages. The cities of St. Louis, Detroit, Cincinnati and Birmingham are anticipating 10 to 30 percent cutbacks in service within weeks. Plans have been made in some cities to eliminate Sunday, Saturday and after 6 p.m. service to reduce fuel consumption 15 to 17 percent. Suppliers are pressing to mix heavier No. 2 diesel fuel with the usual No. 1, despite potential engine damage.

(Jackson Graham, general manager of the 1,200-bus Metro system here, says "I know we've got a potential problem," but says there have been no cutbacks so far. Exxon Corp,. which supplies the D.C. Transit and WV&M bus companies taken over by Metro, says the shortage has not yet affected the Washington area.

(However, the Suburban AB&W line, which carries about 18 percent of areas bus passengers, was told early this month by its supplier, Texaco, it would be cut back 25 percent. Executive Vice President Richard Lawson said the company managed to secure enough fuel to last until its planned takeover by Metro at the end of January. "It's Metro's problem then." Lawson said.)

Airlines. Critical shortages at the three New York airports, due mainly to heavy cutbacks by Texaco. The Air Transport Association said flights may be canceled unless more fuel reaches New York "within the next several days."

Railroads. The Association of American Railroads says many suppliers have reduced commitments by 25 percent and others will deliver only at the 1972 level, despite increased demand.

Trucks. Situation varies from city to city, but general theme is 25 to 30 percent reduction in deliveries, according to the American Trucking Associations.

Inter-city buses. The trade group said some major, but unidentified, bus lines were down to a few days' supply of fuel. Companies going to independent suppliers have been forced to pay 2.5 to 6 cents more a gallon, it added.

PARCEL SERVICE HIT

The giant United Parcel Service organization reported it faces a "total shutdown of operations" in 12 Eastern states and the District of Columbia after Feb. 14. UPS said Texaco declined to renew its diesel fuel contract after the Feb. 14 expiration date. Other companies, it added, said they were unable to take on any new customers.

Industry sources said the shortage is a result of a combination of factors, none subject to easy solution. The cold weather in many parts of the country increased demand for heating fuel (which is No. 2) diesel and refineries emphasized gasoline production over lower grade fuels.

The officials say they'll press for White House action, but see few courses of action open. One executive who did not want to be identified said: "I'm sure we're going to end up with some kind of rationing."

[From the Washington Post, Jan. 23, 1973]

Deliveries Cut by Shortage of Diesel Fuel

(By Thomas O'Toole)

The shortage of diesel fuel worsened yesterday in the Midwest, where truckers began to cut back on deliveries in an eight-state region from Colorado to Illinois.

"We haven't gotten a drop of diesel since last Thursday, which means we have nothing left," said Milton Lambert, owner of General Gas & Oil Co., the leading distributor of Texaco products in the Chicago region. "There are trucks all over Chicago with dry tanks."

The first signs emerged yesterday that the diesel shortage had spread to the West Coast, which had gone through the current crisis unscathed. The American Trucking Association said that truckers in Los Angeles were notified for the first time that they would not get the diesel fuel they've requested.

"We have no idea what it means yet," an American Trucking Association spokesman said, "but some West Coast truckers were told that they won't even get as much fuel as they got last year."

The situation was far more serious in parts of the Midwest, where a storm aggravated the problem by dumping up to 10 inches of snow on Kansas, Nebraska, Iowa, Minnesota and Wisconsin.

Nine inches of snow fell before noon on Des Moines, where the airport was closed until mid-morning and United Air Lines cancelled all flights until at least afternoon. Airport crews said snow blew back onto the runways as fast as they could remove it, and the Iowa Highway Patrol reported numerous traffic jams and pileups.

One reason the diesel shortage is hitting truckers so hard is that it is being substituted for heating oil, making it scarce as a transport fuel. Some truckers were mixing diesel fuel with water and with heavier oil, a practice that's more wearing on engine parts and makes more fumes.

"We have to do this to keep operating," said an official of United Parcel Service. "Even at that, we're living from day to day with this fuel pinch."

Minnesota's Metropolitan Transit Co. averted a shutdown of bus service in Minneapolis and St. Paul by buying a cache of 270,000 gallons of diesel fuel from a distributor in Winnipeg, 340 miles away in Canada. Even then, the bus company had to lend fuel to its local supplier so it could move its trucks to Canada to get the oil.

Truckers throughout the Midwest said the shortage was at its worst in Denver, Minneapolis and Chicago and impossible on the numerous truck stops between the three cities. The Bee Jay Truck Stop outside Chicago said 86 trucks stopped there for oil last Friday, and it had no fuel to fill them.

"I had to use the couple of hundred gallons left in my tanks to keep their refrigerators running," owner Benedetto J. Massarella said. "I finally had to go to the black market for some bootleg fuel, which cost me as much as 30 cents a gallon." The market price is 12 cents.

Meanwhile, top Pentagon officials told the Senate Interior Committee they faced no immediate shortage of fuel. They said they had a 60- to 90-day supply of fuel in storage, enough to release as much as 140 million gallons to the civilian population if the fuel shortage reached emergency proportions.

[From the Washington Star, Jan. 24, 1973]

Imports Fall Short, Fuel Dealers Say

(By John Fialka)

An organization representing the nation's independent oil dealers complained on Capitol Hill today that recent changes made in the oil import program by President Nixon will not prevent further heating oil shortages and a possible gasoline shortage this spring.

The group, the National Oil Jobbers Council, which represents 1,300 dealers, also introduced a parade of local and state officials from the Midwest and New England who warned of further shortages.

Speaking at a meeting of congressmen and oil dealers held at the Cannon House Office Building, Jim Erchul, director of civil defense for Minnesota, said that last week the state ran out of extra supplies of oil. Unless it is able to locate oil in Canada that can be brought down by truck, the state will have a shortage of at least 10 million barrels by the end of February, he said.

Other state officials had a similar message. Col. John Plants, head of Michigan's civil defense unit, said "I don't care who caused it, I just wish people in Washington could figure out some way to solve it," he said, referring to a threat of shortage in his state next month.

In a statement released by the jobbers' group, it charged that dealers have been unable to get extra heating oil into the northern Midwest through existing pipelines.

Amerada Hess, a U.S. oil firm which was recently granted permission to bring in additional heating oil from its refinery in the Virgin Islands, the statement asserted, has so far refused to sell any of the extra oil to Midwest dealers.

John G. Buckley, head of the jobbers' oil supply committee, said that many dealers have been unable to get supplies of heating oil from Europe because European oil refiners are requiring one-year supply contracts and the President's recent action only lifted heating oil import controls for four months.

Buckley suggested that Congress should take the oil import controls away from the President and amend the program to bring in enough oil to prevent further shortages.

He said the jobbers expect "a substantial gasoline shortage in the spring and summer and an even more critical shortage of heating fuels next winter."

"Emergency measures, emergency allocations, last minute stop-gap measures, increasingly will fall short there by creating chaotic marketing conditions and shortages," he added.

[From the Evening Star and Daily News, Jan. 25, 1973]

REFINERY CLOSES AS UNITED STATES CONTINUES TO FEEL OIL PINCH

(By John Fialka)

As the nation continues to feel the impact of a growing shortage of heating and diesel fuels, a major oil company has closed a refinery in the oil-starved Midwest, claiming it is obsolete. An Oklahoma refinery, which also supplies the Midwest, faces the prospect of a shutdown because it can't get any crude oil.

Meanwhile, in Washington, the spokesman for the National Association of Food Chains has asked Congress to legislate a system of rationing that would keep food delivery trucks supplied with fuel.

The Mobil Oil Co. shut down its refinery at Woodhaven, Mich., last week, according to a spokesman. The closing of the refinery, which has the capability of processing 46,600 barrels of crude oil a day, the spokesman said, "has no effect" on the company's ability to supply its customers.

SHORTAGE IN FEBRUARY

The spokesman described the Woodhaven facility as a "small, obsolete refinery." It was capable of processing only 20 percent of each barrel of crude into heating oil, he explained, while the company's more modern refineries can make up to 50 percent of each barrel into heating oil.

Mobil, he added, is refining all the domestic and Canadian crude it can get in its other refineries. Asked why the company could not rearrange its supply system with other imported crude oil to make domestic or Canadian supplies available at Woodhaven, the spokesman said he could have no immediate answer to such a "technical" question.

Col. John Plants, director of Michigan's Civil Defense system, has warned that the state faces a severe oil shortage in February unless additional supplies are found.

NO "TRADES" AVAILABLE

At Cushing, Okla., the Midland Cooperatives, Inc. refinery, located in the middle of a series of oil fields which it does not own, may have to shut down next month unless it can find a way to trade its oil import allocation to get domestic oil from a major refinery company.

So far, according to Forrest S. Fuqua, the refinery's manager, the company has not been able to find a major refiner willing to part with any domestic crude.

(Under the nation's Mandatory Oil Import Program, refiners that do not import oil get import allocation "tickets" which are normally traded with major oil companies for domestic supplies.)

According to Fuqua, uncertainties in the oil supply picture have given the major companies "no incentive" to trade with small independent companies.

Fuqua said that his refinery, which can process 19,000 barrels of crude a day, is down to 9,000 barrels and may have to shut down next month because existing supplies will be used up.

A 25 PERCENT REDUCTION

The refinery, owned by a cooperative, sends 80 percent of its output into the northern Midwest in the form of gasoline and heating oil, he said.

According to Clarence Adamy, Washington representative of the National Association of Food Chains, which represents about 200 retail food corporations, some food delivery truck fleets have had this year's fuel allotment cut by as much as 25 percent by oil suppliers.

The resulting slowdown in deliveries may show up on some Midwest supermarket shelves in three weeks in the form of shortages in such fast-moving items as salt, sugar, coffee and flour, Adamy said.

He said he has asked Senate Interior Committee Chairman Sen. Henry M. Jackson, D-Wash., to introduce a bill that would allow the President's Office of Emergency Preparedness to ration fuel, giving priority to such vital services as food distribution, hospitals and mass transit.

RAILROAD EXPERIMENT

Currently, under the Defense Procurement Act of 1950, OEP cannot ration unless the President declares a major defense-related emergency.

According to various sources on Capitol Hill, at least a half-dozen subcommittees are preparing to explore various aspects of the country's faltering oil supply system.

Sen. Edward M. Kennedy, D-Mass., reportedly is about to introduce a bill that would give the government more knowledge of and control over company supply systems.

[From the New York Times, Jan. 25, 1973]

SOME OIL DEALERS SAID TO SHIFT DELIVERIES TO GET HIGHER PRICES

(By Edward Cowan)

WASHINGTON, Jan. 24—Reports on the oil shortage that have been reaching the Government indicate that some diesel and fuel-oil dealers have been reducing deliveries to regular customers and selling the oil at premium prices through other channels.

Various industry sources said that they had heard of such switching or that they believed it was going on.

There is no violation of Federal law in such actions, officials said, although they could provoke Congressional investigations.

The Exxon Corporation, formerly called Standard Oil of New Jersey, put into effect today a price rise of 1.05 cents, bringing the shipload price of heating oil delivered in New York harbor to 11.95 cents a gallon. The Mobil Oil Corporation made a similar increase last week.

European refineries were said by the Oil Buyers Guide to be quoting substantially higher prices. The weekly publication's editor, Vincent C. Sgro, said the higher prices had discouraged large-scale importation of European fuel oil even though Washington has suspended import quotas until April 30. One shipload was sold last week at 15.2 cents a gallon, Mr. Sgro said.

OPTIMISM ON SHORTAGE

With the weather continuing relatively mild in the East and Midwest, hopes rose that the shortage of fuels would not become acute again this winter.

"It's still very tight," said Charles Mason, a spokesman for the American Oil Company in Chicago, "but we're more optimistic than a week or two ago."

Mr. Mason reported that Amoco, a subsidiary of the Standard Oil Company of Indiana, expected delivery of additional supplies of foreign heating oil within a week.

Mr. Mason said that some increases should be regarded as restoring oil prices to "normal," he said "there were spots in our system where the price was artificially low" because of competition for customers or because of the Government's mandatory price controls, now ended.

In New Jersey, Leon Hess, chairman of the Amerada Hess Corporation, confirmed industry reports that his company had contracted to deliver 1.3 million barrels of oil from its Virgin Islands refinery between Jan. 16 and Feb. 15 at 11.5 cents a gallon.

REPORTS OF SPECULATION

Mr. Hess said that 15 to 18 buyers would include six major oil companies and that they, like Amoco, would be able to divert domestic supplies to the Midwest as imports arrived for East Coast markets.

Mr. Hess also reported that when the Government suspended the quota for imports from the Virgin Islands in December, among those besieging his company were "oil brokers."

"Some of them figured they'd just get on the band wagon," Mr. Hess commented. He said he was selling only to major oil companies and terminal operators.

There have been other accounts, chiefly from the Midwest, of "brokers" and other speculators buying oil and reoffering it at premium prices. Senator Dick Clark, a freshman Democrat from Iowa, was told of such offerings by Iowa fuel-oil dealers two weeks ago.

OIL DIVERTED FROM CARRIERS

In Chicago, Terry Vangen, the assistant regional director of the Federal Office of Emergency Preparedness, said he had heard that trucking companies "are getting some other fuels from other sources at higher prices."

Mr. Vangen and his counterpart in New York City, Thomas R. Casey, said they knew of no outright shutdown by trucking or bus companies.

Diesel fuel is essentially the same as heating oil. The industry evidently has been diverting to heating customers, especially residences, fuel normally delivered to operators of diesel trucks and buses and to railroads. Retail heating oil sales are more profitable than other sales because home owners usually pay the top price for fuel.

Both officials and their colleagues in Washington said that under existing law the Office of Emergency Preparedness was powerless to allocate scarce supplies unless there was a threat to national security, and that is not deemed to be the case.

"We don't have any authority insofar as what major suppliers are doing in their business," Mr. Casey commented.

"We have not heard of homes without oil," he added.

Mr. Mason of Amoco said that his company had told retail dealers throughout the country to keep household tanks only half filled, to stretch available supplies.

Other conservation measures were said by Federal emergency planners to be helping trucks and railroads minimize interruptions to service. Railroads were said to be running fewer and longer trains at reduced speeds. Trucks were said to have adjusted their engines to burn a leaner fuel mixture, to have reduced highway speeds and to have become more careful about shutting off their engines at delivery stops.

Like the railroads, the trucks have curtailed some services. The latest railroads to have reported to Washington the possibility of reduced services because of diesel fuel shortages were the Seaboard Coast Line and the Lehigh Valley.

One complaint from truckers was that they must supplement their reduced bulk diesel deliveries by "topping up" their vehicles at roadside pumps at higher prices. "Buying fuel on route," said an official of Consolidated Freightways in Menlo Park, Calif., can cost up to twice the usual price of 11 to 12 cents a gallon.

JUDICIARY SUBCOMMITTEE ON SEPARATION OF POWERS AND GOVERNMENT OPERATIONS COMMITTEE JOIN IN HOLDING HEARINGS ON IMPOUNDMENT OF APPROPRIATED FUNDS

Mr. ERVIN. Mr. President, on January 30 and 31 and February 1 and 6, 1973, the Judiciary Subcommittee on Separation of Powers, jointly with an ad hoc subcommittee of the Committee on Government Operations, will conduct hearings on the impoundment of funds by the executive branch of the Government.

The hearings will consider S. 373, the impoundment control bill as well as the constitutional principle of separation of powers, which has been brought into focus by the impoundment practice. I hope that these hearings will alert the Congress and the American people that we face a constitutional crisis and that some redress must be found if our form of government is to survive.

Aiding the two subcommittees in this inquiry will be Senators HUBERT H. HUMPHREY, HARRISON A. WILLIAMS, JR., FRANK CHURCH, THOMAS F. EAGLETON, ROBERT C. BYRD, BILL BROCK, J. W. FULBRIGHT, EDWARD M. KENNEDY, GEORGE S. MCGOVERN, and HENRY M. JACKSON.

Also presenting statements will be Congressmen SILVIO O. CONTE, CHARLES E. BENNETT, MICHAEL HARRINGTON, J. J. PICKLE, PAUL S. SARBANES, and JOE L. EVINS.

Mr. Ralph Nader of the Center for Responsive Law; Prof. Barry Commoner of Washington University, St. Louis; and Mr. Brooks Hays, former Member of Congress from Arkansas, will be among the witnesses.

The Comptroller General of the United States, Mr. Elmer B. Staats, will review the role and responsibilities of the Congress and other aspects of the impoundment problem.

Representatives of various citizen groups and organizations will testify on the effects that impoundment actions have had on education, highway construction, the environment, rural electrification and development, municipal improvements, home building, Indian health programs, housing and redevelopment, construction, telephone cooperatives, and other projects and programs that are vital to the Nation. Already we have seen the termination of several agricultural programs, including the rural environmental assistance program and emergency disaster loans to farmers, and we are all aware of the President's recent action in cutting $6 billion in funds for water pollution control which Congress had authorized over the Chief Executive's veto.

Included among these witnesses will be Mr. Charles A. Robinson, Jr., general counsel, National Rural Electric Cooperative Association; Mr. Nello L. Teer, Jr., senior vice president of the Associated General Contractors of America; Mr. Birgil Kills Straight, representing the Coalition of Indian-Controlled School Boards; Mr. Robert M. Koch, president, National Limestone Institute; Mr. Henrik Stafseth, executive director, American Association of State Highway Officials; Mr. George C. Martin, president, National Association of Home Builders; Mr. Robert W. Massin, representing the National Association of Housing and Redevelopment; Mr. David C. Fullerton, executive vice president of the National Telephone Cooperative Association; and Mr. Jack T. Nix, superintendent of the Georgia Public Schools, representing the Council of Chief State School Officers.

The administration has been given an opportunity to present its views. Testimony is expected to be received from Mr. Roy L. Ash, incoming Director of the Office of Management and Budget; Secretary of Agriculture Earl L. Butz; Mr. Joseph T. Sneed, Deputy Attorney General, Department of Justice; and Mr. William D. Ruckelshaus, Administrator, Environmental Protection Agency.

Members of the Judiciary Subcommittee on Separation of Powers, of which I serve as chairman, are Senators JOHN L. MCCLELLAN, QUENTIN N. BURDICK, CHARLES MCC. MATHIAS, and EDWARD J. GURNEY. The ad hoc subcommittee of the Committee on Government Operations is chaired by Senator LAWTON CHILES, and other members are Senators LEE METCALF, EDMUND S. MUSKIE, CHARLES H. PERCY, and JACOB K. JAVITS.

Prof. Arthur S. Miller of the National Law Center, George Washington University, consultant to the Subcommittee on Separation of Powers, will assist during the hearings. Other consultants who may be present are Prof. Philip B. Kurland of the University of Chicago and Prof. Alexander M. Bickel and Prof. Ralph K. Winter, Jr., of Yale University.

The hearings will be held in room 3302 Dirksen Building, and will begin at 9:30 a.m on January 30 and 31 and February 1 and 6.

Those desiring additional information are requested to contact the Subcommittee on Separation of Powers, room 1418, Dirksen Building, telephone 225-4434.

ADDITIONAL STATEMENTS

RETIREMENT OF ACTING PUBLIC PRINTER HARRY J. HUMPHREY

Mr. ALLEN. Mr. President, Harry J. Humphrey is retiring soon as Acting Public Printer of the United States. He has had a remarkable and an impressive career in the Federal service. He was born March 18, 1910, in Washington, D.C., and began a lifelong association with the Government Printing Office in 1928 when he was appointed printer/apprentice. Completing a 4-year apprenticeship in 1932, he graduated first in his class. Throughout his apprentice years he attended Benjamin Franklin University, earning his bachelor's degree in 1933, again placing first in his class.

Shortly after this, he was promoted to printing cost technician in the Finance and Accounts Division. While this was almost unprecedented recognition for one so young, his flair for both accounting and printing perfectly qualified him for this post. His rise in a field combining both printing and financial management was steady and he filled increasingly more responsible jobs and was selected as Deputy Comptroller of the Government Printing Office in 1961.

Mr. President, in 1965, he was honored by a sustained superior performance award and a year later was promoted to Administrative Assistant to the Public Printer, with direct responsibility for the Public Documents Division, the Engineering Division, the Finance and Accounts Division, the Personnel Division, the Purchasing Division, and the Division of Tests and Technical Control. In 1970, Mr. Humphrey was presented the Government Printing Office's Distinguished Service Award and was promoted to the post of Deputy Public Printer. Upon the untimely death of Public Printer A. N. Spence in January 1972, Mr. Humphrey became the Acting Public Printer of the United States and head of one of the largest printing offices in existence.

The period following Mr. Spence's death was a difficult one and Mr. Humphrey's long service and varied experience served him well in maintaining both the production impetus and administrative balance of the Government Printing Office.

Mr. Humphrey, aside from an abundant grasp of fiscal matters in an agency responsible for $260 million worth of printing and binding annually, contributed significantly to modernizing efforts and to employee development and training. He assumed a role of leadership in clarifying and implementing the expanded participation of commercial printers in the Government Printing Office's regional printing procurement program, more than doubling the number of regional offices.

Mr. President, in his nearly 45 years of service at the Government Printing Office, Mr. Humphrey compiled a record of achievement virtually unparalleled in this agency's history. At every stage of his career, from apprentice to Acting Public Printer, he distinguished himself by his ability, his foresight, and his dedication to the interests of this Office and the people who work there.

The loss of this experienced and skilled Federal executive will be felt throughout the Government graphic arts community. His contributions to the operation of the Government Printing Office spanning more than a generation have earned him a place of distinction in the annals of this agency.

Mr. President, I know the entire Senate wishes for Mr. Humphrey a long and enjoyable retirement. He has certainly earned it after many years of faithful service.

ADDRESS BY ALF LANDON—PRESIDENT NIXON'S DESIGN FOR PEACE

Mr. PEARSON. Mr. President, last October Alf Landon delivered a very significant address at Hesston College, Hesston, Kans., in which he outlined, with great insight, present world conditions and President Nixon's initiatives in reshaping our relations with Russia and China. This is an extremely well done assessment of international conditions. As I did not have the opportunity to call this to the attention of Senators before the adjournment of the 92d Congress, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

PRESIDENT NIXON'S DESIGN FOR PEACE

(Address by Alf Landon)

The American voters never have faced a more momentous decision than in the coming election in just 18 days.

That may sound trite. I submit, however, that never before has the fate of civilization rested in the hands of a trio of tough traders—cool and bold first-class fighting men—

Nixon, Brezhnev and Chou En Lai—who are engaged in reversing the basically militant long-term military, political and foreign policies of their respective mighty governments. How that ultimately works out will determine the destiny of all mankind, even babes born this minute.

Never before in all history have three men had such power in their hands because of the spread of nuclear weapons and the development of ways to enhance air power. Never before has the threat of world war been dealt with as realistically and as vigorously and—so far—successfully as President Nixon's proposals designed for peace, stability and prosperity.

Let us look briefly where this monumental change could be upset and then at its amazing set-up in three and a half years.

The first question obviously is, will this trio or their successors be able to continue their realistic and constructive leadership long enough to establish the new philosophy and new international policies involved in working out the details of implementing their goals?

China today cannot match either the United States of America or Russia in either nuclear or air power weapons. They will, however, catch up in a few years.

That is a key issue that confronts Russia. The military and the politburo are evidently divided whether to strike before China can build up greater nuclear power and bigger and more effective air power.

Russia has the air power quickly to knock out China's infant nuclear power. However, the fallout from even a short nuclear war would cause infinite damage for Russia's and the rest of the world's people. Furthermore, at the best, there would probably be one or more Chinese nuclear bombs hit Russia. And Russian armies would be engaged in a long drawn out guerrilla war in China and would have to sustain the enormous expense of administering occupied areas. Moreover, Russia—by attacking China—would give fresh fuel to attacks from Communists elsewhere questioning Russia's ideological faithfulness.

On top of this is the short food crop in Russia. It is still true, despite all the new weapons, that an army marches on its belly.

Going on three months, there has been a steady build-up of troops by Russia and China on each side of their long border.

There also has been a steady flow of vituperative attacks on China by Chairman Brezhnev and other top Russian government spokesmen. China, of late, has almost become the devil's devil of Russian propaganda, in place of the U.S.A.

In China, Russia has swapped places with the U.S.A. in Chinese rhetoric. All this is of substantial benefit for the foreign policies sponsored by President Nixon. That clears a lot of underbrush away in the long, tedious conversations now going on between governments preparing for agreement on the details of how to organize simply the preparatory committees.

Chairman Brezhnev is facing tough internal economic and political problems and, recently, two very hard and serious jolts. The food shortage from crop failures has hit Russia right in the belly. Egypt—built up by Russia—but still a third-rate power—kicking out the Russian military—some 15 thousand—and, even more important, denying three harbors for the use of Russia's built-up big Mediterranean fleet.

So far, Brezhnev has ridden them out successfully and continues in the saddle, carrying out his normalization of relations not only with the United States of America, but with Japan and Europe, with India in a special orbit.

Of particular concern to the American people is the nature of Russia's goals in Europe.

The leaders of the drive to pull U.S. troops out of Europe—men like Senator McGovern and Senate Majority Leader Mike Mansfield—advance the argument that it is time for the Western European democracies to assume more of the burden of their own defense. But statistics and the experts alike argue that it is all but impossible for Europe alone to provide an effective military deterrent to the Soviet Union and its allies.

Moscow and the Communist nations of Eastern Europe have 91 divisions in Europe and the Kremlin maintains another 80 divisions in the westernmost districts of the Soviet Union. Against that mass of military power, NATO has only 24 divisions—four and a half of them American.

Such an imbalance of power was clearly in the mind of West German Chancellor Willy Brandt when he unprecedentedly flew to Harvard in June to donate $45 million to finance studies aimed at keeping the U.S.-European relations firm. Without a strong U.S. military presence, Brandt warned, Europe may once again become "a volcanic terrain of crisis, anxiety and confusion. An actual U.S. disengagement would cancel out the basis of our peace."

It is generally overlooked that France has become more and more dependent on Russia economically and its friends, the Arab states. This is especially true for that most vital commodity, crude petroleum.

France has already disengaged from its commitment with NATO. That, coupled with the U.S.A. possibly withdrawing its troops from West Germany, will allow Russia to become dominant in Europe.

West Germany's official defense policy statement for 1972 put the facts bluntly: "The West European nations are not capable of taking the place—politically, militarily and psychologically—of the American commitment in Europe." This, as a leading British military commentator sees it, "will in the end lead to Russia encroaching on vital Western interests—at which point we are all too likely, from habit and from inadequate military capability, to surrender."

The only power that can prevent that ultimate surrender is the U.S. and the only way it can do so is to maintain a strong and determined military and political presence in Europe.

Because European countries have failed to keep all of their commitments to NATO and have been content to leave their national existence in the hands of Uncle Sam, they have eroded—for the time being, at least—their will to fight for their own existence. They have almost failed to maintain their own identity.

Just as Japan and China lost no time in getting together so that they will occupy a more influential position in Asia, so is Russia, under Chairman Brezhnev's policies, in that position with Europe. That will strengthen Russia in the Middle East.

Russia has more than enough armed forces to perpetuate its military position in Europe.

It is interesting to note that President Nixon had barely left Moscow when Russia's No. 1 ideological watchdog, Mikhail Suslov, delivered a jingoistic harangue reminiscent of the Stalinist years. The West, he said, is trying to "implant in our society poisonous seeds of political indifference, anarchist willfullness, petty bourgeois money grubbing, chauvinism and nationalism." That's why our position . . . "must be active, offensive, concrete and uncompromising."

There are two pragmatic reasons for Russia's tough act. Without the presence of some kind of external bogeyman, it would be difficult to keep controls tight—and controls are the bedrock of Soviet society—and of Chinese society, for that matter. Furthermore, the Soviets must preserve the facade of unrelenting peoples revolution or lose ground to China.

George W. Ball, former Under Secretary of State and a Russian expert, said recently: "For more than two decades, the maintenance of a precarious balance with the Soviet Union has been the central unifying principle in American foreign policy. But many now regard that as an outmoded concept. To them, the Soviet leaders no longer have expansionist intentions; the ideological drive for revolution has, they insist, dried up, while the Soviet state has recognized the futility of its imperialist ambitions.

"It is a comforting belief, strongly reinforced by the deceptive theatricals of the recent summit meeting. Who can believe that a smiling Leonid Brezhnev and all those nice children on the Moscow streets hold any malign purpose in their hearts?

"Yet against all this, there is powerful evidence that the Kremlin has not changed its objectives, merely its tactics. Though we may be in an era of negotiations as President Nixon calls it, it can still remain an era of confrontation."

Up to now, the administration has *not* tried to answer that question in a categorical manner, since the Soviet Union's commitment to benign co-existence is not yet a safe working hypothesis. Thus, though we have now made a modest initial breakthrough toward a turning down of arms race through the preliminary SALT agreement, the President still asks for a larger defense budget; and though there is much facile talk of detente between East and West, he quite properly insists on maintaining our troop deployment in Europe.

It seems to me that all this tends to indicate that Senator McGovern does not have the facts he should have when he talks about cutting American troop strength in Europe and that he is once again willing to shoot from the hip rather than from reality.

On top of that, the Democrat presidential candidate would cut our military appropriations 32 billion dollars over three years.

The authoritative Jane's "All the World's Aircraft" reported three weeks ago that "The Soviet Union is flying a swing wing bomber the United States cannot match and a fighter plane the Americans cannot catch."

I have heretofore supported cutting down our troop strength in West Germany. Now I think that is a terrible mistake.

When urging *normal relations* with China and Russia for twenty years, I have repeatedly said I was not willing to sleep in the same room with the late Premier Nikita Khrushchev, *for instance*, and leave my wallet in my pants over the back of a chair. Undoubtedly Chairman Brezhnev and Premier Chou En Lai feel the same way about us.

That is reason for our President's opposition to cutting our European troop strength—in his cautious and prudent feeling his way toward the sweeping vista in sight of a world of normal relations between the big powers for the first time in three quarters of a century. Who dreamed when Mr. Nixon initiated his Design for Peace in February, 1969, only 60 days after his inauguration, that exciting prospect was in sight?

In other words, he is carrying out his momentous policies as Theodore Roosevelt long ago advocated—"Speak softly but carry a big stick." Let us now look at *that amazing* prospect.

President Nixon's record is plain to see, whether you agree with it or not. More than any other president, he has kept America's citizens informed of international developments and of his foreign policy goals.

Senator McGovern's foreign policy, thus far, centers only on the abandonment of Viet Nam and the withdrawal of American troops from West Germany. That does not add up to a positive and constructive overall foreign policy. It does not begin to compare with the sweep and scope of President Nixon's global policies realistically designed for stability, peace and their corollary, prosperity, for our great and beloved country and indeed for all people. In fact, it is counterproductive.

There are many revolutionary possibilities in the foreign affairs policies initiated by our President.

The Prime Minister of Japan—with a large official party—spent several days in Peking renewing, after thirty-five years—diplomatic relations with China. Taiwan and Japan broke their existing diplomatic relations.

Prime Minister Tanaka is about to visit Moscow to renew Russo-Japanese diplomatic relations after over twenty-five years.

Thirty governments have renewed or established diplomatic relations with China since President Nixon's visit last February.

The two Koreas are talking. The two Germanys have just ratified a traffic agreement pact—a milestone in mutual accommodation. The first start, after long delays, of the SALT talks has been signed by both Russia and the U.S.A.

The change in the international atmosphere involves and affects all lines of trade, science and health. A group of Chinese doctors—welcomed by President Nixon personally at the White House—is exchanging very beneficial information with their counterparts in America. We are exchanging exciting information on the mysteries of space and oceans and planning a joint exploration in these areas with a Russian scientist delegation.

Of great importance is the joint agreement by and between the AP and the Chinese official news agency for the exchange of news and information. A veteran AP reporter in Asia said last Sunday in a dispatch from Shanghai, the cities "are the same but the people are different. They are freer—more relaxed . . . None of this means that China has overnight become a free country. It is more open than it was 18 months ago."

There is a general atmosphere of amity in the present era unfolding and stretching ahead for the youth of this generation.

The problems facing the world we are living in are not confined to war or peace. They are of peaceful existence itself. There is the rapidly mounting energy crisis and the ecological crisis that must be solved before they reach a climax, if we are to face our responsibilities to the next generation. "One generation passeth away and another generation cometh, but the earth abideth forever" is no longer a reasonable prospect.

If President Nixon's policies fail in realization, we are plunged back into the cold war once again with the corollary arms race that will divert more of our national resources from legitimate domestic democratic processes and concerns.

Thanks to President Nixon's foreign policy, the world will never quite be the same again. He came into office with the purpose of changing the rigid policy of containment of Communism by force. He has done that by introducing the policy of containment by negotiation and cooperation, based on the firm understanding that neither expediency nor bull-headedness will permit the world's powers to solve or accommodate their individual and mutual problems.

It is a new era into which we have entered. It is an era that gives us and all the world's peoples a fresh chance, by talking out their problems and making concessions instead of continually hurling invectives and rattling sabres. What a rewarding life that is, compared to one under war or the threat of war.

Premier Chou—in conference with a group of visiting American newspaper editors last week—said, "China's contacts with the outside world have been dramatically accelerated since President Nixon's visit."

He added a fascinating detail, which I believe we should all think about, in his comment on how "a little ping-pong ball changed the world."

RESOLUTION OF ALASKA NATIVE BROTHERHOOD

Mr. GRAVEL. Mr. President, it is the policy of this Government to assist Indian tribes and villages across the country. It has been brought to my attention that the Tlingit villages of Sitka and Juneau receive relatively little assistance. Their only fault is that they are within an urbanized area and, therefore, are considered ineligible for many BIA programs.

I have received a resolution from the Alaska Native Brotherhood that, in a beautiful and creative way, expresses their feelings.

I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

SITKA AND JUNEAU INDIAN VILLAGES—LOOK TO THE FUTURE

Resolution No. 60-91-72, Grand Camp, Alaska Native Brotherhood

Whereas according to the Tlingit legend, in the whole world, there was only silence, all around the land, there was darkness, and everyone whispered and moved about carefully because in the sky above, there was no sun, no moon, and no stars. They were in safekeeping by a man who kept them locked in a special wooden box, and

Whereas when the great raven found out about the sun, moon and the stars, he went from house to house trying to find the man who owns the boxes so that he may get at them. As time went on, he came upon the man, and

Whereas due to the great ravens complete ability and versatility, he was able to be born to the man's daughter, and

Whereas as the boy (raven) grew older, he cried and cried for the boxes one by one until he accomplished his mission by securing for all mankind, the sun that gives light, warmth; the moon and stars that shine in the night for people to see and go by in order not to get lost, and

Whereas the story gives us strong evidence that the Tlingits were on this land since Tlingit Indian time began, and

Whereas there still exist Indian villages today from that first day light, and

Whereas after countless generations from the first through the time when the world flooded on through today, the tlingit lived in peace and harmony with each other, respecting the different boundary lines of each tribal land. That is, until the people from beyond the sea where the clouds end came among us with their desire for more land, more furs, more fish, and everything else you can think of, and

Whereas after settling among us, and since they couldn't eliminate the Tlingit nation through the traditional means, there sprang up the urban sprawls and engulfed old villages such as Juneau and Sitka, and

Whereas today, even though the villages of Sitka and Juneau still exist despite of urbanization, they are not recognized or eligible for assistance from BIA, and other agencies that assist villages because of their unfortunate situation, and

Whereas the two urban villages are today like the raven crying for the sun, the moon and the stars, for they are wandering around in the dark due to policies, regulations and laws that neglect the people because they became urbanized.

Therefore be it resolved by the 60th Grand Camp Convention, assembled in Ketchikan, Alaska that the Grand Camp Alaska Native Brotherhood and Sisterhood being the parent of all camps secure for Sitka and Juneau Indian villages, the boxes that contain the sun, moon, and the stars by advising all camps to be aware of the two Indian villages engulfed by the people from beyond the sea where the clouds disappear and that other villages be careful in order that they may not suffer the same fate as Juneau and Sitka Indian villages. To be sure that your villages be forever under the control of the original people and fight for all rights under the guiding light of the ANB and ANS.

Therefore be it further resolved look to the future!! Realize that today is the future for some of us. Tomorrow is the future of our children. Day after tomorrow is the future for our grandchildren and their children's children. What we do in our villages today will affect the future of our land.

VOCATIONAL REHABILITATION

Mr. TOWER. Mr. President, the Smith-Fess Act, signed into law in 1920, is an historic piece of legislation. It is the origin of one of the Nation's oldest, most successful, and most respected grant-in-aid programs—the vocational rehabilitation program.

The vocational rehabilitation program has grown tremendously—its growth has been responsible and deliberate—certainly not growth for the sake of growth. The program initially offered limited services for the physically handicapped. Each client was eligible for training, counseling, and placement services. During World War II, the vocational rehabilitation program was significantly expanded to include, for the first time, provisions for medical, surgical, and other physical restorative services to eliminate or reduce an individual's disability, and expanded beyond physical disability to provide services for mentally ill and mentally retarded individuals. Furthermore, the concept of rehabilitation was expanded to include "any services necessary to render a disabled individual fit to engage in a remunerative occupation."

In 1954, the program was amended further to provide for reseach, demonstation, and taining activities. In 1965, Fedeal finanrcing was libealized to encourage State agencies to expand their programs and to offer services to new groups of handicapped individuals. Further amendments have provided for a National Center for Deaf-Blind Youth and Adults, services for migrant workers, recruitment and training of handicapped persons in public service employment, services to families of clients and establishment and construction of rehabilitation centers.

Since its beginnings over 50 years ago, the vocational rehabilitation program has rehabilitated over 3 million people. In fiscal year 1971, for the first time, over 1 million handicapped individuals were provided services during a single year. Over 300,000 of these individuals were rehabilitated to productive, meaningful lives. New knowledge is being used to help victims of cerebral palsy, epilepsy, aphasia, arthritis, and other disabling diseases.

As if the social benefits were not sufficient justification for the program, the cost-to-benefit ratio demonstrates the value of the program. A number of benefit-cost analyses of the rehabilitation program have been completed. Although the analyses have differed as to their methods and assumptions, the result has been inevitably a finding that the benefits derived from the program are many times its costs. The ratio ranges from

8–1 to 35–1. The vocational rehabilitation program is a sound investment in the future of our Nation—it represents our belief in the worth of the disabled.

As of June, 1972, the Vocational Rehabilitation Act expired. The 92d Congress worked diligently, and prior to adjournment, passed the Rehabilitation Act of 1972.

The Rehabilitation Act of 1972 was drafted to enable the vocational rehabilitation program to more fully realize its goals. Conservative estimates indicated that over 7 million Americans who suffer from a disability could benefit from rehabilitation services. Last year, the vocational rehabilitation agencies only reached slightly over 1 million of these individuals and of these, only a fourth were successfully rehabilitated. One of the primary intentions of the act is to provide more services for more individuals.

A second major provision of the act is to emphasize the treatment of individuals with the most severe handicaps. Less than one-fourth of those successfully rehabilitated in fiscal year 1971 could be classified as "severely handicapped." The severely handicapped are, however, the ones most in need of rehabilitative services. Because their disability is so acute, they are less likely to find help anywhere else. This provision of the Rehabilitation Act will enable State agencies to provide more services to more severely handicapped persons.

Third, the Rehabilitation Act authorizes increased technical and scientific research. All indications point to immediate benefits from research. Furthermore, the act promotes the dissemination and utilization of recent technological breakthroughs.

Fourth, the vocational rehabilitation program was expanded to specifically address the needs of special groups—such as those suffering from a spinal cord injury and those suffering from end-stage renal disease. Too often, the future of a person suffering from a spinal cord injury is a long life in a nursing home—totally dependent upon others. His very existence drains the resources of his family and the public. This situation can be—and must be—changed.

Mr. Scott Duncan, of Houston, Tex., a most remarkable young man, visited me last week. He suffered a spinal cord injury at the age of 16. Today he is participating in a unique program called Life Styles, Inc., which is designed to help young men and women learn to live independently—to minimize their dependence upon others. Many of the participants are currently attending college. Regretfully, such programs are rare. The Rehabilitation Centers for Spinal Cord Injuries authorized by the act would correct this situation.

The resources available to end-stage renal patients—persons suffering from kidney disease—are limited presently. I have toured hemodialysis centers and visited with patients who have successfully undergone a kidney transplant. We possess the means to have these lives. Treatment can restore many kidney patients to an active and fulfilling life. The Rehabilitation Act authorizes State programs to provide the treatment, equipment, counseling, and training necessary to rehabilitate kidney patients.

Finally, the Rehabilitation Act creates an Office of the Handicapped. At last count, there were over 38 different programs for the handicapped. The Office of the Handicapped will operate in an advisory capacity to evaluate and coordinate the various programs. Furthermore, it will perform the vital function of a national information center, directing inquiries to the most appropriate programs.

The Rehabilitation Act (S. 7) was reintroduced in the 93d Congress by the Senator from West Virginia (Mr. RANDOLPH), chairman of the Subcommittee on the Handicapped. Today I join Senator RANDOLPH and the members of his subcommittee as a cosponsor of this most important legislation.

MANAGING SOCIAL CONFLICT

Mr. GRAVEL. Mr. President, the phenomenon popularly called "crime in the streets" has increasingly received our attention in recent years. The increase in violent crime is very real and very serious. The trouble is that those resisting necessary social change have tried to cloak their opposition to it by hiding behind this label. This served the double purpose of justifying social denials while refusing to correct them.

But it did not do anything toward solving the real crime problem. This policy, at best, could only fight a holding action. In the words of Albert Seedman, chief of detectives of the New York City Police Department:

> Robbery grows out of social unrest, out of poverty and out of a society that is in flux. We can't do much about these root causes of robbery, but we can arrest more of the robbers.

That may have been an answer. It is not a solution.

"Solution," indeed, took the form of a "law and order" campaign for the Presidency by Richard Nixon in 1968, with its strong racial overtones and the implication that more cops, more guns, more toughness, no more coddling, and—presto—no crime.

It did not work out that way. Something else must be tried. One man with a different idea of how it should be done is Dr. Kenn Rogers, who has recently established in Cleveland a program for applied social research in managing community conflicts. This program will address itself to critical social conflict areas in business, industry, civic, and Government institutions; in urban development, racial tensions, law enforcement, education, health, and welfare. It will concern itself particularly with the destructive and self-perpetuating effects of the social disorders that all too often mark ghetto life with depression, hopelessness, and violence.

Dr. Rogers believes that as a person becomes aware of the dynamics of social conflicts, he no longer views them from a narrow, parochial level, but in terms of the entire community. It is this broadened perception that his program proposes to bring to its participants. As a community achieves this perspective, its members and its institutions will be able to deal more effectively with changing social conditions and the events that affect their lives, hopefully reducing conflicts.

This approach to "crime in the streets" is, I believe, much more realistic than what we have been offered these past 4 years. It seeks to build on cooperation and communication rather than on dissention and misunderstanding.

As a sample of the constructive approach Dr. Rogers will be using in his Cleveland program, I ask unanimous consent that there be printed in the RECORD his article entitled "Group Processes in Police—Community Relations," which appeared in the September 1972 bulletin of the Menninger Clinic.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GROUP PROCESSES IN POLICE-COMMUNITY RELATIONS*

By Kenn Rogers, Ph. D.) †

INTRODUCTION

Across the country of America, there is a large gap between police and inner city residents. On the establishment side there is an opinion that police are justified by performing their duties by virtually whatever means necessary—on the nonestablishment side it is very widely understood that some police will do anything necessary whether justified or not. Washington, D.C., a city of 70 per cent Blacks, the capital of the nation, the place where Congress and the President dwell, is no exception to the rule of police-citizen misunderstanding and alienation on both sides.

To this end there are two sides with no bridge between them—Where do we go from here? (The Pilot District Project Newsletter, Vol. 1, No. 1)

This paper describes efforts to build such a bridge and in the process to develop data pointing to where to go from there. It is an analysis and evaluation of four four-day intensive working seminars conducted by the District of Columbia Government Pilot District Project (PDP). Designed to enable participants to explore the nature of authority and the problems encountered in its exercise, each seminar was attended by police officers working and civilian citizens living in Washington D.C.'s Third Police District. I served as consultant for each of the seminars.

It was accepted at the outset that the increasingly high density of population, the rapid and often uneven pace of social, technical and economic changes in America's urban communities fosters alienation, distrust, fear and even hatred between police and community. Minority groups—Blacks, Chicanos, Puerto Ricans, Mexican-Americans and others—in their struggle to share more equitably the opportunities of American life often look upon police as enforcers of a middle-class morality which they themselves see as difficult, if not impossible to live by.[1] Police, on the other hand, experience taunts, curses and even physical attacks from those whom they are professionally charged to protect. As a result, there prevails all too often an atmosphere of mutual distrust and even hatred which demands analysis and most likely alternative approaches for dealing with the suspicions and uncertainties rampant in police-community relations.[2]

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† Professor of Business Administration, The Cleveland State University, Cleveland, Ohio; formerly, Professor of Organizational Behavior, The American University, Washington, D.C. Dr. Rogers received his Ph.D. in psychology from the University of London, England, and is a member of the American Marketing Association, the American Psychological Association, the British Psychological Association, the British Market Research Society, the American Academy of Political and Social Science, the Academy of Management, and the World Association of Public Opinion

Police academy training programs generally address themselves to the technical knowledge necessary for police work and tend to disregard the emotionally-affected uncertainties inherent in this work and their ensuing anxieties. Police-community relations programs more often than not rely rather heavily on traditional approaches, e.g., inspirational lectures, dissemination of so-called scientific principles and exhortative recommendations, stressing the "professionalization of the police." Many of these efforts seem to be designed to convey "improved" public images but, alas, essentially of a cosmetic nature.

Seminars such as those described here are based on the realization that technical knowledge of police work cannot be seen as adequate preparation for the effective discharge of the police force's professional responsibility, let alone for the development of good police-community relations. Participants meet not only as individuals but also on behalf of the institutions in which they work. This fact makes interpersonal and institutional dynamics a subject of major importance, especially when organizational authority structures and their roles are examined in terms of facilitating or hindering police-community efforts toward achieving declared goals and tasks. Therefore participants should have an intellectual grasp of management and related concepts about organizational and personality development. These seminars provide opportunities for learning these concepts and testing their validity in direct application. This kind of learning can enhance the ways people discharge their responsibilities and thereby improve police-community relations.

Understanding group processes and their effects on human behavior has in recent years become of increasing interest to professionals—therapeutic, educational and organizational—as well as to laymen. The application of these techniques has a potentially wide range. Communication within the group generally focuses on efforts to change the group participants' behavior. The techniques of communicating this understanding vary widely in their terminology and application, e.g., Sensitivity Training, T-Groups, Laboratory Training, Group Psychotherapy, Encounter Groups, Sensory Awareness Groups, Yoga Meditation, Body Movement Groups, Alcoholics Anonymous, Weight Watchers and many others.

The seminars described here employed the so-called "Tavistock Model" developed by Rice [3] to focus on learning about group processes. Based on a body of concepts developed by Bion [4] in his psychotherapeutic work, and on "open systems theory" [5, 6] as applied to social and organizational systems,[7] this process is designed as a framework for facilitating the study of group behavior and its underlying dynamics. Certain assumptions about this process need to be stressed:

1. Although society has authority over individuals and groups in a number of ways, particular sanctions are exercised by the police. Therefore, it is important for this public service institution to have its members understand the impact of their exercise of authority as fully as possible.

2. Social learning of mature adults can be enhanced by their need to make decisions in new and unfamiliar situations. The seminar's self-study exercises, therefore, were stripped of conventional institutional structures such as agenda, external tasks, name tags, chairmen, secretaries, etc. Making decisions in the resulting unfamiliar situations aroused anxiety and discomfort among the participants. Yet it is unlikely that one can learn about anxiety in decision-making and in situations involving uncertainty in a meaningful way unless this anxiety is actually experienced.

3. In all working relationships there are various levels of behavior going on at the same time, some overt and conscious, others less so. Many persons are familiar with hidden processes in themselves and between two persons. It is, however, far more difficult to think of such processes and to be aware of them in larger working groups or in tense situations such as frequently occur in police-community relations. Increased awareness, therefore, of covert and unconscious group processes potentially enhances the understanding of group behavior including its irrationality.

4. Important roles within groups are those of leader and follower. Each of these roles may be embodied in more than one person, and in different persons at different times. Moreover, neither function can exist without the other. Therefore, it becomes important to learn about the forces which affect a person who assumes the role of a leader and what forces a leader can bring to bear on those he attempts to lead. In the process of experiencing what it feels like to be a leader or a follower, conflicts are likely to arise and can then be studied as they affect the group's task performance.

STRUCTURE OF THE SEMINARS

The seminars consisted of lecture-discussions, self-study group exercises, an application session, and a final review session. The first day was given to *lecture-discussions* with emphasis on the following topics: (a) practical applications of system concept in organizations concerned with police-community work; (b) psychological and social implications of work and work contracts; (c) organizational structures and role relationships; (d) authority, power, and responsibility; (e) manager-subordinate and leader-follower relationships; and (f) personal growth and maturation from infancy through adolescence to adulthood.

The second and third days and the morning of the fourth were given to *self-study group exercises*. Each participant had opportunities to examine group processes as they unfolded, to study the effects of his behavior upon others in the group, and to explore the effects of the behavior of the group upon himself. In the process, members tried out different ways of establishing relationships and various problem-solving techniques in work settings. Treating the seminar room as an institution, they were able to learn from each other the effects of their attitudes towards police work and the community and the dynamics influencing effective functioning, innovative changes, resistance and dysfunction in organizational structures.

The consultant's task in this exercise was to help the group examine its own behavior. He intervened only when he believed he could facilitate the learning of the group. Indeed, there was no advocacy of beliefs or values on his part.

Having no set agenda, the members generated their own topics of discussion and thus explored their developing interpersonal relations in the "here and now." In the afternoon of the fourth day, a one-and-one-half hour *application session* was held in which the members, assisted by the consultant, considered the relevance of the seminar's learning to their own work settings.

A one-hour *review session* concluded the seminar. Here members examined the entire seminar in terms of content, the prevailing dynamics of the group, and the techniques used in this kind of learning process.

PRIMARY TASK AND PHILOSOPHY OF THE SEMINARS

The primary task of the seminars was to educate mid-management officials of the Third Police District and other participants about group processes, particularly authority relations. The seminars, therefore, were designed to provide participants with a frame of reference in which they could experience the effects of authority upon themselves and others and, in the process, examine their own role behavior, perceptions and attitudes as they manifested themselves within the different groups. Special attention was paid to understanding the influence of irrational on rational and of unconscious on conscious elements in decision-making while at work.

The seminars' underlying philosophy assumed that intelligent individuals, whether acting alone or in groups, do not behave irresponsibly or against their declared interests without cause. Therefore they can be held responsible for the consequences of exercising their authority, i.e., doing their work. This responsibility however, extends itself to actions and decisions that arise not only from overt and conscious processes but also covert and unconscious factors, which may include irrational and destructive expressions of frustration and aggressions. Thus, it is assumed that insight into one's own motivations will enable one to redirect his or her energies into more constructive behavior in line with the avowed mission of one's institution.

RESISTANCE OF POLICE OFFICERS TO PDP

Throughout the seminars most officers expressed verbally and behaviorally a strong resistance to the PDP. There were specific complaints about compulsory attendance at seminars; about having civilian riders in patrol cars; about PDP members lounging around the station houses—all culminating in a bitter resentment against the PDP's very existence, at times scatologically expressed.

The dynamic matrix from which their attitudes evolved can be seen in the police officers' fear that PDP's Civilian Board (CB) would turn into a civilian control board of the Metropolitan Police, if PDP should become effective in establishing good police-community relations. During one session, this apprehension rose to the surface and, when it was interpreted as such by the consultant, some officers "lost their cool," in which they generally take great professional pride. It was the only occasion when more than one person spoke at a time and when nervous shouting occurred. Expressions such as "That'll be the day!" "It will never happen," and "Not while we are around," poured forth, and one officer suddenly found himself in the grip of apparently uncontrollable giggles.

Data from the various seminar sessions showed that while the police officers claimed they were not familiar with the aims and mission of the PDP, nevertheless, some "ventured guesses" as to what those aims might have been originally and how they might have changed since the advent of the CB. Curiously, these guesses and surmises reflected reasonably accurately the official mission of PDP as stated in the original Office of Economic Opportunity grant and as subsequently reworded by the CB. PDP's original mission was seen as an effort to break the vicious circle where on the one hand the police were perceived as an occupation army in enemy territory, displaying attitudes of hostility and brutality toward the ghetto black, even harassing black militants in a cold and vicious way while, on the other hand, they were trying to exert honest and concerned efforts at enforcing the law. These opposing views created serious blocks in police attempts to maintain peace and order,

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Footnotes at end of article.

and called for a rehabilitation of good will and cooperation between community and police. However, for reasons they could not understand, the police officers and not the members of the community were expected to make the adjustments. The policeman was branded as the villain, while the community, left alone, appeared to be awarded "the seal of good and responsible citizenship." In the eyes of the officers, this rank discrimination represented a distortion of reality, since "a goodly portion of the population consists of criminals and those supporting them," with only the small remainder being viewed as "citizens," i.e., noncriminals. To make things worse, the officers recalled an election in the precincts to decide where the PDP was to be located. Although the Third Precinct had the lowest number of votes for PDP, it was, nevertheless, located there. These recollections brought back strong feelings of betrayal expressed in statements of "sell-out" and "political deals" between the PDP's director, the "politicians," specifically "the Mayor," and the top echelons of the Metropolitan Police. The latter reaped special bitterness as they were seen to have "shirked their responsibility of protecting their men."

When the CB was subsequently elected, it rephrased PDP's mission. To the best of the seminar participants knowledge, the CB sees itself as "representative of the community to the police and as a mediator of police action. By pointing to the low voting participation in the community, the men roundly denied that the CB is representative of the community. Indeed, the large number of abstaining eligible voters were seen as "the real citizens," while those who did vote were depicted to be largely rabble. The mediator role of the CB was attacked on the grounds that the CB was not invited by the police officers, but rather brought in as a result of political collusion. Officers felt the CB had neither the approval of the community nor of the police, and that it is not qualified to mediate judgments since it is biased in favor of "the criminal element" and is "without knowledge of police work." One factor underlying these arguments is the clannishness and secretiveness of the police culture. It was stated in varying forms that "it is impossible to work by the book," that "rules are probably broken a hundred times a day." There were thinly veiled allusions to "pimps and dope pushers on the force" and to "goldbricking on disability examinations." There was also some brief mention of brutality.

In this context, PDP's citizen riders were seen as spies who write secret reports on the men, most likely distorting actual events and "accusing some of us of being corrupt when we get a cup of coffee." Moreover, not only are those civilian riders "slovenly," "ill-behaved," "illiterate liars," "often with a police record," but their conduct in the station house is especially objectionable because they frequenlty interfere with regular police work. When in one seminar a photograph was passed showing a PDP member asleep in the station house with his feet on a desk, the officers agreed that the employment of the PDP staff was nothing but a form of "dignified welfare," i.e., the PDP misuses Federal OEO funds for welfare payment to unemployables under the guise of doing police-community work. In another group the same theme arose and CB members in this group expressed surprise at such occurrences as shown in the photo and the feeling of others that OEO funds were used for "rehabilitation of dudes."

In addition, the statement quoted from one of the PDP leaflets, that "police should not be afraid of anyone observing normal operations unless something is sly, slick or wicked. If nothing is improper then there is nothing to hide . . ." was felt by the officers to be "rubbing salt into open wounds." One higher-ranking officer resolved the anxiety caused by this statement to the satisfaction of the men by pointing out that here *was* "something sly, slick, or wicked," but that it was on the part of the citizen riders and the PDP in general and not on the part of the officers.

CAUSES FOR OFFICERS' RESISTANCE TO INSIGHT INTO THEIR BEHAVIORAL DYNAMICS

Resistance to the seminars is embedded in the officers' perception of their work roles. In the course of the seminars the civilian participants, the consultant, and occasionally some of the officers themselves, indicated how much a police officer's perception of his role was affected by personal fantasies. Indeed, the particular fantasied image of the police officer as a tight-lipped, heroic, two-gun frontier marshall arose time and again in the course of the discussions. The two-gun facet of this image seemed particularly real to police officers who, in addition to their service revolvers, had also carried a second private gun. This fact was discussed at length and defended as a survival aid in cases when an officer is held up and stripped of his service revolver. It emerged, however, that departmental regulations have effectively disposed of this two-gun phenomenon, although the recollection evoked considerable nostalgia among some officers in the group. During one such discussion a particular insight emerged, although initially at an unconscious level. It started with one of the men describing his job as "maintaining tranquility." Some of his colleagues added that "any person out of the ordinary is suspicious to an officer" and, "if he is deviant, he is potentially a threat to good order." Although prodded by the CB members, the officers never specified criteria for being either "deviant" or a "threat to good order." In fact, one officer strongly implied the question was a stupid one. He stated emphatically, "You know it when you see it. What's more, it is a challenge to the officer's authority." The considerable anger among the officers of this group was then released through their discussion of the charges on which "such a deviant threatening good order" might be arrested. These charges were: disorderly conduct, assault, and resisting arrest.

Since throughout the discussion no reference was made to any actual incident, one was left with the imression that these charges existed only in the officers' fantasies. Fear of physical danger could not be admitted overtly by the officers; instead they deflected this fear of personal attack as an attack on their authority. At this impersonal level they permitted themselves to deal with their fears through verbal belligerence which they then "acted out" in the "here and now." In the process they reassured themselves they would bravely do their duty.

When the consultant interpretatively linked the material developed by the group, i.e., the references to "sly, slick, or wicked," to the fear of being personally attacked, and the thinly veiled allusions to arrests and charges for offenses which had not actually occurred, most officers in this group became furious. At this point in this and the other three groups, a ranking officer stepped in and advised the consultant "not to stir up dirt," "not to set the men against one another," and finally, resorting to secretiveness, stated that "we do not wish to talk about such things." When the consultant reminded the participants that they themselves had selected the topics to talk about, and that it was his task to interpret the meaning of their comments, the police officers expressed feelings of being "trapped." The consultant's knowledge represented "a theft of their private thoughts," "helped to create an atmosphere of hostility" and "was aimed at proving a theory other than making the seminar productive."

In one group, making the participants aware of the embarrassment and pain caused by an assertion they clearly knew to be untrue caused a ranking officer to instruct the consultant to "make the men stop that." Realizing that this "instruction conferred upon the consultant" implied that the consultant had authority superior to his own, he suddenly rose and left the room. Although the session was not finished, the officers followed him in rapid succession, thus indicating loyalty to their leader and the department. This dramatic incident was the only occasion in 48 sessions where the men did not adhere to schedule. This particular resistance to insight into their own behavior can be attributed to the officers' need to protect self-esteem, their own perception of their working environments and making their roles fit into personal needs for self-defense. However, the more one learns about his own fantasies regarding individual and organizational authority, the better he can check them against reality and be responsible for his work. Consequently, if these police officers were to recognize that their exercise of authority had been often characterized, for example, by unnecessary use of physical power, it would represent to them a degree of failure in their performance. Moreover, it would subject the entire police force to accusations of police brutality. This kind of situation, of course, is too painful for an individual to admit. Such pain was exacerbated by the presence of superiors, colleagues, subordinates and civilians in the seminars. Telling members of the force to "wash out your mouth with loyalty," i.e., to adhere to solidarity and secrecy, was ineffective. The group process revealed some characteristics of the police culture which it seemed the men would prefer to keep to themselves.

SUBGROUPS AND THEIR CHARACTERISTICS

In the course of the seminars, four identifiable subgroups emerged. The police officers formed three subgroups, the civilian participants the fourth. On a surface level manifest attitudes differentiating the police subgroups were well expressed when the consultant, during a relaxed lunch-break conversation, asked the police officers at the table why they were on the force. One said, "It's a living"; another stated, *more eloquently*, that he saw himself "providing important services to the community and maintaining order and peace"; a third spoke, with considerable fervor, of his "mission as a crime fighter." All three were sergeants working in the same geographic area, at the same time, and with the same population of citizens. Each, however, perceived his work and emphasized his authority substantially differently from the others. A valid profile for each of the subgroups can be drawn from the seminars' "data."

The *"It's a Living" Subgroup* was reluctant to communicate about itself. Many of its members managed to remain silent during most of the sessions; reading newspapers; dozing off; and indicating in varying ways they had come to the seminars only because they were ordered to do so. They considered the exercises "a waste of the taxpayers' money"—which could be given usefully to them instead. They made it quite clear they "could not be bothered with relearning their ways and values" and "if change is necessary, let society change." Their view of the consultant's work was as "an attempt to rape their minds."

The main concern for this subgroup was "How do I survive until I am eligible for my pension?" There were discussions of their generous but non*transferable* pension rights which made them captives of the department and unable to seek a job elsewhere without foregoing this pension. They acknowledged the possible need for change in the police force—"but not while I am around."

The *"Crime-Fighter" Subgroup* came to the police force in the main from the Deep South or from abandoned coal-mining towns in West Virginia, Kentucky or Pennsylvania. Their formal education did not extend beyond high school, if that far. Overtly, they saw themselves as "undereducated" and "inadequately prepared for their work." Invariably they gave the impression of being shrewd and capable of learning to adapt to changing conditions although impeded by a distrust of large sectors of the community seen as the "enemy." This perception at times seemed to border on group paranoia.

They seemed to have chosen police work largely for two reasons. Their education, both formal and informal, did not provide them with skills for earning a livelihood at the same level of pay in other professions. Moreover, police work afforded them a socially accepted authority position superior to that of a sizable portion of the total population—the blacks. Having an available underdog in the blacks served to bolster a self-esteem which apparently had been shattered seriously during their own personality development.

Of course, they could have also chosen to lift up "the underdog" by providing helping services with a sense of sympathy. Whenever the discussions touched on this subject, the men presented well-formulated statements about being "policemen and not social workers," although upon further thought, whenever it occurred, there was a realization that police work is in fact providing social services. This point was then quickly dismissed. The attitudes of these officers suggest at least two reasons for denying the validity of the social service concept by this subgroup: (1) the culture of the police force, as they perceive it, is such that it looks upon "helping little old ladies across the street," "soothing a family quarrel," "having compassion with an addict who in the throes of withdrawal requires paraprofessional help" as "sissy stuff" and offensive to the masculine mystique of the law enforcer. (2) Having empathy with the unfortunate tends to vitiate the policeman's unconscious need to force the less fortunate in our society into the role of the underdog and thus inferior to himself.

They deplored their inadequate contact with "good citizens"; instead they were exposed to blacks spouting their hatred, malice, and hostility; to militants calling them "pigs" and accusing them of brutality and corruptions; to courts and politicians, both within the police and outside, who make their work even more difficult than it is already. They stressed that "the ideal police system is the Gestapo," but then "it could not be done here." There was repeated mention of an occasional need for martial law.

Again and again they termed themselves as "creatures of habit." Their values were neatly arranged in simple dichotomies of good and bad, right and wrong. They saw parents in our society as irresponsible and, elaborating on this theme, they told tales of their own parents being rather irresponsible and of being viciously whipped by their fathers. In two instances, there were systematic expressions of unconscious and strongly suppressed homosexuality, always followed by verbalized idealization of womanhood.

Their request was for the consulant to provide them with a "bag of tricks" for dealing with street people and with higher-ups in the department. They became angry when they were frustrated in this wish but rationalized their disappointment by terming the consultant a "do-gooder wanting to bring about a social system for which the American people are not yet ready." The more manifest hostility was expressed when one officer wondered "how some people escaped the gas chambers," only to tell the consultant later on that he "did not realize he was Jewish." Most officers of these two subgroups were white.

The third subgroup, *Oriented to Community Service*, was about evenly divided between whites and blacks, the former generally holding higher ranks, the latter being patrolmen or sergeants. They felt strongly that crime is not inherent in ghetto populations but most likely is the result of a "crazy-quilt of causes; social, psychological, economic, political, and many others." This problem makes it necessary for more and different kinds of police education than that offered by either the Police Academy or the "practical college of the street," not to mention most of the training offered by PDP. This group acknowledged that "much crime was neither solved nor even investigated." The officers also spoke of the difficulty of "doing effective police work without the cooperation of broad groups in the community" and without "occasionally bending some rules."

The group seemed firm in expressing the need to eliminate corruption and arbitrary acts adversely affecting the rights of citizens. They stressed the importance of noncrime-related service functions and pointed to the flaws in a policy that favors generalization and abolishes specialization in officers' roles.

The black police officers of this subgroup frequently consented to these views but in the main remained silent, displaying poker-faced expressions and, occasionally, turned sullen. Replying to their colleagues who teasingly invited them to express themselves more actively, they seemed to say: "Don't mock us! We are hep to it. We have watched your spiel too often. We have trusted some of you in the past and were tricked."

When other police officers deplored the entrance of "unqualified new recruits," obviously black, the black members of this third subgroup sat in stony silence which could have been either a confident "We shall overcome," or a menacing "Just you wait." However, it clearly was *not* passive indifference.

The entire subgroup made repeated efforts to use the consultant's interpretive comments in spite of the resentful attitude this effort evoked in many of their fellow officers. The consultant was also asked repeatedly to convey the gist of their complaints to higher echelon officers in the department.

The *Civilian Subgroup*, except for two members, displayed a common intent—selling PDP to the police officers. Members differed in their approach. Some lectured at the men, often overbearingly talking down to them or arguing legalistically, proving them "wrong." Others tried to persuade them to cooperate with PDP, since they were "reasonable men of good will." Only two members straightforwardly addressed themselves to the issues discussed, inquiring, approving, or criticizing. Apparently they felt able to justify their beliefs and values.

All members of this subgroup, however, were frequently late or absent which the police officers felt expressed a belittling attitude. This impression was enhanced further when on occasions CB members tried to explain their absences or tardiness. Their reasons were "busy with the Mayor," other "important matters," or "seeing someone important in the Federal Government." The implication was clear—by comparison, police-community relations and the police officers themselves were less important. Generally, this subgroup suffered from a credibility gap; their rhetoric deviated sharply from the "reality of the street" as daily experienced by the police officers.

SOME DYNAMICS COMMON TO ALL SEMINARS

The early stages of the seminars were characterized generally by an attempt on the part of the officers to maintain a solid organizational front with most of the talking left to the senior officers who conveyed a tolerant party-line acquiescence in a matter of potential importance while at the same time condemning the exercise for its irrelevance when compared to the other important things they had to do, e.g., catching criminals. Lower rank officers did little talking. The presence of two CB members served only to unite the police officers in another common purpose: to attack PDP, to show its wastefulness, uselessness, and "support of the criminal element in the community."

At this time, hostility against the consultant and the exercise, both linked to the PDP, emerged. Expressions of anger were directed toward the police hierarchy, although the intensity and frequency was different in each of the seminars.

Frequently, the self-study exercise was initiated by officers in a series of ethnic jokes, indicating thereby that examination of police authority could be carried out successfully only via scapegoating, although with an overcast of jocularity, thereby removing the sting and avoiding any serious rifts within the department. When the consultant interpreted this approach, he and the CB members were generally met with attacks. Splits in the ranks of the police officers recurred when discussion turned to the tendency of white officers to live outside the city while the blacks stayed in the ghetto, or when it was mentioned that the white officers have "their friends among the white shopkeepers." If an officer sided with the consultant or with one of the CB members, the other officers in the group attacked his loyalty.

One approach for covering these overt rifts was initiated, often by the ranking officer, with a discussion of the police as a deprived minority—deprived of civil rights in not being allowed to engage actively in politics, in having to wear their guns at all times, and in being seriously hampered in developing an effective trade-union organization of their own. One example of such a difficulty was cited in the "real possibility" that the Policemen's Benevolent Association's telephone was tapped.

When dealing with the CB members the police officers frequently used the same tactic. The police officers never directed their critical questions at both CB members simultaneously, but only at one or the other. In fact, they used a proven police tactic in splitting the civilian crowd and dealing with each individual separately. In this approach they found the CB members' behavior playing right into their hands by letting themselves be split from one another. Although this maneuver was called to the attention of the entire seminar on several occasions, nevertheless it persisted without change.

There seemed to be at least two dynamics underlying this phenomenon. First, board members wanted to show their individual superiority by demonstrating they could stave off police attacks singlehandedly; and second, they obviously did not care to support one another. However, there is also persuasive evidence that the CB members "acted out" the prevailing atmosphere at their own CB meetings: a disunity expressed in squabbles, which can hardly be seen as task-oriented but which apparently satisfies the personal needs of individuals. Some of the more determined personalities will finally come through as dominant and the others then sit back in apathy, manifesting the defense of pretended noninvolvement, barely hiding their rage.

SELF-IMAGE OF METROPOLITAN POLICE OFFICERS

The officers themselves, at various levels of consciousness, suffer a hurt self-esteem, in some instances almost to the degree of lacking self-respect. They work for low wages, especially when considering the high personal risks they take. They see themselves inadequately educated and prepared for fighting or preventing crime, which is growing in frequency, intensity, and complexity. The causes of this increase are largely unknown or not understood by them. Moreover, there is no clearly or operationally defined task description for a police officer's role. The result is they depend more and more on higher-level management whom they believe to be neither competent nor dedicated to police work or to the men themselves. They see the police department forced into a "shot-gun marriage with the PDP," a mismating of the disciplined with undisciplined, incompetent "street people" who interfere with professional work of vital importance to the community. It is this lack of operational clarity about the primary tasks of the police—tasks the department must fulfill to justify its existence—they believe to be the main cause of the system creaking along without much sign of change.

Another serious constraint is an unsatisfied need for approval from "the good citizens." The officers are disturbed about being alienated from "the good citizens," who themselves, in turn, are subjected to an atmosphere of violence, drug abuse, crime and mistrust and thus have become resentful of the police for failing to provide protection and security. Indeed, when police officers, directly or otherwise, examined their contacts with other people, these seemed to be the criminal element; their "friends" were "the bootleggers on the corner who inform on the dope pushers." Resentment toward the community is then linked to the police officers' poor pay and the circle seems locked.

Yet it is worse than that. Locked in a tight hierarchical authority system they have become dependent for promotion on higher level management's evaluation of their task performance. However, the men regard these higher level managers as rather thin-skinned bureaucrats, and any mention of their incompetence or any appeal to them to allow lower echelon officers to make major decisions is likely to end in unpleasant results. In cases where appeals had been made, the men cited experiences in which "the papers have been held up for six to 12 months" and "by then the matter got cold and everybody lost interest in it." The reason for these delays was given by the men as simply: "Neither the Chief nor his immediate assistants like complaints. Who, then, will show appeals to them?"

They suggested with varying directness that improved training is withheld from the lower ranking officers because "if they were to become more competent, then some of the superiors would be shown up." This problem took bizarre dimensions when a CB member earnestly inquired about the city's illegal heroin traffic. He was given a lengthy defensive lecture laying the blame on the doorsteps of the law, the Supreme Court, the bail system, and Turkey. However, in the end, he was told the department suffered from a lack of personnel and "officers are needed to write traffic tickets and cannot be spared for other work," presumably the heroin traffic. The CB member found this incredible, and the police officers were suddenly considerably embarrassed but they had made their point—they had nailed bureaucratically motivated disorganization.

An additional complaint came almost as an afterthought—police officers are all too frequently shifted in their assignments "shortly after they get the hang of things"—a condition not contributing to efficiency.

The middle-level police officers saw themselves more often than not "between two millstones": one, higher level management, with an image as described before; the other, an increasing number of new recruits, black, less than qualified initially, inadequately trained, and vaguely suspected of political militancy.

Viewed on the surface level, the image of police officers may be quite impressive, especially when looking at uniforms, shiny buttons, silver shields, guns, and "the traditional image of the respected cop." At a deeper level, however, they see themselves as "niggers," poorly rewarded, facing high risks against survival, lonely, oppressed. To change this image requires, they believe, effective higher level leadership, but they have little hope it will emerge. In short, the policeman's job could be a good one. However, caught in the double bind of insufficient basic skills for other types of work and being captives of a good pension, they have lost their mobility; all they can look forward to is survival and retirement.

THE VALIDITY OF THE REPORT'S FINDINGS

The origin of the data and the method of their evaluation has been described. However, when examining the validity of the report at least three caveats should be entered here.

1. It is clearly impossible to claim any general validity for judging the attitudes of these police officers outside this specific sample of 52 men. Both the size of the sample and its selection—nonrandom—would militate against it. However, it is not likely that the data from these seminars are the result of pure chance and that they do not reflect in some way actual conditions as perceived by these police officers and by some of their colleagues who were not present.

2. In terms of the description of group personality profiles, a report like this one is inevitably a simplification since it selects those criteria and motivations seen as relevant to the understanding of the institution's problems: Clearly the complexity of human nature embraces a multitude and hopes and fears and attitudes. In selecting those relevant to this particular institution is not to deny the existence of others.

3. Quite often, perhaps in this instance, when behavior of groups within an institution is examined and compared, there is the danger that the comparison will appear as a simple contrast of right and wrong, or competence and incompetence, and that one course of action or pattern of behavior and its motivation is recommended and others are not. I wish to deny explicitly any intention to make such value judgments. My task in this instance was to describe, to understand, and to explain the material provided by the participants, so the involved institutions could derive suitable problem solutions. Moreover, the detection by one person of particular causes underlying an organizational situation does not mean others are expected to think likewise. Consequently, it should be stressed that I do not intend to press the invulnerability of my diagnostic hypotheses. Rather, my intent is to present observations and explanations for critical examinations.[8]

RECOMMENDATIONS FOR FURTHER WORK ON POLICE-COMMUNITY RELATIONS

The need for more intensive study of ways to improve police-community relations seems rather obvious. Yet simply to leave it at that seems not only unsatisfactory but also unnecessary and some recommendations can be suggested here. Indeed, this study produced insights which may be potentially useful for improving police-community relations not only in Washington, D.C., but perhaps even nationally.

First, it seems necessary to define in clear- and operational terms the specific tasks and policies of programs designed to effect healthy and constructive police-community relations. Such specifications will provide not only a basis for assessing their feasibility when planned, but criteria for judging their accomplishment or failure, as the case might be, when instituted.

The lack of such clarity enables, perhaps even forces individuals to exert pressures in determining policies for such programs and for their implementation. Moreover, this absence of clarity nurtures a rigidity of operations that results, for example, in forcing officers to attend training sessions whether they want to or not in the hope they might become "better motivated." However, in the process, no attention is paid to their capacity to change their behavior and their underlying attitudes. As a result, police and broad sections of the community frequently become further polarized and alienated from one another. Indeed, this study indicates a great deal of looseness and individually-determined role behavior among civilians and police regardless of the potential consequences. Frequently, unnecessary conflicts arose, obviously satisfying individual or parochial desires, but in themselves destructive to either or both institutions (the police and the community), and even to the individuals themselves. Important areas of joint interest were neglected and vitally important changes in these relationships were difficult, even impossible, to achieve because they conflicted with individual interests.

Second, it seems useful, even essential for the task of improving police-community relations to define operationally the organizational authority structure of the police force in terms of its statutory contracted service to the total community, and then subject it to close scrutiny in its application. How effective is it, for example, in facilitating police work desired by the community? To the best of my knowledge, this task has not been undertaken anywhere in the country. Police manuals offer detailed descriptions about how to do police work. However, there is a marked lack of operationally defined aims and tasks, something in itself worth pondering.

FOOTNOTES

[1] Liebow, Elliott: *Tally's Corner*. Boston: Little, Brown, 1966.

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[3] Rice, A. K.: *Learning for Leadership*. London: Tavistock Publications, 1965.

[4] Bion, W. F.: *Experiences in Groups*. New York: Basic Books, 1961.

[5] Bertalanffy, Ludwig von: The Theory of Open Systems in Physics and Biology. *Science* 3:23–29, 1950.

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GORDON METCALF AND SEARS, ROEBUCK

Mr. PERCY. Mr. President, on January 31 Gordon M. Metcalf, of Chicago, will retire as chairman of the board and chief executive officer of Sears, Roebuck & Co., a post he has held for the past 6 years.

Mr. Metcalf, who has been with Sears for almost 40 years and who recently turned 65, is stepping aside in accord with the company's retirement policy.

In his distinguished career, Mr. Metcalf has achieved success not only as a businessman but as a citizen. That is evident from a review of his career.

A native of Sioux City, Iowa, he was graduated from Morningside College in that city, later completing graduate study at Northwestern University's School of Commerce.

In 1933, Mr. Metcalf joined Sears at its Bay City, Mich., store. He moved up to several other positions, then came to Chicago in 1948 as general manager of retail stores in the Chicago area.

In 1957 he was elected vice president

for the firm's Midwest territory. On February 1, 1967, he became the eighth board chairman since the firm was incorporated in 1893.

In that capacity, he has guided the growth of a vast organization that includes more than 800 stores and does business throughout the length and breadth of the United States and overseas.

Mr. Metcalf's concern for his organization has extended even beyond his own connection with it. A prime responsibility of management is to provide for succession within the organization. The test of management is the quality of that succession. In this case, Sears and its former chairman and chief executive officer, Gordon Metcalf, are to be commended for the outstanding qualities of Arthur Wood, who has assumed these positions. An able businessman and one of the most respected and civic minded citizens of Chicago, Mr. Wood's new responsibilities not only bring credit to him but also to Mr. Metcalf and the Sears board of directors on providing for this very able succession.

But Mr. Metcalf's interests extend beyond the confines of the retailing industry. He is concerned as well with the progress of our society.

Mr. Metcalf's citizen interests have led him to positions as chairman of the National Alliance of Businessmen, chairman of the U.S. Industrial Payroll Savings Committee, member of the Business Council, and member of the President's Committee on International Trade and Investment.

He is a trustee of the conference board and a director of Radio Free Europe. In Chicago, he is a trustee of the Museum of Science and Industry, a director of the Chicago Boys Clubs and past chairman of the State Street Council and the Chicago Better Business Bureau.

On January 10, Mr. Metcalf made a speech to the National Retail Merchants Association which provides an example of his broad range of interests. I ask unanimous consent that the speech be printed in the Record.

I also ask unanimous consent to have printed in the Record a congratulatory telegram to Mr. Metcalf from President Nixon and a speech about Gordon Metcalf given by Mr. Ralph Lazarus on the occasion of Mr. Metcalf receiving the National Retail Merchants Association's Gold Medal.

There being no objection, the items were ordered to be printed in the Record, as follows:

Gordon M. *Metcalf*:

As the members of the National Retail Merchants Association honor your conspicuous accomplishments, they applaud the highest ideals of our free enterprise system. Your civic conscience and humanitarian concern add to your career a dimension that makes it an example for all your fellow citizens, and that has justly earned you this special tribute. My warmest congratulations to you on this occasion.

Richard Nixon.

Comments by Gordon M. Metcalf

It is a great experience to receive the National Retail Merchants Gold Medal.

What merchant would not be honored to have such an award from an association representing so many of his colleagues.

One is expected to be modest at times like this, but frankly, ladies and gentlemen, I am very pleased and proud—thank you all.

The merchandise business has been my life for 40 years. They have been exciting years, filled with the challenges that go with a high risk business.

Since the end of World War II, our industry has grown and prospered with our country, and contributed greatly to that prosperity.

With the single exception of 1961, retail sales have shown an increase over the prior year—and in 1961, the industry missed maintaining that trend by only three-tenths of one per cent.

In the 22 years since 1950, retail sales per capita have more than doubled. The volume of general merchandisers, apparel, furniture and appliance stores has tripled. Department store sales have multiplied almost five times.

As you well know, this growth has not been automatic or accidental.

This record has been achieved by adapting to changing conditions and offering the goods and services that appealed to consumer habits, tastes, and life styles.

As the population shifted dramatically to the suburbs, retailers developed shopping centers and stepped up branch store expansion.

Rapidly rising family incomes caused retailers to offer wider selections of better merchandise and new products and services.

The changing patterns of living were met by providing broader assortments, longer shopping hours—including Sunday shopping in many areas—and new types of specialty stores or shops within the conventional store.

So, major changes have been made in the past, but problems already on the horizon, inviting our interest and solutions, are as great or greater than any problems of the past.

For example, in the technical-economic vein, the whole new phenomenon of limited energy supplies is to be faced. This energy crisis, as our scientists explain, comes about because most of our energy is produced by burning various materials—oil, gas, coal, etc. All of these materials in turn are being consumed at an ever-increasing rate, and at least two major scientific groups concur that the supply of these materials is in danger. What is needed are new concepts in energy production not based upon the combustion process—such as. . . . nuclear fusion or solar energy.

At first glance this problem may seem somewhat remote from the merchandising industry. However, the very system used to influence the character of merchandise to meet the consumer's wishes relates directly to the energy crisis.

I am thinking here of the trade-offs made in order to properly balance product attributes to consumer needs. The consumer tells us, for example, that she wants a vacuum cleaner that cleans with maximum efficiency. The manufacturer may decide to add 25 per cent more power to a vacuum cleaner to get a five per cent improvement in cleaning. Or, in responding to the consumer's wish for a small air conditioner. It may be determined to trade off efficiency in energy consumption for a smaller size.

Still another example may be the small gasoline engine in which trade-offs have been made in the direction of emphasizing low costs, safety and performance, rather than efficient energy conversion. We can see that seemingly remote national problems like the energy crisis relate directly to the merchandising business.

In a very similar manner, retailers could well analyze their total distribution system from the standpoint of energy conversion. This study would show that the system is not designed for minimum use of energy, simply because it was *not planned* that way.

In the area of ecology, scientists predict serious deterioration of our thin layer of air and earth surface unless major changes are made in our industry processes.

Is this problem remote from the merchandising industry? We have been producing products for the consumer in fantastic quantities, with their design being almost totally influenced by *product function*. It is predictable that the manufacturer will be required to consider *product disposability* at the *point of design*. Tires, appliances, packaging materials—all of these will be studied in the future from the standpoint of their effect upon our ecology, and these studies will have an impact on our industry.

In a similar fashion, there are social, or life style changes which we must prepare for in the future. For example, manufacturing and service industries are showing a greater interest in the four-day work week. A four-day work week would generate significant increases in leisure time.

Obviously, there is nothing sacred about the five-day work week. Certainly we all remember, and many of us are still involved in, the six or seven-day work week. But, the change from five to four working days could have an obvious effect upon our industry. We must be ready for this change.

The increasing mobility of our consumers continues to astound me even though I recognize, in my experience, the reasons for some of this mobility. People just don't stay at the old homestead any more. It is hard to believe, but 20 per cent of our families move every year. There is increasing evidence that the concept of spending one's working life in one endeavor could very well be a thing of the past for a significant number of people.

We can look to the future with a sense of excitement—in the products we sell and in the way we operate our businesses.

On the product side, we can expect to see manufacturers speed up the shift from metals to plastic materials.

Plastics are becoming known for their inherent characteristics and will lose their identity as a substitute material. The tremendous investment in this country in metal working plants and equipment has in some ways slowed the acceptance of plastics. But now real growth seems assured.

Engineers see an increase in the use of plastic parts and components in the manufacture of furniture. It will be used for the load bearing structure instead of just decoration.

Plastics combined with aircraft production techniques, should also play an important part in the future home construction to form structural elements, such as floors and walls.

Plastics have moved into the textile industry—in the U.S., cotton now accounts for less than 50 per cent of all fibers used and within the next ten years, will diminish to 25 to 30 per cent.

The conservative estimate is that by the end of the 1970's, over 70 per cent of textiles will be all or in part man-made fibers. These fibers have given the textile industry new life. Their properties have also given tremendous stimulus to soft line retailing.

On the operating side, we will unquestionably be faced with increasing costs of doing business.

Personnel benefits, both those directed by the government and those we institute ourselves are sure to increase.

In the 20 years between 1950 and 1970, total fringe benefits more than doubled.

From an internal standpoint, the big challange today and for the foreseeable future will be the costs associated with the *distribution of merchandise*.

We are going to have to examine closely transportation, handling, storage and delivery costs.

The financial costs of *holding inventory* are a factor that will give great impetus to experimentation.

Holding costs are primarily interest—and interest equals time—there must be faster movement and fewer interruptions in the flow of merchandise from the factory to the consumer. The cost of air transportation for many commodities is decreasing and this favorable trend is resulting in more movement of goods by air.

It seems to me that greater emphasis on centralization of inventory is a possible move in the direction of lowering costs.

Despite the effort on the floor to separate merchandise for specialized selling, the requirements of efficiency will force the emphasis to be put on centralized inventories.

With labor and building costs continuing to escalate, more and more merchants will come to the realization that the *"Cube is Cheaper."*

More sophisticated materials handling equipment will be a major help in moderating warehousing costs.

The trend seems to be in the direction of less and less package delivery. Shopping centers have made a contribution to this trend but to develop it further, we will need to design packaging for customer take-with convenience—and certainly provide more adequate pickup facilities.

In my opinion, the future of the retail industry has never been brighter. Our mass middle-income market is broadening into a mass high-income market. This is revolutionary when you consider that throughout history, and still today, in most countries of the world the mass market is the low-income market.

The median family income level is expected to rise from $10,290 in 1971 to more than $17,000 in 1980.

The percentage of families in the $25,000 and over income group is expected to increase four-fold in the decade of the seventies. By 1980, 14 per cent of all families are expected to be in the category.

Even on the basis of constant (inflation-free) dollars, the number of families earning $15,000 and more annually will more than double between now and 1980.

All of this means much greater purchasing potential for many American families. Higher income levels will allow these families to substantially increase their discretionary purchases. The market for discretionary goods and services will more than double in this decade, according to forecasts prepared by The Conference Board.

Changes in the age composition and spending power segments of the population are highly favorable.

Young families (those with heads under 35 years old) will be by far the fastest growing family group. A family in this age group needs a broad range of merchandise and services and they have a growing income. By 1980 these young families will account for one out of every three dollars of total consumer spending.

Changing attitudes toward "work and play" has been a factor in the explosive growth of recreational goods and services.

Fashion styling has finally caught on in men's apparel. Bold new colors and fabrics have finally made this an exciting business.

Growing interest in travel and in "second" or "country" homes will offer challenges and new potential.

The *market for services* is growing even faster than the market for goods and will continue to expand rapidly in the years ahead. This offers new areas of growth for retailers, such as:

1. Home care and maintenance services.
2. Equipment rental services.
3. Educational services.
4. Financial services, etc.

Retailers generally are now completing a record year, and the national economy continues to pick up momentum. Total retail sales should double in this decade to about $735 billion by 1980. Sometime before 1985, we can look forward to a trillion dollars in retail trade.

General merchandise, apparel, furniture and appliance sales are expected to grow even faster—more than doubling in this decade to a record $205 billion by 1980.

As we take advantage of this bright outlook, we retailers must do a better job of communicating with the public, and do a better job of serving them. One area of vital importance is to help the public understand the facts of business profits.

Public opinion polls show that the average adult believes that business makes an average of 28 per cent profit after taxes on each sales dollar.

The business community has done little to correct this erroneous impression. If we stand silent and allow this kind of misconception to continue, the public is likely to favor higher corporate taxes and believe that we can afford higher costs without raising prices.

The place to start is in the schools and greatly increased emphasis must be put on teacher education in the basics of business economics.

On the consumerism issue, we need to let the public know. . . .

1. that we are aware that our performance sometimes falls below their expectations.
2. that we are concerned about improving service, products and satisfactions; and
3. that we're trying to be responsible corporate citizens.

This must be more than public relations—our genuine concern must be apparent from the ethical and moral manner in which we conduct our businesses.

The American Public enjoys the benefits of the most responsive and most efficient distribution system ever developed.

We must do a better job of responding positively to criticisms and to making the public more aware of the benefits they take for granted.

The future, like the past, is a mixture of promises and problems, but never in my 40 years as a merchant has the outlook been so exciting, nor the responsibilities of leadership so great.

Thank you.

REMARKS OF RALPH LAZARUS, NRMA LUNCHEON

Today, on behalf of NRMA's board, it's my pleasure to present our industry's highest award to Gordon Metcalf. As he receives the NRMA Gold Medal, he joins a retailing Hall of Fame which has only 32 previous members. He is the first Gold Medalist from Sears, so it is truly a singular award this year. It's also a fitting time to honor him since he's stepping down from the chairmanship of Sears at the end of the month, having reached their mandatry retirement age.

Gordon, I'm not sure how the NRMA has been able to overlook you and Sears for so long. However, those of us who are your competitors, as well as your friends, sometimes wish that Sears had been able to overlook some of our trading areas.

According to the inscription on the Gold Medal, it's awarded for "Distinguished Service to the Craft".

One hallmark of distinguished craftsmanship in our industry is *minding the store.* In Gordon's case, he not only has to mind the store, but also the insurance company, the savings and loan association, the catalog outlets, the manufacturing plants, the overseas operations, the real estate development company, the mutual fund and, most recently, the building of the world's tallest and largest skyscraper.

The numbers tell just how well Gordon has minded the store. In 1933 when he joined Sears, their sales were $269 million. By the time he had become their chief executive officer in 1967, sales had gone up to seven billion, two hundred and sixty nine million dollars, an increase of $7 billion in 34 years.

In 1971 after Gordon had minded the store for only 4 years, sales at Sears had increased by $3 billion more, to over $10 billion and they also had tacked on an *additional* $181 million in earnings, almost to the dollar the total of Federated earnings in that same year. These sales equal just about 1% of the gross national product—not bad for a little farm boy from Iowa. Our records show it was Sioux City, but I have a good friend who says it was Merrill, Iowa. Incidently, he grew to hate Gordon because every time my friend got into trouble, his mother told him—"why can't you be like Gordon—he's such a nice boy."

Another hallmark of distinguished craftsmanship in retailing is *minding the community*—being actively concerned with the well-being of our employees, our customers and their neighbors. Here, the record of Gordon and Sears is also an outstanding one.

Sears started by serving a largely rural America. Later, they were perhaps the first major retailer to discover the full potential of the suburbs. Yet, throughout they have always remembered their responsibilities to the communities they serve. Long before many companies, particularly national chains, were fulfilling local responsibilities, Sears had pioneering programs underway in the neighborhoods surrounding their stores, including their main Chicago installation. Personally, Gordon's primary interest has been the Boys' Club who honored him just this past fall with a special award. Currently, he is helping many communities throughout the country as he serves as this year's chairman of the National Alliance of Businessmen.

A final important characteristic of true craftsmanship in our industry is *minding the marketplace*—making certain that it's clean, safe, fair and competitive. Under Gordon and his predecessors, Sears has constantly worked to insure that the marketplace is a better one for all of us. They have extensive merchandise testing laboratories. They consult closely with manufacturers on product design. They include an informational buying guide in their catalog and they pay extra attention to service follow-up after sale. In short, they compete very hard in fulfilling the Sears motto of, "Satisfaction Guaranteed Or Your Money Back". Their kind of good competition gives greater consumer protection than a whole gamut of government regulations.

Thus, today we honor a distinguished craftsman in retailing who has done a superb job of minding the store, the community and the marketplace.

It is a real pleasure to present to you today 1973's NRMA Gold Medal Awardee—Gordon Metcalf—a man with ideas sold only at Sears.

PRESIDENT RICHARD NIXON COMMENDED FOR SETTLEMENT OF VIETNAMESE WAR

Mr. RANDOLPH. Mr. President, on January 24, I released a statement to the citizens of West Virginia, on the conclusion of the war in Vietnam. I ask unanimous consent that that statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR RANDOLPH

I share with the concerned citizens of our Nation and the world a profound sense of relief and gratification over the agreement for the termination of our involvement in Vietnam. It is my hope and prayer that the settlement negotiated with the Vietnamese will result in an enduring peace in Southeast Asia.

There have been many disagreements and much violent national debate on the course of our participation in this war. But all citizens, I hope and believe, welcome the agreement announced by Richard Nixon.

I commend the President of the United States on achieving what appears to be a workable program to bring to an end the Vietnam conflict.

LYNDON BAINES JOHNSON

Mr. **PEARSON**. Mr. President, our Nation has been blessed with able, perhaps extraordinary, men who were capable of stepping into the Nation's highest office in times of crisis and guiding us through troubled times. President Lyndon Baines Johnson was such a man. His courage and leadership were an inspiration to us all in those tragic days of November 1963.

But more importantly, President Johnson may be remembered as a strong leader, a man with a vision of a Great Society and the courage to seek it when many thought the challenge overwhelming. As majority leader of the Senate, he left his mark on this body and led it to the passage of vital legislation. As a Commander in Chief, he bore the awesome burdens of the Presidency through difficult years.

His quest for a Great Society brought some of the most far-reaching legislation of our time. The Civil Rights Act, Voting Rights Act, aid to education, open housing, are only the beginning of a long list of legislation enacted during the early years of his administration. Through those laws, he is part of our lives today and for generations to come.

For his strength and consummate political skill, we stood in awe of Lyndon Johnson, half fearing, always respecting, his ability to use the powers of his office. His grasp of the political arts and his vast reservoir of energy set the pace for us all during the 5 years of his Presidency. He was a giant of American politics with few equals in this century.

Now is not the time to judge the Presidency of Lyndon Johnson. That is a task for the future generations. But let us remind them that Lyndon Johnson was a complex man. He was tough, and compassionate. He was willing to hear, but often stubborn. He was a man of his region transformed into a national leader. He was a man of his time leading a new generation. Let the future judge him for all his qualities, and let it judge him kindly.

Mr. President, Lyndon Johnson was the first President I knew well and, like all who came into personal contact with him, I shall never forget him. I respected him as a man, as a politician, and as our national leader. I sincerely regret that he passed from this earth on the eve of the end of the war which was the tragedy of his Presidency and our Nation. We shall miss his wise counsel and vision in the years ahead.

REPRESENTATIVE NICK BEGICH, OF ALASKA

Mr. **GRAVEL**. Mr. President, I wish to pay tribute to our missing Representative from Alaska. On October 16, 1972, an orange and white Cessna 310 disappeared somewhere in Alaska. On board, along with the distinguished House majority leader, Representative Hale Boggs, was Alaska's only Representative, Representative Nick Begich.

When news first reached my wife and me late in the evening of October 16, we along with all of Alaska were very hopeful that he and the other three occupants of the plane would be found safe. As the hours stretched into days and the days into weeks, it became more and more obvious that Alaska's beloved Representative would never return. Recently, hearings were held, and he was declared missing and presumed dead. Alaska has suffered one of its greatest losses.

Nick Begich worked tirelessly for his State. He had dedicated himself to better conditions for us all. Though he was a freshman Representative, Nick made the friends necessary within the House of Representatives to finally pass the Native Land Claims Settlement Act. "When you're one person out of 435," he had said, "you've got to make friends. You've got to have people in key positions helping Alaska. I have those associations." Not only did he have the associations, but he was recognized by the leadership of the House as one of the finest freshmen legislators of the 92d Congress. He received a standing ovation after the victorious floor fight covering the Native Claims Settlement Act.

Nick also was instrumental in passing other important legislation for Alaska, such as the Fairbanks flood control project. He served with dedication and distinction on the same committees in the House that I served on in the Senate: the Public Works Committee and the Interior and Insular Affairs Committee. On many occasions we conferred and adopted strategy to get key amendments and legislation for Alaska passed in committee. On one occasion, I testified at his request before the House Public Works Committee, on projects necessary to Alaska.

Nick Begich took his job as U.S. Representative seriously, and his devotion to Alaska and the Nation were repaid in kind. He won a warm spot in the hearts of all Alaskans and earned the admiration of his colleagues and supporters everywhere. Like Alaska, he was a man of rich spirit and unlimited resources. We will all miss him.

SPECIAL BONUS PAY

Mr. **TOWER**. Mr. President, I am pleased to join several Senators in sponsoring legislation designed to implement a system of bonuses for certain members of the Armed Forces. Called the Uniformed Services Special Pay Act of 1973, the bill contains provisions dealing with special pay for:

First. Physicians and dentists.

Second. Sea duty and for duty at certain hardship locations.

Third. Reenlistment and enlistment.

Fourth. Officers who execute active duty commitments.

Fifth. Judge advocates and law specialists.

Sixth. Participation in the Selected Reserve—an enlistment and reenlistment bonus for the Reserves.

I ask unanimous consent that a sectional analysis of this bill be printed at the conclusion of my remarks.

President Nixon has moved the Nation toward an all-volunteer armed force. He had reduced draft calls most significantly since the height of the Vietnam conflict. In order to do this, several changes were made to make service life more attractive. There were cosmetic changes which received much public attention, such as hair-length regulation changes, beer in the barracks, and elimination of much trivial harassment. There have been improvements in the environment, including better quarters and recreational facilities. Basic to all of these changes, however, are the increases in pay which have occurred over the past few years and which must continue.

The 92d Congress passed legislation that removed the inequity of poverty-level pay scales for our lower enlisted ranks. In addition, substantial pay raises were given lower officer grades. These across-the-board raises were necessary to induce men to volunteer for active duty service, and they have, together with the other changes outlined above, succeeded in raising the level of recruitment to nearly the point where an all-volunteer force of the size we require to defend American interests can be achieved.

Nevertheless, one last step is required. Rather than another across-the-board increase that would marginally increase the number of accessions, the Secretary of Defense needs authority for special pay. This special pay can be used as an inducement for enlistment in certain critical skills where there is difficulty in recruiting. It will, in effect, give us the quality of men we need for a modern Armed Forces. This bill will stimulate volunteerism in medical and legal specialties and will encourage sea duty for naval personnel. The bill further provides authority to grant enlistment bonuses for any specialty skill required to meet all-volunteer force objectives.

Section 315 provides for enlistment bonuses for men in the Selected Reserve. While it appears at this point that Active Duty accessions will be sufficient to maintain an all-volunteer force, it appears equally likely that without remedy, the Reserves and Guard will fall dangerously short of the required manpower. In an era when Army strength has been cut nearly in half from its Vietnam peak, we shall obviously need to place increased reliance on the Reserves. We will need not only sufficient numbers of men but also quality, motivated personnel. Bonuses, together with other improvements in Reserve life and in recruiting should provide an increased incentive for this participation.

President Nixon has set an all-volunteer force as a national goal. I believe the majority of Americans support the President in his efforts. But in order for the Nation to have a quality all-volunteer force, Congress must act, and it must act before expiration of the draft in mid-year.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

SECTIONAL ANALYSIS

Section 1 provides that the Act may be cited as the "Uniformed Services Special Pay Act of 1973."

Section 2 amends chapter 5 (Special and Incentive Pays) of title 37, United States Code.

Clause (1) restates section 302 (special pay for physicians and dentists) to make the provisions of this special pay permanent. At present, it expires with respect to such officers who are ordered to active duty after June 30, 1973, which date was established to coincide with the experiation of the Military Selective Service Act. It also increases the rate of special pay for physicians and dentists of the armed forces or Public Health Service with at least two years' active duty from $150 to $350 per month. Under present law, a physician or dentist does not receive special pay at the $350 rate until he has completed at least 10 years of active duty. Finally, it restates the substance of existing subsection (c) without change.

Clause (2) amends section 305 (special pay for sea duty or duty at certain places) to omit all reference to sea pay and restates the provisions to restrict applicability to special pay for members serving in certain places outside the 48 contiguous states and the District of Columbia.

Clause (3) adds a new section 305a (sea pay) which provides increased rates of special pay for members on sea duty based on continuous assignment to sea duty instead of enlisted grades, as is presently the case. In addition, the entitlement to sea pay is extended to officers in pay grades 0–3 and below at the same rates.

Clause (4) restates section 308 (reenlistment bonus) as follows:

(1) Subsection (a) substitutes a new reenlistment bonus for the existing reenlistment bonus and variable reenlistment bonus. The new bonus is payable to members who have completed 21 months of service and who reenlist or extend their enlistment for at least three years. Bonus computation will be based on monthly increments of basic pay, not to exceed six, multiplied by the number of years of additional obligated service. Maximum bonus payable is $15,000 per reenlistment.

(2) Subsection (b) authorizes the bonus to be paid either in a lump sum or through installments.

(3) Subsection (c) provides a method for bonus computation in the cases of officers with prior enlisted service who reenlist.

(4) Subsection (d) contains the standard provision for a refund from a member who voluntarily or through misconduct fails to complete the contracted period of service. The amount refunded is in proportion to the unfilled service commitment.

(5) Subsection (e) authorizes the Secretary of Defense, and the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, to prescribe regulations for the administration of this section.

Clause (5) restates section 308a (enlistment bonus) as follows:

(1) Subsection (a) broadens the authority for payment of the enlistment bonus. It removes the restriction limiting payment to enlistees or extendees in the combat elements only and permits the Secretary of Defense to offer the bonus to enlistees or extendees in any speciality considered critical in meeting all-volunteer force objectives. It further authorizes the Secretary of Transportation to offer this bonus to enlistees or extendees in the Coast Guard.

(2) Subsection (b) restates, without change except for the inclusion of the Coast Guard, the existing provisions of current subsection (b) containing the standard refund provision as described in Clause (4) above.

(3) As restated, subsection (c) is eliminated. The eliminated subsection provided that no payments could be made with respect to any enlistment or extension of enlistment made after June 30, 1973.

Clause (6) amends section 311 (continuation pay for physicians and dentists) to delete continuation pay for physicians and dentists of the uniformed services and substitutes an improved variable incentive pay as follows:

(1) Subsection (a) authorizes the Secretary of Defense or the Secretary of Health, Education, and Welfare with respect to the Public Health Service, as appropriate, to offer a variable incentive pay of up to $15,000 per year to officers of the uniformed services qualified in critical health professions who execute a written agreement to remain on active duty for a specified number of years. The incentive pay is payable in annual, semiannual, or monthly installments or in a lump sum after completion of the length service specified in the agreement.

(2) Subsection (b) authorizes the Secretary of Defense or the Secretary of Health, Education, and Welfare with respect to the Public Health Service, as appropriate, to terminate an officer's entitlement to the incentive pay at any time. If this should occur the member will receive a proportionate part of that pay based on the amount of the agreement completed.

(3) Subsection (c) establishes the authority to issue regulations specifying that an officer who receives payment under this section but who fails to complete the total number of years specified in the agreement may be required to refund the amount received that exceeds his entitlement under those regulations. An officer who has received less than he is entitled to, on the other hand, shall be entitled to receive the additional amount due him at the time of his separation from active duty.

(4) Subsection (d) specifies that this section does not alter or modify any other service agreement or obligation made for some other purpose.

(5) Subsection (e) requires the Secretary of Defense and the Secretary of Health, Education, and Welfare with respect to the Public Health Service to submit an annual report regarding the operation of the program authorized by this section. The report must include a review of the program conducted during the fiscal year for which the report is submitted, and a plan for the program for the succeeding fiscal year. The report is due annually beginning on April 30, 1974.

Clause (7) adds three new sections as follows:

(A) Section 313 (special pay for officers of armed forces who execute active-duty agreements) provides as follows:

(1) Subsection (a) authorizes payment of a variable incentive, not to exceed $4,000 per year, to officers of the armed forces, who (a) are entitled to basic pay; (b) have completed at least two, but not more than 11 years, of active duty; (c) possess skills in a critical shortage specialty; (d) are not entitled to special pay under sections 302 (physicians and dentists), 302a (optometrists), 303 (veterinarians), 311 (health professions), and 312 (nuclear-qualified officers); and (e) execute a written agreement to remain on active duty for at least one year, but not more than six years.

(2) Subsection (b) authorizes payment in either a lump sum or in installments.

(3) Subsection (c) contains the standard refund provision, as described in Clause (4), above.

(4) Subsection (d) specifies that this section does not alter or modify any other service agreement or obligation made for some other purpose.

(B) Section 314 (special pay for judge advocates and law specialists) provides as follows:

(1) Subsection (a) authorizes special pay to each (a) judge advocate of the Army, Navy, Air Force, or Marine Corps; (b) law specialist of the Coast Guard, as defined in section 801 of title 10; and (c) officer who is detailed to the Judge Advocate General's Corps and who has the professional qualifications to act as detailed counsel for general courts-martial under section 827(b) of title 10. The purpose of the latter category is to include officers in the Women's Army Corps who do not belong to the Judge Advocate General's Corps but who are fully qualified attorneys and as such are "detailed" to the Judge Advocate General's Corps. The special pay is not authorized for an officer ordered to active duty for less than one year.

(2) Subsection (b) authorizes a member entitled to special pay under subsection (a) of this section to receive special pay at the following rates while he is performing judge advocate duties: (a) $100 a month for each month of active duty if he is in pay grade 0–1, 0–2, or 0–3; (b) $150 a month for each month of active duty if he is in pay grade 0–4 or 0–5; or (c) $200 a month for each month of active duty if he is in a pay grade above 0–5.

(3) Subsection (c) forbids the amounts set forth in subsection (b) to be included in the computation of the amount of an increase in pay authorized by any other provision of this title or in computing retired pay or severance pay.

(C) Section 315 (special pay for participation in the Selected Reserve) provides as follows:

(1) Subsection (a) authorizes payment of an enlistment or reenlistment incentive to certain described persons who enlist or reenlist in the Selected Reserve of the Ready Reserve of an armed force.

(2) Subsection (b) establishes $2,200 as the maximum amount payable to certain described persons who possess critical military skills and who enlist or reenlist for a period of six years. Persons not possessing critical military skills may be paid in amount not to exceed $1,100 for a six-year enlistment or reenlistment. A percentage formula provides lesser annual amounts for shorter enlistments or reenlistments.

(3) Subsection (c) establishes six years as the maximum period of enlistment or reenlistment.

(4) Subsection (d) authorizes payment of special pay in lump sum or installments. It further establishes $3,300 as a maximum amount payable to an individual. Finally, it prohibits payment to members who have 12 or more years of service under section 1332 (computation of years of service in determining entitlement to retired pay) of title 10, United States Code.

(5) Subsection (e) contains the standard refund provision, as described in Clause (4), above.

(6) Subsection (f) authorizes the Secretary of Defense, and the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, to prescribe regulations for the administration of this section. The subsection qualifies the authority by making it mandatory that the regulations prohibit discrimination in the amount of payments authorized based on geographic location.

Section 3 provides that in determining the rate of special pay for sea duty under the amendments made by section 2(8) of this bill, the length of time a member has been on continuous sea duty on the effective date of the bill shall be counted in determining his rate of special pay.

Section 4 preserves the present authority, now contained in current 37 U.S.C. 305(a)(1) (special pay while on sea duty), to pay the special pay for sea duty authorized in that subsection to those members who were on active duty on the date of enactment of the bill, but who are not entitled to the special pay for sea duty under the new 37 U.S.C. 305a, as inserted by section 2(3) of the bill. This section also provides that if a member is entitled to special pay under both the current 37 U.S.C. 305 (a) (1), and under the new 37 U.S.C. 305a as inserted by section 2(3) of the bill, he may at his option choose under which provision he wishes to receive payment. Once a decision is made it may not be revoked.

Section 5 preserves the present authority, now contained in current 37 U.S.C. 308(a) and (d) (reenlistment bonus), to pay the reenlistment bonus authorized in those subsections to those members who were on active duty on the date of enactment of the bill, but who are not entitled to a reenlistment bonus under amended 37 U.S.C. 308, as restated by section 2(4) of the bill. If a member is eligible for both the bonus under current 37 U.S.C. 308(a) and (d), and the bonus authorized by amended 37 U.S.C. 308 as restated by section 2(4) of the bill, he may elect to receive either one of those reenlistment bonuses. However, a member's eligibility under 37 U.S.C. 308(a) and (d), as it existed on the day before the effective date of this Act, terminates when he has received a total of $2,000 in reenlistment bonus payments.

Section 6 makes the bill effective July 1, 1973. It further stipulates that except for 37 U.S.C. 302 (special pay for physicians and dentists) as restated by section 2(1) of the bill, the special pays and bonuses authorized by the bill will expire on June 30, 1977, unless otherwise extended by Congress.

TRIBUTE TO LYNDON JOHNSON

Mr. McGOVERN. Mr. President, for the last time yesterday Lyndon Johnson was back in the place where his life in politics began and the triumphs of his Presidency were written into law. Now we try as we must and as best we can to write his epitaph.

The war in Vietnam led to differences between Lyndon Johnson and some of us, even within his own party, just as it diminished the hopes and dreams within his own heart. Yet even in the midst of tragedy and division, none of us doubted his overwhelming love for this land. And all of us marveled at the progress he made possible and the programs he passed, without precedent in our time or perhaps any time in American history.

So let us remember the good he did, which was so great.

He told us: "We shall overcome."

And in the beginning, after that moment of crushing loss in Dallas, he helped all of us to overcome our doubts and our despair, so we could move on to finish the work we were in.

He helped America to overcome the bondage of bigotry and prejudice, so all of us could see as he did that the only race that counts is the human race.

He sought to overcome man's ancient and mortal enemies—poverty, ignorance, and disease—not by words, but by the remarkable works he did with us and left to us.

Lyndon Johnson was President of the United States, but he was at the same time so much more. He was a healer to the sick, a servant to the deprived, an educator of children, and the second Great Emancipator.

His advances at home may have been dimmed by war abroad, but they were so bright that they still shine forth as an example to the weary and the fainthearted of how Government may use its power to serve its people. He always called himself a "can do" man; now his memory calls those of us in Government to believe that we can do what compassion and justice command.

The rites yesterday were ordained by tradition. Yet the real measure of this man should be taken not from the praises of the powerful and the famous, but from the feelings of so many ordinary people who are unpracticed in the forms of public mourning.

Who grieves for Lyndon Johnson?

Not just Senators, but citizens—the Job Corps graduate who has had and used his chance; the elderly who need no longer choose between their health and their savings; the young children who have been fed and taught because he cared and acted.

Lyndon Johnson may not have reached his Great Society, but he left our society greater. Now he has left us. Now it is for us, the living, to hear and heed the message he gave us in the early hours of his national leadership: "Let us continue."

CEASE-FIRE IN VIETNAM

Mr. SCOTT of Virginia. Mr. President, all people are pleased with the announcement by the President that peace has been negotiated. Certainly we hope that it will last, that it will heal as the President suggests.

Congress could have legislated the unilateral withdrawal of our troops or the cutoff of funds for Southeast Asia, but peace is brought about by negotiations by the parties involved.

I certainly hope that the world has had enough of war and that our generation will now enjoy peace throughout the world.

Judging from the overall content of the announcement, I am generally optimistic and certainly most grateful that our support of the President, especially during the recent most critical negotiating stages, has apparently been well founded.

Throughout these long years of doubt and turmoil, the preeminently agonizing concern of all Americans has been over the killing—thank God, it has been stopped.

IS THE PRESS BEING HOBBLED?

Mr. ERVIN. Mr. President, on the 19th of January, I was privileged to participate in a panel discussion in Chapel Hill N.C., sponsored by the North Carolina Press Association. The discussion focused upon the problems facing members of the press and broadcasting media—a matter of timely and vital concern, not only to newsmen, but to the public as well, for the problems of the media may well be problems for us all. Our right to be fully informed is at stake.

I ask unanimous consent that the text of my remarks on this subject be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

IS THE PRESS BEING HOBBLED?

(By SAM J. ERVIN, JR., U.S. Senator)

It is my belief that the First Amendment was adopted by our Founding Fathers for two basic reasons. One reason was to insure that Americans would be politically, intellectually, and spiritually free. The other was to make certain that our system of government, a system designed to be responsive to the will of an informed public, would function effectively.

The scope of First Amendment freedoms, including freedom of press, is broad and was intended to be so. The First Amendment is impartial and inclusive. It bestows its freedoms on all persons within our land, regardless of whether they are wise or foolish, learned or ignorant, profound or shallow, and regardless of whether they love or hate our country and its institutions.

For this reason, of course, First Amendment freedoms are often grossly abused. Society is sorely tempted at times to demand or countenance their curtailment by government to prevent abuse. Our country must steadfastly spurn this temptation if it is to remain the land of the free. This is so because the only way to prevent the abuse of freedom is to abolish freedom.

The quest for the truth that makes men free is not easy. As John Charles McNeill, a North Carolina poet, said, "teasing truth a thousand faces claims as in a broken mirror." The Founding Fathers believed—and I think rightly—that the best test of truth is its ability to get itself accepted when conflicting ideas compete for the minds of men.

And, so, the Founding Fathers staked the very existence of America as a free society upon their faith that it has nothing to fear from the exercise of First Amendment freedoms, no matter how much they may be abused, as long as truth is free to combat error.

Representatives of the press have been recently claiming that they are not free, that in effect the Nixon administration has shackled them with threats and restrictions that do not permit them to fulfill the role which the Constitution gives them. There is substance, I feel, to their claims. *Newsweek* magazine goes so far as to say that the recent clashes between the administration and the media are "without precedent in the history of the United States."

To some, this may be overstating the significance of the conflict. The press has typically played a critical role of government, and government has often responded with intemperate condemnation or simply with charges of irresponsibility. I cannot say that such responses have always been unjustified.

But the actions of the present administration appear to go beyond simple reactions to incidents of irresponsible or biased reporting, to efforts at wholesale intimidation of the press and broadcast media.

I point to a few examples.

Recently, we saw Clay Whitehead, director of the White House office of Telecommunications Policy, explaining a new administration proposal which would condition the renewal of broadcast licenses by the FCC on whether the local station management is "substantially attuned to the needs and interests of the communities he serves." He later made clear that what was really sought was control of network news: "Station managers and network officials," he said, "who fail to act to correct imbalance or consistent bias from the networks—or who acquiesce by silence—can only be considered willing participants, to be held fully accountable by the broadcaster's community at license renewal time."

In a rather interesting sidelight which indicates how this plan might work, it was recently reported that the finance chairman of Mr. Nixon's campaign in Florida, George

Champion, Jr., has challenged the license of WJXT in Jacksonville. WJXT was the station whose reporters discovered some controversial statements of Nixon Supreme Court nominee G. Harold Carswell, which contributed to his failure to receive Senate confirmation. To make matters worse, the station is owned by the *Washington Post*, which is a frequent administration critic.

We also see significant inroads being made into public broadcasting. Under administration pressure, funds for the Public Broadcasting Corporation, which in turn provides funds for the Public Broadcasting Service, were slashed in the last Congress. As a result, the corporation board, a majority of which are administration appointees, has decided to withhold funds, but only for certain public affairs programming which had often included comment critical to the Executive. Programs such as William Buckley's "Firing Lines," "The Advocates," "Bill Moyer's Journal," "Wall Street Week," and "Washington Week in Review" will not be seen after this season unless the corporation agrees to release these funds.

It was the intent of the Congress in enacting the Public Broadcasting Act of 1967 which created an intermediary corporation to receive funds for public television, to insulate control of programming from those who appropriated the dollars for it. It now appears that the intermediate agency is asserting the sort of political control which the Congress wisely denied itself.

There are other examples of administration intimidation which come to mind: the early speeches of the Vice President harshly criticizing the press; the investigation of CBS newsman Daniel Schorr who had been critical of the administration in 1971; the recent exclusion of the *Washington Post*, particularly critical of the President's war policies, from coverage of White House social events; and, of course, the controversial Pentagon Papers case, which, whatever one may think of the circumstances, was the first time that the government sought to enjoin the publication of a news story.

How many editorials have not been written, or critical comments not made, because of these incidents is not something which can easily be proved—I do recall the "instant analyses" which followed presidential addresses. Following considerable administration objection, we no longer have them. Decisions not to critize are decisions which people keep to themselves. But the fact that intimidation cannot often be readily shown does not mean it it is not present.

So we come to what was the announced subject of my presentation: the newsmen's privilege proposals. I wanted to give you this background because I believe that the threat of a subpena to testify before a governmental tribunal is yet another means of governmental intimidation of the press. A newsman who publishes a story obtained from confidential sources which is critical or accusatory of public officials or programs now faces the threat of subpena and a possible jail sentence if he refuses to reveal his source. If he decides to back off a controversial story, it is the public which has lost information which could lead to political and social improvement.

The administration's stance with regard to a statutory testimonial privilege has been one of rather passive resistance. Assistant Attorney General Roger Cramton, testifying before a House Committee last fall, said that while the administration favored a qualified privilege in principle, it felt that such a privilege was unnecessary. He furthermore endorsed the Supreme Court's ruling in last June's *Caldwell* decsion that the First Amendment's guarantee of a free press does not entitle newsmen to refuse to reveal confidential sources of information.

I myself critized the *Caldwell* opinion as failing to take into account the practical effect of such a ruling upon reporters and their sources of information. If sources of information cannot be assured of anonymity, chances are they will not come forward. If the reporter is willing to assure confidentiality, he must accept the fact that he may have to serve a jail sentence in order to fulfill his promise. It is rather ironic, I think, that the reporters themselves are the ones who ultimately are jailed for refusal to reveal sources of stories which the public would never have been aware of, had not the reporter himself decided to publish.

An example recently came to my attention which I feel illustrates the necessity of some type of privilege. It involves a reporter for the *Memphis Commercial Appeal* in Memphis, Tennessee—Joseph Weiler. An informant had contacted the paper with the information that children confined to the state-owned hospital for the mentally-retarded in Memphis were being beaten and otherwise mistreated by supervisory personnel. After some investigating, Mr. Weiler wrote a story which corroborated these reports. An investigation by a committee of the state senate ensued, but curiously enough, the focus was upon who the state employee was who had tipped off the newspaper rather than the charges themselves. Mr. Weiler was supenaed and requested to bring whatever notes and correspondence he had concerning the case. He appeared before the committee but refused to identify his source. He was unanimously cited for contempt of the committee.

I submit to you that the losers here are not Mr. Weiler and his newspaper, but rather the people of Tennessee whose tax dollars support that institution, and the children of that hospital who are helpless to improve their lot.

It is this sort of case—where confidential information leads to the discovery of flaws and shortcomings in our social and political processes—which makes the passage of some type of statutory privilege particularly compelling. Without the protection of anonymity, inside sources may simply "dry up." The stories will not be written. We all will be the losers. And nobody—culprit or reporter—will go to jail.

I am aware of the criticism that has been levelled at these proposals. A testimonial privilege will act as a shield behind which biased, or otherwise irresponsible, reporters will hide. Newsmen will be able to criticize unjustly and not be held accountable for it. I would answer by first having you note that most of the proposals creating a newsmen's privilege now provide that a newsman may not claim the privilege in a suit for defamation, which includes libel and slander. This means that the protection which we now have against irresponsible reporting, namely, a civil suit for defamation, would retain its vitality as a check.

Undoubtedly there are legitimate interests to be served by having newsmen testify as other citizens. Certainly it is desirable to have all the evidence possible before a court when a man's freedom or livelihood is at stake, or when society attempts to identify and punish an offender. The newsmen's privilege, as any testimonial privilege, must necessarily impede this search for truth to a degree. The question is whether, considering the effects on the flow of information to the public, it is worth it; and if so, can it still be drafted to accommodate the competing interests.

There are now three newsmen's privilege bills and one resolution pending in the Senate, and a multitude of bills introduced in the House. The Subcommittee on Constitutional Rights will hold hearings on the subject beginning February 20th.

The bills all concern themselves with four basic questions: First, should the privilege be a qualified or an absolute one. Those which provide a qualified privilege attempt to set standards which must be met by the person seeking the newsman's testimony in order for the privilege to be divested. The qualifications in all of the proposals, although differing in specifics, are intended to reconcile the competing interests involved. Those favoring an absolute privilege argue that it is impossible to accommodate the competing interests without critically limiting the newsmen's protection.

The second question is whether the privilege should apply to only federal tribunals or whether it should also apply to the states. While it is true that many of the recent cases involving a newsmen's privilege have come before state tribunals, one also must realize that to make the privilege applicable to the states, the Congress will be legislating a rule of evidence for use in state courts, and this would be an intrusion into an area of state responsibility which the Congress has not engaged in previously. It raises serious problems of federalism. No one, certainly not Congress, can assert an exclusive claim on wisdom. Here, as in so many cases, it is highly important to let all states make their own judgment on the balance of interests involved.

A third area addressed by these proposals is the matter of who is a newsman. Who should be entitled to claim the privilege? The First Amendment applies to all citizens, and protects their right to publish information for the public. But the testimonial privilege can of course not be available for all. Thus, a serious problem of definition is posed. It must be broad enough to offer protection to those responsible for news reporting, and yet not so broad to shield the occasional writer from his responsibility as a citizen. Any attempt at defining the scope of the privilege is in effect a limitation on the First Amendment. It will confer First Amendment protection on some who deserve it and deny it to others with powerful claims to its mantle. Do we include scholars as well as reporters? The weekly and monthly press as well as the daily? Free lance or just the regularly employed? TV cameramen? Underground papers? The radical press?

So difficult is this question that I would much have preferred the Supreme Court to adopt the wise and balanced approach of the 9th circuit in *Caldwell*. Some of these issues, if not the whole question of the newsmen's privilege, would be better left to a case-by-case development in the courts. Unfortunately that avenue is now closed for all practical purposes, and Congress must attempt to be as wise as the drafters of the First Amendment 200 years ago.

Finally, there is the question of the procedural mechanism through which the privilege is claimed. As is often the case, the effectiveness of the substantive provisions may well depend on the method by which they are employed. In the case of the newsman, should the party who is seeking his testimony be required to show in advance of the issuance of a subpena that the newsman is not entitled to protection under the statute? Should the newsman be required to answer a subpena before he can claim the protection of the statute? And, if so, should he have the burden of showing that he is entitled to protection or should the party seeking the testimony have the burden of proving he is not entitled? The means by which the privilege is claimed or divested may, for all practical purposes, determine its effectiveness.

These then are the basic questions facing the Congress with respect to this legislation. The Subcommittee on Constitutional Rights, as I have mentioned, will receive testimony on the proposals during the last two weeks in February, and I am hopeful that the Subcommittee will be able to favorably report some sort of bill shortly thereafter.

A free press is vital to the democratic process. A press which is not free to gather news without threat of ultimate incarceration cannot play its role meaningfully. The people as a whole must suffer. For to make thoughtful and efficacious decisions—whether it be at the local school board meeting or in the voting booth—the people need information. If the sources of that information are limited to official spokesmen within government bodies, the people have no means of evaluating the worth of their promises and assurances. The search for truth among competing ideas, which the First Amendment comtemplates, would become a matter of reading official news releases. It is the responsibility of the press to insure that competing views are presented, and it is our responsibility as citizens to object to actions of the government which prevent the press from fulfilling this constitutional role.

GREAT DISMAL SWAMP

Mr. CASE. Mr. President, the Union Camp Corp., which is headquartered in Wayne, N.J., has donated nearly 50,000 acres in the Great Dismal Swamp to the Nature Conservancy, a nonprofit land conservation organization.

Although the land is valued at $12.6 million, Union Camp President Samuel M. Kinney, Jr., said:

> A refuge is the right thing for this land—the only right thing.

We in New Jersey are proud of the action taken by this New Jersey firm. We are proud of the recognition given to this action by an editorial in the Washington Post, January 22, 1973.

I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Washington Post, Jan. 22, 1973]

"The Right Thing" for Great Dismal Swamp

The Union Camp Corporation has set a superb example for other land-owning companies by donating its vast holdings in Great Dismal Swamp to the Interior Department, through the Nature Conservancy, for preservation as national wildlife refuge. This remarkable corporate gift, encompassing some 49,000 acres valued at $12.6 million, should ensure the survival of one of the greatest and most intriguing reaches of wilderness in the eastern United States.

The Dismal Swamp has been a place of mystery and fascination since colonial times. Col. William Byrd II, who surveyed the Virginia-North Carolina boundary through the swamp in 1728, saw only its dark, melancholy side: He called it a "vast body of dirt and nastiness" where "the foul damps ascend without ceasing, corrupt the air, and render it unfit for respiration."

Another early surveyor, George Washington, found the marshes more appealing. He pronounced it a "glorious paradise" for wildfowl and game, and in 1763 acquired some 40,000 acres of "the finest cypress, juniper and other lofty wood" under the aegis of a company styled as "Adventurers for Draining the Great Dismal Swamp." Since then, generations of entrepreneurs have gradually reduced the peat bog by draining its edges for logging and farming, and by diverting the wine-colored waters of Lake Drummond to the Dismal Swamp Canal which links Norfolk and Albemarle Sound. What remains today is a unique wild area, diminished in size but enhanced by a rich body of legend about early canallers, fugitive slaves, moonshiners and ghostly lights.

Union Camp's significant donation—embracing both Lake Drummond and the acreage once owned by Washington's band of adventurers—puts the future of the swamp squarely in the hands of the federal government. The deeds in fact contains a key reverter clause which would void the transfer if the government should fail to protect and preserve the area. New, perceptive federal policies will be required to carry out this trust, for the Corps of Engineers has controlled water rights to Lake Drummond for years without doing enough to curb drainage and maintain the necessary levels of ground water to sustain the lake. This may also be time to close the Dismal Swamp Canal, or at least severely restrict its use. An alternate intercoastal route is provided by the nearby Chesapeake & Albemarle Canal, and every opening of a lock on the swamp channel for a single pleasure boat drains 3 million gallons of water from Lake Drummond, which can ill afford the loss.

"A refuge is the right thing for this land, the only right thing," Union Camp President Samuel M. Kinney Jr. said recently. He is absolutely right. His firm is not the first to use provisions of the federal tax code which encourage such corporate donations, nor the first to employ the services of the Nature Conservancy. But this is by far the largest single tract ever received by that non-profit organization. The transaction deserves close study by the many other private firms which own properties of singular natural worth.

CONFIRMATION OF NOMINATIONS OF DIRECTOR AND DEPUTY DIRECTOR OF OFFICE OF MANAGEMENT AND BUDGET

Mr. METCALF. Mr. President, this morning the Government Operations Committee favorably reported to the Senate S. 518, a bill requiring Senate confirmation of the nominations of the Director and Deputy Director of the Office of Management and Budget.

I prepared a memorandum on this subject that I submitted to the committee. I believe that it will be of interest to Senators in determining the merits of this legislation.

I ask unanimous consent to have the memorandum printed in the Record.

There being no objection, the memorandum was ordered to be printed in the Record, as follows:

Memorandum

I. PURPOSE

The purpose of legislation before our committee is to provide for Senate confirmation of appointments to the offices of Director and Deputy Director of the Office of Management and Budget. This would assure the Senate an opportunity to inquire into the qualifications, fitness and background of these officials which now exercise vast policy-making and managerial powers in the Federal Government. It would also provide the Congress with a greater opportunity to examine the policy-thinking of these officials and become more informed about the operations of the Office of Management and Budget, in the same manner as any other agency whose head is subject to Senate confirmation.

II. HISTORY OF THE OMB: FROM BUDGET ADVISOR TO MANAGEMENT CONTROL

Prior to 1921, no provisions existed in the national government for the formulation by any agency of a single, consolidated statement of the prospective revenues and the estimated expenditure needs of the government in order to guide the Congress in determining what policies and programs should be adopted.

Congress sought to resolve this problem by passing the Budgeting and Accounting Act of 1921 which, among other things, established a national budget system and created a Bureau of the Budget to advise and assist the President in developing a unified budget for submission to the Congress. The Senate felt that the director of this Bureau and his assistant should be subject to Senate confirmation. The House disagreed. The conference Committee reported the bill, which was adopted, without the requirement of confirmation based on the theory that the President should be allowed to "appoint the men whom he believed he could trust to do his will in the preparation of the budget."

However, vast changes have occurred in both the structure and the responsibilities of the Bureau since its establishment as a small, personal budgetary staff for the President. It has become a super department with life and death control over all of the Executive branch departments and agencies, as well as over all of the policies and programs enacted by the Congress.

In the name of the President, this Bureau, now known as the Office of Management and Budget, with a staff of nearly 700, has become the chief administrative office of the Federal Government. It determines line by line budget limitations for each agency, including the regulatory commission which are supposed to be the "arms of Congress." After Congress appropriates the money and determines its own priorities, it is the OMB that puts together the program of impounding those funds in accord with the President's priorities. Under Section 3679 of the Revised Statutes (31 U.S.C. 665), the Congress extended powers to the Director of OMB to apportion appropriations, to approve agency systems for the control of funds, and to establish reserves as to Congressionally approved funding.

After Congress passes a law, it is the OMB that writes the general guidelines and regulations for the agencies to be following in the enforcement of the Congressional mandate. While the Congress is considering legislation, it is the OMB that coordinates the Executive's legislative recommendations and controls the flow of Executive Branch information which is sought by Congress in making its judgment.

When agencies disagree with each other, the OMB resolves the conflicts, whether they be over programs or management. When agency heads strike out on their own, or assert policies inconsistent with Executive policy, it is the OMB which puts pressure on the divisions and bureaus of the agencies to bring the agency heads back into line.

Since 1921, both Congress and the Chief Executive have conveyed additional powers on the Bureau (OMB) and its Director which have extended and shifted its primary role to that of a management agency with line operating authority.

The Budgeting and Accounting Procedures Act of 1950 gave the Director sweeping powers over agency accounting and budget systems and classifications, over statistical, performance and cost information systems, and the preparation of cost-based budgets. These fiscal management powers were strengthened by the Congress in 1956.

Fiscal and policy control over automatic data processing equipment for the Federal Government is lodged with the OMB. The Director issues the rules and regulations for coordinating Federal aid programs in metropolitan areas under the Model Cities legislation. Under the Intergovernmental Cooperation Act of 1968, the President delegated to the Director authority to issue rules with respect to the administration of grant-in-aid funds, special and technical services to State and local governments and the formulation, evaluation and review of Federal programs having a significant impact on area community development (known as the A-95, federal aid clearinghouse procedures).

The Director, along with the Chairman of the Civil Service Commission, determines federal pay comparability adjustments. He issues regulations with regard to Government employee training programs with regard to the absorption of costs. Under the Federal Reports Act, he holds the ultimate power to determine vital questionaires, surveys, reports and other investigational inquiries will be promulgated by the agencies, including the regulatory commissions, and what specific information will be sought.

The Director is authorized by Congress to manage and monitor through investigation and regulation the hundreds of public advisory committees to the Federal agencies including making the determination to to which shall be closed or open to the public.

In addition, the Director and his staff oversee the management and expenditures of national security programs, international programs, defense expenditures, natural resource programs and many other matters directly affecting the economy and security of the country. Furthermore, the OMB manages for the President transfers of funds between classes of appropriations, as authorized by Congress; reprogramming of appropriated funds which involves the shifting of funds within an account after Congressional committee clearance; and the transfer of funds from one year to the next, involving the determination and management of carryover balances. These are subtle and complicated areas of fiscal mangement, but nonetheless important in areas of national policy.

The main point to be emphasized in the consideration of this legislation is that the Office of Management and Budget today is an operating, decision-making, administrative agency, just as surely as the various departments and agencies are operating, decision-making units in their respective areas, and as such its Director and Deputy Director should be appointed with Senate advise and consent.

The best description for this expanded management role for the Budget Bureau can be found in the President's Message and Reorganization Plan No. 2, which he sent to the Congress in 1970, and which was approved. The very name change—from Budget Bureau to Office of Management and Budget—indicated the shifting role and priorities. President Nixon said, in part:

"Creation of the Office of Management and Budget represents far more than a mere change of name for the Bureau of the Budget. It represents a basic change in concept and emphasis, reflecting the broader management needs of the Office of the President.

"The new Office will still perform the key function of assisting the President in the preparation of the annual Federal budget and overseeing its execution. It will draw upon the skills and experience of the extraordinarily able and dedicated career staff developed by the Bureau of the Budget. But preparation of the budget as such will no longer be its dominant, overriding concern.

"While the budget function remains a vital tool of management, it will be strengthened by the greater emphasis the new office will place on fiscal analysis. The budget function is only one of several important management tools that the President must now have. He must also have a substantially enhanced institutional staff capability in other areas of executive management—particularly in program evaluation and coordination, improvement of Executive Branch organization, information and management systems, and development of executive talent. Under this plan, strengthened capability in these areas will be provided partly through internal reorganization, and it will also require additional staff resources."

III. PRECEDENTS FOR SENATE CONFIRMATION OF DIRECTORS IN THE EXECUTIVE OFFICE OF THE PRESIDENT

The argument in favor of continuing the special immunity from Senate confirmation to the Director and Deputy Director of the OMB is further diminished when we examine the status and appointment authority as to other directors in the Executive Office of the President.

The Director of the Office of Emergency Preparedness is a key adviser to the President on a variety of civilian defense matters, from mobilization to oil import quotas. Its Director, Deputy Director and two assistant directors are all subject to Senate confirmation.

The Office of Science and Technology provides advice and staff assistance to the President in developing and evaluating scientific programs in the interest of national security. It does not have the "power of the purse" that OMB does. But its Director, who is also the President's science adviser, and its Deputy Director come before the Senate for confirmation and are responsive to Congress.

The Office of Telecommunications Policy was recently created by a reorganization plan to advise the President on national communication policies and to evaluate and coordinate telecommunication activities. Both its director and deputy director are appointed by and with the advise and consent of the Senate.

The Council of Economic Advisers analyzes the national economy and advises the President as to policies for economic growth and stability. The Council on Environmental Quality analyzes environmental conditions and trends; reviews and assesses Federal programs; and recommends policies for improving the quality of our environment. All members of these two important councils in the Executive Office of the President are subject to confirmation by the Senate, and all testify as to how they arrive at their analyses and recommendations.

The Office of Economic Opportunity has been in the President's office for more than 8 years. Again, like the OMB, it assesses the impact of Federal programs and provides administrative resources and support in the poverty area. From the beginning, its director, deputy director and five assistant directors have been appointed by the President, by and with the advice and consent of the Senate.

In addition, the appointments of the executive director of the National Aeronautics and Space Council; the Special and Deputy Special Representatives of the Office of Special Representative for Trade Negotiations; the Director and Deputy Director of the Special Action Office for Drug Abuse Prevention; the Chairman and six Commissioners of the Price Commission; and the Chairman and six Members of the Pay Board are all subject to Senate confirmation.

It should be noted that Section 904(2) of the Reorganization Act (5 U.S.C. 904(2)) requires that officers authorized by Reorganization Plans be either confirmed by the Senate or be in the competitive civil service. Reorganization Plan No. 2 of 1970 authorized the transfer of all existing statutory functions of the Bureau of the Budget, or its Director, to the President with the provisions that he could then redelegate them. The Plan further provides that the OMB and the Director "shall perform such functions as the President may from time to time delegate or assign thereto"; that the Director, "under the direction of the President, shall supervise and direct the administration of the Office of Management and Budget"; and that the Deputy Director and Assistant Directors and other officers designated by the Plan "shall perform such functions as the Director may from time to time direct".

By Executive Order No. 11541, the President delegated to the newly titled Director of the Office of Management and Budget all the functions which were transferred to the President under the Plan with the further injunction that "such functions shall be carried out by the Director under the direction of the President and pursuant to such further instructions as the President from time to time may issue."

A question is raised as to whether the status and functions and duties of the Director and Deputy Director of the Bureau of the Budget remained the same (that is only the titles were changed in accord with Section 904(1) of the Reorganization Act) or whether the Plan extended or modified those functions and duties. It could be argued that the broad authority of further delegation of functions by the President and the Director in the Plan incorporated statutory authority beyond that found in the Budgeting and Accounting Act of 1921, as amended, which established the Bureau and the Director and the functions thereof.

In short, it might be argued that the Plan and the Executive Order had the effect of a new "appointment" of the Director and Deputy Director to the new agency, and thus under Section 904(2), they would have to be confirmed by the Senate. This argument becomes more serious when we find the President making the point that the creation of the new OMB "represents far more than a mere change in name" but rather "a basic change in concept and emphasis reflecting the broader management needs of the Office of the President."

Although this may be viewed as a legal technicality, or a question of interpretation and intent, it nevertheless provides just another reason why the appointments of Director and Deputy Director of the OMB should by subject to the advise and consent of the Senate.

Thus, from a review of the statutes establishing those major offices which are supposed to be close to the President in his Executive Office, we have found that all but the directors of the National Security Council, the Domestic Council and the office of Management and Budget require confirmation.

The necessity for the President having "his own man" handling national security matters on domestic policy and planning may be argued with some justification, but there is no reason in this modern day of big government, big budgets, and big obligations and expenditures to insulate the Director and Deputy Director of OMB from Senate and Congressional scrutiny.

V. GOVERNMENT OPERATIONS COMMITTEE ACTION WITH RESPECT TO THE BUREAU OF THE BUDGET AND OTHER BUDGETING AND ACCOUNTING MATTERS

The Office of Management and Budget and the functions and duties of its Director and Deputy Director are generally well known to the Congress, and particularly to the Government Operations Committee.

One of the principal areas of legislative jurisdiction of the Committee on Government Operations, as set forth in Rule XXV (j)(1)(A) of the Standing Rules of the Senate, is "**Budget and accounting measures, other than appropriations."

Since 1921, when the Congress enacted the Budget and Accounting Act, 1921, this committee has processed all legislation relating to budget and accounting. Since the first session of the 80th Congress, when the Legislation Reorganization Act of 1946 became effective, a substantial portion of all legislation processed by this Committee has involved various aspects of budgeting and accounting. In addition to processing the Budget and Accounting Act, 1950, this Committee has handled numerous amendments to the 1921 and 1950 Acts, as well as a variety of collateral legislation, and prepared major studies and reports on the subject.

The work of the Committee on Government Operations in this area is fully detailed and documented in a document entitled, *Financial Management in the Federal Government*, issued in the 87th Congress as Senate Document No. 11. This work was subsequently updated and issued in the 92nd Congress as Senate Document 92–50. A convenient summary of the Committee's activities in this area is found in Senate Document No. 31, issued in the 92nd Congress, containing a history of 50 years of the work of the committee (1921–1971).

A list of all reports, staff memoranda and hearings, together with legislation under consideration by the Government Operations Committee with respect to budgeting and accounting, and hearing on the Budget Bureau, is attached. It will show that the committee has been conducting a continuing inquiry and study of Budget Bureau issues, functions and responsibilities and accordingly it is my view that the committee is sufficiently informed in order to report out the subject legislation.

UKRAINIAN INDEPENDENCE DAY

Mr. PROXMIRE. Mr. President, January 22 marked the 55th anniversary of Ukrainian Independence. On that day 47 million Ukrainians in their country and thousands of those now living in Wisconsin celebrated the founding of an independent nation.

On January 22, 1918, thousands gathered in Kiev, the capital of the entire Ukrainian region, to proclaim that the Ukraine would now be independent. It was a great day for the freedom loving people of the Ukraine. They had finally achieved the dream of being the master of their own destiny.

Just 1 year later, on January 22, 1919, the independent Ukraine proclaimed the Act of Union at Kiev. The act served notice to all that the Ukraine would be united into a sovereign state with all the lands of the region coming together as one nation.

The life of the democratic republic of the Ukraine did not last long. In 1920 the country became part of the newly proclaimed Soviet Russia. Since that time Ukrainians throughout the United States and the world have again been trying to gain freedom and national independence for their fatherland. Here in the United States groups such as the Ukrainian Congress Committee of America, Inc. and the Ukrainian National Association, Inc. have been trying to educate and inform the public about their goal of an independent Ukraine.

Ukrainians have long struggled for freedom. Therefore I ask that Americans everywhere join with their fellow citizens of Ukrainian heritage to honor Ukrainian Independence Day.

THE SECOND INCOME PLAN

Mr. FANNIN. Mr. President, our national well-being and our ability to compete in world trade is being threatened by the erosion of America's work ethic. Too many workers are not only willing to strike, but seem eager to strike. Absenteeism is very high on some assembly lines, and workers sabotage has created serious problems. Unhappily, many workers have no pride in the product they are helping to manufacture or the service they are performing.

There is a real need for the leaders of industry and government to explore every means of encouraging working people to take an interest in and a pride in their jobs.

One possibility which may have merit is "The Second Income Plan," proposed by Louis O. Kelso, an attorney from San Francisco. Kelso says that what our country needs is more capitalism. He contends that ownership of capital is concentrated in 5 percent of our population. The other 95 percent of the population either owns no stock, or such a small amount as to have no significant income from it or stake in capitalism.

Kelso proposes that systems be established to insure corporate employees a chance to gain enough stock so that larger numbers will have a stake in the system, and will have a significant second income.

He also makes the interesting suggestion that this can be accomplished with very little government action, at no cost to the workers who will benefit, and with virtually no damage to those people who now have large amounts of stock.

Mr. President, an article concerning the Kelso plan appeared in Industry Week magazine on September 4, 1972. I ask unanimous consent that it be printed in the RECORD.

Mr. President, the Kelso plan also was discussed last December 13 on Edward P. Morgan's news commentary program on ABC News. I ask unanimous consent that the transcript of this program also be printed in the RECORD.

There being no objection, the article and news commentary were ordered to be printed in the RECORD, as follows:

UNUSUAL ROUTE TO EMPLOYEE OWNERSHIP GAINS SOME GROUND

Broad employee ownership of a company's stock is the answer to many of industry's ills such as public alienation, foreign competition, and strikes, says San Francisco attorney Louis O. Kelso. He advocates planned employee ownership of a company through a sophisticated trust arrangement.

The idea, expounded for years by Mr. Kelso, is catching on. Some 18 companies have adopted it, four more are about to implement it, and 50 others are in various stages of negotiation, Mr. Kelso says. One large corporation forced to divest itself of a subsidiary may sell it to its employees.

Two international unions have approached Mr. Kelso about possibly introducing the idea into contract negotiations. He also has designed a plan for Puerto Rico for its private industry.

Two of the firms that may adopt the idea are in the top 500 in the nation and one is in the top 100, Mr. Kelso says. One firm has 44,000 employees and the other 30,000. He maintains the idea also is catching on in Sweden, Canada, and Guatemala.

Companies which have adopted the idea or are considering it include Brooks Camera Inc., San Francisco; Katz Agency Inc., New York; Statesman's Group Inc., Des Moines; Watts Mfg. Co., Los Angeles; Congaree Steel Co., Columbia, S.C.; First California Co., San Francisco; Valley Nitrogen Producers Inc., Fresno, Calif.; and Peninsula Newspapers Inc., Palo Alto, Calif.

A trust—Employee stock ownership is built into a firm's financial structure through a trust under this plan. The trust allocates stock to employees in proportion to their income, he says, without reducing their take-home pay or savings. And they participate to a greater extent in ownership of capital without taking away from the capital of existing owners.

Mr. Kelso's approach differs from traditional employee deferred compensation plans and trusts; in effect, it "plugs" the employee into the pretax dollar stream. Under conventional corporate growth financing, interest is deductible for corporate income tax purposes. Under Mr. Kelso's plan, interest is also deductible for corporate income tax purposes as a contribution to a qualified trust.

However, using conventional corporate growth financing methods, repayment of principal is not deductible for corporate income tax purposes. Under Mr. Kelso's plan, repayment of principal is deductible for corporate income tax purposes and would require only $1 million pretax to obtain a $1 million loan.

Instead of the corporation borrowing money from a lending institution and repaying it with interest, the money is loaned by the institution to the employee stock ownership trust, which then loans it to the corporation. The loan is secured by the company issuing new stock to the trust, which repays the loan.

Mr. Kelso says there is no dilution of the existing stock held by other shareholders and contends that the company is actually in a better financial position in using the trust because it has to pay less for the loan and because of the tax breaks involved.

Broad benefits—He asserts the program also is of economic benefit because it would replace conventional retirement plans which the company has to finance.

He further contends that by instituting the plan in foreign subsidiaries of U.S. companies, nationalization of the companies could be staved off.

Besides financing corporate growth on pretax dollars and refunding outstanding debt so it can be repayable with pretax dollars, the plan also enables management to increase employee incomes without raising the costs of doing business and strengthens employee motivation and loyalty, contends Mr. Kelso.

Mr. Kelso even maintains that his plan is the answer to many of industry's woes and the nation's economic problems, including welfare, but in that case he says he's thinking about a broad application of his idea which may take two or more decades to develop.

If more capital ownership could be placed in the hands of that 95% of U.S. families who presently own no significant amount of productive capital, there could be a tremendous increase in purchasing power as well as in the growth of corporations, he says.

EDWARD P. MORGAN'S NEWS COMMENTARY ON EMPLOYEE STOCK OWNERSHIP FINANCING, ABC NEWS, WASHINGTON, DECEMBER 13, 1972

This is Edward P. Morgan, ABC News, Washington, with the Shape of One Man's Opinion. A look at the moon and taxes after this word.

How much is the moon worth? No figure would have precise meaning, of course. We reached it because it was there. Now a NASA spokesman says the United States has spent more than $26.5 billion on the manned space program, nearly all of it—$25 billion—on the Apollo series to the moon, now spectacularly ending.

It's a waste of time to argue, as some people do, that we would have been better if that tidy sum had been spent on schools, mass transit, the rescue of the rotting inner cities and like down-to-earth projects. Congress simply doesn't reorder its priorities that sensibly or swiftly. This is not to say that our investment in the moon was nonsense. It gave us immense prestige abroad, for whatever that is worth, and the scientific revelations will continue, no doubt, to shower down for years to come.

But domestic needs are going to demand more and more revenue and this brings us to the problem of where it's going to come from and how it's going to be raised. Some revolutionary measures are called for. Ready with one solution, which might be called a revolution of common sense, is an engaging, pleasant-faced attorney and economist from San Francisco, named Louis O. Kelso. His book, "The Capitalist Manifesto," co-authored with philosopher Mortimer Adler, created something of a stir some years ago. Kelso, unaided, created something of a stir within the House Ways and Means Committee last spring when he testified that the American economy was insanely contradictory.

Kelso pointed out that it was official policy—based on the Full Employment Act of 1964—to solve the nation's income distribution problem, "sharing the wealth," solely by jobs. "Yet," he quickly added, "management (science and engineering) spend their time destroying employment."

"This is how you make a profit in the business world," Kelso testified, "This is how you free men from toil. There is lots of talk . . . about the dignity of the worker. We all know that there is no dignity in work that can be done by a machine and there is no dignity in make work. Not a trace."

That may erode President Nixon's glorification of the work ethic but it is testimony of an export. He went on to smash the ikon of the "rising productivity of labor." It is a myth, he insisted; it does not exist. Machines become more productive and in the process eliminate jobs.

The answer? The essence of the American dream, Kelso says, is possession of enough productive capital to yield an adequate private income. And he would fulfill it by affording workers stock in their companies, on credit, a "planned ownership" process. This opens a new source of capital, with tax advantages, increases the purchasing power of the stockholding worker and promises him stability in retirement he might not otherwise have.

I'll have a footnote in 30 seconds.

Economist Louis Kelso has persuaded 15 corporations to try his system, which he calls Employee Stock Ownership Trust financing. He's even got some politicians and union leaders interested, but changes—especially sensible changes—take time.

This is Edward P. Morgan, ABC News, Washington, with the shape of one man's opinion.

GENOCIDE CONVENTION DOES NOT NULLIFY THE FIRST AMENDMENT

Mr. PROXMIRE. Mr. President, some opponents of the Genocide Convention have objected that the treaty would usurp our constitutional guarantee of freedom of speech.

The Genocide Convention states in articles II and III that the direct and public incitement to commit genocide shall be punishable. The definition of genocide is given to include the act of causing serious bodily or mental harm to members of a national, ethnic, racial or religious group with intent to destroy the group as such in whole or in part.

The Committee on Foreign Relations—Executive Report No. 92–6—in a report delivered to the Senate May 4, 1971, emphasizes the importance of the word "intent" in the definition of genocide. The committee's report is a forceful refutation of the aforementioned objections to the Genocide Convention:

> Basic to any charge of genocide must be the *intent* to destroy an entire group because of the fact that it is a certain national, ethnical, racial, or religious group, in such a manner as to affect a substantial part of the group. There have been allegations that school busing, birth control clinics, lynchings, police actions with respect to the Black Panthers, and the incidents at My Lai constitute genocide. The committee wants to make clear that under the terms of Article II none of these and similar acts is genocide unless the *intent* to destroy the group as a group is proven. Harassment of minority groups and racial and religious intolerance generally, no matter how much to be deplored, are not outlawing discrimination, Article II is so written as to make it, in fact, difficult to prove the "intent" element necessary to sustain a charge of genocide against anyone. (Ex. Rept. 92–6, p. 6.)

In further refutation of the charges advanced against the convention, the United States is prohibited by the Constitution from becoming party to any treaty which would supercede the highest law of the land. The Genocide Treaty would usurp no such law.

Mr. President, the United States must act on the Genocide Convention as soon as possible.

NUTRITIONAL LABELING—FDA PUBLISHES REGULATIONS

Mr. SCHWEIKER. Mr. President, on January 17 the Food and Drug Administration announced a major new program of food labeling. The new regulations include not only nutritional labeling, but also the labeling of vitamins and minerals, identification of fats and cholesterol content, standards for vitamins and minerals sold as dietary supplements and new rules for the labeling of imitation food products.

For some time, I have been particularly interested in nutritional labeling. Just a few days ago, on January 11, I introduced the Nutritional Labeling Act of 1973, S. 322. This bill is identical to a bill—S. 2734—I first introduced in the 92d Congress on October 21, 1971.

Like my bill, the nutritional labeling proposal of FDA is based on recommended daily allowance—RDA—rather than minimum daily requirement—MDR. I strongly support this because it is much more realistic and helpful to the consumer.

Unlike my legislation, however, the FDA nutritional labeling regulation is for the most part voluntary. There are exceptions, in that if a food is fortified or enriched, or a nutritional claim is made in the labeling or advertising of the product, it must have full nutritional labeling. For example, "enriched" bread and "fortified" milk would have to meet the FDA requirements on nutritional labeling.

I have serious reservations about making the labeling voluntary. I would rather see a mandatory approach. However, I am willing to wait to see whether the food industries back this proposal and label voluntarily. If a substantial segment does not adopt nutritional labeling so that consumers will have it available to use, legislation may be necessary.

I want to encourage all of those who are interested in the FDA proposals to comment on them.

Mr. President, I ask that the complete text of the FDA news release, the statement of Commissioner Charles C. Edwards and a description of the regulations, be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Food Labeling

(Food and Drug news release, Jan. 17, 1973)

The Food and Drug Administration today announced a 12-part program expected to bring about basic and far reaching changes in the labeling and promotion of food products in the United States.

Culminating several years of study and preparation, the new program is designed to provide the American consumer with specific and meaningful new information on the identity, quality and nutritional value of a wide variety of general and special foods available in the nation's marketplace.

In addition to nutrient and vitamin-mineral labeling, the program provides for identification of fats and cholesterol content, sets standards for vitamins and minerals sold as dietary supplements and sets new rules for the definition and labeling of imitation food products. The program also consolidates and clarifies existing but piecemeal FDA regulations, affecting food labeling practices.

"The actions we are announcing today will result in the most significant change in food labeling practices since food labeling began," said Charles C. Edwards, M.D., Commissioner of Food and Drugs. "They mark the beginning of a new era in providing consumers with complete, concise and informative food labeling."

"The regulations will put into practice virtually all of the labeling recommendations of the White House Conference on Food, Nutrition, and Health. They are the result of years of work by FDA, nutritionists, scientists, industry and consumer representatives. No action in FDA's history has had more broadly-based input or been more carefully considered" Dr. Edwards added.

Dr. Edwards stressed the importance of a continuing and major effort by FDA, industry, professional and consumer groups to help consumers understand and utilize the new labeling information.

"As the program gets underway, labels will begin routinely bearing information never before seen by the average consumer. It is important for all of us to make every effort to inform consumers on how to use this new labeling to the benefit of themselves and their families," he concluded.

Four of today's actions are final orders with a 30-day period for technical comments: two provide for filing of legal exceptions; one is a clarification of a statement of policy; and five are proposals which allow public comment.

All of the actions announced today will appear in the Federal Register of January 19, 1973. All actions are scheduled to be finalized within six months. Affected manufacturers will then be required to make all appropriate labeling changes for printing of new labels by the end of this year. All foods shipped in interstate commerce after December 31, 1974 must be in full compliance.

Public comment on the five proposed regulations should be sent within 60 days to the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Maryland 20852.

Note.—Reprints of the Federal Register documents are available to the press. Please contact FDA Press Office, Room 3807, FOB-8, 200 'C' Street, S.W., Washington, D.C., telephone 202 962-4171.)

STATEMENT OF CHARLES C. EDWARDS, M.D.

The Food and Drug Administration today announces a major new program which we believe will make food labeling a vastly more effective aid to better nutrition for the people of this country.

This program provides an information system that American consumers will be able to use with ease and confidence to identify and select nutritious foods for themselves and their families.

I think that after you have had a chance to study the program fully you will agree that it will in fact bring about the most significant change in food labeling since food labeling began.

The new FDA program is in 12 parts. All 12 are interrelated. Some parts are final regulatory orders that signal unprecedented new initiatives in the label identification of nutrients, essential vitamins and minerals, fats, fatty acids and cholesterol.

Others are technical changes that update and improve existing FDA programs already in effect.

Together these changes will extend a regulatory umbrella over important new areas of the food labeling system and at the same time "codify" many FDA food labeling regulations into a single, coordinated, and more understandable and enforceable regulatory program.

The overall result will offer direct and significant benefits to consumers, and some of them will be apparent within the year. They include:

First, improvements in the amount of nutritional information on food labels in the retail stores where the consumer chooses food for himself and his family; and

Second, improvements in the presentation and usefulness of this information to the average shopper.

The nutrition labeling section of the new program is the basic instrument for implementing the first purpose—more and better information to the public. Fundamental to the second purpose—information more meaningful to the average consumer—is the setting of standards for identification of essential vitamins and minerals and the replacement of an outmoded system of measuring nutritional intake. The new measurement system is based not on "minimum" nutritional needs as in the past but on "recommended" daily allowances of vital nutrients.

I want to emphasize that it has taken a long time and a great deal of work to develop a sound and beneficial nutrition labeling system. The 12 documents you have in your hands are the result of years of effort by FDA, by top nutritionists and other scientists, and by industry and consumer representatives.

No effort I can think of in FDA history has had more broadly based input or been more carefully considered.

Nevertheless, we are not marking an end to our efforts here today, but a beginning. We now have a program on paper. It is scientifically sound and practically feasible. Whether it actually works to improve the nutritional well being of Americans now depends, as I see it, on three vital points:

First, the reason and the responsibility with which we in FDA implement the program that has been developed;

Second, the degree to which industry accepts the program as an opportunity to be seized rather than a change to be opposed.

And, finally—and perhaps most important—the willingness of the American people to use the new information on the nutritional value of foods that this program will make available to them.

We recognize that consumer response will take time. We in FDA accept as an immediate responsibility the need to conduct, encourage, and support a continuing and massive program to help consumers understand the new information that will appear on the labels of many hundreds of food items.

But clearly, we cannot succeed by ourselves, and we do not bear the responsibility alone.

Industry and the professions, as well as a rapidly maturing consumer leadership, must join with us to provide the public with both understanding and incentive to use improved nutrition labeling for their own health and welfare.

Just as it will take time for the consumer to respond it will also take time for industry to make necessary changes. We cannot expect that the new labeling will show up in the grocery stores tomorrow morning. It may take about two years for some parts of the food industry to make the rather extensive preparations needed to get this new program in full operation.

On the other hand, I am pleased to report that a number of major firms have already begun to tool up, and some products will reflect the new labeling in the next few months.

As you can see, I have not tried in this brief statement to go into the specifics of this program. In addition to the technical documents, you have also been given an 8-page summary which I think will be useful for orientation. In addition, we have available a number of persons here today who can provide more detailed answers to your questions.

Let me just say in closing that I believe we have taken a significant step toward enabling the people of this country to act wisely in their own best interests as consumers and as guardians of their own health.

I am confident that this program will succeed. And the benefits of success will be visible in the health and vitality of the American people for generations to come.

Thank you very much.

FOOD LABELING

In the Federal Register of Friday, January 19, 1973, FDA will publish regulations on 12 food labeling actions. The following is a brief description of each of the actions:

1. Nutrition labeling:

This is the umbrella regulation to govern when and how nutrition labeling will be used for food products. It is designed to provide the consumer with specific and meaningful information to help him determine the nutritional quality of the food he buys. Essentially it establishes these criteria:

1. Nutrition labeling for most foods is voluntary. However, if a product is fortified by the addition of a nutrient or a nutritional claim is made in the labeling or advertising, that product label must then have full nutrition labeling. Examples of nutritional claims include any reference to protein, fat, carbohydrates, calories, vitamins, minerals, or use in dieting. Any such reference will trigger full nutrition labeling. Examples of products which are normally marketed as "enriched" or "fortified" and thus would require full labeling include enriched bread or flour, fortified milk, fortified fruit juices, and diet foods.

2. The following standard format and headings are established:

"NUTRITION LABELING"

1. "Serving Size."
2. "Serving per container."
3. "Caloric content."
4. "Protein content."
5. "Carbohydrate content."
6. "Fat content."
7. "Percentage of U.S. Recommended Daily Allowances of protein, vitamins, and minerals."

This format is required whenever nutrition labeling is used, to allow consumers to easily find pertinent information.

3. Levels of vitamins and minerals will be listed as a percentage of U.S. Recommended Daily Allowances (U.S. RDA). These levels have been established on the basis of two years of special dietary hearings and extensive scientific review. They replace the outdated FDA Minimum Daily Requirements (MDR) values.

4. A listing of seven important vitamins and minerals must ordinarily be included in the standard format. If a food contains less than 2% of the RDA for four or more of the seven nutrients, the manufacturer may list only those present at more than 2% of the RDA for four or more of the seven nutrients, the manufacturer may list only those present at more than 2% of the RDA, together with an appropriate disclaimer for the nutrients not listed.

5. Protein content shall be listed on all products which contain significant amounts of protein. FDA has developed a method to determine protein quality and protect the consumer from misrepresentation.

6. Because there can be unavoidable variation in the nutrient quantity of natural or raw foods, FDA's regulation allows for a statistically valid sampling plan to determine compliance of labeling with the regulations.

Although this order is a final regulation, the Agency will accept comments during the next 30 days.

2. Food label information panel:

This regulation is designed to make labeling more consistent and easier for the consumer to understand. It standardizes the location and spells out the technical details of food label information panels.

As with the nutrition labeling action, the order is a final regulation but comments will be accepted for 30 days.

3. Labeling for cholesterol, fats and fatty acids:

Labeling of cholesterol and fat is designed to help consumers who want to limit their intake of these substances. In taking this action FDA is not taking a position on the scientific debate surrounding the role of fat consumption in heart disease. Consumers, however, should be able to identify foods for inclusion in physician-recommended fat-modified diets. This regulation will accomplish that objective by:

1. Allowing use on the label of cholesterol content of the food, stated in number of milligrams per serving and in milligrams per 100 grams of food.

2. Allowing the listing of the amounts of fatty acids in grams per serving in the following three categories:

Polyunsaturated fatty acids.
Saturated fatty acids.
Other fatty acids.

The total fat content as a percentage of the total calories in the food will also be listed.

3. If cholesterol or fatty acid information is used, the following statement must also be included on the label.

"Information on fat (and/or cholesterol, where appropriate) content is provided for individual's who, on the advice of a physician, are modifying their total dietary intake of fat (and/or cholesterol, where appropriate)."

Comments will also be accepted on this final regulation during the next 30 days.

4. Special dietary use label statements:

This regulation defines the term "special dietary use". It establishes the U.S. Recommended Daily Allowance (U.S. RDA) which replaces the Minimum Daily Requirement (MDR) as the official measurement of nutritional intake. It specifies the U.S. RDA for various vitamins and minerals for infants, adults and pregnant or lactating women. The regulation is based upon the Special Dietary Food Hearings conducted by FDA during 1968-1970.

The regulation specifically sets forth five prohibitions:

1. With certain exceptions it prohibits any claim or promotional suggestion that products intended to supplement diets are sufficient in themselves to prevent, treat or cure disease.

2. It prohibits any implication that a diet of ordinary foods cannot supply adequate nutrients.

3. It prohibits all claims that inadequate or insufficient diet is due to the soil in which a food is grown.

4. It prohibits all claims that transportation, storage or cooking of foods may result in inadequate or deficient diet.

5. It prohibits nutritional claims for nonnutritive ingredients such as rutin, other bioflavonoids, para-aminobenzoic acid, inositol, and similar ingredients, and prohibits their combination with essential nutrients.

Finally, the regulation sets specific methods and formats to be followed in the labeling of products intended for special dietary use.

Hearing participants have 60 days to submit written exceptions to this order.

5. Definition, identity and labeling of vitamins and minerals:

This section establishes a standard of identity for dietary supplements of vitamins and minerals. It sets forth ground rules for a product to qualify for marketing as a dietary supplement. This regulation was also the product of the 1968–1970 Hearings.

The regulation draws a clear distinction between ordinary foods, special dietary foods intended for diet supplementation, and drugs intended for the treatment of diseases. In general, if a food contains less than 50% of the U.S. RDA it is not a dietary supplement and only nutrition labeling is potentially pertinent. If it contains 50%–150% of the U.S. RDA it is a dietary supplement and must meet the standard. If it exceeds 150% of the RDA then it can not be sold as a food or a dietary supplement, but must be labeled and marketed as a drug.

The document establishes both upper and lower limits for each vitamin and mineral which may be in a special dietary product.

Products such as highly fortified breakfast cereals which contain over 50% of the U.S. RDA will have to comply with the standards of identity for dietary supplements. The labeling of these and other such foods must comply with requirements of the nutritional labeling regulation.

Hearing participants have 60 days to submit written exception to this order.

6. Certain standardized foods, proposed nutrition labeling:

This is a technical change. The result will be that all standardized foods to which nutrients are now added will be governed under nutrition labeling, rather than under special dietary food labeling. A standardized food is one for which FDA has established a "recipe" which must be followed by anyone wishing to call the food by that name.

Thirty days are allowed for public comment on this proposed regulation.

7. Labeling of flavor, spices, and food containing added flavor:

Although FDA regulations require label declaration of "spices", "flavorings" and "colorings" when used as food ingredients, the Agency has never provided clear guidance on labeling of flavors. The result is inconsistent labeling of these constituents in finished products. The purpose of this regulation is to clarify FDA's policy and develop a labeling pattern for flavorings in foods which will be clear, consistent and informative to consumers. This will be done by specifically defining conditions of labeling, and by consolidating in one regulation all requirements for such labeling. For example, if vanilla pudding contains no artificial flavor it would be called simply "vanilla pudding." If it contains a natural flavor which predominates, with an added artificial flavor it would be called simply "vanilla flavored pudding." If both natural and artificial flavoring are used, and the artificial flavoring predominates, the name would be "artificially flavored vanilla pudding." If only artificial flavor is used, it would also be "artificially flavored vanilla pudding."

Sixty days are allowed for public comment on this proposal.

8. Exemption from food labeling requirements:

This is a consolidation and clarification of existing regulations governing exemptions from label declaration for incidental food additives.

Sixty days will be allowed for comment on this proposed regulation.

9. Imitation foods:

These proposed regulations would clarify use of the term "imitation" for food products. The White House Conference on Food Nutrition and Health, recommended that "oversimplified and inaccurate terms such as 'imitation' should be abandoned as uninformative to the public."

This proposal would require use of 'imitation' only when a food is nutritionally inferior to an imitated food product. It would set up a mechanism so that a new product which is similar to an established food product and at least nutritionally equivalent to that product, could be marketed without the use of the word imitation. This would be done by establishing a different common or usual name for the new product that is fully descriptive and informative to the consumer.

Sixty days are allowed for public comment.

10. Mellorine, parevine:

Standards of identity for two frozen desserts—mellorine and parevine—would be established by this proposal. These are the first proposed standards under the "Imitation Foods" regulation. The two products resemble ice cream, and will be required to be fortified so they are nutritionally equivalent to ice cream. They would be sold under the names "mellorine" and "parevine" with no reference on the label to either ice cream or imitation. Full nutrition labeling will be required for these products.

Sixty days are allowed for public comment.

11. Label declaration of ingredients in standardized foods:

In this statement of policy, FDA clarifies its position on ingredient labeling for standardized foods. The Agency points out that although it does not have statutory authority to require disclosure of mandatory ingredients, it urges manufacturers, producers and distributors to make such disclosure in the interest of providing more informative labeling for the consumer. FDA also reiterates its position that it has authority to require label declaration of optional ingredients of standardized foods. The Agency is amending its regulations to require such listing.

12. Prospective requirements for manufacturers, packers, and distributors of foods:

The January 19 actions on food labeling will require extensive labeling changes by the food industry. To assure that these changes are made expeditiously, and yet cause as little economic hardship to industry and consumers as possible, FDA is proposing uniform mandatory dates for the new labeling. FDA's proposal would require any labeling ordered after December 31, 1973, to be in compliance, and would set December 31, 1974, as the date on which products shipped would be required to conform to all new requirements.

Thirty days are allowed for public comment.

CIVIL SERVICE COMMISSION TO HEAR TESTIMONY ON DISMISSAL OF A. ERNEST FITZGERALD

Mr. PROXMIRE. Mr. President, at long last, A. Ernest Fitzgerald will have a public hearing this week before the Civil Service Commission on his illegal dismissal from the Air Force.

This case goes back to the fall of 1968 when the Joint Economic Committee invited Mr. Fitzgerald, who was then a civilian employee of the Air Force, to testify on military procurement. In response to a question, Mr. Fitzgerald acknowledged that the cost overrun on the C–5A program could reach as high as $2 billion.

The witness did not volunteer that information. He did not pass secret documents to the committee or commit indiscretions or improprieties of any kind. He simply told the truth when asked a straightforward question. The cost overrun on the C–5A did reach an estimated $2 billion, a fact that was consciously and wrongfully concealed from Congress and the public for many months.

FITZGERALD PENALIZED FOR COMMITTING TRUTH BEFORE CONGRESS

But Mr. Fitzgerald's problems began at the moment he "committed truth." Shortly afterward, his civil service tenure was taken away. Within weeks his responsibilities for examining costs on major weapons systems were removed. His new assignments included examining the overruns on bowling alleys in Thailand and in Air Force mess halls. The disciplining and punishment of a Government employee for the sin of talking candidly to a committee of Congress was in process.

In 1969, Mr. Fitzgerald was fired from the Air Force. The explanation given was that his job had been eliminated in an economy move.

It is clear to me that the firing of Ernest Fitzgerald was intended as a reprisal for the testimony he gave to the Joint Economic Committee. The interest in this case has been heightened recently by a similar situation now unfolding in the Navy. Gordon Rule, a civilian official in the Navy, was invited to testify before the Joint Economic Committee on December 19, 1972. Mr. Rule testified, with the express permission of his superiors, and responded in a candid fashion to the questions that were put to him. Mr. Rule is now suffering the consequences of the retaliatory actions taken by the Navy as a direct result of his congressional testimony.

These instances are of course personal tragedies for the individuals involved who must fight the powerful apparatus of the bureaucracy or acquiesce in the loss of their jobs and of their careers.

The damage done to the integrity and authority of Congress is much greater. Congressional prerogatives are under attack and being questioned in a variety of areas. Nothing undermines the role and function of Congress more than the arrogant and contemptuous behavior of agency heads and bureau chiefs who intimidate and penalize their subordinates for exercising their responsibility as Government employees and their constitutional freedom of speech by giving testimony to committees of Congress.

FEDERAL LAW PROTECTS CONGRESSIONAL WITNESSES

The law is supposed to protect individuals who are invited to appear before a congressional committee. Title 18, section 1505, of the United States Code provides in part as follows:

> Whoever corruptly, or by threats or force, or by any threatening letter or communication, endeavors to influence, intimidate or impede any witness in any proceeding pending before any department or agency of the United States, or in connection with any inquiry or investigation being had by either House, or any committee of either House, or any Joint Committee of the Congress; or,
>
> Whoever corruptly, or by threats or force, or by any threatening letter or communication, influences, obstructs, or impedes or endeavors to influence, obstruct, or impede the due and proper administration of the law under which such proceeding is being had before such department or agency of the United States, or the due and proper exercise of the power of inquiry under which such inquiry or investigation is being had by either House, or any committee of either House, or any Joint Committee of the Congress
>
> Shall be fined not more than $5,000 or imprisoned not more than five years, or both.

JUSTICE DEPARTMENT FAILS TO ENFORCE LAW

The most notable thing, perhaps, about this law is that the Government has failed so far to enforce it. I asked the Justice Department to act to protect Mr. Fitzgerald's rights, and it has refused to act. Clearly, Mr. Fitzgerald was disciplined and fired as a result of his congressional testimony, in violation of the law. The Justice Department and the Attorney General have taken no steps to investigate or bring before the bar of justice the wrongdoers in the Fitzgerald case.

CIVIL SERVICE COMMISSION DELAYS HEARING

The failure of the Civil Service Commission to act swiftly in this matter is also notable. Mr. Fitzgerald promptly filed his appeal before the Civil Service Commission and asked for a public hearing. The Commission refused to hold the hearings in public. The Commission wanted a closed door, secret session. Mr. Fitzgerald objected and insisted that the hearings be open to the public.

Mr. Fitzgerald was entirely correct in demanding a public hearing, and I fail to understand what motivated the Civil Service Commission in the denial of that request. Mr. Fitzgerald had to pursue his case before the courts and it was only recently that the U.S. Court of Appeals ruled in Mr. Fitzgerald's favor. The Court of Appeals, in other words, found that the Civil Service Commission was wrong in denying a public hearing to Mr. Fitzgerald.

COURT SUPPORTS FITZGERALD'S DEMAND FOR PUBLIC HEARING

The U.S. Court of Appeals stated in its opinion:

> That we regard an open or public hearing to be a fundamental principle of fair play inherent in our judicial process cannot be seriously challenged.

And—

> In administrative hearings, the rule of the open forum is prevailing.

The court went on to say:

> Due process requires that the Fitzgerald hearing be open to the press and public.

The court of appeals clearly admonished the Civil Service Commission for taking the unreasonable and arbitrary position that the Government was entitled to wrap a shroud of secrecy around the Fitzgerald hearing. The Commission's insistence that the hearing be secret was calculated to conceal the facts surrounding the Fitzgerald affair from the public. Thanks to the U.S. Court of Appeals, the Commission is now required to hold the hearing openly. But the Commission has obstructed Fitzgerald in his search for justice in several other respects. It has dragged its feet to insure an agonizing, slow administrative review. For example, the court of appeals issued its opinion vindicating Fitzgerald's request for public hearing on September 15, 1972. The Civil Service Commission had an option to either appeal the ruling to the Supreme Court within 30 days or commence public hearings. Instead of promptly holding the hearing that Fitzgerald had waited so long and worked so hard to obtain, the Commission waited until about the middle of October to obtain an extension from the court of appeals so that it could have more time to decide whether or not it was going to appeal the decision. The extension was granted, and in the middle of November, the Commission requested a second extension so that it could further deliberate over its decision to appeal or hold hearings. At that time the court of appeals informed the Commission that it would not grant further extensions to the Commission.

CIVIL SERVICE COMMISSION FURTHER DELAYS HEARING

Undaunted, the Civil Service Commission in mid-December applied to the Supreme Court for yet a third extension of the time within which to appeal the September decree. The extension was granted. Finally, earlier this month, the Civil Service Commission decided not to appeal the September decree and to hold the hearings that will begin this Friday.

CIVIL SERVICE COMMISSION IMPEDES INVESTIGATION

The Commission has impeded Mr. Fitzgerald in other ways. It has not helped Mr. Fitzgerald or his attorney to obtain documents and information from the Government. It has refused to require Government officials outside of the Air Force to appear as witnesses in the hearings, despite the fact that several officials have actual knowledge of some of the circumstances surrounding the decision to fire Fitzgerald. The Commission has even refused to require some Air Force officials, whose presence was requested by Fitzgerald, to appear as witnesses.

The Commission has taken no steps to permit Mr. Fitzgerald or his attorney to interview or confer with any of the Government officials who will appear as witnesses in the case or who have actual knowledge about it. No provision has been made to allow Mr. Fitzgerald to take prehearing depositions of witnesses or to direct questions in writing to them. As a result, Mr. Fitzgerald's first opportunity to talk to the persons familiar with the facts will be when they appear as witnesses.

In short, the Civil Service Commission has failed to enable Mr. Fitzgerald and his attorney to properly investigate the case, has obstructed the investigation by not requiring a number of Government officials to appear as witnesses, and has caused lengthy delays to occur.

The refusal of the Commission to hold the hearings in public has resulted in years of delay. It is now 1973. Mr. Fitzgerald was fired, as I mentioned earlier, in 1969. The delay in this case, in my judgment, is inexcusable. It raises serious questions about the capacity or willingness of the Civil Service Commission to act quickly and effectively to protect the rights of Government employees who come under attack because they testify candidly before committees of Congress.

The Civil Service Commission was wrong in refusing to hold open and public hearings as requested by Mr. Fitzgerald, and I hope that it will not attempt to hold hearings in secret in the future when Government employees request that they be open.

The injury done to Mr. Fitzgerald by the Commission's unwarranted position is incalculable. First, there is the delay and the burden imposed upon Mr. Fitzgerald to seek other work and to somehow pick up the pieces of his career.

Second, as the facts grow cold with age and officials leave Government service, it becomes more and more difficult for Mr. Fitzgerald to reconstruct the events that led up to his dismissal and to obtain testimony from individuals with actual knowledge.

We will all be watching the hearing scheduled to commence on Friday, January 26, 1973, with great interest to see whether the wrongs committed against Mr. Fitzgerald are righted.

I ask unanimous consent to have printed in the Record a column written by Mike Causey, which appeared in the Washington Post, of January 17, 1973.

There being no objection, the article was ordered to be printed in the Record, as follows:

Fired Pentagon Aide Wins Hearing

A. Ernest Fitzgerald will get his long-sought open hearing on charges that he was fired illegally from a top Pentagon job for blowing the whistle on an alleged $2 billion cost overrun in an Air Force contract. The decision to open up the controversial case before the Civil Service Commission could affect hundreds of pending and future job-action cases in government.

Fitzgerald fell into disfavor with the Air Force shortly after he told Sen. William Proxmire (D-Wis.) at a hearing that the Air Force had blown the taxpayers money by improperly monitoring a contract.

Within a brief time, Air Force decided to cut costs with a one-man layoff, with Fitzgerald the one man laid off.

Fitzgerald appealed the dismissal to the Civil Service Commission on grounds it was a punitive firing, and demanded his accusers face him in an open hearing. CSC at the urging of the Justice Department, said its practice was to continue hearing adverse action appeals in private, to protect witnesses and reputations on both sides.

The former Air Force executive took his case to the U.S. Court of Appeals, which gave the government until Jan. 13 to order the open hearing, or appeal the case to the Supreme Court. The government has decided not to make the appeal, and so will stand by the lower court ruling.

This means that Fitzgerald's still unscheduled hearing before a CSC appeals examiner will be open to the public and press.

Meanwhile, the Civil Service Commission is re-examining its rules on hearings to determine if the Court of Appeals order was limited to the Fitzgerald case, or if it means any federal worker hit by an adverse action can also demand an open hearing.

CSC's appeals examiner, after hearing both sides, may rule against Fitzgerald, saying the firing was legal, or against the Air Force, ordering the one-time employee reinstated. Either party may then go to the Board of Appeals and Review, and finally, if they will hear the case, to CSC's three commissioners.

Fitzgerald has been a critic of CSC while working as a consultant to the House Health Benefit Subcommittee. It charged that CSC had, in effect, its own cost-overrun with Blue Cross-Blue Shield, granting the giant health insurance organization big premium increases in 1972 in the federal health program.

The Blues won the big increase by projecting a loss in the federal program. As it turned out, the carrier had a multimillion dollar surplus and this year was ordered to cut premiums.

If Fitzgerald's hearing goes all the way to the top of CSC, its three commissioners would be hard-pressed to rule against him because it would open them to charges that they, like Air Force, were persecuting a worker who pointed out some warts.

INTERNATIONAL TRADE

Mr. BROCK. Mr. President, the State of Tennessee has shown considerable leadership in recent years in the area of international trade. A recent article in the Journal of Commerce points out some of the efforts underway on this front.

I commend both the public and private sector leadership in Tennessee which has made possible these programs.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Journal of Commerce and Commercial, Jan. 15, 1973]

Tennessee Stepping Up International Activity

Nashville.—Tennessee, among the nation's top 10 in international trade, plans to bring its big guns into play this year in an effort to move up a notch.

These big guns, state officials said, are its growing international banking setup, a developing river navigation system and its ports, and a trade-conscious administration that wants to see the state increase its international trade activities.

WATER TRANSPORT POTENTIAL

Although still possibly 10 years away, Tennessee, nevertheless, is going to point up to foreign investors, during the months ahead, the water transportation potential of the soon-to-be-started Tennessee-Tombigbee waterway that, when completed, will cut short by several hundred miles the present water route for exports and imports to and from the Gulf.

Long before the waterway has been completed, Tennessee officials predict that foreign investors, seeking to utilize the waterways for movement of raw materials and finished products, will have the use of some new ports to move their goods.

In recent months, Tennessee's international activity has been strengthened by the growth of its foreign banking activity which now amounts to almost 20 per cent of the banking operations in Nashville and Memphis, and which is expected to climb by another 5 per cent this year.

"WE ARE VERY ENCOURAGED"

Officials of these banks claim that they are handling more financial transactions for foreign and domestic firms than ever before, and they are fielding dozens of important inquiries from potential investors from many countries on how to invest in the state.

"We are very encouraged by this development," said state International Director, Stephen McLean. "Our banks have done a tremendous job for us, and, combining their effort with the state's international development program, we are reasonably confident that we will come up with an excellent investment year in 1973."

Mr. McLean also cited the role of the banks in helping to sponsor the state's mission to Russia and to several other Eastern European nations last year, which turned up some promising markets for Tennessee goods, as well as for future investment by some of these countries in Tennessee.

GROWING INTEREST

Tennessee also has a growing interest in the African nations, and sees good reverse investment potential in this area. The state plans to send a mission to that part of the world in order to explore the situation, and to make recommendations to the state on how Tennessee can work out some profitable transactions there.

Presently, Tennessee has no permanent offices abroad, mainly because the state is not yet convinced that the setting up of such offices is the best way to develop international markets or investment possibilities.

"We still feel that the personal contact with our prospects via trade missions may be the best approach," said Mr. McLean. "However, we have not closed our eyes to the matter. We are looking at the whole picture, and we will make our decision later."

Mr. McLean feels that completion of the Tennessee-Tombigbee will boost the state's international trade prospects.

Meanwhile, the Port of Memphis, gaining on St. Louis as the major port on the Mississippi, is handling an ever-increasing flow of foreign commerce by seabarge.

ADDRESS TO JAYCEES' BOSSES NIGHT BANQUET AT SPARTANBURG, S.C., ON CEASE-FIRE AGREEMENT IN VIETNAM

Mr. THURMOND. Mr. President, tonight I will make an address in Spartanburg, S.C., at the annual Jaycees' Bosses Night Banquet, at which I will speak on the Vietnam cease-fire agreement. I ask unanimous consent that excerpts from the text of that speech be printed in the Record.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

Excerpts of Remarks by Senator Strom Thurmond

In less than 24 hours, the United States' costly involvement in Vietnam will be history. President Nixon's ultimate goal of peace with honor, so elusive to his predecessors, has been realized. No longer will our brave young men be asked to fight—and perhaps give their lives—in Vietnam. When the President made the fateful anouncement Tuesday night, people of all political persuasions breathed a long sigh of relief. Thank God it's over.

The most immediate and most gratifying aspect of the peace agreements is the return of our prisoners-of-war and an accounting of the missing-in-action. We have all shared in the grief of families who have been deprived of their husbands, fathers, and sons. We will rejoice when they are reunited. We will weep with those who are not so fortunate.

I commend the President for having the courage to insist on peace with honor under trying circumstances. There were those who demanded peace at any price. I regret to say that some of my colleagues tried to undercut his sincere and wise course of action. Some who command national attention likened the President to Hitler and charges of dictatorship reverberated from the Senate chamber.

But President Nixon refused to be sidetracked from his chartered course. The agreements to be signed tomorrow will put these critics to shame. Once again, prudence and wisdom have triumphed!

I spent over two hours Wednesday at the White House going over the details of the agreement. There has already been and will continue to be debated over the propriety of the complex document.

I admit that there are some ambiguities. There are some generalities. But taken as a whole, the meaning is clear: South Vietnam's government will remain intact. Internationally-supervised forces will oversee free elections in which all participants will be involved. An International Control Commission made up of four neutral nations will make sure complex military stipulations are honored. The agreements make gradual military slowdown inevitable.

These are goals the President has insisted on all along. We have enabled the South Vietnamese to stand by themselves. The letter of the agreements is clear. The spirit of the agreements is the unknown factor.

We have known the Communists to break agreements before the ink was dry. We have learned the hard way that they cannot be trusted. In order for these agreements to work, the North Vietnamese, the Viet Cong and their allies must abide by their signed pledge. We will do our share. They must do their share.

Just as we fulfilled our responsibilities in war, we must now turn to responsibilities of peace. There are those who would have sold this nation down the river by demanding peace at any price. They would have divided us. But the great majority of our people stood behind our leaders and their patience has been rewarded.

As the President has *said*, it is now a time for reconciliation. Let us stop shouting at one another. Let us respect the other's belief—however different they may be from our own. Let us solve our differences with reason rather than in the street.

When the war was raging, this nation was tested. Despite the conflict and turmoil, we met our commitment. Today, it is my sincere hope that we stand on the threshold of peace, as the President has said. We must seize this opportunity remembering the lessons of the past and the goals of the future.

HARRY S TRUMAN

Mr. McGEE. Mr. President, I wish to express my sadness over the recent death of President Truman, a man of great strength and courage.

Harry S Truman was a very uncomplicated man who demonstrated a remarkable capacity and ability to deal with complex problems facing the world and this Nation in the post-war era. He served his Nation in war, but was the architect of peace. Considerable controversy still centers around his decision to go into Korea with American troops. Yet, one can hardly disagree that it was his vigorous leadership and decisive action which has resulted in unheralded economic prosperity in Europe and rapprochement with Soviet Russia.

The aftermath of World War II left the old balance of power completely destroyed. The war had ruined several great powers, and left a vast political vacuum. In addition, two of the victorious nations—England and France—were so weakened by the conflict that they could no longer continue their historic roles in the balance of power. Perhaps never before in history had so much violence been done to the infrastructure of world stability.

It was within this chaotic setting that the United States was forced to assume a world leadership position, a decision that Harry Truman never hesitated to make. For, as President Truman realized, unless the world's power balance is restored following a war, few—if any—meaningful strides can be taken toward an improved world community. The realization of the need for a power balance led President Truman to accept the commitments necessary to counteract the enormous power of the Soviet Union. This he did quickly and decisively. He broke the Soviet blockade of Berlin. He laid out the Truman doctrine to confront the Soviet threat in the Middle East. He formed NATO to block Soviet expansion into Western Europe. And through the Marshall plan, he prevented the economic collapse of Europe. Under his administration, the United Nations was born.

On the domestic front, Harry Truman demonstrated an intense compassion for the people of this country. His domestic program included major civil rights, labor, and social welfare legislation. Yet, President Truman remained ahead of his time. It was not until the 1960's that this Nation enacted legislation to meet these human needs.

Harry S Truman acted with strong conviction and accepted full responsibility for his actions. Throughout his life of public service he exhibited honesty, compassion, and fairmindedness. But, above all, Harry S Truman was a man of the people who never forgot the people. We will surely miss this great man.

THE NATION'S FOREIGN POLICY

Mr. FANNIN. Mr. President, important decisions must be made in the near future concerning our Nation's foreign economic policy. Hard decisions and hard bargaining lie ahead.

In the years just after World War II the United States was so dominant in world trade that we could virtually ignore foreign economic relations. Political relations were foremost in the minds of our Government leaders, and we could afford to be generous in trade agreements.

That situation began to change by the mid-1950's and it should have been evident by the 1960's that trouble was ahead. The Kennedy round of trade negotiations was supposed to ease trade problems, but it only compounded them as far as the United States is concerned. We demolished our barriers to imports but got nothing in return.

In 1971 we had our first trade deficit of the century. This was not an aberation, but the obvious start of a trend. In 1972 our trade deficit plunged even deeper. Now we are faced with the necessity of importing large quantities of fuel to meet the energy crisis. This will multiply our trade problems.

The time has come when we must put trade and economic policy on the front burner in international relations. We have squandered the great advantages that we had in the late 1940's, and our foreign economic policy must now take precedence over foreign political policy.

One of the most knowledgeable men concerning the problems facing American business is Fred J. Borch, chairman of the Board of General Electric Co.

In the January issue of Nation's Business he discusses some of the reasons why foreign industry has been able to gain such a great advantage over U.S. industry. Mr. Borch points out how the laws, taxes and attitudes of the governments in other major trading nations work to expand corporations and to encourage exports. In the United States, we have laws which prevent the growth of efficient trading companies, our tax system puts us at a disadvantage in world trade, and there is an attitude of antagonism that is encouraged against business.

Mr. Borch suggests that the United States negotiate tough but fair new trade agreements which will tackle the problems of border taxes and other trade barriers now putting our industry at a disadvantage.

Mr. President, the article by Mr. Borch has abundant food for thought on the trade problem. For the benefit of my colleagues who will be helping make decisions on this serious issue, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WE MUST HAVE EQUAL RIGHTS IN INTERNATIONAL TRADE

(By Fred J. Borch)

Today, we in effect have no foreign economic policy worthy of the name—only foreign economic relations. Unless we evolve one—independent of political policy, and very quickly—tomorrow's international economic problems will make today's look like high school textbook exercises.

Our starting point must be a realistic recognition that other industrialized and advanced nations of the non-communist world have long since put trade and offshore investment at the very center of their policies, as we have not.

One striking effect of this is the way our trading partners are able to insulate their export prices from inflation. Between 1964 and last year's first quarter, our domestic price index rose 33 percent while the average rise in prices of our exports was 26 percent—a spread of only seven points. But in Japan, for example, the spread was 28 points. Her domestic inflation was 52 percent but her export prices—even after upvaluation of the yen—rose only 24 percent.

It is important to note that about one job in eight in our production industries depends on exports—and that in other countries, the employment dependency is substantially greater.

How much real output from each country goes into exports? What might the answer suggest to us about the importance of trade expansion (or contraction) to a national economy and employment levels?

In the production sector, from 1964—when our foreign trade was healthy—up to now, exports have accounted for about 15 percent of increased U.S. economic activity and creation of production jobs.

But our trading partners have done better.

All, or almost all, such growth in Canada, Italy and Britain came from export expansion. In Japan, one third of production improvement was similarly based; in Germany, about 60 percent; and in France, over 50 percent.

Without a growing world trade, these countries' strong domestic growth could not have occurred—and, in some cases their economies might well have moved backward.

How did they do it? And what corrective policy can the U.S. follow to keep itself afloat and get the international order into a semblance of long-term parity and balance?

Let us look at some differences in attitudes between these other countries and the U.S.

We might well begin with a "psycho-political" illustration.

Far from regarding large manufacturing and financial corporations as natural antagonists of government or the public, most of our trading partners view them as engines for pulling the national economy forward. They work from the fundamental premise that the bigger and more diversified the corporation, the more likely its continuing contribution to national growth objectives.

This view of the corporation as politically "neutral" but economically and socially "positive" is shared in these countries by most government administrators, legislators, union leaders and members of the general public. So long as corporations carry out their growth function—increasing employment, raising the general living standard and expanding the economy—they are encouraged to expand and assisted to secure added resources on relatively favorable terms.

A second point of difference which follows logically is the encouragement of a larger scale of operation and mergers in order to have corporations that are big enough to be internationally competitive or even dominant.

Most interesting, this urge to merge is beginning to cross international boundaries in highly sophisticated industries. Integration in computer technology is now taking place between the French government-owned CU, Philips of Holland, and Siemens of Germany. In time, these integrated businesses will probably be merged into a single corporation—and later on, it's quite possible that Britain's government-controlled ICL will join the same team.

Contrast this creation of large-scale worldwide competitive units with the present effort of our Justice Department to dismember one of the world's most effective international competitors, IBM, not to mention the Hart bill in Congress to break up the larger companies in seven major industries deeply involved in international competition.

The greatest boon imaginable for our major foreign competitors and their governments' trade policies would be breaking up successful U.S. companies which have demonstrated their ability to compete offshore while holding onto the American market.

Further contrast: All of us who participate in manufacturing businesses in Europe and Japan are well aware of long-term tax deferral through use of long-term reserves and provisions accounts, not to mention complete forgiveness of taxes in foreign subsidiaries.

These governments, with their high budgets and expensive social policies, are of course just as anxious for revenue as our own. But so long as the reserves and provisions are demonstrably reinvested in corporate, i.e., national growth, nobody would consider regarding them as loopholes. The necessary tax revenues are secured, not from corporate resources, but from levies on the consumer and, in lesser degree, high personal income taxes.

Our contrary tax policy—depending so heavily on taxing income the moment it's earned and so little on taxing consumption—brings with it contrary effects. It makes our would-be exporting companies significantly less competitive. It inhibits modernization of plant and facilities because our relatively low recovery rates on depreciation offer much less incentive to investment.

These incentives will be still further reduced if, in the closure of so-called tax loopholes, our investment credit, the present depreciation schedules, and the DISC all disappear. The result will simply be a still less competitive U.S.

There is contrast in another area: Anyone who has recently watched the Japanese must be impressed by their determination to get such low-wage, mass production industries as consumer electronics assembly and textiles out of their homeland. And also by their drive, with powerful governmental encouragement, to expand new and promising markets by building plants in Latin America, Asia and even the Soviet Union. Germany is doing much the same thing.

They are doing it for returned earnings to the home country; for export markets for higher-value components and materials produced at home; and for efficiently produced finished goods as imports to the home market.

What a difference from Burke-Hartke and kindred legislative proposals!

This country's corporations, already limited since 1965 in their foreign direct investments, are under threat of much more severe curbs that can only lose us export markets (costing U.S. jobs in the process); fuel the fires of cost-push inflation; keep the national genius and labor bottled up; and phase down our own foreign earnings, which—right now—are the major bright spot in this nation's balance-of-payments situation.

And here's still more contrast: protection and encouragement of so-called "critical" industries through nontariff barriers.

One of the most prevalent is allocation of nonmilitary purchases by foreign government procurement agencies to their domestic manufacturers at prices that guarantee an acceptable return on investment. Among the favorites are products and equipment that go into government-owned public utilities, transportation systems and government-owned manufacturing plants. Under this system, outside competitors find themselves simply unable to bid.

The result is high prices for such equipment—well above competitive levels—in the home country. This enables the manufacturers to quote export prices in other markets such as the United States that are significantly lower (10 per cent to 50 per cent) than those paid by their own governments. If carried on by American manufacturers, this practice would drive the General Accounting Office into immediate corrective action, and the government's legal arm into the courts.

Another favorite barrier is the import quota—voluntary or otherwise. We have them, and so do they. But theirs—especially Japan's—are imposed to protect products of high technical skill and advancement which will contribute to accelerated national growth and ultimate export promise.

Let me refer to three other facets of policy that put trade at the center, and the "neutral" corporation into trade.

First are the large numbers of export aids and incentives offered by central governments.

Second, the inexorable buildup of domestic industries that have fallen under government ownership in Western Europe when private enterprise couldn't cut it. The government provides these with subsidies and with capital; it dusts them off when they fall flat on their faces. It also directs their planning, where normal industries must rough it as best they can.

Third, we must include the rapid spread of preferential agreements which effectively block out nonparticipating countries, like the U.S. Let's face it, the European Economic Community is intrinsically preferential. And what about the system of preferential trade agreements which the EEC is putting together with nonmember European and Mediterranean nations?

Thus the other industrial countries have evolved a set of rules quite divergent from ours, under which the international economic competition of the Seventies is now operating. If we are to stay in the game—indeed, if the game itself is to continue effectively—the divergences must be modified and a harmonization of rules speedily negotiated.

We cannot rely on drift. We need a policy.

That policy cannot be closing down our borders. We cannot live within ourselves. Should we try, our economy and our employment will come up short.

For all the noise we hear about imports, the bulk of what we bring in today—and henceforth—cannot be naturally or economically supplied inside our borders. Furthermore, we face an energy crisis—which will substantially increase our importing needs during this decade.

What is required is recognition that until tho U.S. gets a foreign economic policy that is much more trade-centered, most things will continue to be going in the wrong direction—and more so if some of the currently espoused ideas prevail.

Let me make it perfectly clear that the "current ideas" I am talking about are the kind embodied in the Burke-Hartke bill, and similar pullbacks of our involvement in world trade. I am in sympathy with the goals expressed by many in Congress, the Administration and industry. I applaud their efforts in bringing home that the United States' economic position has changed.

So where do we go from here?

1. The U.S. must face up to the fact that the world's increasing economic disequilibrium is forcing this country—like it or not—to place foreign trade and economic policy in a very prominent place in our political and economic life—comparable to Europe and Japan.

2. Our government must recognize—as other governments have, long ago—that business and its employees are practically the sole source of the national income and tax revenue needed to provide employment and a better standard of living. This recognition will bring about a change in attitude toward business and industry, from philosophically and politically negative—at least to "neutral"; from economically inhibiting—to positive in terms of those things that promote the corporation's ability to grow, increase employment, raise the general living standard and thereby promote the general welfare.

3. Congress and the Administration must screen every domestic legislative proposal in terms of its impact in U.S. international competitiveness.

This includes social measures—safety, pollution, consumer protection, Social Security taxes, minimum wage, welfare, unemployment compensation to strikers, etc.—all of which must eventually be reflected in the cost of products. Other countries through their tax structures—especially border taxes—forgive a major part of such costs on exports but recover them by forcing imports to bear their share of domestic social costs. Not so, the U.S.

If our corporations are denied adequate resources, the net effect is to shift the whole thrust of our economy from the high end to the low end of the scale—from high-technology to low-technology, from capital-intensive to labor-intensive, where our pay structures make effective competition most difficult. And these high-technology areas are the very ones in which American ingenuity and skilled labor have enabled us to prosper and lead.

4. The U.S. must recognize that her private industries, however large, are seriously disadvantaged in competing with government-sponsored industries abroad. The U.S. government has to meet this problem in head to head negotiations with other nations.

5. The U.S. government must accept as a basic premise that the philosophy of other countries will be to shield exports as much as possible from their domestic adjustment problems, and to impose on imports as much of the cost of their socio-economic policies as they can. The easiest, most effective and most pervasive method of "exporting" these problems is via the high-rate border-tax route. That is, make goods produced elsewhere pay a tax burden of social costs that is equal to (or a trifle higher than) the burden they would carry if they had been produced domestically.

Countries which rely heavily on unrebatable personal and corporate income taxes and other direct taxes—the U.S. is the prime example—find their goods carrying a full load of social costs on domestic and export sales alike. When shipped into a border-taxing country, our goods pick up another burden of heavy indirect taxation at full rate—in the form of an across-the-board value-added tax in Europe or specific high commodity taxes in Japan—just as if their manufacture in the importing country had imposed costs on the importing society.

Turning the coin over, goods manufactured in these countries are relieved at their countries' borders of the social costs incurred in their production by straight-out rebate of indirect taxes. When these goods are imported here, since we don't go in for border taxation, they bear no imposition for our social costs, either.

It's time that the inequities in border adjustment be stopped.

The desirable way is to get agreement that discontinues the border adjustment process. If our trading partners will agree to this, we'll all bear our own social costs without passing that burden onto the shoulders of others.

But realistically, I cannot be optimistic that our trading partners will voluntarily negotiate away a *major element* of their national economic policy. And time is of the essence.

The only other way to get at equity is for the U.S. to play the same game with countries that play by border tax rules.

We also should forgive social costs on export goods, and we should impose social costs on imported goods. Realistically, the U.S. will have to make this move unilaterally. And we can call the system by its proper name—not an import surtax or a border tax, but a "social-sharing" or "social equalization" tax.

Such a tax, obviously, should not be imposed across the board, but only against those imports from and exports to those countries that place our products at disadvantage. The aim must always be a set of actions designed to ensure that all countries participate fairly in the general expansion of production and trade.

Border adjustment is one of those important nontariff barriers in need of immediate correction; but it is by no means the long-term solution to our trade problems. A true solution is one that solves the basic disequilibria in world-wide trade—particularly the U.S. trade deficit.

The other industrial nations await our initiative. As well as we, they are aware that better solutions are needed. They are still prepared to follow a U.S. lead that does not penalize their own economic accomplishments to date and promises simultaneous progress.

Our Congress must recognize this and pass legislation enabling our government to negotiate with those abroad. Then, as policy and as negotiating strategy for the U.S., I propose recognition that solutions to equity and balance in world trade can come only through expansion—perhaps a massive expansion.

From that expansion, the U.S. trade and investment balance must move in a short time to equilibrium and then, depending on the extent of our political commitments in behalf of other nations, go into surplus.

Unlike past trade expansions, the arrangements negotiated must assure that the U.S. share of the growth of international trade will rise dramatically. Now, in such a theoretical framework, what is basic for U.S. negotiators?

In the first place, we'll need an emphatic understanding in the Executive branch and Congress that our foreign economic policy will not be subordinated to international political policy or undercut by vagaries in new domestic legislation.

In the second place, it is vital that we secure agreement from our major trading partners on the targets—in volume and in time—for the new shape of world trade, and how much of it will be included in America's improving trade balance and/or returns on offshore investment. Without such an understanding I don't see how we can come to a solution.

In the third place, there is the nitty-gritty of tangible agreements. What products should our trading partners take in trade (or, for dividends and royalties remissions) that we can efficiently provide? And, what on our side can we offer as the quid pro quo so necessary to securing any mutually beneficial agreement?

For our negotiators, the challenge is to enunciate clearly and hold to an American policy committed to goals in which the U.S. will no longer lag. It is an extension of that challenge that they secure a removal of trade barriers—such as nationalistic procurement—and a forswearing of nationalistic vanities that pyramid inefficient, parochial industrial capacities under the delusion of a domestic trademark.

For our negotiators, therefore, there is still opportunity—but the opportunity will be hard-won.

For our trading partners, there is also opportunity—the kind that comes from stability, equilibrium and equity, as well as a sharing in growth and progress instead of constriction and economic warfare.

The opportunity is there—although I am far from sanguine about its possibilities of accomplishment.

The first order of America's business is to begin the formulation of an innovative, goal-directed trade policy of undisputed first priority and actionable alternatives. It must be a policy that conforms not only to the precepts of expanding trade, but also those of intelligent management. END.

WILL PRESIDENT'S INAUGURAL ADMONITIONS APPLY TO THE POWERFUL AS WELL AS TO THE POOR?

Mr. PROXMIRE. Mr. President, as we in Congress await the new budget, what many of us are wondering is if the President's inaugural admonitions will apply to the powerful as well as the poor?

Because of our financial plight the President has frozen funds for public housing, section 235 housing, and disaster loans for farmers, among others.

Now the question is, Will he do the same for the Lockheed Aircraft loan, the bail-out money for the F–14 aircraft, the stock purchase for the Gap Co., subsidies for the big farmers, interest-free deposits which the Government has in the major banks, the failure of over 100 citizens with incomes of $200,000 per year to pay any Federal income taxes at all, the bonanza's furnished the gas and oil companies, the cheap and subsidized loans provided by the Export-Import Bank, and hundreds of other privileges and subsidies in addition to welfare or housing which go out the back door?

Art Buchwald has written a column on this theme which appeared in the Milwaukee Sentinel on January 25.

Will those who receive the lion's share of Federal subsidies really be willing to substitute work for welfare, seek responsibility instead of shirking it, and ask not what can the Government do for me, but what I can do for myself?

Mr. President, I ask unanimous consent that the Buchwald column be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Belt Tightening Really Not So Bad

(By Art Buchwald)

I was sitting with Helmut Strudel, president of Strudel Industries, at President Nixon's inauguration last Saturday. Strudel had donated $1 million to the Committee for the Re-election of the President and had flown all the way to Washington in his private plane to see what he had gotten for his money.

As the president spoke about international affairs Strudel applauded loudly. But when Nixon started to talk about domestic matters my friend became quite upset. The president said:

"Let each of us remember that America was built not by government, but by people—not by welfare but by work—not by shirking responsibility, but by seeking responsibility."

Strudel began to perspire. "It sounds like he's not going to bail my company out of bankruptcy," he said worriedly.

"Don't be silly," I told Strudel. "When he speaks of people on welfare, the president's talking about the little guy who's freeloading on the government. He is not talking about companies that get large government subsidies."

The president said, "In the challenges we face together let each of us ask not just how the government can help, but how can I help?"

"You know, of course," Strudel whispered to me, "that my company has a contract to build 4,000 Gazebos for the U.S. Air Force at $8 million each, Well, since we got the order, Gazebos have gone up to $10 million, and unless the government helps us we won't be able to deliver them."

"Of course the government will help you," I assured Strudel. "When the president said, 'Ask not what the government will do for me but what can I do for myself,' he was talking about teachers and farmers and old people on Social Security who are always at the government trough. Contractors are not in that category."

"I hope not," Strudel said, "because I bought a $1,000 box at the inaugural ball tonight, and I'd hate for it to be empty."

The president seemed to look at us as he said, "I pledge to you that where this government should act, we will act boldly and lead boldly. But just as important is the role that each and every one of us must play as an individual and member of the community."

Strudel said, "They promised me when I made my political contribution that the White House would personally pay for the overruns on my Gazebos. But now the president seems to be hedging on it."

"That's just for the public," I assured Strudel. "Everyone knows big business is dependent on Washington, and no administration is going to turn its back on you just because you're losing money on your Gazebos."

The president read on, "Let us pledge together to make these next four years the best four years in America's history, so that on its two hundredth birthday, America will be as young and vital as when it began, and as bright a beacon of hope for all the world."

Strudel applauded as the president finished. Then he recognized Klaus Engelfinger of the National Milk Producers League "What did you think of it?" Strudel asked him.

"I think he could have exempted dairymen when he was talking about people doing more for themselves," Engelfinger said.

'And Grumman Aircraft," the man behind us yelled.

"And Penn Central," a man in a Homburg. shouted.

"Why leave out Lockheed?" another distinguished guest yield.

"Or Litton Industries," a guest chimed in.

Strudel seemed to feel better. "See all you guys at the ball."

ADDRESS BY DR. WERNER

Mr. BROCK. Mr. President, last fall, Dr. Werner, chairman and president of GAF Corp., made a speech in New York City on the occasion of an award to him for contributions to and achievements in the field of chemistry.

He is concerned about the relationship of science and government and in the New York speech proposes the establishment of a technical council which would work with the Government for a better understanding and use of scientific knowledge and needs in decisions made in many major fields.

I do not know whether the council proposed by Dr. Werner is the way to solve some of the problems he raises. I do know that his speech is most thoughtful and informative and comes from a man who is not only a scientist but is an able business leader.

As some of you may know, GAF was formerly known as the General Analine Film Corp. and is now a diversified establishment which has plants in many States, several of them being in my home State of Tennessee.

Mr. President, I ask unanimous consent that Dr. Werner's address be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Science, Business, and Government— The Chemistry Can Be Right

Mr. Chairman, Honored Guests, Members of the Society, Ladies and Gentlemen:

I accept this honor with a deep sense of gratitude and a deep sense of humility. No man reaches this stage without the help of a great many others. This award, then, also honors the many men and women who have played a significant part in helping me attain it. Having achieved a small share of honors from various organizations throughout the years, I can attest that none are more satisfying than those awarded by one's peers. To me, this is the most important aspect of this particular award and I accept it with deep and sincere appreciation.

And I am also very grateful for the opportunity to address so august an audience. It has forced me to develop several thoughts that have been rolling around in my mind for a number of years and to forge them into a suggestion which I hope is worthy of consideration by both industry and government.

The topic I have chosen is not easy to discuss. It means acknowledging some major failings by our industry, by business in general, and by our government. To put it simply, there is a desperate need for government and business to put science to work more effectively and more productively in determining priorities and formulating solutions for the vast problems facing the nation and the world. Although the experiences between our government and business in the past have often culminated in frustration and failure, I firmly believe that where this relationship involves technology—the chemistry can be right!

In the short space of time since by entrance into the business world, the increasing sophistication of the physical and biological sciences has reflected the characteristics of a true revolution. It has basically altered the society out of which it emerged. Its manifestation occurred in less than one working generation and the abruptness of it caught us all by surprise. And this abruptness has brought with it many unsolved problems. We have all learned that these cannot be ignored, for they simply will not vanish. Moreover, society often acts as if science can be controlled by the same old techniques and devices which it has already made obsolete. This, too, is a fallacy.

In times past, the only nations which accumulated a disproportionate share of worldly goods were those fortunate enough to be blessed with a wealth of natural resources, good harbors, and military strength. Science has made radical changes in this equation. It has become the great leveler among nations. I know of no clearer proof of this than the rise of Japan from a handcraft civilization to the third major industrial power of the world in well under one hundred years. In spite of a dearth of raw materials, the Japanese have achieved this unparalleled transformation.

Their major instrument was the immense body of know-how which science has accumulated. Intelligent use of this knowledge, laboriously developed by the United States and Western Europe, has catapulted not only Japan but also Russia into the twentieth century, and is being utilized for the same purposes in Israel, China, and Brazil. The interesting point to contemplate is that there is no basic reason why other nations, such as those of the Middle East, couldn't do the same. Moreover, when countries start to approach our technological level, they begin to add to the pool of technology and thus help to speed the revolution onward relentlessly.

Our job is to control this revolution, not by slowing it down or by inhibiting it, but by using the results wisely for the good of our country and the good of the world.

In all of the newly developed nations I have mentioned, the basic impetus for modernization by the intelligent use of scientific knowledge came from the government.

We have all envied the support and help received by Japanese, German, Swiss and French businessmen when they compete with us. At least, in my travels, I have. But I am not too sure that any of us would like the watchful eye and political and bureaucratic control into which this type of help and support ultimately develop.

One recent example that has dampened my enthusiasm for this kind of help has been the wondrous way that the Price Commission has undergone parthenogenic metamorphosis within a few short months and emerged as the Profit Commission. I keep telling myself and any government official who will listen that there are better ways to control inflation than to limit companies' profits by the sole parameters of their own historical statistics. But bureaucrats, I suppose like the rest of us, tend to become enmeshed in their own rules and in their own rhetoric.

For the problems arising from the impingement of business, technology and government, we must find a better solution than just another Presidential Commission, a kind of Japanese MITI, or central "indicative" planning as practiced by the French.

There are many who believe that technology has become a great deterrent to progress. Except in private, very few of us question the faulty logic of the many critics whose only credentials are exhibitionism and the ability to sensationalize. We are all aware of the pseudo-intellectual advocates of counter culture and the publicity-seeking, self-styled experts who have used news media, books, radio and TV talk shows and even Congressional hearing rooms to disparage all that science has brought and to urge a return to the "good old days." I wonder if they really mean what they preach and just how much they would have enjoyed the life of a peasant in the seventeenth century or a factory worker in the early years of the industrial revolution, to pick two examples of the "good old days" at random.

Having spent over thirty years in developing technology, both as a working research chemist and as a manager of a scientifically based company, trying to make a profit by satisfying the needs of man and enhancing his well-being, I find the often times enthusiastic reception of these critics highly disturbing. But I can understand it. Lack of comprehension of a field of endeavor results either in worship or in grave suspicion—worship where the commentary is always positive, as with medicine, and suspicion where the commentary is often negative. When criticism is unabated and adequate explanation and defense are weak, suspicion turns to antagonism.

But the fact of the matter is that technology, which I define as the totality of applied science, when employed to improve the quality of life, is a most important key to the future. Science and technology can provide us with the power to untangle the many knotty problems challenging us today. Let me be quick to point out that they alone will not save us. But without them we simply will not be able to resolve such urgent questions as those concerning environmental life support systems in ecology, the depletion of material and energy resources, the use of nuclear power, housing and urban planning, mass transit and transportation, overpopulation, world trade, disease control and therapy, new food and agricultural resources and so many others.

There are many sociologists who feel that science cannot contribute to the solution of the world's social ills. In fact, some feel that the onrushing developments of science are only adding to our packet of problems. Jacques Ellul in "The Technological Society" devotes an entire book to this thesis.

But if we examine history critically, we find that the advancement of science has brought with it great social benefits. It has ameliorated suffering, has lengthened our life span by orders of magnitude, has added creature comforts, has added measures of enjoyment to our lives and has spread them not only to the high and mighty, but to the lowly as well. It has provided new standards of life and freedom and independence to the entire populations of entire nations. The Cassandras to the contrary, we must continue to move ahead.

To do this, we must simply find a way to bring all of the resources available to us to work on these problems intelligently and productively. I submit that there has been a vacuum in this area, and as a vacuum tends to be filled, this one has been filled by government bureaucracy.

Government has grown in proportion to the technological revolution. As man's innovations brought radical changes in transportation, power and communications, an enormous expansion of government followed. Much of this was predicated on the need, whether real or imagined, to protect the public weal.

At the outset, our founding federal government was a modest, uncomplicated system. With the introduction of the railroad and steamboat, the sturcture of government was modified and extended to regulate new inter-state transport systems. The growth of federal power soon became apparent. Later, the telegraph, the internal combustion engine, aeronautics, radio and television each brought complicated governmental regulations, thus further swelling the burgeoning bureaucracy. Modern chemistry and pharmaceutical creative genius added new fields of food and drug controls.

The single most vigorous acceleration of government growth resulted from the exploration of the atom. When science found a major key to the secret, no one else could afford to finance its exploitation. Science and technology have not stopped finding keys—those to space and communications, for example—and so the scope of government involvement continues to grow.

There is no denying the rightful role of government in science and technology. But whether one believes the government's job is to control science to best serve the public interest or to promote the advancement of the scientific front, or both, there is no question but that it must understand the phenomena with which it deals.

The people who have the decision-making responsibilities should ideally have enough basic understanding of the scientific background of the problems they are deciding to be able to make independent judgments of both cause and effect. It is probably too much to expect that politicians, *elected* or appointed, have the kind of background, by training, experience or osmosis, that would enable them to judge the worth of evidence and the results of the varying decisions that are possible.

Yet, if somehow this does not happen, it will be just as disastrous for our nation as it has been for companies where the chief executive listened only to the most articulate partisan or to the most persistent proponent, rather than to the soundest. Somehow, we must help provide our nation's management with this kind of sound understanding of the scientific aspects of the gamut of recommendations they receive and the gamut of decisions they must make.

There have been many cases in the last decade where such sound understanding has not been too apparent, at least to many of us in industry. One might mention the Kennedy Round, the Clean Air and Clean Waters Acts, the bans of DDT, cyclamates, and hexachloraphene, the problems of phosphates and synthetic detergents, the energy problem, the Alaska pipeline, and a great many other problems of this magnitude.

In many of these instances, uninformed public opinion and politics have played too large a role. Industry has been fragmented and in many cases has been totally rebuffed and disregarded.

The easy way out is to go off into a corner and sulk. And to too great an extent, this has happened. I have heard some of my fellow executives say, "What do you expect us to do? You can't fight City Hall." I don't think we can afford this attitude. I don't think the country can afford it.

But the question is how can business work productively and effectively with government in resolving problems arising from technology? It's something akin to the couple who were having marital difficulties. They were finally persuaded to go to a marriage counselor. "Isn't there anything that you two have in common?" he asked them. After thinking a while, the wife finally said, "Yes, there is—neither of us can stand the other."

The relationship between business and government is not really as bad as that. As a matter of fact, there are many areas of mutual concern where good, sound, harmonious working relationships do exist now. And in the special area of science and technology, a new government attitude is beginning to evolve. From my personal experience I know how much three Secretaries of Commerce, Jack Connor, Maury Stans and Pete Peterson, have helped to bring this about.

Work has begun on a completely new governmental philosophy relating to the investment of national resources in research and development as well as the processes of technological innovation. And well it must, for this most advanced of societies, powered as it is by technological achievements, cannot remain static. Otherwise, as with companies, we will begin to drop back, first slowly and then precipitously.

So much for the problem and its many ramifications. What do we do to try to solve it? At present there is no one place for either government or industry to turn in order to obtain a reasoned, rational analysis of overall science-oriented problems, let alone recommendations and alternatives with their advantages and disadvantages, in the form that a corporate Board of Directors would expect before making a major decision. As a result, universities, "think tanks" and consultants become involved. The culmination is generally ill-prepared, free-for-all, public hearings, the results of which show anything but logic or clarity.

I believe the time is ripe for a new force to enter this picture. What I would like to propose is the formation of a Technical Council which would operate at the interface of government and industry. It should be independent, politically and in all other ways, but should be available to supply sound advice to the President, to the Cabinet, and to the Congress on major problems with a scientific aspect and impact.

I would further suggest that its membership consists of chief executives of technology-based companies, those people who are perforce familiar with the larger aspects of technology through their day in and day out need to administer it for their companies. This would, in my opinion, bring a sense of reality to the decision-making process for our country and would utilize the most pragmatic group whose talents have not yet been tapped for this purpose. When I think of the resources of this group, I am not unmindful of the vast scientific capabilities of the companies that would be represented. All of this would be available to the country. It would place at the disposal of the government and the public sector a body of talent that has thus far been used primarily for private purposes.

Had such a body been available before the Kennedy Round, things might have been different. There was a diffuse Public Advisory Committee, but its main purpose seems to have been window dressing. It appears that our negotiators all but ignored it. Unfortunately, the people on the other side did their homework far more thoroughly, with far more concern for economics and the resultant effect on the advancement of their technological level in the important area of benzenoid chemicals. As a result, they got a far better deal. In the five-year period since then, imports of cyclic intermediates, dyes and organic pigments have increased 142% while exports have gone up only 55%. Last year we had a negative trade balance in dyes alone of almost thirty million dollars.

Had there been a Technical Council of the kind I am proposing, the results could have been far different. For one, our negotiators might have been able to take a totally different posture, with far more background knowledge than they had. For another, the need for strengthening our technological interests in these areas would have been considered at the highest levels. One recommendation might have been to bend our antitrust policy slightly and allow the formation of combined facilities for the production of dyestuffs, as was done for synthetic rubber during World War II. In any event, the long-range technological interests of our country would have been considered. As it was, I am afraid they were not.

Such a Council could be a most effective instrument in helping to design workable policies that avoid many of the other pitfalls of the past. At the very least, it would analyze alternative solutions to complex problems where such alternatives are at present not even considered. It would work closely with the Office of Science and Technology and with the President's Science Advisory Committee, which are devoted to government research and government science policy.

I would visualize one basic preoccupation of such a Council to be the preservation and continued enhancement of our technological standing in the world. As we all know, this of necessity impinges on foreign policy, economic policy, anti-trust policy, policy of every kind, and so I can see far-reaching benefits in areas which on the surface appear to be far removed from science. In a way it would do for science and technology what the Business Council does in the field of economics.

There might even be some other ancillary benefits stemming from the creation of such a Technical Council. For one, it would give industry a sense of belonging. For another, it might help to reestablish industry and technology in their rightful place in society as fountainheads of progress and hope for our democracy, and not as the sinister forces about which I read continually, and where I certainly do not recognize my industry, my colleagues or myself.

In closing, I would like to thank you again for the great honor you have bestowed upon me tonight. I shall remember and treasure it always.

KIRK LEHMAN McGEE

Mr. McGEE. Mr. President, I would like to take this opportunity to announce that Wyoming's senior Senator has now become a senior citizen.

This morning at breakfast my wife Loraine and I were interrupted by a call from our No. 2 son announcing the arrival of Kirk Lehman McGee, weighing in at 6 pounds 3¾ ounces. If my memory serves me correctly, it was the first time in my life that I had ever kissed a grandmother over breakfast.

The parents, Bob and Mary McGee, are doing very well, as are the recent initiates to the Geritol set. However, in the "Spirit of '76," I would like to request of my colleagues that they send donations rather than flowers.

Mr. ROBERT C. BYRD. Mr. President, I wish to compliment my congenial and able friend, the senior Senator from Wyoming, on his having reached this new plateau in life. I speak as a grandfather of experience—my wife and I having already been blessed with six grandchildren. Senator McGee and his lovely wife, Loraine, have now had their first taste of immortality, and life's past blessings will be as nothing compared to the future days with Kirk Lehman McGee. I might as well utter a warning for my friend from Wyoming—there is absolutely no defense against these grandchildren. They come, they see, and they conquer, and the grandparents are the first to fall under their magic spell. My congratulations to the Senator from Wyoming and his wife, and to their "No. 2" son and his wife and, of course, to this fine 6-pound boy who has just today discovered America.

CONCLUSION OF MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask that morning business be closed.

The ACTING PRESIDENT pro tempore. Is there any further morning business? If not, morning business is concluded.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nomination of Elliot L. Richardson, of Massachusetts, to be Secretary of Defense.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nomination on the Executive Calendar will be stated.

DEPARTMENT OF DEFENSE

The legislative clerk read the nomination of Elliot L. Richardson, of Massachusetts, to be Secretary of Defense.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, at the request of the distinguished Senator from Mississippi (Mr. Stennis), to have printed in the Record a statement by Senator Stennis with respect to the nomination of Mr. Richardson; a biography of Mr. Richardson; and an excerpt from the committee report on Mr. Richardson's nomination.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

There being no objection, the statement, biography, and excerpts were ordered to be printed in the Record, as follows:

ELLIOT L. RICHARDSON

Mr. Elliot Richardson has twice been nominated to positions of high responsibility in government and twice confirmed by this body in those posts. I urge that his nomination, to serve as Secretary of Defense, be now approved.

In terms of responsibilities—in terms of taxpayers' money spent—the job of the Secretary of Defense is one of the most difficult in our government—perhaps in the world. However, Mr. Richardson has been serving as Secretary of Health, Education and Welfare, and has then demonstrated his ability to manage a federal bureaucracy which spends even more money.

The Senate Armed Services Committee has held hearings on Mr. Richardson's nomination. Thirteen of the Committee's 15 members were recorded in favor of the nomination and there were *no* dissenting votes. One member, who voted present, explained that he found no fault with Mr. Richardson but felt such nominations should be delayed.

CONGRESS AND PUBLIC

For his part, Mr. Richardson has expressed a desire to work closely with the Senate Armed Services Committee. He has stated his willingness to appear and testify, and he has stated that he believes candor and forthrightness are indispensable in such appearances.

Further, Mr. Richardson told our Committee that he foresees a period in which a full public understanding of the need for a strong national defense will be more important than ever before. I am confident that he will work to achieve that public understanding.

In his testimony before our Committee, Mr. Richardson has also demonstrated an understanding of the rising costs of military hardware and military manpower. He is an experienced government manager, and I hope he will be able to curb those rising costs.

NO CONFLICT OF INTEREST

As is the custom of the Armed Services Committee, Mr. President, we have attained detailed information from Mr. Richardson with respect to his financial holdings and the possibility of a conflict of interest. As a subcabinet and cabinet official, he has, of course, faced this question before.

Mr. President, it is not the custom of our Committee to publicize in great detail the financial holdings of nominees to positions within our Committee's jurisdiction. It is hard enough to find able top-level executives who are willing to serve in government without such a baring of private financial records.

I believe I can assure the Senate, however, that Mr. Richardson, by a pair of blind trusts, has effectively removed himself and his family from a position where he could serve his own financial interests as Secretary, even if he should wish to do so.

I invite the attention of the Senate to the Committee's Report on the Richardson nomination, at the middle of page 2, where this matter of financial holdings is discussed.

QUALIFICATIONS

Some of us in the Senate have been acquainted with Mr. Richardson since he served here in the early 1950's as an aide to our old friend were Leverett Saltonstall, then Senator from Massachusetts. Since that time he has demonstrated his competence at the state and federal levels of government.

I ask that a biography of Mr. Richardson be printed at this point in the RECORD for the information of Senators, and I urge that the nomination be approved.

ELLIOT LEE RICHARDSON, SECRETARY OF DEFENSE

Elliot Lee Richardson was nominated as the 11th Secretary of Defense by President Nixon on January 4, 1973.

Secretary Richardson has served as Secretary of Health, Education, and Welfare since June 24, 1970. He previously had served the Nixon Administration as Under Secretary of State from January 24, 1969 until assuming the leadership of the Department of Health, Education, and Welfare.

Secretary Richardson was born in Boston, Massachusetts, on July 20, 1920. He was graduated cum laude from Harvard College in 1941 and received his law degree, also cum laude, from Harvard Law School in 1947.

He enlisted in the U.S. Army in 1942 as a private and was a first lieutenant at the time of his honorable discharge in 1945. He served in the European Theater of Operations as a litter-bearer platoon leader with the 4th Infantry Division and landed with that Division on D-Day in Normandy. Secretary Richardson was awarded the Bronze Star Medal for Heroic Service and the Purple Heart with Oak Leaf Cluster. He is entitled to wear the Combat Medical Badge and the European Theater ribbon with arrowhead and five battle stars.

Upon graduation from the Harvard Law School, where he was president of the Law Review, Secretary Richardson served for a year as law clerk to Judge Learned Hand of the U.S. Court of Appeals for the Second Circuit. The next year (1948–1949) he was law clerk for Supreme Court Justice Felix Frankfurter.

From 1949 to 1953 and from 1955 to 1956, he was an associate in the Boston law firm of Ropes, Gray, Best, Coolidge & Rugg. In 1953 and 1954, Secretary Richardson served in Washington as assistant to Massachusetts Senator Leverett Saltonstall, who was then Chairman of the Senate Armed Services Committee. He served by appointment of President Eisenhower as Assistant Secretary of HEW for Legislation from 1957 to 1959; and as Acting Secretary of HEW from April to July 1958.

Secretary Richardson was United States Attorney for Massachusetts from 1959 to 1961, and in 1961 served as Special Assistant to the Attorney General of the United States.

From September 1961 to January 1962 and from January 1963 to December 1964 he was a partner in the law firm of Ropes & Gray. In 1963 he headed the Greater Boston United Fund Campaign.

Elected Lieutenant Governor of Massachusetts in 1964, Secretary Richardson coordinated the State's human resources programs. In 1966 he was elected Attorney General of Massachusetts and established the Nation's first State-level organized crime section.

As the Under Secretary of State from January 24, 1969 until June 24, 1970, Secretary Richardson participated in meetings of the National Security Council and was Chairman of the NSC Under Secretaries Committee. He also served as Chairman of the Board of the Foreign Service.

Secretary Richardson is the author of numerous articles on law and public policy.

Secretary Richardson has received honorary degrees from Massachusetts College of Optometry, Springfield College, Emerson College, the University of New Hampshire, Lowell Technological Institute, Harvard University, the University of Pittsburgh, Yeshiva University, Brandeis University, Ohio State University, Lincoln University, Temple University, Whittier College and Michigan State University.

He is a member of the National 4th (IVY) Infantry Division Association, Disabled American Veterans, and the American Legion.

Additionally, he is a member of the American Law Institute, the American Bar Foundation, Council on Foreign Relations, and the American Academy of Arts and Sciences. He has served as a Member of the Board of Overseers of Harvard, University and chairman of the Overseers Committee to Visit the John F. Kennedy School of Government; and as a member of the Overseers Committees to Visit the Law School, the Medical School and School of Dental Medicine, the Department of Government, and the Harvard University Press. He was also a Director of the Harvard Alumni Association, 1957–60.

Further, Secretary Richardson is a former trustee of Radcliffe College and the Massachusetts General Hospital; President of the World Affairs Council of Boston; Director of the Salzburg Seminar in American Studies, the Massachusetts Bay United Fund, and United Community Services of Metropolitan Boston; and member of the Advisory Committee, Massachusetts Council for Public Schools, and the Executive Board, Boston Council, Boy Scouts of America.

Secretary and Mrs. Richardson, the former Anne F. Hazard of Peace Dale, Rhode Island, were married on August 2, 1952. They have three children: Henry Nancy and Michael.

NOMINATION OF ELLIOT LEE RICHARDSON

COMMITTEE ACTION

Mr. Richardson's nomination was forwarded to the Senate on January 4, 1973, and referred to the Committee on Armed Services on January 8, 1973. The committee conducted hearings on January 9, 10, 11, and 15, 1973, in public session, during which the committee carefully scrutinized the nominee's credentials and qualifications. After full consideration, the committee found the nominee eminently qualified for the position of Secretary of Defense. In executive session on January 16, 1973, the committee voted to report favorably on the nomination of Mr. Richardson. Thirteen members voted in the affirmative. One voted present. There were no negative votes.

QUALIFICATIONS

Mr. Richardson is currently serving as Secretary of the Department of Health, Education, and Welfare, a Cabinet position for which he was confirmed by the Senate on June 23, 1970. He had previously served as Under Secretary of State, a position for which he was confirmed by the Senate on January 23, 1969.

Mr. Richardson's record of management of the Department of Health, Education, and Welfare is outstanding. The committee was particularly impressed with his demonstrated administrative skills in managing a large Department with budget authority currently exceeding that of the Department of Defense. That experience which involved the administration of many separate agencies will be of extreme value in managing the Department of Defense.

The committee is convinced of the nominee's integrity, his outstanding ability, and competence.

Mr. Richardson's biographical sketch as provided to the committee is contained on pages 2 and 3 of the published hearings.

WILLINGNESS TO TESTIFY

On January 15, 1973, the nominee again appeared before a special hearing of the committee and was interrogated at length on his willingness to appear and testify before Senate committees. He pledged emphatic compliance with the resolution of the Senate Democratic conference which requires nominees to make, as a prerequisite to confirmation, a commitment to appear before Senate committees, when requested. The testimony of the nominee is contained in the record of hearings wherein he expresses his willingness and cooperation when called.

FINANCIAL HOLDINGS

The committee has determined that if the nominee is confirmed as Secretary of Defense, his financial holdings will not conflict with his performance of duties in that office. The committee would observe that in early 1969 when Mr. Richardson assumed the duties of Under Secretary of State under his agreement with the Foreign Relations Committee, his investments were placed in a "blind" trust. Mr. Richardson's proposal, which the committee finds completely acceptable for handling of his financial holdings upon assuming the duties of Secretary of Defense, is set forth in detail in a letter to the chairman of the committee and is printed on pages 98 and 99 of the hearings on his nomination.

Under this arrangement, Mr. Richardson has directed the trustees of the "blind" trust to sell within 90 days after assuming office all of the stocks with one exception which are contained on the so-called statistical list of the Department of Defense, which sets forth all companies doing business with the Department of Defense in an annual volume of $10,000 or more. There is one stock which the trustees made known to the committee but not to Mr. Richardson for which permission was requested for his retention of this stock on the basis of its extreme remoteness of producing any conflict even though it is technically on the master list. The committee, after examining in detail the circumstances, agreed that there would be no objection to the retention of this particular stock.

It should be noted that in December 1972, Mr. Richardson established an irrevocable trust with his wife and children as beneficiaries. He has no reversionary interest in the income or corpus of his family trust. Mr. Richardson directed that the trustees of his own "blind" trust transfer to the family trust securities of a certain total amount. Mr. Richardson does not know the names of the securities which have been transferred to the family trust. Neither does Mrs. Richardson or the children know the identity of the stocks in the family trust. There are certain stocks that are on the so-called Defense statistical list. The trustees have been directed not to invest for the family trust in any companies on the list, during the period he may serve as Secretary of Defense.

The committee has concluded that this arrangement complies with committee rules on this matter.

CONCLUSION

The committee agrees that Mr. Richardson is fully qualified in all respects to serve as Secretary of Defense and favorably reports this nomination recommending the nominee's confirmation by the U.S. Senate.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

ORDER FOR RECOGNITION OF SENATORS McCLELLAN, JACKSON, AND ROBERT C. BYRD ON MONDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, on Monday next, following the recognition of the two leaders or their designees under the standing order, that the distinguished Senator from Arkansas (Mr. McCLELLAN) be recognized for not to exceed 15 minutes; that he be followed by the distinguished Senator from Washington (Mr. JACKSON) for not to exceed 15 minutes; and that he be followed by the junior Senator from West Virginia (Mr. ROBERT C. BYRD) for not to exceed 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, following the recognition of the aforesaid Senators under orders previously entered, that there be a period for the transaction of routine morning business on Monday next, not to extend beyond the hour of 1 p.m., with statements therein limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AUTHORITY FOR CERTAIN ACTION TO BE TAKEN DURING THE ADJOURNMENT OF THE SENATE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Vice President, the President pro tempore and the Acting President pro tempore may be authorized to sign all duly enrolled bills and joint resolutions during the adjournment of the Senate over until Monday.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESUMPTION OF THE PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a resumption of the period for the transaction of routine morning business, for not to exceed 15 minutes, with statements therein limited to 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SENATOR BIDEN'S SERVICE AS PRESIDING OFFICER

Mr. ROBERT C. BYRD. Mr. President, I wish to invite attention to the fact that the distinguished junior Senator from Delaware (Mr. BIDEN), who is 100th in juniority in the Senate, is presiding over the Senate today with a degree of dignity and skill which is as rare as a day in June.

This young man who came to the Senate falls into the category of Henry Clay and the late Rush D. Holt, of West Virginia, each of whom, I believe, was elected to the Senate at the age of 29. He has assumed important duties on the Steering Committee and on the Public Works and Banking, Housing and Urban Affairs Committees. He has been present and has been giving of his time and efforts and talents; and I predict that, at his age, he can be proud of having been 100th in juniority and, God willing, that the time can come, may come, and hopefully will come when he will someday be No. 1 in seniority.

I congratulate him on the effectiveness with which he is presiding over this body. This is one of the tasks that we all have to perform from time to time. Senator BIDEN has very willingly and graciously accepted this task, is eagerly performing it, and he is doing it well.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate return to executive session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NOMINATION OF ELLIOT RICHARDSON TO BE SECRETARY OF DEFENSE

Mr. THURMOND. Mr. President, it is my hope that the nomination of Mr. Elliot L. Richardson for the position as Secretary of Defense will be confirmed with dispatch.

The Armed Services Committee held comprehensive hearings and determined that he is eminently qualified for this very important position. As a participant in those hearings, I think it important to note that at no time was any question raised about the integrity, ability, or character of the nominee.

Mr. Richardson has served as Undersecretary of State and thereafter as Secretary of Health, Education, and Welfare. His appointments for these two important positions required the advice and consent of the Senate. I would emphasize, Mr. President, that the Senate did confirm him on these two previous occasions.

As Under Secretary of State, Mr. Richardson gained valuable experience in U.S. foreign policy and in matters affecting our national security interests. Such background is extremely valuable for anyone who assumes the responsibilities of the defense establishment.

As Secretary of Health, Education, and Welfare the nominee has broadened his knowledge to include our domestic needs and priorities. He has provided able leadership through the Department of Health, Education, and Welfare which is composed of many separate agencies. This background too, will prove a valuable asset if he is confirmed as Secretary of Defense.

During the course of the hearings, Mr. Richardson assured our committee that he has no preconceived blueprint for administering the Department of Defense. The testimony in the record of hearings indicate to me that he will study the problems carefully before making important decisions. The record shows that Mr. Richardson will consult with the Joint Chiefs of Staff on military matters.

The nominee has a keen awareness of our fundamental concept of civilian control over the military, as provided in the Constitution. Mr. President, the record also indicates that the nominee is prepared and willing to testify and cooperate with the Congress when requested to do so. More importantly, the nominee has testified that it is his expectation to work very closely with the Senate Armed Services Committee and that he will seek its advice and judgment.

Finally, Mr. President, the testimony of the nominee expressing concern for the morale of our people in uniform is reassuring. I agree with him that without proper discipline we cannot have an effective military force.

In conclusion, I would like to quote a statement during the hearings with which I wholeheartedly agree:

> "It is, I think, fair to say that a strong and effective military posture has never been more critical to the security of the Nation than it is right now."

Mr. President, I ask unanimous consent that the statement on behalf of Mr. Richardson which appears in the Senate hearings of January 9, 10, 11, and 12, 1973, by the distinguished Senator from Massachusetts (Mr. BROOKE), which appeared at page 103 of the hearings, be printed in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

STATEMENT OF HON. EDWARD W. BROOKE, U.S. SENATOR FROM MASSACHUSETTS

Senator BROOKE. Mr. Chairman, and members of the committee, I thank you for your courtesy and for giving me this opportunity to introduce Mr. Richardson. It gives me profound pleasure to introduce him, the nominee of the President-elect, for the position of Under Secretary of State.

Elliot Richardson is no stranger to Washington. He served President Eisenhower as Assistant Secretary of Health, Education, and Welfare and as U.S. attorney for Massachusetts. He was a valued assistant to my distinguished predecessor, Senator Leverett Saltonstall. He has twice been elected by the people of Massachusetts to serve as Lieutenant Governor and attorney general.

In his capacity as Lieutenant Governor, Elliot Richardson drafted special messages to the legislature. His ideas in many instances became public policy.

Elliot Richardson is an avid and understanding student of foreign affairs. He brings to his new duties an inquiring mind, good judgment and, perhaps most important of all, fresh perspectives and a receptivity to new solutions for old and vexing problems.

I might add, Mr. Chairman, that he received his training at Harvard University Law School, where he was the distinguished editor-in-chief of the Harvard Law Review.

I would like to commend both the man and his record to you and urge you to grant prompt and hearty confirmation to an able and effective public servant.

Mr. THURMOND. Mr. President, I urge my colleagues to support prompt and favorable action on the confirmation of Mr. Elliot L. Richardson as Secretary of Defense.

STATEMENT ON NOMINATION OF ELLIOT RICHARDSON TO BE SECRETARY OF DEFENSE

Mr. PASTORE. Mr. President, I should like to associate myself with all of the favorable statements that have been made about Elliot Richardson to become the Secretary of Defense. Mr. Richardson has had a wide range of experience; there is no question about it. He is conversant with the Federal Government and parochial problems, as well having served in the State government of his own beloved State of Massachusetts. Also, as indicated here time and time again, he has been associated with the State Department, and lastly, of course, with the Department of Health, Education, and Welfare. There is no doubt at all about the intgerity and the ability of Elliot Richardson, and I do not think anyone on this floor would dare to impugn it in any way.

But I want to make this statement. There have been a lot of wild rumors about what is going to happen to some of the naval and other military installations throughout this country.

There is no quesion in my mind that with the cessation of hostilities in Vietnam some changes will be made, and there will be some cuts in the defense budget. But I call upon the sense of fairness of Mr. Richardson and this administration to go deeply into what the repercussions will be if their actions becomes too drastic.

Many of our States are in fiscal trouble, so much so that we had to have a revenue-sharing program in order to alleviate the burden that rests upon the backs of local taxpayers. Unemployment is higher in this country than we really desire it to be.

So my appeal this afternoon to Elliot Richardson is that when he does become, and he will become Secretary of Defense, that he intensely scrutinize some of the parochial situations that will result not only in my State, but in his State and in many other States; and I hope whatever changes we make we do not make them merely because so-and-so is chairman of such-and-such committee. I hope we begin to take into account the welfare of the American people; and that we will conserve some of these military installations, because of the tremendous technology and efficiency that prevails there.

I hope also that we will study very carefully the economic impact on the local communities involved before any changes are made.

I make this appeal today without any incrimination, recrimination, without any venom or criticism on my part against anyone. I am only appealing this afternoon for fairness because our people are disturbed; rumors are running wild. I hope whatever we do we do in such a fashion as not to hurt the people or the families too much; that we do this in such a way that the pain will be the least.

As I said, I second everything the Senator from South Carolina said about Elliot Richardson, because I know he is a qualified man, an honest man, and I trust he will be a very fair man when it comes to meting out these changes to be made.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, are there further statements to be made on the nomination at this time? If not, I ask unanimous consent that the Senate return to legislative business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESUMPTION OF PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a resumption of the period for the transaction of routine morning business with statements therein limited to 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

OUR DISTINGUISHED MAJORITY WHIP VIEWS THE SENATE

Mr. HUMPHREY. Mr. President, our colleagues will enjoy reading an interesting and perceptive address on the workings of the Senate, by the distinguished Senator from West Virginia, Robert C. Byrd.

This address was given at the National Limestone Institute's 27th annual convention. Accustomed as we are to reading academic and journalistic analyses of how the Senate functions, it is indeed refreshing to read such a scholarly and revealing analysis by its majority whip. It is a forthright and honest statement, reflecting the views of a forthright and honest man. I commend it to my colleagues.

Mr. President, I ask unanimous consent that the text of Senator Byrd's address, from the fall 1972 issue of Limestone, be printed in the text of the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

The Senate—As Seen by the Majority Whip

My script begins as follows: "Mr. Chairman and Gentlemen." Walt Whitman said that "man is a great thing upon the earth and throughout eternity, but every jot of the greatness of man is unfolded out of woman." Woodrow Wilson said that he wouldn't give the snap of his finger for any young man who was not surrounded by a bevy of admiring females. So let me express my pleasure—and I know that you share it—in saying, "Mr. Chairman, Ladies and Gentlemen." And especially am I pleased to see a fellow West Virginian, Dyke Raese, and his lovely wife, Mrs. Raese, in attendance. This is an unexpected pleasure and one which I am very, very happy to have. I also want to express appreciation, Mr. Chairman, for the invitation to appear here today, and I express my gratitude also for your courtesy in allowing me to have accompanying me a member of my staff, Mr. John Gonella, who is seated at the right at the end of the table.

It is always satisfying and a great deal less frightening to a speaker to be asked to address himself to a subject with which he is familiar and in which he possesses at least a modicum of knowledge. When your President suggested as the title of this brief talk "The Senate as Seen by the Majority Whip" and told me that this luncheon would be held in the Congressional Room, I knew I would feel somewhat at home.

I'm delighted to be the guest of the National Limestone Institute, Incorporated, and to be with men who represent their Industry in many parts of the United States. As a member of the Senate Democratic leadership and as the Majority Whip, I would like to talk with you for a little while about the inner workings of the Senate and how we conduct our everyday business. Vice President Aaron Burr referred to the Senate as "a citadel of law, of order, and of liberty." Webster, in his reply to Haines in 1830 referred to the Senate as "a Senate of equals, of men of individual honor and personal character and of absolute independence." Legion and varied are the characterizations of the Senate in its near 200 year history and there never was a Golden Age of the Senate unless it was, perhaps, during the period of Webster, prestigious Great Triumvirate when Webster, Calhoun and Clay were leaders in the great debates over States' Rights, Slavery, and Separation of Powers; or during the years of the late '70's when it consisted of men who, in the opinion of Senator Hoar, when they went to the White House, it was to give advice and not to receive it.

Whatever the period in Senate history, the role of that body has unquestionably been one of *prime importance* to the Nation—of such vital importance that it can be called, in Gladstone's words, "that remarkable Body—the most remarkable of all the inventions of modern politics."

Perhaps I should make a brief comment about the Office of Whip. What is a Whip in the Parliamentary sense? It derives from the British Parliamentary System. The earliest Whips appear to have been sent to the King's friends in the House of Commons in 1621. At first these messages were referred to as "circular letters." The circular letter was a secret letter. Later they became better known as "whips". By the 1760's the British procedure of the circular letter, or whip, was firmly established. The business of whipping was, in the very early days, *kept* as secret as possible—at least this kind of whipping, if I may be facetious. The term "whip" later came to be applied to the officers or deputies who dispatched the message. Consequently, not only the message itself is today known as the whip, but also there are *Chief* Whips and Deputy Whips in the British Parliament. Edmund Burke in the late 1700's compared the messengers who were sent out to bring supporters of the King from the north of England to the whipper-in employed by fox hunters to look after the hounds and to keep them from straying in the field.

The Whip System in the United States Senate is less well-structured than that which exists in the Mother Country of England. The first *Democratic* Whip in the United States Senate was chosen in 1913, and there have been, in all, 14 Democratic Whips in the Senate. The first Senate Republican Whip was chosen in 1915, and there has been a total of 11 Republican Whips since that time. My functions as Senate Majority Whip are, as I see them:

1. To assist the Majority Leader in carrying

out the Party's Program as determined by the Democratic Policy Committee and the Democratic Conference, or Caucus as it is sometimes called.

2. To stay on the floor at all times, enforce the rules, and keep the legislation moving.

3. To assist in the scheduling of legislation for floor action.

4. To keep Democratic Members informed of impending votes. And

5. To assist in the polling of Senators, if the Majority Leader desires, and in the marshalling of votes if he desires.

In the Senate, the official leadership includes the Majority and the Minority Leaders, the Majority and the Minority Whips, the Democratic and Republican Policy Committees, and the Chairmen of the various Standing Committees. Of course legislative leadership in the broader sense is not limited to the formal leaders. Some members give the Congress outstanding leadership in certain areas although they are not official party leaders. I will concern myself here mainly with the role of the formal leadership. Although the official leaders are responsible for legislative programs and procedures, their duties extend far beyond the scheduling of legislation and calling it up for consideration on the Senate floor. The exact duties of the Majority and the Minority Leaders and the Whips are not set forth in any law. The powers and the responsibilities of these officials have evolved and changed with the times, with the character, composition and traditions of the Senate, and with the abilities and the personalities of the occupants of the leadership offices.

The principal function of the majority leadership is to attract a majority vote within the Senate for all legislative measures important to the country and bearing the stamp of the Majority Party. The Majority Leader, working with the Party Whip and the Democratic Policy Committee and various committee chairmen, plot the strategy which will hopefully result in victory. Legislative strategy has many important aspects. To be reasonably successful, the leadership must look at the total potential of a given session. Timing is of the utmost importance. For example, a vote on a bill or on an amendment which might be in jeopardy if brought up one day may shift if delayed for 24 hours or 48 hours, or just enough time for absent Senators—who may be out of town and running for President—to return, or for votes to change, which they sometimes do for a variety of reasons. Balance is also important. For example, if a program is too ambitious it will bog down. The leadership cannot go for the kill on every bill. It must work out a comprehensive legislative program as early in the Session as possible and then drive for its enactment.

The first step in the successful disposition of a bill is in the committee to which it is assigned. Committees and committee chairmen who do their work well, naturally, are the most successful. First of all, they are better able to explain the legislation. Secondly, they earn the respect of their colleagues. If they habitually report well-considered legislation, their colleagues will find it out. And all of this helps immensely.

The job of promoting legislation after it has been reported from committee begins long before it is called up for floor action. The Whip, as I say, should poll members to determine just where they stand. In other words, how many are for the bill, how many are against the bill, and how many are undecided. When the Whip report is in, the Leaders should go to work checking, double checking, talking to members whose votes they must have to win. They must keep on until they feel that they have a hard count of members sufficient to give the bill a better than average chance on the floor. They have in this endeavor from the committee that reported the bill and from other members strongly interested in its enactment. They often get assistance from the Administration, especially when it is of the same political faith. They also get help at times from organizations favorable to the legislation, and from citizens generally who happen to be interested.

The job of selling legislation is indispensable to the whole legislative process. A Leader has no more important role. Various techniques, of course, are used. The Majority Leader may prefer to talk the matter over with members one at a time—or sometimes in small groups. Where a detailed explanation is required, he may call on the committee chairman or on one of his members, or on one of his staff.

Ultimately every bill, of course, before enactment comes to the floor of the Senate for debate, amendment and passage. This is the most written-up part of the legislative process. It is generally the most dramatic. But I have a feeling that the most important part of the process is the least understood. The Senate is a workshop as well as a debating society—as well as a springboard to the Presidency! I should think that ten votes are won by hard work and planning to every vote that is won by oratory. The most important thing in the process of passing a bill is having the members who are favorable to the bill on the floor when the vote comes. Otherwise all planning and groundwork, all committee hearings, all lobbying and pressure will come to naught.

Whenever it is inevitable that a vote is going to be tight, the leadership exerts great effort to make sure that members will be in the Capitol on the day that the vote is taken. No stone is left unturned to see that this is done. And my experience convinces me that in all highly controversial bills this is the most critical step in the legislative process. This is the time, this is the place to save legislation, to kill crippling amendments, and above all to pass desirable amendments. The leadership must have the right members at the right place and at the right time.

Indispensable to the leadership's role is knowledge of our workshop and of the Senators who work in it. As I indicated earlier, the principal job of party leaders is to implement the legislative programs of their parties. They are responsible at every procedural step from the moment a bill is introduced until it passes or is otherwise disposed of by the Senate. They are responsible to the Senate and to the country for legislative failure at any stage. They must step in, formally or informally, whenever and wherever difficulty occurs. The job of bringing together the various programs of a whole legislative session to a successful conclusion and of driving them forward to the President's desk falls primarily on the elected leadership. The work must be planned well in advance. And in the last three or four Congresses, on bill after bill, timing has been the difference between victory and defeat.

Legislative leadership requires the stubbornness of a mule and the patience of a Job. A bill should never be programmed unless, and until, the bill is ready for the Senate and the Senate is ready for the bill. Many examples could be cited. Early in the Administration of President Kennedy the President lost his bill to create a Department of Urban Affairs because he insisted, in spite of the contrary advice of the leadership, that it be brought to a vote before the groundwork essential to its passage had been done. Time and time again my experience has shown that when the leadership programs a bill whose time has not yet come, the results are disastrous. This is the responsibility of the leadership, and the leadership cannot escape it. The leader must know the issues and he must know the members. His is the hardest and the most important lobbying job in the country. Every major controversial bill in LBJ's Great Society Program required days and days, sometimes weeks and weeks, of patient work: contacting members one by one; getting other members to contact members; getting the President, the White House Staff and Departmental personnel to contact members; getting organizations at the grass roots level to contact members, until the majority of votes in the affirmative could be counted. Sometimes even this fails.

Then the legislative leader must know how and when to compromise, for compromise is an essential ingredient of the legislative process. Had the leaders of the 89th Congress, for example, not been willing to compromise, the Housing Bill, the Aid to Elementary and Secondary Education Bill, the Medicare Bill, the Farm Bill, and the Water Pollution Bill, to name only a few of the big ones, would never have been passed.

You may be wondering as to how legislative policy is made. Policy is determined largely by events, by circumstances, and by the needs and the moods of the people. But in the final shaping of legislative policy by the Executive Branch plays a tremendous part, as you know, and so does party politics. In the Senate the Democratic Policy Committee, together with the Majority Leader, Committee Chairmen and other leading Senators, will determine party policy as to the scheduling of legislation and as to the form which that legislation will have when it reaches the floor. For example, with regard to tax policy the Democratic Policy Committee may ask the Chairman of the Finance Committee, Senator Long of Louisiana, to appear at a Policy Committee meeting at which time the tax legislation will be discussed. Other financial experts such as Senator Proxmire, tax experts in the present Administration or in a former Administration, may be asked to appear before the Policy Committee. As a result of these discussions the Democratic Policy Committee may then decide on a particular course of action.

Unanimous consent agreements play a very important part in the legislative process in the Senate. Without such agreements, and with the Senate rules allowing free and quite unlimited debate, much more time would be consumed in the passage of major legislation than is often the case. As the Majority Whip, I work out many of these agreements, after consulting with the Majority Leader, the Minority Leader, the manager of the given bill, the ranking minority committee member, and the various Senators who have amendments to propose. A unanimous consent agreement is an agreement placing a limitation on time for debate on the bill and a time limitation on all amendments and motions regarding the same. Moreover, practically all legislation of a noncontroversial nature is called up by unanimous consent and enacted without debate, thus saving the time of the Senate. In this regard, I have reference to private bills, most nominations on the Executive Calendar—which run into the thousands—and bills that are not of general interest.

"What is the role of associations and lobbyists in the inner workings of Congress?" you may ask. Someone in an English class once asked, "What is the difference between the words 'misfortune' and 'calamity'?" The professor answered, "If a Washington Lobbyist falls off the Roosevelt Bridge and drowns, that is a misfortune. If, on the other hand, someone jumps in and rescues him, that is a calamity."

Which organized group or association has the most powerful lobby and the most effective lobby in Washington? Would it surprise you after this presentation to hear me say that it is not the National Coal Association? Well, neither is it the American Legion, nor is it the American Farm Bureau Federation.

It is not the Association of Real Estate Boards. It is not the American Medical Association or the National Limestone Institute, Incorporated. It is not the United Federation of Postal Clerks or the Association of American Railroads. It is not even the AFL–CIO, or the National Association of Manufacturers, or the NAACP. But they're all powerful, aggressive and effective lobbies. The turth is: the foremost lobbying group, the most effective lobbying group, the most effective shaper of legislative opinion is the Federal Government. Regardless of what party is in power, the White House and the Administration are hands down, the most effective lobby in Washington.

One thing is certain. Most lobbies have recognized the truth of the contention that legislative victories are not always won on the playing field of the Senate floor. Rather they are usually won behind the scenes through legislative education of Senators and staffs by way of the telephone, or by personal visits to see Senators, or by testimony in the Committee Hearing Rooms, even if they are not smoke-filled. Perhaps the words "legislative educators" or legislative architects" would be a far better descriptive term for the job than is the word "lobbyists". The fact is, the principal role of a lobbyist is to educate and to supply information in the field in which he is a specialist, and to bring to the attention of legislators facts that probably otherwise would never be brought to bear on a particular legislative function or situation. This role contemplates bridge building between industry, or union members, and their legislators; crystalization of industry or labor, or other points of view; the transmission and the communication of such views in general; and hard spade work with the professional staffs of Members of Congress and the many committees thereof. Without such supplementary professional assistance and the aid of educating legislators, our democratic system of representative government probably would not work as well as it does.

"What part," you may ask, "does arm-twisting and pressure from special interest groups play in the inner workings of the Legislative Branch?" When Lyndon Johnson was Majority Leader of the Senate, arm-twisting perhaps reached its highest perfection. As the Majority Leader he did not hesitate to use every power at his command to persuade, cajole, threaten, and, if necessary, intimidate where possible, Members who did not move with alacrity to support the leadership position. Mr. Johnson was a superb Majority Leader in many ways. On the other hand, Mr. Mansfield is the exact opposite of Mr. Johnson with respect to arm-twisting and pressure techniques. Mr. Mansfield never makes any attempt whatsoever to pressure any Member. He uses the technique of persuasion, but he makes it perfectly clear that every Member is expected to vote his own conscience and go his own way without any fear of retribution. There is something to be said for each of the two types of leaders.

As to pressure from special interest groups, it is often quite effective, especially when a particular pressure group has supported an incoming Senator in his first race for the Senate. For example, if the AFL–CIO should contribute, let us say $10,000 or $20,000 to an individual who is making his race for the first time for the Senate, that individual, if elected, will probably in later years never forget the help he received when he needed it most; and from then on, following that initial election, the chances are that he will be somewhat influenced in his votes by the position of the AFL–CIO. Also I think it can be said that many groups wield influence that is greatly out of proportion to the number of votes they can actually deliver in an election. But, nevertheless, there are some Members of Congress who undoubtedly follow the directions of such pressure groups rather than take any chances of alienating that particular organized block vote in their States.

Speaking of Lyndon Johnson and arm-twisting, I would like to cite a little example of the techniques as he used it so expertly, even after ascending to the Presidency. During the debate on the 1964 Civil Rights Act, I was opposed to some provisions in the bill and I made my decision to vote against the bill in view of the fact that it was not possible to amend it in ways that would make it conform to my own point of view. A lengthy filibuster developed, and the Administration put forth a major effort to invoke cloture and to break the filibuster—an effort which ultimately met with success. I was interested at the time in having the Administration send up to the Senate the name of a certain West Virginian for appointment to a Federal District Judgeship. My recommendation had languished at the Justice Department and at the White House for a considerable length of time. One day the telephone rang and President Johnson said to me, "How bad do you want this Judgeship?" I replied, naturally, that I was very interested in it and wanted it. The very next thing he said was, "How are you going to vote on the Civil Rights Bill?" My answer was that I could vote for certain sections of the Act, but, in view of the bleak possibilities for cutting out the objectionable features, I would have to vote against the Bill.

He then suggested that I go ahead and vote against the Bill if I wished, but that I first vote for cloture so that a vote could be reached on the Bill, I responded by saying. "Well, Mr. President, if a thief breaks into your home and you can only find a stick of stove wood, you'll use that stick of stove wood. It's your last resort. And the last resort of those of us who oppose this Bill in its entirety is the so-called filibuster. Therefore I will be there when the vote on cloture occurs. I would not vote for shutting off the filibuster."

He then suggested he could send me on a trip somewhere in the world to carry out some special function which, of course, would be expected to get me a lot of favorable publicity back home, at the time the cloture vote occurred so that I could be absent and miss the vote. Whereupon I stated that I would be present when the cloture vote occurred even if I had to be carried into the Senate on a cot. I said, "I will not let Dick Russell down." "Well," he said, "you love me as well as you do Dick Russell, don't you?" I said, "I certainly do, but I can't be on both sides of this question at the same time, so I'll have to be there and I'll vote against cloture and, of course, against the Bill." He said—after a good half hour of the most expert application of this kind of arm-twisting torture and torment—"Well, Bob, I still love you and your Judgeship will be sent up to the Senate the first of next week."

But there is no gainsaying that arm-twisting has had its reward when applied in the right place and at the right time. It has also been known to backfire. Sometimes an entirely incidental thing will cause a Senator to change his vote at the last minute on a controversial matter. For example, several years ago when the controversial nomination of Mr. Lewis Strauss for a Cabinet post was before the Senate, I fully intended to support the nomination until one morning when it was called to my attention that a syndicated columnist, whose column was widely read throughout the country, had stated that John L. Lewis, the late UMWA chieftain, had my vote, as a coal state Senator, in his pocket and that I would vote for Mr. Strauss. Immediately, I made up my mind to vote against the confirmation. I naturally did not want anyone to believe that the famous labor leader could control my vote.

Votes occur from time to time which cause a member considerable anguish in the process of making up his mind. For instance, when Thurgood Marshall was nominated to the office of Associate Justice of the U.S. Supreme Court, I wanted very much to vote for Mr. Marshall, especially in view of the fact that he would be the first Negro to be appointed to the highest tribunal. I had voted against the 1964 Civil Rights Act, I had voted against the 1965 so-called Voting Rights Act, and I felt—among other things—that it would be politically wise, from the standpoint of the Negro vote, for me to balance things up, make things even, and support the Marshall nomination. Consequently, I asked my staff to prepare a Senate floor speech supporting the nomination. I had conflicting emotions about Mr. Marshall's nomination, however, in view of his quarter of a century of service with the NAACP. Realizing that many civil rights cases would be coming before the Court, I felt that Mr. Marshall's 25 years of activities—and that is a long time—as Chief Legal Officer for the NAACP would influence his decisions in civil rights cases. Additionally—and probably more importantly—I did not like what I considered to be his overly liberal record as a Federal Judge in the Second Circuit Court of Appeals, for which position I had supported him in the Senate. But, as I say, I had made up my mind—partly for political reasons—to support his nomination.

On the night before the vote, however, after I'd gone to bed I lay awake thinking about the nomination. Suddenly the thought dawned upon me—and I don't know why it had not occurred prior thereto—but the thought dawned upon me that if Mr. Marshall were a white man I would not support his nomination because of his record as a Judge. I then made up my mind, and without any difficulty, that that being the case I would not vote for him just because he was a black man. The next day I came to the Senate, personally wrote a different speech explaining my opposition to Mr. Marshall, and voted against him. And, incidentally, his record as a member of the United States Supreme Court, I think, has substantiated my concerns prior to that vote—and I could say the same about some others.

Perhaps I should say a few words about the legislative drafting of bills. Most of the drafting is done through the Office of Legislative Counsel at the request of Senators, that office being composed of professional legal specialists in the art of legislative drafting. The Senator or a member of his staff informs the specialist regarding the type of bill the Senator wishes to introduce, what he wishes to accomplish, and the Legislative Counsel then proceeds to draw up the bill. Of course many bills are developed and written in the committee which has jurisdiction over the subject on which the legislation is desired.

Any discussion of the inner workings of the Congress would be incomplete without some reference to the Conference Committee. Sometimes referred to as the Third House, this is one of the most important and vital links in the legislative process. It is made up of conferees who are named by the Presiding Officers of both Houses, and its purpose is to resolve differences between the two Houses with respect to any bill or joint resolution. Often when I was a Member of the House of Representatives, I would say, "Thank God for the Senate." Often while serving in the Senate, however, I have been given cause to say, "Thank God for the Conference Committee." Because it is in the Conference Committee where politically-motivated, unwise, and unsound amendments are often stripped from bills. The Conference Committee meets behind closed doors, there is no transcript of what is said, and no record to show how conferees vote. Here is where the art of compromise is at its apogee—but without it, more bad legislation would reach the President's desk for signature than is now the case.

In this limited time, I hope that I have been able to give you an additional insight into the inner workings of the Congress. And if some of you have a few questions I'll take a few minutes in an attempt to answer them.

I would offer one caveat: the true measure of a Congress is not so much in the number of laws that are enacted as in the quality of the work that is done. Voltaire stated the case quite succinctly: "A multitude of laws in a country is like a great number of physicians: a sign of weakness and malady." Tacitus put it this way: "When the State is most corrupt, the laws are most multiplied."

I'd be glad to try to answer your questions for a few minutes.

Q. Senator, would you please explain pairing to us?

A. There is nothing in the Senate rules which provides for pairs; but as a result of practice, custom, tradition, the pairing procedure is utilized. A "live pair"—and of course all pairs are live—we do refer to "live pairs" and "dead pairs", but the live pair is all that counts. The dead pair is simply a stating in the record of "Mr. Jones, who would have voted 'Aye' if present, paired with Mr. Smith, who would have voted 'No' if present." It doesn't have any effect on the votes at all. It simply states for the record what positions Mr. Jones and Mr. Smith would have taken had they been present. That's for the record, and I think it serves a good purpose.

The live pair involves two Senators in connection with a vote that requires only a bare majority vote; it requires three Senators in connection with a vote that requires a two-thirds majority. And for our purposes, the explanation will suffice to say that a Senator who is going to be absent may reach an agreement with a Senator who is going to be present—but who stands on the opposite side of the question—to withhold his vote and not let the vote be counted, but to announce when his name is called that he has a pair with the absent Senator. The Senator who is present would say, "Mr. President, on this vote I have a live pair with the distinguished Senator from West Virginia, Mr. So-and-So. If he were present and voting he would vote 'Aye'. If I were permitted to vote, I would vote 'No'. I, therefore, withhold my vote." Both positions are stated in the record, and the absent Senator can claim to his constituents that his vote, in effect, counted—which it did, because he kept the Senator in attendance from voting. This is the pairing procedure.

Incidentally, may I say that pairs may be counted for the establishment of a quorum. In other words, if 49 Senators vote on the question and two Senators who were present paired, a quorum is present. And even if there's a division vote—let's say three Senators are on the floor and there's a division. Two Senators stand in favor of the question and one Senator stands in opposition to it. The "Ayes" have it and it is adopted by a vote of 2 to 1. If only three Senators were present—not a majority by any means—from the standpoint of the validity of the action it is not necessary that a quorum be present. Of course if the point of no quorum is made, then it becomes vital that there be a quorum.

Q. I assume in the pairing where the absent Senator cannot be there and the one who is present can be, it's rather understood that in a reverse circumstance this Senator who could not be present would return the favor, let's put it, to the other man if possible.

A. Well, the Senator who is present, naturally, has a check which he might wish to cash at a later time and he would go to the Senator who he accommodated on the first occasion and expect to be accommodated likewise.

Q. Senator, can you tell us what time interval is for alerting Senators for a roll call?

A. There may be no time for alert. For example, a Senator may rise at any time, if he can get recognition, and move to table an amendment or a bill. The tabling motion is nondebatable. The vote will occur immediately unless a Senator suggests the absence of a quorum, which every Senator has the right to do. A Senator could suggest the absence of a quorum. The Chair, under the rules, asks the Clerk to call the roll forthwith. And while the quorum is on, Senators may be alerted. A motion to adjourn may be made by the Majority Leader, and thus give Senators an overnight chance to prepare. But there is not necessarily any alert, as I have stated.

In many instances, when the debate has run its course and the "Yeas" and "Nays" have been ordered, the Clerk will call the roll. In the case of a unanimous consent agreement, Senators are given an opportunity to know ahead of time when the vote will occur, if that is a part of the unanimous consent agreement. For example, the vote on an amendment by Mr. Saxbe to the impending Economic Opportunities Bill will occur at 3:00 o'clock this afternoon. They'll recess the Senate at about 1:00 until 2:00, and then 2:00 o'clock debate will begin on that amendment. But the vote will not occur until 3:00. And Senators are notified by the Cloakrooms—their respective Cloakrooms, Republican and Democrat—that a vote will occur at 3:00 o'clock this afternoon on the amendment by Mr. Saxbe. So, in that situation we have time.

Fifteen minutes is allowed for each roll call vote. Formerly there was no set time allowed. There have been situations in which the roll call vote would be occurring and a Senator would be brought from Baltimore, or Mr. Johnson might be downtown at the White House and come back before the vote would be announced. But last year we instituted a practice whereby there would be only 20 minutes allowed for roll call. Having tried 20 minutes last year, we decided we could do it in 15, so this year we are allotting only 15 minutes for roll call votes. So when the one bell rings, which is an indication that a roll call vote is occurring, a Senator knows he has 15 minutes. At midpoint a warning bell will ring five times. When that bell rings he knows he has 7½ minutes. If his name has been called when he reaches the floor, and as long as the vote has not been announced, he may get the recognition of the Presiding Officer and then cast his vote. But after the vote is announced by the Chair, a Senator cannot vote—not even by unanimous consent. The Chair cannot even entertain a unanimous consent request to allow a Senator to vote after the vote has been announced. By unanimous consent he can change his vote, or by unanimous consent he can withdraw his vote, but if he has not voted he cannot vote once the vote is announced.

Q. Senator, what brought this action about?

A. Well, we were taking too long to vote. Last year we had 423 roll call votes, and if we had saved five minutes on each vote that would have been 2,115 minutes, which would be something over 35 hours saved just by having 15 minutes instead of 20, so we decided we'd try to save that five minutes. Senators can get to the floor in 15 minutes.

Q. On the subject of pairing, how widely is this practice used?

A. It's used a good bit in the Senate. It's been a long time since I was in the House. I don't recall what situation governs there. But it's used quite frequently in the Senate.

Q. Is this good?

A. Well, it benefits Senators. It accommodates them. I would like to see the pairing procedure done away with. I'll tell you why I would—and I have said this—because if a Senator is absent I don't think that he should call upon one of his colleagues who happens to be present and ask him to sacrifice his vote just to accommodate the man who is absent. If I'm absent, I'll take my chances. I will not ask another Senator to pair with me. I don't like to be asked to pair. I do pair occasionally simply because I am Majority Whip. I pair to accommodate fellow Democrats, but I try to talk them into letting us position them in the record. We can indicate in the record how they would have voted had they been present, and as far as the Senator who is missing is concerned, that's the only benefit that accrues to him anyhow, even with a pair, except when there is a very, very controversial vote—as was the case in the 1964 Civil Rights Bill. If a Senator is absent, if he could say to his constituents that although he was absent he accounted for the loss of one vote to the other side, why, he is in the clear. But I personally don't like the practice. I don't like to give pairs. Each time I give a pair the *Weirton Daily Times* states that I'm absent. I'm not absent. I'm there. I'm on the floor perhaps more than any other Senator is on the floor. But if I pair—and I don't say this as any reflection against the *Weirton Daily Times*. I just used that paper as an example. Other papers will say the same thing. "Senator Randolph voted for. Senator Byrd, absent." So with a 98.3 percent voting record last year and a 95.4 percent voting record for the 13 years I've been in the Senate, I don't do much pairing. And I don't like to be charged absent when I'm not absent, but present.

Q. If it were put up to a vote to the entire Senate either to keep or do away with pairing, what do you suppose would be the outcome?

A. I think they would probably keep it. I've never seen it done, but I imagine they would keep it. Because it has prevailed a long, long time and based on experience and custom, I suppose it has worked pretty well. A Senator doesn't have to give a pair if he doesn't want to.

May I say in closing that it has been good to be with you. I've enjoyed my visit. And for you and your wives, gentlemen, and your families, and you, Mr. Chairman, and the Officers of the Organization, I wish these things: Work for your hands, a straight path for your feet, a coin for your purse, sunshine on your windowpane at morning, a song in your treetop at evening, soft rains for your garden, the hand of a friend on your latch string, love at your firesides, happiness in your hearts, and God's blessings always.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. HUMPHREY. I am delighted to yield.

Mr. ROBERT C. BYRD. Mr. President, the distinguished Senator takes me by surprise. He flatters me by his kind remarks, overly generous as they are, with respect to the article. Plato thanked the gods that he had lived in the age of Socrates. I thank the benign hand of destiny for permitting me to live in the age of HUBERT HUMPHREY, and to serve in this august body with this exceedingly distinguished man, the former Vice President of the United States. I am greatly proud and flattered that he would call to mind this humble dissertation which I made some time ago with respect to the workings of the Senate.

Mr. HUMPHREY. I thank my friend from West Virginia. That is the most flattering comment I have had, and I accept it.

I might suggest to my colleagues, after having read the address, that it would be very well to consider it for personal reprints for their constituents as they ask them how the Senate operates. If I were now teaching school—which I would not want to be doing—I would use it for my students.

Mr. ROBERT C. BYRD. May I call attention to the fact—which I need not do—that the speech of the Senator from Minnesota—which so flatters me—is not a nominating speech for 1976.

Mr. HUMPHREY. Do not be too sure—for the Senator, anyway.

MINNESOTA FARMERS AND RURAL CITIZENS WILL FIGHT NIXON CUTBACKS

Mr. HUMPHREY. Mr. President, on January 13, 1973, over 4,000 Minnesota farmers and rural citizens met in Morris, Minn. to protest the Nixon administration's termination and sharp cutback of many vital Federal programs that directly affect their lives and economic welfare, particularly the abrupt termination of the emergency loan program of the Farmers Home Administration.

Mr. President, the people of Minnesota are angry and embittered over these decisions. And, as was made abundantly clear at this meeting, they have no intention of taking these decisions lying down. They intend to fight, and I intend to be right in there fighting with them.

The decision of the President to abruptly terminate the FHA disaster loan program was not only an act of contempt against the U.S. Congress and a violation of the law itself, but also was an act of callousness and indifference toward citizens of this Nation who are victims of natural disaster. Furthermore, the manner in which the administration went about handling this matter further illustrates their disregard for people and their problems. Prior to the announcement terminating the disaster loan program, local FHA offices were advising farmers and other rural citizens in designated disaster areas to take their time in filing their emergency loan applications. This was done in an effort to permit these offices an opportunity to process applications in an orderly manner. They did not want to be inundated with applications.

Many, if not most of these citizens, in a spirit of wanting to cooperate with their Government in this regard, delayed filing their applications. Their reward? The program was discontinued without advance notice.

And, even in the case of presidentially designated areas, where applicants were given 2 weeks to file their applications, no instructions were given to local FHA offices to notify the people who had not yet filed their applications. Was this an oversight or a deliberate attempt to minimize the number of applications that might be submitted during those remaining days? Such action, of course, does little to insure any degree of trust or confidence by people in the Government.

Mr. President, the January 18, 1973, issue of Minnesota Agriculture, the weekly publication of the Minnesota Farmers Union, contains a list of the estimated losses suffered by farmers in designated disaster counties.

I request unanimous consent to have this list placed in the RECORD following the completion of my statement.

I also ask unanimous consent to place in the RECORD a copy of a resolution adopted by our Minnesota State Legislature demanding restoration of the FHA emergency loan program, a copy of the remarks made by Mrs. David Klanges at the Morris meeting on January 13, and two other brief articles relating to actions launched by Minnesotans to restore this vitally important program.

Mr. President, beginning on next Thursday, February 1, the Senate Committee on Agriculture and Forestry will open 4 days of public hearings on all the recently announced terminations and cutbacks in farm and rural development programs. Secretary Butz is scheduled to be the lead-off witness. I would like to encourage all the members of the Senate to participate in these hearings as well as to notify their constituents about them. The administration refuses to consult in advance either with the Congress or the citizens of this Nation about these program decisions, but our committee will consult with the Congress and the people.

I ask unanimous consent that certain material with respect to the deliberations of this group be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LOSS REPORT BY FARMERS WHO SUFFERED CROP DAMAGE IN DISASTER COUNTIES

(EDITOR'S NOTE.—Following are loss estimates cited by farmers in Minnesota counties, designated by USDA as disaster counties. These are some of the reports sent to MFU by farmers who were deprived of applying for FHA disaster emergency loans by the early closing of applications.)

[Estimated loss in dollars]

BIG STONE COUNTY

1. Ortonville, 8,000.
2. Correll, 8,000-10,000.
3. Graceville, 5,129.
4. Ortonville, 8,000.
5. Ortonville, 8,800.
6. Ortonville, 6,260.
7. Ortonville, 8,000-10,000.
8. Ortonville, 4,500.
9. Ortonville, 14,000.
10. Ortonville, 12,800.
11. Clinton, 5,000.
12. Clinton, 4,800.
13. Ortonville, 5,000.
14. Johnson, 24,000.
15. Graceville, 23,000.
16. Ortonville, 6,800.
17. Johnson, 6,500.
18. Ortonville, 20,000.
19. Beardsley, 7,000.
20. Beardsley, 7,500.
21. Beardsley, 5,600.
22. Beardsley, 5,500.
23. Beardsley, 6,500.
24. Clinton, 6,000.
25. Clinton, 7,500.
26. Clinton, 10,000.
27. Ortonville, 15,000.
28. Ortonville, 15,000.
29. Correll, 14,000.
30. Correll, 3,800.
31. Ortonville, 13,500.
32. Graceville, 3,500.
33. Clinton, 7,088.
34. Ortonville, 20,000.
35. Correll, 5,000.
36. Ortonville, 7,400.
37. Graceville, 13,560.
38. Graceville, 3,600.
39. Clinton, 5,000.
40. Correll, 2,550.
41. Ortonville, 20,000.
42. Ortonville, 8,000-10,000.
43. Ortonville, 6,500.
44. Correll, 4,000.
45. Clinton, 2,000.
46. Ortonville, 10,000.
47. Clinton, 8,000.
48. Clinton, 6,000.
49. Big Stone, 6,275.
50. Clinton, 6,000.
51. Ortonville, 11,730.

CHIPPEWA COUNTY

1. Montevideo, 16,467.48.
2. Montevideo, 8,220.
3. Maynard, 3,220.
4. Milan, 3,100.
5. Clara City, 17,000.
6. Montevideo, 8,000.
7. Kerkhoven, 8,000.
8. Kerkhoven, 6,200.80.
9. Montevideo, 6,000.
10. Clara City, 12,000.
11. Clara City, 13,200.
12. Kerkhoven, 12,000.
13. Montevideo, 8,500.
14. Montevideo, 6,500.
15. Montevideo, 8,500.
16. Clara City, 7,100.
17. Montevideo, 5,000.
18. Montevideo, 8,000.
19. Montevideo, 12,000.
20. Montevideo, 10,500.
21. Maynard, 15,000.
22. Maynard, 17,000.
23. Kerkhoven, 12,000.
24. Clara City, 4,000.
25. Maynard, 23,000.
26. Maynard, 16,000.
27. Clara City, 12,000.
28. Kerkhoven, 11,000.
29. Clara City, 17,000.
30. Montevideo, 30,000.
31. Kerkhoven, 12,400.
32. Maynard, 8,474.

DOUGLAS COUNTY

1. Hoffman, 4,100.

GRANT COUNTY

1. Norcross, 11,800.
2. Elbow Lake, 10,000.
3. Herman, 9,000.
4. Hoffman, 17,000.
5. Herman, 6,000.
6. Herman, 7,000.
7. Wendell, 23,000.
8. Wendell, 12,000–15,000.
9. Barrett, 3,000.
10. Norcross, 15,000.
11. Herman, 12,000.
12. Herman, 9,850.
13. Herman, 6,200.
14. Herman, 6,500.
15. Wendell, 5,400.
16. Herman, 3,500.
17. Herman, 6,470.
18. Herman, 15,000.
19. Herman, 7,000.
20. Herman, 5,000.
21. Barrett, 4,500.
22. Herman, 15,000.
23. Elbow Lake, 4,700.
24. Herman, 15,000.
25. Barrett, 3,000.
26. Herman, 6,500.
27. Norcross, 13,000.
28. Herman, 8,500.
29. Elbow Lake, 7,000.
30. Herman, 18,000.
31. Elbow Lake, 5,200.
32. Elbow Lake, 4,000.
33. Barrett, 20,000.
34. Ashby, 15,000.
35. Barret, 15,000.

36. Herman, 18,000.
37. Norcross, 11,000.
38. Elbow Lake, 2,500.
39. Herman, 8,000.
40. Herman, 2,200.
41. Herman, 3,700.
42. Hoffman, 3,000.
43. Herman, 7,000.
44. Elbow Lake, 7,000.
45. Herman, 5,000.
46. Herman, 12,000.
47. Norcross, 18,000.
48. Elbow Lake, 11,000.
49. Herman, 1,000.
50. Elbow Lake, 2,000.
51. Herman, 20,000.
52. Herman, 20,000.
53. Herman, 11,000.
54. Barrett, 4,500.
55. Norcross, 30,000.
56. Barrett, 10,000.
57. Kensington, 7,000.
58. Norcross, 6,000.
59. Herman, 3,800.
60. Elbow Lake, 23,000.
61. Barrett, 6,400.
62. Wendell, 12,500.
63. Wendell, 7,000.
64. Wendell, 49,000.
65. Elbow Lake, 15,000.
66. Hoffman, 8,000.
67. Herman, 7,400.
68. Hoffman, 8,100..
69. Hoffman, 4,030.
70. Barrett, 8,000.
71. Barrett, 7,000.
72. Hoffman, 10,000.
73. Barrett, 6,390.
74. Elbow Lake, 4,500.
75. Wendell, 6,500.
76. Hoffman, 10,000.
77. Herman, 7,000.
78. Herman, 5,000.
79. Kensington, 20,000.
80. Elbow Lake, 9,652.
81. Elbow Lake, 7,915.
82. Elbow Lake, 4,000.
83. Barrett, 11,000.
84. Herman, 18,500.
85. Norcross, 6,000.
86. Norcross, 12,284.
87. Herman, 5,100.

KANDIYOHI COUNTY

1. Willmar, 4,800.
2. Willmar, 5,000.
3. Willmar, 7,000.
4. Kandiyohi, 28,022.
5. Lake Lillian, 2,700.
6. Regal, 15,000.
7. Raymond, 14,000.

LAC QUI PARLE COUNTY

1. Louisburg, 10,000.
2. Gary, 7,500.
3. Marietta, 9,000.
4. Bellingham, 2,400.
5. Odessa, 6,700.
6. Dawson, 6,000.
7. Louisburg, 15,250.
8. Madison, 15,000.
9. Appleton, 5,000.
10. Madison, 12,000.

LINCOLN COUNTY

1. Minneota, 12,000.
2. Hedricks, 30,000.
3. Hendricks, 5,000.

MEEKER COUNTY

1. Grove City, 7,000.

OTTER TAIL COUNTY

1. Dora, 15,000.

POPE COUNTY

1. Glenwood, 4,500.
2. Glenwood, 4,500.
3. Starbuck, 2,660.
4. Starbuck, 3,500.
5. Starbuck, 15,000.
6. Clontarf, 12,000.
7. Belgrade, 2,000.
8. Farwell, 5,500.
9. Starbuck, 5,500.
10. Starbuck, 6,100.
11. Starbuck, 5,000.
12. Clontarf, 5,000.
13. Starbuck, 10,000.
14. Starbuck, 4,000.
15. Starbuck, 15,000.
16. Villard, 6,500.
17. Glenwood, 3,000.
18. Villard, 6,500.
19. Glenwood, 5,500.
20. Starbuck, 8,000.
21. Lowry, 6,200.
22. Villard, 6,800.

RENVILLE COUNTY

1. Sacred Heart, 4,500.
2. Hector, 15,000.
3. Sacred Heart, 17,000.
4. Sacred Heart, 30,000.

STEARNS COUNTY

1. Belgrade, 5,000.
2. Paynesville, 18,500.
3. Belgrade, 2,500.
4. Villard, 6,800.
5. Sauk Centre, 11,600.
6. Sauk Centre, 6,500.
7. Sauk Centre, 24,000.
8. Sauk Centre, 3,000.
9. Sauk Centre, 3,000.
10. Morris, 13,000.
11. Belgrade, 12,000.
12. Paynesville, 17,750.
13. Sauk Centre, 2,330.
14. Osakis, 4,600.
15. Sauk Centre, 3,000.
16. Sauk Centre, 8,645.35.
17. Sauk Centre, 2,500.
18. Sauk Centre, 11,000.
19. Sauk Centre, 7,000.
20. Sauk Centre, 15,000.
21. Sauk Centre, 15,000.
22. Paynesville, 8,593.
23. Paynesville, 4,500.

STEVENS COUNTY

1. Alberta, 3,000.
2. Donnelly, 5,000.
3. Chokio, 8,500.
4. Alberta, 7,000.
5. Donnelly, 7,800.
6. Herman, 9,000.
7. Morris, 1,000.
8. Donnelly, 8,000.
9. Hoffman, 9,800.
10. Morris, 4,000.
11. Morris, 4,000.
11. Chokio, 4,900.
12. Chokio, 8,500.
13. Morris, 29,836.
14. Morris, 20,000.
15. Morris, 4,000.
16. Hancock, 18,000.
17. Morris, 2,000.
18. Morris, 6,000.
19. Chokio, 6,000.
20. Chokio, 7,500.
21. Chokio, 6,900.
22. Hancock, 7,000.
23. Morris, 6,000.
24. Herman, 13,000.
25. Morris, 15,000.
26. Morris, 6,000–10,000.
27. Donnelly, 4,000.
28. Morris, 15,000.
29. Donnelly, 10,000.
30. Chokio, 7,500.
31. Morris, 11,000.
32. Morris, 7,267.
33. Chokio, 8,200.
34. Morris, 5,000.
35. Morris, 5,000.
36. Chokio, 3,200.
37. Herman, 8,000.
38. Holloway, 21,000.
39. Morris, 10,000.
40. Chokio, 5,300.
41. Chokio, 10,000.
42. Herman, 6,000.
43. Alberta, 10,000.
44. Alberta, 10,000.
45. Chokio, 6,500.
46. Donnelly, 18,000.
47. Alberta, 4,480.
48. Morris, 13,000.
49. Donnelly, 16,800.
50. Chokio, 31,000.
51. Alberta, 9,000.
52. Morris, 5,000.
53. Morris, 4,500.
54. Hancock, 15,000.
55. Chokio, 8,400.
56. Hancock, 5,000.
57. Morris, 1,950.
58. Chokio, 6,500.
59. Herman, 4,000.
60. Chokio, 3,700.
61. Hancock, 6,250.
62. Morris, 4,000.
63. Herman, 4,000.
64. Chokio, 25,000.
65. Morris, 4,770.
66. Morris, 8,000.
67. Hancock, 8,300.
68. Herman, 5,000.
69. Morris, 11,000.
70. Donnelly, 2,400.
71. Morris, 10,000.
72. Chokio, 2,500.
73. Morris, 6,000.
74. Herman, 6,000.
75. Morris, 6,500.
76. Morris, 8,000.
77. Chokio, 20,000.
78. Morris, 9,000.
79. Chokio, 15,000.
80. Chokio, 8,000.
81. Donnelly, 7,000.
82. Chokio, 11,000.
83. Alberta, 15,000.
84. Alberta, 5,000.
85. Chokio, 13,000.
86. Donnelly, 4,000.
87. Morris, 10,000.
88. Chokio, 11,000.
89. Morris, 3,564.
90. Chokio, 6,500.
91. Morris, 11,480.
92. Chokio, 12,000.
93. Morris, 10,000.
94. Alberta, 15,000.
95. Donnelly, 9,000.
96. Morris, 6,000–7,500.
97. Chokio, 6,700.
98. Chokio, 7,000.
99. Chokio, 8,000.
100. Morris, 6,000.
101. Morris, 14,000.
102. Chokio, 7,000.
103. Donnelly, 7,803.40.

SWIFT COUNTY

1. Murdock, 10,000.
2. Benson, 8,920.
3. Appleton, 6,000.
4. Benson, 10,000.
5. Benson, 8,000.
6. Murdock, 6,500.
7. Danvers, 10,000.
8. Murdock, 8,000.
9. Appleton, 5,000.
10. Appleton, 5,000.
11. Appleton, 4,000.
12. Benson, 8,000.
13. Holloway, 17,000.
14. Appleton, 5,000.
15. Murdock, 4,200.
16. Holloway, 4,500.
17. Appleton, 4,400.
18. Benson, 8,00–10,000.
19. Appleton, 5,000.
20. Benson, 30,000.
21. Appleton, 2,500.
22. Benson, 6,500.
23. Kerkhoven, 4,000.
24. Murdock, 5,000.
25. Danvers, 60,000.
26. Milan, 8,500.
27. Minneapolis, 7,000.
28. Benson, 8,000.
29. Danvers, 14,000.
30. Danvers, 10,470.
31. Danvers, 4,000.
32. Danvers, 20,000.

33. Murdock, 1,600.
34. Benson, 10,000.
35. Murdock, 20,000.
36. Sunburg, 8,000.
37. Benson, 8,350.
38. Appleton, 20,000.
39. Holloway, 20,000.
40. Sauk Centre, 14,000.
41. Appleton, 4,700.
42. Appleton, 5,000.
43. Murdock, 10,000.
44. Danvers, 61,000.
45. Danvers, 9,200.
46. Benson, 5,000.
47. Appleton, 15,000.
48. Benson, 60,000.
49. Holloway, 6,000.
50. Holloway, 6,000.
51. Appleton, 6,000.
52. Hancock, 9,750.
53. Holloway, 14,750.
54. Danvers, 6,300.
55. Benson, 5,120.
56. Danvers, 7,000.
57. Holloway, 5,667.
58. Correll, 6,040.

TRAVERSE COUNTY

1. Graceville, 13,500.
2. Beardsley, 825.
3. Wheaton, 7,700
4. Wheaton, 7,000.
5. Dumont, 4,800.
6. Herman, 12,000.
7. Beardsley, 1,901.
8. Dumont, 7,700.
9. Dumont, 14,000.
10. Dumont, 20,000.
11. Dumont, 12,000.
12. Tenney, 10,000.
13. Dumont, 9,000.
14. Dumont, 7,250.
15. Wheaton, 6,500.
16. Johnson, 6,000.
17. Johnson, 39,000.
18. Dumont, 9,000.
19. Wheaton, 7,000.
20. Wheaton, 6,500.
21. Wheaton, 6,000.
22. Johnson, 5,250.
23. Norcross, 7,000.
24. Dumont, 8,500.
25. Johnson, 5,250.
26. Tenney, 25,000.
27. Wheaton, 11,000.
28. Norcross, 6,500.
29. Tintah, 4,500.
30. Dumont, 10,000.
31. Dumont, 37,000.
32. Dumont, 6,000.
33. Dumont, 7,500.
34. Graceville, 5,146.
35. Norcross, 11,000.
36. Dumont, 10,000.
37. Graceville, 7,300.
38. Graceville, 13,000.
39. Tenney, 5,000.
40. Wheaton, 6,500.
41. Graceville, 3,000.
42. Dumont, 8,000.
43. Tenney, 5,000.
44. Dumont, 4,950.
45. Dumont, 8,000.
46. Tintah, 17,900.
47. Dumont, 8,000.
48. Wheaton, 6,000.
49. Dumont, 6,500.
50. Beardsley, 9,000.
51. Wheaton, 5,000.
52. Dumont, 8,000.

WILKIN COUNTY

1. Nashua, 8,000.
2. Foxhome, 16,000.
3. Campbell, 7,829.
4. Fairmount, 6,500.
5. Tenney, 7,000.
6. Foxhome, 30,000.
7. Breckenridge, 6,500.
8. Doran, 30,000.
9. Dumont, 7,000.
10. Campbell, 4,864.
11. Kent, 10,000.

YELLOW MEDICINE COUNTY

1. Clarkfield, 7,600.
2. Canby, 3,824.
3. Clarkfield, 4,000.
4. Hanley Falls, 15,000.
5. Clarkfield, 35,000.
6. Hanley Falls, 9,000.
7. Hanley Falls, 10,000.
8. Clarkfield, 10,000.
9. Canby, 8,000.
10. Canby, 6,000.
11. Hanley Falls, 48,000.
12. Canby, 3,000.

[From the Minnesota Agriculture, Jan. 18, 1973]

Lawsuit Near on Emergency Loans: Unclaimed Losses May Be as High as $40 Million

St. Paul, Minn., January 17, 1973.—Legal action will be initiated Friday in the names of several West Central Minnesota farmers deprived of the opportunity to apply for disaster emergency loans or grants by the sudden termination of the emergency loan program by the White House.

The suit, handled by the St. Paul law firm of Doherty, Rumble and Butler, legal counsel for Minnesota Farmers Union and several major Minnesota farm cooperatives, will seek a restraining order to prevent termination of the loan program and a court order to stipulate full reinstatement to June 30, 1973.

The idea of legal action on the disaster loan issue was unanimously approved by the audience at the Morris protest meeting when a resolution was offered.

Cy Carpenter, MFU president, Monday gave the go ahead for the legal action to be taken.

"We are seeking and welcome the full and active participation of the Farm Bureau and the NFO in the lawsuit," Carpenter said.

Carpenter explained that it is estimated that about $19 millions in loan applications had been processed before the Dec. 27 cut-off and that this was thought to be about one-third of the potential claims.

"It is apparent that the losses of those who were prevented from applying by the arbitrary closing of applications without advance notice may be as high as $40 millions," Carpenter said.

Carpenter said that a legal fund has been established and that it was hoped that interested businessmen and bankers, civic and commerce associations, cooperatives and individuals would contribute to the effort.

He noted that the state AFL–CIO had already pledged $2,000 towards the legal expense.

Carpenter said that contributions could be made out to "Disaster Loan Legal Fund," and mailed to Paul Gandrud, at the Swift County Bank, Benson, Minnesota. Gandrud is acting as custodian for the contributions to the legal fund.

Remarks of Mrs. Dave Klanges, FUSE Rally, January 13, 1973, Morris, Minn.

I am a Farm wife and we are one of the many Farmers that took President Nixon at his word and believed that we had until June 30th to get our Emergency Disaster Loan. Yes, we had started the application, way back in October. But like many of others, we were told to wait until we had all the crops harvested and would know how much of a loss we would have. So we took our partly filled application back home and lay it in a drawer. That is where the papers were the night of December 27th.

When the announcement came over T.V. that President Nixon had ordered the Farmers Home Administration to cut off all Emergency Disaster Loans as of that day, I found it very hard to believe. I must say it was a very sleepless and restless night. Many questions came to my mind and a lot of them haven't been answered yet.

I find it very hard to accept the reasons that have been given to us for cutting these loans off with no warning. They tell us it was getting out of hand, it would just take too much money. Well really, doesn't the Defense Program cost more than they had planned. I sure don't remember any funds being cut off for that program, instead more money was given. Aren't we as Farmers entitled to the same Considerations as the Defense Program and Foreign Countries that the U.S. gave their word to also?

They are making it sound like this program was a give-away Program, all to the Benefits of the Farmer. Mr. Farmer, *Tell me* were you going to pocket this money or were you going to your local town and buy seed, fertilizer, spray, gas, fuel oil, and pay interest on notes so you could farm one more year. There has been a saying that $1.00 a Farmer spends will yield $7.00. Now just using the amount that has been said would be the Grants, $800,000,000. Multiply that by $7.00 and you have $5,600 million that will be turned over in Rural America. Isn't that going to increase jobs and income, which in turn will produce tax money.

Rural America has been and still is in trouble. The Farmers in these Disaster Areas are threatened with bankruptcy without these loans. The Government rescued Penn Central, Lockheed Aircraft, and right now they are in the process of rescuing another Aircraft Company. Don't we as farmers deserve the same considerations as these companies. I say we do. I think Congress and President Nixon agreed in August when this bill was passed that the Farmers had been hurt by Disasters and they were in need of help. Things have not changed since then.

Yes, we as farmers are finding that our programs are being drastically cut. But did you know that the Ship Building Industry has a Government Subsidy of 50% of the cost of building a ship. This goes to private businesses. That has not been cut. This is just one example. I am sure there are many more that they won't cut at all. Why do we as farmers have to take the biggest cut in our programs.

Yes, they tell us prices are high. 84% parity. But have you tried to sell your products. It is very difficult to move any grain now and they just don't seem to want to buy. So we aren't really getting these big market prices. Yet, our cost of operating goes higher and higher each year. Income is higher but there is less net income when everything is paid.

We farm families have dreams and hopes just like other people. I have seen our dreams and hopes put off from year to year and you begin to wonder if they will ever come true. But yet, we all stay with farming, telling ourselves next year will be better. We would like an income increase that would cover the rising cost of living each year like the executive branch recently received. But if that was for the farmers it would be inflationary. Don't you wonder why it wasn't called inflationary for them?

Farmers, farmwives, businessmen and rural America, it is time to unite and stand up to what is being done to us today. We urge President Nixon and Secretary Butz to reverse their decision of December 27th and open up the F. H. A. Emergency Disaster Loan Program and be fair to all the farmers.

State Legislative Resolution Demands FHA Restoration

H.F. 124, a resolution demanding the reinstatement of the FHA emergency loan program was introduced Jan. 11 by State Rep. Glen Anderson and was scheduled to be heard in the House agriculture committee today (Thursday, Jan. 18).

The resolution declares:

Whereas, thousands of Minnesota farmers suffered severe crop losses in 1972 caused by flooding in fields which meant an economic loss to many areas of rural Minnesota; and

Whereas, over one million acres of crop lands were damaged and declared eligible for Farmers Home Administration grants and low interest loans in these disaster areas; and

Whereas, farmers in the stricken area were advised by the FHA to withhold their applications for loans until final determination of losses; and

Whereas, the President's decision to now halt the loan program is unconscionable and unjustified; and

Whereas, this decision will mean to many farmers and rural businessmen possible bankruptcy; now, therefore,

Be it resolved, by the Legislature of the State of Minnesota that the President is urgently demanded to restore a disaster relief program with full funding and that Congress act to insure that victims of this bureaucratic deceit are not unjustly treated.

Be it further resolved, that the Secretary of the State of Minnesota transmit copies of this resolution to the President of the United States, the United States Office of Management and Budget, and the Minnesota Senators and Representatives in Congress.

[From the St. Paul (Minn.) Dispatch, Jan. 11, 1973]

Farmers Need Loans

The political power of the American farmer will be severely tested during the next few months as Congress seeks to restore some of the money that has been slashed from farm programs by the Nixon administration.

Apparently the administration feels that the farmers' political power has dwindled to the point where the farm bloc can no longer be effective. Secretary of Agriculture Earl Butz would not have dared to announce such cuts a few years ago, but the number of farmers has been decreasing steadily and the farm vote is no longer the major force it was in past decades.

Still there is considerable sentiment in favor of family farms in Congress and a major battle seems to be shaping up over the junking of some longstanding and popular farm programs. Butz says that increasing prices for farm products will offset cuts in federal assistance, but his argument is not convincing.

For example, how can a higher price for feed grains help the Minnesota farmers whose crops were washed out by floods last year? They have nothing to sell, hence the higher prices do nothing for them. What they need are cash loans to get them going on this year's crop.

If Butz's order holds, many of those farmers won't be getting the emergency government loans they were promised last summer when their counties were declared disaster areas by President Nixon. The emergency loan program was called off on Dec. 27, and farmers who originally were told they had until June 30, 1973, to file for assistance have had this deadline advanced to Jan. 15.

The Minnesota situation is not isolated. Severe weather caused problems all over the country in the growing and harvest seasons of 1972. Crops were either lost to summer storms or have been left unharvested because of fall and winter storms in many states.

Large farms and corporations may be able to secure loans from other sources, but many small farmers have no place to turn except to the federal government.

It seems incongruous that a government that can provide loans to defense contractors to save them from bankruptcy no longer can provide low-cost loans to the people who grow the nation's food. The Nixon administration has picked an unfortunate place to start its economy drive.

State AFL–CIO Offers Help

The Minnesota AFL–CIO Federation of Labor has offered to make a $2,000 contribution to the legal fund for a lawsuit seeking to restore the disaster emergency loan program.

David K. Roe, president of the labor organization, speaking at the Morris protest meeting, told the gathering that if they decided to proceed with a lawsuit the AFL–CIO would pledge $2,000 to assist with the expense.

"What they are doing to you is both immoral and illegal," Roe insisted in a fiery speech, "I'd take them to court."

Aware that Minnesota Farmers Union had already done the groundwork for a legal battle, Roe warned that "if you take this lying down, they'll just run right over you."

NEED FOR EMERGENCY ADJUSTMENTS IN AGRICULTURE PROGRAMS

Mr. HUMPHREY. Finally, Mr. President, since I have served on the Committee on Agriculture and Forestry for approximately 14 years, I want to alert this body to what I think is going to be an impending crisis, namely, adequate production of food and fiber for this country and for a world that is in short supply. From time to time I am going to bring to the attention of the Senate, and hopefully to the people of the country, what I believe could be a very serious matter. Weather conditions in the United States today are not conducive to a good crop. Weather conditions in the Soviet Union are again very bad in terms of a Soviet harvest. Australia has just suffered a major crop disaster. Food supplies in this country are low, whether they are dairy, wheat, soybeans, or other products that are desperately needed for our type of economy, the growing population of this country, the rising income of this country. Those supplies are growing short.

When I first came here we used to talk about the unbelievable burden of the surpluses in our commodity credit reserves. Today we are facing the possibility of critical shortages—I repeat, critical shortages. I wish to say to every person present in this body today, citizen and Senator, that unless we look ahead and make appropriate plans, the price of food will go right through the sky. I have already introduced legislation relating to dairy production. Farmers are not going to produce below cost. They are selling off their cattle. They are selling off their milk cows. The price of milk is going up. The price of beef is going up. The farmers are going to take advantage, like anyone else, of prices. If the price of beef is better than the price of milk, they are going to sell off the beef. We are going to be in trouble.

Anyone who comes from an agricultural section knows we are short of soybeans. The price of soybeans is at an unprecedented high. Prices are going to continue to go up. There is no indication that our wheat reserves are adequate. I have reason to believe that countries that were in the American market last year are going to come back into the American market in the hope of buying up wheat supplies. There are no wheat surpluses. Canada is committed to China. Australia has had a wheat crop failure. The Argentine crop is already committed. The only reserve in the world is in this country. The reserve is down to about 500 million bushels, which is inadequate. It is below our domestic needs and meets none of our export needs.

On top of that, newspaper articles pointed out that we had the worst trade deficit in our history, running between $6 and $7 billion.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. ROBERT C. BYRD. And that is three times what the deficit was in 1971, which was the first trade deficit for any year since 1888.

Mr. HUMPHREY. The Senator is so right. The first trade deficit we had in some 90 years was last year. The trade deficit this year was an appalling $6.5 billion.

I know agriculture is not an important subject in Washington, D.C. The press, understandably, is basically urban. There are few people here who produce troubles in petunias. There is not much agriculture around here. But there is in the neighboring States. However, the great food basket in this country is that area between the Appalachians and the Rockies, and deep into the South. That is where this country is going to have to rely on in the next few years for trade and to curb the fires of inflation.

Therefore, I have today asked the Secretary of Agriculture, Earl L. Butz, to give serious and immediate attention to making emergency adjustments in the 1973 feed grains set-aside program to prevent excessive surpluses and assure adequate supplies of soybeans which are presently in short supply and heavy demand. Unless changes are made, there will be serious consequences.

I have asked the Committee on Agriculture and Forestry staff, along with Dr. Wilcox, senior agricultural specialist with the Library of Congress, to do an in-depth study of the current departmental program for 1973. The program as projected and announced is inadequate. I have spoken privately with Secretary Butz about it. I am not seeking an argument; I am seeking results.

I ask unanimous consent that a copy of my letter to Secretary Butz of January 25 be printed in the Record, along with a copy of the staff memorandum dated January 25, the topic being "Prospective Plantings of Wheat, Feed Grains, and Soybeans."

There being no objection, the letter and memorandum were ordered to be printed in the Record, as follows:

Committee on Agriculture
and Forestry,
Washington, D.C., January 25, 1973.

Hon. Earl L. Butz,
Secretary, U.S. Department of Agriculture, Washington, D.C.

Dear Mr. Secretary: I wish to share with you a copy of an analysis I had conducted concerning the implications of your Department's January 19 report on 1973 prospective crop plantings, particularly as it relates to prospective plantings of wheat, feed grains and soybeans.

You will note that this analysis suggests that farmers will produce more feed grains and fewer soybeans than needed to supply prospective market demands. It further contains several suggested alternatives that might be considered with respect to achieving a better balance of feed grain and soybean production in 1973 than is now provided for under the announced 1973 feed grains set-aside program.

I am extremely concerned over the prospects of our not having enough soybean production this year as well as having more feed grains than is needed to supply prospective markets.

Therefore, I would like to respectfully request that you give serious and immediate attention to making some emergency adjustments in the 1973 feed grains set-aside program along the lines of the changes suggested in the attached memorandum.

I also would appreciate getting your comments on these suggested alternatives and what, if any, action you contemplate taking with respect to them.

With every best wish.

Sincerely,

HUBERT H. HUMPHREY.

JANUARY 25, 1973.

STAFF MEMORANDUM—COMMITTEE ON AGRICULTURE AND FORESTRY

To: Senator Humphrey.

Topic: Prospective Plantings of Wheat, Feed Grains, and Soybeans.

Pursuant to your request, we have conducted an analysis of the January 19 USDA Planting Intentions Report in cooperation with Dr. Walter Wilcox, Senior Agricultural Specialist of the Library of Congress.

Prospective plantings for 1973, as revealed by this report, indicate that with normal weather farmers will produce more feed grains and fewer soybeans than needed to supply prospective market demands. Furthermore, the planted acreage of duram wheat and other spring wheat is expected to be 9 and 17 percent respectively larger than in 1972. However, in spite of these larger increases, total wheat production in 1973 of about 1,800,000,000 bushels is not equal to the 1972–73 domestic utilization and exports of over 1,900,000,000 bushels. These wheat figures, of course, underscore the importance of carefully assessing anticipated export demand during the forthcoming wheat marketing year.

With respect to the announced 1973 feed grain set-aside program, unless emergency adjustments are made, it is probable that feed grain supplies will be so large at harvest time that feed grain prices will be at or below the government loan level; and soybean prices will likely continue to be at or near recently established record highs.

Taking into account the recent release of 15 million wheat set-aside acres as well as the January 19 report on prospective plantings, unless changes are made in the 1973 feed grain program, it is probable that feed grain production in 1973 will be 5 to 12 percent or 11 to 25 million tons larger than the 198 million tons crop harvested in 1972.

It should be noted that even though 1972–73 exports of feed grains are at record levels the expected reduction in carryover stocks this year probably will not exceed 4 to 5 million tons.

Similarly, unless further changes are made in announced set-aside programs and/or market price support levels, soybean production will be only from 2 to 8 percent larger than the 1,280,000,000 bushels harvested this year.

POSSIBLE CHANGES THAT MIGHT BE CONSIDERED WITH RESPECT TO THE 1973 FEED GRAINS SET-ASIDE PROGRAM TO ACHIEVE A BETTER BALANCE OF FEED GRAIN AND SOYBEAN PRODUCTION IN 1973

If government programs are to be adjusted to encourage the planting of a larger acreage of soybeans and a smaller acreage of feed grains than is now indicated, several alternatives are still available at this late date:

A. The simplest change would be to announce a substantial increase in the market price support level of soybeans. This would probably encourage a small further increase in soybean plantings in 1973.

B. If legally permissible, without a further reduction in the preliminary payment, another alternative would be to announce that if feed grain producers did not exceed their 1972 plantings of feed grains they would be eligible for price support loans and a price support payment of 24 cents a bushel for corn and other feed grains in proportion, on 50 percent of the feed grain base. This alternative would be the same as alternative II of the announced 1973 feed grain set-aside program, except for elimination of the 15 percent set-aside requirement. This gives feed grains producers an alternative comparable to the 1973 cotton and recently modified 1973 wheat set-aside programs where payments are made without requiring any acreage to be "set-aside".

This alternative would result in a larger acreage of soybeans and a smaller acreage of feed grains because participation would be increased, with feed grain acreage held to the 1972 level, and the released set-aside acreage would be available for soybean or any other non-feed grain crop. With recent prices, it can be assumed that soybeans would be favored.

Should the above alternative be determined not legally permissible, without a further reduction in the preliminary payment, then the possibility of authorizing the planting of soybeans on set-aside acres, without a further reduction in the preliminary payment, might be considered.

C. Another alternative would be to cancel alternative I of the 1973 feed grain set-aside program which requires a 30 percent "set-aside" of the feed grain base. This 30 percent set-aside is probably fully as restrictive or even more restrictive on soybeans than on feed grain plantings. After a producer has set-aside 30 percent of his feed grain base he may plant the balance of his cropland, not in conserving base, to feed grains if he wishes. Since feed grains are a more attractive crop than soybeans for most producers the 30 percent set-aside probably restricts soybean plantings more than feed grain plantings.

The requirement in alternative II of the 1973 feed grain program that a cooperator may not plant more than his 1972 acreage of feed grains is probably fully as effective in restricting 1973 planting of feed grains as the 30 percent set-aside.

From the standpoint of equity in sharing the economic risk of producing an abundance of feed grains for domestic requirements and exports, a good case can be made for raising 1973 feed grain market price supports. The probabilities at this time appear to be 50–50 that the 1973 harvest of feed grains will be large in relation to market demands and that prices will decline substantially, even down to current support levels which are increasingly unrealistic in terms of cost of production.

D. Various combinations of the above alternatives might also be considered. If adjustments in the announced program are made, it would likely result in a more balanced production of feed grains and soybeans, in relation to probable domestic and foreign demands, than is otherwise in prospect.

Mr. HUMPHREY. Mr. President, this subject may be of more importance to us right now than almost anything that affects our national life, because the great margin of strength America has had is the productivity of its agriculture. The Soviet Union produces atom bombs, planes, surface-to-air missiles, nuclear submarines. It produces heavy machinery. It produces many things that give it power, but it cannot make its agricultural system function, and until a country has a functioning agricultural system, it is not a real world power, and they know it.

I hope that we will understand the importance of food and fiber as a part of the total economic structure and strength of this country. That is why I stayed on the Committee on Agriculture and Forestry. There are many more attractive committees in this body, but I have stayed there because I realize that, for the sake of my children and their children, America must extend and improve its agricultural structure. If we do not, we will live to rue the day.

I thank the Senator from West Virginia.

Mr. ROBERT C. BYRD. I thank the Senator from Minnesota.

AUTHORIZATION FOR SECRETARY OF THE SENATE TO RECEIVE MESSAGES DURING ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized, during the adjournment of the Senate from today to Monday, to receive messages from the House of Representatives.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR EAGLETON, MONDAY, JANUARY 29

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Monday, at the conclusion of the 15-minute orders previously entered, the distinguished junior Senator from Missouri (Mr. EAGLETON) be recognized for not to exceed 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER TO PRINT EULOGIES ON THE LATE FORMER PRESIDENT LYNDON B. JOHNSON AS A SENATE DOCUMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the eulogies expressed with respect to the late former President Lyndon B. Johnson—and it is my understanding that the CONGRESSIONAL RECORD will remain open for 15 days from this past Wednesday for the reception of such eulogies—be collected and printed as a Senate document.

The PRESIDING OFFICER (Mr. HUDDLESTON). Without objection, it is so ordered.

ORDER OF BUSINESS

The PRESIDING OFFICER. The Senator from Colorado is recognized.

(The remarks Senator DOMINICK made at this point when he introduced S. 576, dealing with the carrying of a firearm during the commission of a crime, and related statements by other Senators, are printed earlier in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

QUORUM CALL

Mr. CHURCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHURCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks Senator CHURCH made at this point on the introduction of S. 578, dealing with U.S. Military Forces in Southeast Asia, and the ensuing debate are printed earlier in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

A PEACE THAT CAN WORK IF ALL PARTIES ACT IN THE SPIRIT TO MAKE IT WORK

Mr. ROBERT C. BYRD. Mr. President, as we convene in this Chamber today, with our hearts still heavy from the sadness of Lyndon Baines Johnson's passing, we may temper our grief with the knowledge that even as we mourn him, the peace in Indochina for which he strove so mightily, can be, at last, a hoped-for reality.

Four times in this century, America has spent blood and treasure in foreign wars against aggression. For her costly efforts in Vietnam, our country has been often criticized by nations whose own very existence would have been precarious but for the fact that there is a United States of America.

Now the long miserable years have at last come to an end, and I thank God that our prisoners of war can be reunited with their families, and the missing in action accounted for.

Four American presidents felt that Vietnam was worth the sacrifice. Only the dispassionate judgment of history will tell.

President Nixon and the late former President Johnson are entitled to be commended for their efforts to secure an honorable agreement which provides for American withdrawal, offers an ally—that our country did not choose to forsake—a reasonable chance for survival, and creates an internationally supervised cease-fire that opens the way for peace in all of Indochina, if North Vietnam will desist from further aggression.

It is an agreement that at least offers the hope that 46,000 American fighting men did not die in vain.

I regret that our country has gone through this tragic war, which was entered at a time when most free world countries, the press, and our own leaders were saying that we could not afford to let Vietnam go down the drain. We will always be in the debt of the 300,000 Americans who were wounded, and I am grateful to the two and a half million fighting men who answered our country's call. I hope that we will never again become involved in such a conflict. It is to America's credit, however, that, even in the face of criticism at home and abroad, she did not abandon an ally, and it is to the President's credit and to the credit of the late former President Johnson that they persisted in the pursuit of an honorable agreement. It is devoutly to be hoped that with the cessation of hostilities in Southeast Asia, mankind will have learned the lesson that aggression does not pay and that the devastation and death of war leave no victor. We got into this war, little by little, unable to see, from the beginning, where day-to-day and week-to-week events would ultimately lead us. But we became involved in behalf of an ally, and our country kept the promise of its leaders—Presidents Eisenhowever, Kennedy, Johnson, and Nixon—that we would not desert South Vietnam.

I hope I do not live to see the day when this Nation, forged in the crucible of courage, will ever forsake the pursuit of national honor. For the honor of a nation is the sum of the honor of its sons and daughters. If honor ever ceases to be part of the American character, there can be no future for our country.

Mr. President, I ask unanimous consent to insert in the RECORD a transcript of the agreement on ending the war and achieving peace in Vietnam.

There being no objection, the text of the agreement was ordered to be printed in the RECORD, as follows:

AGREEMENT ON ENDING THE WAR AND RESTORING PEACE IN VIETNAM

The Parties participating in the Paris Conference on Vietnam.

With a view to ending the war and restoring peace in Vietnam on the basis of respect for the Vietnamese people's fundamental national rights and the South Vietnamese people's right to self-determination, and to contributing to the consolidation of peace in Asia and the world,

Have agreed on the following provisions and undertake to respect and to implement them:

CHAPTER I—THE VIETNAMESE PEOPLE'S FUNDAMENTAL NATIONAL RIGHTS

Article 1

The United States and all other countries respect the independence, sovereignty, unity, and territorial integrity of Vietnam as recognized by the 1954 Geneva Agreements on Vietnam.

CHAPTER II—CESSATION OF HOSTILITIES—WITHDRAWAL OF TROOPS

Article 2

A cease-fire shall be observed throughout South Vietnam as of 2400 hours G.M.T., on January 27, 1973.

At the same hour, the United States will stop all its military activities against the territory of the Democratic Republic of Vietnam by ground, air and naval forces, wherever they may be based, and end the mining of the territorial waters, ports, harbors, and waterways of the Democratic Republic of Vietnam. The United States will remove, permanently deactivate or destroy all the mines in the territorial waters, ports, harbors, and waterways of North Vietnam as soon as this Agreement goes into effect.

The complete cessation of hostilities mentioned in this Article shall be durable and without limit of time.

Article 3

The parties undertake to maintain the cease-fire and to ensure a lasting and stable peace.

As soon as the cease-fire goes into effect:

(a) The United States forces and those of the other foreign countries allied with the United States and the Republic of Vietnam shall remain in-place pending the implementation of the plan of troop withdrawal. The Four-Party Joint Military Commission described in Article 16 shall determine the modalities.

(b) The armed forces of the two South Vietnamese parties shall remain in-place. The Two-Party Joint Military Commission described in Article 17 shall determine the areas controlled by each party and the modalities of stationing.

(c) The regular forces of all services and arms and the irregular forces of the parties in South Vietnam shall stop all offensive activities against each other and shall strictly abide by the following stipulations:

All acts of force on the ground, in the air, and on the sea shall be prohibited;

All hostile acts, terrorism and reprisals by both sides will be banned.

Article 4

The United States will not continue its military involvement or intervene in the internal affairs of South Vietnam.

Article 5

Within sixty days of the signing of this Agreement, there will be a total withdrawal from South Vietnam of troops, military advisers, and military personnel, including technical military personnel and military personnel associated with the pacification program, armaments, munitions, and war material of the United States and those of the other foreign countries mentioned in Article 3(a). Advisers from the above-mentioned countries to all paramilitary organizations and the police force will also be withdrawn within the same period of time.

Article 6

The dismantlement of all military bases in South Vietnam of the United States and of the other foreign countries mentioned in Article 3(a) shall be completed within sixty days of the signing of this Agreement.

Article 7

From the enforcement of the cease-fire to the formation of the government provided for in Articles 9(b) and 14 of this Agreement, the two South Vietnamese parties shall not accept the introduction of troops, military advisers, and military personnel including technical military personnel, armaments, munitions, and war material into South Vietnam.

The two South Vietnamese parties shall be permitted to make periodic replacement of armaments, munitions and war material which have been destroyed, damaged, worn out or used up after the cease-fire, on the basis of piece-for-piece, of the same characteristics and properties, under the supervision of the Joint Military Commission of the two South Vietnamese parties and of the International Commission of Control and Supervision.

CHAPTER III—THE RETURN OF CAPTURED MILITARY PERSONNEL AND FOREIGN CIVILIANS, AND CAPTURED AND DETAINED VIETNAMESE CIVILIAN PERSONNEL

Article 8

(a) The return of captured military personnel and foreign civilians of the parties shall be carried out simultaneously with and completed not later than the same day as the troop withdrawal mentioned in Article 5. The parties shall exchange complete lists of the above-mentioned captured military personnel and foreign civilians on the day of the signing of this Agreement.

(b) The parties shall help each other to get information about those military personnel and foreign civilians of the parties missing in action, to determine the location and take care of the graves of the dead so as to facilitate the exhumation and repariation of the remains, and to take any such other measures as may be required to get information about those still considered missing in action.

(c) The question of the return of Vietnamese civilian personnel captured and detained in South Vietnam will be resolved by the two South Vietnamese parties on the basis of the principles of Article 21(b) of the Agreement on the Cessation of Hostilities in Vietnam of July 20, 1954. The two South Vietnamese parties will do so in a spirit of national reconciliation and concord, with a view to ending hatred and enmity, in order to ease suffering and to reunite families. The two South Vietnamese parties will do their utmost to resolve this question within ninety days after the cease-fire comes into effect.

CHAPTER IV—THE EXERCISE OF THE SOUTH VIETNAMESE PEOPLE'S RIGHT TO SELF-DETERMINATION

Article 9

The Government of the United States of America and the Government of the Democratic Republic of Vietnam undertake to respect the following principles for the exercise of the South Vietnamese people's right to self-determination:

(a) The South Vietnamese people's right to self-determination is sacred, inalienable, and shall be respected by all countries.

(b) The South Vietnamese people shall decide themselves the political future of South Vietnam through genuinely free and democratic general elections under international supervision.

(c) Foreign countries shall not impose any political tendency or personality on the South Vietnamese people.

Article 10

The two South Vietnamese parties undertake to respect the cease-fire and maintain peace in South Vietnam, settle all matters of contention through negotiations, and avoid all armed conflict.

Article 11

Immediately after the cease-fire, the two South Vietnamese parties will:

Achieve national reconciliation and concord, end hatred and enmity, prohibit all acts of reprisal and discrimination against individual or organizations that have collaborated with one side or the other;

Ensure the Democratic liberties of the people: personal freedom, freedom of speech, freedom of the press, freedom of meeting, freedom of organization, freedom of political activities, freedom of belief, freedom of movement, freedom of residence, freedom of work, right to property ownership, and right to free enterprise.

Article 12

(a) Immediately after the cease-fire, the two South Vietnamese parties shall hold consultations in a spirit of national reconciliation and concord, mutual respect, and mutual non-elimination to set up a National Council of National Reconciliation and Concord of three equal segments. The Council shall operate on the principle of unanimity. After the National Council of National Reconciliation and Concord has assumed its functions, the two South Vietnamese parties will consult about the formation of councils at lower levels. The two South Vietnamese parties shall sign an agreement on the internal matters of South Vietnam as soon as possible and do their utmost to accomplish this within ninety days after the cease-fire comes into effect, in keeping with the South Vietnamese people's aspirations for peace, independence and democracy.

(b) The National Council of National Reconciliation and Concord shall have the task of promoting the two South Vietnamese parties' implementation of this Agreement, achievement of national reconciliation and concord and ensurance of democratic liberties. The National Council of National Reconciliation and Concord will organize the free and democratic general elections provided for in Article 9(b) and decide the procedures and modalities of these general elections. The institutions for which the general elections are to be held will be agreed upon through consultations between the two South Vietnamese parties. The National Council of National Reconciliation and Concord will also decide the procedures and modalities of such local elections as the two South Vietnamese parties agree upon.

Article 13

The question of Vietnamese armed forces in South Vietnam shall be settled by the two South Vietnamese parties in a spirit of national reconciliation and concord, equality and mutual respect, without foreign interference, in accordance with the postwar situation. Among the questions to be discussed by the two South Vietnamese parties are steps to reduce their military effectives and to demobilize the troops being reduced. The two South Vietnamese parties will accomplish this as soon as possible.

Article 14

South Vietnam will pursue a foreign policy of peace and independence. It will be prepared to establish relations with all countries irrespective of their political and social systems on the basis of mutual respect for independence and sovereignty and accept economic and technical aid from any country with no political conditions attached. The acceptance of military aid by South Vietnam in the future shall come under the authority of the government set up after the general elections in South Vietnam provided for in Article 9(b).

CHAPTER V—THE REUNIFICATION OF VIETNAM AND THE RELATIONSHIP BETWEEN NORTH AND SOUTH VIETNAM

Article 15

The reunification of Vietnam shall be carried out step by step through peaceful means on the basis of discussions and agreements between North and South Vietnam, without coercion or annexation by either party, and without foreign interference. The time for reunification will be agreed upon by North and South Vietnam.

Pending reunification:

(a) The military demarcation line between the two zones at the 17th parallel is only provisional and not a political or territorial boundary, as provided for in paragraph 6 of the Final Declaration of the 1954 Geneva Conference.

(b) North and South Vietnam shall respect the Demilitarized Zone on either side of the Provisional Military Demarcation Line.

(c) North and South Vietnam shall promptly start negotiations with a view to reestablishing normal relations in various fields. Among the questions to be negotiated are the modalities of civilian movement across the Provisional Military Demarcation Line.

(d) North and South Vietnam shall not join any military alliance or military bloc and shall not allow foreign powers to maintain military bases, troops, military advisers, and military personnel on their respective territories, as stipulated in the 1954 Geneva Agreements on Vietnam.

CHAPTER VI—THE JOINT MILITARY COMMISSIONS, THE INTERNATIONAL COMMISSION OF CONTROL AND SUPERVISION, THE INTERNATIONAL CONFERENCE

Article 16

(a) The Parties participating in the Paris Conference on Vietnam shall immediately designate representatives to form a Four-Party Joint Military Commission with the task of ensuring joint action by the parties in implementing the following provisions of this Agreement:

The first paragraph of Article 2, regarding the enforcement of the cease-fire throughout South Vietnam;

Article 3(a), regarding the cease-fire by U.S. forces and those of the other foreign countries referred to in that Article;

Article 3(c), regarding the cease-fire between all parties in South Vietnam;

Article 5, regarding the withdrawal from South Vietnam of U.S. troops and those of the other foreign countries mentioned in Article 3(a);

Article 6, regarding the dismantlement of military bases in South Vietnam of the United States and those of the other foreign countries mentioned in Article 3(a);

Article 8(a), regarding the return of captured military personnel and foreign civilians of the parties;

Article 8(b), regarding the mutual assistance of the parties in getting information about those military personnel and foreign civilians of the parties missing in action.

(b) The Four-Party Joint Military Commission shall operate in accordance with the principle of consultations and unanimity. Disagreements shall be referred to the International Commission of Control and Supervision.

(c) The Four-Party Joint Military Commission shall begin operating immediately after the signing of this Agreement and end its activities in sixty days, after the completion of the withdrawal of U.S. troops and those of the other foreign countries mentioned in Article 3(a) and the completion of the return of captured military personnel and foreign civilians of the parties.

(d) The four parties shall agree immediately on the organization, the working procedure, means of activity, and expenditures of the Four-Party Joint Military Commission.

Article 17

(a) The two South Vietnamese parties shall immediately designate representatives to form a Two-Party Joint Military Commission with the task of ensuring joint action by the two South Vietnamese parties in implementing the following provisions of this Agreement:

The first paragraph of Article 2, regarding the enforcement of the cease-fire throughout South Vietnam, when the Four-Party Joint Military Commission has ended its activities;

Article 3(b), regarding the cease-fire between the two South Vietnamese parties;

Article 3(c), regarding the cease-fire between all parties in South Vietnam, when the Four-Party Joint Military Commission has ended its activities;

Article 7, regarding the prohibition of the introduction of troops into South Vietnam and all other provisions of this article;

Article 8(c), regarding the question of the return of Vietnamese civilian personnel captured and detained in South Vietnam;

Article 13, regarding the reduction of the military effectiveness of the two South Vietnamese parties and the demobilization of the troops being reduced.

(b) Disagreements shall be referred to the International Commission of Control and Supervision.

(c) After the signing of this Agreement, the Two-Party Joint Military Commission shall agree immediately on the measures and organization aimed at enforcing the cease-fire and preserving peace in South Vietnam.

Article 18

(a) After the signing of this Agreement, an International Commission of Control and Supervision shall be established immediately.

(b) Until the International Conference provided for in Article 19 makes definitive arrangements, the International Commission of Control and Supervision will report to the four parties on matters concerning the control and supervision of the implementation of the following provisions of this Agreement.

The first paragraph of Article 2, regarding the enforcement of the cease-fire throughout South Vietnam;

Article 3(a), regarding the cease-fire by U.S. forces and those of the other foreign countries referred to in that Article;

Article 3(c) regarding the cease-fire between all the parties in South Vietnam;

Article 5, regarding the withdrawal from South Vietnam of U.S. troops and those of the other foreign countries mentioned in Article 3(a);

Article 6, regarding the dismantlement of military bases in South Vietnam of the United States and those of the other foreign countries mentioned in Article 3(a);

Article 8(a), regarding the return of captured military personnel and foreign civilians of the parties.

The International Commission of Control and Supervision shall form control teams for carrying out its tasks. The four parties shall agree immediately on the location and operation of these teams. The parties will facilitate their operation.

(c) Until the International Conference makes definitive arrangements, the International Commission of Control and Supervision will report to the two South Vietnamese parties on matters concerning the control and supervision of the implementation of the following provisions of this Agreement;

The first paragraph of Article 2, regarding the enforcement of the cease-fire throughout South Vietnam, when the Four-Party Joint Military Commission has ended its activities;

Article 3(b), regarding the cease-fire between the two South Vietnamese parties;

Article 3(c), regarding the cease-fire between all parties in South Vietnam, when the Four-Party Joint Military Commission has ended its activities;

Article 7, regarding the prohibition of the introduction of troops into South Vietnam and all other provisions of this Article;

Article 8(c), regarding the question of the return of Vietnamese civilian personnel captured and detained in South Vietnam;

Article 9(b), regarding the free and democratic general elections in South Vietnam;

Article 13, regarding the reduction of the military effectives of the two South Vietnamese parties and the demobilization of the troops being reduced.

The International Commission of Control and Supervision shall form control teams for carrying out its tasks. The two South Vietnamese parties shall agree immediately on the location and operation of these teams. The two South Vietnamese parties will facilitate their operation.

(d) The International Commission of Control and Supervision shall be composed of representatives of four countries: Canada, Hungary, Indonesia and Poland. The chairmanship of this Commission will rotate among the members for specific periods to be determined by the Commission.

(e) The International Commission of Control and Supervision shall carry out its tasks in accordance with the principle of respect for the sovereignty of South Vietnam.

(f) The International Commission of Control and Supervision shall operate in accordance with the principle of consultations and unanimity.

(g) The International Commission of Control and Supervision shall begin operating when a cease-fire comes into force in Vietnam. As regards the provisions in Article 18 (b) concerning the four parties, the International Commission of Control and Supervision shall end its activities when the Commission's tasks of control and supervision regarding these provisions have been fulfilled. As regards the provisions in Article 18(c) concerning the two South Vietnamese parties, the International Commission of Control and Supervision shall end its activities on the request of the government formed after the general elections in South Vietnam provided for in Article 9(b).

(h) The four parties shall agree immediately on the organization, means of activity, and expenditures of the International Commission of Control and Supervision. The relationship between the International Commission and the International Conference will be agreed upon by the International Commission and the International Conference.

Article 19

The parties agree on the convening of an International Conference within thirty days of the signing of this Agreement to acknowledge the signed agreements; to guarantee the ending of the war, the maintenance of peace in Vietnam, the respect of the Vietnamese people's fundamental national rights, and the South Vietnamese people's right to self-determination; and to contribute to and guarantee peace in Indochina.

The United States and the Democratic Republic of Vietnam, on behalf of the parties participating in the Paris Conference on Vietnam, will propose to the following parties that they participate in this International Conference: the People's Republic of China, the Republic of France, the Union of Soviet Socialist Republics, the United Kingdom, the four countries of the International Commission of Control and Supervision, and the Secretary General of the United Nations, together with the parties participating in the Paris Conference on Vietnam.

CHAPTER VII—REGARDING CAMBODIA AND LAOS

Article 20

(a) The parties participating in the Paris Conference on Vietnam shall strictly respect the 1954 Geneva Agreements on Cambodia and the 1962 Geneva Agreements on Laos, which recognized the Cambodian and the Lao peoples' fundamental national rights, i.e., the independence, sovereignty, unity, and territorial integrity of these countries. The parties shall respect the neutrality of Cambodia and Laos.

The parties participating in the Paris Conference on Vietnam undertake to refrain from using the territory of Cambodia and the territory of Laos to encroach on the sovereignty and security of one another and of other countries.

(b) Foreign countries shall put an end to all military activities in Cambodia and Laos, totally withdraw from and refrain from reintroducing into these two countries troops, military advisers and military personnel, armaments, munitions and war material.

(c) The internal affairs of Cambodia and Laos shall be settled by the people of each of these countries without foreign interference.

(d) The problems existing between the Indochinese countries shall be settled by the Indochinese parties on the basis of respect for each other's independence, sovereignty, and territorial integrity, and non-interference in each other's internal affairs.

CHAPTER VIII—THE RELATIONSHIP BETWEEN THE UNITED STATES AND THE DEMOCRATIC REPUBLIC OF VIETNAM

Article 21

The United States anticipates that this Agreement will usher in an era of reconciliation with the Democratic Republic of Vietnam as with all the peoples of Indochina. In pursuance of its traditional policy, the United States will contribute to healing the wounds of war and to postwar reconstruction of the Democratic Republic of Vietnam and throughout Indochina.

Article 22

The ending of the war, the restoration of peace in Vietnam, and the strict implementation of this Agreement will create conditions for establishing a new, equal and mutually beneficial relationship between the United States and the Democratic Republic of Vietnam on the basis of respect for each other's independence and sovereignty, and non-interference in each other's internal affairs. At the same time this will ensure stable peace in Vietnam and contribute to the preservation of lasting peace in Indochina and Southeast Asia.

CHAPTER IX—OTHER PROVISIONS

Article 23

This Agreement shall enter into force upon signature by plenipotentiary representatives of the parties participating in the Paris Conference on Vietnam. All the parties concerned shall strictly implement this Agreement and its Protocols.

Done in Paris this twenty-seventh day of January, One Thousand Nine Hundred and Seventy-Three, in Vietnamese and English. The Vietnamese and English texts are official and equally authentic.

[Separate Numbered Page]

For the Government of the United States of America: William P. Rogers, Secretary of State.

For the Government of the Republic of Vietnam: Tran Van Lam, Minister for Foreign Affairs.

[Separate Numbered Page]

For the Government of the Democratic Republic of Vietnam: Nguyen Duy Trinh, Minister for Foreign Affairs.

For the Provisional Revolutionary Government of the Republic of South Vietnam: Nguyen Thi Binh, Minister for Foreign Affairs.

[To be signed at the International Conference Center, Paris, Saturday afternoon, Paris time, January 27, 1973]

AGREEMENT ON ENDING THE WAR AND RESTORING PEACE IN VIETNAM

The Government of the United States of America, with the concurrence of the Government of the Republic of Vietnam,

The Government of the Democratic Republic of Vietnam, with the concurrence of the Provisional Revolutionary Government of the Republic of South Vietnam,

With a view to ending the war and restoring peace in Vietnam on the basis of respect for the Vietnamese people's fundamental national rights and the South Vietnamese people's right to self-determination, and to contributing to the consolidation of peace in Asia and the world,

Have agreed on the following provisions and undertake to respect and to implement them:

[Text of Agreement Chapters I–VIII Same As Above]

CHAPTER IX—OTHER PROVISIONS

Article 23

The Paris Agreement on Ending the War and Restoring Peace in Vietnam shall enter into force upon signature of this document by the Secretary of State of the Government of the United States of America and the Minister for Foreign Affairs of the Government of the Democratic Republic of Vietnam, and upon signature of a document in the same terms by the Secretary of State of the Government of the United States of America, the Minister for Foreign Affairs of the Government of the Republic of Vietnam, the Minister for Foreign Affairs of the Government of the Democratic Republic of Vietnam, and the Minister for Foreign Affairs of the Provisional Revolutionary Government of the Republic of South Vietnam. The Agreement and the protocols to it shall be strictly implemented by all the parties concerned.

Done in Paris this twenty-seventh day of January, One Thousand Nine Hundred and Seventy-Three, in Vietnamese and English. The Vietnamese and English texts are official and equally authentic.

For the Government of the United States of America: William P. Rogers, Secretary of State.

For the Government of the Democratic Republic of Vietnam: Nguyen Duy Trinh, Minister for Foreign Affairs.

ORDER FOR COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS TO HAVE UNTIL MIDNIGHT TONIGHT TO FILE BUDGET PROPOSALS, AND FOR REFERRAL TO THE COMMITTEE ON RULES AND ADMINISTRATION

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing and Urban Affairs have until midnight tonight to file a resolution with its budget proposals for the upcoming year and that such be referred to the Committee on Rules and Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. SPARKMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HUDDLESTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM FOR NEXT WEEK

Mr. GRIFFIN. Mr. President, will the Senator from West Virginia yield?

Mr. ROBERT C. BYRD. I yield.

Mr. GRIFFIN. As he always does, the distinguished majority whip, I know, will outline the program for Monday, which is pretty well lined up. I should like to inquire of the distinguished majority whip whether he can give the Members of the Senate any indication beyond Monday as to what the business might be for next week, particularly with reference to other nominations besides the nomination of Elliot Richardson.

Mr. ROBERT C. BYRD. Mr. President, there is not really a great deal I can say in response to the question that has been asked by the distinguished assistant Republican leader.

I have discussed this matter with the distinguished majority leader. It is the present plan of the leadership to adjourn from Monday over until Wednesday of next week.

I would anticipate that there is a possibility that there could be some discussion with reference to the confirmation of the nomination of Mr. Lynn, possibly even on Monday—some discussion—but I am not too sure about that. There may be some discussion on Wednesday. I cannot anticipate at this moment just when final action on that nomination will occur.

As to the nomination of Mr. Weinberger, I would imagine that the confirmation of that nomination possibly would be even a bit farther down the road.

I should like to say, in further response to the question, that it is hoped that all committees will act expeditiously to report any legislation that can be sent to the Senate floor, so that debate can be had thereon and action taken before the Lincoln Day recess. I speak with reference especially to the hijacking bill, which I think will be coming along pretty soon, the Federal-aid highway bill, and the public works bill. If so, the Senate then can perhaps hope to take some action by Wednesday of next week on some of these legislative measures, for which the groundwork has been laid in the last Congress, and which, hopefully, can be reported to the floor by the committees in the very near future.

Mr. GRIFFIN. I thank the distinguished majority whip for giving us such information as he is able to give.

I cannot help but express disappointment that the Senate is not proceeding more expeditiously to consider and to vote—if a vote is necessary—on the several other nominations that have been reported and are on the Executive Calendar.

It goes without saying that until the nominations of the President's Cabinet members have been confirmed so they can take the oath of office, the executive branch of Government is severely handicapped—handicapped in terms of presenting its program, handicapped in terms of appearing before the committees of Congress and contributing to the legislative process.

So, while I thank the majority whip—and I know he is giving us all the information now available—I certainly hope we can soon look forward to a schedule that moves a little faster, particularly with regard to such important nominations.

I thank the distinguished Senator for yielding.

PROGRAM FOR MONDAY

Mr. ROBERT C. BYRD. Mr. President, the program for Monday is as follows:

The Senate will convene at 12 o'clock meridian. Immediately after the two leaders or their designees have been recognized under the standing order, Senator McCLELLAN will be recognized for not to exceed 15 minutes, Senator JACKSON will be recognized for not to exceed 15 minutes, Senator ROBERT C. BYRD will be recognized for not to exceed 10 minutes, and Senator EAGLETON will be recognized for not to exceed 15 minutes. There will then be routine morning business, not to extend beyond 1 o'clock p.m., with the usual limitation of 3 minutes on statements. At 1 o'clock p.m., the Senate will go into executive session to debate the nomination of Elliot Richardson to be Secretary of Defense. A yea-and nay vote will occur on the nomination at 2:30 p.m.

This is about as far as I can see for Monday, as of now.

ADJOURNMENT TO MONDAY, JANUARY 29, 1973

Mr. HUDDLESTON. Mr. President, if there is no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock meridian on Monday next.

The motion was agreed to; and at 2:45 p.m., the Senate adjourned until Monday, January 29, 1973, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate January 26, 1973:

FEDERAL TRADE COMMISSION

Lewis A. Engman, of Michigan, to be a Federal Trade Commissioner for the unexpired term of 7 years from September 26, 1969, vice Miles W. Kilpatrick, resigned.

IN THE AIR FORCE

The following officer for confirmation of recess appointment to the grade of lieutenant general. He has been assigned to a position of importance and responsibility under subsection (a) of section 8066, title 10, United States Code.

To be lieutenant general

Lt. Gen. Robert E. Pursley [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

IN THE ARMY

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 3962:

To be lieutenant general

Lt. Gen. John Jarvis Tolson III, [redacted] Army of the United States (major general, U.S. Army).

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. James George Kalergis, [redacted] Army of the United States (brigadier general, U.S. Army).

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 3962:

To be lieutenant general

Lt. Gen. Frederick James Clarke, [redacted] Army of the United States (major general, U.S. Army).

Lt. Gen. William Charles Gribble, Jr., [redacted] Army of the United States (major general, U.S. Army) for appointment as Chief of Engineers, U.S. Army, under the provisions of title 10, United States Code, section 3036.

IN THE NAVY

Rear Adm. Donald L. Custis, Medical Corps, U.S. Navy, for appointment as Chief of the Bureau of Medicine and Surgery with the grade of vice admiral for a term of 4 years in accordance with the provisions of title 10, United States Code, section 5137(a).

The following named officers of the Naval Reserve for temporary promotion to the grade of rear admiral subject to qualification therefor as provided by law:

LINE

James Grealish
Philip C. Koelsch
Robert N. Pitner
Frank B. Guest, Jr.
Richard G. Altman
John R. Rohleder
Robert M. Garrick

MEDICAL CORPS

William J. Mills

SUPPLY CORPS

Lee E. Landes

CIVIL ENGINEER CORPS

Philip V. King

JUDGE ADVOCATE GENERAL'S CORPS

Hugh H. Howell, Jr.

HOUSE OF REPRESENTATIVES—*Friday, January 26, 1973*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

The Lord will give strength unto His people; the Lord will bless His people with peace.—Psalm 29: 11.

Almightly God, our Father, without whom life has no meaning or mission, but with whom there is strength for the soul, love for life, and hope for the future, we lift our hearts unto Thee in gratitude for Thy goodness and for the leading of Thy gracious spirit.

As a Nation refresh our faith in the power of peace, renew our courage to persist in pursuing the paths that keep the peace, restore in our minds the blessing of brotherhood, and by Thy spirit may we extend the hand of helpfulness to those in need. Amid the troubles of these times keep us strong in Thee and steadfast in purpose to serve our fellow men.

Bless our homes, our churches, our schools, our leaders in State and country that the opportunities now presented to us may be worthily accepted and wisely used; that our Nation through humble obedience to Thy holy will may walk the ways of peace keeping the lights of freedom and justice aglow in our world.

God bless America and make her a blessing to all mankind.

We pray in the spirit of Christ. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Marks, one of his secretaries, who also informed the House that on January 19, 1973, the President approved and signed a joint resolution of the House of the following title:

H.J. Res. 1. Joint resolution extending the time within which the President may transmit the budget message and the economic report to the Congress and extending the time within which the Joint Economic Committee shall file its report.

APPOINTMENT OF MEMBERS TO JOINT COMMITTEE ON ATOMIC ENERGY

The SPEAKER. Pursuant to the provisions of 42 U.S.C. 2251, the Chair appoints as members of the Joint Committee on Atomic Energy the following members on the part of the House: Mr. Holifield of California; Mr. Price of Illinois; Mr. Young of Texas; Mr. Roncalio of Wyoming; Mr. McCormack of Washington; Mr. Hosmer of California; Mr. Anderson of Illinois; Mr. Hansen of Idaho; Mr. Lujan of New Mexico.

ADJOURNMENT OVER TO MONDAY, JANUARY 29, 1973

Mr. McFALL. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourns to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. McFALL. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule on Wednesday of next week be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

DESIGNATING A NATIONAL MOMENT AND NATIONAL DAY OF PRAYER AND THANKSGIVING

Mr. McFALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (H.J. Res. 246), providing for a moment of prayer and thanksgiving and a national day of prayer and thanksgiving.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the joint resolution as follows:

H.J. Res. 246

Whereas the American people have reason to rejoice at the news of a just and honorable end to the long and trying war in Vietnam; and

Whereas our deep and abiding faith as a people reminds us that no great work can be accomplished without the aid and inspiration of Almighty God: Now, therefore, be it

Resolved by the Senate and the House of Representatives of the United States of America, in Congress assembled, That the President of the United States is authorized and requested to issue a proclamation designating the moment of 7:00 P.M., EST, January 27, 1973 a National Moment of Prayer and Thanksgiving for the peaceful end to the Vietnam War, and the 24 hours beginning at the same time as a National Day of Prayer and Thanksgiving.

That the President authorize the flying of the American flag at the appointed hour;

That all men and women of goodwill be urged to join in prayer that this settlement marks not only the end of the war in Vietnam, but the beginning of a new era of world peace and understanding; and

That copies of this resolution be sent to the Governors of the several States.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

VACATING PROCEEDINGS ON AND RECONSIDERATION OF HOUSE RESOLUTION 99, ELECTION OF MEMBERS TO COMMITTEE ON RULES

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent to vacate the proceedings whereby the House agreed to House Resolution 99 on January 6, 1973, and ask for its immediate consideration.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the resolution, as follows:

H. Res. 99

Resolved, That the following named Members be, and they are hereby elected members of the standing committee of the House of Representatives on Rules:

John B. Anderson, Illinois; Dave Martin, Nebraska; James H. Quillen, Tennessee; Delbert L. Latta, Ohio.

AMENDMENT OFFERED BY MR. GERALD R. FORD

Mr. GERALD R. FORD. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Gerald R. Ford: On line 4, strike out "John B. Anderson, Illinois; Dave Martin, Nebraska;" and insert "Dave Martin, Nebraska; John B. Anderson, Illinois;"

The amendment was agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

WORST TRADE DEFICIT IN HISTORY DEMANDS ACTION

(Mr. BURKE of Massachusetts asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BURKE of Massachusetts. Mr. Speaker, I would like to call attention to four important news articles that continue to detail the depressing reality of our foreign trade situation. The Department of Commerce has released the trade figures for 1972 and they show that our foreign trade deficit has more than tripled to $6.439 billion. This occurred despite devaluation of the dollar and other efforts to strengthen our position abroad. Until 1971 the United States regularly had trade surpluses. Our disastrous situation today demands quick action to stop this unhealthy imbalance. It appears the administration is becoming increasingly aware of this problem and is sending up "trial balloons" to test various solutions. The Burke-Hartke bill, H.R. 62, provides definite methods for solution of this disheartening situation. It is time to take major steps toward reversing this crisis situation which has developed in our Nation's trade policies. Stopgap measures have proven to be inadequate.

Pockets of high unemployment exist throughout the Nation in the footwear industry, textiles, electronics, steel, and so forth caused by the flood of imports. Close to 1 million jobs have been lost in America since 1965. For those who oppose the Burke-Hartke bill the time has arrived for them to come forward with constructive suggestions on how the problem can be corrected. A financial crisis of tremendous magnitude is developing overseas and time is running out.

The articles referred to follow:

[From the New York Times, Jan. 25, 1973]

U.S. FOREIGN TRADE DEFICIT TOPPED $6 BILLION IN 1972

(By Edwin L. Dale, Jr.)

WASHINGTON, January 24.—The United States deficit in foreign trade—only the second in this century—soared to $6.4-billion last year, the Commerce Department reported today.

The deficit for 1971, the first, was only $2-billion. Prior to that the nation had consistently exported more than it imported. Last year saw a good growth in exports but a much larger increase in imports, which have shown explosive growth in recent years.

Today's report said the trade deficit in December, at $563.2-million, was the highest since June. However, the second half of the year showed a somewhat smaller deficit than the first half.

JUMP IN IMPORTS VALUE

Last year's results reflected chiefly on enormous jump in the dollar value of imports, partly reflecting the reduced valuation of the dollar against other major currencies at the end of 1971 and partly reflecting the pickup in United States economic activity.

The change in currency valuations meant that any given volume of imports cost more in dollar terms, and the economic expansion meant pressure for more imports.

Imports last year totaled $55.56-billion, up 22 per cent from 1971. This far outpaced the growth in exports of 13 per cent to $49.12-billion—an export increase that would normally be regarded as fairly good.

For December alone imports were at a record level of $5.03-billion, the second month in a row that the $5-billion mark was exceeded. Exports were $4.47-billion—like imports, little changed from November.

The Commerce Department said the initial effect of the dollar devaluation "was to induce a prompt increase in dollar import prices without an immediate accompanying reduction in volume."

The agency said preliminary figures, through November, suggest that import prices last year rose 7 per cent over 1971 while export prices rose 3 per cent.

Apart from this factor, the report said the faster rise of imports than of exports also reflected "the rapid rate of expansion in business activity in the United States, which acted as a stimulus to imports."

Of the total rise in imports of $10-billion last year, petroleum accounted for only $1-billion and various metals for another $1-billion. More important in the import increase was a rise of $2.8-billion in nonfood, nonautomotive consumer goods. In addition, auto imports rose $620-million in value, though the number of cars imported declined slightly.

On the export side, there was a jump of 22 per cent, or $1.7-billion, in agricultural exports, of which almost one-fourth represented increased sales to the Soviet Union. All other exports rose $4.3-billion, or 11 per cent.

[From the Washington Post, Jan. 25, 1973]

TRADE DEFICIT WORST IN HISTORY

(By Carole Shifrin)

The United States foreign trade deficit climbed to a record $6.4 billion last year, the worst in U.S. history, the government reported yesterday.

The 1972 deficit was more than triple the 1971 deficit of $2.0 billion.

In the last month of the year imports outstripped exports by a seasonally adjusted $563.2 million, the Commerce Department said. It was the 15th monthly deficit in a row suffered by the U.S. in international trade and the 20th deficit in 21 months.

In two other reports released yesterday, Commerce announced that:

New orders for durable goods fell 2.0 per cent, or $740 million, in December after a gain of 2.3 per cent or $860 million, in November.

The merchandise trade deficit in the fourth quarter of 1972, as measured on a balance of payments basis which excludes "military" trade of the defense agencies, totaled $1.67 billion, seasonally adjusted, compared to a deficit of $1.59 billion in the third. The merchandise trade deficit on the BOP basis totaled $6.9 billion for the full year, compared to $2.7 billion in 1971.

Exports of U.S. merchandise rose 13 per cent during 1972 to a total of $49.12 billion from $43.55 billion in 1971, Commerce said, but at the same time imports from abroad soared 22 per cent to a total of $55.56 billion in 1972 from $45.56 billion in 1971.

One of the prime objectives of the administration's new economic policies announced in August 1971 was to turn around the increasingly bleak trade picture, but the predicted improvement has so far proved to be elusive. Although officials have declined to pinpoint a timetable, they had acknowledged publicly that some improvement should be apparent in 1972.

Commerce yesterday blamed the faster rise of imports than of exports in part on the rapid rate of expansion in business activity in the U.S.—exceeding the expansion in the nations' major export markets—which acted as a stimulus to imports. In addition, the dollar devaluation at the end of 1971 caused prices of imports to be higher without reducing the volume any.

In December, imports totaled a seasonally adjusted $5.03 billion, unchanged from the record high of November. Exports were down 0.1 per cent in December to a seasonally adjusted total of $4.47 billion.

In the report on durable goods, Commerce said a $475 million decrease in new orders of transportation equipment, largely motor vehicles and parts, and a $185 million decline in electrical and nonelectrical machinery orders contributed to December's decline. Orders totaled a seasonally adjusted $11.56 billion in the machinery industry and $8.38 billion in the transportation equipment sector.

New orders were up to $55 million in primary metals in December to an adjusted total of $5.97 billion, Commerce said. In the supplementary series, new orders for household durables were down $173 million in December to a $3.04 billion total, while orders in the capital goods industries—related to future investment—were down $90 million to a $11.59 billion total.

New orders for durable goods totaled $36.88 billion in December after seasonal adjustment.

Durable goods shipments fell 1.5 per cent, or $550 million, to a seasonally adjusted $36.2 billion in December after a 1.8 per cent gain the month before. A $455 million decrease in shipments of transportation equipment, largely motor vehicles and parts, was partly offset by a $230 million increase in the primary metals industry.

Unfilled orders rose 0.8 per cent, or $679 million, to a seasonally adjusted $80.73 billion. The increase in unfilled orders in December primarily reflected a $595 gain in the machinery industries, Commerce said.

[From the Boston Globe, Jan. 25, 1973]

$6.4 BILLION LOSS TRIPLE 1971—UNITED STATES REPORTS WORST TRADE DEFICIT IN 1972

WASHINGTON.—The United States wound up 1972 with its worst trade deficit in history, $6.4 billion, more than triple the 1971 figure, the government said yesterday.

The net outflow of dollars from merchandise trade with other countries is now a major obstacle in bringing the nation's balance-of-payment deficit back into line, the Commerce Department report showed.

The annual deficit was the second in US trading accounts of this century. The other, in 1971, was $2 billion.

A trade deficit occurs when the value of foreign imports exceeds the value of US exports to other countries. Organized labor has criticized the deficit, saying it causes a loss of jobs in the United States and calling for Congress to erect more barriers to foreign imports.

The Nixon Administration is trying a different approach, seeking to use the world monetary system as the vehicle for turning the deficit around as well as negotiating an end of trade barriers to US goods.

The Commerce Department said that imports in 1972 totaled $55.5 billion while exports were $49.1 billion.

In December, the trade deficit was $563.2 million. It was the 15th straight month of red ink in US trade accounts.

The Department gave a number of reasons for the deterioration, the first being that the US economy has been performing so well.

This makes the United States the world's best market for foreign sellers, the Department said.

Another major reason was the devaluation of the dollar a year ago, a move that made US exports to other countries cheaper, but imports into this country more expensive.

But in 1972, the devaluation failed to have the effect of slowing down imports. They proved to be just as popular to Americans despite a higher price averaging a little over 8 percent. The more expensive goods merely added to the size of the deficit.

Officials hope the higher price for imports eventually will help the situation.

[From the Washington Star, Jan. 25, 1973]

U.S. FOREIGN TRADE DEFICIT MORE THAN TRIPLE IN YEAR

(By Lee M. Cohn)

The U.S. foreign trade deficit more than tripled to $6.439 billion last year, despite devaluation of the dollar and other efforts to strengthen the competitive position of American producers, the Commerce Department reported yesterday.

Last year's trade deficit—the excess of imports over exports—compared with a deficit of $2.014 billion in 1971. The 1971 deficit was the first since 1888.

Furthermore, the trade picture showed no signs of improvement at the end of 1972. The deficit edged up to $563.2 million in December, seasonally adjusted from $559.2 million in November and the biggest since June.

U.S. exports increased by 13 percent to $49.116 billion in all of 1972. But imports rose 22 percent to $55.555 billion, so the deficit widened sharply.

In December, seasonally adjusted exports totaled $4.466 billion and imports totaled $5.029 billion, showing no significant change from November.

Until 1971, the United States regularly had trade surpluses, selling substantially more abroad than was imported. These surpluses held down the deficits in the broader balance of payments which includes capital flows, foreign aid, overseas military outlays and other transactions as well as trade.

The shift to trade deficits at the same time as other elements were deteriorating led to huge deficits in the balance of payments and the weakening of the dollar.

REVALUATIONS NEGOTIATED

Devaluation of the dollar and upward revaluations of other major currencies, negotiated in December 1971, were aimed at restoring a U.S. trade surplus by making American exports cheaper and imports more expensive.

But the results so far have been disappointing. Nixon administration officials had expected a substantial reduction in the trade deficit by now and had predicted an approximate balance in 1973.

The trends recently indicate that there will be another substantial trade deficit this year, though probably a smaller one than in 1972.

The administration also hopes to negotiate for the reduction of foreign tariffs and other trade barriers. There is a strong movement in Congress, however, to attack the problem from the opposite direction, by curtailing U.S. imports.

BIG ITEMS NOTED

Big elements in the rise of imports in 1972 included increases of $1 billion for petroleum, $1 billion for metals and $1.4 billion for automotive vehicles, parts and engines. The number of autos imported declined, but average prices rose, so there was an increase of $620 million in imports of passenger cars.

U.S. agricultural exports rose $1.7 billion or 22 percent in 1972, including an increase of nearly $400 million in exports to the Soviet Union, which purchased huge quantities of grain. Nonagricultural exports increased $4.3 billion or 11 percent, led by a rise of $1.5 billion for capital goods.

The biggest U.S. deficit last year was in trade with Japan, which sold $4 billion more here than it imported from the United States, compared with a 1971 deficit of $3.2 billion.

THE INTEREST EQUALIZATION TAX—NO BRAKE ON OUTFLOW OF U.S. CAPITAL ABROAD

(Mr. VANIK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VANIK. Mr. Speaker, on Tuesday, January 30, a 1-day hearing will be held by the Ways and Means Committee on legislation to extend interest equalization tax for 2 more years.

This proposal is a mere palliative to the very critical problem of capital outflow from the United States. It is an attempt to meet a gargantuan problem with a fly swatter. The value of U.S. direct investments abroad already exceeds $100 billion. Cash continues to flow from America into direct equity investments abroad at a rate in excess of $6 billion per year. This represents a loss of 600,000 American jobs per year. The equalization tax has no effect on direct capital transfers by direct investment.

In recent years the horrendous capital outflow from the United States has occurred in equity investments in the developed world. Just last year we witnessed a huge capital outflow by American automobile manufacturers who bought almost a one-third interest in the Japanese automobile industry. These American dollars were transplanted in Japan and are now being used to create new jobs and new enterprises in that country.

In view of the massive invasion of American capital into Canada which is so seriously affecting the Canadian economy, the Canadians are now considering restraints on American capital investment.

Extensive American capital outflows into the developed nations serve to threaten our relationships in the free world which fears that America is endeavoring to buy up and control free world enterprise.

These capital outflows serve to increase interest rates in America and are steadily drying up the jobs which can be created and sustained by adequate capital resources.

I hope that the Members of this body will insist that equity investment in the developed countries be taxed or restrained until they are brought under more moderate levels. This amendment should be made to the interest equalization tax bill.

Our capital is our life blood—and if we continue to lose it this Nation will lose its vitality, its capacity to produce creatively and compete among the nations of the world.

ANNIVERSARY OF UKRAINIAN INDEPENDENCE

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, once again it is time to remind ourselves of the tragic history of Ukraine since that fateful time in 1920 when independence was stolen by the political unification of the U.S.S.R. The largest captive non-Russian nation, Ukraine has been struggling to regain the independence it lost after only 18 years.

The courageous people of Ukraine should take note that on this anniversary of Ukrainian independence the sympathies of the Congress of the United States and the people represented therein rest with them in their struggle for freedom and human dignity. I say our sympathies "rest," but we, like the noble people of Ukraine, can never, and will never, rest until the tyrannical repression of basic inalienable freedoms has been overcome.

A TRIBUTE TO COACH RALPH "SHUG" JORDAN OF AUBURN UNIVERSITY

(Mr. NICHOLS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. NICHOLS. Mr. Speaker, with the completion of the Pro Bowl in Texas, the 1972–73 football season came to an end. The talk around Washington, however, continues to be about Don Shula and his Miami Dolphins and of George Allen and his Washington Redskins.

However, at my alma mater, Auburn University, the talk continues to be about Ralph "Shug" Jordan, the head football coach for 22 years; Ralph "Shug" Jordan, the freshman football coach when I put on the orange and blue colors for the first time; Ralph "Shug" Jordan, the man who led Auburn to a national championship in 1957; Ralph "Shug" Jordan, the man who has compiled a 156–69–5 record; Ralph "Shug" Jordan, the man who took the 1972 Auburn team—predicted to win three or four games—and made them a national power.

Nineteen hundred and seventy-two was to be a rebuilding year for Auburn. Gone were All-Americans Pat Sullivan, winner of the Heisman Trophy, and Terry Beasley. "A dismal season," most experts said, but apparently nobody told Ralph "Shug" Jordan. If they did, he did not pass it on to his assistant coaches or his players. For Auburn, stopped only by LSU, went into the December 2 game with second ranked and undefeated Alabama with an 8–1 record. When the game was over, Auburn had won an upset victory and had a 9–1 record.

There was still one game left to play—the Gator Bowl—and the opponent was Big Eight power Colorado, a 13-point favorite. Colorado, however, went the same route followed by Alabama, Tennessee, Mississippi, and six others—the road to defeat—and Auburn and "Shug" Jordan had a 10–1 record, not bad for a team that was experiencing a "rebuilding year."

Ralph "Shug" Jordan was the main reason for this successful season. In recognition of this, the Nation's sportswriters picked him second in the annual voting for "Coach of the Year." But to the players, Ralph "Shug" Jordan is more than a coach. He is a teacher, a friend, an Alabamian, and an American.

Mr. Speaker, last week, the Auburn Plainsman, the Auburn University newspaper, did an indepth article on Coach Jordan. Written by Thom Botsford and John Duncan, the article is entitled, "An Afternoon Talk of Football, Auburn and Life in General." I would like to include this article in the CONGRESSIONAL RECORD so my distinguished colleagues might have the opportunity to read about this rare individual. I salute Coach Ralph "Shug" Jordan, a winning coach, a dedicated teacher, an understanding friend, a great Alabamian, and a true American.

An Afternoon Talk of Football, Auburn, and Life in General

(By Thom Botsford and John Duncan)

"No, I'll never leave Auburn; that's the way I've always felt Auburn is my cup of tea."

Coach Ralph "Shug" Jordan relaxes on a sofa in his modest, unassuming den and grins at his student press. Yes, he had said earlier in the week, he would be glad to talk about football, Auburn University, students, politics, alumni and old memories.

"Cup of tea," of course, is a Shugism like "You're so right, Carl." But the phrase doesn't sound trite or hackneyed coming from the Coach. His deep Southern accent, sparkling eyes, and comfortable mannerisms convey a simple sincerity which makes each comment seem totally credible and honest. And, besides, a man doesn't turn down an offer to coach the Philadelphia Eagles unless Auburn is his cup of tea.

"That was in 1955, you know, " Shug explains. "Yes, John and Thom, you can print that. But remember the important reason why I didn't accept the Philadelphia offer—Auburn University."

Unlike some coaches of note, Shug Jordan doesn't strive for winning teams and glory records simply for football's sake. Ask him what he wants from Auburn football: "I want the performance to be good and substansive, but just as an integral part of the University. Long ago, I realized that the improvement of the school as a whole could be achieved by building a great football program."

"At Homecoming, returning alumni need to get together and talk about something other than their work. Beyond a few sentences, there's not much alumni in different fields can discuss. Except, of course, Auburn football. That is a common topic, a meeting of minds, something that represents Auburn University for most everyone."

So, the man who has guided Auburn football to a 156-69-5 record over the past 22 years has never forgotten that alumni excited over the success of a winning team will probably become concerned about improving the school as a whole.

He points out that a new band building is being constructed because one alumnus, in search of good football tickets, realized the facility was needed.

"And, I remember when some dedicated alumni raised about $500,000 for the electrical engineering department. By the way, these were the same alumni—the same organization that had often helped us recruit players," he said.

In a sense, the Coach is at the helm of an effective lobbying machine, an organization specifically built to recruit football players while simultaneously selling the assets of Auburn University to the public at large. He often calls on alumni to contact prospective high school players about playing ball for Auburn. Such a task requires, of course, emphasizing the total environment of the school—academic quality, availability of entertainment, activities on campus.

How should one approach such a selling job? "It's not so hard," he says. "I just talk about the many advantages of Auburn. The campus is located in a small town, and although there are many more students here than 10 or 15 years ago, things aren't so crowded. You can be at the golf course in 5 minutes. You can go fishing in 10 minutes. Oh sure, there's a parking problem at times, but getting away from it all is possible in a few minutes. On the other hand, the cities are close enough for frequent visits—Atlanta and Birmingham are only a couple of hours away.

"As far as academics are concerned, we know Auburn is a lot better than some people give it credit for. Of course, veterinary medicine and fisheries are outstanding here. But so are other areas of study which have yet to gain a reputation because they have not been around so long. A while back, someone pointed out to me that the School of Business was not accredited and was on probation. Well, it was true but we discovered that school was too young for accreditation. It could be the best school in the country and still technically be on probation."

It is quite likely that many alumni who recruit players take tips on "selling Auburn" from Shug. Indeed, he has been talking about Auburn football and Auburn University for over two decades, making speeches to over 2200 clubs and organizations throughout the deep South.

Since some fans are calling the 1972 season "Shug's greatest ever," his speaking schedule through March 15 is loaded. There are quarterback clubs, touchdown clubs, Rotary Clubs, civic clubs galore that are calling on the Coach for a few words about "17-16," the Gator Bowl, and what kind of team is coming up next year. "It's a 14 month a year job" he claims, "and there are more than 365 speaking requests each year."

He's looking forward to some of the occasions, however. "There's 'Dave Beck Day' in Huntsville, 'Danny Sanspree Day' in Atmore, 'Johnny Simmons Day' in Childersburg and 'David Beverly Day" in Sweetwater among others."

Relations with fans and, especially alumni, haven't always been rosy. Shug recalls one incident in 1966 that would probably embarrass a few alumni if they were reminded about it today. "We had a 4-5 record going into the Alabama game in '66 and someone decided to call a meeting in Birmingham about what they were going to do with me. Dr. Philpott, who was also invited, was very protective of me and I am very thankful of that.

"Now, I caught wind of the meeting long before it took place and arranged for some of my friends to keep me informed as to what was going on. So, prior to our game with Alabama, my managers kept in touch with some people at the meeting and kept me informed. One minute a boy would run up to me and tell me that I was 'in'; the next minute I would hear that I was 'out.' Things got pretty hectic. Well, as you know, everything worked out, but the main things I was happy to learn about was that the alumni were concerned enough to want a top football program."

Besides the 4-6 record in 1966, Auburn has experienced only one other losing season under Jordan—1952. That's two "bad" seasons compared to 20 "good" ones. Still, the Coach doesn't say that losing is of no use to a team.

"Some great things have come out of losing. Adversity has eventually produced strong performances out of the right kind of people." Auburn teams, one has to conclude, have been composed out of the "right" kind of people.

The Auburn spirit is important to the Coach. But he likes to clarify why: "Some people get worked up about spirit and say that every brick on the campus has a soul. It's not that. It's Auburn people. Now, maybe we are three or four years behind Harvard as far as fads are concerned, but that simply means we have more time to think about things.

"There's been a certain amount of student unrest, but nothing like what happened at Columbia or Kent State. Maybe its the small town environment. Anyway, our spirit is a reflection of something constructive."

Occasionally, Shug feels that students and alumni need a gentle reminder to keep the faith when spirit is slipping. This year's team, for example, was obviously vastly underrated. Not many believed they would finish with a 10-1 record, fifth in the nation. So, the Coach needled the fans on his television show for their lack of faith early in the season.

"I was needling the student body, too," he said. "At the Tennessee game, I guess I was a little disappointed. When the game began, there was mostly silence from the student section—not too many "War Eagle's." It was almost placid. Of course, when the tempo picked up, the students woke up.

Such a comment, however, is only a benign chide. "I know I've said it so many times, but I say it sincerely: the student body has always been a favorite of mine. I love meeting with students and the student body. So many of them have gleams in their eyes, ready to meet a challenge. It gives me a lift."

Shug Jordan calls himself a "conservative" and insists that he is "not a very exciting person." A national reputation steeped in bright lights and pink cadillacs, he claims, is not his style.

"I'm concerned with people in the deep South, not those in places like Tacoma, Washington. The South is our bread and butter. That's where most of our players are from and where most of our students are from," he says.

And he doesn't mind discussing politics. "Sometimes I wonder about all of the politicking this University does to get funds from the legislature. I guess the wining and dining is necessary, but personally I would rather approach it differently. We have a great institution here. That's all we should have to point out. We can stand on our record. We are worthy of whatever money we get and more."

With complete candor, he adds: "That's something I can't really understand about Auburn, though. The city has never voted for George Wallace. Now Opelika has and the county has. But not Auburn. Nevertheless, look at all the improvements that have been made for the campus during the Wallace years. There's the library, Haley Center and other elaborate buildings and improvements.

"Some of my close professor friends—I jokingly call them penheads sometimes—can come up with plenty of arguments but they miss the point."

"What about Wallace's early racial record?

"Maybe the schoolhouse stand was a bit much, but hasn't every Southern politician said the same things?" And look at Hugo Black. He got a reputation through the Klan and turned out to be a liberal justice.

"I'm strong on states' rights. Sometimes I think we're going too fast and that can cause problems. We're trying to undo over a hundred years of history in few years," he states in a way that is anything but obnoxious."

It's simply his opinion, take it or leave it.

Yet, Shug Jordan is *not insensitive* to the social pressures felt by minority students. He has felt them himself. In the 1920's he was a Roman Catholic living in the very Southern town of Selma, Alabama.

"Back then, Catholic doctrine was much more rigid. And those were the days when Catholics were discriminated against. But, somehow, that didn't stop me in YMCA basketball. For example, I captained the Baptist team, the Episcopal team, and, once, even the Jewish team."

Perhaps the hardest blow came when Jordan lost his first job as a high school coach because he was a Catholic.

"Discrimination can either repress you or give you determination to overcome the situation. Yes, I believe in equal opportunity, but let's be sure it's equal. Not more. People should earn success," he believes.

The topic of "civil rights" prompts Shug to observe. "I'm concerned about the civil rights of coaches. There's a regulation that holds me responsible for what alumni and players might do when I'm not looking. How am I to know if an alumnus gives a prospective player $20 in Huntsville one night?"

Talking of this year's team, he speaks of the virtues of hard work and discipline.

"Self-discipline is a cornerstone to life—if you're going to move 500 people across a field, you've got to have discipline and order. And, in almost any occupation, discipline is essential. So often you're called on to instill discipline. And, to know how to teach it, you must go through it."

Although the Coach is a celebrated veteran of World War II (his list of military honors used to appear in campus press biographies, but Shug tired of the "whole damn routine" and had the mention removed.), he doesn't take discipline to the extreme.

"The athletic situation here is not as regimented as one might think," he says. "We can be flexible. We used to have two full pages of training regulations. Now, we have four lines. We just ask our players to pay the price necessary to play good football. And, for the most part, there's no problem."

"I know the campus has lost some of the intimacy among students that it once had when it was smaller. When I was a student we interacted with people from all departments and all areas of study. We knew the professors and even nicknamed them. One was called 'Windy' because he was long winded. Another was 'Papa' because he was a daddy to everyone, and one was called 'London' because he seemed like he was always in a fog."

"Activities like football should bring people together like that. I'm glad it's a cross-section." These sentences are spoken with an affection for a rich past and a desire to translate it into the present.

There is one last question: "Coach, tons of newspaper copy has been written about you. Has the press treated you fairly?" Such a question generally prompts a few colorful complaints from anyone who has to meet the press frequently.

"I have no media quarrel," he responds. "Ninty-nine point nine per cent of the writers have been fair to me. Sometimes the Florida press is somewhat radical, but that's about it."

His time for photographs in the back yard. Shug gets up after autographing a few glossy prints of himself for brothers, sisters, and friends of the student press.

He knows how to pose for a photograph There is no pretense or exaggerated humility. There is just Shug: a relaxed torso, a smile conveying a confident sense of peace, neat dress, hair parted slightly to one side of his head.

"Let's walk around the back yard," he says. "There are the pecan trees that Mrs. Jordan planted in 1955. The late Benny Marshall had written then that when Mrs. Jordan plants pecan trees in a certain place, she and her husband are there to stay."

Shug's two basset hounds Beau and Tally are raising a fuss. He shows them off friendly, comical animals resembling the hound on a Hush Puppies box.

Then, he explains the significance of a white bench that sits under the long branches of back yard trees.

"That comes from the old Alumni Gym. When I was basketball coach, we gave it a lot of wear."

It's time to leave but the friendly chatter is difficult to halt. Shug thanks the writers and photographer and encourages them to come back and visit! A rewarding afternoon chat with Ralph "Shug" Jordan is over.

PROVIDING FOR CONGRESSIONAL JURISDICTION OVER THE U.S. POSTAL SERVICE

(Mr. GROSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GROSS. Mr. Speaker, I am today introducing legislation which is designed to recapture some measure of congressional jurisdiction over the U.S. Postal Service.

In brief, my bill will require the Postal Service to obtain annual authorizations for the two appropriations it now receives from the Federal Treasury as a public service subsidy and for "revenue foregone" due to preferential postal rates on so-called nonprofit mailings.

In other words, the managers of the Postal Service will be required each year to appear before the Post Office and Civil Service Committees of the Senate and House and justify their request for expenditures of tax dollars to make up the difference between postal revenues and postal costs.

Another provision of my bill should not be necessary under normal circumstances, but I feel is essential to reestablishing a proper relationship between the Congress and the Postal Service. That is the language which requires the Postal Service to keep the two Post Office Committees of the House and Senate "fully and currently informed with respect to all activities and responsibilities within the jurisdiction of these committees." I am sure that each Member of this House has had some experience in trying to elicit information from the Postal Service on just what is going on down there and how taxpayers' money is being spent.

Mr. Speaker, among the many mistakes the Congress made in enacting the Postal Reorganization Act of 1971, certainly one of the worst was cutting this vital public service adrift in a bureaucratic limbo with the Postmaster General, his deputy, and all the other high salaried managers accountable to no elected official of the Federal Government—either in the executive or legislative branch.

From all over America there is developing a rumble of discontent and dissatisfaction with the current quality of postal service, which is developing into an alarming crescendo. The complaints that are pouring in to Members of Congress and the critical editorial comments in newspapers large and small are unprecedented—at least in my 24 years of service in this body.

Whether we like it or not, public pressure will force the Congress to get involved with the rapid deterioration of our vital national communications system.

The bill I introduce, Mr. Speaker, will reassert the public's right to full and current disclosure of postal activities when those activities involve the public money.

Enactment of my bill is essential in order to bring back to the Congress the control and scrutiny over the postal service which we should never have given up in the first place.

THE FIRST REORGANIZATION PLAN OF THE NEW SESSION

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the Record, and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, the President has today sent to the Congress his first reorganization plan of the new session.

While this plan should of course be carefully studied, it appears to have been most logically drafted.

The President is determined to reduce sharply the size of his Executive Office. To that end, he has decided to shift a number of operational and program functions out of the Executive Office into the line departments and agencies of the Government.

As outlined in the President's message of transmittal, Reorganization Plan No. 1 seems to make a great deal of sense.

The plan would abolish the Office of Science and Technology and transfer its functions back to the National Science Foundation. It would abolish the National Aeronautics and Space Council on the basis that this body no longer is needed. It would dismantle the Office of Emergency Preparedness and transfer its functions to the Department of Housing and Urban Development, the General Services Administration, and the Treasury Department.

The President is seeking to restructure his Executive Office. He is personally convinced his plans would promote greater efficiency. I believe Congress should concur in his plans.

PROGRAM FOR THE BALANCE OF THIS WEEK AND THE WEEK OF JANUARY 29, 1973

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent to proceed for 1 minute for the purpose of asking the distinguished majority whip the program for the remainder of the day and week, if any, and the schedule for next week.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. McFALL. Mr. Speaker, if the gentleman will yield.

Mr. GERALD R. FORD. Mr Speaker, I yield to the gentleman from California.

Mr. McFALL. The program of the House of Representatives for the week of January 29 is as follows:

On Monday the House will meet to receive the budget message from the President.

On Wednesday the business will be House Resolution 132, on Select Committee to Study Committee Structure, subject to a rule being granted by the Rules Committee.

Any further program will be announced later.

Mr. GERALD R. FORD. There is no further business for this week?

Mr. McFALL. There is no business for the rest of the week. However, it is possible there may be some resolutions.

Mr. GERALD R. FORD. Routine.

Mr. McFALL. Routine resolutions, gentleman from California to reiterate an announcement that was made earlier this week concerning the 3 o'clock meeting with Dr. Kissinger.

Mr. McFALL. Yes. We will notify all of the Members in their offices that Dr. Kissinger will be in the House Ways and

Means Committee room at 3 o'clock this afternoon to discuss the Vietnam war settlement and to answer questions of Members concerning that settlement.

The **SPEAKER.** The gentleman refers to the committee room in the Longworth Building; is that correct?

Mr. **McFALL.** Yes, Mr. Speaker.

AUTHORIZING CLERK TO RECEIVE MESSAGES FROM SENATE AND SPEAKER TO SIGN ENROLLED MEASURES DULY PASSED AND TRULY ENROLLED, NOTWITHSTANDING ADJOURNMENT

Mr. **McFALL.** Mr. Speaker, I ask unanimous consent that, notwithstanding the adjournment of the House until Monday next, the clerk be authorized to receive messages from the Senate, and that the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The **SPEAKER.** Is there objection to the request of the gentleman from California?

There was no objection.

REORGANIZATION PLAN NO. 1, 1973—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 93–43)

The **SPEAKER** laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Government Operations and ordered to be printed:

To the Congress of the United States:

On January 5 I announced a three-part program to streamline the executive branch of the Federal Government. By concentrating less responsibility in the President's immediate staff and more in the hands of the departments and agencies, this program should significantly improve the services of the Government. I believe these reforms have become so urgently necessary that I intend, with the cooperation of the Congress, to pursue them with all of the resources of my office during the coming year.

The first part of this program is a renewed drive to achieve passage of my legislative proposals to overhaul the Cabinet departments. Secondly, I have appointed three Cabinet Secretaries as Counsellors to the President with coordinating responsibilities in the broad areas of human resources, natural resources, and community development, and five Assistants to the President with special responsibilities in the areas of domestic affairs, economic affairs, foreign affairs, executive management, and operations of the White House.

The third part of this program is a sharp reduction in the overall size of the Executive Office of the President and a reorientation of that office back to its original mission as a staff for top-level policy formation and monitoring of policy execution in broad functional areas. The Executive Office of the President should no longer be encumbered with the task of managing or administering programs which can be run more effectively by the departments and agencies. I have therefore concluded that a number of specialized operational and program functions should be shifted out of the Executive Office into the line departments and agencies of the Government. Reorganization Plan No. 1 of 1973, transmitted herewith, would effect such changes with respect to emergency preparedness functions and scientific and technological affairs.

STREAMLINING THE FEDERAL SCIENCE ESTABLISHMENT

When the National Science Foundation was established by an act of the Congress in 1950, its statutory responsibilities included evaluation of the Government's scientific research programs and development of basic science policy. In the late 1950's, however, with the effectiveness of the U.S. science effort under serious scrutiny as a result of sputnnk, the post of Science Adviser to the President was established. The White House became increasingly involved in the evaluation and coordination of research and development programs and in science policy matters, and that involvement was institutionalized in 1962 when a reorganization plan established the Office of Science and Technology within the Executive Office of the President, through transfer of authorities formerly vested in the National Science Foundation.

With advice and assistance from OST during the past decade, the scientific and technological capability of the Government has been markedly strengthened. This administration is firmly committed to a sustained, broad-based national effort in science and technology, as I made plain last year in the first special message on the subject ever sent by a President to the Congress. The research and development capability of the various executive departments and agencies, civilian as well as defense, has been upgraded. The National Science Foundation has broadened from its earlier concentration on basic research support to take on a significant role in applied research as well. It has matured in its ability to play a coordinating and evaluative role within the Government and between the public and private sectors.

I have therefore concluded that it is timely and appropriate to transfer to the Director of the National Science Foundation all functions presently vested in the Office of Science and Technology, and to abolish that office. Reorganization Plan No. 1 would effect these changes.

The multi-disciplinary staff resources of the Foundation will provide analytic capabilities for performance of the transferred functions. In addition, the Director of the Foundation will be able to draw on expertise from all of the Federal agencies, as well as from outside the Government, for assistance in carrying out his new responsibilities.

It is also my intention, after the transfer of responsibilities is effected, to ask Dr. H. Guyford Stever, the current Director of the Foundation, to take on the additional post of Science Adviser. In this capacity, he would advise and assist the White House, Office of Management and Budget, Domestic Council, and other entities within the Executive Office of the President on matters where scientific and technological expertise is called for, and would act as the President's representative in selected cooperative programs in international scientific affairs, including chairing such joint bodies as the U.S.–U.S.S.R. Joint Commission on Scientific and Technical Cooperation.

In the case of national security, the Department of Defense has strong capabilities for assessing weapons needs and for undertaking new weapons development, and the President will continue to draw primarily on this source for advice regarding military technology. The President in special situations also may seek independent studies or assessments concerning military technology from within or outside the Federal establishment using the machinery of the National Security Council for this purpose, as well as the Science Adviser when appropriate.

In one special area of technology—space and aeronautics—a coordinating council has existed within the Executive Office of the President since 1958. This body, the National Aeronautics and Space Council, met a major need during the evolution of our nation's space program. Vice President Agnew has served with distinction as its chairman for the past four years. At my request, beginning in 1969, the Vice President also chaired a special Space Task Group charged with developing strategy alternatives for a balanced U.S. space program in the coming years.

As a result of this work, basic policy issues in the United States space effort have been resolved, and the necessary interagency relationships have been established. I have therefore concluded, with the Vice President's concurrence, that the Council can be discontinued. Needed policy coordination can now be achieved through the resources of the executive departments and agencies, such as the National Aeronautics and Space Administration, augmented by some of the former Council staff. Accordingly, my reorganization plan proposes the abolition of the National Aeronautics and Space Council.

A NEW APPROACH TO EMERGENCY PREPAREDNESS

The organization within the Executive Office of the President which has been known in recent years as the Office of Emergency Preparedness dates back, through its numerous predecessor agencies, more than 20 years. It has performed valuable functions in developing plans for emergency preparedness, in administering Federal disaster relief, and in overseeing and assisting the agencies in this area.

OEP's work as a coordinating and supervisory authority in this field has in fact been so effective—particularly under the leadership of General George A. Lincoln, its director for the past four years, who retired earlier this month after an exceptional military and public service career—that the line departments and agencies which in the past have shared in the performance of the various preparedness functions now possess the capability to assume full responsibility for those functions. In the interest of efficiency and economy, we can now further streamline the Executive Office of the President by formally relocating those responsibilities and closing the Office of Emergency Preparedness.

I propose to accomplish this reform in two steps. First, Reorganization Plan No. 1 would transfer to the President all functions previously vested by law in the Office or its Director, except the Director's role as a member of the National Security Council, which would be abolished; and it would abolish the Office of Emergency Preparedness.

The functions to be transferred to the President from OEP are largely incidental to emergency authorities already vested in him. They include functions under the Disaster Relief Act of 1970; the function of determining whether a major disaster has occurred within the meaning of (1) Section 7 of the Act of September 30, 1950, as amended, 20 U.S.C. 241-1, or (2) Section 762(a) of the Higher Education Act of 1965, as added by Section 161(a) of the Education Amendments of 1972, Public Law 92-318, 86 Stat. 288 at 299 (relating to the furnishing by the Commissioner of Education of disaster relief assistance for educational purposes); and functions under Section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862), with respect to the conduct of investigations to determine the effects on national security of the importation of certain articles.

The Civil Defense Advisory Council within OEP would also be abolished by this plan, as changes in domestic and international conditions since its establishment in 1950 have now obviated the need for a standing council of this type. Should advice of the kind the Council has provided be required again in the future, State and local officials and experts in the field can be consulted on an ad hoc basis.

Second, as soon as the plan became effective, I would delegate OEP's former functions as follows:

All OEP responsibilities having to do with preparedness for and relief of civil emergencies and disasters would be transferred to the Department of Housing and Urban Development. This would provide greater field capabilities for coordination of Federal disaster assistance with that provided by States and local communities, and would be in keeping with the objective of creating a broad, new Department of Community Development.

OEP's responsibilities for measures to ensure the continuity of civil government operations in the event of major military attack would be reassigned to the General Services Administration, as would responsibility for resource mobilization including the management of national security stockpiles, with policy guidance in both cases to be provided by the National Security Council, and with economic considerations relating to changes in stockpile levels to be coordinated by the Council on Economic Policy.

Investigations of imports which might threaten the national security—assigned to OEP by Section 232 of the Trade Expansion Act of 1962—would be reassigned to the Treasury Department, whose other trade studies give it a ready-made capability in this field; the National Security Council would maintain its supervisory role over strategic imports.

Those disaster relief authorities which have been reserved to the President in the past, such as the authority to declare major disasters, will continue to be exercised by him under these new arrangements. In emergency situations calling for rapid interagency coordination, the Federal response will be coordinated by the Executive Office of the President under the general supervision of the Assistant to the President in charge of executive management.

The Oil Policy Committee will continue to function as in the past, unaffected by this reorganization, except that I will designate the Deputy Secretary of the Treasury as chairman in place of the Director of OEP. The committee will operate under the general supervision of the Assistant to the President in charge of ecnomic affairs.

DECLARATIONS

After investigation, I have found that each action included in the accompanying plan is necessary to accomplish one or more of the purposes set forth in Section 901(a) of title 5 of the United States Code. In particular, the plan is responsive to the intention of the Congress as expressed in Section 901(a)(1), "to promote better execution of the laws, more effective management of the executive branch and of its agencies and functions, and expeditious administration of the public business;" and in Section 901(a)(3), "to increase the efficiency of the operations of the Government to the fullest extent practicable;" and in Senate 901(a)(5), "to reduce the number of agencies by consolidating those having similar functions under a single head, and to abolish such agencies or functions as may not be necessary for the efficient conduct of the Government."

While it is not practicable to specify all of the expenditure reductions and other economies which will result from the actions proposed, personnel and budget savings from abolition of the National Aeronautics and Space Council and the Office of Science and Technology alone will exceed $2 million annually, and additional savings should result from a reduction of Executive Pay Schedule positions now associated with other transferred and delegated functions.

The plan has as its one logically consistent subject matter the streamlining of the Executive Office of the President and the disposition of major responsibilities currently conducted in the Executive Office of the President, which can better be performed elsewhere or abolished.

The functions which would be abolished by this plan, and the statutory authorities for each, are:

(1) the functions of the Director of the Office of Emergency Preparedness with respect to being a member of the National Security Council (Sec. 101, National Security Act of 1947, as amended, 50 U.S.C. 402; and Sec. 4, Reorganization Plan No. 1 of 1958);

(2) the functions of the Civil Defense Advisory Council (Sec. 102 (a) Federal Civil Defense Act of 1950; 50 U.S.C. App. 2272 (a)); and

(3) the functions of the National Aeronautics and Space Council (Sec. 201, National Aeronautics and Space Act of 1958; 42 U.S.C. 2471).

The proposed reorganization is a necessary part of the restructuring of the Executive Office of the President. It would provide through the Director of the National Science Foundation a strong focus for Federal efforts to encourage the development and application of science and technology to meet national needs. It would mean better preparedness for and swifter response to civil emergencies, and more reliable precautions against threats to the national security. The leaner and less diffuse Presidential staff structure which would result would enhance the President's ability to do his job and would advance the interests of the Congress as well.

I am confident that this reorganization plan would significantly increase the overall efficiency and effectiveness of the Federal Government. I urge the Congress to allow it to become effective.

RICHARD NIXON.

THE WHITE HOUSE, *January 26, 1973.*

REPORT ON CASH INCENTIVE PROGRAM TO REWARD MILITARY PERSONNEL—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Armed Services:

To the Congress of the United States:

Recognizing that our military forces must always maintain a high degree of preparedness, the Congress in 1965 authorized a cash incentive program to reward military personnel for imaginative suggestions, inventions and scientific achievements.

Today I am pleased to forward to the Congress the reports of the Secretary of Defense and the Secretary of Transportation on cash awards made during fiscal year 1972. Tangible benefits resulting from suggestions submitted by military personnel that were adopted during that year totalled more than $107 million, bringing the total first-year savings for taxpayers from this worthwhile program to $661 million.

Of the 157,195 suggestions which were submitted by military personnel during the reporting period, 24,580 were adopted. Cash awards totalling $1,822,762 were paid for these adopted suggestions. Enlisted personnel received $1,502,660 in awards, representing 82 percent of the total cash awards paid. The remaining 18 percent was received by officer personnel and amounted to $320,102.

The reports of the Secretary of Defense and the Secretary of Transportation contain more detailed statistical information on the military awards program and also include a few brief descriptions of some of the better ideas of our military personnel during fiscal year 1972. For example, two Air Force sergeants were awarded a total of $25,000 for suggesting a modification to the F-105 weapons control system. Their new idea improved the combat capability of the aircraft, enhanced the safety of aircrews in the Southeast Asia Theater of lion of the taxpayers' money in the first operations and saved more than $25 mil- year.

I commend these reports to the attention of the Congress.

RICHARD NIXON.

THE WHITE HOUSE, *January 26, 1973.*

REPORT ON ALASKA RAILROAD, BY DEPARTMENT OF TRANSPORTATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce:

To the Congress of the United States:

In accordance with the requirement of Section 4 of the Alaska Railroad Act (43 U.S.C. 975g), I hereby transmit the annual report by the Department of Transportation on the administration of the Alaska Railroad.

RICHARD NIXON.

THE WHITE HOUSE, *January 26, 1973.*

REPORT ON AUTOMOTIVE PRODUCTS TRADE ACT OF 1965—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Ways and Means:

To the Congress of the United States:

I hereby transmit the sixth annual report on the Automotive Products Trade Act of 1965. That act authorized United States implementation of an automotive products agreement with Canada designed to create a broader United States-Canadian market for automotive products. Included in this annual report is information on automotive trade, production, prices, employment and other information relating to activities under the act during 1971.

RICHARD NIXON.

THE WHITE HOUSE, *January 26, 1973.*

REPORT OF THE UNITED STATES-JAPAN COOPERATIVE MEDICAL SCIENCE PROGRAM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 93-44)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce and ordered to be printed:

To the Congress of the United States:

I am pleased to send to the Congress the Sixth Annual Report of the United States-Japan Cooperative Medical Science Program.

This joint research effort in the medical sciences was undertaken in 1965 following a meeting between the Prime Minister of Japan and the President of the United States.

During 1972 it continued to concentrate on research in the prevention and cure of a number of diseases which are widespread in Asia.

In addition, during the past year, the scientific scope of this program was enlarged to include studies of methods to evaluate certain types of cancer which may be related to environmental pollution. A detailed review of the program's activities in leprosy and parasitic diseases was also completed, and a decision made to continue work in these areas.

The sustained success of this biomedical research program reflects its careful management, its continuously refined scientific focus, and the strong commitment to it by both of our countries. The increasingly effective research planning and communication between investigators in our two countries has intensified our scientific productivity and strengthened our determination to work together toward better health for all mankind.

RICHARD NIXON.

THE WHITE HOUSE, *January 26, 1973.*

REPORT OF NATIONAL COUNCIL ON THE ARTS AND NATIONAL ENDOWMENT FOR THE ARTS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, referred to the Committee on Education and Labor:

To the Congress of the United States:

It gives me great pleasure to transmit to the Congress the Annual Report of the National Council on the Arts and the National Endowment for the Arts for fiscal year 1972.

This Nation's cultural heritage is a source of enormous pride. It is also a source of communication, of ideas, of joy and beauty. And increasingly—and perhaps most important—it is a source of creative self-expression for countless millions of Americans.

As this Annual Report shows, the National Endowment for the Arts has an outstanding record of accomplishment in advancing the artistic development of the Nation. Its funds during the year under review, $29,750,000, were nearly double those of the previous year. Through its programs, the Endowment provides essential support for our famous cultural institutions—our opera, theatre, dance companies, our orchestras, our museums. The Endowment encourages our finest artists, providing new opportunities to gifted young creators and perfomers to expand their talent and to develop their careers. And the Endowment makes available to all of our people the very best our artists can do.

Under the guidance of the National Council on the Arts, the Endowment has effectively used its monies not only to support a wide range of cultural activities, but also to stimulate increased private support for the arts. I view this as essential, for if the arts are to flourish, the broad authority for cultural development must remain with the people of the Nation—not with government.

As our Bicentennial approaches, the cultural activities of America will take on even greater importance. Our art expresses the ideals, the history, the life of the Nation. The cultural heritages of all nations whose citizens came to this country are part of the American heritage. The richness and diversity that characterize the whole of art in the United States reflect both our history and the promise of our future.

I invite every Member of Congress to share my pleasure at the many fine achievements of the National Council on the Arts and the National Endowment for the Arts. And I urge the Congress to continue to make available to the Endowment the resources it needs to fulfill its hopeful task of bringing a more vital life to our Nation.

RICHARD NIXON.

THE WHITE HOUSE, *January 26, 1973.*

EDITORIAL COMMENT ON THE LIFE AND TIMES OF PRESIDENT TRUMAN

The SPEAKER. Under a previous order of the House, the gentleman from Missouri (Mr. RANDALL) is recognized for 60 minutes.

Mr. RANDALL. Mr. Speaker, in remarks previously made on the floor of the House referring to newspaper comments on the life of Mr. Truman, I have heretofore included editorials by the newspaper of his home city, the Independence Examiner of Independence, Mo., the large neighboring metropolitan paper to the west, the Kansas City Star, and the two metropolitan dailies from the St. Louis area, the St. Louis Globe-Democrat and the St. Louis Post-Dispatch.

At this time it is my privilege to preserve for the record the comments of two other leading newspapers in our State, a great newspaper in Northwest Missouri, the St. Joseph, Mo., News-Press, and an excellent newspaper which serves what we in Missouri call the Ozark Empire, the Springfield, Mo., Leader-Press.

Mr. Speaker, each editor has contributed his own special treatment or viewpoint on the traits of character and personal qualities of our first citizen of Missouri, former President Truman. In many instances, the same conclusion is reached but by using different language. In some instances, there is included the recollection of an incident of personal association with Mr. Truman.

The editor of the St. Joseph, Mo., News-Press, headlines his comments, "Harry S Truman, Man of the People." In this particular appraisal, the writer points out that Mr. Truman never lost the common touch because he was always able to relate himself to the little man. To the man of the street, Harry S Truman became almost an idol. Another facet of his character which this writer dwells upon has never been so well expressed as when it is said, "rule 1, page 1, in his book of politics was 'loyalty.'" He lived up to that rule himself and expected others to do the same. The editorial follows:

[From the St. Joseph (Mo.) News-Press, Dec. 27, 1972]

HARRY S TRUMAN, MAN OF THE PEOPLE

He met on equal footing with the other great and powerful men of the world. He rose from a Missouri farm to the Presidency of the United States where he made some of the most important decisions in history.

Yet he never lost the common touch.

That was Harry S Truman, 33d President of the United States, who died Tuesday nearly 20 years after he had left the White House.

First, last and always he was a man of the people. The greatness of the office he held, the power he wielded never went to his head. The friends he had in the days when he was a county judge in Jackson County were still his friends when he was President.

To the little man, to the man in the street, Harry Truman was an idol. They related him to themselves, impressed by his courage, sincerity, boldness in action, and willingness to tread on important toes when he thought the situation justified it.

Some men, given great power, swell. Others grow. Harry Truman grew.

Probably no President in the history of this nation made as many great and fateful decisions as fell to his lot. He made them after due thought, but, once he made them, he did not look back. He knew that would do no good. He knew that he had acted always in what he believed were the best interests of his fellow countrymen.

It fell to his lot to succeed President Franklin D. Roosevelt as Chief Executive in the waning days of World War II in Europe. He was to preside less than a month later—on May 8, 1945—when the surrender of the Nazi forces of Germany came. Four months later it was President Truman who announced the surrender of Japan, the end of the World War II.

It was his role in history to bring the United Nations actively into being, to aid the battered and bruised nations with the Marshall Plan. He directed the airlift that saved Berlin during its beleaguered days. Too, it became his duty to fire General Douglas MacArthur when he decided the popular general was overstepping his authority, disobeying orders from the President.

He was a man who could stand up against political heat, and who frequently did. No one bluffed him. In 1948 he pulled off the greatest political upset in history when he won election to the Presidency in his own right when all the cards seemed so thoroughly stacked against him. The little man, the people had so long befriended, came to the fore to give him that victory.

He clashed with powerful John L. Lewis, the miners' head, and John L. Lewis lost. "Give me 'em hell, Harry" became part of the political language due to the manner in which we went after his political enemies from the rostrum.

Rule one, page one, in his book of politics was "Loyalty." He lived up to that rule himself and expected others to do the same.

No one who ever knew Harry Truman ever will forget him. He was a man who made deep and lasting impressions.

And now he is gone. A great patriot, a great American, a great United States Senator, and a great President whose stature mounted and mounted and mounted after he departed the White House. He belongs now only to history which will give him the justice he so greatly earned.

Peace to his fighting yet always friendly spirit!

Southwest Missouri never returned large majorities for Mr. Truman in either of his two races for the U.S. Senate. However, when he ran for the presidency in 1948, he carried most of the counties of the Ozark area which traditionally are never very enthusiastic for a democratic candidate. In that year most of them voted for him because they recognized that a Missourian was in the race for the presidency, and when it became a match between Mr. Truman and the little man from New York, the choice to vote for a Democrat became much more palatable.

In my judgment, the editor from the Springfield, Mo., Leader-Press reflects some of that feeling in the Ozark area when he writes his story on the subject of, "as we remember Harry S Truman." The writer quite frankly admits that his newspaper voiced vehement disagreement with Mr. Truman as U.S. Senator and as President, but that his home State nearly always was friendly to him even though all of its citizens did not completely agree with his programs or his proposals.

The editor also quite appropriately takes the space to emphasize that one of the personal characteristics of Mr. Truman which guided his entire life was the trait of personal honesty which served as a foundation for his belief that public office is a public trust. It is quite appropriate to note that, although he remained loyal to Tom Pendergast, never in any single instance did the Kansas City machine's corruption rub off on its member, Harry S Truman. The editorial follows:

[From the Springfield (Mo.) Leader-Press, Dec. 27, 1972]

AS WE REMEMBER HARRY TRUMAN

Harry Truman, incorruptible, loyal, tough-minded, blunt-spoken former President of the United States, has lost his typically valiant fight against the ravages of heart, lung and kidney ailments.

Despite his 88 years, Mr. Truman had twice fought his way off the critical list during this final illness in a Kansas City hospital. But the third time, it was too much for him, and now he has gone.

He will be sorely missed. During his years as a U.S. Senator and as President, he had made some enemies. At times, this newspaper voiced vehement disagreement with him. But few men who reached a position of prominence have ever enjoyed more friends than Harry Truman did, and the fact that a host of them were residents of his home town of Independence, Mo., and his home state generally says a great deal.

A considerable number of those friends were here in Springfield at one time, though most of them have long since left us. As a judge of the Jackson County court and as senator, he was a frequent visitor here, counseling and socializing with colleagues who were leaders of the Democratic party in these parts.

During World War I, he commanded Battery D, 129th Field Artillery, of the 35th Division, in which he served as father-confessor as well as leader to his men. As long as his health permitted, he never failed to attend the spring reunions of the dwindling roster of Battery D, including one in Springfield while he was President. Several of his former battery mates kept a steady vigil at the hospital where he waged his last fight.

After the war, he ran a small haberdashery in downtown Kansas City. It failed in 1921 under the burden of a heavy debt. It took Mr. Truman about nine years after that, but he paid off every dollar of that debt.

While Mr. Truman was serving as a county judge, Tom Pendergast, notorious Missouri Democratic boss, picked him to run for the Senate and saw him elected. By the time his first term expired six years later, Pendergast was in jail, his machine discredited. Mr. Truman ran for re-election without his help, and with very little money, and barely won renomination. And he remained loyal to Tom Pendergast through it all, and through it all none of the machine's alleged corruption rubbed off on him.

The rest of his political history is well-known to Americans who can remember as far back as the 1930s—his genuinely reluctant acceptance of the vice presidential nomination at the insistence of President Franklin D. Roosevelt; his anguished accession to the presidency after Mr. Roosevelt's death; the awesome and world-shaking decision he had to make to drop the atomic bomb on Japan; his stubborn and victorious battle for re-election against Thomas E. Dewey in 1948.

Just before his 80th birthday, he surveyed the collection of memorabilia of his historic administrations in the Truman Library in Independence and announced his intention of living to be 90 because "there's at least 10 more years of work to be done around here." But he didn't make it—quite. His failing health prevented him from keeping a regular schedule at the library some months ago. But he still worked at his home with his secretary, Miss Rose Conway, and he still spent some time studying history, his favorite subject, until his final illness.

Goodbye, Captain Harry, President Harry, Friend Harry. It probably would be inappropriate to remind you just now, as your supporters often did in former years, to "give 'em hell." But you'll know what we mean.

THE TWO-PARTY SYSTEM AND THE FUTURE OF THE DEMOCRATIC PARTY

The SPEAKER. Under a previous order of the House, the gentleman from Florida (Mr. BENNETT) is recognized for 15 minutes.

Mr. BENNETT. Mr. Speaker, it is essential to American political life that we have two strong political parties. There is a need for one party, through the process of election, to be the one in power at a particular time; and a need for the other party to be the party of constructive criticism. Only in this way can the people of our country have the best possible government at a particular time.

As an officeholder who was elected as a Democrat and who has held office as such for more than 25 years, I would like to express my views at this time concerning the future of the Democratic Party, and to say some things about the two-party system, and the two fine parties we have here in the United States.

There has been much gnashing of teeth among loyal Democrats since the election, caused by the failure to elect the Democratic nominee to the Presidency. Many persons who have previously been registered as Democrats in my home State of Florida have switched their registration to the Republican Party in recent years. Of course, they have a perfect right to do so, and they should do so if they find the other party once more suited to do what they think should be done in the country. Many people suggest that there should be a realinement of parties in America, so that all conservatives would be in the Republican Party and all liberals in the Democratic Party. This would be a great mistake, for the polarization of parties in this fashion would not best serve our country.

There is a need within each party for liberals and conservatives to express their views and to come forward with a party platform based upon the adjustments and compromises that are needed to bring about progress within the realms of reality and fiscal commonsense.

By having both liberals and conservatives in the same party, the stance of each party will achieve more realism and more practicality than would be possible if the parties were polarized into one massive group of liberals and one massive group of conservatives.

After these adjustments of reality occur in each party, then the clash, or competition, takes place between the parties; and another adjustment takes place again in the direction of realism and practicality. The result of this type of party structure is that the people obtain their idealistic goals in the context of practicality, and that is how it should be. This provides the stability in government we need.

Although we do not have the parliamentary system of England, we do have the constitutional system which grew out of the English system and it might be wise for us to look briefly at the English system from which our system came.

The right to oppose government was won by Cromwell and his Roundheads in England. There was established from then on, with brief interruptions, a government and a loyal opposition.

This system contrasts with the one-party system of such countries as Russia and China today. The foundation of those other systems is the suppression of political opposition. Khrushchev put it succinctly when he was here in America some years ago and he said in response to a criticism of the one-party system "Why should I let any man put a flea in my shirt?"

All free men know that political society is healthier and does more for the people when a loyal opposition or constructive criticism is allowed.

The purpose of political parties is to provide for the orderly transfer of power. Another major function is the stating of a platform of general objectives; and the third purpose, without which the others must fail, is to win elections.

Charles Merriam in his "American Party System" said:

> In the United States and Great Britain there has never been a time when there were only two parties, but in these countries the minor parties have been relatively insignificant, and the central tendency has always been toward a twofold division of the voters. Under this system the important fact is that the preponderant party has the power to operate the machinery of the government by itself. Criticisms against the two party system have not changed the liking of Americans for it. The system has provided strong governments in times of crisis and it has avoided ministerial crises such as have been common in France. In a country, as large as the United States the system has been useful as a means of integrating diverse elements that must be brought together to form a government.

Thomas Jefferson said:

> In every free and deliberative society there must, from the nature of man, be opposition parties and violent dissensions and discords; and one of these for the most part must prevail over the other for a longer or shorter time. Perhaps this party division is necessary to each to watch and relate to the people the proceedings of the other.

We should contrast our two-party system with a multiple-party system of other countries. France is a good example of a country which has had multiple parties through its history. America has had many minor parties but they have never been a major factor in our political life. We have had such parties as the Loyalists, the Anti-Constitutionists, the Anti-Masons, the Nullifiers, the Greenbackers, and the Single Taxers, to name but a few.

All of these parties live, grow, and die with a relatively single cause or purpose. Outside of the impact that they have had upon the two major parties, these other parties have had little thrust for our country because they have been myopicly looking at relatively insignificant problems and not concerning themselves with a general field of responsibility.

Alex de Tocqueville wrote:

> The political parties which I style great are those which cling to principles more than to consequences; to general, and not to especial cases; to ideas, and not to men. These parties are usually distinguished by a nobler character, by more generous passions, more genuine convictions, and a more bold and open conduct than others. In them private interest, which always plays the chief part in political passions, is more studiously veiled under the pretext of the public good; and it may even be sometimes concealed from the eyes of the very persons whom it excites and impels.

The White House today is in the hands of the Republican Party, and the Congress is predominantly Democratic. Under these circumstances, the Democratic majority in Congress should play the role of constructive criticism whether the issues place the party in the position of conservative or liberal on any particular matter.

A recent widespread publication stated "It will be argued that the American people have been moving to the right," and it went on to say that this was an invalid argument on the loss of the election of the Presidency in 1972.

This seems to assume that the Democratic Party should be to the left on every issue, and that is certainly an invalid assumption if we are going to have good government in this country. If that philosophy were to be pursued in the Democratic Party, then all the President has to do in order to keep power for his Republican Party is to espouse causes of a very liberal nature because he can be assured that under those circumstances the Democratic Party can only criticize by moving further to his left.

The inevitable result would be that our country will rush headlong to the left on the liberal side despite the wishes of the majority of Americans, and despite the requirements of good government, because the President would always be able to occupy the relatively conservative position which at the same time forcing the Democratic Party ever further to the liberal side of every issue. Certainly this would not be in the best interests of our country.

It is also not consistent with the history of our political development in this country. The most outstanding Republican Presidents have, in fact, been liberal Presidents, such as Abraham Lincoln and Theodore Roosevelt. Some of our Democratic Presidents have been, in fact, basically conservative individuals, and that is the way it should be, with a pragmatic posture for what is best for the country regardless of whether it places the party or its leadership in a conservative or liberal position at any particular time or on any particular issue.

Each time I am elected to office I take office as if I had just been elected for the first time. In this way I approach my job in the realism of what has already occurred. Perhaps sometimes this was with my adverse vote on an issue in the past.

As an example, I mention the fact that when President Truman asked for the Department of Health, Education, and Welfare to be established, I voted against it because I felt that education was not a field given under the Constitution to the Federal Government, but reserved for localities under our federal system. When President Eisenhower revived the Truman request, which had been defeated, he was successful and the Department was established. Many of his own party changed from their adverse votes when Truman requested it, to affirmative votes when the Republican President requested it.

Now, that is something that has already occurred and the Federal Government is now established in a program of spending many billions of dollars a year in education.

But I maintain that the main thing that the Federal Government should logically be expected to do in the field of education has not been done; and that is to equalize educational opportunities throughout all of the United States. This is something that the States cannot do themselves because of their varying capabilities and incapabilities. I, therefore, have introduced a constitutional amendment which would give this power to the Federal Government and I favor it. Some people say this is inconsistent with my former position. Perhaps it is but I think that what I have proposed makes sense in 1973 as things now are.

Consistency is certainly not one of the highest virtues. Ralph Waldo Emerson said of it—

> With consistency a great soul has simply nothing to do. He may as well concern himself with his shadow on the wall.

And at another place Emerson said:

> A foolish consistency is the hobgoblin of little minds.

For the Democratic Party to lock itself in cement, always to be on the liberal side of every issue, might appear to make it more consistent, but it would certainly not be in the best interests of good government.

Perhaps the greatest issue facing this country today is fiscal responsibility or budgetary control; and the only leadership that is needed in this in 1973 is one in the direction of conservatism. The Democratic Party should furnish it, and I believe it will. I and many other Members of Congress have legislation pending to accomplish this, and I believe it can and must be done.

Another area in which the Democratic Party has been criticized as well as the Republican Party, is the area of congressional reform. Progress has been made, but it has been very slow, and it has not been significant or as significant as should be.

The people of the country believe, and properly so, that the present system is not likely to provide the American people with the fresh and new leadership needed to produce constructive changes in changing times. They also realize that the present system of forever putting the chairmanship in the hands of the most senior member on a committee discourages many able persons from staying in Congress, or from coming here in the first place. They wonder why we cannot find a better system.

Election of chairmen has been suggested as a reasonable alternative to strict seniority, but this has been available for several years and even with the recent reforms on that system it still offers no substantial results for various reasons. The first reason is that to deprive a chairman of his chair would almost be tantamount to impeachment in the minds of the public and in Congress, and it would be a heavy implication of wrong doing or incompetence. So Congressmen can be expected to go on reelecting the most senior members without exception. Under these circumstances, reform simply by election of chairmen offers no real reform at all.

Even if real elections became feasible in fact it might well be that palace guard politics and log rolling might bring about worse results than anything we now experience. Lobbying interests might see an opening here that they had not had before, and the defects of such a system might far exceed anything now thought of, or presently experienced.

A real reform is possible in limiting the term of the chairman to 6 years, as this would give each chairman a reasonable time and a concrete challenge to use these 6 years for constructive leadership. Then the outgoing chairman could become chairman emeritus. It would give others, just less senior, adequate time to prepare for such leadership in the future. And it would tend to retain able men in Congress by giving them a reasonable chance for future effective leadership opportunities. It is reform such as this that the American people are looking for and they have a right to expect that Congress will bring it about.

Yes, there an infinite variety of opportunities for the party in power, and for the party of loyal opposition or constructive criticism. If the Democratic Party will approach its responsibilities from the standpoint of progress in the context of realism, its future is great. I am sure that the party will do this; and that its future is great. Of course, the same opportunity and responsibility lies with the Republican Party.

Parties, after all, are but means of working for good government. Regardless of how the power is distributed between the parties in America we are Americans first and partisans later and we should all work together for what is in the best interests of our country.

Franklin D. Roosevelt once well expressed the genius of America in this when he said:

> The dictators cannot seem to realize that here in America our people can maintain two parties and at the same time maintain an inviolate and indivisible Nation. The totalitarian mentality is too narrow to comprehend the greatness of a people who can be divided in party allegiance at election time but remain united in devotion to their country and to the ideals of democracy at all times.

The Democratic Party has a great future and a great present if it will, without abandoning its idealism, perform the needed function in government of constructive criticism wherever needed, regardless of whether this places the party in a liberal or conservative position on a particular issue. It should not fail to undertake the responsibility of constructive criticism even if on a particular issue it may be required to take the conservative side of an issue. For instances, consider the fields of national defense, budgetary controls, rearrangement of priorities and the defeat of wasteful and extreme welfare proposals. I feel sure the party will measure up to these needs of this day.

AN EQUITABLE APPROACH TO A $250 BILLION SPENDING CEILING

The SPEAKER pro tempore (Mr. McFALL). Under a previous order of the House, the gentleman from South Dakota (Mr. ABDNOR) is recognized for 25 minutes.

Mr. ABDNOR. Mr. Speaker, shortly, the President will be delivering his 1974 budget message. It comes close on the heels of administrative perogatives that have shaken rural America.

The abolition of the REAP and water bank conservation programs, the shut off of loan programs for grain storage, the increase in REA loan interest to 5 percent, and the discontinuance of rural home loans assistance all portend a gloomy future for rural America if the budget message follows suit with similar program cutbacks in other areas affecting the rural economy.

Further indiscriminate eliminations of valuable farm programs would only serve to emasculate the incentives and growth potential of 6 percent of the Nation's population that is doing such a tremendous job feeding our country and the world's hungry.

I do not object to the concept of a $250 billion budget limitation, nor to tightening our belts to bring runaway inflation under control. What I do object to is the President taking absolute power to cut spending anywhere he wishes and as deeply as he wishes. The determination over spending priorities rests with the U.S. Congress and must remain there.

Let me cite the basis of my conviction from the annals of history:

The experience of colonial United States under King George III led to the formation of our democratic form of government under a written Constitution. This government was represented by the Founding Fathers as a balancing of powers between the executive, the judicial, and the legislative branches.

Thus, article 1, section 7 of the Constitution provides that—

> All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

Article 1, section 9 of the Constitution further states that—

> No money shall be drawn from the treasury, but in consequence of appropriations made by law; * * *.

From these two expressed provisions of the Constitution, it seems clear that the "power over the purse" was given exclusively to the legislative branch of our Federal Government.

An expressed endowment of money requires careful tending. It is unfortunate that throughout this century we have seen the steady attrition of the power of Congress in relation to the strength of the executive branch. This steady erosion of power to the executive branch must be reversed, or we shall have a sterile Congress, with the voice of the people unheard in the conduct of its affairs.

It is high time that the Congress faces up to its constitutional responsibilities. We must face the task of deficit spending and curbing inflation by having the courage to "bite the bullet" on the floor of the House and in Committee and reduce those expenditures that can be reduced. It is not only time for courage, but time for accountability. Why not the zero based budget concept where each and every budget item has to be rejustified by the agencies running Federal programs instead of the "add-on" approach we have been using? This is one way of really getting at the problem of waste in Government spending, and programs which have outlived their usefulness.

Mr. Speaker, there are ways to approach the problem of keeping within a $250 billion budget ceiling without the total elimination of programs. One very good alternative was offered by Senator Len Jordan of Idaho last October when the debt limit bill was being debated in the Senate. He proposed an amendment permitting the $250 billion spending ceiling, but outlining the way in which it would be achieved. This, in essence, preserved Congressional authority over fiscal priorities.

The amendment provided for a proportionate cutback for each appropriation at an estimated 3.6 percent. This was arrived at by taking the total appropriations for fiscal 1973, which were estimated at $171 billion, and breaking out the controllable from the uncontrollable budget items. About $133 billion had been appropriated for relatively controllable items. Adding in a $60 billion carryover, you got $193 billion to work with in controllable items, which breaks out at 3.6 percent across the board. The goal was to cut back the rate of spending $7 billion to achieve a $250 billion spending ceiling.

This amendment further provided that the President was not allowed to make cutbacks of over 10 percent on any one item, program or activity to meet the spending ceiling. That meant that he would have had to look at the level of appropriations for each appropriation including supplemental and continuing appropriations and make proportionate, across-the-board cuts. Spending would therefore have continued at the same relative rate with respect to every appropriation. The only exception would have been the uncontrollable budget item such as interest on the national debt, social security trust funds, veterans benefits, medicaid, public assistance maintenance grants, food stamps, social services, judicial salaries and retired military pay. These uncontrollables run at about $117 billion.

This approach to fiscal responsibility is based on equity. It is an approach which preserves within the Congress the crucial question of where and how much to cut spending. I think it is the kind of approach the American people would be willing to live with.

It is unfortunate that I must start out my first term in Congress in locked disagreement with the President over his exercise of what is nothing less than an item veto over Congressional authorizations and appropriations affecting the American farmer. If someone had bothered to ask the South Dakota farmer which programs he deemed to be of least priority, then it might not be so bad—but this never happened.

I fear that the 1974 Presidential budget is going to show further program cutbacks and phaseouts based on "low priority" status evaluations made by the executive branch which will ultimately cause much suffering in communities throughout the Nation.

My argument is not so much with the end goal, which is a budget ceiling, but with the means to the end. I came to the 93d Congress from South Dakota's Second District with many years of experience as the chairman of the South Dakota appropriations committee. I would like to think I am unusually cost conscious. The people of South Dakota believe in living within their means. Our State constitution mandates it. That is why I feel South Dakota taxpayers would willingly pull in the harness with all other taxpayers to curb deficit spending if we could do it with a program based on equity, not discrimination.

Where is the equity in total program elimination? It makes a lot more sense to make across-the-board cuts in all controllable programs rather than letting unknown decisionmakers in the Federal bureaucracy recommend the singular elimination of programs which have proven their obvious benefit to the community and people they serve.

Mr. Speaker, I am concerned. I am concerned about inflation and the possibility of rising taxes. I am concerned about continued deficit spending and a Congress that might be willing to continue to abrogate its constitutional duties and allow the Executive to usurp congressional powers of the purse by default via the impoundment of congressionally appropriated funds.

Moreover, Mr. Speaker, I am concerned that the impending battle between the Executive and the Congress in resolving this issue will take its grim toll of South Dakota citizens, and all the other rural citizens like them.

According to a recent ERS report prepared for the Senate Committee on Government Operations, in 1970 nearly 57 percent of the Federal outlays went to highly urban counties. Only 3.3 percent went to sparsely settled rural areas with no urban population, which characterizes a State like South Dakota.

The report further showed that the per capita outlays for the densely settled rural counties was 40 percent below the national average and 18 percent below the national average for sparsely settled rural counties. Highlighted was the fact that nonmetropolitan areas also failed to share proportionately in the benefits of specific programs. Of the 242 programs reviewed in the report by ERS, 106 involved human resource development, which is $55 billion, or 36 percent of all the 1970 outlays for the programs examined.

In light of these statistics, I strongly hope that the President's budget message will not impose further indiscriminate cuts on programs so vital to the growth and prosperity of rural America.

I trust that the budget will continue to reflect adequate funding for Indian programs so valuable to my State such as OEO's community action program. It, along with Legal Services, has proven to be extremely beneficial to the 26,483 American Indians and the needy in South Dakota.

I also trust that, above all, the 1974 budget will continue to strongly fund education programs throughout the United States. Education programs must continue at a strong level of Federal support if we are to retain the technological capabilities that have made America a leader in the world of nations with an unparalleled standard of living.

In the context of education, I must point out that special provisions must be made for high impact aid areas of education which are currently suffering the unexpected impact of a veto on the Labor-HEW appropriations bill. This issue has surfaced in the Douglas school system at Ellsworth Air Force Base in South Dakota. The school will be unable to stay open past April unless further help is forthcoming from the Office of Education. Some provision must be made for school systems like Douglas regardless of whether the Congress provides increased education funding through a new Labor-HEW appropriations bill or not.

Mr. Speaker, as we launch the 93d Congress I earnestly pray that the President has resisted the temptation of program phaseouts and opted for proportionate cuts across the board in his efforts to lead the Nation to economic stability. If he has not, I trust that we, the Congress, will respond with new initiatives and with new tools of fiscal responsibility to meet the challenge.

In this regard I heartily support the rapid enactment of a joint House-Senate Fiscal Responsibility Committee to review the President's budget and recommend to the Senate and House a spending ceiling to work within and for the next year. It is high time we started taking the initiative in keeping spending down.

FINALLY A PEACE IN VIETNAM: WE PRAY FOR ITS PERMANENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. SAYLOR) is recognized for 20 minutes.

Mr. SAYLOR. Mr. Speaker, there is joy, relief, and thanks throughout the Nation and among the Members of Congress of both parties; President Nixon has achieved a negotiated settlement of the protracted Vietnam war. At long last, "peace" has come to the Southeast Asian continent. I put the word in quotes because we honestly do not know if the peace can be maintained. We pray that it can.

One must understand that the effectiveness of the terms of this settlement, like the terms of any treaty, are dependent upon the seriousness, truthworthiness, and intentions of the signatories thereto.

For the United States, there is no question about our dependability or intentions. That is, there is no question about our dependability or intentions, that our manpower support and the majority of our logistical support of the South Vietnamese will terminate in accord with the agreement. The United States will have withdrawn the last of its ground forces; the bombing will be halted; the naval forces will sail away; I am relatively sure that all our prisoners of war will be returned, I am confident that those listed as missing in action will be accounted for; in short, the United States will live up to its part of the bargain, both in letter and spirit.

The North Vietnamese and the Vietcong will live up to the letter of the settlement with respect to those matters directly affecting Americans.

I believe it is fair to ask, "Is this enough?" I pray that it is in order to insure a lasting peace in an area of the world where there has been armed conflict for more than 30 years.

I would be less than candid with myself and those I represent if I did not pose a question or two about the effect of the war in Vietnam, and its settlement, and the role of the United States in world affairs for the future. There are those who will say that "today is too soon to evaluate the effect of 12 years of war." It may be for those concerned with historical perspective and historical hindsight, but it is not too soon if we are to map out a proper course for our Nation in the world arena in the immediate future.

Certainly, "we are out" and that is what every American has wanted. A question that has considerable relevance would be: "how far out?" After 12 years of war, after bitter divisions in the country, after the loss of so much human life, after the spending of so much of our National Treasury—have we frozen ourselves out of the struggle for freedom in the world?

Some of my colleagues in the Congress and certainly most members of the entertainment media, and some journalists, are going to say that the "only good thing" to come out of our involvement in Vietnam, is the fact that "we will never be dragged into such a conflict again." I wish I could believe that. I would like to believe that.

The struggle of freedom against tyranny is never-ending. Like it or not, the role of the United States in that struggle will always be critical—whatever the extent of our physical involvement. The fact that we have now terminated our physical presence in an inconclusive war that did pit one kind of freedom against one kind of tyranny, is no guarantee that the struggle is over. In fact, I presume that the real reason the North Vietnamese came to an agreement with respect to the past 12-year phase of their war in Indochina was to regroup, reorganize, rest, recuperate, to fight again another, future, day. And what then for the United States? One cannot answer the question with certainty.

Of course we learned many painful lessons from our involvement in the war. To make a complete list would be next to impossible, but the major ones are instructive for the future.

The political implications come to mind at once: What if Senator McGovern had won the election in 1972? Would his "belly crawl" to Hanoi ended our involvement any sooner? Would his prostrate, supplicatory posture have produced a settlement or a surrender? The questions will not be answered—thankfully—for the American people, sick as they were with an almost insoluble problem, were not ready to grovel at the feet of an aggressor.

Ironically, the President most responsible for the depth of our involvement in the war, passed away on the eve of its solution. Nevertheless, President Johnson was aware that the nature of any peace settlement had to be such that the United States could disengage with some assurance and a reasonable hope that the sacrifices of the Nation were not in vain. I believe he will rest easier now that an honorable settlement has been reached.

We learned also that the rhetoric and charisma of one man does not produce sound leadership. We followed the cream of the intellectual elite, the professors, and whiz kids with their system-cost-benefit-analysis of national security affairs into a new frontier which began at the Bay of Pigs and ended by entombing the Nation in a war 15,000 miles from its shores.

After the crisis of the depression, the crisis of the Second World War, the crisis of the Korean conflict, the crisis of the "cold war," Congress and the American people found it impossible to reverse the trend which placed enormous power in the hands of one individual and/or one institution of Government. When the crisis of Vietnam raised its head, we turned to the Presidency for guidance and leadership. We know now that no one man, nor branch of government, however dedicated, however committed, can or should act in the name of the Nation and its people without the consent of the majority of the 535 duly elected representatives of the people.

And perhaps this lesson poses the greatest single threat to our future foreign involvement. The Congress could overreact to the conflict in Vietnam, now that it is completed, and in an ex post facto sense, isolate the United States from its proper place on the world stage. The danger for world peace from this course of action is obvious. However, if we learned anything, I hope it is that, from this day forward, the conduct of our national affairs—domestic and foreign—is the proper, legitimate, and constitutional concern of the Congress of the United States. The Congress can and must reassert its role as the direct representative of the will of the people in undertaking actions which imperil the safety of the Nation and the preservation of the society.

This is not to say that the Congress should tie the hands of the executive branch, rather, we must, as the Founding Fathers intended, wield the power and influence established by the Constitution as a coequal branch of a representative, democratic government. In just the past 20 years, the Congress has been willing to shirk authority and abdicate responsibility in the area of foreign affairs for, what we had believed, were more important domestic considerations. We must now act to correct our past deficiences and admit that there is no magic line at the water's edge which separates foreign from domestic policy. The Congress and the Nation can no longer afford to rely on one branch of the Government as the sole repository of wisdom in our relations with other nations.

Should the Congress address itself to this fundamental reaffirmation of its role without rancor and without recrimination, then I believe the horrors of a country divided over foreign policy can be avoided and hopefully, the horrors of another war can also be avoided.

The peace settlement in Vietnam is a dividing line, a takeoff point, a period for the reassessment and readjustment of the roles of the branches of the Government with respect to the great issues which face the Nation in a basically hostile environment. I am confident that the Congress and the people understand this and will support a reevaluation of the role of the Congress in the making of foreign policy. Let there be no misinterpretation about this reassessment: the Congress will not shirk its duty to preserve and protect this Nation and its interests throughout the world. Further, I am confident the Congress will not shy away from the direct and indirect challenges to freedom from the aggressions of predatory nations. There have been decades of assumption that the Congress would not respond to the fast-moving, technologically complicated implications of world affairs. The Congress will prove the assumption wrong, for the Congress is the only place where the wishes and desires of the people of the United States are truly represented. Fragmented and divisive we may be at times, but the motto is still valid: "E Pluribus Unum."

President Nixon is to be congratulated for his perseverance of a quest for an honorable peace. We must thank him for providing the country and the Congress with an opportunity to reassess and reaffirm the role of the people and its Congress in foreign policy decisions. I pray there is time for such a reassessment before the forces of evil again decide to test the will, strength, and resolve of the American people to protect the quest for freedom and the right of self-determination of all the peoples of the earth.

DR. MARTIN DOUGLAS CELEBRATES 25TH YEAR OF ORDINATION

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from California (Mr. Danielson) is recognized for 5 minutes.

Mr. DANIELSON. Mr. Speaker, it is a pleasure today to join with his many friends in honoring Dr. Martin I. Douglas, rabbi of Temple Beth Torah in Alhambra, Calif.

On Saturday, January 20th, a testimonial dinner was held at the synagogue in celebration of Dr. Douglas' 25th ordination anniversary.

Clayton Rakov was named master of ceremonies for the occasion by chairwomen Mrs. Nathan Rothenberg and Mrs. Melvin Cohen. Dignitaries and community leaders scheduled to participate in the silver anniversary celebration included Rabbi Joseph Smith, Rabbi Harry

Essrig, Morris Firestone, Rabbi Sidney Guthman, Thomas Marquisee, Mrs. Ben Goland, and Jesse Dumas.

Rabbi Douglas is married to the former Shirley Greenberg of New York. They have three children—Alfred, an attorney in Los Angeles, Beth, a public school teacher, and Michael, a student at UCLA.

Born and educated in New York City, Martin Douglas received his B.S. degree from CCNY and his M.A. degree from Teachers College, Columbia University. He was ordained rabbi at the Jewish Theological Seminary. In 1948 he received his master of Hebrew literature degree and in 1960 his doctor of Hebrew literature degree.

Dr. Douglas served congregations in Evansville, Ind., in Seattle, Wash., and in Vineland, N.J., prior to his move to Alhambra in 1965. His service to the larger community is well known. Rabbi Douglas is currently the president of the Western States Region of the Rabbinical Assembly, having previously served as recording secretary and as executive vice president. He is treasurer of the Monterey Park Ministerial Association, director of the Red Cross, director of the Board of Rabbis of Southern California, and director of the Alhambra Rotary Club over the past 2 years, among other civic responsibilities.

Rabbi Douglas is coauthor of "Immigrants to Freedom," with Prof. Joseph Brandes of West Patterson Teachers College. This book deals with the study of the Jewish Agricultural Colonies of Southern New Jersey from 1881 to 1920.

I am pleased to take this occasion to commend Rabbi Martin Douglas on his silver anniversary of service and on his many contributions to the communities he serves, and to extend best wishes for the years ahead.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Randall, for 60 minutes, today; and to revise and extend his remarks and include extraneous matter.

Mr. Bennett, for 15 minutes, today; and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. Abdnor), to revise and extend their remarks, and to include extraneous matter:)

Mr. Abdnor, today, for 25 minutes.

Mr. Saylor, today, for 20 minutes.

(The following Members (at the request of Mr. Studds), to revise and extend their remarks, and to include extraneous matter:)

Mr. Gonzalez, today, for 5 minutes.

Mr. Danielson, today, for 5 minutes.

Mr. Burke of Massachusetts, today, for 15 minutes.

Mr. Vanik, today, for 10 minutes.

Mr. Dellums, on January 31, for 60 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Randall in three instances and to include extraneous material.

(The following Members (at the request of Mr. Abdnor), and to include extraneous matter:)

Mr. Cohen in two instances.

Mr. McCloskey in two instances.

Mr. Mailliard.

Mr. King in five instances.

Mr. Ashbrook in three instances.

Mr. Abdnor.

Mr. Coughlin in two instances.

Mr. Veysey in eight instances.

Mr. Del Clawson.

Mr. Shoup in three instances.

Mr. Brotzman.

Mr. Kuykendall in two instances.

Mr. Shriver.

Mr. Hunt.

Mr. Price of Texas.

(The following Members (at the request of Mr. Studds), and to include extraneous matter:)

Mr. Gonzalez in three instances.

Mrs. Burke of California.

Mr. Rarick in five instances.

Mrs. Hansen of Washington in 10 instances.

Mr. Evins of Tennessee in six instances.

Mr. Waldie in four instances.

Mr. Kastenmeier.

Mr. Murphy of New York.

Mr. Brasco.

Mr. Boland in two instances.

Mr. O'Neill.

Mr. Jones of Oklahoma in five instances.

Mr. Denholm.

Mr. Dorn.

Mr. Burke of Massachusetts.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on January 24, 1973 present to the President, for his approval, a joint resolution of the House of the following title:

H.J. Res. 163. Joint resolution designating the week commencing January 28, 1973, as "International Clergy Week in the United States," and for other purposes.

ADJOURNMENT

Mr. STUDDS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 52 minutes p.m.), under its previous order, the House adjourned until Monday, January 29, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

281. A letter from the Secretary of Labor, transmitting a report on Exemplary Rehabilitation Certificates for calendar year 1972, pursuant to Public Law 89–690; to the Committee on Armed Services.

282. A letter from the Secretary of the Army, transmitting a report of progress of the Army Reserve Officers' Training Corps flight instruction program for the year 1972, pursuant to 10 U.S.C. 2110; to the Committee on Armed Services.

283. A letter from the Secretary of Labor, transmitting the report on 1972 activities under the Fair Labor Standards Act, including an appraisal of the minimum wages, pursuant to section 4(d) of the act; to the Committee on Education and Labor.

284. A letter from the Secretary of Labor, transmitting the report on 1972 activities in connection with the Age Discrimination in Employment Act of 1967, pursuant to section 13 of the Act; to the Committee on Education and Labor.

285. A letter from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, executed in the prior 60-day period, pursuant to Public Law 92–403, section 112(b); to the Committee on Foreign Affairs.

286. A letter from the Acting Assistant Secretary for Congressional Relations, Department of State, transmitting the semiannual report of third country transfers of U.S. origin defense articles covering the period July 1 to December 31, 1972, pursuant to section 3(a)(2) of the Foreign Military Sales Act and section 505(a) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

287. A letter from the Assistant Secretary of Agriculture for Administration, transmitting a report covering fiscal year 1972 on the Department's disposal of excess foreign property, pursuant to 40 U.S.C. 514d; to the Committee on Government Operations.

288. A letter from the Assistant Secretary of the Interior, transmitting a report of examinations conducted outside the national domain by the Geological Survey during the 6 months ended December 31, 1972, pursuant to 43 U.S.C. 31(c); to the Committee on Interior and Insular Affairs.

289. A letter from the Assistant Secretary of the Interior, transmitting a report on a 1-year deferment of the construction repayment installments for a reclamation project in the Webster Irrigation District No. 4, Pick-Sloan Missouri basin program, Kansas, pursuant to 73 Stat. 584; to the Committee on Interior and Insular Affairs.

290. A letter from the Deputy Assistant Secretary of the Interior, transmitting copies of proposed amendments extending concession contracts in Hot Springs National Park, Ark., pursuant to 67 Stat. 271 and 70 Stat. 543; to the Committee on Interior and Insular Affairs.

291. A letter from the Chairman, National Commission on Materials Policy, transmitting the second interim report of the Commission reviewing the international materials situation, pursuant to Public Law 91–512; to the Committee on Interstate and Foreign Commerce.

292. A letter from the Acting Assistant Secretary for Congressional Relations, Department of State, transmitting a draft of proposed legislation to amend title 18, United States Code, to provide for the punishment of serious crimes against foreign officials committed outside the United States, and for other purposes; to the Committee on the Judiciary.

293. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting a report of the facts in each application for conditional entry into the United States under section 203(a)(7) of the Immigration and Nationality Act for the 6-month period ending December 31, 1972, pursuant to section 203(f) of the act [8 U.S.C. 1153(f)]; to the Committee on the Judiciary.

294. A letter from the National Adjutant, Veterans of World War I of the U.S.A., Inc., transmitting the audit of the receipts and expenditures of the organization for the year ended September 30, 1972, together with the proceedings of its national convention held in September 1972, pursuant to Public Laws 85-530 and 88-105 (H. Doc. No. 93-45); to the Committee on the Judiciary and ordered to be printed with illustrations.

295. A letter from the Librarian of Congress, transmitting a report covering calendar year 1972 on specialist and senior specialist positions in the Congressional Research Service, pursuant to 5 U.S.C. 5114; to the Committee on Post Office and Civil Service.

296. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated April 4, 1972, submitting a report, together with accompanying papers and illustrations, on Cross Bayou Canal, Pinellas County, Fla., authorized by section 304 of the River and Harbor Act approved October 27, 1965 (H. Doc. No. 93-31); to the Committee on Public Works and ordered to be printed with illustrations.

297. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to provide an extension of the interest equalization tax; to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER:

H.R. 2964. A bill to amend the Rural Electrification Act of 1936, as amended, to reaffirm that such funds made available for each fiscal year to carry out the programs provided for in such act be fully obligated in said year, and for other purposes; to the Committee on Agriculture.

H.R. 2965. A bill to amend title 10, United States Code, to restore the system of recomputation of retired pay for certain members and former members of the armed forces; to the Committee on Armed Services.

H.R. 2966. A bill to amend the Budget and Accounting Act of 1921 to require the advice and consent of the Senate for appointments to Director of the Office of Management and Budget; to the Committee on Government Operations.

H.R. 2967. A bill to authorize the modification of the Cache River Basin Feature, Mississippi River and tributaries project, in the State of Arkansas; to the Committee on Public Works.

By Mr. ANDREWS of North Dakota:

H.R. 2968. A bill to authorize the Secretary of the Army to convey certain lands originally acquired for the Garrison Dam and Reservoir project in the State of North Dakota to the Mountrail County Park Commission, Mountrail County, N. Dak.; to the Committee on Public Works.

By Mr. BINGHAM:

H.R. 2969. A bill to terminate immediately U.S. military combat operations and to preclude any further U.S. military operations in or over Indochina following the release of American prisoners of war and accounting for the missing in action as specified in the Cease-Fire Agreement on Ending the War and Restoring Peace in Vietnam; to the Committee on Foreign Affairs.

By Mr. BROTZMAN (for himself, Mrs. Schroeder, and Mr. Armstrong):

H.R. 2970. A bill to amend the act of October 21, 1972, relating to the study of the Indian Peaks Area, to provide for its protection while the study is conducted, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. DAVIS of Wisconsin:

H.R. 2971. A bill to amend section 608 of title 18, United States Code; to the Committee on House Administration.

By Mr. DENHOLM (for himself, Mr. Bevill, Mr. Bowen, Mr. Brademas, Mrs. Chisholm, Mr. Cochran, Mr. Evans of Colorado, Mr. Fraser, Mr. Fuqua, Mr. Gonzalez, Mr. Hamilton, Mr. Henderson, Mr. Kyros, Mr. Morgan, Mr. Nichols, Mr. Owens, Mr. Preyer, Mr. Rooney of Pennsylvania, Mr. Roy, Mr. Scherle, Mr. Shoup, Mr. Smith of Iowa, Mr. Thone, Mr. Udall, and Mr. Young of South Carolina):

H.R. 2972. A bill to amend the Rural Electrification Act of 1936, as amended, to reaffirm that such funds made available for each fiscal year to carry out the programs provided for in such act be fully obligated in said year, and for other purposes; to the Committee on Agriculture.

By Mr. DENT (for himself, Mr. Annunzio, Mr. Ashley, Mr. Badillo, Mr. Bingham, Mr. Brademas, Mr. Burton, Mr. Clay, Mr. Dominick V. Daniels, Mr. Danielson, Mr. Kyros, Mr. McCormack, Mr. Moorhead of Pennsylvania, Mr. Moss, Mr. Murphy of New York, Mr. Pike, Mr. Preyer, Mr. Randall, Mr. Rosenthal, Mr. Stokes, Mr. Tiernan, and Mr. Yatron):

H.R. 2973. A bill to revise the Welfare and Pension Plan Disclosure Act; to the Committee on Education and Labor.

By Mr. DORN:

H.R. 2974. A bill to amend title 38 of the United States Code in order to establish in the Veterans' Administration a national cemetery system consisting of all cemeteries of the United States in which veterans of any war or conflict or of service in the Armed Forces are or may be buried, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 2975. A bill to amend title 38, United States Code, with respect to the manner of determining annual income for pension purposes of certain persons who are entitled to annuities under the Railroad Retirement Act of 1937, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 2976. A bill to amend title 38 of the United States Code to provide that certain veterans who are prisoners of war shall be deemed to have a service-connected disability of 50 percent; to the Committee on Veterans' Affairs.

H.R. 2977. A bill to amend subsection (b)(1) of section 415 of title 38, United States Code, to increase the maximum annual income limitation governing payment of dependency and indemnity compensation to certain parents; to the Committee on Veterans' Affairs.

H.R. 2978. A bill to amend title 38 of the United States Code so as to increase the period of presumption of service connection for certain cases of multiple sclerosis from seven to 10 years; to the Committee on Veterans' Affairs.

H.R. 2979. A bill to amend section 1901(a) of title 38, United States Code, to make certain veterans of World War I eligible for the automobile assistance allowance provided for certain veterans of World War II and the Korean conflict; to the Committee on Veterans' Affairs.

H.R. 2980. A bill to amend section 110 of title 38, United States Code, to liberalize the standard for preservation of disability ratings; to the Committee on Veterans' Affairs.

H.R. 2981. A bill to amend section 312 of title 38, United States Code by providing a 3-year presumptive period of service connection for malignant tumors (cancer) which develop within 3 years from the date of separation from active service; to the Committee on Veterans' Affairs.

H.R. 2982. A bill to amend title 38, United States Code, to provide that amyotrophic lateral sclerosis developing a 10 percent or more degree of disability within 7 years after separation from active service during a period of war shall be presumed to be service connected; to the Committee on Veterans' Affairs.

H.R. 2983. A bill to amend title 38, United States Code, to increase the statutory rates for anatomical loss or loss of use; to the Committee on Veterans' Affairs.

H.R. 2984. A bill to amend title 38, United States Code, to authorize the Administrator to reimburse employers for unusual costs incurred in providing on-job training for certain veterans; to the Committee on Veterans' Affairs.

H.R. 2985. A bill to amend section 312 of title 38, United States Code, by providing a 2-year presumptive period of service connection for the psychoses which develop within 2 years from the date of separation from active service; to the Committee on Veterans' Affairs.

By Mr. DUNCAN:

H.R. 2986. A bill to amend the Rural Electrification Act of 1936, as amended, to reaffirm that such funds made available for each fiscal year to carry out the programs provided for in such act be fully obligated in said year, and for other purposes; to the Committee on Agriculture.

H.R. 2987. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. EDWARDS of Alabama:

H.R. 2988. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. GERALD R. FORD (for himself, Mr. Eshleman, Mr. Robinson of Virginia, and Mr. Zwach):

H.R. 2989. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. GROSS:

H.R. 2990. A bill to provide for annual authorization of appropriations to the U.S. Postal Service; to the Committee on Post Office and Civil Service.

By Mr. HILLIS (for himself and Mr. Roush):

H.R. 2991. A bill to further the purposes of the Wilderness Act of 1964 by designating certain lands for inclusion in the National Wilderness Preservation System, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HILLIS (for himself, Mr. Bennett, Mr. Sarasin, Mr. Froehlich, and Mr. Chappell):

H.R. 2992. A bill to amend title 38 of the United States Code to liberalize the provisions relating to payment of disability and death pension; to the Committee on Veterans' Affairs.

By Mr. HUBER:

H.R. 2993. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41 et seq.) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. HUNGATE (for himself and Mr. Pepper):

H.R. 2994. A bill to authorize $2,500,000 to be appropriated to the Winston Churchill Memorial and Library in the United States for the construction of educational facilities at such memorial and library, and for other purposes; to the Committee on Education and Labor.

By Mr. JOHNSON of Pennsylvania:

H.R. 2995. A bill to amend title 23 of the United States Code to authorize the selection and improvement of certain priority primary routes; to the Committee on Public Works.

By Mr. KING:

H.R. 2996. A bill to amend the Internal Revenue Code of 1954 to increase the maximum dollar limitation on the amount deductible for pensions for the self-employed from $2,500 a year to $7,500 a year; to the Committee on Ways and Means.

By Mr. KOCH (for himself, Ms. Abzug, Mr. Badillo, Mr. Bell, Mr. Brasco, Mr. Carney of Ohio, Mrs. Chisholm, Mr. Clark, Mr. Clay, Mr. Conyers, Mr. Drinan, Mr. Fish, Mr. Hansen of Idaho, Mr. Harrington, Mr. Lehman, Mr. McCormack, and Mr. Mailliard):

H.R. 2997. A bill to amend title 5, United States Code, to provide that persons be apprised of records concerning them which are maintained by Government agencies; to the Committee on Government Operations.

By Mr. KOCH (for himself, Mr. Moakley, Mr. Moss, Mr. O'Neill, Mr. Pepper, Mr. Pettis, Mr. Podell, Mr. Rosenthal, Mr. Roy, Mr. Sarbanes, Mr. Studds, Mr. Symington, Mr. Waldie, Mr. Wolff, and Mr. Won Pat):

H.R. 2998. A bill to amend title 5, United States Code, to provide that persons be apprised of records concerning them which are maintained by Government agencies; to the Committee on Government Operations.

By Mr. McCORMACK:

H.R. 2999. A bill to require the Secretary of Agriculture to carry out a rural environmental assistance program; to the Committee on Agriculture.

By Mr. MATSUNAGA:

H.R. 3000. A bill to require the Secretary of Agriculture to carry out a rural environmental assistance program; to the Committee on Agriculture.

By Mr. MILLER:

H.R. 3001. A bill to make the use of a firearm to commit certain felonies a Federal crime where that use violates State law, and for other purposes; to the Committee on the Judiciary.

By Mr. MOAKLEY:

H.R. 3002. A bill to authorize the Secretary of the Interior to study the feasibility and desirability of a Boston Harbor National Recreation Area in the State of Massachusetts; to the Committee on Interior and Insular Affairs.

By Mr. PATTEN:

H.R. 3003. A bill to prohibit under certain conditions Federal activities in connection with the construction of offshore bulk cargo transshipment facilities; to the Committee on Public Works.

By Mr. RARICK:

H.R. 3004. A bill to amend the Internal Revenue Code of 1954 to authorize an incentive tax credit allowable with respect to facilities to control water and air pollution, to encourage the construction of such facilities, and to permit the amortization of the cost of constructing such facilities within a period of from 1 to 5 years; to the Commission on Ways and Means.

By Mr. RINALDO:

H.R. 3005. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence, and to allow the owner of rental housing to amortize at an accelerated rate the cost of rehabilitating or restoring such housing; to the Committee on Ways and Means.

By Mr. ROSENTHAL:

H.R. 3006. A bill to amend the Lead Based Paint Poisoning Prevention Act, and for other purposes; to the Committee on Banking and Currency.

By Mr. SCHERLE (for himself, Mr. Abdnor, Mr. Andrews of North Dakota, Mr. Beard, Mr. Bevill, Mr. Boland, Mr. Brown of California, Mr. Byron, Mr. Camp, Mr. Clark, Mr. Cohen, Mr. Conte, Mr. Robert W. Daniel, Jr., Mr. W. C. (Dan) Daniel, Mr. Davis of South Carolina, Mr. Dickinson, Mr. Downing, Mr. Duncan, Mr. Eshleman, Mr. Fish, Mr. Flood, Mr. Flowers, Mr. Fuqua, Mr. Gude, and Mr. Hastings):

H.R. 3007. A bill to require the Secretary of Agriculture to carry out a rural environmental assistance program; to the Committee on Agriculture.

By Mr. SCHERLE (for himself, Mr. Hechler of West Virginia, Mr. Hungate, Mr. Ichord, Mr. Johnson of California, Mr. Jones of Tennessee, Mr. Jones of North Carolina, Mr. Lehman, Mr. McCloskey, Mr. McCollister, Mr. McSpadden, Mr. Marazita, Mr. Mathis of Georgia, Mr. Mayne, Mr. Mitchell of Maryland, Mr. Mollohan, Mr. Nichols, Mr. Obey, Mr. Perkins, Mr. Preyer, Mr. Price of Texas, Mr. Randall, Mr. Rarick, Mr. Rooney of Pennsylvania, and Mr. Roy):

H.R. 3008. A bill to require the Secretary of Agriculture to carry out a rural environmental assistance program; to the Committee on Agriculture.

By Mr. SCHERLE (for himself, Mr. Seiberling, Mr. Sikes, Mr. Steiger of Wisconsin, Mr. Stuckey, Mr. Taylor of Missouri, Mr. Taylor of North Carolina, Mr. Thompson of New Jersey, Mr. Thone, Mr. Thornton, Mr. Waggonner, Mr. White, Mr. Williams, Mr. Wyatt, Mr. Yatron, Mr. Young of South Carolina, Mr. Mitchell of New York, Mrs. Grasso, and Mr. Dellenback):

H.R. 3009. A bill to require the Secretary of Agriculture to carry out a rural environmental assistance program; to the Committee on Agriculture.

By Mr. SHOUP:

H.R. 3010. A bill to amend chapter 44 of title 18 of the United States Code (respecting firearms) to penalize the use of firearms in the commission of any felony and to increase the penalties in certain related existing provisions; to the Committee on the Judiciary.

H.R. 3011. A bill to amend chapter 44 of title 18 of the United States Code (respecting firearms) to lower certain age limits from 21 years to 18; to the Committee on the Judiciary.

H.R. 3012. A bill to amend chapter 44 of title 18 of the United States Code (respecting firearms) to eliminate certain recordkeeping provisions with respect to ammunition; to the Committee on the Judiciary.

By Mr. TALCOTT:

H.R. 3013. A bill to require the Secretary of the Army to make a survey for flood control purposes in the county of San Luis Obispo, Calif.; to the Committee on Public Works.

By Mr. TEAGUE OF Texas:

H.R. 3014. A bill to amend title 5, United States Code, to provide additional preference to veterans with service-connected disabilities for purposes of retention in reductions in force; to the Committee on Post Office and Civil Service.

H.R. 3015. A bill to amend title 38, United States Code, so as to treat Nicaraguan campaign as a period of war for the purposes of such title; to the Committee on Veterans' Affairs.

H.R. 3016. A bill to amend title 38, United States Code, to enable certain permanently and totally disabled veterans to receive concurrent payments of service-connected disability compensation and non-service-connected pension; to the Committee on Veterans' Affairs.

H.R. 3017. A bill to amend section 410(a) of title 38, United States Code, to provide for the payment of dependency and indemnity compensation to certain survivors of deceased veterans who were rated 100 percentum disabled by reason of service-connected disabilities for 20 or more years; to the Committee on Veterans' Affairs.

H.R. 3018. A bill to amend title 38 of the United States Code to provide that hypertension developing a 10-percent or more degree of disability within 2 years after separation from active service during a period of war shall be presumed to be service connected; to the Committee on Veterans' Affairs.

H.R. 3019. A bill to amend title 38, United States Code, to extend wartime benefits to veterans who served between February 1, 1955, and August 5, 1964; to the Committee on Veterans' Affairs.

H.R. 3020. A bill to amend title 38, United States Code to provide that veterans with disabilities rated 10 through 100 percent shall receive additional compensation for dependents; to the Committee on Veterans' Affairs.

By Mr. THONE:

H.R. 3021. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

H.R. 3022. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. VEYSEY:

H.R. 3023. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Santa Margarita project, California, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WALDIE:

H.R. 3024. A bill to amend the age and service requirements for immediate retirement under subchapter III of chapter 83 of title 5, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 3025. A bill to increase the contribution of the Government to the costs of health benefits for Federal employees, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WOLFF:

H.R. 3026. A bill to prohibit the use of any nuclear weapon in Southeast Asia unless Congress first approves such use; to the Committee on Armed Services.

H.R. 3027. A bill to authorize an investigation and study of coastal hazards from offshore drilling on the Outer Continental Shelf in the Atlantic Ocean; to the Committee on Interior and Insular Affairs.

H.R. 3028. A bill to make additional immigrant visas available for immigrants from certain foreign countries, and for other purposes; to the Committee on the Judiciary.

H.R. 3029. A bill to authorize the President to designate marine sanctuaries in areas of the oceans, coastal, and other waters, as far seaward as the outer edge of the Continental Shelf, for the purpose of preserving or restoring the ecological, esthetics, recreation resource, and scientific values of and related to such areas; to the Committee on Merchant Marine and Fisheries.

By Mr. WOLFF (for himself, Mr. Addabbo, Mr. Rosenthal, Mr. Badillo, and Mr. Brasco):

H.R. 3030. A bill to provide for the construction of a Veterans' Administration hospital of 1,000 beds in the county of Queens, N.Y. State; to the Committee on Veterans' Affairs.

By Mr. GERALD R. FORD:

H.J. Res. 247. Joint resolution authorizing the President to proclaim the fourth Wednesday in January as National School Nurse Day; to the Committee on the Judiciary.

By Mr. RARICK:

H.J. Res. 248. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings; to the Committee on the Judiciary.

By Mr. HARVEY:

H. Con. Res. 96. Concurrent resolution expressing the sense of the Congress with respect to Operation Identification, a program to curb thefts and aid in the recovery of stolen property; to the Committee on the Judiciary.

H. Res. 166. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on Urban Affairs; to the Committee on the Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

16. By the SPEAKER: Memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to the decline of shipbuilding in Massachusetts; to the Committee on Armed Services.

17. Also, memorial of the House of Representatives of the Commonwealth of Massachusetts, urging the Department of Health, Education, and Welfare to hold public hearings before implementing certain regulations; to the Committee on Ways and Means.

18. Also, memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to legislation increasing the Federal oil import quota system to Massachusetts; to the Committee on Ways and Means.

19. Also, memorial of the Senate of the State of Wisconsin, relative to import quotas on nonfat dry milk; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREWS of North Dakota:

H.R. 3031. A bill for the relief of Dr. Hermenegildo M. Kadile; to the Committee on the Judiciary.

By Mr. DUNCAN:

H.R. 3032. A bill for the relief of Raymond L. Wells; to the Committee on the Judiciary.

By Mr. GIAIMO:

H.R. 3033. A bill for the relief of Guerino Allevato and Vienna Mazzei Allevato; to the Committee on the Judiciary.

H.R. 3034. A bill for the relief of Tomaso Masella; to the Committee on the Judiciary.

By Mr. MOAKLEY:

H.R. 3035. A bill for the relief of Sister Anna Maria (Deanna Tirelli); to the Committee on the Judiciary.

By Mr. PATTEN:

H.R. 3036. A bill for the relief of Giacomo DiMaio and his wife, Maria DiMaio; to the Committee on the Judiciary.

H.R. 3037. A bill for the relief of Guiseppe Gumina; to the Committee on the Judiciary.

H.R. 3038. A bill for the relief of Theodore J. Malowicki; to the Committee on the Judiciary.

H.R. 3039. A bill for the relief of Chin Wing Teung; to the Committee on the Judiciary.

By Mr. PEPPER:

H.R. 3040. A bill for the relief of Mrs. Rosa Zimmerman; to the Committee on the Judiciary.

By Mr. PEYSER:

H.R. 3041. A bill for the relief of Aurora Sulpizi; to the Committee on the Judiciary.

By Mr. TALCOTT:

H.R. 3042. A bill to convey certain real property of the United States in California to Sierra Oaks, Inc.; to the Committee on Government Operations.

H.R. 3043. A bill for the relief of Mrs. Nguong Thi Tran (formerly Nguyen Thi Nguong, A13707–473D–3); to the Committee on the Judiciary.

By Mr. THONE:

H.R. 3044. A bill for the relief of James Evans, publisher of the Colfax County Press, and Morris Odavarka; to the Committee on the Judiciary.

By Mr. WALDIE:

H.R. 3045. A bill for the relief of Douglas F. Scott; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

33. By the SPEAKER: Petition of Roland L. Morgan, Los Angeles, Calif., and others, relative to withdrawal from the United Nations; to the Committee on Foreign Affairs.

34. Also, petition of the city council, Struthers, Ohio, relative to financial assistance to the city of Struthers; to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

A TRIBUTE TO TELEVISION

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 26, 1973

Mr. BOLAND. Mr. Speaker, it is said that a picture is worth a thousand words, and I think television coverage of the many historic events of the past few weeks is proof of this.

The television industry truly deserves credit for the tremendous job it has done in bringing us history in the making. It was through this media that we were informed of the massive escalation of the bombing of Vietnam. It was also through television that the President announced that a cease-fire agreement had finally been reached.

Last week, all of America was invited to witness the pageantry of the inauguration of a President of the United States. And just a few days later we were saddened to learn of the death of a President. Only the media of television has the power to make us all a part of such historic events.

I compliment the commentators for their thoughtful and enlightening presentation of these events. Their explanation, analysis, and anecdote contribute so much to the tremendous impact of television news.

Mr. Speaker, I call my colleague's attention to James Reston's "Tribute to Television," in today's New York Times, and include it in the Record at this time:

A Tribute to Television

(By James Reston)

Washington, Jan. 25.—Every once in a while the common concerns, sorrows and ideals of the Republic somehow cry out to be heard and understood, and it is then, if we watch and listen, that we understand and appreciate the power and possibilities of television as a unifying force in the nation.

These last three months illustrate the point. We have had an election that will carry the victorious President down to the 200th anniversary of the Declaration of Independence in 1976; the death of two Presidents of the United States; the bombing of Hanoi; the inauguration of President Nixon; the announcement of the cease-fire in Vietnam, and finally the burial ceremony of President Johnson in the hill country of Texas.

Somebody has to pay tribute to our colleagues in television, now under attack for the job they have done in these last few historic weeks. For they have lifted us out of our private concerns and given us a picture of human struggle and tragedy and yearning.

It takes a poet or a prophet to explain and describe in words the deaths of Truman and Johnson, the last of the former Presidents, and we can put it down on paper that the wives of four Presidents—Eisenhower, Truman, Kennedy and Johnson—are still with us.

But the television shows us Bess Truman walking in dignity with her daughter Margaret in the quiet streets of Independence, Mo. It shows us Lady Bird Johnson, that wonderful and wise woman still smiling and holding her tribe together. And it shows us Mamie Eisenhower, on the arm of the President's daughter Julie, wife of her own grandson, David Eisenhower. How could we possibly put this into words?

Here, in a flash on the screen, we see the fragility but continuity of human life, and the things that bind us together. The television can do this at great moments, when it is compelled to skip the ads, and it has seldom been more professional or sensitive than in these last few weeks.

The AP flash on Lyndon Johnson's death came over the wires the other night right in the middle of N.B.C.'s half-hour evening news program. John Chancellor, my next door neighbor, was away on a brief vacation, but Garrick Utley, his pinch-hitter, scarcely blinked, and then put on a 15-minute picture obituary of Mr. Johnson, as if he had known that President Johnson was dying.

We are now told, and it is probably right, that most people in America take their news from the television, and that they complain in the process about Walter Cronkite, and Eric Sevareid, John Chancellor and David Brinkley, Howard K. Smith and Harry Reasoner. But these six men, who would be the first to insist that they are merely the front men for a vast network of reporters, cameramen, producers, technicians, and intelligent women, who organize their confusion, make a contribution to this country which even the most competitive newspapermen respect and even envy.

Television was very late in reporting the civil rights struggle in America, and the developing American tragedies in Vietnam. Newspaper reporters like Ralph McGill in Atlanta, Harry Ashmore in Little Rock, and Claude Sitton in Raleigh, N.C., and many others were well ahead of the TV reporters at home. And Neil Sheehan, David Halberstam, Horst Eaas of The Associated Press and many other inky wretches were reporting the impending tragedy in Vietnam before television arrived.

But, such is the power of television, that it was not until Ed Murrow of CBS challenged Senator Joe McCarthy of Wisconsin on the screen, or until the television networks put their cameras on the racial demonstrations in the South, and on the battlefields and villages of Vietnam, that America began to insist on civil and voting equality at home, and peace in Vietnam.

Nobody understands this power of television more than President Nixon and his principal aides. Most of the men closest to the President have been in or close to the advertising business.

They see men like Eric Sevareid, Walter Cronkite, Marvin Kalb, Roger Mudd, Martin Agronsky, Edward P. Morgan and many others in television who have come out of the old skeptical newspaper tradition, as problems, if not enemies, who are somehow tearing down the old values.

But that is not precisely the way it is. Television, these last weeks, has just been reporting the news and in the process, celebrating and dramatizing the old values more effectively with more people than the politicians or the press.

It has been doing what it always does best on great occasions: It has been recording the great scenes, at the graves in Independence, Mo., and Johnson City, Tex., in the rotunda of the Capitol in Washington, and in the President's office at the end of the Vietnam war.

It would be hard to overestimate what television does for the nation at a time like this. Like all other institutions, it has its problems and its weaknesses, but at times of national decision, crisis, or tragedy, it is magnificent—and so it has been for the last ten or twelve weeks.

UTILITIES SPEND 3.3 TIMES MORE ON ADVERTISING AND SALES PROMOTION THAN ON RESEARCH AND DEVELOPMENT

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Friday, January 26, 1973

Mr. METCALF. Mr. President, one of the reasons for the energy shortage is that our dwindling supplies are oversold by energy companies, through advertising and sales promotion. Another reason for the energy shortage is the lack of research and development, by both energy companies and the Government, on nonnuclear methods of energy production.

For several years I have made annual reports to the Senate on comparative expenditures by major electric utilities on advertising and sales promotion and research and development. The 1971 data is now available, from reports filed by the companies last year with the Federal Power Commission. The data shows that the industry spent three and a third times as much on advertising and sales promotion as it did on research and development. The figures are:

Research and development—$94,389,884.

Advertising and sales promotion—$314,228,349.

The advertising and sales promotion total includes $22,802,357 in institutional advertising and $291,425,992 in sales promotion. The advertising and sales promotion total is understated in that spending for certain types of promotion and the salaries of persons involved are not included.

Mr. President, this data provides further documentation of resource waste and shortsighted policies of the largest component of the energy industry. Research and development expenditures are included among the allowed, customer-financed operating expenses of the utilities. In some instances R. & D. expenditures are included in the rate base, which means the utility earns money on the expenditure.

Regulatory commissions usually permit similar customer financing of advertising and sales promotion. However, in recent months several State commissions have limited or denied allowance of advertising and sales promotion as customer-financed operating costs. Thus, if the utilities want to advertise and promote, they will be required to do it at the expense of the stockholders, rather than the customers. This trend among State commissions is heartening indeed to those of us who believe that they will provide restraints upon energy companies that Federal regulators are now reluctant to impose.

Mr. President, although the electric utilities' spending priorities in these two areas are out of balance, some companies are making significant investments in R. & D. Seven companies at last are spending more on research and development than they are on advertising and sales. These companies are:

New England Power Co.
Pacific Gas & Electric Co.—California.
Illinois Power Co.
Duquesne Light Co.—Pennsylvania.
Arizona Public Service Co.
Commonwealth Edison Co.—Illinois.
San Diego Gas & Electric Co.

I commend these companies for having crashed through the 1-to-1 barrier. Efforts such as theirs have at least decreased the industry's advertising and sales promotion—R. & D. ratio from the dismal 7 to 1 in 1969 and 1970 to 3.3 to 1 in 1971. Especially noteworthy was the effort of New England Power, which spent more than 12 times as much on R. & D. as it did on advertising and sales promotion.

Six utilities reported R. & D. expenditures and no advertising and sales promotion expenses. However, most if not all of them are utility subsidiaries which generate power for their parents and have no retail customers.

Mr. President, I believe that a company-by-company comparison of advertising and sales with R. & D. expenditures will be useful to members of regulatory commissions and the Congress. The Library of Congress, at my request, has compiled such a comparison, using the data supplied to the FPC by the utilities themselves. I ask unanimous consent to have printed in the RECORD the table prepared by the Library of Congress.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

PRIVATELY OWNED CLASS A AND B ELECTRIC UTILITIES—ADVERTISING AND SALES EXPENSES COMPARED TO RESEARCH AND DEVELOPMENT EXPENSES FOR YEAR 1971

	Research and development expenses	Total advertising and sales expenses [1]	Research and development—Percent of total advertising and sales
New England Power Co	$987,414	$79,766	1,237.9
Pacific Gas & Electric Co	12,300,269	6,976,692	176.3
Illinois Power Co	2,016,575	1,566,136	128.8
Duquesne Light Co	5,293,997	4,238,373	124.9
Arizona Public Service Co	2,289,129	1,846,445	124.0
Commonweatlh Edison Co	13,022,276	10,616,981	122.7
San Diego Gas & Electric Co	1,086,116	1,066,732	101.8
Consolidated Edison of New York, Inc	2,028,405	2,330,118	94.78
Holyoke Water Power Co	31,236	37,029	84.4
Detroit Edison Co., the	$4,169,613	$5,363,556	77.7
Central Hudson Gas & Electric Corp	513,723	671,652	76.5
Long Island Lighting Co	993,217	1,303,359	76.2
Boston Edison Co	1,965,676	2,980,843	65.9
Northern Indiana Public Service Co	207,865	414,934	50.1
Hawaiian Electric Co., Inc	677,318	1,384,814	48.9
Baltimore Gas & Electric Co	1,032,073	2,184,479	47.2

	Research and development expenses	Total advertising and sales expenses[1]	Research and development—Percent of total advertising and sales
Northern States Power Co. (Minnesota)	1,401,108	3,331,010	42.1
United Illuminating Co., the	$761,926	$1,862,834	40.9
Southern California Edison Co	4,137,287	10,811,920	38.3
Madison Gas & Electric Co	32,642	85,686	38.1
Public Service Electric & Gas Co	1,584,299	4,220,586	37.5
Virginia Electric Power Co	2,227,917	6,075,313	36.7
Nevada Power Co	138,104	380,708	36.3
Idaho Power Co	507,262	1,397,633	36.3
Philadelphia Electric Co	2,371,360	6,968,142	34.0
Consumers Power Co	1,524,250	4,566,858	33.4
Louisville Gas & Electric Co	93,706	284,689	32.9
Public Service Co. of New Hampshire	368,867	1,132,317	32.6
Hartford Electric Light Co., the	493,821	1,521,975	32.4
Southern Indiana Gas & Electric Co	63,746	212,992	29.9
Orange & Rockland Utilities, Inc	137,948	467,588	29.5
Rochester Gas & Electric Corp	412,404	1,503,021	27.4
Connecticut Light & Power Co., the	782,643	3,034,912	25.8
Kansas City Power & Light Co	505,278	2,074,549	24.4
Western Massachusetts Electric Co	325,912	1,333,076	24.4
Narragansett Electric Co., the	224,156	923,347	24.3
Duke Power Co	858,935	3,711,478	23.1
Florida Power Corp	731,909	3,211,869	22.8
Potomac Electric Power Co	686,291	3,097,404	22.2
Metropolitan Edison Co	312,868	1,423,186	22.0
Indiana & Michigan Electric Co	898,148	4,156,100	21.6
Ohio Power Co	998,451	4,641,402	21.5
Montana Power Co., the	116,221	548,605	21.2
Appalachian Power Co	808,209	3,825,912	21.1
Iowa-Illinois Gas & Electric Co	97,101	480,530	20.2
Mississippi Power Co	232,294	1,154,616	20.1
Tucson Gas & Electric Co	35,589	177,301	20.1
Houston Lighting & Power Co	862,195	4,493,736	19.2
Kentucky Power Co	129,592	747,576	17.3
Delmarva Power & Light Co	104,999	647,598	16.2
Central Illinois Light Co	84,084	542,009	15.5
Pacific Power & Light Co	569,642	3,730,733	15.3
Florida Power & Light Co	1,285,124	8,462,139	15.2
Lake Superior District Power Co	6,342	44,992	14.1
Home Light & Power Co	2,663	20,361	13.1
Wisconsin-Michigan Power Co	38,509	298,493	12.9
Niagara Mohawk Power Corp	456,129	3,679,039	12.4
Jersey Central Power & Light Co	177,385	1,459,881	12.2
Utah Power & Light Co	340,208	2,881,090	11.8
Puget Sound Power & Light Co	142,996	1,247,716	11.5
Wisconsin Power & Light Co	154,377	1,350,173	11.4
Wisconsin Electric Power Co	236,435	2,118,920	11.2
Kingsport Power Co	17,124	161,907	10.6
West Penn Power Co	363,057	3,522,056	10.3
Cincinnati Gas & Electric Co., the	230,722	2,252,812	10.2
Iowa Power & Light Co	69,341	707,519	9.8
Union Electric Co	411,919	4,285,681	9.6
Columbus & Southern Ohio Electric Co	169,170	1,847,655	9.2
New York State Electric & Gas Corp	176,320	1,927,726	9.1
Sierra Pacific Power Co	34,445	387,753	8.9
Dallas Power & Light Co	293,111	3,361,699	8.7
Pennsylvania Power & Light Co	453,754	5,347,376	8.5
Union Light, Heat & Power Co., the	31,739	379,255	8.4
Public Service Co. of New Mexico	64,586	769,749	8.4
Wheeling Electric Co	27,195	325,473	8.4
Dayton Power & Light Co., the	217,667	2,674,904	8.1
Cleveland Electric Illuminating Co., the	558,773	7,334,953	7.6
Pennsylvania Electric Co	156,879	2,067,589	7.6
Cambridge Electric Light Co	19,872	362,243	7.5
Michigan Power Co	11,917	164,089	7.3
Public Service Co. of Colorado	144,032	2,017,735	7.1
Atlantc City Electric Co	96,928	1,405,531	6.9
Otter Tail Power Co	56,364	835,307	6.7
Potomac Edison Co., the	61,431	911,605	6.7
Green Mountain Power Corp	8,393	128,119	6.6
South Carolina Electric & Gas Co	87,413	1,367,836	6.4
Kentucky Utilities Co	$114,306	$1,807,262	6.3
Tampa Electric Co	105,265	1,666,683	6.3
Carolina Power & Light Co	157,865	2,609,302	6.1
El Paso Electric Co	31,818	522,585	6.1
Wisconsin Public Service Corp	81,371	1,343,364	6.1
New Jersey Power & Light Co	36,632	600,265	6.1
Northwestern Public Service Co	13,450	219,572	6.1
Gulf Power Co	69,910	1,177,003	5.9
Gulf States Utilities Co	193,431	3,349,074	5.8
Indianapolis Power & Light Co	122,347	2,104,630	5.8
Massachusetts Electric Co	191,908	3,306,244	5.8
Central Illinois Public Service Co	131,817	2,348,253	5.6
Ohio Edison Co	337,539	6,011,035	5.6
Public Service Co. of Indiana, Inc	223,067	3,983,280	5.6
Texas Electric Service Co	311,076	5,570,208	5.6
New Orleans Public Service, Inc	82,342	1,486,775	5.5
Iowa Southern Utilities Co	17,888	336,094	5.3
Texas Power & Light Co	325,406	6,354,799	5.1
Montana-Dakota Utilities Co	29,831	600,124	5.0
Kansas Gas & Electric Co	72,256	1,487,968	4.9
Portland General Electric Co	147,938	3,046,483	4.9
Pennsylvania Power Co	42,034	880,435	4.8
Newport Electric Corp	4,353	90,785	4.8
Oklahoma Gas & Electric Co	201,362	4,354,777	4.6
Northern States Power Co. (Wisconsin)	25,272	561,841	4.5
Georgia Power Co	377,891	8,606,654	4.4
Alabama Power Co	321,056	7,390,494	4.3
West Texas Utilities Co	37,611	884,249	4.3
Missouri Utilities Co	1,598	38,045	4.2
Public Service Co. of Oklahoma	131,958	3,193,841	4.1
Community Puplic Service Co	33,000	823,056	4.0
Missouri Public Service Co	12,000	302,814	4.0
Central Vermont Public Service Corp	13,002	333,847	3.9
Southwestern Public Service Co	79,211	2,052,119	3.9
Minnesota Power & Light Co	41,420	1,089,371	3.8
St. Joseph Light & Power Co	12,986	341,122	3.8
Empire District Electric Co., the	18,107	506,031	3.6
Interstate Power Co	33,484	949,229	3.5
Monongahela Power Co	75,164	2,334,486	3.2
Central Power & Light Co	94,324	3,088,903	3.1
Kansas Power & Light Co., the	16,773	566,621	3.0
Louisiana Power & Light Co	110,050	3,653,530	3.0
Arkansas Power & Light Co	109,134	3,783,468	2.9
Fall River Electric Light Co	5,998	208,364	2.9
Southwestern Electric Power Co	78,055	2,860,532	2.7
Brockton Edison Co	12,357	476,988	2.6
Old Dominion Power Co	2,630	102,027	2.6
UGI Corp	6,673	252,736	2.6
Blackstone Valley Electric Co	11,180	455,079	2.5
Central Maine Power Co	42,417	1,682,969	2.5
New Mexico Electric Service Co	3,570	168,587	2.1
Cheyenne Light, Fuel & Power Co	2,343	119,718	2.0
Potomac Edison Co. of Virginia, the	5,426	300,877	1.8
Savannah Electric & Power Co	8,796	498,742	1.7
Delmarva Power & Light Co. of Maryland	5,090	296,006	1.6
Arkansas-Missouri Power Co	1,873	116,096	1.6
Toledo Edison Co., the	36,729	2,327,753	1.4
Delmarva Power & Light Co. of Virginia	879	63,534	1.3
Granite State Electric Co	1,187	93,204	1.3
Mississippi Power & Light Co	25,905	2,014,823	1.1
Potomac Edison Co. of West Virginia, the	3,931	337,472	1.0
Potomac Edison Co. of Pennsylvania, the	2,520	234,703	.8
New Bedford Gas & Edison Light Co	12,222	1,167,310	.5
Iowa Electric Light & Power Co	9,193	1,151,183	.3
Upper Peninsula Power Co	1,600	303,803	.1
Washington Water Power Co., the	2,743	1,045,999	
Exeter & Hampton Electric Co	74	81,501	

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[1] Total advertising and sales expense equals institutional advertising expenses and total sales expenses.

Electric utilities having only research and development expenses in 1971

[Research and Development Expenses]

Canal Electric Co	$3,387,331
Commonwealth Edison Co. of Indiana, Inc	4,333,343
Connecticut Yankee Atomic Power Co	251,477
Millstone Point Co	197,656
Susquehanna Power Co	513,050
Vermont Electric Power Co., Inc	4,500

Electric utilities having only advertising and sales expenses in 1971

[Total Advertising and Sales Expenses]

Alpena Power Co	$22,115
Bangor Hydro-Electric Co	53,028
Black Hills Power & Light Co	330,106
Boston Gas Co	1,835
California-Pacific Utilities Co	125,564
Central Kansas Power Co	43,358
Central Louisiana Electric Co	618,048
Central Telephone & Utilities Corp	359,429
Citizens Utilities Co	82,852
Concord Electric Co	29,767
Conowingo Power Co	66,059
Conn. Valley Electric Co., Inc	$29,932
Edison Sault Electric Co	82,359
Fitchburg Gas & Electric Light Co	143,083
Florida Public Utilities Co	85,819
Hershey Electric Co	2,204
Hilo Electric Light Co., Ltd	174,493
Holyoke Power & Electric Co	415
Lockhart Power Co	1,910
Maine Public Service Co	190,245
Maui Electric Co., Ltd	137,489
Missouri Edison Co	132,240
Mount Carmel Public Utility Co	13,121
Mantahala Power & Light Co	2,263
Nantucket Gas & Electric Co	8,723
Northwestern Wisconsin Electric Co.	8,874
Rockland Electric Co	143,191
Sherrard Power System	1,471
South Beloit Water, Gas & Electric Co	41,501
Southwestern Electric Service Co	162,660
Superior Water, Light & Power Co	122,656
Western Colorado Power Co	134,034
Wisconsin River Power Co	1,111
Yankee Atomic Electric Co	4,422

Electric utilities having neither research and development expenses nor advertising and sales expenses in 1971

Alaska Electric Light & Power Co.
Alcoa Generating Corp.
Arklahoma Corp.
Consolidated Water Power Co.
Electric Energy, Inc.
Indiana-Kentucky Electric Corp.
Long Sault, Inc.
Maine Electric Power Co.
Montaup Electric Co.
Ohio Valley Electric Corp.
Philadelphia Electric Power Co.
Rumford Falls Power Co.
Safe Harbor Water Power Corp.
Southern Electric Generating Co
Susquehanna Electric Co.
Tapoco, Inc.
Upper Peninsula Generating Co.
Yadkin, Inc.

SOURCE: Federal Power Commission.

CONCURRENT RESOLUTION BY SOUTH CAROLINA GENERAL ASSEMBLY REGARDING MYRTLE BEACH AIR FORCE BASE

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Friday, January 26, 1973

Mr. THURMOND. Mr. President, on behalf of the junior Senator from South Carolina (Mr. HOLLINGS) and myself, I bring to the attention of the Senate, a concurrent resolution passed by the South Carolina General Assembly.

On January 17, 1973, the South Carolina General Assembly passed a concurrent resolution supporting the continued operation of the Myrtle Beach Air Force Base, S.C., as a vital defense facility of the Nation and the free world. Senator HOLLINGS and I jointly endorse this concurrent resolution.

Mr. President, there has been some press speculation that the Myrtle Beach Air Force Base is being considered for closure. The Department of the Air Force has given assurance that such reports have no merit. This reassurance is gratifying, as Senator HOLLINGS and I both feel that this important base continues to fill an essential role in our national defense. The concurrent resolution reinforces the Department of Air Force view and reflects the strong support of South Carolina of our national security and our Armed Forces.

Mr. President, on behalf of Senator HOLLINGS and myself, I ask unanimous consent that the concurrent resolution be printed in the Extensions of Remarks.

There being no objection, the concurrent resolution was ordered to be printed in the RECORD, as follows:

(Introduced by the Horry Delegation)

A CONCURRENT RESOLUTION REQUESTING THE CONTINUED OPERATION OF THE MYRTLE BEACH AIR FORCE BASE AT MYRTLE BEACH, S.C.

Whereas, the men and women stationed at the Myrtle Beach Air Force Base are fulfilling their missions in an outstanding manner and are thus effectively contributing to the vital role played by the 354th Tactical Fighter Wing and the United States Air Force in the defense of the Nation and the Free World; and

Whereas, Myrtle Beach Air Force is a relatively new installation with a complete jetage airfield, all-weather approach and landing facilities, permanent housing and other modern support facilities; and

Whereas, the strategic location of Myrtle Beach Air Force Base provides an optimum launch site for fighters deploying to Europe; and

Whereas, the Grand Strand location of Myrtle Beach Air Force Base provides all-year good weather for flying training and offers a variety of seashore recreational opportunities for its assigned personnel; and

Whereas, Myrtle Beach Air Force supports the Grand Strand economy with a total annual payroll of more than thirty-two million dollars and through purchases of supplies, construction and other services in the local area and throughout the State; and

Whereas, Myrtle Beach Air Force Base accounts for a total population of nearly ten thousand people, including three hundred forty-five officers, three thousand three hundred fifty enlisted men, four hundred fifty civilians and dependent members of their families; and

Whereas, the entire Air Force family living and working at Myrtle Beach Air Force Base is a vital part of the religious, civic, educational, social and economic life of the Grand Strand area and the State of South Carolina; and

Whereas, an excellent Base-Community relationship between various groups of Myrtle Beach Air Force Base and the community, county, and State provide extensive benefits to the Air Force and the Base as well as to the community, county and State; and

Whereas, an active Grand Strand Chapter of the Air Force Association, and Air Force Committee within the Chamber of Commerce and other local groups and governmental bodies are instrumental in support Myrtle Beach Air Force Base and the over-all Air Force mission; and

Whereas, the degree of local public support for Myrtle Beach Air Force Base is evidenced by the fact that all six mayors of the Grand Strand area issued proclamations commending the Base and many organizations and individuals participated in the Chamber of Commerce-sponsored Air Force Appreciation Days that honored the men and women of Myrtle Beach Air Force Base, the 354th Tactical Fighter Wing and the United States Air Force on November 12–18, 1972; and

Whereas, the degree of citizens' interest and support is further evidenced by the fact that nearly eight thousand people from the Grand Strand area attended a Myrtle Beach Air Force Base Open House during Air Force Appreciation Days; and

Whereas, a local citizens group has been informally constituted to solicit support from citizens of the Grand Strand area and Horry County, resulting in the procurement of over fifteen thousand signatures on a petition to be sent to elected representatives in the United States Congress asking their support to insure continued operation of the Myrtle Beach Air Force Base.

Now, therefore, be it resolved by the House of Representatives, the Senate concurring: That the General Assembly of the State of South Carolina is strongly in favor of the continued operation of the Myrtle Beach Air Force Base and support necessary actions to maintain the installation as a vital facility of the United States Air Force and its mission in the defense of the Nation and the Free World and requests and urges, by this resolution, The President of the United States, The Secretary of the United States Department of Defense, The Secretary of the United States Air Force, each United States Senator and Congressman from South Carolina, and the Governor and Lieutenant Governor of South Carolina to take such action as may be required to insure the continued operation of the Myrtle Beach Air Force Base at Myrtle Beach, South Carolina.

Be it further resolved that copies of this resolution be forwarded to each of the above named officials.

LEGISLATION TO INCREASE THE CONTRIBUTION OF THE GOVERNMENT TO THE COSTS OF HEALTH BENEFITS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 26, 1973

Mr. WALDIE. Mr. Speaker, the majority of American workers have the full cost of their family's health insurance premiums paid for by their employer.

President Nixon has called upon private employers to provide at least 75 percent of the total cost of health insurance by 1976.

Many lower wage level Federal employees now have a greater payroll deduction for health insurance than for income taxes.

Presently, the Federal Government's contribution toward its employees' health program amounts to approximately 40 percent of its total cost. That is simply not enough, if the Federal Government is to be a fair employer.

Members of Congress have a special duty to see that Federal employees are treated equitably. If we insist that they not strike, a proposition with which I strongly disagree, then we must in all fairness at least give them benefits for which they might justifiably strike, if permitted.

Therefore, Mr. Speaker, I introduce this bill to increase the Government's contribution for health insurance to meet the President's guidelines for private industry. I propose an increase to 55 percent immediately, and then an additional 5 percent increases until the Government's share reaches 75 percent in 1977.

Another section of this bill would allow those employees who retired previous to July 1, 1960—approximately 150,000 annuitants—to enroll in the program. Finally, this bill would extend coverage to unmarried children over the age of 22 who are enrolled in school on a full-time basis.

As chairman of the Subcommittee on Retirement, Insurance and Health Benefits, I can assure all interested parties that this matter will have our great and immediate concern in this session of Congress.

I include the full text of this bill in the RECORD:

H.R. 3025

A bill to increase the contribution of the Government to the costs of health benefits for Federal employee, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsections (a) and (b) of section 8906 of title 5, United States Code, are amended to read as follows:

"(a) The Commission shall determine the average of the subscription charges in effect on the beginning date of each contract year with respect to self alone or self and family enrollments under this chapter, as applicable, for the highest level of benefits offered by—

"(1) the service benefit plan;

"(2) the indemnity benefit plan;

"(3) the two employee organization plans with the largest number of enrollments, as determined by the Commission.

"(4) the two comprehensive medical plans with the largest number of enrollments, as determined by the Commission.

"(b)(1) Except as provided by paragraph (2) of this subsection, the biweekly Government contribution for health benefits for an employee or annuitant enrolled in a health benefits plan under this chapter shall be adjusted, beginning on the first day of the first pay period of each year, to an amount equal to the following percentage, as applicable, of the average subscription charge determined under subsection (a) of this section: 55 percent commencing in 1973; 60 percent commencing in 1974; 65 percent commencing in 1975; 70 percent commencing in 1976; and 75 percent commencing in 1977 and each year thereafter.

"(2) The biweekly Government contribution for an employee or annuitant enrolled in a plan under this chapter shall not exceed 75 percent of the subscription charge.".

(b) Section 8906(c) of title 5, United States Code, is amended by striking out "subsections (a) and (b)" and inserting "subsection (b)" in lieu thereof.

(c) Section 8906(g) of title 5, United States Code, is amended by striking out "subsection (a) of".

SEC. 2. (a) Notwithstanding any other provision of law, an annuitant, as defined under section 8901(3) of title 5, United States Code, who is participating or who is eligible to participate in the health benefits program offered under the Retired Federal Employees Health Benefits Act (74 Stat. 849; Public Law 86-724), may elect, in accordance with regulations prescribed by the United States Civil Service Commission, to be covered under the provisions of chapter 89 of title 5, United States Code, in lieu of coverage under such Act.

(b) An annuitant who elects to be covered under the provisions of chapter 89 of title 5, United States Code, in accordance with subsection (a) of this section, shall be entitled to the benefits under such chapter 89.

SEC. 3. Section 8901(5) of title 5, United States Code, is amended by striking out the phrase beginning "or such an unmarried child" and inserting in lieu thereof the following: "or such an unmarried child regardless of age, who—

"(i) is a student regularly pursuing a full-time course of study or training in residence in a high school, trade school, technical or vocational institute, junior college, college, university or comparable recognized educational institution; or

"(ii) is incapable of self-support because of mental or physical disability which existed before age twenty-two;".

SEC. 4. Section 8902 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(j) Each contract under this chapter shall require the carrier to agree to pay for or provide a health service or supply in an individual case if the Commission finds that the employee, annuitant, or family member is entitled thereto under the terms of the contract.".

SEC. 5. The rates of Government contribution for health benefits determined under section 8906 of title 5, United States Code, as amended by the first section of this Act, and the inclusion, for health benefit purposes, of certain unmarried children as family members under section 8901(5) of title 5, United States Code, as amended by section 3 of this Act, shall apply to the United States Postal Service and its officers and employees and to the Postal Rate Commission and its officers and employees.

SEC. 6. (a) This section and section 5 of this Act shall take effect on the date of enactment.

(b) The first section of this Act shall take effect on the first day of the first applicable pay period which begins on or after the thirtieth day following the date of enactment.

(c) Section 2 and section 3 shall take effect on the one hundred and eightieth day following the date of enactment or on such earlier date as the United States Civil Service Commission may prescribe.

(d) Section 4 shall become effective with respect to any contract entered into or renewed on or after the date of enactment of this Act.

(e) The determination of the average of subscription charges and the adjustment of the Government contributions for 1973, under section 8906 of title 5, United States Code, as amended by the first section of this Act, shall take effect on the first day of the first applicable pay period which begins on or after the thirtieth day following the date of enactment of this Act.

EDITORIAL SUPPORT FOR POLICE PROTECTION PROPOSAL

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Friday, January 26, 1973

Mr. SCHWEIKER. Mr. President, WNEP-TV, in Avoca, Pa., recently presented an editorial in support of my bill to make premeditated attacks on State and local policemen, firemen, and judicial officers a Federal crime. I believe the station's views represent the views of a great many Americans on this subject. I would like Senators and their constituents to have an opportunity to read the editorial. I ask unanimous consent that the WNEP-TV editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE SCHWEIKER BILL TO PROTECT POLICEMEN, FIREMEN, AND JUDGES

Last weekend we were horrified by the news which came out of New Orleans, Louisiana. In our time and place, it seems brutal, barbaric and beyond reason that anyone would take a shot at a policeman, a fireman, or a judge. But in the recent past we have heard of many instances in which police, firefighters and judges were targets for sniper's bullets.

In 1971, Senator Richard Schweiker introduced an amendment which would have made such crimes federal offenses. The Schweiker proposal passed the Senate 46-23, only to die in conference committee.

Once again Senator Schweiker has taken up this measure. This time he has introduced his proposal as a bill, not an amendment. His purpose is the same; to help protect the police, the firemen and the state and local judges who serve us. The Schweiker bill has three distinct provisions which would enable the Justice Department and the F.B.I. to use their good offices to apprehend those who would attempt to take the lives of our police, our firemen and our judges.

We at WNEP-TV believe that this legislation should be passed by the House and the Senate as quickly as possible. It seems to us that the first measure of our civility can be found in the lengths we will go to protect those who do so much to protect us. It's high time that crimes of this nature be made a federal offense, because if they continue with increasing frequency, they will threaten the very essence of our democracy.

GEORGE FOREMAN—HEAVYWEIGHT CHAMPION OF THE WORLD

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 26, 1973

Mr. STARK. Mr. Speaker, it gives me a great deal of pride and satisfaction to commend to this House the heavyweight champion of the world.

George Foreman, a resident of Hayward, Calif., has contributed immensely to our national pride. First as the heavyweight champion of the Olympic Games of 1968, and now as the winner of the greatest prize in professional boxing.

He has accomplished his rise through the very pinnacle of the athletic world without losing his genuine humility, nor his awareness of the difficulties of American youth, nor his appreciation of his country.

It was only about 6 years ago that George fought in a boxing ring for the first time. He was a member then of the Job Corps at Camp Parks, in Pleasanton, Calif. Foreman had dropped out of junior high school in the ninth grade because of financial and academic difficulties. He joined the Job Corps in 1965. And then, as he acknowledged, his life took an upward turn. He learned bricklaying, carpentry, and then he qualified as an electronics assembler.

He came to the world's attention with his Olympic championship in 1968 and that attention was magnified when on the Olympic victory stand he waved an American flag for the world to see.

George Foreman waving his little flag aroused questions and controversy. There were those who cynically saw it merely as a device to attract attention to the professional career he was about to begin.

I prefer to accept Foreman's explanation of his display of our national colors on the victory stand of the 1968 Olympiad. He said:

> I did it because I wanted to do it. I loved the Job Corps and what it did for me. I am an American. I am proud to represent my country.

After winning the championship of the boxing world, George Foreman said:

> I am happy that God gave me the intelligence and strength to win this championship. I want to thank God and all the people who have supported me. I want to go all around the country and talk to the kids. I want to tell them they can be anything they want to be, if they try.

"I am not the greatest fighter in the world," said this modest young man from Hayward, Calif., just minutes after winning his championship.

> There are many young boys strong and smart who can do what I have done and more. They just have to have confidence, and be told they can do it. That's what I want to do.

Those are the words of the heavyweight champion of the world, a young man of 24.

I am proud of him as an athlete, as a Californian, as a graduate of the Job

Corps, and as an American. I ask that this whole House join me in expressing our pride and congratulations to George Foreman, the new heavyweight champion of the world.

FORMULA FOR SURVIVAL

HON. BOB CASEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 26, 1973

Mr. CASEY of Texas. Mr. Speaker, Americans have heard the hue and cry—man versus nature. In order for man to survive, he must learn more about his surroundings; how to best utilize the space available, how to best preserve the natural habitats of all living organisms, and how to best offer the opportunities for today's youth to know more about nature and ecology before it is too late.

Rice University, under the able direction of Dr. Frank M. Fisher, associate professor of biology, has initiated a most interesting and beneficial program. Our coastal wetlands—be they in Texas or in the Atlantic or Pacific region—represent the epitome of man versus nature. Developers, municipal governments, and population pressures are competing against them whereas sportsmen, conservation groups, and environmentalists know of their value for not only the study of biology or the survival of fish, shellfish, and wildlife, but also for boating, hunting, bird watching, and other recreational pleasures. What is the use and value of these disputed regions?

Since I know that my distinguished colleagues are more than concerned with ecology and the environment, I am today inserting excerpts of Dr. Fisher's letter to me explaining more about the birth of this new and vital program at Rice University, Houston, Tex. The excerpts follow:

> During the last 20 years there has been a revival of interest in the marine ecosystem. Specifically the areas of marine biology and oceanography have received much support and have been the focus of extensive scientific investigations.
>
> The estuaries, those geographical areas where fresh waters meet and mix with oceanic waters, have received less attention during this same period of time. Landward between the estuaries and the upstream fresh water environment lie the coastal wetlands. The term wetland can be best defined as coastal lowlands covered with shallow, sometimes temporary or intermittent waters. Such areas have many inherent values and a variety of uses—the value of wetlands as wildlife nature study areas has long been recognized; however, the role of salt marshes in maintaining sport and commercial fisheries along our coast has only recently been established. In the estuarine area, fresh water with its burden of eroded soil and organic materials mixes with the mineral rich sea water. From this productive mixture plankton provides an abundant food supply for successively higher links in the food chain of the estuaries. Approximately 80 percent of all commercial and sports finfish depend on this complex chemistry in the salt marsh-estuary ecosystem. Marshlands provide additional public benefits because of their water holding characteristics. These areas function as "giant sponges" in flood times, absorbing and dispersing large amounts of water and then releasing it over a long period of time, thus reducing flood danger and erosion. Tidal wetlands also provide an important protective shield against coastal storms and silting resulting from erosion by occasional high waters.
>
> We are pleased to announce that Rice University has begun a new multidisciplinary program in Wetland Studies. This program has brought together expertise in the areas of marine and estuarine biology, population biology, animal and plant biology, environmental physiology, sedimentology, paleoecology, and ecology to study this important coastal ecosystem. Through the generosity of Chambers County (Anahuac) land owners, approximately 70,000 acres of coastal wetlands have been made available for our studies. Much to the benefit of our program has been the addition of a field station on the Barrow Ranch where all marsh buggies, boats, mobile laboratory and other service as well as collecting equipment are housed.
>
> This area in the coastal plain of Texas has some of the most interesting and unique wetlands in the United States. One might say that these wetlands are singular in that they are not inundated with a tidal wash once or twice each day as are the low-lands on the Atlantic and Pacific coasts. Nevertheless these marshlands are extremely productive and are essential to the economy of the Gulf of Mexico, for the protection of inland cities and industry and for the recreational benefits of our citizenry. In spite of the importances of these wetlands, little research has been directed toward their understanding or description. Indeed it is interesting that major research energies have been directed toward the study of the "open waters" in lieu of these important coastal lowlands.

PRAYER AND BIBLE READING

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 26, 1973

Mr. YOUNG of Florida. Mr. Speaker, despite the 92d Congress' failure to pass a proposed constitutional amendment which would have returned voluntary prayer and Bible reading to our public schools, public support of such legislation continues to grow—especially among our youth.

While many find fault with today's youth, the vast majority are dedicated young Americans who will do all they can to idealize a better America and to uphold those traditions and principles which generations before them have defended and hold so dear.

Such is the case of Mr. Chris Bennett, a constituent of mine who refused to become a member of the "silent majority" and saw fit to speak out on this controversial subject in a recent issue of the Evening Independent. So that my colleagues may have the benefit of Mr. Bennett's views, I herewith submit a copy of the newspaper article. Hopefully, the 93d Congress will see fit to respond to Chris Bennett and the vast majority of Americans by approving a prayer amendment such as I have introduced which will, at long last, allow our children to once more know that their Government is still "One Nation Under God."

The article follows:

> OPINION
>
> (By Chris Bennett)
>
> We are always saying that one person can't change the world, but one person, Madeline Murray O'Hare, the atheist crusader, succeeded in making it illegal to read the Bible or pray in the public schools. She has now obtained 27,000 signed letters protesting the decision of the astronauts to read the Bible as a Christian message to the world from their spacecraft while orbiting the moon in December, 1968.
>
> She plans to present these letters to NASA with a demand that the astronauts be publicly censured for their act, and a further demand to prohibit any further demonstrations of religion by public leaders.
>
> The results of this demand could very well be tragic. If support for Mrs. O'Hare's proposition is great enough, funerals of prominent leaders would not be presented, photographs of the president, or any other civil employees, going to church, would be banned, and any other public profession would be refused. Further implications would show the abolition of the swearing-in of the president on the Bible. No one knows how farreaching the effect of such action would be.
>
> You are one but you can do something about this. An effort is now being made to secure 1-million signed letters commending the astronauts for their action. This would be an overwhelming defeat for Mrs. O'Hare and a great triumph for religious faith as well as for the freedoms of speech and religious profession guaranteed us by the U.S. Constitution. Do not let her succeed with her ruling because you do nothing.
>
> If you want to do something about this, you can write to the National Aeronautics and Space Administration at Houston and tell them you support the decision of the astronauts to read the Bible in space.
>
> I'm going to.

TRIBUTE TO PRESIDENT LYNDON B. JOHNSON

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 26, 1973

Mr. SHRIVER. Mr. Speaker, it is with a great deal of sorrow that I join with my colleagues today in mourning the loss of former President Lyndon B. Johnson. We are shocked and deeply saddened by his sudden passing.

Lyndon Johnson was a skilled and powerful statesman. His incredible stamina, both intellectual and physical, made him a driving force throughout all his years in Washington.

Some have said that Lyndon Johnson was the most powerful and successful majority leader the Senate has had in recent years. His long and successful career in the Senate gave him a keen understanding of the legislative process, and an awareness of the importance of close communication with the Congress, when he moved to the White House.

I believe that Lyndon Johnson was one of the political giants of our times. He had a brilliant career of public service. He was a hardworking, sincere President, who tried to do what he believed to be right for our country. He was a towering strength, in a divisive and tragic period in our history.

Lyndon Johnson sought to make this country a place where all were equal. He cared for the people of this Nation, and worked hard for them. President Johnson always contended that the people of this Nation, and of the world, should "reason together."

It is sad for all of us to remember how Lyndon Johnson's dream of a Great Society seemed shattered at times by strife at home and abroad, and even sadder for us to realize that the peace he strove for so desperately may be only days away and he will not see it. It would be a great day for the man who has said:

> No man living ever wanted peace as much as I did.

Lyndon Johnson's place in history will be an important one, and he will be sorely missed. Our heartfelt sympathy goes out to Mr. Johnson's wife and family.

THE AIR PIRACY PROBLEM AND THE RIGHTS OF PASSENGERS

HON. DAN KUYKENDALL

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, January 26, 1973

Mr. KUYKENDALL. Mr. Speaker, watching the passengers at various airline gates in recent weeks, I had jumped to the conclusion that the good citizens of this country were accepting a minor inconvenience cheerfully, knowing that their own lives might well be safer if they and their baggage are screened before they go aboard.

Surely, I thought, everyone is smart enough to know that these measures represent the most effective way of protecting the airplane, and its cargo of lives, from skyjackers. Is not that enough to warrant full cooperation?

Apparently not. At least not in the eyes of one gentleman from the other body, who places his own convenience above the principle of safety of his fellow passengers.

Thus, he establishes a precedent and sets an example for the psychopath behind him, who listens most carefully as the gentleman waxes indignant over any attempt to screen him.

Next week, it may be this same psychopath, blustering his way through the screening device, reminding the airlines that he has the same rights as a U.S. Senator. Even if this passenger is as harmless as the gentleman he emulates, the effectiveness of the screening system has suffered a serious setback—if not a fatal one.

What an example to be set by a public official. A program that depends entirely upon voluntary cooperation—perhaps the only real deterrent to sky pirates that we have at present—threatened by a bombastic, selfish protest.

The gentleman says he did this as a protest against the screening of anyone. He maintains that their personal rights are being violated by the metal detectors. But the gentleman has introduced no legislation to help solve the air piracy problem; he has raised no voice protesting the violation of the personal rights of hundreds of innocent passengers who have been inconvenienced, terrorized, and hauled unwillingly all over the world—and his protests about the "rights" of passengers are unlikely to raise many cheers from the air travelers who are glad and comforted to see the metal detectors standing at the boarding gates.

NET RESULT OF REVENUE SHARING MEANS LESS FUNDS FOR LOCAL GOVERNMENTS

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, January 26, 1973

Mr. EVINS of Tennessee. Mr. Speaker, many Members have expressed concern since revenue sharing was initially proposed that this program might be used as a means of cutting, curtailing or eliminating a number of vital and important Federal programs which have been of great assistance to our people and local governments.

In this connection I place in the RECORD herewith an editorial from The Tennessean entitled "Worst Fears Coming True About Revenue Sharing," because of the great interest of my colleagues and the American peopule in this most important subject.

The editorial follows:

[From the (Nashville) Tennessean, Jan. 15, 1973]

WORST FEARS COMING TRUE ABOUT REVENUE SHARING

Outgoing Secretary of Housing and Urban Development George Romney had some interesting comments recently about revenue sharing. It seems the worst fears about the program are fast coming true and states and local governments will be feeling a financial pinch because of the concept they had believed was a financial windfall.

Mr. Romney indicated the recent freeze on subsidized housing grants is only part of the President's plan to dump major federal programs in the laps of local governments. He said his department has "ordered a temporary holding action on new commitments for water and sewer grants, open space grants and public facility loans until these activities are folded into the special revenue sharing program."

Farmers, who have already felt the Nixon budget ax in a variety of ways, soon learned that housing subsidies administered through the Farmer's Home Administration would be trimmed along with the urban programs. New applications for loans for low-income rural families will not be accepted until further notice, the administration ordered. Perhaps Mr. Nixon thinks that states can now help the rural poor with revenue sharing funds.

Mr. Romney's frank explanation for the President's action drew immediate fire from several fronts. Sen. John Sparkman of Alabama termed the housing freeze an "arbitrary exercise of executive power" and vowed to fight the President in Congress and in the courts. He said Congress can't follow the President in disregarding "the housing needs of the poor and ill-housed of our nation."

Rep. Wright Patman of Texas cited rumors that Mr. Nixon is planning a 19-month moratorium on housing subsidies. He acknowledged that housing problems have been bungled, but added, "It is silly and destructive to think these ills can be cured by a meat ax."

The president of the National Home Builders Association said "housing has been made the scapegoat of a confrontation between the Executive Branch and Congress."

Federal revenue sharing was dangled like a plum before the nation's eager mayors and governors as "new money" that would supplement federal grants and help return fiscal control to the local level. Few local officials failed to jump at the bait and critics who feared that state and local governments might end up losing in the long run were soundly criticized.

This newspaper suggested editorially in 1971 that poorer states such as Tennessee would be put in jeopardy by any program linking federal grants with taxation. The editorial called attention to the needs of this state then being met by categorical grants. But Vice President Agnew wrote an angry rebuttal in which he vowed that "states and cities will receive as much or more under the new program as they had been under the "old program." He said it was a "disservice" to suggest otherwise.

Last year Mr. M. Lee Smith, counsel to Gov. Winfield Dunn, termed another editorial "misinformation" for again suggesting that revenue sharing would restrict the amount of federal grants allocated to Tennessee. Mr. Smith said "there is no way Tennessee will receive less under revenue sharing than it already does under federal grant programs."

Unfortunately, now that revenue sharing has been implemented, the people may never know all the categorical grants that would have been approved by Congress and released by the administration. One figure is known, however. Health, Education and Welfare had earmarked $227 million for this state for social services alone—but actual HEW social service grants amount to $48 million (Mr. Smith's figure) to be added to $98.4 million the state is receiving under revenue sharing. The difference between $227 million and $132.2 million for both programs indicates a significant loss for this state, no matter how it is figured.

Another factor that remains unknown is how much money allocated by Congress for specific urban and rural programs will be denied by the President under his authority to "freeze" funds. He has promised to hold federal spending to $250 billion and has given every indication that social programs will be the first to be scrapped. Mr. Romney called attention to the President's view that housing and community programs should be taken care of by revenue sharing funds.

Well the mayors and governors who had counted on using revenue sharing for programs other than current federal grant programs had better take another look. Facing a potential freeze on urban renewal, sewer expansion and other vital municipal needs, coupled with a severe cutback in rural assistance it is likely that many will conclude that revenue sharing may develop into the worst gift they ever received.

LYNDON B. JOHNSON

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 26, 1973

Mr. COUGHLIN. Mr. Speaker, it is with profound sorrow that I learned of the death of former President Lyndon B. Johnson at a relatively young age.

Mr. Johnson's long and distinguished career was marked, above all, by his legislative craftsmanship. From his tenure in the House and Senate through his years in the White House, he provided legislative leadership almost unparalleled in our history. Certainly there has not been a more effective, more dynamic Senate majority leader in the last half century.

During his years as President, more far-reaching domestic legislation was enacted than under any other President with the possible exception of Franklin D. Roosevelt. Mr. Johnson's humanitarian consideration for people was evidenced in the major legislation his Presidency produced, particularly in civil rights, medicare, housing, and environmental legislation.

I wish to express my sympathy to Mrs. Lady Bird Johnson and her family on their loss. Indeed, Mr. Johnson's death is a great loss for us all.

MISS PATRICIA ANN MORTON

HON. JULIA BUTLER HANSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, January 26, 1973

Mrs. HANSEN of Washington. Mr. Speaker, may I direct your attention to an exceptional young woman, Miss Patricia Ann Morton, a native of Lewis County in Washington's third congressional district.

Miss Morton has just been named the first woman security officer with the Department of State in the Nation's Capital. In achieving this position, she has some 7 years experience behind her from working in U.S. embassies abroad, where she had served as a security officer and investigator.

The assignments took this exceptional young woman to such places as Kathmandu, Kinshasa, Yaounde and Singapore. Initially she was secretary, but her interest in general administrative capacities was such that moved up to deputy post security officer.

And now she has returned to this country to continue her work with the State Department as a security officer, the first in the department here.

But this young woman, a graduate of Western Washington State College with a B.A. degree in economics, achieved additional attention during her prolonged stay overseas. She became interested in mountain climbing. And scaled the 13,455-foot Mount Kinabalu. It was such a satisfying experience to her that she returned to conquer the mountain a second time.

Residents of Singapore were impressed with her achievements and she was commended in both Chinese and English newspapers for her "courage, strength and adventurous spirit." From there her interest in mountain climbing expanded and she conquered other peaks. During her stay in Nepal she won from admiring Sherpas the honorary title of "the girl with long blonde hair who runs up hills."

Miss Morton reflects the spirit and ideals that are so admired and cherished in young Americans. It gives me great pride to say that I had a part in helping her embark on a career that can only direct her to new fields to challenge and conquer.

EDITORIALS ON THE LIFE AND TIMES OF PRESIDENT HARRY S TRUMAN

HON. WM. J. RANDALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, January 26, 1973

Mr. RANDALL. Mr. Speaker, as we near the end of the officially proclaimed 30-day period of mourning of that great American, Harry S Truman, it is again my privilege to help preserve in the CONGRESSIONAL RECORD, as reference for future students of history, the comments made by several editors and publishers whose newspapers circulate within the congressional district that it has been my honor to represent and which is also the home district of our late beloved President.

Nearly every one of the great papers in the four corners of this land have taken the time to reflect upon the rare characteristics and sterling personal qualities of the Man from Independence. They have all written with great journalistic ability. Just about everything that has been written has been most impressive. However, Mr. Speaker, it seems to me that our historians of the future should not be denied the benefit of the appraisal of those who knew him best and that means to preserve the special analysis of his life and times by those neighbors who lived close to him in west central Missouri.

Few Members of Congress have had the good fortune to be the recipient of so much reflected glory from such a great man as has been mine. It has been my honor the past 14 years to represent in Congress not only his home city of Independence, Mo., but also to represent Barton County, Mo. Its county seat, the city of Lamar, Mo., was the birthplace of Mr. Truman. On the day after his passing, the new publisher of the Lamar Democrat, James C. Kirkpatrick, a distinguished Missourian, who has served for many years as secretary of state for the State of Missouri, wrote a column under the heading, "Harry S Truman was a Traditional American."

Most appropriately, Secretary Kirkpatrick characterizes Mr. Truman as being one who proved the adage that in America every boy has a chance to grow up to be President. He outlines his early setbacks by setting out the fact that he was defeated for a second term on the county court. He suggests that any temporary setback only intensified his future efforts.

Yes, Secretary Kirkpatrick—writing from the city of the birthplace of Harry Truman—provides for us two separate threads of thought: first, that Mr. Truman was a traditional American—as much so as apple pie, turkey on Thanksgiving, and Santa Claus on Christmas.

Then he departs on another thread, equally important, to survey the happenings in the life of Harry Truman to show that he was a self-made man, a Horatio Alger, and a perfect example for a parent to tell to his son that by hard work, study, application, and perseverance that son can become a President of the United States.

When I said there were two threads of thought in this editorial worthy of emphasis, I neglected to mention how good it is that Secretary Kirkpatrick recalls the time when Mr. Truman, as Vice President, was criticized for attending the funeral services of Tom Pendergast. He responded with the words:

> Only rats desert a sinking ship.

This most excellent editorial follows:

[From the Lamar (Mo.) Democrat, Dec. 28, 1972]

HARRY S TRUMAN WAS A TRADITIONAL AMERICAN

(By James C. Kirkpatrick, Democrat copublisher)

Harry S Truman was as traditionally American as pumpkin pie and turkey on Thanksgiving and Santa Claus on Christmas.

He proved the age old adage that in America every boy has a chance to grow up to be president.

Harry Truman was a college drop-out. He started to law school but quit. In his early life he changed jobs several times. He was railroad worker, newspaperman, banker, farmer and merchant. His first venture in business failed. Finally he drifted into politics.

He was an organization politician in the Tom Pendergast era. Honesty and integrity were trademarks with the Jackson County Court judge, the first position to which he won election.

Defeat in his campaign for a second term on the court only intensified his efforts. Two years later he won the presiding judge's seat on the court.

In later years there was a tendency on the part of big-time politicians to look down their nose at Truman because of that humble beginning on the county court. He was criticized for his association with Pendergast, the machine political boss.

Judge Truman was the underdog in his 1934 race for the Senate against such a well-known Missourian and governor, Lloyd C. Stark. That didn't bother him. Instead he worked all the harder shaking hands and winning votes. Many who did not support him in his statewide and presidential campaigns found out to their sorrow that he also had a long memory for those who opposed him.

During those campaigns we were editing the Daily Star-Journal at Warrensburg. Mr. Truman never carried Johnson County in any of his primary campaigns. Though county Democrats rallied to his support in the general election he never forgave them for their failure to support him in the primaries. There are people in Lamar now that can testify to that. Johnson County never benefited from senatorial or presidential favors from Mr. Truman.

It was Mr. Truman's intense loyalty and his ability to cut through red tape that endeared him to friends and associates. The former president worked hard to inform himself on matters of importance. He expected others to get to the point quickly and not waste his time on chit-chat.

Old-timers will recall the newspaper criticism directed at President Truman when he returned to Kansas City to attend funeral services for Tom Pendergast. His curt reply was, "Only rats desert a sinking ship".

Today the entire *nation mourns* a humble man, born in Lamar, a Jackson County politician, an intensely loyal American and former U.S. senator who ferreted out waste and wrong-doing in the nation's defense program, a common man who became president and then returned to his native Missouri to follow a normal life as neighbor and friend.

Harry Truman grew in whatever job he undertook. He worked hard to carry out every responsibility. And above all else, he kept the common touch.

Kings or the man on the street made no difference.

Harry Truman, a self-made man, a Horatio Alger, will always remain as the symbol to which every proud parent can point as an example to a son and claim—work hard, study and apply yourself and you can become president of the United States.

Mr. Speaker, Belton, Mo. is situated in the northwest corner of Cass County, Mo., which is very near, geographically, to the southwest corner of Jackson County, Mo., wherein is located the city of Grandview, Mo. This city has always proudly proclaimed itself as the boyhood home of Mr. Truman.

At the memorial services for Mr. Truman in the auditorium of the Truman Library in Independence, Mo., one of the participants was the grand master of the Grand Lodge of Missouri. Mr. Truman, during his entire lifetime, was an active Mason—one who had learned to apply the principles of Masonry to his daily life. He had risen to the highest ranks of the Masonic Lodge.

The Belton Star-Herald, in its editorial comments, provides valuable background material when it recites that Mr. Truman's years as a youth were spent in and around the Grandview-Belton area. It was at Belton on March 18, 1909 that he became a member of the Masonic Lodge. There he was raised to the sublime degree of Master Mason. Moreover, it was Mr. Truman, along with several other Master Masons from Belton, Mo., who were given permission to organize the Grandview, Mo., lodge on April 4, 1911. In 1940 Mr. Truman became Grand Master of the Grand Lodge of Missouri. That year he had the pleasure to revisit both the Belton and the Grandview Masonic Lodges. This most interesting and informative editorial follows:

[The Belton (Mo.) Star-Herald, Dec. 28, 1972]

HARRY S TRUMAN WAS LINKED WITH BELTON; THE BOND REMAINED UNBROKEN UNTIL HIS DEATH TUESDAY

The fabric of our lives is woven with threads that bind us to many localities, persons and events. One of the threads of former president Harry S Truman's life was his connection with Belton. To the end of his life the thread remained unbroken.

One of his special duty nurses during his last illness which began when he was admitted to Research Hospital in Kansas City on December 5 was a Beltonite. Mrs. Walter Killilae, 218 Park Drive, is a general staff duty nurse at Research Hospital and except for three nights, she was Mr. Truman's night nurse. She was assigned to him two years ago February and in July of this year when he also was a patient at Research Hospital.

"He was a warm, sweet, witty individual, who was most appreciative of anything you did for him," Mrs. Killilae said of the former president. She said this last illness had taken its toll on Mr. Truman but that it was her personal feeling that until a day or so before his death on Tuesday, he was still aware even though he was in a semi-conscious state.

Mrs. Killilae was on duty Saturday night. When she left him Sunday morning, she leaned over to tell him she was to have the next evening off (Christmas Eve) and asked him if he would be here when she got back. "He squeezed my hand, which leads me to believe his mind was still responsive until he slipped into the final coma."

The 110th Engineer Battalion, Missouri National Guard, was assigned security duty at the Carson Funeral Home two hours after Mr. Truman's death. Several area men are members of the battalion and were on duty.

Truman's early life was spent in and around the Belton-Grandview area.

Truman's ties with Belton surfaced early in the century when he became a member of the Masonic Lodge in Belton. He was raised to the Sublime Degree of Master Mason on March 18, 1909 as a member of the local lodge. He and several Master Masons were granted permission to organize the Grandview Lodge on April 4, 1911 and the Belton Lodge gave them their old jewels. He later became Grand Master of Missouri and, in that office, visited the Belton Lodge on Nov. 21, 1940.

He presided at the ground-breaking ceremonies for the new building of the Belton Lodge on April 20, 1963. He donated $1,000 to the building fund and also was present at the laying of the cornerstone on Dec. 7, 1963. He was proud of his membership in the Masons as evidenced by his signature on that day. Asked to autograph a book on presidents of the United States, under his picture he signed, "Harry S Truman, 33rd Degree, P.G.M., Mo."

He was a personal friend to many in the area. Mrs. L. T. Brown, 5 Belmo Dr., remembers vividly a day in the early fifties when he stopped by the Cleveland farm home of her stepfather, Bruce Shubert, who had met him in his early political life. "I was in the kitchen making pie dough when my mother (Mrs. Dean Shubert, 100 Circle Dr.) called me into the living room," according to Mrs. Brown. "There stood Mr. Truman in yellow trousers and a cream-colored jacket. When mother introduced me, he shook my hand as if it were covered with a white glove rather than flour. Bruce never got over the fact he wasn't home that day!"

People from all walks of life in Belton have a memory of Truman at different points in his career. Mrs. Joe Bill Looney, 609 Minnie Avenue, remembers that as a student at UMKC she was a member of the university choir and sang at the ceremonies held when Truman received an honorary Doctor of Laws degree from that institution. "I remember that the gentleman who introduced him spoke 45 minutes but Mr. Truman's acceptance speech was no longer than five minutes," said Mrs. Looney.

At least one Beltonite had visions of great things for Truman while he was still a young man. Mrs. Grace Van Brunt of Kansas City, founder of the Grace Company and granddaughter of George Scott the founder of Belton, recalls an introduction to Truman which took place prior to 1920. She stopped in the Bank of Belton one day and James Franklin Blair, president of the bank and father of Frank Blair, Jr., who is now president, said to her, Grace, come over here, I want you to meet a young man who is going places in this world." The man of course was Harry Truman.

Another former Beltonite, Sammie Feeback of Kansas City, recorded in pictures some of the former president's life after he retired from the presidency to that of "citizen" of Independence.

Earlier this year Mr. Truman took notice of Belton's Centennial year in a letter written to Mrs. Everett Wade, Route 1, when he wrote, "On the occasion of the observance of Belton, Missouri, Centennial Celebration, I am happy to extend congratulations for the progress and advancement that has been made in the past, and I send you my best wishes for continued progress." The letter was made a part of the Belton Centennial book published in June.

Truman's refusal to succumb to the perils of power is legend. His attitudes, his demeanor and his habits remained very much like the "common man". J. Weldon Jackson, president of Citizens Bank of Belton, recalled that several years ago he attended a bankers convention in Washington, D.C. His badge indicating he was from Missouri, caused hotel employees, waitresses and others to ask, "You live near Harry?"

Perhaps the greatness of the man lies in those words. Millions identified with him and the 1948 campaign slogan, "Give 'em hell, Harry," was fondly the wish of many during his last illness. His death on Tuesday leaves a void in the hearts of many, not only in Belton, but throughout the nation and the world.

One of the better editorials on Mr. Truman, produced within our congressional district, comes from the pen of Ben Weir of the Nevada Daily Mail. Nevada is the county seat of Vernon County, which is the first county in the so-called stateline tier of counties immediately and directly north of Barton County, Mo., the birthplace of Mr. Truman. Mr. Weir not only enjoys long residence as a geographical neighbor to the birthplace of Mr. Truman but also for many years was the editor and publisher of the Independence Examiner. For such reasons he enjoyed the enviable opportunity to report on many of the happenings during the erroneously described retirement years of Mr. Truman. In fact, Mr. Truman never retired.

Because of these two reasons, Ben Weir is eminently qualified to express himself as he proceeds to review the life of Mr. Truman. In his editorial Mr. Weir addresses himself to a facet of the life of Mr. Truman that we should all take note of with approval. He points out that President Truman was not the product of a prestigious Eastern college nor a member of a wealthy family. He went to work straight from high school and even suffered the loss of some jobs which hurt so much that he had to go back to the farm to earn a living. The important point, however, made by the writer is that never once during his serious troubles did Mr. Truman hide behind the excuse of his inexperience or lack of knowledge, but rather displayed the unusual ability to make up his mind, always in command of himself, keeping his own counsel but doing what he thought was right.

His admonition that a man in public life should not be influenced by the polls or afraid to make a decision which might be unpopular should remind each of us that every person in public office should first do what he thinks is right and then try to persuade the people that he is right and thus hopefully win the peoples' support.

Finally, Mr. Speaker, the Nevada, Mo. editorial adds a kind of postscript which is the only explanation that I have read which reveals the reason for the missing period after the letter "S" in Mr. Truman's name. For my part, I am so glad that Mr. Weir was thoughtful enough to add this comment beneath his well-written editorial.

The editorial follows:

[From the Nevada (Mo.) Daily Mail, Dec. 29, 1972]

AN UNCOMMON MAN

The death of former President Harry Truman touches us all more intimately, probably than that of any other great figure in recent history.

Not because he was a fellow Missourian, an outstanding U.S. Senator and one of our more illustrious Presidents, which he was, he was like our own father unexpectably thrust into an international role, which he then handled forcefully and effectively, exposing in the process hidden talents we didn't know he possessed.

Unlike so many of the Presidents who preceded and followed him, he was not the product of a prestigious eastern college and a wealthy family. His background was pure midwest: Raised on a farm and in a small town, went to work straight from high school, quit that to farm on his own, joined the National Guard, served as an artillery officer during World War I, came home to work briefly for Nevada's own Farm & Home in Kansas City, went into business for himself, became bankrupt, then entered politics by running for county judge.

And even in politics, he wasn't ambitious. In his "Memoirs," he wrote:

"I never wanted to fight for myself or to oppose others just for the sake of elevating myself to a higher office. I would have been happy to continue serving my community as a county judge. I would have been even happier as a senator, and would have been content to stay entirely clear of the White House. I had accepted the nomination as Vice President not with a sense of triumph but with a feeling of regret at having to give up an active role in the Senate."

Mr. Truman didn't seek the vice presidential nomination at the 1944 Democratic convention. Although he had been widely touted for the job, he was maneuvered into agreeing to nominate Jimmy Byrnes for vice president—and held to his commitment until President Roosevelt himself said that he wanted him on the ticket.

The rest, of course, is history: President Roosevelt's re-election to a fourth term, his death three months after his inauguration, and Mr. Truman's succession to the presidency; and that poignant scene when Mrs. Roosevelt told Mr. Truman of her husband's death.

"Is there anything I can do for you?" Mr. Truman asked Mrs. Roosevelt.

"Is there anything we can do for you?" she asked. "For you are the one in trouble now."

And Mr. Truman did have his troubles, but never once did he hide behind the excuse of inexperience, ignorance or inability to make up his mind. Throughout his almost eight years in office, he was in command; and he let the world know it by the motto he kept on his desk, "The buck stops here."

Unfailingly, he kept his own counsel and did what he thought was right.

"Throughout history," he wrote in his memoirs, "those who have tried hardest to do the right thing have often been persecuted, misrepresented, or even assassinated, but eventually what they stood for has come to the top and been adopted by the people.

"A man who is influenced by the polls or is afraid to make decisions which may make him unpopular is not a man to represent the welfare of the country. If he is right, it makes no difference whether the press and the special interests like what he does, or what they have to say about him. I have always believed that the vast majority of people want to do what is right and that if the President is right and can get through to the people he can always persuade them.

"A President cannot always be popular. He has to be able to say 'yes', and 'no', and more often 'no' to most of the propositions that are put up to him by partisan groups and special interests who are always pulling at the White House for one thing or another. If a President is easily influenced and interested in keeping in line with the press and the polls, he is a complete washout. Every great President in our history had a policy of his own, which eventually won the people's support."

Mr. Truman, of course, did have a policy of his own and it did, eventually, win the people's support. And he stands now in the Pantheon of America's heroes, an uncommon man who brought his country through a period of great and unusual trials.

Yet as we respect him for his heroic stature, we remember him for his many human and warm foibles:

His fierce defense of his daughter Margaret's vocal abilities which had been demeaned by a Washington music critic;

His morning walks, during which he spoke to all he met;

His loud shirts when he vacationed at Key West;

His poker parties and affection for bourbon; and

His strong loyalties to all old friends.

Harry Truman was, indeed, a likable man.

(Incidentally, in reviewing several books for this tribute, we noticed that in his own writings, Mr. Truman always showed his name as Harry S. Truman—with a period after the "S". An apparent fable has contended that the "S" stood for nothing and was invented by Mr. Truman sometime during his life as a substitute for the letters "NMI" (no middle initial); hence the "S" required no period. Other books about his life, however, carefully avoided the period.)

Mr. Speaker, in our congressional district, there are four counties lying just east of the Kansas line which we call our State-line counties. These all lie south of Mr. Truman's home in Independence and north of his birthplace at Lamar. From these counties come four editorial comments as found in the Drexel Star, published in southwestern Cass County, Mo.; the Butler Headliner, published in the county seat of Bates County, Mo.; the Rich Hill Mining Review; and the Liberal News, published in western Barton County not very far away from Mr. Truman's birthplace.

The editorials follow:

[From the Drexel (Mo.) Star, Dec. 28, 1972]

Death claimed, in our opinion, one of the five top American Presidents, Harry S Truman, Tuesday morning. We believe that history will prove our statement. Since we lived most of our life, to date anyway, in the Independence area, President Truman was a familiar figure, even before he became the top executive of this nation. His record as a county judge, as a Senator for the people is outstanding. Certainly, he made history with his decisions as Senator and President. Missouri and the nation benefited by this man's wisdom.

[From the Butler (Mo.), Headliner, Dec. 28, 1972]

Fellow Missourians of Harry S Truman, along with the nation and the world, share in the grief and loss of our 33rd President of the United States, who died early Tuesday morning.

Our heartfelt condolences go to Mr. Truman's wife, Bess, and their daughter, Margaret Daniel.

One of the many attributes to Mr. Truman's career in public life was his directness. There was never any doubt how he felt and he seldom held back in expressing himself.

Like any national figure, Harry Truman had his enemies. Often accused of cronyism, described as the plain little man from Independence, he rose above his critics to deliberate and take decisive action on some of the country's most crucial problems, and history will no doubt install Mr. Truman as one of America's outstanding leaders.

Mr. Truman, like Lyndon Johnson, was plunged into the Presidency upon the death of the President. But also, like Mr. Johnson, Harry Truman won it big—on his own—when he sought election in 1948 against Thomas E. Dewey.

Thursday, the day of Mr. Truman's funeral, has been proclaimed as a day of nation mourning. It should perhaps also be a day of national reflection upon the war and post war years of Harry S Truman, a period of time which he devoted so much to this country and to the free world.

[From the Rich Hill (Mo.) Mining Review, Jan. 11, 1973]

A VISIT WITH HARRY S TRUMAN

During the years from 1932 to 1944, my late husband (Clyde Merchant) and myself operated the Highway Cafe on highway 71, the first cafe in operation on said highway in outskirts of Rich Hill, we met many people famous in the sports and political life. The most famous being Harry S Truman, then a candidate for the office of United States Senator. Mr. Truman, accompanied by one of his closest friends, Thomas L. Evans, President of the Crown Drug Stores (who had been a frequent customer of ours on Sunday afternoons), were on their way to Nevada, Mo., where a banquet was to be held at the Mitchell Hotel, followed by a Democratic Rally. One of the members of Mr. Truman's Battery D was Justin Ritchie, better known as Jud to his many friends. Jud had extended an invitation to his former officer to stop at his home in the northwest part of town for a short visit to rest, relax and reminisce. Mr. Truman gladly accepted the invitation, so Jud, accompanied by some of his friends, Earl Wiek, Jay Thompson and, I believe, Lowell Davis, decided to drive out as far north as the drainage ditch and be an escort to Mr. Truman into the City of Rich Hill. They were joined by many other cars occupied by admirers of Mr. Truman, among them being Ed McQuitty, a prominent Democrat and one of Rich Hills biggest Boosters for any worthwhile projects.

When the car with Mr. Truman and Mr. Evans reached the city limits, Mr. Evans suggested they stop at our cafe and meet Slim (as he called my husband) and his wife, which they proceeded to do. My husband was in the kitchen making a fresh batch of pies for the evening trade, so they came into the kitchen. We were introduced to Harry Truman, who, after shaking hands, suggested we have a coke. We were all chattering like old time friends when the occupants of the lead car, which had noticed the car containing the Honor Guest had stopped, backed their car and came into the cafe. Were they astounded when they came in and saw the four of us, cokes in hand, in the kitchen. When they were ready to leave, Mr. Truman again shook hands and said, "Slim if you and the Mrs. can do me any good in the coming election, I would appreciate it very much." My husband answered in a language often used by Harry Truman, as wollows. "We sure as . . . won't do you any harm."

Mr. Truman with his well-known smile left, saying "Slim, you're a good guy. Mr. Truman won the election fo: U.S. Senator and in later years was elected 33rd President of the United States.

[From the Liberal (Mo.) News, Dec. 28, 1972]

DEATH COMES TO STATE'S MOST ILLUSTRIOUS SON

Death claimed former President Harry S Truman, 88, at 7:50 a.m. Tuesday, December 26, at Research hospital in Kansas City, where he had been in critical condition for several days.

Mr. Truman was much revered the world over and was one of Missouri's most famous citizens. He was born at Lamar May 8, 1884, in a house which is now a national shrine and is visited by thousands each year. The modest house where the 33rd President was born is a two-story, six-room wood structure and is open to visitors on weekends. Jim Finley is the shrine's historical administrator. The flag has been lowered to half staff and a wreath has been placed on the front door of the birthplace dwelling.

Funeral services will be on Thursday afternoon in the 200-seat auditorium of the Truman Library in private ceremonies by the Rev. John H. Lembcke, Jr., pastor of Trinity Episcopal church, where Mr. Truman married his childhood sweetheart, Bess Wallace, on June 28, 1919. Burial will be in the library courtyard, a site chosen by the late President.

Mr. Truman is survived by his widow of the home in Independence; his daughter, Mrs. Margaret Daniel; a sister, Miss Mary Jane Truman of Independence; and four grandchildren.

A memorial service will be held at Washington's National Cathedral to accommodate American and foreign dignitaries who want to pay their last respects.

President and Mrs. Nixon were to be in Independence Wednesday to pay personal respect to the widow. Also former President Lyndon Johnson was expected in Independence. Tributes have poured into the midwestern town from all over the world.

FTC'S DELAY IN PROBING POWER MONOPOLIES CHALLENGED

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, January 26, 1973

Mr. EVINS of Tennessee. Mr. Speaker, in 1970, I requested the Federal Trade Commission to conduct an investigation into monopoly practices by the giants in the energy and power field.

As the Tennessean pointed out in a recent editorial, no results of this investigation have been announced—and this newspaper questions further whether the FTC will now "fade away" as Chairman Miles Kirkpatrick departs.

Because of the interest of the American people and my colleagues in this important subject, I place the editorial in the RECORD:

FTC NOW TO FADE AWAY BEHIND MR. KIRKPATRICK?

"The little old lady of Pennsylvania Avenue" is one of the more polite names the Federal Trade Commission has been called over the years. For awhile it seemed that the agency might outgrow the name, but with the resignation of Mr. Miles Kirkpatrick, hopes for some significant changes in the agency's performance have faded.

Back in 1970 Mr. Kirkpatrick, then a prominent Republican lawyer, headed an investigation of the FTC and concluded, "The case for change is plain." He criticized the ineffectiveness of the agency and its preoccupation with irrelevant matters. His predecessor, Mr. Caspar W. Weinberger, instituted many of the investigative report's recommendations and after six months Mr. Kirkpatrick took over the chairmanship himself.

By the end of the year there were reports of life in the "old lady" and Mr. Kirkpatrick announced, "We are getting somewhat of a new spirit around here."

Indeed the FTC made noises. It cracked down on the cereal industry (for alleged antitrust selling practices), on a toothbrush maker (for using poisonous mercury to treat its product), on credit card companies (for impersonal treatment of consumers), on gasoline firms (for misleading ads), and for sweepstakes and other games that had too few winners.

The most important-sounding crackdown was on deceptive advertising practices. Mr. Kirkpatrick ordered car makers and other giant firms to document their claims.

But as time passed it seemed that the spirit turned more to bluster. It was revealed this year that the FTC had withheld damaging information on car advertising claims from the public. Later the agency claimed it did not have enough experts to carry through on its documentation orders.

An issue of critical importance in Tennessee was also handled in an unacceptable manner. Mr. Kirkpatrick promised Rep. Joe L. Evins in 1970 that the FTC "will initiate a vigorous investigation of practices . . . affecting the energy field which present competitive and consumer problems." But Mr. Evins is still waiting for the final results of that "vigorous investigation," while charges that oil conglomerates are gobbling up Tennessee coal fields continue.

A sign that Mr. Kirkpatrick did accomplish some good for the consumer is that some big businessmen didn't like him. This is probably why Mr. Nixon accepted his resignation without much regret.

SALUTE TO JOE ROBBIE

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 26, 1973

Mr. LEHMAN. Mr. Speaker, now that a respectable period of mourning has passed to permit the healing qualities of time to assuage the grief of my honorable colleagues of Washington Redskin devotion, it is fitting to record not only the gridiron exploits of "our" Miami Dolphins, but also the contribution this organization has made to the community of south Florida.

The Dolphins are a "come together" team and this spirit has been generated throughout our community, bridging the spans—cliche or not—of race, creed and religion.

Much of this positive force must be attributed to the leadership, the courage, the vision and the sensitivity of our No. 1 Dolphin, Joe Robbie, who is president and principal owner of the Miami Dolphins Limited. Joe is not just a pro football man. Every worthy cause and every needful organization in our community can count on Joe—not just for finances or support, but to work diligently for the good of his community and its needs.

Joe Robbie has an affinity with the heroes of our Southern tradition—a sense of duty that extends even to the Lost Cause.

As chairman of the Dade County Democratic Committee, Joe fought the battle to save the McGovern candidacy. Loyal Democrats who survived in Dolphin Country owe a special debt of gratitude to the man who, while he did not beat President Nixon, led the team that beat the "Nixon team."

So it is appropriate that we take a moment to salute this super-gentleman and his super team, the world champion Miami Dolphins.

STATEMENT REGARDING THE DEATH OF FORMER PRESIDENT LYNDON B. JOHNSON

Hon. Yvonne Brathwaite Burke

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 26, 1973

Mrs. BURKE of California. Mr. Speaker, it is with a deep sense of loss and bereavement that I extend to the family of the late President Lyndon Baines Johnson my sympathy. The loss is one that will be felt by his loved ones and by our Nation.

It is indeed fitting that Mrs. Johnson should say that the best way to extend sympathy to the family would be by doing something to help others because this was the example he leaves as his legacy for the Nation and especially for the downtrodden and those who have not enjoyed the full benefits of the riches of our Nation.

History will held this great President because of his ability to provide leadership in its truest sense. Leadership in times of tranquility is not always easy, but, leadership during times of turbulence is the true test. President Johnson exhibited the caliber of leadership seen on rare occasions in our history. He turned the turbulent sixties into an example of social change. The courage of his convictions gave courage to others in the legislative and judicial branches of government to overturn the impediments of obsolete tradition and to move forward with full recogniton of the rights of all men. Only during his term of office did the constitutional guarantees of the right to vote, equal access to housing and accommodations start to take shape.

Today, we see more and more blacks in elective positions, more than at any time since reconstruction. The emergence of greater participation by blacks in our governmental process is the direct outgrowth of his willingness to demand full voting rights for all Americans and his leadership in carrying out administratively, the necessary steps to implement the legislation.

President Johnson was not a person that allowed himself to be hindered by regionalism, party or pressures from political and economic forces. He gave hope to those that had lost their faith in the ability of our legislative process to recognize the less fortunate and the disenfranchised.

No moment in his life will stand out like the dedication of the Johnson Libraby in Austin, Tex. The compiling of the documents that embodied the civil rights legislation and all of the works that contributed to the partial fulfillment of the civil rights movement represented a tribute to the President that is largely responsible for those accomplishments.

President Johnson ended his speech at that dedication with the words "we shall overcome". We will overcome the inequities that exist in our society, we will overcome racial injustice and bigotry. We will overcome because a great President resolved that this land was for all Americans and that he would make whatever sacrifice necessary to accomplish that goal.

THE QUALITY OF POSTAL SERVICE

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 26, 1973

Mr. ROGERS. Mr. Speaker, I have recently requested that the Post Office and Civil Service Committee and the General Accounting Office conduct an in-deph investigation of the U.S. Postal Service. In hundreds of letters reaching my office from every part of the country, citizens have described poor quality of postal service in every respect. In a recent editorial, the Sarasota Herald Tribune spoke to the question of the growing pains of the new Postal Service. I insert that article in the RECORD at this point:

IS MAIL SERVICE BETTER?

The Postmaster General, in a glossy brochure quite equal to reports of truly "private" corporations, has informed the public that in its first year the all-new, revamped and refurbished United States Postal Service has made significant improvements.

E. T. Klassen announced with some pride last week that the service provided 84 percent of its own financing, an improvement over the average of the previous three years of non-corporation, plain old Post Office Department, of 4 percent. He also said the Postal Service "only" needed $1.3 billion in direct appropriations from Congress, down from $2.08 billion in 1971.

The goals, he said, were to improve the quality and reliability of mail services and to reduce costs.

It must be admitted that these goals are generally thought to be desirable and it would, indeed, be a happy thing if they were being achieved.

The Postal Service, however, received a mandate July 1, 1971, to be self-sustaining by 1984, which is still 11 years away, and the wounds and pains inflicted by said service in its first year of operation apparently include the demise of Life Magazine—which at least claimed that it faced a staggering increase in postage which, without advertising miracles, it could not begin to cover.

And that's only one casualty of the change in the postal situation, Rep. Paul G. Rogers (D-Fla.) thinks he sees so many others that he wants to start an investigation. Everybody with a deadline, he says, has become wary of trying to use the mails, and he has recorded some ridiculous lengths of time devoted to delivering mail over both short and long distances.

Rep. Rogers suspects the reason is that mail now is hauled to a relatively few distribution centers and then, in due course, sent back out toward its various destinations. Which results, he says, in enormous backlogs at crucial times and apparently a rather cavalier attitude among postal employes in such centers as to whether they ever get the tons of stuff moved or not.

Klassen, on the other hand, dealing in over-all statistics, maintains that of the 49 billion pieces of first class mail sent out last year, some 94 percent of those mailed before 5 p.m. and destined locally, were delivered the next day. In addition, Klassen says that on all those 49 billion pieces of mail the average delivery times was cut from 1.7 days to 1.6 days.

Well, it's a huge job—but Klassen didn't have much to say about the time of delivery of other classes of mail (almost as many as went first class) except that they are receiving smaller subsidies. Which is where Life came in—and went out.

There is, admittedly, an answer to the Life story: Smaller, special-interest magazines are said to be doing very well, thank you. But we just keep wondering, all the same, why a mass-circulation fixture like Life—which had no trouble keeping a loyal body of readers—had to be sacrificed on the altar of postal efficiency. If that's what happened.

Go to it, Congressman Rogers—there may be more to this than a General Motors type brochure has told!

EDUCATION AND L.B.J.

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 26, 1973

Mr. DORN. Mr. Speaker, Ernest Cuneo wrote a splendid column prior to the passing of President Lyndon B. Johnson. This very timely and factual article appeared in a number of publications including the Greenville, S.C. News. I was very much impressed by the record of President Johnson's aid to education. His massive educational program already has improved the standard of living and the opportunities for so many Americans. I commend Mr. Cuneo's article to the attention of all Americans.

EDUCATION AND L.B.J.

(By Ernest Cuneo)

WASHINGTON.—The Census Bureau released a factual comparison of national educational attainment in 1940 with that of 1972. In rough figures, in 1940, about 15 per cent of a population of 74 million Americans over the age of 25 had had some college or more. In 1972, 35 per cent of 111 million in the same age group had had the same educational benefit.

In front-paging this remarkable record of national achievement, The New York Times opined:

"These signs of change, covering the whole adult population, mask still sharper gains in schooling among young adults. For example, the median educational level among those aged 20 to 21 is 12.8 years—almost a year of college. Among persons aged 65 to 74, the median is 9.1 years—just over a year in high school."

What this means, in plain language, is that the census figures are misleading. It means that there was no steady growth between 1940 and 1972; that, on the contrary, what is "masked" is that higher education and population of the United States has doubled in the past 10 years.

This indeed is a "mask," as The Times indicates; and what it masks is that President Lyndon Baines Johnson launched the greatest educational program in recorded history—and it has paid off.

This is a doubly serious matter. It is serious in that most Americans insist on fair play and even those who may not be among LBJs warmest admirers would not stand for an admittedly monumental work being "masked" by going back to 1940 when, in fact, the figures have doubled since LBJ revolutionized the American educational system. The second serious matter is that what is front page news now was available and reportable news while it was happening and which this column did in fact report.

The current report continues: "The new census report demonstrates striking gains for blacks in an absolute sense. Among all blacks, educational attainment has nearly doubled since 1940. Then it was 5.7 years of schooling. Now it is 10.3 years."

The fact is that practically all of this took place because of LBJ's massive educational broadening, encompassing among other things, the greatest building program since the Pharaohs.

Declares The Times account: "The report, like earlier studies, also found a strong relationship between schooling and income."

Under these circumstances, fairminded Americans among this column's readers will recall that it reported that President Johnson's 1967 expenditures contained grants of $1.508 billion for elementary and secondary schools as against none in 1960.

President Johnson's expenditures included $429 million in grants and loans for construction of college classrooms as against not one dime in 1960.

In 1967, LBJ pushed through loans to 1,028,000 college students, as against 93,000 in 1960. He told then Sen. Wayne Morse that he hoped to see $7 billion out on loans to students by 1972. In the same year, $260 million went to vocational education; as against only $45 million in 1960.

As to the correlation between education and earning power, while this columnist has not seen the final census figures, these are a rough prognosis which appeared in a reputable business magazine: In 1960, there were 20,000 black families with an income of over $15,000. In 1962, there were about 400,000. In 1960, there were 200,000 black families with an income between $10,000 and $15,000. In 1972 there are 700,000.

More importantly in hard terms, is that President Johnson cut the two million black families living below the poverty level down to 100,000. Today, 60 per cent of all black males between the ages of 25 to 29 have been through high school.

All in all, this black advance marks the most spectacular progress of any one group of people in all of history in such a short space of time.

Since, as indicated, the census figures represent not a steady growth, but a doubling, expansion, it is perfectly obvious that the racial equality problem is much closer to solution than those who have a vested interest in prolonging it would like to believe.

Inaccurate though the 1972 census comparison is, the heartwarming news is that the "news" is far better than it indicates, because the speed of development is doubling.

COMMUNIST DOCTRINE: THE INEVITABILITY OF WAR

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 26, 1973

Mr. RARICK. Mr. Speaker, to those who may be misled into believing that the tentative cease-fire in Vietnam means instant world peace, I call attention to the statement by Le Duc Tho, the North Vietnamese "peace" negotiator, given at a news conference following the initialing of the cease-fire agreement.

Le Duc Tho was asked, "did he think there would be another war?" His reply was:

> I am a Communist and according to Marxist-Leninist theory, so long as imperialism exists there will be war.

Honesty and frankness from a Communist peace negotiator should remind us all that there can be no permanent peace with the Communists unless we are prepared to give up our individual liberties and abandon our democratic institutions. In short, it is safe to say that peace to the Communists is but another phase in his dedication to destroy freedom. Free people use peace to advance, relax, and prosper while the Communist sees in peace a chance to advance his position and promote his revolution.

I include a newsclipping at this point in the RECORD:

> [From the Washington Post, Jan. 25, 1973]
>
> GOOD COMMUNISTS EXPECT WAR: THO
>
> PARIS, January 24.—Le Duc Tho was all smiles today at his news conference in trying to put the best possible light on the cease-fire agreement he initialed Tuesday, but he could not pass up a theoretical question asked by a Polish journalist.
>
> Did he think there would be another war? he was asked.
>
> "I am a Communist," the Hanoi Politburo member replied, "and according to Marxist-Leninist theory, so long as imperialism exists there will be war."

DEDICATION CEREMONY BY VFW POST 7632

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 26, 1973

Mr. GAYDOS. Mr. Speaker, during the recess of the 92d Congress I had the privilege of participating in a dedication ceremony held by a veterans' organization in my 20th congressional district of Pennsylvania.

The service was conducted by officers and members of Kastan-Uveges Post 7632, VFW, in memory of the unit's first commander, Mr. John Hammadock. A new flagpole was erected at the post home as a permanent tribute to the unselfish service by Mr. Hammadock on behalf of all veterans in the community. It was my pleasure to present the post with an American Flag that had flown over the Capitol and to watch it raised to the top of the new standard by Mr. Ted Opfer and Mr. Fred Werner.

Remarks appropriate to the occasion were made by several leading figures in the community, including Mr. Oscar Similo, a commissioner of Elizabeth Township, Mr. Anthony Ancosky, an active member of the post; Mrs. Margaret Zaken, the president of the post's Ladies Auxiliary; Father Raymond Higgins of St. Michaels Church and Post Commander Arthur Mosena.

Kastan-Uveges Post 7632 was chartered on July 1, 1946, and less than a year later its Auxiliary was formed under the leadership of Mrs. Jennie Brown. For 25 years the post conducted its affairs in the Blaine Hill fire hall; however, on August 26, 1972, the members moved into new quarters at 502 Oxford Avenue, Elizabeth, Pa.

The ceremony honoring Mr. Hammadock was conducted on November 11, a date once recognized as "Veterans Day," commemorating the end of World War I. A few years ago, Federal legislation set aside the "fourth Monday in October" as the day to observe this anniversary. Many veterans' groups have publicly opposed this change and Commander Mosena, principal speaker at the dedication, delivered a stirring address calling upon Congress to restore "Veterans Day" to its rightful date in American history.

Mr. Speaker, I commend the officers and members of Kastan-Uveges Post 7632, VFW, and its Ladies Auxiliary for their demonstration of patriotism and I deem it a pleasure to call their actions to the attention of my colleagues.

LYNDON B. JOHNSON

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 26, 1973

Mr. BURKE of Massachusetts. Mr. Speaker, the Nation is shocked and saddened by the sudden and untimely death of former President Lyndon B. Johnson. His masterful assumption of the reins of our American government upon the unfortunate assassination of our President John F. Kennedy and the almost unbelievably smooth transition that he led should be remembered with gratitude by the American people.

Lyndon Johnson to many may have seemed a complex and complicated man. A commanding figure, big in physical stature, forceful, and tough-minded, he was at the same time warm and understanding, a compassionate man. Known to be stubborn at times he was nevertheless capable of compromise and concession when he felt it to be in the best interest of his country. He was a leader of world stature yet completely at home with the less fortunate and underprivileged, wherever he met them.

It is generally acknowledged that Lyndon Johnson accomplished some of the greatest legislative victories in behalf of the people in our Nation's history. Medicare, medicaid, the historic landmark Civil Rights Act of 1964, massive Federal aid to education, housing, mental health, child welfare, conservation, and worked constantly for the general well-being of the average working man and woman, and those in our society who sometimes had no other champion. It is with reverence that Lyndon Johnson may truly be called the "President of the Poor."

Mr. Johnson believed in America; in America's dedication and ability to provide justice for all, in America's role as a world leader, and most importantly, he believed in the people of America. His hopes and dreams for these people will only be fully appreciated in the years to come.

Our heartfelt sympathy goes out to Mrs. Johnson, her two daughters, and other members of the family upon their great personal loss.

PRIVATE PENSION PLANS

HON. THOMAS L. ASHLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, January 26, 1973

Mr. ASHLEY. Mr. Speaker, today I am joining the distinguished gentleman from Pennsylvania (Mr. DENT) in introducing two bills designed to protect the $137 billion investment of 30 million American workers in private pension plans.

The sheer magnitude of this investment demands that pensions be well constructed, protected and managed to make sure that employees get their money's worth. Unfortunately, in all too many cases today, the pension promise shrinks down to this: if you remain in good health and stay with the same company until you are 65 years old, and if the company is still in business, and if your department has not been abolished, and if you have not been laid off, and if that money has been prudently managed, then you will get a pension.

Typical of the problems faced by today's employee is the story of Joe Mansor. Joe, a member of UAW Local 12 in Toledo, Ohio, recently retired after 42 years with a monthly pension of slightly over $100. Two-thirds of this pension comes from the company he worked for during the past 10½ years. The other third comes from the Electric Auto Lite Co., the place where Joe was employed for 32 years, starting in 1929. When the Toledo Autolite plant was phased out and the work shifted to other company plants in 1962, Joe was one of about 2,500 employees who lost their jobs and most, if not all, of their pension credits. Being over 50 at the time, Joe was fortunate to get another job, but he was not so fortunate on his pension—$34.65 a month for 32 years of uninterrupted work.

The two bills that I am introducing today, which are the product of 2 years work by Congressman DENT's pension task force of the General Subcommittee on Labor of the House Education and Labor Committee, are attempts to close the gap between pension promise and benefit delivery.

The first bill, the Employee Benefit Security Act, deals with the problems of vesting, funding and fiduciary standards. Under the present system, employees such as Joe Mansor are often faced with inordinately long vesting periods during which they can lose part or all of their benefits if they are discharged, laid off, resign or move to another job. Thus, presently only 31 percent of employees under pension plans have vested pension benefits, while only 60 percent of the pensions of participants over 45 are vested and payable. If the company does not go out of business before the employee reaches the retirement age.

This system does not appear unfair

if one views a pension plan as a gift generously bestowed on the employees by the employer. But that simply is not the case—pensions are a bargained-for element of a collective bargaining agreement and thus approach being the property of the employee.

The Employee Benefit Security Act would rectify this problem by providing for a phased-in vesting schedule which would ultimately result in 100 percent vesting rights after 10 years of service. Once an employee had qualified for his pension, he would be entitled to the benefits no later than age 65, even if he leaves his job.

The second major area of reform addressed by the bill is the requirement of adequate funding of pensions. The best argument for this proposal is the experience of Studebaker Corp., which had a very liberal pension plan calling for vesting at age 40, after 10 years of service. However, when the company stopped making cars in the United States in 1964, it lacked the necessary funds to pay off its pension plan and thousands received no pension benefits or considerably less than planned.

The bill I am introducing today would require that vested liabilities be funded according to a prescribed schedule which will fund those costs in 25 years.

The third part of the Employee Security Act would require the fiduciaries—or trustees—of pension funds to manage such funds solely in the interest of the employee beneficiaries. The law would provide a Federal remedy against carelessness, conflict of interest, and a range of corrupt practices. In addition, the bill would require plan administrators to disclose more relevant material to both the Labor Department and the employee beneficiaries.

The second bill, the Employee Retirement Benefit Security Act, deals with portability and reinsurance. The idea behind portability is to permit a worker to transfer pension credits from job to job and eventually combine them into qualification for a single pension. The bill I am introducing today would provide a Federal depository which, upon the request of an employee, would accumulate vested pension rights for him and hold them until the individual reached retirement age. At that time, the inividual employee would receive one pension check.

The reinsurance provision seeks to deal with terminations of tax-qualified plans. Between 1955 and 1964, terminations of tax-qualified plans in the United States affected only one-tenth of 1 percent of the total pension plan coverage, but that was 20,000 workers a year. The system or reinsurance provided for in this bill—similar to that which the Federal Deposit Insurance Corporation provides for banks—would guarantee the payment of vested benefits to employees when a plan dissolves for any reason.

Mr. Speaker, I commend Congressman Dent on the excellent groundwork his subcommittee has done in this area and urge the full House Education and Labor Committee to take swift action to protect the retirement income security of Amercan workers.

FOREWORD BY LOUIS CASSELS

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 26, 1973

Mr. DORN. Mr. Speaker, Louis Cassels, senior editor of United Press International, has written a splendid foreword to a Grosset & Dunlap publication entitled: "A Pictorial Biography: HST—The Story of Harry S Truman, 33d President of the United States." Mr. and Mrs. Cassels live near the beautiful city of Aiken, S.C., and it is my special pleasure to represent Aiken County in the Congress. I commend this outstanding foreword to the attention of the Congress and the American people.

Foreword by Louis Cassels

At a dark moment in history, near the end of the long night of World War II and just before the dawn of the nuclear age, an unsuccessful haberdasher from Independence, Missouri, suddenly inherited the leadership of the United States and the free world.

He had little preparation for the awesome responsibilities that were so abruptly thrust upon him. But he did have courage, humility, determination and a remarkable capacity for growth. To the surprise of nearly everyone, including himself, he soon emerged from the shadow of his dynamic predecessor, Franklin D. Roosevelt, and became a strong and forceful President in his own right.

His name was Harry S Truman. He served as President of the United States from April, 1945 until January, 1953—a period of nearly eight years. They were among the most momentous years in America's history. A great war ended, a peace of sorts was made, the nation painfully readjusted to a peacetime economy. A terrifying new weapon—the atomic bomb—took its place in the military arsenal and in the nightmares of all mankind. International Communism, under the aegis of Soviet Russia, mounted an aggressive challenge to the security of free nations. New alliances were forced, new commitments undertaken, on a scale unprecedented in any previous administration. Fidelity to one of these commitments led the United States into a long, costly, undeclared war in Korea.

During his years in the White House, President Truman was the target of a good deal of harsh criticism. Some disapproved of his foreign policy decisions. Others protested the domestic programs through which he sought a "Fair Deal" for the underprivileged. Many simply disliked his style as a man: they found him too earthy, even crude.

Mr. Truman viewed the criticism directed at him with philosophical resignation. It was, he said, part of the heat one had to expect when one ventured into the kitchen of the Presidency. But all Presidents hope to be vindicated by history, and Harry S Truman, an avid student of history, cared more than most.

It was a signal blessing that he lived long enough to be comfortably certain about the verdict of history. During the nineteen years that elapsed between his retirement from the Presidency and his death, he ceased to be a controversial figure. Even his erstwhile critics acknowledge the far-sightedness and courage of some of the difficult decisions he made as President. And the only debate among historians was whether he should be ranked among America's good Presidents, or elevated to the small circle of great Presidents.

Harry S Truman died December 26, 1972, at the age of 88. He would have loved reading his obituaries, although he doubtless would have had some wispish comments to make about the eulogies lavished on him by former political enemies.

It was a fitting finale to one of the great success stories of American history.

REMARKS OF U.S. REPRESENTATIVE J. J. PICKLE DURING MEMORIAL SERVICES FOR THE HONORABLE LYNDON B. JOHNSON IN THE U.S. CAPITOL

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 26, 1973

Mr. O'NEILL. Mr. Speaker, few men knew former President Lyndon B. Johnson better or could describe him more aptly than our own colleague, Jake Pickle. It was fitting for him to be chosen to deliver the eulogy at services in the Capitol rotunda on January 25, 1973.

Jake Pickle was President Johnson's own Congressman and he knows the land that produced the 36th President of the United States. He knows the history of our great Nation before and during the time President Johnson served.

We are all proud of Congressman Pickle and we share the sentiments expressed by him in his remarkable speech which follows:

Remarks of J. J. Pickle

Mr. President, Mrs. Johnson and Family, my colleagues, and Fellow Americans:

Lyndon Baines Johnson was a President for the people. Working for the people came easily and naturally to his Presidency. It was the fulfillment of a career as Texas National Youth Administrator, Congressman, Senator, and Vice-President.

When I was elected in 1963 to the 10th Congressional District seat of Texas that Lyndon Johnson filled in 1937, I sought his advice. He gave me one guiding principle: "Congressman, when you vote, vote for the people."

It was the same principle that guided Lyndon Johnson's public life.

Wherever he served, we were struck by the bigness of this man, his energy, his drive, his ambition, his quest for perfection in all he did and in all he asked us to do.

His demand for the best within us was relentless. He persuaded, cajoled and drove us until we fulfilled potentials we never knew we had. And, when we did our best, he wrapped his long arms around us—for he loved us and he loved to see us at our best.

To those of us who were closest to him from the start, we understood him for we were "his boys." He meant to us what the great Sam Rayburn meant to him and what Franklin Roosevelt meant to both of them.

We could sense the reach for greatness deep within this man. We were joined by dozens, then hundreds, of young men and women that Lyndon Johnson gathered around him over the course of his public life—not simply to serve him, but to help him achieve his vision of America.

His ambition for himself was as nothing compared to his ambition for America. As hard as he drove America toward this vision and asked us to work for the Great Society, he gave more of himself to that goal than he ever asked of any of us.

As a young man, he experienced poverty and witnessed discrimination. He learned first-hand about drought and parched earth, about stomachs that weren't full and sores that weren't healed. He brought water and electricity and housing to the Congressional district which he served. As a Congressman, he knew what it was like to be a poor farmer, a working man without a job, a Black or a Mexican-American, and he set about changing life for the disadvantaged among his constituents.

As Senator and Vice-President, he saw that it was just as difficult to be poor or unemployed, or Black or Mexican-American, in the big cities of the Northeast and the West Coast as it was in Central Texas.

His Presidency changed America for the good and America will never be the same again.

In 1964, the people gave him the greatest vote of confidence any President has ever received in our history. In turn, he voted his Presidency for the people. Medicare became the right of every older American rather than a dream. He authored the first Elementary and Secondary Education Act in our nation's history and the Head Start program to give every American child the opportunity to go to school and develop his talents to the fullest. He saw the landscape ravaged by American technology and he moved to clean our air and our water, to protect our land, and to turn the brilliance of that technology to the restoration of our natural environment.

He knew well what that technology could do, for he guided our space program as Senator, Vice-President, and President until America placed the first man on the moon.

Lyndon Johnson was proudest of his achievements in the field of civil rights:

The 1964 Civil Rights Act, which opened public accommodations and jobs to all Americans regardless of color; and

The 1968 Fair Housing Act which gives every American, regardless of his color, the right to live in any house he can afford.

By his own testimony, Lyndon Johnson's greatest achievement in civil rights was the Voting Rights Act of 1965. As he said shortly before he left the White House:

"It is . . . going to make democracy real. It is going to correct an injustice of decades and centuries. I think it is going to make it possible for this Government to endure, not half slave and half free, but united."

He waged the war he loved—the War on Poverty—with more energy and imagination than all the Presidents who preceded him. He gave even more of himself to his efforts to end the war he hated—the war in Vietnam. Before he left office, he opened the negotiations in Paris which last night culminated in the peace agreement he wanted so much.

However history may judge Lyndon Johnson's foreign policy, that, too, was directed by his desire to help all the people. He saw foreign assistance not as a military program, but as a program to feed and clothe, heal and educate, the disadvantaged people of the world. His concern in Southeast Asia was for the people of Vietnam, North as well as South, and he offered the resources of this nation to help rebuild both countries.

He devoted his life "to working toward the day when there would be no second-class citizenship in America, no second-quality opportunity, no second-hand justice at home, no second-place status in the world for our ideals and benefits."

Theodore Roosevelt once said:

"It is far better to dare mighty things and to enjoy your hour of triumph even though it may be checkered occasionally by failure, than to take stock with those poor souls who neither enjoy much nor suffer much because they live in a gray twilight that knows neither victory nor defeat."

Lyndon Johnson never lived in a gray twilight.

He experienced and appreciated the joy of the Democratic process when it served to enrich the lives of the people. And he suffered with the people when that process did not serve them soon or well enough.

His was a time of turbulence because it was a time of dramatic change. But he never saw that change as a time of collapse or deterioration. He put it best himself when he said:

"The old is not coming down. Rather, the troubling and torment of these days stems from the new trying to rise into place."

His closest friend and wisest advisor was his wife. She inspired his concern for our environment. Most of all, Lady Bird Johnson understood her husband and he understood her as few men and women dare hope to understand and love each other. It is no wonder that their daughters, Lynda Bird and Luci, brought so much credit to their family and to our country, for they came out of this beautiful bond and were privileged to share in this close and loving relationship.

Lyndon Johnson is a President who came from the land, from the Hill Country of Texas, where sun and rain are the most precious values a man can tie to; and where God's will is seen and felt and gauged by the sky and the wind.

It was from this land that Lyndon Johnson drew his strength. It was from his family that he rekindled the love he gave to his country. And it was from the potential he saw in the people that he drew his vision of America. And he knew—as no other man—that human dignity and economic justice were essential to our people to set them free and to achieve that vision.

This was a man who saw his purpose in life and lived his creed:

"Throughout my entire career, I have followed the personal philosophy that I am a free man, an American, a public servant, and a member of my party—and in that order."

He saw also his Presidency and his vision of America when he told the Congress and this nation:

"I do not want to be the President who built empires or sought grandeur or extended dominion.

"I want to be the President who educated young children to the wonders of their world.

"I want to be the President who helped to feed the hungry and to prepare them to be taxpayers instead of tax eaters.

"I want to be the President who helped to end hatred among his fellow men and who promoted love among the people of all races and all regions and all parties.

"I want to be the President who helped to end war among the brothers of this earth."

From his "Vantage Point," the President will rest in his beloved Hill Country, where he has told us his father before him said he wanted to be home, "where folks know when you're sick and care when you die."

Two hundred million Americans care, Mr. President. We care—and we love you.

FIREARMS REGULATIONS

HON. RICHARD G. SHOUP

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 26, 1973

Mr. SHOUP. Mr. Speaker, today I am introducing legislation to strike from the law all Federal registration requirements for the purchase of ammunition.

Registration of ammunition purchases has accomplished nothing. It has, however, proved to be an irritant to the customer, added paperwork for the retailer, and a further expense to the taxpayer.

The citizens and the small businessmen of this country are becoming increasingly impatient with forms and redtape. My bill would eliminate one small bit of this bureaucratic paperwork.

I include the text of my bill in its entirety at this point in the RECORD:

H.R. 3012

A bill to amend chapter 44 of title 18 of the United States Code (respecting firearms) to eliminate certain recordkeeping provisions with respect to ammunition

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 924(b) of title 18 of the United States Code is amended to read as follows:

SEC. 2. Title 18 of the United States Code is amended—

(1) in section 922(b)(5) by striking out "or ammunition".

ECONOMIC PEARL HARBOR?

HON. CARLETON J. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, January 26, 1973

Mr. KING. Mr. Speaker, under leave to extend my remarks in the RECORD, I wish to include an article written by Mr. William H. St. Thomas, chairman, St. Thomas, Inc., Gloversville, N.Y., entitled, "Economic Pearl Harbor?"

Mr. St. Thomas' firm has been manufacturing fine leather accessories since 1898. He is properly concerned over this Nation's cattle hide export policies and the economic consequences these policies have created in the United States. While part of the problem obviously stems from the very heavy forward buying by Japan, it has also been compounded by the fact that Argentina, the second largest exporter of hides of the world market, has now imposed a complete hide export embargo.

As a result of these actions, our cattlehides have been in demand everywhere in the world to fill the void. Price inflation was inevitable. U.S. tanners and manufacturers literally had to compete with the rest of the world, with Japan, Western Europe, Eastern Europe, and even South America for our own hide supply.

I am pleased to have the opportunity of calling Mr. St. Thomas' article to the attention of my colleagues and I sincerely hope they will find his thought-provoking comments interesting enough to join with me in urging that everything possible be done to save our own tanning and leather manufacturing industry.

The article follows:

ECONOMIC PEARL HARBOR?

(By William H. St. Thomas)

The nations of the world are lining up for a major confrontation. The world war that is brewing won't be fought with bombs and bullets. Its weapons will be currency manipulation and labor rates. The prize will be the limited natural resources of an overpopulated world. For the losers, the cost could be hunger, a depressed standard of living, and national decline.

The United States has already suffered its first reverses: its foreign trade balance is written in red ink, its currency is degraded and devalued, and its natural resources are fleeing the land on ships and planes.

Let us consider our most recent economic Pearl Harbor. This country is the largest cattlehide producer in the world. We have enough hides to make all the shoes that Americans need—and still leave millions of hides to help shoe other folks. Yet leather shoes have gone up in price. Why?

First, because Argentina, until very recently the second largest "free market" for hides, has embargoed its entire production. Argentina wants to save its hides for its own leather shoes, handbags, garments, whatever. That brought world buyers to the U.S. in search of cattlehides. There still would be enough for us and for others, too, except that some people want more than their share.

Biggest buyers this year have been giant Japanese buying firms which bid up the price of cattlehides in an attempt to corner a big chunk of them. Japanese firms are paying premiums to get more hides than they usually buy in the U.S. It's easy for them. They've got a pocketful of dollars earned by dumping low labor cost items on the world.

What this has meant is that hides shot up by 300 per cent in one year, leather was forced up 40–50 per cent, and the average man's shoes this winter are $3 to $4 more expensive. The American consumer is being forced to bear the cost of this international raid on American natural resources!

Similar raids are taking place on American lumber, mineral ores, and fuels. Homes cost more, steel—and automobiles—cost more, gasoline and natural gas cost more. We will be paying more for everything—and having less of everything—unless our government acts.

What's needed is a simple case of "do unto others . . ." Let's sell a fair share of our natural resources and the products of our farms and factories. But let's keep enough of what a bountiful Providence put in our land for ourselves and our children.

Let the White House and Congress provide controls on the exports of those natural resources which we need to feed, clothe and shoe our people. Let the U.S. Government put moderate controls on the exports of cattlehides to guarantee the home market as much leather and shoes as we had a year ago. There's enough for us and for others, but not for the greedy.

TRIBUTE TO FRANK BOW

HON. LARRY WINN, JR.

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 26, 1973

Mr. WINN. Mr. Speaker, it is a sad occasion, but also a privilege to join in honoring the memory of our recently deceased colleague, Congressman Frank Bow of Ohio. He was truly a distinguished gentleman and I use those words in the truest sense of their meaning.

Although Frank Bow's career in Congress spanned nearly 22 years, he was never too busy to consult with those who sought his advice. I remember several personal experiences of times when I was deeply troubled and confused about some of the problems dealing with the budgetary phases of this Nation. As busy as he was Frank Bow was never too busy to lend his experience and personal opinion to those of us seeking his guidance.

Although it was a well-known fact that Frank Bow's health had not been good for the last few years, this great man from Ohio felt a deep obligation to the people of his district, his State, and the country despite numerous warnings from medical authorities. Frank Bow was not the type of man to shirk his elected obligations just to protect his own health.

Mr. Speaker, it has been a great pleasure for me to have known such a fine American, and to see a truly dedicated Member of Congress give his all to his State and Nation. His fine record as ranking Republican on Appropriations has earned him the respect of Members on both sides of the aisle.

When Frank Bow and his booming voice took the microphone on this floor, all present listened intently. They knew he had something of value to lend to the discussion.

It is with sadness and pride that I pay him this final tribute.

TRIBUTE TO LYNDON B. JOHNSON

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 26, 1973

Mr. PRICE of Texas. Mr. Speaker, the American people have witnessed a most remarkable month—first with the passing of former President Harry S Truman on December 26, followed by the reinauguration of President Richard Nixon on January 20, and now again with the passing of another former President, Lyndon B. Johnson.

This has been a month of mixed emotions—Americans have both celebrated and mourned. We have looked with anticipation to the future and yet paused to contemplate the past.

Lyndon B. Johnson was no ordinary man. Regardless of whether one agreed or disagreed with his policies, Johnson was a man of incredible strength and endurance. His steadfastness which was often a target for his detractors nevertheless gave Americans a sense of security and continuity during a time so wrought by strife and emotion.

Although ascending to the Presidency through an act of fate not expected or awaited, Lyndon B. Johnson carved his own record, and set into motion the most comprehensive domestic legislative program in history. Lyndon B. Johnson, a fellow Texan and political protege of the immortal Sam Rayburn, will have a place in history. We today are too close in time as his contemporaries to truly measure the significance of his presence upon the course of national and world affairs.

But Lyndon B. Johnson can never be doubted in his great faith in the American system. To all citizens, regardless of political party, he beckoned to the call of a task yet unfinished. And of that work which is good, he said, "Let us continue."

SECRETARY-DESIGNATE PETER BRENNAN

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 26, 1973

Mr. McCLOSKEY. Mr. Speaker, as the Senate continued to debate the qualifications of the President's most recent appointees to the Cabinet, I thought our colleagues might be interested in the point of view of one distinguished law professor on the qualifications of Secretary of Labor-Designate Brennan. The point of view follows:

> President Nixon's appointment of Peter Brennan, the head of New York City's building trades, as Secretary of Labor is not merely a "political payoff." To be sure, Mr. Brennan's oft-expressed enthusiasm for the President's domestic and foreign policies demonstrated sufficient political fealty. Indeed, Brennan first gained national recognition when he led New York City demonstrations supporting the Nixon Indochina war policy—demonstrations in which a number of students with contrary views were beaten up.
>
> But much more than that is involved. The Nixon Administration is attempting to establish a firmer foundation for its newly-won blue collar constituency. In so doing, it has cleverly exaggerated the cleavage between the industrial unions—whose leaders piously praised Brennan for the record—and the more conservative crafts whose social vision does not extend any further than the next wage increase for its white membership.
>
> For the first time since the Roosevelt New Deal coalition formed forty years ago, the unions deserted the Democratic Party in significant numbers. And for the first time, union members themselves deserted the Democratic standard bearer as well. The recently released Gallup poll figures show that 50% of union families voted for Nixon—in contrast to the 56% support received by Senator Humphrey in 1968.
>
> The defection of organized labor's top leadership from the McGovern-Shriver campaign was first heralded by the neutrality stances of AFL–CIO President George Meany and Steelworkers' chief I. W. Abel—and eventually the support for President Nixon's candidacy provided by the International Brotherhood of Teamsters executive board. Teamster President Frank Fitzsimmons was the only labor member of the Pay Board not to resign last March and by a strange coincidence the White House announced withdrawal of compulsory arbitration legislation aimed at transportation disputes almost simultaneous with the Teamster endorsement. Although Senator McGovern had the most endorsements from labor (eight of the major unions backed McGovern—among them the UAW, Retail Clerks, Machinists and State, County & Municipal Employees Union) the erosion of traditional unanimity harmed the Democrats badly.
>
> Mr. Brennan explained the position of approximately thirty New York City unions including the Patrolman's Benevolent Association, the Firefighters and Sanitation Workers unions at the announcement of the formation of the Labor Leaders Committee for the Reelection of Nixon during the campaign this way: "We put our country first." The day before in Washington, seventeen building trades internationals accounting for 3.5 million of the AFL–CIO's 13.6 million membership had denounced the McGovern policies as "unacceptable" and said: "We are convinced that the election of President

Nixon will serve the interests of our members as Americans and building tradesmen."

Accordingly, the Brennan appointment is a straight forward attempt to serve those interests—and to serve them at the expense of the more progressive industrial and public employee unions (like the UAW and State, County & Municipal Employees Union) as well as minority groups traditionally excluded from the five almost exclusively white mechanical trades in construction. (These are the plumbers and pipefitters, electrical workers, sheetmetal workers, ironworkers and operating engineers.)

When Brennan was questioned at the press conference subsequent to his nomination about bringing minorities into the building trades, he said "I'm all for it." But he cited as the basis for his response support for the Department of Labor's Outreach project—a program which best demonstrates the policy of "tokenism" as practiced by both government and the crafts. (According to AFL–CIO estimates less than 5% of these apprentices selected where Outreach is in existence are minorities—and, in the mechanical trades these workers are still 3 to 5 years away from journeyman status.) Brennan's real attitude seems to be reflected by a statement attributed to him by the New York Times made in response to the 1963 civil rights demands: "We won't stand for blackmail. We had that from the Communists and the gangsters in the thirties."

More indicting, however, is Brennan's antagonistic posture towards policies devised to integrate the trades by the Nixon Administration itself—e.g. the Philadelphia Plan. (Actually this approach was conceived in the Johnson Administration but later implemented by Nixon.) This is hardly surprising in light of the AFL–CIO's position on the 1969 Plan. The Plan's concept, now embodied in procedures established by the Department of Labor for Atlanta, San Francisco and St. Louis, provided for the hiring of black tradesmen in accordance with "goals and timetables" devised by the Department. From nearly the beginning, the AFL–CIO's Civil Rights Department has declared war on this policy, choosing to characterize it as the adoption of "illegal quotas."

Because of this resistance, the Nixon Administration began a steady retreat in 1970 and devised a so-called "hometown plan" approach rather than the governmentally-imposed Philadelphia type program in construction. One obvious benefit here was that the crafts now began to permit minorities—as well as whites to come in as trainees rather than only as apprentices. (Actually more than 70% of construction tradesmen come in through the "back door", i.e., routes other than the *formal* apprenticeship system. The exclusive gateway for minorities is the more rigorous apprenticeship program.)

Yet in the early part of 1972, the chief of the agency in charge of this Labor Department program—the Office of Federal Contract Compliance—resigned because of what he characterized as "illusionary and cosmetic policies." The retreat became a rout when on August 18 President Nixon provided his response to an inquiry by the American Jewish Committee about his views on "quotas". Said Nixon: "I share the views of the American Jewish Committee in opposing the concepts of quotas and proportional representation . . . I do not believe that these are appropriate means of achieving equal employment opportunities." More significantly, a week later Nixon ordered the Civil Service Commission to engage in a "complete review" of all agencies to determine that no "quota systems were in effect. And former Secretary of Labor Hodgson simultaneously circulated his own "review memo" along the same lines—thus making applicable the same inhibiting principles to the government's efforts which require contractors to affirmatively recruit minorities in their workforce.

In any event, the hometown plans are now completely discredited by most objective observers. The reason for their failure is obvious: The approach is predicated upon the dubious proposition that the construction unions and contractors can voluntarily monitor their own commitments to abide by the law—even though they have been amongst the principal offenders in the past.

Moreover, the plans have not even purported or attempted to deal with any of the institutional barriers which the crafts have thrown in the way of minority group applicants. None of the plans revise union-employer apprenticeship requirements concerning rules about the number of people to come into the program, the type of entrance examination that is to be given, the apprenticeship curriculum that is provided once an apprentice is indentured, and the duration of the program itself. On the basis of most of the available evidence in litigated discrimination cases, neither the content of examinations, or of the program, or the duration of the program seems necessary to the actual performance of the job. The effect is to let in primarily the minority youngsters whose formal education and work attitude qualified them for college—whereas many ghetto high school dropouts without a background in algebra and trigonometry who could perform the work are excluded.

Finally, even where voluntary programs in cities like Boston have been relatively successful, the government has not issued reports or audits showing whether the employees who are being counted as successful minority group recruits are actually working on a regular basis and at what point during the year they were in fact recruited.

Nevertheless, despite all of these deficiencies and the obvious willingness of most craft unions to devise such programs as a hedge against legal action that might be taken against them, Brennan vociferously objected to the introduction of a watered down hometown plan in New York City. One Department of Labor official said about Brennan's position two years ago: "We couldn't get that guy to accept anything—and finally when he decided that *some kind* of plan was necessary, he shoved his own version down our throats through the White House."

The Plan that was finally accepted by the Department of Labor had no minimum wage, ran only for one year, and obligated the unions to admit no black employees into the unions at any time. In exchange for this Plan, the contractors which adhered to it were deemed "automatically" in compliance with the Executive Order which prohibits discrimination by contractors and requires affirmative action to include minorities in the workforce.

Further, it isn't the least bit surprising to discover that the Secretary of Labor—designate is antediluvian when it comes to any question of institutional reform for apprenticeship programs. A prominent liberal industrial union vice president described his amazement when Brennan stood up at a recent Washington meeting of the Bureau of Apprenticeship and Training and defended a five-year apprenticeship program for painters (Brennan is a member of that union). Said Brennan: "When you see a worker painting a ceiling and you can see the paint running down his arm, then you know that he hasn't been through a five-year apprenticeship program."

Accordingly, while one can expect the appropriate gestures, such as the estabilshment of more hometown and Outreach apprenticeship plans, perhaps the appointment of a prominent black trade unionist in Labor, and the announcement of a slightly beefed up New York City Plan before Senate confirmation, the essence of the man is hostility towards equal employment opportunity. Moreover, like George Meany, Brennan's opposition to the Philadelphia Plan apparently means the end of any imposed plan even where the crafts deliberately flout their legal obligations. (This of course assumes that responsibility in this area is not moved out of the Department of Labor into some other agency like the Office of Management and Budget—although even if OMB gains control, the result probably will not be any better.) Indeed, it is interesting to note that the Chicago Plan, once hailed by both Meany and the Secretary of the Treasury, George Shultz, as the hometown plan answer to the Philadelphia Plan approach has floundered for three years and just recently started from scrap. One can properly assume that a policy of voluntarism will once again be the signal to avoid legal obligations.

What is equally interesting about the Nixon-labor alliance is another effect, i.e., the rescuing of those unions which have been somewhat beleaguered because of their posture on issues besides race. After all, the Brennan appointment is aimed at that segment of the labor movement most often attacked for both its negativism toward productivity and work rules as well as its jurisdictional squabbles. Establishment of the wage restraint machinery for construction in advance of Phases I and II highlighted the fact that inflationary wage demands were being fueled in the construction industry and emulated through the economy by industrial unions and others.

The amount of non-union work in the industry has increased simultaneous with the unwillingness of craft union leaders to recognize any bargaining constraints—and it has now accelerated to the point where the Building and Construction Trades Department has begun to lecture its affiliates on the dangers presented by this phenomenon. According to the Wall Street Journal, craft unions which have previously ignored residential work have now reduced wage rates below the commercial level in Atlanta and Cincinnati in an attempt to gain home building and repair work for union members. More than eighty locals of the International Brotherhood of Electrical Workers have negotiated special residential rates. In St. Louis four unions with nearly 12,000 members agreed to modify work rules and thus increase their output per man hour. Business Week has recently quoted a Pipefitters union business agent in that city as explaining the move thusly: "We must make our contractors competitive again. These work rules may have made sense at one time, but you could say that we have created our own kind of monster and must do something about it."

What the impact of the Brennan appointment on this will be is hardly clear—yet one wonders whether he will be able to be identified with an Administration which is at odds with a "public be damned" union position. The most immediate conflict could be in the area of wage restraint.

The attempts to form a new blue collar constituency do not stop with the construction trades. Frank Fitzsimmons of the Teamsters was offered the Secretary of Labor position before Brennan and switched his Washington law business from the Edward Bennett Williams law firm which represents the Democratic Party in the Watergate litigation to a law firm which White House assistant Chuck Colson—a principal sponsor of the Nixon-trade union alliance and also involved in the Watergate matter—is soon to join. Fitzsimmons' attempt to oust Harold Gibbons from the Teamster Executive Board because of Gibbons' support for Senator McGovern is another major step towards making the Nixon-Teamster relationship a more permanent one.

One interesting byproduct of all this is that black trade unionists—alarmed by the AFL–CIO's "neutrality" toward an Administration that is appropriately regarded an anti-black—rushed to the side of Senator McGovern during the past campaign under the umbrella of a newly-formed Coalition of Black Trade Unionists—an organization which, while sparked by the 1972 elections, is intended to have a permanent existence. According to William Lucy, the youthful and extremely able Secretary-Treasurer of the American Federation of State, County & Municipal Employees Union and one of the most prominent black trade unions in the country, the group will try to work within the trade union movement. But the going will be difficult because the white trade unionists who switched to Nixon in such large numbers are upset by the racist issues which Nixon skillfully utilized, i.e., quotas and busing.

The question of whether all this will undo what forty years have put together cannot yet be answered. While the Democrats can easily bounce back in 1976—certainly the UAW, AFSME as well as some of the other industrial and public employee unions will remain part of the Coalition—it remains to be seen whether the construction and building trades, and more important, the AFL–CIO, which they have dominated so successfully, will be a significant part of that effort. The appointment of a veritable Archie Bunker as Secretary of Labor makes the questionmark loom larger.

POLISH AMERICANS COMMEMORATE 500TH ANNIVERSARY OF THE BIRTH OF MIKOLAJ KOPERNIK

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 26, 1973

Mr. ANNUNZIO. Mr. Speaker, on January 21, the Illinois division of the Polish-American Congress held an "Akademia," the first in a series of observances in the State of Illinois marking the 500th anniversary of the birth of Mikolaj Kopernik—Nicholaus Copernicus—the famed Polish astronomer.

Commenting on the opening of the Kopernikan observances, Aloysius A. Mazewski, national president of the Polish-American Congress, and president of the Polish National Alliance, said:

> The quinquecentennial of the birth of Mikolaj Kopernik, one of the greatest scientists of all times, puts in historical perspectives for our generations the contribution of Poland to man's knowledge of his world.

Included among the speakers on the commemorative program were Dr. Joseph M. Chamberlain, director of the Adler Planetarium, Dr. Tymon Terlecki, of the University of Chicago, and Dr. Eugene Kusielewicz, president of the Kosciuszko Foundation in New York City.

Remarks were delivered by Attorney Mitchell P. Kobelinski, president of the PAC Illinois division, and Mrs. Josephine Rzewska, chairman of the commemoration committee.

Mrs. Helen Zielinski, president of the Polish Women's Alliance, read a message from Hon. Dan Walker, Governor of Illinois; Mrs. Helena Szymanowicz, vice president of the Polish National Alliance, read the State of Illinois house resolution; and Mrs. Stella M. Nowak, vice president of the Polish Roman Catholic Union, read a proclamation from the mayor of Chicago, Hon. Richard A. Daley.

The invocation was offered by Most Rev. Alfred L. Abramowicz, auxiliary bishop of Chicago.

The program for the Akademia and related material follow:

Kopernik's Quinquecentennial in Illinois Honorary Committee

Richard B. Ogilvie, Governor, Aloysius A. Mazewski, John C. Marcin, Stanislaw Ulam, Ph.D., Joseph A. Wytrwal, Ph.D., Roman C. Pucinski, M.C., Joseph L. Osajda, Val Janicki, Henry Archacki, Dan Rosetnkowski, M.C., Roman J. Kosinski, Dr. Herman Szymanski, and Walter Koziol.

Richard J. Daley, Mayor, Most Rev. Alfred L. Abramowicz, Rt. Rev. Francis C. Rowinski, Prof. Antoni Zygmund, Ph.D., Edward J. Derwinski, M.C., Frank Annunzio, M.C., Helen Zielinski, Thaddeus V. Adesko, Sophie Kuzniar, Theophile A. Kempa, John C. Kluczynski, M.C., and Chester S. Sawko.

Program: Part I

Call to Order, Mrs. Jozefa Rzewska, Commemoration Chairman.

Master of Ceremonies, Dr. Edward C. Rozanski, General Chairman, Mikolaj Kopernik's Quincentennial Observance.

Presentation of Colors.

U.S. National Anthem, Polish National Anthem, Mr. Stefan Wicik, tenor.

Invocation, His Excellency, The Most Reverend Alfred L. Abramowicz, D.D., Auxiliary Bishop of Chicago.

Governor's message, Mrs. Helen Zielinski, President Polish Women's Alliance.

State of Illinois House Resolution, Mrs. Helena Szymanowicz, Vice President, Polish National Alliance.

Mayor's Proclamation, Mrs. Stella M. Nowak, Vice President Polish Roman Catholic Union.

Address, Prof. Tymon Terlecki, Ph.D., University of Chicago.

Remarks, Mitchell Kobelinski, Esq., President Illinois Division P.A.C.

Aria Rendition "Jontek" from the opera—Halka, Mr. Stefan Wicik, tenor, Prof, Wlodzimierz Belland, piano.

Remarks, Dr. Joseph M. Chamberlain, Director, The Adler Planetarium.

INTERMISSION—PART II

Stage presentation: by poet (in verse) Highlights of Copernicus Life.

Widowisko okolicznosciowe p.t., Opowiesc O Tym, Który Z Posad, Ruszyl Zieme . . . pióra by Ref-Ren.

Cast

Nina Olenska, Janina Polakowna, Wladyslaw Dargiel, Zygmunt Kossakowski, Ryszard Krzyzanowski, Boleslaw Rogowski, Zygmunt Szepett, Stefan Wicik i Ref-Ren.

Letter From Vice President Spiro Agnew

The Vice President,
Washington, January 16, 1973.

Dr. Edward C. Rozanski,
Copernicus Committee Coordinator, Chicago, Ill.

Dear Dr. Rozanski: It is a distinct pleasure to extend greetings to the Americans of Polish ancestry as they celebrate the Quincentennial of Mikolaj Kopernik.

While I regret that I cannot be with you on this historic occasion, I join you in honoring the memory of this great scholar, the father of modern astronomy. I share your great pride in Copernicus as well as in the generations of Polish-Americans who have contributed greatly to the development of our country.

My best wishes as you begin the year of Kopernik.

Sincerely,

Spiro T. Agnew.

Press Release—Polish American Congress, Inc., Illinois Division

The first in a series of observances in the State of Illinois marking the 500th anniversary of the birth of Mikolaj Kopernik (Nicholaus Copernicus), famed Polish astronomer, will be held at Lane Tech High school auditorium, Western and Addison streets, on Sunday, Jan. 21, starting at 2:30 p.m.

Sponsored by the Polish American Congress, State of Illinois Division, speakers will include Dr. Joseph M. Chamberlain, Director of the Adler Planetarium; Dr. Tymon Terlecki, of the University of Chicago; and Dr. Eugene Kusielewicz, President of the Kosciuszko Foundation, New York city.

Remarks will also be delivered by Attorney Mitchell P. Kobelinski, President of the PAC Illinois Division; Mrs. Josephine Rzewska, Chairman of the Commemoration Committee.

Master of Ceremonies will be Dr. Edward C. Rozanski, General Chairman of the State of Illinois Kopernikan Observances. The Invocation will be delivered by Most Rev. Alfred L. Abramowicz, Auxiliary Bishop of Chicago.

Commenting on the opening of the Kopernikan observances Aloysius A. Mazewski, National President of the PAC, and President of the Polish National Alliance, said: "The quinquecentennial of the birth of Mikolaj Kopernik, one of the greatest scientists of all times, puts in historical perspectives for our generations the contribution of Poland to man's knowledge of his world."

Mazewski called for a "renewal" during the 1973 Kopernikan Year "and further strengthening of our ethnic unity, for rededication to the ideals and civic wisdom and virtues that build bridges of brotherhood and lasting affinity between the Polish and the American nations over the chasm of prejudices, ignorance and ill-will Polonia still suffers in certain areas of our national life."

MIKOLAJ KOPERNIK

Mikolaj Kopernik, known to the world by his latinized name of Nicholaus Copernicus, was born in Torun, Poland, on Feb. 19, 1473, the son of a wealthy merchant. He spent his childhood in Torun attending St. John's parochial school.

From 1491 to 1495 Kopernik studied mathematics, astronomy, theology and medicine at the University of Krakow, in Poland. For further study he enrolled as a student of canon law at Bologna University, Italy, but did not give up his scientific studies.

In the year 1500 Kopernik went to Rome where he lectured on mathematics and astronomy. He later studied medicine at the University of Padua, and at the same time obtained a doctor's degree in canon law at Ferrara, Italy.

From 1503 to 1510 Kopernik worked on the outline of his theory of the construction of the universe. He conducted his observations, using instruments of his own construction, from the tower found within the cathedral compound of Frombork, Poland.

It was the ambition of his life to write a work on astronomy which would give a true picture of the universe. The work was finished about the year 1530 and was published at the beginning of 1543. It was called *De Revolutionibus Orbium Coelestium, Libri Sex*—"On the Revolutions of the Celestial Spheres, Six Books."

According to legend passed down through the years, it is said that Kopernik received the first printed copy of his work on May 24, 1543, the day of his death.

It was not easy to confirm and establish the Kopernikan theory that the Earth and other planets revolved around the Sun. The Kopernikan theory was accepted by the majority of astronomers in the second half of the 16th century, and won universal recognition in the 18th century.

Mr. Speaker, I was honored to participate in the program by letter:

JANUARY 8, 1973.

DR. EDWARD C. ROZANSKI,
Chairman, Polish American Congress, Inc.
Chicago, Ill.

DEAR EDDY: It is an honor for me to join the Polish-American Congress in this "Akademia" to mark the official opening of KOPERNIK'S YEAR, the 500th anniversary of the birth of Nichlaus Copernicus.

As a Member of Congress, I feel it is highly important to participate in an event such as this because of the deep meaning it has and the contributions it makes to the inspiration of our young people, and thereby, to the strength of our community and America. Our Nation is strong and great because of the proud spirit and contributions by the mosaic of ethnic peoples which make up our land.

For these reasons, I sponsored a bill last year in the Congress to authorize the Postmaster General to issue a special commemorative postage stamp in honor of the birth of Nicolaus Copernicus. As you all now know, the stamp will be issued this year as part of our national celebration in tribute to him.

I was also pleased to join my distinguished Colleague, Honorable Thaddeus J. Dulski, chairman of the Post Office and Civil Service Committee, in urging the support of the Congress for a joint resolution authorizing the President to proclaim February 19, 1973 as Nicolaus Copernicus Day in commemoration of the 500th anniversary of his birth.

Copernicus, who was born in Poland in 1473, is truly the father of modern science. He was outstanding in many fields, and distinguished himself as a theologian, scholar, painter, poet, physician, lawyer, economist, soldier, statesman, and scientist. But above all, he was such an eminent astronomer that his theories formed the basis for modern astronomy. It was he who disproved the idea that the earth is in the center of the universe and formulated the theories which led to modern-day space exploration.

Copernicus has given so much to the world that he has been honored the world over. In tribute to Copernicus and in recognition of the notable contributions of Polish-Americans to the advancement of our own country, I feel it is indeed fitting and appropriate that a special day be designated in his honor in February of 1973, to mark the 500th anniversary of his birth.

Nicholaus Copernicus has been an inspiration to every generation which followed him because of his astounding number of contributions to our western heritage and civilization. His example as a man of strength and vision endures in this day and age as we face the challenges of the modern era.

I cannot be with you personally because my legislative responsibilities keep me in Washington. However, I send my greetings and best wishes to you and all those who are participating in honoring Nicholaus Copernicus, a Man of Genius and a great son of Poland.

With kindest personal regards, I am
Sincerely,

FRANK ANNUNZIO,
Member of Congress.

Mr. Speaker the year 1973 is most important for the American Polonia and, the following excerpt from an article by Dr. Edward C. Rozanski, general chairman of the Copernicus observance in Illinois, outlines the coming events in this year of commemoration to the greatness of Mikolaj Kopernik:

MIKOLAJ KOPERNIK (1473–1543) A QUINCENTENNIAL QUINTESSENCE

(By Dr. Edward C. Rozanski)

Many years ago, thirty or more, Mieczyslaw Haiman, indefatigable researcher into Polonia's past, writer, poet, historian and journalist, offered me a memento—a modest volume of collected verse by Wladyslaw Belza, titled "Golden Grains." It contained many thoughts and feelings of our great writers, poets and philosophers of the Polish Commonwealth. There I found one phrase by Kazimierz Tetmajer which read:

"He who feels life's vigour
Blazes amongst stars, revolves in auras eternal."

We shall try to present the life and deeds of Mikolaj Kopernik, the great genius who "revolves amongst the galaxies of the Polish renaissance" as the father of modern astronomy, the author of the epic "De revolutionibus orbium coelestium—on the Revolutions of the Celestial Spheres."

During his lifetime Kopernik became an economist, physician, artist, lecturer, advocate, pharmacist and surveyor—all the result of a brilliant education. Yet, blessed with all these talents and skills he devoted most of his life to the study of the heavens.

No small wonder then, that in reading of Kopernik we come upon the phrase "The Hermit of Torun" or "Hermit of Frombork."

Herman Kester in his volume about Kopernik writes:

"What a change! Kopernik comes from the Eden of the Arts and Knowledge, from the Eldorado of life's delights and joy, from the land of everlasting orange groves and olive trees, Roman amphitheatres and courtesans, cheery cardinals and pagan gods. Comes back to the uttermost corner of Sarmatia, to the amberladen Baltic shores with its cloudy nights, its recent pagan Prussians with the Monks and Knights of the Cross, with the Tartar invaders, strong-willed nobles, wolves and threatening vojevodas, with the stilted provincial life in a town numbering no more than a thousand five hundred inhabitants, some living in castles beyond whose walls roamed wild bears and fox. The starry skies, that necessary field for astronomers, lay distant in this murky north. Night skies bereft of stars are common, because of fog, because of the long winters, the snows and chilling rains."

The theme is Kopernik, living out his days in those northern reaches of Poland.

The Latin name of our astronomer was Nicolaus Copernicus. The family came from a village called 'Koperniki' in Silesia. The father of Mikolaj, a well-to-do merchant, moved from Krakow to Torun in northern Poland. It was in Torun that Mikolaj Kopernik, was born, the fourth child on February 19, 1473. His mother Barbara Waczenrode, was the daughter of Lukasz Waczenrode the elder, known for his opposition to the German Knights of the Cross, who with fire and sword brought about their own brand of Christian conversion.

It is known that Lukasz Waczenrode in the year 1440 used his influence and fortune to unite Torun with the Polish Crown. He served as envoy to the Grudziadz Assembly. From these revelations one can deduce the strong ties of both branches of the Kopernik and Waczenrode families had to Poland. From these ties stemmed the patriotism of our future astronomer.

Around 1483 Kopernik's father died, leaving behind eleven year old Mikolaj. It was his uncle, Lukasz Waczenrode who became the body's guardian. It was his uncle who was to become the Canon of Wloclawek, and later the Bishop of Warmia and Senator of Poland.

Young Mikolaj began his first studies in the parochial school of St. John but at age of twelve when his mother moved the family to Wloclawek, young Kopernik continued his studies in the cathedral school which fell under the academic jurisdiction of the Cracow Academy, the second oldest in Europe, and already famed for its astronomical studies. Here from the year 1491 to 1495 Kopernik studies optics, geometry and trigonometry. Under the paternal eye of the great mathematician and astronomor, Wojciech of Brudzewo, studied other young students who would become famed humanists. There was Bernard Wapowski, later a noted historian. There is no doubt that Kopernik's studies embraced the astronomical treatises of Ptolemy—that of the ancients as well, including the Latin translation of the Arabic findings.

During the final year of his studies in September 1494 the Cracow University received the collection of Marcin Bylica from Hungary, among which were to be found four important astronomical instruments which must have kindled Kopernik's avid interest.

Professor Ludwik Berkenmajer who devoted many years to the studies of that era and in particular the life of Kopernik, formulated the following thesis: . . . During his Cracow studies Kopernik found—(1494–1495)—deeply hidden but stimulating thinking in the geocentric theory which was accepted as a fact. . . . The error that was to be found in the geocentric concept rested upon the thought that the planets and the sun, all rotated around the earth in the same place and in circular orbits.

. . . Kopernik was the first to notice unexplained deviations, but without further research did not dare to offer up his views in contrast to the established doctrines of the time. When Kopernik left Cracow he was already firmly convinced that astronomy as it was being taught was but a caricature of the truth.

At the request of his Uncle, Mikolaj and his brother left for Bologna for further studies in canon law and astronomy. In 1497 the first exciting observations were marked with the moon's eclipse of the star Aldebaran. These observations only tended to confirm his growing doubts as to the Earth being the center of the Universe.

The desire of Uncle Lukasz was to see his nephew a capitualry canon head. Coming back from Italy to Poland and the Warmia capitulary in 1501 Kopernik receives permission to continue his studies of law and medicine at the University of Padua. In 1503 he received his doctorate in canon law. After a year he comes back to Poland starts practising medicine as well as becoming the personal secretary to his uncle Luckasz. During this period he spent much energy and time in administering to the ills of the poor. He takes part in the political reaction to the latest aggressive tactics of the Knights of the Cross. He finds time at night to continue his astronomical observations and begins his notes for his future great work.

Life in Warmia was not exactly tranquil. The Polish and the Knights of the Cross relations broke out into a war in 1520–21. Kopernik the canon head, the doctor and astronomer now becomes the commanding officer of the defenses of the besieged walled city of Olsztyn. His militant duties victoriously concluded, Kopernik now is requested by Polish King Sigismund I to give thought to monetary reforms that the country so urgently needed. Again Kopernik brought his training in economics to the fore, preparing a remarkable monetary theory "that a stable currency can lead the country upon the road of expanding trade and products." Today we take such procedures for granted—but 500 years ago these monetary reforms were untested theories.

In 1509 Kopernik published his Latin translation of Theophil Symokatt, a VII century noted Greek writer. He dedicates this work to his Uncle Lukasz in gratitude. At this time he also finalizes his heliocentric theory of the planetary system. Although in research note form he boldly questions the validity of the old astronomical precepts of the geocentric theory. However, two decades were to pass before the first recognitions of Kopernik's finding came about. Two copies of these research papers were finally found in the XIX century under the title "Commentarivolus" and in them we note seven arguments in favor of his heliocentric theory.

1. You do not have one center for all the orbits of the heavenly bodies.

2. The center of the Earth is not the center of the planetary system but only a center of its part which is the orbit of the Moon.

3. All planets circle the Sun which acts as the center, therefore the Sun is also the center of the Moon's orbit.

4. The distance between the Earth and the Sun is but a trifle in comparison to the distances separating the heavenly bodies.

5. That which we note as the movement of the sky, is the result of the Earth's movement, rotating once in its day and night.

6. That which we see as the movement of the Sun amongst the stars, is the result of the Earth's rotation, which orbits around the Sun like every other planet. The Earth is therefore possessed of more than one movement.

7. That which we see as the forward and backward movements of the planets, is not the result of their movement but that of the Earth's.

These were very bold and strong assertions that shook the very foundation of the old astronomy.

From 1512 to the end of his life Kopernik lived in Frombork. When he died his mortal remains were entombed in the cathedral. During these years we see him taking part in the defense of Olsztyn. In 1540 we find him in all probability in Lubaw. He came there with Rheticus at the invitation of the Bishop of Chelm to arrange for the eventual publication of his manuscript "De revolutionibus orbium coelestium."

Stefan Flukowski gives us a very fine summary of Kopernik's "De revolutionibus orbium coelestium"—heralding the era of the new astronomy. Wrote Flukowski: "In writing his treatise Kopernik consciously employed the form of Ptolemy's 'Almagest'." This was to enable the reader greater ease in understanding that which was new. In brief, the treatise "De revolutionibus" appeared as follows:

In the first book—Kopernik enumerated his reasons confirming the orbit of the Earth and sketched the basic conclusions regarding the Sun's planetary system.

In the second book—gave the known conclusions of the apparent movement of the heavens, based on the daily rotation of the Earth on its axis. Geometrical explanations, trigonometrical-plane and spherical-explanations. A catalog of stars supplemented this volume.

In the third—gave the detailed geometric schematic movements of the planets, detailing the Earth's orbit and the elements of its path. This book is the essence of thought deeply probing in the mysteries of nature, as outlined so aptly by Jan Sniadecki in the XVIII century.

In the fourth book—presents his own lunar theory. The knowledge of eclipses and gives the distances of the earth to the Sun and to the Moon.

In the fifth book—in great detail presents the orbits of the five planets as to their distances, computes these orbits in relation to that of the Earth.

The entire contents of these books are provided with a foreword in which Kopernik expresses his deep convictions of the truths of his advanced theories.

Everything was written in as straight forward a language as possible, supported by mathematical computations advanced with unquestioned logic and science.

During this quintcennial of this great astronomer's birth, it seems proper to mention his romance with the lovely Anna Schilling and its consequences. I remember so clearly the front page article in the "Glos Polek" the official organ of the Polish Women's Alliance of America, which appeared in March of 1971. It was devoted to Kopernik and his comely Anna. My interest was stimulated by this article and I began to pry into the reasons why Uncle Lukasz desired that the Schilling Family and their daughter remove themselves from the life of young Kopernik. Apparently the uncle deemed that the romance will be a hindrance to Kopernik's destined path toward national and church prominence.

After the death of Lukasz Waczenrode, Kopernik purchased one of the defense towers of the Frombork embattlements and proceeded to make it over into an observatory. Here he installed Anna Schilling as his housekeeper. However, after a certain length of time this relationship was frowned upon by the new Bishop Dantyszek. It is rather strange that Dantyszek who in his younger years was not the epitome of moral behavior, after his ordination, becomes a strict moralist. Since his sympathies toward Kopernik were not marked he gives the order to displace Anna from her duties. I searched the other versions of Kopernik's love for Anna and conclude that the monograph by Ludwig Hieronim Morsten as the most sentimental, most likely lending itself to a scenario of a moving nature. From his description we learn of the true bond of Kopernik and his Anna. She was also knowledgeable and versed in astronomy and mathematics. That was their common language. That was his inspiration in the springtime of his life. That encouraged him to continue his astronomical studies.

Let us read what Morsten wrote in part of Kopernik, sharing his great work with Anna:

Quotes Kopernik as saying: The volume "De revolutionibus" is almost finished, I am writing the last chapter.

Oh, how wonderful, I am so happy—and when will you announce it to Poland and the world. When will you have it printed?

Not soon, Anna.

Why, why delay Mikolaj? Why should mankind be deprived of the truth of the structure of our Universe? Why keep it as a secret, the way Pythagoras did, which today nobody approves?

Try to remember Anna—interrupted Kopernik—What an ancient philosopher wrote: "Never did I try to please the multitude, for what I know is not favored by the masses. What the masses favor I do not know. . . ." So it is with my findings about the structure of the universe. It will not augment my fame or that of my native Poland. They will laugh at it. They will ridicule it. The Church will condemn it. Amongst the more learned none will be found to defend it for fear of antagonizing the Church.

When Kopernik finished, Anna stood up and came to the table where the flickering light of the candles was being reflected by a huge chunk of amber. Kopernik had received it as a gift from a fisherman whose wife Kopernik had saved from a serious illness.

Kopernik delighted in this warm stone glistening like the sun, which Homer named 'electron' because of its static electricity created when rubbed. Another ancient writer called this debris of the ocean bottom the tears of Heliad' the resinous gems of the sea, gathered by the fisherman after a storm, just as the Caucasian peasants gathered gold nuggets which came down from the Caucasian mountains after heavy rains.

"Look Mikolaj—said Anna—in this amber I see a small fly. Where now flows the Baltic Sea once stood immense pine forests from whose cores oozed great streams of resin. Thousands of years ago a tiny ant sought to emerge from its earthern crevice into the daylight above and there was enveloped by the flowing resin meeting not only death but immortality in its eventual entombment. . . . So it is with those who give us new truths—they too must open the way to the heavens even though death may await—for that is the way to immortality."

May it please my worthy readers, reading the whole of Morsten's scenario one can feel this unrequited love of which many will tell to the end of time.

Legend has it that only upon his deathbed did Kopernik receive the first printed copy of his book "De revolutionibus." Exhausted, touched by paralysis, with his memory failing, he reverently stroked the volume smelling of fresh ink and then closed his eyes and passed into immortality on May 24, 1543 in his modest tower observatory in Frombork.

Parenthetically speaking, confronted by the opposition of Martin Luther and Philipp Melanchthon, the printer Rheticus *did not* have the facilities of printing the Kopernik treatise in Wittenberg. Better equipped printers in Nuremberg came to his help . . . It is interesting to note that after the death of Rheticus Kopernik's manuscript passed through many hands until in the XVII century it found its way into the library of Count Nostica in Prague. There it lay for another one hundred and fifty years until 1788. The first detailed analysis finally appeared in 1830. Czechoslovakia turned over the manuscripte to the Jagiellonian Library in 1953. Thus the great work finally returned to the academy where the young Kopernik studied and marvelled at the astronomical instruments of Marcin Bylica of Olkusz.

In the coming year the entire world will be commemorating the 500th Anniversary of the birth of this Polish Renaissance Man, whom history and fame neglected because of ignorance and lack of understanding for at least two centuries. His deserving place was with Columbus, Michaelangelo, DaVinci and Raphael. . . The great American astronomer, Simon Newcomb, noted that "there is no figure in astronomical history, who may more appropriately claim the admiration of mankind through all time than that of Copernicus."

The whole world will manifest its admiration for this great astronomer. Institutions of learning, astronomical observatories, cosmic scientists, advanced mathematicians and bibliographers will be observing, studying and writing of the man and his impact upon the world of his time. Without Kopernik, knowledge would not have attained the ultimate goal of our times, the conquest of space and the landing of men upon the moon.

The fact remains that a century and a half passed in the darkness of man's ignorance because Kopernik was denied the full publication of his thesis which ran contrary to the established dogma of the Church, the Bible and theologians.

During the quincentennial the world will pay tribute and confer honors. Musicologists will compose symphonies — documentary films will be staged—there will be exhibitions—learned reports—primary studies of the long denied manuscripts. Many countries will issue commemorative stamps including the United States. There is manifest a deep conception to use the Polish name of Kopernik rather than the Latin Copernicus. After all Galileo is known to us not as Galileus or do we refer to Kepler as Keplerus.

In Poland proper the preparation for the quintcentennial have grown apace since 1969. New information and unknown facts concerning Kopernik's life have come to light.

Polonia can contribute greatly in enthusiastically spreading through the American media of the press, radio and television the storied greatness of Kopernik . . . It is most important that our younger generation gets to know the real Kopernik who raised us above the stars—"Ad Astra per aspera."

In its program the Polish American Congress, Illinois Division, projects exhibits from Poland, artists and actors are preparing a suitable theatrical version, short wave transmission for our youngsters and communal assists.

We will raise a statue to Kopernik to stand next to the planetarium in Grant Park. A delegation from the Polish American Congress visited the Thorvaldsen Museum in Copenhagen exploring the possibility of casting a copy of the Kopernik statue in Warsaw from the original mold of the famed sculptor.

The end result is in the hands of leaders of our Polish American Fraternal Societies. Through them and that of Polonia as a whole, can this project be realized under the aegis of the Polish American Congress.

In Chicago the Kopernik Foundation has been called to life, its goal to raise funds and erect a complex of buildings to be known as the Copernicus Civil and Cultural Center—same to be turned over to the civic community in the year 1976 commemorating the Bicentennial of the Declaration of Independence of the United of America.

President Mazewski has rightly declared: "The year 1973 is one of the most important events in the annals of American Polonia.

"For in that year, the entire academic world will commemorate the quintcentennial of the birth of Mikolaj Kopernik.

The greatness and immortal fame of Kopernik who "stopped the Sun and moved the Earth" is our inheritance.

Not only are we to be proud of this inheritance, but we must present to the American people this justifiable fame that embraces Kopernik so that the good name and meaning of Polonia will find new approbation in the eyes of our fellow Americans."

The fame and greatness of Kopernik is a weapon which can erase and nullify today's many insults, taunts and jibes against the good and honest names of all the Poles in America.

DEATH OF LYNDON B. JOHNSON

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, January 26, 1973

Mr. HUNT. Mr. Speaker, it is both tragic and ironic that former President Lyndon B. Johnson passed away yesterday, on the eve of peace in Vietnam. It was during his administration that the United States brought power to bear on the North Vietnamese in an effort to bring them to the bargaining table. It was during President Johnson's administration that Paris became the center of attention when it was announced that peace talks would begin.

One could not help but feel while watching the news last night that it was ironical that the Majestic Hotel in Paris was being prepared for the signing of the peace treaty ending the conflict in Vietnam. It was in this same hotel, in that very room shown last night, that the first hurdle to clear in the talks was the seating arrangement. This was just the first of many frustrations President Johnson would suffer in bargaining with the North.

He was indeed a casualty of the war.

Because of his efforts to deal with the Communists and the war with a strong hand, he was snubbed by his own party at the convention in 1968. But now, in retrospect, he, more than anyone else at the time, knew the best way to deal with his adversaries was through strength not weakness.

The war reached its fullest fury under Johnson, but it was he, and he alone who had to assume the consequences of difficult decisions, decisions which can only be made by the Commander in Chief.

History may yet prove him right.

LORTON REFORM NEEDED

HON. STANFORD E. PARRIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 26, 1973

Mr. PARRIS. Mr. Speaker, 97 of the 100 members of the Virginia House of Delegates voted today in Richmond to ask the Congress to transfer jurisdiction over Lorton Reformatory from the District of Columbia Department of Corrections to the Federal Government.

The current administration of Lorton has been demonstrably ineffective in halting the increasing number of escapes from the facility, and in resolving personnel problems among the prison guards. Lorton is an ever-present cause of concern for northern Virginia residents, and this concern was sharply delineated today by the action of the Virginia General Assembly.

On Friday, January 19, 1973, the Washington Post printed a letter to the editor from Gilbert K. Davis, a former assistant U.S. attorney for the eastern district of Virginia, who because of his personal experience in dealing with Lorton inmates is uniquely qualified to comment about the state of affairs which currently exists at Lorton Reformatory. At this point, I would like to include that letter in the Record:

A Former Prosecutor Calls for Reform of the System of Justice for Lorton Inmates

Your lead editorial of Dec. 30 titled "Mississippi Justice" deplored that state's brand of justice exemplified by the favorable prison treatment given a Klansman convicted of murdering a leading black Mississippi citizen. While justice in Mississippi apparently has its shortcomings, you might consider a journalistic crusade to improve a local system of "justice" administered by the District of Columbia Department of Corrections that has become a national disgrace.

From 1969 until very recently, it was my responsibility, as an assistant United States attorney for the Eastern District of Virginia, to prosecute most of the criminal offenses arising out of the Lorton Reformatory. These offenses ranged from escapes, assaults and narcotic offenses, to first-degree murder. The frequency with which these crimes occur at Lorton is unbelievable. The lack of personal security for both correctional officers and inmates is directly attributable, in my judgment, to a pervasive permissiveness on the part of an administration which has virtually surrendered control of its correctional institutions to the inmates.

A prison system must be reformed which permits, for example, a convicted murderer to escape through the use of phony furlough papers, and which allows numerous inmates serving time for narcotics offenses, armed robbery and even manslaughter to phony up papers authorizing them to attend nonexistent programs in the District of Columbia without even a check by the prison administration into the bona fides of the programs. Incredibly, the officers who escorted the inmates on the phony trips, and who according to sworn testimony received between $150 and $300 per trip to permit the inmates to roam the streets without escorts, have been retained in their jobs by the Department of Corrections.

Mere continued recitation of escape statistics is not needed by the press. What is long overdue is a ringing call to reform. Inmates must be protected from the bullying by inmate leaders, from the homosexual attacks by the strong against the weak, from the easy exposure to narcotics inside the prison walls, and from the all-too-frequent physical maimings and murders. Guards must be given the authority to protect themselves from assaults and to prevent the "over-the-wall" type of escapes. Administrators must restore control of the prison to themselves, and must reward only the trustworthy inmates the privilege of a furlough or half-way house release. Finally, the public which is victimized by crime and which foots the bill in prosecuting, convicting and rehabilitating criminals must be assured that the prison is more than a sieve through which the convict passes on his way from the courthouse to the street where he is free to prey on the innocent.

While I claim to have no sure-fire solution to this difficult problem, part of the answer, it seems to me, is more money for physical facilities, rehabilitative services and quality personnel; a reshuffling and firing of many individuals in the present corrections administration; a drastic change in current procedures (for example, body searches of all persons entering the grounds in order to find contraband; thorough checking of the merits of inmate excursions outside the walls; better watchfulness by the guards to prevent escapes, etc.); and perhaps ultimate control of the Department of Corrections by the Federal Bureau of Prisons which could not only oversee administration of the system, but could transfer troublesome inmates to other federal prisons.

The Congress which appropriates some of the funds and calls the Department of Corrections Administration to account, the Government of the District of Columbia, and a concerned local public have to be made fully aware of the terrible state of the correction system and have to jointly cooperate on solutions. Your newspaper should be commended for its laudable outrage against Mississippi "justice" but you would be well-advised to editorially focus on a situation over which you could have more impact.

Gilbert K. Davis.

Fairfax.

MAINE KEROSENE SHORTAGE

HON. WILLIAM S. COHEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Friday, January 26, 1973

Mr. COHEN. Mr. Speaker, on behalf of the residents of Maine, I want to thank the U.S. Oil Import Administration for approving the Maine congressional delegation's request to allow limited imports of kerosene from Canada to Maine.

The entire New England region is currently experiencing a critical fuel shortage, in response to which the Nixon administration suspended for 120 days all import barriers on No. 2 home heating fuel. However, the administration's actions did not include kerosene, of which there is more per capita consumption for home heating fuel in Maine than any other State in the Nation.

Faced with a serious shortage of kerosene that has already caused homes to go without heat and some small fuel dealers to close, the Maine delegation met with representatives of the U.S. Oil Import Administration to secure approval for imports from Canada for Maine.

The approval given to our request means that we can alleviate the current crises and prevent serious shortages of kerosene for heating homes in Maine during the rest of the winter months.

ADMINISTRATION AXES FARM PROGRAMS

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, January 26, 1973

Mr. EVINS of Tennessee. Mr. Speaker, many Members have heard from the time of the appointment of Mr. Earl Butz as Secretary of Agriculture that because of his background and orientation the new Secretary would favor the big business sector of agriculture—agrobusiness—rather than the small farmer.

It appears that our fears were justified, as the Tennesseean pointed out in a recent editorial.

Because of the interest of my colleagues and the American people in this most important matter, I place the editorial in the RECORD:

MR. BUTZ HAS AN AX OUT FOR FARM SUBSIDY FUNDS

Agriculture Secretary Earl Butz is a man with a bee in his bowler, and that bee contains some stings for the American farmers who have been on the receiving end of government subsidies.

Mr. Butz apparently has decided to seek authority to slash federal crop subsidy payments, especially on grains and cotton. He realizes he can't end them altogether, but reports have it that he wants to trim severely subsidy payments.

He also wants to loosen planting controls and turn agricultural production more toward the free market. There are some farmers who like the idea, or at least hate planting restrictions. Others see it as a step toward wiping out farm programs, or all those except factory farm programs.

Subsidy programs are aimed at growers of major crops with the idea of keeping their income up while keeping production down. Last year, subsidies amounted to a little more than 21% of the national farm income.

For some growers, notably those in family farming, subsidy payments have aided income more than they have restrained production. The turn of the spigot could mean trouble ahead there.

Mr. Butz is perfectly aware that he will run into some resistance in Congress, but evidently his thinking is that the timing may never be as promising as now.

The reasons are fairly plain. President Nixon won by a landslide and therefore has a "mandate" for doing whatever he wants. Farm income is up—not spectacularly, but up. Urban consumers tend to blame the farmer for the rise in agricultural food products, even though the big cause may be the middle man. The farm bloc has watched its congressional power wither over the years as redistricting, living patterns and farm population declines have thrown more urban-suburban voters into districts that were once almost solely agricultural.

Most urban consumers and taxpayers would favor ending subsidies, and both congressmen and senators are hearing more clamor over food prices and taxes than anything else. Legislators harken best to the areas where the most voters are—that's a fact of political life.

In short, the Republicans have looked at the recent elections and discovered the farmers have almost no political clout—at least nothing comparable to the suburbs.

So, Mr. Butz expects to have his way in slashing away at farm subsidies and preaching a free market for agriculture. The flack he will get from the "farm state" lawmakers likely won't be decisive.

The upshot of all this, if Mr. Butz succeeds in having his way, will be to drive more people off the farm and accelerate the trend to "factory farms"—the thing that has always been closest to Mr. Butz' heart anyway. At this point, "Four More Years" looks like a longer period than many farmers will survive.

MARTIN LUTHER KING

Hon. Yvonne Brathwaite Burke

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mrs. BURKE of California. Mr. Speaker, "progress never rolls in on the wheels of inevitability," this was the challenge Dr. Martin Luther King made to those who would conquer the evils of our society, whether those evils exist because of a lack of moral dedication or because they are imbedded in the laws and tradition of a government. Many of the formal evils that were once part of the law of the States and National Government have been set aside. Black Americans can now vote, move freely on buses and trains, utilize public accommodations, and live where they can afford.

Today we underestimate the importance of these rights. Many would call them superficial; however, the overt acts of discrimination reduced black Americans to less than human and Dr. King's recognition of the necessity to have the rights of citizenship was a prerequisite to freedom. Evolution did not produce a society free from overt discrimination. Change came about because of first the philosophical understanding and faith of a man of God that could interpret true religious principles to those around him and those that heard him.

Change came about because this man, Dr. King, was able to motivate a people so that they could eliminate the fears of reprisal and injury to stand up for principles of good. Dr. King gave leadership in a way that inspired people to come together, people who had been told they could never act as a common force. This leadership and inspiration brought to this country the philosophy that had given freedom to India through their leader Mahatma Gandhi, the philosophy of the ultimate power of nonviolence.

Today, one by one, courts have included in their decisions the tenets that were enunciated by Dr. King. "You can murder a murderer but you can never murder murder," this phrase from Dr. King became part of the acceptance by our court that capital punishment was not a deterrent to crime and that its very application with inequity produced a system that flies in the face of justice.

The courts and the legislative bodies of our country one by one adopted the concepts of recognition of the rights of citizenship.

Today we see the last tenet that Dr. King spoke out for realized. Dr. King loved peace, not only for himself and his country but for mankind. He received the Nobel Peace Prize as a small manifestation of the impact he had on world peace. The war in Vietnam to him was immoral and a blight on the conscience of men who seek freedom. He spoke out on that war and he cried out for the end of that war. In peace we can truly move forward to pay tribute to this great man.

Many say that Dr. King's greatest hour was in Birmingham when he led the bus boycott; many say his greatest hour was at the Washington Monument as hundreds of thousands came to demand the civil rights of Americans everywhere. I believe that Dr. King's greatest hour has yet to be witnessed. His life is a legacy to all who believe in the rights and liberties set forth in the Constitution of the United States. Many children who were not born while he was alive see and envision a greater dedication to eliminate evils when they read his words and hear about his acts of heroism. Dr. King has given to future black Americans a faith in their destiny and an understanding of what is demanded of the individual in order to realize that destiny. Progress requires faith, it requires sacrifice, it requires a working together, it is not inevitable, few people have received freedom from a benevolent oppressor. Progress and freedom can only come about when we follow the way set for us by *the dream of Dr. Martin Luther King.*

VICTORY IN VIETNAM

HON. FRANK E. DENHOLM

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 26, 1973

Mr. DENHOLM. Mr. Speaker, the cease-fire agreement in Vietnam, however delicate or fragile, is welcomed by all Americans weary of war.

At 7 o'clock on the 27th of the first month of the third year in the seventh decade of this 20th century the guns are silenced, the gates of the prisons of war are opened and at last Americans shall come home.

It is a time of happiness—it is a time of sadness. It is the end of despair. It is the dawn of hope. And in retrospect, the past years of Vietnam leave the minds of men in the shock of a frustrating nightmare in a disturbing realization that we gave so much unselfishly against a phantom of ideology that we neither conceived nor conquered.

I am humbly proud of the brave Americans that sacrificed so much for so little—that stood for honor and died for their country. I commend those of battle that cared not for cause, chaos, or crusade but for a country on the course of common understanding among all people in a community of nations on this planet Earth. The victory is theirs in the name of all mankind—and now may the adversaries permit peace to become the foundation of a new brotherhood of men—forever. That achievement is our objective. It is the only goal worthy of our best effort—and in that we shall not fail.

JAPAN AIRLINES AND THE ARAB BOYCOTT

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 26, 1973

Mr. EILBERG. Mr. Speaker, in February 1969 I first reported to my colleagues in the House of Representatives the findings of the Anti-Defamation League of B'nai B'rith that Japanese commercial interests had knuckled under to Arab pressure and were boycotting Israel. I further updated that report on Wednesday, October 14, 1970, with new material from the ADL.

The situation shows little improvement since these two reports, and today the Japan Air Lines still continues to play the Arabs' game with its participation in the Arab boycott.

Japan is one of 76 countries, including the United States and Israel, that are members of GATT—General Agreement on Tariffs and Trade. Therefore, Japan Air Lines' submission to the Arab boycott is not only immoral, but in violation of GATT regulations.

The traditional practice in international commercial aviation is for national airlines to recommend to their respective governments that they enter into treaty agreements on landing rights. Yet, Japan Air Lines has consistently refused to make such a recommendation in relation to Israel and the ADL has called the situation an incredible saga of the airline's knuckling under to Arab boycott threats. Meetings and exchanges of correspondence by the ADL with Japan Air Lines over a period of nearly 5 years have been totally nonproductive. Japan Air Lines has used stalling tactics with El Al Israel Airlines while offering the ADL patently false excuses and double talk. The only thing it really has made abundantly clear is its refusal to change its position.

Last month in Philadelphia I participated on the opening day of a week-long demonstration protesting Japan Air Lines' participation in the Arab economic boycott of Israel at Japan Air Lines' Philadelphia Office, 1518 Walnut Street. The demonstration was organized by Samuel Gaber, regional director of the Anti-Defamation League of B'nai B'rith in cooperation with: B'nai B'rith Council of Greater Philadelphia, B'nai B'rith Women District No. 3, B'nai B'rith Women Greater Philadelphia Council, the Board of Rabbis of Greater Philadelphia, Jewish Community Relations Council of Greater Philadelphia, Jewish Labor Committee—Metropolitan Philadelphia Area, Jewish War Veterans of the U.S.A., Philadelphia County Council, and the Negro Trade Union Leadership Council.

I place in the RECORD the ADL fact file on "Japan Air Lines and the Arab Boycott" which was distributed by the ADL office in Philadelphia:

JAPAN AIR LINES AND THE ARAB BOYCOTT

Japan Air Lines is the national air carrier of Japan, with a fleet of 74 aircraft. With fifty percent of the airline owned by the government, the other 50% publicly held, in 1971, JAL flew approximately 1,630,000 international passengers.

In 1970, JAL inaugurated a Tokyo-London service via Moscow in addition to the already existing Tokyo-Paris-via-Moscow route. In its round-the-world flight, it services Honolulu, San Francisco, Los Angeles, New York, London, Paris, Rome, Moscow, Cairo, Beirut, Teheran, Karachi, New Delhi, Calcutta, Bangkok, Singapore, Hong Kong and several other cities along the route. Last year JAL requested landing rights in Chicago and Anchorage, Alaska.

JAL maintains 15 sales offices in the United States, 2 in Canada, 4 in Latin America, 19 in Europe, and 3 in the Middle East (Beirut, Teheran and Cairo). It also maintains over two dozen sales offices in Southeast Asia and Oceania.

BOYCOTT

Following the International Air Transport Association Conference in Manila during the winter of 1967, Mr. Ben-Ari, the Director General of E1-A1 Air Lines and Israel's Ambassador Bartur met in Japan with the president of Japan Air Lines. It was agreed that their respective business managers would enter into discussions regarding a mutual air agreement between E1-A1 and JAL, after which government discussions would follow respecting the establishment of an Israel-Japan mutual landing-rights treaty. Simultaneously, the president of JAL received an invitation from E1-A1 to visit Israel for discussions.

The business managers never met nor did the JAL president ever visit Israel; the reason given by JAL was that their executives were too busy. More than a year later, in the fall of 1968, the president of JAL formally cancelled the proposed trip, claiming that his heavy schedule made the trip unfeasible. Now, five years later, he has still not visited Israel despite repeated invitations.

In July of 1969, at a meeting between Mr. Elmer R. Brown, JAL's Passenger Sales Manager for the New York District, and Anti-Defamation League—B'nai B'rith representatives, the ADL explained that its leadership was troubled by reports that JAL was boycotting Israel. As a result, a second meeting between JAL and ADL—B'nai B'rith representatives took place on October 1, 1969, with Mr. Shigeo Kameda, the Vice President of JAL-American Operations heading the JAL delegation. The B'nai B'rith representatives stated their disappointment over the Japanese Government's tolerance of the JAL boycott. The airline representatives agreed to bring the problem to the attention of both the Japanese Ministry of Transportation and the Japanese Federation of Economic Organizations. On October 24, 1969, Mr. Kameda wrote to the Japanese Ministry of Transportation as promised, requesting that the matter be brought before the Minister of Transportation and before the President of the Federation of Economic Organizations. JAL's Vice President concluded:

"We would appreciate any action on your part to present the problem to the authorities concerned. We have been, and still are, receiving considerable business from B'nai B'rith and it is our sincere wish to be of whatever service we can be to this organization."

THE NONNEGOTIATIONS

On March 30, 1970, Mr. Arnold Forster and Mr. Lawrence Peirez met in Tokyo with Mr. Nobuo Matsumura, Director and Vice President of Japan Air Lines, and discussed the state of "non-negotiations" between El-Al and JAL.

Mr. Matsumura then asserted that no formal invitation had ever been extended to the president of JAL by the president of El-Al; that El-Al and the Israeli Government were perfectly content with the attitude and activities of JAL; that JAL would be perfectly happy to entertain propositions by El-Al but had heard none; and that in his talks with an Israeli Embassy representative he had persuaded the Israeli Government that there was no reason for any complaint. All of these statements were completely contrary to the known facts. Mr. Matsumura further stated that JAL business propositions were decided solely on their commercial merit, and that the airline was not planning on opening service to Israel because it was suffering from a shortage of planes and pilots needed for existing routes.

On April 13, 1970, B'nai B'rith, over the signature of the Director of B'nai B'rith National Tours, wrote a letter to JAL, which declared in part:

"It seems that the door has been firmly closed and no interchange is contemplated by JAL. Such a position on the part of your airline is forcing us to terminate the use of JAL by B'nai B'rith and their 600,000 membership."

In a meeting between Mr. Forester of ADL and Mr. Brown of JAL on April 14, 1970, the ADL explained that the evidence that JAL was boycotting Israel was corroborated by: the refusal of the president of JAL to accept the repeated invitations to discuss matters of mutual interest with the president of El-Al, and by the apparent unwillingness of the Japanese Government to open any kind of negotiations with the Israeli Government for a possible treaty on mutual landing rights.

Mr. Forester stated plainly that "any movement, any action, any deed indicating that JAL was not playing the Arab game"—that any affirmative step, establishing collaboration between JAL and El-Al or between Japan and Israel (treaty rights) could persuade B'nai B'rith and other Jewish organizations that there was no longer reason to avoid JAL's facilities.

THE DILATORY TACTIC

At this juncture, Mr. Akamara, JAL's London representative, paid a courtesy call on Mr. Y. Rabin, Chief of Civil Aviation for the Ministry of Transport in Israel; nothing came of the visit. But on July 20, 1970, a meeting—we learned, was held in Tokyo between Israeli Government representatives, specifically from the Israel Civil Aviation Board, including the Vice President of El-Al Israel Air Lines, and Japanese Civil Aeronautics Board officials, at which time August, 1971, we were told, was set as a tentative date for the opening of government negotiations with El-Al which El-Al had requested

As a follow-up to this meeting, a formal diplomatic note was delivered rin August, 1970, to the Japanese Foreign Ministry by the Israeli Ambassador requesting an air treaty between the two countries.

In the United States, Japan Air Lines attempted, from July, 1970, through October, 1970, to persuade ADL that it was not guilty of boycott submission. Accordingly, JAL proposed a series of drafts of a letter that would satisfy Jewish organizations regarding JAL's bona fides. In retrospect, this seems only to have been a tactic to buy time—time during which double-talk and additional promises put off the moment of truth about the boycott.

THE DOUBLE TALK

Throughout this period, JAL maintained that its decisions were subject to the directives and recommendations from the Japanese Government, while the Japanese Government spokesman continues to advise that the matter was up to Japan Air Lines' decision and recommendations. Throughout that period, Japan Air Lines was writing letters to inquirers, informing them of the July 20th meeting and stating that the result of that meeting was an agreement to conduct a joint study of economics of the air route linking the two countries.

On September 9, 1970, during the IATA Convention in Honolulu, another meeting was held between the commercial managers of Japan Air Lines and El-Al—again no progress was achieved. This turns out to have been just another effort by JAL to extricate itself from pressures in the U.S. with excuses rather than with the actual change in policy.

In November, 1970, we learned that Japan Air Lines advised the Israeli Embassy in Tokyo that negotiations would now begin in May, 1971. When in late April, 1971, no appointments or schedules for negotiations or meetings had been set, the ADL charged Japan Air Lines with not fulfilling its promise to negotiate.

On May 11, 1971, Japan Air Lines issued a news release denying the charges of boycott. In its statement, it announced that "JAL is engaged in the commercial airline business only and does not participate in any form of politics, either on an international scale or within any country. We are influenced by sound business practices." This statement continued: "In international commercial aviation, reciprocal landing rights are negotiated by governments concerned, on the basis of long, careful study to insure that any new route will be operated at a profit. In the past, such discussions and negotiations have often been lengthy.

JAL was still evading responsibility for the shutting out of Israel in obvious compliance with the regulations of the Arab Boycott Office.

But in a letter dated April 8, 1971, Mr. S. Yamada, Regional Manager, Southwest Region of Japan Air Lines, while admitting that it was the Japanese Government that had to decide on policy, clearly admitted JAL's own responsibility for the first time. He wrote: "It is true that the Japanese Government is withholding action on mutual air treaty with Israel but it is truly based on economic reasons of its flag carrier, Japan Air Lines . . . detailed market research has revealed that there is simply not sufficient movement of goods and personnel between these two countries to warrant a desired economic sustenance . . . we reiterate that Japan Air Lines is a money-making enterprise and definitely cannot afford to dash headlong into untried market areas merely to satisfy political objectives . . . We fly for profit and not for protocol. We sincerely look forward to the day when both our countries can enter into agreement to this end."

In response to that analysis, El-Al Israel Air Lines, we were informed, proposed that after negotiation of a mutual landing rights treaty, it (El-Al) would exercise its option of flying to Tokyo and sharing the profits with Japan Air Lines without an obligation on the part of Japan Air Lines to reciprocate in terms of committing planes or flight schedules to Israel. That offer, too, we now learn, has been rejected.

As a result of all the foregoing, to this date, there has been no development in terms of government negotiations on a landing treaty nor any further negotiations between El-Al and Japan Air Lines.

EDITORIALS ON THE LIFE AND TIMES OF PRESIDENT HARRY S TRUMAN

HON. WM. J. RANDALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, January 26, 1973

Mr. RANDALL. Mr. Speaker, the first public office held by Harry Truman was Judge of the Jackson County, Missouri Court for the Eastern District. He was elected Eastern Judge in 1922 but was later defeated for that office in 1924 by Henry Rummel.

In the Oak Grove Banner, published at Oak Grove, Mo., under date of December 28, 1972, one of the staff writers, Peggy Henkins, has assembled some personal recollections by two close friends of Mr. Truman, Frank Robinson and former Judge Leslie I. George.

In her story Miss Henkins proceeds to relate some recollections of Mr. Robinson and then some of the reminiscences of Judge George.

Then she concludes with two paragraphs of her own which show the measure of affection and the great esteem for Harry Truman found in the hearts of all eastern Jackson countians.

The article, "Eastern Jackson Remembers Mr. Truman," as it appeared in the Oak Grove Banner for December 28, 1972, follows:

EASTERN JACKSON REMEMBERS MR. TRUMAN

Frank Robinson, 82, of 506 Broadway, Oak Grove, Remembers:

"Harry and I have been friends since 1920. He gave me my first county job, and he was the best friend I ever had. When Harry was a friend to you—he really was a friend. You could count on what he said.

"The first time I ever met Harry, was when I was trading livestock around over the county about 1919 or 1920.

"His father had advertised two loads of cattle, so I called him up at Grandview and he said for me to come on out and take a look. I took the train to Independence, then transferred to another train to Grandview. He picked me up at the station in an old black buggy.

"Harry was waiting at the farm, and he showed me a white face calf he had just bought. I particularly remember because that was the day that Vivian (Truman's brother) became the father of twin boys. It was quite a surprise."

Les George, 78, who served seven terms as mayor of Oak Grove and is a former eastern judge of the Jackson County Court, has known the Truman family for many years.

"The first time Truman ran for the county court, my sister's father-in-law, Tom Parrent, was running against him. But I didn't like the guy and wanted to vote for Harry. There was a split in my family over that," said George.

"I remember when Harry was just finishing up his second term as presiding judge," George said. "I was sitting in his office one morning, and I asked him what he was going to run for next fall. He said he thought he would run for county collector.

"About that time the phone rang. It was Tom Pendergast, and he was calling to ask Harry to run for the United States Senate.

"Well, he put on the darndest campaign you ever saw," George continued. "He bought a new Plymouth and went all over the State talking to people. I bet he slept in the back of that car for a month."

"We were all in Roger Sermon's office on election night," George continued. (Sermon was then mayor of Independence.) About midnight Harry said, 'I'm going home—that's all for me.' He thought he'd lost."

"Truman didn't lose, however, but was elected to the Senate. The year was 1934.

"This seems to pretty much sum up the feelings of eastern Jackson Countians today. Many are remembering 'the good old farm boy from Missouri who made it big in Washington,' and the famous sign on his desk which read 'the buck stops here.'

"Whether one actually knew Harry Truman personally or not, eastern Jackson Countians regard him as their own. And it is perhaps this feeling of folksiness that Truman was able to transmit to the country, as well as his determination and guts in tackling some of the most tremendous problems of our time that will make him go down in history as a truly great man—a man of the people."

Our longtime friend, Jim Wolfe, writing of Mr. Truman in his paper, the Jackson County Sentinel, under dateline of January 4, 1973, entitled his editorial, "He Was Our President," and relates a story of a lady who called his paper to say—

> You know, he was the last President we had.

As Mr. Wolfe suggests—

> This is a strong statement.

But he recalls the woman emphasized the word, "we," and in that kind of context her statement made sense. She meant that Mr. Truman was a man of the people. The writer suggests that even that kind of description may sound corny today in this day when people are analyzed, polled, and even manipulated.

The editorial follows:

[Editorial from the Sentinel, Jan. 4, 1973, Blue Springs, Mo.]

HE WAS OUR PRESIDENT

A couple of weeks ago, while President Truman lay on his deathbed, a woman called the newspaper office and said:

"You know, he was the last president we had."

In cold type, that is a strange statement. But the woman had emphasized "we"—and that way, it made sense.

Harry Truman was a man of the people. Lord, that sounds corny. In this day of governmental technology and computerized campaigns, it also seems obsolete. People? What's so important about people? They just exist to be manipulated and polled and analyzed (but not heeded), don't they?

Richard Nixon, Lyndon Johnson, and Dwight Eisenhower all came from beginnings as humble as Truman's. They were from the people, but not of the people. Nixon may possibly make the list of great presidents, but never a list of warm personalities; Johnson was a Texas, with all the braggadocio that implies; Eisenhower was an officer corps-type officer who finally matured into a golfer. The other post-Truman president, John Kennedy, a rich man's son, made no pretense of being a "people's president"; Camelot was not for commoners.

Harry Truman was a product of hard work on the farm, heroic service in the army, a disappointing business venture, and precinct politics. Who believes the new Jackson county charter will produce a president of the United States?

Mr. Speaker, the Lee's Summit Journal has had a long and distinguished history as one of the really fine papers published in eastern Jackson County. Their comment on Mr. Truman, as "the not so ordinary man," follows the theme that the first citizen of Independence who looked, dressed, and sounded like an ordinary person, was capable of governing the country in its most difficult and trying period in the 20th century. If you read the editorial carefully you will find that it believes Mr. Truman's success was based upon an almost innate wisdom. The writer predicts that the Truman story has yet to end because history will regard him as a great statesman, and the man from Independence will be sorely missed in the years that lie ahead.

The editorial follows:

[Editorial from Lee's Summit (Mo.) Journal, Dec. 28, 1972]

The Not So Ordinary Man

There was something about the humanness of Harry Truman, Mr. Citizen from Independence, that made the average citizen feel more than average. He looked, dressed and sounded like the most ordinary, conventional person in the world.

Mr. Truman demonstrated that a man who came from very humble beginnings in this difficult and trying period of the 20th century was capable of governing and capable of making wise and great and yet very difficult decisions.

When FDR, worn down by war, died in office his hand-picked vice-president of little experience inherited the presidency—and the world's problems. A lot of people felt their hearts sink when he was sworn in as President, following Franklin Roosevelt with all that grandeur, that aristocratic voice and face, that Harvard background.

But what Mr. Truman became was one of the most impressive Presidents we ever had. He was one of the people and he took his case to the people. He talked their language—he wasn't too complicated or too sophisticated. Mr. Truman sensed the values of the people. And while many of Harry Truman's programs were ahead of the time, he, himself, identified with the times and with the great majority of the people.

Harry Truman, the man and the President, believed that there was something special in the most ordinary man and America was the place where that "special" was most likely to turn out. In Mr. Truman's sight the most obscure have as much divinity in them as the most famous.

Although Harry Truman was not brilliant and not eloquent, he had something else—a prime necessity for men who would lead and govern others. He acted on world events with almost innate wisdom. He acted with decisiveness and with courage. His was the decision to drop the atomic bomb, the formation of the United Nations, the Truman Doctrine, the North Atlantic Treaty Organization, the Berlin Airlift and the Korean War.

His leadership and determination was demonstrated with his familiar sign on his executive desk, "The Buck Stops Here." And it did.

The Truman story has yet to end. We're going to remember him as a very intimate human being, a devoted father and husband and yet a great politican and statesman.

The Man from Independence will be missed.

Mr. Speaker, one of the principal cities of Lafayette County, Mo., is the city of Higginsville. It can boast to be the home of the Higginsville Advance. The paper has long been recognized not only for its fair and impartial reporting of the news but also for its overall journalistic excellence. In its edition of December 28, rather than editorializing, it simply provides a capsulized version of the important events of the life of Mr. Truman.

The editorial follows:

[Editorial from the Higginsville, Mo., Advance, Dec. 28, 1972]

Harry S Truman, 33d President, 1884–1972

Former President Harry S Truman died at 7:50 a.m. Tuesday, December 26 at Research hospital in Kansas City where he was admitted December 5.

Mr. Truman, "The Man from Missouri", was victor in the great political upset of recent times when he defeated the late Thomas E. Dewey of New York for the presidency in 1948. All polls and predictions had pointed to a Dewey victory over Mr. Truman who became president in 1945 following the death of President Franklin D. Roosevelt.

At the conclusion of World War II, Mr. Truman, as the Nation's president, played instrumental roles in shaping future policies of the war-torn world. The Marshall Plan for aid to stricken countries, his support of the post-war United Nations and his policies toward recovery in Japan and other nations are now a part of the historical record of the leadership he provided.

One of his decisions—if not the most-considered of all—was to authorize use of the newly created atomic bomb as a means of bringing the U.S. Japanese war to a halt, forcing the surrender of the Japanese nation and bringing about the signing of the peace treaty aboard the Battleship Missouri.

Since leaving the White House, Mr. Truman, except for visits from time to time from political leaders and other dignitaries, had lived a quiet life in the privacy of his family home in Independence, Mo., where his political career began when he was elected a member of the Jackson county court. He was a Missouri Senator when he was chosen as Roosevelt's running mate for the Democratic party in the 1944 election.

The Truman Library was built in Independence only a few blocks from his home after he returned from Washington. It is on the grounds of the library that he will be buried Thursday following private funeral services in the Library.

Mr. Speaker, we are indebted to the editorialist of the Odessan for an interesting story about the drive by that paper, when it was known as The Odessa Democrat, to nominate Mr. Truman for Governor of Missouri in 1932. Y. D. Adair and his late father, A. J. Adair, wrote several articles beginning as early as 1930, pointing out that Jackson County, Mo., had not furnished the State a Governor since the time of Governor Boggs, and that the time was now ripe to nominate a man from such a stanch Democratic county as Jackson County. He followed with a strongly worded review of his accomplishments as county judge, closing with the admonition:

> Let's make this man, Truman, Governor of Missouri.

The editorial from the Odessan is equally good for recalling the words of the late Roy A. Roberts who was for many years managing editor of the Kansas City Star, and who wrote extensively about President Truman after his nomination for Vice President in 1944. The late Mr. Roberts knew Mr. Truman very well, and his paper was published in the same city that was dominated by T. J. Pendergast, then the head of one of the most effective political machines in the history of the Middle West. Mr. Roberts notes that, while scandal may have surrounded the machine, none of it ever reflected against Mr. Truman personally. Notwithstanding, he never bragged about being an honest man because of his rare modesty. He had a way of letting it be known to all of his friends that he never regarded himself as a superman.

The article follows:

[Editorial from the Odessan, (Mo.), Jan. 4, 1973]

For Missouri Governor in 1930: Local Paper Supported Truman First

(By Doug Crews)

Since the death and burial of Harry S Truman last week, numerous stories about the personal and political life of the "Man from Independence" have circulated through the news media.

Y. D. Adair added another to the list of stories about the 33d president when he recalled this week that in 1930, The Odessa Democrat was the Missouri newspaper which began a drive to nominate Truman for governor in 1932.

Adair was associate editor and his late father, A. J. Adair, editor, when the following article appeared November 14, 1930, in The Democrat:

"It has been nearly a century since our neighboring county of Jackson furnished Missouri with a governor, the last man being Governor Boggs.

"The time is now ripe for the Democrats of this state to get behind and nominate a man from that staunch Democratic county, and The Odessa Democrat suggests that in 1932 our party name County Court Judge Harry S Truman of Jackson County as its candidate for governor of Missouri. . . .

"Judge Truman is a native of that county; being born and reared on a farm and coupled with his experience gives him a background suitable for an ideal governor. He is popular with all and has much executive ability. . . .

"In 1928 he sponsored a movement for a system of paved roads in his county and six and one-half million dollars in bonds were voted and the work has been completed. Not a dollar was spent illegally and under the watchful eye of Judge Truman the work was exceedingly well done. . . .

". . . Judge Truman has a record as a road builder and a financier and while we would not like to deprive Jackson County of the use of this splendid citizen, we believe he should be made governor of Missouri and allowed to use his fine talents to the betterment of the state at large. He is a young man and the Democrats should nominate a man of his type as chief executive of this commonwealth."

Editor Adair concluded the article, saying, "Let's make this man Truman governor of Missouri."

The Truman for governor boom launched by The Democrat never developed. However, it is ironic that the first endorsement for Truman was made in the Odessa newspaper, when it seems it would have been more logical for an endorsement to appear first in a Jackson County newspaper.

Y. D. Adair said Tuesday, "people would have thought (Tom) Pendergast was involved" if a Jackson County newspaper had endorsed Truman for governor.

The Pendergast organization literally ruled Kansas City at the time, and it is known that Pendergast was directly responsible for Truman's election as associate judge of the Jackson County Court in 1922 and for his election and then reelection as presiding judge in 1926 and 1930.

Adair said a group of Truman backers from Jackson County, including the late William Southern, Jr., editor of the Independence Examiner, conveyed to his father their interest in starting the Truman gubernatorial movement outside Jackson County in 1930.

"Truman and my father were good friends," Adair said, and so the endorsement was written.

But the drive to nominate Truman for governor of Missouri failed. A Kansas City Star editorial on May 26, 1930, said: "It should be a satisfaction to the people of Jackson County that Judge Harry S. Truman, presiding judge of the county court, has filed for renomination.

"Judge Truman has been much more than a routine official. He has contributed leadership to an efficient county administration."

Truman won a U.S. Senate seat in 1934 with the support of the Pendergast machine.

When he entered the senatorial race, another endorsement for Truman was printed May 18, 1934, in The Democrat by editor Adair. The headline said: "Judge Truman, Ideal Senatorial Candidate."

The article read, in part, "He has been the moving spirit in the building of ten million dollars of concrete roads in Jackson County without a taint of graft or even of graft criticism. The contracts were let to the low bidders regardless of where they came from and the inspection was rigid and the roads account for the money expended . . ."

In 1940, Truman narrowly won re-election after the Pendergast machine had been destroyed.

On July 22, 1944, just hours after Truman had been nominated for vice-president in Chicago, Roy A. Roberts, then managing editor of the Kansas City Star, wrote:

"No man on earth ever came to the Senate with a worse handicap. He didn't want to go to the Senate, as everyone back home knows. He was chosen by Pendergast because the political situation in Missouri demanded it from the machine standpoint and because Harry, with his war record and out-state connections, seemed the only man in sight to make the fight for the Senate on the Pendergast ticket.

"Then came the scandals that broke the machine—none of them reflecting on Truman personally. But, being loyal, he did not run from T.J. (Pendergast), but defended him. It was a miracle plus the fact that there were three candidates that let him get by with the narrowest margin . . .

"Truman . . . has a great capacity for friendship. He is essentially modest . . . Truman, himself, was the first to say he was no superman. He still does . . ." Roberts wrote.

Mr. Speaker, our congressional district is blessed with so many excellent newspapers that it becomes difficult to single out any one for special praise for fear of the implication that they should be assigned some kind of grade or ranking.

However, the Daily Star-Journal of Warrensburg, Mo., is a paper which we can nearly always depend upon for excellent editorials. Its comment in the edition of December 27, 1972, on Mr. Truman is most exceptional.

Headlined "The Man From Independence," the editorial proceeds to delineate a concise history of the accomplishments of Mr. Truman. It deviates long enough to recall Mr. Truman's imitation of the radio commentator, H. V. Kaltenborn, who predicted Mr. Truman's defeat on that November evening in 1948 soon after the ballot boxes had been opened. Mr. Truman enjoyed this imitation as much as the occasion when he held up the banner headlines of the Chicago-Tribune with the words "Dewey Defeats Truman."

The editorial follows:

[Editorial from the Daily Star-Journal, Dec. 27, 1972, Warrensburg, Mo.]

THE MAN FROM INDEPENDENCE

Missouri has lost its number one citizen and, along with the rest of the nation, a former chief executive of the United States. Harry S Truman served with distinction as the country's thirty-third president and exerted wide and effective influence in world affairs. History continues to show the magnitude of his achievements.

When the enormous responsibilities of the office were thrust upon the little-known vice president with the death of Franklin D. Roosevelt on April 12, 1945, there were few, if any, willing to predict that his record would be a distinguished one. Most were inclined to believe he would finish Roosevelt's fourth term in a nondescript manner, then fade away into oblivion. But this was not to be.

Only four months in office brought personal involvement in international affairs to the new chief executive. He went to San Francisco to address the United Nations, to Potsdam to confer with Stalin and made the historic decision to use the atomic bomb against Japan.

Soon the Cold War became reality and the Truman Doctrine was put into effect when he granted aid to Turkey and Greece in an all-out effort to halt the spread of communism which had already submerged Eastern Europe. A massive worldwide foreign aid program was promoted by the $12 billion Marshall Plan to rebuild Western Europe.

Perhaps best known in his presidential career was his tenacious, lonely and successful fight for reelection in 1948 against what appeared to be great odds. One of the most humorous incidents was President Truman's imitation of the radio commentator, H. V. Kaltenborn, as he predicted Truman's defeat on one of the election evening newscasts soon after the count of the ballots had begun.

President Truman was a scrappy, hard-hitting campaigner. He was firm in his decisions, leaving no doubt as to where he stood. Mixed with all of this were humility, forthrightness and courage that brought admiration and support from the masses.

"If you can't take the heat, get out of the kitchen," is one of his sage saying that continues as a popular quote. A long-remembered sign on his desk in the White House said, "The buck stops here." And it did.

Truman's handling of the Berlin blockade in 1949 and his clash with General Douglas MacArthur in 1950 give further evidence of his willingness to take decisive action when he was convinced of the necessity for it.

Quite appropriately President Nixon has his willingness to take decisive action when the going was toughest.

Those who followed President Truman in office and other high government officials, often despite party affiliation, were frequent visitors at the Independence home of the ex-president and keen student of history. They came to pay their respects and garner words of advice and wisdom as long as his health would permit.

As the nation's commander-in-chief, Harry S. Truman met the challenge and he met it extraordinarily well. He has left his personal stamp on the State of Missouri, the nation and the world. It will be an enduring one.

Mr. Speaker, Clinton, Mo., is the county seat of Henry County, Mo., which has long been known as one of the rock-ribbed Democratic counties of western Missouri.

In nearly every election it turns in large Democratic majorities. The Truman years were no exception. It may be that it is for these reasons that Mahlon N. White, affectionately known as "Puny," writes with such great warmth about the Man of Independence.

The editorial contains an excellent summary of HST's important decisions or as he puts it, "a legacy of decisions so vast and earth-shaping that it is not fully appreciated to this day." The writer goes on to make a strong point of the fact that, when Mr. Truman was faced with a decision, he did not fiddle around wasting time to make up his mind; and, finally, that he was undoubtedly gratified to hear during the years of so-called retirement, which was not retirement at all because he never quit working, that when the United States was faced with tough problems of near crisis proportions, important world personalities to this day would yearn publicly that "Harry Truman was President again."

The editorial follows:

[Editorial from the Clinton (Mo.) Daily Democrat, Dec. 27, 1972]

GREAT LEGACY

Harry S Truman died as he lived, battling all the way.

He left behind a legacy of decisions so vast and earth-shaping it is not fully appreciated to this day.

But, unlike many predecessors as President of the United States of America, he lived long enough beyond his years in office to hear respected authorities say his place in history would be with the handful of great Presidents.

Yet he assumed the Presidency, and won a no-hope re-election, amid criticism which would have felled a less hardy soul. He was referred to as a "little man," and the inference was incapability of handling any big problems.

He confounded the critics by handling the biggest problems faced by any world leader decisively and well. A few of HST's decisions:

The United Nations Charter Conference would proceed as scheduled later in the month in which he became President.

Dropping the Atomic Bomb on the Japanese to end World War II within a month.

Greek-Turkish aid to prevent a Communist takeover.

Rebuilding Europe with the Marshall Plan.

Rebuilding the shattered countries which had been the enemy.

Fighting the Communist attempt to seize Berlin with a great airlift.

Stopping Communist aggression in Korea by instituting the most decisive action the UN has undertaken.

Sending a message to the burgeoning military powers of the United States that the President was the Commander in Chief by firing General of the Armies Douglas MacArthur.

* * * * *

Few Presidents, even in the hectic years which followed, had to face up to problems of such magnitude that a wrong decision could see freedom spinning off into the black night.

Truman made those decisions. And he didn't fiddle around making them.

Most gratifying personally to him, in his years of retirement, must have been hearing erstwhile critics yearn publicly that "Harry Truman was President again" when the U.S. faced particularly tough problems.

Mr. Speaker, the St. Clair County Courier, published in Osceola, Mo., and the Index, published in Hermitage, Mo., have each made their own contribution to the Truman memorabilia by the use of phraseology to describe the Nation's 33d President as—

> A stout Missourian who made decisions with courage.

And that—

> He gave unstintingly to the duties of the presidency while he held it, and in the years afterward he honorably supported and wisely counseled each of his successors.

The two editorials follow:

[From the St. Clair County Courier, Dec. 28, 1972, Osceola, Mo.]

EDITORIAL

We never voted for Harry S Truman as president.

But we have learned through the years that he was a man who was built to lead.

He had to take over from the most popular man who ever served as president—FDR.

But through the years of the Marshall Plan that rejuvenated Western Europe, the Cold War, and other dramatic follow-up episodes, he served completely honest and courageous.

We think he will always be recognized as a stout Missourian who made decisions with courage.

In our opinion, his most famous statement was: "If you can't stand the heat in the kitchen, get out."

Missouri mourns him. So does the nation and world.

May God bless Harry Truman.

[Editorial from the Index, Dec. 29, 1972, Hermitage, Mo.]

TRUMAN—COMMON MAN . . . UNCOMMON GREATNESS

Harry S Truman, the plain-spoken man from Missouri, who served as the nation's 33d president, has gone on to his reward. The 88-year-old Mr. Truman is eulogized as a common man who rose to uncommon greatness, a man who did not seek power, but who used it wisely when it was thrust upon him.

In proclaiming Thursday as a national day of mourning, President Nixon said of Mr. Truman, "His far-sighted leadership in the postwar era has helped . . . to preserve peace and freedom in the world . . . He gave unstintingly to the duties of the presidency while he held it, and in the years afterward he honorably supported and wisely counseled each of his successors."

FIREARMS LEGISLATION

HON. RICHARD G. SHOUP

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 26, 1973

Mr. SHOUP. Mr. Speaker, this bill was part of the crime deterrent legislation that I introduced during the 92d Congress. I have separated it from the legislation concerning beefing up penalties for felonies with a firearm. I feel it should be considered on its own.

The bill changes references to age in existing gun laws from 21 years to 18 years. This is in line with recent decisions that legal adulthood begins at age 18. It is probable that this change should encompass all of our laws. This is a start. If those citizens who reach 18 are accorded the privileges of voting, making contracts, and so forth, then they should also be prepared to accept all the responsibilities of first-class citizenship.

Mr. Speaker, I insert the text of my bill in its entirety at this point in the RECORD:

H.R. 3011

A bill to amend chapter 44 of title 18 of the United States Code (respecting firearms) to lower certain age limits from twenty-one years to eighteen

Be it enacted by the Senate and House of of Representatives of the United States of America in Congress assembled, That section 924(c) of title 18 of the United States Code is amended to read as follows:

SEC. 2. Title 18 of the United States Code is amended—

(1) in section 922(c) (1) by striking out all after "I swear that" up to, but not including "I am eighteen years or more of age.";

(2) by striking out, "twenty-one years" wherever it appears in such chapter, and inserting in lieu thereof, "eighteen years".

FOR THE FIRST TIME IN MANY YEARS, THERE ARE NO LIVING FORMER PRESIDENTS

HON. DAN KUYKENDALL

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, January 26, 1973

Mr. KUYKENDALL. Mr. Speaker, the flag on the Rayburn Building, just across from my office window, is flying in the Washington breeze at half staff, in honor of two great men.

In many ways they were similar, and in many ways they were so different. Both of them were thrust into the Nation's highest office unexpectedly; both of them could have been nominated again but chose to step down instead.

Harry Truman never wanted to become President, but was one of the strongest, most dynamic men who ever served in the White House. Lyndon Johnson wanted the Presidency, accepted it sadly after the Kennedy assassination, was elected the following year in the biggest landslide in our history, and only 4 years later saw the Nation so torn and split apart by his Vietnam war policies that he refused to run again.

My first thought when I heard of Johnson's death was, "What a pity he could not have lived a few more days, to see the war ended."

Harry Truman died satisfied. Lyndon Johnson did not.

Truman, the mild-looking little man behind the steel-rimmed glasses, will be remembered for the Truman doctrine, for the Fair Deal, and for his blunt language to those who displeased him—including a music critic who panned the singing voice of his daughter.

Johnson, whose Great Society programs of social legislation tried to help the poor and the helpless almost to the point of social revolution, will be remembered for his role in the most unpopular war this Nation has ever fought. It is a measure of his greatness that he turned his back on his own career, gave up his own chances for another 4 years in the White House, to do what he thought was right, despite the chants of hate that assailed him daily, that must have torn at his very soul.

And now they are both gone, with their permanent marks on history still being judged and weighed. For the first time in many years, there are no living former Presidents.

It is sort of like losing your only surviving grandfather.

ANNUNZIO INTRODUCES NATIONAL BLOOD BANK ACT OF 1973

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 26, 1973

Mr. ANNUNZIO. Mr. Speaker, on January 3, I introduced H.R. 264, the National Blood Bank Act of 1973.

Over 6.6 million pints of blood are collected, processed, and distributed annually in this country to be used in life saving transfusions and in the preparation of many therapeutic products. In order to insure the availability of the therapeutic benefits of blood to the patients who need them, healthy blood must be available in sufficient quantities and distributed by efficient systems.

The successful transfusion of blood from the vessels of one human being to those of another has been achieved through development of improved techniques. Problems arising from incompatibility have virtually been eliminated by the recognition of blood groups and development of sophisticated cross-matching techniques. Improved methods of freezing and storage allow for retention of collected supplies. Also, techniques for separation of blood have been developed and thus allow for component therapy.

However, the fact remains, that the therapeutic benefits derived from blood fall short of their potential to save lives. In fact, improper screening and use of contaminated human blood all too often result in the transmission of serum hepatitis, a serious and often fatal disease to the blood recipient.

Blood for therapy is a unique commodity which is obtainable only from human donors. In order to meet the problems of critical blood shortages, several hundred independent profit and nonprofit blood banks have emerged throughout the country since the early 1940's. While most of these banks have performed valuable services, some are relaxed in their efforts to screen donors and thereby, collect contaminated blood.

This is particularly true of profitmaking banks which purchase blood from donors such as alcoholics, drug addicts, and prisoners who rely upon the sale of their blood as an income to support their habits or as a means of obtaining early parole. Many of these people carry the hepatitis virus undetected. Studies have shown that their blood is at least 100 times more likely to transmit hepatitis than is that of the volunteer who gives his blood for the good of the community.

As a result, this provides an increased risk to the recipients of this commercial blood who may develop debilitating or even fatal cases of posttransfusion hepatitis. As reported by the National Academy of Sciences, over 30,000 cases of clinically identifiable posttransfusion hepatitis occur annually; with between 1,500 and 3,000 of these cases proving fatal.

The problem is not insoluble and can be greatly reduced by the elimination of these commercial banks. Progress toward this goal has been hindered primarily by the lack of centralized and national regulation of the blood banking system. Methods of blood collection, processing, and transfusion vary greatly from one part of the country to another. Inspection and supervision of the Nation's blood banks have allowed questionable practices to continue.

State control of blood banking is limited. In fact, 17 States have no laws whatsoever on blood banking. I am pleased to report that my own State of Illinois recently required that all hospital blood banks be licensed and that blood be labeled, indicating whether it was purchased or voluntarily given. Under the new Illinois law, "commercial" blood banks will not have to buy and sell blood only under criteria established by the American Association of Blood Banks. Unfortunately, however, as I have said, many States have no law whatsoever on blood banking.

And, regulation to date by the Federal Government has fallen far short of the task. No provision has been made for screening the vast quantities of blood imported annually into our country and licensing and inspection of blood banks are not carried out to an effective degree by the FDA Bureau of Biologics which is charged with these tasks.

My bill, H.R. 264, would work toward correcting the problems now hindering the delivery of the life saving benefits of blood therapy. This legislation is identical to a bill, with amendments, I introduced last year. The amendments encourage participation in the voluntary blood program and, thereby, help in insuring a supply of lifegiving blood. My amendments specifically encourage allocation of space in Federal buildings to blood bank personnel for purposes of collecting blood and encourage both public and private employers to permit their employees to participate in voluntary blood programs through granting administrative leave to donors.

The purpose of the National Blood Bank Act of 1973 is to insure an adequate supply of pure, safe, and uncontaminated blood for the population of the United States through encouraging "voluntary" donation and insuring screening and testing of the blood as well as establishing a national registry of blood donors.

In addition, this act would provide Federal oversight of all blood banks through requiring licensing and inspection in order to maintain high standards. In order to insure an adequate supply of pure, uncontaminated blood throughout the Nation, the bill calls for the development of a program to educate the public of the need to voluntarily donate blood and to then nationally recognize all voluntary donors. It also requires the clear labeling of the source of each unit of blood as voluntary or commercial.

In order to help avoid collection of contaminated blood, all blood banks would be required to use the latest screening techniques for detection of the serum hepatitis antigen. Presently available tests are only 25 to 30 percent effective, but even so, the application of their use to every pint of blood collected could reduce the incidence of posttransfusion hepatitis by one-third. In addition, a registry of all people who have been disqualified as blood donors, due to implication in the transmission of hepatitis or for some other reason, will be compiled and circulated to all blood banks.

The second major result of this bill would be the establishment of a National Blood Bank program in the office of the Secretary of HEW. This organization would be responsible for the licensing and inspection of all blood banks to insure adherence to high standards in blood collection for the benefit of the entire population.

In addition, until enough volunteers could be recruited to meet the Nation's needs for blood, the Director of the National Blood Bank program could authorize limited programs of paid donors for each blood bank. The National Blood Bank program would also provide the centralization necessary for the collection of hard data on the Nation's blood bank system, not available now, which would provide information as to any further ways in which this unique human resource could be made more available for the benefit of the entire population.

Mr. Speaker, the proposal which is now before the Congress will do much to insure an adequate supply of pure and safe blood. I urge its early consideration.

VEYSEY URGES NATIONAL CEMETERY IN RIVERSIDE, CALIF.

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 26, 1973

Mr. VEYSEY. Mr. Speaker, I am today introducing legislation directing the Secretary of the Army to establish a national cemetery in Riverside County, Calif.

California has 11 percent of the Nation's retired servicemen, and the heaviest concentration is in the Riverside area. Yet there is no available veterans' cemetery space in the State.

Of the Nation's 98 national cemeteries, only some 50 are active and six more are scheduled to be declared inactive within the next several years.

On the other hand—in California and especially in Riverside County there is abundant unutilized Federal land which would be ideal for a national cemetery.

My legislation would provide the Secretary of the Army authority to establish the cemetery and would direct that the necessary funds be made available from the Treasury. The inequities caused by the current lack of facilities far outweigh the small cost of establishing this national cemetery in southern California.

I realize that there is continuing debate over the entire concept of national cemeteries, but the need for this facility is critical. If there ever is to be another national cemetery, this is the time and the place for it. The consequences of further delay will be intolerable.

CLIPPING THE HIJACKERS' WINGS

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, January 26, 1973

Mr. BRASCO. Mr. Speaker, at times an extraordinarily difficult problem presents itself to a society, demanding drastic solutions or a collapse of a part of that society. Such a dilemma is posed by hijacking of aircraft.

Reams of material has been written about how awful this is, how useless and how many innocent lives have been endangered. Security precautions against such potential actions inch ahead, jogged whenever a new crime of magnitude takes place.

Meanwhile, groups representing those immediately endangered by these crimes rage helplessly, pointing the while to commonsense solutions. In this case, the Airline Pilots Association has suggested a simple, yet far-reaching series of actions we may take, which I believe will end the problem, or at least cut the incidence of such crimes vastly.

We are dealing not only with fanatics, lunatics, and the temporarily deranged, but with people and regimes who cheer them on and offer shelter to those who successfully kidnap a small community of innocent travelers aboard a jetliner. It is vital to understand that these hijackers each have a goal in mind insofar as a place is concerned.

Wild-eyed nationalism is one thing on a podium. It is another when it waves a gun or brandishes a bomb on a crowded airliner. The United States has it within its power to deny sanctuary to these people, and to insure that those nations offering such sanctuary to American hijackers now will refuse it in the future.

One of our distinguished colleagues, Mr. Reid, of New York, has this time put together a fine piece of legislation which would provide a solution to the majority of these situations.

It provides authorization for the President to suspend air service by foreign or domestic airlines between the United States and any foreign nation harboring accused skyjackers, and any foreign state which itself maintained air service with a nation harboring accused skyjackers.

It also would make it unlawful for an aircraft to fly passengers unless all passengers and baggage boarding the plane have been inspected by a metal detection device capable of detecting all metals.

The Airline Pilots Association, composed of people on the actual firing line in hijackings, strongly endorses this proposal. Little added cost to airlines is involved, because the Government is already purchasing such metal detection devices for such use with appropriated moneys.

In other words, no plane leaves the ground anywhere without such a search. No country harboring or dealing with these criminals will be allowed air traffic with us. Simple. Basic. Thorough. Effective. Overdue.

Today, a few nationalistic regimes, with more hatred for the United States than national maturity, invite such fugitives. Cuba and Algeria are two such regimes. Now I know that shortly after such a measure is introduced, the foggy fellows of Foggy Bottom will be up on Capitol Hill, whispering intensely and sincerely that it is "all being worked out diplomatically."

Nonsense. Nothing has been done. Nothing will be done. Congress has the power and can act. It only has lacked the will to act in the past. I, for one, am through paying significant attention to agency people who have only sterile excuses for previous nonperformance and sterile explanations for further delays.

This bill can and should be enacted to protect the flying public and employees of the airlines. Plain, pure, and simple.

PALO ALTO CITY COUNCIL RESOLUTION

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 26, 1973

Mr. McCLOSKEY. Mr. Speaker, it appears that peace has finally been achieved. However, the recent bombing ordered by the President during the Christmas holidays will remain permanently in our memory.

The Youth Advisory Council to the Palo Alto City Council recently forwarded to me a copy of a resolution unanimously adopted by the council and I am pleased to insert it in the RECORD at this point for the consideration of the House:

CITY OF PALO ALTO,
Palo Alto, Calif., January 12, 1973.

Hon. PAUL N. MCCLOSKEY,
House of Representatives, House Office Building, Washington, D.C.

DEAR MR. MCCLOSKEY: At our meeting of January 4, 1973, the Youth Advisory Council to the Palo Alto City Council took the following action.

Whereas during the course of the past several weeks, the United States has lost any hope of obtaining "peace with honor" as a result of the devastating bombing of Indo-China; and

Whereas the United States has fought in a dishonorable way, and the cause of the United States will likely go down in history as being the same; and

Whereas the Youth Advisory Council to the Palo Alto City Council would rather see what the President would call a "dishonorable peace" than a continuance of a dishonorable war; we

Therefore urge you to vote to cut off funds for the war, and further that you support efforts to impeach the President if he continues to violate Constitutional limitations and Congressional authority.

Introduced and passed—Ayes: Arbuckle, Bergen, Dunne, Giomousis, Kulsar, Macres, McElhinney, Milligan, Porter, Seedman, Spitzer, Vian; Noes: None; Absent: Adams, Ostram, Stauffer.

Respectfully submitted,
ROBERT PORTER,
Youth Advisory Council, City of Palo Alto.

ENVIRONMENTAL INFORMATION CENTERS NEEDED

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, January 26, 1973

Mr. DINGELL. Mr. Speaker, I have introduced legislation to establish environmental data systems and centers. This legislation would amend the National Environmental Policy Act of 1969.

The wealth of environmental information which has accumulated in this Nation is a viable source to assist the States, local entities and the National Government. It must be cataloged and made readily available. These are the purposes of the two bills I have introduced. The bills are H.R. 35 and H.R. 36.

While the President vetoed these bills, which were combined into one measure, H.R. 56, in the 92d Congress, I certainly do not agree with his negative message of October 21, 1972, which said, in part:

> They would lead to the duplication of information or would produce results unrelated to real needs.

Such necessary information on the environment needs to be collected under one roof nationally and at the local levels for researchers and planners to prepare data answering the cries of need for format for balanced growth and control of the Nation's resources.

Both bills have been referred to the Merchant Marine and Fisheries Committee. I am urging early hearings.

One bill would set up the National Environmental Data System and the other would establish State and regional environmental centers at educational institutions throughout the United States.

The national system would serve as the central facility for the selection, storage, analysis, retrieval, and dissemination of all information, knowledge, and data specifically relating to the environment. Federal agencies, State and local governments, individuals and private institutions would contribute to the national centers and, of course, would have free access to information except in cases where the request for data was substantial.

The National Environmental Data System would be operated under the guidance of the Council on Environmental Quality. It would analyze the development of predictive ecological models by which the consequences of environmental actions could be determined before new projects and programs were implemented. It would publish environmental indicators for all regions of the country.

For the National Data System, under the 3-year life of the program, $1 million would be authorized as an appropriation for the first fiscal year; $2 million for the second year; and $3 million for the third.

The second environmental data bill, to establish State and regional centers, would be under the administration of the Environmental Protection Agency. The EPA would financially assist the States in setting up either State centers or regional centers with the Governor of each State designating the location.

Under this 3-year program, grant money would be provided the States amounting to a total of $7 million for the 1974 fiscal year, $9.8 million for 1975, and $10 million for 1976 with the funds divided equally among States.

In addition, on a matching fund basis, $10 million per year for the same 3 fiscal years would be apportioned among the States. These funds for the States would be broken down with one-fourth based on population, one-fourth on land area, and one-half based on need, ability and willingness of each State and regional center to direct its attention to environmental problems. The matching fund would be based on $1 of State money for $2 of Federal money.

In order to encourage regional centers in lieu of State centers, the bill provides for funds equal to 10 percent of the money which would be disbursed and allocated to each center.

For the administration of State and regional center programs, $1 million would be available for each of the 3 fiscal years.

TRIBUTE TO JAMES V. SMITH

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. COLLIER. Mr. Speaker, it is with great pleasure that I join in paying tribute to James V. Smith, who is retiring from his position as Administrator of the Farmers Home Administration.

As many of my colleagues are aware, the district which I am privileged to serve in this great body is entirely urban. There are no farms within its boundaries, so all its inhabitants can raise is children and revenue to run the Government.

Although few, if any, of my constituents are engaged in farming, they are well aware that farmers play an important role in the economy and that our country is not truly prosperous if agriculture does not share the blessings of prosperity along with labor and commerce.

Jim Smith has, during the last 4 years, worked with the best interests of the farming population uppermost in his mind and those engaged in agriculture owe him a debt of gratitude as he leaves the Nation's Capital. I join his host of friends in wishing him success in his future endeavors.

CONGRESSIONAL REFORM NEEDED NOW

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 26, 1973

Mr. ANDERSON of California. Mr. Speaker, the seniority system is a folly that neither the country nor the Congress can afford.

Today, we hear talk about the executive branch usurping the power of the Congress. We hear complaints about the weakness of the legislative branch—allegedly a coequal body. We are constantly bombarded by complaints of an unresponsive Congress that sidesteps issues merely to avoid taking a stand and thus jeopardize reelection.

Often, we are well aware, these complaints are justified, and I submit—those who perpetuate the seniority system are continuing a practice which will eventually turn the Congress into an irrelevant House of Lords—merely a status-ego trip, with no more capacity to lead this Nation than a gaggle of geese.

We make pious speeches about democracy.

We proclaim to represent the people.

We state our belief in equality.

Yet, we continue to allow the selection of committee chairmen—not by ability, not by leadership skills, not by expertise—but simply by longevity.

I recognize that the Democratic caucus went through the motions—a pro forma gesture—to eliminate the seniority system. But where are the results of that reform? What changed?

All of the committee chairmen were retained—none faced a serious challenge.

And, you know and I know where the power rests in the Congress. It rests with the committee chairmen—the feudal barons, ruling over their areas of jurisdiction.

The very life and death of a proposal depends on the committee chairman's attitude.

He can speed it up, slow it down or kill it altogether.

He can reward his followers, and he can punish his opponents.

He can be in direct opposition to the views of the national party, to the vast majority of Americans, and to the Congress; yet, as long as the residents of his district continue to reelect him, he will continue to have this awesome power.

So, how can we expect the Congress to reinstate its prestige? How can we expect the people to look to the Congress for answers? How can we expect the Congress to regain its authority?

It seems to me that as long as we continue to select committee chairmen by the standard of longevity, we will continue to watch the Congress sink deeper and deeper into the past, until one day we wake up and the Congress has gone the way of the dinosaur—into oblivion, only a footnote in the history books.

We elect the Doorkeeper, the Sergeant at Arms, the Clerk, and the Postmaster; yet, to meet the pressing problems which confront our country, we entrust leadership to a person simply because he has the ability to be reelected time and time again.

Leadership should be based on the ability, the foresight and the knowledge to meet the challenges—not automatically evolve upon the men of yesteryear who are still debating the merits of the New Deal.

I would hope that we shall never see the day when this great Nation becomes so bankrupt of talent and leadership that we accept the principle of the indispensable man or woman.

Mr. Speaker, I love this great country of ours and I love the Congress. We have the potential to solve the problems, to meet the crisis of today and to make a contribution to humanity.

For this reason, I am introducing a constitutional amendment which would limit the service of Senators and Congressmen to 12 years.

This proposal—based on the 22d amendment which limits Presidential tenure to two terms—is aimed at focusing public attention on the seniority system in the Congress.

Very simply, this amendment would limit any person from serving more than 12 consecutive years in the House or from serving more than 12 consecutive years in the Senate.

If, after serving 12 years in the House, a person wanted to seek a Senate seat, he or she would be permitted to do so, and the same would be true for a Senator seeking office in the House of Representatives.

The effect of this proposal would mean that approximately 42 percent of the current Members of the House of Representatives would not be running for reelection in 1974 and approximately one-third of the Senators would not be seeking reelection.

It is time for a change and this proposal would do it.

PRESIDENT LYNDON B. JOHNSON

HON. WILLIAM S. COHEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1973

Mr. COHEN. Mr. Speaker, I would like to join my colleagues in expressing the sorrow we all feel in mourning the untimely death of former President Lyndon B. Johnson.

Throughout his long career in public service, Lyndon Johnson served with distinction. He gave himself totally to the duties of the Presidency and will long be remembered for landmark accomplishments, especially in the field of civil rights. It is tragic and ironic that President Johnson could not live to experience the joy we all now feel as the Vietnam war is brought to a final conclusion.

The former President's love of his country, respect for the ideals upon which it was founded, and his complete dedication to public life have and will continue to serve as an inspiration to all of us. While only history can ultimately judge his deeds, those of us who have been fortunate enough to live in his lifetime will honor his memory with admiration and respect.

CHILDREN PETITION FOR MARTIN LUTHER KING DAY

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, January 26, 1973

Ms. ABZUG. Mr. Speaker, on Friday, January 19 I had the great honor to receive from the schoolchildren of School District 6 in New York over 3,000 signatures on petitions asking us in Congress to designate January 15 as Martin Luther King Day. The petitions were presented during a program entitled, "His Truth Goes Marching On," which was dramatically moving and well prepared. The ceremony, concluding a week-long commerative effort, included poetry and song, art and creative writing.

As I received the petitions I told the children, who live in the Harlem, Washington Heights, and Inwood neighborhoods of my district, that we rejoice at Martin Luther King's birth as we wept at his death because in his brief life he took millions of Americans with him to the top of the mountain to gain a vision of what true brotherhood and sisterhood and equality can be. We lost the man, but not the vision. We deeply miss his leadership, but we cannot let ourselves sink into despair or apathy.

I commend you on your activities honoring Dr. King and I urge you and your parents to continue the campaign to see that the legislation you seek is enacted.

The real tribute we can pay to the significance of Martin Luther King's life is to raise our determination to continue the fight for freedom, peace, and equality.

I have introduced two pieces of legislation that would honor Martin Luther King. The first would make his birthday a national holiday and the second would mark his birthplace in Atlanta, Ga., as a national historical site.

Those of us who have worked in the civil rights field know that there will be hope for the future as we involve the children of this land in the commemoration of Martin Luther King.

I would like to include in the RECORD the program for the day:

MARTIN LUTHER KING COMMEMORATION

PROGRAM

"Star-Spangled Banner", our National Anthem: Audience.

"Lift Every Voice", Negro National Anthem: Audience.

Dedication to Dr. King, "Precious Lord Take My Hand" (His favorite Spiritual): Symphonic Voices of Sugar Hill; Director, Mr. David McNair, Teacher of P.S. 186.

Welcome: Mr. James P. Roberts, Deputy Superintendent, Community School District 6.

Introduction of Honored Guests: Miss Ramona R. Mitchelson, Chairman, District 6, 1973 Martin Luther King Commemoration Committee.

"Didn't My Lord Deliver Daniel?" (improvisations on a Negro Spiritual): Organist, Mr. Charles Rachial Bonner, Teacher of P.S. 186.

In Remembrance of Dr. King, a mandate from the people: The Children of Community School District 6 and Mrs. Carmen Bofill, Upper West Side Community Corporation.

"We Shall Overcome": P.S. 189 Chorus; Director, Miss Carrol Frangipane, Teacher of P.S. 189

In Honor of Dr. King: Awards to winners of the 1973 art, poetry and creative writing commemoration competitions; The Honorable Isaiah Robinson, Manhattan Member, New York City Board of Education.

"This Little Light of Mine": Miss Helen Phillips, Teacher of P.S. 186; (Piano Accompaniment Mr. Charles B. Bohner of P.S. 186).

A momento from Dr. King to District 6 schoolchildren: Mrs. Betty Brooks, Director, New York Office, Southern Christian Leadership Conference.

In Appreciation: Miss Mitchelson and District 6 schoolchildren.

"Battle-Hymn of the Republic": Symphonic Voices of Sugar Hill and Audience; Master of Ceremonies: Mr. William T. Smith, Director District 6 Black Studies Program.

Hosts and Hostesses: Class 6-1, P.S. 28, Teacher, Miss Matisow.

ARMED FELONIES

HON. RICHARD G. SHOUP

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 26, 1973

Mr. SHOUP. Mr. Speaker, it is obvious that the most effective way to attack armed crime is to attack the criminal. The highly toured 1968 gun law has failed dismally.

Serious crime with a firearm has continued to increase in our metropolitan areas. This includes New York City which has had stringent gun regulations for many years. Advocates of gun licensing and the prohibition of private ownership of guns says that New York is not a fair test because surrounding areas do not have the same controls. Let us then take London, England, as an example. Here is a city of comparable size which has had very strict regulation of firearms for many years yet they are now faced with a truly alarming increase in serious crimes committed with a firearm.

"Where there's a will, there's a way." If an individual wants to shoot another individual badly enough, he can and will acquire a firearm with which to commit this act. Ireland, another nation with a long-term history of gun regulation, has managed to acquire enough weapons with which to carry on a full-scale civil war. "Where there's a will there's a way."

I say that we must destroy, or at least weaken, the will to commit crimes with a firearm. I maintain that stiff mandatory penalties are deterrent and that the people of America want to see this approach taken and thoroughly tested. When I sampled opinion in Montana during the last session of Congress, my constituents indicated support of this approach by a 100 to 1 margin.

My legislation will provide for a mandatory sentence of from 5 to 10 years for persons convicted of commission of a felony with a firearm. This sentence would be in addition to the sentence handed down by the court for the crime. The sentence cannot be suspended nor can the individual go free on probation. The sentence shall not run concurrently with any other sentence.

There are those who say that this 5-year minimum sentence is too severe for a first offender. LARRY HOGAN, former FBI man and colleague from the State of Maryland provides the answer to this. He says:

> I submit that any man who carries a gun during commission of a felony does so with absolute premeditation and with a willingness to use that gun to wound or kill if necessary. For such a man, I do not think it matters whether he has been convicted of the same offense previously.

We need laws that leave no doubt in anyone's mind that if he picks up a gun for use in crime that he will be put away for a minimum of 5 years. There must be no leniency for these criminals; no parole, no probation, no suspended sentences, no concurrent sentences. We must plug the loopholes, provide penalties commensurate with the crimes and get the criminals off the streets.

Mr. Speaker, I include the text of my bill in its entirety at this point in the RECORD:

H.R. 3010

A bill to amend chapter 44 of title 18 of the United States Code (respecting firearms) to penalize the use of firearms in the commission of any felony and to increase the penalties in certain related existing provisions

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 924 (c) of title 18 of the United States Code is amended to read as follows:

"(c) Whoever—

"(1) uses any firearm to commit a felony with respect to which the district courts of the United States have original and exclusive jurisdiction under section 3231 of this title, or carries a firearm during the commission of any such felony, or

"(2) uses any firearm transported in interstate or foreign commerce or affecting such commerce to commit, or carries such a firearm unlawfully during the commission of any crime punishable by imprisonment for a term exceeding one year, and is convicted of such crime in a court of any State, shall, in addition to the punishment provided for the commission of such felony or crime, be sentenced to a term of imprisonment for not less than five years, nor more than ten years. In the case of his second or subsequent conviction under this subsection, such person shall be sentenced to imprisonment for any term of years not less than ten, or to life imprisonment. Notwithstanding any other provision of law, the court shall not suspend the sentence in the case of any person convicted under this subsection, or give him a probationary sentence, nor shall the term of imprisonment imposed under this subsection run concurrently with any term of imprisonment imposed for the commission of such felony or crime."

EDITORIALS ON THE LIFE AND TIMES OF PRESIDENT HARRY S TRUMAN

HON. WM. J. RANDALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, January 26, 1973

Mr. RANDALL. Mr. Speaker, different writers each seem to display a distinctive style or manner by which they express themselves. The editorial writer for both the Marshall, Mo., Democrat-News and the Boonville Daily News displays such style when he describes Mr. Truman by one word: "topnotcher."

As we read it, the reason for that one-word description is that the man, Harry Truman, had the capacity to rise above the machine politics of Missouri during the time he was Senator and served the entire Nation with his war profits committee. He also had the capacity as Commander in Chief to meet the challenges of the cold war in the form of the Berlin blockade and North Korea's invasion of South Korea, as well as each and every event of the years of the cold war, in a manner which strengthened the entire free world.

Whoever the architect of that one-word description of Mr. Truman as a "topnotcher" may have been, he did such good work that it commanded identical coverage in both the Marshall and Boonville papers.

The following editorial appeared in both the Democrat-News of Marshall, Mo., on December 27, 1972, and in the Boonville, Mo., Daily News on December 26, 1972, in identical form and language:

HARRY S TRUMAN: TOPNOTCHER

It was just over a quarter-century ago that the heavy mantle of the presidency fell unexpectedly upon the shoulders of a little-known vice-president. A nation already mourning the deaths of thousands of its young men on battlefields around the world now grieved for the commander-in-chief and wondered what the future held.

There were few on April 15, 1945, the day Franklin D. Roosevelt died, who thought that Harry S Truman, one-time captain of artillery, ex-haberdasher, former county judge and U.S. senator, would be little more than a caretaker president.

The fighting in Europe was almost over; the collapse of Japan could only be a matter of months. Truman would merely preside over the conclusion of a war already won and fill out the remainder of FDR's fourth term while Americans went back, once more, to "normalcy."

Surely there was no one that day who could foresee that the crises that were to come in the next few years would be as grave and as challenging as any in our history, that Harry S Truman would be faced with some of the most difficult and far-reaching decisions any president ever had to make, that he would win a surprising election to the presidency in his own right and would again find himself leading the nation in war.

Within four months after fate thrust him into world leadership, Harry Truman addressed the first meeting of the United Nations in San Francisco, met with Stalin at Potsdam and made the historic decision to use the atomic bomb against Japan.

Within a year a new kind of war—the Cold War—was a reality. In 1947, Truman announced his Truman Doctrine and sent aid to Greece and Turkey to fight and "contain" communism, which had already swallowed Eastern Europe.

The $12-billion Marshall Plan to rebuild Western Europe was but the beginning of the nation's vast, worldwide foreign aid program.

At home, inflation, strikes, influence-peddling scandals and a Republican Congress gave Harry Truman little rest in office.

Had he been retired in 1948, as everyone expected, Truman would still have left an indelible mark on American history. But against all the odds, he won another term almost singlehandedly, with his own patented brand of gutty, give-'em-hell campaigning.

Then, in 1949, came the Berlin blockade, Russia's explosion of its first atomic bomb, the Communist take-over in China. NATO, the Allied military alliance, was born.

In 1950: Communist North Korea's invasion of South Korea and Truman's decision to commit American troops. Then, the Chinese intrusion into the war, the clash with MacArthur, the military stalemate that cast a shadow over his last years in office.

Looking back now from our position of economic prosperity at home and a fairly stabilized East-West power balance abroad, we can judge the decisions that were made and the actions that were taken and not taken between 1945 and 1953.

We can see mistakes, but we can also see triumphs.

Not the least triumph was the fact that Harry Truman, the most ordinary of Americans, had the capacity to rise, first, above the machine politics of Missouri to become an able senator serving the entire nation with his War Profits Committee, and later, to meet the challenge of the presidency in a manner that strengthened the entire free world.

Harry S Truman—whistle-stopping, Republican-baiting, letter-writing, piano-playing, helling-and-damning, peppery Harry S Truman. There was always a little of the pugnacious ward politician in him. But where it counted, behind that lonely desk in the White House where the sign said, "The buck stops here," he ranked with the best of them.

Mr. Speaker, the Sedalia Democrat in its edition of December 26, 1972, entitled "Harry S Truman: Man of the People," reviews the years of the Presidency of Mr. Truman in a brief but at the same time all inclusive manner. Really, the heading of the editorial is not completely descriptive of its content because the writer dwells mostly upon the immense burdens that fell upon the shoulders of this former haberdasher and one-time county judge following World War II.

Notwithstanding, the writer is so completely accurate and correct when he observes that most of the scribes and columnists harbored doubts that this unknown man of Independence, Mo., could rise to the challenges he would have to face when he was abruptly raised to the White House on April 15, 1945. No truer words have ever been said of Mr. Truman than those which appear in the Sedalia, Mo., paper in its concluding sentences which read:

> Harry S Truman will rest secure in the company of a small handful of truly great American presidents.

The editorial follows:

[From the Sedalia (Mo.) Democrat, Dec. 26, 1972]

HARRY S TRUMAN: MAN OF THE PEOPLE

In newsrooms throughout the world, Harry S Truman's obituary was freshened up a few months ago during another severe illness when it looked like the old man was finished. But true to form, he confounded those ready to count him down and out and rallied back to health.

Now, his body fatally weakened by another long onslaught against which he fought with dogged determination, Harry Truman is dead at the age of 88. The country will miss him, and if you will allow us an old cliche, probably won't see his likes again.

Perhaps more than any chief executive since Andrew Jackson, Harry S Truman was the common man's president. Throughout his public career he never lost that folksy, rough-cut manner that marked him as a man of the people.

Yet this former haberdasher and one-time county judge took upon his shoulders immense burdens. From behind his White House desk, with its sign, "the buck stops here," President Truman made momentous decisions that affected the entire world.

With the Marshall Plan and the Berlin airlift he led the United States in rebuilding Europe after World War II. He fashioned the Truman Doctrine to contain expansionist communism in Greece and Turkey. He presided at the birth of the United Nations and the North Atlantic Treaty Organization. He sent U.S. troops to stem the invasion of South Korea.

And in perhaps the loneliest decision ever made by a U.S. president, he ordered the atomic bomb dropped on Japan.

Few political observers—many Democrats among them—expected this unknown man from Independence, Mo., to rise to the challenge when he was abruptly elevated to the White House after the death of Franklin Roosevelt on April 15, 1945. But Harry Truman proved that he was made of stern stuff, and in 1948 pulled off one of the longest shot re-election bids in presidential history, with almost no one on his side except the people.

The Truman Administration was not without its failures. There was the costly military stalemate in Korea; strikes, inflation, charges of scandal and influence-peddling at home.

But in balance, the only way a chief executive can truly be judged, Harry S Truman will rest secure in the company of the handful of great American presidents.

PRESIDENT NIXON'S ANNOUNCEMENT OF A PEACE SETTLEMENT IN VIETNAM

Hon. Yvonne Brathwaite Burke

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 26, 1973

Mrs. BURKE of California. Mr. Speaker, our sorrow over the passing of our late President is somewhat lifted by the realization of one of his greatest concerns, the announcement of a peace settlement between the United States and the people of Vietnam. The war has gone on far too long and the cost has been much too great. We can now resume our lives without the threat to our young people of being called to give their lives in Southeast Asia.

I earnestly hope that this will be a lasting peace and that the terms of the agreement are such that we can move forward to maintain peace.

The challenge to the 93d Congress and to the people of this Nation is now to utilize the resources and minds that have been involved in war toward peacetime pursuits. We can now start waging the war on poverty and deprivation that causes our cities to be the site of unrest. If we will pledge ourselves to redirect these resources within a few years we can win this war and we can enjoy the fruits of true peace.

DOVES PROLONG VIETNAM WAR

HON. DEL CLAWSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 26, 1973

Mr. DEL CLAWSON. Mr. Speaker, the tremendous dimensions of achievement for which President Nixon will be remembered in history become apparent when the agreement signed tomorrow is considered against the background of difficulties he faced abroad and, tragically, here at home. The editorial from the Los Angeles Herald Examiner of January 14 which follows should surely be more than a footnote to the history of this tragic period:

DOVES PROLONG VIETNAM WAR

(By William Randolph Hearst, Jr.)

NEW YORK.—If this column comes across as a diatribe of indignation and dismay—plus a certain amount of frustration—it will accurately reflect my attitude toward the all but incredible latest actions by the clique of Vietnam War appeasers in Congress.

At the very time the highly-sensitive and all important Kissinger-Tho peace talks were about to be resumed in Paris, our legislative doves gathered for a new session in Washington and immediately moved to weaken our bargaining position.

Caucuses of war critics in both the Senate and House met to pass highly publicized resolutions condemning their own country's role in the conflict, and threatening to cut off further funds for its support. Nothing, obviously, would have given more encouragement to the enemy negotiators in Paris.

My first reaction to these moves was one of outrage. They struck me as bordering on treason. Second—and more objective—thoughts to restrain me from impugning the intellectual honesty of the senators and congressmen as lawmakers.

It is hard to believe, for example, that Ted Kennedy fully realized how much he was helping Hanoi when he introduced his successful caucus resolution to cut off Vietnamese war funds—subject only to prior release of all American prisoners.

There had to be other reasons for what, at the very least, amounted to a curious blindness to reality. A potentially major one was offered last Tuesday in an article which appeared in the New York Times—of all unlikely places—by Republican Sen. Barry Goldwater of Arizona. I quote:

"The only way that a reasonable cease-fire and the return of American prisoners of war can be arranged is through the process of negotiation. The Congress is not empowered to, nor is it capable of conducting these negotiations.

"At this time, the Senate and the House Democrats who are threatening to tie President Nixon's hands are also threatening to prolong the war. They might just as well send a message to the Communist bosses in Hanoi telling them to 'hang in there'.

"We already know how delicate are negotiations in Paris. The administration's critics, however, have ignored this and have embarked on a negative, counter-productive course.

"It is born of an almost psychopathic desire to embarrass President Nixon and deny him the credit for ending a war which began under one Democratic President and was escalated enormously under another Democratic President."

There is more truth than poetry in that political observation from a man who also once aspired to be President of the United States.

Political jealousy, however, cannot completely explain why the caucuses of Democratic doves did what they did. They also suffer from a blindness to the nature of the war itself—and to the nature of Richard Nixon.

People all over the world were naturally shocked at the terrible toll taken by our holiday mass bombings of the Hanoi-Haiphong areas of North Vietnam. The war critics, however, significantly failed to mention that the present top-level peace talks were resumed only after Mr. Nixon proved he would tolerate no further enemy stallings at the peace table.

Is it possible to believe, honestly, that a man who has devoted his life to public service—whose proclaimed chief goal as President is "a generation of peace"—would order such tremendous destruction of life and property out of pure frustration?

I don't believe it for a second. Knowing Dick Nixon as a friend and neighbor for years, I can vouch for the fact that his holiday bombing orders had to be the most agonizing and reluctant conclusion in an otherwise impossible situation.

We must not forget, as the congressional doves seem to forget, that President Nixon and his advisers know better than anyone else what the true situation in Vietnam is—and what should be done about it when it has reached a crucial point, as right now.

What the American people also must realize is that the congressional doves are really indulging themselves in an exercise in political futility. When they link an end to the war to release our POWs, they are coming right back to where Henry Kissinger is right now: The negotiating table.

They can adopt all the resolutions they want, but it is doubtful that both houses of Congress would approve those resolutions. And even if Congress were to pass them, the President can veto the resolutions without fear of being overridden.

There is no realistic way for Congress to cut off funds for the war until mid-summer when it approves new defense appropriations, for fiscal 1974. For the next six months, President Nixon can conduct the war as he sees fit under fiscal 1973 appropriations approved by Congress last year.

So what we really are hearing on Capitol Hill is just a lot of hot air, though it is damaging to our country.

The only criticism of the President with which I agree in this matter is that he has not seen fit to go before the people and explain himself in detail. His reasoning, without doubt, is that history will prove his decisions to be correct and any explanations would only fuel his enemies' fires.

The American people and President Nixon both want a peace which is founded on justice, and which holds at least a reasonable chance for South Vietnam to resist the Communist forces which have so long tried to conquer that country.

Henry Kissinger, in Paris, is trying again to make such a chance come true and nearly 50,000 American lives have been sacrificed for the same cause.

Meanwhile, in Washington, a few short-visioned, spiteful men have been doing their worst to make their country look bad.

It's enough to make you sick—and that's the way I feel today when considering the encouragement our congressional doves continue to give a ruthless enemy whose eventual target is nothing less than ourselves.

North Vietnam, of course, holds no threat to our shores by itself. The threat is in the Communist dogma which calls for our eventual overthrow—a dogma made manifest by the Russian and Red Chinese support which has enabled Hanoi to keep fighting for so long.

What puzzles me, honestly, is how responsible men elected to our Senate and House can fail to see the tremendous importance of the showdown in which we are engaged.

We set out to stop Communist aggression in a small Asian country.

Either we succeed—or the aggression will be resumed on an ever-widening and more dangerous scale elsewhere in the world.

NICHOLAS VON HOFFMAN VIEWS PEACE IN VIETNAM

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, January 26, 1973

Mr. KASTENMEIER. Mr. Speaker, the columnist, Nicholas von Hoffman, has written in the January 26, 1973, Washington Post an incisive commentary on the conclusion of the American participation in the Indochina war. His views, which are shared by millions of Americans, are worthy of the attention of my colleagues:

WHAT THE PEACE IS ALL ABOUT

(By Nicholas von Hoffman)

Until the man got on the air and said the words, until he made the announcement that on the 19th hour of the 27th day, the guns will fall silent, there was a black, joking suspicion he might have one more double-cross in him. He could have gotten on the tube to tell us North Vietnamese torpedo boats had attacked our destroyers in the Gulf of Tonkin.

He didn't, so take the peace and run. He said it is peace with honor, but by this time the rest of us know that peace *is* honor. Yet for many who hated this war the most, who fought the fighting the most, the great and green fact that the war has stopped doesn't elicit joy. Partly this is so because after the blood bath of the last four years, relief and thankfulness is as happy an emotion as a sane person can feel.

Part of it is him, Nixon. After what he and Kissinger have done there are some who retch at the notion that they should be thought of as peacemakers. It will take time for us to learn how to moderate our feelings toward our officials. For the better part of a generation now, some millions of Americans have looked on anybody and anything connected with the White House as war criminals.

But more than that, for many who found war and the men who made it despicable, the smug assumption in his speech that he was ending the war must have been slightly infuriating. In truth, he was forced out because he had next to nothing left to fight with. The war slid out from under him as it once slid down on top of us.

The Army had quit on him a couple of years ago. He claims he pulled half a million troops out as though he had a choice. Had he left them there, by now they would have been in a state of opium addiction and naked mutiny.

Next came the fleet. Sabotage, race riots and desertion. The Pacific fleet was beginning to resemble the last days of the Imperial Russian Navy with the carrier Kitty Hawk as the American version of the crusier Potemkin. A seagoing Watts.

The last to crack was the Air Force. They're the moral robots, the fly boys who tell you, "Look, I don't kill anybody. All I do is read these little dials and put numbers in this little book." It finally got to them, and they started cashing in their pilots' wings.

In his speech the other night when he was thanking people for being patriotic and sacrificing, he didn't mention them. But the deserters, the draft dodgers, the refusers, the defiers and the disobeyers served their country better than those of us who got drafted and went overseas and fought or who stayed home and paid our taxes.

It also takes more guts. A man like Capt. Howard Levy, the Army doctor who was court-martialed for refusing an order to train Green Berets, has as much going for him as any POW, more maybe; because when Levy went to his federal prison camp here he had no President of the United States swearing he'd move heaven and earth to get him out. He was alone.

This war should not vanish on us without it being written somewhere that the real American heroes were not the ones decorated by this government but the ones detested by it. The marchers, the protesters, that rabble, they're the ones who served honorably. It will be a long time before you hear anyone in the White House say that. They will continue to repeat that the movement had no effect on them, that while the peaceniks marched they watched the Washington Redskins, but don't you believe it. They were peeking through the curtains.

Likewise, the late-joining, more conventional antiwar sorts will say that it was your Eugene McCarthys and George McGoverns who made the difference. McCarthy lent the movement respectability, is how the thought is usually phrased. Actually, it was the other way around. The only respectability in politics is power; and men like McCarthy got it by hitching on to the peace movement.

Nothing wrong with that as long as some of us remember that you don't need a United States senator or any sort of official approbation to work political miracles. The peace movement showed that it is still possible to challenge this government even in the bloody foam of a war frenzy.

That may be the only useful lesson that Vietnam has to teach. Certainly there are millions of us who will be just as marked by it as men like Nixon were marked by Munich and appeasement. Vietnam has gone on so long that we have come to regard the war there as a species of normality. The thought of an America at peace is almost unnerving. Count up the number of people whose adult lives have been taken up with the fury and weeping of Vietnam. How much easier for them to see "another Vietnam" everywhere than for the Nixon crowd to be seeing new Munichs?

A better moral to extract is that as long as you have your A.J. Mustes, your Dave Dellingers, Paul Goodmans, Martin Luther King Jrs., Joan Baezes and all the rest on the enlistment registers of the movement, the government can make war, but finally, we can make peace.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 26, 1973

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,925 American prisoners of war and their families.

How long?

INDIAN PEAKS AREA REVIEW AND RECOMMENDATIONS OVERDUE

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, January 26, 1973

Mr. BROTZMAN. Mr. Speaker, I am today being joined by two of my distinguished colleagues from Colorado (Mrs. SCHROEDER and Mr. ARMSTRONG) in introducing legislation to amend a bill we passed in the 92d Congress pertaining to the Indian Peaks Area, located northwest of Boulder, Colo.

Many of my colleagues will recall that the Senate passed a measure to direct the Forest Service to review the Indian Peaks Area as to its suitability for inclusion in the National Wilderness Preservation System. The bill provided, among other things, that the Forest Service complete its review of Indian Peaks within 2 years of the bill's passage and that for 3 years following his recommendations on the area, the Secretary of Agriculture manage and protect the resources of the Indian Peaks study area in such a manner as to assure that the suitability of all or any part of the area now suitable for potential wilderness designation not be impaired.

Legislation I introduced in the 92d Congress, H.R. 5932, was substantially the same as the bill which passed the Senate. However, prior to being reported to the floor of the House, the provisions for imposing a deadline on the review and for according the area interim protection prior to a congressional designation as wilderness were deleted. The bill being introduced today would reinstate those two important provisions to the Indian Peaks study law, now known as Public Law 92–528.

The Indian Peaks area involves a segment of unspoiled wilderness in the Arapaho and Roosevelt National Forests directly south of Rocky Mountain National Park. It contains approximately 71,000 acres of forests which have remained in their primeval state largely due to the very ruggedness of the terrain. The peaks for which the area is named—Arapaho, Arikarre, Navajo, Kiowa, Apache, Paiute, and Ogallala—stand as sentries over a land virtually uncut by logging and agricultural clearing.

While the area is "remote" in the sense of unspoiled beauty, it also lies unusually close to a major population area. More than a million people live within an hour's driving time of the probable east and south boundaries of the area. This is both fortunate and unfortunate. While on the one hand Indian Peaks would be more accessible to more people than is usually the case with wilderness areas, the very proximity of a megalopolis brings about pressures for commercial development.

It is this pressure for development which necessitates the legislation I am introducing today. The Forest Service, to its credit, has been diligent about preserving the wilderness characteristics of the Indian Peaks area over the years. But special management is simply not enough in the long run. Statutory protection is needed at an early date.

Public Law 92–528 authorizes and directs the Forest Service to conduct the necessary reviews in order to qualify the area for statutory protection, but because of the growth pressures, it is important that this study commence right away, and that the area have statutory protection until the wilderness review process can be completed. Today's bill would give the Forest Service 2 years to complete its study and would give that part of the area which qualifies for wilderness protection an additional 3 years of statutory protection to allow the recommendation and approval procedure to run its course.

It is my hope, Mr. Speaker, that this legislation can be considered at an early date. The people of Colorado are eager for Indian Peaks to be accorded wilderness protection, and as one who has spent time hiking through the area, I can assure all of my colleagues that Indian Peaks should be preserved in its present state for future generations.

CHICAGO CITY COUNCIL EULOGIZES HON. LYNDON BAINES JOHNSON

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 26, 1973

Mr. ANNUNZIO. Mr. Speaker, the death on January 22 of Hon. Lyndon Baines Johnson, 36th President of the United States, is a tremendous loss to our Nation and to freedom-loving peoples throughout the world.

In my own city of Chicago, Mayor Richard J. Daley called a special meeting of the Chicago City Council where a memorial service was held on Wednesday, January 24, at 10 a.m.

The hour-long city council service was attended by many leaders of politics, business, labor, and religion, who came to pay their last respects to former President Johnson.

During the service, the fire department American Legion post presented the colors, the Chicago Children's Choir and the Bluejacket Choir of Great Lakes Naval Training Station participated, and John Cardinal Cody, archbishop of Chicago, gave the invocation.

At the conclusion of the service in Chicago, Mayor Daley, Mrs. Daley, and Col. Jack Reilly, director of special events for the city of Chicago, came to Washington, D.C., and attended the ceremony in honor of our former President in the rotunda of the Capitol Building and the memorial service at the National City Christian Church.

The program for the Chicago City Council memorial service follows:

MEMORIAL SERVICES FOR FORMER PRESIDENT LYNDON B. JOHNSON, CHICAGO CITY COUNCIL, SPECIAL MEETING, WEDNESDAY, JANUARY 24, 1973, AT 10 A.M.

Call to order: Mayor Richard J. Daley.

Call for meeting read: John C. Marcin, city clerk.

Posting of colors: Color Guard—Chicago Fire Department Post, the American Legion.

The National Anthem: Louis Sudler.

Invocation: His Eminence John Cardinal Cody, Archbishop of Chicago.

Selection: "Salvation Is Created," Chicago Children's Choir, Christopher Moore and Joseph Brewer—Leaders.

Reading of resolution adopted on death of former President Lyndon B. Johnson.

Alderman Thomas E. Keane moves for adoption of resolution.

Alderman Jack I. Sperling seconds motion for adoption.

Mayor Daley introduces for prayers: Rabbi Ralph Simon, Rodfei Zeded Congregation; Reverend Richard Keller, Beth Eden Baptist Church.

Mayor Daley presents distinguished guests who have joined the city council to pay tribute to the memory of former President Johnson.

Benediction: Father Severino Lopez, Claretian Fathers.

Selection: "The Navy Hymn," Blue Jacket Choir, Great Lakes Naval Station.

Sounding of Taps.

Retirement of Colors: Fire Department Post of American Legion Color Guard.

Benediction.

Adjournment.

PREVENT LEAD POISONING

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, January 26, 1973

Mr. ROSENTHAL. Mr. Speaker, I am introducing the Lead-Based Paint Poisoning Prevention Act of 1973, which is aimed at detecting, curing, and preventing a disease which strikes 400,000 children. It will amend and extend the Lead-Based Paint Poisoning Prevention Act (Public Law 91–695) which expired at the end of last fiscal year.

The need for expanded programs is manifest in the statistics of sickness. Nearly 2½ million children are vulnerable to lead poisoning, because they live in substandard housing with leaded paint peeling off interior walls. Although 400,000 of them actually do become ill enough to require treatment, only 12,000 to 16,000 are treated each year.

New York City estimates that there are 30,000 children who each year suffer from lead poisoning, but fewer than 1,000 cases are reported each year. Lead poisoning is a disease endemic to the slums. Although the city outlawed the use of lead in interior paints more than 10 years ago, leaded paint still remains on walls which have been covered over with newer nonleaded coats.

Many mothers are unaware of the dangers of eating lead chips and are not prepared to indicate to the physician that such dangers exist in the home. Additionally the early symptoms of lead poisoning are vague—nausea, lethargy, and crankiness—consequently both parent and physician have a difficult time attributing the symptoms to their proper cause.

Even hospital treatment to remove the lead is not a completely effective means to combat lead poisoning. Simply sending a deleaded child back to a leaded environment where he can once more swallow peeling chips of lead-based paint is as ridiculous as curing a man of pneumonia and then forcing him out into a freezing rainstorm with no shoes, no hat, and no coat.

For those thousands not seen by a physician, the future is even bleaker; the victims who are stricken with nausea, feaver, and coma may succumb to either mental retardation or even death.

Lead is a naturally occuring element and is found throughout the environment. However, the two primary sources of unwanted lead pollution are automobile emission exhaust and lead-based paint.

Prior to World War II, lead was indiscriminately used in interior paints to provide color versatility and durability. Many of these prewar homes are now slums abounding with flaking paint which is enticing to the grasp of young children. The cracked and peeling walls are more than eyesores—they are killers.

The Surgeon General has declared that levels of blood lead at or above 80 micrograms/100 milliliter should be handled as a melical emergency. The average city child harbors levels around 20 to 30 micrograms/100 milliliter was recently found to occur in 55 percent of randomly selected clinic patients at the Child Health Center in Washington, D.C. Although levels below those set as unsafe may be nonlethal, many nervous disorders and learning disabilities may in fact stem from or be augmented by even these levels of lead.

My bill would:

Provide $45 million for the Department of Health, Education, and Welfare to award contracts and grants to screening programs in an effort to identify those children in need of treatment.

Allocate another $50 million for the Department of Health, Education, and Welfare to assist and organize community lead hazard detection agencies.

Provide $5 million for research into methods of covering walls painted with leaded paints with substances to make them permanently safe.

It is time we recognize that to eliminate disease we must eliminate its source. We would not have to treat the victim of the disease if we treat the cause of the disease first. Since we have clearly identified lead-based paint as a major cause of lead poisoning we must remove and repair the existing sources of the disease. We must begin by determining where hazards exist.

Clearly, where peeling paint is a health hazard in and of itself, it is often a symbol of a much larger slum maintenance problem. Unfortunately, municipalities are all too often embroiled in jurisdictional disputes and outmoded zoning regulations as well as being traditionally underfunded to carry out rigorous maintenance inspections. This is another reason why it is imperative for the Congress to take initiative in this national problem.

The best way to deal with the problem of future lead poisoning is to curtail or prevent further use of leaded items. Although it is too late to delead paint already on house walls, it is not too late, in fact it is crucial, to take steps to lower by law the level of lead permissible in paint to 0.5 percent immediately and as of next January 1 further lower allowable levels by almost 90 to 0.06 percent. Also, we must, for the future safety of our children, prohibit the application of lead-based paint to any toy, furniture, cooking utensil, drinking utensil, or eating utensil. This bill would do just that.

There is no Federal law today which limits lead levels in paint, only FDA regulations. FDA regulations have traditionally proven weak and too easily modified by industry pressure to permit it to be the sole Federal public protector from lead poisoning caused by lead-based paint.

Identical legislation also is being introduced by Senator EDWARD M. KENNEDY in the Senate. The Senate enacted the measure last year but the House took no action on it.

I am hopeful for speedy passage of this vital legislation. Last year's unanimous Senate vote of 82 to 0 is highly encouraging. If this bill does become law, it will stand as a tribute to the late Congressman Bill Ryan, of New York, who for many years fought for this type of legislation and to whom much of the credit must be given for the current awareness in the Congress and in the Nation about lead poisoning.

THE LATE HONORABLE FRANK TOWNSEND BOW

HON. JULIA BUTLER HANSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, January 26, 1973

Mrs. HANSEN of Washington. Mr. Speaker, the recent death of Representative Frank Townsend Bow of Ohio, has brought sadness to all of the Members of the House. He was an able Member of Congress, one devoted to his responsibilities, who served through 10 terms beginning with his election to the 82d Congress.

In addition to his efforts as a lawmaker, he was a lawyer who had served as general counsel to the Subcommittee on Expenditures and to the Select Committee to Investigate the Federal Communications Commission during the 80th Congress.

During World War II he served honorably as a war correspondent.

His was a record of distinction in which we can all be proud. But, as we express this pride in his achievements, we are saddened by the loss that has come to us through his passing.

Representative Bow achieved a record of public service that was marked by wisdom, courage and selfless devotion to America.

CONGRESSWOMAN FLORENCE P. DWYER'S FINAL REPORT TO THE PEOPLE

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 24, 1973

Mr. RINALDO. Mr. Speaker, the people of the 12th District of New Jersey have expressed their gratitude and paid tribute to Congresswoman Florence P. Dwyer, my predecesor and their Representative in Congress for the past 16 years.

Early this January, Congresswoman Dwyer said goodbye to her constituency in the final issue of her "Report to the People." It is a sensitive and profound document, one which gives a straightforward impression of her distinguished career as a Member of this body.

Congresswoman Dwyer's final "Report to the People" is, in itself, a poignant tribute to her service. I wish to take this opportunity to share it with my colleagues:

CONGRESSWOMAN DWYER'S REPORT TO THE PEOPLE

GOODBY

The time has come to write the last of these regular reports to you, my constituents, to close my offices in Washington and Plainfield, and to return to private life.

Last spring, when I made the decision to retire, I did so as cooly, detachedly and intellectually as possible (though not without some pain), weighing the factors, resolving the doubts, and reaching the conclusion. But now the time has come, the personal and emotional aspects seem uppermost. How do I say farewell, for instance, to tens of thousands of wonderful people with whom I've been privileged to carry on this dialogue about our public business month after month for 16 years?

In brief, it's hard to say goodbye.

Since I know of no formula for submitting this final report on my stewardship, I shall keep it as simple and straightforward as possible—summarizing some of the highlights, noting some of the disappointments, and concluding with a few observations on the future of what is still our national experiment in self-government.

But first, a word of thanks to each and every one of you—you whom I have represented at the seat of government, my colleagues in the Congress and friends, past and present, in the Executive Branch, my loyal and hard-working staff, and those who have covered my activities for the press, radio and television. Collectively, it was you who made this tour of duty possible and you have made it, for me, the most rewarding experience a person could ever hope to have. Your friendship, kindness, generosity, understanding and support—it's been all of these and more—will never be forgotten.

THE PERSONAL ELEMENT

In approaching the job you gave me, the personal element has been primary, both in the service and the legislative functions of the office, because I have always believed that the ultimate test of government at all levels is whether it serves people with needs and interests and problems. One has got to care, and it has been in the caring that I have found the greatest challenge.

There has always been plenty to care about: the poor, the sick, the disabled and the jobless; older people needing housing, medical care or a supplement to their meager income; young people seeking educational opportunities; businessmen asking advice about Government contracts and local officials wanting help with Government grants; families trying to be reunited with relatives abroad; problems with passports, Social Security, unemployment compensation; servicemen, veterans, housewives, students, all seeking help or information of a thousand different kinds.

We haven't always been successful, but we've always tried to help—and been enriched in the trying.

On the legislative end of things, if I were asked to name the one effort I'm proudest to have made it would be the fight in late 1960–early 1961 in which six Republican colleagues and I joined to prevent a conservative coalition in the House from blocking in the Rules Committee President Kennedy's legislative program even before it was sent to Congress. We won that fight which resulted in reform of the Rules Committee, by the narrowest of margins, and permitted the House to consider and work its will on some of the most important legislation in history.

Other career highlights would include: passage of the first Mass Transportation demonstration program, for which I was the chief House sponsor, and subsequent expansions of the program which is now beginning to show substantial results; the ending of the costly and unjustified system of special "exemptions" (subsidies for non-qualifying projects) in housing legislation which saved taxpayers the first year alone an estimated $750 million; the deciding vote I cast in subcommittee for the Freedom of Information Act which broke a stalemate of several years; creation of the Advisory Commission on Intergovernmental Relations, the quietly effective agency which helped to bring the "New Federalism" to reality; my years of work for consumer protection especially in such areas as drug safety, consumer credit, and product safety; our long-term struggle for women's rights especially my role in the Equal Pay for Women Act, the Equal Rights Amendment and the President's Task Force on Women's Rights and Responsibilities; and my sponsorship of the highly successful housing for the elderly program.

A RENEWED COMMITMENT

Many of my legislative activities, of course, have been continuing in nature and among these I have devoted special interest and attention to civil rights, environmental protection, housing and urban development, Congressional reform, Executive Branch reorganization, drug abuse control, election finance, ethics in Government, and prison reform—all of which deserve renewed and strengthened commitment on the part of future Congresses. The welfare of the country requires it.

Closer to home, four areas of concern have given me special satisfaction: working with the City of Plainfield in a redevelopment program that has attracted national attention; obtaining authority and funds for the Elizabeth River flood control project, which is now in actual construction, and for the Rahway River flood control project, now nearing completion of the study phase; and participating in the development of Port Elizabeth and Port Newark which has brought thousands of jobs and tens of millions income to the area.

There have been disappointments, too, in my 16 years on Capitol Hill. And surpassing all of them has been our tragic failure to end the war in Vietnam, a failure now compounded by what the Pentagon concedes has been the most destructive bombing campaign in the history of warfare. By any standard, moral or pragmatic, the bombing seems to me to be totally without justification. Coming at a time when we've virtually withdrawn from Vietnam and when we contend that the South Vietnamese are now able to defend themselves, it seems wholly counterproductive: disrupting negotiations, stiffening North Vietnam's resolve, increasing the involvement of Soviet Russia and Communist China, increasing the number of POW's rather than hastening their release, and exposing us to the moral condemnation of the world.

Perhaps more than any previous decision of the war, this bombing offensive dramatizes both the brutality and the futility of the U. S. role in Southeast Asia. No benefit could possibly outweigh the human and moral and economic costs.

By this standard, other disappointments look almost trivial. But they are, nonetheless, real. The last minute failure of this Congress to complete action on our Consumer Agency bill and the opposition of entrenched House committee chairman which killed the President's reorganization proposals this year not only represent the loss of important and constructive legislation but they also reflect tactical or procedural failures, failures of the system. Neither defeat was necessary for I believe potential majorities existed for both bills. Losing on the merits is one thing; losing because the legislative process is not working properly is doubly regrettable.

TO THE FUTURE

Which leads me, finally, to the future. If it's possible to distill nearly a generation of legislative experience into a single conviction, it would be this: the need for reform, reform as a continuing process rather than an occasional response to crisis.

As a general principle, I am a believer in tuning and tinkering as opposed to more drastic surgery in the effort to reform and reshape one government. To be adequate, however, marginal and incremental changes (tuning) must be applied as soon as the need is recognized, which, in turn, requires continuing study and evaluation of the Government's structure and procedures.

The key to success wherever reform is needed—campaign finance, Congressional procedures, taxes, Federal program management, prisons, etc.—lies in making reform more systematic, a regularized, high-priority activity. And as reform succeeds, so will our experiment in self-government—government that will respond to needs, reflect citizens' values, and deserve the peoples' respect.

My one hope is that I've helped move us a little closer to that objective.

FRANK BOW

HON. WILLIAM S. MAILLIARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 26, 1973

Mr. MAILLIARD. Mr. Speaker, I want to join in paying tribute to our departed colleague Frank Bow. Others have given the details of his long and most distinguished public career. I heartly endorse their praise of his personal and professional accomplishments. I will always remember Frank as a warm and helpful friend over two decades. I can also testify that no one in this House was more knowledgeable in the field of maritime affairs and the American merchant marine had no more staunch defender. We all knew Frank would not be with us in the House this year, but I had promised myself a visit to Panama and Ambassador Frank Bow. I am sad indeed that I will not be able to enjoy that visit.

BANGLADESH, 1 YEAR AFTER; POW'S AND THE FOOD CRISIS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 26, 1973

Mr. RARICK. Mr. Speaker, while the Bangladesh government seeks food to feed its "liberated" peoples, Pakistanis demonstrate in Washington to gain the freedom of 93,000 of their fellow countrymen who continue to be held prisoners in Bangladesh.

Some may think it strange that a country which seeks food for its starving people would continue to hold military and civilian prisoners and insist that the prisoners are being well treated.

Reportedly, U.S. aid through the United Nations Relief Organization totaled $328 million in 1972 and is expected to be $60 million in 1973. Yet, 93,000 Pakistanis are still being held in captivity in Bangladesh under threat of politically expedient war crime trials—even though the government admits that only 250 purported war criminals have been designated. I insert the related news clippings to follow:

[From the Washington Post, January 15, 1973]

PAKISTANIS PROTEST ON PRISONERS

About 100 Pakistanis held an hour-long demonstration at Sheridan Circle NW yesterday to protest the retention by India of 90,000 prisoners taken in the India-Pakistan war that ended a year ago last month.

They charged that Indian guards have slain 34 prisoners of war and have wounded an unknown number of others recently. A statement issued to reporters said the prisoners had inadequate food and medical care and that "often they have been subjected to collective punishment and primitive form of torture."

Police did not permit the Pakistanis to approach the Indian Embassy, which is two blocks from Sheridan Circle at 2107 Massachusetts Ave. NW.

A spokesman for the Indian Embassy told The Washington Post that all the prisoners, of whom 15,000 are civilians, are being "very well looked after" and that "they have all the amenities they require."

On Dec. 23, The Washington Post reported that an inspection team from the International Committee of the Red Cross had said that 15 Pakistani prisoners had been shot to death and that more than 20 had been wounded by Indian guards in October.

Last week, Field Marshal Sam H. F. J. Manekshaw told The Washington Post in New Delhi that the Red Cross reports were "damned lies" and "balderdash." Manekshaw is the commander of the Indian Army.

Yesterday's demonstrators began their protest by attending services at the Islamic Center Mosque, 2551 Massachusetts Ave. NW., and then walking to Sheridan Circle.

[From the Washington Post, Dec. 18, 1972]

BANGLADESH: CRISIS LOOMS AFTER A YEAR

(By Lewis M. Simons)

DACCA, Dec. 17.—Propped up by massive worldwide support, Bangladesh has survived its first year. Now, the props are going to be kicked away and the new nation will be put to the test of standing on its own feet.

The main prop since India defeated Pakistan last Dec. 16 and handed Bangladesh its independence has been the United Nations Relief Organization Dacca (UNROD).

The organization has administered over $1 billion in relief and been solely responsible for distributing 2.5 million tons of grain.

Despite pleadings by Prime Minister Sheikh Mujib Rahman, UNROD will leave Bangladesh next March 1, just as the country will be hit by the full impact of a massive food shortage caused by this year's severe drought. The harvest is again estimated to have fallen 2.5 million tons short of requirements.

"The U.N. thinks the emergency is over," Sheikh Mujib said in an interview with The Washington Post. "It is not."

Food is not Bangladesh's only problem. The reverse side of the food shortage coin is overpopulation in the comparitively small territory supporting 75 million persons around the lower reaches of the Ganges River.

Another of the country's many major problems is large-scale corruption linked with the lack of trained administrators. As the province of East Pakistan, Bangladesh was run as a virtual colony of West Pakistan, 1,000 miles away, and Bengalis were a relative rarity in top positions in their own country.

U.N. VIEW

The view of the U.N. group, expressed by one of the officials who will remain in Dacca to run normal development programs, is that "relief, like first aid, must eventually come to an end. That time has come."

The two mainstays of Bangladesh in its painful first year, the United States and India, will not provide the same breadth of support as they have until now.

"When peace comes to Vietnam," Mujib said, "I'm afraid the United States will turn all its attention to aid and reconstruction there. We are happy for the long-suffering people of Vietnam, but this is a bad thing for us."

U.S. aid, which totalled $328 million this year, will drop to a maximum of $60 million next year, according to a U.S. diplomatic source.

India, which contributed a budget-straining $248 million, is now suffering from its own drought and famine.

"They cannot expect one more ounce of food from us," said a senior Indian diplomat. "We have given until it hurts—severely—and now we must look after ourselves."

With wheat in worldwide shortage, Bangladesh has already gone into the commercial market and is buying 600,000 tons of wheat and rice at high cost. According to one reliable source, the government has spent about $62 million of its $200 million foreign reserves for the grain.

Half of the total has been sold by an American firm, Continental Grain Corp. of New York. But an undetermined amount has been bought from West Pakistan and is being shipped by way of Singapore, where Pakistani markings on the bags are removed. This indicates the seriousness of the country's food crisis.

"We have had serious problems for two long years," Sheikh Mujib said. "This year we are having drought. Before that there was the cyclone, and then of course the bloody war. This has caused untold human misery to my people. We hope all people who love humanity will help us."

While the food shortage is the most worrisome of the problems facing Mujib and his countrymen as they mark the first anniversary of their liberation, the many others include:

OFFICIAL CORRUPTION

Corruption among government officials and workers of the ruling Awami League is rampant.

Young people, disillusioned with Mujib's failure to deliver the Golden Bengal he had promised, are taking to crime, often using weapons they used against the Pakistani army during the war.

Bangladesh villagers and townspeople, repelled by corrupt workers of the ruling Awami League, have killed 550 of them in the last few months.

With the nation's first elections set for next March 7, political violence has taken a sudden upsurge, with Awami League and opposition workers battling each other at public rallies.

Prices of food, clothing and basic commodities have levelled off after soaring to unprecedented heights a few months ago, but are still out of reach of most of the nation's 75 million people.

One year after Pakistan surrendered, 93,000 military and civilian prisoners are still being held by the "Joint Command" of India and Bangladesh. Mujib must soon decide whether and when he will hold war crime trials, as he has repeatedly promised his people.

Bangladesh is holding some 400,000 to 500,000 members of the Bihari minority, many of them in wretched refugee camps. Many want to go to Pakistan; Pakistan is holding between 300,000 and 400,000 Bengalis, many of whom could help the new nation streamline its bumbling civil service and strengthen its pitiable armed forces.

FREEDOM FIGHTERS

"Other young people, some of whom fought in the Mukti Bahini Guerrilla force and others who declared themselves "freedom fighters" after the smoke of battle cleared, are wreaking havoc in Dacca and other cities and towns. Many people in the capital are afraid to go out after dark, even in their cars. Armed gangs of young "freedom fighters" halt drivers at gunpoint and force them to give up their vehicles. According to more than one source, many of these cars are to be found in the driveways of Awami League officials.

In the rural areas of the river-veined country, villagers are increasingly taking revenge on Awami League workers who have hoarded food grains and otherwise taken advantage of their power at the local level.

The government is unable to cope with the crime wave, either in the cities or the villages, because the police force is terribly under strength. "We even had to outfit them in Indian uniforms," Information Minister Mizanur Rahman Chowdhury said in an interview.

Other armed men wearing Indian uniforms are the troops of the recently formed Jatiya Rukki Bahini or National Defense Force. They also carry Indian assault rifles, continue to be trained by Indian officers, despite denials, and are by far the smartest troops among the country's ragtag armed forces.

According to several foreign observers, Mujib formed the Bukki Bahini from among men whose loyalty to him personally is proven. He has also formed the Judo (Youth) League, to counter the growing anti-Mujib elements in the colleges and universities.

PRICE OF RICE

High food prices and shortages of essential commodities have become an established fact of life. Rice, which sold for $6.50 per 70-pound measure before the war, has now leveled off at $10 after hitting a high of $14 three months ago.

Drugs and pharmaceuticals are in extremely short supply.

"We have nothing," a Dacca pharmacist said, "not the simplest tin of aspirins or vital antibiotics."

The shortages are affecting city dwellers and peasants alike.

"In a village, toilet paper is a luxury," said one middle class Dacca housewife. "But to my family, it is a necessity. Now we're tearing up newspapers."

The villagers are making do with short supplies of kerosene, the basic cooking fuel, mustard oil and the one or two other mainstays of existence in rural Bengal.

One of the touchiest issues facing Mujib, both inside Bangladesh and internationally, is the pending war crime trials of Pakistani prisoners.

The United States and Britain have advised Mujib that trials of large numbers of the 73,000 military and 20,000 civilian prisoners would cause Pakistani President Zulfiqar Ali Bhutto unmanageable problems among his own demoralized population and could seriously damage peace negotiations on the subcontinent.

INFORMATION MINISTER

Information Minister Mizanur Rahman Chowdhury revealed in an interview that the government "has designated 250 war criminals and these people will be tried." Investigations are continuing, Chowdhury added.

Mujib's position on the POWs is that the "Joint Command is within its rights under the Geneva Conventions in continuing to hold them because hostilities have not stopped. "There is still hostility between Pakistan and Bangladesh."

Mujib refused to disclose any details of his plans for war crimes trials except to say, "We must hold them."

India and Bangladesh would release those POWs not found guilty of war crimes "when hostilities end," he said. "That means when Pakistan recognizes Bangladesh as a sovereign nation and when they return my 400,000 Bengalis."

Asked why he didn't negotiate with Bhutto for an exchange of "his Bengalis" and the Biharis in Bangladesh, Mujib said he was willing to let the Biharis go to Pakistan but that it was not his place to negotiate.

"We conducted a poll of the Biharis, and 153,000 opted for Pakistan, he said. "The Red Cross and the United Nations should take them to Pakistan and they should bring my Bengalis back. There is no need for me to discuss this with Mr. Bhutto."

Red Cross officials, who oversee Bihari refugee camps, said Pakistan has not exhibited any interest in receiving them.

The Biharis originally came to them in East Pakistan from the Indian state of Bihar when the subcontinent was divided into India and Pakistan in 1947.

Many were accused of collaborating with the Pakistan army during the bitter nine-month liberation struggle last year. Since the defeat of Pakistan, they have been given refuge under International Red Cross supervision.

An unknown number were killed by vengeful Bengalis in the early days after the war. "Now we are no longer being killed physically," said a young Bihari man in the stinking, filthy, jam-packed refugee camp at Mohammadpur, a Dacca suburb. "Now we are being killed off economically, socially, and culturally."

Several Biharis in Mohammadpur and also at the barbed-wire enclosed camp at the Adamjee jute mill 15 miles south of the city said virtually every Bihari—or "stranded Pakistanis" as they are now calling themselves—desperately wants to go to Pakistan.

Told that all but the wealthiest Biharis who had fled to Pakistan, by bribing Bangladesh immigration officials, were living in camps similar to the ones here, several young men said they could not believe it.

"How can this be?" a former schoolteacher asked. "We are Pakistanis too. Surely, our brothers would want us with them. Perhaps it is only President Bhutto who does not want us." Red Cross officials said there was "very little hope" that the Biharis could be reintegrated into Bangladesh, at least not in the foreseeable future. Camp inmates concurred. "There cannot be any jobs for us when there are no jobs for Bengalis," one former railway worker said.

However, because the railways were largely run by Biharis before the war and not enough Bengalis are trained to take over the work the government has sent more than 1,000

Bihari workers back to their jobs at the Syedpur rail yards. There have been violent incidents, a Red Cross worker said, but the government has not taken any further steps.

"This government is unpredictable," he said.

What is predictable is that the government and people of Bangladesh face another year of hardship and deprivation. No serious observer any longer predicts, as many did one year ago, that the nation would collapse. Countries like this one are too close to the survival line in the best of times to collapse.

Furthermore, the government has made some gains: Friday, a 93-page national constitution was signed. Mujib appears to be committed to democratic socialism. No one has starved to death.

EDUCATION REVENUE SHARING

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 26, 1973

Mr. VEYSEY. Mr. Speaker, the children of America are being deprived of quality education in many of our Nation's elementary and secondary schools.

Our educators are finding it is more complicated, more time consuming, and more frustrating to fill out applications for the myriad Federal grants now available to them than it is to actually operate the programs.

Schools in low-income districts have virtually given up applying for special Federal grants to education because they cannot afford the specialists to labor hours over each application. Meanwhile, our wealthy areas are soaking up the Federal dollars aimed for the poor because they can afford such specialists.

Five years ago, we were warned by a special subcommittee on education of the House Committee on Education and Labor, in their study of the U.S. Office of Education, that education legislation passed in Congress and the administration of those programs were increasingly creating problems of confusion, delay, and unnecessary paperwork for those beneficiaries that could afford the luxury of applying for the special programs.

After half a decade, we continue to approve grant legislation without heeding their warning. Last year, it was reported there were 38 separate authorizations in support of instruction, 37 in support of low-income pupils, and 22 in support of reading instruction.

The categorical approach is not the effective method to fund our schools. Rather, in its place, we must strengthen our education by providing a share of the Nation's revenues to States and local educational agencies to assist them in carrying out programs they identify in their districts in need of funds reflecting areas of national concern.

I have proposed such a bill which returns to local authorities the decision-making powers they inherently own and the funds they so severely lack.

This single education revenue sharing program would replace some 33 Federal formula grants in the elementary and secondary fields for five broad national purposes: education of the disadvantaged, the handicapped, vocational education, assistance for schools in Federally affected areas, and supporting educational materials and services.

At a conference of California educators and White House staff I held last year to discuss a previous proposal for education revenue sharing, participants overwhelmingly endorsed the measure. However, they urged two important changes which I have incorporated into this legislation.

I have strengthened this year's proposal by incorporating the educators' suggestions into my bill. No longer will the Governor of each State be responsible for the program, but rather the State legislatures. Also upon the educators' recommendations, an evaluatory stage has been included to test the effectiveness of the revenue sharing.

With our national budget crisis, it is likely some successful educational programs will be trimmed in the next budget—including bilingual education, title III funds for innovative programs, impact aid funds, and others. My bill will allow those programs to continue.

Funding education adequately must be a top priority for this Congress. Our local tax bases can be stressed no further and categorical grants are not doing the job. The crisis is upon us, and our children are the victims.

Through education revenue sharing we guarantee our children's learning experiences will not be the scapegoat of our national financial problems.

THE DILIGENT STUDY OF WOMEN

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 26, 1973

Mr. FRASER. Mr. Speaker, Geri Joseph, now a contributing editor of the Minneapolis Tribune, formerly held high party offices in the Minnesota Democratic-Farmer-Labor Party and the national Democratic Party. She is an astute observer of politics in the narrow and conventional sense of the term. But she also writes perceptively about the developments in our society that will have great impact on what our country will be in the future.

Not the least of these influences is the women's liberation movement and Ms. Joseph recently wrote a column about the burgeoning movement to study woman qua woman. Ms. Joseph quotes 1914 vintage Walter Lippmann to the effect that an active women's movement will have far-reaching results. Her column which follows my remarks, clearly illustrates that the ideas stemming from this movement are important and necessary, in Lippmann's words, to "laying the real foundation for the modern world."

[From the Minneapolis Tribune, Jan. 21, 1973]

THE DILIGENT EXAMINATION OF WOMEN

(By Geri Joseph)

Women have been with us for as long as men. So says the observant general editor of the current Journal of Social Issues. But the gentleman goes on to add a less obvious, more significant fact. While the female of the species has been equally present, the study of women—their capabilities, life role, their potential—has been "grossly deficient."

The editor is right, but at the rate things are changing, he will not be right for long. Suddenly the study of women is very de rigueur, a substantial and growing part of the fallout from the Women's Liberation Movement. Jobs, education, family roles and woman herself are under scrutiny.

On campuses across the nation, about 800 undergraduate courses in women's studies are being offered this year, an increase that must be close to 100 percent from a mere five years ago. The Ford Foundation, which like most large foundations responds to trends, just allocated an additional $500,000 for a variety of programs related to the study of women.

In numerous surveys, a long list of questions is being asked, such as, why are more and more women working outside the home? (The answer, according to one University of Michigan study: to earn money, just as men do.) And at the New York State School of Industrial and Labor Relations, a new study will try to determine why women who make up about 20 percent of labor-union membership, play so small a part in the union hierarchy.

Every month, a score of meetings take place, focused on that emerging human being—woman. Women's role in the business world and higher education are two popular topics. Women and their place in religion is another. ("If you look closely at the Christian church," Dean Krister Stendahl of Harvard Divinity School remarked, "you'll find only one honored category with a heavy representation of women—that's the saints. And the reason is that the only qualification for membership is quality.")

As a matter of fact, so much studying is going on that a few faint-hearted feminists are getting a little nervous. Something may turn up to halt the march toward equal rights. It seems an unlikely fear. But in any event, there is no stopping this diligent examination.

Recently, a two-day meeting on "The Destiny of Women" was held on the Gustavus Adolphus College campus at St. Peter, Minn. This was the annual Nobel conference, initiated by the college in 1963 and never before concerned with women. For that matter, until this year no woman speaker appeared among the guest lecturers.

At the 1973 gathering, however, the capitulation was total: All five speakers were women.

Dr. Eleanor Maccoby, a psychologist, told of research in the development of sex differences in intellect and behavior, and Dr. Beatrix Hamburg, a gentle-voiced psychiatrist from Stanford University, spoke on the biology of sex differences.

"There are no sex differences in intelligence. Boys are better at some things, girls are better at others," Dr. Maccoby said. "But all human behavior is subject to social pressures. I hope there will not be pressures to make men and women more alike, but I can only applaud the current trend of experimentation. Too many pressures in the past acted to keep women from developing their own abilities."

Dr. Hamburg emphasized that many traits ascribed to women—such as dependence and passiveness—are a reflection of what society expects. "It is generally expected, for example, that women will be protected." But she urged the debunking of myths, and added, "Biological behavior is not rigid and inflexible. Humans have the capacity to learn."

Dr. Mary Daly, one of the rare theologians among women, spoke with icy, ironic intensity on "Scapegoat Religion and the Sacrifice of Women." In a long and erudite speech, she excoriated "patriarchal religion" for bestowing its blessings on a "planetary sexual caste system."

And from Johnnie Tillmon, a humorous, canny black woman, a leader of the National Welfare Rights Organization, came a not-so-gentle poke at her white sisters even as she expressed support for the liberation movement. "I know white women are being exploited and in some ways may be oppressed. But to compare their plight with blacks in America—men, women and children—is like comparing a pebble falling on your head with a big rock falling on your head. One can hurt you a little. The other can do you in."

But it was Rep. Martha Griffiths of Michigan, traveling undaunted through the worst blizzard of the Minnesota winter, who won a standing ovation from an audience of several thousand, mostly young men and women who came from high schools, colleges and universities in the seven-state Upper Midwest.

She won their approval with a ringing defense of the Equal Rights Amendment, which she helped steer through the Congress last year. She cited examples of unequal treatment experienced by women, and reminded her listeners. "Women are last hired and first fired. Just look at the monetary rewards society gives for jobs, and then you'll really know who the last-class people are."

In spite of the conference theme, it was not so much women's destiny as their past that got the speaker' attention, perhaps in the belief that to know the past is the beginning of both wisdom and action.

And while the five women differed greatly in their interests, their education and their work, they agreed on two basic points: The differences between men and women should not be used as barriers to a full life, and neither sex should be locked into limited, stereotyped roles.

Clearly, the study of women has only begun, and not all its results are predictable. But as long ago as 1914, Walter Lippmann, a man not noted for revolutionary or militant beliefs, wrote this: "The effect of the woman's movement will accumulate with the generations. The results are bound to be so farreaching that we can hardly guess them today. For we are tapping a reservoir of possibilities when women begin to use not only their generalized womanliness, but their special abilities.

"The awakening of women points straight to the discipline of cooperation. And so it is laying the real foundations for the modern world . . . The old family with its dominating father, its submissive and amateurish mother, produced invariably men who had little sense of a common life and women who were jealous of an enlarging civilization. It is this that feminism comes to correct, and that is why its promise reaches far beyond the present bewilderment."

ARTIFICIAL GOVERNMENT REGULATIONS ON FOREIGN OIL IMPORTS MUST BE ABOLISHED: NEW ENGLAND FACES FRIGID WINTER CRISIS WITH RATIONING AND HIGHER FUEL COSTS

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 26, 1973

Mr. BOLAND. Mr. Speaker, with more frigid weather in store, Massachusetts residents face another heating crisis next week with reports out of Boston today that available supplies of low-sulfur residual oil in the State will be exhausted by next Tuesday.

Also, I am appalled at further reports that large Massachusetts distributors are preparing to ration fuel oil this weekend. I think it is downright imbecilic for New Englanders to have to live from fuel oil crisis to fuel crisis on a year-in and year-out basis, because of artificial Government regulations which produce nothing more than higher and higher rigged fuel costs for the consumer.

Mr. Speaker, the President's proclamation of January 17 did substantially relax oil import program restrictions, but only on a temporary winter basis. This was an important step in a direction which the New England congressional delegation has been urging on the administration.

However, we in New England cannot continue to keep our fingers crossed and hope and pray for balmy and temperate weather to rescue us from the perennial winter oil shortages. What must be done immediately is the total abolishment of all quotas and restrictions on the importation of foreign oil. As one of the sponsors of H.R. 428 to terminate the oil import program, I urge the administration to take such action now.

Mr. Speaker, I include with my remarks at this point the Boston Globe article of today quoting David Freeman, director of the Ford Foundation Energy Policy Project, to the effect that this winter's so-called energy crisis was manufactured by the Washington bureaucracy and could have been averted with the stroke of a pen; and the perceptive and enlightening Washington Post editorial of today entitled "Fuel Oil and Import Quotas":

[From the Washington Post, Jan. 26, 1973]

FUEL OIL AND IMPORT QUOTAS

The administration's gingerly and cautious expansion of oil import quotas was a gesture in the right direction. But it is not likely to have any very profound effect on fuel oil supplies. Presumably the White House wanted to buy a little time while it considers what to do next. President Nixon is preparing a message on energy policy, to appear later this winter. But the sudden and unexpected shortages of fuel oil, in many parts of the country, do not instill great confidence in the administration's command of the subject.

The heating oil shortage is owned essentially to the same reasons as the natural gas shortages that preceded it and the gasoline shortages that may develop this spring. The gas and oil industry is heavily regulated in this country, by a great variety of authorities with differing purposes. The market for energy is changing rapidly, as the economy grows. The shortages appear because the regulators cannot keep up with the changes in the market.

Misconceived regulation of natural gas has resulted in gas shortages throughout the Northeast and the Midwest. In response, a number of industries have switched from gas to fuel oil, contributing to the unanticipated demand for oil. Now the federal authorities are leaning on the refineries to produce more fuel oil and less gasoline, while the national stocks of gasoline have also been declining. The country's demand for petroleum products has in fact outrun domestic production altogether. But the country's ability to import is still sharply limited by highly restrictive import quotas, imposed in 1959 to protect domestic producers and keep prices high.

The White House took two steps last week. It suspended the import quotas on heating oil for four months, and it expanded crude oil import quotas for the rest of the year. Lifting the fuel oil quotas for a period as short as four months is an extremely limited remedy, for the major international suppliers operate under much longer contracts. This brief suspension will probably get us through the rest of the winter without disaster. Then what? If the old quotas are imposed again, there will be no opportunity to rebuild stocks before next winter. It used to be routine to replace supplies over the summer. But utilities are increasingly relying on light fuel oil to generate electricity, and the demand for electricity rises to a peak in the summer.

As for the expansion of crude oil quotas, which premits imports to increase by 65 percent for the rest of 1973, it will keep the American refineries running closer to capacity production. But it is, again, very much an interim answer to a question that is going to be with us for a long time. It gets us around the next corner, but no farther. Greater reliance on imported crude oil is the obvious solution for the coming years. But the country will need greatly increased port and refining facilities. The oil industry says that it cannot make the enormous investments required for these facilities until two public issues are settled. First, the country must make up its mind on environmental standards for fuel. Second, the federal policy on oil imports has to be settled permanently. Ad hocing along, four months or a year at a time, is not an adequate basis for the multibillion-dollar investments that lie before the oil companies. Clear public decisions are now necessary, not for the sake of the oil companies but for the sake of their customers. They are entitled to a stable supply of a vital commodity.

The public interest would now be served best by a firm commitment to high standards of environmental protection, and the abolition of all import quotas.

[From the Boston Globe, Jan. 26, 1973]

FORD FOUNDATION RESEARCHER WARNS CONSUMERS OF "FLEECING"—IMPORTED RESTRICTIONS BLAMED FOR WINTER FUEL SHORTAGE

WASHINGTON.—A Ford Foundation researcher yesterday blamed this winter's fuel shortages on President Nixon's refusal to end present oil import restrictions and said the shortages may be setting up consumers for a fleecing.

"The 'energy crisis' could well serve as smoke-screen for a massive exercise in picking the pocket of the American consumer to the tune of billions of dollars a year," said David Freeman, director of the Ford Foundation energy policy project.

"We have no energy crisis, but there are problems galore," Freeman said in a speech before the Consumer Federation of America's consumer assembly.

Airlines and truckers have reported they face disruption of schedules because of fuel shortages. Schools and factories in the Midwest and Rocky Mountains have had to close for lack of heat.

"This winter's so-called energy crisis was manufactured right here in Washington," said Freeman. "It could have been averted with the stroke of a pen."

Freeman referred to Mr. Nixon's rejection three years ago of a Cabinet-level task force recommendation to scrap the oil import quota system. The system, which restricts the amount of oil which can be imported, should have been replaced by tariffs to increase supplies and drive down prices, the task force said.

"The nation can keep warm, get to work and keep industry humming with about one third less energy than is presently consumed," Freeman said.

Freeman served as an assistant to the chairman of the Federal Power Commission during the Kennedy and Johnson Administrations.

The White House had no immediate comment on his speech.

Mr. Nixon eased the restriction earlier this month by exempting heating oil from the quotas and allowing a 51 percent increase in the amount of all petroleum which can be imported.

Despite the action, Freeman said, industry and government proposals for ending energy shortages include continuation of the import quotas, removal of controls on natural gas prices and accelerated strip mining of coal.

As an alternative to hefty price increases, Freeman proposed scraping the oil import quotas, initiating programs to trim energy consumption and spurring research into additional energy sources.

Meanwhile a Boston utility executive urged yesterday a restoration of energy self-sufficiency on a national plan with man-on-the-moon sophistication.

Eli Goldston, president of the Eastern Gas and Fuel Associates, proposed in Pittsburgh prompt action to revitalize domestic energy resources and the transportation elements that accompany them.

"It has become obvious that the transition of the United States from a largely self-sufficient energy position to an import-dependent nation has come about through unintended and unanticipated consequences of good intentions," Goldston said.

PROBE INTO POOR MAIL SERVICE SET FOR FLORIDA

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 26, 1973

Mr. YOUNG of Florida. Mr. Speaker, recently I have received many complaints from my constituents regarding the delivery of mail in my congressional district and throughout Florida during the Christmas season.

As a result of these complaints, I contacted the U.S. Postal Service to advise it of the many delays and asked that it investigate this matter.

I have now been advised that in response to this contact, the U.S. Postal Service will begin a thorough study of its operations in Florida. Moreover, instructions on improving delivery in Florida have been issued to all major post offices which dispatch mail to Florida.

While this program is just beginning, the Postal Service advises me that future delays of the nature which occurred at Christmas should not reoccur once the entire program is operating at full efficiency. I am hopeful that this will be the case so that mail delivery not just in Florida, but all across the country, will be improved to meet the standards all of us expect.

In order to bring the details of the program to the attention of my colleagues, I am including an article from the St. Petersburg Times which was carried in its January 20 edition:

Mail Speedup Plan Announced

WASHINGTON.—In response to complaints from Pinellas County residents, the U.S. Postal Service has announced a program to speed up mail delivery in Florida, U.S. Rep. C. W. Bill Young, R-Seminole, said Friday.

Young said he presented the Postal Service with documented cases of mail delays based on complaints from his constituents.

A large number of complaints, both to Young and to The Times, have been from residents in the area served by the Largo Post Office, which had a backlog of mail during the Christmas holidays. It has been given permission to hire six additional permanent employes to help speed mail service.

Young said the Postal Service will make a study to determine where the greatest problems exist and apply additional manpower where it is needed.

Charles H. Fritzel, congressional liaison officer for the Postal Service, said that during the next few weeks all aspects of Postal Service operations in Florida will be studied.

All major post offices will be required to report to regional headquarters in Memphis, Tenn., each morning on the status of mail processing operations. The regional office has been instructed to send additional manpower where it is needed.

In addition, major post offices throughout the country are being instructed to sort mail destined for Florida into a larger number of categories. This will allow mail from the North to arrive closer to its destination.

"While the Postal Service is no longer under the direct control of Congress, I am pleased that it has responded to our call to improve service in Florida," Young said.

THE LYNDON BAINES JOHNSON SPACE CENTER

HON. WRIGHT PATMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 26, 1973

Mr. PATMAN. Mr. Speaker, since the news flashed around the world last Monday afternoon of President Lyndon Johnson's death, people who knew him have been recounting the achievements of this great leader. The newspapers and the television screens and the radio airwaves have been filled with the recounting of his long and dedicated services to the people as a Congressman, a U.S. Senator, Vice President, and President.

It is fitting that we do whatever possible to keep the memory of this public service alive and before the people of the world. As we all know, President Johnson's work covered a fantastically wide range, but he was extremely proud of the leadership which he provided to our highly successful space program. His efforts to push the U.S. space program forward began while he served in the Senate and continued while he was Vice President and President. Many of the major milestones of the space program were accomplished during this period.

Therefore, I am proposing that the Manned Spacecraft Center in Houston, Tex., be renamed the Lyndon Baines Johnson Space center.

A joint resolution to accomplish this has been introduced in the U.S. Senate by our distinguished colleague from Texas, Senator LLOYD BENTSEN. I shall introduce an identical resolution in the House on the next legislative day.

Mr. Speaker, I place in the RECORD at this point a copy of remarks which Senator BENTSEN made when he proposed this new honor for our late President.

I also place in the RECORD a copy of the text of the resolution which Senator BENTSEN introduced and which I shall introduce on the next legislative day in the House:

Remarks of the Honorable Lloyd Bentsen

Mr. President, I am today introducing a joint resolution to change the name of the Manned Spacecraft Center in Houston, Texas to the Lyndon B. Johnson Space Center.

No President has been more closely identified with the creation and the operation of America's space program than Lyndon Johnson.

His interest in space started during his years in the Senate, long before America put its first satellite in orbit.

As Chairman of the Senate Armed Services Preparedness Subcommittee in the late fifties, he chaired hearings on the appropriate American response to the Russian sputnik. As a result of these hearings, the Senate Special Committee on Science and Astronautics was established. Lyndon Johnson served as Chairman of that Committee from January 1958 through August, 1958 and conducted hearings which led to the establishment of the permanent Senate Committee on Aeronautical and Space Sciences.

He served as Chairman of that Committee from August of 1958 until he left the Senate to become Vice President in January of 1961.

John F. Kennedy recognized the Vice President's long association with the space program and appointed him the Chairman of the National Aeronautics and Space Council, a creature of the Executive Branch, which was responsible for coordinating all of the aeronautical and space activities of our executive agencies.

President Kennedy also asked his Vice President to be in charge of a panel to determine what could be done to close the "missile gap", a major issue during the campaign of 1960.

From the studies on this issue came a recommendation from the Vice President that the United States should make an effort to go to the moon in the 1960's. And, of course, the Apollo Program, which landed an American on the moon, led to the establishment of the Manned Spacecraft Center in Houston.

During his Presidency, Lyndon Johnson continued his keen interest in the space program. The entire series of Gemini flights was flown during the Johnson years, and the Apollo program, through Apollo 8 was successfully completed.

When Lyndon Johnson left the White House, Frank Borman and his crew had already completed their flight around the moon, setting the stage for the manned landing in July, 1969.

Mr. President, Lyndon Johnson knew the space program from its early beginnings and he lived to see his vision of that program accomplished.

I believe that his interest in space grew from his sense of challenge and his absolute belief in America's destiny. He believed that this country could do anything it set out to do, and, with his support America marshalled the greatest scientific team the world has ever known and harnessed its talents to achieve one of mankind's greatest adventures.

But he did not see space as something "out there", unrelated to life on this planet. As with most men of vision, he had the ability to see beyond the spectacular, momentary achievements of space exploration to the time when the knowledge we gain from space can be put to use in improving the quality of life on Earth.

Mr. President, Lyndon Johnson is one of the Fathers of our space program. The legislation I introduce today seeks to honor him for his role in that great effort.

JOINT RESOLUTION TO DESIGNATE THE MANNED SPACE CRAFT CENTER IN HOUSTON, TEXAS, AS THE LYNDON B. JOHNSON SPACE CENTER IN HONOR OF THE LATE PRESIDENT

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

Whereas, President Lyndon B. Johnson was one of the first of our National leaders to recognize the long-range benefits of an intensive space exploration effort;

Whereas, President Lyndon B. Johnson was one of the first of our National leaders Chairman of the Special Committee on Science and Astronautics which gave the initial direction to the U.S. space effort;

Whereas, President Johnson as Vice President of the United States, served as Chairman of the National Aeronautics and Space Council which recommended the goals for the manned space program;

Whereas, President Johnson for five years as President of the United States, bore ultimate responsibility for the development of the Gemini and Apollo programs which resulted in man's first landing on the moon;

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that the Manned Space Craft Center, located in Houston, Texas, shall hereafter be known and designated as the Lyndon B. Johnson Space Center. Any reference to such facility in any law, or other paper of the United States shall be deemed a reference to it as the Lyndon B. Johnson Space Center.

LEGISLATION TO FACILITATE THE OPPORTUNITIES FOR THE VOLUNTARY RETIREMENT OF FEDERAL EMPLOYEES

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 26, 1973

Mr. WALDIE. Mr. Speaker, there is talk in the air of massive reductions in the number of Federal employees. This makes even more urgent the need to facilitate the opportunities for the voluntary retirement of Federal employees. Therefore, I hope for quick consideration and passage of my bill to allow a Federal employee to voluntarily retire upon reaching a combined 80 in years of age and years of service.

Present law basically provides for voluntary retirement at age 60 with 20 years of service or at age 55 with 30 years service. But there are an increasing number of particular occupations which have been granted liberalized retirement benefits. My bill would provide for uniform retirement benefits for all Federal employees.

This bill, of course, would not compel Federal employees to retire at the 80-point mark in his career, but would provide for an orderly system, and fair and equitable application to all Federal employees.

Additionally, the bill also provides for an employee who has completed 25 years of service or who is at least 50 with 20 years of service to retire voluntarily during a major reduction-in-force at his facility or agency—with a 1-percent reduction in annuity for each year below age 55.

Mr. Speaker, I include the entire text of the bill at this point in the RECORD:

H.R. 3024

To amend the age and service requirements for immediate retirement under subchapter III of chapter 83 of title 5, United States Code, and for other purposes;

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (3) of section 8331 of title 5, United States Code, is amended—

(1) by inserting the word "and" at the end of subparagraph (A);

(2) by striking out subparagraphs (B) and (C) and inserting in lieu thereof the following:

"(B) remuneration for service performed as an employee to whom this subchapter applies;";

(3) by striking out "overtime pay,"; and

(4) by striking out "pay given in addition to the base pay of the position as fixed by law or regulation except as provided by subparagraphs (B) and (C) of this paragraph,".

SEC. 2. Section 8336 of title 5, United States Code, is amended—

(1) by amending subsection (a) to read as follows:

"(a) An employee who is separated from the service after attaining an age plus service aggregating at least 80 years is entitled to an annuity.";

(2) by striking out subsection (b) and redesignating subsections (c), (d), (e), (f), (g), and (h) as subsections (b), (c), (d), (e), (f), and (g), respectively;

(3) by amending redesignated subsection (c) to read as follows:

"(c) An employee who is separated from the service—

"(1) involuntarily, except by removal for cause on charges of misconduct or delinquency; or

"(2) while his agency, or subdivision thereof, is undergoing a major reduction in force, as determined by the Commission, and who is serving in such geographic areas as may be designated by the Commission;

after completing 25 years of service or after becoming 50 years of age and completing 20 years of service is entitled to an annuity."; and

(4) by amending the second sentence of redesignated subsection (f) to read as follows: "A Member who is separated from the service after attaining an age plus service aggregating at least 80 years is entitled to an annuity.".

SEC. 3. (a) Section 8339(d) of title 5, United States Code, is amended by striking out "8336(c)" and inserting "8336(b)" in lieu thereof.

(b) Section 8339(h) of title 5, United States Code, is amended to read as follows:

"(h) The annuity computed under subsections (a), (b), (c), and (f) of this section for an employee or Member retiring under section 8336 (a), (c), or (f), or section 8338(b) of this title is reduced by 1/12 of 1 percent for each full month the employee or Member is under 55 years of age at the date of separation.".

SEC. 4. (a) Except as provided in subsection (b) of this section, the amendments made by this Act shall become effective on the date of enactment.

(b) The amendments made by the first section of this Act shall become effective at the beginning of the first applicable pay period which begins on or after the ninetieth day following the date of enactment of this Act.

SENATE—*Monday, January 29, 1973*

The Senate met at 12 o'clock meridian and was called to order by Hon. SAM NUNN, a Senator from the State of Georgia.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, we thank Thee for all peacemakers of the world, for the patience, persistence, and skill of negotiators and chiefs of state through turbulent and testing hours. We thank Thee too for the quiet, unseen influences which have shaped human destiny and for the prayers which have ascended from humble and trustful hearts. We thank Thee for those who have given their utmost in sacrificial service to this Nation. We thank Thee for joyous homecomings and pray for Thy healing presence in homes where there will be no homecoming.

O Thou Supreme Lord and Guide, enable Thy servants here and elsewhere to set a course for this Nation which unites all men in one transcendent dedication to justice, righteousness, and peace.

We pray in His name, who is Prince of Peace. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington D.C., January 29, 1973.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. SAM NUNN, a Senator from the State of Georgia, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. NUNN thereupon took the chair as Acting President pro tempore.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

THE BUDGET, 1974—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. NUNN) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Appropriations:

To the Congress of the United States:

The 1974 budget fulfills my pledge to hold down Federal spending so that there will be no need for a tax increase.

This is a budget that will continue to move the Nation's economy toward a goal it has not achieved in nearly two decades: a high employment prosperity for America's citizens without inflation and without war.

Rarely is a budget message perceived as a dramatic document. In a real sense, however, the 1974 budget is the clear evidence of the kind of change in direction demanded by the great majority of the American people. No longer will power flow inexorably to Washington. Instead, the power to make many major decisions and to help meet local needs will be returned to where it belongs—to State and local officials, men and women accountable to an alert citizenry and responsive to local conditions and opinions.

The 1974 budget proposes a leaner Federal bureaucracy, increased reliance on State and local governments to carry out what are primarily State and local responsibilities, and greater freedom for the American people to make for themselves fundamental choices about what is best for them.

This budget concerns itself not only with the needs of all the people, but with an idea that is central to the preservation of democracy: the "consent of the governed."

The American people as a whole—the "governed"—will give their consent to the spending of their dollars if they can be provided a greater say in how the money is spent and a greater assurance that their money is used wisely and efficiently by government. They will consent to the expenditure of their tax dollars as long as individual incentive is not sapped by an ever-increasing percentage of earnings taken for taxes.

Since the mid-1950's, the share of the Nation's output taken by all governments in the United States—Federal, State, and local—has increased from a quarter to a third. It need not and should not go higher.

The increase in government claims on taxpayers was not for defense programs. In fact, the defense share of the gross national product declined by one-quarter while the share for civilian activities of all governments grew by three-fourths, rising from 14% of the gross national product in 1955 to about 25% in 1972.

In no sense have Federal civilian programs been starved; their share of the gross national product will increase from 6½% in 1955 to 14% in 1972. Nor will they be starved by the budget that I am proposing. A generous increase in outlays is provided each year by the normal growth in revenues. Higher Federal tax rates are not needed now or in the years ahead to assure adequate resources for properly responsive government—*if* the business of government is managed well. And revenue sharing will help State and local governments avoid higher taxes.

During the past 2 years with the economy operating below capacity and the threat of inflation receding, the Federal budget provided fiscal stimulus that moved the economy toward full employment. The 1974 budget recognizes the Federal Government's continuing obligation to help create and maintain—through sound monetary and fiscal policies—the conditions in which the national economy will prosper and new job opportunities will be developed. However, instead of operating primarily as a stimulus, the budget must now guard against inflation.

The surest way to avoid inflation or higher taxes or both is for the Congress to join me in a concerted effort to control Federal spending. I therefore propose that before the Congress approves *any* spending bill, it establish a rigid ceiling on spending, limiting total 1974 outlays to the $268.7 billion recommended in this budget.

I do not believe the American people want higher taxes any more than they want inflation. I am proposing to avoid both higher taxes and inflation by holding spending in 1974 and 1975 to no more than revenues would be at full employment.

1975 PROJECTIONS IN THE 1974 BUDGET

This year's budget presents, for the first time, a detailed preview of next year's. I have taken this step to demonstrate that if we stay within the 1974 and 1975 estimated outlays presented in this budget, we will prevent a tax increase—and that the 1974 budget is a sound program for the longer range future, not simply for today. This innovation in budget presentation is a blueprint for avoiding inflation and tax increases, while framing more responsive instruments of government and maintaining prosperity.

Our ability to carry out sound fiscal policy and to provide the resources needed to meet emerging problems has been limited by past decisions. In 1974, $202 billion in outlays, or 75% of the budget, is *virtually uncontrollable* due to existing law and prior-year commitments. But just as every budget is heavily influenced by those that have preceded it, so it strongly influences those that follow.

Control over the budget can be improved by projecting future available resources and the known claims on them, and then making current decisions within the constraints they impose. That is why, in my first budget, I began the practice of showing projections of future total revenues and outlays under current and proposed legislation. In the 1973 budget, 5-year projections of the cost of legislative proposals for major new and expanded programs were added.

This budget presents an even closer look at the implications of the 1974 proposals for the 1975 budget. It projects, in agency and functional detail, the outlays in 1975 that will result from the major program proposals in the 1974 budget, including the outlay savings that can be realized from program reductions in 1973 and 1974. In so doing, it takes into consideration the longer range effect of each of our fiscal actions.

Most importantly, this budget shows the narrow margin between projected outlays and full-employment revenues in 1975, despite the economy measures that are recommended. Program reductions and terminations of the scale proposed are clearly necessary if we are to keep control of fiscal policy in the future.

The 1974 budget program implies 1975 full-employment outlays of about $288 billion, $19 billion (7%) more than in 1974. This is within our estimate of full-employment revenues of $290 billion for 1975. There is, however, very little room for the creation of new programs requiring additional outlays in 1975 and *no room for the postponement of the reductions and terminations proposed in this budget.*

The program reductions and terminations I have proposed will result in more significant savings in 1975 and later years than in 1973 and 1974. It is for this reason, too, that I have included the 1975 projections in my budget this year. The Federal spending pipeline is a very long one in most cases, and the sooner we start reducing costs the better for the Nation.

The estimated 1975 outlays for the various Federal agencies are, of course, tentative. The outlay total, however, is the approximate amount that will represent appropriate Federal spending in 1975 if we are to avoid new taxes and inflation. As program priorities change and require increases in some areas, offsetting decreases must be found in others. As the projections indicate, this is necessary for both 1974 and 1975.

FISCAL POLICY AND THE BUDGET PROCESS

Fiscal policy.—In July 1970, I adopted the full-employment budget principle in order to make the budget a tool to promote orderly economic expansion.

Consistent with this principle, the budget that I submitted to the Congress last January proposed fiscal stimulus as part of a balanced economic program that included sound monetary policy and the new economic policy that I launched on August 15, 1971. My confidence that the American economy would respond to sensible stimulus in this context has been fully justified. During 1972, employment increased by 2.3 million persons, real output rose by 7½%, business fixed investment was 14% higher, and the rate of increase in consumer prices declined.

From 1971 through 1973, the full-employment budget principle permitted and called for substantial actual budget deficits. For this reason, some people have forgotten the crucial point that the full-employment principle requires that deficits be reduced as the economy approaches full employment—and that it establishes the essential discipline of an upper limit on spending at all times.

The full-employment budget principle permits fiscal stimulation when stimulation is appropriate and calls for restraint when restraint is appropriate. But it is not self-enforcing. It signals us what course to steer, but requires us to take the actions necessary to keep on course. These steps are not taken for us, and they are rarely easy.

As we look ahead, with the economy on the upswing, the full-employment budget principle—and common sense—prescribe a shift away from fiscal stimulus and toward smaller budget deficits. We *must* do what is necessary to make this shift.

Holding 1973 spending to $250 billion and achieving full-employment balance in 1974 and in 1975 will be difficult. Reduction of some activities and termination of others are necessary and are proposed in this budget. Nonetheless, the budget provides significant increases for many important programs.

If we did not budget with firm restraint, our expenditures in 1973 would be over $260 billion. The ballooning effect of one year's expenditures on the next would in turn have meant that 1974's expenditures would be about $288 billion, far beyond full-employment revenues, and 1975's expenditures would be approximately $312 billion, leading to a huge, inflationary deficit.

If spending is to be controlled, the Congress must establish a spending ceiling promptly. Otherwise, the seeds sown in individual authorization and appropriation actions will produce ever-growing Federal spending not only in the coming fiscal year but in the years beyond.

Should the Congress cause the total budgeted outlays to be exceeded, it would inescapably face the alternatives of higher taxes, higher interest rates, renewed inflation, or all three. I oppose these alternatives; with a firm rein on spending, none of them is necessary.

Reforming congressional budget procedures.—Delay in congressional consideration of the budget is a major problem. Each time I have submitted a budget the Congress has failed to enact major portions of it before the next budget was prepared. Instead, it has resorted to the device of continuing resolutions to carry on the activities for which it has not made appropriations. Such delay needlessly compounds the complexities of budget preparation, and frustrates the potential of the budget as an effective management and fiscal tool.

The complexity of the budgeting process is another problem. Because of modifications made to reflect the desires of the more than 300 congressional committees and subcommittees that influence it, the process has become more complicated and less comprehensible.

The fragmented nature of congressional action results in a still more serious problem. Rarely does the Congress concern itself with the budget totals or with the effect of its individual actions on those totals. Appropriations are enacted in at least 15 separate bills. In addition, "backdoor financing" in other bills provides permanent appropriations, authority to contract in advance of appropriations, authority to borrow and spend without an appropriation, and program authorizations that require mandatory spending whether or not it is desirable in the light of current priorities.

At the same time, a momentum of extravagance is speeded by requirements created initially by legislative committees sympathetic to particular and narrow causes. These committees are encouraged by special interest groups and by some executive branch officials who are more concerned with expansion of their own programs than with total Federal spending and the taxes required to support that spending. Since most programs have some attractive features, it is easy for the committees and the Congress itself to authorize large sums for them. These authorizations, however, create pressure on the appropriations committees to appropriate higher amounts than the Nation's fiscal situation permits.

Last October, the Congress enacted legislation establishing a joint committee to consider a spending ceiling and to recommend procedures for improving congressional control over budgetary outlay and receipt totals.

I welcome this effort and pledge the full cooperation of my Administration in working closely with the committee and in other efforts of the Congress toward this end.

Specific changes in congressional procedures, are, of course, the business of the Congress. However, the manner in which the Congress reviews and modifies the budget impinges so heavily on the management of the executive branch that I am impelled to suggest a few subjects that deserve high priority in the committee's deliberations, including:

—adoption of a *rigid* spending ceiling to create restraint on the total at the beginning of each annual review;

—avoidance of new "backdoor financing" and review of existing legislation of this type;

—elimination of annual authorizations, especially annual authorizations in specific amounts; and

—prompt enactment of all necessary appropriation bills before the beginning of the fiscal year.

The Congress must accept responsibility for the budget *totals* and must develop a systematic procedure for maintaining fiscal discipline. To do otherwise in the light of the budget outlook is to accept the responsibility for increased taxes, higher interest rates, higher inflation, or all three. In practice, this means that should the Congress pass any legislation increasing outlays beyond the recommended total, it must find financing for the additional amount. Otherwise, such legislation will inevitably contribute to undue inflationary pressures and thus will not be in the public interest. And it will be subject to veto.

I will do everything in my power to avert the need for a tax increase, but I cannot do it alone. The cooperation of the Congress in controlling total spending is absolutely essential.

SUMMARY OF THE 1974 BUDGET

The 1974 budget proposes an approximate balance in full-employment terms and an actual deficit that is about one-half the 1973 deficit. The 1975 budget totals I propose here would also yield a balance in full-employment terms.

THE BUDGET TOTALS

[Fiscal years. In billions]

Description	1971 actual	1972 actual	1973 estimate	1974 estimate	1975 estimate
Budget receipts		$208.6	$225.0	$256.0	(1)
Budget outlays		231.9	249.8	268.7	(1)
Deficit (−)		−23.2	−24.8	−12.7	(1)
Full-employment receipts		225.0	245.0	268.0	$290.0
Full-employment outlays [2]		228.9	247.3	267.7	288.0
Full-employment surplus or deficit (−)		−3.9	−2.3	.3	2.0
Budget authority		248.1	280.4	288.0	313.5

Description	1971 actual	1972 actual	1973 estimate	1974 estimate	1975 estimate
Outstanding debt, end of year:					
Gross Federal debt	$409.5	$437.3	$473.3	$505.5	
Debt held by the public	304.3	323.8	348.8	365.3	
Outstanding Federal and federally assisted credit, end of year:					
Direct loans	53.1	50.1	50.1	5.10	
Guaranteed and insured loans [3]	118.1	133.1	150.3	164.1	
Government-sponsored agency loans [4]	38.8	48.9	59.6	71.8	

[1] Estimates of actual receipts and outlays have not been made at this time.

[2] In these estimates, outlays for unemployment insurance benefits and the Emergency Employment Act program are calculated as they would be under conditions of full employment.

[3] Excludes loans held by Government accounts and special credit agencies.

[4] Excludes Federal Reserve banks, but, starting in 1972, includes Export-Import Bank (previously reported as direct loans) and, starting in 1974, includes the newly authorized Environmental Financing Authority.

The full-employment budget balance in 1974 assures support for continuation of the economy's upward momentum without rekindling inflation. Greater stimulus in 1974 would be dangerous, and would put an unsupportable burden on

Budget receipts in 1974 are estimated
future budgets.
to be $256 billion. This is an increase of $31 billion over 1973, reflecting growing prosperity, higher personal income, and rising corporate profits. The receipts estimates also reflect the impact of tax cuts resulting from the Tax Reform Act of 1969, the new economic policy and the Revenue Act of 1971, as well as the payroll tax increases enacted to finance higher social security benefits.

Budget outlays in 1974 are expected to be $268.7 billion. The total would have been substantially greater—probably about $288 billion—had my Administration not made an extraordinary effort to hold to the fiscal guidelines of a $250 billion maximum in 1973, rather than the nearly $261 billion which otherwise would have occurred, and to full-employment balance in 1974.

Even so, this budget necessarily proposes an increase in outlays of $19 billion, or nearly 8% over the previous year. It provides amply for America's security and well-being in the year ahead.

The 1974 budget program projects full-employment outlays of $288 billion in 1975, which, together with the revenues that would be produced under existing law, will mean full-employment balance in that year.

About $288 billion of *budget authority*—the new authority to make commitments to spend—is requested for 1974. Of the total, about $173 billion will require new action by the Congress.

IMPROVING GOVERNMENT

The role of government.—The last article of the Bill of Rights says:

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

The philosophy of the Founding Fathers embodied in this amendment is also my philosophy. I believe that a larger share of our national resources must be retained by private citizens and State and local governments to enable them to meet their individual and community needs.

Our goal must not be bigger government, but better government—at all levels. Our progress must not be measured by the amount of money we put into programs, but by the accomplishments which result from them.

One of my first acts as President was to direct that an intensive review be made of our federal system of government. We found that:

—the executive branch was poorly organized to accomplish domestic program objectives;

—State and local governments often could not meet the basic needs of their citizens; and

—Federal programs to assist State and local governments had become a confusing maze, understood only by members of a new, highly specialized occupation—the grantsmen.

My Administration has developed a comprehensive strategy for dealing with these problems through restructuring the executive departments and revitalizing the federal system.

A restructured Federal Government.—A thorough overhaul of the Federal bureaucracy is long overdue, and I am determined to accomplish it.

As the role of government has grown over the years, so has the number of departments and agencies which carry out its functions. Unfortunately, very little attention has been given to the ways in which each new unit would fit in with all the old units. The consequence has been a hodgepodge of independent, organizationally unrelated offices that pursue interrelated goals. As a result, able officials at all levels have been frustrated, public accountability has been obscured, and decentralization and coordination of Federal operations have been impeded. This overlapping of responsibilities has increased the costs of government. It has generated interagency conflict and rivalry and, most importantly, it has imposed inexcusable inconvenience on the public that is supposed to be served.

To help remedy this situation, I proposed to the Congress in 1971 that the executive branch be restructured by consolidating many functions now scattered among several departments and agencies into four new departments. These new departments would be organized around four major domestic purposes of government: community development, human resources, natural resources, and economic affairs—thus consolidating in a single chain of command programs that contribute to the achievement of a clearly stated mission. Under this arrangement, we will be able to formulate policy more responsibly and more responsively and carry out that policy more efficiently and more effectively. I welcome congressional cooperation in this important endeavor and will seek it in the weeks ahead. I plan now to streamline the executive branch along these lines as much as possible within existing law, and to propose similar legislation on departmental reorganization to the 93d Congress.

Meanwhile, I have already taken the first in a series of steps that will increase the management effectiveness of the Cabinet and the White House staff. I hope the smaller and more efficient Executive Office of the President will become a model for the entire executive branch.

Reorganization of the executive branch is a necessary beginning but reorganization alone is not enough.

Increased emphasis will also be placed on program performance. Programs will be evaluated to identify those that must be redirected, reduced, or eliminated because they do not justify the taxes required to pay for them. Federal programs must meet their objectives and costs must be related to achievements.

The Federal Assistance Review program, which I began in 1969, has made important progress in decentralizing and streamlining Federal grant programs. To speed the process of decentralization, improve program coordination, and eliminate unnecessary administrative complications, I have strengthened the Federal Regional Council system. These councils, working with State and local governments, have played an impressive and growing role in coordinating the delivery of Federal services.

A revitalized federal system.—Restructuring of the Federal Government is only one step in revitalizing our overall federal system. We must also make certain that State and local governments can fulfill their role as partners with the Federal Government. Our General Revenue Sharing and special revenue sharing programs can help considerably in achieving this goal. They provide our States and communities with the financial assistance they need—in a way that allows them the freedom and the responsibility necessary to use those funds most effectively.

On October 20, 1972, I signed a program of General Revenue Sharing into law. This program provides State and local governments with more than $30 billion over a 5-year period beginning January 1, 1972. This historic shift of power away from Washington will help strengthen State and local governments and permit more local decisionmaking about local needs.

Although final congressional action was not taken on my special revenue sharing proposals, I remain convinced that the principle of special revenue sharing is essential to continued revitalization of the federal system. I am, therefore, proposing the creation of special revenue sharing programs in the 1974 budget.

These four programs consist of broad-purpose grants, which will provide State and local governments with $6.9 billion to use with considerable discretion in the areas of education, law enforcement and criminal justice, manpower training, and urban community development. They will replace 70 outmoded, narrower categorical grant programs and will, in most cases, eliminate matching requirements.

The funds for special revenue sharing will be disbursed according to formulas appropriate to each area. In the case of manpower revenue sharing, an extension of existing law will be proposed. Current administrative requirements will be removed so that State and local governments can group manpower services in ways that best meet their own local needs.

The inefficiency of the present grant systems makes favorable action on special revenue sharing by the Congress an urgent priority.

Special revenue sharing, budget authority, first full year

Description:	Billions
Urban community development	2.3
Education	2.5
Manpower training	1.3
Law enforcement	.8
Total	6.9

As an important companion to returning responsibility to State and local governments, I proposed to the Congress in 1971 a program to provide funds to help State and local governments strengthen their management capabilities to carry out their expanded role. I am submitting this important proposal again this year.

The federal system is dynamic, not static. To maintain its vitality, we must constantly reform and refine it. The executive branch reorganization and special revenue sharing programs that I am proposing, along with continued decentralization of Federal agencies, are essential to that vitality.

BUILDING A LASTING STRUCTURE OF PEACE

Building a lasting peace requires much more than wishful thinking. It can be achieved and preserved only through patient diplomacy and negotiation supported by military strength. To be durable, peace must also rest upon a foundation of mutual interest and respect among nations. It must be so constructed that those who might otherwise be tempted to destroy it have an incentive to preserve it.

The 1974 budget supports America's efforts to establish such a peace in two important ways. First, it maintains the military strength we will need to support our negotiations and diplomacy. Second, it proposes a sound fiscal policy that, supported by a complementary monetary policy, will contribute to prosperity and economic stability here and abroad.

Our strength, together with our willingness to negotiate, already has enabled us to begin building a structure for lasting world peace and to contribute to a general relaxation of world tensions.

- —We have made substantial progress toward ending our involvement in the difficult war in Southeast Asia.
- —In the past 4 years, we have concluded more significant agreements with the Soviet Union than in all previous years since World War II, including the historic agreement for limiting strategic nuclear arms.
- —We have ended nearly a quarter century of mutual isolation between the United States and the People's Republic of China and can look forward to the development of peaceful cooperation in areas of mutual interest.

In this atmosphere, other nations have begun to move toward peaceful settlement of their differences.

One of the results of our negotiations, taken together with the success of the Nixon Doctrine, our substantial disengagement from Vietnam, and the increased effectiveness of newer weapons systems, has been a significant but prudent reduction in our military forces. Total manpower has been reduced by about one-third since 1968, and will be further reduced as we end the draft and achieve an All-Volunteer Force. At the same time, our allies are assuming an increasing share of the burden of providing for their defense.

As a result, defense outlays have been kept in line. In 1974, they will be substantially the same as in 1968. During the same period, the total budget has grown by 50%, and nondefense outlays have grown by *91%*, or *$90* billion. When adjusted for pay and price increases, defense spending in 1974 will be about the same as in 1973 and about one-third *below* 1968.

But, while this Administration has succeeded in eliminating unnecessary defense spending, it is equally determined to spend whatever is necessary for national security. Our 1974 budget achieves this goal. It assures us of sufficient strength to preserve our security and to continue as a major force for peace. Moreover, this strength will be supported, beginning this year, without reliance on a peacetime draft.

A framework for international economic progress is an important part of our efforts for peace. A solid beginning has been made on international monetary reform through our participation in the ongoing discussions of the Committee of Twenty. We will continue to press these efforts during the year ahead.

Our foreign assistance programs also reflect our intention to build a lasting structure of peace through a mutual sharing of burdens and benefits. America will remain firm in its support of friendly nations that seek economic advancement and a secure defense. But we also expect other nations to do their part, and the 1974 budget for foreign assistance is based upon this expectation.

Our goal is a durable peace that is sustained by the self-interest of all nations in preserving it. Our continuing military strength and our programs for international economic progress, as provided for in this budget, will bring us closer to that goal for ourselves and for posterity.

MEETING HUMAN NEEDS

The 1974 budget for human resources programs, like the three that have preceded it under this Administration, reflects my conviction that social compassion is demonstrated not just by the commitment of public funds in hope of meeting a need, but by the tangible betterments those funds produce in the lives of our people. My drive for basic reforms that will improve the Federal Government's performance will continue in the coming fiscal year.

Between 1969 and 1974, outlays for Federal human resources programs have increased 97%, while total budget outlays have grown by only 46%. As a result, human resources spending now accounts for close to half the total budget dollar, compared with just over one-third of the total at the time I took office.

Many solid accomplishments have resulted. Higher social security benefits are bringing greater dignity for the aged and the disabled. Better health care and better education and training opportunities, especially for the disabled, the disadvantaged, and veterans, are helping to raise the social and economic status of millions of individuals and have improved the productive capacity of the Nation as a whole. Expanded food programs are helping to assure adequate nutrition for the needy.

However, disappointments and failures have accompanied these accomplishments. The seeds of those failures were sown in the 1960's when the "do something, do anything" pressure for Federal panaceas led to the establishment of scores of well-intentioned social programs too often poorly conceived and hastily put together. In many respects, these were classic cases of believing that by "throwing money at problems" we could automatically solve them. But with vaguely defined objectives, incomplete plans of operation, and no effective means of evaluation, most of these programs simply did not do the job.

We gave these programs the benefit of every doubt and continued them while we conducted a long-needed, thorough review of all Federal human resources programs. Based on this review, the 1974 budget proposes to reform those programs that can be made productive and to terminate those that were poorly conceived, as well as those that have served their purpose.

We can and will find better ways to make the most of our human resources—through the partnership of a restructured Federal Government and strong State and local governments, and with the help of a socially committed private sector that is bolstered by a revival of individual initiative and self-reliance among our people. But only by halting the unproductive programs here and now can we assure ourselves of the money needed to pursue those programs that will get results.

Income security.—Federal income maintenance programs have expanded dramatically in the last 4 years. Cash benefits under the social security system alone will have grown from $30 billion in 1970 to $55 billion in 1974, an increase of 83%. These benefits will account for about one-fifth of *all* Federal budget outlays. Legislation enacted in calendar year 1972 alone increased these benefits by $10.5 billion, or almost 30% over 1971 benefits.

Beginning on January 1, 1974, under the terms of legislation passed last year, the Federal Government is scheduled to assume responsibility for providing a basic assistance payment for the aged, blind, and disabled. While this would require that we add a very large number of Federal employees to the Social Security Administration, I have ordered this increase held to an absolute minimum, and I will urge the Governors to seek ways of eliminating an equivalent number of positions in their States so that the overall size of government will not grow.

The 1974 budget for income maintenance programs will emphasize:

- —intensified efforts to eliminate wasteful and inefficient management of welfare programs; and
- —further improvement in the welfare of the aging.

The legislation that established General Revenue Sharing also set a long-needed ceiling on Federal outlays for social services. In 1969, Federal outlays for these services were less than $400 million. By 1972, States had discovered that this ill-defined program could be used to finance most public services and they were planning to make claim on about $5 billion in Federal funds.

This runaway, open-ended program was out of control. The $2.5 billion statutory limit imposed on the program, about seven times the 1969 level, will restore a measure of control. We are now emphasizing efforts to assure that this massive increase in funding is used effectively to meet the real needs of public assistance recipients for useful social services.

Education and manpower training.—Outlays in the 1974 budget for education and manpower, including those for veterans, will be $12 billion. The 1974 program is based upon a reevaluation of the Federal Government's role in these areas. The primary responsibility for most of these activities, other than those for veterans, rests with State and local governments. The proper Federal role is primarily that of helping State and local governments finance their own activities, while conducting directly those few programs that can be done efficiently and effectively only by the Federal Government.

The 1974 budget supports such a role for the Federal Government. It provides for:

—creation of education and manpower revenue sharing programs to give State and local governments greater power in allocating resources within these vital areas;
—proposed legislation that would provide an income tax credit for tuition paid to nonpublic elementary and secondary schools;
—full funding for Basic Education Opportunity grants to provide assistance for college students;
—continued emphasis on training disadvantaged veterans;
—an increase in the work incentive program to help welfare recipients get jobs; and
—phasedown of the temporary Emergency Employment Assistance program consistent with the increase in new jobs in the private sector.

Health.—My strategy for health in the 1970's stresses a new Federal role and basic program reforms to assure that economical, medically appropriate health services are available when needed. As major elements in this strategy, the 1974 budget provides for:

—a proposal for national health insurance legislation;
—increased funding for cancer and heart disease research;
—initiation of a nationwide system of physician-sponsored Professional Standards Review Organizations to assure quality and appropriateness of care;
—reform of Medicaid and Medicare to reduce financial burdens for aged and disabled patients who experience long hospital stays and to improve program management and increase incentives for appropriate use of services; and
—increased special care units and continued improvement of outpatient and extended care benefits for veterans.

The impact of the 1974 budget will be significant. In 1974, nearly 5 million more poor, aged, and disabled persons will benefit through expanded financial support for health services. There will be continued emphasis on consumer safety. Finally, strengthened cost controls will give Americans greater protection against unreasonable medical cost increases.

Drug abuse control—During my first term, in order to meet what had become both a crime problem and a health crisis of epidemic proportions, we launched an all-out war on drug abuse. With the 1974 budget, we will continue to press that attack aggressively. Budgeted expenditures of $719 million, an increase of $64 million over 1973, will permit continued strong support for interdiction of drug traffic and for the treatment and rehabilitation of drug users.

Civil rights.—The protection of each citizen's civil rights is one of the highest priorities of my Administration. No American should be denied equal justice and equal opportunity in our society because of race, color, sex, religion, or national origin. Toward this end, the Department of Justice and other Federal agencies will be able under the 1974 budget to increase their civil rights enforcement efforts aimed at upholding this fundamental principle as follows:

—The Department of Justice will expand its efforts to coordinate the enforcement of equal access to and equal benefit from Federal financial assistance programs.
—The Community Relations Service will expand its crisis resolution and State liaison activities.
—The civil rights performance of Federal agencies will be monitored and reviewed throughout the year.
—The Equal Employment Opportunity Commission will receive additional resources to carry out its expanded responsibilities.
—The Civil Service Commission will expand its monitoring of Federal service equal opportunity.
—The Commission on Civil Rights will receive additional resources to carry out its newly granted jurisdiction over sex discrimination.

In addition, the Small Business Administration will expand its loan program for minority business by nearly one-third.

NATURAL RESOURCES AND ENVIRONMENT

The balanced development of our natural resources is essential to a healthy economy and an improved standard of living. Development inevitably brings change to our natural environment which, if not properly controlled, could impair the health and welfare of our citizens and the beauty of our surroundings. Balancing the need for development and growth with the need to preserve and enhance our environment has become a major challenge of our time.

Meeting this challenge is not solely the responsibility of the Federal Government. Heavy responsibilities fall on State and local governments, private industry, and the general public as well. This budget reflects my determination to seek a proper balance between development and preservation. It contemplates neither blind or insensitive exploitation of our natural resources nor acceptance of a no-growth philosophy. It avoids such a spurious choice and plots an orderly and reasoned course toward sensible development and environmental enhancement.

The forward thrust of our environmental programs has not been altered. We will continue vigorous enforcement of laws and Federal regulations. The Environmental Protection Agency has allotted to the States $5 billion of new authorizations to make grants for waste treatment construction. With $5.1 billion in additional funds already available for payment on new projects and projects for which the Federal Government had made prior commitments, a total of $10.1 billion has been set aside in a short period of time for waste treatment facilities. I believe that more funds would not speed our progress toward clean water, but merely inflate the cost while creating substantial fiscal problems.

Adequate supplies of clean energy are a vital concern. The resources devoted in this budget to energy research and development are one important element of the response to this problem. My initiative to demonstrate a large-scale fast breeder reactor by 1980 will be continued; and funds have been significantly increased to develop means of using other energy resources—particularly our abundant coal resources. At the same time, this budget provides funds to carry out a program for regulation of strip mining activities to minimize their adverse environmental impact.

I have long been committed to sound, multiple-use management of public lands consistent with long-term environmental preservation. My 1974 program provides both for development of new outdoor recreation opportunities accessible to our large population centers and for new wilderness areas. In addition, the budget includes funds for a program providing incentives to States to undertake regulation of private land use. This program would encourage establishment at the State level of open decisionmaking processes to insure proper consideration of the long-term environmental implications of major land use decisions.

The role of agriculture.—The American farmer wants to raise high quality products in the most efficient manner, and to receive prices that provide him a fair return on his investment. He wants a minimum of Government regulation, and recognizes the need for some protection from events beyond his control. We are working to create conditions favorable to the American farmer by expanding our world markets, stabilizing the domestic economy, and tailoring farm programs to provide both freedom of choice and reasonable earnings for farmers.

We have made some impressive progress toward these objectives. Farm income has improved; more freedom to plant has been achieved; and the costs of price support are down. Americans and the entire world have benefited from the extraordinary productivity of American agriculture. In the period ahead, we seek to use this productivity in domestic and world marketplaces in order to maintain both high farm income and reasonable consumer prices.

REFORMING COMMUNITY AND AREA DEVELOPMENT PROGRAMS

My deep commitment to providing change that works is, and must be, matched by a total determination to identify and reform or eliminate programs that have not worked. It would be irresponsible to continue spending taxpayers' money for programs that have long since served their purpose, are not working at all, or are not working sufficiently to justify their costs.

I began my efforts in community and area development with proposals for general and special revenue sharing. In 1971, I proposed a reorganization of the executive branch agencies responsible for community and area development programs—to consolidate related functions and thereby assure better management. Substantial progress in furthering community development was made last year when General Revenue Sharing became law.

The 1974 budget reflects my determination to accelerate major reforms of programs for urban development and housing, rural development, transportation, and crime prevention and criminal justice.

Urban development and housing.—During the past 4 years, the private housing industry reached, and has maintained, an unprecedented level of housing production. Early in this period the downward trend in housing production that existed in 1969 was reversed. New housing starts rose 60%, from 1.5 million in calendar year 1969 to nearly 2.4 million in calendar year 1972, a new record. While federally subsidized starts were 11% of the 1972 total, it is clear that our broad fiscal and monetary policies are the dominant factors that determined the overall level of housing production.

Throughout this period, federally assisted housing programs have been plagued with problems and their intended beneficiaries have thus been shortchanged. As a result, new commitments under those programs which have not worked well enough have been temporarily halted, pending a complete reevaluation of the Federal role in housing and of alternative ways to provide housing.

In addition, no new projects will be approved under several outmoded and narrowly focused community development programs which have not produced benefits that justify their costs to the taxpayer. Continuing to channel resources into these programs can only delay the initiation of more effective programs and policies.

The 1974 budget will:

—honor those commitments already made under housing and community development programs;

—continue the evaluation of alternative ways to help the private market satisfy the Nation's need for housing;

—continue to seek congressional approval of the Administration's Urban Community Development Revenue Sharing proposal so that new funds can begin to flow to State and local governments on July 1, 1974; and

—emphasize those programs that help State and local officials strengthen their decisionmaking and management processes, allowing responsibility to be shifted increasingly to these officials, while the Federal Government concentrates on those activities which cannot be accomplished more effectively by the private sector or other levels of government.

Despite the halt in new commitments, federally assisted activity will continue at a high level. Subsidized housing starts in calendar year 1973 will increase over the previous year, totaling 270,000. Approximately 1,800 urban renewal projects will still be active. Federal outlays on these uncompleted housing and community development projects will rise from $4.0 billion in 1973 to $4.9 billion in 1974.

Rural development.—The 1974 budget consolidates and reorients our rural development programs.

While I would have preferred that the Congress enact special revenue sharing for rural development, the Rural Development Act of 1972 provides a basis for beginning efforts consistent with the revenue sharing concept. In particular, State and local officials will have greater control in project decisions. Rural development programs as a whole will increase over last year, with loan programs growing particularly rapidly.

I intend to watch closely our experience with this new approach and then consider whether additional legislation may be needed to make it more effective.

The counterpart to proceeding with the new authorities is the consolidation, termination, or reorientation of older programs. Public works and related economic development programs of the Department of Commerce will be phased out in favor of programs established under the Rural Development Act and Small Business Administration authorities. Loans to improve rural electric and telephone service will be available on an even larger scale—but at reduced cost to taxpayers—through the loan authority of the Rural Development Act and through the new Rural Telephone Bank.

Transportation.—The Federal role in transportation is significant but limited. It must insure that national needs, such as the Interstate Highway System and airway control, are met. Otherwise, the primary responsibilities rest with the States, local governments, and the private sector, while the Federal Government provides financial support.

Last year, the Administration supported legislation that recognized this proper Federal role. It proposed providing flexibility at the State and local level in meeting mass transit and highway needs and avoiding narrow categorical grants. The legislation narrowly failed to be enacted.

I will propose legislation incorporating the same principles again this year. The legislation and this budget propose a broad $1 billion program to aid urban mass transit capital investment and sufficient funds for the Interstate Highway System to insure completion of the system in a reasonable time.

The safety of our transportation systems is a matter of paramount importance. I have directed that Federal safety efforts for all modes of transportation be intensified.

Crime prevention and criminal justice.—Helping State and local criminal justice agencies fight crime in our cities and towns continues to be a major commitment of my Administration.

Outlays for law enforcement activities will be $2.6 billion in 1974, a 7½% increase over 1973. This increase reflects my determination to enforce the laws of this country and protect the safety of all our citizens. We must make certain, however, that the programs which assist State and local criminal justice systems are not only expanded, but reformed, and that we do a better job of reducing crime and rehabilitating criminal offenders. To accomplish these goals, I propose in this budget that:

—the grants to State and local governments for law enforcement assistance be converted to a law enforcement revenue sharing program with additional funding;

—the Law Enforcement Assistance Administration continue and strengthen its national research, demonstration, and dissemination efforts to develop more effective ways of preventing crime; and

—Federal agencies intensify their efforts to fight organized crime.

Further, new and improved measures to prevent airplane hijacking will be put into effect in cooperation with the airlines and airport operators.

CONCLUSION

The respect given to the common sense of the common man is what has made America the most uncommon of nations.

Common sense tells us that government cannot make a habit of living beyond its means. If we are not willing to make some sacrifices in holding down spending, we will be forced to make a much greater sacrifice in higher taxes or renewed inflation.

Common sense tells us that a family budget cannot succeed if every member of the family plans his own spending individually—which is how the Congress operates today. We must set an overall ceiling and affix the responsibility for staying within that ceiling.

Common sense tells us that we must not abuse an economic system that already provides more income for more people than any other system by suffocating the productive members of the society with excessive tax rates.

Common sense tells us that it is more important to save tax dollars than to save bureaucratic reputations. By abandoning programs that have failed, we do not close our eyes to problems that exist; we shift resources to more productive use.

It is hard to argue with these common sense judgments; surprisingly, it is just as hard to put them into action. Lethargy, habit, pride, and politics combine to resist the necessary process of change, but I am confident that the expressed will of the people will not be denied.

Two years ago, I spoke of the need for a new American Revolution to return power to people and put the individual *self* back in the idea of *self*-government. The 1974 budget moves us firmly toward that goal.

RICHARD NIXON.

JANUARY 29, 1973.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. NUNN) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under authority of the order of the Senate of January 26, 1973, the Secretary of the Senate, on January 26, 1973, received the following message from the House of Representatives:

That, pursuant to the provisions of 42 United States Code 2251, the Speaker had appointed Mr. HOLIFIELD, Mr. PRICE of Illinois, Mr. YOUNG of Texas, Mr. RONCALIO of Wyoming, Mr. MCCORMACK, Mr. HOSMER, Mr. ANDERSON of Illinois, Mr. HANSEN of Idaho, and Mr. LUJAN as members of the Joint Committee on Atomic Energy, on the part of the House.

That the Speaker had affixed his signature to the enrolled joint resolution (H.J. Res. 246) providing for a moment of prayer and thanksgiving and a National Day of Prayer and Thanksgiving.

Pursuant to the foregoing order, the Acting President pro tempore (Mr. BIDEN) subsequently signed the enrolled joint resolution, on January 26, 1973, during the adjournment of the Senate.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, January 26, 1973, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SENATE RESOLUTION 42—NAMING SENATOR CLARK TO MAJORITY PARTY'S MEMBERSHIP ON SELECT COMMITTEE ON SMALL BUSINESS

its immediate consideration.

Mr. MANSFIELD. Mr. President, I send a resolution to the desk and ask for

The ACTING PRESIDENT pro tempore. The resolution will be stated.

The assistant legislative clerk read as follows:

S. RES. 42

Resolution naming Mr. Clark to the majority party's membership on the Select Committee on Small Business

Resolved, That Mr. Clark of Iowa be, and he is hereby, assigned to service on the Select Committee on Small Business, to fill a vacancy on that Committee.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

PEACE IN VIETNAM

Mr. MANSFIELD. Mr. President, the Vietnamese agreements—but not the Laotian and the Cambodian—have now been signed, and the sigh of relief accompanying them has been heard around the world.

I commend Dr. Henry Kissinger for completing the arduous negotiations, and President Richard Nixon for ending the tragic war in Vietnam.

Dr. Kissinger, in his press conference last week, in a truly superb exposition, said:

> Together with healing the wounds in Indochina, we can begin to heal the wounds of America.

How right he was, and how necessary it is that we take those words to heart.

I think it apropos also to state at this time that, in my opinion, President Nixon's journeys to Peking and Moscow helped to lay the foundations for this settlement because, in my judgment—and that is all it is—the People's Republic of China and the U.S.S.R. played a significant role. I would assume, in retrospect, that probably the People's Republic of China played the most important role.

Furthermore, in this postwar period, I believe that the Nixon doctrine, not only as it affects Southeast Asia but also the entire world, will become more applicable in the years ahead and will provide a basis for a noninvolvement policy in tune with the times, on the basis of our manpower, our resources, and our security.

It now appears that, at long last, this longest, most tragic, and second most costly war of all our wars is coming to an end.

The length of the war in Vietnam, based on official statistics, is 11 years and 26 days, although some would consider it longer.

The cost has been estimated at between $130 billion and $140 billion. It will rise to somewhere between $350 billion to $400 billion, inclusive, and run well into the first half of the next century. I ask unanimous consent to have printed in the RECORD at this point certain estimates bearing on this point.

There being no objection, the estimates were ordered to be printed in the RECORD, as follows:

ESTIMATES OF TOTAL COST OF AMERICAN WARS, BY RANK

[In millions of dollars, except percent]

War	Estimated ultimate costs	Estimated war costs [1]	Veterans' benefits			Estimated interest payments on war loans	
			Original under present loans [2]	Total costs original war costs	Percent of costs to 1971 [3]	Total	Percent original war costs
World War II	664,000	288,000	290,000	100	91,767	86,000	30
Vietnam conflict [4]	352,000	110,000	[5] 220,000	[5] 200	4,700	[6] *22,000*	[6] 20
Korean conflict	164,000	54,000	99,000	184	16,055	11,000	20
World War I	112,000	26,000	75,000	290	50,888	11,000	42
Civil War (Union only)	12,952	3,200	8,580	260	8,571	1,172	37
Spanish-American War	6,460	400	6,000	1,505	5,481	60	15
American Revolution	190	100	70	70	70	20	20
War of 1812	158	93	49	53	49	16	17
Mexican War	147	73	64	88	64	10	14

[1] Based on expenditures of Departments of the Army and Navy to World War I and major national security expenditures thereafter. Usually the figures begin with the year the war began but in all cases they extend 1 year beyond the end of the actual conflict. See Historical Statistics of the United States, Colonial Times to 1957, series Y 351-352 and Y 358.

[2] To World War I, estimates are based on Veterans Administration data. For World War I, World War II, and Korean conflict, estimates are those of the 1956 report of the President's Commission on Veterans' Pensions plus 25 percent (the increase in the average value of benefits since the Commission made its report).

[3] Source: U.S. Veterans Administration, Annual Report of Administrator of Veterans Affairs.

[4] Estimates based on assumption that war would end by June 30, 1970 (except for veterans benefit costs to 1971).

[5] Medium-level estimate of 200 percent (high, 300; low, 100) based on figures expressing relationship of veterans' benefits payments to original costs of other major U.S. wars.

[6] Medium-level estimate of 20 percent (high, 30; low, 10) based on figures showing interest payments on war loans as percentage of original costs of other major U.S. wars.

Source: Except as noted, U.S. Congress, Joint Economic Committee, The Military Budget and National Economic Priorities, 91st Cong., 1st sess. (Statement of James L. Clayton, University of Utah.) 972 Statistical Abstract of the United States, a U.S. Department of Commerce Publication.

Mr. MANSFIELD. Mr. President, the casualties, from January 1, 1961, through the latest date which I have just received, January 20, 1973, are as follows:

Combat wounded—303,622 Americans.

Combat dead—45,937 Americans.

American dead, not the result of hostile action—10,300.

For a total of 359,859 American casualties.

Mr. President, I ask unanimous consent to have printed in the RECORD the news release which has been given to us on a weekly basis from the office of the Assistant Secretary of Defense for Public Affairs, under date of January 25, 1973.

There being no objection, the news release was ordered to be printed in the RECORD, as follows:

SOUTHEAST ASIA CASUALTIES STATISTICAL SUMMARY

The Department of Defense released today the cumulative casualties reported in connection with the conflict in Southeast Asia as of 20 January 1973.

U.S. CASUALTIES RESULTING FROM ACTION BY HOSTILE FORCES

Total U.S. deaths from action by hostile forces is the sum of the following categories: Killed in Action, Died of Wounds, Died While Missing, and Died While Captured. Lines 1 through 4 subdivide casualties by cause or category. Line 5 provides an additional breakdown of the same totals by environment (air or ground). Totals are cumulative from 1 January 1961 through 20 January 1973.

	Army	Navy[1]	Marine Corps	Air Force	Total
1. Killed	25, 371	1, 092	11, 477	494	38, 434
2. Wounded or injured:					
(a) Died of wounds	3, 516	146	1, 451	48	5, 161
(b) Nonfatal wounds:					
Hospital care required	96, 800	4, 178	51, 391	931	153, 300
Hospital care not required	104, 718	5, 897	37, 202	2, 505	150, 322
Total					303, 622
3. Missing:					
(a) Died while missing	1, 689	187	5	440	2, 321
(b) Returned to control	54	5	2	35	96
(c) Current missing	258	140	96	722	1, 216
4. Captured or interned:					
(a) Died while captured or interned	15	1	3	2	21
(b) Returned to control	57	7	12	8	84
(c) Current caputerd or interned	87	169	26	309	591
5. Deaths:					
(a) From aircraft accidents/incidents:					
Fixed wing	90	166	144	761	1, 116
Helicopter	2, 388	66	432	75	2, 916
(b) From ground action	28, 113	1, 194	12, 360	148	41, 815
Total deaths[2]	30, 591	1, 426	12, 936	984	45, 937

COMBAT DEATHS FOR OTHER FORCES IN VIETNAM, SINCE JAN. 1, 1961

Force	RVNAF[3,4]	Other free world forces	Enemy[4]
6. Total deaths	184, 089	5, 225	925, 692

U.S. CASUALTIES NOT THE RESULT OF HOSTILE ACTION, SINCE JAN. 1, 1961

	Army	Navy[1]	Marine Corps	Air Force	Total
7. Current missing	103	1	14		118
8. Deaths:					
(a) From aircraft accidents/incidents:					
Fixed wing	276	184	46	290	796
Helicopter	1, 875	55	242	19	2, 191
(b) From other causes	4, 995	636	1, 392	290	7, 313
Total deaths	7, 146	875	1, 680	599	10, 300

[1] Navy figures include Coast Guard.
[2] Sum of lines 1, 2(a), 3(a), and 4(a).
[3] Does not include paramilitary losses.
[4] Included in adjustments from previous periods and is subject to later adjustment in turn.

Mr. MANSFIELD. Mr. President, I will not go into additional details or statistics on the devastation covering such items as napalm, defoliation, craterization, refugees, disease, drugs, and so forth, although they are available—at least in the form of estimates.

Now that we have turned a corner—one of three, because Laos and Cambodia still have to be attended to—all four parties to the agreement have claimed that they have won, they say. But everyone lost, we know, even though all parties, individually, reached the best possible agreement in the circumstances.

Older men made this war, but younger men had to fight it. Let us hope that never again will another Vietnam or another Indochina occur.

The real heroes of this war, collectively, are those who served in Southeast Asia, those Americans who died, those who were wounded, those who were captured, those who are missing in action, because they all served and gave their best for their country.

What we hope is past, let us pray is past. Let us bind up the wounds caused by this tragedy; let us endeavor to heal the divisiveness within our country. Let us re-create the ideals which made this Republic what it was and what it must be again.

Let us admit our mistakes—and that applies to nations as well as to individuals—and learn from the past so that, in remembering, we will never again repeat the mistakes of this tragedy ever again.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Does the Senator from Pennsylvania desire to be heard?

Mr. SCOTT of Pennsylvania. Does the Senator from Montana wish any of my time?

Mr. MANSFIELD. No.

Mr. SCOTT of Pennsylvania. Mr. President, I yield back my time.

VISIT TO THE SENATE BY SENATOR LIONEL MURPHY OF AUSTRALIA

Mr. MANSFIELD. Mr. President, we have in the Chamber at this time Senator Lionel Murphy, of Australia. He is also the Minister for Customs and the Attorney General in the present administration, under the Prime Ministership of the Honorable Gough Whitlam.

Under such men as the Prime Minister and Senator Murphy—I do not know whether I should call him a Senator or a Minister, but we will let it go at Senator because I think that is the best title anyway—we expect much in the way of bettering the relations which exist between our two great countries, Australiia in the far southwest Pacific and the United States of America.

This is Senator Murphy's third visit that I know of to this country within recent years. We are delighted to have you in this body, and we want to express to you our appreciation for all that Australia has done to cement the relationships between our two countries down through the years, and we hope and pray that that relationship will continue far into the future. We need each other and the basis of that need rests on mutual respect, mutual equality, and mutual understanding.

It is a privilege and an honor to have you in this historic Senate Chamber.

Mr. SCOTT of Pennsylvania. Mr. President, I join in welcoming Senator Murphy. Australia is one land where one never has to ask whether he is among friends; he knows it automatically. We have been friends a long time, and our friendship will continue, I am sure, for all time.

Mr. MANSFIELD. Senator Murphy.

[Applause, Senators rising.]

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Arkansas (Mr. McCLELLAN) is now recognized for not to exceed 15 minutes.

CONTINUING AUTHORITY FOR THE COMMITTEE ON APPROPRIATIONS TO MAKE REPORTS DURING SESSIONS OF THE SENATE

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the Committee on Appropriations be, and it is hereby authorized during the 93d Congress, to report bills, including joint resolutions, and to file reports during adjournments or recesses of the Senate, on appropriation bills, including joint resolutions, together with any accompanying notices of motions to suspend rule XVI pursuant to rule XL for the purpose of offering certain amendments to such bills or joint resolutions, which proposed amendments shall be printed.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

RESIGNATION OF SENATOR McCLELLAN AS CHAIRMAN OF THE SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. McCLELLAN. Mr. President, it is with much regret that I announce my resignation as chairman of the Senate Permanent Subcommittee on Investigations. I submitted my resignation by letter to Chairman ERVIN of the Government Operations Committee on January 24, and I ask unanimous consent that a copy of my letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SENATE PERMANENT SUBCOMMITTEE
ON INVESTIGATIONS,
Washington, D.C., January 24, 1973.
Hon. SAM J. ERVIN, Jr.,
Chairman, Government Operations Committee, U.S. Senate, Washington, D.C.

MY DEAR SENATOR ERVIN: I find that the Chairmanship responsibilities of the Committee on Appropriations are quite exacting and that they will require my almost constant attention. I am, therefore, compelled to devote a major portion of my time and attention to the duties and work of this important Committee. For me to do this, it is necessary for me to be relieved from some of my other committee responsibilities. Accordingly, I have reluctantly concluded that I must give up the Chairmanship of the Senate Permanent Subcommittee on Investigations.

As you can appreciate, my long association with this Subcommittee—having been its Chairman for the past 18 years—made it quite difficult for me to make this decision. But, as you know, the task of conducting responsible and effective investigations is, indeed, most arduous and time-consuming, and I am convinced that I can no longer give to this Subcommittee the time and consecrated efforts its proper functioning requires.

Although my long years of work as Chairman of this Subcommittee were arduous and sometimes most difficult, I believe they have been fruitful, productive, and rewarding. For example, during the 18 years of my Chairmanship of the Senate Permanent Subcommittee on Investigations and the four years during that time that I also Chaired the Senate Select Committee on Improper Activities in the Labor or Management Field, we conducted 107 separate series of hearings during 808 days in which 3,211 witnesses testified. As a consequence of these hearings, many corrective administrative actions were taken, and many new statutes have been enacted. Also, millions of dollars of unpaid taxes and of improper expenditures of public funds were recovered for the government. I would, therefore, like to believe that the work of this Subcommittee has made a valuable contribution toward greater efficiency and economy in government.

I, of course, want to retain membership on the Subcommittee and give full cooperation to my successor. However, for reasons here stated, I hereby tender my resignation as Chairman of the Senate Permanent Subcommittee on Investigations effective immediately upon your acceptance.

Sincerely yours,
JOHN L. McCLELLAN.

Mr. McCLELLAN. Mr. President, since becoming chairman of the Committee on Appropriations last August 2, I have found the immense responsibilities of this position to be most exacting and that they will require my almost constant attention and effort. Therefore, it became necessary for me to be relieved of some of my other committee responsibilities. Thus, I reluctantly concluded to give up the chairmanship of the Subcommittee on Investigations.

As my colleagues in the Senate can appreciate, my long association with this subcommittee—I have been its chairman for the past 18 years—made this decision exceedingly difficult for me. But the task of conducting responsible and effective investigations is, indeed, arduous and time consuming, and I know that I can no longer give to this subcommittee the time and continuous effort that its proper functioning requires.

Although my work as chairman of this subcommittee was demanding and often difficult—and sometimes most disagreeable—I do believe that the work of the subcommittee and the results achieved have been fruitful and productive and have thus made a valuable contribution toward greater efficiency and economy in Government.

I have retained membership on the subcommittee and shall give full cooperation to my successor, the junior Senator from Washington (Mr. JACKSON). We have served together on this subcommittee for the past two decades, and I know that he will conduct its operations with zeal, perseverance, and impartiality. Under his leadership, the future work and continued accomplishments of the subcommittee in its area of responsibility are definitely assured.

In conclusion, Mr. President, I should like to publicly acknowledge and thank my colleagues for the wonderful cooperation and support that I have received from members of this subcommittee throughout the years that I have had the honor to be its chairman. They have been most understanding and helpful. Their fine nonpartisan spirit and approach to their duties and work on the subcommittee made it much easier and most pleasant for me as chairman and also made possible the record and results the sucommittee has achieved.

Mr. President, I relinquish the chairmanship of the subcommittee with great reluctance, but I feel that it is in the interest of the work of the subcommittee, and it is necessary because of my other duties, now that I have become chairman of the Appropriations Committee.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Washington is now recognized for 15 minutes.

Mr. JACKSON. Mr. President, it has been my great privilege to serve with the senior Senator from Arkansas, JOHN L. McCLELLAN, on the Senate Permanent Subcommittee on Investigations since I first came to this body in January 1953. For 18 of those 20 years, Senator McCLELLAN served with distinction as chairman of the subcommittee and its parent, the Senate Committee on Government Operations. During 1957–60, he also served concurrently as chairman of the Senate Select Committee on Improper Activities in the Labor or Management Field—popularly known as the Labor Rackets Committee.

On August 2, 1972, Senator McCLELLAN resigned as chairman of the Committee on Government Operations to assume the chairmanship of the Committee on Appropriations. Because of the burden of legislative responsibilities associated with this position, he has decided to relinquish the chairmanship of the Permanent Subcommittee on Investigations, although he will remain a member of this important subcommittee.

I am delighted that Senator McCLELLAN will continue to serve on the Investigations Subcommittee. As his successor in the chairmanship of that subcommittee, I look forward to having his guidance and the benefit of his experience in dealing with the multitude of problems which come before us. I have worked with Senator McCLELLAN on the various investigations conducted by the subcommittee and I know from personal experience his untiring diligence, his dogged perseverance, and his unquestioned integrity.

JOHN L. McCLELLAN has been acclaimed nationally for his investigations which have exposed malfeasance, mismanagement and corruption in both governmental and private institutions. Few men have made so great a contribution to the passage of legislation and the establishment of reforms designed to correct injustice and abuse of power.

As a vigorous, able and effective investigator, the senior Senator from Arkansas has won a justly deserved reputation for judicial impartiality and fairness which has brought him the respect and admiration of his colleagues.

Mr. President, no other chairman of a congressional investigating committee in the history of the U.S. Congress has approached Senator McCLELLAN's records for tenure as chairman of both the permanent subcommittee and the Labor Rackets Committee, for number of investigations conducted, total days and hours of hearings, and numbers of witnesses heard.

He was so closely identified in the public mind with the probe of labor-management racketeering that the Labor Rackets Committee was popularly known as the McClellan Committee.

Some of the most important and significant investigations in the Nation's history were led by Senator McCLELLAN. The Labor Rackets Committee conducted a sweeping 3-year investigation that exposed widespread criminal activities and corruption.

The permanent subcommittee conducted four major investigations into organized crime, and a fifth—into the stolen securities racket—is underway. For 8 years, Senator McCLELLAN persevered with an inquiry into the TFX aircraft contract which resulted in multibollion-dollar savings to the taxpayers. Corruption and criminal activities in the banking industry, the Military Sea Transportation Service, the missile industry, antipoverty programs, and military service clubs in Southeast Asia have been dealt with.

A total of 135 persons involved in investigations conducted by Senator McCLELLAN have been convicted of crimes relating to cases investigated by him. High-ranking Government labor union and business officials resigned or were dismissed after disclosure of improper activities.

Savings and recoveries of governmental funds directly resulting from Senator McCLELLAN's investigations run into the billions of dollars. Mere word that the subcommittee is looking into a questionable activity has often been enough to secure remedial action.

Senator McCLELLAN's work has not only resulted in the exposure of malfeasance, misfeasance, and corruption, but also in positive legislative reforms. Almost every segment of American society has benefited from these new laws and regulations. The worker, the investor, the businessman, the bank depositor, the farmer, all have gained from the revelations, exposures and investigative efforts of the senior Senator from Arkansas.

Welfare and pension funds belonging to American workers have been protected. Their right to choose their leaders without fear has been fortified. New weapons were forged to deal with the threat of organized crime. Public attention was first focused on the illicit traffic in narcotics. Action was taken to emphasize the rehabilitation of addicts as well as to plan a comprehensive strategy to combat the drug traffic.

Mr. President, whenever Congress and the Nation have required a vigorous, able and effective investigator, Senator McCLELLAN has been there to meet the challenge. We have seen his tenacity of purpose. We have seen his devotion to duty. We have seen his impartiality. JOHN L. McCLELLAN's accomplishments and his outstanding service to the Senate and to the American people are an example for all.

Mr. President, I asked the staff to prepare a summary of Senator McCLELLAN's service as chairman of the Permanent Investigations Subcommittee and the Labor Rackets Committee from 1955 to 1973. I ask unanimous consent that this summary may be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SENATOR JOHN L. McCLELLAN'S SERVICE AS CHAIRMAN OF THE SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS AND THE SENATE SELECT COMMITTEE ON IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD (1955–1973)—STAFF SUMMARY

INTRODUCTION

Senator John L. McClellan became Chairman of the Senate Permanent Subcommittee on Investigations in January, 1955, and concurrently served during 1957–1960 as Chairman of the Senate Select Committee on Improper Activities in the Labor or Management Field—popularly known as the Labor Rackets Committee.

No other chairman of a Congressional investigating committee in the history of the United States Congress has approached Senator McClellan's records for tenure as chairman of both the Subcommittee and the Labor Rackets Committee, for number of investigations conducted, total days and hours of hearings, and number of witnesses heard. During his 18 years as Chairman, the Subcommittee conducted 107 separate series of hearings in which 3,211 witnesses testified during 808 hearing days comprising 2,741 hours of hearings. Widespread malfeasance, mismanagement and corruption in both governmental and private institutions were exposed. Subsequently, sweeping reforms were instituted.

Some of the most important and significant investigations in the nation's history were made by these committees. The Labor Rackets Committee's three-year probe exposed widespread corruption and criminal activities in some of the nation's largest unions. The Subcommittee conducted four major investigations of organized crime and a fifth investigation is underway. For eight years, Senator McClellan persevered with an inquiry into the TFX aircraft program. His unrelenting determination, in the face of strong opposition from the Administrations in power, to unravel the complex dealings surrounding this project resulted in a multibillion dollar savings to the taxpayers, and the cancellation of a Defense Department contract for the procurement of an inefficient and ineffective weapons system for the United States Navy.

Under Senator McClellan's chairmanship, the Committee and the Subcommittee established and maintained reputations for painstaking, thorough and effective investigations, as well as for objectivity and fairness.

The work of these investigative bodies has not only resulted in the exposure of malfeasance, misfeasance, and corruption, but also in positive administrative and legislative reforms. These new laws affect the entire spectrum of American society and encompass almost every aspect of national life. The worker, the investor, the business man, the bank depositor, and the farmer all have benefited from the revelations and exposures made by the committees and from the wide-ranging legislation and other remedial actions taken as a result thereof.

SUMMARY OF SELECTED INVESTIGATIONS

The work of the Labor Rackets Committee

The Senate Select Committee on Improper Activities in the Labor or Management Field was established in 1957 and quickly became known as "the Labor Rackets Committee" or "the McClellan Committee." Dozens of unions and industrial organizations were investigated during the three years of the Committee's existence.

As a result, the country became aware for the first time that, in many unions, democracy did not exist. Some leaders were corrupt. Union treasuries and pension funds were being looted. Members who protested were beaten and threatened. Wide-ranging, significant actions and reforms were taken to correct and remedy the conditions disclosed by the Committee. Many unscrupulous union leaders were forced from office—and some went to prison.

When the story of widespread misuse, misappropriation, and outright theft of union pension and welfare funds was revealed by the Labor Rackets Committee, the Congress acted promptly. It established Federal oversight over the administration of employee benefit plans and provided criminal penalties for union officials who violated their trust by enacting the Welfare and Pension Plans Reporting and Disclosure Act of 1958.

This law requires administrators of all employee welfare or pension fund plans to open up their books for examination by participants and beneficiaries. Criminal penalties were established to prevent violations of this trust.

In 1962, this disclosure law was tightened to provide tougher enforcement power for the Federal Government. Extortion or theft from employee pension and welfare funds became a Federal crime, and the Labor Department was given broad investigative and supervisory authority over union reporting.

Again, acting upon disclosures made by the Rackets Subcommittee, the Congress enacted the Labor Management Reporting and Disclosure Act of 1959—popularly known as the Landrum-Griffin Act.

The first section of this law contains an amendment by Senator McClellan which became a "Bill of Rights" for labor.

It protects the rights of working men and women by providing that: (1) union members are guaranteed equal rights and privileges in nominating and electing their officials and in determining their policies; (2) union members are guaranteed the right to assemble freely and to express their views; (3) procedures are furnished for levying dues, assessments, and initiation fees; (4) union members are allowed to commence legal actions relating to their memberships; and, (5) unfair and unwarranted discipline is prohibited.

A lasting benefit stemming from Senator McClellan's work on the Labor Rackets Committee has been the widespread knowledge that union members—abused by their leaders—could always turn to him for help and guidance. Since the Labor Rackets Committee finished its work, the Senator has received more than 250,000 letters from working men and women throughout the nation seeking his counsel in fighting corruption and in protecting their rights and benefits.

Military Sea Transportation Service

In 1961, the Subcommittee investigated charges of bribery and corruption within the Military Sea Transportation Service. It was alleged that private ship repair contractors were furnishing gifts, entertainment, and other gratuities—including cash payments—to Government employees with supervisory responsibilities. The Subcommittee's hearings demonstrated the lack of proper standards in the Brooklyn, N.Y., section of MSTS and the truth of the misconduct charges leveled against those in management positions.

This probe caused the resignation of the Service's top-ranking civilian, George Cross, who was subsequently convicted of income tax evasion. Other Navy employees resigned. One was fired. The Navy also revised its contract procedures and barred certain contractors from doing future business with it. The hearings further resulted in the resignation of two employees of the Internal Revenue Service and the initiation by that agency of a number of income tax proceedings.

Missile industry

Subcommittee hearings in 1962 disclosed that huge Defense Department contracts for missile procurement were being artificially inflated with enormous extra costs. Companies acting as weapons systems managers were generating profits on the costs incurred by their subcontractors, who in turn were generating profits on the costs incurred by their subcontractors.

Among Defense Department corrective actions taken as a result of Subcommittee disclosures were: (1) direct procurement of sub-systems by the Government; (2) effective and timely use of incentive contracts; (3) establishing a realistic basis for fees and profits for work performed by prime contractors; and (4) one contractor was ordered by the Federal Renegotiation Board to return $7.9 million in excessive profits.

Billie Sol Estes Case

Billie Sol Estes, a Texas entrepreneur, had built a flimsy financial empire upon illicit and fraudulent use of cotton allotments and other Federal agricultural subsidies. The Subcommittee found evidence that the Department of Agriculture was disorganized, inefficient, and negligent in the administration of these subsidy programs. The Subcommittee also established that corruption and bribery existed. Following the hearings, a number of reforms were instituted by the Department. Estes was indicted, tried, and convicted and has served a prison term for his criminal activities.

Organized Crime—Interstate Racketeering

Under the chairmanship of Senator McClellan, the Permanent Investigations Subcommittee has been in the forefront of the fight against organized crime, gambling, narcotics trafficking, and other forms of racketeering. In 1961, as a result of hearings on organized crime, new laws were enacted.

It is now a crime to use interstate transportation or communications of any kind for the transmittal of wagering information. Also, it is now a crime to use interstate transportation for gambling paraphernalia.

Other laws enacted made it difficult for criminals to flee from prosecution or imprisonment or to carry weapons of any kind after being convicted of a felony. These measures have led to the conviction and imprisonment of hundreds of persons involved in organized crime. They are valuable weapons for the Federal Government's Organized Crime Strike Forces which are operating in various sectors of the country.

Organized Crime: Witness Joseph Valachi

The testimony given to the Subcommittee in 1963 by the late Joseph Valachi related the history of organized crime in the New York area since the late 1920's. He detailed the structure and organization of various criminal groups. For the first time, the country had an insider's story of how organized crime had evolved and how it operated. This information, which revealed the existence of a crime syndicate which Valachi called "Costa Nostra," had proved to be of utmost value to law enforcement agencies. The hearings demonstrated that organized crime poses a clear and present danger to the nation. "If it is permitted to continue unchecked, it will have a permanent impact on the whole economy," Senator McClellan said. "Law enforcement apparently needs some new weapons."

The Senator quickly spearheaded the fight to furnish these weapons. Two statutes authored by Senator McClellan—the Omnibus Crime Control and Safe Streets Act of 1968 and the Organized Crime Control Act of 1970—are milestones in the nation's fight against crime. Former Attorney General John N. Mitchell described the Organized Crime Control Act of 1970 as "one of the most imaginative and comprehensive proposals to combat organized crime ever introduced in the Congress." These laws provide special grand juries for investigating organized crime and authorize immunity in exchange for testimony. They protect witnesses from intimidation and allow for court-ordered wiretaps to penetrate organized crime networks. They also regulate the production of explosive materials, which extremist organizations were using for terrorist activities. In addition, the Law Enforcement Assistance Administration was created to upgrade local law enforcement activities and fund critically needed projects to improve criminal justice systems.

Organized crime: Illicit traffic in narcotics

In 1964, Senator McClellan conducted hearings on organized crime's role in the international traffic in narcotics and the associated problems of treatment and rehabilitation of drug addicts. This testimony foreshadowed the national crises resulting from drug abuse, which has taken an alarming human and economic toll.

Subcommittee findings led to the Senator's landmark anti-drug statute—the Narcotic Addict Rehabilitation Act of 1966—which emphasized the rehabilitation of addicts instead of punishment. This early law marked a turning point in the Federal Government's enforcement procedures and treatment of those whose drug dependence has turned them from a productive life to a life of crime. The Senator also authored the Drug Abuse Office and Treatment Act of 1971, which established a special action office for drug abuse prevention in the White House to coordinate a comprehensive strategy to fight illicit drug traffic.

TFX investigation

In the fall of 1962, Secretary of Defense Robert S. McNamara awarded the multi-billion dollar contract for the TFX fighter-bomber to the General Dynamics Corporation, although it was established prior to the award that the Boeing Company had offered an operationally superior design at a lower cost. Despite innumerable obstacles erected by the Defense Department to its investigation, the Subcommittee proved that the Pentagon had made serious mistakes in starting production of the F–111 aircraft in September, 1965, before all the research and development problems had been adequately solved.

The Subcommittee's hearings revealed that the TFX project from its inception was arbitrarily mismanaged in the Office of the Secretary of Defense. According to the Subcommittee: "The Federal Government will spend more than $7.8 billion to produce about 500 aircraft, although the original production schedule called for more than 1700 aircraft to be purchased for less money. Of the 500 planes we will have, less than 100 (F–111F's) come reasonably close to meeting the original standards. Spending so great a sum for so few aircraft represents a fiscal blunder of the greatest magnitude."

In 1967, the Subcommittee conducted special hearings on the Navy version of the TFX, in which it was disclosed that the aircraft had serious operational deficiencies which made it unsuitable for combat operations from aircraft carriers. At the urging of Senator McClellan, the Senate Committee on Appropriations cut the Pentagon's budget request for the Navy plane for the next fiscal year from $208.8 million to $147.9 million—a direct savings of about $61 million in a single year. The following year, upon his insistence, the entire Navy F–111 program was cancelled. Further cancellations of this aircraft resulted in savings of an estimated $5.2 billion. Had it not been for the Subcommittee's extensive work under the leadership of Senator McClellan, the program would have rolled disastrously onward for years, costing the taxpayers many billions of dollars for an inferior and ineffective weapons system.

Federally insured banks

In the spring of 1965, Senator McClellan conducted hearings relating to a failure of a number of banks insured by the Federal Deposit Insurance Corporation. The Subcommittee found that the reckless chartering policy for national banks during 1961–1966 resulted in an unprecedented increase in the number of such financial institutions—many of them fiscally unsound. It was found that attempts to change the closed image of the banking business only burdened the industry with increased hazards to the public interest. It also was found that proper supervision and oversight of changes in bank control were not being provided by Federal authorities.

To protect the banking industry and the public, the Subcommittee proposed new laws to curb risky bank chartering policies. As a consequence, there was enacted the Financial Institutions Supervisory Act of 1966. That same year, an investigation of small business investment corporations also was launched. Numerous instances of criminal activities and corruption were found and existing law was shown to be totally inadequate for regulating and controlling the industry. Corrective legislation which became Public Law 90–104 on October 11, 1967, was enacted.

Blackstone Rangers

In 1968, Senator McClellan's Subcommittee conducted an investigation of a $1 million Office of Economic Opportunity grant to two street gangs in Chicago for operation of a job training program. There had been a large number of similar OEO grants to other gangs throughout the country, totaling many millions of dollars.

One of the Chicago gang was called the Blackstone Rangers, whose leaders—known as "The Main 21"—were allegedly teachers and supervisors in the training program. In fact, almost all of the Blackstone Rangers' supervisors and teachers had extensive criminal records and very few of them more than elementary educations. The director of one of the training centers was described as illiterate.

Unimpeachable evidence before the Subcommittee showed that the program provided very little, if any, training in the basic educational skills; that there were high rates of absenteeism among the trainees; and that fraud and forgery were widespread in the disbursement of the Federal funds. The Subcommittee's investigation also revealed that the Blackstone Rangers, which were using a Chicago church as their headquarters, had stockpiled weapons and ammunition, were addicted to narcotics, and had planned gang wars, murders, and other crimes. Five members of the gang were convicted in Federal Court in Chicago for conspiracy to defraud the Federal Government. Indictments are pending against others on murder and robbery charges.

Military service clubs

For four years, in the late 1960's and early 1970's, the Subcommittee investigated the operation of nonappropriated fund activities of the Armed Services as part of a broader examination of corruption and racketeering related to the war in Southeast Asia. The Subcommittee found illicit operations rampant among military personnel who supervised clubs, messes, and post exchanges and among the commercial vendors with whom they did business. Gifts, bribes, kickbacks, expensive entertainment, and sex were used to influence club system managers and PX administrators to handle and promote the merchandise offered by the vendors.

The Subcommittee found that investigative agencies of the military services—even though aware of the corruption—were unable to overcome barriers to exposure raised by some senior military officers. Little action was taken by the U.S. Army on most of the alleged abuses and corruption until the Subcommittee began its own probe.

The results of its investigation were far-reaching: the Department of Defense revised its regulations, practices and policies relating to nonappropriated funds; new legislation was proposed to deter and eliminate the corruption; many persons were indicted, and several already have been convicted; ranking military officers have been retired; civilian officials dismissed; and a number of companies have been barred from further business with the Federal Government. The Army's Criminal Intelligence Division has been centralized in the Pentagon, an action aimed at achieving more efficient and comprehensive crime control in the Army. Also, the IRS has initiated more than 100 separate criminal and civil income tax actions as a result of the investigation.

Organized crime: stolen securities

Another major investigation was launched by Senator McClellan in 1971 into the structure, activities, and effects of organized crime. The first aspect of this inquiry was concerned with a relatively new criminal activity—the theft and conversion or disposition of securities from brokerage houses, banks, and registered mails.

To date, the investigation has revealed that security thefts, counterfeiting, and forgeries—running into billions of dollars—are undermining the U.S. economy and the integrity of business. These crimes affect every segment of national life and are a product of lax security and outmoded procedures.

Testimony received by the Subcommittee clearly demonstrated that the securities industry, its allied and affiliated institutions, the airlines, the U.S. Postal Service, and the air freight industry are in need of a thorough overhauling of their security systems. Their methods of safeguarding, processing, and forwarding valuable mail, cargo, and documents must be improved.

CORRECTIVE AND REMEDIAL ACTION

The Subcommittee on Investigations normally undertakes a large number of preliminary inquiries into various matters related to its jurisdiction. Frequently, these studies never become the subjects of public or executive hearings. Often, initial efforts to check out the facts supplied to the Subcommittee result in swift corrective action. Large amounts of taxpayers' money, union members' fees and assessments, or other types of funds, have been saved through these activities without the necessity for formal hearings.

For example, in 1967, the Subcommittee received information that an Air Force contract for procurement of computers had been awarded to a certain firm at a price of $114 million, although three other firms had submitted bids of about $60 million. Following an inquiry by the Subcommittee, this contract award was withdrawn, and a new and lower bid was accepted—this one for around $60 million, a saving to the Government of $54 million.

Following the Subcommittee's exposure of widespread fraud, forgery, and outright theft of OEO funds, such grants were halted. And, in another case, more than 60 corrective actions by the Defense Department and other agencies were taken after widespread fraud was revealed in military service club and post exchange operations.

INDICTMENTS AND CONVICTIONS

A total of 135 persons involved in investigations conducted by the Subcommittee and by the Labor Rackets Committee have been convicted of crimes related to cases investigated by the Subcommittee during Senator McClellan's chairmanship. Among these were: James R. Hoffa, former president of the International Brotherhood of Teamsters; Dave Beck, Hoffa's predecessor as president of the International Brotherhood of Teamsters; Vito Genovese, a top leader of organized crime; John Dioguardi (Johnny Dio), labor racketeer and organized crime figure; George P. Cross, highest civilian official in the Military Sea Transportation Service; Jeff Fort, president of the Chicago street gang, the Blackstone Rangers; Carl M. Turner (Major General, U.S. Army, ret.), former Provost Marshal of the Army and former Chief Marshal of the United States.

Several high-ranking Government, labor union, and business officials resigned or were forced to leave after disclosure of their improper activities by the Subcommittee. Included were: two Cabinet officers, two members of Federal Commissions, an Army general, a Chief Marshal of the United States, numerous Federal office holders, the presidents and secretary-treasurers of several international unions, a judge of the Supreme Court in New York State, a municipal judge in Massachusetts, and a judge in Tennessee.

RECOVERIES AND SAVINGS OF FUNDS

Among the selected examples of savings and recoveries of funds directly resulting from investigations conducted by these Committees:

1. Several hundred thousand dollars following the Subcommittee's investigation of military textile procurement in 1955;
2. $1 million from the Subcommittee's inquiry into the export of grain to Pakistan;
3. $2 million from the Subcommitte's work on a naval spare parts operation in Philadelphia in 1959;
4. Many millions of dollars from corrective and remedial actions at missile bases followed Subcommittee exposure of waste and featherbedding in labor practices;
5. $4 million from Subcommittee disclosures of illegal union welfare fund disbursements in 1965;
6. $400,000 from the Subcommittee's probe of firms doing business with the Small Business Administration;
7. $708,157 in expenditures for FHA housing guarantees;
8. $2,250,000 from the Subcommittee's investigation of the Vietnam AID program in 1967–1968;
9. More than $5.2 billion in savings from cancellation of orders for the TFX aircraft.

CONCLUSION

When Congress and the nation have required a vigorous, able, and effective investigator, they have turned to Senator John L. McClellan. He has been equal to this great challenge. As he wrote in his book, "Crime Without Punishment,"

"We cannot, we must not, shirk our responsibility on this grave issue. This challenge can be, and it must be, faced with resolute purpose and effort. The elements of crime and corruption must not prevail. I have a profound and abiding faith that the American people can and will successfully combat this vicious evil and that the forces of law and order will ultimately triumph."

Mr. ERVIN. Mr. President, I wish to associate myself with the accurate and eloquent remarks of the distinguished Senator from Washington. As one who had the privilege of serving under Senator McCLELLAN on the Permanent Subcommittee on Investigations and the Select Committee on Improper Activities in the Labor or Management Field, I can testify that in the discharge of the duties devolving upon him as chairman of this select committee and this regular subcommittee, Senator McCLELLAN has at all times displayed infinite industry, complete intellectual integrity, and unsurpassed courage.

As a result of his activities as chairman of the Permanent Subcommittee on Investigations of the Committee on Government Operations and as chairman of the Select Committee on Improper Activities in the Labor or Management Field, Senator McCLELLAN has made all law-abiding American citizens his debtor.

I cannot praise him too highly. I welcome this opportunity to speak these few words.

Mr. ALLEN. Mr. President, long before I came to the Senate the distinguished senior Senator from Arkansas (Mr. McCLELLAN) was one of my heroes in public service. What an impregnable fortress of character, honor, and bravery he has been through the years. If any man deserves the characterization "man against crime," Senator McCLELLAN does. He has been the man against crime in the entire country, not just in the Senate.

He has rendered a great public service as chairman of the Permanent Subcommittee on Investigations and as chairman of the Committee on Government Operations. He has all the qualities that are necessary for the proper and effective discharge of duties of chairman of that important subcommittee.

He has ability, dedication, zeal, courage, effectiveness, impartiality, and above all, character. He has stood for law and order in this country long before it became an effective official slogan shibboleth. He has done something about it.

The record that he has set as chairman of the full Committee on Government Operations and the Permanent Subcommittee on Investigations will long be remembered in this country. It is a credit to this great Senate, it is a credit to the fine State of Arkansas, and it is a credit to the Nation. The Senate, Congress, and the Nation owe a great debt of gratitude to the distinguished Senator from Arkansas for the great job he has done in this field.

Mr. MANSFIELD. Mr. President, I wish to join with my colleagues in expressing my appreciation to the distinguished Senator from Arkansas for the many fine achievements he has obtained to bring about a bettering of the life of this country and for making all Americans more secure.

We have worked closely—very closely—on anticrime legislation. One of my disappointments in the last Congress was that the omnibus bill dealing with criminal victims which was the child of the distinguished Senator from Arkansas, while passing this body—nearly unanimously as I recall—did not get to first base in the House of Representatives. We have worked especially closely on that portion of the omnibus bill which had to do with the compensation of victims of crime because we felt that victims had constitutional rights just as those who were alleged to have committed the crimes. The Senator from Arkansas had the bill reported out of the Committee on the Judiciary and steered it to its overwhelming success in the Senate.

I hope, in spite of the fact that his duties will be arduous again this year, as they have been in past years, in spite of his new and added responsibilities as chairman of the Committee on Appropriations, that he will once again seek to revive the omnibus anticrime bill, which passed this body last September—I repeat, overwhelmingly—so that once again we will have it before us and that this time we will be more successful as far as the other body is concerned.

I can well understand why the distinguished Senator from Arkansas feels he must shed some of the responsibilities, and I appreciate the fact also that his place is being taken by the distinguished Senator from Washington (Mr. JACKSON), who has had plenty of experience, who knows how this committee operates, and who, in my opinion, will carry on in the same dignified fashion, who will conduct the affairs of that committee with integrity and dedication, and who, in his turn, will in that area make tremendous contributions to the annals of the Senate, but, more important, to the security and welfare of the people of this country.

Mr. JACKSON. I thank the able majority leader for his most generous comments.

I now yield to the distinguished senior Senator from Rhode Island, who has long served with the Senator from Arkansas on the Appropriations Committee.

Mr. PASTORE. Mr. President, I deem it an honor to echo the fine tributes that have been showered upon our distinguished colleague from Arkansas (Mr. McCLELLAN). I do not serve on the Government Operations Committee, but I long have been associated with him on the Appropriations Committee, serving at times on the same subcommittees of which he was chairman. Now, of course, he is chairman of the full committee.

I must say I do not think any man in this body more clearly exemplifies a sense of fairness, compassion, and understanding, or is more imbued with the public interest and concern for a wholesome society, than our dear friend from Arkansas. I can understand why he has decided to relinquish some of his burdens, because he has accepted tremendous responsibility as chairman of the Appropriations Committee. I do not think there is any other responsibility that takes more time and demands more dedication and assiduous work than making sure that every dollar that is paid by a taxpayer is properly spent. In that regard I do not think that Senator McCLELLAN has either had a peer in this body ever before or has one now.

We naturally and deeply regret the fact that he leaves the high responsibility in relation to his duties as chairman of that subcommittee of the Government Operations Committee, where he made such a fine record. I want to say at this juncture that it was always a privilege for me to vote for every recommendation he has ever made out of that committee, whether it had to do with organized crime, crime in the streets, or aid to those who are victims of crime in the streets. It has always been a pleasure because one knew that when he supported JOHN McCLELLAN, he was on the right side for our society.

So we regret the fact that he is stepping down, and I think this ought to be a time for congratulations here, speaking the gratitude of the people of our country, for the excellent job he has done. Now the mantle of that responsibility falls on the shoulders of our dear friend, the distinguished Senator from Washington (Mr. JACKSON). I have a tremendous respect and affection for Senator JACKSON. He and I have been associated on the Joint Committee on Atomic Energy for a long, long time, and I do not know of any occasion when we have disagreed.

And so, to those two gentlemen, I merely want to say, may they continue long in service in this body. May they continue their splendid labors. May the good Lord give them the health and the strength to carry on.

Mr. JACKSON. Mr. President, I want to thank the distinguished senior Senator from Rhode Island for his kind comments. It has been a real pleasure to work with him actually now for 22 years on the Joint Committee on Atomic Energy.

I now yield to the distinguished senior Senator from Connecticut (Mr. RIBICOFF), who is a senior member of the parent committee, the full Committee on Government Operations, and has served so long on the Permanent Subcommittee on Investigations.

Mr. RIBICOFF. Mr. President, I join my colleagues in honoring Senator McCLELLAN for the distinguished record he has compiled as chairman of the Permanent Subcommittee on Investigations of the Government Operations Committee. He served as chairman of the subcommittee for 18 years, longer than any other Senator in the history of the subcommittee. During this time, the subcommittee conducted 107 separate series of hearings, covering 808 days.

Senator McCLELLAN has led landmark subcommittee investigations into organized crime, labor racketeering, and Government procurement. Senator McCLELLAN has been a thorough investigator, but he has always been fair to the subcommittee witnesses and others involved in the investigations.

The subcommittee investigations have produced several historic bills. Among them are the Welfare and Pension Plans Reporting and Disclosure Act of 1958, the Labor Management Reporting and Disclosure Act of 1959, and the Organized Crime Control Act of 1970.

Mr. President, due to his responsibilities as chairman of the Appropriations Committee, Senator McCLELLAN is relinquishing his chairmanship of the Permanent Subcommittee on Investigations. But he leaves a great deal of accomplishment which he and those who have served with him on the subcommittee can be proud. Fortunately, he will remain a member of the subcommittee so that we will have the benefit of his experience and wise counsel.

In conclusion, Mr. President, I would like to add a personal note. I have served on the Permanent Investigations Subcommittee with Senator McCLELLAN the past 7 years. During that time I have come to admire and respect his great ability and sense of fairness. It has been a privilege and an honor for me to participate with him in the important work of this subcommittee.

I am sure that the distinguished Senator from Washington (Mr. JACKSON) will carry on as new chairman in the same great tradition. I look forward to serving with Senator JACKSON on this important subcommittee.

Mr. ROBERT C. BYRD. Mr. President, I yield such time as he may require to the distinguished Senator from Kentucky (Mr. HUDDLESTON).

Mr. HUDDLESTON. I thank the Senator very much. I appreciate the distinguished Senator from West Virginia offering me this opportunity to add my congratulations and praise for the work that has been done and continues to be done by the senior Senator from Arkansas (Mr. McCLELLAN) and the junior Senator from Washington (Mr. JACKSON).

As one who has just been appointed to the Permanent Subcommittee on Investigations of the Government Operations Committee, I stand in awe of the truly great record the subcommittee has established over the years under the outstanding chairmanship of the Senator from Arkansas and while I was not a member of that committee, nor of this body, during that long period of service, I have followed with great interest the activities of that subcommittee under the leadership of the Senator from Arkansas (Mr. McCLELLAN).

I dare say almost everyone in this country is familiar with the subcommittee's courageous investigations of organized crime and racketeering. In fact, the Permanent Subcommittee on Investigations took an interest in combating crime and lawlessness long before law and order became a national concern. This Nation truly owes Senator McCLELLAN a debt of eternal gratitude.

I am also sure, Mr. President, that we can look forward to a continuation of this outstanding record under the chairmanship of Senator JACKSON, who is by any measure one of the most diligent and hard-working Members of the Senate.

It is noteworthy that the subcommittee will also assume responsibilities in the field of national security, an area in which the Senator from Washington is an acknowledged expert.

The Nation owes much to these two outstanding Senators and I join the whole country in their praise.

Mr. ROBERT C. BYRD. Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator from West Virginia has 7 minutes remaining.

Mr. ROBERT C. BYRD. Mr. President, I yield to the Senator from Michigan.

Mr. GRIFFIN. Mr. President, I thank the distinguished majority whip. I shall be very brief so there will be time remaining for the distinguished Senator from Arkansas.

Mr. President, I rise to emphasize that there are no *party lines* in this body when it comes to esteem and admiration for the distinguished Senator from Arkansas. I shall not repeat or re-echo what has already been said. However, I can register enthusiastic agreement with what has been said often observing the performance of the Senator from Arkansas from three vantage points of experience.

I do so in my capacity as one of the leaders on this side of the aisle. I do so as one who formerly served as a member of the Subcommittee on Permanent Investigations. And I do so as one whose name is closely associated with a labor-management reform bill, the Landrum-Griffin Act. That legislation would not be in existence today had it not been for the leadership and the diligent work of the Senator from Arkansas (Mr. McCLELLAN) when he chaired the select committee on improper activities in the labor-management field.

The Landrum-Griffin Act was the result—the end product, so to speak—of those intensive and comprehensive investigations. I believe history has already demonstrated that the legislation was needed and that it has been helpful to workers and their unions.

So, I join today in the salute being extended to the able Senator from Arkansas—a tribute that is most appropriate and fitting.

Mr. ROBERT C. BYRD. Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator from West Virginia has 4 minutes remaining.

Mr. ROBERT C. BYRD. Mr. President, I yield now to the Senator from Arkansas.

Mr. McCLELLAN. Mr. President, I am of course highly gratified. I am also greatly humbled by the remarks of commendation by my distinguished colleagues. I am most grateful to our distinguished majority leader and to the able Senator who succeeds me as chairman of the permanent Subcommittee on Investigations and to all of my colleagues who have spoken here in response to my statement of resignation.

After all, it makes one feel that hard work and dedication and the effort that is given sometimes under not always pleasant circumstances nevertheless have their reward. And to me, just to know that my colleagues have appreciated our labors is a recognition that the work has been worthwhile. That is to me a tremendous reward and one that I cherish.

I thank each one of the Senators.

EXPRESSION OF GRATITUDE FOR THE END OF THE VIETNAM WAR AND THE HOPE FOR AN ENDURING PEACE BY HAWAIIAN STATE SENATE

Mr. MANSFIELD. Mr. President, I am in receipt of a resolution from the senate of the State of Hawaii. It is Senate Resolution No. 26.

The resolution is entitled "On Behalf of the People of Hawaii to President Richard M. Nixon and the Congress of the United States Expressing Gratitude for the End of the Vietnam War and Hope for an Enduring Peace." It was adopted on the 24th day of January, 1973.

I ask unanimous consent that the resolution be printed in the RECORD at this point.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

SENATE RESOLUTION NO. 26

On behalf of the people of Hawaii to President Richard M. Nixon and the Congress of the United States expressing gratitude for the end of the Vietnam War and hope for an enduring peace

Whereas, on January 23, 1973, President Richard M. Nixon announced that agreement has been reached signaling the end of the war in Vietnam and the release of all Americans held prisoners of war; and

Whereas, the Vietnam war marks a tragic chapter in the history of the United States, resulting in great loss of human lives and resources and disrupting the unity of spirit and purpose of its people; and

Whereas, no other State of the Union has been closer and more deeply affected by the Vietnam war than the State of Hawaii, its sons killed or wounded in Vietnam, in proportion to its small population, far outnumbering that of any other state; and

Whereas, the efforts of the President and the urgings of Congress have at long last come to fruition with an agreement calling for the cessation of hostilities and providing the basis for a lasting peace in Indochina; and,

Whereas, it now remains for the American people to rededicate themselves, to insure peace, reconstruction and reconciliation of the war ravaged nations of Indochina; now, therefore,

Be it resolved by the Senate of the Seventh Legislature of the State of Hawaii, Regular Session of 1973, that it express to the President and Congress of the United States the heartfelt gratitude of the people of Hawaii for bringing an end to the war in Vietnam and urge upon the President and Congress to devote every effort towards an honorable and lasting peace; and

Be it further resolved that duly authenticated copies of this Resolution be sent to President Richard M. Nixon and to Hawaii's Congressional delegation for transmission to the United States Senate and House of Representatives.

THE NATIONAL STUDY COMMISSION UNDER THE FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS OF 1972—APPOINTMENTS BY THE VICE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. NUNN). The Chair, on behalf of the Vice President, pursuant to Public Law 92–500, appoints as members of the National Study Commission under the Federal Water Pollution Control Act Amendments of 1972 the following Senators from the Committee on Public Works: the Senator from West Virginia (Mr. RANDOLPH), the Senator from Maine (Mr. MUSKIE), the Senator from Texas (Mr. BENTSEN), the Senator from Tennessee (Mr. BAKER), and the Senator from New York (Mr. BUCKLEY).

ORDER FOR SENATE TO GO INTO EXECUTIVE SESSION AT 1:30 P.M. TODAY AND FOR A PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session today at 1:30 p.m., rather than at 1 p.m., as previously ordered, and that the intervening time following the remarks of the Senator from Missouri and the hour of 1:30 be for the transaction of routine morning business with statements limited therein to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, this is with the understanding that this order will have no effect on the previous order requiring a vote on the nomination at 2:30 p.m. today.

The ACTING PRESIDENT pro tempore. That is the understanding of the Chair.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Missouri is now recognized for not to exceed 15 minutes.

THE WAR POWERS BILL

Mr. EAGLETON. Mr. President, last week I joined with Senators JAVITS and STENNIS to reintroduce the war powers bill, which passed this body during the last session by a vote of 68 to 16. Since that bill passed the Senate on April 13, 1972, public awareness of the issue involved—the constitutional power of Congress to declare war—has been greatly enhanced. The war powers question is no longer only a matter of concern to scholars and Members of Congress, it is now actively discussed by citizens from all walks of life who, in their elation that peace has finally come, are also resolved that America must avoid future Vietnams.

Now—as we finally rid ourselves of the most unpopular, the most tragic war of our history—is the time to give new life to the institutions created by the Founding Fathers to help us guard against the inadequacies of human decisionmaking. If we fail to grab this moment—if we fail to mold the concern of our citizens into much needed institutional reform, we risk the possibility that time will erase the pain of Vietnam from the American conscience.

I therefore consider the matter of war powers legislation to be at a critical juncture, and I move today to begin an erstwhile and hopefully constructive dialog to resolve differences of approach and to create legislation that will help us to regain the proper constitutional prerogatives of Congress. We must begin now to discuss the issues that divide us and resolve them—soon. Each day Congress lets pass without legislation—each day we fail to challenge the President's claim to broad powers—each day we bog ourselves down with personalized legislative formulas is a day lost in the effort to halt the ever-increasing accumulation of power in the executive branch.

I would like today, therefore, to refer to remarks in the CONGRESSIONAL RECORD of January 20 by Representative CLEMENT ZABLOCKI when he inserted an article by Representative DANTE FASCELL. That article commented on a guest editorial entitled "Whose Power Is War Power?" which I contributed to the fall edition of the quarterly Foreign Policy. These two distinguished legislators are sponsors of a revised House war powers resolution, House Joint Resolution 2.

Mr. President, I ask unanimous consent that my editorial and the additional commentary by Senators STENNIS, GOLDWATER, and Representative FASCELL be printed in the RECORD following my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. EAGLETON. In addition, Mr. President, I ask unanimous consent that a letter to the editor of Foreign Policy from Dr. Jack M. Schick which appeared in the winter edition, be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 2.)

Mr. EAGLETON. These commentaries on the war powers legislation proposed by Senator JAVITS, Senator STENNIS, and myself will provide my colleagues with the full spectrum of views on this important legislation.

Representative Fascell's article concerns the 30-day period established in the Senate bill as a limitation on the President's use of the emergency powers specified by that bill. Representative Fascell voices his concern about this limitation in the following passage:

> Because of the pressure of the 30-day limitation, after taking an authorized and defined emergency action, the President, undoubtedly, will promptly seek congressional approval.
>
> The sheer impetus and power of the presidential commitment in a national emergency is well known; mix in the weight of the presidential request to the Congress for the expedited consideration; sprinkle liberally with the equally well known attitude of the President's party and the Congress to "rally 'round the flag." Result—a predictable legislative approval of the presidential action achieved at an almost automatic cycle.
>
> The argument is made that it is better for the Congress to act than not to act even though the price predictably might be pro forma action.

Representative Fascell is concerned that Presidents may abuse the spirit of cooperation they receive from Congress during periods of national emergency such as happened following the Gulf of Tonkin incident. At that time Congress approved broad powers enabling the President to engage the enemy by whatever means necessary within the entire SEATO area.

Before confronting the issue Representative Fascell has raised, I would like first to establish the premise which both the sponsors of the Senate and House bills share—that the President has certain emergency powers as Commander in Chief to repel attacks. The extent of those powers is, of course, subject to legitimate debate, but the fact that the Commander in Chief has the power—and even the responsibility—to repel attacks has been well established by historical and judicial precedent. Moving from this premise, the drafters of both bills then seek to establish a procedure which would bring Congress into the decisionmaking process at the earliest possible moment in an emergency situation.

The choice of a 30-day period was, frankly, an arbitrary one. In an earlier draft of my war powers bill I had even considered extending the period established by the original Javits bill to 60 days. I finally decided, however, that the 30-day period would be adequate since the limitation period could be either reduced or extended by congressional action, depending on the circumstances. I determined that the ability to take such action is a sufficient safeguard against the pressures described so well by Representative Fascell in his article.

It is important to look upon the 30-day limitation period not as a requirement for positive congressional action within that period, but rather as a limitation placed on presidential authority. If no action is taken by Congress, the President's authority then expires. This important distinction has the effect of placing the burden of proof on the President's shoulders. He must demonstrate why Congress should take any action at all within 30 days.

I believe that rather than encouraging "a predictable legislative approval—at an almost automatic cycle," the 30-day limitation would impose the sobering pressures of accountability on this body if we should decide to extend the President's emergency authority. Individual Members of Congress would not only feel the normal public pressure to support the President in an emergency, but would also feel the heavy responsibility of establishing parameters for that authority. This would work to assure that the resolution granting extended authority contains sufficient checks to return the matter to Congress for further consideration at a specified date.

If such a continuing resolution is warranted, it would necessarily recognize that the defensive emergency action being authorized could develop into the offensive character of war. To assure that Congress becomes involved in the decision to pursue and define or, alternatively, to reject that war, it will have to include adequate consultation and reporting procedures in its continuing resolution.

The revised House bill has included an excellent consultation and reporting mechanism to bring Congress into the decisionmaking process after the President implements his emergency authority. This procedure in no way conflicts with our effort to impose a 30-day limitation on such authority. I would foresee such consultation and reporting language as being included in any resolution adopted by Congress within 30 days, if continuing authority is warranted.

The war powers issue has been considered by the courts to be largely a political issue because of the absence of any clear legal definition of the respective roles of Congress and the President. The judicial branch will continue its reluctance to become involved in this area if the legislation we pass into law is sufficiently vague to permit broad Presidential discretion in his use of the Armed Forces in emergency situations.

I believe that the only sure check that can be placed on the President's emergency authority is the careful codification of that authority in the first instance, and the quantitative limitation of it in the second.

Mr. President, I ask unanimous consent that the text of the House bill, House Joint Resolution 2, be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

H.J. RES. 2

Joint resolution concerning the war powers of Congress and the President

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. This measure may be cited as the "War Powers Resolution of 1973".

PURPOSE OF POLICY

Sec. 2. The Congress herewith reaffirms its powers under the Constitution to declare war. At the same time, the Congress recognizes that the President in certain extraordinary and emergency circumstances has the authority to defend the United States and its citizens without specific prior authorization by the Congress.

EMERGENCY USE OF THE ARMED FORCES

Sec. 3. In the absence of a declaration of war by the Congress, the Armed Forces of the United States may be introduced in hostilities, or in situations where imminent involvement in hostilities is clearly indicated, only—

(1) to respond to any act or situation that endangers the United States, its territories or possessions, or its citizens or nationals when the necessity to respond to such act or situation in the judgment of the President constitutes an extraordinary and emergency circumstances as do not permit advance Congressional authorization to employ such forces; or

(2) pursuant to specific prior authorization, by statute or concurrent resolution of both Houses of Congress.

CONSULTATION

Sec. 4. The President, when acting pursuant to the provisions of section 3 of this resolution, should seek appropriate consultation with the Congress before introducing the Armed Forces of the United States into hostilities, or in situations where imminent involvement in hostilities is clearly indicated. Consultation should continue periodically during such armed conflict.

REPORTING

Sec. 5. In any case in which the President without a declaration of war by the Congress—

(1) commits United States military forces to armed conflict;

(2) commits military forces equipped for combat to the territory, airspace, or waters of a foreign nation, except for deployments which relate solely to supply, repair, or training of United States forces, or for humanitarian or other peaceful purposes; or

(3) substantially enlarges military forces already located in a foreign nation;

the President shall submit promptly to the Speaker of the House of Representatives and to the President pro tempore of the Senate a report, in writing, setting forth—

(A) the circumstances necessitating his action;

(B) the constitutional, legislative, and treaty provisions under the authority of which he took such action, together with his reasons for not seeking specific prior congressional authorization;

(C) the estimated scope of activities; and

(D) such other information as the President may deem useful to the Congress in the fulfillment of its constitutional responsibilities with respect to committing the Nation to war and to the use of the United States Armed Forces abroad.

CONGRESSIONAL ACTION

Sec. 6. Whenever a report is submitted by the President pursuant to this resolution, both Houses of Congress shall proceed immediately to the consideration of the question of whether Congress shall authorize the use of the Armed Forces of the United States and the expenditure of funds for purposes relating to those hostilities or imminent hostilities cited in the report.

Whenever the Speaker of the House and the President pro tempore of the Senate receive such a report and the Congress is not in session, the President shall convene Congress in order that it may consider the report and take appropriate action.

EFFECTIVE DATE AND APPLICABILITY

Sec. 7. This resolution shall take effect on the date of its enactment. Nothing in this resolution is intended to alter constitutional authority of the Congress or of the President, or the provisions of existing treaties. At the same time nothing in this resolution should be construed to represent congressional acceptance of the proposition that Executive action alone can satisfy the constitutional process requirement contained in the provisions of mutual security treaties to which the United States is a party.

Mr. EAGLETON. During the last session Senator Fulbright attempted to amend the War Powers Act to substitute the following clause for the codified emergency provisions:

> To respond to any act or situation that endangers the United States, its territories or possessions, or its citizens or nationals when the necessity to respond to such act or situation in his judgment constitutes a national emergency of such a nature as does not permit advance congressional authorization to employ such forces . . .

Senator Fulbright's rationale for wanting to drop the detailed definition of authority contained in the Senate bill is much the same as that expressed by the sponsors of the new House bill. In introducing his amendment last year Senator Fulbright said the following about the codified approach:

> The difficulty I have with this approach is that by specification, the language may by implication have the unintended effect of giving more power to the President than is withheld . . . In short, the language of Section 3 in the war powers bill makes it possible for the President to cite fairly specific authority for the widest possible range of military initiatives.

Ironically, Senator Fulbright, the sponsors of the House bill and the sponsors of the Senate bill have expressed the same concern—that the President not be given more authority than he is entitled to under the Commander-in-Chief clause. I believe, however, that the generalized language of the House bill will give the President a discretionary judgment that will allow him to continue to construe his powers in a very liberal manner.

By carefully defining those powers in the Senate bill we not only limit them, we also permit ourselves to assess his action against a very specific legal citation.

Mr. President, as I said at the outset of these remarks, it is time to resolve the differences in approach to war powers legislation so that Congress can stand as one in resolving this important constitutional issue. As one of the principal authors of the Senate bill, I have attempted today to open a dialog that will hopefully serve to bring us closer together in our common goal.

Our participation in the Vietnam conflict is over, thank God, but the challenge it has presented to our system of government will remain until we make the institutional reforms necessary to help us avoid such tragic involvements in the future.

Exhibit 1

Whose Power Is War Power?

(By Thomas F. Eagleton)

"It should be difficult in a republic to declare war; but not to make peace." These words of Justice Joseph Story in 1833 express a fundamental principal of our Constitution.

Yet in Vietnam, war came easy and peace comes hard. The decisions that committed our nation to war form a miasma of television speeches from the oval office, public chauvinism and congressional acquiescence.

Our route into the Vietnam quagmire is strewn with the debris of false hopes and false assessments, of over-optimism and miscalculation, of poor strategic planning and poor tactical execution—of a disregard for the real national interest of the United States.

And, as I look back on the events that led to Vietnam, I think that there is also another theme—one which forms part of a recurring conflict in American history: the vital question of relations between Congress and the President. In short, who has the power to declare war? Did the institutions established by our Constitution fail us, or were they gradually abandoned over time? Today, as we look forward hopefully to the post-Vietnam era, is the time to examine these vital questions.

The Great Depression and World War II thrust America into a decade of constant crisis. The crises of this period seemed to require an extraordinary concentration of power. Franklin D. Roosevelt was well qualified to assume this power, and to consolidate and expand the role of the Executive. Since then, the Executive's power has grown as Congress' role has declined.

The trend toward increased Presidential power might have proceeded uninterrupted but for a minor war in a far-off Asian country which was transformed by Presidential initiative into a major—and unsuccessful—engagement of American forces. The institutions created by our Founding Fathers to filter and check the fallibility of human decision-making had failed.

From 1955 until 1964, as U.S. military involvement in Indochina grew, most of the various U.S. quasi-military activities were not disguised. During this period, there was no effort by a President to seek authorization for his actions. Congress seemed unconcerned with the usurpation of its power, and continued unquestioningly to appropriate funds for the Vietnam war. After all, the conflict was not going too badly. It was not inordinately expensive. And, in line with the new Kennedy doctrine of "flexible response," it constituted an important experiment in limited warmaking and in the training and support of foreign forces to participate in the worldwide struggle against Communist-dominated "wars of national liberation."

Then came the Gulf of Tonkin incident. Again, Congress was not consulted before the response. On the day after the event, the President presented Congress with certain facts regarding the incident and asked Congress for its complete support. Both Houses approved a vaguely worded and ill-defined White House draft which became known as the Gulf of Tonkin Resolution. There were only two dissenting votes in the Senate—those of Wayne Morse and Ernest Gruening.

The resolution stated, in part:

> The Congress approves and supports the determination of the President as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression.
>
> The United States is, therefore, prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom.
>
> This resolution shall expire when the President shall determine that the peace and security of the area is reasonably assured.

Despite anguished protestations in retrospect, I think that Congress should have known what power it was delegating to the President at the time it passed the Tonkin Gulf Resolution. Senator Morse tried desperately to warn Congress that it should not grant the President a broad "predated declaration of war." The record of debate also contains the following colloquy between Senator Fulbright, Chairman of the Foreign Relations Committee and floor manager for the Resolution, and Senator Brewster:

> Mr. Brewster. My question is whether there is anything in the resolution which would authorize or recommend or approve the landing of large American armies in Vietnam or in China.
>
> Mr. Fulbright. There is nothing in the resolution, as I read it, that contemplates it. I agree with the Senator that that is the last thing we would want to do. However, the language of the resolution would not prevent it. It would authorize whatever the Commander in Chief feels is necessary. It does not restrain the Executive from doing it. Whether or not that should ever be done is a matter of wisdom under the circumstances that exist at the particular time it is contemplated. This kind of question should more properly be addressed to the Chairman of the Armed Services Committee. Speaking for my own committee, everyone I have heard has said that the last thing we want to do is become involved in a land war in Asia; that our power is sea and air, and that this is what we hope will deter the Chinese Communists and the North Vietnamese from spreading the war. That is what is contemplated. The resolution does not prohibit that, or any other kind of activity.

Later that day, Senator Fulbright and Senator John Sherman Cooper discussed the meaning of the Resolution:

> Mr. Cooper. Then, looking ahead, if the President decided that it was necessary to use such force as could lead to war we will give that authority by this resolution?
>
> Mr. Fulbright. That is the way I would interpret it. If a situation later developed in which we thought the approval should be withdrawn, it could be withdrawn by concurrent resolution. (Emphasis added.)

In 1964, no member of Congress thought that within a year American planes would be flying daily bomb runs over North Vietnam, or that thousands of American troops would be engaged in "search and destroy" missions in South Vietnam or constructing American base camps throughout that country. Even President Johnson probably had no idea that the limited military operation in South Vietnam would soon blossom into a $300 billion-a-year war.

But faulty vision and political pressures cannot be permitted to minimize the legal significance of the Tonkin Gulf Resolution.

In my judgment, the Resolution—pared of its verbiage and placed in the context of its legislative history—was a broad congressional charter to the President to combat North Vietnamese forces anywhere in the SEATO area. It was an extremely broad delegation of authority in the area of foreign affairs but as the Supreme Court noted in Zemel v. Rusk, 381 U.S. 1, 17 (1963), Congress has always been permitted to grant extensive powers in foreign affairs and to "paint with a brush broader than that it customarily wields in domestic areas." Although the existence of the Tonkin Gulf Resolution did not make the war we have waged in South Vietnam any wiser or any more explicable, it did make it a war authorized by the Congress.

But did the Congress fully comprehend the power it had delegated in the Tonkin Gulf Resolution? Did the individual members understand the burden of responsibility assigned to them by the Constitution when they cast their votes? In the period of introspection that has followed the passage of that Resolution these questions prompted a major effort to reassert the proper relationship between the two branches. Even though I was in my first term, and had not been a member at the time of the Tonkin Resolution, I became involved in that effort.

Some of us in Congress began to take a careful second look at the excessive power of the Presidency. As it became obvious that the power of the Presidency had been abused—and of Congress neglected—the checks and balances of our adversary system took on a new meaning. Traditional conservatives, even though supporting the President on Vietnam, joined anti-war senators in a coalition, the force of which would advocate a "strict construction" of the Constitution.

The Constitution of the United States was written by men who had experienced the tyranny of a monarch and who clearly understood the danger of placing absolute power at the disposal of a single man. These men sought to create a process by which important decisions would be reached after thorough deliberation. They fully expected that the responsibility for committing the nation to war would be shared—and that Congress, the most representative branch of government, would authorize this important commitment.

Unlike most issues which are dealt with in the Constitution in just one reference, the question of waging war and raising military forces is treated in several places:

Article I, Section 3 gives the Congress power to "declare war," grant "Letters of Marque," order Reprisals, "raise and support Armies," but for no longer than two years at a time, "provide and maintain a Navy," make rules which will regulate and govern the military forces, and provide for organizing the militia and calling it up so that insurrections can be suppressed and invasions repelled.

Article I, Section 10 forbids the state—absent congressional consent—from keeping military forces in time of peace or from engaging "in war, unless actually invaded, or in such imminent danger as will not admit delay."

Article II, Section 2 makes the President "Commander in Chief of the Armed Forces as well as the State Militia, when it is called into service for use by the federal government."

Article IV, Section 4 provides that the central government shall guarantee "a Republican Form of Government" to every state and "shall protect each of them against invasion."

These provisions were specifically designed to show how the roles of Congress, the Executive, and the States would mesh, and to assure that the awesome consequences of war did not flow through chance or mistake. The Founding Fathers set relatively simple ground rule to control what they referred to as "the dogs of war."

First, they drew a distinction between offensive and defensive hostilities. If the United States were attacked, the President would act to repel the attack. Congress could provide the President with a small standing Army and Navy to fulfill his functions as defender of the nation's integrity. The states could maintain militia and Congress could establish procedures under which the President might nationalize them rapidly to meet foreign attacks.

Second, Congress was to decide whether defensive action would be supplemented by offensive action. The time lost in this process was considered less important than having the nation's elected representatives express their collective judgment. The Congress was to sanction in advance whatever actions were taken, whether simple reprisals, complex military operations or all-out war.

Third, the President's independent role in the warmaking process was limited to the direction of operations. The draftsmen of the Constitution carefully changed the term "make war," which might imply the idea of Congress conducting hostilities to read "declare war," which carried the connotation of congressional initiation but Presidential direction.

The convention records make clear the delegates' surprise at the possibility of giving the President power to make decisions which might result in offensive military action. One delegate commented that he "never expected to hear in a republic, a motion to empower the Executive alone to declare war."

Even Alexander Hamilton, the foremost defender of centralized Executive power among the Framers of the Constitution, noted in Federalist Paper 75:

> The history of human conduct does not warrant that exalted opinion of human virtue which would make it wise in a nation to commit interests of so delicate and momentous a kind, as those which concern its intercourse with the rest of the world, to the sole disposal of a magistrate created and circumstanced as would be a President of the United States.

True, the Constitution left a gray area of responsibility between the President and Congress—what Justice Jackson called a "twilight zone"—which recent Presidents have fully occupied. Now however, a widely diverse group of senators and representatives has taken the initiative to reassert Congress' share of that twilight zone.

On April 13, 1972, the United States Senate passed the War Powers Act—jointly introduced by Senators Javits, Stennis, Spong and me—by an overwhelming margin of 68 to 16.

The Act specifies those emergency situations in which the President can act to commit forces without the specific prior authorization of Congress. The President is statutorily delegated the authority to repel attacks—or the imminent threat of attacks—upon the United States, its armed forces abroad, or upon U.S. nationals abroad in carefully defined circumstances. The President is prohibited from taking action beyond the limits of the emergency categories without "specific statutory authorization"—language which excludes appropriations measures and treaties as tacit authorization for the engagement of U.S. forces in war.

Those who believe that our postwar treaty commitments are self-executing take considerable issue with the exclusion of treaties as congressional authority to engage forces in hostilities. A careful examination shows clearly, however, that the war powers of Congress cannot be delegated by the treaty ratification process.

The Senate is the only body to act on treaties. It does not possess the power to commit the United States to hostilities without the consent of the House. In fact, Madison noted that the possibility of giving the Senate alone the power to "declare war" was considered—and rejected. Butler of South Carolina reported to his State's Legislature that such a proposal "was objected to as inimical to the genius of the Republic," because it would destroy the necessary balance that the Framers were anxious to preserve.

Appropriations measures are excluded as implied authorization because the "power of the purse" is not a sufficient enforcement mechanism. If the after-the-fact power of denial were the only check available, the President would be free to initiate and sustain hostilities unilaterally. Congress, on the other hand, instead of being able to grant initial authorization by a simple majority, would be placed in the position of either attempting to override a Presidential veto or killing legislation intended to fund the troops in the field. If the war powers of Congress are to have the effect intended by the Constitution, they must be asserted positively. Congress must be assured of involvement in the initial decisions that could lead to war.

Even when the President uses his emergency powers, he would be required under the bill to make a full report to Congress immediately. The President would be required to obtain congressional authority to continue his action beyond 30 days. If Congress does not extend the President's authority he must terminate hostilities unless he certifies in writing to the Congress that continued engagement is required for the protection of U.S. forces involved in "disengagement." Without congressional authority, however, these forces may not be used to continue pursuit of the policy objective for which they were initially deployed.

The most common criticism of the War Powers Act is that it would constrain the President from responding expeditiously to the sudden hazards of the modern world. But, as we emphasized throughout the debate on the War Powers Act, we do not anticipate that the bill would restrain the President in any way from acting vigorously to meet any threat to the security of the United States. The emergency provisions permit the President to take a wide variety of actions in defense of the nation or its citizens and forces stationed abroad.

Many have pointed out that the War Powers Act, in the real world, could not prevent Congress and the President from jointly engaging the country in war unwisely. These critics state that the Gulf of Tonkin Resolution would have passed with or without the Act. This, of course, is entirely possible, but I believe this criticism is based on an excessively ambitious interpretation of what the bill is intended to accomplish. It is not possible to legislate common sense, and no bill can establish a procedure that would assure that all decisions are proper. The Act provides no panacea, but I believe that it can insure that the collective wisdom of the President and the Congress will be brought to bear, as the Constitution provides, when the all-important questions of war and peace are considered.

The present Administration has strongly opposed the War Powers Act as a restraint on Presidential power. This unfortunate position is in direct contrast to the overwhelming nonpartisan support the bill received in the Senate which included affirmative votes by the minority leader and the minority whip. The Secretary of State's testimony before the Senate Foreign Relations Committee was equally unfortunate and reflected an unwillingness to accept the legitimate role of Congress.

Under the threat of a Presidential veto, The House may not act this year, but the War Powers Act already has accomplished a great deal. The President has been put on notice that Congress will be less willing in the future to delegate its war powers. The debate on the Senate floor has reminded members of Congress that they can no longer ignore their constitutional responsibility to decide whether or not America goes to war. If not this year, then in the future, I am confident that Congress will act to translate that awareness into law.

JOHN STENNIS

I have long believed that our nation should not be committed to war except after a clear-cut authorization by the Congress. This is important as a matter of constitutional principle. It is also a requirement of practical politics. The decision to make war is too big a decision for one mind to make and too awesome a responsibility for one man to bear. The judgment and responsibility on this grave decision have to be shared by both the legislative and executive branches and, more importantly, they must be shared by the people. We have learned the hard way that when the American people do not share in a decision to go to war, they do not bring to it their full support and sense of personal obligation. I believe the principle established by the War Powers Bill is that this country should never again be committed to war without the moral sanction of the American people.

The War Powers Bill passed by the Senate is a beginning step toward reestablishing the balance required by the Constitution. It establishes a practical procedure within which Congress can pass on the question of war in a timely, but considered, way. The bill does not exclude the President from the warmaking process—it does not detract at all from his power or his responsibility. Rather, it allows and requires the members of Congress, as individuals responsible directly to the people in their states and communities, to reassert their constitutional responsibilities.

By putting the War Powers Bill on the statute books, we will be taking a long step toward assuring that the Congress will fulfill its responsibilities and that there will be sounder and more unified national judgments in the future on the question of whether or not to commit this nation to war.

BARRY M. GOLDWATER

In 1951, a current favorite of the New Left, Dr. Henry Steele Commager, rebuked congressional critics of President Truman's undeclared war in Korea by writing in the Time Magazine that the constitutional issue "is so hackneyed a theme that even politicians might reasonably be expected to be familiar with it." Professor Commager lectured that questions involving executive power have come up time and again in the past and time and again both history and the courts have returned clear answers in support of executive decisions to commit troops outside the nation.

In 1961, following the Korean war, the buildup of over 400,000 U.S. ground forces in Europe, and the Lebanon occupation, another contemporary paragon of peace, Senator William J. Fulbright delivered a lecture at Cornell University in which he argued "that for the existing requirements of American foreign policy we have hobbled the Presidency by too niggardly a grant of power." Referring to what he called the dynamic forces of the twentieth century—Communism, Fascism, and aggressive nationalism—Senator Fulbright warned that "[it] is highly unlikely that we can successfully execute a long-range program for the taming, or containing, of today's aggressive and revolutionary forces by continuing to leave vast and vital decision-making powers in the hands of a decentralized, independent-minded, and largely parochial-minded body of legislators."

What has happened in the interval to cause these foreign policy internationalists, together with so many of their liberal brethren, to spin 180 degrees the other way toward the very choices which they had formally labeled as being held only by "unregenerate isolationists"? The answer, in my opinion, is simply that they, as many Americans, have become so mesmerized by events in Vietnam that they believe it is possible to legislate against the past.

Forgetting the experience of a post-World War I Congress which thought it had enacted neutrality laws so wise and virtuous that we could never again be drawn into a major conflict, and unmindful that such restrictions left this nation unprepared to help avert the world catastrophe that later erupted, the new isolationists would bind the President in a chain of restrictions that would surely confound our allies and enemies alike, weaken the defense alliances that keep foreign disturbances away from our own shores, and hamper our national ability to defend future vital interests. What is more, the specific legislation used to these ends is so rigidly drafted it would leave the United States standing by helpless in the face of an all-out attack against valuable friendly nations, such as Israel, where we have no significant forces already stationed, and would even block humanitarian assistance such as the 1964 Congo rescue mission in which the U.S. military saved almost 2,000 non-Americans from rebel atrocities.

Contrary to disclaimers by its sponsors, the War Powers Bill severely restricts the freedom of the Executive to respond in all emergencies. Unless there is an actual attack, or threat of attack which is both "direct and imminent," against the United States, its citizens, or the Armed Forces, U.S. troops cannot be deployed into troubled areas absent specific statutory authority. In reality, however, U.S. security interests stretch far beyond these immediate emergencies to ones in which the harmful consequences will not develop until months or perhaps years later. One example is a Soviet move to close off the Strait of Malacca from free world commerce.

Even in the emergencies where the bill allows Presidential reaction, it provides a limit of 30 days on such conduct absent additional congressional approval. The bill also creates a legislative process by which Congress can shut off any such emergency conduct prior to 30 days. Thus, the bill grants Congress a veto over military activity even in those areas where it is conceded the President possesses a constitutional power to act.

The bill thereby defines the boundaries of the constitutional allotment of the war powers between Congress and the President, something the Founding Fathers never attempted to do. For the declaration of war clause does not confer upon Congress the sole power whereby the country can be engaged in war. In fact, the Constitutional Convention purposefully narrowed the authority of Congress by substituting "declare" for "make" in that clause. This was done in an age when the declaration was already in disuse, there having been 38 wars in the Western World from 1700 to 1787, and only one of which was preceded by a declaration of war. And so, even by the eighteenth century, the declaration had come to mean no more than a formal notice to a nation's own people and to the outside world that an existing state of war was officially acknowledged. At least this is how it is defined in the sole standard dictionary of the English language then published, and it is how the Constitution has been interpreted during the succeeding 183 years of practice.

It may come as a surprise, but there have been over 200 foreign military hostilities in the history of our Republic and only five of them were declared. These engagements have ranged from minor rescue operations to deployments of thousands of ground forces into battle, such as the 14,000 U.S. troops who fought in Russia after World War I. These incidents attest to a consistent practice under which American Presidents have always responded to foreign threats with whatever force they believed was necessary and technologically available at the particular moment. Whether these restrictive measures were prudent or not is a separate issue from the constitutional question; but who is to say that President Kennedy was unwise in seeking the removal of missiles from Cuba that were being aimed at 80 million Americans, as one notable example?

The truth is, there are circumstances in which any President must have flexibility of action in order to meet a present crisis which might develop into an unalterable threat against our national security in the future, as well as to cope with a crisis which obviously represents a direct and immediate danger. Advocates of war powers restrictions miss the point that inaction in a time of true emergency might bring forth far more bloodshed in the future than if forceful steps were taken promptly.

To those who contend this concept will lead to extended involvements, such as another Vietnam. I answer that this reveals a blitheful ignorance of recent history. Congress passed over 24 statutes supporting the Vietnam war with both money and authority, a fact that has been judicially confirmed.

Nor do I accept the excuse that politicians could not have voted otherwise. If the Executive can exert an open or subtle appeal for support of American troops in the field, the ranks of Congress are not shy of those who pander the equally compelling promise of a swift and easy peace and an end to pitiful crowds of starving refugees whom they blame upon U.S. policies.

The power of the purse, with its related control over the size of the military services and kinds and amounts of defense systems, combined with the treaty power and an oft-overlooked discretion with respect to the delegation of vast powers over the allocation, production, and trade of strategic materials and of other powers for directing the national economy to war-oriented purposes, constitute an impressive base from which Congress can alter or influence the course of American involvement in the foreign sphere. These are the means by which the Founders meant for Congress to share in important decisions on matters of foreign-military policy, and Congress cannot alter this arrangement by any legislative device short of a constitutional amendment.

DANTE FASCELL

One aspect of Senator Eagleton's proposal concerns me. The possibility that it institutionalizes the trend of strong Presidential action and the Congress' rubberstamping it.

Because of the pressure of the 30-day limitation, after taking an authorized and defined emergency action, the President, undoubtedly, will promptly seek congressional approval. Even special rules are provided for the Congress to expedite consideration and action.

The sheer impetus and power of the Presidential commitment in a national emergency is well known; mix in the weight of the Presidential request to the Congress for the expedited consideration; sprinkle liberally with the equally well known attitude of the President's party and the Congress to "rally 'round the flag." Result—a predictable legislative approval of the Presidential action achieved in an almost automatic cycle.

The argument is made that it is better for the Congress to act than not to act even though the price predictably might be pro forma action. I'm not at all certain that's a good bargain. In the nuclear age will there be a formal declaration of war by the U.S. Congress before the fact? Is there a greater chance that most hostility involving the United States will be entered into through one of the authorized and defined emergency portals with congressional action after the fact? It seems to me that the pro forma potential apparently has a much larger dimension. So while the procedural objective is laudable, its pragmatic result may be undesirable.

What we really need and must continue to strive for is simultaneous assurance for the mechanisms and procedures which make a fully informed Congress get into the act before the President takes any action which does or might involve the United States in hostilities regardless of their nature.

EXHIBIT 2

LETTERS

TO THE EDITORS:

I was delighted to see the brief symposium by Senators Eagleton, Stennis, and Goldwater, and Congressman Fascell on the "War Powers Act" (Foreign Policy 8, Fall 1972). The debate on the Senate floor last spring did not receive the attention it deserved because the bill did not become the subject of a great debate between the President and the Congress. Nothing focuses a great debate in the country better than a pitched battle like the Senate forced upon Eisenhower with the Bricker Amendment in 1954. But President Nixon avoided another clash with the Senate because he did not have the votes and chose instead to rely on the House to defeat the bill. The House, however, wanted war powers legislation too. In the end, the White House did not have to exert itself because the House and Senate could not agree on a compromise bill. The bill died with the 92nd Congress in October. Undoubtedly the bill will be revived next year but differences will remain between the House and Senate versions.

There are two war power bills. Something of the debate between the House and Senate bills was caught in Congressman Fascell's rejoinder to Senator Eagleton. Unfortunately, Congressman Fascell's remarks were brief so your readers missed the full flavor of a great debate over the war powers of Congress and the President. Unlike the debate on the Bricker Amendment, the debate this time is between the House and the Senate. The President is an onlooker—he probably will not be able to defeat the House bill, and he has little choice but to encourage the House to water down the Senate bill.

Congressman Fascell points out that the Senate bill may prove counter-productive because it authorizes the President to repel attacks upon the United States, U.S. armed forces abroad, and American nationals in foreign countries. It actually gives him a broad grant of power. Senator Fulbright has made the same argument and would prefer to let the President scrape together his own rationales for emergency action without implicating Congress. Senator Eagleton is relying entirely on a calendar methodology to bring Congress into partnership with the President. In the Senate bill, the President will have 30 days to obtain congressional approval for the actions he has already taken. As Congressman Fascell mentions, however, the energy released by an international crisis could easily blow down the 30-day wall the Senate bill erects and overcome the Congress with pleas for patriotic support of the President. The Senate bill has Congress acting too late to be effective.

The Senate bill is structured around the 30-day provision in order to avoid stepping on the President's constitutional powers to act in an emergency. Congressman Fascell would agree, I suspect, with the Senate's desire to avoid a constitutional crisis between the executive and legislative branches, a danger lurking in the war powers debate that Senator Goldwater alludes to at the very end of his remarks. The House bill takes a different approach. It creates a structure for influencing the President before he acts which I would argue is the only way for Congress to be effective.

So the issue is drawn between the two bills on whether to rely on a formal 30-day authorization provision which is triggered late or on an informal reporting requirement which is triggered early for exercising Congress' war powers. The debate next year will begin from these starting positions. Perhaps, if the fire is taken out of the Senate bill and a little more heat put in the House bill, a compromise will emerge. At the moment, nobody is talking compromise. Will there be a bill or will we in the audience be left with just another rhetorical exercise which too frequently covers Congress' failure to act?

Jack M. Shick,
School of Advanced International Studies, Johns Hopkins University.

Mr. EAGLETON. Mr. President, I yield the floor.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore (Mr. Nunn). Under the previous order, there will now be a period for the transaction of routine morning business not to extend beyond 1:30 p.m., with statements therein limited to 3 minutes.

ROLE OF UNITED NATIONS IN VIETNAM RECONSTRUCTION

Mr. ALLEN. Mr. President, on Saturday, January 27, 1973, Mr. Kurt Waldheim, United Nations Secretary General, expressed the hope that the United Nations would have a major role in the postwar reconstruction of Vietnam and other nations throughout Indochina at an estimated cost to the United States of $7.5 billion.

Mr. President, the sentiment may be fine. But where was the United Nations during the crucial and critical period when it might have played a major role in ending the war of aggression against the people of South Vietnam by their Communist invaders?

Where was the United Nations when the people of the free world were demanding that Hanoi live up to its obligations under the Geneva Convention with respect to humanitarian treatment of prisoners of war and providing an accounting for MIA's.

Where was the United Nations' humanitarian concern for the peoples of South Vietnam after the exposure of atrocities inflicted on civilian populations in towns and villages of South Vietnam by Communist invaders?

When did the United Nations lift its voice in support of the ideal of self-determination for the peoples of South Vietnam?

Mr. President, the United Nations has been a forum to spread Hanoi propaganda intended to make other nations believe that the United States had deliberately attacked dikes in North Vietnam without military justification. In short, the United Nations has in its own clumsy and inefficient way demonstrated unconscionable bias against the United States.

Mr. President, I hesitate to condemn good intentions, but I am highly suspect of good intentions which have been so long in coming, despite compelling circumstances which cried out for a positive and affirmative role of the United Nations in Vietnam and in all of Southeast Asia. Just as a doctor would be suspect who withheld his services from a patient in mortal danger of losing his life and then volunteered his services only after the patient had survived, so I am suspect of the United Nations role in Southeast Asia.

Insofar as I am concerned, the United Nations, as such, has proven totally inefficient and incapable of performing the role for which it was created and I am, therefore, highly doubtful that it can perform a useful service in reconstruction and rehabilitation of Southeast Asia.

I will never vote for a nickel which is designated to be spent by the United Nations in its pathetic johnny-come-lately role as the great healer and physician who can bind up and heal the wounds of war in the nations of Southeast Asia.

As a keeper of the peace, the United Nations is a flop—and in my judgment, it is totally unfit to participate in any plan for reconstruction and rehabilitation of Southeast Asia.

Mr. President, I ask unanimous consent that an article on this subject be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Waldheim Wants U.N. Role in Vietnam Reconstruction

(By Anthony Astrachan)

United Nations, Jan. 27.—Both sides say the nations of the world should contribute to the reconstruction of Vietnam now that peace is in sight, but nobody seems ready to say what form an international effort should take or who should administer it.

United Nations Secretary General Kurt Waldheim voiced the hope today that his organization would have a major role. In a statement following the signing in Paris of the cease-fire agreement, he said, "The tasks of rehabilitation and reconstruction have become an urgent priority . . . If the respective parties . . . so wish, I feel that the United Nations should be prepared to play an important role in this field."

Waldheim said that any U.N. relief program would be "strictly humanitarian" and intended to help peoples on both sides of the conflict.

The United States has the deciding voice on a U.N. role because only the United States can supply much of the $7.5 billion that President Nixon estimated as the cost of reconstruction in Indochina. U.S. officials have made it plain that reconstruction aid will be available only as "a strong incentive for observance of the cease-fire."

Waldheim conferred with Secretary of State William P. Rogers in Washington Thursday, but they talked mostly about the cease-fire agreements and the U.N. role in the peace conference expected next month. Reconstruction was mentioned, but a U.N. spokesman said later that the United Nations "has not been formally asked to take a role" in the process.

A State Department spokesman said the U.S. government was still not prepared to talk about the shape of the reconstruction plans on which it has been working for years—but, "one has to think in terms of a consortium or multilateral aid."

Some aid experts are sure Hanoi will not allow an American audit of aid to North Vietnam, while Congress will not appropriate money that is not audited. That would leave the control function up to a third party—other nations, or the United Nations.

The United Nations is already involved in a huge development project in Indochina that will have to be coordinated with reconstruction of the war-damaged societies there. That is the development of irrigation, flood control and hydroelectric facilities in the Mekong River basin, in Vietnam, Thailand, Laos and Cambodia. The money comes from a large group of donor nations. The war has stalled the Mekong project repeatedly.

UNICEF also has programs in Indochina, including one in which it spent Dutch money to buy Soviet cloth for childrens' clothes in North Vietnam. The International Red Cross supervised distribution in North Vietnam and was charged with the accounting function.

The U.S. Committee for UNICEF will launch a nationwide campaign next week for contributions to be used in Indochina.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. The Senator from Maryland is recognized.

(The remarks of Senator Beall on the introduction of S. 587, the National

Catastrophic Illness Protection Act of 1973, are printed in the Record under Statements on Introduced Bills and Joint Resolutions.)

LT. COL. WILLIAM NOLDE OF MICHIGAN

Mr. GRIFFIN. Mr. President, last Saturday at 7 p.m. the Nation observed a moment of prayer and thanksgiving, which also marked the beginning of a 24-hour period of prayer and thanksgiving. It was a time for rejoicing as the official cease-fire in Vietnam took effect.

However, for many Americans the occasion was a grim reminder of the loss of a son or husband who paid the supreme sacrifice in this war. Tragically, that suddenly was the case for a Michigan family when news arrived that Lt. Col. William Nolde of Mount Pleasant, Mich., had become the last American to be killed in South Vietnam before the official cease-fire agreement took effect.

Mr. President, Lieutenant Colonel Nolde was a man who loved this Nation and its people. He also loved the Vietnamese people. He was a noble, compassionate man who dedicated himself to helping others and to the cause of peace.

The story of his life provides an inspiring example for all whom he sought to help. I know I speak for the whole Senate when I extend to Mrs. Nolde and the Nolde family our deep sympathy.

Mr. President, I ask unanimous consent that several representative newspaper articles about Lieutenant Colonel Nolde and his life be printed at this point in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Detroit Free Press,
January 29, 1973]

State Man Is Last U.S. Death in War

(By William Schmidt)

The last American to die before the Vietnam cease-fire took formal effect was a 43-year-old Mt. Pleasant father of five and a career military officer who liked to play pinochle, shoot baskets with his sons and read about Vietnamese history.

Lt. Col. William Nolde died Saturday 11 hours before the end of the war. When an artillery round slammed into his bunker in An Loc, the capital of Binh Long Province where Nolde was senior American advisor.

Nolde's wife, Joyce, was informed of her husband's death just before 8 p.m. Saturday—less than one hour after the cease-fire bringing the long war to its end formally took effect.

"I knew even before they told me that he wasn't coming home," said Mrs. Nolde, who left her Mt. Pleasant home late Saturday and took her children to her parent's ranch near Onaway.

"I woke in the middle of the night Friday and had a feeling; a sense that something was wrong.

"I even told the kids Saturday morning that I was afraid we would get some bad news about their father."

But Mrs. Nolde, who has lived apart from her husband for the last two years as he served duty tours in Europe and the Far East, is not bitter.

"My husband was simply doing what he wanted to do," she said Sunday, her voice strong and showing little trace of emotion. "He was a very, very sensitive man who cared a great deal about people.

"The family backed him all the way on what he wanted to do."

The Pentagon has confirmed that Nolde's death only hours before the cease-fire formally took effect was the last American fatality of the war.

The fate of four pilots shot down earlier the same day over communist territory in South Vietnam is still not known, however. They were officially listed as missing but it was believed at least one of the men was captured or killed.

Nolde, a native of Menominee, had been in the Army 22 years and had served tours in Korea, Italy, Germany and the Far East as well as at various posts in the States.

He lived in Mt. Pleasant from 1962 to 1966 when he worked as an instructor in the ROTC program at Central Michigan University. His wife and children decided to settle there three years ago.

To his friends and close associates in Mt. Pleasant Nolde's first interest was Vietnam—its people, its history and its fate. He was fluent in Vietnamese, and—after a year and a half tour there in the early '60s—he volunteered to go back in June.

"He really cared about those people," said Frank Demski, a Mt. Pleasant junior high school teacher and a close friend of the family who said that Nolde was "like a brother to me.

"He used to write me once a week," said Demski, whose reddened eyes showed the strain of Saturday's news from Vietnam. "In his letters, he really believed he could bring peace. He really believed he was helping them."

Another friend, Ted Cook, a chemistry professor at Central Michigan University who sponsored Nolde when he joined the local Lions Club several years ago, shared a letter he received from Nolde just two weeks ago.

"I don't really know any more than you as to the possibility of a truce soon," wrote Nolde. "We are hopeful. For the sake of the Vietnamese people particularly I would so much like to see peace finally arrive."

The letter goes on: "We tend to think only in terms of what this war has cost us, the United Sattes. But by comparison to what it has cost so many Vietnamese, our price pales.

"I worry much about this. I am intimately familiar with the plight of the Binh Long population. Most of them are sitting in war victims' camps waiting for the time they come back to what had been their homes.

"What the terms of any cease-fire will mean for them is a big question mark. They ask me that question but I have no answer."

He closed the letter to Professor Cook: "Time will provide some answer to much of this."

Reports of Nolde's last day in Vietnam illustrate the sorts of concerns he expressed in his letter home.

At the time the artillery round hit, Nolde had just finished conferring with his Vietnamese counterpart on how to get the economy in the area rolling again.

"He drove all over Binh Long Province in his jeep encouraging the people to go back and put the pieces of their city together again."

Friends also talked about Nolde's interest in the Vietnamese culture. "He would visit the historical sites and read Vietnamese history," said Demski. "At Christmas, after attending Catholic service in An Loc, he went directly to a Buddhist service being held the same day.

"He was very interested in their culture, and helping to rebuild it."

Nolde had a distinguished military career. Friends said he had recently made the Army list for promotion to colonel, although the formal paperwork had not come in yet.

He had been decorated several times, including a recent Bronze Star for acts of heroism during a rocket attack on Binh Long.

Nolde's wife said her husband expected to come within the next six months, and said he had been appointed to attend classes at the Army War College. In the more distant future, friends said he was thinking about retiring from the Army and studying Far Eastern history.

Nolde's last visit to Michigan was in June, when he had a 30-day leave between tours in Italy and Vietnam. His wife and five teenaged children—four sons and one daughter—live in a white ranch-style home with a small barn out back in the rural, flat farmlands near Mt. Pleasant.

There the family often rode horses together, or played touch football in the broad yard.

His oldest sons—Blair and Brent—were starting quarterbacks on Mt. Pleasant High School football teams, and friends recalled that Nolde was excited last June that he got home from Europe in time to see his sons play baseball for the high school team.

"I got a tape from him about three days ago," said Mrs. Nolde: "He told me not to worry, that he thought he would be home soon.

"But he said that if something did go wrong, if something did happen, he wanted me to go ahead with the plans that he and I had made.

"That means he will be buried in Arlington Cemetery, just like he wanted."

[From the Washington Star, Jan. 29, 1973]

Last Man Was Killed Preparing for Peace

(By Patrick Connolly)

Mount Pleasant, Mich.—The small barn needed only one more strip painted brown and then it would have matched perfectly the brown-trimmed white home in this central Michigan community.

The paint job on the barn was to have been the first project for Lt. Col. William B. Nolde, 43, when he returned home from his second tour of duty in Vietnam.

Nolde, the father of five, was killed Saturday when a Communist shell hit his bunker near An Loc, South Vietnam. He was the last American to die in the war before the cease-fire went into effect some 11 hours later.

He had been senior American adviser in the capital of Binh Long Province since it was almost leveled during a 4½-month siege by the North Vietnamese last year.

WANTED TO HELP

Friends said Nolde steeped himself in the Vietnamese language and culture to help civilians heal the wounds of war.

"We tend to think only in terms of what this war has cost us, the United States. But by comparison to what it has cost so many Vietnamese, our price pales," Nolde wrote one of these friends a few weeks ago.

"I worry much about this. I am intimately familiar with the plight of the Binh Long population. Most of them are sitting in war victims' camps waiting for the time they can come back to what has been their homes."

Nolde's widow, Joyce, who has been staying with her mother in Onaway, a community in northern Lower Michigan, said she wasn't angered by the death of her husband.

"I'm not bitter at all," she said. "My husband did what he wanted to do and believed in the whole thing (the war)."

"He really believed in the people, felt it was time people stopped fighting among themselves."

Another neighbor and one of Nolde's closest friends, Frank Dempski, said Nolde "had a feeling the war was coming to an end."

"He said just before he left last June that he wanted to make sure that if peace was signed it would be carried out for those people," Dempski said. "He had a deep feeling for mankind and really felt sorry for the kids over there who were hurt."

Powell said Nolde didn't talk much about the war when he was home.

"When he left the last time he joked something about old soldiers never dying—they just fade away," Powell said. "But he expected to come home."

THEY DISCUSS POSSIBILITY

Mrs. Nolde said she and her children—ranging in age from 12 to 19—long had thought he was going to come back. However, she said, she had discussed with her husband the possibility that he might die.

"I knew even before they told me that he wasn't coming home, she said. "I woke in the middle of the night Friday and had a feeling, a sense that something was wrong. I even told the kids Saturday morning that I was afraid we would get some bad news about their father."

"I knew he was dead," she said yesterday. "I dreamed that a rocket came in and hit him and he said 'Don't worry honey, I'll be okay.' The blast woke me up."

Se said she had the dream Saturday night and told the children the next morning to get prepared in case of bad news.

The family had not been together much, perhaps 30 days or so in the last five years, she said.

The Noldes met when both were teaching in Newberry, Mich., another tiny Upper Peninsula town. Then came the Korean War and he was drafted.

After Officers' candidate School, he decided to stay in the Army. The family moved to Mount Pleasant in the early 1960s where Nolde became the ROTC Instructor at Central Michigan.

His last leave at home was cut from 30 days to 10 days by an emergency call to return to Vietnam.

CONFERRING ON FUTURE

Ironically, Nolde was killed just as he finished conferring with his Vietnamese counterpart on how to get the economy rolling again.

"Bill was a very compassionate person," said Robert Walkinshaw, the pacification chief for the 3rd Military Region and a close personal friend. "He drove all over Binh Long Province in his jeep encouraging the people to go back and put the pieces of their city together again."

"That night, the town wasn't taking that much fire," Walkinshaw said. "Bill was just leaving the ranger compound after saying good night to the province chief when the round came in."

[From the Washington Post, Jan. 29, 1973]

RESPECTED OFFICERS LAST TO DIE IN WAR

SAIGON, Jan. 28.—The last American killed before the Vietnam cease-fire was the father of five children, an Army officer who had lived through the siege of Anloc and was dedicated to rebuilding the devastated city.

Lt. Col. William Nolde, of Mount Pleasant, Mich., was killed in Anloc when a direct artillery round hit just as he finished conferring with this Vietnamese counterpart on how to get the local economy rolling again, The official end of the war was only hours away.

"Bill was a very compassionate person," said Robert Walkinshaw, pacification chief for Military Region 3 and a close personal friend. "He drove all over Binhlong Province in his jeep encouraging the people to go back and put the pieces of their city together again."

Nolde, 43, was assigned to Anloc, the capital of Binglong, in early May as senior adviser, just as the city was midway in its 4½-month siege by Communist troops and heavy guns.

"Bill loved that place," Walkinshaw said. "He was always getting together with the Catholic priest on how to rebuild the church, and hardly a week went by that he didn't run over to refugee camp at Phuvan in the neighboring province to see how the people were making out whom the war had driven from their homes." Nolde became fluent in Vietnamese.

Nolde's widow, Joyce staying with her mother in Onaway, Mich., said she wasn't angered by the death of her husband.

"I'm not bitter at all," she said. "My husband did what he wanted to do and believed in the whole thing" (the war). "He really believed in the people, felt it was time people stopped fighting among themselves."

George Jacobson, the chief of staff for pacification in Vietnam and Nolde's top boss, said, "While I realize someone has got to be the last one killed in the official part of the war, I regret exceedingly it had to be Bill. He was a first-class officer and a first-class person. The Vietnamese people loved him."

"He was a fine gentleman," said a South Vietnamese officer who knew him well.

Nolde was the fifth U.S. officer killed by artillery fire at Anloc in the past seven months. On July 9, four officers ranging from a lieutenant to a Brigadier General were killed when a shell exploded 15 feet from them during an inspection tour.

Nolde was the fourth American killed in the two days before the cease-fire. A Marine security guard was killed Friday during a predawn rocket attack on the Bienhea Airbase, and an Army observer died later that day when his helicopter crashed along South Vietnam's coast 100 miles east of Saigon. An Air Force sergeant died in a rocket attack on Danang Airbase before dawn on Saturday.

Four other U.S. airmen are listed as missing after their two aircraft were shot down in northeastern Quangtri Province Saturday afternoon while supporting South Vietnamese ground forces.

QUORUM CALL

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PERCY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Illinois is recognized.

(The remarks of Mr. PERCY on the introduction of S. 590, requiring confirmation of certain major posts in the Executive Office of the President, are printed in the RECORD under Statements, Introduced Bills and Joint Resolutions.)

ORDER FOR THE READING OF GEORGE WASHINGTON'S FAREWELL ADDRESS ON FEBRUARY 19, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, notwithstanding the standing order providing for the reading of George Washington's Farewell Address to the Senate on the 22d day of February, the reading of the address be on February 19 of this year, so as to make the reading of the address fall on the same day as the holiday.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH FUNDING IS INSUFFICIENT

Mr. ROBERT C. BYRD. Mr. President, I have long been deeply concerned over the quality of health care the average American has access to in a variety of forms; and, because of that concern, I am disturbed by certain portions of the budget that pertain to health care.

In my home State of West Virginia, there are numbers of hard-working, decent people who have never had the chance to receive adequate health care in all their lives. The same is true of their access to medical and other health care facilities in many areas of my State.

This is not so because West Virginia itself has been to blame, and it certainly is no fault of the people themselves. Rather, this is a result of a situation endemic to many parts of America, particularly rural areas of the country.

When population is not concentrated and the terrain is not the most accessible, large numbers of medical personnel simply do not congregate. The same is true of health delivery facilities. How can anyone justify a massive hospital facility in an area where there are simply not enough people to justify establishment of such a complex? It just cannot be done.

The same situation prevails in many States of our Union. In the West, instead of narrow mountain valleys, there are vast stretches of desert and plain. Or in some cases, huge mountain areas with sparse population mainly concentrated in small towns.

Cumulatively, the situation is revealed to affect approximately one-quarter of America's people. About 50 million Americans through no fault of their own or of State authorities are extremely limited in terms of what health care personnel and facilities are within their reach.

Our Federal Government has entered this area over the years, determined to alleviate the situation. I approve of this kind of Federal involvement, because no other substitute is feasible.

Under the Hill-Burton Act for example, a number of smaller, adequate hospital and clinical facilities have been brought into being in West Virginia. Without such facilities, hundreds of thousands of West Virginians would be without health care of almost every kind. This Federal program has proved a blessing to our people, and I would not like to see it cut off.

Yet, that is exactly what the budget proposes to do. The Hill-Burton construction funds have contributed immensely in aiding rural communities with small tax bases to build hospitals. In the last year that this program was fully operating, more than $85 million was channeled into hospital building projects. I do not believe we can eliminate the Hill-Burton program without lessening the health care provided millions of Americans.

The same situation prevails regarding regional medical programs. Here is still another highly effective Federal endeavor reaching our people. Here is a program using tax dollars effectively to aid those in need of specific assistance. Health personnel of all kinds have been able to go into geographically isolated areas of my State, bringing with them first class medical and other health care. Tens of thousands of our citizens have been aided in ways too numerous to mention.

Because people cannot easily reach existing facilities, the facilities and those who man them are brought to the people. Congress last year felt this program was so valuable that it appropriated $164.5 million—$34.5 million over the budget request. Unfortunately, those funds were vetoed, and the budget this year calls for the elimination of the regional medical programs. Such elimination, I believe, would be a mistake, and I hope Congress will not allow it to happen.

The President's budget for fiscal year 1974 is a disturbing document as far as health programs and research are concerned. There is a determination, it seems, to turn back the clock insofar as the Federal commitment to better health for all Americans is concerned. One program after another is slated for termination.

Many other valuable programs are to be starved for funds until they will be dead in all but name. The Health Manpower Training Act is an example. Last year the budget proposed $533 million, and Congress provided $846 million. The current budget proposal calls for only $370 million—not nearly enough to close the manpower shortages that exist in practically every medical and allied health profession. Too few health programs will maintain funding anywhere near adequate levels.

This was not the intent of Congress when it established such programs and funded them over the years. A total health research, manpower and facilities commitment deserves the high priority given it by Congress. Who else could or would create the National Institutes of Health and keep them going? Who else could aid every State to educate more doctors, dentists, pharmacists and nurses? West Virginia and most other States could not set up medical schools, equip them, staff them and keep them going at full speed year in and year out. Capitation grants by the Federal Government, however, can aid such schools to increase their enrollments with qualified people. These grants must be continued if we are to have enough qualified health professionals.

The list is almost endless. Yet all these merits seem somehow to have escaped the attention and consideration of the Office of Management and Budget when they put together this budget. The American people will suffer the consequences far into the future, if the health portion is adopted as submitted.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REQUEST THAT SENATE STAND IN ADJOURNMENT UNTIL WEDNESDAY, JANUARY 31, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 12 o'clock meridian on Wednesday next.

Mr. GRIFFIN. Mr. President, reserving the right to object——

The PRESIDING OFFICER. The Senator from Michigan.

Mr. GRIFFIN. I shall not object, but I believe it should be observed—and I say this regretfully—that there has been no indication as to when the Senate will take up and consider the nomination of Mr. Lynn to be Secretary of Housing and Urban Development, or the nomination of Mr. Weinberger to be Secretary of Health, Education, and Welfare.

It had been expected, following the vote today on the nomination of Mr. Richardson, that we would proceed to debate—if debate is needed—the nomination of Mr. Lynn. I hope that will be the case.

I really do not understand why the Senate would adjourn over to Wednesday unless we do proceed to a vote on those nominations.

There is a great deal of talk in the country today about the congressional reform—about the importance of Congress being responsive and doing its job expeditiously. Surely the nomination by any President of a member of his Cabinet ought to be a matter of the highest priority in the Senate. Indeed, it is unfortunate that the Senate did not confirm these nominations before the President was inaugurated.

I can understand that there are Members of this body who may be opposed to one nomination or another. Of course, they are entitled to their position and to adequate opportunity for expression of it. But I wish to say most respectfully to the distinguished majority whip that I hope we can look forward to some action on Wednesday with respect to these nominations—so the administration will be able to go forward with the job it is expected and constitutionally required to do.

Needless to say, there is a great deal of unsettlement within a department while the Cabinet member named to head that department has not taken his oath of office. It is very difficult for such a department to function. In a sense it can only mark time. Furthermore, it will be very difficult for Congress to fulfill its legislative function if, and so long as, a department has no Secretary who can come up here to testify.

Accordingly, while I shall not object to the request propounded, I think I speak for other Senators as well when I say that we ought to get about the peoples' business.

Mr. TOWER. Mr. President, reserving the right to object——

Mr. ROBERT C. BYRD. I withdraw my request.

The PRESIDING OFFICER. The request is withdrawn.

Is there further morning business?

Mr. TOWER. Mr. President, I would not have objected but I do want to underscore the point that has been made by our distinguished colleague from Michigan.

It should be pointed out that Mr. Lynn's confirmation recommendation by committee was reported on the 23d of January. That is 6 days ago. It occurs to me that those who wanted to debate the issue of Mr. Lynn's confirmation would have by now been prepared and be adequately informed. We made quite a record in the hearings when he appeared before the Committee on Banking, Housing and Urban Affairs. It seems to me that a week's time would certainly be enough for those who wanted to oppose the nomination of Mr. Lynn to be prepared.

It, therefore, occurs to me that we could dispatch our business with somewhat more efficiency and timeliness if we could have a session tomorrow and have the debate on Mr. Lynn at that time. I think it is a matter of great importance, if not efficiency, that we proceed with these confirmations as soon as possible so that the President may proceed with a reorganized executive branch to get about the people's business.

Now there are some people in this body who disapprove of what the President has done in the way of the suspension of spending of certain funds, in the matter of some of his administrative reorganization; but it occurs to me that until we confirm people in positions of responsibility in the executive branch there is no one we can call here to Capitol Hill to get an accounting for what the administration is doing.

If we want some kind of satisfactory explanation as to why so many HUD programs were suspended, it seems to me eminently advisable to have a Secretary of Housing and Urban Development that we could call to the Hill to testify. I do not see how we could adequately exercise our rseponsibility of oversight if the executive branch is not completely organized.

I should point out further that Mr. Lynn is not only the Secretary designate of HUD, but also he has been named as a counselor to the President in an area which covers more than his departmental responsibility, and an area of vital concern to us all, community development. So I do not think we reflect great credit on the Senate. We certainly do not serve the cause of good government if we delay with no time certain to consider this nomination and others and not indicate when we are likely to vote. So I would hope, although I would not have objected because of my great respect for the Senator from West Virginia, and I am aware of the leadership role he has to play, but I would hope that the majority could be urged to bring us into session tomorrow and let us proceed with the consideration of these highly important nominations.

Mr. ROBERT C. BYRD. Mr. President.

I can appreciate the concern that has been expressed on the part of my two distinguished colleagues. May I say for the leadership on this side of the aisle, there is no intention to delay these nominations ad infinitum. As both Senators know, we have followed the practice here of respecting "holds" that have been placed on nominations and bills by Senators on both sides of the aisle, so long as those "holds" are reasonable. They are, as I say, of course, respected only for a reasonable length of time. The nomination of Mr. Lynn was reported on the 23d of January, which was only a week ago tomorrow.

Mr. President, I ask unanimous consent that the period for transaction of routine morning business be extended for an additional 3 minutes.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **ROBERT C. BYRD**. So, on tomorrow that would mean that that nomination had been held up 1 week, which is not unreasonable. I do not know when Senators who have placed "holds" will be ready to debate the nomination. I would assume this could be done within the next few days; certainly within a period of a week or 2 weeks or less. I do not think there will be an inordinate delay on the part of the Senate.

I can recognize the "unsettlement" that prevails in the departments downtown which has been referred to by my distinguished counterpart. I can also imagine that such unsettlement will not be entirely relieved just by the confirmation of the nomination of Mr. Lynn. Due to the fact that he is going to act as a sort of super-Cabinet officer and will be counselor to the President on the matter of community development, I would imagine that there might be a continuing unsettlement not only in the Department of Housing and Urban Development but also other departments which come under his jurisdiction as supercounselor or super-Cabinet officer.

I do not know how that is going to work out. I wish the President well, but I imagine there will be a considerable amount of unsettlement for a considerable length of time.

I have been informed that the Senator from North Carolina will be reporting today a bill which will require confirmation of the OMB Director. I hope my distinguished colleagues on the other side of the aisle will be just as anxious to expedite that matter also, so that we can get the OMB Director, Mr. Ash, to testify before committees in the future. I am sure they will offer their support in that regard, and I will welcome it.

ORDER FOR ADJOURNMENT UNTIL WEDNESDAY, JANUARY 31, 1973

Mr. **ROBERT C. BYRD**. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock meridian on Wednesday.

The **PRESIDING OFFICER**. Is there objection? The Chair hears none, and it is so ordered.

CAMPAIGN SPENDING CEILING

Mr. **ROBERT C. BYRD**. Mr. President, although the final figures have not yet been tabulated, it is clear that this past November's elections were the most expensive in our Nation's history. In fact, some early estimates claim that as much as $400 million was spent by candidates for all offices during these elections.

Obviously, the cost of campaigning for public office in the United States is continuing to soar. During the 1968 elections, candidates for Federal offices spent $89 million on radio and television advertising, including production costs. The figure for the 1972 elections could be more than half again as much.

It is imperative, I believe, for this Congress to act to cut the spiraling costs of campaigning before our Nation finds itself in a situation where only extremely wealthy persons can be elected to high public office. And I congratulate the distinguished senior Senator from Rhode Island (Mr. PASTORE) for taking the first step toward that needed action by introducing S. 372, a campaign spending bill.

I support this legislation, and hope that it will be given the earliest possible consideration by the Commerce Committee and the full Senate.

As chairman of the Commerce Subcommittee on Communications, the distinguished senior Senator from Rhode Island has been in the forefront of this battle for a number of years. His campaign spending bill, which passed the last Congress, did have some positive effect on the last campaign.

That measure limited campaign expenditures for newspaper, radio, and television advertising, and telephone costs to 10 cents per eligible voter in the given election area.

I feel that this past campaign saw a much more profitable use of television and radio advertising than did previous elections. The candidates, limited to the amount they could spend on broadcast advertising, purchased longer time segments than did candidates in the past; and I believe the half-hour segments, which are considerably cheaper than buying 30 separate minute spots, added a great deal of information and exposition to the campaign.

However, as Senator PASTORE has pointed out, it is apparent that the bill passed by the 92d Congress did not go far enough. It did not limit the overall amount that was spent on the campaign. The money that could not be spent on broadcast advertising was spent on direct mail; the money that could not be spent on telephone costs was spent on an unprecedented number of political polls.

The only solution to the problem is an overall ceiling on the total amount of money that can be spent on campaigning. S. 372 would place that ceiling at 25 cents per eligible voter in a given election area; and it would remove the equal time provision, section 315 of the Federal Communications Act of 1934, thereby permitting the broadcast media to give free time to candidates of the major parties.

Mr. President, there is no way of knowing whether this bill will cure all the ills of campaign spending. But it is a step in the right direction—a giant step, and Congress should take it.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The **ACTING PRESIDENT** pro tempore (Mr. NUNN) laid before the Senate the following letters, which were referred as indicated:

Report on Army Reserve Officers' Training Corps Flight Instruction Program

A letter from the Secretary of the Army, transmitting, pursuant to law, a report of progress of the Army Reserve Officers' Training Corps flight instruction program, for the period January 1 through December 31, 1972 (with an accompanying report); to the Committee on Armed Services.

Proposed Donation of Certain Surplus Property of the Navy

A letter from the Chief of Legislative Affairs, Department of the Navy, reporting, pursuant to law, on the proposed donation of certain surplus property to the East Carolina Chapter, Inc., of the National Railway Historical Society of Asheboro, N.C.; to the Committee on Armed Services.

Proposed Transfer of a Mine Sweep Boat

A letter from the Assistant Secretary of the Navy (Installations and Logistics), reporting, pursuant to law, on the proposed transfer of the mine sweep boat (MSB–5) to the Pate Museum, Fort Worth, Tex.; to the Committee on Armed Services.

Report on Exemplary Rehabilitation Certificates

A letter from the Secretary of Labor, reporting, pursuant to law, on exemplary rehabilitation certificates, calendar year 1972; to the Committee on Armed Services.

Report on Property Acquisitions of Emergency Supplies and Equipment

A letter from the Director, Defense Civil Preparedness Agency, reporting, pursuant to law, on property acquisitions of emergency supplies and equipment, for the quarter ended December 31, 1972; to the Committee on Armed Services.

Report on Officers Assigned or Detailed to Permanent Duty at the Seat of Government

A letter from the Secretary of the Air Force, reporting, pursuant to law, that, as of December 31, 1972, there was an aggregate of 2,259 officers assigned or detailed to permanent duty at the seat of Government; to the Committee on Armed Services.

Proposed Amendment of Title 10, United States Code

A letter from the Assistant Secretary of the Air Force, Manpower and Reserve Affairs, transmitting a draft of proposed legislation to amend title 10, United States Code, to remove the 4-year limitation on additional active duty that a nonregular officer of the Army or Air Force may be required to perform on completion of training at an educational institution (with an accompanying paper); to the Committee on Armed Services.

Report on Export-Import Bank Loans, Insurance, and Guarantees Issued to Yugoslavia

A letter from the President and Chairman, Export-Import Bank of the United States, reporting, pursuant to law, on loans, insurance, and guarantees issued to Yugoslavia; to the Committee on Banking, Housing and Urban Affairs.

Drafts of Proposed Legislation From the Department of Transportation

A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend section 1306(a) of the Federal Aviation Act of 1958, as amended, to authorize the investment of the war risk insurance fund in securities of, or guaranteed by, the United States (with an accompanying paper); to the Committee on Commerce.

A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend title 49, United States Code, to provide for criminal penalties for all who knowingly and willfully refuse or fail to file required reports, keep required data or falsify records; provide criminal penalties for unlawful carriage of persons for compensation or hire; to increase the civil penalty limits; and for other purposes (with accompanying papers); to the Committee on Commerce.

Report of Chesapeake & Potomac Telephone Co.

A letter from the vice president and general manager, Chesapeake & Potomac Telephone Co., Washington, D.C., transmitting, pursuant to law, a report of receipts and expenditures of that company, for the year 1972 (with an accompanying report); to the Committee on the District of Columbia.

Report of Department of Agriculture Relating To Disposal of Foreign Excess Property

A letter from the Assistant Secretary for Administration, Department of Agriculture, transmitting, pursuant to law, a report relating to the disposal of foreign excess property, for the fiscal year 1972 (with an accompanying report); to the Committee on Government Operations.

Report on Deferment of Construction Repayment Installments

A letter from the Assistant Secretary of the Interior, reporting, pursuant to law, on the deferment of construction repayment installments by reason of construction of irrigation facilities serving lands in the Webster Irrigation District No. 4, Pick-Sloan Missouri Basin program, Kansas; to the Committee on Interior and Insular Affairs.

Proposed Amendments of Concession Contract in Hot Springs National Park, Ark.

A letter from the Deputy Assistant Secretary of the Interior, transmitting, pursuant to law, proposed amendments of a concession contract in Hot Springs National Park, Ark. (with accompanying papers); to the Committee on Interior and Insular Affairs.

Proposed Concession Contract at Grand Canyon (North Rim), Zion, and Bryce Canyon National Parks

A letter from the Deputy Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed concession contract at Grand Canyon (North Rim), Zion, and Bryce Canyon National Parks (with accompanying papers); to the Committee on Interior and Insular Affairs.

Report on Donations Received and Allocations Made From the Fund "Funds Contributed for Advancement of Indian Race, Bureau of Indian Affairs"

A letter from the Deputy Assistant Secretary of the Interior, reporting, pursuant to law, on donations received and allocations made from the fund "14X8563 Funds Contributed for Advancement of Indian Race, Bureau of Indian Affairs," during the fiscal year 1972; to the Committee on Interior and Insular Affairs.

Report on Authority Exercised Through the Geological Survey to Areas Outside the National Domain

A letter from the Assistant Secretary of the Interior, reporting, pursuant to law, on authority exercised through the Geological Survey to areas outside the national domain (with accompanying papers); to the Committee on Interior and Insular Affairs.

Proposed Legislation To Amend Title 18 United States Code

A letter from the Acting Assistant Secretary for Congressional Relations, transmitting a draft of proposed legislation to amend title 18, United States Code, to provide for the punishment of serious crimes against foreign officials committed outside the United States, and for other purposes (with an accompanying paper); to the Committee on the Judiciary.

Report on Conditional Entry of Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, reporting, pursuant to law, on the conditional entry of certain aliens into the United States (with accompanying papers); to the Committee on the Judiciary.

Report Relating to Fair Labor Standards in Employments in and Affecting Interstate Commerce

A letter from the Secretary of Labor, transmitting, pursuant to law, a report pertaining to fair labor standards in employment in and affecting interstate commerce, dated January 1973 (with an accompanying report); to the Committee on Labor and Public Welfare.

Report of the National Commission on Libraries and Information Science

A letter from the Chairman, National Commission on Libraries and Information Science, transmitting, pursuant to law, a report of that Commission, for the fiscal year 1972 (with an accompanying report); to the Committee on Labor and Public Welfare.

Report Relating to Age Discrimination in Employment

A letter from the Secretary of Labor, transmitting, pursuant to law, a report relating to activities in connection with the Age Discrimination in Employment Act of 1967, dated January 1973 (with an accompanying report); to the Committee on Labor and Public Welfare.

Report on Positions in Grades GE-16, 17, and 18

A letter from the Secretary, Railroad Retirement Board, transmitting, pursuant to law, a report on positions in grades GS-16, 17, and 18, for the calendar year 1972 (with an accompanying report); to the Committee on Post Office and Civil Service.

Report on Positions in Grade of GS-17

A letter from the Director, Administrative Office of the U.S. Courts, reporting, pursuant to law, on the positions in that office, in the grade of GS-17 (with accompanying papers); to the Committee on Post Office and Civil Service.

Proposed Legislation To Amend the Bankruptcy Act and the Civil Service Law

A letter from the Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to amend the Bankruptcy Act and the civil service retirement law with respect to the tenure and retirement of referees in bankruptcy (with an accompanying paper); to the Committee on Post Office and Civil Service.

Interim Report of National Commission on Materials Policy

A letter from the Chairman, National Commission on Materials Policy, transmitting, pursuant to law, an interim report of that Commission (with an accompanying report); to the Committee on Public Works.

Report on Reevaluation of Federal Space Requirements in San Angelo, Tex.

A letter from the Acting Administrator, General Services Administration, reporting, pursuant to law, on the reevaluation of Federal space requirements in San Angelo, Tex.; to the Committee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. NUNN):

Resolutions of the Legislature of the Commonwealth of Massachusetts; to the Committee on Commerce.

"Resolutions Memorializing Congress and the President of the United States Concerning the Decline of Shipbuilding in Massachusetts

"Whereas, The shipbuilding industry is a major element of the Massachusetts economy; and

"Whereas, There are thousands of our citizens now employed in this shipbuilding industry in Massachusetts; and

"Whereas, The plight and economic wellbeing of thousands of employees, their families and related industries depends on the continued prosperity of the shipbuilding industry in Massachusetts; and

"Whereas, The shipbuilding industry located in the cities of Quincy and Boston, is currently experiencing difficult times, loss of jobs and a decline in governmental contracts; and

"Whereas, Hundreds of employees in the shipbuilding industry have had and will have their jobs abruptly terminated; and

"Whereas, A decline in the shipbuilding industry in Massachusetts will adversely affect the entire economy of the Northeast section of the United States and the lives of thousands of men, women and their families; and

"Whereas, The Quincy shipyard is about to have its present work force reduced from 5,000 to 2,000 shipbuilding employees; and

"Whereas, Interim work is now desperately needed to help the shipbuilding industry remain viable in Massachusetts; now, therefore, be it

"Resolved, That the House of Representatives implore the Congress and the President of the United States to take due notice of these undesirable conditions now threatening our citizens; and be further

"Resolved, That the House of Representatives implore the Congress and the President of the United States to take all possible steps necessary and proper to curb the decline in shipbuilding in Massachusetts and especially to assist the Quincy Yard in obtaining submarine tender contracts and interim reconstruction and repair work on existing vessels: and be it further

"Resolved, That the House of Representatives implore the Congress and the President of the United States to take appropriate action to stabilize, promote and insure the continued existence and prosperity of the shipbuilding in Massachusetts which is vital to both our economy and national defense; and be it further

"Resolved, That copies of these resolutions be transmitted by the Secretary of the Commonwealth to the President of the United States, to the presiding officer of each branch of Congress and to each member thereof from the Commonwealth."

Two resolutions of the Legislature of the State of Massachusetts; to the Committee on Finance:

"Resolutions Urging the Department of Health, Education and Welfare to Hold Public Hearings Before Implementing Certain Regulations

"Whereas, The department of Health, Education and Welfare proposes to implement regulations on April one, nineteen hundred and seventy-three which would reduce welfare aid to the states by the amount believed paid to ineligible recipients; and

"Whereas, Such regulations penalize the states for problems in administering the federally dominated program; and

"Whereas, It is the sense of the House of Representatives of Massachusetts that public hearings should be held before welfare aid to the states is reduced; therefore be it

"*Resolved*, That the House of Representatives of Massachusetts urges the department of Health, Education and Welfare to hold a public hearing before implementing any regulations which would reduce welfare aid to the states; and be it further

"*Resolved*, That copies of these resolutions be sent forthwith by the Secretary of the Commonwealth to the presiding officer of each branch of Congress and to the department of Health, Education and Welfare."

RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION INCREASING THE FEDERAL OIL IMPORT QUOTA SYSTEM TO MASSACHUSETTS

"Whereas, The Federal Oil Import Quota System is an unconscionable burden on the Massachusetts consumers who are the largest per capita users of home heating oil in the United States; and

"Whereas, This Federal Oil Import Program has been in fact operated as a price fixing device for the benefit of the large United States oil producers and in fact operates as a tax on the Massachusetts consumer; and

"Whereas, The Massachusetts wholesalers, distributors and retailers of fuel oil have been hampered in their ability to obtain certain grades of oil, particularly No. 2 oil which is used for home heating; and

"Whereas, Every year, advance planning for assurance of an adequate supply has been adversely affected by the manipulation and procrastination of the executive department in Washington to the detriment of the health and welfare of the consuming public; therefore, be it

"*Resolved*, That it is the will of this House of Representatives that immediate action be taken by the President of the United States to remove all oil import quota restrictions, at once, in order that an adequate supply of oil may be obtained for the rest of this winter to insure the safety and health of the consuming public and that the President take the proper steps to insure that there shall be no recurrence of the faulty planning and manipulation of the price and supply of this commodity by the Federal Government; and be it further

"*Resolved*, That copies of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the President of the United States, the presiding officer of each branch of the Congress, and to the members thereof from this Commonwealth."

A resolution of the Senate of the State of Wisconsin; to the Committee on Finance:

"SENATE RESOLUTION 6

"Enrolled resolution requesting the President to not raise import quotas on nonfat dry milk

"Whereas, the U.S. secretary of agriculture is submitting a draft proclamation to the President that would raise import quotas of powdered milk from 1.8 million pounds to 25 million pounds; and

"Whereas, the present situation of dairy farmers is one of severe income crisis. Costs are up drastically and there is an immense income squeeze. Present and future productive capacity is greatly threatened. The situation is one of emergency crisis, aside from the threatened flood of imports; and

"Whereas, the threatened import flood would drastically worsen the present situation; and

"Whereas, we already are absorbing heavy cheese imports with inadequate import control. Increased powder imports would have the purpose and effect of breaking powder prices. This would decrease farm income to 1970 or 1971 levels of income without compensating for the immense cost increases that have since occurred. Farm support prices for milk, already at less than 76% of parity, would be pushed down below the legal minimum of 75%. This massive reduction in farm income would endanger the capacity to meet public needs for milk; and

"Whereas, in effect the federal government has facilitated feed exports to enhance foreign production while opening import quotas in this country to allow such increased foreign production to destroy our markets. The effect domestically is to raise feed prices to farmers while lowering milk prices to farmers; and

"Whereas, income of dairy farmers is now at a level that drastically threatens to shrink the productive capacity of the dairy industry. There have been increases in farm prices for milk during this past year, but costs have risen vastly more than prices. Feed costs have virtually doubled in parts of our country. Feed prices rose by 17% in the single week ending on December 13, 1972. Harvests are delayed or lost in other parts of the nation; and

"Whereas, that flood of imported powdered milk would gravely compound the dangers to the dairy economy of an income situation that already is in a state of crisis. We are absorbing accelerating cheese imports in consequence of utterly inadequate import regulation. Increased powder imports must be intended to break domestic prices and incomes, and certainly that would be their effect. Dairy farmers already in real and deep distress will be driven from their farms. This action would deny over the long run an adequate supply of milk and milk products to our own people;

"Now, therefore, be it resolved by the senate, That the President refuse to approve the proposal to raise import quotas on nonfat dry milk, not only for the interest of the dairy farmer but for the basic interest of the American consumer; and

"Be it further resolved, That duly attested copies of this resolution be immediately transmitted to the U.S. Secretary of Agriculture, the President, the secretary of the United States, the clerk of the house of representatives of the United States and to each member of the congressional delegation from Wisconsin.

A resolution adopted by the Hawaii Conference of the United Church of Christ, Honolulu, Hawaii, relating to the war in Southeast Asia; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. RANDOLPH, from the Committee on Public Works:

S. 606. An original bill authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes (together with a minority view) (Rept. No. 93–6).

Mr. RANDOLPH. Mr. President, I report from the Committee on Public Works an original bill authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes. This is the Flood Control Act of 1973, containing exactly the same provisions as the conference report on S. 4018 which was vetoed by the President subsequent to the adjournment of Congress last fall.

By Mr. ERVIN, from the Committee on Government Operations, without amendment:

S. 518. A bill to provide that appointments to the offices of Director and Deputy Director of the Office of Management and Budget shall be subject to confirmation by the Senate (Rept. No. 93–7).

By Mr. RANDOLPH, from the Committee on Public Works:

S.J. Res. 42. An original joint resolution to extend the life of the Commission on Highway Beautification established under section 123 of the Federal-Aid Highway Act of 1970 (Rept. 93–8).

Mr. RANDOLPH. Mr. President, I report from the Committee on Public Works an original joint resolution to extend the life of the Commission on Highway Beautification established under section 123 of the Federal-Aid Highway Act of 1970.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. JAVITS, from the Committee on Labor and Public Welfare:

Peter J. Brennan, of New York, to be Secretary of Labor.

The nominee has agreed to make himself available for testimony at any time the committee requests it.

John Harold Fanning, of Rhode Island, to be a member of the National Labor Relations Board.

The nominee has agreed to make himself available for testimony at any time the committee requests it.

Mr. STENNIS. Mr. President, from the Committee on Armed Services I report favorably the nominations of four Air Force and one Army general officers to be placed on the retired list. Two promotions to grade of lieutenant general in the Air Force. One promotion to captain in the Navy and three promotions to lieutenant general in the Army. One promotion to brigadier general in the Army Reserve. Two vice admirals for appointment to grade of admiral and five rear admirals to grade of vice admiral and one vice admiral to be retired in that grade. I ask that the names be placed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, ordered to be placed on the Executive Calendar, are as follows:

Gen. David A. Burchinal (major general, Regular Air Force) U.S. Air Force, to be placed on the retired list in the grade of general;

Lt. Gen. John B. McPherson (major general, Regular Air Force) U.S. Air Force, to be placed on the retired list in the grade of lieutenant general;

Lt. Gen. Harry E. Goldsworthy (major general, Regular Air Force) U.S. Air Force, to be placed on the retired list in the grade of lieutenant general;

Lt. Gen. Francis C. Gideon (major general, Regular Air Force) U.S. Air Force, to be placed on the retired list in the grade of lieutenant general;

Maj. Gen. William W. Snavely (major general, Regular Air Force) U.S. Air Force, to be assigned to a position of importance and responsibility designated by the President, to be lieutenant general;

Maj. Gen. Richard M. Hoban (major general, Regular Air Force) U.S. Air Force, to be assigned to a position of importance and responsibility designated by the President, to be lieutenant general;

Gen. George Vernon Underwood, Jr., Army

of the United States (major general, U.S. Army), to be placed on the retired list in the grade of general;

Maj. Gen. Fred Kornet, Jr., Army of the United States (lieutenant colonel, U.S. Army), and Maj. Gen. Edward Michael Flanagan, Jr., Army of the United States (brigadier general, U.S. Army), to be assigned to positions of importance and responsibility designated by the President, to be lieutenants general;

Lt. Gen. Donald Harry Cowles, Army of the United States (major general, U.S. Army), to be senior U.S. Army member of the Military Staff Committee of the United Nations;

Col. Joseph Richard Jelinek, Army National Guard of the United States, for promotion to brigadier general as a Reserve commissioned officer of the Army;

Vice Adm. James L. Holloway III, U.S. Navy, for appointment as Vice Chief of Naval Operations, and Vice Adm. James L. Holloway III, for commands and other duties of great importance and responsibility determined by the President, for appointment to the grade of admiral while so serving;

Vice Adm. Worth H. Bagley, U.S. Navy, for commands and other duties of great importance and responsibility determined by the President, for appointment to the grade of admiral while so serving;

Rear Adm. Kenneth R. Wheeler, Supply Corps, U.S. Navy, for commands and other duties determined by the President, for appointment to the grade of vice admiral while so serving;

Rear Adm. Thomas B. Hayward, U.S. Navy, for commands and other duties of great importance and responsibility determined by the President, for appointment to the grade of vice admiral while so serving;

Rear Adm. John G. Finneran, U.S. Navy, for commands and other duties of great importance and responsibility determined by the President, for appointment to the grade of vice admiral while so serving;

Rear Adm. Daniel J. Murphy, U.S. Navy, for commands and other duties determined by the President, for appointment to the grade of vice admiral while so serving;

Rear Adm. George P. Steele II, U.S. Navy, for commands and other duties of great importance and responsibility determined by the President, for appointment to the grade of vice admiral while so serving;

Vice Adm. George M. Davis, Jr., Medical Corps, U.S. Navy, for appointment to the grade of vice admiral, when retired; and

Comdr. Ronald E. Evans, U.S. Navy, for permanent promotion to the grade of captain in the Navy.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. SCOTT of Pennsylvania:

S. 581. A bill for the relief of Ludwik Kikla. Referred to the Committee on the Judiciary.

By Mr. SCOTT of Pennsylvania (for himself and Mr. Schweiker):

S. 582. A bill providing social services for the aged. Referred to the Committee on Finance.

By Mr. ERVIN:

S. 583. A bill to promote the separation of constitutional powers by securing to the Congress additional time in which to consider the rules of evidence for U.S. courts and magistrates, the amendments to the Federal Rules of Civil Procedure, and the amendments to the Federal Rules of Criminal Procedure which the Supreme Court on November 20, 1972, ordered the Chief Justice to transmit to the Congress. Referred to the Committee on the Judiciary.

By Mr. BAYH:

S. 584. A bill to amend the act entitled "An Act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes," approved November 5, 1966. Referred to the Committee on Interior and Insular Affairs.

By Mr. MOSS:

S. 585. A bill to amend section 303 of the Communications Act of 1934 to require that radios be capable of receiving both AM and FM broadcasts. Referred to the Committee on Commerce.

By Mr. DOMINICK (for himself, Mr. Fannin, Mr. Tower, Mr. Bennett, Mr. Curtis, Mr. Dole, Mr. Hansen, Mr. Scott of Virginia, Mr. Thurmond, and Mr. Young):

S. 586. A bill to amend the Occupational Safety and Health Act of 1970. Referred to the Committee on Labor and Public Welfare.

By Mr. BEALL (for himself, Mr. Tower, and Mr. Taft):

S. 587. A bill to amend the Social Security Act to establish a national catastrophic illness insurance program under which the Federal Government, acting in cooperation with State insurance authorities and the private insurance industry, will reinsure and otherwise encourage the issuance of private health insurance policies which make adequate health protection available to all Americans at a reasonable cost. Referred to the Committee on Finance.

By Mr. AIKEN:

S. 588. A bill to extend for an additional 3-year period the temporary suspension of the duty on istle. Referred to the Committee on Finance.

S. 589. A bill making an urgent supplemental appropriation for the national industrial reserve under the Independent Agencies Appropriation Act for the fiscal year ending June 30, 1973. Referred to the Committee on Appropriations.

By Mr. PERCY (for himself, Mr. Ervin, Mr. Brock, Mr. Chiles, Mr. Javits, Mr. Metcalf, Mr. Muskie, Mr. Roth, and Mr. Saxbe):

S. 590. A bill to require that future appointments of certain officers in the Executive Office of the President be subject to confirmation by the Senate. Referred by unanimous consent to the Committee on Government Operations, the Committee on Banking, Housing and Urban Affairs, the Committee on Foreign Relations, and the Committee on Armed Services.

By Mr. PERCY:

S. 591. A bill for the relief of Gioacchino Gino Buttita;

S. 592. A bill for the relief of Mrs. Cancey Louise Thurton; and

S. 593. A bill for the relief of Angelica L. Villarin. Referred to the Committee on the Judiciary.

By Mr. HRUSKA:

S. 594. A bill to amend the Immigration and Nationality Act to provide for waiver of excludability for certain aliens, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. DOMINICK:

S. 595. A bill for the relief of Raimondo Pasquarelli. Referred to the Committee on the Judiciary.

By Mr. BURDICK:

S. 596. A bill to improve judicial machinery by revising the certiorari jurisdiction of the Supreme Court and for other purposes. Referred to the Committee on the Judiciary.

By Mr. BURDICK (by request):

S. 597. A bill to provide for the appointment of additional district judges, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. BURDICK (for himself and Mr. Young):

S. 598. A bill to donate to the Devils Lake Sioux Tribe, Fort Totten Reservation, some submarginal lands of the United States, and to make such lands part of the reservation involved. Referred to the Committee on Interior and Insular Affairs.

By Mr. BURDICK (for himself, Mr. Abourezk, Mr. McGovern, and Mr. Young):

S. 599. A bill to provide that certain lands shall be held in trust for the Standing Rock Sioux Tribe in North Dakota and South Dakota. Referred to the Committee on Interior and Insular Affairs.

By Mr. JACKSON (for himself and Mr. Fannin) (by request):

S. 600. A bill to designate certain lands as wilderness;

S. 601. A bill to designate certain areas in the United States as wilderness; and

S. 602. A bill to designate certain lands as wilderness. Referred to the Committee on Interior and Insular Affairs.

By Mr. BAKER:

S. 603. A bill authorizing the construction, repair, and preservation of certain works on rivers and harbors for navigation, flood control, and for other purposes. Referred to the Committee on Public Works.

By Mr. STEVENS:

S. 604. A bill relating to manpower requirements, resources, development, utilization, and evaluation, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. RANDOLPH (for himself and Mr. Robert C. Byrd):

S. 605. A bill to amend the act of June 30, 1944, an act "To provide for the establishment of the Harpers Ferry National Monument," and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. RANDOLPH (from the Committee on Public Works):

S. 606. An original bill authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes. Ordered to be placed on the calendar.

By Mr. KENNEDY (for himself, Mr. Brooke, Mr. Eagleton, Mr. Hart, Mr. Humphrey, Mr. Inouye, Mr. Javits, Mr. McGee, Mr. McGovern, Mr. Magnuson, Mr. Pastore, Mr. Ribicoff, Mr. Schweiker, Mr. Stafford, Mr. Stevenson, Mr. Williams, Mr. Bible, Mr. Abourezk, Mr. Percy, Mr. Gurney, Mr. Muskie, Mr. Pell, Mr. Randolph, Mr. Scott of Pennsylvania, Mr. Hughes, Mr. Taft, Mr. Biden, Mr. Haskell, Mr. Stevens, and Mr. Moss):

S. 607. A bill to amend the Lead Based Paint Poisoning Prevention Act, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. KENNEDY (for himself, Mr. Muskie, and Mr. Hathaway):

S. 608. A bill to authorize members of the Armed Forces and Federal employees who were in a missing status for any period during the Vietnam conflict to receive double credit for such period for retirement purposes, to provide for the payment of certain pay and allowances for such period, and for other purposes. Referred to the Committee on Veterans' Affairs.

By Mr. McGEE (for himself and Mr. Brock):

S. 609. A bill to amend the Internal Revenue Code of 1954 with respect to .22 caliber ammunition recordkeeping requirements. Referred to the Committee on Finance.

By Mr. McGEE:

S. 610. A bill to revise the pay structure of the police forces of the Washington National Airport and Dulles International Airport, and for other purposes. Referred to the Committee on Post Office and Civil Service.

By Mr. JAVITS:

S. 611. A bill to amend the Interstate Commerce Act, as amended, with respect to schoolbus safety. Referred to the Committee on Commerce.

By Mr. KENNEDY:

S. 612. A bill to authorize the establishment of an older worker community service program. Referred to the Committee on Labor and Public Welfare.

By Mr. McGEE:

S.J. Res. 41. A joint resolution to authorize the President to issue annually a proclamation designating March of each year as "Youth Art Month." Referred to the Committee on the Judiciary.

By Mr. RANDOLPH (from the Committee on Public Works):

S.J. Res. 42. An original joint resolution to extend the life of the Commission on Highway Beautification established under section 123 of the Federal-Aid Highway Act of 1970. Ordered to be placed on the calendar.

By Mr. JAVITS (for himself, Mr. BEALL, Mr. CRANSTON, Mr. KENNEDY, Mr. PELL, Mr. RANDOLPH, and Mr. STEVENSON):

S.J. Res. 43. A joint resolution to authorize and request the President to proclaim the period April 23, 1973, through April 28, 1973, as "School Bus Safety Week." Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SCOTT of Pennsylvania (for himself and Mr. SCHWEIKER):

S. 582. A bill providing social services for the aged. Referred to the Committee on Finance.

Mr. SCOTT of Pennsylvania. Mr. President, the legislation I am introducing today with my colleague, the gentleman from Pennsylvania (Mr. SCHWEIKER), will allow needy senior citizens who are not on welfare to participate in the social services program on the same basis that those who are on welfare now do.

Last fall, during consideration of the Revenue Sharing Act, the Senate voted to place an overall ceiling of $2.5 billion on the spiraling annual cost of social services programs. In order to then direct these limited funds to those who needed assistance to become self-sustaining, the States were prohibited from spending more than 10 percent of their Federal allotment for services for individuals not actually receiving public assistance.

What was not fully considered in the rush toward adjournment, was that thousands of senior citizens who qualify financially for welfare do not apply, preferring instead to make do on whatever small pension or other income they may receive. The homemaker, nutrition, recreation, transportation, and other services provided under the social services program were often the one essential ingredient in enabling these poor elderly to remain otherwise independent and self-sustaining. To now require that they accept welfare in order to receive this aid would be a cruel and senseless irony.

My amendment will simply allow the States to fund social service programs for nonwelfare poor senior citizens from their total Federal allotment, rather than from just the 10 percent reserved for the nonrecipient poor.

Such a provision would not be without precedent. Day care, family planning, foster child care and services for the mentally retarded, alcoholics and drug addicts may already be funded from a State's total allotment when provided to former or potential welfare recipients. My legislation will add the category of senior citizens to these groups already so exempted.

Because several States, my own Commonwealth of Pennsylvania included, have spent or will soon have spent the 10 percent earmarked for nonwelfare cases, it is vital that the Congress act now to assure a continuance of these for the nonrecipient poor.

By Mr. ERVIN:

S. 583. A bill to promote the separation of constitutional powers by securing to the Congress additional time in which to consider the rules of evidence for U.S. courts and magistrates, the amendments to the Federal Rules of Civil Procedure, and the amendments to the Federal Rules of Criminal Procedure which the Supreme Court on November 20, 1972, ordered the Chief Justice to transmit to the Congress. Referred to the Committee on the Judiciary.

CONGRESS NEEDS MORE TIME TO CONSIDER PROPOSED RULES OF EVIDENCE

Mr. ERVIN. Mr. President, to promote the separation of constitutional powers, I introduce for appropriate reference, a bill to secure to the Congress additional time in which to consider the proposed rules of evidence for U.S. courts and magistrates, the amendments to the Federal Rules of Civil Procedure, and the amendments to the Federal Rules of Criminal Procedure which the Supreme Court on November 20, 1972, ordered the Chief Justice to transmit to the Congress.

Mr. President, since the U.S. Supreme Court, in November 20, 1972, prescribed the rules of evidence, members of the bar and Members of the Congress have voiced great concern regarding their effect upon our system of justice.

Certainly the concept of the rules of evidence is no recent innovation and the rules themselves are the product of several years of study by a committee of eminent scholars and lawyers. Although many of the major provisions of the early drafts became familiar to many lawyers, through such services as Law Week, many of the changes adopted in the final draft depart markedly from earlier versions, and Members of the Congress, and the organized bar have not had time to subject the rules and their recent changes to the careful scrutiny which one would consider appropriate in such a major undertaking.

Under present statutory provisions, Congress has only 90 days to consider rules submitted to it, and unless disapproved within that time, such rules are adopted by operation of law. Thus, unless disapproved, the proposed rules of evidence will become law 90 days after they are submitted to the Congress by the Chief Justice.

To my mind, the many controversies raised by the proposed Federal rules of evidence simply cannot be resolved properly within 90 days. It took a committee of eminent scholars and lawyers 8 years to promulgate these rules, and now the Congress is expected, within 90 days, to consider fairly the product of their 8 years of study, debate, and compromise. A careful perusal of the proposed rules shows that they will impose many modifications on our present system of justice. Under the present statutory provisions the Congress must consider, within 90 days, these proposed rules which are, in effect, a new body of evidence law. If I remember correctly, law students are required to study the law of evidence for at least 1 year.

Mr. President, I do not here seek to debate the merits of the rules, but to point out that there is much controversy surrounding them, and that many Members of the Congress and the bar have not had a chance to consider carefully some major changes to the earlier drafts which were made within the last year. Because of the controversy surrounding the proposed rules, and because of the importance of the rules of evidence and the effect that they will have on our system of justice, I feel that they must be given thorough and fair consideration by every Member of the Congress. This cannot be done in 90 days.

This bill would give the Congress more time to consider fairly and adequately the proposed rules, by extending the time for consideration of the rules until the adjournment sine *die of the first session* of the 93d Congress.

I ask unanimous consent that a copy of the bill be printed at this point in the body of the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 583

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Notwithstanding any other provisions of law, the Rules of Evidence for United States Courts and Magistrates, the Amendments to the Federal Rules of Civil Procedure, and the Amendments to the Federal Rules of Criminal Procedure, which are embraced by the Order entered by the Supreme Court of the United States on Monday, November 20, 1972, shall have no force or effect prior to the adjournment sine die of the First Session of the Ninety-Third Congress except to the extent that they may be expressly approved by such Congress prior to such sine die adjournment.

SEC. 2. That all provisions of law inconsistent with the provisions of this Act are hereby repealed.

By Mr. BAYH:

S. 584. A bill to amend the act entitled "An act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes," approved November 5, 1966. Referred to the Committee on Interior and Insular Affairs.

INDIANA DUNES NATIONAL LAKESHORE COMPLETION

Mr. BAYH. Mr. President, I introduce for appropriate reference a bill to authorize the additional appropriations needed to complete the Indiana Dunes National Lakeshore as it was originally approved in 1966. I am hopeful that prompt action will be taken on this bill since the amount of the increase is relatively small—$4.7 million—while the benefits to the citizens of the area and historical, environmental, and natural values of the land involved are great. This bill was approved by the Senate on

August 16, 1972, but failed to be considered by the House. I am hopeful that prompt action will be taken by both bodies this year.

Congress recognized in 1966 by passing enabling legislation and the initial authorization that the Indiana Dunes National Lakeshore is a unique natural treasure. Congress also recognized that the lakeshore can and does provide much needed recreational land close to hundreds of thousands of citizens who live in the highly developed area around the southern tip of Lake Michigan. For the average working man or woman in Indiana or Illinois or elsewhere in the Midwest, completion of the lakeshore is vital, for it is easy to reach and inexpensive to enjoy. There is no better place in the country for bringing the parks to the people.

Unfortunately, the amount of the original authorization has proved to be inadequate to complete the lakeshore as originally envisioned. On the basis of information provided by the National Park Service, the Senate approved last year $4.7 million for the completion. This is the amount provided for in the bill I introduce today.

We must authorize this additional expenditure not only because of the natural values of the lakeshore and the tremendous recreational potential it contains, but also to carry out the commitment we in Congress made in 1966 to complete the lakeshore. Many persons in the areas affected have relied on that commitment, and the inadequacy of the funding—which could not have been foreseen at the time—has caused considerable inconvenience and uncertainty. Furthermore, the faster that we act to complete the lakeshore now, the less expensive it will be. For all these reasons, I urge congressional approval of this bill as soon as possible.

I ask unanimous consent that excerpts from the report of the Senate Committee on Interior and Insular Affairs be printed in the Record at this point.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

Amending the Indiana Dunes National Lakeshore Act

(Excerpts from the report of the Committee on Interior and Insular Affairs, August 11, 1972)

The Committee on Interior and Insular Affairs, to which was referred the bill (S. 3811) to amend the act entitled "an act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes", approved November 5, 1966, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

PURPOSE OF BILL

The purpose of S. 3811, sponsored by Senator Bayh, is to increase the amount authorized to be appropriated for the acquisition of land for Indiana Dunes National Lakeshore from $27,900,000 to $32,600,000 an increase of $4,700,000.

BACKGROUND

Indiana Dunes National Lakeshore was authorized by the act of November 5, 1966 (80 Stat. 1309). It consists of a total authorized area of 8,329.81 acres, created to preserve for the educational, inspirational, and recreational use of the public certain portions of the Indiana Dunes and other areas of scenic, scientific, and historic interest and recreational value in the State of Indiana.

The area designated by Congress for acquisition in 1966 contains a unique combination of lakefront, dunes, and hinterlands that is ideally suited to fulfillment of the recreational and open-space needs of the people of the region. There are more than 9½ million people living within a 100-mile radius of Indiana Dunes, and recreation facilities are inadequate to meet the demand. When completed, the Indiana Dunes National Lakeshore will provide ideal conditions for sunbathing, swimming, hiking, and camping. However, because an insufficient amount of land has been acquired the lakeshore has not yet been established.

Legislation to preserve the Indiana Dunes was enacted into Public Law 89–761 on November 5, 1966. In approving the basic legislation, the committee cited the findings of the Outdoor Recreation Resources Review Commission in the 1962 ORRRC report that—

> Most people seeking outdoor recreation want water—to sit by, to swim and to fish in, to ski across, and to run their boats over. Swimming is now one of the most popular outdoor activities and likely to be the most popular of all by the turn of the century. Boating and fishing are among the top 10 activities. Camping, picnicking, and hiking, also high on the list, are most attractive near-water sites.

The committee believes that the ORRRC report is no less true today, and now, almost 6 years after congressional authorization of the project, the potential recreational opportunities offered by the Indiana Dunes National Lakeshore are needed more than ever. The full area authorized in 1966 ought to be acquired without further delay and the area established and opened up for full public use.

NEED AND COSTS

Enactment of S. 3811 will make possible the acquisition of the total area authorized. The 1966 act authorized not to exceed $27,900,000 for the acquisition of land and interests in land for the lakeshore. All of this amount has been appropriated. With the funds made available, a total of 3,333.66 acres have been acquired, leaving 2,028.07 acres of private land remaining to be acquired. The estimated cost of acquiring the remaining private lands is $4,636,500, which would be authorized by this legislation. This cost includes $406,900 attributable to the Uniform Relocation and Real Property Acquisition Policies Act of 1970, as to the private lands yet to be acquired.

Of the individual properties to be acquired 34 are classified as owner-occupied dwellings, seven are classified as tenant-occupied dwellings, and 1,756 are unimproved properties. Of course the owners of dwellings constructed before January 4, 1965, will be permitted to elect to retain rights of use and occupancy for residential purposes in accordance with the provisions of section 6 of the 1966 legislation authorizing the area.

The committee understands that the chief reason why the $27.9 million authorized in 1966 was insufficient to complete the project is the excess court awards in condemnation cases. Based on trials and stipulations completed thus far, there is projected an overall deficit of 38 percent in the total condemnation actions.

COMMITTEE AMENDMENT

The committee amended the bill as follows:

Page 1, line 8, strike "$33,900,000" and insert in lieu thereof "$32,600,000".

The bill provides that the authorization ceiling be raised $6 million from $27,900,000, as provided in the original act (80 Stat. 1312) to $33,900,000. The National Park Service estimates that approximately the sum of $4,636,500 will be needed to cover the cost of acquisition for the remaining 2,028.07 acres. The committee amendment would authorize the additional $4.7 million requested rather than an additional $6 million.

COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs unanimously recommended in executive session on August 9, 1972, the enactment of S. 3811 as amended.

By Mr. MOSS:

S. 585. A bill to amend section 303 of the Communications Act of 1934 to require that radios be capable of receiving both AM and FM broadcasts. Referred to the Committee on Commerce.

ALL-CHANNEL RADIO BILL

Mr. MOSS. Mr. President, I am today introducing a bill to amend section 303 of the Communications Act of 1934 to require that all radio receiving sets shipped in interstate commerce be capable of receiving both AM and FM broadcasts, except for sets retailing for less than $15.

The practical effect of this bill would be to materially broaden the listening possibilities of radio, thus providing improved communications to the widest possible cross section of the American public. It would not only provide greater programing service to the public-at-large, but it would also have the effect of improving the programing content of all radio broadcasting due to increased competition between stations. At the present time many sets are equipped to receive only AM broadcasts, and the people owning these sets are shut off from the vast world of FM broadcasting—a world which includes educational as well as commercial programs. There are approximately 2,950 FM stations on the air today, 549 of them noncommercial or educational stations.

This FM world for broadcasting will become even more important as the Corporation for Public Broadcasting continues to develop its programs and to expand its functions. The Corporation for Public Broadcasting has a congressional mandate to build a system of general educational, cultural and informational radio broadcasting in the United States. Without the successful passage of the all-channel AM–FM legislation, the Corporation cannot efficiently and effectively fulfill its responsibility to public radio, since vitually all noncommercial educational radio licenses—549 of 574—are assigned to FM frequencies. FM set penetration, which is as low as 15 percent in radio-equipped automobiles and is less than half of the homes located in many of the top 100 population centers, is inadequate to meet this commitment. The passage of all-channel legislation will insure a significant expansion of the number of listeners able to receive and benefit from public radio programing.

This bill also would assist the many independent businessmen who have entered FM broadcasting in the hope of providing a service to their local communities while developing a fair return on their investment. While their associates operating on AM frequencies are, on the whole, quite successful, the businessman attempting to operate an independent FM radio station not allied with an AM outlet continues to face unfair odds because too few homes and automobiles can receive his programs. The Federal Communications Commission's annual report on broadcast revenues for calendar 1971 showed that while radio revenues as a whole increased 10.7 percent and radio profits also increased 10.7 percent, the proportion of independent FM stations sustaining losses in 1971 was 65.5 percent. While it is not the charge of the Congress to guarantee a businessman profitability, we are not without some responsibility to correct a situation like this in a federally regulated industry, where, because of inequities brought about by broadcast rules, one man is able to make a reasonable profit and provide a good service while another one with similar capability, investment, and initiative is prevented from doing so.

There are presently about 4,400 AM stations in the country, some half of which are daytime-only stations. Thus, many rural areas lack local service at night and must depend on radio stations located in distant cities for news, weather information and other matters of importance. This void can be filled only by FM stations reaching persons with FM receiving sets, for the Federal Communications Commission has recently pointed out that the AM band of frequencies is, for all practical purposes, exhausted and that the FM band must be relied on if the public is to receive additional aural broadcast service.

In these crucial times it is imperative that certain information be made instantaneously available to all Americans. The inclusion of FM bands on all but the cheapest radio receivers would make additional radio available to many people after the daytime stations go off the air, as well as during the day when both types of stations are broadcasting. The net effect would be to make more radio reception available to more people at all times.

UHF television has already benefited from similar legislation. One would expect the same advantages to accrue to the radio listener as to the television viewer. It is essential if equality is to be provided for FM radio, as has been done for UHF in the television field.

At the present time, receiving sets including AM and FM bands are more expensive than those which receive AM signals only, and undoubtedly the present minimum price of some aural receiving sets would be increased somewhat with the requirement that most all sets carry both AM and FM signals. On the other hand, the requirement would result in mass production of the all-channel sets, which would inevitably bring significantly lower costs per unit to members of the public.

It is the present price differential between AM only and AM–FM receiving sets that is denying many members of the public the superior entertainment and communications advantages that FM broadcasting has to offer. In most American homes, there is only one FM radio while there are multiple AM units. However, it is in automobiles where the public suffers most in terms of access to FM broadcast signals. When manufacturers produce this limited number of FM car radios, the sales cost is much too high. Today, the U.S. consumer is being asked to pay twice as much or more to add FM reception for his motoring pleasure and communications needs. It is expected that the mass production resulting from my bill, together with the force of competition, would substantially reduce, if not eliminate, this price differential.

The rationale for this bill is in line with the thinking of the Federal Communications Commission on radio programing generally. For instance, the Commission has recently held that jointly owned AM–FM stations in communities of 100,000 population or over must program separately in order to give the public a greater diversity and choice. My bill would make this new programing on the FM stations available to many more people both at home and when riding in their automobiles. It will strengthen and improve both commercial and educational FM operations, thereby benefiting the entire radio audience—both those who now have FM sets and those who would now get them for the first time.

As many of you know, I have endeavored before to interest this body in considering this legislation. Now I am heartened by the support which I have received in this matter from a broad coalition of interested citizens and organizations, particularly those desirous of bringing a more effective educational radio service to their communities. For the past year, under the voluntary chairmanship of a distinguished former member of the Federal Communications Commission, Mr. Kenneth A. Cox, and with the strong support of the National Association of Educational Broadcasters, National Public Radio and the Corporation for Public Broadcasting, as well as the National Association of FM Broadcasters, an ad hoc committee has been steadily working to compile significant data concerning costs of manufacture of all-channel radio receivers and the kinds of public benefits which will accrue upon passage of this legislation. This committee also includes the Joint Council on Educational Telecommunications which represents the interests of more than a dozen of the major educational forces in American life. I submit to you that with this rapidly increasing concern and with the availability of fresh information on the entire matter, the least this body can do is to propose such legislation and hear the presentations of those who are so vitally interested in it.

Mr. President, I send to the desk a bill to require AM and FM channels in all radios except very cheap pocket-type sets. I ask that it be appropriately referred and that the text of the bill appear in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 585

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 303 of the Communications Act of 1934 is amended by adding the following new paragraph at the end:

"(t) Have authority to require that apparatus designed to receive any amplitude modulated (AM) or frequency modulated (FM) broadcast be capable of adequately receiving all frequencies allocated by the Commission for AM and FM broadcasting when such apparatus is shipped in interstate commerce, or is imported from any foreign country into the United States, for sale or resale to the public, *provided,* however, that this authority shall not extend to apparatus designed to receive only amplitude modulated (AM) or frequency modulated (FM) broadcasts and retailing for less than $15.00."

Sec. 2. Section 330 is amended—

(1) by striking out "paragraph (s)" in subsection (a) and inserting in lieu thereof "paragraphs (s) and (t)";

(2) by striking out "that paragraph" in subsection (a) and inserting in lieu thereof "those paragraphs";

(3) by striking out "section 303(s)" in subsection (b) and inserting in lieu thereof "sections 303(s) and 303(t)"; and

(4) by striking out "TELEVISION" in the section heading and inserting in lieu thereof "BROADCAST".

By Mr. DOMINICK (for himself, Mr. Fannin, Mr. Tower, Mr. Bennett, Mr. Curtis, Mr. Dole, Mr. Hansen, Mr. Scott of Virginia, Mr. Thurmond, and Mr. Young):

S. 586. A bill to amend the Occupational Safety and Health Act of 1970. Referred to the Committee on Labor and Public Welfare.

Mr. DOMINICK. Mr. President, I am today introducing on behalf of myself, Senator Fannin, Senator Tower, Senator Bennett, Senator Curtis, Senator Dole, Senator Hansen, Senator Hatfield, Senator Thurmond, and Senator Young, a bill to amend the Occupational Safety and Health Act of 1970 by extending for 1 year the period during which States may enforce existing standards covered in their proposed OSHA plans pending final approval of such plans.

The objective of the act is, of course, to assure "safe and healthful working conditions" for all American workers. This objective is to be achieved through adoption and enforcement of mandatory Federal occupational safety and health standards. But the act—section 2(b) (11)—specifically adopts a policy of "encouraging the States to assume the fullest responsibility for the administration and enforcement of occupational safety and health laws." Accordingly the act—section 18(b)—permits the States to adopt and enforce their own occupational safety and health standards pursuant to plans which have been approved by the Secretary of Labor as being "at least as effective" as the national standards promulgated by OSHA, and authorizes grants to the States for the development and implementation of such plans—section 23. The act—section 18 (h)—provided that each State could continue, pursuant to agreement with the Labor Department, to enforce its existing occupational safety and health laws pending approval of a plan submitted under section 18(b), or until December 1972, whichever came earlier. Federal OSHA standards covering subjects not included in an agreement permitting State enforcement are, of course, enforced by OSHA officials in each State.

Last fall it became apparent that a number of State plans under review could not be finally acted on prior to the

December 29 cutoff date. Forty-nine plans were submitted prior to December 29. Of these, only seven have been finally approved—South Carolina, Montana, Utah, Oregon, North Dakota, New Jersey, and Washington. To avoid interrupting the authority of the other States to enforce State safety standards related to issues covered in their proposed plans, the Secretary of Labor, acting on the recommendation of the National Commission on Occupational Safety and Health, issued an order on December 3, 1972, in effect extending such authority for 6 months, or until final approval of their plans, whichever came first.

On January 2, 1973, the U.S. District Court for the District of Columbia ruled that the Secretary of Labor had no authority to extend the December 29, 1972, deadline, and issued an injunction against implementation of his December 3 order. At the present time, therefore, those States which have submitted plans that have not yet been approved, have no authority to continue enforcing existing State safety and health standards covered in their proposed plans pending final approval. Federal OSHA standards preempted such State standards as of December 29 last year. In addition to the District of Columbia, Puerto Rico, the Virgin Islands, Guam, and American Samoa, 37 States fall in this category. They are: Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nevada, New Hampshire, New York, North Carolina, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming.

This needless disruption of State enforcement conflicts with the act's policy of maximizing the responsibility of the States. Even worse, the result is lessened protection for employees during this interim period. Approximatelly 500 OSHA inspectors will be performing tasks previously shared with 1,600 State inspectors. The act does permit the Labor Department to enter agreements with the States under which State enforcement personnel could be utilized to enforce Federal OSHA standards. But that is not a satisfactory solution. It would take considerable time to familiarize such State enforcement personnel with OSHA standards and enforcement procedures. Moreover, several States, including California and New York, have laws specifically prohibiting the expenditure of State funds for salaries of State employees while they are performing services for the Federal Government. Funds are certainly not available at this time for the Federal Government to pay their salaries. It makes little sense to require employers to comply with Federal OSHA standards which will be replaced by different though equivalent, standards when pending State plans are finally approved. This may be a relatively short period of time. OSHA officials predict that their review of submitted State plans will be completed by the end of May, and certainly no later than the end of the year.

I think the only sensible solution is for Congress to extend the cutoff date for State enforcement of standards covered in plans submitted within the original 2-year period provided for in the act, but which have not yet been approved. OSHA officials have stated that they would have sought such an extension from Congress last year had they thought it feasible in the little time remaining before adjournment. By not acting to extend this deadline, I think we would be giving OSHA officials incentive to rush their approval of State plans in order to minimize the interruption of State enforcement. That would clearly not be in the best interests of the employees whom the act is intended to protect, nor of the employers who must comply with it.

Mr. President, this bill would allow the Secretary to enter into agreements with those States which have submitted plans permitting them to continue enforcing State occupational safety and health standards covered in such plans until December 28, 1973, or until final approval of such plans, whichever comes first. This would provide maximum protection to workers by assuring continuity of State enforcement as well as providing for State and Federal enforcement of occupational safety and health standards while proposed State plans are being evaluated. Additionally, the bill would extend for 1 year the authority for 90-percent matching grants to the States for development of occupational safety and health plans. The present grant authority—section 23(a)—expires June 30, 1973. An extension of this grant authority is necessary, because many of the State plans which are under review will be broadened at a later time to include standards not presently covered.

I hope the merit of this legislation will be recognized by all my colleagues and acted upon quickly. Time is of the essence.

Mr. President, I ask unanimous consent that the text of the bill I am introducing today be inserted in the Record at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 586

A bill to amend the Occupational Safety and Health Act of 1970

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

(a) Section 18(h) of the Occupational Safety and Health Act of 1970 is amended by adding at the end thereof the following sentence:

"*Provided,* That where a State has, on or before December 28, 1972, submitted a proposed State plan under subsection (b), the Secretary may enter into an agreement with the State under which the State may enforce under the provisions of State Law standards covering issues contained in such proposed plan pending final approval of such plan, on until December 28, 1973, whichever is earlier."

(b) Section 23(a) is amended by striking out the word "two" and inserting in lieu thereof the word "three".

(e) Section 23(b) is amended by striking out the word "two" and inserting in lieu thereof the word "three".

Mr. TOWER. Mr. President, I am pleased to join with Senator Dominick and Senator Fannin in introducing a very important amendment to the Occupational Safety and Health Act.

In the last Congress, a number of substantive changes in the Occupational Safety and Health Act were proposed in Congress. Most, if not all, of these amendments to the act concerned basic public policy considerations on how best to assure occupational safety and health for all Americans.

The amendment proposed today is technically a procedural amendment, although, as I have already stated, a very important one in terms of meeting the basic objectives of OSHA. The bill would simply extend for 1 year the power of designated State agencies to enforce their own State laws that do not conflict with the Federal law until their State plans under section 18(b) are approved by the Secreary of Labor. As of this time, 49 States have submitted such State plans. Seven of these—North Dakota, Washington, New Jersey, South Carolina, Montana, Utah, and Oregon—have received final approval.

Section 18(h) of the Occupational Safety and Health Act gave the States authority to enforce safety laws until their State plan was approved or until December 29, 1972, whichever came earlier. Since only four States have had earlier. Since only four States have had their plans approved by that date, the vast majority of States have no authority to enforce Federal or State safety standards.

Federal preemption of State authority will continue until that State's plan is approved by the Department of Labor. Department of Labor officials within the Occupational Safety and Health Administration have informed a number of Senators that the review process of the more than 45 State plans may take more than 6 months.

In other words, Mr. President, during this interim period most of the States will have no role to play in the field of occupational safety and health. Considering the fact that the preamble to the Occupational Safety and Health Act stated that the purposes of the act were to be implemented "by assisting and encouraging the States in their efforts to assure safe and healthful working conditions," I do not think that the situation we now face was ever intended by the Congress.

The Department of Labor recognized this problem late last year and through the Secretary of Labor temporary orders were put into effect which extended, State enforcement authority for an additional 6 months, or until their State plans were approved, whichever came first. However, a number of AFL-CIO affiliated unions brought legal action against the Secretary of Labor's powers to issue these temporary orders. In early January, the U.S. District Court for the District of Columbia issued an injunction against the Secretary's issuance of those orders.

Mr. President, I would not begin to second guess the court decision. The Secretary of Labor may very well have been exceeding his authority when he issued the temporary orders. Yet, the action undertaken by the AFL–CIO constituent unions are clearly not in the best interests of health and safety and go a long way toward weakening the basic provisions of OSHA. Because of the injunction the vase majority of States are stopped from enforcing health and safety standards. The Occupational Safety and Health Act recognized the contribution States have made in this field and established a procedure which recognized the simple fact that the States, rather than an impersonal Federal bureaucracy, could best promote occupational safety and health.

Presently, therefore, State enforcement procedures have been disrupted and must await final approval of the State plans. This will probably take, in most instances, 6 months to a year. In the meantime, the cause of occupational safety and health must do without the expertise built up by State governments in this area. Protection of workers is further delimited by the loss of approximately 1,600 State safety inspectors who shared with approximately 500 Federal inspectors the enforcement of OSHA.

Mr. President, if the injunction was sought, because of the fear of some that States would not actively pursue their responsibilities, I believe a grave mistake has been made. Since the passage of OSHA, State governments and legislatures have engaged themselves in a positive manner to meet and go beyond the letter of the law in promoting occupational safety and health. In my own State, the Texas Occupational Safety Board has done a very credible job and in the upcoming year will be working closely with the State legislature in drafting occupational safety and health legislation to conform with the objectives of OSHA. Unless legislation extending the States' authority to enforce safety standards is approved between now and the time the State plans are approved, I am fearful that a great deal of the non-Federal effort will be put in jeopardy.

The bill being proposed today should be approved quickly, because its objective is the same as the original Occupational Safety and Health Act—the promotion of safe and healthy working conditions for all Americans.

Mr. President, the January issue of Monthly Labor Review, published by the Bureau of Labor Statistics, included an article entitled "Changes in State Labor Laws in 1972." Significantly, the article recognizes that the greatest amount of activity on the part of States is in the field of occupational safety and health. I, therefore, ask unanimous consent that the section of the article detailing State action in this area be printed in the Record at this time.

There being no objection, the section was ordered to be printed in the Record, as follows:

Changes in State Labor Laws in 1972

(By Sylvia Weissbrodt)

OCCUPATIONAL SAFETY AND HEALTH

Major legislative activity was directed toward job-safety laws, as many State legislatures acted quickly to bring their basic statutes into conformity with the Williams-Steiger Occupational Safety and Health Act of 1970 or to remedy a number of particular hazards. Under the Federal law, safety responsibility may be shifted to a State, on a 50–50 funding basis, after a determination by the Secretary of Labor that the State program meets federally prescribed criteria and is or will be "at least as effective as" the Federal program. The law provides that unless a State's plan for a safety program was submitted by December 28, 1972, the Federal program displaces the State program.

Soon after the Federal law took effect in April 1971, three legislatures—Illinois, Indiana, and South Carolina—made extensive changes in their safety statutes. In 1972, with additional time to evaluate their programs, seven more States (Arizona, Hawaii, Iowa, Kentucky, New Mexico, Tennessee, and Vermont) adopted the type of comprehensive statutory framework that might lead to acceptable State assumption of responsibility for the development and enforcement of safety and health standards. Also, several States made additional refinements to conform to certain features of the Federal law; these included Illinois, Indiana, Maryland, South Carolina, and Virginia. Others took action geared toward future implementation: In West Virginia, a legislative committee is to submit recommendations for compliance with the Federal law; in Maryland, the legislature called for a study group to consider the feasibility of a safety program for State employees; and in Kansas, the legislature authorized its labor commissioners to develop a State safety plan meeting Federal requirements to be submitted to the U.S. Department of Labor.

By early December, 33 jurisdictions had submitted for Federal review their own safety plans. The plans of Montana and South Carolina were the first to be approved by the Secretary of Labor and were in effect on November 30.

Of more limited scope were a California measure requiring construction contractors to maintain federally acceptable first-aid treatment, another California amendment requiring transmittal to licensed contractors and complainants of certain reports on unsafe conditions, and separate measures in South Carolina safeguarding an employee's right to file a complaint.

Legislation in several States addressed major individual issues. Massachusetts and Michigan established commissions with authority to issue safety and sanitation rules, among others, in the construction and use of buildings. Two Virginia amendments extended authority of its Safety Codes Commission to assure safety of boilers and pressure vessels, and in tunneling work. Indiana passed a substantially revised elevator safety law, under the aegis of its labor division. A new Iowa law provides for safety inspection and regulation of amusement devices and related electrical equipment, administered by its labor bureau. Four California measures were directed toward safety on aeriel passenger tramways both for operators and the public. An Arizona law established the Office of Fire Marshal in the Industrial Commission to protect against fire hazards. This office will take over duties formerly performed elsewhere in State government. A South Carolina law directed the State Fire Marshal to terminate use or order correction of unsafe buildings, including factories.

Virginia and Kentucky adopted amendments to improve mine safety. Kentucky also enacted specific requirements governing blasting operations. New or stronger controls over the purchase, use, or transportation of explosives were established in Delaware, Rhode Island, Virginia, and Washington. In Arizona, exploration and production of geothermal resources are subject to new controls, including mandatory use of approved safety devices in drilling operations.

Better control of radiation hazards was the subject of measures in Colorado, Idaho, Kansas, Kentucky, and Massachusetts. Kansas and Nebraska entered the Midwest Nuclear Compact, an agreement for interstate cooperation in the industrial utilization and safety control of nuclear technology.

Of importance to farmworkers, a California statute required the Director of Agriculture, with partcipation of the health department, to adopt regulations relating to pesticides and worker safety by January 1974.

Five States—Hawaii, Louisiana, Michigan, New York, and Ohio—passed laws concerning use and labeling of safety glazing material; Michigan and Ohio adopted measures for use of eye-protective devices in schools; the Louisiana legislature gave the State Board of Health authority to develop and enforce standards regulating noise and obnoxious odors; and the Connecticut legislature gave the labor department similar authority for employee protection against foot hazards. In Alaska, the labor department was directed to adopt designated electrical safety standards codes.

By Mr. BEALL (for himself, Mr. Tower, and Mr. Taft):

S. 587. A bill to amend the Social Security Act to establish a national catastrophic illness insurance program under which the Federal Government, acting in cooperatioon with State insurance authorities and the private insurance industry, will reinsure and otherwise encourage the issuance of private health insurance policies which make adequate health protection available to all Americans at a reasonable cost. Referred to the Committee on Finance.

NATIONAL CATASTROPHIC ILLNESS PROTECTION ACT OF 1973

Mr. BEALL. Mr. President, along with Senator Tower and Senator Taft, I introduce the National Catastrophic Illness Protection Act of 1973.

This bill is the same as a bill we introduced in the last Congress with Senator Boggs. I would also want to congratulate my distinguished colleague, Congressman Hogan, for originating and leading this effort on the House side.

There are many serious problems in the health area including the manpower problem and its maldistribution, skyrocketing costs, the need to improve emergency care and facilities, and the need to improve the delivery of health care in general to our citizens. Some of these issues, such as the manpower problem, were addressed in the last Congress. But there is also a large unfinished agenda in health facing this Congress. For the vast majority of our citizens, in addition to rising costs generally, the most important gap is the lack of catastrophic illness coverage.

Fortunately, catastrophic illnesses do not strike often, but when they do, it usually spells disaster for families as they attempt to cope, not only with the personal tragedy and hardship, but also with the astronomical costs that are involved. Such catastrophic illness often push a family to a state of destitution and often onto welfare rolls.

The growth of private insurance in the country has been encouraging. For example, in 1950 only 50 percent of our population had health insurance, today approximately 90 percent are covered. Of course, everyone covered does not have adequate coverage and we have a long way to go to reach that goal. But even when individuals enjoy a good coverage, they are haunted by the specter of being stricken with a catastrophic illness. In May 1972 a young junior high student in Prince Georges County was brutally beaten by a gang of 17 students with wooden clubs. Today, this young student, since that tragic and senseless event, has undergone a series of operations and still faces an uncertain future.

In addition to the grief and hardship, the family of this young student faces the worry of being able to pay the mountain of medical bills they have received as a result of the attack. The son is presently in the Psychiatric Institute in Washington, D.C., and the family faces an estimated cost of $40,000 per year to maintain their son in the institute.

Another example from my State involved a 6-year-old girl who was injured last December as she was crossing the road after getting off of her schoolbus. Most of her time since the accident has been spent in two hospitals. She has received a bill from one hospital for approximately $20,000 and has not received the other bill, according to the newspaper article.

I ask unanimous consent that articles from a newspaper describing these cases be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 14, 1973]

MEDICAL BILLS MOUNTING: BENEFIT HELD FOR VICTIM OF BEATING

(By Ivan G. Goldman)

G. J. Gant, who organized the Keith Lunsford benefit gospel program, lost her telephone service last week because she could not pay her bill. And master of ceremonies Bishop David Neal still does not have a piano in his own fledgling storefront church in Seat Pleasant.

Yet both dug deep Friday night at Walker Mill Junior High School to contribute to a hapless 14-year-old boy they did not know but wanted to help.

Lunsford, then 13, was attacked by a gang of youths May 23, outside the school. The beating caused brain damage. He underwent cranial surgery, and since Sept. 27 has been confined to a mental hospital. Psychiatrists say the trauma of the beating caused him to regress as much as 10 years in his emotional age.

"When I read about what happened to the boy, Miss Gant, a cab driver in suburban Maryland, said, "it just shook me so I couldn't work anymore that day. I felt we should do something."

The senseless violence of the act, she said, brought her back 25 years, to the night her father, John Gant, got off a bus in Northeast after working all day cleaning railroad boxcars; an unknown assailant struck him with a brick, killing him, and made off with about $10.

"It left us all orphans," Miss Gant said. "I was the seventh of 12 children, 15 years old. We'd lost our mother three years before. So I know what it is to be shuffled from place to place staying with different people.

"And then when I read that (Keith's) parents were moving from place to place too because they couldn't pay their bills, it just got to me."

Miss Gant, who is black, said it was not a question of race that spurred her efforts. The attackers were black and Keith is white. "No, race wasn't in this," she explained. "I'm not responsible because I'm black. I just wanted to help this human being."

So Miss Gant, a Catholic, called her friends, most of them Protestant, and organized a gospel benefit to help meet mounting expenses of Keith's mother and stepfather, Mr. and Mrs. Thomas Grimes.

About 60 persons showed up in the school auditorium the night of the benefit, most of them black, none of them wealthy, all knowing they would be asked to donate money to go outside their communities.

The program included choirs singing in the time-honored Southern black tradition which holds it is no sin to be joyous in church.

"We hope that every note will be a prayer for this boy's recovery," Miss Gant announced.

"Amen, Sister."

"We are all sisters and brothers," Bishop Neal said, "and God has no segregated heaven."

The choirs of Fellowship Baptist Church, Victory Temple Apostolic Church of Christ and Carron Baptist Church took turns with hymns such as "More Love to Thee," "Guide Me Great Jehovah," and "I Must Tell Jesus."

Charles Hudson, Walker Mill principal, thanked all for their concern about his student, and Mr. and Mrs. Grimes, watching quietly near the back, took the stage briefly.

"I know if Keith would be here tonight," Grimes said, "I know he would . . . I know he doesn't blame all black people. He is bitter only toward the boys that beat him up. I can't put it into words."

"Bless you all," Mrs. Grimes said simply.

Grimes is a painting contractor who works only intermittenly. His wife left her job as a bookkeeper after her son was attacked so that she could visit him daily. Hospital bills already have mounted to about $20,000, and psychiatrists say he might have to stay in a mental institution for years.

A Prince George's County juvenile court found ten youths involved in the assault in three consecutive days of trials last week. Three other youths have yet to be tried.

"I believe that God will touch that young man," Bishop Neal said. "There are trees on each side of the river. God himself will wipe the tears out of your eyes."

Exhorted by the Rev. Leroy Waldo, the blind, piano-playing minister of Carron Baptist Church, the gathering donated $201.01, in coins and bills.

Nicholas Pittas, a white businessman in Fairmount Heights, then wrote a check for the exact amount, $201.01, as his personal contribution to a youth club being organized by Miss Gant in Northeast.

Pittas instigated a special trust fund for Keith that already has received more than $14,000 in contributions.

"Peace be unto you," Bishop Neal said. "Peace be multiplied."

[From the Evening Sun, Jan. 17, 1973]

HOSPITAL BILL OF $20,000: FOOTBALL GAME TO BENEFIT ACCIDENT VICTIM AGED 6

(By David Williams)

ANNAPOLIS.—The Anne Arundel county fire and police departments will play a marathon, 24-hour football game against each other this weekend to raise funds to benefit a 6-year-old girl seriously injured in an automobile accident 14 months ago.

The girl, Rose Mary Stafford, was then in kindergarten at Bodkin Elementary School. A car struck her on the afternoon of December 3, 1971, as she was crossing Mountain road after getting off her schoolbus.

According to Mrs. Mary Ellen Stafford, her mother, Rose Mary has been in either the University of Maryland Hospital or Kernan Hospital for Crippled Children most of the time since then, though she was home from last October until last week, when she returned to the Kernan Hospital for further therapy.

ABOUT $20,000 BILL

The bill from University Hospital was about $20,000, Mrs. Stafford said. No bill has been received yet from Kernan Hospital.

The football game will be played on Apache Field on Andover road next to Andover High School, between 10 A.M. January 20 and 10 A.M. January 21 between squads made up of off-duty county police and firefighters.

There is no admission charge, but donations to help defray the medical expenses will be accepted, according to Ricky L. Smith, chairman of the firefighters committee, which organized the game.

Last month, the Anne Arundel local of the International Association of Fire Fighters told him to go ahead and organize the game. The county lodge of the Fraternal Order of Police accepted immediately.

Mr. Smith said he has signed up 87 firemen and has organized them into eight shifts of 10 or 11-man teams.

The Police Department will be outmanned, according to Officer J. Gary Lyle, secretary of the FOP lodge, who said he has signed up about 75 policemen. "We're not as well organized as the Fire Department due to our hours," he explained.

The game will be played "flag" style, a cross between touch and tackle football, in which one of two flags being worn by each player must be grabbed to stop him.

Three sporting goods stores in the county have donated equipment for the game. The Playboy Club of Baltimore has donated 50 passes, good for five months, which the organizers will distribute to those who contribute $10 or more.

Bands from Glen Burnie and Arundel senior high schools will provide music for the game. The Arundel Alarmers will serve refreshments as they do at major fires.

Mr. BEALL. Mr. President, although both of these were tragic accidents, they do illustrate the continued concern that the American people have for their fellow citizens. In both instances there have been good responses from the community in an effort to alleviate somewhat the impossible financial burden resulting from the incidents.

Mr. President, I have previously made reference in discussing catastrophic illnesses or other stories which appeared in national press such as the bee sting to the daughter of a young executive which resulted in costs of treatment in excess of $57,000 over a 4-year period. Also, in Time magazine 1971, described the story of a salesman in the insurance industry who had purchased the "company's best policy" which had a $40,000 limit. His son, a student at Cornell, injured his neck during a football game and became paralyzed. Seven months later his bills accumulating at $6,000 a month, the limits of the insurance policy were exceeded.

Mr. President, one could go on and on with tragic stories such as I have outlined but I believe the point has been made. Similar illustrations occurred in the kidney area but Congress fortunately amended the medicare legislation so in effect to bring kidney patients under the coverage of medicare.

Mr. President, I am convinced that we can develop the mechanism which would enable our citizens to have catastrophic illness coverage. That is the purpose of the National Catastrophic Illness Protection Act. Under this measure an extended care insurance pool would be created to enable citizens to buy insurance against catastrophic illness. All expenses above a sliding scale "deductible" would be covered by the plan. This deductible would vary with the family income. For example, a family with an adjusted income of $10,000 would pay the first $8,500 of medical expenses. I would point out, however, that in general the individual's coverage under his basic health and major medical plans would be adequate to satisfy a deductible.

Mr. President, the enactment of this legislation would make it possible for families to protect themselves at reasonable costs from the unexpected financial blow when a catastrophic illness strikes. While the measure cannot prevent the personal disaster resulting from catastrophic illnesses, it can prevent the problem from compounding itself by removing from these families at least the burden of the staggering costs.

As I previously indicated, this is a serious gap in the present insurance coverage for most American families and I believe it is a gap that we can and should plug.

I urge enactment of this legislation. I ask unanimous consent that a summary of the bill be printed in the RECORD, as well as the text of the legislation.

There being no objection, the bill and summary were ordered to be printed in the RECORD, as follows:

S. 587

A bill to amend the Social Security Act to establish a national catastrophic illness insurance program under which the Federal Government, acting in cooperation with State insurance authorities and the private insurance industry, will reinsure and otherwise encourage the issuance of private health insurance policies which make adequate health protection available to all Americans at a reasonable cost.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assemled, That the Social Security Act is amended by adding at the end thereof the following new title:

"TITLE XX—NATIONAL CATASTROPHIC ILLNESS INSURANCE

"PART A—GENERAL PROVISIONS

"SHORT TITLE

"SEC. 2001. This title may be cited as the 'National Catastrophic Illness Protection Act of 1973'.

"FINDINGS AND PURPOSE

"SEC. 2002. (a) The Congress finds and declares that, despite the great advances in health insurance programs which have been made within both the public and private sectors of the economy, many individuals are still unable to secure adequate health insurance protection or to secure such protection at rates which they can afford. The Congress further finds that few of our citizens are protected from catastrophic illness and that provisions are generally lacking which would allow for such protection in the future.

(b) It is therefore the policy of the Congress and the purpose of this title to establish a national catastrophic illness insurance program under which the Federal Government, with the cooperation of the States and their insurance authorities and with the active participation of the private insurance industry, will encourage the insurance of private policies which offer adequate health insurance protection on such terms and conditions as will guarantee that such protection is available to all Americans, including those who cannot afford it under existing programs and policies, and will reinsure such policies on terms and conditions calculated to provide the maximum encouragement to insurance companies to participate in the program either individually or through insurance pools established for the purpose.

"DEFINITIONS

"SEC. 2003. When used in this title (unless the context otherwise requires)—

"(1) the term 'extended health insurance' means insurance against all costs paid or incurred for medical care (as defined in section 213(e) of the Internal Revenue Code of 1954 and the regulations issued thereunder);

"(2) the term 'costs of medical care' includes, with respect to any individual, all of the expenses of medical care (as so defined), incurred by or on behalf of persons covered by such individual's extended health insurance policy, which are deductible by such individual under section 213 of the Internal Revenue Code of 1954 (or would be deductible by such individual under section 213 of such Code but for the percentage limitations contained in such section) for the taxable year in which such expenses are paid or incurred;

"(3) the term 'insurer' includes any insurance company, or group of insurance companies under common ownership, which is authorized to engage in the insurance business under the laws of any State;

"(4) the term 'pool' means any pool or association of insurance companies in any State which is formed, associated, or otherwise utilized for the purpose of making extended health insurance more readily available;

"(5) the term 'person' includes any individual or group of individuals, corporation, partnership, association, or other organized group of persons;

"(6) the term 'reinsured losses' means losses on reinsurance claims under this title and all direct expenses incurred in connection therewith, including, but not limited to, expenses for processing, verifying, and paying such losses;

"(7) the term 'Secretary' means the Secretary of Health, Education, and Welfare;

"(8) the term 'State' means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa; and

"(9) the term 'year' means a calendar year, fiscal year of a company, or other period of twelve months designated by the Secretary.

"PART B—ESTABLISHMENT OF PROGRAM; STATE PLANS

PROGRAM AUTHORIZATION

"SEC. 2011. The Secretary is authorized to establish and carry out a national catastrophic illness insurance program as provided for in this title.

"STATE CATASTROPHIC ILLNESS INSURANCE PLANS

"SEC. 2012. (a) The national catastrophic illness insurance program shall be designed to carry out the purpose of this title through the establishment of statewide plans providing extended health insurance and the reinsurance by the Federal Government of the insurers and pools of insurers who offer extended health insurance under such plans.

"(b) Each insurer which is reinsured under this title (or which is a member of a pool reinsured under this title) shall cooperate with the State insurance authority in each State in which it is to acquire such reinsurance in establishing and carrying out the plan of such State described in subsection

"(c) Each statewide plan described in subsection (a) must be approved by, and administered under the supervision of, the State insurance authority, or be authorized or required by State laws, and shall be designed to make extended health insurance more readily available to all individuals in the State and particularly to those who would be unable to secure adequate and complete health insurance protection at reasonable rates without coverage by extended health insurance policies meeting the requirements of this title which are issued and made available under such plan. Such plans may vary in detail from State to State because of local conditions, but all plans shall contain provisions that—

"(1) extended health insurance issued by insurers under the plan will be available to all eligible individuals (as defined in section 2013) at reasonable premiums (as determined under section 2014), subject only to a deductible or deductibles meeting the requirements of section 2015;

"(2) if any insurer declines to write a policy of extended health insurance covering one or more eligible individuals making application therefor in accordance with this title, or agrees to write the policy only at surcharged rates or subject to specified conditions, such insurer will promptly notify both the applicant and the State insurance authority, which shall take such action as may be necessary or appropriate to provide for the issuance of the policy by a pool or by otherwise allocating the risk to be insured to two or more insurers (acting through the all-industry placement facility described in section 2016 or otherwise);

"(3) all extended health insurance policies for which application is made by eligible individuals under the plan will be promptly written after such application and the payment of initial premium and will be separately coded so that appropriate records may be compiled for purposes of performing loss prevention and other studies of the operation of the plan;

"(4) such reports as the Secretary shall by regulation prescribe will be submitted to the State insurance authority and to the Secretary setting forth information, by individual insurers, including the number of risks insured under the plan and such other information as the State insurance authority or the Secretary may request;

"(5) notice will be given to the policyholder a reasonable time prior to the cancellation or nonrenewable by an insurer of any policy written under the plan (except in case of nonpayment of premium), in order to allow ample time for an application for new coverage to be made and a new policy to be written under the plan; and

"(6) a continuing public education program will be undertaken by the participating insurers, agents, and brokers to assure that the plan receives adequate public attention.

"(d) Each plan shall in addition contain such terms, conditions, requirements, and other provisions as the Secretary shall determine to be necessary or appropriate to carry out the purpose of this title.

"ELIGIBLE INDIVIDUALS

"SEC. 2013. For the purpose of this title, and for the purposes of any State plan submitted under section 2012 and the insurance policies issued thereunder, an individual shall be an eligible individual if (1) he resides in the State submitting such plan, and makes application for extended health insurance coverage under such a policy in such manner and form as the State insurance authority (in accordance with regulations of the Secretary) shall direct, or (2) he is not an eligible individual under clause (1) but is a member of the household of a person who is an eligible individual under clause (1), and is such person's spouse, child, grandchild, parent, or grandparent.

"PREMIUMS

"SEC. 2014. (a) The Secreary is authorized to undertake and carry out such studies and investigations and receive or exchange such information as may be necessary to estimate—

"(1) the premium rates for extended health insurance which, based on consideration of the risks involved and accepted actuarial principles, would be required in order to make such insurance available on an actuarial basis, and

"(2) the rates, if less than the rates established under paragraph (1), which would be reasonable, would encourage prospective insureds to purchase extended health insurance, and would be consistent with the purpose of this title.

"(b) On the basis of estimates made under subsection (a) and such information as may be necessary, the Secretary shall from time to time prescribe by regulation the premium rates which may be charged for extended health insurance under policies issued by insurers under State plans approved under section 2012. Such rates may vary according to the number of individuals in the insured individual's family who are covered by the policy, and on the basis of such other factors as the Secretary may find to justify rate differences (whether based on differences in the risks involved in the coverage or otherwise). Losses sustained by insurers and pools charging premium rates prescribed under this subsection which are lower than the corresponding estimated risk premiums determined under subsection (a) (1) shall be compensated for by premium equalization payments made as provided in section 2044.

"(c) Premium rates prescribed under subsection (b) shall, insofar as practicable, be—

"(1) based on a consideration of the risks involved in the coverage, including differences in risks due to family size or composition;

"(2) adequate, on the basis of accepted actuarial principles, to provide reserves for anticipated losses, or if less than an amount adequate to provide such reserves, consistent with the objective of making extended health insurance coverage available so as to encourage prospective insureds to purchase such insurance and with the purpose of this title; and

"(3) stated so as to reflect the basis for such rates, including the differences (if any) between the estimated risk premium rates determined under subsection (a) (1), the estimated rates determined under subsection (a) (2), and the rates actually prescribed under subsection (b).

"DEDUCTIBLES

"SEC. 2015. (a) The total amount payable to or with respect to any eligible individual on account of costs of medical care paid or incurred in any year under an extended health insurance policy issued by an insurer or pool under a State plan approved under section 2012 may be reduced by a deductible equal to so much of such costs, actually paid or incurred by such individual, as does not exceed the amount determined under subsection (b).

"(b) The deductible for any individual or family for purposes of subsection (a), with respect to costs of medical care paid or incurred in any year, shall be—

"(1) 50 per centum of the amount by which the adjusted income of such individual or family for such year exceeds $1,000 but does not exceed $2,000, plus

"(2) 100 per centum of the amount by which the adjusted income of such individual or family for such year exceeds $2,000.

No deductible may be imposed in the case of an individual or family whose adjusted income does not exceed $1,000.

"(c) Notwithstanding any other provision of law, the deductible applicable with respect to any individual or family for any year under this section shall be reduced by the amount of any payments made toward the costs of medical care of such individual or the members of such family under title XVII or XIX of the Social Security Act or any other public or private health insurance policy covering such medical care.

"(d) As used in this section with respect to any individual or family for any year, the term 'adjusted income' means the gross income of such individual or family for purposes of chapter 1 of the Internal Revenue Code of 1954, reduced by the aggregate amount of the personal exemptions allowed such individual or the members of such family for such year under section 151 of such Code.

"(e) For purposes of subsections (a) and (b), if an individual pays or incurs costs of medical care in any year with respect to a specific illness or injury which began in a previous year and continued without interruption until the time such costs are so paid or incurred, such costs shall be considered to have been paid or incurred in such previous year.

"ALL-INDUSTRY PLACEMENT FACILITY

"SEC. 2016. Any plan under this part shall include an all-industry placement facility doing business with every insurer participating in the plan in the State, and shall provide that this facility shall perform certain functions including, but not limited to, the following:

"(1) seeking, upon request, to distribute the risks involved in the issuance of any extended health insurance policy or class of policies equitably among the insurers with which it is doing business; and

"(2) seeking to place insurance up to the full insurable value of the risk to be insured with one or more insurers with which it is doing business, except to the extent that deductibles, percentage participation clauses, and other underwriting devices are employed to meet special problems of insurability.

"INDUSTRY COOPERATION

"SEC. 2017. (a) Each insurer seeking reinsurance under this title shall file a statement with the State insurance authority in each State in which it is participating in a plan under this title, pledging its full participation and cooperation in carrying out the plan, and shall file a copy of such statement with the Secretary.

"(b) No insurer acquiring reinsurance under this title shall direct any agent or broker or other producer not to solicit business through such a plan, nor shall any agent, broker, or other producer be penalized by such insurer in any way for submitting applications for insurance to an insurer under the plan.

"PLAN EVALUATION

"SEC. 2018. (a) In accordance with such rules and regulations as the Secretary may prescribe, each State insurance authority shall—

"(1) transmit to the Secretary any proposed or adopted plan, or amendments thereto; and

"(2) advise the Secretary, from time to time, concerning the operation of the plan, its effectiveness in providing extended health insurance, and the need to form a pool of insurers or adopt other programs to make extended health insurance more readily available in the State.

"(b) The Secretary may by rules and regulations modify the plan criteria set forth under this part, if he finds, on the basis of experience, that such action is necessary or desirable to carry out the purpose of this title. The Secretary may also, with respect to any State, waive compliance with one or more of the plan criteria, upon certification by the State insurance authority that compliance is unnecessary or inadvisable under local conditions or State law.

"PART C—REINSURANCE COVERAGE

"REINSURANCE OF LOSSES UNDER EXTENDED HEALTH INSURANCE POLICIES

"SEC. 2021. (a) (1) The Secretary is authorized to offer to any insurer or pool, subject to the conditions set forth in section 2023, reinsurance against losses under extended health insurance policies under the plan or plans of any one or more States.

"(2) Reinsurance shall be offered to any such insurer or pool only on all extended health insurance written by it or by its members.

"(b) Reinsurance coverage under this section may be provided immediately following the enactment of this title to any insurer or pool in any State on a temporary basis, and on such terms and conditions as may be agreed upon, and coverage under such terms and conditions may be bound with respect to any such insurer or pool by means of a written binder which shall remain in force not more than ninety days and shall expire at the earlier of either—

"(1) the termination of such ninety-day period, or

"(2) the effective date of any governing contract, agreement, treaty, or other arrangement entered into between the insurer or pool and the Secretary under section 2022 for the purpose of providing reinsurance coverage against losses under extended health insurance policies.

"(c) No reinsurance shall be offered to any insurer or pool in a State after the expiration of the written binder entered into under subsection (b), unless there is in effect in such State a plan as set forth under part B and the insurer or pool is participating in such plan, and unless, in the case of an insurer in a State where a pool has been established pursuant to State law, the insurer is participating in such a pool.

"REINSURANCE AGREEMENTS AND PREMIUMS

"SEC. 2022. (a) During the first year following the date of the enactment of this title, the Secretary is authorized to enter into any contract, agreement, treaty, or other arrangement with any insurer or pool for reinsurance coverage, in consideration of payment of such premiums, fees, or other charges by insurers or pools as the Secretary deems to be adequate to obtain aggregate reinsurance premiums for deposit in the National Catastrophic Illness Insurance Fund established under section 2043 in excess of the estimated amount of losses under extended health insurance policies during such first year, and thereafter the Secretary may increase or decrease such premiums for reinsurance if it is found that such action is necessary or appropriate to carry out the purpose of this title.

"(b) Reinsurance offered under this title shall reimburse an insurer or pool for its total proved and approved claims for covered losses under extended health insurance policies during the term of the reinsurance contract, agreement, treaty, or other arrangement, over and above the amount of the insurer's or pool's retention of such losses as provided in such reinsurance contract, agreement, treaty, or other arrangement entered into under this section.

"(c) Such contracts, agreements, treaties, or other arrangements may be made without regard to section 3679(a) of the Revised Statutes of the United States (31 U.S.C. 665(a)), and shall include any terms and conditions which the Secretary deems necessary to carry out the purpose of this title. The premium rates, terms, and conditions of such contracts with insurers or pools, throughout the country, in any one year shall be uniform.

"(d) Any contract, agreement, treaty, or other arrangement for reinsurance under this section shall be for a term expiring on April 30, 1973, and on April 30 each year thereafter, and shall be entered into within ninety days after the date of the enactment of this title or within ninety days prior to April 30 each year thereafter, or within ninety days after an insurer is authorized to write insurance eligible for reinsurance in a State which it was not authorized to write in the preceding year.

"CONDITIONS OF REINSURANCE

"Sec. 2023. (a) Subject to the provisions of subsection (b), reinsurance shall not be offered by the Secretary in a State or be applicable to insurance policies written in that State by an insurer—

"(1) after one year following the date of the enactment of this title, or, if the appropriate State legislative body has not met in regular session during that year, by the close of its regular session, in any State which has not adopted appropriate legislation, retroactive to the date of the enactment of this title, under which the State, its political subdivisions, or a governmental corporation or fund established pursuant to State law, will reimburse the Secretary, in an amount up to 5 per centum of the aggregate extended health insurance premiums earned in that State during the preceding calendar year on insurance reinsured by the Secretary in that State during the current year, such that the Secretary may be reimbursed for amounts paid by him in respect to reinsured losses that occurred in that State during a calendar year in excess of (A) reinsurance premiums received in that State during the same calendar year plus (B) the excess of (i) the total premiums received by the Secretary for reinsurance in that State during a preceding period measured from the end of the most recent calendar year with respect to which the Secretary was reimbursed for losses under this title over (ii) any amounts paid by the Secretary for reinsured losses that occurred during this same period;

"(2) after thirty days following notification to the insurer that the Secretary finds (after consultation with the State insurance authority) that there has not been adopted by the State, or the extended health insurance industry in that State, a suitable program or programs, in addition to plans under part B, to make extended health insurance available, and that such action is necessary to carry out the purpose of this title; except that this paragraph shall not become effective until two years after the date of the enactment of this title, or at such earlier date as the Secretary, after consultation with the State insurance authority, may determine;

"(3) after thirty days following notification to the insurer that the Secretary, or the State insurance authority, finds that such insurer is not fully participating—

"(A) in the plan in the State;

"(B) where it exists, in a pool; and

"(C) where it exists, in any other program found by the Secretary to aid in making extended health insurance more readily available in the State:

Provided, That the Secretary shall not make any such finding with respect to any insurer unless (i) prior to making such finding the Secretary has requested and considered the views of the State insurance authority as to whether such finding should be made, or (ii) the Secretary has made such a request in writing to the State insurance authority and such authority has failed to respond thereto within a reasonable period of time after receiving such request;

"(4) following a merger, acquisition, consolidation, or reorganization involving one or more insurers having extended health insurance in the State reinsured under this title and one or more insurers with or without such reinsurance, unless the surviving company—

"(A) meets the criteria of eligibility for reinsurance, other than as provided under section 2022 (d); and

"(B) within ten days pays any reinsurance premiums due; or

"(5) upon receipt of notice from the insurer or pool that it desires to cancel its reinsurance agreement with the Secretary in the State.

"(b) Notwithstanding the foregoing provisions of this section, reinsurance may be continued for the term of the policies written prior to the date of termination or nonrenewal of reinsurance under this section, for as long as the insurer pays reinsurance premiums annually in such amounts as are determined under section 2022, based on the annual premiums earned on such reinsured policies, and for the purpose of this subsection, the renewal, extension, modification, or other change in a policy, for which any additional premium is charged, shall be deemed to be a policy written on the date of such change was made.

"RECOVERY OF PREMIUMS; STATUTE OF LIMITATIONS

"Sec. 2024. (a) The Secretary, in a suit brought in the appropriate United States district court, shall be entitled to recover from any insurer the amount of any unpaid premiums lawfully payable by such insurer to the Secretary.

"(b) No action or proceeding shall be brought for the recovery of any premium due to the Secretary for reinsurance, or for the recovery of any premium paid to the Secretary in excess of the amount due to him, unless such action or proceeding shall have been brought within five years after the right accrued for which the claim is made, except that, where the insurer has made or filed with the Secretary a false or fraudulent annual statement, or other document with the intent to evade, in whole or in part, the payment of premiums, the claim shall not be deemed to have accrued until its discovery by the Secretary.

"Part D—Government Program With Industry Assistance

"FEDERAL OPERATION OF THE PROGRAM IN NONCOOPERATING STATES

Sec. 2031. (a) If at any time, after consultation with representatives of the insurance industry, the Secretary determines that operation of the national catastrophic illness insurance program as provided in the preceding provisions of this title cannot be carried out in any State, or that such operation in any State, in itself, would be assisted materially by the Federal Government's assumption, in whole or in part, of the operational responsibility for extended health insurance under this title (on a temporary or other basis), he shall promptly undertake any necessary arrangements to carry out such program in that State through the facilities of the Federal Government, utilizing, for purposes of providing extended health insurance coverage, either—

"(1) insurance companies and other insurers, insurance agents and brokers, and insurance adjustment organizations, as fiscal agents of the United States,

"(2) officers and employees of the Department of Health, Education, and Welfare, and such other officers and employees of any executive agency (as defined in section 105 of title 5 of the United States Code) as the Secretary and the head of any such agency may from time to time, agree upon, on a reimbursement or other basis, or

"(3) both the alternatives specified in paragraphs (1) and (2).

"(b) Upon making the determination referred to in subsection (a), with respect to any State, and at least thirty days prior to implementing the national catastrophic illness insurance program in such State through the facilities of the Federal Government, the Secretary shall make a report to the Congress and such report shall—

"(1) state the reasons for such determination,

"(2) be supported by pertinent findings,

"(3) indicate the extent to which it is anticipated that the insurance will be utilized in providing extended health insurance coverage under the program, and

"(4) contain such recommendations as the Secretary deems advisable.

"ADJUSTMENT AND PAYMENT OF CLAIMS

"Sec. 2032. In the event the program is carried out as provided in section 2031, the Secretary shall be authorized to adjust and make payment of any claims for proved and approved losses covered by extended health insurance, and upon the disallowance by the Secretary of any such claim, or upon the refusal of the claimant to accept the amount allowed upon any such claim, the claimant shall have the right of judicial review as provided by section 2041(b).

"Part E—Provisions of General Applicability

"CLAIMS AND JUDICIAL REVIEW

"Sec. 2041. (a) All reinsurance claims for losses under this title shall be submitted by insurers in accordance with such terms and conditions as may be established by the Secretary.

"(b)(1) Upon disallowance of any claim under color of reinsurance made available under this title or any claim against the Secretary under section 2032, or upon refusal of the claimant to accept the amount allowed upon any such claim, the claimant may institute an action against the Secretary on such claim in the United States district court for the district in which the insurer's principal office is located or the insured individual resides (or resided).

"(2) Any such action must be begun within one year after the date upon which the claimant received written notice of disallowance or partial disallowance of the claim, and exclusive jurisdiction is hereby conferred upon United States district courts to hear and determine such actions without regard to the amount in controversy.

"FISCAL INTERMEDIARIES AND SERVICING AGENTS

"Sec. 2042. (a) In order to provide for maximum efficiency in the administration of the reinsurance program under this title, and in order to facilitate the expeditious payment of any funds under such program, the Secretary may enter into contracts with any insurer, pool, or other person, for the purpose of providing for the performance of any or all of the following functions:

"(1) estimating or determining any amounts of payments for reinsurance claims;

"(2) receiving and disbursing and accounting for funds in making payments for reinsurance claims;

"(3) auditing the records of any insurer, pool, or other person to the extent necessary to assure that proper payments are made;

"(4) establishing the basis of liability for reinsurance payments, including the total amount of proved and approved claims which may be payable to any insurer, and the total amount of premiums earned by any insurer in the respective States for reinsured extended health insurance; and

"(5) otherwise assisting in any manner provided in the contract to further the purpose of this title.

"(b)(1) Any such contract may require the insurer, pool, or other person, or any of its officers or employees certifying payments or disbursing funds pursuant to the contract, or otherwise participating in carrying out the contract, to give surety bond to the United States in such amounts as the Secretary may deem appropriate.

"(2) In the absence of gross negligence or intent to defraud the United States—

"(A) no individual designated pursuant to a contract under this section to certify payments shall be liable with respect to any payment certified by him under this section; and

"(B) no officer of the United States disbursing funds shall be liable with respect to any otherwise proper payment by him if it was based on a voucher signed by an individual designated pursuant to a contract under this section to certify payments.

"NATIONAL CATASTROPHIC ILLNESS INSURANCE FUND

"SEC. 2043. (a) To carry out the program authorized under this title, the Secretary is authorized to establish a National Catastrophic Illness Insurance Fund (hereinafter called the 'fund') which shall be available, without fiscal year limitations—

"(1) to make such payments as may, from time to time, be required under reinsurance contracts under this title;

"(2) to make premium equalization payments as provided in section 2044; and

"(3) to pay such administrative expenses as may be necessary or appropriate to carry out the purpose of this title.

"(b) The fund shall be credited with—

"(1) reinsurance premiums, fees, and other charges which may be paid or collected in connection with reinsurance provided under part C;

"(2) interest which may be earned on investments of the fund;

"(3) such amounts as may be advanced to the fund from appropriations in order to maintain the fund in an operative condition adequate to meet its liabilities; and

"(4) receipts from any other source which may, from time to time, be credited to the fund.

"(c) If, after any amounts which may have been advanced to the fund from appropriations have been credited to the appropriation from which advanced, the Secretary determines that the moneys of the fund are in excess of current needs, he may request the investment of such amounts as he deems advisable by the Secretary of the Treasury in obligations issued or guaranteed by the United States.

"(d) An annual business-type budget for the fund shall be prepared, transmitted to the Congress, considered, and enacted in the manner prescribed by law (sections 102, 103, and 104 of the Government Corporation Control Act (31 U.S.C. 847–849)) for wholly owned Government corporations.

"PREMIUM EQUALIZATION PAYMENTS

"SEC. 2044. (a) The Secretary, on such terms and conditions as he may from time to time prescribe, shall make periodic payments to insurers and pools in recognition of such reductions in premium rates under section 2014(b) below estimated risk premium rates under section 2014(a)(1) as are required in order to make extended health insurance available on reasonable terms and conditions.

"(b) Designated periods under this section and the methods for determining the sum of premiums paid or payable during such periods shall be established by the Secretary.

"RECORDS, ANNUAL STATEMENT, AND AUDITS

"SEC. 2045. (a) Any insurer or pool acquiring reinsurance under this title shall furnish the Secretary with such summaries and analyses of information in its records as may be necessary to carry out the purpose of this title, in such form as the Secretary, in cooperation with the State insurance authority, shall, by rules and regulations, prescribe. The Secretary shall make use of State insurance authority examination reports and facilities to the maximum extent feasible.

"(b) Any insurer or pool acquiring reinsurance under this title shall file with the Secretary a true and correct copy of any annual statement, or amendment thereof, filed with the State insurance authority of its domiciliary State, at the time it files such statement or amendment with such State insurance authority.

"(c) Any insurer or other person executing any contract, agreement, or other appropriate arrangement with the Secretary under section 2022 or section 2042 shall keep reasonable records which fully disclose the total costs of the programs undertaken or the services being rendered, and such other records as will facilitate an effective audit of liability for reinsurance payments by the Secretary.

"(d) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of investigation, audit, and examination to any books, documents, papers, and records of any insurer or other person that are pertinent to the costs of any program undertaken for, or services rendered to, the Secretary. Such audits shall be conducted to the maximum extent feasible in cooperation with the State insurance authorities and through the use of their examining facilities.

"GENERAL POWERS

"SEC. 2046. In the performance of, and with respect to, the functions, powers, and duties vested in him by this title, the Secretary shall (in addition to any authority otherwise vested in him) have the same functions, powers, and duties (including the authority to issue rules and regulations) as those vested in the Secretary of Housing and Urban Development under section 402, except subsections (c)(2), (d), and (f), of the Housing Act of 1950. Any rules or regulations of the Secretary shall only be issued after notice and hearing, if granted, as required by the Administrative Procedure Act.

"SERVICES AND FACILITIES OF OTHER AGENCIES—UTILIZATION OF PERSONNEL, SERVICES, FACILITIES, AND INFORMATION

"SEC. 2047. The Secretary may, with the consent of the agency concerned, accept and utilize, on a reimbursable basis, the officers, employees, services, facilities, and information of any agency of the Federal Government, except that any such agency having custody of any data relating to any of the matters within the jurisdiction of the Secretary shall, to the extent permitted by law, upon request of the Secretary, make such data available to the Secretary.

"ADVANCE PAYMENTS

"SEC. 2048. Any payments which are made under the authority of this title may be made, after necessary adjustments on account of previously made underpayments or overpayments in advance or by way of reimbursement. Payments may be made in such installments and on such conditions as the Secretary may determine.

"TAXATION

"SEC. 2049. The National Catastrophic Illness Insurance Fund, including its reserves, surplus, and income, shall be exempt from all taxation now or hereafter imposed by the United States, or by any State, or any subdivision thereof, except that any real property acquired by the Secretary as a result of reinsurance shall be subject to taxation by any State or political subdivision thereof, to the same extent, according to its value, as other real property is taxed.

"APPROPRIATIONS

"SEC. 2050. There are hereby authorized to be appropriated such sums as may be necessary to carry out this title."

SUMMARY OF NATIONAL CATASTROPHIC ILLNESS PROTECTION ACT OF 1973

PURPOSE AND ORGANIZATION OF LEGISLATION

The proposed National Catastrophic Illness Protection Act is designed to encourage private health insurers, with the assistance of the Federal Government, to provide adequate health inurance protection for persons who cannot otherwise afford such protection, or whose medical and health expenses are such that extended health insurance protection is not available. According to the findings outlined by Congress in the proposal, "many individuals are still unable to secure adequate health insurance protection or to secure such protection at rates which they can afford" and "few of our citizens are protected" from the costs of "catastrophic illness."

To deal with these problems, the bill would create a Federal health reinsurance program designed to encourage the development by the private insurance industry of policies which would afford individuals extended protection. Working with the industry, the Government would reinsure policies on terms and conditions calculated to provide maximum encouragement to insurance companies to participate in the program, either individually or through pools established for the purpose.

The legislation contains five titles designed to meet the program's objectives. Part B contains general provisions relating to the program, including the statement of Congressional findings and a section setting forth the definitions used in the proposal. Part B establishes the National Catastrophic Insurance Program by means of State-wide plans providing extended health insurance coverage through a program by which the Federal Government reinsures losses of insurers or pools of insurers offering extended health insurance policies. Part C contains the Federal reinsurance mechanism for protecting insurers against losses incurred by plans provided under Part B of the bill. Part D of the legislation establishes a separate reinsurance program to operate in those States where a State-wide plan is not developed in accordance with Part B of the bill. Part E of the proposal contains general provisions relating to claims and judicial review procedures and Federal financial obligations in connection with the reinsurance programs established under Part B and D of the bill.

SECTION-BY-SECTION ANALYSIS

Title I—General Provisions

Section 2001—*Short Title.*—Provides that the legislation may be known as the "National Catastrophic Illness Protection Act of 1973."

Section 2002—*Findings and Purpose.* Sets forth the findings of the Congress that there are still many individuals who cannot secure or cannot afford adequate health insurance protection and that very little insurance protection is available to help meet the costs of catastrophic illness or disease. Establish as the policy of Congress the need for a National Catastrophic Illness Insurance program to encourage States and private insurers in the development of policies which will meet the problems set forth in the statement of findings.

Section 2003—*Definitions.* Defines certain terms used in the Act, such as "extended health insurance," "costs of medical care," "insurer," "pool" and "reinsured losses." Among the definitions are:

(1) *extended health insurance*, meaning insurance against all costs paid or incurred for medical care as defined in the Internal Revenue Act.

(2) *costs of medical care*, include expenses of medical care incurred by or on behalf of persons covered by an extended health insurance policy which are deductible in accordance with provisions in the IRS Code.

(3) *Insurers*, include any insurance company or group of companies under common ownership authorized to engage in the insurance business under laws of a State.

(4) *pool*, meaning association of insurance companies in a State formed or organized for the purpose of making extended health insurance more readily available.

(5) *reinsured losses*, meaning losses on re-

insurance claims under this Act and all direct expenses incurred in connection with such claims, including processing, verifying, and paying such losses.

Part B—Establishment of program; State *plans*

Section 2011—*Authority.* Authorizes the Secretary of Health, Education and Welfare to establish and carry out a National Catastrophic Illness Insurance Program.

Section 2012—*State Plans.* Provides that the program shall involve the creation of Statewide plans providing extended health insurance, and that the Federal Government will reinsure insurers and pools of insurers who offer such insurance. Each insurer (or pool of insurers) will work with the State insurance authority in carrying out the Statewide plan. All plans would have to include:

(1) that extended health insurance be available to all eligible individuals, as defined in Section 2013 and at a cost which is reasonable, as defined in Sec. 2014, subject only to deductibles authorized in Sec. 2015.

(2) that where an insurer does not agree to write a policy of extended insurance, or does so under various limiting conditions, the State authority is notified. The policy would then be placed with a pool or otherwise assigned to insurers by the "all-industry placement facility," provided for in Sec. 206.

(3) that data be compiled and studied in connection with the operation of the Statewide plan.

(4) that certain reports be submitted to the State insurance authority by individual insurers.

(5) that any cancellation of a policy provide for reasonable notice to permit coverage under a new policy to be written under the plan.

(6) that public information about the plan be readily distributed.

Further, each plan would have to contain such terms, conditions, requirements and other provisions determined to be necessary to carry out the purpose of the program.

Section 2013—*Eligible Individuals.* In order to be eligible for policies issued under a State-wide plan, an individual would have to be a resident of the State and make appropriate application, or be a member of the household of such a person and his spouse, child, grandchild, parent or grandparent.

Section 2014—*Premium Setting.* Premium rates would be set on the basis of a study of the risks in question and accepted actuarial principles. These rates would be promulgated by the Secretary for use by States and insurers in charging for extended health insurance issued under plans approved under Sec. 2012 above. Rate differentials would be authorized on the basis of the number of persons covered in a family, or by other factors approved by the Secretary, including the different risks involved in various coverage arrangements. Where insurers established rates lower than those promulgated by the Secretary, any losses sustained by these insurers or pools of insurers would be compensated by "premium equalizers" provided for in Sec. 2044 of the bill.

Section 2015—*Deductibles.* Provides that, before payments are made under an extended insurance policy, a deductible must be satisfied through an equal amount of medical expenses paid or incurred by such individual. The amount of such deductible is determined by relating the extent of medical expenses to adjusted income and is equal to one-half of the amount by which a person's or family's adjusted income exceeds $1,000 but does not exceed $2,000; *plus* all of the amount by which such adjusted income exceeds $2,000. (A person with an adjusted income of $10,000 would have a deductible of $8,500.)

For the purposes of this section, the term "adjusted income" means the gross income of an individual or family for tax purposes less the aggregate amount of personal tax exemptions allowed the individual or family.

For satisfying the deductible, costs paid and incurred with respect to an illness which began in the previous year and continued uninterrupted until such costs were paid or incurred, shall be considered to have been paid or incurred in such previous year.

The deductible would be reduced by the amount of any payments, for the costs of care covered by the Medicare and Medicaid programs, or by any other public or private health insurance policy covering such care.

Section 2016—*All Industry Placement Facility.* A State-wide plan must provide for an all-industry placement facility which would have the responsibility of distributing equitably the risks involved in the issuance of extended health insurance and which would seek to place insurance up to the full insurable value of the risk to be insured.

Section 2017—*Industrial Cooperation.* Provides that certain statements pledging participation and cooperation with the State insurance authority would be required of insurers seeking reinsurance under the program. In addition, no insurer shall direct any agent or broker not to solicit business through such a plan, nor penalize agents or brokers in any manner for submitting applications under the plan.

Section 2018—*Plan Evaluation.* Provides that the State plan shall be evaluated from time to time in accordance with criteria established by the Secretary.

Part C—Reinsurance coverage

Section 2021.—*Reinsurance of Losses under Extended Health Insurance Policies.* Provides that the Secretary is authorized to reinsure against the losses which might be incurred under extended health insurance policies. Temporary reinsurance would be authorized immediately after enactment, but at the expiration of such temporary period, only permanent reinsurance is available to insurers participating in a State-wide plan as provided for in Part B.

Section 2022—*Reinsurance Agreements and Premiums.* Authorizes the Secretary to make agreements with insurers and pools for reinsurance premiums deposited in the National Catastrophic Illness Insurance Fund provided for in Sec. 2043 of the bill. Reinsurance offered would pay an insurer or pool for total proved and approved claims for losses in connection with the provision of extended health insurance over and above the retention of such losses by insurers which were required in accordance with the reinsurance contract. Terms would be made annually in connection with any reinsurance contract.

Section 2023—*Conditions of Reinsurance.* Provides a detailed procedure for implementation of the reinsurance program in a State within specified time requirements, taking into account certain State and local factors which might affect such implementation.

Section 2024—*Recovery of Premiums; Statute of Limitations.* Provides that the Government may recover in the courts any unpaid premiums lawfully payable to the Government by an insurer under provisions of a 5-year statute of limitations.

Part D—Government progam with industry assistance

Section 2031—*Federal Operation of Program in Noncooperating States.* Authorizes after certain determinations that, where a Statewide program cannot be carried out, or that the objective of the program would be materially assisted by the Federal Government's assumption of the plan, arrangements for operation by the Government may be carried out. Insurers would deal directly with the Federal Government as fiscal agents of the United States.

Section 2032—*Adjustment and Payment of Claims.* If a Federally-operated program is provided for, the Secretary is authorized to adjust and pay claims for proved and approved losses covered by extended health insurance.

Part E—Provisions of general applicability

Section 2041—*Claims and Judicial Review.* Provides procedures for judicial review of disallowances for claims for losses under the reinsurance program, whether State-wide or operating by the Federal Government.

Section 2042—*Fiscal Intermediaries and Servicing Agents.* Authorizes the Government to enter into contracts and other arrangements for claims review, receiving and disbursing funds for making payments, etc.

Section 2043—*National Catastrophic Illness Insurance Fund.* Provides for the creation of a fund for purposes of receiving premiums for reinsurance, paying claims, and so on.

Section 2044—*Premium Equalization Payments.* Provides that the Secretary may make periodic payments to insurers and pools in recognition of reductions in premium rates below estimated risks as provided for in Sec. 204.

Section 2045—*Records, Annual Statement, and Adults.* Self-explanatory.

Section 2046—*General Powers.* Authorizes the Secretary of HEW to exercise certain powers vested in the Secretary of HUD under the Housing Act of 1950, in addition to powers provided in this proposal.

Section 2047—*Services and Facilities of Other Agencies.* Provides that the Secretary may, on a reimbursable basis, utilize the services of other Government agencies.

Section 2048—*Advance Payments.* Authorizes necessary payment adjustments in connection with the program.

Section 2049—*Taxation.* Exempts the National Catastrophic Illness Insuarnce Fund from Federal taxation, except that any real property acquired by the Secretary as the result of reinsurance would be taxable by States or political subdivisions.

Section 2050—*Appropriations.* Authorizes such appropriations as are necessary to carry out the provisions of the bill.

APPLICATION OF THE DEDUCTIBLE UNDER THE NATIONAL CATASTROPHIC ILLNESS PROTECTION ACT

The deductible, or the amount of medical costs which must be incurred or paid in one year before benefits begin under this insurance, is based on individual or family income and would be as follows:

Adjusted income:

	Deductible
$1,500	$0
$2,000	500
$2,500	1,000
$3,000	1,500
$3,500	2,000
$4,000	2,500
$4,500	3,000
$5,000	3,500

And so on up the scale.

"Adjusted income" means the gross income of an individual or family for tax purposes less the aggregate amount of personal tax exemptions allowed.

The deductible would be reduced by the amount of any payments, for the costs of care covered by the Medicare and Medicaid programs, or by any other public or private health insurance policy covering such care.

Example: A family with an adjusted income of $10,000 would during a year be required to pay or incur medical expenses to the extent of $8,500 (or to have insurance coverage to meet those expenses in whole or in part; Medicare or Medicaid payments would reduce the deductible similarly). At that point all medical expenses regardless of the extent, during that year, or for any lengthy illness or injury the treatment of which extends into another year, would be covered under such a policy.

Mr. TOWER. I am pleased to join with Senator Beall in introducing the National Catastrophic Illness Protection Act of 1973. Senator Beall and myself were original sponsors of this bill in the 92d Congress when it was introduced by our former colleague, Senator J. Caleb Boggs of Delaware.

One of the major issues of a domestic nature that the Congress will confront this year and the next will be that of national health insurance. As was the case in the last Congress, a variety of bills have been introduced dealing with this subject.

Congressional hearings on national health insurance will be very extensive. This is as it should be because this is both a complicated and important subject, potentially affecting the lives of every American. No doubt a great deal of study will be geared to a major component of this overall debate—a catastrophic illness. An examination of this problem will include the scope of catastrophic illness, its effect on the patient and his or her family and potential methods available to remedy or limit the financial burden that is assumed when a person is afflicted with such an extended illness.

By definition, catastrophic illness would comprise health care costs which exceed the coverage of private health insurance programs, both the basic and major medical care plans. When an individual is confronted with such an extended illness he and his family face an incredible financial hardship.

Of course, the Congress of the United States cannot cure the affliction which has incapacitated the individual. However, I do believe that the Federal Government should have a role in limiting his financial liability and the liability of his family. As it stands today, an individual afflicted with a catastrophic illness may often have to leave a hospital after his condition has to a certain extent been stabilized and after his private health insurance has been used up. While facing continuous ill health and the constant need for medical treatment, he and his family may very well end up as wards of the State due to their lack of financial resources.

It is, I believe, a legitimate function of Government to assist this individual and his family. More properly stated, it would be most constructive for Government to stimulate the private sector to solve this problem. This is the intent of the Catastrophic Illness Protection Act.

The proposal is a flexible one, taking into consideration the economics of health care and the need for an individualistic approach to the problem. Individuals and families would be able to purchase catastrophic health insurance coverage from private insurers that would cover the cost of allowable medical services which exceed a certain monetary amount depending on family size and adjusted gross income. The formulation of this type of health care coverage would be coordinated by the insurance authority at the State government level. The State insurance authorities would also move to create statewide insurance pools in order to equalize the amount of risk-taking by private insurance companies throughout the State.

Mr. President, there are a number of reasons why I believe this proposal is an exceptional one deserving careful consideration by the Congress.

A VOLUNTARY HEALTH INSURANCE PROPOSAL

Unlike many other proposals that have been submitted in Congress, the National Catastrophic Illness Protection Act is voluntary in nature. Throughout my public life, I have opposed compulsory Government programs on the basis that they restrict the freedom of the individual that is basic to the American way of life. No individual American would be forced to enroll in this program. While Americans certainly recognize there are problems in the area of health care financing, I believe the vast majority of our citizens oppose a compulsory uniform national health insurance system.

A LIMITED FEDERAL ROLE

The Federal Government role in this proposal would be quite limited. At periodic intervals the Department of Health, Education, and Welfare would review the actuarial value of the catastrophic illness insurance policy in each State. By taking into consideration general economic data and family size the Department of Health, Education, and Welfare could then set a premium policy cost at a lower level than the actuarial value in order to encourage more widespread coverage. A national catastrophic illness fund would be established to reimburse private carriers of the difference between the premium payment and the actuarial value. Additionally, the Federal Government would provide and administer a reinsurance program to insure the private companies offering this low-cost insurance against paying out more in benefits than they received in premiums.

A PUBLIC-PRIVATE PARTNERSHIP

This legislation is geared to improve our existing health care delivery system. I strongly believe that our delivery system is the best that any nation has yet developed. It is not a perfect system and it is my belief that this legislation would move our system closer to the goal of perfection of which we all strive. Our private health insurance system has currently enrolled more than 80 percent of those eligible for the various programs and their benefits. The National Catastrophic Illness Protection Act would strengthen our existing system by providing it with the necessary incentives to make available the type of protection desired by the American people. At the same time, the program would not restrict the ongoing functions of our existing system. Nor would it restrict the constant effort by the private sector to experiment and develop alternative methods of providing better health care.

A FEDERAL-STATE PARTNERSHIP

I believe that a program of this nature cannot be successful without the cooperation and utilization of the experience of existing State governmental units in the insurance field. The National Catastrophic Illness Insurance Act takes this into consideration. The States would have the primary authority for developing statewide insurance plans and would coordinate the insurance risk pool. President Nixon has recognized and I believe the Congress is increasingly recognizing that the Federal Government has neither the answers to all of our problems nor the intuitive ability to properly administer programs dealing specifically with individual human needs. This proposal recognizes the impersonal nature of the Federal bureaucracy while at the same time takes heed of the experience and expertise available at the State level.

A LIMITED FEDERAL COST

It has been quite apparent for some time that the Federal Government cannot afford to implement many new high-cost programs. This is certainly the case until there is a reorganization of the executive branch and a reevaluation of the myriad of programs authorized by the Federal Government. While the proposal being submitted today attempts to rectify a very serious problem of nationwide dimensions, I am convinced that its cost will be of a minimal nature, particularly when compared with other proposals in the national health insurance area. In fact, it is my estimation that the cost of the program would be at its highest in its initial year. Once the program is underway and the incentives established the program will begin to grow in a quantitative sense. This will spread out the risk and reduce the overall cost.

Furthermore, since catastrophic illness consists of only a small minority of all health insurance claims the total amount of benefits paid out should never reach an alarming figure. I am also convinced that the reinsurance claims will be at a minimal level once the carriers have the experience in the program to improve the actuarial basis of their efforts. In this regard, the Federal interest will be protected by the Department of Health, Education, and Welfare's continuing actuarial review of the premium rate structure under the program.

Mr. President, I urge my colleagues to give this legislation their careful consideration. The National Catastrophic Illness Protection Act of 1973 seeks to build upon our present health care delivery system. Since the program will only come into play once a specified amount of health care costs are exceeded and the amount of that deductible will rise measurably depending on income, enrollees in the program will have a strong incentive to obtain private health insurance covering basic and major medical coverage. Already more than 80 percent of those eligible for private insurance in the country have such coverage. The Catastrophic Illness Protection Act recognizes that in the vast majority of cases that the deductible under the plan will be covered by private health insurance. Catastrophic protection, therefore, will assist the individual and his family in filling a gap in the current system of health care financing.

In establishing our priorities in the upcoming debate it is my hope that catastrophic protection will have the highest consideration and that the Congress will recognize the potential of this program.

By Mr. AIKEN:

S. 589. A bill making an urgent supplemental appropriation for the national industry reserve under the Independent Agencies Appropriation Act for the fiscal year ending June 30, 1973. Referred to the Committee on Appropriations.

Mr. AIKEN. Mr. President, I send to the desk legislation for a $1.8 million supplemental appropriation to restore funds for the National Industrial Equipment Reserve program.

The program received no funds in fiscal 1973 because of a difference between the Congress and the administration over whether the National Industrial Equipment Reserve should be retained under the General Services Administration budget or whether this should be shifted to the Department of Defense budget.

As a result, machine tools worth over $46 million are now sitting unused in two storage depots, and some 400 U.S. schools face the possible loss of over $40 million in NIER machinery on free loan for vocational training purposes.

I hope this legislation can be acted on in an expedited fashion as this program is not only important to our national security but at the same time allows these machine tools to be used for educational purposes.

By Mr. PERCY (for himself, Mr. ERVIN, Mr. BROCK, Mr. CHILES, Mr. JAVITS, Mr. METCALF, Mr. MUSKIE, Mr. ROTH, and Mr. SAXBE):

S. 590. A bill to require that future appointments of certain officers in the Executive Office of the President be subject to confirmation by the Senate. Referred by unanimous consent to the Committee on Government Operations, the Committee on Banking, Housing and Urban Affairs, the Committee on Foreign Relations, and the Committee on Armed Services.

BILL TO REQUIRE CONFIRMATION OF REMAINING MAJOR POSTS IN THE EXECUTIVE OFFICE OF THE PRESIDENT

Mr. PERCY. Mr. President, I am introducing today on behalf of myself; the distinguished chairman of our committee the Senator from North Carolina (Mr. ERVIN); and seven other members of the Government Operations Committee (Mr. BROCK, Mr. CHILES, Mr. JAVITS, Mr. METCALF, Mr. MUSKIE, Mr. ROTH, and Mr. SAXBE) a bill to make three posts in the Executive Office of the President subject to appointment by and with the advice and consent of the Senate. The posts in question are the Executive Secretary of the National Security Council, the Executive Director of the Domestic Council, and the Executive Director of the Council on International Economic Policy.

This bill was reported unanimously by the committee at its executive session on January 26. It permits those officers currently holding the three posts to be exempt from confirmation, except that the Executive Director of the Council on International Economic Policy is exempted only until June 30, 1973, when authority for the Council must be renewed by Congress. If the Council is reauthorized, the bill provides that the Executive Director should be subject to Senate confirmation.

Mr. President, the committee's report on this bill, which will be filed subsequently, will more fully explain the need for this measure. Let me explain now that it is not intended to intervene between the President and his assistants, counselors, consultants, and other staff who assist him in his duties. Each of the three posts affected by the bill has an operating function created by law or reorganizatiton plan. Each of these officials has an enormous impact on the lives of American citizens, on formulation of policy, and the administration of the laws. The committee's action reflects a conviction that Congress must insist on its role as lawmaker, and the Executive's role as implementor of the laws.

I have listened with great interest to some of the arguments that would say that the nominations of these officers should not be subject to confirmation, and I am fully aware that they are in a twilight zone. I would say that we can better fulfill our function and responsibility if we would bear in mind that when one officer holds two positions—counselor or assistant to the President as well as a position of responsibility created by statute or reorganization plan—it is incumbent upon congressional committees to be as considerate as possible of the need for the President to have ready access to such official and also for Congress not to invade the personal relationship that does and should exist between the President and his counselor or assistant when reviewing the separate statutory responsibilities of the official.

I would trust that all congressional committees would bear this in mind and would recognize that the executive privilege to have a confidential relationship between a counselor or assistant to the President cannot and must not be invaded by Congress. But when the same person is in a dual capacity or responsibility, we cannot evade our responsibility by saying that such person's activities are totally exempt from congressional confirmation or oversight. If the President chooses to have one individual occupy two posts, it is only the statutory post for which we have any responsibility.

In fact, we would not be fulfilling our responsibility if we did not have such officials available for reasonable questioning and interchange and to give our advice and consent, with respect to the appointment of such men vitally affecting matters of prime importance to Congress, such as trade legislation, the national defense, international diplomacy, and certainly the ordering of our affairs with respect to our domestic priorities.

This bill thus requires the confirmation of the major three officials of the Executive Office of the President who are not subject to confirmation. On January 26, the Government Operations Committee also reported Chairman ERVIN's bill, S. 518, to require confirmation of the Director and Deputy Director of the Office of Management and Budget; and on January 23 the Senate adopted a bill reported from the Banking Committee to require confirmation of the Director of the Cost of Living Council, I am pleased to say—with the full support of the administration.

The three officials now in question have a far greater ability to affect the people of the United States and the execution of our laws than the vast bulk of the 13,940 civilian officials confirmed by the Senate in the 92d Congress.

The post of Executive Director of the Domestic Council is established in Reorganization Plan No. 2 of 1970. The Domestic Council has become the central management agency for domestic policy and programs in much the same way that the OMB has become the control agency for program budget and management. When the House Government Operations Committee considered Reorganization Plan No. 2 in 1970, it voted to disapprove the plan because it did not provide for confirmation of the Director of the Domestic Council. Section 904(2) of the Reorganization Act requires that officers authorized by reorganization plans be either confirmed by the Senate or be in the competitive civil service. The committee was not sustained in the House, and the plan was not disapproved. In retrospect, the House committee was correct in insisting that this provision of law be complied with. The Director of the Domestic Council has become an extremely important and powerful government official who serves in a capacity well beyond that normally performed by Presidential counselors.

The post of Executive Secretary of the National Security Council—NSC—is created by the National Security Act of 1947, as amended. The law requires that the National Security Council staff shall be headed by a civilian Executive Secretary, appointed by the President, who controls the staff which performs functions assigned it by the Council. Though Dr. Kissinger has not been formally designated Executive Secretary of the NSC, it is clear that he is the operating head of the Council and its staff and that he holds the post of Executive Secretary de facto. A comparison with other EOP officials may be useful. The Director of the Central Intelligence Agency is subject to appointment by and with the advice and consent of the Senate. The Special Representative for Trade Negotiations and his two deputies, all Ambassadors, are subject to Senate advice and consent. Is it unreasonable to ask that the head of the NSC staff, who deals as intimately with questions of national security as the CIA Director, and who surely serves with the authority of an Ambassador with plenipotentiary powers, be confirmed?

The post of Executive Director of the Council on International Economic Policy is created by Public Law 92–412 of August 29, 1972. The extensive duties of the CIEP as the coordinating unit for all U.S. foreign economic policy are also set forth in that act. Again comparison may be useful. Traditionally the President's most important adviser on economic policy has been the chairman of the Council of Economic Advisers, all members of which are subject to confirmation. Both Mr. Flanigan and Dr. Stein perform duties based mainly on policy formulation. The distinguishing "extra dimension" of Mr. Flanigan's job is his designation as a presidential counselor. He can continue to serve as counselor to the President and these functions are properly private. But in his capacity as the operating chief of the CIEP, performing the duties required by the law, his appointment should be subject to advice and consent.

Each of the above three posts should be make subject to confirmation. To do so is consistent in the context of the Executive Office of the President, where most operating officials, including several exceptionally important ones, are required to be confirmed. Such confirmation is within the letter and intent of the Constitution. The provision that the present occupant of each post need not be confirmed is a fair way of ensuring that we do not change the rules in mid-stream for those officials currently holding the posts in question. I ask unanimous consent that a list of the component offices of the Executive Office of the President be printed in the RECORD at this point.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

COMPONENT OFFICES OF THE EXECUTIVE OFFICE OF THE PRESIDENT (EOP)

(INCLUDING THE COST OF LIVING COUNCIL, INITIALLY A PART OF THE EOP, NOW CONSIDERED AN "INDEPENDENT AGENCY")

OFFICE	AUTHORITY	TOP OFFICIAL
Not Subject to Confirmation:		
1. OMB	Reorganization Plan	Director and Deputy Director
2. National Security Council	National Sec. Act	Executive Secretary
3. Domestic Council	Reorganization Plan	Executive Director, Deputy Dir.
4. Council on Int'l. Econ. Policy	PL 92–412, 8/29/72	Executive Director
5. Office of Consumer Affairs*	Executive Order	Director and 2 Deputy Directors
6. Cost of Living Council	Econ. Stabilization Act and Executive Order	Director
Subject to Confirmation:		
7. Council of Economic Advisers	Employment Act of 1946	Chairman, 2 Members
8. Central Intelligence Agency	National Sec. Act	Director, Deputy Director
9. Nat'l. Aero. & Space Council**	Nat'l. Aero. & Space Act	Executive Director
10. Office of Emergency Preparedness**	Reorganization Plan	Director, Deputy Dir., 2 Asst. Dir.
11. Office of Science and Technology**	Reorganization Plan	Director, Deputy Director
12. Off. Spec. Rep. for Trade Negos.	Trade Expansion Act	Special Representative, 2 Deputies
13. Office of Economic Opportunity	Econ. Opportunity Act	Director, Deputy Dir., 5 Asst. Dir.
14. Council on Environ. Quality	Environ. Policy Act	Chairman, 2 Members
15. Off. Telecommunications Policy	Reorganization Plan	Director, Deputy Director
16. Special Action Office for Drug Abuse Prevention	PL 92–255	Director, Deputy Director

* Functions to be transferred to Department of Health, Education, and Welfare.

** Functions to be transferred to other Departments and agencies pursuant to proposed Reorganization Plan No. 1 of 1973.

Mr. PERCY. Mr. President, I ask unanimous consent that this bill be referred to the Committee on Government Operations, the Committee on Banking and Urban Affairs, the Committee on Foreign Relations, and the Committee on Armed Services, because posts would be created that would be subject to confirmation, respectively, by the individual committees I have mentioned. One such bill was reported out unanimously by the Government Operations Committee affecting all three positions.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. Mr. President, today I am pleased to join with Senator PERCY and other Senators in cosponsoring legislation to make appointments of the Executive Secretary of the National Security Council, the Executive Director of the Domestic Council, and the Executive Director of the Council on International Economic Policy subject to senatorial confirmation. It is common knowledge that the officials who occupy these positions exercise far greater authority than many of the great number of appointees currently reviewed by the Senate.

I would also hope that Senators will have an opportunity to consider those who are nominated as Director of the Office of Management and Budget, in some ways the most important executive appointed by the President. As a consequence, I have also cosponsored S. 518, introduced by the senior Senator from North Carolina (Mr. ERVIN), which would accomplish this end.

It seems to me that this proposal offers a way by which to maintain the spirit of the checks and balances between legislative and executive branch envisioned by the framers of the Constitution. This basic document of our Government provided that the "Advice and Consent of the Senate" be given to major Presidential appointments. Since the internal organization of the executive branch changes over time, we must adjust the statutes to continue to provide this sort of legislative confirmation of executive appointees.

Requiring senatorial confirmation of the nominations of these three important executive office officials would also help to guarantee their availability as witnesses before the committees of Congress. Our National Legislature surely will not be effective in performing its legislative and oversight roles if its committees are unable to obtain appropriate information from the executive.

I certainly would not wish to deny the President the power to appoint high quality advisers and top administrators of his choice. I further intend no negative judgments against any particular men who now hold high offices or have been designated for such by President Nixon. However, a truly balanced national government requires that the legislature be able to obtain essential factual information from top Presidential advisers and administrators, as well as set minimal standards of competence and integrity for these officers.

It is also not my desire to give Congress and the public automatic access to confidential advice on policy which is offered to the President. What we at this end of Pennsylvania Avenue need is the facts out of which to build our own policies.

I feel that constitutional logic clearly argues for the enactment into law of both S. 590 and S. 518 to subject the chief officials of four major agencies in the Executive Office of the President to senatorial confirmation.

By Mr. HRUSKA:

S. 594. A bill to amend the Immigration and Nationality Act to provide for waiver of excludibility for certain aliens, and for other purposes. Referred to the Committee on the Judiciary.

Mr. HRUSKA. Mr. President, this bill would amend section 212 of the act by adding a new subsection. This new provision would change the law to permit the Attorney General to exercise discretion in admitting to the United States an alien who has previously entered the United States, or tried to enter, through fraud or concealment of a material fact. Under section 212 as presently written an alien is forever barred from receiving a visa if he has committed such a fraud, regardless of the circumstances or length of time that has passed since his misrepresentation.

The new subsection (j) to section 212 which I propose would authorize the Attorney General to allow such an alien to apply for admission to the United States, under appropriate conditions, if the fraud or misrepresentation occurred more than 10 years prior to such application by the alien. It would not guarantee the alien admission, but would merely give the Attorney General the authority to allow such an alien to apply for admission in any case appropriate.

Mr. President, this is a small but important step forward in making our immigration practices more equitable. Over the years, I have had a number of unfortunate situations brought to my attention in which an alien, in his eager desire to become a resident and citizen of our great country, misrepresented a fact relating to his status. I do not condone such an act, but we must all appreciate that these frauds are often the product of youthful indiscretions.

Recently such a case was brought to my attention by a local attorney. It concerns a doctor now in Vienna who came to this country as a young man and became a citizen. His citizenship was later revoked because of some false statements he made on entry, and he was required to leave the country. Even though these events occurred over 30 years ago, and this doctor had evidently led an exemplary life in Vienna since, he is forever barred from admission to this country. This doctor passionately desires to again become, and die, an American. Under my proposal, because the acts for which he is barred occurred more than 10 years ago, he would be eligible for a waiver from the Attorney General if he were found otherwise suitable for admission.

I introduced a very similar bill in the 92d Congress as S. 1869. It was referred to the Immigration Subcommittee of the Judiciary Committee and the Department of Justice was asked to comment thereon. In a letter dated January 4, 1972, the Deputy Attorney General indicated:

> This legislation is regarded as humanitarian in nature and the Department of Justice has no objection to its enactment.

The Office of Management and Budget concurred in this viewpoint. In Mr. Kleindienst's letter he made several suggested changes in the bill to further carry out the intent of the proposal. The bill that I introduce today incorporates the changes suggested by the Department. I ask unanimous consent to have printed in the RECORD the text of the departmental letter.

Mr. President, I urge that this bill receive prompt and favorable consideration. It is consistent with American principles of basic fairness, and with our image as the greatest and most generous country on earth.

I ask that the text of the bill be printed in the RECORD.

There being no objection, the letter and bill were ordered to be printed in the RECORD, as follows:

OFFICE OF THE DEPUTY
ATTORNEY GENERAL,
Washington, D.C., January 4, 1972.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: This is in response to your request for the views of the Department of Justice on S. 1869, a bill "To amend the Immigration and Nationality Act to provide for waiver of excludability for certain aliens, and for other purposes."

This bill would amend section 212 of the Immigration and Nationality Act, 8 U.S.C. 1182, by adding a new paragraph (j). That paragraph would provide for a "statute of limitations" on the operation of the ground of ineligibility and excludability set forth in section 212(a)(19) of the Act, 8 U.S.C. 1182(a)(19), for having procured a document or entry into the United States by fraud or misrepresentation. This waiver would be discretionary with the Attorney General and subject to such terms, conditions and procedures as he may, by regulations, prescribe for consenting to the alien's applying or reapplying for a visa or for admission to the United States. Under the terms of this proposal the acts forming the ground of inadmissibility under section 212 (a)(19) must have been committed more than 10 years prior to the date of application for a visa.

This legislation is regarded as humanitarian in nature and the Department of Justice has no objection to its enactment.

It is noted, however, that as written the bill would apply to nonimmigrants as well as immigrants. If this is not desired, the bill's language should be changed to show that it is intended to reach only immigrants. If it is intended that it apply to nonimmigrants, attention is directed to the fact that some nonimmigrant admissions do not require the issuance of a visa. Hence, line 2 on page 2 of the bill should read: "more than 10 years prior to the date of application for a visa or for admission to the United States if a visa is not required,".

It is also noted that while the bill provides for a waiver in the discretion of the Attorney General for one who is excludable for having sought to obtain a document or admission to the United States by misrepresentation, the full objective apparently intended might not be obtained unless provision is also made for a waiver for the admission of any perjury committed in connection with the fraud or misrepresentation involved in the section 212(a)(19) ground. Accordingly, the Committee may wish to add another clause which would recite the following: "or admits the commission of perjury in connection therewith" immediately following "subsection (a)" in line 8 of page 1.

The Office of Management and Budget has advised that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,
RICHARD G. KLEINDIENST,
Deputy Attorney General.

S. 594

A bill to amend the Immigration and Nationality Act to provide for waiver of excludability for certain aliens, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended by adding at the end thereof a new subsection (j) to read as follows:

"(j) An alien who would be ineligible to receive a visa or would be excludable under the provisions of paragraph (19) of subsection (a), or admits the commission of perjury in connection therewith, may be granted a visa and admitted to the United States, if otherwise admissible, (1) if it shall be established to the satisfaction of the Attorney General that the act or acts rendering such alien ineligible to receive a visa, or excludable, under such paragraph were committed more than ten years prior to the date of application for a visa or for admission to the United States if a visa is not required; and (2) if the Attorney General, in his discretion, and pursuant to such terms, conditions, and procedures as he may by regulations prescribe, has consented to the alien's applying or reapplying for a visa and for admission to the United States."

By Mr. BURDICK:

S. 596. A bill to improve judicial machinery by revising the certiorari jurisdiction of the Supreme Court and for other purposes. Referred to the Committee on the Judiciary.

Mr. BURDICK. Mr. President, I am introducing today for appropriate reference a bill revising the certiorari jurisdiction of the Supreme Court. The bill repeals certain sections of title 28 of the United States Code which permit appeal of certain cases to the Supreme Court. At present, most cases come to the Supreme Court by certiorari; in the 1972 term, 92 percent were by certiorari and only 8 percent were by appeal. The effect of this bill is to provide for review by certiorari in the following classes of cases now reviewed by appeal:

First. Decisions invalidating acts of Congress, except cases decided by special three-judge courts. However, another bill, S. 271, introduced in this Congress would repeal the requirement for these three-judge courts.

Second. Appeals from the U.S. courts of appeals.

Third. Certain appeals from State courts.

The numbers of cases where appeal as a right is available in the categories listed above is very few, so the changes recommended here will not unburden the Supreme Court to any significant extent. However, in the handful of cases which do reach the Supreme Court by appeal, certain statutory provisions, such as 28 U.S.C. 1254(2), have a complicating qualifying clause limiting the scope of review if appeal is taken. Under section 1254(2), providing for review by appeal from a circuit court of appeals, when a State statute has been held unconstitutional, only the Federal questions in the case may be placed in issue.

Thus, in a case involving both constitutional and other issues, counsel cannot be sure of the procedure best suited to protect his client's position and may be well advised to forgo his right of appeal and instead petition for certiorari. As the Freund Committee report, prepared for the Federal Judicial Center, states:

> All of these complications can be avoided by making all review of decisions by Courts of Appeals by certiorari. (*Report of the Study Group on the Caseload of the Supreme Court,* Federal Judicial Center (December, 1972))

In a second category of cases, appeals from State courts, section 1257(c) of title 28, United States Code, provides review by appeal where a State court has upheld a State statute against attack on Federal constitutional grounds. A substantial percentage of these cases are disposed of summarily, usually for lack of a substantial Federal question. A further complicating factor arises in this situation in that whether a decision of a State court comes to the Supreme Court by appeal or certiorari depends upon how the State court has decided the constitutional question. Appeal lies only if the State ruling is against the Federal claim; if the challenge is upheld, then review is only by certiorari. As the Freund Committee has stated:

> There is no reason to believe that the Court, in the exercise of a wholly discretionary jurisdiction, would not adequately protect the interests of our constitutional order as well in one situation as in the other.

A third category of cases, few in number, are affected by this bill. They are decisions invalidating acts of Congress. Under present law, direct appeal to the Supreme Court lies when any Federal court, including a one judge district court, has held a Federal statute unconstitutional. 28 U.S.C. 1252. The Freund Committee Report states:

> In recent years, it has been very rare for district courts to strike down Acts of Congress and thus the direct appeal provision is used very little. But there is no need for the statute in the rare cases to which it might apply. Direct review is available, if it is truly necessary, through prejudgment certiorari, and even that drastic device ordinarily need not be invoked.

Mr. President, I believe that the practice in the Supreme Court could be simplified by making review in these situations by certiorari alone, thereby eliminating the technical complexities of pleading which the present practice requires and that such a change would not in any way lessen the rights of citizens or the Federal or State governments in presenting their claims to the Court. In fact, I believe that the simplified procedures which would result from the passage of this bill would be beneficial to both litigants and lawyers

I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 596

A bill to improve judicial machinery by revising the certiorari jurisdiction of the Supreme Court and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1252 of title 28, United States Code, is repealed.

SEC. 2. (a) That clauses "(2)" and "(3)" of section 1254 of title 28, United States Code, are repealed.

(b) That the catchline to section 1254 of title 28, United States Code, is amended to read as follows:

"§ 1254. Courts of appeals; certiorari"

SEC. 3. (a) That paragraphs "(1)" and "(2)" of section 1257 of title 28, United States Code, are repealed.

(b) That the catchline to section 1257 of title 28, United States Code, is amended to read as follows:

"§ 1257. State courts; certiorari"

SEC. 4. The analysis of chapter 81 of title 28, United States Code, is amended to read as follows:

"Sec.
1251. Original jurisdiction.
1252. Repealed.
1253. Direct appeals from decisions of three-judge courts.
1254. Courts of appeals; certiorari.
1255. Court of Claims; certiorari; certified questions.
1256. Court of Customs and Patent Appeals; certiorari.
1257. State courts; certiorari.
1258. Supreme Court of Puerto Rico; appeal; certiorari."

SEC. 5. This act shall not apply to any appeal commenced on or before the date of enactment.

By Mr. BURDICK (by request):

S. 597. A bill to provide for the appointment of additional district judges, and for other purposes. Referred to the Committee on the Judiciary.

Mr. BURDICK. Mr. President, I am introducing today, by request, a bill to provide for the creation of 51 new district court judgeships which were recommended by the Judicial Conference of the United States at its October 1972 meeting.

These recommendations are based on the quadrennial survey made by the Administrative Office of the U. S. Courts in 1972 of the manpower needs of our district courts. These 51 judgeships are proposed for 33 of our 93 judicial districts. I am advised that the Judicial Conference took into consideration the number of cases filed, terminated and pending in each district together with other indicia of the relative workload in these courts, and also gave consideration to certain projections of caseload through the year 1976.

Mr. President, I introduce this bill for appropriate reference so that these recommendations and the justification for them can be thoroughly analyzed and evaluated by the appropriate committee of the Senate.

I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 597

A bill to provide for the appointment of additional district judges, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That

(a) the President shall appoint, by and with advice and consent of the Senate, one additional district judge for the northern district of Alabama, one additional district judge for the middle district of Alabama, one additional district judge for the southern district of Alabama, one additional district judge for the District of Arizona, two additional district judges for the northern district of California, two additional district judges for the eastern district of California, two additional district judges for the central district of California, two additional district judges for the southern district of California, two additional district judges for the middle district of Florida, two additional district judges for the southern district of Florida, two additional district judges for the northern district of Georgia, one additional district judge for the northern district of Indiana, one additional district judge for the southern district of Indiana, one additional district judge for the district of Kansas, two additional district judges for the eastern district of Louisiana, four additional district judges for the district of Massachusetts, one additional district judge for the district of Minnesota, one additional district judge for the western district of Missouri, one additional district judge for the district of New Jersey, one additional district judge for the northern district of New York, two additional district judges for the eastern district of New York, one additional district judge for the northern district of Oklahoma, one additional district judge for the district of Oregon, one additional district judge for the eastern district of Tennessee, three additional district judges for the northern district of Texas, four additional district judges for the southern district of Texas, one additional district judge for the eastern district of Texas, two additional district judges for the western district of Texas, two additional district judges for the eastern district of Virginia, one additional district judge for the western district of Virginia, one additional district judge for the western district of Washington, and one additional district judge for the western district of Wisconsin: *Provided, however,* That when any vacancy occurs among the judgeships assigned to more than one district in Oklahoma the successor appointed to such a vacancy shall be named to the western district of Oklahoma only.

SEC. 2. The existing district judgeship for the eastern district of North Carolina created by subsection (c) of section 2 of Public Law 91–272, June 7, 1970, 84 Stat. 296 shall be a permanent judgeship and the present incumbent of such judgeship shall henceforth hold his office under section 133 of title 28, United States Code, as amended by this Act. Subsection (c) of section 2 of Public Law 91–272, June 7, 1970, 84 Stat. 296, is hereby repealed.

SEC. 3. In order that the table contained in section 133 of title 28, United States Code will reflect the changes in the numbers of permanent judgeships made by sections one and two of this Act, such table is amended to read as follows with respect to each such district:

Districts	*Judges*
Alabama:	
Northern	5
Middle	3
Southern	3
Arizona	6
California:	
Northern	13
Eastern	5
Central	18
Southern	7
Florida:	
Middle	8
Southern	9
Georgia: Northern	8
Indiana:	
Northern	4
Southern	5
Kansas	5
Louisiana:	
Eastern	11
Middle	1
Massachusetts	10
Minnesota	5
Missouri: Western	4
New Jersey	10
New York:	
Northern	3
Eastern	11
North Carolina: Eastern	3
Oklahoma:	
Northern	2
Northern, Eastern, and Western	1
Oregon	4
Tennessee: Eastern	4
Texas:	
Northern	9
Southern	12
Eastern	4
Western	7
Virginia:	
Eastern	8
Western	3
Washington: Western	4
Wisconsin: Western	2

By Mr. JACKSON (for himself and Mr. FANNIN) (by request):

S. 600. A bill to designate certain lands as wilderness;

S. 601. A bill to designate certain areas in the United States as wilderness; and

S. 602. A bill to designate certain lands as wilderness. Referred to the Committee on Interior and Insular Affairs.

Mr. JACKSON. Mr. President, on behalf of myself, and the ranking minority member of the Committee on Interior and Insular Affairs (Mr. FANNIN), I send to the desk by request three bills to designate certain lands as wilderness pursuant to the Wilderness Act.

Mr. President, the Wilderness Act of 1964 established the national wilderness preservation system to insure that present and future generations of Americans have the benefits of a lasting natural resource.

These three bills would add 46 new areas to the system. They were recommended to Congress by the President in his message of September 21, 1972.

The first bill comprises those lands determined to be suitable for wilderness which are presently administered by the Bureau of Sport Fisheries and Wildlife. A total of 18 areas is included in the bill; these are: First, Farallon National Wildlife Refuge, Calif.; second, Chamisso National Wildlife Refuge, Alaska; third, West Sister Island National Key Deer Refuge, Great White Heron National Wildlife Refuge, and the Key West National Wildlife Refuge, Fla.; which shall be known as the Florida Keys Wilderness; fifth, Simeonof National Wildlife Refuge, Alaska; sixth, Izembek National Wildlife Range, Alaska; seventh, Breton National Wildlife Refuge, La.; eighth, Matia Island and San Juan National Wildlife Refuge, Wash.; ninth, Moosehorn National Wildlife Refuge, Maine; tenth, St. Marks Wildlife Refuge, Fla.; eleventh, Wolf Island National Wildlife Refuge, Ga.; twelfth, Cape Romain National Wildlife Refuge, S.C.; thirteenth, Chase Lake National Wildlife Refuge, N. Dak.; fourteenth, Brigantine National Wildlife Refuge, N.J.; fifteenth, Blackbeard Island National Wildlife Refuge, Ga.; sixteenth, Chassahowitzka National Wildlife Refuge, Fla.; seventeenth, Lost National Wildlife Refuse, N. Dak.; and eighteenth, Bosque del Apache National Wildlife Refuge, N. Mex.

The second bill designates areas deemed suitable by the U.S. Forest Service for inclusion in the system: First, Glacier Primitive Area, Wyo.; second, Gore Range-Eagles Nest Primitive Area, Colo.; third, Agua Tibia Primitive Area, Calif.; fourth, Emigrant Basin Primitive Area, Calif.; fifth, San Juan and Upper Rio Grande Primitive Areas, Colo.; sixth, Mission Mountains Primitive Area, Mont.; seventh, Aldo Leopold Primitive Area, N. Mex.; and eighth, Blue Range Primitive Area, N. Mex. and Ariz.

The third bill includes areas recommended for wilderness designation within the national park system. The 20 areas are embraced in the following units of our national park system:

First, Isle Royale National Park, Mich.; second, Sequoia and Kings Canyon National Parks, Calif.; third, Shenandoah National Park, Va.; fourth, North Cascades National Park and in the Ross Lake and Lake Chelan National Recreation Areas, Wash.; fifth, Colorado National Monuments; sixth, Bryce Canyon National Park, Utah; seventh, Chiricahua National Monument, Ariz.; eighth, Black Canyon of the Gunnison National Monument, Colo.; ninth, Badlands National Monument, S. Dak.; tenth, Theodore Roosevelt National Memorial Park, N. Dak.; eleventh, Cumberland Gap National Historical Park, Tenn. and Va.: twelfth, Carlsbad Caverns National Park, N. Mex.; thirteenth. Great Sand Dunes National Monument, Colo.; fourteenth, Guadalupe Mountains National Park, Tex.; fifteenth, Grand Canyon National Park, Grand Canyon and Marble Canyon National Monuments, Ariz.; sixteenth, Yosemite National Park, Calif.; seventeenth, Grand Teton National Park, Wyo.; eighteenth, Yellowstone National Park, Idaho-Wyoming-Montana; nineteenth, Haleakala National Park, Hawaii; and twentieth, Pinnacles National Monument, Calif.

This proposal affords us another opportunity to set aside unique, natural environment with outstanding scenic, geological, and biological resources.

The Senate and the public may be assured that the Committee on Interior and Insular Affairs will consider these proposals as expeditiously as possible. We recognize that time is of the essence if we are to meet the goal established by the Wilderness Act and endorsed by millions of Americans who are concerned about the threat of our last remaining wild lands.

By Mr. BAKER:

S. 603. A bill authorizing the construction, repair, and preservation of certain works on rivers and harbors for navigation, flood control, and for other purposes. Referred to the Committee on Public Works.

Mr. BAKER. Mr. President, I am introducing, for appropriate referral, legislation proposed by the administration for a number of water resources projects.

This bill consists of two titles, the "Water Resources Development Act of 1973" and the "River Basins Monetary Authorizations Act of 1973."

The Committee on Public Works has today reported to the Senate a proposal that has a number of similarities with this administration proposal.

This committee bill, the "Flood Control Act of 1973," is identical to the conference committee version of S. 4018, which was adopted by the Congress last year, but vetoed by the President. A number of the provisions in the bill I am now introducing are similar to provisions of the "Flood Control Act of 1973."

In an effort to explain in greater detail the similarities and the differences between the two bills, I ask unanimous consent that a copy of the administration proposal, as well as a section-by-section analysis and the letter of transmittal, be printed in the CONGRESSIONAL RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BAKER. Mr. President, of the several water resources projects listed by name in section 101 of the administration's proposal, all the projects, except Fall Creek, Ind., are also included in the Flood Control Act of 1973.

Section 102 of the administration's proposal is similar to section 27 of the Flood Control Act of 1973, although section 102 is somewhat broader in its scope.

Section 103 is identical to section 21 of the Flood Control Act of 1973.

Section 104 is virtually identical to section 17 of the Flood Control Act of 1973.

Section 105 is similar to section 29 of the Flood Control Act of 1973.

Sections 106 and 107 do not appear in the Flood Control Act of 1973.

Section 108 is identical to section 28 of the Flood Control Act of 1973.

Section 109 is similar in intent with section 10 of the Flood Control Act of 1973, although that provision in the Flood Control Act of 1973 creates a specific mechanism allowing the Congress to veto a deauthorization proposal.

Section 110 does not appear as a part of the Flood Control Act of 1973.

There is no provision in the Flood Control Act of 1973 that is similar to title II of the administration bill, the River Basins Monetary Authorizations Act of 1973. In the past, the Congress has made it a practice to legislate separately on items such as those covered in title II—the raising of the authorized spending level on projects now under construction—and new projects, such as those covered in both the proposed Water Resources Development Act of 1973 and the proposed Flood Control Act of 1973.

EXHIBIT 1

HON. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: I am transmitting for the consideration of the Congress proposed legislation to authorize certain rivers and harbors and flood control projects.

The President, in withholding approval from S. 4018, the Flood Control Act of 1972, on October 27, 1972, stated that a number of projects in that bill were justified and that he would recommend their authorization to the Congress early in the next Congress. This draft legislation meets that commitment.

The ten projects proposed for authorization in this legislation have been reviewed by the concerned executive branch agencies and project reports have been transmitted to the Congress. The bill also includes proposed increases in monetary authorizations and other provisions which the Department of the Army considers to be desirable from the standpoint of orderly program development. The individual projects and other provisions of the bill are described in detail in a section-by-section analysis which is transmitted with the proposed bill.

There were certain provisions in the Flood Control Act of 1972 which are not objectionable to the executive branch but which are not included in the present legislation. These provisions were cases where legislation is unnecessary because existing authorizations are available, or cases where projects were named for distinguished citizens. The legislation proposed with this letter has been limited to those measures which are considered to be essential at this time for the conduct of the civil works program.

The executive branch is in the process of reviewing other proposals for water resources projects which may be appropriately included in this legislation before final action by the Congress. We intend to propose amendments when the executive branch is in a position to make recommendations with regard to such projects.

Future construction of public works which implement these authorizations will only be initiated after coordination and filing of environmental statements as required by the National Environmental Policy Act of 1969. For example, environmental impacts of the projects which would be authorized by Title I, Section 101, are described in detailed final environmental statements on file with the Council on Environmental Quality and available as a part of the cited congressional documents. Sections 103, 104 and 110 of Title I and Title II modify the plan or monetary ceiling for previously authorized works which are subject to the environmental statement requirements of the National Environmental Policy Act. No environmental impacts would result from the studies directed by Title I, Sections 102 and 109. Sections 105 through 108 of Title I modify general authorities for approval and funding of small projects; however, projects prosecuted under these authorities, regardless of size or scope, are subject to the same requirements for preparation, coordination and filing of environmental statements as are larger projects which must be individually authorized by Congress.

The Office of Management and Budget advises that enactment of this legislation would be consistent with the Administration's objectives.

Sincerely,

KENNETH E. BELIEU,
Under Secretary of the Army.

S. 603

A bill authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—WATER RESOURCES DEVELOPMENT

NEW PROJECT AUTHORIZATIONS

SEC. 101.—The following water resources development projects for flood control, navigation, recreation, water supply, fish and wildlife enhancement, and other purposes are hereby authorized to be prosecuted under the direction of the Secretary of the Army and the supervision of the Chief of Engineers as set forth below. Sections 201 and 202 and the last three sentences in section 203 of the Flood Control Act of 1968 shall apply to all projects authorized in this Act.

MIDDLE ATLANTIC REGION

Atlantic Coast of Virginia

The project for hurricane-flood protection at Virginia Beach, Virginia, authorized by the River and Harbor Acts approved September 3, 1954 and October 23, 1962, as amended and modified, is hereby further modified and expanded in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92-365, at an estimated cost of $17,010,000.

SOUTH ATLANTIC-GULF REGION

Pascagoula River Basin

The project for flood protection and other purposes on Bowie Creek, Mississippi, is hereby authorized in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92-359, at an estimated cost of $32,410,000.

Pearl River Basin

The project for flood control and other purposes on the Pearl River, Mississippi, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92-282, at an estimated cost of $38,146,000.

OHIO REGION

Salt River Basin

The project for Camp Ground Lake on Beech Fork in the Salt River Basin, Kentucky, is hereby authorized in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92-374, at an estimated cost of $50,800,000.

Fall Creek Basin

The project for flood control and other purposes on Fall Creek, Indiana, is hereby authorized in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92-370, at an estimated cost of $57,930,000.

ARKANSAS-WHITE-RED REGION

Spring River Basin

The project for flood control and other purposes on Center Creek near Joplin, Missouri, is hereby authorized in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92-361, at an estimated cost of $14,600,000.

LOWER MISSISSIPPI RIVER REGION

West Tennessee Tributaries Basin

The West Tennessee Tributaries feature, Mississippi River and Tributaries project (Obion and Forked Deer Rivers), Tennessee, authorized by the Flood Control Acts approved June 30, 1948 and November 7, 1966, is hereby modified in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92-367, at an estimated cost of $6,600,000.

Cache River Basin

The Cache River Basin feature, Mississippi River and tributaries project, Arkansas, authorized by the Flood Control Act approved October 27, 1965, is hereby modified in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92-366, at an estimated cost of $5,232,000. The Secretary of the Army is also authorized to undertake all or part of the additional fish and wildlife enhancement measures recommended by the Department of the Interior in its comments in such House Document provided that such measures shall not exceed 30,000 acres of land at a cost per acre not to exceed $25. Appropriate non-Federal interests shall contribute fifty percentum of the costs of any such measures undertaken.

TEXAS GULF REGION

Gulf Coastal Basin

The project for flood control and other purposes on the Blanco River at Clopton Crossing, Texas, is hereby authorized in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92-364, at an estimated cost of $42,271,000.

COLUMBIA-NORTH PACIFIC REGION

Umpqua River Basin

The project for flood control on the South Umpque River, Oregon, is hereby authorized in accordance with the recommendations of the Chief of Engineers in House Document Numbered 92-371, at an estimated cost of $113,000,000.

NEW STUDIES AUTHORIZATIONS

SEC. 102. (a) The Secretary of the Army is authorized, in consultation with the Secretary of Interior, to undertake a comprehensive review of the use of lands for recreation and fish and wildlife purposes at water resources projects under his jurisdiction, and to make recommendations as to those measures which should be undertaken to ensure the best use of such lands for outdoor recreation, fish and wildlife enhancement, and related purposes. The study and recommendations of the Secretary shall be transmitted to the President, who shall transmit them to the Congress, with his recommendations.

(b) There is hereby authorized to be appropriated not to exceed $750,000 to carry out the provisions of this section.

SEC. 103. Section 213 of the Flood Control Act of 1970 (84 Stat. 1824, 1829) is hereby amended by (1) inserting before the period at the end of the first sentence the following: ", at an estimated cost of $11,400,000" and (2) striking out the last sentence.

SEC. 104 (a) The project for flood control below Chatfield Dam on the South Platte River, Colorado, authorized by the Flood Control Act of 1950 (64 Stat. 175), is hereby modified to authorize the Secretary of the Army to participate with non-Federal interests in the acquisition of lands and interests therein and in the development of recreational facilities immediately downstream of the Chatfield Dam, in lieu of a portion of the authorized channel improvement, for the purpose of flood control and recreation.

(b) Such participation shall (1) consist of the amount of savings realized by the United States, as determined by the Secretary of the Army, in not constructing that portion of the authorized channel improvement below the dam, together with such share of any land acquisition and recreation development costs, over and above that amount, that the Secretary of the Army determines is comparable to the share available under similar Federal programs providing financial assistance for recreation and open spaces, (2) in the instance of the aforementioned land acquisition, be restricted to those lands deemed necessary by the Secretary of the Army for flood control purposes, and (3) not otherwise reduce the local cooperation required under the project.

(c) Prior to furnishing of the participation authorized by this Act, non-Federal interests shall enter into a binding written agreement with the Secretary of the Army to prevent any encroachments in needed flood plain detention areas which would reduce their capability for flood detention and recreation.

SEC. 105. Section 14 of the Act approved July 24, 1946 (60 Stat. 653), is hereby amended by striking out "$1,000,000" and inserting in lieu thereof "$5,000,000", and by striking out "$50,000" and inserting in lieu thereof "$250,000."

SEC. 106. Section 205 of the Flood Control Act of 1948 (62 Stat. 1182), as amended, is hereby further amended by deleting "1,000,000" and inserting in lieu thereof "$2,000,000."

SEC. 107. Subsection (b) of Section 206 of the Flood Control Act of 1960, as amended (33 U.S.C. 709a), is further amended by striking out "$11,000,000" and inserting in lieu thereof "$15,000,000."

SEC. 108. Section 208 of the Flood Control Act of 1954 (68 Stat. 1256, 1266) is hereby amended by striking out "$2,000,000" and inserting in lieu thereof "$5,000,000," and by striking out "$100,000" and inserting in lieu thereof "$250,000."

SEC. 109. (a) As soon as practicable after the date of enactment of this Act and at least once each year thereafter, the Secretary of the Army shall review and submit to Congress a list of those authorized projects for works of improvement of rivers and harbors and other waterways for navigation, beach erosion, flood control, and other purposes which have been authorized for a period of at least eight years and which he determines, after appropriate review, should no longer be authorized. Each project so listed shall be accompanied by his reasons for such determination. Prior to submission of such list to the Congress, the Secretary of the Army shall request the views of interested Federal departments, agencies, and instrumentalities, and of the Governor of each

State wherein such projects would be located, and those views which are furnished within sixty days after requested by the Secretary shall accompany the list submitted to Congress.

(b) Such list shall be delivered to both Houses on the same day and to each House while it is in session. A project on such list shall not be authorized at the end of the first period of one hundred and eighty calendar days from the date such list is delivered to Congress.

SEC. 110. When the Administrator of the Environmental Protection Agency determines, in the case of any reservoir project proposed for construction by the Secretary of the Army after the date of enactment of the Federal Water Pollution Control Act Amendments of 1972 (Public Law 92-500), that any storage in such project for water quality is not needed, or is needed in a different amount, such project may be modified accordingly by the Secretary of the Army, and any storage no longer required for water quality may be utilized for other authorized purposes of the project when in the opinion of the Secretary such use is justified.

SEC. 111. Title I of this Act may be cited as the "Water Resources Development Act of 1973."

TITLE II—RIVER BASIN MONETARY AUTHORIZATIONS

SEC. 201. (a) In addition to previous authorizations, there is hereby authorized to be appropriated for the prosecution of the comprehensive plan of development of each river basin under the jurisdiction of the Secretary of the Army referred to in the first column below, which was basically authorized by the Act referred to by date of enactment in the second column below, an amount not to exceed that shown opposite such river basin in the third column below:

Region and basin	Act of Congress	Amount
Middle Atlantic region, North Branch, Susquehanna River	July 3, 1958	$46,700,000
South-Atlantic-Gulf region, Alabama-Coosa River	Mar. 2, 1945	27,300,000
Ohio River region, Ohio River	June 22, 1936	79,000,000
Upper Mississippi region, Upper Mississippi River	June 28, 1938	2,000,000
Missouri Region:		
Missouri River	June 28, 1938	13,000,000
South Platte River	May 17, 1950	5,400,000
Arkansas-White-Red region, Arkansas River	June 28 1938	12,000,000
Lower Mississippi region, Mississippi River and tributaries	May 15, 1928	111,000,000
Texas gulf region, Brazos River	Sept. 3, 1954	9,000,000
California region, San Joaquin River	Dec. 22, 1944	28,400,000
Columbia-North Pacific region, Columbia River	June 28, 1938	75,400,000

(b) The total amount authorized to be appropriated by this section shall not exceed $409,200,000.

SEC. 202. Title II of this Act may be cited as the "River Basins Monetary Authorizations Act of 1973."

SECTION-BY-SECTION ANALYSIS OF PROPOSED LEGISLATION

"Authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes."

TITLE I

Section 101. New Project Authorizations.—This section authorizes various new water resources development projects and modifications of existing projects, to be prosecuted under the direction of the Secretary of the Army and the supervision of the Chief of Engineers.

Section 102. New Study Authorizations.—This section authorizes the Secretary of the Army in consultation with the Secretary of Interior to undertake a comprehensive review of the use of lands for recreation and fish and wildlife purposes at water resources projects under his jurisdiction, and to make recommendations as to those measures which should be taken to ensure the best use of such lands for outdoor recreation, fish and wildlife enhancement, and related purposes. The Secretary's report is to be submitted to the Congress by the President with his recommendations. There is authorized $750,000 to be appropriated to perform the study.

Section 103. Section 213 of the Flood Control Act of 1970 authorized the Secretary of the Army, acting through the Chief of Engineers, to resolve the seepage and drainage problems in the vicinity of the town of Niobrara, Nebraska, that may be related to operation of the Gavins Point Dam and Lewis and Clark Lake project. Not to exceed $7,800,000 was authorized to be appropriated for the work.

Subsequent to enactment of that legislation, the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970 was enacted.

Primarily because of the provisions of the Act, the cost of the Niobrara project has risen to an estimated $11,400,000. Section 103 increases the appropriation authorization accordingly.

Section 104. This section modifies the project for flood control below Chatfield Dam on the South Platte River, Colorado, to authorize the Secretary of the Army to participate with non-Federal interests in the acquisition of lands and the development of recreational facilities immediately downstream of the Chatfield Dam in lieu of a portion of the authorized channel improvements.

The project as originally authorized includes channel improvements and levees downstream of the dam to handle flood releases from the dam. The city of Littleton, Colorado, has proposed that, for the first mile or so below the dam, the channel improvement be deleted and the money used instead to help acquire the lands as a flood plain park area.

The city has raised considerable funds for this purpose and has received assistance from the State of Colorado and appropriate agencies of the Federal Government.

Section 104 authorizes the Secretary of the Army to participate in the acquisition of the flood plain work.

Section 105. This section increases the monetary limitations applicable to emergency bank protection works undertaken by the Corps of Engineers. The individual project amount is raised from $50,000 to $250,000 and the annual expenditure limitation from $1,000,000 to $5,000,000. The increases are neccesary to keep pace with the increase in construction costs since 1946 when the authority was enacted.

Section 106. This section amends the authority of the Secretary of the Army to construct small flood control projects by increasing the limit for individual projects from $1,000,000 to $2,000,000. The increase is necessary to keep pace with rising construction costs.

Section 107. This section amends the existing authority of the Secretary of the Army to compile and disseminate information on floods and flood damages and provide advice to Federal and non-Federal interests on flood plain management, by increasing the annual limit on expenditures from $11,000,000 to $15,000,000. This flood plain management program is proving increasingly valuable in encouraging proper use of flood plains and reducing the need for Federal and non-Federal investments for flood protection. The increased authorization would not be needed for the scheduled funding requirements through Fiscal Year 1974, but would provide for orderly expansion of the program if determined to be desirable prior to enactment of additional Water Resource Development legislation.

Section 108. This section amends existing authority of the Secretary of the Army to undertake small projects for snagging and clearing for flood control in two respects. It raises the limit for individual projects from $100,000 to $250,000 and the annual expenditure limit from $2,000,000 to $5,000,000. The increase is needed to keep pace with rising construction costs.

Section 19. This section provides that as soon as possible after the date of enactment of the section, and at least once each year thereafter, the Secretary of the Army shall review and submit to Congress a list of those authorized projects under his jurisdiction which have been authorized for at least eight years and which he determines should no longer be authorized. Each project so listed is to be accompanied by his reasons for the recommendation. Prior to the submission of the list, the Secretary of the Army shall obtain the views of interested Federal agencies and the Governor of each State in which the project is located, and these views accompany the list submitted to Congress. A project on the list is no longer authorized after 180 calendar days from the date of delivery of the list to the Congress.

Section 110. This section provides that when the Administrator of the Environmental Protection Agency determines, in the case of any reservoir project proposed for construction by the Secretary of the Army after the date of enactment of the Federal Water Pollution Control Act Amendments of 1972, that any storage for water quality in the project is not needed, or is needed in a different amount, the project may be modified accordingly by the Secretary of the Army. The storage no longer needed for water quality may be utilized for other authorized purposes of the project as found to be justified by the Secretary of the Army.

Section 102(b)(3) of the Federal Water Pollution Control Act provides that the need for storage for water quality control in Federal reservoirs shall be determined by the Administrator of the Environmental Protection Agency. His views must be set forth in any report or presentation to Congress proposing authorization or construction of any reservoir including such storage. The requirement for the determination by the Administrator was added by the Federal Water Pollution Control Act Amendment of 1972 (P.L. 92-500).

There are a number of reservoir projects authorized and proposed for authorization prior to the Act (including the projects in this bill, all of which were submitted to the 92d Congress) which contain storage for water quality. These projects will be reviewed by the Administrator when they are proposed for construction and he may determine that the need for such storage no longer exists, or exists to a varying degree. In such a case, this section will enable the project to be modified accordingly without the necessity for a specific modification by Act of Congress.

Section 111. This section provides that Title I of the Act may be cited as the "Water Resources Development Act of 1973."

TITLE II

Section 201. This section authorizes an increase in the monetary authorization for 11 comprehensive river basin plans previously approved by Congress. The appropriations intended to be covered by the increased authorizations are those necessary for the scheduled funding requirements through Fiscal Year 1975.

Section 202. This section provides that Title II of the Act may be cited as the "River Basin Monetary Authorizations Act of 1973."

By Mr. STEVENS:

S. 604. A bill relating to manpower requirements, resources, development, utilization, and evaluation, and for other purposes. Referred to the Committee on Labor and Public Welfare.

MANPOWER TRAINING AND EMPLOYMENT ACT OF 1973

Mr. STEVENS. Mr. President, today I am introducing a bill to consolidate the many existing manpower programs and build upon the solid accomplishments of the manpower program created by the Congress in the Manpower Development and Training Act of 1962, as amended.

In 1971, faced with the impending expiration of MDTA, I introduced a similar bill, the Manpower Training and Employment Act of 1971, to assure that the resources, expertise, and programs established by the Congress and developed through 10 years of MDTA operations would not be lost to those who need education and training services for employment.

The MDTA program, and particularly the MDTA institutional training program, has a solid record in providing education and training services for the unemployed and underemployed. It has been particularly successful in assisting the disadvantaged. This record is confirmed by a number of official evaluation reports and studies, several of which I have had the opportunity to review. I regret, however, that the recent Joint Economic Committee report, paper No. 3, "Studies in Public Welfare," did not review the several extensive evaluation reports on the institutional training programs in the preparation of their paper. The MDTA program is widely commended by State and local officials, as well as the thousands of individuals who have gained employment because of the training and services the act authorizes.

For a number of years, this program has effectively been used to meet the skill training needs of my constituents. The Alaska Skill Center in Seward is now serving the citizens of my State who require education and training for employment. This center is funded under MDTA and operated by the Alaska Department of Education in Juneau in cooperation with the State Department of Labor, the Bureau of Indian Affairs, and the Economic Development Administration. Like the more than 80 manpower skill centers funded by the Office of Education under the MDTA, the Alaska center is providing basic education, skill training in occupational clusters, and hope to many citizens of my State who previously were unemployed or underemployed.

In July of 1971, when I introduced the Manpower Training and Employment Act of 1971 we faced the impending expiration of the MDTA. We received a reprieve in the form of a 1 year's extension enacted in January of 1972. But I once again call to the attention of my colleagues to the fact that the MDTA expires in less than 6 months, on June 30, 1973, if we do not act.

It is important that we take definitive action on manpower legislation early in the 93d Congress.

MDTA administrators and instructors have shown remarkable dedication and effectiveness in operating their programs which are given "life" only in funding increments.

I am speaking from personal knowledge of this subject, as I am well aware of the problems facing the dedicated MDTA staff of the Alaska Skill Center, and their attempt to administer in a hand-to-mouth manner. More recently, an ecologically important training program for water treatment plant operators on the Kenai Peninsula has been delayed nearly a year because of the multi-Federal-agency approval and funding processes.

Not only is it time to reexamine our whole manpower program structure—the primary reason I am introducing my bill today—but it is time to restructure these programs so that there is a reasonable continuity in program funding. While I realize we must all tighten our belts, the payoff in education and training programs for employment is there. They provide returns to the economy. They are tax savers. And, to use the economists' term, the "external benefits" in crime forgone, in more stable families, and in improvement of the quality of life in our country are not even now acknowledged by program assessors.

I should not wish to see the gains made during the past 10 years in my own State and throughout the Nation lost because we as a body failed to act, or failed to reach agreement on a program to meet the manpower needs of the 21st century. This loss will occur at a time much closer than most realize.

I am convinced that we must not destroy completely the existing manpower structures that have performed so successfully, and lose the manpower expertise built up in a multitude of State and local agencies. I do not say, however, that what the Congress has wrought should remain forever on the books.

For this reason I am today introducing S. 604, the Manpower Training and Employment Act of 1973. It is intended to continue the basic policy of the Manpower Development and Training Act of 1962, as amended, by providing education and training opportunities to unemployed and underemployed individuals and by continuing to assist the relief of skills shortages both in critical and in emerging occupations, and by making essential and timely improvements in the existing legislation.

Let me briefly outline the major provisions of S. 604.

Title I establishes the National Manpower Advisory Council, and directs the Council to prepare an annual report pertraining to manpower requirements, resources, research, use, training and evaluation. It further sets forth provisions for evaluation, information, and research programs and for training and technical assistance.

Title II describes the various manpower training services and activities that may be conducted under the act, including the Job Corps now under the Economic Opportunity Act of 1964. It sets forth the requirements for State participation under the act, including the establishment of State manpower advisory councils; provides for a comprehensive manpower planning system at the State level; establishes State apportionment of benefits; describes participant eligibility and allowance payments; and, describes the responsibilities of the Secretary of Health, Education, and Welfare and the Secretary of Labor.

Title III establishes a labor market information and job-matching program as well as career and employment development programs in both public and private agencies; career training through public service employment with public and private nonprofit agencies; and, an emergency employment assistance program to provide relief to designated job-distressed areas.

Title IV contains a number of miscellaneous provisions relating to the responsibilities of the Secretary of Health, Education, and Welfare and the Secretary of Labor in carrying out their duties under the act.

Although I have not chosen to mention revenue sharing in the title of my bill, the bill basically reflects the principles of revenue sharing and decentralization as advocated by the administration. Program decisionmaking would be decentralized to those who know best the needs of their States and localities—the Governors and mayors. It further incorporates a permanent public service employment program to enable our fiscally hard-pressed State and local governments to keep up with expanding demands for services.

The Emergency Employment Act has a 2-year life. What is to happen after that date? The Manpower Training and Employment Act of 1973 would assure that public service employment programs, utilizing to the maximum extent a career concept, would continue as one part of our national manpower program. Contrary to the emergency legislation now effective, my bill would assure that individuals who go on public payrolls are provided with the necessary education and training, not only to enhance their attachment to the labor force but also to assure that quality public services would be provided.

To reiterate, central to this provision of the Manpower Training and Employment Act of 1973 is the concept of career development, which is essential to a well-functioning program.

The Manpower Training and Employment Act of 1973, which I propose, is a rational consolidation of manpower programs which would build upon and not destroy existing manpower structures and expertise. I advocate the changes reflected in the Manpower Training and Employment Act of 1973, and commend this measure to my colleagues.

By Mr. KENNEDY (for himself, Mr. Brooke, Mr. Eagleton, Mr. Hart, Mr. Humphrey, Mr. Inouye, Mr. Javits, Mr. McGee, Mr. McGovern, Mr. Magnuson, Mr. Pastore, Mr. Ribicoff, Mr. Schweiker, Mr. Stafford, Mr. Stevenson, Mr. Williams, Mr. Bible, Mr. Abourezk, Mr. Percy, Mr. Gurney, Mr. Muskie, Mr. Pell, Mr. Randolph, Mr. Scott of Pennsylvania, Mr. Hughes, Mr. Taft, Mr. Moss, Mr. Biden, Mr. Haskell, and Mr. Stevens):

S. 607. A bill to amend the Lead Based Paint Poisoning Prevention Act, and for other purposes. Referred to the Committee on Labor and Public Welfare.

Mr. KENNEDY. Mr. President, I am pleased to take this opportunity to introduce legislation extending the provisions of the Lead Based Paint Poisoning Prevention Act. My bill authorizes the continuation of a program that was enacted January 13, 1971, to eliminate the hazards of childhood poisoning caused by lead based paints.

In 1969, when I proposed legislation to create a Federal program to fight childhood lead poisoning, the Senate overwhelmingly expressed its support by unanimously approving the provisions in that measure. That bill was enacted into law as Public Law 91–695 within 15 months, thereby establishing for the first time, the Federal Government's commitment to battle this insidious childhood disease.

On January 26, 1972, I introduced S. 4080, to amend Public Law 91–695 by guaranteeing continued Federal support in the fight against the hazards of childhood lead-based paint poisoning. During 3 days of hearings last March 31, witnesses appeared before the Health Subcommittee, to provide recommendations that were ultimately approved in a bill that received the votes of 86 Senators. Not one dissenting vote was cast in the Senate last June against the amendments to the Lead-Based Paint Poisoning Prevention Act. However, the House of Representatives failed to take action on this measure before adjournment of the 92d Congress.

Thus today, I am pleased to announce the nonpartisan support of many Senators who join with me to introduce the same measure passed by the Senate last June.

The need for continuing programs in this area is clear. In 1 year about 200 youngsters die from lead-based paint poisoning. At least 400,000 children get lead sick each year. But only 12,000 to 16,000 children actually receive treatment. Of those who are seen by physicians, it is estimated that 50 percent are left mentally retarded because the disease usually has advanced too far by the time a doctor is summoned. Indeed, the greatest tragedy of childhood lead paint poisoning is that our society has so far failed to prevent the disease even though we know how to do that.

Using the authority of the new Federal program, the Department of Health, Education and Welfare awarded $6.5 million during fiscal year 1972 to 40 different organizations that began to systematically search out lead-sick children. At the same time the Department was conducting surveys to determine how widespread lead sickness might be. For, disturbing evidence suggested that childhood lead poisoning might not be confined just to large urban slums. Increasing reports led medical experts to suspect that the lead belt may extend into suburban areas and small cities across the entire country.

After months of testing during 1971 and 1972, government officials confirmed that over 95 percent of the dwellings they tested in 27 cities across the country, proved to have at least one accessible surface with hazardous amounts of lead. Children with alarming blood lead levels were found in all but four of the 27 cities. And nearly 42 percent of the youngsters tested in Charleston, S.C., had such evidence.

In 1969 and 1970, 48 percent of Baltimore children found to have high blood levels were reported from outside of the so-called inner city. Philadelphia recently found that about 50 percent of the reported cases of childhood lead poisoning are located outside of the so-called "lead belt." In Illinois, a 1971 statewide survey of 6,151 children under age 7, living in 14 intermediate size cities revealed that between 10 percent and 30 percent of the children in those cities had high blood lead levels. And the State surgeon general considered 51 of those children to be definite victims of lead poisoning.

Health officials have told me that these examples of the incidence of high lead absorp among our Nation's children, is an alarming phenomenon matched by few if any other pediatric public health problems.

Lead exists naturally in the environment. But many products are manufactured with lead additives to enhance various qualities like staying power or color in paints, and efficiency in automobile fuels. Interior paints used in homes built before World War II customarily included large quantities of lead. Other sources of hazardous lead exposure among children include improperly glazed earthenware, and other eating or cooking utensils. Recent surveys of a number of brands of evaporated milk and infant formula revealed that they contained hazardous amounts of lead. Paint coatings on wooden pencils, as well as the print in newspapers, comics, magazines, childrens' books and playing cards have proven to be yet another source of hazardous lead exposure.

Potentially, the most extensive source of hazardous lead exposure for children may be airborne lead and lead fallout in street dust and soil. Samples of soil from Los Angeles and New York City have contained 9 to 10 times the maximum permissible daily intake of lead in young children. Clearly, the need to eliminate the hazards of lead poisoning wherever such dangers might exist, must be a high priority health goal. Though we know how to cure and prevent lead paint poisoning, thousands of young children are still stricken each year. When lead paint chips are ingested over a period of time, the victims suffer nausea, fever, coma, mental retardation and even death. Sadly, too often, mothers who know their children eat paint chips, fail to realize that it is harmful. Though her child's body is baked with fever and trembling with convulsions, some mothers are not prepared to tell a doctor about the paint eating episodes.

Many doctors are unprepared and unaware that these are the symptoms of plumbism—the scientific term for lead based paint poisoning. For that reason, lead sick children are often treated for the wrong thing. Those who are fortunate enough to get treatment, however, are tragically sent back to the same conditions that caused the disease in the first place. Once a child gets lead sick, he is likely to be sick again.

Community workers and health officials who have attempted to fight the hazards of lead based paint poisoning know that the effects of this debilitating crippler can be halted. Programs are needed most urgently in communities where the risk is high because of widespread conditions of housing deterioration.

These are the communities that must launch awareness programs—awakening parents, teachers and medical professionals to the problems associated with lead based paint poisoning. In these communities, screening projects to seek out youngsters with high lead levels must be established if we intend to help the children who are suffering.

The bill I am introducing today authorizes $45 million for the Department of Health, Education, and Welfare to award contracts and grants for screening programs that will identify those youngsters who need treatment. Spurred by current concerns about this disease, many communities have attempted to establish programs that will measure the extent of the lead poisoning problem. Whenever investigators look for lead sick children, they find them. And the more they look the more they find.

The authorization in my bill recognizes that it is just as important to remove those surfaces from exposure to young children as it is to seek out and treat the sick child. The existing legislation authorizes the Department of Health, Education, and Welfare to assist in the development of community programs that will identify high risk areas and neighborhoods and provide procedures to eliminate the hazards detected in those communities. Thus, my bill authorizes $50 million for the Department of Health, Education and Welfare to extend areawide detection programs. It has been clear for many years that proper maintenance of residential housing can prevent the exposure of lead paint chips to young children. And modern wall coverings as well as deleaded paints can effectively remove lead surfaces from exposure to young children.

Finally, my bill authorizes $5 million for the Department of Housing and Urban Development to work in cooperation with the Department of Health, Education, and Welfare to determine the extent of the lead-based-paint poisoning problem and to establish the most efficient ways to cover up exposed surfaces in residential communities.

If we provide doctors with adequate resources, they cannot only cure this disease but young children can also be protected from exposure to the hazards of lead poisoning. My bill authorizes a total of $100 million to attack the terrible effects of this malady.

Under existing authority, $20 million was authorized for lead poisoning programs in fiscal year 1972, and the Congress appropriated $12 million for fiscal year 1973 lead poisoning programs.

Mr. President, the bill I am introducing today authorizes substantially increased funding levels for lead-based-paint poisoning programs. It also expands the coverage of the programs so that optimum effects may be realized by program recipients.

Specifically this bill adds several new poisoning prevention programs.

First, the bill specifies for the remainder of this year that paints intended for interior surfaces must contain no more than 0.5 percent lead, and by January 1, 1974, the lead content must not exceed 0.06 percent lead by weight.

During hearings before the Senate Health Subcommittee last March, paint manufacturers reported that paints designed for interior residential surfaces can be readily produced without adding lead compounds. And the Food and Drug Administration used the hearings to announce new regulations placing strict limits on the acceptable level of lead in such paints. The FDA ruling required manufacturers to limit the lead content of interior residential paints to one-half of 1 percent as of January 1, 1973. And by January 1, 1974, the FDA regulations state that those paints may not contain more than six hundredths of 1 percent lead by weight.

Accordingly, the bill I am introducing today will establish those lead content requirements as a matter of law.

Second. This bill authorizes the Federal Government to provide up to 90 percent in Federal funds for a local lead poisoning program. Under existing law local sources must provide at least 25 percent of the program costs. My bill reduces the local share to 10 percent.

Third. Under the provisions of this bill, HEW will have authority to grant lead poisoning programs to State health agencies as well as to local health agencies. Because Rhode Island and Delaware do not have local health authorities, the existing law precluded HEW from awarding grants for people in those States. But, this package of amendments guarantees Federal assistance for those States. The bill also authorizes State agencies to operate centralized testing facilities.

Fourth. The bill prohibits the use of lead based paint on toys, furniture, cooking, drinking and eating utensils, in conformance with recently promulgated FDA regulations.

Fifth. Finally, this bill establishes a Lead Based Paint Poisoning Advisory Board to work in cooperation with the Secretary of Health, Education, and Welfare to develop policies affecting local programs.

In conclusion, Mr. President, I would like to address myself to the administration's insistence that categorical programs are not properly suited to the resolution of critical health demands, like those of childhood lead poisoning. Just last Sunday, the Washington Post published excerpts from a report by the outgoing Secretary of Health, Education, and Welfare, Mr. Elliot Richardson, regarding the matter of categorical health programs.

Mr. Richardson fairly described the overlapping and confusing array of bureaucratic procedures that inevitably result from a plethora of separate programs. He contends that a comprehensive approach to the Nation's health and social needs would resolve them more efficiently. Surely, reasonable observers will not oppose that view. But, Mr. Richardson fails to suggest how the Nation's many deserving health demands might receive proper attention in the absence of such a comprehensive health system. Indeed, he suggests that if needy people would just go away the Department of Health, Education, and Welfare would be much more able to go about its business.

Mr. Richardson contends that—

> The HEW budget is spiraling upward—and more than 85 percent of the budget is determined not by what the executive branch might request or the Congress might appropriate, but simply by the expanding number of eligible people who claim benefits. Pressures for greater equity threaten to force impossible quantum jumps in resource requirements.

I submit, that is a philosophy that may be fitting for Mr. Richardson's new position in the Defense Department. But until the Congress has enacted the health security program that I introduced earlier this month, categorical health programs must stand as the most available and adequate procedure to assist with our enormous health needs.

The package of revisions offered in this bill is designed to continue a very worthwhile program regarding community health needs. Because this measure is unchanged from the one approved last May after 3 days of hearings and testimony from 31 witnesses, the Health Subcommittee will move to report this measure without conducting further hearings. In that way, it is expected that the full Senate will shortly have an opportunity to approve this vital health program.

Congressman BENJAMIN ROSENTHAL will also introduce this package of amendments in the House of Representatives and Congressman WILLIAM BARRETT has already introduced a similar package of amendments to the Lead Base Paint Poisoning Prevention Act. I am hopeful that timely action in both Houses of the Congress will provide the continuation of Federal resources to aid in the battle against the hazards of childhood lead poisoning.

Mr. President, I ask unanimous consent that the text of the bill and a paper prepared by the Joint Center for Political Studies relating to children and lead poisoning be printed at this point in the RECORD.

There being no objection, the bill and paper were ordered to be printed in the RECORD, as follows:

[From the Joint Center for Politcial Studies Public Policy Series, Dec. 1972]

CHILDREN AND LEAD POISONING: A GUIDE FOR LOCAL ACTION

(NOTE.—This is the second in a series of occasional background papers on public policy issues of special interest to minority elected officials and others concerned with minority groups.

(The first background paper, entitled "Federal Drug Abuse Programs" was published by the Joint Center, in cooperation with U.S. Representative Charles B. Rangel, on December 8, 1972. The third in the series will deal with revenue sharing and will be published in late December.

These occasional papers briefly summarize and analyze relevant issues on contemporary problems. They also suggest additional resources to aid the reader in developing more extensive knowledge. With this knowledge, the reader will be better prepared to take appropriate action on these issues.

(With the inauguration of this new series, the Joint Center is expanding its services to its constituents.—Eddie N. Williams, President.)

LEAD POISONING: "GHETTO MALARIA"

Childhood lead poisoning is, according to one federal document, "more prevalent than the polio problem before the advent of the Salk vaccine." Yet this disease, a vicious killer and crippler, is a man-made, preventable affliction. We know what causes it; we know how to diagnose it; we know how to treat it and we know how to prevent it.

Sometimes called the "silent epidemic," sometimes known as "ghetto malaria," technically labeled "plumbism," childhood lead poisoning almost exclusively strikes youngsters six and under. Recent data suggest, also, that black children are more susceptible than are other youngsters.

Childhood lead poisoning's annual toll is a stark one: 200 children dead; 800 severely brain damaged; 3,000 suffering moderate to severe brain damage; 16,000 requiring treatment. Nationally, it is estimated that some 400,000 children annually experience some degree of elevated blood lead levels—the precursor of more serious problems.

The consequences can be tragic—death, blindness, mental retardation, cerebral palsy, convulsions, kidney disease, learning defects, behavior disorders, etc.

In human terms this tragedy is incalculable. In terms of just plain economics, society's allowing the continued existence of thi preventable disease makes no sense. Each child who experiences moderate brain damage—about 3,000 each year—will require special care and training for about ten years, at a total cost of $17,500. This adds up to $56,000,000 for these youngsters, and each year another 3,000 are added to the toll.

There is very little that can be done to rehabilitate the 800 children who suffer severe brain damage each year. Most of them will live out their lives in institutions, at an average cost of about $250,000 over a lifetime.

Yet, despite the human costs, and the economic costs, childhood lead poisoning persists.

WHAT CAUSES CHILDHOOD LEAD POISONING?

The primary source of childhood lead poisoning is the lead-bearing paint coating the walls and ceilings of much of our older housing. Prior to the 1950's, paints containing significant quantities of lead were used to paint the interiors of dwellings. Even today, when no interior paints are, by industry self-regulation, supposed to contain more than one percent lead (a level which is too high, and which will be lowered in the future), paints in fact are being sold on the market with lead in excess of this amount, despite labeling to the contrary.

As older dwellings become increasingly dilapidated, paint and plaster chips fall from the walls and ceilings. These are picked up and eaten by small children, who are unaware of the danger these chips pose. In many cases, these youngsters are not motivated just by innocent curiosity; they have pica, which is an unusual craving for eating non-food objects. While pica itself may be harmless, the result of their craving is to eat these poisonous chips, which, because they are sweet-tasting, are particularly attractive to the children.

Over time, the lead builds up in the child's system. Eventually, he falls ill. It has been estimated that a small child, eating just a thumbnail-sized chip daily for three months, will develop the disease.

HOW IS IT DETECTED?

In its early stages, childhood lead poisoning is often difficult to detect on the basis of observation alone. The symptoms are typical of numerous minor childhood complaints.

and may include any of the following: Stomach ache, weakness, constipation, sleeplessness, vomiting, anemia, headache, irritability, loss of weight, and loss of appetite. Sometimes, there are no symptoms at all. Sometimes, more severe symptoms are present, such as dizziness, staggering, paralysis, convulsions, and pains in the joints.

Because the symptoms of childhood lead poisoning are not unique, parents and sometimes even doctors may not even suspect the true nature of the problem. Nonetheless, we do have well-developed means to definitely determine whether the child is indeed ill with the disease. A blood sample can establish whether there is an undue level of lead in the blood. Methods are currently being tested to enable this determination on the basis of blood taken from a prick of the finger.

In addition, because we know the disease is associated with older housing, we can identify so-called "lead belts"—those areas of cities and towns where the lead-tainted paint and plaster chips are likely to be present. Good methods exist for testing wall and ceiling surfaces to determine if in fact lead-tainted paint is present.

WHAT CAN BE DONE ONCE IT IS DETECTED?

We have the knowledge and ability to treat childhood lead poisoning. Doctors can administer substances—chelating agents—which pick up the lead in the youngster's system and remove it. *The disease is curable—if caught* in time.

More than just medical treatment is necessary, however. Many children who fall ill and are then de-leaded become ill again when they return to the same dwelling, where the poisonous chips are still available to be eaten once again. Thus, renovation of the dwelling is essential, to prevent recurrence.

HOW CAN YOU COMBAT IT?

There are several key elements involved in eradicating this disease. First, there must be education to make people aware of the problem. Despite its deadly toll, childhood lead poisoning is actually little known—particularly in those communities where it hits hardest.

Second, there must be large-scale screening programs, particularly in the "lead belts," to determine which children need immediate treatment.

Third, there must be treatment of those children who are found to have unduly elevated blood lead levels.

Fourth, there must be action to renovate the poisoned housing which accounts for childhood lead poisoning.

FEDERAL ASSISTANCE TO COMBAT IT

The primary source of federal funds and direction to establish anti-lead poisoning programs is the Bureau of Community Environmental Management (BCEM), a branch of the Department of Health, Education, and Welfare (HEW). BCEM has the responsibility for implementing the Lead-Based Paint Poisoning Prevention Act, Public Law 91-695, originally authored by the late Congressman William F. Ryan of New York.

This Act authorizes the Secretary of HEW to make grants to units of general government to develop screening and treatment programs, as well as for housing rehabilitation. The amount of the grant can be up to 75 percent of the cost of the program. The program is required to include educational programs to make people aware of childhood lead poisoning, screening programs to test for the disease, and follow-up programs to prevent re-poisoning. Each program funded under the Act must provide opportunities for employing community residents, and for training and educating them.

It is expected that there will be some changes made in the Act in 1973. These will be handled by the Subcommittee on Health of the Senate Labor and Public Welfare Committee and the Subcommittee on Housing of the House Banking and Currency Committee. The proposed changes include increased authorization of funds, and expansion of eligible grantees.

As of June 30, 1972, BCEM had distributed $6,000,000 for local anti-lead poisoning programs. It has $7,500,000 available for the period July 1, 1972 through June 30, 1973. Grant applications, and requests for assistance in preparing such applications, should be submitted to: Robert Novick, Director, Bureau of Community Environmental Management, 5600 Fishers Lane, Rockville, Maryland 20852.

In addition, there are two very important publications to be obtained from Mr. Novick. These explain how to go about combatting childhood lead poisoning, and how to make grants for funds from BCEM. The publications are:

Childhood Lead Poisoning Control Project Grants—Program Guidelines for Applicants; and

Control of Lead Poisoning in Children (Pre-publication draft, May, 1972).

There are other federal programs which also have become involved in childhood lead poisoning. HEW distributes funds for health programs under Section 314 of the Partnerships for Health Act. The funds are given to the states, which allocate them among different state and local programs. Thus, you should make sure that the appropriate state health agency is including childhood lead poisoning on its list of programs to be funded.

Medicaid is also relevant, because it may pay for the costs of treating children who fall ill with childhood lead poisoning. In addition, every state is required by law to conduct screening and treatment programs for all children covered by Medicaid. Some states have been slow to comply with the law—Section 1905(a)(4)(B) of the Social Security Act—and you may want to contact the appropriate state agency to see what action your state is taking.

The federal Department of Housing and Urban Development (HUD) provides loans and grants for housing rehabilitation, if local housing codes require the removal of lead-based paints. Thus, HUD is a potential source of funds. The office to contact for more information is: Office of the Assistant Secretary for Research and Technology, Department of Housing and Urban Development, Washington, D.C. 20410.

In addition, Model Cities programs, also funded by HUD, can undertake lead poisoning activities, and the local Model Cities program should be consulted on this.

LOCAL ACTION

There are a number of ways non-governmental individuals and groups can help to combat lead poisoning.

(1) PASSAGE OF STATE AND LOCAL LEGISLATION

Only a few cities and states have laws dealing with childhood lead poisoning. In fact, a study conducted in 1971 revealed that only 13 states and six cities even make lead poisoning a reportable illness.

Legislation can accomplish such things as establishing screening and treatment programs, and banning lead-based paints. In addition, an ordinance can provide a mechanism to require landlords to renovate lead-tainted dwellings. This is done in Philadelphia, where a landlord is subject to a fine and/or imprisonment if he does not comply with a court order to renovate. In addition, city funds can be used to perform the renovation, and then the city collects the rent to cover the costs. If this type of mechanism is pursued, and it is a good one, it is important that the ordinance assure that a landlord cannot evict or otherwise harass a tenant who complains about lead-tainted walls.

The Bureau of Community Environmental Management's publication, *Control of Lead Poisoning in Children,* contains a model city ordinance.

Cities which might be consulted on their ordinances and how they work are Chicago, New York, New Haven, Baltimore, Philadelphia, Newark and Washington, D.C. States which might be consulted on their state laws are New York, New Jersey, Connecticut, and Illinois.

(2) COMMUNITY ACTION

In several communities, private citizens and organizations have organized to press for legislation, for city action, and for community programs to combat childhood lead poisoning. There are numerous variations.

In some cities, adequate housing codes already exist to require safe dwellings. The problem is that no one is enforcing them. Thus, one can first determine whether such provisions exist, and then press for enforcement.

In New York City, the Albert Einstein Medical College of Yeshiva University and the Neighborhood Youth Corps, a federally funded Department of Labor program, jointly sponsored a summer program in which 100 teenagers canvassed a 150-block area to examine children for lead poisoning.

In Washington, D.C., 60 volunteer doctors, working with the D.C. Health Services Administration, the Medical Committee for Human Rights, and the local community action agency ran several special clinics to screen children for lead poisoning.

In Rochester, N.Y., a very active community group, working with the University of Rochester's Department of Preventive Medicine and Community Health, has created an excellent anti-lead poisoning program.

An excellent description of community development of anti-lead poisoning programs—one in Norfolk, Va., and the other in Cincinnati, Ohio—is provided in a paper titled *Breaking the Childhood Lead Poisoning Cycle: A Program for Community Casefinding and Self-Help,* by Drs. Challop, McCabe, and Reece. You can obtain this from: Mr. Walter Holland, Director, Office of Information, Bureau of Community Environmental Management, 5600 Fishers Lane, Rockville, Maryland 20852.

The Bureau of Community Environmental Management can be helpful to communities in organizing local efforts.

ORGANIZATIONS THAT CAN HELP

Numerous organizations may be of help in working on the childhood lead poisoning problem. You may wish to contact:

Mr. George Degnon, Director, Department of Governmental Liaison, American Academy of Pediatrics, 1800 N. Kent St., Suite 1025, Arlington, Virginia 22209.

National Association of Coordinators of State Programs for the Mentally Retarded, Inc., 2001 Jefferson Davis Highway, Arlington, Virginia 22301.

Secretary's Committee on Mental Retardation, U.S. Department of Health, Education, and Welfare, Washington, D.C. 20201.

New York Scientists' Committee for Public Information, Inc., 30 E. 68th Street, New York, New York 10021.

National Association for Retarded Children, 1522 K Street, N.W., Suite 808, Washington, D.C. 20005.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The text of the bill is as follows:

S. 607

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 101(a) of the Lead Based Paint Poisoning Prevention Act is amended by striking out "units of general local government in any State" and inserting in lieu thereof "public agencies of units of general local government of any State and to private nonprofit organizations in any State".

(b) Section 101(b) of such Act is amended by striking out "75 per centum" and inserting in lieu thereof "90 per centum".

(c) Section 101 of such Act is amended by adding at the end thereof the following new subsection:

"(e) The Secretary is also authorized to make grants to State agencies for the purpose of establishing centralized laboratory facilities for analyzing biological and environmental lead specimens obtained from local lead based paint poisoning detection programs.".

(d) Section 101 of such Act is further amended by adding at the end thereof the following new subsection:

"(f) No grant may be made under this section unless the Secretary determines that there is satisfactory assurance that (A) the services to be provided will constitute an addition to, or a significant improvement in quality (as determined in accordance with criteria of the Secretary) in, services that would otherwise be provided, and (B) Federal funds made available under this section for any period will be so used as to supplement and, to the extent practical, increase the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the program described in this section, and will in no event supplant such State, local, and other non-Federal funds.".

SEC. 2. (a) Section 201 of the Lead Based Paint Poisoning Prevention Act is amended by striking out "units of general local government in any State" and inserting in lieu thereof "public agencies of units in general local government in any State and to private nonprofit organizations in any State".

(b) Section 201(a)(2) of such Act is amended to read as follows:

"(2) the development and carrying out of procedures to remove from exposure to young children all interior surfaces of residential housing, porches, and exterior surfaces of such housing to which children may be commonly exposed, in those areas that present a high risk for the health of residents because of the presence of lead based paints. Such programs should include those surfaces on which nonlead based paints have been used to cover surfaces to which lead based paints were previously applied; and".

(c) Section 201 of such Act is amended by adding at the end thereof the following new subsection:

"(c) Any public agency of a unit of local government or private nonprofit organization which receives assistance under this Act shall make available to the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, for purposes of audit and examination, any books, documents, papers, and records that are pertinent to the assistance received by such public agency of a unit of local government or private nonprofit organization under this Act."

SEC. 3. Section 301 of the Lead Based Paint Poisoning Prevention Act is amended to read as follows:

"FEDERAL DEMONSTRATION AND RESEARCH PROGRAM

"SEC. 301. (a) The Secretary of Housing and Urban Development, in consultation with the Secretary of Health, Education, and Welfare, shall develop and carry out a demonstration and research program to determine the nature and extent of the problem of lead based paint poisoning in the United States, particularly in urban areas, including the methods by which the lead based paint hazard can most effectively be removed from interior surfaces, porches, and exterior surfaces of residential housing to which children may be exposed.

"(b) The Secretary of Health, Education, and Welfare shall conduct appropriate research on multiple layers of dried paint film, containing the various lead compounds commonly used, in order to ascertain the safe level of lead in residential paint products. Within eight months after the date of enactment of this Act, the Secretary shall submit to Congress a full and complete report of his findings and recommendations as developed pursuant to such programs, together with a statement of any legislation which should be enacted or any changes in existing law which should be made in order to carry out such recommendations."

SEC. 4. (a) Title III of the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4801 et seq.) is amended—

(1) by adding at the end thereof the following:

"FEDERAL HOUSING ADMINISTRATION REQUIREMENTS

"SEC. 302. The Secretary of Housing and Urban Development (hereafter in this section referred to as the 'Secretary') shall establish procedures to minimize the hazards of lead-based paint poisoning with respect to any existing housing which may present such hazards and which is covered by an application for mortgage insurance or housing assistance payments under a program administered by the Secretary. Such procedures shall apply to all such housing constructed prior to 1950 and shall provide for (1) appropriate measures to eliminate, wherever feasible, immediate hazards due to the presence of cracking, scaling, peeling, or loose paint which may contain lead and to which children may be exposed, and (2) assured notification to purchasers of such housing of the hazards of lead-based paint, of the symptoms and treatment of lead-based paint poisoning, and of the importance and availability of maintenance and removal techniques for minimizing or eliminating such hazards. Such procedures may apply to housing constructed during or after 1950 if the Secretary determines, in his discretion, that such housing presents hazards of lead-based paint."; and

(2) by inserting after "PROGRAM" in the caption of such title, a semicolon and the following: "FEDERAL HOUSING ADMINISTRATION REQUIREMENTS".

(b) The amendments made by subsection (a) of this section become effective upon the expiration of ninety days following the date of enactment of this Act.

SEC. 5. Section 401 of the Lead Based Paint Poisoning Prevention Act is amended to read as follows:

"PROHIBITION AGAINST USE OF LEAD BASED PAINT IN CONSTRUCTION OF FACILITIES AND THE MANUFACTURE OF CERTAIN TOYS AND UTENSILS

"SEC. 401. The Secretary of Health, Education, and Welfare shall take such steps and impose such conditions as may be necessary or appropriate—

"(1) to prohibit the use of lead based paint in residential structures constructed or rehabilitated by the Federal Government, or with Federal assistance in any form, after the date of enactment of this Act, and

"(2) to prohibit the application of lead based paint to any toy, furniture, cooking utensil, drinking utensil, or eating utensil manufactured and distributed after the date of enactment of this Act."

SEC. 6 (a) Section 501(3) of the Lead Based Paint Poisoning Prevention Act is amended by striking out "1 per centum" and inserting in lieu thereof "five-tenths of 1 per centum".

(b) Effective after December 31, 1973, section 501(3) is amended by striking out "five-tenths of 1 per centum" and inserting in lieu thereof "six 1-hundredths of 1 per centum".

SEC. 7. (a) Section 503(a) of the Lead Based Paint Poisoning Prevention Act is amended (1) by striking out the word "and" and inserting in lieu thereof a comma, and (2) by inserting before the period a comma and the following: "and $45,000,000 for each fiscal year thereafter".

(b) Section 503(b) of such Act is amended (1) by striking out the word "and" and inserting in lieu thereof a comma, and (2) by inserting before the period a comma and the following: "and $50,000,000 for each fiscal year thereafter".

(c) Section 503(c) of such Act is amended (1) by striking out the word "and" and by inserting in lieu thereof a comma, and (2) by inserting before the period a comma and the following: "and $5,000,000 for each fiscal year thereafter."

(d) Section 503(d) of such Act is amended by striking out all matter after the semicolon and inserting in lieu thereof "any amounts authorized for one fiscal year but not appropriated may be appropriated for the succeeding fiscal year,".

(e) Title V of the Lead Based Paint Poisoning Prevention Act is amended by adding at the end thereof the following new sections:

"ELIGIBILITY OF CERTAIN STATE AGENCIES

"SEC. 504. Notwithstanding any other provision of this Act, grants authorized under section 101 and 201 of this Act may be made to an agency of State government in any case where State government provides direct services to citizens in local communities or where units of general local government within the State are prevented by State law from implementing or receiving such grants or from expending such grants in accordance with their intended purpose.

"ADVISORY BOARDS

"SEC. 505. (a) The Secretary of Health, Education, and Welfare, in consultation with the Secretary of Housing and Urban Development, is authorized to establish a National Childhood Lead Based Paint Poisoning Advisory Board to advise the Secretary on policy relating to the administration of this Act. Members of the Board shall include residents of communities and neighborhoods affected by lead based paint poisoning. Each member of the National Advisory Board who is not an officer of the Federal Government is authorized to receive an amount equal to the minimum daily rate prescribed for GS-18, under section 5332, title V, United States Code, for each day he is engaged in the actual performance of his duties (including traveltime) as a member of the board. All members shall be reimbursed for travel, subsistence, and necessary expenses incurred in the peformance of their duties.

"(b) The Secretary of Health, Education, and Welfare, in consultation with the Secretary of Housing and Urban Development, shall promulgate regulations for establishment of an advisory board for each local program assisted under this Act to assist in carrying out this program. Two-thirds of the members of the board shall be residents of communities and neighborhoods affected by lead-based paint poisoning. A majority of the board shall be appointed from among parents who, when appointed, have at least one child under six years of age. Each member of a local advisory board shall only be reimbursed for necessary expenses incurred in the actual performance of his duties as a member of the board."

SEC. 8. Section 315(e) of the Public Health Service Act is amended by inserting at the end thereof the following new paragraph:

"No funds appropriated pursuant to the authorization of this subsection shall be available for lead-based paint poisoning control of the type authorized under the Lead-Based Paint Poisoning Prevention Act (84 Stat. 2078)."

Mr. JAVITS. Mr. President, I am pleased to be a cosponsor of the Lead Based Paint Poisoning Prevention Act which is identical to the bill passed by the Senate in the 92d Congress but, unfortunately, was not enacted into law. As ranking minority member of the Labor and Public Welfare Committee, I will give this measure my strong support and urge its prompt Senate passage.

Last year the Assistant Secretary for Health and Scientific Affairs, Dr. Merlin K. Duval, testified as to its human dimensions that:

> Approximately 25 percent of these children are apt to have sufficiently high blood lead levels to indicate medical treatment.

About 50,000 to 100,000 of these children are apt to have sufficiently high-blood levels to indicate medical treatment. As to its economic dimensions, he testified that:

> Lead paint poisoning costs this Nation about $200 million annually. This estimate includes the lost earnings and the costs of treatment, education, and the institutional care of those afflicted.

In view of the severity of this health problem, the bill focuses on interlocking components—detection and treatment, elimination; and research—to launch a comprehensive attack against lead based paint poisoning.

Although the Department of Health, Education, and Welfare has made efforts to control lead poisoning, I believe they have not been sufficiently aggressive. I am concerned that the fiscal year 1974 proposed budget of $6.5 million to combat this child health problem is inadequate. The bill authorizes $95,000,000.

In my own New York City, an intensive lead poisoning control program has been undertaken. They have expended since 1970 $4.6 million, for which no Federal support was received.

In an effort to protect future generations of children from lead based paint, the bill amends the definition of lead based paint to that of a 0.06-percent content, effective January 1, 1974. This is a trace amount which should be a significant safeguard for young children and in accordance with proposed FDA regulations.

The New York City Health Code has required for over a decade a lead content warning for interior paint, yet the New York City Bureau of Lead Poisoning Control found in a recent survey that paints manufactured by 25 of 76 companies included in their survey did not comply. In some instances, labels even stated that the paint was safe for cribs and playpens despite a lead content as high as 9.5 percent.

If we are to achieve success against childhood lead poisoning, we must enact this legislation, and assure its adequate funding and enforcement.

By Mr. Kennedy (for himself, Mr. Muskie, and Mr. Hathaway):

S. 608. A bill to authorize members of the Armed Forces and Federal employees who were in a missing status for any period during the Vietnam conflict to receive double credit for such period for retirement purposes, to provide for the payment of certain pay and allowances for such period, and for other purposes. Referred to the Committee on Veterans' Affairs.

LEGISLATION FOR RETURNING PRISONERS OF WAR

Mr. KENNEDY. Mr. President, all America shares today the relief and joy of the prisoner of war families, who will be finally reunited with their sons and husbands and fathers.

Over the years, we have also shared the heartfelt anguish of these families. We have experienced their frustrations, when we tried to help and support them. And we have all been moved by their courage and spirit and determination, throughout the long years of war in Southeast Asia. But none of us can ever know the special burden these families have carried—some for many years. And none of us can really appreciate the long twilight that fell over their lives.

Our Nation can never adequately honor the returning prisoners of war. We can never adequately repay them for their suffering and sacrifice. Even to say that these men have served their country above and beyond the call of duty, falls short in recognizing their sense of duty and service.

Over the next few weeks they will be returning to the warmth and affection of family and friends. The least that we in Congress can do—and the least that our Government can do—is to show compassion for these men and their families, and to make sure that every step is taken to help restore a sense of normalcy in their lives.

Mr. President, a number of important administrative steps have been taken by officials in the Department of Defense to provide both immediate assistance and longer term benefits to our repatriated prisoners of war. I want to commend the Department for establishing a comprehensive program to receive the prisoners, and for arranging various financial, health, and other benefits for the men and their families. We all hope that the good intentions and advance planning within the Department will result in efforts that are truly sensitive to the special needs of each prisoner and his family, as together they renew their lives in communities throughout our land.

But beyond the administrative actions that have already been taken, there appears to be a need for legislation, especially to assist those returning prisoners who choose to leave military or Government service. After consultation with a number of prisoner-of-war families, and with officials in the executive branch, I have prepared a bill which I am introducing today on behalf of myself and the distinguished Senators from Maine (Mr. Muskie and Mr. Hathaway).

The general purpose of the first section of the bill is to permit repatriated prisoners, military or civilian, the option of retiring early from military or Government service. Many of the repatriated prisoners will face on their return the hard fact that their professional careers in a rapidly changing, technologically oriented service, will be severely stunted by their long isolation and captivity. Prisoners held the longest will obviously face the greatest hurdle in this respect, making it perhaps impossible for them to return to their former professional careers. By allowing all repatriated prisoners to count each day in captivity as 2 days in service toward retirement—which this bill provides—those men who have been in prison the longest will gain the most time toward early retirement, and an opportunity to leave and begin a new career.

Mr. President, the second section of the bill provides per diem rates to military and civilian personnel who were prisoners of war at the same level as that provided to their counterparts in Saigon who received per diem when governmental quarters and messing privileges were not available. Certainly, the prisoners are entitled to this benefit. Government quarters were clearly not available in Hanoi, or the other prison camps of Indochina, so it is not unreasonable to ask that the same per diem enjoyed by those stationed in Saigon should also apply to those in Hanoi.

Under the Foreign Claims Settlement Commission, the law now provides only $5 per day for repatriated prisoners who did not receive adequate food or compensation for their time or labor while in prisoner-of-war camps. I believe that this sum should be augmented by per diem rates, so that the returning prisoners receive an amount comparable to what men of the same rank received while on duty in Saigon when government quarters and messing facilities were not available.

Mr. President, in addition to the legislation I am introducing today, I would urge that the Department of Defense consider some additional recommendations for administrative action.

First, I believe it would be useful if military personnel captured in Indochina were allowed to leave their accrued savings deposited in the uniformed services savings deposit program for a period of 6 to 9 months after repatriation. Current regulations only provide a 3-month grace period, and from the experience of recently released prisoners, this is not sufficient time to permit thoughtful investment decisions.

The initial period of the prisoners' return will be too occupied with other priorities—reunion with family, physical rehabilitation, and readjustment to life in freedom—to allow time for financial decisions. A longer grace period is required and this can be arranged by administrative action.

Second, I would urge the Department to establish with the Customs Bureau a waiver of import duties for household goods purchased subsequently by repatriated prisoners. This waiver would be valid for 1 year, and could be used only once. Current regulations now allow American military personnel stationed overseas for 180 days or more, to bring home duty-free items purchased as part of their household goods. This privilege will be denied to repatriated prisoners from Indochina because of the obvious need to fly them directly from Hanoi to American facilities. A 1-year customs waiver, to be used once, would allow repatriated prisoners an opportunity at a later date to import household items similar to those brought in by other returning servicemen from Indochina.

Finally, Mr. President, I would urge

the Department of Defense to establish continuing health programs for repatriated prisoners and their families, even after they elect to leave the service at some future date. Such a comprehensive health program should be designed to meet the special needs of the prisoners, both psychologically and physically. No present program now exists to meet these needs.

Mr. President, I believe all Americans should have the opportunity to receive comprehensive health care, and I have introduced, and I hope to see passed, such legislation this session. But until such time, I believe it is necessary to develop and to extend special health care programs to the returning prisoners of war and their families, particularly after they leave the service. We must assure them that any physical or psychological effect of captivity will not, at some future date, go unattended.

These health needs can perhaps be met through extending a program such as Champus—the Military Service Health Plan—to prisoners and their families after they leave the service. If legislation is necessary to provide such expanded health benefits for repatriated prisoners, I am prepared to introduce, and I hope Congress will be prepared to pass, such a bill this session. I am writing this week to the Secretary of Defense to determine what special medical benefits should be extended to prisoners and their families, and what specific legislation is required to assist the Department in meeting the future medical needs of our returning men.

Mr. President, given the urgency and priority we must attach to assisting our prisoners of war, I am extremely hopeful that the legislation I am introducing today will be given speedy consideration by the appropriate committees of the Senate, and that the House will act on similar legislation.

In conclusion let me say that for all the joy and relief we share with the returning men and their families, we must not overlook the far greater number who are still missing and unaccounted for. For the families of these men, the tragedy of this war continues. The administration, including the President himself, has assured us that every possible effort will be made to secure the fullest possible accounting for the missing—even if it takes years. And we must pray that the day will come when all our men are accounted for, and our Nation can truly be at peace.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 608

A bill to authorize members of the armed forces and Federal employees who were in a missing status for any period during the Vietnam conflict to receive double credit for such period for retirement purposes, to provide for the payment of certain pay and allowances for such period, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1405 of title 10, United States Code, is amended by inserting "(a)" immediately before the word "For" at the beginning of such section and by adding at the end thereof a new subsection as follows:

"(b) (1) Notwithstanding any other provision of law, in determining his eligibility for retirement from the armed forces and in computing the amount of his retired pay, a member or former member of the armed forces shall be credited with a period of service equal to any period of time during the Vietnam conflict he was in a missing status within the meaning of section 552 of title 37, and any such period of time credited under this subsection shall be in addition to credit for such period of time allowed for such purposes under any other provision of law.

"(2) A member may elect to be credited with all or any portion of the period referred to in paragraph (1), but such election must be made within 2 years after his return to the jurisdiction of the United States following the termination of his missing status. If a member fails to make an election in accordance with regulations prescribed by the Secretary concerned within such 2-year period he shall be deemed to have elected to have none of such period credited to him.

"(3) As used in this subsection, the term 'Vietnam conflict' means the period beginning February 28, 1961, and ending on such date as shall thereafter be determined by Presidential proclamation or concurrent resolution of the Congress."

SEC. 2. (a) Chapter 10 of title 37, United States Code, is amended by adding at the end thereof a new section as follows:

§ 559. Minimum pay and allowance for members in a missing status during the Vietnam conflict

"(a) Notwithstanding any other provision of law, the amount in pay and allowances received by or credited to the account of a member of the uniformed services in a missing status under section 552 of this title during the Vietnam conflict shall be an amount equal to not less than the amount he would have received in pay and allowances, including any allowances for subsistence and any other per diem allowances to which he would have been entitled, if he had been assigned to duty during such period in Saigon, Vietnam, and had no Government quarters furnished and no Government messing facilities available.

"(b) As used in this section the term 'Vietnam conflict' means the period beginning February 28, 1961, and ending on such date as shall thereafter be determined by Presidential proclamation or concurrent resolution of the Congress."

(b) The table of sections at the beginning of chapter 10 of title 37, United States Code, is amended by adding at the end thereof a new item as follows:

§ 559. Minimum pay and allowance for members in a missing status during the Vietnam conflict".

SEC. 3. Section 8332 of title 5, United States Code, is amended by adding at the end thereof a new subsection as follows:

"(l)(1) Notwithstanding any other provision of law, an employee, shall if he so elects, be given civilian service credit for a period of time equal to any period of time during the Vietnam conflict he was in a missing status within the meaning of section 5561 of this title, and any such period of time credited under this subsection shall be in addition to credit for such period of time allowed under any other provision of this subchapter.

"(2) Service credited to any employee under this subsection shall be credited, and the annuity of such employee shall be computed, without regard to sections 8334(c) and 8339(i) of this title.

"(3) An employee may elect to be credited with all or any portion of the period referred to in paragraph (1), but such election must be made within 2 years after his return to the jurisdiction of the United States following the termination of his missing status. If an employee fails to make an election in accordance with regulations prescribed by the Civil Service Commission within such 2-year period he shall be deemed to have elected to have none of such period credited to him.

"(4) For the purpose of this subsection, 'Vietnam conflict' means the period beginning February 28, 1961, and ending on such date as shall thereafter be determined by Presidential proclamation or concurrent resolution of the Congress."

SEC. 4. Section 5562 of title 5, United States Code, is amended by adding at the end thereof a new subsection as follows:

"(e) (1) Notwithstanding any other provision of this subchapter, the amount received by or credited to the account of an employee in a missing status during the Vietnam conflict shall be not less than the amount he would have received in pay and allowances, including any allowances for subsistence and any other per diem allowances to which he would have been entitled, if he had been assigned to duty during such period in Saigon, Vietnam, and had no Government quarters furnished and no Government messing facilities available.

"(2) As used in this subsection the term 'Vietnam conflict' means the period beginning February 28, 1961, and ending on such date as shall thereafter be determined by Presidential proclamation or concurrent resolution of the Congress."

SEC. 5. In computing the 2-year period referred to in section 1405(b) (2) of title 10, United States Code, as enacted by the first section of this Act, or the 2-year period referred to in section 8332(l) (3) of title 5, United States Code, as enacted by section 3 of this Act, such period shall not begin to run until the date of enactment of this Act in the case of any person whose missing status was terminated prior to such date of enactment.

Mr. HATHAWAY. Mr. President, it is a great honor for me to join the distinguished Senator from Massachusetts in the introduction of this legislation. I have long felt that the plight of our POW's was one of the real human tragedies of this unfortunate conflict. Having been a war prisoner myself in Eastern Europe at the close of World War II, I can sympathize with the feelings of isolation and helplessness that these men have experienced.

I also have a particular interest in this legislation because some of the principal ideas embodied in it were suggested by one of my constituents, Lt. Markham Gartley of Greenville, Maine. Lieutenant Gartley, you will remember, is one of the prisoners who was released last summer and has since taken an active role in insuring just and equitable treatment for his fellow prisoners.

I hope that the Senate will take swift action on this legislation, Mr. President, so that the prisoners who are about to be released can return with these matters settled. After what these men and their families have gone through, I feel it is incumbent upon us to remove as many of the uncertainties surrounding their future as possible. To have the prisoners return with significant questions as to their status and rights still unanswered would be a cruel and unnecessary additional burden.

Finally, Mr. President, I commend the substance of the proposed legislation to my colleagues in the Senate. It creates some special privileges for the POW's, it is true, but the number of men here considered is limited and the sacrifices they have made are tremendous. On this day, the first day of Senate business since the official end of our involvement in Vietnam, it is fitting that we should begin the task of readjustment to peace. And a logical first step to this end is just treatment for these men who have given so much.

By Mr. McGEE (for himself and Mr. Brock):

S. 609. A bill to amend the Internal Revenue Code of 1954 with respect to .22 caliber ammunition recordkeeping requirements. Referred to the Committee on Finance.

Mr. McGEE. Mr. President, today my colleague from Tennessee (Mr. Brock) and I introduce a bill to amend the 1968 Gun Control Act with respect to the recordkeeping requirements for the sale of .22 caliber rimfire ammunition.

During the 92d Congress I introduced an identical measure, S. 144, together with 38 cosponsors. The Senate will recall that during the second session of the 91st Congress the House of Representatives passed this measure with a substantial majority. Following the House action, the Senate Finance Committee reported this bill to the floor of the Senate during the last days of the session. Unfortunately, there was insufficient time to obtain final passage. Last year, however, Senator Brock offered an amendment to the Handgun Control Act of 1972 which would have exempted .22 caliber rimfire ammunition from the recordkeeping requirements of the 1968 act. I joined him in sponsoring this amendment, and it was adopted by the Senate by a vote of 71 to 21. Unfortunately, as you will recall, the amendment was lost in conference.

Our proposal introduced today would simply exempt .22 caliber rimfire ammunition from the burdensome recordkeeping requirements of the Gun Control Act of 1968. This ammunition is the most popular type used by sportsmen, and, therefore, places an unreasonable burden on not only sporting enthusiasts but also on many small businessmen who make this ammunition available for legitimate purposes.

The Department of the Treasury has recommended that this legislation be adopted in testimony before the House Ways and Means Committee and also in reports to the Senate Finance Committee.

The Internal Revenue Service advises me that there is no known instance where any of the recordkeeping requirements relating to sporting type ammunition, including .22 caliber rimfire ammunition, has been helpful in law enforcement. We are advised, quite to the contrary, that the recordkeeping requirements have become so burdensome that they tend to detract from the enforcement of other provisions of the firearms laws.

Mr. President, I hope that the Senate will take action on this bill at its earliest opportunity.

Mr. BROCK. Mr. President, I rise to commend the distinguished senior Senator from Wyoming, Mr. McGee, for his foresight in reintroducing his bill to eliminate the burdensome, time consuming and costly recordkeeping requirements adopted by the Internal Revenue Service and applied to the purchase of ammunition under the Gun Control Act of 1968.

This is identical to an amendment I offered in the 92d Congress to the Handgun Control Act of 1972. The Senate at that time gave overwhelming support to this proposal by a vote of 71 yeas and 21 nays.

The bill covers .22 caliber rimfire ammunition which is the choice of many sportsmen for target practice. It does not touch those center-fire types of ammunition that have a far more lethal effect.

The experience under the Gun Control Act has demonstrated that the ammunition recordkeeping requirements have had the sole effect of imposing troublesome redtape on sportsmen, retail dealers, and other law-abiding citizens, but have had no effect on criminals and do not deter crime.

I am pleased to join the Senator from Wyoming as a sponsor of this legislation. I urge my colleagues to take speedy action on this to relieve sporting enthusiasts and small businessmen who make and sell this ammunition of an unreasonable burden.

By Mr. JAVITS:

S. 611. A bill to amend the Interstate Commerce Act, as amended, with respect to schoolbus safety. Referred to the Committee on Commerce.

SCHOOLBUS SAFETY ACT OF 1973

Mr. JAVITS. Mr. President, I introduce for appropriate reference the Schoolbus Safety Act of 1973. The bill is being cosponsored in the House by Representative John W. Wydler, of New York.

This measure amends the Interstate Commerce Act to strengthen the enforcement powers of the Bureau of Motor Carrier Safety by enabling the Bureau to exercise regulatory jurisdiction over certain schoolbus operations which are now exempt because they are conducted by private carriers—or conducted by agencies and instrumentalities of government, such as local educational agencies. While the bill is directed at so-called interstate operations, the Department of Transportation indicated that in cases where some buses in a school system are utilized for interstate transportation—such as study trips or trips to athletic events or historical sites—then all the schoolbuses of the school district would come under the reach of the law—therefore, most schoolbus transportation would be covered.

The bill is the product of study I first undertook some time ago with local and State school officials, professionals in the field of safety and pupil transportation, and officials and professional staff of the Department of Transportation. It follows recommendations made by the National Transportation Safety Board in its report on the 1970 fatal bus crash involving a tour group from the Hillel Country Day School at Lawrence, Long Island, N.Y. It is similar to the bill I introduced last year on which hearings were held before a subcommittee of the Senate Commerce Committee at the session's end. Due to the lateness of the year, further action was not taken. Also, the tragic schoolbus accident last year in Congers, N.Y., in which five students were killed and more than 40 injured, dramatizes the increasing public concern for the safety of the almost 20 million young people who each day travel in some 285,000 buses to and from school.

Specifically, the bill would:

Authorize the Secretary of Transportation to establish reasonable requirements to promote safety of operation of schoolbuses including qualifications of drivers, maximum hours of service and standards of equipment. In administering and enforcing regulations to promote schoolbus safety, the Secretary would be authorized to use the administrative powers that he now exercises in the administration of the Department of Transportation's motor safety program, such as record inspection, issuance of administrative subpenas, and inspection of motor vehicles.

Give the Secretary enforcement powers.

Give the Secretary power to issue a cease-and-desist order directing the carrier to immediately stop his schoolbus operations for up to 60 days in a case where a motor carrier's schoolbus operations create an unreasonable risk of accident, injury, death, or property damage, and when he finds that application of other available sanctions would be impracticable, unduly time consuming or inadequate to protect the public health and safety.

For 1971 the most recent data available indicate that there were 47,000 schoolbus accidents, killing 150 persons and injuring 5,600. This involves 2.3 billion miles of travel during that year. While this record for safety is considered superior to the automobile safety record in other areas, the fact remains that it is still much too high. The safety and well-being of our children merit every action that can be undertaken. The bitter lessons learned from the tragic deaths and injuries in the accidents involving the children from Congers, in Rockland County, last year and the children from the Lawrence, Long Island Hillel Country Day School 3 years ago must be used to avert such tragedies in the future.

Finally, Mr. President, I ask that there be included as part of my remarks the letter I recently received from the National Highway Traffic Safety Administration relative to the National Transportation Safety Board's Safety Recommendation H–72–30, which pertains to schoolbus body construction. The report referred to, which emanates from the Congers, N.Y., accident to which I referred, is also included with my remarks here.

There being no objection, the text of the bill and the material referred to were ordered to be printed in the Record, as follows:

S. 611

A bill to amend the Interstate Commerce Act, as amended, with respect to schoolbus safety

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "School Bus Safety Act of 1972".

SEC. 2. Part II of the Interstate Commerce Act, as amended (49 U.S.C. 301 et seq.), is amended by adding a new section 204b, reading as follows:

"SEC. 204b. It shall be the duty of the Secretary of Transportation, in carrying out the functions, powers, and duties transferred by section 6(e) of the Department of Transportation Act (80 Stat. 931, 939–940), to establish reasonable requirements to promote safety of operation of motor vehicles used to transport children to or from school or school-related activities and to that end to prescribe qualifications of drivers and maximum hours of service and standards of equipment for motor carriers (including private carriers and agencies or instrumentalities of Federal, State, and local governments) engaged in transporting children to or from school or school-related activities. In the event such requirements are established, the term 'motor carrier' includes all persons (including private carriers and agencies or instrumentalities of Federal, State, or local governments) engaged in transporting children to or from school or school-related activities. In the administration and enforcement of this section, the Secretary is authorized to employ all administrative powers transferred to him by section 6(f) of the Department of Transportation Act (80 Stat. 931, 940)."

SEC. 3. Section 222 of part II of the Interstate Commerce Act, as amended (49 U.S.C. 322), is amended as follows:

(1) by redesignating subsection (a) as paragraph (1) of such subsection and adding a new paragraph (2), reading as follows:

"(2) Any person who knowingly commits an act in violation of any requirement, rule, regulation, or order promulgated by the Secretary of Transportation under section 204b of this part shall be fined not less than $250 nor more than $1,000 for the first offense and not less than $500 nor more than $2,000 for any subsequent offense. Each day of violation shall constitute a separate offense.";

(2) by redesignating subsection (h) as paragraph (1) of such subsection and adding a new paragraph (2), reading as follows:

"(2) Any motor carrier, or other person who violates any requirement, rule, regulation, or order of the Secretary of Transportation described in subsection 222(h)(1) or promulgated under section 204b of this part shall be subject to the penalties specified in subsection 222(h)(1)."; and

(3) by adding a new subsection (i), reading as follows:

"(i) In the administration of section 204b of this part, the Secretary of Transportation may order any motor carrier to cease and desist from engaging in all or a specified portion of its operation of motor vehicles used to transport children to or from school or school-related activities for not more than sixty days when the Secretary, for good cause, finds that the carrier's operations will create an unreasonable risk of accident, injury, or death to persons or damage to property. Before issuing a cease-and-desist order authorized by this subsection, the Secretary shall (1) determine that the application of other available sanctions would be impracticable, unduly time consuming, or inadequate to protect the public health and safety; and (2) give the carrier written notice of his intention to issue a cease-and-desist order, identifying the portion the carrier's operations that would be affected by the order and setting forth the reasons why he intends to issue it. If the carrier is operating under a certificate or permit issued by the Commission with respect to operations covered by a cease-and-desist order, the Commission may, upon petition of the Secretary and after notice and hearing, revoke or further suspend the carrier's operating authority in whole or in part upon determining that revocation or further suspension will protect the public safety. An order of the Secretary issued under this subsection is reviewable in accordance with chapter 7 of title 5, United States Code. The provisions of title 28, United States Code, respecting three-judge district courts, do not apply to a proceeding to review an order of the Secretary issued under this subsection."

NATIONAL HIGHWAY TRAFFIC
SAFETY ADMINISTRATION,
Washington, D.C., January 2, 1973.

Hon. JACOB K. JAVITS,
Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C.

DEAR SENATOR JAVITS: Thank you for your letter of December 14, 1972, concerning the National Transportation Safety Board's Safety Recommendation H–72–30, which pertains to school bus body construction.

The Board's recommendation is now being considered by appropriate members of my staff. We are also defining the research requirements needed to support new and proposed standards, the optimum level of crashworthiness to be specified for the school bus itself, and regulations governing the use of these vehicles by the nearly twenty-thousand school districts across the Nation. Our major concern is the allocation of resources to the solution of a problem which is characterized by low benefit-cost ratios. In other words, the safety performance of the pupil transportation system is very good.

For instance, the result obtained by dividing the number of pupils injured by the total number of pupils using school buses shows that one pupil out of 3,700 is likely to be injured in a school bus during a school year. The same rate for all vehicles combined is one out of 100. The estimated number of pupil miles is 40 billion. Using this estimate a rate of one injury per 8.0 million pupil miles is computed. Based on an average vehicle occupancy (Federal Highway Administration estimate) of 2.2 passengers per car, we find that the same rate for cars is one injury per 1.0 million passenger miles.

Despite these statistics, the National Highway Traffic Safety Administration continually reevaluates and reassesses the status of school bus safety.

A Notice of Proposed Rulemaking on bus seating is in the final stages of completion and work on a structural standard has been initiated. These actions and others resulting from the above study will consider all aspects of the safety problem and will require those additional safety features, within reasonable costs, which will further reduce the number of injuries and fatalities involving the busing of school children.

Your continued interest in school bus safety is appreciated. If I can be of further assistance, please let me know.

Sincerely,

DOUGLAS W. TOMS,
Administrator.

SAFETY RECOMMENDATION H–72–30, ADOPTED BY THE NATIONAL TRANSPORTATION SAFETY BOARD AT ITS OFFICE IN WASHINGTON, D.C., AUGUST 30, 1972

The National Transportation Safety Board is investigating an accident involving the collision between a train and a schoolbus at Congers, New York, on March 24, 1972. This accident resulted in five fatalities and injuries to 45 occupants of the schoolbus.

The performance of the schoolbus in the crash has been initially observed and analyzed by the Safety Board, assisted by the Cornell Aeronautical Laboratory, the latter agency acting under its contract with the National Highway Traffic Safety Administration (NHTSA). Both agencies have tentatively concluded that the gross disintegration of the schoolbus body was made possible by widespread failures of the schoolbus body at the joints. Approximately the rear one-third of the bus was separated from the forward portion, with failures occurring at joints within the body and also at joints between the body and the chassis frame. A large portion of the roof was separated from the remainder of the body, the side walls on the right side were separated from the floor, and the floor sections were separated from each other and from the chassis frame. The construction method employing relatively few widely spaced rivets and other fasteners throughout the body of the schoolbus appears to have contributed to the large-scale disintegration of the schoolbus body and chassis.

In addition, the window columns failed in one portion of the schoolbus which was inverted after being torn away, and there were widespread failures of seats at their fastenings to the floor.

Analysis of the fatality and injury causation is not yet complete; however, some very evident factors appear to justify immediate corrective action by NHTSA standards. The seat anchorage failures and other seating factors are already the subject of NHTSA standards proposals. We believe that standards should be established for the basic schoolbus structure. The Safety Board has analyzed the problem of extensive failures of structural joints in schoolbuses in a special study, "Inadequate Structural Assembly of Schoolbus Bodies," issued July 29, 1970. The Board also recommended on September 18, 1968, that the National Highway Safety Bureau, predecessor to NHTSA, "... consider the need for requirements for structural strength of schoolbus bodies in connection with its study of desirable standards for protection of schoolbus occupants. In particular, the Board recommends that program A.1.1.4 of the National Highway Safety Bureau titled 'Design, Fabrication, and Test of a Safe Schoolbus Interior,' be expanded in scope to include consideration of structural integrity and intrusion into the schoolbus interior."

As stated above, there are indications in the Congers accident that the failures of structural joints contributed to the injuries of the occupants. The speed of the schoolbus was slow and the speed of the train was moderate, apparently not more than 30 miles per hour. Although about two-thirds of the bus structure was accelerated to the full speed of the train by the impact, a majority of the schoolbus occupants survived and some received only relatively minor injuries. However, the penetration of the gross structure of motor vehicles in crashes, or the disintegration of the structure, generally does tend to reduce the probability of survival and increase the probability of injury.

In this connection, structural improvements which have been made by other agencies and private manufacturers in response to the Safety Board's earlier recommendations are important. In January 1971, the Vehicle Equipment Safety Commission (VESC) adopted a regulation which, when implemented by the States, would require that all schoolbuses under State purchasing authority have substantially increased strength of structural joints. The exact wording of this part of the regulation is attached as Appendix A. At least two schoolbus manufacturers have built and exhibited prototype buses which apparently meet this requirement. These prototypes are constructed of much larger steel sheets to reduce the number of joints, in effect providing 100-percent joint efficiency wherever a joint was eliminated. In addition, many more rivets are used to join sheets and structual members. An analysis by one manufacturer indicated that approximately half the joints have been eliminated and that about six times as many rivets are used in meeting the VESC specification than were used in the earlier designs which had unspecified joint strength. It appears that changes in the VESC specification increases the strength of the joints in a schoolbus body approximately fivefold.

The technical feasibility of implementing the VESC structural specification appears to be well established by these prototype buses. One of the manufacturers has stated that the change in sale price of a bus having more complete assembly of structural joints was only approximately 5 percent of the total cost.

The Safety Board is aware that the VESC specification does not insure the structural strength of schoolbus bodies. It is, no doubt, preferable to control the structural strength of bus bodies and chassis as a unit through the development and application of large-scale crash tests. However, the development of such tests and their use as standards have been very slow, as even passenger cars are not yet subjected to such testing. This critical weakness of schoolbus bodies must be eliminated as quickly as possible. Additionally, the VESC specification, in part, meets the statutory requirement of DOT that safety characteristics be controlled by performance rather than design.

It is the Board's opinion that the very high value that society places upon the protection of children riding in schoolbuses establishes the need for improvement in structural design. The adoption of a standard to control the assembly of structural joints in school buses should not be regarded as a novel initiative to reduce schoolbus fatalities, but as correction of a longstanding failure to employ normal engineering practices in schoolbus construction. Many existing schoolbuses do not meet rivet-spacing recommendations of SAE Standard J-492, Rivets and Riveting, June, 1961.

While NHTSA is taking steps to correct the structural inadequacies of schoolbus bodies through the establishment of standards to control strength of joints, they should resolve the problem of the column strength of schoolbuses. The failure of the window columns is very evident in the accident at Monarch Pass, Colorado, as well as in this accident at Congers, New York. Because of the similarity in construction methods used for domestically produced schoolbuses, the overall strength of schoolbus bodies possibly could be controlled through performance requirements of individual structural elements prior to the development of the full-scale tests which are more technically complete.

For the above reasons, the National Transportation Safety Board recommends that—

"The National Highway Traffic Safety Administration expeditiously adopt a Federal Motor Vehicle Safety Standard to control the strength of structural joints of schoolbuses. In this connection careful consideration should be given to requirement 5.6 Body Structure, of the Vehicle Equipment Safety Commission. This standard should also apply to the strengthening of the window columns of schoolbuses."

This recommendation will be released to the public on the issue date shown above. No public dissemination of the contents of this document should be made prior to that date.

Reed, Chairman; McAdams Burgess, and Haley, Members, concurred in the above recommendation. Thayer, Member, was absent, not voting.

JOHN H. REED,
Chairman.

APPENDIX A: VEHICLE EQUIPMENT SAFETY COMMISSION REGULATIONS VESC-6, MINIMUM REQUIREMENTS FOR SCHOOLBUS CONSTRUCTION AND EQUIPMENT, APPROVED JANUARY 1971, REVISED FEBRUARY 1972, WASHINGTON, D.C.

5. Body Structure:

5.6 Strength of structural joints of Schoolbus bodies. It is the intent of this section to insure that all structural joints within bus bodies which employ discrete fasteners, including those between heavy gauge members and those which join panels to panels or panels to heavier structures, achieve a significant proportion of the strength of the parent metal, so that all available panel materials are capable of serving as part of the structure. Accordingly, in all joints of the above named types which employ discrete fasteners such as rivets, screws or bolts, the pitch of fasteners shall not exceed 24 times the thickness of the thickest material used in the joint. Alternatively, for any method of joining such structural members, it shall be demonstrated by calculation that the strength of such joints is at least 60% of the tensile strength of the thinest joined member.[*]

By Mr. KENNEDY:

S. 612. A bill to authorize the establishment of an older worker community service program. Referred to the Committee on Labor and Public Welfare.

OLDER AMERICANS COMMUNITY SERVICE EMPLOYMENT ACT

Mr. KENNEDY. Mr. President, I am pleased to reintroduce today the Older Americans Community Service Employment Act.

In the last session this bill was unanimously reported out of the Committee on Labor and Public Welfare on September 15, 1972, and on September 21, it was approved by the Senate 77 to 0.

Because of the lateness in the session, the House was unable to act on this measure separately. Therefore, in the Senate, the bill was incorporated as a separate title of the Older Americans Comprehensive Services Act. Passed by the Senate, it was accepted in conference by the House and finally approved by the Congress. Unfortunately, the bill was vetoed by the President on October 28, 1972, after the Congress had adjourned sine die.

I hope that the Congress will act expeditiously in repassing the comprehensive Older Americans Act once again.

In the bill introduced this session, S. 50, which I cosponsored, the community service program remains as title IX.

However, in the event a delay in enactment of the comprehensive measure occurs, it will hopefully be possible to pass this program as a separate bill.

Mr. President, this bill will provide $250 million to be spent over the next 2 years to create new job opportunities for persons of low income over the age of 55. In all we expect the legislation to create at least 100,000 job opportunities.

I first introduced such legislation in March 1970, during the 91st Congress. After hearings, the main features of the bill were incorporated in the comprehensive manpower bill. This bill was later vetoed by the President. Thus, this program has been stymied twice by Presidential vetoes.

No one, not even the President, can deny the need for such legislation. The plight of older Americans grows more desperate with each passing month. For as unemployment has been rising throughout the country over the last 4 years, so the unemployment of the elderly has been rising fastest of all. Between January 1969 and September 1971 unemployment for persons 45 and over rose by 77 percent. It is difficult to describe the hardships that this caused for countless families throughout the country. Statistics last year showed 6.8 million Americans over the age of 55 who were living in poverty. That is one quarter of the Nation's enormous and unforgivable total of 25.9 million poor.

The premature retirement that is forced on our elderly not only destroys a person's ability to provide for his family, it inspires a conviction of uselessness and a sense of rejection by society. It is little wonder that so many Americans prematurely find themselves in custodial care institutions. For nothing saps the will of a man more than the vain quest for work.

In 1971, the Emergency Employment Act did something to alleviate the plight of the unemployed. But although the elderly represent 25 percent of the poor, they were given only 6 percent of the available EEA job opportunities, according to the Department of Labor. As so often in the past, the Department of Labor once again continued its perpetual pattern of neglect of older people.

Some accomplishments can, however, be cited. For example, Operation Mainstream, the Federal economic opportunity pilot program, has helped to provide job opportunities for older Americans. With mainstream support, the farmers' union has directed the green thumb and green light projects, and the National Council of Senior Citizens has operated the senior aides projects. Testimony before the Senate Aging Subcommittee and research done by the Labor Department all demonstrate the success of these and other projects, which have provided part-time work of usually 4 hours a day, 5 days a week, at $2.50 an hour for older Americans.

But it is not enough. It is not nearly enough. Even with increased appropriations voted by Congress in the last session, and later vetoed by the President, the total number of job slots for this year, 1973, would have been only 30,000. That is 30,000 people who once again would have had a source of income and, more importantly, a sense of purpose in their lives. But set beside the figure of half a million unemployed older workers and 6.8 million poor older persons, 30,000 job slots is not really very many. Nor very creditable. We should and we must do much better.

That is why this bill is so essential. That is why every single group representing older Americans testified in favor of this bill during the hearings held in the last session. That is why we received hundreds upon hundreds of telegrams and letters of support from old people all over this country, from ocean to ocean.

It is now 13 months since the President spoke at the White House Conference on Aging. At that Conference he delivered a speech full of fine rhetoric, full of praise for public service programs, full of apparent determination to extend such Federal service programs as then existed on a much broader, national basis. Listening to the President's pledges on that occasion, elderly Americans had good reason to hope that finally this administration was committed to meeting their needs.

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[*] (Board Comment: This sentence states the requirement in terms of performance.)

Thousands of them did allow themselves such hopes, but those hopes have been sadly disappointed. For in the 13 months since the President held his Conference the administration's most significant action with regard to the elderly was to oppose and then to veto the Older Americans Act, which set out to fulfill many of the promises the President himself had made.

And so now we must try again. Once more we must show that even if the administration is not prepared to help the elderly, the Congress is determined to do so. That is why I am today reintroducing the Community Service Employment Act.

The bill does the following:

First, it seeks to convert the Operation Mainstream pilot programs into permanent nationwide programs.

Second, it would authorize the Secretary of Labor to enter into agreement with nonprofit private organizations and State or local governments to pay up to 90 percent of the cost of community service employment projects for low-income persons 55 and older who have or would have difficulty in locating employment. Also, 100 percent Federal funding would be authorized in economically depressed areas.

Third, it would authorize the Secretary of Labor to consult with State and local governmental units with regard to localities where community service projects are most needed, employment situation and types of skills possessed by eligible individuals, and the number of eligible individuals in the local population.

Fourth, it would authorize the Secretary to encourage agencies administering community service projects to coordinate activities with agencies conducting existing programs of a related nature under the Economic Opportunity or Emergency Employment Act.

Fifth, it would require the Secretary to establish criteria designed to achieve equitable distribution of assistance among States and between urban and rural areas.

Finally, it would authorize $100 million for fiscal year 1973 and $150 million for fiscal year 1974.

In short, the bill would create an impetus for advocating manpower training and job opportunities within the Department of Labor. It would also enable the creation of a nationwide permanent program aimed at providing job opportunities for older workers in areas where they can best contribute to the life of our Nation in schools, hospitals, libraries, and other public service institutions, and organizations.

This bill is essential to our society. It is essential if we are to build a community in which care of the aged * * * of those who have already made a major contribution to society * * * is considered important. It is essential if we are to reward rather than disdain those who have spent their lives in building the Nation. It is just one part, but a very vital part of the creation of a more just society.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 612

A bill to authorize the establishment of an older worker community service program

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Older Americans Community Service Employment Act."

OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT PROGRAM

Sec. 2. (a) In order to foster and promote useful part-time work opportunities in community service activities for unemployed low-income persons who are fifty-five years old or older and who have poor employment prospects, the Secretary of Labor (hereinafter referred to as the "Secretary") is authorized to establish an older American community service employment program (hereinafter referred to as the "program").

(b) In order to carry out the provisions of this Act, the Secretary is authorized—

(1) to enter into agreements with public or private nonprofit agencies or organizations, agencies of a State government or a political subdivision of a State (having elected or duly appointed governing officials), or a combination of such political subdivisions, or Indian tribes on Federal or State reservations in order to further the purposes and goals of the program. Such agreements may include provisions for the payment of costs, as provided in subsection (c), of projects developed by such organizations and agencies in cooperation with the Secretary in order to make the program effective or to supplement it. No payments shall be made by the Secretary toward the cost of any project established or administered by any such organization or agency unless he determines that such project—

(A) will provide employment only for eligible individuals, except for necessary technical, administrative, and supervisory personnel, but such personnel shall, to the fullest extent possible, be recruited from among eligible individuals;

(B) will provide employment for eligible individuals in the community in which such individuals reside, or in nearby communities;

(C) will employ eligible individuals in services related to publicly owned and operated facilities and projects, or projects sponsored by organizations exempt from taxation under the provisions of section 501(c)(3) of the Internal Revenue Code of 1954 (other than political parties), except projects involving the construction, operation, or maintenance of any facility used or to be used as a place for sectarian religious instruction or worship;

(D) will contribute to the general welfare of the community;

(E) will provide employment for eligible individuals whose opportunities for other suitable public or private paid employment are poor;

(F) will result in an increase in employment opportunities for eligible individuals, and will not result in the displacement of employed workers or impair existing contracts;

(G) will utilize methods of recruitment and selection (including, but not limited to, listing of job vacancies with the employment agency operated by any State or political subdivision thereof) which will assure that the maximum number of eligible individuals will have an opportunity to participate in the project;

(H) will include such training as may be necessary to make the most effective use of the skills and talents of those individuals who are participating, and will provide for the payment of the reasonable expenses of individuals being trained, including a reasonable subsistence allowance;

(I) will assure that safe and healthy conditions of work will be provided, and will assure that persons employed in public service jobs assisted under this Act shall be paid wages which shall not be lower than whichever is the highest of (i) the minimum wage which would be applicable to the employee under the Fair Labor Standards Act of 1938, if section 6(a)(1) of such Act applied to the participant and if he were not exempt under section 13 thereof, (ii) the State or local minimum wage for the most nearly comparable covered employment, or (iii) the prevailing rates of pay for persons employed in similar public occupations by the same employer;

(J) will be established or administered with the advice of persons competent in the field of service in which employment is being provided, and of persons who are knowledgeable with regard to the needs of older persons;

(K) will authorize pay for necessary transportation costs of eligible individuals which may be incurred in employment in any project funded under this Act in accordance with regulations promulgated by the Secretary; and

(L) will assure that to the extent feasible such projects will serve the needs of minority, Indian, and limited English-speaking eligible individuals in proportion to their numbers in the State.

(2) to make, issue, and amend such regulations as may be necessary to effectively carry out the provisions of this Act.

(c)(1) The Secretary is authorized to pay not to exceed 90 per centum of the cost of any project which is the subject of an agreement entered into under subsection (b), except that the Secretary is authorized to pay all of the costs of any such project which is (A) an emergency or disaster project or (B) a project located in an economically depressed area as determined in consultation with the Secretary of Commerce and the Director of the Office of Economic Opportunity.

(2) The non-Federal share shall be in cash or in kind. In determining the amount of the non-Federal share, the Secretary is authorized to attribute fair market value to services and facilities contributed from non-Federal sources.

ADMINISTRATION

Sec. 3. (a) In order to effectively carry out the purposes of this Act, the Secretary is authorized to consult with agencies of States and their political subdivisions with regard to—

(1) the localities in which community service projects of the type authorized by this Act are most needed;

(2) consideration of the employment situation and the types of skills possessed by available local individuals who are eligible to participate; and

(3) potential projects and the number and percentage of eligible individuals in the local population.

(b)(1) The Secretary is authorized and directed to require agencies and organizations administering community service projects assisted under this Act to coordinate their activities with agencies and organizations conducting related manpower programs receiving assistance under other authorities such as the Economic Opportunity Act of 1964, the Manpower Development and Training Act of 1962, and the Emergency Employment Act of 1971. In carrying out the provisions of this paragraph, the Secretary is authorized to make necessary arrangements to include projects assisted under this Act within a common agreement and a common application with projects assisted under other authorities such as the Economic Opportunity Act of 1964, the Manpower Development and Training Act of 1962, and the Emergency Employment Act of 1971.

(2) The Secretary is authorized to make whatever arrangements that are necessary to carry out the programs assisted under this Act as part of any general manpower legislation hereafter enacted, except that appropriations for programs assisted under this Act may not be expended for programs assisted under that Act.

(c) In carrying out the provisions of this Act, the Secretary is authorized to use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimbursement, and on a similar basis to cooperate with other public and private agencies, and instrumentalities in the use of services, equipment, and facilities.

(d) The Secretary shall establish criteria designed to assure equitable participation in the administration of community service projects by agencies and organizations eligible for payment under section 2(b).

(c) Payments under this Act may be made in advance or by way of reimbursement and in such installments as the Secretary may determine.

(f) The Secretary shall not delegate his functions and duties under this Act to any other department or agency of Government.

PARTICIPANTS NOT FEDERAL EMPLOYEES

Sec. 4. (a) Eligible individuals who are employed in any project funded under this Act shall not be considered to be Federal employees as a result of such employment and shall not be subject to the provisions of part III of title 5, United States Code.

(b) No contract shall be entered into under this Act with a contractor who is, or whose employees are, under State law, exempted from operation of the State workmen's compensation law, generally applicable to employees, unless the contractor shall undertake to provide either through insurance by a recognized carrier, or by self insurance, as allowed by State law, that the persons employed under the contract, shall enjoy workmen's compensation coverage equal to that provided by law for covered employment. The Secretary must establish standards for severance benefits, in lieu of unemployment insurance coverage, for eligible individuals who have participated in qualifying programs and who have become unemployed.

INTERAGENCY COOPERATION

Sec. 5. The Secretary shall consult and cooperate with the Office of Economic Opportunity, the Administration on Aging, the Department of Health, Education, and Welfare, and any other related Federal agency administering related programs, with a view to achieving optimal coordination with such other programs and shall promote the coordination of projects under this Act with other public and private programs or projects of a similar nature. Such Federal agencies shall cooperate with the Secretary in disseminating information about the availability of assistance under this Act and in promoting the identification and interests of individuals eligible for employment in projects funded under this Act.

EQUITABLE DISTRIBUTION OF ASSISTANCE

Sec. 6. (a) (1) From the sums appropriated for any fiscal year under section 8 there shall be initially allotted for projects within each State an amount which bears the same ratio to such sum as the population aged fifty-five or over in such State bears to the population aged fifty-five or over in all States, except that (A) no State shall be allotted less than one-half of 1 per centum of the sum appropriated for the fiscal year for which the determination is made; and (B) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted an amount equal to one-fourth of 1 per centum of the sum appropriated for the fiscal year for which the determination is made. For the purpose of the exception contained in this paragraph, the term "State" does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(2) The number of persons aged fifty-five or over in any State and for all States shall be determined by the Secretary on the basis of the most satisfactory data available to him.

(b) The amount allotted for projects within any State under subsection (a) for any fiscal year which the Secretary determines will not be required for that year shall be reallotted, from time to time and on such dates during such year as the Secretary may fix, to projects within other States in proportion to the original allotments to projects within such States under subsection (a) for that year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Secretary estimates that projects within such State need and will be able to use for such year; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amount reallotted to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) for that year.

(c) The amount apportioned for projects within each State under subsection (a) shall be apportioned among areas within each such State in an equitable manner, taking into consideration the proportion which eligible persons in each such area bears to such total number of such persons, respectively, in that State.

DEFINITIONS

Sec. 7. As used in this Act—

(a) "State" means any of the several States of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands;

(b) "eligible individual" means an individual who is fifty-five years old or older, who has a low income, and who has or would have difficulty in securing employment;

(c) "community service" means social, health, welfare, educational, library, recreational, and other similar services; conservation, maintenance or restoration of natural resources; community betterment or beautification; antipollution and environmental quality efforts; economic development; and such other services which are essential and necessary to the community as the Secretary, by regulation, may prescribe.

AUTHORIZATION OF APPROPRIATIONS

Sec. 8. There are hereby authorized to be appropriated $100,000,000 for the fiscal year ending June 30, 1974, and $150,000,000 for fiscal year ending June 30, 1975.

By Mr. McGEE:

Senate Joint Resolution 41. A joint resolution to authorize the President to issue annually a proclamation designating March of each year as "Youth Art Month." Referred to the Committee on the Judiciary.

Mr. McGEE. Mr. President, today I introduce a Senate joint resolution to establish the month of March of each year as Youth Art Month and to authorize the President of the United States to issue a proclamation to this effect.

In my State, the Wyoming Federation of Women's Clubs has sponsored this effort since 1961. It has been an effort to focus upon the importance of art education and public support for quality school art programs. The purpose is to emphasize the value of participating art for the development of all children. We have had a broad base of participation in Youth Art Month in Wyoming which has involved public and private schools, libraries, churches, and municipalities. For the third consecutive year, Gov. Stanley K. Hathaway has proclaimed the month of March as Youth Art Month. It is my understanding that many other States across the Nation have likewise participated in this worthwhile effort.

The joint resolution which I introduce today has the nationwide support of The Crayon, Water Color & Craft Institute, Inc. and also the National Art Education Association, which has affiliates in virtually every State in the Nation. It is, therefore my hope, Mr. President, that Congress will take immediate action in passing this resolution in time for a Presidential proclamation for March of this year.

I ask unanimous consent that the joint resolution be printed at this point in the Record.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 41

Joint resolution to authorize the President to issue annually a proclamation designating March of each year as "Youth Art Month"

Whereas children are our most priceless asset;

Whereas childhood is the time to develop interests, skills, and aptitudes that will last a lifetime;

Whereas through meaningful school art activities, children develop initiative, self-expression, creative ability, self-evaluation, discipline, and a heightened appreciation of beauty;

Whereas the importance of art in education is recognized as being necessary for the full development of all children;

Whereas participation in school art programs develops perceptive qualities and sensitivity, thus producing a more enlightened citizenry; and

Whereas Youth Art Month has been observed nationally since 1961 and has gained wide acceptance: Now therefore, be it

Resolved by the Senate and House of Representatives of the United States of America, That the President is authorized and requested to issue annually a proclamation designating the month of March of each year as "Youth Art Month" and calling upon the people of the United States and interested groups and organizations to become involved in and give their support to quality school art programs for children and youth.

By Mr. JAVITS (for himself, Mr. Beall, Mr. Cranston, Mr. Kennedy, Mr. Pell, Mr. Randolph, and Mr. Stevenson):

Senate Joint Resolution 43. A joint resolution to authorize and request the President to proclaim the period April 23, 1973, through April 28, 1973, as "School Bus Safety Week." Referred to the Committee on the Judiciary.

Mr. JAVITS. Mr. President, I introduce, for myself and Senators Beall, Cranston, Kennedy, Pell, Randolph, and Stevenson, a measure to designate the period of April 23 through 28, 1973, as School Bus Safety Week.

Each day more than 20 million American youngsters—one out of every four school children—travel to and from school in 290,000 school buses. This adds up to 40 billion pupil miles annually. This total may be expected to mount as suburban education systems grow and as our population expands. However, as the number of school bus passengers increases, the accident rate climbs still faster.

The Senate Committee on Labor and Public Welfare, commenting on my school bus safety amendment to the Elementary and Secondary Education Act, declared in 1967 in its report that "school bus safety standards throughout the Nation are spotty, substandard, and lax." This finding gives further force to the statement of the president of the Physicians for Automotive Safety who observed that, in the area of school transportation, not a single State is doing all that safety authorities believe must be done to protect human life on the highway. He also indicated shock in discovering that safety measures to safeguard young people in school vehicles are largely being ignored at the local level.

The National School Bus Safety Week Committee is seeking to focus needed public attention on improved school bus safety.

President Nixon, in endorsing the week early in 1969 said:

> This week focuses public attention on the need for skilled, responsible drivers, and on the importance of effective inspection and reliable repair services for these vehicles. And finally, it reminds each of us that it is the duty of every motorist to cooperate with school bus drivers to make our highways as safe as possible for the one out of every four American pupils who ride buses to and from school each day.

I am not suggesting that school bus transportation is unsafe. It is not. The National Highway Traffic Safety Administration informs me that there is an injury rate of one injury per 8 million pupil miles as compared to one injury per 1 million passenger miles for cars. However, the increasing accident rate and the fact that each year more and more children travel on school buses makes it imperative that the safety record of such buses be as near perfect as humanly possible—indeed, the safest form of transportation in the Nation.

I ask unanimous consent that the text of the joint resolution be printed at this point in the Record.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 43

Joint Resolution to authorize and request the President to proclaim the period April 23, 1973, through April 28, 1973, as "Schoolbus Safety Week"

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, since (1) it is important to provide safe transportation for the Nation's twenty million children who travel daily on schoolbuses, (2) the Senate Committee on Labor and Public Welfare has found that "schoolbus safety standards throughout the Nation are spotty, substandard, and lax", and (3) it is desirable to focus public attention on the need to establish and maintain high standards of safety for schoolbuses, the President is authorized and requested to issue a proclamation designating the period April 23, 1973, through April 28, 1973, as "Schoolbus Safety Week", and calling upon the people of the United States to observe such with appropriate ceremonies and activities.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 12

At the request of Mr. Williams, the Senator from Michigan (Mr. Hart) was added as a cosponsor of S. 12, the Urban Parkland Heritage Act of 1973.

S. 160

At the request of Mr. McClellan, the Senator from Florida (Mr. Gurney) was added as a cosponsor of S. 160, a bill to amend title 37, United States Code, in order to provide a special bonus for members of the Armed Forces of the United States who were held as prisoners of war during the Vietnam era.

S. 204

At the request of Mr. Bayh, the Senator from New York (Mr. Javits) and the Senator from New Jersey (Mr. Williams) were added as cosponsors of S. 204, a bill to amend the Internal Revenue Code to encourage the continuation of small family farms, and for other purposes.

S. 255

At the request of Mr. Eagleton, the Senator from South Dakota (Mr. Abourezk), the Senator from Iowa (Mr. Clark), the Senator from California (Mr. Cranston), the Senator from Oregon (Mr. Hatfield), the Senator from Kentucky (Mr. Huddleston), the Senator from Iowa (Mr. Hughes), the Senator from Minnesota (Mr. Mondale), the Senator from Utah (Mr. Moss), the Senator from Rhode Island (Mr. Pastore), the Senator from Rhode Island (Mr. Pell), the Senator from West Virginia (Mr. Randolph), the Senator from Alaska (Mr. Stevens), the Senator from Illinois (Mr. Stevenson), and the Senator from New Jersey (Mr. Williams) were added as cosponsors of S. 255, a bill to repeal certain provisions which become effective January 1, 1974, of the Food Stamp Act of 1964 and section 416 of the Agricultural Act of 1949 relating to eligibility to participate in the food stamp program and the direct commodity distribution program.

S. 336

At the request of Mr. Hart, the Senator from North Dakota (Mr. Burdick) and the Senator from California (Mr. Tunney) were added as cosponsors of S. 336, to amend section 133(f) of the Legislative Reorganization Act of 1946 with respect to the availability of committee reports prior to Senate consideration of a measure or matter.

S. 361

At the request of Mr. McGovern, the Senator from Iowa (Mr. Hughes), the Senator from Michigan (Mr. Hart), the Senator from Montana (Mr. Metcalf), and the Senator from Wisconsin (Mr. Nelson) were added as cosponsors of S. 361, the Emergency Rural Housing Act of 1971.

S. 386

At the request of Mr. Williams, the Senator from Rhode Island (Mr. Pastore) was added as a cosponsor of S. 386, the Emergency Commuter Relief Act.

S. 394

At the request of Mr. Aiken, the Senator from Pennsylvania (Mr. Scott) was added as a cosponsor of S. 394, a bill to amend the Rural Electrification Act of 1936, as amended.

S. 467

At the request of Mr. Randolph, the Senator from Michigan (Mr. Hart) and the Senator from South Carolina (Mr. Thurmond) were added as cosponsors of S. 467, a bill to extend the Public Works and Economic Development Act of 1965, as amended, for 1 year, and for other purposes.

S. 516

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from Montana (Mr. Mansfield), the Senator from New Jersey (Mr. Williams), and the Senator from Washington (Mr. Jackson) be added as cosponsors of my bill, S. 516, to amend title VI of the Omnibus Crime Control and Safe Streets Act of 1968 to provide for a 4-year term for the appointment of the Director of the Federal Bureau of Investigation.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

S. 547

At the request of Mr. Williams, the Senator from Connecticut (Mr. Weicker) was added as a cosponsor of S. 547, a bill to allow the broadcasting of information relating to State-run lottery programs via television and radio.

S. 570

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, at the next printing, the name of the distinguished junior Senator from Alabama (Mr. Allen) be added as a cosponsor of S. 570, a bill to promote public confidence in the legislative, executive, and judicial branches of the Government of the United States.

The PRESIDING OFFICER (Mr. Johnston). Without objection, it is so ordered.

SENATE JOINT RESOLUTION 1

At the request of Mr. Bayh, the Senator from South Dakota (Mr. McGovern) was added as a cosponsor of Senate Joint Resolution 1, a joint resolution proposing an amendment to the Constitution of the United States to provide for the direct popular election of the President and Vice President of the United States.

SENATE JOINT RESOLUTION 5

At the request of Mr. Bayh, the Senator from Illinois (Mr. Percy) was added as cosponsor of Senate Joint Resolution 5, proposing an amendment to the Constitution of the United States lowering age requirements for membership in the Houses of Congress.

SENATE JOINT RESOLUTION 19

At the request of Mr. Percy, the Senator from North Daktota (Mr. Burdick) and the Senator from Ohio (Mr. Taft) were added as cosponsors of Senate Joint Resolution 19, to designate March 4, 1973, "National Nutrition Week."

SENATE CONCURRENT RESOLUTION 8—SUBMISSION OF A CONCURRENT RESOLUTION RELATING TO THE EXPENSES OF THE JOINT STUDY COMMITTEE ON BUDGET CONTROL

(Referred to the Committee on Finance.)

Mr. LONG submitted the following concurrent resolution:

S. CON. RES. 8

Concurrent resolution relating to the designation, administration, and expenses of the Joint Study Committee on Budget Control

Resolved by the Senate (the House of Representatives concurring), That the joint committee established under title III of the Act entitled "An Act to provide for a temporary increase in the public debt limit and to place a limitation on expenditures and net lending for the fiscal year ending June 30, 1973", approved October 27, 1972 (Pub. L. 92-599; 86 Stat. 1324), shall be known as the Joint Study Committee on Budget Control (hereafter referred to in this concurrent resolution as the "joint study committee").

SEC. 2. (a) During the first session of the 93d Congress, the members of the joint study committee shall select two co-chairmen in lieu of a chairman.

(b) The joint study committee is authorized to procure the services of individual consultants, or organizations thereof, in accordance with the provisions of section 202 (i) of the Legislative Reorganization Act of 1946.

SEC. 3. (a) For the period from March 1, 1973, through the close of the first session of the 93d Congress, the joint study committee is authorized to expend from the contingent fund of the Senate not to exceed $200,000 to carry out the provisions of such title III. Of such amount, not to exceed $25,000 may be expended for the procurement of such individual consultants or organizations thereof.

(b) During the first session of the 93d Congress, expenses of the joint study committee paid out of the contingent fund of the Senate shall be so paid upon vouchers approved by either of the two co-chairmen of the joint study committee.

SEC. 4. The joint study committee shall submit a final report of the results of the study and review made under such title III, to the Speaker of the House of Representatives and to the President pro tempore of the Senate, not later than the close of the first session of the 93d Congress.

ADDITIONAL COSPONSORS OF A CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 6

At the request of Mr. BAKER, the Senator from West Virginia (Mr. RANDOLPH) was added as a cosponsor of Senate Concurrent Resolution 6, making apportionment of funds for the National System of Interstate and Defense Highways.

SENATE RESOLUTION 43—ORIGINAL RESOLUTION REPORTED AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON AERONAUTICAL AND SPACE SCIENCES

(Referred to the Committee on Rules and Administration.)

Mr. MOSS, from the Committee on Aeronautical and Space Sciences, reported the following resolution:

SENATE RESOLUTION 43

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Aeronautical and Space Sciences, or any subcommittee thereof, is authorized from March 1, 1973, through February 28, 1974, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

Sec. 2. The expenses of the committee under this resolution shall not exceed $147,500.00, of which amount (1) not to exceed $3,000.00 shall be available for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,500.00 shall be available for the training of the professional staff of such committee, or any subcommittee thereof (under procedures specified by section 202(j) of such Act).

Sec. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1974.

Sec. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 44—ORIGINAL RESOLUTION REPORTED AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON LABOR AND PUBLIC WELFARE

(Referred to the Committee on Rules and Administration.)

Mr. WILLIAMS, from the Committee on Labor and Public Welfare, reported the following resolution:

S. RES. 44

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Labor and Public Welfare, or any subcommittee thereof, is authorized from March 1, 1973, through February 28, 1974, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of pesonnel of any such department or agency.

SEC. 2. The expenses of the Committee under this resolution shall not exceed $1,700,000, of which amount not to exceed $200,000 shall be available for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganziation Act of 1946, as amended.

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1974.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 45—ORIGINAL RESOLUTION REPORTED AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON COMMERCE.

(Referred to the Committee on Rules and Administration.)

Mr. PASTORE, from the Committee on Commerce, reported the following resolution:

S. RES. 45

Resolution authorizing additional expenditures by the Committee on Commerce of inquiries and investigations

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Commerce, or any subcommittee thereof, is authorized from March 1, 1973, through February 28, 1974, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $1,300,000, of which amount not to exceed $10,000 shall be available for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. For the purposes of this resolution the committee, or its chairman, from March 1, 1973, through February 28, 1974, is authorized in its, or his discretion, (1) to require by subpoena or otherwise the attendance of witnesses and production of correspondence, books, paper, and documents; (2) to hold hearings; (3) to sit and act at any time or place during the sessions, recesses, and adjournment periods of the Senate; (4) to administer oaths; and (5) take testimony, either orally or by sworn statement.

SEC. 4. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1974.

SEC. 5. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 46—ORIGINAL RESOLUTION REPORTED AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON GOVERNMENT OPERATIONS

(Referred to the Committee on Rules and Administration.)

Mr. ERVIN, from the Committee on Government Operations, reported the following resolution:

S. RES. 46

Resolution authorizing additional expenditures by the Committee on Government Operations for inquiries and investigations

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Government Operations, or any subcommittee thereof, is authorized from March 1, 1973, through February 28, 1974, for the purposes stated and within the limitations imposed by the following sections, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The Committee on Government Operations is authorized from March 1, 1973, through February 28, 1974, to expend not to exceed $10,000 for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202 (i) of the Legislative Reorganization Act of 1946, as amended).

Sec. 3. The Committee on Government Operations, or any subcommittee thereof, is authorized from March 1, 1973, through February 28, 1974, to expend not to exceed $1,830,328 to examine, investigate, and make a complete study of any and all matters pertaining to each of the subjects set forth below in succeeding sections of this resolution, said funds to be allocated to the respective specific inquiries and to the procurement of the services of individual consultants or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended) in accordance with such succeeding sections of this resolution.

Sec. 4. (a) Not to exceed $980,000 shall be available for a study or investigation of—

(1) the efficiency and economy of operations of all branches of the Government, including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corrupt or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public: *Provided*, That, in carrying out the duties herein set forth, the inquiries of this committee or any subcommittee thereof shall not be deemed limited to the records, functions, and operations of the particular branch of the Government under inquiry, and may extend to the records and activities of persons, corporations, or other entities dealing with or affecting that particular branch of the Government;

(2) the extent to which criminal or other improper practices or activities are, or have been, engaged in in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(3) syndicated or organized crime which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions which are in violation of the law of the United States or of the State in which the transactions occur, and, if so, the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, what facilities, devices, methods, techniques, and technicalities are being used or employed, and whether or not organized crime utilizes such interstate facilities or otherwise operates in interstate commerce for the development of corrupting influences in violation of the law of the United States or the laws of any State, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activities have infiltrated into lawful business enterprise; and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce, and to determine whether any changes are required in the laws of the United States in order to protect the public against the occurrences of such practices or activities;

(4) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety;

(5) riots, violent disturbances of the peace, vandalism, civil and criminal disorder, insurrection, the commission of crimes in connection therewith, the immediate and longstanding causes, the extent and effects of such occurrences and crimes, and measures necessary for their immediate and long-range prevention and for the preservation of law and order and to insure domestic tranquillity within the United States; and

(6) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(A) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(B) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge, talents, and skills;

(C) the adequacy of present intergovernmental relationships between the United States and international organizations principally concerned with national security of which the United States is a member; and

(D) legislative and other proposals to improve these methods, processes, and relationships;

of which amount not to exceed $25,000 may be expended for the procurement of the services of individual consultants or organizations thereof.

(b) Nothing contained in this section shall affect or impair the exercise by any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946, as amended.

(c) For the purpose of this section the committee, or any duly authorized subcommittee thereof, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from March 1, 1973, through February 28, 1974, is authorized, in its, his, or their discretion, (1) to require by subpena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents, (2) to hold hearings, (3) to sit and act at any time or place during the sessions, recesses, and adjournment periods of the Senate, (4) to administer oaths, and (5) take testimony, either orally or by sworn statement.

Sec. 5. Not to exceed $342,828 shall be available for a study or investigation of intergovernmental relationships between the United States and the States and municipalities, including an evaluation of studies, reports, and recommendations made thereon and submitted to the Congress by the Advisory Commission on Intergovernmental Relations pursuant to the provisions of Public Law 86-380, approved by the President on September 24, 1959, as amended by Public Law 89-733, approved by the President on November 2, 1966; of which amount not to exceed $10,000 may be expended for the procurement of the services of individual consultants or organizations thereof.

Sec. 6. Not to exceed $327,500 shall be available for a study or investigation of the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(1) the effects of laws enacted to reorganize the executive branch of the Government, and to consider reorganizations proposed therein;

(2) the operations of research and development programs financed by the departments and agencies of the Federal Government, and the review of those programs now being carried out through contracts with higher educational institutions and private organizations, corporations, and individuals in order to bring about Government-wide coordination and elimination of overlapping and duplication of scientific and research activities; and

(3) the adequacy of present intergovernmental relationships between the United States and international organizations, exclusive of those principally concerned with national security, of which the United States is a member;

of which amount not to exceed $20,000 may be expended for the procurement of the services of individual consultants or organizations thereof.

Sec. 7. (a) Not to exceed $180,000 shall be available for a study and investigation of any and all matters pertaining to budget and accounting measures and operations, other than appropriations, including but not limited to—

(1) the formulation of the budget (including supplemental and deficiency appropriations) and its submission and justification to Congress;

(2) the review and authorization of budget obligations and expenditures by the Congress;

(3) the execution and control of such authorized obligations and expenditures;

(4) the accounting, financial reporting, and auditing of all Government expenditures; and

(5) the evaluation of Federal program performance and fiscal information and management capability;

of which amount not to exceed $10,000 may be expended for the procurement of the services of individual consultants or organizations thereof.

(b) Such study and investigation shall be limited to budgeting and accounting measures and operations of the Federal Government, and shall not be extended to the operations of any State or local government, any business or other private organization, or any individual, except that information with respect to these parties may be obtained on a voluntary basis.

Sec. 8. The committee shall report its findings, together with such recommendations for legislation as it deems advisable with respect to each study or investigation for which expenditure is authorized by this resolution, to the Senate at the earliest practicable date, but not later than February 28, 1974.

Sec. 9. Expenses of the committee under this resolution, which shall not exceed in the aggregate $1,840,328, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 47—SUBMISSION OF A RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON VETERANS' AFFAIRS

(Referred to the Committee on Veterans' Affairs.)

Mr. HANSEN. Mr. President, on behalf of Senator Hartke who is unable to be with us today, I submit a resolution authorizing additional expenditures by the Committee on Veterans' Affairs for inquiry and investigation.

The PRESIDING OFFICER. The resolution will be received and appropriately referred.

The resolution is as follows:

S. Res. 47

Resolution authorizing additional expenditures by the Committee on Veterans' Affairs for inquiries and investigations

Resolved, That in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Veterans' Affairs, or any subcommittee thereof, is authorized from March 1, 1973, through February 28, 1974, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $200,000, of which amount not to exceed $40,000 shall be available for the procurement of the services of individual consultants or organizations thereof (as authorized by section 202 (i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1974.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 48—SUBMISSION OF A RESOLUTION RELATING TO A COMPREHENSIVE INTERPRETATION FOR THE GENEVA PROTOCOL

(Referred to the Committee on Foreign Relations.)

Mr. HUMPHREY. Mr. President, on July 23, 1971, I introduced a resolution to register the Senate's support for approval without qualification of the Geneva protocol on the use of chemical and biological weapons in warfare. Today, I am reintroducing that resolution because I think its consideration by the Senate provides an extremely useful vehicle for an open discussion and evaluation of the protocol and its relevance to the future control of the use of "asphyxiating, poisonous or other gases, and all analogous liquids, materials, and devices" in warfare. Whether we like it or not, any such discussion will include the use of herbicides like agent "orange" used extensively in Vietnam. It will include a discussion of lethal and nonlethal gases, like CS_2, also used extensively at one time in Vietnam. These may not be comfortable issues for us to face, but we must deal with them. For us to avoid a future Vietnam-type war, we must fully appreciate what it is we should be avoiding. We must be sensitized to the excesses committed by both sides in the war in Vietnam.

There is nothing partisan about this matter. The United States first proposed the Geneva protocol in 1925. It was sent to the Senate in 1926 and has been sidetracked ever since. Secretary Rusk, in 1965, placed several restrictions on the use of tear gas in the field in Vietnam, but his directives were never fully implemented. President Nixon took an important initiative in November 1969 when he ordered the unilateral renunciation of the first use of chemical weapons, including incapacitating chemical weapons and, in early 1970, toxins were also included. It was President Nixon who submitted the Geneva protocol to the Senate in 1970.

We are now at the stage when we face the last and, for some, the most difficult hurdle. Although our Government supports Senate ratification of the protocol, it has given a narrow interpretation of the protocol, excluding the use in war of chemical herbicides and riot-control agents. Our reasons for taking this position are understandable to the extent that we do not want to condemn ourselves anteriorly for our military use of these weapons in Vietnam. These reasons are not, however, acceptable. By ratifying the protocol, the United States will not be condemning itself for something it was not a party to in the past. On the other hand, failing to ratify the protocol or ratifying it with a very narrow interpretation will not exonerate us in other nations' eyes.

In his testimony on the Geneva Protocol before the Senate Foreign Relations Committee, Secretary of State Rogers stated very dramatically the importance of the U.S. ratification of the protocol:

> Widespread acceptance of the obligations of the protocol through formal ratification or adherence has been accepted as an important goal by all members of the United Nations. Our ratification would also constitute an important step in our efforts to seek further disarmament measures relating to development, production and stockpiling of biological warfare and chemical warfare agents.
>
> However, until we have become a party to the protocol, our ability to guide and influence the development of these further measures ("more effective controls over production and stockpiling of chemical weapons," etc.)—measures which we consider important to our own security and to further progress in the arms control field—will be seriously undermined.

I could not agree more, but my disagreement with the Secretary of State is over the way we adhere to the protocol. Should we ratify with the kind of informal interpretation advocated by our Government, we would be undermining the relevance that this historic protocol has to the conduct of current warfare. I, therefore, am reintroducing this resolution in an attempt to fortify the protocol by giving it a broader interpretation than the one suggested by the Secretary of State. I ask unanimous consent, Mr. President, that the resolution be printed at this point in the RECORD.

At the same time, I ask unanimous consent that the foreword, written by Senator FULBRIGHT as chairman of the committee, to the Senate Foreign Relations Committee hearings on the Geneva protocol be printed at this point in the RECORD.

There being no objection, the resolution and foreword were ordered to be printed in the RECORD, as follows:

S. RES. 48

Resolution on the United States ratification of the Geneva protocol for the prohibition of the use in war of asphyxiating, poisonous, or other gases and of all analogous liquids, materials, or devices and of bacteriological methods of warfare

Whereas the President has submitted the Geneva Protocol of 1925 for the Prohibition of the Use in War of Asphyxiating, Poisonous, or Other Gases and of All Analogous liquids, Materials, or Devices and of Bacteriological Methods of Warfare for the Advice and consent of the Senate;

Whereas the President has renounced all possession and use of biological and toxin weapons and has renounced the first use of lethal and incapacitating chemical weapons;

Whereas it is strongly in the interests of the United States to maintain and strengthen the barriers against the proliferation and use of chemical and biological weapons;

Whereas the General Assembly of the United Nations has adopted a resolution which supports a broad interpretation of the Geneva Protocol of 1925: Now, therefore, be it

Resolved, That the Senate supports a broad interpretation of the Geneva protocol. In so doing it recommends that the United States be willing, on the basis of reciprocity, to refrain from the use in war of all toxic chemical weapons whether directed against man, animals, or plants.

FOREWORD

A year and a half ago, in March, 1971, the Committee on Foreign Relations held extensive hearings on the Geneva Protocol of 1925, which the President had resubmitted for the Senate's advice and consent. Following those hearings the Committee expressed to the President its strong support for the objectives of the Protocol but asked the President to reconsider the Administration's interpretation that the Geneva Protocol does not prohibit the use of tear gas and herbicides in warfare.

These views were set forth in a letter which I sent to the President on behalf of the Committee on April 15, 1971. (A copy of this letter appears in the appendix to the hearings on page 432.) In the same letter, the Committee expressed its desire to have available to it before acting on the Protocol several studies then in progress within the Executive Branch relating to the use of herbicides and tear gas in Vietnam and their possible utility in other situations. Our letter also indicated that the Committee would await the President's response before taking further action on the Protocol.

More than 16 months have passed since the Committee wrote to the President. To date we have received no substantive reply. The Committee initially delayed publication of these hearings in the expectation of a response from the Executive Branch which would provide a basis for the resumption of hearings. Because the Committee still has received neither a substantive response to its letter nor any indication that one will be forthcoming, and because the end of the current session of Congress is rapidly approaching, there appears to be no justification for further delay in publishing these hearings.

Since March, 1971, there have been several developments related to the issues raised in the hearings. Despite assurances given by the Secretary of State to the Committee that American military use of herbicides in Vietnam would be phased out, the use of herbicides by American forces has been reduced but not eliminated. Similarly, the use of tear gas, particularly of the potent CS2 form, also continues, both by American and by South Vietnamese forces, the latter being trained and supplied by the Amercans. There have also been reports of the use of tear gas by the North Vietnamese, this being the almost inevitable and, indeed, the predicted consequence of our own use of such gas.

During this interim period there have also been positive developments relating to the control of chemical and biological weapons. The United States and many other nations have concluded a Convention for the Prohibition of Development, Production and Stockpiling of Bacteriological and Toxin Weapons. This treaty was signed in Washington on April 10, 1972, and was submitted to the Senate for its advice and consent on August 10, 1972. In addition, discussion has now begun in the U.N. Conference to the Committee on Disarmament at Geneva regarding a chemical weapons convention.

It is unfortunate that while these efforts have been going forward that the Administration has not demonstrated any interest in removing the cloud which it has placed over the Geneva Protocol by virtue of its interpretation regarding tear gas and herbicides. This inflexibility coupled with the fact of our continued use of these agents in Vietnam threatens to undermine the ultimate effectiveness of the new conventions.

The preamble of the Bacteriological Convention reaffirms the significance of the Geneva Protocol as the foundation for subsequent international agreements in this area. Most nations of the world take the view that our use of tear gas and herbicides in Vietnam is contrary to the provisions of the Geneva Protocol. Indeed, the preamble of the Convention specifically notes that the General Assembly "has repeatedly condemned all actions contrary to the principles and objectives" of the Protocol. It is difficult in light of these circumstances to see how the United States adherence to the Convention can be reconciled with the Administration's rejection of the universally accepted interpretation of the Protocol.

In my view it is regrettable that the Executive Branch has ignored the Committee's efforts to resolve the difficulties posed by its interpretation of the Protocol. It is now more important than ever that the Executive Branch come to grips with the question of U.S. adherence to the Protocol in order that this issue not complicate consideration of the Bacteriological Convention.

The Executive Branch studies relating to tear gas and herbicides which the Secretary of State told the Committee were in progress at the time of the 1971 hearings are reported to have been completed. Yet to date none of these studies has been made available to or discussed with the Committee.

Similarly the Executive Branch has ignored the Committee's requests for its comments on two proposals relating to the interpretation of the Geneva Protocol, S. Res. 154 and S. Res 158, introduced by Senators Humphrey and Brooke in July, 1971. (The texts of these resolutions appear on pages 438 and 436 of the appendix.) While the Committee has not taken a position on these resolutions and could hardly be expected to do so in the face of continued Executive Branch silence, these resolutions do represent constructive efforts to resolve the question of the Protocol's interpretation.

We are hopeful that the appearance of these hearings coupled with the President's submission of the Bacteriological Convention to the Senate will stimulate new interest on the part of the public and the Executive Branch in full U.S. adherence to the Geneva Protocol. It would appear that the only impediment to such progress is the reluctance of the Administration to forego the option to employ tear gas and herbicides in future wars. It is difficult to reconcile this position with our knowledge that their military utility is open to serious question, that their actual use in Vietnam is undermining the restraints inherent in the Geneva Protocol, and that the opprobrium which attaches to their use is nearly universal.

A decision on the part of the Administration to seek ratification of the Geneva Protocol without any special exceptions for the use of herbicides and tear gas in warfare would, in my view, be a constructive act. A renunciation of the option to use these weapons would not adversely affect our national security and, indeed, it would represent the single greatest contribution which our nation could make now to the creation of truly effective and universal barriers against one of the most repugnant of all forms of warfare.

J. W. Fulbright, *Chairman*.

October 3, 1972.

Mr. HUMPHREY. Mr. President, I commend the chairman for his excellent summary of the significance of the protocol and its status at the present moment. I think it important to take special note of the fact that studies done within the executive branch relating to tear gas and herbicides have now been completed, and yet there has not been any reference to their findings by the administration. Senator Fulbright draws attention to these studies, which have not yet been communicated to the Foreign Relations Committee.

There have, however, been some leaks concerning at least a part of the major study conducted by the Army Corps of Engineers Strategic Studies Group. The three-volume work is entitled "Herbicides and Military Operations," and at least two volumes deal in part with the weaknesses of the arguments heretofore used as justifications for the extensive use of herbicides in Vietnam. According to an article by Ms. Deborah Shapley in Science, September 1, 1972, the first two volumes uncover many weak links in the arguments for the military usefulness of a herbicide program in Vietnam, as well as divisions within the Department of Defense itself over the merits of using herbicides in the kind of war which was being fought in Vietnam. Mr. President, I ask unanimous consent that the text of this article be printed in full at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Herbicides: DOD Study of Viet Use Damns With Faint Praise

An in-house, for-official-use-only study prepared in the Department of Defense (DOD) has concluded that herbicides were of only limited usefulness in the Vietnam war and, in effect, damns them with faint praise.

The report is the first major review of the military effectiveness of herbicides and was intended to complement the ongoing National Academy of Sciences (NAS) study of the ecological and physiological effects of herbicides. The study's conclusions are so far from a glowing endorsement, that they could signal an important weakening in DOD support for herbicides and possibly even a change in the Administration's exemption of herbicides from international arms limitations treaties. The treaty which would affect herbicides, the 1925 Geneva Protocol, is currently stymied in the Senate, thanks to President Nixon's "interpretations" that riot control agents and herbicides are not included under the agreement. The United Nations, by a vote of 80 to 3, has voted the contrary.

The three-volume study, titled *Herbicides and Military Operations*, was conducted between May 1971 and January 1972. The group that performed the work was the Army Corps of Engineers Strategic Studies Group (ESSG), a type of in-house think tank that, according to a variety of officials, has a high reputation for objectivity in the sometimes-warring factions of the Pentagon.

The first two volumes, obtained by *Science*, carry a survey of the experience of several hundred military officers who had direct knowledge of or participation in the herbicide program in Vietnam. The third volume, which is classified, contains some data on specific missions and computer wargames or herbicide use in future conflicts, such as in Western Europe. It was the focus of an article 2 weeks ago in the Washington *Post*, having been obtained by Daniel S. Greenberg, publisher of the *Science & Government Report* newsletter.

The ESSG study was conducted as part of an overall review of the implications of herbicide use which Secretary of Defense Melvin R. Laird was requested to make by Congress in October 1970. According to nondefense sources, the purpose of commissioning it was to present the strongest possible case in favor of herbicides; but instead, the field data from Vietnam simply did not support a ringing endorsement.

The ESSG study concludes rather weakly by comparison with the enthusiasm typical of military reports: "Herbicides can be useful as a specialized support to military operations as long as several specific circumstances exist." And, later, "significant net changes occurred after spraying. But the evidence is not sufficient to attribute the net changes to direct or indirect effects of herbicides delivered from fixed wing aircraft. . . ." Still later, "Herbicides were useful in supporting military operations in RVN in selected instances." Comparing the Vietnam experience with potential future conventional wars, it summarizes: "Herbicides are a significant aid to military operations in counter-insurgency and of less value in terms of force requirements in conventional (linear) warfare."

There are three critical points in the first two volumes of the ESSG's study, at which the effectiveness of the defoliation experience in Southeast Asia appears very questionable. The most obvious of these are the responses to a question asked at the end of each questionnaire about future need for herbicides. The results are shown in Table 1.

TABLE 1.—ANSWERS TO THE QUESTION "IS THERE A NEED FOR HERBICIDES IN FUTURE CONFLICTS?" (PERCENTAGES DERIVED FROM ESSG, SURVEY RESULTS)

Service	Yes	Perhaps	No	Yes percent	No and perhaps percent
Air Force and Marine Air	145	116	38	48.5	51.5
Army and Marine commanders and advisers	238	83	20	69.8	30.2
Navy	107	35	9	70.9	29.1
Army chemical officers	[1] 28	5	0	84.9	15.1
Total	518	239	67	62.9	37.1

[1] On the actual survey summary sheet in vol. 2, this number is 22, a figure which lowers the percentage of chemical officers responding "yes" to 81.5 percent and raises those responding "perhaps" and "no" to 18.5 percent.

Even though the question was phrased as broadly as possible, that is, not specifying what "future conflicts" or "needs" might arise, the officers answered with an extraordinarily large number of "no" and "perhaps" replies. A number of those familiar with military reporting, including Congressman Les Aspin (D-Wis.) who is himself a former DOD analyst, see the "perhaps" and "no" replies as an indication of grave doubts concerning the effectiveness of defoliation. Aspin said, reviewing the findings, "The fact that such a large number of military personnel and a majority of aviators have doubts about the future need for herbicides raises serious questions about the findings of the study. . . . The large number of 'perhaps's,'" Aspin said, "is a pentagonese equivocation for the serious doubts that many of these officers have about the effectiveness of herbicides." Also, other observers who have reviewed the study pointed out that, if the same question were asked about some obviously useful weapon, such as a tank, rifle, or helicopter, the responses would be a near-unanimous "Yes."

A second weak hinge in the ESSG argument is that in "friendly-initiated actions" after spraying, "enemy fatalities" declined by 33.3 per cent, while "friendly fatalities" declined by only 20.9 percent. The ESSG correlated data concerning 175,444 military encounters involving the deaths of 435,149 people (personnel). The deaths were categorized as to which occurred within sprayed areas, which were outside sprayed areas, and which occurred before and after spraying.

The areas not sprayed served as the control group.

A related finding was that, in sprayed areas after spraying, the overall number of military "actions" decreased by an average of 2.8 percent, a number which Aspin calls of "questionable significance. In pentagonese, a 'significant' change usually is 5 percent or more."

A third obvious point of weakness in the study's pro-herbicide conclusions is the responses of commanders and advisers to questions on crop destruction. The crop destruction program, until it terminated in 1971, was one of the most controversial parts of the U.S. use of herbicides in the war, the key issue having been the reliability of data on who was farming which fields and for whom the crops were intended. Despite the official DOD line that intelligence for the program was excellent, the commanders' and advisers' replies tell another story. Asked about the "distinction between crops grown for use by the enemy and crops grown by noncombatants who were not supporting the enemy," 21 replied that it was "completely reliable," 53 replied it was "usually reliable," 63 said it was "fairly reliable," and a total of 22 said it was not reliable or of "unknown reliability." The study itself concludes, in volume 1, "At most, the crop destruction program harassed the enemy."

Besides these three obvious points, the ESSG report contains other weaknesses. One official who has read the report pointed out that the "I don't know" replies to ESSG's survey were eliminated in tabulating the various replies thus altering the relative weight among answers. Also, most of the officers were asked to rank the frequency of the occurrence of a given military event after spraying on a five-point scale ranging from "significantly increased," "slightly increased," "unaffected," to "slightly reduced" and "significantly reduced." But the overwhelming number of replies said that a a given event was "slightly" reduced or increased after spraying with herbicides; similiarly, they said that specific battle conditions were altered "somewhat" rather than "greatly" altered. While these replies were enough to enable ESSG authors to draw conclusions favoring herbicide use, the actual data on which their conclusions are based are tentative and, so to speak, slight.

A final part of ESSG's assignment was to investigate the military effectiveness of herbicides in future conflicts. According to the *Post* article, in volume 3, ESSG "recommended that herbicides be included in top-secret contingency battle plans in case of war in Western Europe, Cuba, Korea, Ethiopia, and Venezuela." This was the conclusion drawn from ESSG's factoring herbicide use into 5 of the 106 SPECTRUM scenarios which serve as computer models of possible battle situations worldwide.

One thing which remains unclear, however, is whether ESSG found any real data base for these recommendations. Volume 1 states that herbicides can be more valuable in counterinsurgency wars than in conventional war, and, according to the *Post*, the scenarios show friendly force reductions of up to 50 percent in some counterinsurgency situations—but reductions of only 3 to 4 percent in conventional battle scenarios. Nonetheless, despite this weak evidence concerning conventional war, ESSG allegedly recommended inclusion of a herbicide capability in various contingency plans.

DOD, for its part, maintains that "The Spectrum-scenarios are completely hypothetical computer models of various warfare situations and have nothing to do with existing battle plans or contingency plans." That is, DOD has not included herbicides in its official battle plans—yet.

Aspin, reacting to the *Post* disclosures, labeled the scenarios "computer lunacy" and said: "Herbicides have been of little use in Vietnam and promise little real advantage in a European conflict."

Another reaction to the report is a written commentary, drawn up by two former DOD analysts, John P. Wheeler, III, and Han Swyter. In talking about military effectiveness, says the Wheeler-Swyter critique, the ESSG study failed to note that herbicides are becoming technologically obsolete:

> A critical point with respect to conventional and counterinsurgency warfare is that the technology of electronic and infrared sensors is becoming such that herbicides could be labeled obsolescent, possibly obsolete.

The reason for this is that sensors can provide surveillance of an area without stripping vegetative cover for friendly use, that sensors can be delivered or used fairly independently of weather, and that an enemy is not likely to know that a sensor is present, whereas he would be aware of defoliation.

The ESSG report also reveals that the generally unanimous pro-herbicide position taken by DOD in public conceals a variety of warring factions. As mentioned earlier, herbicides proved least popular with the air officers. One long-term observer of DOD said this finding confirmed his view: "The Air Force has never been wild about offering combat support for the Army, which is what they were doing in the herbicide program." In the same survey, almost 30 percent of the Navy officers had doubts. A former officer observed that Navy officers had "gut-type" reasons for disliking chemical weapons. "Among other things, a ship is one massive, self-containing, ventilation system; the minute any of that stuff gets released accidentally, you'd just have to abandon ship. Its too dangerous."

On the other hand, 85 percent of the chemical officers voted that there will be a future need for herbicides. This was explained by several sources as doing just what comes naturally. Chemical weapons are the Corps' *raison de'être*, or, as one official said, more baldly, "Its their meat and potatoes. Asking the Chemical Corps to vote against future use of herbicides is like asking it to cut its own throat."

Although the ESSG report reveals these intraservice factions, the study itself, according to a number of accounts, was the product of a larger scale factionalization within DOD. Allegedly, in mid-1971 when the report was commissioned, the Joint Chiefs of Staff (JCS) favored use of herbicides, while the Office of the Secretary of Defense (OSD) opposed it. The office of Defense Research and Engineering (DR & E), which commissioned the report, tended to side with the pro-herbicide JCS. "DR & E was at loggerheads with OSD on whether you need them," said a source. Another official outside the defense department who followed the ESSG study commented: "I remember being surprised that this was handed to ESSG and not to systems analysis [an office in OSD]. But possibly that was because systems analysis had already established a track record of taking a dim view of it [the herbicide program]".

An official who was involved in the genesis of the report, explained why ESSG was chosen. "Systems analysis really doesn't do that sort of thing. Weapons systems evaluation group might have done it. ESSG was chosen because of the large background of information they had of the geology, climatology, and flora of the area. They have made a number of very good surveys of the country so they would understand the problem, and they could also look into the war-gaming type of problems."

A non-DOD official explained that one reason the military has always favored herbicides in the past was because the JCS, which coordinates the activities of the Army, Navy, and Air Force, was always willing to "go along with" Army leaders' backing of the Chemical Corps enthusiasm for these weapons. Now that the ESSG study has come out, however, the official speculated on what would happen. "One thing it would be interesting to know is just how actively the Department of the Army and the JCS are willing to lobby for the Chemical Corps."

The relative weakness of the ESSG study's endorsement of herbicides, in the eyes of some, could pull the rug out from under the DOD and the Nixon Administration's interpretation of the Geneva Protocol as exempting herbicides from its ban. As the Wheeler-Swyter review says:

> The data in the Engineer Report strongly supports a position that the incremental military effectiveness secured by retaining the option to use herbicides is outweighed by the costs of retaining the option.

"Among these costs . . . are . . . retardation of further arms limitation agreements, as is currently the case with the Geneva Protocol."

One of the experts who has testified before Congress on the Protocol, George Bunn, dean of the University of Wisconsin Law School, does not take a position on whether herbicides legally are included under its ban. However, Bunn does think that the issue of their military effectiveness or ineffectiveness is relevant to U.S. arms control policy. Bunn gave *Science* the following statement:

> If the legal question is not clear, that is, if the Protocol does not clearly prohibit herbicides, then the United States should consider from a policy point of view whether it wants to have them prohibited or not.
>
> Then, certainly, you should consider their military effectiveness and if they're *not* very effective from the military point of view, and they raise serious diplomatic and arms control problems, then that's good reason why they should be prohibited, that is, included under the Protocol.

One former White House staffer who recalls the President's historic 1969 decision to seek ratification of the Protocol says that some military inputs to the White House were overruled when the decision was made. "I always had the feeling they [the White House] had their eyes on the Russians more than anyone. This was one of the gestures made in courting the Soviets. The CBW decision was a first step toward SALT." Now that a SALT agreement has been reached, and the DOD's staunch support for herbicides seems to be wilting, perhaps the obstacles to fuller U.S. participation in international CBW agreements will be fewer.

Mr. HUMPHREY. Mr. President, the point of discussing the military implications of the acceptance of the Geneva protocol is to answer those critics who suggest that we would be surrendering a valuable military weapon by ratifying the protocol without any limiting interpretation or understanding. The study I have referred to, and other detailed discussions of this question suggest that this argument is highly tenuous. This conclusion can be made without even getting into an evaluation of the human costs and physical devastation wrought by any comprehensive herbicide program for military purposes. Were due consideration given to this question, in my opinion, the scales tip heavily in favor of a broad interpretation for ratification of the protocol.

Unless the Geneva protocol is ratified in this manner Mr. President, we encourage the continued proliferation of these cheap and devastating weapons.

EXTENSION OF ECONOMIC STABILIZATION ACT OF 1970—AMENDMENT

AMENDMENT NO. 93-3

(Referred to the Committee on Banking, Housing and Urban Affairs, and ordered to be printed).

Mr. CASE submitted an amendment, intended to be proposed by him, to the bill (S. 398) to extend and amend the Economic Stabilization Act of 1970.

NOTICE OF HEARINGS ON LAND USE POLICY AND PLANNING ASSISTANCE LEGISLATION SCHEDULED FOR FEBRUARY 6 AND 7

Mr. JACKSON. Mr. President, I wish to announce that on February 6 and 7 the Committee on Interior and Insular Affairs will hold hearings on S. 268, a bill to establish a national land-use policy. This measure would authorize the Secretary of the Interior to make grants to assist the States to develop and implement State land use programs; set up procedures to coordinate Federal programs and policies which have a land use impact and coordinate planning and management of Federal lands with planning and management of adjacent non-Federal lands; and establish an Office of Land Use Policy Administration in the Department of the Interior.

S. 268, the Land Use Policy and Planning Assistance Act of 1973, is virtually identical to S. 632, the national land use policy bill adopted by the Senate on September 19, 1972.

To date, 14 days of hearings have been held in the Senate on national land use policy measures: In the 91st Congress, 4 days by the Interior Committee; in the 92d Congress, 4 days by the Interior Committee, and 3 days each by the Commerce and Banking, Housing and Urban Affairs Committees. Because an extensive hearing record already exists, the committee will wish to focus the February 6 and 7 hearings on those policy issues which have not yet been adequately addressed. To encourage this focus, witnesses will be asked to respond, either in their testimony or in written submissions, to a set of policy questions on S. 268 submitted to them prior to the hearings. The policy questions will be available on Wednesday, January 31.

Any person or organization wishing to testify or submit a statement for the record should contact the committee on or before Thursday, February 1. The hearings will begin each day at 10 a.m. in room 3110 of the Dirksen Senate Office Building.

NOTICE OF HEARINGS ON PENSION LEGISLATION

Mr. WILLIAMS. Mr. President, I wish to announce that the hearings on the "Retirement Income Security for Employees Act of 1973" (S. 4) originally scheduled for January 31 and February 1, 1973, at 9:30 a.m. in room 4232, New Senate Office Building, have been rescheduled for February 15 and 16, 1973, in room 4232, New Senate Office Building. Persons who are interested in testifying at this hearing, or who wish to submit written statements with respect to same, should notify Mr. Mario T. Noto, special counsel, Subcommittee on Labor, room 4230, New Senate Office Building—telephone 225-3656—within 5 days of this announcement.

NOTICE OF RESUMPTION OF HEARINGS ON COMPETITIVE PROBLEMS IN THE DRUG INDUSTRY

Mr. NELSON. Mr. President, I wish to announce that the Subcommittee on Monopoly of the Select Committee on Small Business will resume hearings on competitive problems in the drug industry, with special emphasis on the development, marketing, and use of prescription drugs in this country.

The hearings will be held on February 5, 6, 7, and 8, 1973, in room 318—caucus room—of the Old Senate Office Building starting at 10 a.m. each day.

NOTICE OF HEARING ON SENATE JOINT RESOLUTION 37

Mr. MOSS. Mr. President, the Committee on Aeronautics and Space Sciences will hold a hearing on the joint resolution introduced by the distinguished Senator from Texas (Mr. BENTSEN) to change the name of the Manned Spacecraft Center in Houston, Tex., to the Lyndon B. Johnson Space Center, on February 2 at 10 a.m. in room 231, Russell Senate Office Building.

ADDITIONAL STATEMENTS

POPULATION FILM SHOWING, JANUARY 30, ROOM G-308, NEW SENATE OFFICE BUILDING

Mr. PERCY. Mr. President, the Commission on Population Growth and the American Future was proposed by President Nixon, and established by Congress, in 1970, to conduct a 2-year study of the probable course and consequence of U.S. population growth and distribution to the year 2000. The report of that Commission, ably presided over by Mr. John D. Rockefeller III, was submitted to the President and Congress last March.

Because the Commission wished to communicate its findings and recommendations to the widest possible audience, it undertook to have a filmed version of the report produced. Before going out of existence, the Commission raised the necessary funds from private sources, and contracted with a producer to make the film. It was shown to the public on November 29 over the Public Broadcasting Network and has been the subject of considerable comment.

For those who may have missed seeing it, arrangements have been made for Members of the Senate and their staffs to view this very fine film on Tuesday, January 30, in the auditorium of the New Senate Office Building (G-308). The 1-hour film, entitled "Population and the American Future," and narrated by Hugh Downs, will be shown continuously from noon until 3 p.m.

Members of the staff of the Citizens Committee on Population and the American Future, a private organization established to publicize the findings and recommendations of the Commission, will be on hand to answer questions. I heartily recommend this most interesting and informative film, and hope that Senators and members of their staffs will be able to take the time to view it.

BUSINESS AND PROFESSIONAL WOMEN COMMENDED

Mr. ROBERT C. BYRD. Mr. President, the Weston Business and Professional Women's Club, of Weston, W. Va., has recently called my special attention to something I have long been aware of—the many efforts and achievements of this fine organization of workingwomen.

There are more than 3,850 business and professional women's clubs in the 50 States, the District of Columbia, Puerto Rico, and the Virgin Islands. Through membership in the International Federation of Business and Professional Women, the U.S. Federation is affiliated with working women on every continent. The objectives of the organization are to elevate the standards for women in business and the professions; to promote the interests of business and professional women; to bring about a spirit of cooperation among business and professional women of the United States; and to extend opportunities to business and professional women through education, and along lines of industrial, scientific, and vocational activities.

In addition to these four main objectives for the betterment of working women everywhere, the various clubs have taken on many programs and projects of service to the individual and the community, such as programs to cut down on crime and the causes of crime; improving the plight of women in prison; the planting of trees for beautification purposes; the organization of central pickup sites for products which can be recycled; litter cleanup projects; monetary assistance to hospitals; entertainments for hospital patients; collecting trading stamps to provide a kidney machine for a needy individual suffering from a kidney disease; and others too numerous to list.

It is a pleasure and an honor for me to publicly recognize and commend the Business and Professional Women's national organization, and the various individual clubs, particularly those in my State of West Virginia, for excellent contributions resulting not only in improvement in the status of the working woman of America, but also in the betterment of the community wherever these women have banded together to serve.

FUEL OIL SHORTAGE IN MASSACHUSETTS

Mr. BROOKE. Mr. President, in Massachusetts winter means snow, ice, and arctic temperatures. That is why no issue is more important to the citizens of Massachusetts than the current fuel oil shortage. For yet another winter the Commonwealth of Massachusetts has had to bear the brunt of an unfair discriminatory import quota system which denies Massachusetts and all of New England adequate heating fuel. Both branches of the Massachusetts legislature have responded to the present crisis by turning to the Federal Government for succor.

By unanimous vote, the Massachusetts House of Representatives and the Massachusetts State Senate ask the administration and Congress to redress a very real grievance.

I share their sentiments and their indignation at our Government's unwillingness to right an obvious wrong.

I ask unanimous consent that these resolutions be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

Resolutions Memorializing the Congress of the United States To Enact Legislation Increasing the Federal Oil Import Quota System to Massachusetts

Whereas, The Federal Oil Import Quota System is an unconscionable burden on the Massachusetts consumers who are the largest per capita users of home heating oil in the United States; and

Whereas, This Federal Oil Import Program has been in fact operated as a price fixing device for the benefit of the large United States oil producers and in fact operates as a tax on the Massachusetts consumer; and

Whereas, the Massachusetts wholesalers, distributors and retailers of fuel oil have been hampered in their ability to obtain certain grades of oil, particularly No. 2 oil which is used for home heating; and

Whereas, Every year, advance planning for assurance of an adequate supply has been adversely effected by the manipulation and procrastination of the executive department in Washington to the detriment of the health and welfare of the consuming public; therefore, be it

Resolved, That it is the will of this House of Representatives that immediate action be taken by the President of the United States to remove all oil import quota restrictions, at once, in order that an adequate supply of oil may be obtained for the rest of this winter to insure the safety and health of the consuming public and that the President take the proper steps to insure that there shall be no recurrence of the faulty planning and manipulation of the price and supply of this commodity by the Federal Government; and be it further

Resolved, That copies of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the President of the United States, the presiding officer of each branch of the Congress, and to the members thereof from this Commonwealth.

House of Representatives, adopted, January 18, 1973.

Resolutions Memorializing the President and the Congress of the United States to Lift the Import Restrictions on Oil

Whereas, There presently exists in New England and across the United States a lack of sufficient natural resources to provide heat for the schools, homes and businesses of the nation, a situation reaching crisis proportions; and

Whereas, The states of the New England area, particularly the Commonwealth of Massachusetts, have faced this recurring problem of oil shortages winter after winter; now therefore be it

Resolved, That the Massachusetts Senate respectfully urges the President and the Congress of the United States to take cognizance of the necessity for immediate action in averting further oil shortage crises, and further, to eliminate the present legislative restricting on the importation of oil from foreign nations; and be it further

Resolved, That copies of these resolutions be sent forthwith by the Senate Clerk and Parliamentarian to the President of the United States, the presiding officers of each branch of the Congress and to each member thereof from the Commonwealth.

Senate, adopted, January 16, 1973.

L. B. J.'S CONTRIBUTION TO THE SPACE PROGRAM

Mr. MOSS. Mr. President, as the fourth and newest, chairman of the Senate Committee on Aeronautical and Space Sciences, I would like to pay tribute today to the first chairman of this committee, Lyndon B. Johnson.

We have all read and heard in the last few days many words about the 36th President of the United States—his triumphs and failures; his moments of joy and moments of sadness; his drive, his energy, his compassion for his fellow man. We have heard how this earthy Texan has done more for the arts than any President in our history. We have been reminded how this Southerner, whose grandfathers served the Confederacy during the Civil War, has done more for the cause of civil rights, voting rights, housing rights and education for our minorities, our poor and our downtrodden, than any President since Lincoln.

I certainly do not have to remind this body of his presence in this Chamber. More than one-third of the present membership, including myself, had the honor and privilege of serving with him when he was our distinguished majority leader. Each one of these Senators, I am sure, has many recollections, public and private, of this unique and forceful man.

But what I particularly want you to recall today was his role as leader in our Nation's space program. It is unlikely that we would have successfully landed on the moon when we did or that our space program would have progressed to the high state of the art it has if it had not been for Lyndon Johnson.

Almost immediately after the Russian sputnik flashed across the sky in October 1957, Lyndon Johnson, as chairman of the Preparedness Investigating Subcommittee, began a searching and detailed inquiry into the status of our satellite and missile programs. The junior Senator from Mississippi (Mr. STENNIS) and the senior Senator from Missouri (Mr. SYMINGTON)—who, incidentally, both still serve on the Space Committee—were members of that subcommittee and, I am sure, remember those hearings well.

Those hearings clearly revealed our shortcomings in space and our inadequate organization for dealing with space matters both at the executive and legislative levels. Consequently, on February 6, 1958, the Senate established the Special Committee on Space and Astronautics with Lyndon Johnson as its chairman.

This blue ribbon committee, composed of the chairmen and ranking members of six of the Senate's most prestigious committees, working diligently through the spring and early summer, hammered out the National Aeronautics and Space Act of 1958. This act not only established the National Aeronautics and Space Administration—NASA—as our primary space agency but laid down the important policies that guide us in our peaceful exploration of space. It was truly one of the landmark pieces of legislation of the 1950's.

Following the passage of the Space Act, the Senate created on July 24, 1958, the permanent Committee on Aeronautical and Space Sciences as a means of continued surveillance and control over this important new domain. Lyndon Johnson became its first chairman and presided over the committee until his retirement from the Senate in 1961 upon becoming Vice President. There is absolutely no doubt that Lyndon Johnson, by putting the full weight of his prestige as Majority Leader behind the fledgling space program, gave it a respectability and a momentum that it otherwise would not have had.

But this did not end Lyndon Johnson's involvement in the space program by any means. President John F. Kennedy recognized the expertise of his Vice President in this area and quickly moved in early 1961 to make him chairman of the National Aeronautics and Space Council. Those were critical days for the space program. Soviet Cosmonaut Yuri Gagarin had just become the first man to orbit the earth. Americans did not like being in second place. In an urgent memorandum to the Vice President, President Kennedy requested advice on what our next step should be. In typical fashion, Lyndon Johnson gathered around him dozens of the Nation's best engineers and scientists who went into near round-the-clock sessions to come up with a workable program. Government officials were consulted. Business men were consulted. Congressional leaders were consulted. The famous Johnson technique of seeking a consensus was in operation. And the consensus was that we should take a bold step forward and choose as a national goal, by the end of the decade, the landing and returning men from the moon. On May 25, 1961, President Kennedy announced his goal to a joint session of Congress.

But again, this did not end Lyndon Johnson's involvement in the space program. When he became President in November 1963, after the tragic assassination of President Kennedy, he assumed full responsibility for the conduct of the program. The Apollo program continued, and, before he left office he had the satisfaction of seeing the first successful circumlunar flight of Apollo 8 with those touching and dramatic readings from the Bible on Christmas Eve of 1968.

In spite of rising costs of the involvement in Vietnam, and urgent financial demands of the great society programs, Lyndon Johnson did not abandon our space program through those trying years. The last full year of expenditure for space under Lyndon Johnson was some 20-percent higher than we have now, and many of the important programs which are only now coming to fruition—such as the Skylab and Viking programs—were initiated during his administration.

Lyndon Johnson understood the importance of space exploration to the people of the United States and its ultimate benefits to all of mankind. He understood the necessity of this advanced technology to our security. He understood the stimulation this new field would create in our educational systems. He understood the palpable gains to the average citizen from our weather, communications, and other applications satellites. He understood the challenge to excellence and achievement it posed to our scientists, engineers, and technicians. But most of all, he understood the needs of the spirit—the need of man to explore, to reach out, and to seek new ways to bend science and technology to our use. The poet, Robert Browning said:

> A man's reach should exceed his grasp/
> Or what's a heaven for?

That is what the space program is all about. Lyndon Johnson understood.

Mr. President, the junior Senator from Texas (Mr. BENTSEN) has introduced a joint resolution to change the name of NASA's Manned Spacecraft Center in Houston, Tex., to the Lyndon B. Johnson Space Center. I can think of no more fitting tribute than that the NASA center, from which all of the Apollo flights have been directed, be named for Lyndon Johnson. I fully support this proposal and take this opportunity to announce a hearing before the Committee on Aeronautics and Space Sciences on February 2, at 10 a.m. in room 231 of the Russell Senate Office Building on the joint resolution.

GENOCIDE—A MATTER OF INTERNATIONAL CONCERN

Mr. PROXMIRE. Mr. President, article I of the Genocide Convention forthrightly states that all the parties which ratify the treaty will join together to prevent and punish genocide.

The text of the article is largely self-explanatory. The signers seek to make it clear that genocide—a grievous crime against humanity—will be an international crime punishable under international agreements. Thus genocide is put in the category of acts governed by international agreements, such as the treatment of war victims and the ban on slave trading.

Some people, however, have objected to this portion of the Genocide Convention. Their fear is that if the United States accepts the Genocide Convention our citizens could be tried in foreign courts.

This was one of the major objections raised by the American Bar Association to ratification in 1950. Their view was that the treatment of our citizens is a domestic concern and should not be subject to the jurisdiction of a foreign court.

Such arguments when applied against the Genocide Convention have no basis in fact. At the present time, for example, any American citizen visiting a foreign country can be charged and tried for any criminal offense, including robbery, espionage and murder.

The only change that acceptance of the Genocide Convention would make is that the crime of genocide would be added to that list of criminal offenses. The treaty would in no way modify or extend the jurisdiction of foreign courts over American citizens.

We must recognize that when genocide is committed it involves reprehensible actions against a large mass of people. From a moral point of view genocide is of concern to all nations, not just those in the area where the act took place. From a practical point of view genocide is likely to involve acts against a large number of people from more than one country. Hitler did not just exterminate Jews in Germany. He extended the acts of terror to Jews and citizens in other nations, such as Poland, Hungary and France. Consequently, we must recognize that genocide is an international concern.

Since 1776 the United States has made a commitment to strive for basic human rights for all mankind. This commitment is demonstrated in our Declaration of Independence, which declares that people should have the right to "life, liberty and the pursuit of happiness." Life, certainly, is the most important of all human rights. What the Genocide Convention does is to extend our principles of leadership in the field of human rights to an international accord.

I therefore urge Senators to reject the specious arguments presented against the Genocide Convention and to ratify it as quickly as possible.

SHELLFISHING RETURNS TO THE JERSEY SHORE

Mr. WILLIAMS. Mr. President, recently I read a particularly interesting article which indicated that the shellfishing industry off the coast of New Jersey has recovered from a level of near devastation over the last few years.

The article discusses the deleterious effect which diseases and raw or undigested sewage sludge have had on this important industry in the ocean and in the Delaware Bay area. By 1970, these factors had forced the closing of over 120,000 acres for shellfishing.

However, over the last 3 years, State and Federal officials, who were armed with financial aid and court orders, began forcing communities to clean up their sludge and sewage before dumping it, thereby cleaning the receiving waters. These aggressive actions were complemented with innovative growing experiments and now shellfishing is once again an active business in the bays and the ocean around southern New Jersey.

I am most gratified that this success at improving the quality of the water in these areas has been made. However, since 100,000 acres of clam beds are still too polluted to be harvested, we must continue our efforts to clean our rivers and oceans and prevent new degradation.

A first step clearly must be to secure the release of all the money which Congress almost unanimously provided in the Water Pollution Control Act Amendments of 1972. I fear that if these funds remain impounded, our progress toward clean water will remain tedious and prolonged. Second, we must prevent the introduction of new sources of pollution, such as the plan to build supertanker ports off the New Jersey coast for the importation of oil. Massive environmental problems both on land and in the ocean must be resolved before any commitment is made to this project of constructing enormous unloading and storage facilities offshore from some of the country's finest resorts and in the midst of these fishing areas which are just beginning to reach former levels of productivity.

I commend this article to Senators who also are experiencing water quality problems and who are interested in the early stages of a successful reclamation of a severely polluted area.

I ask unanimous consent that the article from the Sunday Philadelphia Bulletin be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

JERSEY SHELLFISH INDUSTRY ON RISE

The New Jersey shellfishing industry is coming back from near extinction.

An oyster disease and then pollution and closing of most clam fisheries nearly wiped out New Jersey shellfishing in the 1960s.

In the middle 1950s, Delaware Bay yielded an annual 750,000 bushels of oysters, worth almost $6.5 million.

After an epidemic of MSX virus struck the beds in 1957, the harvests dropped to 10,000 bushels.

In the last three years, the state has reformed 31,000 acres of seedbeds in the upper bay. Oystermen take the immature oysters from the beds and transplant them to their rented beds in the lower bay to mature in size and flavor. Last year's harvest of 175,000 bushels was worth about $2 million.

GREATER REGION

But pollution has condemned a much greater shellfishing region than has disease.

In the 1950s and '60s, the clam beds were infected by microorganisms in raw or improperly treated sewage pouring from the booming resort communities of the shore.

Ten years ago, half the bays of New Jersey were closed to shellfishing. The 55-mile stretch from Atlantic City to Cape May was the hardest-hit.

Then, in 1964, the U.S. Public Health Service said it had found that 56 Philadelphia area and 63 New Jersey hepatitis victims had recently eaten raw clams. None died. But by 1966, New Jersey had put 62,250 acres of clam beds off limits to fishermen.

The economic loss in Ocean, Atlantic and Cape May Counties alone ran to $1.5 million a year.

In 1970, an area of about 100 square miles lying a dozen miles off the south of Delaware Bay was declared unfit for shellfishing. Dumping there of Philadelphia sewer sludge thus put a significant dent in the $40 million a year shellfish industry of Delaware.

Three years ago, after state and federal officials armed with financial aid and court orders had begun forcing New Jersey shore communities to clean up their sewage, clamming took a turn for the better.

The shellfish industry and the state began a bold experiment. They scooped clams out of polluted Lakes Bay behind Atlantic City and transplanted them for a 30-day flushing and self-cleaning period in the cleaner waters of Great Bay, behind the Brigantine Wildlife refuge. This year's crop was about 3.5 million clams, worth about $112,000.

LARGER BOATS

Joseph A. Price, New Jersey's shellfish management administrator, said that in 1971 state clam production had come back to about 2.5 million pounds, worth about $1.6 million.

The larger fishing boats have moved more than a dozen miles offshore, to escape pollution. Now they dredge in 100 feet for sea clams that once were used only for bait but now account for the bulk of canned and other clam products sold in America. They will harvest about 40 million pounds, worth an estimated $5 million, this year.

New Jersey shellfishing is back to a $7 to $8 million a year business. But, 100,000 acres of clam beds still are too polluted to be harvested.

Price said a second transplanting program might be started in 1973, to remove clams from polluted Cape May Harbor to the cleaner waters of Great Sound, behind Avalon.

THALIDOMIDE PROBLEM

Mr. MOSS. Mr. President, the tragedy of Thalidomide strains the public's conscience. We must consider how those involved in this disaster can make amends for the incalculable damages which have befallen thousands of families and crippled children.

In Great Britain, after considerable jockeying, Distillers Corp. has apparently proposed a more conscionable settlement than was offered several weeks ago. Those injured must closely scrutinize the settlement to insure that it is commensurate with the tragic results which have occurred.

Furthermore, the British experience indicates once again the need for a premarket screening of drug products in the United States as well as the need for a mechanism for citizens to bring suit jointly in order to recover for the pyramiding damage which can be done by a widely sold deficient product.

I will continue to watch the progress of settlements in Great Britain and the other countries in order to see how the sympathies of the American people can assist those who have suffered so much.

WILDERNESS—A QUESTION OF PURITY

Mr. PACKWOOD. Mr. President, I invite the attention of Senators to an interesting and thought-provoking paper written by an Oregonian who is at present a student at the Northwestern School of Law in Portland. Because of Mr. Foote's interest in the ideological controversy that has been revolving around the wilderness-purity issue, he has done extensive research into past inclusions of land into the Wilderness Act and the precedents which have been set regarding their suitability for Wilderness classification. His paper raises important questions relative to the U.S. Forest Service interpretation of the Wilderness Act of 1964 as it pertains to the suitability of certain areas for wilderness classification. I ask unanimous consent that Mr. Foote's paper be printed in the Record.

There being no objection, the paper was ordered to be printed in the Record, as follows:

Wilderness—A Question of Purity

(By Jeffrey P. Foote, Northwestern School of Law, Portland, Oreg.)

In the latter part of the 19th Century an American policy of disposal of public lands became disfavored and gradually replaced with various procedures for its retention and preservation. The first significant step in that direction came in 1872 when President Grant signed the Act which set aside Yellowstone Park.[1] Since that time, there has been continuing debate and confrontation on what lands should be set aside and what uses are permissible.[2] This paper deals specifically with the concept of widerness, as expressed in the Wilderness Act of 1964,[3] and the debate over its definitions and permissible uses.

The adversaries in this debate have become the U.S. Forest Service and industry on one side, and environmental, conservation, and preservation groups on the other. The Forest Service, industry, and their Congressional supporters have taken a "purist" stance concerning wilderness classification. By purists, I mean they accept only the strictest definitional criterion. Their policy has been to oppose wilderness designation to areas where there are man-made intrusions in the area.

The Forest Service sees the choice as a simple one. ". . . you can have wilderness *or* something else you want, but not wilderness *and* that something else."[4] That something else is, in many cases, something wilderness proponents have no trouble accepting as wilderness; things like second growth forests in the East,[5] existing motorboat rides on Crater Lake and Yellowstone Lake,[6] dude ranches on the Minam River, and many others. The debate inevitably boils down to how you are to interpret the vague and somewhat ambiguous definition of wilderness found in the 1964 Act.

The Wilderness Act definition of wilderness is:

"A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean in this Act an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been primarily affected by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least five-thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic or historical value.[7]"

In light of this definition and the legislative history that surrounds it, the purist position lacks support. The center of disagreement in the definition is the phrase, "generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable . . ."[8] The phase does provide some ambiguity. "That the intent appears to be to make the human effect the primary determining factor is unmistakable. . . . Some effects of human activity will probably not disqualify an area, however. It seems to be a question of how temporary the effects of human activity are. Certain obvious effects such as those left behind by man as a visitor will be permissible. A trail, or campsite are assumedly such kinds of effects. What more will be allowed, however, is not specified for us."[9] Conservationists treat the first sentence of the definition as an ideal concept of wilderness. They then look to the words "substantially unnoticeable" as a flexible working definition.[10]

Senator Anderson, then chairman of the Senate Interior and Insular Affairs Committee and one of the chief sponsors of the Bill, analyzed the definition during hearings on the Bill in 1961.

"Section 2b (2c in the 1964 Act) contains two definitions of wilderness. The first sentence is a definition of pure wilderness areas, where 'the earth and its community of life are untrammeled by man . . .' It states the ideal.

"The second sentence defines the meaning or nature of an area of land wilderness as used in the proposed Act: A substantial area retaining its primeval character, without permanent improvements, which is to be protected and managed so man's works are 'substantially unnoticeable.'

"The second of these definitions of the term, giving the meaning used in the Act, is somewhat less 'severe' or 'pure' than the first. As a practical matter it has been determined that some economic activities, such as grazing and motorboating where they are established practices, should be permitted to continue and some temporary trails, roads and other facilities should be allowed to permit fire, insect, and disease control when it is necessary."[11]

THE FOREST SERVICE

The Forest Service does not treat this as a working definition. They instead look at it as a rigid unflexible requirement. For example, they contend that none of the areas in the Eastern United States can qualify as wilderness because they have been roaded, logged, or otherwise affected by man. Instead they are trying to get support for a "Wild Lands East" program to set up a special category for these areas.

What the Forest Service is doing is using the criteria set forth in Sec. 4 of the Act as standards for admission as wilderness. These criteria are guidelines for management of the area once it has been accepted as Wilderness, not the standards for admission. Sec. 4c reads:

"Except as specifically provided for in this Act, and subject to existing private rights, there shall be no commercial enterprise and no permanent road within any Wilderness area designated by this Act except as necessary to meet minimum requirements for the administration of the area for the purpose of this Act (including measures required in emergencies involving the health and safety of persons within the area), there shall be no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport, and no structure of installation within any such area."[12]

Sec 4 makes special provisions for aircraft, motorboats, water projects, and grazing where they have become established before the area becomes wilderness.

The Forest Service and other agencies are automatically blanketing areas with these "intrusions" out of Wilderness. Sec 4 is part of the Act to provide guidelines for management of the wilderness, once it has been admitted to wilderness. The criteria for admission is in Sec 2.

"It was not the intent of Congress that the Section 4 management provisions be applied as criteria and standards for adding an area to the National Wilderness Preservation System. The test of suitability of an area for wilderness designation is simply and solely in the definition of wilderness in Section 2c, which is a reasonable, flexible definition, resting basically on a balancing judgment of the imprint of man's work being 'substantially unnoticeable' within the proposed wilderness entity."[13]

The Forest Service bases its decisions on wilderness designation on three main criteria: suitability, availability, and need.[14] The factor we are concerned with is that of suitability. The Forest Service does not recognize the argument that the sole test for suitability is that "the imprint of man's work is substantially unnoticeable." Instead it looks to the ideal stated in the first part of the definition as a criterion for classification. It sets forth in its policy that minimum conditions are:

"1. As an area where earth and its community of life are untrammelled by man; where man himself is a visitor who does not remain.

Footnotes at end of article.

"2. As undeveloped land retaining its primeval character and influence, without human habitation or permanent improvements, except those that are necessary to meet the minimum requirements for administration and authorized use of the area.

"Generally appearing to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable . . ."[15]

The term untrammeled is dealt with elsewhere in the Forest Service Manual. "The term 'untrammeled' as used in the third line of that portion of the Wilderness Act quoted above is defined as not bound or fettered; hence figuratively, free; nothing prevents or impedes the free play of. In the context of the Wilderness Act it means an area where action by man has not or should not impede the free play of natural forces."[16] Nowhere in the Act or the legislative history surrounding it will you find justification for this unreasonably strict policy. On the contrary there are provisions in the Act for fire control, grazing, motorboating, and aircraft rights where they existed before, mining rights, and water system rights.[17] Some local forests in their application of the Forest Service Manual have even taken stricter criterion for designation. A sheet put out by the Williamette National Forest in February 1972, entitled "Criteria for Wilderness" is an example. "The uniqueness of Wilderness is that it is in a constant state of natural flux, ever changing and uncontrolled by man . . . Many people think that there is a need for Wilderness to satisfy recreation demands.

Yet Congress, through the Wilderness Act, makes it clear that Wilderness is something else: it is untrammelled by man, it is primeval, it has solitude."[18] Congress does not make that clear at all. Congress instead gives us a working definition in the words "imprint of man's work is substantially unnoticeable." Congress also, in contrast to the Willamette Forest sheet, specifically accounts for recreation potential. They provide for ". . . outstanding opportunities for solitude or a primitive and unconfined type of recreation . . ."[19] What the Forest Service has done is taken the ideal concept of wilderness and the management criteria for wilderness and used them as the basis for area designation. This is in direct conflict with the words of the Act and the legislative history surrounding it.

NATIONAL PARK SERVICE

The Forest Service is not the only agency that has not followed the 1964 Act in its designation of wilderness area. The National Park Service has also erred in its designation and management of National Park wilderness areas. The National Park Service has erred in its policies for private rights inholdings or enclaves. The National Park Service policy is "Unless acquisition by the United States is assured, inholdings will be excluded from the area classified as wilderness. It will be the policy to acquire such inholdings as rapidly as possible, and as they are acquired, the lands will be proposed for designation as wilderness if they otherwise meet the criteria for such area."[20] The Wilderness Act contemplates small private inholdings, mineral claims, grazing areas, and other pre-existing private rights. The Act would designate them as within the wilderness boundaries, not special enclaves within the wilderness. That way when the rights do phase out they go automatically into wilderness without legislative process.

Sec. 4 of the Act reads:

"Except as specifically provided for in this Act, and subject to existing private rights there shall be no commercial enterprise and no permanent road within any wilderness areas designated by this Act, and, except as necessary to meet minimum requirements for the administration of the area for the purpose of this Act (including measures required in emergencies involving the health and safety of persons within the area), there shall be no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport, and no structure or installation within any such area."[21]

The Act contemplates some non-wilderness enclaves within designated wilderness. Yet, in the proposals for Sequoia and Kings Canyon National Parks there are 22 nine-acre enclaves, excluded from wilderness, for the purpose of telemetering precipitation measuring equipment. There is an enclave of 131 acres to allow for the landing of aircraft in the Simeonof National Wildlife Refuge wilderness. These enclaves are unwarranted under the Act and dangerous to the areas involved. By setting an enclave apart from Wilderness the area can be used in any way imaginable. But, if it is included within the wilderness area, the user is restricted.

The National Park Service is also in error in its policies on motorboats. The policy states: "Boating, except with motorboats and airboats, is an acceptable use of park wilderness."[22] It now looks as though the National Park Service is not going to include the faces of Crater Lake and Yellowstone Lake in their Wilderness designations. There is no legislative support for this. On the contrary, Senator Frank Church introduced an amendment on the floor of the Senate in 1961 to clarify this point.[23] The bill previously made exception only to National Forest lands where the use of motorboats and aircraft have become established uses. The passed Bill, with Senator Church's amendment, now reads:

"1) within wilderness areas designated by this Act the use of aircraft or motorboats where these uses have already become established may be permitted to continue. . . ."[24] Senator Church referred specifically to Yellowstone when arguing for his amendment.

"In the Yellowstone Park, for example, wilderness areas will be established as a result of the enactment of the Bill. In some of these wilderness areas the practice of motorboating, on some areas of Jackson Lake, for instance, may have become well established. There is no reason why the stated exception in the Bill should not extend to wilderness areas in national parks as well as to wilderness areas carved out of national forests."[25]

With the continued decline in *de facto* wilderness areas it becomes increasingly important for the agencies involved to recognize just what was intended by Congress in the 1964 Act.

AN ILLUSTRATION: THE MINAM RIVER

The dispute over the Minam River in the Wallowa-Whitman National Forest (Oregon) serves as a good illustration of the conflict over Wilderness purity. A portion of this beautiful area is being opposed for Wilderness mainly on the purity question. The arguments are as follows: First of all, there are two guest or dude ranches within the area. These ranches are well within the proposed Wilderness with no roads leading to them.

The argument is that the Wilderness Act does not permit these. But the Wilderness Act allows for inholdings or private rights. Section 4c says: "Except as specifically provided for in this Act, and subject to existing private rights, there shall be no commercial enterprise or permanent road . . ."[26] Senator Church discussed the matter on the floor of the Senate prior to passage of the 1964 Act. He said, in reply to a question concerning condemnation, that ". . . there are in my state inholdings—ranches—which were homesteaded many years ago and lie within primitive areas.

"We wanted to be perfectly sure that the owners of these ranches were guaranteed the customary usage of their property for ingress and egress according to the customary ways."[27] This statement certainly indicates that ranches, such as those in the Minam, are acceptable as private right inholdings within the Wilderness. As a matter of fact there exist in the adjoining Eagle Cap Wilderness area on Aneroid Lake, a small general store and five small cabins. With this sort of precedent, inclusion of the ranches in the Wilderness area is certainly within the framework of the Wilderness Act, as contemplated by the Congress that passed it.

A second objection raised by those espousing the "purist" point of view is that this area is unsuitable for Wilderness because a small portion of it was logged. This logging only involved 1,600 acres and was done by horse prior to 1924. The cutting was selective and stands of large trees are present throughout the area. Compare this to 80,000 acres of the Bob Marshall Wilderness that was horselogged after 1900. Right here in Oregon is the Strawberry Mountain Wilderness that had 75–100 acres logged (selectively) in the 1950's.

Another objection to inclusion of this area is a small field used as an airstrip by the dude ranches. Purists claim this is not of the Wilderness character. On the contrary, it is specified in the Act that "Within Wilderness areas designated by this Act the use of aircraft or motorboats, where these uses have already become established, may be permitted to continue . . ."[28] There is now, for example, an airfield in the Bob Marshall Wilderness in Montana.[29] The Wilderness Act, as applied in the past by Congress, would certainly allow the Minam River area entry into the National Wilderness Preservation System.

JUDICIAL TREATMENT

There is a noticeable lack of judicial action in this field of wilderness purity. The main reason is that it is a Congressional decision which gives an area Wilderness status. However, there is one significant case. The only place where the courts have dealt with the definition of wilderness is in the case of *Parker v. U.S.*[30]

The suit was filed in U.S. District Court in Colorado to stop the Forest Service from selling timber from the East-Meadow Creek area in the White River National Forest in Colorado. The issue, according to Judge Doyle, was not "whether the Secretary erred on his factual findings in ruling the East Meadow Creek out of Wilderness, but rather with whether there is sufficient evidence of its Wilderness character so as to require study and submission to the President and Congress for determination of its character and whether acts which would change its character should be enjoined until the determination can be made."[31]

The area is described by the opinion as "generally untrammelled by man except for an access road which runs to a point about ¾ of a mile inside the sale area. There is also a road known as the 'bug road' which was constructed during the bark beetle control project in the early 1950's. This road is now blocked off and cannot be used by motorized vehicles. In some places the vegetation has camouflaged the 'bug road' so that it is substantially unnoticeable."[32] The Citizen's proposal for Wilderness does not include the access road but does include the bug road. Nevertheless the court held that "the area meets the minimum requirements of suitability for wilderness classification . . ."[33] This opinion was affirmed by the 10th Circuit.[34] Certiorari to the United States Supreme Court was denied.

AGENCY PROTECTION: THE CASE OF FRENCH PETE

The Wilderness Act is a tool to afford absolute protection to these "questionable"

Footnotes at end of article.

areas before they are irreparably abused. This is protection of law, not agency protection, which is all that is offered under any Forest Service classification scheme. This distinction is important. If an area carries only agency protection, it can be withdrawn at the discretion of that agency, without public approval. The shortcomings of administrative protection have been driven home to Oregonians with the symbolic case of French Pete.

The French Pete Valley is a 19,200 acre watershed, 55 miles east of Eugene, Oregon, on the Williamette National Forest. It is the only place in the western Cascades where it is possible to walk by trail for five miles below 3,000 feet altitude, without a closely parallel road. French Pete is unique. It is one of the last valleys in the western Cascades that has not been roaded or logged. Its values as a Wilderness area are beyond question. Yet, this area has been the center of controversy since the early 1950's.

At that time French Pete was part of the Three Sisters Primitive Area. When the Forest Service reclassified the area to Wilderness, they excluded about 55,000 acres. Included in the exclusion was the French Pete Valley. This decision was met by strong public opposition. Subsequently, a public hearing was held in February 1955 in Eugene. A great majority opposed the decision of the Forest Service.

The exclusion was also opposed by the majority of the Oregon congressional delegation, including Senator Richard Neuberger and Senator Wayne Morse, as well as Representatives Charles Porter, Edith Green, and Al Ullman.

Despite this opposition, the Forest Service plan stood intact. Senator Neuberger and Senator Morse each made strong statements before the Senate in 1957. Senator Neuberger's remarks are especially significant in that they were made in his comments as he joined Senator Humphrey in introducing the first Wilderness bill.

"Mr. President, the urgent need for some form of congressional action to safeguard these scenic realms has just been indicated by the decision of the Department of Agriculture to remove from the Three Sisters Wilderness Area of Oregon some 53,000 acres of majestic forest canyons and ridges, as well as of supremely important botanical content. . . .

"I am not assailing, or attacking, or criticizing anyone in the Forest Service or in the Department of Agriculture for the Three Sisters decision. What I am saying is this: Such a decision is virtually for eternity. . . . So final a verdict, Mr. President, ought to be reviewed by the Congress of the United States and it should not be merely within the fiat of an executive agency. The Congress, after all, is the supreme policymaking agency of the American people, to whom these national forest solitudes actually belong."[35]

The same day Senator Morse promised ". . . that the Department of Agriculture will hear more from us in Oregon in regard to the Three Sisters Wilderness area decision which has just been announced."[36]

The Department of Agriculture has heard much more from Oregon in regard to this decision. Now, fifteen years later, after administrative appeals and Congressional legislation, the battle still rages in the fight to save French Pete.

This is just one example of what agency protection has meant to conservationists in the past. The lasting protection is that of law, which only Congress can erase.

CONCLUSION

The Forest Service, and others who follow the "purist" interpretation of the Wilderness Act, are neglecting important legislative history. This position is being used simply as an anti-Wilderness tool. Industry does not want wilderness in heavily forested areas because this gives the area the enduring protection of law, reversible only by Congress. It is no secret that it is much easier for the Forest Service to manage an area without the Wilderness classification, even though one of the purposes of the Act was to take this discretionary power away from the agency and give it to Congress.

It is important to secure many of these "impure" areas for Wilderness due to a shortage of Wilderness acreage. The Wilderness Act is a tool to afford absolute protection to these areas before they are irreparably abused.

The Forest Service has different programs proposed to give these areas protection, but only agency protection, not the protection of law. Examples are "Wildlands East" and and "Backcountry." These proposals are not adequate. They can only lead to more unpopular decisions and more French Petes.

The better alternative is to look to the legislative history of the Wilderness Act for support and allow these areas, like the Minam River, into Wilderness. In time, these impure intrusions will be restored back to the natural scene. Senator Frank Church put it this way: "This is one of the great promises of the Wilderness Act, that we can dedicate formerly abused areas where the primeval scene can be restored by natural forces. . . ."[37]

FOOTNOTES

[1] Nash, Wilderness and the American Mind 112 (1967); 16 U.S.C. Sec. 21.

[2] McCabe, *A Wilderness Primer*, 32 Mont. L. Rev. 19 (1971).

[3] 16 U.S.C. Sec. 1131–1136.

[4] Costly, *An Enduring Resource*, AM. Forests, June, 1972 at 55.

[5] 9 Wilderness Report #1, p. 5, May 1972.

[6] *Hearings Before the Subcommittee on Public Lands, Senate Interior and Insular Affairs Committee*, May 5, 1972 (Official record not yet printed).

[7] 16 U.S.C. 1131(c).

[8] *Id.*

[9] *Supra* note 2, at 30.

[10] A Handbook on the Wilderness Act, distributed by The Wilderness Society, p. 10.

[11] *Hearings on S. 174 Before Committee on Interior and Insular Affairs*, United States Senate, 87th Congress, 1st Sess., at 2 (1961).

[12] 16 U.S.C. 1133(c).

[13] *Supra* note 6 at 7.

[14] U.S. Forest Service Manual 2321.1.

[15] *id* 2321.11a.

[16] *id* 2320.5.

[17] 16 U.S.C. 1133(d).

[18] *Criteria for Wilderness*, Willamette National Forest, Feb. 1972.

[19] 16 U.S.C. 1131(c) (2).

[20] Compilation of the Administrative Policies for the National Parks and National Monuments of Scientific Significance, p. 58, (1970).

[21] 16 U.S.C. 1133(c).

[22] *Supra* note 20 at 57.

[23] 107 Cong. Rec. 18102 (1961) (remarks of Senator Church).

[24] 16 U.S.C. 1133(d) (1).

[25] *Supra* note 23 at 18103.

[26] 16 U.S.C. 1133(c).

[27] 109 CONG. REC. 5926 (1963) (remarks of Senator Church.

[28] 16 U.S.C. 1133(d) (1).

[29] *Supra* note 11 at 144.

[30] 309 F. Supp. 593 (1970).

[31] *Id* at 597.

[32] *Id* at 595–6.

[33] *Id* at 601.

[34] 448 F. 2d 793 (1971).

[35] 103 Cong. Rec. 1903 (1957) (remarks of Senator Neuberger).

[36] 103 Cong. Rec. 1908 (1957) (remarks of Senator Morse).

[37] *Supra* note 5.

DEATH OF AMILCAR CABRAL

Mr. BROOKE. Mr. President, early last week I called the Senate's attention to the assassination of Amilcar Cabral, the African nationalist who sought for many years the independence of his people from Portuguese colonial rule.

Two articles in the Washington Post of January 26, 1973, provide useful background on this man and the cause he gave his life for. It is important for a United States, which is seeking to restructure its involvement in the world, to understand the aspirations of such individuals as Amilcar Cabral as they strive for the independence and freedom that we ourselves so much cherish.

I ask unanimous consent that the two newspaper articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

AN AFRICAN NATIONALIST DIES: HIS CAUSE ENDURES

The murder of Amilcar Cabral removes the dominant figure in the struggle to substitute African for Portuguese rule in the West African land known to Lisbon as "Portuguese Guinea" and to Mr. Cabral's nationalist movement ("PAIGC") as Guinea Bissau. His towering stature—among his people and to a lesser extent in the international community—raises the serious question of whether and how his movement will proceed without him. His guerrillas are credited with having wrested about half the country from the 25,000 Portuguese soldiers and 15,000 African irregulars contesting them, and with having set up a civil administration in the "liberated" territory. Mr. Cabral, whose role is evaluated elsewhere on this page today, had planned to announce Guinea Bissau's independence shortly, and to seek international recognition for it.

The Portuguese presumably hope that by his death the momentum and morale of the "terrorists" will be broken. They have been in Africa five centuries. Such is their insularity that the intensity of their sense of mission is hard for outsiders to believe. Building a peaceful multiracial society, Premier Caetano said just last week, "is the correct path for the whole of Africa, the only one likely to prevent painful tragedies in the territories south of the Equator where a great number of whites have set down and have created cities, industrial achievements, which would not last without them . . ." It is this sense of mission rather than any common imperialist lust for profit which sustains Portugal's disproportionate and anachronistic military efforts to retain its "overseas territories."

Here is the real tragedy. Not only does Lisbon's clutch on its colonies produce much suffering, injustice and expense now, it steadily prejudices the possibility that—when Africans finally do take over their own homelands—they will feel inclined to treat the long-residents Portuguese well. Mr. Caetano does his overseas countrymen ill service by failing to anticipate their vulnerability in conditions of guerrilla-won African rule.

Cabral supporters often claim that American support of Portugal is at once crucial to Lisbon's continued colonialism and certain to rebound against the United States when the nationalists eventually prevail. Both claims are considerably overstated. Not Washington's small NATO-connected aid but Lisbon's own perversity keeps it in the field. And if the nationalists triumph, in Angola or Mozambique or in Guinea, they will have the same practical reasons every other such movement has had to consider what advantages may lie in good relations with the United States. Unwilling to condone guerrilla attacks across established state frontiers, the United States has tended to limit itself to statements of general support for the principal of self-determination. Such a posture, the African-American Institute has noted, "allows the United States to express dissatisfaction with Portugal without having to face the discomfort of major policy alterations."

Many Americans, feeling that the nationalists' cause is just, would like to see their government end its ambivalence and come down hard, in word if not in deed, on the side of the nationalists. But neither as ideology nor policy is this a course likely to commend itself to a Nixon administration oriented toward both Europe and the business world. The nationalists do get weapons from socialist countries (and from the world marketplace), and they receive sanctuary in neighboring Guinea—where Mr. Cabral was assassinated—and Senegal. But they must know their cause is largely theirs alone to win or lose.

AFRICA'S CABRAL: IN SEARCH OF A JUST SOCIALIST SOCIETY

(By Jim Hoagland)

BEIRUT.—Amilcar Cabral, mysteriously assassinated in Guinea Jan. 20, was more than a guerrilla leader fighting Portuguese colonialism. His murderers have cut down one of Africa's four or five most important thinkers and political writers.

Cabral was a rare combination—a revolutionary theorist and a man of action, marching with his troops through the steamy swamps and river-shredded terrain of his West African country. Inevitably, he became labeled as Africa's Che Guevara—and, in some ways, he was.

Like Guevara, Cabral possessed an independent, restless spirit that roamed across standard ideological boundaries. He was a dedicated leftist, but he rejected key elements of Marxism because it failed to take into account human will and individuality, especially in unindustrialized regions like Africa.

"Keep always in mind that the people are not fighting for ideas. They are fighting for material benefits, to live better and in peace, to see their lives go forward," Cabral wrote to his field commanders in a memorandum quoted by his friend, Basil Davidson. It is pointless to talk to peasants about wars of national liberation, Cabral said again and again, if they cannot be assured that their lives will be improved in terms they understand.

This was one of the chief lessons Cabral gathered from two years of tramping across Portuguese Guinea as a census taker for the colonial administration in the early 1950s. It helped him shape the revolutionary movement that is currently the most successful in Africa and which appears to be on its way to gaining increasing international approval before Cabral's murder.

The movement, the African Party for the Independence of Guinea and Cape Verde, claims to control more than two-thirds of the territory's 14,000 square miles and 700,000 population. I came away from a 1971 visit persuaded that the guerrillas did have effective control over perhaps 40 per cent of the colony, then.

Cabral would probably have had a major impact on Africa over this decade if he had lived to gain control of the colony. As a revolutionary still struggling for power years after it had been cordially granted to most other African leaders, Cabral was more free to think and write about the post-independence period in Africa.

He was clearly not enthused, and committed himself to establishing an alternative in what he would call Guinea-Bissau. What he saw in country after country in Africa was "the creation of a bourgeoisie where one did not exist, in order specifically to strengthen the imperialist and the capitalist camp." He saw in his Guinea a chance to leapfrog this process and develop a just socialist African society.

"The national liberation of a people is the regaining of the historical perspective of that people," he said in a speech to the Tricontinental Conference in Havana in January, 1966. The speech reprinted in Cabral's book "Revolution Guinea" analyses his movements problems with a rare clarity and honesty.

"The battle against ourselves" is "the most difficult of all," Cabral said. In another text, he gives a factual and lucid analysis of Portuguese Guinea's crippling tribal and economic problems, and frankly admits that despite standard revolutionary theory, the colony's peasants have almost no revolutionary potential.

The urban disaffiliated, and especially the under- and unemployed young men of the *Lumpenproletariat*, provide the backbone of his movement, Cabral reported.

According to information disseminated by the Portuguese, Cabral's father was a mulatto, born in the Cape Verde Islands, which are some 250 miles off the coast of Bissau. His mother was African, from the town of Bafata, where Cabral was born in 1924.

He attended Sao Vicente Lyceu in Cape Verde and was educated at the university in Lisbon to be an agronomist and, later, a hydraulics engineer. He reportedly married a Portuguese woman Marxist.

Embittered by his own experiences on his return to Guinea—"I was an agronomist working under a European who everybody knew was one of the biggest idiots in Guinea. I could have taught him his job with my eyes shut but he was the boss." Cabral founded the independence movement secretly in 1956.

Estimated to have about 5,000 well trained men, the movement is aided principally by the Soviet Union, China, Algeria and Cuba. But Cabral always insisted on his ideological independence, noting "Social revolution is not an exportable commodity." He frequently mixed African proverbs into such scholarly assessments.

His assassination was imputed by African leaders to the Portuguese but Lisbon heatedly denied it, suggesting that rivals may have done Cabral in. The scenario strikingly resembles the murder by postal bomb of Mozambique's brightest and best anti-Portuguese guerrilla leader, Eduardo Mondlane, in 1969. For much of the third world at least, the assumption as well as the acqusation will continue to be that the two killings are tied together by a string that runs back to Lisbon, and perhaps beyond.

RULES OF COMMITTEE ON APPROPRIATIONS

Mr. McCLELLAN. Mr. President, in accordance with the provisions of section 133(B) of the Legislative Reorganization Act of 1946, as amended, I submit the rules adopted by the Committee on Appropriations at its organizational meeing on January 18 and ask unanimous consent that they be printed in the RECORD.

There being no objection, the rules were ordered to be printed in the RECORD, as follows:

RULES GOVERNING THE PROCEDURE OF THE SENATE COMMITTEE ON APPROPRIATIONS, ADOPTED PURSUANT TO SECTION 133(b) OF THE LEGISLATIVE REORGANIZATION ACT OF 1946, AS AMENDED

1. MEETINGS

The Committee will meet at the call of the Chairman.

2. QUORUM

(a) *Reporting a bill.* A majority of the members must be present for the reporting of a bill.

(b) *Other business.* For the purpose of transacting business other than reporting a bill or taking testimony, one-third of the members of the Committee shall constitute a quorum.

(c) *Taking testimony.* For the purpose of taking testimony, other than sworn testimony, by the Committee of any subcommittee, the member of the Committee or subcommittee shall constitute a quorum. For the purpose of taking sworn testimony by the Committee, three members shall constitute a quorum, and for the taking of sworn testimony by any subcommittee, one member shall constitute a quorum.

(d) *Ex officio members.* In determining if a quorum is present, ex officio members appointed pursuant to paragraph 6 of Rule XVI of the Standing Rules of the Senate shall not be considered.

3. PROXIES

Votes may be cast by proxy when any member so requests.

4. ATTENDANCE OF STAFF MEMBERS AT EXECUTIVE SESSIONS

Attendance of Staff Members at Executive Sessions of the Committee shall be limited to those members of the Committee Staff that have a responsibility associated with the matter being considered at such meeting. This rule may be waived by unanimous consent.

5. BROADCASTING AND PHOTOGRAPHING OF COMMITTEE HEARING

The Committee or any of its subcommittees may permit the photographing and broadcasting of open hearings by television and/or radio. However, if any member of a subcommittee, including ex officio members, objects to the photographing or broadcasting of an open hearing, the question shall be referred to the Full Committee for its decision.

6. AVAILABILITY OF SUBCOMMITTEE REPORTS

When the bill and report of any subcommittee is available, they shall be furnished to each member of the Committee twenty-four hours prior to the Committee's consideration of said bill and report.

7. POINTS OF ORDER

Any member or ex officio member of the Committee who has in charge an appropriation bill is hereby authorized and directed to make points of order against any amendment offered in violation of the Senate rules on the floor of the Senate to such appropriation bill.

CONFLICTING PHILOSOPHY ON VIETNAM WAR

Mr. SCOTT of Pennsylvania. Mr. President, in the latest issue of Newsweek magazine, Stewart Alsop devotes his entire column to an exchange of correspondence between himself and Pulitzer Prize winner Anthony Lewis, of the New York Times. It is an excellent column. The letters clearly bring to the fore an interesting philosophy of two people on different sides of the Vietnam issue. I commend it to Senators for their consideration.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

ETERNAL DAMNATION

(By Stewart Alsop)

WASHINGTON.—The following letter from Anthony Lewis, columnist for The New York Times, is reproduced with his permission. No doubt he will in due course produce a reply to my reply.

LONDON, *December 28, 1972.*

DEAR MR. ALSOP: You write this week that the President "surely cannot go on bombing the bejesus out of North Vietnam forever" because that would make the United States look "like a bully and a brute." Your comment raises questions that would be funny if so much horror were not involved.

1. Why cannot the President go on doing whatever he wants forever? So far he has dropped 4 million tons of bombs in four years. Why not 8? Why not 100? Do you sense some inner moral limitation that has escaped the notice of the rest of us?

2. You say that the United States might at some point look like a bully and a brute. What do you suppose we look like right now, to most of the civilized world? . . .

I know it is silly to think that another letter is going to make you think differently. But I happen to believe that the sanity of our country, and the last chance to save it from the eternal damnation that the Nazis earned Germany, rest with conservatives like yourself. If you cannot see that the mass bombing of one of the most densely populated areas on the face of the earth is a crime, then nothing can save us. . . .

Sincerely yours,

ANTHONY LEWIS.

DEAR MR. LEWIS: I found your "questions" not at all funny but rather surprising. It surprised me that a leading political journalist should suppose that an American President's power is limited only by "some inner moral limitation." It is limited by the political realities, as subsequent events have demonstrated.

It also surprised me that one who writes so much on the subject should have got his facts so wrong. You seem to think that the B–52 bombings of the Hanoi area were like the population bombing of, say, Hamburg and Dresden, which killed upwards of 200,000 people in a couple of nights. According to Hanoi's figures, the B–52 bombings killed 1,318 people in Hanoi in twelve days. That is a lot of dead people. But the fact remains that the bombing was not "mass bombing" in the sense you employ. If it had been, there would have been no more Hanoi.

Since you are a professional writer, it also surprised me that you should be surprised that I should use the future tense in a piece clearly addressed to the future. I regard analysis of the facts rather than passionate advocacy of his own views as the chief function of a political columnist, but the piece from which you quote surely makes it abundantly clear that I thought the President's decision to resume bombing was wrong.

I thought it was wrong in part because, as I wrote after it ended, it left "a nasty aftertaste." All bombing is a nasty business—so, indeed, is all war, which always kills people who have done nothing to deserve to die. I also thought it was wrong because I didn't think it would work. Since the start of the Vietnam war and before, I have written almost ad nauseam that the supposed omnipotence of air power is "the great American illusion."

But I am now beginning to wonder if the President was right and I was wrong—a frightful confession for a columnist to make. It begins to seem at least possible that important political results have been achieved by the controlled use of air power.

That has happened at least once before—when the Israelis, after they had won the six-day war, resorted to "deep penetration" bombing. There was then no military threat at all from the Arabs. The purpose of the bombing was essentially political—to establish the conquered territories as the de facto borders of Israel. The purpose was brilliantly achieved, but it cost at least three times as many lives as the B–52 bombing. I do not recall that you denounced the deep-penetration bombing as a crime worthy of the Nazis.

Neither you nor I can guess how much the B–52 bombing influenced Hanoi's policy. But it is surely at least possible that it too has led to important political results—a respectable American extrication from a hated war, and perhaps even an end to the Communists' remorseless use of every form of violence, from tank-supported invasion to mass assassination, to impose their rule on South Vietnam. In that case, many more than 1,318 will be saved, which is why I begin to wonder if I was wrong.

In any case, I do not think that anything our government has done is remotely comparable to Hitler's murder of 6 million Jews. I do not think our country is in danger of "eternal damnation." I do think our country is in danger of a period of rancid political reaction. The chief reason I think so is that liberals like yourself have twisted the liberalism of Roosevelt and Truman and Kennedy all out of shape, with results disastrous to the liberal interest in the United States.

You refer to me as a conservative. I certainly did not vote for George McGovern. Maybe that makes me a conservative, although I voted for every previous Democratic Presidential candidate since I came of voting age. I have also pointed out such inconvenient facts as that children of working-class people, not of prosperous persons like you and me and Senator McGovern, are chiefly affected by racial busing. I have failed to grasp the shining morality of betraying the South Vietnamese by denying them the means to defend themselves. I do not see President Nixon, for all his faults, as a monster or a mini-Hitler. I do not agree with your dictum that "the United States is, today, the most dangerous and destructive power on earth."

Does all this make me a conservative? Perhaps, by the standards of your kind of liberalism. But consider the results of your kind of liberalism. The old liberalism identified itself with the interests of ordinary people, people who work for a living, enjoy "I Love Lucy," and wear American flags in their buttonholes. Your kind of liberalism excludes such people as rigidly as old Joe Pew's "real Republicanism" excluded them.

One result was last November's liberal disaster, which saw an unloved President, burdened with a smelly scandal, score a historic landslide. The reason was not that your kind of liberalism was against Mr. Nixon, whom hardly anybody likes very much, or against the war, which nobody likes at all.

The reason was that a great many ordinary Americans perceived your kind of liberalism as against *them*—and worse, against the United States. To see why, it is only necessary to read the last paragraph of your letter.

Yours sincerely,

STEWART ALSOP.

THE PRESIDENTIAL PRESS CONFERENCE

Mr. McGOVERN. Mr. President, an important new publication in 12 volumes containing "the Complete Presidential Press Conferences of F. D. R." has been reviewed by Prof. Arthur Schlesinger, Jr., in yesterday's Washington Post. Mr. Schlesinger's review is a wise and perceptive analysis which I believe will be of interest to Members of Congress. I ask unanimous consent that it be printed in the RECORD.

THE COMPLETE PRESIDENTIAL PRESS CONFERENCES OF FRANKLIN DELANO ROOSEVELT

(By Arthur Schlesinger Jr.)

(12 Volumes, Introduction by Jonathan Daniels, Da Capo Press. $40 each, $450 the set)

The publication for the first time in book form of the entire series of Franklin D. Roosevelt's press conferences is an invaluable addition to the historical record of the Roosevelt years. It also induces melancholy reflections about the moribund condition of the presidential press conference, an institution that only a short time ago was supposed to have become a permanent part of our unwritten constitution.

Franklin Roosevelt did not invent the presidential press conference. Theodore Roosevelt was the first President to give the press a bridgehead in the White House, Wilson the first to hold regular press conferences. Suspended during the First World War, the presidential press conference made a limited comeback in the twenties, but under highly circumscribed conditions. Hoover, for example, insisted that all questions be submitted in advance and answered only those he felt like answering. Reporters were forbidden to ask follow-up questions; they were even forbidden to mention in their stories the questions the President declined to answer.

It was FDR who transformed the press conference into a potent instrument of government. On his fourth day in office he invited reporters to join in regular sessions of give-and-take along the lines of the "very delightful family conferences I have been holding in Albany for the last four years." Written questions were abolished; and, while there could be no direct quotation except when specifically authorized, there was no limit on indirect citation except for occasional remarks defined as "background," which could be used without attribution to the White House, and for very occasional passages put entirely off the record. "I am told that what I am about to do will become impossible," FDR said. "But I am going to try it."

Roosevelt held 1,011 press conferences during his twelve years and one month in the White House—an average of almost two a week. Some of them ran forty minutes or even an hour in length. The transcripts were not released at the time and in recent years have been available only on microfilm, which is why the Da Capo Press publication will be so useful for students. For these transcripts not only supply a fascinating running commentary on problems and policies but they also offer an extraordinary portrait of Roosevelt himself. In a brilliantly perceptive introduction, Jonathan Daniels, who was Roosevelt's last press secretary, points out that it is in the regular press conference that the modern President speaks "most certainly as himself." Other presidential communications—speeches, messages and so on—represent the labor of many hands. But the press conference displays "the man unique and the man alone."

The man displayed in these twelve thick volumes could not be in the nature of things greatly different from the man so well reported during his lifetime. But from the perspective of our present quasi-monarchy it is striking to note FDR's disarming informality, his openness, his lack (at least until the war years) of presidential front or self-regard. And it is impressive to observe the wide range of information at his fingertips, the skill with which he simplified complex issues and the immense flow of fact and attitude he sent out twice a week to the American people. One must not romanticize: FDR was of course using the press conference for his own purposes. Daniels speaks properly of Roosevelt's "not always innocent candor." He could be evasive, misleading, frivolous, condescending, irritable. But this was part of the portrait too; and the people had a good chance to see what their president was really like.

As FDR became a major and steady source of news, the number of reporters attending his conferences increased, and the "very delightful family conferences" gradually turned into mob scenes around the presidential desk. Roosevelt met the press in the oval office to the end; but in 1950, Truman, who held conferences only once a week, transferred them to the Indian Treaty room in the old State Department, where the President, instead of chatting while seated at his desk, now addressed the reporters from a podium. Under Truman, too, reporters were permitted to make transcripts of the conference, though these were to be couched in indirect discourse; and under Eisenhower, the White House began to put out such transcripts itself. Eisenhower in time permitted his conferences to be taped, and Kennedy both issued exact transcripts and began to hold conferences on live television.

The presidential press conference now seemed well established as an integral part of the political process. Arthur Krock called it "the American counterpart of the question period in the House of Commons"—a not quite precise analogy, since the ground rules of the press conference were far more flexible. Erwin D. Canham spoke of "the fifth wheel of democracy." Political scientists agreed with historians about both the value of the conference and its permanence. Clinton Rossiter saw it as "a completely accepted institution . . . a fixed custom in our system of government." Louis Brownlow, that sagacious student of the American government, even wrote, "It would be almost impossible, in my opinion, for any President now to change this pattern or to interfere in any material way with this institution, set up without authority of the law, required by no Constitutional mandate, embodying no rights enforceable in a court of law, but nevertheless an institution of prime importance in the political life of the American people."

As late as 1965 James MacGregor Burns could write, "The press conference is as much a White House fixture as the cabinet meeting." He was prescient in a way he could not have realized. As of mid-January 1973, there had not been a presidential press conference since October 5, 1972, nor a cabinet meeting since November 8, 1972. In his first four years, President Nixon held only 28 press conferences. FDR held the same number between March 8 and June 9, 1933. Since the press conference has no great value unless held at regular and frequent intervals—otherwise the pent-up flood of questions makes it impossible to pursue any single subject very far—President Nixon has to all practical purposes abandoned the institution that Louis Brownlow thought it impossible for any President to change. Perhaps thirty years from now the Da Capo Press, in order to meet the needs of historians, will have to issue *The Complete Press Conferences of Ron Ziegler*.

In a way it is odd that President Nixon should have given up on the regular press conference, since he has thereby renounced a powerful instrument of presidential government. In 1959, Clinton Rossiter thought it would be "altogether imbecile" for any President to surrender "the power he draws from this unique institution." And, indeed, President Nixon is reasonably proficient on the rare occasions when he exposes himself to the press. But he evidently finds scrutiny and challenge intolerable. The whole idea of accountability exacts a heavy psychic toll on him. And to be realistic, his refusal to meet the press regularly spares him the necessity of answering uncomfortable questions—about such matters, for example, as his knowledge of the Watergate affair. When the President's own appointments secretary is said on sworn testimony to have received reports from Republican political spies and saboteurs, it is almost inconceivable that the President himself should not have known about it; if he didn't one can only question his capacity to control his most intimate associates. In any case, the American people are surely entitled to have a direct answer to the question of whether their President was really unaware of the ingenious things done on his behalf. So long as he hides out from the press, we will never know.

This is only the smaller consequence, for the country, of the disappearance of the regular press conference. The public is also denied the opportunity to hear the President respond to questions on rather more momentous matters, such as war and peace. It is hard to imagine any other President, confronted by the Indochina negotiations, not seeing it as his obvious and inescapable personal responsibility to inform the people what is going on. But we have got so inured to President Nixon's flight from such responsibility that no one even expresses surprise when he trots out Dr. Kissinger to do what he should be doing himself. In the volumes under review, one does not find FDR, returning from wartime conferences, asking Harry Hopkins to explain it all to the press and the people. Or to take another example: one of FDR's most impressive exercises was his annual budgetary press conference. "We go over the Budget message that is to go up to Congress the following day," as Roosevelt described it, "and take it apart. Anybody can ask any question he wants about it." Why is President Nixon afraid of doing the same thing? Why is not the electorate entitled to know the President's personal views about national priorities and the way their tax money is spent?

It would be wrong, however, to suppose that the people are the only victims of the abandonment of the regular press conference. In the end, the main victim may well be the President himself. For the press conference, as most Presidents have discovered, is a forum in which they not only tell things but learn things. Preparation for the press conference requires the President to acquaint himself with a range of public issues that may not be within his own primary concern of the moment. The questions asked at the conference often disclose to him things about the government and the country which his own executive establishment, consciously or not, has been keeping from him. The press conference, in short, is an indiscernible form of reciprocal communication. It is not only a means of presidential influence but an antidote to presidential isolation and illusion. As John F. Kennedy said:

"It is an invaluable arm of the Presidency, as a check really on what is going on in the administration, and more things come to my attention that cause me concern or give me information. . . . Even though we never like it, and even though we wish they didn't write it, and even though we disapprove, there isn't any doubt that we could not do the job at all in a free society without a very active press. . . . Their obligation is to be as tough as they can on the administration."

Walter Lippmann summed it up:

"A free press is not a privilege but an organic necessity. Without criticism and reliable and intelligent reporting, the government cannot govern. For there is no adequate way in which it can keep itself informed about what the people of the country are thinking and doing and wanting."

For all its own abundant vanities and vagaries, the press in the American system is the champion of the reality principle against the presidential capacity for self-delusion. Reading FDR's press conferences makes it evident how much meeting the press twice a week contributed to the singular vitality and power of his presidency. A President who shuns the press will only wall himself up all the more in his own fantasies.

Still we may be sure that, despite President Nixon, the press conference is probably not dead beyond recall. When the next President of the United States reinstates the regular press conference, the feeling that the national government is once again opening up to the people cannot help but be a major source of strength for his administration.

REPORTS ON VISIT TO CHINA

Mr. MANSFIELD. Mr. President, groups of unofficial visitors have been traveling to the People's Republic of China during the past year. Among these groups were 22 editors, representing the American Society of Newspaper Editors. They were in China from September 29 to October 22.

Since their return, I have read the reports which many of these editors have written on the situation in China. They are uniformly impressive both as to the sharpness of their perception and the similarity of their evaluations of what has taken place.

In particular, I note the series of articles on the China visit in the Denver Post written by W. H. Hornby, the executive editor and an old friend of many years. Mr. Hornby's articles are interesting, informing, and taken together, provide a real insight into contemporary life of China. I was very much impressed by this series of articles and would like to share them with the Senate. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Denver Post, Oct. 29, 1972]

REFLECTIONS FROM A CHINESE SURFACE: THE DRAGON LOOKS MIGHTY HEALTHY

(By W. H. Hornby)

China has always been a walled society. Its Imperial Palace of glinting gold roofs was a city Forbidden by high red walls to the ordinary mortal. And whether made of the brown earth of the north or the dirty white brick of the tropical south, walls surrounded the life of the peasant in the village or the merchant in the squalid town.

The first Westerners to contact China in the 19th century were likewise walled off in compounds (as perhaps they should have been, being the first great dope pushers of history). When they journeyed north to Peking, they traveled in seclusion and entered on bended knee.

In a way Americans of 1972 in their contacts with the mainland Chinese are starting over again, peering over the walls, glimpsing through doorways, arriving in carefully scheduled groups, very much the guests of a stable and confident host.

Americans have always tried to idealize the Chinese, more often to our sorrow than theirs. First we were convinced they would be great customers for our traders, and we wanted to fill their lamps with oil. Then we saw them from the missionary viewpoint as faithful converts for our religion. Then in the Sun Yat-sen days they were cast as students of our political system Under Chiang Kaishek they were to be our loyal allies. We built the Chinese up in our minds as a Great Power of United Nations status.

When our side lost in their Civil War, we went full circle and conjured images of a bunch of red-starred Fu Manchus, brainwashing all and sundry and plotting world conquest from Peking.

None of these scenarios ever fit the facts, although we paid a lot of money, and what's worse, blood, to try to make China match our "policy" preconceptions.

Now we are back again, and maybe, just maybe, we'll start the new century of contact with the resolve to look at China for what it is. We may stop trying to look for that mystic Cathay which has beguiled Western commanders as far back as Columbus.

Much of mainland Chinese civilization, it is simplistic to say, is still there in 1972, just as it has been for many thousands of years. Impressive archeological diggings at Sian, the ancient center of the Han culture in north central China, have pushed the time frame of Chinese people back at least to 4000 B.C., and there has been a continuous system of daily living going on ever since, under whatever political umbrella.

The first shock for an American newly returned to mainland China is to realize that while America has felt very cut off and isolated from China these past 25 years, the mainland Chinese haven't particularly felt that they had gone anywhere. They have had plenty of world contact.

Air France and Pakistan Airways operate regular flights into China. The ships of many nations tie up at the old docks of Shanghai just as they always have.

Chinese may listen to shortwave broadcasts from BBC and the Voice of America if they have the language skill and the money to buy a radio set sold in any department store. Extracts from most of the foreign press, including critical comment about China, are circulated by the government to the leading officials of China. Foreign delegations come and go to the Great Hall of the People in Peking, and the embassies of nearly 30 countries now go about their business there, albeit under a system which restricts their contacts to the city itself.

Because the Bamboo Curtain dropped; because we have been at war in Korea, and, almost, in Vietnam; because of the tendency of Americans to think that what they don't know about must be inherently dangerous, we in this country had built up the idea of a great dragon behind the wall. In reality it was, and is, just China, with many of the same problems it's always had, but with some significant changes attributable to the new political system and its consequences.

The facts about China are still familiar in their fundamentals. A country about the size of the United States, with four times the people, indeed one out of every fourth human being alive (800 million). Able, due to much hostile mountainous and desert area, to cultivate only 11 per cent of its land, compared to more than 30 per cent for the United States. Forced to keep 80 per cent of its people down on the farm just to feed itself. Beset by a history in which, due to foreign domination, invasion and then internal revolution, it lost for its people the first three-quarters of the 20th century in which countries with more stable political situations were able to "take off" into the industrial era.

As a result China's transport and technology system is, by its own admission, still far behind those of Japan or Western nations.

Viewing the countryside, the average factory, the general level of roads, housing, architecture, illumination or machinery, an American of 1900–1910 would feel more at home in China today than a refugee from modern jet and computer. (But don't forget the Chinese have fired their bomb and aimed their missile and at least in small quantities, have built highly sophisticated equipment.)

Against this background there are some basic changes in the mainland Chinese picture. Most of them are attributable to the policies of the Chinese regime, a very thoroughly Communist regime indeed. Some of them are already well reported in this country, due to the media envelopment of the Nixon visit and its aftermath. Nevertheless they are fundamental to understanding the prospects for China's future and its relations with the United States, and bear repeating.

First, China in the words of an eminent scholar interviewed in Peking, has "stood up." You cannot tour China even for three weeks, walking at will down the streets of capital and village, without noting that China in 1972 is clean, honest, healthy, proud, and, at least visibly, incorrupt.

To anyone who, like the writer, knew the Shanghai of World War II days, this change is overpowering. Gone are the rickshaws pulling the man in the white pith helmet. Gone the beggars, the whores in their slit-silk skirts, the hungry kids, the grotesque inequities of class and wealth between Chinese. And the most poignant tombs in China, those Western skyscrapers standing shabby along the Shanghai waterfront, certify that the foreigner with his hand in the Chinese till is also gone, forever.

Is this just a front for the visiting journalist—a new Potemkin village where you sail by false-fronted glitter concealing agony in the alleys?

Forget it. Our groups traveled widely enough, talked with enough people, had enough time to forage for itself to know that there has been a real revolution in the dispensing of medical care to all the Chinese. Public sanitation is at a very high level. You can't walk among the singing children out for their national independence day in the old Empress' gardens in Peking, like any kids on a 4th of July picnic, without noticing health, posture, high spirits.

There is little sullenness in contacts with the Chinese; he claps you in and out of town, not knowing who you are but glad to greet friends. Where is the fawning merchant, rubbing hands and bowing low? In Communist parlance, these "running dogs" with teeth of gold are consigned as villains to the political melodramas. In life, they're long gone.

These changes in Chinese society are nowhere more evident than in the treatment of women and youth. The fluttering, perhaps footbound, wives who whispered behind the screens of old China have been replaced by the girls you see everywhere as farmers, welders, crane operators, doctors, political chairmen.

Womens' Lib is practiced with determination in China; there are literally very few occupations not open to women on the basis of full equality. Mama brings home her share of the checks, her bundles of the grain, and speaks up.

As for youth, in a society which used to think that no one young could also be wise, at the lower governing levels there are a great number of young men. One of the most impressive was a deputy mayor of 39 who is a key honcho for Shanghai, a city of 10 million. Many of the directing Chinese we met, except in Peking, were in their 40s.

Second on a list of fundamental changes would be the economic improvement in the lot of the everyday Chinese. Basically China now has enough food to feed itself. Everyone now has a roof over his head, though in some areas not much of one. There is a considerable range of decent consumer goods available for purchase throughout the country. Peasant and worker are saving enough each year to make some purchases.

Our group visited both farm and factory homes. The four musts of modern Chinese status—a radio, a sewing machine, a bicycle, and a watch—were in wide evidence. Although factory salaries or farm incomes are very low by our standards, so are rents, taxes, and, most important, aspirations as measured from the Chinese past.

China is developing industrially and technologically. The machine and machine expertise are reaching the countryside in the form of pumps, small tractors and factories placed in the countryside in the program of decentralization.

In the cities the Chinese are building cars, trucks, and ships, electronic parts, radios, machine tools. The common story told in innumerable factory or commune meetings, sitting beneath the ever-present pictures of Mao, Lenin, Marx, Engels, and Stalin, was the sad-state of product or output "before Liberation" when the Communists took over, compared to one, two, or three-fold improvement now "since Liberation." Some of this was rhetoric, but most of it was also obviously true.

The third basic change in the new China is the comprehensive effort to change human nature and the way it operates in society.

In place of family, you have peasant commune or city factory group as the central point of identity.

In place of the reflective scholar, you have the rewards of society going to the pragmatic doer.

In the place of the highly colorful but grossly unfair society of the wealthy, flesh-oriented sybarite and the open-sored beggar, you have a spartan ethic of the most thorough-going equality system in the world today. This is best emphasized by the severe Mao tunic as the work dress for men, and the standardized, pig-tailed, white-bloused young women with pink-cheeked health, but a drab and sexless silhouette to the Western eye.

To an American schooled to value individual reward for individual effort, the constant emphasis of the Chinese upon service to the group for its own sake, and equality of material reward, seems unreal. Except that it also seems to be working in this particular society under these particular circumstances.

A fourth fundamental change over the recent Chinese past is a new emphasis on "normalizing" relations between the People's Republic and the rest of the world diplomatic community.

It would be foolish to consider Peking as representing anything other than a Communist society. But it is also obvious that a great deal of the "revolutionary" expansionist rhetoric is gone.

Peking is placing great emphasis on increasing diplomatic contacts with states. The agreement with Japan formalizing the end of World War II in the Pacific came while our group was entering China. During the celebration of the October 10 national holidays, Chinese newspapers were full of government announcements of receptions for this or that government dignitary from abroad.

Premier Chou En-lai in an interview with our visiting group stressed that China wanted to play its role in the United Nations, did not intend to interfere in the internal relations of other states, and looked toward a world where state relations are on a basis of mutuality and peaceful coexistence.

These four changes in China—the great improvement in health, cleanliness, and morale as compared to 30 years ago; the considerable economic improvement, again as scaled against the past; the replacement of the old political and social system with new spartan, puritan, egalitarian Maoism; and the new emphasis on normalizing diplomatic relations with other states, with attendant cooling of revolutionary rhetoric—were the most fundamental to this writer.

Other questions need to be answered. How do the Chinese in their daily life fare within this system? What does China seem to want as its long-term goals? What are its chances of achieving these goals? And so what for America? Future articles in The Post will attempt to give impressions on these points.

It would be easy for Americans tired of pollution, crime, drugs, and complexity to go back to the old business of idealizing a newly reopened and clean China. In many ways the People's Republic of China recalls the American frontier of hard work, clean living, and duty to Diety (in this case Chairman Mao) and country.

As history indicates, we could forget that the People's Republic is also implacably Communist and organized under a different set of values than our own. We could also forget that China's vigor and equality mask very real economic problems; it has one devil of a job ahead just feeding itself and pulling its industry up to modern levels. We could think of China as being stronger than it is, as more stable.

If a new generation of Chinese begins to measure what it has, not against a desperate past which it never knew, but against the obviously greater affluence of Japan or the West, the Peking regime under less-known leaders will have difficulty keeping a tight lid on.

These impressions of health, some more wealth, a fair social system, and a motivation toward a peaceful world, are, again, just reflections from the Chinese surface. You know that beneath lie contending political factions which have been in convulsion twice in the past decade, with great falls of other leaders also renowned. You know that Chinese economic margins are very thin—many more new mouths for each additional output of food. You know that China is trying to build an agriculture and an industrial system of modern caliber on a resource base that is narrow and from a position far back on the track. You know that throughout Chinese history the forces which pulled the country apart into regional factions have been more often stronger than those which have imposed central unity.

But on this visit at least, the dragon behind the wall turned out to be admirably improved in important respects, very preoccupied with big internal problems, quite desirous of more peaceful and normal relations, willing to tear down walls. Not, taken altogether, the fearsome beast that 25 years of mystic isolation had led some to expect.

[From the Denver Post, Nov. 26, 1972]

THE LESSONS OF YENAN

(By W. H. Hornby)

In a previous article my over-all impressions of People's China were briefly summarized. These included the obvious improvements in cleanliness, health and morale; and economic progress to the extent that for the first time in Chinese history there is enough for everyone to eat, if only barely, and a roof over everyone's head, if sometime rickety. Also there seemed to be a genuine desire to turn from the incendiary foreign policy of the past toward normalization of relations between nations. And perhaps most interesting was the unique attempt to change human nature and the way it operates politically.

The American of 1972 finds the ranking of his values dramatically challenged in China today.

In our economic life, we choose freedom of opportunity over equality of distribution. The Chinese chooses the latter.

Where we strain toward the greatest degree possible of individual choice, the Chinese opts for group solidarity and fine-tunes his conduct to conform to group values.

MESSAGE IS THEME

Where we try to keep our communication system as open and varied as possible, the Chinese rather uncritically accepts the central message, endlessly repeated. Criticism of policy, and dissidence, is worked out before the public communication process, not during it.

And perhaps most significantly for an understanding of Communist China, where we tend to think of the most advanced society as being urbanized and in many respects centralized, China is making a thorough effort to decentralize its economic and social development, with emphasis on serving the countryside and its needs first.

There were many places in our tour where one got the strongest pulse of Mao's China, but to me the most effective was at the pagoda of Yenan. This town of 70,000 population in the north-central province of Shensi superficially resembles Santa Fe, N. M. The same dry, almost desertlike environment of brown earth beneath sparkling blue skies. The cave dwellings in the soft loess hillsides in Yenan are not too removed in aspect from our southwestern Indian pueblos—the dried ears of corn and red beans hanging in the simple doorways took me back to Taos.

On a point far above the dry river bed which runs through Yenan is a towering pagoda, perhaps the most noted landmark for Chinese Communism. It appears on stamps and in countless murals in faraway meeting rooms. Yenan since the mid-'30s, until their arrival at power in Peking, was the guerrilla headquarters for the Chinese Communists. From the pagoda air wardens signaled the rulers of the PRC when Japanese planes were approaching. The pagoda was destroyed by Chiang Kai-shek's soldiers when they attacked during the Civil War, to be carefully restored in the '50's.

Today Yenan and the pagoda are shrines. If you will, the Valley Forge of Communist China.

Here you are shown Mao and Chou's spartan wartime headquarters—"Here is the chairman's washbasin, there is the bench on which he wrote our nation's policy toward the arts." A museum reveals youthful photographs of Mao and his comrades in the simplicity of their peasant political movement.

YENAN MIRRORS CHINA

As you look out over Yenan you see in microcosm a nation essentially agricultural, scratching a living from a land in many places barren and in every place crowded—a nation short on water and resources but long on muscle power. From the pagoda in Yenan you see dwellings carved out of the hillside, served by man or burro carting everything imaginable.

There are few cars, some trucks, very few tractors. Here and there smokestacks bespeak rudimentary industry. In the distance a new bridge rises, but there isn't any water under it at this time of year.

Below, endless lines of children are at play, watched by the old people sitting in their dusty courtyards. The bluish smoke of evening fires casts a haze.

This is nearer to the basic China than the packed apartments of Shanghai or the impressive palaces of Peking. Mao knows in his bones that China is basically rural—he was born a peasant and has insisted that his political movement remain always based on service to and understanding of the peasant. His years in Yenan are a dramatic reminder to him of the truth that famine, flood, or mass injustice in the countryside have, and can again, tumble leaders—Manchu or Communist—even though the Imeprial Palace is a world away from a cave in Yenan

If one can grasp the fact even today Yenan is more China than Peking or Shanghai, he can make sense of the Cultural Revolution which shook Communist China beginning in 1966. Only in the past year has it subsided to the point where it is beginning to be over.

MOVEMENT RE-EXAMINED

Chairman Mao, in his offices beside the palace walls in Peking, believed the Chinese Communist movement was forgetting the lessons of Yenan. Bureaucrats, he felt, were becoming more aloof from the people. The idea of equality of rank and payment in the peasant and Communist view is essential to avoid discrimination and injustice in a huge, nonaffluent society. This equality was beginning to fade as the "capitalist" ideas of individual material incentives began to seep in. There was also, Mao felt, an increasing tilt toward the cities in the allocation of money and goods.

So Mao, by the Cultural Revolution (1966–69), administered a gigantic cathartic. He turned loose the younger generation to roam the country, rioting, condemning, humiliating, in some cases killing and destroying. The targets were people and practices which were leading China away from a peasant-centered model.

This Cultural Revolution of just a few years ago was so pervasive that it amounted to a second Communist revolution. And while it may be instructive to revisit the history of China from the turn of the century until our own time, the China of today is really as much a product of this Cultural Revolution (CR) as of previous developments.

EXAMPLES OF UNIVERSITIES

One example lies in the universities. These were completely closed in China during the CR, and have only just begun to reopen. Peking University, a facility for 20,000, has 4,500 students today, and the major part of faculty time is going into development of textbooks reflecting a new, post-CR theme.

Basically Mao feels that in Chinese higher education, theory had become too divorced from practice. Students were being "stuffed like Peking ducks" with a heavy diet of theoretical knowledge, while scholars and experts became increasingly divorced from the masses. Was China headed back toward a class of long fingernailed Mandarins who learned for learning's sake and gave not a fig for the man in the rice paddies?

Mao sent the professors packing back to the paddies, to hoe manure and stoop in the mud and sweat beside the grimy peasant—to be searingly reminded that this was the real China and that the only purpose of higher education was that it be applied toward making the peasant's China better.

The same pattern was repeated, and still is, throughout the post-CR educational and political structure. Millions of leaders or potential leaders from all walks of life were assigned to some sort of work experiences in the countryside. In PRC parlance, this is "reeducation," a "struggle and transformation," a "tempering" of the souls toward Maoist perspectives.

TEACHERS WORK IN FIELDS

We visited May 7 training camps, named for the date the CR began, where young city teachers were cheerfully hoeing fields and oiling tractors. We visited articulate editors and scientists who openly admitted to their periods of personal realignment in the country. Most of them seemed to sincerely believe the process had been beneficial and had achieved what Mao wanted, although, one recalls, many of the youngsters swimming the channel to Hong Kong say they have fled the PRC because they don't want to be sent to the countryside.

But in Yenan we ran across some young people, accidentally so that there was no chance for rehearsal, who had been sent out from Peking. Their attitude seemed much like that of the American Peace Corps youngsters. They were cheerfully working the fields, living in clean caves, and preparing to serve as long as necessary to "rebuild China."

In addition to this back-to-the-countryside movement, which is somewhat diminishing now in total numbers but seems destined to be a permanent part of the system, there are other new ways of doing things in China since the CR.

There is the three-in-one principle of leadership at many levels in commune or factory. The peasant or worker, the expert technician, and the administrator are joined as a task force to approach industrial or agricultural problems.

EXCHANGE OF VIEWS ASSURED

This assures an exchange of views which embraces worker or peasant attitudes in the solution of all problems. The Revolutionary Committees which ran all of the enterprises we visited had the similar input of worker or peasant membership.

Equality of rank and the incentive of serving China rather than material rewards have been restressed as basic themes. In many factories we discovered that management was paid less than some senior workers, and had the same housing, medical care and educational chances. Factory decision as to who should get pay increases or what should be done to stimulate output were in the first instance based on the recommendations of "the masses." While these worker recommendations might be overruled by higher authority and returned for more "criticism" by the "masses," they had a great deal of influence in the decision-making process.

Similarly on the farm the peasant commune committees solicit the opinions of field workers in what must be an endless series of meetings. The PRC is undoubtedly the greatest Bull Session or Rap Society of all time.

LINKS TO THE COUNTRYSIDE

Emphasis on links to the countryside; on equality in rank and social custom; on group service as the incentive; on giving agriculture and light industry higher priority than heavy urban industry; and on developing an education system which insists on a unity of theory and practice—these are the integral themes of the Maoist system as it has evolved from the chaotic mid-60s.

The total effort of the state-run communication system is pointed toward strengthening this system. It is awesome, often deadly boring, but never absent to the Westerner's perception that the Maoist line is woven into all public communication.

The sign above the pig pens, the Mao "thought" on the airport wall, both push production for a revitalized China. The sign above the jade statues in the Palace museum recalls that these baubles were extracted from the toil of the masses. The themes of the opera and of the school dance ("Up the Hill With the Manure Carriers") re-enforce the endless litany about building China in the newspapers and magazines.

PUBLICLY MUCH ALIKE

The system has produced a people that think and talk very much alike, at least in public encounters. And seemingly happily so. The American thinks this central system must be "repressive." But the Chinese is historically used to turning his viewpoint to the group, and to repeating themes from on high.

The idea of constant individual criticism of the central theme, or of a search for attractive alternatives, seems foreign to the Chinese intellectual makeup. Chinese editors did not find it at all strange to tell us that their newspapers are solely for the purpose of advancing and spreading the central political themes. Western-trained doctors and educators easily ascribed their technical progress to the wisdom of Maoist doctrine.

With these political and social themes of the Chinese system since the Cultural Revolution goes a renewed economic emphasis on decentralization of industry. This had gone on before. In the Great Leap Forward of the late '50s, the backward pig-iron furnaces didn't work.

But decentralization has again been more sensibly re-emphasized in the current period. In Yenan there was a new machine tool plant; near the commune of Linhsien we saw a new small steel mill, miles away from any urban market or labor supply. The idea is to stabilize the countryside economically by spreading job opportunity, and to prepare China for a defensive military strategy. Again this is the spirit of Yenan, where the Communists learned that by decentralizing their supplies, falling back before superior pressure, then emerging to strike, they could win.

CAN LOSE ARM OR LEG

They are preparing a China, which, in guerrilla fashion if need be, can lose an arm in Manchuria or a leg in Singkiang and still fall back to an economically balanced and self-sufficient countryside.

So what you find as far as the general system goes in 1972 China is a tightly controlled society, heavily oriented toward equality; favoring in dramatic fashion the essential agricultural heart of the body politic; and fundamentally preoccupied with internal development and a defensive military strategy.

It is the spirit of Yenan at least temporarily triumphant over the revolutionary pretensions of Peking or the individualistic thrusts of a teeming industrial city such as Shanghai.

How this system works out in the daily lives of several different types of Chinese, whether it has prospects of success in the highly technological world of the late 20th century, and what this drama may mean for America will be the subjects of following articles.

[From the Denver Post, Dec. 13, 1972]

"TAKE THE SOCIALIST ROAD," CHAIRMAN MAO

(By W. H. Hornby)

Maoism, perhaps the world's most ambitious attempt to make equality the central value of a political system, reaches the average Chinese through his organization—the commune in the countryside, the factory or job committee in the city or, if necessary, through groups based on his place of residence, e.g., a "street" committee administering his apartment-house area.

If the American, used to a distinction between his work life and his personal life, can grasp how intimately these are woven in China he can begin to think of Mao's China as less like Alice's Wonderland.

Whether it was the textile plant in Sian, the machinery plant in Chengchou or the shipyard or truck factories in Shanghai, the pattern we saw was much the same. A revolutionary committee, with representation from workers, management, the Communist Party and, in most cases, the People's Liberation Army, running the show.

Not only would this committee administer the working arrangements, with much discussion with the "masses" to get their ideas and suggestions, it also would administer the housing, schools and medical care for the workers of that factory if they numbered anywhere near enough to make that feasible. (Workers in smaller plants get the welfare and education services from residential-area committees if their particular job plant is too small.)

Basically for a Chinese city dweller, his identity is tied to the place he works. He sees * * * There he gets his medical care and sends his children to school. So when the government recruits a peasant youngster to work in Textile plant No. 4 in Sian, he is being handed not only his economic passport but his social identity as well.

Similarly on the farm, the people's commune (better read as cooperative) would provide for its farmer members not only the job in the commonly-owned fields, but his small private plot of land, his housing, his clinic or hospital and schools for his children. He gets a lift to town on the commune truck and the commune tractor will come around to help with the hard tilling. The commune will bring in the traveling players or movies for his entertainment, and runs the store where he can finally get the bike or radio he's been anticipating.

Through all of these organizational tubes to the people, Mao's government pumps a steady political education. The factory worker at his plant, grandma at her apartment committee, the farmer at the commune meeting, the kid at the school all get their weekly political gabfests. Usually for the adults this takes an hour-and-a-half three nights a week, outside regular working hours.

NO TOTALITARIAN APPROACH

The theme is "building China" according to the Maoist principles of equality, self-reliance, priority to agriculture and light industry, etc. Apparently it isn't just a "Sig Heil" approach that Americans think of as totalitarian, but more of an adult-education along the lines of the Great Books.

The Thoughts of Chairman Mao are read together, then discussed as being applied to the problems at hand—how to get more fenders on the truck assembly line in time; where to store the winter wheat just coming off the field. Current events are discussed and the central position of a good Chinese established.

These sessions are deadly important for the ambitious Chinese. For example, to get into a university today, your fellow workers or farmers have to have a good opinion of your political consciousness, meaning your verve for Mao thought and your muscle for pitching in.

They analyze the same things regarding your chances for getting a raise in pay. There are eight grades, and promotion depends on the feeling of your fellow workers as well as the approbation of the "leading members" or administration. Small wonder that the Chinese puts emphasize on keeping "in" with the group.

Let's look at the life of Lei Shih-je, 44, of the Shang Wang People's Commune near Sian in north-central China. He grew up in a poor peasant family, living four in a room. Clothing was scarce and hunger no stranger. He was able to have a primary school education but then went into the fields. Over the years he managed to acquire some learning so that today he is a bookkeeper for his production "team" (the equivalent of a village) for about 30 percent of his time. He works the fields the rest of the time.

Today Lei lives in a three-room house which has an attached kitchen. There is a well in the courtyard and electricity from the commune generator. Outdoor john. Sparse furniture. Loudspeaker for radio programs from a central transmitter. Bicycle for transportation. The house was built in 1956. Much better than a city flat for space or air quality.

Lei invited us to lunch with his wife, two teen-age sons and small daughter. The first son has graduated from high school and is at work for the commune in the fields; the second son is still in high school, the daughter in primary school. One son hopes for a university education but the selection is out of his hands. All will be more literate than father and mother at the same age.

The family served a feast, but all from their own resources. Chicken, a hot-pepper soup, soy sauce and noodles, cauliflower and bean curds.

Although Lei works on the common fields owned by the commune, he also has a private plot of ⅕ acre on which he grows a few extra market products and raises some chickens. The family has a surplus of food as evidenced by storage at several points in the courtyard.

FAMILY PAYS NO RENT

The Lei family takes in 600 yuan a year, about $250. They pay no rent as the commune owns the house, and nothing for water which comes from a commune-built irrigation reservoir. There is a small expense for their electricity, and some coal to supplement field husks burned as fuel.

They get work points for labor performed according to schedules decided by the peasants, and at the end of the year they receive a share of the commune grain according to their point total. There isn't any landlord with his whip anymore.

Of their income, the Leis pay out about $100 for more grain, $50 for store food, a few dollars for cloth. The net result is that they can save about $40 a year, even on such a low income. They have no fear of illness as all medical expenses are paid by the commune, which has a variety of clinics and hospitals. Education is free. The commune has a welfare fund to take care of emergencies such as unemployment (less likely than in the city) or widows and dependents.

Lei spends his day from 6 to 9 a.m. in the fields, then breaks for breakfast, returning for work until a 1 p.m. lunch when they have their main meal. Work again from 3 to 6:30 or 7 p.m. After supper he can till his own plot or read his newspaper by the single 40-watt bulb or visit, unless he is going to the thrice-weekly political meeting. Sometimes there are movies or plays by traveling troupes in the commune meeting hall.

Now and then the family will ride the commune truck to Sian for a day in town, but none of them have ever been out of the province and don't expect to. They get their news from the radio or by reading a copy of the People's Daily at headquarters.

The night before our meal Lei had attended his latest political meeting. They had discussed Chairman Mao's thoughts about fall agriculture, and how they could get the cotton crop in faster and improve the sowing of winter wheat on the same fields. Double and triple-cropping of the same earth is common, and the commune has several members assigned to an experimental team to nurture new seed strains. They get two crops of wheat and one of cotton each year, with vegetables in between the rows. There are small pumps and farm tools, but 80 per cent of the labor is by hand or oxen.

Overall the team or village in which Lei lives has 103 families, husbanding about 100 acres of land. About 75 per cent of the commune's income comes from agriculture, supplemented as elsewhere in China by proceeds from some sidelines, in this case a pig farm, a brick kiln and a small machinery-repair shop. Over the pig pens are two slogans from Chairman Mao, "Develop Collective Raising of Pigs" and "Take the Socialist Road."

The commune has built almost 300 rooms of housing since 1955, and every family now has a new house. There are 50 carts, 73 bikes, 22 sewing machines and 30 radios in the team, the "revolutionary chairman" proudly reports from his well-thumbed notebook.

Before "Liberation" (1949) and Chairman Mao, this village had 46 families, of which four were rich peasants. Seven families died of starvation after 1929, and this fact is duly noted in lectures by the oldtimers in the nursery, primary and middle schools.

The commune produces six times the amount of grain per mu (1/6 acre) than it did in 1949, and hopes that some new experimental seed strains from Albania can boost that. "We must try to make still greater victories," the chairman concludes, with a slight nod to the portrait of the chairman. My friend Mr. Lei assures me with sincere emotion that his family is incomparably better off than in his own boyhood, thanks to the effort to build China under Mao.

There is a great deal of family affection and responsibility; the old idea of communal barracks living has been abandoned and the family is again a unit. But the political authority comes from the loudspeaker, not from father, who would be subject to criticism by not only neighbors but his own family if he slipped away from the group goals of ever greater output and "rebuilding of China."

I saw only one fly in the village.

Leap now to the Workers Village administered in Shanghai by the Tien Shan Street Committee, under the chairmanship of Chiang-Yun-hsiang, a very articulate woman. Under her wing, if wing there was under that drab denim blouse, is a grouping of 17,000 households holding 74,000 people, most of them in workers apartments or "flats."

The particular workers are mostly from textile, machine tool or iron-and-steel factories which don't have their own housing. Most of the wives work at different factories from the husband, or in small piecework factories set up by the street committee to keep those "idle" hands flying at embroidery or electronic parts.

The "street committee" operates 12 primary schools, six middle schools, for a total of some 24,000 students. (Almost a third of China is in school.) Several hospitals and 13 clinics give neighborhood service on cuts, fractures, birth control pills and baby birthing. (Similarly the "barefoot" doctors reach practically every Chinese in the countryside with some sort of medical screening service, although it is often just at the "shots" and first-aid level.

The Shanghai street committee also operates a "super" market with a good variety of foodstuffs, a department store and opera house theatre. The street committee handles all minor crime and neighborly hassles at the committee level, sending upstairs to the regular court system only major cases. Even divorces are first requested from and "discussed" with the street committee, which attempts to effect reconciliation, etc.

Lu Tsu-Yung, 42, about the same age as our farmer host, lives under this "street committee" operation with his wife, mother-in-law, one daughter, 19, and two sons, both in school.

The father works as a crane operator, the mother in a textile mill and the daughter in the shipyards, for a total family income of 2,160 yuan per year, or about $850. Rent is a small $6 a month, for two 10 x 12 rooms, not counting a common kitchen and sit-down bathroom shared with two other families. They save about $140 a year after expenses for food and clothes, or about 15 per cent of their income.

The rooms are crowded but clean, with radio, one or two bulbs of light per room, a sewing machine, pictures of Mao and the rest of the family, beds with great comforters, a few chairs and a central table.

The Lu family goes to the movies and sometimes into downtown Shanghai by bus for an outing. They do a lot of visiting with people met at the various factories where the family members work. They see TV at the factories and read their newspapers there, as well as getting political education at the regular weekly meetings after work. The father improved his literacy at the "spare-time" school at his factory. (Again all the children have already received more formal education than their parents.)

The husband and wife have traveled several times to their native province of Kansu in the interior to visit families—a train trip. The youngsters still in school don't know where they will work—"wherever it will do the most good for China."

Again as in the farm-commune visits and in similar trips to other factory families, the overall impression was of a life we would consider sparse, but cheerfully accepted, extremely busy, healthy, somewhat drab and thoroughly supportive of Chairman Mao's goals.

It is disconcerting to get the same reply from so many people in so many different places, but as the young waitress told us in responding to a spontaneous toast on our last night, "Our job is to build China."

[From the Denver Post, Dec. 27, 1972]

CHINA-JAPAN LINK KEY TO ASIA'S FUTURE

(By W. H. Hornby)

PEKING.—On the weekend of Chinese communism's national holiday, Oct. 1, the most significant visitors to the Great Hall of the People were not our American editors, representing as they did the first fruits of the new Nixon thaw with Red China.

Rather, the key individuals were the larger numbers of Japanese foreign-office bureaucrats relaxing after the intensive negotiations which had led to formal diplomatic relations between Tokyo and Peking.

Despite the dramatic chapters keynoted by the American occupation of Japan, the war in Korea, and the bitter tea of Vietnam, it is still Chinese-Japanese relationships, not those between either country and America, which dominate the history of East Asia. Japanese expansionism set the stage for both the collapse of Imperial China and the Republic, and created the vacuum into which Chinese communism flowed.

Now a whole new era of Chinese-Japanese contact is opening. This time the contact is between countries of relatively equal power over their own internal systems, and of relatively peaceful intent abroad, since Japan is still disarmed and China preoccupied with internal development.

In this atmosphere the great natural romance between Chinese labor and raw materials and Japanese technological and marketing know-how may at last be consumated. Already since our trip to China, the New York Times reports that China has sent several dozen technological prospecting parties into Japan.

In our interview with Premier Chou En-lai, it became apparent that one objective of the turn Peking has taken toward Tokyo and Washington is its desire for more technological exchange. Not, let it be immediately stressed, in the form of "foreign aid" or "joint development ventures." Both of these smack to the Chinese of foreign domination, recalling as they do the pre-World War II heavy-handed economic techniques of the Western powers, and of the Russians in the late 1950s. The People's Republic doesn't feel it needs economic exchange on any basis other than mutual benefit.

CONTRASTS OF LATE 1940'S WITH 1972

Previous articles in this series have highlighted the most obvious contrasts between what our group found in the People's Republic of 1972 and what was recalled from the late 1940s.

The tremendous improvements in the levels of cleanliness, health, morale and basic economic production on farm or in factory. The challenging attempt to stabilize a new Maoist political and social system stressing human equality. And the decentralization toward the countryside of industry and economic benefits.

The Chinese are the first to admit that these goals will be increasingly difficult as population grows, as revolutionary motivation dims, and as they open the gates to let in more of the 20th century.

Three great problems hang over mainland China, and for the most part were frankly admitted in a score of interviews with the Communist Chinese. Posed as questions, these problems are:

1. Will Chinese productivity, especially in growing food, keep pace with population growth, which question also asks, will birth control be effective?

2. Can the Chinese broaden and deepen their technological base to bring to late-20th century levels an economy still marked by much hand labor, a thin transport system and several decades lag behind the technology of Japan or the West?

3. And can the Chinese perfect an education and communication system which will help this modernization without destroying the spartan, group-oriented, highly selfless political and social system which is Maoism?

That the spectre of famine has been banished temporarily is one of Maoist China's glowing achievements; that it hasn't been banished permanently is its persistent storm cloud.

While estimates of Chinese population vary, and even the Chinese don't know for sure, 800 million is a good working figure. At even modest rates of growth, this means a billion Chinese by the turn of the century.

FAMILY PLANNING ESSENTIAL TO SURVIVAL

Our visits to agricultural communes and Chinese planners made it clear that while the intensification of multiple cropping, fertilization, and irrigation have brought crops into surplus for the 800 million, increased rates of growth are needed to keep up with even modest procreation. If Chinese family planners were to fail, the billion won't have enough to eat, no matter how loyal they are to whatever chairman in Peking.

The Chinese have made a good effort on birth control. They have set 28 for men and 26 for women as the socially desirable ages for marriage, and have idealized the two-child family as the norm. With the great effectiveness of group ideals as motivating forces in Chinese personal life, this could be very effective. We didn't see much evidence of youthful romance, if that is any index.

On the practical level, the government is working very hard to spread birth-control information and devices through the country. The "barefoot doctors"—para-medics who spread into the countryside carrying minimum medicine to everybody—are instructed in birth control and can perform simple abortion. Chou En-lai in his interview with our group stressed birth-control methodology was one area his country hoped to study further in the West.

An indication of effectiveness came from Hsu Ching-hsien, an impressive 39 year-old vice chairman (deputy mayor) of the Shanghai Revolutionary Committee. Hsu listed population control as one of four central problems facing his city administration.

At first the Chinese Communists were responsible for a soaring of Shanghai's population. More food became available after the "liberation" in 1949, and population increased until by 1950 Shanghai had a birthrate of 29 per 1,000, a gross addition of 290,000 mouths a year to the teeming industrial city!

As the subsequent birth-control program began to take effect, this rate was reduced more than three times to 7.5 a 1,000 in the city where street committee clinics reach the most people.

But in the suburbs, the rate was only reduced to about 15 a 1,000, for a net metropolitan Shanghai figure of some 12.5 a 1,000. The rub lay in the fact that as the program spread out from the urban center it became weaker, because of less effective communication and because in rural areas they had the old idea that many children equal good fortune.

SIZE OF FAMILY PERSONAL ISSUE

There is still a problem in this area. Practically every possible personal topic in China is a proper subject for group discussion. Criticism by your peers is the great control of the Maoist system.

But, said a factory manager, even a Chinese "criticism" group would hesitate to bring up to a neighbor the size of his family. The concept of family limitation still has a way to go before it overcomes the cultural instinct which blesses large families.

The other side of the population coin concerns economic productivity, particularly agricultural. The amont of uncultivated Chinese land left for crop penetration is extremely limited. Most of the deserts that can bloom are blooming.

The answer lies in ever greater use of existing land. At several farm communes we saw extraordinary efforts to grow the greatest number of crops possible from the same ground—winter wheat amidst the cotton, onions at the base of fruit trees. This is possible in an economy where cultivation is by hand, while in a technological society, harvesting machinery would rip up one crop in gleaning another.

The Chinese know that much more intensive fertilization with chemicals, and new farm techologies as yet undiscovered, must develop apace with procreation if the Maoist system is to survive. In the long-run, grain production means more to that survival than world revolution led from marble halls.

This brings up another great question confronting Mao's China: **the depth of the** technological base. The skills of the Chinese are beyond question. They have lifted satellites, aimed missiles, fired off mushroom clouds. We saw at the Canton trade fair sophisticated models of computers, lasers, X rays—you name it.

But how many? Chou admits to a shortage of multipurpose machine tools. A Shanghai truck factory produces a serviceable two-ton truck, but only 10 a day, and the manager says his greatest need is to study Western assembly-line methods. You'd think it was 1920 in Dearborn!

TECHNICAL TO EDUCATIONAL HURDLES

The technological problem leads into the educational. As previously noted, from the Cultural Revolution, when Mao closed down the suspected campus seedbeds of capitalist deviation, the Chinese higher-education system has taken a long time to get back into gear. At Peking University, there are now a third of the normal number of students, and most of the faculty are engaged in writing new textbooks to relate to the new Maoist themes of education.

As mentioned, Mao wants higher education to be a unity of theory and practical application. China's higher education before, he felt, was too much like stuffing geese—all rote memorization which separated students from peasant Chinese realities, and which, by implication, left too much time for dabbling in the non-Maoist theories.

What Mao has come up with was exemplified in a pharmacy class. A morning of theory—but when we saw them in the afternoon, the students were turning out pills in a small drug factory on campus—the practical application of their theory. Students in the social sciences would spend part of their time on visits to factories or farms for studies of actual conditions—a history professor related a trip to investigate living conditions among coal miners—writing living "revolutionary" history.

The rub will lie in China's ability, under this system, to produce the technological and scientific specialists needed for a truly modern economy. Even at Peking University the administrators admitted China's greatest educational need is in advanced training in the pure sciences.

Are there enough hours in a student's life to be both a good Maoist, happy to go back to the farm for "tempering" of his soul, and an up-to-date graduate student in advanced research?

COMMUNICATIONS POSSIBLE PROBLEM

Communication may also produce a problem. The Maoist system has depended on the loyalty bred of revolutionary fervor and personal improvement among the generations who experienced the horrors of the old China. This loyalty and fervor have been unimpeded by an excessive opportunity to observe or learn of the outside world.

The Maoist communication system sticks to the line of building China, and does not open up avenues for foreign comparison. Indeed one rather disquieting aspect of our many interviews was the relative lack of interest displayed by the Chinese in events abroad. Among professional foreign-office information types there was some interest, but over-all the Chinese were intensely preoccupied with problems of their internal development, and not very aware of conditions abroad.

This has suited Mao, Chou, and company fine. But now they have decided that problems of the late 20th century require a further lifting of curtains and increased contacts abroad. But can you lift curtains to let in just the beams of light you choose?

On our trip home from China, the plane was loaded with young Japanese businessmen taking brides to Honolulu for honeymoons. All of the affluence of a modern industry society was apparent—beautiful and varied clothes, cameras and recorders galore, credit cards, wine with the meals, tourist guidebooks.

The contrast with the Chinese youth we had just left was overpowering. The drab, straight-laced, extremely serious young Chinese "revolutionary" chairmen would have been horrified at the creature comforts on their Japanese counterpart—at least at first.

When does jealousy seep in? When does the Chinese young adult begin to question the wisdom of going back to the farm to dig in the paddies for the good of his Maoist soul, and begin to think that taking Mama on a vacation might be nice for the good of his Chinese body?

JAPAN-CHINA STORY FASCINATING

This great confrontation between a newly opened mainland China and industrial Japan will be one of the fascinating stories of the next two decades. America's role will probably be primarily that of the sideliner, for while we will have some contact, it seems apparent, at least to this writer, that the Japanese are better equipped to mesh with China's immediate problem.

Japan needs the market and the raw materials—China needs the technology, but a technology promoted by Asians accustomed to a system where great amounts of human labor are still the basis of the economy.

The Maoist system, behind the walls for three decades, reveals itself to 1972 American eyes as having come a very long way. But a long way measured from where it started, not from where it has to go.

If the People's Republic is to survive in a world of advanced technology, and if it is to solve its fundamental problems of food supply and population control, it will have to have the very best research and technology the world has been able to devise.

Whether China can bring in the research and technology without bringing in the individualism connected with research and technology is the basic question.

The aging leaders of Peking have been able to implant their system in part because of immense personal prestige gained over years of privation and sacrifice.

They must now not only be able to pass on some of that prestige to their successors, but they are also asking those successors to operate in far more open communication with the world than they have accepted in the past. And they will have to lead a new generation to whom the worthwhile sacrifices of the Chinese Communist Revolution are pages of history, not personal memories.

It is a tremendous chance Mao and Chou are taking in opening up China. Somehow an American individualist, raised to abhor communism but admiring of the clean, proud, vigorous society Mao has brought to China, hopes they win the gamble.

[From the Denver Post, Nov. 21, 1972]

RED ARMY TRIUMPHS ON WUHSI STAGE

(By William Hornby)

WUHSI, CHINA.—Great stress has been placed by our hosts on the cultural side of modern China. The tour schedule took us to art-object factories, museums in the Forbidden City where treasures of the past are displayed, to the carefully protected Ming Tombs on the outskirts of Peking, and to the archaeological diggings at Sian.

The People's Republic has been somewhat stung by the impression abroad that it is callous to the old cultural values of Chinese civilization, or that these have been wantonly destroyed during the Red Guard excesses of the Cultural Revolution.

Actually, the Chinese Communists have been meticulous about preserving the relics.

Great palaces have been opened to the people as public parks and museums; newspapers and magazines are full of details regarding archaeological finds in ancient tombs. Some museums were closed during the Cultural Revolution to protect them from harm.

The regime reveres the past, but turns this respect into support for the political education of the masses.

Over the tomb of the Ming emperor will be a wall mural pointing out that the deceased had oppressed the masses and met a just fate. Inside the Forbidden City the people of 1972 are reminded that all this splendor properly belongs to them because it was whipped from the toil of the unknown workers of yesteryear.

In modern handicrafts the Chinese are producing beautiful ivory carvings and hand-painted wall scrolls. But in the ivory boat at the prow will be a red soldier with rifle alert; in the scroll the lacy birds and dwarf pine trees of ancient Chinese style surround a modern dam or an irrigation canal.

A Westerner gets the best feel of this in drama, which is about the only stage available to the modern Chinese.

In the darkened theatre of provincial Wuhsi we sat with 300 Chinese peasant and factory families watching the "Red Detachment of Women." This dance-drama was created under Chairman Mao's dictum regarding literature and art—they must serve the revolution by "making the past serve the present and foreign things serve China."

The plot is of the poor peasant girl who flees the cruel landlord and his "running dog" lackeys, who finds rescue and life's purpose in the Chinese Red Army, and who follows the Revolution through to victory over the oppressors.

These political melodramas are beautifully staged and costumed. The dancers and singers strike stiff dramatic poses somewhat reminiscent of our early silent movies, but if these postures appear overdone and somewhat awkward to our eye, the Chinese find an easy parallel with the old Chinese stage operas.

The full flavor of "Red Detachment," and the intertwining of PRC drama and politics, can be gained from this transcript of the plot:

PROLOGUE

"Night. The dungeon of despotic landlord Nan Patien.

Wu Ching-hua, daughter of a poor peasant, is chained to a post. Refusing to be a slave, she has run away a number of times, but has been recaptured each time. Lao Szu, the landlord's running dog, has orders to sell her. The furious girl suddenly kicks him to the ground and flees.

ACT I

In a dark grove of cocoanut palms. Wu Ching-hua, having escaped from the hands of the despotic landlord, fights the pursuing gang desperately. She is beaten black and blue and sinks into unconsciousness. A rainstorm is imminent. Nan, thinking Ching-hua dead, hurriedly departs with entourage.

Hung Chang-ching, a Red Army cadre, and his messenger Pang, enter in disguise. They are on a scouting mission. They see Ching-hua and question her. She tells them her story. With profound proletarian class feelings, they tell her where to seek the Red Army.

ACT II

A revolutionary base. Red pennants flutter gaily as the soldiers and local people celebrate the formation of a women's company of the Chinese Workers' and Peasants' Red Army.

Ching-hua, having undergone untold bitterness and travail, finally arrives. She is given a warm welcome by the soldiers and villagers who expose deep concern for her. With profound hatred for the landlord class, she angrily denounces the towering crimes of the tyrant Nan. Hung Chang-ching, party representative to the company of women, uses her tale of bloody class oppression to educate all the soldiers and villagers: Only by taking up guns and following Chairman Mao and the Communist party to wage revolution can the oppressed people achieve emancipation. The people are indignant and determined to fight. Hung and the company commander approve Ching-hua's request to join the army, and the commander presents her with a gun. Ching-hua enters the ranks of the Red Detachment of Women.

ACT III

A courtyard in Palm Grove Manor, residence of the Tyrant of the South.

It is the despotic landlord's birthday. Hung enters the bandit lair disguised as a wealthy overseas merchant who has returned to China. He is accompanied by Pang and several other fighters, also in disguise. At midnight, they will strike from within, while the Red Army attacks from without, in a combined assault to destroy the Tyrant of the South, and his gang.

Late at night, Ching-hua slips into the bandit lair to make contact with Pang. She sees Nan. Unable to suppress her wrath, she fires, prematurely giving the signal to attack. In a panic, the landlord and Lao Szu flee into a secret tunnel and escape. Under Hung's determined command, the Red Army men and women pour into the manor. They break open the landlord's granary and distribute grain among the poor peasants. All are overjoyed.

ACT IV

In a Red Army campsite Hung Chang-ching is conducting a political class for the fighters of the women's company to teach them the revolutionary truth: "Only by emancipating all mankind can the poletariat achieve its own final emancipation." Her class consciousness raised, Ching-hua makes up her mind to fight for the freedom of all mankind.

Countryfolk come bringing bamboo boats and fresh lichees to present to the Red Army. The army cherishes the people and the people support the army. The army and the people are united as one.

The Kuomintang brigand army launches an attack on the revolutionary base. The company commander orders her troops to assemble. The fighters and Red Guards say goodbye to the villagers. Confidently, they go forward into a new battle, determined to win a new victory.

ACT V

Hung, leading a contingent of Red Army men and Red Guards, is holding a mountain pass to cover the main force slipping to the enemy's rear. Their delaying mission having succeeded, he again remains to cover his comrades-in-arms who are pulling out. He fights the bandits bravely. Badly wounded but unyielding, he stands rock-firm.

ACT VI

The Red Army wins victory after victory. It is pressing nearer to the lair of the Tyrant of the South. The landlord is scared out of his wits. In desperation, he tries in vain to force Hung to recant. In righteous anger Hung denounces the cruel foe. Gallantly he dies, with the fearless heroic spirit of a Communist.

Myriad rays drive off the dark clouds. The Red Army liberates Palm Grove Manor. The despotic landlord is shot. The labouring people whose families have suffered for generations see the sun.

Hung has fallen, millions of revoutionaries rise to take his place. They are determined to wage revolution till its final triumph. Ching-hua, who has joined the glorious Communist Party at the front, carrier on as party representative. Revolutionary masses flock to join the Red Army. Battle songs resound to the skies.

Forward, forward, under the banner of Mao Tse-tung, forward to victory!

End of transcript! If the fervor is a bit elemental from our viewpoint, let it be noted that the Chinese audience cheered wildly when the landlord met his fate.

[From the Denver Post, Nov. 18, 1972]

The Women of China

(By William Hornby)

These pictures show Chinese women at work in a neighborhood embroidery factory in Shanghai, standing beside an irrigation canal they helped build in the parched interior of Honan Province, working in the fields, undergoing military training in the militia of interior Yenan, and, more traditionally, washing the laundry in a village ditch.

Members of a delegation of the American Society of Newspaper Editors, touring the People's Republic in October, found the new status of women one of the most dramatic and pervasive changes on the mainland as compared to the old Chinese norm of the quiet, subordinate, perhaps foot-bound drudge.

In every family I visited intimately, whether in the farm commune or city factory, the wife worked outside the home and was contributing to the family income, aided by the ever-present nursery schools where Junior could be deposited. In every case the women joined in the discussion and proffered evidence of equal status. The leading administrators of at least two factories were women, and their sisters seemed amply represented on all the factory or commune "revolutionary committees" which are the governing organs of China today. The old grandmas watching the babies or husking the corn, the cotton pickers and field hoers doing the traditional "stoop" labor of a muscle-powered rural economy, the crane and machine operators—these were definitely "equal" women.

For work and most public appearances the Chinese Communist woman dresses in her spartan jumper and trousers, with very little femininity revealed. However, some variation in sweaters and scarves is appearing among holiday groups, and we noticed dress goods for sale in stores, to be used on a few private social occasions.

However, the ideal woman in China is erect, healthy, with hair short or in pigtail, working beside the man, and not at a distance easily distinguished as to sex.

[From the Denver Post, Nov. 10, 1972]

U.S. Editors View Acupuncture Use

(By William Hornby)

On an October trip to the People's Republic of China, a delegation of the American Society of Newspaper Editors was split into two groups and taken into the operating rooms of two hospitals in Peking. Four surgical operations were observed where the patients were anesthetized using acupuncture.

The accompanying photographs show a hernia operation at Friendship Hospital. The patient, fully conscious and showing no signs of presedation or other preparation, was prepared in the normal manner. Acupuncture needles were inserted at relevant points for the particular operation and attached to a low-voltage battery to give the needles some vibration. After 20 minutes, the surgeon inquired of the patient as to the stage of numbness and the operation proceeded. (If the anesthesia had not worked sufficiently, as the Chinese frankly state may occur on a particular individual, local anesthetic shots may be added. This happens in a small percentage of cases.)

Operation techniques as to sterilization, preparation and surgery appeared standard. Aftereffects were remarkable, in the case of both the hernia and thyroidectomy cases observed, the patients sat up on the table when through, and walked to the elevators, headed for their rooms. The Chinese claim very little postoperative shock and standard recovery rates for their acupuncture patients. They do not claim acupuncture works for everybody or everything, but that it is successful enough to merit acceptance as a professional anesthetic technique.

The candid doctors admitted they do not have a complete theory as to why acupuncture works, only thousands of years of successful practice to prove that—theory or not—it is effective.

[From the Denver Post, Oct. 9, 1972]

CHOU REVEALS DETAILS OF LIN PIAO'S DEATH AFTER FAILURE OF PLOT

(By William Hornby)

SIAN, CHINA—Premier Chou En-lai of China has added new details and clarified others concerning the flight and death a year ago of Lin Piao, China's defense minister and designated successor to Chairman Mao Tse-tung. The premier, in an interview Saturday in Peking with a delegation of the American Society of Newspaper Editors stressed among other things:

Lin is definitely dead from the crash of his plane in the Mongolian desert Sept. 12, 1971. The Chinese took identifying photographs of the bodies.

LIN FLED IN HASTE

Lin fled in haste well before he had the opportunity to proceed against the life of Chairman Mao. Earlier it had been thought the plot might have reached the attempted-action stage.

The Chinese central government had not realized the scope of Lin's plot and was not setting out to arrrest him when Lin took off in panic from Peitaiho, a resort on the Northeast China seacoast.

Lin's plane crashed from a forced landing after running out of fuel, and was not shot down by Chinese aircraft as previously rumored.

The Lin plot was the work of a small handful and did not in Premier Chou's opinion represent a great crisis for the government.

A helicopter containing a few Lin supporters and documents concerning the plot fled a few hours after the marshal's plane, but was forced to land by government aircraft, accounting for subsequent rumors that two planes were involved.

Chou pictured the Lin conspirators as being so small in number and surrounded by such numbers of loyal Maoists that they "had their hearts in their mouths all the time."

GOT PLANE FROM SON

Lin had secured a plane from the air force through his son, an air force officer. This was outside regular procedure, Chou said, so when the government asked Lin's wife about it and she denied knowledge of the plane, the government knew something was afoot. Mao then ordered all planes grounded, and Lin, thinking his plot discovered, took off in haste, without a radioman or navigator.

"Actually," Chou said, "we did not at all think of arresting him. We only wished to know what he wanted that plane for. Therefore, while it was inevitable that his conspiracy would fail, there was an accidental element in his flight aboard and subsequent death."

Chou said Lin's plane, a British Trident, failed to spot the landing strip when it reached Outer Mongolia and tried a forced landing. "It slid over a distance on the ground, leaving behind very clear marks. One of its wings touched the ground and caught fire, and all nine persons aboard were burnt to death."

As to Lin's identification, Chou said, "our embassy people were accompanied to the spot by officials from the Mongolian foreign ministry and they took photos there. Although the bodies were burned, they were not completely destroyed and it was still possible to identify them."

Chou said he did not regard the Lin affair as being as mysterious, for example, as the Kennedy assassination. "I have told you everything," he said. It's much clearer than your Warren Report on the assassination of President Kennedy."

Chou reiterated only a few Chinese knew of Lin's plan, and the overwhelming majority of people in and outside the government would have no part in it.

Chou ascribed Lin's fall to his realization that the plan to have a single successor to Chairman Mao was impossible and an error in political thinking, and that he therefore must seize power by force if at all.

Lin was designated Mao's successor at the ninth party congress in April 1969, but subsequent criticism within the party rendered that promotion doubtful, Chou said.

[From the Denver Post, Oct. 9, 1972]

U.S. EDITORS BRIEFED: CHOU SATISFIED WITH UNITED STATES-CHINA PROGRESS

(By William Hornsby)

PEKING.—China's Premier Chou En-lai, in a wide-ranging, remarkably frank interview with 22 visiting American newspaper editors late Saturday night, indicated reasonable satisfaction with the progress of U.S.-Chinese relations since President Nixon's visit in February.

Chou also gave clues as to the mainland Chinese view on rejoining Taiwan to the People's Republic, and clarified Chinese leadership succession problems in a 3 hour-40 minute discussion at the Great Hall of the People with a delegation of the American Society of Newspaper Editors.

Chou didn't mention America's problems in Vietnam in contrast to recent statements by other key China foreign policy officials that U.S. withdrawal from Vietnam is the principal condition for further improvement of relations between America and China.

"Some say the development in our relations has been slow," Chou said. "But I don't believe they have been necessarily slow."

Noting China's admission to the United Nations and the recognition of Peking by 20 additional countries since the Nixon visit, including the Sino-Japanese understanding. Chou called these developments "links in the chain, and there will be further development, sometimes slow, sometimes fast, with twists and turns."

Chou emphasized, however, as have numerous officials during this visit, that lack of diplomatic recognition of Peking by Washington remains a major difficulty in normalizing such relationships as the establishment of permanent U.S. news bureaus in China or visits by top Chinese such as Chou to the United States.

Regarding what Taiwan Chinese might expect if joined to the People's Republic, Chou recalled the treatment of "national capitalists," i.e. the existing business communities, at the time of the Communist take-over in China after 1949. They were adjusted to the new system step by step, and were compensated for their appropriated capital. For seven years they remained in their regular condition, he noted. Then when private enterprises were taken over partially by the state, they were paid 5 per cent of their capital for each of 10 years, plus receiving returns from their capital for that period.

"They got back all their capital," Chou said. "In Taiwan we may need even more steps."

He said the People's Republic would be fully able to bear the national budget expense of Taiwan when the time comes. Regarding succession problems facing China's aging leadership, Chou, 74, indicated strongly some sort of group leadership is a probability.

"The very fact of naming only one successor was in itself one of the plots of Lin Piao," Chou said, referring to the designated heir to Chairman Mao Tse-Tung, 78. Lin Piao fled China to presumable death in a Mongolian plane crash just a year ago.

"Chairman Mao calls for the bringing up of tens of thousands of successors—with such a big country how can you have only one?"

The premier reviewed at length Chinese Communist party history which involved successive shocks to the leadership structure as it fought Chiang Kai-shek in the 1930s, then the Japanese during World War II, then the climactic civil war. Many good leaders were lost along the way, the premier indicated, leaving a gap in which a number of Chinese in the 50–60 year age bracket are moving up but not yet into view from the Western world.

Regarding the challenges to Chinese leadership implicit in the successive internal struggle with Liu Shao-chi, former Chinese Communist party boss, and Lin Piao, Chou said, "now we can say that such interference has basically been done away with. Our line (national policy) is more clear than ever before."

Chou vigorusly denied the statement that recent People's Republic of China initiatives in the United Nations indicate a desire to become the leader of the Third World of developing nations.

"We look on ourselves as a member of the Third World, and have absolutely not taken on ourselves to be the leader. The Shanghai communique (between Chou and Nixon) made clear that China will absolutely not be a superpower."

Chou said China was surprised by its admission to the United Nations *last* year, not expecting that development at this stage, but it felt it owed it only to the votes of the smaller nations of the Third World, and would therefore deal with them as equal colleagues and not in any stance of leadership.

As for development of the U.S.-Chinese detente, Chou gave direct credit to Chairman Mao. Mao had been pushing for increased contacts with Americans for some time, and Mao overruled Foreign Ministry technical objections to invite American table tennis players to Peking, thus breaking the ice.

As to areas of further cooperation, Chou said China's main needs are in industrial equipment and the importation of technique.

He ruled out joint U.S.-Chinese development ventures, noting unhappy experiences with the Soviet Union. There Chou said the beginnings of joint economic ventures led to Russian efforts to control Chinese life.

He revealed that Soviet Premier Nikita Khrushchev in 1958 proposed a joint Soviet-Chinese fleet, and was so irritated with China's refusal that he later withdrew all Russian technical advisers and economic and nuclear aid from China.

An early area for cooperation, he said, is medical research on cancer, control of heart and circulation diseases, bronchitis and respiratory disease, and better methods of contraception, especially the pill.

The premier returned with emphasis to his feeling that China must bring forward more younger and middle-aged leaders.

"We don't lack experienced cadres, but our older people are too many and keep the young ones down. You can count me in."

Chou said recent importation by China of U.S. and other wheat was to allow export of rice, which brings a higher world price, and to improve Chinese stores of grain against possible internal need. He indicated the 1972 crop will be about 250 million tons of food grains and that the country has become "self-reliant" as to food output, but also said a Socialist country can never allow itself to have a shortage of grain.

China's future food problems will be solved by internal expansion of crop output by increasing yields and the number of crops grown, and by reclaiming more fallow land in China's interior.

"How could a Socialist system permit outward expansion?" Chou asked.

Chou avoided the formalized rhetoric of the lower-level Communist leaders, and steered toward the areas of agreement between America and China rather than points of conflict stressed by other officials earlier.

The midnight interview climaxed the American editors' first week in China and delayed departure to interior China by one day. In addition to the interview, Chou was their host at a diplomatic reception for Chinese national day Oct. 1, and they have met leaders of Peking University, and other political, medical, and educational institutions.

The delegation's reception has been uniformly friendly and talks frank.

The editors leave Peking on Monday for Yenan, the Communist guerrilla headquarters of anti-Japanese war days, then visit Siam, Chengchou, Shanghai, Wushi and Canton for observation of agricultural, industrial and commercial development. The group leaves China-Hong Kong Oct. 22.

CAROL FOX AND CHICAGO'S LYRIC OPERA

Mr. PERCY. Mr. President, the Christian Science Monitor of January 22, has a most interesting article on the very gifted Carol Fox, general manager of the Chicago Lyric Opera.

The success of the Lyric Opera has been in large part due to Miss Fox's efforts over the years, and a record of excellence has been built under the general guidance of an outstanding board.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CAROL FOX: DYNAMIC MANAGER OF CHICAGO'S LYRIC OPERA

(By Peter P. Jacobi)

CHICAGO.—Carol Fox has been general manager of Chicago's ever-growing Lyric Opera since its founding in 1954—and during its years of introducing to America such stars as Maria Callas, Anna Moffo, Christa Ludwig, and Renata Scotto.

That is a long period in a position which requires fuller than full time attention and devotion. It's an incredibly long period in a city that prior to the Lyric had a tradition of constant organizational changes in its opera companies.

The task has required mental and physical stamina. Miss Fox obviously possesses both. She's imposing, a handsome, strong woman capable of hard work and hard decisions.

Demanding or not, wearing or not, she has no plans to move from the general managership. She continues to have plans to move within that position.

"Around here I see a rebirth of opera," she says, "a true, budding interest, an audience getting bigger and younger."

Lyric performances are sellouts, from start of season to end. "Eventually, I guess, we'll have to expand season and repertoire to meet the demand"—demand that has pushed the limits of the current three-month period of 52 performances.

A near future plan for growth at the Lyric is a spring season by 1974 (or 1975 at the latest) in the little companion Civic Theater, next to the giant opera house.

"We'd try contemporary opera and baroque, do it with style, and with younger artists who have almost arrived." Master teachers, singers like Britain's Geraint Evans, would be contracted, as Miss Fox envisions it, to help train the younger ones. They would teach and perform as artists-in-residence.

"The project really excites me," says Carol Fox. "It would enhance the quality of our orchestra and chorus by giving a number of these musicians almost year-round employment."

A dream in the serious planning. "I'm kept going by such things," she reflects. "There's not much glamor, you know, to running an American opera company. The fun, the artistic expression are easily drowned by standard operating procedure. And by economics, I might add."

The spring addition would contribute to the economic burden. Opera, as the Lyric produces it does not pay for itself. Each time the curtain opens in the fall—to a full 3,600-seat house and with tickets at $15.50 top—the company's deficit is enlarged by $30,000.

"So expanding our season in the fall, or adding to it by producing in the little theater in the spring, means compounding our fund-raising requirements." These currently are in excess of $1 million per season. "I don't relish asking for more, but I see all we could and should do. We have to progress, and in opera progress means expense."

"I have my moments of bleakness," she explains. "But then when at the start of each season 'The Star-Spangled Banner' is played, I know we've done it again. I know we are moving on."

Miss Fox has accomplished marvels—not unmarred but considerable:

A level of production generally to be equated with the best opera houses in the world.

A rich record of vocal introductions including Maria Callas, Carlo Bergonzi, Giulietta Simionato, Anna Moffo, Teresa Berganza, Nicolai Ghiaurov, Gre Brouwenstijn, Teresa Stich-Randall, Walter Berry, Christa Ludwig, Renata Scotto, Sesto Bruscantini, Ilva Ligabue,' Katia, Ricciarelli—these are only some of the artists who began American careers at Lyric Opera under the Fox watchfuness. So, too, conductors like Solti, Pretre, Kondrashin, Votto, and von Matacic.

A solidly interesting repertory, not grandly adventurous (and some fault Miss Fox for this) but still broad enough to encompass Britten's "Billy Budd," Mussorgsky's "Khovanshtchina," Verdi's "I Due Foscari," Janacek's "Jenufa," Giannini's "The Harvest" and "Taming of the Shrew," Bartok's 'Bluebeard's Castle," Prokofiev's "Angel of Fire," Stravinsky's "Oedipus Rex," along with the more popular operas.

"We started out to have the largest and grandest grand opera company in America. More realistically now we have built a company of first caliber in a city that had a history of excellence."

Miss Fox has been the force behind the success. She began adult life wanting to sing. She studied with Giovanni Martinelli, Edith Mason, Fausto Cleva among others. Talent was there, she believes, but not enough, and "I loathe mediocrity."

So she turned to opera management—with Lawrence Kelly and Nicola Rescigno, who later, after a power struggle, moved to Dallas to initiate opera doings there. Miss Fox built the Lyric.

A strong woman she is and had to be. Difficult sometimes. Demanding. Forceful. Tenacious. Shrewd. Obstinately shy about publicity. Sternly serious.

She has made it happen.

"It's work," she explains. "Work and more of it." Trips to find talent, hassles with lawyers and unions and temperaments, meetings with potential funders, lunches with socialites and business leaders, hand holding with singers, rehearsals to oversee, papers to wade through, complaints to field, crises to solve.

"No, it's not glamorous," she repeats. "And during that season when things go crazy and when I just get to see so little of my daughter, I wonder about it." Victoria is 14. She's used to having a mother busy. She's used to hobnobbing with artists.

But they look forward to a five- to six-week period in summer when all opera is forgotten for sunshine, swimming, and horseback riding in the Southwest. "I guess that keeps us going. It refreshes us for all that has to be done when we return."

Miss Fox has finished planning 1973 and is setting up seasons for 1974 and beyond.

"It's work for today, finalize for tomorrow, and dream for the day after tomorrow."

That is her life. It has been for 18 years.

"But I'm not done," she assures.

One can believe she isn't.

EDUCATION IN CONSTITUTIONAL RIGHTS

Mr. KENNEDY. Mr. President, the Educational Forum for May 1972, contains an interesting and important article on the subject of the need for more vigorous programs of constitutional education in our schools, if we are to preserve the precious values enshrined in our Constitution. The article, by Amitai Etzioni, professor of sociology at Columbia University and director of the Center for Policy Research, emphasizes a paradox in our society today that threatens to undermine the values of the Constitution and Bill of Rights—the broad public support for what have been called the majestic generalities of the Constitution, versus the willingness to suspend specific constitutional safeguards in individual circumstances when other values are at stake.

Professor Etzioni proposes a new curriculum for constitutional education in the schools, in order that students may acquire a meaningful understanding of the application of the great guarantees of the Constitution to their daily lives. In addition, he urges that the goal be carried beyond the classroom and into the community, by establishing similar citizens programs in local areas, and by encouraging greater vigilance of leaders at all levels of government, Federal, State, and local.

Mr. President, I believe that Mr. Etzioni's thoughts will be of interest to all of us in Congress. I ask unanimous consent that his article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AMERICANS REJECT THEIR CONSTITUTION: WHAT IS TO BE DONE?

(By Amitai Etzioni)

Large segments of the American people unhesitatingly reject the Constitution of the United States. When the public was polled about various sections of the venerable document without being apprised of their source, large proportions expressed opposition to the First Amendment, the Fourth Amendment, and most of the others. According to an early national poll, 30 percent of those interviewed felt that "if a person wanted to make a speech in your community favoring government ownership of all the railroads and bigs industries," he should not be allowed to do so.

Thirty-five percent would remove from circulation a public-library book advocating government ownership, and a majority (54 percent) would bar a teacher of such ideas from a college faculty. Opposition to the First Amendment ran higher if the speechmaker were an atheist: 61 percent would prevent a speech to be made against churches or religion. During the 1968 Democratic convention, millions watching TV saw the Chicago police bloody large groups of peaceful demonstrators. Polls showed that 66 percent of Americans supported this police action, as though two out of every three of our citizens had never even heard of the right of free assembly.

More generally, four out of five Americans believe law and order has broken down in the USA, and they favor a "strong president" to correct this, although most expressed awareness that "the rights of many people can be endangered in the name of law and order." In other words, many Americans are so concerned about law and order that they are willing to suspend the constitutional safe-guards.

If asked directly whether they would endorse the Constitution the founding fathers signed, most Americans probably would be offended; the Constitution, like the flag, is sacrosanct. But, the polls show, this patriotic commitment does not entail an understanding of its implications or a deep commitment to its content.

And no wonder. The Constitution, though it may seem an expression of "natural rights," entails a long list of "do's" and "don'ts" that is part of the heritage a civilized person acquires—he is not born with it. One must learn to understand what the observance of the Constitution requires and evolve the emotional support for its prescriptions; to do so is not part of our reflexive inborn instincts. On the contrary, the Constitution is based, to a very large extent, on the curbing of one's impulses. It is "natural" for me to seek to prevent the exposition of views I find heretical, utterly wrong, or immoral; I must *learn* to be tolerant of opposition and accept the free clash of ideas. Similarly, to clobber those who offend my sensibilities is quite human; I must gain the capacity to control my anger and express it in a civilized manner. The wish to drop the Constitutional safeguards and lean on a strong leader is also quite natural; to await the slower, less dramatic, and maybe even less effective—but more just and humane work of a constitutional democracy—is a preference which must be cultivated.

But where is an American to acquire the deeper understanding and emotional support for his Constitution? Surely he will hear its name and principles mouthed often enough. But in many a home, there is no true support for its content. The burden of education for the Constitution is often put on the schools, which are not known for their moral or character building potency. In their curricula, "civics" is often a highly neglected topic, being alloted less time and attention than most subjects. Finally, civics classes tend to be taught with dry formalism; pupils recite that we have three branches of government or re-read the Bill of Rights. Rare indeed are the provisions for the genuine and lively education of the citizen.

We ought to do to civics what we did to math—develop *a new curriculum for constitutional education,* one which focuses on those parts of the Constitution which our impulses tend to undermine. And, lectures about and memorizing the Constitution will not do. We need a sequence of relevant dramatizations which will allow pupils to express their resentments and doubts, and to *experience* the value of the Constitutional curbs.

If an untutored class votes for a strong leader, let it experience the uneven hand and arbitrary power of one of its more forceful members by, let's say, turning over to him privileges usually allocated by the more fair-minded and rule-oriented teacher. And let all those who vote limiting the freedom of speech in a class assembly be deprived of the right to express their views for, say, a week. Some schools successfully experimented in teaching tolerance for others by instituting a week in which blue-eyed people or blonds were discriminated against. These examples are not meant to detail here the new civics curriculum, but to illustrate the need to rely on techniques which not only inform the mind but also educate the emotions. The design of a new civics will require months of planning and at least a year of experimentation, as did the new math.

Ideally, each community should have a committee for constitutional education which would encourage the development of such a curriculum, the training and recruitment of teachers who themselves are emotionally in tune with the Constitution, and the extension of the new teaching to adult education classes.

Education per se will not suffice, however. School-learning, especially when it runs against our instincts, tends to erode over time. To sustain a commitment to the Constitution which is deeper than lip service, we require devices to *reinforce* what we have learned. In effect, one may view the daily reports of the press, radio, and television as a continual reeducation process. Thus, when the A.C.L.U. brings to court a violation of the Constitution, the effect is not just to seek redress for the persons involved but also to remind us all that under our code, people are presumed innocent until proven guilty, that we are not to tolerate police harassment of political or sexual deviants, and so on. But the A.C.L.U. is quite controversial; it could benefit from more allies in more communities. A broadly based committee for constitutional education, including representatives of all the major segments of the community, could mobilize wider citizen support for Constitutional watch dogs and sustain the needed educational work.

Finally, community leaders, especially the President, have the profound responsibility of continually educating the public in civic matters. Every time a leader slights the Constitution by labelling a man a criminal before he has been convicted (as Sirhan was labelled), favors illegal arrests of demonstrators (as were the arrests of those in Washington, D.C. following the May antiwar demonstrations), or puts partisan political considerations above the law (as Calley's release pending appeal was), the foundations of the Constitution are weakened. Our leaders should rather address themselves to the reinforcement of these foundations, because the anarchy certain to arise from the erosion of the Constitution will exempt no party or man, and the temporary partisan gains are made directly at the cost of the nation.

CEASE-FIRE IN VIETNAM

Mr. ALLEN. Mr. President, since coming to the Senate, I have made weekly reports to the people of Alabama to keep them informed of my stewardship of this great public trust.

The Vietnam cease-fire agreement and its effects on the United States were the subjects of my weekly television and radio programs and my weekly newspaper column for the week of January 29, 1973.

I ask unanimous consent that these scripts be published in the Record.

There being no objection, the scripts were ordered to be printed in the Record, as follows:

January 29, 1973.

TV Script on Cease-Fire

Announcer. We asked Senator Jim Allen if he felt that the cease-fire agreement in Vietnam will lead to a lasting peace.

Senator Allen. No one knows the answer to that, but soon we will have all our men out of Vietnam, and I don't believe that we will ever go back in. The unresolved issues are to be determined in the political arena by the Vietnamese, North and South, and there is no reason for us to continue our involvement. South Vietnam has an army of over one million men, well-equipped by the U.S. South Vietnam must do the fighting if there is fighting to be done. Also, I do not favor spending billions of American taxpayers' dollars to rebuild North Vietnam. If it was right for us to conduct the war in the first place, we owe no reparations. It would amount to admitting defeat and paying tribute to a conquering enemy to prevent further war. We owe no tribute and no reparations.

Radio, Weekly Newspaper Report

Unlike the ending of other wars in which the United States has been *involved*, the cease-fire in Vietnam was not met here at home with wild street dancing and mass hysteria. Instead, the President's announcement was met with prayers of thanks to God for leading us to peace, and quiet rejoicing that the killing has been brought to an end, that our prisoners of war will soon be back among their loved ones, and that the families of those missing-in-action will at long last receive an accounting of their men.

This is a peace with honor based on compromise, but it is not an outright victory for either side. Hopefully, what has been decided after some 10 years of our involvement in a tragic fratricidal war, is that the South Vietnamese people have the right to decide their own destiny free of aggressive outside forces.

Since coming to the Senate I have given the President my full support in his efforts to bring the war to a close, though time and time again I have stated on the floor of the Senate and elsewhere that we should never have been in Southeast Asia to begin with.

It is interesting that the cease-fire negotiated in Paris closely parallels an amendment to the Foreign Assistance Act of 1972 which I proposed in the Senate, with Administration support, in July 1972. This amendment, which was defeated by the doves in the Senate by a vote of 50 to 45, stated that it was the sense of Congress that all American forces would be withdrawn from Vietnam within four months after an internationally supervised cease-fire agreement and the return of our prisoners and an accounting of our missing. This is essentially what has now been agreed to by all sides in the agreement which was signed on Saturday, January 27, 1973.

There is no question that this is a tenuous peace, based only on the willingness of the North Vietnamese to abide by the agreement. While no one anticipates any immediate outrageous violations, in my judgment Vietcong agents in South Vietnam will do everything possible, including assassinations, to disrupt a political settlement. But I feel that the United States has now done everything humanly possible to equip South Vietnam for facing the hazards of the future. We have given them valuable time to strengthen their Government and we have provided them with a full arsenal of weapons with which to protect themselves and to survive on their own.

Alabamians, along with all other Americans have suffered grievous losses as a result of our involvement in this war. Up to the last week prior to the signing of the cease-fire, 1,169 Alabama men have died in the jungles of Southeast Asia, fighting in the service of their country and in defense of the freedoms which you and I continue to enjoy. These men fought with honor and they died with honor. Let us never forget their sacrifices. And even as we sadly count the cost of the Vietnam war, we rejoice in the anticipation of the return of the prisoners-of-war. The Defense Department advises me that there are 96 next-of-kin of missing and captured servicemen in the State of Alabama. It will be a grand and glorious day when all of the POWs are safely home, and all of us pray that God, in his wondrous and mysterious ways, will have most, if not all, of the missing-in-action among those men released from North Vietnamese and Vietcong prisons.

My prayer is that we can now close the divisions which this tragic war has created among Americans and that we can now devote our full attention and our resources toward building a better America.

THE NATION'S WATER RESOURCE PROGRAMS

Mr. HRUSKA. Mr. President, the National Water Commission recently published a draft of its proposals for sweeping changes in the Nation's water resource programs. Many, including this Senator, feel the impact of these proposed changes would be detrimental—highly damaging, in fact—to the economic and social well-being of our Western States.

One who views the proposals with a good deal of alarm is Mr. Dan S. Jones Jr., president of the National Water Resources Association. Mr. Jones is a highly respected figure in the field of natural resource allocation. His opinions are based upon many years of experience in the water resource field. As a result, they are held in high regard by all who are concerned with proper water management.

Mr. Jones has made his association's position on the Commission's report known to the authors of the draft. He noted in his comments that much of Nebraska's economy is based upon successful, well-planned water management. Loss of this valuable tool in the areas of irrigation and reclamation would be disastrous.

He points out that other States would be similarly affected.

Mr. Jones further notes that the premise behind the proposal to reduce the role of water resources is dangerously optimistic. That premise assumes there will be adequate production capacity in the Nation's agricultural community to meet our national food and fiber demand until the year 2000.

Those of us who are familiar with our Nation's agricultural situation realize that is quite an assumption, Mr. President. In view of the volatile conditions affecting agriculture today—conditions which range from changing markets to weather problems and population trends—I am not at all sure that the Commission's view of our agricultural capacity is one of substance or merit.

Similar flat assumptions based upon what I believe to be faulty reasoning are contained in the Commission's lengthy two-volume report. It is not my purpose to comment on them in detail at this time. I would urge all who are concerned with our Nation's agriculture and water resource policies to familiarize themselves with this report. It needs a great deal of further study and reevaluation before it becomes the water policy of our Nation.

Because Mr. Jones' evaluation of the report gets right to the heart of the potential problems entailed in the draft report, it deserves the careful attention of all who are interested in water resources. Of similar interest is a resolution by the Nebraska State Legislature.

Mr. President, I ask unanimous consent that the text of Mr. Jones' remarks and the Nebraska resolution be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

NEBRASKA WATER RESOURCES ASSOCIATION,
Lincoln, Nebr., January 8, 1973.

NATIONAL WATER COMMISSION,
Arlington, Va.

DEAR COMMISSION MEMBER: The draft report of the National Water Commission states that irrigated acreage in the seventeen western states could decrease by 9 to 26 million acres by the year 2000. The prediction of an increasingly minor role for irrigation seems to be based upon this optimistic assumption. This hopeful forecast is not supported by the predictions of other authorities on the future food and fiber needs and supply. Adequate reserves of food and fiber and the means to produce them must be maintained against any reasonable single crisis or even some compounding of several separate crises. The membership of the Nebraska Water Resources Association has directed that we write you relative to this conclusion and recommendation and point out the difference between the projected and the probable actual result which is reached in this conclusion.

The proposed draft report of the National Water Commission, if adopted, would have far-reaching and damaging effects on all of the western United States. Nebraska has carved out a healthy agricultural economy based on irrigation. In the state, there are many additional acres of land suitable for irrigation and some of the seven million acre feet (7,000,000 a.f.) of water in streams could be so used that now flow unused out of the State annually, adding to flood hazards downstream. This is true in other of our sister states of the West.

Our Association objects strongly to the assumptions on food and fibre production in the United States and the attempt to predict projected needs on which initial recommendations in the report are based. The projection is optimistic. Rex F. Daly, Director of the Economic Statistical Analysis Division Economic Research Service, U.S. Department of Agriculture, comments on such optimism: "Projections should not be considered an attempt to anticipate some inevitable unraveling of coming decades . . . In planning for the future the costs of being too optimistic are great indeed. The stakes are high, not only in dollars but also in terms of adequacy and purity of our food, our health and perhaps our vitality as a nation."

We would be certain that the National Water Commission would not knowingly chart a course for this nation which might cause great harm to our welfare in years to come.

The need for food and fiber for export is disposed of with one single-sentence disclaimer of responsibility for such consideration. If we take only the narrow view of national interest, even then all possible must be done to produce food and fiber in this country with such efficiency that it will allow competition in the world market. Farm exports will be required increasingly in the future to help balance growing trade deficits in such imports as petroleum products and manufactured goods. Overall agricultural efficiency is not increased by bringing marginal land back into production. It can be greatly bettered by the application of water to highly productive soils in areas with suitable climate.

The report of the United Nations Food and Agriculture Organization for 1970 voices a note of cautious optimism concerning the world food supply for future years and especially the food supply of North America. However, warnings are repeated throughout the report. On page 126 there is the qualification: "A major lesson of agricultural development during the post-war period is that technology by itself is not enough." On page 143 there is another word of caution: "Because of the biological nature of agricultural production, it is difficult to predict the level of output from a given level of input; the output is affected by exogenous factors such as weather and pests and diseases."

Turning to the 1969 Yearbook of Agriculture which comments in detail on the production of food in the nation, we find on page 69: "Americans are gradually becoming aware that hunger, and more particularly, poor nutrition still do exist within our borders." On page 81, commenting on world food needs, we find: "It is important to be clear what today's agricultural world revolution is and what it is not. It is a tremendous accomplishment. It is a new hope for developing nations. It is not a total solution to the hunger problem, but it should make substantial additions to food supplies in countries where there have been food shortages." Continuing a discussion of world food needs on page 83, we read: "It is hard to determine with any degree of accuracy the current food situation in the developing countries and project how it will change in the future. Statistics do not exist, or at the best are rough estimates in many nations for even the most basic elements of population, production and trade. Weather may cause fluctuations in agricultural production as great as 25 percent."

The report of the National Water Commission, when adopted, will constitute a policy statement. For this reason, it should take into account and correlate with other policies, in particular those which stem from laws enacted by the Congress. The report and recommendations of the Commission should therefore coordinate with the Rural Development Act. This law, as you are aware, looks toward relief of the pressure on our urban centers resulting from migration of rural population to these already overcrowded metropolitan areas. The method prescribed in the Rural Development Act would develop the rural areas so as to make them more attractive and thus stem the outmigration of rural people. By no stretch of the imagination could the policy of downgrading irrigation be anything but contradictory to the aims set forth in the Rural Development Act. New cities or existing towns cannot be developed for population dispersal purposes unless a sound resource base is provided, including a dependable and economical water supply. There is general agreement on the solution of the problem created by 70% of our people living on 2% of our land—the decentralization, or geographic dispersal of people and industry. This would achieve a much better balance of both the nation's population and its resources. A Presidential Task Force puts it this way: "The great threat that now faces us is that the social and economic ills of the Nation's cities may worsen and spread over entire urban areas, infecting even the entire national structure, unless we act together with intelligence to prevent it."

It should not be overlooked that water resources in the West, originaly developed for irrigation, have, in numerous locations, been acquired later for municipal and industrial use. Had the storage and stabilization of supply for irrigation use not have taken place, it generally would not have been available for municipal and industrial purposes.

Another factor, which would cast serious doubt on the assumptions on which the requiem for irrigation is based, are population projections for the United States. These are 271 million to 305 million persons in the year 2000 and up to 600 million persons in the year 2050.

We would be remiss if we did not set forth one facet of national economic development which we believe should be spelled out as a guiding factor in evaluating reclamation projects. As irrigation is developed within a new area, it has been demonstrated that Federal excise and income tax collections increase markedly. These collections accrue to equal the construction cost of a Federal reclamation project and thereafter periodically repeat this accretion. As an example, a report prepared for the House Committee on Interior and Insular Affairs in 1956 cites the total cost of the North Platte Project in Wyoming and Nebraska as $22.5 million. Repayment by water users to June 30, 1955, totaled $16.2 million. The debt to the U.S. Treasury is rapidly approaching full repayment. In addition to this repayment, the Federal Treasury is receiving, in excise and income taxes collected, an amount exceeding the project cost every 18 months. Admittedly, some excise and income tax would have been collected without irrigation. Federal tax collections on irrigated land in the North Platte Valley in 1953 amounted to $45.37 per acre against $1.37 per acre on non-irrigated land. We would concede that Federal tax collections would not be so dramatically increased in some areas presently proposed for streamflow irrigation in Nebraska by the Bureau of Reclamation. Nevertheless, the pattern of tax returns to the U.S. Treasury on the North Platte Project would be repeated with a possible lesser percentage of annual collections compared to project cost.

More recently in 1970, the House Appropriations Committee received a report from the Bureau of Reclamation on returns provided by reclamation to the Federal Treasury and to the economy of the United States. This report showed an estimated total of $800 million annually in personal income, corporate profit and indirect business taxes over and above that which would have accrued without the reclamation development. Cumulative Federal tax revenues since 1940 total nearly $11 billion. Cumulative net expenditures for the reclamation program since its beginning total $7.2 billion. Cumulative gross reclamation crop value reached $32.4 billion. In a given year total net value of economic activity generated by the reclamation program (subtracting the net value which would have occurred without the program) totals in excess of $4 billion annually.

The conclusion that the role of water development projects in increasing economic activity and employment opportunities has greatly diminished is not in accord with such studies as that by the University of Nebraska on the "Impact of Irrigated Agriculture on the Economy of Nebraska". Obviously, data to support such a conclusion was not assembled by anyone familiar with the impact of irrigation in the arid West.

Referring to the comments (5-35) on the effect of the reclamation program on "crop surpluses", a report to the House Appropriations Committee in March 1972 by the U.S. Bureau of Reclamation pointed out several facets of ACSC payments which put these payments in perspective. These payments to U.S. farmers in 1970 amounted to $3.7 billion. This was about 2% of the total Federal budget outlays. Of this $3.7 billion, only 2% went to Federal reclamation water users. That amounts to 0.04% (that is 4 ten thousandths) of the Federal budget. It can be readily seen that the Reclamation program contributes to surplus in an amount hardly measurable.

Irrigation is a form of technology. It is one means of increasing the economic efficiency of agriculture. Other means that come to mind are the improvement in fertilizers, herbicides, insecticides, and the automation of farming. There probably would be no surer way of slowing down the rate of economic growth in this country than to impose a freeze on the level of technology.

The Nebraska Water Resources Association commends the Commission's recommendations in the draft report which advocate expanded federally funded research and development in the realms of weather modification, water purification, irrigation methods, evaporation control, water distribution and importation, recycling and administration. In this connection, we would favor that the Commission urge Congress to utilize the already established and functioning Water Resource Research Institutes and the Experiment Stations of Land Grant Universities, thus avoiding duplication of established research facilities.

In the recommendation for studies in applied research on waste water reuse, there should be a requirement that such studies give due consideration to the protection of established water rights based upon return flow. We would be sure that the National Water Commission would not fail to recognize that, in improvement of the efficiency of water distribution and of waste water reuse there must be protection of legally vested water rights. A like precaution would apply in the "Legal Protection of Instream Water Values". In this latter case there should be provision for protection of the water user's property rights in a manner consistent with the doctrine of prior appropriation and in conformity with present state water laws.

The United States has a growing, dynamic, complex, interdependent economy. A change in any economic activity has an effect on every other economic activity. In advancing recommendations, which point the way to a centrally planned and directed agriculture for the United States, the Commission might well look over the world scene to determine the results of such centralized direction in various foreign nations. The American consumer has benefited substantially from the stable and efficient agriculture which farm programs and today's technology have fostered.

Very truly yours,

DAN S. JONES, Jr.,
President.

LEGISLATIVE RESOLUTION 3

Whereas, the National Water Commission, established in 1968 by the 90th Congress by the passage of P.L. 90-515, has recently distributed a draft report for review by the States and other natural resources interests pursuant to its assigned responsibilities of submitting a final report to the President and to Congress; and

Whereas, the National Water Commission has undoubtedly devoted much time and energy to the preparation of such a report; and

Whereas, the draft report contains much material and numerous recommendations, some of which seem improperly conclusive or unfounded in fact, such as the prediction of greatly reduced national needs for irrigated acreage by the year 2000, which was apparently based upon theoretical economic assumptions, or the recommendation that all costs of future federal irrigation projects should be recovered from the irrigators, without any recognition that irrigators are not the only class benefiting from irrigation projects; and

Whereas, the State of Nebraska has a great interest in the future development and protection of its natural resources and the final report of the National Water Commission may have extensive impact upon that future;

Now therefore be it resolved by the members of the Eighty-Third Legislature of Nebraska, First Session, that the Legislature commends the National Water Commission for its time and energy devoted to the preparation of such an extensive report, but cautions the Commission to carefully reconsider their work, being certain that each statement is proper and leads to a valid conclusion based upon fact so that the Commission's ultimate recommendations are the best possible, and the Commission's final report may become a foundation for proper natural resources development and protection nationally;

Be it further resolved that copies of this resolution be sent to the President of the United States, the National Water Commission, and the Nebraska Congressional Delegation.

ACROSS THE PEDERNALES—A TRIBUTE TO PRESIDENT LYNDON B. JOHNSON BY BILL MOYERS

Mr. HUMPHREY. Mr. President, I ask unanimous consent to have printed in the RECORD the moving tribute to President Lyndon B. Johnson by Bill Moyers, which appeared in the New York Times on January 26, 1973.

This very personal tribute by a man who knew President Johnson so well strikes harmonic chords of reminiscence for many others of us who were proud to be President Johnson's friend and associate.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ACROSS THE PEDERNALES

(By Bill Moyers)

WASHINGTON.—I was in Minneapolis, filming a public television show with Chippewa Indians, when the radio flashed the news of President Johnson's death.

As I walked into the tribal hall, one Indian who knew that I had worked for Mr. Johnson, pulled me aside and said: "A mighty wind has been stilled. I'm sorry."

Lyndon Johnson struck people that way. Friends, enemies and strangers alike felt the force of his enormous, restless energy. Like the Chippewa's "mighty wind" he could be awesome, capricious and inexplicable—his presence, as Washington learned after 1968, felt even by his absence.

I was drawn to him early. To a generation of ambitious Texans Lyndon Johnson was as big as the state itself and just as promising. To a small-town kid with an overwrought Baptist conscience he showed how to get things done in a hurry. We were short on philosophy in Texas, short on history and philosophy, too. On the frontier, which Texas remained until late, life was its own reason for living, action its own justification. And you didn't read a text book on how to climb the greasy pole; you just started climbing. How often I would hear him say: "Don't just stand there, son, get busy."

But power had a purpose for L.B.J. It was the way to deliver the goods. If you shared in the rewards (his mother, he told me, insisted that "If you do good, you'll make good"), so be it; the "folks" were always the real winners. The greatest good for the greatest number, he preached, and the largesse was pouring in: rural electricity, dams, highways, defense contracts, space projects, aerospace plants. "This is what your Government did," he told his hill-country friends as he patted a new R.E.A. building as if it were a newborn calf.

His critics smirked when he said that what most people want "is a rug on the floor, a picture on the wall and music in the house." Their criticism bothered him least of all. "Those S.O.B.'s got it all," he said. "The folks I'm talking about don't even have the simple decencies, and they outnumber that slicked-down crowd"—here he would wrinkle his nose as if squinting through pince-nez—"ten million to one."

So I wrote him for a summer job. Later he told me the letter was impertinent, my suggesting that he was out of touch with Texas young voters and offering to help him reach them, but maybe because he had also been brash and not a little cocky when he was 18: he told me to come to Washington, sight unseen.

I flew there aboard an old two-engine Convair, my first trip east of the Red River, and landed expecting to counsel the mighty. Instead I wound up in a tiny airless room so deep in the basement labyrinth of the Capitol that one old Senator who had stashed his mistress in a nearby hideaway got lost coming back from a quorum call and couldn't find her for hours.

I spent my first night in Washington—from 5 P.M. to the following noon—completing my first assignment for Lyndon B. Johnson: addressing 100,000 letters to Texas voters one at a time on an ancient machine operated by pumping the right foot up and down, like a sewing machine. I stopped only to go to the bathroom and to assure Senator ———'s girl friend, who kept poking her tearful face in the door to inquire how long quorum calls lasted (I didn't know), that he was certain to return (I didn't know that, either).

I emerged the next day squinting in the light, hobbling on my now-stunted right foot, and wondering how L.B.J. would reward me. I soon found out. "I'm going to promote you to an upstairs room," he announced. I reported there immediately—and got to put stamps on all those letters I had just addressed. Some reward.

Years later I told him how my illusions had suffered those first two days in Washington. "Politics is stamps, spit and shakin' hands," he said. Then he smiled: "Besides, whom the Lord liketh, He chasteneth." Not quite a literal translation, but I got the point.

Throughout his career Lyndon Johnson carried on that kind of love affair with the country, a one-time school teacher from Cotulla, Texas, forever trying to instruct his charges.

He taught us that the country is "peepul," with names, faces and dreams. He came to despise the bureaucracy his own programs created because they started dealing in "categories" and assigning numbers to human beings whose names were Hathie, Joe Henry, Fritz or Betty Lou—people who lived down the road, across the Pedernales. Once he cut an H.E.W. official off in mid-sentence with the outburst: "Goddamit, you make those folks sound like subjects instead of citizens."

Another time he ripped into a group of Government lawyers who had drafted an Appalachian assistance bill. "Who the hell can read this gobbledygook?" he thundered. "But that's a technical document, Sir," one of the men replied. The President gave him a long, merciless stare, then with his own black felt pen he rewrote the establishing clause. "There!" he said, holding the document out before him with a flourish. "Now they'll know down in Morgantown what we're talking about."

As the Manila Conference droned to a close in 1966 the President was handed a draft on the final memorandum of agreement. He was aghast at its flat, sterile, polysyllabic prose: "Come on," he whispered, pulling at my sleeve, and we left without so much as an "excuse me" to the dignitaries around the table. At the door he stopped long enough to whisper to the Secret Service Agent: "Don't let one of 'em out until I get back."

In the next room he handed me a pad and his own pen. "Now I want to rewrite that preamble so it can be read in the public square at Johnson City," he said. We labored for an hour while Marshal Ky, President Thieu, Dean Rusk and other assorted, perplexed personages waited in the next room. The President dictated, edited, looked over my shoulder as I added what I could, finally picked up the pad, read silently, nodded, and stalked back toward the conference room. He stopped at the door and, winking at me, said: "I want you to leak this to Smitty (Merriam Smith of UPI) first. It gets home first that way, and when ol' Judge Moursund reads this he'll know what we're trying to do out here with his money."

He taught us there's no progress without some giving up, that a nation of 200 million will stagnate without compromise. Some people scoffed as he reached for consensus, charging him with trying to please all the people all the time. But to him politics meant inclusion—"Noah wanted some of all the animals on board," he said, "not just critters with four legs." If consent of the governed is essential to democracy, to L.B.J. compromise was its lubricant.

On the day I resigned, we rode around his ranch for hours. "You were born over there with those Choctok Indians," he said. "Bet you don't know where the word 'okay' came from."

I didn't.

"Right from the Choctaws themselves," he said. "It meant 'we can agree now, if you aren't so all-fired set on perfection.'" If he had been born in another time, I thought, he would have made his living as a horse trader. Instead, he bent this remarkable talent for getting agreement from disparate men to making things happen. He taught us, after years of stalemate, that the legislative process can function.

Why, then, wasn't he willing to compromise in Vietnam? The irony is, he thought he was. "Well, boys, I've gone the second, third and fourth mile tonight," he said after his Johns Hopkins speech in 1965. He had proposed a multibillion-dollar rehabilitation program for Indochina, including North Vietnam, and he was convinced that it was a bargain Ho Chi Minh couldn't turn down. Another time he made another offer, in secrecy, and Ho again said no. "I don't understand it," he said, with a note of sadness in his voice. "George Meany would've grabbed at a deal like that."

Therein may be the biggest lesson Lyndon Johnson may inadvertently have taught us. We think of ourselves as a broad-minded, good-intentioned, generous people, pursuing worthy goals in a world we assume is aching to copy us. "Surely," the logic goes, "all we have to do is offer them what we would want if we were in their place."

This is not a lesson in the limits of power. Lyndon Johnson knew better than most the fragile nature of power, its shortcomings, the counter-tides it inevitably provokes. "Hurry, boys, hurry," he would implore his staff after his great electoral triumph of '64. "Get that legislation up to the Hill and out. Eighteen months from now ol' Landslide Lyndon will be Lame-Duck Lyndon."

He knew the limits of power. What he had to learn the hard way, and teach us as he went along, was something about the limits of perception. What made Lyndon Johnson such a unique and authentic figure—half Texas hill country, half Washington—may have also been his undoing. He was so much a creature of those places that he may have shaped the world in their image. And this image would hem him in, causing him to see others as he saw himself. It was this that made him such an American man when the world was in reality reaching for other models.

I don't know, this is conjecture. What I do know is that Lyndon Johnson was cut ten sizes larger than any of us. This made him coarser, more intemperate, more ambitious, cunning and devious. But it also made him more generous, intelligent, progressive and hopeful for the country. He was, inside, a soft man—I saw him weep as he watched television reports from Selma, Ala.: "My God," he said, "those are people they're beating. Those are Americans." Inside, I don't think he had what it took to prosecute a war wholeheartedly, and in the end he may yet teach us that democracy just doesn't have the heart for those dirty little wars.

He's gone now, and history will take a fuller measure of the man than those of us who served him. I suspect he would have enjoyed what his fellow politicians are saying about him today. I know he would believe them.

Our own relationship was strained toward the close and he died before the prodigal got home. But he did more for me than any man and I loved him.

ENVIRONMENTAL BLACKMAIL

Mr. MOSS. Mr. President, the recently well-published shortages of fuel oil and gas occurring around the country have alerted us, once again, to the Nixon administration's lack of foresight. Only when an issue becomes so overwhelmingly critical does this administration show an ability to act; and then in usually insufficient ways. Moreover, American people are the ones who suffer because of this shortsightedness.

The well-head price regulations have led to gas shortages. Import quotas have brought on fuel oil shortages. This will probably be followed by gasoline shortages next spring. We learned Friday in an article written by Thomas O'Toole for the Washington Post that oil companies are pressuring the officials of five States to relax air pollution standards. The relaxation is necessary, the companies say, so that high sulfur fuel oil can be substituted for low sulfur fuel oil which is in short supply. This is tantamount to blackmail of the American people. The shortsightedness of this administration is forcing the American people into a fictitious choice between clean air and adequate heat.

The administration's shortsightedness must be corrected. The American people are entitled to clean air as well as adequate heat. A firm commitment to maintain environmental standards must be made and then a rational energy policy developed which assures achievement of those standards. Both can be achieved with proper foresight.

An editorial in Friday's Post suggests that all import quotas should be lifted for a period of time necessary to assure a stable supply of fuel. Others have suggested greater stimulation of domestic reserves. In the longer run, it seems obvious that alternative energy sources must be carefully examined.

I challenge this administration to demonstrate its often stated commitment to protect the public interest in a clean environment. The American people should not be subjected to environmental blackmail.

Mr. President, I ask unanimous consent that the article by Thomas O'Toole and the editorial entitled "Fuel Oil and Import Quotas," published in the Washington Post of January 26, be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Pollution Waiver Asked for Fuel Oil

(By Thomas O'Toole)

Some of the East's largest oil distributors have asked five states to relax their air pollution standards until the current shortage of heating oil is over.

The oil companies have gone to Pennsylvania, New Jersey, New York, Massachusetts and Rhode Island, requesting permission to burn oil with a higher sulfur content than these states allow. The oil companies have told the states they have enough of the higher sulfur oil to relieve the shortage.

The shortage appeared to be as its worst in Massachusetts, where the state's three largest oil distributors asked for a change in the air pollution laws. The three companies requesting the change are Texaco, Inc., its subsidiary the White Fuel Corp. and Northeast Petroleum Corp., an independent firm.

An aide to Massachusetts Gov. Francis W. Sargent said he heard a report that Texaco was preparing a plan to ration fuel oil in Massachusetts, starting this weekend. The report could not be confirmed last night, but the aide said he understood the Texaco executive committee was meeting in New York last night to discuss the plan.

Texaco officials told the state that it would run out of low-sulfur residual oil no later than next Tuesday throughout the entire state. Texaco and White Fuel are sole suppliers to Boston Edison Co., Cambridge Electric Co., 13 Boston-area hospitals, Harvard University, Massachusetts Institute of Technology and numerous office and apartment buildings.

"We were appalled when they told us this," said John R. Verani, state secretary of consumer affairs. "Massachusetts is now confronted with a crisis created by private oil companies who do business in the state without being regulated by the state."

Texaco won a variance from the city of New York on Wednesday night that will allow it to sell 12 million gallons of No. 4 and No. 6 heating oils with a sulfur content of 2 per cent, which is eight to ten times as much sulfur as New York's laws permit.

The city put a penaty on the sale, which calls for Texaco to pay New York $2 for every barrel of the high-sulfur oil it sells. The city also insisted that buyers of the high-sulfur oil prove that they cannot get low-sulfur oil from another supplier.

At the same time that it granted Texaco its variance New York City issued a regulation allowing the entire oil industry to sell residual heating oils with a sulfur content of 1 per cent, three times what the law allows.

This variance also allows oil companies to sell home heating oils with a sulfur content of one half of 1 per cent, twice what the law permits. Both variances are good for the next 45 days.

New York state followed New York City's action with the granting of a similar variance, but it was unclear last night if any of the other four states would go along with the requests to alter their pollution laws. It was also unclear what role the Environmental Protection Agency might take, since EPA has said that it must approve any amendment to state plans on air pollution.

While this was going on, former White House energy adviser S. David Freeman blamed the fuel shortage on President Nixon's reluctance to end the quotas of oil imports.

"This winter's so-called energy crisis was manufactured right here in Washington," Freeman said in a speech to the Consumer Federation of America. "It could have been averted with the stroke of a pen."

Fuel Oil and Import Quotas

The administration's gingerly and cautious expansion of oil import quotas was a gesture in the right direction. But it is not likely to have any very profound effect on fuel oil supplies. Presumably the White House wanted to buy a little time while it considers what to do next. President Nixon is preparing a message on energy policy, to appear later this winter. But the sudden and unexpected shortages of fuel oil, in many parts of the country, do not instill great confidence in the administration's command of the subject.

The heating oil shortage is owed essentially to the same reasons as the natural gas shortages that preceded it and the gasoline shortages that may develop this spring. The gas and oil industry is heavily regulated in this country, by a great variety of authorities with differing purposes. The market for energy is changing rapidly, as the economy grows. The shortages appear because the regulators cannot keep up with the changes in the market.

Misconceived regulation of natural gas has resulted in gas shortages throughout the Northeast and the Midwest. In response, a number of industries have switched from gas to fuel oil, contributing to the unanticipated demand for oil. Now the federal authorities are leaning on the refineries to produce more fuel oil and less gasoline, while the national stocks of gasoline have also been declining. The country's demand for petroleum products has in fact outrun domestic production altogether. But the country's ability to import is still sharply limited by highly restrictive import quotas, imposed in 1959 to protect domestic producers and keep prices high.

The White House took two steps last week. It suspended the import quotas on heating oil for four months, and it expanded crude oil import quotas for the rest of the year. Lifting the fuel oil quotas for a period as short as four months is an extremely limited remedy, for the major international suppliers operate under much longer contracts. This brief suspension will probably get us through the rest of the winter without disaster. Then what? If the old quotas are imposed again, there will be no opportunity to rebuild stocks before next winter. It used to be routine to replace supplies over the summer. But utilities are increasingly relying on light fuel oil to generate electricity, and the demand for electricity rises to a peak in the summer.

As for the expansion of crude oil quotas, which permits imports to increase by 65 per cent for the rest of 1973, it will keep the American refineries running closer to capacity production. But it is, again, very much an interim answer to a question that is going to be with us for a long time. It gets us around the next corner, but no farther. Greater reliance on imported crude oil is the obvious solution for the coming years. But the country will need greatly increased port and refining facilities. The oil industry says that it cannot make the enormous investments required for these facilities until two public issues are settled. First, the country must make up its mind on environmental standards for fuel. Second, the federal policy on oil imports has to be settled permanently. Ad hocing along, four months or a year at a time, is not an adequate basis for the multi-billion-dollar investments that lie before the oil companies. Clear public decisions are now necessary, not for the sake of the oil companies but for the sake of their customers. They are entitled to a stable supply of a vital commodity.

The public interest would now be served best by a firm commitment to high standards of environmental protection, and the abolition of all import quotas.

THE OIL SHORTAGE

Mr. FANNIN. Mr. President, I am relieved to see that some attention is now being focused on the problems which will be caused if the United States is forced to import large quantities of oil.

In recent years we have seen an ever-tightening noose on the use of America's abundant resources. Those who have blocked the development of our resources have suggested vaguely that there are two solutions to the ultimate energy crisis:

First. Severe reductions in the use of energy.

Second. The importing of fuels to meet our needs.

Few people give serious consideration to the first suggestion because it would mean self-inflicted poverty for the mass of our people, and it would end our efforts to provide opportunity and equality for all Americans.

Much of the discussion of the second alternative has involved our national security. There are those who would willingly entrust the future security of America to international goodwill. There are others who see grave peril for America and the free world should we become reliant on fuels imported from the Middle East or Communist nations.

It is only recently that attention has been given to the other overwhelming reason why the United States should not adopt policies which will rely on imports—it would be economically disastrous.

We, as a nation, simply cannot afford a policy which will result in our purchasing tens of billions of dollars worth of foreign oil in the near future.

The Wall Street Journal of January 23, 1973, carried a good article on this problem. The article points out some of the dangers that will arise for the international economic system when huge amounts of surplus funds are accumulated in the oil producing nations. There also are deep political questions which must be faced in this new situation.

Mr. President, I ask unanimous consent to have this article reprinted in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Oil & Money—Western Nations Fret as Arabs Accumulate Massive Sums From Oil: United States, Other States Worry How Funds Will Be Used, Fear Monetary Instability; "Up, Up Into the Stratosphere"

(By Ray Vicker)

Riyadh, Saudi Arabia.—Thanks to their oil, Arab nations are accumulating undreamed-of wealth—which, of course, makes them happy. And they now have successfully put the squeeze on the West to get even more money for their oil—which makes them even happier.

But not everyone is happy. The flood of dollars and other Western currencies into Saudi Arabia and other oil nations threatens to become the "No. 1 problem of the world monetary system during the next decade," says an international economist for a major New York bank. The key question: How can the money be used? In the most pessimistic view, this new situation could mean monetary instability or oil shortages—or both.

At the very least, major changes in international relationships are likely in the long run, according to officials interviewed in this Saudi Arabian capital; in Jedda, the nation's diplomatic center; and in Dhahran, its oil center. Western central bankers may have to find a seat for this nation at their councils.

Arab money may become a new source of investment in the U.S. oil industry. America's exporters may have to work harder if the U.S. is to stem a dollar drain because of oil imports. And, like it or not, Washington may have to pay more attention to Arab wishes and sensitivities—because by 1985 it is estimated the U.S. will be importing about half of its oil, and most of this will come from the Middle East. (Right now, the U.S. imports 23% of its oil, mostly from Latin America and Canada.)

In another decade, this desert nation of five million to eight million persons is likely to have reserves of about $30 billion in gold and foreign exchange. That would be more than double the present American total, and it clearly would turn this developing country into a monetary giant. At the same time, Saudi Arabia and other Persian Gulf nations will become industrial giants. They signed an agreement with Western oil companies giving those nations a 25% equity interest in the firm's oil production, effective Jan. 1 of this year. Companies in Saudi Arabia currently produce about six million barrels of oil a day—roughly half the output of the Arab states of the Persian Gulf.

THE NEED FOR COOPERATION

So what will happen? In an interview here in Riyadh, Sheikh Ahmed Zaki Yamani, Saudi Arabia's Harvard-trained minister for oil, declares:

"We don't believe in the use of oil as a political weapon in a negative manner—embargoes and things like that. We believe the best way for Arabs to employ their oil is as a basis for true cooperation with the West, notably with the U.S."

In the Saudi view, cooperation should include opportunities for Arab investments in refining and marketing of oil. This month representatives from nine Arab nations took the first steps at a Kuwait meeting to launch a tanker-fleet company. And Abdullah Absi, director of petroleum affairs for the neighboring sheikhdom of Abu Dhabi, is talking with interests in Pakistan and Malaysia about possible joint-venture refineries there. He says he has received "several offers" from the U.S. for joint-venture refineries on the American East Coast that would be served with Abu Dhabi oil.

Non-Arab Iran, another Persian Gulf state, isn't involved in participation takeovers because it nationalized its oil industry two decades ago. Still, it also is going into other operations. It now has part of a refinery in South Africa, has plans for other joint refineries in Belgium and Greece, and is even looking for oil in the North Sea in cooperation with British Petroleum Co.

If the Arabs are sounding conciliatory on matters of oil, so, too, are they on matters of money. Anwar Ali, the governor of Saudi Arabia's monetary agency, which is based in Jedda, says, "International cooperation on a broad scale will be necessary to minimize the disruptive effect of a massive accumulation of foreign reserves by Arab nations in the Middle East. We realize it is to our advantage to handle our surplus funds in a manner that doesn't disrupt the system. Stability is as important to us as it is to the Western world. You must help us by providing opportunities for us to invest our surplus funds."

MONETARY REPERCUSSIONS

But can the U.S. and other nations provide such investment opportunities? The answer isn't clear yet. Saudi Arabia's offer to invest in the U.S. oil industry is conditional: The U.S. must lift all duties and import restrictions on petroleum from Saudi Arabia. This arrangement would help tie down surplus Arab funds and would ease the U.S. balance-of-payments deficit. But would be oppose by other oil producers, such as Iran, which also want privileges in the U.S. market. In addition, Washington doubts that such close financial arrangements with any foreign power are wise.

Walter J. Levy, an oil consultant based in New York, told a recent meeting of the American Petroleum Institute that it is "most unlikely" that the U.S. or any other developed country "would permit continued massive foreign investments on a scale that would progressively result in foreign takeovers of important companies and industries."

If the Arab money stays in short-term financial holdings, as at present, and continues to grow, billions could be transferred quickly from one Western nation to another for whimsical reasons, raising monetary havoc. Unless this vast accumulation of funds can be immobilized, Sen. Hubert Humphrey warns: "The sheikhs of Arabia will control the dollar."

In less alarmist terms, Mr. Levy, the oil consultant, says the short-term money markets couldn't handle "such excessive and most likely very volatile funds without undermining the world's monetary arrangements." He sees the risk of severe international repercussions."

So a lot of people are worried. In Western Europe, some central-bank officials realize that the $30 billion reserve figure projected for Saudi Arabia within a decade is about the size of the flow of "hot money" that helped upset the old monetary system in 1971. Hot money refers to funds that are transferred across borders to take advantage of higher interest rates, safe money havens or other short-term factors.

Bankers also remember how in the 1960s, when Britain's pound sterling was weak, the Arabs made periodic, politically inspired threats to transfer funds out of England to bring down the pound. At that time the principal funds consisted of the more than $1 billion holdings by Kuwait—peanuts by the standards of the 1970s.

As a result of all this, Mr. Levy, the oil consultant, sees the possibility of "potentially extensive restrictions on the free flow of capital." He adds, however, that any international restrictions on capital or short-term movements of funds would harm the monetary system. "In the affected Middle East and capital-surplus countries," he asserted in his speech, "any restrictions on their investments abroad would probably be accompanied by restrictions on the output of oil."

As the economy in the U.S. thrives, the dollar is picking up some strength. But with Saudi Arabia and, to a lesser extent, Abu Dhabi, Kuwait and Libya promising to become nations with big balance-of-payments surpluses, it remains to be seen whether the dollar can remain strong.

By 1980 fuel imports are expected to cost the U.S. a net $10 billion more annually; thus the U.S. would have to take in vast new hard-currency earnings just to maintain the status quo in its international payments. And with this year's deficit estimated to be $15 billion by one leading measurement, Washington already considers the payments imbalance unacceptable.

SKIRTING THE ISSUE

In preliminary discussions about revision of the monetary system, the Committee of 20 has skirted the issue of monetary imbalances. The committee consists of officials from 20 nations whose task is to recommend new rules and procedures for maintaining international monetary stability. The U.S., for instance, would like a system that would compel any nation accumulating huge surpluses to make an immediate upward revaluation of its currency. However, any such system wouldn't work with Saudi Arabia or sister states; oil payments are designated in dollars with provisions for automatic increases if the dollar's value deteriorates. And, anyway, European nations aren't ready to accept the U.S. proposal.

The new participation agreements with the oil companies are adding even more money to the accelerating revenue of the Persian Gulf nations. Abu Dhabi, for instance, estimates that participation will add another $220 million in the next three years. Kuwait puts its net additional gain at $300 million. The nations are buying 25% of the companies' holdings at a price of about $1 billion. The states' percentage is to rise in steps to 51% by 1982. Involved are Saudi Arabia, Kuwait, Abu Dhabi and Qatar, with Iraq likely to follow.

In 1971, oil-producing nations of the Middle East earned $7.1 billion in revenues. In the 1972–75 period, they are expected to take in a total of $79 billion or so. And by 1980, according to the reckoning of the Conference Board in New York, these nations will be collecting about $30 billion a year.

Saudi Arabia's gold and foreign-exchange reserves totaled $2.5 billion last Nov. 6, the latest date for which figures are available. This is a rise of $794 million from Jan. 1, 1972, Mr. Ali says. The buildup is expected to continue under the triple combination of rising oil prices, much higher production and a larger share of revenue going to the country rather than the companies.

The monetary agency estimates that Saudi Arabian oil revenues in the year ending next August will be $2.9 billion, without making any allowance for the "substantial revenue increase" expected to stem from the participation agreement. The year-earlier total was $2.3 billion. Saudi officials are reluctant to do much forecasting, but some sources predict that oil revenues will double from the current level by around the middle of the decade and may double again by the end of the decade.

One Western banker who has been operating as a money adviser here says, "Saudi Arabia's reserves will be going up and up, right into the stratosphere."

Much of the oil that the U.S. is likely to take from the Middle East in the future will probably come from Saudi Arabia. Oil Minister Yamani summarizes the situation this way: "The U.S. is the world's biggest oil market. We are the world's biggest oil supplier. It is natural that we should cooperate with each other."

A U.S. Commerce Department report says:

"With U.S. dependence on foreign oil increasing and with Saudi Arabia fast becoming a leading supplier of our requirements, it is only a matter of time before the U.S., for the first time in the history of its trade with Saudi Arabia, slips into a net deficit." The report adds: "The aggressive selling on the part of U.S. exporters that might possibly prevent this from occurring has yet to develop.'

OUTPUT IS RISING

Because of rising taxes and royalties and the recent participation agreement, major international oil companies with operations in this part of the world are experiencing an increase in the per-barrel costs of their oil. So they raised their average price level to consumers by about 10 cents a barrel, and consumers are likely to face a steady rising price trend in the years ahead. Some oil sources say consumer prices in 1980 will be at least double what they are today, and even higher than that if inflation is added to raise crude prices.

Saudi Arabia is pushing its production hard. In 1972, the countrys output was 5.73 million barrels a day, up 28% from 1971. Expectations are that production this year should average about 7.3 million barrels a day. And in 1975 the country is expected to be producing at a level of 10 million barrels—a figure that would exceed U.S. output. By the early 1980s, Saudi Arabias daily production may rise to 20 million barrels. With proven reserves of more than 150 billion barrels, the country has the capacity for such increases.

Mr. Ali says that such increases are "conditional upon receipt of cooperation from the Western world so that oil may be produced and delivered at reasonable prices in a situation agreeable to both producers and consumers. He adds that a "just settlement of the Arab-Israeli question would be one of the best ways to assure the cooperation of the Arab world, and some sources in this part of the world believe that such talk is spurring the U.S. to seek a solution to the Mideast dispute.

PRESIDENT LYNDON B. JOHNSON—A EULOGY BY W. MARVIN WATSON

Mr. HUMPHREY. Mr. President, I ask unanimous consent to have printed in the RECORD the eulogy of President Lyndon B. Johnson, delivered by W. Marvin Watson.

Mr. Watson's magnificient eulogy was given by him at the National City Christian Church, Washington, D.C., on January 25, 1973, at the official memorial service. The gratitude he so eloquently expressed for all of us needs no elaboration. I thank my friend, Marvin Watson, for speaking with heart and mind about a great President. He has given us insights into the life and works of Lyndon Baines Johnson.

There being no objection, the eulogy was ordered to be printed in the RECORD, as follows:

PRESIDENT LYNDON B. JOHNSON

(A eulogy by W. Marvin Watson)

He was ours, and we loved him beyond any telling of it.

We shared his victories and his defeats. In victory he taught us to be magnanimous . . . in defeat he taught us to be without hate . . . to learn . . . to rally . . . to accept the challenge and to try again.

He believed that good men together could accomplish anything, even the most impossible of dreams. No matter who his opponent, he constantly sought to find that touchstane within the soul of every man which, if discovered, would release the impulse for honest and fair solution. Hate was never in this man's heart.

Each of you had your own memories of this man who served for 37 years in this city. I had the honor of being with him through the final four years of his Presidency . . . in those great moments of triumph when the American people endorsed him so strongly . . . in those magnificent hours when he stood before the Congress of the United States and led the way to the passage of laws long overdue that would lead to justice long denied . . . and in that darkening twilight when, as a man seeking peace, he was forced to continue a bitter war to honor our country's commitment to a small, far-off ally.

I watched the gray come into his hair.

I saw each deep line etch itself into his face as he gave all at his command to lead our country through the turmoil which surged around us.

I watched him as he used his great gift of persuasion to convince a Southern Senator that the time had come for the Civil Rights Act . . . I watched him formulate, secure passage and sign into law the most comprehensive legislative program in education, housing, conservation and health of any President in history . . . I watched him in the Situation Room at the time of crisis during the Six Day War when only his ability, his knowledge, and his sheer courage helped to keep that conflict from erupting into a wider confrontation.

I sat with him through those long nights as he endured the agony of Vietnam, as he sought the key to peace, and as he waited for word of men whom he had ordered into battle. Each was a human being to him, not a statistic; each was a name linked with wives and parents and children—he cared for people, not for numbers.

So desperately did he want a just and lasting peace . . . so much did he want us to reason together . . . so much did he yearn that man's goodness would trumph over man's evil . . . so often as friend turned to political foe, did he nod with sad understanding and pray that in the years to come, the sacrifices he was making would be worthy of the American people and serve ultimately as a firm platform on which to build a better world.

And through it all, I saw him earnestly seek God's wisdom for his decisions, for this was a man with a strong belief in the Almighty.

President Nixon, as you so eloquently stated in your message informing Congress of President Johnson's death, it was his "noble and difficult destiny to lead America through a long, dark night of necessity at home and abroad." If he could have chosen other circumstances in which to be President, perhaps he would have. But, America has a capacity to call forth the leadership it must have in those hours of its greatest need. We had Abraham Lincoln when he was needed. We had Franklin Roosevelt when he was needed. History will record that in the seventh decade of the 20th century, America had Lyndon Johnson when he was needed.

When you remember him, remember him please for two things—his devotion to his country . . . and his restraint.

So often in his Presidency, dissension escalated into violence. Yet always, no matter how critical the situation, his inner faith in the people came to the fore and his restraint in the uses of power permitted the people to confront each situation and overcome it utilizing the inherent rights of free men.

Those of us who loved him take comfort in the knowledge that before he died, he could see the dawn of domestic tranquility and of foreign peace which he gave so much of his great heart to bring about. The structure of peace which President Nixon, with great distinction and determination, is building in the world today will rest upon a foundation laid in loneliness and stubborn courage by Lyndon Johnson.

This man's restless, searching heart began to give out long before January 22nd. He gave so much of himself to so many that it is wondrous that God, in His grace, granted him four years to enjoy his retirement in the hill country be so deeply treasured.

Not for him the easy way.

Not for him any halfway measures.

He was a tall man of giant character, and when he committed himself, he committed himself totally. And he asked his countrymen to do the same.

He asked those who had much to be concerned for those who had least.

He asked us to live up to our national promise.

He asked us to be worthy of our heritage. He asked us to be true to ourselves.

But, he never asked more than he was willing to give . . . and what he gave was good enough to confirm and advance the progress of the nation he served.

Lyndon Johnson loved a woman, and she was his greatest joy and his greatest comfort. He loved his children and his grandchildren and to see them together was a heartwarming experience, for it transcended normal family devotion.

And coupled with that he loved each of us, sometimes with wry amusement at our failures, often with sharp words at our imperfections, but always with a sweeping and generous understanding of our frailities. The dimensions of this man were vast.

He is gone from us now . . . and this afternoon we shall take him home and he will be forever a part of the hill country.

Last September, I had the opportunity to be with him when he spoke of America and of the future.

He knew then that he might not see another autumn, but this was not a man who welcomed or needed sympathy.

Years from now, when historians appraise him, his speech that day could serve as the cornerstone of their research—for it reflected the true Lyndon Johnson. He gave much of himself to it, and it might well be his epitaph. He said:

"With the coming of September, each year, we are reminded as the song says, that the days are dwindling down to a precious few . . . the green leaves of summer will begin to brown . . . the chill winds of winter will begin to blow . . . and before we are ready for the end to come, the year will be gone.

"As it is with the calendar, so it sometimes seems to be with our country and our system. For there are those among us who would have us believe that America has come to its own September . . . and that our nation's span as mankind's last best hope will be done."

President Johnson continued:

"But I live by the faith that with each passing day we are always approaching nearer to the beginning of a new springtime and it is by that perspective that I see our country now.

"No nation can be more than the visions of its people. America cannot be more than we believe ourselves capable of becoming.

"I want to open the soul of America to the warm sunlight of faith in itself . . . faith in the principles and precepts of its birth . . . and faith in the promise and potential of its people."

That was Lyndon Baines Johnson, the 36th President of the United States of America.

The years will be lonely without him.

INDIANAPOLIS STAR SUPPORTS THE EQUAL RIGHTS AMENDMENT

Mr. BAYH. Mr. President, as every Senator knows, the several States are now deciding whether to ratify the Equal Rights Amendment which was passed by the Senate by an overwhelming margin last year. To date 23 States, out of the necessary 38, have acted. The last one—Wyoming—ratified the amendment only last week.

The Indiana State Legislature is now trying to decide whether it should also ratify the amendment. I was extremely pleased to see that the Indianapolis Star, one of the most influential and respected papers in Indiana, has added its full support to the drive for ratification of the amendment.

I ask unanimous consent that the Indianapolis Star's editorial in support of the amendment be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

EQUALITY FOR WOMEN

The proposed amendment to the United States Constitution to provide equal rights for women is to be submitted to the Indiana General Assembly in the current session. The Star believes it should be ratified, and the sooner the better.

The amendment is simple. The operative section says, "Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex." It is to take effect two years after ratification by 38 states.

Indiana's legislators have an uncommonly good record in civil rights legislation. This state's laws covering the rights of women could well serve as models for many other states. But there is a "legal patchwork" situation among the various states and there are problems at the Federal level.

Only adoption of a constitutional amendment can with certainty end sex-based inequalities in Social Security, military, veterans' and other Federal laws, and uniformly right legal wrongs to women in all states.

Despite what the Federal Civil Rights Act says, women are discriminated against in employment under "protective" laws, and have no recourse in certain occupational categories. Employed women are denied equal access to credit, as was reported just the other day by the National Commission on Consumer Finance. Women convicted of crimes often face harsher penalties than men found guilty of the same offenses. To this day, in some states, a married woman must have her husband's permission to enter business or to sell property she inherits or had owned prior to marriage.

The effect on women in military service, including subjecting them to the draft, has often been cited by opponents of the amendment. But supporters say this is all to the good, that the burden of national defense should be split rather than falling mostly on men. They point out that many women voluntarily flew planes, tended the wounded and did paperwork to free men for combat in the past, and have continued to enlist for similar work to this day.

The amendment would not, as some opponents seem sincerely to believe, put an end to separate restrooms or laws against rape.

It would put women on an equal footing with men with respect to alimony and child support in divorces, and they should be.

We grant that ratification of the Equal Rights Amendment will cause some problems of adjustment, and will strike down some laws intended to shield women from hazards men are expected to face. But the women pressing for the amendment are doing so precisely because they do not wish to be protected by special laws.

It is not just that the 52 per cent of the nation's population that is female should be taxed equally and treated unequally by the law.

We hail the differences between the sexes. They should not be turned into handicaps for more than half our nation's citizens. The problems of working toward full equality for all Americans are "growing pains" of a free and healthy society.

TAX REFORM FOR EXPANDED EMPLOYEE STOCK OWNERSHIP—ADDRESS BY SENATOR JAVITS

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD the text of the remarks I made before the Tax Section of the New York State Bar Association annual meeting on Thursday, January 25, 1973.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

TAX REFORM FOR EXPANDED EMPLOYEE STOCK OWNERSHIP

(Remarks by Senator JACOB K. JAVITS)

Within recent months, there have been increasing expressions of concern over discontent among American workers. The sources of this discontent have been studied and reported in the press. There have been hearings before the Senate Subcommittee on Employment, Manpower and Poverty; and on December 21, 1972, the Secretary of **HEW** released a special task force report entitled "Work in America".

The major finding of the report is that "significant numbers of American workers are dissatisfied with the quality of their working lives", and that "[d]ull, repetitive, seemingly meaningless tasks, offering little challenge or autonomy, are causing discontent among workers at all occupational levels." It is suggested that the redesign of jobs—resulting in greater humanization of work and greater potential for individual job-related growth—is vital for dealing effectively with this expanding worker alienation; and that job security, economic rewards and more leisure opportunities are also major factors.

The report gives special attention to the health aspect, worker retraining and education as solutions to those problems.

I have no doubt that the report's central conclusion is correct. *There has been a noticeable erosion of worker motivation in this country, and this development must be confronted and dealt with now—especially since it is the kind of problem which can be twisted easily into myth and folklore—leading to overreaction and improvident remedies.*

There are many jobs which can and should be redesigned along more flexible lines; workers' health can be better addressed; and compared with European countries, our Nation is far behind in the matter of continuing education and training. *We must all recognize that improving worker morale is not just a matter of turning up the Muzak and fattening the pay check!*

We run the risk of arousing easily frustrated expectations if we seek to improve workers' satisfaction *only* through pay and "employee relations" window dressing, or by wrapping the subject in large doses of sociological rhetoric. We should, therefore, focus on providing larger measures of security and independence for workers along with greater emphasis on decision-making participation by workers in connection with their job responsibilities.

LINKING EMPLOYEE PROFIT SHARING AND STOCK-OWNERSHIP WITH RESPONSIBILITY SHARING

One of the proven ways of getting workers more involved with their jobs is by dovetailing employee profit-sharing and stock ownership plans with greater responsibility sharing. Since 1929, Internal Revenue Service-approved profit-sharing plans have increased cumulatively from 5 to 85,957 as of January 1, 1970. During the period 1957–69, the net growth of IRS-approved pension plans was 89,241; for profit-sharing plans it was 75,633, while the total number of approved employee stock plans was 254. In terms of new employee coverage, between 1957 and 1969, pension plans added approximately 7 million new employees to their rolls, profit-sharing plans added 3.7 million new workers, while stock plans added only 246,818. Thus, while the growth of profit-sharing plans has, in general, paralleled that of pension plans, the growth of stock plans has been very insignificant, and this *may* be because company failures have discredited the idea and caused it to be dropped in many quarters.

Successful company programs in profit-sharing and stock ownership are well-known and are highly supportive and essential to greater decision-making on the job. The HEW report correctly identifies profit-sharing and stock-ownership programs as valuable motivating devices, and concludes that "[b]oth *human* goals (autonomy and interdependence) and *economic* goals (increased productivity) can be achieved through the sharing by workers of both the responsibilities of production and the profits earned through production."

Because redesigning work responsibilities in the context of a complex industrial system may have its inherent limits, it is crucial in my judgment, that we place treat stress on restoring and expanding worker incentives. This is one of the principal factors which has led me since 1967 to advocate comprehensive legislative reform of the Nation's $150 billion private pension and welfare plans—an effort which is now nearly at the point of culmination. By striving to give all workers a substantial stake in our economic progress, we will also broaden liberty and strengthen our economic system through increased industrial efficiency. In the words of my brother, Benjamin A. Javits, who has long sought to awaken the business community to the social desirability of revitalized ownerism from his book "Ownerism": "We [should] everywhere reduce the walls between the owner of property and the toiler in plant and field by bringing to all a fair share in the creation and enjoyment of its profits."

ALTERNATIVES FOR EXPANDING WORKER INCENTIVES

What then, are some of the alternatives for stimulating the expansion of programs for broader worker incentives?

1. *Compulsory profit-sharing or employee stock arrangements.*

The main advantage of compulsion, of course, is that it brings about in short order a universal system of capital sharing for workers in at least a minimally uniform way. There is a mandatory profit-sharing program in Mexico, and it may be recalled that at one time this idea was promoted actively in France by De Gaulle but met with stiff trade union resistance.

The disadvantages of compulsion are clear. A governmentally-imposed program would destroy the sought-after linkage between worker and employer leading the worker to regard the profit-sharing or stock-ownership arrangement as just another impersonal government program which is prescribed for his benefit without regard to his or his employer's enthusiasm for the idea. In addition, insofar as stock ownership is concerned, it may not be technically feasible for many small companies to participate, especially if they are structured legally so that control or ownership does not pass outside the exist- earned income or $1,500.

2. *Tax Incentives.* Currently, an employer may deduct for his contributions to a qualified profit-sharing or stock-bonus trust an amount equal to 15 percent of the compensation otherwise paid or accrued during the taxable year of the employer to all beneficiaries of the plan. The individual employee gets no deduction for his contribution, if any, to the plan although the Administration has proposed a deduction for annual contributions up to the lesser of 20 percent of earned income of $1,500.

In order to accelerate the further development of employee profit-sharing or stock plans, it would appear desirable to raise the 15-percent compensation limit and provide some form of tax incentive for *employee* contributions. On this latter point, it would seem that a greater advantage would be derived by making the employee contribution tax exempt, rather than a tax deduction, since a large segment of workers use the standard exemption. In order to make employee financing of employee stock ownership more attractive, I would also urge that consideration be given to some type of deduction or offset against the employee's social security tax contribution—an approach which can be justified by the additional personal security which can be derived from property ownership. Additional tax relief may also have to be considered for smaller firms in order to induce their participation.

In providing for these additional tax advantages, a critical question, in my opinion, is whether we should continue to treat profit-sharing and employee stock ownership trusts as similar. Many profit-sharing trusts are designed to be the equivalent of company pension plans without the necessity of funding the plan according to systematic actuarial criteria. Stock ownership trusts, on the other hand, are almost exclusively perceived as a means of strengthening or expanding the company by employee financing. Of course, they are also a means of creating a greater sense of identification by the worker with the company. While there is ample social justification for stimulating mechanisms to provide more adequate retirement income with security, there are *broader* economic and social aspects to programs which seek to expand capital ownership among workers as well.

Also, an indispensable part of a tax concession strategy for encouraging greater stock ownership by workers would be to require the blocking off for a specified period of time (saw between 5 and 10 years), the capability of the worker to convert his interests into a cash distribution, subject to certain specified conditions, such as serious illness.

Inevitably, this leads to consideration of the government's revenue loss that would result from adoption of these proposals. However, this consideration must be weighed in the balance with the results that would flow from strengthening the economy by reason of greater worker productivity and the providing of more jobs due to expanded capital flows.

3. *Collective bargaining.* In the *Black-Clawson* case, the NLRB held in 1953 that employers had a duty to bargain with unions over profit-sharing plans. This principle was extended in the *Richfield Oil* case (1954), to cover bargaining over stock bonus plans.

Despite these precedents, the labor movement has been, in general, cautious and, in some instances, antagonistic with regard to profit-sharing and stock-ownership plans. Although there are a wide variety of reasons given for this attitude, it appears to me that trade union concern over greater use of profit-sharing and stock plans is based on the suspicion that these programs may be exploitive of the workers because: (a) by stimulating greater productivity they may lead to a loss of jobs. (b) employers may offer these programs in lieu of wage increases, and (c) these programs may forge too close a link between workers and management interests.

As to the first, the evidence is the other way. The HEW report notes that rather than leading to unemployment, "profit-sharing companies do about a 25 percent better job of enlarging their markets and creating jobs than less efficient non-profit sharing companies."

On the second concern, there is no doubt that attempts to install profit-sharing or stock plans at the expense of wages are counter-productive. In order to be successful, these programs must be an addition or supplement to the wage and fringe benefit levels agreed to by management and labor.

Finally, I doubt that expanded stock ownership among workers would lead unnecessarily to subordinate their interests to management. Rather, the areas of mutual concern and interest would be enlarged. In any event, where trade unions secure profit-sharing and stock-ownership plans for their members, the unions can demonstrate that *they* are obtaining these advantages for their members.

The important point to remember is that while tax incentives are necessary to assist the wider development of profit sharing schemes among workers, these incentives will not be as successful as they could be unless they are accompanied by greater emphasis on securing these advantages through collective bargaining. It has been the same combination of tax incentives and collective bargaining that has led to the spectacular growth and development of private pension and welfare funds.

Trade unions in this country should, therefore, consider these arrangements much more carefully than they have up to now. It is interesting to note that trade unions in Europe, particularly in Germany, the Netherlands and Italy, have been quite active in pushing for stock ownership among workers. In part this is due to the fact that European countries do not have as well articulated a system of stock ownership as we have in the U.S.; but in the main it is due to a belief that ownership of capital will improve the worker's position in society and give him greater economic and social independence. In Germany, for example, the government enacted in 1961, and also in 1965, laws "For Promoting Workers' Participation in Capital Formation". These laws have elements similar to some of the proposals I am advancing.

4. *The "Kelso" proposal.* Louis O. Kelso, an attorney and coauthor of the "Two-Factor Theory", has proposed a scheme for the expansion of capital ownership among workers known as "the Second Income Plan." Although the concept proposed by Kelso is complex and has many ramifications, in essence he proposes that corporations transfer stock to an employee's trust, paid for by a loan to the trust from an outside lender. The corporation is thus provided with capital and the trust in turn pays off the debt with contributions from the corporation on behalf of the employee participants.

The most interesting feature of the Kelso plan is its financing procedure. It appears that Kelso does not believe that adequate financing for wider employee stock ownership would come from greater tax incentives for employer and employee contributions. At the same time, I question whether outside lenders would provide adequate financing under the Kelso plan in the absence of some type of governmental insurance similar to FHA insurance on home loans.

Unfortunately, the providing of this type of insurance might require intrusion of government in a manner that might have an adverse effect on the competitive position of many companies, and private underwriting of these risks is, at best, highly uncertain.

The Kelso suggestion is an intriguing one. It requires more study; for it raises a number of serious questions that perhaps can be avoided—at least for now—by proceeding through the route of direct tax concessions.

CONCLUSION

A greater sharing of capital-cost especially by workers—will, in my judgment, provide a greater measure of economic and social independence—thus stimulating increased worker productivity and toleration of industrial routines not readily accessible to dramatic change. In addition, such expanded ownership could lead to a more even distribution of wealth, a reduction in concentrations of economic and political power, and conditions where government provision of social services may be less necessary.

Obviously, the proposal I have presented is a broad and tentative outline of the type of legislative initiative that would stimulate wider utilization of employee profit-sharing and stock ownership devices. There are many questions that need to be answered with greater precision in order for such a proposal to be workable and effective.

We need to know, for example, what tax limitations should be placed on employee and employer contributions. We need to know whether there *is* special need for encouraging industry-wide or multi-employer profit-sharing or stock ownership. If the funds *are* collectively bargained, should the control and administration over these funds be handled differently? What arrangements should be made for the disposition of an employee's interest when he changes jobs? Should these funds have complete freedom to dispose of the former employee's shares?

My staff and I are currently studying these matters and we would welcome your comments and suggestions.

HEARINGS AT HURON, S. DAK.

Mr. McGOVERN. Mr. President, there is continuing dissatisfaction and dismay on the part of the rural people of South Dakota regarding the insensitivity of the Nixon administration to their concerns. Last week I shared with Senators some of the views of my South Dakota constituents concerning cutbacks and terminations. I now have the transcript of the additional statements made at the hearing I conducted in Huron, S. Dak., on January 13, 1973, and I ask unanimous consent that this material be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Hearings at Huron, S. Dak.

Senator McGovern. I now have the privilege to introduce one who is well-nown by the people of South Dakota and recently honored in the election. I am very proud to introduce an old friend and colleague in the Congress of the United States, Congressman Frank Denholm.

Mr. Denholm. Thank you Senator, my good friend, George McGovern, Senator Abourezk, my colleague, Congressman Abdnor, farm leaders, and distinguished guests, ladies and gentlemen, my friends all.

A long time ago as a small boy I'd sit on the streets of my home town and watch a bunch of men tear an old building down. I went to the foreman and asked him why. And he laughed and said, "Hell, give me a group of men. I can destroy in a day or two what it's taken men years to do." Today, in the last 30 days, you have seen a man with a small group of men destroy what it has taken thousands of this country three decades to build. The Senator has covered them one item by item and told you what is wrong. And I want to talk to you about the background of them, what we've done in Washington, and what we're trying to do about them.

First of all, let's admit that when these programs came in they came in under the leadership of the Roosevelt administration. They were led by an administration that saw a tumbling country. The REA act of 1936 is amended. The Soil Conservation Program which today is known as REAP. The Rural Environmental Assistance Program. All that the administration asked of the Congress was the authority to administer those programs and the Congress gave them the authority to administer. And on this they hid over the holidays, when the members of the Congress were at home, by their own firesides, decentralized all over the great nation. Not one, not two, not three, but four and more at the same time that they tore loose the B–52's, when the Congress wasn't assembled.

We had these indications a week before November 7, when they withheld the educational bill, and veteran's health medical benefits. It was there for the American people to read. Yet they went to the polls and exercised their right.

I told some of the people about it, was disturbed about it then. But we have the signs of the time and so now we have to look at what we've got and the facts before us and see if we can fix it. And you go back and look at those statutes. The REA act spells out that the Secretary of Agriculture, is authorized to and empowered to make law. This week I introduced an amendment to change that law to read that he is authorized and directed to make these laws.

The Congress spelled out, in their words, that the Secretary had the power to enter into contract with the producers of this great land. I introduced an amendment this week and it will be before our committee for hearings, as soon as the inauguration is over, and the festivities quiet down. I changed it to read, by striking out the words so it will read "the Secretary shall enter into contract with the farmers."

We talk about the Congress losing power. They always have the power. This is the time for them to act. And I intend to lay my time, use every energy I have to stir up the wrath and interest not only of the people of America, but in the interest of America.

That's what we must do.

I don't say this, I don't say it because it's your land or your neighbor's farm. Yet, you are the stewards of that land. Either I have laws or the property rights of this land, you had title to that land for a little while. Just your life time, but it's a much bigger deal than that. We lose three hundred million acres a year of topsoil. And the guy has got the guts to stand there and say that this is a program of low-priority? I say nonsense. And we've got to fight him all the way on it. I think that we've got the votes to do it on our committee. We've got the votes to do it in the Congress—and there has never been a greater opportunity for action in this Congress than with the leadership of the kind of men you have on this platform. We're going to get the job done. Now my time has expired.

McGovern. South Dakota has the unique distinction that both in the House and in the Senate we have representatives who are first on the rollcall. When the roll call is read in the Senate of the name Abourezk comes up first. And in the House of Representatives the first name on the list alphabetically is Abdnor. So I'm pleased to introduce our new congressman from South Dakota, Congressman Jim Abdnor.

Mr. Abdnor. Thank you, Senator McGovern, Senator Abourezk, Congressman Denholm, distinguished guests, and concerned citizens all.

Remarks of Representative James Abdnor

Mr. Abdnor. I certainly welcome this opportunity to be here this afternoon and to have the privilege of testifying and also hearing from the citizens of South Dakota as to their views on the ramifications and feeling toward the budget cuts that have recently come about in the agricultural budget in Washington. I think we should recognize, though, that the President is determined to hold Federal spending down to $250 billion in this present fiscal year, which actually means that $6 billion or more will have to be trimmed out of the budget to do so. When you are cutting at the rate of $6 billion for a six-month period, you are referring to a pro-rated cut of $12 billion over a fiscal year.

Now, I want it understood that I don't go along with all the cuts that the President has made, and I question whether or not the President has the right to withold funds like he is doing. Of course, I want to point out that I also questioned the President's right to withhold funds in the days of President Johnson, who set the precedent for this by withholding highway funds from the various States, and many thought it was wrong for him to do that at that time.

I do feel that this present situation we find ourselves in has been brought about because of the fiscal irresponsibility of past Congresses. The fiscal truth is that you cannot go on forever spending far more money in Federal funds that you are actually taking in in taxes. I think we must recognize this, and, of course, when Congress doesn't, the President has done so by coming in with these present cuts. There is no question in anyone's mind that Federal deficit spending is one of the greatest contributors to inflation, and inflation has probably hurt the farming business more than any other single occupation that I know of. There is just no way to pass rising costs on to the consumer like there is in other businesses. I do want to say that I feel that agriculture has been unduly singled out for cuts.

I feel that in the percentage of overall cuts, agriculture is carrying far too much of the brunt of the cuts. The thing I really object to most of all is the manner in which the cuts were made. I feel that they were made by the Office of Management and Budget. Although Mr. Butz is accepting the responsibility for them, I feel that he really didn't have much say in it. I am convinced that those people with the knife, who are doing the cutting in the Office of Management and Budget, could not tell you the difference between the front end of a tractor and the back. They have no conception of how they are undermining the economy of rural America and the very existence of agriculture, itself.

I am really concerned about the recent ruling that will allow diverted acres to be pastured. I am convinced this is for the sole purpose of increasing cattle production and dropping down the cost. I am concerned about taking off restrictions on planting and doing away with the diverted acres and what that might do to the overall crop situation. It doesn't take very long to amass surpluses. We learned our lessions under Secretary of Agriculture Orville Freeman back in the days when President Johnson encouraged increased plantings of wheat and other agricultural products because they thought food costs were going too high. The result of it was huge surpluses the following year, which caused prices to be driven down. I am afraid that this is exactly the same situation that could happen here.

I am strongly opposed to doing away with the REAP program. At this time of concern for pollution and environmental protection, here we have a program that has been leading the way in this direction for many, many years.

We know, some of us, the purpose of the program for soil conservation, pollution control, and the like, and I feel that the government has been getting a tremendous bargain under this program. Although it started out years ago at 100 per cent reimbursement on the farm practices, many farmers today in many areas are being paid by the government as little as 30% up to maybe 50%, and I say to you I don't know of a pollution control program today that has given the government and the taxpayers of this country as much for their money as they are getting under the REAP program. I certainly hope that we can prevail upon the President and the Administration to reinstate this program.

I also question the wisdom of the action taken on the part of the Budget Office in relation to the Rural Electrification Program. To me, REA is just as important to our rural segment of the United States as urban renewal programs and the like are to the city people. Here, the program, which is helping everyone in the rural areas, is a business transaction, and I think that this is the point that the government misses in doing what they are doing. It is not a subsidy. If there is any subsidy at all, it is simply that the subsidy exists in the area of the interest rates. I am concerned that, under this new program of turning the REA Associations out into the public markets for money and sharing with them interest rates at 5%, it is going to cost the government almost as much money as it is costing today to go along with the 2% loans.

Finally, may I say there are in this audience today both Republicans and Democrats alike. We are all here to express our concern over what is happening to the Department of Agriculture budget. I know that rural Congressmen, Democrats and Republicans alike, and believe me, there are not many of us any more—I think I heard there are something less than 40 Congressional Districts in this country with 20% or more rural area—are equally concerned, and we are working together in Washington in an attempt to reinstate some of these programs. I think we should not forget that. It is terribly important that we, whether it be in South Dakota or in Congress, or anywhere else, must speak as one voice, not as Republicans and Democrats, because we are all concerned about this situation, and we must speak out for rural America in a single voice.

I want you folks here to know that my first concern as a Congressman is for my country and especially the people I serve. I will not hesitate to oppose the President or his Administration whenever I disagree with them, and may I say publicly, I would not hesitate one moment to co-sponsor legislation with Frank Denholm or any other Democratic Congressman whenever I think it is in the best interests of South Dakota. I know that by working together, we will make a better rural America.

Thank you very much.

Senator McGovern. Thank you very much, Congressman Abdnor, and I do know very well that lonesome feeling that you referred to. Now we've taken a considerable amount for the four members of the Congressional delegation, but I think that anytime that you can get two senators and two congressmen on and off in the length of time that we have taken today is quite remarkable.

So now we're going to turn to the rest of the people who will be speaking here briefly today and we have a number of very distinguished names on this list. One of the most promising and public officials in this state is the mayor of Rapid City and he is here today. I am proud to present him, Mayor Don Barnett.

Mayor Barnett. Thank you Senator McGovern. I think this meeting today gives us all a tremendous opportunity to give more than lip service to the ancient old worn-out slogan of city-rural cooperation. I believe that now is the time for the people in the cities of South Dakota, as well as those that live on the land, to bind themselves together in a close effort of cooperation to see what we can do to put an end to the cold-blooded action in Washington, D.C., which is attempting to pile one disaster on top of another disaster in all of South Dakota.

And I can tell you as living evidence of the last seven months of my life, at age thirty, that the Federal government still has the authority to help the cities and it does have the authority to help the rural interest in South Dakota. The officials that I deal with every day in the Denver regional office are good people. They have good programs, they are sound administrators. They know how to meet a need, but now in late 1972, and early 1973 these officials have been robbed of their authority by a brutal act that has put an end to all of that assistance. And I believe there are two or three things that need to happen if we are to have a reversal in that situation. I believe that South Dakota because of our dominancy of agricultural, must be exempted from these arbitrary cutbacks. We are a state that is losing population, that is having to face this practice of our young people moving away and moving away. Any state that has to face that crisis must be made exempt from the cutback in these programs which can mean so much to retain our population and give new opportunities to our young people.

I also believe that whether it is a flood in a city or a flood in the crop land, that if there is any country or any area that has been designated by the President as a disaster area, then that area must most certainly be exempt from these cold-blooded decisions that mean an end to all the help on the Federal level.

It seems to me in this day of 1973, I can remember some 37 months ago when I got back from Vietnam myself. And today if we have the money to bomb, then by George, we better have the money to build rural America, and we better send that message clearly to Washington.

We better combine our forces between the urban areas of South Dakota and the rural areas and send that message as clear as a ringing bell to Mr. Nixon's doorstep and make it very clear and that we intend to make good with our promise. You know that night in June was a terrible disaster for my family and me personally and I can look to a dozen people that I recognize that came to our city and helped. You sent money and you sent food and you did everything you could to help Rapid City, because we were in a condition or urgent need and now, Mr. Nixon, I say to you that need is still present. It's still a reality and we in South Dakota are willing to go forward with a strongest type of cooperation to get these decisions reversed. Thank you. I am also now submitting a written statement for the record.

Senator McGovern. I think people not only in Rapid City but across this state know what a brilliant job Mayor Barnett did in providing leadership for his city at a time when they were in great peril and great difficulty. So we are especially grateful that he is here to participate in this meeting today.

We have one Secretary of Agriculture with whom we have no quarrel and I'm pleased to present him now, Bill Schroeder, the South Dakota Secretary of Agriculture.

Bill Schroeder. Senator McGovern, distinguished guests, ladies and gentlemen, my remarks will be directed to the problems we face in agriculture in South Dakota. Agriculture is to our economy what roots are to a tree. In an agricultural dependent state, such as South Dakota, the economy rests heavily on this industry. Family farming is the basis of the social and cultural structure of rural communities. When agriculture suffers, our total economy suffers.

The purchasing power of farmers supports the business of rural towns and shopping centers. Prosperous farming operations are the balancing force needed in our social and economic structure, so vital to the stability, preservation and improvement of our government and efficient consumer-producer system. Our economic well being is dependent on the economic belts of agriculture. The problems facing agriculture have no simple solutions and they have a direct effect on rural communities. The needs of rural South Dakota represent a reason of growing concern. Farmers and ranchers are watching closely what is going on in our nation's capitol. Any change brought about in agricultural programs are a matter of grave concern to those who provide the food and fiber for our nation. The reduction or elimination of farm programs at this time is ill-advised, especially when the farm income is still far below parity. At no time in the history of our country has rural America been so hoodwinked as they have been in the past year.

The change of the man in the position of Secretary of Agriculture to one who is an articulate spokesman and master of deception was the first step in seeking out political support for the administration. Then the dangling of revenue-sharing before the people's eyes by hypnotizing them into believing that the 100 or more programs that would be eliminated was a good deal for them This was the second act of deception. With the elimination of many beneficial agricultural programs; REAP, Water Bank, Farm Home Distribution Loans, low interest rates loans for REA, and all other areas that have been affected in Rural America, we have reached a point when we no longer have faith in our government. The new Director of OMB has clearly indicated how he intends to deal with agriculture. So we in agriculture know full well how we will fare. Usurping the power of the legislative branch of government by the executive branch is rapidly turning America into a dictatorship. Unless the Congress of these United States returns government to the people, we will have short-lived benefits from the recent slight increases in the agricultural sector. Thank you.

Remarks by Mayor Donald V. Barnett, Rapid City, S. Dak.

Mayor Barnett. The City of Rapid City is vitally interested and tremendously concerned regarding the drastic cut-backs which our city must experience as a direct result of the President's actions over the last few weeks.

As a side note, it must be stressed that the Federal Regional Council in Denver has done a remarkable job of filtering the complicated federal programs into South Dakota prior to the arbitrary decision in Washington to discontinue that assistance. The concept of decentralizing the federal authority into various regions is a sound concept. It has worked remarkably well during the flood disaster in South Dakota. Mr. Robert Rosenheim and his staff at the Federal Regional Council, in direct cooperation with Mr. Robert Kessler, have done a tremendous job in providing assistance. Now, those federal employees should not lose their authority to continue this type of assistance in a well planned and constructive manner.

For the record, I would like to list the following federal programs which are in jeopardy if these cut-backs are to continue to be a reality. Also, I would like to list the positive programs which have every indication of complete success if the authority to continue these programs is given to the local officials in Western South Dakota.

I. In the area of *housing*, the Pennington County Housing Authority is moving routinely with the construction of 200 elderly units. We envision two separate 100 units which will help to meet the need for our senior citizens in the Rapid City area. Also, we have the approval to proceed with 31 housing units for the City of Wall. 25 of these units are for the elderly citizens and 6 units are family. Also, at this time, Rapid City has been approved for 50—3 bedroom dwellings units. It appears that all of these units are still in the "GO" stage. We do not anticipate losing the authority to continue with these housing projects.

However, it appears that the City of Rapid City and the Pennington County Housing Authority will stand to lose many units if these cut-backs become a firm reality for the indefinite future. for example, we stand to lose 179 family units in the 1, 2 & 3 bedroom category. Also, for the four disaster counties, we will lose an estimated 200 units of housing which are critically needed.

II. The Pennington County government will also stand to lose much in the way of available federal assistance if these cut-backs become a firm reality.

III. It appears that there are several needs which must be met by the federal programs. These needs which are routinely funded from the Department of Housing & Urban Development are critical for so many of the municipalities within the four county disaster area, for instance, the City of Spearfish has an application for $100,000 for a water and sewer project. Rapid City also has an application pending for the amount of $300,000 for water and sewer projects. The City of Sturgis has an application for $300,000 under the Open Space Program which may be in question if these programs are discontinued.

IV. Under the Farmers Home Administration, many smaller areas in Western South Dakota will stand to lose a great deal of assistance if these cut-backs continue. The cities affected are Camp Cook, Hermosa, Rapid Valley, Custer, Box Elder, and the East Custer Sanitary District.

V. The projects which stand to be lost if these cut-backs continue are programs funded by the Economic Development Administration. If the Economic Development Administration is to be discontinued, and if all of their programs of financial assistance are to end, all of the plans and expenditures of preparing these plans will be for nothing. Also, these local communities will have to look for additional financial assistance from some other governmental agency if these programs are to ever become a reality in the area of improving the economics of Western South Dakota.

It has also been stated that there are special appropriations for the amount of approximately two million dollars for disaster areas from the Economic Development Administration. We have received none of this money thus far. If this money is not to be available, it will require all of the governmental units within the disaster area of Western South Dakota to reevaluate their programs and to make a major curtailment in their efforts to recover.

I believe that it is essential that the federal government look to other means of solving the budgetary problems faced by the Nixon administration. These solutions, I believe, must be based upon the following facts:

1. All areas which have been designated by the President to be disaster areas must be exempt from the arbitrary federal cut-backs. This includes much more than the flood disaster areas of Western South Dakota. It also includes those counties which have been directly affected by the agricultural dilemmas over the past twelve months in South Dakota. There is a strong relationship between the rural and urban segments in South Dakota's population. We must work closely together in an effort to get our respective areas exempted from these arbitrary cut-backs.

If these governmental units and the citizens within these areas must face an immediate cut-back in the availability of federal assistance, it will be the equivalent of one terrible disaster stacked on top of another. In other words, the unavailability of continued assistance from the various programs of the federal government complicate recovery efforts and cause the individual citizens of South Dakota to face yet another disaster within one year following the original disaster.

2. I believe that the federal government must look with understanding and compassion upon those states which are losing population. If these federal cut-backs continue, these local and state governments will lose their ability to meet the challenge of the decreasing population. These federal programs are essential if these local units of government are to meet the challenge of economic expansion. In other words, if a city, county or a state government can prove through statistical information that its population is being lost, then that unit of local and state government must be exempted from the arbitrary and cold blooded federal cut-backs.

3. It appears to me that the most expeditious manner of solving this problem would be to have the President reverse his decision to put an end to the programs which have proven to be so advantageous to rural America. To arbitrarily discontinue these programs in the face of a continuing need is both foolish and certainly not in the interest of our people.

It should be stressed that the programs from the federal Department of Housing & Urban Development have been successful in South Dakota. The Sioux Falls program is one example of complete success. We in Rapid City feel that we have started with our urban renewal program in the proper manner and that we have every indication of success. In other words, since these programs have not failed in South Dakota and since we do have a track record of success, there is no reason for the federal government to arbitrarily discontinue the availability of these programs in our state.

It should be stressed that the Model Rural Development Program in South Dakota is giving assistance to the local units of government to qualify for these complicated federal assistance programs. Now, the authority for these programs to continue is removed, much of the work of the Model Rural Development Program in South Dakota will be for nothing. It will cause a grave and a great waste which is absolutely ridiculous.

It should also be stressed that the late applicants who are applying for assistance from the Farmers Home Administration will face a great problem when their applications are denied because of the arbitrary action in Washington.

Many of these people in smaller communities have not had the time to determine their needs and to request assistance through the Farmers Home Administration. If they are penalized because of this delay, it will prove that the Federal government is cold blooded, that it is arbitrary and that it has made a major mistake.

The citizens of Rapid City are vitally interested in providing what assistance we can to the citizens of South Dakota who are directly involved with agriculture. For this reason, we sincerely hope that it will be possible for the Nixon Administration to again make available the financial assistance through the Rural Electrification Program and continue to issue loans to those rural electric cooperatives within South Dakota who require additional financial assistance at this time. If the federal government is to discontinue the availability of these funds, even if only for a short time, it will mean a grave set-back to the economic expansion of rural South Dakota. This economic expansion is directly related to the economic condition within the towns and cities of South Dakota. As a private citizen of Rapid City, I want to lend my personal support to any efforts by the agricultural organizations within South Dakota to apply pressure upon the national administration to again make this financial assistance available to these farming and ranching families who are facing an urgent need at this time.

The partnership between city and rural areas of South Dakota is strong. In the face of these federal cut-backs, which will drastically affect the economic well being of every family within South Dakota, we must bind ourselves together in a common effort to place this statement of need and this request for reconsideration squarely on the doorstep of the White House in Washington, D.C. We must give more than lip service to the solid tradition of rural urban cooperation.

We in Rapid City stand ready to assist our friends in rural South Dakota any way possible to achieve a reversal in these drastic cut-backs.

For these reasons, we sincerely plead with the Nixon Administration to give every consideration to exempting all of South Dakota from the arbitrary cut backs which have become a reality over the past few weeks.

It is time to reverse this decision and to continue this assistance for all of South Dakota.

Most respectfully,
Donald V. Barnett, *Mayor*.

Senator McGovern. Thank you very much, and now we're going to hear from the Executive Director of the South Dakota Farm Bureau, Mr. Gary Enright.

Mr. Enright. It is indeed a fortunate opportunity for all of us here today to speak plainly to members of our Congressional delegation about a matter which is of importance to all South Dakotans and all Americans.

Generally we are discussing the cuts in federal spending as announced by the Nixon Administration. Farm Bureau has made its position known to the Administration and we feel that you should also be made aware of that position.

Farm people recognize the need to reduce excessive government spending. We also believe that the cost-price squeeze results primarily from inflation-feeding deficit spending. Farmers are acutely aware of this because they are tax payers, not tax money receivers.

Members of Farm Bureau still insist on 'across the board' reductions in government spending. That clearly means *all* areas of spendid must be reduced, including some cuts in agriculture. These cuts *must* involve all areas of spending so that agriculture does not have to carry an inequitable or disproportionate share of the burden of these reductions.

We applaud the Administration for the intentions of these efforts because Congress has certainly not made a concerted effort in the area of fiscal responsibility.

The public is well aware of the current high prices being paid for some farm produce. The price of hogs, fat cattle and some grains is bringing all federal expenditures in agriculture into the public spotlight.

There is considerable discussion at present, regarding price controls on raw agricultural products. Farm Bureau has led in this so-far successful effort to keep these controls off. However, it will be next to impossible to keep these price controls off raw agricultural products unless strong action is taken to curb this rampaging fiscal irresponsibility throughout our governmental system. There is a definite inter-relationship between the cuts we are facing now and the possibility of continued efforts to put controls on food prices.

All of us representing agriculture must continue to tell the facts concerning the spiraling increases in costs and high taxes. We in agriculture must also face the fact that we are not separate from the economy of this nation, but we are an important part of it. We therefore must realize that we also will have to accept cuts in the federal spending program if there is to be any success in this overall effort to end inflation and hopefully stop increases in taxes.

It is the opinion of Farm Bureau that members of Congress must accept their responsibility to cut federal spending in order to curb inflation.

Farm Bureau believes those making the cuts in spending in the area of agriculture must realize that some programs are essential however.

Curtailment of the special emergency loan program of the Farmers Home Administration leaves some farmers and ranchers as well of other citizens, with urgent credit needs resulting from losses due to natural disasters. Such losses, at the same time, seriously jeopardize their ability to qualify for credit from customary commercial sources and the regular operating loans of the Farmers Home Administration.

Every effort should be made to provide credit to *deserving* farmers and ranchers and other citizens who have no other source of credit. We recommend that present programs be restructured to meet legitimate emergency needs in clearly identifiable hardship cases.

Under the R. E. A. P. program, annual payments have been offered land owners covering part of the cost of installing approved conservation and pollution control practices which benefit all people. The program is cost sharing and not an income supplement. People should understand that important point.

Such investments in the future of America are not subsidies solely for the benefit of the land owners and the program has been quite effective in its intended purpose. We believe that a federal program of cost-sharing should be continued for those soil and water conservation practices and structures which contribute to the attainment of pollution prevention, enduring conservation and environmental enhancement.

Farmers and ranchers are substantial taxpayers. In proportion to their incomes, they pay higher taxes—including income tax, sales tax and property taxes—than any other major segment of our economy. Farmers are interested in fiscal responsibility, in balanced budgets, in control of inflation, and reduced federal expenditure since the root cause of inflation is excessive government spending.

Nothing jeopardizes net farm income more than inflation which tightens the cost-price squeeze as farm costs rise faster than farm prices in an inflationary period.

Agriculture is ready and willing to bear its fair share of the *necessary* cuts in federal expenditures, but we have asked the Administration not to impose an inequitable burden upon agriculture.

Farmers are going to be watching Congress closely to determine if it will act in their behalf in making necessary cuts rather than prolong the problem by not supporting proper and necessary cuts.

I hope the result of this meeting today will be a benefit to agriculture by looking beyond the immediate situation, recognizing that we must make every attempt to retain funding for vital areas, but grasping the over-riding problem which is high taxes and excessive federal spending.

Senator McGovern. All right, our final witness is Mr. Keith Tarr of South Dakota Land Improvement Contractors Association.

Keith Tarr. Thank you. I'm representing the South Dakota Land Improvement Contractors here today and also the Land Improvement Contractors of America. Our association is composed of the many smaller contractors who do the big share of the work under the Rural Environmental Assistance Program. Our membership varies from the small owner-operator type of operation, to the contractor who employes several people.

According to a nationwide survey conducted in 1971, our members employ an average of 5.7 people, and do an average of 105 jobs per year. Some of our members depend on the REAP program for 100% of income, while others are partially dependent on it. In my own case, 44% of my income during the past year was derived from REAP-affiliated projects. I was greatly disturbed when I read that the Rural Environment Assistance Program was being terminated because it was a supplement to the farmer's income. This is not the case as you people are subsidizing the people of the United States every time that you construct a dam, dug out, terrace or back waterway on your land. All of these practices help control pollution, preserve water and provide wildlife habitat and recreation for future generations. Where the farmer and rancher not bearing the costs, the government would have to pay you people—100% of the costs, to get these practices on the land.

It will not be known for some time what the loss of REAP will mean to our members. Many will definitely have to go out of business and others will be laying out employees, as we are not adequately equipped or financed to bid the big jobs, and assume the added risk. Many are going to feel this in the loss of fuel sales, repair sales, and equipment sales. A loss will also be felt and realized in the property taxes of each county. The loss of many small contractors and their equipment will be felt in emergencies such as blizzards and disasters such as the 1972 flood of Rapid City. Before the water had subsided many of our members were on their way to Rapid City with personnel and equipment. I personally saw several there working the day after the flood. I could mention many more side effects, but we're here today to hear from you people and on behalf of myself and the land improvement contractors of our state and nation, I ask your support in the fight to reinstate the Rural Environmental Assistance Program as administered by the ASCS offices and let it be funded, in at least the amount approved by Congress of $225.5 million. We would also ask that Congress direct that these funds be on a continuing basis and thereby eliminate the yearly struggle for the release of the appropriated funds. Thank you.

Senator McGOVERN. Well, I think these statements today have given us an excellent hearing record, an excellent indication of what the impact of these proposed cuts will be on the economy of South Dakota and other rural states. As I listen to the discussion this afternoon a couple of thoughts went through my mind that I'd like to underscore before we take any suggestions or questions that you may have from the floor.

First of all, with regard to the responsibility that the Congress has to watch needless military spending. I would like to emphasize that in the last four years the record of the Congress has been one of reducing . . .

I must say I was puzzled about the spontaneous applause, but I realize now that it was the fine young Governor of our state that you were applauding, Governor Kneip, and we are delighted that he's here and I'm going to call on him to say just a few words to this group. The sentence that I was about to complete is that over the last four years, if you add up all of the spending requests that the President has sent to the Congress, we have reduced that total of $20.2 billion, so that when people talk about the responsibility of the Congress to watch needless expenditures, keep that figure in mind.

We've reduced Administration requests, the total requests, by slightly in excess of $20 billion. Now we've made those cuts primarily in the military field, not in civilian programs. But the total impact has been to reduce Administration requests these past four years for everything they've asked by some $20 billion. Just this year, the Administration has asked us to increase military spending by $4 billion above the previous year. Now that just happens to be approximately the total amount that farmers receive directly from the Department of Agriculture. There are a great many other programs in the Agriculture budget, such as the food stamp program and the school lunch program, and meat inspection and things of that kind. But the actual amount that goes to the farmers is something just less than $4 billion a year. That is the amount by which we are now being asked to increase a Pentagon budget that already approaches some $80 billion a year.

I'm more convinced than ever that the two objectives that I fought for in the recent years are right: that they are on the track and those objectives are to stop the bombing of Asia, and, secondly, begin the building of America.

Now I think we should hear a few words from our Governor, Governor Kneip.

Governor KNEIP. Thank you very much Senator McGovern. Senator Abourezk, Congressman Denholm, Congressman Abdnor and other distinguished guests, ladies and gentlemen. It seems that I'm always beginning these days by apologizing for being late or something or other. But I just came from an industrial development meeting in Mobridge and I'm on a very strict schedule today. I must go from here to Aberdeen. The schedule that a Governor often keeps is made months in advance and yet I think it is tremendously important that all of us address ourselves to this problem that the Congressmen and Senators have brought before you today. So I am very pleased to be here.

Let me share my concern in perhaps a different way. Over the past three to four weeks in State government, I have made it a point to deal directly with a lot of problems, as I see them, and the needs of our people, as I see them. But in the course, for example, of looking at the budget of state government and to the demands that are made on the state government of that budget. I have been looking very directly to the many needs of our people. I have in this particular year taken a very direct part in figuring that budget. I've been with my budget people through the whole process looking at each and every line item, each and every FTE, full-time employment, as we refer to it, in state government, and trying in a very diligent way to hold down expenditures, to look to, speak to the tax problems and everything else. And you can just imagine over the past months the many areas that a governor touches on—tax reform, governmental reorganization, the budget, an inaugural address, a state of the state message, that I must give next Tuesday, and looking beyond that to coming back to a joint session of the legislature for things like taxes, governmental reorganization, or the problems in higher education, the problems of agriculture. So I'm confronted with all of these questions, and I can tell you that in this particular year, as we approach the budget time, and as I sat down with each and every one of those line items, you can imagine how distressing it is to find one time after another arbitrary cuts and new decisions made by the Executive branch of the national government that directly affected our budget. Decisions in many instances that I must make, where the Federal government started something and all of a sudden it ends.

And when I say that it suddenly ends, how many would not agree with me that that's not appropriate planning? That we in the state government, as we look to our counterparts in the Federal government, realize, I'm sure, the people on this stage realize, that our Congressman and Senators, realize how necessary it is that we have a good federal-state relationship, just as we must have a good state-local relationship. But that planning extends into the three levels of government. We can't stand back and all of a sudden, one time after another, find the budgets immediately cut off and finding ourselves in the position something less than tenable. I am concerned. The Congressmen here know that my office has written to them, called about one thing or another, and if you would like some kind of overview of how many of you remember the discussions that took place over the last three to five years, but this whole concept of revenue sharing, and the fears we had at that time of what it would do to rural America, is coming home to rest on our door step. The predictions we made are coming true. We are being told on one hand that here are some new dollars for you, and then immediately, because that revenue sharing has just now come to us, in a very immediate way grants and aids as we know them in so many other areas, are suddenly stopped. If you weigh, that distribution assistance from the national side, if you weigh it carefully and look to the whole process by which we have been getting assistance from the beginning, we're being seriously hurt by accepting revenue sharing as an alternate to the grant-in-aid of one kind or another. Now I'm speaking of this in a very broad sense, but again, when you talk about the President of the United States and to the Congress talk about a good federal-state relationship, the fact is that that relationship is anything but good right now, because of these arbitrary cuts as they are coming to us. They talk about rural-urban blocks in America—and they talk about some things that we need to do to accomplish that end and in the course of talking about it take precisely the opposite action which cuts it off. This is hurting rural America.

You can't talk about stemming the tide of migration from rural America to the urban centers and at the same time cut off funds that are used for development. These are under-populated areas where some people might come and know the good life. But I only want you to know that it's effect on agriculture is of course tremendous. It's serious. And its something we should be meeting and talking about.

I was very pleased to know that the Senator had called for this particular public meeting and he's speaking to that, very directly to that problem. I feel its effect in state government as Chief Executive of state government who in figuring state budgets and looking to all of these needs as they come. It leaves you with your hands in the air, because there is no orderly planning process in the course of that arbitrary action as it came to us. There simply could not have been any decent planning involved before that action took place. I only want you to know that we are aware of it and I don't care whether they are talking about stabilization of construction of the Oahe irrigation project, or the waste water treatment facility funds or even extending beyond that to the trust funds in the highway or to social services, to the welfare programs.

Let me share something with you for just one moment. The Federal government is in the course of taking over, for example, aid to the disabled, aid to the blind, and one other category which doesn't come to my mind right now. But we are being told that while a level of assistance is projected, and that if we as a state want to go above that assistance level, and we have in some of those categories then arbitrarily we must go across the board. I know if we triggered just one $10 increase, for example, as projected across the board would cost this state $1,300,000. But in the course of them coming and saying we want to help you in state government, they're giving us problems and they are not gaining, they're costing us dollars. I could go on and on and on, about these cuts and these decisions that are coming from that level of government. And I think my concern, and I think the concern of the Congressmen and Senators, at least I hope it is a concern to them, is that when the Congress makes some decision which affects our state and they vote on that particular problem, and they pass a bill and it's signed by the President of the United States; to think at that point that new decisions are going to be made, is something bad for this country. That's unlimited power and that is certainly something not intended by the people as they gave that power to the Congress or to any level of the government. We have spent a lot of time trying to improve the federal-state relationship, but I can't for the life of me understand or know how we'll ever be successful unless we have the kind of planning process that will lead to orderly development in this country and unless someone makes a decision as to how unlimited that authority is going to be.

I'm not only sorry that I missed a part of your discussion today, but I must now leave for another meeting. My time, especially these days, is divided. I've got a very serious message to give to the people of this state next Tuesday that deals with the budget, deals with programs, deals with wide array of areas and I enjoy, as one Governor at least, the fact that my influence can be felt in government. But I also look at responsibilities in authority and I like to think that they aren't misused. And I think it's a misuse of authority that we're talking about when we come to this kind of meeting and deal with dollars and programs that affect our people and that affect all of rural America and as I said that is the concern to me. I hope that we are able to move beyond the point of this meeting and back to Washington to get that thing corrected. Thank you very much.

Senator McGOVERN. Many thanks, Governor Kneip. And I know we're all pleased to have the Governor with us for a brief time this afternoon.

Now we do have at least a few minutes left for any suggestions or questions that you might like to raise from the floor. There are microphones in the aisle. If you would like move one of those microphones. I think that everyone then might hear you.

We'll begin with this gentlemen who is at the microphone now and then move on from there.

Norman Olson. My name is Norman Olson. I'm from Canton, South Dakota. There's one program that affects us very much down there that has been cut, that hasn't been mentioned here this afternoon. In South Dakota we are, every rural community, is trying to get doctors or hold the doctors they have. To hold the doctors or get new ones in their community, you have to have a hospital. We have had a hospital there in Canton, but the State Department of Health says it is not up to standard. They've been giving us a license because we have been planning for a new hospital. We are planning now a $1 million hospital. But we need the Hill-Burton funds that you gentlemen voted last year, and Nixon vetoed. So there is another place that he has cut arbitrarily the funds for the welfare of the people of South Dakota. Thank you.

Senator McGovern. I think that question answered itself. It makes the point of the price we're paying for the veto, and I can only assure Norman Olson and others that many of us in the Congress are going to make an effort to reinstate those programs that have been vetoed including the hospital construction-school program. All right, let's turn to this side of the aisle.

Unidentified Man. Senator McGovern, I want to compliment you for taking the leadership along with Senator Abourezk, Congressman Denholm and Congressman Abdnor for holding this meeting. I think everyone really appreciates it and I know that I do. I know one concern that Governor Kneip talked on, and that is the reason that I feel that President Nixon feels he's in the position to do this and be immune to some of the actions of Congress. That is that he has established now, his is to the best of my knowledge you may want to correct me on this, he has established his super-cabinet which consists of four people: Shultz, Butz, Lynn, and Weinberger—these people are working directly with the President and making, as I understand it, all the major decisions for all the departments of government at this point. By dealing directly under the President, after they are subpoened, or whatever you do to get them to come to the Senate, and get under questioning, they then declare executive privilege and refuse to answer any questions that you put to them, as I understand it. Now this puts them in a position where they can make a decision and not be subject, as I understand it, to questions of their decision. And if this is true, I think we're closer to that dictatorship that was mentioned than we think we are, I would like your comment on this.

Senator McGovern. I don't want to monopolize the commentary. Maybe Congressman Abdnor and Congressman Denholm will want to add to this. Let me just say that the four gentlemen that you have mentioned are members of the cabinet and as such they are subject to confirmation by the Senate and they also can be called to the Hill to testify. Now unfortunately, the President has issued orders to some of the Cabinet in recent days not to testify and they declined invitations from committees of the Congress to testify. Also the President's own personal aides, the White House, do claim executive privilege, even though they already have a great power. Investigations are now going forward before the committee chaired by Senator Ervin, of North Carolina, to see if some arrangements can't be worked out to deal with this problem of executive privilege. I think that is important that those investigations go forward and that the Congress comes to grips with this problem. I quite agree with the thrust of your question. If the legislative branch, the people's branch of government, your elected representatives are not given the opportunity to interrogate for the public record, members of the executive branch, then we have lost a great deal of our liberty. I'm personally very concerned about that problem. Maybe the Congressmen may want to add something to that.

Now, let's go back to this side of the aisle.

Hank Jesse. Senator George McGovern, the other day on one of the major television * * * Butz was on a panel program and of course, he was asked what was the Department of Agriculture responsible for in inflation. Of course, Butz included a letter from the housewife in New York, or Brooklyn, I don't know which one, but one or the other which is part of greater New York anyway. And I'm going to quote him, because I think these 2,500 people can hear what Butz says on this major TV program where they said 90 milion people was listening. He says "You crazy son of a bitch what are you trying to do, bake all the housewives with the price of food."

Well, now I want to quote to you, when Butz asks any of you Congressmen or Senators about agriculture and I don't know why you've never used this quotation to curb him. You took that wrong, this is the quotation, I mean: In 1951, Agriculture has increased about 42% while the rest of the economy in the nation since 1951, or approximately 22 years, a little bit less, has increased 155%. Now does it sound like agriculture is being inflationary to the entire economy of the nation. That's all.

Senator McGovern. I think it's a good point.

Hank Jesse. Excuse me, George, by the way if you want to follow up this quote I'm going to mention my name, you probably know it, but the rest of them don't. I'm Hank Jesse from Claire City, so now you can affiliate me with that statement.

Senator McGovern. In all due respect to Mr. Butz, I wish while he's making this defense of the farmers he would remind the housewives that the farmer is not the only one who contributes to food prices. There are a few other facts there. I think we could use a defense that is a little more explanatory and that housewives ought not to be left with the impression that every time food prices go up, it's the farmers' fault. Still it is a fact that there is only about 3% of wheat in a loaf of bread and consumers ought to be told that, instead of left with the impression that the farmer is responsible for these increases in food prices. They ought to also be told that when farm prices go up a little, that just means that they are approaching where they should have been all along.

Unidentified Speaker. Senator McGovern, and the rest of the South Dakota Congressional Delegation, I'm sure that we all agree that the President has usurped the authority of Congress and done it in most irrevocable fashion. I'm sure also all realize that some thirty years ago a European leader did exactly the same thing and we did nothing about it. I think it's quite obvious that the South Dakota delegation is willing to do something about it. Now my question is what can this group best do to help you to get your colleagues through the reins of government, to assume their influence in government? To put it in farmers' language, how can we help you get your colleagues off their behind-ends? That's about it.

Senator McGovern. Well, I think we ought to have some help, from Congressman Denholm and Abdnor on this.

We are trying to conserve the time as much as possible. Let me just say that I think that a meeting of this kind is invaluable. I know that this meeting is going to be reported. I know that the news of this is going to get back to the White House, and back to the Secretary of Agriculture. It's certainly going to be presented to members of the Congress and all of us will go back to Washington with the better understanding of the depth of feeling and the passion that people have on these unfair moves that have been made. Now if it is any encouragement to you, I understand that meetings of this kind are being organized in other states. I would hope that in every agricultural state in the union, meetings of this kind are held. But just to give you one specific step that you might take that might be helpful. I wish that people here in this audience today would write to some of the urban congressmen across the country and remind them that we have members of Congress from South Dakota who have supported those programs that have been in the interest of urban America. We've supported transportation, we supported housing, we supported health-care, we supported education, environmental programs. It will be because of these cuts made, we expect our friends in the urban states to respond with their vote and their voice and their support. I think that would be helpful.

I would like at this time to make the statements of John B. Glaus, President, South Dakota Stockgrowers Association part of the Record. In addition, we have statements from Mr. Lloyd Zimbrick of the Traverse Electric Cooperative in Wheaton, Minnesota and Mr. Keith L. Carr, President of the South Dakota Land Improvement Contractors Association.

Statement by Keith L. Carr

Gentlemen: My name is Keith Carr and my home is in Prairie City, S.D. I am representing the South Dakota Land Improvement Contractors today, as their president, and also the Land Improvement Contractors of America, as a member of their board of directors. I have been in the earthmoving business 17 years, and doing ACP–REAP work for 15 years.

Our Association is composed of the many smaller contractors that do the big share of the earthmoving under the Rural Environmental Assistance Program. Our membership varies from the contractor with an owner-operator type of operation, to the contractor with several employees. According to a nationwide survey conducted in 1971 we employ an average of 5.7 people, and do an average of 105 jobs per year. Some of our members depend on the REAP Program for 100% of their income, while others are partially dependent upon it. In my own case, 44% of our earthmoving income in 1972 was from REAP affiliated projects.

I was greatly disturbed when I read the USDA–ASCS Administrators Memo No. 98, where it was stated that the Rural Environmental Assistance Program was being terminated because it was a *supplement* to the farmers income. This is not the case, as the farmer and rancher is subsidizing the people of the United States, every time they construct a dam, dugout, terrace, or grassed waterway on their land. All of these practices help control pollution, stop siltation, preserve water, provide wildlife habitat, and provide recreation for future generations. Were the farmer and rancher not bearing part of the cost, the government would have to pay him easements, plus have 100% of the cost, to get these practices on the land.

How can only $20 million be cut, from the over $200 million, for salaries and administration of the Soil Conservation Service, to do the paper work; while the whole REAP program, that provides the money for construction, be terminated? It doesn't make sense to me.

It will not be known for some time what the loss of REAP will mean to our members.

Many will definitely have to go out of business, and others will be laying off employees, as we are not adequately equipped, or financed, to bid the big jobs and assume the added risk. Main street will feel the loss of fuel, repair and equipment sales. My own small business spent $8500 for gas, fuel and oil, and $15,000 for repairs last year. A loss will also be realized in the property taxes of each county.

The loss of many small contractors and their equipment will be felt in emergencies, such as blizzards, and disasters such as the 1972 Flood in Rapid City. Before the water had subsided many of our members were on their way to Rapid City with personnel and equipment. I personally saw several there working the day after the flood.

Gentlemen, I could mention many more side effects, but in behalf of myself and the Land Improvement Contractors of our State & Nation, I ask your support in the fight to reinstate the Rural Environmental Assistance Program, as administered by the ASCS offices, and that it be funded in at least the *amount approved* by Congress of $225.5 million. We would also ask that Congress direct that these funds be on a continuing basis, and thereby eliminate the yearly struggle for the release of the appropriated funds.

Thank you.

STATEMENT BY LLOYD ZIMBRICK

I am the manager of the Traverse Electric Cooperative of Wheaton, Minn., a rural electric distribution cooperative serving members in Minnesota and South Dakota. I am a lifetime resident of the area; I helped to organize this cooperative and have been the manager since its inception.

We are shocked, baffled, and confused over the drastic action of the administration in the last days of December 1972. Hundreds of us from rural America are in Washington this week to request your assistance in reversing some of the programs that we have fought for in the last 35 years.

In 1944, Congress passed the Pace Act which provided that the rural electric cooperative system furnish every member with single-phased electric service regardless of the distance to build and the cost to serve that member. In accepting this responsibility, the Act provided that we would be assured money to finance this construction at 2 percent interest. To me this is an agreement or a contract to furnish central station service to all those who are interested regardless of the cost, religion, color, race, or creed—on our part and a guarantee by the government of funds at 2 percent interest. The Act has not been amended or rescinded to my knowledge.

We have and are carrying out this mandate. In the past few years, the Bureau of Indian Affairs has succeeded in getting their constituents to make application for electric service; and in many instances, it has been necessary to build as much as a mile and a half of line to serve one individual. The raise in interest rates, if allowed to become effective, will make it impossible for us to continue this service.

One may say your electric lines are now constructed and you have no further need for new funds—quite the contrary. Environmentalists are now crying and proposing legislation that we put these lines underground. If successful, this will throw us into a whole new "ball game." Underground construction will cost us much more than overhead and the 2 percent loan program is absolutely essential.

We operate in a rural area. Ninety-nine percent of our revenue comes from large rural farmers. The administration's action in deleting farm programs is staggering to our rural economy. To list a few, the administration has:

1. Dropped REA 2 percent loan program, funded at $545 million this fiscal year, in favor of making 5 percent Rural Development loans to REA's.

2. Terminated the REAP (agricultural conservation practices) payments program for which Congress authorized $225 million.

3. Terminated FHA 1 percent Emergency (disaster) Loan program.

4. Terminated the Water Bank, funded at $10 million this year.

5. Opened up wheat acreage; no Set Aside required to qualify for payments; feed grains, soybeans can be planted on Set Aside under winter wheat program.

6. Revised severely Farm Storage loan program.

7. Is dumping CCC feed grain holdings into market to depress prices.

8. Has announced sale of government bin storage capacity during 1973–74.

9. Opened up feed program acreage to reduce government payments $800 million but relax controls.

10. Opened Set-Aside acreage to livestock grazing.

11. Suspended import quotas on beef, mutton and lamb.

12. Raised non-fat dry milk annual import quota by 750 percent to admit 25 million lbs. of non-fat dry milk by February 15.

13. Raised interest on commodity price support loans from 3½ percent to 5½ percent.

14. Reduced cotton allotment 1 million acres to drop total payments $100 million while eliminating control on total cotton acres planted.

15. Increased tobacco acreage allotment 10 percent and eliminated tobacco export subsidy.

16. Transferred final control of farm economic decisions out of the hands of the Department of Agriculture.

17. Is dismantling the Department of Agriculture through the President's new "Super Cabinet" arrangement.

18. Terminated rural low cost housing subsidies.

STATEMENT BY JOHN B. GLAUS

We in agriculture feel we are being persecuted and beaten and stepped on and spat on and in general we are feeling very sorry for ourselves because of recent actions taken by President Nixon and Secretary of Agriculture Butz. We have seen import quotas on beef lifted for 1973. We have seen grazing fees on BLM land and Forest Service Land raised by more than 15%. We are seeing set aside or diverted acres being opened for grazing. We have seen REAP scheduled for discontinuance. We have seen the low interest rates for REA discontinued forcing them to go through regular channels like the rest of us. It is apparent we have entered the age where the consumer and environmentalist is in the drivers seat.

At the same time the farmer and rancher has always been the one stabilizing force urging economy of government and more efficiency in government. We have urged reduction in the National debt. We have urged no more new taxes. Yet here we are, crying like babes in the woods thinking the end of the world is coming. While we urge economy and efficiency, it is a lot easier if it is the other guy, the other industry that gets the axe. But it has to start someplace. All we ask is that this spirit of economy affects other industries—not just agriculture, and that the same ground rules be applied to other industries. Instead of asking for sympathy and tears, let's rejoice that maybe we finally are ending this period of idiotic give away and coming to our senses like men. Let's rejoice because now we can work for other economics in government. Let's end unnecessary subsidies to other industries and all get our feet on the ground and work together in the way we can that has made this country great. The opportunity is now here if we will just seize the initiative and make what appears to be an ill wind, instead, work to our advantage. The opportunity is here again to make our own way without having to be tied to the apron strings of Mama Government. If you want to control and ham string any group, any race of people, any industry, just give them enough money so they become dependent and they will do anything for you. They give up their initiative, their pride, their will—anything to get that hand out. I say, let us as agriculturists tell our congressmen to forget politics and work for the good of our country by reversing the trend toward ease, complacency and the attitude of "let the government take care of it."

We face the danger of making a free industry a servant of government. Our system of free, competitive agriculture has been putting the dinner on the table of America and the World. American agriculture is the envy of the world. No country can rival the efficiency and productivity of the U.S. farmer and rancher. Our American way is responsible. Other countries try—Russia and other iron curtain countries with State controlled farms and methods—and they are a failure. Let that be a lesson to us so that we do not sell our soul for so called security. We are now at the crossroads. The question is "Do we depend more or less on the government to run our business?" *I think it would be* catastrophic for us if we take the easy way.

RESUMPTION OF HEARING

UNIDENTIFIED SPEAKER. Would I be out of order to ask you to name a couple of Congressmen or Senators that we could write to. We can't write to 500. Most of us don't know who to write to except our own Congressmen and they don't help us. You know them.

Senator McGOVERN. I think the easiest way to answer that is to say the organizations that are represented here on the platform, especially the farm organizations, can supply these names to you. Or if you drop a post card to any one of the offices of the members of the Congressional delegation who are here today we would be more than happy to send you a list of all the members of Congress and mark those that we think might profit from a little encouragement.

Now I must say that not only the Governor, but some of us in the Congressional delegation also have additional assignments that we have to keep today and we're going to have to bring this meeting to a close. I do hope we can stay around for a little while and visit with you informally. But please understand and I know I speak for Congressmen Denholm, Abdnor, and Senator Abourezk, that we want to hear from you. We want your advice and counsel and your mail will be read, and it will be answered. Your telephone calls will be listened to and will be answered, so please understand that this meeting today is not the beginning and the end. It's part of an ongoing association. What we want to prevail in as we face this current crisis in rural America. And I think that if we stand up for our rights and we fight hard enough that we can reverse some of the decisions that have been made.

This is still a democracy. We want to keep it that way. And one of the ways to do that is to let our government officials know that we don't intend to take these defeats lying down. Thank you so much for your attention and courtesy. I think it has been a most worthwhile meeting.

EXECUTIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now

go into executive session to resume the consideration of the nomination of Elliot L. Richardson to be Secretary of Defense, with the time to be equally divided between and controlled by the Senator from Mississippi (Mr. STENNIS) and the majority leader or his designee. The vote on the nomination will occur at 2:30 p.m. The yeas and nays have been ordered.

The Senate proceeded to consider executive business.

Mr. STENNIS. Mr. President, I shall be glad to yield to the Senator from Iowa.

The PRESIDING OFFICER. Will the Senator allow the clerk to report the nomination?

DEPARTMENT OF DEFENSE

The legislative clerk read the nomination of Elliot L. Richardson, of Massachusetts, to be Secretary of Defense.

Mr. STENNIS obtained the floor.

Mr. TOWER. Mr. President, will the Senator yield for an inquiry?

Mr. STENNIS. I yield.

Mr. TOWER. Mr. President, is the parliamentary situation such that we now have some 56 minutes of controlled time, half to be controlled by the Senator from Mississippi, half by the distinguished majority leader or his designee, and the other half to be controlled by the distinguished minority leader or his designee?

Mr. ROBERT C. BYRD. No; half by the distinguished Senator from Mississippi and half by the distinguished majority leader or his designee.

Would the Senator like to have the half that is under the control of the majority leader?

Mr. TOWER. No; the Senator from South Carolina (Mr. THURMOND) would. He was not on the floor at the time.

Mr. ROBERT C. BYRD. Mr. President, on behalf of the majority leader, I yield all my time to the distinguished Senator from South Carolina (Mr. THURMOND).

Mr. THURMOND. Mr. President, I already spoke on this nomination last Friday, and I have nothing more to say unless it is something in reply.

Mr. STENNIS. Mr. President, the Senator from Mississippi had the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. STENNIS. Mr. President, I yield 10 minutes to the Senator from Iowa.

Mr. HUGHES. Mr. President, I thank the distinguished chairman of the Armed Services Committee for yielding.

Mr. President, this nomination of Mr. Richardson—in fact, any nomination—raises important questions not only of the nominee's fitness for his job in terms of background and experience, but also his fitness in terms of policy attitudes.

Just as the President presumably would not choose a Cabinet Officer who fundamentally disagreed with his own attitudes and policy, neither should the Congress approve a person who opposes or refuses to execute the laws passed to govern his department. It would be a dereliction of duty, in my opinion, for the Senate to confirm, say, an Attorney General who would not enforce the civil rights laws or a Secretary of Agriculture who was committed to the dismantling of essential farm and rural development programs on which the economy of rural America depends.

In order to obtain Elliot Richardson's views about the key policy questions facing the Secretary of Defense, the Armed Services Committee held lengthy hearings 2 weeks ago. I am grateful that the distinguished chairman of the committee (Mr. STENNIS) scheduled time so that all important questions could be raised and I want to point out to this body that time was allotted to pursue at great length any detail that any member of the committee wanted to pursue with the nominee named to the office of Secretary of Defense.

In accordance with the resolution of the Democratic conference, Mr. Richardson was also recalled to testify as to his willingness to appear before duly constituted committees of the Senate. His response was forthright and welcome:

> Secretary RICHARDSON. Mr. Chairman, as I stated to this committee last week, I look forward to full cooperation with the Congress, and that includes being available to testify before the committees of the Senate, subject, of course, to the cooperation of the committees in scheduling, which has prevailed in the past, and I will be available to appear and testify when so requested by the committees of the Congress.

It was quite important to get this response, Mr. President, because, under our system of checks nad balances, officials are accountable to the Congress as well as to the President. And unless we have the opportunity to question them about the execution of the laws which we pass or consider, we have no way of making the judgments on programs which the people have a right to expect.

As Alexander Hamilton wrote in one of the Federalist Papers:

> A government continually at a distance and out of sight can hardly be expected to interest the sensations of the people.

For too long, too many of our most important officials have been "at a distance and out of sight." The recent, strong resolution of the Democratic conference was directed to this point.

Although I can appreciate Mr. Richardson's newness to current defense matters, I regret that he was not more forthright and explicit about stating his views on certain very important issues like the conduct of the war in Southeast Asia.

Once he is established in office, and certainly when the peace negotiations have been completed—and they have been, and hopefully successfully in all areas—I am sure that Mr. Richardson will be questioned searchingly about all these issues. And I trust that he will be at least as open about expressing his views as Secretary Laird.

Despite his restraint on some issues, Mr. Richardson was clear and forthright on many others. For the benefit of those who have not had an opportunity to study the committee record of hearings, I would like to highlight some of the major comments and commitments which Mr. Richardson made.

THE WAR

Mr. Richardson said that he would endeavor to study the effectiveness of our interdiction campaigns in Southeast Asia and the impact of air action on civilian casualties. He also supported the right of the people to know detailed figures on military air activities and casualties if there are no overriding security reasons for keeping them secret. I hope, Mr. President, that this will result in Executive action to make my Air War Disclosure Act unnecessary.

I truly hope that, as the Secretary has seemingly committed himself, we can have made a matter of public knowledge, as soon as possible, information as to how we are conducting the air war, especially in Laos and Cambodia. I think it is important that this be a matter of knowledge to the Senate.

Looking to the future, Mr. Richardson also ruled out the use of American military personnel in Thailand's growing insurgency. In fact, he even said that if that country becomes incapable of dealing with an insurrection, our forces would probably have to be withdrawn.

CIVILIAN CONTROL AND DISCIPLINE

Mr. Richardson expressed his firm belief in civilian control of the military and declared that fair and equal discipline should apply throughout the military command structure, from privates to generals.

On the case of Gen. John D. Lavelle, Mr. Richardson explicitly said:

> I would certainly want to review the report and conclusions of this committee, the report and conclusions of the House committee, and then reach a decision about whether or not I believed any useful purpose would be served by my reopening it.

I am confident, Mr. President, that such a review would clearly establish the need for a thorough investigation of this matter—far beyond the token investigation and wrist-slapping which has taken place thus far.

I think also that the Senate should be aware that as far as issuing a report is concerned, the Senate Armed Services Committee did not issue a formal report, as I recall, in relationship to the case of General Lavelle.

Mr. Richardson also promised to look into the military reporting system and the inspector general system in order to try to assure that this breakdown cannot happen again. I was pleased that, in discussing the withholding and falsification of information, Mr. Richardson said:

> I think we should crack down very hard and very firmly in order to get across as clearly as possible that we really mean it.

NUCLEAR POSTURE

In responding to me, Mr. Richardson said that deterrence depends upon "the total balance" of forces. This is a welcome interpretation of the Jackson amendment to the SALT resolution, which some people interpreted as calling for numerical superiority for certain systems. If Mr. Richardson approaches future arms negotiations with his devotion to sufficiency of our deterrent rather than a destabilizing superiority, we can be hopeful of meaningful agreements.

Mr. Richardson was also as explicit as Secretary Laird in opposing the development of weapons which might be construed as having a first strike capability. He said:

I do not believe that the United States should, as a matter of policy, take steps that are subject to a primary interpretation that they are so intended.

F-14

I was also pleased with Mr. Richardson's insistence on the sanctity of contracts and his rejection of "a policy of bail-outs" when I questioned him about the F-14 contract.

CULEBRA

When told of the Defense Department's changed policy with regard to phasing out the bombing ranges on the island of Culebra, Mr. Richardson promised "to look into it and review the considerations that have led to these successive positions." I hope that such a review will result in the restoration of the administration's original commitment to end such bombings by 1975.

DRUGS AND ALCOHOLISM

In view of his able work at the Department of Health, Education, and Welfare on the problems of drug abuse and alcoholism, I was pleased that Mr. Richardson promised to carry his background of concern into the Defense Department "so that we are doing all we can do within the military" to deal with these problems. Mr. Richardson had valuable experience in the treatment of alcoholism as a disease and was largely responsible for the creation of a statewide system of treatment and rehabilitation for alcoholics in Massachusetts. I am hopeful that as Secretary of Defense he will bring all the services into line on this matter.

Mr. President, one particular issue which has troubled me is the use of SPN numbers on discharge papers which enable a knowledgeable employer to identify a man as having been discharged for drug abuse. This practice has the effect of stigmatizing men for their entire lifetimes, regardless of the circumstances or the changed policies regarding drug usage. Happily, Mr. Richardson said that "it would take a pretty convincing argument to overcome the considerations" which I cited to him. I hope that the Secretary's review prompts a rapid change in this practice.

USE OF FORCE

One final point of great concern to me was on the willingness of the Secretary of Defense to use military force to resolve differences between nations. I recognize that the Defense Department is expert in the question of using force and that its recommendations deal with the instruments which it commands. Thus, it is neither surprising nor objectionable that the military develop plans involving the use of force.

What is important to me and to the future of this country is that these plans and recommendations be subjected to broader considerations of foreign policy and international law. I am pleased that Mr. Richardson shares this determination to explore peaceful means of settling disputes and to exhaust these alternatives before using force.

Mr. President, I have touched on only a few of the matters that are of personal concern to me. Many more matters were covered by other members of the committee and by the chairman of the committee.

In view of Mr. Richardson's proven capabilities as an administrator and his specific responses to these issues of concern and my personal knowledge of him as a member of the Committee on Labor and Public Welfare while he was Secretary of HEW, I shall support his confirmation as Secretary of Defense.

I am confident that he will give all he has to the best of his ability to do the job well and, while representing his President who also represents the people of this country, he will be completely responsive to the Congress of the United States.

Mr. President, I ask unanimous consent that the specific questions and responses in Mr. Richardson's colloquy with me in the Armed Services Committee hearings be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Excerpts From Hearing Record

Senator Hughes. Mr. Chairman, and members of the committee and Mr. Secretary, I am again pleased to have the opportunity to briefly ask questions this morning. Before I do I wish to express to the Chair and members of the committee my support for the action taken when a lone voice spoke up in this room crying out for peace and expressing the agony of conscience that has plagued the heart of millions of Americans, but I want also to call to the attention of the chairman and to the new Secretary of Defense that the conscience of this Nation has reached the breaking point, and that a voice crying alone today will be expressed by the millions in the future unless some rational decisions are reached in the future and in the control of irrational power is achieved.

I support Senator Symington's inquiry and Senator Byrd's.

Secretary Laird last year said that there have been no major studies of the effectiveness of air interdiction bombing since 1967. And the Defense Department has repeatedly said it makes no estimate of civilian casualties resulting from our military activities.

Mr. Secretary, will you conduct such studies and inform the Congress of the findings?

Secretary Richardson. I certainly will want to find out what has been the examination of the effectiveness of interdiction, and I will certainly want to learn more about the impact of air action on civilian casualties.

I think the question of exactly what studies and what we should provide to the committee, is a question that could more appropriately be explored specifically at such time as I have been confirmed and have taken office.

Senator Hughes. Mr. Secretary, as I interpreted the Senator from Missouri's question relative to the security and well-being of our Nation and bombing the North above the 20th parallel has not been answered. My interpretation of your reply would be that you will not answer it this morning in a direct fashion. Am I correct to interpreting that?

Secretary Richardson. I think it is fair to say that you are correct, Senator Hughes. I don't want to be regarded as unresponsive in the sense that I have not given you as good an answer as I feel I can give you in the circumstances. I don't believe that I can give you a better answer without, as I said, involving the whole issue of the interrelationship between military action and the negotiating process.

I expressed to Senator Symington my confidence and my belief in the integrity of the course the President has followed in pursuing the objective of peace.

Senator Hughes. I think that——

Secretary Richardson. The judgment that was involved here is one that, as I said, I neither know enough about to be able to answer the question adequately nor do I believe that even if I knew more that I could appropriately do so here without potentially jeopardizing the negotiating process.

Senator Hughes. Mr. Secretary, I proposed legislation requiring the declassification of certain information on U.S. military activities in Indochina. Do you believe the American people have the right to know the monthly figures on U.S. air sorties, the bomb tonnages that are dropped, and the casualties for each separate country of Southeast Asia? Now certainly the people of those countries know what is happening to them. The people of North Vietnam know what happened in Hanoi and Haiphong. The embassies of the other nations of the world have informed their own people what we have been doing there but we, the American people, have no information relative to what we have been doing there.

Do you believe we have the right to know?

Secretary Richardson. In general, Senator Hughes, I certainly do believe in the right to know. I believe that the American people should be kept as fully informed as possible.

As I said earlier to a question by the chairman, I believe that our ability to obtain public support for needed levels of military expenditure is going to depend upon public understanding and knowledge.

This committee has had available to it pretty much as it required information about what we have been doing and I am not in a good enough position at the moment to know what are the considerations that have been behind any restriction on publication of information to be able to say that as Secretary of Defense I would make more available than has been made available.

This committee itself has seen where the line is drawn, and I, if it has not been given out there must be some reasons for it that I don't fully know but would want to know more about it.

Senator Hughes. There are reasons why I certainly would like to know more about why we, the American people can't know what our enemy knows in relationship to our bombing, and I for the life of me fail to understand why we cannot be informed. It is almost beyond me to conceive why every nation on earth has available information but the American people.

I want the briefing in committee, and I have asked the chairman for it. He has assured me that once we get to the point of getting a Secretary of Defense and other people we are going to get on with the business of finding out. But I certainly endorse Senator Byrd's request of at least informing this committee what there is in national defense and security that requires the American people not to know the truth about what we are doing.

The Chairman. If the Senator will yield to me right there, let me make it clear that the chairman hasn't had any information, and I assume no member of our committee has had information, about the resumption of the bombing or the extent of the damage.

Senator Hughes. The use of massive bombing by B-52's in North Vietnam is, in the opinion of this Senator, a radical departure from any other military offense we have used in the past and as a result of that, I think the information is keenly important to this committee. We spent a half billion dollars over a period of 3 weeks apparently, we are back to the negotiating tables, and if we happen to leave those tables without a signed agreement, in some period during the next 2 or 3 weeks, I want to know what the next step is going to be and I want to know whether the ratchet is going to go one-half turn further and, if so, what that could be expected to be. And I think not only do we have that right, but the American people have the right to know, in the viewpoint of one Senator.

Mr. Secretary, as you know, I have been quite upset by the way the Defense Department refused, in my opinion, a thorough handling of the case of General Lavelle. It involved the issues that I think went deep. I was very interested in your response to the question of discipline and your response was directed primarily to the enlisted men, as I got it in the military services.

The application of discipline from general officers on down through the command structure, in my opinion, is equally important. We had a clear-cut case in which I think the evidence was brought before this committee, and the committee reflected it in its voting, of the violation of direct orders of the President of the United States, of the Secretary of Defense, falsifying and concealing records and giving false information to the command structure itself, and yet to this day there has been little more than a wrist slapping application of discipline applied to one man and none whatsoever to any other personnel involved in the entire structure.

My question, Mr. Secretary, is do you intend to let this matter lie as closed or do you intend to open it up so that again we can apply what would seem fair and equal discipline all down the ranks of the military structure?

Secretary RICHARDSON. First, Senator Hughes, let me say that I certainly believe in the application of fair and equal discipline all down the line in the military structure, and nothing I said earlier with respect to military discipline was intended in any way to be restricted in its application to enlisted personnel. On the contrary.

As to the Lavelle case itself, I would certainly want to review the report and conclusions of this committee, the report and conclusions of the House committee, and then reach a decision about whether or not I believed that any useful purpose would be served by my reopening it. The matter, of course, has had a great deal of consideration, not only on the part of this committee but on the part of Secretary Laird and his associates, and there does come a time in most situations when there may be wisdom in letting it alone. So I cannot promise to reopen it. I can only promise to look at it from the point of view of whether or not, in my judgment, any further action should be taken.

Senator HUGHES. Mr. Secretary, I appreciate your promise of looking at it and reviewing the situation. I have communicated to you privately my own intention, so there is no reason to further pursue this today.

I would like to ask a question relating to the F–14, if I might, if that has not already been asked, Mr. Chairman.

The CHAIRMAN. No; it has not been. We will allow you additional time at this point.

Senator HUGHES. The Grumman Corp. has told the Navy that it will proceed under its contract to develop the F–14 aircraft. I would like to know what your reaction to the Grumman statement is.

Secretary RICHARDSON. The question of where we go from here I know is under very intensive negotiation. The only general statement I can make is that I believe that it is essential to the integrity of the procurement process from this point forward that the Department of Defense take a posture which, in effect, insists upon the sanctity of contracts. Where a contract is voluntarily entered into it seems to me that the Government has the right to insist upon the fulfillment of its terms.

I do not believe that we should pursue a policy of bail-outs even though the acquisition of a given weapons system may be important, and I am sure that these general principles do underly the approach being taken right this minute to the negotiating process, and I would want to make sure that the same approach continues if I do succeed Mr. Laird.

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Senator HUGHES. Thank you very much, Mr. Chairman.

Mr. Secretary, philosophically how do you view your position as Secretary of Defense in relationship to the control of the civilian over the military?

Secretary RICHARDSON. I believe, Senator Hughes, that civilian control is a very fundamental part of the kind of responsible self-government this country has always had under its Constitution. I believe that public confidence in and support of our Armed Forces rests in very considerable part on the belief that the most fundamental policy decisions are made by civilians drawing, of course, upon the expertise and the professional advice of military people. The identification of the President of the United States as Commander in Chief is, I think, expressive of an American attitude toward the ultimate responsibility of civilian authority. That, in turn, I believe, is a reflection of a determination that people should have a voice in the selection of those who hold ultimate responsibility, and all of these, I think, are considerations that support the tradition and the current practice, and I would want to maintain it.

Senator HUGHES. Mr. Secretary, pursuant to an act of Congress last year, there are now going to be two Deputy Secretaries of Defense. When we got into the Lavelle matter last fall, it was implied to us that had we okayed this sooner, there would have been better civilian control of the military. How do you propose to divide the responsibility in general of these two Deputy Secretaries of Defense?

Secretary RICHARDSON. I really don't know at this point, Senator Hughes. I have read the testimony by Secretary Packard in support of the legislation to create a second deputy position, and I have also seen memoranda discussing various possible ways of setting up the two positions.

Should Mr. Clements and I both be confirmed we would expect to go through a kind of shakedown period in which we allocated roles of principal emphasis between us and I don't believe we would be in a position to think about the particular background or capabilities that we would seek in a second deputy until after this shakedown cruise.

Senator HUGHES. Well, would you be disposed to put one of the deputies in direct control of military operations?

Secretary RICHARDSON. I believe that the responsibility for operations, the ultimate responsibility, subject, of course, to the President himself, should remain with the Secretary when he is there, and the principal one of the deputies, would have to be in effect designated as No. 1 deputy for purposes of stepping into the Secretary's shoes for this purpose whenever he wasn't there or whenever he was inaccessible.

I think Secretary Laird in important operational matters maintained responsibility virtually all the time, even when he was not in Washington, and he never went anywhere without having established the communications necessary for this, and I would expect, generally speaking, to follow that policy.

Senator HUGHES. Mr. Secretary, as a civilian, and a member of the National Security Council in this capacity, would you believe it to be your obligation to advise the President in confidential discussions or in private discussions to use means in the world than war to resolve the differences between nations such as has happened in Indochina—vehicles such as the World Court, the United Nations, the Geneva Convention?

Do you believe the last alternative should be physical force rather than the first in our interventions?

Secretary RICHARDSON. Yes, certainly, I would. To respond to the first part of your question, I would certainly offer any views that I thought might be helpful or constructive as to the possible use of alternatives short of force, and I would certainly believe, and I do certainly believe, that those alternatives ought to be exhausted before force is used.

Indeed, I am totally confident that this is the President's own view.

Senator HUGHES. Will you assure this committee that that will be your approach?

Secretary RICHARDSON. Yes.

Senator HUGHES. Mr. Secretary, in the past Secretary Laird gave assurances, which Senator Brooke and I added as language to the SALT resolution that the United States would not develop weapons which might be construed as having a first strike potential, especially hard target warheads. Can you assure us this will also be your policy and that you will assess both the spirit and the letter of the SALT agreements in making recommendations in defense spending?

Secretary RICHARDSON. Could you please repeat the first part of that?

Senator HUGHES. Yes.

In the past Secretary Laird gave assurances, which Senator Brooke and I added as language to the SALT resolutions, that the United States would not develop weapons which might be construed as having a first-strike potential?

Secretary RICHARDSON. Yes.

I don't want to be misleading—we get into pretty tough ground here because obviously in connection with a weapon that could be used in a first strike, there is nothing, if you look at the weapon, that necessarily tells you how it would be used, and what you are really touching on is the problem of interpretation by the other side as to a move that might be construed as destabilizing because it looked like a move toward the development of a first-strike capability. And my affirmative answer is, in effect, that I do not believe that the United States should, as a matter of policy, take steps that are subject to a primary interpretation that they are so intended.

Senator HUGHES. Mr. Secretary, do you believe that deterrence is a function of specific numbers of intercontinental missiles and nuclear submarines or of the overall strategic balance of forces, including the forward based forces in Europe.

Secretary RICHARDSON. I believe that we need to take the total balance into account. The question of classification, of forces as between strategic and tactical, of course, is a sensitive one.

Senator HUGHES. Mr. Secretary, if I could leave this subject just for a moment and go back to things that may seem of less importance to the world but are certainly important to some people. The residents of the Island of Culebra have had a commitment for several years from the Secretary of Defense that naval bombardments of their island will be moved to another location by no later than June 1, 1975.

This commitment was reaffirmed by Secretary Laird as recently as November 4, 3 days before the election. And in a telex message to the Governor of Puerto Rico it was reaffirmed. However, on December 27, Mr. Laird submitted a report to Congress on a study of the Culebra target range and recommended that the Navy be permitted to continue the bombardments into the indefinite future. What policy do you intend to follow as Secretary of Defense in regard to this little island of Culebra, which we have been shelling and bombing and what not for I don't know how many years?

Secretary RICHARDSON. I would certainly want to look into it. All I know so far is—I wanted to check my impression whether or not live ammunition is being used. I am told that it is not, and I also gather that the question of the attitude of the people involved is mixed, because a considerable portion of the population of the island is actually employed by the United States in connection with setting up targets and so on. But I would certainly be glad to look into it and review the considerations that have led to these successive positions.

Senator Hughes. Mr. Secretary, did I understand you correctly that you are willing to review this position which is an apparent change of policy as of December 27?

Secretary Richardson. Yes, you did.

Senator Hughes. And will you make at least a representation to the committee, if it was a change in policy, why?

Secretary Richardson. Yes, I would be glad to do that.

Senator Hughes. For our information.

Secretary Richardson. I would be glad to do that.

Senator Hughes. Mr. Secretary, as you know, specifically I have had the major responsibilities of looking into the problem of drug abuse, narcotics addiction, and alcoholism in the military forces as far as the Senate is concerned. We had a team of investigators in Europe last fall, and the Army commanding general in Europe, General Davidson, seemed to report a dramatic increase in drug use, particularly in opium usage in Western Europe among soldiers under his command and there has been speculation and fear we are on the very beginning of some sort of an epidemic such as we went through in Southeast Asia.

Have you been briefed on the problem? How do you picture it, and if it is deteriorating as badly as the general seems to believe, what would you propose to do about that?

Secretary Richardson. I have no ready answer to that, Senator Hughes. I haven't been formally briefed on it. I have had some discussion of the situation with Assistant Secretary Wilbur, and some with Secretary Froehlke, but I can only say now I am very much interested in this problem and concerned about it.

As you, of course know, we in the Department of HEW, acting under legislation of which you have been the principal sponsor, have, I think, significantly improved our efforts to cope with the problem of drug abuse, and I would take that background of concern with me and would want to be sure that we are doing all that we can do within the military.

I do know that what is now being done represents a very substantial improvement over what was being done not very long ago and I believe we can continue to do better.

Senator Hughes. Mr. Richardson, you bring with you a great deal of experience to this office from your position as Secretary of HEW and the divisions therein in relation to alcoholism, drug abuse, and narcotics addiction. You know all the personnel involved in the entire governmental structure in relationship to this field in the civilian sector as well as the military. I would hope this committee could expect from you leadership in the military command and coordination from point of discharge and Veterans' hospitals and into the civilian sector of all personnel that come in contact with this problem. I believe you would be more than willing to give us that assurance.

Secretary Richardson. You are correct, Senator. I am more than willing to give it to you. I think it is a matter that we owe our servicemen and a matter of common humanity and concern for individuals. I also recall—I had not thought of it for years—the mission of what was then called the Army Medical Department. I remember the manual I first saw in basic training, which stated the objective of the medical department of the Army as the conservation of mobilized manpower which struck me as pretty cold-blooded at the time, but only because it states so boldly a concern with the effective use of people who have been trained for a particular role. And so, apart from our concern with the individuals who are serving in the Armed Forces as individuals, we must have a concern with their usefulness and their ability at any given time to carry out their roles.

The Chairman. Gentlemen, thank you very much.

Senator Hughes. May I ask one final question in relationship with this?

The Chairman. Yes.

Senator Hughes. Mr. Secretary, I have listened to you in a number of your speeches in relationship to the subject of alcoholism, as well as to former Attorney General Mitchell. I have watched the policy of the United States in their programs. Some have been engendered in the Congress and some have been supported through the administration.

I would like to ask you a question for purpose of identity.

Do you identify alcoholism as a disease?

Secretary Richardson. Yes. Before I came to Washington, in fact, as attorney general of Massachusetts. I was responsible for the development of legislation to create a statewide system of treatment and rehabilitation for alcoholics, and one of the significant elements of that bill was that it would repeal the laws making drunkenness a crime, which contributed to the revolving door process that has been so characteristic of the handling of alcoholics over the years, and would substitute instead a treatment system.

Senator Hughes. I asked this question for the specific reason because the services have resisted doing so, Mr. Secretary, and I hope you will make a mental note of that and carry it in your programs.

Thank you, Mr. Chairman, for allowing me to continue that line of questioning.

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Senator Hughes. Thank you very much, Mr. Chairman.

Mr. Secretary, do you believe in equality for women in the services?

Secretary Richardson. Yes, I do.

Senator Hughes. I take it then, that you will support the legislation that was introduced last year and passed by the Senate, but did not get out of the House committee, to have equality for fringe benefits and so on for the women of the armed services of their country.

Secretary Richardson. I am not familiar with the legislation. But it sounds right to me.

Senator Hughes. If it looks right you will support it, is that right?

Secretary Richardson. Yes.

Senator Hughes. It ought to be an early matter and easy matter of consideration, I would think. Everyone seems to favor women nowadays.

I had one final question, I believe, in relationship to the drug and alcoholism problem in which I have been in running combat with the military for as long as we have been dealing with it. As you know, every member of the military who is discharged for drug abuse receives on his DD–214 discharge form a code number known as SPN–384, that identifies him to future employers as having been a drug abuser, no matter what type of discharge he receives nor any upgrading that he receives later. The Defense Department has refused to abandon this technique of stigmatizing forever veterans who misuse drugs while in the service. I would like to know what your feeling is in relationship to it.

Secretary Richardson. I do not have a clear view of that Senator Hughes. As you put the question it sounds clearly wrong to stigmatize individuals in those circumstances. I would have to, before giving you a definite answer though. I would want to find out what justifications are supposed to underlie the practice.

Senator Hughes. I did not mean to be unfair in the question so I will point out that the numbers are used for a hundred different SPNs but the SPN numbers are available and employers in large companies look at them and they readily identify what the coded SPN number means. We have had testimony time and time again from ex-servicemen who have been haunted by the fact that they might have been arrested for smoking marihuana cigarettes 7 years ago or they might have been picked up with traces of heroin in a vial in South Vietnam 5 years ago, and it may go on to haunt them until they are 70 years old so far as I know. But if you will review it and if there is anyway to destigmatize this sort of thing in the policies of the Government at least, as I understand the overall policies of this administration, that has not been what was wanted.

Secretary Richardson. I can only say in slight addition to my response, that it would take a pretty convincing argument to overcome the considerations that you have cited. It sounds wrong, but I have not looked into it, and I do not think I ought to give a definitive response without hearing whatever arguments may be advanced in justification of this practice.

Senator Hughes. Well, I agree, Mr. Secretary, that you ought to be completely briefed and completely understand the total problem and then I hope we will have an opportunity to discuss it further.

Secretary Richardson. Thank you, Senator.

Senator Hughes. Mr. Secretary, also we find an examination of the budgets in relationship to alcoholism and drug abuse that there is a constant and continuing budget shortage. I am willing to fight for a budgetary fund to try to meet the needs on this and I believe the entire committee is, and I fail to see requests for funds coming in in adequate amounts to cover it. I hope you will make note of that in the budget requests and if you find there are shortages in your opinion, will you try to increase these areas of requests?

Secretary Richardson. Yes.

Senator Hughes. Seldom does a committee member ask you to increase a request, but I am in this instance.

Secretary Richardson. I am used to it, Senator Hughes, I am used to the requests for increases in my present job.

Senator Hughes. In HEW, yes.

Secretary Richardson. I think I am going to have to get used pretty soon to the opposite. I certainly will look at it.

Senator Hughes. Mr. Secretary, if I can get back to some questions that I believe Senator Thurmond asked about the Reserve and the National Guard, I am concerned about the equipment in the National Guard. Senator Goldwater mentioned the junk that some of the men were flying presently in combat but if you look at some of the junk that is being used in the National Guard as a secondary ready force and we expect them to be ready in the reduced numbers of men and manpower, is it your intention to see that the equipment is modernized, upgraded? With the reduction of forces in Asia and the reduction of forces in Asia and the reduction of forces in this country, there is bound to be modern equipment that should be utilized for the National Guard and Reserve forces to the best degree. Can you commit yourself to seeing that is reviewed and be done if possible?

Secretary Richardson. Yes.

Senator Hughes. Mr. Secretary, there is also a policy in relationship now to what appears to be the President's special action office, a relationship with the Pentagon, to use enforced urinalysis screening of military dependent children in foreign nations. This raises a number of questions, constitutional questions, questions of local law in the country as you know, of the diplomatic service, questions of turning over the information to those countries, in relationship to American military dependents and so on. I would like to ask you to completely review that, and if it is such policy being developed that you would give it your great concern.

Secretary RICHARDSON. I will do that, Senater Hughes.

Senator HUGHES. Mr. Secretary, to return to my question of yesterday which I do not want to pursue too far because I think you obviously have done the best you can with a restrained reply. I am concerned about the military and the civilian control. There is obviously an area that we found out in the Lavelle case where the civilian control of the military in my opinion, failed and where the falsification procedures deceived everyone on up the line.

We received statements from the Chief of Staff of the Air Force and from the Chairman of the Joint Chiefs of staff that they could not assure this committee that this would not happen again. We have been involved in North Vietnam in the most massive use of destructive force since the dropping of the atomic bombs in World War II. It is my personal opinion that this illegal bombing a year ago in November, during the same time of delicate peace negotiations between Dr. Kissinger and Le Duc Tho, could well have precipitated the halt of the peace talks at that time and that has caused this war to go on for another year and more at this point. We have discussed the question of the lack of severity which was used in disciplining those officers, who disobeyed orders, violated the military code, several sections calling for courtmartial. It was also related to us by the Chairman of the Joint Chiefs that there was no communication from the President of the United States or Dr. Kissinger, in fact, that these delicate negotiations were even going on at that time, no coordination within the civilian sector and the military and no control in the civilian sector of a military general commanding the 7th Air Force at that time.

In the Office of the Inspector General, in the civilian sector, somehow we have got to assure the people of America that this cannot and will not happen again. The only force that we cannot use yet in this country that has not already been used is nuclear weapons. We have gone to the brink of the ultimate warfare that all of us have dreaded for a quarter of a century. How, Mr. Secretary, do you propose to see in the structure of the military that this does not happen again?

Secretary RICHARDSON. I can only assure you, Senator Hughes, that I would do my utmost to assure this. I am not in position to describe the means whereby I would seek to accomplish it.

The problem involves in the first instant, of course, a continuing and current information about the exercise of the command process. This was a question that we touched on yesterday. I would need to begin by finding out more about the processes whereby not only orders are transmitted but the execution of these orders is monitored, and I would expect, whether in this area or in the situation involving acquisition or any other case, where it could be determined that information had been withheld about what was being done—where it could be established that this was so—I think we should crack down very hard and very firmly in order to get across as clearly as possible that we really mean it, and I can assure you that I will be on the alert for and seek to create mechanisms that are as efficient as possible in picking up any evidence of this kind of lapse, because I think it would be salutary to the system to see that one or more such instances did receive very rapid reaction.

Senator HUGHES. Mr. Secretary, you and your deputies who come before us for confirmation are the only hold that we in the Senate have as to whether, if another General Lavelle surfaces in the military structure, that this will not happen again and that a slap on the wrist will not occur again. As you review the most recent history of the Pentagon, the Air Force, and those involved in the Lavelle matter, do you believe that those acts taken are severe enough to call to the attention of every commander in our military services and every officer in our services, that maybe you can get by with this incident, maybe you can bomb something that you want to bomb, whether it is in reliance on orders, maybe you can take this chance again? I see the Attorney General's Office demanding capital punishment for every conceivable crime in the book and then the military turn around and brushing someone's hand with a feather for breaking every rule in the book. Please help reconcile my conscience, Mr, Secretary. How can I reconcile those differences between the civilian sector and the military or how will you do this? You are our only possibility of help.

Secretary RICHARDSON. I can only answer in general terms and essentially by restating what I just said, I do not believe I should go beyond my earlier testimony with respect to the individual case of General Lavelle. As to that I can only repeat that I will review it. But I cannot, not having made the kind of inquiries that you have made, give you a response which, in effect, rests upon the same conclusions about what he did and the degree of his guilt that you do.

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The CHAIRMAN. Senator Hughes, do you have any questions?

Senator HUGHES. Yes, Mr. Chairman. I have a couple more. Apparently from articles in the paper the last couple of days, Mr. Secretary, I have noticed items there that I think are important. We apparently are shifting or will shift the Air Force headquarters from Saigon to Thailand. What are the circumstances or what limits would you place on the use of these forces in Thailand and under what circumstances would you recommend aircraft or other military forces in Thailand be used within the country in case of internal insurrection?

Secretary RICHARDSON. In the case of internal insurrection in Thailand? This, I think, is a matter that would have to be approached with a great deal of deliberation. The Nixon doctrine, of course, contemplates that the duly constituted government of a country, which is an ally of the United States, would deal with problems of internal insurrection as a part of its own internal security capability, and I do not believe that we, the United States, should utilize the U.S. forces, even though stationed in that country, in that situation. If the country is incapable of dealing with genuinely internal insurrection as distinguished from an invasion or aggression from outside, it is probably not sufficiently stable to justify our maintaining substantial forces there at all.

Senator HUGHES. I also noticed in the paper, Mr. Secretary—I don't know what the informational sources were—an item mentioning that Russia was increasing the number of planes it was shipping to Syria and technical advisers and technicians, which brings to mind the problems in the Middle East.

Could you in general terms just give the committee what you think our obligations are in the Middle East.

Secretary RICHARDSON. I can say only in general terms that in my view the obligations of the United States in the Middle East are obligations to our own security. They concern, therefore, measures to reduce tension, to prevent escalation. We have certain obligations, of course, to our NATO allies, and these would involve Turkey and Greece, but the question of what we would or should do in specific terms beyond the material support we have been giving to Israel in the event of any new outbreak of conflict is, I think, the kind of decision that could only be reached in the light of all the circumstances. I am sure there are contingency plans but I have not recently seen these.

Senator HUGHES. This is an area where the President has been pretty successful, at least in my opinion, in program and philosophy, in keeping some sort of a balance of power that has enabled as much peace as is possible in the area.

Secretary RICHARDSON. Yes; I certainly feel so, and I think we should obviously continue to pursue the objective of a negotiated settlement between Israel and the Arab countries.

Senator HUGHES. I would like to ask you a theoretical question, the probabilities of which I recognize, and I think you will also, but at least they are theoretical.

If the Congress should pass a law to end the war in Southeast Asia, and should somehow override a Presidential veto, if such were the case, I would assume your responsibilities then would be to follow the Presidential directive. Would it be your inclination to bring the war to a rapid end?

Secretary RICHARDSON. I am not sure if I follow you.

Senator HUGHES. How much money is in the pipeline to continue the war even if we said to end it? Could you go on for 6 months, could you go on for 3 months, or 30 days?

Secretary RICHARDSON. Well, I think this is very hard to answer, Senator Hughes. I don't know what the situation would be with respect to funds. Of course, there would be involved conditions on the availability of the funds. These, in turn, would depend upon the terms of any action that Congress took, and the question, of course, of what the President himself would believe he could or should do in the light of congressional action itself, and so get to a hypothetical question which rests on the resolution of a series of other hypothetical questions.

Senator HUGHES. I am inclined to agree with you. I want you to know personally that I share the hopes that you have and the President and the world that we get a negotiated settlement rapidly and that we will be discussing this as a moot question in the very near future.

I also would like to state to you personally that I do not hold the responsibility of our actions in Vietnam—the bombing—against the military. I never have. I believe they are following orders that have been given by a civilian command many times, making recommendations which is their job to do. It is their job to plan, design, to make recommendations. It is a job of the civilian sector then to make the final decisions of commitment. So in anything I may have said in these hearings I hope there is no implication that I may hold any antagonism against the military in the way of responsibility for the decisions that have been made. I just make that as a statement of clarification to you, Mr. Secretary.

Secretary RICHARDSON. I appreciate that. And I, in fact, don't believe that the contrary would have been inferred from anything you said in any case.

Senator HUGHES. Thank you Mr. Chairman.

Mr. STENNIS. Mr. President, I will be glad to yield time to anyone who might wish to speak for the nomination.

Mr. DOMINICK. Mr. President, will the Senator from Mississippi yield me 2 minutes?

Mr. STENNIS. Mr. President, I yield 2 minutes to the Senator from Colorado.

Mr. DOMINICK. Mr. President, the nominee for Secretary of Defense has, as we all know, been Secretary of HEW for the past several years. I have had the opportunity of working with him on a great many of the social programs which have been voted upon by Congress. Many of the issues involved in those have been ones which have been before the American people or have been sources of great concern to them for a long period of time.

As Secretary, Mr. Richardson has done an outstanding job both in terms of cooperation with the committee and in terms of dealing with the specific problems which have arisen in the course of the discussion of these particular types of problems.

I see no change in his intended philosophy; namely, that of working with the members of the committee and appearing when they need him and trying to shed as much light as possible on particular subjects we may be dealing with.

Mr. President, it should be pointed out in addition that as we move toward a volunteer Army—and hopefully as soon as we can—we will have in the forefront many of the same types of problems with which he has been dealing in HEW. Consequently, with the experience he has had before this time both with the Defense Department and as Secretary of HEW, I can think of no man who would be more suitable to take on this particular type of job.

Mr. President, I have listened to the Senator from Iowa at some length both in the committee hearings and today on the floor. It is my understanding—and I wish he would correct me if I am wrong—that he himself has no objection to Secretary Richardson as a person and has no objection in terms of moral spirit or honesty or anything of that type.

Mr. HUGHES. Mr. President, if the Senator would yield, I wish to state the Senator is absolutely correct. My statement was made entirely in support of Mr. Richardson's confirmation. The Senator from Iowa intends to vote for the confirmation of his nomination, and the Senator from Iowa agrees with the statement of the Senator from Colorado.

Mr. DOMINICK. Mr. President, I thank the Senator from Iowa.

I know what a great deal of time and thought he has put into this matter. And I really appreciate his, as usual, very sound logic and very sound sense of fair play.

All want to say is that I thoroughly support the nomination and look forward to serving on the Armed Service Committee and working with Secretary Richardson for the next 2 years.

Mr. STENNIS. Mr. President, I am glad to yield 3 minutes to the Senator from New Hampshire.

Mr. COTTON. I thank the Senator from Mississippi.

Mr. President, I came to the floor for the purpose of making one statement with reference to the nomination. It has been pretty well covered by the remarks of the distinguished Senator from Colorado, but I wanted to say that, as the ranking Republican member of the Appropriations Subcommittee on Health, Education, and Welfare, having occupied that position now for a decade, I have spent more time in dealing with the problems of HEW than with any other subject on which I have worked. I merely wanted to testify—and I can do it in 2 minutes just as well as 3—to the fact that Secretary Richardson has demonstrated, to my own personal knowledge, a remarkable talent for administration and for oragnization.

Through no one's fault in particular, HEW has grown so fast, covered such a multitude of subjects, and spread in so many directions that it has come to be almost a monstrosity. I watched Secretary Richardson bring something that certainly approaches order out of something that was really chaos. Therefore, without having or claiming any particular knowledge about the problems of national defense, I have confidence that Secretary Richardson will bring to the Defense Department, which has had remarkably able leadership under Secretary Laird, the same kind of careful administrative abilities that he has shown so well in one of the most difficult positions in the Government.

Therefore, I shall most certainly take pleasure in voting to confirm his nomination.

Mr. STENNIS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Mississippi has 9 minutes remaining.

Mr. STENNIS. Mr. President, the Senator from South Carolina has control of the time on the other side. He may wish to yield himself some time.

The PRESIDING OFFICER. The Senator from South Carolina has 28 minutes.

Mr. THURMOND. Mr. President, as the ranking member of the Republican Senators of the Senate Armed Services Committee, it gives me pleasure again to confirm the position I have previously taken in favor of the nomination of Elliot Richardson to be Secretary of Defense. Our committee had not a single vote against Secretary Richardson.

Secretary Richardson, as I stated here last Friday, is an able man. He is a man of unquestioned integrity and character. He is a man of capacity. He has proved his administrative ability as Under Secretary of State and also as Secretary of Health, Education, and Welfare.

In view of his fine qualifications, in view of his great experience in Government, and in view of our feeling that he will fulfill well the duties reposed in him as Secretary of Defense, we were pleased to report his nomination, as I have stated, unanimously.

I hope Secretary Richardson's nomination will be confirmed promptly, so that he can go about his duties. I want to say that being Secretary of Defense is a peculiar task. It is a tremendous responsibility. He, probably more than any other one man in the United States, is responsible for the security of the people of this Nation, in fact for the very survival of the people of this Nation, because we know that if we are going to remain a free people, we must remain strong militarily as well as economically and spiritually.

I believe that Secretary Richardson, working under the direction of our great President, Richard M. Nixon, will prove to be an able and a worthy Secretary of Defense, and one who will follow in the steps of that great Secretary, Melvin Laird. I hope the Senate will see fit to act on his nomination promptly.

Mr. STENNIS. Mr. President, I shall want a few minutes later. If others wish to speak for the nomination now, I shall be happy to yield.

I yield 2 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, I have no illusions about any great contest over the confirmation of the nomination of Elliot Richardson to be Secretary of Defense, but I feel compelled to vote for his confirmation and to announce my support of it, because of my longstanding relationship, both public and private, with the new Secretary of Defense.

I have known him ever since he was employed here as an assistant to Leverett Saltonstall, our former colleague and a very distinguished Senator, at the time Senator Saltonstall was chairman of the Committee on Armed Services.

I have also worked with Elliot Richardson closely through all of his Government tasks, and also know him as a very outstanding lawyer. As a member of the Foreign Relations Committee, I worked with him as Under Secretary of State, additionally I have worked intimately and closely with him as Secretary of HEW, since I am the ranking Republican member of the Committee on Labor and Public Welfare.

Mr. President, several things stand out about Elliot Richardson: He is a skillful man, and he has a real perspective on what is important and what is not as important.

He brings us not only these talents of reconciliation and perspective, and tremendous organizational experience, but also a unique skill in getting along with officials of other countries. This is very important if I see correctly what is impending on the horizon for United States defense and security. This especially includes our relationships with NATO and many other organizations where cost and responsibility must be shared, if we are to bring within any kind of intelligent bounds our relationship to the world as apportioned to our resources and our priorities between domestic and human concerns and, of course, the essential security and defense of the country.

For all of those reasons, Mr. President, I think the President of the United States has chosen extraordinarily well, and I hope the Senate will confirm this nomination.

I thank my colleague very much.

Mr. STENNIS. Mr. President, I yield myself 5 minutes. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 7 minutes remaining.

Mr. STENNIS. Mr. President, there is no great debate here now and no present manifestation of great interest on the Senate floor regarding this nomination, but it is a nomination of far-reaching importance and has provoked a great deal of interest, among many of the Members of the Senate.

At the beginning, Mr. President, there was a great deal of interest in this nomination—not opposition but interest and some concern. This has been a fine illustration of what Senate hearings can do in and getting into the facts and giving every Member an opportunity to develop any matters in which they have an interest. Staff work, of course, brings out the relevant facts. The more that work was done, the more this matter settled down to be considered on its merits. So much so that by the time the committee of 15 members voted, 13 voted for the nomination, one reserved his rights by voting "present"—and has since stated that he will support the nomination—leaving only one member unaccounted for and there was one who had to miss much of the hearings.

Mr. President, as I stated here now, I do not know of anyone who will oppose this nomination. Mr. Richardson's outstanding service—as Secretary of HEW has been mentioned here. That is correct. I pointed out to him, though, in private and at the hearings, that administering the Department of Defense would be a far different obligation and responsibility and a far different task. I say this with all respect to HEW, but Defense is just a different organization. In the Department of Defense, I am convinced that Mr. Richardson—capable as he is—will use his ability with a firm hand at the top. I am confident he will demand the right kind of discipline—and I do not mean by that just punishment—but the right kind of disciplinary leadership and then the right kind of punishment, if necessary, so as to harden things up and move toward the idea of a real, well-trained, muscled-up, hard-nosed, military that responds to military orders as a matter of habit and, can therefore, constitute an effective military machine.

I am not saying that we are altogether without those things now. But I think there has been a softening up, due to a number of circumstances. Certainly now, with the fighting over, there will be no excuse for any accommodating processes which, I think, could gradually erode and finally destroy effective military units. I am talking now about fighting units on the ground, in the air, and on the sea.

I believe that Mr. Richardson realizes that. He says he has no outstanding obligations, to any group in any way, because of the secretaryship of HEW, and that he is not bringing over any unfinished or continuing promises made there to try to apply them to the military organization. Those matters are clear and this man, who is extraordinary in his ability, has been twice confirmed by the Senate for high office, once as Under Secretary of State and once as Secretary of HEW.

Mr. President, in each instance, the judgment of the nominator and the Senate has been confirmed by Mr. Richardson's very fine and outstanding services. He is not only learned in the law but has practiced law. He worked with the late Justice Frankfurter, then a member of the Supreme Court. He served here on the staff of the former and highly respected Senator from Massachusetts, Leverett Saltonstall, at the time he was chairman of the Armed Services Committee.

Mr. President, as Under Secretary of State, Mr. Richardson gained valuable experience for his new post by attending meetings of the National Security Council.

I am very much pleased that this nomination is in the shape it is before the Senate at this time. I warmly support the nomination and look forward with great expectation to a fine performance by Mr. Richardson as Secretary of Defense.

Mr. President, I yield the floor.

Mr. McINTYRE. Mr. President, on January 11, I said I would vote in committee to report out Mr. Elliot Richardson's nomination as Secretary of Defense for the full Senate to consider, but reserve the right to vote against final confirmation.

In that statement, I made it clear that whatever reservations I had about his confirmation had nothing to do with his professional competence. Indeed, I said that in this respect the nominee is eminently qualified.

Instead, my reservations were over Mr. Richardson's defense of the President's terror bombing orders in December and over the administration's refusal to take the Congress into its confidence on such crucial issues as war and peace.

At that time, I said that there might be only one recourse left for the Congress to express its outrage over our bombing of civilians and to reaffirm the Congress' constitutional right to coequal status with the executive branch. That recourse was to vote down Mr. Richardson's nomination.

My feelings about the December bombing and the scornful patronizing of the Congress are no less strong today than they were when I made that statement, Mr. President, but I hope the negotiated peace makes at least the first of these issues moot for the moment in our consideration of Mr. Richardson's nomination.

If—as we all hope and pray—our military involvement in Vietnam is over, then we must assume that a resumption of terror bombing on our part is most unlikely.

On the second issue, there has been some procedural progress. In the interim since I made my committee statement, Dr. Kissinger has made a detailed accounting of how the peace agreement was reached, finally answering many—if not all—of the questions raised by the Congress and the American people.

Accordingly, Mr. President, I will vote to confirm Mr. Richardson's nomination, but I want to make as clear as I can that my reservations, particularly those relating to the breakdown in executive-legislative relations, are far from satisfied.

In my judgment, the burden of proof remains with the White House. In the days and weeks ahead, the President and his administration spokesmen must demonstrate convincingly that the Congress will be taken into full confidence and treated with the respect that a coequal branch deserves.

No one wants a constitutional crisis, Mr. President, but I am sure many of my colleagues share my suspicion that we were very near such a crisis earlier this month.

When 100 duly elected U.S. Senators and duly elected U.S. Representatives are kept in ignorance of decisions affecting the lives of the people they represent until those decisions are carried out—when they are not told of the mining of Haiphong Harbor until after it is mined, when they are not told of the decision to carry out terror bombing until after the bombing is underway, when they are not told of the details of the negotiated peace until after the agreement is made—then I say the administration has been playing the most dangerous kind of constitutional crisis brinkmanship, Mr. President. And I say we must never let this happen again.

It is demeaning enough when war policy supporters in the Democratic caucus cannot make a convincing case for those policies because they have not been taken into administrative confidence, but when the Republican dean of the Senate must admit as he did this month that he has not been consulted by the White House since August 3, then it becomes more than a matter of injured institutional pride. It becomes an issue of crucial concern for every American who believes in constitutional government.

Now I am realistic enough to know that I cannot expect the President or Dr. Kissinger to brief me, personally, and 99 other individual Senators.

But it would seem to me that institutional respect, to say nothing of common courtesy and the courtship of unity, would demand such briefing for the leadership of both Houses and the appropriate committee and caucus chairmen.

And so, Mr. President, as I declare my intent to honor the President's wishes in the matter of Mr. Richardson's appointment, I also declare my intent to do everything I can as one U.S. Senator to stop any further usurpation of congressional prerogatives by the White House and by the National Security Council.

I make this pledge in respect of the people who elected me to this office.

Everyone of us who make up the Senate and the House of Representatives were put there by the voters of 50 States and 435 congressional districts.

In all of the White House, in all of the National Security Council only two were put there by the vote of the people. The rest are there at the pleasure of one man.

I respect the office of the President. I appreciate the tremendous burdens of the Executive responsibility. And I am profoundly grateful that the labors of Mr. Nixon and Dr. Kissinger have brought us the peace we have sought for so long.

But neither respect, nor appreciation, nor gratitude must be allowed to gloss over or diminish the dimensions of the steady erosion of Congress rights and responsibilities nor the absolute need for their reassertion.

Mr. HELMS. Mr. President, I intend to vote to confirm the nomination of Elliot Richardson as Secretary of Defense. He is the President's choice.

But I would be less than candid if I did not acknowledge that I have certain anxieties about Mr. Richardson's fundamental orientation toward the job he is about to assume.

Let me be very clear about what I am saying and what I am not saying. I am not saying that Mr. Richardson is lacking in integrity or energy. Far from it. I see no reason to question the widely held estimate of Mr. Richardson as a skillful, imaginative administrator. But the job he is about to undertake, like all truly significant Government jobs, but much more than most, demands more than administrative skills. The job of Secretary of Defense, now more than ever, demands a man with a particular view of the world and of the role of the United States in the world. In addition, the man in that office must have a positive zest for battle on behalf of this view of the world.

I believe the world is far from being, and is even far from becoming, the safe and tranquil place that many people would have us believe it already is. I do not believe that our principal enemies—the major Communist powers, the Soviet Union and Red China—have ceased to be enemies. I do not believe that they have mellowed to the point at which the threat they pose to our national security will permit us to diminish our defense effort. It would be tragic for us to assume, in the euphoria understandably but wrongly generated by the Vietnam truce, that the United States has extricated itself from its last disagreeable crisis.

The negotiations in Paris have been important. But the negotiations currently getting underway in Geneva are much more important. The second round of the stratigic arms limitation talks—SALT II—concern the very survival of this Nation.

I share the deep and detailed anxieties about the results of SALT I that so many Senators expressed so forcefully in the last session of Congress. I believe the United States found itself in SALT I negotiating from a position of near weakness; and I believe that unless we are prepared to make the necessary sacrifices, we soon will find ourselves negotiating from a position of actual weakness. If that happens, SALT II will mean the permanent eclipse of the United States as a world power.

Had I been in the Senate last year I would have fought with all the energy at my command for passage of the amendment proposed to the measure ratifying the SALT interim agreement by the distinguished junior Senator from Washington (Mr. JACKSON).

As long as I am in the Senate I shall do everything in my power to see that the clear language of that amendment, the clear intent of this body, is reflected in the results of SALT II. Needless to say, I am especially anxious for all future U.S. SALT policy to respect the amendment language that says any future treaty limiting strategic arms must be one "that, inter alia, would not limit the United States to levels of intercontinental strategic forces inferior to the limits provided for the Soviet Union."

There can be no higher priority than fulfilling the dictate of the Jackson amendment. And I have no patience for idle talk about the need to "reorder" our priorities, by making less effort in the field of national security and more effort in the host of discredited programs of social engineering on the domestic scene. Indeed it may be that if the intent of the Senate is to be fulfilled in SALT II, we must make an even greater emphasis on our defense effort.

This, then, is my view of the world, and of my responsibility as a Senator charged with helping formulate a prudent, realistic national security policy. And it is with regard to this view that I have some concern about Mr. Richardson's thinking.

It is not the style of the junior Senator from North Carolina to mince words. Least of all do I do so on matters of such importance. There are grounds for doubting that Mr. Richardson shares the view of the world I have outlined here. There has been some controversy in the press about reports that Mr. Richardson would appoint questionable men to positions of great responsibility in the Department of Defense. It has been reported in the press that Mr. Richardson considers it important to accommodate some of the most forceful advocates of a lessened defense effort.

Now, I know better than to place too much trust in press reports; where there is press smoke, often there is not a trace of fire. But because the issues involved are so grave, I have found such reports unsettling. It is of paramount importance that the key Pentagon positions be filled with men who have clear, consistent records of support for firm, strong U.S. defense policies. And it is crucial that the Secretary of Defense—any Secretary of Defense—understand the limits of accommodation with those who, holding honestly differing views about the world, inevitably will be in loyal opposition to the strong defense policies.

Mr. President, I want to give Mr. Richardson the benefit of every doubt. I readily ackowledge that his comments during the confirmation hearings were encouraging, indicating that he is beginning to develop a world view more appropriate, it seems to me, to the new position to which the President has appointed him.

Therefore, Mr. President, it is my intention to vote for Mr. Richardson. I will be watchful and, when possible, supportive of his efforts. In any case, I will be watching with keen interest as the new Secretary begins the service in which we all wish him success.

Mr. THURMOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The hour of 2:30 p.m. having arrived, the Senate will now proceed to vote on the nomination of Elliot L. Richardson to be Secretary of Defense. The yeas and nays having been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. CANNON), the Senator from California (Mr. CRANSTON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from Maine (Mr. HATHAWAY), the Senator from Washington (Mr. MAGNUSON), the Senator from Missouri (Mr. SYMINGTON), and the Senator from Georgia (Mr. TALMADGE) are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska (Mr. GRAVEL), the Senator from Maine (Mr. HATHAWAY), the Senator from Washington (Mr. MAGNUSON), the Senator from Missouri (Mr. SYMINGTON), the Senator from Nevada (Mr. CANNON), and the Senator from California (Mr. CRANSTON) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from New York (Mr. BUCKLEY), the Senator from Maryland (Mr. MATHIAS), the Senator from Ohio (Mr. SAXBE), and the Senator from Vermont (Mr. STAFFORD) are absent on official business.

The Senator from Kentucky (Mr. COOK), the Senators from Kansas (Mr. DOLE and Mr. PEARSON), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

The result was announced—yeas 81, nays 1, as follows:

[No. 4 Ex.]

YEAS—81

Aiken
Allen
Baker
Bartlett
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Biden
Brock
Brooke
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Case
Chiles
Church
Clark
Cotton
Curtis
Domenici
Dominick
Eagleton
Ervin
Fannin
Fong
Fulbright
Griffin
Gurney
Hansen
Hart
Haskell
Hatfield
Helms
Hollings
Hruska
Huddleston
Hughes
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Long
Mansfield
McClellan
McClure
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Nunn
Packwood
Pastore
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott, Pa.
Scott, Va.
Sparkman
Stennis
Stevens
Stevenson
Taft
Thurmond
Tower
Tunney
Williams
Young

NAYS—1

Abourezk

NOT VOTING—18

Buckley
Cannon
Cook
Cranston
Dole
Eastland
Goldwater
Gravel
Hartke
Hathaway
Magnuson
Mathias
Pearson
Saxbe
Stafford
Symington
Talmadge
Weicker

So the nomination of Elliot L. Richardson to be Secretary of Defense was confirmed.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. TOWER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. TOWER. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nomination.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

TRIBUTE TO MELVIN R. LAIRD

Mr. STENNIS. Mr. President, the Nation is deeply indebted to Mr. Melvin Laird for 4 years of splendid service as Secretary of Defense.

Without reflecting at all on Mr. Richardson, his very able successor, I want to say that I was sorry to learn that Secretary Laird was planning to leave the Pentagon.

Running the Department of Defense has always been one of the most difficult jobs in Government—our Government or any other. In the last 4 years the job has been much more difficult than before.

During those years, continuing U.S. involvement in an increasingly unpopular war has turned a segment of American opinion against the Pentagon and against the military.

For his part, Secretary Laird's determined drive for Vietnamization of that war has helped bring us to a point where we can now withdraw from this unhappy conflict leaving the South Vietnamese supplied, equipped, and trained so that they have a reasonable chance for survival after our departure.

Of course, Vietnamization may be severely tested in the weeks to come, but Secretary Laird can take satisfaction in the fact that our troops—and our prisoners of war—can now come home under honorable circumstances.

That is the way I have wanted them to come home.

During the 4 years of Secretary Laird's tenure in the Pentagon, we have also come—more and more—to understand that we cannot keep buying an unlimited supply of countless sophisticated weapons systems to safeguard our national security. We have learned that the military must be as carefully selective as any other shopper.

No one would say that our military procurement problems have all been solved. But Mr. Laird—in making some headway on "test before you fly" and "fly before you buy"—can certainly take satisfaction in having to come to grips with these problems and give them priority attention in the Pentagon.

We, in Congress, can take a special pride in Secretary Laird's very fine performance in this very difficult job. Congress was his training ground, and I need not remind Senators that he represented the Seventh Wisconsin Congressional District for 16 years in the House.

Mr. Laird, as Secretary, has always had good relations with our Senate Armed Services Committee and, I believe, with Congress generally. I have enjoyed working with him—both as Congressman and as Secretary.

I congratulate him on his fine service, and I wish him well for the future.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. TOWER. Mr. President, I wish to thank my distinguished colleague from Mississippi for his splendid statements about my good friend, Mel Laird, and to say that I concur with and associate myself with those remarks.

It was my privilege to work with Secretary Laird when he was a Member of Congress; I also worked with him outside of Congress on the Republican platform and policy matters.

He brought a dimension to the Department of Defense that was needed. He was a tough, hard-nosed Secretary of Defense, a man who is very patriotic, and who brought many changes to the Department. I think he leaves that job with the good will of all of us who have a strong interest in maintaining the defense posture of the United States.

Mr. STENNIS. I thank the Senator for his remarks.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. THURMOND. Mr. President, I associate myself with the remarks of the distinguished Senator from Mississippi.

In my opinion, Mel Laird is the greatest Secretary of Defense who has served this Government since I have been in the Senate. He is a man of tremendous capability, unquestioned integrity, and character, and he dedicated himself to this position of great responsibility. I am very proud of his accomplishments not only in respect to the Vietnam war but in all aspects of the Department of Defense.

Mr. McGEE. Mr. President, will the Senator yield?

Mr. STENNIS. I yield 1 minute to the Senator from Wyoming.

Mr. McGEE. Mr. President, as a "resident Member" of the other side of the aisle I want to endorse these remarks that have been submitted here in behalf of Mel Laird. I have known Melvin Laird since his days in the House, many years ago. He has been a superb administrator in the Pentagon. One of his great assets was that he knew where all the mechanisms were already by his long service in the House. He distinguished himself and the country, not as a Republican, but as a very effective Cabinet member for his Cabinet.

Mr. STENNIS. I thank the Senator for his remarks. I think Secretary Laird, because of his experience in the Congress, made it easier for all of us in Congress to perform our duties.

He could make his position understood with great clarity. He was a firm hand at the top, as I said not long ago, and he knew how to exercise that firm hand when necessary, and in a very skillful way.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a resumption of the period for the transaction of routine morning business for not to exceed 30 minutes with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS HUMPHREY, CRANSTON, TUNNEY, ROBERT C. BYRD, AND FONG ON WEDNESDAY, JANUARY 31, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Wednesday immediately after the two leaders or their designees have been recognized under the standing order, the following Senators be recognized, each for not to exceed 15 minutes, and in the order stated: Mr. HUMPHREY, Mr. CRANSTON, Mr. TUNNEY, Mr. ROBERT C. BYRD, and Mr. FONG.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON WEDNESDAY, JANUARY 31, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Wednesday, following the special orders for the recognition of Senators, there be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

U.S. TERRITORIAL EXPANSION MEMORIAL COMMISSION—APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. DOMENICI). The Chair, on behalf of the Vice President, pursuant to Public Resolution 32 of the 73d Congress, appoints the Senator from Kentucky (Mr. HUDDLESTON) to the U.S. Territorial Expansion Memorial Commission, in lieu of the Senator from New Mexico, Mr. Anderson, no longer a Member of the Senate.

AMERICAN REVOLUTION BICENTENNIAL COMMISSION—APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. DOMENICI). The Chair, on behalf of the Vice President, in accordance with Public Law 89–491, as amended by Public Law 92–236, appoints the Senator from Georgia (Mr. NUNN) to the American Revolution Bicentennial Commission, in lieu of the Senator from Virginia (Mr. HARRY F. BYRD, JR.), resigned.

ORDER FOR RECOGNITION OF SENATOR RIBICOFF ON WEDNESDAY, JANUARY 31.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Wednesday, immediately after the two leaders or their designees have been recognized under the standing order, the distinguished Senator from Connecticut (Mr. RIBICOFF) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PRESIDENT'S PROPOSED BUDGET

Mr. PELL. Mr. President, the budget which President Nixon has proposed for fiscal year 1974 is, to my mind, a gross misreading of the real priorities of our Nation.

We have all heard the abundant rhetoric about economy in government and about controlling Federal spending. Yet here we have a budget that calls for a bigger than ever outlay of Federal funds.

What is even more disappointing to me is the disregard of the vital human being programs of our Nation and the continued move toward funding the military at an even higher level.

While the President proposed to cut back programs that directly serve people, he asks that we increase the military budget by $5.6 billion. While he asks that we cut back expenditures for education, for health, and for the well-being of our citizens, he asks increased funds for new weapons.

To capture the picture quickly, we need only observe that the President is asking for an increase in the defense budget that is more than the entire budget for the Office of Education. Mr. President, this fact alone demonstrates brutally the misplaced priorities of this administration.

As chairman of the Education Subcommittee, I am particularly concerned about the budget figures proposed for the continuation of education programs. In effect, the administration has abolished the main programs of educational categorical aid.

For example, title I, which received about $1.5 billion in this fiscal year, is allocated not a cent. The same holds true for many of the other programs. The most necessary impacted aid program would be abolished as we now know it.

All we see now in this budget request is a promise for $2.5 billion for something called education revenue sharing, a program which does not exist and which may not exist in the future.

Who suffers from this budget? Our handicapped children, our crippled children, our disadvantaged children; in fact, all our children who lose the benefits of concrete services and library books this Nation's schools ought to provide.

Mr. President, I believe the main issue of this Congress is how the taxpayer's Federal dollar will be spent. We hear all sorts of remarks on new and old programs, but the heart of the matter is where our money will go.

The American people, when quizzed by the various public-interest polling services, maintain that they want the funds spent on the best education of their children. Yet we have an administration which simply sinks more and more money into the defense and hardware areas and cuts back on programs geared to the needs and expressed wishes of the people.

A government, to retain the faith of the people it governs, must have the trust and respect of those people. It must have compassion for those who are not as fortunate.

This administration lacks compassion and seems to believe that helping young people obtain an education may endanger their character. It has spent billions for the supposed welfare of a nation divided by civil war, but says that more than $5 billion is too much to spend on education at home.

I ask the Appropriations Committee to disregard this budget and to write a document which would show a better understanding of the needs of our Nation and would make a true investment in America.

This should be a budget whose total amount should be no more, and, if possible, less than the President's. But it must be a budget that reflects our true national needs and the needs of our own people.

Mr. HUMPHREY. Mr. President, I want to make just one or two observations with reference to the President's budget along the lines of the remarks of the Senator from Rhode Island.

This is, to put it simply, a whopper of a budget, $268 billion: That is no small sum. But I think the budget is characterized by certain descriptive words that will bear careful scrutiny and examination.

First, it is deceptive. Why do I say that? Because it is predicated on the assumption that the Congress has been fiscally irresponsible, has been the spender, and the President has been the economizer.

The simply fact is that every budget presented by President Nixon and other Presidents over some 26 years has been reduced by the Congress of the United States. Last year, in the instance of the social security increase, an additional tax was levied. And is it not interesting that while the social security increase put the budget above the $250 billion ceiling that the President imposed by executive will—not by congressional concurrence—the President himself claimed credit, in the election year, for that social security increase?

A second word that I would use to describe this budget is "deficit." We have had $71 billion worth of deficits in the 4 years of this administration, and this one adds another $13 billion. The President has not asked for additional taxes to overcome that deficit, nor has he been willing to make sufficient cuts in the budget items to put it in balance. It has all been justified on the basis of a "full employment budget," which carries a huge deficit, but which still leaves us with huge unemployment and all its attendant problems.

A third phrase I would use to characterize this budget is "domestic disengagement." As the Senator from Rhode Island so appropriately stated, it withdraws from the people programs that have meant so much to so many of the people of this country in the fields of education, housing, health, and manpower training. The abolition of manpower training programs, for example, cannot be justified either on the basis of humanitarian considerations or of the state of the economy.

And there is one other word that I would use to describe this budget: "Neglect"—neglect of the basic needs of the American people. There is not one word in this budget, or one outline or suggestion, of a program of tax reform. The President says he wants to hold the budget down so we will not need new taxes. We may not need new taxes, but we surely need tax reform. Even the administration, a year ago, under pressure, admitted that that was necessary. But there is no proposal for tax reform here, to aid middle-income Americans and all the little people of this country.

May I add, finally, that only last year this Congress was told that the primary No. 1 responsibility of this Government was welfare reform. We did not succeed here in Congress in providing a total welfare reform package. To the contrary, we did not do well. I voted for welfare reform. I was prepared to vote for the President's welfare reform package. I voted for the Ribicoff amendments in this body that were within the framework of the President's welfare reform proposals.

But the President does not present a welfare reform program this year. Last year, before the election, we were told we had to get rid of these "loafers on welfare," that we had to go to "workfare." This year, in 1973, the problems of welfare are still with us, and yet the budget contains no direction whatsoever for welfare reform.

So, Mr. President, I submit that the words I have used about this budget bear truth, and I intend on Thursday of this week to give a detailed analysis of this budget. Those words I have used are deception, deficits, domestic disengagement, and neglect; and I call upon the appropriate committees of this Congress to examine this budget item by item. I have met this morning with the members of the staff of the Joint Economic Committee, and I am asking the Joint Economic Committee staff and the committee itself to take this budget item by item, line by line, paragraph by paragraph, subject by subject, and examine it in the light of truth and in the light of the conditions that face this country; and I hope that Congress will have the courage to come forth with an alternative budget.

Mr. President, what is so magical about the figure that the President hits when he says, "This is all we can spend?" Why is it that he neglects tax reform? What justification does he have for cutting out the programs? I think we ought to know.

Mr. PELL. Mr. President, I thank my colleague very much indeed. I think his words are well taken. I notice he does not use the words "benign neglect"; just neglect. I would agree with him in that.

Mr. KENNEDY. Does the Senator from Rhode Island remember the nationwide appeal of the President of the United States, admonishing Congress to increase title 1 funds, only last year, at the time of the presidential primaries?

Mr. **HUMPHREY**. How well I remember.

Mr. **KENNEDY**. And indicating his great parental concern about the problems of education in the inner cities? And does the Senator not remember, as the chairman of the Education Subcommittee, over the period of the last 4 years, that there was not one time that the President requested $1 of additional appropriation for title 1 which would actually affect the inner cities; and then we heard his nationwide appeal admonishing Congress to upgrade and increase the resources for title 1 educational assistance? And is not the Senator perplexed about the reasoning of the administration, after going to the American people and after urging Congress to act, in cutting back on this program to help and assist in the very area where he himself indicated that Congress had failed to act, and where he said he wanted to help all those mothers and fathers who were sending their children to schools in the inner cities all over this country? How does the Senator from Rhode Island explain that rationale?

Mr. **PELL**. As a candidate for reelection this past year, I recall the admonitions of the administration well. But election day is now past. I am puzzled because the President is now apparently concerned only with his image in the pages of history, and yet this kind of misplaced priorities and changes of emphasis will, I think, do more to tarnish than to illuminate that image. I really can give no sensible answer to the question of the Senator from Massachusetts.

Mr. **KENNEDY**. That is fine as far as his position in history is concerned, but what sort of logical pattern of thought does the Senator see, if any, where the President went to the American people and urged additional authorization and additional appropriations, even though there was sufficient authorization under legislation which came before the Senator from Rhode Island's committee, and then, as soon as the election is behind us, he comes up and really effectively guts the title I program of education, that is so meaningful in providing help and assistance to cities over the length and breadth of this country that are trying to provide educational resources to the disadvantaged and underserved young children of this country?

Mr. **PELL**. I can give no logical explanation for his actions. I would be very much interested in what explanation is given by his supporters on the other side of the aisle.

Mr. **KENNEDY**. I thank the Senator from Rhode Island. It is a statement which deserves the attention of all Members of this body.

Mr. **JAVITS**. Mr. President, one further word on the budget situation which has just been described. I find serious deficiencies in the President's budget respecting the disbandment of the OEO without any substitute for it. The poor cannot wait until governmental machinery gestates and decides what should be done about them. There are also grave deficiencies with respect to education, housing, manpower training, and other matters.

However, there seems to be a singular tenderness about defense, which seems to be the most sacred of all sacred cows. I do not believe the American people will it that way.

I respect and admire the President's desire to hold down expenditures. We must do the same. But we, too, have to make the choices among the priorities with a sense of responsibility without allowing a line item veto such as that inherent in the impoundment procedure used by the President.

I do not look for any hostile confrontation with the President, but I do look for a decent and honorable judgment from Congress to match that of the President's. If this happens, the resulting product will do credit to what the American people expect of their Government, something for all classes—the rich, the poor, the middle, and the modest levels.

That shall be my objective. I hope that Congress will equip itself so that it may, with responsibility and judgment, carry out that very grave function which it has not had the adequate staff, equipment and will to carry out, but which it must now put itself in the position to do if we are to carry out our constitutional duties.

I ask unanimous consent that a statement I released today on the budget be included in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

PRESIDENT'S PROPOSED BUDGET

(Statement of Senator JAVITS)

The President's budgetary message has put forward his expenditure priorities within his stated and certainly appealing budgetary intention which seeks to keep the Government's fiscal house in order. It is now the duty of Congress under the Constitution, to put forward its priorities. These may differ substantially from those of the President as they are set within a Congressionally established expenditure ceiling. Our tasks are rendered more difficult by the high percentage (70 percent) of mandated and therefore uncontrollable expenditures in the new budget.

The following are the principal issues which confront us in the 93d Congress:

BUDGETARY PRIORITIES

Drastic cutbacks in housing, manpower training, poverty, urban and agricultural programs—i.e. expenditures for human beings and human needs—must be repaired by adopting appropriate alternatives or rearranging priorities. The Federal Government clearly has a continuing obligation to help those who cannot help themselves—be they disabled Vietnam war veterans, or mothers with dependent children on welfare or in the other affected categories of disadvantaged Americans.

PRESIDENTIAL IMPOUNDMENT

The Congress cannot allow the President to terminate unilaterally Congressionally mandated programs by use of what is in effect "line item veto" impoundment. The impoundment practice was never intended for this purpose but only to correct errors and to deal with emergencies or materially changed circumstances. There can be honest differences of opinion regarding spending priorities, but once the Congress has spoken, it is the President's duty under the Constitution to carry out the Congressional mandate. This is not to say that revised and updated Congressional authorization and appropriations procedures are not urgently required.

MILITARY SPENDING

The budget message indicates that Defense Department expenditures may have not received as thorough a pruning as the expenditures of the Department of Agriculture and the Department of Health, Education and Welfare. Here the basic priorities need to be reconsidered and better balanced. The outlay savings projected in the military programs of the United States—despite the Vietnam ceasefire—are relatively and disproportionately small.

The Congress must also carefully review budgetary proposals for new weapons systems. Certainly, a continuing modernization of the Nation's military security is vital, but we must be alert to the danger of small promissory notes signed now, which can burgeon into unbearable commitments in the future.

(The remarks that Mr. JAVITS made at this point on the introduction of S. 611, the school bus safety act of 1973, and Senate Joint Resolution 43 relating to school bus safety week, are printed earlier in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

QUORUM CALL

The **PRESIDING OFFICER**. Is there any further morning business?

Mr. **ROBERT C. BYRD**. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. **ROBERT C. BYRD**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR HOLLINGS ON WEDNESDAY

Mr. **ROBERT C. BYRD**. Mr. President, I ask unanimous consent that on Wednesday next, immediately following the remarks of the distinguished Senator from California (Mr. TUNNEY), the distinguished Senator from South Carolina (Mr. HOLLINGS) be recognized for not to exceed 15 minutes.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON WEDNESDAY

Mr. **ROBERT C. BYRD**. Mr. President, I ask unanimous consent that at the conclusion of special orders for the recognition of Senators on Wednesday next, there be a period for the transaction of routine morning business, not to extend beyond 2 p.m., with statements therein limited to 3 minutes.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

ORDER FOR EXECUTIVE SESSION ON WEDNESDAY TO CONSIDER NOMINATION OF PETER J. BRENNAN

Mr. **ROBERT C. BYRD**. Mr. President, I ask unanimous consent that at 2 p.m.

on Wednesday next, the Senate go into executive session to consider the nomination of Mr. Peter J. Brennan to be Secretary of Labor.

The **PRESIDING OFFICER.** Without objection, it is so orderd.

Mr. **ROBERT C. BYRD.** Mr. President, I ask unanimous consent that time for debate on the nomination be limited to 1 hour, to be equally divided between the distinguished Senator from New Jersey (Mr. WILLIAMS) and the distinguished Senator from New York (Mr. JAVITS), and that a vote occur on the nomination of Mr. Brennan at 3 p.m. on Wednesday.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

QUORUM CALL

Mr. **ROBERT C. BYRD.** Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. **ROBERT C. BYRD.** Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER** (Mr. HANSEN). Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF NOMINATION OF JAMES T. LYNN ON WEDNESDAY, JANUARY 31, 1973

Mr. **ROBERT C. BYRD.** Mr. President, I ask unanimous consent that on Wednesday upon the disposition of the nomination of Mr. Peter Brennan to be Secretary of Labor, the Senate proceed to the consideration of the nomination of Mr. James T. Lynn for the Office of Secretary of Housing and Urban Development.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM WEDNESDAY, JANUARY 31, 1973, TO THURSDAY, FEBRUARY 1, 1973

Mr. **ROBERT C. BYRD.** Mr. President, I ask unanimous consent that when the Senate completes its business on Wednesday it stand in adjournment until 12 o'clock meridian on Thursday.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS HUMPHREY AND ROBERT C. BYRD ON THURSDAY, FEBRUARY 1, 1973, AND FOR PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. **ROBERT C. BYRD.** Mr. President, I ask unanimous consent that following the recognition of the two leaders or their designees under the standing order on Thursday next the distinguished Senator from Minnesota (Mr. HUMPHREY) be recognized for not to exceed 15 minutes, that he be followed by the junior Senator from West Virginia (Mr. ROBERT C. BYRD) for not to exceed 15 minutes, and that there then be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF S. 606, THE RIVERS AND HARBORS BILL ON WEDNESDAY

Mr. **ROBERT C. BYRD.** Mr. President, I ask unanimous consent that following the disposition of the nomination of Mr. James T. Lynn to be Secretary of Housing and Urban Development, the Senate proceed to the consideration of S. 606, the rivers and harbors bill.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF NOMINATION OF JAMES T. LYNN ON THURSDAY, JANUARY 31, 1973

Mr. **ROBERT C. BYRD.** Mr. President, I ask unanimous consent that on Thursday at the conclusion of routine morning business the Senate go into executive session for the further consideration of the nomination of Mr. James T. Lynn, if the nomination has not been disposed of on Wednesday.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. **GRIFFIN.** Mr. President, particularly in view of my remarks earlier today, I wish now to commend the Senator from West Virginia and the majority leadership for scheduling consideration of the Brennan, Lynn nominations. There is every indication now that at least those two nominations will be voted on this week. I think that is to the good.

I am very glad that the Senate is moving along with these nominations and I hope it will soon be possible to say something about the nomination of Mr. Weinberger.

Mr. **ROBERT C. BYRD.** Mr. President, on behalf of the distinguished majority leader and myself, may I say that it is likewise the hope of the leadership on this side of the aisle that the Senate may be able to proceed with the consideration of the nomination of Mr. Weinberger within the next few days. As I have indicated earlier, certain Senators have placed holds on this nomination, and in accordance with the policy followed in the past of honoring such holds for 1 or 2 weeks—or a reasonable length of time depending on the circumstances in each case—the leadership has acted in conformity with that policy in this instance.

I have discussed the matter with interested Senators. They are working, hopefully, in the direction of clearing the holds they have placed on that nomination prior to the date of February 8 when the Senate will adjourn at the close of business for the Lincoln Day recess. I think it probably depends to a considerable extent on just how soon the Office of Management and Budget can submit to the Senate the information concerning the impoundment of funds which is required under the amendment which I offered some time ago. That amendment required that such impoundment of funds data be submitted not later than February 10. If the Office of Management and Budget can submit that information by February 6 or certainly not later than February 7, I think the chances would be very good that the Senate will be ready to vote on the nomination by February 7 or 8, prior to the Lincoln day recess.

Mr. **GRIFFIN.** Without passing judgment on the merits of that reasoning for delaying consideration, let me thank the majority whip for conveying the information, and I hope that we can soon proceed with the consideration and vote on that nomination.

Mr. **ROBERT C. BYRD.** Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. **ROBERT C. BYRD.** Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

PROGRAM FOR WEDNESDAY, JANUARY 31

Mr. **ROBERT C. BYRD.** Mr. President, the program for Wednesday next is as follows:

The Senate will convene at 12 o'clock meridian. After the two leaders or their designees have been recognized under the standing order, the following Senators will be recognized, each for not to exceed 15 minutes, and in the order stated: Mr. RIBICOFF, Mr. HUMPHREY, Mr. CRANSTON, Mr. TUNNEY, Mr. HOLLINGS, Mr. ROBERT C. BYRD, Mr. FONG.

At the conclusion of orders for the recognition of Senators on Wednesday, there will be a period for the transaction of routine morning business, not to extend beyond 2 o'clock p.m., with statements limited therein to 3 minutes.

At 2 o'clock p.m. on Wednesday, the Senate will go into executive session to consider the nomination of Mr. Peter J. Brennan to be Secretary of Labor. Time will be limited for debate on that nomination to 1 hour, to be equally divided between Mr. WILLIAMS and Mr. JAVITS. A rollcall vote will occur on the nomination at 3 o'clock p.m.

Following the vote on the nomination of Mr. Brennan, the Senate will continue in executive session for the purpose of considering the nomination of Mr. James T. Lynn to be Secretary of Housing and Urban Development. There is no time limitation on that debate. It is hoped that the debate can be consummated on Wednesday, in which event there would be a vote on the nomination on Mr. Lynn, which again would be a rollcall vote.

In the event the debate should go into Thursday, following the close of morning business on Thursday, the Senate would resume the consideration of the nomination of Mr. James T. Lynn, and I have every reason to expect that vote would occur that afternoon. In any event, it will be a rollcall vote.

Following the disposition of the nomination of Mr. Lynn to be Secretary of Housing and Urban Development, the

Senate will proceed to the consideration of S. 606, the rivers and harbors bill. It is hoped that a time agreement can be entered into on that bill. It is not anticipated that a great deal of time will be needed for the disposition of S. 606, but, in any event, I would anticipate a yea-and-nay vote on the final passage of that bill, likewise.

ADJOURNMENT UNTIL WEDNESDAY, JANUARY 31, 1973

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock meridian on Wednesday next.

The motion was agreed to; and at 3:36 p.m. the Senate adjourned until Wednesday, January 31, 1973, at 12 o'clock meridian.

NOMINATIONS

Executive nominatians received by the Senate January 29, 1973:

IN THE AIR FORCE

The following officers for temporary appointment in the U.S. Air Force under the provisions of chapter 839, title 10 of the United States Code:

To be major general

Brig. Gen. Ralph T. Holland, [redacted]FR, Regular Air Force.

Brig. Gen. Harold L. Price, [redacted]FR, Regular Air Force.

Brig. Gen. Thomas W. Morgan, [redacted]FR, Regular Air Force.

Brig. Gen. Robert P. Lukeman, [redacted]FR, Regular Air Force.

Brig. Gen. Richard G. Cross, Jr., [redacted]FR, Regular Air Force.

Brig. Gen. Billie J. McGarvey, [redacted]FR, Regular Air Force.

Brig. Gen. Eugene Q. Steffes, Jr., [redacted]FR, Regular Air Force.

Brig. Gen. Herbert A. Lyon, [redacted]FR, Regular Air Force.

Brig. Gen. William R. Hayes, [redacted]FR, Regular Air Force.

Brig. Gen. William M. Schoning, [redacted]FR, Regular Air Force.

Brig. Gen. James E. Paschall, [redacted]FR, Regular Air Force.

Brig. Gen. William A. Dietrich, [redacted]FR, Regular Air Force.

Brig. Gen. Jack B. Robbins, [redacted]FR, Regular Air Force.

Brig. Gen. George Rhodes, [redacted]FR, Regular Air Force.

Brig. Gen. Ray A. Robinson, Jr., [redacted]FR, Regular Air Force.

Brig. Gen. William Y. Smith, [redacted]-7707FR, Regular Air Force.

Brig. Gen. Arnold W. Braswell, [redacted]FR, Regular Air Force.

Brig. Gen. John H. Wilkins, [redacted]FR, Regular Air Force, Medical.

Brig. Gen. Edmund A. Rafalko, [redacted]FR, Regular Air Force.

Brig. Gen. John R. Kern, Jr., [redacted]FR, Regular Air Force.

Brig. Gen. Ray B. Sitton [redacted]FR, Regular Air Force.

Brig. Gen. Colin C. Hamilton, Jr., [redacted]FR, Regular Air Force.

Brig. Gen. Edward P. McNeff, [redacted]FR, Regular Air Force.

Brig. Gen. Howard P. Smith, Jr., [redacted]FR, Regular Air Force.

Brig. Gen. Frank J. Simokaitis, [redacted]FR, Regular Air Force.

Brig. Gen. James A. Knight, Jr., [redacted]FR, Regular Air Force.

Brig. Gen. James M. Breedlove, [redacted]FR, Regular Air Force.

Brig. Gen. Donald G. Nunn, [redacted]FR, Regular Air Force.

Brig. Gen. Lawrence J. Fleming, [redacted]FR, Regular Air Force.

Brig. Gen. Howard M. Fish, [redacted]FR, Regular Air Force.

Brig. Gen. Jeanne M. Holm, [redacted]FR, Regular Air Force.

Brig. Gen. Lester T. Kearney, Jr., [redacted]FR, Regular Air Force.

Brig. Gen. Kendall Russell, [redacted]FR, Regular Air Force.

Brig. Gen. Alden G. Glauch, [redacted]FR, Regular Air Force.

Brig. Gen. Charles F. Minter, Sr., [redacted]FR, Regular Air Force.

Brig. Gen. Herbert J. Gavin, [redacted]FR, Regular Air Force.

Brig. Gen. Andrew B. Anderson, Jr., [redacted]FR, Regular Air Force.

Brig. Gen. Eugene F. Tighe, Jr., [redacted]FR, Regular Air Force.

Brig. Gen. Henry Simon, [redacted]FR, Regular Air Force.

Brig. Gen. Slade Nash [redacted]FR, Regular Air Force.

Brig. Gen. Travis R. McNeil, [redacted]FR, Regular Air Force.

Big. Gen. Robert F. Trimble, [redacted]FR, Regular Air Force.

Brig. Gen. Jack Bellamy, [redacted]FR, Regular Air Force.

Brig. Gen. Harry M. Darmstandler, [redacted]FR, Regular Air Force.

Brig. Gen. Wilbur L. Creech, [redacted]FR, Regular Air Force.

Brig. Gen. Evan W. Rosencrans, [redacted]FR, Regular Air Force.

Brig. Gen. Brent Scowcroft, [redacted]FR, Regular Air Force.

Brig. Gen. Raymond B. Furlong, [redacted]FR, Regular Air Force

Brig. Gen. Billy J. Ellis [redacted]FR, Regular Air Force.

The following officers for appointment in the Regular Air Force to the grades indicated under the provisions of Chapter 835, Title 10 of the United States Code.

To be major general

Maj. Gen. George J. Keegan, Jr., [redacted]R, (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Jack K. Gamble, [redacted]R (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Warren D. Johnson, [redacted]R, (brigadier general, Regular Air Force), United States Air Force.

Maj. Gen. Ray M. Cole [redacted]FR (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Foster L. Smith, [redacted]FR (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. James A. Hill [redacted]FR (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Devol Brett [redacted]FR (brigadier general, Regular Air Force), U.S. Air Force.

Brig. Gen. Thomas W. Morgan, [redacted]R (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Daniel James, Jr., [redacted]R (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Leroy J. Manor, [redacted]FR, (brigadier general, Regular Air Force) U.S. Air Force.

Brig. Gen. Richard G. Cross, Jr., [redacted]R, (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. Bryan M. Shotts, [redacted]FR, (brigadier general, Regular Air Force, U.S. Air Force.

Maj. Gen. Lawrence W. Steinkraus, [redacted]R, (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. John W. Pauly, [redacted]FR, (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. John J. Burns [redacted]FR, (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. Lew Allen, Jr., [redacted]FR, (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. William J. Evans, [redacted]FR, (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. Salvador E. Felicies, [redacted]R, (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. Bryce Poe II [redacted]FR, (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. James D. Hughes, [redacted]FR, (brigadier general, Regular Air Force) U.S. Air Force.

Lt. Gen. Richard H. Ellis, [redacted]FR, (brigadier general, Regular Air Force) U.S. Air Force.

To be brigadier general

Brig. Gen. Harold R. Vague, [redacted]FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Frank J. Simokaitis, [redacted]FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Lester T. Kearney, Jr., [redacted]FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. John R. Kern, Jr., [redacted]FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Henry Simon, [redacted]FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Travis R. McNeil, [redacted]FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. George Rhodes, [redacted]FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Kendall Russell, [redacted]FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Slade Nash [redacted]FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Jack Bellamy, [redacted]FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Herbert A. Lyon, [redacted]FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Harold E. Confer, [redacted]FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Timothy I. Ahern, [redacted]R (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Edmund A. Rafalko, [redacted]FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. John R. Hinton, Jr., [redacted]FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Lucius Theus, [redacted]FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. William W. Gilbert, [redacted]FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Harrison Lobdell, Jr., [redacted]FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Clyde R. Denniston, Jr., [redacted]FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Charles E. Buckingham, [redacted]FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Louis W. LaSalle, [redacted]FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Hilding L. Jacobson, Jr., [redacted]FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Ray A. Robinson, Jr., [redacted]FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Guy E. Hairston, Jr., [redacted]FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Ralph T. Holland, [redacted]FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Eugene B. Sterling, [redacted]FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Alden G. Glauch, [redacted]FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Edwin W. Robertson II, [redacted]FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Brent Scowcroft, [redacted]FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. John W. Burkhart, [redacted]FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. William F. Georgi, [redacted] FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Herbert J. Gavin, [redacted]FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Charles F. Minter, Sr., [redacted]FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Arnold W. Braswell, [redacted]FR (colonel, Regular Air Force), U.S. Air Force.

Maj. Gen. Otis C. Moore [redacted]FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. William Y. Smith, [redacted]FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Robert C. Mathis, [redacted]FR (colonel, Regular Air Force), U.S. Air Force.

Maj. Gen. James R. Allen [redacted]FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Andrew B. Anderson, Jr., [redacted]FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. William R. Hayes, [redacted]FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Eugene F. Tighe, Jr., [redacted]FR (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. George E. Schafer, [redacted]FR (colonel, Regular Air Force, Medical), U.S. Air Force.

The following-named officers for promotion in the Air Force Reserve, under the appropriate provisions of chapter 837, title 10, United States Code, as amended, and Public Law 92–129.

Lieutenant colonel to colonel

LINE

Aasen, John C., [redacted].
Abbuhl, Forest E., [redacted].
Altman, Gerald G., Jr., [redacted].
Anderson, Harry A., [redacted].
Baker, Harvey B., [redacted].
Bennett, James T., Jr., [redacted].
Benyunes, Charles B., [redacted].
Bianco, Sam, [redacted].
Blalack, Ronald R., [redacted].
Bolt, Jack L., [redacted].
Botti, John L., [redacted].
Bourassa, Joseph W., [redacted].
Brown, John P., [redacted].
Bukamier, Walter J., [redacted].
Burford, Thomas E., [redacted].
Burney, Ernest L., Jr., [redacted].
Cabitt, Gerald, [redacted].
Christensen, Stanley M., [redacted].
Clements, Evan E., [redacted].
Costello, David S., [redacted].
Dancy, Edward D., Jr., [redacted].
Davidson, James A., [redacted].
Dejarnette, Thomas L., [redacted].
Denuccio, William J., [redacted].
Dobbins, Jackson W., [redacted].
Doneghy, Herbert H., Jr., [redacted].
Eberle, Milton J., [redacted].
Enmon, William G., [redacted].
Feeney, James J., [redacted].
French, Stuart P., [redacted].
Fried, Abraham S., [redacted].
George, Robert R., [redacted].
Glaze, Lester K., [redacted].
Graf, Vernon F., [redacted].
Grant, August B., [redacted].
Gyerman, Elmer M., [redacted].
Hamilton, Frank R., [redacted].
Hauer, Leslie J., [redacted].
Hepner, Edmund G., [redacted].
Hilton, Wayne A., [redacted].
Hollingshead, Roy G., Jr., [redacted].
Hood, Stobart K., Jr., [redacted].
Howard, William T., [redacted].
Humpert, Frank E., [redacted].
Jacobsen, Ford K., [redacted].
Johnson, Arden J., [redacted].
Jordan, William O., [redacted].
Joyce, Rodger W., [redacted].
Kaczmarek, Edward A., [redacted].
Kahler, Harold, [redacted].
Kathrens, Leroy A., [redacted].
Knickerbocker, Harry C. J., [redacted].
Kovarick, Joseph W., [redacted].
Kozik, Eugene, [redacted].
Krey, Paul G., [redacted].
Landau, Howard B., [redacted].
Laney, John D., [redacted].
Lapanna, Joseph J., [redacted].
Lawrence, Clifford J., [redacted].
Leadlay, Dan L., [redacted].
Lessey, Samuel K., Jr., [redacted].
Letchworth, Troy, Jr., [redacted].
Linehan, Richard W., [redacted].
MacDuff, Robert W., [redacted].
Manson, James P., [redacted].
McAdoo, James E., [redacted].
Merka, Walter J., Jr., [redacted].
Morrissey, William J., Jr., [redacted].
Myers, Richard E., [redacted].
Nolte, Reginald G., [redacted].
Ostrow, Martin M., [redacted].
Page, William E., Jr., [redacted].
Pohle, Jack D., [redacted].
Pohmajevich, Francis, [redacted].
Polstra, Ryan M., [redacted].
Popik, Selig R., [redacted].
Rice, Charles N., [redacted].
Rose, Conrad F., [redacted].
Roth, Everett L., [redacted].
Ruffner, Harold E., [redacted].
Rutledge, Donald R., [redacted].
Ryan, John C., [redacted].
Schell, William C., [redacted].
Schissel, John A., [redacted].
Schweers, Albin H., [redacted].
Seanor, Joseph C., Jr., [redacted].
Sherck, David E., [redacted].
Shook, Elden G., [redacted].
Smith, Dean E., [redacted].
Smith, Rodney H., [redacted].
Soboslay, Walter J., [redacted].
Stanford, David L., [redacted].
Thompson, Victor H., Jr., [redacted].
Thurmond, James D., [redacted].
Tinkoff, Paysoff, Jr., [redacted].
Wade, James L., [redacted].
Watkins, Harry C., [redacted].
West, George R., [redacted].
Wilburn, Woodrow H., [redacted].
Williams, Bob M., [redacted].
Williamson, Wilburn L., [redacted].
Wilson, John M., [redacted].
Wilt, Marlyn H., [redacted].

CHAPLAIN CORPS

Betzen, Justin H., [redacted].
Brown, Hiram L., [redacted].
Burns, Bradley B., [redacted].
Cornellier, Edmond, [redacted].
Keohane, John J., [redacted].
Reuter, Arnold F., [redacted].

DENTAL CORPS

Krumnow, William E., [redacted].
Nelson, Curtis L., [redacted].
Spiegel, Eugene H., [redacted].
Yanosy, William M., [redacted].

MEDICAL CORPS

Baker, Everett B., [redacted].
Erickson, Clark A., [redacted].
Harter, Alan C., [redacted].
Kostas, Constantine I., [redacted].
Lynch, Richard V., Jr., [redacted].
Mullan, Paul A., [redacted].
Tennant, Edward E., [redacted].
Thicksten, Jack N., [redacted].

NURSE CORPS

Greene, Erna, [redacted].
Leary, Marion G., [redacted].
Metschl, Lyla L., [redacted].

MEDICAL SERVICE CORPS

Jenkins, James H., [redacted].
Martinez, Ralph T., Jr., [redacted].
Nelson, Philip B., [redacted].
Pleasonton, Alfred, [redacted].

VETERINARY CORPS

Andres, Martin Y., [redacted].
Husted, Paul W., [redacted].

The following officers for promotion in the Air Force Reserve, under the provisions of section 8376, title 10, United States Code and Public Law 92–129.

Major to lieutenant colonel

LINE

Applingg, Charleih D., Jr., [redacted].
Armbrust, Robert E., [redacted].
Barker, Edward R., Jr., [redacted].
Berlekamp, Leland H., [redacted].
Brennan, Bruce J., [redacted].
Chisholm, Kenneth L., [redacted].
Comine, Frank A., Jr., [redacted].
Crawford, Marcus E., [redacted].
Firman, Donald J., [redacted].
Hamilton, Raymond F., [redacted].
Hauck, Samuel M., III, [redacted].
Hill, Delton W., [redacted].
Hurtienne, Robert W. [redacted].
Jones, Edwin C., Jr., [redacted].
Kueber, Nickolaus A., [redacted].
Pigg, James C., [redacted].
Powell, Leslie A., Jr., [redacted].
Richards, Eldon E., [redacted].
Thieme, Roger E., [redacted].

CHAPLAIN CORPS

Fox, James L., [redacted].

MEDICAL CORPS

Bornflieth, Leslie R., [redacted].
George, Harold C., [redacted].
James, Louis F., [redacted].
Lohr, David C., [redacted].

The following officers for appointment in the Reserve of the Air Force (Medical Corps), in the grade of lieutenant colonel, under the provisions of section 593, title 10, United States Code and Public Law 92–129, with a view to designation as medical officers under the provisions of section 8067, title 10, United States Code.

Bauer, Charles R., [redacted].
Cook, James H., [redacted].
Gawecki, Frederick M., [redacted].

The following officer for appointment as a Reserve of the Air Force in grade of lieutenant colonel, Line of the Air Force, under the provisions of section 593, title 10, United States Code and Public Law 92–129.

Grasso, Frank A., [redacted].

IN THE ARMY

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3305:

To be colonel

Acuff, Earl C., [redacted].
Adcock, Robert L., [redacted].
Adkins, Alvin E., [redacted].
Albertson, James J., [redacted].
Aldridge, George W., [redacted].
Allen, Andrew S., [redacted].
Allen, Donald E., [redacted].
Allen, Herbert B., [redacted].
Amburn, Warren G., [redacted].
Anderson, Richard L., [redacted].
Andrews, William J., [redacted].
Applin, Paul L., Jr., [redacted].
Arnold E. Emmett R., [redacted].
Arnold, William J., Jr. [redacted].
Ashley, Lewis J., [redacted].
Athanason, Frank A., [redacted].
Balitis, John J., [redacted].
Bangert, Robert L., [redacted].
Barnett, James W., Jr. [redacted].
Barnett, Robert B., [redacted].
Barrett, Frederick, [redacted].
Barth, Sam L., [redacted].
Bartholdt, William, [redacted].

Batiste, John O., [redacted]
Beard, Rutland D., Jr., [redacted]
Becton, Julius W., Jr., [redacted]
Beinke, Walter, [redacted]
Bellinger, John B., Jr., [redacted]
Belser, Adolph L., [redacted]
Benedict, William G., [redacted]
Berger, Alvin C., [redacted]
Berger, Newell J., Jr., [redacted]
Bergner, John, [redacted]
Berry, Milton M., [redacted]
Berry, Sidney B., [redacted]
Betz, John James, Jr., [redacted]
Biel, Theodore C., [redacted]
Bishop, Bertram J., [redacted]
Blumenthal, Peter J. [redacted]
Boehm, William C., [redacted]
Bolton, Virgil W., [redacted]
Boman, Truman R., [redacted]
Booth, Merritt B., Jr. [redacted]
Borcheller, Karl H., [redacted]
Borges, Richard A., [redacted]
Bowen, Thomas W., [redacted]
Boy, Edmund G., [redacted]
Bradley, Charles R., [redacted]
Brennan, John W., [redacted]
Browne, Mark L., Jr., [redacted]
Buchanan, Crawford, [redacted]
Buckley, Harry A., Jr., [redacted]
Burch, Gerald C., [redacted]
Burns, William C., [redacted]
Bushong, Charles R., [redacted]
Caid, Larry A., [redacted]
Caldwell, William B., [redacted]
Caraccia, Marco J., [redacted]
Carr, Bernard E., [redacted]
Carter, Leslie D., Jr., [redacted]
Cartwright, Roscoe, [redacted]
Casey, Herbert T., Jr., [redacted]
Chandler, William W., [redacted]
Chism, John W., [redacted]
Chitty, John H., Jr., [redacted]
Churchill, Lake G., Jr., [redacted]
Ciley, Colin D., Jr., [redacted]
Clark, Alphus R., [redacted]
Clark, Egbert B., III, [redacted]
Clarke, Carter W., Jr., [redacted]
Clarkson, Richard L., [redacted]
Clausen, Hugh J., [redacted]
Clayton, Frank W., [redacted]
Cockerham, Samuel G., [redacted]
Coggins, Bruce T., [redacted]
Conrad, Charles E., [redacted]
Cook, Dewitt, [redacted]
Coon, John E., [redacted]
Corkan, Lloyd A., Jr., [redacted]
Crenshaw, Leon, [redacted]
Crochet, Harold J., [redacted]
Cronin, Morgan J., [redacted]
Dahlquist, Frederick, [redacted]
Dambrosio, Eugene J., [redacted]
Davis, Glenn A., [redacted]
Day, Philip S., Jr., [redacted]
Dehaven, Oren E., [redacted]
Dennington, John F. [redacted]
Dietrich, Frank L., [redacted]
Dilfanis, Leonard P., [redacted]
Dillard, Oliver W., [redacted]
Dillard, Robert J., [redacted]
Dingeman, James W., [redacted]
Doerflein, Donald P., [redacted]
Dohleman, Kenneth E., [redacted]
Doody, John J., [redacted]
Dorr, Colgate, [redacted]
Dorsey, Clifford R., [redacted]
Doyle, Lee T., [redacted]
Eaton, Richard J., [redacted]
Egbert, John S., [redacted]
Eggers, George D., Jr., [redacted]
Elliott, Harold N., [redacted]
Epps, Jones N., [redacted]
Escola, Albert R., [redacted]
Etkin, Max, [redacted]
Fairfield, Ronald J., [redacted]
Farmer, William K., [redacted]
Fazakerley, Richard, [redacted]
Fender, Louis H., [redacted]
Fix, Joseph E., III, [redacted]
Fleury, Thomas C., [redacted]
Fogel, William H., [redacted]
Foote, Ashby M., Jr., [redacted]
Forrester, Eugene P., [redacted]
Foster, James E., [redacted]
Freed, Cleo S., [redacted]
Freeland, Robert L., [redacted]
Fulsang, Ejner J., Jr., [redacted]
Fulton, Taylor R., [redacted]
Fulton, William S., Jr., [redacted]
Galloway, James V., [redacted]
Gard, John D., [redacted]
Garties, Richard G., [redacted]
Garwood, Charles E., [redacted]
Gay, Joseph M., Jr., [redacted]
Gerrity, John F., [redacted]
Glikes, Richard J., [redacted]
Goad, Lewis H., [redacted]
Goodell, Roscoe H., [redacted]
Graham, Elmer H., [redacted]
Greer, Edward, [redacted]
Grigsby, Alfred J., Jr., [redacted]
Grimsley, James A., Jr., [redacted]
Grogan, Owen R., Jr., [redacted]
Groover, Ralph H., Jr., [redacted]
Hale, John D., Jr., [redacted]
Hall, Charles E., [redacted]
Hall, Robert L., [redacted]
Hallahan, Robert F., [redacted]
Hamlet, James F., [redacted]
Harbort, Walter J., [redacted]
Hassell, John N., [redacted]
Haszard, Sidney S., [redacted]
Hatch, Jay A., [redacted]
Hathaway, William S., [redacted]
Hawthorne, Victor J., [redacted]
Heekin, David P., [redacted]
Hendricks, Jess B., [redacted]
Hiestand, Harry H., [redacted]
Hill, Glen A., [redacted]
Hill, Lucius G., Jr., [redacted]
Hinojosa, Ernest A., [redacted]
Hirsch, Edward, [redacted]
Hodson, Fremont Byr, [redacted]
Hoffman, Hugh F. T., Jr., [redacted]
Hoffman, John H., [redacted]
Hooker, William P., [redacted]
Hougen, John H., [redacted]
Howard, G. B., [redacted]
Howard, Kenneth A., [redacted]
Hughes, John A., Jr., [redacted]
Hughes, John C., [redacted]
Hume, Albert G., [redacted]
Hunt, Alexander H., [redacted]
Hutson, Albert L., Jr., [redacted]
Ingram, Earl, [redacted]
Insani, John L., [redacted]
Irvin, I. J., Jr., [redacted]
Jenkins, Donald L., [redacted]
Jennings, Richard M., [redacted]
Jersey, Donald H., [redacted]
Jessup, Maurice E., [redacted]
Johnson, Jasper R., [redacted]
Jones, James L., [redacted]
Jones, Walter F., [redacted]
Jorgensen, Julius J., [redacted]
Junk, William P., Jr., [redacted]
Kalagian, Samuel P., [redacted]
Kampe, Raymond L., [redacted]
Kean, John P., [redacted]
Keebaugh, Harold G., [redacted]
Kelley, Eugene, Jr., [redacted]
Kiefe, Joseph C., Jr., [redacted]
Killpack, Paul E., [redacted]
King, Ward D., [redacted]
Kirchenstein, John, [redacted]
Kirwan, Robert L., [redacted]
Koch, Kenneth W., [redacted]
Koenig, James R., [redacted]
Kogan, Rudolf W., [redacted]
Kortum, Zane V., [redacted]
Krause, Frederick C., [redacted]
Kravitz, Seymour, [redacted]
Kriwanek, Robert J., [redacted]
Kuhlman, Arthur H., Jr., [redacted]
Lamb, Joe B., [redacted]
Lamison, Kenneth R., [redacted]
Landau, Calvin J., [redacted]
Landry, Edward L., Jr., [redacted]
Leahey, William E., [redacted]
Leary, John R., [redacted]
Lee, Harold H., [redacted]
Lee, Myron E., Jr., [redacted]
Lennon, Daniel A., Jr., [redacted]
Lewis, John D., [redacted]
Lewis, John L., [redacted]
Lineker, George B., [redacted]
Lober, William J., Jr., [redacted]
Lowman, Harry F., Jr., [redacted]
Lowry, Phillip E., [redacted]
Ludy, Garland A., [redacted]
Lynes, Marvis F., [redacted]
Lynn, Otis C., [redacted]
Macklin, James E., Jr., [redacted]
Madigan, William P., [redacted]
Mahone, Worthington, [redacted]
Maier, John E., [redacted]
Malone, Michael J., [redacted]
Maness, Harold M., [redacted]
Manning, John R., [redacted]
Maple, John C., [redacted]
Marshall, Robert W., [redacted]
Mason, Phillip L., [redacted]
May, Roy R., Jr., [redacted]
McCartney, Nevin L., [redacted]
McClellan, Stan L., [redacted]
McDade, Robert A., [redacted]
McEnery, John W., [redacted]
McFadden, George L., [redacted]
McFall, Kenneth T., [redacted]
McGiffert, John R. I., [redacted]
McSpadden, Garland, [redacted]
Meinzen, Walter E., [redacted]
Mejia-Flores Francisco, [redacted]
Merck, Carl J., [redacted]
Metcalf, Donald J., [redacted]
Metosh, Cyril P., [redacted]
Miller, Kurtz J., Jr., [redacted]
Minkel, Edward J., [redacted]
Mittelstadt, Jack, [redacted]
Monroe, Keith L., [redacted]
Morell, John P., [redacted]
Morrison, John H., Jr., [redacted]
Morrow, Charles, Jr., [redacted]
Mundie, William L., [redacted]
Munroe, Irving W., [redacted]
Myron, Harold L., [redacted]
Neitz, Ravellan H., [redacted]
Newman, Gilbert H., [redacted]
Nisbet, Andrew, Jr., [redacted]
North, Louis J., [redacted]
Ogden, Dorward W., Jr., [redacted]
Olson, Kenneth W., [redacted]
Osteen, John L., Jr., [redacted]
Overstreet, Gerald, [redacted]
Pabst, Alfred A., [redacted]
Packard, Donald F., [redacted]
Paradis, Joseph F., [redacted]
Patch, William A., [redacted]
Patterson, Clyde H., [redacted]
Patterson, Edwin D., [redacted]
Patterson, William, [redacted]
Peabody, Richard R., [redacted]
Petersen, Robert J., [redacted]
Pezzelle, Roger M., [redacted]
Phillip, Donald M., [redacted]
Picou, Lloyd J., [redacted]
Pitchford, Harold I., [redacted]
Pizzi, Joseph E., [redacted]
Plummer, Frank S., Jr., [redacted]
Plummer, Walter W., Jr., [redacted]
Ponder, Lewington S., [redacted]
Post, Alton G., [redacted]
Presson, David R., [redacted]
Procter, Gilbert, Jr., [redacted]
Proctor, Frank D., [redacted]
Psaki, Nicholas G., Jr., [redacted]
Raney, Thompson L., [redacted]
Rawls, Lucian R., Jr., [redacted]
Redman, Albert, Jr., [redacted]
Rice, Foy, [redacted]
Rice, Marvin E., [redacted]
Richardson, Walton, [redacted]
Rider, Vance D., [redacted]
Rodenbeck, Eric O., [redacted]
Ross, John P., [redacted]
Rudd, Edwin A., [redacted]
Russell, George H., [redacted]
Russell, James W., [redacted]
Ruthe, Hans G., [redacted]
Ryan, James W., [redacted]
Sachs, William H., Jr., [redacted]
Sapp, Bernard B., [redacted]
Schless, William F., [redacted]
Scott, Willard W., Jr., [redacted]

Seibert, Donald A., [redacted].
Shell, Claude O., Jr., [redacted].
Shriver, Rowland B., [redacted].
Shuffer, George M., Jr., [redacted].
Smith, Homer D., Jr., [redacted].
Smith, John A., [redacted].
Smith, Joseph H., [redacted].
Smith, Malcolm R., [redacted].
Smith, Paul T., [redacted].
Smith, Samuel C., [redacted].
Smith, Samuel L., [redacted].
Smith, Wilfred K., [redacted].
Smithey, Paul C., [redacted].
Snell, Dillon, [redacted].
Starry, Donn A., [redacted].
Stenger, John E., [redacted].
Sterling, William R., [redacted].
Stivers, Fred, Jr., [redacted].
Stone, Virgil M., [redacted].
Swanson, Paul A., [redacted].
Swenson, Richard W., [redacted].
Tackaberry, Thomas, [redacted].
Taylor, Charles H., [redacted].
Thompson, Lawrence, [redacted].
Tiller, Norman L., Sr., [redacted].
Todd, John A., [redacted].
Townes, James E., Jr., [redacted].
Trask, Norman E., [redacted].
Trost, Robert W., [redacted].
Tucker, William H., Jr., [redacted].
Tumlinson, Jack M., [redacted].
Tutwiler, Guy I., [redacted].
Tyson, Charles M., [redacted].
Ulatoski, Joseph R., [redacted].
Ungerleider, Alvin, [redacted].
Van Laethen, Fernand, [redacted].
Vaught, James B., [redacted].
Vessey, John W., Jr., [redacted].
Voseipka, John R., [redacted].
Waggener, John G., [redacted].
Wagoner, Fred E., Jr., [redacted].
Wagonhurst, Arland, [redacted].
Waldrop, Andrew J., [redacted].
Ward, Robert M., [redacted].
Ware, Thomas A., Jr., [redacted].
Waters, Ace L., Jr., [redacted].
Weaver, Wilburn C., [redacted].
Webber, Kenneth E., Jr., [redacted].
Weeks, Robert J., [redacted].
Weisinger, Sherman, [redacted].
Wellde, Raymond L., [redacted].
Westling, Frank S., [redacted].
Wetherill, Jerry G., [redacted].
Whitehead, Ennis C., [redacted].
Whitesel, William M., [redacted].
Williams, Robert W., [redacted].
Williams, Theodore, [redacted].
Williams, Virgil H., [redacted].
Williams, Walworth, [redacted].
Williamson, Wade H., [redacted].
Witko, Andrew B., [redacted].
Woods, John O., [redacted].
Woolard, Reginald W., [redacted].
Worthen, Robert D., [redacted].
Yarbrough, John D., [redacted].

CHAPLAIN CORPS

To be colonel

Burgreen, Charles L., [redacted].
Carroll, James C., [redacted].
Gilbert, Bertram C., [redacted].
Johnson, Mitchell C., [redacted].
Ledebuhr, Albert F., [redacted].
Plocki, Robert J., [redacted].
Price, Ben S., [redacted].
Stewart, Duncan C., [redacted].
Wood, Robert J., [redacted].

WOMEN'S ARMY CORPS

To be colonel

Long, Alice A., [redacted].

MEDICAL CORPS

To be colonel

Bishop, Raymond H. J., [redacted].
Burt, Glenn B., Jr., [redacted].
Cawgill, Herbert F., [redacted].
Dalton, James B., [redacted].
Gomez, Alphonse C., [redacted].
Hanson, Thomas A., [redacted].
Jensen, Robert T., [redacted].
McCabe, Lloyd B., [redacted].
McClure, Claude Jr., [redacted].
Morss, Dwight F., Jr., [redacted].
Nitz, Robert E., [redacted].
Odom, Emwood, [redacted].
Parvin, Robert W., [redacted].
Plunket, Daniel C., [redacted].
Ransone, James W., [redacted].
Richardson, William, [redacted].
Stenberg, Edwin S. Jr., [redacted].
Thompson, James W., [redacted].
Uhrig, Henry T., [redacted].

DENTAL CORPS

To be colonel

Crowe, Patrick D., [redacted].
Hare, Charles M., [redacted].
Horkowitz, Gabriel, [redacted].
Millard, Robert J., [redacted].
Mooney, Samuel C., [redacted].
Norlind, Gunnar, [redacted].
Osterholtz, Raymond, [redacted].
Schmitz, John F., [redacted].
Ward, Brente L., [redacted].

VETERINARY CORPS

To be colonel

Guy, Donald E., [redacted].
Kirk, Samuel K., [redacted].
McChesney, Thomas C., [redacted].

MEDICAL SERVICE CORPS

To be colonel

Bost, William L., [redacted].
Cohen, Milton, [redacted].
Downing, Jack W., [redacted].
Goldstein, Bernard, [redacted].
Greene, Billy C., [redacted].
Hind, Chester T., [redacted].
Hume, Joseph W., [redacted].
Kerrigan, Robert J., [redacted].
Nation, Marvin E., [redacted].
Nystrom, Rudolph Jr., [redacted].
Patrick, Darvin D., [redacted].
Porter, William R., [redacted].
Shafer, Keith O., [redacted].
Smith, Grayson, [redacted].
Thomas, Charles A. Jr., [redacted].

ARMY MEDICAL SPECIALIST CORPS

To be colonel

Williams, June E., [redacted].

ARMY NURSE CORPS

To be colonel

Douglas, Maxine, [redacted].
Renegar, Velma F., [redacted].

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3299:

ARMY PROMOTION LIST

To be lieutenant colonel

Wallis, Charles R., [redacted].

ARMY PROMOTION LIST

To be major

Easley, Michael F., [redacted].
Grigg, Vernon C., Jr., [redacted].
Petesch, Gary L., [redacted].
Stamper, Walton B., [redacted].

DENTAL CORPS

To be major

Merritt, Ezra A., [redacted].

ARMY PROMOTION LIST

To be captain

Allen, Gerald W., [redacted].
Amiot, Robert J., [redacted].
Baker, Richard L., [redacted].
Cook, John A., Jr., [redacted].
Farrar, John L., [redacted].
Francis, John R., [redacted].
Hess, Robert E., [redacted].
Newsham, Thomas D., [redacted].
Reichert, David E., [redacted].
Salyer, Howard C., Jr., [redacted].
Wicks, Bruce J., [redacted].
Zimmerman, Charles A., [redacted].

MEDICAL CORPS

To be captain

Cheney, David H., [redacted].

DENTAL CORPS

To be captain

Comella, Martin C., [redacted].
Cressler, John W., [redacted].

VETERINARY CORPS

To be captain

De Bok, Phillip C., [redacted].
Zitek, Lyle E., [redacted].

MEDICAL SERVICE CORPS

To be captain

Fitz, Robert J., Jr., [redacted].

ARMY NURSE CORPS

To be captain

Cox, Janice M., [redacted].
Darnold, Jana L., [redacted].
Hertel, Arthur J., [redacted].
Laur, Margaret H., [redacted].
Wondra, George E., [redacted].

ARMY MEDICAL SPECIALIST CORPS

To be captain

Jenkie, Ronald A., [redacted].

CONFIRMATION

Executive nomination confirmed by the Senate January 29, 1973:

DEPARTMENT OF DEFENSE

Elliot L. Richardson, of Massachusetts, to be Secretary of Defense.

HOUSE OF REPRESENTATIVES—*Monday, January 29, 1973*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

The eternal God is thy refuge and underneath are the everlasting arms.—Deuteronomy 33: 27.

Eternal God, strengthen us with Thy sustaining spirit as we enter the portal of another week. Thou art with us always. Help us to be aware of Thy presence that we may be instruments of Thine in ushering in a new era of peace, freedom, and justice.

We pray for our President, our Speaker, and these Representatives of our people upon whose shoulders rest heavy burdens and who face the responsibility of vital decisions which affect the future of our Nation and the life of our world. May Thy wisdom make them wise, Thy strength keep them strong, and Thy love fill them with an abounding good will.

Together may we march forward to meet the issues of these critical times with dynamic faith and dauntless courage, assured that underneath are Thine everlasting arms. In Thy name and for the sake of our land and the good of our world we set up our banners. Through Jesus Christ our Lord. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Marks, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a bill and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 498. An act to extend the Solid Waste Disposal Act, as amended, and the Clean Air Act, as amended, for 1 year; and

S.J. Res. 26. Joint resolution to amend section 1319 of the Housing and Urban Development Act of 1968 to increase the limitation on the face amount of flood insurance coverage authorized to be outstanding.

The message also announced that the Senate had passed a resolution as follows:

S. RES. 26

Resolved, That the following-named Members be, and they are hereby, elected members of the following joint committees of Congress:

Joint Committee on Printing: Mr. Cannon of Nevada, Mr. Allen of Alabama, and Mr. Scott of Pennsylvania.

Joint Committee of Congress on the Library: Mr. Cannon of Nevada, Mr. Pell of Rhode Island, Mr. Williams of New Jersey, Mr. Cook of Kentucky, and Mr. Hatfield of Oregon.

PERMISSION FOR COMMITTEE ON WAYS AND MEANS TO SIT DURING THE SESSIONS OF THE HOUSE IN THE 93D CONGRESS

Mr. MILLS of Arkansas. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means may have permission to sit during the sessions of the House of Representatives in the 93d Congress.

Mr. GROSS. Mr. Speaker, reserving the right to object, does this mean a tax bill for 1973?

Mr. MILLS of Arkansas. I would certainly hope so, but not one that would increase your taxes.

Mr. GROSS. The gentleman hopes so?

Mr. MILLS of Arkansas. Yes, but not one that is going to increase your taxes.

Mr. GROSS. Not one that would increase my taxes?

Mr. MILLS of Arkansas. Just for the information of the House, last week the President told a group of us who were at the White House in his Cabinet Room that if we would live within the budget he has submitted for 1973 and 1974, he would not ask for a tax increase. Certainly, as chairman of the Committee on Ways and Means, I would agree not to ask for one myself.

Mr. GROSS. Of course, the question is what the Committee on Ways and Means may do, not what the President will request. It is what the Committee on Ways and Means may do. I just wondered if the gentleman, in asking for this permission to sit during sessions of the House, and I understand that this has been routinely granted in the past——

Mr. MILLS of Arkansas. It has.

Mr. GROSS. Has the gentleman in his wisdom thought that a tax increase would be necessary?

Mr. MILLS of Arkansas. Not if we live within the limits of the budget set by the President for 1973 and 1974.

Mr. GROSS. Will my friends across the aisle be amenable to cutting back to that extent; economizing to the extent that the tax increase will not be necessary?

Mr. MILLS of Arkansas. I can only assure the gentleman from Iowa of the views of the gentleman from Arkansas, and the answer is "Yes."

Mr. GROSS. The answer is "Yes" as far as the gentleman from Arkansas is concerned.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORTS

Mr. BOLLING. Mr. Speaker, I ask unanimous consent that the Committee on Rules have until midnight tomorrow night to file privilege reports.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
January 26, 1973.

The Honorable the SPEAKER,
U.S. House of Representatives.

DEAR MR. SPEAKER: Pursuant to the authority granted by the House today, the Clerk received the following message from the Secretary of the Senate:

That the Senate passed without amendment H. J. Resolution 246 entitled "A Joint Resolution Providing for a moment of Prayer and Thanksgiving and a National Day of Prayer and Thanksgiving."

With kind regards, I am,

Sincerely,

W. PAT JENNINGS,
U.S. House of Representatives.
By W. RAYMOND COLLEY.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to the authority granted him on Friday, January 26, 1973, he did, on that day, sign the following enrolled joint resolution of the House: House Joint Resolution 246.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
January 3, 1973.

The Honorable the SPEAKER,
House of Representatives.

DEAR MR. SPEAKER: Under Rule III, Clause 4 (Section 647) of the Rules of the House of Representatives, I herewith designate Mr. W. Raymond Colley, an official in my office, to sign any and all papers and do all other acts for me under the name of the Clerk of the House which he would be authorized to do by virtue of this designation, except such as are provided by statute, in cases of my temporary absence or disability.

If Mr. Colley should not be able to act in my behalf for any reason, then Mr. Benjamin Guthrie, another official in my office, shall similarly perform such duties under the same conditions as are authorized by this designation.

These designations shall remain in effect for the 93rd Congress or until revoked by me.

Sincerely,

W. PAT JENNINGS,
Clerk, House of Representatives.

COMMUNICATION FROM U.S. ATTORNEY SEYMOUR IN RE SHARROW AGAINST ABZUG, ET AL.

The SPEAKER laid before the House the following communication:

NEW YORK, N.Y.,
January 19, 1973.

Re: Sharrow v. Abzug, et al., 72 Civ. 49811 KTD.

Hon. CARL ALBERT,
Speaker of the House,
Washington, D.C.

DEAR MR. SPEAKER: Please be advised that the above-captioned matter, in which you were named as a defendant, was heard by Honorable Kevin T. Duffy, United States District Judge, on December 22, 1972. On January 2, 1973 Judge Duffy filed his opinion, in which he declined to convene a statutory three-judge court, and dismissed the action as against all defendants. Should plaintiff file an appeal, we shall so inform you upon its receipt.

Sincerely,

WHITNEY NORTH SEYMOUR, Jr.,
U.S. Attorney.
JOSEPH D. DANAS,
Assistant U.S. Attorney.

OPERATION HOMECOMING

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, yesterday I went to the Pentagon to gather information about the prisoners and missing in action from my district. Operation Homecoming, designed to handle the return of the prisoners, was well organized and was being conducted in a proper and dignified manner.

Because the North Vietnamese, Vietcong and Pathet Lao have never permitted an International Red Cross team to inspect the prison camps and America has never been given an official POW list prior to last Saturday, I had hoped that a large number of Americans listed as missing in action would show up as prisoners. This has not been the case.

However, there is some confusion about the pilots and crewmen shot down over Laos. The Defense Department shows 311 Americans listed as missing in action and six held as prisoners in Laos. As of yesterday, the prisoner list had the names of only two Americans shot down over Laos. So I am concerned over the fate of the 311 missing and the four other prisoners. Granted that of the 311 missing, all did not eject out of their planes safely, but the average survival rate is well over 50 percent.

Mr. Speaker, I am confident our Government will press forward to obtain a full accounting of those lost in Laos, as well as the 1,000 other Americans missing in Southeast Asia.

NO HELP FOR HANOI

(Mr. SIKES asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SIKES. Mr. Speaker, if the Communist world is to be believed, Hanoi has been led to expect reparations from the United States to help rebuild that country. Surely our Government does not seriously contemplate such a step.

What a travesty if the United States were to pay off the aggressors who have spread war and destruction and murdered indiscriminately throughout Indochina. They are the ones who should be paying reparations for the destruction and death they have brought upon innocent peoples.

It is ironic to contemplate that the rebuilding of North Vietnam with U.S. funds would be in progress at the same time that Russia and China were restocking North Vietnam arsenals for continued aggression against other countries in Indochina.

This proposal for reparations by the United States should be settled immediately and permanently with a flat "No."

QUESTIONS ABOUT THE PRESIDENT'S BUDGET

(Mr. MEEDS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MEEDS. Mr. Speaker, I suppose it was predictable, but once again President Nixon has handed the Congress a budget which permits as alternatives only the dire consequences of increased taxes or inflation. "Take this," he says, "or reap the consequences of your failure."

For some unexplained reason it is not possible for the Congress to substitute its priorities within the overall spending limitation of $268.7 billion. There is no hint by the President that deficits might be made up or lessened by tax reform; nor is there any explanation of why anything more than a $12.7 billion deficit is inflationary tomorrow. When (as we are told) the administration is halting inflation today and running a deficit of $25 billion.

I object to the budget presentation in such simplistic terms. I know of no one who wants inflation or higher taxes. I know many who have priorities differing from the President within the $268.7 billion. So lets all start from a different perspective. Let's all admit at the outset that neither the Congress nor the President want inflation or higher taxes. Then let's proceed to the allocation of the $268.7 billion according to our priorities. And thats the real issue. What are the priorities of the President and how might the Congress differ with him?

Let me suggest at the outset that the Congress may not take kindly to the President parceling out to the States and local governments in the form of more special revenue sharing of the Congress' power of the purse. These are Federal taxes and at least under the Constitution the Congress has the duty of raising them and bears the responsibility of seeing that they are expended wisely. The latter becomes difficult when the decisionmaking rests with officials other than Congress.

The Congress is also considering the possibility of tax reform. Hearings have already been announced. Some of us will doubtless have questions of a system that continues a $3 billion annual asset range depreciation windfall to business while revoking an emergency employment program for working people that cost $1 billion annually—hopefully, we in the Congress will be looking at such tax credits as oil depletion allowance, hobby farming, capital gains, and others. For some strange reason the President appears not to have considered tax reform as an alternative to cutting some programs which his priorities do not reach.

And speaking of cutting, hopefully, the Congress will disagree with the President's ideology which dictate his priorities. I would envision a Congress which is reluctant to increase military spending while reducing water pollution control efforts, community mental health centers, Hill-Burton hospital funds, unemployment compensation, and many other programs that aid people who for some reason are placed at a disadvantage.

PROPOSED ARMED FORCES LEGISLATION

(Mr. DENNIS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DENNIS. Mr. Speaker, last Friday I introduced—with some of my distinguished colleagues—a bill entitled:

> A bill to make rules governing the use of the Armed Forces of the United States in the absence of a declaration of war—or of a military attack upon the United States.

Briefly the bill provides that in such cases prior approval by the Congress is necessary in order to commit our Armed Forces to combat abroad: but it permits such action by the President without prior congressional approval in cases of emergency or necessity, followed by prompt report to the Congress with provision for congressional approval or disapproval of the action. This bill is a serious effort to provide long-range legislation which will leave the Executive necessary flexibility while assuring congressional participation.

I have asked for hearings, and I am today placing in the RECORD a copy of the bill and a digest of its provisions.

OUTLINE OF THE BILL

1. When there has been no declaration of war by the Congress, nor any attack on American territory, the President shall not commit the armed forces of the United States to combat or to situations abroad where combat is imminent or likely without prior congressional approval; except in cases of emergency or necessity—the existence of which emergency or necessity shall, however, be determined by the President.

2. If the President determines that an emergency exists in such situations which justifies and requires the commitment of our armed forces to combat or to combat situations abroad without prior congressional approval, he shall immediately make a report in writing to the Congress respecting his action.

3. The Congress shall within 90 days thereafter take legislative action to approve or to disapprove the action of the executive.

4. If the Congress approves the action taken, the President shall thereafter make reports on the situation to the Congress at intervals of not more than six months, and the Congress shall thereupon (and within 30 days from the receipt of such report) again approve or disapprove the action of the executive.

5. If, on receipt of the first Presidential report or at the time of any subsequent report—as above provided—the Congress acts to affirmatively disapprove the action of the executive, the President shall thereupon terminate the action taken and disengage the troops involved as expeditiously as it may be possible to do so "having regard to, and consistent with, the safety of the armed forces of the United States, the necessary defense and protection of the United States, its territories and possessions, the safety of citizens and nationals of the United States who may be involved, and the reasonable safety and necessities, after due and reasonable notice, of allied or friendly nationals and troops."

6. The bill does not apply to any hostilities which are in progress at the time of the passage of the bill.

7. The bill does not abrogate or alter existing treaty obligations of the United States.

H.R. 3046

A bill to make rules governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress of the United States or of a military attack upon the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. In the absence of a declaration of war by the Congress or of a military attack upon the United States, its territories or possessions, the armed forces of the United States shall not be committed to combat or introduced in to a situation where combat is imminent or likely at any place outside of the United States, its territories and possessions, without prior notice to and specific prior authorization by the Congress, except in case of emergency or necessity, the existence of which emergency or necessity is to be determined by the President of the United States.

SEC. 2. Whenever, in the absence of a declaration of war by the Congress or of a military attack upon the United States, its territories or possessions, the President of the United States nevertheless determines that an emergency or necessity exists which justifies such action, and shall, by consequence, commit the armed forces of the United States to combat or shall introduce them in to a situation where combat is imminent or likely at any place outside of the United States, its territories or possessions, without prior notice to or authorization by the Congress, as is provided and authorized in such cases under and pursuant to the provisions of Sec. 1 of this act, the President shall report such action to the Congress in writing, as expeditiously as possible and, in all events within twenty-four hours from and after the taking of such action. Such report shall contain a full account of the circumstances under which such action was taken and shall set forth the facts and circumstances relied upon by the President as authorizing and justifying the same. In the event the Congress is not in session the President shall forthwith convene the Congress in an extraordinary session and shall make such report to the Congress as expeditiously as possible and, in all events, within forty-eight hours from and after the taking of such action.

SEC. 3. Not later than ninety days after the receipt of the report of the President provided for in Sec. 2. of this act, the Congress, by the enactment within such period of a bill or resolution appropriate to the purpose, shall either approve, ratify, confirm and authorize the continuation of the action taken by the President and reported to the Congress, or shall disapprove and require the discontinuance of the same.

SEC. 4. If the Congress, acting pursuant to and under the provisions of Sec. 3 shall approve, ratify, and confirm and shall authorize the continuation of the action taken by the President and so reported to the Congress, the President shall thereafter report periodically in writing to the Congress at intervals of not more than six months as to the progress of any hostilities involved and as to the status of the situation, and the Congress, shall, within a period of thirty days from and after the receipt of each such six-month report, again take action by the enactment of an appropriate bill or resolution, to either ratify, approve, confirm, and authorize the continuation of the action of the President, including any hostilities which may be involved, or to disapprove and require the discontinuance of the same.

SEC. 5. If the Congress shall at any time, acting under the provisions of Sec. 3 or Sec. 4, disapprove the action of the President and require the discontinuance of the same, then the President shall discontinue the action so taken by him and so reported to the Congress, and shall terminate any hostilities which may be in progress and shall withdraw, disengage, and re-deploy the armed forces of the United States which may be involved, just as expeditiously as may be possible having regard to, and consistent with, the safety of the armed forces of the United States, the necessary defense and protection of the United States, its territories and possessions, the safety of citizens and nationals of the United States who may be involved, and the reasonable safety and necessities, after due and reasonable notice, of allied or friendly nationals and troops.

SEC. 6. In the event that the Congress, despite the provisions of Sections 3, 4, and 5 of this act, shall, nevertheless, in any instance, fails to adopt legislation either approving or disapproving the action of the President, as provided and required by Sections 3, 4, and 5, such failure to act on the part of the Congress shall be taken and deemed to be an approval, ratification and confirmation of the action of the President, and an authorization of the continuation thereof; and disapproval of the President's action, with the consequences attendant thereupon as provided in Sec. 5, shall result only from action by the Congress affirmatively disapproving and requiring the discontinuance thereof, as in Sec. 5 provided. Any such failure to act on the part of the Congress shall in no wise relieve the President of the duty to make periodic reports to the Congress as provided in Sec. 4 of this act.

SEC. 7. For the purposes of this act the Panama Canal Zone will be taken and deemed to be a territory or possession of the United States.

SEC. 8. Nothing contained in this act shall alter or abrogate any obligation imposed on the United States by the provisions of any treaty to which the United States is presently a party.

SEC. 9. If any provision of this act or the application thereof to any particular circumstance or situation is held invalid, the remainder of this act, or the application of such provision to any other circumstance or situation, shall not be affected thereby.

SEC. 10. This act shall take effect on the date of its enactment but shall not apply to hostilities in which the armed forces of the United States are involved on the effective date of this act.

THE PRESIDENT'S BUDGET

(Mr. CEDERBERG asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. CEDERBERG. Mr. Speaker, the President today sent up his budget, and those of us who have been previously briefed on this budget know it is a tight budget, and what we are going to have to do in this Congress is to face up to our responsibilities.

Over the past 4 years we have seen this Government run up a deficit of more than $75 billion.

In fiscal year 1973 the deficit is going to be about $25 billion, and in the next fiscal year it is estimated it will be reduced to $12.7 billion. This reduction is possible only because of the President's restraint.

The question, as I see it, as we face this coming budget is whether or not we in the House and the Senate are going to face up to our responsibility of living within, as much as possible, our means. We have a joint committee that is going to look at this question.

The President asked for a spending ceiling of $268.7 billion during fiscal year 1974. That is $18.9 billion more than will be spent this year. It appears to me that we in Congress have only two choices, and that is to assume the burden of fiscal responsibility or, if we fail to do that, to tell the American people that a tax increase is necessary. If we fail to assume either of these responsibilities we will be confronted with further increases in the debt limit and continued increases in deficits which can only fuel the fires of inflation.

Mr. Speaker, it is a simple question of whether or not we in the Congress have the will to face up to this responsibility.

We hear about the reordering of priorities. I have no objection to that, but it must be done within the means available to us as far as our revenues are concerned.

Yes, we are going to enter into a time of testing. Are we going to meet that test? Only time will tell.

RURAL ENVIRONMENTAL ASSISTANCE PROGRAM

(Mr. GUNTER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. GUNTER. Mr. Speaker, I am deeply distressed by the Department of Agriculture's attempt to eliminate the rural environmental assistance program—REAP. It is an action which is aimed at the wrong time at the wrong people.

The official explanation of "economy" and "halting inflation" is designed to gather support for a policy which disregards the basic needs of the small American farmer and rural America generally. I understand the need for Federal cutbacks, I am aware of the unbridled inflation through which we are suffering, and what it is doing to the average man. Furthermore, I will be a vocal exponent for a scrupulous trimming of the Federal budget in those areas where the bureaucracy has grown fat and lazy. I will vigorously oppose programs that have failed.

I will not sit idly by, however, when the administration arbitrarily and suddenly decides that the REAP program, and the small farmer who has made the program work so well, are no longer important. This program is not a giveaway. It is not a reward for not working—or for not growing—or for not doing anything. It is one of the most positive programs that we have in the field of agriculture, or in all of government.

The small farmer who has needed to improve the state of his land—our land—could not afford to do it alone—he still cannot. Yet we are being told that in the interest of economy, this small farmer must suffer. I cannot agree.

I believe that we have a duty to those small farmers who have given so much of the little that they have. I believe that the duty we have extends even further. It extends to all the people in this country who have directly or indirectly shared in the beauty and recreational opportunities resulting from this program.

The Administration contends that farmers will undertake similar programs on their own now that they have seen the benefits of REAP, but this is hardly a reasonable assumption. The farmers who used REAP funds used them because they needed them. Since they have been the hardest hit victims of the very inflation the administration is trying to lessen, how can they do now that which they could not afford prior to the inflationary spiral—an inflationary spiral from which the small farmer has been suffering for decades? The answer is that they cannot. If we allow REAP to die, we will see the multifold benefits of that program die.

Finally, there is another reason why we must restore REAP. We are the Congress of the United States. We have been elected by and are closest to the inhabitants of this land. We have a responsibility to see that their wishes are carried out, and it is a responsibility that we do not take lightly. I do not believe we were elected to watch the administration spend money where it pleases, and withhold money where it pleases, regardless of congressional authorization. We are compelled to react when a program like REAP, whose only beneficiaries are the nonpowerful, is arbitrarily and summarily killed. The people need a spokesman at this time—they need many spokesmen—they need us.

I want to lend my voice and support to this cause. We must reinstate this program and direct the Secretary of Agriculture to carry it out. The $225 million appropriation for it in the current fiscal year will do too much good to allow it to be withheld. Therefore, not only for my own district, and not only for the farmers of this country, but also for all the people in America who will continue to benefit from this program, I urge the members of this committee to demand that this program be reinstated immediately. I strongly urge the passage of H.R. 2107.

THE PRESIDENT'S BUDGET

(Mr. MADDEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MADDEN. Mr. Speaker, after having been home over the weekend in my congressional district in northwest Indiana, I heard a great number of complaints pertaining to the President's message on his budget. The citizens in the Chicagoland area, which includes northwest Indiana, have suffered greatly in the last year due to the Presidential curtailment of Federal programs which are much needed in urban areas.

The President has curtailed programs passed by the Congress on education, housing, funds for antiwater and air pollution, mass transportation, child care, and is threatening to further curtail many necessary projects which are helping millions of Americans living in congested areas throughout the country. The executive department has always been extremely lax and indifferent toward enforcing Federal regulations on water and air pollution not only in the Calumet region of Indiana but throughout the Nation. I wish to incorporate with my remarks the headline and excerpts from this morning's Chicago Sun Times pertaining to the air pollution and also incorporate a newspaper article by Ed Zuckerman of the Gary, Ind., Post Tribune on the laxity of some of our major industries in aiding the Federal Government's environmental program:

[From the Chicago Sun Times, Jan. 29, 1973]

WORST AIR POLLUTION HERE IN OVER 2 YEARS

(By Bruce Ingersoll)

Chicago's air Friday was the filthiest it has been in more than two years, but quickening winds and a strong chance of precipitation on Saturday were expected to disperse the pollution.

Permeating the murk over the city was the stench of automotive fumes and the sulphurous emissions from chimneys and smokestacks. To the noses of many, it was acrid and powerful enough to penetrate some Loop buildings.

Hyde Park had the filthiest air measured in the city. For four hours Friday morning, the haze index at the city's air-sampling station at Kenwood High School, 5015 S. Kenwood, registered higher than 5 points on a scale of 10.

The haze index hasn't soared so high at the station since Dec. 28, 1970, said Jack Coblenz, manager of the state Environmental Protection Agency's air pollution episode section.

Over a 24-hour period ending at 2 p.m. this index of air "soiling" averaged 2.57—and "that's cause for concern," said Paul Harrison, technical director for the city Department of Environmental Control.

If the haze index hovers at 2.5 for 24 hours or longer, the federal government maintains that public health may be endangered.

Carbon monoxide levels were unusually high, too, particularly along the expressways during the morning rush, the city reported.

Carbon monoxide readings were also unusually high during the morning rush hour, the city Department of Environmental Control reported.

Carbon monoxide readings at the city's monitoring station near the junction of the Edens and Kennedy expressways averaged 17.5 parts per million (ppm) from 6 a.m. to 2 p.m. This eight-hour average is nearly twice the federal health limit of 9 ppm, which becomes enforceable in 1975.

Moreover, the citywide average for carbon monoxide, which comes primarily from vehicular traffic, was 13 ppm for the same period.

Because Chicago was nearly becalmed Friday, a blanket of warm air aloft, known as a temperature inversion, was able to keep most of the pollution trapped near the ground, pollution officials explained.

The state EPA would have declared an air-pollution watch, Coblenz said, if the National Weather Service had not predicted a 40 per cent chance of measurable precipitation for Saturday.

More important, said pollution forecaster Arthur Strong, is the forecast of northwesterly winds of 12 to 18 m.p.h. which should relieve the Chicago area of the pollution pall.

"From the 30th-floor window of his apartment on Michigan Ave., one of our weathermen could see the smoke layer below him this morning," Strong said.

It was this smokiness that dimmed the dawn and the mid-morning arrival of clouds guaranteed that Friday would be a gray, dingy day.

It was noteworthy, however, that the sulphur dioxide readings were not exceptionally high. The peak of .20 ppm. was measured at 10 a.m. at the Cermak Pumping station, 735 W. Harrison.

"We're beginning to see a payoff from all the regulations on the sulphur content of fuels," Coblenz said.

[From the Gary (Ind.) Post Tribune, December 1972]

AREA MILL SHOWER WATER A NATIONAL ISSUE

(By Ed Zuckerman)

WASHINGTON.—Grimy mill workers have been looking towards the days when purified water will be used in their shower rooms since 1971 when the Occupational Safety and Health Act was enacted.

But, if a proposed rule change now under consideration by a U.S. Labor Department official is approved, large industries will never be required to comply with the regulations.

The proposed rule, which is coming under sharp attack from health and environmental experts, would simply eliminate the provision.

Ostensibly the rule change is being advanced on behalf of industries which, for technical reasons, are unable to comply with the current standard. If approved, though, it would apply equally to all industries—including those where no technical problems exist.

Critics of the rule change view it as "a major retrenchment from the original standard . . . another instance whereby the Occupational Safety and Health Act is being eroded."

Those words were used by Dr. Sidney Wolfe, a physician with the Health Research Group in Washington, during a recent appearance before a Labor Department official.

Dr. Wolfe used the example of 50,000 steelworkers in Gary and North Township, to illustrate the need for keeping the current regulation.

"Shower water for U.S. Steel in Gary and Inland Steel in Hammond (actually East Chicago) comes from Lake Michigan at inlets quite close to the plants," he said.

"Aside from gross mechanical filtering to remove large objects, the water is untreated," he continued.

"The addition in this part of Lake Michigan of refuse from ore boats, untreated sewage from the Hammond area and industrial waste from the steel companies are merely local additions in a lake which is much more like a cesspool than a shower."

Dr. Wolfe emphasized that the blanket effect of the proposed rule change would "entrench the motion that the Department of Labor is more interested in corporate economic health than worker health."

For the two Indiana steel mills, at least, providing pure water for employe shower rooms may pose an economic—but certainly not a technical—problem.

"That these companies are aware of the amount of impurities and filth in the untreated lake water is clear from the *fact* that both Inland Steel and U.S. Steel have recently started using clean drinking water for several steel-making processes," Dr. Wolfe stated. "This was done because the amount of impurity in the lake water was so high that it interfered with making steel."

Recent surveys of Lake Michigan water by the Environmental Protection Agency (EPA) record unacceptable levels of bacteria and odor in the vicinity of the two large steel-making complexes.

Samples taken near U.S. Steel contained about 200 times the acceptable bacteria level and samples taken near Inland Steel contained nearly 3,500 times the acceptable level, he claimed.

Dr. Wolfe said it was difficult to describe the problem to people who are used to showering with clean water.

"In addition to complaints that the smell is intolerable, the showering often means coating one's self with grease, and the shower heads have to be occasionally removed to clean out pieces of decomposed fish," he said.

He added that showers "run clean" in the executive offices of U.S. Steel, Inland Steel and thousands of other companies and "to provide any less for the workers who run these industries is to confirm workers' suspicions that management looks on them as second class citizens."

THE PRESIDENT'S BUDGET MESSAGE

(Mr. HAYS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYS. Mr. Speaker, I listened to excerpts from the President's speech last night on the news about the budget, and I did not hear him say anything about foreign aid. I have not yet been able to find out how much is in there for that, but one thing you Republicans, instead of making speeches about it, had better be thinking about is, if you vote for foreign aid and vote to cut out Hill-Burton, what you are going to tell the people who are lying in hallways of hospitals. The President said there are plenty of beds, but that is not exactly the way it is in Ohio. You had better be thinking of what you are going to tell those people lying in hallways of hospitals and who cannot get into those hospitals as to how you can vote for money for foreign aid but you cannot vote for money to help build hospitals in your districts. Think that one over before you vote too many times.

THE BUDGET OF THE U.S. GOVERNMENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House a message from the President of the United States.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. McFALL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 6]

Abzug
Addabbo
Anderson, Calif.
Andrews, N.C.
Ashbrook
Aspin
Badillo
Beard
Bell
Biaggi
Bingham
Blatnik
Boland
Brasco
Breaux
Brown, Calif.
Brown, Ohio
Broyhill, N.C.
Buchanan
Burke, Calif.
Burke, Fla.
Chamberlain
Chappell
Chisholm
Clark
Clay
Cleveland
Conyers
Corman
Cotter
Cronin
de la Garza
Dellums
Derwinski
Diggs
Dingell
Donohue
Dorn
Downing
Dulski
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Eshleman
Fish
Flowers
Flynt
Foley
Ford, Gerald R.
Fountain
Fraser
Frey
Fulton
Giaimo
Gilman
Grasso
Gray
Grover
Hanley
Hanrahan
Harrington
Harsha
Harvey
Hastings
Hébert
Heckler, Mass.
Helstoski
Henderson
Hillis
Hogan
Holifield
Holtzman
Huber
Hudnut
Hutchinson
Jarman
Jordan
Kastenmeier
Keating
Kluczynski
Koch
Kyros
Latta
Macdonald
Madigan
Mann
Martin, Nebr.
Matsunaga
McClory
McCloskey
McKay
McKinney
Melcher
Milford
Mills, Md.
Minish
Morgan
Mosher
Murphy, Ill.
Murphy, N.Y.
Nedzi
Nelsen
Nix
O'Neill
Obey
Owens
Patten
Pickle
Pike
Podell
Preyer
Quie
Quillen
Railsback
Rangel
Reuss
Robinson, Va.
Roe
Rooney, N.Y.
Rose
Rosenthal
Rostenkowski
Roy
Ruppe
Ryan
Saylor
Sebelius
Shipley
Shriver
Skubitz
Smith, Iowa
Smith, N.Y.
Snyder
St Germain
Staggers
Steele
Steiger, Ariz.
Stephens
Stokes
Symington
Taylor, Mo.
Teague, Tex.
Thomson, Wis.
Van Deerlin
Vander Jagt
Wampler
Ware
Widnall
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wydler
Wyman
Yatron
Young, S.C.
Zion

The SPEAKER. On this rollcall 271 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

THE BUDGET OF THE U.S. GOVERNMENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 93–15)

The SPEAKER. The Clerk will read the message from the President of the United States.

The following message from the President of the United States was read and, together with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed with illustrations:

To the Congress of the United States:

The 1974 budget fulfills my pledge to hold down Federal spending so that there will be no need for a tax increase.

This is a budget that will continue to move the Nation's economy toward a goal it has not achieved in nearly two decades; a high employment prosperity for American citizens without inflation and without war.

Rarely is a budget message perceived as a dramatic document. In a real sense, however, the 1974 budget is the clear evidence of the kind of change in direction demanded by the great majority of the American people. No longer will power flow inexorably to Washington. Instead, the power to make many major decisions and to help meet local needs will be returned to where it belongs—to State and local officials, men and women accountable to an alert citizenry and responsive to local conditions and opinions.

The 1974 budget proposes a leaner Federal bureaucracy, increased reliance on State and local governments to carry out what are primarily State and local responsibilities, and greater freedom for the American people to make for themselves fundamental choices about what is best for them.

This budget concerns itself not only with the needs of all the people, but with an idea that is central to the preservation of democracy: the "consent of the governed."

The American people as a whole—the "governed"—will give their consent to the spending of their dollars if they can be provided a greater say in how the money is spent and a greater assurance that their money is used wisely and efficiently by government. They will consent to the expenditure of their tax dollars as long as individual incentive is not sapped by an ever-increasing percentage of earnings taken for taxes.

Since the mid-1950's, the share of the Nation's output taken by all governments in the United States—Federal, State, and local—has increased from a quarter to a third. It need not and should not go higher.

The increase in government claims on taxpayers was not for defense programs. In fact, the defense share of the gross national product declined by one-quarter while the share for civilian activities of all governments grew by three-fourths, rising from 14% of the gross national product in 1955 to about 25% in 1972.

In no sense have Federal civilian programs been starved; their share of the gross national product will increase from 6½% in 1955 to 14% in 1972. Nor will they be starved by the budget that I am proposing. A generous increase in outlays is provided each year by the normal growth in revenues. Higher Federal tax rates are not needed now or in the years ahead to assure adequate resources for properly responsive government—*if* the business of government is managed well. And revenue sharing will help State and local governments avoid higher taxes.

During the past 2 years, with the economy operating below capacity and the threat of inflation receding, the Federal budget provided fiscal stimulus that moved the economy toward full employment. The 1974 budget recognizes the Federal Government's continuing obligation to help create and maintain—through sound monetary and fiscal policies—the conditions in which the national economy will prosper and new job opportunities will be developed. However, instead of operating primarily as a stimulus, the budget must now guard against inflation.

The surest way to avoid inflation or higher taxes or both is for the Congress to join me in a concerted effort to control Federal spending. I therefore propose that before the Congress approves *any* spending bill, it establish a rigid ceiling on spending, limiting total 1974 outlays to the $268.7 billion recommended in this budget.

I do not believe the American people want higher taxes any more than they want inflation. I am proposing to avoid both higher taxes and inflation by holding spending in 1974 and 1975 to no more than revenues would be at full employment.

1975 PROJECTIONS IN THE 1974 BUDGET

This year's budget presents, for the first time, a detailed preview of next year's. I have taken this step to demonstrate that if we stay within the 1974 and 1975 estimated outlays presented in this budget, we will prevent a tax increase—and that the 1974 budget is a sound program for the longer range future, not simply for today. This innovation in budget presentation is a blueprint for avoiding inflation and tax increases, while framing more responsive instruments of government and maintaining prosperity.

Our ability to carry out sound fiscal policy and to provide the resources needed to meet emerging problems has been limited by past decisions. In 1974, $202 billion in outlays, or 75% of the budget, is *virtually uncontrollable* due to existing law and prior-year commitments. But just as every budget is heavily influenced by those that have preceded it, so it strongly influences those that follow.

Control over the budget can be improved by projecting future available resources and the known claims on them, and then making current decisions within the constraints they impose. That is why, in my first budget, I began the practice of showing projections of future *total* revenues and outlays under current and proposed legislation. In the 1973 budget, 5-year projections of the cost of legislative proposals for major new and expanded programs were added.

This budget presents an even closer look at the implications of the 1974 proposals for the 1975 budget. It projects, in agency and functional detail, the outlays in 1975 that will result from the major program proposals in the 1974 budget, including the outlay savings that can be realized from program reductions in 1973 and 1974. In so doing, it takes into consideration the longer range effect of each of our fiscal actions.

Most importantly, this budget shows the narrow margin between projected outlays and full-employment revenues in 1975, despite the economy measures that are recommended. Program reductions and terminations of the scale proposed are clearly necessary if we are to keep control of fiscal policy in the future.

The 1974 budget program implies 1975 full-employment outlays of about $288 billion, $19 billion (7%) more than in 1974. This is within our estimate of full-employment revenues of $290 billion for 1975. There is, however, very little room for the creation of new programs requiring additional outlays in 1975 and *no room for the postponement of the reductions and terminations proposed in this budget.*

The program reductions and terminations I have proposed will result in more significant savings in 1975 and later years than in 1973 and 1974. It is for this reason, too, that I have included the 1975 projections in my budget this year. The Federal spending pipeline is a very long one in most cases, and the sooner we start reducing costs the better for the Nation.

The estimated 1975 outlays for the various Federal agencies are, of course, tentative. The outlay total, however, is the approximate amount that will represent appropriate Federal spending in 1975 if we are to avoid new taxes and inflation. As program priorities change and require increases in some areas, offsetting decreases must be found in others. As the projections indicate, this is necessary for both 1974 and 1975.

FISCAL POLICY AND THE BUDGET PROCESS

Fiscal policy.—In July 1970, I adopted the full-employment budget principle in order to make the budget a tool to promote orderly economic expansion.

Consistent with this principle, the budget that I submitted to the Congress last January proposed fiscal stimulus as part of a balanced economic program that included sound monetary policy and the new economic policy that I launched on August 15, 1971. My confidence that the American economy would respond to sensible stimulus in this context has been fully justified. During 1972, employment increased by 2.3 million persons, real output rose by 7½%, business fixed investment was 14% higher, and the rate of increase in consumer prices declined.

From 1971 through 1973, the full-employment budget principle permitted and called for substantial actual budget deficits. For this reason, some people have forgotten the crucial point that the full-employment principle requires that deficits be reduced as the economy approaches full employment—and that it establishes the essential discipline of an upper limit on spending at all times.

The full-employment budget principle permits fiscal stimulation when stimulation is appropriate and calls for restraint when restraint is appropriate. But it is not self-enforcing. It signals us what course to steer, but requires us to take the actions necessary to keep on course. These steps are not taken for us, and they are rarely easy.

As we look ahead, with the economy on the upswing, the full-employment budget principle—and commonsense—prescribe a shift away from fiscal stimulus and toward smaller budget deficits. We must do what is necessary to make this shift.

Holding 1973 spending to $250 billion and achieving full-employment balance in 1974 and 1975 will be difficult. Reduction of some activities and termination of others are necessary and are proposed in this budget. Nonetheless, the budget provides significant increases for many important programs.

If we did not budget with firm restraint, our expenditures in 1973 would be over $260 billion. The ballooning effect of one year's expenditures on the next would in turn have meant that 1974's expenditures would be about $288 billion, far beyond full-employment revenues, and 1975's expenditures would be approximately $312 billion, leading to a huge inflationary deficit.

If spending is to be controlled, the Congress must establish a spending ceiling promptly. Otherwise, the seeds sown in individual authorization and appropriation actions will produce ever-growing Federal spending not only in the coming fiscal year but in the years beyond.

Should the Congress cause the total budgeted outlays to be exceeded, it would inescapably face the alternatives of higher taxes, higher interest rates, renewed inflation, or all three. I oppose these alternatives; with a firm rein on spending, none of them is necessary.

Reforming congressional budget procedures.—Delay in congressional consideration of the budget is a major problem. Each time I have submitted a budget, the Congress has failed to enact major portions of it before the next budget was prepared. Instead, it has resorted to the device of continuing resolutions to carry on the activities for which it has not made appropriations. Such delay needlessly compounds the complexities of budget preparation, and frustrates the potential of the budget as an effective management and fiscal tool.

The complexity of the budgeting process is another problem. Because of modifications made to reflect the desires of the more than 300 congressional committees and subcommittees that influence it, the process has become more complicated and less comprehensible.

The fragmented nature of congressional action results in a still more serious problem. Rarely does the Congress concern itself with the budget totals or with the effect of its individual actions on those totals. Appropriations are enacted in at least 15 separate bills. In addition, "backdoor financing" in other bills provides permanent appropriations, authority to contract in advance of appropriations, authority to borrow and spend without an appropriation, and program authorizations that require mandatory spending whether or not it is desirable in the light of current priorities.

At the same time, a momentum of extravagance is speeded by requirements created initially by legislative committees sympathetic to particular and narrow causes. These committees are encouraged by special interest groups and by some executive branch officials who are more concerned with expansion of their own programs than with total Federal spending and the taxes required to support that spending. Since most programs have some attractive features, it is easy for the committees and the Congress itself to authorize large sums for them. These authorizations, however, create pressure on the appropriations committees to appropriate higher amounts than the Nation's fiscal situation permits.

Last October, the Congress enacted legislation establishing a joint committee to consider a spending ceiling and to recommend procedures for improving congressional control over budgetary outlay and receipt totals.

I welcome this effort and pledge the full cooperation of my Administration in working closely with the committee and in other efforts of the Congress toward this end.

Specific changes in congressional procedures are, of course, the business of the Congress. However, the manner in which the Congress reviews and modifies the budget impinges so heavily on the management of the executive branch that I am impelled to suggest a few subjects that deserve high priority in the committee's deliberations, including:

—adoption of a *rigid* spending ceiling to create restraint on the total at the beginning of each annual review;

—avoidance of new "backdoor financing" and review of existing legislation of this type;

—elimination of annual authorizations, especially annual authorizations in specific amounts; and

—prompt enactment of all necessary appropriation bills before the beginning of the fiscal year.

The Congress must accept responsibility for the budget *totals* and must develop a systematic procedure for maintaining fiscal discipline. To do otherwise in the light of the budget outlook is to accept the responsibility for increased taxes, higher interest rates, higher inflation, or all three. In practice, this means that should the Congress pass any legislation increasing outlays beyond the recommended total, it must find financing for the additional amount. Otherwise, such legislation will inevitably contribute to undue inflationary pressures and thus will not be in the public interest. And it will be subject to veto.

I will do everything in my power to avert the need for a tax increase, but I cannot do it alone. The cooperation of the Congress in controlling total spending is absolutely essential.

SUMMARY OF THE 1974 BUDGET

The 1974 budget proposes an approximate balance in full-employment terms and an actual deficit that is about one-half the 1973 deficit. The 1975 budget totals I propose here would also yield a balance in full-employment terms.

THE BUDGET TOTALS

[Fiscal years. In billions]

Description	1971 actual	1972 actual	1973 estimate	1974 estimate	1975 estimate
Budget receipts		$208.6	$225.0	$256.0	(1)
Budget outlays		231.9	249.8	268.7	(1)
Deficit (−)		−23.2	−24.8	−12.7	(1)
Full-employment receipts		225.0	245.0	268.0	$290.0
Full-employment outlays [2]		228.9	247.3	267.7	288.0
Full-employment surplus or deficit (−)		−3.9	−2.3	.3	2.0

Description	1971 actual	1972 actual	1973 estimate	1974 estimate	1975 estimate
Budget authority		$248.1	$280.4	$288.0	$313.5
Outstanding debt, end of year:					
Gross Federal debt	$409.5	437.3	473.3	505.5	
Debt held by the public	304.3	323.8	348.8	365.3	
Outstanding Federal and federally assisted credit, end of year:					
Direct loans	53.1	50.1	50.1	51.0	
Guaranteed and insured loans [3]	118.1	133.1	150.3	164.1	
Government-sponsored agency loans [4]	38.8	48.9	59.6	71.8	

[1] Estimates of actual receipts and outlays have not been made at this time.

[2] In these estimates, outlays for unemployment insurance benefits and the Emergency Employment Act program are calculated as they would be under conditions of full employment.

[3] Excludes loans held by Government accounts and special credit agencies.

[4] Excludes Federal Reserve banks, but, starting in 1972, includes Export-Import Bank (previously reported as direct loans) and, starting in 1974, includes the newly authorized Environmental Financing Authority.

The full-employment budget balance in 1974 assures support for continuation of the economy's upward momentum without rekindling inflation. Greater stimulus in 1974 would be dangerous, and would put an unsupportable burden on future budgets.

Budget receipts in 1974 are estimated to be $256 billion. This is an increase of $31 billion over 1973, reflecting growing prosperity, higher personal income, and rising corporate profits. The receipts estimates also reflect the impact of tax cuts resulting from the Tax Reform Act of 1969, the new economic policy and the Revenue Act of 1971, as well as the payroll tax increases enacted to finance higher social security benefits.

Budget outlays in 1974 are expected to be $268.7 billion. The total would have been substantially greater—probably about $288 billion—had my Administration not made an extraordinary effort to hold to the fiscal guidelines of a $250 billion maximum in 1973, rather than the nearly $261 billion which otherwise would have occurred, and to full-employment balance in 1974.

Even so, this budget necessarily proposes an increase in outlays of $19 billion, or nearly 8% over the previous year. It provides amply for America's security and well-being in the year ahead.

The 1974 budget program projects full-employment outlays of $288 billion in 1975, which, together with the revenues that would be produced under existing law, will mean full-employment balance in that year.

About $288 bilion of *budget authority*—the new authority to make commitments to spend—is requested for 1974. Of the total, about $173 billion will require new action by the Congress.

IMPROVING GOVERNMENT

The role of government.—The last article of the Bill of Rights says:

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

The philosophy of the Founding Fathers embodied in this amendment is also my philosophy. I believe that a larger share of our national resources must be retained by private citizens and State and local governments to enable them to meet their individual and community needs.

Our goal must not be bigger government, but better government—at all levels. Our progress must not be measured by the amount of money we put into programs, but by the accomplishments which result from them.

One of my first acts as President was to direct that an intensive review be made of our federal system of government. We found that:

—the executive branch was poorly organized to accomplish domestic program objectives;

—State and local governments often could not meet the basic needs of their citizens; and

—Federal programs to assist State and local governments had become a confusing maze understood only by members of a new, highly specialized occupation—the grantsmen.

My Administration has developed a comprehensive strategy for dealing with these problems through restructuring the executive departments and revitalizing the federal system.

A restructured Federal Government.—A thorough overhaul of the Federal bureaucracy is long overdue, and I am determined to accomplish it.

As the role of government has grown over the years, so has the number of departments and agencies which carry out its functions. Unfortunately, very little attention has been given to the ways in which each new unit would fit in with all the old units. The consequence has been a hodgepodge of independent, organizationally unrelated offices that pursue interrelated goals. As a result, able officials at all levels have been frustrated, public accountability has been obscured, and decentralization and coordination of Federal operations have been impeded. This overlapping of responsibilities has increased the costs of government. It has generated interagency conflict and rivalry and, most importantly, it has imposed inexcusable inconvenience on the public that is supposed to be served.

To help remedy this situation, I proposed to the Congress in 1971 that the executive branch be restructured by consolidating many functions now scattered among several departments and agencies into four new departments. These new departments would be organized around four major domestic purposes of government: community development, human resources, natural resources, and economic affairs—thus consolidating in a single chain of command programs that contribute to the achievement of a clearly stated mission. Under this arrangement, we will be able to formulate policy more responsibly and more responsively and carry out that policy more efficiently and more effectively. I welcome congressional cooperation in this important endeavor and will seek it in the weeks ahead. I plan now to streamline the executive branch along these lines as much as possible within existing law, and to propose similar legislation on departmental reorganization to the 93d Congress.

Meanwhile, I have already taken the first in a series of steps that will increase the management effectiveness of the Cabinet and the White House staff. I hope the smaller and more efficient Executive Office of the President will become a model for the entire executive branch.

Reorganization of the executive branch is a necessary beginning but reorganization alone is not enough.

Increased emphasis will also be placed on program performance. Programs will be evaluated to identify those that must be redirected, reduced, or eliminated because they do not justify the taxes required to pay for them. Federal programs must meet their objectives and costs must be related to achievements.

The Federal Assistance Review program, which I began in 1969, has made important progress in decentralizing and streamlining Federal grant programs. To speed the process of decentralization, improve program coordination, and eliminate unnecessary administrative complications, I have strengthened the Federal Regional Council system. These councils, working with State and local governments, have played an impressive and growing role in coordinating the delivery of Federal services.

A revitalized federal system.—Restructuring of the Federal Government is only one step in revitalizing our overall federal system. We must also make certain that State and local governments can fulfill their role as partners with the Federal Government. Our General Revenue Sharing and special revenue sharing programs can help considerably in achieving this goal. They provide our States and communities with the financial assistance they need—in a way that allows them the freedom and the responsibility ncessary to use those funds most effectively.

On October 20, 1972, I signed a program of General Revenue Sharing into law. This program provides State and local governments with more than $30 billion over a 5-year period beginning January 1, 1972. This historic shift of power away from Washington will help strengthen State and local governments and permit more local decisionmaking about local needs.

Although final congressional action was not taken on my special revenue sharing proposals, I remain convinced that the principle of special revenue sharing is essential to continued revitalization of the federal system. I am, therefore, proposing the creation of special revenue sharing programs in the 1974 budget.

These four programs consist of broad-purpose grants, which will provide State and local governments with $6.9 billion to use with considerable discretion in the areas of education, law enforcement and criminal justice, manpower training, and urban community development. They will replace 70 outmoded, narrower categorical grant programs and will, in most cases, eliminate matching requirements.

The funds for special revenue sharing will be disbursed according to formulas appropriate to each area. In the case of manpower revenue sharing, an extension of existing law will be proposed. Current administrative requirements will be removed so that State and local governments can group manpower services in ways that best meet their own needs.

The inefficiency of the present systems makes favorable action on special revenue sharing by the Congress an urgent priority.

Special revenue sharing, budget authority, first full year

Description:	*Billions*
Urban community development	2.3
Education	2.5
Manpower training	1.3
Law enforcement	.8
Total	6.9

As an important companion to returning responsibility to State and local governments, I proposed to the Congress in 1971 a program to provide funds to help State and local governments strengthen their management capabilities to carry out their expanded role. I am submitting this important proposal again this year.

The federal system is dynamic, not static. To maintain its vitality, we must constantly reform and refine it. The executive branch reorganization and special revenue sharing programs that I am proposing, along with continued decentralization of Federal agencies, are essential to that vitality.

BUILDING A LASTING STRUCTURE OF PEACE

Building a lasting peace requires much more than wishful thinking. It can be achieved and preserved only through patient diplomacy and negotiation supported by military strength. To be durable, peace must also rest upon a foundation of mutual interest and respect among nations. It must be so constructed that those who might otherwise be tempted to destroy it have an incentive to preserve it.

The 1974 budget supports America's efforts to establish such a peace in two important ways. First, it maintains the military strength we will need to support our negotiations and diplomacy. Second, it proposes a sound fiscal policy that, supported by a complementary monetary policy, will contribute to prosperity and economic stability here and abroad.

Our strength, together with our willingness to negotiate, already has enabled us to begin building a structure for lasting world peace and to contribute to a general relaxation of world tensions.

—We have made substantial progress toward ending our involvement in the difficult war in Southeast Asia.

—In the past 4 years, we have concluded more significant agreements with the Soviet Union than in all previous years since World War II, including the historic agreement for limiting strategic nuclear arms.

—We have ended nearly a quarter century of mutual isolation between the United States and the People's Republic of China and can look forward to the development of peaceful cooperation in areas of mutual interest.

In this atmosphere, other nations have also begun to move toward peaceful settlement of their differences.

One of the results of our negotiations, taken together with the success of the Nixon Doctrine, our substantial disengagement from Vietnam, and the increased effectiveness of newer weapons systems, has been a significant but prudent reduction in our military forces. Total manpower has been reduced by about one-third since 1968, and will be further reduced as we end the draft and achieve an All-Volunteer Force. At the same time, our allies are assuming an increasing share of the burden of providing for their defense.

As a result, defense outlays have been kept in line. In 1974, they will be substantially the same as in 1968. During the same period, the total budget has grown by 50%, and nondefense outlays have grown by 91%, or $90 billion. When adjusted for pay and price increases, defense spending in 1974 will be about the same as in 1973 and about one-third *below* 1968.

But, while this Administration has succeeded in eliminating unnecessary defense spending, it is equally determined to spend whatever is necessary for national security. Our 1974 budget achieves this goal. It assures us of sufficient strength to preserve our security and to continue as a major force for peace. Moreover, this strength will be supported, beginning this year, without reliance on a peacetime draft.

A framework for international economic progress is an important part of our efforts for peace. A solid beginning has been made on international monetary reform through our participation in the ongoing discussions of the Committee of Twenty. We will continue to press these efforts during the year ahead.

Our foreign assistant programs also reflect our intention to build a lasting structure of peace through a mutual sharing of burdens and benefits. America will remain firm in its support of friendly nations that seek economic advancement and a secure defense. But we also expect other nations to do their part, and the 1974 budget for foreign assistance is based upon this expectation.

Our goal is a durable peace that is sustained by the self-interest of all nations in preserving it. Our continuing military strength and our programs for international economic progress, as provided for in this budget, will bring us closer to that goal for ourselves and for posterity.

MEETING HUMAN NEEDS

The 1974 budget for human resources programs, like the three that have preceded it under this Administration, reflects my conviction that social compassion is demonstrated not just by the commitment of public funds in hope of meeting a need, but by the tangible betterments those funds produce in the lives of our people. My drive for basic reforms that will improve the Federal Government's performance will continue in the coming fiscal year.

Between 1969 and 1974, outlays for Federal human resources program have increased 97%, while total budget outlays have grown by only 46%. As a result, human resources spending now accounts for close to half the total budget dollar, compared with just over one-third of the total at the time I took office.

Many solid accomplishments have resulted. Higher social security benefits are bringing greater dignity for the aged and the disabled. Better health care and better education and training opportunities, especially for the disabled, the disadvantaged, and veterans, are helping to raise the social and economic status of millions of individuals and have improved the productive capacity of the Nation as a whole. Expanded food programs are helping to assure adequate nutrition for the needy.

However, disappointments and failures have accompanied these accomplishments. The seeds of those failures were sown in the 1960's when the "do something, do anything" pressure for Federal panaceas led to the establishment of scores of well-intentioned social programs too often poorly conceived and hastily put together. In many respects, these were classic cases of believing that by "throwing money at problems" we could automatically solve them. But with vaguely defined objectives, incomplete plans of operation, and no effective means of evaluation, most of these programs simply did not do the job.

We gave these programs the benefit of every doubt and continued them while we conducted a long-needed, thorough review of all Federal human resources programs. Based on this review, the 1974 budget proposes to reform those programs that can be made productive and to terminate those that were poorly conceived, as well as those that have served their purpose.

We can and will find better ways to make the most of our human resources—through the partnership of a restructured Federal Government and strong State and local governments, and with the help of a socially committed private sector that is bolstered by a revival of individual initiative and self-reliance among our people. But only by halting the unproductive programs here and now can we assure ourselves of the money needed to pursue those programs that will get results.

Income security.—Federal income maintenance programs have expanded dramatically in the last 4 years. Cash benefits under the social security system alone will have grown from $30 billion in 1970 to $55 billion in 1974, an increase of 83%. These benefits will account for about one-fifth of *all* Federal budget outlays. Legislation enacted in calendar year 1972 alone increased these benefits by $10.5 billion, or almost 30% over 1971 benefits.

Beginning on January 1, 1974, under the terms of legislation passed last year, the Federal Government is scheduled to assume responsibility for providing a basic assistance payment for the aged, blind, and disabled. While this would require that we add a very large number of Federal employees to the Social Security Administration, I have ordered this increase held to an absolute minimum, and I will urge the Governors to seek ways of eliminating an equivalent number of positions in their States so that the overall size of government will not grow.

The 1974 budget for income maintenance programs will emphasize:

—intensified efforts to eliminate wasteful and inefficient management of welfare programs; and

—further improvement in the welfare of the aging.

The legislation that established General Revenue Sharing also set a long-needed ceiling on Federal outlays for social services. In 1969, Federal outlays for these services were less than $400 million. By 1972, States had discovered that this ill-defined program could be used to finance most public services and they were planning to make claim on about $5 billion in Federal funds.

This runaway, open-ended program was out of control. The $2.5 billion statutory limit imposed on the program, about seven times the 1969 level, will restore a measure of control. We are now emphasizing efforts to assure that this massive increase in funding is used effectively to meet the real needs of public assistance recipients for useful social services.

Education and manpower training.—Outlays in the 1974 budget for education and manpower, including those for veterans, will be $12 billion. The 1974 program is based upon a reevaluation of the Federal Government's role in these areas. The primary responsibility for most of these activities, other than those for veterans, rests with State and local governments. The proper Federal role is primarily that of helping State and local governments finance their own activities, while conducting directly those few programs than can be done efficiently and effectively only by the Federal Government.

The 1974 budget supports such a role for the Federal Government. It provides for:

—creation of education and manpower revenue sharing programs to give State and local governments greater power in allocating resources within these vital areas;

—proposed legislation that would provide an income tax credit for tuition paid to nonpublic elementary and secondary schools;

—full funding for Basic Education Opportunity grants to provide assistance for college students.

—continued emphasis on training disadvantaged veterans;

—an increase in the work incentive program to help welfare recipients get jobs; and

—phasedown of the temporary Emergency Employment Assistance program consistent with the increase in new jobs in the private sector.

Health.—My strategy for health in the 1970's stresses a new Federal role and basic program reforms to assure that economical, medically appropriate health services are available when needed. As major elements in this strategy, the 1974 budget provides for:

—a proposal for national health insurance legislation;

—increased funding for cancer and heart disease research;

—initiation of a nationwide system of physician-sponsored Professional Standards Review Organizations to assure quality and appropriateness of care;

—reform of Medicaid and Medicare to reduce financial burdens for aged and disabled patients who experience long hospital stays and to improve program management and increase incentives for appropriate use of services; and

—increased special care units and continued improvement of outpatient and extended care benefits for veterans.

The impact of the 1974 budget will be significant. In 1974, nearly 5 million more poor, aged, and disabled persons will benefit through expanded financial support for health services. There will be continued emphasis on consumer safety. Finally, strengthened cost controls will give Americans greater protection against unreasonable medical cost increases.

Drug abuse control.—During my first term, in order to meet what had become both a crime problem and a health crisis of epidemic proportions, we launched an all-out war on drug abuse. With the 1974 budget, we will continue to press that attack aggressively. Budgeted expenditures of $719 million, an increase of $64 million over 1973, will permit continued strong support for interdiction of drug traffic and for the treatment and rehabilitation of drug users.

Civil rights.—The protection of each citizen's civil rights is one of the highest priorities of my Administration. No American should be denied equal justice and equal opportunity in our society because of race, color, sex, religion, or national origin. Toward this end, the Department of Justice and other Federal agencies will be able under the 1974 budget to increase their civil rights enforcement efforts aimed at upholding this fundamental principle as follows:

—The Department of Justice will expand its efforts to coordinate the enforcement of equal access to and equal benefit from Federal financial assistance programs.

—The Community Relations Service will expand its crisis resolution and State liaison activities.

—The civil rights performance of Federal agencies will be monitored and reviewed throughout the year.

—The Equal Employment Opportunity Commission will receive additional resources to carry out its expanded responsibilities.

—The Civil Service Commission will expand its monitoring of Federal service equal opportunity.

—The Commission on Civil Rights will receive additional resources to carry out its newly granted jurisdiction over sex discrimination.

In addition, the Small Business Administration will expand its loan program for minority business by nearly one-third.

NATURAL RESOURCES AND ENVIRONMENT

The balanced development of our natural resources is essential to a healthy economy and an improved standard of living. Development inevitably brings change to our natural environment which, if not properly controlled, could impair the health and welfare of our citizens and the beauty of our surroundings. Balancing the need for development and growth with the need to preserve and enhance our environment has become a major challenge of our time.

Meeting this challenge is not solely the responsibility of the Federal Government. Heavy responsibilities fall on State and local governments, private industry, and the general public as well. This budget reflects my determination to seek a proper balance between development and preservation. It contemplates neither blind or insensitive exploitation of our natural resources nor acceptance of a no-growth philosophy. It avoids such a spurious choice and plots an orderly and reasoned course toward sensible development and environmental enhancement.

The forward thrust of our environmental programs has not been altered. We will continue vigorous enforcement of laws and Federal regulations. The Environmental Protection Agency has allotted to the States $5 billion of new authorizations to make grants for waste treatment construction. With $5.1 billion in additional funds already available for payment on new projects and projects for which the Federal Government had made prior commitments, a total of $10.1 billion has been set aside in a short period of time for waste treatment facilities. I believe that more funds would not speed our progress toward clean water, but merely inflate the cost while creating substantial fiscal problems.

Adequate supplies of clean energy are a vital concern. The resources devoted in this budget to energy research and development are one important element of the response to this problem. My initiative to demonstrate a large-scale fast breeder reactor by 1980 will be continued; and funds have been significantly increased to develop means of using other energy resources—particularly our abundant coal resources. At the same time, this budget provides funds to carry out a program for regulation of strip mining activities to minimize their adverse environmental impact.

I have long been committed to sound, multiple-use management of public lands consistent with long-term environmental preservation. My 1974 program provides both for development of new outdoor recreation opportunities accessible to our large population centers and for new wilderness areas. In addition, the budget includes funds for a program providing incentives to States to undertake regulation of private land use. This program would encourage establishment at the State level of open decisionmaking processes to insure proper consideration of the long-term environmental implications of major land use decisions.

The role of agriculture.—The American farmer wants to raise high quality products in the most efficient manner, and to receive prices that provide him a fair return on his investment. He wants a minimum of Government regulation, and recognizes the need for some protection from events beyond his control. We are working to create conditions favorable to the American farmer by expanding our world markets, stabilizing the domestic economy, and tailoring farm programs to provide both freedom of choice and reasonable earnings for farmers.

We have made some impressive progress toward these objectives. Farm income has improved; more freedom to plant has been achieved; and the costs of price support are down. Americans and the entire world have benefited from the extraordinary productivity of American agriculture. In the period ahead, we seek to use this productivity in domestic and world marketplaces in order to maintain both high farm income and reasonable consumer prices.

REFORMING COMMUNITY AND AREA DEVELOPMENT PROGRAMS

My deep commitment to providing change that works is, and must be, matched by a total determination to identify and reform or eliminate programs that have not worked. It would be irresponsible to continue spending taxpayers' money for programs that have long since served their purpose, are not working at all, or are not working sufficiently to justify their costs.

I began my efforts in community and area development with proposals for general and special revenue sharing. In 1971, I proposed a reorganization of the executive branch agencies responsible for community and area development programs—to consolidate related functions and thereby assure better management. Substantial progress in furthering community development was made last year when General Revenue Sharing became law.

The 1974 budget reflects my determination to accelerate major reforms of programs for urban development and housing, rural development, transportation, and crime prevention and criminal justice.

Urban development and housing.—During the past 4 years, the private housing industry reached, and has maintained, an unprecedented level of housing production. Early in this period the downward trend in housing production that existed in 1969 was reversed. New housing starts rose 60%, from 1.5 million in calendar year 1969 to nearly 2.4 million in calendar year 1972, a new record. While federally subsidized starts were 11% of the 1972 total, it is clear that our broad fiscal and monetary policies are the dominant factors that determined the overall level of housing production.

Throughout this period, federally assisted housing programs have been plagued with problems and their intended beneficiaries have thus been shortchanged. As a result, new commitments under those programs which have not worked well enough have been temporarily halted, pending a complete reevaluation of the Federal role in housing and of alternative ways to provide housing.

In addition, no new projects will be approved under several outmoded and narrowly focused community development programs which have not produced benefits that justify their costs to the taxpayer. Continuing to channel resources into these programs can only delay the initiation of more effective programs and policies.

The 1974 budget will:

- —honor those commitments already made under housing and community development programs;
- —continue the evaluation of alternative ways to help the private market satisfy the Nation's need for housing;
- —continue to seek congressional approval of the Administration's Urban Community Development Revenue Sharing proposal so that new funds can begin to flow to State and local governments on July 1, 1974; and
- —emphasize those programs that help State and local officials strengthen their decisionmaking and management processes, allowing responsibility to be shifted increasingly to these officials, while the Federal Government concentrates on those activities which cannot be accomplished more effectively by the private sector or other levels of government.

Despite the halt in new commitments, federally assisted activity will continue at a high level. Subsidized housing starts in calendar year 1973 will increase over the previous year, totaling 270,000. Approximately 1,800 urban renewal projects will still be active. Federal outlays on these uncompleted housing and community development projects will rise from $4.0 billion in 1973 to $4.9 billion in 1974.

Rural development.—The 1974 budget consolidates and reorients our rural development programs.

While I would have preferred that the Congress enact special revenue sharing for rural development, the Rural Development Act of 1972 provides a basis for beginning efforts consistent with the revenue sharing concept. In particular, State and local officials will have greater control in project decisions. Rural development programs as a whole will increase over last year, with loan programs growing particularly rapidly.

I intend to watch closely our experience with this new approach and then consider whether additional legislation may be needed to make it more effective.

The counterpart to proceeding with the new authorities is the consolidation, termination, or reorientation of older programs. Public works and related economic development programs of the Department of Commerce will be phased out in favor of programs established under the Rural Development Act and Small Business Administration authorities. Loans to improve rural electric and telephone service will be available on an even larger scale—but at reduced cost to taxpayers—through the loan authority of the Rural Development Act and through the new Rural Telephone Bank.

Transportation.—The Federal role in transportation is significant but limited. It must insure that national needs, such as the Interstate Highway System and airway control, are met. Otherwise, the primary responsibilities rest with the States, local governments, and the private sector, while the Federal Government provides financial support.

Last year, the Administration supported legislation that recognized this proper Federal role. It proposed providing flexibility at the State and local level in meeting mass transit and highway needs and avoiding narrow categorical grants. The legislation narrowly failed to be enacted.

I will propose legislation incorporating the same principles again this year. The legislation and this budget propose a broad $1 billion program to aid urban mass transit capital investment and sufficient funds for the Interstate Highway System to insure completion of the system in a reasonable time.

The safety of our transportation systems is a matter of paramount importance. I have directed that Federal safety efforts for all modes of transportation be intensified.

Crime prevention and criminal justice.—Helping State and local criminal justice agencies fight crime in our cities and towns continues to be a major commitment of my Administration.

Outlays for law enforcement activities will be $2.6 billion in 1974, a 7½% increase over 1973. This increase reflects my determination to enforce the laws of this country and protect the safety of all our citizens. We must make certain, however, that the programs which assist State and local criminal justice systems are not only expanded, but reformed, and that we do a better job of reducing crime and rehabilitating criminal offenders. To accomplish these goals, I propose in this budget that:

- —the grants to State and local governments for law enforcement assistance be converted to a law enforcement revenue sharing program with additional funding;

—the Law Enforcement Assistance Administration continue and strengthen its national research, demonstration, and dissemination efforts to develop more effective ways of preventing crime; and

—Federal agencies intensify their efforts to fight organized crime.

Further, new and improved measures to prevent airplane hijacking will be put into effect in cooperation with the airlines and airport operators.

CONCLUSION

The respect given to the common sense of the common man is what has made America the most uncommon of nations.

Common sense tells us that government cannot make a habit of living beyond its means. If we are not willing to make some sacrifices in holding down spending, we will be forced to make a much greater sacrifice in higher taxes or renewed inflation.

Common sense tells us that a family budget cannot succeed if every member of the family plans his own spending individually—which is how the Congress operates today. We must set an overall ceiling and affix the responsibility for staying within that ceiling.

Common sense tells us that we must not abuse an economic system that already provides more income for more people than any other system by suffocating the productive members of the society with excessive tax rates.

Common sense tells us that it is more important to save tax dollars than to save bureaucratic reputations. By abandoning programs that have failed, we do not close our eyes to problems that exist; we shift resources to more productive use.

It is hard to argue with these common sense judgments; surprisingly, it is just as hard to put them into action. Lethargy, habit, pride, and politics combine to resist the necessary process of change, but I am confident that the expressed will of the people will not be denied.

Two years ago, I spoke of the need for a new American Revolution to return power to people and put the individual *self* back in the idea of *self*-government. The 1974 budget moves us firmly toward that goal.

RICHARD NIXON.

JANUARY 29, 1973.

PRESIDENT'S BUDGET FOR FISCAL YEAR 1974

(Mr. ARENDS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter).

Mr. ARENDS. Mr. Speaker, the President's budget message for fiscal year 1974 is a courageous, incisive statement which reflects two critical fundamentals: First, the common sense, sound-government thinking of the American people who so overwhelmingly reelected Richard Nixon; and, second, the no-nonsense, courageous determination of a President who knows the people, a President who knows why they reelected him, and a President who does not intend to let them down.

Our citizens grew irritated with an inflation which ran nearly rampant. President Nixon moved forthrightly to harness that inflation. He does not intend to let it mount. I applaud his determination—and so do the overwhelming majority of the American people.

Our citizens have become distressed with burdensome taxes. President Nixon—abundantly cognizant of the people's plight—promised not to increase taxes. He meant it. He means it now. I applaud his steadfastness—and so do the overwhelming majority of the American people.

Our citizens know that intent, however forthright, and promises, however steadfast, are not sufficient in and of themselves. Holding down inflation and preventing increased taxes demand effort—careful scrutiny, tough decisionmaking, and fortitude. President Nixon knows that too. He has proven for 4 years that he has the keen mind necessary to analyze complex situations, the guts necessary to make hard decisions, and the will necessary to handle the difficult chores. The President has acted with the wisdom and bravery demanded of him in preparing the Federal budget for fiscal year 1974—a budget calling for a firm rein on Federal spending. I applaud the President's courage—and let me repeat, so do the American people.

The President has called upon the Congress to join him in a concerted effort to control Federal spending. I, for one, will stand with those at the head of the ranks who intend to do all that is possible to see that the Congress responds to the President with affirmative action.

After all, we in the Congress are responsible—and I trust responsive—to not only the President, but to the people who elected us to represent them. That should most certainly be the case in this House—whose Members are closest to the people.

The President has analyzed the American people well, stating:

> I do not believe the American people want higher taxes any more than they want inflation.

I, for one, do not intend to ignore that wise and firmly held conviction of the American people. I concur with the President's judgment that, with a firm rein on spending, neither increased taxes nor renewed inflation nor higher interest rates will be necessary.

Furthermore, I do not believe that the Congress will shrink from its responsibility. We Members of Congress should be aware that the people have spoken. If we were to fail to do our part in heeding the people's wishes, the Congress would bear full responsibility for the increased taxes, the growing inflation, and the higher interest rates that would result. We in the Congress must not let the people down.

Curbing spending, as the President's budget message so clearly states, is not the only action needed. In the President's words:

> Our goal must not be bigger government, but better government—at all levels. Our progress must not be measured by the amount of money we put into programs, but by the accomplishments which result from them.

The President intends to match his philosophy with action. I quote:

> Increased emphasis will be placed on program performance. Programs will be evaluated to identify those that must be redirected, reduced, or eliminated because they do not justify the taxes required to pay for them. Federal programs must meet their objectives and costs must be related to achievements.

President Nixon talked common sense in his no-nonsense Federal budget for fiscal year 1974—more common sense that I have seen reflected in a Federal budget in some time. The four points of common sense which the President made in his budget message conclusion reflect a great appreciation for and a deep understanding of the real spirit of our people:

> Common sense tells us that government cannot make a habit of living beyond its means. If we are not willing to make some sacrifice in holding down spending, we will be forced to make a much greater sacrifice in higher taxes or renewed inflation.
>
> Common sense tells us that a family budget cannot succeed if every member of the family plans his own spending individually—which is how the Congress operates today. We must set an overall ceiling and affix the responsibility for staying within that ceiling.
>
> Common sense tells us that we must not abuse an economic system that already provides more income for more people than any other system by suffocating the productive members of the society with excessive tax rates.
>
> Common sense tells us that it is more important to save tax dollars than to save bureaucratic reputations. By abandoning programs that have failed, we do not close our eyes to problems that exist; we shift resources to more productive use.

The people of America have spoken. They have expressed their will—against inflation and increased taxes. The President in his budget message has, in a sense, said—Here is how we can do it.

I intend to do all I can to prove the wisdom of the President's confidence "that the expressed will of the people will not be denied." In simple terms, the President is saying: You have a choice—either slow down the spending or you get additional taxes and inflation.

THE PRESIDENT'S BUDGET MESSAGE

Mr. MAHON. Mr. Speaker, I ask unanimous consent to proceed for 15 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MAHON. Mr. Speaker, the red carnations which are being worn on the lapels of Members of the House today give a sanguine atmosphere to the House of Representatives. This sanguine atmosphere is not supported by the President's budget which has just been submitted.

I should like to recite some of the harsh facts of life with respect to the fiscal situation.

ONE-QUARTER OF U.S. DEBT ACCUMULATED IN 4 YEARS

During the 4-year period ending with June 30, 1973, the national debt, subject to limit, will have increased by $106 billion, bringing it to a total of $463 billion. This 4-year increase represents nearly one-fourth of the total national debt.

PROPOSED DEBT INCREASE IN FISCAL YEAR 1974

The budget proposes a further debt increase of over $29 billion for the fiscal year which will begin on July 1.

EXPENDITURE INCREASE

During the current fiscal year, 1973, expenditures are estimated to increase about $18 billion over the previous fiscal year.

During the fiscal year which begins July 1—that is, during fiscal year 1974—spending is estimated to increase $19 billion over the current fiscal year 1973.

UNIFIED DEFICIT TENDS TO MASK FEDERAL BORROWING REQUIREMENTS

Newspaper headlines—and this budget—proclaim that the estimated budget deficit for fiscal year 1974 is only about $13 billion—and, of course, even that is a rather monumental sum—as contrasted with an estimated deficit of about $25 billion for the current fiscal year.

Mr. Speaker, on the surface these figures look somewhat encouraging, but a study of the fine print reveals that the improvement is nowhere near as dramatic as it may appear.

TRUST FUND SURPLUSES

The budget is submitted on the so-called unified basis. Under this system surpluses in the trust funds are used to partially offset the enormous deficits in Federal funds. These surpluses are borrowed and used for general Federal expenditures, and eventually, of course, are to be repaid with interest. Borrowings from the trust funds to finance the Government in fiscal year 1973 are estimated to be about $9 billion. Borrowings from the trust funds for fiscal year 1974, which will begin July 1, are estimated to be $15 billion.

FEDERAL FUNDS DEFICITS

Mr. Speaker, the unified budget system I have just described tends to hide the fact that in fiscal 1972 we experienced a $29.1 billion Federal funds deficit; that the Federal funds deficit for fiscal year 1973 is estimated to be $34 billion, and that the Federal funds deficit for fiscal year 1974, about which the budget treats, is estimated to be about $28 billion.

In other words, for this current fiscal year, 1973, it is estimated to be $34 billion, and next year it is estimated to be $28 billion.

FEDERAL BORROWING CONTINUES TO GROW

Mr. Speaker, there is little room for rejoicing about such an astronomical Federal funds deficit as is proposed for fiscal year 1974. The projected deficit represents a slight decrease from the current year but there is no marked or dramatic change in the constantly dangerous overall fiscal trend in this country.

Mr. Speaker, putting it another way, the national debt subject to limit will increase in 1973 by $34 billion and by over $29 billion in 1974. So the unified budget as submitted does not highlight the enormity of the real deficit; that is, the Federal funds deficit.

INCREASES IN FEDERAL SPENDING

Mr. Speaker, when we turn to the first sentence of the budget message, we have this line:

> The 1974 budget fulfills my pledge to hold down Federal spending so that there will be no need for a tax increase.

There is, of course, no likelihood of Federal spending being held down below the figures of the current year. What the President really means here is that he proposes to slow down the rate of Federal spending increases.

The debt continues to skyrocket.

The heavy Federal funds deficits continue.

That, Mr. Speaker, is where we find ourselves at this particular time.

Mr. Speaker, I think we must applaud the President for facing up to some of the major aspects of the fiscal crisis which continues to confront the country. He is to be applauded for the goal of trying to reduce spending. But the fact that the budget message accepts a deficit this year of $34 billion in Federal funds and a deficit next year of $29 billion in Federal funds all the more reflects the enormous problem confronting the country.

FURTHER EXPANSION OF THE BUDGET

I am among those who do not profess to know precisely how we will meet the situation. I believe that this budget will have to be expanded further by the Executive. There are no massive sums in this budget for the rehabilitation of war-torn Southeast Asia. Under the cease-fire agreement this country is pledged to investment in the rehabilitation of southeast Asia, including South and North Vietnam. No doubt additional sums will be requested of the Congress to implement the cease-fire at a later date. So we are confronted with a very precarious situation.

CONGRESSIONAL ACTION ON 1973 BUDGET

In the appropriation bills last year Congress reduced the President's estimated budget authority by over $5 billion. In spending, this reduction translated to about $1.5 billion. But Congress also increased spending for fiscal 1973 by about $7.5 billion in backdoor and other nonappropriation bills, resulting in a net congressional increase of about $6 billion in estimated spending.

IMPOUNDING

The President now states in the budget message—and he has stated it otherwise—that he is going to hold spending to $250 billion for the fiscal year which ends on June 30. He proposes not to spend funds which have been made available by the Congress for expenditure during this period of time. I believe myself that the administration has gone beyond the bounds of propriety and beyond the limit of Executive authority in impounding funds. I am not saying that we ought not to try to hold down spending. I am saying when Congress expressed its will and authorized programs and then provided for the funding of these programs, it is obligatory on the part of the Executive to carry out the will of the Congress, be it in his opinion wise or unwise.

ANTI-DEFICIENCY ACT OF 1950

In 1950 the Anti-Deficiency Act was rewritten. This gives the Executive some limited latitude in withholding the expenditure of funds.

I think it would be well for me to read the basis of authority for withholding spending in that act, and for us to consider whether the President has the authority to make the massive reductions in programs he is now making:

> Section 3679. (c) In apportioning any appropriation, reserves may be established to provide for contingencies or to effect savings—

The President can provide for contingencies and can make reductions to effect savings whenever savings are made possible. For example, an estimate of too much to finance a program if it develops that the program can be carried out more efficiently—

> or to effect savings whenever savings are made possible by or through changes in requirements, greater efficiency of operations, or other developments subsequent to the date on which such appropriation was made available.

If there are sudden and dramatic changes in the situation in particular programs after spending authority is given the President, then he can make certain changes—

> Whenever it is determined by an officer designated in subsection (d) of this section to make apportionments and reapportionments that any amount so reserved will not be required—

So, if the President or the administration feels these funds are not required, then that is the situation laid down in the law—

> Whenever it is determined by an officer designated in subsection (d) of this section to make apportionments and reapportionments that any amount so reserved will not be required to carry out the purposes of the appropriation concerned, he shall recommend the rescission of such amount in the manner provided in the Budget and Accounting Act, 1921, for estimates of appropriations.

So that the proper procedure if the administration is not going to use the funds is to propose rescission of those funds as required by law, and this would give Congress an opportunity to act affirmatively and specifically in regard to the problem.

Admittedly, the administration and the Congress must find a better way to cope with the situation which confronts us, and the Anti Deficiency Act suggests one avenue that might be worth exploring.

JOINT COMMITTEE ON BUDGET CONTROL

As all of you know, we have a 32-member joint committee created as a result of an act of Congress late in the last session, a committee which is designed to try to figure out ways to get better legislative control of the fiscal situation. That group, headed in the House by the gentleman from Mississippi (Mr. WHITTEN), and the gentleman from Oregon (Mr. ULLMAN), will be making a progress report on its deliberations sometime in February.

EXPENDITURE CEILINGS

The budget message says that we must have a rigid expenditure limitation. People are shouting from the housetops that we must have an expenditure limitation. They seem to think that an expenditure limitation is something that will give us a magical way to get the budget under control.

A mere expenditure limitation would be somewhat ridiculous unless Congress took action to reduce the ever-increasing authority of the administration to spend money.

The SPEAKER. The time of the gentleman has expired.

(By unanimous consent, Mr. MAHON was allowed to proceed for 10 additional minutes.)

Mr. MAHON. It would make absolutely no sense whatever and it would be injurious to the legislative branch to have an expenditure limitation abdicating to the Executive what to do about the programs which we have funded. Expenditure limitations properly drafted could be fashioned as a useful part of an overall effort to control the budget, but a flat rigid spending ceiling ignores the logic of our present budget system.

If we want to control the Mississippi River we could not very well control it by building a huge dam at the mouth of the river. That would be an impractical approach to the problem. The way to control the Mississippi River would be to control it from upstream on the tributaries. That is the only way you could possibly control the Mississippi River.

CONTROLLING SPENDING

The only way to ultimately control spending is to do something about controlling the authorization of new programs, and to do something about controlling the funding of the programs through appropriation bills, back-door spending and other nonappropriation bills. The Executive could contribute greatly to budget control by submitting budgets that do not propose such gigantic deficits.

BUDGET OUT OF WHACK

It is clearly evident that this budget is out of whack. It is in many ways indefensible. This year we will go in debt by $34 billion, next year, over $29 billion. Those estimates could well increase by the close of the respective fiscal years.

There is no easy way to deal with the situation either. We are providing excessive spending authority or we are not providing enough revenue, or some combination of the two. So the question arises: Can we reduce spending authority? Can we find additional revenue? What course do we wish to follow?

To go in debt over a 4-year period by about $106 billion is indefensible. We simply cannot afford to continue at any such clip. I am not speaking derogatorily, because I think the President is doing the best he can under a difficult situation. This is a nonpartisan problem, but one that continues to get worse.

The average Federal funds deficit during the Eisenhower administration was $2.7 billion; during the Kennedy administration, $7.4 billion; during the Johnson administration, $11.6 billion; and during the Nixon administration, including that projected for fiscal 1974, $26.8 billion.

It is up to the U.S. Congress, working in cooperation between the House and the Senate, and with the administration, to try to find an answer to the problem which confronts us. Will it be more revenues? Will it be less spending? Or, what will it be?

A BAREBONES BUDGET

These remarks are made off the cuff. I have read the President's budget message, but I have not had an opportunity to read the entire budget thoroughly. I realize the President is confronted with a very serious situation. He has recommended that programs enacted by Congress be trimmed by $17 billion for the fiscal year which begins on July 1. I do not recall a more drastic budget submitted to Congress at any time in the past. It is a very difficult and serious situation that confronts us.

I see the "watch dog" of the Treasury, the distinguished gentleman from Iowa, on his feet. He is wearing the sanguine color of the red carnation, but I am afraid he has some degree of concern about the President's budget.

I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I thank the gentleman for yielding, and for the information he has provided. I certainly share the concern he has expressed over the financial condition of the Government.

The gentleman mentioned the so-called settlement in Vietnam. I wonder if the gentleman was contacted, or if any Member in the House of Representatives, for that matter, was contacted. Certainly if anyone was contacted it ought to have been the gentleman from Texas, the distinguished chairman of the Appropriations Committee, with respect to that provision in the settlement in chapter 8, article 21 which provides that the United States will carry on in its "traditional role."

I do not know what that means. I did not know we had a "traditional role" of taking care of every Tom, Dick, and Harry around the world. But under the terms, article 21 is bound to help the Democratic Republic of Vietnam, which is North Vietnam, and it goes on to say "and throughout Indochina," which means every country in that area.

Was the gentleman contacted?

Mr. MAHON. I would say that on some occasions the President did mention suggested peace settlements at the White House conferences with the leadership.

He did state at that time that North Vietnam would be offered certain assistance as a part of the settlement, and in further fairness I must say that it is my offhand recollection that President Johnson upon one occasion made reference to helping in the rehabilitation of North Vietnam as one of the facets of a hoped for agreement to get a cease-fire.

But with respect to the recent agreement, I was not contacted. I was at the White House with the leadership at the time the President explained the cease-fire agreement, and reference was made in a very general way to some degree of rehabilitation of the wartorn areas of Indochina.

I have said in the past and I will repeat now that this aspect of the cease-fire will be, of course, very upsetting to the American public and to the American taxpayer, but I think Congress will of necessity have to look closely into the requirements and do whatever appears to be appropriate in the light of the agreements which this country through the Executive has made.

Mr. GROSS. If the gentleman will yield further, I agree with the gentleman that Congress should look closely into any request, and I do think it is incumbent that Congress pay especially close attention to the reparations that may be paid to Communist North Vietnam.

If the gentleman was present he will remember that I tried last week in the congressional meeting with Mr. Kissinger to elicit from him some indication of what this money handout might be with respect to Indochina including North Vietnam. I got exactly nowhere with my questions.

Mr. MAHON. That is a pretty touchy and difficult and upsetting subject at this time. It will come later.

Mr. GROSS. It will be just as upsetting later, as far as I am concerned, I will say to the gentleman.

Mr. MAHON. I understand fully.

Mr. Speaker, here today I have not attempted to probe in depth the many characteristics of the complex budget document presented to us today. In the days and weeks immediately ahead of us, the Committee on Appropriations will be examining the many facets of the budget and we will be reporting to the House.

On Monday and Tuesday of next week we will have before us Secretary of the Treasury Shultz, the Director of the Office of Management and Budget, and the Chairman of the Council of Economic Advisors for the purposes of examining the budget. After these sessions and as we have further opportunity to study what has been presented today, I will report to House in more detail.

(Mr. MAHON asked and was given permission to revise and extend his remarks and include tables and extraneous matter.)

BUDGET MESSAGE FOR THE PRESIDENT

Mr. CEDERBERG. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes and to revise and extend my remarks and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CEDERBERG. Mr. Speaker, today the President has presented his budget for fiscal year 1974.

It will be a difficult budget for those of us in the Congress to handle, but it is a responsibility that has to be faced.

We in the Congress, whether we like to hear it or not, have not assumed our fiscal responsibility. We constantly hear complaints about the spending policies of the President and the Office of Management and Budget but Congress has the tools to control Federal spending if we are willing to use them.

How did we get into this problem and how do we get out? I think this is worthy of a little analysis.

In the first place we cannot blame the House or the Senate Appropriations Committees. If we will look at the record over the past number of years we will find that the Appropriations Committees of the Congress have continually reduced the new obligational authority that has been requested in the budget. I sometimes think that what we need here in the Congress is a little instruction as to just exactly what spending is approved by the Appropriations Committee, and what spending is approved by legislating committees.

As the distinguished chairman of the committee said, during the last session of Congress the Appropriations Committee reduced the fiscal year 1973 budget authority by $6.6 billion and spending by $1.6 billion. Unfortunately, when the simple facts are considered the Congress did not reduce anything. After taking account of spending approved outside of the appropriations process, the net result of congressional action was that the budget authority was increased by $9.1 billion and outlays by $6.3 billion.

I think it is time that we in the Congress be honest with the American people and tell them very frankly that if we are going to go ahead with the spending programs, whether through the appropriation procedure or outside it, the time has come that we face the fact that we have to either raise the revenue by increased taxes or our deficits will increase, carrying with it the very dangerous seed of increased inflation that none of us want.

We are all concerned about the President impounding funds. I do not like the impoundment of funds any more than anyone else, but the simple facts are that if spending is not held to $250 billion as proposed by the President for this current fiscal year the expenditures will probably be over $260 billion. Without this restraint the 1974 budget, which now comes in at $268.7 billion, would have to come in at $288 billion and the fiscal year 1975 budget would balloon up to $312 billion.

Now, these are facts which we in the House had better consider. I can understand the President's position. We met with him the other day, and he understood our position. But, what are you going to do when you are trying to hold inflation down; when you are trying to keep our economy on an upward keel? Let it get it out of hand? If I were the President, I would do the same thing. The only way to prevent it is for us to be responsible.

We talk about a budget ceiling. Well, the President is requesting a budget ceiling. I have no objections to a budget ceiling. I will support a ceiling, but I have no illusions about a budget ceiling. We went through that in the past, and what did we do? We broke the ceiling.

We now have these choices. We are either going to stand up and be counted on some of these very tough issues that affect us in our districts, or we are going to have to face up to the fact that we are responsible for a tax increase.

I listened with interest yesterday when our distinguished Speaker appeared on one of the national programs, and he said this: If the Congress in its wisdom decides that we are going to increase spending, he would be for a tax increase. That is the statesmanlike position.

Now, I sit on the Joint Committee on Budget Review which is going to meet at 2 o'clock today to go into some discussions regarding how we in the Congress can get hold of the spending mechanism in order to be effective. There are discussions about a ceiling; discussions about an overall budget in which things are going to be assigned here and there. We may, and I hope we do, although frankly I am not too optimistic, come in with this kind of machinery that will hopefully bring some sense of balance out of the chaos that we have and which we have created ourselves.

But, the question is, can we get 218 Members to walk down the line to sustain those positions?

Mr. Speaker, the Federal budget for 1974 submitted to the Congress today by the President shows the way to better government and continued economic progress. At the same time, that budget keeps Federal spending within the limits required if we are to avoid higher taxes or renewed inflation. Of particular interest in this new budget is the President's call for the Congress to pass a rigid $268.7 billion ceiling on outlays in 1974 before any spending bills are considered.

I believe that an appropriate way for us in the Congress to begin our consideration of the President's proposals is to look at the goals, directions, and objectives which have shaped it.

ECONOMIC PROGRESS

In his budget message, the President stresses the need to "move the Nation's economy toward a goal it has not achieved in nearly two decades: a high-employment prosperity for America's citizens without inflation and without war."

Central to the achievement of this goal is maintenance of the full-employment budget principle. In brief, this principle holds that except in emergency conditions, expenditures should not exceed the level at which the budget would be balanced under conditions of full employment.

One of the hallmarks of the full-employment budget concept is its flexibility—there are times when stimulus is appropriate and there are times when restraint is called for. In the two previous budgets, adherence to this principle meant providing fiscal stimulus to an economy which was then operating below capacity. The efficacy of these and other monetary and economic actions was seen in the calendar year 1972; employment increased by 2.3 million persons, real output was up 7½ percent, business investment climbed 14 percent and the rate of increase in the consumer price level declined.

Now that the economy is on the upswing toward full employment, the full-employment budget concept requires that less stimulus be given to the economy in the form of budgetary deficits, hence the deficit for 1974 is estimated to be approximately half of the deficits for 1972 and 1973. On a full employment basis, the budget is in balance.

The President has said many times that Federal spending can and should be held down so that there will be no need for a tax increase. The 1974 budget shows how this can be done. The President recommends continued and increased support of many effective and needed programs; however, he also plans on reducing or terminating many programs which are ineffective, obsolete, or can be better carried on outside the Federal Government.

In many respects, the course the President outlines is a difficult one, but the necessity for making the kind of choices represented in the budget is convincingly illustrated by what will happen without this kind of restraint. The 1974 budget estimates outlays of $250 billion in 1973, and $269 billion in 1974. Without the alternatives proposed by this budget, 1973 spending would be over $10 billion more and 1974 spending would be almost $20 billion more. Most important of all, these higher spending levels together with a full employment balance would have required an across-the-board personal income tax surcharge of at least 15 percent or its equivalent in other tax increases.

THE CALL TO THE CONGRESS TO CONTROL SPENDING

The President asks that the Congress support his efforts to control spending by establishing a rigid ceiling on outlays for 1974 before we consider any individual authorization or appropriation bills. He also calls upon the Congress to accept responsibility for the budget totals and to develop a systematic procedure for maintaining fiscal discipline. To this end, he pledges the full cooperation of the administration with the Joint Study Committee on Budget Control chaired by Representatives Whitten and Ullman on which I am pleased to serve. These requests by the President will, I am sure, receive serious consideration by the Congress.

IMPROVEMENT OF GOVERNMENT AT ALL LEVELS

A goal of the budget second only to continued economic progress is the improvement of Government at all levels in the United States.

As the President notes, since the mid-1950's, the share of GNP devoted to governmental activity has risen from a quarter to a third. He believes, and I agree, that it should not go higher. By restructuring the Federal Government and by revitalizing the division of responsibilities and the cooperation among the Federal, State, and local governments, not only can we avoid further encroachments into the private sector, but we can improve the service each citizen gets from each level of government.

Of all the President's proposals to achieve these goals, the one of the most interest to the Congress is, I believe, his call for enactment of special revenue sharing programs which will provide funds for specific purposes, with greater flexibility by the States and localities.

THE PROGRAM PRIORITIES OF THE 1974 BUDGET

Within the spending limits necessary to continue economic progress and avoid a tax increase or renewed inflation, the 1974 budget sets forth the President's program priorities.

The first of these priorities—the one closest to the President and the one toward which the country has made such dramatic progress during the past year and particularly in the past week—is building a lasting structure of peace in the world.

Securing this goal requires maintaining the military strength we need to support our negotiations and diplomacy, to preserve our security, and to continue our role as a major force for peace. The budget demonstrates that this can be done in 1974 with no greater defense outlays over 1973 than those required by pay and price rises. The effort to eliminate unnecessary defense spending has succeeded in the years of the Nixon administration: the war in Vietnam has been halted, our allies have assumed increased responsibilities for mutual defense, our own military forces have been reduced, and we are well on our way to ending the draft and achieving an All-Volunteer Force. As a result, defense expenditures in 1974 will be very close to those in 1969.

The other major way in which this budget reflects the objective of peace in the world is the sound fiscal policy it proposes which, when supported by a complementary monetary policy, will contribute to the prosperity and economic stability which is so essential for calm and productive international relations. The budget provides for continuing U.S. participation in international monetary reform. The foreign assistance proposals for 1974 are based on the expectation that other nations' efforts as well as our own are necessary for both security and economic progress.

Budgets of the past 4 years have all shown a trend which is continued in the 1974 budget: an increasing percentage of total budget outlays are for human resources programs. Between 1969 and 1974, outlays for these programs will double, while total budget outlays will grow by less than one-half.

The program proposals designed to make wise use of our natural resources, another area of importance, seek to strike a balance between development and preservation. Energy research and development programs which can lead to providing adequate supplies of clean energy are given emphasis in this budget, as are proposals for public and private land use. The agriculture programs outlined in the budget seek to expand world markets, and stabilize the domestic economy.

Reforming community and area development programs is another priority which is reflected in the 1974 budget proposals. Private housing production in the past 4 years has improved dramatically while many of the Federal housing programs have been plagued with problems. Consequently, the 1974 budget proposes a complete reevaluation of alternative ways to provide housing and of the Federal Government's proper role. Commitments already made under the programs to be reviewed will be honored and, consequently, federally assisted activity will continue at a high level; however, no new projects will be approved in those programs which have not demonstrated their worth.

Mr. Speaker, I hope that this budget will receive careful consideration by the Congress.

Surely; it is bitter medicine, but the more serious the disease, the more traumatic the accident, the more difficult the treatment is.

We must face up to the fact that the treatment to cure this fiscal ill is going to require that we all participate in a dose of very bitter medicine.

Mr. LEHMAN. Mr. Speaker, the American people have waited many long years for the opportunity to get on with solving our own problems here at home. Now that we have ended our tragic involvement in Vietnam, our waiting can finally end and our building can begin.

The President's new budget proposal fails completely to provide the outline for a peacetime society. Indeed, it has a very austere wartime tone which is totally out of place in today's world.

Military spending is increased more than $5.6 billion and that increase is not all for pay raises as we have been told. There is over a billion dollar increase for the operation of our numerous military bases around the world, another billion dollar increase for weapons procurement, and a third billion dollar increase for research and construction.

In practically every area of our daily life, however, the Nixon budget seeks to drastically reduce a wide array of Government services.

The education of our children is a prime target of the Nixon budget. Office of Eduction funds are to be reduced by $276 million and the popular Headstart program for disadvantaged children is to be eliminated.

The rebuilding of our cities and the development of our communities have a very low priority with the Nixon administration. The Economic Development Administration for areas of severe unemployment and low-family income is to be discontinued. HUD community development funds are cut by 90 percent. Urban renewal funds are cut over 90 percent. The model cities program is terminated. Funds for neighborhood community centers, open space lands, housing rehabilitation, and water and sewer grants are all eliminated.

In the field of health, the medical facilities construction program is eliminated. The regional medical health program is abolished. Health manpower aid is cut by $346 million. Funds for the National Institutes of Health are reduced by $33 million. And international health research programs are cut by 90 percent.

The war on poverty has been called off with the termination of the Office of Economic Opportunity. Its community action programs are reduced by two-thirds and its legal service programs by one-half.

Instead of a peacetime budget, we are seeing crucial peacetime programs being completely wiped out. This budget in no way reflects strong priorities which seek to improve our lives while reducing our excessive military spending.

We shall hear that these cuts in domestic programs are necessary to prevent a tax rise, but it is clearly the rise in military spending which causes the greatest pressure on our economy.

Because we are provided with such misguided priorities in the President's new budget, it is clear that this year the Congress must set our national priorities in a way which reflects the real needs of our citizens. We must create a true peactime budget which puts our military strength in its proper perspective and which offers our people the widest range of opportunities to improve the quality of all of our lives.

GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members may extend their remarks in the Record on the President's budget.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

THE LATE HONORABLE FRANK T. BOW OF OHIO

The SPEAKER pro tempore (Mr. Seiberling). Under a previous order of the House, the gentleman from Ohio (Mr. Minshall) is recognized for 60 minutes.

GENERAL LEAVE

Mr. MINSHALL of Ohio. Mr. Speaker, I ask unanimous consent that all Members be given 5 legislative days to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. MINSHALL of Ohio. Mr. Speaker, it is most appropriate that we pay tribute today to our late and much beloved colleague, Frank T. Bow. January 29 was always an occasion marked by Frank himself to honor a fellow Stark County, Ohio, native, President William McKinley. Frank was proud that this great American came from Canton, like himself, and particularly proud of the fact that McKinley served six terms in this House as Representative of the same area Frank served with such high distinction for so many years.

Frank Townsend Bow was born February 20, 1901, just a scant 7 months before President McKinley succumbed on September 14 to an assassin's bullet. Frank was reared in the tradition of McKinley's greatness, integrity, and absolute devotion to country and duty. Like McKinley he grew into a statesman of great stature and national prestige, recognized for his ability to ignore petty controversies, to foresee the trend of public thought, dedicated to the highest principles in both his personal and public lives.

Our late friend grew up in Stark County, attending public schools in Canton and Plain Township, as well as Culver Military Academy. After law school at Ohio Northern University at Ada, he completed his postgraduate work at Columbia University and was admitted to the bar in 1923. He practiced law in Canton and in 1929 became Assistant Attorney General of Ohio, a position he filled until 1932.

During World War II, Frank was news editor of WHBC in Canton. In 1945, he was selected to serve as war correspondent with Ohio's 37th Division in the Philippines. His concern over Government took him, when war ended, to Washington, where he became general counsel to the Subcommittee on Expenditures and to the Select Committee To Investigate the Federal Communications Commission during the 80th Congress. He served as legislative assistant to Senator Andrew F. Schoeppel of Kansas in the 81st Congress.

Recognizing a man of unique intelligence, ability, and integrity, the 16th District of Ohio elected Frank to the 82d Congress on November 7, 1950. His proud constituents never stopped reelecting him, to 10 succeeding Congresses in all, until he himself announced plans for retirement at the end of the last Congress, completing 22 years of unselfish dedication to his district and his Nation. Frank Bow did as much for the taxpayers of America as any man who ever served in this House. The Bow amendment became a famous synonym for economy in Government.

Knowing him as well as I did, I can add with assurance that Frank would have been pleased to know that his day of tributes in the Chamber is the same day that Capitol Hill has received a budget message from President Nixon, whom he served so loyally, saying, "It is time to get big Government off your back and out of your pocket." Frank would have liked that. He said it himself many times over the years, and he backed up his words with action.

To me, Frank Bow was always more than a mentor, more than a leader and wise counselor during our years together in the Ohio delegation and on the great House Committee on Appropriations. He was all those, to be sure, but, in addition, he was one of the closest friends I have had in Washington. His companionship was without equal, his sense of humor and sharp wit unmatchable. I shall always miss him, and I shall always regret that his untimely death last November 13 prevented him from fulfilling his last dream of filling his appointment by President Nixon to Ambassador to Panama.

It was just about a year ago that Frank announced his retirement to be effective at the end of the 92d Congress. At that time I read into the RECORD editorials from newspapers in his district, one of which said, in part:

> Mr. Bow has been a Republican watchdog in the U.S. House of Representatives for more than two decades. He has kept an eye on federal matters as well as always being sensitive to the best interest of his constituents . . . In return for this type of concerned service, his constituents returned Rep. Bow to office every time he asked them to do so. That fact, in itself, says more about Rep. Frank T. Bow than could a mountain of words.

To which I added that to the richly deserved titles of Mr. Republican, Mr. Invincible, and friend of the people, we must add Mr. Sincerity, Mr. Integrity and, as the President refers to him, Mr. Responsibility.

Yes, it is true that a mountain of words could be spoken about Frank Bow, for he was a mountain of a man in ability, intelligence, and breadth of soul.

Fanny joins me in extending our love and sympathy to Frank's wonderful wife Caroline and their two fine sons, Bob and Joe.

I yield to the distinguished Speaker, the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, I join my friend from Ohio (Mr. MINSHALL) in his words of tribute to a former great Member of this House.

Frank Bow was a courageous, contributing, and active Member of this House, bringing absolute dedication to the principles he espoused. He had immeasurable influence on the appropriation process of the House of Representatives, and his expertise on matters pertaining to the budget was unequaled. Frank's name will always be synonymous with economy and responsibility in Government.

Frank was a skilled debater, a great orator, and an outstanding parliamentarian. Few from the House have attained his stature and effectiveness.

He was a wonderful man, a gentle person, who loved his friends and whose friends loved him.

I join the gentleman from Ohio in mourning his passing. The country has lost a very distinguished and a very great statesman.

Mr. MINSHALL of Ohio. Mr. Speaker, I yield to the gentleman from Camden, my good friend, Frank Bow's successor, RALPH REGULA.

Mr. REGULA. Mr. Speaker, I am pleased that my first speech on the floor of the House can be in eulogy to a great American, Frank T. Bow, and also to mention, as I discuss my predecessor, his relation to our martyred President, President William McKinley.

Both of these men came from Canton in Stark County, Ohio, and at one time represented the 16th Congressional District. Today we have the red or scarlet carnations symbolic of these two men. The scarlet carnation was named the official flower of the State of Ohio during William McKinley's term in the governorship. It was adopted then because of his great love for the red carnation.

Today we have a delegation with us from Alliance, which has been designated by the Ohio General Assembly as Carnation City. It is through their courtesy and the effort of the Lamborn Floral Co., of Alliance, that each Member has a red carnation. Carnations have also been placed in the House dining room.

Mr. Speaker, as a Representative of Ohio, I am pleased by the attention accorded the late President William McKinley on this occasion, the anniversary of his birth. I would like at this moment to join in the general chorus of respect for his name and his performance in the world of politics and statesmanship. He was truly one of the finest of Ohio's sons—a credit to the Nation and a credit to his State.

At the same time, I would call to the attention of the House the record of another outstanding citizen of Ohio, only recently deceased—the Honorable Frank T. Bow, my predecessor on this floor as Representative of the Ohio 16th District; a veteran of 22 years of service to the people of the 16th District of Ohio.

There was a tie between these men—William McKinley and Frank T. Bow, a tie transcending the fact of their mere association as Ohioans. Although Frank Bow was not around to witness the performance of President McKinley, he was to live in the tradition of the martyred President's great record throughout the full extent of his lifetime. For, in the manner of McKinley, Frank Bow had a talent for serving the interests of the people with progressive intent, within the confines of the spirit and the letter of the Constitution, and in so doing held the confidence of his constituents through 11 terms of congressional service.

Despite a brief and fleeting period in an out-of-State military school and post graduate work in New York City, Frank Bow was largely a product of the Ohio education system, in which he flourished. His legal training was acquired in part at Ohio Northern University, which he entered at the close of World War I, graduating in 1923. He also attended Columbia University, and upon his return home entered quickly into politics and government, serving from 1929 to 1932 as assistant attorney general of Ohio.

His initial contact with national politics came as counsel for two congressional investigating committees during the challenging days of the first Truman administration.

It has often been observed that President McKinley acquired his qualities of leadership as a participant in military conflict, having served both as an enlisted man and as an officer in the Civil War, concluding his services as an aide to Gen. Rutherford B. Hayes. Upon returning to private life he was involved in the furious election campaigns of the Reconstruction period, winning recognition as a man of high intelligence and deep conviction.

The year 1876 was a turning point for McKinley. When the miners struck at the Warmington Mine west of Massillon, Ohio, there was violence, bloodshed, and the destruction of property. Public opinion ran high against them, and it was difficult to find an attorney who would defend them. McKinley volunteered to do so, won a favorable verdict by his heart-stirring appeal, and charged nothing for his service. This won him strong labor support for the rest of his political career. Incidentally, Mark

Hanna was present at the trial, and was greatly impressed, though the case went against his company.

McKinley won the Republican nomination for Congress for the 17th district now the 16th in 1876, and won the election.

Much the same sort of experience was in store for Frank Bow, who served in World War II as a war correspondent with Ohio's 37th Division, fighting in the Philippines. When the shooting stopped, he did not return directly to politics, in the manner of McKinley. He was, however, vitally involved in the national political process as early as 1947, only 2 years following the close of military hostilities, as General Counsel to the House Subcommittee on Expenditures of the 80th Congress, and the Select Committee to Investigate the Federal Communications Commission. As McKinley had become famous on a national scale, opposing waste and extravagance in government, so Frank Bow became famous on a smaller sphere, seeking through his influence to limit the expenditures of the Federal bureaucracy and to provide responsible government.

An outstanding feature of the Republican controlled 80th Congress was the intense endeavor on the part of the majority party to break the extravagant overspending traditions of the minority party, which had controlled for so long the purse strings of the country. Frank Bow's performance as majority counsel on the staffs of two House committees was wholly in keeping with the Republican Party purposes in this regard. Deeply impressed, Senator Andrew F. Shoepel of Kansas offered Frank Bow a position as his administrative assistant, in which capacity he was to come to the attention of many Republican leaders in Washington.

In the 1950 off-year elections Frank Bow returned to Stark County to seek the Republican congressional nomination for the 16th Ohio District, and carried the day with the blessings of many profesional political leaders and a large share of the Republican rank and file. In the great Republican upsurge of that year, he was returned to Washington, as a Member of the 82d Congress, and was to represent the 16th District from that moment until the day of his recent demise. Coming as he did from the land of President McKinley, and belonging as he did to the party of President McKinley, Frank Bow was in many ways similar to that most remarkable man. Primarily, he was opposed to execessive Federal spending and as ranking minority member of the Appropations Committee and second ranking minority member of the Joint Committee on Reduction of Federal Expenditures, he made his presence felt whenever the so-called giveaway programs became the issue of the day.

As my colleague stated, I am sure Frank would have enjoyed the debate on this day.

In many instances, of course, he was overwhelmed by the united opposition intent on over spending, yet in many other cases, he was able to keep the lid on the Treasury, in the national behalf.

It is ironic that Frank Bow's idol, President McKinley, died at the hands of the anarchist assassin in the year 1901, in which year Frank Bow was born. Even in death, McKinley lived in spirit for many years thereafter, molding the policies of a thousand thoughtful political leaders—and Frank Bow was one of these.

The ageless wisdom of President McKinley was shown in the quote from his last speech delivered at the Pan American Exposition in Buffalo in 1901. He said to the assembled representatives from many nations, along with thousands of people, and I quote:

> Gentlemen, let us ever remember that our interest is in concord, not conflict, and that our real eminence rests in the victories of peace, not those of war. We hope that all who are represented here may be moved to higher and nobler efforts for their own and the world's good, and that out of this city may come not only greater commerce and trade for us all, but, more essential than these, relations of mutual respect, confidence, and friendship which will deepen and endure.
>
> Our earnest prayer is that God will graciously vouchsafe prosperity, happiness, and peace to all our neighbors, and like blessings to all the peoples and powers of the earth.

The anarchist terror, extending from McKinley's murder to that of Archduke Ferdinand, and the resulting chaos of World War I, was the outgrowth of mass unemployment, poverty, hunger, and homelessness among the poor people of the Western world.

Then it was that revolutionary proposals and glorious panaceas were offered on every hand by self-styled political magicians. But the people of America went for McKinley and his practical solutions, which carried the day, killed the depression, ended the riots and the strikes, and satisfied the people. Such was McKinley's brand of politics. Such was Frank Bow's brand of politics.

"Frank T. Bow—the man you know" became not only a campaign slogan, but because of Frank's years of devoted service to his people in the 16th district, a fact that endeared him to countless thousands of citizens from all walks of life.

His record of helping people with their problems stands as a monument equaling his great legislative contributions to the Nation.

In the 82d Congress Frank Bow served on the Interior and Insular Affairs Committee where he coauthored the first law authorizing research in the conversion of saline water, gained recognition as a leader of the successful opposition to authorization of the Hell's Canyon Federal power project, and sponsored a comprehensive study of the conditions of American Indians which was the basis for subsequent legislation.

Frank Bow served since 1959 as a Regent of the Smithsonian Institution and secretary of the committee in charge of new construction at the Institution.

In addition, he has been particularly active in legislation on foreign trade policy and the status of U.S. Armed Forces abroad.

He was the author of a text on labor-management relations and of many periodical articles.

In 1961 he was awarded the honorary doctor of laws degree by Ohio Northern University, and in 1963 he received the honorary doctor of laws degree from Mount Union College.

Frank T. Bow, family man, dedicated Representative and patriot, will be long remembered in the hearts of those he served so well.

The final tribute to Frank Bow's distinguished record was the confidence accorded him by President Richard Nixon in naming him Ambassador to Panama, with responsibility for handling the delicate negotiations for a new treaty with Panama.

The 16th District is proud of two great Americans, President William McKinley, who also served as Governor of Ohio and Congressman from the 16th District area, and Frank T. Bow, a worthy successor to this mantle of responsibility.

On a personal note, my wife Mary and I felt a great personal loss on learning of Frank's death. He was a friend whose memory we shall always cherish.

Mr. MAHON. Mr. Speaker, will the gentleman from Ohio yield?

Mr. MINSHALL of Ohio. Mr. Speaker, I yield to the distinguished chairman of the Committee on Appropriations, Mr. Mahon, of Texas.

Mr. MAHON. Mr. Speaker, I shall not speak at great length. A speech of whatever length could not be an adequate tribute to the memory of that distinguished gentleman from Ohio, my friend, Frank T. Bow.

Last year when he announced that he would not seek reelection, many of us in the House made some remarks about this distinguished legislator.

We worked together on appropriation matters so well for many years. I have never met a more cooperative Member. He was a man who was broad of vision and understanding, a man who worked with Democrats as well as with Republicans, a man who worked in behalf of the country. He was a man intensely interested in the welfare of his country.

Frank Bow became ranking minority member of the Committee on Appropriations about 6 months after I succeeded to the chairmanship in 1964.

We had, of course, been friends and colleagues on the committee for many years prior. But with the beginning of the 1965 session of Congress a new relationship developed between us—one of working closely together in pursuit of a common goal; namely, that of fiscal responsibility in the appropriations process and in Government spending.

Frank Bow earned the reputation he had established throughout the country for understanding and leadership in Federal fiscal policy.

Beyond that, however, and less known outside of the Congress, Frank Bow had an unusual ability to get to the heart of an issue and to find solutions when it appeared that opposing sides of an issue had reached an impasse. Time after time, he was able to provide the basis for agreement when it appeared that disagreements were irreconcilable. He was a legislator of unusual skill and capacity, possessing the talent to reconcile opposing forces and differing approaches—the basic requirement if a legislative body is to function.

All of us were aware of the respect with which Frank Bow's views and opinions were received by Presidents and the leaders in the Government departments and agencies during Frank Bow's period of service.

In a large measure, Frank Bow was the originator of congressionally imposed expenditure limitations proposals. Five years ago, he developed what became known as the Bow expenditure limitation, an amendment he offered to several appropriation bills establishing a ceiling on spending. He made a major contribution in insisting upon a policy of restraint by Congress in authorizing and funding legislative programs. Beyond that, he insisted upon expenditure limitations to impose restraints upon departments and agencies, a matter which promises to be very much to the fore in the session this year.

I think of Frank Bow in terms of personal friendship. He was my warm and understanding friend. I shall always cherish the memory of my association with this great American, and my association with his family. My sympathy and the sympathy of my wife go to Mrs. Bow and other dear ones left behind.

I thank the gentleman for yielding.

Mr. MINSHALL of Ohio. I yield to the gentleman from Ohio (Mr. Devine).

Mr. DEVINE. Mr. Speaker, I thank the gentleman from Ohio (Mr. Minshall) for yielding.

Mr. Speaker, I too would like to join my colleagues in commemoration and in respectful memory of our departed colleague Frank T. Bow of Ohio.

I had more than a passing interest in Mr. Bow because I not only served with him as a colleague in the Congress for 14 years, but if the Members will pardon a personal reference, it takes me back to my high school days when I was playing football at Arlington High School in Columbus where there was a young fellow named Robert Bow, the son of Frank T. Bow, so I knew the son before I knew his dad.

When I first met Frank Bow on the floor of this Congress he took me under his experienced wing and gave me guidance, help and direction, which has been useful during the intervening years.

I think it is altogether fitting that on this day when the President sends his budget, we find it is the day when the gentleman from Ohio (Mr. Minshall) has so kindly taken time to pay tribute to the memory of Frank Bow. As the Members know, Frank Bow was almost known as "Mr. Budget." I think we might do well in the Chamber just to make that blanket 5-percent cut in the budget in memory of Frank Bow, because that is what he offered every year. He was not always successful but he was always sincere. This Congress and the Nation might well pay tribute to him for that.

He was a very human individual. I know one instance where one of our very loyal employees in this House had a very serious family tragedy, one of the worst kinds that can happen to a family, which involved the losing of a loved one. Frank Bow, a man of great importance and influence in this House, nevertheless had the time to sit down and talk to this family and render them sympathy and solace and help them through this very trying time.

Frank Bow was a man whose name will go down in the annals of history as one of the great Members of this House of Representatives.

In conclusion may I also add a couple of other commendatory notes. First I would like to commend the gentleman from Ohio (Mr. Regula) on his maiden speech commemorating not only the memory of Frank Bow but also the birthday of another son of Canton, Ohio, Mr. Regula's district, Mr. William McKinley, for whom we all wear the red carnation, the flower of Ohio, in his memory today.

Also I commend the gentleman from Ohio (Mr. Minshall), who is from Cleveland, who has taken this time, and who also succeeded the gentleman from Ohio, Mr. Bow, on the Committee on Committees. The gentleman from Ohio (Mr. Minshall) has also done a great job in that particular position and was a worthy successor for Mr. Bow in what has been done for Ohio.

Mr. MINSHALL of Ohio. I thank the gentleman from Ohio (Mr. Devine).

Mr. SIKES. Mr. Speaker, will the gentleman yield?

Mr. MINSHALL of Ohio. I yield to the gentleman from Florida.

Mr. SIKES. Mr. Speaker, during recent months America has suffered the loss of many of its great and respected leaders. Our only two surviving former Presidents were taken from us. Three Members of the House died in airplane accidents.

Also lost to the people of the United States during this tragic period was a man who commanded the respect of all who knew him during his long and outstanding career in the Congress. Frank T. Bow, a distinguished son of Ohio, had announced his retirement from Congress and was preparing to accept a new responsibility on behalf of our country, the post of Ambassador to the Republic of Panama. In his passing we suffer a double loss. He was a patriot, a friend to many, faithful to his beliefs, and a dynamic leader. He placed country above party and truth above all else.

It has been stated many times that Frank Bow's public service closely followed in the McKinley tradition of courage and devotion to America. There are many areas of similarity in their careers and in their contributions. Perhaps it is particularly appropriate that on McKinley's birthday anniversary we now honor our late colleague Frank Bow.

Frank Bow was a strong voice for fiscal responsibility. I knew this better than most because I served with him on the House Committee on Appropriations where his services were so well appreciated and so highly applauded. As the ranking minority member he had one of the most important and responsible positions in the House. His accomplishments there and elsewhere in his congressional career will remain a part of American history for the benefit of future generations.

I am proud to have been Frank Bow's friend, and I join my colleagues in expressing my deepest sympathy to his wife and family and to the thousands of friends who knew and admired a great American—Frank T. Bow of Ohio.

Mr. WYLIE. Mr. Speaker, will the gentleman yield?

Mr. MINSHALL of Ohio. I am glad to yield to the gentleman from Ohio (Mr. Wylie).

Mr. WYLIE. Mr. Speaker, I too would like to join my distinguished colleagues from Ohio, Mr. Minshall and Mr. Regula, in eulogizing our former outstanding colleague, Frank T. Bow.

Shortly after I was elected to Congress in 1966, my wife, Marjorie, received a letter from Caroline Bow, Frank's widow, stating that she was to be Marjorie's big sister among congressional wives. Marjorie and I came to Washington soon after to see the Bows. No one could have been received more cordially than we were.

Frank went out of his way to give me advice and help during the next few weeks. He was always ready, willing, and able to make things a little easier. Would that I had listened to him more.

Once I had a problem regarding a misunderstanding on funds which we thought had been set aside for a new mental health center at Ohio State University. I called Frank Bow. Frank in his very understanding and sympathetic way set up a meeting with the then Congressman Melvin Laird of Wisconsin and other members of the Appropriations Committee along with officials from Ohio State University. I doubt that without that meeting and without Frank Bow's help, we would have that facility which has been termed one of the finest of its kind in the world.

If it had not been for Frank Bow, Alum Creek Dam and Reservoir, which is actually located in Congressman Devine's district, would not have been funded. I say it is located in Congressman Devine's district, but it will supply Columbus, Ohio, with much needed water, most of which is located in the district I represent. Of course, Alum Creek Dam was very, very important to both Congressman Devine and me. I appreciated very much his personal help and want to remember these two important instances for the record.

Frank Bow will be missed by all of us. His 20 years in the House of Representatives enabled him to rise to be ranking minority member on the important and powerful Committee on Appropriations. There he assumed his responsibility and exercised his position in an attempt to insure fiscal responsibility.

Beyond that Frank Bow was a sensitive public servant, a great American who will be missed especially by those of us from Ohio. When he stood up and it was said, "The gentleman from Ohio" he helped Ohio's image.

Marjorie joins me in wishing for Caroline and Frank Bow's family our deepest sympathy and our affectionate desire that you be sustained during this time of great loss, to you and to all of us by his extraordinary contributions while he lived.

I thank the gentleman from Ohio, Mr. MINSHALL.

Mr. MILLER. Mr. Speaker, will the gentleman yield?

Mr. MINSHALL of Ohio. I yield to the gentleman from Ohio (Mr. MILLER).

Mr. MILLER. Mr. Speaker, it was with a profound sense of sorrow and personal loss when I learned of the death of my good friend and our distinguished colleague from Ohio, the Honorable Frank Bow.

For 22 years, Frank Bow served the people of Ohio's 16th Congressional District with the kind of dedication that ultimately made him one of the most respected men on Capitol Hill. His sense of loyalty to the needs of his district in general or the wishes of one individual residing in the district earned him the respect he certainly deserved.

For more than two decades, he was the watchdog of Federal spending. As the ranking minority member on the House Appropriations Committee, he was a stanch opponent of excessive Federal spending and frivolous giveaways. He consistently applied his vast knowledge of fiscal matters to both domestic and foreign affairs. Simply put, he believed that the taxpayers should get a dollar's worth of services for every dollar spent. That alone was a personal objective he pursued—and the people of Ohio appreciated—for 22 rewarding years in Congress. It was appropriate then, that one of Frank Bow's last official acts was to introduce the legislative proposal to put a ceiling on Federal spending in this fiscal year.

In addition to his continual concern for fiscal responsibility, Frank Bow had an unparalled interest in the problems unique to his district or common to our entire country. A piece of legislation to him was judged on the basis of what it could do to make this a better Nation: Could it increase educational opportunities? Could it cut down unemployment? Could it provide decent medical care to the sick and aged or new growth incentives to rural and urban areas? He was a man keenly aware of the quality of life to which Americans are entitled and it was his desire to see such dreams realized.

I knew Frank Bow as a restless man; always proud of what he had accomplished, but even more dedicated to the tasks yet undone. I think he was most distressed by the fact that there seemed to be too few hours in a day to do all he wanted.

The people who knew Frank Bow intimately or those who only met him once share the loss of this great man. It is a loss which will be evident for many years to come.

Mr. Speaker, I would like to add the statement of President Richard Nixon upon Congressman Bow's passing:

> I have been deeply saddened to learn of the death of Representative Frank Bow of Ohio. In over 20 years of outstanding service in the Congress, Frank Bow earned respect as a man of energy, principle, and dedication. As ranking minority Member of the House Appropriations Committee, he was a strong voice for fiscal responsibility, repeatedly taking his stand against excessive Government spending.
>
> I hardly need to add that as President, I found in Frank Bow a staunch friend and supporter—a man whose loyalty never wavered and whose commitment was always total. His loss will be felt by his colleagues in the Congress, and by all Americans who value the example of a life well spent in public service. Mrs. Nixon and I extend our heartfelt condolences to Frank Bow's family and many friends.

Mr. MINSHALL of Ohio. I thank the gentleman from Ohio.

Mr. Speaker, I yield to the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Speaker, as a freshman Congressman in the last Congress one of the first things I did was make my acquaintance with one of the most distinguished of our Ohio delegation, Mr. Frank Bow, from the neighboring city of Canton.

Of course, Mr. Bow was already a legend in my home area, as he was in the country. I had some trepidation because, coming from the other party and perhaps from a different philosophy, I thought Mr. Bow might take a rather frigid approach to me, and I was delighted to find instead a warm, outgoing, sympathetic and helpful human being.

I came to him several times for help on various projects for my district, including a Federal office building which was happily authorized and now is under construction, and including cosponsorship of bills to promote parks and recreation in our part of Ohio. Mr. Bow gave not only moral support but practical help. I could not help but be impressed by his straightforwardness and his bigness.

I was also deeply saddened at his passing. I feel very grateful to have been able to serve in this House with Mr. Bow and to have gotten to know him as a friend and a colleague.

I believe it is most appropriate that on this day when we are celebrating the birthday of one of Ohio's great sons we are also celebrating again the memory of another of its great sons, the Honorable Frank T. Bow.

Mr. Speaker, it is also a great pleasure to hear our new colleague, the Representative from Mr. Bow's former congressional district (RALPH REGULA) in his first speech to this House, present such an elequent commemoration of the anniversary of President McKinley's birthday and eloquent tribute to his distinguished predecessor, Representative Frank Bow.

Mr. BROWN of Ohio. Mr. Speaker, today we are honoring a man whom the President called "Mr. Responsibility." Frank Bow believed that Government should be responsible to its citizens. During World War II, Frank was selected as a war correspondent with Ohio's 37th Division in the South Pacific. For his service in reporting and investigating the conduct of the war for his fellow Ohioans, he received a press commendation. After the war, Frank Bow continued his efforts to insure the American people truthful information about their Government. In 1947, he was appointed general counsel of the House committee investigating publicity and propaganda, and later served as counsel to the Subcommittee on Expenditure and the Select Committee to Investigate the FCC. Frank Bow never forgot that without an informed public, Government often becomes neither responsive nor responsible.

In 1950 Frank was elected to the 80th Congress as a Representative from his home State of Ohio. As a junior member of the powerful House Appropriations Committee, Representative Bow began a 22-year fight for Government fiscal responsibility. He continually sought out Government bureaucratic waste and excessive Federal involvement in local affairs. As ranking minority member of the Appropriations Committee, Frank Bow became one of the most vigilant watchdogs of the Federal treasury and was one of the strongest advocates for a legislative ceiling on Government spending. One of his last acts as a Representative was introduction of President Nixon's proposed $250 billion spending ceiling bill in August 1972, after Congress refused to limit its own spending.

Frank Bow's dedication to Government responsibility extended, of course, to himself as a Representative. At the age of 71, he issued a statement to his district in Ohio stating that it was time to retire after his present term. In August of last year though, his old friend, Richard Nixon, asked him to continue in Government service as Ambassador to Panama. This promise of continued service to America was cut short by his untimely death. Frank Bow will be deeply missed by citizens and colleagues, but most of all, by his country.

Mr. ASHBROOK. Mr. Speaker, as a Member from an adjoining district, I probably had a closer awareness of the impact of Frank Bow because it was my good fortune to represent Wayne County for 6 years. Wayne County had previously been in the 16th District, and I am daily reminded of the effectiveness of Frank Bow, the Congressman, and the warmth people had for Frank Bow, the human being. From time to time, Frank would good naturedly accuse me of stealing Wayne County from him, and we both felt that both of us represented that fine county.

It will be remembered that Frank had been confirmed as our new ambasador to Panama when his tragic death occurred on November 13 of last year. As the ranking Member on the powerful House Appropriations Committee he had come to know many key officials in the executive branch as they appeared before the committee to justify their upcoming expenditures. His assignment to Panama, I am sure, would have proved just as challenging.

I extend my sympathy to Frank's family and especially to his delightful wife Caroline whose help and devotion were a key factor in his outstanding service to his Nation and the people of Ohio.

Mr. CONTE. Mr. Speaker, I was deeply saddened, as we all were, at the untimely death in November of one of our most distinguished former colleagues, Frank Bow.

I am grateful that the gentleman from Ohio (Mr. MINSHALL) has requested this Special Order so that we may pay tribute to the memory of that fine man.

It was my privilege to have served alongside Frank on the Appropriations Committee. He performed as the ranking minority member of that committee with the dignity and deep sense of responsibility that characterized all of his service. It was to Frank that we on the minority side looked for leadership as we went about our committee work.

Frank came to the Congress in 1951. The citizens of his 16th Ohio District can attest to his diligence and dedication to their needs. That he served his people well is evident as they returned him to office again and again. This body was enhanced by the presence of Frank Bow from the 82d to the 92d Congress.

Constituents and colleagues alike, we were all consoled when Frank voluntarily retired last year with the knowledge that he would turn his talents to another phase of public service. But as Frank stood on the very brink of a new, and what I believe sincerely would have been a brilliant, carrer as our ambassador to Panama he was struck down.

To say that the 16th Ohio District has lost one of its best friends would be only part of the truth. The State of Ohio has lost one of its favorite sons and the Nation and the world have been robbed of the services of an eminent public servant.

Mr. SCHERLE. Mr. Speaker, it is with great sorrow and a deep sense of personal loss that I add my tribute to the mounting chorus of praise for the late Congressman Frank T. Bow. It was my privilege to serve with him on the Appropriations Committee. Working with Frank was an education as well as an unfailing pleasure.

He was an individualist and a born leader; no man in Congress was better liked or more widely respected. He earned a well-deserved reputation for sound fiscal policy, for he saved the Treasury and the taxpayers of the Nation millions upon millions of dollars. He authorized an amendment for example, which reduced all congressional appropriations by 5 percent.

But Frank was not hard nosed or inflexible. He bore great compassion in his heart for the needy; he was kind and gentle, generous and fair. In short we shall miss him as much as a man—a friend—as an legislator. We grieve especially for his wife and family and offer them our sincerest sympathy in their bereavement.

Mr. CEDERBERG. Mr. Speaker, it is with a deep sense of personal loss that I join my colleagues in this tribute to my late friend and colleague from Ohio, Frank Bow.

From my very first day in this body I had the privilege of the advice and counsel of this distinguished Member. Over the years during which I had the honor to serve with Frank on the Appropriations Committee I came to have the highest respect for Frank's knowledge of the committee and his complete dedication to the interest of the American taxpayer. Frank worked hard on the committee and, as ranking minority member, contributed significantly to a needed sense of Federal fiscal responsibility. Frank was devoted to the Congress and to the work of the Appropriations Committee and we on the committee were all sorry to hear of his decision to retire early last year.

In Frank Bow, the people of the 16th District of Ohio had a superb representative. A man who devoted himself to public service and to the best interests of his district, his State, and the country. I am sure that the people who he represented so well over 22 years in the Congress shared the sense of loss which we all felt as he announced that he would not be a candidate for the 93d Congress. Surely we would all miss his friendship and counsel.

Frank's untimely passing, I am sure, was a shock to all of us. I know that we all felt that Frank was deserving of a long and enjoyable retirement after his years of untiring service. I join my colleagues in expressing to Frank's family our deepest sympathy.

Mr. ANDREWS of North Dakota. Mr. Speaker, the loss of Frank Bow to the Congress, to the great State of Ohio and to the Nation has been recognized here in most realistic terms by those of us who were privileged to know him. It is a most unhappy occurrence to lose a man of his stature who had the capacity and great desire to serve.

As a fellow member of the Appropriations Committee, I was privileged to hear him so very capably express his concern for the welfare of his fellow man, and I must add, he was most persuasive because his concern was so genuine and sincere. We will miss his wise counsel.

I extend my deepest sympathy to his family on their loss, certainly they will always be proud of his memory because of the record that he made during his lifetime and the respect and admiration everyone had for him.

Mr. EDWARDS of Alabama. Mr. Speaker, I rise to pay tribute to our distinguished former colleague, the late Frank T. Bow of Ohio. Frank Bow served with distinction in the U.S. House of Representatives for 22 years, and the Nation and his 16th District of Ohio is much the better for his service.

As ranking Republican on the House Appropriations Committee, Frank Bow was a real inspiration to many of us on the committee through his steadfast work toward bringing economic stability to our Government. Late last July, Frank Bow responded to President Nixon's request for a $250 billion statutory budget ceiling on expenditures in fiscal year 1973 by introducing legislation to carry out the President's budget initiative. It was my privilege to acknowledge Frank Bow's leadership by cosponsoring this important piece of legislation.

When Frank spoke on the floor of the House in support of this legislation, he said:

> The greatest national interest—greater than any desirable federal program in any of our bills—is continued progress to overcome inflation, increase real wages and provide general prosperity.

Frank Bow meant what he said, and he pursued his beliefs with tenacity and skill throughout his tenure in the House.

As my colleagues know, Frank Bow had decided to retire at the end of the 92d Congress. But as was typical of this dedicated public servant, he was not content to rest on his laurels after retirement from the Congress. At the time of his death, he was preparing for the important post of U.S. Ambassador to Panama.

The Nation, the State of Ohio, and Frank's 16th District have lost an outstanding citizen. I salute his many contributions to our country.

Mr. SCHNEEBELI. Mr. Speaker, it was my privilege to have had the opportunity to serve with Frank Bow these past 12 years. While he will surely be remembered for many accomplishments during his tenure in Congress, he became well known for his efforts to reduce the ever-mounting Federal expenditures. Despite several heart attacks in recent years, he continued to work 110 percent in behalf of the reduction of Federal spending and his famous Bow amendment of 5 percent across-the-board reduction in many appropriations bills was supported by many Republican Members.

The Republican Members always turned to him for leadership and intelligent guidance in trying to effectively reduce appropriations and initiate Federal economies. He possessed a complete mastery of the many and difficult details of the comprehensive appropriations legislation and always was willing to discuss with us the rationale for his position. He was a great and effective Congressman—one of our very best.

Mr. BROOKS. Mr. Speaker, it was my honor and privilege to serve in this House with a distinguished and able Member from Ohio, the Honorable Frank Townsend Bow. I valued him as a friend as well as a colleague.

Frank Bow was a dedicated and respected Member of Congress for more than two decades. For 19 years, he was a member of the House Appropriations Committee and was acutely familiar with every activity and expenditure of the Congress. He was a hardworking, dedicated Representative who loved this body, the people he represented and the country he served so well for so long. We in the Congress were better able to perform our function during his years of service thanks to his untiring efforts to keep the legislative machinery running properly.

The loss of Frank Bow is a loss not only to his family and friends, but a loss to the people of Ohio whom he served for so long and to the Members of the U.S. Congress.

Mr. MINSHALL of Ohio. Mr. Speaker, at the request of our former colleague, William H. Ayres, now special assistant to the national chairman of jobs for veterans in Arlington, Va., I would like to include Bill's tribute to the late Frank Bow with whom he served so many years:

Tribute to the Late Frank Bow

(By William H. Ayres)

When I left the Congress my friend and neighbor had some very kind words to say about me.

Frank and I, as he said, on the floor of the House over two years ago, came to Congress together. Our districts were joined together—our wives are good friends.

Frank Bow was a true friend. May God

give his widow, Carolyn, added strength to carry on.

Mr. FRENZEL. Mr. Speaker, it is a privilege to join in today's tribute to Frank T. Bow. It was my good fortune to have served with Frank. It was my misfortune that our service overlapped for only one term.

Frank was a great American and a great Congressman. He was a good friend and wise counselor of all Members, especially younger ones.

The Congress will miss Frank Bow. Each Member who served with him will miss him personally. I believe he would consider our own conscientious service as the finest possible tribute to his memory.

Mr. EVINS of Tennessee. Mr. Speaker, certainly I want to associate myself with the remarks of the gentleman from Ohio (Mr. MINSHALL) and others in paying a brief but sincere tribute to the memory of our late colleague and friend, Congressman Frank Bow of Ohio, who passed away during the recent recess of the Congress.

It was my pleasure and privilege to serve with Frank Bow on the Committee on Appropriations for a number of years and I always found him to be personal, congenial, and able gentleman. He was an apostle and champion of fiscal integrity.

Frank Bow had strong convictions and he consistently stood strong for economy in Government. He was firmly and unalterably committed to the need for fiscal solvency and integrity in Government.

During his long and distinguished service in the Congress he rose to become ranking minority member of the Committee on Appropriations and in that capacity joined in deliberations of the various subcommittees. While I did not at times agree with Frank Bow, his suggestions and recommendations were always offered in a constructive and reasoned manner and on many occasions we were in agreement on matters of appropriations.

Frank Bow served his district, State, and Nation faithfully and well during his more than 20 years of service in the House. He had an excellent background in Government, ranging from service as an assistant attorney general in Ohio to staff work in the House prior to his election to the 82d Congress.

We shall all miss Frank Bow and I want to take this means of extending to his wife, Mrs. Caroline Bow, and other members of the family this expression of my deepest sympathy in their loss and bereavement. My wife Ann joins me in these sentiments.

Mr. CLARK. Mr. Speaker, Frank T. Bow's death has removed from Congress not only a true friend of all of us but an outstanding student and practitioner of sound fiscal policy. I have known Frank Bow and admired him since I came to the House of Representatives 18 years ago. He was never too busy to discuss legislation, particularly that dealing with appropriations, with new arrivals in the House.

His counsel was sound, forthright, and frank. Frank Bow was a devoted public servant. After having served 22 years in the House, he retired voluntarily to continue a career of service as Ambassador to Panama. Unfortunately, his untimely death prevented him from accepting the new challenge presented by an ambassadorship.

Despite several heart attacks which slowed him down only temporarily, Frank Bow refused to retire completely from the arena of public service.

Mr. ROYBAL. Mr. Speaker, I rise to add my voice to those paying tribute to the memory of our former colleague, Frank T. Bow, who was a member of this body for over two decades.

I had the privilege of serving with him on the Appropriations Committee of which he was ranking Republican and where he waged a continual campaign against wasteful Government spending. His experience and expertise are sorely missed, and it is with a deep sense of personal loss that I take note of his passing.

Mr. ADDABBO. Mr. Speaker, I join my colleagues in honoring the memory of our late colleague from Ohio, the Honorable Frank Bow. We will all miss his presence in this Chamber and his very special dedication to protecting the American taxpayer against the abuse of wasteful spending.

As a member of the House Appropriations Committee, I was privileged to work with Frank Bow and to witness his energetic and determined efforts to reduce Federal spending programs. He was an active and forceful ranking member of the Appropriations Committee and left his mark on many important bills passed by the Congress.

I join my colleagues and the many friends of Frank Bow in extending personal sympathies to his family.

Mr. KUYKENDALL. Mr. Speaker, I join in tribute to our colleague whom I was privileged to call friend.

The distinguished gentleman from Ohio sat in the ranking minority chair the first time I testified before a House committee, the Appropriations Committee. Some of you may remember your freshman terms, and remember the feeling that experience will give you. Certainly you will understand that I was scared to death.

In his gentlemanly manner, Frank Bow put me at ease in about half a minute. He seemed to sense my apprehensions, and even more than that, he made me feel that he was genuinely interested in the points I was trying to make, and was anxious to hear them. I have never forgotten his kindness on that occasion, even though I learned quickly that he was not giving me any special treatment, for indeed he was kind and considerate to all.

When he made the decision to retire from this body, I regretted the loss. When death blocked his service as Ambassador to Panama, I regretted that loss to the diplomatic area.

But more than that, I regretted the loss of a personal friend and a distinguished lawmaker, and I join my colleagues in conveying sympathy and our deep regrets to his family.

Mr. DORN. Mr. Speaker, Frank Bow was a Congressman's Congressman. As the ranking member of his party on the great Appropriations Committee, his was a position of great importance. In an era of constant pressure for ever higher Government spending his was a strong voice for moderation and efficiency. Frank Bow was devoted to protecting the integrity of the U.S. dollar. He had an understanding of the appropriations process and a grasp of the various Government expenditures programs that was unexcelled. Frank Bow served in close cooperation with the great and beloved chairman of the Appropriations Committee, GEORGE MAHON of Texas. The entire House can rightly be proud of our Appropriations Committee and of Chairman MAHON's leadership; and we greatly appreciate, too, Frank Bow's splendid contribution to this outstanding record. Mr. Speaker, Frank Bow was a gentleman, a man of great kindness and consideration. We miss him greatly and extend to his family our deepest sympathy and respect.

Mr. CLANCY. Mr. Speaker, most of us assembled here remember with deep affection and sincere respect the Honorable Frank T. Bow. Most of us wished him good luck and happiness as the 92d Congress adjourned because he was retiring and taking on the assignment of Ambassador to Panama.

But, before Frank could move into the assignment which he had been looking forward to so eagerly, he passed away. It is entirely appropriate then, on this day which is the anniversary of the birthday of President McKinley, that we pay tribute to Frank T. Bow. President McKinley was born in Niles, Ohio, which was in the congressional district served by Congressman Bow. Both men provided unremitting public service in their lifetimes.

Born February 20, 1901, in Canton, Ohio, Frank Townsend Bow received an education in law at Ohio Northern University and was admitted to the bar in 1923. From 1929 to 1932, he was assistant State attorney general. During World War II, he became news editor of radio station WHBC and was selected to serve as war correspondent with Ohio's 37th Division in the Philippines.

Subsequently, he became general counsel to the U.S. House of Representatives Subcommittee on Expenditures, then to the Select Committee to Investigate the Federal Communications Commission in 1948. During the 81st Congress, he was legislative assistant to Senator Andrew F. Schoeppel.

Before the 82d Congress convened, Frank Bow was elected to his first term in the House. By the time he retired, he had become ranking Republican member of the Committee on Appropriations and ranking House Republican on the Joint Commission or Reduction of Federal Expenditures.

He built a reputation as a champion for fiscal responsibility. In the 83d Congress, he was chairman of a subcommittee which recommended savings of $11 million as a result of an overseas investigation into State Department activities. During his last year of service, he led the fight here to hold Federal expenditures beneath $250 billion. He said it was necessary to curb inflation and make the dollar sound.

Frank Bow died November 13, 1972, and is interred at Canton. We will miss his leadership and counsel and extend our heartfelt consolations to his wife, Caroline, and their sons, Robert and Joseph.

Mr. VANIK. Mr. Speaker, I would like to join with my colleague, the gentleman from Ohio (Mr. MINSHALL) in this commemoration of one of the real giants of the House of Representatives, our late colleague, the Honorable Frank Bow.

For 22 years, Frank Bow served in this House as one of the most able and conscientious legislators in the Congress. He was one of Ohio's and the Nation's finest public servants. While Frank and I were often on different sides of votes, there was always a feeling of the greatest respect for his intellectual and personal integrity.

In the last Congress, Representative Bow was very active with a group of other Members from northeast Ohio in developing legislation for a major national park system in our populous urban areas. It is my hope that the work which we began together in the last Congress can proceed in this Congress, for surely there could be no finer tribute to Frank than the creation of a living park, used and enjoyed by the people whom he so faithfully served for so many years.

The citizens of Ohio and the whole Nation, but most of all, we in the House of Representatives, will miss Congressman Bow.

Mr. McDADE. Mr. Speaker, we are taking the opportunity this day to memorialize a man whose memory cannot be summed up in mere words, our former colleague, Frank Bow.

For 22 years of his life, Frank Bow served here in the Congress of the United States as Representative from the 16th District of Ohio. He had learned the work of Congress before his election through his work as general counsel to the Subcommittee on Expenditures, and general counsel of the Select Committee To Investigate the Federal Communications Commission in the 80th Congress.

He was an indefatigable worker. No one who knew Frank Bow could fail to know the countless hours he worked daily on the matters of the Appropriations Committee. His reports to his constituents on Federal expenditures were known by every colleague here in the Congress as marvelously perceptive analyses of the whole Federal spending process, and they became authoritative reference works for all of us.

I want to pay my own personal tribute to this most extraordinary man with whom I worked on the Appropriations Committee. We have had few men in the 20th century who were more devoted public servants. He left his own personal mark on the history of the 20th century, and it is a mark that all of us might envy.

Mrs. SULLIVAN. Mr. Speaker, Congressman Frank Bow earned the respect of everyone in this House during his 22 years of service, and his death saddened all of us who worked with him and admired his dedication and integrity. He had the courage to take unpopular positions when he felt this was in the national interest, but he always fought clean and with due regard for the rights and beliefs of others.

I am particularly saddened by his passing because I had great confidence in the abilities of Frank Bow, as Ambassador to Panama, to represent our Nation effectively in that area of the world where our relationships in recent years have been, to say the least, delicate.

During my years of service on the House Committee on Merchant Marine and Fisheries, including 14 years from 1957 to 1971 as chairman of the Subcommittee on the Panama Canal, I have become convinced that the United States cannot succeed in protecting our legitimate interests in the canal and in the Canal Zone by continuous appeasement of nationalist elements in the Republic of Panama. The more we have offered to give, the more intensive the demands have come for more.

When President Nixon named Mr. Bow Ambassador to Panama, I was pleased because I felt that Frank Bow could not only represent our country in this important diplomatic post with great diplomacy, but also with the kind of candor and honesty and straightforwardness we associated with his work in Congress. His death deprived us of the fine service he could have rendered as an Ambassador.

Mr. CARNEY of Ohio. Mr. Speaker, I should like at this time to pay my respects to the memory of the late Honorable Frank T. Bow of the Ohio 16th District, a man of remarkable attainments in many fields.

Although I knew him only briefly as a fellow member of the Ohio delegation, I was decidedly impressed by his conduct in this Chamber, and deeply grieved by the news of his demise. As ranking minority member of the Appropriations Committee and second ranking minority member of the Joint Committee on Reduction of Federal Expenditures, he was a leading figure in the discussion of all money matters confronting the Congress, and his opinions in this regard were of importance to everyone.

Frank Bow acquired the bulk of his education in Ohio before obtaining a law degree at Columbia University. Although he entered early into politics as a Republican, serving from 1929 to 1932 as assistant attorney general of Ohio, his political fortunes were blighted for a time by the initial impact of the Roosevelt New Deal and he was out of office for several years, during which period he became associated with the radio broadcasting industry. As news editor of station WHBC, Canton, Ohio, he acquired an outstanding reputation and in 1945 was selected to serve as a war correspondent with Ohio's 37th Division in the Philippines.

With the resurgence of Republican power in the 80th Congress, Frank Bow was appointed general counsel to the House Subcommittee on Expenditures and to the Select Committee to Investigate the Gederal Communications Commission. Impressive in these assignments, he was hired in 1949 as administrative assistant to Senator Andrew F. Schoeppel of Kansas, and the following year received the Republican nomination to represent the 16th Ohio Congressional District. He was duly elected.

Throughout his service in the House, Frank Bow came to be known as a stanch opponent of wasteful Federal spending. He was one of several cosponsors of legislation which would have limited Federal spending for fiscal 1973. In addition, he was a consistent supporter of civil rights legislation.

There were some issues on which Frank Bow and I disagreed. But, he was the kind of man who could disagree without being disagreeable. Moreover, he was the kind of Representative who was intent upon getting the job done for his constituents. He had a great capacity for compromise and fairness. In short, Frank Bow was an outstanding Congressman who surely will be missed by the people of the 16th Ohio District and by his many friends in the Congress of the United States.

Mr. ASHLEY. Mr. Speaker, it was with the deepest regret that I learned of the death of our former colleague, Frank Bow, on November 13, 1972.

As the ranking minority member of the House Committee on Appropriations, he was a diligent and dedicated watchdog of fiscal spending, always ready and willing to do the hard day-to-day work required by his influential position.

To the Bow family I extend my deepest sympathy upon the loss of this fine gentleman. I will miss my fellow Ohioan, as will the House of Representatives and the people of Ohio whom he served proudly and so well.

Mr. GUYER. Mr. Speaker, the people of America and more particularly, the people of Ohio, have sustained the loss of a great statesman and dedicated servant. For nearly a quarter of a century Frank Bow epitomized and personified the convictions, the needs and the wellbeing of those he represented. In the Halls of Congress he made friends by being one and earned the esteem of those who with him bore the scars of battle, as well as enjoyed the fruits of victory.

By precept and example, the name of Frank Bow will be remembered as one who cared and served.

Mr. BOLAND. Mr. Speaker, I wish to join with my colleagues in expressing sadness in the death of a former Member of this House, the Honorable Frank T. Bow of Ohio.

It was my privilege to serve on the House Appropriations Committee with Congressman Frank Bow for 18 years. He was one of the hardest working and most dedicated member of the committee.

In his 22 year career here in the House of Representatives, Frank distinguished himself as a man of reason, warmth, wisdom and strength. An understanding man in all that he did for his community, his State, and for the Nation, Frank Bow will be sorely missed by all those with whom he has served in the Congress.

I join my colleagues in expressing my profound sympathy and deep sorrow to his family.

Mr. ROONEY of New York. Mr.

Speaker, it is with a heavy heart that I again rise in this Chamber to make some further remarks about a very, very distinguished gentleman, the late Frank Bow, the gentleman from Ohio. Just about 3 months ago, I joined my colleagues in wishing Frank well upon his retirement from the House of Representatives and in his new position as U.S. Ambassador to the Republic of Panama. Today, with sadness, we honor the memory of Frank Bow—memories that provide consolation in the fact that it was my privilege to know and work with this sterling man. His word was his bond and maybe if he had not taken so seriously the trust placed in him by the people who elected him to Congress he may have been able to serve and enjoy the privileges of Mr. Ambassador.

I did not just lose a colleague with Frank Bow's death, I lost a close and dear friend. A friendship that goes back about 24 years, when he was a counsel to the Forest Harness Subcommittee of the House Government Operations Committee. He joined us as a Member of Congress in the 82d Congress and the intelligent voters of his congressional district saw to it that people of the United States had the benefit of his wisdom and knowledge ever since.

During all this time he served with me on the Appropriations Subcommittee for 20 years, 18 years as the ranking minority member. To those who blatantly make the statement that an Appropriations Subcommittee chairman gets what he wants did not know Frank Bow. Frank Bow and I over those 20 years have skinned many a cat. We did succeed in getting our will exerted once in a while against the wishes of—what should one say—a powerful and spirited few. Frank Bow's successor will have awful big boots to fill.

It was not only my privilege to work with Frank Bow as a member of the Appropriations Committee and a Member of the Congress, but also as a regent of the Smithsonian Institution, a post to which Frank Bow brought the same attitudes and attributions that made him such a great Member of Congress and such an extraordinary man.

I know that he will be missed. Mrs. Rooney shares with me the sorrow of losing such a friend. To his lovely and devoted wife Caroline and his two sons, Robert and Joseph, go our fervent prayers. We are well aware of our sense of loss we therefore know how great theirs is.

Mr. POWELL of Ohio. Mr. Speaker, as I enter my second term in the House of Representatives, I rise to pay tribute to a great man from Ohio—a man who was always a pillar of strength and who served with honor and distinction from the 16th District of Ohio. I refer to Frank T. Bow.

The untimely death last December of Frank Bow brought sadness to all of us who had the privilege and pleasure of knowing and working with this distinguished gentleman. He will be sorely missed in the days ahead.

As the ranking Republican on the House Appropriations Committee, Frank Bow was an inspiration to his colleagues—and certainly to me. He was the voice of conservative and responsible government—always in the forefront of introducing legislation to help bring economic stability to our Government.

Rather than retire last year, Frank accepted the nomination to be the Ambassador to Panama—a position where his diplomatic acumen and political skills would have been put to the greatest test.

To all of us who knew him, Frank Bow will be remembered with affection and respect.

Mr. BLACKBURN. Mr. Speaker, before my arrival on the national political scene, Congressman Frank Bow had established himself as a leader in the Congress in favor of a sound dollar and fiscal integrity. His conscientiousness and great energy devoted to attention to the budget could only be admired even by those opposing his position.

During my first 6 years in Congress, I came to know Frank as a man of great warmth and kindness. This combination of virtues is one which serves as a worthy example for all of us in political life.

I wish to extend my condolences to his family upon their great personal loss. They can take justifiable pride in the knowledge that the country has benefited from the life and service of Frank Bow.

Mr. STOKES. Mr. Speaker, I want to commend the gentleman from Ohio for taking this special order to permit us to pay our respects to the memory of the Honorable Frank T. Bow. I want to extend my sympathy to his family and friends.

Although our political views differed markedly, Frank and I had a very warm relationship. When I joined the Ohio delegation, he welcomed me. He provided valuable advice and assistance as I was getting oriented. In the 92d Congress, we served together on the Appropriations Committee. As the ranking Republican on that committee, Frank served with distinction for many years. I enjoyed working with him on the committee and know that his loss will be deeply felt by all of its members.

His service to his district, his State, and his Nation reflected his desire to excell in all that he did. His country will miss his services and, as a colleague and friend, I will miss him.

Mr. ROBISON of New York. Mr. Speaker, it is especially fitting, it seems to me, that these tributes—so richly deserved—to the memory of our late colleague, Frank Bow, should be entered in this RECORD on the same day as it will show our receipt of the President's new budget and budget message.

For Frank Bow had one abiding interest here—and that interest was in advancing the cause of fiscal responsibility, as, by his lights, he understood that concept. His voice was not only a constant voice in that increasingly complex and divisive effort—as our Nation and the Congress of which Frank was so much a part struggled to tailor its felt needs to its resources—but, in recent years, his was undoubtedly the steadiest and strongest such voice.

All too often, too, it was a lonely voice. But that did not deter—indeed, nothing could deter—Frank Bow from doing what he conceived to be his duty, both to his people and to his Nation of which they were a part.

Mr. Speaker, we will miss that voice.

It is obvious that we already do, especially on this day when some of the arguments Frank so often advanced in support of congressional self-discipline have—in the context of current events—again been so dramatically called to our attention by our President.

But we will miss that deep and confident voice of his even more, as time wears on, and we find ourselves caught up in the rough and tumble of debate over who is "right" and who is "wrong" in the developing argument over the proper role of the Federal Government in, first, establishing national priorities for action and, then, assigning a proper share of our national resources, at the proper governmental level, toward the cost of action programs designed to meet those needs.

Yes, Mr. Speaker, Frank Bow will be missed—and sorely so.

By all of us.

Mr. SLACK. Mr. Speaker, one of the high points of my service on the Appropriations Committee during the past 12 years was the professional and personal association I enjoyed with our late colleague Congressman Frank Bow of Ohio.

His convictions determined his actions, and his firm and reasoned approaches to hard fiscal problems were an inspiration to his fellow committee members. He held strong convictions about sound fiscal policy and never hesitated to speak up on that subject no matter what the climate of the moment. He counseled moderation repeatedly during the years when Federal spending increased by leaps and bounds. His statements about fiscal policy and Federal spending become more meaningful with each passing day as we contemplate deficit budgets and their effects.

We are entering a period in which his presence among us would be more valuable than ever. We shall miss his dignified but determined insistence on principle and his reasoned argument in support of fiscal balance in Federal affairs. His legacy will help sustain all of us as we meet the problems of this Congress without him.

Mr. FLYNT. Mr. Speaker, I join my colleagues in paying tribute to the memory of my friend and former colleague from Ohio, Frank T. Bow. Frank Bow in his more than 20 years in the House of Representatives gave to his constituents and our country dedicated and distinguished service. I was honored and privileged to serve with Frank on the Appropriations Committee, and all of us on the committee benefited from his ability and knowledge. He earned my respect and my highest esteem as both a great American and a great patriot.

Frank, in his concern and devotion to the American people, exemplified the model of the sincere and conscientious public servant. Throughout his 22 years as a Member of this body he continued his courageous drive for the betterment of the American people and the American way of life.

I feel that I was truly honored to have known and served with Frank Bow, and I shall miss him.

Mr. SHRIVER. Mr. Speaker, I wish to join my colleagues in the House in paying deserved tribute to a distinguished American, the late Frank T. Bow of Ohio. I feel privileged to have served with Frank Bow on the House Appropriations Committee, where, as the ranking member of his party, he so conscientiously and steadfastly worked to bring economic stability and integrity to this Nation's economy.

I am confident that if Frank were with us today, he would be leading the fight for a return to fiscal responsibility and balanced budgets. He would have been encouraged by the efforts of the Nixon administration in its attempts to cut Federal spending and reduce the debt.

In his 22 dedicated years in this House, Frank Bow was a strong leader in the fight for fiscal integrity.

We, from Kansas, are proud of the fact that he served as legislative assistant to the distinguished Andrew Schoeppel, a Senator from Kansas, following World War II.

As we honor the memory of our former colleague, we recall his many legislative accomplishments; his reasoned and impassioned oratory on the floor of this Chamber. We recall his good humor, his friendship, his integrity and his faith in America.

He was dedicated to the service of his constituents of his beloved 16th District of Ohio, and to the State of Ohio.

Frank Bow was a hard-working leader, and we know that he often put his work before his health. When he decided to retire from the Congress, he still wanted to serve his country and had been confirmed as our Ambassador to Panama. It was a post he was never to fill. Death on November 13 prevented him from fulfilling that last dream.

We have lost a good friend and distinguished minority chairman and we miss him very much. Mrs. Shriver and I join in extending our heartfelt sympathy to his wife, Caroline and her family.

Mr. QUILLEN. Mr. Speaker, I join my colleagues in paying tribute to the life and memory of Frank Bow, the late Representative of the State of Ohio, who was profoundly respected for the fine qualities he possessed. His death is a sad loss to the State of Ohio, to the House, and to this Nation.

Frank Bow served in the House for 22 years. As the senior Republican member of the House Appropriations Committee, he became the prudent and watchful guardian of the Treasury, and a friend to American taxpayers everywhere.

He was a great American who believed wholeheartedly in the virtues that have made this the country it is today. Frank Bow was a man of firm convictions and of deep devotion for the welfare of our Nation.

I extend to his wonderful family my deepest personal sympathy in their bereavement.

Mr. STEED. Mr. Speaker, the untimely passing of our friend and colleague of more than 20 years, the Honorable Frank T. Bow of Ohio, has been marked by an unusual amount of comment and praise. His great integrity, dedication, and energy in serving our country impressed all who knew him. He left a fine mark in these Halls and the contributions he constantly made to prudent action will be sorely missed.

There is one facet of this great man that I think should be made a part of our record of his service. More than 16 years ago, when I became chairman of the Subcommittee on Appropriations which handled the legislative budgets, Mr. Bow was the ranking minority member of that subcommittee.

We became very close friends. His cooperation was most valuable to me in trying to cope with this very difficult appropriations action. Almost from the first day Mr. Bow began to impress upon me what he considered to be a matter of such great urgency that it approached emergency status. This was the enormous fire hazard that existed in the Capitol Building itself.

So urgent was his pleadings that we decided to make a personal inspection of the building. Most of one entire day was required as Mr. Bow and I looked into room after room, on floor after floor. I have been told we entered more areas and rooms of the Capitol than any other Members in modern times. It required 17 different employees of the House and Senate to provide the keys we needed to penetrate some of the Capitol doors. There is no master key for all the rooms of the Capitol.

We found fire hazards throughout the building, some so dangerous as to invite disaster at almost any hour of the day or night.

In cooperation with the Architects Office, and on the advice of the many experts in that Office, we made funds available to begin the long and difficult task of eliminating fire hazards in the building. In 3 years the job was finished. Today the building is reasonably safe from fire.

It is not the sort of project that can be viewed by the public. There were no spectacular exhibitions or actions that commanded headlines.

But the priceless heirlooms of a free people contained in the Capitol, our National Shrine of Liberty, are safe today because Frank Bow cared enough to begin the fight and to persist until it was finished. This little known and unrecognized service is, in my opinion, of such great importance that I believe our archives should always contain evidence of the work and the men who brought about these safety measures for protecting this building, measures so long neglected and so sorely needed.

Mr. ROBINSON of Virginia. Mr. Speaker, word of the death of our distinguished colleague from Ohio, Frank Bow, brought to me a particular sadness and sense of personal loss. He extended his warm friendship to me during my first term in this House, and I know that gratefulness for his kindness, his encouragement, and his sound advice always will attach to my memories of our colleague.

His approbation was a key factor, I know, in my being elected to the distinguished Committee on Appropriations during my initial term, and, together with all of my colleagues on the minority side, I was assisted immeasurably in the difficult work of the committee by his wise counsel and the balanced judgment of his leadership.

Through long and conscientious service, Frank Bow had earned the respect and admiration of his colleagues on both sides of the aisle. He was a major figure in this House whose influence was felt in many important legislative decisions over the years. He loved his country, and he gave it his best efforts.

His particular loyalty, beyond that to the Nation, however, was to the citizens of the 16th Congressional District of Ohio. Eleven times, his Ohio neighbors had chosen him to represent them in this House. They had first claim on his talents and energies, and he served them faithfully and effectively.

Our colleague will be mourned and missed by us all, but our sympathies go today to his family and to his Ohio neighbors. I count it a rare privilege that I had the opportunity to be favored by his friendship, and I know I am far from alone in this House today in being painfully aware of the vacancy created by the passing of a true friend.

Mr. WHALEN. Mr. Speaker, in the closing days of the 92d Congress, members of the Ohio delegation paused to pay tribute to our retiring colleague, the Honorable Frank T. Bow, who had served in the House of Representatives for 11 terms. While we deeply regretted Frank's decision to leave the House, we were pleased and proud that he would be continuing his service to the Nation as Ambassador to Panama. Thus, his sudden death just a month later shocked all of us.

During his House tenure, Frank excelled in his capacity as ranking minority member of the House Appropriations Committee. Certainly, he deserved the title of Mr. Fiscal Responsibility he earned as the result of his diligent efforts to shape sound fiscal policy. His expertise in budgetary matters was surpassed by few in the history of the House.

Frank also served as the Ohio representative on the Republican Committee on Committees. In that position he always was willing to help a fellow Buckeye, and he was a wise counselor. I am particularly grateful to him for the assistance which he gave me during the past 6 years.

Mrs. Whalen joins me in extending our sympathy to Mrs. Bow and her family.

May Frank rest in peace.

Mr. SKUBITZ. Mr. Speaker, it is a matter of regret to me that I was unable to be present this past Monday—January 29—when tributes were paid by a number of my colleagues to the late Frank Bow, my longtime friend and eminent Member of this House. Monday was Kansas Day, a long-observed event in my native State marking the 112th anniversary of the admission of Kansas into the Union, and incidentally long appropriated by the Republican Party in the State as an occasion to celebrate or commiserate, as the case may be.

Frank Bow was for 22 years an esteemed legislator and deservedly so. It was my good fortune, however, to have had his friendship for an even longer period, dating back to the time he served as an aide to the late Senator Schoeppel of Kansas, where I too served.

When I came to this House some 10 years ago, Frank Bow became my mentor, as he had been my friend. He knew the legislative process at first hand and he was a first-rate teacher. He gave leadership and good counsel to many of us and in full measure to me. He practiced what so many of us must learn if we are to be capable legislators—work, work without stint. To him this responsibility as a Member of Congress was a duty to his constituents in Ohio, to his State, and to his Nation. He served each well by immersing himself long hours in the details of budgets and expenditures as a member of the Committee on Appropriations, a thankless but essential job.

When he made known his decision last year not to seek reelection I was saddened but I was aware that his duties here had taken their toll. Thereafter, I was gratified when I learned that President Nixon had nominated him to be the Nation's next Ambassador to Panama, a particularly difficult and delicate post at this time. I thought it a wise and forward looking decision by the President. It was my judgment that Frank Bow would be able to present Panama's claims in such a manner as to quiet the extremists in both lands and perhaps bring into being a treaty so essential to the welfare of both countries.

Unfortunately, Frank Bow did not live to assume those duties. He left us on November 22, 1972, his great heart stilled by the ardors of almost a quarter of a century of intense devotion to duty. He would ask for no better epitaph. I salute his memory.

Mr. RHODES. Mr. Speaker, Frank Bow was one of the first citizens of his State and country. He was a man of tremendous energy and ability. His great talents were used to advance the welfare of his constituents and all Americans. He will be sorely missed.

No one ever accused Frank Bow of doing anything which was demeaning or unkind to any other person. He was a genial, understanding friend who was always ready to listen to the problems of others, and to lend assistance whenever possible. He not only was greatly admired for his many talents and abilities, but he was one of the most popular Members personally who has ever served in the House of Representatives.

For the last several years of his service, Frank Bow was ranking Republican on the House Appropriations Committee. In this position he worked tirelessly to try to hold the expenditures of the Federal Government in control, but also to make sure that the vital functions of the Government were adequately funded. As ranking Member, he always exhibited only the most careful consideration of the feelings and desires of his colleagues, and therefore he received the cooperation of the other Members of the Appropriations Committee to a remarkable degree.

The United States and the State of Ohio are poorer places because of the death of Frank Bow. Mrs. Rhodes joins me in extending our deepest sympathy to his dear wife Caroline, and to the entire Bow family.

Mr. KEATING. Mr. Speaker, I wish to join my colleague in expressing the deep sense of loss that we all feel over the passing of Frank Bow. At his death Frank was beginning a new career as diplomat after serving 22 years in the House of Representatives.

As a young man Frank Bow was news editor for radio station WHBC in Canton, Ohio. During the Second World War he served as war correspondent with the Ohio 37th Division in the Pacific.

After the war he came to Washington as general counsel to the Select Committee To Investigate the Federal Communications Commission. By this time Frank had the taste of politics and became legislative assistant to Senator Andrew F. Schoeppel of Kansas in the 81st Congress.

In 1950 Frank returned to Ohio and was elected to the 82d Congress. He was reelected to the next 10 Congresses. As Congressman, Frank Bow rose to the position of ranking Republican on the Appropriations Committee. He knew the Federal budget as few other men in Washington. As dean of the Ohio delegation he helped the new Members from my State as we came to Washington.

As he excelled as a reporter, as a congressional aide, as a Congressman, and as a member of the Republican leadership, so, too, he would have excelled as a diplomat. Frank Bow demanded excellence of himself and those around him. The whole Nation mourns his loss.

Frank Bow was a particular friend of President Nixon and was consulted by him frequently.

As a personal note, he was very kind to me when as a freshman legislator I needed correct, honest information and advice. I will remember Frank Bow and his role in the development of this Nation.

Mr. BRAY. Mr. Speaker, the kinship felt among Members of the House of Representatives is close but there is something closer yet among Members of each congressional "class."

Frank Bow and I were classmates—Members of the freshman class of the 82d Congress, coming to Washington in January 1951. Our friendship began in those first few weeks and it remained firm and steadfast over the years.

I knew him as a hard-working and respected Member of the House, and, with many privileged to know him well, felt a deep sense of pride when he was named Ambassador to Panama, and I felt great personal loss at his passing.

This is a loss to the country as well. His patriotism, ability, courage, and intelligence knew no partisanship nor factional lines. His home State of Ohio, the U.S. Congress, and the American Republic are better because he served them.

Mr. HARVEY. Mr. Speaker, I join in paying tribute to my good friend, Frank Bow, whose death in November came as a great shock, leaving me with deep feelings of personal loss and grief.

I believe I was the last Member of Congress to see Frank. I spent the Sunday afternoon before he died visiting with him in his hospital room. I shall always cherish the memory of that afternoon. We listened to the Washington Redskins football game together and we talked about public affairs. He was as alert and cheerful as ever. During our conversation, he revealed again his continuing intense love and respect for the Congress as an institution essential to our representative system of government. He indicated, however, that he was looking forward to serving his country further in another capacity as Ambassador to Panama.

Serving his country—that was his hallmark, his ambition. He was fervently devoted to his country and to helping people. To him there was no greater calling than public service and no one could have labored harder to fulfill his committee and other congressional responsibilities. America has lost one of its greatest patriots and a recognized leader in the Congress who has left his mark.

Frank was a man of integrity and principle. Untiring and skillful in pursuing the principles in which he firmly believed, he was at the same time always a gentleman. His kindness and consideration for others earned him the affection and respect of even those who, from time to time, might disagree on legislative issues.

He will be sorely missed by us all, not only as a legislator without peer, but as a warm friend and wise counselor.

Mrs. Harvey joins me in extending our deepest sympathies to Frank's devoted wife, Caroline, and to his family.

Mr. MOSHER. Mr. Speaker, you and many other distinguished Members of this House already have spoken eloquently and in detail of the late Frank Bow's remarkable record of public service. I associate myself with those well-deserved tributes, and I will speak very briefly only of my personal appreciation of our departed friend and colleague.

Frank Bow will for me forever be unforgettable, a uniquely interesting and forceful personality. I often was amazed by the positive, persuasive energy with which he so convincingly spoke his views.

Undoubtedly, in my opinion, he sacrificed too much of himself in the intense personal interest, the long, grueling hours of work, the tremendous energy and emotional drive that he devoted to the crucially important public responsibilities he carried so successfully as ranking minority member of the House Appropriations Committee, as our Ohio representative on the Republican committee on committees, and the several other posts he filled, all in addition to his constantly effective efforts in representing so very well the people of Ohio's 16th Congressional District.

I suspect Frank would still be with us today, had he not given so strenuously of himself in concentrated public service. We salute him; we profoundly honor him for this personal sacrifice and his extraordinary service.

I am personally very grateful for Frank's innumerable acts of helpfulness to me during the 12 years I was privileged to work with him here. From the moment I arrived in the House until his retirement, I often turned to him for help, and even when he and I disagreed in matters of policy, he was generous in his advice and assistance and in his often delightfully jovial tolerance of my contrary views.

His leadership in and for our Ohio delegation was wonderfully effective.

So, for all those great qualities of public leadership, as well as his personal friendship as I was privileged to know it and benefit from it, I am most thankful.

All of us miss Frank Bow profoundly.

Mr. DENNIS. Mr. Speaker, I had the honor of serving with our late colleague, the Honorable Frank T. Bow, only through two terms of the Congress, but I would not wish the occasion to pass without joining my colleagues in expressing my liking for him, and my respect.

Mr. Bow had long and distinguished service in the Congress, and it is most regrettable that he did not live to serve his well-earned ambassadorship to the Republic of Panama, to which he had been appointed by the President.

This is particularly true in view of the delicate negotiations now pending with the Republic of Panama over the status of the Panama Canal, in which I am satisfied that Frank Bow, as our Ambassador, would have represented American interests with a single-minded devotion.

One of his several kindnesses to me was a request that I furnish him a copy of testimony I gave on this subject before the Subcommittee on the Panama Canal of the Committee on Merchant Marine and Fisheries, chaired by our colleague the gentleman from New York (Mr. MURPHY)—a request with which I was happy to comply.

Frank Bow's passing is a loss to his country, as well as to his family and friends, and as a junior colleague I wish to add to that of his many friends my own expression of respect and regret.

Mr. WHITTEN. Mr. Speaker, I join with the many friends of Frank Bow, late Congressman from Ohio, in all their statements as to his fine and lasting service.

Frank was a fine person, an able lawyer, and great Congressman. For many years he was ranking member of the Committee on Appropriations where I had the privilege of a close association and a close friendship with him.

Frank's death was a blow to all of us. While we shall all miss him, there are many monuments to his service in the annals of the Congress.

To his loved ones we extend our deepest sympathy in their loss.

Mr. HALEY. Mr. Speaker, during my 20 years in the U.S. House of Representatives, I have known few Members who were so genuinely respected and loved by their colleagues as Frank T. Bow of Ohio. When Frank Bow announced that he would not seek reelection to the 93d Congress, we wished him well in his leisure years and expressed appreciation for the faithful and distinguished service he had rendered. It was a sad thought that the Congress would lose the talent and active effort of one its ablest legislators and one of its true statesmen, but the choice was his and he retired from Congress. He wanted to continue serving the Nation he so well loved and had been confirmed as our Ambassador to Panama, but this was a post he would never fill.

Many words have been spoken about his great service to his State and our Nation and his effectiveness as a Representative. He was a warm man and he is deeply missed by his friends here in the House.

Mrs. Haley and I extend to his family our deepest sympathy.

Mr. GUBSER. Mr. Speaker, Frank Bow was a worthy colleague and a worthy friend. I do not believe I could name any person who was more dedicated to his principles and who more sincerely believed in the greatness of this Nation than Frank Bow. What is more, he practiced Americanism every day of his life and every day of his service in the Congress of the United States.

If it was possible for Frank to help a friend while also serving the best interests of the Nation, you could always be assured that you would receive all the help that Frank could give.

He was a great man, a great American, and I for one feel that the Nation has suffered a great loss.

Mr. MATSUNAGA. Mr. Speaker, I was deeply saddened by the recent passing of Frank Bow, who served his country and his constituents with honor and distinction for 22 years as a Member of this body.

Whenever a Member had a question about an appropriations bill, Frank Bow, as ranking minority member of the Appropriations Committee, was always happy to share the answer with his colleague if he knew it, which he almost always did. His knowledge of the budgetary process and his willingness to share that knowledge left many Members, including me, in Frank Bow's debt.

The residents of Ohio's 16th Congressional District were fortunate to have had as their Representative a man as dedicated, courageous, and astute as Frank Bow. I was fortunate to have served with him in the House from the very beginning of my congressional service in 1963. He was keenly interested in the cultural center for East-West exchange, located on the University of Hawaii campus, and frequently remarked that next to being a Congressman he would like to be the chancellor of the East-West center, if he had a choice. His interest led him to support the center and for this Hawaii owed him a debt. America was, indeed, fortunate to have had the benefit of his judgment and integrity, in a leadership capacity, for so many years.

I extend to Caroline Bow and the other members of the Bow family my deepest sympathy in this trying hour, and assure them that their sense of loss is shared by many others like myself who enjoyed his friendship in the Congress of the United States.

Mr. MINSHALL of Ohio. Mr. Speaker, before I yield back the balance of my time, I think I would be remiss if I did not add these few remarks, because as all of you gentlemen know, I was a very close and very good friend of Frank Bow, and we had many closed sessions together in which we discussed the facts of life and Frank's future, and I can remember full well several years ago, when we were in one of these sessions, that Frank looked up at me and he said:

> You know, Bill, I am not going to be here forever, and I do think I have the guy that can fill my shoes in the 16th district.

He said further to me:

> He is a young State legislator who has served with distinction in Columbus, and if for any reason I choose not to run. I would like to see Ralph Regula hold this job that I now have. He's a comer.

Frank eventually did choose not to run.

Ralph, I am awfully glad that that dream of Frank's came true, because with your distinguished record of public service in the Ohio Senate, I know that you have big shoes to fill and big steps to follow, but I know that in due course, with the initiative you have shown thus far in this early session, you will be a worthy successor to Frank Bow.

A DETENTE WITH CUBA

The SPEAKER pro tempore (Mr. SEIBERLING). Under a previous order of the House, the *gentleman from Ohio* (Mr. WHALEN) is recognized for 60 minutes.

Mr. WHALEN. Mr. Speaker, I have been very pleased that over the past several months the President has taken positive steps in easing tensions between the United States and China, and between the United States and the Soviet Union. I think this is a much more realistic foreign policy than has been followed in the past, and in this light, I have joined 11 of my House colleagues in studying in some depth the current relations relations between Cuba and the United States. Today we are presenting our findings to the House membership for its scrutiny. In our paper, entitled "A Detente With Cuba," we have concluded that the time is ripe for the United States to take appropriate steps to normalize relations with Cuba.

For the past decade the relations between these two countries has been marked by deep cleavages and hosility, initiated by the Cuba subversive activities in Latin America, the Russian military buildup on the island, the expropriation of U.S.-owned properties in Cuba, and the Bay of Pigs invasion. The United States in 1961 severed its economic and diplomatic ties with the Castro Government, encouraged other nations in the Western Hemisphere to follow suit in the Organization of American States, and in effect, isolated Cuba in the Western Hemisphere.

However, over the years an increasing number of Latin American countries, which in 1964 voted in the OAS to terminate diplomatic and commercial relations with Cuba, have defied the ban by reestablishing diplomatic relations.

My colleagues and I state in our study that the political realities of 1973 indicate a careful review of United States-Cuba relations is in order. Three reasons, Mr. Speaker, underlie this conclusion.

First, since the President has taken the first step to normalize our relations with both Russia and the People's Republic of China, it seems only right that we should extend this same philosophy to Cuba. In seeking rapprochement with the Soviet Union, it seems contradictory not to extend this same thinking to Cuba, where the Soviet Union is a significant presence.

Second, as noted previously, several Latin American nations are normalizing their relations with Cuba, primarily because Cuba's subversive activities in those nations have lessened perceptibly since Che Guevara's unsuccesful 1967 efforts in Bolivia. In the eyes of these governments, Cuba no longer poses a serious threat to their existence.

Third, Castro himself seems to be pursuing a more realistic foreign policy position with regard to the United States. For example, two recent U.S. hijackings which landed in Cuba resulted in an apparent willingness, indeed desire, on the part of the Cuban Government to negotiate some kind of bilateral agreement to put an end to this air piracy. This, certainly, would be an important benefit resulting from normalization of relations between the two countries.

Another significant benefit to the United States would be the restoration of Cuba as an important trading partner. During the last year the United States traded with Cuba, we exported to that nation $19.1 million more than we imported from them. Cuba supplied us with sugar and certain needed minerals, while buying primarily finished goods from us. Again, it is inconsistent for us to trade extensively with the Soviet Union while maintaining a complete trade embargo with Cuba for doing the same thing.

Finally, normalization of United States-Cuba relations should lead to a significant reduction of the hemispheric tensions generated by the isolation of the Castro Government.

Accordingly, in our paper my colleagues and I make several recommendations for the legislative and executive branches of Government to pursue, in hopes ultimately of establishing normal ties with Cuba.

For the Congress, we urge hearings be held by the Inter-American Affairs Subcommittee of the House Foreign Affairs Committee and by the Subcommittee on the Western Hemisphere of the Senate Foreign Relations Committee on the present state of United States-Cuba relations. These forums will permit thorough consideration by the public and the Congress of our current policy and of proposed changes.

Once these congressional studies have been completed—and concurrent executive negotiations successfully concluded—then the following legislative initiatives should be considered:

The removal of the trade embargo against Cuba inherent in section 620 of the Foreign Assistance Act of 1961, as amended.

The removal of section 103 under title I of the Agricultural Trade Development and Assistance Act of 1954, which prohibits sale of U.S. agricultural commodities to countries which sell, furnish, or permit their ships or aircraft to carry any equipment, materials or commodities to or from Cuba.

The repeal of the Cuban resolution passed by Congress in 1962.

Insofar as the executive branch is concerned, we urge the President to take the following initiatives:

We urge the President to make every effort to achieve an effective antihijacking accord with the Cuban Government.

We urge the President to direct an interagency review of United States-Cuban relations.

We urge the President to confer and consult with Latin American countries in advance of any significant policy change.

We urge immediate consideration of recognition of the legitimacy of the Castro government.

We urge U.S. support for the Peruvian Resolution of 1972 in the Organization of American States to permit any member of that organization to normalize its relations with Cuba.

If these steps ultimately lead to a resumption of diplomatic and economic relations with Cuba, we feel that the United States will make a significant contribution toward hemispheric peace and prosperity.

At this time, Mr. Speaker, at this time I include the complete text of the study be inserted in the RECORD.

Mr. Speaker, at this time I ask unanimous consent that the complete text of the study be inserted in the RECORD following my remarks and that all Members have 5 legislative days to extend their remarks on this subject.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

A Detente With Cuba

(Prepared by Mr. CHARLES W. WHALEN, JR. of Ohio, Mr. ALPHONZO BELL of California, Mr. EDWARD C. BIESTER, JR. of Pennsylvania, Mr. JOHN R. DELLENBACK of Oregon, Mr. MARVIN ESCH of Michigan, Mr. WILLIAM FRENZEL of Minnesota, Mr. ORVAL HANSEN of Idaho, Mr. JOHN H. HEINZ III of Pennsylvania, Mr. PAUL MCCLOSKEY of California, Mr. STEWART B. MCKINNEY of Connecticut, and Mr. CHARLES S. MOSHER of Ohio)

United States-Cuba relations have been marked by over a decade of mutual distrust, hostility and recriminations. Political and strategic considerations suggest that it may be in our national interest to initiate a dialogue with Cuba that might lead to an eventual normalization of relations between the two countries.

The United States severed commercial and diplomatic ties with Cuba in 1961, as a result of a threatening Soviet military presence on the island, Cuba's subversive activities against Latin American countries and the expropriation of U.S. owned properties in Cuba. In subsequent actions the U.S. halted economic and military aid, eliminated the Cuban sugar quota and placed an embargo on exports to Cuba. The Bay of Pigs invasion and the missile crisis further exacerbated the deep cleavages and hostilities between the two governments.

Relations between other Latin American countries and Cuba were equally bad. In 1964, the Organization of American States (OAS) voted to cut off diplomatic and commercial ties with Cuba. The ban proved relatively effective until several years ago when some OAS countries began to defy the ban and to establish diplomatic relations with Cuba.

American isolation of Cuba has continued to this day. Administration officials have publicly indicated that to date two factors have dictated our present hardline policy and impede any kind of policy review: (1) the Soviet military presence in Cuba, and (2) Cuba's export of subversive revolution to the rest of Latin America.

But action which was understandable, and even right, at one time and under one set of circumstances may no longer be right or even wise at another date and under another set of circumstances.

THE POLITICAL PENALTIES OF 1973: THREE DEVELOPMENTS INDICATING A NEED FOR A POLICY REVIEW

The political realities of 1973 indicate to us the need for a review of United States-Cuba relations. Specifically, during the past several months three developments have occurred which make the normalizing of relations between the two countries desirable and potentially attainable.

First, President Nixon is pursuing a pragmatic policy designed to deal realistically with all governments. This approach has resulted in relaxation of tensions between the United States and respectively, the People's Republic of China and the Soviet Union.

Our rapproachment with the Soviet Union has brought about the SALT agreements, established medical, environmental and space research contacts and increased trade and commercial ties.

The President's China visit renewed communications after more than twenty years of hostility. The recent announcement of a multimillion dollar grain sale to China further improves the favorable climate brought about by the President's initiative. Increased trade contacts with East European socialist countries have also materialized as a result of the President's policy.

In light of the Administration's efforts to negotiate and cooperate with Russia and China, a dialogue with Cuba would represent an extension of this philosophy. It would eliminate an apparent policy contradiction which strives for friendship and an increasing dialogue with Russia while concurrently condemning Cuba for harboring a Soviet presence.

Second, there has been a growing trend among Latin American countries to normalize relations with Cuba. In the past two years, an increasing number of Latin American States either have recognized the Government of Cuba or have strongly indicated a desire to do os. This development represents a significant change from the policy of isolation of Cuba followed by the nations of the OAS since 1964 when Cuba was excluded from participation in the Inter-American system and member states collectively severed diplomatic and economic relations with Fidel Castro's government.

Mexico was the only Latin American country that did not sever relations with Cuba, holding that the OAS measures against Cuba were in violation of the principles guiding the Inter-American system. In November, 1970, Chile, under the newly elected government of Salvador Allende also recognized Cuba.

Even prior to the Chilean move, Peruvian leaders indicated a disposition to change their country's policy toward Cuba. Fidel Castro on occasions had praised the Peruvian military government for its reformist policies and it can be assumed that the Peruvians were grateful for the massive earthquake relief effort extended by Cuba during the 1970 disaster.

Peruvian initiatives brought the matter of Cuban hemispheric relations to the surface and were responsible for the first OAS consideration of the issue since the 1964 ban. On May 31, 1972, the Permanent Council of the OAS held a special session to consider the draft resolution submitted by Peru which would permit any member state to normalize its relations with Cuba. The Peruvian resolution said:

"... Some member states for different reasons maintain official relations with the Republic of Cuba and ... others have expressed, on the basis of their own appreciation of the changes that are taking place in the world and inter-American circumstances, the convenience of re-establishing relations with the Republic."

By a vote of 14 to 1 with 8 abstentions, the matter was referred to the general committee of the Permanent Council for consideration. The Peruvian representative saw the agreement to debate the proposal as "... a representation of the current spirit of the Americas, a spirit that precisely indicates that Inter-American policies are aimed at the future."

At the conclusion of the meeting to consider the Cuba question on June 9, 1972, the OAS decided against the Peruvian resolution by a vote of 13 against, 7 for, and 8 abstaining. The Central American bloc, Brazil and the United States, voted against the resolution, as did Bolivia, Colombia, Dominican Republic, Haiti, Uruguay, and Paraguay. In favor of the resolution were Chile, Ecuador, Jamaica, Mexico, Panama, Peru, Trinidad and Tobago. Argentina, Barbados and Venezuela abstained.

In July, 1972 Peru recognized Cuba. In December, 1972, Cuyana, Trinidad and Tobago and Barbados announced the resumption of diplomatic relations with the Castro government. Panama and Ecuador have indicated their willingness to re-open relations. Venezuela has hinted that a change in her policy is possible.

Several factors are responsible for the trend toward recognition of Cuba. Many Latin American governments believe Castro's revolutionary fervor has waned and no longer see Cuba as a subversive threat. Furthermore, many of the states feel change toward Cuba is very much in line with the changing world situation as illustrated by the U.S. rapprochement with China and the Soviet Union.

Whether or not the United States makes overtures to Cuba, indications are that the number of Latin American governments reestablishing relations with Cuba will continue to increase.

The third reason for reviewing our Cuba policy is that Cuba itself seems to be softening its formerly intransigent foreign policy position. There is growing evidence to support this contention. Fidel Castro, for example, has hinted his willingness to cooperate on the hijacking problem.

In fact, the two most recent hijacking incidents indicate a firm willingness on the part of Cuba to reach some kind of bilateral agreement to discourage these practices. The Cuban government gave the State Department a prompt reply regarding the requested extradition of the Tuller family who hijacked an Eastern Airlines plane. Prior to this incident, Cuba failed to acknowledge any extradition requests.

On the Tuller case, the Cuban formal note relayed through the Swiss Embassy indicated that the four accused hijackers were under arrest. The Cuban government also asked the United States to provide them with detailed information of the other crimes the hijackers had committed. This unprecedented action by the Cuban government is a favorable sign that the hijackers could be returned to the U.S. to face prosecution under our laws.

The recent hijacking of a Southern Airways jet resulted in further cooperation by the Cuban government. The Castro government went out of its way to assist the thirty-one passengers and crew members after the hijacked plane finally landed. Cuba announced that the hijackers would be tried promptly and the State Department thanked the Cuban government formally for their cooperation.

In 1970–1971, there has been increased evidence that Cuba's revolutionary activities and the Soviet interest in Cuba are diminishing: subversive activities throughout Latin America have reduced significantly since the Che Guevara effort in Bolivia in 1967. Both State and Defense Department officials have testified that Cuba has reduced its aid to local insurgents throughout Latin America and no longer shows the revolutionary fervor of earlier days.

During 1971 in Castro's visit to Chile, it was significant that he stated that his methods of revolution were not to be prescribed for all other nations. This is considered an acknowledgment by Castro of his unsuccessful efforts to establish his own brand of revolution throughout the hemisphere. The victorious election of Salvador Allende in Chile through a coalition of leftist parties represented a victory for the "via pacifica," a policy earlier scorned by Castro.

American officials continually have asserted that the Russian missiles in Cuba are defensive in nature and pose no offense threat to the United States. However, some authorities contend that the Russian presence does present a security threat which could be minimized by our establishing relations with Cuba.

There have been several indications that the Soviets would welcome a detente or at least a warming of relations between the United States and Cuba. On February 13, 1969, the *Wall Street Journal* reported that a secret message was sent from the Soviet Union to a Western nation that might mediate a United States—Cuban settlement. The note reportedly stated that the Russians would "look favorably on anything the mediating country could do to normalize relations between Cuba and the United States.

An American reporter who recently visited Cuba reported that Soviet diplomats told him that Russia would reduce its military presence in exchange for an American withdrawal from Guantanamo. The economic burden of Cuba upon the Soviet Union, coupled with the lack of any tangible political benefits, could be motivating factors for their alleged interest in reducing their presence.

SOME NEGOTIATION ISSUES

A number of problems would have to be dealt with prior to any full restoration of diplomatic relations between the United States and Cuba. These include Cuban refugees to the United States, the American tenancy at the Guantanamo Naval Base, expropriation, and the sugar quota.

It can be anticipated that steps to normalize relations with Cuba would cause particular concern in the Cuban-American community about the problem of refugees. Currently Cuban refugees are exempted from the regular quota system. When Castro has permitted it, the State Department has arranged and paid for the airlift of refugees from Cuba to the United States. In December alone, 3,400 refugees immigrated in this fashion.

Should the special immigration status change further, Cuban immigrants would have to apply for permanent immigration status as part of the quota for the Western hemisphere. This quota permits a total of 120,000 persons to immigrate each year.

The United States presence at the Guantanamo Naval Base is certain to be an issue in negotiations. In view of the continued military presence of the Russians on the island, the United States is justified in remaining in Guantanamo. Although an American presence there does not place any significant restrictions on Soviet military activities in the area, the base does provide a convenient training center for naval ships.

Publicly, the Cuban leadership persistently demands that the U.S. evacuate the base; privately, Cuban leaders reportedly have indicated that Guantanamo would not be a major issue in negotiations.

Another issue that is certain to be raised is that of compensation for expropriated properties. In terms of expropriated properties, major corporations have already taken tax write-offs to satisfy some of their claims. Most of the remaining claims, smaller amounts in the $20,000 to $50,000 range, have already been determined by the Foreign Claims Commission, and it is hoped that a re-establishment of relations between Cuba and the United States would open the way for these claims to be negotiated and settled through Cuban administrative and judicial procedure.

In 1959, Cuba exported 3.2 million tons of sugar to the United States under the Sugar Act quota system—approximately 34% of the quota. When relations with Cuba were terminated, Cuba's allotment was redistributed among the other Latin American sugar producing countries. The major beneficiaries were the Dominican Republic and Mexico.

In the event normal relations are re-established between Cuba and the United States, the Sugar Act grants the President the discretion to reallocate the existing quotas. Many options are available to him to provide for a phased redistribution of quotas which would allow affected nations time to make the necessary readjustments.

Each of the above issues would be knotty and resolution would not be simple. But none would be impossible to resolve.

BENEFITS OF NORMALIZATION

If renewed dialogue with the Castro government eventually leads to more normalized relations between Cuba and the United States, it is our opinion that at least three significant benefits will accrue.

The first and clearly a major benefit is a probable reduction of plane hijackings to Cuba. Obviously the United States and the Cuban government are equally disturbed by this problem and are willing to cooperate in an effort to curb these criminal acts.

Almost eighty percent of planes hijacked since 1963 have gone to Cuba. In general, the Cubans have been cooperative about returning these planes. Hijackers who have sought asylum in Cuba are clearly not welcome there as has been made obvious by the punitive treatment they receive from the Cuban government.

The president of the American Air-Line Pilots Association has called for a resumption of relations between the two countries to curb hijacking. American pilots are threatening to strike unless stronger anti-hijacking measures are implemented and enforced. A normalization of relations would result in cooperation between the two nations for the return and conviction of hijackers.

It is hoped that the Swiss-moderated negotiations will produce an agreement that will discourage further hijacking. These talks should serve as a point of departure for a broader discussion of issues of mutual concern. They are clearly a first step toward normal ties between the two countries.

Second, with normalization Cuba once again could be an importat trading partner for the United States. In 1958, the year before Castro came to power, the U.S. imported $527.8 million worth of goods from Cuba and exported $546.9 million worth of goods to Cuba. Cuba supplied sugar and sugar-byproducts, and some minerals, principally nickel. The United States exported finished goods, grain, and automobile parts, as well as the machinery for the sugar industry. The re-opening of the Cuban market to American products could again lead to healthy and productive commercial relations between the two countries.

Now, some of our closest allies maintain strong trade ties with Cuba. Cuba presently imports British and Japanese buses and trucks, Spanish fishing boats and many other Japanese and European products. Canada and Mexico still maintain consular and diplomatic relations and have been exporting foodstuffs to Cuba. There are strong indications that the Chilean trade agreement with Cuba is just the beginning of a movement among some Latin American States to resume trade if not diplomatic relations. Trinidad and Tobago's resumption of relations is based largely on their interest in Cuba as a lucrative oil market.

Cuba has recently made two major trade commitments in an effort to improve its economic position. In November 1971, Cuba was admitted to membership in the "Group of 77," the organization of developing nations within UNCTAD (United Nations Commission for Trade and Development), with strong backing from the Latin American bloc. In 1972, Cuba joined COMECON, the Communist counterpart of the European Common Market organization allegedly to expand its commercial ties and obtain development and technical assistance.

It seems inconsistent that we impose commercial restrictions and limitations on our OAS allies for trading with Cuba while at the same time we sell millions of tons of grain to the U.S.S.R. and China and enourage commercial relations with other Communist nations.

Third, a warmer political atmosphere and improved hemispheric relations are bound to occur if relations between the United States and Cuba normalize. Nearly every year the Cuban matter severely cripples the OAS and makes it appear ineffective, besides becoming an extremely divisive issue among Latin American countries. Any further defiance of the OAS ban by Latin American countries would continue to strain relations of member countries. Unless changes are made in view of present realities, the Cuban issue will continue to impair relations between Western Hemisphere nations.

For over a decade, American isolation of Cuba has given substance to much anti-American rhetoric and ill feeling towards the United States among various groups in Latin America. Removing this vestige of the Cold War would significantly reduce tensions and redirect hemispheric policy, focusing attention on more urgent priorities such as trade, economic development, foreign investment and regional integration.

Normalization of relations and a relaxation of tensions might provide an impetus for a regional economic integration program in the Caribbean which would involve Cuba. Although such a development is not imminent, the potential is there and should be explored further.

EXECUTIVE AND LEGISLATIVE RECOMMENDATIONS

A normalization of relations with Cuba is in the United States' best interest. The time is ripe for diplomatic and economic initiatives to be made. However, much depends on the receptivity of Cuba. A willingness on their part to seriously negotiate with the United States would produce an atmosphere conducive to debate and action by the Congress.

In an effort to improve relations with Cuba, we propose recommendations for Legislative and Executive action.

It must be recognized that these proposals cannot be implemented immediately. Action as important to our hemispheric relations as a detente with Cuba must be undertaken only after the most careful review. The Congress should fully participate in the decision making process of any change in U.S.-Cuba relations.

Accordingly, we make the following recommendations:

Legislative initiatives

We urge that hearings be held in the House Inter-American Affairs Subcommittee of the House Foreign Affairs Committee and in the Subcommittee on Western Hemisphere of the Senate Foreign Relations Committee on the present state of the U.S.-Cuba relations so that the American public and Congress can evaluate the viability of our present policy towards the Republic of Cuba and thoroughly and publicly consider proposed changes therein.

After such a complete Congressional assessment of the political and economic implications of normalization for the United States, and the success of executive negotiations, the following legislative initiatives should then be considered:

The removal of the trade embargo against Cuba inherent in section 620 of the Foreign Assistance Act of 1961 (as amended).

The removal of Section 103 under Title I of the Agricultural Trade Development and Assistance Act of 1954 prohibiting sale of U.S. Agricultural commodities to countries which sell, furnish, or permit their ships or aircraft to carry any equipment, materials or commodities to or from Cuba.

The repeal of the Cuban Resolution passed by Congress in 1962 and which still describes basic U.S. initiative policy towards Cuba.

Executive initiatives

We urge the President to make every effort to achieve an effective anti-hijacking accord with the Cuban government. We should utilize maximum flexibility to obtain a solution to curb the continuing proliferation of these acts. The anti-hijacking talks should be used as an opportunity to discuss other issues of mutual concern.

We urge the President to direct an interagency review of U.S.-Cuban relations with the objective of establishing concrete steps to normalize relations with Cuba.

We urge the President to confer and consult with Latin American countries in advance of any significant policy change. This would honor the President's commitment to utilize a policy of prior consultation with our Latin allies as enunciated in his State of the World message.

We urge immediate consideration of recognition of the legitimacy of the Castro government as the representative of the Cuban nation and people. Any kind of negotiations with Cuba should be conducted in a clear, frank and positive manner exemplary of two sovereign nations.

We urge United States support for the Peruvian Resolution of 1972 to permit any member state of the Organization of American States to "normalize its relations with Cuba" should it be re-introduced in the Permanent Council of the OAS, or support for similar initiatives.

Mr. DELLENBACK. Mr. Speaker, will the gentleman yield?

Mr. WHALEN. I yield to the distinguished gentleman from Oregon.

Mr. DELLENBACK. Mr. Speaker, I thank the gentleman for yielding.

May I say a few brief words in further pursuance of what the gentleman in the well has said.

First of all, let me begin by commending him for his work in sparking this particular study to which he has just referred. It was his particular concern about this problem and his leadership in it that gave rise to the work of a number of other Members of the House as we put together the staff and the field work to yield the document which has been introduced in the RECORD, and I commend him for that.

Mr. WHALEN. I thank the gentleman for those comments.

Mr. DELLENBACK. May I emphasize a couple of points that have already been touched upon or which are made clear by a reading of the study itself.

One of these points is that the situation existing in the world of 1973 is a vastly different situation from that which gave rise to the actions of the early 1960's. The documents that came forth from the Congress, the trade embargo and the Cuba resolution of 1962, the Agricultural Trade Assistance Act of 1954, even before the 1960's, were all based upon the circumstances and situations in existence at that time.

As the document that the gentleman from Ohio (Mr. WHALEN) has referred to expressly says:

> But action which was understandable, and even right, at one time and under one set of circumstances, may no longer be right or even wise at another date and under another set of circumstances.

Today, in 1973, the actions of President Nixon in 1972 in connection with the U.S.S.R. and with the People's Republic of China, and after the recent agreement which was signed in Paris in connection with Southeast Asia, provide the background against which this paper should be read. And it is against this background this paper should be used as a springboard, because we feel this kind of action is a move in the direction of world peace.

Secondly, if one would read pages 8 and 9 of the report he will see the conclusions and the recommendations.

The committee recommends further legislative initiatives by urging that hearings be held in the House and in the Senate by the appropriate subcommittee in each of those bodies so that the American public and Congress—and again I quote—

> . . . can evaluate the viability of our present policy towards the Republic of Cuba and thoroughly and publicly consider proposed changes therein.

It is against those hearings that we feel will come forth information upon which to base further action.

We then made three recommendations, insofar as legislative action was concerned, and also urged that the President take certain executive initiatives which we feel will be thoroughly and fully consistent with what the President has already done in the field of foreign affairs.

I think that the key to the fruitfulness of these results that will be forthcoming from the hearings and the fruitfulness of what this Congress may then elect to do will in a large part depend upon Dr. Castro. If he is receptive, if he talks about peace and is desirous of further showing that the policies to which he adhered so rigidly in the early 1960's are not the policies to which he adheres today, as we feel current events indicate, then this initiative taken by the Congress and directed by the President can yield results of great benefit to the world.

It was with this hope that we made the specific recommendations that are included in this particular paper.

Mr. Speaker, as I began in commending the gentleman from Ohio on his leadership in this particular report, I do so again, and I thank the gentleman.

Mr. WHALEN. Mr. Speaker, I thank the gentleman from Oregon (Mr. DELLENBACK) and I certainly want to congratulate the gentleman for the fine contributions that he has made in the preparation of this paper, and also for his perceptive observations today.

I now yield to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Speaker, again I, too, wish to congratulate the gentleman in the well, Mr. WHALEN, for his leadership, and the distinguished gentleman from Oregon (Mr. DELLENBACK), for his work in the preparation of this paper.

To me this paper is of particular interest, because it is a careful and a thoughtful presentation which demands no unilateral action on our own part, nor any precipitous change in our present policy, but instead asks for a review of a condition which all of us, I think, find unsatisfactory.

We have all applauded our President in his nearly incredible international achievements. He has turned a situation of confrontation with Peking, Moscow, and more recently Hanoi, into a situation of negotiations which we hope will ultimately lead to international peace and friendship. And now there may be the possibility to extend those negotiations, and to turn from confrontation with another country which we have considered our enemy for over a decade.

Mr. Speaker, there are obstacles to normalization noted in the paper that the gentleman from Ohio presents, and I do not underestimate those obstacles. The report notes and contemplates that we will have great difficulty resolving our problems concerning the Guantanamo Naval Base, the difficulty of possible redistribution of our sugar quotas, the refugee problem, the expropriation problem, and indeed many, many other difficulties which may stand in the way of meaningful and fruitful negotiations.

But, the paper also points out the advantages of attempting to normalize our relationships with Cuba, and they are great, too. If this paper is helpful, as I think it will be, in preparing the way for the President and the Congress to jointly consider and move forward in this area, I think the entire Congress and the country will owe the gentleman from Ohio an enormous debt.

Again I commend him for his work. I yield back the balance of my time.

Mr. WHALEN. I certainly want to thank the gentleman from Minnesota, not only for his contribution today, but for the great help that he gave me and our colleagues in the preparation of this paper.

WOMEN IN THE POSTAL SERVICE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Massachusetts (Mrs. HECKLER) is recognized for 15 minutes.

Mrs. HECKLER of Massachusetts. Mr. Speaker, it is with a great deal of pleasure that I take note of the fact that women are moving into positions of responsibility in the U.S. Postal Service.

Happily, postmasters are now chosen on professional merit, and, as a result, more than half the new ones chosen last year were women. That is all those of us who support the concept of equal rights really want: that public positions of responsibility be filled on merit and that women be given an equal chance to qualify for them. We feel that if that is the case, a normal complement of women will advance in their chosen fields.

I commend the Postal Service and I am happy to include herewith Postmaster General E. T. Klassen's announcement on the progress of women in the Service.

Postmaster General E. T. Klassen announced that he has appointed 1,101 women postmasters during 1972—almost half of the total postmasters selected since he was named to head the U.S. Postal Service last January.

All were chosen under the nonpolitical merit system established in November 1970 to remove the old Post Office Department from patronage. Mr. Klassen said:

> I am pleased to see so many women interested in the job of postmaster and even more pleased that such a high percentage of them qualify for these managerial positions.

There are a total of 11,901 women and 17,712 men currently serving as postmasters throughout the Nation. Mr. Klassen appointed 2,407 this year, 1,101 of them women. He said:

> Our women postmasters do an excellent job. They're dependable. They're very good managers and they do well at employee relations.

Mr. Klassen stated that in the New York Region alone, 54 women head major post offices. Mr. Klassen also said:

> Because we draw our people from within the Postal Service, I hope more women will be encouraged to become eligible for postmasterships.

Under procedures established to remove the old Post Office Department from patronage, postmasters are chosen for all but the largest offices by Regional Management Selection Boards. A National Management Selection Board chooses postmasters for the approximately 200 largest post offices.

In each case, first consideration is given to qualified employees within the service. A total of 7,139 postmasters have been selected on this basis since November 28, 1970. Of the total, 2,870 were women.

ROBIN HOOD IN REVERSE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. ABZUG) is recognized for 10 minutes.

Ms. ABZUG. Mr. Speaker, again our hopes have been crushed. Millions of Americans believed that an end to the war in Indochina would mean new money available for human needs. But this is not to be, according to President Nixon. He wants the new money to go where the old money has always gone—straight into the Pentagon grabbag. Mr. Nixon's new budget shows a shocking disregard for both the big-city dweller and the poor farmer, for the hungry, the sick and the deprived, the young and old, the unfortunate—and an even more shocking willingness to continue the military waste that has so outraged our Nation.

Military spending is to be increased from $74.2 billion in fiscal 1973 to $78.2 billion in 1974 and $82.2 billion in 1975. Lest we thought that the war in Indochina was really over, note that military aid to Laos and to South Vietnam is not cut but increased.

Development of the Trident missile, the B–1 bomber, Minuteman III and the Poisedon monstrosity, is to continue. Still newer weapons are to be developed: a strategic submarine launch cruise missile, for example. On the other hand Food for Peace is being cut from $877 to $766 million—a tiny sum at best.

What happened to human needs? Like a reverse Robin Hood, Mr. Nixon socks the poor to give to the rich.

Funds are totally terminated for the Community Action organizations of OEO—that antipoverty agency which has made so many people better able to express and to fill their own needs. Mr. Nixon says he wants Americans to do more for themselves—but apparently he does not approve of their organizing to do so. Too many community organizations have been telling him how it really is.

Desperately needed housing is about to be tossed back to the real estate interests—who have consistently refused to build low- and middle-income housing. There will be no more Federal assistance under the rent supplement, homeownership, or mortgage programs, rural loans, or loans to small farmers. For thousands of poorly housed tenants in New York City, Mr. Nixon is slamming shut the door on their hopes for a decent place to live at rents they can pay.

Totally terminated, also, are many programs in which citizens have received Federal aid for local improvements: the Model Cities program, urban renewal, rehabilitation loans, neighborhood facilities grants, open space grants. Do it yourself, New York, Detroit, Chicago.

The Economic Development Administration will receive no funds. Community Development and Housing are now part of the revenue sharing plan. Successful programs are being torn apart and thrown as bones to petty State bureaucrats. If there is anything more immovable than a Federal bureaucrat, as you and I well know, it is a local bureaucrat. Yet this dismantling of Federal aid in favor of State and local control does not—as Mr. Nixon pretends—give power to the people; it gives power to local politicians to control the people.

Where bias exists, this new budgetary control will reinforce it. Antiblack politicians, for example, are not likely to be generous toward the housing, health, and educational needs of blacks. Political enemies can be silenced by wiping out their projects.

The Republican-controlled legislature in Albany is not likely to help Democratic New York City, which has the greatest need in my home State.

Education likewise is pared. Mr. Nixon makes a bow to youth in increasing Headstart funds and educational opportunity grants; but at the same time, title I funds for education in poor areas are cut from $1.5 billion to $411 million—an unbelievable slash. Milk subsidies are cut from school lunches. General Federal aid to impacted areas is cut from $468 to $131 million.

There is a token increase from $778 million to $844 million for child care, but presumably this is to get mothers of young children out of the home and into the already-sagging work force. The "work incentive" program is also increased. Meanwhile, the real child care needs of working mothers are neglected. In New York City, programs to continue and expand child care centers for moderate and middle income as well as low-income families are threatened by the Federal ceiling on social services expenditures.

At the same time, public service jobs are being discontinued. The President must know little of cities if he expects the private sector to employ workers from the welfare rolls, however capable.

Social workers have helped greatly in training and placement—but all Federal social work training programs are also to be terminated in 1974.

Health needs, of rising concern to the Nation, get the brushoff. The country is disgracefully short of medical and paramedical personnel—yet Mr. Nixon asks us to begin a 3-year phaseout of health training grants—and to limit these to physicians and dentists only, excluding nurses, physicians' aides, and others who can ease the burden. Here the President flies in the face of the medical profession's own recommendations. This budget also terminates construction assistance to hospitals, no matter how much we need them. We are also asked to phase out mental health agencies—despite increasing evidence that mental illness is a national problem.

In an age when science can help to solve many of these problems, Mr. Nixon closes his office to a science adviser; some of them in recent years gave advice he did not like. But if there is any way out of our national predicament, science will have to find it and the President will have to listen.

Pollution controls, for instance, have been long known to science—but not implemented because of the howls of industry. The present budget cuts funds for control of water pollution from 6 billion to 3 billion. New York City, among other jurisdictions, has filed suit to free the water pollution funds which the President has impounded.

Richard Nixon's theory that every American should go it alone was no good even in those pioneer days he harks back to. If society's strongest and healthiest members had not taken care of the less fortunate, our civilization would have collapsed long ago; for talent, ability, and genius have repeatedly risen from unexpected sources. Have we now reached the point where we pay taxes, not to feed the hungry and house the shelterless but only to bail out giant firms making monstrous weapons? Is this what we want our country to be?

Senator PROXMIRE has reminded us of Abraham Lincoln's view that "government should do for the people whatever they need to have done, but cannot do at all, or cannot do so well for themselves, in their separate and individual capacities." In the complex America of the 1970's it is literally impossible for any but a relative few to fill their needs alone.

If President Nixon really believes what he says, Senator PROXMIRE suggests, why does he not apply the same principle of self-reliance to the corporations and the wealthy his administration has continually favored?

Why not insist that Lockheed return the $250 million loan guarantee the Government has granted them?

Why not propose tax reform legislation to remove the inequities that give tax breaks to corporations and to millionaires, some of whom now pay no Federal income tax at all?

Will we in the Congress demand a reassessment?

My own position is clear. I have introduced and will shortly reintroduce a bill to cut off all military aid to the Thieu regime; a bill which will lock the door behind the President so that he can never again intervene in Asian affairs.

On the home front, I have introduced a bill to prohibit the President from impounding funds without the consent of Congress, and have joined other Members in attacking Nixon's freeze on housing funds. I have introduced H.R. 226 to make housing available for the elderly and H.R. 227 to assist in rehabilitating housing for low and moderate income persons. I have sponsored legislation to double the number of jobs in the Emergency Employment Program. I have called for a Department of Elderly Affairs (H.R. 234) and for better transportation for the elderly and handicapped (H.R. 231).

In our society it is the middle-aged and elderly who are most afflicted—through no fault of their own—by poverty. We must see that they are protected against such further onslaughts as are proposed in this budget. I have also introduced legislation to prevent States from taking back with one hand the aid they are giving with the other. H.R. 242 would prevent the reduction of State aid because of increases in social security or other benefits. H.R. 223 protects recipients of food stamps from unreasonable cutoffs. H.R. 243 eliminates medicare taxes, deductions, and co-insurance and extends coverage to items not now covered, for instance, eye care and hearing care.

Mr. Nixon has urged us to get big Government off our backs and out of our pockets. The ordinary citizen finds that without Government aid he is very quickly devoured by rising costs, medical bills, and misfortunes beyond his control. Since this House is the primary representative of the ordinary citizen, I urge that we stand firm in protection for individual rights.

Many of us have long called for a reordering of priorities. We did not mean a revision downward for the big-city dweller, for working people and for the poor, and upward for the rich and the military.

I call upon those—Democrats, Independents, and Republicans—who have helped to build strong social legislation not to stand aside while it is being destroyed.

Instead, let us join forces to repudiate the cuts in human welfare.

Let us provide the jobs, the housing, the education, the health care, so badly needed.

Let us tell Mr. Nixon that we will not supinely agree to his proposal.

Let us in Congress propose our own state of the Union message outlining our postwar priorities for human needs, and let us fight to enact them into law.

THE HANDGUN CONTROL ACT OF 1973

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ROSTENKOWSKI) is recognized for 5 minutes.

Mr. ROSTENKOWSKI. Mr. Speaker, all too often, we in this Congress are put in the position of reacting to a crisis, rather than moving positively to avoid one. The gun-related tragedies of the last decade are good examples of the congressional propensity for lament which, unfortunately, was not coupled with the appropriate energies needed to implement change. We in Congress should develop the foresight to anticipate difficulties rather than merely lament their occurrence until their frequency forces us to act.

Therefore, in the hope that we might avert future tragedies, I am today introducing the Handgun Control Act of 1973. Last Congress, I introduced similar legislation with Congressman Abner Mikva, who unfortunately is no longer here to continue his fight for strict regulation of handguns.

This legislation does not ban possession of handguns. It does, however, attempt to dry up the free supply of handguns by banning the importation, manufacture, transfer, sale or transportation of them except by or for military or certain persons and pistol clubs licensed by the Secretary of the Treasury. It is an attempt at creating a national firearms policy which restricts the availability of handguns for nonlaw enforcement purposes.

In recent years, many distinguished groups of Americans have spoken out against the handgun epidemic. Three presidential commissions—the National Advisory Commission on Civil Disorders in 1968, the National Commission on the Causes and Prevention of Violence in 1969, and the Brown Commission on the Reform of Criminal Laws in 1970—have urged stringent Federal firearm controls. Yet, we have failed to meet the need for legislation which could have prevented much tragic gun violence.

The National Commission on the Causes and Prevention of Violence estimates that there are 24 million handguns in civilian hands in the United States. They also indicate that the handgun is the criminal's primary weapon. Although only about one-quarter of all firearms in this country are handguns, they are used in three-quarters of the homicides involving firearms. Handguns play a disproportionate role in comparison with long guns in the commission of aggravated assault and armed robbery.

The primary function of a gun is to kill. Yet we permit ready accessibility of guns which cannot be discounted as a major weapon in violent crimes. We are shocked and sickened when a prominent national figure is the victim of gun violence, yet we can easily forget that 10,000 Americans were murdered by gunfire in 1971. We are persuaded that handguns provide a measure of comfort and safety for their owners when in fact, they contribute substantially to violence in American society. Too many of our citizens own guns. The right to own a .45 should not be more important than the opportunity to save human lives.

It is a kind of national insanity that allows the frenzy of the gun lobby in this country to put the convenience and amusement of gun enthusiasts ahead of the welfare and safety of the American people. The United States is no longer a frontier society and pistols as playtoys are not tolerable in crowded urban communities. Increases in hunting and sport shooting only partly account for the spiraling sale of firearms and can have little to do with handguns. I do not believe that we must deny any citizen the opportunity to sport-hunt or collect antique guns. But these activities must be controlled and may not preclude any possible measure to insure the safety of our citizens.

It is not true that the possession of guns is limited to sportsmen or persons living in rural areas. Much of the recent handgun buying is taking place in urban areas—places where there can be few legitimate sporting or recreational uses for them. In my city of Chicago, half of the murders committed in 1970 involved handguns and nearly 70 percent involved firearms. More than half of the homicides by firearm were committed by young persons under the age of 21.

Figures provided by the Chicago Police Department demonstrate that the number of homicides committed with firearms has more than doubled since 1955. The number of persons under 21 years of age involved in gun homicides increased 613 percent between 1965 and 1970. We must put an end to the mounting pattern of death by gun. Unless strong measures are taken to prevent firearms from becoming easily acquired by youth and other individuals, law enforcement officials will be unable to cope with a problem that is growing faster than our population rate. Congress must meet the real, immediate, and fundamental need to make the tools of murder inaccessible.

The gun lobbyists may bemuse themselves with their cant that "guns don't kill people; people kill people." But the plain fact is that guns enable people to kill people easily, thoughtlessly, comfortably, and on the spur of the moment. It is a form of madness to allow guns—especially handguns—to be in the possession of anyone who wants them. The mere passage of gun control legislation would not induce every criminal to surrender his crime tools. But it would begin the process of curbing the spread of pistols and make it more difficult for potential criminals to obtain their weapons.

At least five European countries totally prohibit the private possession of handguns. The murder rate in these countries is between 10 and 90 times lower than the murder rate in the United States. In these countries there is no registration, no regulation—just no handguns. We, too, must take a first and initial step toward sanity. It is callous, immoral madness not to do anything to stop this gunplay.

Increased guns mean increased violence. Gun control legislation does not curtail individual liberty, but protects liberty, and indeed life, by restricting possession of the weapon most frequently used for crime and for killing. The shocking familiarity of firearms deaths is not justifiable, tolerable or necessary. It is simply the result of our inability to take a strong and fundamental position to save human lives.

A BUDGET OF BAUBLES AND BUBBLES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. VANIK) is recognized for 10 minutes.

Mr. VANIK. Mr. Speaker, today, January 29, the administration has released its budget for fiscal year 1974—the 12 month period beginning July 1, 1973. I certainly support the administration's efforts to hold spending to the $269 billion level; I believe that this is a time for strict controls on Government expenditures if we are to avoid accelerated inflation or the imposition of unwanted Federal taxes.

My staff and I have completed our first review of this 1,100 page document, and I am sadly disappointed in the direction, the emphasis, and the priorities of this budget. With only limited funds available to meet so many problems, billions are being directed in unneeded, obsolete, and useless programs.

This is a budget of subsidies for special interests; it is a budget that cancels programs for the people—for the young, the old, and the ill. It is a budget which helps those who least need its help—and denies programs to those who most need them. This is a budget which provides $66.4 million for airline subsidies, but eliminates a $50 million feeding program for hungry children during the summer. This is a budget which increases military foreign aid by $132 million to a total of $685 million but reduces domestic health research and health service funds by over $600 million.

This is a bureaucrat's budget. It provides for increases in Government employment in the office of Cabinet Secretaries, but reduces delivery of Government services. This is a budget which increases employment in the office of the Secretary of Health, Education, and Welfare by 500, but reduces employment at the National Institutes of Health research centers by 500. It is a budget which creates 400 new jobs for the Secretary of Commerce, but which expects the VA hospitals to treat 28,000 more patients in the coming year, including thousands of Vietnam casualties, with 2,200 fewer doctors and hospital attendants. It is a budget which expects the Postal Service to handle 1.8 billion additional pieces of mail with 103,000 fewer workers. It is a budget which maintains the headquarters staff of the Peace Corps, but cuts the volunteers in the field by over 200.

This year's budget continues to place a heavy emphasis on defense and the machines of war. Our involvement in the Vietnam war has ended—but somebody forgot to tell the Pentagon. The Department of Defense had a budget authority of $77.8 billion in the present fiscal year. But for the year starting July 1, they have requested $83.5 billion—an increase of nearly $5.7 billion. In the coming year, the Department wants an additional $2 billion for weapons procurement, development, and construction. Billions of dollars of these procurement programs are spent on obsolete and unnecessary weapons—and on correcting the structural flaws in airplanes already procured through sloppy contracts. At a time when we should be preparing for a new round of strategic arms limitation talks, we are building whole new generations of multi-billion-dollar weapons systems—such as an extra billion for the start of the construction of the Trident submarine and a new nuclear aircraft carrier. But the budget cuts the funds for the Arms Control and Disarmament Agency from $10 million to $7 million. There is no generation of peace built into this budget—only a new race for the weapons of war.

In addition, this is a budget which totally fails to recognize new problems. While this budget's commitment to the solution of the environmental crisis is very weak—it does not even recognize that there is an energy crisis. Never have I seen so much rhetoric about a problem—with so little hard action in way of programs and expenditures. As in the past, the energy research and development programs of the Federal Government are badly fractured among dozens of agencies, and it is hard to get a clear picture of the total amount to be spent on new energy research. But following is a short table of the major potential sources of "new" energy research funding:

[In millions of dollars]

	Fiscal year—	
	1973	1974
Department of the Interior:		
Office of Oil and Gas	1.5	1.5
Office of Coal Research	43.4	52.5
Central Energy Research and Development Fund	0	25.0
Atomic Energy Commission (including nonnuclear research)	2,633.4	2,429.4
NASA (including new forms of energy research)	3,406.5	3,015.0
National Science Foundation (including basic scientific research on energy)	645.0	582.0
Federal Power Commission	23.6	27.2
Total	6,753.4	6,132.6

The conclusion is obvious. The civilian scientific research capability of the Government is diminishing, and the President's recent reference to increased energy research is illusionary. Three-fourths of the energy money referred to in the "Special Analysis of the Budget" goes to nuclear energy. New, clean energy research is almost totally lacking. In that portion of the budget covering the White House, we were told that the President's Office of Science and Technology was not really being abolished but that it was just being transferred to the National Science Foundation—yet NSF's budget is drastically reduced. Apparently our Nation's top executive leaders not only do not want scientists near them—they do not want them at all.

While the table I have just provided lists the Nation's major research and energy agencies, when one looks inside these agencies, one sees that they are doing very little energy research. The construction of new tankers is extremely short range solution to the energy crisis; it is not environmentally sound—it is simply another subsidy to the producers. The increase in the Federal Power Commission budget does not provide for any studies or solutions to the energy crisis. It just allows the FPC more staff to improve rate increases for the producers.

The one wholly new energy program, the Central Energy Research and Development Fund in the Department of the Interior is funded for a mere $25 million and will make expenditures of only $15 million in the coming budget year. The AEC budget is consumed mostly by the development of existing nuclear technology—a technology which we increasingly realize to be potentially dangerous. Research into one of the great potential energy sources of the future—fusion energy—is increased from only $37 to $44.5 million. In reality, a great deal of the AEC budget goes for nuclear warheads. They are spending $12 million on shells for nuclear artillery—hardly a weapon designed for the missile age.

Most of NASA's budget, rather than shifting to earth-related research and the meeting of national energy and pollution control needs, is spent on launching rockets into outer space. Funds for the space shuttle increase from $200 million to $475 million. Construction for these items are increased, while facilities such as the Lewis and Plumbrook Research Centers, which could be used for propulsion, energy, and pollution control research, are cut back.

It is obvious: The administration may say there is an energy crisis—but they do not attempt to meet it. The Congress will have to take the initiative in this area and develop a coordinated national energy policy with properly directed research for clean, cheap and safe energy supplies for the future.

Finally, this budget is a flimflam operation. There is so much reorganization and shifting of funds from department to department that it is nearly impossible to tell which programs have been cut. Reading this 1,100-page document is like trying to use a telephone book stapled together by a chimpanzee. The budget says that the Office of Economic Opportunity's health and nutrition programs of $165 million are being transferred to HEW. But when one adds the HEW health delivery programs together, one realizes that the total cut in health delivery services in the coming year is about $600 million. At first glance, one would gather that higher education expenses are up by half a billion—until one gets to the back of the budget where amendments and reductions in the fiscal 1973 budget are listed. Then one realizes that higher education programs for fiscal 1974 have been cut by about $200 million from the original fiscal year 1973 requests. It is a budget which eliminates the emergency public service employment programs by assuming that the unemployment rate will fall below 4.5 percent by July 1.

These reorganizations and new revenue sharing programs are a camouflage for the elimination of major programs. They are a smokescreen for a distortion of basic priorities. Two thousand years ago a Roman official summed up the operation of the present administration's reorganization plans:

> We trained hard but it seemed that every time we were beginning to form up we would be reorganized. . . . I was to learn later in life that we tend to meet any new situation by reorganizing, and a wonderful method it can be for creating the illusion of progress while producing confusion, inefficiency and demoralization.—Petronius Arbitar

In the following days, I will submit a "counter-budget." This budget will fit within the expenditure limitations which the President has set and which I believe are basically valid. But it will be a budget which would eliminate billions of dollars in programs which are obsolete, unwise, and unneeded. It will be a budget which will shift the moneys saved from these programs to programs better designed to serve the American people.

MAJOR MODERNIZATION OF THE PANAMA CANAL: INTRODUCTION OF H.R. 1517

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 15 minutes.

Mr. FLOOD. Mr. Speaker, since November 29, 1971, the House Subcommittee on the Panama Canal, under the able chairmanship of my distinguished colleague from New York (Mr. MURPHY), has been conducting comprehensive hearings on certain aspects of the interoceanic canal problem. In addition to matters already considered, this subject existing Panama Canal under the includes the major modernization of the strongly supported Terminal Lake-Third Locks plan. This proposal was developed in the canal organization as the result of World War II experience and promptly won the approval of President Franklin D. Roosevelt as a postwar project. To provide for such modernization, I have introduced H.R. 1517, which will be quoted later in my remarks.

Because many new Members of the Congress may not be informed as to important features in the vital canal subject, I shall summarize some of them:

First. The major increase of capacity of the existing canal by the construction of a third set of larger locks was originally authorized in 1939 at a cost not to exceed $277,000,000, primarily as a defense measure.

Second. Construction started in 1940 but was suspended in May 1942, because of more urgent war needs. A total of $76,357,405 was expended, largely on huge lock site excavations at Gatun and Miraflores, a roadbed for relocating the Panama Railroad near Gatun, and a railroad bridge across the Miraflores locks, all of which can be utilized. No excavation was started at Pedro Miguel, which was fortunate.

Third. The great principle in the Terminal Lake plan is the creation of an expansion chamber for traffic in the summit level at the south end of Gaillard Cut.

Fourth. In brief, the plan calls for the elimination of the bottleneck Pedros Miguel locks, the consolidation of all Pacific locks at Agua Dulce to match the layout and capacity of the Atlantic locks, creation of a summit-level terminal lake at the Pacific end of the canal, and raising the maximum summit lake water level from 87 feet to its optimum height. One set of the new Pacific locks would be the same size as the new set of larger locks at Gatun. The optimum summit water level of 92 feet mentioned in section 2(a) of the bill is that recommended in the report of the Governor of the Panama Canal under Public Law 280, 79th Congress.

Fifth. A total of $95,000,000 was expended on the enlargement of Gaillard Cut from a width of 300 feet to 500 feet which was completed on August 15, 1970. When this sum is added to that spent on the previously mentioned suspended Third Locks project, it totals more than $171,000,000 already invested toward the canal's major modernization.

Sixth. The total U.S. investment in the canal enterprise, including its defense, from 1904 through June 30, 1971, was $5,695,745,000, which, if converted into 1973 dollars, would be far greater.

Seventh. Among the outstanding advantages of the Terminal Lake-Third Locks plan are that it:

Enables the maximum utilization of all work so far accomplished on the Panama Canal, including that on the suspended Third Locks project.

Can be constructed under existing treaty provisions, a paramount consideration.

Preserves the existing fresh water barrier between the oceans, thereby protecting the Atlantic from infestation by poisonous Pacific sea snakes, the crown of thorns starfish, and other marine biological dangers.

Can be constructed at relatively low cost with every assurance of success and without the danger of disastrous slides.

Does not require the negotiation of a new treaty with Panama.

Has strong support from major environmental groups as well as independent canal and other experts.

Safeguard the economy of Panama.

Provides the best operational canal practicable of achievement at least cost, and without diplomatic involvement.

In contrast, the strenuously propagandized proposal for a new canal of so-called sea level design, located in the Republic of Panama about 10 miles west of the existing canal and initially estimated in the 1970 report under Public Law 88–609, as amended, to cost $2,880,000,000, would require a new treaty with Panama involving a huge indemnity and the cost of a right of way, both of which would have to be added to the cost of construction.

Such a project would take an estimated 15 years to construct and open a Pandora's box of difficulties and be less satisfactory operationally than the existing canal as modernized. Moreover, the construction of a salt water channel between the oceans is strongly opposed by important biological, environmental, and scientific groups and publications at home and abroad, would seriously dislocate the economy of Panama with major consequences, and hinge upon the surrender by the United States of the canal's indispensable protective frame of the Canal Zone to Panama. The last would place the United States in the impossible position of having grave responsibility without requisite authority.

When the question of increased transit facilities is evaluated from its most significant angles, the evidence is conclusive that the major modernization of the existing canal under the time-tested Terminal Lake-Third Locks proposal offers the best operational, the most economical, the most logical and the most historically based solution of the canal question ever devised.

The indicated bill follows:

H.R. 1517

A bill to provide for the increase of capacity and the improvement of operations of the Panama Canal, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Panama Canal Modernization Act".

Sec. 2. (a) The Governor of the Canal Zone, under the supervision of the Secretary of the Army, is authorized and directed to prosecute the work necessary to increase the capacity and improve the operations of the Panama Canal through the adaptation of the Third Locks project set forth in the report of the Governor of the Panama Canal, dated February 24, 1939 (House Document Numbered 210, Seventy-sixth Congress), and authorized to be undertaken by the Act of August 11, 1939 (53 Stat. 1409 Public Numbered 391, Seventy-sixth Congress), with usable lock dimensions of one hundred and forty feet by one thousand two hundred feet by not less than forty-five feet, and including the following: elimination of the Pedro Miguel Locks, and consolidation of all Pacific locks near Agua Dulce in new lock structures to correspond with the locks capacity at Gatun, raise the summit water level to its optimum height of approximately ninety-two feet, and provide a summit-level lake anchorage at the Pacific end of the canal, together with such appurtenant structures, works, and facilities, and enlargements or improvements of existing channels, structures, works, and facilities, as may be deemed necessary, at an estimated total cost not to exceed $950,000,000, which is hereby authorized to be appropriated for this purpose: *Provided, however,* That the initial appropriation for the fiscal year 1974 shall not exceed $45,000,000.

(b) The provisions of the second sentence and the second paragraph of the Act of August 11, 1939 (53 Stat. 1409; Public Numbered 391, Seventy-sixth Congress), shall apply with respect to the work authorized by subsection (a) of this section. As used in such Act, the terms "Governor of the Panama Canal", "Secretary of War", and "Panama Railroad Company" shall be held and considered to refer to the "Governor of the Canal Zone", "Secretary of the Army", and "Panama Canal Company", respectively, for the purposes of this Act.

(c) In carrying out the purposes of this Act, the Governor of the Canal Zone may act and exercise his authority as President of the Panama Canal Company and may utilize the services and facilities of that company.

Sec. 3. (a) There is hereby established a board, to be known as the "Panama Canal Advisory and Inspection Board" (hereinafter referred to as the "Board").

(b) The Board shall be composed of five members who are citizens of the United States of America. Members of the Board shall be appointed by the President, by and with the advice and consent of the Senate, as follows:

(1) one member from private life, experienced and skilled in private business (including engineering);

(2) two members from private life, experienced and skilled in the science of engineering;

(3) one member who is a commissioned officer of the Corps of Engineers, United States Army (retired); and

(4) one member who is a commissioned officer of the line, United States Navy (retired).

(c) The President shall designate as Chairman of the Board one of the members experienced and skilled in the science of engineering.

(d) The President shall fill each vacancy on the Board in the same manner as the original appointment.

(e) The Board shall cease to exist on that date designated by the President as the date on which its work under this Act is completed.

(f) The Chairman of the Board shall be paid basic pay at the rate provided for level II of the Executive Schedule in section 5313 of title 5, United States Code. The other members of the Board appointed from private life shall be paid basic pay at a per annum rate which is $500 less than the rate of basic pay of the Chairman. The members of the Board who are retired officers of the United States Army and the United States Navy each shall be paid at a rate of basic pay which, when added to his pay as a retired officer, will establish his total rate of pay from the United States at a per annum rate which is $500 less than the rate of basic pay of the Chairman.

(g) The Board shall appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, a Secretary and such other personnel as may be necessary to carry out its functions and activities and shall fix their rates of basic pay in accordance with chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates. The Secretary and other personnel of the Board shall serve at the pleasure of the Board.

Sec. 4. (a) The Board is authorized and directed to study and review all plans and designs for the Third Locks project referred to in section 2(a) of this Act, to make on-the-site studies and inspections of the Third Locks project, and to obtain current information on all phases of planning and construction with respect to such project. The Governor of the Canal Zone shall furnish and make available to the Board at all times current information with respect to such plans, designs, and construction. No construction work shall be commenced at any stage of the Third Locks project unless the plans and designs for such work, and all changes and modifications of such plans and designs, have been submitted by the Governor of the Canal Zone to, and have had the prior approval of, the Board. The Board shall report promptly to the Governor of the Canal Zone the results of its studies and reviews of all plans and designs, including changes and modifications thereof, which have been submitted to the Board by the Governor of the Canal Zone, together with its approval or disapproval thereof, or its recommendations for changes or modifications thereof, and its reasons therefor.

(b) The Board shall submit to the President and to the Congress an annual report covering *its activities* and functions under this Act and the progress of the work on the Third Locks project and may submit, in its discretion, interim reports to the President and to the Congress with respect to these matters.

Sec. 5. For the purpose of conducting all studies, reviews, inquiries, and investigations deemed necessary by the Board in carrying out its functions and activities under this Act, the Board is authorized to utilize any official reports, documents, data, and papers in the possession of the United States Government and its officials; and the Board is given power to designate and authorize any member, or other personnel, of the Board, to administer oaths and affirmations subpena witnesses, take evidence, procure information and data, and require the production of any books, papers, or other documents and records which the Board may deem relevant or material to the performance of the functions and activities of the Board. Such attendance of witnesses, and the production of documentary evidence, may be required from any place in the United States, or any territory, or any other area under the control of jurisdiction of the United States, including the Canal Zone.

Sec. 6. In carrying out its functions and activities under this Act, the Board is authorized to obtain the services of experts and consultants or organizations there in accordance with section 3109 of title 5, United States Code, at rates not in excess of $200 per diem.

Sec. 7. Upon request of the Board, the head of any department, agency, or establishment in the executive branch of the Federal Government is authorized to detail, on a reimbursable or nonreimbursable basis, for such period or periods as may be agreed upon by the Board and the head of the department, agency, or establishment concerned, any of the personnel of such department, agency, or establishment to assist the Board in carrying out its functions and activities under this Act.

SEC. 8. The Board may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

SEC. 9. The Administrator of General Services or the President of the Panama Canal Company, or both, shall provide, on a reimbursable basis, such administrative support services for the Board as the Board may request.

SEC. 10. The Board may make expenditures for travel and subsistence expenses of members and personnel of the Board in accordance with chapter 57 of title 5, United States Code, for rent of quarters at the seat of government and in the Canal Zone, and for such printing and binding as the Board deems necessary to carry out effectively its functions and activities under this Act.

SEC. 11. All expenses of the Board shall be allowed and paid upon the presentation of itemized vouchers therefor approved by the Chairman of the Board or by such other member or employee of the Board as the Chairman may designate.

SEC. 12. There are hereby authorized to be appropriated to the Board each fiscal year such sums as may be necessary to carry out its functions and activities under this Act.

SEC. 13. Any provision of the Act of August 11, 1939 (54 Stat. 1409; Public Numbered 391, Seventy-sixth Congress), or of any other statute, inconsistent with any provision of this Act is superseded, for the purposes of this Act, to the extent of such inconsistency.

HEARING ON COMPREHENSIVE OLDER AMERICANS SERVICES BILL

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, I would like to inform my colleagues that on Thursday, February 8, the Select Committee on Education, which I have the honor to chair, will conduct hearings on legislation to extend and amend the Older Americans Act of 1965, as amended, with particular reference to H.R. 71 and other identical measures.

The Honorable Caspar Weinberger, Secretary-designate of the Department of Health, Education, and Welfare, has been invited to testify at the hearing, which will be held in room 2261 of the Rayburn House Office Building, beginning at 9:45 a.m.

Mr. Speaker, on January 3, I introduced H.R. 71, the comprehensive older Americans services bill, and since that time 123 Members of the House, both Democrats and Republicans, have joined in sponsoring identical measures.

You will recall, Mr. Speaker, that these bills are identical to H.R. 15657, which was passed unanimously in both the House and the Senate last year, and which the President vetoed after the 92d Congress had adjourned.

I am enclosing at this point, Mr. Speaker, for the benefit of my colleagues, a summary of H.R. 71 and the other identical bills:

TITLE-BY-TITLE SUMMARY OF THE COMPREHENSIVE OLDER AMERICANS SERVICES AMENDMENTS

TITLE I—DECLARATION OF OBJECTIVES

The Congress expanded the objectives contained in the original Older Americans Act of 1965 by placing emphasis on the need to make comprehensive social service programs available to older Americans and to insure their participation in the development of these programs.

TITLE II—ADMINISTRATION ON AGING

This title establishes the Administration on Aging and places it within the Office of the Secretary of Health, Education, and Welfare. AoA is headed by a Commissioner on Aging who is appointed by the President and confirmed by the Senate. The Administration on Aging is given primary responsibility for carrying out the programs authorized under this act.

Language has also been included which is designed to protect the administrative integrity of the Administration on Aging so as to guarantee that AoA carries out the mandate prescribed by Congress in this legislation. The legislation specifically states that the Commissioner shall be directly responsible to the Secretary and not to or through any other officer of the Department. The Commissioner's functions may not be delegated unless a delegation plan is submitted to Congress for approval.

Title II also creates a "National Information and Resource Clearinghouse for the Aging" which is designed to collect, analyze, prepare and disseminate information regarding the needs and interests of older Americans.

The bill authorizes $750,000 for fiscal year 1973; $1 million for fiscal year 1974 and $1,250,000 for fiscal year 1975.

In addition, title III contains a provision establishing a "Federal Council on the Aging" which will be composed of 15 members appointed by the President and confirmed by the Senate. The Council will assist and advise the President on matters relating to the needs of older Americans; review and evaluate the impact of Federal policies and programs on the aging; serve as a spokesman on behalf of older Americans by making recommendations to the President, the Secretary of Health, Education, and Welfare, the Commissioner on Aging, and the Congress with respect to Federal activities in the field of aging; and undertake programs designed to increase public awareness of the problems and needs of our senior citizens. The Federal Council on the Aging will also undertake various studies designed to further clarify the specific needs of the elderly and recommend solutions to them, with special emphasis on the impact of taxes of the elderly.

The act provides that for the purposes of administering the act, that there be authorized to be appropriated such sums as may be necessary.

Title II also includes:

(*a*) provision for evaluation, not to exceed 1 percent of the funds appropriated under this act or $1 million whichever is greater;

(*b*) requirement that the Commissioner submit to the President for transmittal to Congress a full and annual report;

(*c*) provision for joint funding of projects, with the Federal agencies principally involved and designated to act for all in administering the funds provided; and

(*d*) provision for advance funding.

TITLE III—GRANTS FOR STATE AND COMMUNITY PROGRAMS ON AGING

Under title III, the Administration on Aging will work with State aging offices to develop a statewide plan for delivering social services to senior citizens. Each State may be divided into planning and service areas which will bear the primary responsibility for developing the apparatus required to deliver social and nutritional services to the elderly. These area aging units are designed to coordinate existing governmental services, purchase services, and/or provide services where they are otherwise unavailable.

In addition, the Commissioner may undertake "model projects" within a State, giving special consideration to projects involving the housing needs of older persons, transportation needs, continuing education, preretirement information, and special services to the handicapped. It is hoped that these model projects will expand and improve the delivery of social services to older persons.

There is authorized to be appropriated $100 million for fiscal year 1973; $200 million for fiscal year 1974 and $300 million for fiscal year 1975.

The sums appropriated will be alloted as follows:

(*a*) Each State is allotted an amount equal to one-half of 1 percent of such sum.

(*b*) From the remainder, each State shall be allotted an amount that bears the ratio to such remainder as the population age 60 or over in such State bears to that population in all States. Guam, American Samoa, the Virgin Islands, and the Trust Territories are allotted an amount equal to one-fourth of 1 percent. In fiscal year 1975 the formula will be based on population aged 60 and over in each State as it relates to that population in all States except that no State will be allotted more than one-half of 1 percent (or one-fourth of 1 percent) as the case may be. In addition, no State shall be allotted an amount less than it received in fiscal year 1973.

(*c*) Of each State's allotment not more than 20 percent thereof shall be available to pay not more than 75 percent of the cost of social services provided as a part of a comprehensive and coordinated system. Of the remainder, but not more than 65 percent may be used to pay not more than 90 percent of the cost of social services as a part of a comprehensive and coordinated system.

When a State is divided into planning and service areas, the State agency shall, after consideration of the views of the local government designate a public or nonprofit private agency or organization as the area agency on aging for such area.

An area agency on aging designated must be:

1. an established office on aging, or
2. any office or agency of a unit of general purpose local government, or
3. any office or agency designated by the elected officials, or a combination thereof, or
4. any public or nonprofit private agency which is under the supervision or direction of the designated State agency—so long as assurance can be provided that it has the ability to develop a plan and to carry it out. The State agency shall give preference on an established office on aging unless it finds that such office does not have the capacity to carry out the area plan.

An area plan shall provide for a comprehensive and coordinated system for the delivery of social services within the area and provide for the establishment and maintenance of information and referral sources in sufficient numbers to assure that all older persons within the area will have reasonably convenient access to such sources. The area agency, among other things, will establish an advisory council in the area.

State plans, also requires that throughout the State, information and referral sources be established in sufficient numbers to assure that older persons have convenient access to such sources.

Title III also provides funds to States based on population age 60 and over with a proviso that no State will be allotted less than one-half of 1 percent of the sums appropriated or $100,000, whichever is greater and that Guam, American Samoa, the Virgin Islands, and the Trust Territories shall be allotted no less than one-fourth of 1 percent of the sums appropriated or $50,000, whichever is greater for the purpose of planning, coordination, evaluation and administration of State plans.

For this purpose there is authorized to be appropriated $20 million for fiscal year 1973, $20 million for fiscal year 1974 and $20 million for fiscal year 1975.

Provision is also made that any amount not used by a State agency may be transferred to the area agency to cover part of the cost of the area planning.

In addition, the Commissioner may undertake "model projects" within a State, giving special consideration to projects involving the housing needs of older persons, transportation needs, continuing education, preretirement information, and special services to the handicapped. It is hoped that these model projects will expand and improve the delivery of social services to older persons.

For the purpose of carrying out the model projects there is authorized to be appropriated $70 million for fiscal year 1973, $105 million for fiscal year 1974 and $140 million for fiscal year 1975.

TITLE IV—TRAINING AND RESEARCH

The Commissioner on Aging may undertake programs designed to attract qualified persons into the field of aging and to provide training programs for personnel in this field. There is authorized to be appropriated for these purposes $15 million for fiscal year 1973, $20 million for fiscal year 1974 and $25 million for fiscal year 1975.

There is also provision for special transportation problems of older Americans. There is authorized to be appropriated for this purpose $7,500,000 for fiscal year 1973, $15 million for fiscal year 1974 and $20 million for fiscal year 1975.

The Commissioner on Aging is further authorized to make grants and contracts for research and development projects in the field of aging. There is also a provision for the establishment and support of multidisciplinary centers of gerontology, which will assist in the research and training programs as well as provide technical assistance for State and local aging units. There is authorized to be appropriated for these purposes $20 million for fiscal year 1973, $30 million for fiscal year 1974 and $40 million for fiscal year 1975.

TITLE V—MULTIPURPOSE SENIOR CENTERS

This title provides for the acquisition, alteration, renovation and construction of multipurpose senior centers to serve as a focal point in communities for the development and delivery of social and nutritional services. The Commissioner on Aging may make grants or contracts to pay up to 75 percent of the cost. Construction is to occur only where utilizing existing facilities is not feasible.

There is authorized to be appropriated 35 million for each fiscal year beginning July 1, 1973 and ending June 30, 1975.

This title also provides for loan insurance for senior centers, annual interest grants (anything above 3 percent per annum—approval by the Secretary required) and grant authorizations for staffing of such centers.

For initial staffing there is authorized to be appropriated $10 million for 3 fiscal years beginning July 1, 1973 and ending June 30, 1975.

TITLE VI—NATIONAL OLDER AMERICAN VOLUNTEER PROGRAM

This title expands and extends the authorization for the Foster Grandparents program and other Older Americans Community Service programs. These programs, which were transferred to the ACTION agency in 1971 seek to involve Older Americans in a variety of programs designed to benefit persons, both children and adults, having exceptional needs.

There is authorized to be appropriated for the RSVP program $20 million for fiscal year 1973; $30 million for fiscal year 1974 and $40 million for fiscal year 1975.

For the ongoing Foster Grandparents program, there is authorized to be appropriated $35 million for fiscal year 1973, $45 million for fiscal year 1974 and $55 million for fiscal year 1975.

For the expanded Foster Grandparents program such as care for older persons and other persons with exceptional needs, there is authorized to be appropriated $6 million for fiscal year 1973; $7 million for fiscal year 1974 and $8 million for fiscal year 1975.

TITLE VII—NUTRITION PROGRAM

This title makes several minor conforming changes in the nutrition legislation which was passed earlier this year. The changes are primarily designed to produce greater coordination between nutrition programs and the social service programs provided in title III.

TITLE VIII—AMENDMENTS TO OTHER ACTS

This provision amends the Library Services and Construction Act, the National Commission on Libraries and Information Science Act, the Higher Education Act, the Adult Education Act and the Economic Opportunity Act, so as to provide expanded opportunities for older Americans to participate in programs of continuing education.

There is authorized to be appropriated for Older Readers Services under the Library Services and Construction Act $11,700,000 for fiscal year 1973; $12,300,000 for fiscal year 1974; $12,900,000 for fiscal year 1975 and $13,700,000 for fiscal year 1976.

There is authorized to be appropriated for special programs and projects under the Higher Education Act $5 million for fiscal year 1973 and each succeeding fiscal year prior to July 1, 1977.

There is authorized to be appropriated for special educational projects (speech and reading) under the Adult Education Act such sums as may be necessary for fiscal years 1973, 1974, and 1975.

There is authorized to be appropriated under the Economic Opportunity Act (SOS program) $7 million for fiscal year 1973 and $7 million for fiscal year 1974.

TITLE IX—COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

This title is designed to provide community service jobs for low-income older Americans 55 years of age and older in the fields of education, social services, recreation services, conservation, environmental restoration, economic development, etc. The programs created by title IX are structured in such a way to draw upon the experiences of numerous pilot and demonstration projects conducted by the Department of Labor under its Operation Mainstream program. It is estimated that as many as 40,000 to 60,000 jobs could be created under the provisions of this title.

There is authorized to be appropriated $100 million for fiscal year 1973 and $150 million for fiscal year 1974.

TITLE X—MIDDLE AGED AND OLDER WORKERS TRAINING ACT

This title is designed to provide manpower training programs and other services to increase job opportunities for middle-aged and older persons. The Secretary of Labor will carry out the provisions of this title within the framework of existing programs during the remainder of fiscal year 1973.

There is authorized to be appropriated $100 million for fiscal year 1974 for this title.

AUTHORIZATIONS FOR COMPREHENSIVE OLDER AMERICANS SERVICES AMENDMENTS OF 1972

	Fiscal year—		
	1973	1974	1975
Title I			
Title II: National Information and Resource Clearing House	$750,000	$1,000,000	$1,250,000
Title III:			
Area planning and social service programs	100,000,000	200,000,000	300,000,000
Planning, coordination, evaluation, and administration	20,000,000	20,000,000	20,000,000
Model projects	70,000,000	105,000,000	140,000,000
Title IV:			
Training	15,000,000	20,000,000	25,000 000
Studies and demonstrations on transportation	7,500,000	15,000,000	20,000,000
Research and multidisciplinary centers of gerontology	20,000,000	30,000,000	40,000 000
Title V:			
Multipurpose senior centers	35,000,000	35,000,000	35,000,000
Annual interest grants	1,000,000	3,000,000	5,000,000
Personnel staffing grants	10,000,000	10,000,000	10,000,000
Title VI:			
RSVP	20,000,000	30,000,000	40,000,000
Foster Grandparents	41,000,000	52,000,000	63,000,000
Title VII: Nutrition program (authorized in Public Law 92-258)	$100,000,000	$150,000,000	
Subtotal, Funding for Older Americans Act	440,250,000	671,000,000	$699,250,000
Title VIII—Amendments to other acts:			
Older Reader Services	11,700,000	12,300,000	12,900,000
Special programs and projects relating to problems of the elderly (Title I—Higher Education Act)	5,000,000	5,000,000	5,000,000
Senior opportunities and services (Economic Opportunity Act)	7,000,000	7,000,000	
Title IX: Older American Community Service Employment Act	100,000,000	150,000,000	
Title X: Middle-Aged and Older Workers Training Act		100,000,000	
Subtotal, other programs	123,700,000	274,300,000	17,900,000
Total (H.R. 71 and other identical bills)	563,950,000	945,300,000	717,150,000

"MALIGN NEGLECT," AN ARTICLE BY FRED M. HECHINGER, NEW YORK TIMES, JANUARY 29, 1973

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, I believe that all Members of Congress concerned with the improvement of education in our country will read with great interest the following article, "Malign Neglect," by Fred M. Hechinger in the New York Times of Monday, January 29, 1973:

MALIGN NEGLECT

(By Fred M. Hechinger)

A succession of leaks by the usual well-informed sources in preparing Congress and the American people for the impending bad news about drastic cuts in education expenditures. The dire predictions seem part of a campaign to make the impact less painful when the ax falls.

The President gave away the game plan with his pledge that "we are going to shuck off . . . and trim down those programs that have proved simply to be failures." In contrast to Mr. Nixon's generous tribute last week to the late President Johnson, White House staff members have been telling candidates for key posts in the second Nixon Administration that they must be willing to bury the Johnsonian antipoverty programs.

Education is, of course, at the heart of any serious effort to offer the children of the urban and rural slums an escape from poverty. Most Federal education subsidies were earmarked for that purpose. Administration ideologists have therefore been spreading the word that the concept of compensatory education for the disadvantaged, which was given its first serious test during the Johnson years, has failed.

Edward Zigler, who served the first Nixon Administration as director of the Office of Child Development, recently exposed that strategy of deprecating compensatory education. Premature and flawed evaluation reports on Head Start, he said, were given wide public exposure by "an unnamed White House official" who spread the word: "Head Start is clearly a failure. It is nothing but a babysitting service for welfare mothers."

As the fiscal authorities sharpen their knives, the political anesthetists are trying to put the opposition to sleep by saying that "research shows" that the money that is being cut out would do no good anyway.

The use of such distorted research to rationalize budget-slashing glosses over the fact that the principal reason for the disappointing results of some—by no means all—compensatory education programs is that they were never given a fair chance.

The unfavorable official assessment of the compensatory programs ignores the fact that they were expected to do the impossible—overcome in a few experimental years the handicaps created by decades of past neglect reinforced by an environment that continues to be destructive. They were supposed to inoculate deprived children with a serum of instant academic success.

The real surprise is that many of the programs which are being written off as costly failures have accomplished so much in so little time and at so low a cost. Many Head Start children, for example, made notable gains in academic readiness as well as in attitude. Thousands of these youngsters benefited from desperately needed health care that corrected hitherto overlooked physical deficiencies. Schools in urban slums enjoyed all too briefly the services of added teaching staffs.

During the past two years, those essential "extras" have begun to disappear from many city classrooms. One middle-class father, himself an educator, last year withdrew his children from a New York City public school. It had been, he said, a model school—racially integrated, with an able staff, small classes and happy, learning children. "It all went down the drain," he said. "A fine school has been destroyed."

Parents in the black ghettos know only too well what the trend means for their children. The black workers' classic complaint of being last hired and first fired now seems to them the new policy for their schools—last to be discovered and first to be abandoned again.

The Administration's new line that spending must be curtailed until new research shows how the schools can be improved is a flight from reality. Of course there has been waste. Not all experimental programs have been sound. But it is absured to save money by turning off the heat on cold winter nights pending new research on how to manufacture better fuel. Enough is known about the immediate needs of children to justify adequate funding of the best available approaches toward meeting those needs.

Elliot Richardson, in his farewell address as Secretary of Health, Education and Welfare, blasted what he called "proliferating programs." He warned that "high promise and humane concern can be responsibly expressed only through operational performance which is pragmatic and realistic." It would be hard to quarrel with such cautions, if realism were merely to mean better leadership rather than less support.

But the message from the second Nixon Administration has been that the faucet is to be turned off. And so, attention is shifting to that nucleus of concerned members of Congress—Republicans and Democrats alike—who have been personally involved in the study and analysis of the schools' requirements. They are angry. They say privately that they are now prepared to respond to the Administration's threatened ax-wielding by shaping their own cohesive Federal Education policy. They are seeking to create a coalition for a Congressional take-over in a campaign to save the nation's children from malign neglect.

TRIBUTE TO RUSSELL J. N. DEAN

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, on October 27, 1972, shortly after the 92d Congress adjourned, one of the stanchest and most distinguished advocates of assistance for the handicapped and crippled in America passed away.

I refer, of course, to Russell J. N. Dean, who had become familiar to many of us here on Capitol Hill, on both sides of the aisle, for his unstinting efforts on behalf of America's handicapped people.

Born in Athens, Ohio, 62 years ago, Russell Dean had devoted his life to medicine and rehabilitation since being called into the Army Air Corps in 1941 to serve in medical and hospital administration. One of his proudest memories was the successful completion, under his oversight, of the transportation of over 6 tons of equipment to the Philippines, so that a rehabilitation center could be opened in Manila during the war.

For 22 years after World War II, Mr. Dean was a leader in the American rehabilitation movement as he worked ceaselessly and tirelessly for medical and rehabilitation programs as a legislative, public relations, and administrative officer of the Department of Defense, the Veterans' Administration, and the Department of Health, Education, and Welfare.

For his persistent efforts and remarkable contributions to bettering the lives of handicapped people, Mr. Dean received the Distinguished Service Award of the Department of Health, Education, and Welfare in 1966.

Mr. Speaker, Russell Dean traveled around the globe in his efforts to increase man's understanding of, and concern for, the handicapped and the disabled and the crippled of our world. He was a member of U.S. delegations to international conferences on rehabilitation in the Philippines and West Germany, as well as a Vocational Rehabilitation Administration consultant on research projects in such far flung spots as Burma, India, Pakistan, and the United Arab Republic.

Not satisfied with these contributions, Mr. Dean also put in countles hours writing articles for professional journals and magazines, as well as serving on the President's Committee on Employment of the Handicapped.

Those of us who worked with Mr. Dean over the years, and came to know him, learned to respect not only the magnificent contributions he had made to rehabilitation legislation, but also his integrity and honesty, as well as his willingness to consider all points of view in his efforts to improve the lives of the handicapped.

Mr. Speaker, just weeks before Russell Dean died, his latest publication became available, "New Life for Millions: Rehabilitation for America's Disabled," a book chronicling the history of vocational rehabilitation in America.

Said Mr. Dean in the preface to his book:

> I realized early that it was not possible to tell this full story, to portray the role played by every person who helped build the Nation's present structure for restoring disabled people to activity and usefulness. That would require several volumes. But I felt that a start must be made now, while the story is still fairly recent and many of the key figures can be consulted. Perhaps other authors will be encouraged to add to the story.

Mr. Speaker, I am confident that when other authors do turn their hands to adding to the story of rehabilitation in America, one of the additions will be an account of the generosity and selflessness Russell Dean brought to that cause.

Mr. Speaker, the 93d Congress will share the loss of Russell Dean with his wife, Jo. We will miss his expertise, and experience, and his dedication, as we consider new ways to advance and carry on his life's work, the rehabilitation of handicapped people.

WORLD WAR I PENSION BENEFITS

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. SIKES. Mr. Speaker, I am introducing a bill today which would give

World War I veterans, their widows, and children, pension benefits on the same basis as veterans of the Spanish-American War.

Very simply, my bill merely amends the existing law to remove the World War I veteran from inclusion with the veterans of World War II and the Korean war and places the World War I veteran in the pertinent chapters of the public law dealing with the Spanish-American veteran, and widows and children. As such, the bill transfers the World War I veteran to sections 412, 536, and 537 of title 38, United States Code, retaining to the World War I veteran the right to make an irrevocable election to remain under section 541, if he should so desire. This legislation would provide a long-needed reform to the World War I veteran who for pension is treated like the World War II and Korean veteran, and yet has never had the many other veterans' benefits which have been made available to the other veterans groups. And while confining the World War I veteran to the pension requirements of World War II and later wars, we have not given the World War I veteran and his survivors the benefits which have been made available to the veterans of the Spanish-American War, the Philippine Insurrection, nor even the China Relief Expedition.

To continue to place World I veterans in the outside income limitations of the veterans of World War II and later wars results in undue hardship and discrimination against the World War I veterans as a group. While it is true that the income limitations are low, consideration must also be given to the effect of inflation and the impossibility of a World War I veteran existing on the small pension allotted to him unless he has substantial outside income. The World War I veteran without financial reserves is forced to seek outside income to exist, which in turn causes him to lose his pension.

On the other hand, the World War II and Korean veterans are for the most part still in their prime and working and therefore, except in the more serious instances of disability, are not forced to the pension route to exist.

It is estimated by the Administrator that 2,001,500 World War I veterans at an estimated cost of $1,488,863,000 represent the initial number and the cost of increased awards by enactment of this legislation. By the end of 5 years, it is estimated that this would decrease to 4,688,000 individuals at an anticipated cost of $1,212 million.

The opposition to enactment of this bill offered by the administration is based on the cost of the program. However, I strongly feel that the award increases herein requested are the minimum that we should consider in responding to the World War I veterans, their widows, and children.

Mr. Speaker, I strongly urge that this bill be adopted.

UKRAINIAN INDEPENDENCE DAY

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, last Monday marked the 55th anniversary of the independence of the Ukrainian National Republic.

Unfortunately this is not exactly a happy occasion because 5 years after the people of the Ukraine proclaimed their independence they were gobbled up by the newly formed Soviet Union. And with a powerful army and a deliberate campaign of terrorism that nation has continued to blot out the hopes and aspirations of the Ukrainian people for freedom and self-determination.

These recent attempts at repression mean one thing to the free world—that all the vicious tactics employed by the Communists have failed.

Yet the spirit of freedom still survives in the hearts of the Ukrainian people after more than two generations of harassment and execution, and it will continue to survive until that freedom has finally been attained. That is the lesson we always recall on this anniversary occasion.

At the opening of this Congress I introduced once again my bill to provide for a national day of observance of the Ukrainian Independence, House Resolution 88.

National recognition of this day here in America would serve not only to remind us all of the plight of those still trapped behind the Iron Curtain, but also as a rallying point for a rededication of our own efforts as a nation to work for the day that the Ukrainian people, and all those other captive nations trapped behind the Iron Curtain will once again be free.

PRESIDENT LYNDON B. JOHNSON

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, the sudden and untimely passing of President Johnson last week came as a heavy blow to me. He was more than a leader and a President to me. He was a personal friend. I first met him over 32 years ago when I came to Washington to serve as a congressional secretary and he was a young, third-term Congressman from Texas. Since then I have had the opportunity to watch his progress through the leadership channels in Washington to the White House.

As a President no man did more than Lyndon Johnson to maintain close and continuing consultation with Congress. In the Johnson days Members of Congress were in the White House repeatedly and many of us flew with him on important occasions in Air Force One. He was a dynamic and persuasive, most effective in small groups. But somehow this charm never came across on television, unfortunately.

I believe that history will be much kinder to Lyndon Johnson than his contemporaries have been. His actions in Vietnam were most courageous and prevented a dangerous shift in the balance of world power in Asia. His legislative record on domestic issues is almost without parallel, especially in civil rights.

The last time I saw President Johnson was 3 weeks ago at the memorial mass in New Orleans for our beloved majority leader, Hale Boggs. Mr. Johnson looked tired then and his pace had slowed. But he had not hesitated to fly halfway across the country to pay tribute to a great friend and a very loyal supporter. It was characteristic of a big heart and a great man. That was Lyndon Johnson.

THE VIETNAM PEACE AGREEMENT

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, last Wednesday morning I had the unusual and very exciting experience of meeting with several other Members of the House and Senate for 2 hours with the President and Dr. Kissinger in the Cabinet room of the White House for a full briefing on the detailed terms of the Vietnam peace settlement, now signed into force in Paris on Saturday.

On the basis of the text as it has been made available, and Dr. Kissinger's personal account of some of the negotiating background, I am convinced the President and Dr. Kissinger have achieved a very remarkable success.

This is certainly a far better document that what was being offered to us last October. It fully justifies the President's dogged persistence, despite great pressures and provocations, in holding out for terms that were both understandable and enforceable. And, I also believe it more than justifies the support which I have consistently given to the President, regardless of partisan politics, in his quest for an honorable and workable settlement.

No peace agreement is ever perfect; it must be a compromise and this is no exception. But what we have here is a formula not only for getting our prisoners back and our troops returned home, but also for an end, at long last, to the killing throughout Indochina, and a chance for real peace in a vital area of the world that has seen no peace for over 30 years.

The American people, I believe, owe a great debt of gratitude to President Nixon and to Dr. Kissinger.

Actually, Mr. Speaker, as I said last Friday evening at a church dinner in my home city of Amsterdam, the chances for turning impending Vietnam cease-fire into a meaningful and lasting peace in Southeast Asia depend to a very large extent on all of us, the American people, and especially on whether we take a positive view of the possibilities which this agreement opens up.

Obviously nobody can say with 100 percent certainty, that this intricate and delicate agreement, which will bring our prisoners and our troops home 2 months from now, can also produce something more than a mere temporary truce in Indochina.

But the thing that burns me up is that the people who are now picking out all the flaws in the Kissinger-Tho agreement are the very same people who only a week ago were shrilly demanding that President Nixon get out of Vietnam on any terms at all.

No military agreement is ever perfect, but this one does achieve our basic objectives: our prisoners home, our troops withdrawn, and a reasonable chance for South Vietnam to control its own future. And that is a lot more than anyone thought we ever could get 4 years ago. Basically there are two reasons why this is so.

First, I believe the North Vietnamese have really had it. The war, the mining, and the bombing have all taken a very heavy toll. It is just barely possible that the North Vietnamese might be as much interested in switching from killing to rehabilitation as we are.

Second, in sharp contrast to where we were 4 years ago, the Russians and Chinese—even though neither is mentioned anywhere in this document—have been very vital parts of this phenomenal peacemaking effort. They helped to get the North Vietnamese to sign; and it is to their own interests, as much as it is to ours, to see that this new arrangement does not suddenly fall apart.

But most of all, Mr. Speaker, whether this settlement does or does not usher in a stable and lasting peace in Asia is up to us here in America. We have been poor-mouthing on Southeast Asia for so long, it is going to be hard suddenly to become boosters. But here, if there ever was one, is a prime candidate for a massive dose of Dr. Norman Vincent Peale's "power of positive thinking." We must do three things, I believe.

First, we cannot simply abandon Asia just because we got a cease-fire. Stability in Asia *will* depend on our continuing participation in that area to maintain that new triangle of Russia, China, and America. If we go isolationist, then Asia polarizes again, and peace goes out the window.

Second, we must remember that in dealing with both the Russians and the Chinese, we cannot let our guard down. They respect power, and by keeping our own defenses strong and our powder dry we run the best chance of never having to use either, as President Kennedy reminded us many years ago.

Third, and most difficult of all, we are going to have to lend a hand in the rebuilding of Indochina, including North Vietnam, just as we rebuilt Germany and Japan after World War II. This may seem hard to take, after a long and bitter war, but it can be as much an investment in long-range peace and stability as was the Marshall Plan in 1946.

Besides, what better leverage could we get for keeping the North Vietnamese from violating the terms of the agreement they have signed in Paris? If they really want our help, then they will not return to do any monkey business in South Vietnam, or else that will be the end of any aid for them.

So we must keep both the carrot and the stick, and only if we are willing to do both can we hope to achieve lasting peace.

CRIME COMMITTEE APPRECIATES LOUISVILLE RACING EDITORIALS

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, both Louisville, Ky., newspapers recently printed extremely constructive and helpful editorials on the eve of the issuance of a Crime Commission report on horse racing.

Kentucky, of course, is a State rich in the tradition of horse breeding and racing dating back to the opening of the Williams Race Track in 1797. It is a fact that racing was so popular in Kentucky that the Williams Track in Lexington, home of Churchill Downs and the Kentucky Derby, had to be built to get the riders off the main street of town.

I imagine that the operators of Williams Race Track faced in the 18th Century many of the same problems confronting the sport today, with one important exception.

While the fixing of races and the running of substitute horses may be nothing new to racing, our committee uncovered one trend that must be stopped immediately—the acquisition of stock in tracks and the ownership of thoroughbreds by individuals tied to organized criminal syndicates.

To effectively prevent this potentially fatal assault on the integrity of a great sport, the Crime Committee will shortly be making a number of legislative recommendations.

We are grateful, therefore, to have the thoughts of those on the Louisville papers as we finalize our own recommendations. The editorial suggestions were obviously made by persons with a keen awareness of the problems of the sport.

Following the printing of the January 16 editorial in the Louisville Times entitled: "A Hopeful Plan to Clean Up Racing," and the January 18 editorial in the Louisville Courier-Journal entitled: "The Integrity of Horse Racing Needs More Protection—Now," I submit a table listing the 31 States currently permitting such sports activity.

The table dramatically shows the interstate activity of a sport that affects the lives of millions and the revenues of a majority of the States.

A HOPEFUL PLAN TO CLEAN UP RACING

Instead of vigorously policing itself, as it should, the horse racing establishment has an unfortunate tendency to close ranks when even a hint of scandal threatens to corrode its already badly tarnished sport-of-kings image. This willingness to cover up the hanky-panky in which everyone from state racing commissioners to stable boys seems to be engaged has predictably led to proposals for tough federal regulation of the industry.

During the past few years, allegations of race fixing, horse doping, conflict of interest, infiltration by organized crime and just plain cheating have been eating away at the patina of Blue Grass romanticism that has long hidden a multitude of sins. Yet a congressional committee, not the breeders, owners, track officials and others who have a direct interest in racing's good health, is in the forefront of the housecleaning.

If Kentucky's record is any indication, the states have done little to root out corruption at race tracks or to set high standards of personal and professional behavior for the officials who regulate the sport. The horsemen frequently appointed to serve on racing commissions are all too happy to wink at the pecadillos of their brothers in the racing fraternity.

So it was left to the U.S. House Select Committee on Crime to probe, in hearings held last year, some of the more unsavory aspects of racing. The committee, expressing particular concern about the involvement of organized crime in the sport of kings has now made a number of recommendations to Congress and to the states for protecting both racing and its patrons.

The proposal that is certain to generate the most controversy calls for the appointment of a national racing commissioner to oversee the sport and a Track Security Office to investigate criminal activity. In view of the interstate movement of what the committee calls "groups of sophisticated criminals" and the industry's apparent inability to stop them, some type of national authority to make rules and investigate violations seems essential. The licensing of virtually everyone involved in racing, also suggested by the committee, would be a further safeguard against illegal activity.

Recent experience in Kentucky indicates the need to enact some of the new federal and state laws recommended by the congressmen. For instance, the committee urged a prohibition against hidden ownership of horses, and a statute outlawing conflicts of interest among track owners, regulatory officials and politicians.

The proper response of the Kentucky Racing Commission should be a detailed study of the report followed soon by some recommendations of its own for protecting the integrity of the Thoroughbred industry. This will not necessarily forestall or prevent federal regulation, nor should it. But Kentucky, as the Mecca of racing, should lead the way in setting the highest possible standards for a sport that, in the opinion of a large segment of the public, is degenerating into a fraud and a swindle.

THE INTEGRITY OF HORSE RACING NEEDS MORE PROTECTION—NOW

There is a real danger the public one day soon is going to look at thoroughbred racing with the same amused disdain that many people now reserve for professional wrestling and roller derbies. The difference between racing and those pseudo-sports is credibility, and a report being filed this week by the House Select Committee on Crime indicates that racing's credibility is being steadily frittered away.

The committee identified the culprits specifically, saying that the real and potential involvement of organized crime in racing is "the greatest threat to the sport." But a solution must focus on a less obvious set of culprits. The committee made reference to them when it said, "An inadequate security staff, especially those competent to conduct criminal investigations involving interstate conspiracy, is the rule in racing."

That is to say, the self-policing apparatus of racing is vegetating without producing anything (an impossibility in biology, but a commonplace in bureaucracy).

A JUMBLE OF JURISDICTIONS

The enforcement machinery has to be improved if racing's plausibility with the public is going to survive. The question is whether the federal government is going to have to do the job, or whether the states and the industry itself can do it. The committee obviously feels that federal intervention is necessary, since it is recommending a federal racing czar, a federal racing commission, a federal racing security force and extensive federal licensing of racing personnel.

There are strong arguments for such initatives. Racing regulation varies from state to state; communication among the state regulatory bodies is limited; jurisdictional lines complicate the eradication of racing's criminal element. A comprehensive federal program, complete with the proposed national data bank for racing investigation information, would begin to rationalize the approach to this sport. With such a system it is much less likely the public would be treated to the current spectacle of Emprise Corporation under hot pursuit by authorities in some states, while Kentucky remains virtually supine before the issue of Emprise's alleged Mafia connections.

INTERSTATE COMPACT MIGHT HELP

On the other hand, it might be best to give the leadership of thoroughbred racing another chance to cleanse its own image. Other sports have been able to police themselves, and there is no reason to believe racing cannot. But the effort is going to require more enthusiasm than that now generated by the somnolent Thoroughbred Racing Protective Bureau or Kentucky Racing Commission. It probably would necessitate something like an Interstate Racing Compact, designed by the various state racing authorities and approved by their state governments. Such a compact would avoid the imposition of federal control from above, while accomplishing the necessary cooperation. Since the racing interests themselves are content with the present state regulatory bodies, they ought to be content to let those bodies form some sort of powerful national consortium to manage racing affairs.

With respect to other aspects of the committee report, the call for federal licensing of everyone in racing, from owners to exercise boys, seems excessive if simpler guarantees—such as holding an owner responsible if his employes cheat—can be devised. Also, the proposal for public ownership of all racetracks might have merit if it could be shown that this is the only way to protect the public interest. But does anyone imagine that states which tolerate "see no evil" racing commissions would suddenly get superb efficiency and unchallengeable honesty from the boards appointed by politicians to run publicly owned tracks?

In addition, electronic surveillance of suspected racing crooks, even with the permission of a federal judge, runs afoul of the need to curb government affection for wiretapping and bugging. And long-term racing dates—granted for 10 to 25 years—admittedly would stabilize the politicized competition within the industry, but also would eliminate one of the present yearly opportunities to review changing racing trends, track operations and good management vs. bed.

So not all that the committee has to recommend is worthy of precipitate adoption. But the committee's warning about the credibility gap that is opening between the public and the racing world is fully justified. Kentucky, more than any other state, has a stake in insuring that racing is a legitimate sport, not a seamy sideshow. If the public ever starts laughing at racing, the sport is in deep, deep trouble, and so is Kentucky's horse industry.

STATES PERMITTING PARIMUTUEL RACING AS OF JANUARY 1973

State	Population	Percent to United States
1. Arizona	1,772,482	0.88
2. Arkansas	1,923,295	.96
3. California	19,953,134	9.83
4. Colorado	2,207,259	1.08
5. Connecticut	3,302,217	1.63
6. Delaware	548,104	.27
7. Florida	6,789,443	3.35
8. Idaho	713,008	.35
9. Illinois	11,113,976	5.47
10. Kentucky	3,219,311	1.58
11. Louisiana	3,643,180	1.79
12. Maine	993,663	.49
13. Maryland	3,922,399	1.92
14. Massachusetts	5,689,170	2.81
15. Michigan	8,875,083	4.39
16. Montana	694,409	.35
17. Nebraska	1,483,791	.73
18. Nevada	488,738	.24
19. New Hampshire	737,681	.37
20. New Jersey	7,168,164	3.55
21. New Mexico	1,016,000	.49
22. New York	18,190,740	8.96
23. Ohio	10,652,017	5.24
24. Oregon	2,091,385	1.04
25. Pennsylvania	11,793,909	5.81
26. Rhode Island	949,723	.47
27. South Dakota	666,257	.33
28. Vermont	444,732	.22
29. Washington	3,409,169	1.68
30. West Virginia	1,744,237	.86
31. Wyoming	332,416	.16
Total[1]	136,529,092	67.24

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[1] In addition to the States listed above, Virginia and Texas are actively considering legislation through their respective legislatures to institute racing in 1973. If these 2 States are added to the existing number in 1973, the totals will reflect the following change and mean that States with ¾ of the U.S. population will have parimutuel racing:

State	Population	Percent of United States
32. Texas	11,196,730	5.52
33. Virginia	4,648,494	2.29
U.S. total	152,374,316	75.08
Total U.S. population	203,184,772	

BUREAU OF NARCOTICS AND DANGEROUS DRUGS CAN BRING "SPEED" TO A STOP

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, the Bureau of Narcotics and Dangerous Drugs now has all the facts it can possibly need to end forever the legal overproduction of amphetamines—stimulants—that for so many years have contributed to the Nation's drug crisis. These are the drugs that the Crime Committee found 3 years ago were falling into the hands of young people in huge quantities and were being injected—sometimes fatally—into the bloodstream.

The final, conclusive information of which I speak is a flat, unequivocal statement from BNDD's medical adviser—the Food and Drug Administration—that amphetamine drugs have only limited medical usefulness and great potential for abuse.

This, of course, is what the Select Committee on Crime, which I chair, has been arguing for the past 3 years when we first disclosed the widespread abuse of amphetamines by adults and young people alike. We achieved some setbacks and more important successes in an unending effort to bring these abusable substances under reasonable controls and quotas.

The task was made all the more difficult because while the Crime Committee and a few others were calling for controls, the drug industry and its supporters continued to argue and lobby for actual increases.

When the Crime Committee first inquired, there were an estimated 6 to 8 billion such pills produced each year. After considerable effort and formidable opposition, we did manage to see an 82-percent cutback in 1972 over the number of amphetamine stimulants produced in 1971.

While we were advised by the Federal regulatory agencies and others that this was the best we could possibly hope for, I am proud to say that the entire committee went on record in stating that 500 million pills were still too many to meet the legitimate medical needs of the country. We asked for further cuts because we were convinced then, as now, that amphetamines are of marginal use in the treatment of obesity, their primary production purpose according to the manufacturers.

On January 19, 1973, in a front page article in the New York Times, under the byline of Mr. Harold M. Schmeck Jr., the Times' knowledgeable and respected medical writer, there appeared a report entitled "FDA Urges a New Cutback in Amphetamine Output Quotas." And it said:

> The Federal Government is moving toward reduction in amphetamine production quotas for the second straight year.
>
> Last year the total manufacturing production quota for the country was reduced more than 80 percent from the previous year. Recommendations made today by the Department of Health, Education and Welfare (through the F.D.A.) would probably cut 1973 production at least 50 percent below that for 1972.

This is certainly welcome news.

Most intriguing, however, is the subsequent paragraph which states:

> The reasons for the cuts lie basically in the Food and Drug Administration's view that amphetamine drugs have only limited medical usefulness and great potential for abuse.

This was an apparent reference to a report issued last October by a group of four physicians and two statisticians headed by Dr. Thaddeus E. Prout, associate professor of medicine at the Johns Hopkins University, which found that amphetamines in use as diet pills were of "clinically trivial" value in weight loss.

This conclusion is exactly what the Crime Committee discovered through the testimony of competent medical persons who appeared at our hearings in 1969 and 1970.

I can remember vividly a fight on the floor of this House in late 1970 to place controls and quotas on amphetamine production based on medical testimony that found only two legitimate uses for the substances—the treatment of two rare diseases, narcolepsy and hyperkinesis.

We received a setback then, Mr. Speaker, but we did not quit.

And today I say we are on the verge of winning an important victory for those concerned about this Nation's drug problem and the crime and degradation it breeds.

If ever there was a time for the Bureau of Narcotics and Dangerous Drugs to carry out its responsibilities to the public, it is now.

The facts are all in now, Mr. Speaker, there can be no cause for further delay.

At this point, Mr. Speaker, I insert the following items in the RECORD:

An article from the New York Times dated January 19, 1973, and entitled "FDA Urges a New Cutback in Amphetamine Output Quotas."

An article from the New York Times dated February 10, 1972, and entitled "U.S. Plans 82 Percent Cutback in Amphetamines."

An article from the Washington Post dated October 11, 1972, and entitled "Diet Pills Rated 'Clinically Trivial' in Weight Loss."

A statement issued by the Crime Committee dated January 19, 1973, urging the Bureau of Narcotics and Dangerous Drugs to further restrict amphetamine production as recommended by the Food and Drug Administration.

A statement issued by the Crime Committee dated February 23, 1970, calling for a strict quota system on amphetamines.

A statement issued by the Crime Committee dated December 17, 1969, upon submission of legislation forbidding either legal or illicit production and distribution of "speed."

The articles and statement follow:

[From the New York Times, Jan. 19, 1973]

FDA URGES A NEW CUTBACK IN AMPHETAMINE OUTPUT QUOTAS

(By Harold M. Schmeck Jr.)

WASHINGTON, January 18.—The Federal Government is moving toward sharp reduction in amphetamine production quotas for the second straight year.

Last year the total manufacturing production quota for the country was reduced more than 80 per cent from the previous year. Recommendations made today by the Department of Health, Education and Welfare would probably cut 1973 production at least 50 per cent below that for 1972.

The reasons for the cuts lie basically in the Food and Drug Administration's view that amphetamine drugs have only limited medical usefulness and great potential for abuse.

The recommendations, sent to the Justice Department's Bureau of Narcotics and Dangerous Drugs, stem primarily from the F.D.A. They call for a 20 per cent cut in production quota for amphetamines prepared to be taken by mouth and elimination altogether of injectable amphetamines and amphetamines in combination with other drugs.

There are no hard figures yet on just what this will mean in terms of an over-all cutback, but an officer of the bureau said it is expected to mean a drop of 50 to 70 per cent below last year's quota. It is believed that something between 50 and 60 per cent of amphatemines are used currently in combination with sedatives or other drugs. The combinations are used primarily in treating obesity.

Amphetamines are powerful stimulants that are also used for obesity control to suppress the appetite over a short period.

Last year the F.D.A. completed an extensive review of drugs used for weight control and concluded that amphetamines are of only limited value.

In an announcement of the recommendations today, the drug agency said it had concluded that the injectable form of amphetamine was unsafe and that the nonamphetamine ingredients in the various combination products did not contribute to the contended weight loss. The agency estimates that 72 per cent of the appetite-suppressing drugs prescribed by doctors are amphetamine combinations.

In a bulletin sent to the nation's doctors last month, the drug agency said the amphetamines and related drugs should be used by doctors only with extreme care because of their significant potential for abuse and for making patients dependent on them.

The bulletin said adult patients using weight-reducing drugs in combination with diet tend to lose a fraction of a pound more per week than patients using diet alone, but that this applies only to short-term use.

In 1971 the total production quota for amphetamine was 9,356 kilograms. Last year this was dropped to 1,564 kilograms. If the new recommendations result in a further 50 per cent cut, the 1973 quota will be 782 kilograms—enough to treat roughly 1.5 million average patients for a month.

A spokesman for the Bureau of Narcotics and Dangerous Drugs said production quotas might be below the recommendations from the F.D.A. because the bureau would take into account manufacturers' inventories in establishing the limits.

[From the New York Times, Feb. 10, 1972]

U.S. PLANS 82 PERCENT CUTBACK IN AMPHETAMINES

(By Harold M. Schmeck, Jr.)

WASHINGTON, February 9.—The Government plans to cut the 1972 domestic production quota for amphetamines to about 17 or 18 per cent of last year's production in an effort to cope with one of the nation's most serious drug problems, officials said today.

In December, the Justice Department announced that the proposed 1972 production quotas would be 60 per cent of last year's estimated production. Since then, there have been several indications that the final quota would be substantially lower.

Today, officials of the department's Bureau of Narcotics and Dangerous Drugs said final figures would probably be published next week. Barring some last-minute, unexpected change, they said, the final quota will be in the range of only 17 to 18 per cent of last year's estimated production.

It has been estimated that, in recent years, 20 per cent of all amphetamines produced in this country have been diverted into illicit channels.

The powerful stimulants are used by drug abusers for the "high" they produce. Other persons, notably long-distance truck drivers, use the drugs to stay awake for long periods of time.

Even among those who use the drugs legitimately on prescription, doctors believe there are many who use the stimulants excessively. Improper use of the drugs is considered extremely dangerous and has led to deaths.

Persons in and out of Government view the restriction of production as an important means of reducing the abuse of amphetamine and related drugs.

The current year is the first for which the Government has had authority to set production quotas for these products. Proposed quotas were published about two months ago to allow interested persons to comment or object.

Such comments are considered in the setting of final quotas.

Although manufacturers had asked for a 1972 total that was double last year's estimated production, officers of the bureau said they did not receive a single objection from industry to the proposed over-all cut.

There were several objections of the opposite kind from persons and groups not related to the industry. In essence these called the proposed cuts a step in the right direction, but far too small in scope.

For example, the Huntington (Long Island) Narcotics Guidance Council said the cut to 60 per cent of last year's production still left a quota that was 700 per cent above the amount really needed for legitimate medical purposes.

Mayor Lindsay of New York called the quota "grossly excessive" and said the city's special committee on amphetamine abuse had recommended no more than 10 per cent of the 1971 production figure.

STEP IN RIGHT DIRECTION

Spokesmen for the American Public Association called the originally proposed cut of 40 per cent a step in the right direction, but said it should not exhaust efforts to reduce production.

Last month John E. Ingersoll, director of the Bureau of Narcotics and Dangerous Drugs, announced that it might be possible to cut another 9 or 10 per cent from the original quota because the nation's largest exporter of amphetamines had decided not to apply for an export license this year.

The concern, Strasenburgh Prescription Products, a division of the Pennwalt Corporation of Philadelphia, had exported large amounts of amphetamines to Mexico. The bureau discovered that much of this production was being returned illicitly to the United States.

Last week, Dr. Charles C. Edwards, Commissioner of Food and Drugs, said he would recommend a further cut of 30 per cent, partly because of evidence that physicians were prescribing less of the amphetamines than they had last year. They were evidently reacting to adverse publicity about the drugs, as well as on information concerning the limited medical uses of the stimulants.

EFFECT ALREADY NOTED

Donald E. Miller, chief counsel for the Bureau of Narcotics and Dangerous Drugs, said he believed that tightened regulations governing the ordering and prescribing of amphetamines were also proving effective in reducing their use.

He noted that the final production quotas, to be published soon, would be revised upward or downward if new evidence warranted a change.

In particular the bureau is awaiting an opinion from the Food and Drug Administration on the use of amphetamines in treating obesity. Although the drugs have been used widely for their temporary appetite-suppressing effects, many doctors doubt that they have any legitimate value in obesity control. The F.D.A. report is expected by July 1.

The currently accepted primary medical uses of the amphetamines and their related compounds are in treating two conditions: narcolepsy and a hyperactivity disorder among children.

Narcolepsy, which involves an excessive tendency to sleep, is considered uncommon. The hyperactivity problem among children is considered fairly common by some experts, but only some of the patients respond to stimulants and amphetamine is not considered the first-choice drug even for these.

[From the Washington Post, Oct. 11, 1972]

DIET PILLS RATED "CLINICALLY TRIVIAL" IN WEIGHT LOSS

(By John Stowell)

A government-hired panel of consultants has concluded that diet pills are of "clinically trivial" value in weight loss and, with one exception, should be tightly controlled.

The recommendation, if accepted by regulatory agencies, would permanently crimp the profitable, multimillion-dollar antifat business by prohibiting refillable prescriptions and imposing manufacturing quotas.

After reviewing mountains of effectiveness data sorted in a pioneering computer project, the consultants said diet pills in general cause the loss of only a fraction of a pound per week in short-term use.

The total impact of drug-induced weight loss over that of diet alone "must be considered clinically trivial," they said, especially in light of the high potential for abuse of the diet drugs.

The group of four physicians and two statisticians was headed by Dr. Thaddeus E. Prout, associate professor of medicine at Johns Hopkins University and a former member of the Food and Drug Administration's advisory committee on metabolic and endocrine drugs.

The FDA is undertaking an extensive review of all diet drugs in preparation for recommendations to the Bureau of Narcotics and Dangerous Drugs.

The lone exception to the panel's findings was fenfluramine, patented as Pondimin by A. H. Robbins Co. of Richmond, Va.

Clinical trials have shown fenfluramine to be significantly effective in weight controls but with an apparent absence of the stimulant side-effects which make other diet pills popular among youths, truck drivers, athletes and other persons seeking a boost.

FDA officials are concerned, however, that the panel's recommendations would give the Robbins firm a virtual monopoly on the market for appetite-curbing pills. The drug is not yet approved for weight control.

"Everybody would like to treat them all equally," said Dr. Barrett Scoville, deputy director of FDA's division of neuropharmacological drug products. "But we are scientists and there are some facts we can't ignore."

Last year the Justice Department reclassified amphetamines and methamphetamines alongside opium, cocaine and methadone under the Drug Abuse Prevention and Control Act.

With an 82-per-cent cutback in production quotas this year, their share to the diet market "dropped significantly," said a spokesman for a major manufacturer.

At the same time uncontrolled drugs producing a loss of appetite, such as Richardson Merrill's Tenuate and Tepanil and Pennwalt's Ionamin, climbed sharply in sales and profits.

The consultants recommended that the chemical and pharmacological cousins of amphetamines also be slapped with the same drug-abuse controls.

The FDA estimates there are between 80 and 100 different formulations of diet pills but almost all involve manipulation of the amphetamine molecule.

Crime Committee News Release, January 19, 1973

Washington.—Chairman Claude Pepper (D-Fla.) of the House Select Committee on Crime, hailed today a recommendation of the Food and Drug Administration "which finally should end the legal production of 'speed' in this country."

Pepper, whose committee initiated the effort to bring amphetamines under federal production controls, commended the Food and Drug Administration for recommending the elimination of legal production of injectable amphetamine and a further 20 percent cut in the production of the pill form of the drug.

"Amphetamines have very little medical usefulness and the injectable form, which drug abusers know as 'speed,' has no legitimate use which would warrant this continued production," Pepper said.

"The FDA is to be commended for recommending a further cut in amphetamine production and especially for recommending a ban on the injectable form, which finally should end the legal production of 'speed' in this country."

The FDA recommendation was sent yesterday to the Justice Department's Bureau of Narcotics and Dangerous Drugs, which has the power under the Controlled Substances Act to set quotas limiting the production of abusable drugs.

Amphetamines, in addition to being the speed of young drug abusers in its injectable form, is a strong stimulant widely used as an appetite suppressor in diet programs.

The House Crime Committee, in an unsuccessful floor fight to include production quotas on amphetamines in the 1970 legislation, contended that the drug had relatively little legitimate medical use—only in small quantities for treatment of hyperactive children and persons who have an uncontrollable tendency to fall asleep.

The committee's effort against amphetamine production led, however, to a decision by the Bureau of Narcotics and Dangerous Drugs to bring the drug under production controls through its discretionary powers. As a result, production was cut from 9,356 kilograms in 1971 to 1,564 kilograms last year. The FDA-proposed cuts would further reduce this production to about 782 kilograms in 1973.

Crime Committee News Release, February 23, 1970

Washington, February 23, 1970.—A strict quota system curtailing the number of amphetamine tablets produced annually in the United States was sought today by a bipartisan majority of the House Select Committee on Crime. Cited testimony by expert witnesses in San Francisco and Washington, Chairman Pepper spoke for the majority in stating:

"Amphetamine or 'pep' pills alone pour out of the drug factories at a rate of 5 billion tablets a year and account for 8 percent of all prescriptions written.

"This is highly questionable given the testimony of expert witnesses before our Committee such as Dr. Sidney Cohen of the National Institute of Mental Health who said only several thousand are needed for noncontroversial medical purposes. It appears that as much as half go into illicit use while the remainder are prescribed for such medically questionable uses as weight reduction and to combat fatigue."

Congressman Waldie added that the Committee "saw first hand what happened with a million-and-a-half amphetamines allegedly shipped to a wholesaler in Mexico whose address turned out to be the 11th hole of the Tijuana Country Club. If it's that easy to fool a pharmaceutical firm, then I fear to even hazard a guess as to how many millions of these pills find their way into the black market."

Crime Committee News Release, December 17, 1969

Washington, December 17, 1969.—Legislation to forbid legal and illicit production of "speed" as a dangerous drug will be proposed in the House of Representatives by its Select Committee on Crime.

Committee members Wednesday directed final staff action to draft a bill to forbid manufacture and sale of methamphetamines, and to crack down on ingredients and equipment used in illicit laboratories.

Claude Pepper (D., Fla.) chairman of the committee, explained that the decision developed from evidence taken by the committee in hearings in Washington, Boston, Ohama, San Francisco, Columbia, S.C., and Miami.

"We have heard scores of witnesses, from scientists to addicts, and there has not been one word pointing to any medical use of 'speed,'" Cong. Pepper said. "Instead, we have heard everywhere that children and adults have done massive damage to themselves and others through use of this drug, and our members have become convinced that the drug must be banned."

PROPOSED LEGAL SERVICES PROGRAM

(Mr. MEEDS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MEEDS. Mr. Speaker, I am today introducing legislation to give independent status to the Office of Economic Opportunity's Legal Services program.

Legal Services has proven itself as one of our most effective tools in redressing the problems of poverty. It has given millions of our Nation's poor renewed hope and developed new confidence in the American system of law and government. Equal justice under law is now within reach for everyone.

But despite equal justice being within reach it has been in jeopardy throughout the 7-year *history of legal services*. Regardless of the administration, the integrity of legal aid for the economically less fortunate has been challenged by politics and conflict. Legal Services clearly needs a new and independent home.

As we have been told recently, the administration will propose to establish a legal services corporation. My bill establishing a legal services corporation is identical to the one introduced with bipartisan cosponsorship of more than 100 Members of both Houses of Congress. It would create a truly independent legal services program.

The National Legal Services Corporation would be established in a separate title under the Economic Opportunity Act. It is patterned after the Corporation for Public Broadcasting.

The Corporation will be funded by annual appropriations from Congress of $80 million. This amount is just slightly more than is currently being spent. OEO officials estimate that present funding provides legal assistance to less than 25 percent of the eligible low-income Americans.

The Corporation would be administered by a 19-member Board of Directors. Five members of the Board would be chosen by the President, with the advice and consent of the Senate. One member would be appointed by the Chief Justice of the Supreme Court, upon recommendation of the Judicial Conference of the United States. Six members would serve by virtue of their office in national legal associations. Three Board members would be chosen by the Clients Advisory Council and three would be chosen by a Project Attorney's Advisory Council.

Six months after the date of enactment of the legislation, the Corporation would become fully operative.

The National Corporation for Legal Services would insure unfettered legal representation for low-income Americans. Only when the attorney-client relationship is free from political manipulation will we truly have equal justice under law.

SOME GOVERNMENT AGENCIES GIVE GOOD SERVICE

(Mr. GUDE asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. GUDE. Mr. Speaker, the other day, I received a letter from a constituent, Mr. Walter Golman, of Silver Spring, Md., who began by saying,

> Let me tell you how business is transacted at one government institution.

I immediately wondered what new horror story I was about to hear; what serious earth-shaking problem was in need of a solution. But, in reading on, I found myself in complete amazement. For the writer was not complaining, or demanding an instant solution to some serious situation. Rather, Mr. Golman was writing to tell me what an excellent job is done at the clinical center at the National Institutes of Health.

Mr. Golman's comments contained such sincere praise for his experience at the clinical center, that I wanted to share his letter with all of my colleagues. It is truly refreshing to read of one program within this vast Federal bureaucracy that is not only merely doing its job, but is doing it with real devotion and dedication. I know that after hearing Mr. Golman's comments, you will wish to join me in congratulating the NIH Clinical Center and its staff on their outstanding performance.

Silver Spring, Md.,
January 8, 1973.

Hon. Gilbert Gude,
U.S. House of Representatives,
Washington, D.C.

Dear Congressman Gude: Let me tell you how business is transacted at one government institution, the Clinical Center at the National Institutes of Health. My wife and I had abundant opportunity to see Wards 6 West and 7 East over the many weeks during which she underwent intense observation, difficult heart surgery, and a great deal of post-operative care.

The most remarkable feature about the Clinical Center, so far as we are concerned, is not only its professional competence—which is of the highest possible order. Nor do we refer alone to the superb attention given by the physicians and nurses. Of course, the physicians and nurses are well trained, devoted, and sensitive to the needs of their patients; that is expected of people in their calling, though these particular people appear to be a couple of cuts above their counterparts at just about every other institution we have seen.

No, sheer professional competence alone does not explain the warmth and concern displayed by every staff member with whom we had any contact at all: by every physician, nurse, and technician we met—and we met many—by everyone in the nutrition units, every clerk, every elevator operator, every person dispensing food in the cafeteria. Surely, one of these people must have had one bad day, must have wanted to be less than usually friendly. Well, if anyone there had such a day—the way the rest of us have them—the fact was hidden from sight. I have never before seen anything like the spirit at this institution.

I cite one example. During the evening and morning before my wife went into surgery, she was visited by everyone who had cared for her until then: not only the members of Dr. Morrow's surgical team, but all the people who had taken part in the weeks of tests and observation. They came to reassure her about the surgery and to tell her that they looked forward to visiting her afterward. And—would you believe it?—they did, in fact, find time to drop in on her after her surgery (successful, by the way) and to wish her well. It takes a special breed of people to behave like that.

I know that NIH's Clinical Center is mainly a research organization, yet it also appears to represent what every hospital in the country ought to be. The institution has combined needle-sharp professionalism with a type of friendly warmth that many of us had despaired of ever seeing again. The result is both refreshing and very precious.

I hope that, when appropriation time comes around, Congress will bear in mind that NIH and its Clinical Center represent a national asset of great value, for its own sake and as a model for other institutions.

Do I have to add the usual disclaimer, pointing out that I am not associated with NIH, that I have no relatives on any of its staffs? One source of bias I must admit, however: for me, as for others who come into contact with the institution—everyone I have met on the staff has behaved as my friend.

Sincerely yours,

Walter Golman.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted to:

Mr. Corman, for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Minshall of Ohio, for 1 hour, today.

(The following Members (at the request of Mr. Armstrong) to revise and extend their remarks and include extraneous matter:)

Mr. Whalen, for 1 hour, today.

Mrs. Heckler of Massachusetts, for 15 minutes, today.

(The following Members (at the request of Mr. Jones of Oklahoma) and to revise and extend their remarks and include extraneous matter:)

Ms. Abzug, for 10 minutes, today.

Mr. Gonzalez, for 5 minutes, today.

Mr. Rostenkowski, for 5 minutes, today.

Mr. Vanik, for 10 minutes, today.

Mr. Flood, for 15 minutes, today.

Mr. Benitez, for 60 minutes, January 31.

Mr. Badillo, for 60 minutes, January 31.

Mr. Stokes, for 60 minutes, January 31.

Mr. Mitchell of Maryland, for 60 minutes, January 31.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mrs. Sullivan to extend her remarks and include extraneous matter.

Mr. Madden in three instances and to include extraneous matter.

(The following Members (at the request of Mr. Armstrong) and to include extraneous matter:)

Mr. Quie.
Mr. Keating.
Mr. Rhodes in five instances.
Mr. Scherle.
Mr. Crane in five instances.
Mr. Derwinski in two instances.
Mr. Archer.
Mr. Bray in three instances.
Mr. Hosmer in three instances.
Mr. Cochran.
Mr. Goodling.
Mr. Johnson of Pennsylvania.
Mr. Anderson of Illinois in two instances.
Mr. Brotzman.
Mr. Baker in two instances.
Mr. Dellenback in two instances.
Mr. Forsythe.
Mr. Ruth.

(The following Members (at the request of Mr. Jones of Oklahoma) and to include extraneous matter:)

Mr. Culver in five instances.
Mr. Van Deerlin.
Mr. Gonzalez in three instances.
Mr. Rarick in five instances.
Mr. Carney of Ohio in four instances.
Mr. Harrington.
Mr. Natcher.
Mr. Edwards of California in two instances.
Mr. Fisher in three instances.
Mr. Reid.
Mr. Hanna in two instances.
Mr. Macdonald.
Mr. Anderson of California in two instances.
Mr. Clark.
Mr. Nichols.
Mr. Roncalio of Wyoming in two instances.
Mr. Dominick V. Daniels.
Mr. Randall in four instances.
Mr. Brooks.
Mr. Drinan.
Mr. Fascell.
Mr. Evins of Tennessee in three instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 498. An act to extend the Solid Waste Disposal Act, as amended, and the Clean Air Act, as amended, for 1 year; to the Committee on Interstate and Foreign Commerce.

ENROLLED JOINT RESOLUTION SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 246. Joint resolution providing for a moment of prayer and thanksgiving and a National Day of Prayer and Thanksgiving.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on January 26, 1973, present to the President, for his approval, a joint resolution of the House of the following title:

H.J. Res. 246. Joint resolution providing for a moment of prayer and thanksgiving and a National Day of Prayer and Thanksgiving.

ADJOURNMENT

Mr. JONES of Oklahoma. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 12 minutes p.m.), the House adjourned until tomorrow, Tuesday, January 30, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

298. A letter from the Secretary of the Air Force, transmitting a report of the number of officers assigned or detailed to permanent duty in the executive part of the Department of the Air Force at the seat of Government, as of December 31, 1972, pursuant to 10 U.S.C. 8031(c); to the Committee on Armed Services.

299. A letter from the Assistant Secretary of the Air Force (Manpower and Reserve Affairs), transmitting a draft of proposed legislation to amend title 10, United States Code, to remove the 4-year limitation on additional active duty that a nonregular officer of the Army or Air Force may be required to perform on completion of training at an educational institution; to the Committee on Armed Services.

300. A letter from the Director, Defense Civil Preparedness Agency, a report on property acquisitions of emergency supplies and equipment covering the quarter ended December 31, 1972, pursuant to section 201(h) of the Federal Civil Defense Act of 1950, as amended; to the Committee on Armed Services.

301. A letter from the Assistant Secretary of Labor, transmitting a copy of the publication entitled "Register of Retirement Benefit Plans", listing such plans, active as of January 1, 1972, which have been filed with the Department of Labor under the provisions of the Welfare and Pension Plans Disclosure Act; to the Committee on Education and Labor.

302. A letter from the President and Chairman, Export-Import Bank of the United States, a report of the amount of Export-Import Bank loans, insurance, and guarantees issued during October–November, 1972, in connection with U.S. exports to Yugoslavia and Romania, pursuant to section 2 (b)(2) of the Export-Import Bank Act of 1945, as amended; to the Committee on Foreign Affairs.

303. A letter from the Federal and State Cochairmen, Joint Federal-State Land Use Planning Commission for Alaska, transmitting a report of the activities of the Commission for calendar year 1972, pursuant to section 17(a)(8)(A) of Alaska Native Claims Settlement Act of 1971 (85 Stat. 708); to the Committee on Interior and Insular Affairs.

304. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend title 49, United States Code, to provide for criminal penalties for all who knowingly and willfully refuse or fail to file required reports, keep required data or falsify records; provide criminal penalties for unlawful carriage of persons for compensation or hire; to increase the civil penalty limits; and for other purposes; to the Committee on Interstate and Foreign Commerce.

305. A letter from the Secretary of Transportation, transmitting a copy of a proposed "Policy Regarding Role of Washington National Airport and Dulles International Airport"; to the Committee on Interstate and Foreign Commerce.

306. A letter from the Vice President for Public Affairs, National Railroad Passenger Corporation, transmitting a report covering the month of December, 1972, on the average number of passengers per day on board each train operated, and the on-time performance at the final destination of each train operated, by route and by railroad, pursuant to section 308(a)(2) of the Rail Passenger Service Act of 1970, as amended, to the Committee on Interstate and Foreign Commerce.

307. A letter from the Director, Federal Judicial Center, transmitting the Annual Report of the Center for 1972; to the Committee on the Judiciary.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DENNIS (for himself, Mr. Rhodes, Mr. Smith of New York, Mr. Erlenborn, Mr. McClory, and Mr. Buchanan):

H.R. 3046. A bill to make rules governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress of the United States or of a military attack upon the United States; to the Committee on Foreign Affairs.

By Mr. MATSUNAGA:

H.R. 3047. A bill to amend the Occupational Safety and Health Act of 1970 to provide more equitable enforcement procedures; to the Committee on Education and Labor.

H.R. 3048. A bill to amend title 38 of the United States Code to permit certain active duty for training to be counted as active duty for purposes of entitlement to educational benefits under chapter 34 of such title; to the Committee on Veterans' Affairs.

By Mr. NICHOLS:

H.R. 3049. A bill to provide that certain expenses incurred in the construction of a municipal building in Talladega, Ala., shall be eligible as local grants-in-aid for purposes of title I of the Housing Act of 1949; to the Committee on Banking and Currency.

By Mr. RARICK (for himself, Mr. Waggonner, Mr. Treen, Mr. Derwinski, Mr. Brown of Michigan, Mr. Sikes, Mr. Clark, Mr. Nicholas, Mr. Parris, Mr. Runnels, Mr. Fountain, Mr. Jones of North Carolina, and Mr. Henderson):

H.R. 3050. A bill to require the Supreme Court to report the reversal of State criminal convictions in written decisions; to the Committee on the Judiciary.

By Mr. ADDABBO:

H.R. 3051. A bill to clarify the right of States and local subdivisions to provide for domestic preference in acquiring materials for public use; to the Committee on the Judiciary.

By Mr. ANDERSON of Illinois:

H.R. 3052. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. ANDERSON of Illinois (for himself, Mrs. Burke of California, Mr. Conte, Mr. Coughlin, Mr. Mallary, Mr. Rodino, Mrs. Grasso, and Mr. Sarasin):

H.R. 3053. A bill making an urgent supplemental appropriation for the national industrial reserve under the Independent Agencies Appropriation Act for the fiscal year ending June 30, 1973; to the Committee on Appropriations.

By Mr. ASHLEY:

H.R. 3054. A bill to insure the separation of powers and to protect the legislative function by requiring the President to notify the Congress whenever he impounds funds, or authorizes the impounding of funds, and to provide a procedure under which the Senate and House of Representatives may approve the President's action or require the President to cease such action; to the Committee on Rules.

By Mr. BADILLO (for himself and Mr. Bowen):

H.R. 3055. A bill to amend the Education of the Handicapped Act to provide tutorial and related instructional services for homebound children through the employment of college students, particularly veterans and other students who themselves are handicapped; to the Committee on Education and Labor.

By Mr. BENNETT:

H.R. 3056. A bill to amend title 5, United States Code, to include as military service for purposes of civil service retirement all service in the National Guard; to the Committee on Post Office and Civil Service.

By Mr. BERGLAND:

H.R. 3057. A bill to amend the Internal Revenue Code of 1954 to exempt certain farm vehicles from the highway use tax, and to require that evidence of payment of such tax be shown on highway motor vehicles subject to tax; to the Committee on Ways and Means.

By Mr. BEVILL:

H.R. 3058. A bill to amend the Rural Electrification Act of 1936, as amended, to reaffirm that such funds made available for each fiscal year to carry out the programs provided for in such act be fully obligated in said year, and for other purposes; to the Committee on Agriculture.

By Mr. BIESTER:

H.R. 3059. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. BLACKBURN (for himself, Mr. Young of Florida, Mr. Baker, Mr. Fisher, Mr. Eshleman, Mr. Sebelius, Mr. Stephens, Mr. Archer, Mr. Parris, Mr. Martin of North Carolina, Mr. Erlenborn, Mr. Buchanan, Mr. Dennis, Mr. Steiger of Arizona, Mr. Collins, Mr. Camp, Mr. Robinson of Virgina, Mr. Robert W. Daniel, Jr., and Mr. Rarick):

H.R. 3060. A bill to protect the freedom of choice of Federal employees in employee-management relations; to the Committee on Post Office and Civil Service.

By Mr. BLATNIK (for himself, Mr. Shuster, Mr. Walsh, Mr. Cochran, Mr. Abdnor, and Mr. Hanrahan):

H.R. 3061. A bill to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for a 1-year period; to the Committee on Public Works.

By Mr. BRADEMAS (for himself, Mr. Perkins, and Mr. Hansen of Idaho):

H.R. 3062. A bill to improve educational quality through the effective utilization of educational technology; to the Committee on Education and Labor.

By Mr. BRADEMAS (for himself, Mr. Perkins, Mr. Mosher, Mr. Litton, Mr. Minish, Mr. Dingell, and Mrs. Burke of California):

H.R. 3063. A bill to strengthen and improve the Older Americans Act of 1965, and for other purposes; to the Committee on Education and Labor.

By Mr. BRADEMAS (for himself, Mr. Perkins, Mr. Quie, Mrs. Mink, Mr. Hansen of Idaho, Mr. Matsunaga, Mr. Moakley, Miss Holtzman, Mr. Thone, and Mr. Widnall):

H.R. 3064. A bill to amend the Vocational Rehabilitation Act to extend and revise the authorization of grants to States for vocational rehabilitation services, to authorize grants for rehabilitation services, to those with severe disabilities, and for other purposes; to the Committee on Education and Labor.

By Mr. BROOKS (for himself and Mr. Holifield):

H.R. 3065. A bill to provide that appointments to the Offices of Director and Deputy Director of the Office of Management and Budget shall be subject to confirmation by the Senate; to the Committee on Government Operations.

By Mr. BROTZMAN:

H.R. 3066. A bill to provide, for purposes of computing retired pay for members of the Armed Forces, and additional credit of service equal to all periods of time spent by any such member as a prisoner of war; to the Committee on Armed Services.

H.R. 3067. A bill to amend title 5, United States Code, to include as creditable service for purposes of civil service retirement certain periods of imprisonment of members of the Armed Forces and of civilian employees by hostile foreign forces, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BROYHILL of Virginia:

H.R. 3068. A bill to establish a system of capital transfer taxes for individuals, and for other purposes; to the Committee on Ways and Means.

By Mr. CAREY of New York:

H.R. 3069. A bill to amend the Internal Revenue Code of 1954 to provide an additional income tax exemption for a taxpayer, his spouse, or his dependent, who is disabled, and to provide an income tax deduction for expenses of a disabled individual for transportation to and from work; to the Committee on Ways and Means.

By Mr. CARNEY of Ohio:

H.R. 3070. A bill to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to revise the eligibility conditions for annuities, to change the railroad retirement tax rates, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 3071. A bill to amend the act providing an exemption from the antitrust laws with respect to local blackouts of certain professional sports events in order to terminate such exemption when a home game is sold out, and to prohibit blackouts by stations more than 50 miles from the site of the event; to the Committee on the Judiciary.

H.R. 3072. A bill to expand the authority of the Veterans' Administration to make direct loans to veterans where private capital is unavailable at the statutory interest rate; to the Committee on Veterans' Affairs.

H.R. 3073. A bill to amend the Social Security Act to make certain that recipients of aid or assistance under the various Federal-State public assistance and medicaid programs (and recipients of assistance or benefits under the veterans' pension and compensation programs and certain other Federal and federally assisted programs) will not have the amount of such aid, assistance, or benefits reduced because of increases in monthly social security benefits; to the Committee on Ways and Means.

By Mr. COCHRAN:

H.R. 3074. A bill appropriating funds for the construction of certain portions of the Natchez Trace Parkway; to the Committee on Appropriations.

By Mr. CONABLE:

H.R. 3075. A bill to amend subchapter G of chapter 1 of the Internal Revenue Code of 1954 (relating to the accumulated earnings tax); to the Committee on Ways and Means.

By Mr. DELLUMS:

H.R. 3076. A bill to require the Secretary of Health, Education, and Welfare to conduct a study and investigation of the effects of the use of pesticides, and for other purposes, to the Committee on Agriculture.

H.R. 3077. A bill to limit the procurement of California and Arizona lettuce by the Department of Defense; to the Committee on Armed Services.

H.R. 3078. A bill to establish an urban mass transit trust fund, and for other purposes; to the Committee on Banking and Currency.

H.R. 3079. A bill to provide that certain expenses incurred in the construction of a rapid transit station in Oakland, Calif., shall be eligible as local grants-in-aid for purposes of title I of the Housing Act of 1949; to the Committee on Banking and Currency.

H.R. 3080. A bill to amend the National Housing Act to authorize the insurance of loans to defray mortgage payments on homes owned by persons who are temporarily unemployed; to the Committee on Banking and Currency.

H.R. 3081. A bill to establish comprehensive and developmental child care services in the Department of Health, Education, and Welfare; to the Committee on Education and Labor.

H.R. 3082. A bill to authorize grants to the Deganawidah-Quetzalcoatl University; to the Committee on Education and Labor.

H.R. 3083. A bill to establish and protect the rights of day laborers; to the Committee on Education and Labor.

H.R. 3084. A bill to authorize the establishment of an older worker community service program; to the Committee on Education and Labor.

H.R. 3085. A bill to encourage States to increase the proportion of the expenditures in the State for public education which are derived from State rather than local revenue sources; to the Committee on Education and Labor.

H.R. 3086. A bill to provide for the use of certain funds to promote scholarly, cultural, and artistic activities between Japan and the United States, and for other purposes; to the Committee on Foreign Affairs.

H.R. 3087. A bill to provide for the creation of an Authority to be known as the Reclamation Lands Authority to carry out the congressional intent respecting the excess land provisions of the Federal Reclamation Act of June 17, 1902; to the Committee on Interior and Insular Affairs.

H.R. 3088. A bill declaring a public interest in the open beaches of the Nation, providing for the protection of such interest, for the acquisition of easements pertaining to such seaward beaches and for the orderly management and control thereof; to the Commission on Interior and Insular Affairs.

H.R. 3089. A bill to enlarge the Sequoia National Park in the State of California; to the Committee on Interior and Insular Affairs.

H.R. 3090. A bill to enforce the Treaty of Guadalupe-Hidalgo as a treaty made pursuant to article VI of the Constitution in regard to lands rightfully belonging to decendants of former Mexican citizens, to recognize the municipal status of the community land grants, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 3091. A bill to amend the Clean Air Act to ban the use of certain internal combustion engines in motor vehicles after January 1, 1975; to the Committee on Interstate and Foreign Commerce.

H.R. 3092. A bill to authorize a program of research, development, and demonstration projects for non-air-polluting motor vehicles; to the Committee on Interstate and Foreign Commerce.

H.R. 3093. A bill to provide implementation of the Federal Trade Commission Act to give increased protection to consumers, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 3094. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to require the establishment of certain standards with respect to light banks, governors, and speed control panels; to the Committee on Interstate and Foreign Commerce.

H.R. 3095. A bill to provide for the abatement of air pollution by the control of emissions from motor vehicles; preconstruction certification of stationary sources; more stringent State standards covering vehicular emissions, fuel additives and aircraft fuels; emergency injunctive powers; and public disclosure of pollutants; to the Committee on Interstate and Foreign Commerce.

H.R. 3096. A bill to ban from commerce toys which are copies of or resemble firearms or destructive devices; to the Committee on Interstate and Foreign Commerce.

H.R. 3097. A bill to amend the National Emission Standards Act to require standards be set at the most stringent possible levels; to the Committee on Interstate and Foreign Commerce.

H.R. 3098. A bill to amend the Federal Aviation Act of 1958 in order to authorize free or reduced rate transportation to handicapped persons and persons who are 65 years of age or older, and to amend the Interstate Commerce Act to authorize free or reduced rate transportation for persons who are 65 years of age or older; to the Committee on Interstate and Foreign Commerce.

H.R. 3099. A bill to provide for the compensation of innocent victims of violent crime in need; to make grants to States for the payment of such compensation; to authorize an insurance program and death and disability benefits for public safety officers; to provide civil remedies for victims of racketeering activity; and for other purposes; to the Committee on the Judiciary.

H.R. 3100. A bill to exonerate and to provide for a general and unconditional amnesty for certain persons who have violated or are alleged to have violated laws in the course of protest against the involvement of the United States in Indochina, and for other purposes; to the Committee on the Judiciary.

H.R. 3101. A bill to amend the Fish and Wildlife Coordination Act to provide additional protection to marine and wildlife ecology by providing for the orderly regulation of dumping in the ocean, coastal, and other waters of the United States; to the Committee on Merchant Marine and Fisheries.

H.R. 3102. A bill to amend the National Environmental Policy Act of 1969 to provide for citizens' suits and class actions in the U.S. district courts against persons responsible for creating certain environmental hazards; to the Committee on Merchant Marine and Fisheries.

H.R. 3103. A bill to amend title 39, United States Code, to prohibit the mailing of unsolicited sample drug products and other potentially harmful items, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 3104. A bill to amend section 16 of the act of March 3, 1899 (30 Stat. 1121, 1153, ch. 425; 33 U.S.C. 411 and 412); to the Committee on Public Works.

H.R. 3105. A bill to amend the act of March 3, 1899, commonly referred to as the Refuse Act, relating to the issuance of certain permits; to the Committee on Public Works.

H.R. 3106. A bill to amend the Federal Water Pollution Control Act and the Clean Air Act in order to provide assistance in enforcing such acts through Federal procurement contract procedures; to the Committee on Public Works.

H.R. 3107. A bill to amend the Federal Water Pollution Control Act to establish health and welfare standards which must be met by all synthetic detergents and to ban from detergents all phosphates and those synthetics which fail to meet the standards by June 30, 1975; to the Committee on Public Works.

H.R. 3108. A bill to amend section 402 of title 23 of the United States Code relating to informational, regulatory, and warning signs, markings and signals; to the Committee on Public Works.

H.R. 3109. A bill to amend title 23 of the United States Code to authorize construction of exclusive or preferential bicycle lanes, and for other purposes; to the Committee on Public Works.

H.R. 3110. A bill to provide for assignment of unused laboratory space and facilities to unemployed scientists; to the Committee on Science and Astronautics.

H.R. 3111. A bill to increase Servicemen's Group Life Insurance coverage to a maximum of $50,000, to liberalize coverage under the GI life insurance programs, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 3112. A bill to assure a more adequate retirement income for employees by requiring the establishment of employee pension and profit-sharing-retirement plans and providing additional protection for the rights of participants in such plans, to establish minimum standards for pension and profit-sharing-retirement plan vesting and funding, to establish a pension plan insurance program under corporate administration, to provide for the portability of pension credits, to provide for regulation of the administration of pension and other employee benefit plans, to establish a U.S. Pension and Employee Benefit Plan Commission to carry out these programs and enforce these requirements, to amend the Welfare and Pension Plans Disclosure Act, and for other purposes; to the Committee on Ways and Means.

H.R. 3113. A bill to amend the Internal Revenue Code of 1954 in relation to expenses for care of certain dependents; to the Committee on Ways and Means.

H.R. 3114. A bill to amend the Internal Revenue Code of 1954 to impose an excise tax on fuels containing sulphur and on certain emissions of sulphur oxides; to the Committee on Ways and Means.

H.R. 3115. A bill to amend the Internal Revenue Code of 1954 to increase personal exemptions after 1974 by an amount based on annual variations in the Consumer Price Index; to the Committee on Ways and Means.

H.R. 3116. A bill to amend titles II and XVIII of the Social Security Act to include qualified drugs, requiring a physician's prescription or certification and approved by a formulary committee, among the items and services covered under the hospital insurance program; to the Committee on Ways and Means.

H.R. 3117. A bill to amend title II of the Social Security Act to provide that an individual may qualify for disability insurance benefits and the disability freeze if he has enough quarters of coverage to be fully insured for old-age benefit purposes, regardless of when such quarters were earned; to the Committee on Ways and Means.

H.R. 3118. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

H.R. 3119. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

H.R. 3120. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. DICKINSON:

H.R. 3121. A bill to amend the Rural Electrification Act of 1936, as amended, to reaffirm that such funds made available for each fiscal year to carry out the programs provided for in such act be fully obligated in said year, and for other purposes; to the Committee on Agriculture.

By Mr. DULSKI:

H.R. 3122. A bill to authorize the President, through the temporary Vietnam Children's Care Agency, to enter into arrangements with the Government of South Vietnam to provide assistance in improving the welfare of children in South Vietnam and to facilitate the adoption of orphaned or abandoned Vietnamese children, particularly children of U.S. fathers; to the Committee on Foreign Affairs.

By Mr. ESCH:

H.R. 3123. A bill to amend the National Flood Insurance Act of 1968 to extend coverage under the flood insurance programs to include losses from surface or floating ice; to the Committee on Banking and Currency.

By Mr. FASCELL (for himself, Mr. Moakley, Mr. Brown of California, Mrs. Schroder, and Mr. Koch):

H.R. 3124. A bill to provide that meetings of Government agencies and of congressional committees shall be open to the public, and for other purposes; to the Committee on Rules.

By Mr. FRENZEL:

H.R. 3125. A bill to deem certain disabilities incurred pursuant to State National Guard service during World War I to be service connected for purposes of chapter 11 of title 38, United States Code (relating to compensation for service-connected disabilities), and for other purposes; to the Committee on Veterans' Affairs.

H.R. 3126. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. GAYDOS:

H.R. 3127. A bill to revise the Welfare and Pension Plan Disclosure Act; to the Committee on Education and Labor.

H.R. 3128. A bill to establish an Office of Consumer Affairs in the Executive Office of the President and a Consumer Protection Agency in order to secure within the Federal Government effective protection and representation of the interests of consumers, and for other purposes; to the Committee on Government Operations.

H.R. 3129. A bill to provide that the fiscal year of the United States shall coincide with the calendar year; to the Committee on Government Operations.

H.R. 3130. A bill to provide for the selection of candidates for President of the United States in a national presidential primary election, and for the election of a President and a Vice President by direct vote of the people, and for other purposes; to the Committee on House Administration.

H.R. 3131. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of certain public safety officers who die in the performance of duty; to the Committee on the Judiciary.

H.R. 3132. A bill to postpone the effectiveness of any U.S. district court order requiring the busing of schoolchildren until such time as all appeals, including to the Supreme Court if necessary, in connection with such order have been exhausted and for other purposes; to the Committee on the Judiciary.

H.R. 3133. A bill to amend title 39, United States Code, to authorize the transmission, without cost to the sender, of letter mail to the President or Vice President of the United States or to Members of Congress, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 3134. A bill to amend title 38 of the United States Code to make certain that recipients of veterans pension or compensation will not have the amount of such pension or compensation reduced because of increases in monthly social security benefits; to the Committee on Veterans' Affairs.

H.R. 3135. A bill to amend the Social Security Act to increase OASDI benefits by 15 percent (with a $120 minimum) and raise the earnings base, to provide various improvements in benefit computations, to provide full benefits for men at age 60 and women at age 55, to pay a wife's and widow's benefits without regard to age in disability cases, and liberalize eligibility for disability benefits; to liberalize the medical coverage of disabled beneficiaries under age 65, to finance the medical insurance program entirely from general revenues, and to cover prescription drugs; to require the furnishing of drugs on a generic basis under the medicare and public assistance programs; and for other purposes; to the Committee on Ways and Means.

By Mr. GRAY:

H.R. 3136. A bill to Repeal the bread tax on 1973 wheat crop; to the Committee on Agriculture.

H.R. 3137. A bill to establish policy and principles for planning and evaluating flood control, navigation, and other water resource projects and the use of the water and related land resources of the United States and setting forth guidance for the benefit-cost determinations of all agencies therein involved; to the Committee on Public Works.

By Mr. HARRINGTON:

H.R. 3138. A bill to provide public service employment opportunities for unemployed and underemployed persons, to assist States and local communities in providing needed public services, and for other purposes; to the Committee on Education and Labor.

H.R. 3139. A bill to make rules governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress; to the Committee on Foreign Affairs.

H.R. 3140. A bill to provide for the transfer of authorizations for military assistance programs for Laos and Vietnam to the Foreign Assistance Act of 1961, and for other purposes; to the Committee on Foreign Affairs.

By Mr. HUNT (for himself and Mr. Young of Florida):

H.R. 3141. A bill to transfer the Coast Guard to the Department of Defense; to the Committee on Merchant Marine and Fisheries.

By Mr. JOHNSON of California:

H.R. 3142. A bill to designate the Emigrant Wilderness, Stanislaus National Forest, in the State of California; to the Committee on Interior and Insular Affairs.

H.R. 3143. A bill to insure the free flow of information to the public; to the Committee on the Judiciary.

By Mr. KING:

H.R. 3144. A bill to amend title II of the Social Security Act to increase to $3,000 the annual amount individuals are permitted to earn without suffering deductions from the insurance benefits payable to them under such title; to the Committee on Ways and Means.

By Mr. MACDONALD (for himself, Mr. Hechler of West Virginia, Mr. Howard, Mr. Donohue, Mr. Leggett, Mr. Rosenthal, Mr. Addabbo, Mr. Won Pat, Mrs. Green of Oregon, Mr. Podell, Mrs. Chisholm, Mr. Flood, Mr. Henderson, Mr. Slack, and Mr. Murphy of New York):

H.R. 3145. A bill to require the President to notify the Congress whenever he impounds funds or authorizes the impounding of funds, and to provide a procedure under which the House of Representatives and the Senate may approve the President's action or require the President to cease such action; to the Committee on Rules.

By Mr. MACDONALD (for himself, Mr. Matsunaga, Mr. Waldie, Mr. Davis of Georgia, Mr. Conyers, Mr. Clay, Mr. Moorhead of Pennsylvania, Mr. Van Deerlin, Mr. Brasco, Mr. Price of Illinois, Mr. Rooney of Pennsylvania, Mr. Adams, Mr. Clark, and Mr. James V. Stanton):

H.R. 3146. A bill to require the President to notify the Congress whenever he impounds funds, or authorizes the impounding of funds, and to provide a procedure under which the House of Representatives and the Senate may approve the President's action or require the President to cease such action; to the Committee on Rules.

By Mr. MEEDS:

H.R. 3147. A bill to amend the Economic Opportunity Act of 1964 to authorize a legal service program by establishing a National Legal Services Corporation, and for other purposes; to the Committee on Education and Labor.

By Mr. MICHEL:

H.R. 3148. A bill to amend the Internal Revenue Code of 1954 to provide a deduction from gross income for funeral expenses; to the Committee on Ways and Means.

By Mr. MILLS of Arkansas:

H.R. 3149. A bill to amend section 707 of the Social Security Act to extend for 1 year the existing authorization of grants for the expansion and development of undergraduate and graduate programs in social work; to the Committee on Ways and Means.

H.R. 3150. A bill to provide a deduction for income tax purposes, in the case of a disabled individual, for expenses for transportation to and from work; and to provide an additional exemption for income tax purposes for a taxpayer or spouse who is disabled; to the Committee on Ways and Means.

H.R. 3151. A bill to permit officers and employees of the Federal Government to elect coverage under the old-age survivors, and disability insurance system; to the Committee on Ways and Means.

H.R. 3152. A bill relating to the income tax treatment of charitable contributions of copyrights, artistic compositions, or a collection of papers; to the Committee on Ways and Means.

By Mr. MILLS of Arkansas (for himself and Mr. Schneebeli):

H.R. 3153. A bill to amend the Social Security Act to make certain technical and conforming changes; to the Committee on Ways and Means.

H.R. 3154. A bill to provide an extension of the interest equalization tax; to the Committee on Ways and Means.

By Mrs. MINK:

H.R. 3155. A bill to amend the Food Stamp Act to allow eligible households to purchase certain imported foods with food stamps; to the Committee on Agriculture.

H.R. 3156. A bill to provide for the conveyance of the island of Kahoolawe to the State of Hawaii, and for other purposes; to the Committee on Armed Services.

H.R. 3157. A bill to amend Public Law 874 of the 81st Congress to create within the Department of Health, Education and Welfare a National Overseas Education Board having responsibility for the elementary and secondary education of certain overseas dependents; to the Committee on Education and Labor.

H.R. 3158. A bill to establish a Federal sabbatical program to improve the quality of teaching in the Nation's elementary and secondary schools; to the Committee on Education and Labor.

H.R. 3159. A bill for the relief of certain orphans in Vietnam; to the Committee on the Judiciary.

H.R. 3160. A bill to restore the wartime recognition of Filipino veterans of World War II who fought as members of the Commonwealth Army but whose wartime service records were subsequently stricken from official U.S. Army records and to entitle them to those benefits, rights, and privileges which result from such recognition; and to amend the Immigration and Nationality Act to classify as special immigrants alien veterans who served honorably in the U.S. Armed Forces, together with their spouses and children, for purposes of lawful admission into the United States; to the Committee on Veterans' Affairs.

By Mr. PERKINS:

H.R. 3161. A bill to amend title IV of the Rural Development Act of 1972 to provide assistance to certain rural volunteer fire departments; to the Committee on Agriculture.

H.R. 3162. A bill to amend chapter 83 of title 5, United States Code, to eliminate the survivorship reduction during periods of nonmarriage of certain annuitants; to the Committee on Post Office and Civil Service.

H.R. 3163. A bill to provide increases in certain annuities payable under chapter 83 of title 5, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. PRITCHARD:

H.R. 3164. A bill to amend the Federal Aviation Act of 1958 to authorize reduced-rate transportation for elderly people on a space-available basis; to the Committee on Interstate and Foreign Commerce.

By Mr. ROGERS (for himself, Mr. Danielson, Mr. Rooney of Pennsylvania, Mr. Buchanan, Mr. Hudnut, Mr. Rose, Mr. McCollister, Mr. McSpadden, Mr. Roy, Mr. Treen, and Mr. Denholm):

H.R. 3165. A bill to authorize the apportionment of funds for the National System of Interstate and Defense Highways for fiscal years 1974 and 1975; to the Committee on Public Works.

By Mr. ROGERS (for himself, Mr. Rarick, Mr. Hechler of West Virginia, Mr. Bevill, Mr. Davis of South Carolina, Mr. Stephens, Mr. Preyer, Mr. Blackburn, Mr. Andrews of North Dakota, Mr. Johnson of Pennsylvania, Mr. Duncan, Mr. Myers, Mr. Gude, Mr. Ware, Mr. Kemp, Mr. Whitehurst, Mr. Satterfield, and Mr. Milford):

H.R. 3166. A bill to authorize the apportionment of funds for the National System of Interstate and Defense Highways for fiscal years 1974 and 1975; to the Committee on Public Works.

By Mr. ROSTENKOWSKI:

H.R. 3167. A bill to prohibit the importation, manufacture, sale, purchase, transfer, receipt, or transportation of handguns, in any manner affecting interstate or foreign commerce, except for or by members of the Armed Forces, law enforcement officials, and, as authorized by the Secretary of the Treasury, licensed importers, manufacturers, dealers, and pistol clubs; to the Committee on the Judiciary.

H.R. 3168. A bill to amend the Internal Revenue Code of 1954 by repealing the present provisions with respect to income averaging and readopting the provisions in effect prior to 1964; to the Committee on Ways and Means.

By Mr. ROYBAL:

H.R. 3169. A bill to establish the Cabinet Committee for Asian American Affairs, and for other purposes; to the Committee on Government Operations.

H.R. 3170. A bill to require sprinkling systems to be installed in certain new high-rise buildings, and for other purposes; to the Committee on Science and Astronautics.

By Mr. SCHERLE (for himself, Mr. Chappell, and Mr. Esch):

H.R. 3171. A bill to require the Secretary of Agriculture to carry out a rural environmental assistance program; to the Committee on Agriculture.

By Mr. SIKES:

H.R. 3172. A bill to provide price support for milk at not less than 85 percent of the parity price therefor; to the Committee on Agriculture.

H.R. 3173. A bill to amend title 38 of the United States Code so as to entitle veterans of World War I and their widows and children to pension on the same basis as veterans of the Spanish-American War and their widows and children, respectively; to the Committee on Veterans' Affairs.

By Mr. SISK:

H.R. 3174. A bill to establish certain policies with respect to certain use permits for national forest lands; to the Committee on Agriculture.

By Mr. STEIGER of Wisconsin (for himself, Mr. Biester, and Mr. Dellenback):

H.R. 3175. A bill to amend the Economic Opportunity Act of 1964 to authorize a legal services program by establishing a National Legal Services Corporation, and for other purposes; to the Committee on Education and Labor.

By Mr. STUBBLEFIELD:

H.R. 3176. A bill to amend title 10, United States Code, to equalize the retirement pay of members of the uniformed services of equal rank and years of service, and for other purposes; to the Committee on Armed Services.

By Mr. TEAGUE of California:

H.R. 3177. A bill to provide for a Federal ecological preserve in a portion of the Outer Continental Shelf in the Santa Barbara Channel and to provide for a moratorium on drilling operations pending the ability to control and prevent pollution by oil discharges and to improve the state of the art with respect to oil production from the submerged lands, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. TEAGUE of California (by request):

H.R. 3178. A bill to provide for a Federal moratorium on drilling operations in a portion of the Outer Continental Shelf in the Santa Barbara Channel pending the ability to control and prevent pollution by oil discharges and to improve the state of the art with respect to oil production from the submerged lands, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. UDALL:

H.R. 3179. A bill to amend the Interstate Land Sales Full Disclosure Act; to the Committee on Banking and Currency.

By Mr. UDALL (for himself, Mr. Dulski, and Mr. Henderson):

H.R. 3180. A bill to amend title 39, United States Code, to clarify the proper use of the franking privilege by Members of Congress, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WHALEN (for himself, Mr. Bowen, Mr. Clay, Mr. Cotter, Mr. Diggs, Mr. Eilberg, Mr. Hanley, Mr. McSpadden, Mr. Quie, and Mr. Charles Wilson of Texas):

H.R. 3181. A bill to assure the free flow of information to the public; to the Committee on the Judiciary.

By Mr. WYDLER:

H.R. 3182. A bill to amend the Interstate Commerce Act as amended, with respect to schoolbus safety; to the Committee on Interstate and Foreign Commerce.

By Mr. WYLIE:

H.R. 3183. A bill to prohibit travel at Government expense outside the United States by Members of Congress who have been defeated, or who have resigned, or retired; to the Committee on House Administration.

By Mr. YATES:

H.R. 3184. A bill to incorporate Recovery, Incorporated; to the Committee on the Judiciary.

By Mr. YATES (for himself and Mr. LEHMAN):

H.R. 3185. A bill to prohibit commercial flights by supersonic aircraft into or over the United States until certain findings are made by the Administrator of the Environmental Protection Agency and by the Secretary of Transportation, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. DAVIS of Wisconsin:

H.J. Res. 249. Joint resolution proposing an amendment to the Constitution of the United States to provide that any district, from which an official is elected to a legislative body, within a State, any political subdivision of a State, or the District of Columbia shall contain substantially the same numbers of citizens; to the Committee on the Judiciary.

By Mr. DICKINSON:

H.J. Res. 250. Joint resolution relating to the war power of Congress; to the Committee on Foreign Affairs.

By Mr. FRENZEL:

H.J. Res. 251. Joint resolution proposing an amendment to the Constitution of the United States to provide an age limit and a single 6-year term for the President; to the Committee on the Judiciary.

H.J. Res. 252. Joint resolution proposing an amendment to the Constitution of the United States to provide an age limit for Senators and Representatives; to the Committee on the Judiciary.

H.J. Res. 253. Joint resolution proposing an amendment to the Constitution of the United States to limit the tenure of office of Senators and Representatives; to the Committee on the Judiciary.

By Mrs. MINK:

H.J. Res. 254. Joint resolution proposing an amendment to the Constitution of the United States providing that the term of office of Members of the U.S. House of Representatives shall be 4 years; to the Committee on the Judiciary.

By Mr. PATMAN:

H.J. Res. 255. Joint resolution to designate the Manned Space Craft Center in Houston, Tex., as the Lyndon B. Johnson Space Center in honor of the late President; to the Committee on Science and Astronautics.

By Mr. RINALDO:

H.J. Res. 256. Joint resolution to authorize the emergency importation of oil into the United States; to the Committee on Ways and Means.

By Mr. RONCALIO of Wyoming:

H.J. Res. 257. Joint resolution to authorize the President to issue annually a proclamation designating March of each year as Youth Art Month; to the Committee on the Judiciary.

By Mr. ANDERSON of Illinois (for himself and Mr. CLEVELAND):

H. Res. 167. A resolution to amend rule XI of the House of Representatives to provide for adequate minority staffing on committees; to the Committee on Rules.

By Mr. FRENZEL:

H. Res. 168. Resolution to authorize each Member, Resident Commissioner, and Delegate to hire within the monetary limits of the existing clerk hire allowance two additional clerks who are physically handicapped; to the Committee on House Administration.

By Mr. GUDE:

H. Res. 169. Resolution to amend the Rules of the House of Representatives regarding instructions to members of committees of conference; to the Committee on Rules.

By Mr. HUNT:

H. Res. 170. Resolution: Canal Zone sovereignty and jurisdiction resolution; to the Committee on Foreign Affairs.

By Mr. POAGE:

H. Res. 171. Resolution to provide funds for the expenses of the investigation and study authorized by House Resolution 72; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII,

20. The SPEAKER presented a memorial of the Senate of the State of Hawaii, relative to peace in Vietnam; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DON H. CLAUSEN:

H.R. 3186. A bill for the relief of Jerry A. Langer; to the Committee on the Judiciary.

By Mr. BURTON:

H.R. 3187. A bill for the relief of Fredi Robert Dreilich; to the Committee on the Judiciary.

By Mr. DELLUMS:

H.R. 3188. A bill for the relief of Thomas G. Jolley; to the Committee on the Judiciary.

By Mr. FRENZEL:

H.R. 3189. A bill for the relief of Elmer Erickson; to the Committee on the Judiciary.

By Mr. HANNA:

H.R. 3190. A bill for the relief of Gabriel Edgar Buchowiecki; to the Committee on the Judiciary.

By Mr. HICKS:

H.R. 3191. A bill to incorporate in the District of Columbia the National Inconvenienced Sportsmen's Association; to the Committee on District of Columbia.

By Mr. McSPADDEN:

H.R. 3192. A bill for the relief of Larry Hoyt Lunsford and Estelene Lunsford; to the Committee on the Judiciary.

By Mrs. MINK:

H.R. 3193. A bill to provide that Maj. Carvel de Bussy shall be advanced to the grade of lieutenant colonel, and for other purposes; to the Committee on Armed Services.

H.R. 3194. A bill for the relief of certain members of the civilian guard force of the 6487th Air Base Squadron, Wheeler Air Force Base, Hawaii; to the Committee on the Judiciary.

H.R. 3195. A bill for the relief of John Balaz; to the Committee on the Judiciary.

H.R. 3196. A bill for the relief of James H. Davidson, Vincent W. S. Hee, and Kay M. Mochizuki; to the Committee on the Judiciary.

H.R. 3197. A bill for the relief of Mrs. Alice Davis, Mrs. Carol Dumbaugh, Mrs. Judith Haworth, and Mrs. Doris Chula; to the Committee on the Judiciary.

H.R. 3198. A bill for the relief of James L. Gerard, James W. Summers, and William D. Cissel; to the Committee on the Judiciary.

H.R. 3199. A bill for the relief of Plotemia Mabanag Bareng and Bastiana Lilian Mabanag Bareng; to the Committee on the Judiciary.

H.R. 3200. A bill for the relief of Servillano C. Espi; to the Committee on the Judiciary.

H.R. 3201. A bill for the relief of Mrs. Toyo Shota Ikeuchi and Mrs. Katherine Keiko Aoki Kaneshiro; to the Committee on the Judiciary.

H.R. 3202. A bill for the relief of Takehito Kobayashi; to the Committee on the Judiciary.

H.R. 3203. A bill for the relief of Nepty Masauo Jones; to the Committee on the Judiciary.

H.R. 3204. A bill for the relief of Mrs. Corazon Evangeline Quimino; to the Committee on the Judiciary.

H.R. 3205. A bill for the relief of Esther Nano Ramos; to the Committee on the Judiciary.

H.R. 3206. A bill for the relief of Francisco M. del Rosario; to the Committee on the Judiciary.

By Mr. PRITCHARD:

H.R. 3207. A bill for the relief of Mrs. Enid R. Pope; to the Committee on the Judiciary.

By Mr. SANDMAN:

H.R. 3208. A bill for the relief of Giuseppe Trimarchi; to the Committee on the Judiciary.

PETITION, ETC.

Under clause 1 of rule XXII,

35. The SPEAKER presented a petition of the City Council, Fresno, Calif., relative to President Lyndon B. Johnson; to the Committee on House Administration.

EXTENSIONS OF REMARKS

THE 55TH ANNIVERSARY OF UKRAINE'S INDEPENDENCE

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1973

Mr. RHODES. Mr. Speaker, January 22 marked the 55th anniversary of Ukraine's independence.

In 1917, as the tsarist regime crumbled and Russia was torn by internal forces; the non-Russian areas of the empire were afire with a struggle not only to attain social freedom but national independence as well.

Nowhere was the drive for independence more alive than in Ukraine. Amid the complex events of that year the Ukrainian masses created a movement that led to the Ukraïn'ka Narodnia Respublika—Ukrainian National Republic.

However, as the new nation was hard at work establishing itself, its freedoms and its independence were snatched away. In 1922, the Bolsheviks, disregarding national boundaries and identities, seized Ukraine, clamping despotism over this nation of beauty, vast resources, and 50 million people. The result was, and is, that Ukraine is the largest non-Russian captive nation both in the U.S.S.R. and Eastern Europe.

Since the plundering Bolsheviks enslaved this nation 50 years ago, repression has been a way of life in Ukraine. Yet, hope and the will to be free has not been taken from the people. The belief in the Ukrainian will and national spirit remains alive.

I also think something should be said here about the 2,000,000 Ukrainian-Americans and a tremendous effort they have undertaken.

Not only has knowledge of their homeland, its history, literature, and culture been disproportionately minimal despite Ukraine's importance, but the Ukrainian-American's experience as a community, their integration into the mainstream of American life, and their contribution to the growth of this country have been inadequately studied. As a result of seeing this need a professorship in Ukrainian studies has been created at Harvard University.

In Ukraine itself, the range of scholarly research in the humanities has been one of the fields most sharply circumscribed since the 1930's. The task of Harvard's Ukrainian center will be to fill the gaps.

This tremendous and vital effort at Harvard is the result of the work of many, but most importantly involved is a group of Ukrainian-American students that concluded that the only way to perpetuate their cultural inheritance and share it was through the endowment of a permanent chair of Ukrainian studies at an American university. The unprecedented initiative of this group of students made possible the collection of the necessary funds for the endowment of a professorial chair. Because of this effort, Harvard shall be the home of a $3.8 million Ukrainian studies center providing the means to fill the cultural gaps forcibly created in Ukraine by Communist ideology and anti-Ukrainian discrimination.

This effort by the Ukrainian-American community is indicative of the cultural pride and spirit of a strong-willed people. In their dedication to keep a culture alive there is a lesson for we who too easily take our freedoms for granted.

I salute all Ukrainians on this 55th anniversary of their national independence. I applaud their national spirit and strength, and I look forward to a day when Ukraine will again freely stand among the nations of the world.

JERRY MOLLOY, NEW JERSEY'S TOASTMASTER GENERAL

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 1973

Mr. DOMINICK V. DANIELS. Mr. Speaker, one of the most entertaining persons in northern New Jersey is Jerry Molloy of Hoboken whose ability as a wit and reconteur has earned him the title of Toastmaster General of New Jersey. I know of no one who is more consistently funny than Jerry and, I must say, very often at my expense.

Jerry Molloy is more than a comic. He is a man who has devoted his life to make a better life for other people and there are thousands of young people who have followed the right path in life because of the inspiration of the jolly Hoboken Irishman. As teacher and coach for more than three decades he has taken nothing for himself and given to others. I know Jerry would guffaw if he heard these words, but he is truly one of God's noblemen.

Recently, Carmine Bilotti of the Dispatch, of Union City, N.J., devoted his popular Sportscope column to Jerry Molloy and I include it in full at the conclusion of my remarks.

The article follows:

THE TOASTMASTER GENERAL

There will be a moment at the New Jersey Sportswriters Association dinner Sunday afternoon at the Greenbriar Inn when everybody in the place will wake up. Jerry Molloy's booming voice has the effect of an alarm clock but his chatter and charm are intoxicating.

"Just a few minutes ago," Molloy will begin, "the mike was on the bum. Now a bum is on the mike."

Molloy will smile and the audience will laugh. They always do. Laughter is the middle name of this fat, smiling Irishman from Hoboken.

Molloy is called the Toastmaster General of New Jersey, a title reconfirmed by every governor since Robert Meyner. The sportswriters will send Molloy to the microphone for about the 8,000th time in his long, happy life that began June 1, 1910, near one of Hoboken's many cabarets.

"I gave my first dinner talk at a Kiwanis luncheon at old Meyers Hotel in Hoboken in 1945," Molloy recalls. "The principal speaker didn't show and my old buddy, Yorke Calabro, suggested they let Jerry tell a few stories."

Molloy was a successful high school coach at the time and in the space of a few minutes, he became an equally successful after-dinner speaker. Molloy has been a guest speaker for the Hoboken Kiwanis every year since his debut on the "rubber chicken" circuit. "In appreciation, they've made me an honorary member," says Molloy. Jerry won't say his membership in the Kiwanis is more compensation than he usually receives.

Molloy has brightened audiences in most parts of the country. He shared a dais with the then Vice President Hubert Humphrey at an International Longshoremen's Association convention in Miami Beach, which may be one of the reasons the ex-veep is always smiling.

One of his most interesting engagements, however, was in a suburb of Pittsburgh, Pa.—McKees Rocks. "I felt at home because it reminded me of Hoboken." Jerry spoke for 20 minutes in what he describes as an "abandoned mine shaft." He recalls an elderly lady at a front table playing solitaire. "I had them rolling in the aisles," Molloy remembers, "and then one of the good fathers took the dice away."

He finished his talk with a "prayer." It went like this. "Now I lay me down to slumber, I hope and pray I hit the number. If I should die before I wake . . . Play a deuce on 208."

THE NUMBER HIT

That was April 1970 and the number was a winner the next day. He received a letter of thanks from the dinner chairman on behalf of all the lucky people who played 208. "We need more people like you," the letter said. "But there was no money for me," Molloy said.

Molloy played a return engagement at McKees Rocks last year without a fee. Even the travel expenses were out of his pocket. "They're good people," he reasoned.

Currently, Jerry is the coordinator of youth activities in Hoboken. He points with pride to the young people in his town where, he claims, JD stands for juvenile decency rather than juvenile delinquency.

Molloy has worked with kids most of his life. He was 23 when he signed on as coach of basketball, baseball, football and tennis, director of athletics and teacher of physical education at St. Mary's High School in Paterson in 1933. He was paid $50 a year. He stayed on the job until the school closed in 1971. The building has since been converted to the Jerry Molloy Youth Center.

He also coached at St. Michael's, Newark, from 1939 to 1943; at St. Mary's, Elizabeth from 1943 to 1946; and at St. Patrick's, Elizabeth, from 1946 to 1962 when he retired there after coaching his 200th basketball victory.

COLLEGE COACH

On the college level, Jolly Jerry served a score of seasons as baseball coach at St. Peter's on spring afternoons at the cavernous Roosevelt Stadium, Jersey City. The chief of Hoboken police used to chase foul balls in the empty 25,000-seat stadium and Frank Sinatra's father an ex-boxer who used the name of Marty O'Brien brought the bats back to the dugout.

Molloy feels best among "little people." He once turned down a chance to speak at a prestigious dinner in Washington, D.C., because he had committed himself to appear at a friend's bachelor party in Hoboken.

Jerry, too, was regarded as one of the best officials in college basketball, a position he attained much the same way he became an after dinner talker. "I was at a game and the referee didn't show up. They were paying a dollar so I jumped at the chance to sub," he says. You can expect Molloy to toss a quip. "They said I was one of the best referees money could buy." It always draws a laugh.

He continued as a referee for a few games and "retired." He quickly made a comeback when the fee jumped to $1.50. Eventually his colorful court antics landed him work at Madison Square Garden where he became one of the most popular officials of all time.

Molloy's funny experiences are myriad. One he recalls occurred while his team was playing St. Joseph's of Paterson. "I lost my choppers yelling too hard. I was so incensed I followed the referee across the court, screaming at him and all of a sudden my teeth fell out. I didn't know what to do—keep after him or pick up my choppers. I kept after him."

Later that year, Molloy, whose teams won more than 500 basketball games, was the guest speaker at the St. Joseph's sports dinner. "They presented me with a set of chattering teeth."

It was another of the more than 8,000 nights that Molloy put a smile on peoples' faces.

"I'm not an entertainer," he points out. "I just like to have fun."

MAY THE PEACE BE PERMANENT

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 1973

Mr. JOHNSON of California. Mr. Speaker, the cease-fire which took place in Vietnam on Saturday and the signing of agreements by the four parties directly involved, which hopefully will lead to a permanent peace in all of Southeast Asia, are indeed most welcome news.

As I know my colleagues are, I am elated that the two agreements which have been initialed and were signed Saturday means that at long last we have in sight that day when all American prisoners of war will be released and returned home and there will be the fullest possible accounting of our servicemen who are listed as missing in action. I am pleased that these POW–MIA lists, which we have sought for so long, have been made available immediately and at long last the long vigil of the families of the prisoners of war and those missing in action will be ended.

Within 60 days we should have the remaining troops in Vietnam en route home. That indeed will be a wonderful day—one that we have hoped and prayed for for a long, long time.

The President's report and the lengthy and thorough briefing in which Dr. Kissinger spelled out the many details of the peace agreements give us real assurance that we have a bona fide negotiated peace, one which has been achieved with honor.

The task facing the Nation today, one emphasized both by the President and Dr. Kissinger, is how to achieve a permanent peace—a peace which will bring together in a spirit of cooperation and conciliation not only the people of Southeast Asia but also our own people here at home and the peoples throughout the world. I would join our President in his closing comments last night in which he emphasized how much President Johnson desired and sought actively a lasting peace in the world:

> No one would have welcomed this peace more than he. And I know he would join me in asking—for those who died, and for those who live—let us consecrate this moment by resolving together to make the peace we have achieved a peace that will last.

May we dedicate ourselves to the achievement of this goal.

SCOUTING'S MORE THAN YOU THINK

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 1973

Mr. NATCHER. Mr. Speaker, during the entire month of February we will commemorate the 63d anniversary of the Boy Scouts of America who, as you know, were the first and the largest youth organization to be chartered by Congress. Certainly I am always proud and delighted to have the opportunity to pay tribute to and express my sincere appreciation for the outstanding accomplishments rendered by this splendid organization since its inception.

All down through the years we have witnessed wonderful achievements brought about by the emphasis which scouting has placed on fellowship, citizenship, and respect for God as evidenced by the more than six million members and leaders who are truly committed to this program. However, scouting today has changed in its total concept. It is an organized, contemporary, and universal program used to tackle drug abuse, pollution, juvenile delinquency, and unemployment problems, and in its continuing concern for American youth BSA began a nationwide program to combat drug abuse. Operation REACH, inaugurated in 1971, has made highly successful and indispensable approaches to drug abuse prevention and was developed to supplement scouting's traditional physical and mental fitness program. This project provides for the distribution of reliable drug information to youth and their parents thereby creating an atmosphere which opens frank discussion and promotes trust between the two generations.

Current national efforts also include Boypower '76, an intense long-range expansion program launched in 1969 which proposes to involve one-third of all American boys in scouting by 1976, the 200th anniversary of the birth of our Nation. As a part of its Boypower '76 plan, the BSA has included a number of programs that reflect their concern for the environment. Project SOAR—Save Our American Resources—is one of them. Boys participating in this project remove litter from our Nation's highways, parks, streambanks, vacant lots, and public lands. Instead of merely expressing criticism, scouts are assuming an active, constructive role in cleaning up their environment and restoring acres of land back to its original beauty.

It is my opinion that the scouting program has always been a relevant, sympathetic and meaningful organization responding to the needs of our youth. I recall with fond and cherished memories the adventures and experiences which I enjoyed as a Boy Scout, and feel confident that the lessons of citizenship and fellowship which come early in scouting provide a deeply personal experience for every Boy Scout.

The scouting movement has made significant expansion in Kentucky and I am pleased to note that BSA continues to be of great service to the State of Kentucky generally and the Second Congressional District in particular.

Mr. Speaker, for the past 63 years the Boy Scouts of America have definitely made an enormous contribution to the growth of this country both morally and spiritually, and on the eve of their anniversary, I want to wish each and every scout continued success in all of their future endeavors.

COMMITTEE ON THE ENVIRONMENT

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 1973

Mr. YOUNG of Florida. Mr. Speaker, the Congress must marshal its resources if the great struggle to clean up America's environment and preserve our natural resources is ever to be won. Right now, our effort is fragmented and inefficient, thus preventing the Congress from taking leadership on one of the greatest problems of our time.

To bring unity to this effort, I have introduced House Resolution 41, to establish a Standing Committee on the Environment in the House of Representatives.

While the administration with establishment of the Environmental Protection Agency recognized the need for a coordinated program to clean up America's air and water, the Congress has continued trying to solve the problems on a piecemeal basis.

The Nation's growing recognition of the need to improve the quality of life and deal with the growing environmental crisis has led to a proliferation of bills introduced in the Congress to this end. These environmental bills continue to be assigned to a myriad of committees which are chiefly concerned with other areas of legislative activity.

The problems are simply too costly and complex to be handled in this manner. We need one standing committee to deal with air pollution, water pollution, noise pollution, herbicide and pesticide abuse, waste management and all of the other critical concerns involving our environment.

In both the 91st and 92d Congresses, a joint resolution was passed to establish a Joint Committee on the Environment. However, the committee failed to become operational, because no conference report was ever filed following the congressional approval. In any event, a joint committee would not have solved the problem since no bills would have been referred to it and the committee would not have had jurisdiction to report measures to the floor.

Much of my public life has been dedicated to preserving America's great natural assets for the use and enjoyment of this and future generations. Cleaning up our environment is certainly one of the most difficult and costly campaigns we have ever undertaken.

Therefore, it is essential we do so in an effective, coordinated manner. We owe it to the American people to get the job done.

NEW ADMINISTRATION BUDGET THREATENS CATASTROPHIC CUTS IN MEDICAL RESEARCH

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 1973

Mr. DRINAN. Mr. Speaker, the Nixon administration's fiscal budget for 1974, unveiled today, spells catastrophic slashes in Federal funding for many programs in the physical sciences and particularly in the training of medical sciences in the teaching hospitals across the Nation.

In Boston alone there will be a projected loss of more than $18 million in Federal support. More than 850 training positions will be lost over the 18 months at the three medical schools and their affiliated hospitals in greater Boston.

To bring the forthcoming disasters to the attention of the Members of Congress and of the Nation, I attach herewith a well-researched article from the Boston Globe for January 29, 1973. The article follows:

HUB MEDICAL TRAINING CENTERS LOSE $18 MILLION UNDER NIXON BUDGET

The Nixon Administration's fiscal 1974 budget, to be unveiled today, dooms Federal support for training new medical scientists, much to the amazement of medical schools and teaching hospitals across the nation.

Boston, a world medical center, stands to lose more than $18 million in Federal support under the new Nixon budget. More than 850 training positions will be eliminated over the next 18 months at the three medical schools and their affiliated hospitals here.

Because of the concentration of medical research and teaching here, Boston will be one of the two or three hardest hit centers in the country. Almost 15 percent of the $134.5 million in Federal biomedical training and fellowship money allocated for the current fiscal year flowed into local academic medicine.

This money nourishes not only new medical research talent but also provides medical schools with $2.8 million to help pay faculty salaries.

A third benefit, difficult to measure but clearly substantial, is the significant amount of patient care that the Federally supported trainees provide in their research and training—especially in the esoteric disease management for which Boston hospitals are famous.

The most striking example is the Massachusetts General Hospital, which stands to lose 145 trainees in specialties ranging from anesthesia to neurology and surgery. The fate of 40 trainees slated to come on board July 1, to whom the hospital had already given commitments, is very much in doubt according to MGH officials.

Based on rumors circulating during the past 10 days, medical schools and some of the nation's most prestigious hospitals are lobbying in Congress to save the program, but most observers see little chance of success.

Unknown to all but a few in the academic medical community, the debate over research traineeships between the White House Office of Management and Budget (OMB) and the National Institutes of Health (NIH) was being waged over the past nine months. As the budget to be revealed today shows, the fiscal managers prevailed in that battle, which probably will be the determining one.

Whatever happens in Washington over the next few months, however, it is clear that there will be major and wrenching changes in the way medical school teaching, research and patient care have been conducted in academic medical centers for 20 years.

A rundown of Federal training grants and fellowships at the three Boston medical schools and their hospitals reveals that in each case the input is large. However, there is wide variance in the extent to which each is dependent on these Federal grants.

Boston University Medical School will be hardest hit by the Nixon Administration cuts, because it depends more heavily than Harvard or Tufts on training grants to help pay its faculty.

According to BU Medical Dean Ephraim Friedman, at least 140 of the school's 220 fulltime faculty are paid in part through these training grants. This amounts to $1,175,000 of the $6.2 million that BU receives under the program.

Thus, Federal training grants contribute about 12 percent of faculty salaries at BU Medical School. To make up that amount of income, the school would have to amass more than $15 million in additional endowment.

Loss of these funds will inevitably mean that BU will lose fulltime faculty—"the faculty that does 90 percent of the teaching," Dean Friedman said in an interview.

"The most important impact," Friedman said, "is going to be a decrease in the quality of medical education at this institution as we return to part-time, volunteer faculty. This will thin the ranks of our faculty just at a time when we're being forced (by Washington) to increase our student body."

In sheer dollar volume, Harvard and its 10 affiliated teaching hospitals will forego the largest chunk of training funds—$10.1 million, or well over half the Boston-area allocation.

The important difference in Harvard's case, however, is that faculty support consumes only 10 percent of this $10.1 million, compared to almost 20 percent in BU's case. Whereas training grants supply about 12 percent of BU's total faculty budget, they make up only 2.5 percent of Harvard Medical School's faculty salaries.

Tuft's Medical School and its New England Medical Center Hospitals receive the third-largest share of training grant money—$1.9 million—supporting 128 trainees at the medical school, New England Medical Center and the Tufts services at Boston City Hospital.

A higher proportion of the Tufts total, almost 40 percent, is devoted to faculty salaries. However, the actual amount of faculty support is so much smaller ($587,000) that Tufts appears to be less dependent on the program to meet its academic payroll of 400 full-time and part-time faculty.

The three Boston schools are a microcosm of the degree to which the Federal commitment to train biomedical researchers and clinical faculty has served as a cornerstone in the development of academic medicine since the mid-1950s.

For instance in the current year half of the $134.5 million spent on the program went to medical school faculty salaries. In fiscal 1971, 37.5 percent of all U.S. researchers-in-training in the basic medical sciences drew support from the program.

As already noted, the spinoff for patient care is more difficult to pin down. In most medical specialties and sub-specialties, the line between laboratory researcher and patient-care provider is virtually impossible to draw. The common thread is an orientation toward advancing medical knowledge and teaching new doctors rather than solely toward delivering medical care.

Yet in the course of research, the trainees have provided substantial patient care in the teaching hospitals where their laboratories are located, usually without charging a fee or being paid a salary by the hospital, as interns and residents are.

In some instances, local authorities believe it may be possible to keep some trainees in medical centers by exploiting third-party health insurors to pay for whatever care they render. However, BU's Dean Friedman points out that this is going to be difficult, due to the recent passage of a Federal law which prohibits Medicare and Medicaid funds from being paid to doctors salaried in part by medical schools and teaching hospitals.

Even this type of support where possible, will be no help to trainees in basic medical sciences where there is little or no patient-care component, points out Dr. Harry Soroff, director of the Tufts Surgical Service at Boston City Hospital. This includes such areas as biochemistry, physiology, anatomy and bacteriology.

The Nixon Administration has not yet stated its rationale for scrapping the training program. In the immediate sense, of course, it is foremost a money-saving measure a significant part of the half-billion dollar cutback in Federal expenditures through the National Institutes of Health, its biomedical research and development arm.

However, more fundamental philosophical arguments against a Federal role in training new medical researchers have been raised over the past five years. A sure indication of the general trend has been the attrition in the program since its all-time high of $169 million in fiscal 1969.

The debate heated up last May 11, when Nixon budget officials sent a formal list of searching questions about the program to NIH. The then-director of NIH, Dr. Robert Q. Marston, responded last October with a 160 page rebuttal of the criticisms implied in OMB's questions. (Dr. Marston has since been "let go" as the agency's director.)

In that confidential document, which was obtained recently by The Globe, the NIH takes the strong position that the payoff of training new medical researchers is well worth the four-to-five percent of the total Federal health research and development that it has cost.

Stated the report: "The NIH training budget should be viewed as the annual premium on a social insurance policy" purchased to ensure that the nation maintains its momentum in biomedical research and in the manpower needed to train new doctors.

From comments made recently to Boston scientists, it is known that Mr. Nixon's budget managers feel the government should not support advanced training for doctors who might later drop out of medical research and rake in large incomes enhanced by their Federally financed post-graduated training.

The NIH argued that most trainees stay in academic medicine where their earnings are well below what they could be making in private practice. It told OMB officials that a work-study alternative would hamper the training of high-quality researchers, and that many potentially creative people would be deterred from a career in research if they had to borrow the $50,000-plus it would take to finance their medical education and post-graduate training.

PEYSER OPPOSES HEROIN MAINTENANCE

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 1973

Mr. ANDERSON of Illinois. Mr. Speaker, my good friend and colleague from New York (Mr. PEYSER) demonstrated in the last Congress his active and knowledgeable concern about the problem of drug abuse. One aspect of this concern has been his service as chairman of the House Ad Hoc Committee Against Heroin Maintenance and his authorship of legislation to prohibit the use of heroin in federally funded drug programs, a bill which I was proud to cosponsor and one which has received the endorsement of the administration.

I was pleased to read in the January 23 Washington Post a letter to the editor from Congressman PEYSER in response to an earlier letter which had touted the value of heroin maintenance as a solution to the problem of heroin addiction. In a most cogent and persuasive manner, Congressman PEYSER dismantles the arguments and explodes the myths which have been perpetrated by the proponents of heroin maintenance. To fight heroin addiction by dispensing heroin to addicts is like fighting a fire by pouring gasoline on it. In Congressman PEYSER's words:

> The term "maintenance" is misleading, for the addict can never be "maintained" on a level dosage of heroin, but rather, he needs ever increasing amounts of heroin to sustain his habit.

Mr. Speaker, I commend my colleague on his efforts in this area and especially for bringing the true facts to the attention of the public. At this point in the RECORD, I insert the full text of Congressman PEYSER's letter and commend it to the reading of my colleagues.

The letter follows:

[From the Washington Post, Jan. 23, 1973]

HEROIN AND CLINICS

On January 12, you printed a letter arguing for the maintenance of heroin clinics. On January 15, the Associated Press reported that Dr. Samuel Fox, the newly appointed director of the Maryland State Drug Abuse Authority, would like to see a system of distribution of heroin to hard-core registered addicts, similar to the English system. Dr. Fox is quoted as saying, "I think there is hope the states will fight for the English system . . ." It is extremely distressing to me that this argument continues to surface periodically, for it represents a defeatist attitude toward the problem of heroin addiction and, if adopted, would condemn our country to a permanent drug addiction dilemma.

As Chairman of the Ad Hoc Committee Against Heroin Maintenance in the House of Representatives, I have introduced a bill which would prohibit the use of heroin in any drug maintenance program. This bill has been co-sponsored by Congressman Charles Rangel (D-N.Y.), and many other members of the House. In addition, I have been fighting to forestall an application for an experimental heroin maintenance program by the Vera Institute in New York City.

There are no simple solutions to the scourge of heroin addiction. It is easy to see how the argument that giving addicts free heroin would at least stop the enormous drug-related crime rate. Yet this is a false argument, as has been demonstrated by its failure in Britain, and it puts the state in the posture of abdicating any moral responsibility not only to the addict, but to the community as a whole.

Heroin maintenance clinics, rather than relieving society of the criminality associated with heroin, would rather open new markets, subsidized by the state, for international traffickers in heroin. For in reality, what we are talking about is the free supplying of heroin to an addict. The term "maintenance" is misleading, for the addict can never be "maintained" on a level dosage of heroin, but rather he needs ever increasing amounts of heroin to sustain his habit.

It would be especially harmful if this occurred now, when we have finally begun to see some results in our long national battle against narcotics traffickers. Currently, we have a heroin shortage on the East Coast, a ban on opium growing in Turkey, some heartening predictions of the number of heroin addicts, and encouraging developments in the research for antagonist drugs to block the effects of heroin.

We have come a long way in our national attack against narcotics abuse, and while we are far from being completely successful, we have at least stemmed the epidemic of heroin addiction that our country experienced in the 1960s. There is now the need to take further constructive initiatives. This is not the time, nor should it ever be the time, to relinquish our role of responsibility and give in to the heroin trafficker, which is what heroin maintenance would be doing.

This is the time for continued positive national efforts on both the enforcement and treatment levels, to pursue the encouraging avenues which we already have opened, and to reject heroin maintenance as a retrogressive step which, in the words of President Nixon, ". . . would surely lead to the erosion of our most cherished values for the dignity of man."

PETER A. PEYSER,
Member of Congress, 26th District, New York.
WASHINGTON.

LEGISLATION TO END THE PROCESS OF SECRET IMPOUNDING OF FUNDS BY THE EXECUTIVE BRANCH

HON. TORBERT H. MACDONALD

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 1973

Mr. MACDONALD. Mr. Speaker, 2 weeks ago I introduced legislation which would effectively end the process of secret impounding of funds by the executive branch. I said at that time that I felt this process had contributed greatly to the erosion of congressional power and had led to the constitutional crisis in which this body finds itself today.

I am today reintroducing that legislation cosponsored by 27 of my colleagues in the House of Representatives. I understand that several other similar bills have the support of over 80 Members. I sincerely hope that every Member who cares about restoring power and prestige to the Congress will support this bipartisan endeavor.

It is also appropriate that this legislation be reintroduced on the day that the President has sent his 1974 budget to Congress for approval. He is asking us to appropriate billions of dollars more when he is, at the same time, thwarting the will of Congress on moneys appropriated last year. I find this position by the executive branch indefensible, and I urge that no action be taken on the new budget until we have dealt firmly with the issue of impounding funds.

I have no official figures on the extent of the funds impounded during the current fiscal year; however, the Congressional Research Service has supplied me with an interim report which lists a total of $10 billion in impounded funds for programs ranging from housing, pollution control, and sewage treatment to transportation and rural electrification.

I am looking forward to reviewing the list of impounded funds which will be submitted to the Congress by the Office of Management and Budget early next month. I feel certain that it will contain even more disappointments for the American people.

But the biggest disappointment to me would be if we allow moneys which we have authorized and appropriated to be withheld without explanation by the White House. To paraphrase an election slogan, "Now more than ever" we need a strong, independent, and coequal branch of our Government—the Congress.

If the Congress loses its vaunted "power of the purse," what else has it left to lose?

A list of cosponsors follows:

LIST OF COSPONSORS

Mr. Adams, Wash.; Mr. Addabbo, N.Y.; Mr. Brasco, N.Y.; Ms. Chisholm, N.Y.; Mr. Clark, Pa.; Mr. Clay, Mo.; Mr. Conyers, Mich.; Mr. Davis, Ga.; Mr. Donohue, Mass.; Mr. Flood, Pa.; Ms. Green, Oreg.; Mr. Hechler, W. Va.; Mr. Henderson, N.C.; Mr. Howard, N.J.; Mr. Leggett, Calif.; Mr. Matsunaga, Hawaii; Mr. Moorhead, Pa.; Mr. Murphy, N.Y.; Mr. Podell, N.Y.; Mr. Price, Ill.; Mr. Rooney, Pa.; Mr. Rosenthal, N.Y.; Mr. Slack, W. Va.; Mr. James V. Stanton, Ohio; Mr. Van Deerlin, Calif.; Mr. Waldie, Calif.; Mr. Won Pat, Guam.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 1973

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,925 American prisoners of war and their families.

How long?

U.S. TRADE DEBACLE

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 1973

Mr. FISHER. Mr. Speaker, under leave to extend my remarks I include a speech by the well-known authority of international trade, O. R. Strackbein, president of the Nationwide Committee on Import-Export, before the National Wool Growers Association on January 24:

SPEECH OF O. R. STRACKBEIN, PRESIDENT, THE NATIONWIDE COMMITTEE ON IMPORT-EXPORT POLICY, NATIONAL WOOL GROWERS ASSOCIATION, WASHINGTON, D.C., JANUARY 24, 1973

U.S. TRADE DEBACLE

The American position in world trade has deteriorated so far and so rapidly that no early correction need be expected. The making of this debacle is not difficult to trace and yet wholly insufficient attention is being given to it.

According to official statistics our 1972 trade deficit was more than $6 billion, compared with $2.8 billion in 1971. In other words, despite the tariff surcharge of August 1971 and the subsequent upward valuation of some currencies, such as the Japanese yen and the West German mark, together with devaluation of the dollar, our trade deficit more than doubled in 1972.

In reality, as a measure of our weak competitive position in world trade, the official statistics do not tell the whole story. The deficit was much larger than $6 billion, for two reasons. Ones lies in the official practice of treating shipments under AID, Food for Peace, and highly subsidized farm products as real exports, as if they represented our competitive standing in foreign markets. Actually these shipments do not reflect a strong competitive position because in the absence of the grants and subsidies we would be shipping few of these goods.

The amount involved annually is close to $3 billion. Therefore our exports are overvalued by about that much. In the second place our imports are recorded on their foreign value instead of their cost landed at our ports. This practice leaves out ocean freight, marine insurance and other shipping charges. Thus our imports are undervalued by some 10%, as estimated by the U.S. Tariff Commission.

With imports running at more than $50 billion, the undervaluation amounts to some $5 billion. If this is added to the excessive valuation of $3 billion on our exports, the total deficit for 1972 comes to some $14 billion instead of merely $6 billion, or over twice the officially reported level.

Unless further measures are taken no turnabout need be expected for some time.

Even the alarming state of our trade deficit does not fully reflect the really weak competitive position in which we find ourselves. What is not widely known is that our astonishing weakness in exports is further hidden by the favorable balance that we still had in 1971 in the exportation of machinery, computers, aircraft and chemicals. This surplus was over $5 billion and concealed in great part the gaping deficit of some $8 billion we incurred in our trade in nearly all other manufactured products. 45% of our total 1971 exports consisted of machinery and transport equipment.

Even the export surplus in machinery ($5.5 billion in 1971) is not safe for the future. In recent years imports of machinery have been moving up rapidly. Already we have moved from handsome export surplus in automobiles and parts into a broad deficit. The same has happened in textiles where we are now in a deficit position while we enjoyed a comfortable surplus until a few years ago. The same is true of petroleum, steel, footwear, rubber manufactures, radio and television sets, cameras, watches, and a wide range of hardware, office machinery, etc.

Unmistakably we are on the run. If we lose our lead in machinery we will be routed on the whole front. The sale of wheat to Russia, really big deal that it was, will probably be a one-shot windfall. The outlook is that our petroleum imports will rise to new heights in the next few years, and more than offset the gain in grain exports.

For a while we had a quota on the imports of meat, including mutton, but this has been set aside. We have import quotas on textiles and for the first time wool goods were included when the long-term agreement was extended a year ago. This has been of some help, but, as of now, is still a temporary arrangement subject to the uncertainties of national and international politics. While it is better than nothing, for without it, ruin would have been visited on the textile industry, it does not represent a solid foundation for the basing of an industry's future.

The concentration of our exports in a narrow sector as noted just now is also not a healthy economic development, especially since machinery imports are closing in on our one bright spot. Moreover, the heavy exports of industrial machinery helps to build up the productive powers of our competitors. The lead we still have in computers may also be expected to fade in a few years.

That our foreign trade is in a state of disarray goes without saying. The efforts that have been made to reverse the situation have so far failed because dollar devaluation and up-valuation of foreign currencies represent an unsatisfactory approach. Currency realignment is no more than a makeshift. From its very nature, uncontrolled as it is, it cannot meet the problem.

If our present trade trend continues we will be driven more and more from a producing to a service economy. That is not a prospect to be lightly contemplated. Production of goods underlies the strength of any economy and is indispensable to independence. Those who contemplate such a trend with equanimity should reflect on the discomfiture we face as a nation in a single example of dependence, namely, in the energy crisis. Our growing dependence on foreign sources for products so essential to our whole process of industrial production, and no less so to transportation, home heating and lighting, and therefore to our health and welfare, should give us a pause. Before accepting the trend toward greater dependence on services and less on production of goods, we should examine the meaning of such dependence for a wide variety of goods.

There are instances, of course, of such dependence even now, and it will grow in any case; but to hold to a trade policy that will add to and accelerate such dependence is pure folly or worse.

Quite aside from the weakening of our national security base if we become dependent on imports of textiles, scientific apparatus, electronics, office equipment, yes, even automobiles, footwear, and much else, there is the loss of economic independence and weakening of economic and political bargaining power, that goes with reliance on foreign sources for our supply. Yet, if we do not control imports, preferably by import quotas, we will continue to be exposed to loss of market to foreign goods.

What is needed is a set of controls that will hold imports to a specified share of our market, and then let them grow in proportion to the growth of our market. Today, any notion of further tariff cuts gives evidence of a complete failure to diagnose our troubles. Our foreign trade policy is bankrupt and we are adrift on a raft that is moving rapidly downstream.

A MUSICAL ENDING TO A HAPPY STORY

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 1973

Mr. ALEXANDER. Mr. Speaker, in these days when we hear so much about the strife that separates the citizens of some communities, I am proud and honored to share with my colleagues the story of the twin cities of Helena-West Helena, Ark., and a successful drive to raise the matching funds necessary to erect the $1.5 million Phillips County Community Center. An integral part of the story is Miss Lily Peter, Miss Lily, as she is known to her friends—and everyone she meets is her friend. With Miss Lily leading the way, the people of this community raised $300,000 in 6 months for the center.

Miss Lily is the same remarkable woman who mortgaged one of her farms to foot the bill for bringing the Philadelphia Orchestra under Eugene Ormandy's direction to Little Rock to help celebrate Arkansas' 150th anniversary as a territory. And she commissioned the writing of a special work which the orchestra played.

And Helena will not lack for artists to play in the new cultural center. Van Cliburn is scheduled there next month. Others will be brought in because of a half million dollar legacy left the town by a farmer named Samuel Drake Warfield who directed that this money be spent for free music.

I include at this point two articles which more fully tell the story of this community's accomplishment:

[From the Arkansas Gazette, Dec. 5, 1972]

Advancement in Phillips County

(By Richard Allin)

During the steamboat and early railroad days—before automobile traffic became respectable—Helena, Arkansas, my home town, possessed an imposing opera house. Jenny Lind sang there, and some say Caruso did, although documentation of the latters appearance is unavailable.

John Philip Sousa brought his band there and residents who care to remember that far back report that the dress circle glittered with Helena's finest for these concerts. Whether grand opera was ever produced—at least in a grand scale—is doubtful. Neverless, the boards of the opera house were trodden by the great and small in Helena's burgeoning days.

A road show of "Hamlet" played there once and a youngish rake of one family caused a minor disgrace by arriving at the performance after a session of joyous tippling and flabbergasted the audience by stepping through the curtain as Hamlet was emoting and, standing behind his back, following each and every movement in a superb pantomime.

He was taken to the jail house. Mercifully, the Helena World—while reporting the event misspelled his last name with such imagination that the news was not widely spread. One likes to think that the misspelling was purposeful.

One long-time Helena resident said in the final days of the opera house that the most popular form of entertainment were the minstrel shows. Well, they had their day, too. Whatever happened to Silas Green from New Orleans and the Rabbit Foot Shows.

The opera house burned to the ground in 1926. The plot it was on was used for various purposes, mostly as a used car lot. The only thing that lingered was the memory, and that faded—or became grander—as the case may be. It was apparently to be the last opera house in Helena. There was no serious thought for replacing it.

When I was growing up, all entertainments—local and professional concerts, local and professional theater—were held in the third floor auditorium of what was then called the Helena High School. It was a long climb to the big barny room with wooden theater seats, but Helena audiences were always pretty good when professionals came, and students could blackmail their parents to come to the band concerts, of which I participated in many in that auditorium.

Last Sunday night, the residents of Phillips County dedicated the new Phillips County Fine Arts Center, and specifically the Lily Peter Auditorium, The Arkansas Symphony Orchestra played the dedicatory concert and I frankly felt elated and quite at home to take Elizabeth (my tuba) on stage.

It is a beautifully designed auditorium with excellent acoustics and of a perfect size. I wish we had one like it in Little Rock. It seats between 1,200 and 1,300 on a well pitched floor providing perfect visibility, and there's a balcony.

The driving force in raising funds for the auditorium was Miss Lily Peter, for whom it was named. She is the remarkable lady from near Marvell who is a poet, cotton ginner, farmer, musician, raconteur, and generous benefactor. Miss Lily, it will be clearly remembered throughout the state (and nation) "gave" Arkansas two performances by the Philadelphia Orchestra under Eugene Ormandy to help celebrate Arkansas' 150th anniversary as a territory. And she commissioned a special work which the orchestra played. Robinson Auditorium was packed for both concerts and all the proceeds went to scholarships.

Now Miss Lily and a driving committee of Phillips Countians have built themselves a fine functional cultural institution that many other cities can covet.

And doubly fortunate for Phillips County is the Warfield Trust, set up by the late S. D. Warfield of Helena, to provide high quality musical concerts—free of charge—to Phillips County residents. The Arkansas Symphony, selected to play the inaugural concert of the auditorium, was paid for by the Warfield Trust. Van Cliburn is the next on the list.

Work and generosity has produced enormous results in Phillips County. The way they did it is worth studying. And maybe Pulaski County could borrow Lily Peter to get started.

[From the Twin City (Ark.) Tribune, Nov. 29, 1972]

New Community Center To Be Dedicated Sunday

The magnificent new $1.5 million Phillips County Community Center, scheduled to be formally dedicated Sunday, stands as a remarkable example of what can be done when a community or area bands together on a project for the common good.

Moreover, it stands as a monument to the determination of one woman—Miss Lily Peter of Marvell—who refused to include the world "failure" in her vocabulary.

It was "Miss Lily," as she is affectionately known to Phillips Countians, got started the ball rolling almost three years ago. And it was she who undertook the gigantic task of heading up the drive for $300,000 in local funds to be used for matching purposes.

Although a large portion of the money for construction of the center came from the federal government, it was necessary that $300,000 be raised from private contributions. Miss Lily and a host of co-workers accomplished that task in about six months.

Her work toward the construction of the facility will be recognized Sunday night when the center's auditorium officially becomes known as the "Lily Peter Auditorium."

Miss Lily, although she made hundreds of requests for donations and wrote more letters than she cares to remember, refuses to take only the smallest credit.

"There was a great number of persons who was," she says. "And they all worked terri- were just as interested in this project as I bly hard on it."

Among those who became involved at an early date was Dr. John Easley, president of Phillips College.

Dr. Easley, while he aided in some of the fund solicitation, was primarily involved with paperwork, seeing that all federal requirements were met so that the federal funds would be available.

"He did a wonderful job," Miss Lily said. "Without his work, the center would have never been started."

The college, of course, will benefit greatly from the construction of the community center, since it figures prominently into its operation.

Not only will the facility be used as a community center, available for all sorts of activities within the county, it will also be used by the college.

Under present plans, the center will house the college's fine arts department and its student center.

"We plan to move into the student union and open it officially next Wednesday," Dr. Easley said recently. When not being used as a student center, it will be available for other affairs.

The building, constructed by M&M Construction Company of Jonesboro, includes music and art classrooms, an exhibition hall, and, of course, the 1,200 seat auditorium.

"The building is extremely adaptable," said Bill Stiles, executive director of the center. "For instance, most of the facilities, such as the student center, can be transformed, with little or no work, into banquet areas." The classrooms can be used for conference or meeting rooms for various organizations and conventions.

The auditorium, of course, is the showplace of the community center, containing 1,200 seats and featuring the most modern lighting and sound system available.

"It's just ideal for any type of production," says Stiles. "I don't believe there's another facility in the Mid-South that has it beat."

"Until now, there was really no place available that was adequate to conduct the high quality concerts which the Warfield Foundation brings to the Twin Cities," Stiles said. "Now, we've got a facility second to none."

Stiles added that other appearances have been booked into the auditorium and there is a possibility that the college will sponsor several big name performers for appearances.

"We're just extremely proud of the entire complex," Stiles added. "And we want people of Phillips County to be proud also—that's why we'd like to invite them to come by the center and let us show them around—we'd like to let them see just how their money was spent."

LYNDON BAINES JOHNSON—A TRIBUTE

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 1973

Mr. EVINS of Tennessee. Mr. Speaker, today the flags over the Capitol are flying at half-mast in memory of Lyndon Baines Johnson, the 36th President of the United States.

We have all participated in ceremonies in the rotunda of the Capitol and at the National City Christian Church here in Washington, and have heard the beautiful and eloquent eulogies of our colleague, Congressman J. J. PICKLE, from Texas; the Honorable Dean Rusk, who served with President Johnson as Secretary of State; Mr. Marvin Watson, the President's close associate and assistant in the White House; and the Rev. Dr. George R. Davis, pastor of the National City Christian Church, which President Johnson attended while in Washington.

These and other tributes and editorials on his passing were moving and beautiful. I should like to take this opportunity of adding my own tribute to this great man and close friend who served the Nation so faithfully and well—both in the Congress and in the White House.

Certainly I was shocked and saddened by the news of the passing of Lyndon B. Johnson. He was my personal friend and I felt extremely close to him.

Lyndon Johnson had the greatest legislative record of any President I have known—legislation passed during his administration has been compared to the famous "90 days" of President Franklin Roosevelt's administration as he responded to the challenge of the depression.

Lyndon Johnson more than any man I have known understood the legislative processes of the Congress. He understood the committee system and the intricacies of congressional interaction—the work of Congress.

His legislative success was a compound of this knowledge, his awareness of the Nation's problems, and his determination to attack these problems with all the force he could muster with the aid of Congress.

Although it may appear fashionable in some quarters to cast aspersions on the Federal career service, President Johnson was a Federal career man and he worked with the departments and agencies of Government to achieve his goals and objectives.

He believed in education—and much landmark education legislation was enacted during his administration.

He believed in assuring the elderly of adequate medical care—and the medicare legislation he sponsored has provided this assurance as a matter of right to the poor and needy.

He believed in helping the "little man" directly—rather than in the "trickle-down theory"—and legislation which he championed has increased the incomes of the working people throughout America.

He believed in assisting rural and urban areas in coping with their problems—and legislation to assist small towns, rural areas and metropolitan areas has provided much assistance throughout America.

President Johnson's list of legislative accomplishments defies definition and comparison.

He thought big—like the man he was and the State of Texas, the State of his origin. And he was a dynamo as he translated his thoughts and dreams into action and reality.

As the first southern President since the Civil War, he accomplished more to assure equal rights for all Americans than any President since Abraham Lincoln.

Lyndon Johnson had the common touch—a sensitivity for people. He loved people and identified with them. He wanted all Americans to share in the good life.

As he once remarked:

> I believe every American has something to say and, under our system, a right to an audience.
>
> I believe achievement of the full potential of our resources—physical and human—is the highest purpose of governmental policies next to the protection of those rights we regard as inalienable.

I recall that on one occasion during a campaign swing through Tennessee in 1964, on leaving the airport at Nashville, the President, rather than heading directly for the city, chose to detour to greet people who were crowded behind a fence, hoping to catch a glimpse of him.

I also recall that as we were returning to the airport after a hard day of campaigning, I pointed out an important constituent among the throngs along the highway. I suggested that he wave to this friend, but instead he ordered the driver to stop the car, then bounced out and went over to this constituent, shaking his hand and giving him a warm and enthusiastic greeting.

This was the personal style of campaigning that President Johnson loved and that was his trademark—and he made a lifelong friend and supporter of the man he stopped to greet.

While President Johnson was in office, I was invited to the White House frequently to participate in bill-signing ceremonies or for receptions, dinners and briefings.

Following his retirement from the Presidency, we corresponded on occasion and he obviously enjoyed maintaining his contacts with old friends in Congress.

Upon leaving the White House in January of 1969, he wrote to me a warm personal letter in which he said:

> In this, my last week in office, I am stirred by memories of old battles—and old friends who stood at my side throughout them all.
>
> You are one of those friends.
>
> My admiration and affection for you will never diminish.
>
> I thank you and I salute you.
>
> Sincerely,
>
> LYNDON B. JOHNSON.

I value and treasure this letter among my most prized mementos.

Although President Johnson, when he left the Presidency, had had a number of heart attacks—the first when he was majority leader of the Senate—we, his friends, had hoped that, with the burdens of the Presidency off his shoulders, he would live a long life in retirement.

He lived a full, rewarding life and his work had been completed. His achievements and accomplishments are now history. The Vietnam conflict which he worked to end is drawing to a close.

His administration will stand in history as a monument to social and domestic progress at home and to a strong defense of freedom abroad.

I was deeply saddened by the passing of this great friend, and my wife Ann joins me in expressing our deepest and most heartfelt sympathy to Mrs. Johnson—Lady Bird—and other members of the family in their loss and bereavement.

Because of the high regard and respect of my colleagues and the American people for this great President, I place in the Record herewith copies of editorial eulogies from the Washington Post and Washington Star-News.

The editorial eulogies follow:

[From the Evening Star and the Washington Daily News, Jan. 23, 1973]

LYNDON BAINES JOHNSON

He was six-foot-three and everything about him—his ability, his high sense of national purpose, his towering rages—seemed somehow slightly larger than life. Now he is gone at the age of 64, the second former President to die within a month.

The very memory of Lyndon Baines Johnson, thrust into the presidency by an assassin's bullet, is so freighted with partisan feeling that it must remain for another generation of Americans, immunized by time from the contagion of emotion, to assess fairly the man and to judge impartially his presidency.

When that day comes, when the Vietnam conflict—like the Spanish Civil War which stirred the conscience of another generation—has become an issue to bring the flush of passion only to the cheeks of old men, we believe that the man from the Pedernales will be counted among this country's near-great presidents.

Historians will record that the first Southern president since Reconstruction engineered the Civil Rights Bill of 1964 (the first in more than 80 years), outlawing racial discrimination in public facilities, employment and union membership, and giving the attorney general new powers to enforce Negro voting rights and to step up the pace of school desegregation. They will remember that, while he committed large numbers of U.S. troops to a conflict on the Asian mainland, he kept us out of nuclear war. This and much else in the fields of civil rights, housing and health did Johnson, who was perhaps the most consummate politician in modern American history, make part and parcel of our children's heritage.

And yet, at the last, he failed—or believed himself to have failed—withdrawing himself from contention in the 1968 election, leaving the country and his party weary and divided.

The roots of that failure are manifold and difficult to trace. Was it, as he insisted, too close to Appomattox for the country as a whole to accept and appreciate a Southern president, to believe in his vision of "the Great Society"? Was it inevitable, in a rising tide of bitterness and disaffection, that John F. Kennedy's successor should be struck down by the tumbling ruins of Camelot? Did he simply fail to gauge correctly the mood of the country when he vowed to nail that Vietnam coonskin to the wall? Was there some fatal and concealed flaw in his character which prevented him from dealing effectively with the burgeoning crisis of the races?

A little of each of these factors, perhaps, contributed to the downfall and bitterness of a man whose personality so vividly reflected the brashness, drive, optimism and acquisitiveness of his native state. Those good qualities and those defects which he brought to the presidency, in fact, may well have been the inevitable outgrowth of his state and regional heritage.

When time cools the passions of the moment, it will be remembered that he served his state and country, as congressman, senator, vice president and President for 31 consecutive years, and that if he did well by Lyndon Johnson, dying a multimillionaire, he also tried to do well (and often succeeded) by Texas and the United States.

To a certain extent, the measure of statesmen can be calculated by the passions they arouse among their contemporaries. Churchill and De Gaulle, for instance, were nothing if not controversial. In this respect, the hostility of his foes makes the big Texan look like tall timber indeed among the scrub growth which forested much of the political hills of America in our times.

Lyndon Johnson was a big man and a big President.

[From the Washington Post, Jan. 24, 1973]

LYNDON BAINES JOHNSON

The public lifetime of Lyndon Baines Johnson spanned almost four decades. It was a period market not just by the development of certain powerful currents in American thought, but also by an eventful reappraisal of where those currents had led. Thus, much which had been considered desirable, necessary and even holy in Mr. Johnson's political youth had fallen into disrepute by the time that he left office. "Internationalism" had come to be known as "interventionism" by many, its painful and costly effects haunting the nation in a seemingly unendable war. And the vital and generous impulses that had animated Mr. Johnson's commitment to domestic legislation from the New Deal through the Great Society had come to be seen by many as obsolete and outworn habits of mind which caused as many troubles as they cured. At the airport sendoff that January day in 1969, when Lyndon Johnson's somebound plane vanished into the clouds, his longtime friends and colleagues were left with more than an eerie feeling of the suddenness and totality with which power is relinquished in this country. The summary departure of this man who had been the larger-than life center of ambition and authority in government for five years, also seemed symbolically to end a self-contained chapter in the nation's political development.

It was an era characterized both domestically and in foreign policy terms by an assumption of responsibility—national responsibility—for the welfare of the poor, the rights of the mistreated, the fairness of the way in which we distribute our wealth and the general well-being and stability of countries all over the world. Of Mr. Johnson's participation in all this—as a Congressman, Senator, Vice President and President—it must be said that his impact was so profound that there is hardly a case in which the nation was either blessed or victimized by this particular 20th century passion for responsibility for which Lyndon Johnson himself was not largely responsible. Like indifferent lovers for fractious offspring, a nation can often take things for granted or seem only to notice when it has been wronged. The death of Mr. Johnson may serve momentarily to pull us back from these perspectives, to remind us that much which we now expect from our government and our society as a matter of course—black voting rights, care for our elderly and our ill—came to us very recently and largely by courtesy of Lyndon Johnson.

The simple, inescapable fact is that he cared—and that it showed. Being in all ways larger than life-sized, he cared about a lot of things: his own political fortunes, his image, and his place in history, for of course he was vain. But he was consistent; all of his appetites were kingsized. So he cared about people with the same enormous intensity. In fact, a fair case can be made that one set of appetites fed on the other; he struggled and wheedled and hammered and cajoled for political power because he yearned powerfully to do great and good things and that is what he wanted the power for.

This was at once the strength and the weakness of Lyndon Johnson, for while this tremendous force was more often than not irresistible over the years, both as Senate Majority Leader and President, it was, like everything about the man, very often excessive. It could bend the political process to his will, and to good effect. But it could also bear down too hard, so that the system cracked under his weight. A master at the instrumentality of events, he could use a Selma or an assassination to lever a civil rights law or a gun control bill through Congress. But he could also use a minor gunboat skirmish in the Gulf of Tonkin to produce a resolution from Congress giving overwhelming support to a war effort whose true nature was never revealed in terms which could be expected to prepare either the Congress or the public for the sacrifice that both would later be expected to accept.

Neither Lyndon Johnson's memory nor his place in history, we would hope, is going to turn entirely, or even primarily on the war that grew out of that resolution; for Vietnam there is blame enough for all concerned, over four administrations and a good number of Congresses. Confined and carried along by earlier commitments, counseled by the men recruited by his predecessors, unchecked by Congress, Mr. Johnson plunged on, overstating, over-promising, over-hoping, overreaching. But if his time in office marked the big Vietnam escalation, it also will be remembered for the fact that he, by implication and by painfully difficult decision, moved toward the end of his term to acknowledge a great miscalculation—widely shared in, let it be said—which is not something incumbent Presidents are given to doing. Reluctantly, grudgingly, but effectively, he turned the war effort around, abandoning "graduated response" as the method of choice, and bequeathed to his successor a greater opportunity than he himself inherited to move toward disengagement and a re-definition of the mission in realistic terms.

When Harry Truman died a few weeks ago at the age of 88, he died the beneficiary of a gift Lyndon Johnson was not to receive: 20 years had passed since the embattled and much maligned Mr. Truman had held office so that time and change and hindsight vastly altered the view people had of him. Mr. Johnson was never lucky in this regard. His each and every achievement from his Senate years on seemed to be followed or accompanied by some series of events that spoiled the glory of the moment. Still, we do not share the notion, now being advanced (sometimes with bitterness) of how unfair it was that he rarely received the recognition he deserved in his lifetime for the good and also great things he did—or that the criticism of his handling of the war unfairly overshadowed all the rest. He would, we suspect, have a wryly humorous view of all this—much as he craved to be well-loved and well-remembered—because he was too shrewd, not to say cynical a student of human and political nature not to have been amused by these efforts by those who served him badly from time to time to revise the record in his (and their) favor. Lyndon Johnson must have known that he did not need to be helped into history.

A SLAP AT AGRICULTURE

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 1973

Mr. SCHERLE. Mr. Speaker, the abiding frustrations of the American rural community rarely find voice, but in the face of continuing neglect by the administration more and more people are speaking out. The Chariton Herald-Patriot in its issue of January 11, reprinted an editorial from the Davis County Republican which gives an excellent digest of the situation confronting agriculture.

The article illustrates how drastically the American farmer is affected by anonymous high-level decisions. The average citizen is only indirectly touched through the general economic equilibrium. But because of the Government's ponderous power over market forces, the farmer is entirely dependent on the stroke of a Washington bureaucrat's pen.

This editorial deserves wider circulation than it has yet received, and I commend it to my colleagues' attention:

A SLAP AT AGRICULTURE

"Those rural people who supported President Richard Nixon in the November election must have at least a small sour taste in their mouth after the announcements of the last week."

"President Nixon, determined to cut $250 million from the federal budget, has cut hard into federal programs that are designed to be of aid to rural areas."

"The first was the announcement that the 1973 Feed Grain program will be so designed that payments to farmers will be less than last year."

"Then came the announcement, four days after the action had been taken, that the Rural Environmental Assistance Program (REAP) had been dropped."

"This was followed shortly by the dropping of disaster loans to farmers in areas that have been declared disaster areas."

"And as the government shut down for the weekend, there came the announcement that the two percent REA loans to electric cooperatives and rural telephone systems had been dropped."

"The dropping of the REAP program and the REA loans in particular are damaging to Davis County. No disaster loan funds could also be damaging although they have not been necessary here in recent years. The change in the Feed Grain program may have mixed effects."

"Davis County farmers have used the REAP program and its forerunner, ACP, to good advantage over the years to build ponds, terraces and other conservation work that has been of benefit not only to farmers, but also urban residents. In recent years, there has been some activity and interest in using REAP funds to install pollution abatement practices—a major worry of our time."

"The damage of dropping REA loan funds is self-evident. Without them, electric cooperatives such as the Southern Iowa Electric Cooperative and rural telephone companies such as the Citizens Mutual Telephone Co. will have to turn to other financing or delay improvements. It's going to mean that rural area residents will have to settle for lesser service or higher rates."

"The reasoning in Washington seems to be that the farm economy has improved so much that rural people can now afford to do everything themselves. While the rural economy has improved, it's doubtful that it has much more than caught up with remaining portions of the economy and only after being depressed for some 20 years."

"Farmers deserve to have a better farm economy and deserve to reap the fruits of this better economy without having the federal government attempting to pull the rug out from under it."

"It's not that rural areas are against cutting the federal budget by $250 million and holding down inflation, but it's a question of where our priorities lie."

"The federal budget is a massive document with thousands of areas that could be cut. There are undoubtedly areas where there is more waste and areas where less good is done than the farm oriented programs cut by the Nixon Administration."

"A rural resident can't help but question Nixon's priorities when such beneficial farm programs have been dropped as we continue to spend millions of dollars blasting North Vietnam or providing tax loopholes for millionaires or providing millions of dollars for special interests."

"President Nixon, who has glibly talked about improving the lot of the rural areas, has slapped us in the face. Let's hope Congress can muster the energy to slap him back."

ROB "BIG BROTHER"; HELP THE MINORITY

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 1973

Mr. FORSYTHE. Mr. Speaker, as we all know, the Committee on Internal Security has been subject to much abuse from Members of Congress and others who believe it ought to be abolished.

I do not intend to add to that abuse already suffered by the distinguished members of that committee, and its dedicated staff.

However, I do have a proposal to make.

I would like to suggest, in all seriousness, Mr. Speaker, that the House should consider eliminating the Committee on Internal Security and using the funds allocated to it for more fruitful purposes.

Now, we are all aware that the committee likes to collect the names of people and compile files on them.

We all know that this has been a subject of great controversy, and is a major reason that some opponents of the committee believe it should be abolished.

I do not like the idea of having spies right here in the House of Representatives, either. Not that I have anything to hide—I just think it is un-American.

According to a study made by a group seeking the abolishment of the Internal Security Committee, there were more than 50 employees of the committee as of last June 30.

The appropriation for operations and staff for the present fiscal year was $1,095,000.

Of 17,230 bills introduced during the 92d Congress, 13 were referred to the House Internal Security Committee. Five of these were duplicate bills. Of the eight that remained, four were reported by the committee, and none cleared the House.

On the basis of the four reported bills, however, it would seem that, based on the total appropriation to the committee, some $273,750 was spent by the taxpayers for the processing of each measure.

It seems to me that this is a rather high cost for such legislative endeavors—especially in view of the highly complex and comprehensive legislation that is processed by other legislative committees at far less cost per bill.

Therefore, I would like to propose that the committee be abolished and that the funds usually allocated to its functions be appropriated for the use of the minority staffs of other standing committees.

From my point of view, this would be a much more desirable situation, and would certainly add balance and efficiency to other committee staffs.

JAX STATERS "LIVE" COMMERCIAL

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 1973

Mr. NICHOLS. Mr. Speaker, one of the most respected institutions of higher learning in the State of Alabama is Jacksonville State University, located in Jacksonville, Ala., a city with a population of some 7,000. From an institution with slightly over 100 students during World War II, Jacksonville State has grown by leaps and bounds and is now the third largest university in our State.

Until quite recently, fraternities and sororities were not allowed at the school, but since their introduction in 1968, they have taken an active part in promoting not only Jacksonville State University, but the city of Jacksonville.

Mr. Speaker, several weeks ago, one of the fraternities—Delta Tau Delta—carried out an unusual activity which I feel should be brought to the attention of my colleagues. It shows, in my opinion, that Jacksonville State University does not have the stereotype image that many individuals have of our institutions of higher learning. These young people are not interested in the radical causes, drug abuse, and the takeover and destruction of buildings on campus.

I submit this article, written by Mr. Jack Hopper in the January 22 edition of the Birmingham News, for my colleagues' reading:

JAX STATERS "LIVE" COMMERCIAL

(By Jack Hopper)

JACKSONVILLE.—No doubt everyone has seen the television commercial about a group of young men and women grabbing paint brushes and helping the elderly lady facelift her house.

The idea struck home some young men who belong to Delta Tau Delta Fraternity at Jacksonville State University as being a great way to help some person unable to help himself and today Mrs. Bama Bryant, 78, of Jacksonville likes her home a lot better.

At first, the students and their "little sisters" just planned on painting Mrs. Bryant's home but they found more than they bargained for in the 64-year-old home.

The students found many rotten beams which almost fell apart at the movement of a paint scraper. Then they found a sunken front porch, full of rotten planks, plus one entire side of the house carpeted with black and green fungus.

DRAMATIC MOMENTS

So they went to work and found several business firms to donate the materials and "face-lifted" the house.

It wasn't without its dramatic moments. The largest problem—in addition to the work—was staying away from a colony of bees which they found on the premises. No one knows how many bees were around but they gathered nearly 50 gallons of honey from their hive.

In two days the students repainted the house, reworked the windows, rebuilt the porch, repaired portions of the roof and sealed off the screen back porch.

AWAY, IN HOSPITAL

All this work was done while Mrs. Bryant was in the hospital recovering from a broken arm and dislocated shoulder.

You can imagine the feeling when she returned home.

"There are not enough words in the English language to express my appreciation," she told the students. "So I'll just thank you from the bottom of my heart."

One of the students working on the home was Mike McMutty, who was a carpenter in the Navy before returning to Jax State as a student. "The house had to be repaired. In its former condition, it probably would have fallen down in a few years."

Mrs. Bryant is happy, the students are happy they contributed something worthwhile to someone in need and everyone in Jacksonville is proud of the project undertaken by the college students.

RETRACTION OF COSPONSORSHIP

HON. JOHN Y. McCOLLISTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 1973

Mr. McCOLLISTER. Mr. Speaker, in discussing the possibility of cosponsoring legislation creating a standing committee on the environment I had indicated to my legislative assistant that I would prefer to be on a select committee for this purpose. Through error, Congressman DON BROTZMAN's office was apprised that I would cosponsor his bill creating the standing committee. I, therefore, would like to state that I withdraw my name from cosponsorship of House Resolution 140.

While I feel that the study of the environment is one of the major issues confronting Congress today, I do not want to take away the jurisdiction of the various committees which create legislation pertaining to the subject. This is, of course, what a standing committee would do.

A select committee would be preferable, in that it could conduct continuing and comprehensive review of the interrelationship between environmental and technological changes and effects on population, communities and industries. The select committee could also study methods of using all practicable means to foster, promote and maintain harmony between man and nature and fulfill the future and present economic, social and other needs of man; but, the select committee would not receive or report legislative measures. And in so doing, would not take away environmental jurisdiction from the various committees.

BID FOR ALL-AMERICA

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 1973

Mr. SIKES. Mr. Speaker, I have previously commented on the fact that Pensacola, in Florida's First District, is among the finalists for All-America City award. The Pensacola Journal of Saturday, December 16, commented at length on its editorial page about the quality and importance of work being done in Pensacola by citizen groups. This newspaper has been a leader in promoting sound programs and constructive issues for Pensacola and for northwest Florida. I take pleasure in submitting the Journal's fine summation for reprinting in the CONGRESSIONAL RECORD:

BID FOR ALL-AMERICA FROM PENSACOLA, HOPE FOR THE FUTURE

It is the spirit of our community which prompted our citizens to take action at a crucial time to save our most precious natural resource—43 miles of snow-white beaches. We have now dedicated these beaches to America for all posterity.

It is the spirit of our community which has provided a centralized welfare referral service for our needy citizens and devised a unique method of funding needed programs.

It is the spirit of our community which has helped our citizens to capture the real meaning of the 200th birthday of our country. We have resolved to commemorate the American Revolution Bicentennial in 1976 by achieving goals in a program set for ourselves after thousands of hours of citizen effort involving a complete cross-section of the entire community.

These three projects have brought us to Minneapolis. They are representative of a community spirit and attitude stemming at least in part from our heritage.

First settled in 1559 by the Spaniards, Pensacolians have also served under the colors of France, England and the Confederacy. The United States flag was first raised over Florida in Pensacola by Andrew Jackson in 1821. From those early days we have grown to become northwest Florida's center for commerce, manufacturing, agriculture, and education. We are blessed with an outstanding junior college and an innovative upper level university. Originally we were the birthplace of naval aviation; now we serve as headquarters for all naval training—land, sea and air.

Our heritage has prompted the citizens to preserve the historic treasures in the community. The same spirit has sent an 80-bed hospital to Ecuador, has helped rebuild Pensacola's sister city, Chimbote, Peru, after an earthquake, has dispatched a group of young people to the Dominican Republic to immunize against disease, has financed a student delegation to Paris to petition the North Vietnamese for release of America's war prisoners. It is the same spirit exemplified when fifty thousand citizens gather annually for a historic "Evening in Old Seville Square."

But let there be no misunderstanding about this. When you visit us, you will not find Utopia. You will find some poor housing; you will read of drug arrests in the newspaper; you will hear of pollution which has invaded some of our air and water. We are neither perfect nor immune to problems. But you will also find that we are working hard to overcome these problems through active citizen participation.

Let me describe to you briefly our three chief projects: The Gulf Islands National Seashore, Community Central Services and Action '76.

First, the seashore. What could we as citizens do to save the beaches? We sensed the possibility that the virgin beaches might not always be there. The natural shorelines of America are disappearing in concrete and neon, amidst tin cans and paper bags, under shacks and bulldozers. We needed action to convince elected officials to preserve the beach.

A committee of far-sighted citizens and the newspaper rallied us to action. A small band of hardy citizens walked the streets with petitions in hand. Twenty-three thousand citizens signed these petitions to obtain from the County Commissioners a vote as to the future destiny of the beaches. By a margin of two to one we voted to commit forever a major share of our beaches to the new Gulf Islands National Seashore. In May of this year the Seashore became a reality, and the beaches will remain much as they were when the Spaniards waded ashore four hundred years ago.

What is most important is that because of citizens intervention forty-three miles of the world's whitest beaches have been spared for all America to enjoy forever.

Second, Community Central Services. In addition to taking action to save the beaches, we also wanted to take citizen action to help people in distress or need; and so task forces of private individuals were formed to review the entire Welfare Program.

You might ask what is unique about these efforts to help the poor and the sick and the elderly? For one thing, we have now cut out much of the red tape. We have made it easier for people with problems to get help and to get help from the right people at the right time and the right place. Through the Community Planning Division of United Way, we have established an Information and Referral Service so that people in need can receive accurate information from just one central office about the proper place to go for help. There is no more passing the buck or begging from agency to agency.

We have also established a nonprofit private corporation, The Community Central Services Corporation, to receive federal funds which have helped to establish active day care centers as well as to fund the Central Information and Referral Services Office. In addition to federal funds, this corporation also gathers local, state and private funds for the benefit of the deprived.

The Citizens Action Task Forces and the

non-profit corporation have also provided funds for transportation services for the poor and the elderly and assisted in programs for the young in depressed areas of our community.

Finally, Action '76. We have been suffering from growing pains. The city has burst into the county. Good plans have been lying dormant. At the polls we defeated annexation, government reorganization, school bonds, zoning and a juvenile detention facility. The time had come to take stock of ourselves and regroup for action. How could we harness the good will, but conflicting aims, of our people into a consensus blueprint for progress? What did we, as citizens, really want for the community?

Heartened by the success of our citizen action to save the beaches and to aid the poor and less fortunate, we rolled up our sleeves and went to work. Beginning with a small committee of our fellow citizens, we launched a massive community goals program which we call Action '76 and which has become the model for all Florida. Ten task forces composed of more than 250 people from all walks of life sat down together and wrote the community goals; they also assigned specific responsibilities to the proper public or private agencies. Fifteen thousand copies of the tentative goals were distributed throughout the community and reviewed and revised by fifty civic and community organizations. The newspaper published the goals in their entirety. We explained them in detail in public hearings and invited discussions and suggestions and criticisms from everyone. In May of this year the revised goals were published, and we put the community stamp of approval on Action '76.

We have only begun to see the results, but already we have our first mini-park for children built by the Jaycees under the leadership of a young Navy lieutenant. We are planning for the new Government Complex, including a cultural center; and we are again working for a new juvenile detention facility.

We have started a county-wide recreation program, and we are mobilizing citizens' advisory councils in our public schools. Many political candidates ran for office supporting the goals of Action '76. Because the goals program has been successful, we have been chosen as the pilot community for the American Revolution Bicentennial Celebration in Florida.

In summary, we believe that these three programs, the National Seashore, Community Central Services, and Action '76, demonstrate the action spirit of the community. We are making visible progress. Private capital is joining with public capital. The young people are participating. Elected officials are working together in harness as never before, and we are very much excited and encouraged. We are told that Mahatma Gandhi once said, "There go the people; and I must follow, for I am their leader." Our elected officials need citizen leadership and citizen support, and they shall have it because we have a new spirit of '76 which will lead us on an enlightened path into the third century of American history.

A NATIONAL YOUTH ART MONTH

HON. TENO RONCALIO

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 1973

Mr. RONCALIO of Wyoming. Mr. Speaker, in March of 1961, a very exciting and worthy annual project began in my State of Wyoming. It was called Children's Art Month and its purpose was to "gain understanding of the true importance of art education and public support for quality school art programs by way of emphasizing the value of participating art for the development of all children."

After a decade of sustained interest and success, the program was extended to include teenagers, and was renamed "Youth Art Month."

Youth Art Month is still continuing in Wyoming. It has been an ideal way to recognize the work of our children, and to instill a sense of pride in their creations. Youth Art Month has also been successful in creating a cooperative community spirit with children, families, schools, clubs, business, and government officials all lending a hand in the organization, display, and publicity of the event.

I now propose a National Youth Art Month to be designated annually by the President. This legislation has the support of the National Art Education Association and the Crayon, Watercolor, and Craft Institute, Inc.

It is my hope, Mr. Speaker, that Congress will see fit to pass this joint resolution with haste, so that we may begin a national recognition of school art programs in 1973.

EARTHQUAKE IN NICARAGUA

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 1973

Mr. VAN DEERLIN. Mr. Speaker, the recent terrible tragedy caused by the earthquake in Managua, Nicaragua, raised great concern in this country, as in all nations of the world, for the victims of that tragedy. This concern was demonstrated, as always in such cases, to aid those made homeless and hungry by the disaster.

While concern for the present plight of the citizens of Nicaragua was uppermost in the minds of most Americans, concern for the future was also felt by some knowledgeable individuals who are perturbed over rebuilding plans made known by the Nicaraguan Government. This concern is heightened by the fact that external financial assistance, much of it provided by U.S. taxpayers, will be necessary for such rebuilding. To the extent of this financial involvement, therefore, the citizens of this country have an interest in rebuilding plans.

I would like to call to the attention of the House the views of Mr. Greer W. Ferver, an engineer who has just returned from Nicaragua. Mr. Ferver's letter is as follows:

FERVER ENGINEERING CO.,
San Diego, Calif., January 16, 1973.

Congressman LIONEL VAN DEERLIN,
House Office Building,
Washington, D.C.

DEAR VAN: I have just returned from an eight day stay in Managua, Nicaragua, where I was a member of an investigating team for the American Iron and Steel Institute. On my way home, and after returning, I was dismayed to read reports that General Somoza plans to rebuild the city on the same site.

This city has been already destroyed three times—in 1885, 1931 and now in 1972. It has three active faults running directly through it and a major active fault a few kilometers away to the west. It will suffer from more earthquakes in the future. More lives will be lost and more economic loss sustained.

I believe that Nicaragua's economy will not support the cost of reconstruction without external financial assistance, much of it provided by U.S. taxpayers. This should give the U.S. some say as to where and how Manauga is to be rebuilt.

In my opinion, it would be most unwise to rebuild on the same site, even though that action may present short range cost savings. Also, in the age of automobiles, it would be foolish to follow the old pattern of narrow streets, small blocks, and 100% lot coverage.

Another problem that exists in Managua is that there is no building code, no prequalification of architects and engineers, and no prequalification of contractors. The very few architects and engineers we met who would be considered competent in the U.S. unfortunately have no special training in aseismic design. Without assistance from properly qualified foreign professionals, there is no assurance that a reasonably safe city will be built.

I don't know what can be done to influence Somoza's thinking, but if Congress can take any action, I certainly hope they do so.

Sincerely,

GREER W. FERVER.

WOMEN'S INTERNATIONAL TENNIS FEDERATION

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 1973

Mr. ARCHER. Mr. Speaker, today I would like to offer my congratulations and recognition to the Women's International Tennis Federation. This organization is composed of the world's leading women tennis professionals.

Among the members are Billie Jean King, the 1972 winner of Wimbledon, Forest Hills, and the French championships; Margaret Court of Australia, a three-time winner of Wimbledon and a five-time winner of Forest Hills; Francoise Durr, the No. 1 in France; Betty Stove, the No. 1 in the Netherlands; Nancy Richey Gunter of Texas, four times ranked No. 1 in the United States; U.S. Wightman Cup players Val Ziegenfuss and Wendy Overton; Australian Federation Club players Kerry Melville, Helen Gourlay, Karen Krantzcke, and Leslie Hunt; June M. Heldman of Texas, twice No. 2 in the United States; British Wightman Club player Corinne Molesworth; Rosie Casals of California, four times winner of the Wimbledon doubles and twice winner of the U.S. doubles; Rhodesia's Salli Hudson-Beck, South Africa's Brenda Kirk and Laura Rossouw, Brazil's Lee Connelly, Canada's Vicki Berner, Sweden's Madeleine Pegal and a total of 18 women who currently hold U.S. national rankings.

The Women's International Tennis Federation incorporates all the members of the World Tennis magazine women's pro tour. This latter organization was formed in Houston in September of 1970 by World Tennis Publisher and Editor, Gladys M. Heldman. The first tournament had prize money of $7,500. At that time, it was the largest prize money ever offered to an all-women's group of tennis players. Since then it has developed an 18-tournament women's circuit, and in October of 1972 staged the $100,000 Virginia Slims championships at Boca Raton, Fla. Because the women pros stuck together, it became relatively easy to establish large prize money events. As a result, in 1971 Billie Jean King became the first woman athlete to earn more than $100,000 in prize money in the course of a year. In 1972 she again duplicated this achievement.

The aim of the World Tennis women's pro tour and its successor, the Women's International Tennis Federation, has not only been to establish a good prize money circuit for outstanding tennis champions but also to develop the future champs. It has helped a dozen young players financially so that they could afford to play tournaments, and many of the young qualifiers are now in the championship group. WITF is also assisting the American Tennis Association—an organization of black tennis players—by adding a minimum of three more black youngsters felt to have great potential.

The Women's International Tennis Federation is open to all qualified women tennis players regardless of nationality, race, color, or creed. In addition to the outstanding group of champions in WITF, there are 28 young qualifiers who will be given the opportunity to compete in tournaments and who are also eligible to receive financial help.

WITF is a self-supporting group that does not seek contributions. It provides a women's pro circuit that has been outstandingly successful, and tournaments regularly play to sell-out crowds. Each of the members receive the benefits of a rich prize money circuit but also contribute by giving free clinics to children at least once a week during the tournament season. WITF has also eliminated appearance money and guarantees, and so every member of the group plays for prize money only.

Dr. Clyd Freeman, president of the American Tennis Association, has credited WITF with doing more for tennis players in general and ATA players in particular than any other tennis group in the world.

A REMEMBERANCE OF UKRAINIAN INDEPENDENCE DAY

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1973

Mr. ROBISON of New York. Mr. Speaker, as this Nation moves toward the bicentennial celebration of its freedom and self-government, we may easily be distracted from the continuing, centuries-long struggle of another nation to determine its own future. As painful as our own fight for nationhood was, the right to individual expression and self-government has not come as easily to the people of the Ukraine. The Ukrainian nation has waged several such campaigns for independence through the centuries, yet dedicated and visionary Ukrainians still work for the day when their country will be free from outside domination.

Congress' tribute to the last great patriotic struggle of the Ukrainian people, culminating in the proclamation of national independence on January 22, 1918, is, as well, a tribute to the sturdiness and bravery of those of Ukrainian descent who will not give up the fight. We also gather to appreciate the example of those freedom fighters, which has uplifted our own citizens; and to extol the good fortune which has brought Americans of Ukrainian descent to our shores.

Americans of Ukrainian descent were among the revered builders of our own republic, because they best understood the meaning and the practice of freedoms so long sought by the Ukrainian nation. We pray during this remembrance of Ukrainian independence day that the people of the Ukraine will soon be able to build their own independent government.

REQUIRE CONFIRMATION BY SENATE OF THE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET AND HIS DEPUTY

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 1973

Mr. BROOKS. Mr. Speaker, I am today introducing legislation that would require confirmation by the Senate of the Director of the Office of Management and Budget and his Deputy. These two positions are far too important not to require congressional confirmation of their appointments.

OMB has become possibly the most powerful office in the executive branch of the Government. The Director of Office of Management and Budget wields far greater power than the secretaries of Cabinet-level departments. Yet, he is appointed by and accountable to the President alone.

OMB is no longer a bookkeeping agency as it was when its predecessor, the Bureau of the Budget, was created in 1921. Under the present administration, it has become a principal policymaking agency of the Federal Government. OMB determines what programs will be funded, what programs will be cut, and what programs will be abolished.

Furthermore, no agency in the Government is permitted to give its recommendations on legislation to the Congress without first clearing them with the Office of Management and Budget. This procedure undoubtedly makes OMB one of the most powerful policymaking agencies in Washington. It is absolutely essential that Congress have some participation in the selection of the OMB Director and Deputy Director.

My bill is cosponsored by Congressman Chet Holifield, chairman of the House Government Operations Committee and is identical to a bill (S. 518) sponsored by Senator Sam Ervin and all standing committee chairmen in the Senate. Senator Ervin's bill passed the Senate Government Operations Committee on Friday, January 26, and is expected to come before the Senate soon.

My proposal and Senator Ervin's bill would require confirmation of the present OMB Director, Roy Ash, and his Deputy, Frederick V. Malek.

If our constitutional form of government is to survive, we must restore some balance of power to the three branches of the Government. One of the first moves that should be taken is to require congressional participation in the appointment and confirmation of high-level Government executives.

The language of the bill is as follows:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That, effective on the day after the date of enactment of this Act, the Director of the Office of Management and Budget and the Deputy Director of that Office (originally established by section 207 of the Budget and Accounting Act, 1921, and redesignated by section 102 of Reorganization Plan Numbered 2 of 1970) shall be appointed by the President by and with the advice and consent of the Senate, and no individual shall hold either such position thirty days after that date unless he has been so appointed.

IMPOUNDMENT

HON. THOMAS L. ASHLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 1973

Mr. ASHLEY. Mr. Speaker, today I am introducing legislation to require the President to notify the Congress whenever he impounds or authorizes the impounding of appropriated funds and to provide that the President shall cease such impounding at the expiration of 60 calendar days unless the Congress shall approve his action by concurrent resolution.

Impoundment, the withholding of congressionally appropriated funds by the President, is not a new development. Presidents have impounded funds since the beginning of the Republic, but they have done so for reasons sanctioned by the Congress. For example, title VI of the 1964 Civil Rights Act empowers the President to withhold funds from federally assisted programs where he finds that the recipient of Federal money discriminates in employment on the basis of race, color, or national origin. Further, Congress has recognized the need for Executive discretion for the sound management of public funds and required by statute that the President set aside or "reserve" money "to provide for contingencies or to effect savings whenever savings are made possible by or through changes in requirements, greater efficiency of operations, or other developments subsequent to the date on which such appropriation was made available."

Such a limited and circumscribed right of impoundment is far different in both quality and quantity than President

Nixon's recent use of impoundment to reject congressionally designated spending priorities for his own. Senator Sam Ervin's Judiciary Subcommittee on the Separation of Powers conducted hearings in 1971 which revealed that President Nixon had impounded some $12.7 billion simply because he disagreed with the purpose for which these funds were appropriated. Casper Weinberger, the former Director of the Office of Management and Budget estimated the present figure at $11.5 to $12 billion in recent testimony before the Senate Labor and Public Welfare Committee.

By substituting his judgment on spending priorities for that of the Congress, the President has violated the separation of powers principle and posed a serious threat to our system of government. Perhaps the most egregious effect of such impounding has been to give the President a power clearly denied him by the Constitution: an item veto. The Constitution does not permit the President to veto the portions of a bill that he dislikes; instead it limits his veto power to entire bills, with the Congress having the opportunity to override a veto by a two-thirds vote of both Houses. Moreover, such an exercise of Presidential impoundment is tantamount to usurping the Congress' clearly defined constitutional authority to determine spending priorities through the power of the purse.

The bill I am introducing today would not affect the discretion granted to the President by the Congress to effect economies in administering public funds. It would simply put an end to the unconstitutional and dangerous practice of permitting the President to be both Executive and legislator. It would require the President to notify each House of Congress by special message of every instance where he impounds funds or authorizes such impoundment by any officer of the United States. Such a special message would have to specify the amount of the impounded funds, the specific projects or governmental functions affected by the impoundment, and the reason for such impoundment.

The bill further provides that the President shall cease impounding the funds designated in each special message within 60 calendar days after the message is received by the Congress unless the specific impoundment shall have been ratified by Congress in accordance with a procedure set forth in the bill.

Mr. Speaker, I urge the House to take speedy action to restore its rightful role in this vital area.

AMNESTY MYTH

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 1973

Mr. HOSMER. Mr. Speaker, in view of the fact that even before our POW/MIA's are returned support of Members of the body is being solicited for amnesty for persons who fled their country rather than serve it during the Vietnam war, I think the following extract from a recent factsheet issued by POW–MIA International, Inc., is highly pertinent:

> *Myth:* Granting amnesty to draft evaders and deserters after a war is a routine practice in the United States.
>
> *Fact:* Granting a general amnesty has *never* been the practice or policy of the United States! *No* general amnesty, *or pardon*, was granted after WW I. Nearly all draft violators were put in jail. In 1924, President Coolidge granted *partial* amnesty to *100* men who had deserted *after* the Armistice. In 1933, President Roosevelt ordered *pardon* for 1,500 *convicted* draft dodgers and violators of the Espionage Act. After WW II, the idea of granting general amnesty to 15,000 *convicted* draft dodgers was turned down—instead, each case got an individual review and only about 1 in 10 subsequently won a pardon, NOT AMNESTY!! Amnesty and Pardon are two entirely different things:
>
> Amnesty: Blot out one's offenses, wipe the slate clean, acquit, excuse, absolve, free from blame, the *offense removed from the record.*
>
> Pardon: Forgiving an offense, but *offense remains on the record.*
>
> Amnesty is granted to those who have committed an offense but are later found to be not guilty. Pardon is given to those who have committed an offense and later are forgiven for the offense they are guilty of having committed.

CAN THE INTERNATIONAL COMMISSION WORK?

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 1973

Mr. HANNA. Mr. Speaker, from the U.S. point of view we believe that the effectiveness of the Commission of Control and Supervision provided in the peace agreement is most important and at the same time most questionable. Questions arise as to the ability of the Commission to coordinate and cooperate in their joint efforts. It would seem to this observer that such cooperation and coordination rests on the pressure exerted by Russia to get the two eastern bloc participants to be serious and evenhanded in their assignment. The fact that each of the four teams can give separate reports will no doubt give us an early measure of the Commission's performance.

A second question arises on the ability of the originally constituted force, some 1,200, to adequately cover the complex of territory involved in a two-tier conflict in which part of the war was defined by a line of opposing military forces and a part was impossible of definition as it was an internal paramilitary operation involving most of the hamlets and villages spread across the entire country of South Vietnam.

A third question arises from the need for flexibility for adequate response and full mobility for a presence of the Commission in the many places where an activity in violation of the agreement might take place. Given the makeup of the Commission there is good reason to question whether in the first 60 days they could arrive at a cooperative and energetic posture for the best utilization of the available resource agreeable to all four participants.

Finally, there is the question of responsibility of the Commission. In the early stage the Commission is to report to and be responsible to the four separate powers signatory to the agreement. To effectively work in consort for such divided interests is a challenge the size of which is mind boggling. Minister Mitchell Sharp, head of the Canadian contingency, stated last week that Canada felt the forces of the Commission should be responsible to and report to an international conference from the outset. He warned that Canadian participation continuance would depend "on whether we are effective."

President Thieu has questioned the effectiveness of the Commission in the harshest terms, calling it a "useless and helpless organization." We can only hope the fears of the Canadians and the charges of President Thieu are proven wrong.

Behind the machinery of the agreement what else enforces the pledges for Peace? The good will of the parties as stated by Kissinger or the threat of U.S. retaliation as suggested by President Thieu? May I respectfully suggest that one of the most significant parts of the peace and one area that should have our close attention is the action of the International Commission. I would predict it will need further attention and revision before it can accomplish the mission described for it in the peace agreement. As we have waited so long and paid so dearly for this peace agreement, I would hope it shall not fail for our refusing to acknowledge its weaknesses and the need to continue our efforts to resolve those weaknesses.

COMMUNISTS AND CAPITALISTS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 1973

Mr. RARICK. Mr. Speaker, Field Marshall Tito and the Chase Manhattan Bank of New York met last week in Belgrade, Yugoslavia.

This meeting came 8 days after Chief Justice Warren Earl Burger accepted the Order of the Yugoslav Flag, in Washington, D.C. Most Americans would accept this as sheer coincidence; however, the pattern is clear.

Meantime, Stokley Carmichael has reformed to nonviolence, urging his followers to "Build, baby, build" instead of "burn, baby, burn."

Communists the world over are "cooling it"—so long as they can get capitalist support. Who is fooling whom and for how long?

I include related newsclippings in the Record, as follow:

[From the Washington Post, Jan. 28, 1973]

Tito, Rockefeller Meet

Belgrade, January 21.—President Tito and his wife received David Rockefeller, president of the Chase Manhattan Bank of New

York, and his wife today and spent some time in "prolonged, friendly conversation," Tanjug, the official Yugoslav news agency reported from the island of Brioni.

VIOLENCE OUTDATED, CARMICHAEL SAYS

OAKLAND, CALIF., January 27.—Black activist Stokely Carmichael says the time for violent revolution has passed and now "we must be preoccupied with building, not destroying."

"In 1966, 1967, 1968, Stokely was yelling 'Go out and kill them,' " the former head of the Student NonViolent Coordinating Committee told a community college audience here. "In 1973, such a speech would be a waste of time and we would have missed the boat," Carmichael said.

ALLIED VETERANS ASSOCIATION OF McKEESPORT, PA., SELECTS "WOMAN OF THE YEAR"

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 1973

Mr. GAYDOS. Mr. Speaker, it has become traditional for the Allied Veterans Association of McKeesport, Pa., to annually select a "Woman of the Year" and publicly recognize her contributions to the community and its citizens.

This year, as in past years, the veterans chose a truly distinguished and gracious lady to receive the award—Mrs. Martha Mack Lewis.

Mrs. Lewis has been active in civic, social, and church endeavors all her life. Her interests and accomplishments appear endless; her dedication and involvement almost unbelievable. It is astounding how a single individual can devote so much time, energy, and talent to so many people, so many things.

Early in her career, Mrs. Lewis took an interest in McKeesport Hospital. She worked there for several years as a volunteer and her association with the institution has not waned with the passing of time. Today Mrs. Lewis serves the hospital as a member of its board of trustees.

She also was one of the original directors of the McKeesport Symphony Society when the organization was formed in 1959 and still holds that position today. In addition, Mrs. Lewis is chairman of the Americanization Committee for the Queen Alquippa chapter, Daughters of the American Revolution; a member of the McKeesport College Club, the McKeesport 20th Century Club, and once served 5 years as an associate chairman for the United Fund.

However, this remarkable woman does not confine her desire and talent to enrich the lives of people solely to the city of McKeesport. She devotes a great deal of time serving organizations in Allegheny County and the city of Pittsburgh. Among the groups she works with are the Visiting Nurses Association, the Pittsburgh Opera and Symphony Societies, and the Western Pennsylvania Conservancy and Humane Society.

At one time, Mrs. Lewis organized a Brownie Scout troop and served as its leader. During World War II, she worked as a staff assistant for the Red Cross and as a substitute high school teacher. She sings with the choir at the First United Methodist Church but also doubles as its director and soprano soloist. And yet, despite her extensive interests and activities, she still manages to find time for her husband, Thomas J. Lewis, Jr., her family, and her home.

Mr. Speaker, I commend the McKeesport Allied Veterans Association, its president, Mr. Arthur Maund, its officers and men upon their selection of Mrs. Lewis as their 1972 "Woman of the Year." She is, in truth, an inspiration to those who know her and I am proud to serve as her Representative in the Congress of the United States.

LEE HAMILTON'S JANUARY 29, 1973, WASHINGTON REPORT ENTITLED "INAUGURATION 1973"

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 1973

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include my January 29, 1973, Washington Report entitled "Inauguration 1973."

INAUGURATION 1973

Inauguration day in the Nation's Capital is a strange mixture of solemn ceremony and exuberant celebration. It is a festival of democracy, a celebration of unity, and a time of national renewal. For those who take part, it is also a time of hectic personal schedules, massive crowds, and frustrating traffic jams.

While a number of my colleagues in the Congress boycotted the ceremonies, I did not. In the rhythm of our national life, a new administration marks a resurgence of hope and a renewal of energy. So many divisions and differences exist in the nation, forces which pull us apart, that these inaugural observances are needed. An inauguration is a time to begin fresh and to strengthen our confidence in our institutions. We need to be reminded that, although our problems are mountainous, so are the talents and resources we can bring to bear to meet them.

Although the President is chosen through a party system, and stands pledged to the principles of that party, he nevertheless is President of all Americans. The inauguration ceremony symbolizes the essential, underlying unity the nation requires to endure.

The swearing-in ceremonies and the President's inaugural address are the most important events of inauguration day. President Nixon took only a minute to recite the 35-word oath of office, making him the 37th President of the United States, and at that time he became one of only 12 men in our history who have more than once been elected President.

His second inaugural address stressed reliance on self-help, the disengagement of government, and a limited American involvement abroad. His address, which was thoroughly conservative in philosophy and orientation, made no bows to the liberals, and was clearly directed to the constituency which had elected him.

The festivities surrounding this brief ceremony include about four days of parties, exhibits, entertainment extravaganzas, receptions and dances preceding the inaugural, a parade, inaugural balls with as many as 25 musical groups, and a Sunday worship service following the event.

Those who come to Washington for the festivities find them to be expensive affairs. Tickets for all of the events easily total $500. Boxes (and breathing room) at the inaugural balls cost $1,000. Tickets to the inaugural parade range from $5 to $50. A souvenir of the occasion can range from $1,250 for a gold plate, to a dollar or so for a pennant or a lapel button.

There is, however, suprisingly little grumbling, either about the cost or the crush at the affairs. The five inaugural balls staged this year were not so much dances as wall-to-wall humanity—stifling, confusing and loud. At one reception, arranged to accommodate 1,500 persons comfortably, 15,000 showed up.

Celebrities are everywhere to be seen. Forty of the nation's governors were on hand, entertainers Bob Hope and Frank Sinatra, Miss America, prominent Members of Congress, Cabinet members, and, of course, the super-celebrities, an ebullient President and his family.

The inaugural parade was a "super-parade", with entries from practically every state marching by in a two-hour procession which included the largest-ever marching band—nearly 2,000 musicians in a single unit. About 300,000 persons lined Pennsylvania Avenue to watch, enduring 30-degree temperatures and a biting, 25-mile-an-hour wind.

There were protestors, too, and they staged their own inaugural concert, which was attended by some 3,000 who could fit in the stately National Cathedral, and 12,000 who listened outside to a program of music directed by Leonard Bernstein. About 75,000 marched in their own anti-war inaugural parade from the Lincoln Memorial to the Washington Monument on inauguration day.

In all, the city handled the celebration with apparent ease. The police restrained the rambunctious crowds and the swearing-in ceremony and the parade came off on schedule. Within five minutes after the inaugural parade was over, street cleaners were hard at work. By Sunday morning, Pennsylvania Avenue was all cleaned up. The celebration was over and the hard tasks of running the government lay ahead.

CONGRESSIONAL REFORM AND MINORITY STAFFING

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 1973

Mr. ANDERSON of Illinois. Mr. Speaker, the winds of reform are blowing through the halls of Congress and I am pleased that due to a change in wind direction the other side of the aisle is now getting some ventilation. I am referring, of course, to the fact that the House Democratic caucus last week adopted the House Republican conference procedure for electing top committee members—a procedure House Republicans have followed for two Congresses now. I am delighted that our Democratic brethern have belatedly recognized the wisdom in following our lead in breaking the rigid seniority system. At the same time it is regrettable that another attempt to further follow our lead by electing the whip failed in the Democratic caucus. In our own Republican conference we have been electing our whip for as long as I can remember. It is most unfortunate, I think that many press accounts of the great seniority breakthrough in the Democratic caucus make no mention of the fact that this is a 2-year-old House Republican reform, or that we have been electing our whip for 30 years.

Mr. Speaker, while the reform breezes are still stirring across the aisle, I think it would be a most appropriate time for the Democratic caucus to reverse itself on an anti-reform action it took 2 years ago last week. I am referring to the caucus decision requiring all its members to support deletion of the minority staffing provisions of the Legislative Reorganization Act of 1970 when the House rules were adopted in the 92d Congress on January 22, 1971.

Despite the fact that the provision for adequte minority staffing was offered as a bipartisan amendment on July 15, 1970, by the gentleman from New Jersey (Mr. THOMPSON) and the gentleman from Iowa (Mr. SCHWENGEL), and despite the fact that it was adopted by the House on July 16 by a 105 to 63 teller vote, the Democrats came back 6 months later in the new 92d Congress, invoked the unit rule in caucus and thus bound their entire membership to an antireform position—striking the one-third minority staffing provision of the 1970 Reorganization Act. The crucial vote on that January day in 1971 was 226 to 156, adopting the rules without that provision—a vote that was strictly along party lines despite the bipartisan support that provision had received in the previous Congress.

Mr. Speaker, I think the time has come to restore that bipartisan reform spirit which was so evident during the adoption of amendments to the 1970 Reorganization Act, and a good place to start is on that minority staffing provision. Probably the most eminent authority in the Congress on the history of this body and the most eloquent spokesmen for reform is my good friend and Rules Committee colleague, the gentleman from Missouri (Mr. BOLLING). In his 1964 book, "House Out of Order," he says the following about the need for adequate minority staffing:

> Today, Members of the minority party properly complain that their party does not have an adequate staff on certain committees to develop sound legislative alternatives to the proposals of the majority party Members. Without the staff to frame alternative proposals, the minority cannot make its position clear on bills sponsored by the majority. Surely the discussion of alternatives is an important part of the democratic process, because it informs the public, compels a more careful and penetrating consideration of bills, and in my experience nearly always results in sounder legislation.

And again, in his 1968 book, "Power in the House," the gentleman from Missouri has this to say:

> The imbalance in the staffing of committees impairs the ability of the minority to make proper policy choices. There should be adequate staff on the legislative committees for the use of members of the minority party, usually the Republicans. This is not generally now the situation. . . . The minority party is slighted. Its busy members do not have available, at the committee level, adequate numbers of professionally trained people who share the same angle of political vision. Policy is made, in large part, on political differences. Real policy differences require sound information.

Mr. Speaker, I honestly do not think a member of my own minority party could have made a more persuasive case for adequate minority committee staffing, and I hope my friend from Missouri and his Democratic colleagues will join us on this side of the aisle in reinstating the one-third provision of the 1970 Reorganization Act.

This minority staffing provision has the strong support of Common Cause Chairman John Gardner. In his testimony of December 5, 1972, before the Senate ad hoc hearings on congressional reorganization, he had this to say about minority staffing:

> The ability of the Congress to hear and consider both sides of controversial issues is limited by insufficient staff resources for the minority party. Admittedly this appears to be more of a problem in the House than the Senate. It would be fair and prudent to implement the Legislative Reorganization Act of 1970 and assure adequate minority party staffing.

Mr. Speaker, I hope Common Cause will push this reform as vigorously as it is other reforms, for it is just as important, in my mind, if we are genuinely interested in making the Congress a coequal branch of Government.

For these reasons I am today joining with the gentleman from New Hampshire (Mr. CLEVELAND) in reintroducing our amendment to rule XI of the House. This new clause 32(c) reads as follows:

> The minority on any such standing committee is entitled, upon request of a majority of such minority, to up to one-third of the funds provided for the appointment of committee staff pursuant to each primary or additional expenditure resolution.

EDITORIALS ON THE LIFE AND TIMES OF PRESIDENT HARRY S TRUMAN

HON. WM. J. RANDALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 1973

Mr. RANDALL. Mr. Speaker, the period proclaimed by President Nixon as a time of mourning for our 33d President has just expired. Notwithstanding I take this occasion to remind Members that the other body of the Congress will eulogize President Truman on or about February 6.

I mention the foregoing simply to remind my colleagues in the House that there will be a joint resolution introduced in both the House and the Senate which will authorize the preparation of a bound volume to contain all of the remarks on the passing of Mr. Truman made on the floor and all extraneous matter, including editorials, which have been or will be made a part of the CONGRESSIONAL RECORD. All of these will be included as a part of the bound volume contemplated by the provisions of the joint resolution directed to the Joint Committee on Printing.

It is my understanding that under present expectations this volume will not be assembled prior to May 1. Those Members desiring to do so many revise and extend their own remarks and with unanimous consent include extraneous matter pertaining to the life of former President Truman.

Now, Mr. Speaker, there are three editorials from three great newspapers which have not been included in the RECORD. These three deserve to be included along with the collection of eulogies and tributes paid to our great 33d President. I refer to the editorial from the Washington Post of December 27, 1972; the editorial from the Evening Star & Daily News under date of December 27, 1972, and then to the editorial in the New York Times of December 31, 1972, by Cabell Phillips, who for 20 years was the head of the Washington Bureau of the New York Times during the Truman years. You may recall Mr. Phillips was the author of the book, "The Truman Presidency," which he described as "the history of a triumphant succession."

Mr. Speaker, I would feel remiss if by my negligence these three editorials should be omitted from the record of comments on the life of President Truman. They are as follows:

[From the Washington Post, Dec. 27, 1972]

HARRY S TRUMAN

A few minutes after Harry S Truman took the oath of office as President of the United States—when, as he put it, he "felt like the moon, the stars, and all the planets had fallen on me"—he was asked if the San Francisco Conference on the United Nations would meet, as had been planned. "I did not hesitate a second," he recalled in his memoirs. "There was no question in my mind that the conference had to take place." Within hours, he was dealing as an equal with Winston Churchill and Josef Stalin.

There were not many who were prepared to say in that dark hour that Harry Truman was equal to the appalling burden put upon him. The members of the Roosevelt Cabinet tended to feel that they would have to take him under their tutelage; they were considerate but patronizing. He very quickly replaced them. He had no very exalted opinion of himself; but he had great self-respect. Acknowledging that no one was "big enough" to be President of the United States in the crucial years of a great world war, he nevertheless felt himself to be about as big as the next fellow. What he had to do, he would do to the best of his ability.

Diffidence and doughtiness, humility and self-confidence, vulgarity and grandeur were mingled in this solid, unpretentious man, a seemingly typical product of small-town politics in middle America. He was an able and conscientious senator, although by no means one of the towering figures of Congress. He was a man for whom—and probably to whom—the Vice Presidency seemed the very summit of legitimate aspiration. Yet when immeasurable responsibility was suddenly thrust upon him against his honest wish and will, he found within himself the resources to meet the task honorably and, indeed, greatly.

"Some scholars of American history with whom I talk from time to time are of the opinion," he wrote years later, "that it is history that makes the man. I am inclined to differ. I think that it is the man who makes history. I find that throughout our own history the greatest strides occur when courageous and gifted leaders either seize the opportunity or create it."

It may well be that both views are true. In any case, Harry Truman lacked neither opportunities nor the courage to seize them. Perhaps the greatest single decision of modern times was made by him very early in his Presidency—the decision to use the atomic bomb in the war against Japan. "The final decision of where and when to use the atomic bomb was up to me," Mr. Truman recalled with characteristic simplicity. "Let there be no mistake about it. I regarded the bomb as a military weapon and never had any doubt that it should be used. The top military advisers to the President recommended its use, and when I talked to Churchill he unhesitatingly told me that he favored the use of the atomic bomb if it might aid to end the war."

For good or for evil, a new dimension was added to the world. For the salvation or the destruction of mankind, a new force was created. Years of experience with the ineradicable threat of atomic war, years of reflection on the moral implications of employing so terrible a weapon, may lead to a judgment that Harry Truman was wrong. But let those who make that judgment ponder his straightforward justification for what he did: "General Marshall told me that it might cost half a million American lives to force the enemy's surrender on his home grounds." And, conversely, let those who applaud his decision ponder what foreshadows for any future war.

Harry Truman made another decision inexpressibly more life-giving and perhaps almost as momentous in its way—the decision to commit the immense resources, strength and skill of the American people to the reconstruction of Europe at the end of the war. The Marshall Plan, formulated and implemented under his leadership, represented what may well be considered the most enlightened piece of national generosity in all history. Indeed, American aid went generously to the vanquished as well as to the victories. In Mr. Truman's own estimation, "The Marshall Plan will go down in history as one of America's greatest contributions to the peace of the world. I think the world now realizes that without the Marshall Plan it would have been difficult for Western Europe to remain free from the tyranny of communism."

To arrest "the tyranny of communism," President Truman took the country into a considerable and troublesome war of his own—the war in Korea. The swift American response to the North Korean invasion of South Korea afforded a fresh illustration of the President's decisiveness and toughness in the conduct of his office. And in the course of the war he gave a democratic demonstration that as President he was also indubitably Commander in Chief of the nation's armed forces when he summarily removed Gen. Douglas MacArthur from his post in the Pacific.

Harry Truman was a pragmatist and a politican. He preferred the specific gain to the idealistic goal. And he understood with unblurred realism that specific gains in American political affairs are achieved by leadership which embraces not only an imaginative appeal to the aspirations of a free people but also the crasser arts of political influence, pressure and manipulation. He was in constant conflict with Congress. "When a President does not have a fight or two with Congress, you know there is something wrong," he wrote. "A man with thin skin has no business being President."

His fiercest political controversy centered in the cult of loyalty that developed in the late 1940s and reached its culmination in obsessive attacks upon Government employees, especially in the State Department, by Senators McCarthy, McCarran and Jenner. There was a passionate commitment in Harry Truman to the principles of the Bill of Rights and to the concept of individual liberty. The tactics of what came to be called McCarthyism were abhorrent to him, and he was unreserved in his condemnation of them. Unfortunately, however, in his zeal to protect Government employees from the brutal assaults of McCarthyism, he established the Federal Employee Loyalty-Security Program—a pernicious process, still in full effect, which bases the determination of an employee's trustworthiness on accusations made by informers unknown either to the accused employee or to his judges.

Despite this grievous lapse into the fundamental error of McCarthyism, Harry Truman was otherwise a stalwart champion of principle he enunicated in simple terms: "In a free country, we punish men for the crimes they commit, but never for the opinions they have." Nothing in his official career redounded more greatly to his glory than his veto in 1950 of the Internal Security Act which established the Subversive Activities Control Board. In the hysteria of the time, the bill was passed over his veto within 24 hours. But he gave assertion, nevertheless, to a reassuring faith in his fellow Americans and in their fealty to the principles of political liberty.

His faith in the American people found reciprocation. In 1948, he sought election to the Presidency in his own right. Although it was not widely supposed that he could win, he campaigned with a verve, ebullience and indomitable determination that led him to victory. It may be that the American people saw in him an embodiment of their image of themselves—an exemplification of their own rooted virtues and values. There were qualities about Harry Truman now often referred to as old-fashioned—his rather simple morality, his devotion to his family, his uncritical loyalty to his country, to his party, to past political associates who had been loyal to him, his capacity, on occasion, for intemperate and injudicious indignation, his earthiness—qualities that stamped him a common man yet a man capable, as other common men are capable, of ascent to the heights of heroism. Harry Truman showed his countrymen what they were made of and what they could become.

[From the Evening Star and The Washington Daily News, Dec. 27, 1972]

The Man From Independence

Harry S Truman may not have been much shucks as a Kansas City haberdasher but he was a mighty fine President. When he came to the presidency through the death of Franklin D. Roosevelt in 1945, the world was engulfed in World War II. Mr. Truman, whose ten years in the Senate had been unremarkable, showed no signs of being a man of destiny.

But Harry Truman grew into the job, handling the big and difficult decisions with determination and tenacity. He made the decision to drop two atomic bombs on Japan, a move which he always maintained, perhaps correctly, saved many thousands of lives—American and Japanese—by making an invasion unnecessary.

He launched with his secretary of state the Marshall Plan to rebuild a prostrate Europe. He played a leading role in the formation of both the United Nations and the North Atlantic Treaty Organization. He promulgated the Truman Doctrine, which certainly saved Greece from communism and helped other nations to maintain their independence.

When the North Koreans invaded South Korea, he did not hesitate to commit American troops to the defense of that small nation. When the Russians sought to starve the Allies out of West Berlin, he ordered the airlift which resulted in a stunning diplomatic defeat for the Kremlin, reasserting the U.S. commitment to defend Europe.

Harry Truman's greatest quality, and the one which so well served his nation, was his courage in the face of adversity. Once he had decided on a course of action, he stuck to it, fighting doggedly, openly and persistently until he achieved his goal. Even his intense personal loyalty, which sometimes degenerated into cronyism, had about it an epic quality.

President Truman never lost the common touch, whether he was belting out a few bars of the Missouri Waltz or writing to a music critic so indiscreet as to cast aspersions on his daughter's virtues as a vocalist. It was easy for other Americans to identify with him, to believe in him, because he always seemed to know exactly what he wanted to do and how he wanted to do it. And that wasn't just the way he acted; that was the way he was.

[From the New York Times, Dec. 31, 1972]

A Man Who "Done His Damndest"

(1884–1972)

(By Cabell Phillips)

On the day after Franklin Roosevelt's death in April 1945, the shaken new President, Harry Truman, said to a group of reporters, "If you fellows know how to pray, pray for me now." The plea was typical of the plainspoken, essentially modest man who occupied the White House during eight tumultuous years in the nation's history, and who died last week in Kansas City at the age of 88.

Harry Truman worked less to ingratiate himself with people but succeeded better at it than any important public figure I have ever known. He did it, I think, because he was so utterly honest with and about himself, so free of what we call "side" or "put on."

He wasn't above cutting a corner or trimming the truth to gain a political or policy objective. He would go to almost any lengths to save the face of a friend. But neither as a public nor a private figure did he ever pretend to be anything but what he was, and it mattered precious little to him whether anyone liked what he was or not.

What he was grated unpleasantly on some sensitive nerves—his brashness, his minor crudities of speech and manner, the fact that he did not adorn the great office of President with what they considered the requisite style and grace. He was the sort who synthesized the awesome responsibilities of his office not in resonant phrases that would look good in bronze, but with a simple homespun aphorism: Tapping his desk and looking solemn as a preacher he would say, "The buck stops here."

There was eloquence and deep sincerity in the way he said it that made anything you might add redundant.

I once wrote a book about Mr. Truman, and something I said then is relevant in this context: "Harry Truman was and remains an ordinary man . . . who must make do without any special endowments of genius, intellect or charm. His strength lay in his ability to do the best he could with what he had and not despair over what he did not have. . . . He never suffered the illusion that he was another Roosevelt or Churchill, neither did he agonize over whether he was their inferior. Destiny linked his life to theirs in an apocalyptic enterprise and each rode it out to greatness according to his own fashion."

The most cynical and skeptical audience a President has to face is the Washington press corps. There is a congenital distrust between them, a built-in competiveness that more often than not degenerates into mutual hostility.

No President of the last 50 years was so widely and warmly liked by the reporters as Mr. Truman. He "used" the press occasionally as most Presidents have done to test the wind. But he never tried to "con" them with flattery and devious favoritism. He was reasonably accessible to reporters, enjoyed having them along on trips and liked to play practical jokes on them or take them for their expense accounts in after-hours poker sessions.

They felt that he leveled with them. On his frequent visits to Washington after 1952, as many reporters as politicians dropped into his suite at the Mayflower on an afternoon for a friendly chat and a toast of "bourbon and branch."

Since Mr. Truman never constructed any false images of himself, he enjoyed a large dividend of self-confidence. Call it cockiness: that was its outer manifestation much of the time. Whatever it was, it gave him an immense capacity for making up his mind to do what had to be done and then putting it behind him—whether it was a bit of legislative strategy, or the dropping of the atom bomb. Many people think this was one of his strongest attributes as President.

I ran into an example of this quality in 1959, I went to Independence to write an article about him on the approach of his 75th birthday. Routinely, I asked him to recall the half dozen most difficult decisions he had had to make as President. When he finished, I remarked that he had failed to mention the dismissal of Gen. Douglas MacArthur during the Korean war. "That must have taken a bit of courage," I said.

Courage had nothing to do with it," he snapped, his eyes flashing through the thick glasses. "He was insubordinate and I fired him, and that's all there was to it. Sure, I knew there would be a lot of stink about it. But it was the right thing to do and I did it, and I've never lost any sleep over it since."

Did those qualities add up to greatness? Was Harry Truman a "great" President? There is no firm definition of the term, but many competent scholars have given him that accolade. The late Prof. Clinton Rossiter, of Cornell, said of him some years ago: "I am ready to hazard an opinion, to which I did not come easily or lightly, that Harry Truman will eventually win a place as President, if not as a hero, alongside Jefferson and Theodore Roosevelt."

One measure of greatness, certainly, is the extent to which a President uses the great potentialities of his office to advance the national interest. By this yardstick, Mr. Truman must be rated among the best. True, his tenure was turbulent and bedeviled by partisan strife, he would never be certain that his own party might not desert him in a showdown. But few Presidents have fought harder, or against greater odds, than Mr. Truman for the programs and the values he believed in.

His net gains on the domestic front were, in the end, relatively modest, but in the area of foreign policy they were monumental. His was the era of the Cold War and of the atom. His two terms in office were overshadowed by a danger no other President has ever had to face: the grinding rebalancing of world power between two hostile and incompatible forces, each capable of destroying the other.

President Truman met that danger with bold and imaginative—albeit to some persons, controversial—countermeasures. The Truman Doctrine, the European recovery program, NATO, the Berlin airlift, the Korean intervention—these were landmarks along the road to national maturity. They have profoundly affected the destiny of the American people and of the world.

Some revisionist historians now hold these measures to have been ill-chosen and wrongly conceived; that they advanced rather than retarded the Cold War. They may be right. It is hard to argue with 20/20 hindsight. But these events ought to be judged in the context of their time; in terms of the stresses felt and the wisdom at hand when they occurred. Those years from 1947 to 1952 were full of anxiety and uncertainty. Most people at the time thought Mr. Truman's decisions were the right ones. Some, myself included, still think so.

One day in April, 1952, at his 300th press conference as President (to explain his decision not to seek renomination). Mr. Truman said to many of the same reporters whom he had asked eight years previously to pray for him: "I have tried my best to give the nation everything I have in me. There are a great many people—I suppose a million in this country—who could have done the job better than I did. But I had the job and I had to do it.

"I always remember an epitaph which is in the cemetery at Tombstone, Arizona. It says: 'Here lies Jack Williams. He done his damndest.' I think that is the greatest epitaph a man can have—when he gives everything that is in him to do the job he has before him. That is all you can ask of him and that is what I have tried to do."

MR. McCORMACK ON THE PRESIDENCY OF HARRY S TRUMAN

HON. WM. J. RANDALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 1973

Mr. RANDALL. Mr. Speaker, on January 5, the day of the memorial services for Mr. Truman at the National Cathedral here in Washington, I brought some of the folks from Independence, Mo., who had journeyed here to attend this service to the Capitol after the services. We were seated in the House Restaurant for lunch where it was my privilege as their Congressman to introduce my guests to former Speaker John W. McCormack. He came to our table and for some 5 or 10 minutes, recalled some plesant moments of his long association with Mr. Truman and particularly during the years when Mr. Truman was President and he served as Majority Leader in the House. Before he left, he suggested that if I had anything to do with the preparation of a memorial book to be printed as a joint House-Senate publication that he would appreciate the inclusion of some excerpts from his comments entitled "Former Speaker Salutes Great Friend" which appeared in the Herald-Traveler and the Boston Record-American for December 27 and also his comments and observations headed, "Presidency Brought Out His Greatness—McCormack," as these remarks appeared in the Boston Globe for December 27, 1972.

For my part I so clearly recall over the past 14 years, on Mr. Truman's birthday, either on May 8 or the nearest day that the House was in session, John McCormack, either as Majority Leader or Speaker of the House would always make it a point to be on the floor to pay tribute to the man he admired so much—Harry S Truman. Accordingly, it came to me as no surprise that he would request his comments in the Boston papers be made a part of the Truman eulogy because, as a former member, he was not present to join with the large number who participated in the special order on the floor of the House on Tuesday, January 9.

Perhaps Mr. McCormack's affection for Mr. Truman is expressed when he points out:

> There is in the Office of the Presidency an influence where, if a man has a reserve of weakness, that comes out. Truman had a tremendous reserve of strength and the awesomeness of the Office was such that he evidenced his strength while he was President. In Truman's case, the Office certainly did bring out the greatness of the occupant.

Excerpts from the editorials follow:

[Excerpts from "Former Speaker Salutes Great Friend" by Bill Duncliffe, Herald Traveler and Boston Record American, Dec. 27, 1972 and "Presidency Brought Out His Greatness—McCormack" by Gloria Negri, the Boston Globe Dec. 27, 1972]

EXCERPTS

Retired House Speaker John W. McCormack, sorrowed by the loss of an old and cherished friend, saluted the memory of former President Harry Truman by declaring:

"He lived as he believed and he died as he lived—a fighter to the very end."

McCormack, drawing on the reminiscences of more than 40 climatic years in Congress, eulogized Truman as a man with the wisdom to realize that some of his decisions must be unpopular—and the courage to make them because he knew they were right.

"He will," McCormack said, "go down in history as one of the greatest Presidents we had. He will be remembered long after others have been forgotten."

"When he became President it may have been true that the country as a whole was little aware of the great qualities he possessed, but when he left office he did so as one of the most illustrious leaders this nation ever possessed."

"He was a very direct man, very courageous, very intuitive: he had a mind for making decisions. . . ."

Summing Truman up, McCormack said: "There is in the office of the Presidency, an influence where, if a man has a reserve of weakness, that comes out."

"Truman had a tremendous reserve of strength, and the awesomeness of the office was such that he evidenced the strength while he was President. In Truman's case, the office certainly did bring out the greatness of its occupant".

THE NATCHEZ TRACE PARKWAY

HON. THAD COCHRAN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 1973

Mr. COCHRAN. Mr. Speaker, today I am introducing a bill to provide for the completion of a large portion of the historic and beautiful Natchez Trace Parkway.

It seem incredible that this project, which was originally introduced to this body in 1934 by Congressman Thomas Jefferson Busby, of Mississippi, has not yet been completed.

The first funds for construction were authorized in 1935. The sum of $1,286,686 committed that year indicates that nearly 40 years ago, as today, the need for construction of a roadway along this scenic and historic trace was apparent.

In 1937, the year of my birth, the first contracts were awarded, and it appeared that the famous Indian and pioneer trail would gain new life. This beginning, however, was a prelude to many years of frustrating disappointments as progress with further construction was painfully slow. Due to the determination and hard work of many good people, much of the parkway has now been completed.

But, the history and native beauty so abundant along the ancient pathway is still today only available in a hodgepodge fashion to the thousands of travelers who seek it.

I strongly urge the early completion of this national roadway which spans the distance from the Hermitage beyond Nashville to the beautiful old mansions and scenic bluffs in Natchez.

GOVERNMENT IN THE SUNSHINE

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 1973

Mr. YOUNG of Florida. Mr. Speaker, America's freedoms thrive in direct relationship to the participation of the people in their Nation's business; a well-formed citizenry is essential to the survival of our democracy.

Too often, however, for reasons of efficiency or simple expediency, we see the public's business being conducted under the cloak of secrecy in so-called executive session. This trend serves to undermine public confidence in government and ultimately poses a serious threat to the health of our Nation.

For this reason, I have introduced H.R. 1303, a Federal Government in the Sunshine bill aimed at bringing the full light of public disclosure into our Government and its agencies. The legislation is similar to a Florida law which I helped pass in 1967 as minority leader of the Florida Senate, a model law which has time and again proved its worth and effectiveness.

My bill will guarantee the public's right to know while in no way infringing upon the Government's equal right to protect our national security.

The Government in the Sunshine bill requires that all meetings of Government agencies at which official action is taken, considered, or discussed will be open to the public. The only exceptions would be in matters relating to national defense and security; items required by statute to be kept confidential; matters relating to the internal management of an agency or committee; or disciplinary proceedings affecting the reputation of an individual.

The measure also would require that most meetings of congressional committees be open to the public, that a transcript of all meetings be made available, and for court enforcement of the open meetings requirement for Federal agencies.

The Government in the Sunshine bill will be an invaluable companion to my H.R. 1291, which would require public disclosure where public funds are involved. The people are entitled to know how their Government operates, and how their taxes are spent.

Except for obvious areas, secrecy simply has no place in our Government. Tyranny thrives in darkness; democracy flourishes in the bright sunlight of open, forthright government. Government in the Sunshine demands prompt, bipartisan support from the Congress.

FIRE SAFETY

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 1973

Mr. KEATING. Mr. Speaker, this morning's news contained yet another story of tragedy involving the Nation's elderly who reside in nursing homes.

Early this morning, fire swept through a two-story wooden frame nursing home in Pleasantville, N.J., killing at least 10 people and perhaps injuring several more.

The initial report indicated that firemen fighting the blaze lost precious time stringing hoses together to reach the nearest fire hydrant nearly three-quarters of a mile away.

Since a similar tragedy struck in my own congressional district nearly 1 year ago, in which 10 persons also lost their lives, a sustained effort has been made in the Congress to enact legislation designed to insure that Federal responsibilities are being met.

Almost 1 week ago, on January 23, I reintroduced legislation aimed at requiring that tough Federal fire safety regulations be extended to all nursing homes, including intermediate care facilities, which receive Federal funds.

Dr. Marie Callendar, Director of Nursing Home Programs for the Department of Health, Education, and Welfare, 4 days ago announced that the administration will require that these intermediate care facilities comply with the Life Safety Code. This action represents a substantial move in the right direction, although other parts of my legislative program still require the attention of Congress.

This legislation would also require that any facility for the aged which is constructed in whole or in part with Federal funds be in compliance with the National Fire Protection Association's Life Safety Code.

Finally, this legislation would authorize the Secretary of Housing and Urban Development to make loans to nursing homes in order that they may purchase adequate fire safety equipment.

Mr. Speaker, this morning's tragic fire serves as another grim reminder of the fire safety problems in this Nation's nursing homes. Since 1961, there have been more than 34 multiple fire deaths in nursing homes in which three or more lives were lost, with an overall total now exceeding 283 deaths.

I call upon the Congress to take prompt action on this legislation, which is designed to promote fire safety in our country's nursing homes, and prevent as much as possible the needless loss of additional lives.

THE PRESIDENT'S FAMILY BACKGROUND

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 1973

Mr. GOODLING. Mr. Speaker, a lot is known about Richard M. Nixon as a statesman and a politician, but too little is known about his family background, a background that had a tremendous influence on our 36th President of the United States.

I am proud to say that Richard Nixon's parents once resided in the congressional district I represent in the U.S. House of Representatives, and Mr. Nixon was a frequent visitor to his parents' residence.

Mr. Harry McLaughlin, a star reporter for the Sunday Patriot-News befriended Richard Nixon's parents when they lived in Pennsylvania's 19th Congressional District. Mr. McLaughlin wrote two very interesting and enlightening articles for the January 21, 1973, issue of the Sunday Patriot-News, and because these articles shed some light on what has, up to this time, been only shadowed revelations of Dick Nixon's background, I insert these articles into the CONGRESSIONAL RECORD and commend them to the attention of my colleagues:

NIXON'S "YORK ERA" RECALLED

(By Harry McLaughlin)

To understand the personality of President Nixon one should have known his late parents, Hannah Milhous Nixon and Francis (Frank) Anthony Nixon.

By way of introduction to this reporter's private interpretation of Richard Milhous Nixon, the man, citizen, politician and world leader, it was our good fortune to be a special friend of Hannah Milhous Nixon.

Our personal relationship with the President, Pat Nixon, and a brother, Edward Nixon resulted from a spring, 1952, meeting with Hannah, whom we affectionately addressed as "Mother Nixon."

Professionally, U.S. Rep. Richard M. Nixon and, later, as a United States senator, was covered by those of us of the news media whose beat in the late 1940s and early 1950s stretched to York area schools and the Foremen's Club of York.

Nixon, in 1948, addressed the commencement of the West York High graduating class, which included his brother, Edward. Earlier, congressman Nixon addressed a meeting of the Foremen's Club. Mostly, his visits to York County were to his parents' farm home at Menges Mills, where he closed himself off from the political noise and activities of Washington.

As Nixon often did in the Menges Mills weekend jaunts, or his holiday vacations to the farm, he enjoyed the peaceful atmosphere of the countryside, or merely sitting down on a piano bench and for his own amusement striking the piano keys for music that to him proved relaxing. He favored reading books on a comfortable loveseat in the farmhouse front living room.

His current sojourns to Camp David, where he can relax, meditate in the quiet of the fields and forests, obviously still reflects a way of life that he finds enjoyable and comfortable.

The President bears strong traits of both his mother and father. And, surprising, they were opposites.

Mrs. Hannah Nixon was a deeply religious woman and nurtured her sons in the Quaker faith. The sons went to Sunday School as children. The President has strong religious convictions—a personal faith in his God—but, without leaning especially to the Quaker commands or any particular form. He draws from beliefs of numerous denominations, but still has never forgotten his mother's Quaker teachings.

His Quaker background aggravates many Society of Friends members who are peace activists.

The President's mother was a gentle but firm individual. She was understanding, considerate, and thoughtful of others, but never could be described as an extrovert even though her presence was always felt in a crowd.

Her loyalty to friends and relatives was unwavering.

In 1952, for example, Mrs. Nixon urged the then Vice President Nixon's staff to arrange for inaugural ceremony invitations for her neighbor and companion, Mrs. Florence Sterner; Menges Mills Postmaster and Mrs. Carl Stambaugh, and her new friends, the McLaughlins and the late York news photographer, Bob Motter.

And four years later, Mother Nixon repeated her desires to the inaugural committee.

In both instances, the president's mother suggested her wishes to the vice presidential staff, and, prefaced with a "can it be done." She never was a demanding person.

The mother showed the same parental interest in her other sons. She didn't have a favorite. Always, she described her sons by their proper first names: Richard, Donald, Edward, etc. Never as Dick, Don or Ed.

In later correspondence with this reporter (from California) Mother Nixon would say that Richard did this or that, or he telephoned me, or he was coming to California for a visit, etc.

Her happiest moment apparently came at the 1960 Republican Presidential Convention, when her "Richard was nominated today and it was an exciting event." That's what she wrote to my daughter, on a postcard from Chicago to my daughter, Donna, then 13, (now Mrs. S. Richard Bieda, of Red Lion).

Her biggest disappointment showed after the John Kennedy defeat when she paid a surprise visit to the Menges Mills farm "just to sip some of the spring water."

She told this reporter then: "Richard sometime will be elected president. I just know it." So positive was Mrs. Nixon that Richard would be president that when she sold the York County farm in 1954, she made the buyers promise to donate the Nixon piano and love seat (allowed to remain at the farmhouse) to a Nixon presidential museum. Less than six months after the 1968 inauguration, the two pieces of furniture were dispatched to California for a proposed museum.

The President recognizes personal loyalty and friendship. He is thoughtful and considerate, but refutes publicity about such actions.

At the Feb. 7, 1971, White House Worship Service, the President introduced this writer to the morning service clergyman with the comment "Harry and my mother were great friends." Then, after shaking hands with my wife, and daughter and son-in-law, he learned that my son, Douglas. and his wife, Suzanne, were momentarily expecting a baby and didn't want to risk the White House trip.

Without prompting, the President reached to the seat of a chair directly behind him and picked up copies of the service's printed programs—autographed by him earlier—and gave them to my daughter. He designated that one should be given later to "the unborn baby." And the other was to go to her daughter, Kelly.

The president's wife smiled and suggested that the young Mr. McLaughlin should have come to the service. "We could have provided a doctor and facilities here if the baby arrived while at the White House."

The President—mostly through his personal executive secretary, Miss Rose Mary Woods—over the past two decades often sent notes of sympathy or congratulations to friends at our suggestion. Only last summer, in response to an autographed photo of one of our favorite clowns, Carlos Campa, of Sells-Gray Circus, which we relayed from Campa and his family to Mr. Nixon, the President sent his own signed and inscribed official White House picture to the Campas.

Nixon also reflects the traits of his Irish father, but mostly as the statesman and politician. Both men never backed away from battle, and if they decided "right is right" they moved ahead. Francis Nixon worked hard as a farmer, a chore he enjoyed until he fractured a shoulder in a fall from a tractor at Menges Mills. He was a critic of federal government action (in private, and usually in sideporch discussions prior to the inauguration of the Eisenhower-Nixon team).

President and Mrs. Nixon jealously guard their rights to private life and family enjoyment. His love and devotion to his mother and father—and to their memory—is obvious.

Yesterday the President took his oath of office while laying his left hand on his mother's favorite Bible. It marked the fourth—and last time—that her Bible will be used by him. It will go to the presidential library and museum in California.

And, yesterday, among his personal family guests (on a non-political and non-professional basis) at the inaugural ceremony and festivities were his friends of 20 years, the Stambaughs and McLaughlins, who attended all four Nixon inaugurations.

When the President writes his autobiography, or factual biographies are written about him, the readers will learn that only two persons can accurately describe his personality: Mrs. Pat Nixon and Miss Woods, his faithful secretary of a quarter-century. Third in line would be his brother, Edward, who graduated from West York High in 1948 while his parents lived in Menges Mills.

From 1947 to 1954: Menges Mills Home Lesser Known Fact About Nixon Family

(By Harry McLaughlin)

York.—Adams County is known internationally as the home of the late president, Dwight D. Eisenhower, and his widow, Mamie. They resided on a farm adjacent to the Gettysburg Battlefield.

Their grandson, David, is a voting resident of Gettysburg, and so is his wife, Julie Nixon Eisenhower.

A lesser known historic fact, however, is that President Nixon's parents, the late Frank and Hannah Nixon, and brother, Edward, resided only 15 miles away at Menges Mills, near Hanover, in York County.

Julie Nixon Eisenhower and her sister, Tricia Nixon Cox, for a time spent many weekends and most summers at Menges Mills with their grandparents, who came to York County from California in 1947. They left in 1954.

President Nixon, who caps a dramatic political career with four more years in the White House, still recollects about his weekends and summer and winter holidays at the York County farm. It was at the inauguration of his political career as a United States representative, and later as U.S. senator, that he came to Menges Mills.

In "Pennsylvania Sampler," a book narrated by Paul B. Beers, Patriot-News associate editor, and published by Stackpole Publishing Co., of Harrisburg, there appears an article about the Nixons and their family associations in Menges Mills, Gettysburg, and State College.

The president's great-grandfather, George Nixon III, is buried in the National Cemetery at Gettysburg, a stone's throw from Julie Eisenhower's voting residence.

His late uncle, Dr. Ernest L. Nixon, was known in York and Adams County and throughout the East as "The Potato King." Dr. Nixon promoted the food product and wrote a book, "The Principles of Potato Production."

Ernest was the first Nixon to get a college education, and the president credits him as the inspiration for his own college career. The president's cousin, Leland W. Nixon, still operates his late father's potato farm, and another, Mrs. C. J. Noll, is a librarian at Pennsylvania State University.

Until his election in 1968, Nixon also was an attorney for Harsco, an international corporation based in Harrisburg.

Mrs. Hannah Nixon, the president's mother, had an ancestry that goes back to York County in 1769. The president's great-great-great-great-great-grandfather, William Griffith Jr., owned land in Warrington Twp., York County, although the township then was still part of Lancaster County.

Griffith's father came to this country from Wales in 1690, and settled first in Delaware. He moved to York County in 1735. He married a second time, after his first wife died, and in all he fathered 22 children. One son was named Jacob, who married Lydia Hussey, also born and reared in York County. In 1790, they moved to Washington County.

Their offspring and descendents began the westward trek that ended in Whittier, Calif. In 1908, Hannah Milhous, one of the descendents, married Francis Anthony Nixon, and they had five sons, including Richard.

Another son, Edward, graduated from West York High School in 1948, and his class commencement speaker was Rep. Richard M. Nixon.

Nixon's father was the second son of Samuel Brady Nixon, who had been the second of George, the Nixon killed at Gettysburg.

A main reason the Nixons returned to California—after a short stay in Florida—was the continuing pain Frank Nixon suffered from a farm tractor accident at Menges Mills. The cold winters and his injured shoulder kept him in pain, and he was instructed to reside in warmer climate.

The 86-acre Nixon farm is now owned by Mr. and Mrs. Sterling Myers, who also operate a community store in Menges Mills.

The Nixons were always remembered in York County.

Their son, Richard, carried the county in all of his national elections by large majorities, including his recent 36,000 margin victory. Also, a 152-acre county park was named in his honor.

VETERANS DAY

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 1973

Mr. YOUNG of Florida. Mr. Speaker, I have introduced a joint resolution, House Joint Resolution 126, to return America's official commemoration of Veterans Day to November 11.

Patriotic organizations such as the American Legion and Veterans of Foreign Wars have pledged their full support for this legislation. They feel, as I do, that this great national commemoration was downgraded with the Monday Holiday Act which moved the celebration to the latter part of October to allow for an additional 3-day weekend.

Veterans Day is an important national holiday; a time to pause and honor those who have sacrificed so much to preserve the precious freedoms we all enjoy.

On November 11, 1918, the armistice was signed ending hostilities on the western front during World War I. November 11 was chosen by the Congress as an appropriate date upon which to honor all the men and women who have fought in various wars against the forces of oppression and tyranny.

Veterans Day stands for more than an excuse for a 3-day weekend; it stands for patriotism, heroism, and the other concepts which have made America the greatest nation in the history of the world.

The Congress should return to Veterans Day the dignity and importance it deserves, and this can best be done by returning the commemoration to November 11, a day that means something in our history, something much more than an excuse for a long weekend.

COUNTERADVERTISING IN THE BROADCAST MEDIA

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 1973

Mr. REID. Mr. Speaker, I was fortunate to be present recently at the annual newsmaker luncheon to hear Judge Lee Loevinger, of the International Radio and TV Society, formerly a Federal Communications Commission Commissioner, deliver what I thought to be an interesting and bold speech on the subject of counteradvertising in the broadcast media.

Although the entirety of the speech was to long for complete insertion in the RECORD, I did want to bring important excerpts of it to the attention of my colleagues.

Mr. Loevinger begins with the background of the counter-advertising proposal, and I quote:

> The geneology at least of the counter advertising proposal is fairly clear. The roots go back to the FCC decision in 1949 that broadcasters could express editorial opinions on licensed facilities but that they must also provide a fair opportunity for the expression of opposing or contrasting views on controversial issues of public importance. (13 FCC 1246) This principle came to be known as the "Fairness Doctrine" and was applied only to the discussion of major political and social issues until 1967. In that year, FCC declared that the Fairness Doctrine applied to cigarette advertising to the extent of requiring public service announcements warning of the dangers of cigarette smoking. (8 FCC 2d 381; 9 FCC 2d 921) The Commission opinion quite explicitly and emphatically declared that the situation with respect to cigarettes was "unique."
>
> In 1965 there had been a report by a Surgeon General's Advisory Committee warning that cigarette smoking was hazardous to health, and in 1965 Congress had enacted a statute requiring warning of such a hazard to be carried on all cigarette packages. The FCC brushed aside the argument that application of the Fairness Doctrine to commercial advertising was an unwarranted and dangerous extension by saying that it did not know of any other advertised product to which the ruling would be applicable, that the ruling was limited to cigarettes, and that the ruling did not imply that "any appeal to the Commission by a vocal minority will suffice to classify advertising of a product as controversial and of public importance."
>
> The cigarette ruling of the FCC was sustained by the Court of Appeals on the basis urged by the FCC that the situation was unique. . . .
>
> In January 1972 the FTC filed a statement in the FCC Fairness Doctrine inquiry advocating that the FCC require all broadcasters to provide substantial amounts of time, both free and paid, for regularly scheduled "counter-advertising" on a broad scale. This proposal is still being debated and considered.
>
> The FTC counter-advertising proposal echoes similar schemes urged by other business critics and has engendered support from most of the militant anti-establishment camps. Of all the attacks on advertising, this proposal is the most basic, the most bold, and the most patently political. But whether it promises benefits or threatens dangers is not so obvious, and an appraisal requires a rather detailed analysis. On first impression there is plausibility to the argument that since the public is exposed to a vast amount of advertising, all urging the purchase of some products or services, there should be some comparable opportunity provided for those who wish to urge contrary views. However, when this proposal is reduced to specifics and examined closely, then this plausibility disappears, virtually all the valid considerations argue against the proposal, and implications are disclosed reaching far beyond broadcasting and advertising and deep into our political life. Let's take the arguments and elements one by one.

Mr. Loevinger then proceeds in detail on the arguments against counter-advertising. I summarize briefly:

First. The reasons urged for counter-advertising are "logically fallacious."

Second. "Counter advertising would destroy the economic foundation of broadcasting," not only by imposing a cost by encroaching on commercial and broadcasting time, but also by causing a loss to the extent that it drives advertisers out of broadcasting into other medias.

Third. "Counter advertising would cause a deterioration of broadcast programing and journalism," in part due to the loss of revenues.

Fourth. "Counter advertising is unreasonably discriminatory against broadcasting," since the right of counter advertising has not been claimed with respect to any of the printed media.

Fifth. He said:

> Counter advertising would not be informative and would result in diatribe rather than dialogue.

Loveinger asserts that it would more often than not be the "fanatics" who exercised the right to counter-advertising.

Sixth. He said further:

> The counter advertising proposal is based on the false premise that the consumer doesn't have diverse information sources:

Seventh. He added:

> Counter advertising would diminish the amount of useful information now available to the consumer. . . . Substituting a substantial amount of counter advertising for either programming or advertising is far more likely to irritate than to inform the audience. The result is likely to be that the average consumer is less, rather than more, informed.

Eighth. "Counter advertising is unfair to honest advertisers," with no charges, hearing or finding of fault or guilt.

Ninth. He said:

> Counter advertising would create bars to innovation, improvement and the entry of new products into the market.

Tenth. "The purpose and effect of counter-advertising proposals is to increase Government power" and specifically that of the FTC.

Eleventh. He said further:

> Counter advertising would increase the power of small militant groups.

Twelfth. "Counter advertising would meet no real need and solve no important problem," in that, although there are now advertising abuses, including false and misleading advertising, the FTC has "ample power to deal with such abuses and there are more industry agencies at work rooting out the abuses than ever before."

Thirteenth. "Counter advertising would create a host of new problems, including a test of free speech under the first amendment," inasmuch as if the Government decides what must be said and when it will be heard, it will be the Government which decides what speech is "right and what speech is "wrong"—which is far from the principles meant by the first amendment.

Fourteenth. "Counter advertising is the antithesis of free speech," in that it is Government mandated and controlled speech, not free speech.

Fifteenth. "The counter-advertising proposal can be explained only as a political power play" inasmuch as it would drive away revenues from broadcasters and "ultimately drive all broadcasting to a dependence on Government subsidy or support."

Thus Mr. Loevinger concludes that counter advertising is not only a dangerous constitutional precedent, but also would be a hindrance to the consumer. While I am not necessarily in agreement with every point that Judge Loevinger raises against counter advertising, and while I have applauded several instances of voluntary counter advertising that I have noticed over the broadcast media, I do believe that he raises serious questions that we must all consider.

HARRY TRUMAN AS A MAN OF FAITH

HON. WM. J. RANDALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 1973

Mr. RANDALL. Mr. Speaker, when the sad news of the passing of Mr. Truman flashed across America on that Tuesday morning, December 26, 1972, it went out to reach every segment and every strata of American life. It saddened the man on the street, the great industrial leaders, those who held the highest offices in our land; but it also brought grief to what we can describe as the intellectual community, as well as those churchmen who we collectively call the clergy of our country.

As one who has had a small measure of experience in examining some of the literature on the life and times of Mr. Truman, I am indebted to Mr. Bertil L. Hanson, associate professor, Department of Political Science, Oklahoma State University, Stillwater, Okla., for a worthwhile contribution. He was good enough to furnish our office with a copy of an article by Prof. Merlin Gustafson, entitled "Harry Truman as a Man of Faith," which appeared in the magazine entitled Christian Century on January 17, 1973.

Professor Hanson points out that the article not only describes Mr. Truman's character faithfully but also conveys the timely lesson that religion can be a source of great private strength without a big public display being made of one's religion.

The article and letters follow:

[From the periodical Christian Century, Jan. 17, 1973]

HARRY TRUMAN AS A MAN OF FAITH

(By Merlin Gustafson)

Even after the passage of more than two decades, the decisions made by Harry S. Truman during his presidency still influence international and domestic affairs. His foreign aid programs and military alliances remain in force, and a number of his recommendations for domestic legislation have now been enacted.

How did he arrive at his momentous decisions? We know that a President is often a captive of events beyond his control and that decision-making in the executive branch of our government is frequently only a bureaucratic process. Hence a simple pragmatic course of action may be the only alternative left open to the President. Sometimes, however, he has the opportunity to lead, to choose which fork in the road the nation will take. At such times he will be forced back upon his personal philosophy; it is then that his personal and religious values become important.

I

Did President Truman's religious values in fact influence his decisions during his White House years? It should be remembered that Truman was never an idealist with a rigid set of religious principles to be applied automatically to the important problems he faced. On the other hand, he did take some religious doctrines seriously, and they undoubtedly affected his political decision-making. When we think of his religious beliefs we should bear in mind the two roles any President has to play: that of an individual with personal preferences and that of the nation's leader.

As an individual, President Truman was a sincerely religious man—in fact, one of our more "religious" Presidents. He was also a politician, and he believed that his role as politician need not conflict with his religious principles. He believed the profession of politics to be, as he said, the "highest and most important business in the world." During his years in the Senate and the presidency his political opponents often brought up his earlier Pendergast associations and the taint of Kansas City "machine" politics of that era. Careful studies of his early political career, however, have cleared him of any involvement in shady politics; no solid facts have ever been uncovered to implicate him in dishonest political acts, unless he is held guilty by association. This clean bill of health applies as well to the so-called "scandals" that occurred during his last years as President.

Throughout his life he retained his membership in the Grandview, Missouri, Baptist Church, while his wife and daughter were active Episcopalians. Although a 33rd-degree Mason, he liked his religious liturgy simple and informal; he was not attracted by the more ceremonial forms of worship. After he became President he attended church only occasionally because, as he explained, his attendance attracted so much attention that the other worshipers were distracted from the service.

Truman had little interest in theological issues, although he had an almost fundamentalist reverence for the Bible. He liked to read and quote the Scriptures, often reciting verses from memory to fit political situations. On many a formal and informal occasion he quoted from the Sermon on the Mount, and he would frequently say: "Every problem in the world would be solved if only men would follow the Beatitudes." Another verse he liked to recall was Luke 6:26: "Woe unto you, when all men speak well of you, for so their fathers did to the false prophets"—which no doubt gave him comfort and reassurance when under attack during his White House years.

The nation experienced a religious revival during the Truman administration, and the President's occasional religious statements to the press matched the national mood of the '50; e.g., his reference to the "Christian mission" of the United States in world affairs. However, a number of religious leaders and journals (notably The Christian Century) criticized his simple religious exhortations on complex questions.

II

On the other side, Truman, as President of the United States, had become an "institution," and he could no longer act simply as an individual. He had become less Truman the person and more Truman the executive department. He once explained: "In the White House I never allowed myself to think that Harry Truman from Independence, Missouri, was personally deciding the fate of the world. I was deciding as President and not as an individual thinking in terms of what he would prefer as an individual."

No President can manage his complicated and enormous work load without a loyal staff to help handle the innumerable details that come with the institutional aspects of his office. Truman's closest aides included members of the major U.S. religious faiths—Protestant, Roman Catholic and Jewish. Many of the President's announcements and proclamations for the commemoration of religious observances were composed by his correspondence secretary, William Hassett, a Roman Catholic.

Some of his speeches and public statements (for which he took full responsibility, even though they may have been written by staff members or department heads) exhibited distinct theological attitudes—reverence for the Holy Scriptures, belief in a Supreme Being, support for a spirit of toleration among the various religious faiths, and support for the ecumenical movement. Occasionally his thinking revealed a note of Calvinistic determinism or moralism. Most significant was his deep concern for the social implications of the Scriptures, as shown in his first major religious address after becoming President—to the Federal Council of Churches in March 1945 in Columbus, Ohio. (Interestingly, it was Jewish presidential aide Samuel Rosenman who composed most of the President's address to that Protestant organization.) His speech emphasized the need for a new moral and spiritual awakening among the people—one which would help bring solutions to such problems as poor housing, juvenile delinquency, racial and religious intolerance. He took note of "selfish interests so greedy for gold" that they sought to induce Congress to hold down minimum wages and allow the further concentration of economic power. A truly religious fervor among the people, he declared, would foster needed legislation such as national programs for health insurance, housing, education, and an improved social security system. He said he believed that the very essence of religion could be found in the United Nations Charter, and he called on the nation to aid the starving millions in Europe, Asia and Africa. All these proposals, he maintained, were supported by the precepts of the ancient prophets and the Sermon on the Mount.

When militant anticommunism and McCarthyism gained popular support during his second term in office, Truman argued that the social gospel held the answer: "The menace of communism lies in the areas of American life where the promise of democracy remains unfulfilled." Referring to such problems as slums, low wages, lack of education, lack of medical care, poverty in old age, unemployment, and inflated prices, he pointed out that they all involved basic human rights which, when neglected, led to extreme movements such as communism.

III

President Truman supported a spirit of religious tolerance. Perhaps because of the wide variety of friendships he had in Kansas City and because of his experience in the army, he had never been dogmatic about his religious faith. After he became President he sought to encourage toleration in a number of ways: by issuing an executive order to end racial and religious discrimination in the armed forces; by championing, against strong congressional opposition, the cause of displaced persons who sought to be admitted to the United States after World War II; and by extending diplomatic recognition to the state of Israel in 1948. He favored diplomatic recognition of the Vatican as well, and he attributed to religious bigotry the powerful opposition that that proposal aroused. Perhaps there was political motivation in his support of the interests of Catholics and Jews, but there was certainly warmth in his relationships with members of these religious groups as well.

President Truman supported the ecumenical movement among the churches. During his second term he sponsored a movement to bring religious leaders of the world together in what he called "a common affirmation of faith and a common supplication to the one God that all profess," but that effort, as he later admitted, ended in failure.

Occasionally a note of Calvinist determinism was apparent in Truman's public statements. In 1945, at the beginning of his presidential years, he declared: "I believe honestly that Almighty God intends now that we shall assume the leadership which he intended us to assume in 1920, and which we refused. And I believe that if we do that, our problems will almost solve themselves." Again, at the end of his second term, he expressed the same thought:

> Divine Providence has played a great part in our history. I have the feeling that God has created us and brought us to our present position of power and strength for some great purpose.
>
> It is not given to us now to know fully what that purpose is, but I think we may be sure of one thing. And that is that our country is intended to do all it can, in cooperating with other nations to help create peace and preserve peace in the world. It is given to us to defend the spiritual values—the moral code—against the vast forces of evil that seek to destroy them.
>
> This is a hard task. It is not one that we have asked for. At times we would like to lay it down. And, as we go on with it, we see it is full of uncertainties and sacrifices. But we need not be afraid, if we have faith.

Like many of his contemporaries, Truman perceived a divine mission in the American historical experience. Perhaps for this reason he accepted the rhetoric of the cold war against "atheistic communism" and the turn to militarism that accompanied it. No pacifist, he favored a large peacetime military system and universal military training for all men of draft age. And, of course, it was his decision to drop the atomic bomb on Hiroshima. Peace was his goal, but he believed it could be achieved only through military strength.

Shortly after the end of World War II he gave up all hope of cooperation with the Soviet Union and advocated a program of coexistence and containment of communism. He believed a strong military force and a system of military alliances that would balance the Russian military power to be the best way to maintain peace. To John Foster Dulles he wrote in 1945: "We often hear it said that spiritual values are indestructible, but I think it should be said that they are indestructible only as long as men are ready and willing to take action to preserve them." However, he did not favor a "holy war" against the communist nations, or think that war was inevitable. Despite great pressures he kept the Korean conflict a "limited war," even though that decision meant firing a popular war hero, General Douglas MacArthur.

President Truman will be remembered in history for initiating the postwar foreign aid program. Although there undoubtedly were a number of motives operating—not all of them altruistic, to say the least—Truman personally found a basis in religious principles for helping the less-developed nations. His 1946 speech to the Federal Council of Churches made that stance clear.

IV

Perhaps President Truman left with us the most illuminating summary of his religious philosophy in a short speech he delivered in 1951 at a cornerstone-laying ceremony:

"The essential mission of the church is to teach the moral law. Religion is not an easy thing. It is not simply a comfort to those in trouble or a means of escape from present difficulties, as some people today would have us believe. Moreover, religion is not a negative thing. It is not merely a series of prohibitions against certain actions because they are wicked. Our religion includes those elements. But it also includes more. It is a positive force that impels us to affirmative action . . . Selfishness and greed can tear this nation apart. . . . Our religious faith gives us the answer to the false beliefs of communism. We are defending freedom of worship and conscience. . . . "

These, then, were the highlights of Truman's religious philosophy. As President he could not afford to be too far ahead or too far behind the thinking of his constituency. His perspective was slightly more liberal than that of his times, but he was not extreme. Leadership in the mainline Protestant churches, in Judaism and in the Roman Catholic Church generally supported his goals. His public policies reflected a compromise between the individualistic and pietistic religious attitudes of many Americans and the more socially conscious theology of many Americans and the more socially conscious theology of many religious leaders. Public opinion surveys of the time showed that most Americans saw little relationship between theology and political matters, but President Truman recognized such a relationship intuitively. Aided by his advisers, he demonstrated that recognition in his speeches, his public statements, and his public programs. Hence, like the Old Testament prohpets, his concern for social justice sometimes placed him at odds with a significant section of what is now called "middle America."

Truman was not simply an opportunist, a pragmatic politician or a public opinion pollwatcher who reacted to each situation as it arose. He took his religious values too seriously for such characterizations to be valid, and he relied on those values as he made the leadership decisions that so greatly influenced the United States and the entire Western world.

OKLAHOMA STATE UNIVERSITY,
Stillwater, Okla., January 19, 1973.

The Honorable WILLIAM J. RANDALL,
U.S. House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE RANDALL: I would like to suggest that an article by Professor Merlin Gustafson entitled "Harry Truman as a Man of Faith" appearing in this week's "Christian Century" merits inclusion in the CONGRESSIONAL RECORD.

The article not only describes Mr. Truman's character faithfully, but also conveys a timely lesson. It shows how religion can be a source of great private strength without a big public display being made over it.

Sincerely,

BERTIL L. HANSON,
Associate Professor.

THE LIBRARY OF CONGRESS,
CONGRESSIONAL RESEARCH SERVICE.

The attached information is forwarded in response to your recent inquiry. We hope it meets your needs in this matter.

Please do not hesitate to call on us for further assistance.

Sincerely,

LESTER S. JAYSON, *Director.*

"THESE COLORS DON'T RUN"—SIXTH GRADERS AT APISON ELEMENTARY SCHOOL, APISON, TENN., SHOW THEIR PATRIOTISM BY PAINTING THE SCHOOL'S WINDOWS IN THE FORM AND COLORS OF THE AMERICAN FLAG

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 1973

Mr. BAKER. Mr. Speaker, the students of Apison Elementary School in Apison, Tenn., have been engaged in a schoolwide program to promote patriotism during the current school year. One of the appealing and satisfying projects to be developed under the program is the one undertaken by the sixth graders of the school who painted the school windows in the form and colors of the American flag. The result was a gigantic reproduction of Old Glory.

The class has adopted as its motto, "These colors don't run," and are using the flag and the motto to boost the school's chances of winning an award in the Freedoms Foundation Award program.

I commend the principal of the school, William P. Elsea; the sixth grade teacher, Mr. R. P. Hudlow, and the following students who served as "artists" in painting the flag on the school windows: Danny Hullender, Kitty Bush, Yvonne Crowden, Delinda Duggan, Vicki Presley, Jess Watkins, Tina Longwith, Debbie Cox, Dora Jenkins, Kenny Lee, Donnie Smith, Hal Smedley, Mark Edwards, Randy Barefield, Gail Bloom, Yvonne Hullender, Barbara Creasman, Joanna Sheffield, Terry Drew, Ramona McCoy, Gloria Bryson, Mona Millard, Robin Lowery, David Goforth and Linda Gray.

WHAT ABOUT PAKISTANI POW'S?

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 1973

Mr. BRAY. Mr. Speaker, American prisoners of war are on their way home, now that the Vietnam peace has been signed. However, the world has another POW situation—much larger—as a result of the India-Pakistan war. The following editorial from the Chicago Tribune of January 17, 1973, discusses the matter:

INDIA SHOWS FREE POW'S

India, the great hair splitter, should release forthwith the 93,000 Pakistani soldiers still held as prisoners of war a year after the two nations stopped fighting each other. The Geneva Convention of 1949 states that prisoners shall be released and repatriated after the cessation of active hostilities.

India itself proclaimed a cease-fire after the fighting a year ago. A resolution voted by the United Nations Security Council stated that not only a cease-fire but a cessation of hostilities" prevailed.

In the face of both this record and the Geneva Convention, how can India justify holding Pakistan's soldiers at all—let alone under the deplorable conditions existing?

The reason, an Indian spokesman told The Tribune's Joseph Zullo at the U.N., is that a cease-fire is "not the same as a cessation of hostilities." With respect to the new nation of Bangladesh, Pakistan is in an attitude of hostilities in suspension."

To find a semantic difference between "cease-fire" and "cessation of hostilities" requires hair splitting of a high order of skill. To go a step farther and find a difference bebetween a "cessation of hostilities" and a "suspension of hostilities" calls for a virtuosity in word twisting that borders on the dazzling.

It is obvious that India is holding the 93,000—along with 16,000 civilians—as diplomatic hostages. A spokesman for the New Delhi delegation told Mr. Zullo that the Pakistani forces surrendered to the "joint command" of Indian and Bangladesh forces and that their release depends on the acquiescience of Bangladesh. In other words, Pakistan must recognize this breakaway state which has proclaimed independence with India's backing—or it can't have the POW's.

The Geneva Convention says nothing about the recognition of anyone by anyone; it says that prisoners shall be released after the shooting stops. Its intention is clear. Send the soldiers home as quickly as possible.

India is not in compliance with this convention. The stalling would be wrong no matter who engaged in it. It seems especially deplorable when a rule of international conflict is flouted by this self-appointed moral adviser to the world, which has pointed accusing fingers at so many other nations for many fancied wrongs. Here is a real wrong, and the perpetrator has turned strangely blind to the outrage of it.

TV GOES EDUCATIONAL FOR PROFIT TO SELL BUSING

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 1973

Mr. RARICK. Mr. Speaker, January 29 is a day of infamy in nearby Prince Georges County, Md. At mid-term, 35,000 schoolchildren are to be uprooted in a massive social experiment to be bused to another school to fulfill some pseudo liberals' false theory of racial mixing by the numbers.

Selling busing by TV ads must be an historic first. Not only do the taxpayers need supply an additional 57 buses, but now they will be called on to pay the public relations bill to sell them such slogans as "busing worked in Harrisburg, Pa., Pontiac, Mich., and Dade County, Fla." But the TV ad that "laws are made in Congress, not in schools" is a most appropriate statement. Congress has continually passed laws such as the Civil Rights Act of 1964—which forbids busing of schoolchildren to achieve racial balance.

An honest ad would have said that laws are made in Congress, but that the busing "law" was made by unelected ambitious Federal judges who have actually violated the law. For the law of the land is described in article VI, clause 2 of the Constitution which reads:

> This Constitution and the Laws of the United States which shall be made in Pursuance thereof . . . shall be the Supreme Law of the Land.

The judge in the Prince Georges case called it "routine.""

Time was when our communications media used the power of the press to champion the rights of the people against the excesses, the tyranny of an all powerful central government. The role of the free press to sell suppression—child-naping of schoolchildren—can only be regarded as a further deterioration of the role of our Nation's right-to-know machinery to keep up people free by keeping them informed.

When the time for full control and the nationalization of the right-to-know machinery comes—who will lament their failures caused by absence of credibility? When a man destroys the liberties and birthrights of others, he cannot expect support in defense of the loss of his freedoms.

I include the following newsclippings:

[From the Washington Evening Star, Jan. 27, 1973]

TV Ads Urge P.G. To Cool It

(By Lorenzo Middleton)

A 10-second advertisement appearing on several local television stations this week depicts a drawing of an empty public school classroom followed by one filled with children.

"The choice is yours," proclaimed the announcer above background music taken from "Black and White," a popular "brotherhood" song by the rock group Three Dog Night.

It is one of four short public service announcements from the Prince Georges County public school system, urging compliance with court orders for further desegregation of the schools on Monday.

Another announcement lists the names of veteran desegregated school districts such as Harrisburg, Pa., Pontiac, Mich., and Dade County, Fla., while the speaker says: "It worked there . . . Let's make it work here."

Still another shows a picture of the U.S. Capitol, while the announcer says: "Laws are made in Congress . . . not in schools."

The announcements were written and produced by the Prince Georges Board of Education's information office and audiovisual department at a cost of $500 to $600, according to Robert M. Litman, school board information officer.

The announcements were made as the school administration continues its efforts to calm reactions to the orders calling for a transfer of 33,000 students, 12,000 of them to be bused for the first time.

As the date for implementing the orders draws nearer, increasing numbers of white parents have indicated to the school board and to the press that they will boycott classrooms on Monday, both in protest against the forced busing and in fear that violence will erupt at the newly integrated schools.

Production costs of the announcements will be paid out of funds set aside by the school board for implementing the integration orders. At a board meeting earlier this week, it was revealed that $110,00 has been spent thus far on "project desegregation."

Litman said the announcements are being aired through next week by WMAL–7, WTOP–9, Metromedia Inc.–5 and WDCA–20.

One area station—WRC-4—declined to show the messages because, as a matter of station policy, public service announcements are reserved for "noncontroversial areas," according to James Truelove, a spokesman for the station. He said yesterday the busing issue has been "well covered" by WRC in editorials, news shows and panel programs.

The Prince Georges Regional Association of Student Governments has sponsored a 30-second public service announcement to be aired this weekend on several local radio stations.

The message asks that students: "Don't rock that boat. . . . Come Jan. 29 be cool. . . . Make desegregation work. . . . It's up to you!"

[From the Washington Star-News, Jan. 28, 1973]

Busing Anxiety: Prince Georges Realty Agents Cooling It

(By Donald Hirzel)

Some Prince Georges real estate operators have stopped soliciting homes-for-sale listings in the county because they fear their calls might add to anxiety over increased school desegregation which begins tomorrow.

Individual operators have taken the action after receiving reports of "block-busting" tactics in New Carrollton and Greenbelt, two areas greatly affected by the court-ordered school desegregation plan which requires pupil busing.

The request to stop house-for-sale solicitations came from the county's Board of Realtors, and a number of operators said they had complied with the plea.

County Councilwoman Gladys N. Spellman this past week made a plea to real estate operators "to keep the lid on" after she heard reports of the block-busting tactics.

Block-busting is illegal, under federal, state and county laws. But, as Mrs. Spellman explained, an unscrupulous operator can get around the use of racial terms in soliciting a house for sale by mentioning the desgregation order.

In block-busting, a neighborhood is selected for a concentrated telephone, mail and in-person solicitation campaign in which homeowners are urged to sell their property because of the changing racial balance of the neighborhood.

In New Carrollton and Greenbelt, some real estate operators reportedly have been using the desegregation issue to drum up business.

While reports of solicitations in these two communities have focused attention on the potential problem, a survey of real estate dealers indicated that there has been no panic selling as yet.

Charles Grammer, whose real estate firm handles a lot of sales in Prince Georges and Southern Maryland, said he has seen no panic. But he has been getting inquiries about available homes south of Prince Georges.

"I am getting five or six people a week inquiring about property in Charles County or Southern Maryland," he noted, adding that this is "higher than normal."

He said his firm is not soliciting homes now because "it's too hot an issue." Those looking for homes, according to Grammer, "make it clear they want to move out because of desegregation."

He said he believes that with the area's housing shortage "it is conceivable that anyone would lose money on a home sale because of busing."

Grammer believes "things will settle down in time." He said that his firm has helped integrate communities in the past where good relations exist today.

Miss Beverly Isemann, who did not want her firm identified, was not optimistic. "People want to move out of the county," she said flatly.

She said that even people who have already entered contracts for the purchase of new homes "are now trying to get out of them."

She believes that if a housing panic develops "middle and upper income families would move out" and the Prince Georges market would deflate.

She said her firm, which has dealt primarily in Prince Georges properties, now is requiring its salesmen to join the Montgomery Board of Realtors so the firm can step up its activities there.

Councilman Winfield M. Kelly also has voiced fear at a time when the county is trying to attract upper-income families to create a stronger tax base.

Mrs. Irma Yurek, another real estate dealer, while not feeling any pressure yet, believes housing "will be affected."

She said when a family buys a home it is interested in the quality and proximity of schools.

Frank Halley, who operates Carrollton Realty, said it is "too early to tell" if problems are being created but that the "school issue is very much in people's minds."

[From the Washington Star-News, Jan. 11, 1973]

Fifty-Seven Buses Sought for P.G. Compliance

At least 57 additional buses will be needed by the Prince George County school system to implement a Jan. 29 court-ordered desegregation plan.

Anthony Miller, supervisor of transportation for the county's schools, said yesterday the exact number of buses will not be determined until the final figure on the number of students to be transferred is settled. The county school system now has a fleet of 500 school buses.

The desegregation plan accepted by federal Judge Frank A. Kaufman calls for the transfer of 32,000 students, and the busing of 12,000 new bus riders. Miller estimates that the desegregation plan will cost the county at least an additional $1 million a year.

The county is now making arrangements to get buses from the state or to lease them from parochial schools or private bus operators. This procedure would be temporary until the county can buy new buses which once ordered take six months or more to deliver.

Any buses used by the school system, according to Miller, must meet standards prescribed by state law for school vehicles.

He said the school system will have to hire additional drivers who will undergo a training program and then will have to be approved by the State Motor Vehicle Administration.

He discounted a rumor that numerous bus drivers are resigning, commenting that no more than "a dozen of our 500 regular drivers have resigned." However, he admitted that many drivers are waiting to see what kind of work hours they will have under the new busing schedules. He said 70 percent of the drivers are women and that some may resign once scheduling is completed because they will not be able to work full-time as will be required by many of the drivers under the new system.—Donald Hirzel.

HOPES FOR THE NEW YEAR

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 1973

Mr. YOUNG of Florida. Mr. Speaker, earlier this year, an article written by one of my constituents, Mrs. Vlasta Broz, appeared in the Tampa Tribune. Since I feel Mrs. Broz' wishes for the New Year reflect the wishes of many, I submit a copy of this newspaper article, so that it might be brought to the attention of my colleagues:

For 1973: Peace With Honor

St. Petersburg.—As 1972 drew to a close, everyone longed for changes in 1973. Each wish will have its own distinguishing quality, depending if the individual is seeking changes solely to satisfy his own desires, or if they will benefit the nation as a whole.

I too, have wishes, hopes and prayers. Most fervently I hope and pray for a peace with honor; that our prisoners are still alive and will be reunited with their families and most emphatically I hope there will be no amnesty for deserters! Amnesty would mean the desecration of all that men have fought, suffered and died for.

I wish, parents would again begin at home to teach their children respect for our flag and instead of considering it a major undertaking, old and young alike would stand at attention and men doff their hats as the flag is passing by.

I wish, everyone would remember the Constitution guarantees equal rights for all, providing we do not interpret these rights only to suit ourselves, I wish too, that people would learn not to infringe on the rights of others!

I wish, women had never started the Liberation Movement, because their arguments have been ridiculous. I, for one, cannot see any glamour in gaining the right to be a ditch digger, if I lose my feminity. But the Libbers are more to be pitied than censured; they, no doubt, have a deep seated feeling of inferiority; have probably never known a man who put them on a pedestal and treated them with courtesy, nor have they met a man they could honor and admire. Whatever they hoped to attain, no law can gain for them respect if their movement destroys marriages and come hell or high water, neither can the law change nature and biological processes for the lot of them.

I wish, employers would treat all employes alike, i.e., if they reprimand or disharge a white, they should deal with a black in the same manner for the same misdemeanor instead of fearing retaliation. Fear and-or discrimination of any variety is a basis for discontent among factory and office workers alike and does nothing for integration. Perhaps if equality would return, the average worker would again take pride in his work and in return, the employer would receive a day's work for a day's wages.

I wish, employers, parents and our lawmakers, would make an effort to see for themselves the complete cooperation and friendliness among blacks, whites and children of all races and creed in some of our private schools. They were not forced to integrate.

FORMER CONGRESSMAN JOHN S. WOLD

HON. TENO RONCALIO

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 1973

Mr. RONCALIO of Wyoming. Mr. Speaker, John S. Wold distinguished himself in the 91st Congress as being the only geologist to ever serve in the U.S. House of Representatives. As the only Member from Wyoming, Congressman Wold served on the House Interior Committee and was the original House sponsor of the National Mining and Minerals Policy Act of 1970.

I am sure a good many of our colleagues remember John, and would like to know that since leaving the House, he has specialized in the assembling of coal reserves for synthetic fuel plants and research programs, placing western coal properties with major energy companies.

In the following article from Coal Age magazine, "Federal Freeze Threatens America's Energy Supply," John Wold is quite critical of Department of the Interior coal leasing policies. While I am not ready to confirm or deny his statements, many will find an interest in either the author or the subject matter.

The article follows:

An Opinion From the West—Federal Freeze Threatens America's Energy Supply

(By John S. Wold, Geologist)

If you asked the average American coal man what are the foremost problems of his industry he would doubtless reply the environment and coal mine safety legislation. These are immediate dollars-and-cents problems which have brought a coal-rich nation to the brink of a critical shortage.

From the long-range point of view, however, it is possible that little-publicized decisions blossoming from within the U.S. Dept. of Interior may have a far greated impact on the future contributions coal will make toward solving our national energy crisis.

Few coal men, much less John Q. Public, realize that over one half of the vast US reserves (and most of the low-sulfur coal) underlie our public domain. As federal property, they are managed by the Dept. of Interior. How and when these resources are developed will influence the future national standard of living.

The dominant fact of life for public domain coal the last 2 years has been a freeze on leasing, cutting off availability of new supplies. The chart (not shown) shows the timetable of the "freeze" on coal leases and permits in six western states holding 64% of the nation's coal reserves.[1]

There are two procedures for acquiring a coal lease on federal lands. If the Department's US Geological Survey classifies lands as having "known workable coal," they must be put up for competitive cash bonus bidding. If the survey classifies them as not having known coal, a qualified applicant may obtain a 2-yr extendable prospecting permit. After exploration under permit and upon proving to the Geological Survey that there is workable coal, the applicant is entitled to a preferential lease, issued by Interior's Bureau of Land Management (BLM), without a competitive bonus bid.

THE FEDERAL COAL FREEZE

	North Dakota	Montana	Wyoming	Colorado	Utah	New Mexico
Last Federal lease-date of issue	May 1, 1971	Apr. 1, 1971	Feb. 2, 1971	Apr. 1, 1970	Sept. 1, 1970	Jan. 1, 1970
Last Federal prospecting permit	None issued	July 1, 1970	Jan. 12, 1971	Nov. 1, 1970	Feb. 1, 1971	Jan. 1, 1971

Reasons given by the BLM for this freezing action which bars entry to the public coal lands have ranged from lack of a national energy policy to uncertainty on environmental requirements and lease terms. During the period of this freeze, practically every top-level energy expert in the Dept. of Interior has "pointed with alarm" at the impending energy crisis and the need for developing new domestic energy supplies. These words contrast with Department action, but are only one facet of the great paradox.

Many potential preferential-right lessees of federal coal lands have invested hundreds of thousands of dollars in exploration under permit. Their work in many cases has been approved by the USGS, but their leases are stymied by the BLM, presumably while new leasing policies are determined.

Permittees maintain that Interior has a contract with them to issue a preferential coal lease. Regulations, however, do not specify the terms of the lease, nor the time interval for issuing a lease. Applicants, who in good faith have made their investments, are hamstrung—not for weeks or months, but for years—as the Department rests on the crutch that it must internally formulate policies or wait for Congress to give direction.

An example of this operation is a coal prospecting permit block in the Powder River Basin of Wyoming. The original application to the BLM in 1967 cited the area as a locale for research by private industry in techniques of remote-controlled underground coal energy extraction (in situ gasification, etc.). After a quarter-million-dollar exploration investment to qualify for a preferential lease, the Dept. of Interior has delayed lease issuance for a year and a half. Private industry research—at no cost to the taxpayer—cannot be started because there is no lease on which to work.

In the meantime, the Bureau of Mines announced a few weeks ago an in situ underground coal gasification research program. It will be conducted with taxpayers' money in the Hanna Basin of Wyoming where the federal government owns approximately 50% of the coal lands. But the Bureau of Land Management of the Dept. of Interior has a "freeze" on. Where does the Bureau of Mines of the Dept. of Interior go? They will conduct their experiments on privately owned Union Pacific Railroad properties which are surrounded by federal coal lands. Only a Bureau knows how to deal with another Bureau. The answer is "don't."

The final frustration for hopeful coal energy developers was realized in a BLM decision of August 11, 1972 rejecting, out of hand, 119 applications for coal prospecting permits in the Dakotas and Montana, on the premise: "After consideration of all available information, it is concluded that there is no compelling need, at this time, to encourage further prospecting for a resource, when there is already a known supply under lease that is waiting to be developed. Your application is, therefore, denied."

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[1] Averitt, Paul—Coal Resources of the United States, Jan. 1, 1967: USGS Bulletin 1275.

There are some who regard this decision as the latest surfacing of a "long submerged, but still alive" philosophy that minerals on the public domain should be developed only by the government itself. The decision flies in the face of President Nixon's stressing the importance of finding new sources of low-sulfur coal.

It appears to contradict the historic national mineral policy on several counts:

First, it denies the 50-year-old philosophy spelled out in the Mineral Leasing Act of 1920, which is designed to promote the mining of coal deposits located on public lands.

Second, it violates the intent of the Mining and Minerals Policy Act of 1970, because rather than "encouraging private enterprise in the development of an economically sound and stable domestic mining industry," it stifles development.

Third, it is discriminatory because it shuts out developers who do not have a coal position. It restrains trade. It restricts competition by preventing investors who wish to participate in future coal energy development from acquiring a resource base.

Fourth, the synthetic fuel and electric utility industries of the future, based on coal, require the commitment of huge reserves on a long-term basis before the capital investments in plants can be made. The lead time from the acquisition of coal lease positions to plant operations may run from 5 to 15 years or more. These projects do not lend themselves to the immediate production requirement implied in the BLM decision.

Fifth, the technology of the coal industry is changing from day to day. The chemical, physical, geologic and geographic requirements of coal needed to supply future power and synthetic fuel plants are uncertain. No living person in government or private industry can say authoritatively and properly what coal is best suited to supply the future national needs.

Coal must play an important part in the future US energy picture. If it satisfies the expected demands of 1985, it should double its production capacity. With such a large percentage of low-sulfur coals underlying the public domain of the West, the challenge is obvious. Industry cannot serve the nation's needs properly without support and cooperation from the federal government. In the case of western coals, it needs the support of the Dept. of Interior.

Sometimes it seems that instead of working in concert for the good of the nation as a whole, government takes the role of adversary. Too many governmental decisions indicate a lack of understanding or internal cooperation between the branches of that government—even within a single department. If we are to solve the energy problems facing America, we cannot on the one hand embrace the competitive free enterprise system and at the same time reject it with the other.

UKRAINIAN INDEPENDENCE DAY

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1973

Mrs. GRIFFITHS. Mr. Speaker, this week we pause again to commemorate the proclamation of independence and sovereignty of the Ukraine. It was on January 22, 1918, and after 2½ centuries of Polish and Russian domination, that the people of the Ukraine threw off the shackles of oppression and declared themselves at last a free and independent nation. Since the outset of its independence, the new republic was faced with serious threats and difficulties, the most severe of these being the Communist government in the Kremlin. Freedom for the millions of Ukrainians was shortlived, and a few years later they were taken over by the Soviet Union.

The Ukrainian people have never accepted Soviet rule and have never lost their desire for new independence and freedom. All Americans who believe in self-determination share with the Ukrainians the hope that they will one day live in liberty.

Today, we join with Ukrainians in America and throughout the world in celebrating the 55th anniversary of the Ukrainian declaration of independence. I am proud to join my colleagues in saluting a valiant people.

THE RETURNING POW'S

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 1973

Mr. BROTZMAN. Mr. Speaker, just before Congress adjourned last October, I introduced legislation aimed at partially compensating those Americans who have served their country as prisoners of war. Today, I am renewing this call on the Congress.

In the next 60 days, over 550 Americans will be returning home following as much as 9 years of confinement in North Vietnam. If the pattern of the last two wars in Asia holds true, these men will have suffered any host of diseases, malnutrition, and abuse. In short, they will have gone through tremendous amounts of physical and emotional stress.

Such treatment, combined with the shock of release into the harried pace of our own society, may produce extremely serious problems. Many of the men will be beating the odds simply to stay alive. In a followup study of those repatriated Americans held by the Japanese during World War II, it was concluded that among prisoners held for such an extended period of time, the death rate following liberation was four times that of the public at large for the first 2 years. Even by the end of the sixth year following liberation, this rate remained an intolerable 50 percent above the norm.

One of the most serious of the problems to be faced by returning prisoners will be accidental injury. Apparently prisoners held out of touch for extended periods must relearn even very simple procedures which the rest of us take for granted, such as crossing a busy street. More complicated matters such as driving an automobile must be approached with extreme caution.

The experience of years in prison in a hostile camp has thus been shown to have a marked relationship to the life expectancy of those released. Despite the intense efforts being made by Defense Department officials to counteract this pattern, military medical experts are reported to expect problems.

The conclusion we can draw is that, unless something is done to compensate these men for a shortened life expectancy, they will be asked to sacrifice even more for their country. Reintegration into American society will be slow. Thus, former prisoners will be unable to start careers outside of the military and gain retirement credits until several years after other persons their same age. This means fewer credits and a smaller retirement check.

Even if the prisoner decides to stay in the military until retirement, he still must face the problem of a shorter life expectancy: Less time to enjoy retirement.

I believe that America already owes these men more than it can repay. We cannot sit on the sidelines and let them sacrifice even more for the freedom we all share.

Therefore, I am today reintroducing legislation to deal with this situation. Specifically, my bills will provide credit for all time spent as a POW toward retirement either in the military or with the civil service. For each day spent as a prisoner of war, my bill would grant an additional day of service credit toward retirement. This, of course, is in addition to any credits for which the POW may already be entitled to by existing law.

To give a brief example of how these additional benefits would be computed, let us consider the case of a man who, during his 17 years in the armed services, had spent 3 years as a prisoner. These years need not be in Vietnam. They would apply just as well for prisoners repatriated from either World War or Korea. Upon retirement, our example would receive a total of 20 years service—17 years for his regular duty and 3 additional years for the time spent as a prisoner of war. Of course, my intention is that this legislation not force early military retirement on those who do not wish it. I intend to make this point particularly clear in any hearings that may be held on these bills.

The Vietnam war officially ended at 7 p.m. Washington time, January 27. Within the next 2 months we hope to have all Americans home who are held prisoner by Communist forces. Let us dedicate ourselves to the task of seeing that their sacrifice not grow larger than it has already become.

Mr. Speaker, this legislation has the full endorsement of the National League of Families of American Prisoners of War and Missing in Action, the largest such group in the United States. Furthermore, knowledgeable sources have told me that this very idea has been discussed by the prisoners themselves within North Vietnam and that it has very widespread support there.

I, therefore, ask the Armed Forces Committee and the Post Office and Civil

Service Committee, respectively, to give these bills the most expeditious treatment so that we might help end the suffering of these brave men.

THE PENSION AND EMPLOYEE BENEFIT ACT

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 1973

Mr. CARNEY of Ohio. Mr. Speaker, I would like to take this opportunity to discuss the need for pension reform. We all have heard about the many difficulties that workers are experiencing with regard to their pension benefits. Too many employees work too long and have nothing to show for it in terms of a retirement benefit. We all have heard too many stories of plants closing down and workers losing their jobs as well as their earned pensions. Many of these workers are too old to start over again and earn enough pension credits with another employer.

Mr. Speaker, Congress must pass legislation to correct the weaknesses that exist in the private pension system. The inequities and hardships of the present system must be eliminated so that our workers can have faith in it. I believe in the private pension system. But, I also believe that it ought to play a far more vital role in assuring that workers will have a retirement income that they can live on. For this reason, I have introduced H.R. 366, the Pension and Employee Benefit Act, which contains several provisions that my colleagues in the House and Senate should be alert to when they finally decide on the course of action which they consider to be most desirable.

My bill would deal with all the areas which are of such great concern to our working men and women. Specifically, I am talking about vesting, funding, insurance, portability, and fiduciary standards. Now let me briefly discuss each one of these subjects.

First of all, my bill would require pension credit to start vesting after 5 years of covered service. I stress "covered service" because many of us may fail to recognize the significance of this term. However, I recognize that vesting may increase the costs some employers will experience. That is why I start vesting gradually—after 5 years of covered service. A worker would have a 10-percent vested right at that time. Vesting would then increase 10 percent for each year thereafter until the worker has a 100-percent vested right after 14 years. He would be able to take this right with him if he loses or changes his job.

Our Government saw fit to use 5 years as the minimum number of years a Federal employee would have to work in order to qualify for a pension. Why not use this same standard in the legislation that we will pass? Also, by having graded vesting along the line that I propose, vesting is not an all-or-nothing proposition. It is also equitable to the employer because he would not be required to provide a full vested right to an employee who left before completing 14 years of service.

Other proposals before this body call for full vesting after 10 years of service. Others start with graded vesting after 8 years of service. But I ask you, is not that rather long to ask an employee to wait? Are we really doing anything for him if we make him wait that long?

Mr. Speaker, there is one thing that I want to point out. That is the term "covered service" which I previously referred to. My bill would require that employers start counting employees' service toward vesting after a period of service of no longer than 6 months. On the other hand, this provision would permit employers to exclude short service and seasonal workers from the pension plan. I think that this is only fair.

Yet, Mr. Speaker, other bills being considered by this body would permit employers to exclude time worked by employees before they reach age 25. Some bills would permit employers to exclude time worked by employees before they reach age 30. This is really an exercise in deceit. Are we going to tell our workingmen and women that we have passed legislation to protect their interests by saying to employers that they must provide for vesting after their workers have completed say 5 or 10 years of service, but then turn around and add that if the employers want, they can exclude all time worked before the worker reached his 30th birthday. What you are saying to an 18-year-old worker is that "we have passed a bill to help assure that you get a pension, but your employer can disregard the next 12 years of your working life."

Let me briefly outline the rest of my pension proposal. H.R. 366 would call for the systematic funding of unfunded liabilities incurred before enactment over a 40-year period. Liabilities created after enactment would have to be funded more quickly—over a 30-year rather than a 40-year period. Too many plans have big IOU's—big promises but insufficient assets to pay off in case of business or plan failure. It is time to ask these employers to systematically fund their plans.

Yet, Mr. Speaker, that is not enough. As you can see, even with a funding requirement, many plans will never quite catch up. It is for this reason that we need to insure pension plans in cases of plan termination. I propose in H.R. 366 that a pension reinsurance program be set up to insure against the contingency of plan failure. I would do this by charging all pension plans a modest premium on the amount that they owe under the plan. This is what ultimately will provide our workers with the protection that they need. After all, if we only ask that plans make bigger promises—without funding and insurance—pension expectations will be even more disillusioning.

Mr. Speaker, my bill will also serve to protect the retirement expectations of 30 million current plan participants by setting certain standards of fiduciary conduct governing those individuals charged with administering pension plans. It is hard to imagine that with about $150 billion in pension assets, pension plans are now virtually unregulated. My bill would also call for increased and improved reporting and disclosure of pension plan activities.

Lastly, Mr. Speaker, H.R. 366 would set up a system for the voluntary transfer of vested pension credits between plans. This scheme—which is referred to as portability—would serve to increase the mobility of our workers, while also providing benefits to both workers and employers alike.

Mr. Speaker, the time has come to pass an effective pension reform measure. This great body can no longer ignore the legitimate pension needs of our workers. Let the 93d Congress go down as the Congress which provided for the protection and preservation of the retirement rights of our Nation's workers.

GOOD SAMARITAN AWARD

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 1973

Mr. EDWARDS of California. Mr. Speaker, on Sunday, October 22, 1972, I had the distinct pleasure of attending the Saint Rose Hospital's third Annual Good Samaritan Award presentation in Hayward, Calif.

It was most refreshing to be present at a gathering where the criteria for the nominees is based on the principle of one human being caring for and giving time to another. Seventeen men and women were nominated for the award for demonstrating compassion for another individual.

This year's winner of the Good Samaritan Award was Mrs. Lucille Davies of Hayward for her unselfish example of love for her fellow man. Mrs. Davies, a mother of 10, found time in her busy days to visit daily for 9 months a friend who was hospitalized and dying of multiple sclerosis.

A special award was given to Mrs. Grace Draper and Mrs. Rosan Wilson for their joint efforts in helping people of the Fremont Community through the Tri-City Volunteer Mini Center.

Among the other nominees were: Mrs. Gladys Keller for her volunteer work with charitable organizations and assistance to Spanish speaking persons. Mrs. Sotera Brown who single-handedly organized the Family Tutorial Program in Hayward which provides tutors to assist foreign born individuals to learn to read and write English; Mrs. Mildred Lackey for her acts of mercy toward a woman suffering from inoperable cancer; Mrs. Rose Stewart for her work with youth groups in the community; Miss Judy Feight for her volunteered time by counseling troubled youth through Project Eden.

From Fremont Miss Eileen Tommie for her work during the recent Muscular Dystrophy Fund raising campaign and volunteer work at Oakland Naval Hospital.

Two Castro Valley couples were among the Good Samaritan nominees. The first is Mr. and Mrs. Herschal Vineyard who drive a bus for their church and pick up 100 young members each Sunday. The second is Mr. and Mrs. Russ Scothorn who have collected, repaired, and distributed clothing and household articles to various charitable agencies.

Mrs. Sylvia Sefic of Dublin was nominated for giving emergency first aid which saved the life of a victim of an airplane crash.

A nominee from Union City, Mrs. Mary Sanchez has tutored schoolchildren for the past 2 years and helped needy Mexican-American families in her city.

Nominee Robert Smyth, an Oakland fireman who resides in San Leandro, spends his free time maintaining and remodeling Saint Felicitas School in San Leandro.

PMG'S ANNUAL REPORT LETTER TO BOARD

HON. ALBERT W. JOHNSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 1973

Mr. JOHNSON of Pennsylvania. Mr. Speaker, I would like to insert in the RECORD the Postmaster General's annual report letter to the Board, which appeared in the "Postal Leader," January 1973. The report letter is as follows:

PMG'S ANNUAL REPORT LETTER TO BOARD

Dear Governors: I am pleased to submit the first Annual Report of the U.S. Postal Service for the fiscal year ending June 30, 1972.

On July 1, 1971, one of the oldest departments of Government became an independent agency with authority to provide mail services to all Americans—our customers.

During this first year, we tackled problems that were decades in the making. We have pursued two major goals: improve the quality and reliability of mail services, and reduce costs.

The first goal was service improvement. While our service performance is still uneven—our tests indicate the mail service overall continues to improve.

Most of the mail is first-class—49 billion pieces out of the 87 billion mail pieces that were delivered last year. 94 percent of the first-class mail deposited by 5:00 p.m. and destined for local delivery is being delivered next day. In smaller communities, this percentage is usually higher.

Another indicator of improved service was a reduction in the average time for delivery. Without regard to the time of day when the letter was deposited or to the distance sent, the average time for delivering each of the 49 billion first-class letters decreased from 1.7 to 1.6 days. In another important category, parcel post, the average time for delivery decreased from 4.9 days during the final quarter of 1971 to 4.3 days in the final quarter of this year.

Management is directing priority attention to improving the consistency of postal service. Service standards, first introduced for airmail, were extended last year to first-class mail. Additional service standards, covering all other mail categories, were being tested as the fiscal year ended.

Transportation services were vastly strengthened by the expansion and increased reliability of an air taxi network linking hundreds of cities in order to meet the demanding airmail service standards. Jet aircraft were used for the first time. We also introduced some high-speed, long-haul railroad runs for the bulk mail which are proving highly effective.

The success of several new postal products was illustrated by the growing demand for Express Mail, a premium service for documents with a high time value, and the Mailgram, a message which combines the speed of electronic communications with the Postal Services unrivaled delivery network.

A fundamental change is being made in our view of our customers. We are treating them as customers and are undertaking a series of actions to be more responsive to their needs. An intensive effort to improve existing postal facilities so as to better serve customers and provide a modern working environment for postal employees is now under way.

Our second goal was cost reduction. Strong measures have been taken to reduce operating costs. On March 29, 1972, restrictions were placed on the hiring of additional employees. The effect of these restrictions was significant, since 85 percent of the Postal Services costs are labor costs. In a four-month period, the employment level was reduced, through attrition, by more than 33,000 persons.

The commitment by postal managers, especially in the field, to hold costs in line enabled us to announce in the summer of 1972 that the Service would avoid the previously budgeted $450 million postage rate increase scheduled for January 1973.

We achieved as significant 2.4 percent productivity gain in the fiscal year ending June 30. This productivity figure contrasts sharply with gains averaging less than one percent annually through most of the 1960s.

In part, this reflected increased mechanization in mail processing. A larger share of the productivity gain, however, must be attributed to our managers in the field. This year, they had the authority to make more effective use of manpower and other resources.

Despite the productivity gains achieved last year and those projected for fiscal year 1973, postal wage costs are rising singificantly. In addition to wage increases amounting to 10 percent for rank and file postal employees in fiscal year 1972, we are committed in fiscal year 1973 to an additional annualized salary increase of 8 percent for these employees. The average postal employee today makes more than $12,000 annually in salary and benefits.

In the fiscal year ending June 30, 1972, we also embarked on programs that will make the Postal Service more competitive in the decades ahead. A $950 million network of bulk mail facilities was approved. This is expected to bring large economies in the handling of non-letter mail and significant improvements in the consistency of service.

Still under development and testing is a preferential mail processing concept which could eliminate much of the manual processing concept which could eliminate much of the manual processing of letter mail.

Inevitably, these changes will bring broader career opportunities and greater self-satisfaction for employees and local managers who are willing to be judged by actual accomplishments. Our customers—the American people—will receive better, more consistent service at reasonable prices.

The process of turning around an organization as vast and geographically dispersed as the Postal Service will require time. Given the patience and understanding of our customers, our employees, the news media and the Congress, I am confident that the Postal Service will become a productive and creative force in the coming decade.

E. T. KLASSEN.

FREE FLOW OF INFORMATION BILL

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 1973

Mr. QUIE. Mr. Speaker, I am privileged to join with 65 of my colleagues—almost equally divided between Republicans and Democrats—in cosponsorship of legislation which I believe is as important as any which will be introduced in the Congress this year, because of its protection of the right of our citizens to have a free flow of information about events in public life.

The bill, in essence, would protect the anonymity of a newsman's source of information which is procured for publication or broadcast. Three criteria must be met before a district court could order disclosure: First, there is probable cause to believe that the person from whom the information is sought has information which is clearly relevant to a specific probable violation of law; second, has demonstrated that the information sought cannot be obtained by alternative means; and third, has demonstrated a compelling and overriding national interest in the information. The use of these criteria will make it difficult to force such disclosure, I am assured. The text of the bill is given at the end of my statement.

I understand that a Judiciary subcommittee will begin hearings early next month. I have read the committee hearings on the bill—which I cosponsored last fall—and have been impressed with the arguments of witnesses who claim that Congress has a duty and a responsibility under the first amendment to the Constitution to protect the freedom of the press by such a "shield" law.

Mr. Speaker, I believe it is well known that the press depends for a good bit of its information upon anonymous news sources who tip them off to the wrongdoing on the part of public officials and private citizens. Insiders within the Federal bureaucracy, for instance, provide valuable information which the public—and Congress—needs to know. If these news sources were forced to reveal themselves, it is doubtful that we would ever learn whether the laws that we pass are functioning as they should. It is also my belief that protecting the anonymity of a newsman's sources also serves to keep men and women in public office much more honest, responsive and sensitive to the needs of the voters of this country. I quote at length from one witness, Mr. Irwin Karp, counsel, Authors League of America, Inc., because I feel that Mr. Karp gets at the heart of the matter:

> It is not to afford the reporter a privilege, *but to guarantee the public's right to know* that protection is sought for the news gathering process. The argument that the balance has to be struck against news gathering and against the First Amendment concept is a self-defeating and, in fact, a counterproductive approach to the problem.
>
> It is self-defeating because in the long run much of this information which . . . has to

> do with corruption in high places and malfeasance by public officials, is given by people who are not lawbreakers themselves but are often involved in the administration or an agency.
>
> Much of that information is just not going to be produced anymore. Grand juries are going to issue subpenaes and find an empty bag. It is going to increase what I call . . . the Genovese effect. It would be helpful to read briefly from a New York Times article which illustrates that people are afraid to get involved. . . . That is the threat that this unlimited subpena power creates and has created . . . there are just too many people whose information is important who will not give it to the grand juries and will not give it to investigative committees, but will only give it anonymously to reporters as they have in the past *and what the subpena threat will do is to choke this off completely*. . . .

Mr. Karp recommended that the Federal statute cover both Federal and State agencies and juries, and I agree. His justification is that—

> It can be done under the First and 14th Amendments and also because information gathering and distribution is interstate in nature—almost exclusively—and under the commerce clause the Congress could prevent restraints on the process by adopting a shielding statute.

Mr. Karp continues:

> In Caldwell, the Government argued that reporters were merely seeking a privilege comparable to the attorney-client or doctor-patient privileges. But that is not a valid analogy. A reporter or author does not secure information by chance as do most witnesses; nor as an incident to his profession, as do doctors or lawyers. *The writer seeks information deliberately, as a fundamental step in the process of informing the public.* And the First Amendment safeguards . . . were intended to enable him to perform the task of informing the public.

The bill which I am cosponsoring has the same purpose. Not to give personal privilege to protect patients or clients, but to prevent restraint on the process of gathering information and informing the public. As Karp says:

> The rights they would establish are not for the benefit of the Press so much as for the benefit of all of us.

At the end of last year, there was a news article in the Wall Street Journal from which I should like to excerpt. In my opinion, the quotations from this article are as pertinent today as they were when they were written:

> To understand why this is so one must recall the function of a free press in a democracy. The Founding Fathers recognized that a sprawling country like the United States required a strong national government, which is why they abandoned the Articles of Confederation and drafted the Constitution. At the same time, all of them had a fear of despotism, and some of them had a fear of democracy. The best antidote to despotism, they reasoned, was the guarantee of freedom of speech and the press; and the best cure for democracy was the wide diffusion of information. Few themes were more insistenty repeated by the statesmen of the early republic than the idea that free government would work only if it were based on an enlightened and informed public opinion.
>
> "A popular Government, without popular information, or the means of acquiring it," said James Madison, "is but a prologue to a Farce or a Tragedy; or, perhaps both. Knowledge will forever govern ignorance; And a people who mean to be their own Governors, must arm themselves with the power which knowledge gives."
>
> This has been the theory of the American republic. I don't mean to suggest that the Founding Fathers enjoyed criticism any more than their descendants do. Even the sainted Jefferson had moments of bad temper in which he recommended that state governments prosecute editors for seditious libel. But in their more characteristic moods the Founders saw a free press as absolutely essential in order to arm the people with knowledge and therefore to combat the pretensions of government.
>
> Tocqueville, who visited America in the 1830's and wrote the profoundest work ever written on American society, seized the point: "The more I consider the independence of the press in its principal consequences, the more am I convinced that in the modern world it is the chief and, so to speak, the constitutive element of liberty."
>
> Walter Lippmann has made the point well in our own day: "A free press is not a privilege but an organic necessity." And he adds perceptively that it is a necessity not just for the people but for the government itself. Without criticism and reliable and intelligent reporting the government cannot govern. For there is no adequate way in which it can keep itself informed about what the people of the country are thinking and doing and wanting.

I include a copy of my bill:

H.R. —

A bill to assure the free flow of information to the public

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a person connected with or employed by the news media or press, or who is independently engaged in gathering information for publication or broadcast, shall not be required to disclose before the Congress or any Federal court, grand jury or administrative entity any information or written, oral or pictorial material or the source of that information or material procured for publication or broadcast.

SEC. 2. The first section of this Act shall not apply with respect to the source of any allegedly defamatory information in any case where the defendant in a civil action for defamation asserts a defense based on the source of such information.

SEC. 3. Any person seeking information or the source thereof protected under this Act may apply to the United States District Court for an order divesting such protection. Such application shall be made to the district court in the district wherein the hearing, action, or other proceeding in which the information is sought is pending. The application shall be granted only if the court after hearing the parties determines that the person seeking the information has shown by clear and convincing evidence that (1) there is probable cause to believe that the person from whom the information is sought has information which is clearly relevant to a specific probable violation of law; (2) has demonstrated that the information sought cannot be obtained by alternative means; and (3) has demonstrated a compelling and overriding national interest in the information.

A SECOND O'NEILL IN LEADERSHIP POSITION

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 1973

Mr. HARRINGTON. Mr. Speaker, the Members of the House were all personally gratified earlier this month when my colleague from Massachusetts was unanimously elected Majority Leader. But Members of the House only know one-half of the O'Neill story. TIP O'NEILL began his career in public life by serving in the Massachusetts Legislature—of which he was the first Democrat ever to be elected Speaker. Last November, the O'Neill gap that had existed in that body since the Majority Leader succeeded to the Congressional seat of the late President Kennedy was closed with the decisive election of State Representative Thomas P. O'Neill III. And on Tuesday, January 16, Tom O'Neill showed the advantages of growing up in the O'Neill household by winning election as President of the Massachusetts Legislators' freshman class.

Tom has a little way to go before matching his father—he could not quite manage a unanimous election, but he did get an absolute majority from his 66 classmates on the first ballot of a three man contest. So this January, Mr. Speaker, we have seen the election of not one, but two O'Neills to positions of legislative leadership, and those of us who know the O'Neill family expect that future father-son triumphs may well follow.

CONGRESSIONAL REFORM

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 1973

Mr. ANDERSON of California. Mr. Speaker, in recent months, the Congress has been accused of abdicating its power to the Presidency. In far too many cases, this accusation is accurate—the constitutional powers of the Congress have been eroded.

In the implementation of foreign policy, the Executive appears to have exclusive jurisdiction, with the Congress only serving in the role of the critic.

While the Congress has the responsibility to levy taxes, the administration has interpreted some regulations in a manner inconsistent with the intent of Congress.

The Congress has lawfully appropriated funds to clean up our rivers, harbors, and lakes, yet the administration has refused to spend that money.

The various programs, designed by the Congress to aid rural areas, have been severely curtailed by Executive fiat.

The list of Executive usurpation of congressional powers is long and touches on nearly every facet.

We must ask ourselves the questions: Why? Why has Congress allowed this to happen? What can we do to reassert the power of the legislative branch? What must we do to allow the Congress to effectively carry out its constitutional powers?

In my opinion, one of the solutions which would place the Congress on a more equal footing with the Presidency would be a more rapid rotation in the Members who populate the Congress.

By examining the example of the Presidency, we see that vigorous elections bring out new ideas and innovative plans to meet the current challenges to our society. With a limit of 8 years in the office of the Presidency, we see an individual who is elected to that office pouring his every effort into implementing his plans within the time allotted by the Constitution.

We see that by limiting presidential tenure to 8 years, there is a constant source of competing ideas that are placed before the public. It is through this process that both the public and the candidate for office are educated, first, on the people's desires and, second, on the candidate's solutions.

It is this constant renewal and competition that brings out the very best in our society. It is through this constant rotation that our country is offered refined, ever-adapting ideas, and solutions. It is through this procedure that the very best that our society can offer is projected into the public eye.

Mr. Speaker, I feel that this constant renewal and competition has well served our Nation and could also be applied to the Congress.

If we established a limitation on the number of consecutive years a Member of Congress could serve, we would be following the example set by the Presidency.

We would have a constant demand for innovative ideas and programs to meet the pressing needs of our country. By insuring a reasonable turnover in office, we would have a competitive system by which the country would be assured of the very best in our society.

By insuring a regular turnover, we would see every Member extending all of his or her energies into enacting the program for which they were elected.

In addition, an ever-changing membership in Congress would offer ample opportunities for more of our citizenry to serve in the Congress—bringing their experiences, their knowledge and their particular expertise to this body. And Heaven knows, the country is replete with individuals willing to offer their advice on governmental policy.

Mr. Speaker, Wednesday I offered an amendment, based on the 22d amendment to the Constitution, which would assure a constant change in the membership of the legislative branch. My amendment, House Joint Resolution 236, would limit the service of a Member in the House and the Senate to 12 consecutive years in each body.

The 12-year period, I believe, would offer each incoming Member, assuming he or she is reelected at each election, ample time to learn the rules of the Congress, to gain greater insight on a national scale, and to implement the programs which caused him or her to seek office in the first place.

If, after serving 12 years in the House, a Member was still interested in public office, he could run for office in the Senate, or some other elective office. A Senator, after serving 12 years, could run for office in the House of Representatives and, the people willing, serve another 12 years in that body.

HOUSE CRIME COMMITTEE

HON. RAY J. MADDEN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 1973

Mr. MADDEN. Mr. Speaker, one of the top issues and problems confronting the Congress and the American people has been curtailed by the signing of the peace agreement last Saturday. This problem will now be supplanted by crime and high taxes as the outstanding issues for the 93d Congress to solve or curtail.

During the last two sessions of Congress the work of the House Crime Committee under the chairmanship of Claude Pepper has been the only effective medium from the Federal Government angle that has exposed, condemned, and alerted millions of Americans, both elders and youth of the alarming danger of organized crime and their criminal operations on drug marketing and methods used to make crime a multibillion-dollar business in the United States.

Little effective help in combating the crime menace has come from the Federal and State law enforcement officers, judges, and other branches created to curb the crime menace.

The House Crime Committee in the last several years has been very effective in alerting millions, including schools and colleges through their public hearings in dozens of our cities and urban area throughout the Nation. The city of Chicago is but one example. The committee held hearings for approximately 10 days in the Chicagoland area last year. These televised hearings were held in public buildings, schools, and colleges in that area and the hearings were open to the public and given expansive coverage, editorial and otherwise by newspapers, television, and radio throughout the Midwest. Mayor Daley, the chambers of commerce, business organizations, the heads of schools and colleges publicly thanked the House Crime Committee for their great educational knowledge and facts brought in to millions of homes and schools for the enlightenment of all segments of the population—youth and old—as to the dangers and insidious manipulations of the powerful crime syndicates operating in the urban and rural areas of our Nation.

It would be a shocking mistake if the House of Representatives would discontinue the great service that the House Committee on Crime has rendered to aid the law-enforcing officers of our Nation and also in the educational values and knowledge and information extended to the unalerted youth as to the killing dangers of the use of drugs and the methods and precautions against becoming entrapped and enslaved with this devastating human affliction of drug addiction.

Mr. Speaker, I include in my remarks the excerpts from an editorial on the "Politics of Crime" in the September 20, 1972, editorial of the New York Times.

The Politics of Crime

(By William V. Shannon)

Crime continues to increase. It has risen 32 per cent during the Nixon Administration. The F.B.I.'s uniform crime reports showed that there were 5,995,200 serious crimes in 1971, an increase of 410,000 over 1970.

Mr. Nixon takes political comfort from the fact that at least the rate of increase has slowed down somewhat this year. But nonpartisan experts and ordinary citizens agree that whether the crime figures are trending slightly upward or downward, no real breakthrough has been made on the crime front. Nobody feels any safer.

The murder of policemen is a relatively new and increasingly serious problem. Mr. Nixon held a conference and could come up with no better idea than that policemen's widows should receive an indemnity of $50,000. The Senate approved his proposal on Monday but no indemnity saves a life. The registration of guns and purging of millions of dangerous, unnecessary weapons in private hands would lower the level of violence in this country and save many policemen's lives. But Mr. Nixon is not about to take the unpopular side of the gun issue and lead a fight for effective control.

The Omnibus Crime Control Act of 1968 which set up the Law-Enforcement Assistance Administration to channel Federal money to states and localities was passed at the behest of President Johnson. But L.E.A.A. has passed most of its existence under the Nixon Administration—and a miserable existence it has been.

The agency has had three different directors, and for one long period of ten months it had none. Political hacks have been appointed to important middle- and upper-level policymaking jobs. The result has been contradictory policies or no policy at all. More than $2.3 billion have been distributed to the states, much of it wasted on expensive hardware. For example, the Birmingham, Ala., Police Department bought three tanks. Sheriffs in rural counties which are almost free of crime have bought closed-circuit television systems, gas masks, new cars.

According to a House government operations subcommittee chaired by Representative John S. Monagan, Democrat of Connecticut: "Too large a proportion of these funds have been wasted on partisan political purposes, on exorbitant consultants' fees, on equipment and vehicles which are misused or not needed, on excessive payments to equipment suppliers resulting from widespread absence of competitive bidding and unethical relationships between state and local officials and suppliers representatives."

Under Jerris Leonard, the latest L.E.A.A. head, some order is beginning to emerge out of this financial morass, but it will remain an incoherent and ineffectual program until the money is concentrated in those cities and suburbs where crime is worst. Moreover, the money should be spent not on more gadgets—although a few are useful—but on raising the morale, the intellectual horizons and the professional quality of the police themselves. It is on them and their colleagues—the criminal court judges, the probation officers and the prison guards—that law enforcement depends.

What the various branches of the law enforcement profession need in the White House is a leader. What they have is a cheerleader.

NEWSMEN'S PRIVILEGE

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 1973

Mr. HARRINGTON. Mr. Speaker, on January 18, 1973, Mr. Whalen introduced the Free Flow of Information Act to protect the confidentiality of a newsman's information and the sources of that information. I am proud to be a cosponsor of that important measure. I regard it as crucial to sustain the principle that the first amendment rights of all of us are protected only when the ability of our journalists to provide us with candid and accurate reports is shielded against interference from an overzealous government.

The Free Flow of Information Act provides that a newsman, including one independently engaged in research for publication, may not be compelled to disclose confidential information—or the sources of that information—in any official proceeding except under certain narrowly defined circumstances. Disclosure may be compelled in a defamation suit when the defendant asserts a defense based on the source of the information. Otherwise, disclosure may be ordered by a court only after a hearing in which the person seeking disclosure has demonstrated "by clear and convincing evidence" that the information is clearly tied to a specific crime, that it is unavailable from any other source, and that there is a "compelling and overriding national interest in the information."

It is sad commentary on our society that such legislation is necessary at all. The present circumstances, in which news reporters have continually been subjected to contempt proceedings if they try to protect a confidential source, or information obtained from that source, from demands for disclosure, must be seen as part of a broader picture. The present administration has clearly and consistently shown its bias against independent news media, strong enough to present information of the Government's failings as well as it's successes, and to criticize when appropriate.

That bias appears in public outbursts against news media which publish stories that seem to detract from the administration's picture of itself, in veiled threats to use the licensing process to compel the broadcasting of news regarded as more favorable, and in petty actions against particular reporters, or reporters who represent particularly disliked publications. That bias is clearly evident despite the administration's public protestations that it supports a free press—if the press is "responsible."

In all of this, there is little recognition, publicly at least, of the power such statements have when uttered by high officials of government. There is little understanding of the responsibility of high officials to refrain from interfering, even by intimation, with the freedom of our journalists to do their work for the benefit of all of us—a responsibility those same officials say they fail to find in the journalists they attack.

The administration's present posture toward the news media is strangely inconsistent with its professed attitude toward other aspects of our Government. We hear a lot these days about lowering the profile of the Federal Government—diminishing its impact on local decisionmaking and reducing its pervasive influence on the private lives of our citizens. Why, then, do we have the bias against independent news reporting. It is not that the administration is against a free press—it is against a press that consistently reports what it sees, and what it sees is not a benevolent and wise administration as we are supposed to believe. If all news stories cast a rosy glow, then we would hear little about the responsibility of the press. Yet it would be at that precise moment that the news media would become truly irresponsible. It would be treating us as the administration sees us—as children, fit only to hear what the Government wants us to hear. I fear that possibility most of all—and that is why the present administration's attitude toward the news media is so insidiously dangerous.

That is not to say that the news media could not improve its news reporting. It could, and one hopeful result that may come of the present situation is an increased awareness by the press of the real responsibility it has. But it is not enough to rely on this, or on the good graces of the Attorney General and his guidelines, to protect newsmen from Government interference with their work. So, I vigorously support the Free Flow of Information Act as a necessary measure to protect the work of the news media and the rights of us all.

CABRAL SLAIN BY RED AIDE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 1973

Mr. RARICK. Mr. Speaker, following the murder of Amilcar Cabral, the self-styled Che Guevera of the African terrorists, the media, in not unusual, explosive manner accused everyone from the Portuguese Premier to the CIA.

Now, in a very minor news story, we are informed by President Toure of Guinea, one of Cabral's comrades, that the great "hate-whitey" leader in Africa was murdered by one of his own bloodthirsty revolutionaries.

But, the African revolution is safe—another terrorist, Vitor Monteiro, trained both in North Korea and in the Soviet Union has been "elected" in Moscow to fill the vacancy.

The Communists are determined, under the cover of self-determination, to block the construction of the Cabora Bassa Dam on the Zambezi River—progress by non-Red governments are labeled imperialism. And Americans must realize that some U.S. church dollars go to support this so-called civil rights movement with the donors thinking they are helping underprivileged people improve civilization.

I submit a related newsclipping in the RECORD, as follows:

[From the Washington Post, Jan. 25, 1973]

CABRAL SLAIN BY AIDE, GUINEAN PRESIDENT SAYS

President Sokou Toure of Guinea announced in a radio broadcast in Conarky Tuesday that anti-Portugese nationalist leader Amilcar Cabral was assassinated by a top guerrilla commander in his own movement.

Cabral, who led the movement to oust Portugal from its West African colony of Portuguese Guinea, was slain Saturday night in front of his home in the Guinean capital of Conakry.

Toure had said on Monday that Cabral was killed by Portuguese soldiers. Tuesday, however, he identified the assassin as Inocente Camil, whom he described as the naval commander of the African party for the Independence of Guinea-Bissau and the Cape Verde Islands (PAIGC).

Toure said Camil had confessed that Portuguese authorities had promised to grant independence to Guinea-Bissau on condition that Cabral was killed and the PAIGC destroyed. But the Cape Verde Islands were to remain under Portuguese rule.

Portugal has denied any involvement in Cabral's assassination.

Camil was the head of the group which killed Cabral and kidnapped several top PAIGC leaders, according to Toure.

Camil was captured in one of three boats intercepted about 30 miles from Portuguese Guinea. The boats, belonging to the PAIGC navy which Camil headed, carried the kidnaped guerrilla leaders who were to be turned over to Portuguese authorities, according to Toure.

The Guinean president said that those involved in the plot would be handed over to the PAIGC for trial.

Meanwhile, Radio Conakry announced that Vitor Monteiro, a Cape Verde islander trained in North Korea and the Soviet Union, has been named as successor to Cabral.

CHATTANOOGA MANUFACTURERS WEEK OBSERVED, JANUARY 30–FEBRUARY 4, 1973

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 1973

Mr. BAKER. Mr. Speaker, proclamations will be issued in the city of Chattanooga, Tenn., and in Hamilton County, Tenn., today and tomorrow to designate the week of January 30–February 4, "Chattanooga Manufacturers Week."

I join in taking recognition of this special week for the group of manufacturers in the city of Chattanooga. Their number is large and diversified and altogether they place Chattanooga in 10th position among major metropolitan areas in the entire United States in manufacturing employment as a percent of nonagriculture employment.

These plants and offices employ over 53,000 people, making articles which are used all over the world, and every day the manufacturers of Chattanooga pay approximately, $1,383,000 into the economy of that area.

It is fitting, therefore, that we recognize the contribution these firms make to the welfare of the city, State, and Nation, and set aside these days in which special note can be made of the important role manufacturing has in the lives of all of us.

The some 190 firms and businesses

have joined together in the Chattanooga Manufacturers Association, which along with the Chattanooga Freight Bureau, Inc., has provided the organizational vehicle to advance their common goal of placing Chattanooga among the leading industrial centers of the South.

I salute the Chattanooga Manufacturers Association and its members during this special week and bring to the attention of my colleagues the history and membership of this organization which has been so successful in supplying goods and services to a nation on the move.

The history of Chattanooga Manufacturers Association follows:

HISTORY OF THE CHATTANOOGA MANUFACTURERS ASSOCIATION

The Chattanooga Manufacturers Association was organized in 1902 by a small group of Chattanooga manufacturers, also pioneers in industrial endeavor. This association was brought into being by these industrial pioneers with the hope that through cooperative effort they might not only further their own enterprises, but at the same time, might more rapidly and effectually establish Chattanooga as one of the leading industrial centers of the South.

At that time, there were no other similar associations, at least in the South, and the fact that it has achieved signal success and has been of inestimable benefit to its members, as well as having rendered a distinct public service to the community, is a tribute, not alone to the wisdom of its founders, but as well to the fine spirit of loyalty which has characterized its members throughout its seventy years of existence.

In 1902, the membership numbered 62, and of this number 12 are still in existence and loyal members.

The first year or two of the Association's life was spent in "finding itself" and in shaping and directing its efforts to meet the needs of its members and to lay the foundation for effective cooperative work in later years. By degrees, various departments were established and they have functioned continuously and successfully to the present day.

In 1904, a very important department was inaugurated in the establishment of the Traffic Department (now Chattanooga Freight Bureau, Inc.) This Department was and continues to be invaluable to its members. During the year ending September 1971, 16½ times as many transportation rates and/or routes were quoted as were quoted during the first year of existence. Fifty percent more claims were filed for the period ending September 1971, amounting to five times the amount, or approximately 375,000.

Later a permanent exhibit of manufactured products was inaugurated. The establishment of this department was the outgrowth of a desire to make a collective display of "Chattanooga Made Products", not so much for the purpose of securing direct returns in the way of sales from samples on display, as to demonstrate to our own people, as well as to the outside world, what Chattanooga was accomplishing in an industrial way.

The enterprise was a success from the beginning. The great diversity and the high quality of the articles displayed was a revelation, not only to visitors from abroad, but to our own people as well. This display was confined strictly to products manufactured in Chattanooga, or Chattanooga area. New exhibits were added from time to time, and it became necessary for the Association to erect a duplicate of the original building adjoining it.

This exhibit had a marked effect in stimulating local pride in "home-made" products and it became one of the city's important institutions. As a means of giving publicity and prestige to Chattanooga goods abroad, it has also been of much value.

At the time the Exhibit was in operation, the Association kept a register in the lobby and it has been very interesting to note some of the complimentary comments. Visitors have registered from practically every state in the union and from foreign countries.

MEMBERS, CHATTANOOGA MANUFACTURERS ASSOCIATION AND/OR CHATTANOOGA FREIGHT BUREAU, INC.

A&E Machinery Company, Allied Paper Products, Inc., Alloway Stamping & Machine Co., Inc., Alloy Fabricators, Inc., American Cyanamid Company, American Lava Corporation, American Manufacturing Company, American National Bank, Atlas Paper Box Company, Barry of Chattanooga, Inc.,

Brock & Blevins Company, Inc., Brock Candy Company, Brown Fence Company, CMI Systems, Cavalier Corporation. Central Soya Company, Inc., Chattanooga Armature Works, Chattanooga Bag Company, Chattanooga Bakery, Inc., Chattanooga Boiler & Tank Co.

Chattanooga Coca Cola Bottling Co., Chattanooga Coke and Chemicals Co., Chattanooga Container Corp., Chattanooga Gas Company, Chattanooga Glass Company-Dorsey, Chattanooga Mattress Company, Chattanooga Pharmacal Co., Inc., Chattanooga Sewing and Sales Co., Inc., Chattanooga Warehouse & Cold Storage Company.

Chattem Drug & Chemical Company, Chris-Craft Corporation, Cities Service Company, City Water Company, Cobble-Muse Hosiery Mills, Inc., The Coca Cola Company—Foods Division, Collegedale Distributors, Inc., Combustion Engineering, Inc., Commercial Janitors, Inc.

Concrete Forms Corporation, Consolidated Latex Co., Container Corporation of America, Corley Manufacturing Company, Crane Company, Chattanooga Div., Crystal Springs Textiles, Inc., Cumberland Corporation, Cumberland Machine Co., Inc., Custom Pattern Works, Cutter Laboratories.

Dayton Products Incorporated, Dixie Industries, Inc., Dixie-Portland Flour Mills, Inc., Dixie Sand & Gravel Company, Dixie Yarns, Inc., The Double Cola Company—Div. of Fairmont Foods Company, Duff Brothers, Inc., E. I. Du Pont de Nemours & Co., Inc.

E&B Carpet Mills, Inc., The Eclipse Lookout Company, Electric Power Board of Chattanooga, Electro-Lite Battery Mfg. Co., Eureka Foundry Company., Fabricators, Inc., Farmers Chemical Association, Inc., Flexible Foam Products Division, Grand Sheet Metal Products Co., Foundry Pattern Service, Inc., GAF Corporation.

General Oils Inc., General Shale Products Corp.—Key James Division, Gilman Paint & Varnish Co., W. R. Grace & Company—Davison Chemical Division, Halls Lifetime Toys, Hamilton Concrete Products Co., Inc., Hamilton National Bank, Hammond Industries, Inc., Happy Valley Farms, Inc., R. K. Haskew & Company, Inc.

Heritage Quilts, Inc., Hite Manufacturing Co., Inc., Ernest Holmes Company, Hulsey Concrete Products, Inc., ICI America Inc., Industrial Plating Co., Inc., Industrial Supply Co., Inc., Interstate Textiles Industries, Inc., W. L. Jackson Manufacturing Co., Inc. Lloyd E. Jones Company.

Jorges Carpet Mills, Inc., Kay's Ice Cream, Inc., Kelley Manufacturing Company, Kenyon Southern, Inc., The Kingston Corporation, Koehring Southern, Div., Koehring Company, Lodge Manufacturing Company, Lutex Chemical Corporation, Machine Tool Div. of Noland Co.

Mar-Mode Hosiery Mills, Inc., Mayfield Dairy Farms, Inc., Mechanical Industries, Miller Bros. Company, Mississippi Valley Structural Steel Co., Mitchell Industrial Tire Co., Inc., Moccasin Bushing Company, Modern Maid, Inc., Morningside Chemical Company, Inc., Mueller Company.

McKee Baking Company, Nabors Manufacturing Corp., Nation Hosiery Mills, Inc., North American Royalties, Inc., Norton Company, Olin Conductors, Div. of Olin Mathieson Chemical Corp., Olan Mills Incorporated of Tennessee.

Pepsi Cola-Seven Up Bottling Co., Percy Todd Manufacturing Company, Pioneer Bank, Pittsburg Knitting Mills, Inc., Polaris Industries, Inc., Polysar Latex, Inc., Precision Packaging, Inc., Provident Life & Accident Ins. Co., Quaker Oats Company, Quinco Kitchens.

Randolph Manufacturing Co., Inc., Rapro, Inc., The Red Food Stores, Inc., Rock City Paper Box Corp., Roper Corporation, Chatta. Div., Ross-Meehan Foundries, Rossville Yarn Processing Co. & Asso., Roxbury Southern Mills, Inc., Royal Crown Bottling Company, Royal-Desoto.

Division of Desoto, Inc., Robert Scholze Tannery, Seaboard Allied Milling Corp., Sealtest Foods, Div. of Kraftco Corp., Serodino, Inc., Sherman & Reilly, Inc., Signal Knitting Mills, Signal Mountain Division, General Portland Cement Company, SIMCO Leather Company, Inc.

The Singer Company-Cobble Div., Siskin Steel & Supply Co., Inc., Skyland International Corp., Southeastern Farm Supply, Inc., Southern Champion Tray Company, Southern Products Company, Southern Specialty Paper Co., Inc., Southern Wood Piedmont Company, Sovex Incorporated, Stainless Metal Products, Inc.

Standard-Coosa-Thatcher Co., Standard Iron & Wire Works, Inc., Stanley-Judd Div. of the Stanley Wks., Stardust Cruiser Mfg. Co., D. M. Steward Mfg. Co., Tag Container Company, W. C. Teas Company, Tennessee Finishing & Dyeing Co., Tennessee Metallurgical Corporation, Tennessee Paper Mills, Inc.,

Tuftco Corporation, Tennessee Steel Tank Company, Turnbull Cone Baking Company, United States Stove Company, U.S. Pipe & Foundry Co., Soil Pipe Div., Vance Iron & Steel Company, Velsicol Chemical Corp.—Tensyn Div., Vol-State Chemical Corp., Vulcan Iron Works, Inc., Vulcan Materials Co., Chatta. Div.

MEMBERS CHATTANOOGA FREIGHT BUREAU, ONLY

Benham-Deisher Company, Cleveland Milling Company, East Tennessee Shippers Association, Care of Proffitts, Inc., Engineered Products, Inc., J&J Industries, Inc., Lucey Boiler Company, Master Carpet Corporation.

Professional Gold Company, Radio and Appliance Dist., Inc., Siler Bean Company, Inc., Southern Cellulose Products, Inc., Southern Missionary College, Tennessee Alloys Corporation, Porter Warner Industries, Inc.

SPECIAL ORDER ON ANNIVERSARY OF UKRAINE'S INDEPENDENCE

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1973

Mr. GUDE. Mr. Speaker, I join with my colleagues today in marking the occasion of the 55th anniversary of Ukraine's independence. As a free Nation, we take this opportunity to extend

our support of the Ukrainian people, victims of Russian imperialism since 1920, when forcibly incorporated into the U.S.S.R. We take this occasion as well, to commemorate the 40th anniversary of the famine of 1933 during which 15 million Ukrainians lost their lives.

With deep dismay, we take note here of the current Soviet policy of mass arrests and the repression of cultural, religious, and intellectual expression in Ukraine. But at the same time, we may take heart in the courage and determination of the Ukrainian people not to let up in spirit in their quest for freedom. We honor Ukrainian independence today, and extend our friendship and support to these freedom-loving people.

THREE BROTHERS RECEIVE THEIR EAGLE SCOUT BADGES

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 1973

Mr. EDWARDS of California. Mr. Speaker, I would like to take this occasion to honor three extraordinary young men, R. Case Runolfson, Robert Runolfson, and Randall Runolfson, 4692 Boone Drive, Fremont, Calif.

In December of 1972, these three young men achieved the rank of Eagle Scout. It is quite an accomplishment for any young man to reach the rank of Eagle Scout, but for three brothers to achieve this goal at the same time is clearly an indication of character.

The rank of Eagle Scout is not easily reached. It requires a great deal of time, effort, and perseverance. These three Scouts were awarded their Eagle Badges in a Court of Honor held on Friday, December 8, 1972, in Fremont, Calif.

Not only do these boys deserve special recognition, but it is truly a tribute to their parents, Mr. and Mrs. Ralph Runolfson, and their scoutmaster, Mr. Jerry Nelson, who have given them support, guidance, and encouragement in their efforts to gain this most coveted award.

HOUSE OF REPRESENTATIVES—*Tuesday, January 30, 1973*

The House met at 12 o'clock noon.

Rev. O. H. Bertram, Good Shepherd Lutheran Church, Toledo, Ohio, offered the following prayer:

Gracious Lord, Heavenly Father, there are times in our lives when we are not able to match the challenge and the problems that confront us with our own strength and mentality. In moments such as these we come to You, seeking guidance and assurance of Your counsel. We ask that You might grant to the Members of Congress direction for the great responsibilities in guiding our national affairs. There is always the danger that we may speak without thinking and make decisions without Your guidance. May all the discussions and decisions made in these hallowed walls reflect Your will.

We thank You for the peace which has been established. We are grateful for having guided our President, his representatives, and the Members of Congress in this longed-for achievement. May we ever seek to please You in order that we might be spared further conflict, not incurring Your wrath but Your favor. We ask this through Jesus Christ, our Savior. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

NATIONAL FLOOD INSURANCE PROGRAM

Mr. PATMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate joint resolution (S.J. Res. 26) to amend section 1319 of the Housing and Urban Development Act of 1968 to increase the limitation on the face amount of flood insurance coverage authorized to be outstanding.

The Clerk read the title of the Senate joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Mr. Speaker, reserving the right to object, would the gentleman from Texas give us a little more detail as to what is proposed to be done?

Mr. PATMAN. Mr. Speaker, I would be delighted to if the gentleman will yield?

Mr. GROSS. I yield to the gentleman from Texas for that purpose.

(Mr. PATMAN asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. PATMAN. Mr. Speaker, I rise in support of Senate Joint Resolution 26, a resolution which would increase the aggregate limitation on flood insurance in force under the National Flood Insurance Act of 1968. It is extremely important that this resolution be taken up and passed immediately if any additional flood insurance is to be made available to the American public. I am informed by the Federal Insurance Administration that no new flood insurance policies will be available for purchase by the end of this week unless this resolution is passed to increase the amount of flood insurance available for purchase from $2.5 to $4 billion.

The flood insurance program was originally conceived as an experimental program. It was designed through the cooperative efforts of the best available technicians and experts within the Federal Establishment and the far-sighted segments of the private property insurance industry. Long years of study and analysis went into the preparation of the original Flood Insurance Act, but no one could be sure at the outset whether the program was really workable.

No one could predict the rate at which the program would take hold; no one could estimate the overall amount of insurance coverage which might be demanded. For this reason, we established an "initial program limitation"—the words of the statute—of $2.5 billion in order that we might see how the program developed and what it required.

The strong upsurge in interest in flood insurance has been phenomenal in recent months. Ordinarily, sales of flood insurance policies are low in the winter months; there is no immediate threat of flooding or of hurricanes. This year, the usual trend has been reversed; flood insurance policies are increasing at the rate of $200 million a month and show every indication of continuing at that rate or a greater one.

The increase from $2.5 billion to $4 billion which would be provided in the pending resolution should be sufficient to carry the program at least through the end of the current fiscal year on June 30. The increase is needed to permit the program to continue operations without disruption of the relationships between the Government, the National Flood Insurers Association, local property insurance agents and brokers, and prospective purchasers.

It is my understanding that the administration will be submitting a greatly expanded Federal flood insurance program shortly. It is the intention of the Committee on Banking and Currency to take up these recommendations and act to provide the greatly expanded flood insurance program for the public.

Mr. Speaker, under consent I have obtained I include here additional material on the Federal flood insurance program.

NATIONAL FLOOD INSURANCE PROGRAM

FEDERAL FINANCIAL INVOLVEMENT

The Federal Government provides financial assistance to the National Flood Insurance Program in two principal ways: (a) through appropriations for the expenses of conducting studies and surveys of flood-prone areas to delineate the areas having special flood hazards to determine the degree of risk and to pay HUD's administrative expenses; and (b) through premium-equalization payments which refund a portion of flood insurance losses and expenses to the flood insurance pool organized by the 100-member National Flood Insurers Association in proportion to the share of risk assumed by the Federal Government in establishing a chargeable rate for the insurance which is lower than the full-cost actuarial rate would be. There is also a catastrophe reinsurance agreement with the reinsurance pool for which an actuarial reinsurance premium is charged and which may be called upon in years of extremely high losses. (No payments have been required under the reinsurance agreement).

From inception of the program through September 30, 1972, a total of $24,017,000 has been appropriated (net of unobligated funds returned to the Treasury in earlier years), of which $20,930,000 has been used for studies and surveys of flood-prone areas and $3,087,000 for HUD's administrative expenses.

A total of $6,676,000 has been borrowed from the Treasury to make premium-equalization payments in recognition of reduced chargeable rates for flood insurance coverage which are available to over 140,000 policyholders in 1,430 communities which have met land-used requirements for participation in the program.

All net proceeds from the insurance program over and above the statutorily authorized operating allowance (limited to 5% of policyholder premiums in any year) to the insurance companies which participate in the flood insurance pool are returned to the Treasury to be held for losses and expenses in future years. To date, funds returned to the Treasury or accrued to be held for future years aggregate $1,160,000.

The National Flood Insurance Act of 1968 places an initial overall limitation on the program of $2.5 billion of flood insurance in force and outstanding at any one time. Largely as a result of increased sales of flood insurance following Tropical Storm Agnes in late June, the amount of insurance in force has increased at an average of about $175 million per month since September 1, 1972. Actuarial computations indicate that the present authorization of $2.5 billion may be exhausted within the next few days.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, FEDERAL INSURANCE ADMINISTRATION—NATIONAL FLOOD INSURANCE PROGRAM: CONSOLIDATED CUMULATIVE STATEMENT OF SOURCES AND APPLICATION OF FUNDS, AUG. 1, 1968–SEPT. 30, 1972

[In thousands]

	Amount
SOURCES OF FUNDS	
1. Insurance premiums paid by policyholders	$16,380
2. Appropriations from U.S. Treasury (net):	
(a) For studies of flood-prone areas to delineate flood-hazard areas and to establish actuarial premium rates	20,930
(b) For Federal administrative expenses	3,087
Total	24,017
3. Borrowings from Treasury	6,676
4. Income from investment of insurance reserves	499
Total, sources of funds	47,572
APPLICATION OF FUNDS	
1. Payment of flood losses:	
(a) Loss payments	6,817
(b) Expenses of claim adjustment	787
Total	7,604
2. Expenses of selling and maintaining policies:	
(a) Agents' commissions	$2,569
(b) Servicing company expenses	3,665
(c) Related costs (State premium taxes)	269
Total	6,503
3. Insurance reserves:	
(a) Unpaid incurred losses and claims	3,415
(b) Unearned premium reserves	3,607
Total	7,022
4. Federal studies of flood-prone areas:	
(a) Completed studies	7,358
(b) Studies in process	5,779
(c) Funds available for studies	7,793
Total	20,930
5. Federal administrative expenses	3,087
6. Interest on Treasury borrowings	189
7. Operating allowances (profit) to NFIA	43
8. Reserves for future payments	2,194
Total, application of funds	47,572

INCREASE IN AGGREGATE LIMITATION

Section 1319 of the Natitonal Flood Insurance Act of 1968, entitled "Initial Program Limitation" provides that the face amount of flood insurance coverage outstanding and in force at any one time shall not exceed $2,500,000,000.

Reports from the National Flood Insurers Association, which administers the program under contract with the Federal Insurance Administration of HUD, show total insurance in force over the past seven months as:

[In millions]

June 30	$1,535
July 31	1,548
August 31	1,617
September 30	1,736
October 31	1,973
November 30	2,123
December 31 (estimate)	2,318

The slowing-down of policy sales during the winter months which usually occurs does not appear to have taken place this year. As recently as January 10, it was assumed that the present limitation would be adequate for operations well into February because of the anticipated seasonal slow-down.

The rate of increase over recent months has increased to approximately $200 million per month. The figure of $2.5 billion will accordingly be reached within the next few days.

The present law and the existing agreement with the NFIA requires that policy sales cease in order to avoid exceeding the statutory limitation. Unless Congressional action to increase the limitation of $2.5 billion is taken within the next few days, there will be no choice but to suspend the program.

The remarkable increase in the rate of flood insurance policy sales can be substantially attributed to public interest and concern following the devastating flood resulting from Hurricane Agnes last June, from a reduction in the price of flood insurance coverage initiated at about the same time, and from the increasing interest of banks and mortgage lending institutions in securing this flood insurance protection for properties upon which they place mortgages. As of January 1, it is a requirement that all FHA-insured mortgage loans on properties located in flood-prone areas carry Federal flood insurance; the Veterans Administration is expected to follow suit shortly.

Although the increase in interest in the flood insurance program has been largely concentrated in Eastern states because of the connection with Hurricane Agnes, substantial increases in participating communities and policies in force are seen in other areas: in Missouri, number of communities increased 118 percent between June and December and policies in force by 142 percent; in Illinois, communities are up 230 percent and policies up 278 percent; in Michigan, communities are up 350 percent and policies up 242 percent. (A table showing increases in each State will be available on Monday.) Nationwide, the increases are 120 percent for eligible communities and 131 percent in policies in force.

Since the National Flood Insurers Association writes flood insurance policies through a network of "servicing carriers" (generally one for each State) who in turn accept applications for flood insurance from all licensed property insurance agents and brokers, the disruption which would be caused by a stop order will be considerable, and the process of re-instituting the program correspondingly difficult.

EXHIBIT 7

RECORD BY MONTH

(December 15, 1972)

	Number of communities	Number of policies	Coverage (thousands)
January 1970	4	16	392.9
February 1970	6	50	1,181.9
March 1970	13	106	2,328.0
April 1970	23	666	11,846.8
May 1970	59	1980	29,088.3
June 1970	158	5,177	83,246.3
July 1970	199	13,646	217,351.3
August 1970	231	24,290	388,211.0
September 1970	288	39,545	640,726.1
October 1970	328	49,949	802,489.6
November 1970	365	52,333	840,926.7
December 1970	401	54,313	874,219.9
January 1971	434	56,401	901,512.0
February 1971	452	58,679	938,913.0
March 1971	511	62,050	988,315.0
April 1971	585	66,769	1,060,666.0
May 1971	618	72,135	1,134,934.0
June 1971	637	75,864	1,194,569.0
July 1971	664	73,697	1,167,581.0
August 1971	686	72,104	1,144,216.0
September 1971	711	72,982	1,160,834.0
October 1971	766	83,078	1,329,292.0
November 1971	824	86,240	1,380,683.0
December 1971	918	86,980	1,391,810.0
January 1972	971	88,484	1,414,840.0
February 1972	1,014	89,062	1,422,629.0
March 1972	1,098	89,285	1,425,126.0
April 1972	1,101	89,760	1,437,932.0
May 1972	1,134	92,590	1,484,621.0
June 1972	1,174	95,123	1,535,105.0
July 1972	1,192	94,617	1,548,109.0
August 1972	1,227	96,741	1,617,253.0
September 1972	1,267	102,245	1,736,429.0
October 1972	1,330	115,701	1,973,080.0
November 1972	1,372	125,007	2,122,903.0
December 1972 (1/10 est.)	1,430	136,686	2,317,942.0

An immediate increase in the over-all limitation on the National flood insurance is sorely needed at this time. I am informed by the Federal Insurance Administrator that the total amount of flood insurance in force has almost reached the present limitation of $2.5 billion established by the Flood Insurance Act, and that the program must be suspended within the next few days unless action is forthcoming by the Congress.

I am sure there are many in this body who share my opinion that financial protection against the damages wrought by floods is a prime necessity for many property owners. All of us are familiar with heartrending accounts of individuals who have scrimped and saved over the years in order to have a home or a business they can call their own, only to see those years of labor and dedication swept away overnight in a disastrous flood. Federal relief after a disaster, although welcome, can never substitute for the repayment of losses that is available through flood insurance. Disaster relief, even at its most generous, cannot begin to repay the tremendous physical and psychological losses which unfortunate flood victims suffer every year.

The bill before us would increase the aggregate limitation on the amount of insurance in force at any one time from $2.5 billion to $4.0 billion. I am assured that this increase has the approval of the President and the Office of Management and Budget; indeed, this is the same increase which would have been provided had last year's Housing bill become law.

Sales of new flood insurance policies have been increasing steadily week by week and month by month ever since the ravages dealt by Hurricane Agnes last June. During the month of December 1972, over $200 million of flood insurance was placed on the books; the rate of increase in total policies has continued at almost $4.5 million a day during January. Unless the Congress takes prompt action, the National Flood Insurers Association will have to act to cease all policy sales, causing untold disruption and inconvenience.

I call for prompt action by this body to pass the pending bill and thus permit the continuation of the flood insurance effort.

The National Flood Insurance Program was first provided for by the Housing and Urban Development Act of 1968. Many members of this body were instrumental in the design and development of this legislation and have watched with justifiable pride as this fledgling program grew. The success of the flood insurance program—by no means assured, when we enacted the original legislation—has been such that an increase in the over-all size of the program is now justified and is now vital to the continuation of the program.

When we established the program in 1968, it represented a new and untried venture involving concepts of insurance and actuarial science, concepts of government-private organizational cooperation, concepts of local responsibility and Federal encouragement that were frankly untried and experimental. In that light, the Congress wisely placed an overall limitation upon the amount of insurance which could be in force and outstanding at any one time. The program really didn't get started until June of 1969, when the first communities were made eligible for coverage and the first policies sold. In the three and one-half years since, the program has expanded; improvements have been made; greater and greater numbers of communities have become eligible; and flood insurance policy sales have increased accordingly.

The total amount of flood insurance in force reached over $2.3 billion at the end of December. This record of accomplishment and of insurance protection for property owners exposed to flood losses is far beyond the expectations of those of us who assisted at the birth of this program.

I rise to add my strong endorsement to the pending bill to increase the aggregate limitation on flood insurance in force under the National Flood Insurance Act of 1968.

The flood insurance program was originally conceived as an experimental program. It was designed through the cooperative efforts of the best available technicians and experts within the Federal establishment and the far-sighted segments of the private property insurance industry. Long years of study and analysis went into the preparation of the original Flood Insurance Act, but no one could be sure at the outset whether the program was really workable. No one could predict the rate at which the program would take hold; no one could estimate the overall amount of insurance coverage which might be demanded. For this reason, we established an "initial program limitation" (the words of the statute) of $2.5 billion in order that we might see how the program developed and what it required.

The strong upsurge in interest in flood insurance has been phenomenal in recent months. Ordinarily, sales of flood insurance policies are low in the Winter months; there is no immediate threat of flooding or of hurricanes. This year, the usual trend has been reversed; flood insurance policies are increasing at the rate of $200 million a month and show every indication of continuing at that rate or a greater one.

The increase from $2.5 billion to $4.0 billion which would be provided in the pending resolution should be sufficient to carry the program at least through the end of the current fiscal year on June 30. The increase is needed to permit the program to continue operations without disruption of the relationships between the Government, the National Flood Insurers Association, local property insurance agents and brokers, and prospective purchasers.

Mr. Speaker, is that sufficient reply to the gentleman from Iowa (Mr. GROSS)?

Mr. GROSS. Mr. Speaker, did the gentleman say $1 billion?

Mr. PATMAN. It would be from $2.5 billion, which is the present limitation, to increase that insurance coverage to $4 billion.

Mr. GROSS. To $4 billion?

Mr. PATMAN. Yes.

Mr. GROSS. Does this have the sanction of the Bureau of the Budget?

Mr. PATMAN. Yes. I have a letter here from the Executive Office of the President, Office of Management and Budget which I include at this point in the RECORD:

OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., January 19, 1973.

Hon. GEORGE ROMNEY,
Secretary of Housing and Urban Development, Washington. D.C.

DEAR MR. SECRETARY: This is in response to your letter of January 18, 1973, proposing an increase in the statutory limitation on the amount of insurance in force under the National Flood Insurance program from $2.5 billion to $4 billion.

This is to advise you that there is no objection to your submitting this proposal to the Congress, and its enactment would be consistent with the Administration's objectives.

Sincerely,
WILFRED H. ROMMEL,
Assistant Director for Legislative Reference.

Mr. GROSS. Mr. Speaker, I appreciate the explanation of the gentleman from Texas.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. WIDNALL. Mr. Speaker, further reserving the right to object, I urge the House to adopt Senate Joint Resolution 26 increasing the limitation on the amount of flood insurance coverage authorized to be outstanding.

It is essential that this limitation be raised at this time in order to meet the growing demand for flood insurance coverage. The damage caused by Hurricane Agnes has brought to the public's attention the vital need for broad participation in the flood insurance program.

This growing use and acceptance of the flood insurance program will strengthen the program by broadening its base and minimizing the risk of flood damage in those communities that are participating through improved land use controls.

I look forward to the continued success of this program and urge the House's support.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate joint resolution as follows:

S.J. RES. 26

Joint resolution to amend section 1319 of the Housing and Urban Development Act of 1968 to increase the limitation on the face amount of flood insurance coverage authorized to be outstanding

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1319 of the Housing and Urban Development Act of 1968 is amended by striking out "$2,500,000,000" and inserting in lieu thereof "$4,000,000,000".

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

UNKNOWN SOLDIER—VIETNAM

(Mr. LONG of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. LONG of Maryland. Mr. Speaker, today I am introducing legislation to direct the Secretary of Defense to select and return to the United States the remains of an unknown serviceman killed in Vietnam who will be buried in the Memorial Amphitheater at Arlington National Cemetery near the Unknown Soldiers of World Wars I and II and the Korean conflict. My bill would create a monument to all those American fighting men who are "missing in action" and those whose remains cannot be identified.

It is especially important to honor the unknown soldiers of this war. Never has a war been less popular with Americans, and never have the servicemen who fought for their country received so little support from their fellow citizens. Hundreds of thousands of veterans have returned with physical and emotional scars, often getting no thanks and some scorn from other Americans.

Whatever the justifications for, whatever the arguments against this war, one fact remains clear—over 45,000 American men made the supreme sacrifice for their country when they lost their lives in combat. Over 1,200 more Americans are missing. One of the hardest facts for a relative to live with is the knowledge that a soldier's body may never be found. The memorial to these men would cost very little. The crypts for the Unknown Soldiers of World War II and Korea cost only $18,000 each. Although costs have risen over the last 15 years, the expense will be a small price to pay compared to the vast amounts we have spent on this war.

I hope we can all join together—those who supported U.S. involvement and those who opposed it—to support this legislation as an expression of our appreciation for the sacrifices these men made.

WEEKLY EDITOR CARR SETTLE, GREAT JOURNALIST

(Mr. FUQUA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FUQUA. Mr. Speaker, no story of weekly journalism should ever be written without the name of Carr Settle.

To me, this gentle and good man typified everything good that can be said about this proud profession.

To Carr Settle, the publication of a weekly newspaper was more than just a means to a livelihood, it was an adventure in service and dedication. Few men have published weekly newspapers that were the equal of those he edited.

Publishing a weekly paper is a rather specialized profession, particularly in the days when Carr was most active. In those days it was a period of linotype metal, handset headlines, with words like cuts and stereotypes meaning a rather bulky piece of metal and/or wood to be fitted with precision into a steel chase.

Carr was a master workman.

He had pride in what he was doing. No newspaper he put out was thrown together, it had planning. He had courage and a fierce determination to make those communities where he lived a better place.

No man I have ever known lived up to that precept better.

It is not necessary for my purposes here to recount the numerous civic offices he held in Moore Haven and in Monticello. Suffice it to say that where a good citizen would have done his job by walking a hundred yards, Carr walked a mile.

I first met him when I ran for Congress 10 years ago. He had purchased the Monticello News in Monticello, Fla., by this time. Carr had been the editor of the Glades County Democrat and the Clewiston News prior to this time, beginning a legend in Florida journalism in south Florida before moving to a city in what was to be my congressional district.

I learned to respect this man when I had the opportunity to visit him at the newspaper. If time had permitted more visits I would have been the wiser in my own service, for Carr had a way of reducing things to the essentials.

He served as president of the Florida Press Association from 1954 to 1955 and those who know him have told me he was about the best loved man ever to hold that office. He served so many years on the board that it is hard to recount.

I remember when my administrative assistant served with Carr on that board and together they made and seconded the motions to combine the two press associations in Florida at that time, the dailies and the weeklies. Carr was a man of vision and whatever success the Florida Press Association ever achieves, Carr Settle will have to be given a tremendous share of the credit.

He married Florence Lou Flowers on April 3, 1932, and I have few friends who are as well mated. Theirs has been a wonderful life and Flo has made all that he tried to do worthwhile.

She is a brave and courageous lady in her own right. Those of us who know them, know that his marriage was Carr's greatest accomplishment.

They have been blessed with three children. They are Mrs. Fred Koonce of Baton Rouge, La., Mrs. Louis Getch, and Mrs. John Barrow of Monticello.

Five grandchildren have some proud grandparents.

Carr Settle is my friend.

I treasure that friendship and in my own way I wanted to pay tribute to him for what he has done for others.

They are never going to be able to write a book about great weekly journalists without a chapter on Carr.

For all those who had the opportunity to call him friend, we were richly rewarded and blessed.

REQUIRING CONGRESSIONAL AUTHORIZATION FOR THE REINVOLVEMENT OF AMERICAN FORCES IN FURTHER HOSTILITIES IN INDOCHINA

(Mr. EVANS of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. EVANS of Colorado. Mr. Speaker, I rise for the purpose of introducing a bill requiring prior congressional authorization for the reinvolvement of American forces in further hostilities in Indochina. This is a companion bill to S. 578, introduced in the Senate by Senators FRANK CHURCH of Idaho and CLIFFORD CASE of New Jersey.

This bill welcomes the cease-fire agreement recently signed by North Vietnam, South Vietnam, the Provisional Revolutionary Government—Vietcong—and the United States. It further states that no U.S. Government funds may be used to finance the reinvolvement of U.S. military forces in hostilities in, over, or from the shores of North or South Vietnam, Laos, or Cambodia, without prior, specific congressional approval. The bill will take effect following the 60-day period during which U.S. military forces will be removed, U.S. prisoners returned, and U.S. missing in action accounted for.

Mr. Speaker, the clear implication of the administration's announcement of a cease-fire was that American military involvement in this tragic war was over. President Nixon, in his nationwide address on Tuesday, January 23, referred to the agreement as one "to end the war and bring peace with honor to Vietnam and Southeast Asia." It seems to me that the American people can reasonably expect to be able to look forward to a complete end to American military involvement in Laos and Cambodia as well as North and South Vietnam. President Nixon has now won two successive elections on a pledge to end the war. This legislation would serve notice to all concerned that the Congress of the United States intends to help the President of the United States to keep that pledge.

With the signing of the agreement comes an end to any possible legal justification for the continuation of American military involvement in Indochina. The repeal of the Tonkin Gulf resolution left the President with only the vague power to protect American troops, but now that we are planning to effectuate their withdrawal from that area of the world, there is no further legal basis for the firing of one more rifle or the dropping of one more bomb. This war has taxed severely the credibility of the American constitutional system, whereby only Congress can declare war and whereby the Senate must pass on all treaties. This has not been a partisan matter, for both Democratic and Republican administrations have stretched the Constitution almost beyond shape in attempting to carry on a war without proper congressional approval. The reason our Founding Fathers included these constitutional requirements was not for window dressing and is not outmoded today; rather, the American experience in Indochina is a textbook example of the need to receive the approval of the popular branch of government before committing American forces to war.

Mr. Speaker, I am troubled by two recent newspaper reports in the Washington Evening Star and News. One quotes a South Vietnamese official as stating that the U.S. Government, meaning the executive, has given official and private assurances that the United States will intervene immediately if there are substantial cease-fire violations. The second shows that American bombers have continued bombing missions over Laos and Cambodia after the signing of the cease-fire agreement. Both these reports cause me deep apprehension, for both indicate the possibility that the war, in fact, is not over for the United States.

The American people are sick and tired of our involvement in Indochina, and well they may be. For a policy that was, at the very least, wildly misconceived, we Americans have paid dearly, both in lives and in money—56,237 killed through January 20, 1973; 303,622 wounded; and over $136 billion expended since 1950. And of course this does not begin to account for the pain, suffering, and discord this war has caused in this country and in the troubled nations of Indochina.

The American people want their sons home, and to stay. They reject the idea of further U.S. involvement. The recent Gallup poll, taken 2 days after President Nixon announced the cease-fire agreement, shows that, by a margin of 6 to 1, the American people oppose the sending of U.S. troops back to South Vietnam, even if, in the words of the survey, "North Vietnam does try to take over South Vietnam again." I sincerely hope that they can look to President Nixon for an effectuation of their desires. But as their representatives, we cannot also fail to pay heed to these desires. Nor can we be unmindful of the long, tortured history of the past decade, when countless promises of a quick end to our involvement have yielded little else but bitterness and regrets.

Accordingly, I introduce this bill to prevent the reincarnation of the American involvement in the Indochina war. Any further involvement will mean a new war, requiring prior congressional approval. At that point the constitutional system will allow the representatives of the people to express the popular will once and for all.

OUR MUTUAL COMMITMENTS TO CULEBRA

The SPEAKER. Under a previous order of the House, the gentleman from Puerto Rico (Mr. BENITEZ) is recognized for 1 hour.

Mr. BENITEZ. Mr. Speaker—

En el nombre del Padre que fizo toda cosa
Y en el de don Jesucristo, hijo de la Fermosa
Y del Espíritu Santo, que igual que ellos posa
Sobre un varón santo quiero hacer una prosa.

Mr. Speaker, I have addressed this distinguished Chamber in Spanish, as my first words on the floor of this House, to symbolize my deep feelings on this occasion. "The heart has its reasons which reason know nothing of" and I am addressing your hearts from my own.

The nature of the Puerto Rican society, its complexities, loyalties, contributions as well as its problems and tribulations can be appreciated best by identifying its crucial values. As was written 20 centuries ago, in a deeply religious and human sense, in the beginning was the Word. Fifteen centuries later, this hemisphere was discovered as part of a great Spanish quest. The Word was made flesh for us in Puerto Rico and for millions of other Americans throughout the New World in Spanish. Spanish continues to be the normal mode of expression in the Commonwealth of Puerto Rico and, God willing, it will remain so to the end of time.

I could not be truer to myself, Mr. Speaker, nor to the community for which I speak nor pay a higher historical tribute to this illustrious body than to open with an invocation in the language of discovery, of unity, and of Christianity.

I am proud to be here as the elected representative of the people of Puerto Rico, and I am deeply grateful to all of you, Mr. Speaker, for the unfailing help and courtesy which I have been accorded.

The fact that I am here today shows, in part, the wholehearted commitment of the people of Puerto Rico to the principles of representative democracy. I was chosen in a free, open election, last November, in which 85 percent of the total electorate of Puerto Rico—1,260,000 people—participated. Our party, the Popular Democratic Party, received more than 54 percent of the votes cast, defeated the ruling party, regained both houses of the legislature, and won all but six of the 78 municipalities.

I mention these facts not out of any sense of partisanship but to underscore the depth and vitality of Puerto Rico's commitment to the democratic process. The preamble of the constitution of our Commonwealth declares that:

> The democratic system is fundamental to the life of the Puerto Rican Community.

I am happy to add that our present relationship rests upon the basic principle of self-determination. I wish to read further from that preamble, written 22 years ago:

> We consider as determining factors in our life our citizenship of the United States of America and our aspiration continually to enrich our democratic heritage in the individual and collective enjoyment of its rights and privileges; our loyalty to the principles of the Federal Constitution; the coexistence in Puerto Rico of the two great cultures of the American Hemisphere; our fervor for education; our faith in justice; our devotion to the courageous, industrious, and peaceful way of life; our fidelity to individual human values above and beyond social position, racial differences, and economic interests; and our hope for a better world based on these principles.

Our democracy has roots that are deep in our history, and which have gained strength and vigor from the cross-fertilization of our institutions with those of the United States. For this, we are profoundly grateful.

I would be remiss if I failed to point out the sadness of the people of Puerto Rico on the deaths of the two great Presidents, Harry S Truman and Lyndon B. Johnson, whose departure we have mourned together in these last weeks. We also share relief and hopeful thanks for the cease-fire agreement recently achieved. Vietnam has been a seemingly endless and agonizing conflict. We are also grateful for the end of compulsory military service during peacetime.

These are historymaking events. It is with a sense of awe that we stand before an unwritten new page, sobered by the experiences of the past, saddened by the losses suffered, hopefully wiser as we face the future, firmly resolved to improve upon the present.

May I translate now, for the record, my Spanish words:

In the name of the Father from whence all blessings come
And of our Lord Jesus, his most beloved Son
And of the Holy Ghost, for together they stand
I shall address you briefly about a saintly man.

The saintly man of the original reference was St. Dominic, the founder of the devotion of the Rosary. Seven hundred years after Gonzalo de Berceo I have used his invocation to honor another saintly man of our times and land, Roberto Clemente. He was a baseball player, known and admired in San Juan and in Pittsburgh, a symbol of excellence in the world of sports. But rather than for his achievements in the ball park we revere him today for his own full measure of devotion to humanity.

His death came as a shock to all Puerto Ricans, for all were aware of his mission of love, had contributed to it, and shared in the goodwill for which it stood. The shock was specially intense because our people identified with Clemente's project their own traditional virtues of kindness, generosity, personal rapport with one's fellow men in sorrow and misfortune. When Clemente forgoes his home, his wife and children, the festivities of New Year's Eve to assist the victims of an earthquake in Managua, he is simply embodying in a heroic manner, our own basic sense of human solidarity with the needy and the destitute.

A black, a Puerto Rican, a minority member several times over, Clemente could have been resentful and hostile. But he chose to be self-denying, magnanimous and brave. Had he chosen the first road to self-expression we would have understood; for his choice of the second we take pride in him.

As the year was about to begin, Clemente's life ended, his body and those of his four companions lost forever in the mysteries of the sea around us, in a selfless effort to aid and assist suffering fellow men in Nicaragua.

It was a tragedy that helped all of us to reflect on the higher purposes of life and brought us nearer suffering mankind. In deaths such as that of Roberto Clemente all of us are ennobled and united not only as citizens, but more profoundly as human beings.

I have said, Mr. Speaker, that we in Puerto Rico believe above all else in human values. The United States, which we know and which we cherish, was the first Nation in the world to make those values the keystone of its own existence:

> We hold these truths to be self-evident, that all men are created equal, that they are all endowed by their Creator with certain inalienable rights, that among these are life, liberty and the pursuit of happiness. That to secure these rights governments are instituted among men. . . .

We have memorized these immortal words and taken them to heart. To our great distress these truths are deeply involved and challenged in a present and incredible conflict between the 700 inhabitants of the tiny Puerto Rican municipality of Culebra who wish to live and work in peace and the determination of the Navy of the United States to continue to use the offshore island for target practice for years and years to come long beyond all foreseeable future.

For many years, under various Governors, Puerto Rico has sought to persuade the United States to stop this senseless, inhumane target practice. Culebra is a tiny island. I have walked its perimeter—all the way around—in a few hours. It has one of the most beautiful beaches in the world, precisely where shooting is going on at this moment. People have lived in Culebra from time beyond memory. Seven hundred people—men, women, and children—try to go about their daily lives. Children go to school. They go to church. They pray. They vote. They suffer; they rejoice; they are sick; they are well; they marry; and they, like all other human beings, love their homes and their country. And almost daily the fierce, deafening impact of destruction rains from American war ships upon their little island, bringing fear to their hearts and destroying any hopes that they have of peace and tranquility and a normal life for themselves and their children.

The people of Puerto Rico are deeply loyal to our common values. We share the common defense. In every war in this century, Puerto Ricans have shed their blood along with their fellow citizens from the various States. We are subject to selective service. We have large numbers of volunteers. We accommodate large and important military establishments of the United States, occupying priceless acreage in our overcrowded island. We have been proud to participate, to be of help to the Union of which we are a part.

And so, the governments of Puerto Rico sought for many years to reach an understanding with the Navy which would free Culebra and its people from the incredible terrors of being an area for naval target practice. We have sought to avoid forcing the issue, despite the increasing appeals of the people of Culebra and the bewildered demands of the people of the balance of Puerto Rico.

It was our hope that the problem could be worked out quietly, by agreement, so as to avoid any real difficulties for the Navy, and to avoid the possibility that the situation might become an international issue which the Communist nations might use as ammunition in their never-ending criticism of the United States and its relationship with Puerto Rico.

Finally—or so we thought—and understanding was reached. On January 11, 1971, the Defense Department and the government of the Commonwealth of Puerto Rico entered into a written agreement. On April 1, 1971, the Defense Department transmitted to the Congress a report stating that all Navy Operations would be transferred away from Culebra by June 1975 and that the Secretary would announce by the end of 1972 where these operations would be transferred. This was confirmed to Governor Ferré of Puerto Rico by a communication from the Secretary of Defense on two occasions, the latest being November 4, 1972, two days before the election in which Governor Ferré was a candidate for reelection, an unsuccessful candidate as it turned out.

Then, to our amazement, despite these commitments, on December 26, 1972, Secretary of Defense Melvin Laird announced that he was recommending to Congress that the Navy retain its training in the Culebra complex for the indefinite future and at least through 1985. In doing so, the Secretary of Defense changed radically and without justification his own explicit public statement and the definite promises and program outlined to the Congress in the Defense Department's report of April 1, 1971.

Mr. Speaker, I cannot adequately convey to you and the Members of this House the consternation and dismay that exist in Puerto Rico at this incredible turn of events. The people of Puerto Rico, under the wise and restrained leadership of successive Governors of the Commonwealth, had been patient and forbearing. They had received with relief and gratification the news that an agreement for withdrawal had been reached, even though withdrawal was not to be completed for several years. The shocking news of the reversal of position by the United States came with an impact as shattering as the shells that continue to fall on Culebra.

Mr. Speaker, in our joint history, there have been few, if any, instances of broken promises or commitments made and then withdrawn.

We cannot, we must not, allow this breach to continue. We cannot permit it, in the interests of both Puerto Rico and the United States. We must keep faith with the people of Culebra and of Puerto Rico. We cannot continue to allow the Navy to use this area, inhabited by citizens of Puerto Rico and the United States, as a target area forever. We cannot say to the world that the United States places the value of guns and training in the art of obliterating human life above the values of humanity and human life.

I wish to express my profound thanks to the many members of Congress who have joined the Puerto Rican community in its request for compliance with the previous agreement. Senator Howard Baker has introduced a bill to require such compliance, and Senator Humphrey is joining him. I have introduced today an identical bill in the House of Representatives. It is an example of restraint, patience and brevity. I shall read it:

> Be it enacted . . . That the Department of the Navy is directed to terminate all weapons range activities on the island of Culebra and within three nautical miles thereof not later than July 1, 1975. No funds appropriated by the Congress may be expended for the conduct of such activities after July 1, 1975.

I hope that the Congress will act speedily on these bills as tangible demonstration to all that the United States respects and defends the integrity of this small community; by so doing to its own self the United States is true.

I am ready now, to entertain questions.

Mr. STRATTON. Mr. Speaker, would the gentleman yield to me?

Mr. BENITEZ. I yield to the gentleman from New York.

Mr. STRATTON. Mr. Speaker, I followed with interest the gentleman's remarks, having seen the notice he sent out with regard to this order that he had. I should like to say to him that as a member of the Committee on Armed Services, and for many years a member of the Real Estate Subcommittee, I am very familiar with the problem of Culebra to which he refers.

As a matter of fact, our committee several years ago, under the chairmanship of the gentleman from Florida (Mr. Bennett) made a detailed study of the Culebran situation. We took certain action which required a very substantial adjustment in the kind of activity that was going on at Culebra, in making available to the people of Culebra virtually all of the island, with a relatively small exception. It was our understanding, as it was the gentleman's understanding, that there would be an announcement made this year, or I guess it was at the end of last year in December, as to where this new manmade island would be constructed for use by the Navy in place of the Culebra firing range.

Nobody has given to our committee any information on why the Department of Defense was not able or decided not to honor its agreement, as the gentleman has said; but presumably it was that a manmade island, which would really be effective in training our naval pilots and gunners, just did not work out. I do not know. Our committee, I think, ought to get this information.

However, I think the gentleman, while I can understand that this is a very emotional issue in Puerto Rico, ought to recognize that this House and this Congress and our committee have all in fact attempted to accomplish the kind of thing that he and the Government of Puerto Rico have been seeking to accomplish. Perhaps rather than trying to inflame the situation we ought to make a serious attempt to see what can be done, because I think it is in the gentleman's interest—certainly it is to Puerto Rico's interest—that we maintain a strong Navy, especially with the growth of Soviet naval and submarine activity in Cuba and the Caribbean.

As a matter of fact, with the termination of the war in Vietnam, all of the indications are that our military power in the future is going to be naval power primarily, rather than land power. I do not think that anybody wants to say that our Navy cannot practice, because if it cannot practice somewhere then we are not going to have a very good Navy.

Although the stories with respect to Culebra have sometimes sounded rather heart rending in the press, the fact of the matter is that with the arrangements under which we have been working over the past couple of years, following the action of the Armed Services Committee of the House and the Armed Services Committee in the other body, we have eliminated the rather dangerous kind of activity that existed in the past.

I wonder if the gentleman could not perhaps comment on that point, because it does seem to me we are trying to work toward the same end.

Culebra is occupied by a very small number of people after all, and the idea that the Navy is out shooting at individual citizens just is not true. In fact there was some information presented to our committee that the real concern was not for the welfare of the citizens of Culebra but rather for a couple of fancy real estate developers up in New York City who wanted to come down and put up a few high-rise, high-income condominiums on Culebra. If we are talking about trying to save the lives of Culebran citizens, that is a highly important thing. But if we are only trying to make a few bucks for somebody who is speculating in real estate, that is an entirely different matter.

While I think the gentleman's special order is wholly appropriate, I do hope at the proper time we can sit down in hearings by our committee and work out something that will protect not only the interests of Puerto Rico but also the interests of the U.S. Navy.

I thank the gentleman.

Mr. BENITEZ. Mr. Speaker, I would like to reply to the gentleman by saying that our position in Puerto Rico and the one I have been trying to express is a most moderate and restrained posture, even if now and then the tone of voice was a little more forceful than I normally use.

What we are talking about here are not the speculations of real estate agents or allegations and rumors. Rather, we must focus on the unanimous feeling of the people of Puerto Rico. If there is one single issue on which the whole Puerto Rican community feels profoundly and intensely, it is the Culebran question. It is, frankly, remarkable how the government of Culebra and the government of Puerto Rico have been able to maintain normality and tranquility in spite of frequent provocations by professional anti-Americans and by many others who would love nothing better than for this matter to fester.

I certainly will be very happy to discuss this issue with the Armed Services Committees as well as with the executive agencies, and to clarify the whole matter as soon as possible. I have asked to meet with Mr. Laird, and it has been impossible. I have asked to see Mr. Richardson, and it has been impossible. I have asked for the secret report which presumably justifies the reversal of the decision, and I have with me a letter saying that it was impossible.

Under these circumstances I wish to answer the gentleman by saying that just a week ago there was a full town meeting at Culebra, where the mayor was trying to explain the situation, trying to clarify the efforts that have been made in this context. At this meeting he was yelled at, pushed, pulled, and accused of trying to avoid confronting the problem. He was asked:

> Assuming that nothing is done and that June 1975 comes and there is still shooting going on, what are you, Mr. Mayor, going to do?

The mayor answered, and properly so:

> In such an event I would go myself with all humility and stand in the face of the shells and of the guns.

I hope this House will note our forbearance. This period of postponement until July 1, 1975, is being defended at this moment, by the government of Puerto Rico and by myself. It is the purpose of this bill which I am sponsoring and which was introduced in the Senate by Howard Baker, which allows this postponement.

Now, what we object to, not only for Puerto Rico but also for the United States whose interest we want to defend at this point, is for a responsible Secretary of the United States to make one commitment and to sign that commitment in front of everyone, to get the Governor of Puerto Rico to sign it, to get the President of the Puerto Rican Senate to sign it, 2 days before last November's election to reaffirm it, and then 6 weeks later without any explanation, to withdraw it.

That, the people of Puerto Rico, as honorable and as proud American citizens, cannot stand for. This is the point I am trying to make.

Mr. STRATTON. If the gentleman will yield further, I do not think there is any doubt about the fact, as he said, there has been a good deal of restraint on the part of the Government of Puerto Rico. I certainly would not defend the sequence of events in the Pentagon he has just referred to.

But, as I have already indicated, our committee, so far as I know, has received no information of a secret nature or otherwise with regard to why this change of plans was made. I certainly believe that information ought to be made available to our committee. If it is classified, then it cannot be made available generally; but I just want to assure the gentleman that this is a matter which has received attention by our committee and will continue to receive attention.

As one member of the committee, I think we have been trying to do the best for Culebra and at the same time the best we could for the Navy.

My interpretation of the Secretary's action is simply that the difficulties of trying to replace this range were greater than had been expected, probably budgetarily and otherwise, so there has had to be a deferral. But, this may not be quite so bad because, as the gentleman well knows, all of the discussion so far has been on Culebra. But what about Vieques?

I have myself—and perhaps other Members of this body have also stormed ashore at Vieques at one time or another in training exercises. The shelling that takes place on Vieques is, frankly, a lot worse in extent and variety than what occurs on Culebra. The residents on Vieques are a lot more numerous too, and most of them have been there a lot longer than they have been on Culebra.

So, even if we settle the Culebran situation tomorrow, we are going to have a Vieques problem after that. That is going to complicate further the Navy in its attempt to maintain realistic training procedures so that it can be effective against a Soviet Navy that is growing by leaps and bounds in the Caribbean.

So, all I want to say is that I intend to do all I can as a member of the committee to be helpful to Puerto Rico. But this is something that ought to be worked out within the committee and within the Congress, and in that effort our committee would welcome his help and his advice.

Mr. BENITEZ. Mr. Speaker, I thank the gentleman very much.

He has made an eloquent case for remedying the situation on Vieques as well.

These may be the only two islands, inhabited islands, in the world which the U.S. Navy is shelling at present.

The Vieques program, however, I may add, is a separate problem, and we will deal with it separately, and hopefully with the cooperation and understanding of the gentleman and his committee.

I was born on Vieques, may I say, and I know and love that island also.

But we do not want to mix one thing with the other at this moment, except if the gentleman forces me to say that in both instances human beings are involved and the tranquility of people is in jeopardy.

I think it is selling American technology short to assume that we cannot utilize it effectively without impinging upon human rights.

Mr. BURTON. Mr. Speaker, will the gentleman yield?

Mr. BENITEZ. I yield to the gentleman from California.

Mr. BURTON. Mr. Speaker, it was my intention, on the conclusion of the maiden speech of our distinguished colleague, the Resident Commissioner, to relate to my colleagues what a man of enormous commitment and concern and unique intellect the Resident Commissioner is, and what a joy it is to listen to and associate with such a decent human being. However, the Resident Commissioner's maiden speech renders the necessity of such a footnote essentially moot.

I believe it is safe to state that in my six terms in the House I have never heard, in a maiden speech a more magnificent and ringing declaration of faith in his fellow man, loyalty to this country of ours as well as to the people of Puerto Rico.

I am driven to note, my dear friend (Commissioner Benitez) that none of us could have done half as well, not only to provide this House with a thoughtful presentation of problems that currently exist in terms of the Commonwealth of Puerto Rico, but even more than that, to have demonstrated superior oratorical and philosophical skill and commitment, as the gentleman has done on this day of his maiden speech.

For all of that and more I commend the gentleman in the well.

Mr. Speaker, the Resident Commissioner from Puerto Rico to the United States, Don Jaime Benitez, was elected on November 7, 1972, for a 4-year term. He is a Popular Democrat, a long-time educator, and a man of letters.

Mr. Benitez was born in Vieques, on October 29, 1908. He attended public schools in Puerto Rico, and received his university education in the mainland as follows: Georgetown University, Washington, D.C., bachelor of law, 1930, master of law, 1931; University of Chicago, master of arts, 1937.

Mr. Benitez served as instructor and associate professor of social and political science at the University of Puerto Rico from 1931 until 1942, when he was appointed chancellor of the university. He remained in that office until 1966, when under the terms of the new law for university reforms he was chosen president of the institution.

Mr. Benitez has also had a distinguished public career. He presided on the Committee on the Bill of Rights of the Constitutional Convention of Puerto Rico, 1951–52. He was a U.S. delegate to the University Convention in Utrecht in 1948, and was a member of the U.S. National Commission for UNESCO from 1948 until 1954 during which time he was delegated to the Convention in Paris in 1950, and in Havana, in 1952, Mr. Benitez also served as president of the National Association of State Universities in 1957 and 1958.

Resident Commissioner Benitez published volumes include: "The Concept of the Family in Roman and Common Law Jurisprudence," 1931; "Political and Philosophical Theories of Jose Ortega y Gasset," 1939; "Reflections on the President," 1950; "College Initiation and the Social Sciences," 1952; "The United States, Cuba, and Latin America," 1961; "By the Tower," 1963; "The University of the Future," 1964; "On the Cultural and Political Future of Puerto Rico," 1966; "Twenty-five Years of University Guidance," 1967; "Crisis in the World and in Education," 1968. Mr. BENITEZ has also contributed extensively to well-known journals, on a variety of subjects, ranging from literary criticism to political and sociological analysis. Among these publications are: "La Torre"—"The Tower"—The University of Puerto Rico Literary Review; the "Revista de Occidente"—"Ocidental Review"—Madrid; "Sur"—"South"—Buenos Aires; and "The Saturday Review of Literature"—New York.

DON JAIME BENITEZ has received honorary degrees from a number of colleges and universities, including New York University, Fairleigh Dickinson University, Temple University, University of Miami, University of the West Indies at Kingston, Jamaica, Interamerican University at San German, Puerto Rico, and Catholic University at Ponce, Puerto Rico.

Mr. BENITEZ is the son of Mr. Luis Benitez and Mrs. Candida Rexach. He was married to the former Luz A. Martinez on August 15, 1941; they have three children, Clotilde, Jaime, and Margarita Inés.

Mr. BENITEZ. I thank the gentleman from California and say that his generosity is only commensurate with that of this House.

Mr. BADILLO. Mr. Speaker, will the gentleman yield?

Mr. BENITEZ. I yield to the gentleman from New York.

Mr. BADILLO. Mr. Speaker, I rise to congratulate our very able colleague from Puerto Rico—and I am honored to say my close, personal friend—on his maiden speech and to officially welcome him to the House. I am especially gratified that Dr. BENITEZ has chosen the issue of Culebra as the primary subject of his maiden speech as very few other issues so forcefully describe the apparent indifference of the administration to the problems which confront not only the Commonwealth of Puerto Rico but Puerto Ricans and other Spanish-speaking people throughout the country. I am pleased to join with DON JAIME in discussing this critical issue and, as he knows, I will address myself to it in greater detail in my special order which follows.

I believe our colleagues will be interested to know something of the Resident Commissioner's impressive background. A distinguished educator and political leader, Dr. JAIME BENITEZ is a graduate of Georgetown University from which he was also awarded a law degree. He has been awarded a graduate degree from the University of Chicago and has been the recipient of honorory degrees from Inter-American University, New York University, Fairleigh Dickinson University and Catholic University of Puerto Rico. Beginning as a professor of political science in 1931, JAIME eventually rose to become rector of the University of Puerto Rico and, in 1966, was named its first president. A prolific and accomplished writer, the Resident Commissioner is the author of numerous books, essays, and has made many contributions to learned journals. He has represented the United States and the Commonwealth of Puerto Rico at numerous international, hemispheric and national conferences. Further, he is a noted patron of the arts and under his direction the theatre department was established at the University of Puerto Rico.

His many years of dedicated and able service to the people of Puerto Rico were properly recognized when he was elected as the Commonwealth's Resident Commissioner to the United States. I am delighted to have him with us in the Congress and I am looking forward to working with him closely, both on the Education and Labor Committee, and elsewhere, on issues of concern and importance to the Puerto Rican community on the island and the mainland.

Mr. Speaker, I certainly am particularly delighted that the Commissioner is going to be a member of the Committee on Education and Labor, because he is known as the "Father of Education" in Puerto Rico, and there is no man in this country who has done more to bring up the level of educational opportunities to poor people than Commissioner BENITEZ, and I am delighted to serve with him.

Mr. DE LUGO. Mr. Speaker, will the gentleman yield?

Mr. BENITZ. I yield to the Delegate from the Virgin Islands.

Mr. DE LUGO. Mr. Speaker, I rise to commend the distinguished Resident Commissioner both for the eloquence of his statement and also the forcefulness of his presentation.

Mr. Speaker, I thank him for bringing so eloquently to this body the problem of Culebra. As a neighbor of both Puerto Rico and Culebra, in the Virgin Islands, I am well aware of the problem in Culebra. As a young boy, in my youth, I worked on a finca in Culebra, and I am aware of the human element involved.

I commend the Resident Commissioner, also, for the responsibility of his approach, for the Resident Commissioner is only asking the Department of Defense to do what it said it would do in November of last year and then changed its mind within 6 weeks. I think it is the honorable thing for us to do.

What is involved here is our credibility in the Caribbean.

Again, Mr. Speaker, I commend the distinguished Resident Commissioner for his presentation.

Mr. BURTON. Mr. Speaker, I want to add my voice as forceably as possible in protest to the spectacle of the United States, the world's most powerful nation, continuously and senselessly terrorizing its own peaceful citizens on the Puerto Rican Island of Culebra by shelling, bombing, and strafing.

It staggers the mind that the military of this great Nation, with its might so recently and horribly unleashed against an Asian population, chooses to perpetuate an image of brutality in yet another part of the world.

The U.S. Navy, rejecting the free use of the neighboring and uninhabited island of Desecheo, stubbornly and callously elects to shell and bomb and strafe the island of Culebra, which is home to hundreds of helplessly protesting Americans.

I join my colleagues in a demand that the masters of the Pentagon move now to honor the commitments made in 1971 and 1972—to find an alternative site on which to practice their exercises for death and destruction. The island of Culebra and its hapless residents have borne the brunt of the Navy's games of terror for all too long.

THE CULEBRA SITUATION

The SPEAKER pro tempore (Mr. McFALL). Under a previous order of the House, the gentleman from New York (Mr. BADILLO) is recognized for 30 minutes.

Mr. BADILLO. Mr. Speaker, I rise this afternoon to join with my colleague from Puerto Rico in bringing out the need for Congress to take action on the issue of Culebra.

For almost 37 years a small American community has been subjected to continued naval and aerial bombardment and the explosion of various types of mines, missiles, and other armaments in connection with testing and training activities of the U.S. Navy and Marine Corps. As part of the Navy's Atlantic Fleet Weapons Range, the 28-square-mile island of Culebra—located in the Caribbean approximately 20 miles east of Puerto Rico—has been increasingly bombed, strafed, and invaded by U.S. naval and military forces. Its approximately 850 inhabitants—U.S. citizens—live in a state of constant fear of their own lives and safety and the well-being of their homes, real property, and their livestock. The islanders are almost the virtual prisoners of the Navy and have been callously prevented from developing a viable or productive economy.

Many communities throughout the country welcome the presence of a military facility but, in the case of Culebra, there have not been the usual economic benefits associated with most military establishments. Until recently the Navy had not even seen fit to assign a Spanish-speaking officer to Culebra to serve as liaison with the islanders. A very small percentage of the island's work force is employed by the Navy. In fact, the Navy seems to have ignored the problems of the island or the aspirations of its citizens. For many years the Culebrans were not even permitted to enjoy a large number of their own beautiful beaches. An official Navy report revealed that Culebrans were not allowed to bury their dead in that part of the municipal cemetery which happened to lie in a safety zone. The same document reported that the Navy let a number of its bulldozers remain idle while there was a municipal construction project which could have used some assistance.

The economy of Culebra is seriously underdeveloped and its residents have certainly suffered economically from the continued naval presence. The annual per capita income has been estimated at $700—less than half that of the rest of Puerto Rico—and the adjusted unemployment rate is over 50 percent. There is no industry, little tourism—even though its beaches surely compete very favorably with those of any place in the world—and very few important commercial establishments. The Culebran economy has a real potential and, with proper planning and management, it would certainly flourish in the absence of the continued military activity.

An especially tragic feature of this situation is the fact that an equitable solution appeared to be in sight. However, these hopes and aspirations have been cruelly and needlessly dashed by the Secretary of Defense and others in the military establishment. In January 1971, an agreement was reached between the Secretary of the Navy, officials of the Commonwealth of Puerto Rico, and the citizens of Culebra. This accord terminated an 18-month-long cold war which was continually marked by intimidation, deceit, and indifference on the part of the Navy and its representatives. This document—the Culebra Agreement—was almost universally interpreted as a commitment on the part of the Navy to take positive initiatives to find suitable alternatives to the Culebra test facility and to cease its firing and training operations on and about the island. Subsequent to the signing of this agreement, however, the Navy persisted in dragging its feet to identify appropriate alternatives to some other site. It persisted in its rather cavalier attitude and in its duplicity.

As an example, the Navy virtually ignored the findings of one of its own reports on the Culebra issue—prepared at Congress' direction under provisions of the Military Construction Authorization Act of 1971—which identified six possible alternative locations. This document—"Culebra: Overview and Analysis, April 1, 1971"—clearly stated that—

> An artificial island could be built in a number of places around Puerto Rico.

It further concluded that Culebra could be "replaced" for at most $50 million, the cost of constructing an artificial island.

As I reported to the House in 1971, the Navy study noted that the alternatives which had been identified made no substantial difference with respect to the operations in the Atlantic Fleet Weapons Range area in terms of unit training, integrated training, readiness evaluation, and weapons training. Combined training operations would not suffer losses in capability if such training were transferred to an artificial island. Even though the Defense Department study revealed that an artificial island would have the ability to satisfy the Navy's minimum training and testing requirements, no moves were taken in this direction.

Further, this 1971, Culebra investigation reported that the uninhabited island of Desecheo, which the Government of Puerto Rico offered to the Navy gratis, would be of more than "sufficient size to serve as an impact area for NGFS—naval gunfire support—training."

Nevertheless, acting under another congressional mandate contained in the Military Construction Authorization Act of 1972 and in accordance with the letter and spirit of the Culebra Agreement, the Navy and Defense Departments undertook a further study of the Culebra situation. It appeared that, at long last, some positive initiatives were being taken to end the Navy's presence and to have its training moved to some other location. This sentiment—representing the sentiment of those involved in the Culebra negotiations and the understanding of the Puerto Rican people—was reinforced when former Secretary Laird, in announcing the initiation of this latest study on April 1, 1971, claimed that it was aimed at relocating the range after June 1975. There was a clear implication that the Secretary of Defense had concluded from his study of the situation and in consultation with the President and other administration officials, that the Navy could and should transfer its training operations away from Culebra by June 1975, and that he would make a final determination at the end of last year as to where the naval training activities could be transferred.

This understanding was confirmed on several occasions by DOD officials, both in writing and in testimony before congressional committees. As late as last November, for example, in a private message to former Governor Luis Ferré, Mr. Laird claimed that by the end of 1972, he would make a final decision as to where to relocate the naval training target areas now on Culebra and whether any additional actions should be taken.

Nonetheless, on December 26, Secretary Laird reversed his previous position by recommending to the Congress "that the Navy retain its training targets in the Culebra complex." Even in his letters to the chairmen of the House and Senate Armed Services Committees announcing his decision, Laird clearly stated that he intended that the study result in the transfer away from Culebra of the remaining Navy training operations. However, as it now stands, the Navy will not further study the matter until the early 1980's and it is anticipated by the Pentagon that training and bombing will continue on the island at least until 1985.

Mr. Speaker, by specifically directing the Defense and Navy Departments to study "all possible alternatives, geographical, and technological, to the training now taking place in the Culebra complex" and "to prepare a detailed feasibility study of the most advantageous alternative to the weapons training now being conducted in the Culebra complex and the Atlantic Fleet Weapons Range," I believe the Congress has made it abundantly plain that we want to have the training on and bombing of Culebra stopped and to have these activities moved elsewhere. How much longer, Mr. Speaker, are we going to sit idly by and allow the will and sentiment of the Congress to be thwarted by a bunch of arm chair generals and admirals and their civilian cronies who simply want to play war games or practice military and naval tactics which, in the main, are obsolete at best? I am firmly convinced that no strategic military purpose is being served by the bombardment of Culebra and that the national security will not be affected one iota by transferring these questionable activities to another location.

As I have previously observed, it would be to the Navy's advantage to be able to build an artificial training facility as it could be constructed to the Navy's own specifications and requirements and would permit the use of more sophisticated weaponry rather than the somewhat outmoded types primarily in use on Culebra. In addition, expert testimony was presented before a Senate Armed Services Subcommittee 2 years ago that electronic firing and sighting could be implemented rather than the explosive ammunition now being utilized.

Of more overriding importance, however, is the human factor and the serious damage which the continued naval presence on Culebra is doing to our inter-American relations. We must not lose sight of the fact that we are talking about an area inhabited by over 800 American citizens—men, women, and children who are simply trying to peacefully live their lives under the most trying of circumstances. Living, working, going to school, farming, fishing, and just relaxing are daily challenges.

As former Governor Ferré so aptly noted in a letter to President Nixon 2½ years ago:

> Unless we can find a just and agreeable solution, our efforts to strengthen the ties between Puerto Rico and the mainland, to have Puerto Rico serve as a bridge of understanding to Latin America for the United States, will suffer a severe set-back.

Frankly, the attitude displayed by the U.S. Government toward the Culebra issue has seriously exacerbated already existing tensions in our hemispheric relations. Developing peoples in the Americas, as well as the vast majority of island and mainland Puerto Ricans, see this as an issue of colonialism. The continued bombings of the island and the ineptitude on the part of the administration in dealing with the matter has made Culebra a living symbol of this Government's indifference toward the needs and aspirations of Spanish-speaking people, both in the United States and in the American Republics.

The time for words is long past, Mr. Speaker, and it is incumbent upon the Congress to take affirmative steps to effectively resolve this problem once and for all. This is an issue which certainly goes beyond the narrow bounds of partisanship as both the former Governor and the present Governor of Puerto Rico, as well as all political factions in Puerto Rico, are in universal agreement that the Navy must cease its activities on Culebra, and remove its operations to another location. In addition, the distinguished senior Senator from Tennessee (Mr. BAKER), a Republican, has introduced legislation directing the Navy to terminate all weapons range activities on Culebra no later than July 1, 1975.

I am pleased to join in introducing in the House companion legislation to that sponsored in the other body by Senator BAKER and in the House by the distinguished Resident Commissioner, Dr. BENITEZ. I urge our colleagues to join in sponsoring this measure and in assuring that the Navy will in fact withdraw from Culebra at the earliest possible date. Because of the Defense Department's intransigence and its complete failure to abide by agreements negotiated in good faith by officials of the Puerto Rican Government, there is no alternative, but for the Congress to take the initiative to end this depressing chapter in the history of our relationship with Puerto Rico.

I wanted to reserve this time because I was present at the last Congress when we voted on the Military Construction Act of 1972 and I was present when it was said that there was no need for the Congress to take action in view of the agreement that had been entered into between the Defense Secretary and the Governor of Puerto Rico. Based on reliance on that agreement, we did not proceed to mandate what should be done.

It seems to me that this time when the military construction acts come before us we have a responsibility to act; that we can no longer rely on promises made by the Secretary of Defense or the President of the United States, because that opportunity was already given and we find such promises are not kept.

Therefore I rise to support the Resident Commissioner and specifically to answer my colleague from New York earlier during the colloquy to say that I insist we have public hearings on this subject at the earliest possible opportunity. We have to consider the legislation that is being proposed by the Resident Commissioner, which I support in full and am cosponsoring; and we have to take action so that the will of the Congress is incorporated into the legislation to insure that when the people of Puerto Rico read that a promise is being made they will know that a promise is going to be kept. The only way we can make sure the promises are kept is by having them be the promises of the Congress of the United States.

Therefore I want to say to you that we must specifically take action to see to it that the congressional mandate is not left as a matter of reliance on good will but that it is enacted into law.

For that reason I am here today strongly to support the initiative of the Resident Commissioner.

Mrs. CHISHOLM. Mr. Speaker, will the gentleman yield?

Mr. BADILLO. I certainly yield to the gentlewoman from New York.

Mrs. CHISHOLM. Mr. Speaker, I would like to join Herman Badillo, my distinguished colleague from New York, in urging—as I did over 2 years ago—that the House of Representatives support legislation to require the U.S. Navy to end the bombing and strafing of a section of the tiny island of Culebra, part of the Commonwealth of Puerto Rico.

Not only have the citizens of Culebra—American citizens, by the way—suffered for 37 years under the nerve-shattering effects of supersonic booms, gunfire, rocket fire and heavy, low-flying air traffic, they have now been double-crossed by the Department of Defense in an underhanded and politically craven maneuver.

Early in 1971, then Secretary of Defense Melvin Laird announced that, in response to increasing pressure from the people of Culebra, a study was being undertaken to select a new firing range and to stop target practice on Culebra by June 1975. He promised to announce before the end of 1972 where the gunnery range would be relocated.

Right up to the Puerto Rican gubernatorial election last fall, Laird assured incumbent Gov. Luis A. Ferré that he stood by that commitment. However, when Ferré was defeated by challenger Rafael Hernandez Colon, whose political party is more closely alined with the mainland Democratic Party, that commitment suddenly ceased.

The Culebrans have now been told that the Navy plans to continue using their homeland for air gunnery and naval target practice until 1985 or later, despite Laird's earlier promise to get the Navy out by 1975.

It is obvious that Secretary Laird took the Navy's written agreement with the people of Culebra about as seriously as the U.S. Government historically has taken its treaties with the Indians. Such promises were made to be broken.

Department of Defense tactics have shifted from a written commitment to find alternative sites for its war games to a lukewarm promise to see "whether" and "if" alternatives can be found. Meanwhile, the bombing and shooting of land inhabited by American citizens—to their moral, physical, economic, ecological, and psychological harm—continues unabated.

Now, Mr. Speaker, I am no stranger to this sickening situation. The people of Culebra know that I have a special interest in the welfare of our brothers and sisters in the Caribbean and that I can communicate with Spanish-speaking peoples in their own tongue. I do not regard them as second-class citizens.

As I told this body almost 3 years ago, I unequivocally support the Culebran people in their efforts to regain control of their island and I am fully committed to assisting them by any legitimate means possible.

It was then that I met, and since have continued to meet, with representatives from the Puerto Rican community both in Washington and in New York, as well as with other U.S. Senators and Representatives who have expressed concern for Culebra. Other steps I took included making a written appeal to Senator Henry M. Jackson, in his capacity as chairman of both the Interior and Insular Affairs Committee and the Armed Services Subcommittee on Military Construction, urging him to hold hearings to investigate whether or not the Navy should be permitted any future use of Culebra as a weaponry testing site.

In 1970, I sent a representative from my New York office who is fluent in Spanish to personally reaffirm to then Governor Ferré my support for the Culebran people.

It is with this record of action and from this context that I rise again today to challenge you, my colleagues in the House, to join with Mr. Badillo, me, and the other speakers here today, to demand that the Department of Defense honor its pledge to the Culebran people to end the slow and torturous destruction of their precious homeland.

The Navy's action—all too similar to the treatment this country accords other third world peoples—shows contempt for the rights, welfare, and even lives of those less powerful than ourselves. And in this case, we are talking about our own fellow Americans.

Mr. BADILLO. Mr. Speaker, I thank the gentlewoman from New York, and I want to take this opportunity to publicly recognize her contribution to the people of Puerto Rico.

Mr. Commissioner, you may not know it, but the person who was most responsible for seeing to it that Puerto Rico was included as a State under the benefits of the Higher Education Act of 1972 was the gentlewoman from New York (Mrs. Shirley Chisholm). She is a member of the House Committee on Education and Labor. Last year when the bill came up, Puerto Rico had been excluded from full participation in the benefits of the higher education programs, and it was her support, together with that of the gentleman from California (Mr. Hawkins) and the gentleman from Missouri (Mr. Clay), which made it possible for us to get the necessary support in the committee so that Puerto Rico could be included as a State.

I know that you will particularly appreciate this, because you have been the one who has done the most to encourage higher education programs in Puerto Rico. These programs will be increased in the years to come, and the main reason for this has been the strong support that we have had from the gentlewoman from New York (Mrs. Chisholm). I think that you and the people of Puerto Rico should know of her contribution.

I am delighted that the gentlewoman from New York (Mrs. Chisholm) has joined with us today.

Mr. STRATTON. Mr. Speaker, will the gentleman yield?

Mr. BADILLO. I yield to the gentleman from New York.

Mr. STRATTON. Mr. Speaker, in connection with the colloquy that I had just a moment or so ago with the distinguished Resident Commissioner from Puerto Rico, I would like to say that I just have been in touch with the staff of the Committee on Armed Services. I was disturbed that this material was not available. But I was assured by the staff that the study to which the Resident Commissioner refers is in the committee files. It is a study, but the chairman has made it clear that it is available to any Member of the House, and certainly it would be available to the Resident Commissioner. So I think that perhaps we can get the information that was referred to earlier.

The only requirement, of course, is that, with all classified documents, they have to be inspected in the committee rooms by the Member himself. They cannot be reproduced or taken out of the committee room. But I think this might go far toward solving the problem to which the gentleman has referred.

Mr. BENITEZ. I would comment first by reading the letter I received from the Deputy Assistant Secretary of Defense, Mr. D. O. Cooke, on the date of January 22, 1973, in answer to a letter of mine requesting this information:

> Dear Mr. Benitez: In your letter of January 18 to Secretary Laird, you request a copy of the Culebra study forwarded to the Chairman of the Senate and House Armed Services Committees.
>
> This study, as you may know, is a classified document and, as such, does not serve the purposes you desire;—

The purpose I desired was reading it and studying it, as it appears in my letter:

> However, it is currently under review for declassification and release. We will let you know the result of this review as soon as it is completed.
>
> Sincerely,
>
> D. O. COOKE,
> *Deputy Assistant Secretary of Defense.*

This was the communication to which I referred earlier.

Mr. STRATTON. If the gentleman would yield to me futher, that is very true. What the Secretary is saying is one cannot get a copy of this document for his own use, because it is a classified study, but as a Member of the Congress the gentleman is entitled to see that document, to read it, and to study it. The only thing the gentleman cannot do is photostat it and give it to the newspapers, but I am sure the gentleman does not want that.

The fact of the matter is that the information is available. I have not seen it myself, but I am going to go over and look at it. I would urge that the gentleman study it and perhaps the reasons contained in it would help to solve some of the questions that have been raised.

Mr. BENITEZ. No, thank you very much. I am not interested in reading a secret document which nobody else can read except one representative of Puerto Rico, in which presumed secrets are divulged for those mysterious reasons why the Navy cannot act properly in compliance with its public commitments. If there were to be secret reasons, then there was no justification or propriety in making the public commitment. Those public commitments should be discussed publicly and not secretly. I do not have any desire to be bound by the secrecy of having to read some classified documents which will later preclude me from challenging the validity of the statements therein.

Mr. RANGEL. Mr. Speaker, would the gentleman yield?

Mr. BADILLO. I yield to the gentleman from New York.

Mr. RANGEL. I should like to take this opportunity to support my colleagues from New York who have tried to bring about some changes in this insane behavior on the part of our country and at the same time to share the same concerns that the Resident Commissioner of Puerto Rico has as a new Member of Congress.

I find it very difficult to be constantly referred to secret briefings and secret reports when most of us as Americans want to feel proud of what this country is involved in.

I would like to commend the Resident Commissioner of Puerto Rico for not wanting to look at secret documents about Culebra. There are so many areas with which we are concerned that affect our people, including the flow of narcotics into this country, which are handled through secret documents. We, as representatives of the people, ought to have access to such information. Somewhere along the line we are going to have to respond to world pressure as to what we should be and should not be doing.

Whether we are talking about the Pentagon papers or whether we are talking about briefings by representatives from the CIA, I think we as Members of Congress and more importantly as citizens of the United States have a responsibility to tell the people what role we have played historically involving our troops in Southeast Asia.

Now that treaty terms have been reached between the factions involved in part of the Indochina conflict, it is time we turned our attention to the war this Nation has waged against this Caribbean island since 1936.

The approximately 850 inhabitants of the 28-square-mile island of Culebra are American citizens. But this Nation's Department of the Navy has been allowed to deprive them of the fundamental right to the pursuit of liberty and happiness so eloquently lauded by our country's founders.

For every day, including Sundays, tons of shells, hundreds of high-powered bullets and sophisticated missiles crash into and around this island and explode with apocalytic fury.

Culebra, only 20 miles off the coast of Puerto Rico, has the ignoble distinction of being the target and testing range for the guns, mines, missiles, and other armaments of the Atlantic Fleet, despite the demands of the island's citizens that the Navy shift its activities elsehere.

But, despite their demands and those of the honorable Resident Commissioner from Puerto Rico that this insane activity against a populated area be stopped, the Navy and Pentagon have not even seen fit to begin serious planning to move the testing and practice to an uninhabited area.

In normal Pentagon style, however, the Navy Department signed an agreement with the Puerto Rican and Culebran people in early 1971 which intimated that a serious effort would be made to find a new target site. Secretary of Defense Melvin Laird, late last year, then proceeded to ignore this agreement and the congressional mandates supporting it and announced that there would be no serious efforts at ending the Culebra shelling until at least 1985.

This was in the face of a congressional study that showed an artificial island could be built for the same purpose at a cost of $50 million. Mr. Speaker, I am sure many of my colleagues would agree that such an expenditure for a permanent, uninhabited target site would be much preferable to the loss of life that is a near-certainty if we continue our present course in Culebra.

It is my hope that our Navy is not so callous as to require human suffering as an ingredient to realistic testing and practice-use of its weapons systems.

President Nixon, too, has allowed himself to become a part of this tragedy. During a campaign speech, he promised that the shelling of Culebra would be brought to an end.

Even this promise appears to have been only lip service aimed at stopping the increasing cry to end all naval actions on this island.

The real justification for the vehemence of the protest is not simply the booming explosions or the possibility of danger to the island's inhabitants, but the real damage that has, and apparently will continue to occur to Culebra and its people at the hands of the Navy.

But the House Committee on Armed Services Subcommittee on Real Estate, in the 91st Congress, took sworn testimony of shells being dropped next to the Culebra City Hall, in the midst of swimming areas being used by Culebran children, and even next to a boat carrying the Governor of Puerto Rico.

While the Navy callously recommends that further development of Culebra be limited to avoid danger to even more citizens, the peaceful seagoing people of this island simply ask that the American Armed Forces remove their arrogant presence from the island. The kinds of accidental or international incidents reported by the island's people would have led to million-dollar law suits long ago, had they occurred on the continental United States.

There are even reports of Navy planes strafing fishing boats, probably with the same "just for the heck of it" glee that has characterized some of our aerial activity in Indochina.

For all of the booming shells and near disasters, still the people of Culebra exercise miraculous patience in their pleas to our President and to us in Congress to stop the bombing.

When Navy officials are questioned about the rationale behind this insensitive approach to target practice, they cite the need to find out exactly how their new guns, gunners, and missiles would work in combat situations.

Mr. Speaker, in God's name, how can we arbitrarily choose a peaceful Caribbean people to subject to "combat conditions?"

There is only one course for this Nation to follow with respect to Culebra, an immediate, total end to any military activities on this island and full reparations for any damages we have caused in this 36-year war.

For these reasons, I am supporting and recommending to my colleagues, the bill offered by the honorable Resident Commissioner from Puerto Rico that would put an end, once and for all, to this madness. My hope is that this can become law before we are guilty of even more damage to yet another part of humanity.

I hope the majority of the Members of Congress will use their vote to say this is immoral and there should be no excuse for us to use people as guinea pigs to show how powerful we are militarily.

Mr. BADILLO. I think the gentleman from New York.

Mr. GONZALEZ. Mr. Speaker, will the gentleman yield?

Mr. BADILLO. I yield to the gentleman from Texas.

Mr. GONZALEZ. Mr. Speaker, I thank my colleague, my efficient and honored colleague, the gentleman from New York.

I wish to express my sentiments and join those expressions which have been made prior by the other gentleman from New York and the distinguished Resident Commissioner of Puerto Rico.

I wish to say for the RECORD that when some of us made inquiry precisely concerning this question quite some time ago, we were left under the impression by the replies, verbally or otherwise, which we received that this matter had been happily resolved. So it is with a great deal of disappointment that I find it necessary to get up and express my alarm and join with these other illustrious Members of the House.

I cannot conceive of any reason, in view of the prior answers, why this very bad practice persists and continues. I wish to assure the gentleman and my colleagues that I stand with him shoulder to shoulder in this matter.

Mr. BADILLO. I thank the gentleman from Texas very much. I am very grateful for his remarks.

What the gentleman has referred to is exactly the point we are trying to get across, that Members of Congress were led to believe a solution had been arrived at. For that reason we wanted to introduce this measure at the earliest possible moment so we could have public hearings and find out exactly what is happening, so that Congress might take action by enacting into law its position in order to avoid a repetition of exactly this kind of thing in the years to come.

Ms. ABZUG. Mr. Speaker, most Americans, concerned about the war and the rising cost of living, have not had time to note what is happening on the tiny island of Culebra, which belongs to Puerto Rico. Recent events there, however, dramatically illustrate our Nation's present heartless attitude toward small and powerless groups.

Fewer than 1,000 people live on Culebra, but it has been their home for generations. After World War II, to the dismay of its residents, the U.S. Navy started using Culebra as an artillery range, threatening the lives and emotional health of its people. Their constant protest finally led to a commitment in April 1971, that the Navy would relocate its firing range by the end of 1972. When that time came, however, Secretary of Defense Laird announced that—despite the promise to relocate—the target practice would not only continue until 1985, but would increase in volume. The citizens' indignation had made no impression on the Navy.

On the contrary, in the recent Puerto Rican elections the Navy openly supported the incumbent Governor, knowing he would not press for removal of the firing range. The Governor's Democratic opponent, Rafael Hernandez Colon, won the election by a landslide. Many eminent Puerto Ricans have joined him in his insistence that the U.S. Navy cease shelling the little island. A cattle breeder put the case simply:

> I am a member of the Independence Party, but I became a member only after the Navy burned down our chapel two years ago. Burned it twice.

Can we allow this arrogant disregard of other human beings, other American citizens, to continue? We must insist that the Congress give the Navy a clear mandate to pursue the construction of an alternate training site and a timetable in which to complete such action and withdraw from Culebra, and I am pleased to be a sponsor of legislation introduced by Mr. BENITEZ which would terminate all weapons range activities on the island by July 1, 1975.

Mr. ROSENTHAL. Mr. Speaker, the cease-fire in Vietnam has brought, if nothing else, an end to the bombing by American planes in both the north and south of that country. But no cease-fire has yet been declared by the Defense Department in Culebra, a tiny bit of American territory which is part of Puerto Rico. For over 20 years, Culebra has been used by U.S. military forces as a gunnery range.

The 1,000 inhabitants of Culebra—all of whom are American citizens—were assured that the Navy would cease its use of the island for target practice by 1975. This was confirmed in an agreement signed that month between representatives of the DOD and of the island's inhabitants. Yet late last year—after the election which in Puerto Rico saw the Republican Party's local affiliate soundly defeated—the Secretary of Defense changed his mind. He announced that bombing in Culebra would continue until 1985 or later and at an increased volume.

Whatever the motivation for the change of course by the Defense Department, the new policy is pocked with a lack of honesty and a lack of sensitivity.

A certain callousness seems to have affected the judgment of our military leaders during the Vietnam tragedy. Its effects are often seen outside of Southeast Asia, as in Culebra. But the ending of American involvement in Vietnam should mean an end also to the old way of doing things. Culebra would be a fine place to start.

Mr. GREEN of Pennsylvania. Mr. Speaker, I rise today to discuss the problems faced by the citizens of a tiny island known as Culebra due to continued, unnecessary bombardment by the U.S. Navy, and to announce my support for legislation, which I am cosponsoring with my distinguished colleague from New York (Mr. BADILLO) to cut off Navy firing on that island by July 1, 1975.

For more than 20 years, this small, 28-square-mile island just off the coast of Puerto Rico has suffered perhaps the most outrageously conceived bombardment in the annals of American history. It has been bombed, strafed, and invaded by U.S. naval and military forces conducting "tests" and "training maneuvers." The 750 inhabitants have lived in constant terror, fearing for their lives as well as the well-being of their property and livestock. Indeed, they have been virtual prisoners of the Navy, prevented from developing a viable economy, and prohibited from enjoying some of their own fine beaches.

In 1971, after an 18-month cold war marked by intimidation and deceit on the part of the Navy, an agreement was entered between the Secretary of Navy, the Commonwealth of Puerto Rico, and the citizens of Culebra under which the Navy was to take positive steps to find suitable alternatives to its Culebran test sites, and to cease firing and training operations on and near the small island.

The Navy has not lived up to that agreement. It has remained in the area, and its continued presence has been a threat and an affront to the people of Puerto Rico.

And the Navy plans to continue this affront. Only recently, the outgoing Secretary of Defense, Melvin Laird, recommended, in a report to the President, that the Navy maintain its training sites on Culebra and continue its bombardment. He suggested that the possibility of eliminating the "need" for these sites, and of finding alternative sites, be explored after 1985.

This is an outrage. Not only is it a continued affront to the people of Puerto Rico and a continued, unnecessary danger to 750 American citizens, but it is an insult to our Spanish-speaking citizens on the mainland United States as well.

There are millions of people of Puerto Rican descent in the American Spanish-speaking community. Most of these citizens are located here on the east coast.

Many of these Americans have very strong ties to their brethren in Puerto Rico. Because of these ties, they are heartsick at the inhumanity with which the U.S. Government is treating their brother citizens in Culebra.

They see that the military testing endangers the lives and property of their fellow citizens.

They see that this bombardment is an unnecessary encroachment upon peaceful American citizens who are simply attempting to live their lives—to work, to go to school, and to farm—under most trying circumstances which make mere relaxation a major daily challenge.

They see also that this Government has largely neglected the needs of its Puerto Rican citizenry over the years, and consider its actions in Culebra to be symbolic of this indifference to the needs and aspirations of Spanish-speaking Americans.

They see their brethren being treated like cattle—mere pawns in a silly war game—and they wonder what might be in store for them should the military claim a need for their homes—or even their lives—for some military "test."

Thus, quite understandably, this barbarous bombing and strafing, along with the Defense Department's duplicity in refusing to fulfill the terms of an agreement which it voluntarily entered, is seriously aggravating relations with the Spanish-speaking community.

Because of this and because no humane person could condone this activity, it is urgent that legislation ending the cruel bombardment of Culebra be enacted, and I urge all my colleagues to join Mr. BADILLO and myself in support of such a bill.

Mr. DELLUMS. Mr. Speaker, I join with my good friend and colleague from New York (Mr. BADILLO) in condemning the ill-considered decision of the former Secretary of Defense to have the Navy continue bombing the Puerto Rican Island of Culebra and to permit its use for naval training and testing until the 1980's.

Particularly unconscionable is the cruel hoax which was perpetrated by the Navy and Secretary Laird in leading the Culebrans, officials of the Commonwealth of Puerto Rico and even Congress to believe that serious efforts were being made to transfer the naval training and bombing activities to some other location. It was only at the very last minute—in a clearly politically motivated move—that the Navy would continue using the island well into the next decade. This move is in complete violation of the letter and spirit of an agreement signed 2 years ago by former Navy Secretary Chafee with Culebran and Puerto Rican officials.

As a member of the House Inter-American Affairs Subcommittee in the 92d Congress, I know what a disastrous affect the Culebran issue has had on our already questionable Latin American policy and frequently strained relations with our hemispheric neighbors. The Navy's obvious indifference to the plight of the Culebrans and the continued bombing of this small island is interpreted as another act of colonialism and the suppression of the self-determination of a Latin people.

Furthermore, the continuing bombardments and refusal of the Navy to leave seriously aggravates relations with minority communities in this country as Culebra is considered as simply one more example of the Government's apathy toward the needs and aspirations of minorities, especially our Spanish-speaking brothers.

In 1971, and again in 1972, Congress enacted legislation directing the Defense Department to take certain specific action aimed at locating possible alternatives to Culebra. Clearly Congress intended—and certainly continues to propose—that the Navy transfer its operations in the Culebra complex of the Atlantic Fleet Weapons Range to some other location.

I understand that a number of perfectly acceptable alternatives, including the construction of an artificial island, have already been identified. Congress was thus directing Secretary Laird to provide detailed information on the best alternative. Most everyone assumed that this would be done and that Secretary Laird would comply with his own previously announced commitment to transfer naval training operations away from Culebra by June 1975.

Tragically this was not the case.

Secretary Laird instead chose to reverse himself and renege on a formal commitment made by the U.S. Government to the people of Puerto Rico.

I, for one, cannot and will not tolerate such deceit by a Government official and do not consider this decision as legitimate. As a member of the House Armed Services Committee, which has immediate jurisdiction in this matter, I intend to exert all possible efforts to insure that the commitment is fully honored and that meaningful action is immediately undertaken by the Navy to transfer its activities out of Culebra at the earliest possible date but in no case later than 1975.

I commend Mr. BADILLO and our distinguished new colleague from Puerto Rico (Mr. BENITEZ) for bringing this critical issue to our attention and I urge others in this body to join with them in exerting all necessary pressure on the Defense and Navy Departments to reverse Secretary Laird's misdirected and poorly conceived decision.

GENERAL LEAVE

Mr. BADILLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks and include extraneous matter on the subject of my special order.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

CONGRESSMAN ORVAL HANSEN OF IDAHO INTRODUCES MANPOWER TRAINING AND EMPLOYMENT ACT OF 1973

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Idaho (Mr. HANSEN) is recognized for 10 minutes.

Mr. HANSEN of Idaho. Mr. Speaker, today I am introducing H.R. 3272, the Manpower Training and Employment Act of 1973 for the purpose of consolidating the many existing manpower programs, and building upon the solid accomplishments of the manpower foundation created by the Congress in the Manpower Development and Training Act of 1962.

With minor modification, the bill I introduce today is similar to one I introduced in May of 1971, the Manpower Training and Employment Act of 1971. At that time, the MDTA faced an impending expiration date with no adequate legislative substitute. Congress in its wisdom extended the MDTA to assure that the Nation's unemployed citizens would receive the education and training needed for employment.

Once again, I point out to my colleagues that the MDTA expires in less than 6 months, on June 30, 1973. Now is the time for definitive action on our part to assure the continuation of needed manpower programs for the unemployed. This is my primary purpose in bringing this matter before you today. We need manpower legislation that will not destroy the vast manpower education and training resources and effective network of relationships established by the Congress under the MDTA.

I am aware that there are "styles" in legislation, as well as in other facets of our lives. Throughout all of its amending processes the MDTA received the almost unanimous approval of both Houses of the Congress. It was considered to be an essential and beneficial program, one which extended the hand of opportunity to unemployed adults who wanted to help themselves. Through my years in this House I have supported the MDTA and its programs. I know what they have meant to many citizens of my State who wanted to become economically self-sufficient, and could do so because MDTA made possible the necessary education and training.

From the recent spate of official and unofficial surveys, studies and pronouncements concerning our manpower programs one might conclude that manpower programs are now going out of "style," that they are no longer needed although the needs they address remain. Through the diligent efforts of the present administration the rate of unemployment is steadily declining. Nonetheless, an unemployment rate of 5.2 percent for the month of December 1972 represents some 4.5 million jobless, many of them returning Vietnam veterans. Training is not the only solution to our manpower and unemployment problems; training, however, is and must remain an important facet of our total manpower policy—at least until the unlikely day when the total output from our Nation's public and private schools meshes perfectly with the job market.

My bill, the Manpower Training and Employment Act of 1973, strongly reflects the principles of revenue sharing and decentralization as advocated by the administration. In it, the responsibility for program decisions rests in the hands of those who know best what the problems are and what the solutions should be—elected officials and local program administrators. The manpower and employment problems of my State of Idaho are distinctly different from those of some of our eastern seaboard States, for example; and, I think the citizens of Idaho know best how to solve them. My bill would return this responsibility to them, and strengthen their capability to effectively administer manpower programs.

Another major facet of my bill is the continuation of a significant role for the public school systems in our Nation's manpower programs. Under the existing MDTA, strong and very beneficial relationships have been developed between the education community and manpower and other human resources agencies. These relationships were facilitated because the MDTA directed the Secretary of Health, Education, and Welfare to arrange the needed education and training giving priority to training by the Nation's public school systems. Educators and business and industry have long needed to step up their dialog, and MDTA gave impetus to this with resulting benefits in more relevant and effective education and training programs. This dialog between the worlds of education and the work place must continue and expand. The Manpower Training and Employment Act of 1973 would assure the continuation of an effective role for the Nation's public schools in the national manpower program by vesting them with statutory responsibility for this function.

At their meeting in Chicago on December 6, the House of Delegates of the American Vocational Association adopted some of the most far-reaching resolutions pertaining to education and training and manpower. One, entitled "Public Education and the National Manpower Program" states succinctly the contributions of the Nation's public schools to the manpower program, and sets forth an ideal for comprehensive manpower legislation. I would like to share it with you.

RESOLUTION: PUBLIC EDUCATION AND THE NATIONAL MANPOWER PROGRAM

Whereas, effective education and training programs are a vital component of the Nation's manpower program and assist citizens to acquire the education and skills needed for employment and upgrading their skills; and

Whereas, in a knowledge-based society such as the United States which is characterized by changing expectations regarding work and its place in human life, education for work must include cognitive and affective skills as well as the psychomotor learnings traditionally associated with skill acquisition; and

Whereas, in institutional training programs under the Manpower Development and Training Act, the public education systems have demonstrated their capacity and commitment to serve a broader range of educational needs with such capability evidenced by the manpower training skills centers which are now helping disadvantaged youth and adults throughout the United States to acquire the education and skills needed for employment; and

Whereas, institutional training programs administered by the public school systems have served over 1.2 million trainees since 1962 and such programs are found by independent evaluation to be the most effective component of the national manpower program in terms of placement, post-training attachment to the labor force, and in increased earnings; and

Whereas, a study by the Joint Economic Committee of the Congress of the United States has supported the value of training conducted under the Manpower Development and Training Act; and

Whereas, the education systems of the United States are the only publicly-created institutions that touch the lives of all citizens and thereby have the potential to be the key institution in the community for the provision of human services and the fulcrum for social change; and

Whereas, institutional change relative to occupational and career preparation has been accelerated by the involvement of state and local public education agencies in programs under the Manpower Development and Training Act; and

Whereas, the Manpower Development and Training Act is scheduled to expire on 30 June 1973,

Therefore, be it resolved, that the American vocational Association support manpower legislation in the 93rd Congress that will acknowledge these findings and include a definitive and responsible statutory role for state and local public education and training agencies in the planning and administration of education and training programs required in the national manpower programs; and, which will assure a continuity of involvement of the appropriate federal human resources agency having primary responsibility for education at the fedreal level; and

Be it further resolved, that such manpower legislation shall be comprehensive in nature and shall include but not be limited to:

1. The equitable involvement and participation of those citizens who are least competitive in the labor market due to discriminatory practices, lack of education and training skills required for employment, and linguistic and other cultural barriers.

2. A strong national program of job development in public service employment as a component of the national manpower program. Such program should provide the appropriate education and training to enable participants to compete effectively in state and local merit systems.

3. A correctional rehabilitation program that will provide alternatives to incarceration for first offenders; an effective training program for inmates of correctional institutions in jobs that are relevant to the labor market; and, support and assistance after sentencing or incarceration.

4. A revitalized and expended Neighborhood Youth Corps program under the aegis of the local public school systems that would provide job relevant education and training, in addition to the income maintenance required to assist youth to remain in school.

5. Assurances of appropriate judicial review by all affected program participants, to include appeal to the appropriate federal responsibility, and, if necessary, through the United States court system.

I want to conclude my remarks by underscoring to my colleagues the necessity of early action on manpower legislation in this 93d Congress. The Manpower Training and Employment Act of 1973 would build upon the structures which have been effectively operating for the past 10 years and which have provided some 1.2 million people with the education and skills they needed for employment. I advocate the changes reflected in the Manpower Training and Employment Act of 1973, and commend the measure to your consideration.

Mr. Speaker, I include as a part of my remarks, a brief analysis of the major provisions of H.R. 3272.

STATEMENT OF FINDINGS AND PURPOSE

Section 2 sets forth the basic purposes of the act—to provide occupational training to unemployed and underemployed individuals, to assist in the relief of skills shortages both in critical and in emerging occupations.

MANPOWER REQUIREMENTS, DEVELOPMENT, AND EVALUATION

Title I establishes the National Manpower Advisory Council, and directs the Council to prepare an annual report pertaining to manpower requirements, resources, research, utilization, training and evaluation; it further sets forth provisions for evaluation, information, and research programs and for training and technical assistance.

TRAINING AND SKILL DEVELOPMENT PROGRAMS

Title II describes the various manpower training services, and activities that may be conducted with assistance under this act, including the Job Corps under the Economic Opportunity Act of 1964. It further sets forth the requirements for State participation under the act, including the establishment of State manpower advisory councils; provides for a comprehensive manpower planning system at the State level; establishes State apportionment of benefits; describes participant eligibility and allowance payments; and, sets forth the responsibilities of the Secretary of Health, Education, and Welfare and the Secretary of Labor.

LABOR MARKET INFORMATION AND EMPLOYMENT DEVELOPMENT PROGRAMS

Title III establishes a labor market information and job-matching program; career and employment development programs in both public and private agencies; career training through public service employment with public and private nonprofit agencies; and, an emergency employment assistance program to provide relief to designated job-distressed areas.

MISCELLANEOUS

Title IV contains provisions relating to the authority of the Secretary of Labor and the Secretary of Health, Education, and Welfare to enter into contracts, arrangements, or agreements to carry out the purposes of the act; maintenance of State effort for vocational education; appropriations, advance funding, limitation on the use of appropriated funds; acceptance of voluntary services; and, the effective and termination dates of the act.

THE SMALL COMMUNITIES PLANNING, DEVELOPMENT, AND TRAINING ACT OF 1973

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. Alexander) is recognized for 45 minutes.

Mr. ALEXANDER. Mr. Speaker, I rise today to introduce a bill entitled "The Small Communities Planning, Development, and Training Act of 1973." I am very pleased that a number of my colleagues, Lee Hamilton, Joseph M. McDade, Charles Thone, Henry Helstoski, Don Fuqua, Ken Hechler, Frank Clark, James Abdnor, William Lehman, Walter Flowers, and James G. O'Hara, are joining with me as cosponsors of this proposal. This bill was originally introduced early in 1972.

It was designed to build upon and complement the legislative recommendations contained in the Housing and Urban Development Act of 1971, which was pending at that time. Most of what I proposed at that time, and am now reintroducing, was included in the Housing and Urban Development Act of 1972 which was reported to the House by the Committee on Banking and Currency late in the last session of Congress.

The committee's bill represented the fruit of nearly a year's intensive study and analysis by the Subcommittee on Housing. The chairman and members of that subcommittee, led by our colleagues, William A. Barrett, Lenor K. Sullivan, Thomas L. Ashley, and William S. Moorhead, did a thoroughly commendable job with that bill. Their comprehensive and objective study of Federal community development and housing production efforts resulted in a bill with the potential to significantly improve the quality of housing and urban environment in both small and large communities.

Since first coming to the Congress in 1969, the highest priority in my efforts for my district and the Nation has been working for the development of a growth policy that would fulfill the needs of a region experiencing rapid social and economic change.

In 1971–72 I conducted hearings in the First Congressional District of Arkansas to determine, from the people who are on the scene and deal with the problems every day, what type of Government assistance was needed in order to accomplish this objective. Pinpointed was the need for funds or credit for financing improvements in health care, housing, education, job opportunities, public services, recreational resources and other public works projects—areas with which, I believe, most other nonmetropolitan regions also need assistance.

The Small Communities Planning, Development, and Training Act of 1973 is designed to respond to these needs of small communities and urbanizing areas outside our metropolitan areas. My bill recognizes, as does the Housing Subcommittee, that the difficulties plaguing the large cities and those of the countryside are interrelated. When residents have a nonmetropolitan area and migrate to a city in search of economic survival and are ill-equipped for that labor market they become an additional tax burden to the city.

If we fail to encourage growth and revitalization of our small towns, we will be unable to slow the continuing migration of their residents—and their problems—to large urban centers. We will be unable to achieve the balanced growth which is essential to the environmental, economic, and social health of the entire Nation.

The proposals contained in the Small Communities Planning, Development and Training Act of 1973 can be enacted separately or incorporated into the omnibus housing and urban development bill which the Housing Subcommittee is expected to report. I urge the subcommittee to, again, give careful and sympathetic consideration to these proposals.

My bill is intended to increase our recognition and understanding of the severity of problems of our people in the nonmetropolitan areas—problems that are often rendered invisible by the glare of the publicity cast on the difficulties of our large cities. The troubles of the cities cannot be minimized. A large majority of our population grows increasingly crowded into small areas of our land. Each year over half a million more Americans migrate from nonmetropolitan to metropolitan areas.

In fact, however, the problems of the communities of the countryside are not unlike those of the metropolitan areas. They are extremely severe and are worsening.

During the past 50 years there have been important national population changes with far-reaching effects. Since 1920, while the national population has almost doubled, the urban population has almost tripled. While the nonmetropolitan areas have not shared the population increases, today about 30 percent of the Nation's people live in nonmetropolitan areas. The composition of this group of citizens has changed significantly: the proportion of farmers has decreased substantially and the numbers of unemployed and underemployed, the weak, and the old have increased sharply. The decades of country-to-city migration have left nonmetropolitan areas with long-term problems of a critical nature.

In testimony before the Senate Finance Committee during the 92d Congress, representatives of the Coalition for Rural America gave this description of what the present pattern of national urbanization has left in its wake:

> One half of our rural citizens live in poverty; 60 per cent of the nation's inadequate housing is found outside the major metropolitan areas; 30,000 rural communities lack adequate water systems and more than 45,000 have no sewer systems at all; the infant mortality rate in rural areas exceeds the national average by 20 percent, and for nonwhite infants it is almost twice as high.

This lack of basic modern facilities and amenities directly affects the health of nonmetropolitan residents. It encourages the young to leave and it adversely affects efforts to achieve the balanced economic development of our country which could aid us in protecting our living environment.

Title I of the Small Communities Planning, Development, and Training Act provides for the establishment of a Community Development Bank. The bank would be a Federal corporate agency raising its funds through the sale of taxable obligations in the credit market and lending those funds at a lower-than-market rate to States, counties, cities, towns, and other public bodies. My bill—in section 105(d)—would direct the bank to give preference to the processing of loan applications to applications of communities with populations of less than 50,000. Because their obligations are unrated by the security-rating services or because their borrowings are in small amount, these communities most often bear the high interest rates required by private investors.

As a result, they find it most difficult to provide the facilities needed to accommodate present and future community needs. A preference for nonmetropolitan area communities would direct the bank's activities into the area of most critical need in the field of municipal finance.

My bill recognizes that in nonmetropolitan areas nonprofit groups are often empowered to undertake what are essentially public facility projects. Section 105(a)(2) of the bill makes such nonprofit groups eligible for the bank's loan assistance.

Title II of the bill would amend the public facility loan program, which has been administered by the Department of Housing and Urban Development, to enable this program to more effectively serve the needs of nonmetropolitan communities in financing essential public facilities.

This title of the bill would not be necessary if the bank proposal, containing a small community preference, is enacted. I realize, however, that the bank has, in the past, faced formidable opposition—unfortunately from some of the groups it is intended to benefit. If the Community Development Bank is not established, a modified public facility loan program would certainly be a necessity.

The present public facility loan program, which the administration is attempting to curtail, has operated at a $40 million program level. The authority for the program is broad enough to allow for public facilities of all kinds, including water and sewer facilities, health care facilities, recreation facilities, gas utilities, and city streets and county roads. HUD has, in the past, estimated that the application demand for public facility loans for small communities would be more than triple the amount of funds available. This is despite the fact that the interest rate for loans, set by HUD Secretary, has been $5\frac{5}{8}$ percent. Under the existing program, interest rates on loans are set by statute at one-half of 1 percent above the average rate on all interest-bearing obligations of the Federal Government comprising the public debt, or 3 percent, whichever is higher.

I propose to amend the public facility loan program to give nonmetropolitan communities an alternative method of financing which would result in lower interest costs to them, at a very small loss to the Federal Government. Except in periods of tight money, most municipalities can get loans for public facilities in the tax-exempt money market at a lower rate of interest than the statutory lending rate used in the existing program. As a result, most of the program activity is with small municipalities in the South and Southwest which are outside most principal money markets, or whose projects and financing prospects are marginal. Furthermore, Federal direct lending programs are strongly opposed by the Treasury, and it is doubtful that a higher program level can be obtained.

In 1970, however, housing legislation contained an alternative financing mechanism for public bodies sponsoring new community projects which I feel can be of great benefit to nonmetropolitan communities wishing to use the public facility loan program. Under title VII of the Housing and Urban Development Act of 1970, the Secretary of Housing and Urban Development guarantees the taxable obligations of State and local public bodies issued to finance new community projects, and makes grants to those bodies to cover the difference between the interest rate on the taxable obligations and the interest rate which the obligations would bear if they were tax-exempt obligations.

My bill would provide this new method of financing as an alternative to direct loans in the public facility loan program, with one modification. Under title II, the Secretary of Housing and Urban Development would simply make grants to cover 40 percent of the interest cost on the community's taxable obligation. The reason for this change is that the job of estimating the difference between the taxable and tax-exempt rate is simply too much of an administrative burden, especially in the case of nonmetropolitan communities. This alternative method of financing would make the program more broadly available to small communities throughout the country, reduce interest rates for those communities willing to issue taxable obligations, and stem part of the loss to the Treasury that is involved in tax-exempt financing and that is increasingly alleged as an inefficient subsidy to public borrowers.

The total amount of borrowing guaranteed by HUD could not exceed $200 million. If the interest rate on this $200 million of nonmetropolitan community obligations averaged $7\frac{1}{2}$ percent, the total interest payable would be $15 million. HUD would pay 40 percent of these interest charges, or $6 million. Thus, for the sum of $6 million, HUD could finance $200 million worth of public facility projects. And, the total interest paid on the $200 million—$15 million—would be taxable by the Federal Government.

Title III of the bill incorporates the entire community development block grant program which was proposed by the House subcommittee in the 92d Congress, with slight modification. It would attempt to assure that $500 million be provided annually for nonmetropolitan areas in the form of block grant funds and that this money would be distributed with due consideration given to the needs and wishes of people and groups most directly involved in rebuilding communities in the nonmetropolitan areas.

My bill would direct the Secretary of Housing and Urban Development to take into account locally developed plans and ideas for community development programs, and to utilize, whenever possible, program administration advice from interested local individuals, groups, and organizations with demonstrated competence in planning and carrying out development programs in nonmetropolitan communities.

Title IV of the bill provides for the establishment of a National Community Affairs Institute that would be comparable in purpose and activity to the Urban Institute in Washington, D.C. Since its beginning in 1968, the Urban Institute has fulfilled the high expectations held out for it as an urban research and development institute of the first order. Already the institute has rewarded the confidence of those who supported its founding by developing a program of studies and activities of direct revelance to the solution of many urban problems.

The Institute's research efforts, for example, have included the development of "urban indicators" that would allow us, over a period of time, to monitor the vital signs of city condition in respect to housing, poverty, education, health, transportation, recreation, economic developments, and other matters. In addition, the Institute has done research in the areas of income maintenance programing and an analysis of the "exploitation thesis" of metropolitanwide maldistribution tax burdens and public benefits.

The National Community Affairs Institute proposed in title IV of the bill would mobilize this kind of research and evaluative capability for the solution of similar problems affecting nonmetropolitan communities. The Institute would study new and improved modes of governmental service financing, the process of urbanization of countryside areas, structures, and processes and adaptation to rapid technological and economic development, citizen group participation in the community development process, and much more. In addition, the Institute would provide technical assistance to small communities to help develop strategies for the solution of general and specific problems. Finally, it would provide timely, independent, and continuing evaluation of Federal, State, local and private programs aimed at meeting the problems of nonmetropolitan communities.

Like its urban counterpart, the Institute would be supported by contracts with and grants from Federal agencies and private organizations, and could contract with public and private bodies for services and studies meeting mutual needs.

My bill would authorize the Secretary of Housing and Urban Development to take all steps necessary to provide for the establishment of the Institute, utilizing the broad research and development authority contained in existing law. The Secretary would have the flexibility to establish the Institute in any manner he deemed appropriate, with one exception: The Director of the Library of Congress would serve as chairman of the new Institute's board of directors. The purpose here is to assure that the Institute will be responsive to the Congress in legislating for nonmetropolitan communities.

Title V of the Small Communities Planning, Development, and Training Act of 1973 provides for a fellowship program for the training of professionals and other specialists in the broad fields of planning and development of communities in nonmetropolitan areas. The existing urban studies fellowship program, authorized by the Housing Act of 1964, would be amended to add this new program.

Under the urban studies fellowship program, about 100 fellowships are awarded each year by the HUD Secretary for the training of professionals in various fields of urban studies. Stipends and allowances for up to two dependents are permitted. Tuition and fees are paid directly to the institutions by HUD. The Secretary of Housing and Urban Development would be authorized to provide these additional fellowships—a number at least equal to the urban studies fellowships—for training in planning and development for nonmetropolitan communities upon the recommendation of the board of directors of the National Community Affairs Institute which would be established by title IV of this bill.

I believe provisions of my bill would enable many communities in nonmetropolitan areas to begin solving both their immediate and long-term problems. I urge all Members of the House to support the bill.

SUPREME COURT AND LEGALIZING ABORTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 60 minutes.

Mr. HOGAN. Mr. Speaker, I address the House today still badly shaken following the decision of the U.S. Supreme Court on January 22 legalizing abortion.

I have been a foe of abortion because I cannot accept that it can be right—that it can be legal—to end one human life for the personal convenience of another human being.

I must stand up and protest this gross disregard for human life which is now the official law of the United States of America. I have lived 44 years, and I have always deeply loved my country. This is the first time in all those years that I have been in deep despair over the future of my country.

Mr. Speaker, I have introduced today a constitutional amendment—House Joint Resolution 261—which would offset the recent Supreme Court decision on abortion.

If I had been alive in Nazi Germany, I like to think that I would have had the courage to stand up and protest the inhumane actions of my government. I feel very much the same today. My initial reaction to the Supreme Court's decision was that I did not want to be a part of a government which abandoned all respect for life. I seriously considered resigning from Congress. But then I decided that the preferable course would be to stay and do whatever I can to remedy the Court's action. The vehicle I have chosen in order to turn around this shocking new policy of our Government, of which I am so deeply ashamed, is to stay and fight for adoption of the constitutional amendment—House Joint Resolution 261—which I introduced today.

I am speaking today for those who cannot speak. I am speaking on behalf of our unborn children. Those who are concerned with equality of rights should not forget a group who are now in more need of constitutional protection than any other in our society—our most helpless minority, our unborn children.

The fundamental right of life itself is being neglected and denied to many of our fellow humans. To remedy this grave situation, I have introduced today a constitutional amendment — House Joint Resolution 261—that will insure that the unborn, the aged, the ill, and the incapacitated have a right to life that is every bit as valid as that guaranteed all of us under the 14th amendment.

Because of the Supreme Court's decisions in Roe against Wade and Doe against Bolton both decided January 22, 1973, the necessity for this amendment is now clearly evident. It is the only effective recourse open to those of us who value every human being's right to life.

Mr. Speaker, I urge our colleagues to read these decisions in their entirety, but I insert a summary of them in the RECORD at this point:

[Supreme Court of the United States]

DOE ET AL. V. BOLTON, ATTORNEY GENERAL OF GEORGIA, ET AL

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA

(No. 70-40. Argued December 13, 1971—Reargued October 11, 1972—Decided January 22, 1973)

Georgia law proscribes an abortion except as performed by a duly licensed Georgia physician when necessary in "his best clinical judgment" because continued pregnancy would endanger a pregnant woman's life or injure her health; the fetus would likely be born with serious defects; or the pregnancy resulted from rape. § 26-1202 (a) of Ga. Criminal Code. In addition to a requirement that the patient be a Georgia resident and certain other requirements, the statutory scheme poses three procedural conditions in § 26-1202 (b): (1) that the abortion be performed in a hospital accredited by the Joint Committee on Accreditation of Hospitals (JCAH); (2) that the procedure be approved by the hospital staff abortion committee; and (3) that the performing physician's judgment be confirmed by independent examinations of the patient by two other licensed physicians. Appellant Doe, an indigent married Georgia citizen, who was denied an abortion after eight weeks of pregnancy for failure to meet any of the § 26-1202 (a) conditions, sought declaratory and injunctive relief, contending that the Georgia laws were unconstitutional. Others joining in the complaint included Georgia-licensed physicians (who claimed that the Georgia statutes "chilled and deterred" their practices), registered nurses, clergymen, and social workers. Though holding that all the plaintiffs had standing, the District Court ruled that only

Doe presented a justiciable controversy. In Doe's case the court gave declaratory, but not injunctive, relief, invalidating as an infringement of privacy and personal liberty the limitation to the three situations specified in § 26–1202 (a) and certain other provisions but holding that the State's interest in health protection and the existence of a "*potential* of independent human existence" justified regulation through § 26–1202 (b) of the "manner of performance as well as the quality of the final decision to abort." The appellants, claiming entitlement to broader relief, directly appealed to this Court. *Held:*

1. Doe's case presents a live, justiciable controversy and she has standing to sue, *Roe* v. *Wade, ante, p.* —, as do the physician-appellants (who, unlike the physician in *Wade,* were not charged with abortion violations), and it is therefore unnecessary to resolve the issue of the other appellants' standing. Pp. 7–9.

2. A woman's constitutional right to an abortion is not absolute. *Roe* v. *Wade, supra.* P. 9.

3. The requirement that a physician's decision to perform an abortion must rest upon "his best clinical judgment" of its necessity is not unconstitutionally vague, since that judgment may be made in the light of *all* the attendant circumstances. *United States* v. *Vuitch,* 402 U.S. 62, 71–72. Pp. 10–12.

4. The three procedural conditions in § 26–1202(b) violate the Fourteenth Amendment. Pp. 12–19.

(a) The JCAH accreditation requirement is invalid, since the State has not shown the only hospitals (let alone those with JCAH accreditation) meet its interest in fully protecting the patient; and a hospital requirement failing to exclude the first trimester of pregnancy would be invalid on that ground alone, see *Roe* v. *Wade, supra.* Pp. 12–15.

(b) The interposition of a hospital committee on abortion, a procedure not applicable as a matter of state criminal law to other surgical situations, is unduly restrictive of the patient's rights, which are already safeguarded by her personal physician. Pp. 15–17.

(c) Required acquiescence by two co-practitioners also has no rational connection with a patient's needs and unduly infringes on her physician's right to practice. Pp. 17–19.

5. The Georgia residence requirement violates the Privileges and Immunities Clause by denying protection to persons who enter Georgia for medical services there. Pp. 19–20.

6. Appellants' equal protection argument centering on the three procedural conditions in § 26–1202(b), invalidated on other grounds, is without merit. P. 20.

7. No ruling is made on the question of injunctive relief. Cf. *Roe* v. *Wade, supra.* P. 20.

319 F. Supp. 1048, modified and affirmed.

[Supreme Court of the United States]

Roe et al. v. Wade, District Attorney of Dallas County

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS

(No. 70–18. Argued December 13, 1971—Reargued October 11, 1972—Decided January 22, 1973)

A pregnant single woman (Roe) brought a class action challenging the constitutionality of the Texas criminal abortion laws, which proscribe procuring or attempting an abortion except on medical advice for the purpose of saving the mother's life. A licensed physician (Hallford), who had two state abortion prosecutions pending against him, was permitted to intervene. A childless married couple (the Does), the wife not being pregnant, separately attacked the laws, basing alleged injury on the future possibilities of contraceptive failure, pregnancy, unpreparedness for parenthood, and impairment of the wife's health. A three-judge District Court, which consolidated the actions, held that Roe and Hallford, and members of their classes, had standing to use and presented justiciable controversies. Ruling that declaratory, though not injunctive, relief was warranted, the court declared the abortion statutes void as vague and overbroadly infringing those plaintiffs' Ninth and Fourteenth Amendment rights. The court ruled the Does' complaint not justiciable. Appellants directly appealed to this Court on the injunctive rulings, and appellee cross-appealed from the District Court's grant of declaratory relief to Roe and Hallford. *Held:*

1. While 28 U.S.C. § 1253 authorizes no direct appeal to this Court from the grant or denial of declaratory relief alone, review is not foreclosed when the case is properly before the Court on appeal from specific denial of injunctive relief and the arguments as to both injunctive and declaratory relief are necessarily identical. P. 8.

2. Roe has standing to sue; the Does and Hallford do not. Pp. 9–14.

(a) Contrary to appellee's contention, the natural termination of Roe's pregnancy did not moot her suit. Litigation involving pregnancy, which is "capable of repetition, yet evading review," is an exception to the usual federal rule that an actual controversy must exist at review stages and not simply when the action is initiated. Pp. 9–10.

(b) The District Court correctly refused injunctive, but erred in granting declaratory, relief to Hallford, who alleged no federally protected right not assertable as a defense against the good-faith state prosecutions pending against him. *Samuels* v. *Mackell,* 401 U.S. 66.

(c) The Does' complaint, based as it is on contingencies, any one or more of which may not occur, is too speculative to present an actual case or controversy. Pp. 12–14.

3. State criminal abortion laws, like those involved here, that except from criminality only a life-saving procedure on the mother's behalf without regard to the stage of her pregnancy and other interests involved violate the Due Process Clause of the Fourteenth Amendment, which protects against state action the right to privacy, including a woman's qualified right to terminate her pregnancy. Though the State cannot override that right, it has legitimate interests in protecting both the pregnant woman's health and the potentiality of human life, each of which interests grows and reaches a "compelling" point at various stages of the woman's approach to term. Pp. 36–49.

(a) For the stage prior to approximately the end of the first trimester, the abortion decision and its effectuation must be left to the medical judgment of the pregnant woman's attending physician. Pp. 36–47.

(b) For the stage subsequent to approximately the end of the first trimester, the State, in promoting its interest in the health of the mother, may, if it chooses, regulate the abortion procedure in ways that are reasonably related to maternal health. Pp. 43–44.

(c) For the stage subsequent to viability the State, in promoting its interest in the potentiality of human life, may, if it chooses, regulate, and even proscribe, abortion except where necessary, in appropriate medical judgment, for the preservation of the life or health of the mother. Pp. 44–48.

4. The State may define the term "physician" to mean only a physician currently licensed by the State, and may proscribe any abortion by a person who is not a physician as so defined. Pp. 34–35, 48.

5. It is unnecessary to decide the injunctive relief issue since the Texas authorities will doubtless fully recognize the Court's ruling that the Texas criminal abortion statutes are unconstitutional. P. 51.

314 F. Supp. 1217, affirmed in part and reversed in part.

Blackmun, J., delivered the opinion of the Court, in which Burger, C. J. and Douglas, Brennan, Stewart, Marshall, and Powell, JJ., joined. Burger, C. J. and Douglas and Stewart, JJ., filed concurring opinions. White, J., filed a dissenting opinion, in which Rehnquist, J., joined. Rehnquist, J., filed a dissenting opinion.

The constitutional amendment—House Joint Resolution 261—which I introduced today, Mr. Speaker, would negate the above-summarized decisions and would reestablish the right of all human beings, regardless of age, to life. I include the text of my Constitutional I include the text of my constitutional 261—at this point in the Record:

House Joint Resolution 261

Proposing an amendment to the Constitution of the United States guaranteeing the right to life to the unborn, the ill, the aged, or the incapacitated.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as a part of the Constitution only if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE —

"Section 1: Neither the United States nor any State shall deprive any human being, from the moment of conception, of life without due process of law; nor deny to any human being, from the moment of conception, within its jurisdiction, the equal protection of the laws.

"Section 2: Neither the United States nor any State shall deprive any human being of life on account of illness, age, or incapacity.

"Section 3: Congress and the several States shall have the power to enforce this article by appropriate legislation."

By its incredible 7-to-2 decision, denying the equal protection of the law to the unborn child, the U.S. Supreme Court has, in one stroke, canceled the right which the Declaration of Independence says is the first of all the rights of man—the inalienable right to life which is self-evident.

The Declaration of Independence does not say that all men are "born" equal. It says that all men are "created" equal.

Human life begins at conception and not at birth. Even advocates of abortion admit this fact.

A pro-abortion editorial in the Journal of California Medicine, September 1970, freely speaks of—

> The scientific fact, which everyone really knows, that human life begins at conception and is continuous whether intra—or extra-uterine until death. The very considerable semantic gymnastics which are required to rationalize abortion as anything but taking a human life would be ludicrous if they were not often put forth under socially impeccable auspices. It is suggested that this schizophrenic sort of subterfuge is necessary because while a new ethic is being accepted the old one has not yet been rejected.

Mr. Speaker, it seems, everyone really knows except the U.S. Supreme Court.

Indeed, the Court seems not to have even looked at the reality of when human life begins. The Court passes over the facts and lamely states that—

> We need not resolve the difficult question of when life begins. When those trained in the respective disciplines of medicine, philosophy, and theology are unable to arrive at any concensus, the judiciary at this point in the development of man's knowledge, is not in a position to speculate as to the answer.

No speculation was necessary. New York courts have already acknowledged that, in the contemporary medical view, the child begins a separate life from the moment of conception. The U.S. Supreme Court should have determined whether and when we can legally kill a being who is acknowledged to be human by all sides, instead of passing over this issue.

Apart from strictly scientific facts, everybody does, indeed, know that a human infant is always the natural result of a human pregnancy. No concensus from any disciplines are required to know this. Even a woman who seeks an abortion does so because she does not want to have a baby, not because she is disturbed by any mere "piece of tissue"—or whatever euphemism is used to avoid speaking of the child as human. Abortion always kills a living human being. The abortionists themselves speak of an unwanted "child," not of something else that is unwanted but an unwanted "child."

But now, Mr. Speaker, the U.S. Supreme Court has, in effect, declared that if a human being is unwanted, he can be eliminated. Where will the line be drawn between those who can legally be eliminated and those who cannot? The line our highest Court itself attempts to draw, that the law might take some notice of the child who has "the capability of meaningful life outside the mother's womb"—curiously, the Court itself calls her a "mother"—is purely arbitrary. As Dr. Eugene Diamond has said arbitrary time limits based on so-called viability are about as sacred as the 4-minute mile and, indeed, it is well-known that some legally aborted babies have lived.

We have a shocking history in recent years of babies that have been aborted alive. My colleagues might remember when I called their attention to a baby that had been aborted alive at the Washington Hospital Center. An attendant found it squirming in a refrigerator. There were 26 babies aborted alive in the first few months after New York legalized abortions. Some of them have been adopted and are living with loving families today.

So let us not deceive ourselves as to what it is we are talking about. We are talking about human beings. And when the Supreme Court in its decisions refers to the "potentiality of life," it is ignoring the medical and scientific facts. What we are talking about is the "reality"—the "actuality" of life, not the "potentiality" of human life.

The High Court refers in its decisions to "meaningful life." Inherent in that is one of the greatest dangers facing our country. The ominous phrase, "meaningful life," can be applied to other lives besides those of the unborn—the sick, the unfit, the feebleminded, the old, the senile. If they are unwanted and their lives are not "meaningful," how can they claim protection under the law according to the new criteria of the U.S. Supreme Court? My amendment—House Joint Resolution 261—would protect them as well.

Who of us is competent to assess whose life is meaningful? Is the man who comes home from work and falls asleep drinking beer before the television set leading a "meaningful" life? Is an unemployed migratory farmworkers leading a "meaningful" life? Is a person who is crippled "meaningful"? Is a child who is retarded "meaningful"? Who judges? Who decides? Who has the power and the audacity to say that another individual has a "meaningful" life and another human being does not.

But that is what the Supreme Court, in its shocking decision, has done. Threats of so-called mercy killing and other types of elimination of the unfit are not idle threats. Extermination policies of this kind, beginning with abortion, have been massively carried out within all too recent memory in Nazi Germany.

For nearly a generation, the world has been asking itself, "How could the German people under Hitler have stood by while the smoke poured from the chimneys of the Nazi death camps? How could this tremendous horror happen in the 20th century of civilization? How could civilized people slaughter 6 million other human beings because they were Jewish?"

Mr. Speaker, that shocks the conscience of the world and will continue to do so throughout history. But we ought to remember the warning of George Santayana, who said:

> Those who cannot remember the past are condemned to repeat it.

And let us look at recent world history, let us look at Nazi Germany. Where did they begin? They began with abortion. And then they went on to exterminating those who were infirm and retarded and in mental institutions. They conducted medical experimentation that resulted in the deaths of these other human beings who did not, in the judgment of the Nazi regime, lead "meaningful" lives. And it was a short step from there to exterminating the Jews, who, in the judgment of the Nazi regime, did not lead "meaningful" lives and did not fit in with the concept of super race.

Well, we are on the first step, with this decision, toward the same kind of calamity for the United States of America. Can we allow it to happen to the greatest nation in the history of the world? Can Americans stand idly by while our carnage through abortion mounts? More human lives have been slaughtered through abortion than in all the wars in our history. Think about that.

The Supreme Court has proved by this single decision that the Justices, who are the final arbiters of the judicial meaning of our Constitution, have not only abandoned any pretense to respect the spirit of that Constitution, with equal justice under the law, but they have, as they have as with so many other recent decisions, ignored the will of the American people.

This decision comes at a time when legislators, politically responsive to the people by whom they were elected, have repeatedly repudiated liberalized abortion. Some 37 State legislatures have rejected liberalized abortion proposals. In New York, which had enacted its liberalized abortion law by one vote, the legislature reversed its decision and repealed that law, and it would have died, except that Governor Rockefeller vetoed it.

Connecticut and Pennsylvania's legislatures have also changed their minds on liberalized abortion laws they had previously passed. Governor Shapp also vetoed the action of the Pennsylvania legislature. Last November in North Dakota the people, by referendum, rejected abortion by a vote of 77 percent. The voters rejected it in Michigan by a 63-percent vote. The people have rejected proposed laws which the U.S. Supreme Court, by judicial fiat, has now imposed on the entire country.

I wonder if these Supreme Court Justices reflected upon the social consequences of trying to impose on the Nation a legal abortion policy which cannot and will not be accepted by millions upon millions of Americans. This has brought upon the Supreme Court and the Government itself disgrace and contempt which neither the Court nor the legal system or the Government can afford at this time when lack of confidence in our Government presents such a crisis.

The Supreme Court has not resolved the abortion issue by this decision. The Court has instead opened up another fissure in our already divided society.

Mr. Speaker, 116 years ago, the U.S. Supreme Court handed down another infamous decision—also by a lopsided majority, a decision of which we as Americans have been deeply ashamed ever since. That was the Dred Scott decision, which declared that all Americans were equal under the law, unless they were black and were born in slavery. One human being had the legal right to own another human being. Slavery was constitutional because of the Dred Scott decision. But now we have gone beyond that. If it was shocking to think that one human being could own another, what is it to say that one human being can legally kill another with impunity. That is where we are today with the Supreme Court decision on abortion.

Because this infamous new decision denies, cancels, and nullifies and declares of no effect whatsoever the constitutional rights that have always been accorded within our legal system to the unborn, it will go down as "the Dred Scott decision of the 20th century." Its consequences are incalculable.

Civilized nations have always tried to protect their minorities. The advance of civilization has often been equated with the law's increased protection of its weakest and most helpless members. To declare now that one of our minority groups, the most helpless of all, can be legally exterminated on demand is shocking indeed.

Mr. Speaker, this is not the rule of law;

it is the law of the jungle when one human being can decide to destroy another human being for his convenience.

Unborn children have traditionally, under our judicial system, had legal rights which have been protected. They have had the right to sue for injuries which they sustained before birth. They have had the right to inherit equally with their brothers and sisters when their father died before their birth. They have had the right to have guardians appointed to protect their interests. There have been decisions upheld by the same Supreme Court where parents, because of their religious beliefs, refused to have transfusions of blood in order to save an unborn child. The courts have declared that such a parent must have these transfusions of blood to save that unborn child whose right to live is superior to their right to practice their religious beliefs.

All this legal history has now been jettisoned by the Supreme Court decision on abortion.

What value will the Supreme Court uphold if it cannot uphold the value of human life itself. What good are property rights, which the unborn have always had, if they do not have the right to life?

Mr. Speaker, I hope all Americans are as shocked as I am by this black mark on American history, and will support the Constitutional amendment—House Joint Resolution 261—which I introduced today. Let us prove that America is not morally bankrupt, even if the Supreme Court is. Let us prove that we still cherish and value human life, even if the Supreme Court does not.

The Supreme Court has made its decision. Now the Congress, the State legislatures, and the American people themselves must make their decision to override the Supreme Court decision by amending the Constitution.

ISLAND OF CULEBRA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. Drinan) is recognized for 30 minutes.

Mr. DRINAN. Mr. Speaker, over a half century ago, Henry Adams observed that—

> During a million or two of years, every generation in turn had toiled with endless agony to attain and apply power, all the while betraying the deepest alarm and horror at the power they had created.

If he were alive today, one wonders whether his talent for expression would be equal to describing the present and potential impact of weapons upon the minds and actions of men.

These words came to mind when I read of the plans of the U.S. Navy to extend the shelling of the Puerto Rican island of Culebra until 1985 instead of the promised date of June 30, 1975. The urgency of this situation is obvious.

On November 4, 1972, former Secretary of Defense Melvin Laird declared to the Governor of Puerto Rico, the President of the Puerto Rican Senate, the mayor of Culebra, and the people of Culebra and of Puerto Rico, that use of Culebra for shelling purposes would be terminated no later than June 30, 1975. Despite this declaration, the Navy has subsequently conducted a new secret study which concludes that no less than 10 more years of shelling of Culebra are necessary in order to provide for "the common defense."

I rise today to protest the extension of the shelling of Culebra in the name of providing for the common defense of our country. I do not believe that the security of the United States requires target practice off the shores of this island.

The fact that our Government has made a commitment to the government and the people of Puerto Rico, and yet seems to have no regard for that commitment, corrupts the very ideals we hope this Nation stands for and the trust which we hope others have for us.

One need only think of what it would be like to have the U.S. Navy decide to shell his or her neighboring town to understand how the people of Puerto Rico feel about the shelling of Culebra.

The people of Puerto Rico are being used, in essence, as guinea pigs for the operation of the U.S. Navy. It is unfortunate that the only way to see the inadequacies of the shelling operation is upon the occurrence of some incident or accident that could possibly occur.

It is an understatement to say that the shelling has an adverse effect on the environment. This kind of damage is irreversible. Another 10 years of the shelling will only cause more harm and leave more scars across the face of this battered island.

The people of Culebra are justifiably indignant when told to evacuate areas of the island on which they live. Fishermen are told where they can and cannot fish for their livelihood, and many have claimed that their equipment has been damaged.

I strongly support legislation to require the termination of all weapons range activities conducted on or near the Culebra complex as of July 1, 1975.

The people of Puerto Rico and Culebra have been promised that the shelling would stop by 1975 at the latest. This promise must be kept.

BOB SIKES HAS NOW SERVED WITH 2,000 IN HOUSE, SENATE

(Mr. FUQUA asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. FUQUA. Mr. Speaker, Floridians are proud of the record of service of the dean of our delegation, generally referred to as the "He Coon," my friend and colleague, Robert L. F. Sikes.

As he begins his 33d year in the U.S. House of Representatives, it is interesting to note that only six of the present Members have served longer.

Even more interesting is the fact that Bob Sikes has now passed the 2,000 mark in the number of Members of the House and Senate in that time. When he took the oath of office for the 17th time to begin his service in the 93d Congress, he could look back with pride on having now served with 1,655 House Members and 406 Members of the U.S. Senate.

This is a remarkable record.

I think it also significant to note that Bob Sikes is the last Member of the Congress whose father served in the Civil War.

If you were to look back on a well-worn Congressional Directory issued when Bob Sikes came to the Congress in 1941, you would find only six names among the membership of the House of Representatives who are listed in the 1973 edition.

They are Wright Patman of Texas, dean of the House with 23 terms, Leslie C. Arends of Illinois, and George H. Mahon of Texas with 20 terms, W. R. Poage of Texas with 19 terms, Wilbur D. Mills of Arkansas, with 18 terms, and F. Edward Hébert of Louisiana with 17 terms.

This distinguished chairman of the Armed Services Committee, Mr. Hébert, came to the Congress with Bob Sikes, but there was a short break in the service of Mr. Sikes when he was on active duty in World War II.

I think it further interesting to note that three of the seven senior Members of the House are from Texas. I think it fair to say that the Lone Star State has furnished more than its share of distinguished leaders in the Congress, and continues to do so today.

Bob Sikes is a wise leader and great friend to all of the Members of my delegation. When he came here in 1941, Florida had only five Members in its delegation in the House.

With the beginning of the Congress, we now have 15, and I believe that the Sunshine State is just beginning to have a great impact on this great institution as we move forward in the ranking of the States.

We are proud of Bob Sikes and his record. Not only has he served a long time, he has served with distinction and ability. He continues to do so today.

CENTRAL NARCOTICS REGISTER

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, on September 14, 1972, an article authored by Nat Hentoff appeared in the Village Voice. Mr. Hentoff raised the question of whether it served a useful purpose to require officials to report the names of student drug abusers to the health department "so that those names can be placed on the central register of the city's addicts." Those who oppose the listing of the names agree that all such necessary statistical information required for evaluation purposes should be furnished by the school authorities.

I thought Mr. Hentoff's question was a valid one and that we ought to ascertain from the government officials having jurisdiction over the matter what their positions would be. I contacted the names below and I am distressed to say that not everyone felt compelled to respond in a matter of importance. Those responses that were received are attached.

At this point in time, the city of New

York no longer has control over what to do in this matter since the State public health law effective April 1, 1973, mandates a central registry of the names of all the persons who are undergoing or awaiting admission to an approved narcotic addiction treatment program.

The responses are not unanimous in their point of view but certainly do provide information to form a point of view.

The following letter was sent to the names listed below:

HOUSE OF REPRESENTATIVES,
Washington, D.C., October 6, 1972.

DEAR ———: There has been a great furor raised concerning the legal requirement in the New York City Health Code that school age children who are currently under treatment for narcotic addiction must have their names placed on the City Narcotic Register. Chancellor Harvey Scribner, of the Board of Education, has taken the position that it not only serves no purpose to report the names of the students to the Narcotic Register but, in fact, it is detrimental to do so. He does it, he says, because the law requires him to do so although he would prefer that the law be changed, eliminating the requirement. The Narcotic Register allegedly is kept for research purposes and not for police purposes, although some find that hard to believe.

Opponents of the Health Code regulation argue that it will inhibit school children from requesting help. It may also discourage teachers who detect such children in their classrooms from placing their students in narcotic addiction programs because of the fear that those children ultimately would carry the stigma throughout their lives, even after rehabilitation. This is a matter which concerns more than 25,000 school children in New York City since more than that number have been estimated by the New York City Board of Education to be hard narcotic users.

I would appreciate knowing your position in this matter. Do you believe that it is helpful to have these students' names filed with the Narcotic Register (the proposal of those who oppose this requirement is that the number of student narcotic users be filed with the Register for research purposes, but not the names) and if you do, what benefits follow from such disclosures? If you are opposed to the recording of these names, I would appreciate having your statement to that effect.

Your comments on this matter and how it should be handled would be of great importance to me in formulating my own position.

Sincerely,

EDWARD I. KOCH.

LIST

The Honorable Patrick Murphy, Police Commissioner, 240 Centre Street, New York, New York 10013. (Response follows.)

The Honorable Elliott Richardson, Secretary of Health, Education and Welfare, Washington, D.C. (Response follows.)

Gordon Chase, Administrator, Health Services Administrator, the City of New York, 125 Worth Street, New York, New York 10013. (Response follows.)

Mary C. McLaughlin, M.D., Commissioner of Health, Department of Health, 125 Worth Street, New York, New York 10013. (Response follows.)

Hollis S. Ingraham, M.D., Commissioner of Health, State of New York, Department of Health, 84 Holland Avenue, Albany, New York, 12208. (Response follows.)

The Honorable Nelson Rockefeller, Governor, State Capitol, Albany, New York. (No reply received.)

The Honorable John V. Lindsay, Mayor, City of New York, City Hall, New York, New York. (No reply received.)

Myles Ambrose, Special Assistant to Attorney General, Office of Drug Abuse, Law Enforcement, Department of Justice, Washington, D.C. 20530. (Interim response only.)

John E. Ingersoll, Director, Bureau of Narcotics and Dangerous Drugs, 1405 I Street, N.W., Washington, D.C. 20537. (Response follows.)

Ewald B. Nyquist, Commissioner of Education, Education Department, Albany, New York 12224. (No reply received.)

Jerome H. Jaffe, M.D., Director, Executive Office of the President, Special Action Office for Drug Abuse Prevention, Washington, D.C. 20500. (Interim telephone response only.)

Joseph Monserrat, President, New York City Board of Education, 510 East 86th Street, New York, New York. (No response received.)

Seymour P. Lachman, Vice President, New York City Board of Education, 100 Avenue P, Brooklyn, New York 11204.

Murry Bergtaum, Member, New York City Board of Education, 144–20 88th Drive, Kew Garden Hills, New York 11367. (No response received.)

Isiah E. Robinson, Jr., 40 West 135th Street, New York, New York 10037. (Response follows.)

Mary E. Meade, Member, New York City Board of Education, 55 Austin Place, Staten Island, New York. (No reply received.)

THE CITY OF NEW YORK,
POLICE DEPARTMENT,
New York, N.Y., January 5, 1973.

Hon. EDWARD I. KOCH,
Member of Congress,
New York, N.Y.

DEAR CONGRESSMAN KOCH: In response to your letter of October 6, 1972, regarding the Narcotics Register. I have reviewed the provisions of the New York City Health Code and the purposes of the Narcotics Register.

The function of the Health Services Administration's Narcotics Register is to collect data concerning drug abuse in New York City, analyze the data and evaluate changing patterns of drug abuse throughout the City. The Register cooperates with other City and government agencies including the New York City Police Department in an attempt to improve reporting and by providing statistical information.

The Register does not disclose identities and releases only statistical data and studies which emanate from them.

In view of the confidentiality of the information, the New York City Police Department has no objection to *supplying* data to the Narcotics Register of the Health Services Administration. Since this Department has no relation to the Narcotics Register, other than that of a supplier of information, I believe that some of the questions you raise could be better considered by the Health Services Administration which maintains the Narcotics Register itself.

Sincerely,

PATRICK V. MURPHY,
Police Commissioner.

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., November 10, 1972.

Hon. EDWARD I. KOCH,
House of Representatives,
Washington, D.C.

DEAR MR. KOCH: This is in further response to your letter of October 6 expressing your concerns about the New York City Health Code requirement that school-age children under treatment for narcotic addiction must have their names placed on the City Narcotics Register.

There is no question that the data to be derived from the Narcotics Register are extremely valuable. Such a resource makes it possible to estimate the number of narcotic addicts in specific age groups, ethnic groups or other categories of interest, provides a basis for studies of the experience of addicts over time and serves as a tool for various additional kinds of research on the addiction problem. Such information is crucial in developing policy and programs in the area of narcotic addiction. Recently it was necessary for the Office of Management and Budget to obtain a national estimate of the number of narcotic addicts for purposes of national policy and programming. The New York City Narcotics Register was the only resource which had hard data available to serve as a basis for such an estimate.

Experience in various fields of health and social problems has indicated that it is essential to report names to a case register when the purpose of that register is to link records from a number of sources so that the number of unique individuals can be determined, and information on an individual from various sources can be combined. Attempts to accomplish this kind of record linkage without names, but using other items of information, have not proved at all successful.

When information by name of individual is reported to a central resource for research purposes, as in the Narcotics Register, there must be adequate safeguards against disclosure of such information to any individual or agency. It is my understanding that the law which requires reporting of cases to the Narcotics Register also protects the records in the Register against subpoena and against inspection by persons other than authorized personnel of the New York City Health Department. As you indicate in your letter, however, there is much concern over the possibility of unauthorized disclosures of information.

Since this issue has been raised in other contexts as well, in February 1972, I appointed an Advisory Committee on Automated Personal Data Systems. This Committee is charged with the task of assisting the Department in developiing recommendations for safeguards against harmful consequences which may result from the use and management of automated personal data systems, including recommendations relative to the issuance and use of the social security number and recommendations of measures for redress of such harmful consequences. These recommendations are to include specification of actions that may be taken to achieve their implementation, including Federal and State legislation, administrative action by Federal and State departments, agencies and officials, and actions by private organizations which use automated personal data systems. The report of this Committee is expected to be completed in December 1972. I shall be glad to share this information with you when it is available.

With kindest regards.

Sincerely,

ELLIOT RICHARDSON,
Secretary.

THE CITY OF NEW YORK,
HEALTH SERVICES ADMINISTRATION,
New York, N.Y., October 31, 1972.

Hon. EDWARD I. KOCH,
Congressman,
Washington, D.C.

DEAR ED: Thank you for your letter of October 6, regarding the New York City Narcotics Register.

David S. Seeley, Director of the Public Health Education Association, in a letter to Commissioner Cimino raised precisely the questions which concern you regarding the Health Code reporting requirements and confidentiality of the Register. Dr. Cimino's response which seems sensible to me, is attached.

Perhaps a member of your staff would like to meet with Dr. Robert Newman who has just been appointed Director of the Narcotics Register. Bob's number is 966–6312, and he would be pleased to hear from your office. Needless to say, I would be delighted to meet with you on the subject anytime you say.

Best regards.

Sincerely,

GORDON CHASE,
Administrator.

THE CITY OF NEW YORK,
COMMISSIONER OF HEALTH,
New York, N.Y., October 31, 1972.

Mr. DAVID S. SEELEY,
Director, Public Health Education Association, New York, N.Y.

DEAR MR. SEELEY: Thank you for your letter of September 1, in which you very articulately express your concerns regarding the New York City Narcotics Register and the relevant Health Code regulations governing reporting and confidentiality. I shall try to address this response to the specific points you raised.

There is considerable misunderstanding regarding the functions of the New York City Health Department Narcotics Register. Its purpose is not to simply count addicts, as is so frequently implied in the news media. Were this the primary objective, then it would truly be difficult to justify the Register's existence, especially since there are many inherent limitations which would render even the most carefully prepared approximation of prevalence just that: an approximation.

Rather, the Narotics Register is a unique source of extremely useful epidemiological data. In approaching the menace of addiction in our City in a rational way, it is critically important to know what hypothesis can be supported regarding the natural course of addiction, which population groups are already most involved in drug abuse, and where addiction is most heavily located. Additionally, the Register has proven itself an excellent means of helping evaluate various prevention and treatment programs. Clearly, the more complete the reporting of drug abusers is, the more effectively these functions can be carried out.

It has always been the position of the Health Department to provide absolute confidentiality to all individual records received by the Narcotics Register. There has never been the slightest wavering in the Department's firm adherence to this position. While one can obviously never predict the future, I sincerely believe that the chances of deviating from the present uncompromising policy are extremely remote. We are very much aware of the futility of mandating compliance with reporting regulations when there is a fear that there may be resultant harm to the individual being reported. The relatively complete reporting which we have achieved to date is not due to zealous enforcement of legal requirements, but rather to the consistent assurance, in word and in deed, that confidentiality will be protected. Without firm safeguards, we recognize that a Register such as this would be meaningless. Thus the commitment to the existence of a Register must by definition be complemented by an equal commitment to confidentiality.

I appreciate the concern you express regarding section 11.07(c) of the Health Code and the fact that reports of "drug abuse" are not expressly protected in the wording of section 11.07 (a). We have already taken steps to introduce an amendment to the existing Code which would explicitly and unequivocally prohibit any disclosure of individual information collected by the Register.

The status of the Register is constantly being evaluated by our staff and I presented the issue to the members of the Board of Health at the October meeting. There was unanimous agreement by the Board to review the purposes and potentials of the Register on an ongoing basis.

Regarding the specific question of reporting school-age known or suspected drug abusers, we do not feel that this presents a special case, nor that additional safeguards are indicated. It is our position that total confidentiality must be provided *all* records received by the Narcotics Register. Perhaps those who focus their concern on school children are implying that less than stringent rules against disclosure may be appropriate for older age-groups. We reject this view because we are convinced that unequivocal confidentiality must apply to the adult as well as the child, to the self-reported hard-core heroin addict as well as to the individual reported by a physician who suspects drug use, etc.

For similar reasons, we have not considered "dropping" names from the Register even when a person is certified as being "cured". First, the concept of cure is probably inappropriate for a chronic and notoriously relapsing condition such as drug addiction. Secondly, with the broad scope of the Register function specified previously, it is as important to learn which persons, under which conditions, are *not* subsequently reported as active drug users as it is to be able to follow the course of those who *are* subsequently reported. Finally, as stated above, our rigid adherence to the principle of confidentiality must be applied to *all* reports in the Register, and it would again imply less than total commitment to this principle if we removed certain names from the data files.

The suggestion that some or all of the reports received by the Register could serve a useful purpose even if not identified by name is not feasible. Neither the nature of the addiction problem, nor changing trends over time, nor even the process of quantifying the problem could be achieved without the inclusion of names and other identifying information.

Finally, I agree that the knowledge that reports will be sent to a Register may deter persons who want and need help from seeking treatment, *if the reports are not protected by the strongest possible assurances of confidentiality*. This has been recognized since the days of Hippocrates, and is explicitly acknowledged in New York State legal decisions rendered as long ago as the 1820's. Without confidentiality, a Narcotics Register would serve no useful purpose, and would pose an extraordinary potential infringement of liberties. *With* confidentiality, it can be a major help in dealing with one of the most tragic problems which has ever confronted our society.

To summarize, I appreciate and share your concerns. We are by no means working at cross purposes in our mutual insistence for absolute confidentiality of all records. The sort of citizen participation which your letter represents will probably prove even more effective in achieving our aims than the most carefully worded laws.

Sincerely yours,

JOSEPH A. CIMINO, M.D., M.P.H.,
Commissioner of Health.

THE CITY OF NEW YORK,
HEALTH SERVICES ADMINISTRATION,
October 11, 1972.

Hon. EDWARD I. KOCH,
Member of Congress,
Washington, D.C.

DEAR MR. KOCH: Since January 1972 Dr. Joseph A. Cimino has been Commissioner of Health and Chairman of the Board of Health. Since your letter was directed to me in that position I assume you want the official statement from that office.

I have sent your leter to Dr. Cimino. I am sure you will get an early response.

Sincerely yours,

MARY C. MCLAUGHLIN, M.D., M.P.H.,
Deputy Health Services Administrator.

STATE OF NEW YORK,
DEPARTMENT OF HEALTH,
Albany, October 16, 1972.

Hon. EDWARD I. KOCH,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN KOCH: I have given your letter of October 6 a great deal of thought. You solicit my views on the New York City Health Code's requirement that children under treatment for narcotic addiction have their names placed on the City Narcotic Register.

The discovery and reporting of persons who are afflicted with a disease or illness is often the necessary first step in the epidemiological study of an illness. However, the history of public health is full of illustrations where the reporting of disease was opposed on grounds that it would subject individuals to undeserved penalties and to social ostracism. One illustration is the great furor in New York City early in this century when the City Health Commissioner Biggs made tuberculosis reportable for the first time. As unpleasant as the maintenance of tuberculosis registries was for individuals at that time, study and use of data accumulated played a large role in bringing about a reduction in unnecesary deaths and suffering.

There are always pros and cons on these issues. Obviously, if Chancellor Scribner is correct and no purpose is being served by the register, then it is difficult indeed to justify its operation. Yet, the New York City Board of Health had their own reasons for enacting this requirement. Perhaps things are not as bad as Chancellor Scribner indicates. In any event, his objections become academic since the last session of the Legislature enacted a similar statewide requirement, effective April 1, 1973, mandating a central registry of the names of all the persons who are undergoing or awaiting admission to an approved narcotic addiction treatment program. Specifically, this requirement is set forth in Section 3356 and 3372 of the New York State Public Health Law. The actions taken by the New York City Board of Health are consistent with this law.

I am enclosing a photocopy of the two mentioned Sections for your information; they are part of a new Article 33 of the New York State Public Health Law which was developed by the Joint Legislative Commission on Drug Addiction chaired by Assemblyman Chester Hardt from Erie County. There was a great deal of preparatory study before enactment, and the new Article was debated in at least two sessions of the New York State Legislature before its passage in 1972.

Sincerely yours,

HOLLIS S. INGRAHAM, M.D.,
Commissioner of Health.

PHOTOCOPY

§ 3356. Central registry confidentiality

1. The department shall establish a central registry as part of which the following information shall be assembled:

(a) the name and other identifying data relating to each reported addict;

(b) the status of each addict awaiting admission to an approved program or programs;

(c) the status of each addict in an approved program.

2. Identifying data in such registry with respect to an individual addict shall be available only to a practitioner attempting to ascertain the status of an addict seeking treatment with him or admission to a program with which he is associated.

Added L.1972, c. 878, § 2.

Effective Date. Section 7 of L.—1972, c. 878, provided that this section is effective April 1, 1973.

§ 3372. Practitioner patient reporting

It shall be the duty of every attending practitioner and every consulting practitioner to report promptly to the commissioner, or his duly designated agent, the name and, if possible, the address of, and such other data as may be required by the commissioner with respect to, any person under treatment if he finds that such person is an addict or a habitual user of any narcotic drug. Such report shall be kept confidential and may be utilized only for statistical, epidemiological or research purposes, except that those reports which originate in the course of a criminal proceeding other than under section two hundred ten of the mental hygiene law shall be subject only to the confidentiality requirements of section thirty-three hundred seventy-one of this article. Added L.1972, c. 878, § 2.

Effective Date. Section 7 of L.—1972, c. 878, provided that this section is effective April 1, 1973.

U.S. Department of Justice,
Office for Drug Abuse Law Enforcement,
Washington, D.C., October 13, 1972.

Hon. Edward I. Koch,
U.S. House of Representatives,
Washington, D.C.

Dear Representative Koch: Your letter to Myles Ambrose of October 6, 1972, refers to the very difficult problem of the legal requirement in the New York City Health Code that school age children who are currently under treatment for narcotic addiction must have their names placed on the City Narcotic Register. Mr. Ambrose is currently out of town, and, in his absence, I want to acknowledge receipt of your letter.

Please be assured that your letter will be brought to his personal attention as soon as possible.

Sincerely yours,
Roger H. Jones,
Executive Officer.

U.S. Department of Justice,
Bureau of Narcotics and Dangerous Drugs,
Washington, D.C., October 11, 1972.

Hon. Edward I. Koch,
U.S. House of Representatives,
Washington, D.C.

Dear Mr. Koch: This is in response to your recent letter requesting my views on the New York City Health Code requirement that the names of addicted school children be reported to the City Narcotic Register.

I must state at the outset that the details of this requirement or the reasons therefor are unknown to me and I am unable to provide you with a truly informed opinion. Such a requirement, at best, would be of extremely limited value to law enforcement authorities and would certainly be of no value to our own enforcement effort.

As a general rule, I am inclined to the view that Government officials—Federal, State and local—need as much sound information as possible on which to make policy decisions. The interest in identifying student addicts and providing them with treatment should be motivated principally by concern for their welfare and should not in any way stigmatize them. Nevertheless, only a careful study of local practices and requirements could properly weigh the respective potentials for harm and benefit in such a reporting system.

I would suggest that you further consult Dr. Jerome Jaffe, Director of the Special Action Office for Drug Abuse Prevention for an opinion as to the necessity or desirability of requiring such records for medical purposes.

Sincerely,
John E. Ingersoll,
Director.

Board of Education
of the City of New York,
Brooklyn, N.Y., October 19, 1972.

Hon. Edward I. Koch,
Member of Congress,
New York, N.Y.

Dear Congressman Koch: This is to acknowledge your letter of October 6, 1972 with respect to the Narcotic Register under the New York City Health Code. I think it fair to point out that Chancellor Harvey Scribner's position on this matter is at variance with the Board's posture for the last few years. He has taken this position as a matter of law, for which we cannot fault him.

Since the day we took office as the Interim Board, we have been trying to get two points at issue clarified by the Board of Health in this city.

1. The purpose and use of the Narcotic Register as it applies to school children.

2. An agreement on the design and type of form to be used by the school system.

On the first point at issue we have been given a lot of broad generalities which amounts to research purposes. Accordingly, we have insisted for this purpose to be served total numbers by grade, school, borough and age group, which is all that is necessary, since the number of Joneses or Smiths would have no relevance. We have also been advised that the names are vitally necessary and would be held in the strictest confidence. We were assured that such names would not be used for police purposes or any other way that would do violence to the student's future.

When the question of referral and treatment surfaced, we were told that the Narcotic Register would not be used for that purpose because there are not enough facilities available for such referrals or treatment.

Recognizing the fact that names must be reported to comply with the City Health Code, we asked, "Under what conditions or by what mechanisms or procedures are names dropped or removed from the Narcotic Register?" We were told that there are no such conditions, mechanisms or procedures for dropping or removing names from the register.

These and other concerns raise many doubts in our minds about the possible use and abuse, purpose and objectives of the Narcotic Register. Accordingly, we have been loathed to issue general policy directives as suggested by the Health Department but have restricted our policy to the reporting of known addicts to the Narcotic Register.

One of our biggest handicaps is our inability to get from each school the kind of reports that can be documented as valid evidence of the extent of drug use and abuse. On the other hand, what we do get could be valid but it in no way resembles the apparent inflated guesstimates of Commissioner Curran, Abraham Beame, The Fleischmann Commission, or any other reports that are used, quoted and believed as gospel. It is the comparisons of our reports with these outside guesstimates that create the impression that we are either hiding the problem or, worse still, are burying our heads in the sand.

Assuming that these guesstimates are nearer the truth, as most people have been led to believe, we are shocked into disbelief when the political commitment to the City, State and Federal governments are demonstrated by the closing of treatment and referral centers and the redirection of prevention programs through a reduction of funds.

If we agree that there is a problem, then it is going to take the collective efforts of all agencies of government to solve it. The school system certainly cannot and should not be made to bear the total burden and responsibility for it.

I appreciate your interest in my views and trust that we can count on your good office in addressing viable solutions.

Sincerely,
Isaiah E. Robinson,
Member.

LAZAR LIUBARSKY—PROFILE OF A SOVIET JEW

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record.)

Mr. KOCH. Mr. Speaker, the plight of Soviet Jewry has been discussed many times on the floor of this Congress and in the country over the past several years. Yet, the Soviet Government, despite international pressure, is continuing its harassment of its Jewish population.

Lazar Liubarsky is one of the few Jews in Rostov to apply to emigrate to Israel. Since he submitted that application he has been charged with having violated paragraph 190-1 of the RSFSR criminal code pertaining to "slandering" the Soviet system. The alleged slander consists of signing a large number of petitions addressed to Soviet authorities. Moreover, he has recently been accused of "revealing state secrets." Those who have knowledge of the situation know that these charges are bizarre and solely used for the purpose of harassment and intimidation.

Lazar Liubarsky is chief engineer for the Institute of High Tension Networks in Rostov. Being alone in the struggle in a town where there are no Western correspondents and few Western tourists, Liubarsky has been isolated from other Jews who are active in the Jewish struggle.

Mr. Liubarsky was subject to much harassment even before his arrest. He was interrogated by the KGB. His daughter was sent threatening letters at her school. She was asked to denounce her father, because he wanted to emigrate to Israel. When he was arrested on July 18, 1972, an extensive search was made of his home and notes he had made during the 1970–71 interrogations were confiscated. Even when his wife went to Moscow to engage a lawyer for his defense, her request was refused by the chairman of the presidium of the Moscow Association of Lawyers, as in the Markman case.

His case may have far-reaching implications in other Soviet cities. The Soviet authorities have attempted to link his alleged activities with those of Moscow activists with reference to initiating and signing "slanderous" petitions.

Mr. Speaker, we must speak out about the intolerable treatment of the Jewish community in the Soviet Union. I urge our colleagues to support the congressional efforts to bar most favored nation privileges to the Soviet Union unless it lifts from the necks of the Soviet Jews wishing to leave the U.S.S.R., the requirements that ransom be paid and cease the appalling treatment against its own Soviet Jewish citizens.

A CASE OF INFLAMMATORY LANGUAGE IN ADVERTISING

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, I believe that it is important in our society that racial antagonism not be escalated by unthinking action of individuals or corporations.

In late December, an advertising poster for the motion picture, "Black Gunn," was hung in New York subways which I felt could only be deemed an incitement to violence. In this instance the inflammatory rhetoric pivoted on racism and thus was doubly to be deplored.

The correspondence which I had with Chairman William Ronan of the MTA and Columbia Pictures follows. I am pleased to report that the matter has been concluded in a way which is helpful to everyone:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., January 4, 1973.
WILLIAM J. ROWAN,
Chairman, Metropolitan Transportation Authority, New York, N.Y.

DEAR BILL: I want to bring to your attention a very distressing situation which should concern the MTA.

In the subways there is presently an advertisement for a picture known as Black Gunn which contains the following langauge:

"For every drop of Black blood spilled. . . . A white man pays."

Surely that can only be deemed an incitement to violence and must be deplored. While I know that the MTA does not handle advertising directly, and that it's done by a licensee, the MTA does have a responsibility in this matter. Advertisements for the picture carried in the newspapers do not contain this inflammatory language. This is not a matter of censorship as you well know, since the advertisement is commercial in nature and its does not have the protection of the First Amendment.

I have brought this matter to the attention of Commissioner Eleanor Holmes Nortion and I know she will be in touch with you shortly.

All the best to you in the New Year.

Sincerely,

EDWARD I. KOCH.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., January 4, 1973.
Mr. STANLEY SCHNEIDER,
President, Columbia Pictures Corp.
New York, N.Y.

DEAR MR. SCHNEIDER: I was distressed to see an advertisement of Columbia Pictures describing the picture Black Gunn reciting in its advertising copy, in the subways, the following language:

"For every drop of Black blood spilled . . . . A white man pays."

This is surely an incitement to violence and I ask that you have the placards and other media using that language withdrawn forthwith from circulation.

This is not a matter of free speech or censorship, in that Columbia Pictures is using the language solely for commercial purposes. Frankly what bothers me most is that there will be Blacks and whites, rightfully offended by the language, who may ascribe it to the Black community rather than Columbia Pictures, which I believe deserves censure for its use.

I would appreciate a prompt response from you.

Sincerely,

EDWARD I. KOCH.

NEW YORK CITY TRANSIT AUTHORITY,
Brooklyn, N.Y., January 15, 1973.
Hon. EDWARD I. KOCH,
House of Representatives,
Washington, D.C.

DEAR ED: This is in reply to your letter dated January 4, 1973 regarding the subway advertisement for the picture Black Gunn.

I agree with you that the wording on the poster was in extremely poor taste. All of the posters with the language "For every drop of Black blood spilled. . . . A white man pays" were removed during the first week of this month. These posters were replaced by others which read "Jim Brown is the dynamite dude named Gunn! When the man comes up with mob violence its time to Gunn him down."

It is regrettable that deplorable incidents such as this occur, even on an infrequent basis. New York Subway Advertising Company, Inc. has been directed to exercise greater caution and judgement in the posting of all future copy. They have also been directed to gain approval from this Authority when the slightest doubt exists.

Sincerely,

WILLIAM J. RONAN,
Chairman.

COLUMBIA PICTURES,
New York, N.Y., January 18, 1973.
Hon. EDWARD I. KOCH,
Congress of the United States,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN KOCH: Mr. Stanley Schneider has asked me to thank you for your letter of January 4, 1973 on the subject of the copy contained in our initial advertisement for the motion picture, Black Gunn.

Columbia Pictures has shared your concern over the copy in question and chose to eliminate it from the film's media campaign almost immediately after its first appearance. The copy which first appeared in newspapers on Sunday, December 17, was withdrawn from use on Thursday, December 21.

It was also used on the Black Gunn subway posters and these were replaced with entirely new displays with the copy eliminated on January 2, 1973.

I might add that in the initial use of this copy it was never the intention of Columbia Pictures nor the Zebra Advertising Agency, creators of the line, to do anything but to call attention to a new motion picture whose story dealt with the desire for vengeance on the part of a restaurant owner played by Jim Brown following the murder of his brother by members of an organized crime syndicate.

Nevertheless, the points raised in your letter are indeed valid and cannot be overlooked. Thank you for voicing them.

Sincerely,

RICHARD KAHN.

BISHOP ALBERT R. ZUROWESTE OBSERVES 25TH ANNIVERSARY AS BISHOP OF BELLEVILLE DIOCESE

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, this past Sunday, January 28, it was my privilege to attend the concelebrated Mass of Thanksgiving at St. Peter's Cathedral in Belleville, Ill., marking the Most Reverend Albert R. Zuroweste's 25th anniversary as bishop of Belleville.

This silver jubilee of Bishop Zuroweste's Episcopal ordination was a day of prayer and thanksgiving in honor of a remarkable man who has dedicated his whole life to the service of God and the betterment of his fellow man. The bishop's spiritual leadership and dedication have been inspiring to all who have come in contact with him. Few men have had the impact Bishop Zuroweste has had on the people of the Belleville diocese, which includes most of southern Illinois.

Bishop Zuroweste's jubilee message underscores his dedication. It is a message of humility, love, and hope, and sense of purpose. I include it at this point in the RECORD:

JUBILEE MESSAGE

On January 28, 1973 I will observe the 25th anniversary of my episcopal ordination. The principal liturgical ceremony will be a concelebrated Mass in the Cathedral. This Mass of Thanksgiving for the graces and divine gifts bestowed upon me as a successor of the Apostles will be offered in union with the clergy, religious and laity of the Diocese. I ask all of you to join with me in prayer that Christ and His Blessed Mother will continue to watch over us and guide our footsteps along the path of righteousness and virtue. Above all, I pray that this anniversary will be an occasion of spiritual renewal and rededication to the service of Christ and His Church for all in the Diocese.

An anniversary is a time of memories, the recalling of past events that have influenced one's life. Many joyful memories crowd into my mind as I think of the devoted priests, religious and laity with whom I have had the privilege to work. They have influenced my life by their love for God and fellowmen, and their dedication to Christ and His Church. They have been with me through good days and days in which the shadow of the cross pressed heavily upon us. To all I owe a debt of gratitude for their support and encouragement through the years.

The world of 1973 is a different world from the world of 25 years ago. While it is true that human nature is the same, attitudes have changed. These attitudes are visible to all serious thinking people. Some changes have been for the good, others flaunting God's commandments and Church Law, have brought discontent, dissatisfaction and sadness.

Today we hear more about the love of neighbor and less about the love of God. And yet this is one commandment: the love of God first and then the love of neighbor. We cannot observe one without observing the other. Only by a return to love of God and neighbor through a spiritual renewal will peace and hope be found. In these troubled times there is reason for hope. Christ is still with His Church and the Holy Spirit continues to guide and rule it.

Every age has had its upheavals and men have bewailed them. This is truly an age of challenge and we must meet this challenge with courage and perseverance. Let us not lament but let us be alert to the opportunities God is presenting to us at this period by His providence. Every great historical rebirth has been issued in a long night of struggle, and finally emerged only after torturing trials. Our present day evils are not intrinsically different from those of earlier times. We simply hear more about them.

In observing this episcopal anniversary my prayer is for a renewal of our loyalty to the Holy Father and to Christ's Church. I ask again that each of you rededicate yourself to a Christian life and to Christian principles. In particular, do I appeal to the youth of our Diocese on which the future of our Church depends. I am aware that the obstacles placed in your path to virtuous living are tremendous. Yet I have confidence in your ability to overcome these obstacles and live according to the teachings of the Church. It is in the observance of God's law and the avoidance of sin that you will find true peace and happiness.

In The Messenger today are presented some of the programs and projects undertaken during the past quarter of a century. What good has been accomplished is due to the cooperation, sacrifices and dedicated services of clergy, religious and laity. Without this loyal support, the past 25 years would have been most difficult. Today with all my heart I say thank you and God bless you.

As Third Bishop of Belleville, Bishop Zuroweste is known as a great teacher and spiritual leader. In a special supplement to the Diocesean newspaper the Messenger the following editorial appeared. Entitled "Thank You Bishop Zuroweste . . . For Your Years of Dedication and Service," it captures the essence and spirit of this great man:

Undoubtedly St. Paul was the greatest missionary in the history of the Church. To help him bring the Gospel to all men he chose a young man by name of Timothy to be his companion on his missonary journeys. Eventually Paul consecrated Timothy a Bishop and placed him in charge of the Church at Ephesus.

Later, when Paul was a prisoner in Rome, he wrote to his protege to explain what a Bishop is and what a Bishop is expected to do. Paul was never one to mince words. He exhorted Timothy to stir up God's grace that is in him by virtue of his high office. It was quite obvious to Paul that Timothy, who received the power of a Bishop from his own hands, likewise was given the fullness of the priesthood.

Paul, therefore, did not hesitate to tell his protege quite frankly: "Stir up the grace of God which is in you by the laying on of my hands."

Paul reminded Timothy that God had called him to be a Bishop not for his own sake, but to do the work of the Church. Paul declared to the young Bishop: "He has redeemed us and called us, with a holy calling, not according to our own works, but according to his own purpose."

Paul placed the obligations of the Episcopacy squarely before Timothy: "Preach the word, be urgent in season, out of season, reprove, entreat, rebuke with all patience and teaching . . . but be watchful in all things, bear with tribulations patiently, work as a preacher of the Gospel, fulfill your ministry." Paul made it quite clear that a Bishop must be a teacher and a defender of the doctrine of Christ, a priest at sacred worship and a minister for governing the Church.

Twenty-five years ago Bishop Albert Zuroweste was entrusted with his own "Ephesus", and like Timothy was reminded that he, too, was given a holy calling, not according to his own works, but according to God's own purpose.

One can be sure that at the time Bishop Zuroweste was fully aware of the Scriptural exhortation: "to preach the word, be urgent in season and out of season . . . be watchful in all things . . . bear tribulations patiently . . . and work as a preacher of the Gospel."

And today . . . having listened well . . . our Bishop can reflect on the recent words of Pope Paul himself commenting on a similar anniversary: "An anniversary such as this is always a source of happiness because it recalls the service you have given to the People of God. The fundamental achievement of your twenty-five years is that you have made it possible for Jesus Christ to live through faith and love in many hearts and in many communities."

Few priests are asked to shoulder the heavy responsibilities of the Episcopacy. Yet twenty-five years ago Monsignor Albert R. Zuroweste was chosen to accept this burden for the welfare of the Church. At age 46 he was a comparatively young priest to be accorded this distinguished position of trust.

With his consecration as our third Bishop we were assured that the sacramental life of the Church here would flourish, that Christ in the Holy Eucharist would be present as victim and as food; and that the spiritual needs of the People of God would be satisfied.

Just as Timothy followed in Paul's footsteps, so the modern day Bishops share the office of Apostle for those who are members of Christ through Faith and Baptism. For twenty-five years Bishop Zuroweste has given himself completely to this task, leading the faithful in prayer and sacrifice and service. He has been teacher and pastor, father and guide to the people entrusted to his care. Unstintingly he has given of himself in the many-faceted role of administering the Diocese of Belleville.

In conclusion, I include the article in the Friday, January 26, edition of the Messenger detailing the celebration:

People of God To Honor Bishop Zuroweste on His Silver Jubilee

Belleville.—Sunday, January 28, will be a day of joy and celebration in honor of Bishop Albert R. Zuroweste's 25th anniversary of Episcopal Ordination.

But it also will be a day of prayer, thanksgiving and petition. Bishop Zuroweste sets the tenor of the celebration in his Jubilee Message to the People of God (page one of today's supplement). He writes:

"I ask all of you to join with me in prayer that Christ and His Blessed Mother will continue to watch over us and guide our footsteps along the path of righteousness and virtue. Above all, I pray that this anniversary will be an occasion of spiritual renewal and rededication to the service of Christ and His Church for all in the Diocese."

The People of God will gather at the afternoon Mass and at the evening reception to thank Bishop Zuroweste for his years of service. Many highlights of the past quarter-century are recalled in the supplement included in today's edition. (See center section.)

The jubilee celebration, sponsored by the Priests Senate special committee, will open with the Pontifical Concelebrated Solemn Mass of Thanksgiving at 3 p.m. in the Cathedral of St. Peter. The reception will begin at 5 p.m. (see related story on page one).

Joining the People of God of the Diocese will be visiting members of the U.S. Hierarchy and civic dignitaries.

From its inception the anniversary was meant to be a public function involving the laity, religious and clergy of the entire Diocese. Accordingly, religious and lay groups are assisting the Priests Senate committees.

The processional will form at the Cathedral grade school at 2:30 p.m. and be prepared to leave this area at 2:45 p.m. Forming the escort will be the Fourth Degree Knights of Columbus color and honor guard of 60 members directed by Master C. W. Gruninger, the Catholic War Veterans color and armed guard, clergy and ministers. The priest-concelebrants, the visiting Cardinals and prelates and their chaplains, will join the procession as it moves into the Cathedral square, escorting the Jubilarian into the Cathedral.

Mass will begin promptly at 3 p.m., Father Joseph Schwaegel, liturgy chairman, assures. For this reason he asks everyone planning to attend Mass to be inside the Cathedral before that hour. Attendance at the Mass will fulfill one's Sunday obligation, he added, and Holy Communion will be distributed at 18 stations in various parts of the Cathedral.

Areas are reserved for clergy, for the Sisters (south nave) and for the family. All other pews, and the auxiliary seating which will bring the capacity to 3,000 persons, are not reserved.

Twelve priests of the Diocese will be concelebrants with Bishop Zuroweste and associate pastors of the Cathedral will be masters of ceremonies.

His Eminence John Cardinal Cody of Chicago will give the anniversary homily following the Gospel of the Mass.

Lay and Religious representatives will participate as lectors, commentator, leader of song, readers of the General Intercessions and in the Offertory Presentation of the Gifts.

John Scherrer, president of the diocesan board of education, and Robert Klostermann, principal of Mater Dei High and chairman of the association of secondary principals, will be lectors. William Fenoughty, the head commentator of the Cathedral, will be commentator. Father Theodore Cholewinski, OMI, will be the congregational leader of song.

The General Intercessions will be read by Sister Irene McGrath, ASC, provincial leader of the Adorers of the Blood of Christ; Sister Joan Markus, SSND, chairman of the association of elementary principals, representing the diocesan elementary schools; Mrs. Marie Heyer, international president of the Daughters of Isabella, representing the lay women of the Diocese; Fred J. Schlosser, Jr., associate administrator of Good Samaritan Hospital, Mt. Vernon, president of the Diocesan Catholic Hospital Association; Joseph H. Igel, representing the lay men of the Diocese; Michael Merrifield, president of the senior class, St. Henry Prep, representing the youth of the Diocese.

In the Offertory processional, the Presentation of Gifts will be made by:

Brother Francis Skube, Diocesan Brothers of Christ the King; Brother Henry Heidemann, SM, representing the high school brothers; Sister M. Angelona, PHJC, representing the women religious; Mrs. Mary Wesseln, president of the Diocesan Council of Catholic Women; Arnold Kinsella, president of St. Peter's Fraternity, Third Order of St. Francis; Michael George, president of the Diocesan CYO; and Sheila O'Malley, Denise Aldridge, Michael Waller, Brian Dowell, representing the students of the Catholic elementary schools of the Diocese.

Robert J. Hachmeister will be choir director and C. Dennis York will be organist. The 100-voice choir consists of members of the Belleville Diocesan Chorale and the Belleville Philharmonic Chorale. String instrumentalists from the Philharmonic will join the woodwind, brass and percussion sections from the Althoff Catholic High Band.

The principal music, chorale and congregational selections in the Order of Service are the Triumphal March processional; "O Clap Your Hands" hymn of greeting; Franz Schubert's Glory to God in the Highest; "The Lord Is My True Shepherd" offertory processional; "Rejoice in Hope", The Our Father in Gregorian Chant; "Jesu, Joy of Man's Desiring" (Communion hymn), Crown Him With Many Crowns", the thanksgiving song; the recessional hymn, "Hallelujah".

The program for the Pontifical Concelebrated Mass is published in a 24-page souvenir booklet to be distributed to all in attendance. In addition to the Order of Service, the souvenir contains a full color print of Bishop Zuroweste's portrait together with a dedication, "The Role of the Bishop." Congregational hymns also are included in the special booklet.

Shuttle buses to the reception hall will begin trips from the Cathedral shortly after the close of the Mass.

DECISION TO HOMEPORT IN GREECE

(Mr. MEEDS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MEEDS. Mr. Speaker, I would like to bring to the attention of my colleagues two excellent editorials from the Washington Post, January 6, and the New York Times, January 22, which praise a recent joint report issued by two subcommittees of the Foreign Affairs Committee on "The Decision to Homeport in Greece." Without regard to how one feels about that decision, this report, like much of the recent work of that committee, is illustrative of the kind of thorough oversight performance that is essential if Congress is to reassert its appropriate role in foreign affairs. Chairman Thomas E. Morgan and his colleagues on the committee are to be commended for their efforts.

The two editorials follow:

[From the Washington Post, Jan. 6, 1973]

"Homeport" in a Political Storm

A joint report by two House Foreign Affairs subcommittees (Europe and Near East) scores the Pentagon for deciding to "homeport" a carrier task group in Athens, on grounds that the step tends to strengthen not only military rule in Greece but also the impression of American support for such rule The subcommittees complain in persuasive detail that administration officials cooperated inadequately with their inquiry and they express the fear that, in this matter as in others, the Pentagon led the State Department by the nose.

The "horse" to be sure, has already been "stolen": homeporting is a fact in Greece. Because long stays at sea were leading skilled sailors to leave the Navy, with results harmful to Navy capabilities, the Pentagon in 1970 decided to "homeport." Under this "administrative arrangement," not to be confused with a "base," married officers and enlisted men bring their families over during their tours and bachelors see more of the world ashore. Athens was chosen over alternative sites in Italy, the Navy stated, entirely for reasons of naval logistics and family convenience.

The Navy had such a license to exclude political considerations, one gathers, not simply because State was slow out of the starting gate but because for some time it has been administration policy not to put heat on Greece to restore representative rule; the colonels took over in 1967. Outsiders, including Congressmen, are hard put to know whether the basis of this policy is a calculated judgment that a relaxed pose would produce more progress towards democracy than pressure or simple indifference put forward under the cover of a Nixon Doctrine low profile, or a determination that "orderly" military Greece was easier to deal with than "disorderly" democratic Italy, or something else.

We would add that it is not only the Nixon administration which appears insensitive to conditions in Greece. Appallingly, an organization supposedly dedicated to the free flow of ideas—Distripress (Association for the Promotion of the International Circulation of the Press)—has planned its general assembly this year in Athens, where the press sits under tight and arbitrary controls.

In any event, the foreign affairs subcommittees' report and the hearings preceding it represent, in our view, a serious and responsible project, apart from the majority conclusions of the report. It is as much by congressional laziness as by executive pushiness that excessive power in foreign affairs has passed to the President and his aides. Solid and sustained congressional attention to the nitty gritty is essential if the essential balance—one might better say the appropriate tension—is ever to be satisfactorily gained. As a full committee, House Foreign Affairs has in the past contented itself mostly with handling the aid bill. More recently, its subcommittees have gotten lively, holding the downtown departments to closer account on specific issues, conducting comprehensive investigations and in general accumulating—by the slow steady route which is the only route open to it—the stature to become effective participants in the capital's ongoing dialogue on foreign affairs.

[From the New York Times, Jan. 22, 1973]

Making Foreign Policy

(By Graham Hovey)

The United States Navy's successful drive to make Athens its largest "homeport" in Europe provides a timely case study of how foreign policy is made in the Nixon Administration.

Much more is at stake here than the bestowing of Washington's most dramatic blessing to date on a military dictatorship that has been cast out of the Council of Europe and suspended from its association with the European Common Market.

More is involved than the stationing of 6,600 Navy officers and men and 3,100 dependents in the Athens-Piraeus area at a time when the United States is supposedly lowering its overseas profile in line with the so-called Nixon Doctrine.

An account pieced together by two House Foreign Affairs subcommittees reveals typical Administration foreign-policy behavior: deviousness, refusal to give Congress essential information, the predominance of short-run military needs over long-term political values and Pentagon domination of the State Department.

The Navy has adopted overseas homeporting as a means of keeping skilled men who now quit the service because sea duty requires long absences from their families. The carrier task group based on Athens will return to that port every month or two instead of being away at least six months on each deployment, as is now the case.

What the record shows is that the Navy decided on Athens even before preliminary studies of other Mediterranean ports had been completed and four months before the State Department "authorized" the Defense Department to conduct specific surveys on the acceptability for the carrier group of alternative ports in Italy.

Deputy Assistant Secretary of State Russell Fessenden told the House subcommittee that, with the initial surveys barely under way in early February 1971, the Defense Department asked State for "informal guidance" on a Navy study "which clearly identified Athens as the preferred location" for the carrier task group.

"In late February," said Mr. Fessenden, "the (State) Department suggested to Defense that alternative ports in the Mediterranean be studied, particularly in Italy." But it was not until June that State actually authorized the Italian surveys.

It was hardly a surprise then that the surveys, carried out by the Navy, pointed decisively to Athens, the Navy's original choice. When asked by Representative Benjamin S. Rosenthal of New York, a subcommittee chairman, which Italian port came nearest to Athens in meeting the Navy's requirements, Adm. Elmo R. Zumwalt Jr., Chief of Naval Operations, replied:

"It would be difficult for me to make a judgment because I found them all so clearly inacceptable. . . . Athens just stood out loud and clear as the only one that really satisfied a substantial number of the criteria."

Yet, the Defense Department refused to give the subcommittees the full surveys and the Navy refused to testify on a summary of the appraisals which Congressmen found inadequate and which they did not receive until two weeks after Admiral Zumwalt had testified.

In a bulky but revealing paragraph of their report, the subcommittee majorities summarized both their own frustrations and the extent of Pentagon domination of State in the making of policy:

"Where the Defense Department was farsighted in planning for the Mediterranean homeport, the State Department did little to counter the initiative; where the Defense Department was decisive in proposing Athens, State was hesitant in insisting on altrenative port studies; when Defense parried this insistence by ordering quick surveys of a few Italian ports, the State Department accepted these results, even though the surveys would be difficult to defend as justifications for the Athens choice; finally, when the Defense Department refused to give the subcommittees further information on the alternative ports . . . the State Department was left with the unpleasant task of testifying in open session without any D.O.D. (Department of Defense) assistance on what the D.O.D. surveys showed!"

Yet, it would be wrong to blame only military arrogance or agggressiveness or State Department timidity. It is not the Navy's job but that of its civilian superiors to give proper weight to the liabilities of buttressing a repressive regime in Athens.

It is not only the Pentagon that defies Congress with impunity and undercuts the role of the legislative branch in the shaping of national policy. The attitudes and tactics employed in the homeporting decision surely reflect faithfully the views and practices of the President himself and his White House coterie.

It is a blunder for the United States to increase its military visibility in Greece. But this affair is far more serious as yet another example of what the subcommittees call the "unwillingness of the executive branch to acknowledge major decisions and to subject them to public scrutiny and discussion."

CAN THE U.S. POSTAL SERVICE DELIVER THE MAIL?

(Mr. HILLIS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HILLIS. Mr. Speaker, I would like to read a little item which appeared in the January 29, 1973, U.S. News & World Report:

Ten tickets to professional football's Super Bowl game which were mailed in New York to the U.S. Secretary of Commerce on January 5, via certified airmail arrived in Washington on January 16—2 days after the game had been played in Los Angeles.

Mr. Speaker, all of us are receiving this type of complaint. The simple fact is that the new Postal Corporation is not accomplishing its primary job. And that job is to deliver the mail in a reasonable length of time.

Eleven days from New York to Washington is not reasonable.

Mr. Speaker, there are several bills in Congress at this time to repeal legislation which set up the Postal Corporation.

I hope this does not happen.

But unless Congress accepts its responsibility and does something to improve the mail service it might happen.

It is easy for the Postmaster General to say to us:

> Don't worry, boys, we will take care of the problem, it isn't the worry of Congress anymore.

But let me tell you this, Mr. Speaker, I am the link to the Federal Government with the Fifth District of Indiana and I certainly cannot tell my people to write to the Postmaster General.

The mail service is still a responsibility of Congress.

And Congress should act.

We should act within the framework of the present law. Congress should decide what is reasonable time for someone to receive his mail.

Then we should determine how this can be accomplished.

As a member of the Post Office and Civil Service Committee, I intend to introduce amendments to this act, which will be designed to improve the mail service.

My amendments will not destroy the Postal Corporation. I am in favor of this concept. I am in favor of politics being out of the post office, but I am also in favor of good mail service and this is what the people of the Fifth District of Indiana and the United States are not getting.

Mr. Speaker, I am inserting a copy of an editorial written by James H. Rademacher, president of the National Association of Letter Carriers. This editorial was written for the association's publication, Postal Record.

It is my hope, Mr. Speaker, that every Member of Congress will take the time to read this editorial. There are important facts in this editorial, facts that should receive wide circulation among all Members of the House and Senate.

The Postmaster General's Annual Report

(By James H. Rademacher)

The Postmaster General used to report to who selected him for the position he now that the establishment is a quasi-corporation, he reports to the Board of Governors who selected him for the position he now holds.

The Report of Postmaster General Elmer T. Klassen for Fiscal 1972 was published last month. It is an interesting document; in some ways commendable, in many other ways alarming.

Most alarming is the revelation that all major classes of mail, except third class, actually lost in volume during the year. First class mail was off by 1.1 billion pieces, or 2.2 per cent. The last time a decline in first class volume happened was in 1934, in the heart of the Great Depression. Second class mail last year was down by 0.8 per cent, and fourth class mail continued its moribund trend, declining by 5.5%.

The Postmaster General frankly admits the decline is due to increased postage rates. This is undoubtedly true, but an assist should be given to the steady disintegration of the service. Americans, in increasing numbers, are looking elsewhere to achieve communication. They are beginning to forsake the Post Office.

On the credit side of the ledger, third class mail (which is now conceded to be the most solid money-maker among all classes of mail) rose in volume from 20.5 billion to 21.9 billion, an increase of 6.7 per cent. This spurt in volume was one of the principal reasons why the United States Postal Service was able to reduce its net (i.e. exclusive of appropriations for public service considerations) deficit from $204 million to $175 million.

The USPS recaptured in revenues 84.8 per cent of its costs. No other agency of government comes anywhere near this record. But, this was true of the old Post Office Department, also. It regularly returned to the Treasury approximately 85 per cent of its costs.

Another source of economy was the sweeping (and, to our way of thinking, foolish and unjust) decision to freeze all new hirings. The Postmaster General takes pride in the fact that the postal labor force was reduced during Fiscal 1972 by 22,511 persons. He claims productivity rose during the year by 24 per cent. (The National Association of Letter Carriers, on the other hand, claims that morale decreased by about 50 per cent.)

The Postmaster General takes great pride in the revelation that the average time to deliver a first class letter dropped during the year from 1.7 days to 1.6 days. (More than 60 per cent of all first class letters are local.) Any improvement is greatly welcome, but it must be remembered that 10 years ago, the time of delivery was only 1.3 days per letter.

The total revenues of the USPS for the year were $7,884 million, an increase of 18.3 per cent over the previous year. The total volume was 87 billion, an increase of only 0.2 per cent. Total operating expenses were $9,522 million, an increase of only 6.3 per cent, a figure manufactured mostly by the decision not to replace retired or deceased postal employees, and by trying to force other employees to take up the slack, whether they wished to work overtime or not.

But, in all the mass of figures in the Annual Report of the Postmaster General for Fiscal 1972, there is one that stands out with chilling clarity: The *per capita* use of the mails in Fiscal 1972 dropped 0.5%, from 421 pieces per person per year to 419 pieces.

A very small percentage, you might say. Quite right. But it is the first time the Postal Establishment has stepped backwards in forty years.

The nation's progress and the nation's literacy have been gauged over the years by the steady and often phenomenal increase in the use of the mails by the average citizen. This is the first time in our entire history, during a non-depression year, that the *per capita* use has dropped.

We are not yet in a depression. But, are falling postal figures a *cause*, or a *result* of economic disasters?

Whatever the reason, no one can reasonably applaud policies espoused by the United States Postal Service, which certainly seem to minimize service, to discourage use of the mails, and to encourage the public to go elsewhere when they wish to communicate with their fellow citizens.

Despite the seeming euphoria of the Postmaster General, his Annual Report gives cause for thoughtful people to worry about the future of the mails, and the future of the nation.

THE NIGHT BEFORE CHRISTMAS

According to press stories, a record holiday mail volume was processed by the United States Postal Service without major mishaps with a "minimum number of cards and fruit cakes arriving late." This sounds like an opinion of one of the "fruit cakes" and not someone who has access to the facts. Most every postal employee will agree that it was the Christmas during which the worst snafu of the mails in history occurred.

The Union has never been bombarded with as many protests from members and postal customers alike as it was during Christmas Operation 1972. In many areas, mail volume was as much as 10% greater than that delivered the previous holiday season. Yet, the overtime involved to handle that volume which exceeded all expectations was significantly less than ever used in previous years. The reason—millions of Christmas cards were delivered after Christmas and at the convenience of USPS which had little or no regard for the sanctity of the Christmas message.

Throughout the country, Postmasters reported total cleanup of Christmas mail on Saturday, December 23, 1972. We do not question this statement as it relates to individual post offices. We do strenuously object to the public being misinformed and to the subsequent allegations of the public that postal workers had delayed the Christmas cards and parcels.

An example of the distortion of the facts is the situation which existed at Clearwater, Florida. Reports indicated that mail arriving in the Clearwater area on December 20 was not delivered until after Christmas. According to Union sources, 900 bags of mail were on hand when carriers returned from their Christmas Day off. Similar situations were in evidence throughout the Nation. Included in some of the "horror" stories are:

At Wilmington, California, a local jewelry store advertising a "give away" for December 17 had that announcement delivered December 29. Other incidents of circulars being delivered long after the date of sales were reported at this office. Although mail from Chicago, Illinois to Pasadena took only two days in some instances, it took another five days to effect delivery between Pasadena and Carson, California, 30 miles distance.

The scandal of the year developed on Long Island where Union officials reported more than 200,000 pieces of mail on hand after Christmas. Overtime was limited and together with the freeze, most cards mailed after December 16 were delivered between December 26 and New Year's Day on Long Island.

Christmas mail addressed to the Allentown, Pennsylvania "Morning Call" from Massachusetts and dated December 20 was delivered in Allentown on December 30. At this same city, the publishers of this newspaper deposited several birthday greetings on Thursday, December 14 for local delivery. All were delivered the following Tuesday, December 19.

At Newark, Delaware, the workroom floor was clean on December 23. But during the period December 26-December 30 almost 75% of the mail delivered was Christmas cards, some dating back to December 14. First-class mail was backed up so badly on December 29, carriers received overtime to process it.

Back to Florida—the prospering city of Seminole seemed to be the victim of serious delays. Evidence received at Union Headquarters revealed copies of first-class envelopes which were delayed up to 12 days between postmark and time of delivery. One envelope required 11 days to travel 15 miles. Another air mail envelope from Pennsylvania required 11 days for delivery. A Christmas card, properly addressed including Zip Code required seven days for delivery in the same city.

A signed affidavit addressed to the National President includes evidence of delays at Sylmar, California where a first-class letter required four days to be delivered to a distance of five miles. On January 3, 1973, a box of spoiled cheese arrived from Wisconsin with a postmark of December 11, 1972.

A group of Bridgeport, Connecticut merchants is planning to report directly to the Postmaster General concerning unbelievable delays of mail service in New England. The merchants report such glaring inefficiencies as the delay of two packages mailed December 6 at nearby Lynbrook, New York which arrived at Bridgeport December 19. A first-class letter mailed in Pennsylvania December 11 arrived at the store of a merchant December 23. The merchant complained that it now takes up to 12 days for package delivery between some cities in New York and Connecticut.

At Plymouth, Michigan, all mail was reported cleaned up on Christmas Eve. On December 26, 16 sacks of first-class letters and 85 sacks of parcel post were curtailed. Again on December 27, six sacks of first-class letters were curtailed. On December 28, 15 sacks of first-class letters and 100 sacks of parcel post were curtailed. On December 30, five sacks of first-class letters and 47 sacks of parcel post were curtailed.

As the Amsterdam, New York "Evening Recorder" titled its editorial on December 20—"Not All Ho-Ho-Ho"—we really don't know what USPS is trying to prove. The editorial could have well been written by a Union official as it declares:

"It set out to make a Federal Department beset by political pressures into a business-like, efficient organization to handle, transport and deliver the mails, but a public-be-damned attitude isn't really business-like, is it? And is it business-like to decrease the service at the same time you are increasing its cost? Hardly! Perhaps without realizing it, the Postal Service is giving real impetus to competing private enterprise parcel services. It seems to us that the public has a real stake in what happens to the Postal Service. If it does not like the mail slowdown, the curtailment of service and increased cost, the public had better make itself heard before it is too late."

The situation became so acute, postal unions at Palm Beach, Florida paid for a ½-page advertisement in the local press warning the public that the Postal Service is surely in deep trouble. The unions set the record straight as to where the responsibility lies for the continuing deterioration of service. Inglewood, Calif. Branch 2980 also had a half-page ad published stating true facts of delivery policies.

It is now apparent that the USPS intends to carry out its inferred threat that only cards mailed by December 15 are guaranteed delivery by Christmas Eve if mailed for local delivery. The problem of delayed delivery of Christmas mail can now be traced directly to the managed mail system and the methods of distribution and dispatch at sectional centers. In order to establish new records for economy in operation, undoubtedly some sectional heads determined to store all Christmas mail postmarked December 16 and thereafter to be delivered during the so-called light volume period, December 26-December 30.

It is also apparent that the USPS is heading toward the priority mail policy. This would mean that mailers desiring prompt delivery of their envelopes would be required to pay a specific rate of postage. Meanwhile, those mailers who do not require immediate delivery will be paying a lesser rate. The United States Postal Service is showing its hand and the Union now must make similar decisions. We will try to inject into the forthcoming negotiations language intended to provide the Unions with some rights with regard to mail deliveries, curtailments and overtime conditions. If unsuccessful at the bargaining table, it will become necessary for the Union to ask Congress to decide whether or not USPS can make the determination on delivery dates of mail upon which is affixed postage which has heretofore guaranteed expeditious handling.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Armstrong) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. Andrews of North Dakota, for 1 hour, on January 31.

Mr. Hansen of Idaho, for 10 minutes, today.

Mr. Bell, for 5 minutes, today.

Mr. Hogan, for 1 hour, today.

(The following Members (at the request of Mr. Jones of Oklahoma) to revise and extend their remarks and include extraneous matter:)

Mr. Gonzalez, for 5 minutes, today.

Mr. Murphy of New York, for 5 minutes, today.

Ms. Abzug, for 10 minutes, today.

Mr. Alexander, for 45 minutes, today.

Mr. O'Neill, for 15 minutes, today.

Mr. Alexander, for 10 minutes, January 31.

Mr. Drinan (at the request of Mr. Badillo) for 30 minutes and to revise and extend his remarks and to include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Armstrong) and to include extraneous matter:)

Mr. Ashbrook in two instances.

Mr. Ruth.

Mr. Broomfield.

Mr. Wyatt in two instances.

Mr. Zwach.

Mr. Wyman in two instances.

Mr. O'Brien.

(The following Members (at the request of Mr. Jones of Oklahoma) and to include extraneous matter:)

Mr. Annunzio in 10 instances.

Mr. Culver.

Mr. Rarick in four instances.

Mr. Gonzalez in three instances.

Mr. Alexander.

(The following Members (at the request of Mr. Badillo) and to include extraneous matter:)

Mr. Boland.

Mr. Drinan in five instances.

Mr. Murphy of New York.

Mr. Van Deerlin in two instances.

Mr. Donohue.

Mr. Poage.

Mr. Charles H. Wilson of California.

Mr. Bolling.

Mr. Roe in two instances.

ADJOURNMENT

Mr. BADILLO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 18 minutes p.m.), the House adjourned until tomorrow, Wednesday, January 31, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of XXIV, executive communications were taken from the Speaker's table and referred as follows:

308. A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, transmitting a report that the appropriation to the Department of Agriculture for Forest Protection and Utilization, Forest Service, for fiscal year 1973, has been reapportioned on a basis which indicates the necessity for a supplemental estimate of appropriation, pursuant to 31 U.S.C. 665; to the Committee on Appropriations.

309. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to authorize appropriations during the fiscal year 1974 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes; to the Committee on Armed Services.

310. A letter from the Acting Administrator of General Services, transmitting a draft of proposed legislation to amend the act of August 25, 1958, as amended, and the Presidential Transition Act of 1963; to the Committee on Government Operations.

311. A letter from the Acting Secretary of Agriculture, transmitting a draft of proposed legislation to provide for a study of a certain segment of the Oklawaha River for potential additional to the National Wild and Scenic Rivers System; to the Committee on Interior and Insular Affairs.

312. A letter from the Chairman, Indian Claims Commission, transmitting a draft of proposed legislation to authorize appropriations for the Indian Claims Commission for fiscal year 1974, and for other purposes; to the Committee on Interior and Insular Affairs.

313. A letter from the Secretary, Railroad Retirement Board, transmitting a report covering calendar year 1972 on positions in grades GS-16, 17, and 18, pursuant to 5 U.S.C. 5114(a); to the Committee on Post Office and Civil Service.

314. A letter from the Acting Administrator of General Services, transmitting a prospectus proposing the continued occupancy under lease arrangement by the Social Security Administration of space in Chicago, Ill., pursuant to the Public Building Act of 1959, as amended; to the Committee on Public Works.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MADDEN: Committee on Rules. House Resolution 132. Resolution to create a select committee to study the operation and implementation of rules X and XI of the Rules of the House of Representatives (Rept. No. 93-2). Referred to the House Calendar.

Mr. MADDEN: Committee on Rules. House Resolution 176. Resolution providing for the consideration of H. Res. 132. Resolution to create a select committee to study the operation and implementation of rules X and XI of the Rules of the House of Representatives. (Rept. No. 93-3). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Ms. ABZUG (for herself, Mrs. Burke of California, Mr. Lehman, Mr. Matsunaga, Mr. Metcalfe, and Mr. Waldie):

H.R. 3209. A bill to amend the Truth in Lending Act, to prohibit discrimination by creditors against individuals on the basis of sex or marital status with respect to the extension of credit; to the Committee on Banking and Currency.

H.R. 3210. A bill to prohibit discrimination by any federally insured bank, savings and loan association, or credit union against any individual on the basis of sex or marital status in credit transactions and in connection with applications for credit, and for other purposes; to the Committee on Banking and Currency.

H.R. 3211. A bill to prohibit discrimination by any party to a federally related mortgage transaction on the basis of sex or marital status, and to require all parties to any such transaction to submit appropriate reports thereon for public inspection; to the Committee on Banking and Currency.

By Ms. ABZUG (for herself, Mrs. Burke of California, Mr. Lehman, Mr. Matsunaga, and Mr. Metcalfe):

H.R. 3212. A bill to provide a comprehensive child development program in the Department of Health, Education, and Welfare; to the Committee on Education and Labor.

By Ms. ABZUG (for herself, Mrs. Burke of California, Mr. Lehman, Mr. Matsunaga, Mr. Metcalfe, and Mr. Waldie):

H.R. 3213. A bill to prohibit discrimination on the basis of sex, and for other purposes; to the Committee on the Judiciary.

By Ms. ABZUG (for herself and Mr. Metcalfe):

H.R. 3214. A bill to prohibit any instrumentality of the United States from using as a prefix to the name of any person any title which indicates marital status, and for other purposes; to the Committee on the Judiciary.

By Ms. ABZUG (for herself, Mrs. Burke of California, Mr. Lehman, Mr. Metcalfe, Mr. Waldie, and Mr. Wolff):

H.R. 3215. A bill to exempt child care services from the ceiling on expenditures for social services; to the Committee on Ways and Means.

By Ms. ABZUG (for herself, Mr. Lehman, Mr. Matsunaga, Mr. Metcalfe, and Mr. Waldie):

H.R. 3216. A bill to amend the Internal Revenue Code of 1954 in relation to deduction for business expenses for care of certain dependents; to the Committee on Ways and Means.

By Ms. ABZUG (for herself, Mr. Lehman, Mr. Metcalfe, and Mr. Waldie):

H.R. 3217. A bill to amend title II of the Social Security Act to provide that an individual who resides with and maintains a household for another person or persons (while such person or any of such persons is employed or self-employed) shall be considered as performing covered services in maintaining such household and shall be credited accordingly for benefit purposes; to the Committee on Ways and Means.

By Ms. ABZUG (for herself, Mrs. Burke of California, and Mr. Metcalfe):

H.R. 3218. A bill to amend title II of the Social Security Act to reduce from 20 to 5 years the length of time a divorced woman's marriage to an insured individual must have lasted in order for her to qualify for wife's or widow's benefits on his wage record; to the Committee on Ways and Means.

By Mr. ALEXANDER:

H.R. 3219. A bill to restore the rural water and sewer grant program under the Consolidated Farm and Rural Development Act; to the Committee on Agriculture.

By Mr. ALEXANDER (for himself, Mr. Abdnor, Mr. Clark, Mr. Fuqua, Mr. Hamilton, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Flowers, Mr. McDade, Mr. Lehman, Mr. Thone, and Mr. O'Hara):

H.R. 3220. A bill to establish more effective community planning and development programs (and expand the related provisions of existing programs) with particular emphasis upon assistance to small communities; to the Committee on Banking and Currency.

By Mr. ANDREWS of North Carolina:

H.R. 3221. A bill to require the Secretary of Agriculture to carry out a rural environmental assistance program; to the Committee on Agriculture.

By Mr. ANNUNZIO:

H.R. 3222. A bill to amend the act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data; to the Committee on Interior and Insular Affairs.

By Mr. BADILLO:

H.R. 3223. A bill to require the termination of all weapons range activities conducted on or near the Culebra complex of the Atlantic Fleet Weapons Range; to the Committee on Armed Services.

By Mr. BENITEZ (for himself, Mr. Meeds, Mr. Dellums, Mr. Leggett, Mr. Rangel, Mr. Rosenthal, Mr. Hungate, Mr. Helstoski, Mr. Vanik, Mr. De Lugo, Mr. Drinan, Mr. Buchanan, Mr. Green of Pennsylvania, and Mr. Burton):

H.R. 3224. A bill to require the termination of all weapons range activities conducted on or near the Culebra complex of the Atlantic Fleet Weapons Range; to the Committee on Armed Servcies.

By Mr. BIAGGI:

H.R. 3225. A bill to amend the Internal Revenue Code of 1954 to provide that pensions paid to retired law enforcement officers shall not be subject to the income tax; to the Committee on Ways and Means.

H.R. 3226. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide a system for the redress of law enforcement officers' grievances and to establish a law enforcement officers' bill of rights in each of the several States, and for other purposes; to the Committee on the Judiciary.

By Mr. BURKE of Massachusetts:

H.R. 3227. A bill to amend the Internal Revenue Code of 1954 to extend certain transitional rules for allowing a charitable contribution deduction for purposes of the estate tax in the case of certain charitable remainder trusts; to the Committee on Ways and Means.

By Mr. CASEY of Texas:

H.R. 3228. A bill to amend the Internal Revenue Code of 1954 to increase the amount allowed as a child-care deduction, and to eliminate the income ceiling on eligibility for such deduction; to the Committee on Ways and Means.

H.R. 3229. A bill › amend the Internal Revenue Code of 1954 to allow a taxpayer a deduction from gross income for expenses paid by him for the education of any of his dependents at an institution of higher learning; to the Committee on Ways and Means.

By Mr. COLLIER:

H.R. 3230. A bill to amend the Federal Meat Inspection Act to require that imported meat food products made in whole or in part of imported meat be labeled "imported" at all stages of distribution until delivery to the ultimate consumer; to the Committee on Agriculture.

H.R. 3231. A bill to amend the Labor-Management Reporting and Disclosure Act of 1959 with respect to the terms of office of officers of local labor organizations; to the Committee on Education and Labor.

H.R. 3232. A bill to amend the Legislative Reorganization Act of 1946 to provide for annual reports to the Congress by the Comptroller General concerning certain price increases in Government contracts and certain failures to meet Government contract completion dates; to the Committee on Government Operations.

H.R. 3233. A bill to expand the membership of the Advisory Commission on Intergovernmental Relations to include elected school board officials; to the Committee on Government Operations.

H.R. 3234. A bill to amend section 1905 of title 44 of the United States Code relating to depository libraries; to the Committee on House Administration.

H.R. 3235. A bill to amend the Communications Act of 1934 so as to provide for the regulation of the broadcasting of certain major sporting events in the public interest; to the Committee on Interstate and Foreign Commerce.

H.R. 3236. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 3237. A bill to regulate the interstate trafficking and sale of hypodermic needles and syringes; to the Committee on Interstate and Foreign Commerce.

H.R. 3238. A bill to amend title 28, United States Code, to limit the appellate jurisdiction of the Supreme Court in certain cases relating to the apportionment of population among districts from which Members of Congress are elected; to the Committee on the Judiciary.

H.R. 3239. A bill to amend the Federal Salary Act of 1967, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 3240. A bill limiting the use for demonstration purposes of any federally owned property in the District of Columbia, requiring the posting of a bond, and for other purposes; to the Committee on Public Works.

H.R. 3241. A bill to repeal the provisions of law which relate to the checkoff procedure for financing presidential election campaigns; to the Committee on Ways and Means.

By Mr. CONABLE (for himself and Mr. Broyhill of Virginia):

H.R. 3242. A bill to amend section 584 of the Internal Revenue Code of 1954 with respect to the treatment of affiliated banks for purposes of the common trust fund provisions of such Code; to the Committee on Ways and Means.

By Mr. DEL CLAWSON:

H.R. 3243. A bill to amend the Occupational Safety and Health Act of 1970 to require the Secretary of Labor to recognize the difference in hazards to employees between the heavy construction industry and the light residential construction industry, to the Committee on Education and Labor.

H.R. 3244. A bill to limit U.S. contributions to the United Nations; to the Committee on Foreign Affairs.

H.R. 3245. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 3246. A bill to amend title 38 of the United States Code to liberalize the provisions relating to payment of disability and death pension; to the Committee on Veterans' Affairs.

H.R. 3247. A bill to amend the Internal Revenue Code of 1954 to provide that certain homeowner mortgage interest paid by the Secretary of Housing and Urban Development on behalf of a low-income mortgagor shall not be deductible by such a mortgagor; to the Committee on Ways and Means.

H.R. 3248. A bill to amend the Social Security Act to prohibit the payment of aid or assistance under approved State public assistance plans to aliens who are illegally within the United States; to the Committee on Ways and Means.

By Mr. DINGELL (for himself and Mr. Moss):

H.R. 3249. A bill to establish a Department of Natural Resources and to transfer certain agencies to and from such Department; to the Committee on Government Operations.

H.R. 3250. A bill to provide that the appropriation requests of certain regulatory agencies be transmitted directly to Congress; to the Committee on Government Operations.

By Mr. DINGELL:

H.R. 3251. A bill to direct the Secretary of Commerce to conduct a comprehensive study and investigation of the allocation of frequencies for telecommunications for the purpose of formulating an allocation system to achieve the maximum use of the frequencies for such communications; to the Committee on Interstate and Foreign Commerce.

H.R. 3252. A bill to abolish the Federal Communications Commission and transfer its functions to a new Federal Broadcasting Commission, Telecommunications Common Carrier Commission, and Telecommunications Resources Authority, and to the Secretary of Transportation; to the Committee on Interstate and Foreign Commerce.

H.R. 3253. A bill to amend the Communications Act of 1934 to provide for regulation of television networks to assure that their operations are in the public interest; to the Committee on Interstate and Foreign Commerce.

H.R. 3254. A bill to transfer to the Secretar of Commerce all the functions, powers, and duties of the Federal Communications Commission relating to the allocation of frequencies for telecommunications; to the Committee on Interstate and Foreign Commerce.

H.R. 3255. A bill to restore the independence of Federal regulatory agencies; to the Committee on Interstate and Foreign Commerce.

H.R. 3256. A bill to amend the Judicial Code with respect to orders of Federal courts intended to desegregate public schools as required by the U.S. Constitution; to the Committee on the Judiciary.

H.R. 3257. A bill to strengthen the penalty provisions of the Gun Control Act of 1968; to the Committee on the Judiciary.

By Mr. EVANS of Colorado:

H.R. 3258. A bill to require the Secretary of Agriculture to carry out a rural environmental assistance program; to the Committee on Agriculture.

H.R. 3259. A bill requiring congressional authorization for the reinvolvement of American Forces in further hostilities in Indochina; to the Committee on Foreign Affairs.

H.R. 3260. A bill to establish and implement a national transportation policy for the next 50 years, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 3261. A bill to amend the Federal Food, Drug, and Cosmetic Act in order to provide for the registration of manufacturers of cosmetics, the testing of cosmetics, and the labeling of cosmetics, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FAUNTROY:

H.R. 3262. A bill to prohibit States and political subdivisions from discriminating against low and moderate income housing, and to give a priority in determining eligibility for assistance under various Federal programs to political subdivisions which submit plans for the inclusion of low and moderate income housing in their development; to the Committee on Banking and Currency.

H.R. 3263. A bill to amend the District of Columbia Minimum Wage Act to extend minimum wage and overtime compensation protection to additional employees, to raise the minimum wage, to improve standards of overtime compensation protection, to provide improved means of enforcement, and for other purposes; to the Committee on District of Columbia.

H.R. 3264. A bill to compensate victims of crimes of violence in the District of Columbia; to the Committee on District of Columbia.

H.R. 3265. A bill to establish a District of Columbia Urban Development Corporation; to the Committee on District of Columbia.

H.R. 3266. A bill to allow a credit against Federal income tax or payment from the U.S. Treasury for State and local real property taxes or an equivalent portion of rent paid on their residences by individuals who have attained age 65; to the Committee on Ways and Means.

By Mr. FRASER (for himself, Mr. Harrington, Mrs. Burke of California, Mr. Veysey, and Mr. Mosher):

H.R. 3267. A bill to amend title 38 of the United States Code to make certain that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced because of increases in monthly social security benefits; to the Committee on Veterans' Affairs.

By Mr. FRELINGHUYSEN:

H.R. 3268. A bill to amend the act of September 18, 1964, authorizing the addition of lands to Morristown National Historical Park in the State of New Jersey, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. FRELINGHUYSEN (for himself, Mr. Minshall of Ohio, Mr. Hosmer, Mr. Clark, Mr. Wyatt, Mr. Pike, Mr. Hastings, Mr. Thomson of Wisconsin, Mr. Symington, Mr. Davis of Georgia, Mrs. Griffiths, Mr. Mailliard, Mr. Derwinski, Mr. Saylor, Mr. Eshleman, Mr. Walsh, Mr. Charles Wilson of Texas, Mr. Byron, Mr. Zwach, Mr. O'Hara, Mr. Hunt, Mr. Widnall, and Mr. Mallary):

H.R. 3269. A bill to amend the Federal Election Campaign Act of 1971 with respect to the limitations on expenditures made for the use of communications media in order to oppose the candidacy of a legally qualified candidate for Federal elective office; to the Committee on Interstate and Foreign Commerce.

By Mr. FRELINGHUYSEN (for himself, Mrs. Hansen of Washington, Mr. Erlenborn, Mr. Hudnut, Mr. Veysey, Mr. Chappell, Mr. Esch, Mr. Hungate, Mr. Burton, Mr. Cronin, Mr. Latta, Mr. Blackburn, Mr. Fascell, Mr. McDade, and Mr. Guyer):

H.R. 3270. A bill to amend the Federal Campaign Act of 1971 with respect to the limitations on expenditures made for the use of communications media in order to oppose the candidacy of a legally qualified candidate for Federal elective office; to the Committee on Interstate and Foreign Commerce.

By Mr. FUQUA:

H.R. 3271. A bill to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to provide for minimum Federal payments for 4 additional years, and for other purposes; to the Committee on Public Works.

By Mr. HANSEN of Idaho:

H.R. 3272. A bill relating to manpower requirements, resources, development, utilization, and evaluation, and for other purposes; to the Committee on Education and Labor.

H.R. 3273. A bill to amend the Federal Property and Administrative Services Act of 1949 so as to permit donations of surplus property to public museums; to the Committee on Government Operations.

H.R. 3274. A bill to strengthen interstate reporting and interstate services for parents of runaway children, to provide for the development of a comprehensive program for the transient youth population for the establishment, maintenance, and operation of temporary housing and psychiatric, medical, and other counseling services for transient youth, and for other purposes; to the Committee on the Judiciary.

H.R. 3275. A bill to amend the Internal Revenue Code of 1954 to provide relief to certain individuals 62 years of age and over who own or rent their homes, through a system of income tax credits and refunds; to the Committee on Ways and Means.

By Mr. HARRINGTON:

H.R. 3276. A bill to provide for the establishment of projects for the dental health of children to increase the number of dental auxiliaries, to increase the availability of dental care through efficient use of dental personnel, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HAWKINS:

H.R. 3277. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41 et seq.) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. HECHLER of West Virginia:

H.R. 3278. A bill making appropriations to carry out programs of the Veterans' Administration to expand Veterans' Administration hospital education and training capacity, and to provide grants to establish new State medical schools, to expand and improve medical schools affiliated with the Veterans' Administration, and to assist certain affiliated institutions in training health personnel, for fiscal year 1973; to the Committee on Appropriations.

H.R. 3279. A bill to amend the Public Works Acceleration Act to make its benefits available to certain areas of extra high unemployment, to authorize additional funds for such act, and for other purposes; to the Committee on Public Works.

H.R. 3280. A bill to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for a 1-year period; to the Committee on Public Works.

By Mr. JOHNSON of California:

H.R. 3281. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. KARTH:

H.R. 3282. A bill to terminate the Airlines Mutual Aid Agreement; to the Committee on Interstate and Foreign Commerce.

By Mr. KOCH:

H.R. 3283. A bill to amend the Child Nutrition Act of 1966 to permit the waiver of matching requirements in special and unusual circumstances; to the Committee on Education and Labor.

By Mr. LONG of Maryland:

H.R. 3284. A bill to provide for the burial in the Memorial Amphitheater of the National Cemetery at Arlington, Va., of the remains of an unknown American who lost his life while serving overseas in the Armed

Forces of the United States during the Vietnam conflict; to the Committee on Veterans' Affairs.

By Mr. MAYNE:

H.R. 3285. A bill to make the use of a firearm to commit certain felonies a Federal crime where that use violates State law, and for other purposes; to the Committee on the Judiciary.

By Mr. MELCHER:

H.R. 3286. A bill to authorize the Secretary of Agriculture to encourage and assist the several States in carrying out a program of animal health research; to the Committee on Agriculture.

H.R. 3287. A bill to amend chapter 5 of title 37, United States Code, to revise the special pay structure relating to members of the uniformed services, and for other purposes; to the Committee on Armed Services.

H.R. 3288. A bill to amend title 38 of the United States Code to liberalize the service requirement for pension eligibility based on World War I service; to the Committee on Veterans' Affairs.

By Mr. MELCHER (for himself, Ms. Abzug, Mrs. Chisholm, Mr. Clay, Mr. Conyers, Mr. Corman, Mr. Davis of South Carolina, Mr. Danielson, Mr. Dent, Mr. Derwinski, Mr. Downing, Mr. Drinan, Mr. Edwards of California, Mr. Eilberg, Mrs. Grasso, Mr. Gude, Mr. Harrington, and Mr. Hechler of West Virginia):

H.R. 3289. A bill to amend the Budget and Accounting Act of 1921 to require the advice and consent of the Senate for appointments to Director of the Office of Management and Budget; to the Committee on Government Operations.

By Mr. MELCHER (for himself, Mr. Henderson, Mr. Hungate, Mr. Leggett, Mr. Lehman, Mr. Long of Maryland, Mr. McCormack, Mr. Mailliard, Mr. Matsunaga, Mr. Mazzoli, Mr. Moakley, Mr. Mollohan, Mr. Moss, Mr. O'Hara, Mr. O'Neill, Mr. Preyer, and Mr. Pickle):

H.R. 3290. A bill to amend the Budget and Accounting Act of 1921 to require the advice and consent of the Senate for appointments to Director of the Office of Management and Budget; to the Committee on Government Operations.

By Mr. MELCHER (for himself, Mr. Price of Illinois, Mr. Rangel, Mr. Rarick, Mr. Rees, Mr. Roe, Mr. Rogers, Mr. Rostenkowski, Mr. Roy, Mr. Roybal, Mr. Runnels, Mr. Seiberling, Mr. Studds, Mr. Taylor of North Carolina, Mr. Thompson of New Jersey, Mr. Tiernan, Mr. Won Pat, Mr. Zwach, Mr. Helstoski, Mr. Mezvinsky, Mr. Sarbanes, Mr. Brademas, and Mr. Gibbons):

H.R. 3291. A bill to amend the Budget and Accounting Act of 1921 to require the advice and consent of the Senate for appointments to Director of the Office of Management and Budget; to the Committee on Government Operations.

By Mr. PERKINS:

H.R. 3292. A bill to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for a 1-year period; to the Committee on Public Works.

By Mr. PEYSER (for himself, Mr. Brasco, and Mr. Sarasin):

H.R. 3293. A bill to repeal section 15 of the Urban Mass Transit Act of 1964, to remove certain limitations on the amount of grant assistance which may be available in any one State; to the Committee on Banking and Currency.

By Mr. PIKE:

H.R. 3294. A bill to amend the act entitled "An act to establish a contiguous fishery zone beyond the territorial sea of the United States" approved October 14, 1966; to the Committee on Merchant Marine and Fisheries.

By Mr. PICKLE (for himself and Mr. Charles Wilson of Texas):

H.R. 3295. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. PICKLE (for himself, Mr. Sarbanes, Mr. Harrington, Mr. William D. Ford, Mr. Gunter, Mr. Chappell, Mr. Diggs, Mr. Hamilton, Mr. Roe, Mr. Mazzoli, Mr. Young of Georgia, Mrs. Burke of California, Mr. Clay, Mr. Dellums, and Mr. Vigorito):

H.R. 3296. A bill to require the President to notify the Congress whenever he impounds funds, or authorizes the impounding of funds, and to provide a procedure under which the House of Representatives and the Senate may approve the President's action or require the President to cease such action; to the Committee on Rules.

By Mr. PICKLE (for himself, Mr. Sarbanes, Mr. Harrington, Mr. William D. Ford, Mrs. Chisholm, Mr. Patman, Mr. Cleveland, Mr. Price of Illinois, Mr. Nix, Mr. Moss, Mr. Studds, Mr. Conyers, Mr. Alexander, Mr. McSpadden, Mr. Owens, Mr. Flood, Mr. Charles Wilson of Texas, Mr. Mezvinsky, Mr. Rangel, Mr. De Lugo, and Mr. Won Pat):

H.R. 3297. A bill to require the President to notify the Congress whenever he impounds funds, or authorizes the impounding of funds, and to provide a procedure under which the House of Representatives and the Senate may approve the President's action or require the President to cease such action; to the Committee on Rules.

By Mr. POAGE:

H.R. 3298. A bill to restore the rural water and sewer grant program under the Consolidated Farm and Rural Development Act; to the Committee on Agriculture.

By Mr. PRICE of Texas:

H.R. 3299. A bill to provide that certain provisions of the Natural Gas Act relating to rates and charges shall not apply to persons engaged in the production or gathering and sale but not in the transmission of natural gas; to the Committee on Interstate and Foreign Commerce.

By Mr. QUIE:

H.R. 3300. A bill to retain November 11 as Veterans Day; to the Committee on the Judiciary.

H.R. 3301. A bill to amend the Internal Revenue Code of 1954 to permit a taxpayer to deduct certain expenses paid by him for special education furnished to a child or other minor dependent who is physically or mentally handicapped; to the Committee on Ways and Means.

By Mr. QUILLEN:

H.R. 3302. A bill to provide price support for milk at not less than 85 percent of the parity price therefor; to the Committee on Agriculture.

By Mr. RONCALLO of New York:

H.R. 3303. A bill to amend the Trade Expansion Act of 1962 in order to terminate the oil import control program; to the Committee on Ways and Means.

By Mr. ROYBAL:

H.R. 3304. A bill to equalize the retired pay of members of the uniformed services retired prior to June 1, 1958, whose retired pay is computed on laws enacted on or after October 1, 1949; to the Committee on Armed Services.

H.R. 3305. A bill to amend the Fair Credit Reporting Act, and to create a new title in the Consumer Credit Protection Act in order to license consumer credit investigators; to the Committee on Banking and Currency.

By Mr. VANDER JAGT:

H.R. 3306. A bill to amend the Welfare and Pension Plans Disclosure Act; to the Committee on Education and Labor.

H.R. 3307. A bill to provide for payments to compensate county governments for the tax immunity of Federal lands within their boundaries; to the Committee on Interior and Insular Affairs.

H.R. 3308. A bill to amend the Public Health Service Act to direct the Secretary of Health, Education, and Welfare to study the feasibility of broadening the purposes of the Uniformed Services University of the Health Sciences to train civilian physicians to serve in medically underserved areas; to the Committee on Interstate and Foreign Commerce.

H.R. 3309 A bill to authorize the Secretary of the Interior to assist the States in controlling damage caused by predatory animals; to establish a program of research concerning the control and conservation of predatory animals; to restrict the use of toxic chemicals as a method of predator control; and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 3310. A bill to provide for the conservation, protection, and propagation of species or subspecies of fish and wildlife that are threatened with extinction or likely within the foreseeable future to become threatened with extinction, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 3311. A bill to amend the act of August 13, 1946, relating to Federal participation in the cost of protecting the shores of the United States, its territories, and possessions, to include privately owned property; to the Committee on Public Works.

H.R. 3312. A bill to authorize a program to develop and demonstrate low-cost means of preventing shoreline erosion; to the Committee on Public Works.

H.R. 3313. A bill to direct the Secretary of the Army to remove the steamer *Glen* from Manistee Harbor, Mich.; to the Committee on Public Works.

H.R. 3314. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

H.R. 3315. A bill to amend the Internal Revenue Code of 1954 to promote additional protection for the rights of participants in private pension plans, to establish minimum standards for vesting, to establish an insurance corporation within the Department of the Treasury, and for other purposes; to the Committee on Ways and Means.

H.R. 3316. A bill to amend the Internal Revenue Code of 1954 to permit an employer corporation to establish a plan under which its employees may purchase and hold stock in such corporation; to the Committee on Ways and Means.

By Mr. VIGORITO:

H.R. 3317. A bill to reduce solid waste pollution and litter which is caused by glass containers by making safer and more efficient the process of recycling glass containers by requiring that glass containers be made of clear glass; to the Committee on Interstate and Foreign Commerce.

By Mr. WIGGINS:

H.R. 3318. A bill to provide maternity benefits for pregnant wives of certain former servicemen; to the Committee on Armed Services.

H.R. 3319. A bill to make it unlawful in the District of Columbia to intentionally promote or facilitate illegal drug trafficking by possession, sale, or distribution, of certain paraphernalia, and further to make it unlawful for a person to possess an instrument or device for the purpose of unlawfully using a controlled substance himself; to the Committee on District of Columbia.

H.R. 3320. A bill to require the Secretary of

Transportation to prescribe regulations governing the humane treatment of animals transported in air commerce; to the Committee on Interstate and Foreign Commerce.

H.R. 3321. A bill to prohibit the use of interstate facilities, including the mails, for the transportation of certain materials to minors; to the Committee on the Judiciary.

H.R. 3322. A bill to prohibit the use of interstate facilities, including the mails, for the transportation of salacious advertising; to the Committee on the Judiciary.

H.R. 3323. A bill to prohibit the dissemination through interstate commerce or the mails of material harmful to persons under the age of 18 years, and to restrict the exhibition of movies or other presentations harmful to such persons; to the Committee on the Judiciary.

H.R. 3324. A bill to amend title 28, United States Code, to change the age and service requirements with respect to the retirement of Justices and judges of the United States; to the Committee on the Judiciary.

H.R. 3325. A bill to provide for the U.S. District Court for the Central District of California to hold court at Santa Ana, Calif.; to the Committee on the Judiciary.

H.R. 3326. A bill to provide for the establishment of a U.S. Court of Labor-Management Relations which shall have jurisdiction over certain labor disputes in industries substantially affecting commerce; to the Committee on the Judiciary.

H.R. 3327. A bill to amend title 18, United States Code, to provide for the issuance to certain persons of judicial orders to appear for the purpose of conducting nontestimonial identification procedures, and for other purposes; to the Committee on the Judiciary.

H.R. 3328. A bill to amend title 18 of the United States Code to provide that a person found guilty of willfully failing to appear as required while charged with a felony and free on bail be liable to receive the same penalty provided for the felony charge pending when he failed to appear; to the Committee on the Judiciary.

H.R. 3329. A bill to amend section 2254 of title 28, United States Code, with respect to Federal habeas corpus; to the Committee on the Judiciary.

H.R. 3330. A bill to permit an interested U.S. citizen to request a consular or immigration officer to review the presumed immigrant status determined for an alien by such officer; to the Committee on the Judiciary.

H.R. 3331. A bill to amend title 18 of the United States Code to provide penalties for the taking and holding of hostages by inmates of Federal prisons, and for the making of certain agreements with such inmates to secure the release of such hostages; to the Committee on the Judiciary.

H.R. 3332. A bill to amend section 1201 of title 18, United States Code (respecting transportation of kidnap victims in interstate commerce), to eliminate a constitutional infirmity; to the Committee on the Judiciary.

By Mr. CHARLES H. WILSON of California:

H.R. 3333. A bill to make rules governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress; to the Committee on Foreign Affairs.

By Ms. ABZUG (for herself, Mr. Metcalfe, Mr. Waldie, and Mr. Wolff):

H.J. Res. 258. Joint resolution designating August 26 of each year as "Women's Equality Day"; to the Committee on the Judiciary.

By Mr. DEL CLAWSON:

H.J. Res. 259. Joint resolution proposing an amendment to the Constitution of the United States to permit the Congress to provide by law for the imposition and carrying out of the death penalty in the case of certain crimes involving aircraft piracy; to the Committee on the Judiciary.

H.J. Res. 260. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings; to the Committee on the Judiciary.

By Mr. HOGAN:

H.J. Res. 261. Joint resolution proposing an amendment to the Constitution of the United States guaranteeing the right to life to the unborn, the ill, the aged, or the incapacitated; to the Committee on the Judiciary.

By Mr. QUIE:

H.J. Res. 262. Joint resolution to establish a national policy relating to conversion to the metric system in the United States; to the Committee on Science and Astronautics.

By Mr. WIGGINS:

H.J. Res. 263. Joint resolution to amend the Constitution to provide for representation of the District of Columbia in the Congress; to the Committee on the Judiciary.

By Mr. DEL CLAWSON:

H. Con. Res. 97. Concurrent resolution expressing the sense of the Congress with respect to the restrictive emigration policies of the Soviet Union and its trade relations with the United States; to the Committee on Foreign Affairs.

By Mr. COLLIER:

H. Con. Res. 98. Concurrent resolution expressing the sense of Congress that the Holy Crown of Saint Stephen should remain in the safekeeping of the U.S. Government until Hungary once again functions as a constitutional government established by the Hungarian people through free choice; to the Committee on Foreign Affairs.

H. Con. Res. 99. Concurrent resolution to collect overdue debts; to the Committee on Ways and Means.

By Mr. HARRINGTON:

H. Con. Res. 100. Concurrent resolution expressing the disapproval of the Congress with respect to the delegation of functions of the Office of Economic Opportunity to other Government agencies; to the Committee on Education and Labor.

By Mr. DEL CLAWSON:

H. Res. 172. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on the Environment; to the Committee on Rules.

By Mr. MILLS of Arkansas (for himself and Mr. Schneebeli):

H. Res. 173. Resolution providing funds for the expenses of the Committee on Ways and Means; to the Committee on House Administration.

H. Res. 174. Resolution authorizing the employment of additional personnel by the Committee on Ways and Means; to the Committee on House Administration.

By Mr. PERKINS:

H. Res. 175. Resolution authorizing the Committee on Education and Labor to conduct certain studies and investigations; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DANIELSON:

H.R. 3334. A bill for the relief of Maria Lourdes Rios; to the Committee on the Judiciary.

By Mr. FAUNTROY:

H.R. 3335. A bill for the relief of Euwie Elisha Knott; to the Committee on the Judiciary.

By Mr. HANLEY:

H.R. 3336. A bill for the relief of Jamie Interior Capule; to the Committee on the Judiciary.

H.R. 3337. A bill for the relief of Gerald Levine; to the Committee on the Judiciary.

By Mr. MELCHER:

H.R. 3338. A bill for the relief of Loretto B. Fitzgerald; to the Committee on the Judiciary.

By Mr. ROUSSELOT:

H.R. 3339. A bill for the relief of Delmira Martinez Sandoval; to the Committee on the Judiciary.

By Mr. WYATT:

H.R. 3340. A bill for the relief of Loren Ted Ward, Jr.; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

FOOD AND LESS FOOD

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1973

Mr. ZWACH. Mr. Speaker, since the Sixth Congressional District of Minnesota, which I represent, is one of the most rural congressional districts in the entire Nation, our people, naturally, are deeply concerned about actions which affect farm prices and production.

Right now our people are worried about the cutback of the rural environmental assistance program.

I would like, at this time, to insert into the Congressional Record a recent column written by Margery Burns. She is a farm wife who has a deep understanding of the problem down on the farm and what causes those problems.

I urge my colleagues and all of those other people who get the Congressional Record to read this column by Mrs. Burns. It might broaden their understanding of what is happening in and to rural America:

Food and Less Food

Speaking of food .... and food costs . . . and farmers . . ..

The weather seems to be more successful in getting higher farm prices than all the efforts of the farmers. So far!

It seems strange that most people can't understand that when more and more farmers are forced out of business, food prices will go up no matter what the government or consumers want.

You see, if only a few farmers have food products to sell, they can easily control the prices of their products. And the controlled scarcity of food will shoot those prices as high as they are in other countries. Remember, the people in China pay most of their income for food, and the Russian people, with government controlled agricultural, uses about half of their income in order to eat.

The greatest safe-guard we have in this country for reasonably priced food is to keep a large number of farmers on the land.

So what happens this year? The weather hits with rain and storms all over the country, and those rains and storms kept farmers from planting and harvesting grain. Last week over 100,000 cattle died in Texas in one storm.

All of this means that the supply of food products will be down, and the price of food will be up. Simple?

But what is the government going to do now? Under pressure from consumers, the government is selling all the corn in storage and is putting many millions more acres into production. Does that sound good to you? Do you agree with the government that this plan will keep food costs down? Well, maybe it will for a few years, a mighty few years.

The trouble is that pushing farm prices down while the expenses for farms go up will force the great farm migration to go full blast. And don't forget, the fewer the farmers, the easier it will be for them to set their own prices on their products . . . . exactly the way other businesses set prices. The only difference is that food is the most important product there is. And you will have to buy that product even though you'll be paying half your income for that food. What's the alternative? You're right . . . you don't eat.

So, consumers should be pleading with the government to nurture and take loving care of farmers so there'll be a good supply of food for many years. It's ironic that the government is handing out $18.5 billion this fiscal year in foreign aid ($5 billion more than last year) while at the same time, the government is cutting out aid to farmers and farm programs in our own country. And that aid and those programs will help keep food supplies coming along at the reasonable prices which consumers want.

Speaking of food . . . . where do you stand?

POSTAL SERVICE

HON. GEORGE M. O'BRIEN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1973

Mr. O'BRIEN. Mr. Speaker, the U.S. Postal Service has shown signs of improved service. While the performance of the Postal Service is far from perfect, there has been a positive trend in the last year. On January 14, 1973, the Chicago Heights Star, a newspaper in my district, commended the Postal Service for this performance trend. The editorial follows:

As We See It: The Postal Service

The U.S. Postal Service, newest of the major federal agencies, shows signs of living up to its promises. In its first year of operation, the USPS has made headway on two announced goals: reducing costs and improving the quality and reliability of mail service.

As a result of increased productivity and a commitment by postal officials to hold the line on costs, a $450 million increase in postal rates scheduled to take place in January has been canceled.

In the period 1969–71, postal revenues, fees and other types of income provided 80 per cent of the USPS's cost of operation. The remainder came from direct Congressional appropriations, which in 1971 reached a record high of $2.08 billion. In 1972 postal revenues provided 84 per cent of the cost of operation, and the Congressional subsidy was $1.3 billion, down nearly 35 per cent from the 1971 figure.

The USPS's achievements are especially noteworthy because not only do they reverse the usual trend of government operations, but also because they were attained despite the heaviest mail load in U.S. history. Mailed during 1972 were 87.2 billion pieces of mail, or 419 pieces for every person in the United States. This was an increase of 200 million pieces from the 1971 figure.

Approximately half of all mail handled each year is first-class. Last year, however, first-class mail accounted for 56.7 per cent of the total, a record 49 billion pieces. Continuing a trend started with the advent of the new agency, first-class mail service is reportedly improved. According to USPS officials, 94 per cent of first-class mail deposited by 5 p.m. for local delivery reaches its destination the following day.

With such an auspicious beginning, the U.S. Postal Service may one day regain the prestige that the country's postal service once enjoyed.

JOSEPH STERLING CHARTRAND, JR.

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1973

Mr. BOLLING. Mr. Speaker, I am inserting the following in tribute to an old and dear friend who recently passed away:

Joseph Sterling Chartrand, Jr.

The vitality of our Nation and its communities often is best reflected in the lives and contributions of individual citizens. Quite recently the area which I represent—Kansas City, Missouri and environs—was saddened by the untimely death of a man who was truly a "moving force" and a person of exceptional integrity. Joseph Sterling Chartrand, Jr., the Executive Vice President and Secretary of the Kansas City Board of Trade, was a friend and one with whom I had cause to work, from time to time, during the past quarter-century.

Born in St. Louis of a family whose members had served in the State legislature and helped shape the commercial development of that city, Joe Chartrand followed in the footsteps of his father and namesake by choosing a career in transportation. After moving to Kansas City and graduating from Northeast High School, he attended Kansas City Business College and then plunged into the business world just as our country entered the depression. He learned his trade from the bottom up, working in the warehouses and on rate desks, serving a stint with trucking firms, and soon emerged as transportation manager for such established grain companies as Rudy-Patrick and Peppard Seed.

With the outbreak of World War II, the Nation's transportation forces were faced with an unprecedented challenge, one in which Mr. Chartrand was to be involved. During the forties, he continued to broaden his understanding of the intricacies of the grain and transportation fields, and the interplay between the government and various private sector groups—the railroads, the truckers, the farmers, and the grain companies. In particular, he came to realize that the role of the Interstate Commerce Commission (ICC) was critical to all of these elements, individually and collectively. In order to better qualify himself professionally, he studied to become a "Class B practitioner" before the ICC. Concurrently, he was selected by the Kansas City Traffic Club to teach a newly offered course in transportation, meanwhile conceiving of, writing, and publishing a milestone "rate directory" which set forth in detail the existing and projected rate schedules for ten states which would affect many facets of grain sales and shipments.

This period comprised what he and his wife, Isabel Doherty Chartrand, later referred to as "the busy years"—raising three children, participating in church and civic activities, mutually overcoming the impact on the family of her nearly fatal bout with cancer. And it was at the peak of this activity, both professional and personal, that he "went back to school."

In 1945, with strong encouragement from such friends and mentors as Dr. Hayes A. Richardson (Director of the Welfare Department for Kansas City), Joseph H. Tedrow (Transportation Commissioner for the Chamber of Commerce), and Walter Scott (the nationally known incumbent Executive Vice President and Secretary for the Kansas City Board of Trade), Joe entered the University of Kansas City. Interestingly, both he, in attendance at night school, and his son were freshmen at the same time! For the next six years, most of which were spent functioning as the Transportation Commissioner for the Board of Trade, Joe fulfilled his pre-law requirements and went on to complete the course of studies at the renowned School of Law, graduating with the L.L.B. degree in 1951. It was during this period that Joe Chartrand and I became acquainted. Upon passing the Missouri State Bar examination, he was authorized to perform as a "Class A practitioner" before the ICC, and in 1957 was admitted to practice before the United States Supreme Court.

Having already evinced an interest in assisting others enter the transportation field, or become more proficient in its practice, Mr. Chartrand taught courses during the late 1940's in transportation law at the University of Kansas City. He was a co-founder of the Joseph H. Tedrow Memorial Library in transportation law at the university, founded the first chapter west of the Mississippi River of the Delta Nu Alpha transportation fraternity, and was a member of the Delta Theta Phi honorary law fraternity.

An unusual opportunity presented itself in 1956, when he was invited to assume the top responsibility for transportation matters at the Chicago Board of Trade. Following a tenure of seven years as Executive Vice President for Transportation, he returned to Kansas City to rejoin Walter Scott, now approaching retirement, as Secretary and Transportation Commissioner. I should note that the relationship between these two men was an exceptional one, with the elder often drawing upon his vast experience and political acumen to aid his younger associate, and Mr. Chartrand in turn respecting the sagacity of his superior and absorbing the nuances of the position. In 1964, Joe Chartrand was elected Executive Vice President of the Board of Trade, thereby becoming an *ex officio* member of the Board of Directors.

The problems inherent in serving as administrator for the Board of Trade, with its more than 250 members, are many. Joe Chartrand seemed to welcome these as challenges and opportunities. Acutely aware of the evolution of the Board of Trade, its volume of business and increased span of activity, he worked with many others in seeking new quarters which could accommodate and better service the membership. Interestingly, he was to work with Charles Luckman, a noted architect and former classmate at Northeast High School, in designing the physical spaces which the Board of Trade was to occupy. In 1966, at a ceremony attended by more than 400 national, State, and local officials, and grain and transportation executives, the superb new Board of Trade Building on the Plaza in Kansas City, Missouri was dedicated. Upon that occasion Ralph J. Crawford, then President of the Board of Trade, pointed out that "Kansas City already leads all world markets in cash sales of hard winter wheat, is the nation's number one market in grain sorghums and is a leading market in five other grains." In commenting at that time on the recently announced decision to establish a cattle futures market, designed to help increase and protect beef production, Mr. Chartrand noted that "the operation of a sound futures market in feeder cattle will best protect everyone from the farmer to the consumer."

Throughout his career, this man was known as being unafraid to tackle a seemingly insurmountable problem. He sought to marshal those forces necessary to gain an equitable agreement for the institutions whose welfare was his responsibility. Upon those occasions when we worked together, I found him tough when required, always fair, and never unforgetting of the needs of the little man. Often cited for his excellent, meticulous briefs, he was able to translate his perception of past events into a practical plan for the future.

In the resolution prepared by the members of the Board of Trade upon his passing, it was noted that his "vast knowledge" of the grain and transportation fields resulted in him rendering a "great service" to Kansas City.

"He was everywhere known as an example of the highest type business executive, outstanding for his utmost integrity with a broad vision of the needs of midwestern agriculture, not only in the marketplace but throughout the entire Midwest. He was warm-hearted at all times and regarded as a perfect gentleman by his associates. In his contacts with members of the trade and the public with which he came in contact, he was always courteous and considerate, and his judgment was welcomed by everyone."

As this man's career spanned more than four decades, with achievements numerous enough to justify any honor, so the decision by his family to establish a memorial scholarship fund at the university which he attended seems very much in keeping with his professional goals and emphasis on education. In much the same way that he sought to raise his family with a sense of dedication to each other and society, he repeatedly helped aspiring young men enter the transportation field. Sharing his vision for the future and sense of public service are such friends and colleagues as Hearne Christopher and Horace W. Johnston, the present and immediate past presidents of the Board of Trade, who have been instrumental in establishing the Joseph Sterling Chartrand Memorial Scholarship Fund at the University of Missouri (at Kansas City) School of Law. Perhaps the most suitable coda to this commentary on an outstanding American and his thought-provoking way of life, is found in Proverbs: "Where there is no vision, the people perish."

OREGON INVENTORS WEEK

HON. WENDELL WYATT

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1973

Mr. WYATT. Mr. Speaker, in a few days we will have observance of National Inventors Week, designated by President Nixon to begin on February 11, 1973. In keeping with this spirit, Gov. Thomas McCall has proclaimed "Oregon Inventors Week" to coincide with this national observance.

Mr. Speaker, as a Representative of this fine State, I insert a copy of Governor McCall's proclamation in the Congressional Record to pay homage to the many fine Oregon inventors who have contributed so much to America.

Statement by Gov. Tom McCall

Even in our grandfathers' days American inventiveness was a topic of conversation and wonder all over the civilized world.

One of the first acts of the Congress of the United States was to establish the patent system under which American inventors have made outstanding contributions to the world's engineering, manufacturing, and scientific projects.

Both the Senate and the House of the United States Congress have now passed and the President of the United States has now signed a resolution officially designating the birthday of Thomas Edison, February 11th, as National Inventors Day.

As Governor of the State of Oregon, I do hereby proclaim the week of February 11, 1973, as "Oregon Inventors Week" in commemoration of the contribution made by the inventors of the State of Oregon to the progress of the useful arts within the United States and to the contributions made by all inventors to progress within the State of Oregon.

In this way, the State of Oregon expresses thanks to her inventor-citizens for their contributions to the economy and welfare of this State and our Nation. Additionally, we pay tribute to the United States Patent system by acknowledging and recalling the quotation of Abraham Lincoln: "The Patent System adds the fuel of interest to the fire of genius."

REMARKS OF PRESIDENT HAROLD B. LEE ON THE PASSING OF MR. JUNE B. THAYN

HON. EARL B. RUTH

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1973

Mr. RUTH. Mr. Speaker, on December 24, my close associate and administrative assistant, Mr. June B. Thayn, passed away in Salt Lake City, Utah. Mr. Thayn was president of the Chesapeake Stake of the Church of Jesus Christ of Latter-Day Saints.

The leader of the worldwide church of Mormons, President Harold B. Lee, was the speaker at Mr. Thayn's final services on December 27. President Lee's appearance was a great honor for the long years of dedicated church work by Mr. Thayn.

Since it was not possible to obtain President Lee's remarks when I announced Mr. Thayn's death in the permanent body of the Record on January 9, I am now having them inserted in the Congressional Record:

Remarks by President Harold B. Lee

Sister Thayn and your daughters and the family, I bring to you the love and blessing and the assurance from all the General Authorities that in our minds we have had no more effective leadership in this Church than that of your husband. We have watched behind the scenes and I know something from personal experience of the kind of devotion that he has given.

G. Roy Fugal, Regional Representative over the Washington, D.C. area, sent this message: "I am so pleased that you will be speaking at the services for President June B. Thayn. May I just mention a few words summarizing why we in the Potomac Region loved him so—a sweet, humble man with an enormous capacity for leadership. Typical of his quiet efficiency was his masterful presentation early Saturday morning at the October General Conference Welfare Session, where he explained the Potomac Region's great and successful welfare project. Having stayed in President and Sister Thayn's home on several occasions, I have felt that warm, spiritual kinship which is characteristic of true Latter-day Saints. How we loved him, and oh, how we'll miss him. He was a tower of strength here and we know that the Lord has great need of him there."

That could be said and has been said by all of us in leadership positions who knew him. Congressman Earl Ruth said very much in a few words; I am sure words that will be treasured by the family, because they were said with meaning and with understanding—a man's tribute to a man.

If the Lord is willing now and if I may have the spirit of this occasion, I should like to speak of this other side of him, that great spiritual something—something that is not easily defined, but which comes to the fore on occasions like this when there are crises to be met.

The other morning when my wife Joan called Sister Hunt's home, Sister Thayn answered and in her quiet, sweet way, there was nothing of remorse; there was nothing of that great sorrow; there was a sweet acceptance of the passing of her husband. She was surprisingly calm and as we reflected upon the fact that she was so calm, we were certain that she had the kind of peace about which we have just heard in this beautiful musical rendition—not of this world, but only as the Lord can give.

The Master said, speaking of peace, after delivering the great sermon that ended his address to His disciples: "These things I have spoken unto you, that in me ye might have peace. In the world ye shall have tribulation; but be of good cheer; I have overcome the world." (John 16:33)

I came across some remarks of the Prophet Joseph Smith at the funeral services for a Patriarch when he said in his sermon: "When men are prepared, they are better off to go hence. Brother Adams, (the man at whose funeral he was speaking) has gone to open up a more effectual door for the dead. The spirits of the just are exalted to a greater and more glorious work, hence they are blessed in their departure to the world of spirits, enveloped in flaming fire, they're not far from us and know and understand our thoughts, feelings, and emotions, and are often pained therewith. Flesh and blood cannot go there; but flesh and bones, quickened by the Spirit of God, can."

The other morning, when we say he died, to some that was an expression that indicated an ending of everything pertaining to life; but that isn't the way the scriptures have defined it. Speaking of death, a Prophet said: "When shall the dust return to the earth as it was; and the spirit return unto God who gave it." (Eccl. 12:7)

And another Prophet on this American continent made that statement, still more meaningful, when he said, ". . . shall return to that God who gave him life".

Rather than to say he died, I like to say that he passed from mortality, or he passed on. Thus, as you looked upon his form lying in the casket, I am sure you realized that what you saw there was not all that you loved about your father, your husband, your brother, your friend; there was something that was vital that was missing. There was that something that looked out through his eyes, that made his lips smile, his tongue to speak, that gave him power of movement, his intelligence. That something was not there and it isn't in the casket today. That part of him will not be buried in the grave. That something that in the moment of his passing went home to that God who gave him life.

In the life of the Master we have a great example of what Resurrection means, or what the passing from this earth means. Jesus

Christ, whose birthday we have just celebrated, spoke to Prophets in the Old Testament time, for He was the Lord of this earth. Israel was going through great tribulation in the wilderness and some were very despondent, but there came through the Lord to the Prophet a great promise: "Thy dead men shall live, together with my dead body they shall arise. Awake and sing, ye that dwell in the dust: for the dew is as the dew of the herbs, and the earth shall cast out the dead." (Isaiah 26:19)

Eight hundred years had to pass before the fulfillment of that promise, and then we read in the scripture that after the Master had been crucified that the veil of the temple was rent in twain. Then the scripture records: ". . . And the graves were opened; and many bodies of the saints which slept arose, And came out of the graves after his resurrection, and went into the holy city and appeared unto many." (Matthew 27:52-53)

They were living personalities. Some have thought as they talked of death as the realm from which no traveler has returned—and that is not true. The Master himself came forth with a body that had the same look, was the same size, was the same shape, so as to be recognized by His disciples. But the bodies of the Saints which slept in the grave arose also and came forth and walked into the city and were seen of many.

President Brigham Young, in speaking asked the question: "Where is the spirit world?" And he answered it by saying: "It is right here. If our eyes could be opened and we could see those who have departed this life, we would see that they are very near." They are not a million miles away, on some other planet, they have entered into the spirited sphere of this that we call earth.

I have had a feeling that in services of this kind where one has lived such a life as President Thayn, his presence is very near—you may have felt it—and that he colors with his presence the expressions of those who speak, presumably, wishing to express to us that which he would like to have remembered by those whom he leaves behind. I believe that, and I believe you will have occasion to feel more of that as the years go on.

The question of resurrection is one that troubles many. When death comes it is a great test of faith. When it comes to one of your own it is quite different than when you were talking about somebody else. For years and years of my life as one who has held presiding positions in the church, I have been asked to speak at funeral services. I sought to strengthen those whose loved ones have passed away, through my speaking to them of that hope of life beyond the grave. But, until it came home to me I never understood death. Someone has said that one does not really understand death until he puts his icy hand upon one that we love. So it comes to you today. Do you have faith in the things we are talking about today? Do you have the kind of faith that Job had when after all his trials they came to him and said: "Why don't you curse God and die?" But out of the majesty of his faith he declared: "For I know that my redeemer liveth, and that he shall stand at the latter day upon the earth: and though after my skin worms destroy this body, yet in my flesh shall I see God: Whom I shall see for myself, and mine eyes shall behold, and not another: though my veins be consumed within me." (Job 19:25-27)

What kind of a body will we have when we are resurrected?

The Prophet Alma said: "Now, there is a death which is called a temporal death; and the death of Christ shall loose the bands of this temporal death, that all shall be raised from this temporal death.

"The spirit and the body shall be reunited again in its perfect form; both limb and joint shall be restored to its proper frame, even as we now are at this time; and we shall be brought to stand before God, knowing even as we know now, and have a bright recollection of all our guilt.

"Now, this restoration shall come to all, both old and young, both bond and free, both male and female, both the wicked and the righteous; and even there shall not so much as a hair of their heads be lost; but every thing shall be restored to its perfect frame, as it is now, or in the body, and shall be brought and be arraigned before the bar of Christ the Son, and God the Father, and the Holy Spirit, which is one Eternal God, to be judged according to their works, whether they be good or whether they be evil." (Alma 11:42-44)

Now with these things in mind, what will President Thayn be doing now that he has gone on? He died in the bloom of his manhood. Some may think that it was an untimely death. In our time we have some scriptures that give great understanding. When the Master was resurrected after His body had been in the tomb three days, He must have explained to His disciples what happened during those three days. The Apostle Peter records in his epistles that during the three days while His body lay in the tomb, but quickened by the Spirit: "By which also he went and preached unto the spirits in prison; Which sometime were disobedient, when once the longsuffering of God waited in the days of Noah, while the ark was a preparing, wherein few, that is, eight souls were saved by water." (I Peter 3:19-20)

Then he added: "For this cause was the gospel preached also to them that are dead, that they might be judged according to men in the flesh, but live according to God in the spirit." (I Peter 4:6)

President Joseph F. Smith was sitting one day pondering how the Master, during those three days, could have preached the gospel to all the millions who had died before that time. The word of the Lord came to him and he saw that during those three days the Savior organized missionary work. He didn't go personally to all those spirits who had been disobedient from the days of Noah, but He went and organized missions. He organized the preaching of the gospel for the first time in order that they might be "judged as though they had been living in the flesh in order that they might live with God eternally in the spirit world."

Have you ever thought what a glorious work there is to be done beyond the evil? President Thayn was prepared as few men are prepared to go hence, there to be assigned to a glorious assignment.

I remember I had an experience some few years ago. I was assigned with a companion to reorganize one of the Stake Presidencies. Six weeks later the new Stake President passed away, and many said: "Well, that puts you on the spot. Where was the inspiration that you should choose a man who was going to die in six weeks?" I received some letters suggesting that maybe if I had had more inspiration, the man would still be alive if he had not been so burdened. As I talked at his funeral I sought to explain just how he was called and the inspiration that came not only to us as General Authorities but to him personally. When I had finished explaining this is my talk at the services, Brother Joseph Fielding Smith who sat on the stand, said: "Don't let that disturb you for a moment. I believe that the positions we occupy in this Church in mortal life will have a bearing on what we are called to do when we leave this life."

Can you recall now the positions President Thayn has held here, including a position of Bishop and Stake President? He is qualified now because the kingdom of heaven is as well organized as it is here on the earth and the same organization that exists here exists there. The Lord has told us by revelation that that which is in heaven is typical of that which is earthly. In your mind's eye you can see President Thayn being greeted into the company of those who are now to be his companions, those who have gone on before him. So this is not a time for mourning. That is what I am sure is in Sister Thayn's mind. She couldn't see any reason for abject sorrow.

The Lord has said: "Thou shalt live together in love, insomuch that thou shalt weep for the loss of them that die, and more especially for those that have not hope of a glorious resurrection." (D&C 42:45) The Savior has said further that "he that hath faith in me to be healed . . . shall be healed." (D&C 42:48) But there was another qualification: ". . . . and is not appointed unto death," (D&C 42:48).

Now that suggests that every one of us comes to a time when we have an appointment to go from here. President Thayn had faith that he could be healed when he was stricken the other morning. He was administered to by the authority of the Priesthood of God which had the power to heal him. Why wasn't he healed then? The answer is just as clear as can be—because he was appointed unto death. And his death was sweet unto him because what he saw beyond was so glorious as to take away the sting of death. It was sweet unto him as he passed into that realm.

In the heavens there are three degrees of glory, as we are told. The highest degree of glory is, of course, the celestial glory. Listen now to a scripture to indicate the state where he will now be. Is there anyone who doubts but what he has lived celestial law? The Lord has said that: "And they who are not sanctified through the law which I have given unto you, even the law of Christ, must inherit another kindom, even that of a terrestrial kingdom, or that of a celestial kingdom." (D&C 88:21) Now listen to this: "For he who is not able to abide the law of a celestial kingdom cannot abide a celestial glory." (D&C 88:22).

That makes sense, doesn't it? If he can't live the celestial law here he cannot abide celestial law there. And by keeping the law then, the Lord says: "Ye who are quickened by a portion of the celestial glory shall then receive afterwards of the same, even a fullness."

Now in speaking to that subject the Prophet Joseph Smith commented on what the Master meant when He said: "Be ye therefore perfect even as your Father which is in heaven is perfect."

Some folks say that it is not possible for us to be perfect even as our Father in heaven is perfect. But now listen to what the Prophet Joseph Smith said: "When you climb up a ladder you must begin at the bottom and ascend step by step until you arrive at the top, and so it is with the principles of the gospel, you must begin with the first and go on until you learn all the principles of exaltation. But it will be a great while after you have passed through the veil before you will have learned them. It is not all to be comprehended in this world—it will be a great work to earn our salvation and exaltation even beyond the grave."

So, now you put those scriptures together and you have this picture. One who has lived celestial law shall be quickened by a portion of celestial glory, and afterwards, step by step, as has been explained here, he shall attain to that perfectness of which the Master spoke.

I came across a statement that seems to me so appropriate, as I knew President Thayn. Someone has said: "A man has knowledge when he knows what he knows, but a man has wisdom when he knows what he does not know." You think about that. President Thayn didn't just know what he knew, but he knew what he didn't know and was willing to trust by faith the things that the Lord hadn't revealed. No one ever heard President Thayn question what came through the sources of the authority of the Priesthood of God. It was enough for him to know the source. He didn't put any question marks after what he was given by way of instruction; it was always a period. It was that kind of faith that led him beyond the borderline of reason and gave him the courage to pierce into the unknown, knowing that just as Nephi said when he was given a difficult task: ". . . And I was led by the Spirit, not knowing beforehand the things which I should do." (I Nephi 4:6)

So it was with this man. This is one of the reasons why he tackled one of the biggest jobs that we have given to leaders in this day in the welfare program.

President Edgar B. Brossard will remember in the early days of the welfare program the kinds of opposition that we had from high government authority to try to establish the welfare program by which the members of the Church were to be taught how to take care of themselves. There was resistance, but here was a man who didn't resist when he came to his position of responsibility. He, in concert with his associates, moved forward to the consummation of that which he knew came from the inspired leaders of the Church. And still now he has given us guidelines to go one step further, not just how to produce but to set up a plan by which we can distribute equitably that which we have produced. That becomes a very important task for those whom he leaves behind.

We have now counseled President J. Russell Smith, and President V. Dallas Merrell to go forward now, though their President is gone. They have full authority until a new President is chosen. So, you may go back with these two strong men knowing that they have the reins of authority commissioned by the First Presidency until such time as a Conference will be held and a new President will be chosen. No one will take the place of President Thayn. They fill his vacancy, but he has made his own place. As I have said to you, I am confident that that will be his place in the eternities as it is here.

And so I come to you today bearing witness that, because of the life and mission of the Lord and Saviour Jesus Christ, the pall of gloom is lifted from occasions like this. Think of what it would be if we didn't believe in the mission of the Lord, that he lived and died and that he opened the doors of resurrection by which we will live again, and gave the plan of salvation, the way by which we can prepare ourselves to go back into the presence of the Lord. Suppose we didn't know this—what would life hold for us? But because we do know and have that witness of the spirit, we move now to the next chapter of our lives. There is nothing we can say here that will advance President Thayn's case before the Lord. There is nothing we can say here to subtract from his life. The record of his life is written, the book is closed. And he will be judged according to the deeds he has done here in the flesh.

I bear you my testimony that I know that the Lord Jesus Christ is the head of this Church. This is His work. This plan of salvation is going on and on until it shall fill the whole earth as has been prophesied, never to be thrown down or given to another people.

Take courage then, Sister Thayn. With these beautiful daughters of yours, your sons-in-law, your grandchildren, the arms of love will be about you. This kind of structure that he has built, called the welfare program, is the spirit of Christ in action. These brethren will be reaching out to you—you won't be standing alone. They will be close by you. Just as when there is a devastating, shattering kind of destruction such as in Nicaragua, the arms of love reach out to our three or four hundred members there, some of whom have lost their lives. The arms of the welfare program will reach out to you as it is reaching out to them. We are moving immediately to make every effort we can to take care of our people, regardless of where they are. And President Thayn has been one who has helped to build that kind of security, that you don't have to die to get, a temporal salvation as well as an eternal salvation.

So, I bear that humble testimony to you and leave you my blessing, our dear Sister Thayn and your sweet daughters. Go back home. You won't be alone, he will be nearer to you than you realize. I know, because I have had that experience to which I bear witness and leave you my blessing in the name of Jesus Christ. Amen.

WHITE COLLAR CRIME

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1973

Mr. LENT. Mr. Speaker, one of the most overlooked, and certainly one of the most expensive, forms of crime is so-called white collar crime—crimes committed by employees against their own businesses. This type of crime, which includes most prominently embezzlement and fraud, has been rapidly increasing in recent years, and most businesses have been powerless to stop it.

Mr. Norman Jaspan, president of an international engineering firm, recently addressed himself to this problem in remarks made before the First International Seminar on the Detection and Prevention of Fraud and Embezzlement, and he made a number of suggestions which could be used to combat white collar crime.

So that my colleagues may have the benefit of Mr. Jaspan's remarks, I include them in the RECORD at this point:

REMARKS BY NORMAN JASPAN

(NEW YORK, N.Y., January 15.—"In spite of the banner year forecast for 1973, losses stemming from employee dishonesty and waste will have a greater worldwide impact on profits than ever before," Norman Jaspan, president of the New York based international engineering firm bearing his name, declared in an address before the First International Seminar on the Detection and Prevention of Fraud and Embezzlement at the Hotel Plaza.)

Businessmen who depend upon the police and the courts to stem the tide of fraud and embezzlement will be out of business before the reforms that are necessary become effective.

It would appear that the government at all levels provides virtually no deterrent to business crime because, based on recent statistics, less than five per cent of the offenders are found guilty, and approximately one per cent are sent to jail.

Current statistics point up the fact that in the last three years major crimes have increased more than thirty per cent; and dishonesty in business has reached an all-time high and threatens to double in the next five years, exceeding crime in the street both in dollars and number of participants.

Mergers and acquisitions lead to increased sales and, hopefully, increased profits, but they also foster disloyalty and frustration due to insecurity and unfulfilled expectations. Kickbacks, conflicts of interest, manipulation of records, falsified reports and thefts of confidential information become irresistible and widespread.

Right now, there is a better than 50 per cent chance of sizable dishonesty in any firm, and a 75 per cent chance of costly malpractice. In view of these circumstances, dishonesty in business has become a well-paying, low risk, tax free enterprise. It constitutes the biggest drain on industry's profit, and it means higher prices for you and me.

We are living defensively—as dishonesty and crime have increased—adjusting to the tragedy of fear and intimidation as a way of life. When we arrive at our offices we lock the door, and when we return home at night untouched by violence, we double lock and bolt our doors and say, "We made it today."

Many businessmen have panicked and resorted to running their business as an armed camp, utilizing lie detector tests, closed circuit TV and armed guard saturation. In many cases this has been counter-productive in terms of solving the problem, and has adversely affected employee productivity and morale. Furthermore, at the retail level, it has frightened the public and inhibited their normal shopping habits.

Over the past 40 years we have watched the trend of white collar crime accelerate—fraud, embezzlement, inventory shrinkage (a euphemism for employee dishonesty). Moreover, we saw it happen as a result of the growth of mergers, decentralization of operations in retailing and industry, data processing, and the displacement of owner-managers.

Canadian, European and South American entrepeneurs smugly felt that their enterprises were immune from the American experience, but we now find that they are sustaining very serious losses without having the American productivity and managerial skills to offset them.

The essence of preventive management is good business practices. Dishonesty is frequently a barometer of mismanagement. For every dollar lost due to dishonesty, at least twice that amount is dissipated as the result of poor business practices which are responsible for white collar crime.

(Jaspan pointed out that the existence of a manual of operating procedures does not ensure implementation. He highlighted the following proven ways to destroy the roots of dishonesty:)

Evaluate employee capabilities and set realistic performance standards. Requiring employees to achieve a goal, while denying them the means to accomplish it, leaves them with the alternative of failing or resorting to dishonesty.

Employees are no better than their supervision. As a rule, a problem starts at the top and works down.

Be unpredictable in setting up and enforcing controls. Spot checks and the introduction of occasional deliberate errors to test the system and employee integrity are especially effective.

Maintain uniform polices for all employees. Nothing breaks down discipline and morale more rapidly, or so quickly lessens respect for management, than double standards.

"Of course, excellence in control and performance in one area can be nullified by neglect in other areas," warned Jaspan. "That is why executives must develop a total approach which we call 'Inventory of Exposure'." This is the initiation of a comprehensive, easily enforceable security program engineered to protect the tangible and intangible assets of a business.

If we are to stem the tide of crime—all crime—we have to stop making excuses for those who commit crime—from the white collar thief to the mugger. We have to stop countenancing "selective compliance" with rules and laws, and "selective outrage" toward crime.

The time has arrived for business associations to inaugurate reforms in their own industry and to adopt, as part of their responsibility, involvement in civic action—to act aggressively to protect their lives and their businesses. To combat the awesome spread of crime and internal dishonesty, these organizations—major taxpayers—will have to unite into a strong pressure group; promulgate a professional program spelling out the reforms needed to prevent bankruptcy from within and to stop the city from being turned over to criminals—to make their voices heard from city halls to the halls of justice.

By adequately protecting its assets management can not only reduce losses from dishonesty, but also help to preserve important moral values in business.

THE NICARAGUAN EARTHQUAKE

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1973

Mr. MURPHY of New York. Mr. Speaker, the President's Special Coordinator for Emergency Relief to Nicaragua, Mr. Maurice J. Williams recently outlined for me the relief activities of the United States in that tragic disaster. One reassuring aspect of his briefing involved the complimentary words concerning Gen. Anastasio Somoza in the role as leader of the National Committee for the Emergency. Mr. Williams said that the firm, inspirational leadership of General Somoza was a "classic example of the right man, in the right place, at the right time."

Along these lines, may I invite for the attention of my colleagues to two excellent and most comprehensive reports which are inserted in the RECORD:

DEPARTMENT OF STATE—SPECIAL REPORT ON EMERGENCY RELIEF FOR THE MANAGUA DISASTER—JANUARY 8, 1973

(By Maurice J. Williams)

Just after midnight on December 23 an earthquake registering 6.5 on the Richter scale struck the city of Managua, Nicaragua. In less than 30 seconds, some 36 blocks in the heart of the nation's capital—or half of the total city—were practically leveled. Except for a few damaged buildings still standing, what the initial and after shocks left were 1,200 square acres of rubble in the geometrically exact center of the capital.

We will never know how many died or even how many were injured in the earthquake; estimates of the number killed range between 4,000 and 12,000 and some 20,000 more injured. We do know, however, that the other losses were staggering. Not only was the basic infrastructure of a modern city—electricity, communications, water supply and transport—immediately knocked out, but 50,000 homes were totally destroyed and thousands more made uninhabitable, forcing the survivors into the streets to fend for themselves.

The gigantic dimensions of what was lost soon began to emerge. Gone was all of the physical plant of the national government; half the public schools in the city; all of its hospitals and practically all of the commercial services, markets and commodity stocks upon which an urban society depends. A preliminary estimate places the immediate losses at over $600 million. Additionally, almost half of the nation's GNP has been disrupted, more than half of the government's sources of revenue has been lost, and 25 percent of the population is now without the means to sustain even the minimum necessities of life.

The Government of Nicaragua is faced with these overwhelming needs of its people at a time when basic institutions and services are badly disrupted and when the budgetary resources at its disposal are greatly diminished.

At your direction, I conferred with government leaders in Nicaragua to determine what more could be done to help cope with immediate problems and to assure the adequacy and effectiveness of our help for a sister American republic in its time of tragic need. Nicaragua's leaders are responding to the emergency, with courage and a sense of national purpose. A National Committee for the Emergency, bringing together all groups, has been constituted under the able leadership of General Anastasio Somoza. Similar local committees are cooperating throughout the country and services gradually are being established in an orderly way to help the quarter of the population in dire need. It is an immense undertaking for a country the size of Nicaragua and it has just begun.

The immediate problems have been to reestablish medical services, to assure the distribution of water and food, and to provide at least temporary shelter for the hundreds of thousands of victims who fled from Managua. Our help in each of these areas has provided the critical margin which made it possible to prevent even greater suffering, and probably disorder. American relief made it possible for Nicaragua's people to meet their most urgent needs and to face the awesome tasks ahead with renewed hope.

Action to meet the immediate problems is well underway.

At your direction, I supervised the organization of a mass feeding program to assure food for the hungry throughout the country. An estimated 350,000 people fled the city after the quake to find food and shelter with friends and relatives in the outlying areas of Managua and in other towns and cities across the country. The problem is complicated by a severe drought during this past crop season which adversely affects the availability of food both for the earthquake victims and many other people as well. The distribution of water to the survivors in Managua was also immediately essential. The distribution system we devised with the full cooperation of the Government is working throughout the Republic. There were early problems, but I am satisfied that the distribution of both food and water is now adequate and that the distribution system will continue to function well until it is no longer needed.

Nicaragua will need food assistance for the next ten months until the harvest in September 1973. We have provided some 20 million pounds of food, both delivered and underway, valued at $3 million. More will be needed—both from U.S. and from others as well.

With respect to the shelter problem, we have sent to Nicaragua 4,000 tents; enough to shelter 25,000 people. But there is need for more and better temporary shelters. Working jointly with the Nicaraguan Government, we devised an emergency shelter program for immediate construction of 15,000 individual wood and metal structures to house an additional 75,000 refugees and to permit essential workers to return to Managua. We authorized $3 million in A.I.D. funds for this purpose. Our prompt action to launch this emergency construction, which should be completed in the next 30 days, was a source of great encouragement to the government and people.

In the field of emergency health measures, we have taken steps which have brought the situation under control, including the donation of two U.S. Army field hospitals which were brought in the day after the tragedy; the two facilities, which total 124 beds plus all related equipment to operate a modern hospital, are now fully staffed by Nicaraguan doctors and nurses—and are providing basic medical services for the city of Managua.

These measures taken jointly with General Somoza and his emergency committee mean that they have turned the corner on the most critical needs of medical assistance, food and water, and, finally, in the coming weeks, shelter.

We have committed $10.6 million to date for emergency relief. It constitutes a critical contribution to people who have long been friendly and who found themselves in the most urgent need of their history. There will be additional emergency help needed from us over the next 10 months, but it will be insignificant compared with the efforts that will be required of the Nicaraguan nation.

In particular, emergency measures are needed to help replace at least part of the $50 million equivalent lost to the Government in tax revenues because of the disruption of the economy and commercial activity in Managua. General Somoza is most anxious to launch public works programs to begin rebuilding and provide jobs for the over 52,000 who lost their means of livelihood. We have agreed to help the Government design works projects to provide for emergency employment for displaced workers. A.I.D. is fielding a senior, experienced team to assist in this effort.

Reconstruction itself poses a number of difficult problems, since it is being considered whether or not the city should be rebuilt along different lines and with some relocation to lessen danger from the possibility of further earthquakes. A team of U.S. geologists and other experts are in Nicaragua working on studies which will provide the technical basis for this decision. Further, there is need to coordinate with other aid donors to redirect assistance projects underway to meet the current needs and to assess plans for reconstruction. Resolution of these problems will take time—but the situation in Nicaragua today is urgent and does not permit the luxury of the normal procedures of international consultation and attendant delays.

We are pressing for early action on assessments, both technical and economic, which will permit the Government of Nicaragua to plan its programs of reconstruction and provide the basis for assistance in this task from the U.S. and other aid donors. We anticipate that the Organization of American States, the Inter-American Development Bank and the IBRD will play important parts in the overall effort.

While issues of reconstruction are for future decision, you may be interested in my judgment as to the overall quality of the American aid effort of the past two weeks. It is a pleasure to report that the performance of Ambassador Turner B. Shelton and his staff during the recovery was outstanding, even heroic. Tumbled from their beds in the first shocks, lacking light and with only very rudimentary communication, they were able to respond to the welfare and evacuation of Americans and non-essential personnel, and, at the same time, to begin to help meet the emergency needs of the Nicaraguans.

While many other nations and groups responded swiftly with mercy flights and personnel, the American contribution was critical in averting a compounding of the crisis. It was largely U.S. Army personnel who organized the first emergency help and set up the first medical facilities. U.S. Army sanitation experts brought in water purification equipment when no pure water was available over a period of days, and after arranging emergency distribution they saw to the repair of the municipal supply system and the partial restoration of service. Power and communications are being restored quickly both within the city and with the outside world in large part because American experts who knew how to do it were rushed in. It was largely the officers at our Mission, operating out of tents and the Ambassador's residence because the Embassy itself was destroyed, who helped to organize the first crude feeding programs and the provision of emergency shelter.

In particular, Ambassador Shelton is deserving of special commendation. Throughout the emergency he performed with exceptional skill and courage a task that would test great generals. Nicaragua and we are fortunate that he was there when the challenge came.

Managua Earthquake

Disaster relief assistance (preliminary data)

I. U.S. Government commitments:	
Military supplies and equipment	$2,137,355
Military airlift	722,773
AID emergency housing	3,000,000
AID procured supplies	937,301
Commercial transport	325,000
U.S. contributions to OAS	25,000
Ongoing cost not yet reported	500,000
Food for peace	2,994,000
Total U.S. Government	10,641,429
II. U.S. voluntary agencies contributions:	
Catholic Relief Services	346,000
Church World Services	19,500
American Red Cross	251,440
Salvation Army	20,000
Seventh-Day Adventists	29,750
Wisconsin Partners of the Americas	90,000
CARE	20,000
Total U.S. voluntary agencies	776,690
III. International agencies and other nations:	
Thirty-one nations contributing through national Red Cross societies	1,715,840
United Nations	120,000
Japan	400,000
Australia	29,000
France	250,000
Republic of China (Taiwan)	256,000
United Kingdom	46,000
OAS	225,000
Total international agencies and other nations	3,041,840
Grand total all contributions	14,459,959

The Nicaraguan Earthquake

(By Kevin M. Cahill, M.D., Director, the Tropical Disease Center, Lenox Hill Hospital, New York City)

In the middle of Managua several days after the major quake had struck on December 23rd, 1972, I stood with an old American Army sergeant who, looking at the total destruction of the city, the flames and smoke billowing from still-collapsing structures, the rending noise of walls giving way and the constant sound of the sirens, with the acrid odor of dead and burning flesh hanging heavy—this old, tired, dirty, career soldier said two things—"God, but it feels good to be an American soldier" and "Even Dresden and Berlin in '45 weren't as bad as this". In a sense, those are two of the themes of this report.

Shortly after the earthquake struck Managua, Nicaragua, on December 23rd, 1972, with a maximal reading of 6.7 on the Richter scale, I was called by the Ambassador of Nicaragua to the United Nations who requested that I assist in medical planning. Having worked in epidemic situations in Africa and Asia, having been associated with Nicaragua by caring for some of the leading citizens of that country, as well as having received their highest governmental award, it was to some degree natural that the Ambassador might call. However, there were almost no facts available at that time regarding the extent of the damage or the needs, and useful planning in such a vacuum, was virtually impossible.

Although contact was established by ham radio shortly after the quake, conflicting and often contradictory reports came; the only unquestioned fact was that this was a disaster in a Capital City without parallel in the Western hemisphere.

When I flew to Nicaragua two days later, initial cable and military communications had been established and preliminary plans for a fruitful evaluation trip had been made. Because of my identification with the concept that medicine provides one of the best vehicles for international diplomacy—and the subsequent translation of this idea into The International Health Agency Act in the U.S. Congress (HR 10023 and S3023)—I was also requested by various Senators and Congressmen to provide a report for them. Fortunately, my previous medical care for the family of General Anastasio Somoza, Chief of the Army and President of the National Board of Emergency of Nicaragua, permitted me to have immediate and direct access to all the major individuals, sectors and forces struggling in the chaos of Managua.

During my stay in Managua, I was able to use the home of General Somoza as my base during the day, and shared his family's sleeping tent at night. Since his compound was the command post for all aspects of the relief program I was able to meet at length with all the major Nicaraguan authorities involved, the American Ambassador, the American Military Commander, the United Nations Representative, and those from many other foreign countries and voluntary agencies that were responding to the earthquake. Available translators and transportation—two critical areas that, if not satisfied, had paralyzed innumerable others who had come to the chaos of Managua—were amply provided.

DESCRIPTION OF THE EARTHQUAKE

Throughout my time in Managua persistent small earth tremors were experienced, and I vividly recall one sharp quake that shook the building in which I was at the time, causing further cracking of the roadway in front and collapse of the wall.

A series of preliminary tremors shook Managua starting about 10 o'clock at night on December 22nd and culminating in several major tremors between 12:30 and 4:30 a.m. on the morning of December 23rd. Those who experienced the full intensity of the tremors in the center of Managua are not alive to describe that occurrence, for the majority of the buildings instantaneously collapsed. However, one did not have to search far anywhere in Managua to find those with tales of miraculous survival coupled with great tragedy. One American businessman kept repeating to me over and over "I do not have words to tell you how terrible and horrible was that period—everything was flying through the air, my children, my wife, my furniture, the very walls of my house."

The buildings were literally lifted off the ground, shifted, and came back with a thud, collapsing the plaster, wood, cement and packed mud that made up the foundation of so many of the common houses. Fires, breaking out throughout town, provided the only light since all electricity was instantly knocked out. Water mains burst and flooding from the surrounding lakes occurred in low-lying areas. Managua is set in a frame of volcanic hills, and landslides buried many. The roads were crosshatched with the crevices of a fissured earth and were covered with the rubble of collapsing buildings, live electric wires, dead and injured people.

An American physician who arrived in Managua with the initial American Army relief team within twelve hours of the quake told me of the stunned population sitting by the roadside "as if they were waiting for a parade"; they stayed there surrounded by the paltry remnants of their material possessions—the broken table and the cracked crockery and the soiled bedding—till the government came with trucks to move them to the outskirts.

Even several days later the emotional paralysis of the stunned citizenry was striking; I recall a family sitting on the front lawn of their destroyed home in the midst of a block of burning buildings while they guarded their damaged furniture, including all the Christmas decorations that were about to be used when the quake struck. In fact, throughout Managua the eye was caught by the striking contrast of Christmas themes and devastation. In the back of General Somoza's home was a life-size Christmas Crib scene and the only figure missing was the Baby Jesus whose porcelain form had fallen from the shelf and cracked beyond repair. As one of the tallest buildings in Managua burnt out of control one could see a line of multi-colored Christmas lights dangling from the upper floors, with the Star of Hope, framed in billowing smoke, as the main street burned to the ground.

The red glow of Managua dying is a scene I shall never forget. As one rested, dog-tired and dirty at the end of the day, on a hillside outside the city, one could look over and see the Capitol in flames with the tallest building, the fifteen-story Bank of America, ablaze on its top five floors at one extreme with a fiery haze spreading over the ten mile crescent of the city that had sprawled around the Lake of Managua. There were no electric lights glimmering on far off hills to distract attention from the scene of cataclysm that, despite the cliche looked like the inferno in Doro's print. The scene was made even more memorable by the pungent stench of burning and decaying flesh of the dead buried in collapsed buildings.

There is no accurate estimate of the number that died in the quake, and since the city is now in rubble it will be impossible to ever determine the exact toll. The understandable confusion and chaos, following the earthquake, the need for mass burials of those bodies that could be found and the subsequent mass evacuation of the city make all mortality figures merely estimates. Between seven and fifteen thousand died, and the range given for the number of wounded was twenty to fifty thousand.

Suffice it to note that a Capital City has died, and no death rate can be so coldly calculated by those that remain, obviously bearing the memory of relatives and friends pinned beneath collapsing walls, and even days later, continuing to smell the unseen remanents of their bodies.

Having attempted to give some description of the earthquake and its results I should like now to turn to the problems that such a disaster presented, and to particularly emphasize the response by America, stressing the medical aspects.

Immediately after the disaster it became clear that the first priority was to find the wounded and to care for them, and then to try to find the dead and bury them before they became a further threat, as a focus of disease, for the living. To complicate this enormous medical challenge, it should be noted that the two major hospitals in Managua, constituting 1700 hospital beds, were totally destroyed in the earthquake. There were, therefore, no medical facilities remaining in which earthquake victims could be cared for.

The initial response from the United States of America to the report by the American Ambassador in Nicaragua was rapid and massive. Within twelve hours after the first report a team of twenty-five physicians and medical corpsmen from the American Army base in the Panama Canal Zone were working on the front lawn of what was the General Hospital in Managua. Within twenty-four hours a twenty-five bed hospital was functioning, and withing another twenty-four hours a further hundred bed American military hospital with four operating theatres was providing the only medical care available in the city.

Water purification equipment was flown in within the first two days and distribution of water and food supplies to the populace was begun. There have been news reports highly critical of the distribution of food, water and medical supplies in Managua, and yet, it seems to me, that one can indulge in such criticism only with great humility, for the chaos and confusion were great and comprehensible. I think it might be more accurate to stress the remarkable resiliency of the Nicaraguan people, and the elan that gradually emerged as the leading figures in all aspects of Nicaraguan life came together to share in resolving their national disaster.

The decision to evacuate Managua was made by General Somoza, this single choice, more than any other, influenced the eventual course of the calamity. By moving the populace out of the city—and, in several instances, this had to be accomplished by the rather firm methods of denying water and food to them, as well as by sending in military forces to force some out—prevented, without question, innumerable further casualties from collapsing buildings, as well as the emergence of various epidemic, infectious diseases, and permitted the incorporation of the refugee population into the hospitals and homes of the Nicaraguan countryside. The evacuation also freed the military from merely securing law and order in a destroyed city so that they could be employed distributing food and water and medical supplies to the surrounding countryside. Critics will find fault—and one can think of many instances that might have been handled differently—but my main impressions remain not of the faults but of how well the whole system worked.

The role of the United States was paramount during the first week following the earthquake. Although twenty four other countries responded—at both a Federal and a voluntary level—the United States' contribution, accounted for more than 90% of the assistance provided, and its immediacy was the remarkable achievement. As the old soldier cited at the beginning of this report had noted, it felt awfully good to be an American there. All around the devastated city were the signs of that remarkable efficiency of the U.S. military that we have seen, too often, only in conflict. In Managua they were serving the wounded, burying the dead, bringing water and food to the refugees, planning refugee camps, assessing damaged buildings and repairing roads, working shoulder to shoulder with their Nicaraguan colleagues.

Let the names be recorded of those remarkable men, that served our nation so well in that first week: Major Paul Manson, M.D., and his medical team from the Army Southern Command in Panama; Lt. Col. George Sutton and the First Tactical Hospital staff of the American Air Force; Col. Bravo with his hundred bed Twenty First Evacuation Hospital; Col. Kenneth Murphy, Commander of all American military forces in Nicaragua, who, without sleep for the first seventy two hours supervised the disaster and relief planning and implementation; Col. Frank D. Simon and the Disaster Area Survey Team; Ambassador Turner Shelton; and all the voluntary groups including a team of five physicians from the University of Miami who arrived within forty eight hours of the initial quake to work along with their military colleagues.

The representatives of the Catholic Relief Service, CARE, the Salvation Army, Caritas, and the private groups including the nurses, doctors and the pharmacist who brought several hundred pints of blood and medicines from The Lenox Hill Hospital in New York and worked in a Nicaraguan hospital, and the Rockland County Mercy Missions which established their own medical facility in Managua. One of the most effective men in the medical sphere was Dr. Gerald Faich sent by the Communicable Disease Center, U.S. Public Health Service, to assist the government in logically responding to the fear of epidemic disease. Dr. Faich, a Spanish speaking epidemicologist, was able to work closely with Nicaraguan physicians under the leadership of Mrs. Somoza, who has long been active in the health field, to plan for the greatest usefulness of the regional hospitals. Through this committee a workable system of daily analysis was established so that the areas where refugee problems were mounting would promptly receive the greatest attention. I participated in a number of these daily meetings, and admired the calm professionalism of my medical colleagues working under great personal and national stress.

Inevitably, following such a disaster, there is great confusion regarding possible disease consequences, and the fear of typhoid and cholera were paramount. It did not seem to matter that cholera had never been reported in the Western Hemisphere before—the threat of it was bandied about by the unknowing, and I heard from many, with authority, that cholera would inevitably come unless the dead were buried quickly, as if the disease spontaneously generated with the odor of decaying flesh. The fear of typhoid was more realistic, but to indulge in an inoculation campaign with a vaccine of only partial efficacy, where its usefulness would only be demonstrable if at least 80% of the population were inoculated, and where such an activity would not only cause further reactions in an already sick and bruised population but, more importantly, would totally dominate the medical services during the first critical few days was folly. Fortunately, the Government of Nicaragua withstood the pressure of the unknowing and did not undertake misguided medical ventures such as this.

The long term major problems are not likely to be those of health but rather of unemployment and a totally disrupted economy and of rebuilding not only a city but a society. The need for the entire international community to join in that long term effort with Nicaragua is almost too obvious to cite but, after the dramatic tale of the immediate disaster is forgotten, will the voluntary agencies be there, and will AID and the World Bank and the Inter-American Development Fund and all of the other agencies continue to respond?

CONCLUSIONS

1. The response of the United States of America to the Nicaraguan earthquake may well have been "its finest hour." To see the enormous power, organization and efficiency of the United States employed with such immediacy for a devastated city and a damaged population was in keeping with what most Americans think is our heritage. Around the world, however, too many people see only another aspect of United States power. It was a beautiful experience to be an American in Managua in the last week of 1972, and to know that our only impact overseas is not being felt in Hanoi or Hai Phong. More than any other impression I brought back from Nicaragua was the conviction that this type of activity is a role through which our great country can contribute to the world.

2. It was obvious from the beginning that there was no disaster plan in Nicaragua, and had it not been for the survival of a strong leader, General Somoza, the chaos that was evident would have been supreme. Might it not be in order for the United States to assist, under bilateral contracts, all of the developing countries to prepare their own Disaster Plan. It would seem to me that such an approach, possibly under an AID contract, might be activated almost immediately in many of the other "high risk" countries where previous disasters such as earthquakes and floods have occurred in the past century.

3. It was also apparent that there was very little coordination within our government of responsibilities during a disaster, and it would again seem appropriate that each of our Embassies overseas have a well worked out Disaster Plan for immediate deployment.

In Nicaragua, for example, the military responded almost immediately—and I do not believe there is any other organization in the United States Federal or private community that could have responded to the scope of this disaster as promptly and as effectively as the American military. Having said that, however, there is a private side to America and the voluntary agencies and people of good will have, in the tradition of our country, a great role to play. There was no apparent coordination of their activities in the disaster in Nicaragua. In fact, it often seemed their presence was either resented or ignored by the Embassy.

Although the American Ambassador told me that the voluntary groups came under his jurisdiction this was not apparently the view of many American organizations working there. In such disaster uncoordinated and inexperienced groups are more of a hindrance than a help, particularly in the critical early days. Nevertheless, I firmly believe that the initial response should not be totally by the Federal Government, for reasons that will become obvious later. Therefore, I suggest that each American Embassy overseas ought to have an organized disaster plan, and that our government ought to have a system whereby immediate involvement of medical, military, engineering and other disciplines from both the federal and private sectors can be realized. One of the key features in the International Health Agency Act (H.R. 10024 and 53023) was that all forty three voluntary agencies involved in overseas activities had agreed to coordinate their activities with those of the twelve separate federal agencies including the military, having international medical programs.

4. Although I firmly believe that only the American military could have responded to the immediate need and to the scope of the Nicaraguan earthquake, I am equally convinced that prolonged American military medical presence there will be a mistake. After the first several weeks, or even a month, the casualties will have healed and gone their way, and the chore of rebuilding a new Nicaragua—and I stress here only the medical sector—will be primarily a Nicaraguan task. The remarkable thing about a military hospital is that it comes self-contained with trained personnel who work among themselves with startling efficiency. As time goes on, however, that system just does not work well in an alien culture.

For example, it is the custom in many tropical countries, including Nicaragua, for families to stay by the bedside of an injured person, to cook for, and nurse the patient. This practice is inconsistent with the routine of a military hospital where the flow of civilian population is markedly restricted. One could see the steady increase in emotional pressure at the hospital gate, and the inevitable rise in tension resulting from a foreign military controlling an emotional aspect of daily life. Another example—within a few days after the earthquake it became apparent that some of the Nicaraguan physicians wanted to utilize the American military hospital. Certainly, it seems desirable to leave that portable medical facility there eventually, but for how long will it be a good thing—or even possible—to have an organized, rigid, military system working at one level of efficiency and competency in daily communication with another approach? In fact, I think it almost guarantees a rapid abrasion of feelings. As soon as the immediate crisis is over, it is my belief that the American military presence in medicine ought to terminate.

At the time, however, who will assume the role of assisting recovery in Nicaraguan medicine? Inevitably, it will have to be the civilian component—either federally sponsored AID or the voluntary agencies. This raises once again the need for a clear U.S. plan to coordinate federal and private efforts, to permit the essential continuity of American assistance in this enormous calamity that, nonetheless, offers the opportunity for a new direction in international cooperation.

LEGISLATION TO AID RESIDENTIAL HOMEOWNERS

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1973

Mr. BROOMFIELD. Mr. Speaker, the 92d Congress passed the most far-reaching and comprehensive water pollution control measure in history. Public Law 92–500 not only points us toward the goal of clean water, it provides the billions of dollars which may be necessary to reach that goal. Yet, even this may not be enough.

No matter how many regional sewage treatment plants we build, they will be of little use unless residential and municipal sewerlines to carry raw sewage to treatment centers are also constructed. Unfortunately, it is the homeowner who must bear the burden of hooking up his home to these sewer lines. For too many homeowners, who are already caught in a squeeze between rising property taxes and soaring school taxes, this expense is simply beyond their means.

In response to this dilemma, I have introduced H.R. 2556, a bill which would allow income tax deductions for the depreciation on capital expenditures incurred in connecting homes to municipal sewerlines.

My legislation calls for a simple change in the Internal Revenue Code. It will, in one stroke, provide three major benefits.

First, homeowners will finally get the tax deductions that they deserve and need in order to meet the costs of switching from a polluting septic tank system to a nonpolluting sewerline system. Depending on the distance of a home from a sewer interceptor line, the cost of this conversion may range from $500 to several thousand dollars.

Second, village and township governments which are mushrooming in population and witnessing an unprecedented home construction boom will welcome this tax incentive for their citizens. Some local governments have had to choose between continued pollution of their valuable water resources or imposing a moratorium on further home construction. Clearly, neither choice is appealing. My legislation is designed to prevent local units from ever having to struggle over those options.

Finally, as more and more people abandon inefficient or leaky septic tank systems, thanks to the tax incentives written into my legislation, the quality of all our lakes, ponds, and streams will improve.

Further, in view of the billions of dollars that the Federal Government will soon spend on sewage treatment plant construction, my legislation is an economically sound investment. Just as a chain is only as strong as its weakest link, our campaign against pollution will be only as effective as the most neglected aspect of the overall problem. Today it is the homeowner who is most neglected. It is unreasonable to expect him to shoulder the entire cost of connecting his home to distant municipal sewer lines.

Mr. Speaker, in the 19th Congressional District of Michigan which I represent, legislation such as this is urgently needed. Our communities have been blessed with numerous lakes and ponds. These ponds are being seriously threatened by raw sewage and outmoded septic tank systems.

To make matters worse, these same lakes are a major source of recreational activity during the summer months. Obviously raw sewage seeping into these waters poses a serious health hazard.

Mr. Speaker, much has been said about the need for tax reform during this session of Congress. I look forward to careful revisions in the Internal Revenue Code during this Congress and I was heartened to hear that Chairman MILLS, of the Ways and Means Committee, has announced that there will be hearings on this subject in the immediate future. I can only hope that my proposal and others like it which are designed to aid residential homeowners will receive the proper attention they deserve.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1973

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,925 American prisoners of war and their families.

How long?

LEGISLATION TO MAKE THE RURAL WATER AND SEWER GRANT PROGRAM MANDATORY

HON. W. R. POAGE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1973

Mr. POAGE. Mr. Speaker, today I have introduced legislation to require the Secretary of Agriculture to make planning and construction grants for rural water and waste disposal systems, utilizing the full amount of appropriations provided by the Congress. It is most unfortunate that I must take this action, but I feel compelled to do so. On January 10, the Secretary of Agriculture announced that there would be no more grants to small communities to establish rural water and waste disposal systems. I was shocked by this action, but I must admit that in view of the administration's recent record in this program, I should not have been so surprised. The administration has been strangling this program to death for the past few years. For instance, the Congress provided the full authorization of $100 million for this program for fiscal year 1972. After a great deal of pressure and prodding from the Congress, the Secretary of Agriculture finally spent some $42 million, leaving the remaining $58 million frozen in the Office of Management and Budget.

In the meantime, the Congress had passed the Rural Development Act which raised the authorization from $100 to $300 million per year. The Congress provided $150 million for fiscal year 1973. The administration did not request one cent for this program for fiscal year 1973, but it did indicate that it planned to spend $42 million of the $58 million I mentioned earlier. It has only spent $30 million—a pathetic gesture in view of the great need. Incidentally, the budget for fiscal year 1974 requests no grant money and even eliminates all references to loan funds for waste disposal systems.

Mr. Speaker, I know of no more vital program than the rural water and sewer program. Thousands of small communities simply cannot afford to finance a water or sewer system with loan money only. The Congress recognized this fact when we passed the so-called Poage-Aiken Act in 1965 and this piece of legislation has done much to make life better in our rural areas. In fact, the first waste disposal grant was made to the little town of Chilton, Tex., in my district and I have seen how much life has improved in that fine community as a result of this grant.

To date, approximately 2,650 rural water and waste disposal systems have been assisted with grants. I know of no better investment of Federal funds anywhere.

I simply cannot understand why the administration would choose to destroy this program when rural America cries out for a better way of life. I do not intend to stand idly by and watch the President deal this terrible blow to rural America. Our committee will shortly be holding hearings on my bill and any other similar legislation. Economy is one thing but unfair treatment of rural America is another matter. I had hoped that we would not have to get into such a struggle with the administration but we cannot afford to permit this President, or any other President, to sit back and pick and choose, selecting only those programs he personally likes for funding.

CULVER EXPRESSES REGRET OVER THE CLOSING OF THE NORWEGIAN LANGUAGE NEWSPAPER, THE DECORAH-POSTEN

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1973

Mr. CULVER. Mr. Speaker, it is with genuine sadness that I noted the recent discontinuation of the Decorah-Posten, the Norwegian language newspaper published in Decorah, Iowa, since 1874.

B. B. Anundsen, the present publisher and son of B. Anundsen, the paper's founder, has cited economic stringencies with a declining circulation as the cause of the newspaper's closing.

The early Norwegian settlers manifested so intense an interest in their homeland and a natural attachment to a quality paper written in their native language that the circulation of the paper soared to 45,000 by 1920. However, many of these earlier immigrants have now died. New generations and today's young immigrants do not hold such close ties with their native land and tongue.

The decline in the number of subscribers and the subsequent reduction in the volume of advertising made it too costly for the newspaper to continue. Thus, the Decorah-Posten, like so many foreign language publications, has become a part of history—but only after it played a vital role in strengthening the fabric and enriching the mosaic of the American experience.

The paper's readers will feel a great loss in its closing. We will miss its coverage of State and national news as well as its special and more informal features—the book and story installments in the Ved Arnen—By the Fireside—section and the Ola and Per cartoon, which depicted the lighter moments in the lives of early Norwegian immigrants.

Mr. Speaker, I insert in the Record an article from Decorah's daily paper, the Decorah Journal, reporting on the closing of the Decorah-Posten and its near century of success:

Decorah-Posten Ends Publication

(By Linda Woodhouse)

Decorah-Posten (The Decorah Post), the Norwegian language newspaper will be printed for the last time today. It is published by The Anundsen Publishing Company of Decorah and was founded in 1874 by the late B. Anundsen.

His son, B. B. Anundsen, who is presently head of the company, cited economics as the reason for the discontinuation. Anundsen's son, Jack, explained that most Norwegian immigrants today speak English and do not have such an intense interest in their homeland as did early settlers.

Many of the early immigrants have died and second and third generations have turned to English. With this, the circulation of Decorah-Posten has declined from a high of 45,000 to below 5,000 today.

Decorah-Posten has had to rely on national advertising for support for many years. As the circulation declined so did the volume of advertising. A combination of these things made it too costly for the newspaper to continue publication.

Instead, Decorah-Posten will be consolidated with another Norwegian weekly, Western Viking of Seattle, Wash., and subscribers will receive that paper instead.

The Posten had its beginnings in LaCrosse, Wis., in 1866 when B. Anundsen started a small weekly called Ved Arnen (By the Fireside). Publication of this literary magazine was continued when its founder moved to Decorah in 1867. In 1879 Anundsen discontinued Ved Arnen, however, because he was disgusted with readers who did not pay their subscriptions.

When Decorah-Posten appeared Ved Arnen was incorporated into it as a book section that could be removed and folded and made into a small pamphlet. Stories for Ved Arnen were published in installments and each Posten carried one chapter of the book or story.

Today Decorah-Posten still includes the two-page Ved Arnen section besides eight pages of state and national news.

Another popular feature of Decorah-Posten over the years has been the cartoon Ola and Per, which depicts lighter moments in the lives of early Norwegian immigrants and was created by the late P. J. Rosendahl of Spring Grove, Minn.

Ola and Per has appeared in Decorah-Posten for the last 40 years, and reprints have been used for the last 20 years. However, Jack Anundsen said that he doesn't believe subscribers have noticed the repetition.

The present editor of the Posten is the Rev. R. Dahle-Melsaether who has been with the paper since 1945. When he began on the paper, it had five editors and a circulation of about 40,000. Today he is the only editor and the circulation has declined greatly.

Another veteran of the newspaper is 83-year-old Chris Augustesen who has worked with production of the Posten for almost 62 years. He came to the United States from Denmark in 1910 and took a position as a typesetter for the Posten in 1911. He has been there ever since. He pointed out that he has known three generations of Anundsens during this time.

The Posten has had only three publishers in its 98 years of existence. B. Anundsen, the founder, was publisher until 1909. From 1909–1947 R. B. Bergeson published the paper. And, in 1947, B. B. Anundsen took over responsibility of publication.

Decorah-Posten has had several editors during its lifetime. Among the most notable of the former editors are J. B. Wist, Kristian Prestgard, Einar Lund and Georg Strandvold.

Strandvold, who was editor during World War II, will be remembered for his nightly news commentaries on the war on WMT (Cedar Rapids, Iowa) radio. He analyzed the situation between Norway, Germany and the United States for the listeners.

B. B. Anundsen said that the Posten will be missed by subscribers who have received it in their homes for many years. "I'm sure they're going to feel a severe loss," he added.

Jack Anundsen also regrets the passing of the Posten but feels it reflects the decline of the bilingual era in America. No longer do immigrants cling to the language and ways of the motherland, he said. The young immigrants come to the United States already able to speak English and with a desire to improve it.

"That's the way it should be," Anundsen added. "It's normal that this country now comes of its own."

QUESTION OF THE YEAR: WILL VIETNAM FIND PEACE?

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1973

Mr. DRINAN. Mr. Speaker, I bring to the attention of my colleagues an extraordinarily well balanced article entitled "Question of the Year: Will Vietnam Find Peace?"

This excellent article was written by a distinguished journalist, Mr. Otto Zausmer in the Boston Sunday Globe of January 28, 1973.

It is hopeful to note that Mr. Zausmer, a journalist who has reported from every area of the world over a period of many years, feels that it is highly probable that the Vietnamese people will find a way to live together like the Koreans and the Germans.

This thoughtful article follows:

Question of the Year: Will Vietnam Find Peace?

(By Otto Zausmer)

The question of the year, maybe of the decade, is: Will the cease-fire signed so ceremoniously in Paris yesterday turn into a peace or again flare into war?

The answer to this question appears to be—it will become peace.

There are two guidelines for assessing the future events. One is reason, the other is history.

Ever since President Nixon announced the agreement, of course, the professional pessimists have had a heyday. But it's much easier to predict gloom, which is dramatic, then to make optimistic assessments in a very complex and difficult situation.

Even yesterday, as the four representatives signed the agreement, the reports from Paris were that Secretary of State William P. Rogers was the only one who had a smile.

The delegates from Hanoi, Saigon and the Viet Cong reportedly looked glum.

The reason for this might be that Rogers was the only one who really had reason to be cheerful. We Americans are getting out. Our prisoners of war are coming home. Our troops will be back in this country and for us the war will be over and the hardship will be gone.

Not so for the North Vietnamese, the Viet Cong or the South Vietnamese. To give one example, while our prisoners of war are coming home unconditionally and right now, the 20,000 political prisoners which the South Vietnamese are holding will not be freed unless and until an agreement is reached between Saigon and the Viet Cong.

But over and above this, to us the war was never a personal affair. To the Vietnamese it is very much so. To them this war is a civil war, not a foreign war, with all the emotional and practical implications this has.

We Americans can remember our Civil War. It ended well over a century ago but the scars are still painful.

While our Civil War was the bloodiest this country ever fought, it pales by comparison with the hardship, cruelty, destruction and death which this war has brought to the Vietnamese people North and South.

Now, what does history tell us as a guideline for the future?

It is hardly conceivable that President Nixon would have authorized the agreement if he didn't have very good assurances from

Moscow and Peking that they want peace in the Far East now. The main guarantor, of peace in Indochina are not the Americans, not the North or South Vietnamese, but the Soviet Union and China. If they want peace, there will be peace and it seems clear that they do want it.

There are many reasons Moscow and Peking have pressed their allies, the Viet Cong and North Vietnam, to make peace now. To give one small example: Soviet diplomats will tell you privately that they have winced in recent months every time the North Vietnamese fired one of the expensive SAM missiles, which they have been popping off like firecrackers, with 30 SAMs fired to one hit on an American airplane. This is a small item in a very big financial proposition.

It is equally unlikely that the prime minister of Cambodia would have announced a unilateral ceasefire last week if he hadn't had good assurances that the Communist side would quietly put into action a cease-fire too.

It is equally logical that in Laos, the two hostile half-brothers, Communist and anti-Communist, will come to terms at least as far as a cease-fire goes. The necessary negotiations for that have been going on for the past few weeks and presidential adviser Henry A. Kissinger obviously knew about this when he signed the agreement on Vietnam. In fact, we have reports already that the North Vietnamese have been withdrawing some of their troops from Laos.

It must be borne in mind too that the anti-Communist or neutral government in Laos originally had the backing of the Soviet Union and it is well known that Prince Souvanna Phouma still has an open line to Moscow.

It is true that Hanoi and the Viet Cong no less than Saigon have been reluctant to come to terms, but they were forced to do so by the big powers who wanted an end to the war. This has created bitterness among Hanoi and Moscow and Peking as it has created bitterness between Saigon and Washington.

But diplomats who have watched the situation carefully will tell you privately that there has been not only a division along these lines, but also between Hanoi and the Viet Cong. The Viet Cong have been divided into two groups. The northern group has always had very close relations with Hanoi and their leaders have gone back and forth continuously between their positions in South Vietnam and Hanoi. The southern group has been almost independent of Hanoi and has had barely personal contact with the leaders in North Vietnam.

This, of course, is just the tip of the iceberg. There are other indications that the differences between Hanoi and the Viet Cong have existed for a long time.

Throughout the negotiations, Mme. Nguyen Thi Bunh of the Viet Cong has been much harsher and has taken a much tougher line than Hanoi. Sometimes when Hanoi was optimistic, Mme. Binh was downright pessimistic.

This again is understandable because to Hanoi the war was nowhere as close and meant nowhere as much as it did to the Viet Cong. To the Viet Cong in South Vietnam this was much more of a civil war than it was to Hanoi. And so from the outset the Viet Cong had somewhat different objectives than did Hanoi or anyone else.

It is therefore understandable if Mme. Binh was less cheerful yesterday than Hanoi's representative, Nguyen Duy Trish; and certainly the representatives of the Government of South Vietnam had no more reason to throw their hats up in the air either.

But while Peking and Moscow want peace and need peace in Indochina, there are other historical precedents that point the way to peace in Vietnam.

One recent example that is probably much stronger than our own Civil War is Korea. There the cease-fire was signed almost two decades ago. True, in spite of all supervisions of the cease-fire, internationally and otherwise, there were many incidents over the past 15 or 18 years of fighting, kidnapping and assassinations. And yet gradually in the past two years, the situation has improved and now the two hostile brothers, North Korea and South Korea, have been talking to each other, trying to find a solution of either coexistence or reunification on fair terms. And this they have done without pressure from the United States or China, simply because they realize that in this world—with China and the United States as well as the United States and the Soviet Union working together—it would be an anachronism for them to go on fighting.

A very similar instance can be found in Europe. We've all gone through the agonies of the two divided Germany's. The big wall around Berlin, the watch towers and the machine gunning of refugees. And yet after a quarter of a century, East and West Germany have recently come together and even signed an agreement that will bring cooperation between the East and the West of a divided country and of a divided city.

Clearly, it is much more profitable for two sides in a civil war to get together and work together, reunified or not, than to go on fighting and destroy each other.

This the Koreans and the Germans have discovered, and it is highly probable that the Vietnamese will find out the same thing. And if they don't find it out by themselves, it is almost a certainty that the three big powers, the United States, China and the Soviet Union, will force them into a peaceful coexistence.

LEGISLATION BY COURT AGAIN

HON. WENDELL WYATT

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1973

Mr. WYATT. Mr. Speaker, the Oregon Statesman, Salem, Oreg., a few days ago published an editorial with regard to the continued tendency of the Supreme Court to legislate by judicial decision. It, of course, is a matter of personal opinion and a matter for legal scholars to debate as to what is judicial legislation and what is proper judicial review, but for whatever interest may be involved, I am bringing the editorial of the Statesman to the attention of my colleagues:

LEGISLATION BY COURT AGAIN

Chief Justice Warren Burger declared last year the U.S. Supreme Court will leave more matters for state courts to decide. But in practice the Burger Court, like the Warren Court before it, feels compelled to legislate as well as adjudicate.

Venturing where physicians and philosophers are uncertain where to tread, the high court has overridden the abortion laws of 31 states. The court, in its omnipotence, has decided when life becomes sacred, when the wishes of the mother take precedence over the life of the unborn child.

It is difficult enough for a society to determine its own decisions on these matters through adopting laws passed by elected representatives. New York's assembly passed an abortion law session before last and repealed it last session only to have the repeal vetoed by Gov. Nelson Rockefeller.

The process whereby the American public, through its elected officials, makes such decisions has been usurped by seven men, those who voted affirmatively in the abortion case decision Monday.

THE 63D ANNIVERSARY OF THE BOY SCOUTS

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1973

Mr. ANNUNZIO. Mr. Speaker, February 8 marks the 63d anniversary of the founding of the Boy Scouts of America. Chartered by the U.S. Congress in 1910, the Boy Scouts of America has served over 51 million boys, young men and women, and adult leaders through its program for Cub Scouts, Scouts, and Explorers.

To learn the Scout oath is to get acquainted with the organization, the principles it stands for, and the inspiring work it is doing:

On my honor, I will do my best:
To do my duty to God and my country, and to obey the Scout Law.
To help other people at all times.
To keep myself physically strong, mentally awake, and morally straight.

The Boy Scout movement emphasizes self-reliance, initiative, and resourcefulness. In placing young people on their honor and maintaining high standards, strength of character is developed. Our community and our Nation benefit enormously as these high-principled young citizens dedicate their talent and creative ingenuity to the betterment of us all, our society, and our democratic institutions.

Mr. Speaker, in little more than a month, Boy Scout Troop 936 will celebrate its own 41st anniversary.

Troop 936 was originally founded on March 13, 1931, and has always been sponsored by St. Andrew's Lutheran Church located at 5447 West Addison, Chicago, in the 11th Congressional District of Illinois, which I am privileged to represent.

I am honored to join Troop 936 in this double anniversary celebration and commend its leaders for their dedication as they make the ideals of the Boy Scout movement a living, working, everyday reality.

NAMES AND ADDRESSES OF LEADERS

SCOUT MASTER

Robert J. Krauss, 5243 West Waveland.

ASSISTANT SCOUT MASTERS

James Kedge, 5428 West Waveland.
Raymond W. Miller, 5504 West Hutchinson.

INSTITUTIONAL REPRESENTATIVE

Andrew C. Witt, 5303 West Drummond Place.

COMMITTEE CHAIRMAN

Vladimir S. Sagat, 5333 West Cornelia.

COMMITTEEMEN

William K. Herzmann, 4860 West Cornelia.
Robert T. Kirkhart, 5332 West Waveland.
Gerald A. Marubio, 5349 West Patterson.
Vincent J. McEvilly, 3633 North Lotus Avenue.

Eugene Nowotarski, 5337 West Byron.
Stephen M. Rychtanek, 5034 West Roscoe.
Stanley Steiner, 5936 West Roscoe.
Ken Tamura, 5514 West Grace.
Ronald W. Teuber, 5312 West Newport.

MEMBERS OF TROOP 936

James Carr, 5024 West Waveland.
Brian Fenner, 5328 West Cornelia.
Alvin Froehlich, 5409 West Eddy.
Steven Grabowski, 5353 West Cornelia.
William Herzmann, 4860 West Cornelia.
James Hester, 5855 West Roscoe.
Thomas Kirkhart, 5332 West Waveland.
David Krauss, 5243 West Waveland.
Larry Lang, 5020 West Patterson.
Jerry Marubio, 5349 West Patterson.
David Miller, 5504 West Hutchinson.
Douglas Miller, 5504 West Hutchinson.
James Nowotarski, 5337 West Byron.
John Payne, 5701 West Addison.
Thomas Payne, 5701 West Addison.
Kevin Prodoehl, 5626 West Cornelia.
Russell Rychtanek, 5034 West Roscoe.
James Sagat, 5333 West Cornelia.
William Sagat, 5333 West Cornelia.
Douglas Schwamb, 5223 West Waveland.
Geofrey Skorupa, 5836 West Cornelia.
Steven Steiner, 5936 West Roscoe.
Thomas Steiner, 5936 West Roscoe.
Paul Tamura, 5514 West Grace.
Craig Teuber, 5312 West Newport.
John White, 5131 West Cornelia.

My heartiest best wishes go to Troop 936 in northwest Chicago as they carry forward their proud tradition of service.

THE CHALLENGING 93D CONGRESS

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1973

Mr. VEYSEY. Mr. Speaker, January in Washington, D.C., has been a memorable month. Headlines have included the joyously welcome peace announcement, the inaugural of President Nixon, funeral services for two former Presidents, and the organization of the 93d Congress. The legislative branch now begins to function on issues left unresolved last year, and on new problems.

Foremost for southern Californians will be appropriate action to control air pollution. The Environmental Protection Agency's drastic 82-percent gasoline-rationing plan to implement the Clean Air Act of 1970 has sparked a quest for cures less devastating than the disease. Many new legislative actions are in the making including a review of the Clean Air Act itself.

REGAIN CLEAN AIR

I am preparing a major legislative package to help us regain clean air faster, based on the latest and best information our scientists can provide. This is no time nor place for political grandstanding or dreamy concepts; the dire necessity to improve our environment without destroying our economy is immediate.

Geothermal energy development can be important to southern California in controlling pollution and in meeting our growing energy needs. It could provide cheaper, cleaner electric power, clean water, and perhaps valuable minerals, but developmental assistance and concentrated exploration are needed. I expect to take the lead in Congress to maximize these benefits for our district.

Farmers face a nervous year in which the Farm Act establishing crop quotas and subsidies will be reexamined. New concepts will be studied to shift our agriculture from Government dependence to marketplace controls. Meanwhile the specter of a grinding conflict between two giant labor unions—the Teamsters and Caesar Chavez' UFWA—looms large in California. Again, I am pressing for a law to resolve the representation issue peacefully without strikes or boycotts which are damaging to worker, grower, and consumer.

TIGHTEN PURSESTRINGS

A constitutional struggle is shaping up between the Congress and the President over who controls the pursestrings. Right now the most important thing is that someone check the runaway Federal deficit, and I admire the President's resolve to do so. Although Congress should exercise primary responsibility to contain expenditures and the growth of Government, it has failed to do so. At this exciting time I look forward to my new assignment on appropriations as an opportunity to channel our Government into the most useful programs, help develop a means to control expenditures, and thus prevent inflation and future tax increases.

In the partisan emotionalism prevailing last fall, at least three major legislative needs were blocked—the Older Americans Act, appropriations for education, and highway appropriations. In each of these areas, the Congress must initiate new legislation. Hopefully, it will come early this year, and without the problems which barred passage last November.

SCHOOL REVENUE SHARING

I have already introduced an education revenue sharing bill, which I hope may receive early hearings. It would provide a more acceptable means of delivering Federal funds to local schools without redtape and interference by Washington bureaucrats, and would bridge the gap, now evident, in future Federal funding of existing categorical programs.

We await important reports to shed light on two areas requiring legislative action: Saving the Salton Sea, and bloodbanking reforms. The Salton Sea study should be available this spring, to show us the most feasible solution to the problem of recreational improvement. A major study of blood banking has just become available which documents the need for my legislation developed last year to clean up our blood supply.

Review of these legislative priorities fortifies my feeling that this Congress will be a busy one and hopefully a productive one. In addition, the legislative branch is always capable of surprises, and we may expect new and exciting areas of study as problems are identified.

STATEMENT OF THE HONORABLE HAROLD D. DONOHUE ON EXPANSION OF THE OLDER AMERICANS ACT OF 1965

HON. HAROLD D. DONOHUE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1973

Mr. DONOHUE. Mr. Speaker, as the Congress moves toward reconsideration of the President's veto action, during adjournment, of the Older Americans Comprehensive Service Amendments of 1972, I would like to include the statement on this legislative subject that I presented to the House Select Subcommittee on Education last May 26.

In my considered opinion it would, indeed, be both a great human and economic tragedy if we failed to sensibly, timely, and effectively provide for the urgent growing needs of some 20 million of our older American citizens who have given so much of themselves to this country throughout their most productive years.

It is my firm conviction that this new Congress and new administration should grant early and priority consideration, in the national interest, to the tremendously complex problems that plague our elderly people and I most earnestly hope we will work together for the accomplishment of that worthy objective in the very near future.

The statement follows:

STATEMENT OF THE HONORABLE HAROLD D. DONOHUE PRESENTED TO HOUSE SELECT SUBCOMMITTEE ON EDUCATION, MAY 26, 1972, IN CONNECTION WITH THE HEARINGS ON THE EXPANSION OF THE OLDER AMERICANS ACT OF 1965

Mr. Chairman, you and your distinguished colleagues deserve the commendation of the Congress and the Country for holding these very timely hearings designed to strengthen and expand the Older Americans Act of 1965.

The unhappy conditions and unfortunate circumstances which plague the lives of our 20,000,000 older Americans, clearly indicate an urgent problem that we as a Nation must fully and expeditiously resolve. As these hearings move in the direction of finding the legislative means to improve the 1965 Act, they will further serve to impress upon the American public the paramount issues and problems that continue to afflict the elderly in modern America. Our older Americans are not only entitled to lives of dignity and economic security but they have the right to expect that their country to which they have given so much of themselves through their most productive years, will not forsake them when their need is greatest.

The Older Americans Act of 1965 as amended in 1967 and 1969 brought to the impoverished and despairing elderly of this Nation the encouraging feeling that they, too, might be able to enjoy a fair share of this Nation's abundance, and opportunities and that they would be better able to individually plan and manage their own destinies. While some few gains have been accomplished under the provisions of this legislation, we should and we must now recommit ourselves to more vigorous positive action designed to rekindle within our disadvantaged senior citizens renewed hope for a more economically secure future. We must demonstrate to those who suffer from too little attention and too little concern that they have strong advocates here in Congress; that we are dedicated to doing everything within our legislative powers and responsibilities to swiftly and justly remove unbearable financial fears from their lives and create for them, a new economic status that will permit them to achieve a standard of living comparable to that of the average American.

Clearly there is much yet to be done if we are to implement a viable national program to assist our older Americans. If we are to successfully relieve the sorry situation which permits one out of every four persons 65 and older to live below the national poverty level we will have to act now to make available to our elderly a more comprehensive, fuller range of social services, to include health, education, transportation, employment opportunities and multipurpose senior centers. Obviously, the reasonable and prudent provision of these necessary programs of action is essential, since it is authoritatively anticipated that by 1980, the present number of approximately 20 million senior citizens will have increased by 5 million more. It would be a tragedy if we fail to timely and effectively act in anticipation of these dramatically growing needs of our aging Americans.

The critical nature of the problems faced by so many older Americans carries a far-ranging impact for all American citizens. More than seven out of every ten children born today can now expect to live until age 65. As man's longevity increases and as the number of older Americans increases, it becomes all the more important that we develop a better coordinated national program for scientific research on the biological aspects of aging. It is a proven fact that we have a very limited accumulation of gerontological information on which to base critical health decisions affecting the elderly and this deficiency makes the establishment of a gerontological research center a prudent and worthwhile pursuit.

Mr. Chairman, as one of the cosponsors and supporters of the original Older Americans Act, I am, of course, somewhat gratified at what has so far been done to help our elderly citizens overcome their economic insecurity and to maintain their personal independence. However, Mr. Chairman, we have only begun to make progress in this area and a great deal more remains to be done.

It is my conviction that we as a Nation now have a unique opportunity to improve the plight of the aging, return the aging citizen to a fuller existence in our society and remove from the minds of all our older Americans the haunting economic fears that invade their lives. Quite simply, the expansion of past programs, the institution of innovative new programs of research and our own unyielding determination to solve the problems of the aging will permit us to move from that which is to that which ought to be.

In conducting this hearing, Mr. Chairman, you and your dedicated colleagues are demonstrating that you will diligently address yourselves to the task of finding the best legislative solution to every aspect of the older American's complex problems. These problems merit a full national commitment toward the goal of permitting all of our elderly to equitably share in the abundance of America. I am sure that your legislative recommendations will be in accord with the established American concept and tradition of promoting the inherent dignity of the individual in our American society. The elderly deserve no less and I am confident that the great majority in the Congress and throughout this country will appreciate and approve this distinguished Committee's interest and efforts on behalf of all our older citizens.

DANGERS OF SMOKE-FILLED SPACE

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1973

Mr. YOUNG of Florida. Mr. Speaker, the health of millions of nonsmoking Americans is being jeopardized because they are forced to breath polluted, smoke-filled air when traveling on buses, trains, and airplanes.

The right not to smoke should be basic, and to protect that right on the opening day of the 93d Congress I introduced H.R. 1309, the Nonsmokers Relief Act. While this measure in no way infringes on the rights of those who chose to smoke, it does protect the rights of the nonsmoker by requiring separate seating be available aboard public carriers.

Too often, the problem has been viewed as one of simple discomfort to the nonsmoker. Yet evidence continues to mount that the health of the nonsmoker is seriously jeopardized when forced to inhale noxious tobacco fumes.

The January 13, 1973, edition of the Journal of the American Medical Association, for example, cited in its question-and-answer column some recent studies showing breathing in a smoke-filled room is equal to smoking four or five cigarettes, and smoke from an idling cigarette is twice as toxic as the smoke inhaled by a smoker.

Congress must act promptly on the Nonsmokers Relief Act. Millions of Americans are gasping for relief; there is no reason why their health should continue to be jeopardized.

For the consideration of my colleagues, here is the entire JAMA article on the dangers involved:

"CIGARETTE SMOKE-FILLED ROOM:" A HAZARD TO NONSMOKERS AND CHILDREN

Q. Is there evidence to support recent claims that a nonsmoker with an all-day exposure to a smoke-filled room inhales as much smoke as though he himself had smoked a pack of cigarettes?—Stephen Barrett, M.D., Allentown, Pa.

A. Your concern about the hazard of exposure to a smoke-filled room is supported by studies done by Harmsen and Effenberger (Arch Hyg Bakteriol 141:383–400, 1957). They demonstrated that smoking several cigarettes in a closed room soon makes the concentration of nicotine and dust particles so high that the nonsmoker inhales as much harmful tobacco by-products as a smoker inhales from four or five cigarettes.

Scasselatti-Sforzolini reported (Medical Tribune, Dec. 4, 1967) that smoke from an idling cigarette contains almost twice the tar and nicotine of smoke inhaled while puffing on a cigarette. On the average, smoke inhaled while puffing on a cigarette contains 11.8 mg of tar and 0.8 mg of nicotine, as compared to 22.1 mg of tar and 1.4 mg of nicotine from idling smoke. Thus smoke from an idling cigarette may be twice as toxic as smoke inhaled by the smoker. Although the concentration of harmful substances inhaled by the nonsmoker is less than the concentration inhaled by the smoker, the nonsmoker's exposure will be for a greater period of time. Scasselatti-Sforzolini indicated that smoking in an airplane "will obviously constitute something of a menace to a nonsmoking passenger." It seems obvious that in the confines of an airplane, where a nonsmoker may be required to sit next to one or between two smokers, and where the air circulation is typically poor, the nonsmoker will be subjected to a significant health hazard from a smoker.

An editorial some years ago (Science 158: 1527, 1967) concerned the pollution of air by cigarette smoke. In a poorly ventilated, smoke-filled room, concentrations of carbon monoxide can easily reach several hundred parts per million, thus exposing present smokers and nonsmokers to a toxic hazard. Two other components of cigarette smoke are nitrogen dioxide and hydrogen cyanide. The former is an acutely irritating gas and occurs in cigarette smoke in concentration 160 times that considered dangerous on extended exposure.

Cameron provided the first presumptive evidence on cigarette smoke as a household air pollutant (J Allergy Clin Immunol 40: 12, 1967; unpublished data, 1968). He and his associates found that smokers' children are ill more frequently than nonsmokers' children, usually because of respiratory disease.

Luquette et al (J Sch Health 10:533, 1970) concluded that (1) cigarette smoke which is allowed to accumulate in a poorly ventilated enclosure significantly increases the nonsmoking elementary school age children's heart rate, and systolic and diastolic blood pressure, [and] (2) the smoking environment's effect upon the children in the environment is similar to the cigarette smoke's effect upon the smoker on a reduced scale . . . The principal factor which gives significance to the smoking environment study comes from the Surgeon General's 1964 Report. This study reported that higher death rates occur primarily in smokers who have had the habit over a long period of time. Maybe the harmful effects of the smoking habit start with the exposure of the child in his home environment and not when he initiates the habit.

It is becoming increasingly apparent that the non-smoker who must be present in the traditional "smoke-filled room" characteristic of many conferences and social gatherings has an exposure to tobacco by-products quite similar to the exposure of the smoker. There is some evidence that this "smoking environment" extends even into the home where children may have a sufficient exposure to influence their cardiovascular system and add years of exposure to their smoking history, even before they actually smoke themselves.—Donald A. Dukelow, M.D., AMA Department of Health, Education, Chicago.

TOWN OF RYE, N.Y., SUPPORTS AIRPORT NOISE CURFEW

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1973

Mr. ROSENTHAL. Mr. Speaker, one of the major problems facing the residents of America's cities is noise pollution, especially that caused by aircraft taking off and landing at nearby airports.

Industry indifference to the problem has made airports bad neighbors and the result is strong public resistance to needed expansion of facilities.

With the support of 15 of my colleagues, I have introduced what might be termed the airport good neighbor bill.

It is H.R. 1073, the Airport Noise Curfew Act of 1973. Its ultimate goal is to limit aircraft operations during normal sleeping hours so that the peace and tranquillity airport neighbors seek and deserve can be returned to them.

My mail has been running very strongly in favor of this proposal. The gist of it is that this is something long overdue.

The latest expression of support comes from the town board of the town of Rye, N.Y. At a meeting held January 16, 1973, the board unanimously adopted a resolution expressing its full support of H.R. 1073. I am inserting that resolution in the RECORD at this point:

RESOLUTION

On motion of Councilman Gioffre, seconded by Councilman Zaccagnino, the following resolution was adopted:

Whereas, legislation has been introduced by Representative Benjamin Rosenthal of New York, together with fifteen colleagues of the House of Representatives, called the Airport Noise Curfew Act of 1973, and

Whereas, this Bill calls for a ban on night time jet noise, thereby providing more quiet enjoyment for persons living near Airports, and

Whereas, this Bill would establish a nine member Commission to investigate placing night time curfews on Airports near populated areas, and

Whereas, it appears that this curfew will only be a source of limited inconvenience for Airports as it relates to freight traffic, and

Whereas, passenger traffic could be rescheduled,

Now, therefore, be it resolved, that the Town of Rye does hereby confirm and gives its full support to this proposed legislation and be it further

Resolved, that the Town Clerk be instructed to forward copies of this resolution to Representative Benjamin Rosenthal and to members of the House of Representatives from the 23rd and 24th Congressional Districts and to members of the Senate from the State of New York.

Ayes: Supervisor Posillipo, Councilmen Gioffre, Mazin and Zaccagnino.

Nayes: None.

Absent: Councilman Goettel.

STATE OF NEW YORK,
County of Westchester, Town of Rye, ss:

I, (Mrs.) Geraldine Zuccaro Town Clerk of the Town of Rye, New York, do hereby certify that I have compared the foregoing copy with the original resolution adopted by the Town Board of the Town of Rye, at its meeting held on January 16, 1973, at which time a quorum was present and that the same is a true and correct transcript therefrom and of the whole thereof.

In witness whereof, I have hereunto set my hand and affixed the Corporate Seal of the Town of Rye, New York, this 22nd day of January 1973.

GERALDINE ZUCCARO,
Town Clerk.

GIRL SCOUT THANKS BADGE REFLECTS WORK OF MRS. BLACK

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1973

Mr. GAYDOS. Mr. Speaker, every American, I am sure is familiar with the Girl Scouts of America and what that outstanding organization represents to the young women of our country. No doubt many of us here have, or have had a daughter grow up in Girl Scouts, passing from Brownie to Senior Scout. Some may have continued their association with the movement as adults, working in a professional or volunteer capacity to instill in others the principles and objectives of Girl Scouting.

Occasionally, a volunteer worker is singled out for special recognition by her associates because of her long and dedicated service on behalf of the Scouts. In such cases the Girl Scout office, after a careful study, approves the award of a "Thanks Badge" to the deserving volunteer.

I am proud to report such an award was recently given to a resident of the 20th Congressional District of Pennsylvania—Mrs. Howard Black. Mrs. Black was cited for 18 years of volunteer service and she has no intention of curtailing her work with the Girl Scouts.

Her career began in 1954 when she started out as an assistant Brownie leader. Eventually, she became the chairman of all Scout troops in her area and this year served as a troop organizer and treasurer for the entire district. Day camping, one of the many programs found in Girl Scouting, holds a special interest for Mrs. Black. She has been the counselor for the annual week-long outing since 1954 and in 1966 served as a camp director for the operation.

Her interest in Scouting has been contagious for no less than nine members of her family are active today in some area of the Boy or Girl Scout movement.

Mr. Speaker, I consider it a great privilege to represent people such as Mrs. Black, who displays a sincere, compassionate desire to help the youth of America, in the Congress of the United States.

The article follow:

GIRL SCOUT THANKS BADGE REFLECTS WORK OF MRS. BLACK

Reminiscences of 18 years in Girl Scouting highlighted the program as Central Neighborhood honored Mrs. Howard Black last night in fellowship hall of Central Presbyterian Church.

Surprise feature was the presentation of a Thanks Badge to Mrs. Black to express the Girl Scouts' gratitude for long term dedicated volunteer services.

To receive a Thanks Badge is a mark of distinction, since it is awarded only after careful study of records and approval of the Girl Scout office. In addition to representing the gratitude of the group securing the badge for an individual, it expresses the thanks of all Girl Scouts to an adult volunteer.

The presentation was made by Mrs. Black's daughter, Mrs. Fae Leber who is Central Neighborhood chairman. And it doesn't mean that Mrs. Black is abandoning the Girl Scout movement. She is continuing to serve as troop organizer for the neighborhood.

Mrs. Black began as an assistant Brownie leader and during the years from 1954 to 1967 served as leader or assistant of a Brownie Troop. From 1968 until 1972 she was neighborhood chairman and treasurer and in 1972 became troop organizer and secretary-treasurer for the neighborhood. She also was a member of the troop committee from 1967 until 1972.

Day camping was another of Mrs. Black's areas of service. She has been a counselor for the annual week-long program since 1954 and 1966 was the day camp director.

A point of particular pride with Mrs. Black is the interest her family has taken in Girl Scouting. Two of her daughters, Mrs. Leber and Mrs. Gail Odorcich, are leaders and her granddaughters, Lori Black, Jodi and Michelle Odorcich and Stacie Leber are Girl Scouts. Not forgetting her grandsons, she is happy to add that Jaymie Odorcich and Ronald Leber are Cubscouts and Raymond Leber is a Boy Scout.

The program opened with a flag ceremony presented by Tammy, Tracie and Kelly Gallatin, daughters of the Brownie troop leader, Mrs. Pat Gallatin. The covered dish dinner and program were arranged by Mrs. Leber.

Participating in the "Looking Back Through the Years" were Jodi and Michelle, Mrs. Leber, Mrs. Odorcich and the Rev. Mark McKay. Also bringing back memories was "Cookie Monster." Jodi led group singing and gifts and cards were presented to the honoree.

Among the activities recalled were Brownie hikes, calendar and cookie sales, day camping, overnight and weekend camping and the fun of a variety of field trips.

Six of Mrs. Black's eight children attended the event, along with 17 of her 23 grandchildren. Introduced as her family were her patient husband who willingly sacrificed time, talent and even some comforts to the welfare of Girl Scouting; Mr. and Mrs. Roland Black, Lori, Roland Jr., Wendy and Kris; Mr. and Mrs. John Odorcich, Michelle, Jodi and Jaymie; Mr. and Mrs. Ronald Leber, Raymond, Stacie, Ronald Shawn and Jered; the Rev. and Mrs. Mark McKay; Mrs. Dawn Smith and David; Mr. and Mrs. Byron Black and Heidi; and Mrs. Dolores Black, Kim, Howard Jr. and Eddie. Messages were received from the families of two children in California, Gunnery Sgt. Howard L. Black who has been with the U.S. Marine Corps 20 years and Linda Hitchens.

Guests included Mrs. Ruth Kearney, a former district advisor who is now on the staff of the Girl Scouts of Southwestern Pennsylvania; Mrs. W. Douglas Mansfield Jr., site chairman for day camp, and Miss Margaret Mansfield; Mrs. Clark Werner of the day camp staff; Mrs. Nancy Walk, Hi-Lo Central day camp director; Mrs. Alyce Rote, Youghahela District advisor, Mrs. Barbara Ladley, district chairman, Mrs. Marion Klingensmith, district secretary, and Mrs. Bess Paul, district Juliette Low chairman; Mrs. Helen Carlson and Mrs. Jackie Peterson, Hilltop and Lebanon neighborhood chairman.

Others helping to honor Mrs. Black were a former district chairman, Mrs. Lois DiMidio; Mrs. Orella Brabender, neighborhood troop consultant, cookie and Juliette Low chairman; Miss Mary Jane Brabender; leaders and past leaders of troops, day camp counselors, present and past troop committee members.

A NATIONAL SALUTE TO UNION CAMP CORP. OF WAYNE, N.J., FOR ITS OUTSTANDING CONTRIBUTION TO AMERICA'S ENVIRONMENTAL AND ECOLOGICAL SYSTEM

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1973

Mr. ROE. Mr. Speaker, as a longstanding strong advocate of an energetic, continuing open space conservation environmental renewal program to secure the optimum yield of our natural resources, and particularly the preservation of our fast disappearing irreplaceable wildlife refuge and propagation areas, I was especially proud and pleased to learn that one of our country's most distinguished forest products firms, headquartered in my hometown of Wayne and Eighth Congressional District of New Jersey, Union Camp Corp., has donated the key natural area of the Great Dismal Swamp including all of Lake Drummond, whose wine-colored waters are considered the key to the survival of the long-threatened swamp, America's last great eastern natural area wilderness and the northernmost of the chain of great swamps that begins with the Everglades—nearly 50,000 acres appraised at $12.6 million—for a national wildlife refuge.

In order to provide you with the full details of this major contribution to the conservation, enhancement, and preservation of our ecological system and the integrity of our environment, I would like to take this opportunity to call to the attention of you and our colleagues here in the Congress the following joint news release issued by Union Camp Corp. and Nature Conservancy announcing this partnership between industry, conservationists, and the Federal Government in a united significant natural resource preservation effort for the well-being of our people and the quality of our way of life:

UNION CAMP CORP. ANNOUNCES $12.6 MILLION LAND GIFT TO THE NATURE CONSERVANCY

WAYNE, N.J., January 17, 1973.—Nearly 50,000 acres of one of the most unique and significant wild areas remaining on the Eastern Seaboard will be preserved as a natural wilderness through action to be taken by Union Camp Corporation, a major forest products firm headquartered in Wayne, New Jersey. The company will donate its entire landholdings in Virginia's Dismal Swamp, with an appraised value of $12.6 million, to The Nature Conservancy, the nation's leading non-profit, land conservation organization.

Everett M. Woodman, president of The Nature Conservancy, said, "The Union Camp Corporation gift is the largest and most significant land gift the Conservancy has received in its two-decade history of private land conservation." Dr. Woodman indicated that present plans call for the Dismal Swamp land to be conveyed on the United States Department of the Interior for operation as a national wildlife refuge by the Bureau of Sport Fisheries and Wildlife. The Union Camp land lies just ten miles southwest of Norfolk, the center of the fast-growing Hampton Roads area which has a population of more than one million.

In commenting on this action, the Secretary of the Interior, Rogers C. B. Morton, said, "I am delighted with the plans of Union Camp Corporation and The Nature Conservancy to convey this property to the Department of the Interior. The Department has long been interested in the preservation of the Great Dismal Swamp. In fact, in July of this past year, my Advisory Board on National Parks, Historic Sites, Buildings and Monuments recommended that this property be registered as a Natural Landmark. We are particularly pleased that Union Camp has so appropriately recognized the high responsibility to the Nation that goes with the ownership and use of a property which has outstanding value in illustrating the natural history of the United States."

A formal donation ceremony, involving Secretary Morton and Union Camp and Conservancy officials is planned for next month in Washington.

The Great Dismal Swamp, which has been called one of the East's last wildernesses and a unique ecosystem, has figured in history and legend since pre-colonial times. George Washington and Patrick Henry once owned portions of it. Thomas Moore, Henry Wadsworth Longfellow, and Harriet Beecher Stowe wrote about it. The Union Camp donation includes Lake Drummond, a nearly circular lake covering about 3,000 acres and with an average maximum depth of 6 feet. According to Nansemond Indian legend, the depression was created centuries ago by the "Fire Bird"—possibly a meteor.

Commenting further on today's announcement, Dr. Woodman, said, "This gift by Union Camp, the major landowner in the entire Dismal Swamp, marks the first of what we at the Conservancy hope will be a continuing program to preserve significant areas of the Dismal." Woodman pointed out that many others with holdings in the swamp could follow Union Camp's lead to preserve it, which has been a goal of both local and national conservation groups for almost a decade.

In making the announcement, Union Camp Chairman Alexander Calder, Jr., said, "The Dismal Swamp is a natural wilderness and we're pleased that the company's gift will help to protect and preserve it in its natural state. Our goal is to apply each of our landholdings to highest possible end-use. The historic significance of our Dismal Swamp acreage and its proximity to a rapidly-growing major population center make it a vital asset to be retained for enjoyment and use by present and future citizens while providing an important addition to the national wildlife refuge system."

Samuel M. Kinney, Jr., president of the Union Camp, added: "The nation's tax laws, quite properly, encourage this type of action by individuals and corporations. These laws make it possible for Union Camp to donate one of its assets—in this case a beautiful, natural resource—and in exchange receive the benefit of a deduction of its appraised value from taxable earnings over a period of several years. This benefits everyone: future generations of Americans as well as Union Camp Corporation and its shareholders."

The Conservancy's national operations director, Patrick F. Noonan, called the Union Camp donation "a breakthrough and clear evidence adding to the growing testimony of the positive role that industry can play in the preservation of vast areas of natural land."

Initially, Union Camp will donate an "undivided interest" of 40 percent of its Dismal Swamp holdings. It will add to this percentage over the next three years with the complete transfer taking place in 1975, in time for the following year's National Bicentennial Celebration.

Today's Dismal Swamp is less than a third of its original size. This shrinkage has been principally because of residential and agricultural development.

The present swamp is astride the state line, with 40 percent in Virginia and 60 percent in North Carolina. The land involved in the Union Camp donation represents about one-half the swamp's acreage in Virginia. It also includes the Washington Ditch, probably the earliest "monument" to bear the name of the Father of our Country. George Washington and his associates dug the ditch in 1763 to drain the land in the swamp for agricultural purposes.

Union Camp, which owns almost 1.7 million acres in six southeastern states, came into ownership of its Dismal Swamp property when Camp Manufacturing Company, one of its predecessor companies, acquired it in 1909.

For the past quarter of a century Union Camp has carried on no significant timber harvesting operations there but has continued to scientifically manage the property, foster the natural regeneration of its trees, encourage scientific and educational studies, conduct tours, and make major portions available to local hunt clubs to maintain the deer herd at a number which the land would support.

The Great Dismal Swamp is not an ordinary swamp. It is a vast wildland of forest and bog which only in a few areas is "swampy" in the way that is associated with other, more typical swamps in the country. It contains forms of plant and wildlife which are rarely seen elsewhere. For many species it is the northernmost "station"; that is, the farthest north the southern species extend. The Dismal Swamp shrew is indigenous to the swamp.

The Nature Conservancy is the only national conservation organization, receiving its support from the public, whose resources are solely devoted to the preservation of land. To date the Conservancy and its members have succeeded in helping to preserve some 365,000 acres involving more than 850 projects in 45 states and the Virgin Islands. These include forests, swamps, marshes, prairies, mountains, and beaches.

Headquarters for the Conservancy are located in metropolitan Washington, D.C., with regional offices in Atlanta, Cincinnati, Minneapolis, San Francisco, and Arlington, Virginia.

Mr. Speaker, we are all fully aware of the fierce competition for the use of our land and I genuinely believe that the time is at hand to commend our corporate entities for their concern for the environment and quality of life in our great Nation. I ask that you join with me today in this salute to Union Camp Corp., for their action in placing this vast national historic landmark and wildlife refuge in public ownership for the recreational enjoyment and cultural enrichment of all of our people.

A UNION SHOP ON THE FARM?

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1973

Mr. ASHBROOK. Mr. Speaker, due consideration should be given to recent observations by the nationally known syndicated columnist, James J. Kilpatrick, concerning the fight for union control of farmworkers and the move to put such workers under Taft-Hartley limitations. Although the contest between Cesar Chavez of the Farm Workers Union and the Teamsters Union has been going on for some time now, the recent involvement of the American Farm Bureau presents some interesting questions.

The Kilpatrick column, appearing in the January 23 issue of the Plain Dealer of Cleveland, Ohio, wisely endorses the principle of voluntary unionism based on the worker's right to accept or reject union membership in accordance with his freedom of choice and individual judgment.

The Kilpatrick column follows:

A Union Shop on the Farm?

(By James J. Kilpatrick)

WASHINGTON.—Politics, they say, makes strange bedfellows, and rarely have stranger fellows been found under the same blanket than the American Farm Bureau and the Teamsters Union. They are cuddled up this month in a joint effort to promote the extension of federal labor law to farm workers across the nation.

The Teamsters are doing what comes naturally. They are acting out of a fine sense of opportunism. The Farm Bureau, by contrast, is acting from a deep sense of panic. Both of them see at the window the specter of Cesar Chavez, head of the AFL-CIO farm workers' union. They may not love each other, but they look at Chavez with the same gelid eye. They cannot abide the fellow.

For the Teamsters, the pending legislation presents a rich opportunity to play their own game under rules they long ago mastered. At present, none of the provisions of the National Labor Relations Act applies to farm workers. Where small armies of hand labor are required to produce a crop, as in California and Florida, the workers are ripe grapes for the plucking.

Chavez, the soft-spoken hero of the limousine liberals, is an intellectual quadroon: one-fourth mystic, three-fourths boss. The mysticism overwhelms the Ethel Kennedy types, and the bossism plucks the grapes. In the four years since he began swinging his magic whip, Chavez has corraled thousands of farm workers who must join his union or be denied the only living they know.

The Teamsters understandably want a piece of this action. With dues of $3.50 per head per month, plus initiation fees, a thousand farm workers represent half a million dollars a year. A million such workers may be eligible. The mind boggles. But the Teamsters, famed for their own razzle-dazzle, thus far have proved no match for Chavez. If the rules were changed, they would find themselves in fat city down on the farm.

The motivations of the Farm Bureau are quite different. They may not regard Frank Fitzsimmons as an angel of light, but they look upon Chavez as the devil incarnate. Frustrated, bewildered, out-maneuvered, the growers have been put through a miserable time. They have suffered the grape boycott and the lettuce boycott; they have surrendered their workers to Chavez without free elections among the workers; and the desperate prospect confronts them of strikes, boycotts, and closed shop conditions with none of the protections of federal labor law.

John Davenport, one of the nation's most respected writers on economic affairs, said bluntly in Barron's Weekly early this month that the Farm Bureau is buying "a pig in a poke." The protections imagined by the bureau are likely to prove ineffective protections. It is one thing to regulate labor-management relations in a factory, where the bargaining unit is fixed; it is something else entirely to extend the law to migrant workers who may be in Bakersfield today and Fresno tomorrow.

One of the unfortunate aspects of this affair is the abandonment of principle by the Farm Bureau. A few years ago the bureau stoutly defended the principle of voluntary unionism. It has strongly opposed compulsion. Yet to advocate the extension of Taft-Hartley is implicitly to accept extension of the union shop. The bureau invites a situation, a few years hence, who large farmers would be caught like so many fish in a net of NLRB regulations. They would encounter the "unfair labor practice," the skilled labor lawyer, the experienced union negotiator. They might be worse off than they are now.

The pending bill cannot pass without the support of the Farm Bureau and other farm organizations. If they would throw their influence behind the principle of voluntarism instead, and seek positive guarantees of a farm worker's right to work without joining a union, they could solve their problems. Denied the power of a union shop, Chavez and Fitzsimmons alike could then be pruned to manageable size.

SALT II: THE DISARMAMENT SYNDROME

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1973

Mr. RARICK. Mr. Speaker, wars used to be fought on the battlefield with victory going to the stronger. But the entire world is upside down these days, so war is now waged for surrender with the victor seemingly being that country which proves to be the weaker.

The disarmament crowd is just as active on the international scene to control the firearms of nations as the anti-gun lobby is active on the local scene to disarm the law abiding individual citizen. The Communist leader, like any other criminal, does not want his adversary to be able to defend himself be it through the collective forces of national security or as an individual citizen soldier.

The United States overreacted in the SALT I agreement and came up giving the Soviet Union numerical superiority in ICBM's and submarines. Now in SALT II the Soviets are pressing their advantage for additional concessions limiting jet fighters.

Numerically the population of the Soviet Union exceeds that of the United States, so man for man we are outnumbered unless the difference is overcome by more weapons or more sophisticated weapons. The Russians study geopolitics and understand the arithmetic of manpower. That some Americans cannot understand this, including high ranking government representatives, is next to unbelievable.

The slogan: "If guns are outlawed, only outlaws will have guns," is applicable. If our country is disarmed, the Russians will not only have arms but they will out number Americans by sheer numbers of population with a military force that is not weakened by overpermissiveness and racial agitation.

Moscow has found its "war and peace" so successful that it now wants to "equalize" the firearms of the NATO countries with its so-called Warsaw Pact satellites.

Disarmament or surrender of firearms would not be an issue if criminals could be trusted not to use their firearms. But who is going to persuade the Soviets to turn in their arms? The surrender of firearms by the United States and free world countries would be like editorial writers and do-gooders turning in their handguns, and anticipating a decrease in crime. The Russians have never kept a treaty. Why should we expect them to change—when they have us playing their game, under their rules and on their ground. I include related newsclippings which follows:

[From the Christian Science Monitor, Jan. 13, 1973]

Wrinkles, Political Snags Damp Optimism for SALT

(By Richard Burt)

WASHINGTON.—Complications and political restraints are holding down optimism here about the second round of the strategic-arms limitation talks, commonly known as SALT II.

President Nixon has predicted that the outcome of SALT II will be the most important achievement of his own second term of office, and an agreement may still be reached by the end of 1975.

For now, however, administration spokesmen no longer talk of a preliminary SALT II agreement by the time Soviet party chief Leonid I. Brezhnev visits the United States this year.

And the recent recess of the talks for six weeks, only four weeks after getting under way, suggests that other issues, especially the Vietnam war, may have put SALT II on a back burner.

"The problems that now define the substance of SALT II," said one former U.S. negotiator, "are the ones we sidestepped earlier, in an all-out effort to get a ban on ABMs and an interim agreement on ceilings for strategic offensive missiles. In SALT II neither side wants to sidestep the problems."

FIRST AIM—NEW TREATY

The former chief of the U.S. negotiating team, Gerard C. Smith, highlighted one of these problems when he said late last year that the No. 1 priority of the talks for the United States was to write a treaty to replace the five-year interim agreement of SALT I, which prohibits the further building of land-based strategic missiles (ICBMs) and sets a ceiling on the number of submarine-launched missiles (SLBMs) allowed by each side. (Mr. Smith has been replaced by veteran U.S. diplomat U. Alexis Johnson.)

While the U.S. team is pushing for a treaty that would permanently limit missile strengths, it is no secret that pressure from the Joint Chiefs of Staff and Congress, particularly Sen. Henry M. Jackson (D) of Washington, would make it difficult for the U.S. merely to formalize the interim agreement, which critics point out gives the Soviet Union a 3-2 advantage in numbers of ICBMs (1,608 to 1,054) and a potential 18-boat submarine advantage (62 to 44).

Congress last July added to its endorsement of the SALT pact the so-called Jackson amendment, which urged that SALT II "not limit the U.S. to levels of intercontinental strategic forces inferior to the levels provided for the Soviet Union."

Defense Secretary Melvin R. Laird told Congress then that the Soviets were given a numerical advantage in missiles because of a *two-year* U.S. lead in weapons technology—particularly in the development and deployment of multiple, independently targeted warheads (MIRVs), which currently gives the U.S. a 2-to-1 overall warhead lead over the Russians.

Former Ambassador W. Averell Harriman has argued, in light of the U.S. MIRV program, that any attempt to demand equality in numbers of missiles in a SALT II agreement could endanger the talks.

"The fact is that if our negotiators insist on this goal, the possibilities of further progress will certainly vanish," he said.

But some sources argue the American lead in warhead technology is rapidly evaporating. "There are fears," said an analyst who recently left Henry A. Kissinger's staff, "that the Soviets have made some ground in technology. There is increasing evidence that they are on the verge of testing their own MIRV."

"But regardless of whether or not we enjoy a technological lead over the Soviets," he continued, "it'll be difficult if not impossible to get the Soviets to accept parity in SALT II after we gave them superiority in numbers in SALT I."

Closely linked to the missile parity question in the minds of some analysts is the future of U.S. weapons programs. Those who argue that the Jackson amendment could damage chances of a SALT II agreement also question going full-speed ahead on the Air Force's new B–1 bomber and the Navy's Trident missile-carrying submarine—both designed to replace existing strategic weapons.

[From the Christian Science Monitor, Jan. 16, 1973]

FIGHTER JETS KEY TO ARMS-TALKS ACCORD

(By Richard Burt)

WASHINGTON.—While optimism is restrained in Washington about early progress on the second round of talks aimed at limiting U.S. and Soviet strategic weapons, analysts probe Moscow's main aims in holding the talks.

According to Massachusetts Institute of Technology Prof. George Rathjens, a long-time participant in arms talks, the No. 1 Soviet priority for SALT II is an agreement limiting or banning European and aircraft carrier-based U.S. planes capable of delivering nuclear weapons on the Soviet Union.

STRATEGIC WEAPONS

These weapons, called Forward Based Systems (FBS) by defense analysts, are primarily fighter aircraft like the F–4 Phantom jet. They are considered strategic weapons by the Kremlin because they can reach the Russian homeland. (Soviet fighters based in Eastern Europe cannot reach the United States.)

"We were able to leave the question of forward-based U.S. aircraft out of the SALT I talks," said a U.S. Arms Control and Disarmament Agency (ACDA) official, "but the Soviets have made it clear that a SALT II agreement wouldn't be signed without dealing with FBS. It's an area Americans tend to forget about, while the Soviets take it very seriously."

The U.S. position in the past has been to argue that the several hundred U.S. fighters based in West Germany, England, and on carriers in the Mediterranean are not strategic weapons, but are earmarked for use in a conventional ground war.

"The Soviets aren't impressed with the argument," said Darnell Whitt II, staff director of the North Atlantic Assembly's Committee of Nine. "The FBS problem is further complicated," he added, "by the fact that U.S.-Soviet SALT II discussions over the future of U.S. forces in Europe are bound to upset the NATO allies."

When and if the U.S. desire for equality in numbers of strategic missiles can be balanced off against the Soviet stance on FBS, arms-control advocates think some possible agreements would be in sight.

The ACDA official disclosed that an agreement limiting the numbers of long-range bombers, U.S. B–52's and Soviet Bisons, was almost reached at SALT I and argued that if the FBS stumbling block is removed, a bomber pact would have a good chance of being signed.

Another widely discussed area of possible agreement is said to be land-based ICBMs, seen as increasingly vulnerable to highly accurate warheads. As both countries invest more money in the more invulnerable missile-carrying subs—what defense planners call "the blue water option"—it is hoped that mutual ICBM reductions can be agreed upon.

Some analysts also express a guarded optimism that curbs can be applied to technological developments that could fuel the arms race. Professor Rathjens said that once the Russians test their own MIRV warhead, they should be willing to explore with the U.S. a ban on the devices altogether.

Another MIT researcher, Kosta Tsipis, also hopes a limit on the uses of certain antisubmarine warfare techniques—used to detect and locate missile-carrying subs—can be agreed to at SALT II. Calling the subs the "ideal weapons for deterrence," Mr. Tsipis said that with such an agreement neither side would have to worry over the vulnerability of their missile subs.

TECHNOLOGICAL MONKEY WRENCH

Technological developments, however, are also seen by others to threaten a SALT II accord. Writing in MIT's Technology Review, Mr. Tsipis himself admitted that technology is on the verge of making the submarines vulnerable to attack.

"New electronic techniques of phasing an array of hydrophones (in the ocean) and processing the incoming reflected signals can distinguish submarines from whales or schools of sardines," he said. Calling the system "an underwater ABM," Mr. Tsipis argued that new ocean-listening technologies pose the most immediate threat of arms escalation.

Donald Brennan, ABM advocate and critic of the SALT I agreements, has also argued that technological breakthroughs could resurrect the ABM issue and radically alter U.S. and Soviet positions at SALT II. He has suggested that the development of a foolproof ABM system would not only end both powers' preoccupation with maintaining the invulnerability of their forces, but could lead to the abrogation of the SALT I ABM treaty as well.

Considering the technological and political factors at work in SALT II, few analysts, if any, are currently able to see how these issues will lead to new areas of agreement.

"Perhaps our best hope for a new set of understandings," said the ACDA official, "is President Nixon's desire to be remembered as a statesman. Before he leaves the presidency in 1976 he'll want some form of diplomatic triumph. . . . A SALT II agreement would fit the bill."

[From the Washington Evening Star and Daily News, Jan. 29, 1973]

MOSCOW AGREES TO ATTEND EUROPEAN TROOP CUT TALKS

MOSCOW.—The Soviet Union, changing its original demand for widened participation, has agreed to join in talks scheduled to start Wednesday on cutting troops and arms in Europe, diplomatic sources said today.

The sources said Moscow now was prepared to drop its original demand that all interested nations attend the talks and seek the admission only of Bulgaria and Romania.

The Soviet Union responded to a proposal by the North Atlantic Treaty Organization countries on ground rules for the talks by handing notes to NATO ambassadors here Saturday night.

The western allies, NATO sources said, probably will accept the Soviet counter-proposal—depending on how the question of handling Bulgaria and Romania is resolved.

NATO originally proposed that the United States, Canada, Britain, West Germany, The Netherlands, Luxembourg and Belgium participate on a "full and equal basis" with five Warsaw Pact countries—the Soviet Union, East Germany, Hungary, Poland and Czechoslovakia. Romania and Bulgaria also are Warsaw Pact members.

But 12 days ago, the Soviets said they would participate only if the talks were open to all interested nations.

NATO sources in Brussels said it was not clear in the Soviet reply whether Romania and Bulgaria would participate as full members or as observers, the status planned for such NATO members as Italy, Greece, Turkey, Norway and Denmark.

The NATO bloc prefers to limit the discussions, formally known as the talks on Mutual and Balanced Force Reductions (MBFR), to those nations directly involved in the Central European cuts.

NATO officials declined to disclose the content of the Soviet note, but said the site of the preliminary exchanges most likely will be Vienna rather than Geneva, in deference to the Soviet Union and its Eastern European allies.

A special meeting of NATO's permanent council to consider the issues and draw up a conclusive reply to the Warsaw Pact is being held in Brussels today.

FARM BUDGET CUTS IN PERSPECTIVE

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1973

Mr. MICHEL. Mr. Speaker, the administration's recent economy moves in agriculture have resulted in a great hue and cry, but the protests seem to be coming as much from those with vested interests in the programs as from the farmers themselves.

Instead of all this wringing of the hands and gnashing of the teeth, what we need now, more than anything, is perspective.

It boils down to the issue of spending and taxes and inflation. We either get a handle on spending, or we accept higher taxes and inflation.

We have a choice, and either way it is going to hurt.

If we choose to hold the line, then we are going to have to take our licks along with everyone else, and we are not going to be able to sing the old refrain that goes:

It's such a giant budget and my program is so small,
You could cut a thousand places without touching mine at all.

Some good programs may be cut back along with those that are not so good. It is not going to be painless.

And, agriculture cannot be the only "pigeon on the roof." If the ax is going to fall, it must fall across the board.

It is a hard choice, to be sure, so I want to bring to the attention of my colleagues two heartening editorials that recently appeared in two leading farm magazines. The editors of the Farm Journal and the Prairie Farmer have taken a good look at the farm budget and have some thoughts on the matter that should be of interest to many of us here. The articles follow:

[From the Farm Journal, February 1973]

WHY WE SHOULD ACCEPT USDA BUDGET CUTS

It is the duty of a farm magazine, isn't it, to stand four-square behind government help to farmers?

To campaign hard to get commodity, conservation and farm lending programs through Congress. And then to fight their repeal or loss through actions such as the Administration has just taken against REAP, farm disaster loans and REA interest rates. (See pages 9, 29.)

Except, except, that . . .

This particular magazine, in this very space less than a year ago (March 1972), criticized President Nixon severely for having presided over the biggest federal budget deficit since the wartime year of 1945. We said then that further deficits and the accompanying evils of higher taxes and inflation were inevitable unless Congress, the President or somebody cut spending.

Well, now the President has started doing just that, and we are confronted with a painful dilemma, shared with everyone who has railed against taxes and inflation.

"Cut welfare!" we tell our Congressmen. "Cut public housing! Cut space programs! But don't touch agriculture. And don't raise taxes!"

So our representatives—and those of every other special interest group—go back to Washington determined to preserve every cent they got last year, and start some new projects besides. They know from bitter experience that if they don't, we'll vote them out. So Congress becomes a cacophony of "Gimmee, gimmee."

Our founding fathers foresaw this clash of pressure groups and thought they were designing a crucible for boiling our conflicting claims down to the essence of our needs. But they assumed a Congress that would be responsible—one that would match outgo to income. Instead, each session seemingly approves almost *every* appropriation that *anybody* asks for. Apparently nobody in Congress knows or cares what the total bill will be. It just can't say or won't say no. *The Executive Department has not usurped Congressional prerogatives. Congress has lost them by pure default.*

The President didn't just hand this question back to Congress. He handed it to us. He has ordered a series of cuts which we understand will extend pretty well across the board. Housing, urban development, stream pollution control already have been cut, and others will follow. Each of these programs is somebody's favorite. We have no basis for thinking that these other groups will take a reduction unless we're willing to do the same.

So this is a battle which has to be fought out in our own minds before we can expect it to be settled in Congress. We have to decide which we would rather do: hold taxes and inflation in check or take a cut in what may be our favorite program. And we have to let our representatives know that decision. Congress usually does a pretty good job of representing our views—including the evasion of hard choices.

Commodity programs were an obvious target for the Administration's axe: an estimated $800 million saving in the '73 feed grain program and $100 million less for cotton. Some free-spending leaders seem to think that farmers are entitled to $3 to $4 billion in government farm payments every year, regardless. They forget that these programs were designed to supplement farm income when prices are low. As Secretary Butz points out, cotton prices have gone up 5¢ to 6¢ per pound on the news that '73 allotments were being cut.

"That increase added more than $325 million to the anticipated value of our '73 crop. I'll trade $100 in government payments any day for $325 million in higher market prices," says Butz.

Complete elimination of REAP—the $235-million Rural Environmental Assistance Program—caused some of the loudest yells. But REAP wasn't worth saving. Every administration as far back as that of President Truman has asked Congress to kill it because it degenerated into a "pass-the-money-around" deal in far too many counties. Some counties have gone right on paying farmers for practices that do much more to increase production than they do for conservation.

Our hope is that the USDA will expand pollution abatement under the new Rural Development Program because farmers are entitled to cost-sharing help with their waste disposal, just as other industries and municipalities are.

Actually, much of the opposition to ending REAP is coming not from farmers but from commercial suppliers and government employees whose jobs are at stake.

The future of the REAs isn't threatened by increasing their interest rate from 2% to 5%. The Production Credit Associations and the Federal Land Banks have emerged stronger than ever from their recent shift to the private money markets. We think the REAs should adopt the same strategy—become farmer-owned co-ops, completely independent of government control, as soon as possible.

Cancelling the FHA's emergency loan program was grossly unfair to many Corn Belt farmers whose 1972 crops lie in the mud or under ice and snow. Those who got their loan applications in by Dec. 22 stand to have the first $5,000 of their loans forgiven. Those who didn't are out in the cold.

But the fault lies directly on the doorstep of Congress. Our lawmakers have passed a rash of these open-end emergency loan and grant programs recently for housing, for municipal sewers, small businesses, etc., and they've "broken the bank." Secretary Butz said he could foresee emergency farm loans this winter costing $800 million in forgiveness money alone. What's more, in practice, these loans are based not on need but on first-come-first-served. And, as usual, those who need them least are always there first.

The FHA's regular loan program continues with an additional $200 million in unused authority. We hope its administrators will do everything they can to help farmers caught in this unfortunate bind.

Also, we cling to the hope that Congress will sometime, somehow acquire a sense of fiscal responsibility. There is much talk about who shall have "the power of the purse." The purse has no power if it's open for everything and everybody.

[From the Prairie Farmer, Jan. 20, 1973]

Let the Economy Ax Fall Fairly on All Programs

Not unexpectedly, an economy wave has hit federal farm programs. Reaction has ranged from apathy to deep shock.

The soil conservation pollution control program ACP–REAP has been terminated. REA's subsidized 2% loans have been boosted to 5%. Farm disaster 40-year subsidized loans went from 1% to 5%. And $500 disaster give-aways to individuals were ended. Subsidized grain storage loans also have been lopped off.

The Nixon-Butz administration saved $800 million in farm program costs as a result of massive grain exports. They hope to save another $800 million with cutbacks in crop control programs.

No one could make such wide-ranging changes without incurring the wrath of countless thousands who depend on these programs for their livelihood. Few are farmers.

Predictably, spokesmen for the Farm Coalition (Grange, NFU, NFO) denounced some or all of the economy moves. The president of the National Limestone Institute called the termination of REAP "the worst boner."

Suprisingly, the American Farm Bureau Federation backed away from full endorsement of REAP termination. The AFBF has been critical of REAP for years and joined every president since Harry Truman in trying to kill it, only to be thwarted by congress. This could happen again.

Few will find fault with soil conservation, pollution control, tiling, and the use of limestone. And who will object to the principle of cost sharing for the control of erosion and pollution on the farm?

Obviously everyone benefits from measures necessary to protect the soil, our most precious resource. All should share in the cost.

When low-cost REA 2% loans were started during the depression average interest costs were 1.69%. They are now between 6% and 7%. Certainly the rural electric co-ops have done a heroic job of bringing electricity to farmers.

But we should not lose sight of the fact that only 20% of rural electric co-op customers are farmers. Nearly all of the new customers being hooked up are nonfarmers.

But the realm of welfare most difficult to understand is that of the declared disaster area. Washington actually gave away $80-million in $5000 handouts in 1972.

The program expanded so fast that if Secretary Butz hadn't killed it they would have been giving away $800 million this year. Even a millionaire, Butz said, could have qualified for a $5000 handout and a 1% loan for 40 years.

These are certainly not the most pressing priorities we face. The overriding issue is the containment of the cruel pressures of inflation that sent farm costs zooming 45% from 1965 to 1972.

Belatedly, President Nixon recognizes the need for action. He has called for a federal spending ceiling of $250 billion. Even with this ceiling we can expect to chalk up another $25-billion deficit.

Congress has failed miserably to meet courageously the challenge of fiscal responsibility. In fact, some congressmen already are planning, perhaps willfully, to breach the $250-billion spending ceiling even if they have to go to court to do it.

Many farmers, including NFO leaders, have told us over the years that the best farm program is simply higher income. "With better income," they have said, "you can scrap all farm programs."

That stage may be close. The year 1972 set an all-time record $19-billion farm income.

Only about 13% of the nation's farmers participate in REAP. With cost sharing, they carry about 70% of the cost. The federal government pays the other 30%.

Payments to the farmer averaged about $230. On that basis the program hardly seems worth fighting for, in view of the urban suspicion that it is just another handout to farmers.

If farmers were the only group expected to suffer drastic cutbacks in federal programs, we would be tempted to say forget it. But Secretary Butz assures us cuts in agriculture will be matched with cuts in all lines of government spending.

We hesitate to argue over the priorities involved in these economy measures. Something nice can be said about all federal subsidy programs.

No one wants to be accused of shooting Santa Claus. But the fact remains that federal spending is now beyond a quarter of a trillion dollars.

Perhaps there are other areas where economies can be made. Feed seem bothered by the fact that nearly every federal program must have an expensive bureaucracy to administer it.

Not all counties have offices for the Agricultural Stabilization and Conservation Service, Farmers Home Administration, Federal Crop Insurance Corporation, and Soil Conservation Service.

But enough consolidation could be engineered in these county offices to save the taxpayers tens of millions of dollars. More than 85% of the USDA personnel is not in

Washington, but largely in offices that duplicate each other thruout the country.

Basically, the economy moves of the administration are commendable. They are overdue and should be expanded if possible.

Agriculture has much to gain from cost and price stability. This stability can be attained only thru less spending or higher taxes.

Our choice is less spending. So let the economy ax fall where it will provided it falls across the board, hacking away at all federal programs as well as agriculture. Those who say no should then in complete candor recommend substantially higher taxes.

GENE AUSTIN

HON. KENNETH J. GRAY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1973

Mr. GRAY. Mr. Speaker, it has been 1 year this month since Gene Austin, the "My Blue Heaven" man died. Gene was the king of the high tenor blues jazz singers. He was credited with many firsts in the modern music world. First to receive a gold record for selling over a million records. "My Blue Heaven" sold 7 million records in 6 weeks back in 1927.

The only one to receive the coveted Gold Dog award from RCA Victor. He sold 181 million records.

He was the first singer to popularize what is now known as "soul music."

Born in Gainesville, Tex., in 1900 and moving with his parents at the early age of 6 to the delta regions of Louisiana where he learned the blues and soul music from the native blacks.

His style was unique. He used his voice like a musical instrument and he never sang a song twice the same way. His sweet voice touched the hearts of countless millions throughout the world and started many a courtship in the roaring 1920's and the thrilling 1930's.

He served in the U.S. Army during World War I in France where he was an assistant dentist. Later he studied law in Baltimore but he would rather sing than talk so genial Gene the singing machine was crooning around the country and broke the record in many famous theaters.

His roving habit was an inherit talent going back to Sacagawea, an Indian relative who led the Lewis and Clark expedition. The late President Harry Truman was a Gene Austin fan, and Gene had performed on many occasions for the late President. He also gave a command performance for British royalty in 1926. Gene had a brief fling in politics and was almost elected Governor of Nevada back in 1962.

The Governors of Florida and Louisiana proclaimed June 24 as Gene Austin day.

He appeared in Ziegfeld Follies with Helen Morgan. He wrote the musical scores for movies and also starred in many pictures.

His friends called him: "the most generous, most modest, the kindest, the most talented, most brilliant, the sweetest, the most thoughtful and loving." He never said "no" to anyone. While Gene was sick a priest sent a telegram to him which said:

> Our Lord will be good to the man who gave so much love and beauty to the world.

He left a legacy of happiness to the world. When you read the list of songs he recorded it is like reading a musical history of the 1920's. They form a library of the great hits of that wonderful era before the crash, and they made Gene Austin a millionaire several times over before he was 30.

Many of the songs he composed have become alltime classics: "The Lonesome Road", "Ridin' Around in the Rain", "When My Sugar Walks Down the Street", "That Old Gang of Mine", "How Come You Do Me Like You Do", and many others.

He introduced and made famous the songs: "Ramona," "Bye, Bye, Blackbird," "I Can't Give You Anything but Love," "Girl of My Dreams," "Sleepy Time Gal," "Someday Sweetheart," "My Melancholy Baby," "Weary River," "Jeannine, I Dream of Lilac Time," "How Am I To Know," "Yes, Sir, That's My Baby," and many more.

Mr. Speaker, there is no substitute for talent.

We can now say on the first anniversary of his death that there is no substitute for Gene Austin.

Mr. Speaker, as we reflect on the great life and work of Gene Austin we can capture his outlook on life by the following two verses of a song he wrote:

> Look down, look down
> On the lonesome road
> Before you travel on.
>
> Look up look up
> And seek your maker
> 'Fore Gabriel blows his horn.

THE NATIONAL LAND SALES SCANDAL

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1973

Mr. UDALL. Mr. Speaker, Monday I introduced legislation which would stem the merchandising of America's last remaining acres of choice scenic and vacation land by sharp promoters who are shielded by the fine print in existing laws.

My bill would substantially rewrite the Interstate Land Sales Act granting the Department of Housing and Urban Development strong regulatory authority to guarantee the legitimacy of such sales. The bill calls for three major reforms:

A tightening of the disclosure laws surrounding interstate land sales to better protect the consumer;

A flat ban on the interstate advertising of large, unimproved subdivisions to customers outside a 200-mile radius until such time as adequate facilities are constructed; and

A requirement that the promoter post a surety bond to guarantee the completion of promised improvements.

The need for new regulation is explained in the recent article from Field and Stream which follows:

LAND SPECULATION: INVESTMENT IN THE FUTURE OR DOWNPAYMENT ON DUST?

(By MORRIS K. UDALL)

America is running out of land. And the land still left is taking a beating so a few speculators and high-pressure salesmen can become wealthy.

The problem is nationwide. But my state, Arizona, and New Mexico, California, west Texas, and Nevada are the focus of many of these sales efforts.

Wilderness, shoreline, and desert are being gobbled up and gouged into tiny checkerboard squares by con artists, who prey on unsuspecting citizens.

As one who loves the West and decries the rape of its land, I plead with all Americans to help us stop this onslaught.

The fact is that when you deal with these sharp operators you are being taken, which is bad enough. But what is worse is that future generations are being taken along with you.

If the high pressure salesmen have their way, the kind of America that hunters and fishermen want to save will be parceled out into modern-day ghost towns with a gridwork of streets and no buildings. It will prevent us from doing the kind of sensible land planning that will give us something to hang onto in the future.

If the day you read this article is typical, there will be a massive drum-beat of promotions across the nation, dispensed into your home by mail, radio, television, and newspapers, giving you the impression you can find paradise, the rainbow's end, and an idyllic retreat from the woes of the world simply by picking up the telephone.

They will promise to make you a land baron, a rancher, or a big-time investor who astounds his friends by multiplying his money.

The blatant deceptions, falsehoods, and fantastic claims anger those of us who know better. It is frequently simply a dressed-up version of the "bait-and-switch" con game where a carnival huckster sells you a dime-store watch rather than the gold one he is touting. If you buy a lot, sight unseen, from a sharp operator, you may discover a training ground for mountain goats where he described gently rolling hills. There may be no water, no utilities, no stores and the nearest community may be a gas station a half dozen miles away. Installation of electricity may be years away rather than a few miles distant.

As a retirement residence site, the prospects are grim. The golden years are no time to start carrying water and reading by lantern light. As an investment opportunity the prospects are equally grim. Experts estimate there won't be any market for many of the sites for more than twenty years.

The financial tragedy of lot purchases is brought home in the letters of inquiry received by Arizona law firms about land left in wills.

For example, one New England widow discovered that the probate costs of her husband's lot would be about $300 and the lot was only worth $500. She let it go. Another inquiry from northern Illinois in 1971 indicated the deceased had bought a lot he thought was worth $2,700. An appraisal indicated it was worth $300 to $500, and the heirs let it revert to the land development company, probably to be sold again.

The moral simply is that properties have a resale value of perhaps less than half the selling price the day after they are sold.

Arizonans and conservationists are outraged to learn that land is being merchandised in Eastern cities like deodorants or magazine subscriptions with bonus prizes of silverware, green stamps, or small appliances for early bird buyers.

Movie stars and sports celebrities are used to boost the land sales. Forrest Tucker, Caesar Romero, Rory Calhoun, Pat Boone, Bobby Mitchell, and Pat Richter have had their names associated with various developments.

The Arizona Daily Star, in Tucson, disclosed that more than 400,000 acres of private land are currently under "development" with an anticipated population of one million—a 30 percent increase for the state. One can only imagine the kind of nightmarish situation that would result if all those who bought Arizona land descended on our already overtaxed schools, utilities, and city services.

But the fact is that the great majority of the ranchos, ranchettes, and estates will never know human habitation.

The Golden Valley Development near Kingman has sold 12,300 lots during the past decade at prices ranging from $595 to $1,795 an acre. Exactly forty lots are occupied by houses or mobile homes.

SALES PITCH CURVES

As far as an investment is concerned, in many cases you would do better to walk out of your present home and buy the nearest vacant lot or put the financial page on a dart board and buy whatever stock is selected by a random toss.

The glib sales pitches are confusing even to the analytical minds of investigative reporters out to reexpose what has been called the largest consumer fraud in history.

One Midwestern editor, Thomas W. Pew, Jr., of the Troy, Ohio Daily News, who posed as a potential buyer, wrote: "Much of what the salesman said came so fast and with such a flurry of papers and maps and contracts, opening and closing of books, sketching out of figures, and two interrupting telephone calls that, although I consider myself a reasonably experienced reporter, I was hard pressed to catch the meaning of everything he was saying."

Some firms may stack the deck against you even further. GAC, which took over the assets of Gulf American Land Company, a firm with a notorious reputation in Florida land sales, electronically monitors its sales booths.

A Federal observer reported that her salesman left her in a booth with her companion, listened to their conversation through a microphone secreted in the booth, and returned a few minutes later with a pitch aimed at dispelling the precise doubts the two had raised in his absence.

GAC claims the microphones are only used to monitor sales talks for effectiveness and propriety.

The middle-American dream of owning land at the right place at the right time to make a big profit is part of the old pioneering homestead philosophy that promoters have exploited. For example, this line from a salesman to a doubting prospect viewing the desolation of his proposed homesite: "To be honest with you, and this is not a sales pitch, if all you see is sagebrush to your waist, you're missing it, you need to catch the vision."

Better you should catch a cold. At least then when your head clears your pocketbook isn't empty.

If you should happen to visit Toltec City between Tucson and Phoenix, you will need some of that superhuman vision. The brochure has photos of an Indian overlooking the Grand Canyon, a gorgeous waterfall, a boy hauling a big trout from a lake, and a man driving a golf ball across a pond. All of which undoubtedly are in Arizona, but none of which are at or anywhere near Toltec City.

Arizona's terrain is as different as it is similar. You can find beautiful hillsides covered on one side by unique desert vegetation and, on the other, by a dusty patch that is unequaled in barrenness this side of the moon. You need to know which you are buying, the front or back forty.

AROUND HERE SOMEPLACE

I sent a staff member out to investigate Chamisa Ranches, one of the latest operations that was using offensive and outrageous claims to extol the virtues of its Arizona property. The staff member talked to three different real estate sales offices in Show Low, Arizona. One knew Chamisa Ranches was in the vicinity but didn't know where, and the other two gave vague directions.

Show Low is a town of 2,100 about seven miles from the Chamisa promotion. Its inhabitants are people who know this area, its potential, and its property values. It is thus passing strange that not even reputable real estate brokers in Show Low have heard of Chamisa and its real "bargain" investments. The promoters are too smart to try and sell it locally for they'd be laughed out of town. The fact is that the money you pay for a remote piece of ground with no facilities might buy you one of the best lots in a fine, established city like Show Low with all utilities and services.

When my staff member finally found Chamisa Ranches, a spindly archway over a cindered track, there were no signs of civilization. Yet, according to the sales people, more than 1,000 acres have been sold there at a gross price of $3 million. "We don't really expect people to live there," a Chamisa salesman in Silver Spring, Maryland, said. "It's a good investment." Well that statement is open to question.

Arizona law is obviously inadequate to deal with the challenge to its future, and the state legislature has dragged its heels about cracking down on unscrupulous promoters.

One state that has taken decisive action is California, which has led the way in demanding that developers guarantee financially in advance the utilities, streets, and water facilities are available in a subdivision. That has chased a good many of the fly-by-night sales promoters out of the California market. It is time that Arizona and other Western States followed suit.

Various land sales abuses throughout the United States motivated Congress in 1969 to pass a law designed to halt the sale of desert and swamp to unsuspecting buyers. The heart of the act was disclosure. It required each company promoting sales interstate to file reports with the Department of Housing and Urban Development to reveal vital information on financing geographical considerations, the availability of water, and so forth. A copy of the report is required to be furnished the buyer.

It is a step in the right direction and the Interstate Land Sales office of H.U.D. is working hard to enforce the law and crack down on violators. However, chicanery and complexity have made it ineffective in most cases.

Let's look at some of the claims and some of the facts for a proposed subdivision—Willow Lakes, a former cattle ranch in Cochise County.

Not far from Benson in southeastern Arizona, it crams 467 lots into 150 acres. It is possible to arrive at beautiful Willow Lakes only after an eight-mile drive over a stretch of dirt road A salesman said the road will be paved in the near future. Not so, according to the Cochise County Planning and Zoning Department. The lakes will be stocked by the Arizona Game and Fish Department, the promoter said. The Department has no such plans.

Although the Willow Lakes salesman may have promised roads, streets, utilities, and stocked lakes, the sales contract disclaims responsibility for anything he might have promised that isn't specifically listed. And the contract makes no mention of the above improvements.

All recreational and retirement developments are not bad. Some, such as those built by the McCulloch Company, most noted for chain saw manufacturing, fulfill the promises they make on development and show you what you are purchasing.

The key to it all is checking out what you are buying first. Never buy quickly because prices are going up next week, and don't be fooled into thinking land prices can only rise.

At GAC's Rio Rico development near Nogales the land sells for $3,000 an acre. It was purchased for $64 an acre.

One couple managed to get released from their GAC contract after they discovered the lot the salesman told them would be soon worth more than $3,000 was in fact, valued at much less by the company.

As a news service reported it, GAC attorney John Murphy, Jr., said the lots were merely sections of undeveloped desert and should not be taxed in their future value when he testified before the State Board of Tax Appeals.

The GAC attorneys maintained that the land was worth $185 an acre for tax purposes, although they were being sold at $5,000, the AP reported.

To its credit, GAC has undertaken an extensive reorganization and promises strong efforts to eliminate abuses and to develop according to carefully controlled plans.

Frequently, more than 50 percent of the price of a lot in some offerings goes to pay for promotion costs, the free trips, the slick brochures, the silver chafing dish. In effect you pay for your own seduction.

NEW LAND ETHIC NEEDED

Beyond the cost to personal pocketbooks is the destruction of our land legacy to future generations of Americans. Draining swamps in Florida is a threat to the water supply, and gouging roads in Arizona increases dust pollution. The gridwork plans favored by most developers create a visual violation of the landscape.

Concerned citizens are beginning to organize to oppose massive rezoning proposals, which would turn grazing land into unneeded, tacky subdivisions. But they need more support in developing master zoning plans. This land is not limitless—we need a new land ethic that does not allow commercial despoilation of rural areas simply due to a lack of government attention.

Our pioneer spirit has always held that the land you could buy or claim was yours to do with as you pleased. This same spirit permeates our land management philosophy, but it is a point of view that population pressures must force us to change.

National land use planning would be implemented in my bill now before Congress. This would be another small step toward rational future growth. It would encourage states to develop master zoning plans and review the status of Federal lands. And it would establish a grant-in-aid program to help the states.

Additionally, we obviously need to tighten the controls of the Interstate Land Sales Act over unscrupulous developers. It is my belief that if we can bring sense to present growth policies, while at the same time insuring that efforts to check air and water pollution reach fruition, we will have a better tomorrow.

If we do not, the largest urban areas will continue to deteriorate. In medium-size cities, and particularly in the West, lack of intelligent planning threatens to "Los Angelesize" the entire nation.

With this in mind, I have successfully amended a land use planning bill now before Congress to impose controls on land sepculators.

The amendment would require the states to regulate new subdivisions and land developments to assure existing and proposed improvements are adequate to serve the projected population; to guarantee that adequate arrangements have been made to finance needed improvements; and to insure that overall design of the property plan is adequate to prevent flood or erosion damage.

While the future of the particular bill this amendment is attached to is somewhat uncertain, I intend to personally pursue this tack in future legislation.

If today is a typical day, acres of rare, irreplaceable land will for all practical purposes be gone forever. Maybe this land should have been a park, a wilderness area, a planned community, or something else, but by buying it, you and thousands of others will have foreclosed any rational decision about making this the kind of country that proper land use could make it.

We must remember that this land is our land and we must fight to protect and preserve all of it, for our own generation and for all our children.

WHAT YOU CAN DO

Write your State Legislators and Congressmen asking for more stringent legislation along the lines of the California law.

Support pending national land use planning legislation.

If you have land fever and want to buy a lot, see it before you buy.

After hearing a sales pitch, go home and let the rosy glow wear off. Read the contract. Some smart lawyers wrote it and they are not looking out for you.

Demand to see the Interstate Land Sales report and find out who is going to pay for water and utilities.

Find out what comparable lots are selling for in the area by contacting an independent land salesman.

See if there is any access to the land and find out what the surrounding land will be used for.

Ask the salesman how much the developer paid for the land.

BANKS ARE INCREASINGLY EFFECTIVE IN COMMUNITY SERVICE

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1973

Mr. ANNUNZIO. Mr. Speaker, as a member of the Committee on Banking and Currency, I have long been interested in the progress of the banking industry in improving the quality of life for our people. Banks have come a long way toward becoming an effective community institution oriented toward community service.

The following article from the February 5, 1973, issue of U.S. News & World Report outlines many of these developments:

THE HELPFUL BANKER—NEW THINGS HE OFFERS

The range of services supplied by banks to the average person is being broadened rapidly. Some innovations that may be important to you—

All across the country, banks are trying out new services, new ways of doing business.

It's part of a developing revolution in finance, a battle waged by the banks and their competitors for customers who are increasingly affluent and sophisticated. In the process, the consumer frequently is being offered help and convenience that were unheard of a few years ago. Some examples that came up in recent discussions with bankers—

AID TO NEWCOMERS

Banks in a number of cities are now rivaling Welcome Wagon International in offering help to new arrivals. The banks assist a family in finding a home, get the utilities turned on, even direct the parents to the proper schools for their children. First Peoples Bank in Johnson City, Tenn., inaugurated this service two months ago, following a pattern set previously by such institutions as the First National Bank of Atlanta and the Connecticut Bank & Trust Company in Hartford.

An officer says that approach is enabling the Tennessee bank to harvest many new accounts.

HOUSE CALLS

The First National Bank of Denver now is making house calls, chiefly to older customers who find it difficult to visit the financial institution to transact business. Several hundred calls are being made each year, and the results, from the bank's viewpoint, are encouraging. The customer who is attracted by this service tends to keep about four times as much money in his account as the average depositor.

DEATH BENEFITS

Some banks, mostly in the South and Southwest, provide their customers with special counseling when there is a death in the family. The aim: to make sure the survivors do not miss out on any death benefits, insurance premiums or Government payments to which they may be entitled.

Special training for the bankers who offer that assistance is provided by a company named Survivors Optional Service, located in Athens, Tex.

NIGHT-OWL TELLERS

While many banks are installing automatic devices for customers who need to make deposits and withdrawals after banking hours, some officials feel this equipment is too impersonal. Their alternative: keep a teller on duty at a drive-in window throughout the night.

Liberty National Bank & Trust Company in Oklahoma City is doing just that at one of its branches. It hires college students for the purpose, has them attend to other chores when traffic is light. But a bank official says the nighttime workers get a fairly steady stream of small businessmen, as well as servicemen from Tinker Air Force Base.

The Citizens Bank & Trust of Smithville, a suburb of Kansas City, also keeps its drive-in windows manned through the night—by remote control. The teller is in the main bank building and communicates with the customer through a two-way television hookup. That's done to make things more difficult for potential robbers.

ONE-STOP SERVICE

Customers who don't like the idea of having to deal with one specialist for an auto loan, another for a mortgage and someone else on estate and trust matters can take all of their financial problems to one "personal banker" at the United Bank of Denver. If the customer is a physician, accountant, pilot or other professional, he may even have his account assigned to someone who is specially trained to deal with the types of problems he is likely to have.

Demand for that kind of all-around service has been so great that each of the "personal bankers" now has a secretary-assistant.

EASY CREDIT

More banks are allowing the customer to overdraw his account, up to some prearranged limit. Usually, the overdraft is charged to the customer's credit card. One banker said that about half of his new customers are asking for this service. Along the same lines, many of the larger institutions are eliminating the usual service charge for checks, except on the smallest accounts. In some cases, no minimum balance is required for free checking.

COUNSELING ALSO

A few banks now offer investment advice and management to customers with only small amounts to commit—a service normally available to the affluent—and will hold the securities in the clients' names. Such a service is usually performed by stockbrokers or investment counselors.

In short, there is no telling what your bank may want to do for you next, or how it will go about doing it.

MR. MICHAEL FICOCELLI OF YOUNGSTOWN, OHIO, HONORED AS "MR. MUSIC"

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1973

Mr. CARNEY of Ohio. Mr. Speaker, I would like to take this opportunity to commend Mr. Michael Ficocelli of Youngstown, Ohio, for his magnificent accomplishments in the field of music. The city of Youngstown recently paid tribute to Mr. Ficocelli for his many years of dedicated service to the community. In addition, the Youngstown Diocesan Board of Education held a testimonial dinner in his honor.

Michael Ficocelli is known throughout Ohio and in many other parts of the country as an outstanding musician, teacher, conductor, consultant, director, and administrator in the field of music. During the past 21 years, he has achieved many firsts in organizing music programs in Youngstown's parochial schools. He is also a violin virtuoso as well as one of the cofounders of the Youngstown Symphony Orchestra. It is a privilege to add my congratulations to Michael Ficocelli, who is truly a maestro in his field.

Mr. Speaker, I insert in the RECORD at this time an article about Mr. Ficocelli's illustrious career which appeared in the Catholic Exponent on Friday, January 19, 1973. The article follows:

"MR. MUSIC" WILL BE HONORED TONIGHT

(By Joseph A. Renze)

Today is a special day for a man whose great love of music has been the source of inspiration for thousands of diocesan band members and flutophonists for the past 21 years.

Michael Ficocelli, diocesan director of instrumental music and bands since 1950 and cofounder of the Youngstown Symphony Orchestra, will be honored by the diocesan board of education at a recognition dinner tonight at St. Anthony Parish auditorium. He is now consultant for a new music program which was introduced in diocesan schools this year, his 22d year as a diocesan music teacher.

The Youngstown City Council passed a resolution Wednesday commending Ficocelli for his service to the community. Mayor Jack Hunter will present the resolution, which was sponsored by Councilman William Wade, tonight at the dinner.

Jack Augenstein, superintendent of diocesan schools, will be master of ceremonies and Msgr. William Hughes, diocesan vicar general, will also speak.

Some 350 people, including Ficocelli's coworkers, family and former pupils, are expected to attend the Italian style dinner. A three-piece orchestra will provide music during the evening.

Ficocelli organized the first comprehensive music program for the diocese in 1950. With cooperation of school principals, he organized the first elementary school bands and expanded Ursuline High School's band with the assistance of Orlando Vitello, who later directed the band. He said:

"I approached the diocese with a program because the parochial children did not have outlets instrumentally during school time like those in public school."

Ficocelli organized his first diocesan school band at his home parish's school, St. Patrick, with the help of Ursuline Sister Edna Marie Brindle, then principal and later the order's general superior.

After about a year of organizing and instructing pupils, Ficocelli, in cooperation with Bishop James W. Malone, then superintendent of schools, directed the Youngstown area's first music festival.

The first festival, on May 23, 1952, was a two-fold event—it began with a 1,000-voice children's choir singing the Mass at St. Columbia Cathedral. That night the choir gave an encore accompanied by a flutophone group of 600 from 10 schools, six elementary school bands and the Ursuline band. Some 19 schools participated.

The festivals continued every spring until the last one was held May 1972. In that time, performances expanded from one to three days in order to accommodate both the number of pupils and the audience. In peak years, there were over 2,000 flutophone players and choir members, and nearly 700 combined band members representing over 30 schools.

Ficocelli attributed the phasing out of the two-decade old program to the decline of pupils' interest in wind instruments because of interest in the guitar and the unstable financial situation of some schools.

During his long tenure as director, however, he had many pupils who went on to play or conduct with symphony orchestras, or began their own bands in the Youngstown area. He has taught the children of many parents whom he had as pupils in the 50's.

Ficocelli said he gave John Lee DeMain, now a conductor and administrator for the New York City Opera Company, one of his first chances at conducting when DeMain was a Grade 7 pupil at St. Charles school.

He said he has taught privately many more pupils who have gone on to teach or play in bands or orchestras. He taught the twin daughters of Thomas Jarabek of Campbell, a violin student in the early 1930's and a member of the Youngstown Symphony for 11 years. They are Mrs. Marlene Casey, violinist, and Kathline, pianist, both of Pittsburgh now.

Ficocelli not only taught Eugene Fedorchak of St. Matthias Parish who played bass viol as a member of the first band at the school but also his daughters, Linda on piano, Arlene on flute and Carol on drums. Both Ficocelli and Fedorchak are members of the musicians union executive board, Local 86-242.

A violin virtuoso, Ficocelli began playing when he was six years old. He remembered:

"My brother Carmine and I had to practice one hour before we went to school and one hour before we ate dinner. Our father didn't play an instrument and never studied music but he knew the opera and loved it."

While still students at South High School in 1926, the Ficocelli brothers organized the Youngstown Little Symphony Orchestra which had 12 members with an average age of 16.

Ficocelli studied at the Royal Academy of St. Cecelia in Rome 1928 to 1932, where he received a masters degree in music, while his brother Carmine continued the orchestra.

Ficocelli and his brother shared conducting duties and with the help of the Junior Chamber of Commerce saw the orchestra become self-supporting in 1935. The "little" was dropped and the Youngstown Symphony Society was formed.

Ficocelli managed to keep the orchestra alive even after 25 members and his brother Carmine enter the armed forces during World War II.

Both he and his brother left the orchestra in 1950 after having conducted more than 100 performances. The orchestra had grown to over 75 members.

Ficocelli also conducted the Youngstown Civic Orchestra in the 1950's and has been guest conductor and performer of many orchestras. He was concert master of the St. Petersburg (Fla.) Symphony while on a leave of absence in 1959. For the last 10 years, he has directed the Pascarella Concert Band at summer performances in Wick Park.

Ficocelli was included in the 1941 edition of "Who's Who in Music," and has received numerous awards, including a plaque signed by all the members of the 1971 All Star Band which he said was one of the "most meaningful and heart warming awards" he had ever received.

He said of his teaching years:

"I always impressed on the students that quality is more important than quantity. I still receive letters from former students who thank me for instilling the notion: 'Your best is not good enough.' I always stress discipline first then ability."

It's not too surprising that the Ficocelli's six grandchildren are musically inclined. However, ironically none are geographically in a position to take lessons from their grandfather. Mr. and Mrs. Vincent Ficocelli and their three children, Mark, Lynn and Lorraine, live in New Jersey and Mr. and Mrs. Ray (Sandra) Lepore and their children, Gregory, Richard and Lisa live in California.

Ficocelli has great words of praise for his many assistants through the years. During the last dozen, Frank Tarantino was his right hand man and for the past five, Anthony Giancola and Andy Domenick, have also assisted.

ANNOUNCEMENT OF HEARING ON THE REHABILITATION ACT OF 1973

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1973

Mr. BRADEMAS. Mr. Speaker, I would like to take this opportunity to advise my colleagues that, as chairman of the Select Education Subcommittee of the Committee on Education and Labor, I have invited the Honorable Caspar Weinberger, Secretary-Designate of the Department of Health, Education, and Welfare, to appear before the subcommittee on Wednesday, February 7.

The hearing is scheduled to begin at 9:45 a.m., in room 2261 of the Rayburn House Office Building.

Mr. Speaker, on January 3, I introduced H.R. 17, the Rehabilitation Act, and since that date 115 Members of the House, both Democratic and Republican, have joined in sponsoring identical legislation.

You will recall, Mr. Speaker, that H.R. 17 is identical to the Rehabilitation Act of 1972, which was passed unanimously in both the House and the Senate last October, and which President Nixon vetoed after the 92d Congress had adjourned.

That so many Members of the House of both parties are cosponsoring the measure is indicative of the wide support it continues to enjoy in Congress.